



SAN FRANCISCO PLANNING DEPARTMENT

Executive Summary Conditional Use / Residential Merger

HEARING DATE: 09/06/2018

Record No.: 2016-005870CUA
Project Address: 461 ASHBURY ST
Zoning: RH-3 (Residential- House, Three Family District)
40-X Height and Bulk District
Block/Lot: 1224/007
Applicant: Carol Jenkins
461 Ashbury Street, San Francisco, CA 94117
Staff Contact: Laura Ajello – (415) 575-9142
laura.ajello@sfgov.org
Recommendation: **Disapproval**

1650 Mission St.
Suite 400
San Francisco,
CA 94103-2479

Reception:
415.558.6378

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415.558.6409

Planning
Information:
415.558.6377

PROJECT DESCRIPTION

The project sponsor seeks Conditional Use Authorization, pursuant to Planning Code Sections 303 and 317, to legalize a residential merger of three dwelling units into two dwelling units. The proposed project would authorize interior modifications that resulted in the merger of two dwelling units located on the second and third floors. Partition walls and a door, which separated the entrance to the former unit, have been removed. The kitchen in the third unit, formerly located on the third floor was removed and converted into a bedroom. The dwelling unit located on the ground floor remains intact.

REQUIRED COMMISSION ACTION

The Commission must disapprove the Conditional Use Authorization, pursuant Planning Code Sections 303 and 317, to prohibit legalization of a residential merger at 461 Ashbury Street and direct that the merged unit be restored.

ISSUES AND OTHER CONSIDERATIONS

- **Conditional Use Authorization.** The Project requires a Conditional Use Authorization to legalize a residential merger. In addition to the Conditional Use Authorization findings, the Commission must consider separate criteria outlined in Section 317(g)(2). The Project as proposed eliminates tenant-occupied housing and is not maximizing density. The Project would sanction the merger of two one-bedroom units located on the second and third floors. Both units are currently occupied by the applicant.
- **Residential Merger.** Per Planning Code Section 317, a residential merger is defined as "...the combining of two or more legal Residential Units, resulting in a decrease in the number of Residential Units within a building, or the enlargement of one or more existing units while

substantially reducing the size of others by more than 25% of their original floor area, even if the number of units is not reduced.” The proposed project would legalize the combining of two dwelling units without permit.

- **Public Comment & Outreach.** To date the Department has not received any correspondence related to the project.
- **Existing Tenant & Eviction History:** The two remaining units are occupied by the property owner and immediate family. Per consultation with the San Francisco Rent Board, there is no known evidence of any evictions on the subject property. See Exhibit D for Eviction History documentation.

BASIS FOR RECOMMENDATION

The Department finds that the Project is, on balance, inconsistent with the Objectives and Policies of the General Plan. The project will legalize the removal of one dwelling unit and will not result in any net new dwelling units. Per the Housing Element, the proposed residential merger does not retain the existing housing by controlling the merger nor does it protect the affordability of the existing housing stock.

ATTACHMENTS:

Draft Motion – Conditional Use Authorization
Exhibit A – Application and Plans
Exhibit B – Land Use Data
Exhibit C – Maps and Context Photos
Exhibit D – Eviction History Documentation



SAN FRANCISCO PLANNING DEPARTMENT

Planning Commission Draft Motion

HEARING DATE: SEPTEMBER 6, 2018

Record No.: **2016-005870CUA**
Project Address: **461 ASHBURY STREET**
Zoning: RH-3 (Residential, House, Three-Family) Zoning District
40-X Height and Bulk District
Block/Lot: 1224/007
Project Sponsor: Carol Jenkins
461 Ashbury Street
San Francisco, CA 94117
Property Owners: Carol Jenkins and Max Boureille
461 Ashbury Street
San Francisco, CA 94117
Staff Contact: Laura Ajello – (415) 575-9142
laura.ajello@sfgov.org

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ADOPTING FINDINGS RELATING TO THE DISAPPROVAL OF CONDITIONAL USE AUTHORIZATION PURSUANT TO SECTIONS 303 AND 317 OF THE PLANNING CODE PROPOSING THE LEGALIZATION OF A DWELLING UNIT MERGER OF THREE DWELLING UNITS INTO TWO DWELLING UNITS AT 461 ASHBURY STREET IN ASSESSOR'S BLOCK 1224, LOT 007 WITHIN THE RH-3 (RESIDENTIAL, HOUSE, THREE-FAMILY) ZONING DISTRICT AND THE 40-X HEIGHT AND BULK DISTRICT.

PREAMBLE

On September 12, 2017, Carol Jenkins (hereinafter "Project Sponsor") filed Application No. 2016-005870CUA (hereinafter "Application") with the Planning Department (hereinafter "Department") for a Conditional Use Authorization under Planning Code Sections 303 and 317 to merge three dwelling units into two dwelling units (hereinafter "Project") at 461 Ashbury Street, Block 1224 Lot 007 (hereinafter "Project Site").

The Planning Department Commission Secretary is the custodian of records; the File for Record No. 2016-005870CUA is located at 1650 Mission Street, Suite 400, San Francisco, California.

On September 6, 2018, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Authorization Application No. 2016-005870CUA.

The Project is defined as not a project under the California Environmental Quality Act Guidelines ("CEQA") Sections 15378 and 15060(c)(2) because it does not result in a physical change in the environment.

The Commission has heard and considered the testimony presented to it at the public hearing and has further considered written materials and oral testimony presented on behalf of the applicant, Department staff, and other interested parties.

MOVED, that the Commission hereby disapproves the Conditional Use Authorization as requested in Application No. 2016-005870CUA, subject to the conditions contained in "EXHIBIT A" of this motion, based on the following findings:

FINDINGS

Having reviewed the materials identified in the preamble above, and having heard all testimony and arguments, this Commission finds, concludes, and determines as follows:

1. The above recitals are accurate and constitute findings of this Commission.
2. **Project Description.** The project sponsor seeks Conditional Use Authorization, pursuant to Planning Code Sections 303 and 317, to legalize a residential merger of three dwelling units into two dwelling units. The proposed project would authorize interior modifications that resulted in the merger of two dwelling units located on the second and third floors. Partition walls and a door, which separated the entrance to the former unit, have been removed. The kitchen in the third unit, formerly located on the third floor was removed and converted into a bedroom. The dwelling unit located on the ground floor remains intact.
3. **Site Description and Present Use.** The project site is located on the northwest corner of Ashbury and Page Streets, Block 1224, Lot 007 in the Haight Ashbury neighborhood. The project site currently contains a circa 1900 three-story residential building in a Queen Anne style. The 2,656 square foot subject lot measures 25 feet wide by 106.3 feet deep. The Report of Residential Building Record indicates that the original use is in unknown and the authorized use is a three-family dwelling. Per Department of Building Inspection records the building was converted in 1989 from two units and one housekeeping room to three units on three floors of occupancy (building permit application number 8802014). Prior to the dwelling unit removal, each floor of the building contained a one-bedroom flat.

The remaining two units are owner-occupied. The building was purchased by the current owner in 1992 and has been used as a state licensed family day care since the time of purchase. The subject building is located in the Panhandle Historic District.

4. **Surrounding Properties and Neighborhood.** The surrounding neighborhood has a defined architectural character, consisting primarily of rows of similar three- to four-story, multi-family residences. The subject building is flanked by other historic residential buildings. Adjacent to the subject lot to the north is a three-story, single-family residence at 459 Ashbury Street. The adjacent building to the south at 1632-1638 Page Street is a three-story, three-unit residence. The surrounding neighborhood is primarily residential in character. The Panhandle of Golden Gate

Park is located one block to the north and the Haight Street is located one block to the south. Other zoning districts within the vicinity of the project site include: RM-1 (Residential, Mixed, Low-Density), Haight Street NCD and P (Public).

5. **Public Outreach and Comments.** To date the Department has not received any correspondence related to the project.

6. **Planning Code Compliance.** The Commission finds that the Project is consistent with the relevant provisions of the Planning Code in the following manner:

- A. **Residential Usable Open Space.** Planning Code Section 135 requires a minimum of 100 square feet of usable private or 133 square feet of common open space per dwelling unit.

Common open space is provided in the rear yard and on a deck above the garage. The nonconforming rear yard is substandard in size and received Variance approval (Case No. 2006.0215V) for a garage addition with a deck above and a stair encroachment. Therefore, the project would remain in compliance with this requirement.

- B. **Dwelling Unit Exposure.** Planning Code Section 140 requires new dwelling units face onto a public street, public alley at least 20-feet in width, side yard at least 25-feet in width or code-complying rear yard.

The subject building is located on a corner lot. The Project proposes a dwelling unit merger where all units front one or two public streets. Therefore, the project would comply with this requirement.

- C. **Off-Street Parking.** Planning Code Section 151 requires one off-street parking space per dwelling unit.

As part of the dwelling unit merger, the off-street parking count will not be affected. The subject building provides three off-street parking spaces and no additional parking is required.

- D. **Dwelling Unit Density.** In the RH-3 Zoning District, pursuant to Planning Code Section 209.1, three dwelling units are principally permitted per lot.

As previously configured the subject three-family building was conforming in regards to density. As proposed, the project would result in two dwelling units and would remain in conformity with the Planning Code.

- E. **Residential Merger – Section 317:** Pursuant to Planning Code Section 317, Conditional Use Authorization is required for applications proposing to merge Residential Units. This Code Section establishes a checklist of criteria that delineate the relevant General Plan Policies and Objectives.

As the project requires Conditional Use Authorization per the requirements of the Section 317, the additional criteria specified under Section 317 have been incorporated as findings a part of this Motion. See Item 8 "Additional Findings pursuant to Section 317" below.

7. **Conditional Use Findings.** Planning Code Section 303 establishes criteria for the Planning Commission to consider when reviewing applications for Conditional Use authorization. On balance, the project does not comply with said criteria in that:

- A. The proposed new uses and building, at the size and intensity contemplated and at the proposed location, will provide a development that is necessary or desirable, and compatible with, the neighborhood or the community.

The Project would legalize the merger of three dwelling units into two dwelling units. The resulting two-unit building is compatible with the surrounding neighborhood and historic district. However, as the merging of the aforementioned units resulted in one larger unit that would be much less affordable, the Project is not considered to be necessary or desirable for the neighborhood or the community.

- B. The proposed project will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity. There are no features of the project that could be detrimental to the health, safety or convenience of those residing or working the area, in that:

- (1) Nature of proposed site, including its size and shape, and the proposed size, shape and arrangement of structures;

The Project to legalize work previously completed without permit does not involve new construction and would not affect the building envelope.

- (2) The accessibility and traffic patterns for persons and vehicles, the type and volume of such traffic, and the adequacy of proposed off-street parking and loading;

The Project does not trigger additional parking and would not increase the amount of traffic because the Project would reduce the legal number of dwelling units.

- (3) The safeguards afforded to prevent noxious or offensive emissions such as noise, glare, dust and odor;

The Project would reduce the number of residential units by legalizing construction previously completed without permit and would not create any additional noise, glare, dust or odor.

- (4) Treatment given, as appropriate, to such aspects as landscaping, screening, open spaces, parking and loading areas, service areas, lighting and signs;

The Project seeks to legalize construction completed without permit and does not require any additional landscaping, screening, or open space and does not propose any exterior changes.

- C. That the use as proposed will comply with the applicable provisions of the Planning Code and will not adversely affect the General Plan.

The proposed project does not comply with all aspects of the Planning Code. The Project is not consistent with certain aspects of the General Plan, as detailed below.

- D. That the use as proposed would provide development that is in conformity with the purpose of the applicable Neighborhood Commercial District.

The proposed project would remain in conformity with the stated purpose of the RH-3 Zoning District, as the building will retain two residential units where three residential units are permitted per lot.

8. **Residential Merger – Section 317(g)(2).** This Section also establishes the criteria below for the Planning Commission to consider when reviewing applications to merge residential units under Section 317(g)(2). On balance, the Project does not comply with said criteria in that:

- a. Whether the removal of the unit(s) would eliminate only owner occupied housing, and if so, for how long the unit(s) proposed to be removed have been owner occupied;

The proposed project would not remove owner-occupied housing. The authorized use of the building is three dwelling units per the Residential Building Record Report (3R). Both remaining dwelling units are occupied by the applicant's immediate family members.

- b. Whether removal of the unit(s) and the merger with another is intended for owner occupancy;

The merged dwelling unit proposed for legalization is currently owner-occupied as is the second unit located on the ground floor.

- c. Whether removal of the unit(s) will remove an affordable housing unit as defined in Section 401 of this Code or housing subject to the Residential Rent Stabilization and Arbitration Ordinance;

Per the Residential Building Record Report (3R) the original use is unknown. However, the building was constructed circa 1900 and was likely a single-family house that was converted to multi-family use at some time in the mid-20th century. It is the Planning Department's position to assume that every unit is subject to the Residential Rent Stabilization and Arbitration Ordinance unless we receive information from an appropriate agency or body to the contrary.

- d. If removal of the unit(s) removes an affordable housing unit as defined in Section 401 of this Code or units subject to the Residential Rent Stabilization and Arbitration Ordinance, whether replacement housing will be provided which is equal or greater in size, number of bedrooms, affordability, and suitability to households with children to the units being removed;

In 1989 the building was legally converted from two-family plus a housekeeping room to three-family use. The building was later reduced to two-family use through an unpermitted merger. Although Planning Staff does not have the authority to make the final determination, it is assumed that the units that were merged are subject to the Residential Rent Stabilization and Arbitration Ordinance.

- e. How recently the unit being removed was occupied by a tenant or tenants;

The Project Sponsor purchased the property in 1992 and the building is currently used as a single-family dwelling. No information on former tenants was provided.

Per records on file with the Department of Building Inspection, a Certificate of Final Completion and Occupancy was approved on August 23, 1989 to "convert building from 2 units and 1 housekeeping room to 3 units on 3 floors of occupancy" per building permit application number 8802014.

- f. Whether the number of bedrooms provided in the merged unit will be equal to or greater than the number of bedrooms in the separate units;

The authorized use consisted of three one-bedroom flats. The merged units will provide a greater number of bedrooms than the former three-unit layout. According to the as-built plans provided, the kitchen located on the third floor was converted into an additional bedroom.

- g. Whether removal of the unit(s) is necessary to correct design or functional deficiencies that cannot be corrected through interior alterations;

The proposed project is not required to correct design or functional deficiencies with the existing building.

9. **General Plan Compliance.** The Project is, on balance, not consistent with the following Objectives and Policies of the General Plan:

HOUSING ELEMENT

Objectives and Policies

OBJECTIVE 2:

RETAIN EXISTING HOUSING UNITS, AND PROMOTE SAFETY AND MAINTENANCE STANDARDS, WITHOUT JEOPARDIZING AFFORDABILITY.

Policy 2.2:

Retain existing housing by controlling the merger of residential units, except where a merger clearly creates new family housing.

OBJECTIVE 3:

PROTECT THE AFFORDABILITY OF THE EXISTING HOUSING STOCK, ESPECIALLY RENTAL UNITS.

OBJECTIVE 4:

FOSTER A HOUSING STOCK THAT MEETS THE NEEDS OF ALL RESIDENTS ACROSS LIFECYCLES.

Legalization of the merger will officially remove one residential unit from the City's housing stock. The Project merged two dwelling units located on the second and third floors into one dwelling unit. The merged family-sized unit replaced two one-bedroom flats that were naturally affordable because of their sizes and age. The proposed legalization does not retain the former housing unit count nor does it protect the affordability of the existing housing stock.

10. **Planning Code Section 101.1(b)** establishes eight priority-planning policies and requires review of permits for consistency with said policies. On balance, the project complies with said policies in that:

- A. That existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses be enhanced.

The project site is zoned for residential use and does not contain any existing neighborhood-serving retail uses. The site is used as a state licensed family day care facility

- B. That existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods.

The Project would legalize the merger of three dwelling units into two dwelling units and therefore does not result in any net new housing. Therefore, the proposed project does affect the economic diversity of the surrounding neighborhood by legalizing the removal of a rent-controlled dwelling unit without benefit to the larger City.

- C. That the City's supply of affordable housing be preserved and enhanced,

The Project would legalize the merger of dwelling units that would be considered naturally affordable, thus reducing the City's supply of affordable housing.

- D. That commuter traffic not impede MUNI transit service or overburden our streets or neighborhood parking.

The Project is not expected to create additional traffic or parking demand as there is no building expansion of gross floor area or increase in number of units.

- E. That a diverse economic base be maintained by protecting our industrial and service sectors from displacement due to commercial office development, and that future opportunities for resident employment and ownership in these sectors be enhanced.

The Project would legalize the merger of residential units; therefore, the Project would not affect industrial or service sector uses or related employment opportunities. Ownership of industrial or service sector businesses would not be affected by the proposed project.

- F. That the City achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake.

The proposed Project will not change the seismic and fire safety standards of the Building.

- G. That landmarks and historic buildings be preserved.

The existing building is located in the Panhandle historic district. The proposed dwelling unit merger will not affect the publicly-visible exterior of the building; no exterior changes are proposed.

- H. That our parks and open space and their access to sunlight and vistas be protected from development.

The proposed project will not affect any existing parks and open spaces. The Project proposes to legalize a dwelling unit merger with no exterior changes.

11. The Project is not consistent with and would not promote the general and specific purposes of the Code provided under Section 101.1(b) in that, as designed, the Project would not contribute to the character and stability of the neighborhood and would not constitute a beneficial development.
12. The Commission hereby finds that disapproval of the Conditional Use authorization would promote the health, safety and welfare of the City.

DECISION

That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **DISAPPROVES Conditional Use Application Application No. 2016-005870CUA** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated May 22, 2018, and stamped "EXHIBIT B", which is incorporated herein by reference as though fully set forth.

APPEAL AND EFFECTIVE DATE OF MOTION: Any aggrieved person may appeal this Conditional Use Authorization to the Board of Supervisors within thirty (30) days after the date of this Motion. The effective date of this Motion shall be the date of this Motion if not appealed (after the 30-day period has expired) OR the date of the decision of the Board of Supervisors if appealed to the Board of Supervisors. For further information, please contact the Board of Supervisors at (415) 554-5184, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

Protest of Fee or Exaction: You may protest any fee or exaction subject to Government Code Section 66000 that is imposed as a condition of approval by following the procedures set forth in Government Code Section 66020. The protest must satisfy the requirements of Government Code Section 66020(a) and must be filed within 90 days of the date of the first approval or conditional approval of the development referencing the challenged fee or exaction. For purposes of Government Code Section 66020, the date of imposition of the fee shall be the date of the earliest discretionary approval by the City of the subject development.

If the City has not previously given Notice of an earlier discretionary approval of the project, the Planning Commission's adoption of this Motion, Resolution, Discretionary Review Action or the Zoning Administrator's Variance Decision Letter constitutes the approval or conditional approval of the development and the City hereby gives **NOTICE** that the 90-day protest period under Government Code Section 66020 has begun. If the City has already given Notice that the 90-day approval period has begun for the subject development, then this document does not re-commence the 90-day approval period.

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on September 6, 2018.

Jonas P. Ionin
Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED: September 6, 2018

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APPLICATION FOR Conditional Use Authorization

1. Owner/Applicant Information

PROPERTY OWNER'S NAME: JENKINS, CAROL + BOUREILLE, MAX	
PROPERTY OWNER'S ADDRESS: 461 ASHBURY ST SAN FRANCISCO CA 94117	TELEPHONE: (415) 554-0559 EMAIL: LECINQSF@hotmail.com

APPLICANT'S NAME: Same as Above <input checked="" type="checkbox"/>	
APPLICANT'S ADDRESS:	TELEPHONE: () EMAIL:

CONTACT FOR PROJECT INFORMATION: Same as Above <input checked="" type="checkbox"/>	
ADDRESS:	TELEPHONE: () EMAIL:

COMMUNITY LIAISON FOR PROJECT (PLEASE REPORT CHANGES TO THE ZONING ADMINISTRATOR): Same as Above <input checked="" type="checkbox"/>	
ADDRESS:	TELEPHONE: () EMAIL:

2. Location and Classification

STREET ADDRESS OF PROJECT: 461 ASHBURY ST, SAN FRANCISCO, CA 94117	ZIP CODE: 94117
CROSS STREETS: PAGE ST	

ASSESSORS BLOCK/LOT: 1224 / 007	LOT DIMENSIONS: 106 x 25	LOT AREA (SQ FT): 2656	ZONING DISTRICT:	HEIGHT/BULK DISTRICT:
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EXHIBIT
A

3. Project Description

(Please check all that apply) <input checked="" type="checkbox"/> Change of Use <input type="checkbox"/> Change of Hours <input type="checkbox"/> New Construction <input type="checkbox"/> Alterations <input type="checkbox"/> Demolition <input type="checkbox"/> Other Please clarify:	ADDITIONS TO BUILDING: <input type="checkbox"/> Rear <input type="checkbox"/> Front <input type="checkbox"/> Height <input type="checkbox"/> Side Yard	PRESENT OR PREVIOUS USE: FROM R2	
		PROPOSED USE: BACK TO R3	
		BUILDING APPLICATION PERMIT NO.: 2016 0428 5962	DATE FILED: 4.28.16

4. Project Summary Table

If you are not sure of the eventual size of the project, provide the maximum estimates.

	EXISTING USES	EXISTING USES TO BE RETAINED	NET NEW CONSTRUCTION AND/OR ADDITION	PROJECT TOTALS:
PROJECT FEATURES				
Dwelling Units	2	2		2
Hotel Rooms				
Parking Spaces				
Loading Spaces				
Number of Buildings	1	1		1
Height of Building(s)				
Number of Stories	3	3		3
Bicycle Spaces				
GROSS SQUARE FOOTAGE (GSF)				
Residential	2,700	2,700		2,700
Retail				
Office				
Industrial/PDR <small>Production, Distribution, & Repair</small>				
Parking				
Other (Specify Use)				
TOTAL GSF				

Please describe any additional project features that are not included in this table:
 (Attach a separate sheet if more space is needed)

5. Action(s) Requested (Include Planning Code Section which authorizes action)

Change of use from R2 back to R3

Conditional Use Findings

Pursuant to Planning Code Section 303(c), before approving a conditional use authorization, the Planning Commission needs to find that the facts presented are such to establish the findings stated below. In the space below and on separate paper, if necessary, please present facts sufficient to establish each finding.

1. That the proposed use or feature, at the size and intensity contemplated and at the proposed location, will provide a development that is necessary or desirable for, and compatible with, the neighborhood or the community; and
2. That such use or feature as proposed will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity, or injurious to property, improvements or potential development in the vicinity, with respect to aspects including but not limited to the following:
 - (a) The nature of the proposed site, including its size and shape, and the proposed size, shape and arrangement of structures;
 - (b) The accessibility and traffic patterns for persons and vehicles, the type and volume of such traffic, and the adequacy of proposed off-street parking and loading;
 - (c) The safeguards afforded to prevent noxious or offensive emissions such as noise, glare, dust and odor;
 - (d) Treatment given, as appropriate, to such aspects as landscaping, screening, open spaces, parking and loading areas, service areas, lighting and signs; and
3. That such use or feature as proposed will comply with the applicable provisions of this Code and will not adversely affect the Master Plan.

The building is applicant-owners' primary residence, purchased in 1992, and houses five immediate family members. Owners have operated a California Social Services licensed Family Daycare since 1992. Changing the use from R2 back to R3 enables the owners their continuous operation of the licensed facility and their continued primary income source.¹⁾ The building's use provides a necessary and desirable social service for the neighborhood + community, which requires daycare facilities for families with young children^{who} reside in +/or work in the Haight-Ashbury.²⁾ The building's use benefits persons living/working in the area by providing general welfare, convenience, health + safety services to both parents + children. Such services add to local property values + development.^{2a)} No exterior work; no structural work. The interior accommodates both the daycare facility and the primary residence of 5 family members.^{2b)} The childcare operation mainly serves families who are within walking distance of the facility. Those who may drive to the daycare do not require parking and have access to off-street drop-off + pick-up of children.^{2c)} The building's use produces no emissions.^{2d)} The building's use has no signage or special lighting, treatment, screening, etc.³⁾ The building's use does⁹ not adversely affect the Master Plan.

Priority General Plan Policies Findings

Proposition M was adopted by the voters on November 4, 1986. It requires that the City shall find that proposed projects and demolitions are consistent with eight priority policies set forth in Section 101.1 of the City Planning Code. These eight policies are listed below. Please state how the project is consistent or inconsistent with each policy. Each statement should refer to specific circumstances or conditions applicable to the property. Each policy must have a response. IF A GIVEN POLICY DOES NOT APPLY TO YOUR PROJECT, EXPLAIN WHY IT DOES NOT.

1. That existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses enhanced; The licensed daycare housed in the owners' primary residence has been in operation 25 yrs, and it helps preserve and enhance existing neighborhood-serving retail uses by offering retailers - as well as retail employees + customers - their needed childcare services in a full time, part time, or drop-in capacity. The licensees of this facility continue to work to address such retail businesses' social services needs now and in the future.

2. That existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods; Haight - Ashbury is a culturally + economically diverse neighborhood, and as such it has numerous societal needs + demands. Since the area enjoys several public parks, playgrounds, a library, hospitals, shopping, and schools, it has grown as a magnet for young families. These parents and kids are an integral part of the community in this district; both the public offerings and the small businesses that strive to meet the everyday needs of children should be maintained and encouraged.

3. That the City's supply of affordable housing be preserved and enhanced;
Two residential units in the building are preserved and enhanced by both providing living spaces for several people and by providing large licensed daycare spaces for many of the city's youngest children as well as after-school care for older children.

4. That commuter traffic not impede Muni transit service or overburden our streets or neighborhood parking;
The building's use does not impact traffic, Muni, surrounding streets, or parking.

5. That a diverse economic base be maintained by protecting our industrial and service sectors from displacement due to commercial office development, and that future opportunities for resident employment and ownership in these sectors be enhanced;

The building's use contributes to a diverse economic base by providing both residential housing and a social service to local families and merchants. Such locals would view a lack of daycare services as a real economic hardship. The building's future use will continue it's current housing, small business, and children's services opportunities and will not be displaced by commercial development.

6. That the City achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake;

Owners did a seismic retrofit that was extensive. The building has a sprinkler system that has been updated recently. The childcare facility has an evacuation plan in place and reviews it routinely, in addition to having routine fire drills and earthquake drills.

7. That landmarks and historic buildings be preserved; and

No exterior work. Interior work matches the building's architectural heritage.

8. That our parks and open space and their access to sunlight and vistas be protected from development.

No exterior work. Interior work retains protection from commercial development and maintains access to vistas and sunlight.


Estimated Construction Costs

TYPE OF APPLICATION: Conditional use	
OCCUPANCY CLASSIFICATION:	
BUILDING TYPE:	
TOTAL GROSS SQUARE FEET OF CONSTRUCTION: 30	BY PROPOSED USES:
ESTIMATED CONSTRUCTION COST: \$1,500	
ESTIMATE PREPARED BY: owner	
FEE ESTABLISHED:	

Applicant's Affidavit

Under penalty of perjury the following declarations are made:

- a: The undersigned is the owner or authorized agent of the owner of this property.
- b: The information presented is true and correct to the best of my knowledge.
- c: The other information or applications may be required.

Signature: 

Date: 6-28-17

Print name, and indicate whether owner, or authorized agent:

CAROL JENKINS - owner
Owner / Authorized Agent (circle one)

5. Additional Project Details

UNITS	EXISTING:	PROPOSED:	NET CHANGE:
Owner-occupied Units:	1	1	0
Rental Units:	1	1	0
Total Units:	2	2	0
Units subject to Rent Control:			
Vacant Units:	0	0	0

BEDROOMS	EXISTING:	PROPOSED:	NET CHANGE:
Owner-occupied Bedrooms:	4	4	0
Rental Bedrooms:	1	1	0
Total Bedrooms:	5	5	0
Bedrooms subject to Rent Control:			

6. Unit Specific Information

	UNIT NO.	NO. OF BEDROOMS	GSF	OCCUPANCY	ADDITIONAL CRITERIA (check all that apply)
EXISTING	1	4		<input checked="" type="checkbox"/> OWNER OCCUPIED <input type="checkbox"/> RENTAL	<input type="checkbox"/> ELLIS ACT <input type="checkbox"/> VACANT <input type="checkbox"/> RENT CONTROL
PROPOSED	1	4		<input checked="" type="checkbox"/> OWNER OCCUPIED <input type="checkbox"/> RENTAL	
EXISTING	1	1		<input type="checkbox"/> OWNER OCCUPIED <input checked="" type="checkbox"/> RENTAL	<input type="checkbox"/> ELLIS ACT <input type="checkbox"/> VACANT <input type="checkbox"/> RENT CONTROL
PROPOSED	1	1		<input type="checkbox"/> OWNER OCCUPIED <input checked="" type="checkbox"/> RENTAL	
EXISTING				<input type="checkbox"/> OWNER OCCUPIED <input type="checkbox"/> RENTAL	<input type="checkbox"/> ELLIS ACT <input type="checkbox"/> VACANT <input type="checkbox"/> RENT CONTROL
PROPOSED				<input type="checkbox"/> OWNER OCCUPIED <input type="checkbox"/> RENTAL	

7. Other Information

Please describe any additional project features that were not included in the above tables:
(Attach a separate sheet if more space is needed)



DEPARTMENT OF BUILDING INSPECTION

Housing Inspection Services Division

City and County of San Francisco

1660 Mission Street 6th Floor, San Francisco, California 94103-2414

(415) 558-6220 Fax: (415) 558-6249 Email: DBIHIDComplaints@sfgov.org Website: www.sfdbi.org

NOTICE OF VIOLATION

COMPLAINT: 201695501

OWNER/AGENT: BOUREILLE MAX L JENKINS CAROL

MAILING

ADDRESS: BOUREILLE MAX L JENKINS CAR
461 ASHBURY ST
SAN FRANCISCO CA

94117

DATE: 17-MAR-16

LOCATION: 461 ASHBURY ST

BLOCK: 1224 LOT: 007

NOTICE TYPE: CA TASK FORCE

BUILDING TYPE: APT

USE TYPE: R2

YOU ARE HEREBY ORDERED TO COMPLY WITH THE FOLLOWING REQUIREMENTS:

ITEM	DESCRIPTION
1	THIS NOTICE INCLUDES VIOLATIONS FOR THE AREAS NOTED.
2	WORK WITHOUT PERMIT 106.1.1 SFBC CHANGE OF OCCUPANCY 3408 CBC NUISANCE (401(2) (1001(d) HC
3	INSPECTOR COMMENTS

461 Ashbury St.

See D.B.I. N.O.V issued.

It is the property owner's responsibility to be present or to direct his/her representative to attend the reinspections scheduled on this Notice of Violation, for the purpose of providing entry to the inspector of those areas not accessed during the initial inspection as specified, and/or to provide access to all areas cited within this notice.

If the property owner cannot attend the scheduled reinspection (as specified on this notice) it is his/her responsibility to secure a different inspection date and time with the inspector, and provide all tenants with notification as required by CALIFORNIA CIVIL CODE SECTION 1954. SAN FRANCISCO HOUSING CODE SECTION 303.(b), If any dwelling, apartment units or guest rooms are to be accessed during the reinspection.

ALL ITEMS MUST BE COMPLETED WITHIN 60 DAYS. REINSPECTION DATE : 18 May 2016 11:30 AM

IT IS RECOMMENDED THAT THE OWNER/OWNERS REPRESENTATIVE CONFIRM REINSPECTION DATE/TIME.

CONTACT HOUSING INSPECTOR : Anthony Lepe AT 415-575-6912

FOR EVERY INSPECTION AFTER THE INITIAL RE-INSPECTION, A \$170.00 FEE WILL BE CHARGED UNTIL THE VIOLATIONS ARE ABATED. SFBC 108.8

NOTICE OF VIOLATION
of the San Francisco Municipal Codes Regarding Unsafe,
Substandard or Noncomplying Structure or Land or Occupancy

DEPARTMENT OF BUILDING INSPECTION

NOTICE: 1

NUMBER: 201695501

City and County of San Francisco

DATE: 17-MAR-16

1660 Mission St. San Francisco, CA 94103

ADDRESS: 461 ASHBURY ST 0

OCCUPANCY/USE: R-2 (RESIDENTIAL- APARTMENTS & CONDOMINIUMS W/3 BLOCK: 1224 LOT: 007

☐ If checked, this information is based upon site-observation only. Further research may indicate that legal use is different. If so, a revised Notice of Violation will be issued.

OWNER/AGENT: BOUREILLE MAX L JENKINS CAROL

PHONE #: --

MAILING

BOUREILLE MAX L JENKINS CAR

ADDRESS

461 ASHBURY ST
SAN FRANCISCO CA

94117

PERSON CONTACTED @ SITE: BOUREILLE MAX L JENKINS CAROL

PHONE #: --

VIOLATION DESCRIPTION:

CODE/SECTION#

☒ **WORK WITHOUT PERMIT**

106.1.1

☐ **ADDITIONAL WORK-PERMIT REQUIRED**

106.4.7

☐ **EXPIRED OR** ☐ **CANCELLED PERMIT PA#:**

106.4.4

☒ **UNSAFE BUILDING** ☐ **SEE ATTACHMENTS**

102.1

THE LEGAL USE OF THIS BUILDING IS 3 UNITS ON 3 STORIES R-2 OCCUPANCY AS FIRST STATED ON CERTIFICATE OF FINAL COMPLETION AND OCCUPANCY 8802014. CFCO 201311273051 WAS RECENTLY ISSUED FOR NEW SECOND MEANS OF EGRESS STAIRS AND ALSO STATES 3 DWELLING UNITS. PRESENTLY THERE ARE ONLY 2 KITCHENS AND THERE ARE NO SEPARATION WALLS OR DOORS BETWEEN FLOORS/UNITS AND THE BUILDING IS BEING USED AS A SINGLE FAMILY DWELLING. PERMIT RESEARCH REVEALED THAT NO PERMITS HAVE BEEN TAKEN TO REMOVE THESE BUILDING COMPONENTS OR FOR OCCUPANCY CHANGE.

VIOLATIONS ARE AS FOLLOWS:

CHANGE OF OCCUPANCY 3408 CBC

LIFE HAZARD. (401)SFHC

NUISANCE. (401(3)(10)(1001(d)SFHC

CORRECTIVE ACTION:

☐ **STOP ALL WORK SFBC 104.2.4**

415-575-6912

☒ **FILE BUILDING PERMIT WITHIN 15 DAYS**

☒ **(WITH PLANS)** A copy of This Notice Must Accompany the Permit Application

☒ **OBTAIN PERMIT WITHIN 30 DAYS AND COMPLETE ALL WORK WITHIN 60 DAYS, INCLUDING FINAL INSPECTION AND SIGN OFF.**

☐ **CORRECT VIOLATIONS WITHIN DAYS.**

☐ **NO PERMIT REQUIRED**

☐ **YOU FAILED TO COMPLY WITH THE NOTICE(S) DATED , THEREFORE THIS DEPT. HAS INITIATED ABATEMENT PROCEEDINGS.**

● **FAILURE TO COMPLY WITH THIS NOTICE WILL CAUSE ABATEMENT PROCEEDINGS TO BEGIN.**

SEE ATTACHMENT FOR ADDITIONAL WARNINGS.

Submit a copy of this Notice of Violation and 2 sets of plans with the Building Permit Application to legalize the existing floor plan or restore to it's last legal use. Electric and Plumbing Permits are also required. After the Building Permit is issued call for all required inspections. All permits must be signed off by the district inspectors. To abate this N.O.V. you must contact Housing Inspection Services for a Final Inspection and produce all permits plans and signed Jobcards with the appropriate sign offs as required.

INVESTIGATION FEE OR OTHER FEE WILL APPLY

☒ **9x FEE (WORK W/O PERMIT AFTER 9/1/60)** ☐ **2x FEE (WORK EXCEEDING SCOPE OF PERMIT)**

OTHER:

☐ **NO PENALTY**

NOTICE OF VIOLATION
of the San Francisco Municipal Codes Regarding Unsafe,
Substandard or Noncomplying Structure or Land or Occupancy

DEPARTMENT OF BUILDING INSPECTION

NOTICE: 1

NUMBER: 201695501

City and County of San Francisco

DATE: 17-MAR-16

1660 Mission St. San Francisco, CA 94103

ADDRESS: 461 ASHBURY ST 0

OCCUPANCY/USE: R-2 (RESIDENTIAL- APARTMENTS & CONDOMINIUMS W/3 BLOCK: 1224 LOT: 007

☐ If checked, this information is based upon site-observation only. Further research may indicate that legal use is different. If so, a revised Notice of Violation will be issued.

OWNER/AGENT: BOUREILLE MAX L JENKINS CAROL

PHONE #: --

MAILING BOUREILLE MAX L JENKINS CAR

**ADDRESS 461 ASHBURY ST
SAN FRANCISCO CA**

94117

PERSON CONTACTED @ SITE: BOUREILLE MAX L JENKINS CAROL

PHONE #: --

VIOLATION DESCRIPTION:

<input checked="" type="checkbox"/> WORK WITHOUT PERMIT	CODE/SECTION# 106.1.1
<input type="checkbox"/> ADDITIONAL WORK-PERMIT REQUIRED	106.4.7
<input type="checkbox"/> EXPIRED OR <input type="checkbox"/> CANCELLED PERMIT PA#:	106.4.4
<input checked="" type="checkbox"/> UNSAFE BUILDING <input type="checkbox"/> SEE ATTACHMENTS	102.1

THE LEGAL USE OF THIS BUILDING IS 3 UNITS ON 3 STORIES R-2 OCCUPANCY AS FIRST STATED ON CERTIFICATE OF FINAL COMPLETION AND OCCUPANCY 8802014. CFCO 201311273051 WAS RECENTLY ISSUED FOR NEW SECOND MEANS OF EGRESS STAIRS AND ALSO STATES 3 DWELLING UNITS. PRESENTLY THERE ARE ONLY 2 KITCHENS AND THERE ARE NO SEPARATION WALLS OR DOORS BETWEEN FLOORS/UNITS AND THE BUILDING IS BEING USED AS A SINGLE FAMILY DWELLING. PERMIT RESEARCH REVEALED THAT NO PERMITS HAVE BEEN TAKEN TO REMOVE THESE BUILDING COMPONENTS OR FOR OCCUPANCY CHANGE.

VIOLATIONS ARE AS FOLLOWS:
CHANGE OF OCCUPANCY 3408 CBC
LIFE HAZARD. (401)SFHC
NUISANCE. (401(3)(10)(1001(d)SFHC

CORRECTIVE ACTION:

☐ **STOP ALL WORK SFBC 104.2.4**

415-575-6912

- ☒ **FILE BUILDING PERMIT WITHIN 15 DAYS** ☒ **(WITH PLANS)** A copy of This Notice Must Accompany the Permit Application
- ☒ **OBTAIN PERMIT WITHIN 30 DAYS AND COMPLETE ALL WORK WITHIN 60 DAYS, INCLUDING FINAL INSPECTION SIGNOFF.**
- ☐ **CORRECT VIOLATIONS WITHIN DAYS.** ☐ **NO PERMIT REQUIRED**
- ☐ **YOU FAILED TO COMPLY WITH THE NOTICE(S) DATED , THEREFORE THIS DEPT. HAS INITIATED ABATEMENT PROCEEDINGS.**

- **FAILURE TO COMPLY WITH THIS NOTICE WILL CAUSE ABATEMENT PROCEEDINGS TO BEGIN.**
SEE ATTACHMENT FOR ADDITIONAL WARNINGS.

Submit a copy of this Notice of Violation and 2 sets of plans with the Building Permit Application to legalize the existing floor plan or restore to it's last legal use. Electric and Plumbing Permits are also required. After the Building Permit is issued call for all required inspections. All permits must be signed off by the district inspectors. To abate this N.O.V. you must contact Housing Inspection Services for a Final Inspection and produce all permits plans and signed Jobcards with the appropriate sign offs as required.

INVESTIGATION FEE OR OTHER FEE WILL APPLY

☒ **9x FEE (WORK W/O PERMIT AFTER 9/1/60)** ☐ **2x FEE (WORK EXCEEDING SCOPE OF PERMIT)**

OTHER:

☐ **NO PENALTY**



Report of Residential Building Record (3R)
(Housing Code Section 351(a))

BEWARE: This report describes the current legal use of this property as compiled from records of City Departments. There has been no physical examination of the property itself. This record contains no history of any plumbing or electrical permits. The report makes no representation that the property is in compliance with the law. Any occupancy or use of the property other than that listed as authorized in this report may be illegal and subject to removal or abatement, and should be reviewed with the Planning Department and the Department of Building Inspection. Errors or omissions in this report shall not bind or stop the City from enforcing any and all building and zoning codes against the seller, buyer and any subsequent owner. The preparation or delivery of this report shall not impose any liability on the City for any errors or omissions contained in said report, nor shall the City bear any liability not otherwise imposed by law.

Address of Building **461 ASHBURY ST**

Block 1224

Lot 007

Other Addresses

1. A. Present authorized Occupancy or use: **THREE FAMILY DWELLING**

B. Is this building classified as a residential condominium? Yes No ☒

C. Does this building contain any Residential Hotel Guest Rooms as defined in Chap. 41, S.F. Admin. Code? Yes No ☒

2. Zoning district in which located: **RH-3**

3. Building Code Occupancy Classification: **R-2**

4. Do Records of the Planning Department reveal an expiration date for any non-conforming use of this property? Yes No ☒
If Yes, what date? **The zoning for this property may have changed. Call Planning Department, (415) 558-6377, for the current status.**

5. Building Construction Date (Completed Date): **UNKNOWN**

6. Original Occupancy or Use: **UNKNOWN**

7. Construction, conversion or alteration permits issued, if any:

<u>Application #</u>	<u>Permit #</u>	<u>Issue Date</u>	<u>Type of Work Done</u>	<u>Status</u>
161432	161432	May 21, 1927	BUILDING FRONT STEPS AND GARAGE SPACE FOR CAR, BUILDING SLEEPING PORCH ON REAR OF HOUSE AND STEPS	N
92633	86359	Nov 18, 1946	PUTTING MUD SILL UNDER PART OF FRONT ON ASHBURY & ABOUT 50' WHERE NECESSARY ON PAGE STREET FOUNDATION TO THE ROAD	N
264685	237324	May 17, 1962	RESTORE TO ORIGINAL OCCUPANCY PER DEPARTMENT OF PUBLIC HEALTH. REMOVE ILLEGAL PLUMBING, CAP, & LINES, PAINT & CLEAN, REPAIR FLOOR, REMOVE ANY ILLEGAL WIRING	X
288607	257429	Sep 19, 1963	REPAIR FIRE DAMAGE, PLASTER ROOM DAMAGE, PAINT A REAR DAMAGE, RE-WIRE DAMAGE AREA, REPLACE CEILING & ROOFING JOISTS, REPAIR WINDOWS	C
291867	262784	Feb 04, 1964	REMODEL & ALTERATION CHANGE TO TWO FLATS & HOUSEKEEPING UNIT. ADD NEW KITCHEN & PLUMBING, PAINT INTERIOR & EXTERIOR. ELECTRIC WIRING UP TO CODE. INSTALL WALL IN LOWER EXISTING HALL, - CFC 2FD	C
8704780	565946	Apr 13, 1987	PAINT IN AND OUT, REPAIR ROOF, REPAIR BACK STAIRS, REMODEL KITCHEN AND BATHROOM, REPAIR PLASTER	X
8800434	582117	Jan 13, 1988	KITCHEN REPLACE CABINETS & FIXTURES, RELOCATE WATER HEATER, REPLACE BATHROOM FIXTURES	C
8802014	600835	Nov 17, 1988	REMODEL EXISTING ONE ROOM HOUSEKEEPING UNIT INOT ONE BEDROOM DWELLING UNIT; CONVERT BUILDING FROM 2 UNITS AND 1 HOUSEKEEPING ROOM TO 3 UNITS ON 3 FLOORS OF OCCUPANCY - CFC 3FD	C
8820136	606789	Jan 26, 1989	REVISION TO APPLICATION #8802014 INSTALL FIRE SPRINKLER SYSTEM FOR ENTIRE BUILDING	C
9208112	697960	May 18, 1992	REPAIR BANNISTER OF FRONT STAIRS, REMOVE STUCCO AND DAMAGED FRAMING, REPLACE DAMAGED FRAMING AND REPAIR STUCCO	C

Page 2

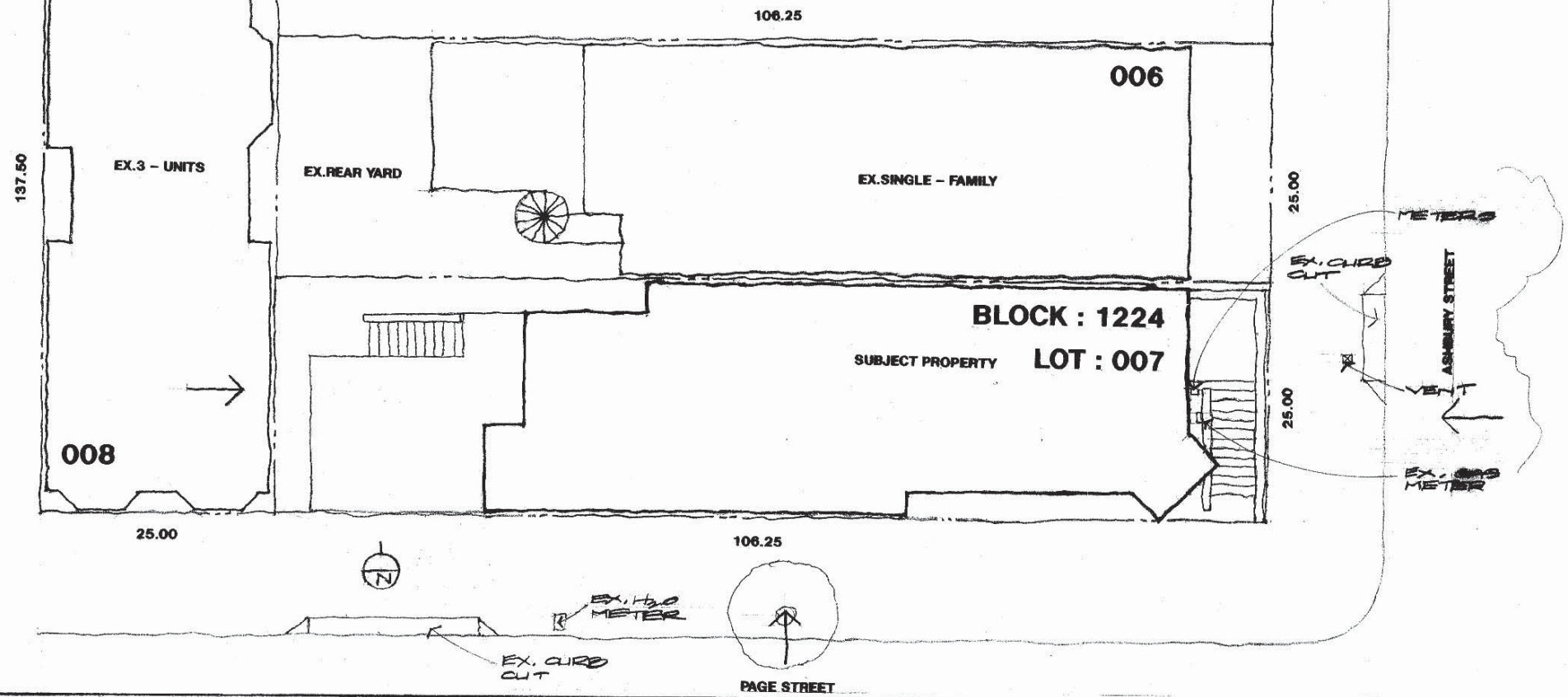
Lot 007

Application #	Permit #	Issue Date	Type of Work Done	Status
9309901	723388	Jun 11, 1993	RE-ROOFING	X
9911747	881179	Jun 14, 1999	DRY ROT REPAIR	X
9909550	885105	Jul 30, 1999	VOLUNTARY SEISMIC IMPROVEMENTS	X
200004056408	906641	Apr 05, 2000	APT. B - PUT BEAM IN PLACE ON 2ND FLOOR	X
200104308046	938357	Apr 30, 2001	INSTALL DUCT WORK FOR FURNACES	X
200208204428	974398	Aug 20, 2002	RELOCATE EXISTING BATHROOM, REMOVE PER SEISMIC WORK APPLICATION #9909550, NEW WALLS, TOILET FIXTURES, DOOR & VENTING AND ELECTRICAL	X
200312152268	1013041	Dec 15, 2003	RENEW APPLICATION #200208204428 FOR FINAL INSPECTION	C
200604260004	1188151	Jun 23, 2009	NEW SECOND MEANS OF EGRESS STAIR IN REAR YARD, REMOVED DUE TO DY ROT, NEW GARAGE AND LANDSCAPED DECK TO COVER EXISTING 2 CAR PARKING, PLUMGING & ELECTRICAL	X
201311273051	1311164	Nov 27, 2013	RECOMMENCEMENT & COMPLETION OF WORK APPROVED UNDER PERMIT APPLICATION # 200604260004 - CFC 3FD	C
201506199413	1368837	Sep 10, 2015	INSTALL SPRINKLER IN NEW GARAGE AND THREE BACK WINDOWS ONLY, NOT VISIBLE FROM STREET.	I
201602250540	1384203	Feb 25, 2016	PROVIDE HANDRAIL AT INTERIOR STAIRCASE. COMPLY WITH COMPLAINT # 201030865	C

B. If yes, has the required upgrade work been completed? Yes No

**Patty Herrera, Manager
Records Management Division**

**Records Management Division
1660 Mission Street - San Francisco CA 94103
Office (415) 558-6080 - FAX (415) 558-6402 - www.sfdbi.org**

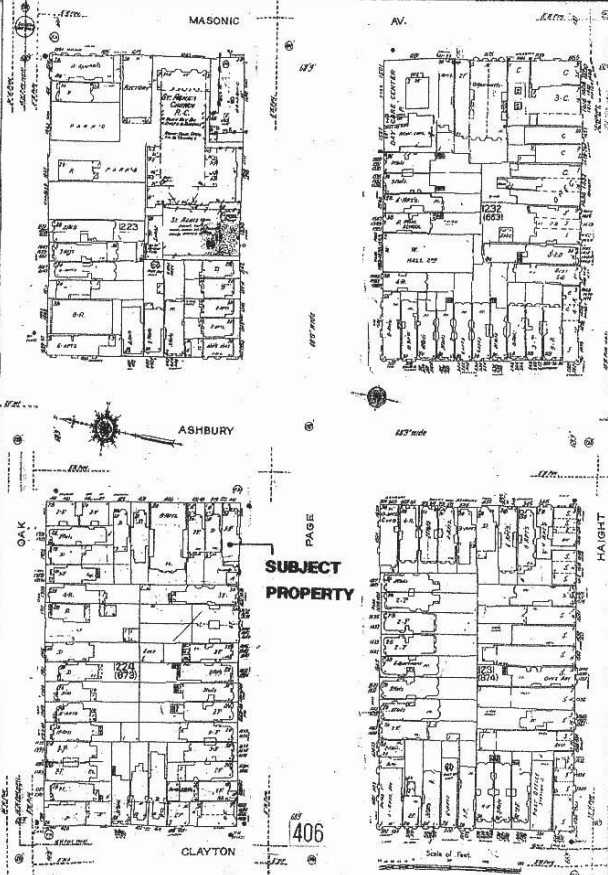


SCOPE OF WORK:

CHANGE OF USE (COMBINE 2 UNITS)
R3 CHANGING TO R2
CONSTRUCTION TYPE 5V
LEGALIZE REMOVAL OF NON-FUNCTIONING KITCHEN
LEGALIZE REMOVAL OF NON-BEARING WALL

FORMER UNITS	PROPOSED UNITS	NET CHANGE
3 UNITS TOTAL BEDROOMS = 3	2 UNITS TOTAL BEDROOMS = 6	NET CHANGE +3
3 UNITS TOTAL GFA = 2700 SQ. FT.	2 UNITS TOTAL GFA = 2700 SQ. FT.	NET CHANGE 0

PLANNING INFORMATION:



Block 1224 Lot 007
Site Address: 461
Site Zip Code: 94117
OWNER
BOUREILLE MAX L JENKINS CAR
461 ASHBURY ST
SAN FRANCISCO CA 94117

PHYSICAL CHARACTERISTICS
Lot Frontage 25.00
Lot Depth 106.25
Lot Area 2,656.25
Lot Shape R
Building Sq. Ft. 2,700.00
Basement Sq. Ft. 0.00

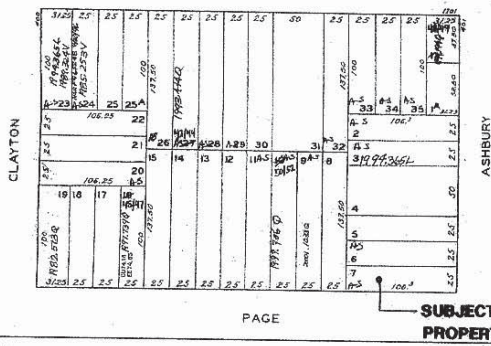
Authorized Use
Original Use
PLANNING INFORMATION
Zoning RH-3
Height Limit 40-X
Quadrant NORTHWEST
Leg. Setback

INFORMATION REPORT

Tract 166 Census Block 405
ASHBURY ST
PROPERTY VALUES
Land \$380,588.00
Structure \$361,559.00
Fixture \$0.00
Other \$0.00
Sales Date 05/22/1992
Price \$585,000.00

Year Built 1900
Stories 2
Assessor Units 2
Bedrooms 0
Bathrooms 2
Rooms 8
Assessor Use FLATS AND DUPLEX

Planning District 6
SUD
SSD
Redevelopment Area NOT IN RDA PROJECT AREA

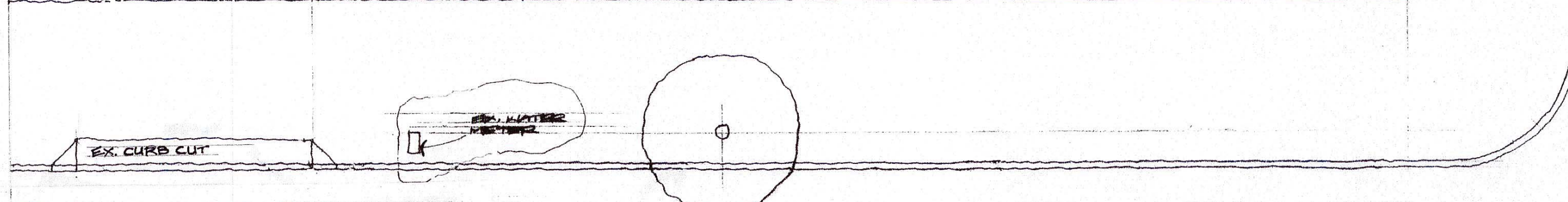
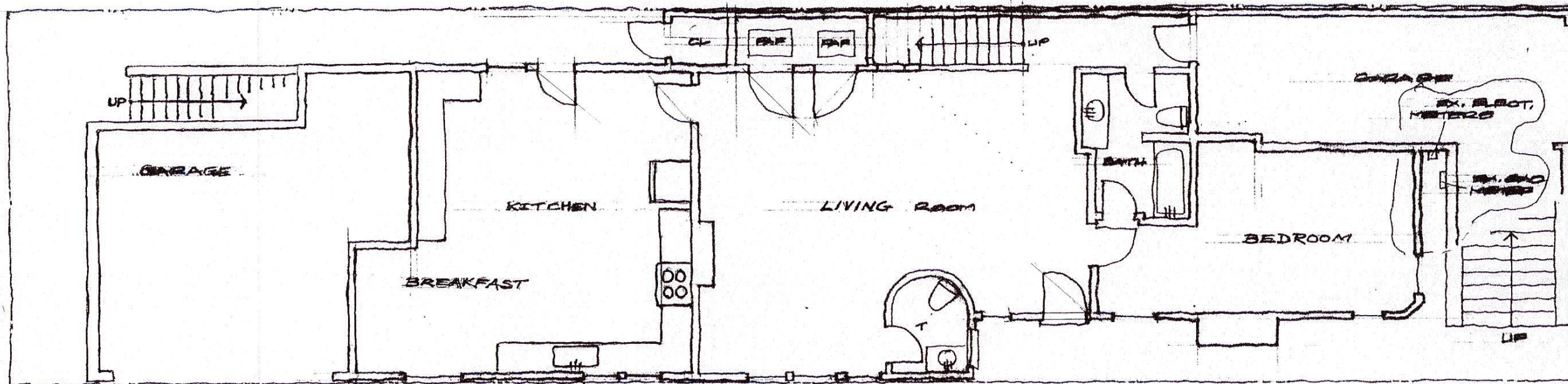


RECEIVED

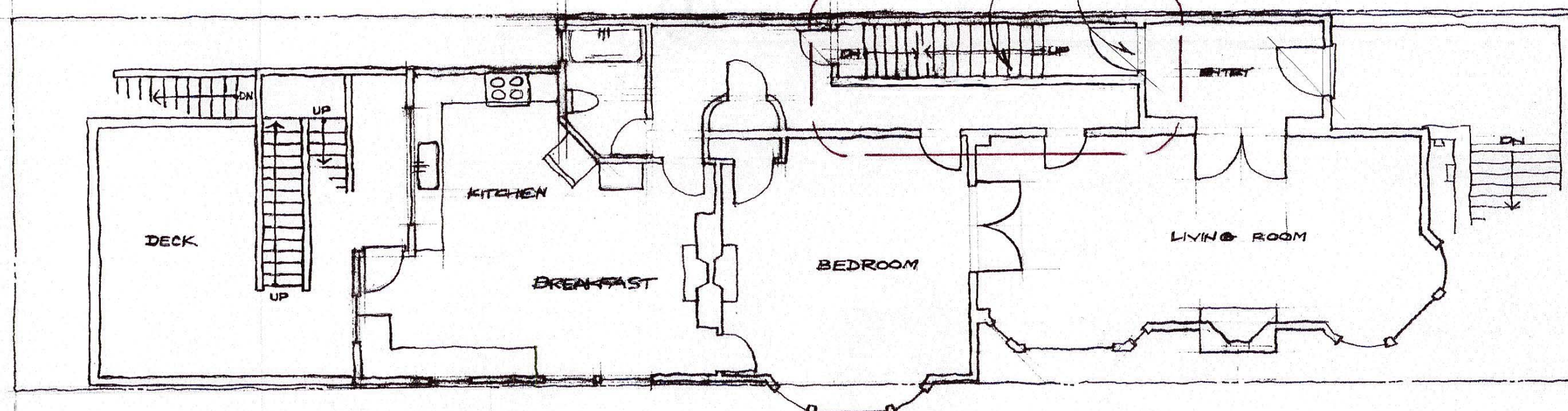
By Laura Ajello at 8:52 am, May 22, 2018

BOUREILLE / JENKINS RESIDENCE
461 ASHBURY STREET
94117

COVER SHEET



1 GROUND FLOOR PLAN



2 SECOND FLOOR PLAN

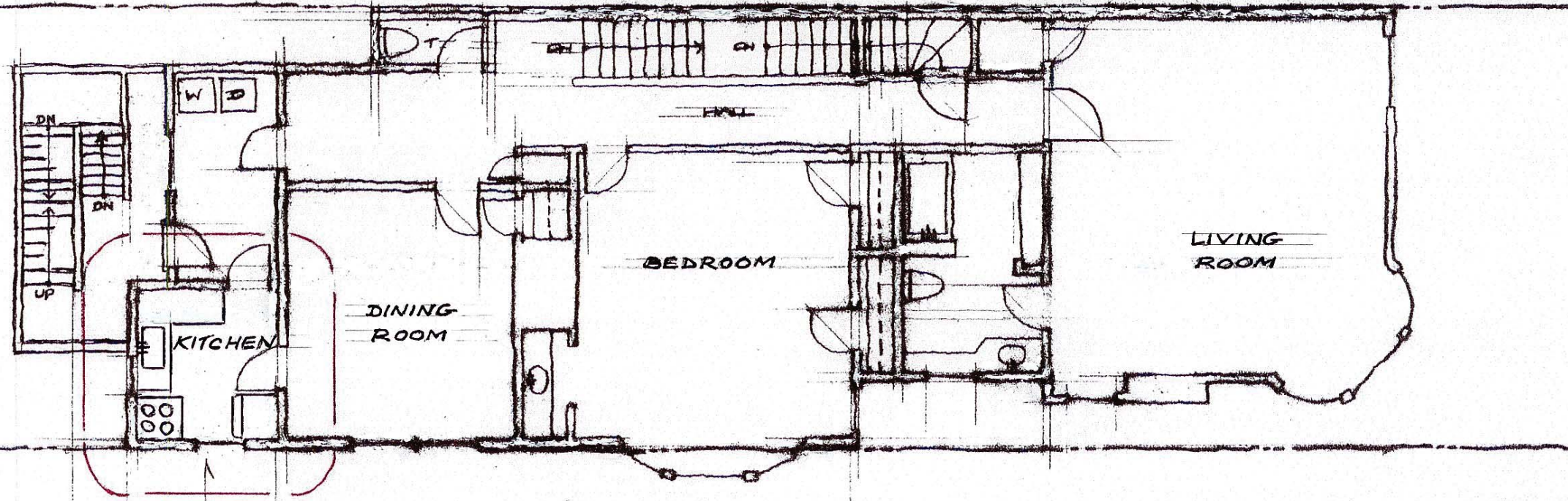
SCOPE OF WORK:
 Change of Use (Combine 2 Units)
 R3 changing to R2
 Construction type 5V

Drawing revised 6/11/17
 by Stephen Ritchings
 scale 1/8" = 1'-0"

Signature

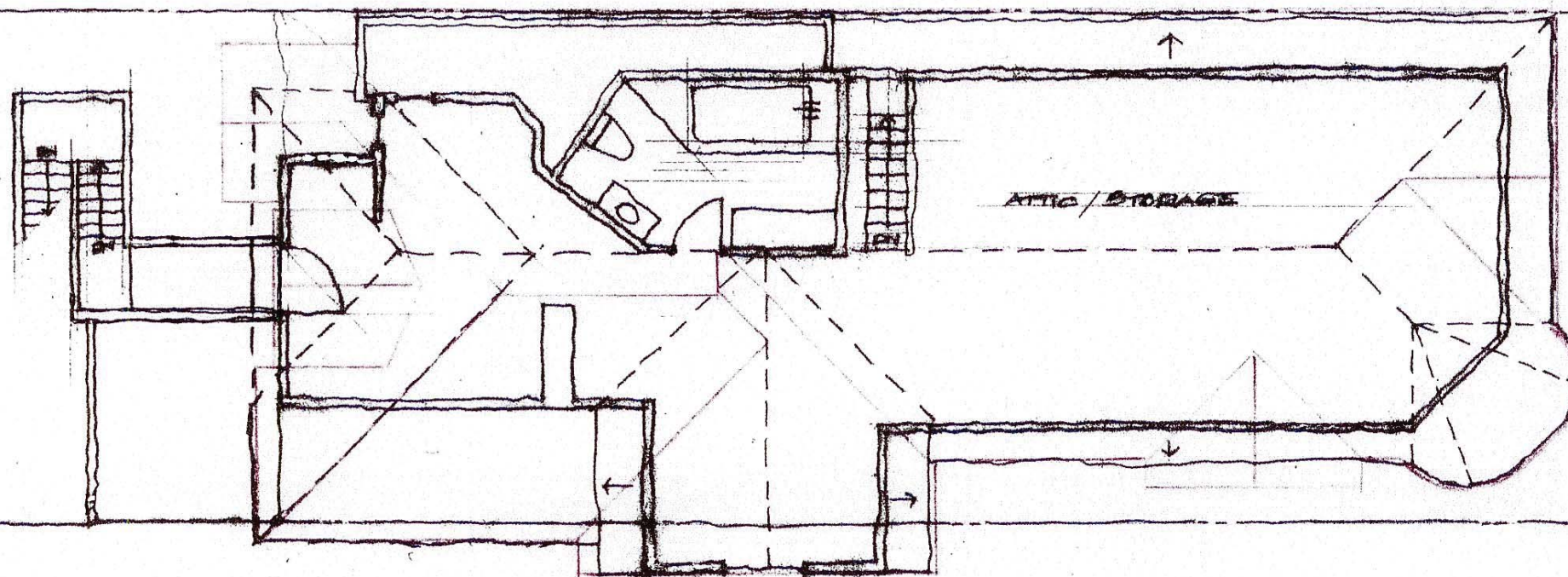
BOUREILLE/JENKINS
 461 ASHBURY STREET
 94117

FORMER 3-UNIT FLOOR PLAN



1 THIRD FLOOR PLAN

(Non-functioning) KITCHEN REMOVED c.1990



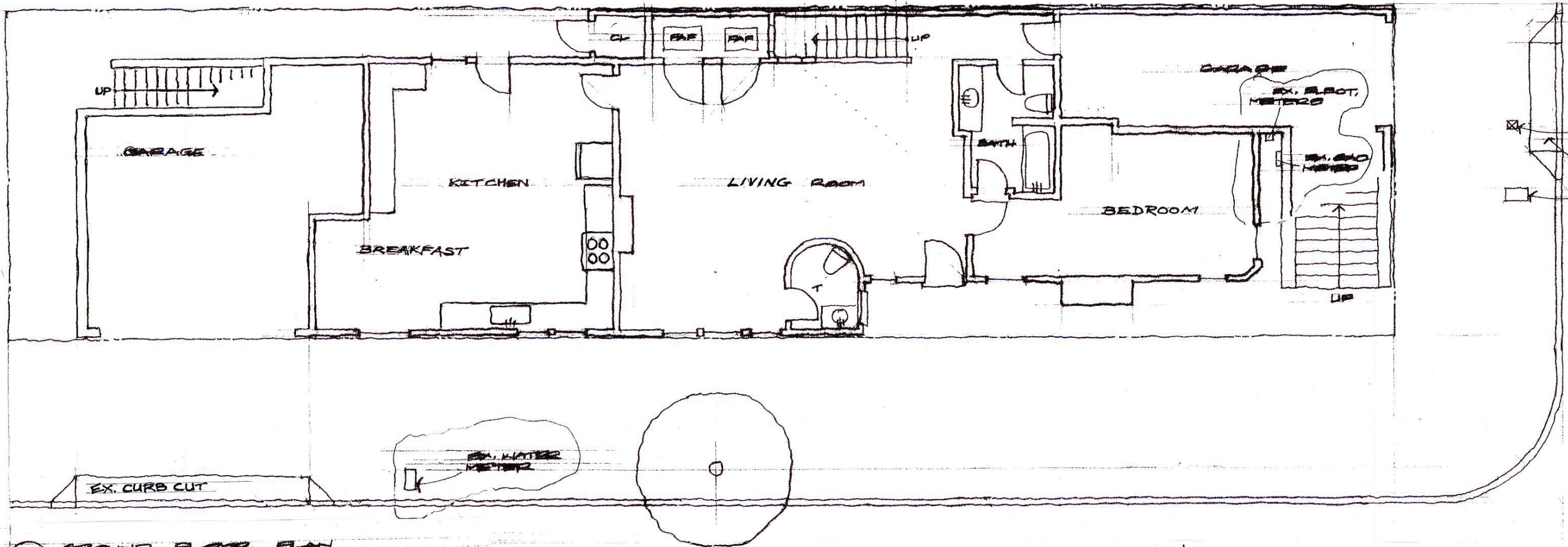
2 ATTIC FLOOR PLAN

SCOPE OF WORK:
 Change of Use (Combine 2 Units)
 R3 changing to R2
 Construction type 5V

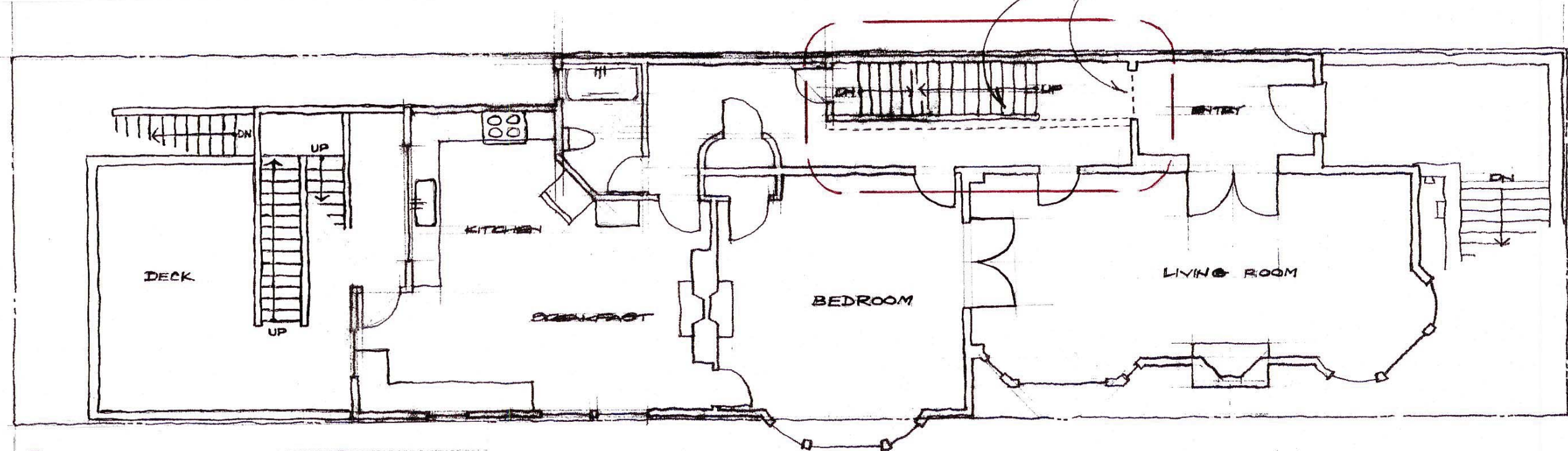
Drawing revised 6/11/17
 by Stephen Ritchings
 scale 1/8" = 1'-0"

FORMER 3-UNIT FLOOR PLAN

BOUREILLE/JENKINS
 461 ASHBURY STREET
 94117



1 GROUND FLOOR PLAN



2 SECOND FLOOR PLAN

SCOPE OF WORK:
 Change of Use (Combine 2 Units)
 R3 changing to R2
 Construction type 5V

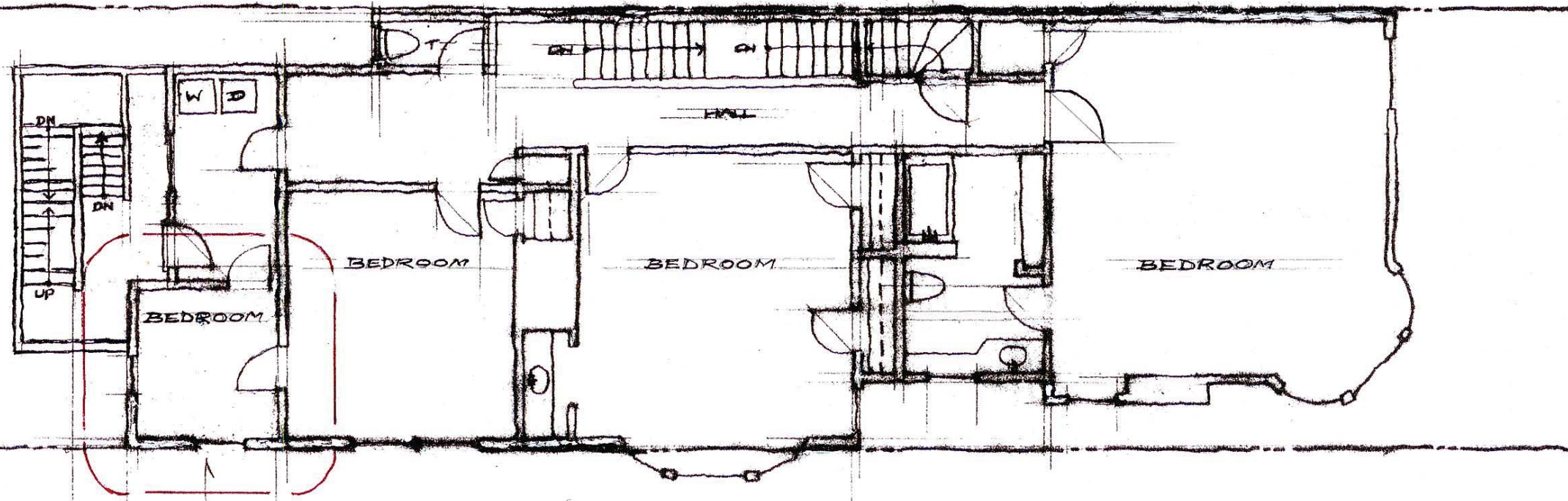
Drawing revised 6/11/17
 by Stephen Ritchings
 scale 1/8" = 1'-0"

Signature

EX. POWER
 EX. CURB CUT
 WATER METER

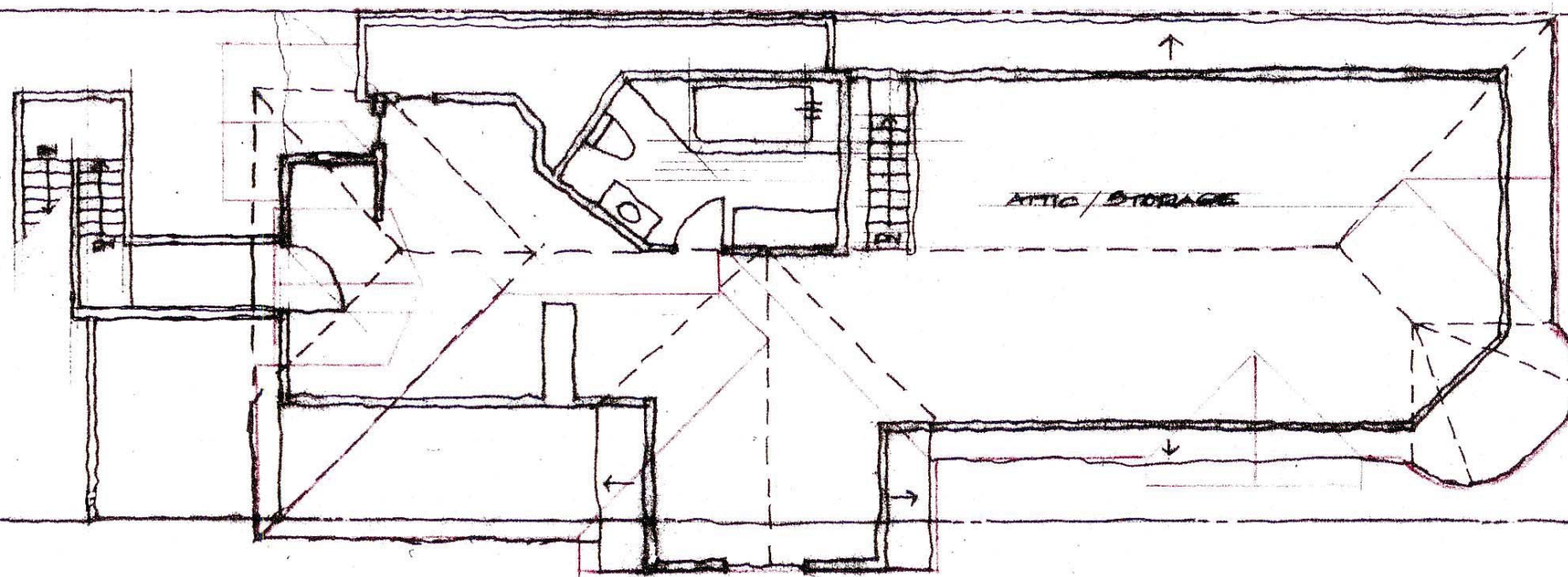
BOUREILLE/JENKINS
 461 ASHBURY STREET
 94117

PROPOSED LEGALIZATION OF
 CURRENT CONDITIONS



(Non-functioning) KITCHEN REMOVED c.1990

1 THIRD FLOOR PLAN



2 ATTIC FLOOR PLAN

SCOPE OF WORK:
 Change of Use (Combine 2 Units)
 R3 changing to R2
 Construction type 5V

Drawing revised 6/11/17
 by Stephen Ritchings
 scale 1/8" = 1'-0"

BOUREILLE/JENKINS
 461 ASHBURY STREET
 94117

PROPOSED LEGALIZATION OF
 CURRENT CONDITIONS

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Dwelling Unit Merger

(SUPPLEMENTAL INFORMATION)

Pursuant to Planning Code Section 317(e), the merger of residential dwelling-units not otherwise subject to a Conditional Use Authorization shall be either subject to a Mandatory Discretionary Review hearing or will qualify for administrative approval.

Administrative review criteria only apply to those Residential Units proposed for Merger that are not affordable or financially accessible housing, (valued by a credible appraisal within the past six months to be greater than 80% of combined land and structure value of single-family homes in San Francisco).

The Planning Commission shall not approve an application for Merger if certain eviction criteria apply. Please see the implementation document *Zoning Controls on the Removal of Dwelling Units*, Planning Code Section 317, and Administrative Code Section 37.9(a) for additional information.

Please answer the following questions to determine how the project does or does not meet the Planning Code requirements:

DWELLING UNIT MERGER CRITERIA:		YES	NO
1	Does the removal of the unit(s) eliminate only owner-occupied housing? If yes, for how long was the unit(s) proposed for removal owner-occupied? <u>26</u> <input type="radio"/> months or <input checked="" type="radio"/> years (circle one)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2	Is the removal of the unit(s) and the merger with another intended for owner occupancy?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3	Will the removal of the unit(s) remove an affordable housing unit as defined in Section 415 of the Planning Code or housing subject to the Rent Stabilization and Arbitration Ordinance? If yes, will replacement housing be provided which is equal or greater in size, number of bedrooms, affordability, and suitability to households with children to the units being removed? <input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4	Will the removal of the unit(s) bring the building closer into conformance with the prescribed zoning?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5	Will the number of bedrooms provided in the merged unit be equal to or greater than the number of bedrooms in the separate units?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6	Is the removal of the unit(s) necessary to correct design or functional deficiencies that cannot be corrected through interior alterations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Applicant's Affidavit

Under penalty of perjury the following declarations are made:

- a: The undersigned is the owner or authorized agent of the owner of this property.
- b: The information presented is true and correct to the best of my knowledge.
- c: Other information or applications may be required.

Signature: _____

Date: 11-2-17

Print name, and indicate whether owner, or authorized agent:

Carol - Jenkins - owner
Owner / Authorized Agent (circle one)

Dwelling Unit **Merger** Application Submittal Checklist

(FOR PLANNING DEPARTMENT USE ONLY)

Applications submitted to the Planning Department must be accompanied by this checklist and all required materials.

APPLICATION MATERIALS	CHECKLIST
Original Application, signed with all blanks completed	<input type="checkbox"/>
Prop. M Findings (General Plan Policy Findings)	<input type="checkbox"/>
Supplemental Information Pages for Dwelling Unit Merger	<input type="checkbox"/>
Notification Materials Package: (See Page 4)	<input type="checkbox"/> *
Notification map	<input type="checkbox"/> *
Address labels	<input type="checkbox"/> *
Address list (printed list of all mailing data or copy of labels)	<input type="checkbox"/> *
Affidavit of Notification Materials Preparation	<input type="checkbox"/> *
Set of plans: One set full size AND one reduced size 11"x17"	<input type="checkbox"/>
Site Plan (existing and proposed)	<input type="checkbox"/>
Floor Plans (existing and proposed)	<input type="checkbox"/>
Elevations (including adjacent structures)	<input checked="" type="checkbox"/>
Current photographs	<input type="checkbox"/>
Historic photographs (if possible)	<input checked="" type="checkbox"/>
Check payable to Planning Dept. (see current fee schedule)	<input type="checkbox"/>
Letter of authorization for agent (if applicable)	<input type="checkbox"/>
Pre-Application Materials (if applicable)	<input type="checkbox"/>
Other: Section Plan, Detail drawings (ie. windows, door entries, trim), Specifications (for cleaning, repair, etc.) and/or Product cut sheets for new elements (ie. windows, doors)	<input checked="" type="checkbox"/>

NOTES:

☐ Required Material. Write "N/A" if you believe the item is not applicable. (e.g. letter of authorization is not required if application is signed by property owner.)

☒ Typically would not apply. Nevertheless, in a specific case, staff may require the item.

☐* Required upon request upon hearing scheduling.

Some applications will require additional materials not listed above. The above checklist does not include material needed for Planning review of a building permit. The "Application Packet" for Building Permit Applications lists those materials.

No application will be accepted by the Department unless the appropriate column on this form is completed. Receipt of this checklist, the accompanying application, and required materials by the Department serves to open a Planning file for the proposed project. After the file is established it will be assigned to a planner. At that time, the planner assigned will review the application to determine whether it is complete or whether additional information is required in order for the Department to make a decision on the proposal.

For Department Use Only

Application received by Planning Department:

By: _____

Date: _____



SAN FRANCISCO PLANNING DEPARTMENT

Land Use Information

PROJECT ADDRESS: 461 ASHBURY ST
RECORD NO.: 2016-005870CUA

1650 Mission St.
Suite 400
San Francisco,
CA 94103-2479

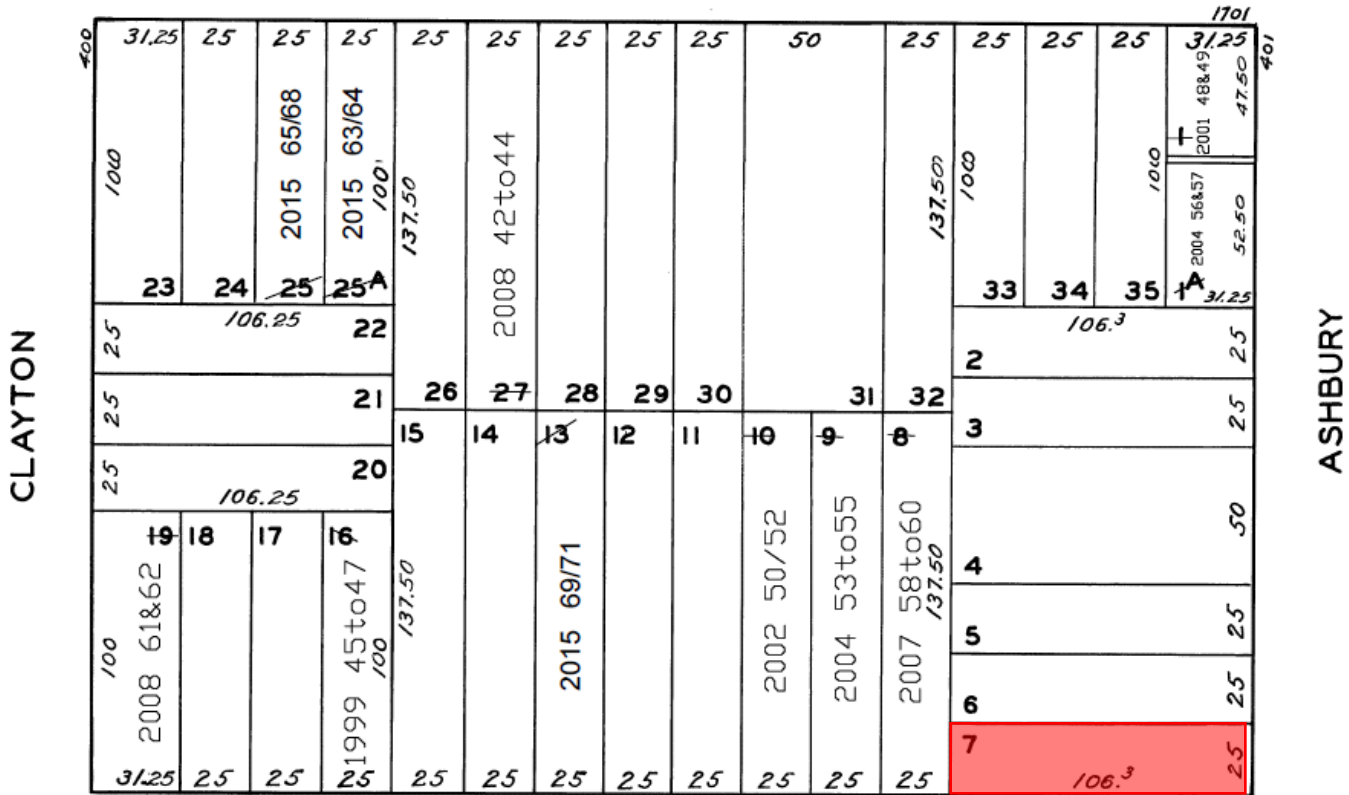
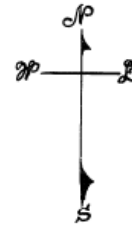
Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

	EXISTING	PROPOSED	NET NEW
GROSS SQUARE FOOTAGE (GSF)			
Lot Area	2,656	2,656	0
Residential	2,700	2,700	0
Commercial/Retail	0	0	0
Office	0	0	0
Industrial/PDR <i>Production, Distribution, & Repair</i>	0	0	0
Parking	-	-	0
Usable Open Space	-	-	0
Public Open Space	N/A	N/A	N/A
Other ()			
TOTAL GSF	2,700	2,700	0
	EXISTING	NET NEW	TOTALS
PROJECT FEATURES (Units or Amounts)			
Dwelling Units - Market Rate	3	2	-1
Dwelling Units - Affordable	0	0	0
Hotel Rooms	0	0	0
Parking Spaces	3	0	3
Loading Spaces	0	0	0
Car Share Spaces	0	0	0
Bicycle Spaces	0	0	0
Number of Buildings	1	0	1
Number of Stories	3	3	3
Height of Building(s)	40'	0	40'
Other ()			

Parcel Map

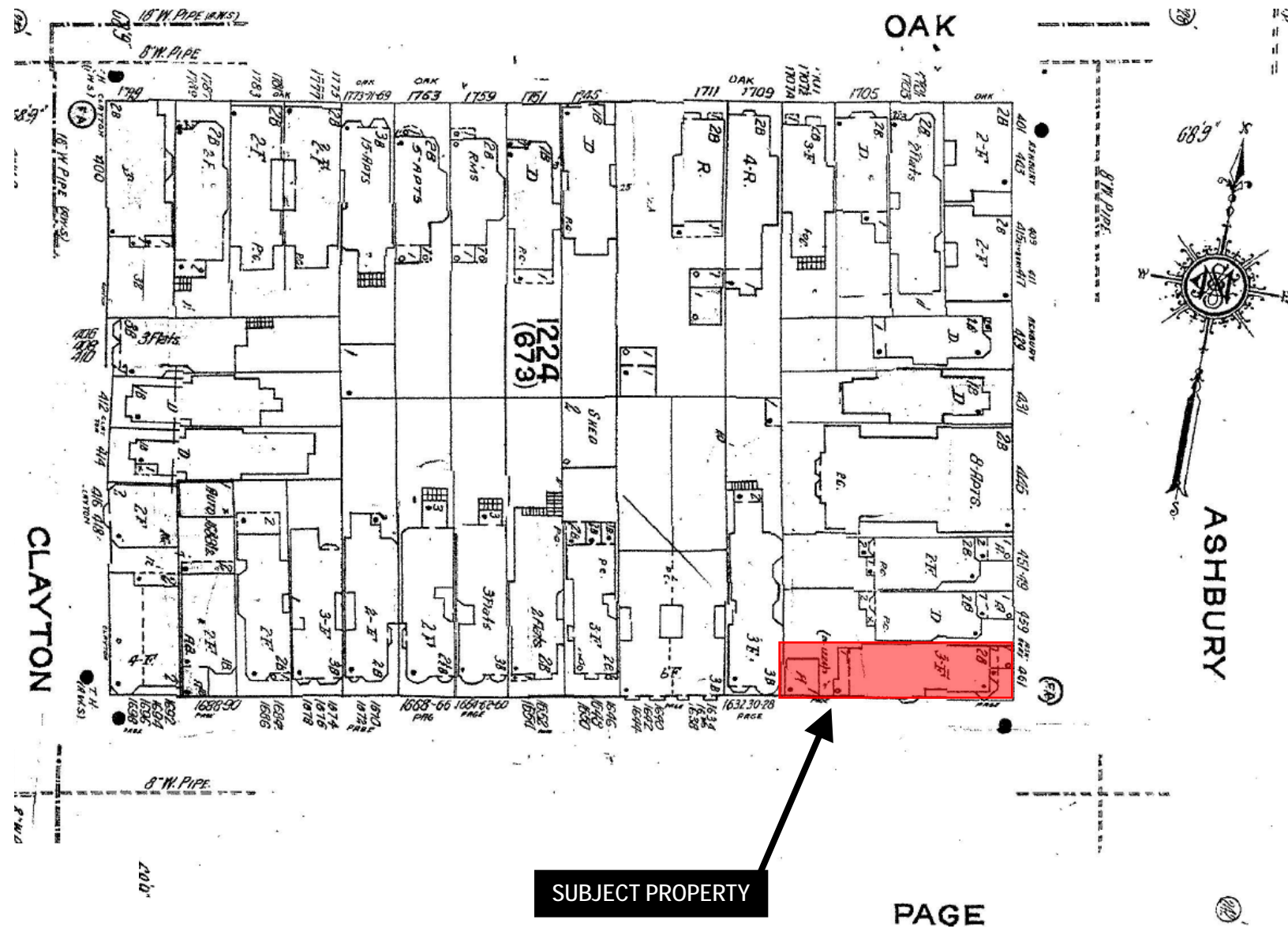


PAGE

SUBJECT PROPERTY



Sanborn Map*



SUBJECT PROPERTY

PAGE

*The Sanborn Maps in San Francisco have not been updated since 1998, and this map may not accurately reflect existing conditions.



Conditional Use Hearing
Case Number 2016-005870CUA
461 Ashbury Street

Aerial Photo

Ashbury Street Frontage



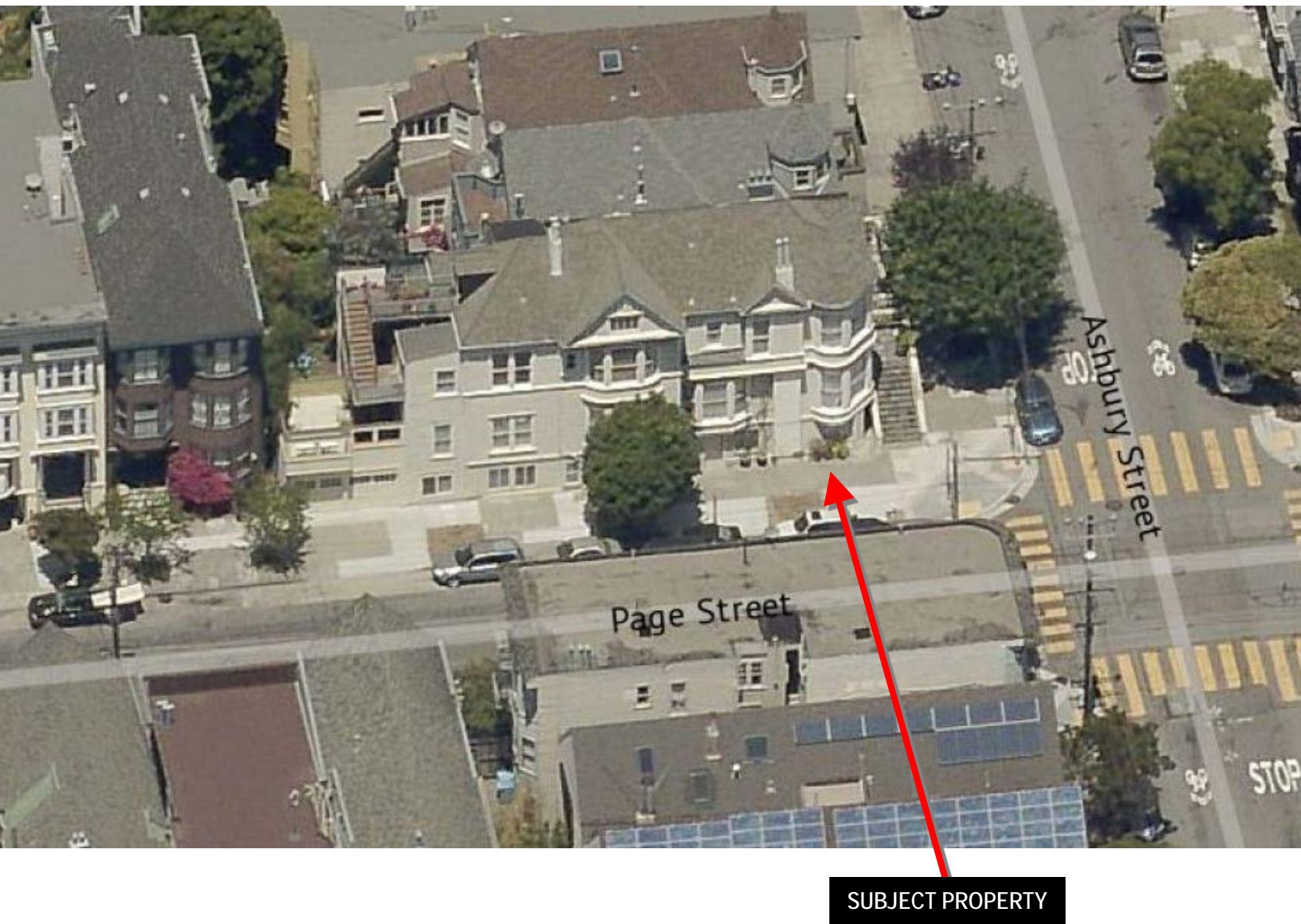
SUBJECT PROPERTY



Conditional Use Hearing
Case Number 2016-005870CUA
461 Ashbury Street

Aerial Photo 2

Page Street Frontage

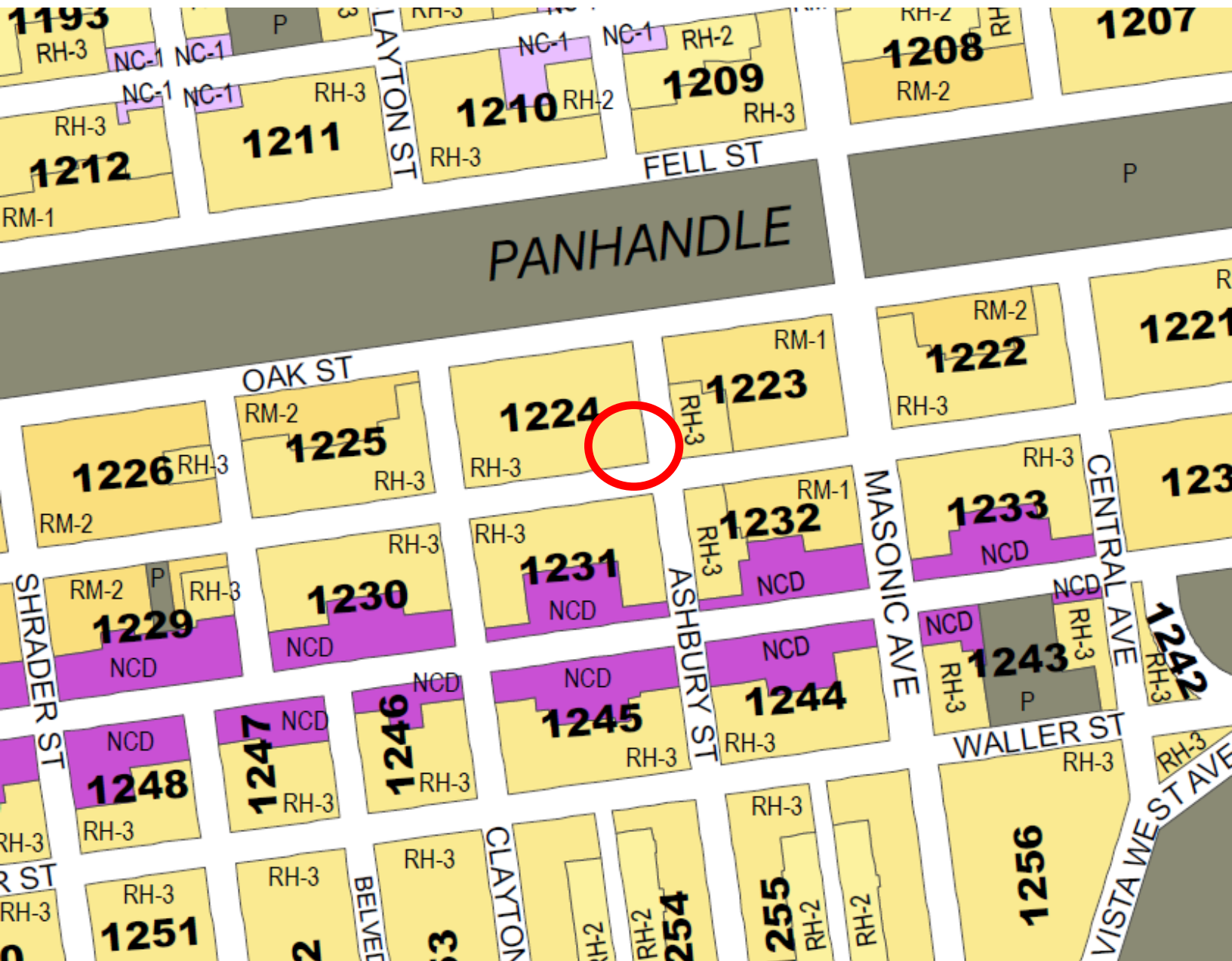


SUBJECT PROPERTY



Conditional Use Hearing
Case Number 2016-005870CUA
461 Ashbury Street

Zoning Map



Conditional Use Hearing
Case Number 2016-005870CUA
461 Ashbury Street

Site Photo 1

Ashbury Street Frontage



Conditional Use Hearing
Case Number 2016-005870CUA
461 Ashbury Street

Site Photo 2

Page Street Frontage



Conditional Use Hearing
Case Number 2016-005870CUA
461 Ashbury Street



SAN FRANCISCO PLANNING DEPARTMENT

Planning Department Request for Eviction History Documentation

1650 Mission St.
Suite 400
San Francisco,
CA 94103-2479

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

(Date) 11/30/2017

ATTN: Van Lam
Rent Stabilization and Arbitration Board
25 Van Ness Avenue, Suite 320
San Francisco, CA 94102-6033

RE: Address of Permit Work: 461 Ashbury
Assessor's Block/Lot: 1224/007
BPA # / Case #: 2016.04.28.5962 / 2016-005

Project Type

- ☒ Merger – Planning Code Section 317
- ☐ Enlargement / Alteration / Reconstruction – Planning Code Section 181
- ☐ Legalization of Existing Dwelling Unit – Planning Code Section 207.3
- ☐ Accessory Dwelling Unit Planning – Planning Code Section 207(c)(4)

Pursuant to the Planning Code Section indicated above, please provide information from the Rent Board's records regarding possible evictions at the above referenced unit(s) on or after:

- ☐ 12/10/13: for projects subject to Planning code 317(e)4 or 181(c)3
(Search records for eviction notices under 37.9(a)(8) through (14))
- ☐ 3/13/14: for projects subject to Planning Code Section 207.3
(Search records for evictions notices under 37.9(a)(8) through (14))
- ☒ 10 years prior to the following date: 1/27/2016
(Search records for eviction notices under 37.9(a)(9) through (14) (10 years) and under 37.9(a)(8) (5 years))

Sincerely,

Laura Ajello

Planner

Digitally signed by Laura Ajello
DN: cn=Laura Ajello, ou=City Planning, ou=City Planning, email=Laura.Ajello@sfgov.org
Date: 2017.11.30 16:55:42 -0800

cc: Jennifer Rakowski- Rent Board Supervisor

www.sfplanning.org

**EXHIBIT
D**

Rent Board Response to Request from Planning Department for Eviction History Documentation

Re: 461 Ashbury

This confirms that the undersigned employee of the San Francisco Rent Board has reviewed its records pertaining to the above-referenced unit(s) to determine whether there is any evidence of evictions on or after the date specified. All searches are based upon the street addresses provided.

No related eviction notices were filed at the Rent Board after:

- ☐ 12/10/13
- ☐ 03/13/14
- ☒ 10 years prior to the following date: 1-27-16

Yes, an eviction notice was filed at the Rent Board after:

- ☐ 12/10/13
- ☐ 03/13/14
- ☐ 10 years prior to the following date: _____
 - ☐ See attached documents.

There are no other Rent Board records evidencing an eviction after:

- ☐ 12/10/13
- ☐ 03/13/14
- ☒ 10 years prior to the following date: 1-27-16

Yes, there are other Rent Board records evidencing an eviction after:

- ☐ 12/10/13
- ☐ 03/13/14
- ☐ 10 years prior to the following date: _____
 - ☐ See attached documents.

Signed:



Dated:

12-1-17

Van Lam
Citizens Complaint Officer

The Rent Board is the originating custodian of these records; the applicability of these records to Planning permit decisions resides with the Planning Department.