



# DISCRETIONARY REVIEW ABBREVIATED ANALYSIS

**HEARING DATE: April 22, 2021**

**Continued from March 25, 2021**

**Record No.:** 2020-002333DRP  
**Project Address:** 2814 Clay Street  
**Permit Applications:** 2020.0203.3400  
**Zoning:** RH-2 [Residential House, Two-Family]  
40-X Height and Bulk District  
**Block/Lot:** 1002/ 013  
**Project Sponsor:** Dane Bunton  
Studio BANAA  
118 Precita Avenue  
San Francisco, CA 94110  
**Staff Contact:** David Winslow – (628) 652-7335  
[david.winslow@sfgov.org](mailto:david.winslow@sfgov.org)

**Recommendation:** Take DR and Approve with Modifications

## Project Description

The project proposes to construct a 1- and 2-story horizontal rear additions to the existing 2-unit, three-story-over-basement building. The additions would increase the size of the lower unit by approximately 1,058 square feet while the upper unit would remain the same size. A roof deck measuring approximately 452 square feet above the 2-story rear addition is also proposed for exclusive use by the upper unit. No changes to the front façade are proposed.

## Site Description and Present Use

The site is a 30' wide x 127'-8" deep lot containing an existing 3-story, one-family home. The existing building is a Category 'B' – potential historic resource built in 1900.

## Surrounding Properties and Neighborhood

The buildings on this block of Clay are predominantly 3-story wood clad multi-unit houses with front setbacks, articulated by raised entries. The buildings form consistent depth at the rear - with the current exception of the subject property which is shallower than its neighbors. There is no pattern of side setbacks at the rear.

## Building Permit Notification

Type	Required Period	Notification Dates	DR File Date	DR Hearing Date	Filing to Hearing Date
311 Notice	30 days	November 4, 2020– December 4, 2020	December 4, 2020	April 22, 2021 from March 25, 2021	139 days

## Hearing Notification

Type	Required Period	Required Notice Date	Actual Notice Date	Actual Period
Posted Notice	20 days	April 2, 2021	April 2, 2021	20 days
Mailed Notice	20 days	April 2, 2021	April 2, 2021	20 days
Online Notice	20 days	April 2, 2021	April 2, 2021	20 days

## Public Comment

	Support	Opposed	No Position
Adjacent neighbor(s)	0	0	0
Other neighbors on the block or directly across the street	0	0	0
Neighborhood groups	0	0	0

## Environmental Review

The Department has determined that the proposed project is exempt/excluded from environmental review, pursuant to CEQA Guideline Section 15301 (Class One - Minor Alteration of Existing Facility, (e) Additions to existing structures provided that the addition will not result in an increase of more than 10,000 square feet).

## DR Requestors

Kathryn Kenna of 2812 Clay Street #1, resident of the adjacent building to the east of the proposed project.

## DR Requestor’s Concerns and Proposed Alternatives

Is concerned about blocking light and air to property line windows, foundation and water drainage issues, and maintenance of their western wall.

### **Proposed alternatives:**

1. Downsize the master closet and bath to leave space between the buildings at 2814 and 2812 Clay Street.

See attached *Discretionary Review Application*, dated September 3, 2020.

### **Project Sponsor’s Response to DR Application**

The proposed project has been reviewed and vetted by the Planning Department for compliance with the Code and applicable design guidelines.

1. There are no required side setbacks in the Planning Code that pertain to this property. The project complies with the residential design guideline “respect the existing pattern side spacing”.
2. The 3R report identifies this as a 2-unit building. The property owners are in the process of submitting a permit to legalize the unauthorized dwelling unit.
3. A light well has been provided to retain one of four property line windows. Consistent with the Building Code standards and City Planning policy non-complying property line window are not protected.
4. The issue with respect to water drainage is not clear but is not within the purview of the Planning Department.
5. Foundation issues will be resolved in a manner consistent with the Building Code.
6. Construction will occur during allowable times and all attempts to minimize noise will be made.
7. The building will comply with all code requirements related to fire protection. The neighbor’s existing non-conforming windows do not meet acceptable fire safety standards.

See attached Response to Discretionary Review, dated February 10, 2021

### **Department Review**

The Planning Department’s review of this proposal confirms general support for this project as it conforms to the Code and Residential Design Guidelines. The project sponsor has identified and is in the process of submitting a permit to legalize the Unwarranted Dwelling Unit. There is no record of no-fault evictions. Drainage and foundation design are issues to be addressed by the Department of Building Inspection.

At issue is the protection of several property line windows of the DR requestor’s adjacent building. The Department does not generally protect property line windows, as they are considered existing non-complying features.

The project sponsor has accommodated the retention of a property line window with a light well. However, the portion of the third-floor deck that abuts the light well could pose an intrusion to the privacy of the neighbors.

Therefore, staff deems there are exceptional or extraordinary circumstances and recommends taking Discretionary Review and modifying the project to remove the portion of roof deck at the third floor south of column line G, as shown on plan drawing A1.4.

**Recommendation:** Take DR and Approve with Modifications

## **Attachments:**

Block Book Map  
Sanborn Map  
Zoning Map  
Aerial Photographs  
Context Photographs  
Section 311 Notice  
CEQA Determination  
Eviction history from SF Rent Board  
UDU screening Affidavit  
DR Application  
Response to DR Application, dated February 10, 2021  
311 plans

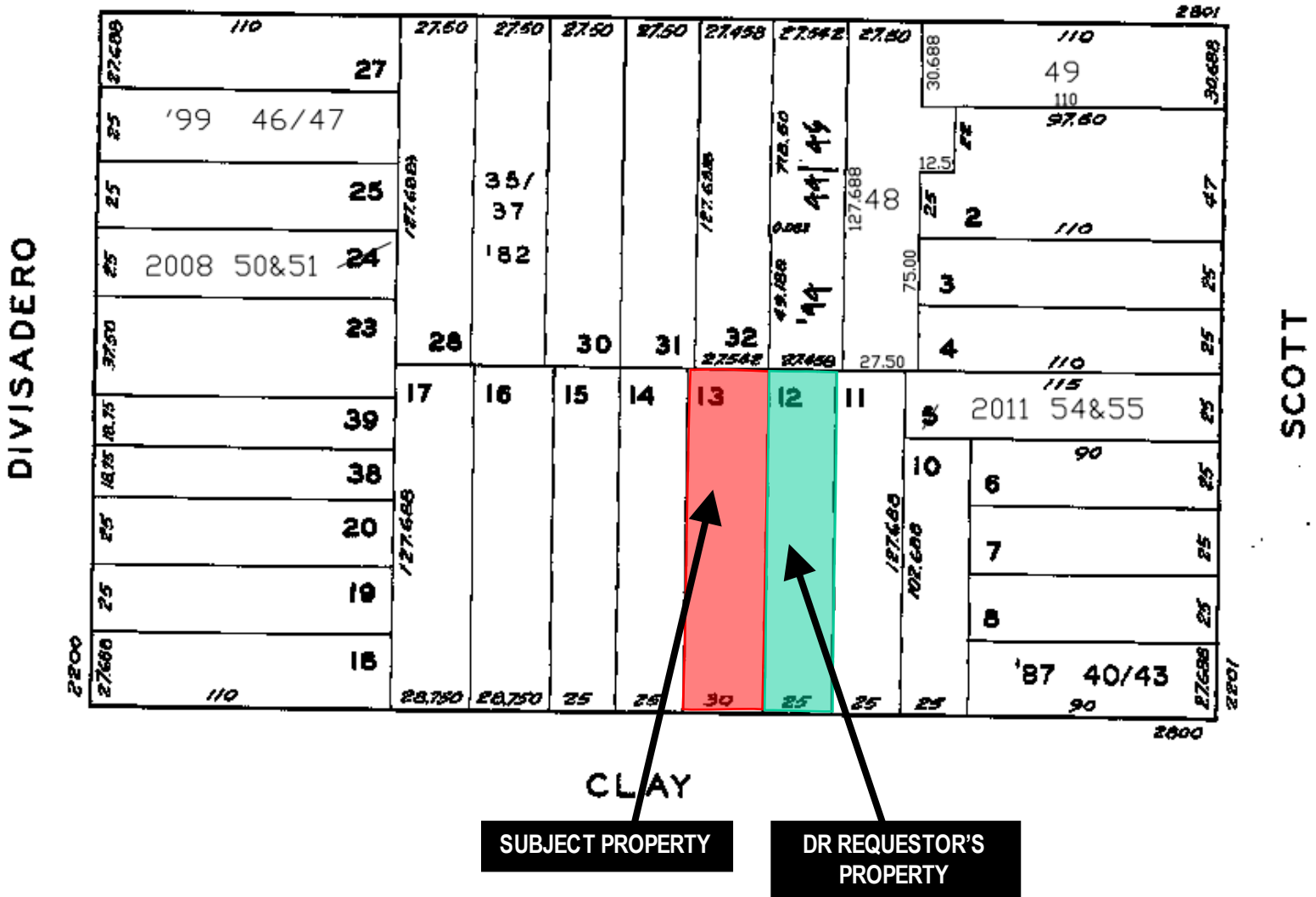


# Exhibits

Discretionary Review Hearing  
Case Number 2020-002333DRP  
2814 Clay Street

# Parcel Map

## WASHINGTON



CLAY

SUBJECT PROPERTY

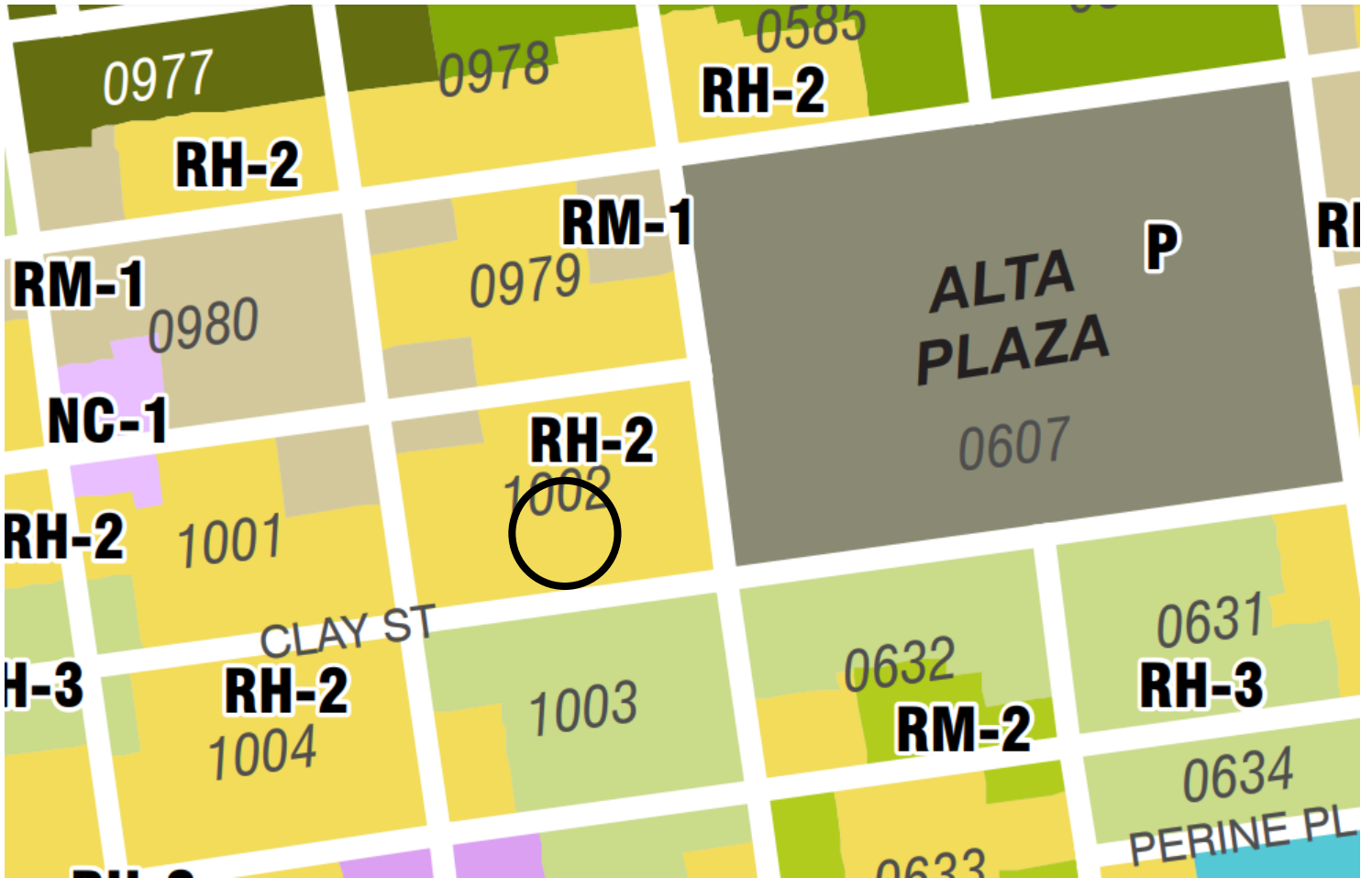
DR REQUESTOR'S PROPERTY



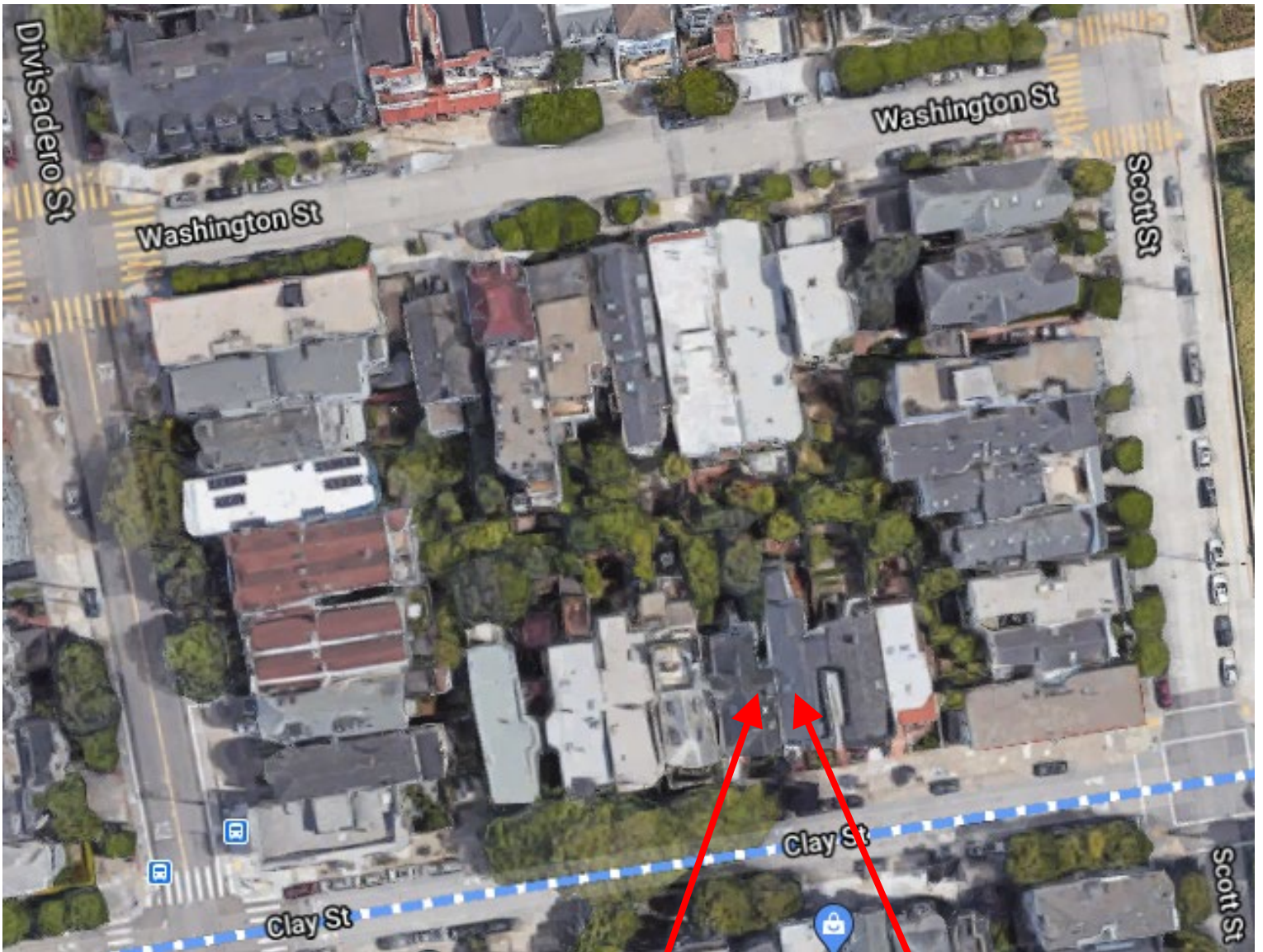
Discretionary Review Hearing  
 Case Number 2020-002333DRP  
 2814 Clay Street



# Zoning Map



# Aerial Photo



**SUBJECT PROPERTY**

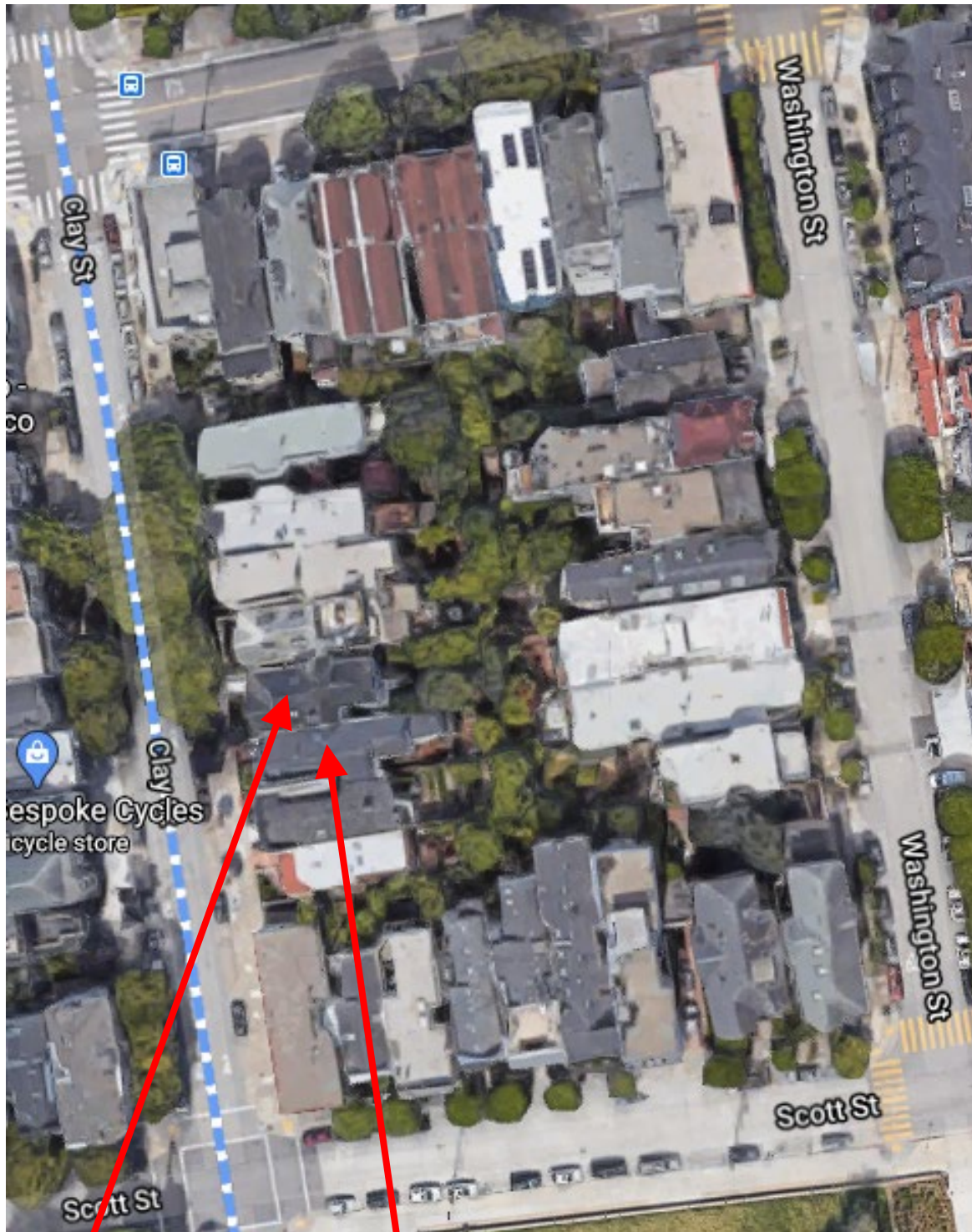
**DR REQUESTOR'S  
PROPERTY**



Discretionary Review Hearing  
Case Number 2020-002333DRP  
2814 Clay Street



# Aerial Photo



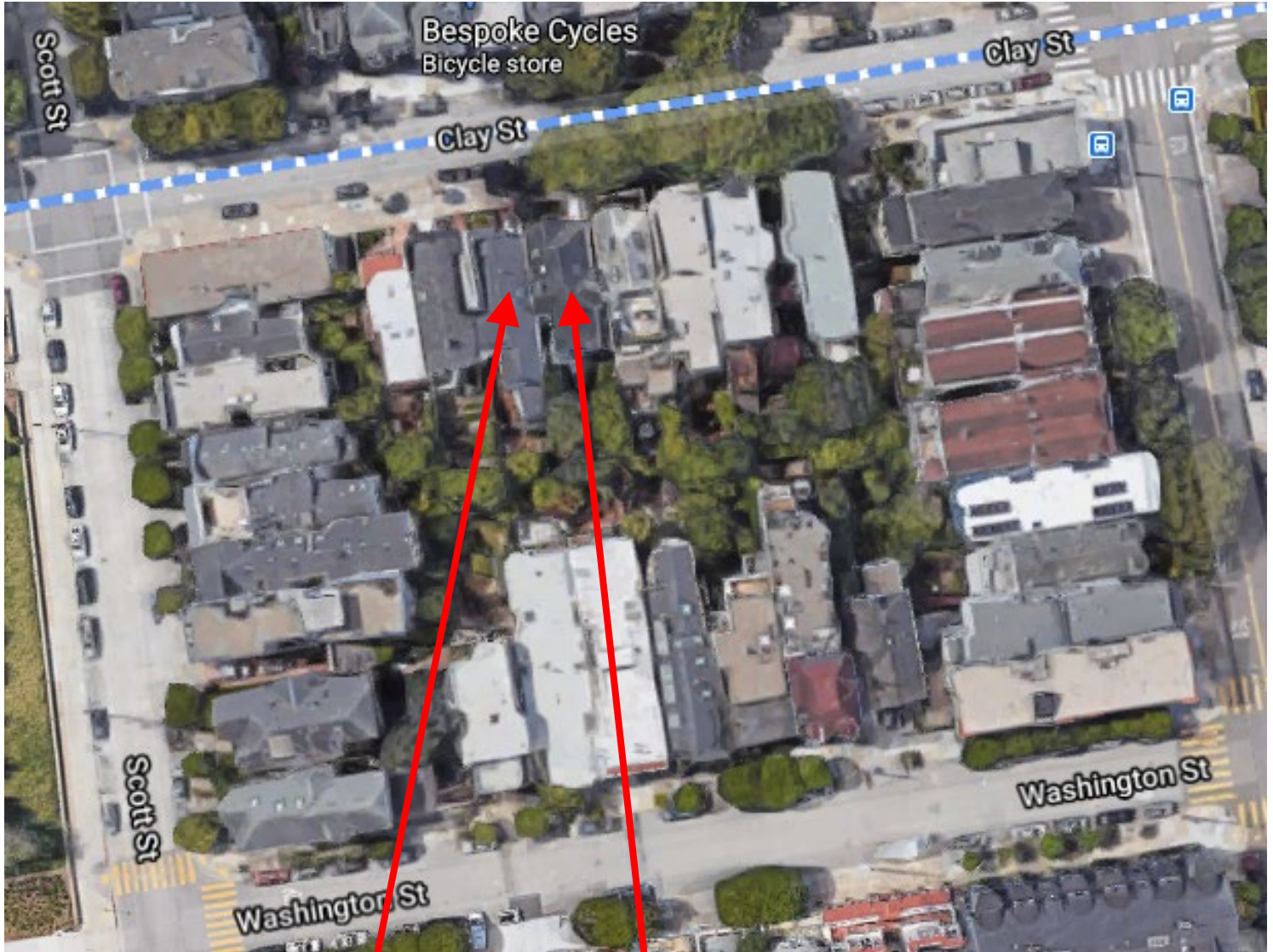
**SUBJECT PROPERTY**

**DR REQUESTOR'S  
PROPERTY**



Discretionary Review Hearing  
Case Number 2020-002333DRP  
2814 Clay Street

# Aerial Photo



**DR REQUESTOR'S  
PROPERTY**

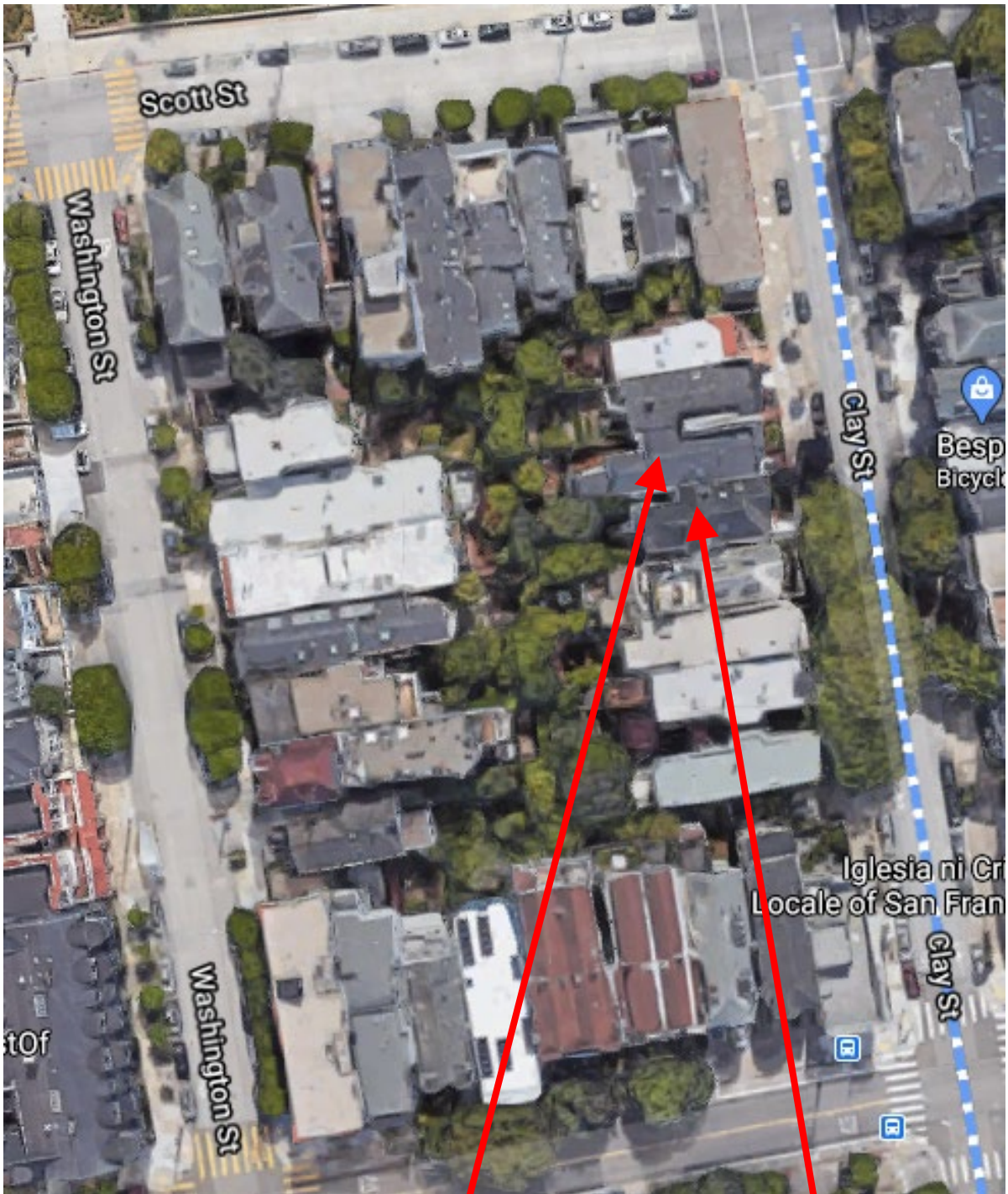
**SUBJECT PROPERTY**



Discretionary Review Hearing  
Case Number 2020-002333DRP  
2814 Clay Street



# Aerial Photo



**DR REQUESTOR'S  
PROPERTY**

**SUBJECT PROPERTY**



Discretionary Review Hearing  
Case Number 2020-002333DRP  
2814 Clay Street



# Site Photo



**SUBJECT PROPERTY**

Discretionary Review Hearing  
Case Number 2020-002333DRP  
2814 Clay Street



## NOTICE OF BUILDING PERMIT APPLICATION (SECTION 311)

On February 3, 2020, Building Permit Application No. 2020.0203.3400 was filed for work at the Project Address below.

**Notice Date: 11/4/20      Expiration Date: 12/4/20**

### PROJECT INFORMATION

Project Address: **2814 Clay St**  
Cross Streets: **Divisadero & Scott Streets**  
Block / Lot No.: 1002 / 013  
Zoning District(s): RH-2 / 40-X  
Record No.: **2020-002333PRJ**

### APPLICANT INFORMATION

Applicant: Dane Bunton, Studio BANAA  
Address: 118 Precita Ave.  
City, State: San Francisco, CA 94110  
Telephone: **(415) 610-8100**  
Email: [dane@studiobanaa.com](mailto:dane@studiobanaa.com)

You are receiving this notice as an owner or occupant of property within 150 feet of the proposed project. **You are not required to take any action.** For more information about the proposed project, or to express concerns about the project, please contact the Applicant listed above or the Planner named below as soon as possible. If you believe that there are exceptional or extraordinary circumstances associated with the project, you may request that the Planning Commission review this application at a public hearing for Discretionary Review. Requests for a Discretionary Review hearing must be filed during the 30-day review period, prior to the close of business on the Expiration Date shown above, or the next business day if that date is on a week-end or a legal holiday. If no Requests for Discretionary Review are filed, this project will be approved by the Planning Department after the Expiration Date.

Members of the public are not required to provide personal identifying information when they communicate with the Commission or the Department. All written or oral communications, including submitted personal contact information, may be made available to the public for inspection and copying upon request and may appear on the Department's website or in other public documents.

PROJECT SCOPE	PROJECT FEATURES	Existing	Proposed
<input type="checkbox"/> Demolition	Building Use:	Residential	No Change
<input type="checkbox"/> Change of Use	Front Setback:	13 feet	No Change
<input checked="" type="checkbox"/> Rear Addition	Side Setbacks:	None	No Change
<input type="checkbox"/> New Construction	Building Depth:	62 feet	72 feet
<input type="checkbox"/> Façade Alteration(s)	Rear Yard:	50 feet	41 feet
<input type="checkbox"/> Side Addition	Building Height:	40 feet	No Change
<input type="checkbox"/> Alteration	Number of Stories:	3	No Change
<input type="checkbox"/> Front Addition	Number of Dwelling Units	2	No Change
<input type="checkbox"/> Vertical Addition	Number of Parking Spaces	1	No Change

### PROJECT DESCRIPTION

The project proposes 1- and 2-story horizontal rear additions to the existing 2-unit, three-story-over-basement building. The additions would increase the size of the lower unit by approximately 1,058 square feet while the upper unit would remain the same size. A roof deck measuring approximately 452 square feet above the 2-story rear addition is also proposed for exclusive use by the upper unit. No changes to the front façade are proposed.

The issuance of the building permit by the Department of Building Inspection or the Planning Commission project approval at a discretionary review hearing would constitute as the Approval Action for the project for the purposes of CEQA, pursuant to Section 31.04(h) of the San Francisco Administrative Code.

To view plans or related documents, visit [sfplanning.org/notices](http://sfplanning.org/notices) and search the Project Address listed above.

**For more information, please contact Planning Department staff:**

Planner: **Christopher May**      Telephone: **(628) 652-7359**      Email: [christopher.may@sfgov.org](mailto:christopher.may@sfgov.org)

## General Information About Procedures During COVID-19 Shelter-In-Place Order

Reduced copies of the proposed project plans have been included in this mailing for your information. If you have questions about the plans, please contact the project Applicant listed on the front of this notice. You may wish to discuss the plans with your neighbors or neighborhood association, as they may already be aware of the project. If you have specific questions about the proposed project, you should contact the planner listed on the front of this notice. If you have general questions about the Planning Department's review process, contact the Planning counter at the Permit Center via email at [pic@sfgov.org](mailto:pic@sfgov.org).

If you believe that the impact on you from the proposed project is significant and you wish to seek to change the project, there are several procedures you may use. **We strongly urge that steps 1 and 2 be taken.**

1. Contact the project Applicant to get more information and to discuss the project's impact on you.
2. Contact the nonprofit organization Community Boards at (415) 920-3820, or online at [www.communityboards.org](http://www.communityboards.org) for a facilitated. Community Boards acts as a neutral third party and has, on many occasions, helped reach mutually agreeable solutions.
3. Where you have attempted, through the use of the above steps or other means, to address potential problems without success, please contact the planner listed on the front of this notice to discuss your concerns.

If, after exhausting the procedures outlined above, you still believe that exceptional and extraordinary circumstances exist, you have the option to request that the Planning Commission exercise its discretionary powers to review the project. These powers are reserved for use in exceptional and extraordinary circumstances for projects that conflict with the City's General Plan and the Priority Policies of the Planning Code; therefore the Commission exercises its discretion with utmost restraint. This procedure is called Discretionary Review ("DR"). If you believe the project warrants Discretionary Review by the Planning Commission, **you must file a DR Application prior to the Expiration Date shown on the front of this notice.**

To file a DR Application, you must:

1. Create an account or be an existing registered user through our Public Portal (<https://aca-ccsf.accela.com/ccsf/Default.aspx>).
2. Complete the Discretionary Review PDF application (<https://sfplanning.org/resource/drp-application>) and email the completed PDF application to

[CPC.Intake@sfgov.org](mailto:CPC.Intake@sfgov.org). You will receive follow-up instructions via email on how to post payment for the DR Application through our Public Portal.

To determine the fee for a Discretionary Review, please refer to the Planning Department Fee Schedule available at [www.sfplanning.org](http://www.sfplanning.org). If the project includes multiple building permits, i.e. demolition and new construction, a separate request for Discretionary Review must be submitted, with all required materials and fee, for each permit that you feel will have an impact on you. Incomplete applications will not be accepted.

If no Discretionary Review Applications have been filed within the Notification Period, the Planning Department will approve the application and forward it to the Department of Building Inspection for its review.

### Board of Appeals

An appeal of the Planning Commission's decision on a Discretionary Review case may be made to the **Board of Appeals within 15 calendar days after the building permit is issued** (or denied) by the Department of Building Inspection. The Board of Appeals is accepting appeals via e-mail. For further information about appeals to the Board of Appeals, including current fees, contact the Board of Appeals at (628) 652-1150.

### Environmental Review

This project has undergone preliminary review pursuant to California Environmental Quality Act (CEQA). If, as part of this process, the Department's Environmental Review Officer has deemed this project to be exempt from further environmental review, an exemption determination has been prepared and can be obtained through the Exemption Map at [www.sfplanning.org](http://www.sfplanning.org). An appeal of the decision **to exempt the proposed project from CEQA may be made to the Board of Supervisors within 30 calendar days** after the project approval action identified on the determination. The procedures for filing an appeal of an exemption determination are available from the Board of Supervisors at [bos.legislation@sfgov.org](mailto:bos.legislation@sfgov.org), or by calling (415) 554-5184.

Under CEQA, in a later court challenge, a litigant may be limited to raising only those issues previously raised at a hearing on the project or in written correspondence delivered to the Board of Supervisors, Planning Commission, Planning Department or other City board, commission or department at, or prior to, such hearing, or as part of the appeal hearing process on the CEQA decision.



## CEQA Categorical Exemption Determination

### PROPERTY INFORMATION/PROJECT DESCRIPTION

<b>Project Address</b>		<b>Block/Lot(s)</b>
2814 CLAY ST		1002013
<b>Case No.</b>		<b>Permit No.</b>
2020-002333PRJ		202002033400
<input checked="" type="checkbox"/> <b>Addition/ Alteration</b>	<input type="checkbox"/> <b>Demolition (requires HRE for Category B Building)</b>	<input type="checkbox"/> <b>New Construction</b>
<p><b>Project description for Planning Department approval.</b> Horizontal rear addition. Remodel kitchen and add master bath and 3rd floor roof deck.</p>		

### STEP 1: EXEMPTION CLASS

<b>The project has been determined to be categorically exempt under the California Environmental Quality Act (CEQA).</b>	
<input checked="" type="checkbox"/>	<b>Class 1 - Existing Facilities.</b> Interior and exterior alterations; additions under 10,000 sq. ft.
<input type="checkbox"/>	<b>Class 3 - New Construction.</b> Up to three new single-family residences or six dwelling units in one building; commercial/office structures; utility extensions; change of use under 10,000 sq. ft. if principally permitted or with a CU.
<input type="checkbox"/>	<p><b>Class 32 - In-Fill Development.</b> New Construction of seven or more units or additions greater than 10,000 sq. ft. and meets the conditions described below:</p> <p>(a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.</p> <p>(b) The proposed development occurs within city limits on a project site of no more than 5 acres substantially surrounded by urban uses.</p> <p>(c) The project site has no value as habitat for endangered rare or threatened species.</p> <p>(d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.</p> <p>(e) The site can be adequately served by all required utilities and public services.</p> <p><b>FOR ENVIRONMENTAL PLANNING USE ONLY</b></p>
<input type="checkbox"/>	<b>Class ____</b>

## STEP 2: CEQA IMPACTS

### TO BE COMPLETED BY PROJECT PLANNER

<input type="checkbox"/>	<p><b>Air Quality:</b> Would the project add new sensitive receptors (specifically, schools, day care facilities, hospitals, residential dwellings, and senior-care facilities within an Air Pollution Exposure Zone? Does the project have the potential to emit substantial pollutant concentrations (e.g., backup diesel generators, heavy industry, diesel trucks, etc.)? (refer to EP_ArcMap &gt; CEQA Catex Determination Layers &gt; Air Pollution Exposure Zone)</p>
<input type="checkbox"/>	<p><b>Hazardous Materials:</b> If the project site is located on the Maher map or is suspected of containing hazardous materials (based on a previous use such as gas station, auto repair, dry cleaners, or heavy manufacturing, or a site with underground storage tanks): Would the project involve 50 cubic yards or more of soil disturbance - or a change of use from industrial to residential?</p> <p><b>Note that a categorical exemption shall not be issued for a project located on the Cortese List if the applicant presents documentation of enrollment in the San Francisco Department of Public Health (DPH) Maher program, a DPH waiver from the Maher program, or other documentation from Environmental Planning staff that hazardous material effects would be less than significant (refer to EP_ArcMap &gt; Maher layer).</b></p>
<input type="checkbox"/>	<p><b>Transportation:</b> Does the project involve a child care facility or school with 30 or more students, or a location 1,500 sq. ft. or greater? Does the project have the potential to adversely affect transit, pedestrian and/or bicycle safety (hazards) or the adequacy of nearby transit, pedestrian and/or bicycle facilities?</p>
<input type="checkbox"/>	<p><b>Archeological Resources:</b> Would the project result in soil disturbance/modification greater than two (2) feet below grade in an archeological sensitive area or eight (8) feet in a non -archeological sensitive area? If yes, archeo review is required (refer to EP_ArcMap &gt; CEQA Catex Determination Layers &gt; Archeological Sensitive Area)</p>
<input type="checkbox"/>	<p><b>Subdivision/Lot Line Adjustment:</b> Does the project site involve a subdivision or lot line adjustment on a lot with a slope average of 20% or more? (refer to EP_ArcMap &gt; CEQA Catex Determination Layers &gt; Topography). If yes, Environmental Planning must issue the exemption.</p>
<input type="checkbox"/>	<p><b>Slope = or &gt; 25%:</b> Does the project involve any of the following: (1) square footage expansion greater than 500 sq. ft. outside of the existing building footprint, (2) excavation of 50 cubic yards or more of soil, (3) new construction? (refer to EP_ArcMap &gt; CEQA Catex Determination Layers &gt; Topography) <b>If box is checked, a geotechnical report is required and Environmental Planning must issue the exemption.</b></p>
<input type="checkbox"/>	<p><b>Seismic: Landslide Zone:</b> Does the project involve any of the following: (1) square footage expansion greater than 500 sq. ft. outside of the existing building footprint, (2) excavation of 50 cubic yards or more of soil, (3) new construction? (refer to EP_ArcMap &gt; CEQA Catex Determination Layers &gt; Seismic Hazard Zones) <b>If box is checked, a geotechnical report is required and Environmental Planning must issue the exemption.</b></p>
<input type="checkbox"/>	<p><b>Seismic: Liquefaction Zone:</b> Does the project involve any of the following: (1) square footage expansion greater than 500 sq. ft. outside of the existing building footprint, (2) excavation of 50 cubic yards or more of soil, (3) new construction? (refer to EP_ArcMap &gt; CEQA Catex Determination Layers &gt; Seismic Hazard Zones) <b>If box is checked, a geotechnical report will likely be required and Environmental Planning must issue the exemption.</b></p>
<p><b>Comments and Planner Signature (optional):</b> Christopher May</p>	



**STEP 3: PROPERTY STATUS - HISTORIC RESOURCE**  
**TO BE COMPLETED BY PROJECT PLANNER**

<b>PROPERTY IS ONE OF THE FOLLOWING:</b> (refer to <i>Property Information Map</i> )	
<input type="checkbox"/>	<b>Category A:</b> Known Historical Resource. <b>GO TO STEP 5.</b>
<input checked="" type="checkbox"/>	<b>Category B:</b> Potential Historical Resource (over 45 years of age). <b>GO TO STEP 4.</b>
<input type="checkbox"/>	<b>Category C:</b> Not a Historical Resource or Not Age Eligible (under 45 years of age). <b>GO TO STEP 6.</b>

**STEP 4: PROPOSED WORK CHECKLIST**  
**TO BE COMPLETED BY PROJECT PLANNER**

<b>Check all that apply to the project.</b>	
<input type="checkbox"/>	1. <b>Change of use and new construction.</b> Tenant improvements not included.
<input type="checkbox"/>	2. <b>Regular maintenance or repair</b> to correct or repair deterioration, decay, or damage to building.
<input type="checkbox"/>	3. <b>Window replacement</b> that meets the Department's <i>Window Replacement Standards</i> . Does not include storefront window alterations.
<input type="checkbox"/>	4. <b>Garage work.</b> A new opening that meets the <i>Guidelines for Adding Garages and Curb Cuts</i> , and/or replacement of a garage door in an existing opening that meets the Residential Design Guidelines.
<input type="checkbox"/>	5. <b>Deck, terrace construction, or fences</b> not visible from any immediately adjacent public right-of-way.
<input type="checkbox"/>	6. <b>Mechanical equipment installation</b> that is not visible from any immediately adjacent public right-of-way.
<input type="checkbox"/>	7. <b>Dormer installation</b> that meets the requirements for exemption from public notification under <i>Zoning Administrator Bulletin No. 3: Dormer Windows</i> .
<input checked="" type="checkbox"/>	8. <b>Addition(s)</b> that are not visible from any immediately adjacent public right-of-way for 150 feet in each direction; does not extend vertically beyond the floor level of the top story of the structure or is only a single story in height; does not have a footprint that is more than 50% larger than that of the original building; and does not cause the removal of architectural significant roofing features.
<b>Note: Project Planner must check box below before proceeding.</b>	
<input type="checkbox"/>	Project is not listed. <b>GO TO STEP 5.</b>
<input type="checkbox"/>	Project <b>does not conform</b> to the scopes of work. <b>GO TO STEP 5.</b>
<input type="checkbox"/>	Project involves <b>four or more</b> work descriptions. <b>GO TO STEP 5.</b>
<input checked="" type="checkbox"/>	Project involves <b>less than four</b> work descriptions. <b>GO TO STEP 6.</b>

**STEP 5: CEQA IMPACTS - ADVANCED HISTORICAL REVIEW**  
**TO BE COMPLETED BY PROJECT PLANNER**

<b>Check all that apply to the project.</b>	
<input type="checkbox"/>	1. Project involves a <b>known historical resource (CEQA Category A)</b> as determined by Step 3 and conforms entirely to proposed work checklist in Step 4.
<input type="checkbox"/>	2. <b>Interior alterations to publicly accessible spaces.</b>
<input type="checkbox"/>	3. <b>Window replacement</b> of original/historic windows that are not "in-kind" but are consistent with existing historic character.
<input type="checkbox"/>	4. <b>Façade/storefront alterations</b> that do not remove, alter, or obscure character-defining features.
<input type="checkbox"/>	5. <b>Raising the building</b> in a manner that does not remove, alter, or obscure character-defining features.
<input type="checkbox"/>	6. <b>Restoration</b> based upon documented evidence of a building's historic condition, such as historic photographs, plans, physical evidence, or similar buildings.
<input type="checkbox"/>	7. <b>Addition(s)</b> , including mechanical equipment that are minimally visible from a public right-of-way and meet the <i>Secretary of the Interior's Standards for Rehabilitation</i> .

<input type="checkbox"/>	8. <b>Other work consistent</b> with the <i>Secretary of the Interior Standards for the Treatment of Historic Properties</i> (specify or add comments):						
<input type="checkbox"/>	9. <b>Other work</b> that would not materially impair a historic district (specify or add comments):  <i>(Requires approval by Senior Preservation Planner/Preservation Coordinator)</i>						
<input type="checkbox"/>	10. <b>Reclassification of property status.</b> <i>(Requires approval by Senior Preservation Planner/Preservation</i> <table style="width: 100%; border: none;"> <tr> <td style="width: 33%; border: none;"><input type="checkbox"/> Reclassify to Category A</td> <td style="width: 33%; border: none;"><input type="checkbox"/> Reclassify to Category C</td> </tr> <tr> <td style="border: none;">a. Per HRER or PTR dated</td> <td style="border: none;"><i>(attach HRER or PTR)</i></td> </tr> <tr> <td colspan="2" style="border: none;">b. Other <i>(specify)</i>:</td> </tr> </table>	<input type="checkbox"/> Reclassify to Category A	<input type="checkbox"/> Reclassify to Category C	a. Per HRER or PTR dated	<i>(attach HRER or PTR)</i>	b. Other <i>(specify)</i> :	
<input type="checkbox"/> Reclassify to Category A	<input type="checkbox"/> Reclassify to Category C						
a. Per HRER or PTR dated	<i>(attach HRER or PTR)</i>						
b. Other <i>(specify)</i> :							
<b>Note: If ANY box in STEP 5 above is checked, a Preservation Planner MUST sign below.</b>							
<input type="checkbox"/>	<b>Project can proceed with categorical exemption review.</b> The project has been reviewed by the Preservation Planner and can proceed with categorical exemption review. <b>GO TO STEP 6.</b>						
<b>Comments (optional):</b>							
<b>Preservation Planner Signature:</b> Christopher May							

**STEP 6: CATEGORICAL EXEMPTION DETERMINATION  
TO BE COMPLETED BY PROJECT PLANNER**

<input checked="" type="checkbox"/>	<b>No further environmental review is required. The project is categorically exempt under CEQA. There are no unusual circumstances that would result in a reasonable possibility of a significant effect.</b>	
	<b>Project Approval Action:</b> Building Permit	<b>Signature:</b> Christopher May
	If Discretionary Review before the Planning Commission is requested, the Discretionary Review hearing is the Approval Action for the project.	10/20/2020
Once signed or stamped and dated, this document constitutes a categorical exemption pursuant to CEQA Guidelines and Chapter 31 of the Administrative Code. In accordance with Chapter 31 of the San Francisco Administrative Code, an appeal of an exemption determination can only be filed within 30 days of the project receiving the approval action. Please note that other approval actions may be required for the project. Please contact the assigned planner for these approvals.		

## STEP 7: MODIFICATION OF A CEQA EXEMPT PROJECT

### TO BE COMPLETED BY PROJECT PLANNER

In accordance with Chapter 31 of the San Francisco Administrative Code, when a California Environmental Quality Act (CEQA) exempt project changes after the Approval Action and requires a subsequent approval, the Environmental Review Officer (or his or her designee) must determine whether the proposed change constitutes a substantial modification of that project. This checklist shall be used to determine whether the proposed changes to the approved project would constitute a "substantial modification" and, therefore, be subject to additional environmental review pursuant to CEQA.

### MODIFIED PROJECT DESCRIPTION

Modified Project Description:

### DETERMINATION IF PROJECT CONSTITUTES SUBSTANTIAL MODIFICATION

Compared to the approved project, would the modified project:

- |                          |  |
|--------------------------|--|
| <input type="checkbox"/> | Result in expansion of the building envelope, as defined in the Planning Code;   |
| <input type="checkbox"/> | Result in the change of use that would require public notice under Planning Code Sections 311 or 312;  |
| <input type="checkbox"/> | Result in demolition as defined under Planning Code Section 317 or 19005(f)?   |
| <input type="checkbox"/> | Is any information being presented that was not known and could not have been known at the time of the original determination, that shows the originally approved project may no longer qualify for the exemption? |

**If at least one of the above boxes is checked, further environmental review is required.**

### DETERMINATION OF NO SUBSTANTIAL MODIFICATION

- |                          |   |
|--------------------------|---|
| <input type="checkbox"/> | The proposed modification would not result in any of the above changes. |
|--------------------------|---|

If this box is checked, the proposed modifications are categorically exempt under CEQA, in accordance with prior project approval and no additional environmental review is required. This determination shall be posted on the Planning Department website and office and mailed to the applicant, City approving entities, and anyone requesting written notice. In accordance with Chapter 31, Sec 31.08j of the San Francisco Administrative Code, an appeal of this determination can be filed within 10 days of posting of this determination.

**Planner Name:**

**Date:**





## UNAUTHORIZED UNIT SCREENING REQUEST FORM AND AFFIDAVIT

An Unauthorized Unit, or UDU, is defined in Planning Code Section 317(b)(13) as one or more rooms within a building that have been used, without the benefit of a permit, as a separate and distinct living or sleeping space independent from other Residential Units on the property.

For questions, you can call the Planning counter at 628.652.7300 or email [pic@sfgov.org](mailto:pic@sfgov.org) where planners are able to assist you.

**Español:** Si desea ayuda sobre cómo llenar esta solicitud en español, por favor llame al 628.652.7550. Tenga en cuenta que el Departamento de Planificación requerirá al menos un día hábil para responder.

**中文:** 如果您希望獲得使用中文填寫這份申請表的幫助, 請致電628.652.7550。請注意, 規劃部門需要至少一個工作日來回應。

**Filipino:** Kung gusto mo ng tulong sa pagkumpleto ng application na ito sa Filipino, paki tawagan ang 628.652.7550. Paki tandaan na mangangailangan ang Planning Department ng hindi kukulangin sa isang araw na pantrabaho para makasagot.

### CRITERIA FOR AN UNAUTHORIZED UNIT (UDU)

A UDU must meet two criteria:

1. An UDU must be independent from other Residential Units on the property, which means that the space has independent access, and there is no open, visual connection to a Residential Unit on the property.
2. Use as Independent dwelling Space. A UDU must have been used as a separate and distinct living or sleeping space.

Please note that the definition of a UDU does not rely on the existence of any cooking facilities, so a space may still be considered a UDU even if it doesn't have a kitchen; however a full bathroom is required to be considered a UDU.

Planning Staff may request a UDU screening for permits for interior work to determine if a project removes certain features that allow the space to operate as a separate unit. Scopes of work that may require UDU screening include but are not limited to:

- Removal of direct or indirect access doors
- Removal of a full bathroom
- Removal of a kitchen
- Removal of a wet bar
- Addition of a staircase to create an interior connection between floors

### SUBMITTAL INSTRUCTIONS

Please complete the form below and submit it to [CPC.UDU@sfgov.org](mailto:CPC.UDU@sfgov.org) with the following materials:

1. A completed [Unauthorized Unit Affidavit](#) (attached);
2. A digital set of existing and proposed plans (.pdf or .jpeg); and
3. Photographs of the space that may be a UDU.

Planning Staff will contact you with a determination if the space in question is considered a UDU.

**Please note that if the Planning Department determines that a UDU is present at the site, the property owner will be required to legalize the unit, which can usually be completed administratively, or seek a Conditional Use Authorization from the Planning Commission to remove the unit. If a UDU is not present at the site, Planning Staff will review the plans for any unpermitted work on the premises. Staff may provide comments to bring the work into compliance with the Planning Code, which may include removal of the unpermitted work. If Planning Code violations persist, Staff may refer the property to the Code Enforcement Division.**



# San Francisco Planning

## UNAUTHORIZED UNIT SCREENING REQUEST FORM AND AFFIDAVIT

### Property Information

Project Address:

Block/Lot(s):

### Related Building Permits Applications

N/A

Building Permit Applications No(s):

### Applicant Information

Name:

Owner

Authorized Agent

Primary Phone Number:

## 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.
- d) I hereby authorize City and County of San Francisco Planning staff to conduct a site visit of this property as part of the City's review of this application, making all portions of the interior and exterior accessible through completion of construction and in response to the monitoring of any condition of approval.
- e) I attest that personally identifiable information (PII) - i.e. social security numbers, driver's license numbers, bank accounts - have not been provided as part of this application. Furthermore, where supplemental information is required by this application, PII has been redacted prior to submittal to the Planning Department. I understand that any information provided to the Planning Department becomes part of the public record and can be made available to the public for review and/or posted to Department websites.

Signature

Name (Printed)

Date

Relationship to Project  
(i.e. Owner, Architect, etc.)

Phone

Email



# UNAUTHORIZED UNIT AFFIDAVIT

Project Address: \_\_\_\_\_

Block/Lot (APN): \_\_\_\_\_

“Unauthorized Unit” shall mean one or more rooms within a building that have been used, without the benefit of a building permit, as a separate and distinct living or sleeping space independent from Residential Units on the same property.

“Independent” shall mean that (i) the space has independent access that does not require entering a Residential Unit on the property and (ii) there is no open, visual connection to a Residential Unit on the property.

I, \_\_\_\_\_, do hereby declare as follows:

To the best of my knowledge:

- There is an Unauthorized Unit, as defined above, located on the subject property.
- There is not an Unauthorized Unit, as defined above, located on the subject property.

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

EXECUTED ON THIS DAY, \_\_\_\_\_, 20\_\_\_\_, IN \_\_\_\_\_, CA.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Name (Printed)

\_\_\_\_\_  
Relationship to Project  
(i.e. Owner, Architect, etc.)

\_\_\_\_\_  
Phone

\_\_\_\_\_  
Email

*Submit completed Affidavit upon request by Planning Staff or in conjunction with a UDU Screening Request form.*

**FOR DEPARTMENT USE ONLY**

1. Does the space meet the criteria for Physical Independence as described in Planning Code Section 317(b) (13)?      YES      NO

If you've checked no, the space is **not** considered a UDU.

Plans Dated: \_\_\_\_\_

Photographs Provided on (date): \_\_\_\_\_

2. Has the space been used as a separate and distinct living space?      YES      NO
- Did the Rent Board provide records for this property?      YES      NO
- If yes, is there evidence of a UDU?      YES      NO
- Is there more than one unit accounted for in the Voter Rolls?      YES      NO
- Does the Unauthorized Unit Affidavit indicate that the project would remove a UDU?      YES      NO
- Is there any other documentation that indicates that the space has been occupied?      YES      NO

If yes has been checked above, describe the information further below:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

An Unauthorized Unit is present at the Subject Property

There are no Unauthorized Units present at the Subject Property

Planning counter Research Number: \_\_\_\_\_

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Name(Printed)

\_\_\_\_\_  
Date



## Rent Board Response to Request for Planning Department Records Search

Re: 2814 Clay St.

This confirms that the undersigned employee of the San Francisco Rent Board has reviewed its database records pertaining to the above-referenced unit(s) to provide records that may demonstrate evidence of residential use. All searches are based on upon the street addresses provided.

No database records were identified.

There are no Rent Board records in our database related to your search request for the property address requested. However, it is important to note that the absence of records for some or all of the residential units at a property does not mean there is or has been no residential use. Property owners are not required by law to provide any information or file any documents with the Rent Board, unless they are seeking to take a certain action such as an eviction, a rent increase, or a buyout. Thus, there are many properties and many residential units for which the Rent Board has no records.

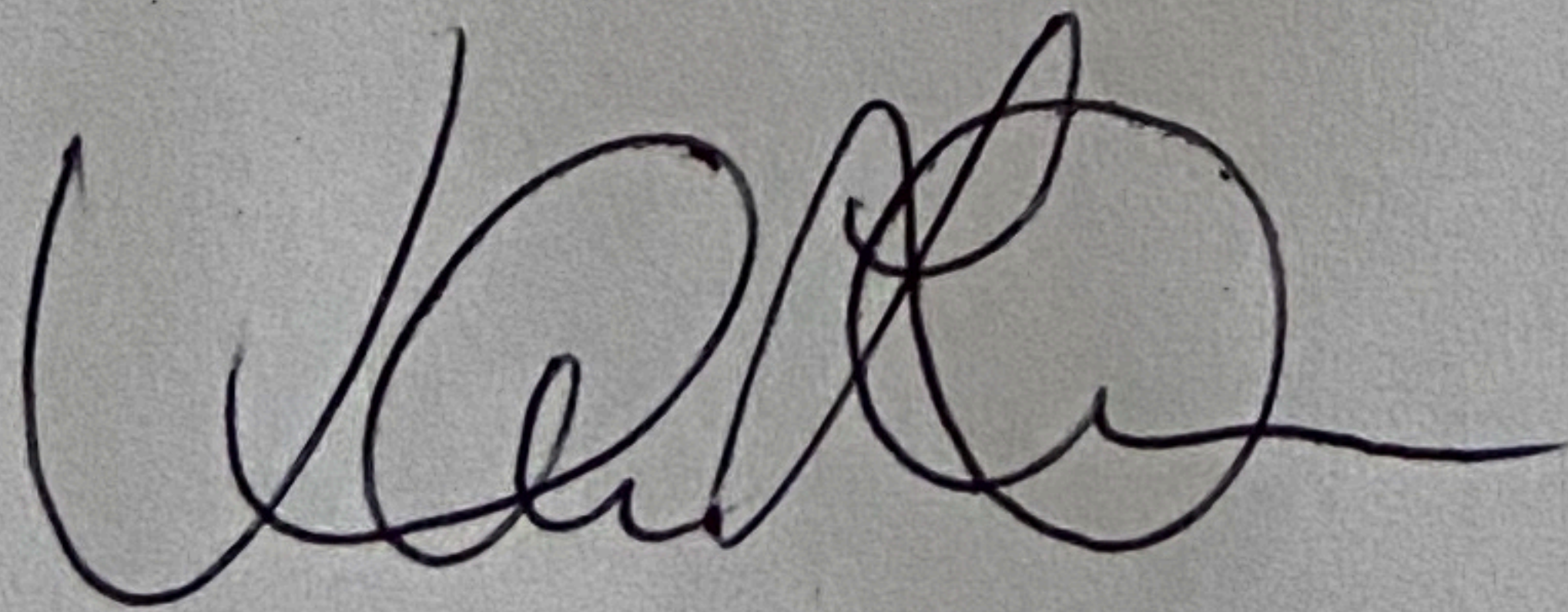
Yes, the following records were identified:

- See attached documents.

Pursuant to your request, we have searched the Rent Board's database for records related to the property requested. Attached are some Rent Board records resulting from our search. These records can be used as evidence of prior and/or current residential use of the property. However, it is important to note that the absence of records for some or all of the residential units at a property does not mean there is or has been no residential use. Property owners are not required by law to provide any information or file any documents with the Rent Board, unless they are seeking to take a certain action such as an eviction, a rent increase, or a buyout. Thus, there are many properties and many residential units for which the Rent Board has no records.

Regarding the records provided, please note that the data in the "# of units" field was imported from another department's database in 2002 and might not be accurate. It does not represent a determination by the Rent Board of the number of units at the property.

Signed:



Dated:

1-13-21

Van Lam

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



# WASSERMAN-STERN

A T T O R N E Y S A T L A W

David P. Wasserman, *Esq.*  
Daniel R. Stern, *Esq.*  
Marina R. Franco, *Esq., Of Counsel*

USPS POSTAL SERVICE

April 23, 2019

TO: San Francisco Rent Board  
25 Van Ness Ave., Suite 320  
San Francisco, CA 94102-6033  
Phone: 415-252-4602  
Fax: 415-252-4699

RECEIVED

APR 26 2019

S.F. RESIDENTIAL RENT STABILIZATION  
AND ARBITRATION BOARD

RE: TENANT BUYOUT AGREEMENT (Voluntary Termination of Tenancy)  
2814A CLAY STREET

---

Enclosed, please find 2 copies of the above referenced document. Please file one and keep for your records.

The second copy, please endorse and return to our office with the enclosed envelope.

Thank you!

It is to my understanding this will be accepted via mail. Please file. If there are any questions or concerns, please call me at the number listed below. Thank you and have a wonderful day.

Sincerely,  
WASSERMAN-STERN

LINDA CIKES  
415-567-9600

1 Re: 2814 A Clay Street, San Francisco, CA

2  
3 DAVID GRENELL,

4 Landlord,

5 And

6  
7 [REDACTED] and

8  
9 Tenants.

**TENANT BUYOUT AGREEMENT  
(Voluntary Termination of Tenancy)**

**San Francisco Administrative Code Section 37.9E**

RECEIVED

APR 26 2019

S.F. RESIDENTIAL RENT STABILIZATION  
AND ARBITRATION BOARD

10  
11 Recitals

- 12  
13 1. [REDACTED] (collectively, "Tenants") are  
14 residential tenants at the real property commonly known as and located at 2814 A Clay  
15 Street in San Francisco, California (the "Premises").
- 16 2. The Premises is a residential rental unit contained within a multi-family building that is  
17 owned by David Grenell ("Landlord").
- 18 3. Tenants are residing peacefully at the Premises and are in good standing under the operative  
19 lease agreement (Tenant [REDACTED] is currently living in New York for schooling).
- 20 4. Landlord has been represented by David P. Wasserman of Wasserman-Stern. Tenants have  
21 been apprised and hereby acknowledge that they are under no legal obligation to vacate  
22 the Premises. Tenants have been provided with the "Pre Buy-Out Disclosure Form" as  
23 published by the San Francisco Rent Board.
- 24 5. Tenants have been apprised of and acknowledge receipt of the following:
- 25 i. TENANTS HAVE THE RIGHT NOT TO ENTER INTO A BUYOUT  
26 AGREEMENT OR TO PARTICIPATE IN BUYOUT NEGOTIATIONS.
  - 27 ii. TENANTS MAY CHOOSE TO CONSULT WITH AN ATTORNEY BEFORE  
28 ENTERING INTO A BUYOUT AGREEMENT OR PARTICIPATING IN  
BUYOUT NEGOTIATIONS.

1 (415) 701-1400 (FAX)

(415) 252-3956

(415) 715-3280 (Section 8)

2 www.alrp.org

3  
4 **Asian Law Caucus**  
5 55 Columbus Avenue

6 San Francisco, CA 94111

7 (415) 896-1701, 896-1702  
8 (FAX)

9 www.advancingjustice-alc.org

**Department of Public Works**  
Bureau of Street Use &  
Mapping

Condo-Conversion Division

1155 Market Street, 3rd Floor

San Francisco, CA 94103

(415) 554-5827

**SF Rental Assistance  
Program**

(Must be 60+ or disabled (SDI  
or SSI)

or have custody of child under  
18)

(415) 557-6484 (recorded  
message)

11 **Asian Pacific Islander Legal  
Outreach**

12 1121 Mission Street

13 San Francisco, CA 94103

14 (415) 562-6255, 562-6248  
15 (FAX)

16 www.apilegaloutreach.org

**District Attorney's Office**  
Consumer Fraud Unit

732 Brannan Street

San Francisco, CA 94103

(415) 553-1814 or 551-9595

**San Francisco Sheriff's  
Eviction**

Assistance Project

City Hall, Suite 456

One Dr. Carlton B. Goodlett  
Place

San Francisco, CA 94102-4689

(415) 554-7255

18 **Assessor's-Recorder's  
Office**

19 City Hall, Suite 190

20 One Dr. Carlton B. Goodlett  
21 Place

22 San Francisco, CA 94102-4689

23 Assessor's Info: (415) 554-  
24 5421

25 Real Estate Records: (415)  
26 554-5596

27 Recorder's Info: (415) 554-  
28 4178

**Eviction Defense**

**Collaborative**

(Unlawful Detainers/Summons)

995 Market Street #1200 @ 6th  
Street

(9:30-11:30 a.m. & 1:00-3:00  
p.m. M-F)

(415) 947-0797 (recording  
only)

www.evictiondefense.org

Must Bring All Papers in  
Person

**San Francisco Tenants Union**  
558 Capp Street

(near Mission & 21st Street)

San Francisco, CA 94110

(415) 282-6622

(recorded message & hours)

www.sftu.org

**Small Claims Court**  
400 McAllister, Suite 103





**Bay Area Legal Aid**  
(Section 8 and public housing)  
1035 Market Street, 6th Floor  
San Francisco, CA 94103  
(415) 982-1300  
(415) 982-4243 (FAX)  
www.baylegal.org

**Board of Appeals (Permit Appeals)**  
1660 Mission Street 3rd Fl.  
San Francisco, CA 94103  
(415) 575-6880

**California Department of Consumer Affairs**  
State of California  
400 R Street  
Sacramento, CA 95814-6200

(800) 952-5210

**Causa Justa :: Just Cause**  
Spanish-speakers and SRO tenants

2301 Mission Street, Suite 201  
San Francisco, CA 94110  
(415) 487-9203  
(415) 487-9022 (FAX)

BY APPT. ONLY. Mon & Wed

**Helplink 2-1-1**  
(United Way: Info & referral to community services – 24/7)  
Dial 2-1-1 (in San Francisco)  
(800) 273-6222 (from other areas)  
(415) 808-4444 (Spanish)  
(415) 808-7339 (Chinese)  
(415) 808-4440 (TTY)  
www.uwba.org

**Homeless Advocacy Project (H.A.P.)**  
1360 Mission Street #201  
San Francisco, CA 94103  
(415) 575-3130  
Intake 1:30-4 p.m. –Tuesday only

**Housing Rights Committee of SF**  
417 South Van Ness @ 15th St.

San Francisco CA 94103  
(415) 703-8644

(415) 703-8639 (FAX)

Mon-Thurs: 1.00 p.m.-5.00 p.m.  
www.hrcsf.org

San Francisco, CA 94102  
(415) 551-3955 or 551-4041  
Advisor walk-in hours:  
Mon-Fri: 8:30-4:00

**Small Property Owners of San Francisco**  
P.O. Box 170669  
San Francisco, CA 94117  
(415) 647-2419  
www.smallprop.org

**SPCA Project Open Door**  
(Pet and Lease Issues)  
2500 16th Street  
San Francisco, CA 94103  
(415) 554-3000

**SRO Collaboratives:**  
(1) Central City SRO Collaborative  
48 Turk Street  
San Francisco, CA 94102  
(415) 775-7110 (9:00 a.m.-4:00 p.m.)

www.ccsro.org  
(2) Chinatown SRO Collaborative  
c/o Chinatown Community Dev. Center

**BUY-OUT AGREEMENT (2814 A Clay Street)**

1 1-5 p.m.;  
2 Tues, Thur & Fri 9:30-Noon &  
3 1-5:30 p.m.  
4 www.cjjc.org

**Human Rights Commission**  
25 Van Ness Avenue, 8th Fl.  
San Francisco, CA 94102  
(415) 252-2500

1525 Grant Avenue  
San Francisco, CA 94133  
(415) 984-1489  
www.chinatowncdc.org

5  
6 **Chinatown Community Dev.**  
7 **Center**  
8 663 Clay Street  
9 San Francisco, CA 94111  
10 (415) 984-2728  
11 www.chinatowncdc.org

**JFK University Housing**  
**Advocacy Clinic**  
2956 San Pablo Avenue  
Berkeley, Ca 94702  
(925) 969-3493  
Intake September–April

(3) Mission SRO Collaborative  
938 Valencia Street  
San Francisco, CA 94110  
(415) 282-6209, ext. 12 or 16

12  
13 **Community Boards**  
14 3130 24th Street  
15 San Francisco, CA 94110  
16 (415) 920-3820  
17 www.communityboards.org

**La Raza Centro Legal, Inc.**  
(Including Senior Law Clinic)  
474 Valencia Street, Suite 295  
San Francisco, CA 94103  
(415) 575-3500  
www.lrci.org

**Superior Court-Limited**  
**Jurisdiction**  
400 McAllister Street, Suite 103  
San Francisco, CA 94102  
(415) 551-4000 (Recording)  
www.courtinfo.ca.gov

18 **Department of Aging & Adult**  
19 **Services**  
20 875 Stevenson Street, 3rd Fl.  
21 San Francisco, CA 94103  
22 (415) 355-3555 (Information)  
23 (415) 355-6757 (TTY)  
24 www.sfhsa.org/daas.htm

**La Raza Information Center**  
474 Valencia Street, Suite 100  
San Francisco, CA 94103  
(415) 863-0764

**Tax Collector's Office**  
Real Estate Division (Rent  
Board Fee)  
City Hall, Suite 110  
One Dr. Carlton B. Goodlett  
Place  
San Francisco, CA 94102-4689  
(415) 554-4452

25  
26 **Dept. of Building Inspection**  
27 (1) Housing Inspection Division  
28 1660 Mission Street, 6th Floor

**Legal Assistance to the**  
**Elderly, Inc.**  
(Age 60+)  
995 Market Street #1400  
San Francisco, CA 94103  
(415) 538-3333

**Tenants Together**  
995 Market Street, Suite 1202  
San Francisco, Ca 94103  
(415) 495-8100


**BUY-OUT AGREEMENT (2814 A Clay Street)**

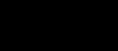
1	San Francisco, CA 94103	www.laesf.org	Foreclosure Hotline: (888) 495-
2	(415) 558-6220		8020
3	(Permits of Occupancy and		www.tenantstogether.org
4	Inspections/Code Violations)	<b>Mayor's Office of Housing</b>	
5	(2) Permit Filing and Routing,	1 South Van Ness Avenue, 5th	
6	Certificates of Occupancy	Floor	<b>Tenderloin Housing Clinic</b>
7	1660 Mission Street, 1st Fl.	San Francisco, CA 94102	(Tenants in hotels and
8	San Francisco, CA 94103	(415) 701-5500	Tenderloin
9	(415) 558-6087		residents)
10		<b>Planning Department</b>	126 Hyde Street, 2nd Floor
11	<b>Dept. of Fire Prevention &amp;</b>	1660 Mission Street, 5th Floor	San Francisco, CA 94102
12	<b>Investigation</b>	San Francisco, CA 94103-2414	(415) 771-9850
13	Inspection, Permit & Violation	(415) 558-6377	www.thclinic.org
14	History	(415) 558-6409 (FAX)	
15	Records (for property &	9:15-11:30 a.m. and 1:30-3:30	<b>3-1-1 San Francisco Customer</b>
16	environmental	p.m.	<b>Service Center</b>
17	site assessments)		(Info for non-emergency San
18	(415) 558-3300	<b>San Francisco Apt.</b>	Francisco government matters -
19	(415) 558-3323 (FAX)	<b>Association</b>	24/7)
20		265 Ivy Street	Dial 3-1-1 (in San Francisco)
21	<b>Dept. of Fair Employment</b>	San Francisco, CA 94102	(415) 701-2311 (from other
22	<b>and Housing</b>	(415) 255-2288	areas)
23	Bay Area Regional Office	(415) 255-1112 (FAX)	(415) 701-2323 (TTY)
24	39141 Civic Center Drive, Suite	www.sfaa.org	www.sfgov.org/311
25	250		
26	Fremont, CA 94538	<b>San Francisco Bar</b>	
27	(800) 884-1684	<b>Association</b>	
28	(800) 700-2320 (TTY)	Lawyer Information & Referral	
		Service	
		(415) 989-1616	

Justice and Diversity Center  
(Eviction Defense-60 day  
notices only)  
Mon-Tues: 3:00-5:30 pm  
(415) 477-2377  
www.sfbar.org/jdc

- vi. THE SAN FRANCISCO RENT BOARD HAS INFORMATION ABOUT TENANT RIGHTS AT ITS OFFICE AND ON ITS WEBSITE. THE RENT BOARD IS AT 25 VAN NESS AVENUE, SUITE 320, SAN FRANCISCO, CA.
- vii. PLEASE NOTE THE FOLLOWING: UNDER SECTION 1396(e)(4) OF THE SAN FRANCISCO SUBDIVISION CODE, A PROPERTY OWNER MAY NOT CONVERT A BUILDING INTO A CONDOMINIUM WHERE: (A) A SENIOR, DISABLED, OR CATASTROPHICALLY ILL TENANT HAS VACATED A UNIT UNDER A BUYOUT AGREEMENT AFTER OCTOBER 31, 2014, OR (B) TWO OR MORE TENANTS WHO ARE NOT SENIOR, DISABLED, OR CATASTROPHICALLY ILL HAVE VACATED UNITS UNDER BUYOUT AGREEMENTS, IF THE AGREEMENTS WERE ENTERED INTO AFTER OCTOBER 31, 2014 AND WITHIN TEN YEARS PRIOR TO THE CONDOMINIUM CONVERSION APPLICATION. A "SENIOR" IS A PERSON WHO IS 60 YEARS OR OLDER AND HAS BEEN RESIDING IN THE UNIT FOR TEN YEARS OR MORE AT THE TIME OF THE BUYOUT AGREEMENT; A "DISABLED" TENANT IS A PERSON WHO IS DISABLED UNDER THE

1 AMERICANS WITH DISABILITIES ACT (TITLE 42 UNITED  
2 STATES CODE SECTION 12102) AND HAS BEEN RESIDING IN  
3 THE UNIT FOR TEN YEARS OR MORE AT THE TIME OF THE  
4 BUYOUT AGREEMENT; AND A "CATASTROPHICALLY ILL"  
5 TENANT IS A PERSON WHO IS DISABLED UNDER THE  
6 AMERICAN WITH DISABILITIES ACT (TITLE 42 UNITED  
7 STATES CODE SECTION 12102) AND WHO IS SUFFERING  
8 FROM A LIFE THREATENING ILLNESS AND HAS BEEN  
9 RESIDING IN THE UNIT FOR FIVE YEARS OR MORE AT THE  
10 TIME OF THE BUYOUT AGREEMENT.  
11

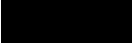
12 Do you believe that you are senior, disabled, or catastrophically ill as those terms are  
13 defined above? \_\_\_\_\_ yes \_\_\_\_\_ (please initial) 

14  no  (please initial)

15 \_\_\_\_\_ I don't know \_\_\_\_\_ (please initial)

16 \_\_\_\_\_ I prefer not to say \_\_\_\_\_ (please initial)

17  
18  
19 \_\_\_\_\_ yes \_\_\_\_\_ (please initial) 

20  no  (please initial)

21 \_\_\_\_\_ I don't know \_\_\_\_\_ (please initial)

22 \_\_\_\_\_ I prefer not to say \_\_\_\_\_ (please initial)

23  
24  
25  
26 \_\_\_\_\_ yes \_\_\_\_\_ (please initial) 

27  no  (please initial)

1 \_\_\_\_\_ I don't know \_\_\_\_\_ (please initial)

2 \_\_\_\_\_ I prefer not to say \_\_\_\_\_ (please initial)

3  
4  
5 The formal settlement agreement ("Agreement"), which sets forth the terms of said settlement, is  
6 memorialized as follows:

7  
8 **Terms**

9  
10 1. The parties consider each term of this Agreement as material.

11 2. The parties expressly acknowledge that Tenants' tenancy at the Premises, and, by operation  
12 of law, any and all sub tenancies, shall deemed to be forever terminated in their entirety as of the end of the  
13 day on May 31, 2019.

14 3. Each party is to bear her/his own attorney's fees and costs incurred in the drafting of this  
15 Agreement and the negotiation of its terms.

16 4. Each party mutually releases the other from all claims, demands and causes of action,  
17 known or unknown, past or present, arising out of, or which could have arisen out of Tenants' tenancy and  
18 occupancy at the Premises. Landlord and Tenants mutually relinquish and renounce all rights each could  
19 assert against the other, and mutually release and forever discharge each of his/her/its respective  
20 predecessors, successors, assigns, representatives, agents, managers, attorneys, executors, administrators,  
21 and other successors in interest of and from any and all claims, demands, damages, costs, expenses or  
22 obligations arising out of, or in any way connected with Tenants' tenancy at the Premises, the payment of  
23 rent, the recovery of possession, any alleged violation of rent control ordinance provisions or any other  
24 claim or right in any way related to or arising out the tenancy, sub tenancy and occupancy of the Premises  
25 or the right to return to the Premises. This release extends to any claims Tenants could pursue with the San  
26 Francisco Residential Rent Stabilization and Arbitration Board, as well as any affirmative claims Tenants  
27 could file with the San Francisco Superior Court (Small Claims, Limited, and/or Unlimited Jurisdictions).

28 5. Each party hereto acknowledges that his/her own legal counsel has advised him/her and that  
he/she is familiar with the provisions of section 1542 of the California Civil Code, which provides:

1                    *A general release does not extend to claims which the creditor or releasing*  
2                    *party does not know or suspect to exist in his or her favor at the time of*  
3                    *executing the release and that, if known by him or her, would have*  
4                    *materially affected his or her settlement with the debtor or released party.*

5                    The parties hereby expressly waive the provisions of section 1542 of the California Civil Code and  
6                    any right they may have to invoke said provisions or any similar or common-law rule now or in the future.  
7                    The parties hereto fully understand that they cannot hereafter make further claims or seek any further  
8                    recovery of any nature whatsoever based upon, arising out of, or in connection with, Tenants' tenancy and  
9                    the potential building problems, and each such party hereby expressly waives all unknown claims caused  
10                    by, or alleged to be caused by any act or omission of any party in connection with Tenants' occupancy of  
11                    the Premises. The parties acknowledge that they voluntarily execute this Agreement with full knowledge  
12                    of its significance and with the express intent to affecting the legal consequences provided by section 1542  
13                    of the California Civil Code.

14                    6.            Nothing contained herein shall be construed as an admission by any party hereto of any  
15                    liability of any kind to any other party or to any other entity.

16                    7.            In case any provision of this Agreement shall be invalid, illegal, or unenforceable, the  
17                    validity, legality, and enforceability of the remaining provisions shall not in any way be affected or  
18                    impaired thereby.

19                    8.            This Agreement constitutes the entire agreement and understanding between the parties  
20                    concerning the subject matter hereof, and supersedes and replaces all prior negotiations, proposed  
21                    agreements, and agreement, written and oral, relating thereto. Each of the undersigned parties  
22                    acknowledges that no other party nor any agent or attorney of any other party has made any promise,  
23                    representation, or warranty whatever, expressed or implied, not contained herein concerning the subject  
24                    matter hereof to induce it to execute this Agreement not contained herein.

25                    9.            This Agreement may be executed in counterparts, and when each party has signed and  
26                    delivered at least one such counterpart, each counterpart shall be deemed an original, and taken together  
27                    shall constitute one and the same agreement, which shall be binding and effective as to all parties.

28                    10.          **Right of Rescission:** YOU, THE TENANT, MAY CANCEL THIS  
AGREEMENT AT ANY TIME BEFORE THE 45<sup>TH</sup> DAY AFTER ALL PARTIES HAVE  
SIGNED THIS AGREEMENT. TO CANCEL THIS AGREEMENT, MAIL OR





1  
2 Dated: 03/03/19

[REDACTED]

3  
4 Dated: 3/3/19

5  
6  
7 [REDACTED]

8 **PLEASE NOTE:** You, the tenant, have a right not to enter into a buy-out agreement.  
9 You, the tenant, may choose to consult with an attorney and/or a tenants' rights  
10 organization before signing this Agreement. You can find a list of tenants' rights  
11 organizations on the Rent Board's website: [www.sfrb.org](http://www.sfrb.org). The Rent Board has created a  
12 publically available, searchable database that may include information about other buy-out  
13 agreements in your neighborhood. You can search this database at the Rent Board's office  
14 at 25 Ves Ness Avenue, Suite 320, San Francisco, CA.

15 Tenant's Initials

[REDACTED]

[REDACTED]

[REDACTED]

**PROOF OF SERVICE**

STATE OF CALIFORNIA, COUNTY OF SAN FRANCISCO

I am employed in the county of San Francisco, State of California. I am over the age of 18 and not a party to the within action; my business address is 2960 Van Ness Avenue, Suite B, San Francisco, California 94109. On April 23, 2019, I served the foregoing documents described as:

**TENANT BUYOUT AGREEMENT  
(Voluntary Termination of Tenancy)**

**2814A CLAY STREET**

on the interested parties in this action by placing true copies thereof enclosed in sealed envelopes addressed as follows:

<p><b>San Francisco Rent Board 25 Van Ness Ave., Suite 320 San Francisco, CA 94102-6033</b></p>	
---	--

I deposited such envelope(s), with postage thereon fully prepaid, in the mail at San Francisco, California.

By US MAIL. I am "readily familiar" with the firm's practice of collection and processing of correspondence for mailing. Under that practice it would be deposited with the U.S. postal service on that same day with postage thereon fully prepaid at San Francisco, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

I caused to be delivered by same-day service such envelopes, by hand, to the residence of the addressee(s).

I caused such copies to be facsimiled pursuant to stipulation to the persons set forth above at the facsimile numbers indicated above.

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

(Federal) I declare that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

Executed on April 23, 2019 at San Francisco, California.

\_\_\_\_\_  
By: LINDA CIKES



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

***Action Log***

***Buyout # B190385  
2814 Clay Street***

Date	Action	By
2/20/19	Declaration re Service of Disclosure Form filed	Tan Lieu
4/26/19	L files Pre-Buyout Negotiations Disclosure Form Required by Ord. 37.9E. This document is not required to be filed at RB. Therefore, tenant names were not redacted and the document was placed on confidential side of the file.	Cathy Helton
4/26/19	Buyout Agreement filed	Tan Lieu









## DISCRETIONARY REVIEW PUBLIC (DRP)

### APPLICATION PACKET

Pursuant to Planning Code Section 311, the Planning Commission may exercise its power of Discretionary Review over a building permit application.

For questions, you can call the Planning counter at 628.652.7300 or email [pic@sfgov.org](mailto:pic@sfgov.org) where planners are able to assist you.

Please read the [Discretionary Review Informational Packet](#) carefully before the application form is completed.

#### WHAT TO SUBMIT:

- Two (2) complete applications signed.
- A Letter of Authorization from the DR requestor giving you permission to communicate with the Planning Department on their behalf, if applicable.
- Photographs or plans that illustrate your concerns.
- Related covenants or deed restrictions (if any).
- A digital copy (CD or USB drive) of the above materials (optional).
- Payment via check, money order or debit/credit for the total fee amount for this application. (See [Fee Schedule](#)).

#### HOW TO SUBMIT:

To file your Discretionary Review Public application, please email the completed application to [cpc.intake@sfgov.org](mailto:cpc.intake@sfgov.org).

**Español:** Si desea ayuda sobre cómo llenar esta solicitud en español, por favor llame al 628.652.7550. Tenga en cuenta que el Departamento de Planificación requerirá al menos un día hábil para responder.

中文：如果您希望獲得使用中文填寫這份申請表的幫助，請致電628.652.7550。請注意，規劃部門需要至少一個工作日來回應。

**Filipino:** Kung gusto mo ng tulong sa pagkumpleto ng application na ito sa Filipino, paki tawagan ang 628.652.7550. Paki tandaan na mangangailangan ang Planning Department ng hindi kukulangin sa isang araw na pantrabaho para makasagot.



## DISCRETIONARY REVIEW PUBLIC (DRP)

### APPLICATION

#### Discretionary Review Requestor's Information

Name: Kathryn Kenna

Address: 2812 Clay Street #1 SF 94115

Email Address: kathryn@kathrynkenna.com

Address:

Telephone: 415-902-8961

#### Information on the Owner of the Property Being Developed

Name: Jeannie Shin

Company/Organization:

n/a

Email Address: jeannieshin\_2000@yahoo.

Address:

Telephone: 415-412-6199

#### Property Information and Related Applications

Project Address: 2814 Clay Street, SF 94115

Block/Lot(s): 1002/013

Building Permit Application No(s): 2020-002333PRJ

#### ACTIONS PRIOR TO A DISCRETIONARY REVIEW REQUEST

PRIOR ACTION	YES	NO
Have you discussed this project with the permit applicant?		<input checked="" type="checkbox"/>
Did you discuss the project with the Planning Department permit review planner?		<input checked="" type="checkbox"/>
Did you participate in outside mediation on this case? (including Community Boards)		<input checked="" type="checkbox"/>
Changes Made to the Project as a Result of Mediation. If you have discussed the project with the applicant, planning staff or gone through mediation, please summarize the result, including any changes that were made to the proposed project.		

## DISCRETIONARY REVIEW REQUEST

In the space below and on separate paper, if necessary, please present facts sufficient to answer each question.

1. What are the reasons for requesting Discretionary Review? The project meets the standards of the Planning Code and the Residential Design Guidelines. What are the exceptional and extraordinary circumstances that justify Discretionary Review of the project? How does the project conflict with the City's General Plan or the Planning Code's Priority Policies or Residential Design Guidelines? Please be specific and site specific sections of the Residential Design Guidelines.

Please see attached PDF

2. The Residential Design Guidelines assume some impacts to be reasonable and expected as part of construction. Please explain how this project would cause unreasonable impacts. If you believe your property, the property of others or the neighborhood would be unreasonably affected, please state who would be affected, and how.

Please see attached PDF

3. What alternatives or changes to the proposed project, beyond the changes (if any) already made would respond to the exceptional and extraordinary circumstances and reduce the adverse effects noted above in question #1?

Please see attached PDF

# DISCRETIONARY REVIEW REQUESTOR'S AFFIDAVIT

Under penalty of perjury the following declarations are made:

a) The undersigned is the DR requestor or their authorized representation.



Signature

Kathryn Kenna

Name (Printed)

self

415-902-8961

kathryn@kathrynkenna.com

Relationship to Requestor  
(i.e. Attorney, Architect, etc.)

Phone

Email

For Department Use Only

Application received by Planning Department:

By: \_\_\_\_\_

Date: \_\_\_\_\_

## **Reasons for requesting a Discretionary Review:**

### **Section 1. Reasons for request:**

#### **Unreasonable impact on 2812 Clay (page 16 of residential guidelines/planning code section 101).**

Loss of light, loss of air, loss of access for building repair on west side (forever), loss of 4 windows in 2 apartments due to having to remove them altogether. Loss of historic character the 1885 kitchen (unit 1).

#### **Possible planning code 136 violation**

Insuring "set backs" from property line.

#### **Incorrect number of dwelling units listed on permit application.**

The permit application lists 2 dwelling units, when there are in fact 3 dwelling units. The former owners of 2814 Clay lived in the main 2 stories of the building. It was a large spacious home which I was in many times. In addition to the owners' residence, there were 2 rental units at 2814 for the last 40 plus years. The first is a front garden level 1 bedroom apartment. The other is a 3<sup>rd</sup> story 2 bedroom attic apartment. Despite the vertigo inducing steps leading to the apartment, it was a highly coveted place and the owners kept it in an attractive state for young renters. When 2814 was on the market, the 2 rentals (with kitchens) were advertised as income units. The plans for 2814 have made the attic rental disappear. There is an internal staircase to the attic which the former owners blocked off. Both units were considered "legal" rentals. The garden unit is still rented to a long time tenant.

#### **311 notice posted where neighbors can not easily see (see attached photos)**

An 11" x 17" 311 notice is posted on a window two flights up from the street level that is partially obscured by a column. Unless you walk up the stairs to the front porch, there is no way to read the notice. I expected a notice on the street level garage door as one typically sees quite large and displayed at eye level.

### **Section 2. Unreasonable impact and consequences for 2812.**

#### **Loss of light/air/history/charm and more...**

Currently 2814 has a section (mid house) that abuts the 2812 property line for perhaps 20 feet. Beyond that section to the rear there is a long, wide open lightwell at 2814 between the buildings that leads to the 2814 garden. New construction would close the entire lightwell and space between the buildings, a space 30' long and 2 stories tall with a 3<sup>rd</sup> story deck that would completely block all sunlight and ambient light. This would mean having to eliminate 4 windows on the west side of 2812. These windows provide air circulation and light to 2812 unit's 1 and 2. This also means major construction at the expense of the owner of 2812 Clay. Construction in two of the apartments (units 1 & 2) of



2812 to remove 4 windows and remodel after the removal would be a major expense. In addition, the entire west wall along the proposed building site would have to be somehow sealed forever at the expense of the owner of 2812.

**Loss of income for the owner of 2812.** Currently, three of the 4 units at 2812 Clay have tenants working from home. The tenants of unit 2 have already expressed concern about staying on during a construction project that could last well over a year.

**Water and drainage problems at 2814** This a problem that has never been resolved. The new owners and their architects are unaware of this issue as they have not flooded as we have had little rain. Closing up the space between buildings where the only drain is located could well mean flooding for 2814, 2812 or both. The former owners had sand bags ready at all times.

**Concerns about a new rear foundation at 2814** which will almost certainly negatively impact the foundation of 2812. 2812 experienced some shifting when the neighbors at 2810 did a full building remodel and put in a new foundation.

**Fire hazard.** During the 33 years I have lived at and managed 2812, we have experienced 3 fires at two neighboring buildings that endangered and could have burned 2812 if not for the adequate space between buildings. Two of the fires were the result of welding during construction projects (10 years apart on the same building). No firewall between the houses protects as fires can jump from roof to roof. There are huge overgrown non-native trees such as acacia and eucalyptus at 2814 that we constantly have to trim away from hanging over our roof and drains at 2812. More than a nuisance, these kinds of trees burn easily. The slightest welding spark could spell disaster for 2812. I was there for all three fires - spraying the garden hose on our roof and into the trees to protect the house.

### **Section 3. Alternative:**

**Downsize the master suite...especially the bath and closet, to preserve the open area between 2814 and 2812.**

This would allow the master suite to be built on top of the proposed kitchen and breakfast room. This would be a solution that would leave the proposed covered walkway open as a lightwell. The proposed master bath and master closet #2 could easily be downsized. They are exceedingly large in the plans at this point. Downsizing the master suite would significantly reduce the negative impact on 2812. The current plans are detrimental to the quality of life, aesthetics and rentability of all units at 2812.

**We have been through neighbors' construction before:**

My neighbors at 2810 Clay did an extensive remodel after buying. Phase one about 8 years ago and phase two started about a year after that. There have been other updates. In all probably it took 3 to 4 years done in stages, some more disruptive than others. Through it all we are friends and I take in their mail and packages and water their garden when they are away. They have always been respectful neighbors who kept to their historic building profile rather than attempting to impinge on 2812 - unlike what the new neighbors at 2814 are proposing to do.

Across the street at 2807 there was another major 2 + year speculator remodel which was enormously painful. Workers showed up with power tools and concrete breaking machinery at 7:00 am across from our bedroom for months. Word on the block has it that this project overstepped residential guidelines and eventually resulted in the firing of the person who approved the project.

**Closing personal note:**

As a closing note, I am very protective of 2812 Clay. It's a grand old lady Victorian and I have managed the building (4 units) for the owner who lives in Maryland for 30 years (I've been here 33 years). The owner leaves it to me to take care of any and all needed updates, best choice for a tenant and more.

We are the only house on the 2800 block of Clay without a garage and we have gardens that I created in front and in back. Neighbors frequently see me gardening in front, and in season the local kids can pick strawberries from the sidewalk, and I cut and hand roses to the those who admire. I literally have had over a hundred people (total strangers to start with) say they walk by 2812 to see what's blooming. I've met so many lovely people and we all greet each other now. I know where some live and many first names...including their kids and/or their dogs.

The proposed rear addition at 2814 is an assault on 2812 with no regard for the neighbors. And for what? So they can have a super sized master closet (one of 2 closets in the suite) and bath. It should not be able to happen to any property, but definitely not to 2812 a lovely anchor of the 2800 block of Clay.

Thank you for your time and consideration.

**2814 CLAY STREET  
SUPPLEMENTAL  
RESPONSE TO DISCRETIONARY REVIEW**

February 25, 2021

**OVERVIEW**

Complainant Kathryn Keena, a long-term tenant of the adjoining property located at 2812 Clay Street, has submitted for discretionary review of the proposed backyard addition to property owner, Jeannie Shin's recently purchased home at 2814 Clay Street, principally taking issue with 2814's build-out on the rear, eastern side property line, resulting in the blockage of 2012's lot-line windows. Request for discretionary review should be DENIED, on several basis, including the following:

1. **No Light & Air Easements Permitted under Law.** It is well-settled California law that "a landowner has no easement over adjoining land for light and air in the absence of an express grant or covenant." See *Western Granite & Marble Co. v. Knickerbocker* (1894) 103 Cal. 111; *Kennedy v. Burnap* (1898) 120 Cal. 488. There is no such express grant or covenant involved here, and 2812 may not look to the adjoining property at 2814 for light and air.
2. **Lot Line Windows are Not Protected.** Consistent with California Law, in the absence of a lot line agreement, it is our understanding that the City offers no light or air protection for lot line windows. In this case, there are no exceptional and extraordinary circumstances that warrant a deviation from the City's long-established policy.
3. **2812 Built-up to Property Line, and Therefore, Matching Set-Back is Permitted.**
  - a. 2812 has built up to the lot line adjoining 2814, and therefore, the owner of 2814 is also permitted to use her property to build-up to the property line. As the Design Guidelines indicate, the proposed plans "respect the existing pattern of side spacing".
  - b. Moreover, not only has 2812 built up to the lot line, but as shown on Exhibit A, this appears to be a common pattern among the homes in the surrounding neighborhood. Ms. Shin, too, should be permitted to use her property in the same manner (as no exceptional and extraordinary circumstances warrant a decision to the contrary).
4. **2812 Lot-Line Windows & Vents Violate Code Creating Fire and Health Hazards.** Four lot line windows and four vent ducts extinguishing onto Ms. Shin's property violate State and City Building Code and Fire Code. As to the windows - they are wood framed, operable and have a fire rating of less than one hour. These windows sit below the roof line and create an imminent fire hazard as fire can easily pass through them in either direction. As to the vents - Code mandates that 2812 property line ducting be re-routed so as to not vent contaminants directly onto Ms. Shin's property. Here, 4 ducts directly vent right into 2814's backyard where Ms. Shin's daughter will play. These code violations pose imminent threat of harm to the health, safety and welfare of Ms. Shin's family and property, and the proposed plans attempt to mitigate such harm by adding a firewall to protect against 2812's code violations.

The city planners have evaluated and determined that the proposed plans for 2814's addition to the backyard meets the minimum requirements and standards of the Planning Code and adopted Design Guidelines. There are no "exceptional and extraordinary circumstances" here with the backyard addition. Since the Commission reserves its discretionary review authority only for "exceptional and extraordinary

circumstances”, we respectfully request that the Planning Commission not take discretionary review and approve the 2814 plans as proposed.

**THE COMPLAINTS ASSERTED**

Complainant submitted for discretionary review of the following complaints:

1. Loss of Light and Air to 4 windows
2. Incorrect Number of Dwelling Units Listed on Permit Application
3. 311 Notice Placement
4. Loss of Light/Air/History/Charm and more
5. Loss of Income for Owner of 2812
6. Water and Drainable Problems at 2814
7. Concerns about a New Rear Foundation
8. Fire hazards generally

Please see completed form “Response to Discretionary Review” for detailed responses to each of the foregoing complaints. As to the unauthorized dwelling unit that existed when Ms. Shin recently purchased the home, a separate permit is being filed to address to address that unit.

**COMPLAINANT’S REAL OBJECTIVE: PRESERVE 2 LOT-LINE WINDOWS**

Complainant’s concerns are difficult to decipher based on the colorful complaint submitted. To better understand, Ms. Shin, together with her architect and husband, and the Complainant and the owner of 2812, Elliot Maxwell, held a conference call on February 4, 2021. Based on the call and subsequent email correspondences, they confirmed that their complaint is really just about the loss of light and air to two wood framed, operable lot line kitchen and home office windows on 2812’s rear western property line. See Exhibit B which shows the windows at issue. We believe the kitchen has access to light and air through other windows in the room. The small home office that stores bicycles is not a room because it lacks a legally operable window. Complainant stated that she “really does not care” about any of the other windows on the lot line.

**COMPLAINANT’S PROPOSED ALTERNATIVE**

Complainant demands that 2814 downsize the master suite, especially the “exceedingly large” master bath and master closet. In effect, she is asking that 2814 not use her property in the same manner that 2812 and others in the neighborhood have in building out to the property line, forego meaningful square footage in the home and impair the intended design solely to preserve the lot line kitchen and home office windows that exist in violation of various code requirements. While currently noted as a master closet, it is Ms. Shin intention to have the option to convert the master closet into a bedroom in the future, and Complainant’s proposal would eliminate that option. Simply, Complainant’s demands are not reasonable.

**CONCLUSION**

Currently, there is no firewall separating 2814 and 2812, and instead, 2812 has four wood-framed, operable lot-line windows (as well as four illegal vents). These windows make it easier for a fire to jump between 2814 and 2812 and pose a serious safety and fire threats to residents of both buildings, which is a much higher safety priority than light and air, which is unprotected by California law when sought from a lot line window on a neighbor’s property line. The proposed plans attempt to mitigate these serious concerns with the installation of a firewall on the property line with no openings so as to offer maximum fire protection between both buildings.

Complainant is no stranger to the DR process. She compares Ms. Shin's 2814 plans to a prior complaint she submitted for another project on the block approved by the City which in her opinion, also "overstepped its bounds" and "overstepped residential guidelines and eventually resulted in the firing of the person who approved the project." Complainant asserts her veiled threats to the city planner and characterizes Ms. Shin's plans as an "assault on the neighborhood" and 2812. On all fronts, Complainant's assertions are misguided at best. The 2814 plans were submitted in full cooperation and compliance with city planning and all relevant ordinances, code and law. In fact, Ms. Shin has already modified the plans at the City's recommendation by removing a substantial staircase from the back of the house and by adding additional set-backs from the western property line (to match the western neighbor's setback). 2812 has offered 2814 no set-backs along the western property line and only demands that Ms. Shin be prevented from exercising her reasonable and legal use of her property to do the same.

For the reasons set forth above, and in the absence of any "exceptional and extraordinary circumstances", we respectfully request that the Planning Commission not take discretionary review and approve the 2814 plans as proposed.

**EXHIBIT A**

**2812'S FOUR LOT LINE WINDOWS:**



**2812'S FOUR LOT LINE VENTS:**



**EXHIBIT B**

**PLEASE SEE ATTACHED**





**LEGEND**

-  Subject Property
-  Neighboring Properties with Buildings Extended to the Property Line





# RESPONSE TO DISCRETIONARY REVIEW

## Project Information

Property Address: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Building Permit Application(s): \_\_\_\_\_

Record Number: \_\_\_\_\_ Discretionary Review Coordinator: \_\_\_\_\_

## Project Sponsor

Name: \_\_\_\_\_ Phone: \_\_\_\_\_

Email: \_\_\_\_\_

## Required Questions

1. Given the concerns of the DR requester and other concerned parties, why do you feel your proposed project should be approved? (If you are not aware of the issues of concern to the DR requester, please meet the DR requester in addition to reviewing the attached DR application.)  
\_\_\_\_\_  
\_\_\_\_\_

2. What alternatives or changes to the proposed project are you willing to make in order to address the concerns of the DR requester and other concerned parties? If you have already changed the project to meet neighborhood concerns, please explain those changes and indicate whether they were made before or after filing your application with the City.  
\_\_\_\_\_  
\_\_\_\_\_

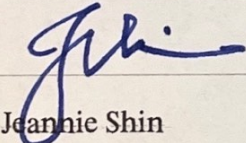
3. If you are not willing to change the proposed project or pursue other alternatives, please state why you feel that your project would not have any adverse effect on the surrounding properties. Include an explanation of your needs for space or other personal requirements that prevent you from making the changes requested by the DR requester.  
\_\_\_\_\_  
\_\_\_\_\_

## Project Features

Please provide the following information about the project for both the existing and proposed features. **Please attach an additional sheet with project features that are not included in this table.**

	EXISTING	PROPOSED
Dwelling Units (only one kitchen per unit - additional kitchens count as additional units)	2	2
Occupied Stories (all levels with habitable rooms)	3	3
Basement Levels (may include garage or windowless storage rooms)	1	1
Parking Spaces (Off-Street)	1	1
Bedrooms	7	7
Height	38'	38'
Building Depth	62'-5"	71'6"
Rental Value (monthly)		
Property Value		

I attest that the above information is true to the best of my knowledge.

<b>Signature:</b> 	<b>Date:</b> 02/10/21
<b>Printed Name:</b> Jeannie Shin	<input checked="" type="checkbox"/> Property Owner <input type="checkbox"/> Authorized Agent

*If you have any additional information that is not covered by this application, please feel free to attach additional sheets to this form.*

Please refer to specific responses on the following pages

## **Reasons for requesting a Discretionary Review:**

### **Section 1. Reasons for request:**

#### **Unreasonable impact on 2812 Clay (page 16 of residential guidelines/planning code section 101).**

Loss of light, loss of air, loss of access for building repair on west side (forever), loss of 4 windows in 2 apartments due to having to remove them altogether. Loss of historic character the 1885 kitchen (unit 1).

#### **Possible planning code 136 violation**

Insuring "set backs" from property line.

**RESPONSE: There are no required setbacks in this zone, as 2812 has built up to the property line. The proposed plans "respect the existing pattern of side spacing" and are in full compliance with the Neighborhood Design Guidelines, as already determined by the Planning Department.**

#### **Incorrect number of dwelling units listed on permit application.**

The permit application lists 2 dwelling units, when there are in fact 3 dwelling units. The former owners of 2814 Clay lived in the main 2 stories of the building. It was a large spacious home which I was in many times. In addition to the owners' residence, there were 2 rental units at 2814 for the last 40 plus years. The first is a front garden level 1 bedroom apartment. The other is a 3<sup>rd</sup> story 2 bedroom attic apartment. Despite the vertigo inducing steps leading to the apartment, it was a highly coveted place and the owners kept it in an attractive state for young renters. When 2814 was on the market, the 2 rentals (with kitchens) were advertised as income units. The plans for 2814 have made the attic rental disappear. There is an internal staircase to the attic which the former owners blocked off. Both units were considered "legal" rentals. The garden unit is still rented to a long time tenant.

**Response: The 3R report created by the city identifies the property as a two unit building, and it was marketed as such when the current owners purchased the property in late 2019. Complainant misstates that the property was advertised with 2 rental income units. Rather, with the purchase of the property the current owners inherited an existing, long-term tenant who leases what the Complainant calls the "garden unit" which is, to our understanding, an illegal dwelling unit. Accordingly, as recommended by the Planner, the property owners are in the process of submitting a separate permit application to legalize the garden unit.**

**It is unclear if and how the number of dwelling units in the building impacts the Complainant in any way whatsoever.**

#### **311 notice posted where neighbors can not easily see (see attached photos)**

An 11" x 17" 311 notice is posted on a window two flights up from the street level that is partially obscured by a column. Unless you walk up the stairs to the front porch, there is no way to read the notice. I expected a notice on the street level garage door as one typically sees quite large and displayed at eye level.

**Response: The Planner reviewed and approved the placement of the 311 notice based upon several photographs of the posting provided to him. Given that the garage door is operable, it could not be placed there at street level.**

**Section 2. Unreasonable impact and consequences for 2812.**

**Loss of light/air/history/charm and more...**

Currently 2814 has a section (mid house) that abuts the 2812 property line for perhaps 20 feet. Beyond that section to the rear there is a long, wide open lightwell at 2814 between the buildings that leads to the 2814 garden. New construction would close the entire lightwell and space between the buildings, a space 30' long and 2 stories tall with a 3<sup>rd</sup> story deck that would completely block all sunlight and ambient light. This would mean having to eliminate 4 windows on the west side of 2812. These windows provide air circulation and light to 2812 unit's 1 and 2. This also means major construction at the expense of the owner of 2812 Clay. Construction in two of the apartments (units 1 &2) of



2812 to remove 4 windows and remodel after the removal would be a major expense. In addition, the entire west wall along the proposed building site would have to be somehow sealed forever at the expense of the owner of 2812.

**Response:** A generous portion of the existing light well between 2812 and 2814 will remain. Aside from that, the property owners are in their own right to build an addition to their home. The zoning and city of San Francisco has vetted the proposed plan and approved it as acceptable both from a design guideline and zoning perspective. Moreover, consistent with the California law, the City has also said that they do not protect neighboring windows on the property line.

The proposed plans contemplate the blocking of 3 (not 4) windows, all of which are lot line windows placed in violation of city and state building and fire codes. Of the three windows at issue, there is (i) an operable kitchen window (which is one of several windows in the kitchen), (ii) an inoperable closet window, with shelving pushed up against the window, and (iii) an operable small home office or closet, which currently stores two bicycles.

**Loss of income for the owner of 2812.** Currently, three of the 4 units at 2812 Clay have tenants working from home. The tenants of unit 2 have already expressed concern about staying on during a construction project that could last well over a year.

**Response:** The property owners are sympathetic to the realities of living through a neighbor's construction project, as they too have had first-hand experience with that. They are committed to making sure the project is done at allowable times and in manner to minimize noise as much as reasonably possible.

**Water and drainage problems at 2814** This a problem that has never been resolved. The new owners and their architects are unaware of this issue as they have not flooded as we have had little rain. Closing up the space between buildings where the only drain is located could well mean flooding for 2814, 2812 or both. The former owners had sand bags ready at all times.

**Response:** This issue is unclear to us as presented. That said, this is not within the purview of the planning department and therefore we are happy to consider this item during the building department phase.

**Concerns about a new rear foundation at 2814** which will almost certainly negatively impact the foundation of 2812. 2812 experienced some shifting when the neighbors at 2810 did a full building remodel and put in a new foundation.

**Response:** Our structural engineer is highly experienced in urban projects, and this is not an uncommon situation. The project will be completed in full compliance with code including for shoring during construction.

**Fire hazard.** During the 33 years I have lived at and managed 2812, we have experienced 3 fires at two neighboring buildings that endangered and could have burned 2812 if not for the adequate space between buildings. Two of the fires were the result of welding during construction projects (10 years apart on the same building). No firewall between the houses protects as fires can jump from roof to roof. There are huge overgrown non-native trees such as acacia and eucalyptus at 2814 that we constantly have to trim away from hanging over our roof and drains at 2812. More than a nuisance, these kinds of trees burn easily. The slightest welding spark could spell disaster for 2812. I was there for all three fires - spraying the garden hose on our roof and into the trees to protect the house.

**Response: Fire safety is of the utmost importance to the property owners as well. Therefore, the current plans contemplated a fire wall to protect the properties against existing hazards. 2812 has several fire and building code violations on the property line creating fire hazards that are of serious concern, for example: (1) neighboring property line wall and wood-framed windows should instead be 1 hour rated (but they are not), (2) windows are not to be operable (but at least two are operable and open), (3) they are not to be used as an escape window onto the neighboring property, and (4) they vent onto the neighboring property through 4 separate vents on the property line, all of which are seriously disconcerting considering the visible code violations at 2812. The property owners cannot do anything about the visible and non-visible violations at 2812, but they can take measures to protect their own property, which is what they have attempted to do with the proposed firewall and plans.**

### **Section 3. Alternative:**

**Downsize the master suite...especially the bath and closet, to preserve the open area between 2814 and 2812.**

This would allow the master suite to be built on top of the proposed kitchen and breakfast room. This would be a solution that would leave the proposed covered walkway open as a lightwell. The proposed master bath and master closet #2 could easily be downsized. They are exceedingly large in the plans at this point. Downsizing the master suite would significantly reduce the negative impact on 2812. The current plans are detrimental to the quality of life, aesthetics and rentability of all units at 2812.

**Response: Complainant's proposed solution would greatly reduce useable square footage and unreasonably impede on the owner's property right to build an addition on their lot that adheres to zoning and design guidelines. At some point, the property owner at 2812 built to the property line, and the proposed plans allow the owners to not only exercise the same right, but allows them to do so in a responsible manner that protects both properties against apparent fire hazards created by 2812.**



**We have been through neighbors' construction before:**

My neighbors at 2810 Clay did an extensive remodel after buying. Phase one about 8 years ago and phase two started about a year after that. There have been other updates. In all probably it took 3 to 4 years done in stages, some more disruptive than others. Through it all we are friends and I take in their mail and packages and water their garden when they are away. They have always been respectful neighbors who kept to their historic building profile rather than attempting to impinge on 2812 - unlike what the new neighbors at 2814 are proposing to do.

Across the street at 2807 there was another major 2 + year speculator remodel which was enormously painful. Workers showed up with power tools and concrete breaking machinery at 7:00 am across from our bedroom for months. Word on the block has it that this project overstepped residential guidelines and eventually resulted in the firing of the person who approved the project.

**Response: As noted, the property owners are committed to making sure the project is done at allowable times and in manner to minimize noise as much as reasonably possible.**

**Closing personal note:**

As a closing note, I am very protective of 2812 Clay. It's a grand old lady Victorian and I have managed the building (4 units) for the owner who lives in Maryland for 30 years (I've been here 33 years). The owner leaves it to me to take care of any and all needed updates, best choice for a tenant and more.

We are the only house on the 2800 block of Clay without a garage and we have gardens that I created in front and in back. Neighbors frequently see me gardening in front, and in season the local kids can pick strawberries from the sidewalk, and I cut and hand roses to the those who admire. I literally have had over a hundred people (total strangers to start with) say they walk by 2812 to see what's blooming. I've met so many lovely people and we all greet each other now. I know where some live and many first names...including their kids and/or their dogs.

The proposed rear addition at 2814 is an assault on 2812 with no regard for the neighbors. And for what? So they can have a super sized master closet (one of 2 closets in the suite) and bath. It should not be able to happen to any property, but definitely not to 2812 a lovely anchor of the 2800 block of Clay.

Thank you for your time and consideration.

**Response: It is unfortunate that our neighbor views the home addition as an "assault" on her property and that we "impinge" on 2812 by building out in the same way that they have. It is particularly disheartening that the Complainant (i) did not attend the neighborhood meeting, as other did, and (ii) ignored several attempts and emails sent to her even before the proposed plans were filed with the city to discuss the project. Instead, she has filed her complaint at the latest possible moment, causing significant delay to our project and creating a financial hardship to the property owners as their home remains vacant and unoccupied.**

ARCHITECT	ENGINEER

- GENERAL NOTES
- This sheet is part of a set and is not to be used alone.
  - This sheet is not to be used for construction unless the architect's stamp and signature appear on the drawings and the status box indicates drawings have been released for construction.
  - These plans and prints thereof, as instruments of service, are owned by the architect and are for use on this project only. Reproduction and/or distribution without the prior written consent of the architect is forbidden.
  - Copyright Bunton Mousavi Architecture Inc. 2020

NO.	REMARKS	DATE

KEY

2814 CLAY STREET  
RESIDENTIAL  
REMODEL

PERMIT SUBMITTAL

NOT FOR CONSTRUCTION

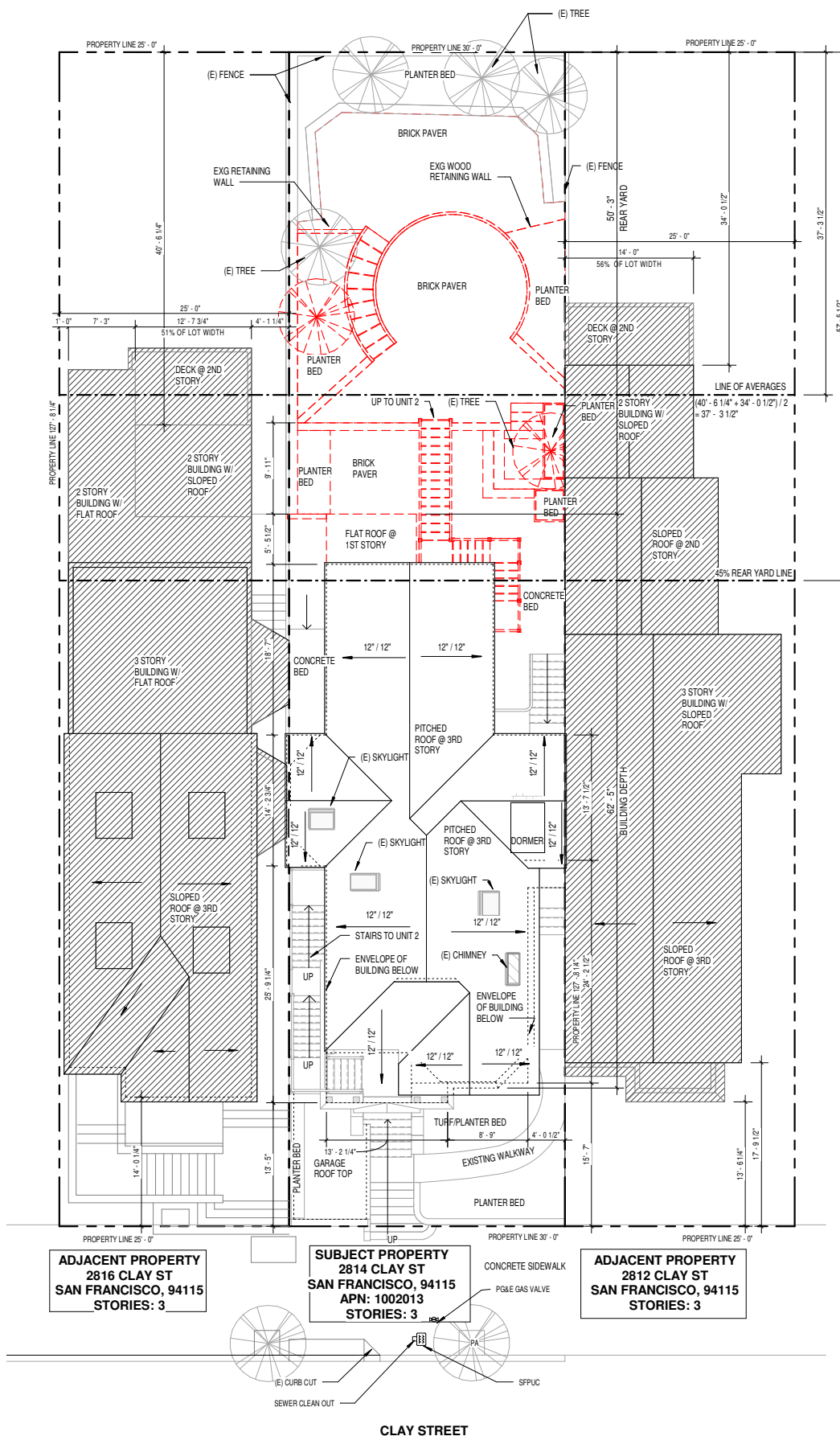
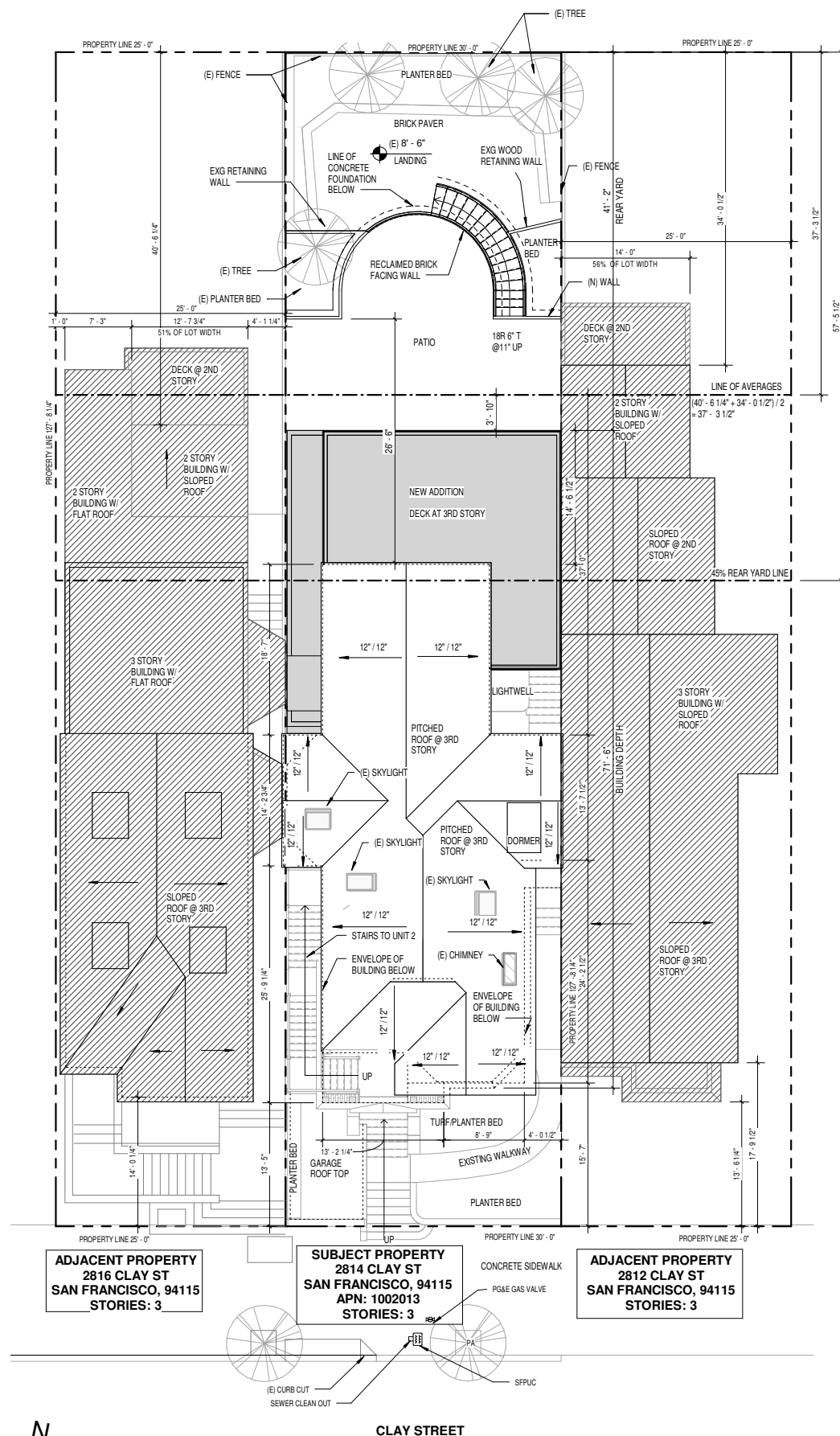
EXISTING AND  
PROPOSED SITE PLANS

LEGEND

	PROPERTY LINE
	1-HR RATED WALL
	NEW ADDITION
	DEMOLISHED ELEMENTS

Date  
10/21/2020  
Scale  
As indicated  
Project Number  
17011

Drawing Number  
**A0.1**

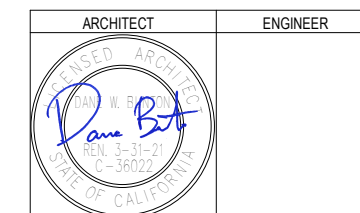


**CONSTRUCTION NOTES**

1. BATHROOMS
  - A. WALL COVERINGS IN SHOWERS AND SHOWER / TUB COMBINATION UNITS SHALL BE TILE TO A MIN EIGHT (8) IN. OVER APPROVED MORTAR BED OR CEMENTITIOUS TILE UNDERLAYMENT BOARD OVER A VAPOR BARRIER.
  - B. ALL MATERIALS OTHER THAN STRUCTURAL ELEMENTS IN TUB / SHOWER AREAS ARE TO BE MOISTURE RESISTANT.
  - C. GLASS ENCLOSURE DOORS & PANELS SHALL BE LABELED CATEGORY II.
  - D. NET AREA OF SHOWER RECEPTOR SHALL BE NOT LESS THAN 1024 SQ. IN. OF FLOOR AREA AND ENCOMPASS A 30" DIA. CIRCLE.
  - E. ALL SHOWER AND TUB / SHOWERS ARE TO BE PROVIDED WITH PRESSURE-BALANCING OR THERMOSTATIC MIXING VALVE CONTROLS.
  - F. ALL NEW PLUMBING FIXTURES SHALL BE LOW FLOW WATER SAVING PLUMBING DEVICES PER TITLE 24.
2. ALL NEW HANDRAILS INSTALLED IN REMODELED AREAS SHALL COMPLY WITH THE FOLLOWING:
  - A. A CONTINUOUS HANDRAIL IS REQUIRED FOR STAIRWAYS WITH 4 OR MORE RISERS.
  - B. THE TOP OF THE HANDRAIL SHALL BE 34" TO 38" ABOVE THE NOSING OF TREADS AND LANDINGS.
  - C. INTERMEDIATE BALUSTERS ON OPEN SIDES OF STAIRS AND LANDINGS SHALL BE SPACED SO THAT A SPHERE OF 4" IN DIA. CANNOT PASS THROUGH.
  - D. HANDRAIL ENDS SHALL BE RETURNED OR SHALL HAVE ROUNDED TERMINATIONS OR BENDS.
  - E. HANDGRIP SURFACE SHALL BE 1-1/4" TO 1-1/2" IN CROSS SECTION OF A SHAPE THAT PROVIDES AN EQUIVALENT SMOOTH GRIPPING SURFACE.
  - F. HANDRAILS SHALL HAVE MINIMUM 1-1/2" CLEARANCE FROM ANY WALL SURFACE.
3. A PROTECTIVE GUARDRAIL SHALL BE PROVIDED WITH A MINIMUM HEIGHT OF 42" AT ALL DECKS, PORCHES, BALCONIES, RAISED FLOORS (MORE THAN 30" ABOVE GRADE OR FLOOR BELOW) AND OPEN SIDES OF TAIRS AND LANDINGS. OPENINGS BETWEEN BALUSTERS SHALL BE SUCH THAT A SPHERE 4" IN DIA. CANNOT PASS THROUGH.
4. PROVIDE ATTIC ACCESS WITH A MIN. OPENING AREA OF 22" X 30" WHERE ATTIC HEIGHT 30" OR GREATER, AS PER CBC.
5. AT LEAST ONE WINDOW IN EACH SLEEPING ROOM SHALL HAVE A RESCUE WINDOW THAT COMPLIES WITH CBC. EACH RESCUE WINDOW SHALL HAVE A MIN. NET CLEAR OPEN AREA OF 5.7 SQ. FT., WITH A MINIMUM CLEAR OPENING HEIGHT OF 24" AND A CLEAR OPENING WIDTH OF 20". SILL HEIGHTS SHALL NOT BE MORE THAN 44" ABOVE THE FLOOR.
6. SAFETY GLAZING SHALL BE PROVIDED AT THE FOLLOWING LOCATIONS:
  - A. GLAZING IN EGRESS OR EGRESS DOORS
  - B. GLAZING IN DOORS AND ENCLOSURE FOR HOT TUBS, WHIRLPOOLS, SAUNAS, STEAM ROOMS, BATHTUBS, AND SHOWERS
  - C. GLAZING IN FIXED OR OPERABLE PANELS ADJACENT TO A DOOR WHERE THE NEAREST EXPOSED EDGE OF THE GLAZING IS WITHIN A 24" ARC OF EITHER VERTICAL EDGE OF THE DOOR IN A CLOSED POSITION AND WHERE THE BOTTOM EDGE OF THE GLASS IS LESS THAN 60" ABOVE A WALKING SURFACE
  - D. GLAZING WHERE EXPOSED AREA OF AN INDIVIDUAL PANE IS GREATER THAN 9 SQ. FT., EXPOSED BOTTOM EDGE IS LESS THAN 18" ABOVE THE FLOOR, EXPOSED TOP EDGE IS LESS THAN 36" ABOVE THE FLOOR, AND THERE IS ONE OR MORE WALKING SURFACES WITHIN 36" HORIZONTALLY OF THE PLANE OF THE GLAZING.
7. ALL DIMENSIONS ARE TO FINISH SURFACES UNLESS OTHERWISE NOTED.
8. NEW FENESTRATION U FACTOR MAX 0.32.
9. ACOUSTIC INSULATION @ ALL CEILINGS AND BEDROOM WALLS.
10. ACOUSTIC INSULATION FOR ALL WALLS, FLOORS AND CEILINGS AT BEDROOMS AND ALL ROOMS.

**Studio BANAA**  
 architecture  
 planning  
 interiors

2169 FOLSOM STREET, #S106  
**SAN FRANCISCO, CA 94110**  
 [T] (415) 610-8100  
 www.studiobanaa.com



**GENERAL NOTES**

1. This sheet is part of a set and is not to be used alone.
2. This sheet is not to be used for construction unless the architect's stamp and signature appear on the drawings and the status box indicates drawings have been released for construction.
3. These plans and prints thereof, as instruments of service, are owned by the architect and are for use on this project only. Reproduction and/or distribution without the prior written consent of the architect is forbidden.
4. Copyright Bunton Mousavi Architecture Inc. 2020

NO.	REMARKS	DATE

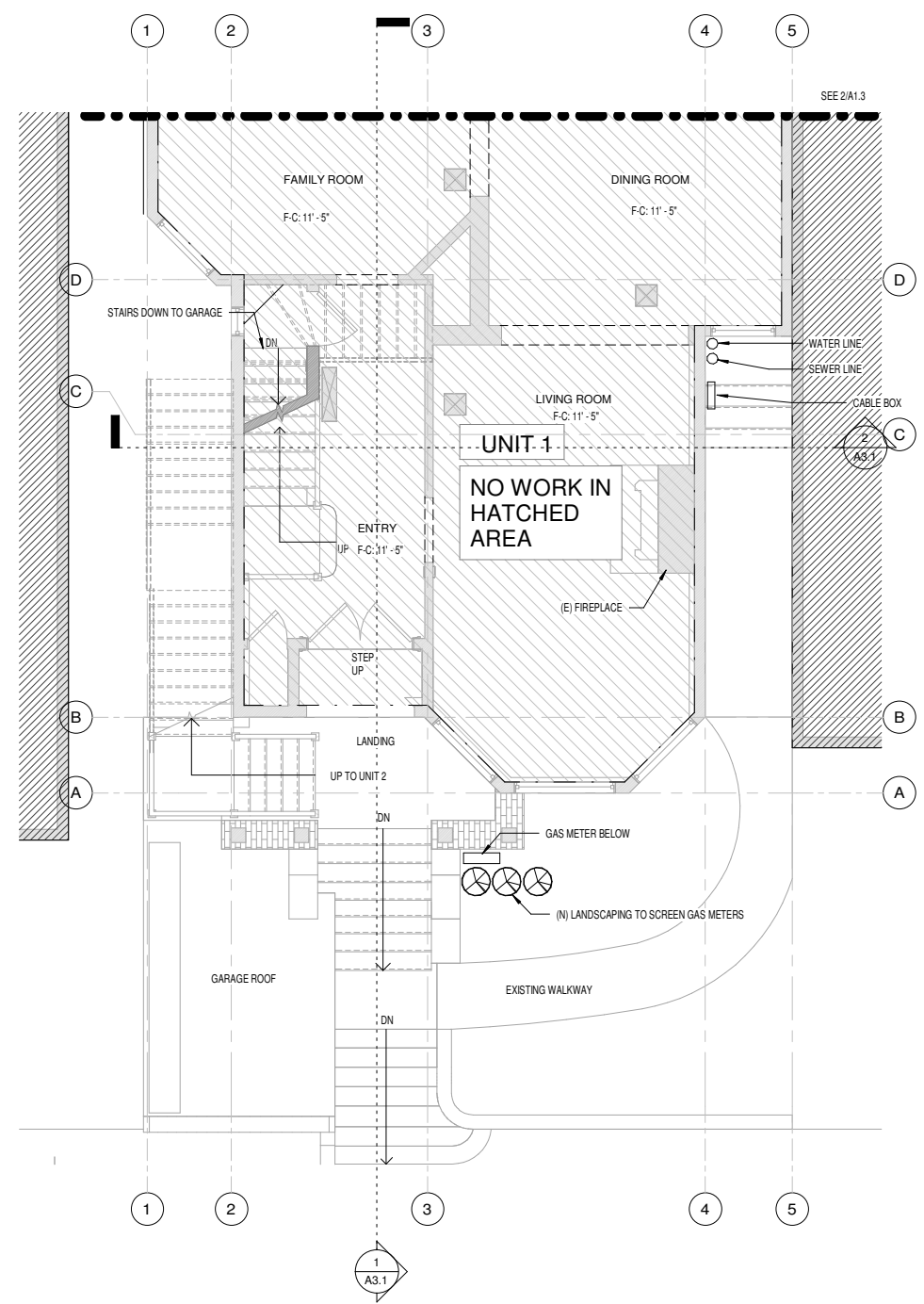
**KEY**

**2814 CLAY STREET  
 RESIDENTIAL  
 REMODEL**

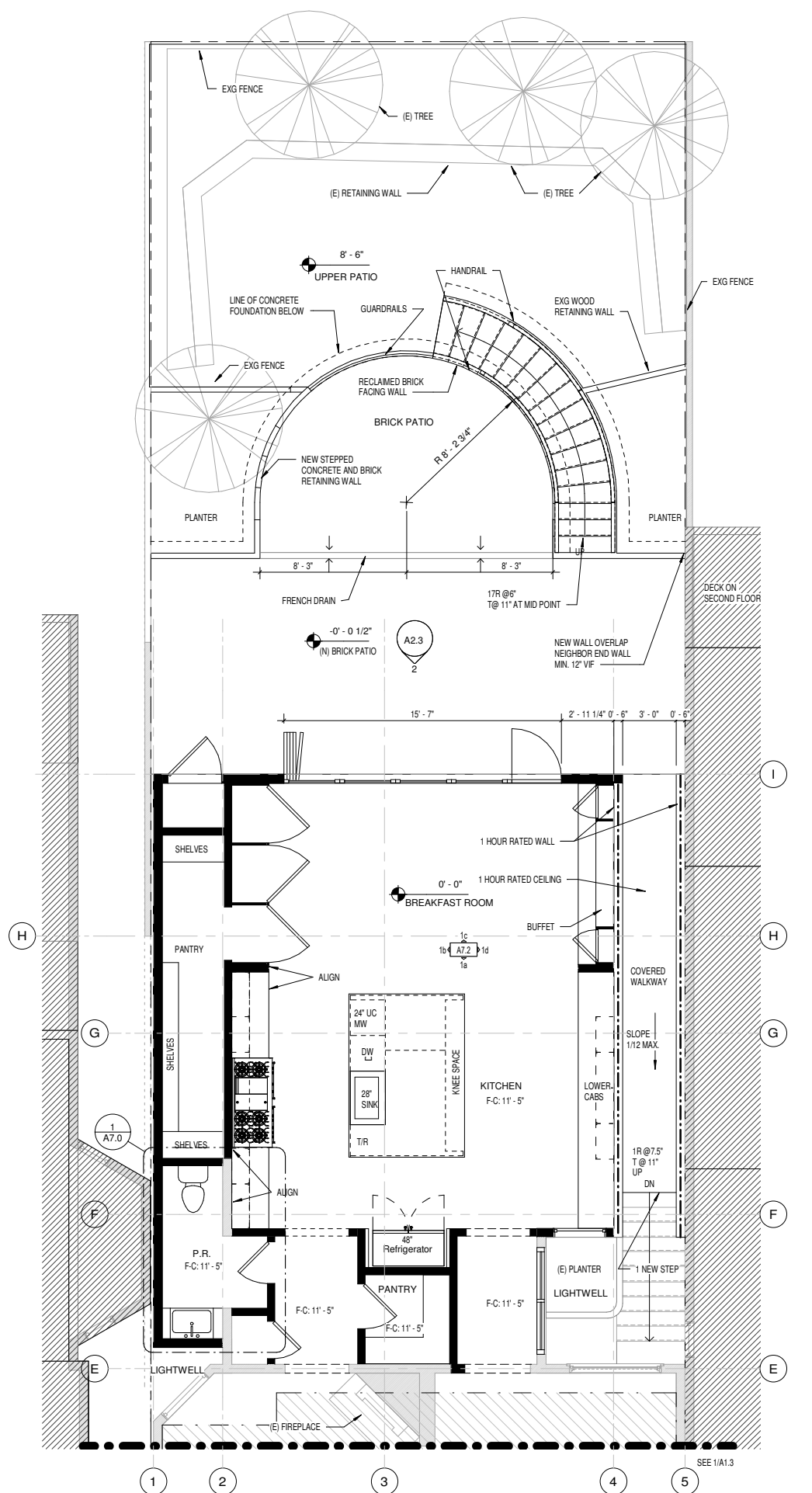
PERMIT SUBMITTAL  
 NOT FOR CONSTRUCTION

**PROPOSED FIRST  
 FLOOR AND GARDEN  
 PLANS**

Date: 10/21/2020  
 Drawing Number: **A1.3**  
 Scale: As indicated  
 Project Number: 17011



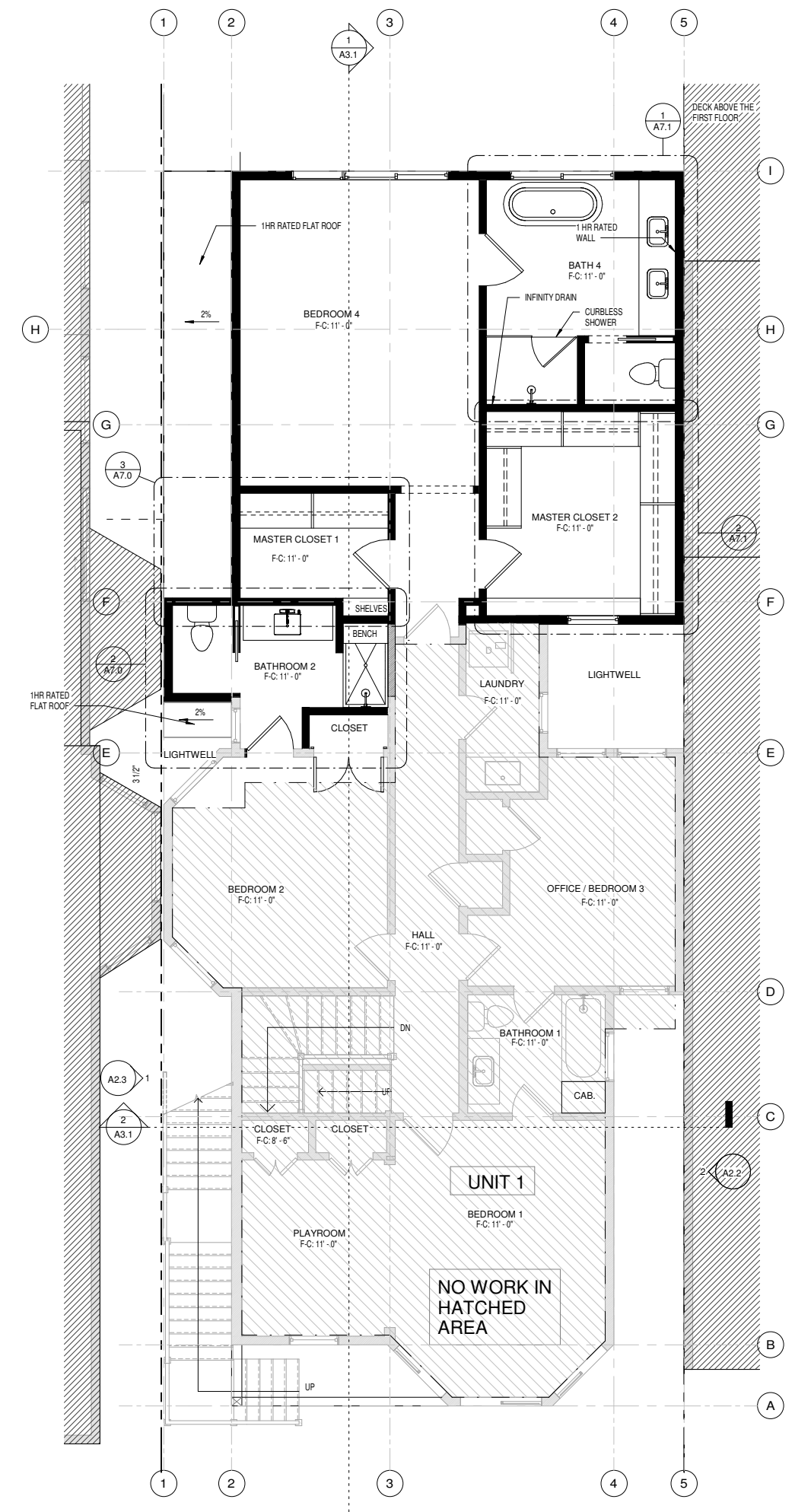
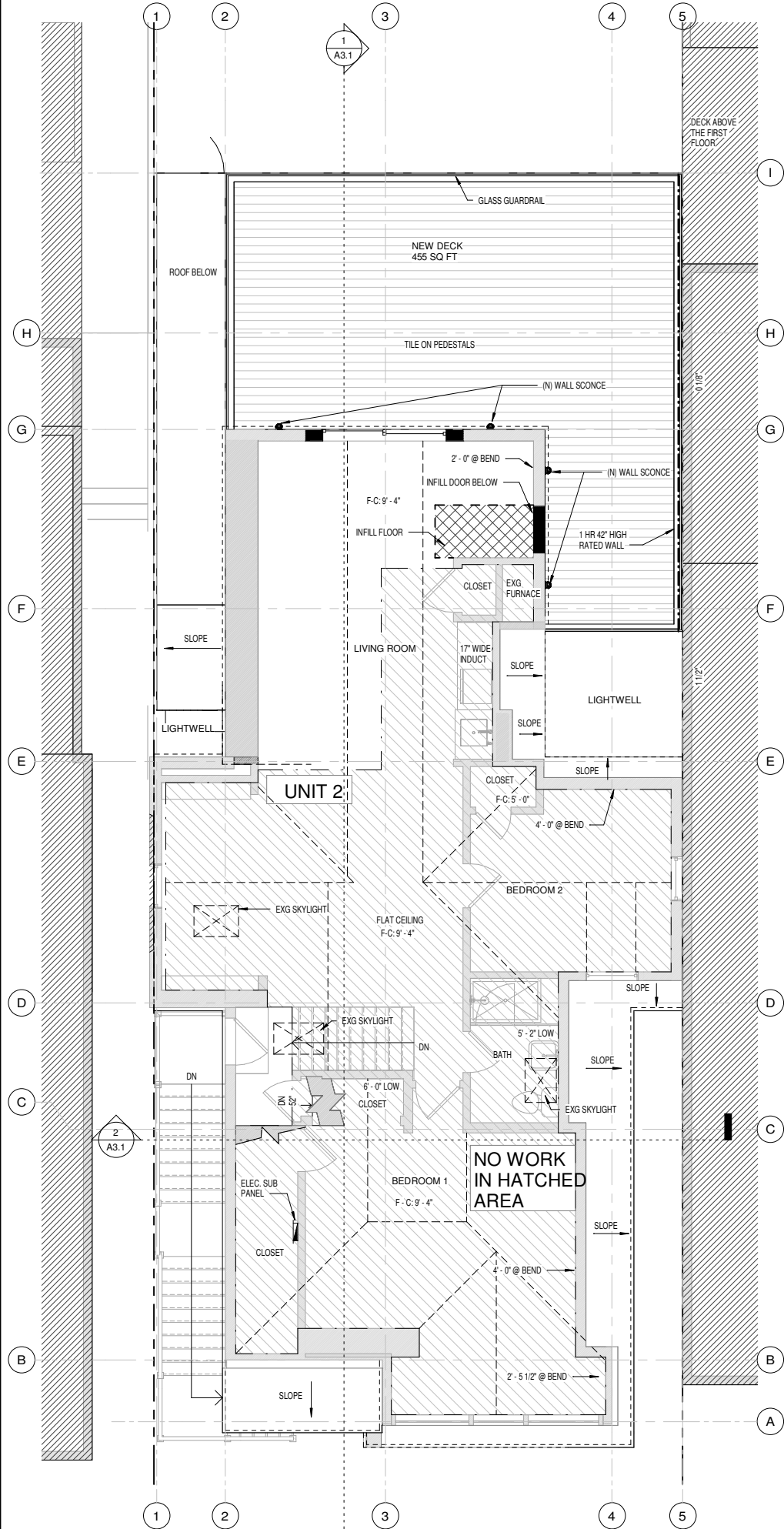
**FIRST FLOOR - UNIT 1**  
 1/4" = 1'-0"



**FIRST FLOOR AND GARDEN - UNIT 1**  
 1/4" = 1'-0"







**CONSTRUCTION NOTES**

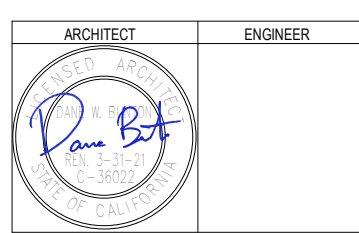
- BATHROOMS
  - WALL COVERINGS IN SHOWERS AND SHOWER / TUB COMBINATION UNITS SHALL BE TILE TO A MIN EIGHT OF 4" OVER APPROVED MORTAR BED OR CEMENTITIOUS TILE UNDERLAYMENT BOARD OVER A VAPOR BARRIER.
  - ALL MATERIALS OTHER THAN STRUCTURAL ELEMENTS IN TUB / SHOWER AREAS ARE TO BE MOISTURE RESISTANT.
  - GLASS ENCLOSURE DOORS & PANELS SHALL BE LABELED CATEGORY II.
  - NET AREA OF SHOWER RECEPTOR SHALL BE NOT LESS THAN 1024 SQ. IN. OF FLOOR AREA AND ENCOMPASS A 30" DIA. CIRCLE.
  - ALL SHOWER AND TUB / SHOWERS ARE TO BE PROVIDED WITH PRESSURE-BALANCING OR THERMOSTATIC MIXING VALVE CONTROLS.
  - ALL NEW PLUMBING FIXTURES SHALL BE LOW FLOW WATER SAVING PLUMBING DEVICES PER TITLE 24.
- ALL NEW HANDRAILS INSTALLED IN REMODELED AREAS SHALL COMPLY WITH THE FOLLOWING:
  - A CONTINUOUS HANDRAIL IS REQUIRED FOR STAIRWAYS WITH 4 OR MORE RISERS.
  - THE TOP OF THE HANDRAIL SHALL BE 34" TO 38" ABOVE THE NOSING OF TREADS AND LANDINGS.
  - INTERMEDIATE BALUSTERS ON OPEN SIDES OF STAIRS AND LANDINGS SHALL BE SPACED SO THAT A SPHERE OF 4" IN DIA. CANNOT PASS THROUGH.
  - HANDRAIL ENDS SHALL BE RETURNED OR SHALL HAVE ROUNDED TERMINATIONS OR BENDS.
  - HANDGRIP SURFACE SHALL BE 1-1/4" TO 1-1/2" IN CROSS SECTION OR A SHAPE THAT PROVIDES AN EQUIVALENT SMOOTH GRIPPING SURFACE.
  - HANDRAILS SHALL HAVE MINIMUM 1-1/2" CLEARANCE FROM ANY WALL SURFACE.
- A PROTECTIVE GUARDRAIL SHALL BE PROVIDED WITH A MINIMUM HEIGHT OF 42" AT ALL DECKS, PORCHES, BALCONIES, RAISED FLOORS (MORE THAN 30" ABOVE GRADE OR FLOOR BELOW) AND OPEN SIDES OF TAIRS AND LANDINGS. OPENINGS BETWEEN BALUSTERS SHALL BE SUCH THAT A SPHERE 4" IN DIA. CANNOT PASS THROUGH.
- PROVIDE ATTIC ACCESS WITH A MIN. OPENING AREA OF 22" X 30" WHERE ATTIC HEIGHT 30" OR GREATER, AS PER CBC.
- AT LEAST ONE WINDOW IN EACH SLEEPING ROOM SHALL HAVE A RESCUE WINDOW THAT COMPLIES WITH CBC. EACH RESCUE WINDOW SHALL HAVE A MIN. NET CLEAR OPEN AREA OF 5.7 SQ. FT. WITH A MINIMUM CLEAR OPENING HEIGHT OF 24" AND A CLEAR OPENING WIDTH OF 20". SILL HEIGHTS SHALL NOT BE MORE THAN 44" ABOVE THE FLOOR.
- SAFETY GLAZING SHALL BE PROVIDED AT THE FOLLOWING LOCATIONS:
  - GLAZING IN EGRESS OR EGRESS DOORS
  - GLAZING IN DOORS AND ENCLOSURE FOR HOT TUBS, WHIRLPOOLS, SAUNAS, STEAM ROOMS, BATHTUBS, AND SHOWERS
  - GLAZING IN FIXED OR OPERABLE PANELS ADJACENT TO A DOOR WHERE THE NEAREST EXPOSED EDGE OF THE GLAZING IS WITHIN A 24" ARC OF EITHER VERTICAL EDGE OF THE DOOR IN A CLOSED POSITION AND WHERE THE BOTTOM EDGE OF THE GLASS IS LESS THAN 60" ABOVE A WALKING SURFACE
  - GLAZING WHERE EXPOSED AREA OF AN INDIVIDUAL PANE IS GREATER THAN 9 SQ. FT., EXPOSED BOTTOM EDGE IS LESS THAN 18" ABOVE THE FLOOR, EXPOSED TOP EDGE IS LESS THAN 36" ABOVE THE FLOOR, AND THERE IS ONE OR MORE WALKING SURFACES WITHIN 36" HORIZONTALLY OF THE PLANE OF THE GLAZING.
- ALL DIMENSIONS ARE TO FINISH SURFACES UNLESS OTHERWISE NOTED.
- NEW FENESTRATION U FACTOR MAX 0.32.
- ACOUSTIC INSULATION @ ALL CEILINGS AND BEDROOM WALLS.
- ACOUSTIC INSULATION FOR ALL WALLS, FLOORS AND CEILINGS AT BEDROOMS AND ALL ROOMS.

**LEGEND**

- NEW ELEMENTS
- EXISTING ELEMENTS TO REMAIN
- DEMOLISHED ELEMENTS
- 1 HR. FIRE RATED WALL
- ADJACENT PROPERTY, REFERENCE ONLY NOT IN SCOPE
- AREA NOT IN SCOPE

**Studio BANAA**  
architecture  
planning  
interiors

2169 FOLSOM STREET, #S106  
SAN FRANCISCO, CA 94110  
[T] (415) 610-8100  
www.studiobanaa.com



**GENERAL NOTES**

- This sheet is part of a set and is not to be used alone.
- This sheet is not to be used for construction unless the architect's stamp and signature appear on the drawings and the status box indicates drawings have been released for construction.
- These plans and prints thereof, as instruments of service, are owned by the architect and are for use on this project only. Reproduction and/or distribution without the prior written consent of the architect is forbidden.
- Copyright Bunton Mousavi Architecture Inc. 2020

NO.	REMARKS	DATE

**KEY**

2814 CLAY STREET  
RESIDENTIAL  
REMODEL


PERMIT SUBMITTAL

NOT FOR CONSTRUCTION

PROPOSED SECOND  
AND THIRD FLOOR  
PLANS

Date: 10/21/2020  
Scale: As indicated  
Project Number: 17011

Drawing Number: **A1.4**

ARCHITECT	ENGINEER
	

**GENERAL NOTES**

1. This sheet is part of a set and is not to be used alone.
2. This sheet is not to be used for construction unless the architect's stamp and signature appear on the drawings and the status box indicates drawings have been released for construction.
3. These plans and prints thereof, as instruments of service, are owned by the architect and are for use on this project only. Reproduction and/or distribution without the prior written consent of the architect is forbidden.
4. Copyright Bunton Mousavi Architecture Inc. 2020

NO.	REMARKS	DATE

**KEY**

**2814 CLAY STREET  
RESIDENTIAL  
REMODEL**

PERMIT SUBMITTAL

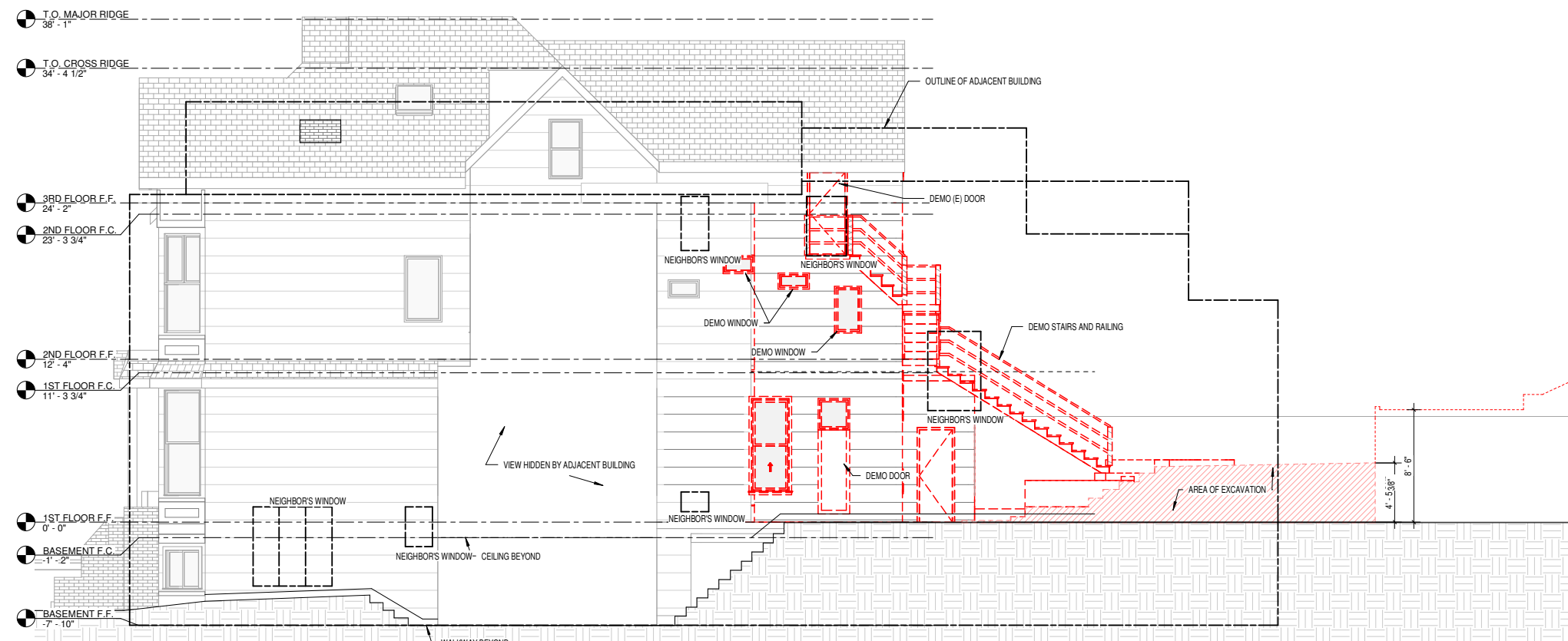
NOT FOR CONSTRUCTION

**EXISTING SOUTH AND  
EAST EXTERIOR  
ELEVATIONS**

Date	10/21/2020	Drawing Number	A2.0
Scale	3/16" = 1'-0"	Project Number	17011



**EXISTING SOUTH ELEVATION** ①  
3/16" = 1'-0"



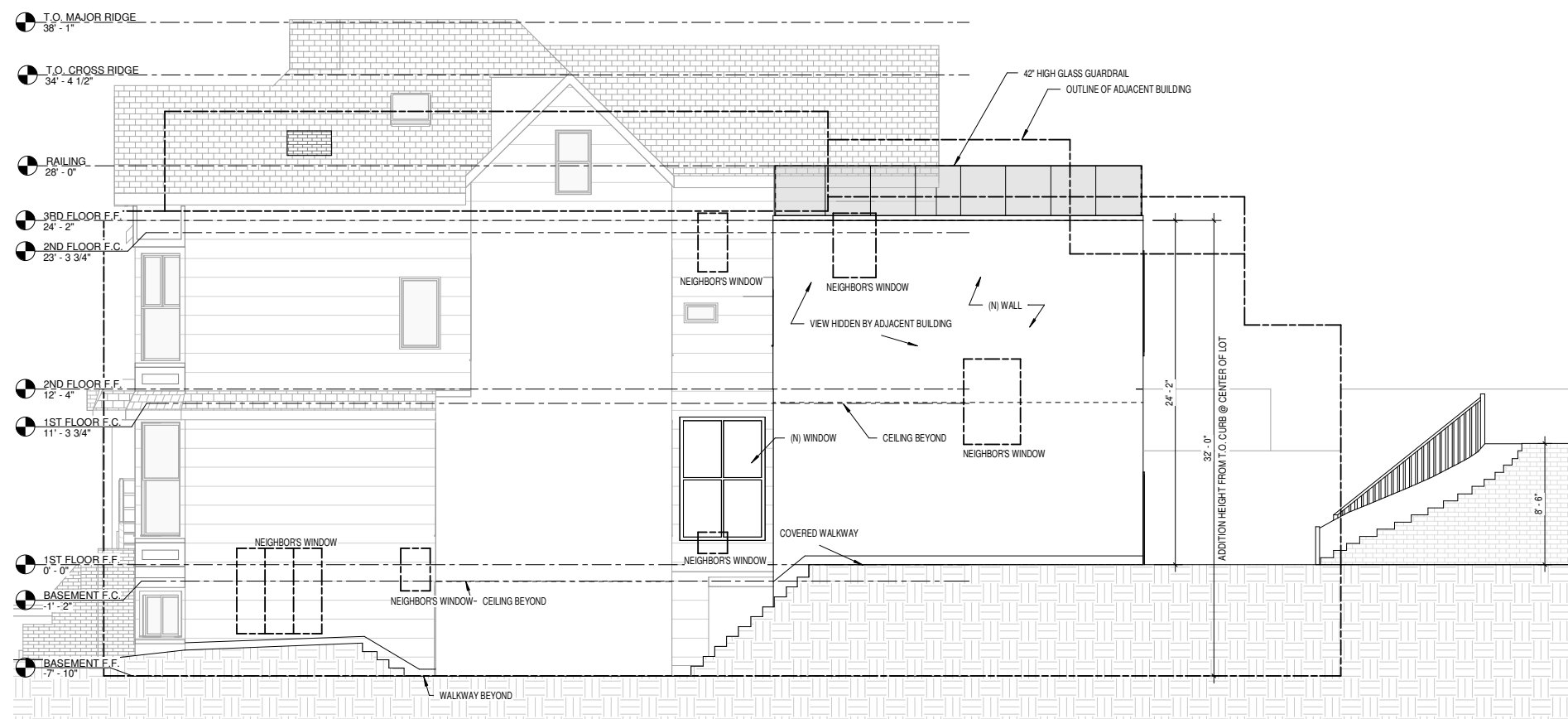
**EXISTING EAST ELEVATION** ②  
3/16" = 1'-0"







PROPOSED SOUTH ELEVATION 1  
3/16" = 1'-0"



PROPOSED EAST ELEVATION 2  
3/16" = 1'-0"

ARCHITECT	ENGINEER

**GENERAL NOTES**

1. This sheet is part of a set and is not to be used alone.
2. This sheet is not to be used for construction unless the architect's stamp and signature appear on the drawings and the status box indicates drawings have been released for construction.
3. These plans and prints thereof, as instruments of service, are owned by the architect and are for use on this project only. Reproduction and/or distribution without the prior written consent of the architect is forbidden.
4. Copyright Burton Mousavi Architecture Inc. 2020

NO.	REMARKS	DATE

**KEY**

**2814 CLAY STREET  
RESIDENTIAL  
REMODEL**

PERMIT SUBMITTAL

NOT FOR CONSTRUCTION

**PROPOSED EAST &  
SOUTH EXTERIOR  
ELEVATIONS**



