



SAN FRANCISCO PLANNING DEPARTMENT

Discretionary Review Abbreviated Analysis

HEARING DATE: JUNE 6, 2013

Date: May 30, 2013
Case No.: **2013.0030D**
Project Address: **124-126 Mullen Avenue**
Permit Application: 2012.04.24.8941
Zoning: RH-1 (Residential House, One-Family)
40-X Height and Bulk District
Bernal Heights Special Use District
Block/Lot: 5538/031
Project Sponsor: Ryan J. Patterson
Zacks & Freedman, P.C.
235 Montgomery Street, Suite 400
San Francisco, CA 94104
Staff Contact: Ben Fu – (415) 588-6613
ben.fu@sfgov.org
Recommendation: **Do not take DR and approve as proposed**

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

PROJECT DESCRIPTION

The proposal is to merge a two-family dwelling into a single-family dwelling. No changes to the building envelope are proposed. The proposed merger was reviewed and authorized administratively by the Zoning Administrator per Planning Code Section 317 (attached) on August 21, 2012 on the basis that the proposal meets a supermajority (at least four out of five) of the merger criteria.

Entrances to the two existing units are on the east property line, making the units accessible only through the adjacent property. This functional deficiency would need to be corrected in order to make the units accessible. In addition to internal connections to the units, the project proposes a main entrance at the front from Mullen Avenue by creating existing stairs off the existing front deck and replacing existing sliding doors with French doors with front door lock set.

SITE DESCRIPTION AND PRESENT USE

The project is located at 124-126 Mullen Avenue, in the Bernal Heights neighborhood. The lot is on the south side of Mullen Avenue, between Peralta Avenue and Franconia Street, in the RH-1 (Residential, House, One-Family) Zoning District and the 40-X Height and Bulk District. The lot is 1,773 square feet in area, measuring 27'-0" in width and 70'-0" in depth. Records show the existing one-story building was originally constructed as a single-family dwelling circa 1900 and legally converted to a two-family dwelling sometime before 1946. The site is steeply up-sloping and immediately adjacent to open space to the west, owned by the Department of Recreation and Park.

SURROUNDING PROPERTIES AND NEIGHBORHOOD

The project is located within the Bernal Heights neighborhood. The properties on the block and across the street are primarily single-family dwellings, zoned RH-1 with the majority built in the early 1900's. The dwellings on the block range in heights between one to three stories. The adjacent property to the east has four single-family dwellings constructed circa 1900 on a 49'-0" wide by 70'-0" deep lot. The adjacent properties to the west are open spaces owned by the Department of Recreation and Park. Records show single-family dwellings on those lots in the early 1900's. These dwellings were demolished sometime in the mid- 1900's.

BUILDING PERMIT NOTIFICATION

TYPE	REQUIRED PERIOD	NOTIFICATION DATES	DR FILE DATE	DR HEARING DATE	FILING TO HEARING TIME
311 Notice	30 days	November 30, 2012 – December 30, 2012	December 31, 2012	June 6, 2013	156 days

HEARING NOTIFICATION

TYPE	REQUIRED PERIOD	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUAL PERIOD
Posted Notice	10 days	May 27, 2013	May 24, 2013	13 days
Mailed Notice	10 days	May 27, 2013	May 24, 2013	13 days

PUBLIC COMMENT

	SUPPORT	OPPOSED	NO POSITION
Adjacent neighbor(s)	0	1	NA
Other neighbors on the block or directly across the street	0	2	13
Neighborhood groups	0	1	NA

As of the date of this report the Planning Department has received ten emails and letters, three of which are from neighbors on the same block, in opposition to the proposed merger and the Building Permit Application.

DR REQUESTOR

The DR Requestor is Anna Krieger, located at 124 Mullen Ave, the tenant at 124 Mullen Avenue.

DR REQUESTOR'S CONCERNS AND PROPOSED ALTERNATIVES

See attached *Discretionary Review Application*, dated August December 31, 2012.

PROJECT SPONSOR'S RESPONSE TO DR APPLICATION

See attached *Response to Discretionary Review*, dated May 16, 2013.

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).

RESIDENTIAL DESIGN TEAM REVIEW

On November 02, 2011, the Residential Design Team (RDT) reviewed the project in response to the August 24, 2011, request for Discretionary Review. The RDT believes that the request for Discretionary Review does not demonstrate that the project contains or creates any exceptional or extraordinary circumstances and as such warrants an abbreviated DR. The RDT believes that the Residential Design Guidelines are not applicable to the proposed project. The project is not under the purview of the RDT.

Under the Commission's pending DR Reform Legislation, this project would not be referred to the Commission as this project does not contain or create any exceptional or extraordinary circumstances.

RECOMMENDATION: Do not take DR and approve project as proposed
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Attachments:

- Block Book Map
- Sanborn Map
- Zoning Map
- Aerial Photographs
- Context Photographs
- Historic Sanborn Maps (1919 and 1950)
- Section 311 Notice
- DR Application
- Response to DR Application dated May 16, 2013
- Public Comment
- Reduced Plans

Parcel Map



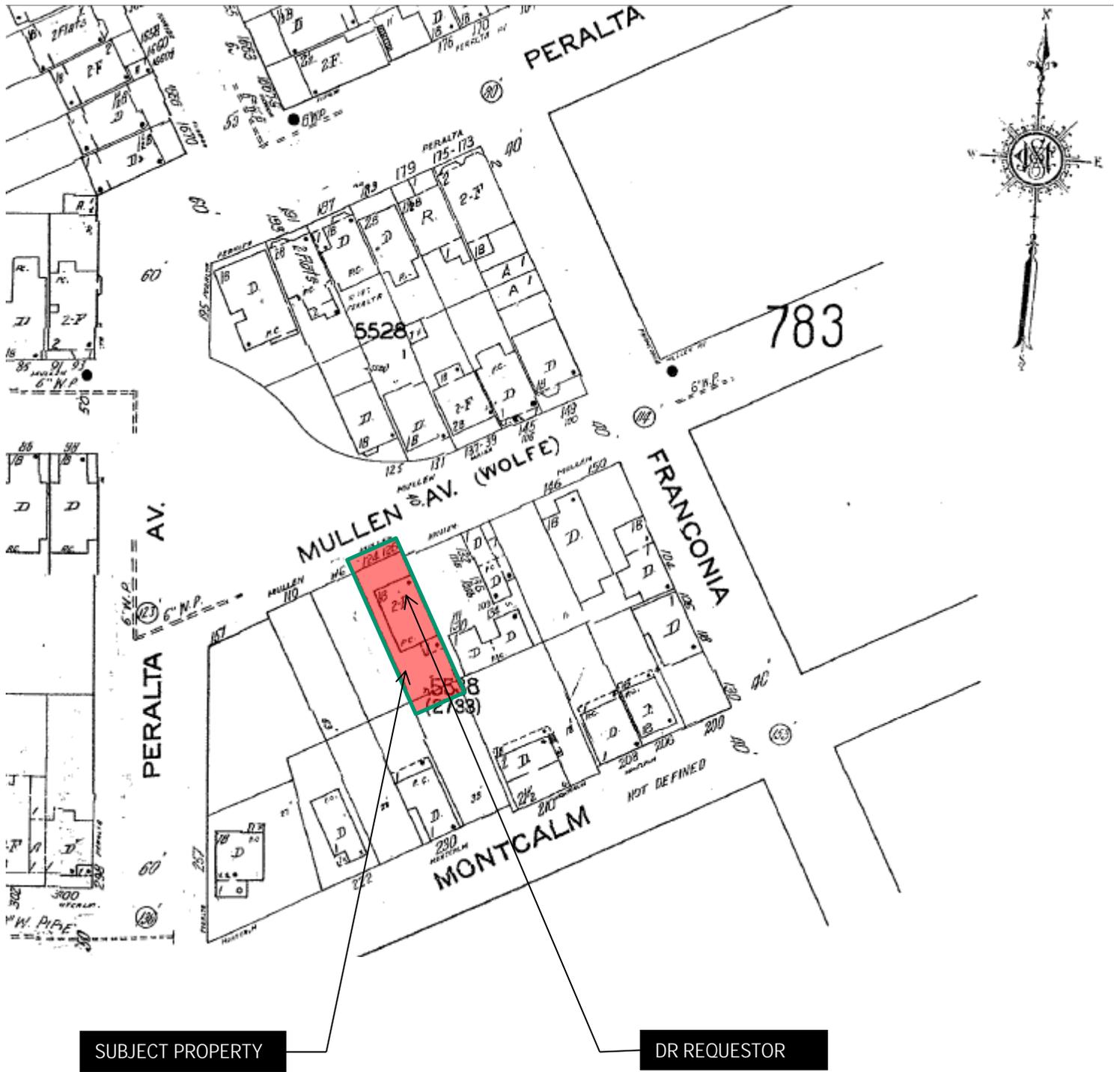
SUBJECT PROPERTY

DR REQUESTOR



Planning Commission Hearing
Case Number 2013.0030D
124 Mullen Avenue

Sanborn Map*



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



Planning Commission Hearing
Case Number 2013.0030D
124 Mullen Avenue

Aerial Photo



SUBJECT PROPERTY

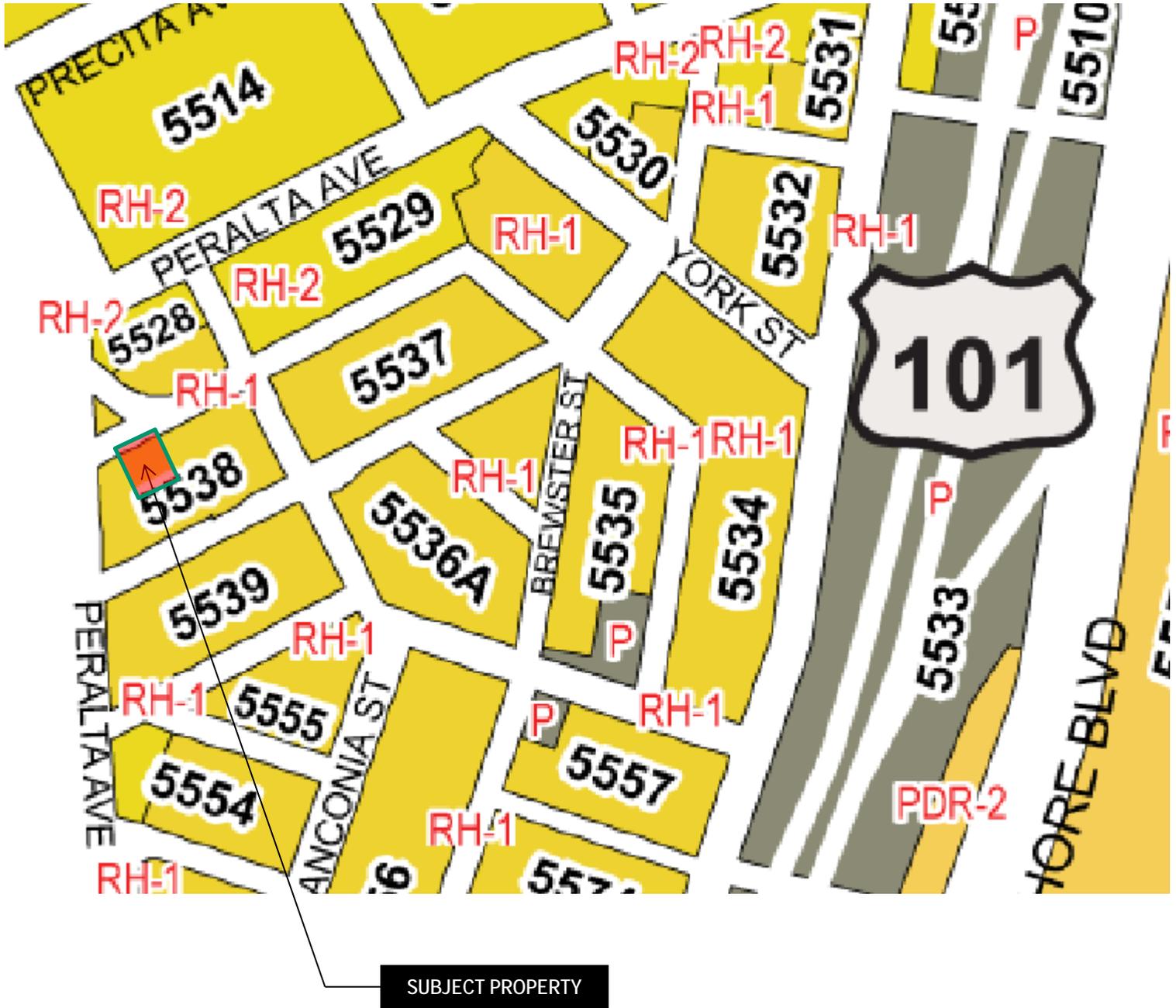


SUBJECT PROPERTY

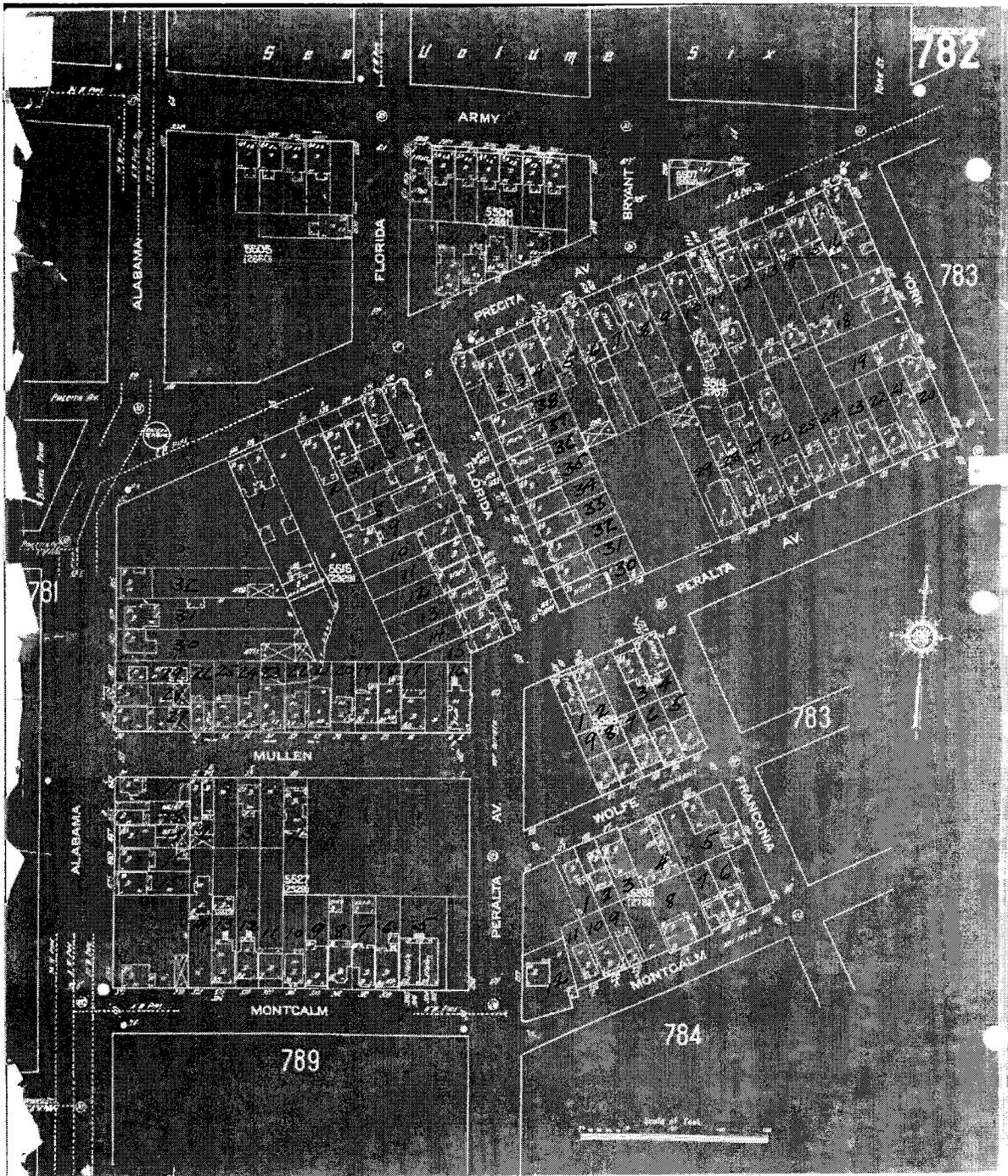
DR REQUESTOR

Planning Commission Hearing
Case Number 2013.0030D
124 Mullen Avenue

Zoning Map



Planning Commission Hearing
Case Number 2013.0030D
124 Mullen Avenue



Handwritten notes at the top right of the page.

Block 5505

- 1 D
- 2 D
- 3 D
- 4 D
- 5 D

Block 5506

- 1 A
- 2 D
- 3 D
- 4 D
- 5 D
- 6 D
- 7 D
- 8 D
- 9 D
- 10 D
- 11 D

Block 5515

- 24 D
- 25 D
- 26 D
- 27 D
- 28 D
- 29 D
- 30 D
- 31 D
- 32 D

Block 5514

- 1 A-Vac Store
- 2 D
- 3 D
- 4 D
- 5 D
- 6 A-Vac
- 7 D
- 8 D
- 9 D
- 10 D
- 11 D
- 12 D
- 13 D
- 14 D
- 15 D
- 16 D
- 17 D
- 18 D
- 19 D

Block 5507

Sales - Off Hand + Barber

Block 5515

- 1 A-Vac
- 2 D
- 3 D
- 4 D
- 5 A-Grocery
- 6 A-D
- 7 D
- 8 D
- 9 D
- 10 D
- 11 D
- 12 D
- 13 A
- 14 D
- 15 D
- 16 A
- 17 D
- 18 D
- 19 D
- 20 D
- 21 D
- 22 D
- 23 D

- 20 D
- 21 D
- 22 D
- 23 D
- 24 D
- 25 D
- 26 D
- 27 D
- 28 D
- 29 D
- 30 A
- 31 D
- 32 D
- 33 D
- 34 D
- 35 D
- 36 A
- 37 A
- 38 D

Block 5527

- 1 D
- 2 D
- 3 D
- 4 D
- 5 D
- 6 D
- 7 D
- 8 D
- 9 D
- 10 D
- 11 D
- 12 D
- 13 D
- 14 D
- 15 D
- 16 D
- 17 D
- 18 D
- 19 D

Block 5528

- 1 A
- 2 D
- 3 D
- 4 D
- 5 D
- 6 D
- 7 D
- 8 D
- 9 D

Block 5538

- 1 D
- 2 D
- 3 D
- 4 D
- 5 D
- 6 D
- 7 D
- 8 D
- 9 D
- 10 D
- 11 D
- 12 D

S E B U O I U M E S i x

SAN FRANCISCO VOL. 4
782

York St

CAL. 0099

ARMY

ALABAMA

FLORIDA

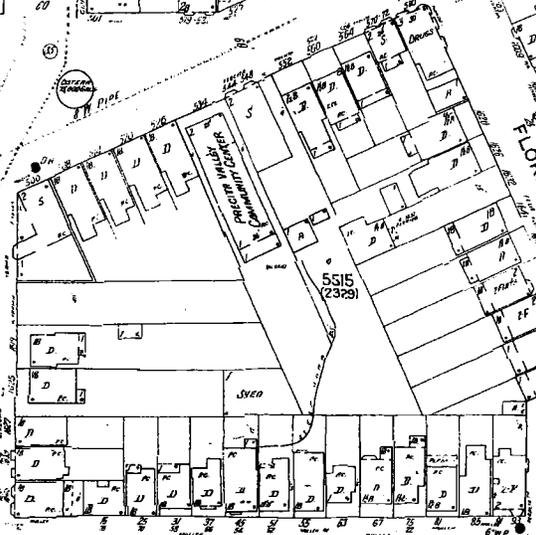
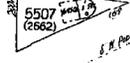
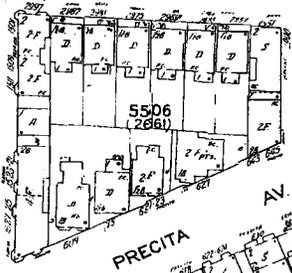
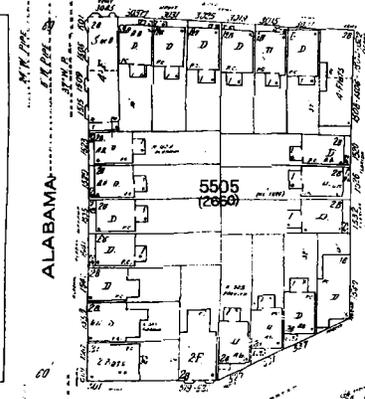
PRECITA AV.

BRYANT

783



781



FLORIDA

PERALTA AV.

783

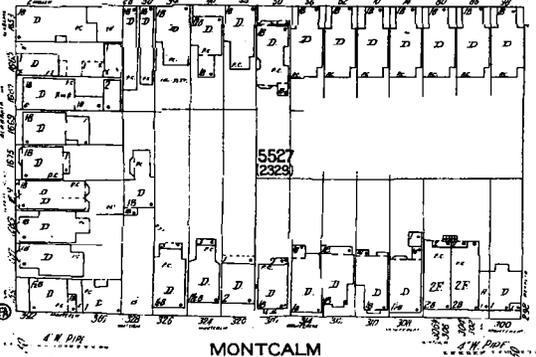
ALABAMA

MULLEN AV.

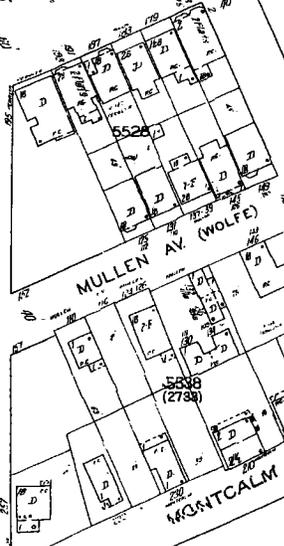
PERALTA AV.

MULLEN AV. (WOLFE)

FRANCONIA



MONTCALM



MONTCALM

784

789



1960



SAN FRANCISCO PLANNING DEPARTMENT

1650 Mission Street Suite 400 San Francisco, CA 94103

NOTICE OF BUILDING PERMIT APPLICATION (SECTION 311)

On April 24, 2012, the Applicant named below filed Building Permit Application No. 2012.04.24.8941 (Alteration) with the City and County of San Francisco.

CONTACT INFORMATION		PROJECT SITE INFORMATION	
Applicant:	Craig Lipton	Project Address:	124 Mullen Street
Address:	1138 Taylor Street	Cross Streets:	Franconia / Peralta
City, State:	San Francisco, CA 94108	Assessor's Block /Lot No.:	5538 / 031
Telephone:	415.305.7506	Zoning Districts:	RH-1 / 40-X

Under San Francisco Planning Code Section 311, you, as a property owner or resident within 150 feet of this proposed project, are being notified of this Building Permit Application. You are not obligated to take any action. For more information regarding the proposed work, or to express concerns about the project, please contact the Applicant above or the Planner named below as soon as possible. If your concerns are unresolved, you can request the Planning Commission to use its discretionary powers to review this application at a public hearing. Applications requesting a Discretionary Review hearing must be filed during the 30-day review period, prior to the close of business on the Expiration Date shown below, 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.

PROJECT SCOPE		
<input type="checkbox"/> DEMOLITION	and/or	<input type="checkbox"/> NEW CONSTRUCTION or <input checked="" type="checkbox"/> ALTERATION
<input type="checkbox"/> VERTICAL EXTENSION		<input checked="" type="checkbox"/> CHANGE # OF DWELLING UNITS <input type="checkbox"/> FACADE ALTERATION(S)
<input type="checkbox"/> HORIZ. EXTENSION (FRONT)		<input type="checkbox"/> HORIZ. EXTENSION (SIDE) <input type="checkbox"/> HORIZ. EXTENSION (REAR)

PROJECT FEATURES	EXISTING CONDITION	PROPOSED CONDITION
FRONT SETBACK	+5'-0"	No Change
BUILDING DEPTH	+45'-0"	No Change
REAR YARD	+18'-0"	No Change
HEIGHT OF BUILDING	+16'-0"	No Change
NUMBER OF STORIES	2	No Change
NUMBER OF DWELLING UNITS	2	1
NUMBER OF OFF-STREET PARKING SPACES	N/A	N/A

PROJECT DESCRIPTION

The proposal is to merge the two existing dwellings into one. There are no proposed building expansions; all existing setbacks are to remain.

The proposed merger was reviewed and authorized by the Zoning Administrator per Planning Code Section 317 on August 21, 2012.

PLANNER'S INFORMATION

PLANNER'S NAME:	Ben Fu	DATE OF THIS NOTICE:	11-30-12
PHONE NUMBER:	(415) 558-6613	EXPIRATION DATE:	12-30-12
EMAIL:	ben.fu@sfgov.org		

NOTICE OF BUILDING PERMIT APPLICATION GENERAL INFORMATION ABOUT PROCEDURES

Reduced copies of the site plan and elevations (exterior walls) of the proposed project, including the position of any adjacent buildings, exterior dimensions, and finishes, and a graphic reference scale, have been included in this mailing for your information. Please discuss any questions with the project Applicant listed on the reverse. You may wish to discuss the plans with your neighbors and neighborhood association or improvement club, as they may already be aware of the project. Immediate neighbors to the project, in particular, are likely to be familiar with it.

Any general questions concerning this application review process may be answered by the Planning Information Center at 1660 Mission Street, 1st Floor (415/ 558-6377) between 8:00 a.m. - 5:00 p.m. Please phone the Planner listed on the reverse of this sheet with questions specific to this project.

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

1. Seek a meeting with the project sponsor and the architect to get more information, and to explain the project's impact on you and to seek changes in the plans.
2. Call the local Community Board at (415) 920-3820 for assistance in conflict resolution/mediation. They may be helpful in negotiations where parties are in substantial disagreement. On many occasions both sides have agreed to their suggestions and no further action has been necessary.
3. Where you have attempted, through the use of the above steps, or other means, to address potential problems without success, call the assigned project planner whose name and phone number are shown at the lower left corner on the reverse side of this notice, to review 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, which generally 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. If you believe the project warrants Discretionary Review by the Planning Commission over the permit application, you must make such request **within 30 days of this notice, prior to the Expiration Date shown on the reverse side**, by completing an application (available at the Planning Department, 1660 Mission Street, 1st Floor, or on-line at www.sfgov.org/planning). You must submit the application to the Planning Information Center during the hours between 8:00 a.m. and 5:00 p.m., with all required materials, and a check for \$500.00, for each Discretionary Review request payable to the Planning Department. If the project includes multi 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 approval (or denial) of the permit application by the Planning Department or Planning Commission may be made to the Board of Appeals within 15 days after the permit is issued (or denied) by the Superintendent of the Department of Building Inspection. Submit an application form in person at the Board's office at 1650 Mission Street, 3rd Floor, Room 304. For further information about appeals to the Board of Appeals, including their current fees, contact the Board of Appeals at (415) 575-6880.



SAN FRANCISCO PLANNING DEPARTMENT

MEMO

Zoning Administrator Action Memo Administrative Review of Dwelling Unit Merger

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Date: August 21, 2012
Case No.: **2012.0464D**
Project Address: **124-126 MULLEN AVENUE**
Building Permit: **2012.04.24.8941**
Zoning: RH-1 (One-Family, Dwelling)
40-X Height and Bulk District
Block/Lot: 5538/031
Project Sponsor: Pat Buscovich
235 Montgomery Street, #823
San Francisco, CA 94104
Property Owner: Maven Investment
124 Mullen Avenue
San Francisco, CA 94110
Staff Contact: Ben Fu – (415) 558-6613
ben.fu@sfgov.org

PROJECT DESCRIPTION

The proposed merger of two dwelling units in a two-unit building is subject to Planning Code Section 317, which allows the Planning Department to administratively approve dwelling unit mergers that either 1) meet a supermajority (at least four out of five) of the merger criteria listed below OR 2) are demonstrably not affordable or financially accessible housing. The proposal meets a supermajority of the merger criteria and thus may be approved administratively.

ACTION

Upon review of the Applicant's responses to the five criteria for dwelling unit mergers, the Zoning Administrator **AUTHORIZED ADMINISTRATIVE APPROVAL** Building Permit Application No. 2012.04.24.8941 proposing the merger of two dwelling units in a two-unit building, resulting in a one-unit building.

FINDINGS

The Zoning Administrator took the action described above because the proposed merger meets four of the five merger criteria outlined in Planning Code Section 317(e) (2) as follows:

1. Removal of the unit(s) would only eliminate owner occupied housing;

Project Meets Criterion

According to the project sponsor's application, both of the units to be merged are located on the first floor. 126 Mullen is occupied by the owner while 124 Mullen is a rental unit.

2. Removal of the unit(s) and the merger with another is intended for owner occupancy;

Project Does Not Meet Criterion

According to the project sponsor's application, the unit created by the proposed merger would be a rental unit.

3. Removal of the unit(s) will bring the building closer into conformance with the prevailing density in its immediate area and in the same zoning district;

Project Meets Criterion

The subject property is zoned RH-1, intended for single-family dwellings. The building was originally constructed circa 1900 as a single-family dwelling with the conversion to two-family dwelling sometime before 1946. The unit at 124 Mullen Avenue is approximately 342 square feet; the unit at 126 Mullen Avenue is approximately 545 square feet. The majority of buildings in the immediate area and in the same zoning district contain single-family units. Therefore, the proposed merger will bring the subject building closer into conformance with the prevailing density in the immediate area and in the same zoning district.

4. Removal of the unit(s) will bring the building closer into conformance with the prescribed zoning;

Project Meets Criterion

The subject property is zoned RH-1 which permits one dwelling unit per lot. The project would reduce the total number of units on the subject site from two to one, bringing the building into conformance with the prescribed zoning.

5. Removal of the unit(s) is necessary to correct design or functional deficiencies that cannot be corrected through interior alterations.

Project Meets Criterion

The unit (124 Mullen Avenue) that is proposed to be merged has an entrance that is on the property line, making the unit accessible only through the adjacent property. The owner of the adjacent lot has denied access to the subject lot through his property. This functional deficiency would need to be corrected in order to make the subject unit accessible.

You can appeal the Zoning Administrator's action to the Board of Appeals by appealing the issuance of the above-referenced Building Permit Application. For information regarding the appeals process, please contact the Board of Appeals located at 1650 Mission Street, Room 304, San Francisco, or call (415) 575-6880.

cc: Zoning Administrator Files

RECEIVED

13.0030D

DEC 3 1 2012

**APPLICATION FOR
Discretionary Review**CITY & COUNTY OF S.F.
PLANNING DEPARTMENT
P I C

1. Owner/Applicant Information

DR APPLICANT'S NAME: Anna Krieger		
DR APPLICANT'S ADDRESS: 124 Mullen Avenue San Francisco, CA	ZIP CODE: 94110	TELEPHONE: (406)360-3225
PROPERTY OWNER WHO IS DOING THE PROJECT ON WHICH YOU ARE REQUESTING DISCRETIONARY REVIEW NAME: Craig Lipton -- Maven Investment		
ADDRESS: 1138 Taylor Street San Francisco, CA	ZIP CODE: 94108	TELEPHONE: (415) 923-0916
CONTACT FOR DR APPLICATION: Same as Above <input checked="" type="checkbox"/> <input type="checkbox"/>		
ADDRESS:	ZIP CODE:	TELEPHONE: ()
E-MAIL ADDRESS: akrieger@gmail.com		

2. Location and Classification

STREET ADDRESS OF PROJECT: 124-126 Mullen Avenue		ZIP CODE: 94110		
CROSS STREETS: Peralta and Franconia				
ASSESSORS BLOCK/LOT: 5538 /30	LOT DIMENSIONS: 27.83x70	LOT AREA (SQ FT): 1948	ZONING DISTRICT: RH-1	HEIGHT/BULK DISTRICT: 40-x

3. Project Description

Please check all that apply

Change of Use Change of Hours New Construction Alterations Demolition Other Additions to Building: Rear Front Height Side Yard

2 family home -- two rental units

Present or Previous Use:

Proposed Use: Single family home

Building Permit Application No. 2012.04.24.8941

Date Filed: 4/5/12

4. Actions Prior to a Discretionary Review Request

Prior Action	YES	NO
Have you discussed this project with the permit applicant?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Did you discuss the project with the Planning Department permit review planner?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Did you participate in outside mediation on this case?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

5. 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 there were made to the proposed project.

No changes were made to the project. I, along with my partner, am a tenant in 124 Mullen Ave, where the proposed merger would take place. The application was filed in April, however we were not told about it and we and our neighbors first learned of the proposed merger and its administrative approval on 11/30/12 via a posting outside our building. We contacted our landlord, Craig Lipton, about our concerns about the merger, but he did not make any changes to the project. We also expressed our concerns to the assigned planner.

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 minimum standards of the Planning Code. 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.

see attached sheet

- 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 adversely affected, please state who would be affected, and how:

see attached sheet

- 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?

see attached sheet

13.003001

Applicant's Affidavit

Under penalty of perjury the following declarations are made:

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

Signature: Anna Krieger

Date: 12/27/12

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

Anna Krieger (tenant)
Owner / Authorized Agent (circle one)

Discretionary Review Application Submittal Checklist

Applications submitted to the Planning Department must be accompanied by this checklist and all required materials. The checklist is to be completed and signed by the applicant or authorized agent.

REQUIRED MATERIALS (please check correct column)	DR APPLICATION
Application, with all blanks completed	<input checked="" type="checkbox"/>
Address labels (original), if applicable	<input checked="" type="checkbox"/>
Address labels (copy of the above), if applicable	<input checked="" type="checkbox"/>
Photocopy of this completed application	<input checked="" type="checkbox"/>
Photographs that illustrate your concerns	<input type="checkbox"/>
Convenant or Deed Restrictions	<input type="checkbox"/>
Check payable to Planning Dept.	<input checked="" type="checkbox"/>
Letter of authorization for agent	<input checked="" type="checkbox"/>
Other: Section Plan, Detail drawings (i.e. windows, door entries, trim), Specifications (for cleaning, repair, etc.) and/or Product cut sheets for new elements (i.e. windows, doors)	<input type="checkbox"/>

NOTES:
 Required Material.
 Optional Material.
 ○ Two sets of original labels and one copy of addresses of adjacent property owners and owners of property across street.

An Kim 12/27/12

For Department Use Only
 Application received by Planning Department:

By: _____ Date: _____

13.00370

Anna M. Krieger
124 Mullen Avenue
San Francisco, CA 94110
(406) 360-3225
akrieger@gmail.com

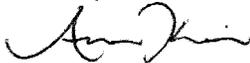
1660 Mission Street
San Francisco, CA 94103

December 27, 2012

To San Francisco Planning Department Officials:

I write to authorize Deborah Thrope as my agent to drop off this application for Discretionary Review.

Sincerely,



Anna M. Krieger

RECEIVED

MAY 16 2013

CITY & COUNTY OF S.F.
PLANNING DEPARTMENT
RECEPTION DESK



SAN FRANCISCO PLANNING DEPARTMENT

RESPONSE TO DISCRETIONARY REVIEW

Case No.: 2013.0030D
Building Permit No.: 201204248941
Address: 124 Mullen Avenue

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Project Sponsor's Name: Patrick Buscovich & Associates

Telephone No.: (415) 956-8100 x3322 (for Planning Department to contact)

- 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.)

Please see attached.

- 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. Indicate whether the changes were made before filing your application with the City or after filing the application.

Please see attached.

- 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. Please explain your needs for space or other personal requirements that prevent you from making the changes requested by the DR requester.

Please see attached.

CITY & COUNTY OF S.F.
PLANNING DEPARTMENT
RECEPTION DESK

MAY 16 2013

RECEIVED

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.)*

The Project Sponsor understands the DR Requester's concerns. However, based upon extensive research prior to filing the proposed plans, it appears there is no legal way to continue to keep the second apartment as a separate unit due to the recent foreclosure of the subject property, which terminated access to it. It should be noted that the second apartment (126 Mullen) is presently used by the owner but cannot be occupied by a new tenant, as discussed below.

The subject property was originally built as a single-family house. During World War II, it was illegally converted to a two-unit apartment building. After the War, it was reverted back to a single-family house. It was subsequently split back into two units, despite the property's prohibitive RH-1 zoning classification and against the former owner's will. The split created a 545 square foot unit (124 Mullen) and a 342 square foot unit (126 Mullen). The proposed plans will remove the substandard second unit (126 Mullen), which was voluntarily vacated by the previous tenant after the foreclosure.

The reason for the proposed plans is simple: the subject second unit is completely landlocked, and there is no way to legally access it. Prior to the foreclosure, the subject property (124-126 Mullen) and the adjacent property (130-136 Mullen) were owned by the same owner, who permitted access from the adjacent property. The subject property is bordered on the north and west by the DR Requester's apartment; bordered on the south by an adjacent, up-sloping parcel; and bordered on the east by the adjoining neighbor's property line. The subject unit's door is located on the east side of the building, and the only way to access the unit is to trespass across the adjacent parcel to the east. A survey was conducted, and the subject property occupies practically the entire lot.

As discussed, the subject property (124-126 Mullen) and the adjacent parcel to the east (130-136 Mullen) were owned by a single individual, who previously allowed access across both of his parcels. However, in 2010, both properties went into foreclosure and were sold separately. The Project Sponsor purchased the subject property (124-126 Mullen), and another individual purchased the adjacent property (130-136 Mullen). No access easement was recorded during the foreclosure.

Prior to submitting the proposed plans, the Project Sponsor reached out to the adjacent parcel's owner (130-136 Mullen) to try to purchase and record an easement for accessing the subject property (124-126 Mullen). The adjacent parcel's new owner responded, via his attorney, that he was not interested in selling an easement to access the unit's front door. He then threatened to sue the Project Sponsor for any future trespasses across his adjacent property by any future tenant of the subject unit (126 Mullen).

The Project Sponsor has repeatedly attempted to meet with the DR Requester (the occupant of 124 Mullen) to discuss these issues. The DR Requester responded 1) that her

attorney's vacation schedule prevented a meeting, and 2) by demanding alternatives where none exist. The DR Requester is aware of the access issue as well as the adjacent owner's threat to sue for trespass, but the DR Requester has provided no solutions.

(Continued on next page)

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. Indicate whether the changes were made before filing your application with the City or after filing the application.*

As discussed above, the subject 342 square foot apartment (126 Mullen) cannot be kept as a separate second unit because there is no legal way for a future tenant to access it. The Project Sponsor and his engineer/consultant investigated all possible alternatives, including:

Proposed Alternative	Reason for Non-Viability
1. Keep the subject second apartment as a separate unit	There is no way for a future tenant to access the unit. The previous means of access has been terminated by the foreclosure sale of the adjacent parcel.
2. Access from the north (from Mullen Avenue)	The second unit is located at the south of the property, so access from the north is blocked by the DR Requester's unit.
3. Access from the west	The subject property is located 9 inches from the western property line, which is less than the Building Code's requirement of 36 inches of clearance for a passageway.
4. Access from the south	The subject property is bordered on the south side by a tandem, up-sloping lot on Montcalm Street, which is vacant. Access from the south is not feasible because it would require entering from the adjacent lot's front yard, crossing through the length of that parcel, and emerging through its back yard. Substantial construction and excavation of the rear portion of the subject property would also be necessary. The necessary easement, recorded with the City as a party, would permanently prevent development of the adjacent parcel.
5. Access from the east (the DR Requester's only proffered alternative)	The subject property (124-126 Mullen) and the adjacent property to the east (130-136 Mullen) were formerly commonly owned by a single individual. The new owner of 130-136 Mullen refuses to grant an easement and has threatened to sue the Project Sponsor for trespass.

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. Please explain your needs for space or other personal requirements that prevent you from making the changes requested by the DR Requester.*

The DR Requester's proffered alternative – acquiring an access easement across the adjacent parcel – is not feasible because the adjacent owner has refused to grant such an easement.

The proposed plans are the result of extensive meetings, including a visit to the subject property by Planning Staff. The plans have been thoroughly vetted by the Zoning Administrator, Planning Staff, and the Project Sponsor's engineer/consultant. The subject plans are appropriate to correct two historical errors:

- 1) 124-126 Mullen and 130-136 Mullen were originally one lot. 124-126 Mullen and 130-136 Mullen were split into two lots without resolving egress for the subject property (124-126 Mullen); and
- 2) The City's insistence on illegally re-splitting the subject property's 900 square foot single-family house into two small units, contrary to the Planning Code and against the former owner's wishes.

Summary

The proposed plans will have no impact on the surrounding properties. The work will merely restore the subject property to its original status as a single-family house. The larger, front apartment is not being removed, and its tenants will continue to reside there with access to additional space.

Removal of 126 Mullen is required by code, and there is simply no feasible alternative.

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

4. Please supply the following information about the proposed project and the existing improvements on the property.

<u>Number of</u>	<u>Existing</u>	<u>Proposed</u>
Dwelling units (only one kitchen per unit –additional kitchens count as additional units)	<u>2</u>	<u>1</u>
Occupied stories (all levels with habitable rooms) ...	<u>1</u>	<u>1</u>
Basement levels (may include garage or windowless storage rooms)	<u>1</u>	<u>1</u>
Parking spaces (Off-Street)	<u>0</u>	<u>0</u>
Bedrooms	<u>2</u>	<u>2</u>
Gross square footage (floor area from exterior wall to exterior wall), not including basement and parking areas....	<u>887</u>	<u>887</u>
Height	<u>16' 0"</u>	<u>16' 0"</u>
Building Depth	<u>45' 0"</u>	<u>45' 0"</u>
Most recent rent received (if any)	<u>1,650</u>	<u> </u>
Projected rents after completion of project	<u> </u>	<u>1,650</u>
Current value of property	<u>450,000</u>	<u> </u>
Projected value (sale price) after completion of project (if known)	<u> </u>	<u>575,000</u>

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

 <hr style="width: 100%;"/> Signature	<u>5/17/13</u> <hr style="width: 100%;"/> Date	Ryan J. Patterson Attorneys for Project Sponsor <hr style="width: 100%;"/> Name (please print)
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Application for Discretionary Review—Attachment re: questions #1-3
124-126 Mullen Avenue; Case No. 2012.046D; Building Permit 2012.04.24.8941

Background

I have lived in 124 Mullen Avenue with my partner since February 2009. 124 Mullen Avenue is one unit in a two unit building. The other unit on this property is 126 Mullen Avenue. The property first went into foreclosure proceedings after we had lived there for approximately a year. Ultimately the property was sold at auction. In December 2011, 124-126 Mullen was purchased sight unseen by Craig Lipton of Maven Investments at a foreclosure auction. At that time, both units 124 and 126 were tenant occupied.

Shortly after purchasing the property, Mr. Lipton met with us and a real estate agent and informed us that he wanted the tenants in both units to move out so that he could re-sell the property. At that time, he planned to do construction before the sale and to keep the building as two units. Mr. Lipton paid the tenant in unit 126 Mullen to leave the property in January of 2012. Mr. Lipton also offered us money to vacate our home, 124 Mullen. We did not take the buy out offer from Mr. Lipton as we preferred to remain in the home given the location, community, unique aspects of the building, and affordable rent. When we did not want to move, Mr. Lipton threatened to Ellis Act evict us if we did not accept his offer. He made this statement in person and in an email to his lawyer on which we were copied where he instructed the lawyer to file the Ellis Act paperwork. He did not pursue the Ellis Act eviction. Instead, he is pursuing this merger of 124-126 Mullen, which would result in the creation of one single family dwelling, not subject to rent control ordinances. During the merger's planning and approval process, he did not tell us, the neighboring property owner, or, as far as we know, any of the community about the project.

We, along with our neighbors, oppose the merger because:

- there are important public interest reasons to preserve the existing rental stock in Bernal Heights,
- the merger is inconsistent with planning priorities, and
- the merger does not meet a majority of merger criteria.

1. What are the reasons for the discretionary review?

We believe that this merger of rental units should not have been administratively approved and that the project does not meet criteria for approval as it is inconsistent with important planning priorities to protect the existing stock of rental housing and neighborhood diversity.

A. Majority of dwelling unit merger criteria *not* met. Administrative approval requires a supermajority is met, and this is also not the case.

- 1. Criteria one is not met because it is not true that removal of the unit would only eliminate owner occupied housing.*

Removal of the unit would eliminate rental housing (unit 126 Mullen) and this housing is not occupied by the owner. In addressing criterion #1, the August 21, 2012 Zoning Administrative Action Memo (“Zoning Memo”) says that “according to the project sponsor’s application, both of the units to be merged are located on the first floor and are occupied by the same owner.” This is not the case: unit 124 is occupied by tenants, and unit 126 is not occupied by the owner. Unit 126 was occupied by a tenant until January of 2012 when Maven Investments/Craig Lipton paid the tenant to vacate the unit. Since that time, unit 126 has remained vacant and has at no point been occupied by Craig Lipton. Therefore, the removal of unit 126 would not be an elimination of owner-occupied housing because Mr. Lipton does not live there. Housing is only owner-occupied if the owner lives in the housing.

Moreover, in a conversation in January 2012, Mr. Lipton has told me that he never plans to occupy this property at 124-126 Mullen as he has two children. This statement was witnessed by another tenant at the property and the real estate agent whom Mr. Lipton brought for the meeting. In fact, Mr. Lipton is in the business of turning over residential property in the Bay Area and Maven Investments has purchased numerous properties at foreclosure auctions over the last year.

2. *Criteria two is not met because removal of the unit and the merger with another is not intended for owner occupancy.*

The August Zoning Memo finds that project does not meet criterion for #2.

3. *Criteria three is not met because removal of the unit will not bring the building closer into conformance with the prevailing density in its immediate area and the same zoning.*

Removal of the unit will not bring the unit closer into conformance with the prevailing density in its immediate area and in the same zoning district. This property has been a two family home since the 1940s, per the application for the merger. Likewise, the adjacent lot contains two buildings, each with two rental units, for a total of four rental units. While the area is zoned RH-1, many nearby areas are zoned RH-2 and are not single family dwellings. Changing the unit into a single family dwelling would not bring the unit into conformance with the prevailing density of the immediate area, as it is mixed.

4. *Criteria five is not met because removal of the unit is not necessary to correct design or functional deficiencies that cannot be corrected through interior alterations.*

Other alternatives can be used to address the property line issue besides removal of a rental unit that has been in existence since at least the 1940s.

The entrances to 124 and 126 Mullen open onto a shared courtyard that is on the adjacent property. However, there are solutions to this other than removing a rental unit. First, all tenants have been given access to their units by the owner of the adjacent property. In fact, a sign has been posted granting access and tenants received written communications from the owner. The application for the merger from Mr. Lipton states that the property owner of the adjacent lot 27 has denied access to a future tenant of 126 Mullen, however this is not true. (Page 13, Question 5) This is not true and we have confirmed with the owner of the adjacent lot 27 that he has never said that he would deny access to 126 Mullen to a future tenant. Additionally, the tenant of 126 Mullen whom Mr. Lipton paid to vacate the property was never denied access to 126 Mullen by the owner of the adjacent lot.

Second, both units 124 and 126 have additional doors that are not on the property line with the adjacent property, so the properties could be accessed through redesign in ways other than through removal of the rental unit at 126.

Third, Mr. Lipton's original plan for the property, did not involve a merger, but rather maintained both units. This plan was in place after he knew that the entrances were on the property line for the adjacent property. This prior plan in itself demonstrates that there are other ways to address the design issues other than merging the units.

B. General Plan Compliance: This project is not compliant with the General Plan because it would eliminate a rental unit that was being rented below market-rate and would create a single family home not subject to rent control provisions.

1. Housing Element -- OBJECTIVE 2: RETAIN THE EXISTING SUPPLY OF HOUSING. Policy 2.2:
Control the merger of residential units to retain existing housing.

Proposed dwelling unit merger is not consistent with this policy.

This project would eliminate a dwelling unit that has been a part of the neighborhood character since at least the 1940s, possibly since the original construction of the unit. According to the Bureau of Building inspection letter from 11-10-65 which is on file with the application, the building "was constructed in 1905 as a two family dwelling according to the Assessor's records." (Page 1) As such, this unit has been in existence possibly since construction and at least for seventy years.

This project runs counter to the goals of housing retention: "the existing housing stock is the City's main source of relatively affordable housing." (Zoning Controls on the Removal of Dwelling Units, SF Planning Dept., Oct. 2010) Removal of the unit at 126 Mullen will mean elimination of housing

stock, and, additionally, the creation of housing stock that will be less affordable because it will not be subject to rent control ordinances.

2. Sec. 101.1 Priority Policy:

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

Proposed dwelling unit merger is not consistent with this policy.

The proposed dwelling unit merger would affect neighborhood character. The building has existed as a two-unit dwelling since at least the 1940s, and the small courtyard of units called Mullen Gardens is an important aspect of the neighborhood's character and an affordable opportunity for people to join the Bernal Heights community. The merger would remove a dwelling option in the neighborhood that has been in existence for around seventy years, possibly longer. The one bedroom unit at 126 Mullen that is proposed to be removed was last rented at approximately \$850 per month, which is below market rate. Bernal Heights is a diverse neighborhood made up of families, renters, and owners. Creating a single family dwelling, not intended for own occupancy but intended to be sold at a profit, runs counter to the goal of preserving the cultural and economic diversity of the neighborhood.

3. Sec. 101.1 Priority Policy:

Parks and open space and their access to sunlight and vistas be protected from development.

Project may not be consistent with this policy.

The project would also involve exterior alterations – adding a door where there is now a deck above a fence – that could impact on the open space park next to the property. 124-126 Mullen is next to an open space owned by the city – Mullen Peralta Mini Park. This park is maintained by neighbors and is an important part of the neighborhood character on the east slope of Bernal Heights. Part of this proposal would be to add a front door, and there is a possible impact on the park because this would also necessitate adding stairs up to the unit as well as cutting into the fence that borders the park walkway. There has been no engagement with the community about this and creating a front entrance would involve tearing down fencing and ivy that borders the park walkway.

2. Please explain how this project would cause unreasonable impacts.

As discussed above, the neighborhood would be negatively impacted because there would be removal of a dwelling unit and the property at 124 Mullen would no longer be subject to rent control. This project would contribute to the loss of relatively affordable housing in the city through the reduction of rental stock. There is also a

possible impact on the neighboring open space area through creation of a front entrance to 124 Mullen. (See above discussion for more detail on both points)

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?

The project planners have not participated in any community engagement around this proposed removal of a rental property. The neighborhood first learned of the project on November 30, 2012, yet the project application process began in April 2012. Neighbors share our concerns about a property developer coming into the community after a foreclosure and removing rental housing, which is so limited. Mr. Lipton has not made any changes to the plan, nor has he discussed with the community the impact on the neighboring open space. We believe it would be best for the neighborhood if Mr. Lipton worked with the adjacent property owner to pay a fair price for an easement onto the property, which would preserve the original character of Mullen Gardens and its courtyard design while eliminating the need for changing any entrances.

We would like to notify the commission that we plan to submit additional materials in advance of the hearing in accordance with the required deadlines.

Respectfully submitted,

/s/

Anna M. Krieger
124 Mullen Avenue
San Francisco, CA 94110
akrieger@gmail.com
(406) 360-3225

Attachments from Discretionary Review requestors: 124 Mullen Ave tenants Anna Krieger and Jonathan Knapp

124-126 Mullen Ave proposed merger

Building permit application no. 2012.04.24.8941

Planning Commission Hearing date April 4, 2013

1. Neighbor letters opposing the merger application:
 - 1) Bob Weisblatt, 140 Mullen Ave
 - 2) Marcelo Rodriguez, 187 Peralta Ave
 - 3) Frank and Christine Harris, 3 Macedonia Street
 - 4) Katanya and Jesse Henry, 146 Mullen Ave
 - 5) Ben Molina, 125 Mullen Ave
 - 6) Ian Williams and Concepcion E. Segaura, 131 Mullen Ave
 - 7) Tom Radtke, 139 Mullen Ave
 - 8) Klea McKenna, 263 Mullen Ave
 - 9) Neil Ludman, 256 Mullen Ave
 - 10) Terrence Kin, 256 Mullen Ave
 - 11) Eduardo Antonio, 234 Mullen Ave
 - 12) Philip Behn, 226 Mullen Ave
2. San Francisco Tenants Union letter opposing merger, January 13, 2013.
3. Sanborn maps of 124 and 126 Mullen indicating 2 family dwelling (1966, 1975, 1987, 1989, 1991)
4. Email correspondence concerning owner-occupancy between Planning Department staff and project sponsor, Craig Lipton of Maven Investments.
5. Photographs of properties.

RECEIVED

MAR 14 2013

CITY & COUNTY OF S.F.
PLANNING DEPARTMENT
RECEPTION DESK



Merger of 124 and 126 Mullen Ave

Bob Weisblatt <bob@weisblatt.net>
To: ben.fu@sfgov.org

Thu, Jan 10, 2013 at 3:08 PM

Dear Mr. Fu:

I'm writing you to express my opposition to the merger of the two rental units, 124 Mullen and 126 Mullen into a single unit. I can see no reason to justify the elimination of a rental unit in a San Francisco where rental units already are in short supply. We in Bernal Heights highly value the diversity of our neighborhood. Merging these apartments would not only reduce the number of apartments for rent, but also remove the newly merged unit from rent control. Rent controlled units are a strong force for maintaining the diversity of Bernal Heights.

Craig Lipton, the current owner of the two apartments, is not a Bernal Heights resident. Moreover, I believe the Craig Lipton who owns this property is the same Craig Lipton who pleaded guilty to Federal charges of rigging bids when purchasing foreclosure properties. 124 and 126 Mullen were purchased in a foreclosure auction. I don't think Mr. Lipton is someone who's word should be taken at face value.

In addition, Mr. Lipton has never discussed his plan with any neighbor, or neighborhood organization in Bernal Heights. This is simply not the way business should be conducted in San Francisco.

One final point. The San Francisco Planning code states the following regarding the loss of residential units through merger:

(e) Loss of Residential Units Through Merger.

(2) The Planning Commission shall consider these criteria in the review of applications to merge Residential Units:

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

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

(iii) whether removal of the unit(s) will bring the building closer into conformance with the prevailing density in its immediate area and in the same zoning district;

(iv) whether removal of the unit(s) will bring the building closer into conformance with prescribed zoning;

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

Note that none of these five reasons for allowing a merger applies to 124/126 Mullen. Mr. Lipton has no intention of living in the merged unit. I believe that the reason Mr. Lipton wants to merge the units is simply to allow him to sell the property for more than he bought it for. This is a horrible reason to allow Bernal Heights to lose an affordable unit.

Sincerely,

Robert Weisblatt
140 Mullen Ave.
415-269-0371



**Fwd: 124-126 Mullen Proposed merger -- Building permit number
2012.04.24.8941**

Marcelo Rodriguez <marcelorodriguez@me.com>
To: "Anna M. Krieger" <akrieger@gmail.com>

Fri, Feb 22, 2013 at 7:26 AM

Begin forwarded message:

From: Marcelo Rodriguez <marcelorodriguez@me.com>
Subject: 124-126 Mullen Proposed merger – Building permit number
2012.04.24.8941
Date: January 28, 2013 3:15:57 PM PST
To: ben.fu@sfgov.org
Bcc: Anna Krieger <akrieger@gmail.com>

Dear Mr. Fu and other SF Planning Department staff members

My family opposes the proposed merger of 124 and 126 Mullen Avenue. It is inappropriate for the city to allow the elimination of one of the few relatively affordable housing options still available in this corner of Bernal Heights.

We've owned our home in northeastern Bernal Heights for more than 20 years, and chose to raise our children here for several reasons. Important among them is the neighborhood's rich history of socio-economic and cultural diversity. Sadly, we are losing much of that diversity now as affordable housing options dwindle and only the affluent can afford to live here.

The city needs to take measures to stem this tide, not fuel it by allowing ill-advised efforts to combine multiple affordable rental housing units into single monster high-priced units serving even fewer San Franciscans.

Our neighborhood, our city, needs more housing, not less.

I live within a few feet of the proposed merger and have yet to be consulted by the property owner about his or her plans. We only became aware of them because we were alerted by other worried neighbors. That's not the way things should work in Bernal Heights.

Here we have a person who hopes to profit from the misfortune of others who were forced into foreclosure as a result of our recent economic problems. In the process, affordable housing is eliminated, good neighbors are evicted, and our neighborhood is changed for the worse, forever.

Please don't let this project move forward.

Respectfully,

Marcelo Rodriguez
187 Peralta Ave.
San Francisco CA
415 355-4544



Oppose the proposed merger of 124-126 Mullen Avenue

Frank Harris <frankbh@gmail.com>

Tue, Jan 15, 2013 at 11:35 AM

To: ben.fu@sfgov.org

Bcc: akrieger@gmail.com

January 15, 2013

Mr. Ben Fu

San Francisco Planning Department

San Francisco Planning Commission

1650 Mission Street, Suite 400

San Francisco, CA 94103

Dear Mr. Fu and San Francisco Planning Commission,

We live in Bernal Heights and oppose the proposed merger of our neighbors' units 124-126 Mullen Avenue. This merger is proposed by a property development company that has bought this building at a foreclosure auction. We have lived in this corner of Bernal Heights for 27 years and have seen how important it is to have rental opportunities in this community. Relatively affordable rents are vital so that Bernal Heights can maintain its unique character and diversity.

We urge the Planning Commission to stop the destruction of a valuable resource in this community: the existing rental stock. Rents have become extremely high, and this merger would create a building not subject to rent control. This property development company should not be allowed to take away this important resource from our community by creating one building that would not be covered by rent control laws.

To have communities made up of people from all backgrounds, we must provide people with affordable units in which to live. Without affordable and relatively affordable housing throughout the city, only those who can afford to buy or pay extremely high rents will be able to live in communities like Bernal Heights. This merger of a tenant-occupied unit would be a step backwards for Bernal Heights and we believe the Planning Department and Planning Commission should block this proposal.

Frank and Christine Harris

3 Macedonia Street

San Francisco, CA 94110

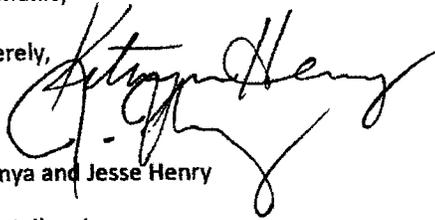
(415) 695-2770

January 11, 2013

Dear Planning Commission,

We are a family living in Bernal Heights on Mullen Ave. and are writing to share our opposition to the proposed merger of apartments 124-126 Mullen Ave. This merger is being proposed by a property developer and would result in the loss of a rent-controlled unit that could be occupied by a tenant. Part of the reason we have chosen to raise our family in this neighborhood is because of its diversity. Removing rental housing that renters can afford will take away from this. Protecting housing options for people of all economic means is one of the ways we can protect San Francisco and Bernal Height's unique character. We believe allowing this merger is the wrong choice for our community and that the property developer should not be allowed to remove this precious resource of rental units in our community

Sincerely,

A handwritten signature in black ink, appearing to read 'Katanya and Jesse Henry', written over a faint, illegible typed name.

Katanya and Jesse Henry

146 Mullen Ave

San Francisco, CA 94110

1/13/13

Regarding: 124-126 Mullen Ave proposed merger-- Building Permit 2012.04.24.8941

Dear Planning Commission,

As a long-time resident and property owner on Mullen Avenue, I write to oppose the application for the merger of 124-126 Mullen Ave proposed by Maven Investments.

This merger would mean the destruction of a rental unit at a time when our community cannot afford losses like this. This community has long-benefited from the availability of rental properties so that renters can join the neighborhood and be a part of Bernal Heights. The cost of rent has been skyrocketing throughout the city; this is exactly why we should not be destroying a relatively affordable rental unit. We should be doing everything we can to protect existing rental units. By ensuring that there remain opportunities for renters to live in Bernal Heights so that we can protect the diverse community that exists here.

This property was foreclosed on and bought by a real estate property development company that has made no effort to discuss with the community about this proposed merger. Additionally, the company has not made clear what impact this proposed merger and façade work would have on the Mullen park. Pursuing these types of projects without discussion within the community is not the way planning should happen.

I urge the planning commission to follow their stated policy of preserving San Francisco's existing rental stock by rejecting this proposed application for a merger.

Ben Molina
125 Mullen Avenue



January 13, 2013

Re: Opposition to proposed merger at 124-126 Mullen Ave
Attn: Ben Fu

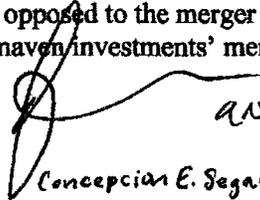
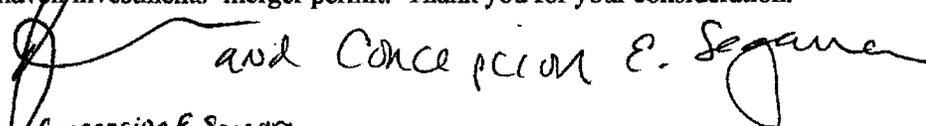
To San Francisco Planning Department:

We are residents of Mullen Avenue and are writing to oppose the proposed merger of the 124-126 Mullen Ave apartments by Maven Investments.

We have lived in this neighborhood for many years, raising our family here, and have seen the way that affordable rental property has made this the diverse neighborhood that it is today. Destroying a rental unit would eliminate an important resource in our community and take away an opportunity for a renter to join the Bernal Heights community. There are very few affordable rental properties left in San Francisco and having housing that low-income and middle income people and families can afford makes San Francisco the city that it is. For as long as we have lived here, 124 and 126 Mullen have been rental units. Getting rid of one of these apartments takes away an opportunity for people to join this community who cannot afford the expense of owning a home. If we fail to protect rent-controlled properties from this sort of development, the diverse character of this city will suffer.

We understand that Maven Investments is a company that buys many foreclosed properties in San Francisco every year to flip them at a profit. Maven Investments has made no efforts to talk with us or the neighborhood about their plans with this building or the impact on the community. Losing this rental unit and creating a building not covered by rent control would change this neighborhood. We do not believe that this property development company should be taking away rental units from the community, particularly when they are already a scarce resource.

This is why we are opposed to the merger of the Mullen street units. We ask that the planning commission deny maven investments' merger permit. Thank you for your consideration.

Ian Williams +  and 
Concepcion E. Segura
131 MULLEN AVE, SAN FRANCISCO, CA 94110



Anna Krieger <akrieger@gmail.com>

Merger at 124 Mullen

Tom Radtke <tjradtke@gmail.com>

Thu, Jan 31, 2013 at 6:54 PM

To: ben.fu@sfgov.org

Bcc: akrieger@gmail.com

Dear Ben Fu and San Francisco Planning Commissioners:

I am neighbor living near 124 and 126 Mullen Ave and I am writing regarding the proposed merger of these apartments. I would like to express my opposition to this proposal.

I object to this proposal because it would destroy two rental units that many people can afford because of rent-control protections. These units would be replaced with one larger unit that is a much less affordable option because it would not be subject to rent control. The affordable housing crisis in this city has resulted in a crisis for low and middle income renters. Destroying rental units in Bernal Heights is not the answer, particularly when it is proposed by a real estate investor who is not part of this community and purchased the building at a foreclosure auction. Destroying rental opportunities would take away from Bernal Heights' unique and diverse character. For these reasons, the planning commission should not allow this merger. Thank you for your time.

Sincerely,

Tom Radtke

139 Mullen Avenue



Merger at 124 Mullen Ave.

Klea McKenna <kleamckenna@gmail.com>

Fri, Feb 22, 2013 at 8:10 AM

To: ben.fu@sfgov.org

Bcc: akrieger@gmail.com

To Ben Fu and the San Francisco Planning Commission,

I am writing today to share with you that I oppose the proposed merger at 124 and 126 Mullen Avenue. I believe that this merger is the wrong thing for our neighborhood because it would eliminate a rental housing opportunity that many San Franciscans of low and moderate incomes could afford. It would also mean that the new unit would not be covered by rent control protections. This whole proposal is not by someone who lives in the community or is part of Bernal Heights – rather, the merger is proposed by a property developer who bought this building at a foreclosure auction. This company should not be allowed to take advantage of the foreclosure and destroy a rental unit. Instead, the Planning Commission should deny this application and ensure that below-market and affordable rental opportunities remain available in this neighborhood. Only by having such rental opportunities can Bernal Heights remain a unique culturally and socio-economically diverse community. These were the characteristics that drew my family and I to purchase property on Mullen Avenue and become residents. I believe the planning department should deny this permit for a merger and protect the opportunity for affordable housing in this close-knit neighborhood.

Respectfully,

Klea McKenna

Resident/owner @ 263 Mullen Avenue

--

Klea McKenna
WWW.KLEAMCKENNA.COM
kleamckenna@gmail.com

Co-founder /// Photographer @

In The Make

Weekly studio visits with West Coast artists

www.inthemake.com



Fwd: Opposition to the Merger of Rental Units at 124 - 126 Mullen Avenue

Anna M. Krieger <akrieger@gmail.com>
To: Anna Krieger <akrieger@gmail.com>

Wed, Mar 13, 2013 at 10:01 PM

----- Forwarded message -----

From: **Terrence King** <tking2007@gmail.com>
Date: Sun, Jan 20, 2013 at 2:20 PM
Subject: Opposition to the Merger of Rental Units at 124 - 126 Mullen Avenue
To: ben.fu@sfgov.org

Attn: BEN FU

To San Francisco Planning Commissioners:

I am a resident of Mullen Avenue near the location of the proposed merger of rental units located at 124 and 126 Mullen. I oppose the merger proposed by the real estate development company Maven Investments. Maven Investments bought this property at a foreclosure auction and is now proposing to destroy one of the rental units through a merger. They have done nothing to discuss this with the neighborhood. Both of these units have been rented at below-market rates and the two-unit building is protected by rent-control. Having rent-controlled apartments is essential to maintaining the diversity of the Bernal Heights neighborhood, and to San Francisco as a whole. This development company now seeks to destroy one of these rental units, a project that would result in one unit not protected by rent control. The cost of rental properties in the neighborhood, and city, has increased to the point that San Francisco has become unaffordable to many of the very people who have made this city the vibrant, diverse community that it is known for. Destroying moderately priced rental properties such as the ones on Mullen Avenue is the wrong thing to do. We have seen the importance of affordable rental opportunities in the Bernal Heights community.

The San Francisco General Plan and the Planning Department's own policies provide for the protection of rental properties by disfavoring mergers and protecting rental properties. We urge the Planning Commission and Planning Department to make a decision in line with these policies and that protects these valuable rental units at 124 and 126 Mullen Ave.

Sincerely,

Terrence King

256 Mullen Avenue



Proposed merger of 124 and 126 Mullen - Attn: Ben Fu

Neil Ludman <ludmann@comcast.net>
To: ben.fu@sfgov.org

Mon, Jan 21, 2013 at 9:53 AM

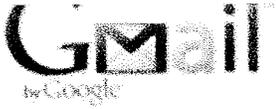
To Mr. Fu and the San Francisco Planning Commissioners:

I live down the block on Mullen Avenue from where there is a proposed merger of rental units, 124 and 126 Mullen. I oppose the merger proposed by the real estate development company Maven Investments. Maven Investments bought this property at a foreclosure auction and is now proposing to destroy one of the rental units through a merger. They have done nothing to involve the neighborhood in this development. Both of these units have been rented at below-market rates and the two-unit building is protected by rent-control. Having rent-controlled apartments is essential to the character of this neighborhood, and to San Francisco as a whole. This development company now seeks to destroy one of these rental units, a project that would result in one unit not protected by rent control. The cost of rental properties in this city has increased to the point that San Francisco has become unaffordable to many of the very people who have made this city the vibrant, diverse community for which it is known. Destroying moderately sized and priced rental properties such as the ones on Mullen Avenue is the wrong thing to do. We have seen the importance of affordable rental opportunities in the Bernal Heights community. Bernal Heights has provided me with a unique neighborhood, with its diverse blend of housing and people for decades, in part due to the mix of housing found here for many years. The proposed merger will contribute to the destruction of the character of the neighborhood.

The San Francisco General Plan and the Planning Department's own policies provide for the protection of rental properties by disfavoring mergers and protecting rental properties. We urge the Planning Commission and Planning Department to make a decision in line with these policies and that protects these valuable rental units at 124 and 126 Mullen Ave., and which will preserve the character of Bernal Heights

Sincerely,

Neil Ludman
256 Mullen Avenue



Merger at 124 Mullen

eduardo antonio <anlododo@hotmail.com>
To: ben.fu@sfgov.org, akrieger@gmail.com

Tue, Jan 22, 2013 at 11:15 AM

Dear Mr. Ben Fu and San Francisco Planning Commissioners:

We oppose the merger proposed at 124 and 126 Mullen. This is a situation where a real estate investment company that bought a unit at a foreclosure auction is proposing to remove a rental unit from our neighborhood. Destroying a rental unit and removing rent control protections from this building will be bad for our neighborhood. This is an extremely diverse community and that is because there are rental protections that mean low-income and moderate-income people can live in Bernal Heights. Rents are skyrocketing in the city and this is the wrong time to get rid of rental units. Do not allow this property development company to take this valuable resource away from our neighborhood: please deny this merger of 124 and 126 Mullen Ave.

Sincerely,

Eduardo Antonio
234 Mullen Avenue



Anna Krieger <akrieger@gmail.com>

Merger of 124 and 126 Mullen Ave

Philip Behn <fbehn@gmx.net>
To: ben.fu@sfgov.org

Wed, Jan 23, 2013 at 10:03 AM

Dear Mr. Fu,

I am writing to you and the relevant Planning Commission to express my opposition to the proposed merger of 124 and 126 Mullen Ave. There is already a shortage of rental properties in San Francisco. Eliminating yet another rental unit that is affordable would be a step backwards for Bernal Heights. This neighborhood is a diverse community and that is very much because of the availability of smaller rental units like 124 and 126 Mullen. Allowing a property development and real estate investment company to do this merger would harm our Bernal Heights neighborhood.

Please deny this merger permit application and protect our neighborhood.

Sincerely,

Philip Behn

226 Mullen Ave

SAN • FRANCISCO
TENANTS • UNION

558 Capp Street • San Francisco CA • 94110 • (415) 282-6543 • www.sftu.org

January 13, 2013

Attn: Ben Fu
San Francisco Planning Commission
1650 Mission Street, Suite 400
San Francisco, CA 94103-2414

Re: **Opposition to merger of 124-126 Mullen Avenue**
Building application no. 2012.04.24.8941

To San Francisco Planning Commissioners:

The San Francisco Tenants Union writes to express our opposition to the proposed merger of 124-126 Mullen Avenue proposed by Maven Investments. Since 1971, the San Francisco Tenants Union has been the city's leading advocate for tenants in advocating for tenants rights and the preservation of affordable housing in San Francisco.

Opposition to dwelling unit merger: The Planning Commission should reject this proposal for a merger because it would destroy one of the few rental units that lower and middle income San Franciscans can afford. The resulting unit would be un-affordable and not rent-controlled. Relatively affordable units like 124 and 126 Mullen Avenue provide opportunities for renters of diverse socio-economic backgrounds to remain in San Francisco. Units such as these should not be destroyed at a time when the rental market is in such crisis. Moreover, this building was bought by a property development company at a foreclosure auction in 2011 when both units were tenant-occupied. Neither unit involved in the merger is owner-occupied.

San Francisco's affordable housing crisis has reached unprecedented extremes. Now is not the time to destroy existing rental units that are relatively affordable. Protecting existing housing stock and neighborhood character are priorities articulated in both the Planning Commission's priority policies and the Housing Element of San Francisco's General Plan. **In keeping with these policies, we urge the Planning Commission in its oversight role to protect the precious resource of existing rental stock and reject this merger.**

Sincerely,

Ted Gullicksen
San Francisco Tenants Union

RESEARCH COLLECTIONS IN URBAN HISTORY AND URBAN STUDIES

**General Editor:
Bruce M. Stave**

**FIRE INSURANCE MAPS FROM
THE SANBORN MAP COMPANY ARCHIVES:
Late 19th Century to 1990**

California

NOTE: A printed reel guide is available for your use.

An alphabetical list of the communities of this state represented in this collection with reel numbers indicated is filmed at the beginning of each reel.

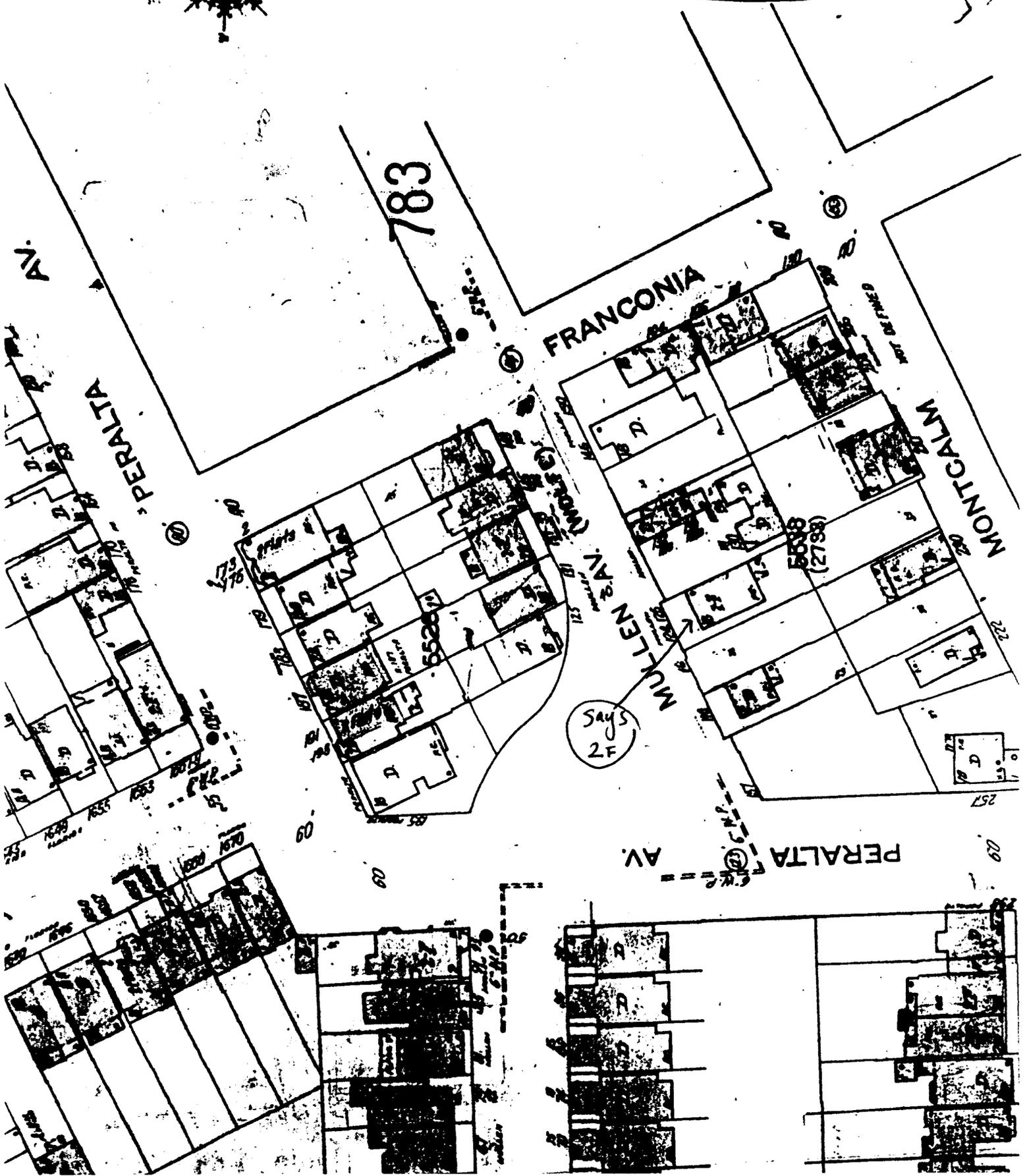
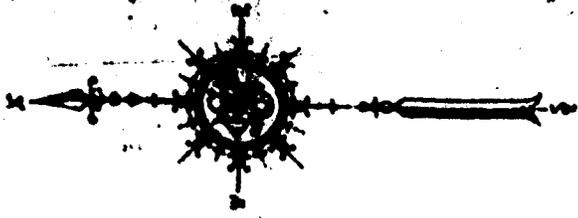
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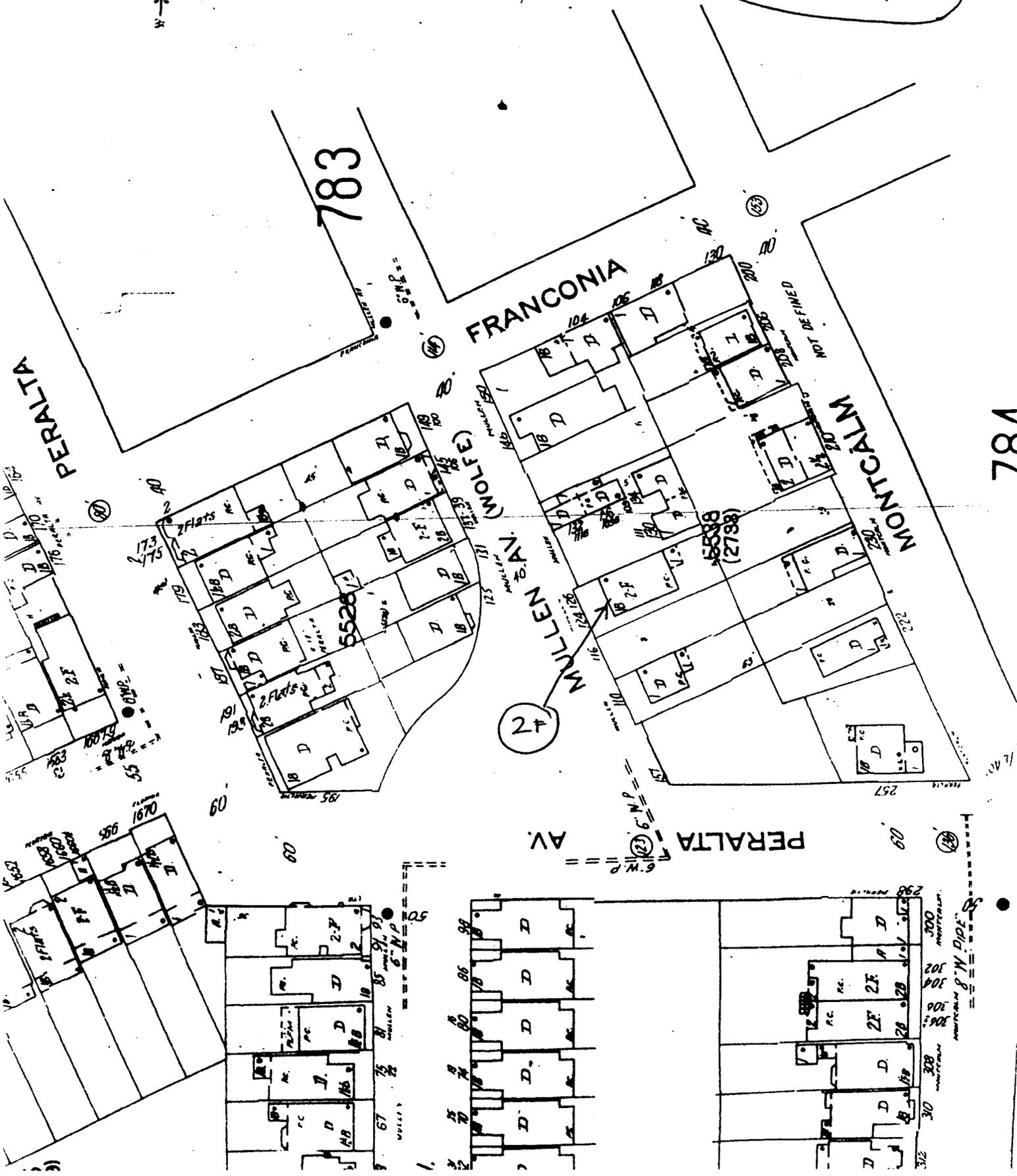
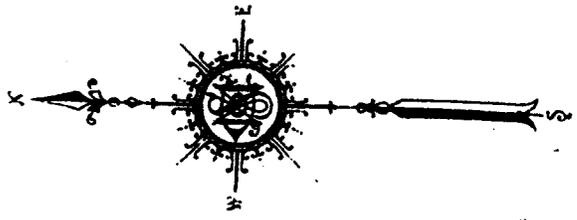
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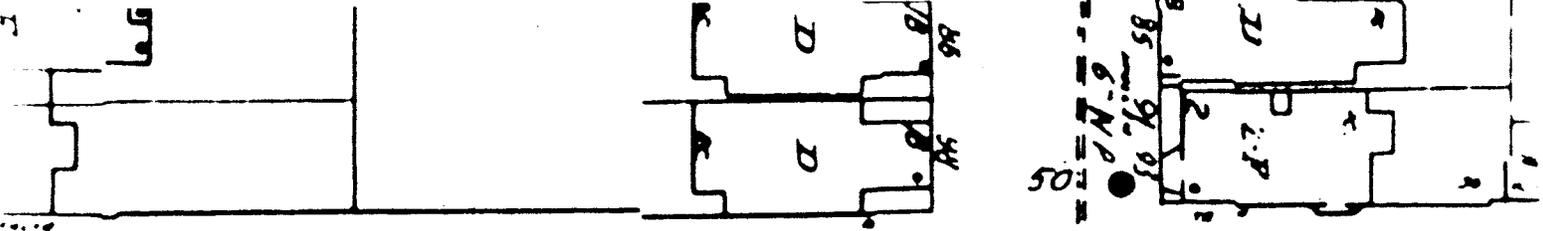
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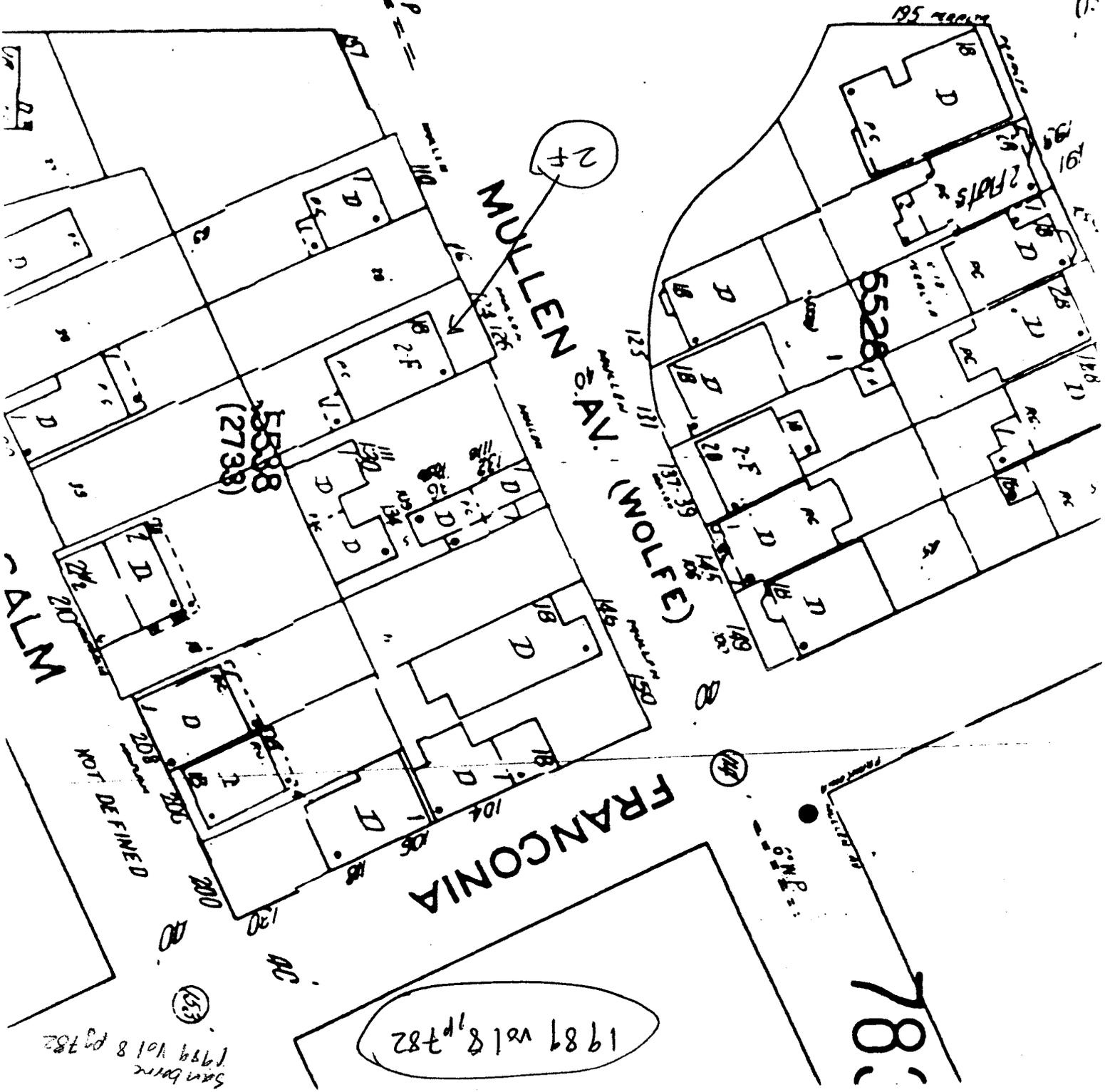


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craig lipton
 <maveninv@earthlink.net>
 07/08/2005 03:20 PM

To David Lindsay <David.Lindsay@sfgov.org>
 Andrew Junius <ajunius@reubenlaw.com>, Mary Woods
 cc <Mary.Woods@sfgov.org>, Buscovich Pat
 <Patrick@buscovich.com>

bcc
 Subject Re: 1865 Clay - Site plan

Thank you for the email David.

I am interpreting that criteria differently. I believe the heart of the issue is does an owner of the property reside in the property and does the proposal that is being submitted to planning benefit the owner/occupant. In this case, it does.

I am not asking to combine units to make more room for my family. I am asking to move a substandard unit on the ground floor to the second floor to bring the property into compliance with current fire code and eliminate illegal and unsafe conditions in this unit (ie. The main fire sprinkler shut off is located in the closet of a bedroom of this ground floor unit, so in the event of an emergency, fire fighters would not easily be able to locate this valve) and at the same time provide parking which will benefit all of the residents, including one of of the Owners, a family of three that badly needs parking in the property they own and call their home.

I believe the criticism I have heard about the merger policy, as acknowledged by the mayor, is that the policy is sending out a message that San Francisco is not family friendly. By not allowing a family to add parking to a property they live in and own does send this message.

This will be the message my family will be sending to the commission when they speak at the hearing.

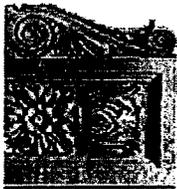
Craig

.....
 Craig Lipton
 Maven Investments
 Real Property Investment and Brokerage
 Property and Golf Course Management
<http://www.maveninvestments.com>
<http://www.gleneaglesgolfsf.com>
 (415) 923-0916: Phone
 (415) 440-7584: Fax

> From: David Lindsay <David.Lindsay@sfgov.org>
 > Date: Fri, 8 Jul 2005 15:01:07 -0700
 > To: craig lipton <maveninv@earthlink.net>
 > Cc: Andrew Junius <ajunius@reubenlaw.com>, Mary Woods <Mary.Woods@sfgov.org>
 > Subject: Re: 1865 Clay - Site plan

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> Mr. Lipton - I'm Mary's supervisor and was copied on this exchange of
 > e-mails - please allow me to put in my two cents worth on Criteria 5, "The
 > units are intended for occupancy by the owner." I understand that your



David
Lindsay/CTYPLN/SFGOV
07/08/2005 03:01 PM

To craig lipton <maveninv@earthlink.net>
cc Andrew Junius <ajunius@reubenlaw.com>, Mary Woods
<Mary.Woods@sfgov.org>
bcc
Subject Re: 1865 Clay - Site plan

Mr. Lipton - I'm Mary's supervisor and was copied on this exchange of e-mails - please allow me to put in my two cents worth on Criteria 5, "The units are intended for occupancy by the owner." I understand that your family currently resides in the building - however, the point that the policy (& criteria #5 in particular) is getting at, is whether the owner is residing in one of the units to be merged. In other words, the merger would allow the owner and his or her family to expand their current living space by incorporating space from another unit. Which unit is your family occupying? If they are occupying a unit other than one of the units adjacent to the studio unit, then the correct answer to #5c in the questionnaire is "no." (the ground floor unit is not proposed to be merged with another unit, but is proposed to be eliminated in its entirety in order to install a parking garage, so the criteria does not really apply to the ground floor unit). Please clarify which unit your family occupies. Thanks.

David Lindsay
Senior Planner, NW Quadrant, Neighborhood Planning
Planning Department, City and County of San Francisco
1660 Mission Street, Suite 500
San Francisco, CA 94103

david.lindsay@sfgov.org

415.558.6393 (voice)
415.558.6409 (fax)

craig lipton <maveninv@earthlink.net>



craig lipton
<maveninv@earthlink.net>
07/08/2005 02:40 PM

To: Mary Woods <Mary.Woods@sfgov.org>
cc: Andrew Junius <ajunius@reubenlaw.com>, David Lindsay
<David.Lindsay@sfgov.org>
Subject: Re: 1865 Clay - Site plan

I do agree that we made an error. Our bad, sorry. As I mentioned, my ex-wife and my 6 year old son and 4 year old daughter all plan to testify that they need the garage for there car, their bikes, scooters, tricycles, etc.

Craig

.....
Craig Lipton
Maven Investments
Real Property Investment and Brokerage
Property and Golf Course Management
<http://www.maveninvestments.com>
<http://www.gleneaglesgolfsf.com>
(415) 923-0916: Phone
(415) 440-7584: Fax

> From: Mary Woods <Mary.Woods@sfgov.org>

March 13, 2013

San Francisco Planning Commission
1650 Mission Street, Suite 400
San Francisco, CA 94103-2414

Re: Discretionary Review Request for proposed merger of 124 and 126 Mullen Ave.
Building permit application no. 2012.04.24.8941
Planning Commission Hearing date April 4, 2013

To San Francisco Planning Commission:

Additional statement for Discretionary Review Request

We are tenants living in 124 Mullen Avenue. We ask that you oppose the proposed merger of 124 and 126 Mullen for these reasons:

- The merger **does not meet three of the merger criteria** and is **inconsistent with City policies**.
- This merger would result in the **destruction of a unit** that has been in existence since the 1970s and the loss of rent-controlled units in a neighborhood where affordable and relatively affordable housing are extremely important to the **neighborhood character**.
- There is strong community opposition to this merger: **neighbors** and the **San Francisco Tenants Union** oppose this merger.
- The permit application was administratively approved, however the owner's permit application included **misinformation** that one of the units was owner-occupied, which it was not.
- This merger is proposed by a property development company that bought the building at foreclosure auction; **there is no owner occupancy** or intention of future owner-occupancy.
- This merger is **unprecedented** because it involves tenants who the landlord has actively been attempting to remove from their home. Two months before the owner filed the merger request, the owner told tenants he was proceeding with an **Ellis Act eviction**.
- The issue with the location of the entrance can be addressed through **internal remodeling**.

I. UNPRECEDENTED NATURE OF THIS MERGER AND INCONSISTENCY WITH CITY POLICY

A. Merger is inconsistent with City and Planning Department policy.

The Planning Department's implementation guidelines for mergers make clear that the Commission's approach to mergers:

“Because housing in San Francisco is a valuable resource that requires protection and the Planning Commission supports the conservation of existing housing, and, although certain special circumstances may arise in which the removal of a dwelling unit may be necessary to further the objectives and Policies of the general Plan, **the Commission maintains a strong objective to mitigate the loss of relatively affordable market rate housing.**”

Zoning Controls on the Removal of Dwelling Units, a San Francisco Planning Code Implementation Document, 2010, Page 24. (emphasis added)

Here, the merger does not meet three of the criteria and loss of the apartment would be inconsistent with the objectives and policies of the General Plan, which it is the job of the Planning Commission and Department to implement. We certainly understand that there are special circumstances where mergers are appropriate, such as when a family living in two units requests to merge the units to accommodate their need for space. The proposed merger is not that situation and we are unable to find any similar merger that the Commission has ever approved. Here, the owner is an investment company and there is no owner-occupancy or plan for owner-occupancy.

1. **Merger is inconsistent with City policies that prioritize protecting rent-controlled units and maintaining affordability of rental units.**

“Retain existing housing by controlling the merger of residential units.”

Housing Element, Policy 2.2

“Protect the affordability of the existing housing stock, especially rental units...[R]ent controlled units...meet the needs [of renters] at lower income levels.”

Housing Element, Objective 3

“Preserve rental units, especially rent-controlled units, to meet the City's affordable housing needs.”

Housing Element, Policy 3.1

“Encourage sufficient and suitable rental housing opportunities and emphasize permanently affordable rental units wherever possible.”

Housing Element, Policy 8.1

The merger would involve the destruction of an extremely affordable unit last rented at \$850 per month. It would also remove rent-control protections from two units, both of which are extremely affordable. The rent for unit 124 Mullen is currently \$1650 per month. Both of these units are just the type of units the city policy seeks to protect because they provide opportunities for a wide range of renters from different backgrounds to live in San Francisco. This is not a situation where a family is living in units and requests a merger in order to expand: this merger

would only result in one less unit and two fewer rent-controlled units. Destruction of the 126 Mullen unit results in the permanent loss of a unit that has provided an affordable housing option for many years. Under these policies, these are not the circumstances in which a merger should be allowed.

2. Merger is inconsistent with policy of preserving neighborhood character.

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

Planning Code Section 101.1

These two rent-controlled units have been rented to tenants in this neighborhood for decades. Rental opportunities like these have allowed the South slope of Bernal Heights to become a diverse community of people from all socio-economic and cultural backgrounds. Without affordable housing options such as these, this neighborhood would be extremely different. Over the years, buildings in the group of apartments at Mullen has housed immigrants, senior citizens, artists, students, and low-income people who could not afford more expensive rents. Removing these units from rent-control and destroying one of them would directly impact the character of this neighborhood, where there are few rental opportunities left. The unit that would be removed is a legal unit that has been in existence for at least 40 years. Sanborn maps from the 1960s are attached to show that this building has been recorded as two-family dwelling since the 1960s. Preserving these units is consistent with city policy.

3. Merger is inconsistent with policies protecting against rent increases and tenant displacement.

- “Safeguard tenants from excessive rent increases.”
Housing Element, Policy 6.3
- “Avoid or mitigate hardships imposed by displacement.”
Housing Element, Objective 9.

Allowing this merger would be against the above policies of protecting tenants from excessive rent increases and from displacement because it would remove rent-controls from a tenant-occupied apartment. This merger is unlike the mergers typically considered by the Planning Commission where owners seek to merge two units that they live in and no tenants are affected. Here, the owner proposing the merger has actively been trying to displace the tenants living there when he bought the building at a foreclosure auction. A month after buying the building, the owner of Maven Investments, Craig Lipton, wrote to us that if we did not accept his buy-out offer, he “will obtain possession of unit one way or another.” He then told us he was going forward with an Ellis Act eviction against us. Two months later, he instead filed a merger permit request.

This merger would result in a tenant-occupied no longer being covered by rent-control, meaning that the rent could be raised to any amount. The extremely difficult rental market would leave us with incredibly limited options within San Francisco if we were forced to leave our home. Given the lack of owner-occupancy, the merger is inconsistent with these policies protecting tenants.

II. MERGER DOES NOT MEET THREE OF THE FIVE CRITERIA

A. CRITERIA ONE & TWO NOT MET: the owner does not live in either unit and does not intend to move in and one unit is tenant occupied.

Criterion one is not met because unit 126 is not owner-occupied and we have been the tenants in 124 Mullen for over four years. Criterion two is not met because the unit is not intended for owner-occupancy.

Misrepresentations by project sponsor: Criterion one asks whether removal of the unit would only eliminate “owner-occupied” housing. Mr. Lipton understands what “owner-occupancy” means in the specific context of mergers. Yet, in his merger application, Mr. Lipton stated that the criterion one *was* met, however he does not live in the building and does not intend to live in the building after the merger. Based on this information, the August 2012 Zoning Administrator Action Memo incorrectly stated that criterion one was met because “both of the units are occupied by the same owner.” Because of this determination, there was no Mandatory Discretionary Review. As tenants, we could not address this because Mr. Lipton did not tell us about the merger application until months after the administrative approval.

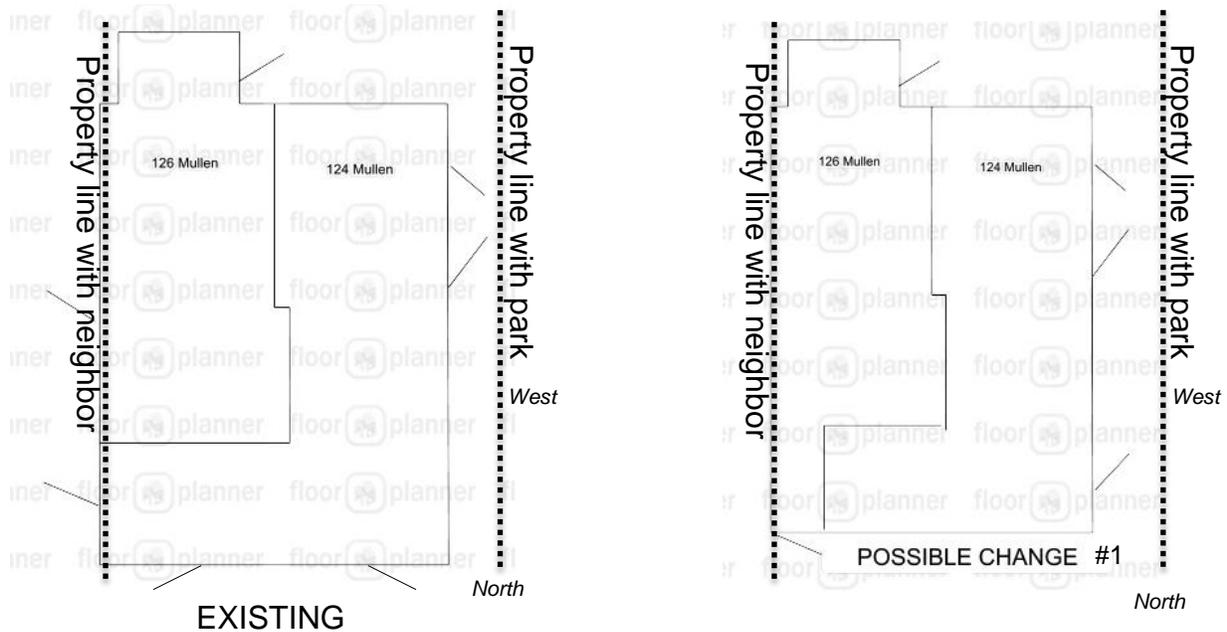
Attached, please find emails between Mr. Lipton and Planning Department staff from a merger he was involved in in 2005 at 1865 Clay Street (2005.0185D) where his wife was an owner and occupant of one of the units in the building. The emails show Mr. Lipton’s understanding of the meaning of “owner-occupancy” for mergers:

- Mr. Lipton wrote to Planning Department staff about his interpretation of the criteria around owner occupancy for mergers: **“I believe the heart of the issues is does an owner reside in the property and does the proposal that is being submitted to planning benefit the owner/occupant.”**
Email from Craig Lipton to David Lindsay, Senior Planner, copying Patrick Buscovich, 7/8/2005.
- Department staff wrote to Mr. Lipton that the merger policy around owner-occupancy concerns **“whether the owner is residing in one of the units to be merged. In other words, the merger would allow the owner and his or her family to expand their current living space by incorporating space from another unit.”**
Email from David Lindsay, Senior Planner, to Craig Lipton, 7/8/2005.

B. CRITERION FIVE NOT MET: internal remodeling can correct structural problems.

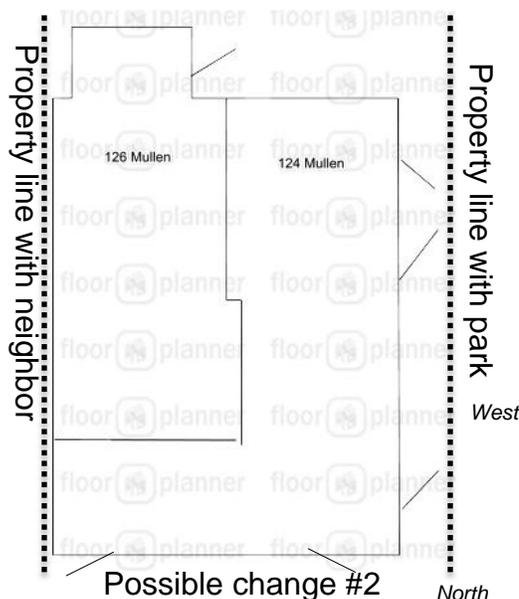
The fifth criterion concerns whether there is a design or functional deficiency that **cannot** be corrected through internal alterations. The Planning implementation guidelines state that this criterion is only met in “exceptional circumstances.” *Zoning Controls on the Removal of Dwelling Units*, page 25. Here, there is no exceptional circumstance because the problem of the entrances opening onto the adjacent property **can be corrected** through an internal remodeling. A merger is not needed to fix this problem and allowing a merger would be inconsistent with the City policies disfavoring loss of rental units.

First, an entrance could be created for both units either on the front, street side that faces North or on the opposite side of the building that faces West. Below are two informal graphics, not to scale, to illustrate roughly how this change could be made.



In fact, the project sponsor himself had the original plan of creating two side-by-side units with front entrances onto the street. This plan was explained to us in person and in an email, where Mr. Lipton said **he planned to do a remodeling and sell the units as two tenancy-in-commons**. This was after he knew about the issue with the entrances.

A second option to correct the entrance issue would be to remodel 126 Mullen to use the existing back door as the entrance. This would not require the front hallway to be as in the proposal above. There is space to enter along the side of the building on the property's West side (right side is diagram above). This space is wide enough for passage, and in fact there is presently a platform deck there and a path leading along the corner of the building to the 126 Mullen back entrance. The diagram below shows this second possible change.



1. Non-conforming use is not an issue here.

Maven Investments has stated to us that they cannot do the above proposed remodeling because they are limited by Planning Code Section 181 non-conforming use restrictions, as the property is zoned RH-1. However, this is not an issue for a number of reasons. First, the second proposed remodel involves no expansion of either unit, therefore not triggering non-conforming use issues. Regardless, non-conforming use restrictions should not impact the analysis in criterion five.

Planning Department guidance about how to interpret criterion five makes clear that the real issue is for this criterion is the structure, not matters like non-conforming use restrictions:

“Criterion [five] would be satisfied only under **exceptional circumstances** arising from the **necessity** to remove a unit to relieve significant **design deficiencies** that compromise its livability and would correct situations that create uninhabitable spaces.”

Zoning Controls on the Removal of Dwelling Units, page 25. (emphasis added)

The use of the terms “design deficiencies” and “uninhabitable spaces” makes clear that the criterion is focused on the physical structure of the units. **It would be inconsistent with City policy, which disfavors the loss of units, to allow a merger solely because a potentially non-conforming unit might have to be expanded to fix a design problem.** In fact, merger criterion four already takes into account how a merger would impact prescribed zoning. Thus, it is understood that proposed mergers will frequently involve units that are not conforming with prescribed zoning. While criterion four focuses on zoning conformance, the focus in criterion five should be solely on the design of the building and whether a remodel would fix a design problem.

Here, the proposed remodels are reasonable ways to fix the design problem and allowing the remodels would prevent the loss of rental property, an outcome consistent with City policy. If the choice is between losing a legal rental unit in existence since the 1970s and a small expansion of a non-conforming unit, City policies and priorities favor not destroying the rental unit. For this reason, the fifth criterion is met, and the merger should be denied.

Additionally, this argument from the owner is premature because there has been no letter of determination stating that either unit is non-conforming. Even if 126 Mullen were considered the non-conforming unit, restructuring of the units would be allowed because the remodel would correct an aspect of non-conformance: the entrances opening onto the adjacent property. Planning Code Section 181(b). Further, the Planning Commission can authorize a remodel even if it involves expanding a non-conforming use. Such an authorization is appropriate and is more consistent with City policy than destroying a rental unit.

REQUEST: This merger is unprecedented and highly inconsistent with the City’s core policies. The standards the City has set out for mergers do not allow a merger in this case. Please oppose this merger. Thank you for your time and attention.

Sincerely,

Anna Krieger and Jonathan Knapp

From: [Klea McKenna](#)
To: [Fu, Ben](#)
Subject: Merger at 124 Mullen Ave.
Date: Friday, February 22, 2013 8:12:17 AM

To Ben Fu and the San Francisco Planning Commission,

I am writing today to share with you that I oppose the proposed merger at 124 and 126 Mullen Avenue. I believe that this merger is the wrong thing for our neighborhood because it would eliminate a rental housing opportunity that many San Franciscans of low and moderate incomes could afford. It would also mean that the new unit would not be covered by rent control protections. This whole proposal is not by someone who lives in the community or is part of Bernal Heights – rather, the merger is proposed by a property developer who bought this building at a foreclosure auction. This company should not be allowed to take advantage of the foreclosure and destroy a rental unit. Instead, the Planning Commission should deny this application and ensure that below-market and affordable rental opportunities remain available in this neighborhood. Only by having such rental opportunities can Bernal Heights remain a unique culturally and socio-economically diverse community. These were the characteristics that drew my family and I to purchase property on Mullen Avenue and become residents. I believe the planning department should deny this permit for a merger and protect the opportunity for affordable housing in this close-knit neighborhood.

Respectfully,

Klea McKenna

Resident/owner @ 263 Mullen Avenue

--

Klea McKenna
WWW.KLEAMcKENNA.COM
kleadmckenna@gmail.com

Co-founder /// Photographer @
[In The Make](#)
Weekly studio visits with West Coast artists
www.inthemade.com

From: [Tom Radtke](#)
To: [Fu, Ben](#)
Subject: Merger at 124 Mullen
Date: Thursday, January 31, 2013 6:54:19 PM

Dear Ben Fu and San Francisco Planning Commissioners:

I am neighbor living near 124 and 126 Mullen Ave and I am writing regarding the proposed merger of these apartments. I would like to express my opposition to this proposal.

I object to this proposal because it would destroy two rental units that many people can afford because of rent-control protections. These units would be replaced with one larger unit that is a much less affordable option because it would not be subject to rent control. The affordable housing crisis in this city has resulted in a crisis for low and middle income renters. Destroying rental units in Bernal Heights is not the answer, particularly when it is proposed by a real estate investor who is not part of this community and purchased the building at a foreclosure auction. Destroying rental opportunities would take away from Bernal Heights' unique and diverse character. For these reasons, the planning commission should not allow this merger. Thank you for your time.

Sincerely,

Tom Radtke

139 Mullen Avenue

From: eduardo_antonio
To: Fu, Ben; akrieger@gmail.com
Subject: Merger at 124 Mullen
Date: Tuesday, January 22, 2013 11:15:13 AM

Dear Mr. Ben Fu and San Francisco Planning Commissioners:

We oppose the merger proposed at 124 and 126 Mullen. This is a situation where a real estate investment company that bought a unit at a foreclosure auction is proposing to remove a rental unit from our neighborhood. Destroying a rental unit and removing rent control protections from this building will be bad for our neighborhood. This is an extremely diverse community and that is because there are rental protections that mean low-income and moderate-income people can live in Bernal Heights. Rents are skyrocketing in the city and this is the wrong time to get rid of rental units. Do not allow this property development company to take this valuable resource away from our neighborhood: please deny this merger of 124 and 126 Mullen Ave.

Sincerely,

Eduardo Antonio
234 Mullen Avenue

From: [Philip Behn](#)
To: [Fu, Ben](#)
Subject: Merger of 124 and 126 Mullen Ave
Date: Wednesday, January 23, 2013 10:04:10 AM

Dear Mr. Fu,

I am writing to you and the relevant Planning Commission to express my opposition to the proposed merger of 124 and 126 Mullen Ave. There is already a shortage of rental properties in San Francisco. Eliminating yet another rental unit that is affordable would be a step backwards for Bernal Heights. This neighborhood is a diverse community and that is very much because of the availability of smaller rental units like 124 and 126 Mullen. Allowing a property development and real estate investment company to do this merger would harm our Bernal Heights neighborhood.

Please deny this merger permit application and protect our neighborhood.

Sincerely,

Philip Behn

226 Mullen Ave

From: [Bob Weisblatt](#)
To: [Fu, Ben](#)
Subject: Merger of 124 and 126 Mullen Ave
Date: Thursday, January 10, 2013 3:09:29 PM

Dear Mr. Fu:

I'm writing you to express my opposition to the merger of the two rental units, 124 Mullen and 126 Mullen into a single unit. I can see no reason to justify the elimination of a rental unit in a San Francisco where rental units already are in short supply. We in Bernal Heights highly value the diversity of our neighborhood. Merging these apartments would not only reduce the number of apartments for rent, but also remove the newly merged unit from rent control. Rent controlled units are a strong force for maintaining the diversity of Bernal Heights.

Craig Lipton, the current owner of the two apartments, is not a Bernal Heights resident. Moreover, I believe the Craig Lipton who owns this property is the same Craig Lipton who pleaded guilty to Federal charges of rigging bids when purchasing foreclosure properties. 124 and 126 Mullen were purchased in a foreclosure auction. I don't think Mr. Lipton is someone who's word should be taken at face value.

In addition, Mr. Lipton has never discussed his plan with any neighbor, or neighborhood organization in Bernal Heights. This is simply not the way business should be conducted in San Francisco.

One final point. The San Francisco Planning code states the following regarding the loss of residential units through merger:

(e) Loss of Residential Units Through Merger.

(2) The Planning Commission shall consider these criteria in the review of applications to merge Residential Units:

- (i) whether removal of the unit(s) would eliminate only owner occupied housing, and if so, for how long the unit(s) proposed to be removed have been owner occupied;
- (ii) whether removal of the unit(s) and the merger with another is intended for owner occupancy;

(iii) whether removal of the unit(s) will bring the building closer into conformance with the prevailing density in its immediate area and in the same zoning district;

(iv) whether removal of the unit(s) will bring the building closer into conformance with prescribed zoning;

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

Note that none of these five reasons for allowing a merger applies to 124/126 Mullen. Mr.

Lipton has no intention of living in the merged unit. I believe that the reason Mr. Lipton

wants to merge the units is simply to allow him to sell the property for more than he bought it

for. This is a horrible reason to allow Bernal Heights to lose an affordable unit.

Please, I urge you to deny the merger of 124 and 126 Mullen.

Sincerely,

Robert Weisblatt
140 Mullen Ave.
415-269-0371

From: [Frank Harris](#)
To: [Fu, Ben](#)
Subject: Oppose the proposed merger of 124-126 Mullen Avenue
Date: Tuesday, January 15, 2013 11:35:44 AM

January 15, 2013

Mr. Ben Fu

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

Dear Mr. Fu and San Francisco Planning Commission,

We live in Bernal Heights and oppose the proposed merger of our neighbors' units 124-126 Mullen Avenue. This merger is proposed by a property development company that has bought this building at a foreclosure auction. We have lived in this corner of Bernal Heights for 27 years and have seen how important it is to have rental opportunities in this community. Relatively affordable rents are vital so that Bernal Heights can maintain its unique character and diversity.

We urge the Planning Commission to stop the destruction of a valuable resource in this community: the existing rental stock. Rents have become extremely high, and this merger would create a building not subject to rent control. This property development company should not be allowed to take away this important resource from our community by creating one building that would not be covered by rent control laws.

To have communities made up of people from all backgrounds, we must provide people with affordable units in which to live. Without affordable and relatively affordable housing throughout the city, only those who can afford to buy or pay extremely high rents will be able to live in communities like Bernal Heights. This merger of a tenant-occupied unit would be a step backwards for Bernal Heights and we believe the Planning Department and Planning Commission should block this proposal.

Frank and Christine Harris
3 Macedonia Street
San Francisco, CA 94110
(415) 695-2770

S A N • F R A N C I S C O
T E N A N T S • U N I O N

558 Capp Street • San Francisco CA • 94110 • (415) 282-6543 • www.sftu.org

January 13, 2013

Attn: Ben Fu

San Francisco Planning Commission
1650 Mission Street, Suite 400
San Francisco, CA 94103-2414

Re: Opposition to merger of 124-126 Mullen Avenue
Building application no. 2012.04.24.8941

To San Francisco Planning Commissioners:

The San Francisco Tenants Union writes to express our opposition to the proposed merger of 124-126 Mullen Avenue proposed by Maven Investments. Since 1971, the San Francisco Tenants Union has been the city's leading advocate for tenants in advocating for tenants rights and the preservation of affordable housing in San Francisco.

Opposition to dwelling unit merger: The Planning Commission should reject this proposal for a merger because it would destroy one of the few rental units that lower and middle income San Franciscans can afford. The resulting unit would be un-affordable and not rent-controlled. Relatively affordable units like 124 and 126 Mullen Avenue provide opportunities for renters of diverse socio-economic backgrounds to remain in San Francisco. Units such as these should not be destroyed at a time when the rental market is in such crisis. Moreover, this building was bought by a property development company at a foreclosure auction in 2011 when both units were tenant-occupied. Neither unit involved in the merger is owner-occupied.

San Francisco's affordable housing crisis has reached unprecedented extremes. Now is not the time to destroy existing rental units that are relatively affordable. Protecting existing housing stock and neighborhood character are priorities articulated in both the Planning Commission's priority policies and the Housing Element of San Francisco's General Plan. **In keeping with these policies, we urge the Planning Commission in its oversight role to protect the precious resource of existing rental stock and reject this merger.**

Sincerely,

Ted Gullicksen
San Francisco Tenants Union

From: [Terrence King](#)
To: [Fu, Ben](#)
Subject: Opposition to the Merger of Rental Units at 124 - 126 Mullen Avenue
Date: Sunday, January 20, 2013 2:20:09 PM

Attn: BEN FU

To San Francisco Planning Commissioners:

I am a resident of Mullen Avenue near the location of the proposed merger of rental units located at 124 and 126 Mullen. I oppose the merger proposed by the real estate development company Maven Investments. Maven Investments bought this property at a foreclosure auction and is now proposing to destroy one of the rental units through a merger. They have done nothing to discuss this with the neighborhood. Both of these units have been rented at below-market rates and the two-unit building is protected by rent-control. Having rent-controlled apartments is essential to maintaining the diversity of the Bernal Heights neighborhood, and to San Francisco as a whole. This development company now seeks to destroy one of these rental units, a project that would result in one unit not protected by rent control. The cost of rental properties in the neighborhood, and city, has increased to the point that San Francisco has become unaffordable to many of the very people who have made this city the vibrant, diverse community that it is known for. Destroying moderately priced rental properties such as the ones on Mullen Avenue is the wrong thing to do. We have seen the importance of affordable rental opportunities in the Bernal Heights community.

The San Francisco General Plan and the Planning Department's own policies provide for the protection of rental properties by disfavoring mergers and protecting rental properties. We urge the Planning Commission and Planning Department to make a decision in line with these policies and that protects these valuable rental units at 124 and 126 Mullen Ave.

Sincerely,

Terrence King
256 Mullen Avenue

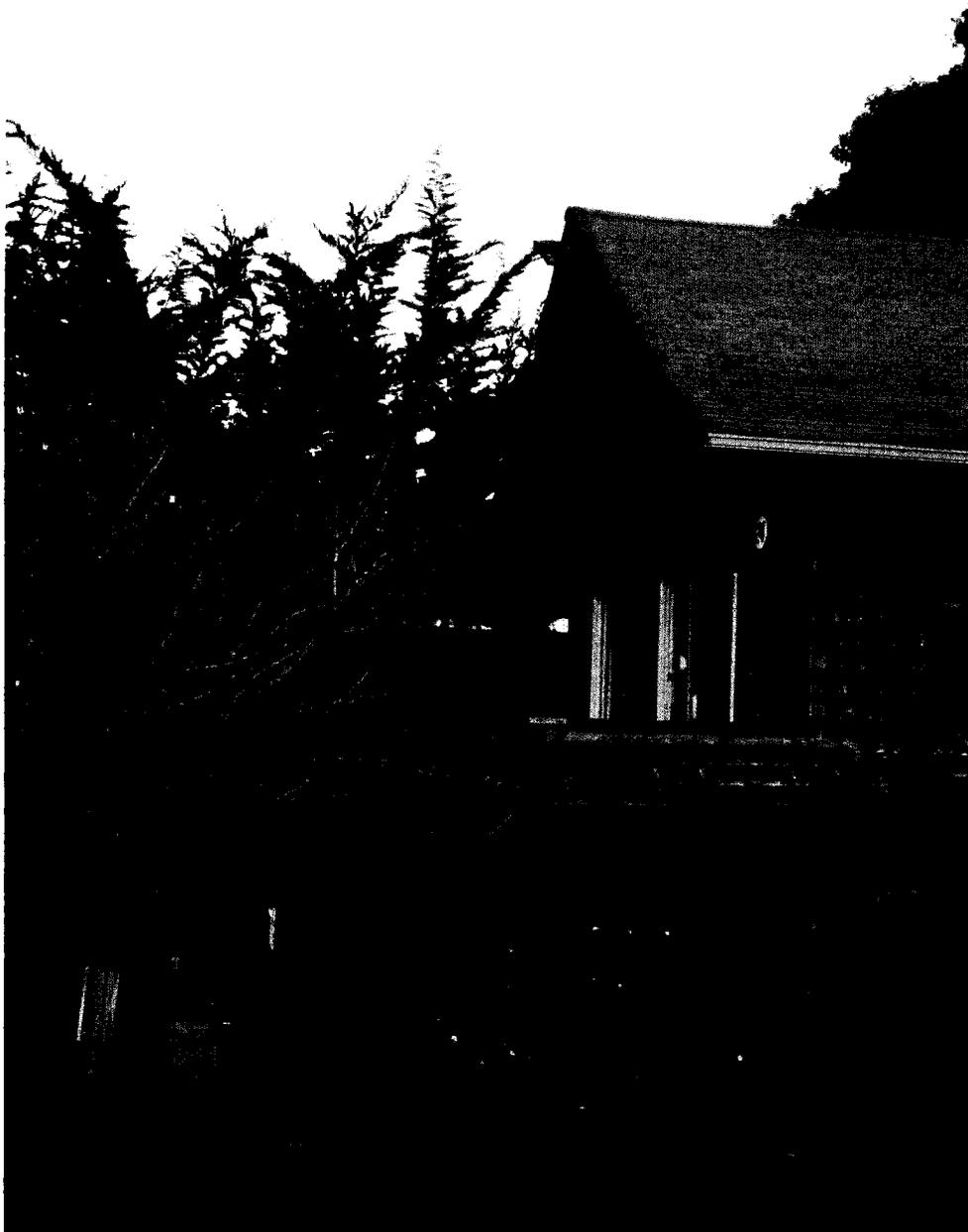
124-126 Mullen Ave photos submitted by DR Requestor - Krieger



View of property facing South East.



View of property facing South.

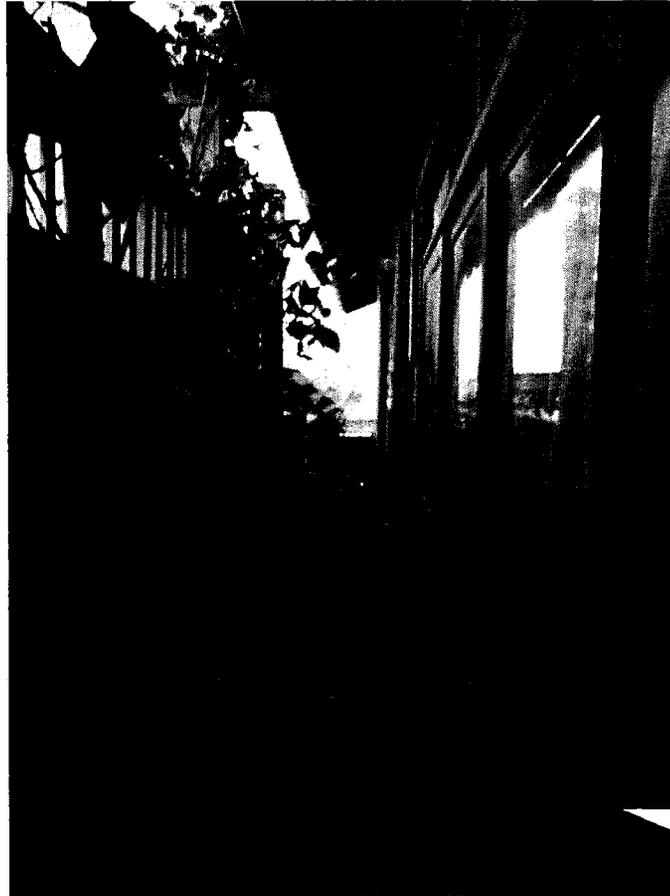


View of property facing South East

124-126 Mullen Ave photos submitted by DR Requestor - Krieger



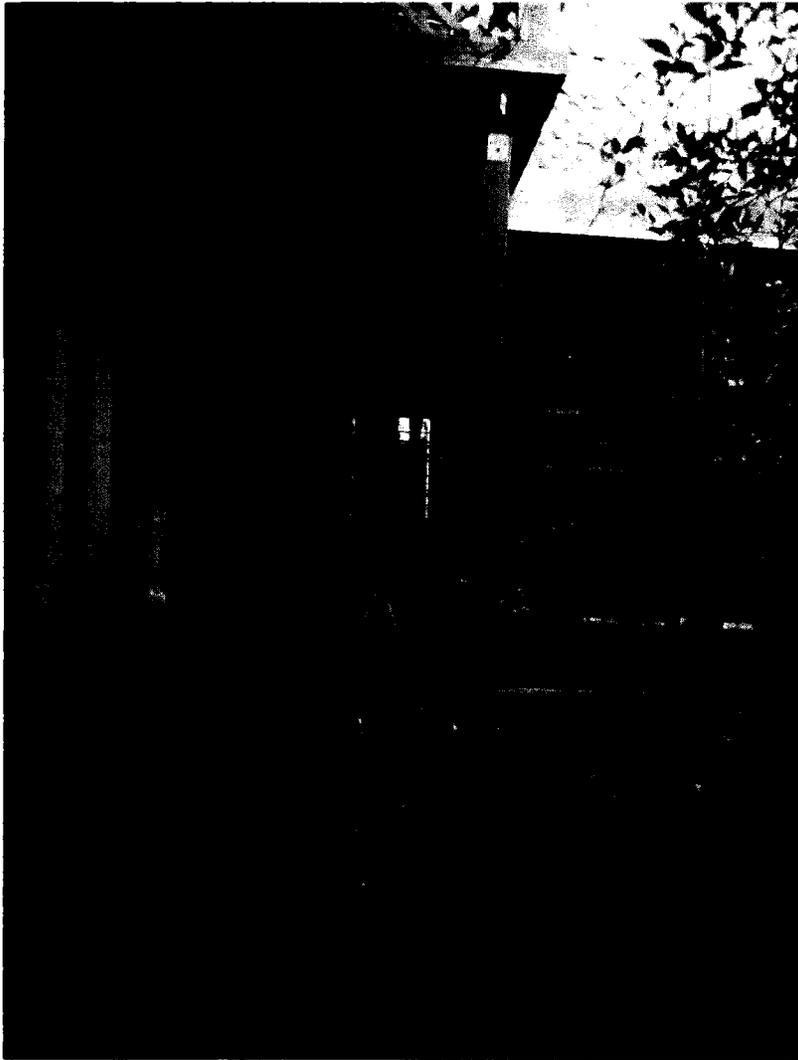
View looking South. Shows walkway running along West-facing side of building, bordered by fence.



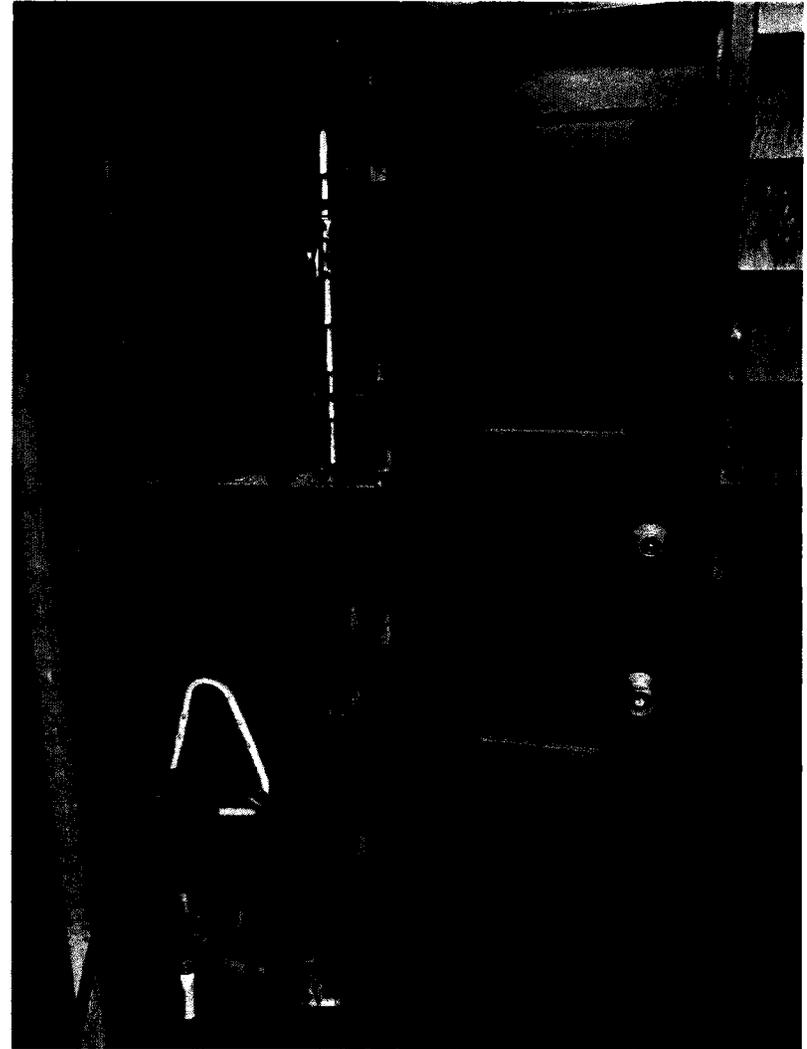
View facing North. Shows walkway running along West side of building.



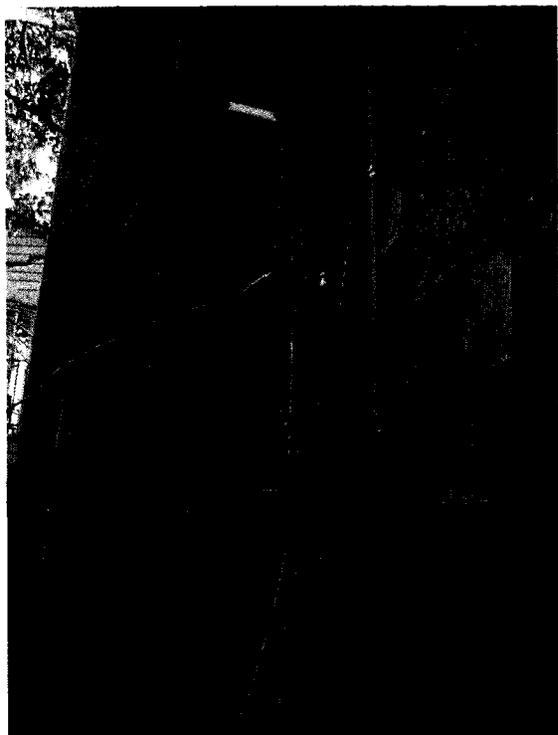
View facing south. Shows West-facing side of building. Walkway in above photo is behind this



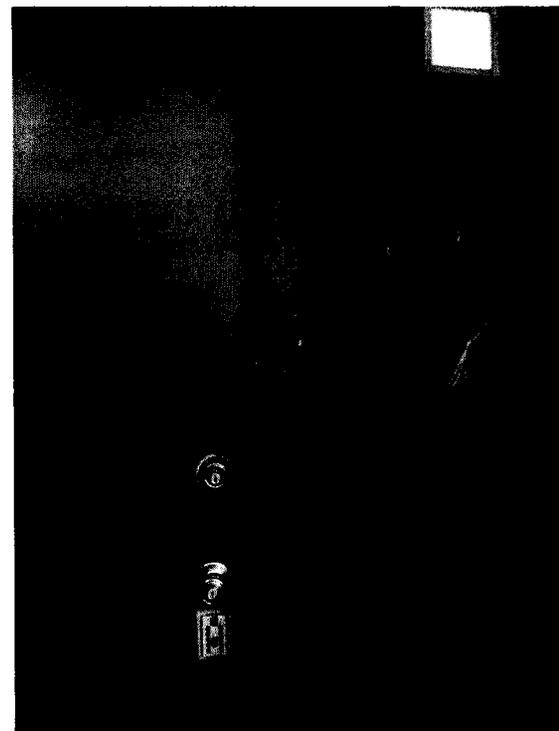
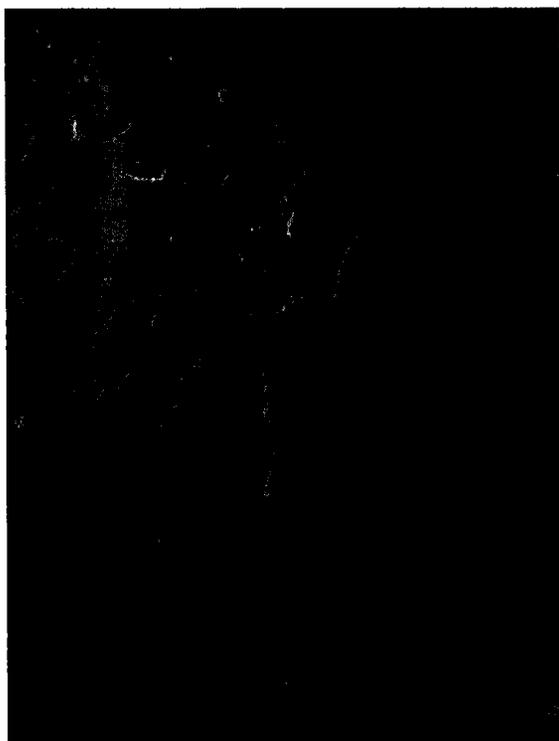
Facing East. Back door entry area for 126 Mullen, accessible via walkway on West side of property line.



Facing East. Closer shot of Back door for 126 Mullen.



Window looking into 126 Mullen, showing empty main



Lock box on front of 126 Mullen

From: [Neil Ludman](#)
To: [Fu, Ben](#)
Subject: Proposed merger of 124 and 126 Mullen - Attn: Ben Fu
Date: Monday, January 21, 2013 9:53:24 AM

To Mr. Fu and the San Francisco Planning Commissioners:

I live down the block on Mullen Avenue from where there is a proposed merger of rental units, 124 and 126 Mullen. I oppose the merger proposed by the real estate development company Maven Investments. Maven Investments bought this property at a foreclosure auction and is now proposing to destroy one of the rental units through a merger. They have done nothing to involve the neighborhood in this development. Both of these units have been rented at below-market rates and the two-unit building is protected by rent-control. Having rent-controlled apartments is essential to the character of this neighborhood, and to San Francisco as a whole. This development company now seeks to destroy one of these rental units, a project that would result in one unit not protected by rent control. The cost of rental properties in this city has increased to the point that San Francisco has become unaffordable to many of the very people who have made this city the vibrant, diverse community for which it is known. Destroying moderately sized and priced rental properties such as the ones on Mullen Avenue is the wrong thing to do. We have seen the importance of affordable rental opportunities in the Bernal Heights community. Bernal Heights has provided me with a unique neighborhood, with its diverse blend of housing and people for decades, in part due to the mix of housing found here for many years. The proposed merger will contribute to the destruction of the character of the neighborhood.

The San Francisco General Plan and the Planning Department's own policies provide for the protection of rental properties by disfavoring mergers and protecting rental properties. We urge the Planning Commission and Planning Department to make a decision in line with these policies and that protects these valuable rental units at 124 and 126 Mullen Ave., and which will preserve the character of Bernal Heights

Sincerely,

Neil Ludman
256 Mullen Avenue

Member, Board of Supervisors
District 9



City and County of San Francisco

DAVID CAMPOS

May 28, 2013

Rodney Fong, President
Planning Commission
1650 Mission Street, Suite 400
San Francisco, CA 94103

Re: Discretionary Review for proposed merger at 124 and 126 Mullen Avenue
Hearing Scheduled for June 6, 2013
Building Permit Application #2012.04.24.8941

Dear President Fong,

I am writing regarding the above referenced 2-unit dwelling building, located in Bernal Heights in my District. The planning department administratively approved the application to remove one of the two units in order to convert the property into a single family home. I urge you to deny the proposed merger. Merging these units would eliminate a rent controlled unit from the very limited affordable housing stock in the city and is contrary to the City's Housing Element.

The Housing Element of our City's General Plan emphasizes "preserving and maintaining the existing housing stock which provides some of the City's most affordable units." The administrative approval of the owner's application to remove a resident unit from 124-126 Mullen Avenue violated the following policies of the Housing Element:

Policy 2.1 – "Discourage the demolition of sound existing housing, unless the demolition results in a net increase in affordable housing."

Policy 2.2 – "Retain existing housing by controlling the merger of residential units, except where a merger clearly creates new family housing." It is important to note that the Mullen Avenue property owner does not plan to live on-site, even if he is allowed to merge the two units.

Policy 3.1 – "Preserve rental units, especially rent controlled units, to meet the City's affordable housing needs."

We are living through another period in San Francisco, where rent and sale prices are skyrocketing, housing is scarce, and new development is targeting high wage households. We are doing a great job generating new market rate housing but falling woefully short of meeting our

regional goals for the creation of low and mid income housing – precisely the housing that the Rent Control and Stabilization Ordinance protects. This atmosphere has lead to an upswing in Ellis Act evictions that further erode the diversity of our communities.

I urge you to deny the merger application in order to prevent against the removal of these habitable rent controlled units.

Sincerely,

A handwritten signature in black ink, appearing to read "David Campos". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

David Campos

MERGE TWO (E) FLATS BACK TO SINGLE FAMILY DWELLING

124 - 126 MULLEN AVE. INTO 124 MULLEN AVE.

SAN FRANCISCO, CA

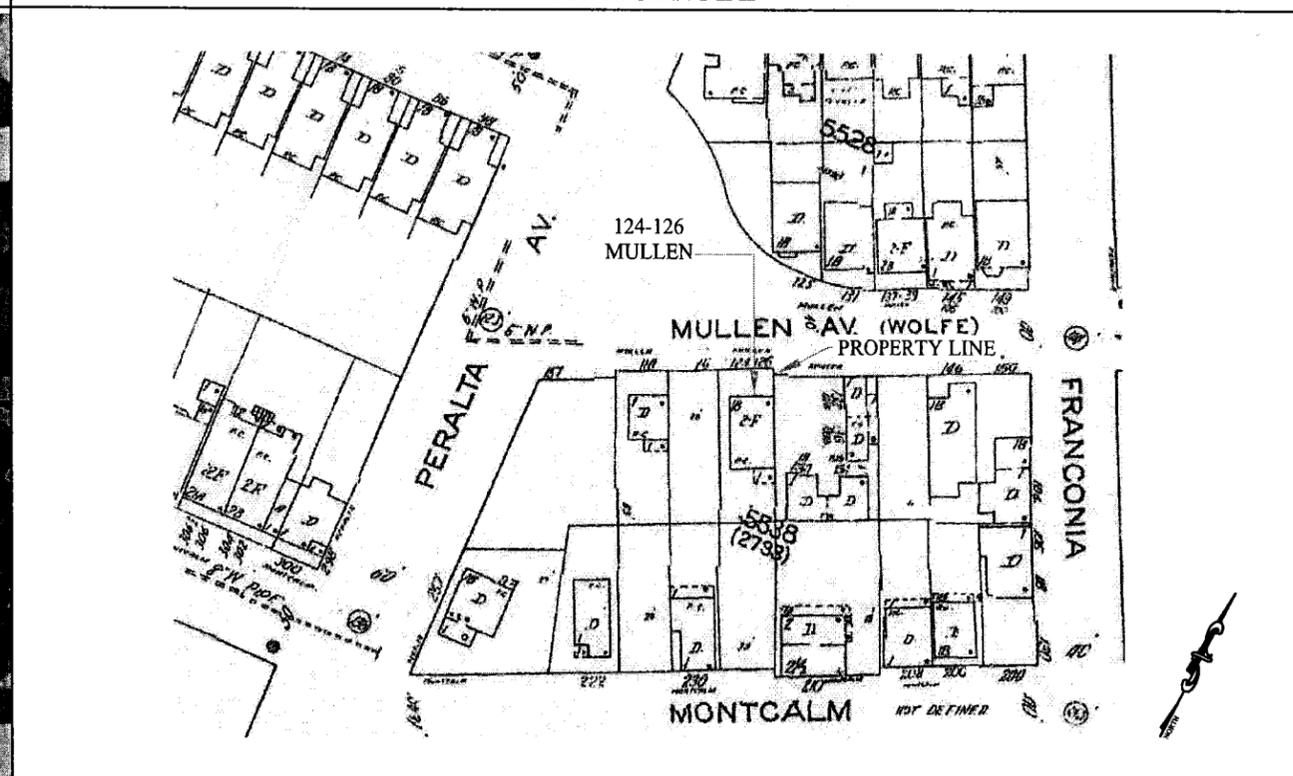
REV.	DATE	DESCRIPTION

PROJECT INFORMATION	PROJECT DIRECTORY	DRAWING INDEX	JOB DESCRIPTION
<p>ADDRESS: 124-126 MULLEN AVE. SAN FRANCISCO, CA</p> <p>BLOCK/LOT: 5538 / 031</p> <p>ZONING DISTRICT: RH1</p> <p>LOT SIZE: 1949 SQ. FT.</p> <p>SFBC OCCUPANCY CLASS: R-3</p> <p>CONSTRUCTION TYPE: 5B</p> <p>NUMBER OF STORIES: 1 STORY OVER BASEMENT</p>	<p>CONTACT:</p> <p>PATRICK BUSCOVICH & ASSOCIATES STRUCTURAL ENGINEERS & ARCHITECT 235 MONTGOMERY STREET SUITE 823 SAN FRANCISCO, CA 94104 CONTACT: MR. PAT BUSCOVICH TEL: 415.788.2708 X102</p>	<p>STRUCTURAL</p> <p>S0.0 COVER SHEET</p> <p>S2.1 EXISTING AND PROPOSED PLANS</p>	<p>MERGE TWO (2) EXISTING FLATS BACK TO A SINGLE FAMILY DWELLING.</p>
		<p>APPLICABLE CODES</p> <p>2010 CALIFORNIA BUILDING CODE (CBC) BASED ON THE 2009 INTERNATIONAL BUILDING CODE (IBC)</p> <p>2010 PLUMBING CODE (CPC) BASED ON ON THE 2009 UNIFORM PLUMBING CODE (UPC)</p> <p>2010 CALIFORNIA MECHANICAL CODE (CMC) BASED ON THE 2009 UNIFORM MECHANICAL CODE (UMC)</p> <p>2010 CALIFORNIA ELECTRICAL CODE (CEC) BASED ON THE 2009 NATIONAL ELECTRICAL CODE (NEC)</p> <p>2010 CALIFORNIA FIRE CODE (CFC) BASED ON THE 2009 INTERNATIONAL FIRE CODE (IFC)</p> <p>2010 CALIFORNIA ENERGY CODE</p> <p>ALL PERMIT APPLICATION MUST COMPLY WITH THE PROVISIONS OF THE ABOVE CODES AND THE APPLICABLE CITY CODE AMENDMENTS</p>	

AERIAL PHOTO



SANBORN MAP



PATRICK BUSCOVICH
AND ASSOCIATES
STRUCTURAL ENGINEERS, INC.
235 MONTGOMERY STREET, SUITE 823
SAN FRANCISCO, CALIFORNIA 94104
(415) 788-2708
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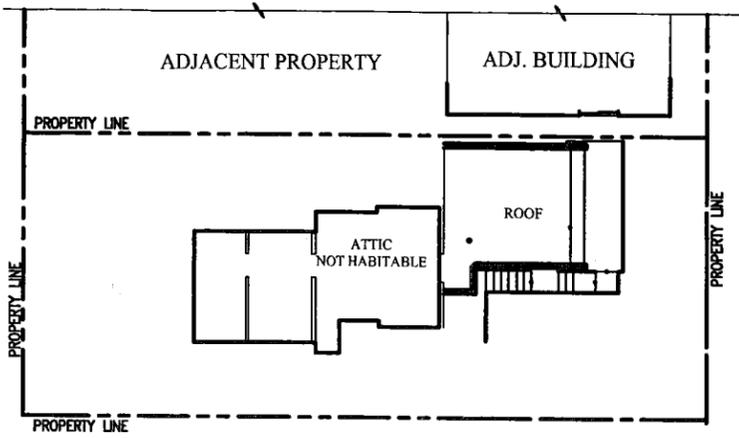
124-126 MULLEN AVE.
SAN FRANCISCO, CA.

MERGE 2 FLATS TO SINGLE
FAMILY DWELLING
COVER SHEET

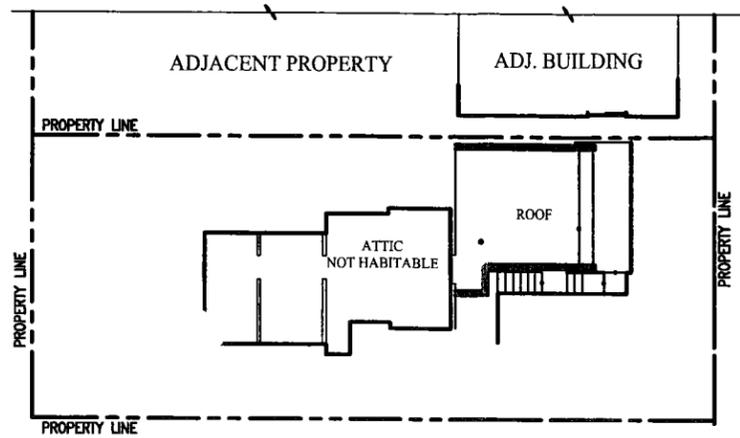
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DESIGNED/CHECKED	PB
DATE	
SCALE	AS NOTED
JOB NO.	11.199
SHEET	

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OF SHEETS

L:\2011\11.199 - 124-126 Mullen S\ISO-0.dwg, Layout1, 5/29/2013 1:03:05 PM, dean, \PACIFIC\kyocera KM-2560 KX, Ledger (11 x 17), 1:2.2634



NO WORK



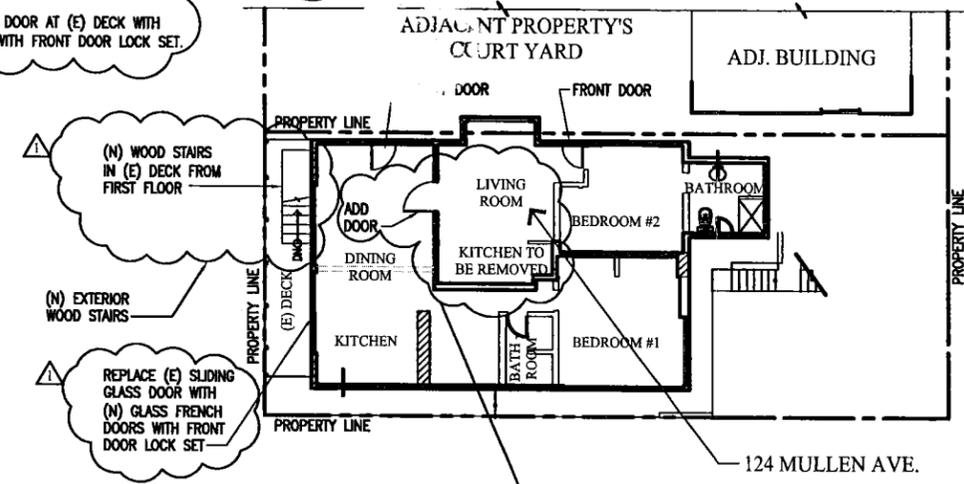
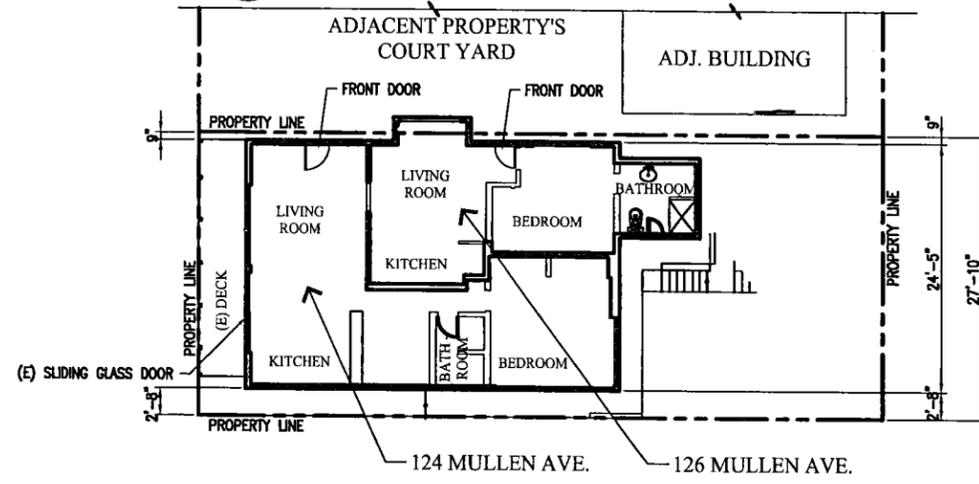
NO WORK

SCOPE OF WORK

- MERGE BUILDING WITH TWO EXISTING FLATS BACK TO SINGLE FAMILY DWELLING.
- CUT OPENING IN WALL BETWEEN (E) UNITS.
- REMOVE KITCHEN IN 124 MULLEN ST.
- BUILD STAIR FROM GRADE TO 1ST FLOOR DECK IN 126 MULLEN ST.
- REPLACE (E) SLIDING GLASS DOOR AT (E) DECK WITH (N) GLASS FRENCH DOORS WITH FRONT DOOR LOCK SET.

5 EXISTING ATTIC PLAN (NOT HABITABLE)
1/8"=1'-0"

6 PROPOSED ATTIC PLAN (NOT HABITABLE)
1/8"=1'-0"

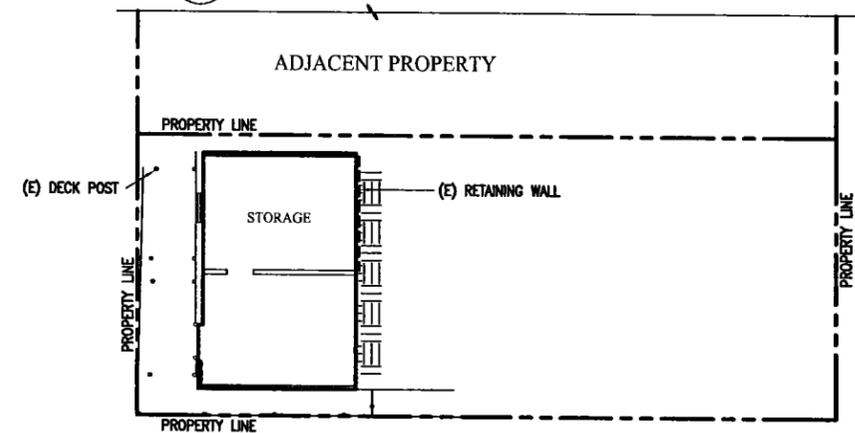


SCOPE OF WORK

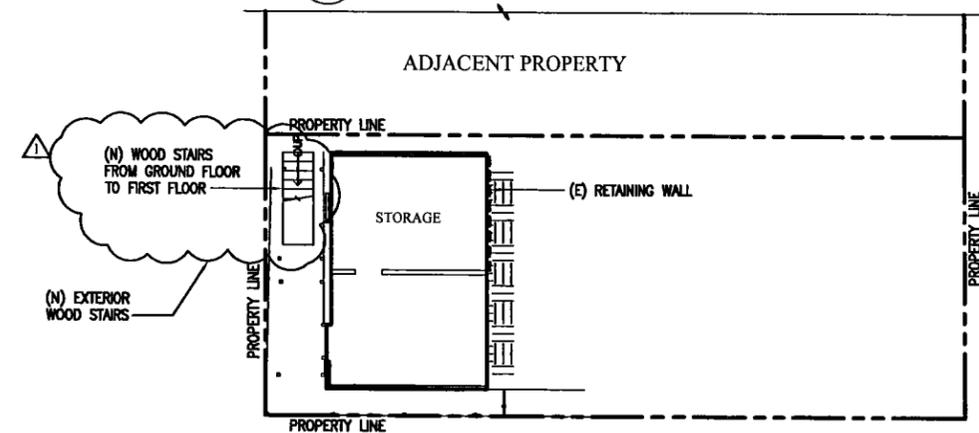
- ADD DOOR BETWEEN DINING ROOM AND LIVING ROOM
- REMOVE KITCHEN

3 EXISTING FIRST FLOOR PLAN
1/8"=1'-0"

4 PROPOSED FIRST FLOOR PLAN
1/8"=1'-0"



NO WORK



NO WORK

1 EXISTING LOWER FLOOR PLAN
1/8"=1'-0"

2 PROPOSED LOWER FLOOR PLAN
1/8"=1'-0"

REV.	DATE	DESCRIPTION
1	5/28/2013	STAIR 124 MULLEN ST.
2		
3		

PATRICK BUSCOVICH
AND ASSOCIATES
STRUCTURAL ENGINEERS, INC.
235 MONTGOMERY STREET, SUITE 823
SAN FRANCISCO, CALIFORNIA 94104
(415) 788-2708
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124 - 126 MULLEN STREET
SAN FRANCISCO, CA.

MERGE TWO FLATS TO SINGLE
FAMILY DWELLING
EXISTING AND PROPOSED PLANS

DRAWN	DA
DESIGNED/CHECKED	PB
DATE	
SCALE	AS NOTED
JOB NO.	11.199
SHEET	

S2.1

OF SHEETS