



SAN FRANCISCO PLANNING DEPARTMENT

Memo to the Planning Commission

HEARING DATE: JUNE 21, 2018
Continued from the June 7, 2018 Hearing

Date: June 14, 2018
Case No.: **2018-004612CND**
Project Address: **228-230 CLAYTON STREET**
Zoning: RH-3 (Residential-House, Three Family) District
40-X Height and Bulk District
Block/Lot: 1210 / 024
Project Sponsor: Rosemarie MacGuinness
388 Market Street, Suite 1300
San Francisco, CA 94111
Staff Contact: David Weissglass – (415) 575-9177
david.weissglass@sfgov.org
Recommendation: **Approval**

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

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Planning
Information:
415.558.6377

BACKGROUND

At the May 24, 2018 Planning Commission hearing, the project sponsor sought approval of a Condominium Conversion Subdivision of a four-story, five-unit building within a RH-3 (Residential-House, Three Family) Zoning District and a 40-X Height and Bulk District. The subject five-unit building is considered a legal use as the Report of Residential Building Record indicates that the legal authorized occupancy and use is a five-unit dwelling. Department staff recommended that the Commission approve the Project. The case was taken off of the consent calendar at the request of a member of the public, Lisa Awbrey. During the hearing, Ms. Awbrey spoke in opposition to the request for condominium conversion subdivision citing Ellis Act evictions that occurred in 2002. Ms. Awbrey further alleged that one or more of the tenants evicted held protected status (i.e. elderly or permanently disabled). After deliberation and a failed vote to approve the project, the Commission moved to continue the project to the June 7, 2018 public hearing to give staff time to research the issues raised by Ms. Awbrey. At the June 7, 2018 hearing the Commission continued the case once again to the June 21, 2018 hearing.

On May 31, 2018, Ms. Awbrey sent an email to Planning Department staff expanding on the issues raised at the May 24th hearing (attached). In the message Ms. Awbrey states that the owner of the property at which she resides, at a different location, was previously involved in the Ellis Act evictions that occurred at the subject property in 2002. She further contends that this individual currently has an ownership stake in the subject property.

CURRENT PROPOSAL

The proposal of a Condominium Conversion Subdivision remains. Subdivision Code Section 1386 states that the Commission shall disapprove a request for Condominium Conversion Subdivision in certain situations. One of those situations is the known eviction of elderly or permanently disabled tenants from

the property. However, each current occupant, under penalty of perjury, signed a copy of "Form 12" (attached) as part of the application confirming that to the best of their knowledge no "senior, disabled person, or catastrophically ill tenant" had been evicted since May 1, 2005. This is consistent with the report from the Rent Board, which did not report any evictions since 2002. The Planning Commission also considers whether vacancies in the project have been increased, or elderly or permanently disabled tenants displaced or discriminated against in leasing units, or evictions have occurred for the purpose of preparing the building for conversion, or if rents in the project over the previous 18 months preceding the date of filing the application have been increased substantially. In such cases the Planning Commission must disapprove the application. Here, Ms. Awbrey contends that a prior owner evicted a tenant in 2002, well before this group of owners applied for conversion to condominium ownership.

Further, Subdivision Code Section 1386 states: "In the evaluation of displacement of elderly tenants any such displacements *over the preceding three years*, and the reasons therefor, shall be considered." As such, the eviction Ms. Awbrey alleges to have occurred would not fall within the time period that the Commission considers under the terms of the Subdivision Code.

Upon review, none of the application documents provided to the Planning Department by the Department of Public Works request information from the applicant regarding any evictions prior to 2005, consistent with the terms of the Subdivision Code. The Planning Department has received no evidence that the application documents were filled out incorrectly or dishonestly, or that additional evictions like those prohibited in Section 1386 occurred. Section 1396.2(f) provides that a building that did not issue an eviction notice to a senior, disabled, or catastrophically ill tenant shall be eligible for conversion ten (10) years following the date of the last eviction from the building. Staff has received no evidence of any eviction of a senior, disabled or catastrophically ill tenant. In fact, the document provided by Ms. Awbrey on May 31, 2018 which she believes supports her position that such tenants were evicted, actually states only that documents required by DPW were provided with the form in question.

After researching the matter and reviewing applicable Code sections with the City Attorney's office, Department staff finds the proposed conversion consistent with the requirements of the ECP Condominium Conversion Program and with the goals of the General Plan. Therefore, Department staff continues to recommend that the Commission approve the Condominium Conversion Subdivision.

REQUIRED COMMISSION ACTION

In order for the project to proceed, the Commission must approve the request for a Condominium Conversion Subdivision per Subdivision Code Sections 1386 and 1396.

BASIS FOR RECOMMENDATION

- The project is consistent with the requirements set forth in Section 1386 of the San Francisco Subdivision Code.
- The project is consistent with the Objectives and Policies of the General Plan.
- No evictions have occurred in the project within the time period for consideration set forth in the Subdivision Code.

- The Planning Department has received no evidence supporting the claim that any senior, disabled, or catastrophically ill tenant was ever evicted from the building.
- The Project complies with the eight priority-planning policies set forth in Planning Code Section 101.1(b).

RECOMMENDATION: Approval
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Attachments:

Draft Motion

Exhibits

Form 12 of DPW Application

Public Correspondence



SAN FRANCISCO PLANNING DEPARTMENT

Planning Commission Draft Motion

HEARING DATE: JUNE 11, 2018

Case No.: **2018-004612CND**
Project Address: **228-230 CLAYTON STREET**
Zoning: RH-3 (Residential-House, Three Family) District
40-X Height and Bulk District
Block/Lot: 1210 / 024
Project Sponsor: Rosemarie MacGuinness
Sirkin Law
388 Market Street #1300
San Francisco, CA 94111
Staff Contact: David Weissglass – (415) 575-9177
david.weissglass@sfgov.org

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ADOPTING FINDINGS RELATING TO THE APPROVAL OF A CONDOMINIUM CONVERSION SUBDIVISION OF A FOUR-STORY, FIVE-UNIT BUILDING INTO RESIDENTIAL CONDOMINIUMS, PURSUANT TO THE GENERAL PLAN AND SUBDIVISION CODE SECTIONS 1386 AND 1396.4, WITHIN A RH-3 (RESIDENTIAL-HOUSE, THREE FAMILY) ZONING DISTRICT AND A 40-X HEIGHT AND BULK DISTRICT.

PREAMBLE

On April 2, 2018, Rosemarie MacGuinness of Sirkin Law (hereinafter "Project Sponsor") filed an application with the Department of Public Works, Bureau of Street Use and Mapping for Planning Department review to allow the Condominium Conversion Subdivision of a four-story, five-unit building into residential condominiums within a RH-3 (Residential-House, Three Family) Zoning District and a 40-X Height and Bulk District. The subject building is considered a legal use as the Report of Residential Building Record indicates that the legal authorized occupancy is a five-unit dwelling.

The Planning Department Commission Secretary is the custodian of records; the File for Case No. 2018-004612CND is located at 1650 Mission Street, Suite 400, San Francisco, California.

On May 24, 2018, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on the Condominium Conversion Subdivision Application No. 2018-004612CND. At the hearing, the Project was presented to the Commission, public testimony was heard, and after consideration, the Commission moved to continue the project to the June 7, 2018 public hearing. At the June 7, 2018 hearing the Commission continued the case once again to the June 21, 2018 hearing.

Section 1396.4, Article 9 of the Subdivision Code of the City and County of San Francisco sets forth the following rules and regulations for condominium conversions:

- A. Units may be converted to condominiums so long as they meet the requirements of the Expedited Conversion Program per the Subdivision Code Section 1396.4. An exception is provided for two-unit buildings where both units are owner-occupied for one year.
- B. The following categories of buildings may be converted to condominiums:
 - i. Buildings consisting of four units or less in which at least one of the units has been occupied continuously by one of the owners of record for six years prior to the annual April 15 triggering date for conversion and the owners of record had a fully executed agreement for an exclusive right of occupancy on or before April 15, 2013.
 - ii. Buildings consisting of five or six units in which at least three of the units have been occupied continuously by three of the owners of record for six years prior to the annual April 15 triggering date for conversion and the owners of record had a fully executed agreement for an exclusive right of occupancy on or before April 15, 2013.

The Subdivision Code requires that the Planning Commission hold a public hearing to review condominium conversion subdivisions containing five to six units for consistency with the General Plan and applicable provisions of the Subdivision Code where at least one unit is residential. The Code calls for a sales program which promotes affirmative action in housing, a non-transferable tenant right of first-refusal to purchase the unit occupied by the tenant and various relocation requirements, including the right to a \$1,000 relocation payment.

The Subdivision Code further provides for a recorded offer of a lifetime lease for all tenants as a condition of final map approval, and requires that no less than 40 percent of the units as represented through the owning or renting tenant of each unit either have signed Intent to Purchase forms or be in a position of accepting the offer for such a lifetime lease. The Code prohibits any increase in rents while the conversion application is pending before the City.

Section 1386, Article 9 of the Subdivision Code of the City and County of San Francisco requires that the Planning Commission disapprove the Tentative Map if it determines that vacancies in the project have been increased, elderly or permanently disabled tenants have been displaced or discriminated against in leasing units, evictions have occurred for the purpose of preparing the building for conversion, or the subdivider has knowingly submitted incorrect information (to mislead or misdirect efforts by agencies of the City in the administration of the Subdivision Code). In the evaluation of displacement of elderly tenants, the Commission shall consider any such displacements over the preceding three years and the reasons for the displacement.

The project was determined not to be a project under CEQA Guidelines Sections 15060(c) and 15378 because there is no direct or indirect 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 approves the Condominium Conversion Subdivision requested in Application No. 2018-004612CND 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. The applicant requests Planning Department review of a Condominium Conversion Subdivision Application to allow for the conversion of the multi-unit building.
3. As required by Section 1396.4 of the San Francisco Subdivision Code, at least three of the units have been owner occupied continuously by one or more of the owners of record for six years prior to the annual April 15 triggering date for this proposed conversion and the owners of record had a fully executed agreement for an exclusive right of occupancy on or before April 15, 2013.
4. Tenants in the subject building were notified of their right of first-refusal to purchase the unit they occupy, as required by the Subdivision Code, and of other rights to which they are entitled under provisions of the same Code.
5. A search of the Rent Board database did not show any tenant petitions or no-fault eviction notices filed with the Rent Board in the last 5 years. There is no evidence that any of the tenants evicted per the Ellis Act in 2002 were elderly or permanently disabled.
6. On balance, the Project is consistent with the Objectives and Policies of the General Plan, as follows:

HOUSING ELEMENT

Objectives and Policies

OBJECTIVE 2:

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

Policy 2.4

Promote improvements and continued maintenance to existing units to ensure long term habitation and safety.

OBJECTIVE 3:

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

Policy 3.3:

Maintain balance in affordability of existing housing stock by supporting affordable moderate ownership opportunities.

The Project allows San Franciscans to achieve affordable homeownership by providing a category of housing stock for moderate income housing needs. Through the Expedited Conversion Program, properties are eligible to convert from rental units to ownership status so long as owner-occupancy requirements are met.

The property owners will be required to correct outstanding code violations identified in a Physical Inspection Report issued by the Department of Building Inspection (DBI). All work must be completed and a DBI Certificate of Final Completion must be issued prior to DPW approval.

7. **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 proposal would have no adverse effect upon existing neighborhood-serving retail uses as it is a change in form of residential tenure.

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

The proposal is a change in form of residential tenure and would not alter the existing housing and neighborhood character of the vicinity.

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

No housing would be removed for this project.

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

The proposal is a change in form of residential tenure and would not affect public transit or neighborhood parking.

- 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 proposal is a change in form of residential tenure and would not involve the industrial or service sectors of the City.

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

The proposal is subject to inspection by the Department of Building Inspection and will be required to make any code required repairs, including those related to life safety issues, prior to the recordation of the final condominium subdivision map.

- G. That landmarks and historic buildings be preserved.

The proposal is a change in form of residential tenure and would not affect landmarks or historic buildings.

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

The proposal is a change in form of residential tenure and would not affect public parks or open space.

8. The Project is consistent with and would promote the general and specific purposes of the Code provided under Section 101.1(b) in that, as designed, the Project would contribute to the character and stability of the neighborhood and would constitute a beneficial development.
9. The Commission hereby finds that approval of the Condominium Conversion Subdivision would promote the health, safety and welfare of the City.

DECISION

That based upon the Record, the submissions by the Applicant, Department staff 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 **APPROVES Condominium Conversion Subdivision Application No. 2018-004612CND.**

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on June 21, 2018.

Jonas P. Ionin
Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED: June 21, 2018

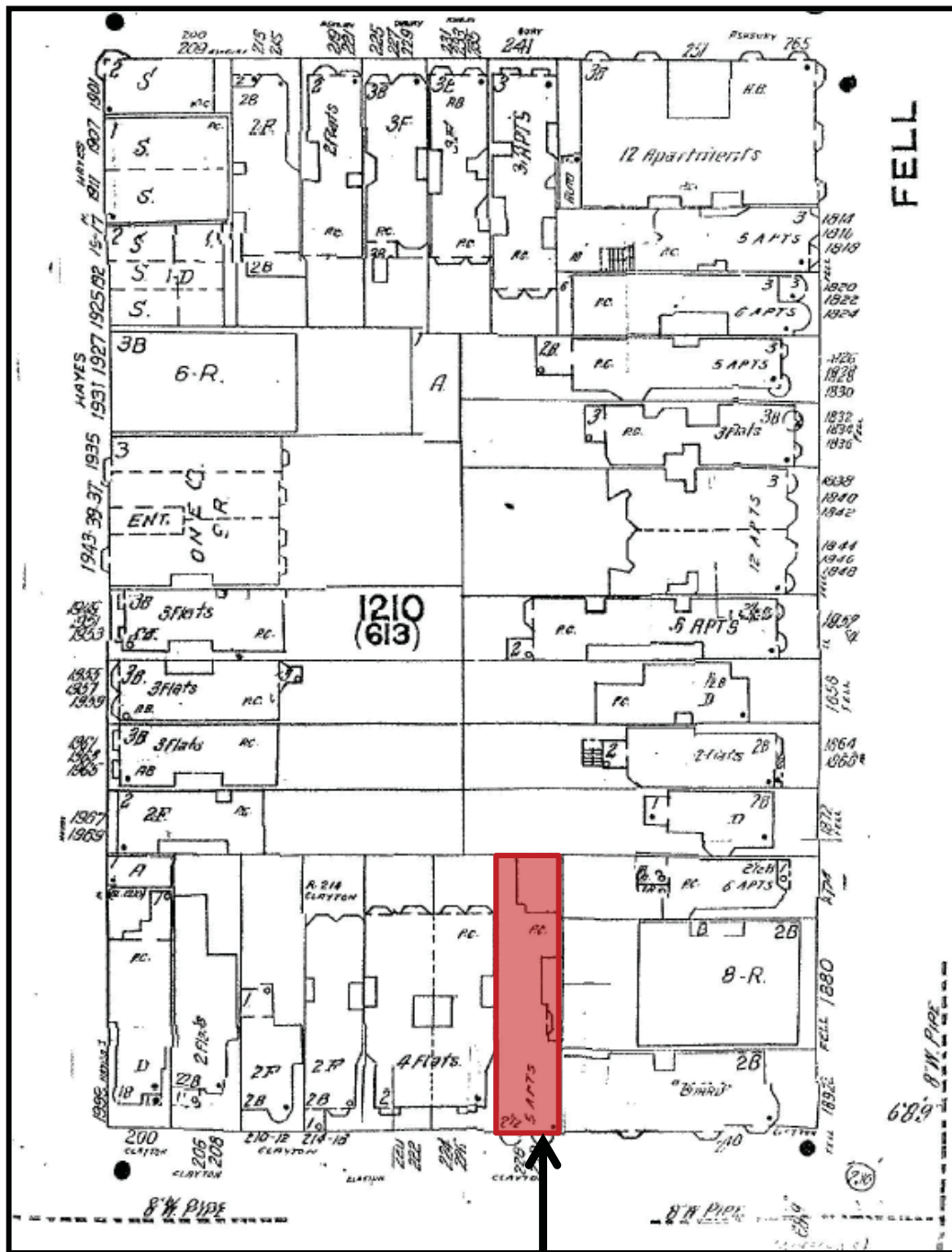
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**SAN FRANCISCO
PLANNING DEPARTMENT**



Condominium Conversion Hearing
Case Number 2018-004612CND
 228-230 Clayton Street
 Block 1210 Lot 024

Sanborn Map



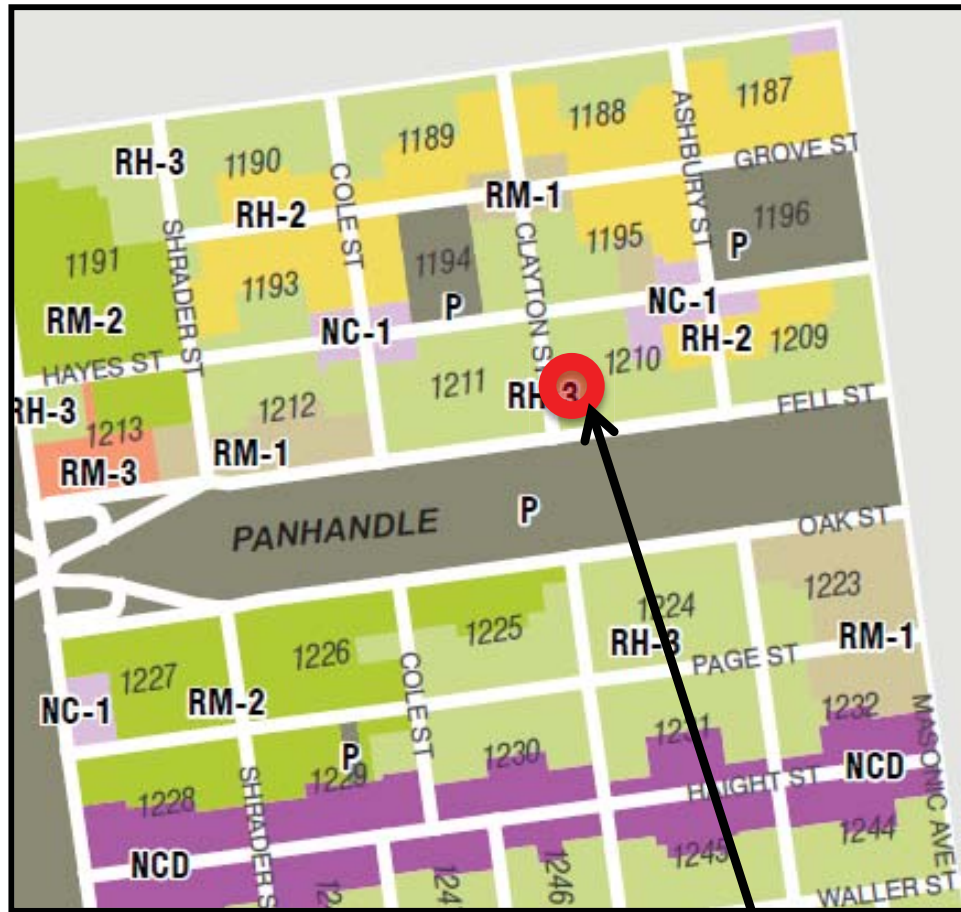
SUBJECT PROPERTY

SAN FRANCISCO
PLANNING DEPARTMENT



Condominium Conversion Hearing
Case Number 2018-004612CND
228-230 Clayton Street
Block 1210 Lot 024

Zoning Map



SUBJECT PROPERTY



Height and Bulk Map



SUBJECT PROPERTY

SAN FRANCISCO
PLANNING DEPARTMENT



Condominium Conversion Hearing
Case Number 2018-004612CND
228-230 Clayton Street
Block 1210 Lot 024

Aerial Photo



SUBJECT PROPERTY

SAN FRANCISCO
PLANNING DEPARTMENT



Condominium Conversion Hearing
Case Number 2018-004612CND
228-230 Clayton Street
Block 1210 Lot 024

Aerial Photo



SUBJECT PROPERTY

SAN FRANCISCO
PLANNING DEPARTMENT



Condominium Conversion Hearing
Case Number 2018-004612CND
228-230 Clayton Street
Block 1210 Lot 024

Site Photo



SAN FRANCISCO
PLANNING DEPARTMENT



Condominium Conversion Hearing
Case Number 2018-004612CND
228-230 Clayton Street
Block 1210 Lot 024

Form 12**Owner's Affidavit**

Eviction of Senior, Disabled, or Catastrophically Ill Tenant
Compliance with Section 1396.2(b) of the San Francisco Subdivision Code

Required for all owners of record

Assessor's Parcel Number: 1210-024

Property Address: 228 Clayton Street, Unit #1, San Francisco, CA 94117

I, Alexa Rydin Hansen, hereby certify under penalty of perjury that the following is true and
print name

correct to the best of my knowledge:

Since May 1, 2005, no eviction as defined in San Francisco Administrative Code Section 37.9(a)(8), 37.9(a)(10), 37.9(a)(11), or 37.9(a)(13) of a senior, disabled person, or catastrophically ill tenant as defined below has occurred, or if such an eviction took place, each unit in the building was occupied by a separate owner of record on April 4, 2006. For purposes of the above statement, a "senior" shall be a person who is 60 years or older and has been residing in the unit for 10 years or more at the time of issuance of the eviction notice; a "disabled" tenant is defined as a person who is disabled within the meaning of Title 42 U.S.C. Section 12102(2)(A); and a "catastrophically ill" tenant is defined as a person who is disabled as defined by above, and who is suffering from a life threatening illness as certified by his or her primary care physician.

I understand that I am affirming under penalty of perjury to the truthfulness of the claims made in this affidavit and that the punishment for knowingly making a false statement may include denial of the condominium conversion subdivision, fines, and/or imprisonment.



Signature of Applicant

Alexa Rydin Hansen

Printed Name

Jan 5, 2018

Date

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of San Francisco

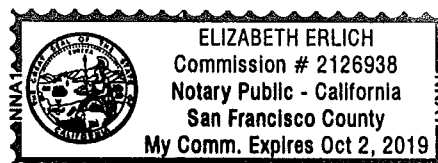
On Jan. 5, 2018 before me, Elizabeth Erlich, Notary Public, personally appeared

Alexa Hansen, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Elizabeth Erlich (seal)



Form 12

Owner's Affidavit

Eviction of Senior, Disabled, or Catastrophically Ill Tenant
Compliance with Section 1396.2(b) of the San Francisco Subdivision Code

Required for all owners of record

Assessor's Parcel Number: 1210-024

Property Address: 228 Clayton Street, Unit # 2, San Francisco, CA 94117

I, Albert A. Pimentel, Laurie J. Pimentel, Ross A. Pimentel, and Anne S. McIntee, herby certify
print name

under penalty of perjury that the following is true and correct to the best of my knowledge:

Since May 1, 2005, no eviction as defined in San Francisco Administrative Code Section 37.9(a)(8), 37.9(a)(10), 37.9(a)(11), or 37.9(a)(13) of a senior, disabled person, or catastrophically ill tenant as defined below has occurred, or if such an eviction took place, each unit in the building was occupied by a separate owner of record on April 4, 2006. For purposes of the above statement, a "senior" shall be a person who is 60 years or older and has been residing in the unit for 10 years or more at the time of issuance of the eviction notice; a "disabled" tenant is defined as a person who is disabled within the meaning of Title 42 U.S.C. Section 12102(2)(A); and a "catastrophically ill" tenant is defined as a person who is disabled as defined by above, and who is suffering from a life threatening illness as certified by his or her primary care physician.

I understand that I am affirming under penalty of perjury to the truthfulness of the claims made in this affidavit and that the punishment for knowingly making a false statement may include denial of the condominium conversion subdivision, fines, and/or imprisonment.

Albert A. Pimentel

Signature of Applicant

Albert A. Pimentel

Printed Name

1/8/18

Date

Laurie J. Pimentel

Signature of Applicant

Laurie J. Pimentel

Printed Name

1/8/18

Date

Ross A. Pimentel

Printed Name

Date

Signature of Applicant

Anne S. McIntee

Printed Name

Date

Signature of Applicant

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of

California

County of

Santa Clara

On *1/8/18* before me,

GIRISH HIRALAL PATEL, Notary Public

, Notary Public, personally appeared

Albert Pimentel & Laurie Pimentel, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

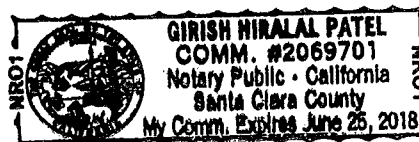
I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature

Girish Hiralal Patel

(seal)



Form 12

Owner's Affidavit

Eviction of Senior, Disabled, or Catastrophically Ill Tenant
Compliance with Section 1396.2(b) of the San Francisco Subdivision Code

Required for all owners of record

Assessor's Parcel Number: 1210-024

Property Address: 228 Clayton Street, Unit # 2, San Francisco, CA 94117

I, Albert A. Pimentel, Laurie J. Pimentel, Ross A. Pimentel, and Anne S. McIntee, herby certify
print name

under penalty of perjury that the following is true and correct to the best of my knowledge:

Since May 1, 2005, no eviction as defined in San Francisco Administrative Code Section 37.9(a)(8), 37.9(a)(10), 37.9(a)(11), or 37.9(a)(13) of a senior, disabled person, or catastrophically ill tenant as defined below has occurred, or if such an eviction took place, each unit in the building was occupied by a separate owner of record on April 4, 2006. For purposes of the above statement, a "senior" shall be a person who is 60 years or older and has been residing in the unit for 10 years or more at the time of issuance of the eviction notice; a "disabled" tenant is defined as a person who is disabled within the meaning of Title 42 U.S.C. Section 12102(2)(A); and a "catastrophically ill" tenant is defined as a person who is disabled as defined by above, and who is suffering from a life threatening illness as certified by his or her primary care physician.

I understand that I am affirming under penalty of perjury to the truthfulness of the claims made in this affidavit and that the punishment for knowingly making a false statement may include denial of the condominium conversion subdivision, fines, and/or imprisonment.

Signature of Applicant	Albert A. Pimentel	Printed Name	Date
Signature of Applicant	Laurie J. Pimentel	Printed Name	Date
Signature of Applicant	Ross A. Pimentel	Printed Name	1-6-2018 Date
Signature of Applicant	Anne S. McIntee	Printed Name	1/6/18 Date

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of CA

County of San Francisco

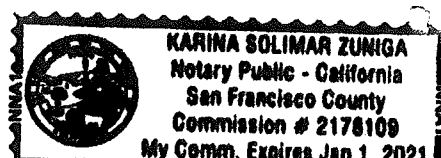
On 1/6/18 before me, Anne McIntee & Ross Pimentel, Notary Public, personally appeared
Karina Zuniga, notary public.

Karina Zuniga, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Karina Zuniga (seal)



Form 12

Owner's Affidavit

Eviction of Senior, Disabled, or Catastrophically Ill Tenant

Compliance with Section 1396.2(b) of the San Francisco Subdivision Code

Required for all owners of record

Assessor's Parcel Number: 1210-024

Property Address: 228 Clayton Street, Unit #3, San Francisco, CA 94117

I, Gina May Intinarelli and Eric William Shuler, herby certify under penalty of perjury that the following is true and

correct to the best of my knowledge:

Since May 1, 2005, no eviction as defined in San Francisco Administrative Code Section 37.9(a)(8), 37.9(a)(10), 37.9(a)(11), or 37.9(a)(13) of a senior, disabled person, or catastrophically ill tenant as defined below has occurred, or if such an eviction took place, each unit in the building was occupied by a separate owner of record on April 4, 2006. For purposes of the above statement, a "senior" shall be a person who is 60 years or older and has been residing in the unit for 10 years or more at the time of issuance of the eviction notice; a "disabled" tenant is defined as a person who is disabled within the meaning of Title 42 U.S.C. Section 12102(2)(A); and a "catastrophically ill" tenant is defined as a person who is disabled as defined by above, and who is suffering from a life threatening illness as certified by his or her primary care physician.

I understand that I am affirming under penalty of perjury to the truthfulness of the claims made in this affidavit and that the punishment for knowingly making a false statement may include denial of the condominium conversion subdivision, fines, and/or imprisonment.

Grace May Intunier
Signature of Applicant

Gina May Intinarelli

Printed Name

1/6/18 gm
Date

Signature of Applicant

Eric William Shuler

Printed Name

1/6/18 *gru*
Date *H*

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of CALIFORNIA

County of San Francisco

On 01-06-2018 before me, D. NIGAM, Notary Public, personally appeared GINA MAY
INTINARELLI / ERIC WILLIAM SHULER^{DN}, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s)
is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that
by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

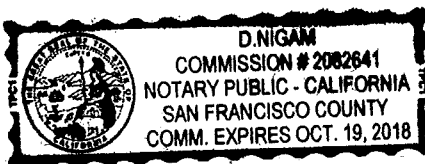
I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature

Dugam

(seal)



Form 12

Owner's Affidavit

Eviction of Senior, Disabled, or Catastrophically Ill Tenant
Compliance with Section 1396.2(b) of the San Francisco Subdivision Code

Required for all owners of record

Assessor's Parcel Number: 1210-024

Property Address: 230 Clayton Street, Unit #1, San Francisco, CA 94117

I, Alexandra Leigh Marsh, herby certify under penalty of perjury that the following is true and
print name

correct to the best of my knowledge:

Since May 1, 2005, no eviction as defined in San Francisco Administrative Code Section 37.9(a)(8), 37.9(a)(10), 37.9(a)(11), or 37.9(a)(13) of a senior, disabled person, or catastrophically ill tenant as defined below has occurred, or if such an eviction took place, each unit in the building was occupied by a separate owner of record on April 4, 2006. For purposes of the above statement, a "senior" shall be a person who is 60 years or older and has been residing in the unit for 10 years or more at the time of issuance of the eviction notice; a "disabled" tenant is defined as a person who is disabled within the meaning of Title 42 U.S.C. Section 12102(2)(A); and a "catastrophically ill" tenant is defined as a person who is disabled as defined by above, and who is suffering from a life threatening illness as certified by his or her primary care physician.

I understand that I am affirming under penalty of perjury to the truthfulness of the claims made in this affidavit and that the punishment for knowingly making a false statement may include denial of the condominium conversion subdivision, fines, and/or imprisonment.



Signature of Applicant

Alexandra Leigh Marsh

Printed Name

1/19/18

Date

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of

CA

County of

San Francisco

On January 19, 2018 before me, April M. Johnson, Notary Public, personally appeared

Alexandra Leigh Marsh, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

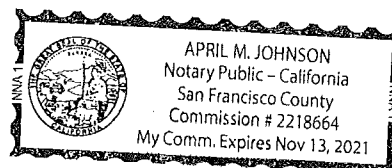
I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature



(seal)



Form 12

Owner's Affidavit

Eviction of Senior, Disabled, or Catastrophically Ill Tenant
Compliance with Section 1396.2(b) of the San Francisco Subdivision Code

Required for all owners of record

Assessor's Parcel Number: 1210-024

Property Address: 230 Clayton Street, Unit #2, San Francisco, CA 94117

I, Susan M. Osterhoff, herby certify under penalty of perjury that the following is true and
print name

correct to the best of my knowledge:

Since May 1, 2005, no eviction as defined in San Francisco Administrative Code Section 37.9(a)(8), 37.9(a)(10), 37.9(a)(11), or 37.9(a)(13) of a senior, disabled person, or catastrophically ill tenant as defined below has occurred, or if such an eviction took place, each unit in the building was occupied by a separate owner of record on April 4, 2006. For purposes of the above statement, a "senior" shall be a person who is 60 years or older and has been residing in the unit for 10 years or more at the time of issuance of the eviction notice; a "disabled" tenant is defined as a person who is disabled within the meaning of Title 42 U.S.C. Section 12102(2)(A); and a "catastrophically ill" tenant is defined as a person who is disabled as defined by above, and who is suffering from a life threatening illness as certified by his or her primary care physician.

I understand that I am affirming under penalty of perjury to the truthfulness of the claims made in this affidavit and that the punishment for knowingly making a false statement may include denial of the condominium conversion subdivision, fines, and/or imprisonment.

Susan M. Osterhoff
Signature of Applicant

Susan M. Osterhoff

Printed Name

12/26/17
Date

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of Colorado

County of Jefferson

On 12/26/17 before me, Anne Bitsie, Notary Public, personally appeared

Susan M. Osterhoff, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature *Anne M Bitsie* (seal)

ANNE M BITSIE
NOTARY PUBLIC
STATE OF COLORADO
Notary ID 20154027737
MY COMMISSION EXPIRES JUL 17, 2019

Form 12**Owner's Affidavit**

Eviction of Senior, Disabled, or Catastrophically Ill Tenant
Compliance with Section 1396.2(b) of the San Francisco Subdivision Code

Required for all owners of record

Assessor's Parcel Number: 1210-024


Property Address: 228-230 Clayton Street, San Francisco, CA 94117

I, Michael Plotkowski, hereby certify under penalty of perjury that the following is true and
print name

correct to the best of my knowledge:

Since May 1, 2005, no eviction as defined in San Francisco Administrative Code Section 37.9(a)(8), 37.9(a)(10), 37.9(a)(11), or 37.9(a)(13) of a senior, disabled person, or catastrophically ill tenant as defined below has occurred, or if such an eviction took place, each unit in the building was occupied by a separate owner of record on April 4, 2006. For purposes of the above statement, a "senior" shall be a person who is 60 years or older and has been residing in the unit for 10 years or more at the time of issuance of the eviction notice; a "disabled" tenant is defined as a person who is disabled within the meaning of Title 42 U.S.C. Section 12102(2)(A); and a "catastrophically ill" tenant is defined as a person who is disabled as defined by above, and who is suffering from a life threatening illness as certified by his or her primary care physician.

I understand that I am affirming under penalty of perjury to the truthfulness of the claims made in this affidavit and that the punishment for knowingly making a false statement may include denial of the condominium conversion subdivision, fines, and/or imprisonment.


Signature of Applicant

Michael Plotkowski

Printed Name

1-15-2018
Date

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of Sonoma

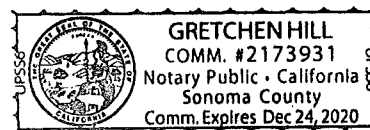
On 1/15/2018 before me, Gretchen Hill, Notary Public, personally appeared

Michael Plotkowski, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature  (seal)



From: Lisa Awbrey
To: [Weissglass, David \(CPC\)](#)
Subject: Opposition to request to convert TIC five units to condominiums at 228-230 Clayton Street
Date: Thursday, May 31, 2018 9:59:15 AM

Dear Mr. Weissglass:

I write to shine a bright light on the history of the building at 228-230 Clayton, case number: 2018-004612CND. A condominium conversion subdivision request to convert the four story, five unit building to residential condominiums is before you.

My name is Lisa Awbrey. I have lived at [1969 Hayes Street](#) for 29 years. [1967-69 Hayes Street](#), the 3 unit building where I live, is five doors away from the five unit building at 228-230 Clayton. In March 2017, my original landlord Bob Plotkowski, deeded our building at [1967-69 Hayes Street](#) to his son Mike Plotkowski. In October 2017, son Mike Plotkowski initiated a Relative Move In/RMI eviction at 1969 Hayes; in January 2018, he changed his strategy to an Owner Move In/OMI of our unit. On May 2, 2018, the strategy changed again when Mike Plotkowski's attorney served us and the occupants of [1967 Hayes Street](#) with a Notice of Termination of Tenancy under the Ellis Act. There are currently 5 tenants living at [1967-69 Hayes Street](#).

I mention the above in order to show Mike Plotkowski's pattern of using the Ellis Act to evict tenants. San Francisco Rent Board documents show that in June 2002, Mike Plotkowski Ellis Act evicted all of the 10 tenants living at [228-230 Clayton Street](#); and a San Francisco Public Works Application Checklist form indicates that one or more "protected" tenants were evicted at 228-230 Clayton in this process. Around 2007-2008, the 5 units at 228-230 Clayton were sold as TIC units; Mike Plotkowski was the real estate agent representing the seller. To this day, Mike Plotkowski retains ownership of the garage at [228-230 Clayton Street](#); he disclosed this information on page 2 of his 60 Day OMI Notice of Termination of Tenancy for [1969 Hayes Street](#), dated January 12, 2018. The request for condo conversion of the 5 TIC units at [228-230 Clayton Street](#) is currently before you.

During the Planning Commission hearing on May 23, 2018 where the condo conversion request for 228-230 Clayton was discussed, you stated that you were not aware that a protected tenant had been evicted at 228-230 Clayton. You referenced the "new process" where Planning requests information from the SF Rent Board. Commissioner Moore questioned you about the eviction of a protected tenant at 228-230 Clayton, and you stated that you did not know this happened, and that the SFRB "...did not include that information....." and that "I was unaware of any protected status tenants being evicted."

It now appears that important information regarding the eviction of a protected tenant from [228-230 Clayton Street](#) was somehow lost in the shuffle. When numerous city agencies (the Planning Department, the SF Rent Board, and DPW) are involved in a process, the margin for miscommunication (or no

communication) of critical information like the eviction of a protected tenant increases. Isn't there some way to permanently flag a property or an individual who evicts protected tenants? Otherwise what is the value of the "protected" status of a tenant? This case highlights a greater issue: the failure to protect vulnerable people from those who seek to take advantage of the existing system.

Because of a pattern of serial Ellis Act evictions of tenants and the eviction of one or more protected tenants, I ask that you deny the request to convert the TIC units at [228-230 Clayton Street](#) to condo units.

I will provide copies of the following documents referenced above:

- 1) the San Francisco Public Works Application Checklist form showing that one or more "protected" tenants were evicted at 228-230 Clayton.
- 2) pages 1 and 2 of the 60 Day OMI Notice of Termination of Tenancy for [1969 Hayes Street](#), dated January 12, 2018 wherein Plotkowski reveals ownership of the garage at 228-230 Clayton Street.
- 3) The Ellis Act Notice of Termination of Tenancy for 1969 Hayes Street, dated May 2, 2018.

Sincerely,
Lisa Awbrey

Sent from my iPhone

From: Lisa Awbrey
To: [Weissglass, David \(CPC\)](#)
Subject: 228-230 Clayton Street request for condo conversion
Date: Thursday, May 31, 2018 10:07:58 AM
Attachments: [IMG_3048.JPG](#)
[IMG_3047.jpg](#)
[IMG_3049.JPG](#)

Hello again Mr. Weissglass:

Here are documents from the San Francisco Rent Board's file on 228-230 Clayton Street. There is a reference to a neighbor's complaint regarding possible new tenant activity @ 228-230 Clayton Street after the 10 Ellis Act evictions occurred in 2002. I discovered This information while investigating Mike Plotkowski for my own looming eviction @ 1967-1969 Hayes Street.

Thank you.
Lisa Awbrey



Sent from my iPhone

**San Francisco Residential Rent
Stabilization and Arbitration Board**

**Petition # L021051
228-230 CLAYTON Street**

Date	Action	By
6/19/02	Notice of Intent to Withdraw Residential Rental Units (Ellis) filed at R.B.	Cathy Helton
6/19/02	5 Notice(s) of Termination of Tenancy filed at R.B. for: (1) Unit 228 #1; (2) Unit 228 #2; (3) Unit 228 #3*; (4) Unit 230 #1; and (5) Unit 230 #2. * I also have one Termination notice w/a file stamped date of 6/24/02 for Unit 228 #3 only	Cathy Helton
6/28/02	TT packets mailed.	Cathy Helton
6/28/02	NOC prepared.	Cathy Helton
7/29/02	Rec'd ltr from LL atty Leadbetter stating that tt in unit 228 #3 has claimed 1 yr ext. Does not state whether LL will grant.	Cathy Helton
8/21/02	Rec'd ltr from LL atty Denise Leadbetter granting ext claim of unit 3 and extending other units in bldg for 1 yr as well. Date of w/d for entire bldg is 6/19/03.	Cathy Helton
9/11/02	TT Lewis in unit 228 #3 filed DIS petition on 5/31/02, RB case # T020911. Action Log in DIS case noted of Ellis action case # on 9/11/02, hrg set for 9/20/02. 2 wrongful eviction action logs also noted. DIS petition T020274 was heard by Judge Yick on 5/22/02, no dec. yet issued as of 9/11/02, no notation made, hrg occurred prior to filing of this Ellis case.	Cathy Helton
9/11/02	Notice of Extension re 228-230 (entire bldg) mailed to all players.	Cathy Helton
9/11/02	NOC redrafted to conform to 1 yr ext. grant.	Cathy Helton
10/29/02	Tenant (510) 887-4166 for an update	Maria Martinez
2/21/03	NOC to recorder's office. Effective date is 6/19/03.	Cathy Helton
4/18/03	NOC returned by Recorder's Office - recorded on 2/25/03 as Doc 2003-H367754-00 @ Reel I331, Image 0651. Effective date is 6/19/03 for entire bldg. File moved upstairs.	Cathy Helton
6/13/03	Rec'd Notice of Interest in Renewed Accomodations from Christopher Franklin (unit 230 #1) and also from Josephine Franklin (unit 230 #1). Re-rental address for both tts is: 1870 Soldier Mtn. Court, Antioch, CA 94531, telephone: (925) 706-7322. Also rec'd tenant Christopher Franklin's request for relocation pymt of \$4500.	Cathy Helton
6/17/03	LL's Memorandum of Notice filed at R.B., Memo bears "conformed copy" stamp indicating it was recorded on 6/16/03 as Doc 2003H462782.	Cathy Helton
2/20/04	Anonymous female T called-left msg that L Virginia Giamo has rented units in back so lights not visible from the front of the building and she has witnessed and documented this.	Timothy Lee
3/ 3/04	Sent letter to L requesting response to re-rental allegation by March 15 ,2004 and informing L of reporting requirements of 37.9A(h).	Timothy Lee

**San Francisco Residential Rent
Stabilization and Arbitration Board**

Petition # L021051
228-230 CLAYTON Street
By

Date Action

3/ 5/04 L Virginia Giamo called-LRM that units are not being rented; friends and relatives occasionally spend the night; work is being done on the units and a worker also sometimes spends the night rather than return home. Timothy Lee

3/ 5/04 L's son Mike Plotkowski called-he will submit status report with info re no rental use per L's VM of 3/5/04. Timothy Lee



Arbitration Board

March 3, 2004

Virginia Giamo and Michael Plotkowski
214 Clayton Street
San Francisco, CA 94117

Dear Ms. Giamo and Mr. Plotkowski:

Our office was recently told that one or more of the units at 228-230 Clayton Street have been re-rented. Please inform me by March 15, 2004 of your response to this allegation. You are also advised that Rent Ordinance Section 37.9A(h)(1) requires the owner who has withdrawn units from the rental market under the Ellis Act to submit periodic reports to the Rent Board regarding the status of the withdrawn units.

If you have any questions, feel free to call me at (415) 252-4603. Thank you for your cooperation.

Sincerely,

A handwritten signature in black ink that reads "Timothy J. Lee".

Timothy J. Lee
Ellis Coordinator

M020835

M020834

M020833