

BOARD OF APPEALS, CITY & COUNTY OF SAN FRANCISCO

Appeal of
YIN KWAN TAM FAMILY TRUST, _____)
Appellant(s))
vs.)
ZONING ADMINISTRATOR, _____)
Respondent

Appeal No. **19-139**

NOTICE OF APPEAL

NOTICE IS HEREBY GIVEN THAT on December 10, 2019, 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 November 26, 2019, of a Request for Suspension of building permits (building expansion without Planning Department review or approval and substantial construction work being done without permits; plumbing and electric work along with tile and cabinet work was done for what appears to be six kitchens and the property is allowed to have two units; the Planning Department requires that the project on the subject property be combined with the project at the adjacent property, 2867-2899 San Bruno Avenue, which is owned by the same owners, and authorized as a single project as both properties meet the definition of a single Lot per Planning Code Sec. 102; the Planning Department requests suspension of these permits so that the permit holder can submit a Conditional Use Authorization with a correct and updated scope of work and accurate plans; demolition calculations will also be required) at 2861-2865 San Bruno Avenue.

APPLICATION NO. 2013/12/30/5201, 2017/04/03/3064, 2017/08/28/6129

FOR HEARING ON May 31, 2023

Address of Appellant(s):

Address of Other Parties:

Yin Kwan Tam Family Trust, Appellant(s) c/o Ryan Patterson, Attorney for Appellant(s) Patterson & O'Neill, PC 600 California Street, Eleventh Floor San Francisco, CA 94108	N/A
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BOARD OF APPEALS, CITY & COUNTY OF SAN FRANCISCO

Appeal of
YIN KWAN TAM FAMILY TRUST, _____)
Appellant(s))
vs.)
ZONING ADMINISTRATOR, _____)
Respondent

Appeal No. **20-036**

NOTICE OF APPEAL

NOTICE IS HEREBY GIVEN THAT on May 13, 2020, 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 April 30, 2020, of a Notice of Violation (the violations pertain to excessive demolition of an existing mixed use (two dwelling units over ground floor commercial) building and unpermitted deviations to the approved architectural design) at 2861-2865 San Bruno Avenue.

APPLICATION NO. 2019-020031ENF

FOR HEARING ON May 31, 2023

Address of Appellant(s):

Address of Other Parties:

Yin Kwan Tam Family Trust, Appellant(s) c/o Ryan Patterson, Attorney for Appellant(s) Patterson & O'Neill, PC 600 California Street, Eleventh Floor San Francisco, CA 94108	N/A
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BOARD OF APPEALS

Date Filed:

DEC 10 2019

APPEAL #

19-139

CITY & COUNTY OF SAN FRANCISCO
BOARD OF APPEALS

PRELIMINARY STATEMENT OF APPEAL

I/We, Yin Kwan Tam Trustee of the Yin Kwan Tam Family Trust, hereby appeal the following departmental action: **ISSUANCE of Request for Suspension of Building Permit Nos. 2013/12/30/5201, 2017/04/03/3064, and 2017/08/28/6129** by the **Zoning Administrator** which was issued or became effective on: **November 26, 2019**, to: **Yin Kwan Tam Trustee of the Yin Kwan Tam Family Trust**, for the property located at: **2861-2865 San Bruno Avenue**.

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: **January 16, 2020, (no later than three Thursdays prior to the hearing date)**, up to 12 pages in length, double-spaced, with unlimited exhibits, with eleven (11) copies delivered to the Board office by 4:30 p.m., and with additional copies delivered to the other parties the same day. In addition, an electronic copy should be emailed to: boardofappeals@sfgov.org if possible.

Respondent's and Other Parties' Briefs are due on or before: **January 30, 2020, (no later than one Thursday prior to hearing date)**, up to 12 pages in length, doubled-spaced, with unlimited exhibits, with eleven (11) copies delivered to the Board office by 4:30 p.m., and with additional copies delivered to the other parties the same day. In addition, an electronic copy should be emailed to: boardofappeals@sfgov.org if possible.

Only photographs and drawings may be submitted by the parties at the hearing.

Hearing Date: **Wednesday, February 5, 2020, 5:00 p.m., City Hall, Room 416, One Dr. Carlton B. Goodlett Place.**

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 change to the briefing schedule.

In order to have their documents sent to the Board members prior to hearing, **members of the public** should submit eleven (11) copies of all documents of support/opposition no later than one Thursday prior to hearing date by 4:30 p.m. 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 at the Board's office. You may also request a copy of the packet of materials that are provided to Board members at a cost of 10 cents per page, per S.F. Admin. Code Ch. 67.28.

If you have any questions please call the Board of Appeals at 415-575-6880

The reasons for this appeal are as follows:

Appellant or Agent (Circle One):

Signature:

Print Name:

Shoshana Raphael
Shoshana Raphael



SAN FRANCISCO PLANNING DEPARTMENT

Suspension Request

November 26, 2019

Tom Hui, CBO, SE
Director
Department of Building Inspection
1660 Mission Street
San Francisco, CA 94103

BOARD OF APPEALS

DEC 10 2019

APPEAL # 19-139

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Building Permit Application Nos.: 2013.12.30.5201, 2017.04.03.3064, and 2017.08.28.6129
Property Address: 2861-2865 San Bruno Avenue
Block and Lot 5457/022
Zoning District: NC-2, Neighborhood Commercial, Small Scale
Staff Contact: Rachna - (415) 575-6806 or rachna.rachna@sfgov.org

Dear Mr. Hui,

This letter is to request that the Department of Building Inspection (DBI) suspend **Building Permit Application (BPA) Nos. 2013.12.30.5201, 2017.04.03.3064, and 2017.08.28.6129** and stop work for the property at 2861-2865 San Bruno Avenue.

On December 30, 2013, BPA No.: 2013.12.30.5201 was filed for the following scope of work, "2-Story Vertical Addition to Existing Building. Relocate (E) 2 Dwelling Units To 3rd & 4th Floor. Add 2 Offices On 2nd Floor. Ground Floor Horizontal Addition for Parking." On August 25, 2015, the Planning Department's approval of this permit included, "No Change of Use, 3rd and 4th Floor Vertical Addition." On October 22, 2015, DBI issued BPA No.: 2013.12.30.5201.

On April 3, 2017, BPA No.: 2017.04.03.3064 was filed for the following scope of work, "Revision To BPA# 2013.12.30.5201 Within (E) Building Envelope Per Plan. Reconfigure Interior Non-Bearing Partitions to Relocate Bathroom and Laundry Room. Install NFPA13 Sprinkler Throughout with Construction Type V-A. Work on 2nd Thru 4th Floor Level Only." Despite the fact this permit stated the work is within the existing building envelop, the permit plans illustrate a building expansion (filling in of lightwell on 3rd and 4th floors and expansion of rooftop penthouse). While this scope of work triggered Planning Department review and approval, no such review or approval occurred. On May 22, 2017, DBI issued BPA No.: 2017.04.03.3064.

On August 28, 2017, BPA No.: 2017.08.28.6129 was filed. The scope of work under this permit included, "Revision To PA#201312305201 With (E) Bldg. Envelope Per Plan, Update Structural Beam Location to Reflect to Site Condition to Fulfill Inspection Requirement. Revise Staircase Connection with Simpson Hangers to Reflect to Site Condition. As Built Per BPA #201704033064 Per Plan. N/A Ordinance #155-13." Since this permit relied on BPA No. 2017.04.03.3064 as the last approved and authorized conditions, this permit was misleading and factually incorrect as there is a change to the building envelop. This permit should have

Tom Hui, Director DBI
Suspension Request
2861-2865 San Bruno Avenue
November 26, 2019

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19-1391

received Planning Department review and approval. On September 28, 2017, DBI issued BPA No. 2017.08.28.6129.

On October 24, 2019, the Planning Department conducted a joint site inspection with DBI and observed that substantial construction work was being done without benefit of permits. Plumbing and electric work (along with cabinet and tile work) was done for what appears to be six kitchens. The property is allowed to have two units. Based on the current configuration, the property appears to follow the same design and development pattern as the adjacent property to the south at 2867-2899 San Bruno Avenue, which is owned by the same owners. This property is currently under investigation and enforcement action.

The Planning Department requires that the project on the subject property (Lot 22) be combined with the project at the adjacent property, 2867-2899 San Bruno Avenue (Lot 37) and authorized as a single project as both properties meet the definition of a single Lot per Planning Code Sec. 102. Pursuant to Planning Code Section 102, "lot as so defined generally consists of a single Assessor's lot, but in some cases consists of a combination of contiguous Assessor's lots or portions thereof where such combination is necessary to meet the requirements of the Planning Code."

As such, the property owner is required to submit a Conditional Use Authorization (CUA) to the Planning Department covering the entire scope of the project on the subject property and adjacent property on 2867-2899 San Bruno Avenue and file new building permit applications accordingly. The Planning Department is also issuing a Notice of Enforcement (attached) to this effect.

In light of the foregoing, the Planning Department respectfully requests suspension of BPA Nos.: 2013.12.30.5201, 2017.04.03.3064, and 2017.08.28.6129 to allow the Permit Holder to submit a CUA with correct and updated scope of work and accurate plans depicting the previously existing, as built, and proposed conditions. Demolition calculations will also be required.

APPEAL: Any aggrieved person may appeal this letter to the Board of Appeals within fifteen (15) days after the date of the issuance of this letter. For further information, please contact the Board of Appeals in person at 1650 Mission Street, Room 304, or call 575-6880.

Sincerely,



Tina Tam
Acting Zoning Administrator

Enc.: Notice of Enforcement dated November 26, 2019

CC: Property Owner - Tam Yin Kwan, 21 Cook Street, San Francisco, CA 94118
Property Owner - Tong Yin Kai Tong & Dufin Tsang, 319 California St #B, Arcadia, CA 91006
Property Owner - Lee Yun Ling & Cindy Zhou, 9202 Wedgewood St, Temple City, CA 91780

Tom Hui, Director DBI
Suspension Request
2861-2865 San Bruno Avenue
November 26, 2019

Property Owner – Yin Kwan Tam Family Tr, 150 Urbano Drive, San Francisco, 94127
Justin A. Goodman, Zacks, Freedman & Patterson, PC, 235 Montgomery Street, Ste 400, San Francisco, CA 94104
Megan E. Ryan, Deputy City Attorney, San Francisco City Attorney's Office
Rich Sucre, Planning Department
Kimberly Durandet, Planning Department

BOARD OF APPEALS

DATE 10 2019
APPEAL # 19-139



Date Filed: **Board of Appeals**
May 13, 2020

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

PRELIMINARY STATEMENT OF APPEAL No. 20-036

I / We, **Yin Kwan Tam Family Trust**, hereby appeal the following departmental action: **ISSUANCE of Notice of Violation No. 2019-020031ENF** by the **Zoning Administrator** which was issued or became effective on: **April 30, 2020**, to: **Yin Kwan Tam Family Trust** or the property located at: **2861-2865 San Bruno Avenue**.

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: **May 28, 2020, (no later than three Thursdays prior to the hearing date)**, up to 12 pages in length, double-spaced, with unlimited exhibits, with eleven (11) copies delivered to the Board office by 4:30 p.m., and with additional copies delivered to the other parties the same day. In addition, an electronic copy should be emailed to: boardofappeals@sfgov.org if possible. _____X_____

Respondent's and Other Parties' Briefs are due on or before: **June 11, 2020, (no later than one Thursday prior to hearing date)**, up to 12 pages in length, doubled-spaced, with unlimited exhibits, with eleven (11) copies delivered to the Board office by 4:30 p.m., and with additional copies delivered to the other parties the same day. In addition, an electronic copy should be emailed to: boardofappeals@sfgov.org if possible.

Only photographs and drawings may be submitted by the parties at the hearing.

Hearing Date: **Wednesday, June 17, 2020, 5:00 p.m., City Hall, Room 416**, One Dr. Carlton B. Goodlett Place.

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 change to the briefing schedule.

In order to have their documents sent to the Board members prior to hearing, **members of the public** should submit eleven (11) copies of all documents of support/opposition no later than one Thursday prior to hearing date by 4:30 p.m. 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 at the Board's office. You may also request a copy of the packet of materials that are provided to Board members at a cost of 10 cents per page, per S.F. Admin. Code Ch. 67.28.

If you have any questions please call the Board of Appeals at 415-575-6880

The reasons for this appeal are as follows:

No Statement submitted.

Appellant or Agent (Circle One):

Signature: Via Email

Print Name: Via Email



SAN FRANCISCO PLANNING DEPARTMENT

NOTICE OF VIOLATION

April 30, 2020

Property Owner

Yin Kwan Tam Family Trust
150 Urbano Drive
San Francisco, CA 94127

Property Owner

Lee Yun Ling & Cindy Zhou
9202 Wedgewood Street
Temple City, CA 91780

Property Owner

Tong Yin Kai Tong & Dufin Tsang
319 California Street #B
Arcadia, CA 91006

Site Address: 2861-2865 San Bruno Avenue
Assessor's Block/Lot: 5457/022
Zoning District: NC-2, Neighborhood Commercial, Small Scale
Complaint Number: 2019-020031ENF
Code Violation: Sections 171 and 174, Construction Beyond Scope of Work and Without Authorization. Non-Compliance with Building Permit (BP) Nos.: 2013.12.30.5201, 2017.04.03.3064, and 2017.08.28.6129
Section 172, Non-Compliance with Structures, Open Spaces, and Off-Street Parking Requirements
Section 175, Additions, Alterations, and Removal without Permit
Administrative Penalty: Up to \$250 Each Day of Violation
Response Due: Within 15 days from the date of this Notice
Staff Contact: Rachna, (415) 575-6806, Rachna.Rachna@sfgov.org

The Planning Department finds the above referenced property to be in violation of the Planning Code. As the owner of the subject property, you are a "responsible" party required to bring the above property into compliance with the Planning Code. Details of the violation are discussed below.

BACKGROUND

In 2015, BP No.: 2013.12.30.5201 was issued to authorize a two-story vertical addition to the existing mixed-use building.

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

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415.558.6378

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Planning
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In 2017, revisions to BP No.: 2013.12.30.5201 were approved and issued under BP No.: 2017.04.03.3064 and BP No.: 2017.08.28.6129 for interior alterations to the previously approved building design. However, there was no change to the number of units (two units) under these permits. The scope of work stated on these applications was misleading and inconsistent with the scope of work shown on the plans submitted with these applications. The plans misrepresented the existing and proposed conditions and were not submitted to the Planning Department for required review and approval.

BP No.: 2017.04.03.3064 stated the scope of work as *“Revision to BP# 2013-1230-5201 Within (E) Building Envelope Per Plan. Reconfigure Interior Non-Bearing Partitions to Relocate Bathroom and Laundry Room. Install NFPA13 Sprinkler Throughout with Construction Type V-A. Work on 2nd Thru 4th Floor Level Only.”*

The proposed plans submitted with BP No.: 2017.04.03.3064 did not accurately show the existing conditions and the proposed scope of work on the proposed floor plan sheets. For example, the previously approved kitchens on the second floor were not shown on the second floor plan and instead were shown on the third and fourth floor plans. The scope of work on the application did not state that kitchens were to be relocated. Further, significant proposed changes to the interior floors’ layout were shown as “existing” on the “proposed” floor plans. The new walls and partitions were shown as “existing” walls. Several new rooms and bathrooms were shown as “existing” on each floor and were not stated to be included in the scope of work on the permit application and plans. A new roof covering a large portion of light well on the second floor was shown on the proposed second plan but was not stated to be part of the scope of work on the application. The interior layout of ground floor was shown as existing with relocated restroom and no bicycle parking room. No permit was obtained to remove and relocate these interior features.

Several notes on the plans under BP No.: 2017.04.03.3064 stated that the proposed work shown in clouded areas including removal and reconfiguration of previously authorized staircases, addition of new kitchens into the light well on third and fourth floor, addition of mechanical room on the roof level, and alterations to front and rear façade were to be done under separate permits. Nearly all of the work shown on the plans under BP No.: 2017.04.03.3064 was indicated to be done under separate permits. However, no such permits were obtained.

BP No. 2017.08.28.6129 stated the scope of work as *“Revision To BP#201312305201 With (E) Bldg. Envelope Per Plan, Update Structural Beam Location to Reflect to Site Condition to Fulfill Inspection Requirement. Revise Staircase Connection with Simpson Hangers to Reflect to Site Condition. As Built Per BP #201704033064 Per Plan. N/A Ordinance #155-13.”*

Similar to BP No.: 2017.04.03.3064, the plans submitted with BP No.: 2017.08.28.6129 did not accurately show the existing conditions and scope of work on the existing and proposed floor plan sheets. The proposed plans showed the new addition into the light well, new kitchens on third and fourth floor, bathrooms, staircases as “existing” on each floor. No permits were obtained to seek legalization of these and several other alterations on each floor.

On October 24, 2019, Planning Department staff (Tina Tam) conducted a joint site inspection with the Department of Building Inspection (DBI) and observed that substantial construction work was being done without benefit of permits at the above property. The work done at the site did not conform to the plans approved under BP Nos.: 2013.12.30.5201 and 2017.04.03.3064.

DESCRIPTION OF VIOLATIONS

The violations pertain to excessive demolition of an existing mixed-use (two dwelling units over ground floor commercial) building and unpermitted deviations to the approved architectural design at the above property as described below.

NATURE OF UNPERMITTED WORK

Our records indicate that the above property was originally authorized for two dwelling units on the second floor and commercial use on the ground floor. Approval from the Planning Department and DBI is required for changes to the number of dwelling units as well as changes to the building demolition calculations. The previous scope of work is for alteration of an existing mixed-use (two dwelling units over ground floor commercial) building

It has come to the Planning Department's attention that four (4) additional unpermitted dwelling units were being created by splitting each of the two (2) authorized dwelling units into two (2) separate dwelling units on second, third, and fourth floor resulting in a total of six (6) dwelling units at the above property. Additionally, substantial demolition and interior and exterior alterations were done at the above property without benefit of permits and approval from the Planning Department.

UNAUTHORIZED RESIDENTIAL DEMOLITION

Significant demolition work was done to attempt to convert a two-unit building into a six-unit building at the above property. As described above, substantial interior and exterior alterations on each floor of the four-story building have been made without such authorization. Pursuant to Planning Code Section 317(b)(2), "Residential Demolition" shall mean any of the following:

- (A) Any work on a Residential Building for which the Department of Building Inspection determines that an application for a demolition permit is required, or*
- (B) A major alteration of a Residential Building that proposes the Removal of more than 50% of the sum of the Front Facade and Rear Facade and also proposes the Removal of more than 65% of the sum of all exterior walls, measured in lineal feet at the foundation level, or*
- (C) A major alteration of a Residential Building that proposes the Removal of more than 50% of the Vertical Envelope Elements and more than 50% of the Horizontal Elements of the existing building, as measured in square feet of actual surface area.*
- (D) The Planning Commission may reduce the above numerical elements of the criteria in Subsections (b)(2)(B) and (b)(2)(C), by up to 20% of their values should it deem that adjustment is necessary to implement the intent of Planning Code Section 317 to conserve existing sound housing and preserve affordable housing.*

The Planning Department requires that you provide accurate demolition calculations for any walls and surfaces removed on the permit plans showing removal percentages to determine if the residential demolition has occurred pursuant to Planning Code Sections 317. Show graphically on plans how demolition calculations were obtained. Label clearly associated demolition calculation numbers. Use hatches and other graphic representations to show clearly which elements are existing versus removed. Pursuant to Planning Code Section 317(d)(2), CUA is required for approval of the permit for Residential Demolition.

UNAUTHORIZED EXTERIOR ALTERATIONS

The as-built exterior façade and architectural design features of the building at the above property are not consistent with the plans approved under BP No.: 2013.12.30.5201. The commercial storefront on the ground floor was changed without the required authorizations or permits.

Pursuant to Planning Code Section 172, no structure shall be constructed, reconstructed, enlarged, altered, or relocated in a manner that is not permissible under the limitations set forth in the Planning Code for the district in which such structure is located.

Pursuant to Planning Code Section 175, a permit application is required to be approved and issued for reconstruction, enlargement, and alteration of any structure in compliance with the Planning Code.

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

VIOLATIONS ON THE ADJACENT PROPERTY UNDER SAME OWNERSHIP

The above property on Lot 022 follows the same design and development pattern as the adjacent property to the south, Lot 037 (2867-2899 San Bruno Avenue and 90-98 Woolsey), which is owned by the same owners. The property on Lot 037 is also deemed to be in violation of Planning Code including 1) Addition of 19 dwelling units; 2) Conversion of approved office use to residential use; 3) Exterior alterations; 4) Failure to provide Affordable/Below Market Rate (BMR) units, and several other violations described under Notice of Violation (NOV) issued on February 22, 2019 under Complaint Nos.: 2017-008719ENF, 2017-008719ENF-00, 2017-008719ENF-02, 2017-008719ENF-03, and 2017-008719ENF-04.

In 2012, the property at Lot 037 was authorized for five (5) 4-story buildings with a total of 10 dwelling units under Conditional Use Authorization (CUA) Case No. 2010.0627C, Planning Commission Motion No. 18782, and BP Nos. 2012.09.27.0758, 2012.09.27.0763, 2012.09.27.0764, 2012.09.27.0765, and 2012.09.27.0766. The project authorization included commercial uses on the ground floor, office uses on the second floor, and 2 dwelling units on the third and fourth floors of each of the five buildings. One (1) of the 10 dwelling units was required to be provided as an affordable unit pursuant to Planning Code Section 415. In 2015, revisions to the above referenced 2012 building permits were issued under BP Nos. 2015.07.27.2543, 2015.07.27.2544, 2015.07.27.2545, and 2015.07.27.2547 to legalize interior modifications including relocation of bathrooms and wet bars.

The office spaces on the second floor of each of the five buildings on Lot 037 were converted into two (2) separate dwelling units without the required permits, resulting in a total of 10 unauthorized dwelling units on the second floors of five buildings at the above property. Additionally, each dwelling unit on the third and fourth floors of five buildings was split into two (2) separate dwelling units resulting in five (5) new unpermitted dwelling units each on the third and fourth floors of five buildings with a total of 10 unauthorized dwelling units on the third and fourth floors of five buildings at the above property. In totality, 20 additional unpermitted dwelling units were created on Lot 037 without benefit of permits and

approval from the Planning Department. However, one of these unpermitted dwelling units was missing a kitchen during a joint task force inspection. Therefore, the Notice of Violation issued by DBI only cited 19 unpermitted dwelling units.

On May 29, 2019, BP Nos. 2019.05.29.1888, 2019.05.29.1899, 2019.05.29.1900, 2019.05.29.1901, 2019.05.29.1902 were filed to seek legalization of 14 unpermitted dwelling units on Lot 037. On July 22, 2019, CUA application No. 2017-004110CUA-02 was submitted to amend the previously approved Conditional Use Authorization for legalization of 14 unpermitted dwelling units and the removal of five (5) unpermitted dwelling units on Lot 037.

REQUIRED ACTIONS

On November 26, 2019, the Planning Department issued a Notice of Enforcement (NOE) requiring you to combine the development project at the above property on 2861-2865 San Bruno Avenue (Lot 022) with the development project at the adjacent property on 2867-2899 San Bruno Avenue (Lot 037) in order to be reviewed and authorized as a single development project. As such, you were required to combine the square footage of both lots 022 and 037 and seek legalization of all unauthorized units based on the total combined density permitted on both lots.

Pursuant to the November 26, 2019 NOE, you were required to file a Project Application with a supplemental CUA application with accurate demolition calculations, pre-existing, as built, and proposed plans and elevations (that included development on both lots), and before and after photographs covering the entire scope of the projects on lots 022 and 037 as a single development project. You must continue to diligently pursue the required CUA and associated building permits to legalize the work completed without permit, or another Code-complying scope of work. You must also work diligently to have all required building permits issued and completed.

TIMELINE OF INVESTIGATION

On October 24, 2019, the Planning Department staff, Tina Tam conducted a site visit.

On November 26, 2019, the Planning Department sent you a NOE informing you about the violation and the abatement process. In that notice, you were advised to take corrective actions and provide evidence of compliance to the Planning Department within fifteen (15) days from that notice.

On November 26, 2019, BPA Nos.: 2013.12.30.5201, 2017.04.03.3064, and 2017.08.28.6129 were suspended to allow the Permit Holder to submit a CUA with correct and updated scope of work and accurate plans depicting the previously existing, as built, and proposed conditions.

On December 11, 2019, an appeal was filed with the Board of Appeals against suspension of BPA Nos.: 2013.12.30.5201, 2017.04.03.3064, and 2017.08.28.6129. A hearing on this matter is scheduled for May 6, 2020. On December 17, 2019, your legal representative, Shoshana Raphael at Zacks, Freedman & Patterson, PC submitted the CUA supplemental Application.

On January 15, 2020, Ms. Raphael submitted the required Project Application.

On January 16, 2020, Ms. Raphael submitted the plans for the Project Application.

On February 24, 2020, the initial fee for CUA application was paid.

On March 3, 2020, the Planning Department staff, Kimberly Durandet requested Ms. Raphael to submit plans as the previously submitted link to plans was no longer valid.

On April 16, 2020, Ms. Durandet reiterated to Ms. Raphael that a comprehensive CUA application and plans for the both lots as a single project were required to be submitted.

To date, you have not submitted complete and accurate documentation including photographs to the Planning Department to demonstrate how you intend to bring the subject property into compliance with the Planning Code.

HOW TO CORRECT THE VIOLATION

The Planning Department requires that you immediately proceed to take corrective actions to abate the violation. You must continue to diligently pursue the required CUA and associated building permits to legalize the work completed without permit, or another Code-complying scope of work. You must also work diligently to have all required building permits issued and completed.

The Planning Department will review the new proposal and provide information on additional applications and submittal requirements as deemed necessary. You will also need to obtain new Building Permits for change of use, additional units, and alterations done at the above properties.

The responsible party will need to provide adequate evidence to demonstrate that either no violation exists or that the violation has been abated. A site visit may also be required to verify compliance.

For questions regarding the building permit process, please contact the Department of Building Inspection (DBI) at:

1660 Mission Street
San Francisco, CA 94103
telephone: (415) 558-6088
website: www.sfgov.org/dbi

For questions regarding Planning Department process, please contact the Planning Information Center (PIC) at:

1660 Mission Street (5th floor)
San Francisco, CA 94103
telephone: (415) 558-6377
email: pic@sfgov.org

TIMELINE TO RESPOND

A Shelter in Place order was issued for San Francisco due to the COVID-19 virus on March 16, 2020, which was set to expire on April 7, 2020. Order of the Health Officer No. C19-07b was issued for San Francisco on March 31, 2020, and it extended the previously issued Shelter in Place from April 7, 2020 to May 3, 2020.

On April 27, 2020, this order was further extended to May 31, 2020. Additionally, City agencies may not be able to process necessary applications to abate violations during the Shelter in Place (for example, the Department of Building Inspection). You can find more information from the City regarding the Shelter in Place here: www.sf.gov/topics/coronavirus-covid-19.

Given this information, the timeline to respond to this Notice of Violation **will not begin until** both 1) the Shelter in Place ends, and 2) all relevant City agencies are operating at a level necessary to abate the violation. Once the timeline to respond to this Notice of Violation begins, the responsible party **has fifteen (15) days from that date** to correct the violations as noted above. If you plan to appeal this Notice of Violation, you must do so **within 15 days of this notice** (see below).

The Department recognizes the challenges of the City's Shelter in Place order and its underlying cause. However, corrective actions should be taken as early as reasonably possible. Please contact the enforcement staff noted above with questions and/or to submit evidence of correction. Delays in abatement of the violation beyond the timeline outlined above will result in further enforcement action by the Planning Department.

APPEAL PROCESSES

If the responsible party believes that this order to remove violation of the Planning Code is an abuse of discretion by the Zoning Administrator, the following appeal processes are available **within fifteen (15) days from the date of this notice**:

- 1) The responsible party may request a Zoning Administrator Hearing under Planning Code Section 176 to show cause why this Notice of Violation is issued in error and should be rescinded by submitting the Request for Zoning Administrator Hearing Form and supporting evidence to the Planning Department. This form is available from the Planning Department's website at <https://sfplanning.org/resources>. The Zoning Administrator shall render a decision on the Notice of Violation within 30 days of such hearing. The responsible party may appeal the Zoning Administrator's written decision to the Board of Appeals within 15 days from the date of the decision.
- 2) The responsible party or any interested party may waive the right to a Zoning Administrator Hearing and proceed directly to appeal the Notice of Violation to the Board of Appeals located at:

1650 Mission Street, Room 304
San Francisco, CA 94103
telephone: (415) 575-6880
website: www.sfgov.org/bdappeal

If Board of Appeals upholds the Notice of Violation, it may not reduce the amount of penalty below \$100 per day for each day the violation continues unabated, excluding the period of time the matter was pending either before the Zoning Administrator or before the Board of Appeals.

ADMINISTRATIVE PENALTIES

If a responsible party does not request an appeal or abate the violation within fifteen (15 days), this Notice of Violation will become final. However, **administrative penalties will not begin to accrue until the 15-day period to respond expires**, as detailed above. Beginning on the following day, administrative penalties of up to \$250 per day to the responsible party will start to accrue for each day the violation continues unabated. If such penalties are assessed, the Department will issue a Notice of Penalty, and the penalty amount shall be paid within 30 days from the issuance date of that notice. Please be advised that payment of penalty does not excuse failure to correct the violation or bar further enforcement action. Additional penalties will continue to accrue until corrective action is taken to abate the violation.

ENFORCEMENT TIME AND MATERIALS FEE

Pursuant to Planning Code Section 350(g)(1), the Planning Department shall charge for 'Time and Materials' to recover the cost of correcting the Planning Code violations. Accordingly, the responsible party is currently subject to a fee of **\$7,769.75** for 'Time and Materials' costs associated with the Code Enforcement investigation. **Please submit a check payable to "Planning Department Code Enforcement Fund" within 15 days from the date of this notice.** Additional fees will continue to accrue until the violation is abated. This fee is separate from the administrative penalties described above and is not appealable.

FAILURE TO PAY PENALTIES AND FEES

Any Administrative Penalties and Enforcement Fees not paid within the specified time period noted above may be forwarded to the Bureau of Delinquent Revenue (BDR) for collection pursuant to Article V, Section 10.39 of the San Francisco Administrative Code. The BDR may apply a 25% surcharge for their collection services. Please note that such surcharge will be considered part of the cost of correcting the violation, and you (the responsible party) will be responsible for such charges.

OTHER APPLICATIONS UNDER CONSIDERATION

The Planning Department requires that pending violations be resolved prior to the approval and issuance of any separate applications for work proposed on the same property. Therefore, any applications not related to abatement of the violation will be placed on hold until a corrective action is taken to abate the violation. We want to assist you to bring the subject property into full compliance with the Planning Code. You may contact the enforcement planner noted above for any questions on the enforcement and appeal process.

Sincerely,



Tina Tam
Acting Zoning Administrator

2861-2865 San Bruno Avenue
Complaint No.: 2019-020031ENF

Notice of Violation
April 30, 2020

Enc.: Notice of Enforcement, dated November 26, 2019
NOV for Lot 37, dated February 22, 2019

cc: Megan E. Ryan, Deputy City Attorney, San Francisco City Attorney's Office via email
Shoshana Raphael and Justin A. Goodman at Zacks, Freedman & Patterson, PC via email



SAN FRANCISCO PLANNING DEPARTMENT

NOTICE OF ENFORCEMENT

November 26, 2019

Property Owner

Yin Kwan Tam Family Trust
150 Urbano Drive
San Francisco, CA 94127

Property Owner

Lee Yun Ling & Cindy Zhou
9202 Wedgewood Street
Temple City, CA 91780

Property Owner

Tong Yin Kai Tong & Dufin Tsang
319 California Street #B
Arcadia, CA 91006

Site Address: 2861-2865 San Bruno Avenue
Assessor's Block/Lot: 5457/022
Zoning District: NC-2, Neighborhood Commercial, Small Scale
Complaint Number: 2019-020031ENF
Code Violation: Sections 171 and 174, Non-Compliance with approved Building Permit Application (BPA) No. 2013.12.30.5201, Construction Work Beyond Scope of Work and Without Planning Department Approval under BPA 2017.04.03.3064 and 2017.08.28.6129, and Addition of Unauthorized Dwelling Units
Section 172, Compliance of Structures, Open Spaces, and Off-Street Parking
Section 175, Additions, Alterations, and Removal without Permit
Section 317, Potential Residential Demolition
Administrative Penalty: Up to \$250 Each Day of Violation
Response Due: Within 15 days from the date of this Notice
Staff Contact: Rachna, (415) 575-6806, Rachna.Rachna@sfgov.org

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

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

DESCRIPTION OF VIOLATION

Our records indicate that the subject property was originally authorized for two dwelling units on the second floor and commercial use on the ground floor. On October 22, 2015, a BPA No.: 2013.12.30.5201 was issued to authorize 3rd and 4th Floor Vertical Addition and No Change of Use. Under this permit, the ground floor was also altered to provide a two-car parking garage in the rear.

On May 22, 2017, BPA No.: 2017.04.03.3064 was issued and approved for the following scope of work, *"Revision to BPA# 2013-1230-5201 Within (E) Building Envelope Per Plan. Reconfigure Interior Non-Bearing Partitions to Relocate Bathroom and Laundry Room. Install NFPA13 Sprinkler Throughout with Construction Type V-A. Work on 2nd Thru 4th Floor Level Only."* Despite the fact this permit stated the work is within the existing building envelop, the permit plans illustrate a building expansion and hence triggered Planning Department review and approval. No such review or approval occurred.

On September 28, 2017, BPA No. 2017.08.28.6129 was issued and approved for the following scope of work, *"Revision To PA#201312305201 With (E) Bldg. Envelope Per Plan, Update Structural Beam Location to Reflect to Site Condition to Fulfill Inspection Requirement. Revise Staircase Connection with Simpson Hangers to Reflect to Site Condition. As Built Per BPA #201704033064 Per Plan. N/A Ordinance #155-13."* Similar to the BPA No. 2017.04.03.3064, this permit misrepresented the existing conditions and was misleading as there is a change to the building envelop. This permit should have received Planning Department review and approval.

It has come to the Planning Department's attention that potentially four additional dwelling units have been created with a total of six dwelling units on the upper floors (2 units each on 2nd, 3rd, and 4th floor respectively) and substantial demolition and interior and exterior alterations have been done without such authorization.

On October 24, 2019, the Planning Department conducted a joint site inspection with the Department of Building Inspection (DBI) and observed that substantial construction work was being done without benefit of permits. Plumbing and electric work (along with cabinet and tile work) was done for what appears to be six kitchens. The property is allowed to have two units. Based on the current configuration, the property appears to follow the same design and development pattern as the adjacent property to the south at 2867-2899 San Bruno Avenue, which is owned by the same owners. This property is currently under investigation and enforcement action.

Pursuant to Planning Code Section 317(b)(13), "Unauthorized Unit" shall mean one or more rooms within a building that have been used, without the benefit of a building permit, as a separate and distinct living or sleeping space independent from Residential Units on the same property. "Independent" shall mean that (i) the space has independent access that does not require entering a Residential Unit on the property and (ii) there is no open, visual connection to a Residential Unit on the property.

Approval from the Planning Department and DBI is required for legalization of any unauthorized dwelling units. If the illegal units are authorized under the Planning Code Section 207.3, these must satisfy all applicable requirements of the Planning Code except for the rear yard requirements set forth in Section 134, the usable open space requirements set forth in Section 135, and the light and air requirements set forth in Section 140, and except as otherwise provided in this Section 207.3.

Pursuant to Planning Code Section 172, no structure shall be constructed, reconstructed, enlarged, altered, or relocated in a manner that is not permissible under the limitations set forth in the Planning Code for the district in which such structure is located.

Pursuant to Planning Code Section 175, a permit application is required to be approved and issued for reconstruction, enlargement, and alteration of any structure in compliance with the Planning Code.

Pursuant to Planning Code Section 317(b)(2), "Residential Demolition" shall mean any of the following:

(A) Any work on a Residential Building for which the Department of Building Inspection determines that an application for a demolition permit is required, or

(B) A major alteration of a Residential Building that proposes the Removal of more than 50% of the sum of the Front Facade and Rear Facade and also proposes the Removal of more than 65% of the sum of all exterior walls, measured in lineal feet at the foundation level, or

(C) A major alteration of a Residential Building that proposes the Removal of more than 50% of the Vertical Envelope Elements and more than 50% of the Horizontal Elements of the existing building, as measured in square feet of actual surface area.

(D) The Planning Commission may reduce the above numerical elements of the criteria in Subsections (b)(2)(B) and (b)(2)(C), by up to 20% of their values should it deem that adjustment is necessary to implement the intent of Planning Code Section 317 to conserve existing sound housing and preserve affordable housing.

Pursuant to Planning Code Section 317(d)(1), No permit to demolish a Residential Building in any zoning district shall be issued until a building permit for the replacement structure is finally approved. Pursuant to Planning Code Section 317(d)(2), Conditional Use Authorization (CUA) is required for approval of the permit for Residential Demolition.

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

HOW TO CORRECT THE VIOLATION

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

1. The project on the subject property (Lot 22) be combined with the project at the adjacent property, 2867-2899 San Bruno Avenue (Lot 37) to be reviewed and authorized as a single project due to the following reasons:
 - a. The two properties are currently under essentially the same ownership, and were so when development of both properties was initiated;
 - b. The development process for both properties began essentially at the same time in 2012-2013;

- c. The garage for Lot 22 is only accessible by crossing Lot 37;
 - d. The exterior and interior design of the building on Lot 22 is very similar to those buildings on Lot 37; and therefore,
 - e. The two properties meet the definition of a single Lot per Planning Code Sec. 102. Pursuant to Planning Code Section 102, *“lot as so defined generally consists of a single Assessor’s lot, but in some cases consists of a combination of contiguous Assessor’s lots or portions thereof where such combination is necessary to meet the requirements of the Planning Code.”*
2. File a Project Application with a supplemental CUA application with accurate demolition calculations, pre-existing, as built, and proposed plans and elevations, and before and after photographs covering the entire scope of the project on Lot 22 and Lot 37. These applications are available from the Planning Department’s website at <https://sfplanning.org/resources>. Alternatively, the CUA No. 2017-004110CUA-02 filed on Lot 37 shall be revised to cover the entire scope of the project. Please note that the application fee will be required to be adjusted accordingly. The new CUA will be to authorize an entirely new project and will not simply be a modification of the original authorization on Lot 22 and 37.
 3. File a Variance application if the proposal does not meet open space, rear yard, or other applicable Planning Code requirements.
 4. The Planning Department requires that no further work be done at site until proper permits and authorizations are obtained from the Planning Department and DBI. As such, the Planning Department has requested DBI to suspend BP Nos. 201312305201, 201704033064, and 201708286129.
 5. The Planning Department will review the new proposal and provide information on additional applications and submittal requirements as deemed necessary. If the Conditional Use Authorization is granted, you will also need to obtain new Building Permits.

The responsible party will need to provide adequate evidence to demonstrate that either no violation exists or that the violation has been abated. A site visit may also be required to verify compliance.

Please contact the Department of Building Inspection (DBI), 1660 Mission Street, San Francisco, CA 94103, telephone: (415) 558-6088, website: www.sfgov.org/dbi, regarding the Building Permit Application process. Please visit the Planning Information Counter located at the first floor of 1660 Mission Street, telephone: (415) 558-6377, or website: www.sfplanning.org for any questions regarding the planning process.

TIMELINE TO RESPOND

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

PENALTIES AND APPEAL RIGHTS

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

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

ENFORCEMENT TIME AND MATERIALS FEE

Pursuant to Planning Code Section 350(g)(1), the Planning Department shall charge for 'Time and Materials' to recover the cost of correcting Planning Code violations and violations of Planning Commission and Planning Department's Conditions of Approval. Accordingly, the responsible parties are currently subject to an amount of \$1447 plus any additional accrued time and materials cost for Code Enforcement investigation and abatement of violation. This fee is separate from the administrative penalties described above and is not appealable.

OTHER APPLICATIONS UNDER CONSIDERATION

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

cc: Rich Sucre, Planning Department
Kimberly Durandet, Planning Department
Donal Duffy, Department of Building Inspection
Ed Sweeny, Department of Building Inspection
Patrick O'Riordan, Department of Building Inspection
Megan E. Ryan, Deputy City Attorney, San Francisco City Attorney's Office
Justin A. Goodman, Zacks, Freedman & Patterson, PC, 235 Montgomery Street, Suite 400,
San Francisco, CA 94104



SAN FRANCISCO PLANNING DEPARTMENT

NOTICE OF VIOLATION

February 22, 2019

Property Owner

Tam Yin Kwan
21 Cook Street
San Francisco, CA 94118

Property Owner

Lee Yun Ling & Cindy Zhou
9202 Wedgewood Street
Temple City, CA 91780

Property Owner

Tong Yin Kai Tong & Dufin Tsang
319 California St #B
Arcadia, CA 91006

Property Owner

Nelson Tong
1355 Fairfax Ave, Suite B
San Francisco CA 94124

Site Address:

2867-2899 San Bruno Avenue

Assessor's Block/Lot:

5457/037

Zoning District:

NC-2, Neighborhood Commercial, Small Scale

Complaint Numbers:

2017-008719ENF, 2017-008719ENF-00, 2017-008719ENF-02,
2017-008719ENF-03, and 2017-008719ENF-04

Code Violations:

Section 415 (formerly 315), Failure to comply with the Inclusionary Affordable Housing Program Requirements under Conditional Use Authorization (CUA) Case No. 2010.0627C, Motion No. 18782, Notice of Special Restrictions (NSR) No. 2013J679692, Building Permit (BP) No. 201209270766
Sections 171 and 174, Non-Compliance with approved project, plans, and conditions of approval under CUA 2010.0627C, Motion No. 18782, and BP Nos. 201209270758, 201209270763, 201209270764, 201209270765, 201209270766, 201507272543, 201507272544, 201507272545, and 201507272547
Section 175, Additions, Alterations, and Removal without Permit
Section 138.1(c)(1) (formerly 143), Non-Compliance with Street Tree Requirements under CUA 2010.0627C, Motion No. 18782, BP No. 201209270758

Administrative Penalty:

Up to \$250 Each Day of Violation for Each Violation

Response Due:

Within 15 days from the date of this Notice

Staff Contact:

Rachna, (415) 575-6806, Rachna.Rachna@sfgov.org

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

www.sfplanning.org

The Planning Department has determined that the above referenced property is in violation of the Planning Code. As the owner of the subject property, you are a responsible party to bring the above property into compliance with the Planning Code. Details of the violation are discussed below:

DESCRIPTION OF VIOLATIONS

In 2012, the subject property was authorized for five (5) 4-story buildings with a total of 10 dwelling units under Conditional Use Authorization (CUA) 2010.0627C (Planning Commission Motion No. 18782) and Building Permit (BP) Nos. 201209270758, 201209270763, 201209270764, 201209270765, and 201209270766. The project authorization includes commercial uses on the ground floor, office uses on the second floor, and dwelling units on the third and fourth floors of each of the five buildings. One (1) of the 10 dwelling units was required to be provided as an affordable unit per Planning Code Section 415 et al. In 2015, revisions to the 2012 building permits were approved and issued under BP Nos. 201507272543, 201507272544, 201507272545, and 201507272547 to legalize work completed for the interior of the units such as relocation of bathrooms and wet bars. However, no change of use (i.e. change in unit count) was authorized under any of these permits.

The violations are noted as follows:

2017-008719ENF:

NSR No. 2013-J679692 was recorded on the property in association with BP 201209270766 to document the requirement that one (1) dwelling unit on the fourth floor of the building at 2871 San Bruno Avenue be maintained as a Below Market Rate (BMR) Unit. This BMR Unit is subject to the requirements of the Inclusionary Affordable Housing Program administered by the Mayor's Office of Housing and Community Development (MOHCD) as set forth under Planning Code Section 415 et al.

In April 2017, on behalf of the property owner (Nelson Tong), Jeremy Schaub (Schaub Ly Architects) filed CUA application 2017-004110CUA to modify the conditions of approval of Motion No. 18782 to provide an in-lieu payment for the required BMR Unit to bring the property into compliance with Section 415, instead of providing the BMR Unit on-site. The CUA application noted the total number of dwelling units as 10 on the subject property. The application further noted that:

"The project is almost complete, and no change is proposed to the size or shape of the structures; Traffic patterns will not be affected; Noise, glare, dust & odor will be prevented; Landscaping, open spaces, parking, lighting, etc. will not be affected; and that the project will be fully code compliant."

"The Project creates 5 new neighborhood retail establishments and 10 new offices. This proposal includes 10 new family dwellings."

While this CUA application was filed in 2017, it has not yet been heard or acted on by the Planning Commission. Instead, during the review of the CUA, it came to the Planning Department's attention that the project as completed does not adhere to the project authorized by the original project CUA or associated

building permits. Whereas CUA 2010.0627C authorizes the construction of 10 dwelling units (including one BMR Unit), the owner constructed a total of 30 dwelling units, and no BMR unit was provided. All but two of the 30 dwelling units are currently occupied.

Pursuant to Planning Code Section 415, the subject property is in violation of Inclusionary Affordable Housing Program Requirements under CUA 2010.0627C and NSR No. 2013J679692 for failure to provide the required one (1) BMR unit.

2017-008719ENF-00:

During a site inspection in connection with the CUA application, the Planning Department determined that the previously authorized office spaces on second floor of each of the five buildings have been entirely converted into two (2) separate dwelling units resulting in a total of 10 unauthorized dwelling units on the second floors of the five buildings. Additionally, each authorized dwelling unit on the third and fourth floors of each of the five buildings was split into two (2) separate dwelling units resulting in four (4) new unauthorized dwelling units in each of the five buildings. As a result, a total of 20 additional unauthorized dwelling units were added to the project site without the benefit of a permit.

Increasing the number of dwelling units and changing the use from non-residential use to residential use is not allowed without obtaining prior applicable approvals and permits. Moreover, all such units must meet all applicable Planning and Building Code regulations. Based on the maximum density allowed in the NC-3 Zoning District, the maximum density allowed at the subject property is 14 dwelling units, assuming that all applicable approvals and permits are obtained.

Pursuant to Planning Code Sections 171, 174, and 175, the subject property is in violation of Planning Commission Motion No. 18782 and BP Nos. 201209270758, 201209270763, 201209270764, 201209270765, and 201209270766 for failure to comply with the approved scope of work for each permit, including adding 20 unauthorized dwelling units and changing the use from office use on the second floor to residential use without the required Conditional Use Authorization or building permits.

2017-008719ENF-02:

During a site inspection, the Planning Department determined that the existing exterior façade and architectural design features of the subject buildings are not consistent with the plans approved under Motion No. 18782 and BP Nos. 201209270758, 201209270763, 201209270764, 201209270765, and 201209270766 and subsequent 2015 revision permits. The commercial storefronts on San Bruno Avenue deviate from the approved plans and were changed significantly without the required authorizations or permits. Garages in each of the five (5) buildings that were previously authorized parking for the residential use above were either altered or removed. Two (2) of the existing ground floor commercial uses have expanded their commercial and storage use into these garages thereby eliminating all enclosed parking for the building. Other interior changes including reconfiguration and relocation of stair cases and restrooms were also made, including reconfiguration of dwelling units on the third and fourth floors of each building. The driveway and landscape area on the rear portion of the lots was converted into unauthorized parking spaces. The required usable open space for the dwelling units (to be located on the roofs) per the approved CUA and permits was also not provided on any of the buildings.

Pursuant to Planning Code Sections 174 and 175, the subject property is in violation of Planning Commission Motion No. 18782 and BP Nos. 201209270758, 201209270763, 201209270764, 201209270765, 201209270766, 201507272543, 201507272544, 201507272545, 201507272547, and 201507272547 for failure to comply with the approved project and exceeding the scope of work without the required authorization and permits.

2017-008719ENF-03:

It came to the Planning Department's attention that the subject property did not implement the mitigation measures as required in condition of approval No. 20 of Motion No. 18782. Per this condition, mitigation measures including air quality, noise, and surface water runoff as described in the Mitigation, Monitor, and Report Plan (MMRP) attached as Exhibit C to Motion No. 18782 are necessary to avoid potential significant environmental impacts of the proposed project.

Pursuant to Planning Code Section 174, the subject property is deemed to be in violation of conditions of approval no. 20 of Motion No. 18782 for failure to comply with the required mitigation measures.

2017-008719ENF-04:

Motion No. 18782 authorized 10 new dwelling units and proposed landscaping and planting of 11 street trees including eight (8) new and three (3) existing trees as shown on the approved plans under BPA Nos. 201209270758, 201209270763, 201209270764, 201209270765, and 201209270766. Planning Code Section 138.1(c) effective at the time the permits were issued and currently set forth in Public Works Code Sections 805(a) and 806(d) required planting and maintenance of a minimum of one (1) tree for each 20 feet of property frontage along each street or alley with any remaining fraction of 10 feet or more of frontage requiring an additional tree for construction of a new building. The subject property has a total street frontage of approximately 215 feet and required planting of 11 trees. Five (5) new trees were planted and 225 sq. ft. of landscaping was provided to offset three (3) new required trees. However, all required landscaping has not been provided and most of the newly planted trees have not been properly maintained and require replacement.

Pursuant to Planning Code Sections 138.1(c)(1) and 174, the subject property is in violation of Motion No. 18782 for failure to provide and maintain all required street trees and landscaping. Additionally, some of the existing trees are in poor condition and must be replaced.

Planning Code Section 171 states that structures and land in any zoning district shall be used only for the purposes listed in the Planning Code as permitted in that district, and in accordance with the regulations established for that district. Pursuant to Planning Code Section 175(b), a permit application is required to be approved and issued by any City department for the construction, reconstruction, enlargement, alteration, relocation or occupancy of any structure in compliance with all respects to the Planning Code.

Further, pursuant to Planning Code Section 174, every condition, stipulation, special restriction, and other limitation under the Planning Code shall be complied with in the development and use of land and

structures. Failure to comply with any Planning Code provisions constitutes a violation of the Planning Code and is subject to an enforcement process under Code Section 176.

TIMELINE OF INVESTIGATION

On December 13, 2018, Enforcement Planners Tina Tam and Rachna met with Jeremy Schaub (Schaub Ly Architects) on behalf of the property owner (Nelson Tong) and conducted a site inspection. The site inspection confirmed the violations. On December 18, 2018, the Planning Department was informed that Reza Khoshvevisan is the new project representative. On December 24, 2018, the Planning Department sent you a Notice of Enforcement (see attached NOE). On January 9, 2019, Donal Duffy (Department of Building Inspection – DBI) conducted a site inspection and confirmed the existence of 29 dwelling units with individual kitchens and cited the property for numerous Building and Fire Code violations (see attached DBI Notice of Violation). While there are 30 dwelling units, one of these units was missing a kitchen at the time of the inspection, hence Inspector Duffy only cited the property as having 29 dwelling units. On January 15, 2019, the Planning Department received a current inventory of the buildings including as-built drawings; recorded copy of the NSR, copies of all current leases, building occupancy by floor, and other information.

On January 9, 2019, Mr. Khoshnevisan emailed the Planning Department to explore available options to abate the violations.

On January 9, 2019, the San Francisco Department of Building Inspection issued five separate NOVs for the property, one for each building.

On January 29 and January 31, 2019, the San Francisco Fire Department issued four separate NOVs for the property.

HOW TO CORRECT THE VIOLATION

The Planning Department requires that you immediately proceed to abate the above violations as follows:

1. File and obtain all necessary building permits, Conditional Use Authorizations, and all other required City approvals to bring the subject properties into compliance with Planning Commission Motion No. 18782 and BP Nos. 201209270758, 201209270763, 201209270764, 201209270765, and 201209270766; or
2. File and obtain all necessary building permits, Conditional Use Authorizations, and all other required City approvals to approve an overall scope of work that would otherwise be consistent with the San Francisco Municipal Code, as well as any applicable provisions of state law. Such consistency must include, but is not limited to, building envelopes, dwelling unit density, and the Inclusionary Affordable Housing Program.

The corrective actions listed above must commence within the time limits set below (Timeline to Respond).

For more information regarding the building permit process, please contact the Department of Building Inspection at:

1660 Mission Street
San Francisco, CA 94103
(415) 558-6088
www.sfgov.org/dbi

Please visit the Planning Information Counter (PIC) located at the first floor of 1660 Mission Street or www.sf-planning.org for any questions regarding the planning process.

TIMELINE TO RESPOND

The responsible party has **fifteen (15) days from the date of this notice** to file any appeal of this notice of violation in the manner noted below (Appeal Process).

The initial building permits required for each property to meet No. 1 or 2 above (How to Correct the Violation) must be filed within 30 days of expiration of the appeal period for this notice (by April 8, 2019). If an appeal is filed on this notice, then the initial building permits required for each property to meet No. 1 or 2 above must be filed within 30 days of the date of final decision on the appeal. Please contact the enforcement staff as noted above to submit evidence of correction. Any unreasonable delays in abatement of the violation in the timeline set forth above will result in the accrual of administrative penalties (below, Administrative Penalties) and further enforcement action by the Planning Department.

APPEAL PROCESSES

If the responsible party believes that this order to correct violations of the Planning Code is an abuse of discretion by the Zoning Administrator, the following appeal processes are available **within fifteen (15) days from the date of this notice**:

- 1) The responsible party may request a Zoning Administrator Hearing under Planning Code Section 176 to show cause why this Notice of Violation is issued in error and should be rescinded by submitting the Request for Zoning Administrator Hearing Form and supporting evidence to the Planning Department. The Zoning Administrator shall render a decision on the Notice of Violation within 30 days of such hearing. The responsible party may appeal the Zoning Administrator's decision to the Board of Appeals within 15 days from the date of the decision.
- 2) The responsible or any interested party may waive the right to a Zoning Administrator Hearing and proceed directly to appeal the Notice of Violation to the Board of Appeals at:

1650 Mission Street, Room 304
San Francisco, CA 94103
(415) 575-6880
www.sfgov.org/bdappeal

The Board of Appeals may not reduce the amount of penalty below \$100 per day for each day the violation continues unabated, excluding the period the matter has been pending either before the Zoning Administrator or before the Board of Appeals.

ADMINISTRATIVE PENALTIES

If any responsible party does not request any appeal process **within the 15-day time limit** as noted above, this Notice of Violation will become final. Beginning on the following day, administrative penalties of up to **\$250 per violation, per day** will start to accrue for each day that each violation continues unabated. Provided that the responsible parties submit all corrective building permits described above (How to Correct the Violation), and within the timeline set above (Timeline to Respond), such administrative penalties as may accrue during that timeline shall be waived, and the accrual of administrative penalties shall be stayed so long as the responsible parties diligently pursue such building permits, applications for Conditional Use Authorizations, and other approvals as may be required, and also diligently comply with City department requests for information, revisions, notices, or changes.

From time to time the Planning Department may issue a Notice of Penalty demanding payment of accrued penalties. The penalty amount shall be paid **within 30 days** from the issuance date of a Notice of Penalty. After 30 days, the Planning Department may forward the matter to the Bureau of Delinquent Revenue for collection as authorized by Article V, Section 10.39 of the San Francisco Administrative Code. Please be advised that payment of penalty does not excuse failure to correct the violation or bar further enforcement action. Additional penalties will continue to accrue until corrective action is taken to abate the violation, and if such corrective action is not diligently pursued.

Please be advised that the purpose of the Administrative Penalties levied under Planning Code section 176(c)(1) is to secure compliance with this Notice of Violation and to encourage speedy abatement of the cited violations. Pursuant to Planning Code section 176(f), further enforcement action may be taken by the City Attorney's Office, including but not limited to injunctive relief and civil penalties under Planning Code section 176(c)(2).

ENFORCEMENT TIME AND MATERIALS FEE

Pursuant to Planning Code Section 350(g)(1), the Planning Department shall charge for "Time and Materials" to recover the cost of correcting the Planning Code violations. Accordingly, the responsible party is currently subject to a fee of **\$10,256.96** for Time and Materials costs associated with the Code Enforcement investigation. **Please submit a check payable to "San Francisco Planning Department" for Code Enforcement within 15 days from the date of this notice.** Additional fees will continue to accrue until the violation is abated. This fee is separate from the administrative penalties described above and is not appealable.

OTHER APPLICATIONS UNDER CONSIDERATION

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

2867-2899 San Bruno Avenue
Complaint No.: 2017-008719ENF-00, 2017-008719ENF-00,
2017-008719ENF-02, 2017-008719ENF-03, & 2017-008719ENF-04

Notice of Violation
February 22, 2019

Planning Code.

Please contact the enforcement planner noted above if you have any questions or wish to review the enforcement file related to the above matter. The enforcement file is available for public inspection at the Planning Department during normal office hours (Monday to Friday, 8:00 a.m. to 5:00 p.m., 1650 Mission Street, Room 400) and in the hearing room on the date the matter is scheduled to be heard upon receipt of a request for a hearing.

Sincerely,



Corey A. Teague
Zoning Administrator

Enc.: Notice of Enforcement dated December 24, 2018
DBI's NOVs, dated January 9, 2019
SF Fire Department's NOVs, dated January 29 and January 31, 2019

cc: Rachna, Planning Department
Tina Tam, Planning Department
Donal Duffy, Department of Building Inspection, San Francisco
Ed Sweeny, Department of Building Inspection
Patrick O'Riordan, Department of Building Inspection
Jackie Tsou, Mayor's Office of Housing and Community Development
Peter Keith, Deputy City Attorney, San Francisco City Attorney's Office
Department of Public Works, Bureau of Street Use and Mapping



SAN FRANCISCO PLANNING DEPARTMENT

NOTICE OF ENFORCEMENT

December 24, 2018

Property Owner

Tam Yin Kwan
21 Cook Street
San Francisco, CA 94118

Property Owner

Lee Yun Ling & Cindy Zhou
9202 Wedgewood Street
Temple City, CA 91780

Property Owner

Tong Yin Kai Tong & Dufin Tsang
319 California St #B
Arcadia, CA 91006

Property Owner

Nelson Tong
1355 Fairfax Ave, Suite B
San Francisco CA 94124

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Site Address: 2867-2899 San Bruno Avenue
Assessor's Block/Lot: 5457/037
Zoning District: NC-2, Neighborhood Commercial, Small Scale
Complaint Numbers: 2017-008719ENF, 2017-008719ENF-00, 2017-008719ENF-02, 2017-008719ENF-03, and 2017-008719ENF-04
Code Violations: Section 415 (formerly 315), Failure to comply with the Inclusionary Affordable Housing Program Requirements under Conditional Use Authorization (CUA) Case No. 2010.0627C, Motion No. 18782, Notice of Special Restrictions (NSR) No. 2013J679692, Building Permit (BP) No. 201209270766
Sections 171 and 174, Non-Compliance with approved project, plans, and conditions of approval under CUA 2010.0627C, Motion No. 18782, and BP Nos. 201209270758, 201209270763, 201209270764, 201209270765, 201209270766, 201507272543, 201507272544, 201507272545, and 201507272547
Section 175, Additions, Alterations, and Removal without Permit
Section 138.1(c)(1) (formerly 143), Non-Compliance with Street Tree Requirements under CUA 2010.0627C, Motion No. 18782, BPA No. 201209270758
Administrative Penalty: Up to \$250 Each Day of Violation for Each Violation
Response Due: Within 15 days from the date of this Notice
Staff Contact: Rachna, (415) 575-6806, Rachna.Rachna@sfgov.org

the five buildings was converted into two separate dwelling units resulting in five new dwelling units on each floor. A total of twenty (20) unauthorized dwelling units were added.

Increasing the number of dwelling units and changing the use from non-residential use to residential use must meet all applicable Planning Code regulations and obtain all applicable approvals and permits. Based on the maximum density permitted in the NC-3 Zoning District, the subject property is permitted to have a maximum of fourteen (14) dwelling units.

Pursuant to Planning Code Section 171, 174, and 175, the subject property is deemed to be in violation of CUA 2010.0627C and BPNos. 201209270758, 201209270763, 201209270764, 201209270765, and 201209270766 for failure to comply with the approved scope of work for each permit, and specifically adding twenty (20) new dwelling units and changing the use from nonresidential to residential use without the required authorization and permits.

2017-008719ENF-02:

It has come to the Planning Department's attention that the existing exterior façade and architectural design features are not in compliance with the plans approved under Motion No. 18782 and BP Nos. 201209270758, 201209270763, 201209270764, 201209270765, and 201209270766 and subsequent revision BP No. 201507272547. The retail store fronts on San Bruno Avenue deviate from the approved plans and were changed significantly without the required authorizations or permits. Garages in each of the five buildings were also altered and parking spaces were removed. Garages spaces were made accessible from retail spaces on the ground floor, thus expanding the retail store areas. Other interior changes including reconfiguration and relocation of stair cases and restrooms were also made, including reconfiguration of dwelling units on third and fourth floors. The driveway area on the rear portion of building was converted into parking spaces. The required roof deck open space for the residential dwelling units was not provided per approved plans.

Pursuant to Planning Code Section 174 and 175, the subject property is deemed to be in violation of Motion No. 18782 and BP Nos. 201209270758, 201209270763, 201209270764, 201209270765, 201209270766, 201507272543, 201507272544, 201507272545, 201507272547, and 201507272547 for failure to comply with the approved project and exceeding the scope of work without the required authorization and permits.

2017-008719ENF-03:

It has come to the Planning Department's attention that the subject property did not implement the mitigation measures as required in condition of approval No. 20 of Motion No. 18782. Per this condition, mitigation measures described in the MMRP attached as Exhibit C to the motion are necessary to avoid potential significant effects of the proposed project.

Pursuant to Planning Code Section 174, the subject property is deemed to be in violation of conditions of approval no. 20 of Motion No. 18782 for failure to comply with the required mitigation measures.

2017-008719ENF-04:

Motion No. 18782 authorized 10 new dwelling units and proposed landscaping and planting of eleven (11) street trees including three (3) existing trees as shown on the approved plans under BP Nos. 201209270758, 201209270763, 201209270764, 201209270765, and 201209270766. Planning Code Section 138.1(c) effective at that time and currently set forth in Sections 805(a) and 806(d) of the Public Works Code required planting

and maintenance of a minimum of one tree for each 20 feet of property frontage along each street or alley with any remaining fraction of 10 feet or more of frontage requiring an additional tree for construction of a new building. The subject property has a total street frontage of approx. 215 feet and requires planting of eleven (11) trees and approval for the trees from the Department of Public Works.

Pursuant to Planning Code Sections 138.1(c)(1) and 174, the subject property is deemed to be in violation of Motion No. 18782 for failure to plant all required street trees and landscaping.

Planning Code Section 171 states that structures and land in any zoning district shall be used only for the purposes listed in the Planning Code as permitted in that district, and in accordance with the regulations established for that district. Pursuant to Planning Code Section 175(b), a permit application is required to be approved and issued by any City department for the construction, reconstruction, enlargement, alteration, relocation or occupancy of any structure in compliance with all respects to the Planning Code.

Further, pursuant to Planning Code Section 174, every condition, stipulation, special restriction, and other limitation under the Planning Code shall be complied with in the development and use of land and structures. Failure to comply with any Planning Code provisions constitutes a violation of Planning Code and is subject to an enforcement process under Code Section 176.

HOW TO CORRECT THE VIOLATIONS

The Planning Department requires that you contact the enforcement planner as soon as possible to arrange a meeting to discuss the various violations and to begin an abatement process. Any such abatement process must be diligently pursued, and the responsible party will need to provide adequate evidence to demonstrate that the violations have been abated.

TIMELINE TO RESPOND

The responsible party has **fifteen (15) days from the date of this notice** to contact the staff planner noted at the top of this notice to begin the abatement process for the subject property. A site visit may also be required to verify the authorized use at the above property. The corrective actions shall be taken as early as possible. Any unreasonable delays in abatement of the violation may result in further enforcement action by the Planning Department.

ENFORCEMENT TIME AND MATERIALS FEE

Pursuant to Planning Code Section 350(g)(1), the Planning Department shall charge for "Time and Materials" to recover the cost of correcting Planning Code violations and violations of Planning Commission and Planning Department's Conditions of Approval. Accordingly, the responsible party is subject to an amount of \$1395 plus any additional accrued time and materials cost per violation for Code Enforcement investigation and abatement of each violation. This fee is separate from any administrative penalties for a violation and is not appealable.

OTHER APPLICATIONS UNDER CONSIDERATION

The Planning Department requires that any pending violations be resolved prior to the approval and issuance of any new applications that you may wish to pursue in the future. Therefore, any applications not

2867-2899 San Bruno Avenue
Complaint No.: 2017-008719ENF-00, 2017-008719ENF-00,
2017-008719ENF-02, 2017-008719ENF-03, & 2017-008719ENF-04

Notice of Enforcement
December 24, 2018

related to abatement of the violations on the subject property will be placed on hold until the violations are corrected. We want to assist you in ensuring that the subject property is in full compliance with the Planning Code. You may contact the enforcement planner as noted above for any questions.

cc: Department of Public Works, Bureau of Street Use and Mapping
Daniel Lowrey, Deputy Director, Department of Building Inspection, San Francisco
Jackie Tsou, Mayor's Office of Housing and Community Development
Peter Keith, Supervising Attorney
Kristen A. Jensen, Deputy City Attorney



SAN FRANCISCO FIRE DEPARTMENT

Bureau of Fire Prevention
698 Second Street, Room 109
San Francisco, CA 94107
(415) 558-3300

Date: 01/31/2019

Violation ID: 1901-0222

NOTICE OF VIOLATION

Address: 2867 SAN BRUNO AVE, SAN FRANCISCO, CA 94134	Block/Lot: 5457/037
Owner/Agent: LEE YUN LING & CINDY ZHOU,	Phone:
Mailing Address: 9202 WEDGEWOOD ST, TEMPLE CITY, CA 91780	
Person Contacted At Site:	Phone:

To: LEE YUN LING & CINDY ZHOU (Property Owner/Occupant/Responsible Party)

The property at 2867 SAN BRUNO AVE has been inspected by the San Francisco Fire Department and one or more fire code violations were found. This is an official notification to correct the violation(s) by 1/31/2019 12:00:00AM. Failure to comply will result in legal action.

Section 109.4 of the *San Francisco Fire Code* empowers members of the San Francisco Fire Department, through the Chief of Department, to enforce all provisions of the fire code against violations. A lessor may not retaliate against a lessee for the lessee's exercise of his/her rights (See *Section 1942.5, Civil Code*).

RE-INSPECTION FEE (Section 109.4.2, *San Francisco Fire Code*)

When the fire code official issues a notice of violation and sets a date for compliance and re-inspection to certify compliance with code requirements, the fire code official shall charge a fee for the re-inspection and the person responsible shall pay that fee.

RE-INSPECTION OF VIOLATION FEES (Sections 113.7, *San Francisco Fire Code*)

If the fire code official issues a notice of violation under this code, the notice of violation may set a period of time that is reasonable to remedy the violation and the fire code official may re-inspect the property to verify that the person responsible has made the required correction. The Fire Department shall collect a fee in the amount of \$250.00 for re-inspections. If the time required for the re-inspection exceeds one hour, the Fire Department shall assess an additional fee at the rate of \$125.00 per hour.

VIOLATION DESCRIPTION

Standpipes / Missing Caps

2016 *San Francisco Fire Code* Section 901.6.1 & 2013 *NFPA 25, Table 6.2.2* Replace missing standpipe and fire department connection caps with 3-inch plugs or caps at the following location(s):

missing outlet caps all floors

Change of Use

2016 *San Francisco Fire Code* Section 102.3 Change of use or occupancy. Changes shall not be made in the use or occupancy of any structure that would place the structure in a different group of occupancies, unless such structure is made to comply with the requirements of the *California Fire Code* and *Building Code*. Subject to the approval of the fire code official, the use or occupancy of an existing structure shall be allowed to be changed and the structure is allowed to be occupied for purposes in other groups without conforming to all the requirements of the *California Fire and Building Code* for those groups, provided the new or proposed use is less hazardous, based on life and fire risk, than the existing use.

CONVERTED A R3 BUILDING TO R2 WITHOUT PERMITS

Fire Extinguishers/Maintenance

2016 *San Francisco Fire Code* Section 906.2 General requirements. Portable fire extinguishers shall be selected, installed and maintained in accordance with this section and Title 19, *California Code of Regulations, Chapter 3*. Also Title 19, *California Code of Regulations, Section 575.1* (a) Fire extinguishers shall be subjected to maintenance annually as described in this chapter or immediately after use or when specifically indicated by an inspection or at the time of hydrostatic test. For purposes of maintenance, hydrostatic test required during the same calendar year shall be performed at the time of the annual maintenance or recharge (b) Non-rechargeable fire extinguishers shall not be recharged or hydrostatically tested but shall be discharged and removed from service at a maximum interval of 12 years from the date of manufacture.

Location(s):

all floors

CORRECTIVE ACTION

<input type="checkbox"/> STOP ALL WORK (Section 111.4, <i>San Francisco Fire Code</i>).	
<input type="checkbox"/> Correct violation within ___ days. No permit required.	<input type="checkbox"/> Obtain Permit within ___ days.

BY ORDER OF THE CHIEF, SAN FRANCISCO FIRE DEPARTMENT

Contact: Lieutenant Diane A. Van Der Heide

Phone: 415/558-3310

Issued By (Signature):

District: BFP

Signature of Person Contacted At Site: _____



SAN FRANCISCO FIRE DEPARTMENT

Bureau of Fire Prevention
698 Second Street, Room 109
San Francisco, CA 94107
(415) 558-3300

Date: 01/29/2019

Violation ID: 1901-0223

NOTICE OF VIOLATION

Address: 2875 SAN BRUNO AVE, SAN FRANCISCO, CA 94134	Block/Lot:5457/037
Owner/Agent: LEE YUN LING & CINDY ZHOU,	Phone:
Mailing Address: 9202 WEDGEWOOD ST, TEMPLE CITY, CA 91780	
Person Contacted At Site:	Phone:

To: LEE YUN LING & CINDY ZHOU (Property Owner/Occupant/Responsible Party)

The property at 2875 SAN BRUNO AVE has been inspected by the San Francisco Fire Department and one or more fire code violations were found. This is an official notification to correct the violation(s) by 1/31/2019 12:00:00AM. Failure to comply will result in legal action.

Section 109.4 of the *San Francisco Fire Code* empowers members of the San Francisco Fire Department, through the Chief of Department, to enforce all provisions of the fire code against violations. A lessor may not retaliate against a lessee for the lessee's exercise of his/her rights (See Section 1942.5, *Civil Code*).

RE-INSPECTION FEE (Section 109.4.2, *San Francisco Fire Code*)

When the fire code official issues a notice of violation and sets a date for compliance and re-inspection to certify compliance with code requirements, the fire code official shall charge a fee for the re-inspection and the person responsible shall pay that fee.

RE-INSPECTION OF VIOLATION FEES (Sections 113.7, *San Francisco Fire Code*)

If the fire code official issues a notice of violation under this code, the notice of violation may set a period of time that is reasonable to remedy the violation and the fire code official may re-inspect the property to verify that the person responsible has made the required correction. The Fire Department shall collect a fee in the amount of \$250.00 for re-inspections. If the time required for the re-inspection exceeds one hour, the Fire Department shall assess an additional fee at the rate of \$125.00 per hour.

VIOLATION DESCRIPTION

Fire Extinguishers/Maintenance

2016 *San Francisco Fire Code* Section 906.2 *General requirements. Portable fire extinguishers shall be selected, installed and maintained in accordance with this section and Title 19, California Code of Regulations, Chapter 3. Also Title 19, California Code of Regulations, Section 575.1 (a) Fire extinguishers shall be subjected to maintenance annually as described in this chapter or immediately after use or when specifically indicated by an inspection or at the time of hydrostatic test. For purposes of maintenance, hydrostatic test required during the same calendar year shall be performed at the time of the annual maintenance or recharge (b) Non-rechargeable fire extinguishers shall not be recharged or hydrostatically tested but shall be discharged and removed from service at a maximum interval of 12 years from the date of manufacture.*

Location(s):

ALL FLOORS STAIRWELL

Change of Use

2016 *San Francisco Fire Code* Section 102.3 *Change of use or occupancy. Changes shall not be made in the use or occupancy of any structure that would place the structure in a different group of occupancies, unless such structure is made to comply with the requirements of the California Fire Code and Building Code. Subject to the approval of the fire code official, the use or occupancy of an existing structure shall be allowed to be changed and the structure is allowed to be occupied for purposes in other groups without conforming to all the requirements of the California Fire and Building Code for those groups, provided the new or proposed use is less hazardous, based on life and fire risk, than the existing use.*

CONVERTED R3 BUILDING TO R2 AND OFFICE SPACE TO RESIDENTIAL.

Standpipes / Missing Caps

2016 *San Francisco Fire Code* Section 901.6.1 & 2013 *NFPA 25, Table 6.2.2 Replace missing standpipe and fire department connection caps with 3-inch plugs or caps at the following location(s):*

ALL FLOORS IN STAIRWELL.

CORRECTIVE ACTION

<input type="checkbox"/> STOP ALL WORK (Section 111.4, <i>San Francisco Fire Code</i>).	
<input type="checkbox"/> Correct violation within ___ days. No permit required.	<input type="checkbox"/> Obtain Permit within ___ days.

BY ORDER OF THE CHIEF, SAN FRANCISCO FIRE DEPARTMENT

Contact: Lieutenant Diane A. Van Der Heiden

Phone: 415/558-3310

Issued By (Signature): _____

District: BFP

Signature of Person Contacted At Site: _____



SAN FRANCISCO FIRE DEPARTMENT

Bureau of Fire Prevention
698 Second Street, Room 109
San Francisco, CA 94107
(415) 558-3300

Date: 01/29/2019

Violation ID: 1901-0224

NOTICE OF VIOLATION

Address: 2883 SAN BRUNO AVE, SAN FRANCISCO, CA 94134	Block/Lot: 5457/037
Owner/Agent: LEE YUN LING & CINDY ZHOU,	Phone:
Mailing Address: 9202 WEDGEWOOD ST, TEMPLE CITY, CA 91780	
Person Contacted At Site:	Phone:

To: LEE YUN LING & CINDY ZHOU (Property Owner/Occupant/Responsible Party)

The property at 2883 SAN BRUNO AVE has been inspected by the San Francisco Fire Department and one or more fire code violations were found. This is an official notification to correct the violation(s) by 1/31/2019 12:00:00AM. Failure to comply will result in legal action.

Section 109.4 of the *San Francisco Fire Code* empowers members of the San Francisco Fire Department, through the Chief of Department, to enforce all provisions of the fire code against violations. A lessor may not retaliate against a lessee for the lessee's exercise of his/her rights (See *Section 1942.5, Civil Code*).

RE-INSPECTION FEE (Section 109.4.2, San Francisco Fire Code)

When the fire code official issues a notice of violation and sets a date for compliance and re-inspection to certify compliance with code requirements, the fire code official shall charge a fee for the re-inspection and the person responsible shall pay that fee.

RE-INSPECTION OF VIOLATION FEES (Sections 113.7, San Francisco Fire Code)

If the fire code official issues a notice of violation under this code, the notice of violation may set a period of time that is reasonable to remedy the violation and the fire code official may re-inspect the property to verify that the person responsible has made the required correction. The Fire Department shall collect a fee in the amount of \$250.00 for re-inspections. If the time required for the re-inspection exceeds one hour, the Fire Department shall assess an additional fee at the rate of \$125.00 per hour.

VIOLATION DESCRIPTION

Standpipes / Missing Caps

2016 San Francisco Fire Code Section 901.6.1 & 2013 NFPA 25, Table 6.2.2 Replace missing standpipe and fire department connection caps with 3-inch plugs or caps at the following location(s):

STAIRWELL ALL FLOORS

Fire Extinguishers/Maintenance

2016 San Francisco Fire Code Section 906.2 General requirements. Portable fire extinguishers shall be selected, installed and maintained in accordance with this section and Title 19, California Code of Regulations, Chapter 3. Also Title 19, California Code of Regulations, Section 575.1 (a) Fire extinguishers shall be subjected to maintenance annually as described in this chapter or immediately after use or when specifically indicated by an inspection or at the time of hydrostatic test. For purposes of maintenance, hydrostatic test required during the same calendar year shall be performed at the time of the annual maintenance or recharge (b) Non-rechargeable fire extinguishers shall not be recharged or hydrostatically tested but shall be discharged and removed from service at a maximum interval of 12 years from the date of manufacture.

Location(s):

ALL FLOORS

Change of Use

2016 San Francisco Fire Code Section 102.3 Change of use or occupancy. Changes shall not be made in the use or occupancy of any structure that would place the structure in a different group of occupancies, unless such structure is made to comply with the requirements of the California Fire Code and Building Code. Subject to the approval of the fire code official, the use or occupancy of an existing structure shall be allowed to be changed and the structure is allowed to be occupied for purposes in other groups without conforming to all the requirements of the California Fire and Building Code for those groups, provided the new or proposed use is less hazardous, based on life and fire risk, than the existing use.

TOP 2 FLOORS APPROVED FOR 1 RESIDENTIAL UNIT CONVERTED - 2 UNITS /FLOOR AND OFFICE SPACE CONVERTED - 2 RESIDENTIAL UNITS W/OUT APPROVED PLANS/PERMITS.

CORRECTIVE ACTION

<input type="checkbox"/> STOP ALL WORK (Section 111.4, San Francisco Fire Code).	
<input type="checkbox"/> Correct violation within ___ days. No permit required.	<input type="checkbox"/> Obtain Permit within ___ days.

BY ORDER OF THE CHIEF, SAN FRANCISCO FIRE DEPARTMENT

Contact: Lieutenant Diane A. Van Der Heiden

Phone: 415/558-3310

Issued By (Signature): _____

District: DFP

Signature of Person Contacted At Site: _____



SAN FRANCISCO FIRE DEPARTMENT

Bureau of Fire Prevention
698 Second Street, Room 109
San Francisco, CA 94107
(415) 558-3300

Date: 01/29/2019

Violation ID: 1901-0226

NOTICE OF VIOLATION

Address: 2899 SAN BRUNO AVE, SAN FRANCISCO, CA 94134	Block/Lot: 5457/037
Owner/Agent: LEE YUN LING & CINDY ZHOU,	Phone:
Mailing Address: 9202 WEDGEWOOD ST, TEMPLE CITY, CA 91780	
Person Contacted At Site:	Phone:

To: LEE YUN LING & CINDY ZHOU (Property Owner/Occupant/Responsible Party)

The property at 2899 SAN BRUNO AVE has been inspected by the San Francisco Fire Department and one or more fire code violations were found. This is an official notification to correct the violation(s) by 1/31/2019 12:00:00AM. Failure to comply will result in legal action.

Section 109.4 of the *San Francisco Fire Code* empowers members of the San Francisco Fire Department, through the Chief of Department, to enforce all provisions of the fire code against violations. A lessor may not retaliate against a lessee for the lessee's exercise of his/her rights (See Section 1942.5, *Civil Code*).

RE-INSPECTION FEE (Section 109.4.2, *San Francisco Fire Code*)

When the fire code official issues a notice of violation and sets a date for compliance and re-inspection to certify compliance with code requirements, the fire code official shall charge a fee for the re-inspection and the person responsible shall pay that fee.

RE-INSPECTION OF VIOLATION FEES (Sections 113.7, *San Francisco Fire Code*)

If the fire code official issues a notice of violation under this code, the notice of violation may set a period of time that is reasonable to remedy the violation and the fire code official may re-inspect the property to verify that the person responsible has made the required correction. The Fire Department shall collect a fee in the amount of \$250.00 for re-inspections. If the time required for the re-inspection exceeds one hour, the Fire Department shall assess an additional fee at the rate of \$125.00 per hour.

VIOLATION DESCRIPTION

Change of Use

2016 *San Francisco Fire Code* Section 102.3 *Change of use or occupancy. Changes shall not be made in the use or occupancy of any structure that would place the structure in a different group of occupancies, unless such structure is made to comply with the requirements of the California Fire Code and Building Code. Subject to the approval of the fire code official, the use or occupancy of an existing structure shall be allowed to be changed and the structure is allowed to be occupied for purposes in other groups without conforming to all the requirements of the California Fire and Building Code for those groups, provided the new or proposed use is less hazardous, based on life and fire risk, than the existing use.*

TOP 2 FLOORS APPROVED FOR 1 RESIDENTIAL UNIT CONVERTED - 2 UNITS /FLOOR AND OFFICE SPACE CONVERTED - 2 RESIDENTIAL UNITS W/OUT APPROVED PLANS/PERMITS.

Standpipes / Missing Caps

2016 *San Francisco Fire Code* Section 901.6.1 & 2013 *NFPA 25, Table 6.2.2* *Replace missing standpipe and fire department connection caps with 3-inch plugs or caps at the following location(s):*

ALL FLOORS STAIRWELL

Fire Extinguishers/Maintenance

2016 *San Francisco Fire Code* Section 906.2 *General requirements. Portable fire extinguishers shall be selected, installed and maintained in accordance with this section and Title 19, California Code of Regulations, Chapter 3. Also Title 19, California Code of Regulations, Section 575.1 (a) Fire extinguishers shall be subjected to maintenance annually as described in this chapter or immediately after use or when specifically indicated by an inspection or at the time of hydrostatic test. For purposes of maintenance, hydrostatic test required during the same calendar year shall be performed at the time of the annual maintenance or recharge (b) Non-rechargeable fire extinguishers shall not be recharged or hydrostatically tested but shall be discharged and removed from service at a maximum interval of 12 years from the date of manufacture.*

Location(s):

ALL FLOORS

CORRECTIVE ACTION

STOP ALL WORK (Section 111.4, *San Francisco Fire Code*).

Correct violation within ___ days. No permit required.

Obtain Permit within ___ days.

BY ORDER OF THE CHIEF, SAN FRANCISCO FIRE DEPARTMENT

Contact: Lieutenant Diane A. Van Der Heiden

Phone: 415/558-3310

Issued By (Signature): _____

District: BFB

Signature of Person Contacted At Site: _____



SAN FRANCISCO FIRE DEPARTMENT

Bureau of Fire Prevention
698 Second Street, Room 109
San Francisco, CA 94107
(415) 558-3300

Date: 01/29/2019

Violation ID: 1901-0225

NOTICE OF VIOLATION

Address: 2891 SAN BRUNO AVE, SAN FRANCISCO, CA 94134	Block/Lot: 5457/037
Owner/Agent: LEE YUN LING & CINDY ZHOU,	Phone:
Mailing Address: 9202 WEDGEWOOD ST, TEMPLE CITY, CA 91780	
Person Contacted At Site:	Phone:

To: LEE YUN LING & CINDY ZHOU (Property Owner/Occupant/Responsible Party)

The property at 2891 SAN BRUNO AVE has been inspected by the San Francisco Fire Department and one or more fire code violations were found. This is an official notification to correct the violation(s) by 1/31/2019 12:00:00AM. Failure to comply will result in legal action.

Section 109.4 of the *San Francisco Fire Code* empowers members of the San Francisco Fire Department, through the Chief of Department, to enforce all provisions of the fire code against violations. A lessor may not retaliate against a lessee for the lessee's exercise of his/her rights (See *Section 1942.5, Civil Code*).

RE-INSPECTION FEE (Section 109.4.2, San Francisco Fire Code)

When the fire code official issues a notice of violation and sets a date for compliance and re-inspection to certify compliance with code requirements, the fire code official shall charge a fee for the re-inspection and the person responsible shall pay that fee.

RE-INSPECTION OF VIOLATION FEES (Sections 113.7, San Francisco Fire Code)

If the fire code official issues a notice of violation under this code, the notice of violation may set a period of time that is reasonable to remedy the violation and the fire code official may re-inspect the property to verify that the person responsible has made the required correction. The Fire Department shall collect a fee in the amount of \$250.00 for re-inspections. If the time required for the re-inspection exceeds one hour, the Fire Department shall assess an additional fee at the rate of \$125.00 per hour.

VIOLATION DESCRIPTION

Change of Use

2016 San Francisco Fire Code Section 102.3 Change of use or occupancy. Changes shall not be made in the use or occupancy of any structure that would place the structure in a different group of occupancies, unless such structure is made to comply with the requirements of the California Fire Code and Building Code. Subject to the approval of the fire code official, the use or occupancy of an existing structure shall be allowed to be changed and the structure is allowed to be occupied for purposes in other groups without conforming to all the requirements of the California Fire and Building Code for those groups, provided the new or proposed use is less hazardous, based on life and fire risk, than the existing use.

TOP 2 FLOORS APPROVED FOR 1 RESIDENTIAL UNIT CONVERTED - 2 UNITS /FLOOR AND OFFICE SPACE CONVERTED - 2 RESIDENTIAL UNITS W/OUT APPROVED PLANS/PERMITS.

Standpipes / Missing Caps

2016 San Francisco Fire Code Section 901.6.1 & 2013 NFPA 25, Table 6.2.2 Replace missing standpipe and fire department connection caps with 3-inch plugs or caps at the following location(s):

STAIRWELL RISER MISSING OUTLET CAPS

Fire Extinguishers/Maintenance

2016 San Francisco Fire Code Section 906.2 General requirements. Portable fire extinguishers shall be selected, installed and maintained in accordance with this section and Title 19, California Code of Regulations, Chapter 3. Also Title 19, California Code of Regulations, Section 575.1 (a) Fire extinguishers shall be subjected to maintenance annually as described in this chapter or immediately after use or when specifically indicated by an inspection or at the time of hydrostatic test. For purposes of maintenance, hydrostatic test required during the same calendar year shall be performed at the time of the annual maintenance or recharge (b) Non-rechargeable fire extinguishers shall not be recharged or hydrostatically tested but shall be discharged and removed from service at a maximum interval of 12 years from the date of manufacture.

Location(s):

ALL FLOORS

CORRECTIVE ACTION

STOP ALL WORK (Section 111.4, San Francisco Fire Code).

Correct violation within ___ days. No permit required.

Obtain Permit within ___ days.

BY ORDER OF THE CHIEF, SAN FRANCISCO FIRE DEPARTMENT

Contact: Lieutenant Diane A. Van Der Heiden

Phone: 415/558-3310

Issued By (Signature): _____

District: DFP

Signature of Person Contacted At Site: _____



NOTICE OF VIOLATION

of the San Francisco Municipal Codes Regarding Unsafe, Substandard or Noncomplying Structure or Land or Occupancy

W P1

DEPARTMENT OF BUILDING INSPECTION

City and County of San Francisco
1660 Mission St. • San Francisco, CA 94103 - 2414

- FIRST NOTICE
- SECOND NOTICE
- OTHER: _____

COMPLAINT NUMBER

201918212

ADDRESS 2899 SAN BRUNO AV

DATE 1/9/19

OCCUPANCY / USE M, R, R.3

BLOCK 5457 LOT 037

CONST. TYPE 5

STORIES 4 BASEMENT

If checked, this information is based upon site observation only. Further research may indicate that legal use is different. If so, a revised Notice of Violation will be issued.

OWNER / AGENT _____

PHONE # _____

MAILING ADDRESS _____

CITY _____

ZIP _____

PERSON CONTACTED @ SITE _____

PHONE # _____

VIOLATION DESCRIPTION:

- WORK WITHOUT PERMIT (SFBC 103A); ADDITIONAL WORK-PERMIT REQUIRED (SFBC 106A.4.7);
- EXPIRED PERMIT (SFBC 106A.4.4); CANCELLED PERMIT (SFBC 106A.3.7) PA# _____;
- UNSAFE BUILDING (SFBC 102A); SEE ATTACHMENTS

	CODE / SECTION #
SITE INSPECTION PERFORMED ON 1/9/19 4 STORY BUILDING	SFBC 103A
COMMERCIAL ON GROUND FLOOR OFFICE SPACE ON SECOND FLOOR	102A.3
INDIVIDUAL DWELLING UNITS ON 3RD & 4TH FLOORS	TABLE 1A.16
CURRENTLY COMMERCIAL SPACE ON GROUND FLOOR OFFICE SPACE CONVERTED TO 2 DWELLING UNITS 3RD & 4TH FLOOR	1021
FLOOR CONVERTED TO 2 DWELLING UNITS ON EACH FLOOR	106A.4.7
APPROVED PLANS INDICATE ONE EXIT DUE TO 3RD & 4TH FLOOR HAVING ONE DWELLING UNIT EACH AS CURRENTLY DESIGNED THIS IS A R.2 APARTMENT BUILDING	109

BC - Building Code HC - Housing Code PC - Plumbing Code EC - Electrical Code MC - Mechanical Code

CORRECTIVE ACTION:

STOP ALL WORK SFBC 104A.2.4

- FILE BUILDING PERMIT APPLICATION WITHIN 30 DAYS WITH PLANS A Copy of This Notice Must Accompany the Permit Application.
- OBTAIN PERMIT WITHIN 60 DAYS AND COMPLETE ALL WORK WITHIN 90 DAYS, INCLUDING FINAL INSPECTION AND SIGNOFF.
- CORRECT VIOLATIONS WITHIN _____ DAYS. NO PERMIT REQUIRED.
- YOU FAILED TO COMPLY WITH THE NOTICE(S) DATED _____, THEREFORE THIS DEPT. HAS INITIATED ABATEMENT PROCEEDINGS.
- FAILURE TO COMPLY WITH THIS NOTICE WILL CAUSE ABATEMENT PROCEEDINGS TO BEGIN. SEE REVERSE SIDE FOR ADDITIONAL WARNINGS.

WITH PLANNING DEPT APPROVAL OBTAIN BUILDING PERMIT TO LEGALIZE MODIFY OR REMOVE ALL WORK NOT APPROVED UNDER PREVIOUS PERMITS OBTAIN ALL REQUIRED INSPECTOR PLUMBING & ELECTRICAL PERMITS ARE REQUIRED

INVESTIGATION FEE OR OTHER FEE WILL APPLY See reverse side for further explanation

- 1x Permit Fee (Work w/o Permit after 9/1/60)
- 2x Permit Fee (Work Exceeding Scope of Permit)
- Other _____
- Reinspection Fee \$ _____
- No penalty (Work w/o permit prior to 9/1/60)

APPROX. DATE OF WORK W/O PERMIT 2018 VALUE OF WORK PERFORMED WITHOUT PERMITS \$50,000

BY ORDER OF THE DIRECTOR, DEPARTMENT OF BUILDING INSPECTION

CONTACT INSPECTOR DUFFY (Inspector - Print Name)

OFFICE HOURS 7:30 TO 8:30 AM AND 3 TO 4 PM

PHONE # 415.558.6120

By: (Inspector's Signature) Donald Duffy DISTRICT # _____

CC: DCP EID PID BID HIS CED PRS DAD SFFD DPH PS

- Building Inspection Division
3rd Floor, 1660 Mission St. 558-6096
- Housing Inspection Services
6th Floor, 1660 Mission St. 558-6220
- Electrical Inspection Division
3rd Floor, 1660 Mission St. 558-6030
- Plumbing Inspection Division
3rd Floor, 1660 Mission St. 558-6054
- Code Enforcement Division
3rd Floor, 1660 Mission St. 558-6454



NOTICE OF VIOLATION

of the San Francisco Municipal Codes Regarding Unsafe, Substandard or Noncomplying Structure or Land or Occupancy

P2

DEPARTMENT OF BUILDING INSPECTION

- FIRST NOTICE
- SECOND NOTICE
- OTHER: _____

COMPLAINT NUMBER

City and County of San Francisco
1660 Mission St. • San Francisco, CA 94103 - 2414

201918212

ADDRESS 2895 SAN BRUNO AV

DATE 1/9/10

OCCUPANCY / USE M. R. R. 3

BLOCK 5457 LOT 037

CONST. TYPE 5

STORIES 4 BASEMENT

If checked, this information is based upon site observation only. Further research may indicate that legal use is different. If so, a revised Notice of Violation will be issued.

OWNER / AGENT _____ PHONE # _____

MAILING ADDRESS _____ CITY _____ ZIP _____

PERSON CONTACTED @ SITE _____ PHONE # _____

VIOLATION DESCRIPTION:

<input checked="" type="checkbox"/> WORK WITHOUT PERMIT (SFBC 103A);	<input checked="" type="checkbox"/> ADDITIONAL WORK-PERMIT REQUIRED (SFBC 106A.4.7);	
<input type="checkbox"/> EXPIRED PERMIT (SFBC 106A.4.4);	<input type="checkbox"/> CANCELLED PERMIT (SFBC 106A.3.7)	PA# _____;
<input type="checkbox"/> UNSAFE BUILDING (SFBC 102A);	<input type="checkbox"/> SEE ATTACHMENTS	CODE / SECTION #
Roof Deck Approved UNDER PA 201209270758		SFBC 103A
NOT CONSTRUCTED FRONT FACADE APPROVED UNDER		102A.3
PA 201209270758 IS DIFFERENT THAN CURRENTLY		TAB 01A-K
BUILT REAR ELEVATION APPROVED UNDER PA		106A.4.7
201209270758 IS DIFFERENT THAN CURRENTLY		109
BUILT GARAGE DEVIATES FROM APPROVED PLANS		
(ACCESS TO COMMERCIAL SPACE, PARKING SPACE		
ELIMINATED ONE GARAGE DOOR ELIMINATED		

BC - Building Code HC - Housing Code PC - Plumbing Code EC - Electrical Code MC - Mechanical Code

CORRECTIVE ACTION:

STOP ALL WORK SFBC 104A.2.4

- FILE BUILDING PERMIT APPLICATION WITHIN _____ DAYS (WITH PLANS) A Copy of This Notice Must Accompany the Permit Application.
- OBTAIN PERMIT WITHIN _____ DAYS AND COMPLETE ALL WORK WITHIN _____ DAYS, INCLUDING FINAL INSPECTION AND SIGNOFF.
- CORRECT VIOLATIONS WITHIN _____ DAYS. NO PERMIT REQUIRED.
- YOU FAILED TO COMPLY WITH THE NOTICE(S) DATED _____, THEREFORE THIS DEPT. HAS INITIATED ABATEMENT PROCEEDINGS.
- FAILURE TO COMPLY WITH THIS NOTICE WILL CAUSE ABATEMENT PROCEEDINGS TO BEGIN. SEE REVERSE SIDE FOR ADDITIONAL WARNINGS.

INVESTIGATION FEE OR OTHER FEE WILL APPLY See reverse side for further explanation

- 9x Permit Fee (Work w/o Permit after 9/1/60)
- 2x Permit Fee (Work Exceeding Scope of Permit)
- Other _____
- Reinspection Fee \$ _____
- No penalty (Work w/o permit prior to 9/1/60)

APPROX. DATE OF WORK W/O PERMIT _____ VALUE OF WORK PERFORMED WITHOUT PERMITS _____

BY ORDER OF THE DIRECTOR, DEPARTMENT OF BUILDING INSPECTION

CONTACT INSPECTOR DUFFY (Inspector - Print Name)

OFFICE HOURS 7:30 TO 8:30 AM AND 3 TO 4 PM

PHONE # 415-558-6120

By: (Inspector's Signature) Donald Duffy DISTRICT # _____

CC: DCP EID PID BID HIS CED PRS DAD SFFD DPH PS

- Building Inspection Division
3rd Floor, 1660 Mission St. 558-6096
- Housing Inspection Services
6th Floor, 1660 Mission St. 558-6220
- Electrical Inspection Division
3rd Floor, 1660 Mission St. 558-6030
- Plumbing Inspection Division
3rd Floor, 1660 Mission St. 558-6054
- Code Enforcement Division
3rd Floor, 1660 Mission St. 558-6454



NOTICE OF VIOLATION

of the San Francisco Municipal Codes Regarding Unsafe, Substandard or Noncomplying Structure or Land or Occupancy

Page 1

DEPARTMENT OF BUILDING INSPECTION

City and County of San Francisco
1660 Mission St. • San Francisco, CA 94103 - 2414

- FIRST NOTICE
- SECOND NOTICE
- OTHER: _____

COMPLAINT NUMBER

201918213

ADDRESS 2883.89 SAN BRUNO AV

DATE 1/9/19

OCCUPANCY / USE M, B, R-3

BLOCK 5457 LOT 037

CONST. TYPE 5

STORIES 4 BASEMENT

If checked, this information is based upon site observation only. Further research may indicate that legal use is different. If so, a revised Notice of Violation will be issued.

OWNER / AGENT _____

PHONE # _____

MAILING ADDRESS _____

CITY _____

ZIP _____

PERSON CONTACTED @ SITE _____

PHONE # _____

VIOLATION DESCRIPTION:

- WORK WITHOUT PERMIT (SFBC 103A); ADDITIONAL WORK-PERMIT REQUIRED (SFBC 106A.4.7);
- EXPIRED PERMIT (SFBC 106A.4.4); CANCELLED PERMIT (SFBC 106A.3.7) PA# _____;
- UNSAFE BUILDING (SFBC 102A); SEE ATTACHMENTS

CODE / SECTION #

SITE INSPECTION PERFORMED ON 1/9/19 A 4 STORY BUILDING COMMERCIAL	SFBC 103A
GROUND FLOOR OFFICE SPACE ON SECOND FLOOR INDIVIDUAL	102A.3
DWELLING UNITS ON 3RD + 4TH FLOOR CURRENTLY COMMERCIAL	TABULAR
ON GROUND FLOOR OFFICE SPACE CONVERTED TO 2 DWELLING	1021
UNITS 3RD + 4TH FLOOR CONVERTED TO 2 DWELLING	106A.4.7
UNITS OF EACH FLOOR APPROX PLANS INDICATE ONE EXIT	109
CHANGING TO 3RD + 4TH FLOORS HAVING ONE DWELLING UNIT EACH AS CURRENTLY	
DESIGNED THIS IS A R-2 APARTMENT BUILDING REQUIRING 2 EXITS	

BC - Building Code HC - Housing Code PC - Plumbing Code EC - Electrical Code MC - Mechanical Code

CORRECTIVE ACTION:

STOP ALL WORK SFBC 104A.2.4

FILE BUILDING PERMIT APPLICATION WITHIN 30 DAYS (WITH PLANS) A Copy of This Notice Must Accompany the Permit Application.

OBTAIN PERMIT WITHIN 60 DAYS AND COMPLETE ALL WORK WITHIN 90 DAYS, INCLUDING FINAL INSPECTION AND SIGNOFF.

CORRECT VIOLATIONS WITHIN _____ DAYS. NO PERMIT REQUIRED.

YOU FAILED TO COMPLY WITH THE NOTICE(S) DATED _____, THEREFORE THIS DEPT. HAS INITIATED ABATEMENT PROCEEDINGS.

FAILURE TO COMPLY WITH THIS NOTICE WILL CAUSE ABATEMENT PROCEEDINGS TO BEGIN. SEE REVERSE SIDE FOR ADDITIONAL WARNINGS.

WITH PLANNING DEPT APPROVAL OBTAIN BUILDING PERMIT TO LOCALIZE, MODIFY OR REMOVE ALL WORK NOT APPROVED UNDER PREVIOUS PERMITS OBTAIN ALL REQUIRED INSPECTIONS PLUMBING & ELECTRICAL PERMITS REQUIRED.

INVESTIGATION FEE OR OTHER FEE WILL APPLY See reverse side for further explanation

- 1x Permit Fee (Work w/o Permit after 9/1/60)
- Other _____
- 2x Permit Fee (Work Exceeding Scope of Permit)
- Reinspection Fee \$ _____
- No penalty (Work w/o permit prior to 9/1/60)

APPROX. DATE OF WORK W/O PERMIT 2018 VALUE OF WORK PERFORMED WITHOUT PERMITS 50,000

BY ORDER OF THE DIRECTOR, DEPARTMENT OF BUILDING INSPECTION

CONTACT INSPECTOR DUFFY (Inspector - Print Name)

OFFICE HOURS 7:30 TO 8:30 AM AND 3 TO 4 PM

PHONE # 415-558-6120

By: (Inspector's Signature) Donald Duffy DISTRICT # _____

CC: DCP EID PID BID HIS CED PRS DAD SFFD DPH PS

- Building Inspection Division
3rd Floor, 1660 Mission St. 558-6096
- Housing Inspection Services
6th Floor, 1660 Mission St. 558-6220
- Electrical Inspection Division
3rd Floor, 1660 Mission St. 558-6030
- Plumbing Inspection Division
3rd Floor, 1660 Mission St. 558-6054
- Code Enforcement Division
3rd Floor, 1660 Mission St. 558-6454



NOTICE OF VIOLATION

of the San Francisco Municipal Codes Regarding Unsafe, Substandard or Noncomplying Structure or Land or Occupancy

PAGE 12

DEPARTMENT OF BUILDING INSPECTION

City and County of San Francisco
1660 Mission St. • San Francisco, CA 94103 - 2414

- FIRST NOTICE
 SECOND NOTICE
 OTHER: _____

COMPLAINT NUMBER

201918213

ADDRESS 2883 89 SAN BRUNO AV

DATE 1/9/19

OCCUPANCY / USE M B R.3

BLOCK 5457 LOT 037

CONST. TYPE 5

STORIES 4 BASEMENT

If checked, this information is based upon site observation only. Further research may indicate that legal use is different. If so, a revised Notice of Violation will be issued.

OWNER / AGENT _____

PHONE # _____

MAILING ADDRESS _____

CITY _____

ZIP _____

PERSON CONTACTED @ SITE _____

PHONE # _____

VIOLATION DESCRIPTION:

<input checked="" type="checkbox"/> WORK WITHOUT PERMIT (SFBC 103A);	<input type="checkbox"/> ADDITIONAL WORK-PERMIT REQUIRED (SFBC 106A.4.7);	CODE / SECTION #
<input type="checkbox"/> EXPIRED PERMIT (SFBC 106A.4.4);	<input type="checkbox"/> CANCELLED PERMIT (SFBC 106A.3.7) PA# _____;	
<input type="checkbox"/> UNSAFE BUILDING (SFBC 102A);	<input type="checkbox"/> SEE ATTACHMENTS	
Roof Deck Approved Under PA 2012 0927 0764		SFBC 103A
Not constructed Front Facade Approved Under PA 2012 0927 0764 is different than currently built		102A.3
Rear Elevation Approved Under PA 2012 0927 0764 is different than currently built		TAB 618.4
Garage Eliminated (Bicycle Parking Eliminated)		106A.4.7
Devices from approved plans (Access to Commercial Space + Parking Space Eliminated, One Garage Door)		109

BC - Building Code HC - Housing Code PC - Plumbing Code EC - Electrical Code MC - Mechanical Code

CORRECTIVE ACTION:

STOP ALL WORK SFBC 104A.2.4

FILE BUILDING PERMIT APPLICATION WITHIN _____ DAYS (WITH PLANS) A Copy of This Notice Must Accompany the Permit Application.

OBTAIN PERMIT WITHIN _____ DAYS AND COMPLETE ALL WORK WITHIN _____ DAYS, INCLUDING FINAL INSPECTION AND SIGNOFF.

CORRECT VIOLATIONS WITHIN _____ DAYS. NO PERMIT REQUIRED.

YOU FAILED TO COMPLY WITH THE NOTICE(S) DATED _____, THEREFORE THIS DEPT. HAS INITIATED ABATEMENT PROCEEDINGS.

FAILURE TO COMPLY WITH THIS NOTICE WILL CAUSE ABATEMENT PROCEEDINGS TO BEGIN. SEE REVERSE SIDE FOR ADDITIONAL WARNINGS.

INVESTIGATION FEE OR OTHER FEE WILL APPLY See reverse side for further explanation

9x Permit Fee (Work w/o Permit after 9/1/60)

2x Permit Fee (Work Exceeding Scope of Permit)

Other _____

Reinspection Fee \$ _____

No penalty (Work w/o permit prior to 9/1/60)

APPROX. DATE OF WORK W/O PERMIT _____

VALUE OF WORK PERFORMED WITHOUT PERMITS _____

BY ORDER OF THE DIRECTOR, DEPARTMENT OF BUILDING INSPECTION

CONTACT INSPECTOR DUFFY

(Inspector - Print Name)

OFFICE HOURS 7:30 TO 8:30 AM AND 3 TO 4 PM

PHONE # 415-558-6120

By: (Inspector's Signature) Donna Duffy

DISTRICT # _____

CC: DCP EID PID BID HIS CED PRS DAD SFFD DPH PS

- Building Inspection Division
3rd Floor, 1660 Mission St. 558-6096
- Housing Inspection Services
6th Floor, 1660 Mission St. 558-6220
- Electrical Inspection Division
3rd Floor, 1660 Mission St. 558-6030
- Plumbing Inspection Division
3rd Floor, 1660 Mission St. 558-6054
- Code Enforcement Division
3rd Floor, 1660 Mission St. 558-6454



NOTICE OF VIOLATION

of the San Francisco Municipal Codes Regarding Unsafe, Substandard or Noncomplying Structure or Land or Occupancy

2/ P1

DEPARTMENT OF BUILDING INSPECTION

City and County of San Francisco
1660 Mission St. • San Francisco, CA 94103 - 2414

- FIRST NOTICE
- SECOND NOTICE
- OTHER: _____

COMPLAINT NUMBER

201918216

ADDRESS 2875.81 SAN BRUNO AVE

DATE 1/9/18

OCCUPANCY / USE M.R.R.3

BLOCK 5457 LOT 037

CONST. TYPE 5

STORIES 4 BASEMENT

If checked, this information is based upon site observation only. Further research may indicate that legal use is different. If so, a revised Notice of Violation will be issued.

OWNER / AGENT _____

PHONE # _____

MAILING ADDRESS _____

CITY _____

ZIP _____

PERSON CONTACTED @ SITE _____

PHONE # _____

VIOLATION DESCRIPTION:

- WORK WITHOUT PERMIT (SFBC 103A); ADDITIONAL WORK-PERMIT REQUIRED (SFBC 106A.4.7);
- EXPIRED PERMIT (SFBC 106A.4.4); CANCELLED PERMIT (SFBC 106A.3.7) PA# _____;
- UNSAFE BUILDING (SFBC 102A); SEE ATTACHMENTS

	CODE / SECTION #
SITE INSPECTOR PERFORMED ON 1/9/18 A STORY BUILDING COMMERCIAL	SFBC 103A
GROUND FLOOR OFFICE SPACE ON SECOND FLOOR INDIVIDUAL	102A.3
DWELLING UNIT ON 3rd & 4th FLOOR CURRENTLY COMMERCIAL	TAB/18-K
ON GROUND FLOOR OFFICE SPACE ON 2nd FLOOR CONVERTED TO	1021
1 DWELLING UNIT SINGLE DWELLING UNIT CONVERTED TO 2 DWELLING	106A.4.7
UNITS ON UPPER FLOOR APPROVED PLANS INDICATE ONE EXIT	109
DWING TO 3rd & 4th FLOOR HAVING ONE DWELLING UNIT EACH AS CURRENTLY	
DESIGNED THIS IS A R-2 APARTMENT BUILDING PROVIDING 2 EXITS	

BC - Building Code HC - Housing Code PC - Plumbing Code EC - Electrical Code MC - Mechanical Code

CORRECTIVE ACTION:

STOP ALL WORK SFBC 104A.2.4

- FILE BUILDING PERMIT APPLICATION WITHIN 30 DAYS (WITH PLANS) A Copy of This Notice Must Accompany the Permit Application.
- OBTAIN PERMIT WITHIN 60 DAYS AND COMPLETE ALL WORK WITHIN 90 DAYS, INCLUDING FINAL INSPECTION AND SIGNOFF.
- CORRECT VIOLATIONS WITHIN _____ DAYS. NO PERMIT REQUIRED.
- YOU FAILED TO COMPLY WITH THE NOTICE(S) DATED _____, THEREFORE THIS DEPT. HAS INITIATED ABATEMENT PROCEEDINGS.
- FAILURE TO COMPLY WITH THIS NOTICE WILL CAUSE ABATEMENT PROCEEDINGS TO BEGIN. SEE REVERSE SIDE FOR ADDITIONAL WARNINGS.

WITH PLANNING DEPT APPROVAL OBTAIN BUILDING PERMIT TO LEGALIZE MODIFY OR REMOVE ALL WORK NOT APPROVED UNDER PREVIOUS PERMITS. OBTAIN ALL REQUIRED INSPECTIONS. PLUMBING & ELECTRICAL PERMITS ARE REQUIRED

INVESTIGATION FEE OR OTHER FEE WILL APPLY See reverse side for further explanation

- 9x Permit Fee (Work w/o Permit after 9/1/60) 2x Permit Fee (Work Exceeding Scope of Permit)
- Other _____ Reinspection Fee \$ _____ No penalty (Work w/o permit prior to 9/1/60)

APPROX. DATE OF WORK W/O PERMIT 2018 VALUE OF WORK PERFORMED WITHOUT PERMITS \$40,000

BY ORDER OF THE DIRECTOR, DEPARTMENT OF BUILDING INSPECTION

CONTACT INSPECTOR DUFFY (Inspector — Print Name)

OFFICE HOURS 7:30 TO 8:30 AM AND 3 TO 4 PM

PHONE # 415-555-6120

By: (Inspector's Signature) Donald Duffy DISTRICT # _____

CC: DCP EID PID BID HIS CED PRS DAD SFFD DPH PS

- Building Inspection Division
3rd Floor, 1660 Mission St. 558-6096
- Housing Inspection Services
6th Floor, 1660 Mission St. 558-6220
- Electrical Inspection Division
3rd Floor, 1660 Mission St. 558-6030
- Plumbing Inspection Division
3rd Floor, 1660 Mission St. 558-6054
- Code Enforcement Division
3rd Floor, 1660 Mission St. 558-6454



NOTICE OF VIOLATION

of the San Francisco Municipal Codes Regarding Unsafe,
Substandard or Noncomplying Structure or Land or Occupancy

P2

DEPARTMENT OF BUILDING INSPECTION

City and County of San Francisco
1660 Mission St. • San Francisco, CA 94103 - 2414

- FIRST NOTICE
 SECOND NOTICE
 OTHER: _____

COMPLAINT NUMBER

201918214

ADDRESS 2875 S1 SAN BRUNO AV

DATE 1/9/19

OCCUPANCY / USE M, B, R, 3

BLOCK 5457 LOT 037

CONST. TYPE 5

STORIES 4 BASEMENT

If checked, this information is based upon site observation only. Further research may indicate that legal use is different. If so, a revised Notice of Violation will be issued.

OWNER / AGENT _____

PHONE # _____

MAILING ADDRESS _____

CITY _____ ZIP _____

PERSON CONTACTED @ SITE _____

PHONE # _____

VIOLATION DESCRIPTION:

<input checked="" type="checkbox"/> WORK WITHOUT PERMIT (SFBC 103A);	<input type="checkbox"/> ADDITIONAL WORK-PERMIT REQUIRED (SFBC 106A.4.7);	
<input type="checkbox"/> EXPIRED PERMIT (SFBC 106A.4.4);	<input type="checkbox"/> CANCELLED PERMIT (SFBC 106A.3.7)	PA# _____;
<input type="checkbox"/> UNSAFE BUILDING (SFBC 102A);	<input type="checkbox"/> SEE ATTACHMENTS	CODE / SECTION #
Roof Deck APPROVED UNDER PA 201209270765	Nor	SFBC 103A
CONSTRUCTED FROM FACADE APPROVED UNDER PA 201209270765	IS DIFFERENT THAN CURRENTLY BUILT	102A.3
REAR ELEVATION APPROVED UNDER PA 201209270765	IS DIFFERENT THAN CURRENTLY BUILT	TABLER 1A.11
Garage DELETED FROM APPROVED PLAN	ACCESS TO COMMERCIAL SPACE	106A.4.7
PARKING SPACE ELIMINATED	ONE GARAGE DOOR ELIMINATED	109

BC - Building Code HC - Housing Code PC - Plumbing Code EC - Electrical Code MC - Mechanical Code

CORRECTIVE ACTION:

- STOP ALL WORK SFBC 104A.2.4
- FILE BUILDING PERMIT APPLICATION WITHIN _____ DAYS (WITH PLANS) A Copy of This Notice Must Accompany the Permit Application.
- OBTAIN PERMIT WITHIN _____ DAYS AND COMPLETE ALL WORK WITHIN _____ DAYS, INCLUDING FINAL INSPECTION AND SIGNOFF.
- CORRECT VIOLATIONS WITHIN _____ DAYS. NO PERMIT REQUIRED.
- YOU FAILED TO COMPLY WITH THE NOTICE(S) DATED _____, THEREFORE THIS DEPT. HAS INITIATED ABATEMENT PROCEEDINGS.
- FAILURE TO COMPLY WITH THIS NOTICE WILL CAUSE ABATEMENT PROCEEDINGS TO BEGIN. SEE REVERSE SIDE FOR ADDITIONAL WARNINGS.

INVESTIGATION FEE OR OTHER FEE WILL APPLY See reverse side for further explanation

- 9x Permit Fee (Work w/o Permit after 9/1/60) 2x Permit Fee (Work Exceeding Scope of Permit)
 Other _____ Reinspection Fee \$ _____ No penalty (Work w/o permit prior to 9/1/60)

APPROX. DATE OF WORK W/O PERMIT _____ VALUE OF WORK PERFORMED WITHOUT PERMITS _____

BY ORDER OF THE DIRECTOR, DEPARTMENT OF BUILDING INSPECTION

CONTACT INSPECTOR DUFFY
(Inspector - Print Name)

OFFICE HOURS 7:30 TO 8:30 AM AND 3 TO 4 PM

PHONE # 415 558 6120

By: (Inspector's Signature) [Signature] DISTRICT # _____

CC: DCP EID PID BID HIS CED PRS DAD SFFD DPH PS

- Building Inspection Division
3rd Floor, 1660 Mission St. 558-6096
- Housing Inspection Services
6th Floor, 1660 Mission St. 558-6220
- Electrical Inspection Division
3rd Floor, 1660 Mission St. 558-6030
- Plumbing Inspection Division
3rd Floor, 1660 Mission St. 558-6054
- Code Enforcement Division
3rd Floor, 1660 Mission St. 558-6454



NOTICE OF VIOLATION

of the San Francisco Municipal Codes Regarding Unsafe, Substandard or Noncomplying Structure or Land or Occupancy

M *PI*

DEPARTMENT OF BUILDING INSPECTION

City and County of San Francisco
1660 Mission St. • San Francisco, CA 94103 - 2414

- FIRST NOTICE
- SECOND NOTICE
- OTHER: _____

COMPLAINT NUMBER

201918211

ADDRESS 2891.97 SAN BRUNO AV

DATE 1/2/19

OCCUPANCY / USE M B R-3

BLOCK 545 LOT 037

CONST. TYPE 5

STORIES 4 BASEMENT

If checked, this information is based upon site observation only. Further research may indicate that legal use is different. If so, a revised Notice of Violation will be issued.

OWNER / AGENT _____

PHONE # _____

MAILING ADDRESS _____

CITY _____

ZIP _____

PERSON CONTACTED @ SITE _____

PHONE # _____

VIOLATION DESCRIPTION:

- WORK WITHOUT PERMIT (SFBC 103A); ADDITIONAL WORK-PERMIT REQUIRED (SFBC 106A.4.7);
- EXPIRED PERMIT (SFBC 106A.4.4); CANCELLED PERMIT (SFBC 106A.3.7) PA# _____;
- UNSAFE BUILDING (SFBC 102A); SEE ATTACHMENTS

	CODE / SECTION #
SITE INSPECTION PERFORMED ON 1/9/19 4 STORY BUILDING	SFBC 103A
COMMERCIAL GROUND FLOOR OFFICE SPACE ON SECOND FLOOR INDIVIDUAL DWELLING UNITS ON 3RD & 4TH FLOORS CURRENTLY COMMERCIAL	102A.3
ON GROUND FLOOR OFFICE SPACE CONVERTED TO 2 DWELLING UNITS 3RD & 4TH FLOORS CONVERTED TO 2 DWELLING UNITS	TABLE A1K
ON EACH FLOOR APPROVED PLANS INDICATE ONE EXIT OWING TO 3RD & 4TH FLOOR HAVING ONE DWELLING UNIT EACH AS CURRENTLY DESIGNED THIS IS A R-2 APARTMENT BLDG REQUIRING 2 EXITS	1021
	106A.4-7
	109

BC - Building Code HC - Housing Code PC - Plumbing Code EC - Electrical Code MC - Mechanical Code

CORRECTIVE ACTION:

STOP ALL WORK SFBC 104A.2.4

- FILE BUILDING PERMIT APPLICATION WITHIN 30 DAYS WITH PLANS) A Copy of This Notice Must Accompany the Permit Application.
- OBTAIN PERMIT WITHIN 60 DAYS AND COMPLETE ALL WORK WITHIN 90 DAYS, INCLUDING FINAL INSPECTION AND SIGNOFF.
- CORRECT VIOLATIONS WITHIN _____ DAYS. NO PERMIT REQUIRED.
- YOU FAILED TO COMPLY WITH THE NOTICE(S) DATED _____, THEREFORE THIS DEPT. HAS INITIATED ABATEMENT PROCEEDINGS.
- FAILURE TO COMPLY WITH THIS NOTICE WILL CAUSE ABATEMENT PROCEEDINGS TO BEGIN. SEE REVERSE SIDE FOR ADDITIONAL WARNINGS.

WITH PLANNING DEPT APPROVAL OBTAIN BUILDING PERMIT TO LEGALIZE
 MODIFY OR REMOVE ALL WORK NOT APPROVED UNDER PREVIOUS
 PERMIT OBTAIN ALL REQUIRED INSPECTIONS PLUMBING AND
 ELECTRICAL PERMITS ARE REQUIRED

INVESTIGATION FEE OR OTHER FEE WILL APPLY See reverse side for further explanation

- 1x Permit Fee (Work w/o Permit after 9/1/60)
- Other _____
- 2x Permit Fee (Work Exceeding Scope of Permit)
- Reinspection Fee \$ _____
- No penalty (Work w/o permit prior to 9/1/60)

APPROX. DATE OF WORK W/O PERMIT 2018 VALUE OF WORK PERFORMED WITHOUT PERMITS \$50,000

BY ORDER OF THE DIRECTOR, DEPARTMENT OF BUILDING INSPECTION

CONTACT INSPECTOR DUFFY (Inspector - Print Name)

OFFICE HOURS 7:30 TO 8:30 AM AND 3 TO 4 PM

PHONE # 415 558 6122

By: (Inspector's Signature) [Signature] DISTRICT # _____

CC: DCP EID PID BID HIS CED PRS DAD SFFD DPH PS

- Building Inspection Division
3rd Floor, 1660 Mission St. 558-6096
- Housing Inspection Services
6th Floor, 1660 Mission St. 558-6220
- Electrical Inspection Division
3rd Floor, 1660 Mission St. 558-6030
- Plumbing Inspection Division
3rd Floor, 1660 Mission St. 558-6054
- Code Enforcement Division
3rd Floor, 1660 Mission St. 558-6454



NOTICE OF VIOLATION

of the San Francisco Municipal Codes Regarding Unsafe,
Substandard or Noncomplying Structure or Land or Occupancy

P2

DEPARTMENT OF BUILDING INSPECTION **FIRST NOTICE** COMPLAINT NUMBER 201918211
 City and County of San Francisco **SECOND NOTICE**
 1660 Mission St. • San Francisco, CA 94103 - 2414 **OTHER:** _____

ADDRESS 2891.97 SAN BRUNO AV **DATE** 1/9/19
OCCUPANCY / USE M B R 3 **BLOCK** 5457 **LOT** 037
CONST. TYPE S **STORIES** 4 **BASEMENT**
 If checked, this information is based upon site observation only. Further research may indicate that legal use is different. If so, a revised Notice of Violation will be issued.
OWNER / AGENT _____ **PHONE #** _____
MAILING ADDRESS _____ **CITY** _____ **ZIP** _____
PERSON CONTACTED @ SITE _____ **PHONE #** _____

VIOLATION DESCRIPTION:

WORK WITHOUT PERMIT (SFBC 103A); **ADDITIONAL WORK-PERMIT REQUIRED (SFBC 106A.4.7);**
 EXPIRED PERMIT (SFBC 106A.4.4); **CANCELLED PERMIT (SFBC 106A.3.7)** PA# _____ ;
 UNSAFE BUILDING (SFBC 102A); **SEE ATTACHMENTS** CODE / SECTION #

Roof Deck Approves Under PA 201209270763	SFBC 103A
NOS CONSTRUCTED FRONT FACADE APPROVES	102A.3
UNDER PA 201209270763 IS DIFFERENT THAN	TABLE 1A-K
CURRENTLY BUILT REAR ELEVATION APPROVES	106A.4.7
UNDER PA 201209270763 IS DIFFERENT THAN	109
CURRENTLY BUILT GARAGE DEVIATES FROM APPROVES	
PLANS (ACCESS TO COMMERCIAL SPACE, PARKING	
SPACE ELIMINATES ONE GARAGE DOOR ELIMINATED	

BC - Building Code HC - Housing Code PC - Plumbing Code EC - Electrical Code MC - Mechanical Code

CORRECTIVE ACTION:

STOP ALL WORK SFBC 104A.2.4

FILE BUILDING PERMIT APPLICATION WITHIN _____ DAYS (WITH PLANS) A Copy of This Notice Must Accompany the Permit Application.
 OBTAIN PERMIT WITHIN _____ DAYS AND COMPLETE ALL WORK WITHIN _____ DAYS, INCLUDING FINAL INSPECTION AND SIGNOFF.
 CORRECT VIOLATIONS WITHIN _____ DAYS. **NO PERMIT REQUIRED.**
 YOU FAILED TO COMPLY WITH THE NOTICE(S) DATED _____, THEREFORE THIS DEPT. HAS INITIATED ABATEMENT PROCEEDINGS.
 FAILURE TO COMPLY WITH THIS NOTICE WILL CAUSE ABATEMENT PROCEEDINGS TO BEGIN. SEE REVERSE SIDE FOR ADDITIONAL WARNINGS.

INVESTIGATION FEE OR OTHER FEE WILL APPLY See reverse side for further explanation

9x Permit Fee (Work w/o Permit after 9/1/60) 2x Permit Fee (Work Exceeding Scope of Permit)
 Other _____ Reinspection Fee \$ _____ No penalty (Work w/o permit prior to 9/1/60)

APPROX. DATE OF WORK W/O PERMIT _____ **VALUE OF WORK PERFORMED WITHOUT PERMITS** _____

BY ORDER OF THE DIRECTOR, DEPARTMENT OF BUILDING INSPECTION

CONTACT INSPECTOR DUFFY Building Inspection Division
3rd Floor, 1660 Mission St. 558-6096
 (Inspector - Print Name)

OFFICE HOURS 7:30 TO 5:30 AM AND 3 TO 4 PM Housing Inspection Services
6th Floor, 1660 Mission St. 558-6220

PHONE # 415-558-6124 Electrical Inspection Division
3rd Floor, 1660 Mission St. 558-6030

By: (Inspector's Signature) [Signature] **DISTRICT #** _____ Plumbing Inspection Division
3rd Floor, 1660 Mission St. 558-6054

CC: DCP EID PID BID HIS CED PRS DAD SFFD DPH PS Code Enforcement Division
3rd Floor, 1660 Mission St. 558-6454



NOTICE OF VIOLATION

of the San Francisco Municipal Codes Regarding Unsafe, Substandard or Noncomplying Structure or Land or Occupancy

W P1

DEPARTMENT OF BUILDING INSPECTION

City and County of San Francisco
1660 Mission St. • San Francisco, CA 94103 - 2414

- FIRST NOTICE
- SECOND NOTICE
- OTHER: _____

COMPLAINT NUMBER

201814151

ADDRESS 2867-73 SAN BRUNO AVE

DATE 1/9/18

OCCUPANCY / USE M B R 3

BLOCK 5457 LOT 037

CONST. TYPE 5

STORIES 4 BASEMENT

If checked, this information is based upon site observation only. Further research may indicate that legal use is different. If so, a revised Notice of Violation will be issued.

OWNER / AGENT _____

PHONE # _____

MAILING ADDRESS _____

CITY _____

ZIP _____

PERSON CONTACTED @ SITE _____

PHONE # _____

VIOLATION DESCRIPTION:

- WORK WITHOUT PERMIT (SFBC 103A); ADDITIONAL WORK-PERMIT REQUIRED (SFBC 106A.4.7);
- EXPIRED PERMIT (SFBC 106A.4.4); CANCELLED PERMIT (SFBC 106A.3.7) PA# _____;
- UNSAFE BUILDING (SFBC 102A); SEE ATTACHMENTS

	CODE / SECTION #
SITE INSPECTED PERFORMED ON 1/9/18 4 STORY BUILDING COMMERCIAL	SFBC 103A
GROUND FLOOR OFFICE SPACE ON SECOND FLOOR INDIVIDUAL	102A.3
DWELLING UNITS ON 3RD & 4TH FLOORS CURRENTLY COMMERCIAL	TABLO 1A.1K
ON GROUND FLOOR OFFICE SPACE CONVERTED TO 2 DWELLING UNITS	1021
3RD & 4TH FLOOR CONVERTED TO 2 DWELLING UNITS ON EACH	106A.4.7
FLOOR APPROVAL PLANS INDICATE ONE EXIT OWING	109
TO 3RD & 4TH FLOOR HAVING ONE DWELLING UNIT EACH AS CURRENTLY DESIGNED	
THIS IS A R.2 APARTMENT BUILDING REQUIRING 2 EXITS	

BC - Building Code HC - Housing Code PC - Plumbing Code EC - Electrical Code MC - Mechanical Code

CORRECTIVE ACTION:

STOP ALL WORK SFBC 104A.2.4

- FILE BUILDING PERMIT APPLICATION WITHIN 30 DAYS WITH PLANS) A Copy of This Notice Must Accompany the Permit Application.
- OBTAIN PERMIT WITHIN 60 DAYS AND COMPLETE ALL WORK WITHIN 90 DAYS, INCLUDING FINAL INSPECTION AND SIGNOFF.
- CORRECT VIOLATIONS WITHIN _____ DAYS. NO PERMIT REQUIRED.
- YOU FAILED TO COMPLY WITH THE NOTICE(S) DATED _____, THEREFORE THIS DEPT. HAS INITIATED ABATEMENT PROCEEDINGS.
- FAILURE TO COMPLY WITH THIS NOTICE WILL CAUSE ABATEMENT PROCEEDINGS TO BEGIN. SEE REVERSE SIDE FOR ADDITIONAL WARNINGS.

WITH PLANNING DEPT APPROVAL OBTAIN BUILDING PERMIT TO LEGALIZE MODIFY OR REMOVE ALL WORK NOT APPROVED UNDER PREVIOUS PERMITS OBTAIN ALL REQUIRED INSPECTORS PLUMBING & ELECTRICAL PERMITS ARE REQUIRED

INVESTIGATION FEE OR OTHER FEE WILL APPLY See reverse side for further explanation

- 9x Permit Fee (Work w/o Permit after 9/1/60) 2x Permit Fee (Work Exceeding Scope of Permit)
- Other _____ Reinspection Fee \$ _____ No penalty (Work w/o permit prior to 9/1/60)

APPROX. DATE OF WORK W/O PERMIT 2018 VALUE OF WORK PERFORMED WITHOUT PERMITS \$50,000

BY ORDER OF THE DIRECTOR, DEPARTMENT OF BUILDING INSPECTION

CONTACT INSPECTOR DUFFY (Inspector - Print Name)

OFFICE HOURS 7:30 TO 5:30 AM AND 3 TO 4 PM

PHONE # 415 558 6120

By: (Inspector's Signature) [Signature] DISTRICT # _____

CC: DCP EID PID BID HIS CED PRS DAD SFFD DPH PS

- Building Inspection Division
3rd Floor, 1660 Mission St. 558-6096
- Housing Inspection Services
6th Floor, 1660 Mission St. 558-6220
- Electrical Inspection Division
3rd Floor, 1660 Mission St. 558-6030
- Plumbing Inspection Division
3rd Floor, 1660 Mission St. 558-6054
- Code Enforcement Division
3rd Floor, 1660 Mission St. 558-6454



NOTICE OF VIOLATION

of the San Francisco Municipal Codes Regarding Unsafe, Substandard or Noncomplying Structure or Land or Occupancy

P2

DEPARTMENT OF BUILDING INSPECTION

City and County of San Francisco
1660 Mission St. • San Francisco, CA 94103 - 2414

- FIRST NOTICE
- SECOND NOTICE
- OTHER: _____

COMPLAINT NUMBER

201814151

ADDRESS 2867 73 SAE BRUNS AVE

DATE 1/9/19

OCCUPANCY / USE M B R 3

BLOCK 5457 LOT 037

CONST. TYPE 5

STORIES 4 BASEMENT

If checked, this information is based upon site observation only. Further research may indicate that legal use is different. If so, a revised Notice of Violation will be issued.

OWNER / AGENT _____

PHONE # _____

MAILING ADDRESS _____

CITY _____

ZIP _____

PERSON CONTACTED @ SITE _____

PHONE # _____

VIOLATION DESCRIPTION:

<input checked="" type="checkbox"/> WORK WITHOUT PERMIT (SFBC 103A);	<input checked="" type="checkbox"/> ADDITIONAL WORK-PERMIT REQUIRED (SFBC 106A.4.7);	
<input type="checkbox"/> EXPIRED PERMIT (SFBC 106A.4.4);	<input type="checkbox"/> CANCELLED PERMIT (SFBC 106A.3.7)	PA# _____ ;
<input type="checkbox"/> UNSAFE BUILDING (SFBC 102A);	<input type="checkbox"/> SEE ATTACHMENTS	CODE / SECTION #
ROOF DECK APPROVED UNDER PA 2012 0927 0766		SFBC 103A
NOT CONSTRUCTED FRONS FACADE APPROVED		102A 3
UNDER PA 2012 0927 0766 IS DIFFERENT THAN		TABLE 19-K
CURRENTLY BUILT (WINDOWS ON 2nd & 3rd FLOOR		106A 4.7
DEVIATE FROM APPROVED PLANS) REAR ELEVATION APPROVED		109
UNDER PA 2012 0927 0766 IS DIFFERENT THAN CURRENTLY		
BUILT GARAGE DEVIATES FROM APPROVED PLANS (ACCESS TO		
COMMERCIAL SPACE PARKING SPACE ELIMINATED ONE GARAGE DOOR ELIMINATED		

BC - Building Code HC - Housing Code PC - Plumbing Code EC - Electrical Code MC - Mechanical Code

CORRECTIVE ACTION:

STOP ALL WORK SFBC 104A.2.4

- FILE BUILDING PERMIT APPLICATION WITHIN _____ DAYS (WITH PLANS) A Copy of This Notice Must Accompany the Permit Application.
- OBTAIN PERMIT WITHIN _____ DAYS AND COMPLETE ALL WORK WITHIN _____ DAYS, INCLUDING FINAL INSPECTION AND SIGNOFF.
- CORRECT VIOLATIONS WITHIN _____ DAYS. NO PERMIT REQUIRED.
- YOU FAILED TO COMPLY WITH THE NOTICE(S) DATED _____, THEREFORE THIS DEPT. HAS INITIATED ABATEMENT PROCEEDINGS.
- FAILURE TO COMPLY WITH THIS NOTICE WILL CAUSE ABATEMENT PROCEEDINGS TO BEGIN. SEE REVERSE SIDE FOR ADDITIONAL WARNINGS.

INVESTIGATION FEE OR OTHER FEE WILL APPLY See reverse side for further explanation

- 9x Permit Fee (Work w/o Permit after 9/1/60)
- 2x Permit Fee (Work Exceeding Scope of Permit)
- Other _____
- Reinspection Fee \$ _____
- No penalty (Work w/o permit prior to 9/1/60)

APPROX. DATE OF WORK W/O PERMIT _____ VALUE OF WORK PERFORMED WITHOUT PERMITS _____

BY ORDER OF THE DIRECTOR, DEPARTMENT OF BUILDING INSPECTION

CONTACT INSPECTOR DUFFY
(Inspector - Print Name)

OFFICE HOURS 7:30 TO 8:30 AM AND 3 TO 4 PM

PHONE # AIS: 558 6120

By: (Inspector's Signature) [Signature] DISTRICT # _____

CC: DCP EID PID BID HIS CED PRS DAD SFFD DPH PS

- Building Inspection Division
3rd Floor, 1660 Mission St. 558-6096
- Housing Inspection Services
6th Floor, 1660 Mission St. 558-6220
- Electrical Inspection Division
3rd Floor, 1660 Mission St. 558-6030
- Plumbing Inspection Division
3rd Floor, 1660 Mission St. 558-6054
- Code Enforcement Division
3rd Floor, 1660 Mission St. 558-6454

BRIEF SUBMITTED BY THE APPELLANT FOR APPEAL NO. 19-139

1 RYAN PATTERSON (SBN 277971)
2 SHOSHANA RAPHAEL (SBN 312254)
3 ZACKS, FREEDMAN & PATTERSON, PC
4 235 Montgomery Street, Suite 400
5 San Francisco, CA 94104
6 Tel: (415) 956-8100
7 Fax: (415) 288-9755
8 ryan@zfplaw.com
9 shoshana@zfplaw.com

10 Attorneys for Appellant,
11 Yin Kwan Tam, Trustee of the Yin Kwan Tam Family Trust

12 SAN FRANCISCO BOARD OF APPEALS

13 YIN KWAN TAM, TRUSTEE OF THE YIN
14 KWAN TAM FAMILY TRUST,

15 Appellant,

16 vs.

17 SAN FRANCISCO DEPARTMENT OF
18 BUILDING INSPECTION, and SAN
19 FRANCISCO PLANNING DEPARTMENT,

20 Respondents.

21 Appeal No.: 19-139

22 **APPELLANT'S BRIEF**

23 Suspension Request,
24 Building Permit Application Nos.:
25 2013.12.30.5201,
26 2017.04.03.3064, and
27 2017.08.28.6129

28 Subject Address: 2861-2865 San Bruno Ave.
Hearing Date: October 22, 2020

29 **I. INTRODUCTION**

30 This is an appeal of a Suspension Request issued by the Planning Department and
31 implemented by the Department of Building Inspection on the same day. These suspensions are
32 premature and exceed the scope of the Department of Building Inspection's authority. Appellant's
33 permits should be reinstated while Appellant works with the Planning Department to resolve any
34 enforcement issues.

35 **II. STATEMENT OF FACTS**

36 Yin Kwan Tam, Trustee of the Yin Kwan Tam Family Trust ("Appellant"), is one of several
37 owners of 2861-2865 San Bruno Avenue, San Francisco, CA ("Subject Property"). (Declaration of
38 Shoshana Raphael in Support of Appeal ("SR Decl."), ¶2.) Appellant and the co-owners of the

1 Decl., ¶15, Ex. F.)

2 On November 26, 2019, the Planning Department issued a Suspension Request, the subject
3 of this appeal. The suspension request states that it was issued because the Subject Permits should
4 have been referred to the Planning Department for review and approval and because the Subject
5 Property must be combined with the Adjacent Property as one project, per the Planning
6 Department. (Suspension Request, pg. 2.)

7 Also on November 26, 2019, in addition to the Suspension Request, the Planning
8 Department issued a Notice of Enforcement requiring Owners to file a supplemental CUA
9 application reflecting the Zoning Administrator’s determination that the Subject Property and
10 Adjacent Property form one project, and to contact the Planner responsible for the matter within 15
11 days regarding the supplemental application. (SR Decl., ¶16, Ex. G.) Owners contacted the Planner
12 well within 15 days, and on December 17, 2019 filed a supplemental CUA application. (SR Decl.,
13 ¶¶17-18, Ex. H.) Owners submitted additional materials as requested by the Planner on January 15-
14 16, 2020 and a combined CUA application, as requested, on June 3, 2020. (SR Decl., ¶19, Exs. I
15 and J.) Owners’ architect and counsel further met with Planner Kimberly Durandet and supplied
16 additional revised plans and documents, as requested, including a variance application and revised
17 plans. (SR Decl., ¶20, Exs. K and L.) Owners have continued to work with planning staff to resolve
18 this issue. (SR Decl., ¶20.)

19 **III. ARGUMENT**

20 A. DBI has Already Issued a Notice of Violation for the Same Issue.

21 The proper forum to evaluate alleged deviations from the Subject Permits is within DBI’s
22 internal administrative process. DBI has a rigorous enforcement and appeal process, authorized by
23 the San Francisco Building Code. (*See*, San Francisco Building Code (“Building Code”) Sections
24 103A, 104A, and 105A.) After a Notice of Violation is issued, if it is not remedied within the
25 specified timeframe, a director’s hearing is held, after which an Order of Abatement may issue and
26 be recorded. (*See*, Building Code Section 104A.) DBI is afforded significant enforcement authority
27 via this system.

28 On November 4, 2019, DBI issued Notice of Violation No. 201985831 for “Possible

1 deviation from approved plans.” (SR Decl., ¶9, Ex. D.) A director’s hearing regarding this Notice of
2 Violation was scheduled for March 31, 2020, but did not occur due to city and state shelter-in-place
3 orders. (SR Decl., ¶9, Ex. D.) Though no new date for the hearing has been set as of the date of
4 filing, this matter will be heard when DBI is again able to hold director’s hearings. (Id.) This is the
5 proper process of enforcing the Building Code and evaluating any potential deviations from it.
6 While the director’s hearing is still pending, the Planning Department has directed DBI to suspend
7 the Subject Permits. This dual enforcement has the potential to yield inconsistent results through
8 parallel processes. It is an inefficient use of resources.

9 The Planning Department is seeking to combine the applications for the Subject Property
10 and the Adjacent Property into a single project via an enforcement action. (See, SR Decl., Ex. G.)
11 Yet, the result is a suspension of *DBI* building permits. This is not the proper mechanism to address
12 this issue, and is an overextension of the Planning Department’s reach. The Planning Department’s
13 October 31, 2019 determination that Subject Property and Adjacent Property should be one project
14 is external to the issue of deviation from plans and Planning Department review of building permit
15 applications.

16 Further, the Subject Permits are not final; consequently, the Suspension Request is
17 premature. Final inspections under the Subject Permits have not yet taken place. (SR Decl., Exs. A-
18 C.) It is premature for the Planning Department, let alone DBI, to determine that the interior of the
19 Subject Property does not match the plans.

20 B. DBI is Estopped from Suspending the Permits on the Basis of its Own Actions.

21 The Suspension Request notes, “While this scope of work triggered review and approval, no
22 such review or approval occurred.” (Suspension Request, pg. 1.) Owners cannot be responsible for
23 the transfer of permit application review from DBI to Planning; DBI is estopped from suspending
24 Appellant’s permits on that basis.

25 “The doctrine of equitable estoppel is founded on concepts of equity and fair dealing. It
26 provides that a person may not deny the existence of a state of facts if he intentionally led another
27 to believe a particular circumstance to be true and to rely upon such belief to his detriment. The
28 elements of the doctrine are that (1) the party to be estopped must be apprised of the facts; (2) he

1 must intend that his conduct shall be acted upon, or must so act that the party asserting the estoppel
2 has a right to believe it was so intended; (3) the other party must be ignorant of the true state of
3 facts; and (4) he must rely upon the conduct to his injury. [Citations.].” (*Attard v. Bd. of Supervisors*
4 *of Contra Costa Cty.* (2017) 14 Cal.App.5th 1066, 1079, quot. and cit. omit.) A governmental entity
5 may be estopped where, “the injustice which would result from a failure to uphold an estoppel is of
6 sufficient dimension to justify any effect upon public interest or policy which would result from the
7 raising of an estoppel.” (*Anderson v. City of La Mesa* (1981) 118 Cal.App.3d 657, 660, quoting,
8 *City of Long Beach v. Mansell* (1970) 3 Cal.3d 462, 496-497.)

9 In *Anderson*, the owner was issued a building permit under the respondent city’s “standard”
10 zoning ordinance, which required that single-family dwellings be set back five feet from the side lot
11 lines. (*Id.* at p. 659.) The owner built the house, and one wall was seven feet from the lot line, in
12 compliance with the permit and the standard ordinance. (*Id.*) The city inspected the house six times
13 during construction. (*Id.*) However, after the house had been built, the city discovered that a
14 “specific plan” ordinance required a 10-foot setback, and the city refused to grant a variance or
15 issue a certificate of occupancy for the home unless the wall was moved in compliance with this
16 ordinance. (*Id.*) Doing so would have cost the owner \$6,000.00, and there was no substantial
17 evidence that the seven-foot setback harmed anyone or caused a problem for adjacent owners or the
18 neighborhood. (*Id.* at p. 660)

19 On appeal, the city in *Anderson* contended it could not be estopped to deny a building
20 permit issued in violation of a zoning ordinance, as a matter of law. (*Id.* at p. 661) The Court
21 disagreed, reasoning that the owner’s reasonable reliance on the permit issued, the substantial harm
22 to the owner of modifying the completed construction to conform to the specific plan ordinance,
23 and the lack of any evidence of harm to other persons justified the application of equitable estoppel,
24 notwithstanding the violation of the zoning ordinance. (*Id.*) The Court in *Anderson* further held that:

25 “These findings, coupled with the nature of the zoning violation involved
26 here . . . serve to distinguish this case from holdings that estoppel may not
27 be used to justify nonconforming uses, based upon building permits issued
28 in violation of existing zoning ordinances [citing, *Pettitt v. City of Fresno*
(1973) 34 Cal.App.3d 813, among other cases].”

(Id.)

1
2 Here, it is DBI's responsibility to transfer a permit to the Planning Department for review
3 and approval if the permit's scope of work so requires. DBI both makes the determination whether
4 Planning Department review is required, and if required, then DBI transfers the permit application
5 to the Planning Department. This is an internal process that permit applicants are not privy to.
6 Permit applicants cannot be responsible for a determination of whether an application requires
7 Planning Department review and approval. Moreover, permit applicants *cannot* transfer DBI permit
8 applications to the Planning Department themselves, and *must* rely on DBI to do so when required.
9 Appellant and the co-owners of the Property performed construction under the Subject Permits and
10 relied on their issuance. Their rights in the permit, and its issuance, have vested. That DBI did not
11 send the Subject Permits to the Planning Department for review and approval is not now cause to
12 suspend the Subject Permits, and DBI is estopped from doing so.

13 **IV. CONCLUSION**

14 For the foregoing reasons, the Suspension Request should be overturned, and Permit Nos.
15 2013.12.30.5201, 2017.04.03.3064, and 2017.08.28.6129 should be reinstated while Appellant the
16 co-owners of the Subject Property and Adjacent Property work to resolve the enforcement actions
17 with the Planning Department.

18
19 Dated: October 1, 2020



20 By: Shoshana Raphael
21 ZACKS, FREEDMAN & PATTERSON, PC
22 Attorneys for Appellant,
23 Yin Kwan Tam, Trustee of the Yin Kwan Tam Family
24 Trust
25
26
27
28

1 RYAN PATTERSON (SBN 277971)
2 JUSTIN A. GOODMAN (SBN 263377)
3 SHOSHANA RAPHAEL (SBN 312254)
4 ZACKS, FREEDMAN & PATTERSON, PC
5 235 Montgomery Street, Suite 400
6 San Francisco, CA 94104
7 Tel: (415) 956-8100
8 Fax: (415) 288-9755
9 ryan@zfplaw.com
10 justin@zfplaw.com
11 shoshana@zfplaw.com

12 Attorneys for Appellant,
13 Yin Kwan Tam, Trustee of the Yin Kwan Tam Family Trust

14 SAN FRANCISCO BOARD OF APPEALS

15 YIN KWAN TAM, TRUSTEE OF THE YIN
16 KWAN TAM FAMILY TRUST,

17 Appellant,

18 vs.

19 SAN FRANCISCO DEPARTMENT OF
20 BUILDING INSPECTION, and SAN
21 FRANCISCO PLANNING DEPARTMENT,

22 Respondents.

Appeal No.: 19-139

**DECLARATION OF SHOSHANA
RAPHAEL IN SUPPORT OF
APPELLANT'S BRIEF**

Suspension Request,
Building Permit Application Nos.:
2013.12.30.5201,
2017.04.03.3064, and
2017.08.28.6129

Subject Address: 2861-2865 San Bruno Ave.
Hearing Date: October 1, 2020

23 I, Shoshana Raphael, declare as follows:

24 1. I am an attorney duly licensed to practice law in the State of California. My law firm,
25 Zacks, Freedman & Patterson, PC, is counsel for Appellant in this action. This declaration is
26 submitted in support of Appellant's appeal. The facts herein are within my personal knowledge,
27 except as to those stated on information and belief and as to those matters, I believe them to be true.
28 If called as a witness herein, I can and will competently testify thereto.

2. Yin Kwan Tam, Trustee of the Yin Kwan Tam Family Trust ("Appellant"), is one of

1 several owners of 2861-2865 San Bruno Avenue, San Francisco, CA (“Subject Property”).

2 3. Appellant and the co-owners of the Subject Property obtained Permit Nos.
3 2013.12.30.5201, 2017.04.03.3064, and 2017.08.28.6129 in order to add a “2-STORY VERTICAL
4 ADDITION TO EXISTING BUILDING. RELOCATE (E) 2 DWELLING UNITS TO 3RD & 4TH
5 FLOOR. ADD 2 OFFICES ON 2ND FLOOR. GROUND FLOOR HORIZONTAL ADDITION
6 FOR PARKING” (“Subject Permits”) from the Department of Building Inspection (“DBI”).

7 4. On January 16, 2020, I accessed the Department of Building Inspection’s
8 Permit/Complaint Tracking System, located at <http://dbiweb.sfgov.org/dbipts/>. I accessed the
9 Subject Permits for the Subject Property and printed the relevant webpage.

10 5. A true and correct copy of the Permit Details Report for Permit No. 2013.12.30.5201
11 is attached hereto as Exhibit A and incorporated herein by reference.

12 6. A true and correct copy of the Permit Details Report for Permit No. 2017.04.03.3064
13 is attached hereto as Exhibit B and incorporated herein by reference.

14 7. A true and correct copy of the Permit Details Report for Permit No. 2017.08.28.6129
15 is attached hereto as Exhibit C and incorporated herein by reference.

16 8. Construction under the Subject Permits began sometime in 2017, but has yet to be
17 completed or inspected for completion. The Subject Property is currently in a state of construction
18 (though all work has stopped since receipt of the Suspension Request) and is not occupied.

19 9. On November 4, 2019, DBI issued Notice of Violation No. 201985831 for “Possible
20 deviation from approved plans.” A director’s hearing regarding this Notice of Violation was
21 scheduled for March 31, 2020 but did not occur due to city and state shelter-in-place orders. No new
22 date for the hearing has been set as of the date of filing.

23 10. On January 16, 2020, I accessed the Department of Building Inspection’s
24 Permit/Complaint Tracking System, located at <http://dbiweb.sfgov.org/dbipts/>. I accessed the
25 Complaint No. 201985831 for the Subject Property and printed the relevant webpage. A true and
26 correct copy of the Complaint Details Report for Complaint No. 201985831 is attached hereto as
27 Exhibit D and incorporated herein by reference.

28 11. Yin Kwan Tam is also one of several owners of the adjacent property located at

1 2867-2899 San Bruno Avenue, San Francisco, CA (“Adjacent Property”). Both properties are
2 improved with mixed use buildings including residential and commercial spaces, though the
3 Adjacent Property is occupied by residential tenants.

4 12. On December 13, 2018, the Planning Department opened an enforcement action
5 regarding the Adjacent Property. The enforcement action pertains to deviations in construction from
6 approved plans, including additional dwelling units.

7 13. In cooperation with the Planning Department, Appellant and the co-owners of the
8 Adjacent Property (collectively “Owners”) filed a Conditional Use Authorization (“CUA”)
9 application on July 22, 2019 to legalize the additional units and comply with the Planning Code. A
10 true and correct copy of the July 22, 2019 CUA Application is attached hereto as Exhibit E and
11 incorporated herein by reference.

12 14. Owners continued to work with the Planning Department while awaiting the
13 corresponding Planning Commission hearing scheduled for November 14, 2019.

14 15. On October 31, 2019, Owners received an email from the Zoning Administrator
15 indicating that the hearing had been taken off calendar and the application had been continued
16 indefinitely. The Zoning Administrator indicated that this was the result of his determination that
17 the Adjacent Property and Subject Property should be considered a single project for purposes of
18 the Planning Code. A true and correct copy of the October 31, 2019 email is attached hereto as
19 Exhibit F and incorporated herein by reference.

20 16. On November 26, 2019, in addition to the Suspension Request, the Planning
21 Department issued a Notice of Enforcement requiring Owners to file a supplemental CUA
22 application reflecting the Zoning Administrator’s determination that the Subject Property and
23 Adjacent Property form one project, and to contact the Planner responsible for the matter within 15
24 days regarding the supplemental application. A true and correct copy of the Notice of Enforcement
25 is attached hereto as Exhibit G and incorporated herein by reference.

26 17. Owners contacted the Planner well within 15 days of the issuance of the Notice of
27 Enforcement.

28 18. On December 17, 2019 filed a supplemental CUA application. A true and correct

1 copy of the Supplemental CUA Application is attached hereto as Exhibit H and incorporated herein
2 by reference.

3 19. Owners also submitted additional materials as requested by the Planner on January
4 15-16, 2020 and a combined CUA application, as requested, on June 3, 2020. A true and correct
5 copy of the January 15-16, 2020 email thread regarding submissions is attached hereto as Exhibit I
6 and incorporated herein by reference. A true and correct copy of the June 3, 2020 email thread
7 regarding the submission and the combined CUA application is attached hereto as Exhibit J and
8 incorporated herein by reference.

9 20. Owners' architect and counsel further met with Planner Kimberly Durandet and
10 supplied additional revised plans and documents, as requested, including a variance application and
11 revised plans. Owners have continued to work with planning staff to resolve this issue.

12 21. A true and correct copy of the requested variance application is attached hereto as
13 Exhibit K and incorporated herein by reference.

14 22. A true and correct copy of the requested revised plans is attached hereto as Exhibit L
15 and incorporated herein by reference.

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

18 Executed on October 1, 2020 at San Francisco, California.

19
20 
21 Shoshana Raphael

22
23
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28

EXHIBIT A

Permit Details Report**Report Date:** 1/16/2020 10:28:28 AM

Application Number: 201312305201

Form Number: 3

Address(es): 5457 / 022 / 0 2861 SAN BRUNO AV

5457 / 022 / 0 2865 SAN BRUNO AV

Description: 2-STORY VERTICAL ADDITION TO EXISTING BUILDING. RELOCATE (E) 2 DWELLING UNITS TO 3RD & 4TH FLOOR. ADD 2 OFFICES ON 2ND FLOOR. GROUND FLOOR HORIZONTAL ADDITION FOR PARKING.

Cost: \$724,752.00

Occupancy Code: R-3,M,B

Building Use: 28 - 2 FAMILY DWELLING

Disposition / Stage:

Action Date	Stage	Comments
12/30/2013	TRIAGE	
12/30/2013	FILING	
12/30/2013	FILED	
10/15/2015	APPROVED	
10/22/2015	ISSUED	
11/26/2019	SUSPEND	Suspended per DCP request dated November 26, 2019. O'Riordan

Contact Details:**Contractor Details:**

License Number: 884221

Name: RICHARD XU CHU LIN

Company Name: PROJECT CONTRACTOR INC

Address: PO BOX 1405 * SAN MATEO CA 94401-0000

Phone:

Addenda Details:**Description:**SITE

Step	Station	Arrive	Start	In Hold	Out Hold	Finish	Checked By	Hold Description
1	CPB	3/4/14	3/4/14			3/4/14	SECONDEZ GRACE	
2	CP-ZOC	3/4/14	5/20/14			8/25/15	SPEIRS JEFFREY	Approved. No change of use. 3rd and 4th floor vertical addition. SCOPE OF WORK CHANGED FROM ORIGINAL PERMIT DESCRIPTION.
3	CP-NP	6/24/15	8/25/15			8/25/15	SPEIRS JEFFREY	Mailed Cover Letter 6/24/15 (Vlad) Mailed 312 Notice 7/21/15; Expired 8/20/15 (Vlad)
4	BLDG	8/26/15	9/17/15			9/29/15	PADA RODOLFO	APPROVED. ROUTE TO BSM.
5	DPW-BSM	10/7/15	10/7/15			10/7/15	CHOY CLINTON	Approved SITE Permit only. 10/7/15: ADDENDA requirement(s) for sign off: Street Improvement (final inspection) and Urban Forestry (new tree). All sidewalk applications and plans MUST be applied IN-PERSON for intake at 1155 Market St, 3rd Floor. Download sidewalk applications at http://www.sfdpw.org/index.aspx?page=1697 . Only new trees can be applied ONLINE and UPLOAD plans through http://bsm.sfdpw.org/buftrees2/treeplanting.aspx Your construction addenda will be ON-HOLD until all necessary DPW-BSM permits are completed or plan checker(s) could recommend sign off to the satellite office via email. -CC
6	SFPUC	10/7/15	10/7/15			10/8/15	KUMAR AJAY	From Bldg: 10/7/15 - Not Applicable - Not enough changes for charges. Not enough additions in fixtures to move into next tier. 10/8/15: Return to Bldg.
7	PPC	10/9/15	10/9/15			10/9/15	HICKEY TIMOTHY	10/8/15: QC'd to CPB; TH.
8	CPB	10/9/15	10/15/15			10/22/15	CHEUNG WAI FONG	10/15/15: SFUSD REQUIRED. APPROVAL. WF

This permit has been issued. For information pertaining to this permit, please call 415-558-6096.

Appointments:

Appointment Date	Appointment AM/PM	Appointment Code	Appointment Type	Description	Tim Slot
8/8/2017	PM	WS	Web Scheduled	OK TO COVER	1
5/31/2017	PM	WS	Web Scheduled	LATH, EXTERIOR	1
2/2/2017	AM	WS	Web Scheduled	REINFORCING STEEL	1

Inspections:

Activity Date	Inspector	Inspection Description	Inspection Status
8/8/2017	Bernard Curran	OK TO COVER	OK TO COVER
5/31/2017	Bernard Curran	LATH, EXTERIOR	LATH, EXTERIOR
2/2/2017	Bernard Curran	REINFORCING STEEL	REINFORCING STEEL

Special Inspections:

Addenda No.	Completed Date	Inspected By	Inspection Code	Description	Remarks
1			1	CONCRETE (PLACEMENT & SAMPLING)	sampling; fc = 3000 psi
1			2	BOLTS INSTALLED IN CONCRETE	
1			4	REINFORCING STEEL AND PRESTRESSING TENDONS	reinforcing steel
1			5A1	SINGLE PASS FILLET WELDS < 5/16"	
1			24E	WOOD FRAMING	
1			19	SHEAR WALLS AND FLOOR SYSTEMS USED AS SHEAR DIAPHRAGMS	
1			20	HOLDOWNS	
1			24A	FOUNDATIONS	
1			5B5	MOMENT-RESISTING FRAMES	

For information, or to schedule an inspection, call 558-6570 between 8:30 am and 3:00 pm.

[Station Code Descriptions and Phone Numbers](#)

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

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EXHIBIT B

Permit Details Report

Report Date: 1/16/2020 10:42:58 AM

Application Number: 201704033064
 Form Number: 8

Address(es): 5457 / 022 / 0 2863 SAN BRUNO AV

Description: REVISION TO BPA# 2013-1230-5201 WITHIN (E) BUILDING ENVELOPE PER PLAN. RECONFIGURE INTERIOR NON-BEARING PARTITIONS TO RELOCATE BATHROOM AND LAUNDRY ROOM. INSTALL NFPA13 SPRINKLER THROUGHOUT WITH CONSTRUCTION TYPE V-A. WORK ON 2ND THRU 4TH FLOOR LEVEL ONLY.

Cost: \$1.00
 Occupancy Code: R-3
 Building Use: 28 - 2 FAMILY DWELLING

Disposition / Stage:

Action Date	Stage	Comments
4/3/2017	TRIAGE	
4/3/2017	FILING	
4/3/2017	FILED	
5/22/2017	APPROVED	
5/22/2017	ISSUED	
11/26/2019	SUSPEND	Suspended per DCP request dated November 26, 2019. O'Riordan

Contact Details:

Contractor Details:

Addenda Details:

Description:

Step	Station	Arrive	Start	In Hold	Out Hold	Finish	Checked By	Hold Description
1	INTAKE	4/3/17	4/3/17			4/3/17	CHIU JONATHAN	
2	BLDG	5/22/17	5/22/17			5/22/17	PADA RODOLFO	APPROVED AT OTC
3	PAD-STR	5/22/17	5/22/17			5/22/17	PADA RODOLFO	N/A -NO STRUC
4	PAD-MECH	4/5/17	4/5/17			4/6/17	ORTEGA REYNALDO	re-approved, OTC - MEP Deferred Approved, OTC - MEP Deferred
5	SFPUC	4/7/17	4/7/17			4/7/17	ARRIOLA LAURA	OTC - Capacity Charge not applicable with this Permit. Capacity Charge to be determined at PUC with request for additional meter and fire service. Remodel - from two (2) side by side dwelling unit over 3 fls to two horizontal units; Unit 1 on the 2nd & 3rd fl & Unit 2 on the fourth floor. Ground floor commercial. Three separate 5/8" meters at property (one for commercial and 2nd floor, one for the third floor and one for the 4th floor.
6	CPB	5/22/17	5/22/17			5/22/17	YU ZHANG REN	

This permit has been issued. For information pertaining to this permit, please call 415-558-6096.

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 558-6570 between 8:30 am and 3:00 pm.

[Station Code Descriptions and Phone Numbers](#)

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

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EXHIBIT C

Permit Details Report

Report Date: 1/16/2020 10:43:51 AM

Application Number: 201708286129
 Form Number: 8

Address(es): 5457 / 022 / 0 2861 SAN BRUNO AV
 5457 / 022 / 0 2863 SAN BRUNO AV
 5457 / 022 / 0 2865 SAN BRUNO AV

Description: REVISION TO PA#201312305201 WITH (E) BLDG ENVELOPE PER PLAN, UPDATE STRUCTURAL BEAM LOCATION TO REFLECT TO SITE CONDITION TO FULFILL INSPECTION REQUIREMENT. REVISE STAIRCASE CONNECTION WITH SIMPSON HANGERS TO REFLECT TO SITE CONDITION. AS BUILT PER BPA #201704033064 PER PLAN.N/A ORDINANCE #155-13

Cost: \$40,000.00
 Occupancy Code: R-3,M,B
 Building Use: 28 - 2 FAMILY DWELLING

Disposition / Stage:

Action Date	Stage	Comments
8/28/2017	TRIAGE	
8/28/2017	FILING	
8/28/2017	FILED	
9/28/2017	APPROVED	
9/28/2017	ISSUED	
11/26/2019	SUSPEND	Suspended per DCP request dated November 26, 2019. O'Riordan

Contact Details:

Contractor Details:

License Number: OWN
 Name: OWNER 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	8/28/17	8/28/17			8/28/17	CHUNG JANCE	
2	BLDG	8/29/17	8/29/17			8/29/17	PADA RODOLFO	
3	PAD-STR	8/29/17	8/29/17			8/29/17	PADA RODOLFO	STRUCTUIRAL REVIEW
4	CPB	9/28/17	9/28/17			9/28/17	MARIA ASUNCION	

This permit has been issued. For information pertaining to this permit, please call 415-558-6096.

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
0			24F	OTHERS	beam/framing structural connection
0			24E	WOOD FRAMING	

For information, or to schedule an inspection, call 558-6570 between 8:30 am and 3:00 pm.

Station Code Descriptions and Phone Numbers

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

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EXHIBIT D

COMPLAINT DATA SHEET**Complaint Number:** 201985831Owner/Agent: OWNER DATA
SUPPRESSED

Owner's Phone: --

Contact Name: --

Contact Phone: --

Complainant: COMPLAINANT DATA
SUPPRESSED

Date Filed:

Location: 2861 SAN BRUNO AV

Block: 5457

Lot: 022

Site:

Rating:

Occupancy Code:

Received By: Bonnie Kim

Division: BID

Complainant's

Phone:

Complaint Source: TELEPHONE

Assigned to: CES

Division:

Description: Possible deviation from approved plans

Instructions:

INSPECTOR INFORMATION

DIVISION	INSPECTOR	ID	DISTRICT	PRIORITY
CES	HINCHION	1125		

REFERRAL INFORMATION

DATE	REFERRED BY	TO	COMMENT
12/6/2019	Suzanna Wong	CES	Per Donal Duffy

COMPLAINT STATUS AND COMMENTS

DATE	TYPE	DIV	INSPECTOR	STATUS	COMMENT
09/20/19	CASE OPENED	BID	Saunders	CASE RECEIVED	
09/20/19	OTHER BLDG/HOUSING VIOLATION	BID	Saunders	CASE UPDATE	case assigned to complaint team. bk
10/24/19	OTHER BLDG/HOUSING VIOLATION	BID	Saunders	CASE CONTINUED	Site inspection.
11/04/19	OTHER BLDG/HOUSING VIOLATION	INS	Saunders	FIRST NOV SENT	1st NOV issued by DD; AG
11/06/19	OTHER BLDG/HOUSING VIOLATION	INS	Saunders	CASE UPDATE	1st NOV mailed and cc DCP; AG
12/06/19	OTHER BLDG/HOUSING VIOLATION	BID	Saunders	CASE UPDATE	Final warning letter by DD mailed; slw
12/06/19	OTHER BLDG/HOUSING VIOLATION	BID	Saunders	REFERRED TO OTHER DIV	Case referred to CES per Donal Duffy
12/06/19	OTHER BLDG/HOUSING VIOLATION	BID	Saunders	FINAL WARNING LETTER SENT	
12/06/19	GENERAL MAINTENANCE	BID	Saunders	REFERRED TO OTHER DIV	transfer to div CES
12/09/19	GENERAL MAINTENANCE	CES	Hinchion	CASE UPDATE	File transferred and Recieved in CES-tm
12/18/19	OTHER BLDG/HOUSING VIOLATION	CES	Gutierrez	CASE UPDATE	Process case for DH on 2/11/20

COMPLAINT ACTION BY DIVISION**NOV (HIS):****NOV (BID):**

11/04/19

Inspector Contact Information

[Online Permit and Complaint Tracking home page.](#)**Technical Support for Online Services**

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EXHIBIT E



CONDITIONAL USE AUTHORIZATION

INFORMATIONAL AND SUPPLEMENTAL APPLICATION PACKET

ATTENTION: A Project Application must be completed and/or attached prior to submitting this Supplemental Application. See the [Project Application](#) for instructions.

Pursuant to Planning Code Section 303, the Planning Commission shall hear and make determinations regarding Conditional Use Authorization applications.

For questions, call 415.558.6377, email pic@sfgov.org, or visit the Planning Information Center (PIC) at 1660 Mission Street, First Floor, San Francisco, where planners are available to assist you.

Español: Si desea ayuda sobre cómo llenar esta solicitud en español, por favor llame al 415.575.9010. Tenga en cuenta que el Departamento de Planificación requerirá al menos un día hábil para responder

中文: 如果您希望獲得使用中文填寫這份申請表的幫助, 請致電415.575.9010。請注意, 規劃部門需要至少一個工作日來回應。

Tagalog: Kung gusto mo ng tulong sa pagkumpleto ng application na ito sa Filipino, paki tawagan ang 415.575.9120. Paki tandaan na mangangailangan ang Planning Department ng hindi kukulangin sa isang araw na pantrabaho para makasagot.

WHAT IS A CONDITIONAL USE AUTHORIZATION?

A Conditional Use refers to a use that is not principally permitted in a particular Zoning District. Conditional Uses require a Planning Commission hearing in order to determine if the proposed use is necessary or desirable to the neighborhood, whether it may potentially have a negative effect on the surrounding neighborhood, and whether the use complies with the San Francisco General Plan. During this public hearing the Planning Commission will “condition” the use by applying operational conditions that may minimize neighborhood concerns as well as other conditions that may be required by the Department and the Planning Code. Conditional Use Authorizations are entitlements that run with the property, not the operator.

WHEN IS A CONDITIONAL USE AUTHORIZATION NECESSARY?

For each Zoning District, the Planning Code contains use charts that list types of uses and whether each is permitted as of right (P), conditionally permitted (C), or not permitted (NP or blank). In addition to those particular uses, the Conditional Use Authorization process is utilized for various other applications included but not limited to dwelling unit removal, Planned Unit Developments (PUD’s), and for off-street parking in certain Zoning Districts. Please consult a planner at the Planning Information Counter (PIC) for additional information regarding these applications.

Fees

Please refer to the [Planning Department Fee Schedule](#) available at www.sfplanning.org or at the Planning Information Center (PIC) located at 1660 Mission Street, First Floor, San Francisco. For questions related to the Fee Schedule, please call the PIC at 415.558.6377.

Fees will be determined based on the estimated construction costs. Should the cost of staff time exceed the initial fee paid, an additional fee for time and materials may be billed upon completion of the hearing process or permit approval. Additional fees may also be collected for preparation and recordation of any documents with the San Francisco Assessor-Recorder’s office and for monitoring compliance with any conditions of approval.



CONDITIONAL USE AUTHORIZATION

SUPPLEMENTAL APPLICATION

Property Information

Project Address: 2867-2899 San Bruno Ave.; 90-988 Woolsey ST., San Francisco, CA 94134 Block/Lot(s): 5457/037

Action(s) Requested

Action(s) Requested (Including Planning Code Section(s) which authorizes action)

This project will increase the dwelling unit density from 10 to 24 units. The property is in the NC-2 Zoning District. With a lot size of 11,250 square feet, 14 dwelling units are allowed (Planning Code §711; Table 711). The property consists of 10 residential units, 10 office units and 5 commercial units as approved. The project seeks approval for the addition of 4 dwelling units per zoning district density limits (Planning Code §207(a)). It requires Conditional Use Authorization for merger of two dwelling units on the 4th floor of each of five buildings located on the parcel (§§303(a), 317(g)(2)), in accordance with Fire/Building Codes for increased occupancy. It would also create 10 accessory dwelling units (two per building) from office space. (§207(c)(4).)

Conditional Use Findings

Pursuant to Planning Code Section 303(c), before approving a conditional use authorization, the Planning Commission needs to find that the facts presented are such to establish the findings stated below. In the space below and on separate paper, if necessary, please present facts sufficient to establish each finding.

1. That the proposed use or feature, at the size and intensity contemplated and at the proposed location, will provide a development that is necessary or desirable for, and compatible with, the neighborhood or the community. If the proposed use exceeds the non-residential use size limitations for the zoning district, additional findings must be provided per Planning Code Section 303(c)(1)(A-C).

The NC-2 District is intended to serve as the City's Small-Scale Neighborhood Commercial District. These districts are linear shopping streets which provide convenience goods and services to the surrounding neighborhoods as well as limited comparison shopping goods for a wider market. Buildings typically range in height from two to four stories with occasional one-story commercial buildings. The small-scale district controls provide for mixed-use buildings which approximate or slightly exceed the standard development pattern. Housing development in new buildings is encouraged above the ground story.

Each of the five existing buildings on the lot is four stories, with ground floor commercial/retail, which would remain. As approved, the second floor of each building contained two offices. These will be permitted as residential units. As approved, each building contained two residential units (for a total of ten). As proposed, the project would add four residential units per the applicable density limits, as well as ten ADUs (for a total of 14 units and 10 ADU units). The fourth floor of each building has two units, which would be merged, eliminating five unauthorized units, in compliance with Building/Fire requirements for this occupancy classification (with appropriate equivalencies). The project is desirable for the neighborhood as it adds housing and is consistent with the district in size and scale. The ten ADUs will also have rent-control restrictions (Planning Code §207(c)(4)(H)), and will therefore add to the supply of San Francisco's affordable housing stock in the long term.

2. That such use or feature as proposed will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity, or injurious to property, improvements or potential development in the vicinity, with respect to aspects including but not limited to the following:
 - a. The nature of the proposed site, including its size and shape, and the proposed size, shape and arrangement of structures;
 - b. The accessibility and traffic patterns for persons and vehicles, the type and volume of such traffic, and the adequacy of proposed off-street parking and loading;
 - c. The safeguards afforded to prevent noxious or offensive emissions such as noise, glare, dust and odor;
 - d. Treatment given, as appropriate, to such aspects as landscaping, screening, open spaces, parking and loading areas, service areas, lighting and signs.

(a): The 11,250 square foot lot features five, four-story buildings. The buildings would remain the same height, and the project will continue to fit the neighborhood pattern of 25-foot-wide lots with up to four-story mixed-use buildings.

(b): Parking and garage access will continue to be located at the rear of the building. There will be 8 garaged parking spaces. Additional fire egress will be adequately borne by Woolsey, which is a 90 foot dead-end alley street used mostly for parking.

(c): The project will not create any noxious or offensive emissions. Most or all construction would be done in the rear of the building or inside.

(d): The project will adequately address these items per code or with equivalencies. The project will be thoughtfully landscaped, as approved under previous permits, including landscaping and planting/replacing 11 street trees per DPW's Urban Forest Plan.

3. That such use or feature as proposed will comply with the applicable provisions of this Code and will not adversely affect the General Plan.

The project will comply with building, fire and health code provisions as required for the achievement of a better quality of life and the greatest possible preparedness to protect against injury and loss of life in an earthquake. Master Plan objectives are met to provide quality living environments and improvement of the neighborhood and to reduce the risk of bodily harm and loss of housing in the event of a disaster.

4. The use or feature satisfies any criteria specific to the use of features listed in Planning Code Section 303(g), et seq.

N/A - none of the features listed in Planning Code §303(g), et seq., are present for this project.

APPLICANT'S AFFIDAVIT

Under penalty of perjury the following declarations are made:

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

Signature

Justin A. Goodman

Name (Printed)

Date

July 22, 2019

Attorney

415.956.8100

Justin@zfplaw.com

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

Phone

Email

For Department Use Only

Application received by Planning Department:

By: _____

Date: _____

EXHIBIT F

From: [Justin Goodman](#)
To: [Shoshana Raphael](#)
Subject: Fwd: San Bruno Ave Project
Date: Tuesday, December 03, 2019 11:18:17 AM

--

Justin A. Goodman
Zacks, Freedman & Patterson, PC
235 Montgomery Street, Suite 400
San Francisco, CA 94104
Telephone: (415) 956-8100
Facsimile: (415) 288-9755
www.zfplaw.com

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Begin forwarded message:

From: "Teague, Corey (CPC)" <corey.teague@sfgov.org>
Subject: San Bruno Ave Project
Date: October 31, 2019 at 9:59:43 AM PDT
To: Justin Goodman <justin@zfplaw.com>
Cc: "Tam, Tina (CPC)" <tina.tam@sfgov.org>, "Rachna, Rachna (CPC)" <rachna.rachna@sfgov.org>, "Sucre, Richard (CPC)" <richard.sucre@sfgov.org>, "Durandet, Kimberly (CPC)" <kimberly.durandet@sfgov.org>, "Beinart, Amy (BOS)" <amy.beinart@sfgov.org>, "RYAN, MEGAN (CAT)" <Megan.Ryan@sfcityatty.org>, "Reza Khoshnevisan (reza@siaconsult.com)" <reza@siaconsult.com>

Justin,

I'm writing this email to inform you and the development team of the current status of review for this project. As you know, the adjacent property at 2861-2865 San Bruno Ave (Lot 22) was inspected by a multi-agency team last week. Upon reviewing the details of that development further, I have determined the following:

1. The project on Lot 22 must be combined with the project at 2867 San Bruno Ave (Lot 37) to be reviewed and authorized as a single project. This is because:
 - a. The two properties are currently under essentially the same ownership, and were so when development of both properties was initiated;

- b. The development process for both properties began essentially at the same time (i.e. 2012-2013);
 - c. The garage for Lot 22 is only accessible by crossing Lot 37;
 - d. The exterior and interior design of the building on Lot 22 is very similar to those buildings on Lot 37; and therefore
 - e. The two properties meet the definition of a single Lot per Planning Code Sec. 102.
2. The PC hearing currently scheduled for 11/14 will be indefinitely continued.
 3. The various permits issued for Lot 22 will be suspended.
 4. The current CUA application must either 1) be withdrawn, followed by submitting a new CUA application/plans covering the entire scope of the project, or 2) be revised to cover the entire scope of the project (this may cause the application fee to be adjusted). This ultimate CUA will be to authorize an entirely new project, and will not simply be a modification of the original authorization.
 5. A Variance application must be filed if the proposal does not meet open space, rear yard, or other applicable Code requirements.
 6. If any new or updated environmental review is required, that must occur prior to a Planning Commission hearing.
 7. The Planning Department will review the new proposal under current Planning Code provisions. Once Planning has reviewed the full proposal, we will provide any feedback we may have on Code-conformance and/or other relevant topics.
 8. Once the full project is ready to move forward, we will schedule a new Planning Commission hearing (and ZA hearing if necessary).

Please let me know if you have any questions. Additionally, Planning is happy to host another meeting with the development team to discuss this process in more detail if needed. Thanks.

Corey A. Teague, AICP, LEED AP
Zoning Administrator

San Francisco Planning Department
1650 Mission Street, Suite 400, San Francisco, CA 94103
Direct: 415.575.9081 | www.sfplanning.org
[San Francisco Property Information Map](#)

EXHIBIT G



SAN FRANCISCO PLANNING DEPARTMENT

NOTICE OF ENFORCEMENT

November 26, 2019

Property Owner

Yin Kwan Tam Family Trust
150 Urbano Drive
San Francisco, CA 94127

Property Owner

Lee Yun Ling & Cindy Zhou
9202 Wedgewood Street
Temple City, CA 91780

Property Owner

Tong Yin Kai Tong & Dufin Tsang
319 California Street #B
Arcadia, CA 91006

Site Address: 2861-2865 San Bruno Avenue
Assessor's Block/Lot: 5457/022
Zoning District: NC-2, Neighborhood Commercial, Small Scale
Complaint Number: 2019-020031ENF
Code Violation: Sections 171 and 174, Non-Compliance with approved Building Permit Application (BPA) No. 2013.12.30.5201, Construction Work Beyond Scope of Work and Without Planning Department Approval under BPA 2017.04.03.3064 and 2017.08.28.6129, and Addition of Unauthorized Dwelling Units
Section 172, Compliance of Structures, Open Spaces, and Off-Street Parking
Section 175, Additions, Alterations, and Removal without Permit
Section 317, Potential Residential Demolition
Administrative Penalty: Up to \$250 Each Day of Violation
Response Due: Within 15 days from the date of this Notice
Staff Contact: Rachna, (415) 575-6806, Rachna.Rachna@sfgov.org

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

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

DESCRIPTION OF VIOLATION

Our records indicate that the subject property was originally authorized for two dwelling units on the second floor and commercial use on the ground floor. On October 22, 2015, a BPA No.: 2013.12.30.5201 was issued to authorize 3rd and 4th Floor Vertical Addition and No Change of Use. Under this permit, the ground floor was also altered to provide a two-car parking garage in the rear.

On May 22, 2017, BPA No.: 2017.04.03.3064 was issued and approved for the following scope of work, *"Revision to BPA# 2013-1230-5201 Within (E) Building Envelope Per Plan. Reconfigure Interior Non-Bearing Partitions to Relocate Bathroom and Laundry Room. Install NFPA13 Sprinkler Throughout with Construction Type V-A. Work on 2nd Thru 4th Floor Level Only."* Despite the fact this permit stated the work is within the existing building envelop, the permit plans illustrate a building expansion and hence triggered Planning Department review and approval. No such review or approval occurred.

On September 28, 2017, BPA No. 2017.08.28.6129 was issued and approved for the following scope of work, *"Revision To PA#201312305201 With (E) Bldg. Envelope Per Plan, Update Structural Beam Location to Reflect to Site Condition to Fulfill Inspection Requirement. Revise Staircase Connection with Simpson Hangers to Reflect to Site Condition. As Built Per BPA #201704033064 Per Plan. N/A Ordinance #155-13."* Similar to the BPA No. 2017.04.03.3064, this permit misrepresented the existing conditions and was misleading as there is a change to the building envelop. This permit should have received Planning Department review and approval.

It has come to the Planning Department's attention that potentially four additional dwelling units have been created with a total of six dwelling units on the upper floors (2 units each on 2nd, 3rd, and 4th floor respectively) and substantial demolition and interior and exterior alterations have been done without such authorization.

On October 24, 2019, the Planning Department conducted a joint site inspection with the Department of Building Inspection (DBI) and observed that substantial construction work was being done without benefit of permits. Plumbing and electric work (along with cabinet and tile work) was done for what appears to be six kitchens. The property is allowed to have two units. Based on the current configuration, the property appears to follow the same design and development pattern as the adjacent property to the south at 2867-2899 San Bruno Avenue, which is owned by the same owners. This property is currently under investigation and enforcement action.

Pursuant to Planning Code Section 317(b)(13), "Unauthorized Unit" shall mean one or more rooms within a building that have been used, without the benefit of a building permit, as a separate and distinct living or sleeping space independent from Residential Units on the same property. "Independent" shall mean that (i) the space has independent access that does not require entering a Residential Unit on the property and (ii) there is no open, visual connection to a Residential Unit on the property.

Approval from the Planning Department and DBI is required for legalization of any unauthorized dwelling units. If the illegal units are authorized under the Planning Code Section 207.3, these must satisfy all applicable requirements of the Planning Code except for the rear yard requirements set forth in Section 134, the usable open space requirements set forth in Section 135, and the light and air requirements set forth in Section 140, and except as otherwise provided in this Section 207.3.

Pursuant to Planning Code Section 172, no structure shall be constructed, reconstructed, enlarged, altered, or relocated in a manner that is not permissible under the limitations set forth in the Planning Code for the district in which such structure is located.

Pursuant to Planning Code Section 175, a permit application is required to be approved and issued for reconstruction, enlargement, and alteration of any structure in compliance with the Planning Code.

Pursuant to Planning Code Section 317(b)(2), "Residential Demolition" shall mean any of the following:

(A) Any work on a Residential Building for which the Department of Building Inspection determines that an application for a demolition permit is required, or

(B) A major alteration of a Residential Building that proposes the Removal of more than 50% of the sum of the Front Facade and Rear Facade and also proposes the Removal of more than 65% of the sum of all exterior walls, measured in lineal feet at the foundation level, or

(C) A major alteration of a Residential Building that proposes the Removal of more than 50% of the Vertical Envelope Elements and more than 50% of the Horizontal Elements of the existing building, as measured in square feet of actual surface area.

(D) The Planning Commission may reduce the above numerical elements of the criteria in Subsections (b)(2)(B) and (b)(2)(C), by up to 20% of their values should it deem that adjustment is necessary to implement the intent of Planning Code Section 317 to conserve existing sound housing and preserve affordable housing.

Pursuant to Planning Code Section 317(d)(1), No permit to demolish a Residential Building in any zoning district shall be issued until a building permit for the replacement structure is finally approved. Pursuant to Planning Code Section 317(d)(2), Conditional Use Authorization (CUA) is required for approval of the permit for Residential Demolition.

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

HOW TO CORRECT THE VIOLATION

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

1. The project on the subject property (Lot 22) be combined with the project at the adjacent property, 2867-2899 San Bruno Avenue (Lot 37) to be reviewed and authorized as a single project due to the following reasons:
 - a. The two properties are currently under essentially the same ownership, and were so when development of both properties was initiated;
 - b. The development process for both properties began essentially at the same time in 2012-2013;

- c. The garage for Lot 22 is only accessible by crossing Lot 37;
 - d. The exterior and interior design of the building on Lot 22 is very similar to those buildings on Lot 37; and therefore,
 - e. The two properties meet the definition of a single Lot per Planning Code Sec. 102. Pursuant to Planning Code Section 102, *“lot as so defined generally consists of a single Assessor’s lot, but in some cases consists of a combination of contiguous Assessor’s lots or portions thereof where such combination is necessary to meet the requirements of the Planning Code.”*
2. File a Project Application with a supplemental CUA application with accurate demolition calculations, pre-existing, as built, and proposed plans and elevations, and before and after photographs covering the entire scope of the project on Lot 22 and Lot 37. These applications are available from the Planning Department’s website at <https://sfplanning.org/resources>. Alternatively, the CUA No. 2017-004110CUA-02 filed on Lot 37 shall be revised to cover the entire scope of the project. Please note that the application fee will be required to be adjusted accordingly. The new CUA will be to authorize an entirely new project and will not simply be a modification of the original authorization on Lot 22 and 37.
 3. File a Variance application if the proposal does not meet open space, rear yard, or other applicable Planning Code requirements.
 4. The Planning Department requires that no further work be done at site until proper permits and authorizations are obtained from the Planning Department and DBI. As such, the Planning Department has requested DBI to suspend BP Nos. 201312305201, 201704033064, and 201708286129.
 5. The Planning Department will review the new proposal and provide information on additional applications and submittal requirements as deemed necessary. If the Conditional Use Authorization is granted, you will also need to obtain new Building Permits.

The responsible party will need to provide adequate evidence to demonstrate that either no violation exists or that the violation has been abated. A site visit may also be required to verify compliance.

Please contact the Department of Building Inspection (DBI), 1660 Mission Street, San Francisco, CA 94103, telephone: (415) 558-6088, website: www.sfgov.org/dbi, regarding the Building Permit Application process. Please visit the Planning Information Counter located at the first floor of 1660 Mission Street, telephone: (415) 558-6377, or website: www.sfplanning.org for any questions regarding the planning process.

TIMELINE TO RESPOND

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

PENALTIES AND APPEAL RIGHTS

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

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

ENFORCEMENT TIME AND MATERIALS FEE

Pursuant to Planning Code Section 350(g)(1), the Planning Department shall charge for 'Time and Materials' to recover the cost of correcting Planning Code violations and violations of Planning Commission and Planning Department's Conditions of Approval. Accordingly, the responsible parties are currently subject to an amount of \$1447 plus any additional accrued time and materials cost for Code Enforcement investigation and abatement of violation. This fee is separate from the administrative penalties described above and is not appealable.

OTHER APPLICATIONS UNDER CONSIDERATION

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

cc: Rich Sucre, Planning Department
Kimberly Durandet, Planning Department
Donal Duffy, Department of Building Inspection
Ed Sweeny, Department of Building Inspection
Patrick O'Riordan, Department of Building Inspection
Megan E. Ryan, Deputy City Attorney, San Francisco City Attorney's Office
Justin A. Goodman, Zacks, Freedman & Patterson, PC, 235 Montgomery Street, Suite 400,
San Francisco, CA 94104

EXHIBIT H

From: [Shoshana Raphael](#)
To: rachna.rachna@sfgov.org
Cc: [Angelica Nguyen](#); [Justin Goodman](#)
Subject: RE: Immediate Disclosure Request – SF Sunshine Ordinance
Date: Tuesday, December 17, 2019 5:01:00 PM
Attachments: [2019.12.17 Supplemental CU Application \(022\) - Plans.pdf](#)
[2019.12.17 Supplemental CU Application \(022\).pdf](#)

Hi Rachna,

I apologize for the delay. Justin is out sick today, but we wanted to get you the supplemental application and plans today regardless. Please find them attached here.

Best,

Shoshana Raphael
Zacks, Freedman & Patterson, PC
235 Montgomery Street, Suite 400
San Francisco, CA 94104
Telephone: (415) 956-8100
Facsimile: (415) 288-9755
www.zfplaw.com

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From: Justin Goodman
Sent: Monday, December 16, 2019 6:23 PM
To: rachna.rachna@sfgov.org
Cc: Shoshana Raphael; Angelica Nguyen
Subject: Re: Immediate Disclosure Request – SF Sunshine Ordinance

Rachna,

We have everything in hand, ready to submit, except that the plans from SIA Consulting have a typo. I'm waiting on a corrected version from SIA, and we will send over everything as soon as they come in.

--

Justin A. Goodman
Zacks, Freedman & Patterson, PC
235 Montgomery Street, Suite 400
San Francisco, CA 94104
Telephone: (415) 956-8100
Facsimile: (415) 288-9755
www.zfplaw.com

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On Dec 13, 2019, at 5:21 PM, Justin Goodman <justin@zfplaw.com> wrote:

Rachna, it looks like we got what we needed, but it just came in at close of business, so we're going to need until Monday to get the supplemental CUA to intake.

Have a nice weekend...

--

Justin A. Goodman
Zacks, Freedman & Patterson, PC
235 Montgomery Street, Suite 400
San Francisco, CA 94104
Telephone: (415) 956-8100
Facsimile: (415) 288-9755
www.zfplaw.com

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Begin forwarded message:

From: Shoshana Raphael <shoshana@zfplaw.com>
Subject: FW: Immediate Disclosure Request – SF Sunshine Ordinance
Date: December 13, 2019 at 5:07:02 PM PST
To: Justin Goodman <justin@zfplaw.com>

Shoshana Raphael
Zacks, Freedman & Patterson, PC
235 Montgomery Street, Suite 400
San Francisco, CA 94104
Telephone: (415) 956-8100
Facsimile: (415) 288-9755
www.zfplaw.com

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From: CPC-RecordRequest [<mailto:CPC-RecordRequest@sfgov.org>]
Sent: Friday, December 13, 2019 4:42 PM
To: CPC-RecordRequest; Shoshana Raphael
Subject: RE: Immediate Disclosure Request – SF Sunshine Ordinance

Shoshana,

The responsive record is ready. You could download the zipped folder via a link [here](#). You will need to unzip the folder to view the records. The link will be available for 10 days.

PLEASE NOTE: Please follow instruction attached to retrieve the records. Check your spam folder if you don't get the code.

If you still prefer a CD (\$0.25 fee), please let us know and we'll prepare it for you.

Below are the steps to unzipping the folder:

1. Download the zipped folder to your computer.
2. Locate the zipped folder in Windows Explorer.
3. Double-click the zipped folder. This opens up the zipped folder so that you can see the files and folders that are inside it.
4. Save these files directly to your computer.
5. Using Windows Explorer, locate the saved files and double click on any files you wish to view.

Thank you,
Chan Son

Records Requests

San Francisco Planning Department
1650 Mission Street, Suite 400 San Francisco, CA 94103
Main: 415.575.6926 | www.sfplanning.org
[San Francisco Property Information Map](#)

From: CPC-RecordRequest <CPC-RecordRequest@sfgov.org>
Sent: Thursday, December 12, 2019 10:49 AM
To: Shoshana Raphael <shoshana@zfplaw.com>; CPC-RecordRequest <CPC-RecordRequest@sfgov.org>
Subject: RE: Immediate Disclosure Request – SF Sunshine Ordinance

Shoshana,

We received your immediate disclosure record request dated December 11, 2019 on December 12, 2019. Public record request received after the close of business, or received on a weekend or holiday, are considered received on the next business day.

You requested records for the properties at 349 08th Streetm 1052 Folsom and 190 Russ in the last 5 years. We will endeavor to complete your request on or before December 13, 2019 (Cal. Govt Code 6253(c) and Admin Code 67.21(b)).

**Thank you,
Chan Son**

Records Requests

San Francisco Planning Department
1650 Mission Street, Suite 400 San Francisco, CA 94103
Main: 415.575.6926 | www.sfplanning.org
[San Francisco Property Information Map](#)

From: Shoshana Raphael <shoshana@zfplaw.com>

Sent: Wednesday, December 11, 2019 6:28 PM

To: CPC-RecordRequest <CPC-RecordRequest@sfgov.org>

Subject: Immediate Disclosure Request – SF Sunshine Ordinance

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Sir/Madam,

I respectfully request a copy of all applications and staff reports from the past 5 years for the following project addresses:

- 349 8th Street, San Francisco, CA 94103;
- 1052 Folsom Street, San Francisco, CA 94103; and
- 190 Russ St, San Francisco, CA 94103.

If any documents or records cannot be made available within 24 hours, please kindly produce all documents and records on a rolling basis. Please do not hesitate to contact me with any questions. Thank you for your assistance.

Sincerely,

Shoshana Raphael
Zacks, Freedman & Patterson, PC
235 Montgomery Street, Suite 400
San Francisco, CA 94104
Telephone: (415) 956-8100
Facsimile: (415) 288-9755
www.zfplaw.com

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<Instructions to Access OneDrive File.pdf>

EXHIBIT I

From: [Shoshana Raphael](#)
To: ["cpc.intake@sfgov.org"](mailto:cpc.intake@sfgov.org)
Cc: ["Rachna, Rachna \(CPC\)"; Justin Goodman; Ryan Patterson; Angelica Nguyen; "Durandet, Kimberly \(CPC\)"](#)
Subject: RE: 2861-2865 San Bruno, Project Application
Date: Thursday, January 16, 2020 9:13:00 AM

Hi all,

Apparently the plans were too large to attach. Instead, they can be found here:
<https://zacks.egnyte.com/dl/9iiNZA6yEZ>.

Best,

Shoshana Raphael
Zacks, Freedman & Patterson, PC
235 Montgomery Street, Suite 400
San Francisco, CA 94104
Telephone: (415) 956-8100
Facsimile: (415) 288-9755
www.zfplaw.com

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From: Shoshana Raphael
Sent: Thursday, January 16, 2020 9:10 AM
To: 'cpc.intake@sfgov.org'
Cc: 'Rachna, Rachna (CPC)'; Justin Goodman; Ryan Patterson; Angelica Nguyen; 'Durandet, Kimberly (CPC)'
Subject: RE: 2861-2865 San Bruno, Project Application

Hello,

Attached please find plans for 2867-2899 San Bruno Avenue in connection with this application.

Best,

Shoshana Raphael
Zacks, Freedman & Patterson, PC
235 Montgomery Street, Suite 400
San Francisco, CA 94104
Telephone: (415) 956-8100
Facsimile: (415) 288-9755
www.zfplaw.com

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From: Shoshana Raphael
Sent: Wednesday, January 15, 2020 6:10 PM
To: 'cpc.intake@sfgov.org'
Cc: 'Rachna, Rachna (CPC)'; Justin Goodman; Ryan Patterson; Angelica Nguyen; Durandet, Kimberly (CPC); 'Sanchez, Scott (CPC)'; Teague, Corey (CPC)
Subject: 2861-2865 San Bruno, Project Application

Hello,

Attached please find a Project Application for 2861-2865 San Bruno Avenue, corresponding with our previously submitted Supplemental CU Application. (I am attaching both an executed version and an unexecuted version which has higher resolution.) Please let me know if anything further is required to complete our application.

Best,

Shoshana Raphael
Zacks, Freedman & Patterson, PC
235 Montgomery Street, Suite 400
San Francisco, CA 94104
Telephone: (415) 956-8100
Facsimile: (415) 288-9755
www.zfplaw.com

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EXHIBIT J

Subject: 2861-2865 San Bruno & 2867-2899 San Bruno
Date: Wednesday, June 3, 2020 at 8:40:58 AM Pacific Daylight Time
From: Shoshana Raphael
To: Rachna, Rachna (CPC)
CC: Durandet, Kimberly (CPC), Sucre, Richard (CPC), Ryan Patterson, Angelica Nguyen, Sanchez, Scott (CPC)
Attachments: 2020.06.03 2861-2899 San Bruno CUA_SupplementalApplication.pdf

Hi Rachna,

Attached please find the combined, revised CU application. Please don't hesitate to contact me with any questions.

Best,

Shoshana Raphael
Zacks, Freedman & Patterson, PC
235 Montgomery Street, Suite 400
San Francisco, CA 94104
Telephone: (415) 956-8100
Facsimile: (415) 288-9755
www.zfplaw.com

Please excuse any delay in response to emails, letters, and messages during SFDPH Order No. C19-07 (COVID-19 "shelter-in-place" rules). Our firm will be working remotely in the interim.

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CONDITIONAL USE AUTHORIZATION

INFORMATIONAL AND SUPPLEMENTAL APPLICATION PACKET

ATTENTION: A Project Application must be completed and/or attached prior to submitting this Supplemental Application. See the [Project Application](#) for instructions.

Pursuant to Planning Code Section 303, the Planning Commission shall hear and make determinations regarding Conditional Use Authorization applications.

For questions, call 415.558.6377, email pic@sfgov.org, or visit the Planning Information Center (PIC) at 1660 Mission Street, First Floor, San Francisco, where planners are available to assist you.

Español: Si desea ayuda sobre cómo llenar esta solicitud en español, por favor llame al 415.575.9010. Tenga en cuenta que el Departamento de Planificación requerirá al menos un día hábil para responder

中文: 如果您希望獲得使用中文填寫這份申請表的幫助，請致電415.575.9010。請注意，規劃部門需要至少一個工作日來回應。

Tagalog: Kung gusto mo ng tulong sa pagkumpleto ng application na ito sa Filipino, paki tawagan ang 415.575.9120. Paki tandaan na mangangailangan ang Planning Department ng hindi kukulangin sa isang araw na pantrabaho para makasagot.

WHAT IS A CONDITIONAL USE AUTHORIZATION?

A Conditional Use refers to a use that is not principally permitted in a particular Zoning District. Conditional Uses require a Planning Commission hearing in order to determine if the proposed use is necessary or desirable to the neighborhood, whether it may potentially have a negative effect on the surrounding neighborhood, and whether the use complies with the San Francisco General Plan. During this public hearing the Planning Commission will “condition” the use by applying operational conditions that may minimize neighborhood concerns as well as other conditions that may be required by the Department and the Planning Code. Conditional Use Authorizations are entitlements that run with the property, not the operator.

WHEN IS A CONDITIONAL USE AUTHORIZATION NECESSARY?

For each Zoning District, the Planning Code contains use charts that list types of uses and whether each is permitted as of right (P), conditionally permitted (C), or not permitted (NP or blank). In addition to those particular uses, the Conditional Use Authorization process is utilized for various other applications included but not limited to dwelling unit removal, Planned Unit Developments (PUD's), and for off-street parking in certain Zoning Districts. Please consult a planner at the Planning Information Counter (PIC) for additional information regarding these applications.

Fees

Please refer to the [Planning Department Fee Schedule](#) available at www.sfplanning.org or at the Planning Information Center (PIC) located at 1660 Mission Street, First Floor, San Francisco. For questions related to the Fee Schedule, please call the PIC at 415.558.6377.

Fees will be determined based on the estimated construction costs. Should the cost of staff time exceed the initial fee paid, an additional fee for time and materials may be billed upon completion of the hearing process or permit approval. Additional fees may also be collected for preparation and recordation of any documents with the San Francisco Assessor-Recorder's office and for monitoring compliance with any conditions of approval.



CONDITIONAL USE AUTHORIZATION

SUPPLEMENTAL APPLICATION

Property Information

Project Address:

Block/Lot(s):

Action(s) Requested

Action(s) Requested (Including Planning Code Section(s) which authorizes action)

Conditional Use Findings

Pursuant to Planning Code Section 303(c), before approving a conditional use authorization, the Planning Commission needs to find that the facts presented are such to establish the findings stated below. In the space below and on separate paper, if necessary, please present facts sufficient to establish each finding.

1. That the proposed use or feature, at the size and intensity contemplated and at the proposed location, will provide a development that is necessary or desirable for, and compatible with, the neighborhood or the community. If the proposed use exceeds the non-residential use size limitations for the zoning district, additional findings must be provided per Planning Code Section 303(c)(1)(A-C).

2. That such use or feature as proposed will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity, or injurious to property, improvements or potential development in the vicinity, with respect to aspects including but not limited to the following:
 - a. The nature of the proposed site, including its size and shape, and the proposed size, shape and arrangement of structures;
 - b. The accessibility and traffic patterns for persons and vehicles, the type and volume of such traffic, and the adequacy of proposed off-street parking and loading;
 - c. The safeguards afforded to prevent noxious or offensive emissions such as noise, glare, dust and odor;
 - d. Treatment given, as appropriate, to such aspects as landscaping, screening, open spaces, parking and loading areas, service areas, lighting and signs.

3. That such use or feature as proposed will comply with the applicable provisions of this Code and will not adversely affect the General Plan.

4. The use or feature satisfies any criteria specific to the use of features listed in Planning Code Section 303(g), et seq.

APPLICANT'S AFFIDAVIT

Under penalty of perjury the following declarations are made:

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

Signature

Name (Printed)

Date

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

Phone

Email

For Department Use Only

Application received by Planning Department:

By: _____

Date: _____

EXHIBIT K



VARIANCE FROM THE PLANNING CODE

INFORMATIONAL AND SUPPLEMENTAL APPLICATION PACKET

ATTENTION: A Project Application must be completed and/or attached prior to submitting this Supplemental Application. See the [Project Application](#) for instructions.

Pursuant to Planning Code Section 305, the Zoning Administrator shall hear and make determinations regarding applications for variances from the strict application of quantitative standards in the Planning Code. The first pages consist of instructions which should be read carefully before the application form is completed.

For questions or more information, you can call the Planning counter at 628.652.7300 or email pic@sfgov.org where planners are able to assist you.

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

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

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

WHAT IS A VARIANCE?

The Planning Code regulates the use of property, including the size, design, and siting of buildings that may be constructed on a piece of property. The Planning Code has standards for buildings that govern such features as rear yards, front setbacks, usable open space, height, and parking. A variance is a request for an exception to a Planning Code standard. The Zoning Administrator is the City official that interprets and maintains the Planning Code.

WHEN IS A VARIANCE NECESSARY?

There may be special circumstances that make it difficult for a project to meet all of the Planning Code requirements. In those instances, a project sponsor may request that the Zoning Administrator grant a Variance from the Code provisions. Under the City Charter (Section 4.105), the Zoning Administrator has the power to grant only those variances that are consistent with the general purpose and the intent of the Planning Code. The power to grant a variance shall be applied only when the plain and literal interpretation and enforcement of the Code would “result in practical difficulties, unnecessary hardships, or where the results would be inconsistent with the general purpose of the [Code].”

Planning Code Section 305(c) outlines the five criteria that must be met in order for the Zoning Administrator to grant a variance. The Section 305(c) criteria are as follows:

1. That there are exceptional or extraordinary circumstances applying to the property involved or to the intended use of the property that do not apply generally to other property or uses in the same class of district;
2. That owing to such exceptional or extraordinary circumstances the literal enforcement of specified provisions of this Code would result in practical difficulty or unnecessary hardship not created by or attributable to the applicant or the owner of the property;
3. That such variance is necessary for the preservation and enjoyment of a substantial property right of the subject property, possessed by other property in the same class of district;
4. That the granting of such variance will not be materially detrimental to the public welfare or materially injurious to the property or improvements in the vicinity; and
5. That the granting of such variance will be in harmony with the general purpose and intent of this Code and will not adversely affect the General Plan.

HOW DOES THE PROCESS WORK?

Upon submittal of a complete application to the Planning Department, the Zoning Administrator will schedule a public hearing to consider whether to grant the Variance. Variance hearings typically occur on the last Wednesday of each month. Upon issuing the formal written decision either granting or denying the Variance in whole or in part, the Zoning Administrator shall forthwith transmit a copy the Variance decision letter to the applicant. The action of the Zoning Administrator shall be final and shall become effective 10 days after the date of his written decision except upon the filing of a valid appeal to the Board of Permit Appeals as provided in Section 308.2 of the Planning Code.

FEES

Please refer to the [Planning Department Fee Schedule](#) available at www.sfplanning.org. For questions related to the Fee Schedule, contact the Planning counter at the Permit Center by calling 628.652.7300 or by emailing pic@sfgov.org.

Fees will be determined based on the estimated construction costs. Should the cost of staff time exceed the initial fee paid, an additional fee for time and materials may be billed upon completion of the hearing process or permit approval. Additional fees may also be collected for preparation and recordation of any documents with the San Francisco Assessor-Recorder's office and for monitoring compliance with any conditions of approval.

WHAT APPLICANTS SHOULD KNOW ABOUT THE PUBLIC HEARING PROCESS

A. The Zoning Administrator encourages applicants to meet with all community groups and parties interested in their application early in the entitlement process. In many cases, this is required as part of the Pre-application process. Department staff is available to assist in determining how to contact interested groups. Neighborhood organization lists are available on the Department's website. Notice of the hearing will be sent to groups in or near the neighborhood of the project. The applicant may be contacted by the Planning Department staff with requests for additional information or clarification. An applicant's cooperation will facilitate the timely review of the application.

B. The Zoning Administrator requests that applicants familiarize themselves with the procedure for public hearings, which are excerpted from the Planning Commission's Rules and Regulations below.

Hearings. A public hearing may be held on any matter before the Zoning Administrator at either a Regular (every 4th Wednesday of the month) or a Special Meeting. The procedure for such public hearings shall be as follows:

1. A description of the issue by Zoning Administrator along with the Planning Department's recommendation.
 2. A presentation of the proposal by the project sponsor for a period not to exceed 5 minutes.
 3. A presentation of opposition to the proposal, by organized opposition, for a period not to exceed 3 minutes.
 4. Public testimony from proponents of the proposal. An individual may speak for a period not to exceed 3 minutes.
 5. Public testimony from opponents of the proposal would be taken under conditions parallel to those imposed on proposal proponents, not to exceed 3 minutes.
 6. The project sponsor or applicant will be given a period, not to exceed 3 minutes, within which to clarify any questions raised in previous testimony.
 7. Discussion by the Zoning Administrator on the matter.
 8. The Zoning Administrator may impose time limits on appearances by members of the public and may otherwise exercise his or her discretion on procedures for the conduct of public hearings.
- C. **Opportunities for Appeals by Other Bodies:** Zoning Administrator actions on Variances are final unless appealed to the Board of Appeals within 10 days of the Zoning Administrator's written decision.



VARIANCE FROM THE PLANNING CODE

SUPPLEMENTAL APPLICATION

Property Information

Project Address: 2861-65 & 2867-2899 San Bruno Ave.; 90-98 Woolsey St. Block/Lot(s): 5457/037 & 5457/022

The Project is seeking a variance from Planning Code Section(s): 135

Variance Findings

Pursuant to Planning Code Section 305(c), before approving a variance application, the Zoning Administrator needs to find that the facts presented are such to establish the findings stated below. In the space below and on separate paper, if necessary, please present facts sufficient to establish each finding.

1. That there are exceptional or extraordinary circumstances applying to the property involved or to the intended use of the property that do not apply generally to other property or uses in the same class of district;

Please see attached.

2. That owing to such exceptional or extraordinary circumstances the literal enforcement of specified provisions of this Code would result in practical difficulty or unnecessary hardship not created by or attributable to the applicant or the owner of the property;

Please see attached.

3. That such variance is necessary for the preservation and enjoyment of a substantial property right of the subject property, possessed by other property in the same class of district;

Please see attached.

4. That the granting of such variance will not be materially detrimental to the public welfare or materially injurious to the property or improvements in the vicinity;

Please see attached.

5. That the granting of such variance will be in harmony with the general purpose and intent of this Code and will not adversely affect the General Plan.

Please see attached.

APPLICANT'S AFFIDAVIT

Under penalty of perjury the following declarations are made:

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

Shoshana Raphael Digitally signed by Shoshana Raphael
Date: 2020.08.28 12:35:04 -07'00'

Shoshana Raphael

Signature

Name (Printed)

August 28, 2020

Date

Attorney

(415) 956-8100

shoshana@zfpplaw.com

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

Phone

Email

For Department Use Only

Application received by Planning Department:

By: _____

Date: _____

VARIANCE FINDINGS

- 1. That there are exceptional or extraordinary circumstances applying to the property involved or to the intended use of the property that do not apply generally to other property or uses in the same class of district**

2861 San Bruno Avenue is occupied by one existing building. 2867-2899 San Bruno Avenue is a single lot, occupied by five existing buildings. The property abuts Woolsey Street to the south, which provides access to the property's driveway and emergency egress at the rear; and the site abuts Highway 101 to the east, near its intersection with Interstate 280. Highway 101 is elevated in this location, placing it in close proximity to all six buildings' rooftops. There is no other area at the site to provide sufficient usable open space. Additionally, the site is occupied by residential tenants.

- 2. That owing to such exceptional or extraordinary circumstances the literal enforcement of specified provisions of this Code would result in practical difficulty or unnecessary hardship not created by or attributable to the applicant or the owner of the property**

The close proximity and elevation of a major freeway make the roofs unsuitable for use as open space. Additionally, converting the roofs to occupiable decks would require the long-term displacement of many residential tenants and remove residential units from the City's housing stock at a time when they are desperately needed.

- 3. That such variance is necessary for the preservation and enjoyment of a substantial property right of the subject property, possessed by other property in the same class of district**

This variance is necessary for the proposed residential uses, a substantial property right possessed by the properties in this zoning district. It is also necessary to preserve residential tenancies and prevent displacement. No physical change to the building is required for the granting of this variance.

- 4. That the granting of such variance will not be materially detrimental to the public welfare or materially injurious to the property or improvements in the vicinity**

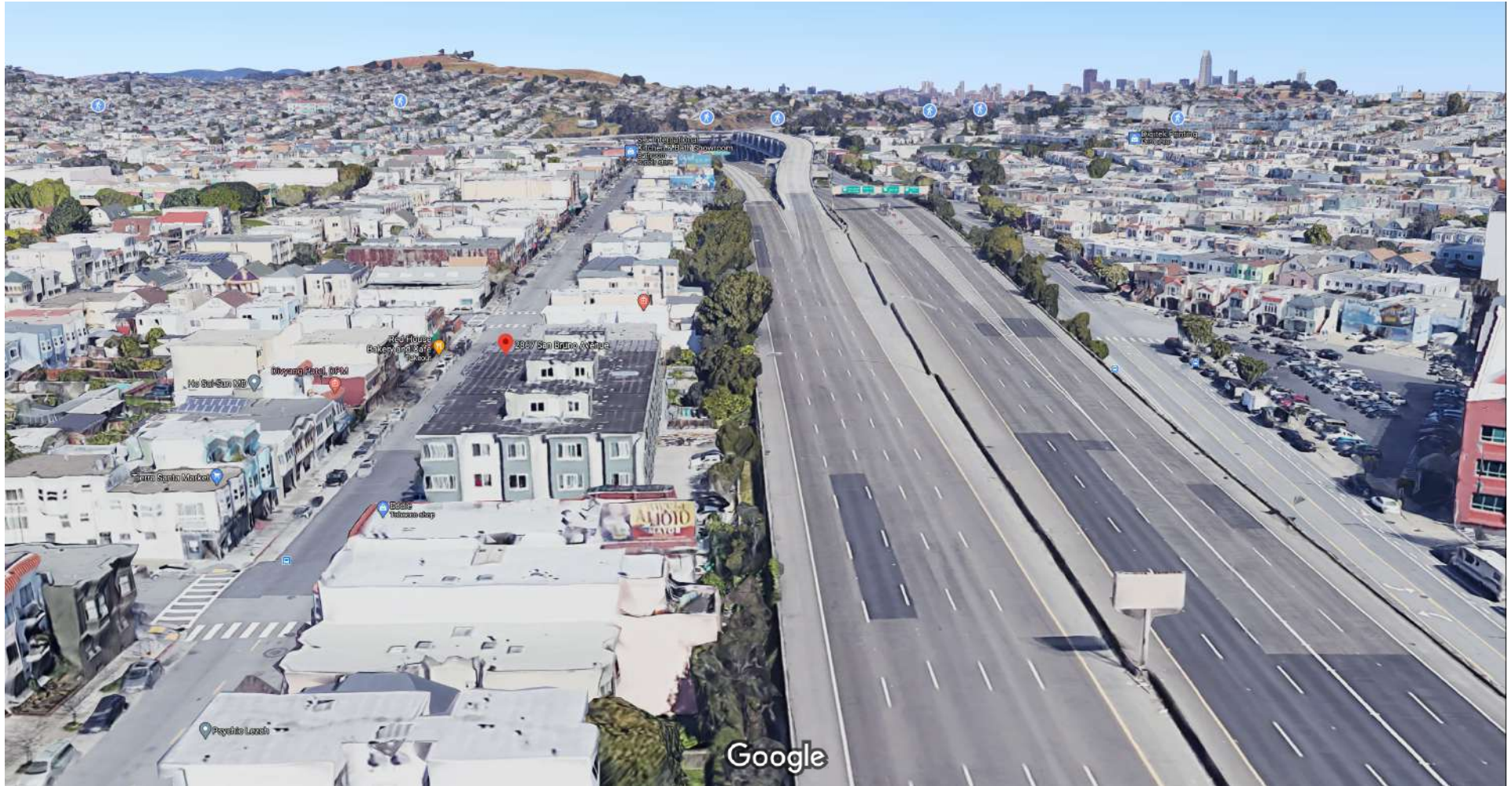
Granting this variance will allow for the proposed residential uses, and it will allow tenants to remain in their homes. It will not negatively affect neighbors or the public. This variance will prevent highly disruptive construction that would otherwise impact tenants and others in the vicinity.

- 5. That the granting of such variance will be in harmony with the general purpose and intent of this Code and will not adversely affect the General Plan**

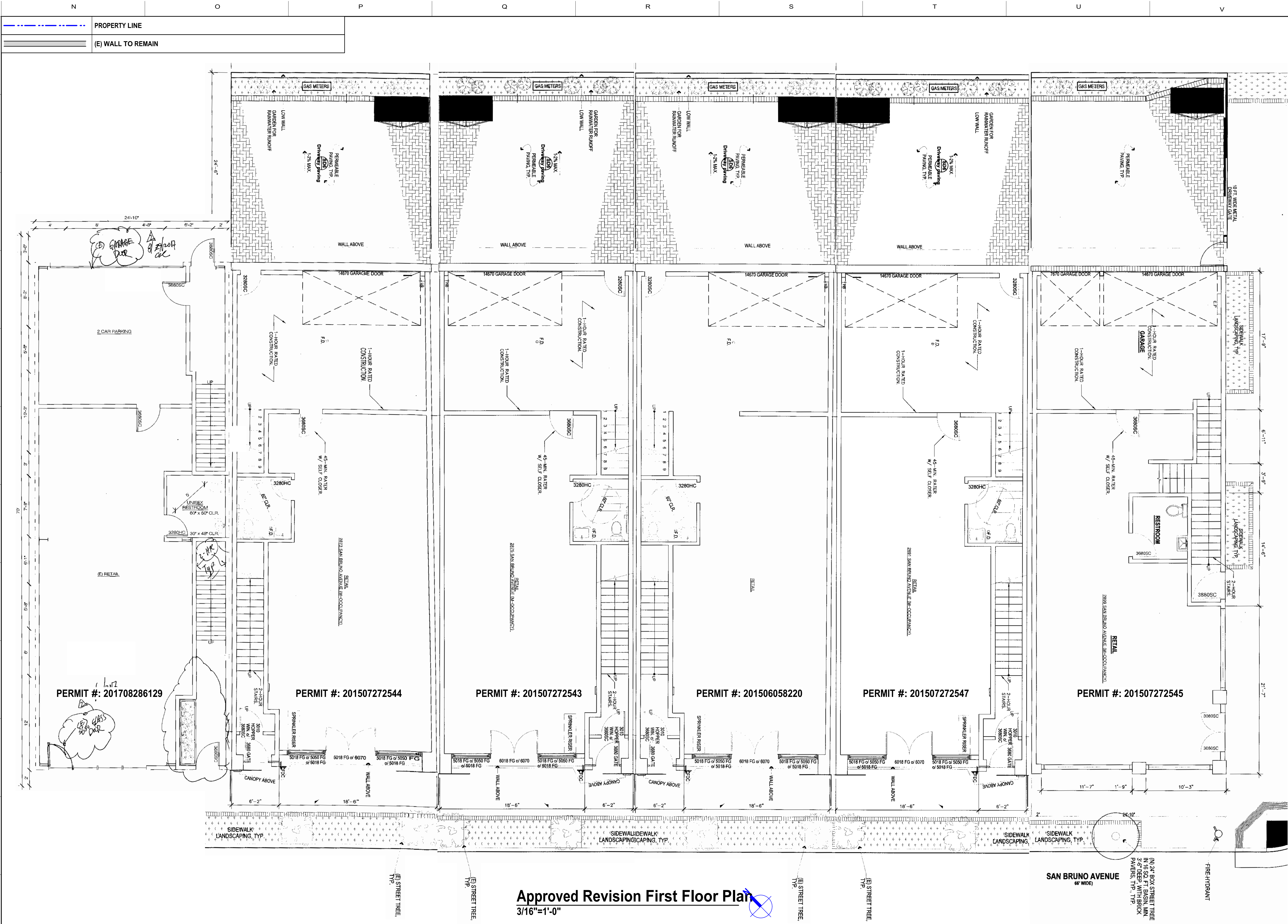
This variance comports with the Code and General Plan Priority Policies, in particular by preserving and enhancing the City's housing supply and preserving existing neighborhood-serving retail uses.

EXHIBIT L

Google Maps 2867 San Bruno Ave



Imagery ©2020 Google, TerraMetrics, Data CSUMB SFML, CA OPC, Data SIO, NOAA, U.S. Navy, NGA, GEBCO, Data LDEO-Columbia, NSF, NOAA, Landsat / Copernicus, Map data ©2020, Map data 20 ft ©2020



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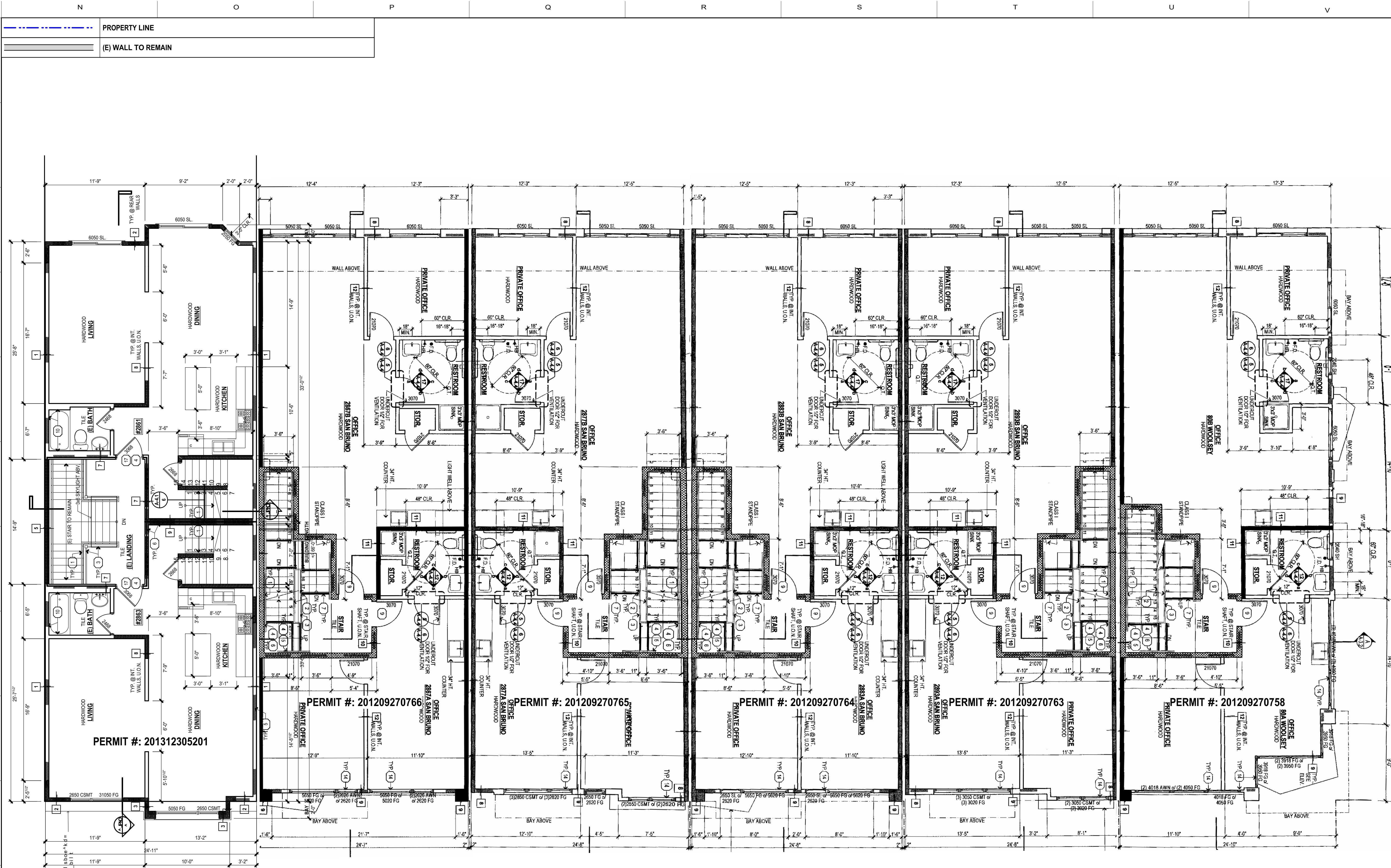
Approved Revision First Floor Plan

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Approved Revision First Floor Plan
 3/16"=1'-0"



PROPERTY LINE
(E) WALL TO REMAIN

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 p'k' ço^k' ' fp' | l ð = =



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 c ^ u V E N F F F Q N K R O

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Approved
Second Floor Plan

q U E E Ç A A E a l e = E e q e E d o r N p ^ = l k p r i q k d =
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Approved Second Floor Plan
3/16"=1'-0"

N O P Q R S T U V NM

---	PROPERTY LINE
----	(E) WALL TO BE REMOVED
=====	(E) WALL TO REMAIN

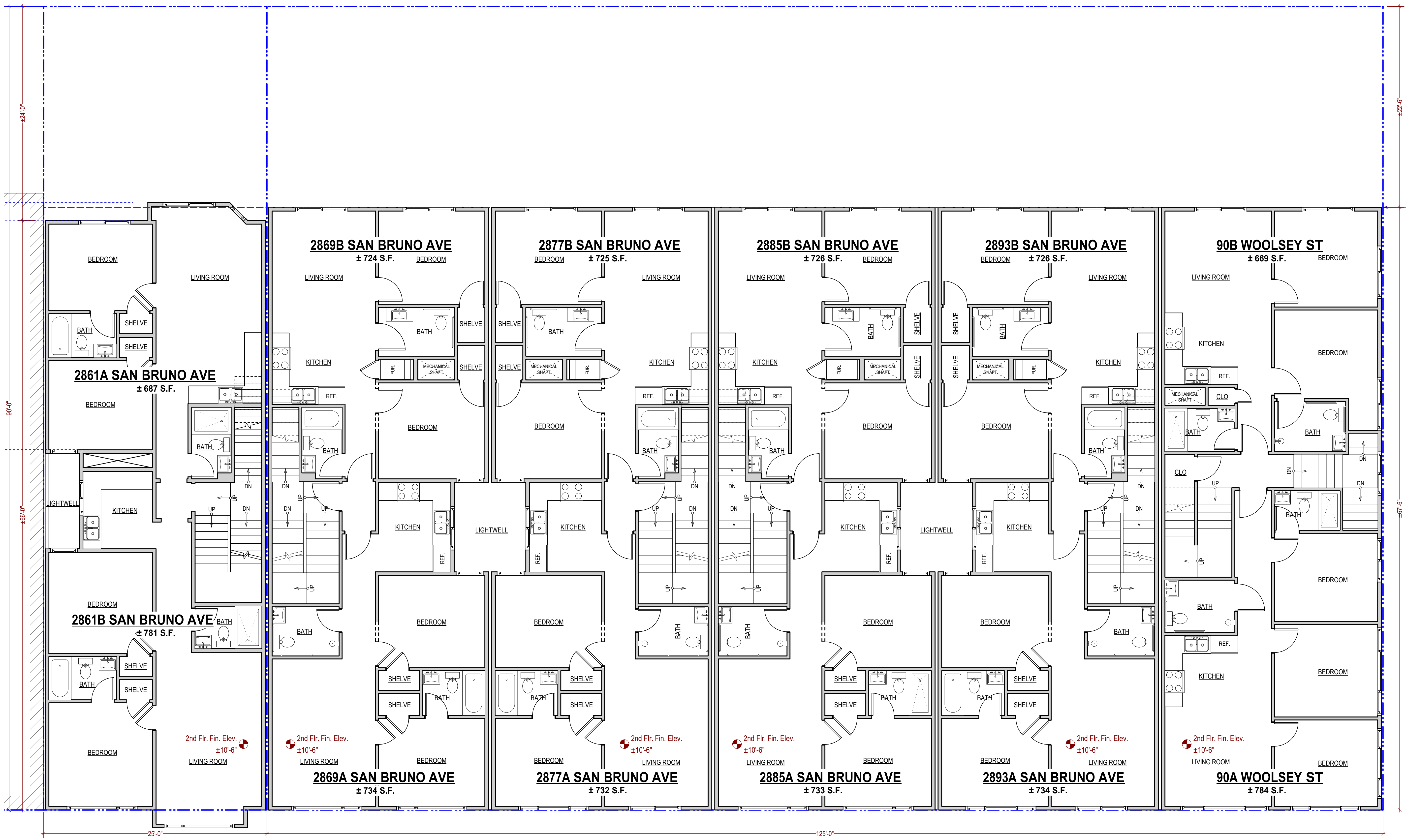
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CUSTJVp~â= ë àç=î ÉK
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As Built Second Floor Plan



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As Built Second Floor Plan

3/16"=1'-0"

N O P Q R S T U V NM

	RESCUE WINDOW / EMERGENCY ESCAPE
	PROPERTY LINE
	(E) WALL TO REMAIN
	1-HR. FIRE RATED WALL
	2-HR. FIRE RATED WALL

- 42" HIGH HOT-DIPPED GALVANIZED STEEL GUARDRAIL, OPENING NOT TO EXCEED 3.95" TYP.
- HOT-DIPPED GALVANIZED STEEL FIRE ESCAPE LADDER, PER SFBC AB-019 (COMPLY WITH ALL CONDITIONS)
- REPLACE (E) WINDOW W/(N) SWING SIMPLE DOUBLE GLAZED GLASS DOOR W/ SIDELIGHT
- PROV. STAIR IDENTIFICATION PER CBC. 1022.8 & ILLUMINATED EXIT SIGN
- HOT-DIPPED GALVANIZED STEEL FIRE ESCAPE BALCONY, PER SFBC AB-019 (COMPLY WITH ALL CONDITIONS)
- IN LIEU OF 45 MINUTE RATED OPENING PROTECTION, PROV. ORDINARY TEMPERATURE QUICK-RESPONSE TYPE (MODEL WS) SPRINKLER HEAD, INSTALLED WITHIN 18 INCHES OF THE OPENINGS AND SPACED NO LESS THAN 6" ON CENTER OF MANUFACTURER'S MINIMUM RECOMMENDED SPACING, WHICHEVER IS CLOSER, AND DESIGNED TO FLOW AT 3 GPM PER LINEAR FOOT, PER SFBC EG-05
- HOT-DIPPED GALVANIZED STEEL GOOSENECK LADDER TO ROOF, PER SFBC AB-005
- 90 MINS. FIRE RATING, SOLID CORE DOOR W/ SELF CLOSER & SMOKE GASKET

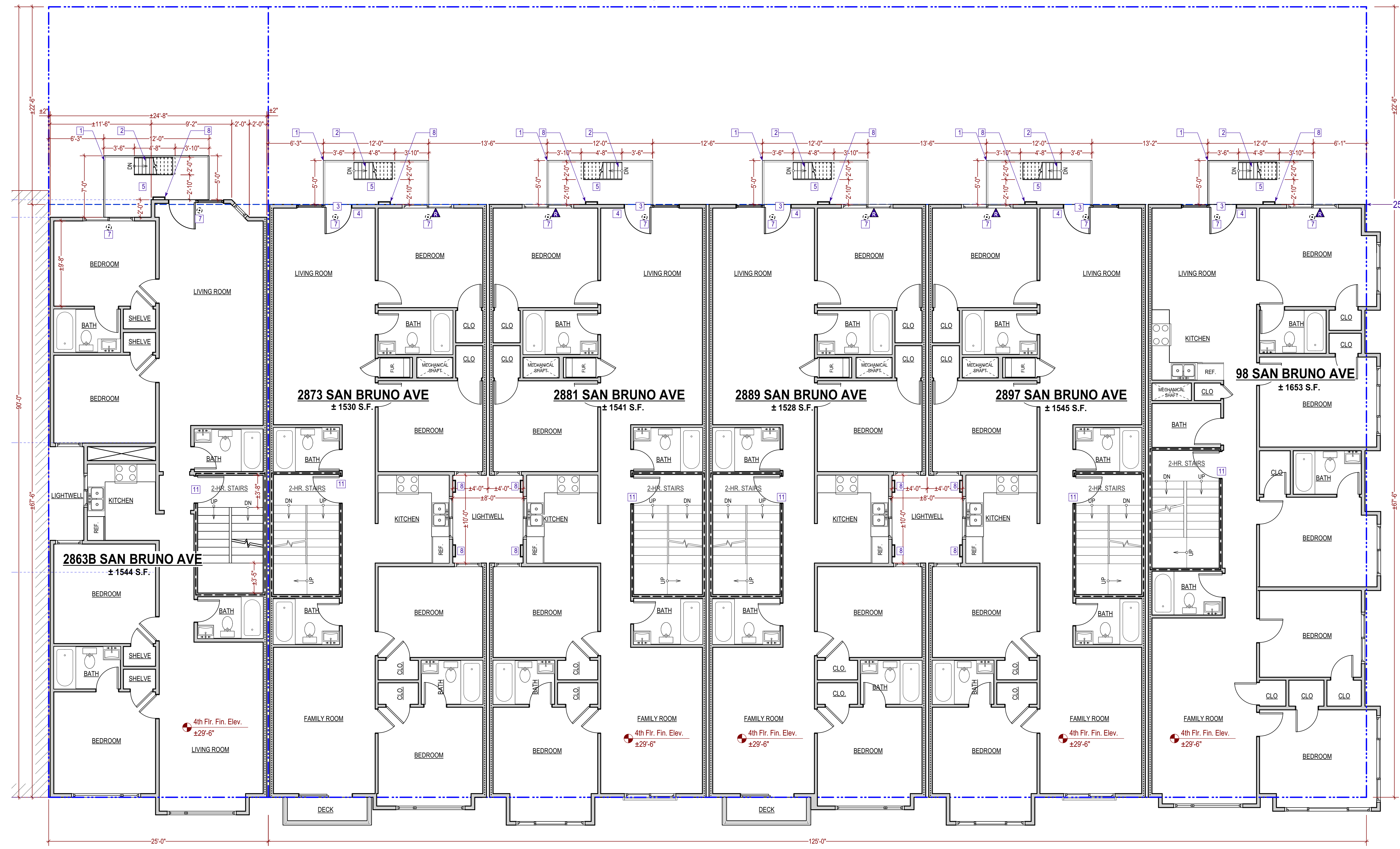
mo l gb` qk` aj b
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Proposed Fourth Floor Plan & Notes



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NOTES: BUILDINGS SOUND RATING IS NOT UNDER THIS PERMIT, OWNER TO CONSULT A SOUND ENGINEER

Proposed Fourth Floor Plans

3/16"=1'-0"

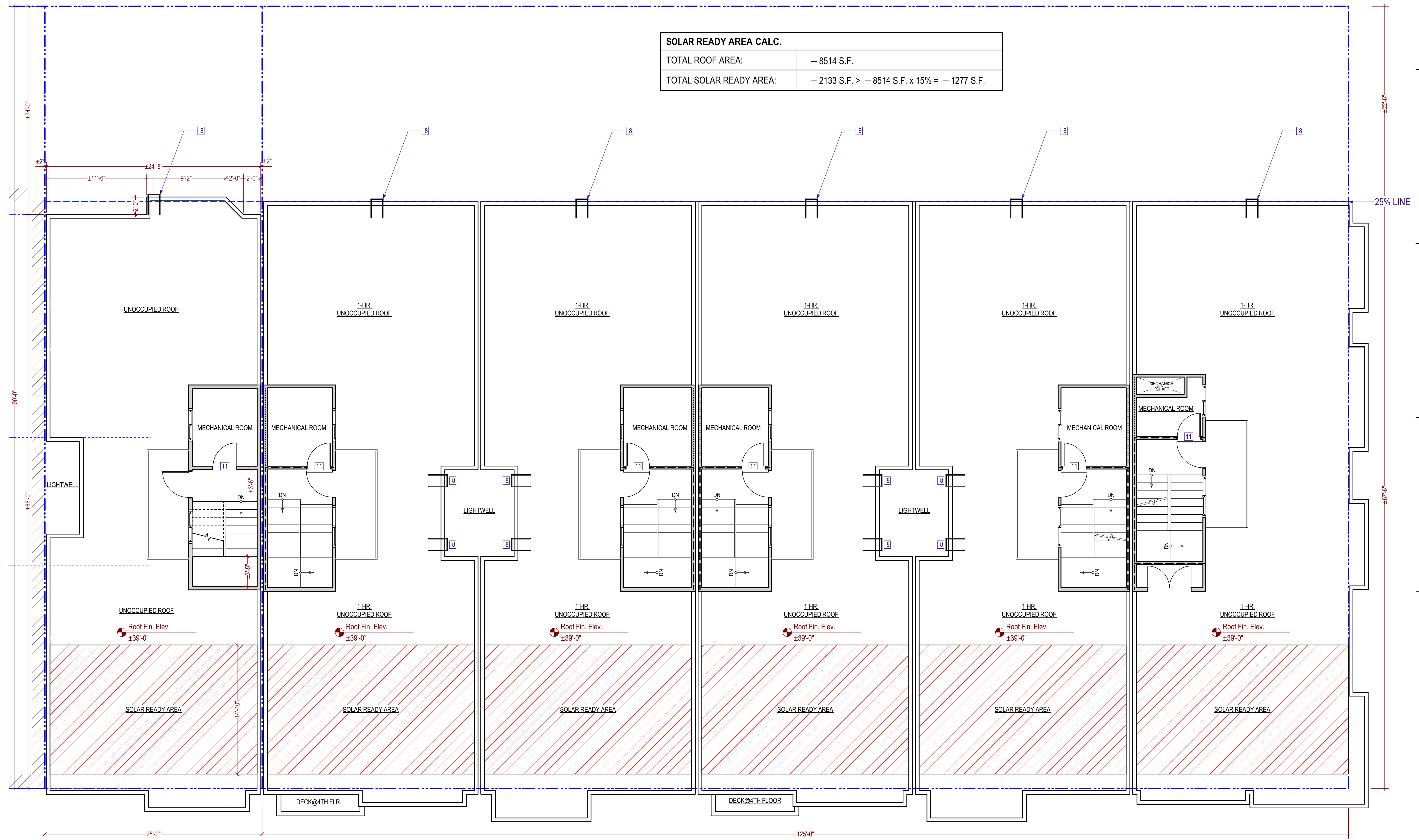
N O P Q R S T U V NM

PROPERTY LINE
(E) PARAPET WALL TO REMAIN

- [8] HOT-DIPPED GALVANIZED STEEL GOOSENECK LADDER TO ROOF, PER SFBC AB-005
- [11] 90 MINS. FIRE RATING, SOLID CORE DOOR W/ SELF CLOSER & SMOKE GASKET

CU S N S R C
C U S T J W P ~ a = a i a c a i E K
p ^ k e o ^ k ` f p ` | l e ^ =

SOLAR READY AREA CALC.	
TOTAL ROOF AREA:	- 8514 S.F.
TOTAL SOLAR READY AREA:	- 2133 S.F. > - 8514 S.F. x 15% = - 1277 S.F.



NOTES: BUILDINGS SOUND RATING IS NOT UNDER THIS PERMIT, OWNER TO CONSULT A SOUND ENGINEER

Proposed Roof Plan
3/16"=1'-0"



p f ^ = | k p r i q k d = | o m l o ^ q l k
N C R S e l t ^ o a p q o b b q
p ^ k e o ^ k ` f p ` | l e ^ = A U G N P
q b i W E D N F F Q N K N O V O
c ^ u W E D N F F U Q M K R O

pebbqrfqj b

Proposed Roof Plan

q U E e C q A a E a l e ~ E e q e E i o r N p ^ = | k p r i q k d =
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I a U c j I H U E E e e E e E C h m i E a ~ a e E a i q N p ^ =
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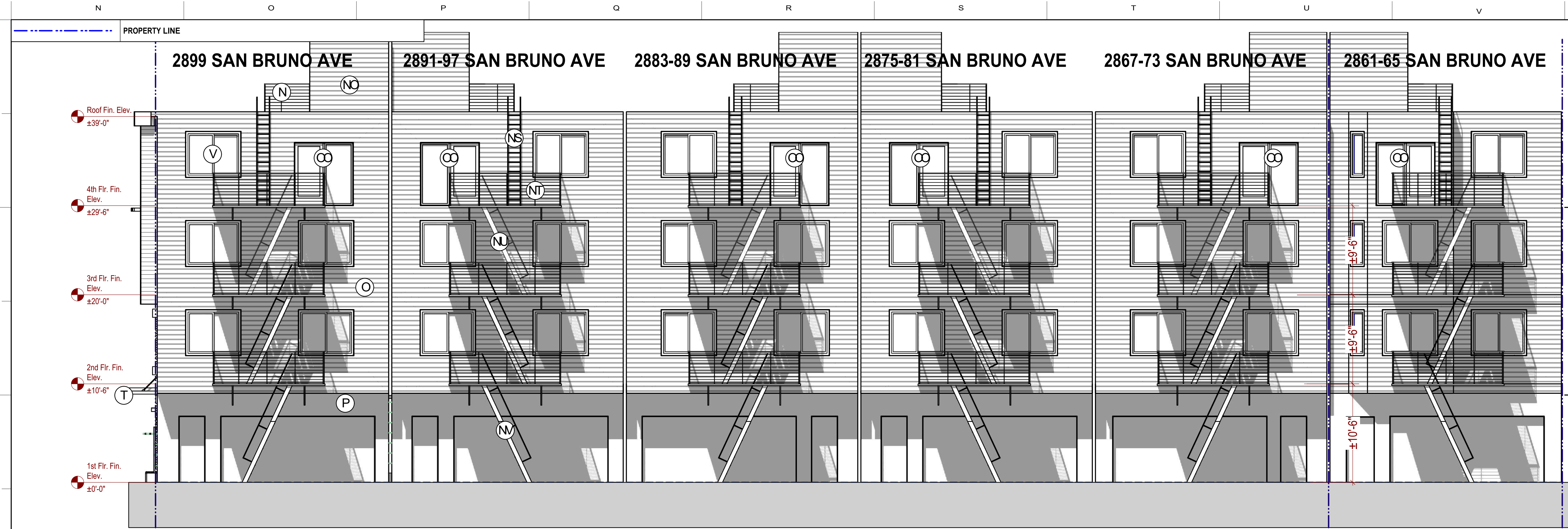
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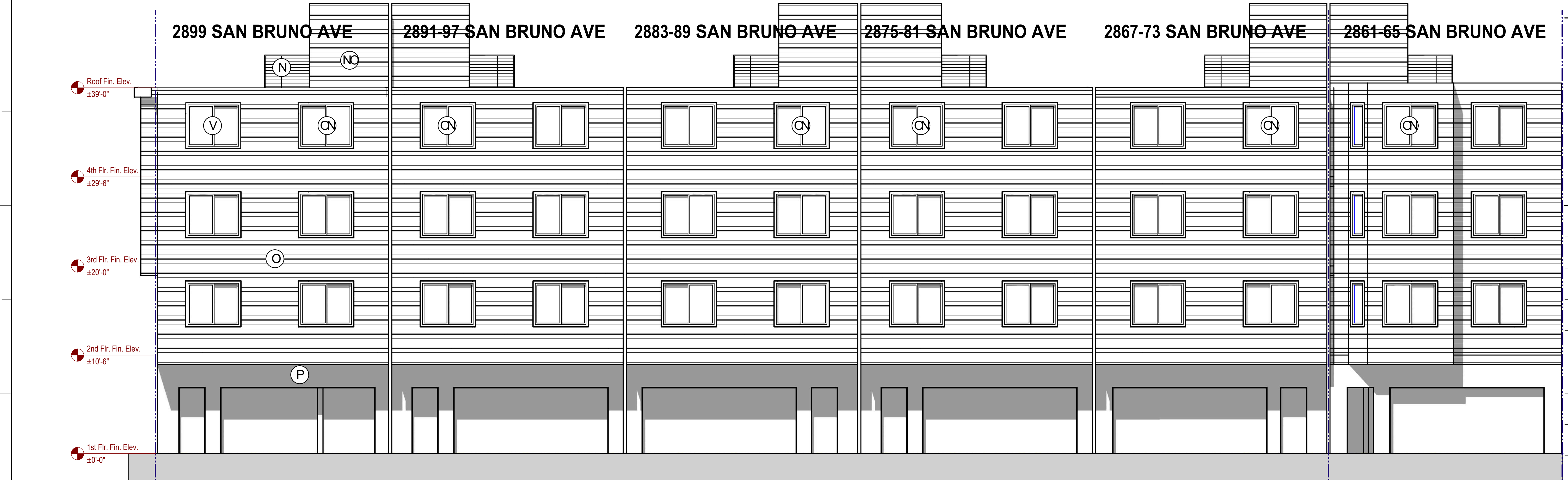
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Rear Elevations

Proposed Rear Elevation
 3/16"=1'-0"



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ao^t k pî K
 'eb' hba oî K
 a^qb MDMQMW
 obsfpa æ^qb MUMPLQDM

As Built Rear Elevation
 3/16"=1'-0"

- (N) (E) 42" HIGH GUARDRAIL, TYP.
- (R) STREET TREE
- (V) (E) WIN. TO REMAIN, TYP.
- (NP) (N) HORIZONTAL DARK WOOD SIDING, TYP.
- (NT) PROV. 42" HIGH HOT-DIPPED GALVANIZED STEEL GUARDRAIL, OPENING NOT TO EXCEED 3.95", TYP.
- (NV) (E) WIN. TO BE REMOVED, TYP.
- (O) (E) HORIZONTAL WOOD SIDING, TYP.
- (S) (N) WOOD TRIM, TYP.
- (MV) (E) PATIO DR. TO REMAIN., TYP.
- (NG) (N) GRAY STUCCO FINISH, TYP.
- (NU) PROPOSE (N) HOT-DIPPED GALVANIZED STEEL FIRE ESCAPE LADDER, TYP.
- (CV) (N) DBL. GLZ. PATIO DR. W/SIDELIGHT, TYP.
- (P) (E) STUCCO, TYP.
- (T) (N) AWNING, TYP.
- (NN) (N) DBL. GLZ ENTRY DR. W/SIDELIGHT
- (NR) (E) GLASS ENTRY DR. W/SIDELIGHT
- (M) PROPOSE (N) HOT-DIPPED GALVANIZED STEEL COUNTER BALANCED LADDER, TYP.
- (U) (N) CLERESTORY WIN., TYP.
- (NO) PENTHOUSE
- (NS) HOT-DIPPED GALVANIZED STEEL GOOSENECK LADDER, TYP.
- (Q) BLIND WALL TO BE P.T. PLYWD.

BRIEF SUBMITTED BY THE APPELLANT FOR APPEAL NO. 20-036

1 RYAN PATTERSON (SBN 277971)
2 SHOSHANA RAPHAEL (SBN 312254)
3 ZACKS, FREEDMAN & PATTERSON, PC
4 235 Montgomery Street, Suite 400
5 San Francisco, CA 94104
6 Tel: (415) 956-8100
7 Fax: (415) 288-9755
8 ryan@zfplaw.com
9 shoshana@zfplaw.com

10 Attorneys for Appellant,
11 Yin Kwan Tam, Trustee of the Yin Kwan Tam Family Trust

12 SAN FRANCISCO BOARD OF APPEALS

13 YIN KWAN TAM, TRUSTEE OF THE YIN
14 KWAN TAM FAMILY TRUST,

15 Appellant,

16 vs.

17 SAN FRANCISCO DEPARTMENT OF
18 BUILDING INSPECTION, and SAN
19 FRANCISCO PLANNING DEPARTMENT,

20 Respondents.

21 Appeal No.: 20-036

22 **APPELLANT'S BRIEF**

23 Notice of Violation,
24 Complaint No.: 2019-020031ENF

25 Subject Address: 2861-2865 San Bruno Ave.
26 Hearing Date: October 22, 2020

27 **I. INTRODUCTION**

28 This is an appeal of a Notice of Violation issued by the Planning Department. This Notice of Violation is redundant, premature, and now moot, as Appellant and their co-owners have cooperated with the Planning Department to remedy the alleged violations at the Subject Property.

II. STATEMENT OF FACTS

Yin Kwan Tam, Trustee of the Yin Kwan Tam Family Trust ("Appellant"), is one of several owners of 2861-2865 San Bruno Avenue, San Francisco, CA ("Subject Property"). (Declaration of Shoshana Raphael in Support of Appeal ("SR Decl."), ¶2.) Appellant and the co-owners of the Subject Property obtained building permits from the Department of Building Inspection ("DBI"). (SR Decl., ¶3, Exs. A-C.) Construction under these permits began sometime in 2017, but has yet to be completed or inspected for completion. (SR Decl., ¶8, Exs. A-C.) The Subject Property is

1 currently in a state of construction (though all work has stopped since receipt of a Suspension
2 Request from the Planning Department) and is not occupied. (SR Decl., ¶8.) On November 4, 2019,
3 DBI issued Notice of Violation No. 201985831 for “Possible deviation from approved plans.” (SR
4 Decl., ¶9, Ex. D.) A director’s hearing regarding this Notice of Violation was scheduled for March
5 31, 2020 but did not occur due to city and state shelter-in-place orders. (SR Decl., §9.) No new date
6 for the hearing has been set as of the date of filing. (*Id.*)

7 Yin Kwan Tam is also one of several owners of the adjacent property located at 2867-2899
8 San Bruno Avenue, San Francisco, CA (“Adjacent Property”). (SR Decl., ¶11.) Both properties are
9 improved with mixed use buildings including residential and commercial spaces, though the
10 Adjacent Property is occupied by residential tenants. (SR Decl., ¶11.)

11 On December 13, 2018, the Planning Department opened an enforcement action regarding
12 the Adjacent Property. (SR Decl., ¶12.) The enforcement action pertains to deviations in
13 construction from approved plans, including additional dwelling units. (SR Decl., ¶12.)

14 In cooperation with the Planning Department, Appellant and the co-owners of the Adjacent
15 Property (collectively “Owners”) filed a Conditional Use Authorization (“CUA”) application on
16 July 22, 2019 to legalize the additional units and comply with the Planning Code. (SR Decl., ¶13,
17 Ex. E.) Owners continued to work with the Planning Department while awaiting the corresponding
18 Planning Commission hearing scheduled for November 14, 2019. (SR Decl., ¶14.) On October 31,
19 2019, Owners received an email from the Zoning Administrator indicating that had been taken off
20 calendar and the application had been continued indefinitely. (SR Decl., ¶15, Ex. F.) The Zoning
21 Administrator indicated that this was the result of his determination that the Adjacent Property and
22 Subject Property should be considered a single project for purposes of the Planning Code. (SR
23 Decl., ¶15, Ex. F.)

24 On November 26, 2019, the Planning Department issued a Suspension Request. The
25 suspension request states that it was issued because the Subject Permits should have been referred
26 to the Planning Department for review and approval and because the Subject Property must be
27 combined with the Adjacent Property as one project, per the Planning Department. (Suspension
28 Request, pg. 2.)

1 Also on November 26, 2019, in addition to the Suspension Request, the Planning
2 Department issued a Notice of Enforcement requiring Owners to file a supplemental CUA
3 application reflecting the Zoning Administrator’s determination that the Subject Property and
4 Adjacent Property form one project, and to contact the Planner responsible for the matter within 15
5 days regarding the supplemental application. (SR Decl., ¶16, Ex. G.) Owners contacted the Planner
6 well within 15 days, and on December 17, 2019 filed a supplemental CUA application that included
7 both the Subject Property and the Adjacent Property. (SR Decl., ¶¶17-18, Ex. H.) Owners submitted
8 additional materials as requested by the Planner on January 15-16, 2020. (SR Decl., ¶19, Ex. I.)

9 On April 30, 2020, the Planning Department issued a Notice of Violation alleging
10 unpermitted work, unauthorized residential demolition, unauthorized exterior alterations, and
11 violations on the Adjacent Property (“Subject NOV”) (SR Decl., Ex. M.) Owners submitted a
12 combined CUA application, as requested and after significant consultation with their architect, on
13 June 3, 2020. (SR Decl., ¶19, Ex. J.) Owners’ architect and counsel further met with Planner
14 Kimberly Durandet and supplied additional revised plans and documents, as requested, including a
15 variance application and revised plans. (SR Decl., ¶20, Exs. K and L.) Owners have continued to
16 work with planning staff to resolve this issue.

17 III. ARGUMENT

18 A. DBI has Already Issued a Notice of Violation for the Same Issue.

19 The proper forum to evaluate alleged deviations from the Subject Permits is within DBI’s
20 internal administrative process. DBI has a rigorous enforcement and appeal process, authorized by
21 the San Francisco Building Code. (*See*, San Francisco Building Code (“Building Code”) Sections
22 103A, 104A, and 105A.) After a Notice of Violation is issued, if it is not remedied within the
23 specified timeframe, a director’s hearing is held, after which an Order of Abatement may issue and
24 be recorded. (*See*, Building Code Section 104A.) DBI is afforded significant enforcement authority
25 via this system.

26 On November 4, 2019, DBI issued Notice of Violation No. 201985831 for “Possible
27 deviation from approved plans.” (SR Decl., ¶9, Ex. D.) A director’s hearing regarding this Notice of
28 Violation was scheduled for March 31, 2020, but did not occur due to city and state shelter-in-place

1 orders. (SR Decl., ¶9, Ex. D.) Though no new date for the hearing has been set as of the date of
2 filing, this matter will be heard when DBI is again able to hold director’s hearings. (Id.) This is the
3 proper process of enforcing the Building Code and evaluating any potential deviations from it.
4 While the director’s hearing is still pending, the Planning Department directed DBI to suspend the
5 Subject Permits, in addition to issuing its own Notice of Violation. Multiple enforcement actions
6 create the potential to yield inconsistent results through parallel processes. It is an inefficient use of
7 resources.

8 Further, the Subject Permits are not final; consequently, the Subject NOV is premature.
9 Final inspections under the Subject Permits have not yet taken place. (SR Decl., Exs. A-C.) It is
10 premature for the Planning Department, let alone DBI, to determine that the interior of the Subject
11 Property does not match the plans.

12 B. Violations on the Adjacent Property Are Not Grounds for a Notice of Violation.

13 The Planning Department is seeking to combine the applications for the Subject Property
14 and the Adjacent Property into a single project via an enforcement action. (See, SR Decl., Ex. G.)
15 **The Owners have done so**, and did so prior to the issuance of the Notice of Violation. That the
16 Planning Department preferred a different form of Conditional Use Authorization application does
17 not justify the issuance of the Subject NOV.

18 Regardless, actions on an *adjacent* property should be addressed on that property. The
19 Planning Code authorizes the Zoning Administrator to serve a notice “requiring the cessation,
20 removal or correction of any violation of this Code upon the owner, agent or tenant *of the property*
21 *that is the subject of the violation*”. (Planning Code §176(b)(1), emphasis added.) Similarly, a
22 notice of violation must be served on the “responsible party,” which “means the owners(s) of the
23 real property on which the code violation is located, as listed in the records of the San Francisco
24 Assessor.” (Planning Code §176.1(c)(1).)

25 Here, a Notice of Violation has been served on Appellant as a co-owner of the Subject
26 Property, in part of the basis of alleged violations on the *Adjacent Property*. Further, Appellant’s
27 ownership interest in the Subject Property is on behalf of the Yin Kwan Tam Family Trust, whereas
28 their ownership in the Adjacent Property is not. While these interests may appear the same, they are

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2 SHOSHANA RAPHAEL (SBN 312254)
3 ZACKS, FREEDMAN & PATTERSON, PC
4 235 Montgomery Street, Suite 400
5 San Francisco, CA 94104
6 Tel: (415) 956-8100
7 Fax: (415) 288-9755
8 ryan@zfplaw.com
9 shoshana@zfplaw.com

10 Attorneys for Appellant,
11 Yin Kwan Tam, Trustee of the Yin Kwan Tam Family Trust

12 SAN FRANCISCO BOARD OF APPEALS

13 YIN KWAN TAM, TRUSTEE OF THE YIN
14 KWAN TAM FAMILY TRUST,

15 Appellant,

16 vs.

17 SAN FRANCISCO DEPARTMENT OF
18 BUILDING INSPECTION, and SAN
19 FRANCISCO PLANNING DEPARTMENT,

20 Respondents.

21 Appeal No.: 20-036

22 **DECLARATION OF SHOSHANA
23 RAPHAEL IN SUPPORT OF
24 APPELLANT'S BRIEF**

25 Notice of Violation,
26 Complaint No.: 2019-020031ENF

27 Subject Address: 2861-2865 San Bruno Ave.
28 Hearing Date: October 22, 2020

I, Shoshana Raphael, declare as follows:

1. I am an attorney duly licensed to practice law in the State of California. My law firm, Zacks, Freedman & Patterson, PC, is counsel for Appellant in this action. This declaration is submitted in support of Appellant's appeal. The facts herein are within my personal knowledge, except as to those stated on information and belief and as to those matters, I believe them to be true. If called as a witness herein, I can and will competently testify thereto.

2. Yin Kwan Tam, Trustee of the Yin Kwan Tam Family Trust ("Appellant"), is one of several owners of 2861-2865 San Bruno Avenue, San Francisco, CA ("Subject Property").

3. Appellant and the co-owners of the Subject Property obtained building permits from the Department of Building Inspection ("DBI").

4. On January 16, 2020, I accessed the Department of Building Inspection's

1 application on July 22, 2019 to legalize the additional units and comply with the Planning Code. A
2 true and correct copy of the July 22, 2019 CUA Application is attached hereto as Exhibit E and
3 incorporated herein by reference.

4 14. Owners continued to work with the Planning Department while awaiting the
5 corresponding Planning Commission hearing scheduled for November 14, 2019.

6 15. On October 31, 2019, Owners received an email from the Zoning Administrator
7 indicating that the hearing had been taken off calendar and the application had been continued
8 indefinitely. The Zoning Administrator indicated that this was the result of his determination that
9 the Adjacent Property and Subject Property should be considered a single project for purposes of
10 the Planning Code. A true and correct copy of the October 31, 2019 email is attached hereto as
11 Exhibit F and incorporated herein by reference.

12 16. On November 26, 2019, in addition to the Suspension Request, the Planning
13 Department issued a Notice of Enforcement requiring Owners to file a supplemental CUA
14 application reflecting the Zoning Administrator's determination that the Subject Property and
15 Adjacent Property form one project, and to contact the Planner responsible for the matter within 15
16 days regarding the supplemental application. A true and correct copy of the Notice of Enforcement
17 is attached hereto as Exhibit G and incorporated herein by reference.

18 17. Owners contacted the Planner well within 15 days of the issuance of the Notice of
19 Enforcement.

20 18. December 17, 2019 filed a supplemental CUA application that included both the
21 Subject Property and the Adjacent Property. A true and correct copy of the Supplemental CUA
22 Application is attached hereto as Exhibit H and incorporated herein by reference.

23 19. Owners submitted a combined CUA application, as requested and after significant
24 consultation with their architect, on June 3, 2020. A true and correct copy of the January 15-16,
25 2020 email thread regarding submissions is attached hereto as Exhibit I and incorporated herein by
26 reference. A true and correct copy of the June 3, 2020 email thread regarding the submission and
27 the combined CUA application is attached hereto as Exhibit J and incorporated herein by reference.

28 20. Owners' architect and counsel further met with Planner Kimberly Durandet and

1 supplied additional revised plans and documents, as requested, including a variance application and
2 revised plans. Owners have continued to work with planning staff to resolve this issue.

3 21. A true and correct copy of the requested variance application is attached hereto as
4 Exhibit K and incorporated herein by reference.

5 22. A true and correct copy of the requested revised plans is attached hereto as Exhibit L
6 and incorporated herein by reference.

7 23. A true and correct copy of the requested revised plans is attached hereto as Exhibit
8 M and incorporated herein by reference.

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

11 Executed on October 1, 2020 at San Francisco, California.

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14 Shoshana Raphael
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not – there is a significant legal distinction. The Planning Department should not have issued a Notice of Violation on the Subject Property resulting from alleged violations next door.

IV. CONCLUSION

For the foregoing reasons, the Subject NOV should be overturned, allowing Appellant the co-owners of the Subject Property and Adjacent Property to continue working to resolve the enforcement actions with the Planning Department.

Dated: October 1, 2020



By: Shoshana Raphael
ZACKS, FREEDMAN & PATTERSON, PC
Attorneys for Appellant,
Yin Kwan Tam, Trustee of the Yin Kwan Tam Family
Trust

EXHIBIT A

Permit Details Report**Report Date:** 1/16/2020 10:28:28 AM

Application Number: 201312305201

Form Number: 3

Address(es): 5457 / 022 / 0 2861 SAN BRUNO AV

5457 / 022 / 0 2865 SAN BRUNO AV

Description: 2-STORY VERTICAL ADDITION TO EXISTING BUILDING. RELOCATE (E) 2 DWELLING UNITS TO 3RD & 4TH FLOOR. ADD 2 OFFICES ON 2ND FLOOR. GROUND FLOOR HORIZONTAL ADDITION FOR PARKING.

Cost: \$724,752.00

Occupancy Code: R-3,M,B

Building Use: 28 - 2 FAMILY DWELLING

Disposition / Stage:

Action Date	Stage	Comments
12/30/2013	TRIAGE	
12/30/2013	FILING	
12/30/2013	FILED	
10/15/2015	APPROVED	
10/22/2015	ISSUED	
11/26/2019	SUSPEND	Suspended per DCP request dated November 26, 2019. O'Riordan

Contact Details:**Contractor Details:**

License Number: 884221

Name: RICHARD XU CHU LIN

Company Name: PROJECT CONTRACTOR INC

Address: PO BOX 1405 * SAN MATEO CA 94401-0000

Phone:

Addenda Details:**Description:**SITE

Step	Station	Arrive	Start	In Hold	Out Hold	Finish	Checked By	Hold Description
1	CPB	3/4/14	3/4/14			3/4/14	SECONDEZ GRACE	
2	CP-ZOC	3/4/14	5/20/14			8/25/15	SPEIRS JEFFREY	Approved. No change of use. 3rd and 4th floor vertical addition. SCOPE OF WORK CHANGED FROM ORIGINAL PERMIT DESCRIPTION.
3	CP-NP	6/24/15	8/25/15			8/25/15	SPEIRS JEFFREY	Mailed Cover Letter 6/24/15 (Vlad) Mailed 312 Notice 7/21/15; Expired 8/20/15 (Vlad)
4	BLDG	8/26/15	9/17/15			9/29/15	PADA RODOLFO	APPROVED. ROUTE TO BSM.
5	DPW-BSM	10/7/15	10/7/15			10/7/15	CHOY CLINTON	Approved SITE Permit only. 10/7/15: ADDENDA requirement(s) for sign off: Street Improvement (final inspection) and Urban Forestry (new tree). All sidewalk applications and plans MUST be applied IN-PERSON for intake at 1155 Market St, 3rd Floor. Download sidewalk applications at http://www.sfdpw.org/index.aspx?page=1697 . Only new trees can be applied ONLINE and UPLOAD plans through http://bsm.sfdpw.org/buftrees2/treeplanting.aspx Your construction addenda will be ON-HOLD until all necessary DPW-BSM permits are completed or plan checker(s) could recommend sign off to the satellite office via email. -CC
6	SFPUC	10/7/15	10/7/15			10/8/15	KUMAR AJAY	From Bldg: 10/7/15 - Not Applicable - Not enough changes for charges. Not enough additions in fixtures to move into next tier. 10/8/15: Return to Bldg.
7	PPC	10/9/15	10/9/15			10/9/15	HICKEY TIMOTHY	10/8/15: QC'd to CPB; TH.
8	CPB	10/9/15	10/15/15			10/22/15	CHEUNG WAI FONG	10/15/15: SFUSD REQUIRED. APPROVAL. WF

This permit has been issued. For information pertaining to this permit, please call 415-558-6096.

Appointments:

Appointment Date	Appointment AM/PM	Appointment Code	Appointment Type	Description	Tim Slot
8/8/2017	PM	WS	Web Scheduled	OK TO COVER	1
5/31/2017	PM	WS	Web Scheduled	LATH, EXTERIOR	1
2/2/2017	AM	WS	Web Scheduled	REINFORCING STEEL	1

Inspections:

Activity Date	Inspector	Inspection Description	Inspection Status
8/8/2017	Bernard Curran	OK TO COVER	OK TO COVER
5/31/2017	Bernard Curran	LATH, EXTERIOR	LATH, EXTERIOR
2/2/2017	Bernard Curran	REINFORCING STEEL	REINFORCING STEEL

Special Inspections:

Addenda No.	Completed Date	Inspected By	Inspection Code	Description	Remarks
1			1	CONCRETE (PLACEMENT & SAMPLING)	sampling; fc = 3000 psi
1			2	BOLTS INSTALLED IN CONCRETE	
1			4	REINFORCING STEEL AND PRESTRESSING TENDONS	reinforcing steel
1			5A1	SINGLE PASS FILLET WELDS < 5/16"	
1			24E	WOOD FRAMING	
1			19	SHEAR WALLS AND FLOOR SYSTEMS USED AS SHEAR DIAPHRAGMS	
1			20	HOLDOWNS	
1			24A	FOUNDATIONS	
1			5B5	MOMENT-RESISTING FRAMES	

For information, or to schedule an inspection, call 558-6570 between 8:30 am and 3:00 pm.

[Station Code Descriptions and Phone Numbers](#)

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EXHIBIT B

Permit Details Report

Report Date: 1/16/2020 10:42:58 AM

Application Number: 201704033064

Form Number: 8

Address(es): 5457 / 022 / 0 2863 SAN BRUNO AV

Description: REVISION TO BPA# 2013-1230-5201 WITHIN (E) BUILDING ENVELOPE PER PLAN. RECONFIGURE INTERIOR NON-BEARING PARTITIONS TO RELOCATE BATHROOM AND LAUNDRY ROOM. INSTALL NFPA13 SPRINKLER THROUGHOUT WITH CONSTRUCTION TYPE V-A. WORK ON 2ND THRU 4TH FLOOR LEVEL ONLY.

Cost: \$1.00

Occupancy Code: R-3

Building Use: 28 - 2 FAMILY DWELLING

Disposition / Stage:

Action Date	Stage	Comments
4/3/2017	TRIAGE	
4/3/2017	FILING	
4/3/2017	FILED	
5/22/2017	APPROVED	
5/22/2017	ISSUED	
11/26/2019	SUSPEND	Suspended per DCP request dated November 26, 2019. O'Riordan

Contact Details:

Contractor Details:

Addenda Details:

Description:

Step	Station	Arrive	Start	In Hold	Out Hold	Finish	Checked By	Hold Description
1	INTAKE	4/3/17	4/3/17			4/3/17	CHIU JONATHAN	
2	BLDG	5/22/17	5/22/17			5/22/17	PADA RODOLFO	APPROVED AT OTC
3	PAD-STR	5/22/17	5/22/17			5/22/17	PADA RODOLFO	N/A -NO STRUC
4	PAD-MECH	4/5/17	4/5/17			4/6/17	ORTEGA REYNALDO	re-approved, OTC - MEP Deferred Approved, OTC - MEP Deferred
5	SFPUC	4/7/17	4/7/17			4/7/17	ARRIOLA LAURA	OTC - Capacity Charge not applicable with this Permit. Capacity Charge to be determined at PUC with request for additional meter and fire service. Remodel - from two (2) side by side dwelling unit over 3 fls to two horizontal units; Unit 1 on the 2nd & 3rd fl & Unit 2 on the fourth floor. Ground floor commercial. Three separate 5/8" meters at property (one for commercial and 2nd floor, one for the third floor and one for the 4th floor.
6	CPB	5/22/17	5/22/17			5/22/17	YU ZHANG REN	

This permit has been issued. For information pertaining to this permit, please call 415-558-6096.

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 558-6570 between 8:30 am and 3:00 pm.

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EXHIBIT C

Permit Details Report

Report Date: 1/16/2020 10:43:51 AM

Application Number: 201708286129
 Form Number: 8

Address(es): 5457 / 022 / 0 2861 SAN BRUNO AV
 5457 / 022 / 0 2863 SAN BRUNO AV
 5457 / 022 / 0 2865 SAN BRUNO AV

Description: REVISION TO PA#201312305201 WITH (E) BLDG ENVELOPE PER PLAN, UPDATE STRUCTURAL BEAM LOCATION TO REFLECT TO SITE CONDITION TO FULFILL INSPECTION REQUIREMENT. REVISE STAIRCASE CONNECTION WITH SIMPSON HANGERS TO REFLECT TO SITE CONDITION. AS BUILT PER BPA #201704033064 PER PLAN.N/A ORDINANCE #155-13

Cost: \$40,000.00
 Occupancy Code: R-3,M,B
 Building Use: 28 - 2 FAMILY DWELLING

Disposition / Stage:

Action Date	Stage	Comments
8/28/2017	TRIAGE	
8/28/2017	FILING	
8/28/2017	FILED	
9/28/2017	APPROVED	
9/28/2017	ISSUED	
11/26/2019	SUSPEND	Suspended per DCP request dated November 26, 2019. O'Riordan

Contact Details:

Contractor Details:

License Number: OWN
 Name: OWNER 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	8/28/17	8/28/17			8/28/17	CHUNG JANCE	
2	BLDG	8/29/17	8/29/17			8/29/17	PADA RODOLFO	
3	PAD-STR	8/29/17	8/29/17			8/29/17	PADA RODOLFO	STRUCTUIRAL REVIEW
4	CPB	9/28/17	9/28/17			9/28/17	MARIA ASUNCION	

This permit has been issued. For information pertaining to this permit, please call 415-558-6096.

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
0			24F	OTHERS	beam/framing structural connection
0			24E	WOOD FRAMING	

For information, or to schedule an inspection, call 558-6570 between 8:30 am and 3:00 pm.

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EXHIBIT D

COMPLAINT DATA SHEET**Complaint Number:** 201985831Owner/Agent: OWNER DATA
SUPPRESSED

Owner's Phone: --

Contact Name: --

Contact Phone: --

Complainant: COMPLAINANT DATA
SUPPRESSED

Date Filed:

Location: 2861 SAN BRUNO AV

Block: 5457

Lot: 022

Site:

Rating:

Occupancy Code:

Received By: Bonnie Kim

Division: BID

Complainant's

Phone:

Complaint

Source: TELEPHONE

Assigned to

Division: CES

Description: Possible deviation from approved plans

Instructions:

INSPECTOR INFORMATION

DIVISION	INSPECTOR	ID	DISTRICT	PRIORITY
CES	HINCHION	1125		

REFERRAL INFORMATION

DATE	REFERRED BY	TO	COMMENT
12/6/2019	Suzanna Wong	CES	Per Donal Duffy

COMPLAINT STATUS AND COMMENTS

DATE	TYPE	DIV	INSPECTOR	STATUS	COMMENT
09/20/19	CASE OPENED	BID	Saunders	CASE RECEIVED	
09/20/19	OTHER BLDG/HOUSING VIOLATION	BID	Saunders	CASE UPDATE	case assigned to complaint team. bk
10/24/19	OTHER BLDG/HOUSING VIOLATION	BID	Saunders	CASE CONTINUED	Site inspection.
11/04/19	OTHER BLDG/HOUSING VIOLATION	INS	Saunders	FIRST NOV SENT	1st NOV issued by DD; AG
11/06/19	OTHER BLDG/HOUSING VIOLATION	INS	Saunders	CASE UPDATE	1st NOV mailed and cc DCP; AG
12/06/19	OTHER BLDG/HOUSING VIOLATION	BID	Saunders	CASE UPDATE	Final warning letter by DD mailed; slw
12/06/19	OTHER BLDG/HOUSING VIOLATION	BID	Saunders	REFERRED TO OTHER DIV	Case referred to CES per Donal Duffy
12/06/19	OTHER BLDG/HOUSING VIOLATION	BID	Saunders	FINAL WARNING LETTER SENT	
12/06/19	GENERAL MAINTENANCE	BID	Saunders	REFERRED TO OTHER DIV	transfer to div CES
12/09/19	GENERAL MAINTENANCE	CES	Hinchion	CASE UPDATE	File transferred and Recieved in CES-tm
12/18/19	OTHER BLDG/HOUSING VIOLATION	CES	Gutierrez	CASE UPDATE	Process case for DH on 2/11/20

COMPLAINT ACTION BY DIVISION**NOV (HIS):****NOV (BID):**

11/04/19

Inspector Contact Information

[Online Permit and Complaint Tracking home page.](#)**Technical Support for Online Services**

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EXHIBIT E



CONDITIONAL USE AUTHORIZATION

INFORMATIONAL AND SUPPLEMENTAL APPLICATION PACKET

ATTENTION: A Project Application must be completed and/or attached prior to submitting this Supplemental Application. See the [Project Application](#) for instructions.

Pursuant to Planning Code Section 303, the Planning Commission shall hear and make determinations regarding Conditional Use Authorization applications.

For questions, call 415.558.6377, email pic@sfgov.org, or visit the Planning Information Center (PIC) at 1660 Mission Street, First Floor, San Francisco, where planners are available to assist you.

Español: Si desea ayuda sobre cómo llenar esta solicitud en español, por favor llame al 415.575.9010. Tenga en cuenta que el Departamento de Planificación requerirá al menos un día hábil para responder

中文: 如果您希望獲得使用中文填寫這份申請表的幫助, 請致電415.575.9010。請注意, 規劃部門需要至少一個工作日來回應。

Tagalog: Kung gusto mo ng tulong sa pagkumpleto ng application na ito sa Filipino, paki tawagan ang 415.575.9120. Paki tandaan na mangangailangan ang Planning Department ng hindi kukulangin sa isang araw na pantrabaho para makasagot.

WHAT IS A CONDITIONAL USE AUTHORIZATION?

A Conditional Use refers to a use that is not principally permitted in a particular Zoning District. Conditional Uses require a Planning Commission hearing in order to determine if the proposed use is necessary or desirable to the neighborhood, whether it may potentially have a negative effect on the surrounding neighborhood, and whether the use complies with the San Francisco General Plan. During this public hearing the Planning Commission will “condition” the use by applying operational conditions that may minimize neighborhood concerns as well as other conditions that may be required by the Department and the Planning Code. Conditional Use Authorizations are entitlements that run with the property, not the operator.

WHEN IS A CONDITIONAL USE AUTHORIZATION NECESSARY?

For each Zoning District, the Planning Code contains use charts that list types of uses and whether each is permitted as of right (P), conditionally permitted (C), or not permitted (NP or blank). In addition to those particular uses, the Conditional Use Authorization process is utilized for various other applications included but not limited to dwelling unit removal, Planned Unit Developments (PUD’s), and for off-street parking in certain Zoning Districts. Please consult a planner at the Planning Information Counter (PIC) for additional information regarding these applications.

Fees

Please refer to the [Planning Department Fee Schedule](#) available at www.sfplanning.org or at the Planning Information Center (PIC) located at 1660 Mission Street, First Floor, San Francisco. For questions related to the Fee Schedule, please call the PIC at 415.558.6377.

Fees will be determined based on the estimated construction costs. Should the cost of staff time exceed the initial fee paid, an additional fee for time and materials may be billed upon completion of the hearing process or permit approval. Additional fees may also be collected for preparation and recordation of any documents with the San Francisco Assessor-Recorder’s office and for monitoring compliance with any conditions of approval.



CONDITIONAL USE AUTHORIZATION

SUPPLEMENTAL APPLICATION

Property Information

Project Address: 2867-2899 San Bruno Ave.; 90-988 Woolsey ST., San Francisco, CA 94134 Block/Lot(s): 5457/037

Action(s) Requested

Action(s) Requested (Including Planning Code Section(s) which authorizes action)

This project will increase the dwelling unit density from 10 to 24 units. The property is in the NC-2 Zoning District. With a lot size of 11,250 square feet, 14 dwelling units are allowed (Planning Code §711; Table 711). The property consists of 10 residential units, 10 office units and 5 commercial units as approved. The project seeks approval for the addition of 4 dwelling units per zoning district density limits (Planning Code §207(a)). It requires Conditional Use Authorization for merger of two dwelling units on the 4th floor of each of five buildings located on the parcel (§§303(a), 317(g)(2)), in accordance with Fire/Building Codes for increased occupancy. It would also create 10 accessory dwelling units (two per building) from office space. (§207(c)(4).)

Conditional Use Findings

Pursuant to Planning Code Section 303(c), before approving a conditional use authorization, the Planning Commission needs to find that the facts presented are such to establish the findings stated below. In the space below and on separate paper, if necessary, please present facts sufficient to establish each finding.

1. That the proposed use or feature, at the size and intensity contemplated and at the proposed location, will provide a development that is necessary or desirable for, and compatible with, the neighborhood or the community. If the proposed use exceeds the non-residential use size limitations for the zoning district, additional findings must be provided per Planning Code Section 303(c)(1)(A-C).

The NC-2 District is intended to serve as the City's Small-Scale Neighborhood Commercial District. These districts are linear shopping streets which provide convenience goods and services to the surrounding neighborhoods as well as limited comparison shopping goods for a wider market. Buildings typically range in height from two to four stories with occasional one-story commercial buildings. The small-scale district controls provide for mixed-use buildings which approximate or slightly exceed the standard development pattern. Housing development in new buildings is encouraged above the ground story.

Each of the five existing buildings on the lot is four stories, with ground floor commercial/retail, which would remain. As approved, the second floor of each building contained two offices. These will be permitted as residential units. As approved, each building contained two residential units (for a total of ten). As proposed, the project would add four residential units per the applicable density limits, as well as ten ADUs (for a total of 14 units and 10 ADU units). The fourth floor of each building has two units, which would be merged, eliminating five unauthorized units, in compliance with Building/Fire requirements for this occupancy classification (with appropriate equivalencies). The project is desirable for the neighborhood as it adds housing and is consistent with the district in size and scale. The ten ADUs will also have rent-control restrictions (Planning Code §207(c)(4)(H)), and will therefore add to the supply of San Francisco's affordable housing stock in the long term.

2. That such use or feature as proposed will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity, or injurious to property, improvements or potential development in the vicinity, with respect to aspects including but not limited to the following:
 - a. The nature of the proposed site, including its size and shape, and the proposed size, shape and arrangement of structures;
 - b. The accessibility and traffic patterns for persons and vehicles, the type and volume of such traffic, and the adequacy of proposed off-street parking and loading;
 - c. The safeguards afforded to prevent noxious or offensive emissions such as noise, glare, dust and odor;
 - d. Treatment given, as appropriate, to such aspects as landscaping, screening, open spaces, parking and loading areas, service areas, lighting and signs.

(a): The 11,250 square foot lot features five, four-story buildings. The buildings would remain the same height, and the project will continue to fit the neighborhood pattern of 25-foot-wide lots with up to four-story mixed-use buildings.

(b): Parking and garage access will continue to be located at the rear of the building. There will be 8 garaged parking spaces. Additional fire egress will be adequately borne by Woolsey, which is a 90 foot dead-end alley street used mostly for parking.

(c): The project will not create any noxious or offensive emissions. Most or all construction would be done in the rear of the building or inside.

(d): The project will adequately address these items per code or with equivalencies. The project will be thoughtfully landscaped, as approved under previous permits, including landscaping and planting/replacing 11 street trees per DPW's Urban Forest Plan.

3. That such use or feature as proposed will comply with the applicable provisions of this Code and will not adversely affect the General Plan.

The project will comply with building, fire and health code provisions as required for the achievement of a better quality of life and the greatest possible preparedness to protect against injury and loss of life in an earthquake. Master Plan objectives are met to provide quality living environments and improvement of the neighborhood and to reduce the risk of bodily harm and loss of housing in the event of a disaster.

4. The use or feature satisfies any criteria specific to the use of features listed in Planning Code Section 303(g), et seq.

N/A - none of the features listed in Planning Code §303(g), et seq., are present for this project.

APPLICANT'S AFFIDAVIT

Under penalty of perjury the following declarations are made:

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

Signature

Justin A. Goodman

Name (Printed)

Date

July 22, 2019

Attorney

415.956.8100

Justin@zfplaw.com

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

Phone

Email

For Department Use Only

Application received by Planning Department:

By: _____

Date: _____

EXHIBIT F

From: [Justin Goodman](#)
To: [Shoshana Raphael](#)
Subject: Fwd: San Bruno Ave Project
Date: Tuesday, December 03, 2019 11:18:17 AM

--

Justin A. Goodman
Zacks, Freedman & Patterson, PC
235 Montgomery Street, Suite 400
San Francisco, CA 94104
Telephone: (415) 956-8100
Facsimile: (415) 288-9755
www.zfplaw.com

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Begin forwarded message:

From: "Teague, Corey (CPC)" <corey.teague@sfgov.org>
Subject: San Bruno Ave Project
Date: October 31, 2019 at 9:59:43 AM PDT
To: Justin Goodman <justin@zfplaw.com>
Cc: "Tam, Tina (CPC)" <tina.tam@sfgov.org>, "Rachna, Rachna (CPC)" <rachna.rachna@sfgov.org>, "Sucre, Richard (CPC)" <richard.sucre@sfgov.org>, "Durandet, Kimberly (CPC)" <kimberly.durandet@sfgov.org>, "Beinart, Amy (BOS)" <amy.beinart@sfgov.org>, "RYAN, MEGAN (CAT)" <Megan.Ryan@sfcityattys.org>, "Reza Khoshnevisan (reza@siaconsult.com)" <reza@siaconsult.com>

Justin,

I'm writing this email to inform you and the development team of the current status of review for this project. As you know, the adjacent property at 2861-2865 San Bruno Ave (Lot 22) was inspected by a multi-agency team last week. Upon reviewing the details of that development further, I have determined the following:

1. The project on Lot 22 must be combined with the project at 2867 San Bruno Ave (Lot 37) to be reviewed and authorized as a single project. This is because:
 - a. The two properties are currently under essentially the same ownership, and were so when development of both properties was initiated;

- b. The development process for both properties began essentially at the same time (i.e. 2012-2013);
 - c. The garage for Lot 22 is only accessible by crossing Lot 37;
 - d. The exterior and interior design of the building on Lot 22 is very similar to those buildings on Lot 37; and therefore
 - e. The two properties meet the definition of a single Lot per Planning Code Sec. 102.
2. The PC hearing currently scheduled for 11/14 will be indefinitely continued.
 3. The various permits issued for Lot 22 will be suspended.
 4. The current CUA application must either 1) be withdrawn, followed by submitting a new CUA application/plans covering the entire scope of the project, or 2) be revised to cover the entire scope of the project (this may cause the application fee to be adjusted). This ultimate CUA will be to authorize an entirely new project, and will not simply be a modification of the original authorization.
 5. A Variance application must be filed if the proposal does not meet open space, rear yard, or other applicable Code requirements.
 6. If any new or updated environmental review is required, that must occur prior to a Planning Commission hearing.
 7. The Planning Department will review the new proposal under current Planning Code provisions. Once Planning has reviewed the full proposal, we will provide any feedback we may have on Code-conformance and/or other relevant topics.
 8. Once the full project is ready to move forward, we will schedule a new Planning Commission hearing (and ZA hearing if necessary).

Please let me know if you have any questions. Additionally, Planning is happy to host another meeting with the development team to discuss this process in more detail if needed. Thanks.

Corey A. Teague, AICP, LEED AP
Zoning Administrator

San Francisco Planning Department
1650 Mission Street, Suite 400, San Francisco, CA 94103
Direct: 415.575.9081 | www.sfplanning.org
[San Francisco Property Information Map](#)

EXHIBIT G



SAN FRANCISCO PLANNING DEPARTMENT

NOTICE OF ENFORCEMENT

November 26, 2019

Property Owner

Yin Kwan Tam Family Trust
150 Urbano Drive
San Francisco, CA 94127

Property Owner

Lee Yun Ling & Cindy Zhou
9202 Wedgewood Street
Temple City, CA 91780

Property Owner

Tong Yin Kai Tong & Dufin Tsang
319 California Street #B
Arcadia, CA 91006

Site Address: 2861-2865 San Bruno Avenue
Assessor's Block/Lot: 5457/022
Zoning District: NC-2, Neighborhood Commercial, Small Scale
Complaint Number: 2019-020031ENF
Code Violation: Sections 171 and 174, Non-Compliance with approved Building Permit Application (BPA) No. 2013.12.30.5201, Construction Work Beyond Scope of Work and Without Planning Department Approval under BPA 2017.04.03.3064 and 2017.08.28.6129, and Addition of Unauthorized Dwelling Units
Section 172, Compliance of Structures, Open Spaces, and Off-Street Parking
Section 175, Additions, Alterations, and Removal without Permit
Section 317, Potential Residential Demolition
Administrative Penalty: Up to \$250 Each Day of Violation
Response Due: Within 15 days from the date of this Notice
Staff Contact: Rachna, (415) 575-6806, Rachna.Rachna@sfgov.org

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

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

DESCRIPTION OF VIOLATION

Our records indicate that the subject property was originally authorized for two dwelling units on the second floor and commercial use on the ground floor. On October 22, 2015, a BPA No.: 2013.12.30.5201 was issued to authorize 3rd and 4th Floor Vertical Addition and No Change of Use. Under this permit, the ground floor was also altered to provide a two-car parking garage in the rear.

On May 22, 2017, BPA No.: 2017.04.03.3064 was issued and approved for the following scope of work, *"Revision to BPA# 2013-1230-5201 Within (E) Building Envelope Per Plan. Reconfigure Interior Non-Bearing Partitions to Relocate Bathroom and Laundry Room. Install NFPA13 Sprinkler Throughout with Construction Type V-A. Work on 2nd Thru 4th Floor Level Only."* Despite the fact this permit stated the work is within the existing building envelop, the permit plans illustrate a building expansion and hence triggered Planning Department review and approval. No such review or approval occurred.

On September 28, 2017, BPA No. 2017.08.28.6129 was issued and approved for the following scope of work, *"Revision To PA#201312305201 With (E) Bldg. Envelope Per Plan, Update Structural Beam Location to Reflect to Site Condition to Fulfill Inspection Requirement. Revise Staircase Connection with Simpson Hangers to Reflect to Site Condition. As Built Per BPA #201704033064 Per Plan. N/A Ordinance #155-13."* Similar to the BPA No. 2017.04.03.3064, this permit misrepresented the existing conditions and was misleading as there is a change to the building envelop. This permit should have received Planning Department review and approval.

It has come to the Planning Department's attention that potentially four additional dwelling units have been created with a total of six dwelling units on the upper floors (2 units each on 2nd, 3rd, and 4th floor respectively) and substantial demolition and interior and exterior alterations have been done without such authorization.

On October 24, 2019, the Planning Department conducted a joint site inspection with the Department of Building Inspection (DBI) and observed that substantial construction work was being done without benefit of permits. Plumbing and electric work (along with cabinet and tile work) was done for what appears to be six kitchens. The property is allowed to have two units. Based on the current configuration, the property appears to follow the same design and development pattern as the adjacent property to the south at 2867-2899 San Bruno Avenue, which is owned by the same owners. This property is currently under investigation and enforcement action.

Pursuant to Planning Code Section 317(b)(13), "Unauthorized Unit" shall mean one or more rooms within a building that have been used, without the benefit of a building permit, as a separate and distinct living or sleeping space independent from Residential Units on the same property. "Independent" shall mean that (i) the space has independent access that does not require entering a Residential Unit on the property and (ii) there is no open, visual connection to a Residential Unit on the property.

Approval from the Planning Department and DBI is required for legalization of any unauthorized dwelling units. If the illegal units are authorized under the Planning Code Section 207.3, these must satisfy all applicable requirements of the Planning Code except for the rear yard requirements set forth in Section 134, the usable open space requirements set forth in Section 135, and the light and air requirements set forth in Section 140, and except as otherwise provided in this Section 207.3.

Pursuant to Planning Code Section 172, no structure shall be constructed, reconstructed, enlarged, altered, or relocated in a manner that is not permissible under the limitations set forth in the Planning Code for the district in which such structure is located.

Pursuant to Planning Code Section 175, a permit application is required to be approved and issued for reconstruction, enlargement, and alteration of any structure in compliance with the Planning Code.

Pursuant to Planning Code Section 317(b)(2), "Residential Demolition" shall mean any of the following:

(A) Any work on a Residential Building for which the Department of Building Inspection determines that an application for a demolition permit is required, or

(B) A major alteration of a Residential Building that proposes the Removal of more than 50% of the sum of the Front Facade and Rear Facade and also proposes the Removal of more than 65% of the sum of all exterior walls, measured in lineal feet at the foundation level, or

(C) A major alteration of a Residential Building that proposes the Removal of more than 50% of the Vertical Envelope Elements and more than 50% of the Horizontal Elements of the existing building, as measured in square feet of actual surface area.

(D) The Planning Commission may reduce the above numerical elements of the criteria in Subsections (b)(2)(B) and (b)(2)(C), by up to 20% of their values should it deem that adjustment is necessary to implement the intent of Planning Code Section 317 to conserve existing sound housing and preserve affordable housing.

Pursuant to Planning Code Section 317(d)(1), No permit to demolish a Residential Building in any zoning district shall be issued until a building permit for the replacement structure is finally approved. Pursuant to Planning Code Section 317(d)(2), Conditional Use Authorization (CUA) is required for approval of the permit for Residential Demolition.

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

HOW TO CORRECT THE VIOLATION

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

1. The project on the subject property (Lot 22) be combined with the project at the adjacent property, 2867-2899 San Bruno Avenue (Lot 37) to be reviewed and authorized as a single project due to the following reasons:
 - a. The two properties are currently under essentially the same ownership, and were so when development of both properties was initiated;
 - b. The development process for both properties began essentially at the same time in 2012-2013;

- c. The garage for Lot 22 is only accessible by crossing Lot 37;
 - d. The exterior and interior design of the building on Lot 22 is very similar to those buildings on Lot 37; and therefore,
 - e. The two properties meet the definition of a single Lot per Planning Code Sec. 102. Pursuant to Planning Code Section 102, *“lot as so defined generally consists of a single Assessor’s lot, but in some cases consists of a combination of contiguous Assessor’s lots or portions thereof where such combination is necessary to meet the requirements of the Planning Code.”*
2. File a Project Application with a supplemental CUA application with accurate demolition calculations, pre-existing, as built, and proposed plans and elevations, and before and after photographs covering the entire scope of the project on Lot 22 and Lot 37. These applications are available from the Planning Department’s website at <https://sfplanning.org/resources>. Alternatively, the CUA No. 2017-004110CUA-02 filed on Lot 37 shall be revised to cover the entire scope of the project. Please note that the application fee will be required to be adjusted accordingly. The new CUA will be to authorize an entirely new project and will not simply be a modification of the original authorization on Lot 22 and 37.
 3. File a Variance application if the proposal does not meet open space, rear yard, or other applicable Planning Code requirements.
 4. The Planning Department requires that no further work be done at site until proper permits and authorizations are obtained from the Planning Department and DBI. As such, the Planning Department has requested DBI to suspend BP Nos. 201312305201, 201704033064, and 201708286129.
 5. The Planning Department will review the new proposal and provide information on additional applications and submittal requirements as deemed necessary. If the Conditional Use Authorization is granted, you will also need to obtain new Building Permits.

The responsible party will need to provide adequate evidence to demonstrate that either no violation exists or that the violation has been abated. A site visit may also be required to verify compliance.

Please contact the Department of Building Inspection (DBI), 1660 Mission Street, San Francisco, CA 94103, telephone: (415) 558-6088, website: www.sfgov.org/dbi, regarding the Building Permit Application process. Please visit the Planning Information Counter located at the first floor of 1660 Mission Street, telephone: (415) 558-6377, or website: www.sfplanning.org for any questions regarding the planning process.

TIMELINE TO RESPOND

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

PENALTIES AND APPEAL RIGHTS

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

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

ENFORCEMENT TIME AND MATERIALS FEE

Pursuant to Planning Code Section 350(g)(1), the Planning Department shall charge for 'Time and Materials' to recover the cost of correcting Planning Code violations and violations of Planning Commission and Planning Department's Conditions of Approval. Accordingly, the responsible parties are currently subject to an amount of \$1447 plus any additional accrued time and materials cost for Code Enforcement investigation and abatement of violation. This fee is separate from the administrative penalties described above and is not appealable.

OTHER APPLICATIONS UNDER CONSIDERATION

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

cc: Rich Sucre, Planning Department
Kimberly Durandet, Planning Department
Donal Duffy, Department of Building Inspection
Ed Sweeny, Department of Building Inspection
Patrick O'Riordan, Department of Building Inspection
Megan E. Ryan, Deputy City Attorney, San Francisco City Attorney's Office
Justin A. Goodman, Zacks, Freedman & Patterson, PC, 235 Montgomery Street, Suite 400,
San Francisco, CA 94104

EXHIBIT H

From: [Shoshana Raphael](#)
To: rachna.rachna@sfgov.org
Cc: [Angelica Nguyen](#); [Justin Goodman](#)
Subject: RE: Immediate Disclosure Request – SF Sunshine Ordinance
Date: Tuesday, December 17, 2019 5:01:00 PM
Attachments: [2019.12.17 Supplemental CU Application \(022\) - Plans.pdf](#)
[2019.12.17 Supplemental CU Application \(022\).pdf](#)

Hi Rachna,

I apologize for the delay. Justin is out sick today, but we wanted to get you the supplemental application and plans today regardless. Please find them attached here.

Best,

Shoshana Raphael
Zacks, Freedman & Patterson, PC
235 Montgomery Street, Suite 400
San Francisco, CA 94104
Telephone: (415) 956-8100
Facsimile: (415) 288-9755
www.zfplaw.com

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From: Justin Goodman
Sent: Monday, December 16, 2019 6:23 PM
To: rachna.rachna@sfgov.org
Cc: Shoshana Raphael; Angelica Nguyen
Subject: Re: Immediate Disclosure Request – SF Sunshine Ordinance

Rachna,

We have everything in hand, ready to submit, except that the plans from SIA Consulting have a typo. I'm waiting on a corrected version from SIA, and we will send over everything as soon as they come in.

--

Justin A. Goodman
Zacks, Freedman & Patterson, PC
235 Montgomery Street, Suite 400
San Francisco, CA 94104
Telephone: (415) 956-8100
Facsimile: (415) 288-9755
www.zfplaw.com

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On Dec 13, 2019, at 5:21 PM, Justin Goodman <justin@zfplaw.com> wrote:

Rachna, it looks like we got what we needed, but it just came in at close of business, so we're going to need until Monday to get the supplemental CUA to intake.

Have a nice weekend...

--

Justin A. Goodman
Zacks, Freedman & Patterson, PC
235 Montgomery Street, Suite 400
San Francisco, CA 94104
Telephone: (415) 956-8100
Facsimile: (415) 288-9755
www.zfplaw.com

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Begin forwarded message:

From: Shoshana Raphael <shoshana@zfplaw.com>
Subject: FW: Immediate Disclosure Request – SF Sunshine Ordinance
Date: December 13, 2019 at 5:07:02 PM PST
To: Justin Goodman <justin@zfplaw.com>

Shoshana Raphael
Zacks, Freedman & Patterson, PC
235 Montgomery Street, Suite 400
San Francisco, CA 94104
Telephone: (415) 956-8100
Facsimile: (415) 288-9755
www.zfplaw.com

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From: CPC-RecordRequest [<mailto:CPC-RecordRequest@sfgov.org>]
Sent: Friday, December 13, 2019 4:42 PM
To: CPC-RecordRequest; Shoshana Raphael
Subject: RE: Immediate Disclosure Request – SF Sunshine Ordinance

Shoshana,

The responsive record is ready. You could download the zipped folder via a link [here](#). You will need to unzip the folder to view the records. The link will be available for 10 days.

PLEASE NOTE: Please follow instruction attached to retrieve the records. Check your spam folder if you don't get the code.

If you still prefer a CD (\$0.25 fee), please let us know and we'll prepare it for you.

Below are the steps to unzipping the folder:

1. Download the zipped folder to your computer.
2. Locate the zipped folder in Windows Explorer.
3. Double-click the zipped folder. This opens up the zipped folder so that you can see the files and folders that are inside it.
4. Save these files directly to your computer.
5. Using Windows Explorer, locate the saved files and double click on any files you wish to view.

Thank you,
Chan Son

Records Requests

San Francisco Planning Department
1650 Mission Street, Suite 400 San Francisco, CA 94103
Main: 415.575.6926 | www.sfplanning.org
[San Francisco Property Information Map](#)

From: CPC-RecordRequest <CPC-RecordRequest@sfgov.org>
Sent: Thursday, December 12, 2019 10:49 AM
To: Shoshana Raphael <shoshana@zfplaw.com>; CPC-RecordRequest <CPC-RecordRequest@sfgov.org>
Subject: RE: Immediate Disclosure Request – SF Sunshine Ordinance

Shoshana,

We received your immediate disclosure record request dated December 11, 2019 on December 12, 2019. Public record request received after the close of business, or received on a weekend or holiday, are considered received on the next business day.

You requested records for the properties at 349 08th Streetm 1052 Folsom and 190 Russ in the last 5 years. We will endeavor to complete your request on or before December 13, 2019 (Cal. Govt Code 6253(c) and Admin Code 67.21(b)).

**Thank you,
Chan Son**

Records Requests

San Francisco Planning Department
1650 Mission Street, Suite 400 San Francisco, CA 94103
Main: 415.575.6926 | www.sfplanning.org
[San Francisco Property Information Map](#)

From: Shoshana Raphael <shoshana@zfplaw.com>

Sent: Wednesday, December 11, 2019 6:28 PM

To: CPC-RecordRequest <CPC-RecordRequest@sfgov.org>

Subject: Immediate Disclosure Request – SF Sunshine Ordinance

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Sir/Madam,

I respectfully request a copy of all applications and staff reports from the past 5 years for the following project addresses:

- 349 8th Street, San Francisco, CA 94103;
- 1052 Folsom Street, San Francisco, CA 94103; and
- 190 Russ St, San Francisco, CA 94103.

If any documents or records cannot be made available within 24 hours, please kindly produce all documents and records on a rolling basis. Please do not hesitate to contact me with any questions. Thank you for your assistance.

Sincerely,

Shoshana Raphael
Zacks, Freedman & Patterson, PC
235 Montgomery Street, Suite 400
San Francisco, CA 94104
Telephone: (415) 956-8100
Facsimile: (415) 288-9755
www.zfplaw.com

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<Instructions to Access OneDrive File.pdf>

EXHIBIT I

From: [Shoshana Raphael](#)
To: ["cpc.intake@sfgov.org"](mailto:cpc.intake@sfgov.org)
Cc: ["Rachna, Rachna \(CPC\)"; Justin Goodman; Ryan Patterson; Angelica Nguyen; "Durandet, Kimberly \(CPC\)"](#)
Subject: RE: 2861-2865 San Bruno, Project Application
Date: Thursday, January 16, 2020 9:13:00 AM

Hi all,

Apparently the plans were too large to attach. Instead, they can be found here:
<https://zacks.egnyte.com/dl/9iiNZA6yEZ>.

Best,

Shoshana Raphael
Zacks, Freedman & Patterson, PC
235 Montgomery Street, Suite 400
San Francisco, CA 94104
Telephone: (415) 956-8100
Facsimile: (415) 288-9755
www.zfplaw.com

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From: Shoshana Raphael
Sent: Thursday, January 16, 2020 9:10 AM
To: 'cpc.intake@sfgov.org'
Cc: 'Rachna, Rachna (CPC)'; Justin Goodman; Ryan Patterson; Angelica Nguyen; 'Durandet, Kimberly (CPC)'
Subject: RE: 2861-2865 San Bruno, Project Application

Hello,

Attached please find plans for 2867-2899 San Bruno Avenue in connection with this application.

Best,

Shoshana Raphael
Zacks, Freedman & Patterson, PC
235 Montgomery Street, Suite 400
San Francisco, CA 94104
Telephone: (415) 956-8100
Facsimile: (415) 288-9755
www.zfplaw.com

This communication and its contents may contain confidential and/or privileged material for the sole use of the intended recipient. Any review or distribution by others is strictly prohibited. If you are not the intended recipient, please contact the sender and delete all copies. Unless expressly stated, nothing in this communication should be regarded as tax advice.

From: Shoshana Raphael
Sent: Wednesday, January 15, 2020 6:10 PM
To: 'cpc.intake@sfgov.org'
Cc: 'Rachna, Rachna (CPC)'; Justin Goodman; Ryan Patterson; Angelica Nguyen; Durandet, Kimberly (CPC); 'Sanchez, Scott (CPC)'; Teague, Corey (CPC)
Subject: 2861-2865 San Bruno, Project Application

Hello,

Attached please find a Project Application for 2861-2865 San Bruno Avenue, corresponding with our previously submitted Supplemental CU Application. (I am attaching both an executed version and an unexecuted version which has higher resolution.) Please let me know if anything further is required to complete our application.

Best,

Shoshana Raphael
Zacks, Freedman & Patterson, PC
235 Montgomery Street, Suite 400
San Francisco, CA 94104
Telephone: (415) 956-8100
Facsimile: (415) 288-9755
www.zfplaw.com

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EXHIBIT J

Subject: 2861-2865 San Bruno & 2867-2899 San Bruno
Date: Wednesday, June 3, 2020 at 8:40:58 AM Pacific Daylight Time
From: Shoshana Raphael
To: Rachna, Rachna (CPC)
CC: Durandet, Kimberly (CPC), Sucre, Richard (CPC), Ryan Patterson, Angelica Nguyen, Sanchez, Scott (CPC)
Attachments: 2020.06.03 2861-2899 San Bruno CUA_SupplementalApplication.pdf

Hi Rachna,

Attached please find the combined, revised CU application. Please don't hesitate to contact me with any questions.

Best,

Shoshana Raphael
Zacks, Freedman & Patterson, PC
235 Montgomery Street, Suite 400
San Francisco, CA 94104
Telephone: (415) 956-8100
Facsimile: (415) 288-9755
www.zfplaw.com

Please excuse any delay in response to emails, letters, and messages during SFDPH Order No. C19-07 (COVID-19 "shelter-in-place" rules). Our firm will be working remotely in the interim.

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CONDITIONAL USE AUTHORIZATION

INFORMATIONAL AND SUPPLEMENTAL APPLICATION PACKET

ATTENTION: A Project Application must be completed and/or attached prior to submitting this Supplemental Application. See the [Project Application](#) for instructions.

Pursuant to Planning Code Section 303, the Planning Commission shall hear and make determinations regarding Conditional Use Authorization applications.

For questions, call 415.558.6377, email pic@sfgov.org, or visit the Planning Information Center (PIC) at 1660 Mission Street, First Floor, San Francisco, where planners are available to assist you.

Español: Si desea ayuda sobre cómo llenar esta solicitud en español, por favor llame al 415.575.9010. Tenga en cuenta que el Departamento de Planificación requerirá al menos un día hábil para responder

中文: 如果您希望獲得使用中文填寫這份申請表的幫助，請致電415.575.9010。請注意，規劃部門需要至少一個工作日來回應。

Tagalog: Kung gusto mo ng tulong sa pagkumpleto ng application na ito sa Filipino, paki tawagan ang 415.575.9120. Paki tandaan na mangangailangan ang Planning Department ng hindi kukulangin sa isang araw na pantrabaho para makasagot.

WHAT IS A CONDITIONAL USE AUTHORIZATION?

A Conditional Use refers to a use that is not principally permitted in a particular Zoning District. Conditional Uses require a Planning Commission hearing in order to determine if the proposed use is necessary or desirable to the neighborhood, whether it may potentially have a negative effect on the surrounding neighborhood, and whether the use complies with the San Francisco General Plan. During this public hearing the Planning Commission will “condition” the use by applying operational conditions that may minimize neighborhood concerns as well as other conditions that may be required by the Department and the Planning Code. Conditional Use Authorizations are entitlements that run with the property, not the operator.

WHEN IS A CONDITIONAL USE AUTHORIZATION NECESSARY?

For each Zoning District, the Planning Code contains use charts that list types of uses and whether each is permitted as of right (P), conditionally permitted (C), or not permitted (NP or blank). In addition to those particular uses, the Conditional Use Authorization process is utilized for various other applications included but not limited to dwelling unit removal, Planned Unit Developments (PUD's), and for off-street parking in certain Zoning Districts. Please consult a planner at the Planning Information Counter (PIC) for additional information regarding these applications.

Fees

Please refer to the [Planning Department Fee Schedule](#) available at www.sfplanning.org or at the Planning Information Center (PIC) located at 1660 Mission Street, First Floor, San Francisco. For questions related to the Fee Schedule, please call the PIC at 415.558.6377.

Fees will be determined based on the estimated construction costs. Should the cost of staff time exceed the initial fee paid, an additional fee for time and materials may be billed upon completion of the hearing process or permit approval. Additional fees may also be collected for preparation and recordation of any documents with the San Francisco Assessor-Recorder's office and for monitoring compliance with any conditions of approval.



CONDITIONAL USE AUTHORIZATION

SUPPLEMENTAL APPLICATION

Property Information

Project Address:

Block/Lot(s):

Action(s) Requested

Action(s) Requested (Including Planning Code Section(s) which authorizes action)

Conditional Use Findings

Pursuant to Planning Code Section 303(c), before approving a conditional use authorization, the Planning Commission needs to find that the facts presented are such to establish the findings stated below. In the space below and on separate paper, if necessary, please present facts sufficient to establish each finding.

1. That the proposed use or feature, at the size and intensity contemplated and at the proposed location, will provide a development that is necessary or desirable for, and compatible with, the neighborhood or the community. If the proposed use exceeds the non-residential use size limitations for the zoning district, additional findings must be provided per Planning Code Section 303(c)(1)(A-C).

2. That such use or feature as proposed will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity, or injurious to property, improvements or potential development in the vicinity, with respect to aspects including but not limited to the following:
 - a. The nature of the proposed site, including its size and shape, and the proposed size, shape and arrangement of structures;
 - b. The accessibility and traffic patterns for persons and vehicles, the type and volume of such traffic, and the adequacy of proposed off-street parking and loading;
 - c. The safeguards afforded to prevent noxious or offensive emissions such as noise, glare, dust and odor;
 - d. Treatment given, as appropriate, to such aspects as landscaping, screening, open spaces, parking and loading areas, service areas, lighting and signs.

3. That such use or feature as proposed will comply with the applicable provisions of this Code and will not adversely affect the General Plan.

4. The use or feature satisfies any criteria specific to the use of features listed in Planning Code Section 303(g), et seq.

APPLICANT'S AFFIDAVIT

Under penalty of perjury the following declarations are made:

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

Signature

Name (Printed)

Date

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

Phone

Email

For Department Use Only

Application received by Planning Department:

By: _____

Date: _____

EXHIBIT K



VARIANCE FROM THE PLANNING CODE

INFORMATIONAL AND SUPPLEMENTAL APPLICATION PACKET

ATTENTION: A Project Application must be completed and/or attached prior to submitting this Supplemental Application. See the [Project Application](#) for instructions.

Pursuant to Planning Code Section 305, the Zoning Administrator shall hear and make determinations regarding applications for variances from the strict application of quantitative standards in the Planning Code. The first pages consist of instructions which should be read carefully before the application form is completed.

For questions or more information, you can call the Planning counter at 628.652.7300 or email pic@sfgov.org where planners are able to assist you.

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

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

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

WHAT IS A VARIANCE?

The Planning Code regulates the use of property, including the size, design, and siting of buildings that may be constructed on a piece of property. The Planning Code has standards for buildings that govern such features as rear yards, front setbacks, usable open space, height, and parking. A variance is a request for an exception to a Planning Code standard. The Zoning Administrator is the City official that interprets and maintains the Planning Code.

WHEN IS A VARIANCE NECESSARY?

There may be special circumstances that make it difficult for a project to meet all of the Planning Code requirements. In those instances, a project sponsor may request that the Zoning Administrator grant a Variance from the Code provisions. Under the City Charter (Section 4.105), the Zoning Administrator has the power to grant only those variances that are consistent with the general purpose and the intent of the Planning Code. The power to grant a variance shall be applied only when the plain and literal interpretation and enforcement of the Code would “result in practical difficulties, unnecessary hardships, or where the results would be inconsistent with the general purpose of the [Code].”

Planning Code Section 305(c) outlines the five criteria that must be met in order for the Zoning Administrator to grant a variance. The Section 305(c) criteria are as follows:

1. That there are exceptional or extraordinary circumstances applying to the property involved or to the intended use of the property that do not apply generally to other property or uses in the same class of district;
2. That owing to such exceptional or extraordinary circumstances the literal enforcement of specified provisions of this Code would result in practical difficulty or unnecessary hardship not created by or attributable to the applicant or the owner of the property;
3. That such variance is necessary for the preservation and enjoyment of a substantial property right of the subject property, possessed by other property in the same class of district;
4. That the granting of such variance will not be materially detrimental to the public welfare or materially injurious to the property or improvements in the vicinity; and
5. That the granting of such variance will be in harmony with the general purpose and intent of this Code and will not adversely affect the General Plan.

HOW DOES THE PROCESS WORK?

Upon submittal of a complete application to the Planning Department, the Zoning Administrator will schedule a public hearing to consider whether to grant the Variance. Variance hearings typically occur on the last Wednesday of each month. Upon issuing the formal written decision either granting or denying the Variance in whole or in part, the Zoning Administrator shall forthwith transmit a copy the Variance decision letter to the applicant. The action of the Zoning Administrator shall be final and shall become effective 10 days after the date of his written decision except upon the filing of a valid appeal to the Board of Permit Appeals as provided in Section 308.2 of the Planning Code.

FEES

Please refer to the [Planning Department Fee Schedule](#) available at www.sfplanning.org. For questions related to the Fee Schedule, contact the Planning counter at the Permit Center by calling 628.652.7300 or by emailing pic@sfgov.org.

Fees will be determined based on the estimated construction costs. Should the cost of staff time exceed the initial fee paid, an additional fee for time and materials may be billed upon completion of the hearing process or permit approval. Additional fees may also be collected for preparation and recordation of any documents with the San Francisco Assessor-Recorder's office and for monitoring compliance with any conditions of approval.

WHAT APPLICANTS SHOULD KNOW ABOUT THE PUBLIC HEARING PROCESS

A. The Zoning Administrator encourages applicants to meet with all community groups and parties interested in their application early in the entitlement process. In many cases, this is required as part of the Pre-application process. Department staff is available to assist in determining how to contact interested groups. Neighborhood organization lists are available on the Department's website. Notice of the hearing will be sent to groups in or near the neighborhood of the project. The applicant may be contacted by the Planning Department staff with requests for additional information or clarification. An applicant's cooperation will facilitate the timely review of the application.

B. The Zoning Administrator requests that applicants familiarize themselves with the procedure for public hearings, which are excerpted from the Planning Commission's Rules and Regulations below.

Hearings. A public hearing may be held on any matter before the Zoning Administrator at either a Regular (every 4th Wednesday of the month) or a Special Meeting. The procedure for such public hearings shall be as follows:

1. A description of the issue by Zoning Administrator along with the Planning Department's recommendation.
 2. A presentation of the proposal by the project sponsor for a period not to exceed 5 minutes.
 3. A presentation of opposition to the proposal, by organized opposition, for a period not to exceed 3 minutes.
 4. Public testimony from proponents of the proposal. An individual may speak for a period not to exceed 3 minutes.
 5. Public testimony from opponents of the proposal would be taken under conditions parallel to those imposed on proposal proponents, not to exceed 3 minutes.
 6. The project sponsor or applicant will be given a period, not to exceed 3 minutes, within which to clarify any questions raised in previous testimony.
 7. Discussion by the Zoning Administrator on the matter.
 8. The Zoning Administrator may impose time limits on appearances by members of the public and may otherwise exercise his or her discretion on procedures for the conduct of public hearings.
- C. **Opportunities for Appeals by Other Bodies:** Zoning Administrator actions on Variances are final unless appealed to the Board of Appeals within 10 days of the Zoning Administrator's written decision.



VARIANCE FROM THE PLANNING CODE

SUPPLEMENTAL APPLICATION

Property Information

Project Address: 2861-65 & 2867-2899 San Bruno Ave.; 90-98 Woolsey St. Block/Lot(s): 5457/037 & 5457/022

The Project is seeking a variance from Planning Code Section(s): 135

Variance Findings

Pursuant to Planning Code Section 305(c), before approving a variance application, the Zoning Administrator needs to find that the facts presented are such to establish the findings stated below. In the space below and on separate paper, if necessary, please present facts sufficient to establish each finding.

1. That there are exceptional or extraordinary circumstances applying to the property involved or to the intended use of the property that do not apply generally to other property or uses in the same class of district;

Please see attached.

2. That owing to such exceptional or extraordinary circumstances the literal enforcement of specified provisions of this Code would result in practical difficulty or unnecessary hardship not created by or attributable to the applicant or the owner of the property;

Please see attached.

3. That such variance is necessary for the preservation and enjoyment of a substantial property right of the subject property, possessed by other property in the same class of district;

Please see attached.

4. That the granting of such variance will not be materially detrimental to the public welfare or materially injurious to the property or improvements in the vicinity;

Please see attached.

5. That the granting of such variance will be in harmony with the general purpose and intent of this Code and will not adversely affect the General Plan.

Please see attached.

APPLICANT'S AFFIDAVIT

Under penalty of perjury the following declarations are made:

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

Shoshana Raphael Digitally signed by Shoshana Raphael
Date: 2020.08.28 12:35:04 -07'00'

Shoshana Raphael

Signature

Name (Printed)

August 28, 2020

Date

Attorney

(415) 956-8100

shoshana@zfpplaw.com

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

Phone

Email

For Department Use Only

Application received by Planning Department:

By: _____

Date: _____

VARIANCE FINDINGS

- 1. That there are exceptional or extraordinary circumstances applying to the property involved or to the intended use of the property that do not apply generally to other property or uses in the same class of district**

2861 San Bruno Avenue is occupied by one existing building. 2867-2899 San Bruno Avenue is a single lot, occupied by five existing buildings. The property abuts Woolsey Street to the south, which provides access to the property's driveway and emergency egress at the rear; and the site abuts Highway 101 to the east, near its intersection with Interstate 280. Highway 101 is elevated in this location, placing it in close proximity to all six buildings' rooftops. There is no other area at the site to provide sufficient usable open space. Additionally, the site is occupied by residential tenants.

- 2. That owing to such exceptional or extraordinary circumstances the literal enforcement of specified provisions of this Code would result in practical difficulty or unnecessary hardship not created by or attributable to the applicant or the owner of the property**

The close proximity and elevation of a major freeway make the roofs unsuitable for use as open space. Additionally, converting the roofs to occupiable decks would require the long-term displacement of many residential tenants and remove residential units from the City's housing stock at a time when they are desperately needed.

- 3. That such variance is necessary for the preservation and enjoyment of a substantial property right of the subject property, possessed by other property in the same class of district**

This variance is necessary for the proposed residential uses, a substantial property right possessed by the properties in this zoning district. It is also necessary to preserve residential tenancies and prevent displacement. No physical change to the building is required for the granting of this variance.

- 4. That the granting of such variance will not be materially detrimental to the public welfare or materially injurious to the property or improvements in the vicinity**

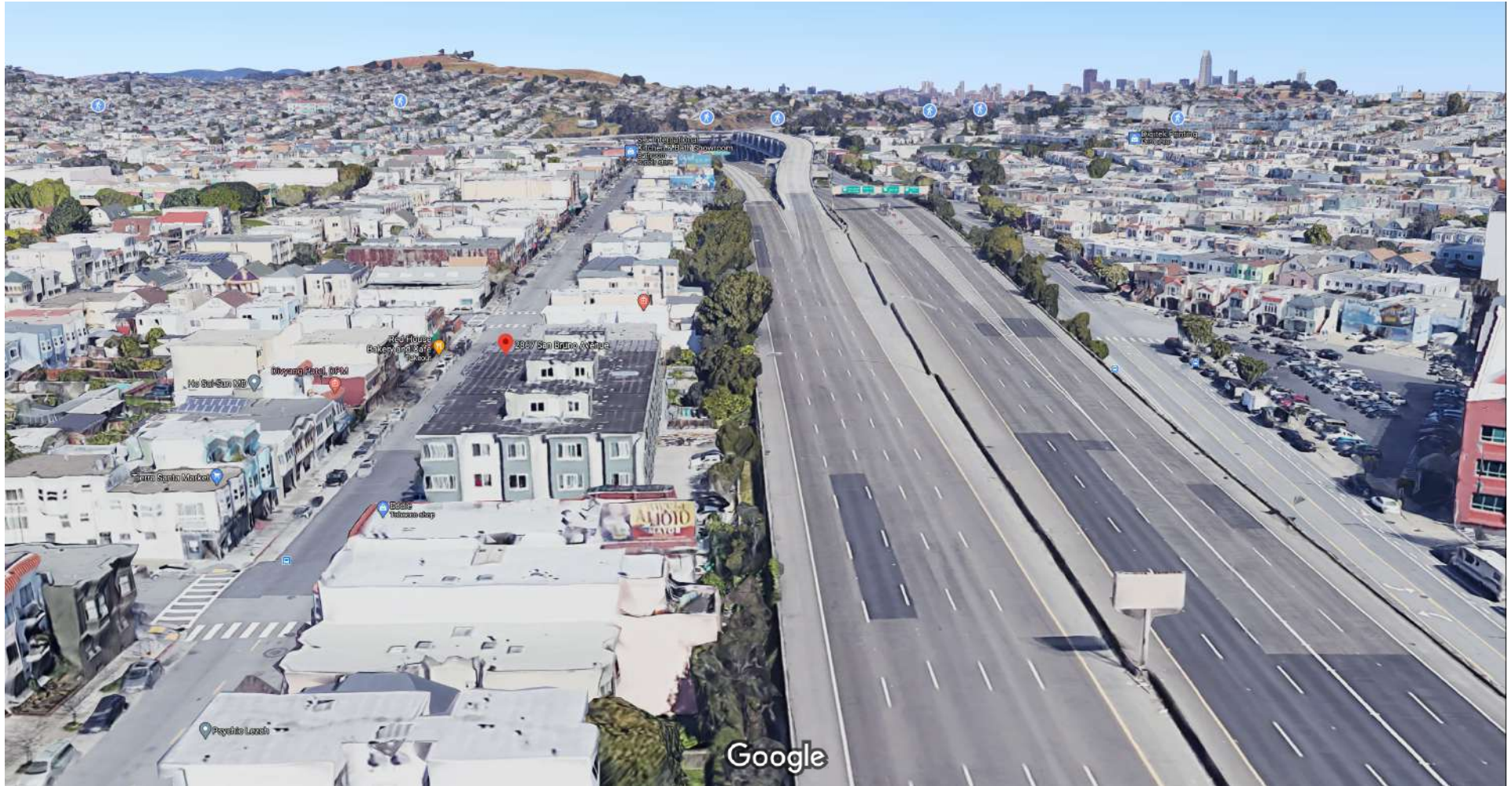
Granting this variance will allow for the proposed residential uses, and it will allow tenants to remain in their homes. It will not negatively affect neighbors or the public. This variance will prevent highly disruptive construction that would otherwise impact tenants and others in the vicinity.

- 5. That the granting of such variance will be in harmony with the general purpose and intent of this Code and will not adversely affect the General Plan**

This variance comports with the Code and General Plan Priority Policies, in particular by preserving and enhancing the City's housing supply and preserving existing neighborhood-serving retail uses.

EXHIBIT L

Google Maps 2867 San Bruno Ave



Imagery ©2020 Google, TerraMetrics, Data CSUMB SFML, CA OPC, Data SIO, NOAA, U.S. Navy, NGA, GEBCO, Data LDEO-Columbia, NSF, NOAA, Landsat / Copernicus, Map data ©2020, Map data 20 ft ©2020



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3D Renderings



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	RESCUE WINDOW / EMERGENCY ESCAPE
	PROPERTY LINE
	(E) WALL TO REMAIN
	1-HR. FIRE RATED WALL
	2-HR. FIRE RATED WALL

- 42" HIGH HOT-DIPPED GALVANIZED STEEL GUARDRAIL, OPENING NOT TO EXCEED 3.95", TYP.
- HOT-DIPPED GALVANIZED STEEL FIRE ESCAPE LADDER, PER SFBC AB-019 (COMPLY WITH ALL CONDITIONS)
- REPLACE (E) WINDOW W/(N) SWING SIMPLE DOUBLE GLAZED GLASS DOOR W/ SIDELIGHT
- PROV. STAIR IDENTIFICATION PER CBC. 1022.8 & ILLUMINATED EXIT SIGN
- HOT-DIPPED GALVANIZED STEEL FIRE ESCAPE BALCONY, PER SFBC AB-019 (COMPLY WITH ALL CONDITIONS)
- IN LIEU OF 45 MINUTE RATED OPENING PROTECTION, PROV. ORDINARY TEMPERATURE QUICK-RESPONSE TYPE (MODEL WS) SPRINKLER HEAD, INSTALLED WITHIN 18 INCHES OF THE OPENINGS AND SPACED NO LESS THAN 6" ON CENTER OF MANUFACTURER'S MINIMUM RECOMMENDED SPACING, WHICHEVER IS CLOSER, AND DESIGNED TO FLOW AT 3 GPM PER LINEAR FOOT, PER SFBC EG-05
- HOT-DIPPED GALVANIZED STEEL GOOSENECK LADDER TO ROOF, PER SFBC AB-005
- 90 MINS. FIRE RATING, SOLID CORE DOOR W/ SELF CLOSER & SMOKE GASKET

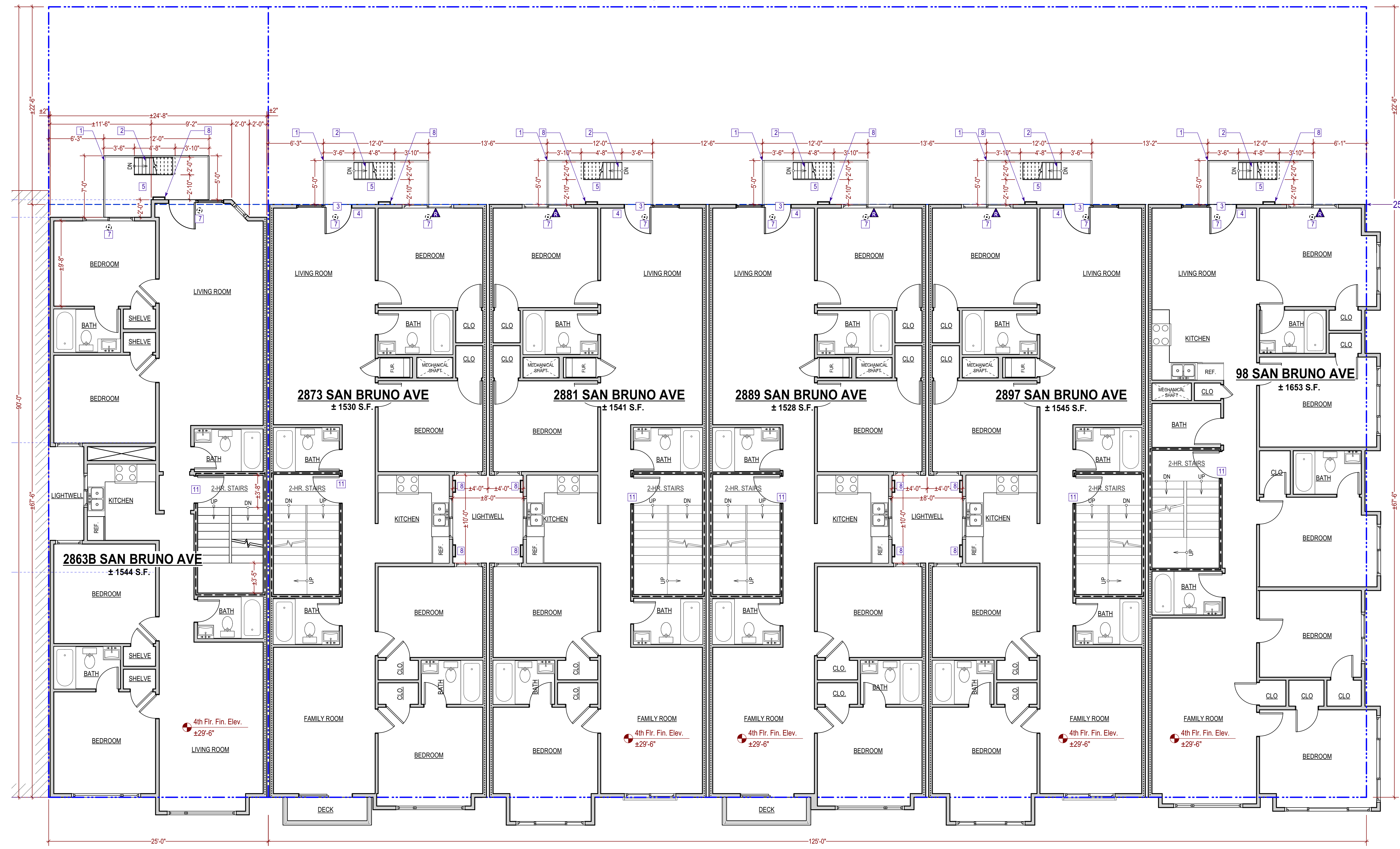
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Proposed Fourth Floor Plan & Notes



NOTES: BUILDINGS SOUND RATING IS NOT UNDER THIS PERMIT, OWNER TO CONSULT A SOUND ENGINEER

Proposed Fourth Floor Plans

3/16"=1'-0"

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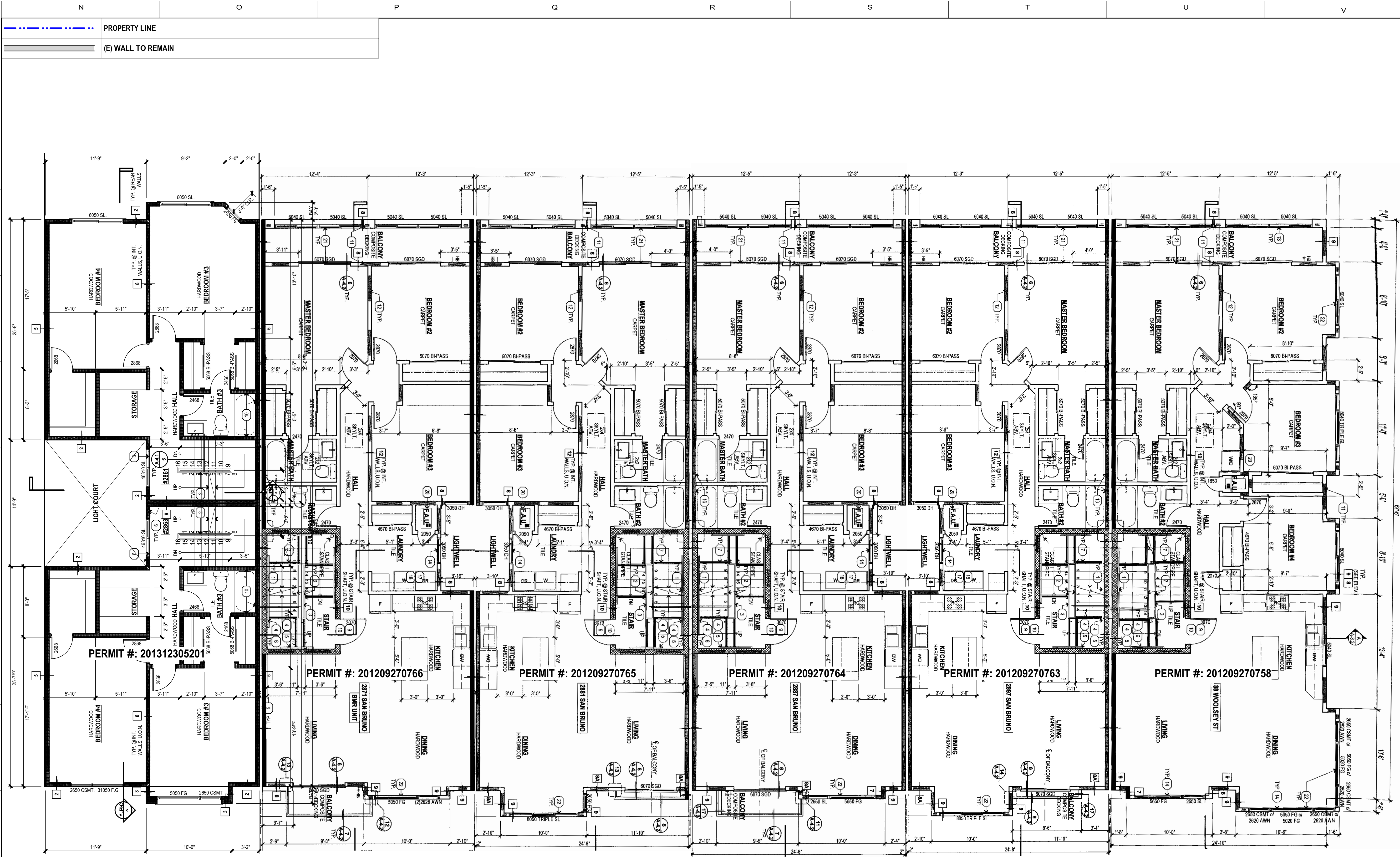
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Approved Fourth Floor Plan
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**Approved
Fourth Floor Plan**

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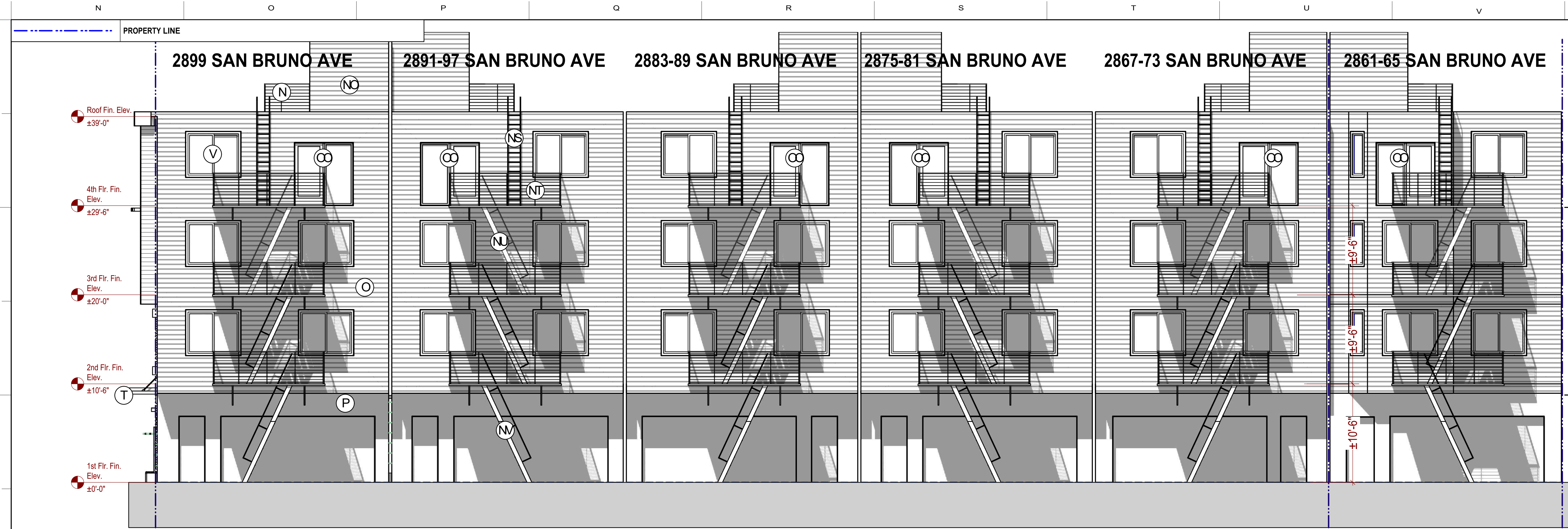
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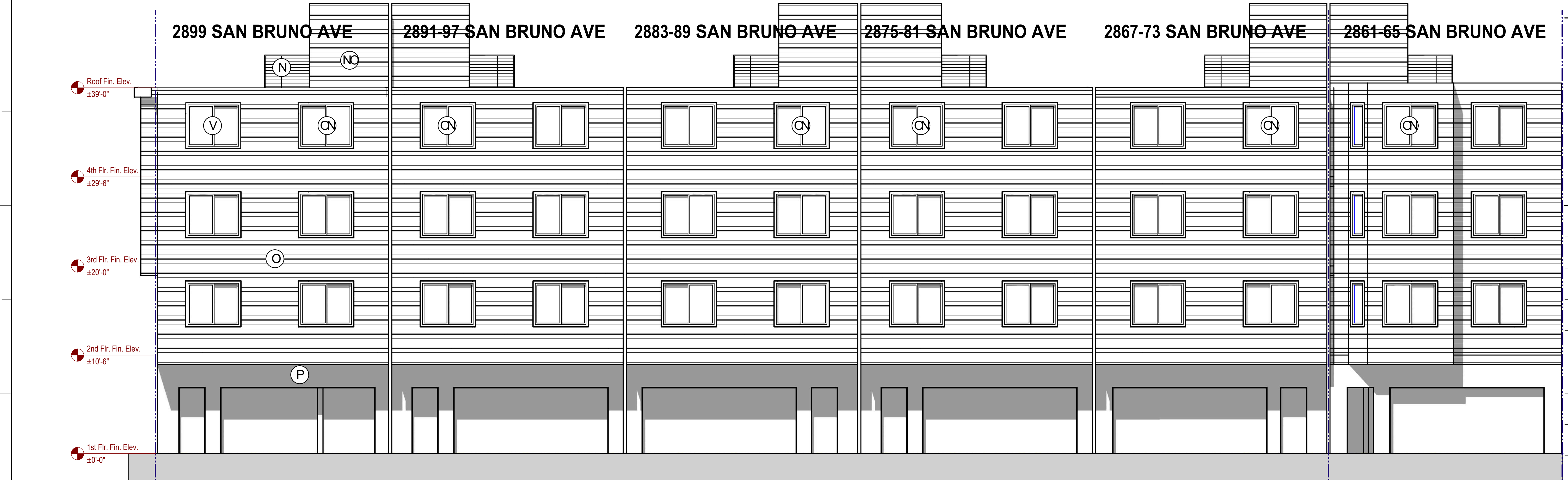
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Rear Elevations

Proposed Rear Elevation
 3/16"=1'-0"



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ao^t k pî K
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 a^qb MDMQMW
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As Built Rear Elevation
 3/16"=1'-0"

- (N) (E) 42" HIGH GUARDRAIL, TYP.
- (R) STREET TREE
- (V) (E) WIN. TO REMAIN, TYP.
- (NP) (N) HORIZONTAL DARK WOOD SIDING, TYP.
- (NT) PROV. 42" HIGH HOT-DIPPED GALVANIZED STEEL GUARDRAIL, OPENING NOT TO EXCEED 3.95", TYP.
- (QN) (E) WIN. TO BE REMOVED, TYP.
- (O) (E) HORIZONTAL WOOD SIDING, TYP.
- (S) (N) WOOD TRIM, TYP.
- (NM) (E) PATIO DR. TO REMAIN., TYP.
- (NG) (N) GRAY STUCCO FINISH, TYP.
- (NU) PROPOSE (N) HOT-DIPPED GALVANIZED STEEL FIRE ESCAPE LADDER, TYP.
- (CC) (N) DBL. GLZ. PATIO DR. W/SIDELIGHT, TYP.
- (P) (E) STUCCO, TYP.
- (T) (N) AWNING, TYP.
- (NN) (N) DBL. GLZ ENTRY DR. W/SIDELIGHT
- (NR) (E) GLASS ENTRY DR. W/SIDELIGHT
- (M) PROPOSE (N) HOT-DIPPED GALVANIZED STEEL COUNTER BALANCED LADDER, TYP.
- (U) (N) CLERESTORY WIN., TYP.
- (NC) PENTHOUSE
- (NS) HOT-DIPPED GALVANIZED STEEL GOOSENECK LADDER, TYP.
- (Q) BLIND WALL TO BE P.T. PLYWD.

EXHIBIT M



SAN FRANCISCO PLANNING DEPARTMENT

NOTICE OF VIOLATION

February 22, 2019

Property Owner

Tam Yin Kwan
21 Cook Street
San Francisco, CA 94118

Property Owner

Lee Yun Ling & Cindy Zhou
9202 Wedgewood Street
Temple City, CA 91780

Property Owner

Tong Yin Kai Tong & Dufin Tsang
319 California St #B
Arcadia, CA 91006

Property Owner

Nelson Tong
1355 Fairfax Ave, Suite B
San Francisco CA 94124

Site Address:

2867-2899 San Bruno Avenue

Assessor's Block/Lot:

5457/037

Zoning District:

NC-2, Neighborhood Commercial, Small Scale

Complaint Numbers:

2017-008719ENF, 2017-008719ENF-00, 2017-008719ENF-02,
2017-008719ENF-03, and 2017-008719ENF-04

Code Violations:

Section 415 (formerly 315), Failure to comply with the Inclusionary Affordable Housing Program Requirements under Conditional Use Authorization (CUA) Case No. 2010.0627C, Motion No. 18782, Notice of Special Restrictions (NSR) No. 2013J679692, Building Permit (BP) No. 201209270766
Sections 171 and 174, Non-Compliance with approved project, plans, and conditions of approval under CUA 2010.0627C, Motion No. 18782, and BP Nos. 201209270758, 201209270763, 201209270764, 201209270765, 201209270766, 201507272543, 201507272544, 201507272545, and 201507272547
Section 175, Additions, Alterations, and Removal without Permit
Section 138.1(c)(1) (formerly 143), Non-Compliance with Street Tree Requirements under CUA 2010.0627C, Motion No. 18782, BP No. 201209270758

Administrative Penalty:

Up to \$250 Each Day of Violation for Each Violation

Response Due:

Within 15 days from the date of this Notice

Staff Contact:

Rachna, (415) 575-6806, Rachna.Rachna@sfgov.org

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

www.sfplanning.org

The Planning Department has determined that the above referenced property is in violation of the Planning Code. As the owner of the subject property, you are a responsible party to bring the above property into compliance with the Planning Code. Details of the violation are discussed below:

DESCRIPTION OF VIOLATIONS

In 2012, the subject property was authorized for five (5) 4-story buildings with a total of 10 dwelling units under Conditional Use Authorization (CUA) 2010.0627C (Planning Commission Motion No. 18782) and Building Permit (BP) Nos. 201209270758, 201209270763, 201209270764, 201209270765, and 201209270766. The project authorization includes commercial uses on the ground floor, office uses on the second floor, and dwelling units on the third and fourth floors of each of the five buildings. One (1) of the 10 dwelling units was required to be provided as an affordable unit per Planning Code Section 415 et al. In 2015, revisions to the 2012 building permits were approved and issued under BP Nos. 201507272543, 201507272544, 201507272545, and 201507272547 to legalize work completed for the interior of the units such as relocation of bathrooms and wet bars. However, no change of use (i.e. change in unit count) was authorized under any of these permits.

The violations are noted as follows:

2017-008719ENF:

NSR No. 2013-J679692 was recorded on the property in association with BP 201209270766 to document the requirement that one (1) dwelling unit on the fourth floor of the building at 2871 San Bruno Avenue be maintained as a Below Market Rate (BMR) Unit. This BMR Unit is subject to the requirements of the Inclusionary Affordable Housing Program administered by the Mayor's Office of Housing and Community Development (MOHCD) as set forth under Planning Code Section 415 et al.

In April 2017, on behalf of the property owner (Nelson Tong), Jeremy Schaub (Schaub Ly Architects) filed CUA application 2017-004110CUA to modify the conditions of approval of Motion No. 18782 to provide an in-lieu payment for the required BMR Unit to bring the property into compliance with Section 415, instead of providing the BMR Unit on-site. The CUA application noted the total number of dwelling units as 10 on the subject property. The application further noted that:

"The project is almost complete, and no change is proposed to the size or shape of the structures; Traffic patterns will not be affected; Noise, glare, dust & odor will be prevented; Landscaping, open spaces, parking, lighting, etc. will not be affected; and that the project will be fully code compliant."

"The Project creates 5 new neighborhood retail establishments and 10 new offices. This proposal includes 10 new family dwellings."

While this CUA application was filed in 2017, it has not yet been heard or acted on by the Planning Commission. Instead, during the review of the CUA, it came to the Planning Department's attention that the project as completed does not adhere to the project authorized by the original project CUA or associated

building permits. Whereas CUA 2010.0627C authorizes the construction of 10 dwelling units (including one BMR Unit), the owner constructed a total of 30 dwelling units, and no BMR unit was provided. All but two of the 30 dwelling units are currently occupied.

Pursuant to Planning Code Section 415, the subject property is in violation of Inclusionary Affordable Housing Program Requirements under CUA 2010.0627C and NSR No. 2013J679692 for failure to provide the required one (1) BMR unit.

2017-008719ENF-00:

During a site inspection in connection with the CUA application, the Planning Department determined that the previously authorized office spaces on second floor of each of the five buildings have been entirely converted into two (2) separate dwelling units resulting in a total of 10 unauthorized dwelling units on the second floors of the five buildings. Additionally, each authorized dwelling unit on the third and fourth floors of each of the five buildings was split into two (2) separate dwelling units resulting in four (4) new unauthorized dwelling units in each of the five buildings. As a result, a total of 20 additional unauthorized dwelling units were added to the project site without the benefit of a permit.

Increasing the number of dwelling units and changing the use from non-residential use to residential use is not allowed without obtaining prior applicable approvals and permits. Moreover, all such units must meet all applicable Planning and Building Code regulations. Based on the maximum density allowed in the NC-3 Zoning District, the maximum density allowed at the subject property is 14 dwelling units, assuming that all applicable approvals and permits are obtained.

Pursuant to Planning Code Sections 171, 174, and 175, the subject property is in violation of Planning Commission Motion No. 18782 and BP Nos. 201209270758, 201209270763, 201209270764, 201209270765, and 201209270766 for failure to comply with the approved scope of work for each permit, including adding 20 unauthorized dwelling units and changing the use from office use on the second floor to residential use without the required Conditional Use Authorization or building permits.

2017-008719ENF-02:

During a site inspection, the Planning Department determined that the existing exterior façade and architectural design features of the subject buildings are not consistent with the plans approved under Motion No. 18782 and BP Nos. 201209270758, 201209270763, 201209270764, 201209270765, and 201209270766 and subsequent 2015 revision permits. The commercial storefronts on San Bruno Avenue deviate from the approved plans and were changed significantly without the required authorizations or permits. Garages in each of the five (5) buildings that were previously authorized parking for the residential use above were either altered or removed. Two (2) of the existing ground floor commercial uses have expanded their commercial and storage use into these garages thereby eliminating all enclosed parking for the building. Other interior changes including reconfiguration and relocation of stair cases and restrooms were also made, including reconfiguration of dwelling units on the third and fourth floors of each building. The driveway and landscape area on the rear portion of the lots was converted into unauthorized parking spaces. The required usable open space for the dwelling units (to be located on the roofs) per the approved CUA and permits was also not provided on any of the buildings.

Pursuant to Planning Code Sections 174 and 175, the subject property is in violation of Planning Commission Motion No. 18782 and BP Nos. 201209270758, 201209270763, 201209270764, 201209270765, 201209270766, 201507272543, 201507272544, 201507272545, 201507272547, and 201507272547 for failure to comply with the approved project and exceeding the scope of work without the required authorization and permits.

2017-008719ENF-03:

It came to the Planning Department's attention that the subject property did not implement the mitigation measures as required in condition of approval No. 20 of Motion No. 18782. Per this condition, mitigation measures including air quality, noise, and surface water runoff as described in the Mitigation, Monitor, and Report Plan (MMRP) attached as Exhibit C to Motion No. 18782 are necessary to avoid potential significant environmental impacts of the proposed project.

Pursuant to Planning Code Section 174, the subject property is deemed to be in violation of conditions of approval no. 20 of Motion No. 18782 for failure to comply with the required mitigation measures.

2017-008719ENF-04:

Motion No. 18782 authorized 10 new dwelling units and proposed landscaping and planting of 11 street trees including eight (8) new and three (3) existing trees as shown on the approved plans under BPA Nos. 201209270758, 201209270763, 201209270764, 201209270765, and 201209270766. Planning Code Section 138.1(c) effective at the time the permits were issued and currently set forth in Public Works Code Sections 805(a) and 806(d) required planting and maintenance of a minimum of one (1) tree for each 20 feet of property frontage along each street or alley with any remaining fraction of 10 feet or more of frontage requiring an additional tree for construction of a new building. The subject property has a total street frontage of approximately 215 feet and required planting of 11 trees. Five (5) new trees were planted and 225 sq. ft. of landscaping was provided to offset three (3) new required trees. However, all required landscaping has not been provided and most of the newly planted trees have not been properly maintained and require replacement.

Pursuant to Planning Code Sections 138.1(c)(1) and 174, the subject property is in violation of Motion No. 18782 for failure to provide and maintain all required street trees and landscaping. Additionally, some of the existing trees are in poor condition and must be replaced.

Planning Code Section 171 states that structures and land in any zoning district shall be used only for the purposes listed in the Planning Code as permitted in that district, and in accordance with the regulations established for that district. Pursuant to Planning Code Section 175(b), a permit application is required to be approved and issued by any City department for the construction, reconstruction, enlargement, alteration, relocation or occupancy of any structure in compliance with all respects to the Planning Code.

Further, pursuant to Planning Code Section 174, every condition, stipulation, special restriction, and other limitation under the Planning Code shall be complied with in the development and use of land and

structures. Failure to comply with any Planning Code provisions constitutes a violation of the Planning Code and is subject to an enforcement process under Code Section 176.

TIMELINE OF INVESTIGATION

On December 13, 2018, Enforcement Planners Tina Tam and Rachna met with Jeremy Schaub (Schaub Ly Architects) on behalf of the property owner (Nelson Tong) and conducted a site inspection. The site inspection confirmed the violations. On December 18, 2018, the Planning Department was informed that Reza Khoshvevisan is the new project representative. On December 24, 2018, the Planning Department sent you a Notice of Enforcement (see attached NOE). On January 9, 2019, Donal Duffy (Department of Building Inspection – DBI) conducted a site inspection and confirmed the existence of 29 dwelling units with individual kitchens and cited the property for numerous Building and Fire Code violations (see attached DBI Notice of Violation). While there are 30 dwelling units, one of these units was missing a kitchen at the time of the inspection, hence Inspector Duffy only cited the property as having 29 dwelling units. On January 15, 2019, the Planning Department received a current inventory of the buildings including as-built drawings; recorded copy of the NSR, copies of all current leases, building occupancy by floor, and other information.

On January 9, 2019, Mr. Khoshnevisan emailed the Planning Department to explore available options to abate the violations.

On January 9, 2019, the San Francisco Department of Building Inspection issued five separate NOVs for the property, one for each building.

On January 29 and January 31, 2019, the San Francisco Fire Department issued four separate NOVs for the property.

HOW TO CORRECT THE VIOLATION

The Planning Department requires that you immediately proceed to abate the above violations as follows:

1. File and obtain all necessary building permits, Conditional Use Authorizations, and all other required City approvals to bring the subject properties into compliance with Planning Commission Motion No. 18782 and BP Nos. 201209270758, 201209270763, 201209270764, 201209270765, and 201209270766; or
2. File and obtain all necessary building permits, Conditional Use Authorizations, and all other required City approvals to approve an overall scope of work that would otherwise be consistent with the San Francisco Municipal Code, as well as any applicable provisions of state law. Such consistency must include, but is not limited to, building envelopes, dwelling unit density, and the Inclusionary Affordable Housing Program.

The corrective actions listed above must commence within the time limits set below (Timeline to Respond).

For more information regarding the building permit process, please contact the Department of Building Inspection at:

1660 Mission Street
San Francisco, CA 94103
(415) 558-6088
www.sfgov.org/dbi

Please visit the Planning Information Counter (PIC) located at the first floor of 1660 Mission Street or www.sf-planning.org for any questions regarding the planning process.

TIMELINE TO RESPOND

The responsible party has **fifteen (15) days from the date of this notice** to file any appeal of this notice of violation in the manner noted below (Appeal Process).

The initial building permits required for each property to meet No. 1 or 2 above (How to Correct the Violation) must be filed within 30 days of expiration of the appeal period for this notice (by April 8, 2019). If an appeal is filed on this notice, then the initial building permits required for each property to meet No. 1 or 2 above must be filed within 30 days of the date of final decision on the appeal. Please contact the enforcement staff as noted above to submit evidence of correction. Any unreasonable delays in abatement of the violation in the timeline set forth above will result in the accrual of administrative penalties (below, Administrative Penalties) and further enforcement action by the Planning Department.

APPEAL PROCESSES

If the responsible party believes that this order to correct violations of the Planning Code is an abuse of discretion by the Zoning Administrator, the following appeal processes are available **within fifteen (15) days from the date of this notice**:

- 1) The responsible party may request a Zoning Administrator Hearing under Planning Code Section 176 to show cause why this Notice of Violation is issued in error and should be rescinded by submitting the Request for Zoning Administrator Hearing Form and supporting evidence to the Planning Department. The Zoning Administrator shall render a decision on the Notice of Violation within 30 days of such hearing. The responsible party may appeal the Zoning Administrator's decision to the Board of Appeals within 15 days from the date of the decision.
- 2) The responsible or any interested party may waive the right to a Zoning Administrator Hearing and proceed directly to appeal the Notice of Violation to the Board of Appeals at:

1650 Mission Street, Room 304
San Francisco, CA 94103
(415) 575-6880
www.sfgov.org/bdappeal

The Board of Appeals may not reduce the amount of penalty below \$100 per day for each day the violation continues unabated, excluding the period the matter has been pending either before the Zoning Administrator or before the Board of Appeals.

ADMINISTRATIVE PENALTIES

If any responsible party does not request any appeal process **within the 15-day time limit** as noted above, this Notice of Violation will become final. Beginning on the following day, administrative penalties of up to **\$250 per violation, per day** will start to accrue for each day that each violation continues unabated. Provided that the responsible parties submit all corrective building permits described above (How to Correct the Violation), and within the timeline set above (Timeline to Respond), such administrative penalties as may accrue during that timeline shall be waived, and the accrual of administrative penalties shall be stayed so long as the responsible parties diligently pursue such building permits, applications for Conditional Use Authorizations, and other approvals as may be required, and also diligently comply with City department requests for information, revisions, notices, or changes.

From time to time the Planning Department may issue a Notice of Penalty demanding payment of accrued penalties. The penalty amount shall be paid **within 30 days** from the issuance date of a Notice of Penalty. After 30 days, the Planning Department may forward the matter to the Bureau of Delinquent Revenue for collection as authorized by Article V, Section 10.39 of the San Francisco Administrative Code. Please be advised that payment of penalty does not excuse failure to correct the violation or bar further enforcement action. Additional penalties will continue to accrue until corrective action is taken to abate the violation, and if such corrective action is not diligently pursued.

Please be advised that the purpose of the Administrative Penalties levied under Planning Code section 176(c)(1) is to secure compliance with this Notice of Violation and to encourage speedy abatement of the cited violations. Pursuant to Planning Code section 176(f), further enforcement action may be taken by the City Attorney's Office, including but not limited to injunctive relief and civil penalties under Planning Code section 176(c)(2).

ENFORCEMENT TIME AND MATERIALS FEE

Pursuant to Planning Code Section 350(g)(1), the Planning Department shall charge for "Time and Materials" to recover the cost of correcting the Planning Code violations. Accordingly, the responsible party is currently subject to a fee of **\$10,256.96** for Time and Materials costs associated with the Code Enforcement investigation. **Please submit a check payable to "San Francisco Planning Department" for Code Enforcement within 15 days from the date of this notice.** Additional fees will continue to accrue until the violation is abated. This fee is separate from the administrative penalties described above and is not appealable.

OTHER APPLICATIONS UNDER CONSIDERATION

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

2867-2899 San Bruno Avenue
Complaint No.: 2017-008719ENF-00, 2017-008719ENF-00,
2017-008719ENF-02, 2017-008719ENF-03, & 2017-008719ENF-04

Notice of Violation
February 22, 2019

Planning Code.

Please contact the enforcement planner noted above if you have any questions or wish to review the enforcement file related to the above matter. The enforcement file is available for public inspection at the Planning Department during normal office hours (Monday to Friday, 8:00 a.m. to 5:00 p.m., 1650 Mission Street, Room 400) and in the hearing room on the date the matter is scheduled to be heard upon receipt of a request for a hearing.

Sincerely,



Corey A. Teague
Zoning Administrator

Enc.: Notice of Enforcement dated December 24, 2018
DBI's NOV's, dated January 9, 2019
SF Fire Department's NOV's, dated January 29 and January 31, 2019

cc: Rachna, Planning Department
Tina Tam, Planning Department
Donal Duffy, Department of Building Inspection, San Francisco
Ed Sweeny, Department of Building Inspection
Patrick O'Riordan, Department of Building Inspection
Jackie Tsou, Mayor's Office of Housing and Community Development
Peter Keith, Deputy City Attorney, San Francisco City Attorney's Office
Department of Public Works, Bureau of Street Use and Mapping