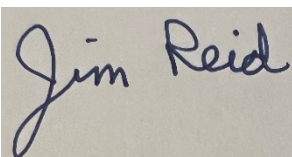


Appeal No. 23-004 @ 3420-3424 16th Street
Appellant's Supplementary Statement for the hearing
on April 12, 2023

Statement of Jim Reid to Board of Permit Appeals.

Reasons to deny landlord permit to close egress to back yard from 3424 kitchen:

- Landlords, their building manager, and the architect intentionally mislabeled rear bedroom as a living room, to avoid scrutiny from plan check and get the permit under false pretenses.
- Inspector Matthew Green inspected the bedroom and the door lock.
- Inspector Green inspected the functioning laundry porch on the third floor, separated from unit 3420 with a locked door. The laundry porch had all the utilities and vents to reconnect the existing stacked washer/dryer.
- The original doorway to the back stairs from 3424 was 28". The door from the back stairs to the yard and alley is 32"
- The door to both upper units, 3420 & 3422 to the back stairway are 30."
- The door from my bedroom to the back yard does not work properly, as it was not installed or maintained properly. I never use it, but go to access the yard and alley from the kitchen door that the landlords plan to seal up.
- I believe that the Fire department should inspect the back of the house and determine what needs to be done for safe egress in an emergency. I intend to call them.
- I ask that the Board deny their permit until the Fire department inspects the entire rear of the house and the basement crawl space.

A rectangular box containing a handwritten signature in black ink that reads "Jim Reid". The signature is written in a cursive, slightly slanted style.

Appeal No. 23-004 @ 3420-3424 16th Street
Permit Holder's Supplementary Statement for the hearing on
April 12, 2023

Brief prepared by Kevin O'Neill to Appeal No. 23-004

After our hearing before you on 3/1, we set at work to find a solution to address the appellant's concerns about having his roommates gain access to the washer/dryer and the yard either through his bedroom or by going around the building.

On 3/6, we participated in an arbitration with the Rent Board, requested by the appellant because he claimed a reduction of housing services as a result of the washer and dryer having been disconnected since September. Administrative Law Judge Jill Dayal expressed her perspective that this washer and dryer are *not* a housing service. While we are under no obligation to provide them to the appellant and his roommates, we are attempting to work in good faith not only to continue to provide them at no cost, but also to address his request for an alternative egress to the yard and washer/dryer.

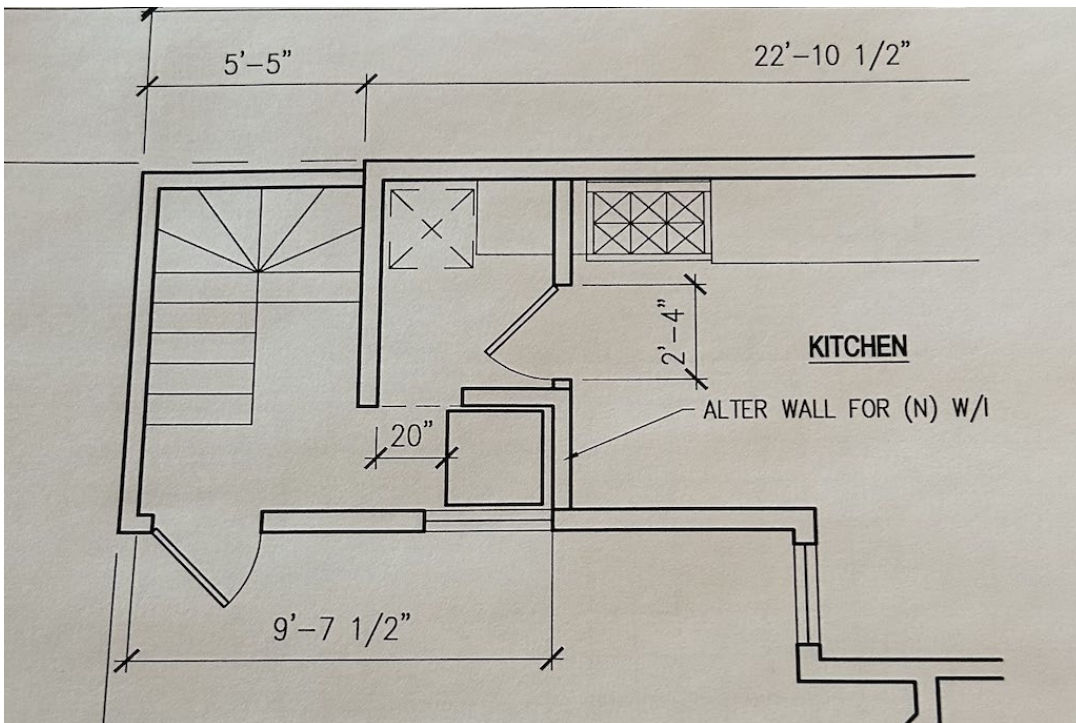
On 3/8, Matthew Greene from DBI came to the unit and walked through it with me. The owners now see a new resolution in addition to the one as originally permitted: install a conforming door so the tenants can easily access both the washer/dryer and the yard. This option will involve a loss of approximately four feet of length from the back of the kitchen in the appellant's flat.

After Matt Greene left the building, I met with Mr. Reid to try and build a better management/tenant relationship. However, during that meeting, he insisted that he would rather fight with us than to make any peaceful resolution. He said, "It's too late."

From: [Rosenberg, Julie \(BOA\)](#)
To: [Mejia, Xiomara \(BOA\)](#); [Longaway, Alec \(BOA\)](#)
Subject: Item 4: Appeal No. 23-004 @ 3420-3424 16th Street
Date: Tuesday, April 11, 2023 5:45:34 PM
Attachments: [image001.png](#)

Hi Alec and Xiomara: The permit holder just submitted the proposed plan, below. Please post this online and include it with the hard file.

Thank you,
Julie



Julie Rosenberg
Executive Director
San Francisco Board of Appeals
49 South Van Ness Avenue, Suite 1475
San Francisco, CA 94103
Phone: 628-652-1151
Email: julie.rosenberg@sfgov.org

Documents submitted for the hearing on March 1, 2023

BOARD OF APPEALS, CITY & COUNTY OF SAN FRANCISCO

Appeal of
JIM REID,)
Appellant(s))
vs.)
DEPARTMENT OF BUILDING INSPECTION,)
PLANNING DEPARTMENT APPROVAL Respondent)

Appeal No. **23-004**

NOTICE OF APPEAL

NOTICE IS HEREBY GIVEN THAT on January 27, 2023, the above named appellant(s) filed an appeal with the Board of Appeals of the City and County of San Francisco from the decision or order of the above named department(s), commission, or officer.

The substance or effect of the decision or order appealed from is the ISSUANCE on January 25, 2023 to Jay Davidson, of an Alteration Permit (Existing 3-unit building: modify lower unit at 3424 16th Street; remove window at rear yard bay to a door to access rear yard; modify alcove at rear to provide a laundry area at lower level and infill door at lower unit at kitchen area with one hour wall) at 3420-3424 16th Street.

APPLICATION NO. 2023/01/23/0604

FOR HEARING ON March 1, 2023

Address of Appellant(s):

Address of Other Parties:

Jim Reid, Appellant(s) 3424 16th Street San Francisco, CA 94114	Jay Davidson, Permit Holder(s) c/o Robert Noelke, Agent for Permit Holder(s) 1019 Howard Street San Francisco, CA 94103
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Date Filed: January 27, 2023

**CITY & COUNTY OF SAN FRANCISCO
BOARD OF APPEALS**

PRELIMINARY STATEMENT FOR APPEAL NO. 23-004

I / We, **Jim Reid**, hereby appeal the following departmental action: **ISSUANCE of Alteration Permit No. 2023/01/23/0604** by the **Department of Building Inspection** which was issued or became effective on: **January 25, 2023**, to: **Jay Davidson**, for the property located at: **3420-3424 16th Street**.

BRIEFING SCHEDULE:

The Appellant may, but is not required to, submit a one page (double-spaced) supplementary statement with this Preliminary Statement of Appeal. No exhibits or other submissions are allowed at this time.

Appellant's Brief is due on or before: 4:30 p.m. on **February 9, 2023, (no later than three Thursdays prior to the hearing date)**. The brief may be up to 12 pages in length with unlimited exhibits. It shall be double-spaced with a minimum 12-point font. An electronic copy shall be emailed to: boardofappeals@sfgov.org, julie.rosenberg@sfgov.org, tina.tam@sfgov.org, corey.teague@sfgov.org and suheil@shataraarch.com.

Respondent's and Other Parties' Briefs are due on or before: 4:30 p.m. on **February 23, 2023, (no later than one Thursday prior to hearing date)**. The brief may be up to 12 pages in length with unlimited exhibits. It shall be double-spaced with a minimum 12-point font. An electronic copy shall be emailed to: boardofappeals@sfgov.org, julie.rosenberg@sfgov.org, tina.tam@sfgov.org, corey.teague@sfgov.org and jimreid1950@gmail.com.

Hard copies of the briefs do NOT need to be submitted to the Board Office or to the other parties.

Hearing Date: **Wednesday, March 1, 2023, 5:00 p.m., Room 416 San Francisco City Hall, 1 Dr. Carlton B. Goodlett Place**. The parties may also attend remotely via Zoom. Information for access to the hearing will be provided before the hearing date.

All parties to this appeal must adhere to the briefing schedule above, however if the hearing date is changed, the briefing schedule MAY also be changed. Written notice will be provided of any changes to the briefing schedule.

In order to have their documents sent to the Board members prior to hearing, **members of the public** should email all documents of support/opposition no later than one Thursday prior to hearing date by 4:30 p.m. to boardofappeals@sfgov.org. Please note that names and contact information included in submittals from members of the public will become part of the public record. Submittals from members of the public may be made anonymously.

Please note that in addition to the parties' briefs, any materials that the Board receives relevant to this appeal, including letters of support/opposition from members of the public, are distributed to Board members prior to hearing. All such materials are available for inspection on the Board's website at www.sfgov.org/boa. You may also request a hard copy of the hearing materials that are provided to Board members at a cost of 10 cents per page, per S.F. Admin. Code Ch. 67.28.

The reasons for this appeal are as follows:

See attachment to the preliminary Statement of Appeal

Appellant or Agent:

Signature: Via Email

Print Name: Jim Reid, appellant

I've lived at 3424 16th Street since late 2004. My landlords live in the two units above me. I am a 72-year-old building contractor and remodeled the entire building. My landlords have been trying to force me to move with coercion for almost three years. It is a horror story of elder abuse by elders. In desperation I have hired a lawyer to sue them, and the complaint will be filed withing a few days.

early last September my landlord's agent Kevin O'Neill and landlord Jay Davidson removed the washer and dryer that I installed a decade ago. I filed a complaint with the Rent Board. My landlords applied and got a permit to close a door that I and my roommates used to access the yard. I have used the former dining room as my bedroom for 19 years and rented out the two other bedrooms to help pay the market rent. In 2004 my landlords installed a door without a permit in the dining room to the yard. Now they are trying to legalize that door AND force my two young female roommates to go through my bedroom to access the lovely yard which they use almost every day.

I would like to file an appeal to stop them from closing off the rear door from our kitchen to the yard.

I would like to file an appeal to stop them from closing off the rear door from our kitchen to the yard.

I go to Discount Builders Supply almost every day and will be near your office this morning. May I come visit They plan to close up the door on Monday

Sincerely,

Jim Reid

Permit Details Report

Report Date: 1/27/2023 8:01:19 AM

Application Number: 202301230604
 Form Number: 8
 Address(es): 3558 / 010 / 1 3420 16TH ST
 3558 / 010 / 1 3424 16TH ST
 Description: EXTG 3 UNIT BLDG; MODIFY LOWER UNIT 3424 16TH. REMOVE WINDOW AT REAR YARD BAY TO A DOOR TO ACCESS REAR YARD. MODIFY ALCOVE AT REAR TO PROVIDE A LAUNDRY AREA AT LOWER LEVEL. INFILL DOOR AT LOWER UNIT AT KITCHEN AREA WITH 1 HOUR WALL
 Cost: \$3,000.00
 Occupancy Code: R-2
 Building Use: 24 - APARTMENTS

Disposition / Stage:

Action Date	Stage	Comments
1/23/2023	TRIAGE	
1/23/2023	FILING	
1/23/2023	FILED	
1/25/2023	APPROVED	
1/25/2023	ISSUED	

Contact Details:

Contractor Details:

License Number: OWNER
 Name: OWNER
 Company Name: OWNER
 Address: OWNER * OWNER CA 00000-0000
 Phone:

Addenda Details:

Description:

Step	Station	Arrive	Start	In Hold	Out Hold	Finish	Checked By	Hold Description
1	INTAKE	1/23/23	1/23/23			1/23/23	SHAWL HAREGGEWAIN	
2	CP-ZOC	1/24/23	1/24/23			1/24/23	SPYCHER DAKOTA	Approved. Replace one ground floor window at rear with new door. No other scope of work proposed. - D.Spycher
3	BLDG	1/24/23	1/24/23			1/24/23	BENDEZU SEBASTIAN	Approved OTC. sebastian.bendezu@sfgov.org
4	MECH	1/24/23	1/24/23			1/24/23	ORTEGA REYNALDO	Approved OTC, plans back to customer for BLDG review
5	SFFD	1/24/23	1/24/23			1/24/23	ZIEGLER ERIK	1/24/23 Approved OTC by Ziegler of SFFD. Plans returned to applicant.
6	SFPUC	1/24/23	1/24/23			1/24/23	GARCIA JOBEL	Project approved. OTC - Capacity Charge not applicable. Not enough additional fixtures. Returned to Applicant - 1/24/23.
7	CPB	1/25/23	1/25/23			1/25/23	LEE ERIC	01/25/23: OTC ISSUED. -EL SUHEIL ADDED INFILL DOOR LOWER UNIT, OK BY PLAN CHECKER NICK WHO SPOKE WITH SEBASTIAN WHO WAS OK WITH IT.

This permit has been issued. For information pertaining to this permit, please call 628-652-3450.

Appointments:

Appointment Date	Appointment AM/PM	Appointment Code	Appointment Type	Description	Time Slots
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Inspections:

Activity Date	Inspector	Inspection Description	Inspection Status
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Special Inspections:

Addenda No.	Completed Date	Inspected By	Inspection Code	Description	Remarks
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For information, or to schedule an inspection, call 628-652-3400 between 8:30 am and 3:00 pm.

[Station Code Descriptions and Phone Numbers](#)

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

Technical Support for Online Services

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

APPELLANT(S) DID NOT SUBMIT A BRIEF

BRIEF SUBMITTED BY THE PERMIT HOLDER(S)

Brief prepared by Jay Davidson and Susan Sanford to Appeal No. 23-004

Background information

In 2004, the appellees allowed the appellant to perform certain improvements at the property based on his representations that he was licensed as a building contractor. After later speaking with our attorney in 2022 and inspecting the unit with our housing expert, Bob Noelke, we learned that virtually all of the work had been performed without the benefit of permits, had exceeded what our initial understanding of the improvements were going to be, and that much of the work was not up to code and needed to be legalized.

In January of 2023, we had Mr. Noelke and his team secure all of the necessary permits to legalize the following work that the appellant had done without the necessary permits: installation of a fixed bed in a closet, installation of a floating deck in a light well, installation of bathroom fixtures and new plumbing, and installation and extension of electrical outlets and fixtures, including relocating the panel box without the appropriate building, electrical, or plumbing permits. We also learned from Mr. Noelke that the washer/dryer, as located in the niche behind the appellant's kitchen, although fully operational, was not up to code or legal. Additionally, the door leading from the appellant's kitchen to the laundry area was not up to code because it was too narrow.

This project is to remedy the remaining issues so that both the appellant, his roommates, and appellees, can all enjoy laundry in the building.

Addressing the statement as made by the appellant

In the appellant's statement, he claims that we have been trying to force him "to move with coercion for almost three years." This is patently untrue. We have consistently made only a few simple requests of him:

(1) Pay your rent on time.

(2) Cease and desist from making structural modifications, of which there have been many over the years, without consulting us and without obtaining the necessary permits.

(3) Behave yourself on the premises in such a way that you treat others with respect.

By his use of the term "elder abuse," what he is really saying is that we do not allow him to do as he pleases when it comes to making structural changes on the property. He told us many years ago that "it is better to ask for forgiveness than to ask for permission." Sometimes he has asked for permission and we have not given it to him. He does not like to hear the word no because he thinks he knows best. When we have had to stand up to him and/or to hold him accountable for his actions, he calls us

"bullies" and accuses us of "harassing" him. Anything he doesn't like, he calls "harassment."

By definition, three of the four of us are elders: the appellant is 72. The building owners are 75 and 79. The building manager is 60.

The appellant moved into his unit in 2004 on a temporary basis so that he could remodel it in exchange for rent. There was no rental agreement or lease - a situation that continues to this day, although we have tried on several occasions to get an agreement. He has always refused to sign one.

We have had to engage an attorney to deal with the appellant. Approximately a year ago, our attorney suggested to us that we create a rental agreement with the appellant. Before that was to happen, however, our attorney thought it best to have the building inspected as a means of determining if there were any code violations. That is how we came to learn of the current problems that need to be remedied.

The sources of this current situation *come from the appellant himself*, who (1) originally installed a washer and dryer without a permit and (2) installed the non-conforming door that leads to and from his kitchen to the washer and dryer.

Both of these remedies have been approved as part of our permit: (1) installing a washer and dryer and (2) infilling the non-conforming door that leads to and from the washer and dryer.

When we originally hired the appellant to do this work, he claimed to be a licensed building contractor. Evidently, he was licensed at some point, but we have come to learn that his Contractor's License #359335 has been suspended.

The original washer and dryer, installed in 2005, fit well in the space that the appellant created for them. When they needed to be replaced in 2014, the replacements were larger than the originals, which resulted in their intruding about four inches into the doorway between the laundry area and the appellant's kitchen. [See **Photo B** at the end] The appellant and his roommates managed to live with this situation and said absolutely nothing about it until 2022, when he told us, "I interviewed a portly woman and attempted to show her the backyard but she had a difficult time squeezing through the narrow opening where the landlord installed the washer and dryer improperly."

He was willing to overlook this from 2014-2022. Now, in order to comply with the building code, the door that he improperly installed needs to be remediated.

The appellant says that this situation could be resolved by pushing back the washer and dryer. We can easily see that there was *absolutely no way to push them back any further*; they were back as far as they could go. And even if they could be pushed back

any further, they would protrude once again if we were to enlarge the doorway in order for it to conform to the building code.

We cannot legalize the width of the doorway and simultaneously re-install the washer and dryer. *This cannot be accomplished within the current available space.*

We hired an architect to research the building code and to make a plan that conforms to the code.

The architect's plans show a legal alternative that was given a permit. This plan allows for the re-installation of the washer and dryer in the original space provided for them and the removal of the non-conforming door, *both of which were problems originally created by the appellant himself.*

If this plan, as permitted, is allowed to proceed, the appellant and his roommates will have continued use of the washer and dryer.

Infilling the door from the kitchen to reinstall the washer and dryer appears to be the only solution.

We have worked in both good faith and at great expense to remediate all the problems that the appellant had created in the first place. Additionally, we have ensured that the tenant would have continued use of the washer and dryer.

Please note that in both units above the appellant's, the room adjacent to the kitchen, designated on the architect's plans as "LIVING ROOM," is a public room that is accessible to all residents of the unit.

In the appellant's unit, he has decided to make it his private bedroom. It is his prerogative to use that room as he sees fit. By the same token, if he is determined to continue to use this room as his private bedroom, it's his personal choice to make.

The appellant states that our following through with removing the door from the kitchen to the laundry facilities would "force" his two roommates to go through his bedroom to access the back yard as well as the washer and dryer. We disagree. They would still have access to the laundry facilities and the yard by way of the open area between our building and the one next door.

Doing so is closer than having to go to the nearest laundromat, which is two blocks away, and it would continue to remain free for all of them, as we have never charged anyone to use the washer and dryer in the building.

We respectfully request that the Board of Appeals overturn the denial so that we can go ahead and complete this project as originally approved.

[Photo A] This door is the former location of a window from the living room in the unit where the appellant lives. The appellees installed it prior to the tenancy of the appellant. At the time of its installation, the appellees were unaware that this type of work needed a permit. It is included in the permit granted as a means of legalizing this work.



[Photo B] This current washer and dryer replaced the ones that the appellant originally installed. On the left is the door that leads to and from the appellant's kitchen. It is the door on the left, installed by the appellant, that does not meet the width requirement and that the appellees were granted a permit to infill.



[Photo C] This door leads to the laundry area from the rear deck. It also accesses the stairs that lead to and from the upper floors. In our solution, we continue to provide laundry access to the appellant and to his roommates.

