



SAN FRANCISCO PLANNING DEPARTMENT

Executive Summary Conditional Use / Residential Merger

HEARING DATE: NOVEMBER 21, 2019

Record No.: 2019-004849CUA
Project Address: 2406 Bush Street
Zoning: RH-3 (Residential, House, Three-Family) Zoning District
40-X Height and Bulk District
Block/Lot: 0657/004
Project Sponsor: Derek Thompson
Thompson Suskind, L.P.
2034 Union Street
San Francisco, CA 94115
Property Owner: Elizabeth Funk
2406 Bush Street
San Francisco, CA 94115
Staff Contact: Laura Ajello – (415) 575-9142
laura.ajello@sfgov.org
Recommendation: **Disapproval**

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

Reception:
415.558.6378

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Planning
Information:
415.558.6377

PROJECT DESCRIPTION

The project sponsor seeks Conditional Use Authorization to legalize a residential merger of two dwelling units into a single-family home. The proposed project would authorize the interior modifications that resulted in the creation of one 2,292 square foot dwelling unit on three floors with a three-car garage.

REQUIRED COMMISSION ACTION

In order for the Project to proceed, the Commission must grant a Conditional Use Authorization, pursuant to Planning Code Sections 303 and 317 to legalize a residential merger of two dwelling units into one dwelling unit within the RH-3 Zoning District.

ISSUES AND OTHER CONSIDERATIONS

- **Conditional Use Authorization:** The proposed project would legalize work done without City permits which resulted in the combining of two dwelling units. The Project eliminates tenant-occupied housing and is not maximizing density. Per the Housing Element, the proposed residential merger does not retain the existing housing by controlling the merger nor does it protect the affordability of the existing housing stock.
- **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.”

- **Public Comment:** The Department has not received any correspondence related to the project.
- **Existing Tenant & Eviction History:** The existing unit is owner-occupied. There was an owner-move-in eviction on the property in July 2001. See Exhibit J for Eviction History documentation.
- **Enforcement History:** A complaint was filed with the Department of Building Inspection regarding the dwelling unit merger and unpermitted deck construction on February 9, 2005. See Exhibit E for a detailed case summary timeline and Report of Residential Building Record (3-R Report).

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.

BASIS FOR RECOMMENDATION

The Department finds that the Project is, on balance, inconsistent with the Objectives and Policies of the General Plan. The project does not maximize allowable residential density of the subject property in a time when San Francisco is facing a severe housing shortage. The Department does not find the project to be necessary, desirable, and compatible with the surrounding neighborhood, and vicinity.

ATTACHMENTS:

- Draft Motion – Conditional Use Authorization
- Exhibit B – Plans and Renderings
- Exhibit C – Land Use Data
- Exhibit D – Maps and Context Photos
- Exhibit E – Enforcement Case Summary and 3-R Report
- Exhibit F – Project Sponsor Contractor’s Estimate
- Exhibit G – Eviction History Documentation



SAN FRANCISCO PLANNING DEPARTMENT

Planning Commission Draft Motion

HEARING DATE: NOVEMBER 21, 2019

Record No.: 2019-004849CUA
Project Address: 2406 BUSH STREET
Zoning: RH-3 (Residential, House, Three-Family) Zoning District
40-X Height and Bulk District
Block/Lot: 0657/004
Project Sponsor: Derek Thompson
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ADOPTING FINDINGS RELATING TO THE DISAPPROVAL OF CONDITIONAL USE AUTHORIZATION PURSUANT TO SECTIONS 303 AND 317 OF THE PLANNING CODE PROPOSING THE LEGALIZATION OF A DWELLING UNIT MERGER OF TWO DWELLING UNITS INTO ONE DWELLING UNIT AT 2406 BUSH STREET IN ASSESSOR'S BLOCK 0657, LOT 004 WITHIN THE RH-3 (RESIDENTIAL, HOUSE, THREE-FAMILY) ZONING DISTRICT AND THE 40-X HEIGHT AND BULK DISTRICT.

PREAMBLE

On May 1, 2019, Derek Thompson of Thompson Suskind, L.P. (hereinafter "Project Sponsor") filed Application No. 2019-004849CUA (hereinafter "Application") with the Planning Department (hereinafter "Department") for Conditional Use Authorization under Planning Code Sections 303 and 317 to merge two dwelling units into one dwelling unit (hereinafter "Project") at 2406 Bush Street, Block 0657 Lot 004 (hereinafter "Project Site").

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.

On November 21, 2019, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Authorization Application No. 2019-004849CUA.

The Planning Department Commission Secretary is the custodian of records; the File for Record No. 2019-004849CUA is located at 1650 Mission Street, Suite 400, 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 as requested in Application No. 2019-004849CUA, 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 two dwelling units into one dwelling unit. The proposed project would authorize interior modifications that resulted in the merger of two dwelling units located on the second and third floors. Partition walls and a door, which separated the entrance to the former unit, have been removed. The kitchen in the second unit, formerly located on the third floor was removed and converted into a master bedroom.
3. **Site Description and Present Use.** The project site is located on the north side of Bush Street between Scott and Pierce Streets, Block 0657, Lot 004 in the Western Addition neighborhood. The project site currently contains a circa 1900 three-story residential building in an Italianate style. The 2,596 square foot subject lot measures 26 feet wide by 100 feet deep. The Report of Residential Building Record (3R) indicates that the original use is in unknown and the authorized use is a two-family dwelling. Per Department of Building Inspection records there was an expired permit to “revert to two family dwelling” in 1973. In 1976 a permit was completed to legalize a second unit.

According to the Dwelling Unit Merger Supplemental Application form the building has been owner-occupied since 2001 and the building was recently sold.

4. **Surrounding Properties and Neighborhood.** The surrounding neighborhood has a mix of residential and commercial uses and styles. Despite extensive mid-century redevelopment, rows of similar era residential buildings remain in the surrounding neighborhood. The subject building is one of three similar intact Italianate residences. Adjacent to the subject lot to the east is a three-story, six-unit apartment building. The surrounding neighborhood is primarily residential in character. However, a large automotive building and tennis club dominate the opposite blockface. Other zoning districts within the vicinity of the project site include: RH-2 (Residential, House, Two Family), RH-3 and NC-2 (Small Scale Neighborhood Commercial).

5. **Public Outreach and Comments.** To date the Department has not received any correspondence related to the project.
6. **Planning Code Compliance.** The Commission finds that the Project is consistent with the relevant provisions of the Planning Code in the following manner:

- A. **Residential Usable Open Space.** Planning Code Section 135 requires a minimum of 100 square feet of usable private or 133 square feet of common open space per dwelling unit.
- B. *Common open space is provided in the rear yard. An unwarranted private upper-level deck was built without permit and extends into the 25% required rear yard. A permit to address this violation was filed. Once legalized, the deck will not meet minimum dimensions required for private open space. However, the size of the rear yard is acceptable to meet 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 subject building is located on an interior lot. The Project proposes a dwelling unit merger where all units front a public street. Therefore, the project would comply with this requirement.

- D. **Off-Street Parking.** Planning Code Section 151 does not require any off-street parking spaces and permits a maximum of 1.5 off-street parking spaces for each dwelling unit. Planning Code Section 150(e) states that any off-street parking spaces which existed lawfully at the effective date of that section and which exceed the maximum permitted under Section 151.1 shall be considered noncomplying features.

The Project proposes to retain the three existing off-street parking spaces in the below-grade basement level. This would exceed the maximum permitted by one space for a single dwelling unit. As such, the Project does not comply with the off-street parking requirements of the Planning Code.

- E. **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 two-family building was conforming in regard to density. As proposed, the project would result in one dwelling unit but would remain in conformity with the Planning Code.

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

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

7. **Conditional Use Findings.** Planning Code Section 303 establishes criteria for the Planning Commission to consider when reviewing applications for Conditional Use authorization. On balance, the project complies 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 seeks to legalize the unwarranted merger of two dwelling units into one dwelling unit. The resulting single-family building is compatible with the surrounding neighborhood and historic district. However, as the merging of the aforementioned units resulted in one larger unit that would be much less affordable, the Project is not considered to be necessary or desirable for the neighborhood or the community.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The proposed Project would legalize the previous removal of a tenant-occupied unit. The authorized use of the building is two dwelling units per the Residential Building Record Report (3R). The remaining dwelling unit is occupied by the property owner.

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

The merged dwelling unit proposed for legalization is currently owner-occupied.

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

Per the Residential Building Record Report (3R) the original use is unknown. However, the building was constructed circa 1900 and was likely a single-family house that was converted to multi-family use at some time in the mid-20th century. Per the 3R report, a permit to “legalize units” was completed in 1976. It is the Planning Department’s position to assume that every unit is subject to the Residential

Rent Stabilization and Arbitration Ordinance unless we receive information from an appropriate agency or body to the contrary.

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

In 1976 the building was legally converted to two-family use. The building was later reduced to one-family use through an unpermitted merger. Although Planning Staff does not have the authority to make the final determination, it is assumed that the units that were merged are subject to the Residential Rent Stabilization and Arbitration Ordinance.

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

The original Department of Building Inspection complaint for the dwelling unit merger dates from 2005. According to the application submittal, the second unit was removed in 2001.

Per records on file with the Department of Building Inspection, a Certificate of Final Completion and Occupancy was issued on November 22, 1976 to "legalize units" (two family dwelling) per building permit application number 416847.

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

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

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

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

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

HOUSING ELEMENT

Objectives and Policies

OBJECTIVE 2:

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

Policy 2.2:

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

OBJECTIVE 3:

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

OBJECTIVE 4:

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

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

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

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

The Project site is zoned for residential use and does not contain any existing neighborhood-serving retail uses. The site is currently used as a single-family residence and if the Project is denied, it will be required to revert to the former two-family use.

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

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

The Project does not comply because it 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 not located in a historic district and the historic status is unknown. An environmental evaluation would be required to determine whether the potential property fits the definition of a "historical resource" as defined under CEQA. The proposed dwelling unit merger will not affect the exterior of the building; no exterior changes are proposed.

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

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

11. The Project is not consistent with and would not promote the general and specific purposes of the Code provided under Section 101.1(b) in that, as designed, the Project would not contribute to the character and stability of the neighborhood and would not constitute a beneficial development.

12. The Commission hereby finds that disapproval of the Conditional Use authorization would promote the health, safety and welfare of the City.

DECISION

That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **DISAPPROVES Conditional Use Application No. 2019-004849CUA** under Planning Code section 303 and 317 proposing legalization of a dwelling unit merger of two dwelling units into one dwelling unit within an RH-3 Zoning District and 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. The effective date of this Motion shall be the date of this Motion if not appealed (after the 30-day period has expired) OR the date of the decision of the Board of Supervisors if appealed to the Board of Supervisors. For further information, please contact the Board of Supervisors at (415) 554-5184, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

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

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

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on November 21, 2019.

Jonas P. Ionin
Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED: November 21, 2019

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PROJECT DESCRIPTION

THIS DRAWING SET SHOWS THE SCOPE OF WORK TO CONVERT A PRE-EXISTING TWO DWELLING UNIT BUILDING INTO A SINGLE FAMILY HOUSE. THESE CHANGES WERE MADE PRIOR TO THE CHANGES SHOWN IN THE APPROVED DRAWING SET FOR PERMIT # 2004/07/27/9944

THE CHANGES CONSIST OF REMOVAL OF INTERIOR DOORS SEPARATING A SMALL COMMON ENTRY FROM THE TWO UNITS, REMOVAL OF A WALL AT THE PRE-EXISTING BEDROOM ON THE FIRST FLOOR CONVERTING IT INTO A DINING ROOM, REMOVAL OF KITCHEN APPLIANCES & COUNTER ON THE SECOND FLOOR CONVERTING THE ROOM TO A BEDROOM, CONSTRUCTION OF A BATHROOM IN THE PRE-EXISTING STUDY ON THE SECOND FLOOR, RECONFIGURATION OF NORTH FACING DOORS AND WINDOW ON THE SECOND FLOOR AND REMOVAL OF TWO WEST FACING WINDOWS.

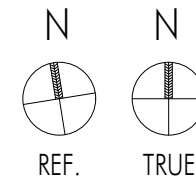
NO CHANGE TO THE BASEMENT OR ROOF. NO CHANGE TO THE BUILDING MASS OR BULK AND NO CHANGE TO THE SOUTH (FRONT) ELEVATION.

ARCHITECTURAL DRAWING INDEX

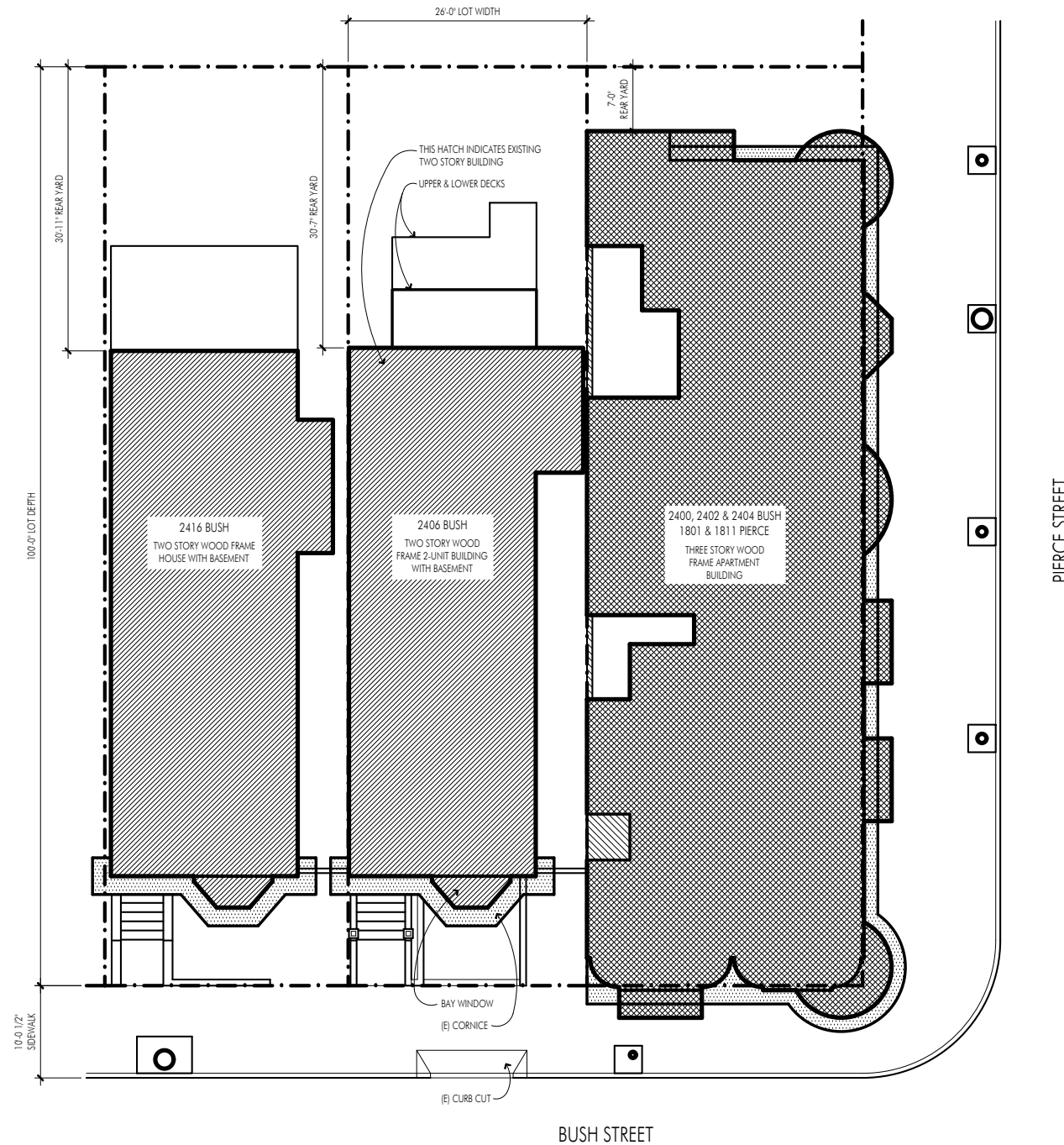
- A1.0 SITE PLAN & PROJECT INFORMATION
- A2.0 EXISTING BASEMENT & ROOF PLANS
- A2.1 PRE-EXISTING & ALTERED FIRST FLOOR PLANS
- A2.2 PRE-EXISTING & ALTERED SECOND FLOOR PLANS
- A3.1 EXISTING SOUTH ELEVATION
- A3.2 EXISTING NORTH ELEVATION
- A3.3 EXISTING WEST ELEVATION
- A3.4 EXISTING EAST ELEVATION
- A4.1 EXISTING BUILDING SECTION

GROSS BUILDING AREAS - EXCL. BASEMENT

PRE-EXISTING LOWER UNIT	1,060.3 SQUARE FEET
PRE-EXISTING UPPER UNIT	1,201.6 SQUARE FEET
PRE-EXISTING COMMON ENTRY	30.3 SQUARE FEET
PRE-EXISTING TOTAL GROSS AREA	2,292.2 SQUARE FEET
ALTERED FIRST FLOOR	1,090.6 SQUARE FEET
ALTERED SECOND FLOOR	1,201.6 SQUARE FEET
TOTAL GROSS AREA OF HOUSE	2,292.2 SQUARE FEET - NO CHANGE



2 VICINITY MAP
NO SCALE



1 SITE PLAN
SCALE: 1/8" = 1'-0"

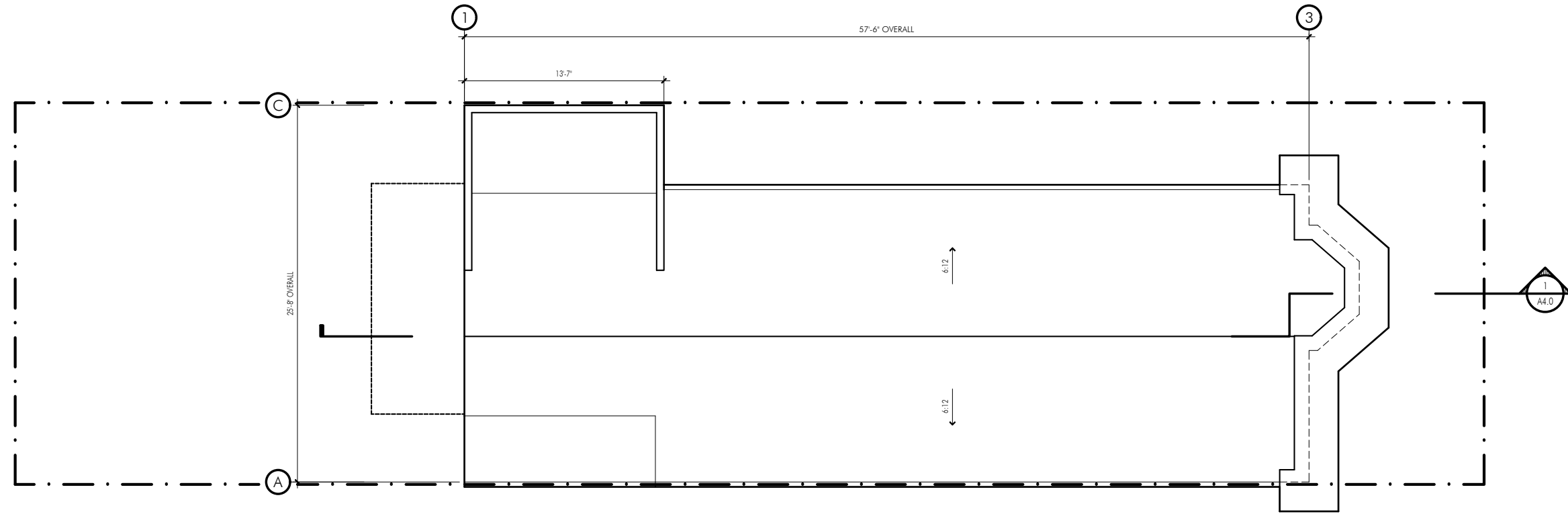


2406 BUSH STREET
SAN FRANCISCO CA 94115
BLOCK O657 LOT 004

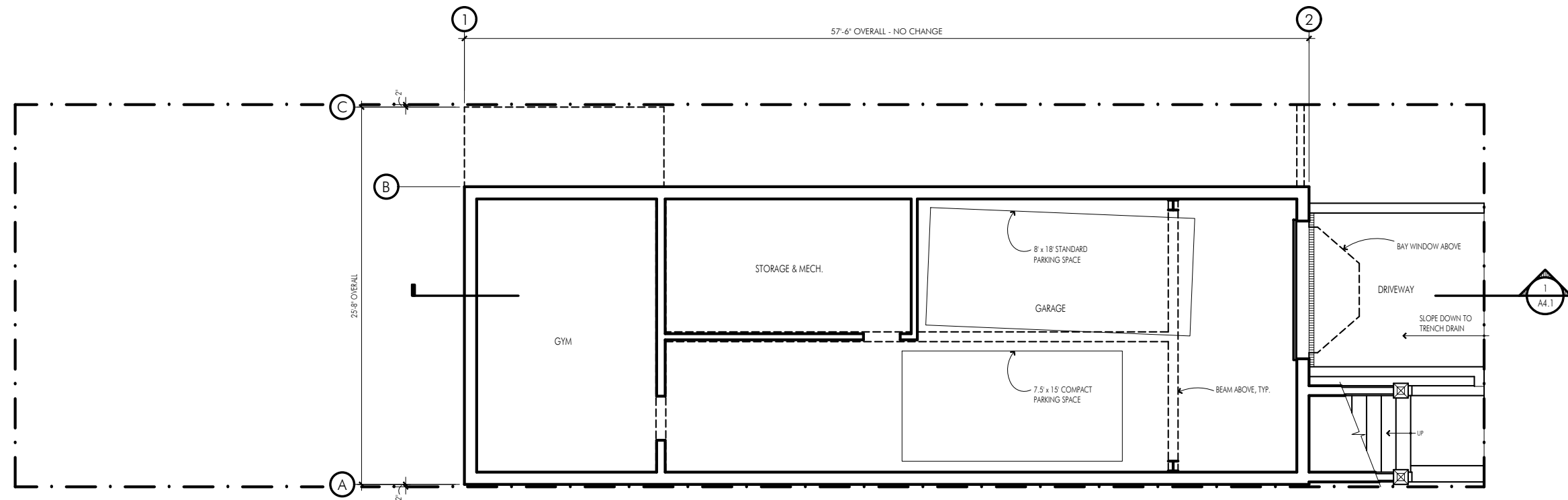
1 09.27.19 RECORD DRAWINGS

SITE PLAN AND PROJECT INFORMATION

A1.0



2 EXISTING ROOF PLAN - NO CHANGE
SCALE: 1/4" = 1'-0"



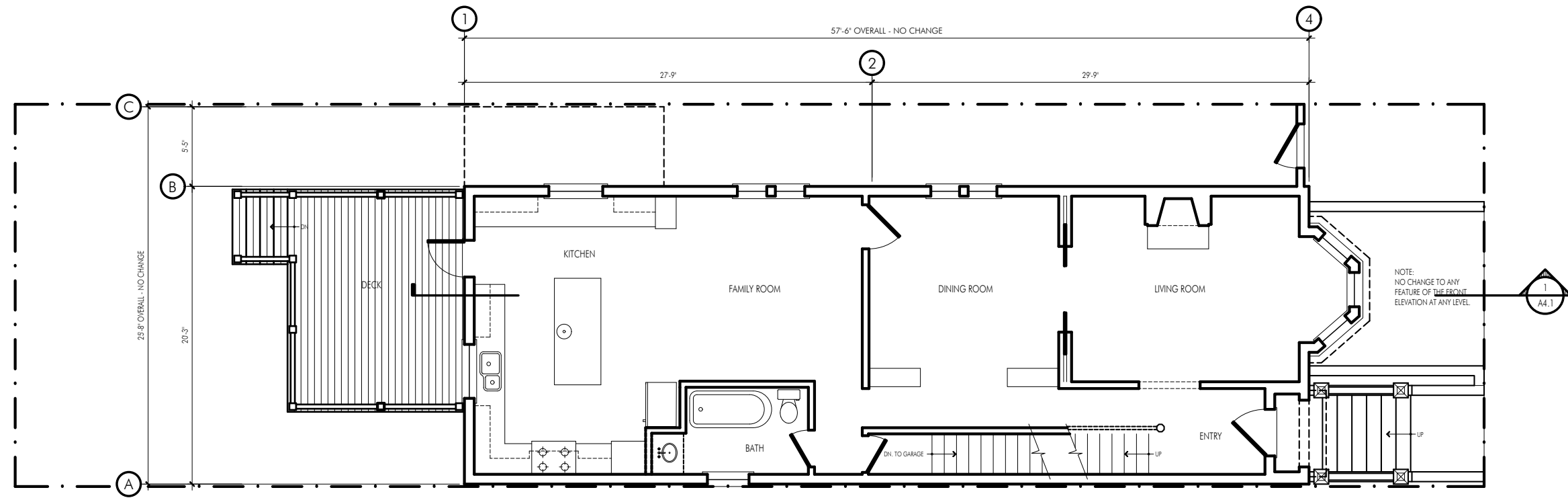
1 EXISTING BASEMENT PLAN
SCALE: 1/4" = 1'-0"

NO.	DATE	DESCRIPTION
1	09.27.19	RECORD DRAWINGS

EXISTING BASEMENT & ROOF PLANS - NO CHANGE

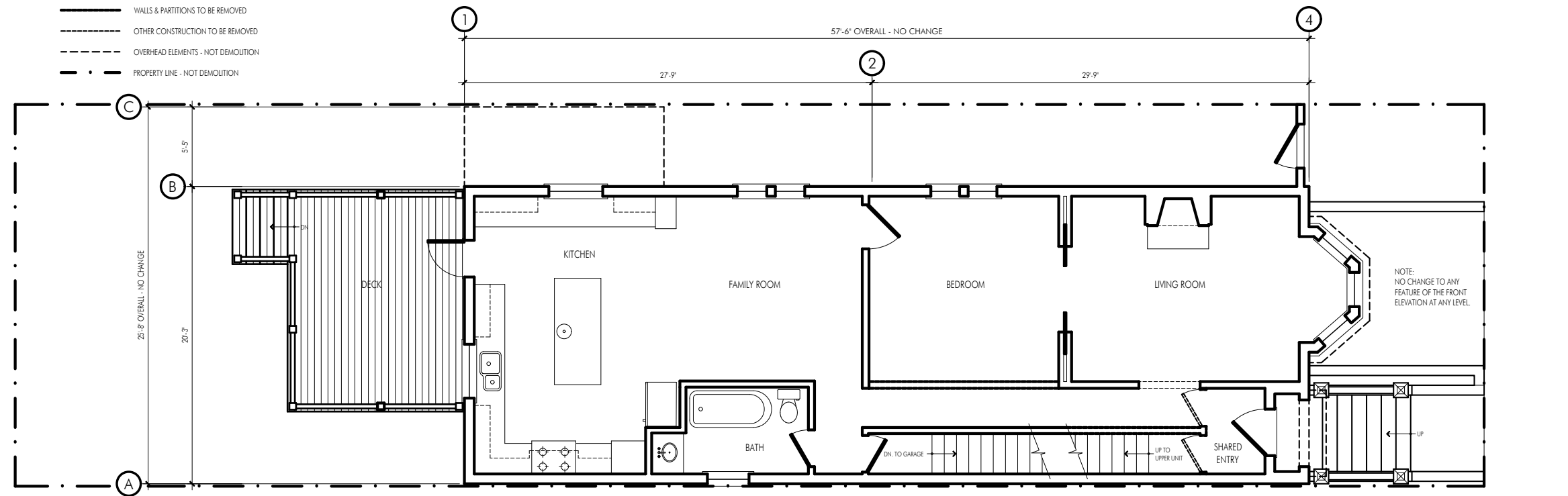
1	09.27.19	RECORD DRAWINGS

PRE-EXISTING
& ALTERED
FIRST FLOOR
PLANS

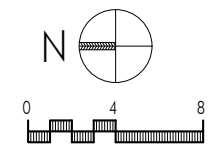


2 ALTERED FIRST FLOOR PLAN SCALE: 1/4" = 1'-0"

- LINE TYPE LEGEND
- WALLS & PARTITIONS TO REMAIN
 - EXISTING CONSTRUCTION TO REMAIN
 - EXISTING CONSTRUCTION TO REMAIN
 - WALLS & PARTITIONS TO BE REMOVED
 - OTHER CONSTRUCTION TO BE REMOVED
 - OVERHEAD ELEMENTS - NOT DEMOLITION
 - - - PROPERTY LINE - NOT DEMOLITION

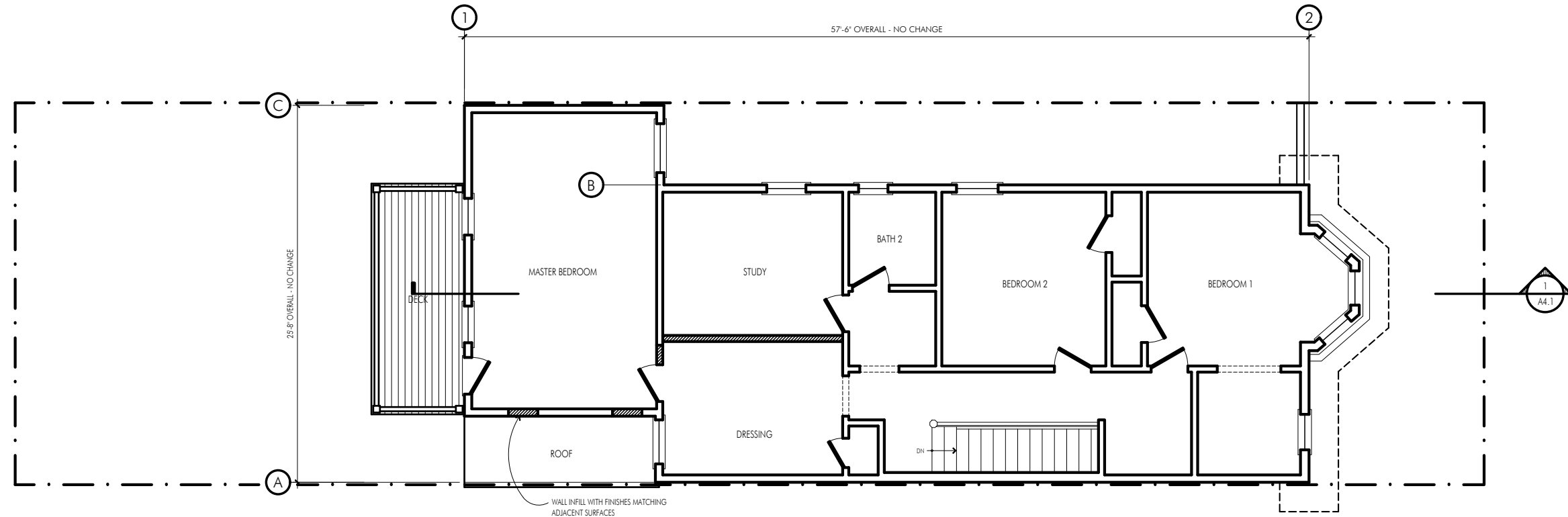


1 PRE-EXISTING FIRST FLOOR PLAN - LOWER UNIT SCALE: 1/4" = 1'-0"



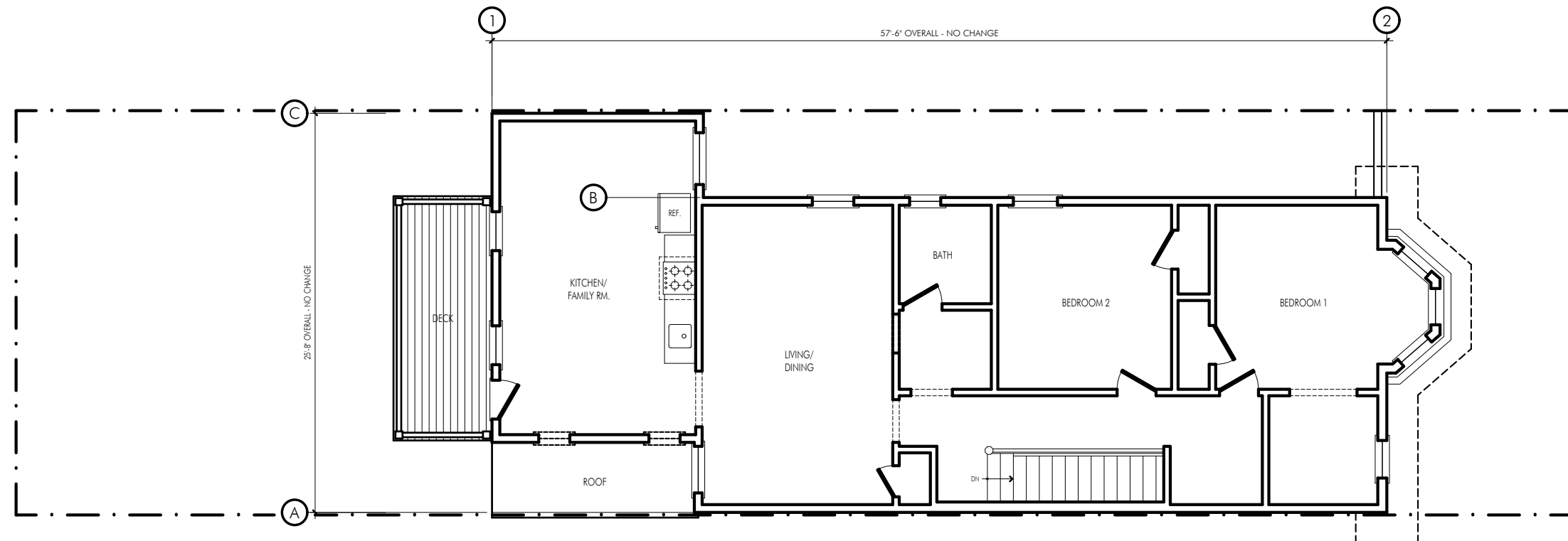
1	09.27.19	RECORD DRAWINGS

PRE-EXISTING
& ALTERED
SECOND
FLOOR PLANS



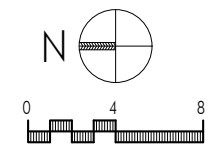
2 ALTERED SECOND FLOOR PLAN

SCALE: 1/4" = 1'-0"



1 PRE-EXISTING SECOND FLOOR PLAN - UPPER UNIT

SCALE: 1/4" = 1'-0"



NO.	DATE	DESCRIPTION
1	09.27.19	RECORD DRAWINGS

EXISTING
SOUTH
ELEVATION

A3.1



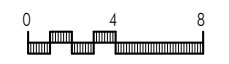
EXTERIOR FINISHES:
PAINTED WOOD SIDING
PAINTED WOOD DOORS AND WOOD DOUBLE HUNG WINDOWS
PAINTER WOOD TRIM

31'-10" EXISTING BUILDING HEIGHT

133.60
TOP OF CURB

1 SOUTH ELEVATION - FRONT
WITH ADJACENT NEIGHBORS - NO CHANGE

SCALE: 1/4" = 1'-0"



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ARCHITECT

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2406 BUSH STREET
SAN FRANCISCO CA 94115
BLOCK 0657 LOT 004

1 09.27.19 RECORD DRAWINGS

EXISTING
NORTH
ELEVATION

A3.2



1 NORTH ELEVATION - REAR
WITH ADJACENT NEIGHBORS - NO CHANGE

SCALE: 1/4" = 1'-0"



BABAC DOANE
ARCHITECT

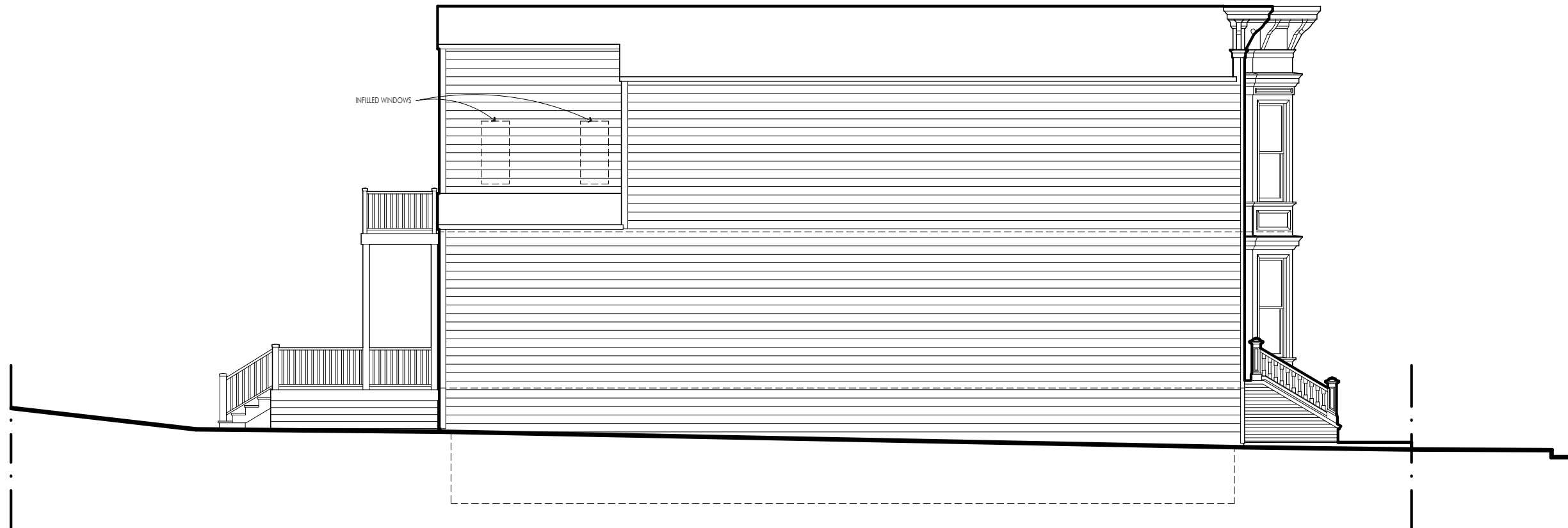
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BLOCK 0657 LOT 004

1	09.27.19	RECORD DRAWINGS

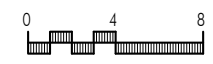
EXISTING WEST
ELEVATION

A3.3



1 WEST ELEVATION

SCALE: 1/4" = 1'-0"

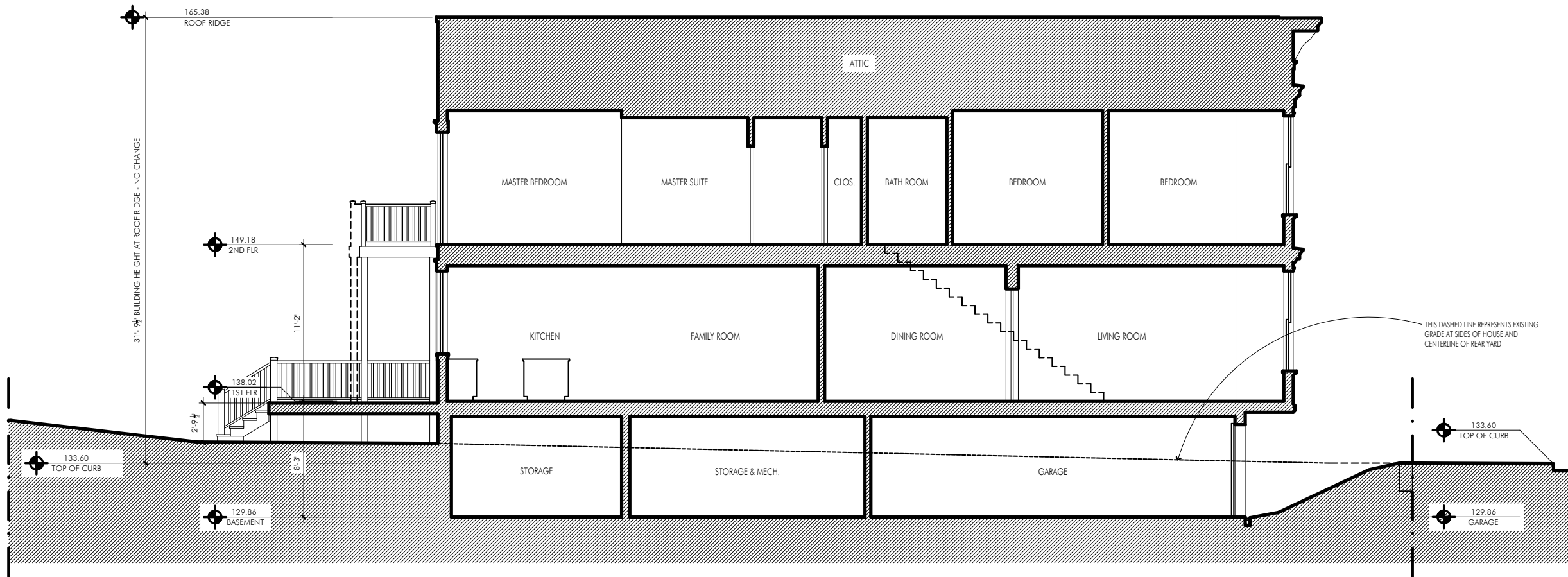


2406 BUSH STREET
SAN FRANCISCO CA 94115
BLOCK O657 LOT 004

1	09.27.19	RECORD DRAWINGS

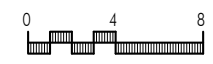
EXISTING
BUILDING
SECTION

A4.1



1 LONGITUDINAL BUILDING SECTION - CURRENT
CUT AT CENTERLINE - LOOKING EAST

SCALE: 1/4" = 1'-0"





SAN FRANCISCO PLANNING DEPARTMENT

Land Use Information

PROJECT ADDRESS: 2406 BUSH ST
RECORD NO.: 2019-004849CUA

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

Reception:
415.558.6378

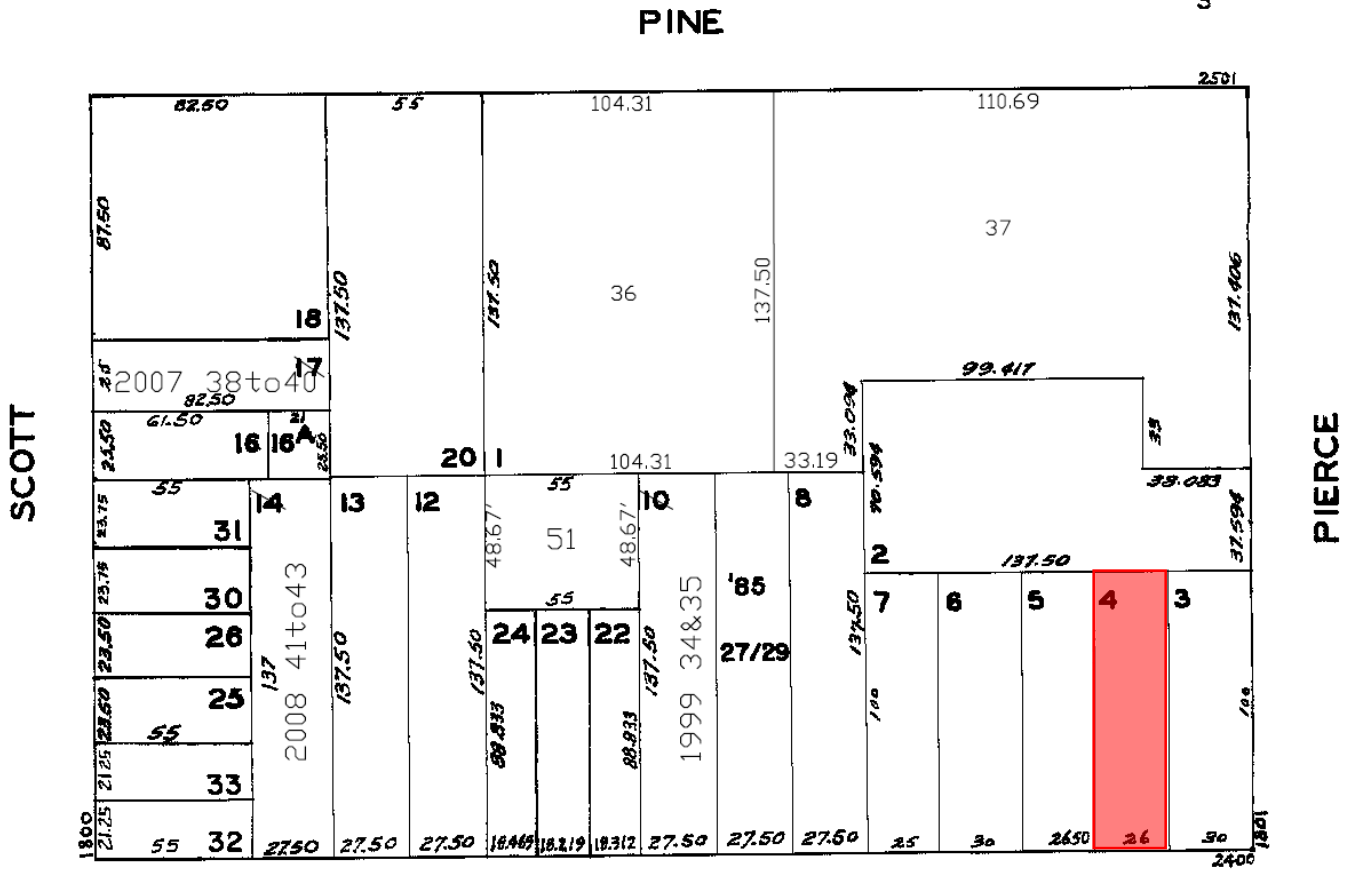
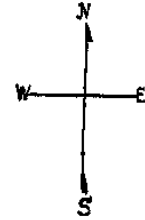
Fax:
415.558.6409

Planning
Information:
415.558.6377

	EXISTING	PROPOSED	NET NEW
GROSS SQUARE FOOTAGE (GSF)			
Parking GSF	220	220	0
Residential GSF	2,195	2,195	
Retail/Commercial GSF	N/A	0	0
Office GSF	N/A	0	0
Industrial/PDR GSF <i>Production, Distribution, & Repair</i>	N/A	0	0
Medical GSF	N/A	0	0
Visitor GSF	N/A	0	0
CIE GSF	N/A	0	0
Usable Open Space	N/A	N/A	0
Public Open Space	N/A	0	0
Other ()			
TOTAL GSF			
	EXISTING	NET NEW	TOTALS
PROJECT FEATURES (Units or Amounts)			
Dwelling Units - Affordable	N/A	0	0
Dwelling Units - Market Rate	2 (pre-existing)	0	1 (as built)
Dwelling Units - Total	1	0	1
Hotel Rooms	N/A	0	0
Number of Buildings	1	0	1
Number of Stories	3	0	3
Parking Spaces	3	0	3
Loading Spaces	N/A	0	0
Bicycle Spaces	0	0	0
Car Share Spaces	N/A	0	0
Other ()			

	EXISTING	PROPOSED	NET NEW
LAND USE - RESIDENTIAL			
Studio Units	N/A	0	0
One Bedroom Units	1	0	0
Two Bedroom Units	1	0	0
Three Bedroom Units	0	1	1
Group Housing - Rooms	N/A	0	0
Group Housing - Beds	N/A	0	0
SRO Units	N/A	0	0
Micro Units	N/A	0	0
Accessory Dwelling Units	N/A	0	0

Parcel Map

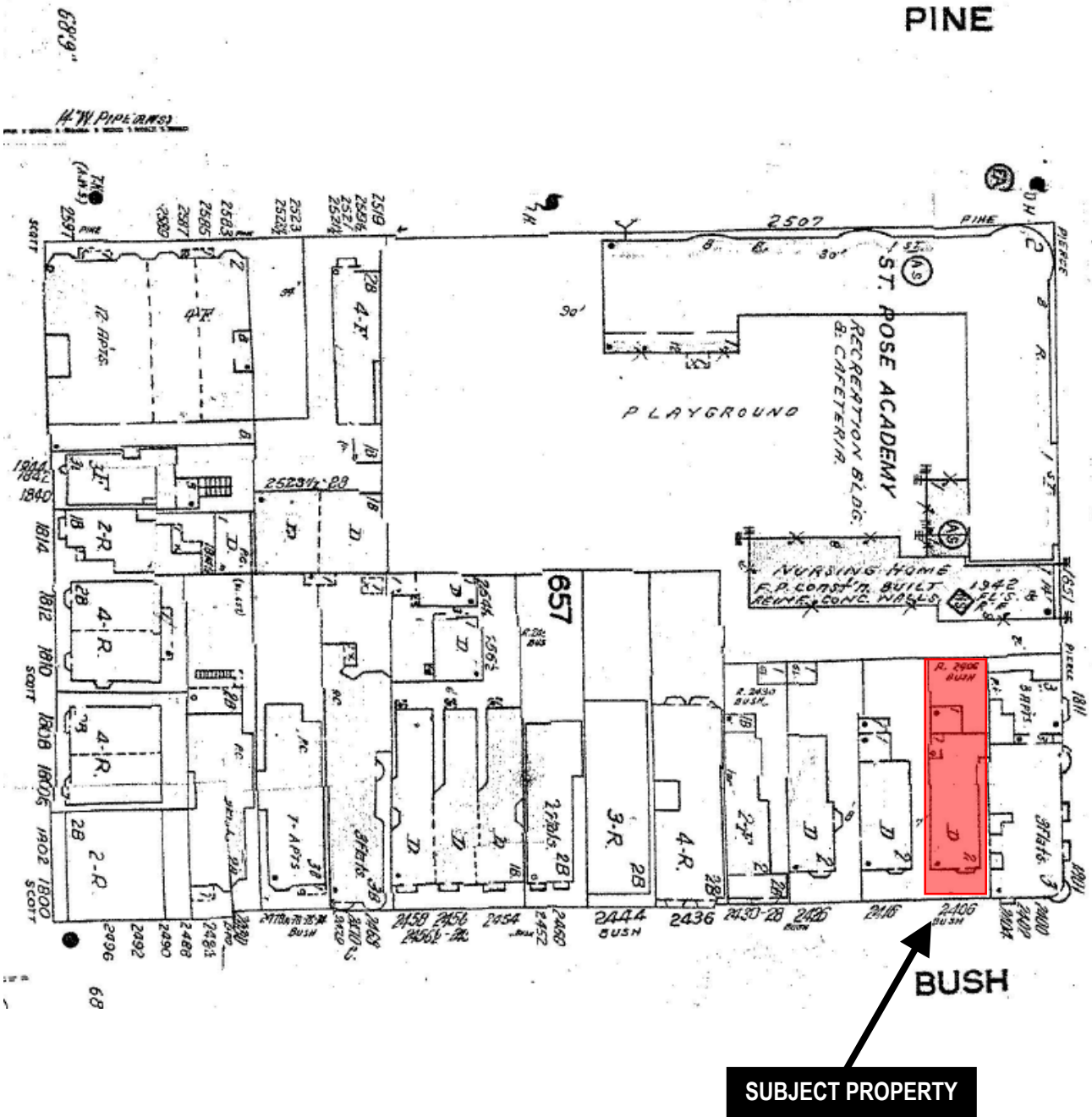


SUBJECT PROPERTY



Conditional Use Hearing – Exhibit D
 Case Number 2019-004849CUA
 2406 Bush Street

Sanborn Map*

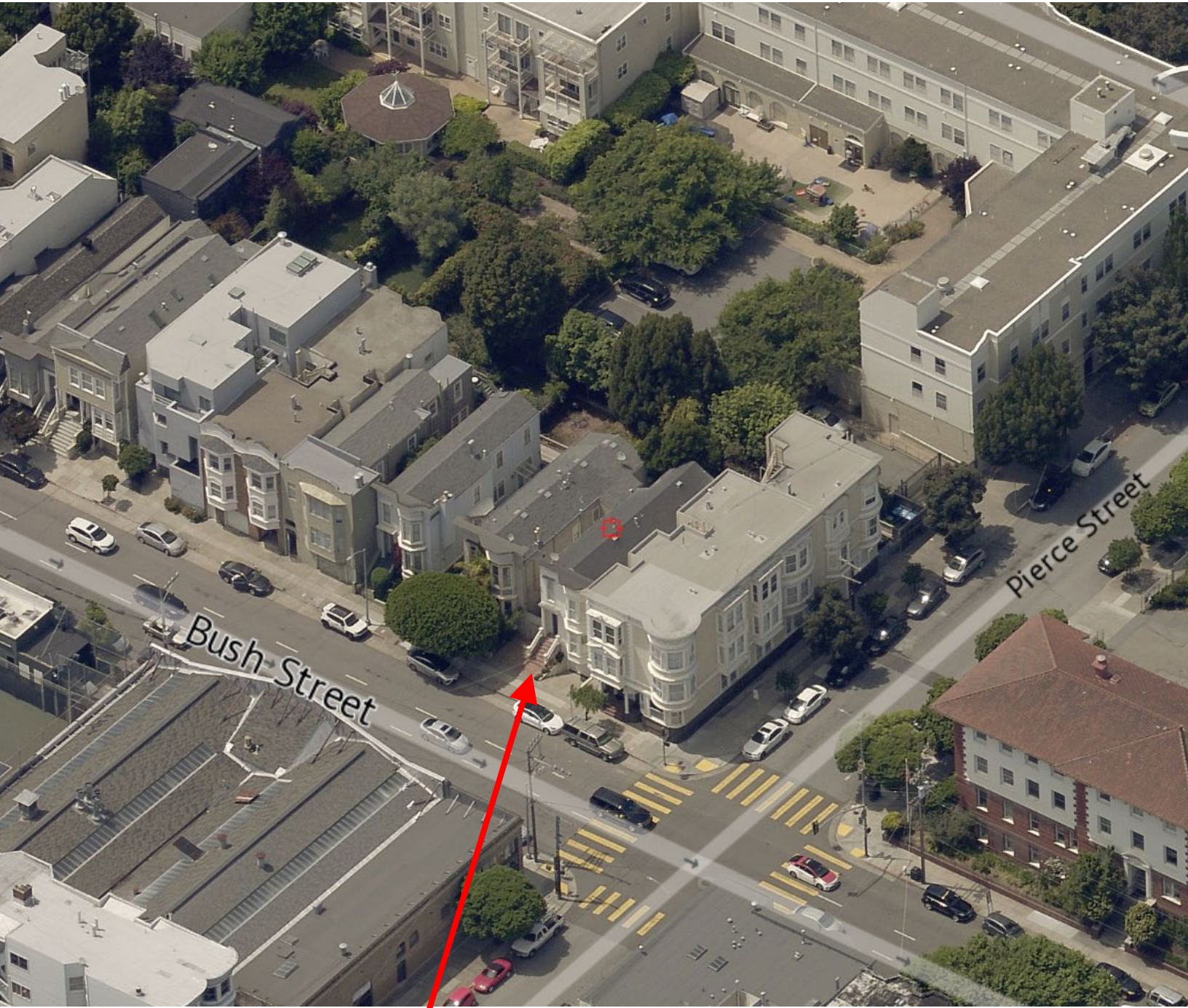


*The Sanborn Maps in San Francisco have not been updated since 1998, and this map may not accurately reflect existing conditions.



Conditional Use Hearing
Case Number 2019-004849CUA
2406 Bush Street

Aerial Photo

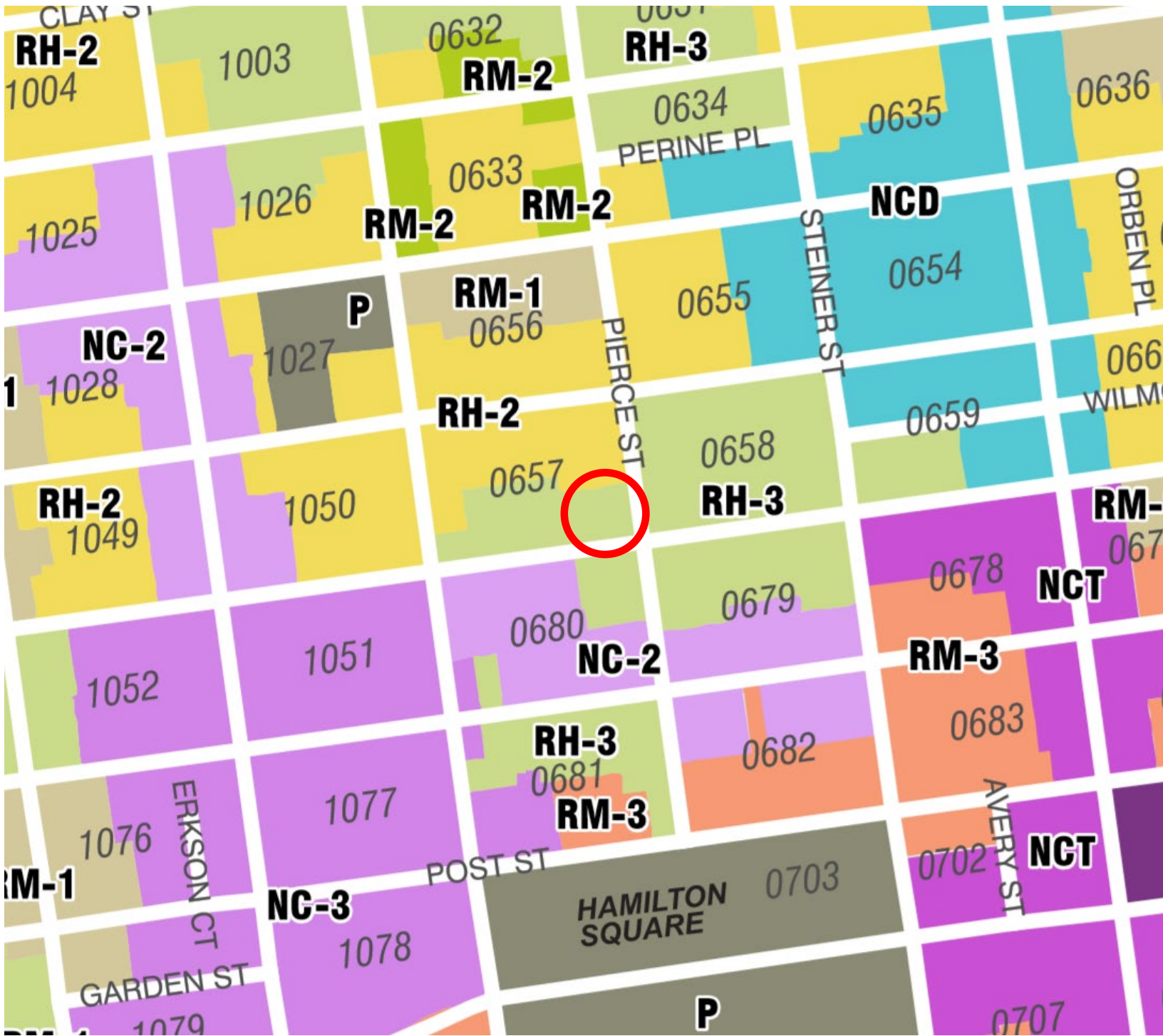


SUBJECT PROPERTY



Conditional Use Hearing
Case Number 2019-004849CUA
2406 Bush Street

Zoning Map



Conditional Use Hearing
Case Number 2019-004849CUA
2406 Bush Street

Site Photo



Conditional Use Hearing
Case Number 2019-004849CUA
2406 Bush Street

2406 BUSH CASE SUMMARY

Site Address: 2406 Bush Street
Property Owner: Paul Derek & Amy W Thompson, 2406 Bush Street, San Francisco, CA 94115
Assessor's Block/Lot: 0657/004
Zoning District: RH-3, Residential, House Districts, Three-Family
Complaint Number: 6941 & 6961
Code Violation: Section 174: Failure to Legalize Two Decks and Window Replacements
Section 317: Failure to Legalize Dwelling Unit Merger of Two-Family Dwelling into a Single-Family Dwelling Use
Penalty Due: \$319,750 (April 21, 2012 to October 2015) plus additional accruing penalty until corrective action taken
Time & Materials Fee Due: \$2889.43 plus additional accrued amount until the violation is abated

BACKGROUND

February 9, 2005: Department of Building Inspection (DBI) received complaint on illegal decks, windows, and merger of two units into one.
February 28, 2005: The Planning Department received complaint on illegal decks, windows, and merger of two units into one.
June 14, 2005: Building Permit Application No. 200506145091 filed to legalize decks and windows
June 6, 2007: Board of Appeals upheld the denial of Building Permit Application No. 200506145091
July 1, 2008: Case closed due to duplicate enforcement action by the DBI.
August 24, 2010: Checked with DBI on DBI complaint status. DBI may refer the case to CA as no response to Order of Abatement issued in 2005.

ACTIONS TAKEN BY THE PLANNING DEPARTMENT TO SEEK VIOLATION ABATEMENT

August 25, 2010: Case reopened as no further action on DBI complaint.
March 16, 2011: Enforcement Notification sent
April 5, 2012: Notice of Violation and Penalty sent
May 7, 2012: Notice of Penalty Sent
October 30, 2015: Updated Notice of Penalty Sent

REQUIRED ABATEMENT ACTION

File Building Permit Applications to:

- 1) Seek authorization for merger of the two-family dwelling into a single-family dwelling or return the property to its authorized two-family dwelling use;
- 2) Seek legalization or removal of two rear yard decks and window.

To date, the property owner has not taken any corrective actions or responded to the Planning Department notices.



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

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

Address of Building 2406 BUSH ST

Block 0657

Lot 004

Other Addresses

1. A. Present authorized Occupancy or use: TWO FAMILY DWELLING

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

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

2. Zoning district in which located: RH-3

3. Building Code Occupancy Classification: R-3

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

5. Building Construction Date (Completed Date): UNKNOWN

6. Original Occupancy or Use: UNKNOWN

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

<u>Application #</u>	<u>Permit #</u>	<u>Issue Date</u>	<u>Type of Work Done</u>	<u>Status</u>
186330	144092	Jun 05, 1930	STUCCO FRONT BRICK STEPS	N
107107	98130	Apr 26, 1948	BUILDING CONCRETE STEPS AT FRONT ENTRANCE - CFC	C
417977	373953	Feb 07, 1973	REPAIR FIRE DAMAGE INCLUDES ROOF, EXTERIOR WALL, AND INTERIOR OF ONE ROOM. MAKE NECESSARY PLUMBING AND ELECTRICAL REPAIRS	X
420240	378758	Jul 03, 1973	REVERT TO TWO FAMILY DWELLING	X
450709	416847	Nov 22, 1976	COMPLY WITH BUREAU OF BUILDING INSPECTION FILE #16290. LEGALIZE UNITS - CFC 2FD	C
9020862	673240	May 28, 1991	HORIZONTAL ADDITION. CONSTRUCTION OF DECK AT REAR OF HOUSE; CONSTRUCTION OF EXISTING DECK LANDING AND STAIRS AT REAR	X
200109289467	949626	Sep 28, 2001	SHORE-UP EXISTING 1ST FLOOR AND REMOVE PARTIAL DIRT BELOW 1ST FLOOR IN PREPARATION FOR BASEMENT CONSTRUCTION	C
200109289465	953911	Nov 26, 2001	SHORE-UP EXISTING FIRST FLOOR FRAMING. REMOVE SOIL DOWN TO PROPOSED DEPTH FORM AND POOR NEW CONCRETE FOUNDATION AND DRIVEWAY	X
200205146571	966537	May 14, 2002	REMODEL EXISTING KITCHEN AND BATH. INCREASE WIDTH OF EXISTING DOOR OPENINGS & REPLACE WINDOWS; REMOVE STUCCO TO EXPOSE ORIGINAL WOOD SIDING BENEATH	X
200210048265	978268	Oct 04, 2002	REROOFING	I
200307159480	1000098	Jul 15, 2003	REMOVE EXISTING FRONT DOOR AND CONCRETE STEPS; REPLACE WITH NEW DOOR AND BRICK STEPS; UPGRADE HANDRAIL	X
200407279944	1031496	Jul 27, 2004	REMODEL 2ND FLOOR INCLUDING NEW WINDOW RENOVATION OF BATHROOM AND BATHROOM ADDITION; 3 WINDOWS AT EAST ELEVATION; CHANGE REAR SINGLE DOOR AND WINDOW TO PAIR OF DOORS	X

Address of Building 2406 BUSH ST

Block 0657

Lot 004

Other Addresses

<u>Application #</u>	<u>Permit #</u>	<u>Issue Date</u>	<u>Type of Work Done</u>	<u>Status</u>
201902112555	1489422	Feb 11, 2019	TO OBTAIN FINAL INSPECTION FOR WORK APPROVED UNDER APPLICATION #200210048265. ALL WORK IS COMPLETED	C
201902112556	1489423	Feb 11, 2019	TO OBTAIN FINAL INSPECTION FOR WORK APPROVED UNDER APPLICATION #200109289465. ALL WORK IS COMPLETED	C
201902112552	1489420	Feb 15, 2019	TO OBTAIN FINAL INSPECTION FOR WORK APPROVED UNDER APPLICATION #200205146571, #200407279944, #200307159480. ALL WORK IS COMPLETED	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

Date of Issuance: 01 MAR 2019

Date of Expiration: 01 MAR 2020

By: BETTY LEE

Report No: 201902251482

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 F- Project Sponsor Contractor's Estimate

September 4, 2019

Laura Ajello, Planner
San Francisco Planning
1650 Mission Street, Suite 400
San Francisco, CA 94103

Project Address 2406 Bush Street
Assessor's Block/Lot 0657/004
Zoning District RH 3/40-x

Planning Record Number 2019-004849CUA

Ms Ajello,

With regards to the request for an estimate of the costs that would be necessary to revert the current single family condition back to the two family dwelling layout that existing prior to 2004, I offer the following for consideration:

I am a license General Contractor (CSLB license no. 860556). The work needed to revert back to the condition prior to the 2004 permit application would include only replacing the wall at the interior stair and adding in the 2nd door to isolate the 2nd floor. As there was no proper Kitchen, we would have to add a refrigerator, sink and cooking appliance that did not exist before. This work could be done for approximately \$10,000-\$15,000 to restore the pre 2004 condition.

Thank you and please let me know if you need any additional information to support this statement.

Sincerely

Derek Thompson



SAN FRANCISCO PLANNING DEPARTMENT

Exhibit G

Planning Department Request for Eviction History Documentation

(Date) October 25, 2019

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

RE: Address of Permit Work: 2406 Bush Street
Assessor's Block/Lot: 0657/004
BPA # / Case #: 2019-004849CUA

Project Type

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

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

- 12/10/13: for projects subject to Planning code 317(e)4 or 181(c)3
(Search records for eviction notices under 37.9(a)(8) through (14))
- 3/13/14: for projects subject to Planning Code Section 207.3
(Search records for evictions notices under 37.9(a)(8) through (14))
- 10 years prior to the following date: 2/17/2005
(Search records for eviction notices under 37.9(a)(9) through (14) (10 years) and under 37.9(a)(8) (5 years))

Sincerely,

Laura Ajello
Planner

Digitally signed by Laura
Ajello
Date: 2019.10.25
11:51:33 -07'00'

cc: Jennifer Rakowski- Rent Board Supervisor

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

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

Re: 2406 Bush St.

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

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

- 12/10/13
- 03/13/14
- 10 years prior to the following date: _____

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

- 12/10/13
- 03/13/14
- 10 years prior to the following date: 2-17-05
 - o See attached documents.

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

- 12/10/13
- 03/13/14
- 10 years prior to the following date: _____

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

- 12/10/13
- 03/13/14
- 10 years prior to the following date: 2-17-05
 - o See attached documents.

Signed:



Dated: 10-25-19

Van Lam
Citizens Complaint Officer

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

**DEREK THOMPSON
1042 CLAYTON STREET
SAN FRANCISCO, CA 94117**

July 17, 2001

Ms. Kathleen O'Shea
2406 Bush Street
Unit A (Lower Unit)
San Francisco, CA 94115

01 JUL 19 AM 9:31
RESIDENTIAL RENT
STABILIZATION AND
ARBITRATION BOARD

NOTICE TO VACATE

Pursuant to Section 37.9(a)(8) of the Rent Stabilization and Arbitration Ordinance, you are hereby notified to vacate the unit located at 2406 Bush Street (Lower Unit) by 12:00 noon August 17, 2001.

The current landlords, Mr. and Mrs. Derek Thompson seek to recover possession in good faith of the rental unit, under the grounds set forth in Section 37.9(a)(8). The landlords intend to occupy the unit, and together as husband and wife joint tenants own 100% of the property at 2406 Bush Street. The current percentage of ownership was transferred and recorded on July 12, 2001.

At this time, Mr. and Mrs. Derek Thompson do not own in whole or in part any other residential property.

As a tenant being vacated, you have the first right to re-rent this unit at the same rent with approved adjustments should the unit be re-rented.

Enclosed is a copy of Section 37.9B of the Rent Stabilization and Arbitration Ordinance. Additional advice for tenants is available from the Residential Rent Stabilization and Arbitration Board located at 25 Van Ness Avenue, Suite 320.

Tenants being vacated are entitled to relocation costs up to \$1,000.00. \$500.00 of those costs is enclosed and the remaining relocation costs will be provided to you upon your vacancy of the unit.

If you are interested, the upper unit of 2406 Bush Street is currently vacant and you are entitled to rent this unit, subject to the terms and conditions of a new lease agreement.

Please contact me in writing at the above address, or by phone at 415-681-8007 to express how you intend to proceed with this matter.

Sincerely:


Derek Thompson

0 M1
M011346

1 **Sec. 37.9B. Tenant Rights In Evictions Under Section 37.9(a)(8).**
2 [Added by Ord. No. 293-98 effective November 1, 1998]

3 (a) Any rental unit which a tenant vacates after receiving a notice to
4 quit based on Section 37.9(a)(8), and which is subsequently no longer occupied as a
5 principal residence by the landlord or the landlord's grandparent, parent, child,
6 grandchild, brother, sister, or the landlord's spouse, or the spouses of such relations
7 must, if offered for rent during the three-year period following service of the notice to
8 quit under Section 37.9(a)(8), be rented in good faith at a rent not greater than that
9 which would have been the rent had the tenant who had been required to vacate
10 remained in continuous occupancy and the rental unit remained subject to this
11 Chapter. If it is asserted that a rent increase could have taken place during the
12 occupancy of the rental unit by the landlord if the rental unit had been subjected to
13 this Chapter, the landlord shall bear the burden of proving that the rent could have
14 been legally increased during that period. If it is asserted that the increase is based in
15 whole or in part upon any grounds other than that set forth in Section 37.3(a)(1), the
16 landlord must petition the Rent Board pursuant to the procedures of this Chapter.
17 Displaced tenants shall be entitled to participate in and present evidence at any
18 hearing held on such a petition. Tenants displaced pursuant to Section 37.9(a)(8)
19 shall make all reasonable efforts to keep the Rent Board apprised of their current
20 address. The Rent Board shall provide notice of any proceedings before the Rent
21 Board to the displaced tenant at the last address provided by the tenant. No
22 increase shall be allowed on account of any expense incurred in connection with the
23 displacement of the tenant.

24 (b) Any landlord who, within three years of the date of service of the
25 notice to quit, offers for rent or lease any unit in which the possession was recovered
26 pursuant to Section 37.9(a)(8) shall first offer the unit for rent or lease to the
27 tenants displaced in the same manner as provided for in Sections 37.9A(c) and (d).

28 (c) An owner who endeavors to recover possession under Section
37.9(a)(8) shall, in addition to complying with the requirements of Section 37.9(c),

1 inform the tenant in writing of the following and file any written documents informing
2 the tenant of the following with the Rent Board within 10 days after service of the
3 notice to vacate;

4 (1) The identity and percentage of ownership of all persons
5 holding a full or partial percentage ownership in the property;

6 (2) The dates the percentages of ownership were recorded;

7 (3) The name(s) of the landlord endeavoring to recover
8 possession and, if applicable, the names(s) and relationship of the relative(s) for
9 whom possession is being sought and a description of the current residence of the
10 landlord or relative(s);

11 (4) A description of all residential properties owned, in whole or in
12 part, by the landlord and, if applicable, a description of all residential properties
13 owned, in whole or in part, by the landlord's grandparent, parent, child, grandchild,
14 brother, or sister for whom possession is being sought;

15 (5) The current rent for the unit and a statement that the tenant
16 has the right to re-rent the unit at the same rent, as adjusted by Section 37.9B(a)
17 above;

18 (6) The contents of Section 37.9B, by providing a copy of same;
19 and

20 (7) The right the tenant(s) may have to relocation costs and the
21 amount of those relocation costs.

22 (d) Each individual tenant of any rental unit in a building containing two
23 or more units who receives a notice to quit based upon Section 37.9(a)(8), and who
24 has resided in the unit for 12 or more months, in addition to all rights under any other
25 provision of law, shall be entitled to receive relocation expenses of \$1,000 from the
26 owner, \$500 of which shall be paid at the time of the service of the notice to vacate,
27 and \$500 of which shall be paid when the tenant vacates. An owner who pays
28 relocation costs as required by this subsection in conjunction with a notice to quit
need not pay relocation costs with any further notices to quit for the same unit that

1 are served within 180 days of the notice that included the required relocation
2 payment. The relocation costs contained herein are separate from any security or
3 other refundable deposits as defined in California Code Section 1950.5. Further,
4 payment or acceptance of relocation costs shall not waive any other rights a tenant
5 may have under law.

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**Residential Rent Stabilization and Arbitration Board
City & County Of San Francisco**

Action Log

***Eviction Notice # M040372
2406 Bush Street***

Date	Action	By
3/11/04	Ellis notice of intent filed 3/11/04 - RB case # L040336	Admin



**Residential Rent Stabilization and Arbitration Board
City & County Of San Francisco**

Action Log

***Petition # L040336
2406 Bush Street***

Date	Action	By
3/11/04	Notice of Intent to Withdraw Residential Rental Units (Ellis) filed at R.B.	Cathy Helton
3/11/04	Notice of Termination of Tenancy to unit B filed at R.B.	Cathy Helton
3/16/04	Ellis Tenant Packet mailed	Cathy Helton
3/16/04	Notice of Constraints Prepared	Cathy Helton
8/12/04	NOC to Recorder's Office.	Cathy Helton
9/14/04	NOC returned from Recorder having been recorded on 8/12/04 as Doc-2004-H785975-00 @ Reel I700, Image 0777. File moved upstairs.	Cathy Helton

RECORDING REQUESTED BY:

City and County of San Francisco
Residential Rent Stabilization & Arbitration Board
25 Van Ness Avenue, Suite 320
San Francisco, CA 94102
(415) 252-4602



San Francisco Assessor-Recorder
Mabel S. Teng, Assessor-Recorder
DOC- 2004-H785975-00

Acct 37-Rent Arbitration Board
Thursday, AUG 12, 2004 13:51:10
Ttl Pd \$0.00 Nbr-0002552528
REEL I700 IMAGE 0777
ota/ER/1-2

WHEN RECORDED MAIL TO:

City and County of San Francisco
Residential Rent Stabilization & Arbitration Board
25 Van Ness Avenue, Suite 320
San Francisco, CA 94102
(415) 252-4602

NOTICE OF CONSTRAINTS ON REAL PROPERTY

(to be recorded by the Rent Board)

Pursuant to Government Code Section 7060.2 and San Francisco Administrative Code Chapter 37, Section 37.9A, the City of San Francisco has determined to apply constraints to successors in interest to an owner(s) who has withdrawn residential accommodations from rent or lease.

The real property where the accommodations are located is specifically described as:

Block: 657 Lot: 4

Address: 2406 Bush Street, San Francisco, CA 94115

(See Attachment A for legal description of property.)

Name of Owner(s): Derek Thompson and Amy Thompson

The date on which the accommodations are to be withdrawn from rent or lease is July 9, 2004.

The constraints set forth in the following sections apply to the units until the dates indicated:

- Government Code Section 7060.2(a)&(d) and San Francisco Administrative Code Section 37.9A(a) & (b): July 9, 2009. (Five years from date of withdrawal)
- Government Code Section 7060.2(c) and San Francisco Administrative Code Section 37.9A(c): July 9, 2014. (Ten years from date of withdrawal)

ALL OF THE TERMS AND OBLIGATIONS AS NAMED IN THIS DOCUMENT WILL TERMINATE AUTOMATICALLY, WITHOUT THE NECESSITY OF ANY RECORDED TERMINATION, AFTER JULY 9, 2014.

Dated: July 12, 2004

Delene Wolf
Delene Wolf, Acting Executive Director,
San Francisco Rent Board

ATTACHMENT A

The property in the City of San Francisco, State of California, described as follows:

BEGINNING at a point on the northerly line of Bush Street, distant thereon 30 feet westerly from the westerly line of Pierce Street; running thence westerly along said line of Bush Street 26 feet; thence at a right angle northerly 100 feet; thence at a right angle easterly 26 feet; thence at a right angle southerly 100 feet to the point of beginning.

BEING a portion of the Western Addition Block No. 0657 Lot No. 004.

The structure is a 2 family, 2 story dwelling zoned RH2 and the construction is wood framed with wood siding and a reinforced concrete foundation.

I

RECORDING REQUESTED BY:

City and County of San Francisco
Residential Rent Stabilization & Arbitration Board
25 Van Ness Avenue, Suite 320
San Francisco, CA 94102
(415) 252-4602

WHEN RECORDED MAIL TO:

City and County of San Francisco
Residential Rent Stabilization & Arbitration Board
25 Van Ness Avenue, Suite 320
San Francisco, CA 94102
(415) 252-4602

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Block: 657 Lot: 4

Address: 2406 Bush Street, San Francisco, CA 94115

(See Attachment A for legal description of property.)

Name of Owner(s): Derek Thompson and Amy Thompson

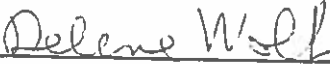
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- Government Code Section 7060.2(c) and San Francisco Administrative Code Section 37.9A(c):
July 9, 2014. (Ten years from date of withdrawal)

ALL OF THE TERMS AND OBLIGATIONS AS NAMED IN THIS DOCUMENT WILL TERMINATE AUTOMATICALLY, WITHOUT THE NECESSITY OF ANY RECORDED TERMINATION, AFTER JULY 9, 2014.

Dated: July 12, 2004



Delene Wolf, Acting Executive Director,
San Francisco Rent Board

ATTACHMENT A

The property in the City of San Francisco, State of California, described as follows:

BEGINNING at a point on the northerly line of Bush Street, distant thereon 30 feet westerly from the westerly line of Pierce Street; running thence westerly along said line of Bush Street 26 feet; thence at a right angle northerly 100 feet; thence at a right angle easterly 26 feet; thence at a right angle southerly 100 feet to the point of beginning.

BEING a portion of the Western Addition Block No. 0657 Lot No. 004.

The structure is a 2 family, 2 story dwelling zoned RH2 and the construction is wood framed with wood siding and a reinforced concrete foundation.

I

Block **0657**
 Lot **004**
 Number of Units **1**
 Class **F**
 Year Built **1900**

Launcher Unit

Address 2406 Bush Street

Street Number	2406	Last Number	
Street Name	Bush	Street Suffix	Street
Unit Number		Zip	

Building Name
 Complex Name
 Owner

Owner Name **THOMPSON DEREK PAUL & AMY W**

Owner Address Ln1 **2406 BUSH ST**
 Owner Address Ln2 **SAN FRANCISCO**
 Owner Address Ln3 **CA**
 Owner Address Ln4
 Owner Address Zip **94115**

Assessor - Property Address 10/1/02
 050657 004 2406 BUSH ST
 020621 2002 000000000 S0006850000107121020 02 000411000000274000000000
 970314 F 06C

Assessor - Owner 10/1/02
 050657 004 THOMPSON DEREK PAUL & AMY W2406 BUSH ST SA

Assessors data - 1/1/98
 0657 004 F 0000 2406 BUSH ST0000 HARPER FLORENCE G HARPER FLO



Office of the Assessor-Recorder



Property Location							
2406 - 0000 BUSH ST					Suite/Room:	0000	
Mailing Address for Property							
2406 BUSH ST SAN FRANCISCO CA 94115							
For Fiscal year beginning July 1, 2003 and ending June 30, 2004							
Land:	419,220	Improvement:	279,480	Fixtures:	0	Personal Prop:	0
Homeowner Exemption:	7,000	Miscellaneous Exemption:	0	Exemption Type Code:		11	
Property Characteristics							
Sales Base Year:	2002	Property Class:	F	Neighborhood:	06C		
Kitchen:	Kitchen Built-ins:	0000	Construction Type:	D (Wood frame)	Base Lot:	000	
Zoning Code:	RH3	Year Built:	1900	Lot Frontage:	0	Lot Depth:	0
Lot Area:	2,596	Basement Area:	0	Stories:	2	Units:	2
Rooms:	10	Bedrooms:	0	Bathrooms:	2		
Copyright 2002 - Office of the Assessor-Recorder, City and County of San Francisco, all rights reserved.							

[disclaimer](#) | [privacy policy](#)

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For this Address
See This SFVIEWER Map

Parcel Information

Block and Lot	<u>0657 004</u>
Address	2406-2406 BUSH ST 94115
Zoning	RESIDENTIAL- HOUSE, THREE FAMILY
Lot Area	2,596.00

Elected Officials

Board of Supervisors	<u>District 5: Gonzalez</u>
US House of Rep.	<u>8TH CONGRESSIONAL DISTRICT: Nancy Pelosi</u>
State Senate	<u>3RD SENATORIAL DISTRICT: John Burton</u>
State Assembly	<u>13TH ASSEMBLY DISTRICT: Mark Leno</u>
BART Board of Directors	<u>BART DISTRICT, AREA 9: Tom Radulovich</u>

Street Information

Street Name	BUSH ST
Left Side	2401-2499
Left Side Street Swept	Fri 6AM to 8AM
Right Side	2400-2498
Right Side Street Swept	Tues 9AM to 11AM

Nearest Public Facilities

School Name	DR. WILLIAM COBB SCHOOL (ELEMENTARY)
Public Library	Western Addition Branch Library

See the SFViewer Map Version

Enter an address

Number:

Street:

Street Type:

Or cross street

Cross street:

Street Type:

TIPS For Searching:

- Enter numbered streets and avenues using the number character followed by the correct alpha characters. (*10th* Street will find the street but *10* or *Tenth* will not find the street)

**Derek & Amy Thompson
2406 Bush Street
San Francisco, CA 94115**

**Ms. Kathleen O'Shea
Mr. John O'Shea
2406 Bush Street Unit B
San Francisco, CA 94115**

February 23, 2004

NOTICE OF TERMINATION OF TENANCIES

Pursuant to Section 37.9(a)(13) of the Rent Stabilization and Arbitration Ordinance and the Ellis Act, you are hereby notified to quit and vacate the premises on the effective date of the withdrawal of the rental units at 2406 Bush Street, which is 120 days after the Notice of Intent is filed with the Rent Board.

The current landlords, Mr. and Mrs. Derek Thompson wish to withdraw from rent or lease all rental units within any detached physical structure, and comply in full with Section 37.9A with respect to said units.


Within fifteen (15) days of filing the Notice of Intent you will be informed that the Notice of Intent was filed, that you have certain reoccupancy rights, that lower income households, elderly (aged 62 or older) and disabled tenants have the right to relocation assistance, and that elderly or disabled tenants who have lived in a unit for at least one year have the right to extend the date of withdrawal from 120 days to one year.

The procedures for withdrawing rental units from rent or lease under the Ellis Act are set forth in Government Code section 7060 et seq., and section 37.9A of the San Francisco Rent Ordinance, Chapter 41 of the San Francisco Administrative Code.

Sincerely:

Sincerely:


Derek Thompson


Amy Thompson

RECEIVED
RENT BOARD
FEB 23 11 01 AM '04

m040372



**Notice of Intent to Withdraw
Residential Units from the Rental Market**
[RENT ORDINANCE SECTION 37.9A]

RECEIVED
RENT STABILIZATION BOARD
OCT 11 11:15 AM '01

NOTE: Owners seeking to withdraw from the rental market their units which are subject to the San Francisco Rent Ordinance must submit this completed form to the Rent Stabilization Board office. Submittal may be by personal delivery, registered mail, or certified mail. Please refer to the specific procedures pursuant to Section 37.9A of the San Francisco Rent Ordinance.

I. OWNER INFORMATION (All owners of the property must be listed. If additional space is needed, attach a separate sheet using the same format.)

Name: DEREK & AMY THOMPSON
Address: 2406 BUSH STREET
Phone Number: 415-409-8006 (home) 415-699-5274 (work)

II. PROPERTY INFORMATION

Address: 2406 BUSH STREET San Francisco, CA 94115
(street number and name) (zip)
Number of Units: 2

Legal Description: Attach a legal description of the property and mark it as Attachment A.*

**This Notice of Intent to Withdraw Residential Units will not be processed by the Rent Board without a legal description, which is required by the San Francisco Recorder's Office.*

III. UNIT INFORMATION (All units, including owner-occupied, commercial and vacant units, and all occupants of the property must be listed. If additional space is needed, attach a separate sheet using the same format.)

UNIT #	DATE TENANCY COMMENCED	NAME OF EACH CURRENT OCCUPANT	CURRENT RENT
<u>A</u>	<u>OWNER</u>	<u>DEREK & AMY THOMPSON</u>	<u>NA</u>
<u>B</u>	<u>08-07-01</u>	<u>KATHLEEN & JOHN O'SHEA</u>	<u>\$1,650.⁰⁰/month</u>



**Notice of Intent to Withdraw
Residential Units from the Rental Market**
[RENT ORDINANCE SECTION 37.9A]

IV. OWNER'S DECLARATION

Do you certify that actions have been initiated as required by law to terminate all existing tenancies on the property by service of a written notice of termination of tenancy? YES NO

I declare under penalty of perjury, under the laws of the State of California, that the information provided on this Notice of Intent to Withdraw Form, including any attachments, is true and correct to the best of my knowledge and belief.

Executed on 03-11-04 in SAN FRANCISCO, California.
(date) (city)

[Handwritten Name]
(print name)

[Handwritten Signature]
(signature)

ALL OWNERS MUST SIGN. Attach an additional declaration and signature for each owner of record. Attorneys and/or non-attorney representatives may not sign the owner's declaration on behalf of an owner.

RECEIVED
11 PM 1:45
SUPERVISOR AND BOARD

ATTACHMENT A

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BEING a portion of the Western Addition Block No. 0657 Lot No. 004.

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RECEIVED
SAN FRANCISCO
APR 11 11 1:46
PLANNING AND
COMMUNITY DEVELOPMENT
BOARD