



SAN FRANCISCO PLANNING DEPARTMENT

Executive Summary

Conditional Use Authorization / Residential Merger

HEARING DATE: OCTOBER 19, 2017

Date Filed: October 6, 2017
Case No.: **2016-003836CUAVAR**
Project Address: **114 LYON STREET**
Zoning: RH-3 (Residential, House, Three-Family) Zoning District
40-X Height and Bulk District
Block/Lot: 1220/020
Project Sponsor: Thomas Tunny
Reuben, Junius & Rose, LLP
One Bush Street, Ste. 600
San Francisco, CA 94104
Staff Contact: Laura Ajello – (415) 575-9142
laura.ajello@sfgov.org
Recommendation: Disapproval

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PROJECT DESCRIPTION

The project sponsor seeks Conditional Use Authorization, pursuant to Planning Code Sections 303 and 317, to legalize a residential merger of four dwelling units into two dwelling units. The proposed project would authorize the reconfiguration that resulted in the creation of one 3,096 square foot dwelling unit on three floors and relocation of one 341 square foot unit behind the garage. Both units have access to a common rear yard. A variance is being sought from the rear yard requirement (Planning Code Section 134) to legalize decks and stairs constructed in a required setback without permit. The Zoning Administrator will consider the variance request following the Planning Commission's consideration of the request for Conditional Use Authorization.

The project sponsor recently submitted an alternative project proposal that would demolish the studio unit created behind the garage and replace it with two 345 square foot studio units in the same location. Overall, this alternative project would maintain three dwelling units on the project site. However, the suggested third unit is not equivalent in size to any of the units that were removed, which means that under the Planning Code, the alternative project would remain a dwelling unit merger of four dwelling units to two dwelling units. The Department reviewed the alternative floor plans and found the proposal to be unsupportable, which is the case with the version of the project that is analyzed in this staff report. These plans are included in the project sponsor's proposal, received October 3, 2017, at the end of the Planning Commission packet.

SITE DESCRIPTION AND PRESENT USE

The project site is located on the east side of Lyon Street between Oak and Page Streets on Lot 020 in Assessor's Block 1220. The project site currently contains a 4-story residential building constructed as a single-family dwelling circa 1891 in a Queen Anne style. By 1962, the building had been subdivided with permit into four apartments on three floors above the garage level: a full floor one-bedroom apartment on the first floor; a one-bedroom apartment and a studio apartment on the second floor; and a one-bedroom apartment on the third floor. The Report of Residential Building Record indicates that the legal authorized occupancy and use is a four-unit dwelling. The 2,279 square foot subject lot measures 25 feet wide by 91 feet deep. The historic residence at 114 Lyon Street is a contributor to the Buena Vista North and Panhandle Historic Districts. As noted by the Project Sponsor, the main unit is owner-occupied and the studio is tenant-occupied.

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 similar buildings constructed by the same architect and builder. Adjacent to the subject lot to the north is a four-story, three-unit residence at 114-116 Lyon Street. The adjacent building to the south at 112 Lyon Street is a four-story single-family residence. The surrounding neighborhood blocks are primarily residential in character. The Panhandle of Golden Gate Park is located a block to the north and Buena Vista Park is located two blocks to the south. Other zoning districts within the vicinity of the project site include: RM-1 (Residential, Mixed, Low-Density) and P (Public).

ENVIRONMENTAL REVIEW

The Project is not defined as 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.

HEARING NOTIFICATION

TYPE	REQUIRED PERIOD	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUAL PERIOD
Classified News Ad	20 days	September 29, 2017	September 27, 2017	22 days
Posted Notice	20 days	September 29, 2017	September 29, 2017	20 days
Mailed Notice	20 days	September 29, 2017	September 29, 2017	20 days

PUBLIC COMMENT

As of October 6, 2017, the Project Sponsors have provided a petition expressing support for the residential merger. The Department has not received any other correspondence related to the project.

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 four one-bedroom or studio dwelling units ranging in size from 432 to 1,110 square feet and the creation of a 341 square foot unit behind the garage. The main unit, a 3,096 square foot six-bedroom four-bathroom unit on three stories is currently occupied by the project sponsor's son. The Project also requires rear yard variance approval for legalization of a multi-level deck and stair constructed without permit.
- 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 four dwelling units and legalize the creation of an incomparable 341 square foot studio unit reduced in size by 24 percent and relocated behind the garage.
- San Francisco Rent Board: Per consultation with the San Francisco Rent Board, no evictions have been recorded to date on the subject property.
- Variance: The proposed project requires variance approval from the Zoning Administrator to address rear yard requirements (Planning Code Section 134). Per Planning Code Section 134, projects must maintain a rear yard equivalent to 25% of the lot depth (22.75 feet). The proposal seeks to legalize a multi-story deck and stairs constructed without permit 16 feet from the rear property line. Therefore, the project requires a variance from the rear yard requirement.
- Department Recommendation: The Department recommends disapproval of the Conditional Use Authorization. The project will legalize the removal of two dwelling units and will not result in any net new dwelling units.

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 114 Lyon Street and direct that the merged units be restored.

BASIS FOR RECOMMENDATION

- The Project would legalize work done without City permits.
- The Project would legalize the net loss of two dwelling units.
- The Project will not result in a net addition of any new dwelling units.
- The Project would legalize the relocation of one unit to a less desirable position behind the garage and reduction in size by 24 percent.

- Per the Housing Element, the new proposed residential merger does not retain the existing housing by controlling the merger nor does it protect the affordability of the existing housing stock.

RECOMMENDATION: Disapproval

Attachments:

Draft Motion

Parcel Map

Sanborn Map

Zoning Map

Aerial Photo

Site Photo

Notice of Enforcement dated April 14, 2017

Eviction History Search

Project Sponsor Submittal, including:

- Applications
- Site Photographs
- Reduced Plans

Attachment Checklist:

☒ Executive Summary

☒ Draft Motion

☐ Environmental Determination

☒ Zoning District Map

☐ Height & Bulk Map

☒ Context Photo

☒ Site Photo

☒ Parcel Map

☒ Sanborn Map

☒ Aerial Photo

☒ Project Sponsor Submittal

Drawings: Existing Conditions

☒ Check for Legibility

Drawings: Proposed Project

☒ Check for Legibility

3-D Renderings (new construction or
significant addition)

☐ Check for Legibility

☐ Health Dept. review of RF levels

☐ RF Report

☐ Community Meeting Notice

Exhibits above marked with an "X" are included in this packet

LMA
Planner's Initials

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SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

- | | |
|--|---|
| <input type="checkbox"/> Affordable Housing (Sec. 415) | <input type="checkbox"/> First Source Hiring (Admin. Code) |
| <input type="checkbox"/> Jobs Housing Linkage Program (Sec. 413) | <input type="checkbox"/> Child Care Requirement (Sec. 414A) |
| <input type="checkbox"/> Downtown Park Fee (Sec. 412) | <input type="checkbox"/> Other |

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Planning Commission Motion No. XXXXX

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San Francisco, CA 94104
Staff Contact: Laura Ajello – (415) 575-9142
laura.ajello@sfgov.org

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 FOUR DWELLING UNITS INTO TWO DWELLING UNITS AT 114 LYON STREET IN ASSESSOR'S BLOCK 1220, LOT 020 WITHIN THE RH-3 (RESIDENTIAL, HOUSE, THREE-FAMILY) ZONING DISTRICT AND THE 40-X HEIGHT AND BULK DISTRICT.

PREAMBLE

On June 15, 2016, Thomas Tunny (Project Sponsor) filed an application with the Planning Department (hereinafter "Department") for Conditional Use Authorization under Planning Code Sections 303 and 317 to merge four dwelling units into two dwelling units at **114 Lyon Street** within the RH-3 (Residential, House, Three-Family) Zoning District and a 40-X Height and Bulk District.

On October 19, 2017, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2016-003836CUAVAR.

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 Planning Department, Jonas P. Ionin, is the custodian of records, located in the File for Case No. 2016-003836CUAVAR at 1650 Mission Street, Fourth Floor, San Francisco, California.

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 requested in Application No. 2016-003836CUAVAR for legalization of a residential merger of four dwelling units into two dwelling units, 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 four dwelling units into two dwelling units. The proposed project would authorize the reconfiguration that resulted in the creation of one 3,096 square foot dwelling unit on three floors and relocation of one 341 square foot unit behind the garage. Both units have access to a common rear yard. A variance is being sought from the rear yard requirement (Planning Code Section 134) to legalize decks and stairs constructed in a required setback without permit. The Zoning Administrator will consider the variance request following the Planning Commission's consideration of the request for Conditional Use Authorization.
3. **Site Description and Present Use.** The project site is located on the east side of Lyon Street between Oak and Page Streets on Lot 020 in Assessor's Block 1220. The project site currently contains a 4-story residential building likely constructed as a single-family dwelling circa 1891 in a Queen Anne style. By 1962, the building had been subdivided with permit into four apartments on three floors above the garage level: a full floor one-bedroom apartment on the first floor; a one-bedroom apartment and a studio apartment on the second floor; and a one-bedroom apartment on the third floor. The Report of Residential Building Record indicates that the legal authorized occupancy and use is a four-unit dwelling. The 2,279 square foot subject lot measures 25 feet wide by 91 feet deep. The historic residence at 114 Lyon Street is a contributor to the Buena Vista North and Panhandle Historic Districts. As noted by the Project Sponsor, the main unit is owner-occupied and the studio is tenant-occupied.
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 similar buildings constructed by the same architect and builder. Adjacent to the subject lot to the north is a four-story, three-unit residence at 114-116 Lyon Street. The adjacent building to the south at 112 Lyon Street is a four-story single-family residence. The surrounding neighborhood blocks are primarily residential in character. The

Panhandle of Golden Gate Park is located a block to the north and Buena Vista Park is located two blocks to the south. Other zoning districts within the vicinity of the project site include: RM-1 (Residential, Mixed, Low-Density) and P (Public).

5. **Public Comment.** As of October 6, 2017, the Project Sponsors have provided a petition expressing support for the residential merger. The Department has not received any other 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. **Rear Yard Requirement.** Planning Code Section 134 requires the subject property maintain a rear yard equivalent to 25% of the lot depth (22.75 feet).

The Project per the 1962 building plans had a multi-level rear stair that encroached into the rear yard; this stair was removed and replaced with a larger structure without permit. The proposal seeks to legalize this structure that is set back 16 feet from the rear property line. Therefore, the project requires a variance from the rear yard requirement.

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

The project has a rear yard, approximately 400 square feet in size, provided as common open space. Therefore, the proposed legalization of a two-unit building complies with this requirement.

- C. **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 Project proposes a dwelling unit merger where the main unit fronts a public street and the second unit faces a nonconforming rear yard. The former four-unit building contained one nonconforming rear yard-facing unit. Since the existing relocated second unit is equivalent in size to one of the units that was removed the unit would retain this legally nonconforming status.

- D. **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, and no additional parking is required. The subject building provides one off-street parking space and would maintain its legally nonconforming status.

- E. **Bicycle Parking.** Planning Code Section 155.2 requires one Class 1 bicycle parking space per dwelling unit in the RH-3 Zoning District.

The proposed project would provide four Class 1 bicycle parking spaces in the garage. Therefore, the project would comply with this requirement.

- F. **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 building was legally nonconforming with four dwelling units. As proposed, the project would result in two dwelling units per lot and would bring the existing building into conformity with the Planning Code.

- G. **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. **Planning Code Section 303** establishes criteria for the Planning Commission to consider when reviewing applications for Conditional Use approval. 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 four 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 large unit that would be much less affordable and one small unit that is much less desirable, 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:

- i. 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. The project does, however, include the legalization of decks and stairs added without permit at the rear of the building for which a rear yard variance would be necessary.

- ii. 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.

- iii. 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.

- iv. 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 new 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 proposed project is requesting a variance from the Zoning Administrator to address the requirements for rear yard. 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 Use District.

The proposed project would bring the building closer to conformity with the stated purpose of the RH-3 Zoning District, as the resulting building will have two residential units rather than four.

- 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 four dwelling units per the Residential Building Record Report (3R). Floor plans dating from a 1962 building permit on file with the Department of Building Inspection confirm this approved layout. Building permit applications dating from the 1980s to the present, including those filed by the current owner, list the number of dwelling units as four.

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

The merged 3,096 square foot dwelling unit proposed for legalization is currently owner-occupied and the 341 square foot studio unit behind the garage is tenant-occupied.

- 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 1891 almost certainly as 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;

At a date unknown the building was converted to four-family use and 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. If so, the new unit relocated from the second floor to the ground floor would also be subject to the Residential Rent Stabilization and Arbitration Ordinance.

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

This information is unknown because the actual date of the residential merger is unknown. The Project Sponsor purchased the property in 2015 but contends that the building was used as a single-family dwelling for the past 20 years.

- 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 merged units will provide a greater number of bedrooms than the former four-unit layout. According to the as-built plans provided, the merged unit has five bedrooms plus a "screened-off sleeping area" whereas three of the former four units each had one bedroom and the fourth unit was a studio.

- 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

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 legally remove two residential units from the City's housing stock. The Project merged four dwelling units located on the second, third and fourth floors into one dwelling unit and created a new second unit on the ground floor behind the garage. The newly created 3,096 square foot family-sized unit replaced three one-bedroom apartments and one studio unit that were naturally affordable because of their sizes and age. The newly created second 341 square foot studio unit behind the garage is less desirable than any of the units that were removed in terms of its location and amenities. 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 does comply 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 does not contain any existing neighborhood-serving retail uses.

- 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 four 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 rent-controlled dwelling units 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 a contributing resource located in the Buena Vista North and Panhandle historic districts. The proposed dwelling unit merger will not affect the publicly-visible exterior of the building. Exterior changes are limited to legalization of decks and stairs located in the rear yard, no new construction is 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 and decks and stairs located in the rear yard with no additional 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 No. 2016-003836CUAVAR** pursuant to Planning Code Sections 303 and 317 to legalize the merger of four dwelling units into a 3,096 sq. ft. dwelling and creation of a 341 sq. ft. studio unit behind the garage. The property is located within the RH-3 (Residential, House, Three-Family) Zoning District, and a 40-X Height and Bulk District.

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 No. XXXXX. 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 94012.

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 October 19, 2017.

Jonas P. Ionin
Commission Secretary

AYES:

NAYS:

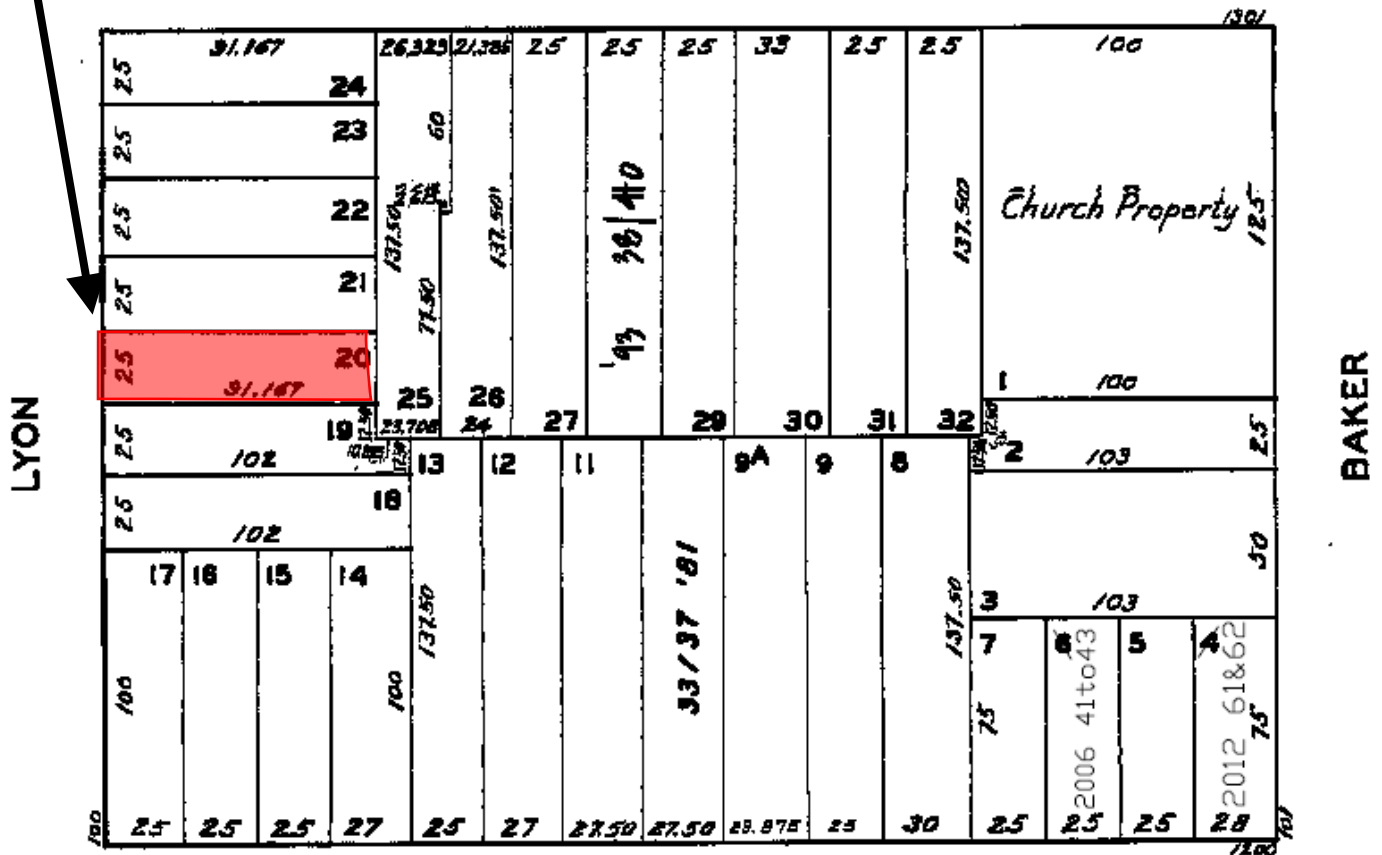
ABSENT:

RECUSED:

ADOPTED: October 19, 2017

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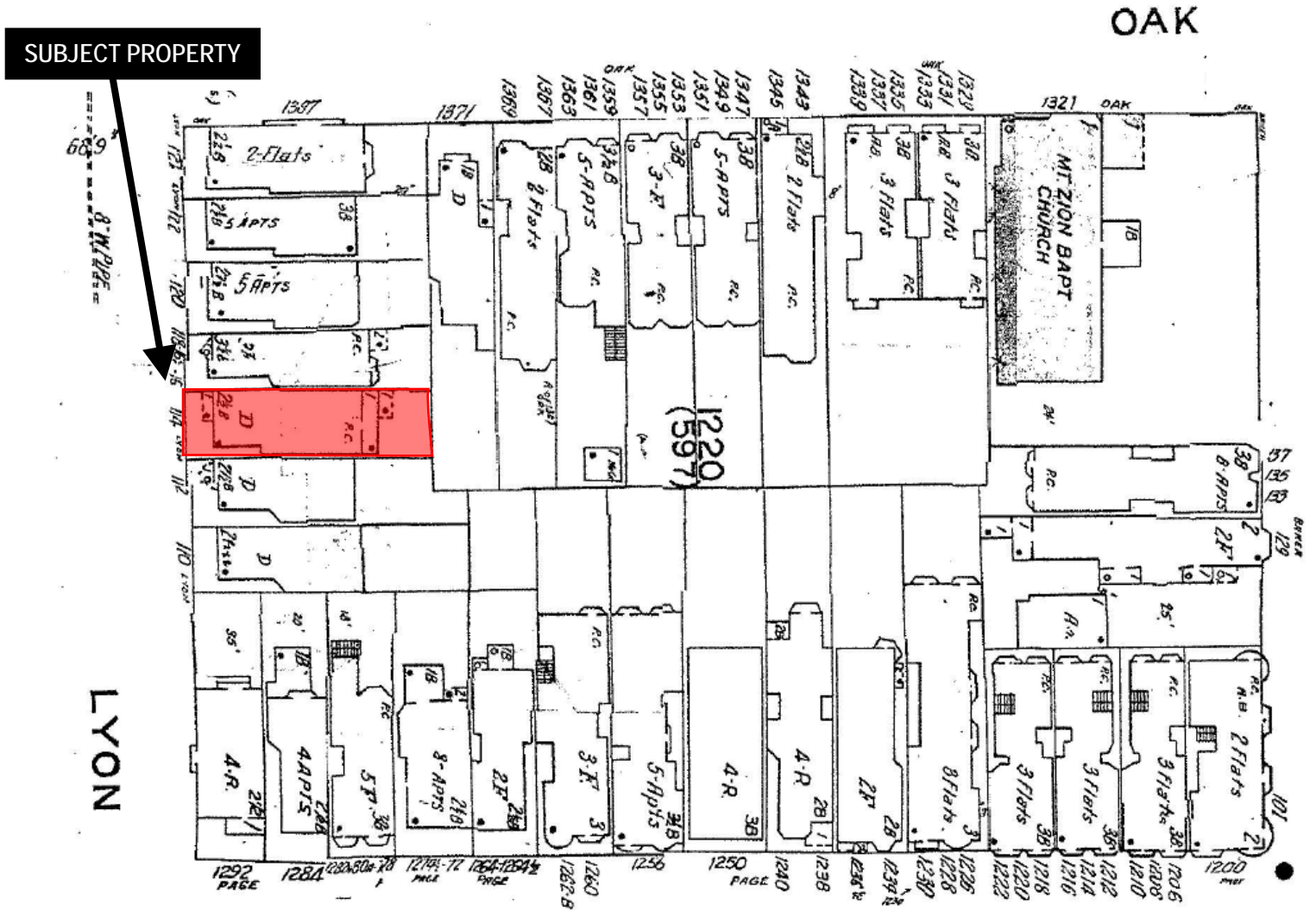


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SAN FRANCISCO
PLANNING DEPARTMENT

Sanborn Map*

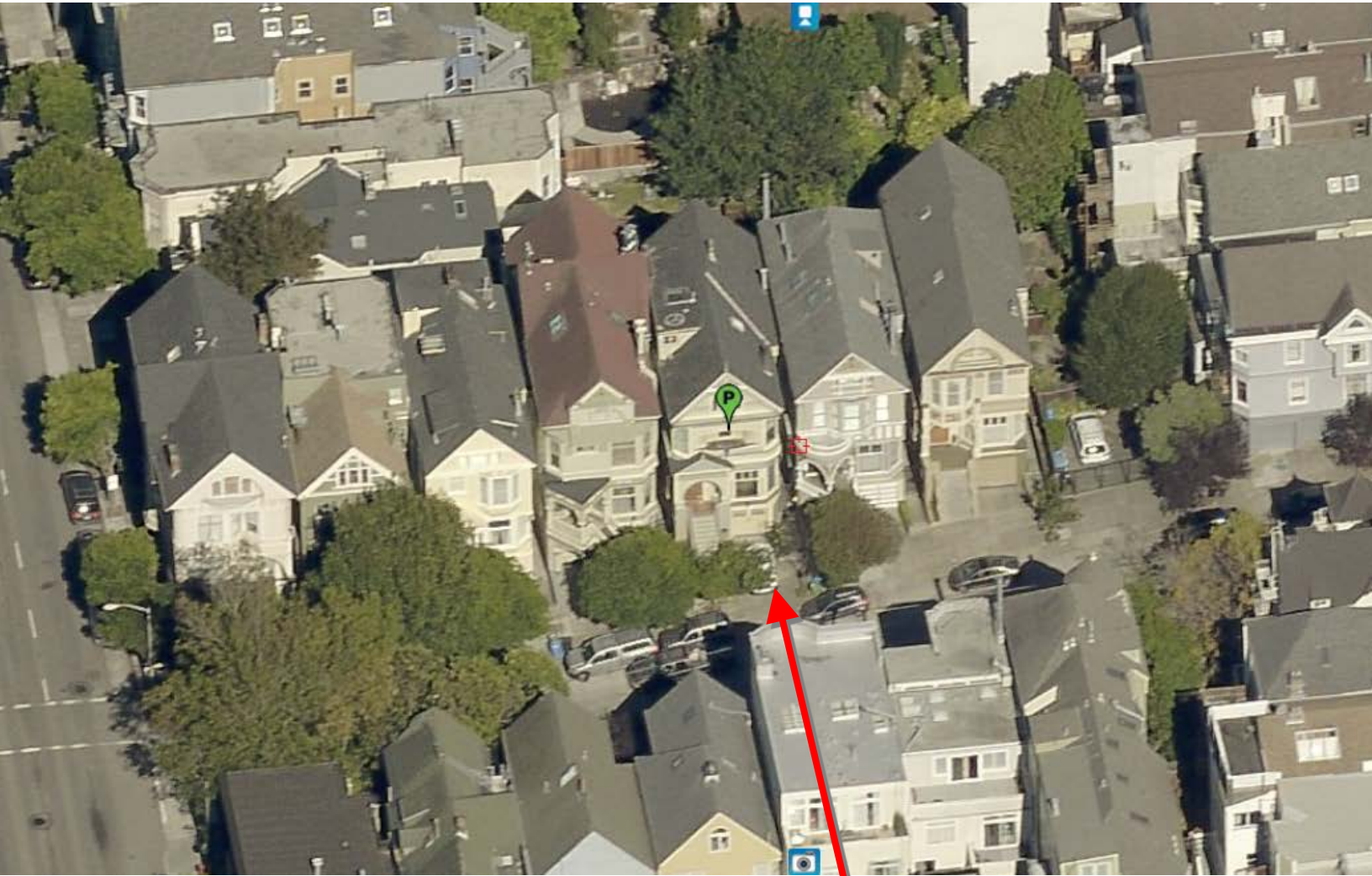


*The Sanborn Maps in San Francisco have not been updated since 1998, and this map may not accurately reflect existing conditions.

Conditional Use Hearing
Case Number 2016-003836CUA_VAR
114 Lyon Street



Aerial Photo

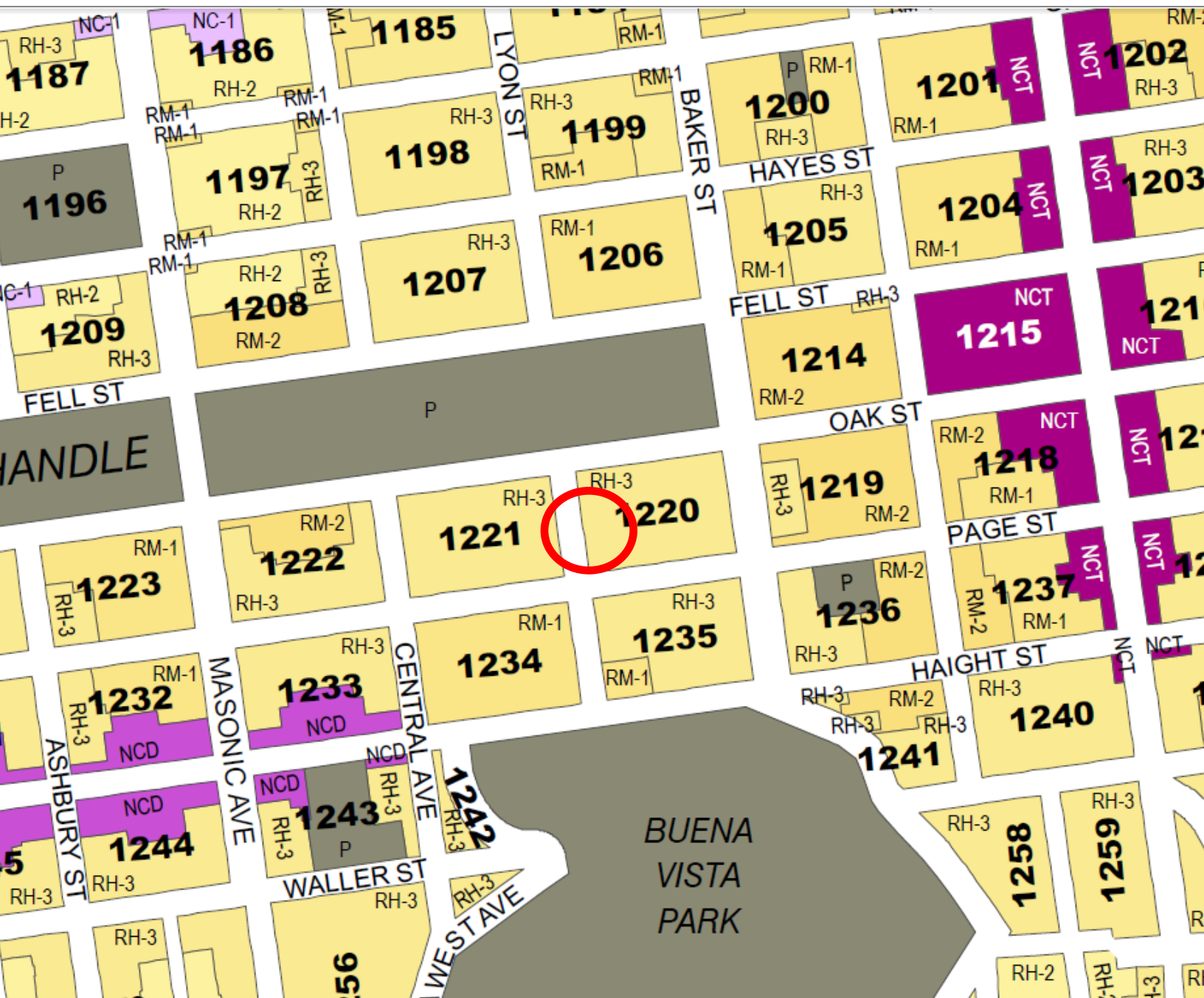


SUBJECT PROPERTY



Conditional Use Hearing
Case Number 2016-003836CUA_VAR
114 Lyon Street

Zoning Map



Conditional Use Hearing
Case Number 2016-003836CUA_VAR
114 Lyon Street

Site Photo



Conditional Use Hearing
Case Number 2016-003836CUA_VAR
114 Lyon Street



SAN FRANCISCO PLANNING DEPARTMENT

NOTICE OF ENFORCEMENT

April 14, 2017

Property Owner

Max Howard, Margaret Majua, and Lucia Howard
1150 Estates Drive
Lafayette, CA 94549

Site Address: 114 Lyon Street
Assessor's Block/Lot: 1220/020
Zoning District: RH-3, Residential- House, Three Family
Complaint Number: 2015-010558ENF
Code Violation: Section 317, Loss of Residential and Unauthorized Units through Demolition, Merger and Conversion.
Administrative Penalty: Up to \$250 Each Day of Violation
Response Due: Within 15 days from the date of this Notice
Staff Contact: Matthew Dito, (415) 575-9164, matthew.dito@sfgov.org

The Planning Department has received a complaint that a Planning Code violation exists on the above referenced property that needs to be resolved. As the owner of the subject property, you are a responsible party. The purpose of this notice is to inform you about the Planning Code Enforcement process so you can take appropriate action to bring your property into compliance with the Planning Code. Details of the violation are discussed below:

DESCRIPTION OF VIOLATION

The violation pertains to the unauthorized dwelling unit merger at the subject property. The subject property is currently authorized for use as a four-family dwelling, but has been converted to a two-family dwelling without authorization. Pursuant to Planning Code Section 317(c)(1), any application for a permit that would result in the Removal of one or more Residential Units or Unauthorized Units is required to obtain Conditional Use authorization.

In response to enforcement actions taken by the Planning Department, a Building Permit Application (201603141965) was filed on March 14, 2016, and a Conditional Use Authorization application (2016-003836CUA) was filed to legalize the dwelling unit merger from four units to two units on June 15, 2016.

On July 18, 2016, a Notice of Planning Department Requirements (#1, enclosed) was issued. The Notice required various revisions to the application and Building Permit associated with the project, including: 1) revised plans that meet the Plan Submittal Guidelines and include correct drawings of the "existing" authorized four-unit layout, with the current two-unit layout labelled as "proposed", 2) a scope of work, 3) revisions to the Dwelling Unit Merger application to include the fourth unit, 4) a Building Permit Supplemental Information sheet, and 5) to schedule a site visit.

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

To date, the only action that has been complied with has been item five (the site visit). In order to proceed with the legalization application the remaining items must be submitted.

Pursuant to Planning Code Section 171 structures and land in any zoning district shall be used only for the purposes listed in this Code as permitted in that district, and in accordance with the regulations established for that district. Further, pursuant to Planning Code Section 174, every condition, stipulation, special restriction, and other limitation under the Planning Code shall be complied with in the development and use of land and structures. Failure to comply with any of Planning Code provisions constitutes a violation of Planning Code and is subject to enforcement process under Code Section 176.

HOW TO CORRECT THE VIOLATION

The Planning Department requires that you immediately proceed to abate the violation by either:

- Submitting the required items in Notice of Planning Department Requirements #1; or
- Restore the property to its authorized use as a four-family dwelling

If the required items are not submitted within fifteen (15) days from the date of this notice, or the process to restore the property to a four-family dwelling is not initiated within that time, further enforcement actions may be taken.

Please contact the Department of Building Inspection (DBI), 1660 Mission Street, San Francisco, CA 94103, telephone: (415) 558-6088, website: www.sfgov.org/dbi, regarding the Building Permit Application process. Please visit the Planning Information Counter located at the first floor of 1660 Mission Street or website: www.sf-planning.org for any questions regarding the planning process.

TIMELINE TO RESPOND

The responsible party has **fifteen (15) days from the date of this notice** to contact the staff planner noted at the top of this notice and submit evidence to demonstrate that the corrective actions have been taken to bring the subject property into compliance with the Planning Code. A site visit may also be required to verify the authorized use at the above property. The corrective actions shall be taken as early as possible. Any unreasonable delays in abatement of the violation may result in further enforcement action by the Planning Department.

PENALTIES AND APPEAL RIGHTS

Failure to respond to this notice by abating the violation or demonstrating compliance with the Planning Code **within fifteen (15) days from the date of this notice** will result in issuance of a **Notice of Violation** by the Zoning Administrator. Administrative penalties of up to **\$250 per day** will also be assessed to the responsible party for each day the violation continues thereafter. The Notice of Violation provides appeal processes noted below.

- 1) Request for Zoning Administrator Hearing. The Zoning Administrator's decision is appealable to the Board of Appeals.

- 2) Appeal of the Notice of Violation to the Board of Appeals. The Board of Appeals may not reduce the amount of penalty below \$100 per day for each day the violation exists, excluding the period of time the matter has been pending either before the Zoning Administrator or before the Board of Appeals.

ENFORCEMENT TIME AND MATERIALS FEE

Pursuant to Planning Code Section 350(g)(1), the Planning Department shall charge for 'Time and Materials' to recover the cost of correcting Planning Code violations and violations of Planning Commission and Planning Department's Conditions of Approval. Accordingly, the responsible party may be subject to an amount of **\$1,308.00** plus any additional accrued time and materials cost for Code Enforcement investigation and abatement of violation. This fee is separate from the administrative penalties as noted above and is not appealable.

OTHER APPLICATIONS UNDER CONSIDERATION

The Planning Department requires that any pending violations be resolved prior to the approval and issuance of any new applications that you may wish to pursue in the future. Therefore, any applications not related to abatement of the violation on the subject property will be placed on hold until the violation is corrected. We want to assist you in ensuring that the subject property is in full compliance with the Planning Code. You may contact the enforcement planner as noted above for any questions.

cc: Laura Ajello, Planner, Northwest Quadrant, San Francisco Planning Department
Tom Tunney, Reuben, Junius & Rose, LLP, One Bush Street, Suite 600, San Francisco, CA 94104

Enc.: Notice of Planning Department Requirements #1



SAN FRANCISCO PLANNING DEPARTMENT

Planning Department Request for Eviction History Search

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

July 13, 2016

Van Lam
Citizen Complaint Officer
Rent Stabilization and Arbitration Board
25 Van Ness Avenue, Suite 320
San Francisco, CA 94102-6033

RE: 114 Lyon (Address of Permit Work)
Unit # - If Applicable (Unit Number - if applicable)
Block 1220/ Lot 020 (Assessor's Block/Lot)
2016.0314.1965/2016-003836CUA (Building Permit Application Number and/or Case No.)

Project Type:

- ☒ Merger – Planning Code §317(e)(4)
☐ Enlargement/Alteration/Reconstruction – Planning Code §181(c)(3)
☐ Legalization of Existing Dwelling Unit – Planning Code §§207.3, et seq.

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

- ☒ 12/10/13: [for projects pursuant to PC §317(e)(4) or §181(c)(3)]
☐ 03/13/14: [for projects pursuant to PC §§207.3, et seq.]

Sincerely,

Laura Ajello

Digitally signed by Laura Ajello
DN: cn=org, dc=sfplanning, dc=sfplanning.org,
ou=CityPlanning, ou=Current Planning,
ou=Laura Ajello,
email=Laura.Ajello@sfgov.org
Date: 2016.07.13 09:57:28 -0700

Planner

www.sfplanning.org

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

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 no-fault evictions pursuant to Rent Ordinance §§37.9(a)(8) through 37.9(a)(14) on or after the date specified.

☒ No no-fault eviction notices have been filed at the Rent Board after:

☒ 12/10/13

☐ 03/13/14

Yes, a no-fault eviction notice has been filed at the Rent Board after:

☐ 12/10/13

☐ 03/13/14

▪ See attached documents.

There are no other Rent Board records evidencing a no-fault eviction after:

☒ 12/10/13

☐ 03/13/14

Yes, there are other Rent Board records evidencing a no-fault eviction after:

☐ 12/10/13

☐ 03/13/14

▪ See attached documents.

Dated:

Date of Rent Board Signature

Signed:



7-13-16

Van Lam

Citizen Complaint Officer

From: [Lucia Howard](#)
To: [Ajello, Laura \(CPC\)](#); [Stephanie L. Haughey](#)
Subject: 114 Lyon Street
Date: Wednesday, August 03, 2016 5:19:28 PM

Hello Laura:

Thank you for visiting Lyon Street today. It was good to meet you in person.

I just wanted to mention a couple of things that I had meant to tell you.

First, we purchased the house for my son to manage. He lives there and takes care of the house, renting out the rooms to people who for the most part get along well. He managed the last place he lived in this way, and enjoyed the social part of it very much. As it is, the house works very well for that purpose, and houses quite a few people, including not just tech workers but a grade school teacher (Lucy the dog's mother), and people working other types of jobs.

We would never have purchased the house if it hadn't received the Notice of No Violation from Planning that cleared a complaint about the property being non-compliant, received prior to our offering to purchase the house. This Notice of No Violation was later retracted, several months after we completed the purchase.

Also, the house has been used as a single family residence for the last 20 years at least, for the past 2 ownerships. Planning had been to the house a number of times over that period, each time finding no violations. The last owner received several permits from DBI for small projects (I believe they were primarily electrical and plumbing) without encountering any problem.

We much appreciate your insights and assistance with this.

Regards,

Lucia

cc: Stephanie Haughey

--

Lucia Howard
Ace Architects
T 510 332 3218

APPLICATION FOR Conditional Use Authorization

1. Owner/Applicant Information

PROPERTY OWNER'S NAME Lucia Howard	
PROPERTY OWNER'S ADDRESS 114 Lyon Street San Francisco, California 94117	TELEPHONE (510) 332-3218
	EMAIL lucia@aceland.com

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

CONTACT FOR PROJECT INFORMATION Thomas Tunny		Same as Above <input type="checkbox"/>
ADDRESS Reuben, Junius & Rose, LLP One Bush Street, Suite 600 San Francisco, California 94104	TELEPHONE (415) 567-9000	EMAIL ttunny@reubenlaw.com

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

2. Location and Classification

STREET ADDRESS OF PROJECT 114 Lyon Street	ZIP CODE 94117
CROSS STREETS Oak and Page Streets	

ASSESSORS BLOCK/LOT 1220 / 020	LOT DIMENSIONS ~25' x 92'	LOT AREA (SQ. FT.) ~2,278.75	ZONING DISTRICT RH-3	HEIGHT/BULK DISTRICT 40-X
--	-------------------------------------	--	--------------------------------	-------------------------------------

3. Project Description

(Please check all that apply) <input type="checkbox"/> Change of Use <input type="checkbox"/> Change of Hours <input type="checkbox"/> New Construction <input checked="" 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 Two-Family Dwelling PROPOSED USE Two-Family Dwelling
		BUILDING APPLICATION PERMIT NO. 201603141965	DATE FILED 3/14/16

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	4	2	0	2
Hotel Rooms	0	0	0	0
Parking Spaces	1	1	0	1
Loading Spaces	0	0	0	0
Number of Buildings	1	1	0	1
Height of Building(s)	~35'	~35'	0	~35'
Number of Stories	3	3	0	3
Bicycle Spaces	0	0	0	0
GROSS SQUARE FOOTAGE (GSF)				
Residential	4,275 sf	4,275 sf	0 sf	4,275 sf
Retail	0 sf	0 sf	0 sf	0 sf
Office	0 sf	0 sf	0 sf	0 sf
Industrial/PDR <small>Production, Distribution, & Repair</small>	0 sf	0 sf	0 sf	0 sf
Parking	160 sf	160 sf	0 sf	160 sf
Other (Specify Use)	0 sf	0 sf	0 sf	0 sf
TOTAL GSF	4,435 sf	4,435 sf	0 sf	4,435 sf

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

Please see Attachment A.

3. Project Description

(Please check all that apply) <input 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:	
		PROPOSED USE:	
		BUILDING APPLICATION PERMIT NO.:	DATE FILED:

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				
Hotel Rooms				
Parking Spaces				
Loading Spaces				
Number of Buildings				
Height of Building(s)				
Number of Stories				
Bicycle Spaces				
GROSS SQUARE FOOTAGE (GSF)				
Residential				
Retail				
Office				
Industrial/PDR <i>Production, Distribution, & Repair</i>				
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)

Conditional Use Authorization for Dwelling Unit Merger to legalize existing use.
Planning Code Section 317(g)(2)

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.

Please see Attachment B.

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 proposed project will have no impact on neighborhood-serving retail uses.

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

The proposed project conserves and protects the existing neighborhood character by maintaining the existing residential use and bringing the property into conformance with prescribed zoning.

3. That the City's supply of affordable housing be preserved and enhanced;

The proposed project will have no impact on affordable housing.

4. That commuter traffic not impede Muni transit service or overburden our streets or neighborhood parking;

The proposed project will have no impact on commuter traffic.

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 proposed project will have no impact on our industrial and service sectors.

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

The proposed project will have no impact on earthquake preparedness.

7. That landmarks and historic buildings be preserved; and

The proposed project will enhance and improve the historic character of the residence by bringing the property closer to its original use and interior programming and design.

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

The proposed project will have no impact on our parks and open space.

Estimated Construction Costs

TYPE OF APPLICATION	
Conditional Use Application	
OCCUPANCY CLASSIFICATION	
R-3	
BUILDING TYPE	
TOTAL GROSS SQUARE FEET OF CONSTRUCTION	BY PROPOSED USES
4,275 sf	Two-Family Dwelling
ESTIMATED CONSTRUCTION COST	
\$5,000	
ESTIMATE PREPARED BY	
Project Sponsor and Architect	
FEE ESTABLISHED	
\$1,567	

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: Stephanie L. Haughey

Date: June 15, 2016

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

Stephanie L. Haughey
Owner Authorized Agent (circle one)

Application Submittal Checklist

Applications listed below submitted to the Planning Department must be accompanied by this checklist and all required materials. The checklist is to be completed and **signed by the applicant or authorized agent and a department staff person.**

APPLICATION MATERIALS	CHECKLIST
Application, with all blanks completed	<input checked="" type="checkbox"/>
300-foot radius map, if applicable	<input type="checkbox"/>
Address labels (original), if applicable	<input type="checkbox"/>
Address labels (copy of the above), if applicable	<input type="checkbox"/>
Site Plan N/A	<input type="checkbox"/>
Floor Plan	<input checked="" type="checkbox"/>
Elevations N/A	<input type="checkbox"/>
Section 303 Requirements	<input checked="" type="checkbox"/>
Prop. M Findings	<input checked="" type="checkbox"/>
Historic photographs (if possible), and current photographs	<input checked="" type="checkbox"/>
Check payable to Planning Dept.	<input checked="" type="checkbox"/>
Original Application signed by owner or agent	<input checked="" type="checkbox"/>
Letter of authorization for agent	<input checked="" type="checkbox"/>
Other: Dwelling Unit Merger Application pages 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.
- ☐ Two sets of original labels and one copy of addresses of adjacent property owners and owners of property across street.

After your case is assigned to a planner, you will be contacted and asked to provide an electronic version of this application including associated photos and drawings.

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**

FOR MORE INFORMATION:
Call or visit the San Francisco Planning Department

Central Reception
1650 Mission Street, Suite 400
San Francisco CA 94103-2479

TEL **415.558.6378**
FAX **415.558-6409**
WEB <http://www.sfplanning.org>

Planning Information Center (PIC)
1660 Mission Street, First Floor
San Francisco CA 94103-2479

TEL **415.558.6377**
*Planning staff are available by phone and at the PIC counter.
No appointment is necessary.*

3. Project Type and History

(Please check all that apply) <input type="checkbox"/> New Construction <input checked="" 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	BUILDING PERMIT NUMBER(S):		DATE FILED:
		201603141965		3/14/16
		DATE OF PROPERTY PURCHASE: (MM/DD/YYYY)		
		6/12/2015		
ELLIS ACT		YES	NO	
Was the building subject to the Ellis Act within the last decade?		<input type="checkbox"/>	<input checked="" type="checkbox"/>	

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	4	2	0	2
Hotel Rooms	0	0	0	0
Parking Spaces	1	1	0	1
Loading Spaces	0	0	0	0
Number of Buildings	1	1	0	1
Height of Building(s)	44'	44'	0	44'
Number of Stories	4	4	0	4
Bicycle Spaces	0	0	0	0
GROSS SQUARE FOOTAGE (GSF)				
Residential	3,436	3,436	0	3,436
Retail	0	0	0	0
Office	0	0	0	0
Industrial/PDR <i>Production, Distribution, & Repair</i>	0	0	0	0
Parking	312	312	0	312
Other (Specify Use)	0	0	0	0
TOTAL GSF	3,748	3,748	0	3,748

5. Additional Project Details

UNITS	EXISTING:	PROPOSED:	NET CHANGE:
Owner-occupied Units	1	1	0
Rental Units	3	1	-2
Total Units	4	2	-2
Units subject to Rent Control	3	1	-2
Vacant Units	0	0	0

BEDROOMS	EXISTING:	PROPOSED:	NET CHANGE:
Owner-occupied Bedrooms	2	5	3
Rental Bedrooms	4	1	-3
Total Bedrooms	6	6	0
Bedrooms subject to Rent Control	4	1	-3

6. Unit Specific Information

	UNIT NO	NO OF BEDROOMS	GSF	OCCUPANCY	ADDITIONAL CRITERIA (check all that apply)
EXISTING	1	2	1,840	<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	5	2,650	<input type="checkbox"/> OWNER OCCUPIED <input type="checkbox"/> RENTAL	
EXISTING	2	0	330	<input type="checkbox"/> OWNER OCCUPIED <input checked="" type="checkbox"/> RENTAL	<input type="checkbox"/> ELLIS ACT <input type="checkbox"/> VACANT <input checked="" type="checkbox"/> RENT CONTROL
PROPOSED	2	1	330	<input type="checkbox"/> OWNER OCCUPIED <input checked="" type="checkbox"/> RENTAL	
EXISTING	3	1	480	<input type="checkbox"/> OWNER OCCUPIED <input checked="" type="checkbox"/> RENTAL	<input type="checkbox"/> ELLIS ACT <input type="checkbox"/> VACANT <input checked="" 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)

Please see Attachment A.

5. Additional Project Details

UNITS	EXISTING:	PROPOSED:	NET CHANGE:
Owner-occupied Units:	1	1	0
Rental Units:	3	1	-2
Total Units:	4	2	-2
Units subject to Rent Control:	3	1	-2
Vacant Units:	0	0	0

BEDROOMS	EXISTING:	PROPOSED:	NET CHANGE:
Owner-occupied Bedrooms:	2	5	3
Rental Bedrooms:	4	1	-3
Total Bedrooms:	6	6	0
Bedrooms subject to Rent Control:	4	1	-3

6. Unit Specific Information

	UNIT NO.	NO. OF BEDROOMS	GSF	OCCUPANCY	ADDITIONAL CRITERIA (check all that apply)
EXISTING	1	2	1,110	<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	5	3,096	<input type="checkbox"/> OWNER OCCUPIED <input type="checkbox"/> RENTAL	
EXISTING	2	0	432	<input type="checkbox"/> OWNER OCCUPIED <input checked="" type="checkbox"/> RENTAL	<input type="checkbox"/> ELLIS ACT <input type="checkbox"/> VACANT <input checked="" type="checkbox"/> RENT CONTROL
PROPOSED	2	1	341	<input type="checkbox"/> OWNER OCCUPIED <input checked="" type="checkbox"/> RENTAL	
EXISTING	3	1	624	<input type="checkbox"/> OWNER OCCUPIED <input checked="" type="checkbox"/> RENTAL	<input type="checkbox"/> ELLIS ACT <input type="checkbox"/> VACANT <input checked="" 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)

Please see Attachment A; also, the property has a fourth dwelling unit with an existing floor area of 680 sf, is a rental unit, and is subject to rent control. This unit will be merged into Unit No. 1.

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? <div style="text-align: center;"> <input type="radio"/> months <input type="radio"/> years (circle one) </div>	<input type="checkbox"/>	<input checked="" 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 checked="" type="checkbox"/> NO	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4	Will the removal of the unit(s) bring the building closer into conformance with the prescribed zoning?	<input checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input 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: March 15, 2016

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

Thomas Tunny
Owner / Authorized Agent (circle one)

Attachment A

The house has been used as a single family residence for approximately 20 years, by the prior 2 owners. The current owners, who purchased the residence in June 2015, intended to continue that use. A Notice of Violation was filed during the period the house was for sale, alleging that the property should consist of four units, not two, per the listing's floor plans. (The listing's floor plans are attached as Exhibit 1.) However, a Planning Department representative inspected the house, and deemed that there was no violation. The current owners went into contract based on the planner's determination that no violation existed. The "No Violation" notice is attached. (See Exhibit 2.)

The current Notice of Violation was generated when the new owner attempted to apply for a permit to construct a closet. The seller had obtained two building permits for work on the house within the last three years without any Code issues. (The property's 3R Report, indicating the permit history, is attached as Exhibit 3.) Prior notices of complaints dating back to 1999 have all been abated after inspections, indicating that the current use has been considered legal since 1999. (See Exhibit 4.)

The merger application intends to legalize the existing use with one main residence and an in-law unit. There are no modifications required. In the mid-20th century, the house was used as 4 units with a fire escape in the front providing exiting. We have found no evidence that this conversion was done with a permit, nor have we found physical evidence or plans showing that there were 4 kitchens. It may possibly have been "4 units" with one shared kitchen. (See 3R Report attached as Exhibit 3.) The residence is located in the Buena Vista North Historic District and the Panhandle Historic District, California Register Historic Districts, and there is no way that a fire escape could be re-installed because of its inconsistency with the character of the Historic Districts, nor would it meet current exiting code requirements. (An archival photo from 1891 – 114 Lyon is the 3rd house from the right – is attached as Exhibit 5.)

As currently configured, the house provides six bedrooms and a screened-off space for a seventh person to sleep. It retains its original stair, common spaces, and upper floor bedroom configurations. The original basement has been renovated to house a garage and studio apartment. Five of those bedrooms are subject to rent control.

If required to be four units¹, legal exiting separations would be impossible to achieve. In addition, the number of bedrooms would be reduced to four. One bedroom would have to become a kitchen, and another, connected to the master bedroom, would have to become a closet as it would have no access to a restroom. The currently shared large kitchen and main floor common spaces would become part of the owner's unit, but a warren of corridors would be required that would destroy its character and utility (photos of the historic shared living/dining room and the shared kitchen are attached as Exhibit 6). The existence of four dwelling units in the structure simply is not possible.

Maintaining the house in its current configuration as a main residence with an in-law unit provides both more bedrooms and far better living conditions than would be possible if the building were forced to be four units. The in-law unit has legal exiting, as well as access to the

¹ The fourth rental unit has one bedroom and a floor area of 742 square feet, and is subject to rent control.

common area. This application merely legalizes the best and most historically consistent occupancy and use of the building.

Attachment B

CONDITIONAL USE FINDINGS

Under Planning Code Section 303(c), the Planning Commission shall approve the application and authorize a conditional use if the facts presented are such to establish the following:

1. **Desirability and Compatibility of Project**

Planning Code Section 303(c)(1) requires that facts be established which demonstrate the following:

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.

The Project is necessary and desirable because it will legalize the best and most historically consistent occupancy and use of the building. The house has been used as a single-family dwelling for approximately 20 years. As currently configured, the house provides six (6) bedrooms and a screened-off space for a seventh (7th) person to sleep. It retains its original stairs, common spaces and upper floor bedroom configurations. If required to be four (4) units, legal exiting separations would be impossible to achieve. In addition, the number of bedrooms would be reduced to four (4).

2. **Effect of Project on Health, Safety, Convenience or General Welfare**

Planning Code Section 303(c)(2) requires that facts be established that demonstrate the following:

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 injuries 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 the structure.**

The Property has a total lot area of approximately 2,278 square feet. Located in the RH-3 (Residential-House, Three Family) District, the Project is consistent with the rest of the block, which is comprised of both single and multi-family residential buildings. The Property has been used as a single-family residence for approximately 20 years, by the prior two (2) owners. The Project's height, bulk, square footage, and character are consistent with the surrounding buildings.

- (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.**

The Project intends to legalize the existing use of the Property with one (1) main residence and one (1) in-law unit. The Project does not propose any off-street parking or loading and will have no impact on commuter traffic.

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

The Project intends to legalize the existing use of the Property with one (1) main residence and one (1) in-law unit. There are no modifications required. As such, the Project will not produce, or include, any uses that would emit noxious or offensive emissions, such as noise, glare, dust or odor.

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

The Project will simply legalize the existing use of the Property, and therefore no new landscaping, screening, open space, parking or loading spaces, service areas or lighting is proposed.

3. **Compliance with the General Plan.**

Planning Code Section 303(c)(3) requires that facts be established that demonstrate the following:

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 Project will affirmatively promote, is consistent with, and will not adversely affect the General Plan, and specifically the **Housing Element of the General Plan**, as follows:*

Issue 2, Objective 2

Retain existing housing units, and promote safety and maintenance standards.

The Project seeks to legalize the existing and historical use of the Property as a single family residence with one (1) in-law unit. As currently configured, the house provides six (6) bedrooms and a screened-off space for a seventh (7th) person to sleep. If required to be four (4) units, legal exiting separations would be impossible to achieve and the number of bedrooms would be reduced to four (4). The Project appropriately locates housing units in a residential neighborhood and increases the supply of housing in conformity with the RH-3 Zoning District. The Property's architectural design is compatible with the existing scale and character of the neighborhood.

LIST OF EXHIBITS

- | | | |
|-----------|---|-----------------------------------|
| Exhibit 1 | - | Property Listing Floor Plans |
| Exhibit 2 | - | “No Violation” Notice |
| Exhibit 3 | - | Property’s 3R Report |
| Exhibit 4 | - | Prior Abated Complaints |
| Exhibit 5 | - | Archival Photograph |
| Exhibit 6 | - | Historic Photographs of Interior |
| Exhibit 7 | - | Project Floor Plans |
| Exhibit 8 | - | Pre-Application Meeting Documents |
| Exhibit 9 | - | Letter of Authorization |

EXHIBIT 1

114 Lyon Street

Lower Level

Main Level

Second Level

Third Level

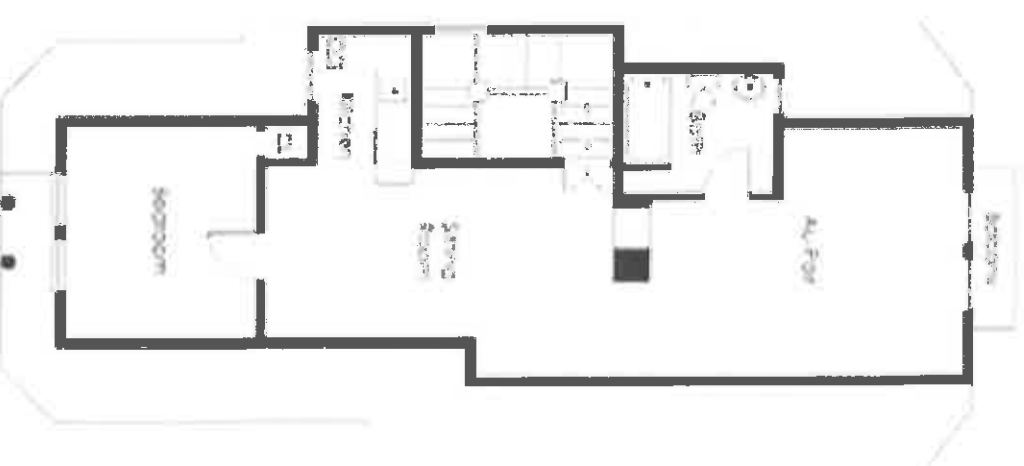
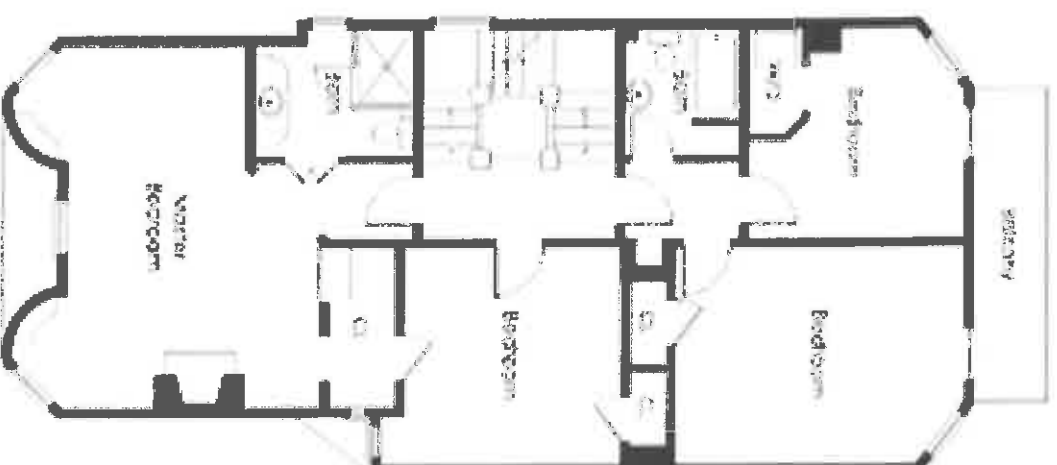
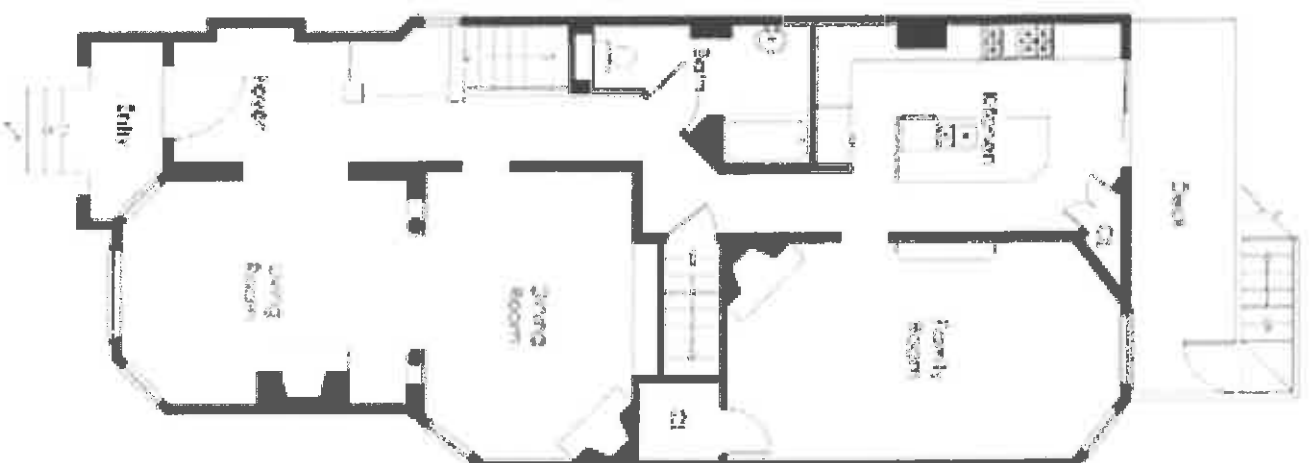
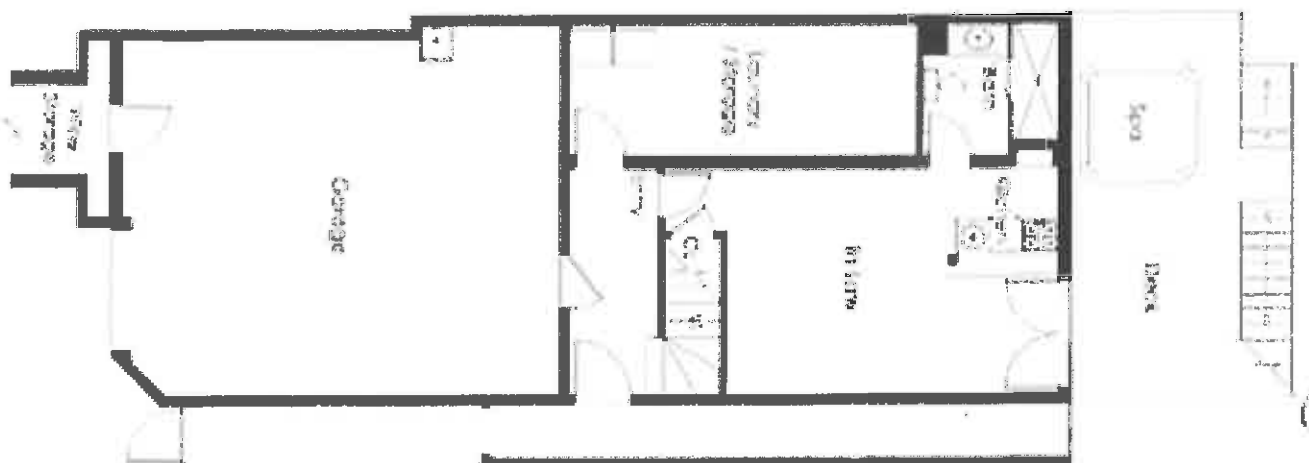


EXHIBIT 2

Home

Planning

Search Applications/Permits



An error has occurred.
We are experiencing a report configuration error. Please try again later or contact the Agency for assistance.

Record 2015-005519ENF: Enforcement (ENF)

Record Status: Closed
Expiration Date: 01/31/2015

▼ Work Location

114 LYON ST
94117

▼ Record Details

Project Description:

Merger (loss of housing)
Merger of four dwelling units into one

▼ More Details

☐ Application Information

COMPLAINT INFORMATION

Violation Type: Dwelling Unit Removal

☐ Parcel Information

Parcel Number:	Lot:
1220020	020
Block:	Subdivision:
1220	1220
Legal Description:	Parcel Area:



SAN FRANCISCO PLANNING DEPARTMENT

NOTICE OF COMPLAINT

May 01, 2015

Property Owner

Levy Lester J & Tilbury Mary C
114 Lyon St
San Francisco, CA 94117

Site Address: 114 Lyon St
Assessor's Block/Lot: 1220/ 020
Complaint Number: 2015-005519ENF
Zoning District: RH-3, Residential- House, Three Family
Staff Contact: Matthew Dito, (415) 575-9164, matthew.dito@sfgov.org

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

You are receiving this courtesy notice because the Planning Department has received a complaint alleging that one or more violations of the Planning Code exist on the above-referenced property. As the property owner you are a responsible party.

The Planning Department requires compliance with the Planning Code in the development and use of land and structures. Any new building permits or other applications are not issued until a violation is corrected. Penalties may also be assessed for verified violations. Therefore, your prompt action to resolve the complaint is important.

Please contact the staff planner shown above for information on the alleged violation and assistance on how to resolve the complaint.

中文詢問請電: 558.6378

Para información en Español llamar al: 558.6378



SAN FRANCISCO PLANNING DEPARTMENT

NOTICE OF ENFORCEMENT

May 5, 2015

Property Owner
Lester Levy & Mary Tilburn
114 Lyon Street
San Francisco, CA 94117

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Site Address: 114 Lyon Street
Assessor's Block/ Lot: 1220/ 020
Complaint Number: 2015-005519ENF
Zoning District: RH-3, Residential- House, Three Family
Code Violation: Section 317 – Loss of Dwelling Units through Demolition, Merger, and Conversion
Administrative Penalty: Up to \$250 Each Day of Violation
Response Due: Within 15 days from the date of this Notice
Staff Contact: Matthew Dito, (415) 575-9164, matthew.dito@sfgov.org

The Planning Department received a complaint that a Planning Code violation exists on the above referenced property that needs to be resolved. As the owner and/or leaseholder of the subject property, you are a responsible party. The purpose of this notice is to inform you about the Planning Code Enforcement process so you can take appropriate action to bring your property into compliance with the Planning Code. Details of the violation are discussed below:

DESCRIPTION OF VIOLATION

The complaint alleges that the subject property, a four-unit residential building, has undergone a residential merger to become a single-family home, without the benefit of a Building Permit or Planning Department Authorization.

Per Planning Code Section 317(b)(7), a residential merger is 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.

Per Planning Code Section 317(c), any application for a permit that would result in the loss or removal of three or more residential units shall require a Conditional Use authorization for the removal and replacement of the units.

Pursuant to Planning Code Section 171, except as otherwise provided in this Code, structures and land in any district shall be used only for the purposes listed in this Code as permitted in that district, and in accordance with the regulations established for that district.

HOW TO CORRECT THE VIOLATION

The Planning Department requires that you immediately proceed to abate the violation as following:

Contact the staff planner noted above within fifteen (15) days from the date of this notice to provide evidence that the alleged violation has not occurred on the property. If the alleged violation has occurred, a Building Permit Application must be filed to restore the property to its permitted use as a four-unit residential building. For information on the Building Permit process, please contact the Department of Building Inspection (DBI) at:

The Department of Building Inspection (DBI)
1660 Mission Street
San Francisco, CA 94103
telephone (415) 558-6088
website: www.sfgov.org/dbi

If you wish to legalize the residential merger, you must file a Conditional Use application, which must be approved by the Planning Commission. For more information on the Conditional Use process, please visit the Planning Department website at www.sf-planning.org.

TIMELINE TO RESPOND

The responsible party has **fifteen (15) days from the date of this notice** to contact the staff planner noted at the top of this notice and submit evidence to demonstrate that the corrective actions have been taken to bring the subject property into compliance with the Planning Code. A site visit may also be required to verify the authorized use at the above property. The corrective actions shall be taken as early as possible. Any unreasonable delays in abatement of the violation may result in further enforcement action by the Planning Department.

PENALTIES AND APPEAL RIGHTS

Failure to respond to this notice by abating the violation or demonstrating compliance with the Planning Code **within fifteen (15) days from the date of this notice** will result in issuance of a **Notice of Violation** by the Zoning Administrator. Administrative penalties of up to **\$250 per day** will also be assessed to the responsible party for each day the violation continues thereafter. The Notice of Violation provides appeal processes noted below.

- 1) Request for Zoning Administrator Hearing. The Zoning Administrator's decision is appealable to the Board of Appeals.
- 2) Appeal of the Notice of Violation to the Board of Appeals. The Board of Appeals may not reduce the amount of penalty below \$100 per day for each day the violation exists, excluding the period of time the matter has been pending either before the Zoning Administrator or before the Board of Appeals.

- 3) Request for alternative review by the Planning Director under the process set forth in Planning Code Section 176.1.

ENFORCEMENT TIME AND MATERIALS FEE

Pursuant to Planning Code Section 350(c) (1), the Planning Department shall charge for "Time and Materials" to recover the cost of correcting Planning Code violations and violations of Planning Commission and Planning Department's Conditions of Approval. Accordingly, the responsible party may be subject to an amount of \$1,236 plus any additional accrued time and materials cost for Code Enforcement investigation and abatement of violation. This fee is separate from the administrative penalties as noted above and is not appealable.

OTHER APPLICATIONS UNDER CONSIDERATION

The Planning Department requires that any pending violations be resolved prior to the approval and issuance of any new applications that you may wish to pursue in the future. Therefore, any applications not related to abatement of the violation on the subject property will be placed on hold until the violation is corrected. We want to assist you in ensuring that the subject property is in full compliance with the Planning Code. You may contact the enforcement planner as noted above for any questions.

中文詢問請電: 558.6378

Para información en Español llamar al: 558.6378

EXHIBIT 3



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.

Reviewed and Acknowledged

Pgs. 1-2

Initial

Signature:

Date:

DocuSigned by:

Mary C. Tibbory

Block 1220

Lot 020

Address of Building 114 LYON ST

Other Addresses

1. A. Present authorized Occupancy or use: FOUR 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: R2
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:

Application #	Permit #	Issue Date	Type of Work Done	Status
66608	66608	Dec 14, 1915	INSTALL PRIVATE GARAGE	N
273676	245398	Nov 30, 1962	COMPLY WITH DAHI NOTICE 4/11/62	X
283457	253401	Jun 19, 1963	INSTALL FIRE ESCAPE	C
327564	294831	May 27, 1966	COMPLETE WORK UNDER APP 273676	C
366915	329695	Feb 19, 1969	REPAIR FIRE DAMAGE	C
7807431	438774	Jul 21, 1978	SHEETROCK WALLS	X
8209691	496563	Jan 06, 1983	COMPLY WITH DAHI CHECKLIST 10/29/82	X
8405877	518497	Jul 25, 1984	COMPLY WITH DAHI CHECKLIST (CFC 4FD)	C
201209260708	1275748	Sep 26, 2012	PULL OUT OLD SHOWER STALL AND REPLACE PULL SINK IN KITCHEN AND BATHROOM REPLACE. REPLACE DOORS.	C
201401146281	1314401	Jan 14, 2014	2ND FLOOR - #1: REMODEL (E) BATH WITH NEW FIXTURES AND TILE	C

8. A. Is there an active Franchise Tax Board Referral on file? Yes No ☒
B. Is this property currently under abatement proceedings for code violations? Yes No ☒
9. Number of residential structures on property? 1
10. A. Has an energy inspection been completed? Yes ☒ No B. If yes, has a proof of compliance been issued? Yes ☒ No
11. A. Is the building in the Mandatory Earthquake Retrofit of Wood-Frame Building Program? Yes No ☒
B. If yes, has the required upgrade work been completed? Yes No

Report of Residential Record (3R)

Page 2

Address of Building *114 LYON ST*

Block *1220*

Lot *020*

Other Addresses

Date of Issuance: 09 FEB 2015

Date of Expiration: 09 FEB 2016

By: ROCHELLE GARRETT

Report No: *201501316466*

**Patty Herrera, Manager
Records Management Division**

THIS REPORT IS VALID FOR ONE YEAR ONLY.

The law requires that, prior to the consummation of the sale or exchange of this property, the seller must deliver this report to the buyer and the buyer must sign it.

(For Explanation of terminology, see attached)

EXHIBIT 4

Welcome to our Permit / Complaint Tracking System!

COMPLAINT DATA SHEET

Complaint Number: 201069313

Owner/Agent: OWNER DATA SUPPRESSED

Owner's Phone: --

Contact Name:

Contact Phone: --

Complainant: COMPLAINANT DATA SUPPRESSED

Date Filed:

Location: 114 LYON ST

Block: 1220

Lot: 020

Site:

Rating: 4 Years

Occupancy Code: R2

Received By: Sergio Salvetti

Division: HIS

Complainant's

Phone:

Complaint Source: ROUTINES

Assigned to: HIS

Division:

Description: ROUTINE

Instructions:

INSPECTOR INFORMATION

DIVISION	INSPECTOR	ID	DISTRICT	PRIORITY
HIS	SALVETTI	1064	12	

REFERRAL INFORMATION

COMPLAINT STATUS AND COMMENTS

DATE	TYPE	DIV	INSPECTOR	STATUS	COMMENT
09/21/10	GENERAL MAINTENANCE	HIS	Salvetti	CASE ABATED	
09/21/10	CASE OPENED	HIS	Salvetti	CASE RECEIVED	
09/21/10	GENERAL MAINTENANCE	HIS	Salvetti	INSPECTION OF PREMISES MADE	NO VIOLATIONS AT TIME OF INSPECTION.

COMPLAINT ACTION BY DIVISION

NOV (HIS): 09/21/10

NOV (BID):

[Inspector Contact Information](#)

[Online Permit and Complaint Tracking home page.](#)

Technical Support for Online Services

If you need help or have a question about this service, please visit our FAQ area.

Welcome to our Permit / Complaint Tracking System!

COMPLAINT DATA SHEET

Complaint Number: 200843010

Owner/Agent: OWNER DATA
SUPPRESSED

Owner's Phone: --

Contact Name:

Contact Phone: --

Complainant: COMPLAINANT DATA
SUPPRESSED

Date Filed:

Location: 114 LYON ST

Block: 1220

Lot: 020

Site:

Rating:

Occupancy Code:

Received By: Patrick McManus

Division: HIS

Complainant's

Phone:

Complaint Source: ROUTINES

Assigned to Division: HIS

Description: ROUTINE INSPECTION

Instructions:

INSPECTOR INFORMATION

DIVISION	INSPECTOR	ID	DISTRICT	PRIORITY
HIS	MCMANUS	6244	12	

REFERRAL INFORMATION

COMPLAINT STATUS AND COMMENTS

DATE	TYPE	DIV	INSPECTOR	STATUS	COMMENT
02/04/08	GENERAL MAINTENANCE	HIS	McManus	CASE ABATED	
02/04/08	CASE OPENED	HIS	McManus	CASE RECEIVED	
02/04/08	GENERAL MAINTENANCE	HIS	McManus	INSPECTION OF PREMISES MADE	Inspector Patrick McManus performed a routine inspection of the common area of the subject property and observed no violations of the San Francisco Housing Code.

COMPLAINT ACTION BY DIVISION

NOV (HIS):

NOV (BID):

Inspector Contact Information

[Online Permit and Complaint Tracking home page.](#)

Technical Support for Online Services

If you need help or have a question about this service, please visit our FAQ area.

Welcome to our Permit / Complaint Tracking System!

COMPLAINT DATA SHEET

Complaint Number: 200841112

Owner/Agent: OWNER DATA
SUPPRESSED

Owner's Phone: --

Contact Name:

Contact Phone: --

Complainant: COMPLAINANT DATA
SUPPRESSED

Date Filed:

Location: 114 LYON ST

Block: 1220

Lot: 020

Site:

Rating:

Occupancy Code:

Received By: Patrick McManus

Division: HIS

Complainant's

Phone:

Complaint Source: ROUTINES

Assigned to Division: HIS

Description: ROUTINE INSPECTION

Instructions:

INSPECTOR INFORMATION

DIVISION	INSPECTOR	ID	DISTRICT	PRIORITY
HIS	MCMANUS	6244	12	

REFERRAL INFORMATION

COMPLAINT STATUS AND COMMENTS

DATE	TYPE	DIV	INSPECTOR	STATUS	COMMENT
01/24/08	GENERAL MAINTENANCE	HIS	McManus	CASE ABATED	
01/24/08	CASE OPENED	HIS	McManus	CASE RECEIVED	
01/24/08	GENERAL MAINTENANCE	HIS	McManus	INSPECTION OF PREMISES MADE	Inspector Patrick McManus performed a routine inspection of the common area of the subject property and observed no violations of the San Francisco Housing Code.

COMPLAINT ACTION BY DIVISION

NOV (HIS):

NOV (BID):

Inspector Contact Information

[Online Permit and Complaint Tracking](#) home page.

Technical Support for Online Services

If you need help or have a question about this service, please visit our FAQ area.

Welcome to our Permit / Complaint Tracking System!

COMPLAINT DATA SHEET

Complaint Number: 200560393

Owner/Agent: OWNER DATA SUPPRESSED

Owner's Phone: —

Contact Name: —

Contact Phone: —

Complainant: COMPLAINANT DATA SUPPRESSED

Date Filed:

Location: 114 LYON ST

Block: 1220

Lot: 020

Site:

Rating: 4 Years

Occupancy Code:

Received By: Matthew Greene

Division: HIS

Complainant's

Phone:

Complaint Source: ROUTINES

Assigned to

HIS

Division:

Description: ROUTINES

Instructions:

INSPECTOR INFORMATION

DIVISION	INSPECTOR	ID	DISTRICT	PRIORITY
HIS	MCMANUS	6244	12	

REFERRAL INFORMATION

COMPLAINT STATUS AND COMMENTS

DATE	TYPE	DIV	INSPECTOR	STATUS	COMMENT
06/03/05	HIS INSPECT REQUEST	HIS	Greene	ROUTINE INSPECTION APPOINTMENT	
06/03/05	GENERAL MAINTENANCE	HIS	Greene	INSPECTION OF PREMISES MADE	Inspector M. Greene performed a routine inspection of the common area of the subject property. No apparent violations.
06/03/05	GENERAL MAINTENANCE	HIS	Greene	CASE ABATED	

COMPLAINT ACTION BY DIVISION

NOV (HIS): 06/06/05

NOV (BID):

[Inspector Contact Information](#)

[Online Permit and Complaint Tracking home page.](#)

Technical Support for Online Services

If you need help or have a question about this service, please visit our FAQ area.

Welcome to our Permit / Complaint Tracking System!

COMPLAINT DATA SHEET

Complaint Number: 199920555

Owner/Agent: OWNER DATA SUPPRESSED

Owner's Phone: ---

Contact Name: ---

Contact Phone: --

Complainant: COMPLAINANT DATA SUPPRESSED

Date Filed:

Location: 114 LYON ST

Block: 1220

Lot: 020

Site:

Rating: 2-3 Years

Occupancy Code:

Received By: YASU MORIKAWA

Division: HIS

Complainant's

Phone:

Complaint Source: ROUTINES

Assigned to: HIS

Division:

Description: ROUTINE

Instructions: BLANK AFFIDAVIT SENT.

INSPECTOR INFORMATION

DIVISION	INSPECTOR	ID	DISTRICT	PRIORITY
HIS	MORIKAWA	1031	12	

REFERRAL INFORMATION

COMPLAINT STATUS AND COMMENTS

DATE	TYPE	DIV	INSPECTOR	STATUS	COMMENT
04/07/99	GENERAL MAINTENANCE	HIS	Morikawa	FIRST NOV SENT	HANDWRITTEN NOV WAS GIVEN TO OWNER AT THE SITE.
04/07/99	GENERAL MAINTENANCE	HIS	Morikawa	INSPECTION OF PREMISES MADE	
04/19/99	GENERAL MAINTENANCE	HIS	Morikawa	CASE ABATED	SIGNED AFFIDAVID WAS RECEIVED.

COMPLAINT ACTION BY DIVISION

NOV (HIS): 05/04/99

NOV (BID):

Inspector Contact Information

[Online Permit and Complaint Tracking home page.](#)

Technical Support for Online Services

If you need help or have a question about this service, please visit our FAQ area.

EXHIBIT 5



EXHIBIT 6







PERMIT APPLICATION CONTROL SLIP

ADDRESS: 114 Lyon St.										<input type="checkbox"/> SITE PERMIT <input type="checkbox"/> SOFT STORY <input type="checkbox"/> PREMIUM <input type="checkbox"/> PARALLEL		COMPLAINTS: <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES DIVISION <table border="1"> <tr> <td>BD</td> <td>CAS</td> <td>ED</td> <td>PD</td> <td>CES</td> <td>MD</td> </tr> <tr> <td>APPR'D</td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>DATE</td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> </table>							BD	CAS	ED	PD	CES	MD	APPR'D						DATE					
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APPR'D																																				
DATE																																				
STATION	PRD	RDV	BLDG	MECH	FIRE	BSM	SFPUC	DPH	SFMTA	DFCU			PPC	<input checked="" type="checkbox"/>																						
ACCEPT																																				
APPR'D																																				
DATE																																				
STATION	PLAN REVIEWER		DATE LOG-IN		DATE START		DATE HOLD		DATE APPR'D		COMMENTS																									
BLDG																																				
STR																																				
MECH																																				
COMMENTS: IPR *plans not showing 4 Kitchens (units)																																				

BLDG. 3/8
FORM

APPLICATION NUMBER
20150824099
APPROVAL NUMBER

OSHA APPROVAL READ

NUMBER OF PLAN SETS		DO NOT WRITE ABOVE THIS LINE	
DATE FILED	PLUMBING RECEIPT NO.	(1) STREET ADDRESS OF JOB 114 LYON STREET	BLOCK & LOT 1220 / 020
PERMIT NO.	ISSUED	(2A) ESTIMATED COST OF JOB \$600.00	(2B) RENEWED COST: BY: DATE:

INFORMATION TO BE FURNISHED BY ALL APPLICANTS

LEGAL DESCRIPTION OF EXISTING BUILDING

(4A) TYPE OF CONSTR. <input checked="" type="checkbox"/>	(5A) NO. OF STORIES OF OCCUPANCY 3	(6A) NO. OF BASEMENTS AND CELLARS 1	(7A) PRESENT USE: RESIDENTIAL / SINGLE FAM.	(8A) OCCUP. CLASS R2	(9A) NO. OF DWELLING UNITS 4
---	--	---	---	--------------------------------	--

DESCRIPTION OF BUILDING AFTER PROPOSED ALTERATION

(4) TYPE OF CONSTR. <input checked="" type="checkbox"/>	(5) NO. OF STORIES OF OCCUPANCY 3	(6) NO. OF BASEMENTS AND CELLARS 1	(7) PROPOSED USE (LEGAL USE): RESIDENTIAL / MULTI FAM	(8) OCCUP. CLASS R2	(9) NO. OF DWELLING UNITS 4
--	---	--	---	-------------------------------	---------------------------------------

(10) IS AUTO RAMPWAY TO BE CONSTRUCTED OR ALTERED? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	(11) WILL STREET SPACE BE USED DURING CONSTRUCTION? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	(12) ELECTRICAL WORK TO BE PERFORMED? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	(13) PLUMBING WORK TO BE PERFORMED? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
---	--	--	--

(14) GENERAL CONTRACTOR WESLEY	ADDRESS	ZIP	PHONE	CALIF. LIC. NO.	EXPIRATION DATE
--	---------	-----	-------	-----------------	-----------------

(15) OWNER - LESSOR (CHECK ONE) MAX HOWARD	ADDRESS 114 LYON STREET	ZIP	PHONE (FOR CONTACT BY DEPT.) 510 332 3218
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(16) WRITE IN DESCRIPTION OF ALL WORK TO BE PERFORMED UNDER THIS APPLICATION (REFERENCE TO PLANS IS NOT SUFFICIENT)

CONSTRUCT A CLOSET WITH NON STRUCTURAL WALLS AT THE INTERIOR OF THE 3RD FLOOR, ENLARGE A 2ND CLOSET ON THAT FLOOR

ADDITIONAL INFORMATION

(17) DOES THIS ALTERATION CREATE ADDITIONAL HEIGHT OR STORY TO BUILDING? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	(18) IF (17) IS YES, STATE NEW HEIGHT AT CENTER LINE OF FRONT	(19) DOES THIS ALTERATION CREATE DECK OR PORCH EXTENSION TO BUILDING? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	(20) IF (19) IS YES, STATE NEW GROUND FLOOR AREA	SQ. FT.
---	---	--	--	---------

(21) WILL SIDEWALK OVER SUB-SIDEWALK SPACE BE REPAIRED OR ALTERED? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	(22) WILL BUILDING EXTEND BEYOND PROPERTY LINE? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	(23) ANY OTHER EXISTING BLDG. ON LOT? (IF YES, SHOW ON LOT PLANS) YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	(24) DOES THIS ALTERATION CONSTITUTE A CHANGE OF OCCUPANCY? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
---	--	--	--

(25) ARCHITECT OR ENGINEER (DESIGN) <input type="checkbox"/> CONSTRUCTION <input checked="" type="checkbox"/> WESLEY HOWARD	ADDRESS 1150 ESTATES DRIVE	CALIF. CERTIFICATE NO. 121292
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IMPORTANT NOTICES

No change shall be made in the character of the occupancy or use without first obtaining a Building Permit authorizing such change. See San Francisco Building Code and San Francisco Housing Code.

No portion of building or structure or scaffolding used during construction is to be closer than 6'6" in any with overhanging more than 7'0" width. See Sec 205, California Penal Code.

Pursuant to San Francisco Building Code, the building permit shall be posted on the job. The owner is responsible for approved plans and application being kept at building site.

Grades shown on drawings are approximate; this application is assumed to be correct. If actual grade

NOTICE TO APPLICANT

HOLD HARMLESS CLAUSE. The permittee(s) by acceptance of the permit, agree(s) to indemnify and hold harmless the City and County of San Francisco from and against any and all claims, demands and actions for damages resulting from operations under this permit, regardless of negligence of the City and County of San Francisco, and to assume the defense of the City and County of San Francisco against all such claims, demands or actions.

In conformity with the provisions of Section 3800 of the Labor Code of the State of California, the applicant shall have worker's compensation coverage under (I) or (II) designated below, or shall indicate them (III), (IV), or (V), whichever is applicable. If however item (V) is checked, item (IV) must be checked as well. Mark the appropriate method of compliance below.

1PR *plans not showing 4 Kitchens (units)

1009
APPROVAL NUMBER

NUMBER OF PLAN SETS

DO NOT WRITE ABOVE THIS LINE

DATE FILED	FILED FEE RECEIPT NO.	(1) STREET ADDRESS OF JOB 114 LYON STREET	BLOCK & LOT 1220/020
PERMIT NO.	ISSUED	(2A) ESTIMATED COST OF JOB \$600.00	(2B) REISED COST BY DATE

INFORMATION TO BE FURNISHED BY ALL APPLICANTS

LEGAL DESCRIPTION OF EXISTING BUILDING

(4A) TYPE OF CONSTR. V	(5A) NO. OF STORIES OF OCCUPANCY 3	(6A) NO. OF BASEMENTS AND CELLARS 1	(7A) PRESENT USE RESIDENTIAL / SINGLE FAM.	(8A) OCCUP. CLASS R2	(9A) NO. OF DWELLING UNITS 4
---------------------------	---------------------------------------	--	---	-------------------------	---------------------------------

DESCRIPTION OF BUILDING AFTER PROPOSED ALTERATION

(4) TYPE OF CONSTR. V	(5) NO. OF STORIES OF OCCUPANCY 3	(6) NO. OF BASEMENTS AND CELLARS 1	(7) PROPOSED USE (LEGAL USE) RESIDENTIAL / MULTI-FAM	(8) OCCUP. CLASS R2	(9) NO. OF DWELLING UNITS 4
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(10) IS AUTO DRIVEWAY TO BE CONSTRUCTED OR ALTERED?	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	(11) WILL STREET SPACE BE USED DURING CONSTRUCTION?	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	(12) ELECTRICAL WORK TO BE PERFORMED?	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	(13) PLUMBING WORK TO BE PERFORMED?	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
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(14) GENERAL CONTRACTOR MUELLER	ADDRESS	ZIP	PHONE	CALIF. LIC. NO.	EXPIRATION DATE
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(15) OWNER - LESSOR (CHECK ONE) MAX HOWARD	ADDRESS 114 LYON STREET	ZIP	STREET	PHONE (FOR CONTACT BY DEPT.) 510 332 3218
---	----------------------------	-----	--------	--

(16) WRITE IN DESCRIPTION OF ALL WORK TO BE PERFORMED UNDER THIS APPLICATION (REFERENCE TO PLANS IS NOT SUFFICIENT)

CONSTRUCT A CLOSET WITH NON STRUCTURAL WALLS
AT THE INTERIOR OF THE 3RD FLOOR, ENLARGE
A 2ND CLOSET ON THAT FLOOR

ADDITIONAL INFORMATION

(17) DOES THIS ALTERATION CREATE ADDITIONAL HEIGHT OR STORY TO BUILDING?	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	(18) IF (17) IS YES, STATE NEW HEIGHT AT CENTER LINE OF FRONT	(19) DOES THIS ALTERATION CREATE DECK OR HORIZ. EXTENSION TO BUILDING?	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	(20) IF (19) IS YES, STATE NEW GROUND FLOOR AREA	sq. ft.	
(21) WILL SIDEWALK OVER SUB-SIDEWALK SPACE BE REPAIRED OR ALTERED?	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	(22) WILL BUILDING EXTEND BEYOND PROPERTY LINE?	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	(23) ANY OTHER EXISTING BLDG. ON LOT? (IF YES, SHOW ON PLOT PLAN)	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	(24) DOES THIS ALTERATION CONSTITUTE A CHANGE OF OCCUPANCY?	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>

(25) ARCHITECT OR ENGINEER (DESIGN <input type="checkbox"/> CONSTRUCTION <input checked="" type="checkbox"/> MAX HOWARD	ADDRESS 1157 ESTATES DRIVE	CALIF. CERTIFICATE NO. 121292
--	-------------------------------	----------------------------------

(26) CONSTRUCTION LENDER (ENTER NAME AND BRANCH DESIGNATION IF ANY. IF THERE IS NO KNOWN CONSTRUCTION LENDER, ENTER "UNKNOWN")

IMPORTANT NOTICES

No change shall be made in the character of the occupancy or use without first obtaining a Building Permit authorizing such change. See San Francisco Building Code and San Francisco Housing Code.

No portion of building or structure or construction under construction is to be closer than 5' to any wire conducting more than 750 volts. See Sec 305, California Penal Code.

Pursuant to San Francisco Building Code, the building permit shall be posted on the job. The owner is responsible for approved plans and application being kept at building site.

Grade lines as shown on drawings accompanying this application are assumed to be correct. If actual grade lines are not the same as shown, revised drawings showing correct grade lines, cuts and fills, and complete details of retaining walls and soil footings must be submitted to this department for approval.

ANY STIPULATION REQUIRED HEREIN OR BY CODE MAY BE APPEALED.

BUILDING NOT TO BE OCCUPIED UNTIL CERTIFICATE OF FINAL COMPLETION IS POSTED ON THE BUILDING OR PERMIT OF OCCUPANCY GRANTED, WHEN REQUIRED.

APPROVAL OF THIS APPLICATION DOES NOT CONSTITUTE AN APPROVAL FOR THE ELECTRICAL WIRING OR PLUMBING INSTALLATIONS. A SEPARATE PERMIT FOR THE WIRING AND PLUMBING MUST BE OBTAINED. SEPARATE PERMITS ARE REQUIRED IF ANSWER IS "YES" TO ANY OF ABOVE QUESTIONS (10) (11) (12) (13) (20) OR (24).

THIS IS NOT A BUILDING PERMIT. NO WORK SHALL BE STARTED UNTIL A BUILDING PERMIT IS ISSUED.

In dwellings, all insulating materials must have a clearance of not less than two inches from all electrical wires or equipment.

CHECK APPROPRIATE BOX

- | | |
|-------------------------------------|------------------------------------|
| <input type="checkbox"/> OWNER | <input type="checkbox"/> ARCHITECT |
| <input type="checkbox"/> LICENSE | <input type="checkbox"/> AGENT |
| <input type="checkbox"/> CONTRACTOR | <input type="checkbox"/> ENGINEER |

APPLICANT'S CERTIFICATION

I HEREBY CERTIFY AND AGREE THAT IF A PERMIT IS ISSUED FOR THE CONSTRUCTION DESCRIBED IN THIS APPLICATION, ALL THE PROVISIONS OF THE PERMIT AND ALL LAWS AND ORDINANCES THEREBY WILL BE COMPLIED WITH.

NOTICE TO APPLICANT

HOLD HARMLESS CLAUSE. The permittee(s) by acceptance of the permit, agree(s) to indemnify and hold harmless the City and County of San Francisco from and against any and all claims, demands and actions for damages resulting from operations under this permit, regardless of negligence of the City and County of San Francisco, and to assume the defense of the City and County of San Francisco against all such claims, demands and actions.

In conformity with the provisions of Section 2800 of the Labor Code of the State of California, the applicant shall have worker's compensation coverage under (I) or (II) designated below, or shall indicate item (III), (IV), or (V), whichever is applicable. If however item (I) is checked, item (IV) must be checked as well. Mark the appropriate method of compliance below.

I hereby affirm under penalty of perjury one of the following declarations:

- () I. I have and will maintain a certificate of consent to self-insure for worker's compensation, as provided by Section 2760 of the Labor Code, for the performance of the work for which this permit is issued.
- () II. I have and will maintain worker's compensation insurance, as required by Section 2700 of the Labor Code, for the performance of the work for which this permit is issued. My worker's compensation insurance carrier and policy number are:
Carrier _____
Policy Number _____
- () III. The cost of the work to be done is \$100 or less.
- () IV. I certify that in the performance of the work for which this permit is issued, I shall not employ any person in any manner as an independent contractor who is subject to the worker's compensation laws of California. I further acknowledge that I understand that in the event that I should become subject to the worker's compensation provisions of the Labor Code of California and fail to comply forthwith with the provisions of Section 2800 of the Labor Code, that the permit herein applied for shall be deemed revoked.
- () V. I certify as the owner (or the agent for the owner) that in the performance of the work for which this permit is issued, I will employ a contractor who complies with the worker's compensation laws of California and who, prior to the commencement of any work, will file a completed copy of this form with the County Permit Bureau.

Signature of Applicant or Agent: Max Howard Date: 8/11/15
OFFICE COPY

DO NAMES OF ALL PERSONS NOTIFIED DURING PROCESSING

<input type="checkbox"/>	<div>CIVIL ENGINEER, DEPT. OF BLDG. INSPECTION</div>	NOTIFIED MR. _____
<input type="checkbox"/>	<div>APPROVED: _____</div> <div>BUREAU OF ENGINEERING</div>	DATE: _____ REASON: _____
<input type="checkbox"/>	<div>APPROVED: _____</div> <div>DEPARTMENT OF PUBLIC HEALTH</div>	NOTIFIED MR. _____
<input type="checkbox"/>	<div>APPROVED: _____</div> <div>REDEVELOPMENT AGENCY</div>	DATE: _____ REASON: _____
<input type="checkbox"/>	<div>APPROVED: _____</div> <div>Legal use per CFC # <u>8405877</u> No. of units <u>4</u> Firs. of Occ. <u>3</u> HOUSING INSPECTION DIVISION <u>AUG 1 2 2015</u></div>	NOTIFIED MR. _____

I agree to comply with all conditions or stipulations of the various bureaus or departments noted on this application, and attached statements of conditions or stipulations, which are hereby made a part of this application.

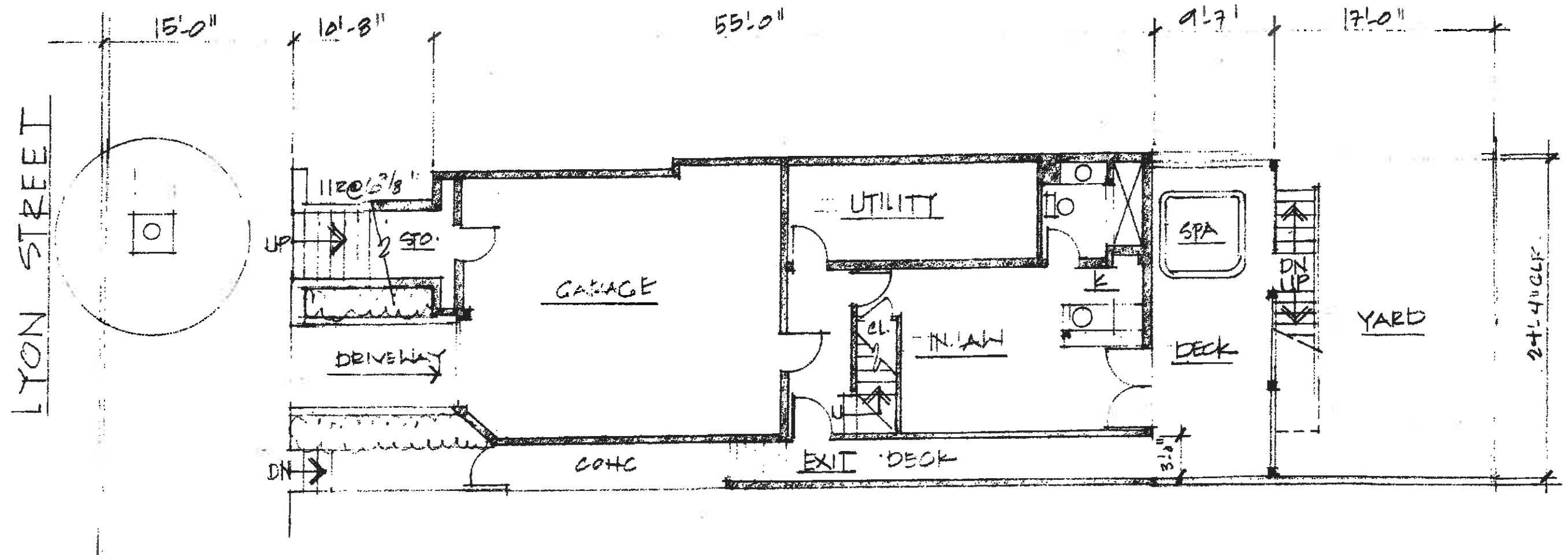
Number of attachments ☐

OWNER'S AUTHORIZED AGENT _____

EXHIBIT 7

SCOPE OF WORK: NO WORK

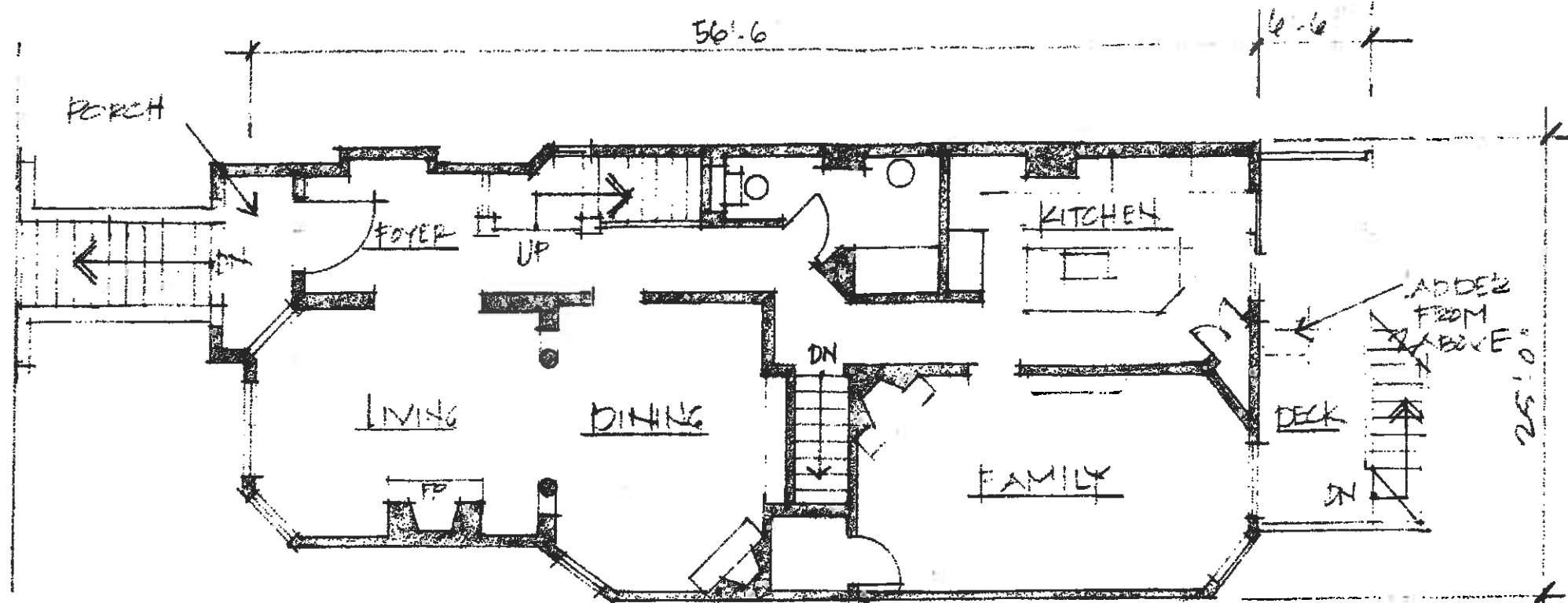
INDEX: SHEET 1 - SITE & LOWER FLOOR PLAN
SHEET 2 - MAIN & 2ND FLOOR PLANS
SHEET 3 - 3RD FLOOR PLAN



LOWER FLOOR & SITE PLAN - 114 LYON STREET, SAN FRANCISCO
1/8" = 1'-0"

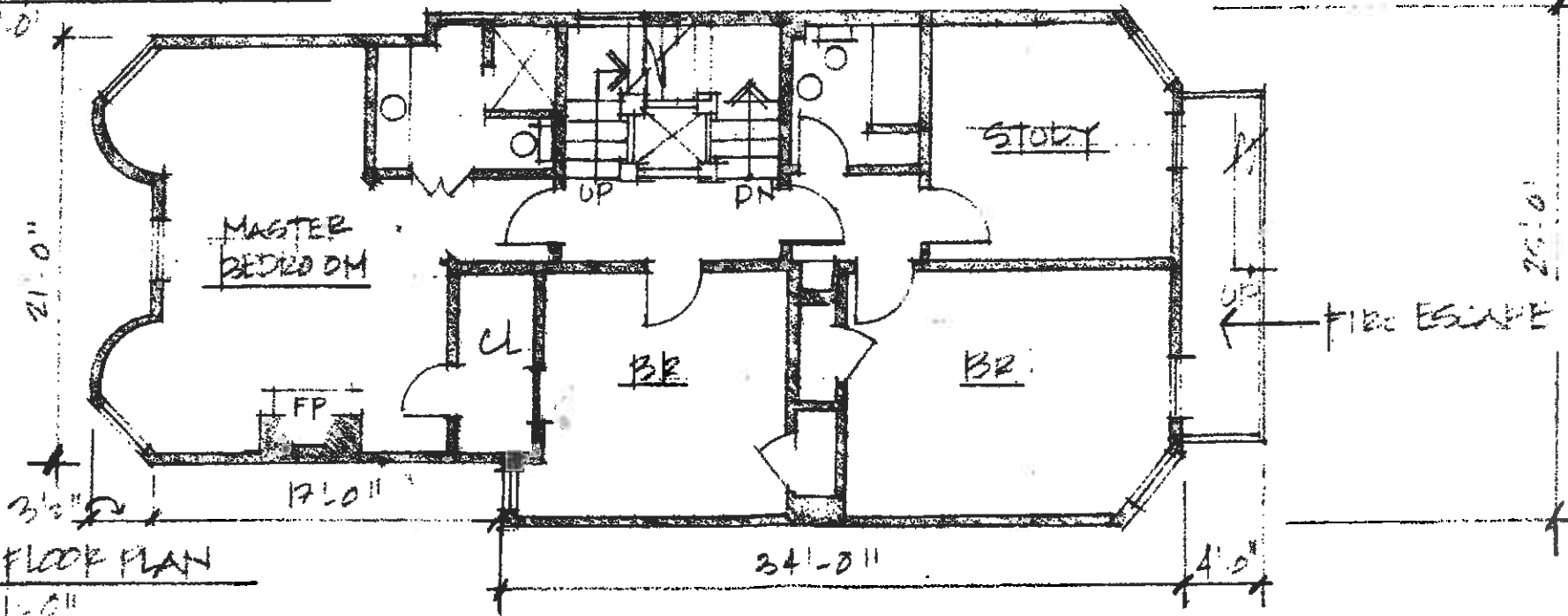
LUCIA HOWARD, ARCHITECT 510 332 3218

SHEET 1 OF 3



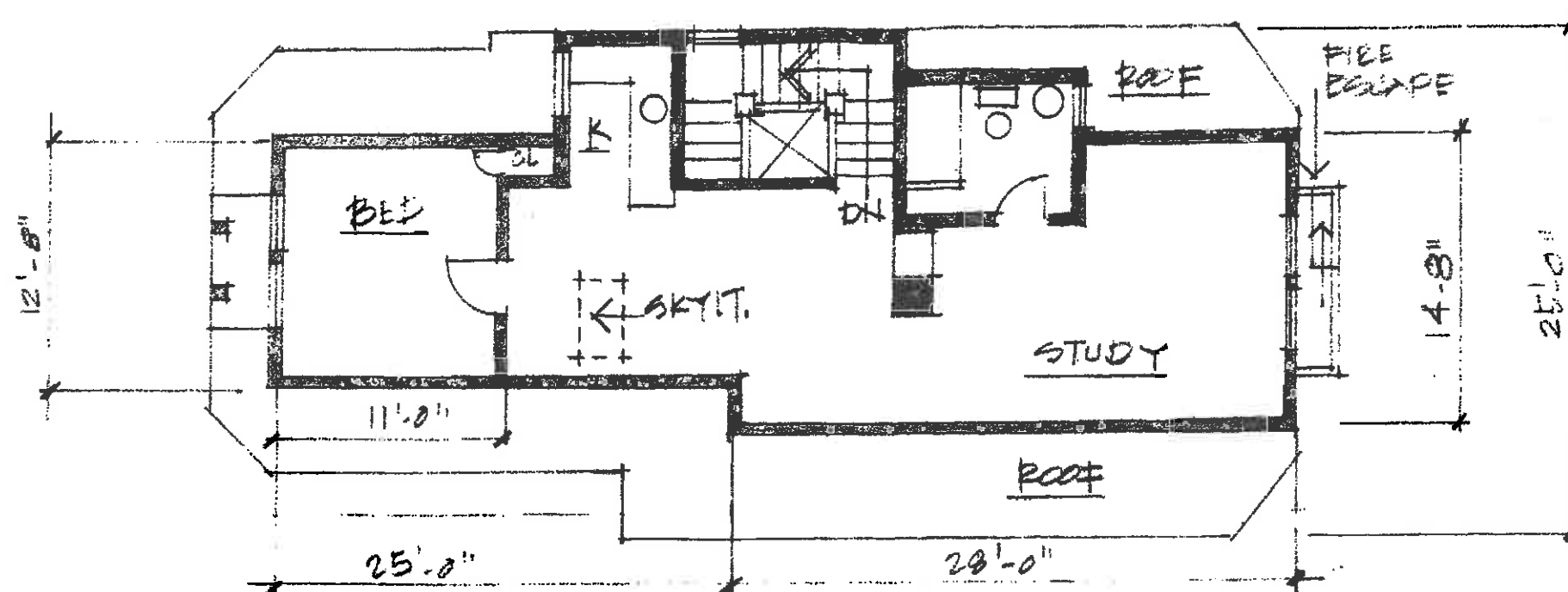
FIRST FLOOR PLAN

1/8" = 1'-0"



2ND FLOOR PLAN

1/8" = 1'-0"



3RD FLOOR PLAN
 1/8" = 1'-0"

EXHIBIT 8

Notice of Pre-Application Meeting

April 29, 2016

Date

Dear Neighbor:

You are invited to a neighborhood Pre-Application meeting to review and discuss the development proposal at 114 Lyon cross street(s) Oak Street and Page Street (Block/Lot#: 1220/020; Zoning: RH-3), in accordance with the San Francisco Planning Department's Pre-Application procedures. The Pre-Application meeting is intended as a way for the Project Sponsor(s) to discuss the project and review the proposed plans with adjacent neighbors and neighborhood organizations before the submittal of an application to the City. This provides neighbors an opportunity to raise questions and discuss any concerns about the impacts of the project before it is submitted for the Planning Department's review. Once a Building Permit has been submitted to the City, you may track its status at www.sfgov.org/dbi.

The Pre-Application process serves as the first step in the process prior to building permit application or entitlement submittal. Those contacted as a result of the Pre-Application process will also receive a formal entitlement notice or 311 or 312 notification after the project is submitted and reviewed by Planning Department staff.

A Pre-Application meeting is required because this project includes (check all that apply):

- ☐ New Construction;
- ☐ Any vertical addition of 7 feet or more;
- ☐ Any horizontal addition of 10 feet or more;
- ☐ Decks over 10 feet above grade or within the required rear yard;
- ☐ All Formula Retail uses subject to a Conditional Use Authorization;
- ☐ PDR-I-B, Section 313;
- ☐ Community Business Priority Processing Program (CB3P).

The development proposal is to: legalize the existing use with one main residence and an in-law unit

Existing # of dwelling units: <u>4</u>	Proposed: <u>2</u>	Permitted: <u>N/A</u>
Existing bldg square footage: <u>4275 sf</u>	Proposed: <u>4275 sf</u>	Permitted: <u>N/A</u>
Existing # of stories: <u>3</u>	Proposed: <u>3</u>	Permitted: <u>N/A</u>
Existing bldg height: <u>approx 35'</u>	Proposed: <u>approx 35'</u>	Permitted: <u>N/A</u>
Existing bldg depth: <u>N/A</u>	Proposed: <u>N/A</u>	Permitted: <u>N/A</u>

MEETING INFORMATION:

Property Owner(s) name(s): Lucia Howard

Project Sponsor(s): Lucia Howard

Contact information (email/phone): Thomas Tunny - ttunny@reubenlaw.com (415) 567-9000 Ext 440

Meeting Address*: 114 Lyon Street, San Francisco, CA

Date of meeting: May 16, 2016

Time of meeting**: 6pm - 8pm

*The meeting should be conducted at the project site or within a one-mile radius, unless the Project Sponsor has requested a Department Facilitated Pre-Application Meeting, in which case the meeting will be held at the Planning Department offices, at 1650 Mission Street, Suite 400.

**Weeknight meetings shall occur between 6:00 p.m. - 9:00 p.m. Weekend meetings shall be between 10:00 a.m. - 9:00 p.m., unless the Project Sponsor has selected a Department Facilitated Pre-Application Meeting.

If you have questions about the San Francisco Planning Code, Residential Design Guidelines, or general development process in the City, please call the Public Information Center at 415-558-6378, or contact the Planning Department via email at pic@sfgov.org. You may also find information about the San Francisco Planning Department and on-going planning efforts at www.sfplanning.org.

Summary of discussion from the Pre-Application Meeting

Meeting Date: May 16, 2016
 Meeting Time: 6pm-8pm
 Meeting Address: 114 Lyon Street
 Project Address: 114 Lyon Street
 Property Owner Name: Lucia Howard
 Project Sponsor/Representative: Thomas Tunny - Reuben, Junius & Rose, LLP

Please summarize the questions/comments and your response from the Pre-Application meeting in the space below. Please state if/how the project has been modified in response to any concerns.

Question/Concern #1 by (name of concerned neighbor/neighborhood group): No concerns

Project Sponsor Response: _____

Question/Concern #2: _____

Project Sponsor Response: _____

Question/Concern #3: _____

Project Sponsor Response: _____

Question/Concern #4: _____

Project Sponsor Response: _____

Affidavit of Conducting a Pre-Application Meeting, Sign-in Sheet and Issues/Responses submittal

I, Stephanie Haughey, do hereby declare as follows:

1. I have conducted a Pre-Application Meeting for the proposed new construction, alteration or other activity prior to submitting any entitlement (Building Permit, Variance, Conditional Use, etc.) in accordance with Planning Commission Pre-Application Policy.
2. The meeting was conducted at 114 Lyon Street (location/address) on 5/16/16 (date) from 6-8 pm (time).
3. I have included the mailing list, meeting invitation and postmarked letter, sign-in sheet, issue/response summary, and reduced plans with the entitlement Application. I understand that I am responsible for the accuracy of this information and that erroneous information may lead to suspension or revocation of the permit.
4. I have prepared these materials in good faith and to the best of my ability.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

EXECUTED ON THIS DAY, May 16, 2016 IN SAN FRANCISCO.

Steph
Signature

Stephanie Haughey
Name (type or print)

Attorney for Project Sponsor
Relationship to Project (e.g. Owner, Agent)
(If Agent, give business name & profession)

114 Lyon Street
Project Address

EXHIBIT 9

March 16, 2016

San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco, CA 94103

Re: Property Address: 114 Lyon
Block/Lot: 1220/020
Owner: Lucia Howard
Subject: Application for Dwelling Unit Merger

Dear Sir/Madam:

Lucia Howard is the owner ("Owner") of the above referenced property. Owner hereby authorizes the law firm of Reuben, Junius & Rose, LLP to take all necessary actions, including but not limited to the signing of applications, in furtherance of the filing and processing planning entitlement applications and permit applications for 114 Lyon Street. Please call if you have any questions.

Very truly yours,

By  March 16, 2016

Name: Lucia Howard

APPLICATION FOR Variance from the Planning Code

1. Owner/Applicant Information

PROPERTY OWNER'S NAME:	
Lucia Howard	
PROPERTY OWNER'S ADDRESS:	TELEPHONE:
1150 Estates Drive	(510) 332-3218
Lafayette, CA 94549	EMAIL:
	N/A

APPLICANT'S NAME:	
Thomas Tunny, Reuben, Junius & Rose, LLP	Same as Above <input type="checkbox"/>
APPLICANT'S ADDRESS:	TELEPHONE:
One Bush Street, Suite 600	(415) 567-9000
San Francisco, CA 94104	EMAIL:
	ttunny@reubenlaw.com

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

2. Location and Classification

STREET ADDRESS OF PROJECT:		ZIP CODE:
114 Lyon Street		94117
CROSS STREETS:		
Page Street and Oak Street		

ASSESSORS BLOCK/LOT:	LOT DIMENSIONS:	LOT AREA (SQ FT):	ZONING DISTRICT:	HEIGHT/BULK DISTRICT:
1220 / 020	91.1' x 25'	2,275	RH-3	40-X

3. Project Description

(Please check all that apply)		PRESENT OR PREVIOUS USE:	
<input type="checkbox"/> Change of Use	ADDITIONS TO BUILDING:	Residential	
<input type="checkbox"/> Change of Hours	<input type="checkbox"/> Rear	PROPOSED USE:	
<input type="checkbox"/> New Construction	<input type="checkbox"/> Front	Residential	
<input type="checkbox"/> Alterations	<input type="checkbox"/> Height	BUILDING APPLICATION PERMIT NO.:	DATE FILED:
<input type="checkbox"/> Demolition	<input type="checkbox"/> Side Yard		
<input checked="" type="checkbox"/> Other Please clarify: Legalization		N/A	

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	4	2	-2	2
Hotel Rooms	0	0	0	0
Parking Spaces	1	1	0	1
Loading Spaces	0	0	0	0
Number of Buildings	1	1	0	1
Height of Building(s)	47'-4"	47'-4"	0	47'-4"
Number of Stories	4	4	0	4
Bicycle Spaces	4	4	0	4
GROSS SQUARE FOOTAGE (GSF)				
Residential	3,609	3,609	0	3,609
Retail	0	0	0	0
Office	0	0	0	0
Industrial/PDR <i>Production, Distribution, & Repair</i>	0	0	0	0
Parking	312	312	0	312
Other (Specify Use)	0	0	0	0
TOTAL GSF	3,921	3,921	0	3,921

Please describe what the variance is for and include any additional project features that are not included in this table. Please state which section(s) of the Planning Code from which you are requesting a variance.
(Attach a separate sheet if more space is needed)

A variance is sought for the legalization of a rear deck and stair that encroaches in the required rear yard by 6' - 0".

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	4	2	-2	2
Hotel Rooms	0	0	0	0
Parking Spaces	1	1	0	1
Loading Spaces	0	0	0	0
Number of Buildings	1	1	0	1
Height of Building(s)	44"	44"	0	44"
Number of Stories	4	4	0	4
Bicycle Spaces	4	4	0	4
GROSS SQUARE FOOTAGE (GSF)				
Residential	3,436	3,436	0	3,436
Retail	0	0	0	0
Office	0	0	0	0
Industrial/PDR <i>Production, Distribution, & Repair</i>	0	0	0	0
Parking	312	312	0	312
Other (Specify Use)	0	0	0	0
TOTAL GSF	3,748	3,748	0	3,748

Please describe what the variance is for and include any additional project features that are not included in this table. Please state which section(s) of the Planning Code from which you are requesting a variance.
(Attach a separate sheet if more space is needed)

A variance is sought for the legalization of a rear deck and stair that encroaches in the required rear yard by 6' - 0".

Pursuant to Planning Code Section 305(c), before approving a variance application, the Zoning Administrator 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.

- Please see Attachment A.

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;

Please see Attachment B.

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

Please see Attachment B.

3. That the City's supply of affordable housing be preserved and enhanced;

Please see Attachment B.

4. That commuter traffic not impede Muni transit service or overburden our streets or neighborhood parking;

Please see Attachment B.

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;

Please see Attachment B.

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

Please see Attachment B.

7. That landmarks and historic buildings be preserved; and

Please see Attachment B.

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

Please see Attachment B.

Estimated Construction Costs

TYPE OF APPLICATION:	
Variance	
OCCUPANCY CLASSIFICATION:	
R-3	
BUILDING TYPE:	
TOTAL GROSS SQUARE FEET OF CONSTRUCTION:	BY PROPOSED USES:
0	Residential
ESTIMATED CONSTRUCTION COST:	
0	
ESTIMATE PREPARED BY:	
Lucia Howard	
FEE ESTABLISHED:	
\$971	

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: Thomas Tunny

Date: 7.18.17

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

Thomas Tunny

Owner ☒ Authorized Agent (circle one)

Application Submittal Checklist

Applications listed below submitted to the Planning Department must be accompanied by this checklist and all required materials. The checklist is to be completed and **signed by the applicant or authorized agent and a department staff person.**

APPLICATION MATERIALS	CHECKLIST
Application, with all blanks completed	<input checked="" type="checkbox"/>
300-foot radius map, if applicable	<input type="checkbox"/>
Address labels (original), if applicable	<input type="checkbox"/>
Address labels (copy of the above), if applicable	<input type="checkbox"/>
Site Plan	<input checked="" type="checkbox"/>
Floor Plan	<input checked="" type="checkbox"/>
Elevations	<input checked="" type="checkbox"/>
Section 303 Requirements	<input type="checkbox"/>
Prop. M Findings	<input checked="" type="checkbox"/>
Historic photographs (if possible), and current photographs	<input checked="" type="checkbox"/>
Check payable to Planning Dept.	<input checked="" type="checkbox"/>
Original Application signed by owner or agent	<input checked="" type="checkbox"/>
Letter of authorization for agent	<input checked="" 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 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.

☐ Two sets of original labels and one copy of addresses of adjacent property owners and owners of property across street.

After your case is assigned to a planner, you will be contacted and asked to provide an electronic version of this application including associated photos and drawings.

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**

FOR MORE INFORMATION:
Call or visit the San Francisco Planning Department

Central Reception

1650 Mission Street, Suite 400
San Francisco CA 94103-2479

TEL: **415.558.6378**
FAX: **415 558-6409**
WEB: **<http://www.sfplanning.org>**

Planning Information Center (PIC)

1660 Mission Street, First Floor
San Francisco CA 94103-2479

TEL: **415.558.6377**

*Planning staff are available by phone and at the PIC counter.
No appointment is necessary.*

ATTACHMENT A

Planning Code Section 305(a) provides that the Zoning Administrator has the authority to grant a variance to the extent such variance furthers the purposes and intent of the Planning Code. To grant a variance, the Zoning Administrator must find that there are facts sufficient to establish the following:

1. **That There Are Exceptional Or Extraordinary Circumstances Applying To The Site Involved Or To The Intended Use Of The Site That Do Not Apply Generally To Other Sites Or Uses In The Same Class Of District.**

The exceptional and extraordinary circumstances applying to this property are that a rear exit is required for the upper floor residential unit. This rear exit requires a stair that encroaches in the required rear yard because of the proximity of the rear building wall to the required rear yard.

2. **That Owing To Such Exceptional or Extraordinary Circumstances, The Literal Enforcement Of Specified Provisions Of The City Planning Code Will Result In Practical Difficulty Or Unnecessary Hardship Not Created By Or Attributable To The Applicant Or The Owner Of The Site.**

This hardship was not created by the property owner because the existing structure was built prior to the existence of the current rear yard requirements, and the property owner purchased the property in its current condition.

3. **The Variance Is Necessary For Preservation And Enjoyment Of A Substantial Property Right Of The Subject Property, Possessed By Other Property In The Same Class Of District.**

The proposed variance will allow for a code-required means of egress as enjoyed by other properties in this district.

4. **The Granting Of Such Variance Will Not Be Materially Detrimental To The Public Welfare Or Materially Injurious To The Site Or Improvements In The Vicinity.**

The granting of the variance will not be detrimental to the public welfare or materially injurious as it will have a limited impact on the mid-block open space.

5. **That The Granting Of Such Variance Will Be In Harmony With The General Purpose And Intent Of The Planning Code And Will Not Adversely Affect The General Plan.**

The granting of the variance is in harmony with the general purpose and intent of the Planning Code and will not adversely affect the General Plan, including the following policies and objectives.

Housing Element

Policy 4.1

Develop new housing, and encourage the remodeling of existing housing, for families with children.

OBJECTIVE 11: SUPPORT AND RESPECT THE DIVERSE AND DISTINCT CHARACTER OF SAN FRANCISCO'S NEIGHBORHOODS.

Policy 11.3: Ensure growth is accommodated without substantially and adversely impacting existing residential neighborhood character.

Urban Design Element

Policy 3.3: Promote efforts to achieve high quality of design for buildings to be constructed at prominent locations.

ATTACHMENT B

PRIORITY MASTER PLAN POLICIES FINDINGS

Planning Code Section 101.1 establishes the following eight priority planning policies and requires review of permits for consistency with said policies. The project and this Section 303 Application are consistent with each of these policies as follows:

- 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 proposed variance is for a single-family home and will have no impact on neighborhood-serving retail uses.

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

The proposed variance will conserve and protect neighborhood character because it will have minimal impact on the mid-block open space and will continue the residential use at the property.

- 3. That the City's supply of affordable housing be preserved and enhanced.**

The proposed variance is for a single-family home and will have no effect on affordable housing.

- 4. That commuter traffic not impede Muni transit service or overburden our streets or neighborhood parking.**

The proposed variance is for a single-family home and will have no impact on commuter traffic.

- 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 proposed variance is for a single-family home and does not propose a commercial office use.

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

The proposed project will conform to the requirements of the San Francisco Building Code, and thus will meet this Policy.

- 7. That landmarks and historic buildings be preserved.**

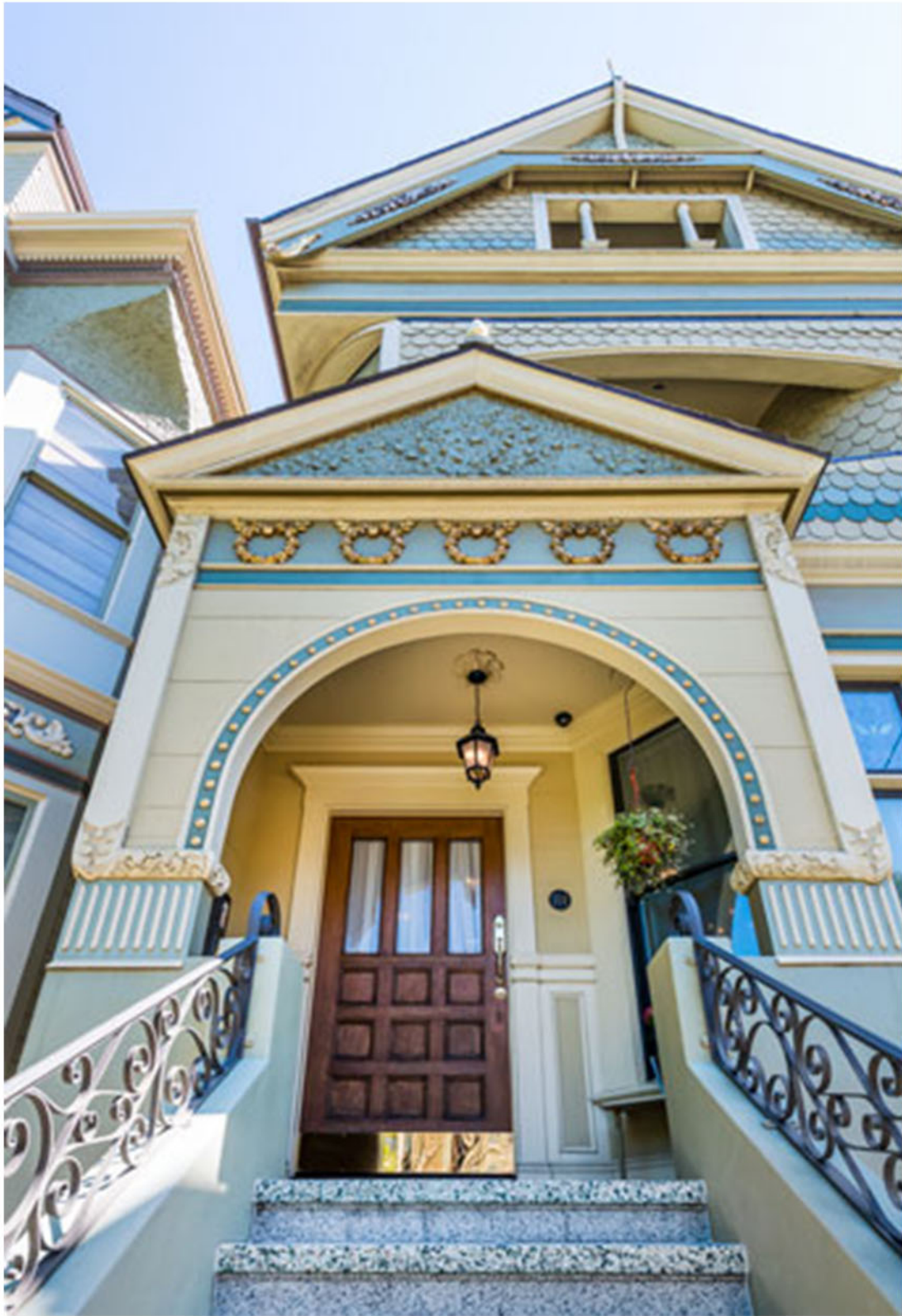
Because the proposed variance is for a rear deck and stair, it will not have any impact on the historic character of the property or the property's historic district.

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

The proposed variance will not have any impact on any public parks or open spaces.



114 Lyon Street facade



ENTRY



View from Lyon yard to rear facade with neighbors



View down to garden from deck at 2nd floor of 114 Lyon



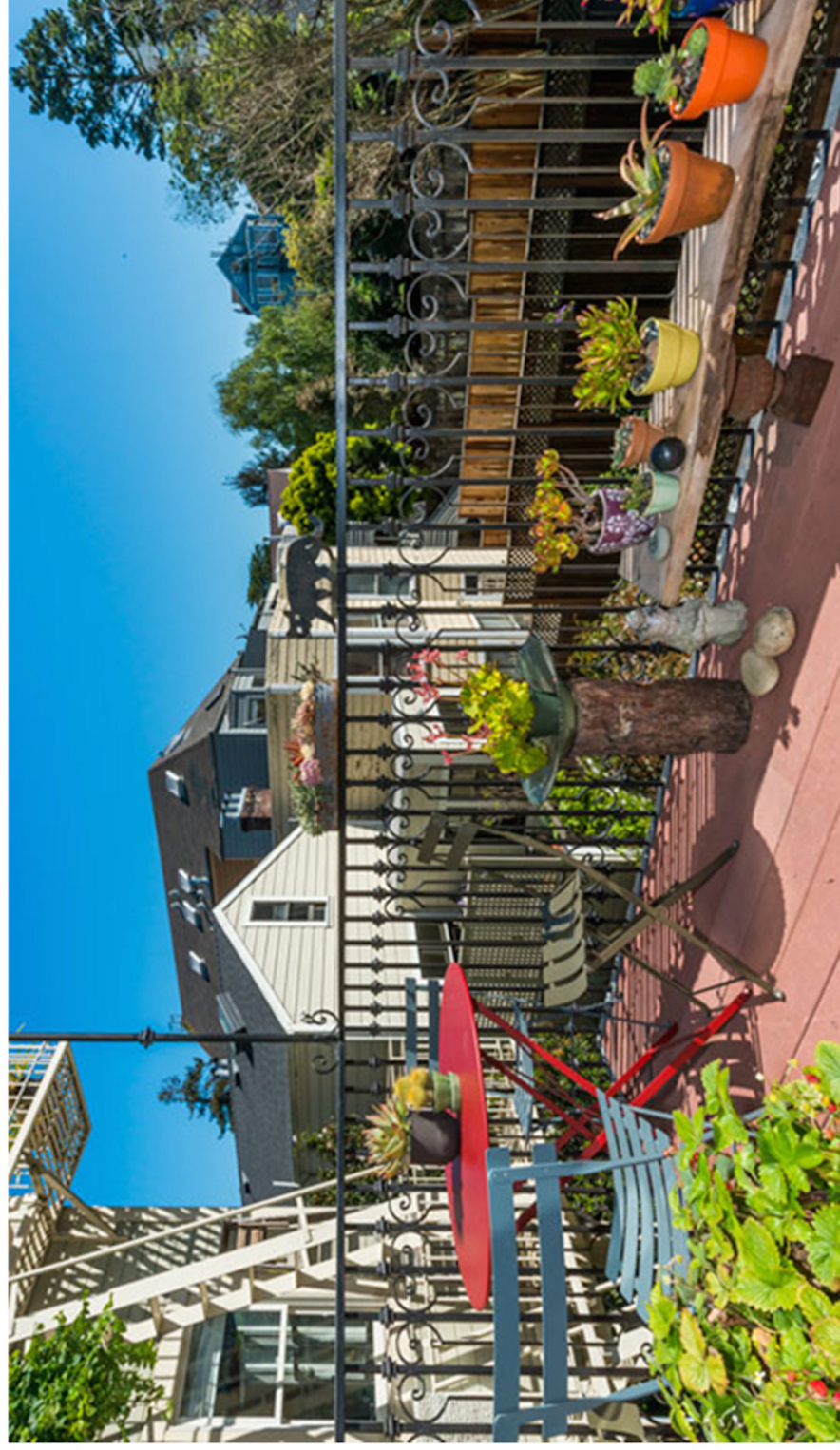
View SW towards 116 from deck at 1st floor of 114 Lyon



View from Lyon yard to 116 and 118



View N from deck at 2nd floor of 114 Lyon towards 112 Lyon



View NE from deck at 2nd floor of 114 Lyon towards 112 Lyon and houses on Oak Street.



ENTRY



LIVING ROOM LOOKING INTO DINING ROOM



DINING ROOM LOOKING INTO LIVING ROOM



LARGE KITCHEN



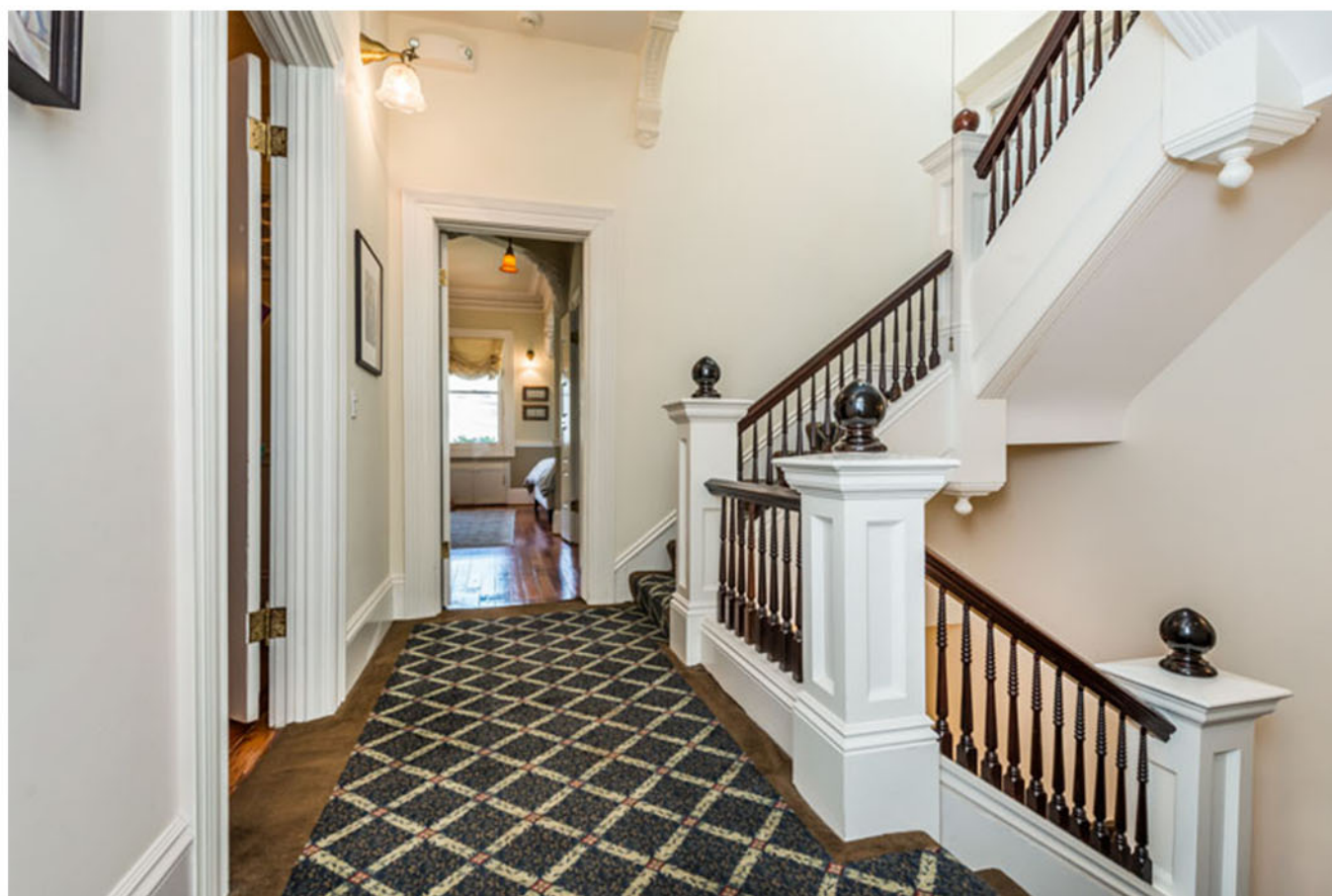
FAMILY ROOM ADJACENT TO KITCHEN



MASTER BEDROOM



2ND BEDROOM



HISTORIC STAIRWELL AT 3RD FLOOR



4th FLOOR BEDROOM AND SITTING AREA



VIEW DOWN STAIRWELL FROM 4TH FLOOR



STUDIO AT 1ST FLOOR

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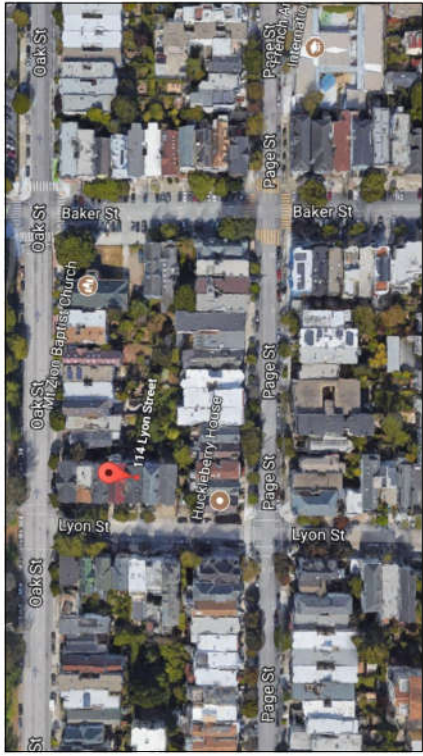
PROJECT SUMMARY

SCOPE OF WORK: SUBMITTAL OF PLANS IN CONNECTION WITH CONDITIONAL USE AUTHORIZATION FOR DWELLING UNIT MERGER FROM FOUR UNITS TO TWO UNITS, AND VARIANCE APPLICATION TO LEGALIZE EXISTING REAR DECK AND STAIRS. THESE PLANS SHOW NO NEW WORK TO BE DONE. NEW WORK TO SPRINKLER THE GROUND FLOOR AND TO REMOVE THE COOKTOP AT THE 4TH FLOOR WILL BE SUBMITTED SEPARATELY FOR PERMIT.

MATRIX

	EXISTING (PER 1962 PLANS)	PROPOSED (USED FOR THE PAST 25 YEARS)
NO. OF UNITS:	4	2
AREA OF UNITS: UNIT #1	1110	3096
UNIT #2	432	341
UNIT #3	624	
UNIT #4	680	
TOTAL NO. OF BEDROOMS:	4	6
TOTAL NO. OF KITCHENS:	4	2
TOTAL NO. OF BATHROOMS:	4	5
TOTAL LIVING AREA:	2846 SF	3436 SF

VICINITY MAP



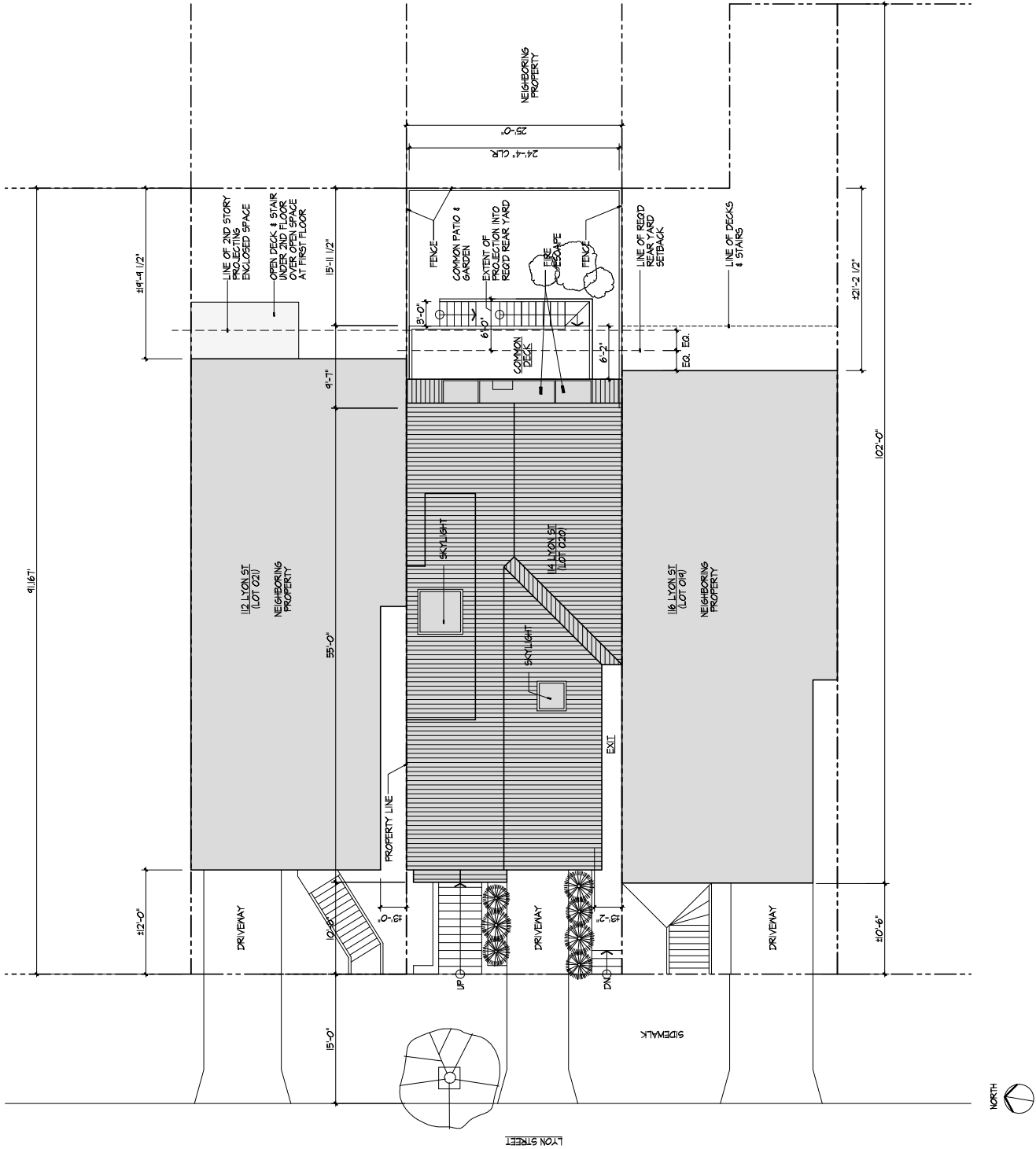
SHEET INDEX

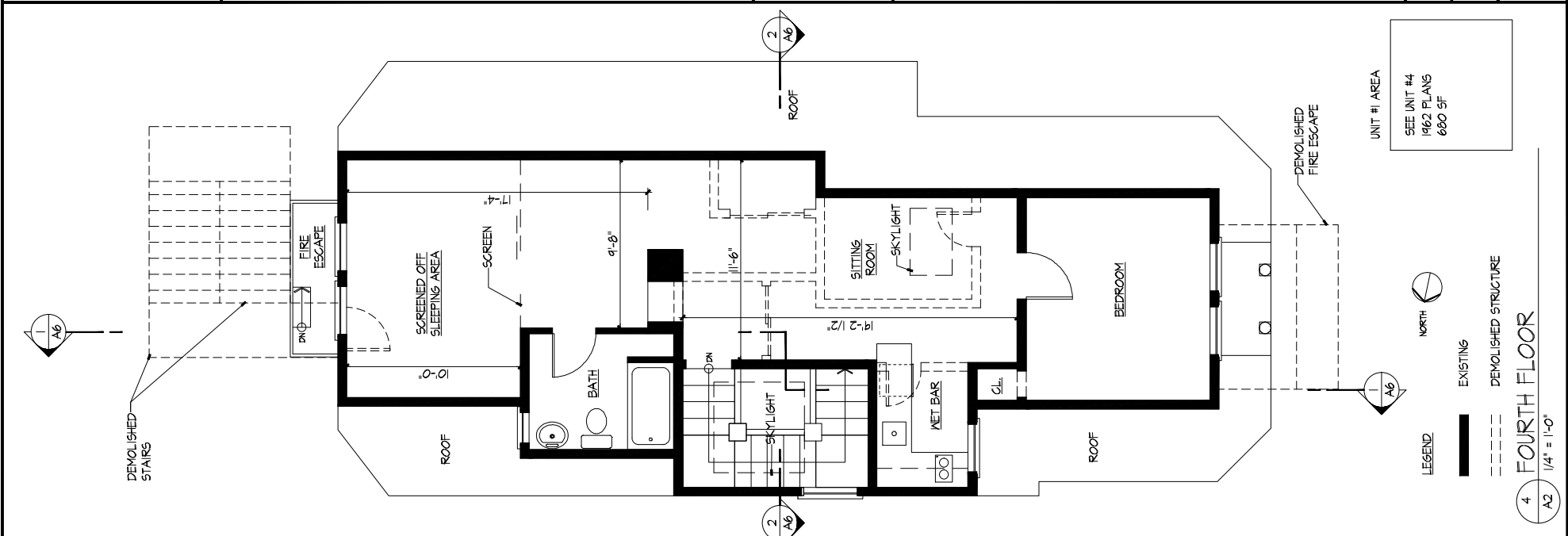
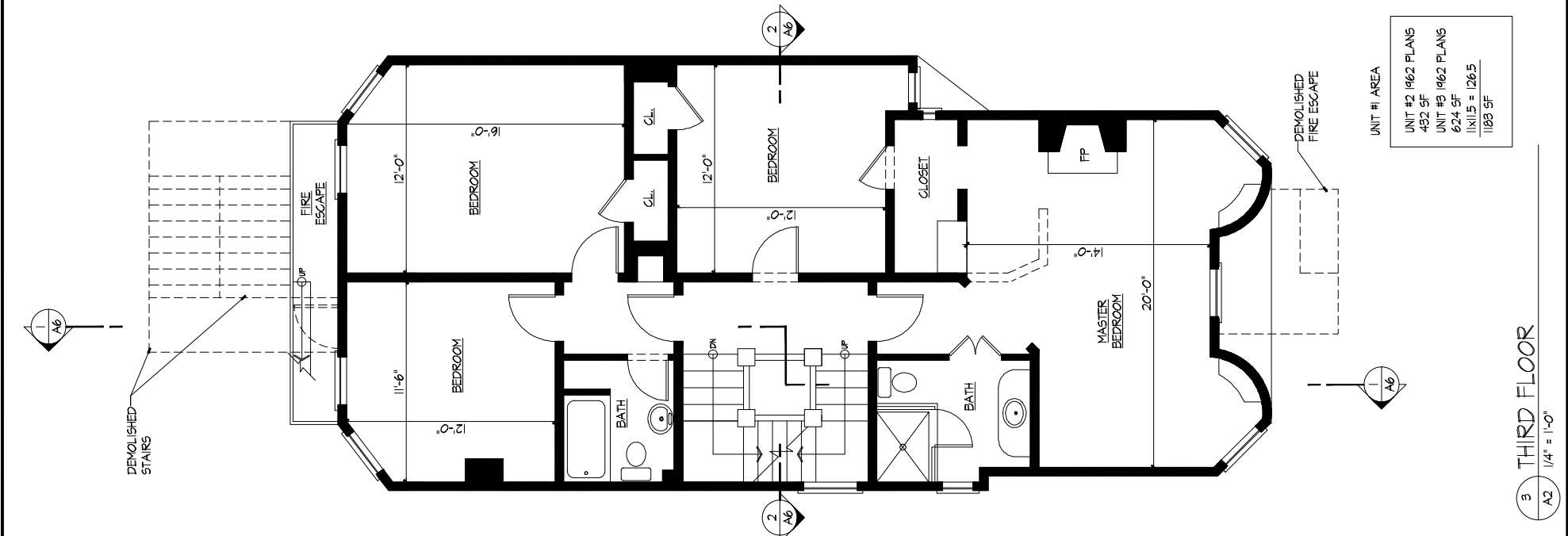
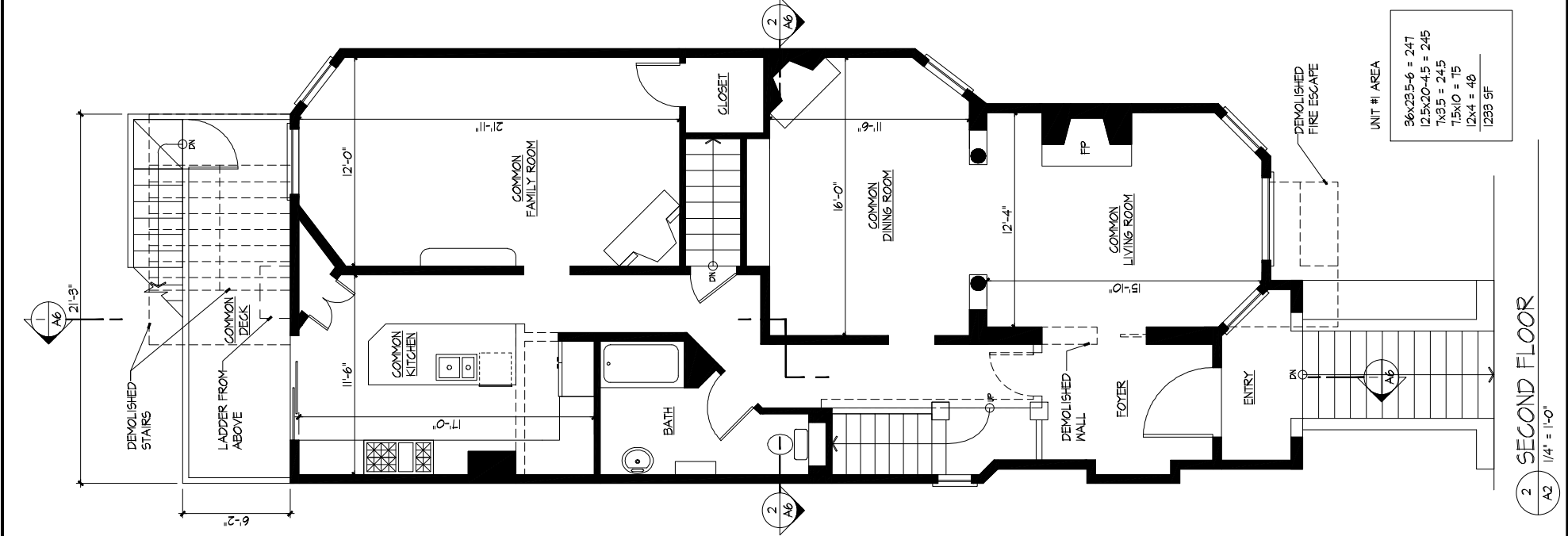
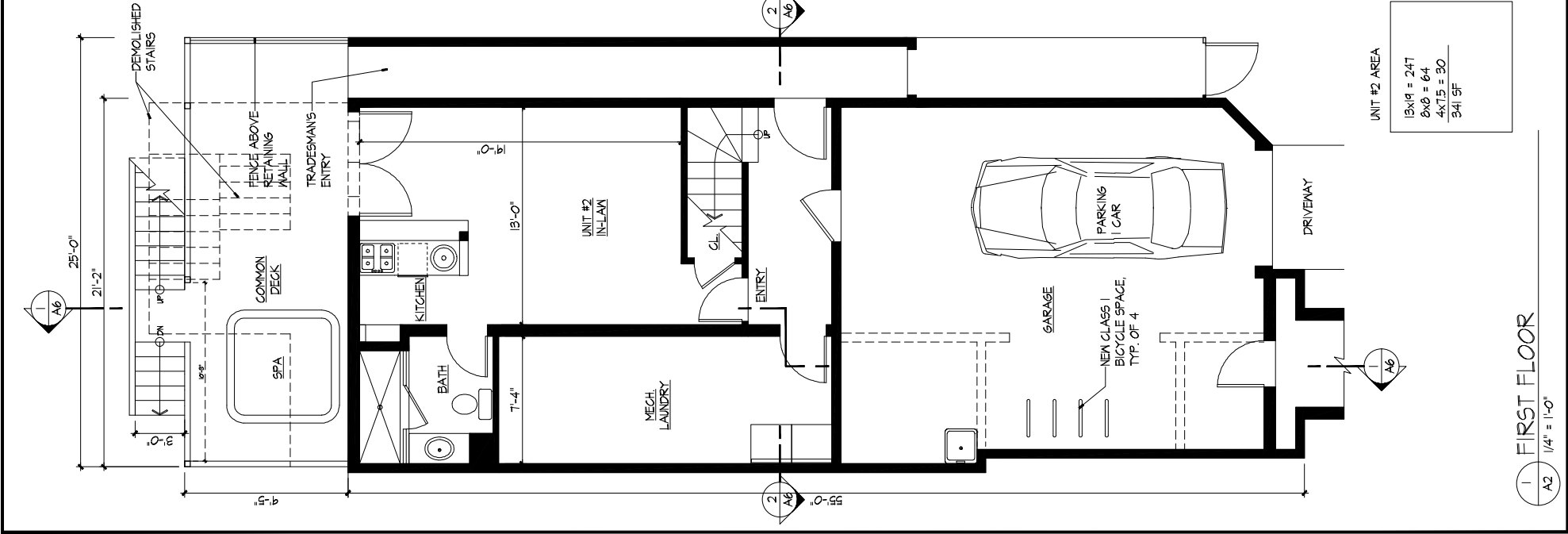
- A1 - COVER SHEET / SITE/ROOF PLAN
- A2 - FLOOR PLANS
- A3 - EXTERIOR ELEVATIONS
- A4 - EXTERIOR ELEVATIONS
- A5 - EXTERIOR ELEVATIONS
- A6 - SECTIONS

EX-1 - 1962 PLANS
EX-2 - 1962 MISCELLANEOUS FRAMING, ETC.

LEGEND

- EXISTING
- DEMOLISHED STRUCTURE





FLOOR PLAN

ARCHITECT
LUCIA
HOWARD,
ARCHITECT
510.332.3218

114 Lyon Street
San Francisco, CA 94117
CUP RESUBMITTAL 7/27/17

REVISIONS
8/24/17 CUP RESUBMITTAL

A2

REVISIONS

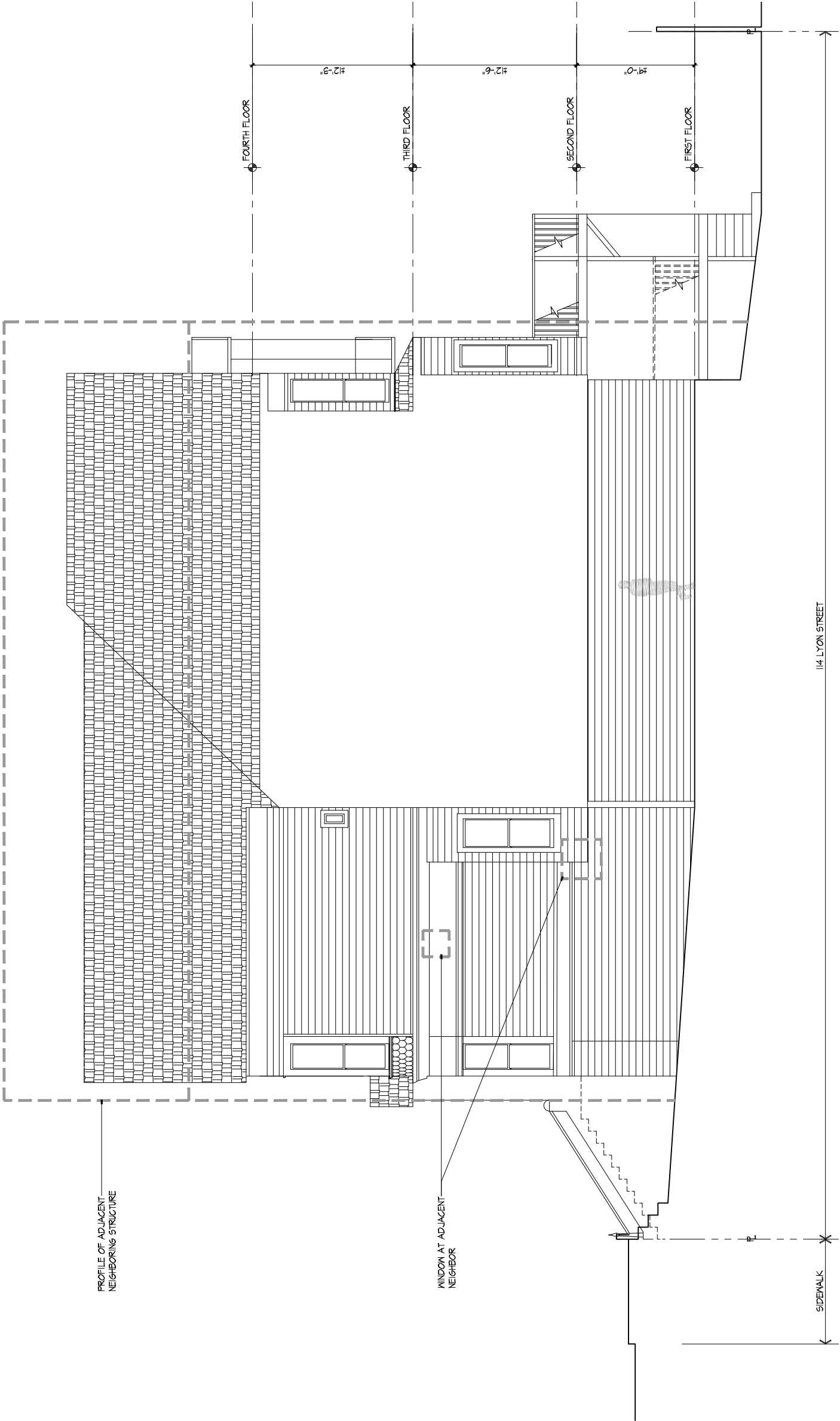
8/24/17 CUP RESUBMITTAL

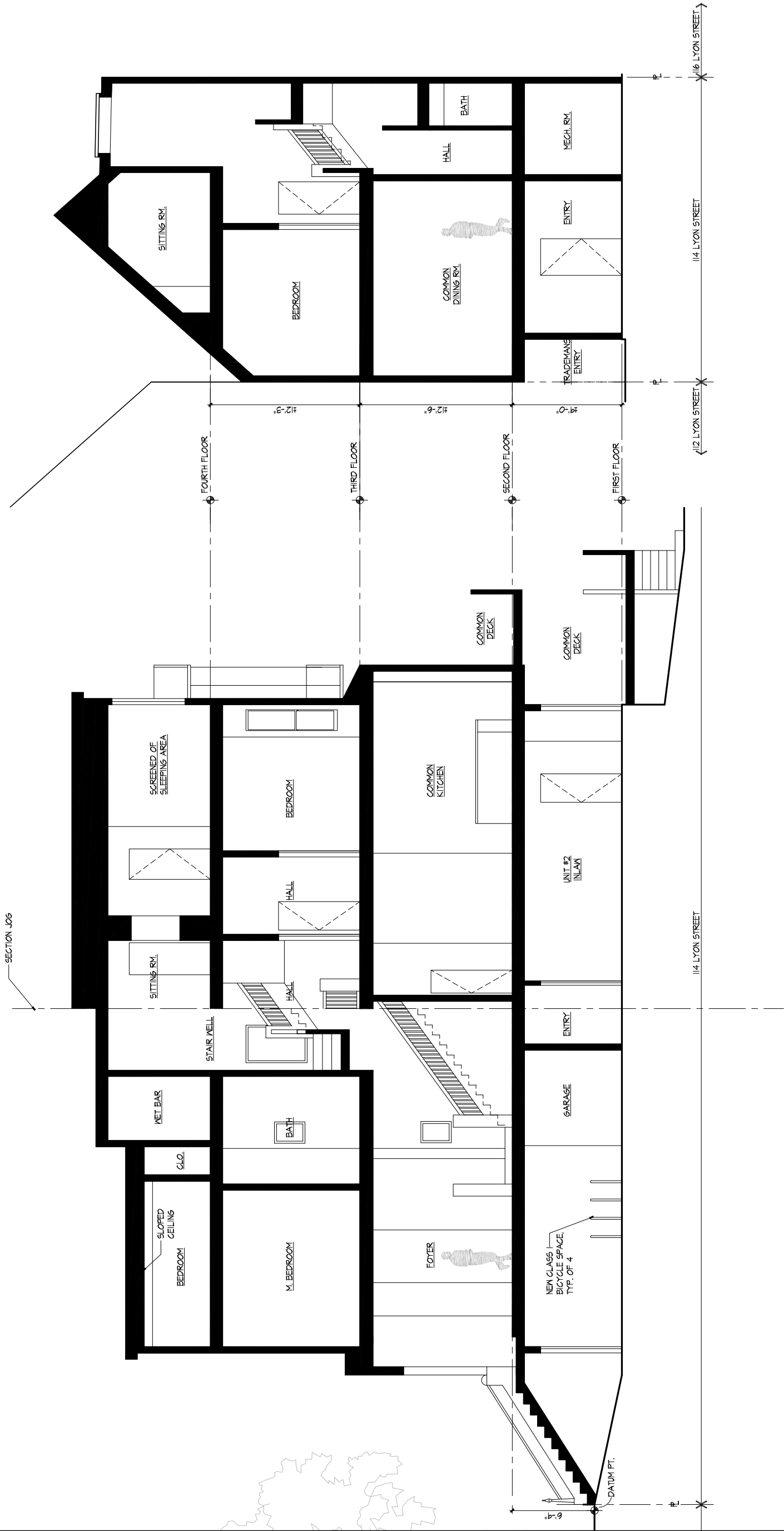
114 Lyon Street
San Francisco, CA 94117
CUP RESUBMITTAL 7/27/17

ARCHITECT
LUCIA
HOWARD,
ARCHITECT
510.332.3218

ELEVATION

DRAWN BY	JOB NO.
MA	
SCALE	DATE
1/4" = 1'-0"	8/24/17
SHEET NO.	





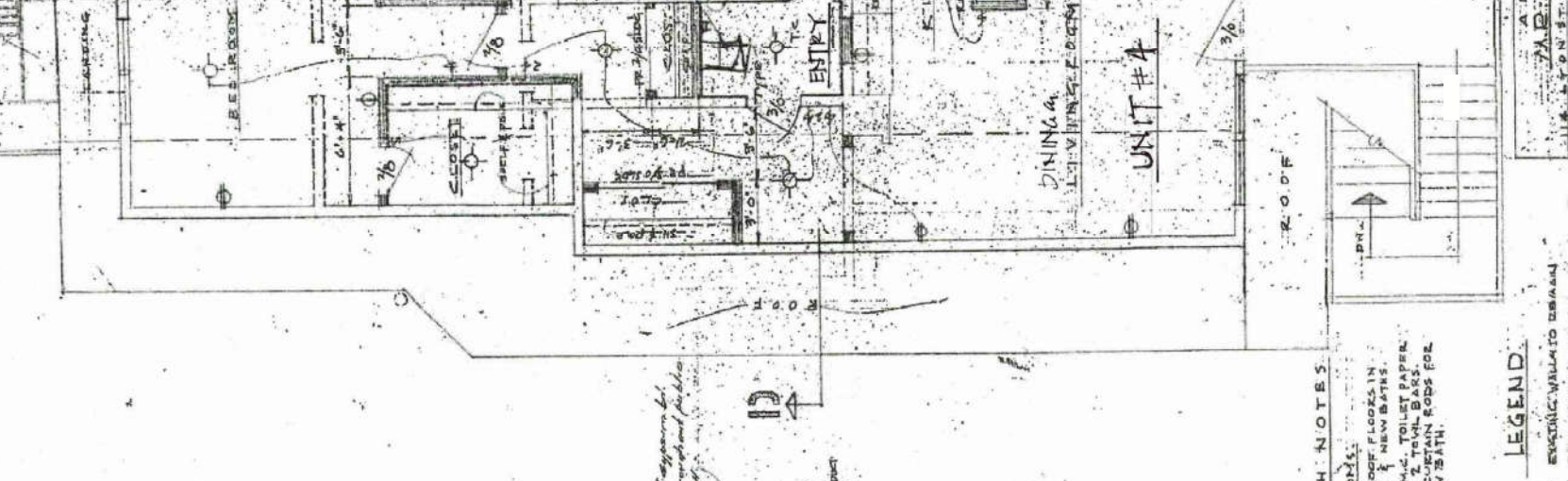
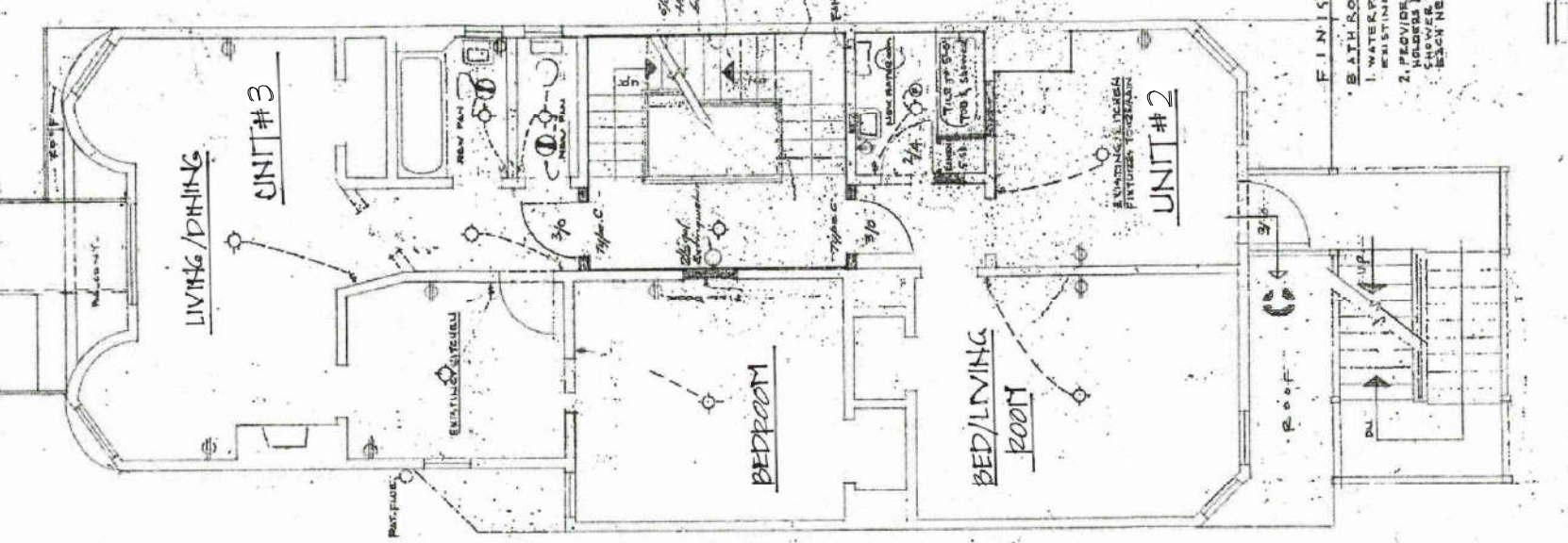
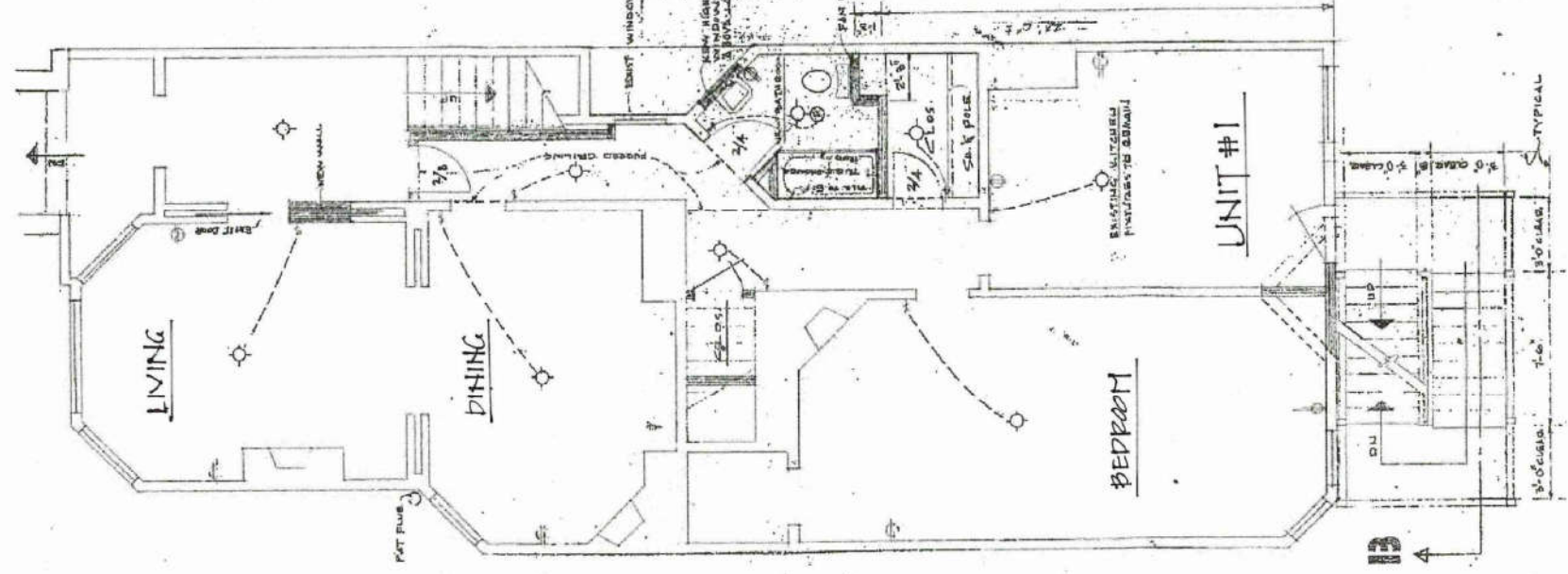
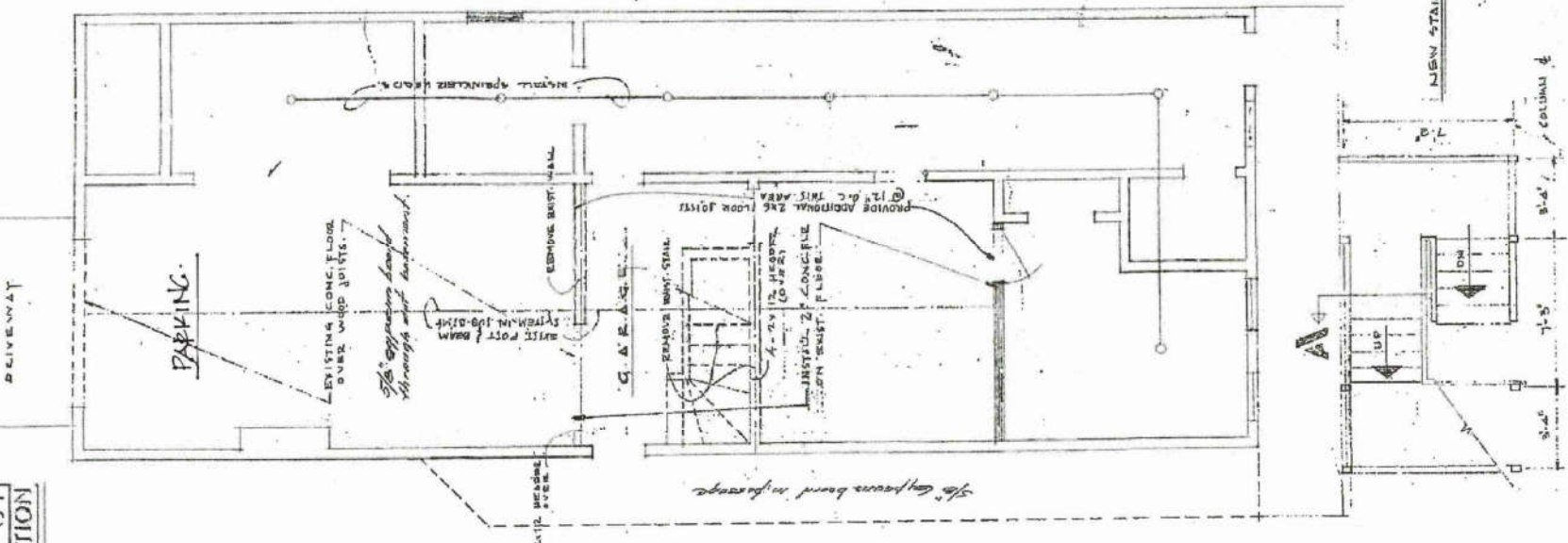
NOTE:
THESE ARE ARCHIVAL PLANS FROM
THE CITY OF SAN FRANCISCO'S
MICROCHE RECORDS. REFER TO
MICROCHE RECORDS FOR DIMENSIONS
FOR ACCURATE DIMENSIONS.

UNIT #1 AREA	
36x23.5 = 840	
12x20 = 240	
12x35 = 420	
110 SF	

UNIT #2 AREA	
24x19 = 456	
15	
4	
432 SF	

UNIT #3 AREA	
20x20 = 400	
12x25 = 300	
3x18 = 54	
3x5 = 15	
1x5 = 5	
624 SF	

UNIT #4 AREA	
10x14 = 140	
5x4 = 20	
11x17 = 187	
12x10 = 120	
12x11 = 132	
3x2 = 6	
6x1 = 6	
680 SF	



BASEMENT

FIRST FLOOR

SECOND FLOOR

THIRD FLOOR

FLOOR PLANS FROM 1962 RENOVATION - NOT CURRENT

SCALE 1/8" = 1'-0"

273676/2

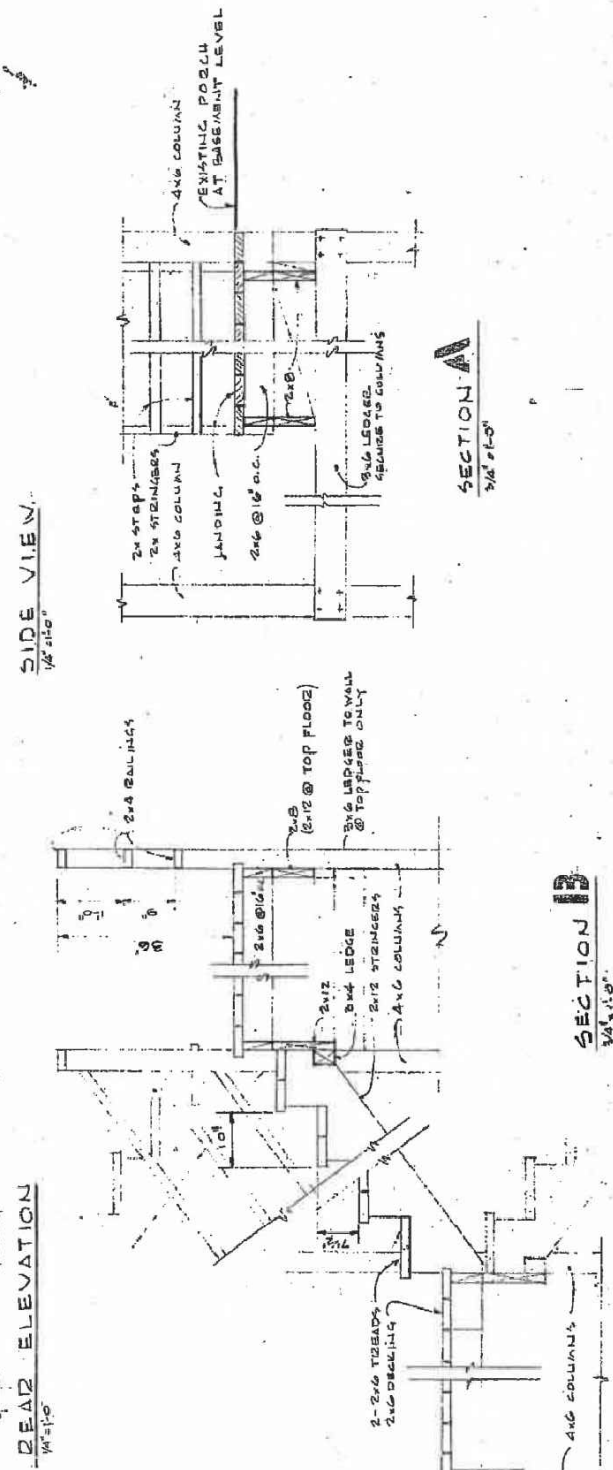
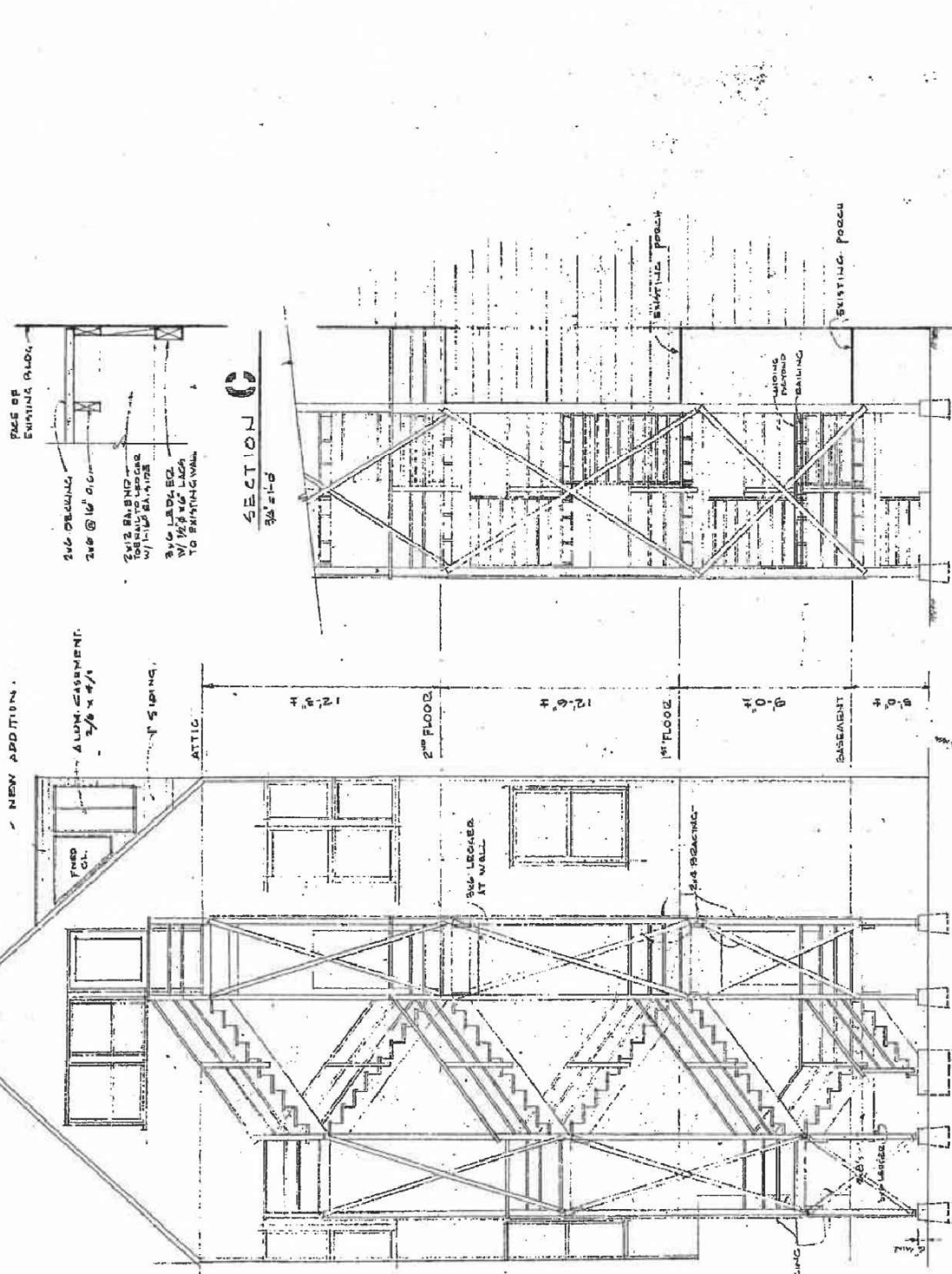
111 LYON STREET
SAN FRANCISCO, CA 94117
EXISTING 1962 FLOOR PLANS
(SUBMITTAL FOR REFERENCE
ONLY)
AUGUST 24, 2017

LUCIA HOWARD, ARCHITECT
510.332.3218

EX-1
SHEET 1 OF 2

ALTERNATIONS FOR
JAB VICTOR SMITH
EVERYMAN'S DRAFTING SERVICE
JOHN W. MORRIS CONTRACTOR
531 DIVISADERO - 101.1936
SAN FRANCISCO
30 JULY 62
1

NOTE:
THESE ARE ARCHIVAL PLANS FROM
THE CITY OF SAN FRANCISCO'S
MICROFILM RECORDS. REFER TO
SHEET A2 OF PROPOSED DRAWINGS
FOR ACCURATE DIMENSIONS.



114 LYON STREET
SAN FRANCISCO, CA 94117
EXISTING 1962 FLOOR PLANS
(SUBMITTAL FOR REFERENCE
ONLY)

AUGUST 24, 2017
LUCK HOWARD, ARCHITECT
510.332.3218

SHEET 2 OF 2

EX-2

ALTEADATIONS: 1002
AD VICTOR SMITH
114 LYON ST.
SAN FRANCISCO
EVERYMAN'S DRAFTING SERVICE
JOHN W. MODDIS CONTRACTOR
531 DIVISADERO JCT 1936
SAN FRANCISCO
30 JULY 02
1002
2

REUBEN, JUNIUS & ROSE, LLP

October 3, 2017

President Rich Hillis
San Francisco Planning Commission
1650 Mission Street, Suite 400
San Francisco, CA 94103

Re: 114 Lyon Street (1220/020)
Brief in Support of Proposed Project
Planning Department Case No. 2016.003836
Hearing Date: October 19, 2017
Our File No.: 10115.01

Dear President Hillis and Commissioners:

Our office represents Lucia Howard (the “**Project Sponsor**”) concerning her property located at 114 Lyon Street (the “**Property**”). The Property is occupied by a historic Queen Anne residence that has functioned as a single-family home with a ground floor in-law unit for the last 20 years. Photos of the front façade and interiors of the home are attached as Exhibit A. According to City records, the current legal status of the Property is as four dwelling units, because of building permits approved over 50 years ago, but four units at the Property under today’s codes is completely impractical and prohibitively expensive, if not impossible. With the subject Conditional Use application, the Project Sponsor seeks approval of a unit merger from four dwelling units to three dwelling units.

We respectfully request that the Planning Commission approve the merger for the following reasons:

- Historical records indicate that the home was constructed in 1891, at which time it was a single-family home owned and inhabited by John F. Sheehan, Brigadier General of the Army of California. (Exhibit B.) The Planning Department has designated the home as a Category A historic resource. It is contributory to the Buena Vista North Historic District and is located in the Panhandle Historic District, both California Register Historic Districts.
- The home originally was constructed and designed to be a single-family dwelling, and the well-preserved historic interior has functioned as a single-family home with an in-law unit on the ground floor for the last 20 years. The Project Sponsor

James A. Reuben | Andrew J. Junius | Kevin H. Rose | Daniel A. Frattin | John Kevlin
Tuija I. Catalano | Jay F. Drake | Matthew D. Visick | Lindsay M. Petrone | Sheryl Reuben¹
Thomas Tunny | David Silverman | Melinda A. Sarjapur | Mark H. Loper | Jody Knight
Chloe V. Angelis | Corie A. Edwards | Coryn E. Millsagle | Jared Eigerman^{2,3} | John McInerney III²

1. Also admitted in New York 2. Of Counsel 3. Also admitted in Massachusetts

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Oakland Office
827 Broadway, Suite 205, Oakland, CA 94607
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www.reubenlaw.com

purchased the home in 2015 believing this to be the legal status of the Property (this is discussed further below) and seeks to preserve the home's invaluable historic character.

- Following World War II, with the great influx of military personnel returning from the war and a dire need for housing, the residence was divided into four smaller dwelling units, but these small units would not meet modern-era building and fire codes (for example, emergency egress was provided by an exterior fire escape ladder down the front façade of the home that would not be allowed today). To now redevelop the building as four units with four kitchens and code-complying egress would destroy the historic character of the home, may not be possible under today's code requirements, and could cost upwards of \$1 million. (See Engineer's Report attached as Exhibit C.)
- When the Project Sponsor was considering purchasing the Property in May 2015, the legal number of units at the Property was in question pursuant to a pending Planning Department enforcement action alleging that an unlawful unit merger had occurred at the Property. Planning Department staff inspected the Property in connection with the enforcement action and determined that the Property was Code-complying with the existing two units. It was not until being assured in writing by the Planning Department that the Property was Code-complying and that the enforcement case was closed (Exhibit D) that the Project Sponsor submitted an offer to purchase the Property. The enforcement case was re-opened in August 2015 for unknown reasons.
- Notwithstanding the foregoing, in the spirit of resolution, the Project Sponsor is willing to add a third dwelling unit on the ground floor, at considerable expense, for a total of three units at the Property. (Exhibit E.) This is consistent with the Property's maximum allowed density, which is three units per lot (RH-3 Zoning District). Requiring four units at the Property is impractical, if not impossible, and could leave the Property in a permanent state of noncompliance.
- The proposed Project is supported by at least 15 neighbors, with 11 neighbors having signed the attached petition, and additional letters of support to be provided. (Exhibit F.)

For all of these reasons, both legal and equitable, we urge the Planning Commission to approve the proposed merger from four to three units.

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I. PROPERTY AND PROJECT BACKGROUND

A. Historic Background

The home appears to have been originally constructed in 1891 by Rountree Brothers as one of a row of Queen Annes on the subject block (108 – 124 Lyon Street). An archival photo from 1891 attached as Exhibit B shows the home – 114 Lyon is the 3rd house from the right. At that time, the home was inhabited by General John F. Sheehan, United States General Land Agent. The home was identified as one of the “Artistic Homes of California” in the San Francisco Newsletter. The Newsletter describes the home as follows:

The entrance is finished in natural hard wood, and upon entering one is struck with the beauty of all the arrangements. The parlors, walls and ceilings are delicately tinted, and the dining room is supplied with an elegant sideboard. The kitchen has a large pantry adjoining, and every modern and necessary fixture is supplied. The stairway is artistically constructed and upstairs there are four large bedrooms, two dressing rooms and a bathroom. (Exhibit G.)

Much, if not all, of this original historic character remains in the home today, and the Project Sponsor purchased the Property with the intention of preserving and further enhancing this historic jewel. To divide the home into four units would completely destroy the historic character of the home.

The Property is a contributor to the Buena Vista North Historic District, and is located in the Panhandle Historic District, both California Register Historic Districts.

In the years following World War II, the home was divided into four smaller dwelling units. In 1962, a building permit was issued authorizing four dwelling units at the Property. (Exhibit H.) Based on this permit history, the Planning Department has determined that the current number of legally recognized of units is four.

B. Modern Era and Enforcement Case

Over the last 20 years, the home has been used as a single-family residence. The Property’s marketing listing indicated that there were two units. (Exhibit I.) No special authorization was required when the number of units at the Property was reduced from four to two. The Project Sponsor, who purchased the residence in June 2015, intended to continue the use of the property as two units.

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When the Project Sponsor was considering purchasing the Property in May 2015, the seller informed her that a Notice of Enforcement (“NOE”) concerning the Property had been issued by the Planning Department. (Exhibit D.) The alleged Code violation in the NOE was “Loss of Dwelling Units through Demolition, Merger and Conversion.” The Property’s 3-R Report indicated four dwelling units at the Property. (Exhibit J.) Knowing all of this created concern for the Project Sponsor about the legal number of units at the Property.

In the days following the issuance of the NOE, Planning Department staff inspected the home, and deemed that there was no violation. Staff determined that the Property was Code-complying as two units and issued a “No Violation” notice. (Exhibit D.) Based on this written evidence, the Project Sponsor went into contract and purchased the Property.

In August 2015, the Planning Department re-opened the enforcement case due to “new evidence”. This new evidence has not been explained, but it was certainly not due to any misrepresentation or lack of good faith by the Project Sponsor or the prior owner. Nevertheless, the decision to re-open the enforcement case has been enormously expensive and unfair to the Project Sponsor.

The enforcement case is still pending, and is the impetus for the subject Conditional Use application seeking approval of a merger from four to three units. Although the Property currently has only two units, the Project Sponsor is willing to add a third unit, at considerable expense, as a reasonable compromise.

II. THE PLANNING CODE’S DWELLING UNIT MERGER AND CONDITIONAL USE FINDINGS ARE MET

A. Section 317

Under Planning Code Section 317(g)(2), the Planning Commission must make certain findings in order to approve the proposed merger. The merger’s compliance with the required findings is as follows:

(A) whether 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 merger would not eliminate only owner occupied housing. As stated, the Property has functioned as two units for the last 20 years – therefore, the proposed Project actually results

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in the addition of a unit to the Property. Prior to the last 20 years, the units at the Property presumably were not owner occupied.

(B) whether removal of the unit(s) and the merger with another is intended for owner occupancy;

The proposed merger is intended to allow the owner to reside in the home.

(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;

The proposed Project would add a dwelling unit subject to the Residential Rent Stabilization and Arbitration Ordinance, as the Property has been a single family-family home with an in-law unit over the last 20 years.

(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;

As compared to the four dwelling units at the Property as recognized by the Planning Department, the replacement housing is more suitable to households with children, provides a greater number of bedrooms, is both more and less expensive, and is both larger and smaller in size than the units being merged.

(E) how recently the unit being removed was occupied by a tenant or tenants;

The unit being merged has not existed, and therefore has not been occupied, for approximately 20 years.

(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;

Under the proposed Project, the total number of bedrooms at the Property will increase from four to seven.

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(G) whether removal of the unit(s) is necessary to correct design or functional deficiencies that cannot be corrected through interior alterations;

The removal of the unit is necessary to correct design and functional deficiencies. The provision of four dwelling units at the Property that meet today's building and fire code requirements is arguably not possible, and if possible, would be prohibitively expensive.

(H) the appraised value of the least expensive Residential Unit proposed for merger only when the merger does not involve an Unauthorized Unit.

We do not know the appraised value of the least expensive residential unit.

B. Section 303

The proposed Project also satisfies the required findings of Planning Code Section 303, as follows:

(1) 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;

The Project is necessary and desirable because it will legalize the best and most historically consistent occupancy and use of the Property. The Property has been used as a single-family home for approximately 20 years. Having four units at the Property exceeds the existing density limit, and the proposed three units brings the Property into density compliance. The proposed Project preserves the historic character of the home, and retains its original stairs, common spaces and upper-floor bedroom configurations. The proposed Project results in a greater number of bedrooms than four units would (seven versus four). The creation of four units would be prohibitively expensive and arguably not possible under current building and fire code requirements.

(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 injuries 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 the structure.

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tel: 510-257-5589

www.reubenlaw.com

The Property has a total lot area of approximately 2,278 square feet. Located in the RH-3 (Residential-House, Three Family) District, the Project is consistent with the rest of the block, which is comprised of both single- and multi-family residential buildings. The Property has been used as a single-family residence for approximately 20 years. The Project's height, bulk, square footage, and character are consistent with the surrounding buildings.

- (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.*

The Project would add one dwelling unit to the Property, which will not impact traffic patterns in the neighborhood. One off-street parking space is proposed. The property is well-served by public transit.

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

The Project adds a dwelling unit to the Property, which will not produce 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.*

The Property is thoughtfully landscaped and provides usable open space as required the Planning Code, and will provide an off-street parking space.

- (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 Project will affirmatively promote, is consistent with, and will not adversely affect the General Plan, and specifically the Housing Element of the General Plan, as follows:

Issue 2, Objective 2

Retain existing housing units, and promote safety and maintenance standards.

The proposed Project would retain the existing two dwelling units at the Property and add a third unit. The Project appropriately locates housing units in a residential neighborhood and increases the supply of housing in conformity with the RH-3 Zoning District. Having four units at the Property exceeds the existing density limit, and the proposed three units brings the Property

San Francisco Office
One Bush Street, Suite 600, San Francisco, CA 94104
tel: 415-567-9000 | fax: 415-399-9480

Oakland Office
827 Broadway, Suite 205, Oakland, CA 94607
tel: 510-257-5589

www.reubenlaw.com

into density compliance. The Property's architectural design is compatible with the existing scale and character of the neighborhood.

(4) Such use or feature as proposed will provide development that is in conformity with the stated purpose of the applicable use district.

The Property is located in the RH-3 Zoning District. According to Planning Code Section 209.1, these Districts are devoted to residential uses with one to three units per lot. Having four units at the Property exceeds the existing density limit, and the proposed three units brings the Property into conformity with the stated purpose of the District.

III. CONCLUSION

The existing legal status of the Property as four dwelling units is the result of a historical and physical anomaly that simply does not make sense today. The Project Sponsor has proposed a reasonable compromise of three units that achieves the City's policy goal of maximizing the provision of housing, while at the same time preserving the treasured historic character of the home and providing a fair and equitable outcome where the Project Sponsor in good faith believed she was purchasing a two-unit Property.

For all of these reasons, we respectfully request that the Planning Commission approve the Project as proposed.

Very truly yours,

REUBEN, JUNIUS & ROSE, LLP



Thomas Tunny

Enclosures

cc: Vice-President Dennis Richards
Commissioner Rodney Fong
Commissioner Christine Johnson
Commissioner Joel Koppel

San Francisco Office
One Bush Street, Suite 600, San Francisco, CA 94104
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REUBEN, JUNIUS & ROSE, LLP

Commissioner Myrna Melgar
Commissioner Kathrin Moore
Jonas Ionin – Commission Secretary
Laura Ajello – Project Planner
Lucia Howard

San Francisco Office

One Bush Street, Suite 600, San Francisco, CA 94104

tel: 415-567-9000 | fax: 415-399-9480

Oakland Office

827 Broadway, Suite 205, Oakland, CA 94607

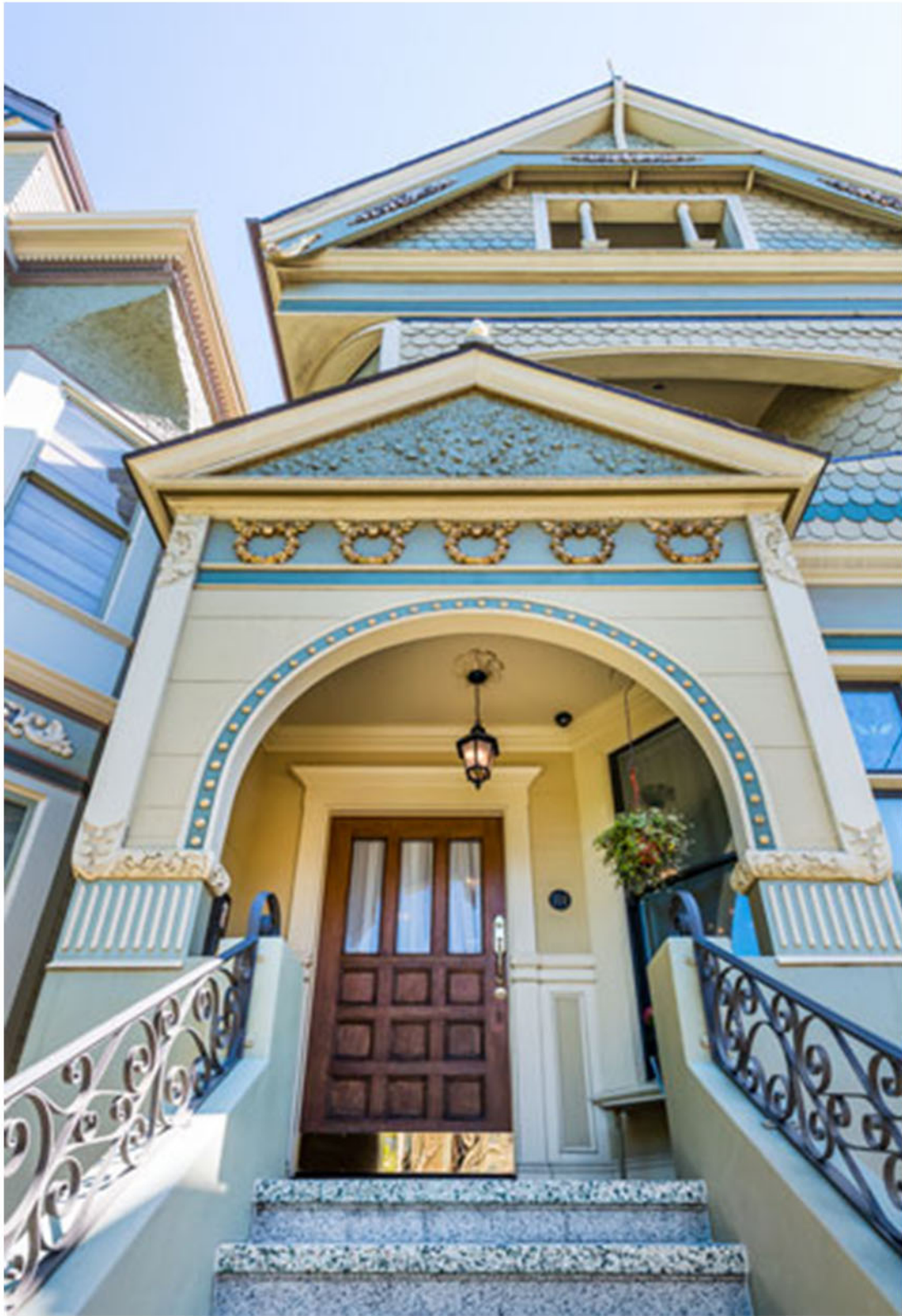
tel: 510-257-5589

www.reubenlaw.com

EXHIBIT A



114 Lyon Street facade



ENTRY



View from Lyon yard to rear facade with neighbors



View down to garden from deck at 2nd floor of 114 Lyon



View SW towards 116 from deck at 1st floor of 114 Lyon



View from Lyon yard to 116 and 118



View N from deck at 2nd floor of 114 Lyon towards 112 Lyon



View NE from deck at 2nd floor of 114 Lyon towards 112 Lyon and houses on Oak Street.



ENTRY



LIVING ROOM LOOKING INTO DINING ROOM



DINING ROOM LOOKING INTO LIVING ROOM



LARGE KITCHEN



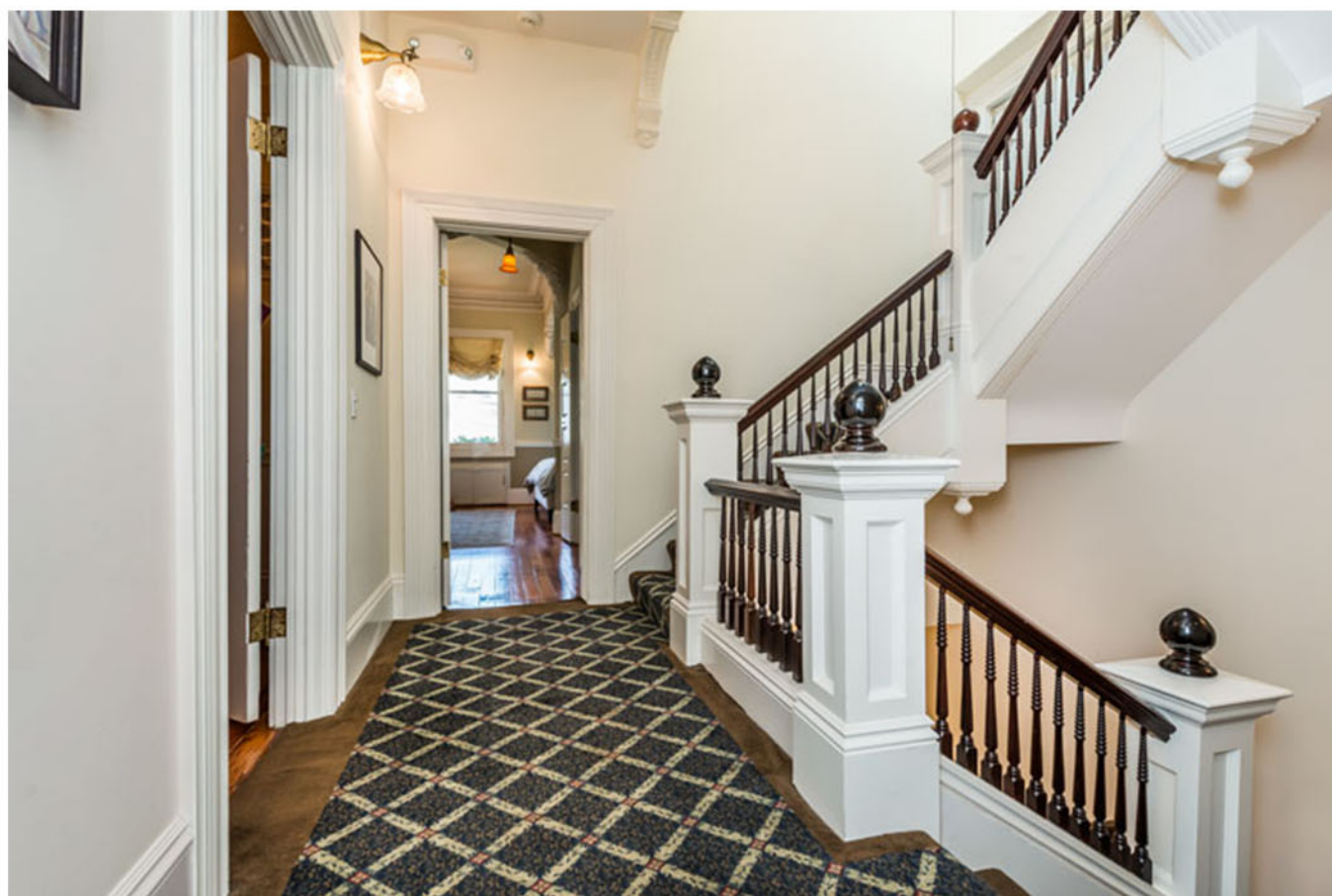
FAMILY ROOM ADJACENT TO KITCHEN



MASTER BEDROOM



2ND BEDROOM



HISTORIC STAIRWELL AT 3RD FLOOR



4th FLOOR BEDROOM AND SITTING AREA



VIEW DOWN STAIRWELL FROM 4TH FLOOR



STUDIO AT 1ST FLOOR

EXHIBIT B



BRITTON & REY, ARTS.

✦ ARTISTIC HOMES OF CALIFORNIA ✦

East Side of Lyon, between Oak and Page Sts., S. F.

FOUNTREE BROS., Builders.
W. H. LILLIE, Architect.

Archival 1891 photo from San Francisco History Room.
8 single family homes built at the same time and
published "with S. F News Letter". 114 Lyon is the 3rd
from the right.

EXHIBIT C

October 2, 2017

Reuben, Junius & Rose, LLP
One Bush Street, #600
San Francisco, CA 94104

Subject: 114 Lyon

Job Number: 17.017

To: Reuben, Junius & Rose

Per your request,

The Building at 114 Lyon is pre 1906 construction. It was originally a Single Family Dwelling (SFD). During WWII, 3 secondary units were added to the SFD (4 unit on three floors, not on garage level but floors 2, 3 and 4th). A CFC was issued in 1984 for 4 units on 3 floors over basement. The basement then is the garage level now. There was a metal fire escape at front to escape the top floors and a wood stair tower at the rear to also exit the top floors. Between 1984 to today, the building was converted, without permit, back to a SFD with an unpermitted garage residential unit. To legalize the building back to 1984 layout with 4 residential units on floors 2, 3 & 4 and also keep garage residential unit to equal 5th unit on 4 floors

This triggers:

1. Exiting issues at the front fire escape and rear stair tower.
2. Fire sprinkler building
3. One hour building – gut building and install 5/8 type -x gyp board on all fire walls (exterior) and bearing walls, floors and walls separating units
4. The previous work (1-3) trigger a seismic upgrade and the building become a Soft Story retrofit

This work will require the tenants to vacate the building during construction which could be up to 12 months and cost \$1 million. It may also require new SFFD code for an addition exit corridor. This will be a major issue with the garage unit.

Summary of Options:

<u>Existing Condition</u> 2 Units	<u>Option 1</u> (Best Case) 4 Units Plus?	<u>Option 2</u> (Realistic Case) 4 Units Plus Garage?
<ul style="list-style-type: none"> House plus garage Apt. Sprinkler garage Apt \$50k 9 tenants in 2 units 16 max tenants 	<ul style="list-style-type: none"> Rear stair tower 4 story tall with firewall \$100k Hugh fire escape on historic Façade \$100K 	<ul style="list-style-type: none"> Gut entire building to upgrade to bldg. 1 hr. construction (Kitchen, bathroom, walls and Door). \$600 k trigger seismic \$100k Sprinkle entire building \$200k
Hard Cost \$50,000	<ul style="list-style-type: none"> 2nd floor stair enclosure \$50k Sprinkle ground \$50 k Hard cost \$300,000 Impact neighbor re: Rear stairs Variance historic façade 	<ul style="list-style-type: none"> 2nd floor stair enclosure \$50k <p>Hard Cost \$950,000</p> <p>Note: Evicts 9 tenant for minimum 1 year</p>

Summary

If we legalize the building as a main house w/accessory dwelling it is a minimal project costing \$50,000. If we legalize 4 or 5 unit it ranges from a \$300,000 to \$950,000 cost. It include a major structure (stair tower) in rear requiring a variance and a major façade steel fire escape. It requires interior work that is moderate to gutting building. Based upon SFFD it may require a second exit from the rear yard with no place to install the corridor. And it may require the building be vacated for a year.

Limited Liability

Our professional services have been performed using that degree of care and skill ordinarily exercised under similar circumstances, by reputable engineers practicing in the structural field in this or similar localities at the time. No other warranty, expressed or implied, is made as to the professional advice included in this report. This report has been prepared for you to use solely in the evaluation of the subject building. The report has not been prepared for use by other parties, and may not contain sufficient information for purposes of other parties or other uses

If you have any questions, please call me at (415) 760-0636 or email me at Patrick@Buscovich.com.

Sincerely,

Pat Buscovich



EXHIBIT D

[Home](#)[Planning](#)[Search Applications/Permits](#)

An error has occurred.
We are experiencing a report configuration error. Please try again later or contact the Agency for assistance.

Record 2015-005519ENF: Enforcement (ENF)

Record Status: Closed

Expiration Date: 01/31/2015

▼ Work Location

114 LYON ST

94117

▼ Record Details

Project Description:

Merger (loss of housing)

Merger of four dwelling units into one

▼ More Details

📄 Application Information

COMPLAINT INFORMATION

Violation Type:

Dwelling Unit Removal

📄 Parcel Information

Parcel Number:

1220020

Lot:

020

Block:

1220

Subdivision:

1220

Legal Description:

Parcel Area:



SAN FRANCISCO PLANNING DEPARTMENT

NOTICE OF ENFORCEMENT

May 5, 2015

Property Owner
Lester Levy & Mary Tilburn
114 Lyon Street
San Francisco, CA 94117

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Site Address: 114 Lyon Street
Assessor's Block/ Lot: 1220/ 020
Complaint Number: 2015-005519ENF
Zoning District: RH-3, Residential- House, Three Family
Code Violation: Section 317 – Loss of Dwelling Units through Demolition, Merger, and Conversion
Administrative Penalty: Up to \$250 Each Day of Violation
Response Due: Within 15 days from the date of this Notice
Staff Contact: Matthew Dito, (415) 575-9164, matthew.dito@sfgov.org

The Planning Department received a complaint that a Planning Code violation exists on the above referenced property that needs to be resolved. As the owner and/or leaseholder of the subject property, you are a responsible party. The purpose of this notice is to inform you about the Planning Code Enforcement process so you can take appropriate action to bring your property into compliance with the Planning Code. Details of the violation are discussed below:

DESCRIPTION OF VIOLATION

The complaint alleges that the subject property, a four-unit residential building, has undergone a residential merger to become a single-family home, without the benefit of a Building Permit or Planning Department Authorization.

Per Planning Code Section 317(b)(7), a residential merger is 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.

Per Planning Code Section 317(c), any application for a permit that would result in the loss or removal of three or more residential units shall require a Conditional Use authorization for the removal and replacement of the units.

Pursuant to Planning Code Section 171, except as otherwise provided in this Code, structures and land in any district shall be used only for the purposes listed in this Code as permitted in that district, and in accordance with the regulations established for that district.

HOW TO CORRECT THE VIOLATION

The Planning Department requires that you immediately proceed to abate the violation as following:

Contact the staff planner noted above within fifteen (15) days from the date of this notice to provide evidence that the alleged violation has not occurred on the property. If the alleged violation has occurred, a Building Permit Application must be filed to restore the property to its permitted use as a four-unit residential building. For information on the Building Permit process, please contact the Department of Building Inspection (DBI) at:

The Department of Building Inspection (DBI)
1660 Mission Street
San Francisco, CA 94103
telephone (415) 558-6088
website: www.sfgov.org/dbi

If you wish to legalize the residential merger, you must file a Conditional Use application, which must be approved by the Planning Commission. For more information on the Conditional Use process, please visit the Planning Department website at www.sf-planning.org.

TIMELINE TO RESPOND

The responsible party has fifteen (15) days from the date of this notice to contact the staff planner noted at the top of this notice and submit evidence to demonstrate that the corrective actions have been taken to bring the subject property into compliance with the Planning Code. A site visit may also be required to verify the authorized use at the above property. The corrective actions shall be taken as early as possible. Any unreasonable delays in abatement of the violation may result in further enforcement action by the Planning Department.

PENALTIES AND APPEAL RIGHTS

Failure to respond to this notice by abating the violation or demonstrating compliance with the Planning Code within fifteen (15) days from the date of this notice will result in issuance of a Notice of Violation by the Zoning Administrator. Administrative penalties of up to \$250 per day will also be assessed to the responsible party for each day the violation continues thereafter. The Notice of Violation provides appeal processes noted below.

- 1) Request for Zoning Administrator Hearing. The Zoning Administrator's decision is appealable to the Board of Appeals.
- 2) Appeal of the Notice of Violation to the Board of Appeals. The Board of Appeals may not reduce the amount of penalty below \$100 per day for each day the violation exists, excluding the period of time the matter has been pending either before the Zoning Administrator or before the Board of Appeals.

- 3) Request for alternative review by the Planning Director under the process set forth in Planning Code Section 176.1.

ENFORCEMENT TIME AND MATERIALS FEE

Pursuant to Planning Code Section 350(c) (1), the Planning Department shall charge for "Time and Materials" to recover the cost of correcting Planning Code violations and violations of Planning Commission and Planning Department's Conditions of Approval. Accordingly, the responsible party may be subject to an amount of \$1,236 plus any additional accrued time and materials cost for Code Enforcement investigation and abatement of violation. This fee is separate from the administrative penalties as noted above and is not appealable.

OTHER APPLICATIONS UNDER CONSIDERATION

The Planning Department requires that any pending violations be resolved prior to the approval and issuance of any new applications that you may wish to pursue in the future. Therefore, any applications not related to abatement of the violation on the subject property will be placed on hold until the violation is corrected. We want to assist you in ensuring that the subject property is in full compliance with the Planning Code. You may contact the enforcement planner as noted above for any questions.

中文詢問請電: 558.6378

Para información en Español llamar al: 558.6378



SAN FRANCISCO PLANNING DEPARTMENT

NOTICE OF COMPLAINT

May 01, 2015

Property Owner

Levy Lester J & Tilbury Mary C
114 Lyon St
San Francisco, CA 94117

Site Address: 114 Lyon St
Assessor's Block/Lot: 1220/ 020
Complaint Number: 2015-005519ENF
Zoning District: RH-3, Residential- House, Three Family
Staff Contact: Matthew Dito, (415) 575-9164, matthew.dito@sfgov.org

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

You are receiving this courtesy notice because the Planning Department has received a complaint alleging that one or more violations of the Planning Code exist on the above-referenced property. As the property owner you are a responsible party.

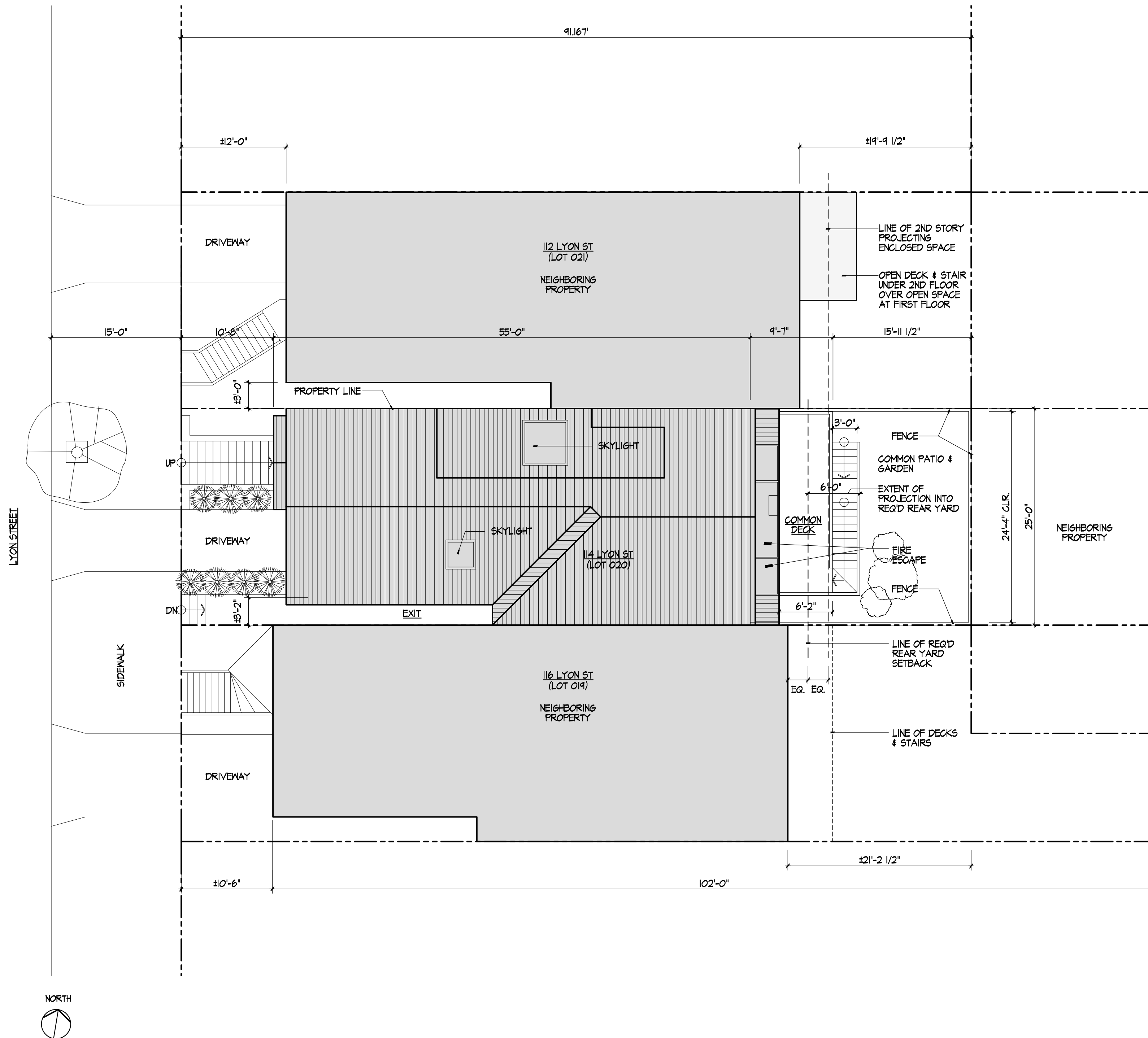
The Planning Department requires compliance with the Planning Code in the development and use of land and structures. Any new building permits or other applications are not issued until a violation is corrected. Penalties may also be assessed for verified violations. Therefore, your prompt action to resolve the complaint is important.

Please contact the staff planner shown above for information on the alleged violation and assistance on how to resolve the complaint.

中文詢問請電: 558.6378

Para información en Español llamar al: 558.6378

EXHIBIT E



1
Ala SITE/ROOF PLAN
1/8" = 1'-0"

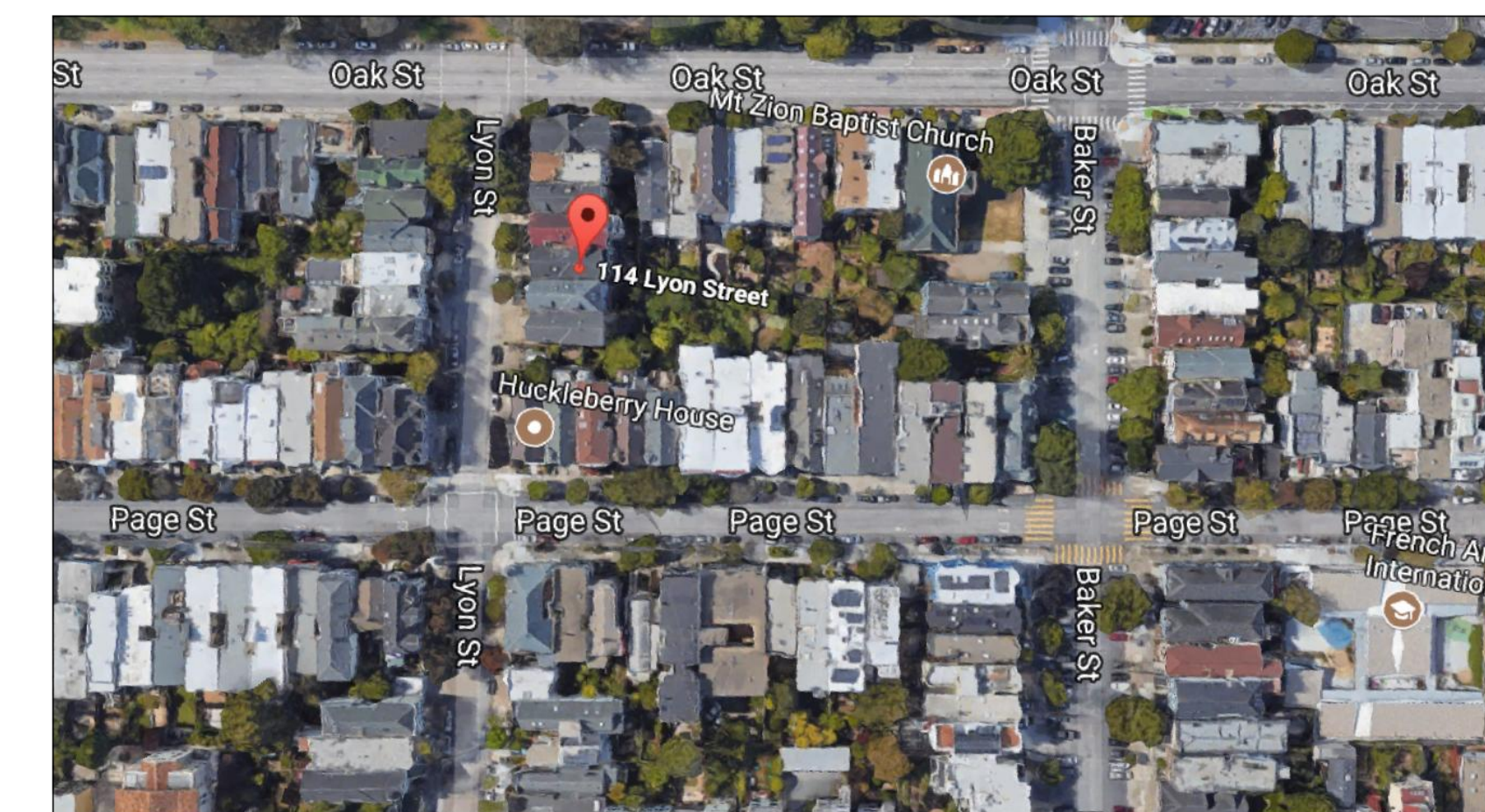
PROJECT SUMMARY

SCOPE OF WORK: SUBMITTAL OF PLANS IN CONNECTION WITH CONDITIONAL USE AUTHORIZATION FOR DWELLING UNIT MERGER FROM FOUR UNITS TO TWO UNITS, AND VARIANCE APPLICATION TO LEGALIZE EXISTING REAR DECK AND STAIRS. THESE PLANS SHOW NO NEW WORK TO BE DONE. NEW WORK TO SPRINKLER THE GROUND FLOOR AND TO REMOVE THE COOKTOP AT THE 4TH FLOOR WILL BE SUBMITTED SEPARATELY FOR PERMIT.

MATRIX

	EXISTING (PER 1962 PLANS)	PROPOSED (ADDING 1 UNIT)
NO. OF UNITS:	4	3
AREA OF UNITS: UNIT #1	1110	3096
UNIT #2	432	345
UNIT #3	624	345
UNIT #4	680	
TOTAL NO. OF BEDROOMS:	4	7
TOTAL NO. OF KITCHENS:	4	3
TOTAL NO. OF BATHROOMS:	4	6
TOTAL LIVING AREA:	2846 SF	3787 SF

VICINITY MAP



SHEET INDEX

- A1a - COVER SHEET / SITE/ROOF PLAN
- A2a - EXISTING & PROPOSED 1ST & 2ND FLOOR
- A2b - EXISTING 3RD & 4TH FLOOR PLAN (NO CHANGE)
- A3 - EXISTING WEST ELEVATION
- A3a - EXISTING & PROPOSED EAST ELEVATION
- A4 - EXISTING SOUTH ELEVATIONS
- A4a - PROPOSED SOUTH ELEVATIONS
- A5 - EXISTING NORTH ELEVATION (NO CHANGE)
- A6 - EXISTING SECTIONS
- A6a - PROPOSED SECTIONS

LEGEND

- EXISTING
- DEMOLISHED STRUCTURE

REVISIONS

114 Lyon Street
San Francisco, CA 94117
PROPOSED ADDING 1 UNIT 9/17/17

ARCHITECT

LUCIA
HOWARD,
ARCHITECT
510.332.3218

SITE PLAN

DRAWN BY
MA

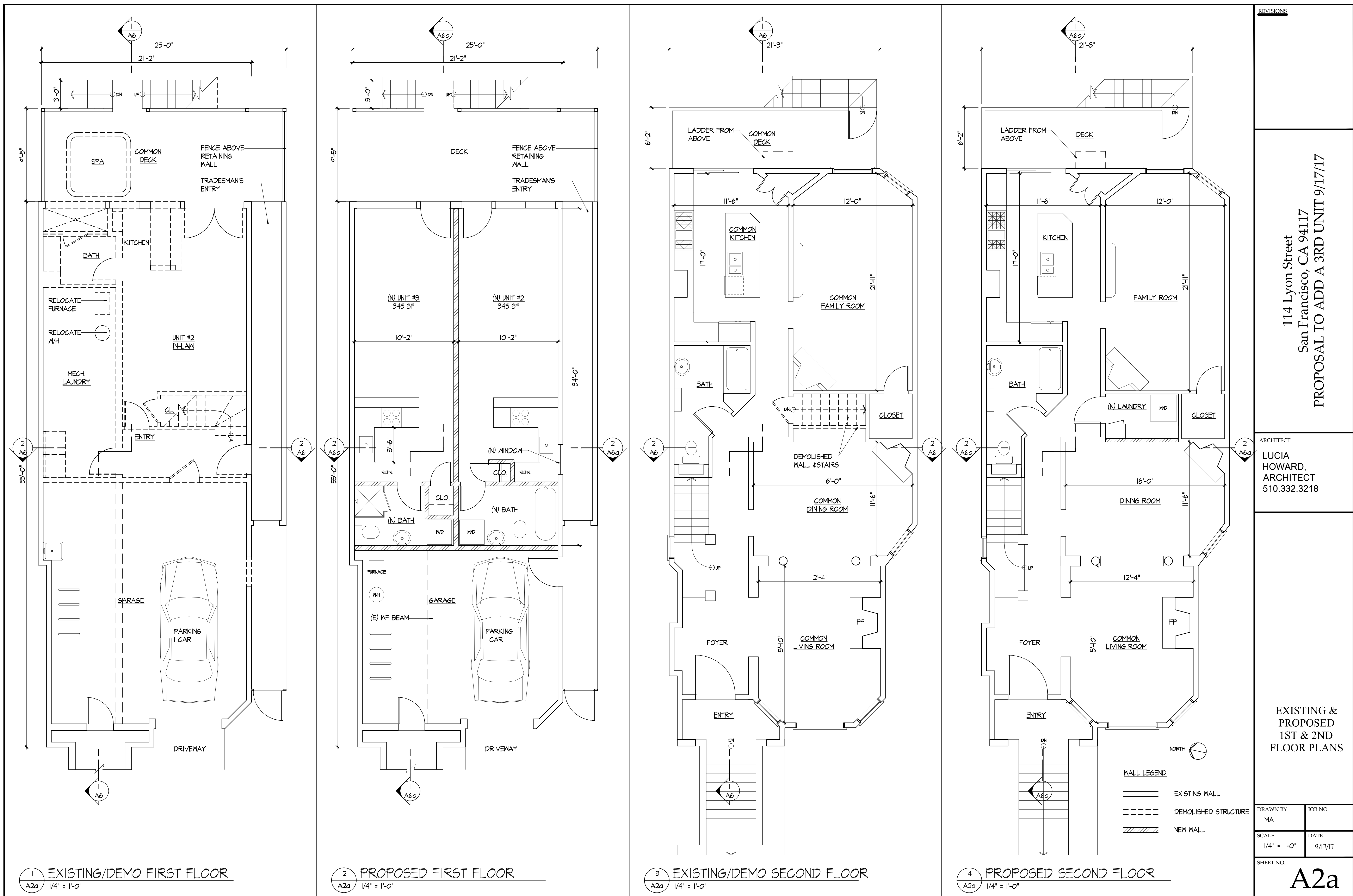
JOB NO.

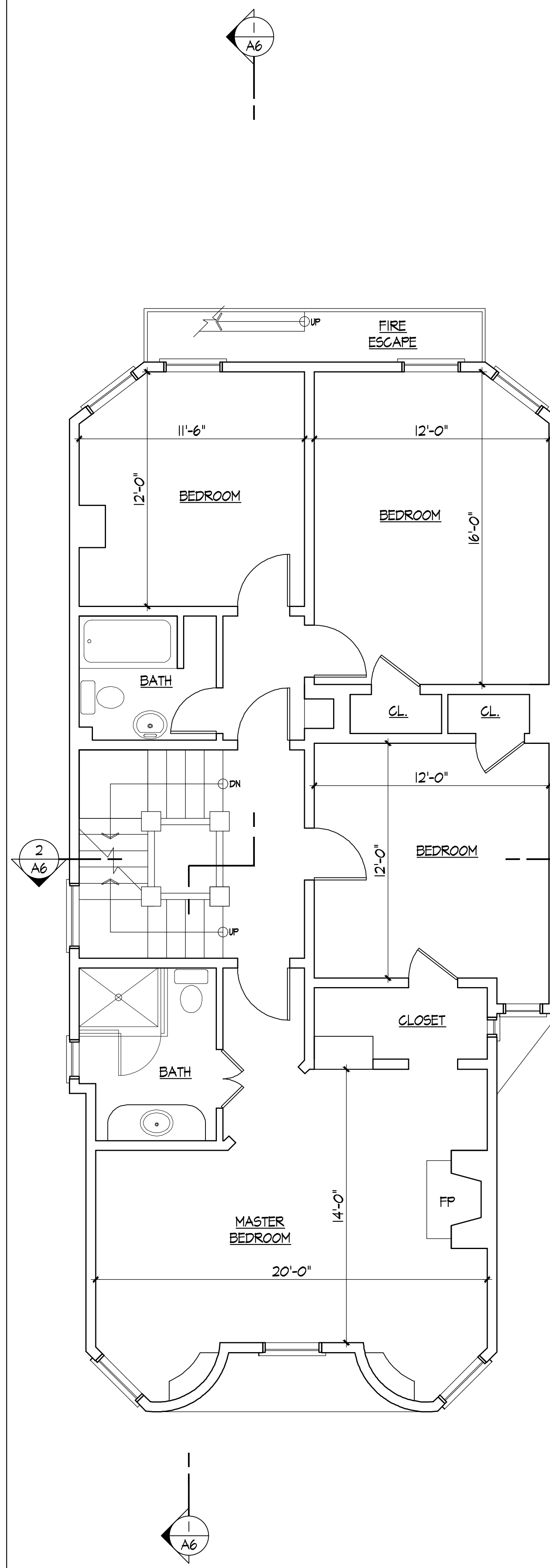
SCALE
1/8" = 1'-0"

DATE
9/17/17

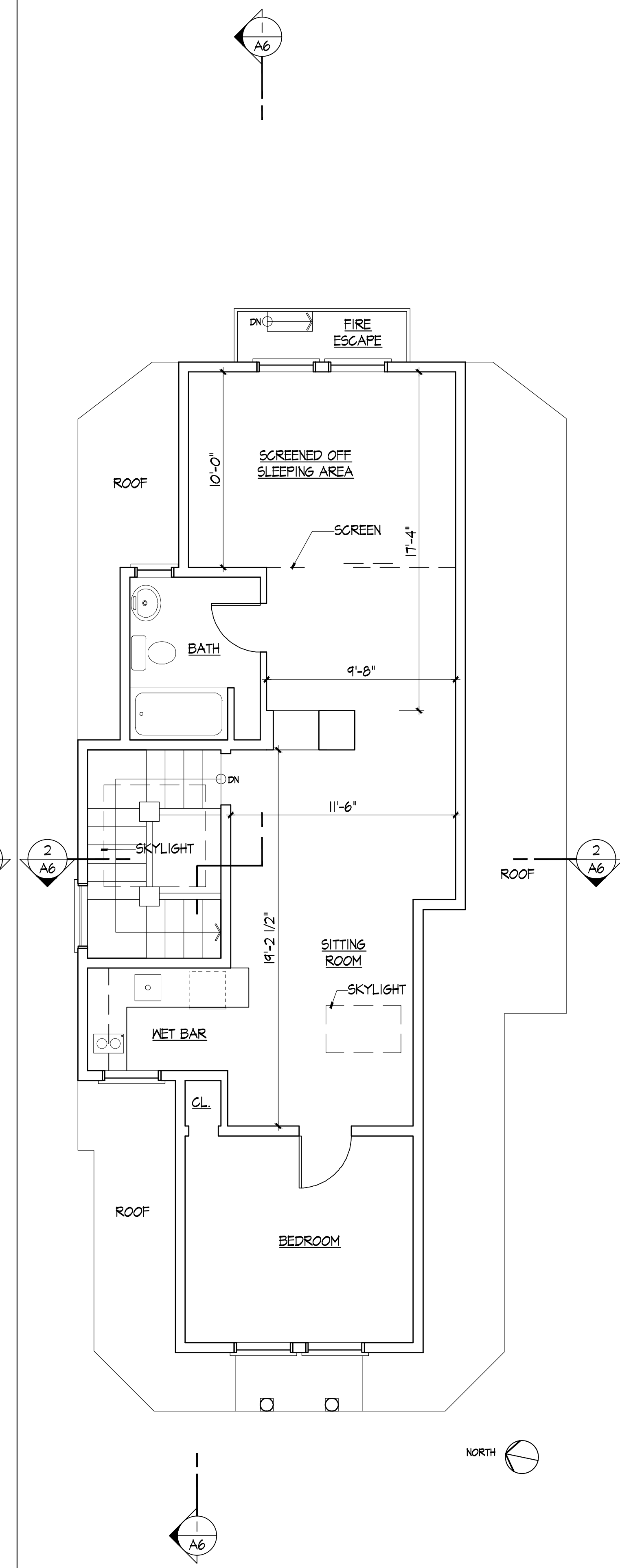
SHEET NO.

A1a





1 THIRD FLOOR
A2b 1/4" = 1'-0"



2 FOURTH FLOOR
A2b 1/4" = 1'-0"

REVISIONS

114 Lyon Street
San Francisco, CA 94117
PROPOSAL TO ADD A 3RD UNIT 9/17/17

ARCHITECT

LUCIA
HOWARD,
ARCHITECT
510.332.3218

EXISTING 3RD &
4TH PLANS
(NO CHANGE)

DRAWN BY
MA

JOB NO.

SCALE
1/4" = 1'-0"

DATE
9/17/17

SHEET NO.

A2b



1
A3
EXISTING WEST ELEVATION
1/4" = 1'-0"

REVISIONS

114 Lyon Street
San Francisco, CA 94117
PROPOSAL TO ADD A 3RD UNIT 9/17/17

ARCHITECT

LUCIA
HOWARD,
ARCHITECT
510.332.3218

EXISTING WEST
ELEVATION
(NO CHANGE)

DRAWN BY
MA

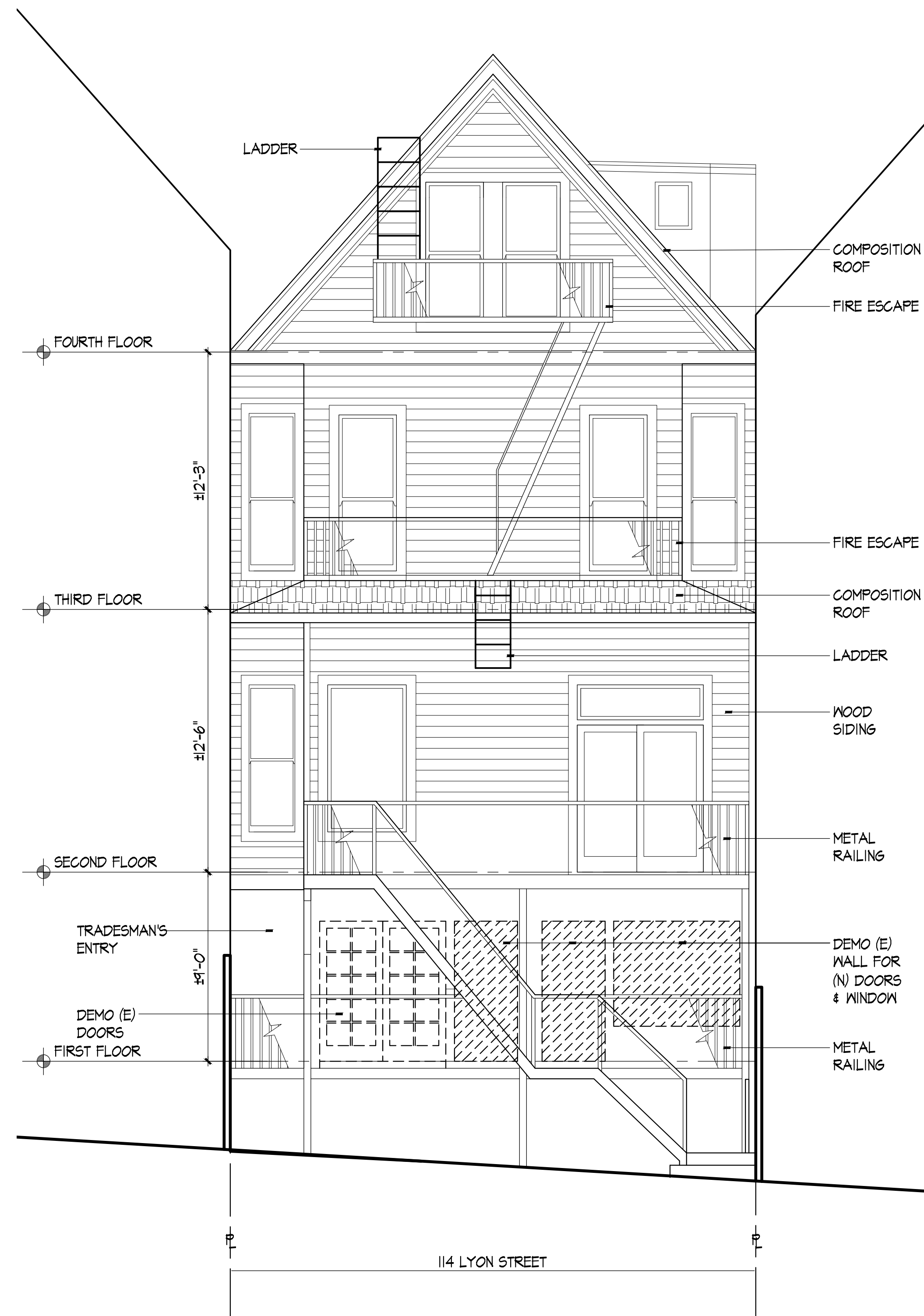
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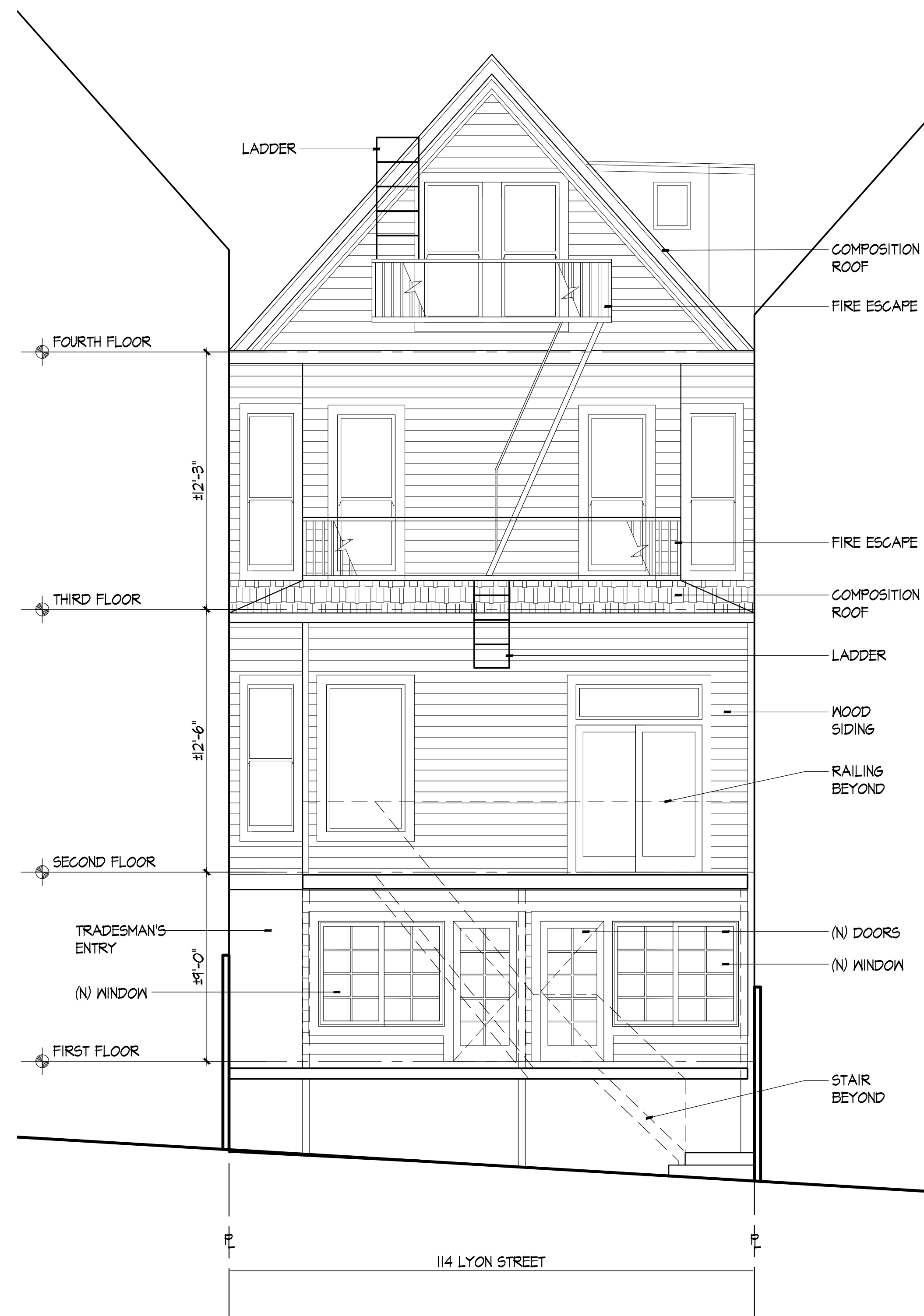
DATE
9/17/17

SHEET NO.

A3



1
A3a
EXISTING EAST ELEVATION
1/4" = 1'-0"



2
A3a
PROPOSED FIRST/GROUND FL./ EAST ELEVATION
1/4" = 1'-0"

REVISIONS

114 Lyon Street
San Francisco, CA 94117
PROPOSAL TO ADD A 3RD UNIT 9/17/17

ARCHITECT

LUCIA
HOWARD,
ARCHITECT
510.332.3218

EXISTING EAST
ELEVATION /
PROPOSED EAST
ELEVATION

DRAWN BY
MA

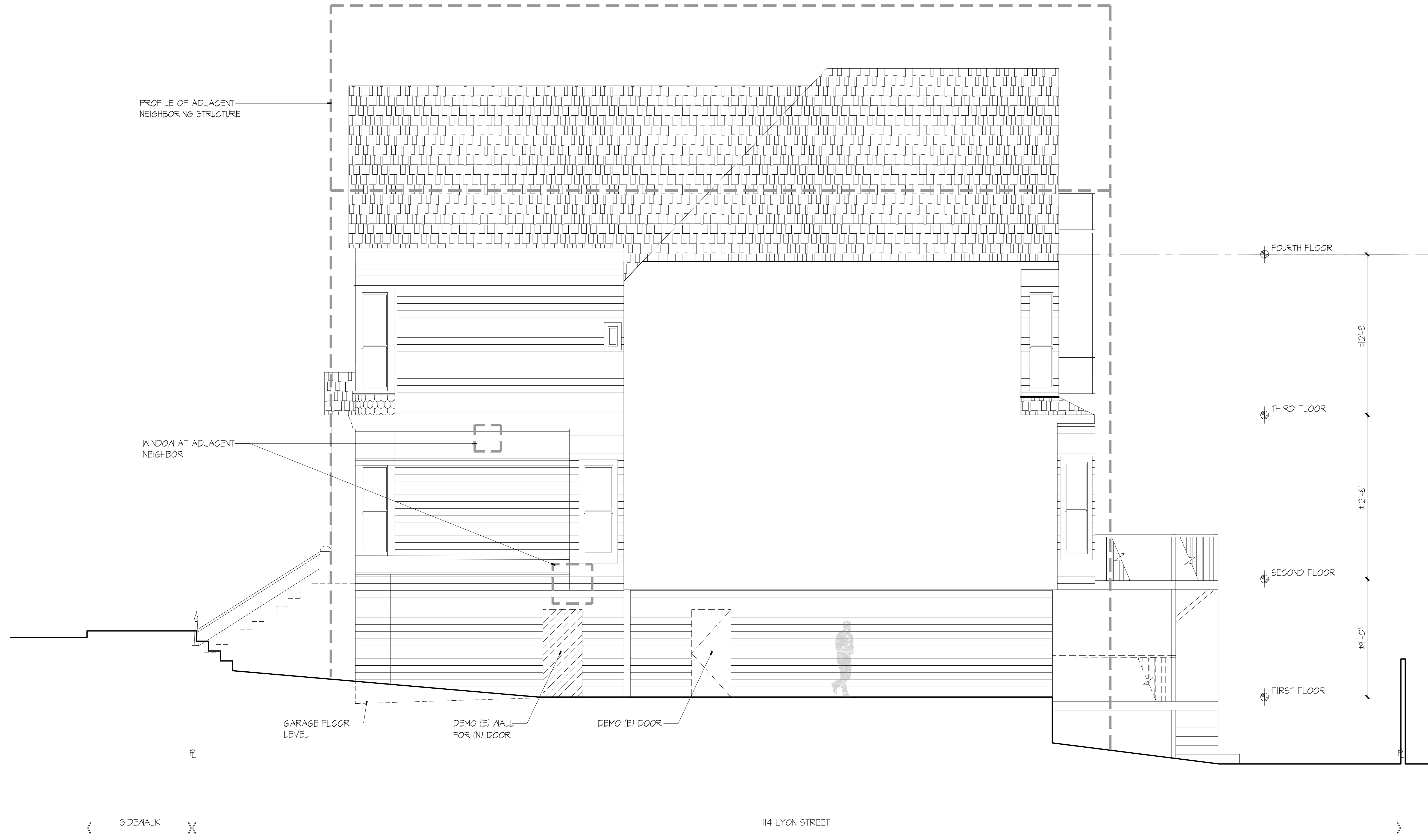
JOB NO.

SCALE
1/4" = 1'-0"

DATE
9/17/17

SHEET NO.

A3a



REVISIONS

114 Lyon Street
San Francisco, CA 94117
PROPOSAL TO ADD A 3RD UNIT 9/17/17

ARCHITECT

LUCIA
HOWARD,
ARCHITECT
510.332.3218

EXISTING SOUTH
ELEVATION
(NO CHANGE)

DRAWN BY
MA

JOB NO.

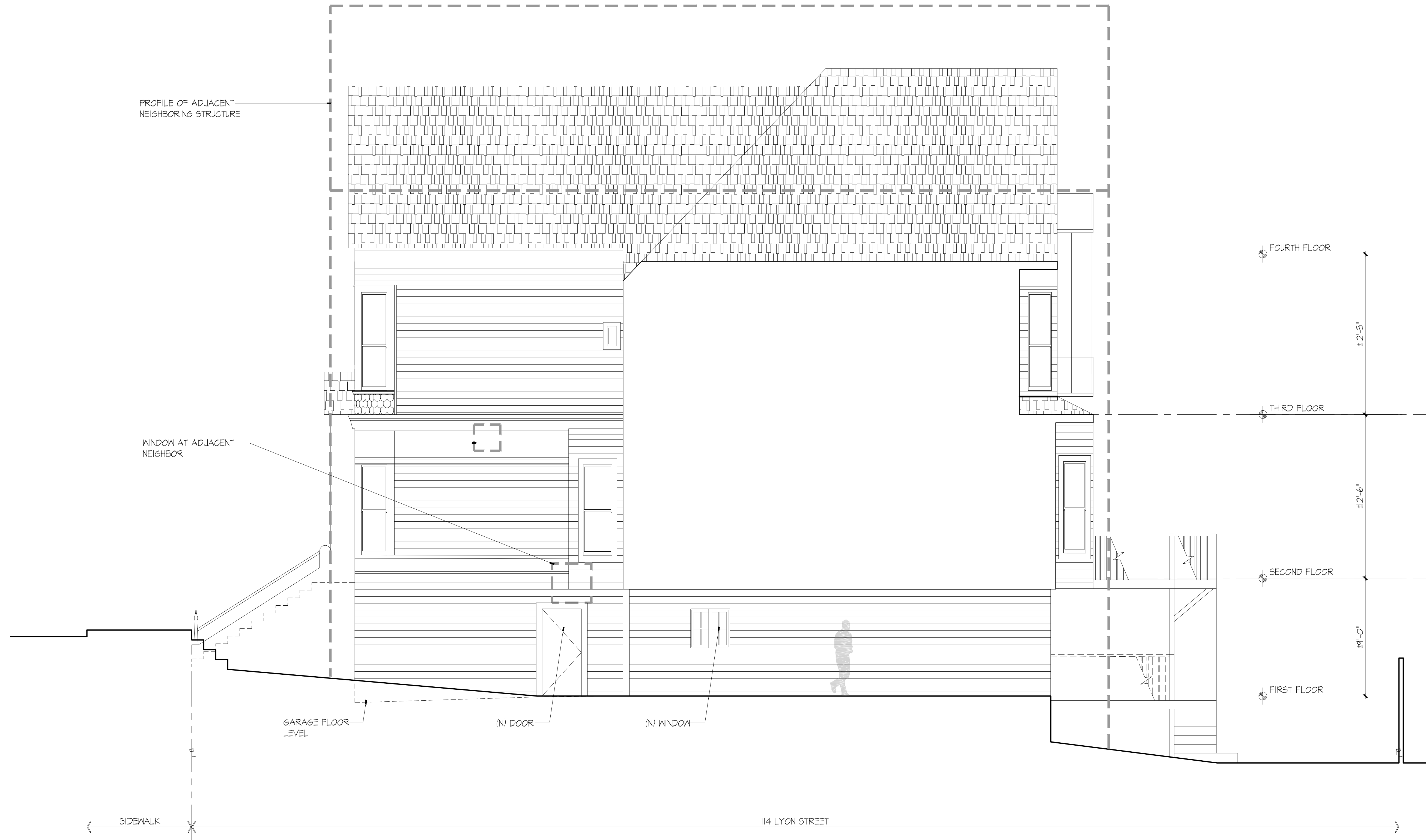
SCALE
1/4" = 1'-0"

DATE
9/17/17

SHEET NO.

A4

1 SOUTH ELEVATION
A4 1/4" = 1'-0"



REVISIONS

114 Lyon Street
San Francisco, CA 94117
PROPOSAL TO ADD A 3RD UNIT 9/17/17

ARCHITECT

LUCIA
HOWARD,
ARCHITECT
510.332.3218

PROPOSED
SOUTH
ELEVATION

DRAWN BY
MA

JOB NO.

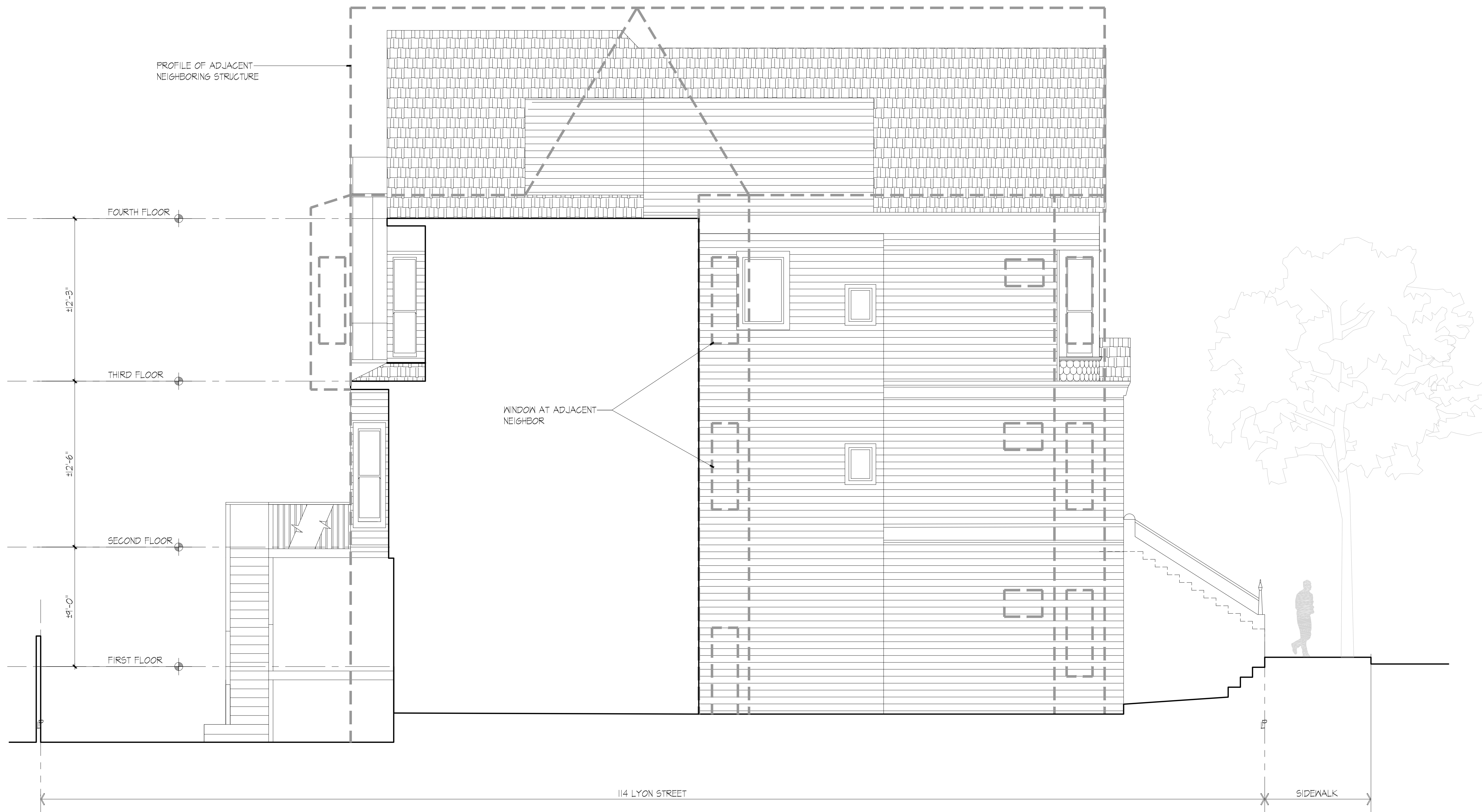
SCALE
1/4" = 1'-0"

DATE
9/17/17

SHEET NO.

A4a

PROPOSED SOUTH ELEVATION
1/4" = 1'-0"



1 NORTH ELEVATION
A5 1/4" = 1'-0"

REVISIONS

114 Lyon Street
San Francisco, CA 94117
PROPOSAL TO ADD A 3RD UNIT 9/17/17

ARCHITECT

LUCIA
HOWARD,
ARCHITECT
510.332.3218

EXISTING
NORTH
ELEVATION
(NO CHANGE)

DRAWN BY
MA

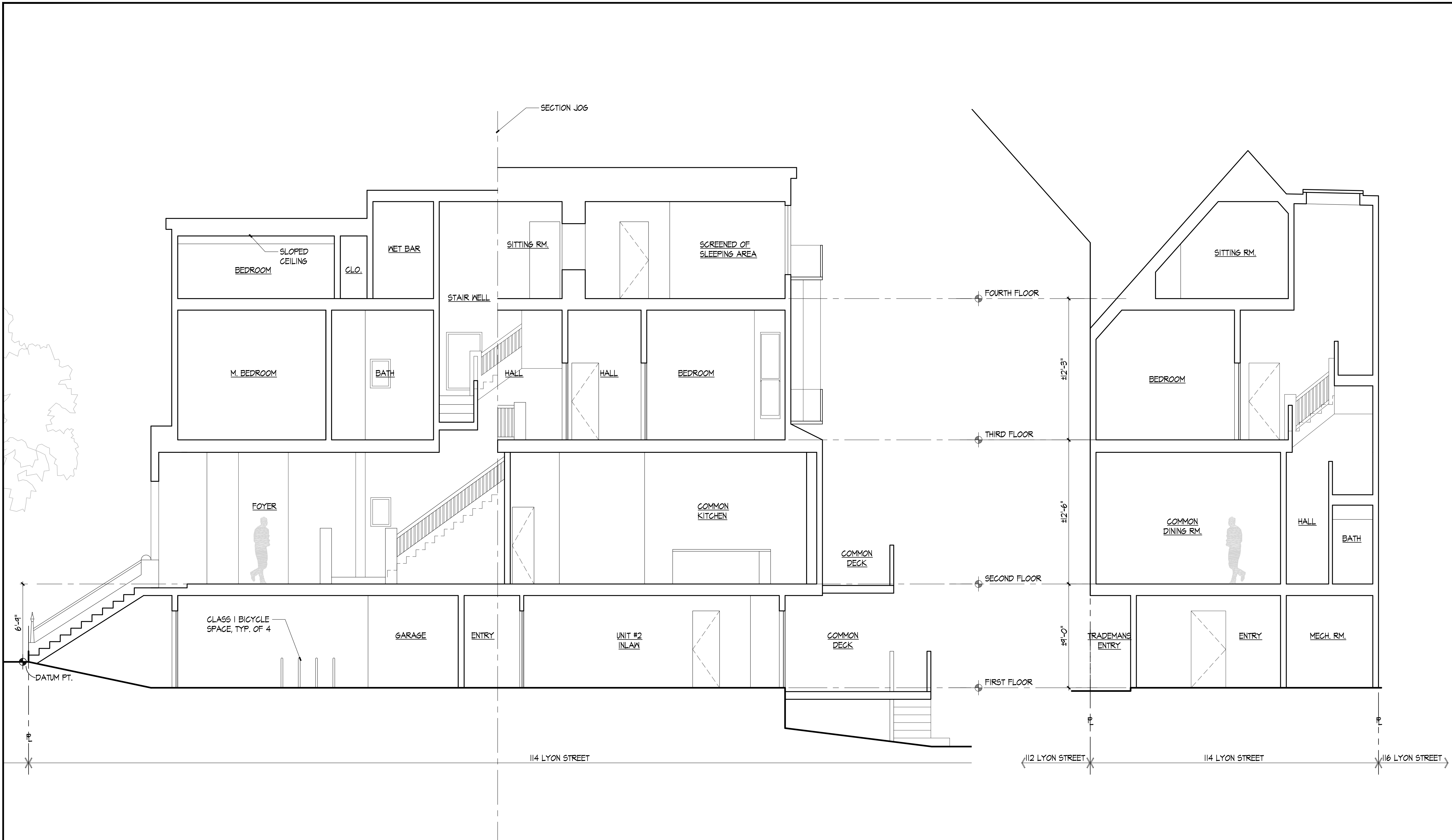
JOB NO.

SCALE
1/4" = 1'-0"

DATE
9/17/17

SHEET NO.

A5



1 SECTION A
A6 1/4" = 1'-0"

2 SECTION B
A6 1/4" = 1'-0"

REVISIONS

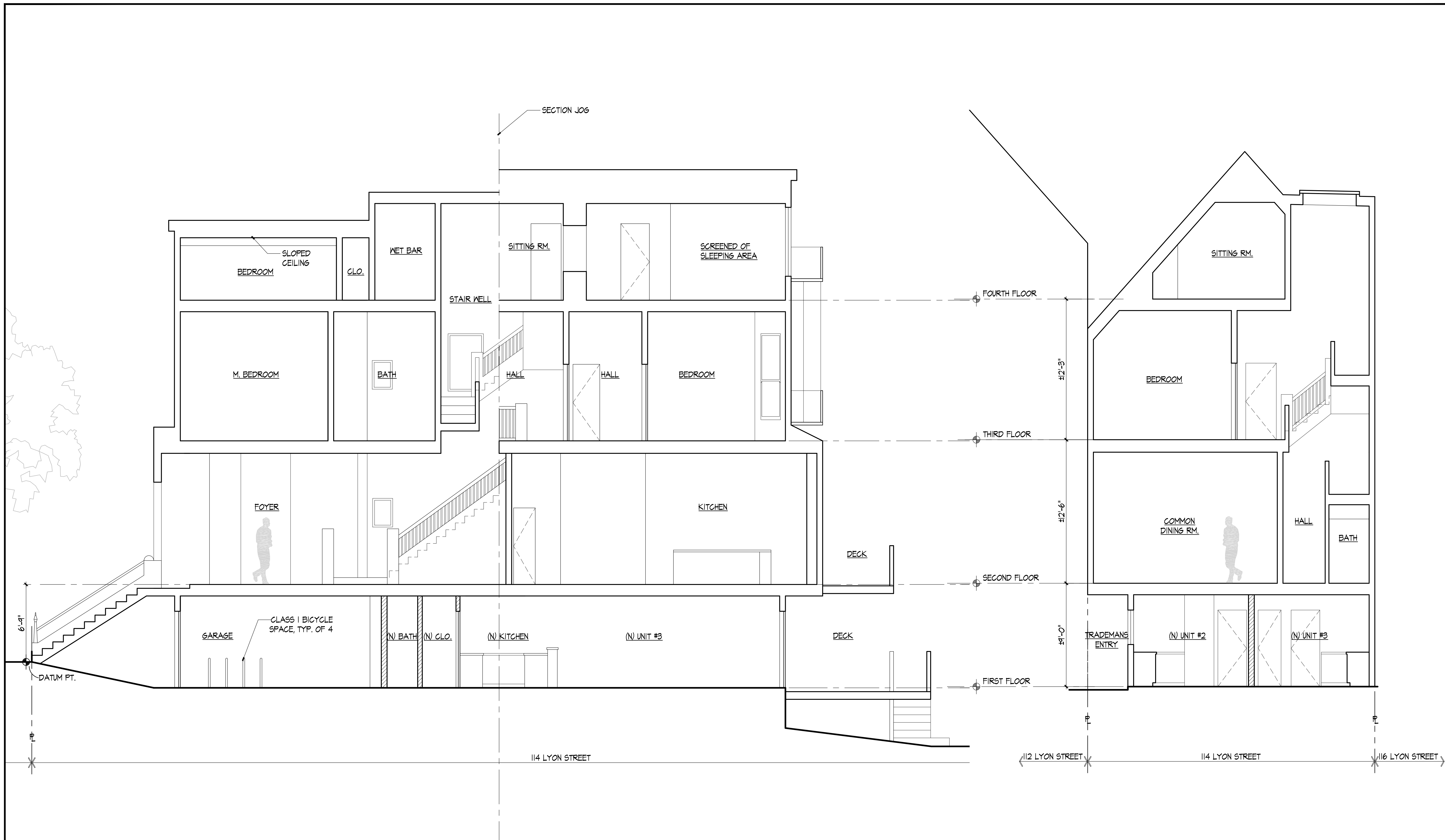
114 Lyon Street
San Francisco, CA 94117
PROPOSAL TO ADD A 3RD UNIT 9/17/17

ARCHITECT
LUCIA
HOWARD,
ARCHITECT
510.332.3218

SECTIONS

DRAWN BY MA	JOB NO.
SCALE 1/4" = 1'-0"	DATE 9/17/17

SHEET NO.
A6



1 SECTION A
A6a 1/4" = 1'-0"

2 SECTION B
A6a 1/4" = 1'-0"

REVISIONS

114 Lyon Street
San Francisco, CA 94117
PROPOSAL TO ADD A 3RD UNIT 9/17/17

ARCHITECT

LUCIA
HOWARD,
ARCHITECT
510.332.3218

PROPOSED
SECTIONS

DRAWN BY
MA

JOB NO.

SCALE
1/4" = 1'-0"

DATE
9/17/17

SHEET NO.

A6a

EXHIBIT F

We support Lucia and Max Howard's proposal to reduce the number of units at 114 Lyon Street from 4 to 2 or 4 to 3.

EXHIBIT G

SOCIETY SWIMMERS SHOPPING.

AS the holiday season approaches, our streets begin to assume a busy air, as "from morn till dewy eve" the feminine portion of our community flit hither and thither on shopping thoughts intent. It is at this time of year that fancy workers are in search of silks for embroideries, wools for knitting and the thousand and one necessary articles wherewith to fashion the gift intended for father, brother, husband or lover. In a city like ours, which possesses so large an element of the cosmopolitan, all tastes can be suited, and all purses also, from the plethoric one of Cæsar to the more modest portmonnaie of the youthful maiden. But there are certain stores which have established a position in the affections of our shopping world so firm as to be unquestionable; and, while there are several which hold equal rank, each has its own particular clique or *clientelle*. Different hours of the day are chosen by matrons and maids. Thus, from 10 o'clock in the morning until noon, when luncheon calls them homeward, the heads of families may be seen at Goldberg, Bowen & Lebenbaum's, laying in fine groceries and table delicacies of every description. Then they turn their steps in the direction of the markets.

This duty accomplished and the wants of the inner man attended to, the *mater familias* begins to think of the outer woman, and the dry good stores claim her attention. The White House, Samuels' Lace House and O'Connor, Moffitt & Co.'s are in turn gone through. Here the daughters are generally to be seen anxiously awaiting mamma's coming to choose the material for the next ball-dress or calling costume. *En passant* Mrs. Hager and Mrs. W. H. Taylor, Miss Pope and Miss Edith Taylor have been observed of late inspecting the merits of white satin and tulle.

Then comes a tour of the trimming and art stores. The Graham Decorative Art is the headquarters for the latest and most fashionable novelties. Here they find every variety of fancy goods and harmonizing tints.

Shreve's and Stott's come first in the affections of lovers of exquisite jewelry, silver-ware and choice bric-a-brac, fans, etc.

Mrs. Will Crocker finds the department of the White House which is devoted to French toys most attractive, to judge from the lengthy visits she pays to that portion of this beautiful store. Her brother-in-law, the gallant Col. Fred Crocker, usually puts in his appearance there just before Christmas, when sundry numerous boxes, hitherto hidden from view, are brought forth for his inspection. Mrs. Lloyd Tevis patronizes the White House, being the fortunate possessor of the building. A large percentage of our foreign population are patrons of the White House, its gentlemanly proprietor, Raphael Weill, and his corps of polite salesmen being deservedly popular among the ladies. Here may be seen beautiful Mrs. Steinhart, distingué Mrs. Phil Lilienthal and pretty Mrs. Neustadter; Mme. Gros, the belle of the French colony, and Mrs. Splivalo, the handsome wife of the Italian pioneer. Elegant Mrs. Dr. Burgess obtains her exquisite costumes from Paris, through the medium of Samuels' Lace House, where also Mrs. Henry L. Dodge buys extensively. The Gwin family, Friedlanders, Kittles and Griffeths are solid patrons of O'Connor, Moffitt & Co.'s.

Gump on Market street, which is one of the most popular resorts in the city for lovers of the artistic in paintings and bric-a-brac. Mr. Gump's exquisite taste is so well known that one is always certain of satisfying his æsthetic senses when visiting the establishment. Beside the many magnificent paintings and etchings from the ateliers of the most famous artists of both the old and the new world, there are beautiful vases, elegant jardinières, a most tempting array of busts, statuettes, and other articles of vertu, which make Gump's galleries one of the most attractive in the United States.

By this hour the air has become chilly, and the girls remember that they are to get new winter wraps, so conclude to go over to Fratinger's to look at the latest styles, after which a reluctant turning of the steps homewards is in order.

ARTISTIC HOMES OF CALIFORNIA.

—New Artotype Series. Plate No. 117.—

THE artotype this week is of the new block of dwellings at Lyon and Oak streets, erected by the well-known firm of Rountree Brothers, whose office is in the Nevada Block. There are seven houses, and they are all in the Queen Anne style of architecture. The plans were drawn by W. H. Lillie, rooms 28 and 29 St. Ann's Building. Mr. Lillie has done credit to himself in the specimens of his work exhibited in these buildings, and his talents are becoming known and appreciated, as is evidenced by the large amount of work he has now in hand. The corner house is arranged as a flat, and has, as have the others, every modern convenience. The rooms are large and airy, the finish artistic and substantial, and everything is designed to make the dwellings comfortable and beautiful homes. The fifth house from Oak street, 114 Lyon street, is owned by General John F. Sheehan, the United States General Land Agent. The entrance is finished in natural hard wood, and upon entering one is struck with the beauty of all the arrangements. The parlors, walls and ceilings are delicately tinted, and the diningroom is supplied with an elegant sideboard. The kitchen has a large pantry adjoining, and every modern and necessary fixture is supplied. The stairway is artistically constructed and upstairs there are four large bedrooms, two dressingrooms and a bathroom. The external appearance of the house is handsome, as will be seen from the artotype. The Rountree Brothers have disposed of all this block, and have nearly finished several other blocks, notably that at the corner of Clay and Buchanan streets, of which an artotype will soon be published.

Men who enjoy a drink of good liquor now and then have found that no place in the city suits them better than the Grand Central Wine Rooms at 16-18 Third street. That is the reason this popular bar is always crowded, for it is well known among men about town that only the best of stock is carried on its shelves. Straight goods is its motto.

Gentlemen desiring fashionable underwear, gloves, neckties and other furnishing goods, should patronize J. W. Carmany, 25 Kearny.

EXHIBIT H

Approved:

Zone

R-4

CPC Setbacks... None

1 additional parking space to
be provided (total 2 spaces)11/13/62 *Wayne R. Rich*

Department of City Planning

Approved: 11/16/62

Fire proof garage & passageway.
Provide 2 means of egress from each unit
install fire escape on front
& provide basement storage area.
Install 2 fire extinguishers.

Wm. H. Bode

Bureau of Fire Prevention & Public Safety

Approved:

Civil Engineer, Bureau of Building Inspection

Approved:

Bureau of Engineering

Bldg. permit applic #273676

Re: 114 Lyon Street (submitted with plans)

approved: provided

1. O.K. 4 unit 36' floor occupancy.
2. w/c & bath floor surface material to be approved by BBI.
3. Vent all approved gas fired appliances into approved flues.

Permit.

Approved:

Department of Electricity

Approved:

Art Commission

Approved:

Boiler Inspector

Approved:

Redevelopment Agency

Approved:

Parking Authority

No portion of building or structure or scaffolding used during construction to be closer than 6'0" to any wire containing more than 750 volts. See Sec. 385 California Penal Code.

REFER TO:

Bureau of Engineering
BBI Struct. Engineer
Boiler Inspector
Art Commission
Dept. of Public Health
Dept. of Electricity
Redevelopment Agency
Parking Authority

Approved 10-30 1962

Provided the following conditions are complied with:

- 1- OBTAIN A PERMITS & ELECTRICAL PERMITS
- 2- ALL OTHER WORK AS NOTED ON PLANS

BLDG. FORM

3

No.

APPLICATION OF

*Victor Smith*Lessee
OwnerFOR PERMIT TO MAKE
ADDITIONS, ALTERATIONS or REPAIRS
TO BUILDING

Location 114 Lyon

Total Cost \$5000

Filed Oct 29 OCT 29 1962

1962

APPROVED:

APPROVED
By Public Works
OCT 30 1962*Robert C. Long*
SUPERINTENDENT
BUREAU BUILDING INSPECTION

Superintendent, Bureau of Building Inspection

Permit No.

243395

Issued

11/16/62

Building Inspector, Bureau of Building Inspection

I agree to comply with all conditions or stipulations of the various Bureaus or Departments noted hereon.

Victor Smith

Owner or Owner's Authorized Agent

SAN FRANCISCO
DEPARTMENT OF
BUILDING INSPECTION

Due to the quality of the original

Approved:

Zone _____
CPC Setbacks _____

Not reviewed by the Department of City Planning. Issuance of the requested permit constitutes no indication that use of this property does or does not conform to the City Planning Code.

Department of City Planning

Approved:

Bureau of Fire Prevention & Public Safety

Approved:

Civil Engineer, Bureau of Building Inspection

Approved:

Bureau of Engineering

For work stated only

Approved:
Approval of this _____ constitute approval of the use of the _____ of this building

2-13-69 *W. H. H.*
Department of Public Health

Approved:

Department of Electricity

Approved:

Art Commission

Approved:

Boiler Inspector

Approved:

Redevelopment Agency

Approved:

Parking Authority

No portion of building or structure or scaffolding used during construction to be closer than 6'0" to any wire containing more than 750 volts. See Sec. 385 California Penal Code.

REFER TO:

Bureau of Engineering
BRI Struct. Engineer
Boiler Inspector
Art Commission
Dept. of Public Health
Dept. of Electricity
Redevelopment Agency
Parking Authority

Approved 2-20-1969

Provided the following conditions are complied with:

Fire damage only

R. K. K.
Building Inspector, Bureau of Building Inspection

I agree to comply with all conditions or stipulations of the various Bureaus or Departments noted herein.

Owner or Owner's Authorized Agent

BLDG. FORM

366915

3 APPLICATION OF

Mr. Smith Lessor
Owner

FOR PERMIT TO MAKE
ADDITIONS, ALTERATION or REPAIRS
TO BUILDING

Location 114 Lyon St.

Total Cost \$ 1500.00

Filed FEB 19 1969 19

APPROVED:

APPROVED
Dept. Public Works
FEB 20 1969

Superintendent, Bureau of Building Inspection

35512 329685
Permit No.

Issued MAR 6 1969 19

EXHIBIT I

Listing #431223
\$2,950,000 (LP)
Price/SqFt: 738.98

114 Lyon St, San Francisco, CA 94117*
Bed: 5
District : 5 - Haight Ashbury

N Active (03/27/15) **DOM: 1**
Baths: 5 **Sq Ft: 3992** **Lot Sz: 2279***
Yr: 1900*

Remarks

Grand Victorian just steps from Buena Vista Park, Golden Gate Park and all of the nightlife and amenities of the Divisadero Corridor. Built by the Rountree brothers in 1881, this 5 BD/5BA with in-law featuring separate entrance exhibits beautiful period details and finishes throughout that define pride of ownership. Stunning formal entrance and dining room. Douglas Fir softwood floors on three main floors of living space. Soaring ceilings throughout with great light, and views of Alamo Square Park from top floor Au-Pair unit. Expansive Master Suite with newly updated bathroom and en suite bedroom currently used as walk in closet but could be an additional bedroom. Flexible to suit your style and needs.

Pictures (25)



Agent	John S Orr (ID: SF810338) Primary: 415-861-5200 Lic: 01963171		
Office	Vanguard Properties (ID: VANG03) Phone: 415-861-5200, FAX: 415-431-1300 Office Lic.: 01486075		
Property Type	Single-Family Homes	Property Subtype(s)	Single-Family Homes
Status	N Active (03/27/15)		
DOM	1		
Type Listing	Excl Right to Sell		
Known Short Sale	No		
REO	No		
District	5 - B		
Commission	Selling Office	Dual/Var. Rate	
	2.5	No	
County	San Francisco	Blk/Lt/APN	1220020
Scope of Service	Full Service		
Beds	5	Baths	5
Den/Bonus Room	0		
Approx Square Feet	3992	Sq Ft Source	Per Graphic Artist
Lot Sq Ft (approx)	2279*	Lot Acres (approx)	0.0523
Year Built	1900*	Price / SqFt	738.98
Map Book	SFAR Map	Lot Size Source	(Per Tax Records)
Cross Street	Page St.	Map Coordinates	SFAR, CP44
Listing Date	01/27/15	Entry Date	03/27/15
On Market Date	03/27/15	Expiration Date	06/30/15
Original Price	2,950,000		
Occupant Type	Owner		
Occupant Name		Picture Provided By	Submitted by Broker
Photo Instructions		Open House	

Tuesday Tour

03/31/15

12:00 - 01:30

On Tour as New

First Tuesday Tour! Come Enjoy this Beautiful Victorian.

Zoning

Zoning	RH-3
Total # of Rooms	12
# of Parking Spaces	1
Parking Type	On Site
Parking Access	Independent
Builder Architect	Rountree Brothers
Green Point Rating	0
HERS Index	0
HOA Dues	\$ 0.00
Pending Litigation	No
Probate Sale	No
Unconfirmed Coop Fee	0.00

Features

Showing Instructions	Appointment Only, Call Listing Agent, Restricted Hours
Possession	Close of Escrow
Parking	Garage
Type	3 Story
Style	Victorian
Main Level	1 Bath, Living Room, Dining Room, Family Room, Kitchen
Upper Level	4 Bedrooms, 2 Baths, 1 Master Suite
Lower Level	1 Bedroom, 1 Bath, Kitchen
Additional Level	1 Bedroom, Top Level, 1 Bath, Kitchen
View(s)	Partial
Kitchen	Gas Range, Hood Over Range, Refrigerator, Dishwasher, Microwave, Garbage Disposal, Island, Remodeled
Dining Room	Formal
Other Rooms	In Law Apartment
Heating/Cooling Sys	Central Heating, Radiant, Central Air
Laundry Appliances	Washer/Dryer, In Laundry Room, In Closet
Miscellaneous	Garden, Landscaping-Rear, Fenced Yard, Patio(s), Covered Patio(s), Deck(s), Formal Entry, Bay Window(s)
Floors	Partial Carpet, Softwood
Fireplace	3, Gas Burning, Living Room, Family Room, Master Bedroom
Lot Description	Regular
Driveway/Sidewalks	Paved Driveway
Water/Sewer	Water-Public, Water Heater-Gas
Transportation	1 Block
Shopping	2 Blocks

Privileged Information

Picture Provided By	Submitted by Broker
IDX	Yes
Approved	Yes
Longitude / Latitude	-122.442024 / 37.772136
Show Address to Public	Yes
Show Address to Client	Yes
Agent Hit Counter	118
Public/Client Hit Counter	11
Publish to VOW	Yes
Show Address on VOW	Yes
Show AVM on VOW	Yes
Show Comments on VOW	Yes

* Denotes information autofilled from tax records.



114 Lyon Street | Grand Scale Victorian in Prime Location

Beautiful 3-story Grand Victorian just steps from Buena Vista Park, Golden Gate Park and all of the nightlife and amenities of the Divisadero Corridor. Built by the Rountree brothers in 1881, this 5 BD/5BA with in-law featuring separate entrance exhibits beautiful period details and finishes throughout that define pride of ownership. Stunning formal entrance and dining room. Parlor off of kitchen that is perfect for entertaining. Douglas Fir softwood floors on three main floors of living space. Expansive ceilings throughout with great light, and views of Alamo Square Park from top floor Au-Pair unit. Expansive Master Suite with newly updated bathroom and en suite bedroom currently used as walk in closet but could be an additional bedroom. Flexible to suit your style and needs.

Offered at \$2,950,000

John Speed Orr | 415.861.5200 JohnSpeed@vanguardsf.com

BRE#01963171

Vanguard Properties believes this information to be correct but has not verified this information and assumes no legal responsibility for its accuracy. Buyers should investigate these issues to their own satisfaction.



555 Castro Street
San Francisco, CA 94114

p 415.861.5200 f 415.431.1300
www.vanguardproperties.com



- 5BD/5BA
- Formal Living and Dining Room on Main Floor
- Kitchen features high-end appliances including Wolf Range & opens to rear deck
- Renovated en suite Master Bath with Radiant Floor Heating
- 3 Fireplaces including one in Master Suite
- Au-Pair unit with views to Alamo Square Park
- Softwood Douglass Fir floors throughout
- Full In-Law unit with separate entrance
- Private garden in rear of property with Hot Tub
- 1+ Car Parking

EXHIBIT J



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.

Reviewed and Acknowledged

Pgs. 1-2

Initial

Signature:

Date:

DocuSigned by:

Mary C. Tibbary

Block 1220

Lot 020

Address of Building 114 LYON ST

Other Addresses

1. A. Present authorized Occupancy or use: FOUR 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: R2
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:

Application #	Permit #	Issue Date	Type of Work Done	Status
66608	66608	Dec 14, 1915	INSTALL PRIVATE GARAGE	N
273676	245398	Nov 30, 1962	COMPLY WITH DAHI NOTICE 4/11/62	X
283457	253401	Jun 19, 1963	INSTALL FIRE ESCAPE	C
327564	294831	May 27, 1966	COMPLETE WORK UNDER APP 273676	C
366915	329695	Feb 19, 1969	REPAIR FIRE DAMAGE	C
7807431	438774	Jul 21, 1978	SHEETROCK WALLS	X
8209691	496563	Jan 06, 1983	COMPLY WITH DAHI CHECKLIST 10/29/82	X
8405877	518497	Jul 25, 1984	COMPLY WITH DAHI CHECKLIST (CFC 4FD)	C
201209260708	1275748	Sep 26, 2012	PULL OUT OLD SHOWER STALL AND REPLACE PULL SINK IN KITCHEN AND BATHROOM REPLACE. REPLACE DOORS.	C
201401146281	1314401	Jan 14, 2014	2ND FLOOR - #1: REMODEL (E) BATH WITH NEW FIXTURES AND TILE	C

8. A. Is there an active Franchise Tax Board Referral on file? Yes No ☒
B. Is this property currently under abatement proceedings for code violations? Yes No ☒
9. Number of residential structures on property? 1
10. A. Has an energy inspection been completed? Yes ☒ No B. If yes, has a proof of compliance been issued? Yes ☒ No
11. A. Is the building in the Mandatory Earthquake Retrofit of Wood-Frame Building Program? Yes No ☒
B. If yes, has the required upgrade work been completed? Yes No

Report of Residential Record (3R)

Page 2

Address of Building *114 LYON ST*

Block *1220*

Lot *020*

Other Addresses

Date of Issuance: 09 FEB 2015

Date of Expiration: 09 FEB 2016

By: ROCHELLE GARRETT

Report No: *201501316466*

**Patty Herrera, Manager
Records Management Division**

THIS REPORT IS VALID FOR ONE YEAR ONLY.

The law requires that, prior to the consummation of the sale or exchange of this property, the seller must deliver this report to the buyer and the buyer must sign it.

(For Explanation of terminology, see attached)