

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

Appeal of  
JAY MARTIN, \_\_\_\_\_ )  
Appellant(s) )  
vs. )  
DEPARTMENT OF BUILDING INSPECTION, \_\_\_\_\_ )  
PLANNING DEPARTMENT APPROVAL Respondent

Appeal No. **23-059**

**NOTICE OF APPEAL**

**NOTICE IS HEREBY GIVEN THAT** on November 20, 2023, the above named appellant(s) filed an appeal with the Board of Appeals of the City and County of San Francisco from the decision or order of the above named department(s), commission, or officer.

The substance or effect of the decision or order appealed from is the ISSUANCE on November 3, 2023 to 17th and Peralta LLC, of an Alteration Permit (chain link material to be replaced for 70' of 75' total length; existing fence is 10' high and has been repeatedly vandalized by trespassers; replace chain link material; this is for 957 Treat Avenue under Block 3639 and Lots 036A, 036B and 036 as recorded by CCSF Assessor's Office on 10/20/2023) at 957 Treat Avenue.

**APPLICATION NO. 2023/11/01/9926**

**FOR HEARING ON January 10, 2024**

Address of Appellant(s):

Address of Other Parties:

<p>Jay Martin, Appellant(s) 2784 22nd Street San Francisco, CA 94110</p>	<p>17th and Peralta LLC, Permit Holder(s) c/o Alex Menendez, Agent for Permit Holder(s) 931 Treat Avenue San Francisco, CA 94110</p>
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Date Filed: November 20, 2023

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

**PRELIMINARY STATEMENT FOR APPEAL NO. 23-059**

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I / We, **Jay Martin**, hereby appeal the following departmental action: **ISSUANCE** of **Alteration Permit No. 2023/11/01/9926** by the **Department of Building Inspection** which was issued or became effective on: **November 3, 2023**, to: **17th and Peralta LLC**, for the property located at: **957 Treat Avenue**.

**BRIEFING SCHEDULE:**

Appellant's Brief is due on or before: 4:30 p.m. on **December 21, 2023, (no later than three Thursdays prior to the hearing date)**. The brief may be up to 12 pages in length with unlimited exhibits. It shall be double-spaced with a minimum 12-point font. An electronic copy shall be emailed to: [boardofappeals@sfgov.org](mailto:boardofappeals@sfgov.org), [julie.rosenberg@sfgov.org](mailto:julie.rosenberg@sfgov.org), [corey.teague@sfgov.org](mailto:corey.teague@sfgov.org), [tina.tam@sfgov.org](mailto:tina.tam@sfgov.org), [matthew.greene@sfgov.org](mailto:matthew.greene@sfgov.org) and [amen@monkeybrains.net](mailto:amen@monkeybrains.net).

Respondent's and Other Parties' Briefs are due on or before: 4:30 p.m. on **January 4, 2024, (no later than one Thursday prior to hearing date)**. The brief may be up to 12 pages in length with unlimited exhibits. It shall be doubled-spaced with a minimum 12-point font. An electronic copy shall be emailed to: [boardofappeals@sfgov.org](mailto:boardofappeals@sfgov.org), [julie.rosenberg@sfgov.org](mailto:julie.rosenberg@sfgov.org), [corey.teague@sfgov.org](mailto:corey.teague@sfgov.org), [tina.tam@sfgov.org](mailto:tina.tam@sfgov.org), [matthew.greene@sfgov.org](mailto:matthew.greene@sfgov.org) and [italicize@gmail.com](mailto:italicize@gmail.com).

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

Hearing Date: **Wednesday, January 10, 2024, 5:00 p.m., Room 416 San Francisco City Hall, 1 Dr. Carlton B. Goodlett Place**. Information for access to the hearing will be provided before the hearing date.

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

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

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

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**The reasons for this appeal are as follows:**

Not Submitted.

**Appellant or Agent:**

Signature: Via Email

Print Name: Jay Martin, appellant

**Permit Details Report**

**Report Date:** 11/20/2023 2:34:54 PM

Application Number: 202311019926  
 Form Number: 8  
 Address(es): 3639 / 036 / 0 957 TREAT AV  
 Description: CHAIN LINK MATERIAL TO BE REPLACED FOR 70' OF 75' TOTAL LENGTH. EXTG FENCE IS 10' HIGH. EXTG FENCE HAS BEEN REPEATEDLY VANDALIZED BY TRESPASSERS. REPLACE CHAIN LINK MATERIAL. THIS IS FOR 957 TREAT AVENUE UNDER BLOCK 3639 & LOTS 036A & 036B & 036 AS RECORDED BY THE CCSF ASSESOR'S OFFICE 10/20/2023  
 Cost: \$3,400.00  
 Occupancy Code:  
 Building Use: 79 - VACANT LOT

**Disposition / Stage:**

Action Date	Stage	Comments
11/1/2023	TRIAGE	
11/1/2023	FILING	
11/1/2023	FILED	
11/3/2023	APPROVED	
11/3/2023	ISSUED	

**Contact Details:**

**Contractor Details:**

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

**Addenda Details:**

**Description:**

Station	Rev#	Arrive	Start	In Hold	Out Hold	Finish	Checked By	Review Result	Hold Description
INTAKE		11/1/23	11/1/23			11/1/23	SHAWL HAREGGEWAIN	Administrative	
CP-ZOC		11/1/23	11/1/23			11/1/23	LANGLIE MICHELLE	Approved	11/01/2023 OTC APPROVAL AS FOLLOWS: REPLACEMENT OF CHAIN LINK FENCING INKIND ALONG TREAT FRONTAGE - SUBPARCEL 036b. VACANT LOT - NO CHANGE OF USE. MICHELLE.LANGLIE@SFGOV.ORG
BLDG		11/1/23	11/1/23			11/1/23	CHEUNG JIMMY	Approved	APPROVED.
CP-ZOC		11/2/23	11/2/23			11/2/23	LANGLIE MICHELLE	Issued Comments	11/2/2023 ADDED ADDL CPC-ZOC LINE FOR ADDITIONAL REVIEW PER C. TEAGUE. MICHELLE.LANGLIE@SFGOV.ORG
CP-ZOC		11/3/23	11/3/23			11/3/23	LAUSH MAGGIE	Administrative	11/3/23: CP-ZOC hold removed per written guidance from Zoning Administrator - Maggie.Laush@sfgov.org
CP-ZOC 1		11/3/23	11/3/23			11/3/23	LAUSH MAGGIE	Administrative	11/3/23: CP-ZOC hold removed per written guidance from Zoning Administrator - Maggie.Laush@sfgov.org
BID-INSP		11/3/23	11/3/23			11/3/23	CHIU JONATHAN	Approved	OK to approve per M.G.
CPB		11/3/23	11/3/23			11/3/23	VICTORIO CHRISTOPHER	Administrative	

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

**Appointments:**

Appointment Date	Appointment AM/PM	Appointment Code	Appointment Type	Description	Time Slots
11/22/2023	AM	VS	IVR Scheduled	START WORK	1

**Inspections:**

Activity Date	Inspector	Inspection Description	Inspection Status
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**Special Inspections:**

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

[Station Code Descriptions and Phone Numbers](#)

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

**Technical Support for Online Services**

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**From:** [Rosenberg, Julie \(BOA\)](#)  
**To:** [Jay Martin](#)  
**Cc:** [Longaway, Alec \(BOA\)](#)  
**Subject:** RE: Appeal No. 23-059 @ 957 Treat Avenue  
**Date:** Monday, November 27, 2023 3:13:00 PM  
**Attachments:** [image001.png](#)

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Thank you, Jay. Your statement will be added to the appeal documents. Note: The Board does not have jurisdiction over the complaints that you reference below.

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

---

**From:** Jay Martin <[italicize@gmail.com](mailto:italicize@gmail.com)>  
**Sent:** Monday, November 27, 2023 2:55 PM  
**To:** Rosenberg, Julie (BOA) <[julie.rosenberg@sfgov.org](mailto:julie.rosenberg@sfgov.org)>  
**Cc:** Longaway, Alec (BOA) <[alec.longaway@sfgov.org](mailto:alec.longaway@sfgov.org)>  
**Subject:** Re: Appeal No. 23-059 @ 957 Treat Avenue

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

Ms. Rosenberg,

I ask the Board of Appeals to review whether DBI properly determined that the applicant was eligible for building permit 202311019926.

Before appealing I asked DBI for information. Maggie Laush of DBI directed me to Corey Teague of Planning, who gave me a nonspecific answer. The answer referred to "updated documentation regarding the partial ownership of the subject lot." The documentation was "review[ed]...and discuss[ed] with colleagues." I asked for details but hadn't received any by the deadline to appeal (or since).

Additionally, I ask the Board of Appeals to review whether DBI properly abated complaint 202315988. The inspector determined, "Reinforcing of fence within scope." The permit only approved, "Replacement of chain link fencing in-kind."

If it were not too late, I would also ask the Board to review the DBI determination in complaints 202313578 (9/19/23) and 202308759 (5/30/23).

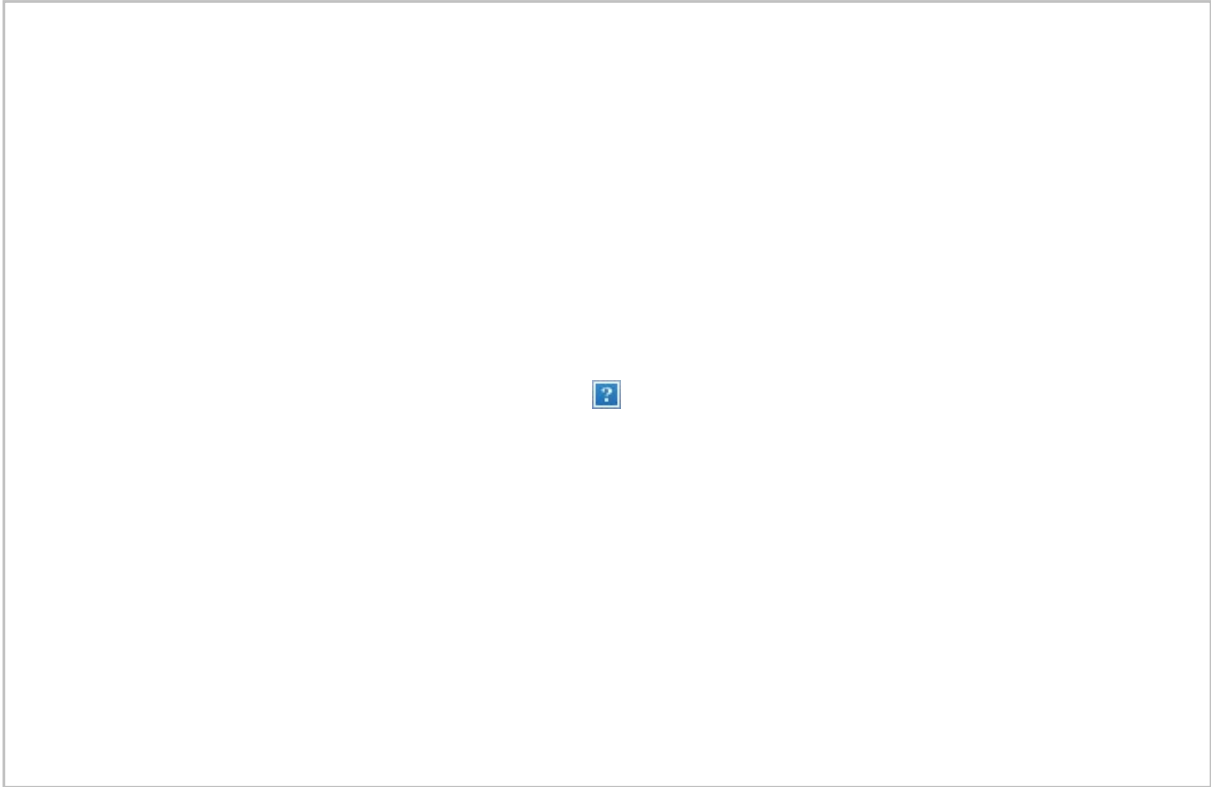
Yours,  
Jay Martin

On Mon, Nov 27, 2023 at 12:38 PM Rosenberg, Julie (BOA) <[julie.rosenberg@sfgov.org](mailto:julie.rosenberg@sfgov.org)> wrote:

Hi Jay: I just left you a voice message. Please email me the reasons or grounds for your appeal and what action is being requested of the Board. This information is required by the Board Rules (see below). Of course you can elaborate on the reasons in your brief. Please

note that this is separate from the optional supplementary statement.

Thank you,  
Julie



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

## **ARTICLE V – APPEAL PROCEDURES**

**Section 1. Filing an Appeal.** The method of appeal shall be as set forth in the San Francisco Business and Tax Regulations Code, Article I, Sections 8 through 16, 26, 30 and 31, and under these Rules. When counting “calendar days” for purposes of calculating the deadline for filing an appeal, the appeal period begins the day after the date of the written departmental determination being appealed. If the last calendar day falls on a weekend or City holiday, the last day to file the appeal or other action is the next business day.

(a) The appellant shall submit one copy of the permit, application or other departmental determination being appealed.

(b) The appellant shall complete a Preliminary Statement of Appeal form provided by the Board setting forth the reasons or grounds for the appeal and what action is being requested of the Board. The appellant may attach a brief supplementary statement to the Preliminary Statement of Appeal, which shall be double-spaced and shall not exceed one (1) page in length. No other exhibits or submissions are allowed at this time.

# BRIEF SUBMITTED BY THE APPELLANT(S)



Brief for Appeal No. 23-059 of Alteration Permit No. 2023/11/01/9926

The permit holder had a permit revoked by the Board of Appeal on April 26, 2023 (Appeal No. 23-008). A somewhat similar permit was approved by DBI and Planning on Nov. 1, 2023. I ask the Board to review the approval by DBI and Planning.

Before filing this appeal, I exchanged emails with Planning, seeking an explanation for their approval (Exhibit A). Planning described a review process, but did not say what documents they had reviewed and what determinations they had made about those documents. I trust that Planning will provide those specific documents and specific determinations for the Board to consider.

After considering whether the permit holder was eligible for the permit, please consider whether the permit holder did work beyond the scope of the permit. When I exchanged emails with DBI about the scope, a senior building inspector agreed with the initial inspector that the work was within scope (Exhibit B). However, I ask Board whether the word “replacement” can be ignored or extended as much as DBI did in this case.

Alteration Permit No. 2023/11/01/9926 was requested on Nov. 1 and issued on Nov. 3, 2023. Work was done Nov. 3 that exactly fit the description in the application (“Chain link material to be replaced”) and in the approval (“Replacement of chain link fencing in-kind”). Different work was done 11 days later that didn’t fit the description, when new piping was added to the fence.

Thank you for your consideration of this appeal.

Jay Martin

# **Exhibit A**



Jay Martin &lt;italicize@gmail.com&gt;

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**Question about permit application 202311019926**

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**Jay Martin** <italicize@gmail.com>

Wed, Dec 13, 2023 at 8:54 AM

To: "Teague, Corey (CPC)" &lt;corey.teague@sfgov.org&gt;

Cc: "Laush, Maggie (CPC)" &lt;maggie.laush@sfgov.org&gt;

Corey,

I'm resending my questions from last month, just to get my message back to the top of your email.

Thanks,  
Jay Martin

On Thu, Nov 16, 2023 at 1:18 PM Jay Martin &lt;italicize@gmail.com&gt; wrote:

Corey,

Yes, that explanation does help. How may I see the updated documentation regarding the partial ownership that you reviewed? How may I understand your review and discussion of it, which led to the Planning Department providing approval? I'm asking for the specific documents and Planning's specific determinations about those documents.

Thanks,  
Jay Martin

On Thu, Nov 16, 2023, 12:56 PM Teague, Corey (CPC) &lt;corey.teague@sfgov.org&gt; wrote:

Jay,

For Clarity, DBI did not issue the permit only because Planning approved it. Instead, a permit may not be issued unless all relevant agencies have approved the permit based on each agency's codes and policies. So it's accurate to say that DBI could not issue the permit "unless" Planning also approved it, but it is not accurate to say that DBI issued the permit "because" Planning approved it. DBI also had to review and approve the permit independently per their own code.

Regarding the Planning Department's approval, I delayed the Planning Department's final approval until I had time to review updated documentation regarding the partial ownership of the subject lot by the applicant (Planning had already initially approved the permit based on the scope of work being permitted under the Planning Code). Once I was able to review that documentation and discuss with colleagues, I informed our counter staff at the time (Maggie) that the Planning Department could provide its final approval of the permit. There was no reason or rationale under the Planning Code to not approve the permit.

I hope that helps.

**Corey A. Teague, AICP, LEED AP****Zoning Administrator**

(he/him/his)

**Current Planning Division**

San Francisco Planning

49 South Van Ness Avenue, Suite 1400, San Francisco, CA 94103

Direct: 628-652-7328 | [sfplanning.org](https://sfplanning.org)

[San Francisco Property Information Map](#)

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**From:** Jay Martin <[italicize@gmail.com](mailto:italicize@gmail.com)>  
**Sent:** Thursday, November 16, 2023 11:31 AM  
**To:** Teague, Corey (CPC) <[corey.teague@sfgov.org](mailto:corey.teague@sfgov.org)>  
**Cc:** Laush, Maggie (CPC) <[maggie.laush@sfgov.org](mailto:maggie.laush@sfgov.org)>  
**Subject:** Re: Question about permit application 202311019926

Corey,

Thank you for your answer, but in this case it looks like DBI was relying on Planning. Maggie Laush approved a permit based on guidance from you, received through a Teams message (screen image attached).

So I'm asking you for your reasons for giving your OK for a permit.

Thanks,

Jay Martin

On Thu, Nov 16, 2023, 11:02 AM Teague, Corey (CPC) <[corey.teague@sfgov.org](mailto:corey.teague@sfgov.org)> wrote:

Jay,

The Planning Department cannot speak on behalf of DBI. You should contact DBI directly with any questions you may have regarding their review and actions on this permit. Thanks.

**Corey A. Teague, AICP, LEED AP**

**Zoning Administrator**

(he/him/his)

**Current Planning Division**

San Francisco Planning

49 South Van Ness Avenue, Suite 1400, San Francisco, CA 94103

Direct: 628-652-7328 | [sfplanning.org](https://sfplanning.org)

[San Francisco Property Information Map](#)

**From:** Jay Martin <[italicize@gmail.com](mailto:italicize@gmail.com)>  
**Sent:** Wednesday, November 15, 2023 4:36 PM  
**To:** Laush, Maggie (CPC) <[maggie.laush@sfgov.org](mailto:maggie.laush@sfgov.org)>  
**Cc:** Teague, Corey (CPC) <[corey.teague@sfgov.org](mailto:corey.teague@sfgov.org)>  
**Subject:** Re: Question about permit application 202311019926

Ms. Laush, thank you for the openness.

Mr. Teague, can you tell me why DBI gave a permit to Rudy Rucker for a repair at 957 Treat? An earlier permit was revoked, 202303022910, although that permit wasn't for the same fence.

Thanks,

Jay

On Wed, Nov 15, 2023, 12:14 PM Laush, Maggie (CPC) <[maggie.laush@sfgov.org](mailto:maggie.laush@sfgov.org)> wrote:

Hi Jay,

Sure, I'm happy to provide a copy of the guidance I received from the Zoning Administrator (Corey Teague, cc'ed). My understanding is that this is a part of the public record.

The direction was provided via Microsoft Teams chat, which is most easily shared as a screenshot. Please see attached.

Thanks,  
Maggie

**Maggie Laush, Planner**  
**Districts 9 & 10, Current Planning Division**

she/her/hers

San Francisco Planning

49 South Van Ness Avenue, Suite 1400, San Francisco, CA 94103

Direct: 628.652.7339 | [www.sfplanning.org](http://www.sfplanning.org)

[San Francisco Property Information Map](#)

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**From:** Jay Martin <[italicize@gmail.com](mailto:italicize@gmail.com)>  
**Sent:** Tuesday, November 14, 2023 6:42 PM  
**To:** Laush, Maggie (CPC) <[maggie.laush@sfgov.org](mailto:maggie.laush@sfgov.org)>  
**Subject:** Question about permit application 202311019926

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

Ms. Laush,

For permit application 202311019926, the Permit Details Report says, "11/3/23: CP-ZOC hold removed per written guidance from Zoning Administrator - [Maggie.Laush@sfgov.org](mailto:Maggie.Laush@sfgov.org)."

May I see a copy of the written guidance? Is it public information?

Thanks,  
Jay Martin  
2784 22nd Street  
San Francisco, CA 94110

# **Exhibit B**



Jay Martin &lt;italicize@gmail.com&gt;

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## Question about appeals or reviews

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**Hernandez, Mauricio (DBI)** <mauricio.hernandez@sfgov.org>  
To: Jay Martin <italicize@gmail.com>

Tue, Dec 19, 2023 at 11:16 AM

Hello Mr. Martin,

Yesterday when I visited the site I notice that one of the gates is covered by two pieces of plywood so I'm not sure if the work is completed, also the permit is suspended therefore the permit holder cannot call for any inspections and the district inspector is not able to perform inspection to verify if all the work is complete or if needs items to be corrected.

In my opinion the horizontal supports are within the allowable replacement or repair for the fence. As per my previous response, the routing does not seem to have any historical restrictions so if the permit holder wants to add extra support to the frame of this fence then there is no separate permit required

Thank you,

Mauricio Hernandez

Senior Building Inspector

[49 South Van Ness Ave SF 94103](#)

Direct 628 652 3440

**From:** Jay Martin <italicize@gmail.com>  
**Sent:** Tuesday, December 19, 2023 9:48 AM  
**To:** Hernandez, Mauricio (DBI) <mauricio.hernandez@sfgov.org>  
**Subject:** Re: Question about appeals or reviews

Mr. Hernandez,

Thank you for reviewing the fence work at [957 Treat Avenue](#). You're right about the criteria of in-kind, of course, but what about the criteria of replacement? The application and permit were for replacement.

In the attached photo, nothing was being replaced, only added. Did the work in the photo need a separate permit for adding horizontal bracing?

Thanks,

Jay Martin



On Tue, Dec 19, 2023 at 8:18 AM Hernandez, Mauricio (DBI) <mauricio.hernandez@sfgov.org> wrote:

Hello Mr. Martin,

I visited the site yesterday and review your concerns about the scope of work and the complaint.

The scope of work is within the criteria of in-kind as the material remains the same. Per the notes under the permit routing there are no historical restrictions that I can see so adding horizontal bracing to the chain-link fence is not exceeding scope of work .

Thank you,

Mauricio Hernandez

Senior Building Inspector

[49 South Van Ness Ave SF 94103](#)

Direct 628 652 3440

---

**From:** Greene, Matthew (DBI) <matthew.greene@sfgov.org>  
**Sent:** Friday, December 15, 2023 3:12 PM  
**To:** Hernandez, Mauricio (DBI) <mauricio.hernandez@sfgov.org>  
**Cc:** Jay Martin <italicize@gmail.com>  
**Subject:** RE: Question about appeals or reviews

Mauricio,

As we discussed, please reach out to Mr. Martin about his concerns.

Thank you,

Matt Greene

Acting Deputy Director

Inspection Services

Department of Building Inspection

[49 South Van Ness Avenue, 4<sup>th</sup> Floor](#)

San Francisco, CA 94103

(628) 652-3637

[SF.gov/DBI](#)

[Sign up for customer updates](#)

**From:** Jay Martin <[italicize@gmail.com](mailto:italicize@gmail.com)>  
**Sent:** Wednesday, December 13, 2023 9:41 AM  
**To:** Greene, Matthew (DBI) <[matthew.greene@sfgov.org](mailto:matthew.greene@sfgov.org)>  
**Subject:** Re: Question about appeals or reviews

Matt,

Thank you for the reply. Please forward the following concern to the supervisor for Inspector Eisenbeiser:

- Permit 202311019926 said, "Replacement of chain link fencing in-kind."
- The permit holder not only replaced some damaged chain link but also added new pipe. See the before and after photos.
- In response to complaint 202315988 the inspector wrote, "Reinforcing of fence within scope."
- To me the new pipe seems outside the scope, because replacement doesn't include adding.

To me it looks like Inspector Eisenbeiser cut the permit holder some slack. Some slack might be appropriate with other permit holders, but not this permit holder.

I ask that the case be reopened and inspected strictly by the book.

Thank you for your help, and I look forward to receiving further news and information about complaint 202315988.

Thanks,  
Jay Martin



On Tue, Dec 12, 2023 at 2:55 PM Greene, Matthew (DBI) <matthew.greene@sfgov.org> wrote:

Jay,

The process is if you do not agree with an inspector's determination, you can bring your concerns to that Inspector's supervisor. As I previously said, if you tell me the Inspector's name, I will have the Senior Inspector reach out to you.

If you are not comfortable with that process, and you believe that the Inspector is abusing their authority, or otherwise acting improperly, the City has a Whistleblower program . You can find details on the program at: <https://sf.gov/how-file-whistleblower-report>

Tahnk you,

*Matt Greene*

*Acting Deputy Director*

*Inspection Services*

*Department of Building Inspection*

*49 South Van Ness Avenue, 4<sup>th</sup> Floor*

*San Francisco, CA 94103*

*(628) 652-3637*

[SF.gov/DBI](https://sf.gov/DBI)

[Sign up for customer updates](#)

**From:** Jay Martin <[italicize@gmail.com](mailto:italicize@gmail.com)>  
**Sent:** Tuesday, December 12, 2023 2:00 PM  
**To:** Greene, Matthew (DBI) <[matthew.greene@sfgov.org](mailto:matthew.greene@sfgov.org)>  
**Subject:** Re: Question about appeals or reviews

Matthew,

I'm resending my questions from two weeks ago, just to get my message back to the top of your email.

Thanks,

Jay Martin

On Thu, Nov 30, 2023 at 9:29 AM Jay Martin <[italicize@gmail.com](mailto:italicize@gmail.com)> wrote:

Matthew,

Thanks for the response. Is there a formal process? Something in writing? A way to send photos as evidence?

I believe that a determination was too lenient, and I want to request that the DBI change the determination.

Thanks,

Jay Martin

On Thu, Nov 30, 2023 at 8:39 AM Greene, Matthew (DBI) <[matthew.greene@sfgov.org](mailto:matthew.greene@sfgov.org)> wrote:

Jay,

You can always speak to the Inspector's Supervisor. Who is the inspector in question? I can put you in contact with their Senior Inspector.

Thank you,

Matthew Greene

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---

**From:** Jay Martin <[italicize@gmail.com](mailto:italicize@gmail.com)>  
**Sent:** Thursday, November 30, 2023 8:34:56 AM  
**To:** Greene, Matthew (DBI) <[matthew.greene@sfgov.org](mailto:matthew.greene@sfgov.org)>  
**Cc:** Longaway, Alec (BOA) <[alec.longaway@sfgov.org](mailto:alec.longaway@sfgov.org)>; Rosenberg, Julie (BOA) <[julie.rosenberg@sfgov.org](mailto:julie.rosenberg@sfgov.org)>  
**Subject:** Question about appeals or reviews

Mr. Greene,

How do I appeal or request a review of a determination by a DBI inspector?

Thanks,

Jay Martin

On Mon, Nov 27, 2023 at 4:54 PM Rosenberg, Julie (BOA) <[julie.rosenberg@sfgov.org](mailto:julie.rosenberg@sfgov.org)> wrote:

Thanks, Jay you can include your statement, below, with your brief.

Regarding how to appeal the decision of a building inspector, I am copying Matt Greene, Deputy Director of Inspection Services who can provide you with guidance.

Julie Rosenberg

Executive Director

San Francisco Board of Appeals

[49 South Van Ness Avenue, Suite 1475](#)

[San Francisco, CA 94103](#)

Phone: 628-652-1151

Email: [julie.rosenberg@sfgov.org](mailto:julie.rosenberg@sfgov.org)

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**From:** Jay Martin <[italicize@gmail.com](mailto:italicize@gmail.com)>  
**Sent:** Monday, November 27, 2023 4:49 PM  
**To:** Rosenberg, Julie (BOA) <[julie.rosenberg@sfgov.org](mailto:julie.rosenberg@sfgov.org)>  
**Cc:** Longaway, Alec (BOA) <[alec.longaway@sfgov.org](mailto:alec.longaway@sfgov.org)>  
**Subject:** Re: Appeal No. 23-059 @ 957 Treat Avenue

Ms. Rosenberg,

Please add work beyond the scope of the permit as an additional reason for my appeal of building permit 202311019926.

To whom do I appeal the decision of a DBI inspector?

Thanks,

Jay Martin

On Mon, Nov 27, 2023 at 3:13 PM Rosenberg, Julie (BOA) <[julie.rosenberg@sfgov.org](mailto:julie.rosenberg@sfgov.org)> wrote:

Thank you, Jay. Your statement will be added to the appeal documents. Note: The Board does not have jurisdiction over the complaints that you reference below.

Julie Rosenberg

Executive Director

San Francisco Board of Appeals

49 South Van Ness Avenue, Suite 1475

San Francisco, CA 94103

Phone: 628-652-1151

Email: [julie.rosenberg@sfgov.org](mailto:julie.rosenberg@sfgov.org)

---

**From:** Jay Martin <[italicize@gmail.com](mailto:italicize@gmail.com)>  
**Sent:** Monday, November 27, 2023 2:55 PM  
**To:** Rosenberg, Julie (BOA) <[julie.rosenberg@sfgov.org](mailto:julie.rosenberg@sfgov.org)>  
**Cc:** Longaway, Alec (BOA) <[alec.longaway@sfgov.org](mailto:alec.longaway@sfgov.org)>  
**Subject:** Re: Appeal No. 23-059 @ 957 Treat Avenue

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

Ms. Rosenberg,

I ask the Board of Appeals to review whether DBI properly determined that the applicant was eligible for building permit 202311019926.

Before appealing I asked DBI for information. Maggie Laush of DBI directed me to Corey Teague of Planning, who gave me a nonspecific answer. The answer referred to "updated documentation regarding the partial ownership of the subject lot." The documentation was "review[ed]...and discuss[ed] with colleagues." I asked for details but hadn't received any by the deadline to appeal (or since).

Additionally, I ask the Board of Appeals to review whether DBI properly abated complaint 202315988. The inspector determined, "Reinforcing of fence within scope." The permit only approved, "Replacement of chain link fencing in-kind."

If it were not too late, I would also ask the Board to review the DBI determination in complaints 202313578 (9/19/23) and 202308759 (5/30/23).

Yours,

Jay Martin

On Mon, Nov 27, 2023 at 12:38 PM Rosenberg, Julie (BOA) <[julie.rosenberg@sfgov.org](mailto:julie.rosenberg@sfgov.org)> wrote:

Hi Jay: I just left you a voice message. Please email me the reasons or grounds for your appeal and what action is being requested of the Board. This information is required by the Board Rules (see below). Of course you can elaborate on the reasons in your brief. Please note that this is separate from the optional supplementary statement.

Thank you,

Julie

---

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

**BRIEF SUBMITTED BY THE PERMIT HOLDER(S)**



Joshua A. Ridless (SBN 15413)  
Ridless Law Office  
500 Washington Street, Suite 700  
San Francisco, CA 94111  
TEL (415) 614-2600  
[jr@ridlesslaw.com](mailto:jr@ridlesslaw.com)  
Attorneys for 17th and Peralta, LLC, Permit Holder

**BOARD OF APPEALS FOR THE CITY AND COUNTY OF SAN FRANCISCO**

Jay Martin, Appellant	)	Appeal No. 23-059
	)	
v.	)	<b>Permit Holder’s Reply to Appellant’s Brief for</b>
	)	<b>Appeal No. 23-059</b>
Dept. of Building Inspection, Planning Dept.,	)	<b>Hearing: January 11, 2024 at 5:00 pm</b>
Respondents	)	
	)	
	)	
	)	
	)	
	)	

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To the Board of Appeals, Appellant and Respondents, and their attorneys of record: 17th and Peralta, LLC, hereafter the “Permit Holder”, hereby submits its brief in response to the appeal filed by Mr. Jay Martin, Appellant.

I. Introduction.

This appeal relates to the permit to repair and replace a fence on Permit Holder’s real property. At the time of filing this appeal, Appellant provided no basis or grounds. Subsequently, Appellant submitted a brief requesting that the Board consider whether Permit Holder (i) was eligible for Alteration Permit No. 2023/11/01/9926 (“the permit”) for real property identified as Block 3639, Lot 036B in the books of the San Francisco County Recorder’s Office, commonly known as 957 Treat Avenue, San Francisco, CA 94110, and (ii) exceeded the scope of the permit. On the first question, Appellant provides no evidence at all that the permit was issued in error, and instead asks this Board to find a reason to invalidate it. Appellant’s second question about the scope of the permit also lacks merit, and is answered by DBI Inspector Mauricio Hernandez’s December 19, 2023 email stating that Permit Holder’s repair of the fence was in his opinion within the scope of the permit. (See Appeal No. 23-059 (Exhibit B), also attached here as Ex. C). For the reasons set forth below, Permit Holder respectfully asks the Board to deny Appellant’s baseless appeal and reinstate the permit.

II. Legal Authorities.

A. Permit Holder’s Real Property Interest in 036B.

Permit Holder holds a tenancy in common in the real property identified as Block 3639, Lot 036B in the books of the San Francisco County Recorder’s Office (036B), commonly known as 957 Treat

Avenue, San Francisco, CA 94110. (See Ex. A., Recorded Quitclaim Deeds, and Ex. B, San Francisco County Recorder’s Office’s Change in Ownership Form).<sup>1</sup> This property interest was perfected through four quitclaim deeds granting Permit Holder the interests held by prior owners totaling 15.17% (See Ex. A, Recorded Quitclaim Deeds).

DBI policy requires property owners seeking a permit to provide proof of ownership if there has been a recent transfer of ownership. (See <https://www.sf.gov/gather-documents-your-building-permit-issuance> and DBI’s “Who Can Obtain a Building Permit?” Guidance Sheet available at <https://sfdbi.org/sites/default/files/Who%20Can%20Obtain%20A%20Building%20Permit%20And%20Property%20Owner%20Licensed%20Contractor%20Forms.pdf>). Permit Holder complied with this requirement, and provided documentation of its ownership in 036B that satisfied both DBI and the Planning Department Permit Holder was eligible and entitled to receive the permit. The Assessor’s Office has also determined that Permit Holder has ownership interests in 036B totaling ~15%. (Ex. D, Excerpts of Assessor Records for Parcel 36B).

Appellant does not provide any evidence or rationale that Permit Holder *was not* eligible for the permit. Without such information, the Board (and Permit Holder) can only speculate about whether and how the capable offices of the City Department of Building Inspection and the City Planning Department made a mistake in determining that Permit Holder is eligible for the permit as an owner of 036B. The email correspondence between Appellant and various City personnel (*see* Appeal No. 23-059 (Exhs. B & C)) demonstrates that both DBI and the Planning Department each reviewed the required permit documentation, conferred with one another, and approved the permit based on their office’s diligent review and protocol. Permit Holder is aware of no evidence that that either agency erred in doing so.

(i) Appellant Has No Evidence that Permit Holder Is not a Lawful Owner of 036B, and California Disfavors Such Claims

Although Appellant does not directly challenge the Permit Holder’s ownership interests in 036B, Appellant seems to invite the Board to scrutinize the validity of those interests as part of this appeal. Even if the SF Board of Appeals were the appropriate forum for such a challenge (and it’s not), California courts have long recognized that public policy strongly favors a presumption that a person holding legal title to property is a valid legal owner of that property. The California Supreme Court has said that “[a]llegations . . . that legal title does not represent beneficial ownership have . . . been historically disfavored because society and the courts have a reluctance to tamper with duly executed instruments and documents of legal title.” *Weiner v. Fleischman*, 54 Cal.3d 476, 489 (1991).

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<sup>1</sup> Exhibit A contains six quitclaim deeds, two of which relate to the ownership interests of Eugene T. Jr. & Dorothea Izant, and Helen & Arthur Lambright, who have since passed away. The Lambrights and the Izants both held their Lot 036B interests in their respective individual capacities. The grantors of the quitclaim deeds related to these interests were the adult children of the Lambrights and Izants, who had inherited their estate and assumed the role of trustee of their parents’ trusts. However, the parents had never recorded a deed transferring their interest in Lot 036B to their respective trusts, and because neither trust was on the chain of title, the Assessor Recorder’s Office did not recognize the grants from the trustees of those trusts. This was not the case as to the other four quitclaimed deeds for Lot 036B, which have been recognized by the Assessor Recorder’s Office (See Ex. E, Excerpts of Assessor Records for Parcel 36B, evidencing that the Assessor-Recorder’s Office has a process for validating quitclaim deeds, and has validated four of the six deeds).

(ii) A Tenant in Common has the Right to Enjoyment of the Entire Estate.

To the extent this appeal raises a question about Permit Holder's legal entitlement to erect a fence on property it owns in common with others, such a question is easily answered in the affirmative by California law. "Cotenants have the right to the enjoyment of the estate, and to do any act in this connection that is a legitimate exercise of the right." See *Garibaldi v. Garibaldi*, 264 Cal. App. 2d 9, 15 (1968) (tenant in common of large timberland property has the right to cut and sell timber at least to an extent corresponding to his share of the estate). Erection of a fence to protect 036B against trespassers is well within the rights of a cotenant to protect the estate from injury or loss, without authorization from other cotenants. See, e.g., *Perkins v. Chad Development Corp.*, 95 Cal. App. 3d 645, 650 (1979); *Morin v. City Council of City of San Jose*, 109 Cal. App. 2d 268, 271 (1952)).

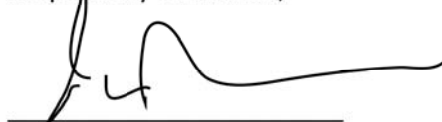
B. Work Performed was within the Scope of the Permit Issued.

The DBI has already confirmed that the features complained of by Appellant "are within the allowable replacement or repair for the fence". (See Ex. C, (Ex. B to Appellant's Brief), Email correspondence from Mr. Mauricio Hernandez, Sr. Building Inspector, dated December 19, 2023). Further, the need for the crossbars and wood planks (which Mr. Hernandez describes as "two pieces of plywood") only arose after the initial replaced fence was vandalized by a masked individual within 48 hours after the fence was replaced.<sup>2</sup> (See Ex. F, photo of fence with plywood reinforcement).

III. Conclusion.

Appellant has failed to provide any support for his two contentions, and, notwithstanding Hitchens Razor, that "what can be asserted without evidence can also be dismissed without evidence", Permit Holder has established that there is no merit to this appeal, and respectfully requests that this Board dismiss the appeal and restore the permit.

Respectfully submitted,



Joshua A. Ridless, counsel for Permit Holder, 17<sup>th</sup> & Peralta, LLC

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<sup>2</sup> There is a long history between Appellant and the owners of Permit Holder, which has led to a restraining order being issued against Appellant related to past acts of violence and provocation, as well as a small claims judgment against Appellant for the destruction of personal property. (See Ex. E, Restraining Order, and Ex. F, Small Claims Judgment).

**EXHIBIT A**

Quitclaim Deeds

Recording Requested By:

17<sup>th</sup> & Peralta LLC

When recorded mail document ~~doc & tax~~ documents to:

17<sup>th</sup> & Peralta, LLC  
1611 17<sup>th</sup> St.  
Oakland CA 94607



Doc # 2023072649

City and County of San Francisco  
Joaquin Torres, Assessor - Recorder

10/6/2023	10:16:58 AM	Fees	\$27.00
Pages 2	Title 001 NH	Taxes	\$5.00
Customer 001		Other	\$0.00
		SB2 Fees	\$0.00
		Paid	\$32.00

APNs: 3639-036A, 3639-036B, 3639-036C

Above Space for Recorder's Use Only

### QUITCLAIM DEED

THE UNDERSIGNED GRANTOR(S) DECLARE(S)

DOCUMENTARY TRANSFER TAX IS ~~\$0.00~~ 5.00

- computed on full value of property conveyed; or
- computed on full value of items or encumbrances remaining at time of sale;
- Unincorporated area  City of San Francisco

JO ANNE B. LAKE, Grantor, does hereby remise, release and forever quitclaim to 17<sup>TH</sup> & PERALTA, LLC, Grantee, all of Grantor's rights and interests in the following real property:

957 Treat Avenue, San Francisco, CA 94110, referred to as Lots 036A, 036B, and 036C, Block 3639 of the San Francisco Assessor's Records (More particularly described in Exhibit A attached hereto).

Executed this 25 day of August, 2023

JO ANNE B. LAKE

Jo Anne B. Lake

PRINTED NAME & TITLE OF SIGNATOR

[Signature]

SIGNATURE

STATE OF FLORIDA }  
COUNTY OF SAINT JOHNS }

On August 25<sup>th</sup>, 2023 before me, Marian Vollarario, personally appeared Jo Anne B. Lake, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

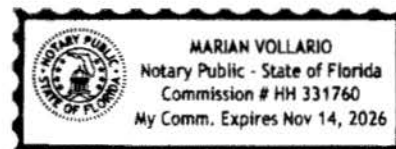
WITNESS my hand and official seal.

Marian Vollarario

Notary Public

Marian Vollarario

Joanne B. Lake presented to me Florida Identification Card as proof of ID.



### **EXHIBIT A**

“PARCEL A” – COMMENCING at a point on the Easterly line of Treat Avenue, distant thereon 150 feet northerly from the northerly line of 23rd Street; running thence northerly along the easterly line of Treat Street 110 feet; thence at a right angle Easterly 122 feet and 6 inches; thence at a right angle easterly 122 feet and 6 inches; thence at a right angle southerly 110 feet; and thence at a right angle westerly 122 feet 6 inches to easterly line of Treat Street and the point of commencement. Being part of Mission Block Number 139.

“PARCEL B” – BEGINNING at a point on the Easterly line of Treat Avenue, distant thereon 260 feet northerly from the northerly line of 23rd Street; running thence easterly at a right angle along said line of Treat Avenue 105 feet 4 inches, more or less, to the Southeasterly line of the right of way of the Southern Pacific Railroad Company which line is also the northwesterly line of the parcel of land described in the deed from Grace M. Crim, et al., to J. Gensler dated February 19, 1936, recorded March 6, 1936 in Book 2906 of Official Records, Page 253, in the Office of the Recorder of the City and County of San Francisco, State of California; thence southwesterly along said Southeasterly right of way line and along the northwesterly line of the parcel described in said deed to the easterly line of Treat Avenue thence northerly along said line of Treat Avenue, 102 feet and 6 inches, more or less, to the point of beginning. Being a portion of Mission Block 139. Subject to rights of way.

Recording Requested By:

17<sup>th</sup> & Peralta LLC

When recorded mail document to:

17<sup>th</sup> & Peralta, LLC  
1611 17<sup>th</sup> St.  
Oakland CA 94607



Doc # **2023078435**

City and County of San Francisco  
Joaquin Torres, Assessor – Recorder

10/20/2023	2:06:32 PM	Fees	\$30.00
Pages 3	Title 001	GS Taxes	\$10.00
Customer 001		Other	\$0.00
		SB2 Fees	\$0.00
		Paid	\$40.00

APNs: 3639-036A, 3639-036B, 3639-036C

Above Space for Recorder's Use Only

### QUITCLAIM DEED

**THE UNDERSIGNED GRANTOR(S) DECLARE(S)  
DOCUMENTARY TRANSFER TAX IS \$10.00**

- computed on full value of property conveyed; or
- computed on full value of items or encumbrances remaining at time of sale;
- Unincorporated area  City of San Francisco

**MUSICAL ARTS ASSOCIATION, INC. DBA THE CLEVELAND ORCHESTRA,**  
Grantor, does hereby remise, release and forever quitclaim to 17<sup>TH</sup> & PERALTA, LLC,  
Grantee, all of Grantor's rights and interests in the following real property:

**957 Treat Avenue, San Francisco, CA 94110, referred to as Lots 036A, 036B, and 036C,  
Block 3639 of the San Francisco Assessor's Records (More particularly described in  
Exhibit A attached hereto).**

Executed this 3<sup>rd</sup> day of OCTOBER 2023 **MUSICAL ARTS ASSOCIATION, INC. DBA  
THE CLEVELAND ORCHESTRA**

JAMES E. MOKER CFO  
PRINTED NAME & TITLE OF SIGNATOR

SIGNATURE

STATE OF OHIO

COUNTY OF CUYAHOGA

On October 3, 2023 before me, Delores Perry,  
a Notary Public in and for said County and State, personally appeared  
JAMES E. MENLOZ, the CFO of  
MUSICAL ARTS ASSOCIATION, INC. DBA THE CLEVELAND ORCHESTRA, Grantor,  
being personally known to me (or proved to me on the basis of satisfactory evidence) to be the  
person(s) whose name(s) is subscribed herein and acknowledged that he/she/they executed the  
same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the  
instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the  
instrument for the uses and purposes set forth therein.

WITNESS my hand and official seal.

Delores Perry

October 3, 2023



DELORES PERRY  
Notary Public  
State of Ohio  
My Comm. Expires  
August 11, 2026



## **EXHIBIT A**

“PARCEL A” – COMMENCING at a point on the Easterly line of Treat Avenue, distant thereon 150 feet northerly from the northerly line of 23rd Street; running thence northerly along the easterly line of Treat Street 110 feet; thence at a right angle Easterly 122 feet and 6 inches; thence at a right angle easterly 122 feet and 6 inches; thence at a right angle southerly 110 feet; and thence at a right angle westerly 122 feet 6 inches to easterly line of Treat Street and the point of commencement. Being part of Mission Block Number 139.

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Recording Requested By:

17<sup>th</sup> & Peralta LLC

When recorded mail document to:

17<sup>th</sup> & Peralta, LLC  
1611 17<sup>th</sup> St.  
Oakland CA 94607



Doc # **2023078432**

City and County of San Francisco  
Joaquin Torres, Assessor – Recorder

10/20/2023	2:06:30 PM	Fees	\$30.00
Pages 3	Title 001	Taxes	\$10.00
Customer 001		Other	\$0.00
		SB2 Fees	\$0.00
		Paid	\$40.00

APNs: 3639-036A, 3639-036B, 3639-036C

Above Space for Recorder's Use Only

**QUITCLAIM DEED**

**THE UNDERSIGNED GRANTOR(S) DECLARE(S)  
DOCUMENTARY TRANSFER TAX IS \$0.00**

- computed on full value of property conveyed; or
- computed on full value of items or encumbrances remaining at time of sale;
- Unincorporated area  City of San Francisco

**HATHAWAY BROWN SCHOOL**, Grantor, does hereby remise, release and forever quitclaim to **17<sup>TH</sup> & PERALTA, LLC**, Grantee, all of Grantor's rights and interests in the following real property:

**957 Treat Avenue, San Francisco, CA 94110, referred to as Lots 036A, 036B, and 036C, Block 3639 of the San Francisco Assessor's Records (More particularly described in Exhibit A attached hereto).**

Executed this 30<sup>th</sup> day of August, 2023

HATHAWAY BROWN SCHOOL

Lauren A. Gibson - CFO/COO  
PRINTED NAME & TITLE OF SIGNATOR

SIGNATURE

STATE OF OHIO

COUNTY OF CUYAHOGA

On 8-30-23 before me, ROBERT B WELTMAN  
a Notary Public in and for said County and State, personally appeared  
LAWTON GYBSON, the CFUGO of  
HATHAWAY BROWN SCHOOL, Grantor, being personally known to me (or proved to me on  
the basis of satisfactory evidence) to be the person(s) whose name(s) is subscribed herein and  
acknowledged that he/she/they executed the same in his/her/their authorized capacity(ies), and  
that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of  
which the person(s) acted, executed the instrument for the uses and purposes set forth therein.

WITNESS my hand and official seal.



ROBERT M. WELTMAN, Attorney At Law  
Notary Public - State of Ohio  
My commission has no expiration date.  
Section 147.03 R.C.

### EXHIBIT A

“PARCEL A” – COMMENCING at a point on the Easterly line of Treat Avenue, distant thereon 150 feet northerly from the northerly line of 23rd Street; running thence northerly along the easterly line of Treat Street 110 feet; thence at a right angle Easterly 122 feet and 6 inches; thence at a right angle easterly 122 feet and 6 inches; thence at a right angle southerly 110 feet; and thence at a right angle westerly 122 feet 6 inches to easterly line of Treat Street and the point of commencement. Being part of Mission Block Number 139.

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Recording Requested By:

17<sup>th</sup> & Peralta LLC

When recorded mail document to:

17<sup>th</sup> & Peralta, LLC  
1611 17<sup>th</sup> St.  
Oakland CA 94607



Doc # 2023078431

City and County of San Francisco

Joaquin Torres, Assessor – Recorder

10/20/2023	2:06:29 PM	Fees	\$30.00
Pages 3	Title 001	GS Taxes	\$10.00
Customer 001		Other	\$0.00
		SB2 Fees	\$0.00
		Paid	\$40.00

APNs: 3639-036A, 3639-036B, 3639-036C

Above space for Recorder's Use Only

**QUITCLAIM DEED**

**THE UNDERSIGNED GRANTOR(S) DECLARE(S)  
DOCUMENTARY TRANSFER TAX IS \$10.00**

- computed on full value of property conveyed; or
- computed on full value of items or encumbrances remaining at time of sale;
- Unincorporated area  City of San Francisco

**CLEVELAND BOTANICAL GARDEN FKA GARDEN CENTER OF CLEVELAND OHIO**, Grantor, does hereby remise, release and forever quitclaim to **17<sup>TH</sup> & PERALTA, LLC**, Grantee, all of Grantor's rights and interests in the following real property:

**957 Treat Avenue, San Francisco, CA 94110, referred to as Lots 036A, 036B, and 036C, Block 3639 of the San Francisco Assessor's Records (More particularly described in Exhibit A attached hereto).**

Executed this 21<sup>st</sup> day of September, 2023

CLEVELAND BOTANICAL GARDEN FKA  
GARDEN CENTER OF CLEVELAND OHIO

*Kathleen Hefflin, CFO & Treasurer*

PRINTED NAME & TITLE

*Kathleen Hefflin*

SIGNATURE

STATE OF OHIO  
COUNTY OF LAKE

On September 21, 2023 before me, Margaret Butzow,  
a Notary Public in and for said County and State, personally appeared  
Kathleen Heflin, the CFO + Treasurer of  
CLEVELAND BOTANICAL GARDEN FKA GARDEN CENTER OF CLEVELAND OHIO,  
Grantor, being personally known to me (or proved to me on the basis of satisfactory evidence) to  
be the person(s) whose name(s) is subscribed herein and acknowledged that he/she/they executed  
the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the  
instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the  
instrument for the uses and purposes set forth therein.

WITNESS my hand and official seal.

  
\_\_\_\_\_



MARGARET BUTZOW  
Notary Public  
State of Ohio  
My Comm. Expires  
March 10, 2027

## EXHIBIT A

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Recording Requested By:

17<sup>th</sup> & Peralta LLC

When recorded mail document to:

17<sup>th</sup> & Peralta, LLC  
1611 17<sup>th</sup> St.  
Oakland CA 94607

City and County of San Francisco  
Joaquin Torres, Assessor – Recorder

10/20/2023	2:06:31 PM	Fees	\$27.00
Pages	2	Title 001 GS Taxes	\$5.00
Customer	001	Other	\$0.00
		SB2 Fees	\$0.00
		Paid	\$32.00

APNs: 3639-036A, 3639-036B, 3639-036C

Above Space for Recorder's Use Only

**QUITCLAIM DEED**

**THE UNDERSIGNED GRANTOR(S) DECLARE(S)  
DOCUMENTARY TRANSFER TAX IS \$0.00**

- computed on full value of property conveyed; or
- computed on full value of items or encumbrances remaining at time of sale;
- Unincorporated area  City of San Francisco

Grantor, **ARTHUR M. LAMBRIGHT TRUST, THROUGH ITS EXECUTOR LESLEY L. LAMBRIGHT**, does hereby remise, release and forever quitclaim to **17<sup>TH</sup> & PERALTA, LLC**, Grantee, all of Grantor's rights and interests in the following real property:

**957 Treat Avenue, San Francisco, CA 94110, referred to as Lots 036A, 036B, and 036C, Block 3639 of the San Francisco Assessor's Records (More particularly described in Exhibit A attached hereto).**

Executed this 1 day of September, 2023

ARTHUR M. LAMBRIGHT TRUST

*Lesley L. Lambright*  
LESLEY L. LAMBRIGHT, executor of AND trustee of  
ARTHUR M. LAMBRIGHT TRUST

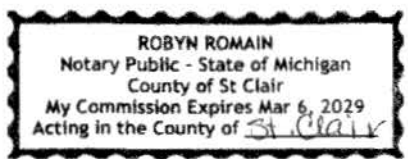
*Lesley L. Lambright*  
SIGNATURE

STATE OF \_\_\_\_\_ )  
COUNTY OF St. Clair )

On September 1st 2023 before me, Robyn Romain, personally appeared Lesley L. Lambright, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

*Robyn Romain*  
Notary Public





## EXHIBIT A

“PARCEL A” – COMMENCING at a point on the Easterly line of Treat Avenue, distant thereon 150 feet northerly from the northerly line of 23rd Street; running thence northerly along the easterly line of Treat Street 110 feet; thence at a right angle Easterly 122 feet and 6 inches; thence at a right angle easterly 122 feet and 6 inches; thence at a right angle southerly 110 feet; and thence at a right angle westerly 122 feet 6 inches to easterly line of Treat Street and the point of commencement. Being part of Mission Block Number 139.

“PARCEL B” – BEGINNING at a point on the Easterly line of Treat Avenue, distant thereon 260 feet northerly from the northerly line of 23rd Street; running thence easterly at a right angle along said line of Treat Avenue 105 feet 4 inches, more or less, to the Southeasterly line of the right of way of the Southern Pacific Railroad Company which line is also the northwesterly line of the parcel of land described in the deed from Grace M. Crim, et al., to J. Gensler dated February 19, 1936, recorded March 6, 1936 in Book 2906 of Official Records, Page 253, in the Office of the Recorder of the City and County of San Francisco, State of California; thence southwesterly along said Southeasterly right of way line and along the northwesterly line of the parcel described in said deed to the easterly line of Treat Avenue thence northerly along said line of Treat Avenue, 102 feet and 6 inches, more or less, to the point of beginning. Being a portion of Mission Block 139. Subject to rights of way.

Recording Requested By:

17<sup>th</sup> & Peralta LLC

When recorded mail document to:

17<sup>th</sup> & Peralta, LLC

1611 17<sup>th</sup> St.

Oakland CA 94607

APNs: 3639-036A, 3639-036B, 3639-036C



Doc # 2023078433

City and County of San Francisco

Joaquin Torres, Assessor - Recorder

10/20/2023	2:06:30 PM	Fees	\$27.00
Pages 2	Title 001	GS Taxes	\$5.00
Customer 001		Other	\$0.00
		SB2 Fees	\$0.00
		Paid	\$32.00

Space for Recorder's Use Only

**QUITCLAIM DEED**

**THE UNDERSIGNED GRANTOR(S) DECLARE(S)**

**DOCUMENTARY TRANSFER TAX IS \$0.00**

- computed on full value of property conveyed; or
- computed on full value of items or encumbrances remaining at time of sale;
- Unincorporated area  City of San Francisco


**EUGENE T. IZANT JR. REVOCABLE LIVING TRUST, THROUGH ITS SUCCESSOR CO-TRUSTEE CHARLES IZANT**, Grantor, does hereby remise, release and forever quitclaim to **17<sup>TH</sup> & PERALTA, LLC**, Grantee, all of Grantor's rights and interests in the following real property:

**957 Treat Avenue, San Francisco, CA 94110, referred to as Lots 036A, 036B, and 036C, Block 3639 of the San Francisco Assessor's Records (More particularly described in Exhibit A attached hereto).**

Executed this 1<sup>st</sup> day of September, 2023

THE EUGENE T. IZANT JR. REVOCABLE LIVING TRUST


CHARLES IZANT, SUCCESSOR CO-TRUSTEE OF THE EUGENE T. IZANT JR. REVOCABLE LIVING TRUST

SIGNATURE 

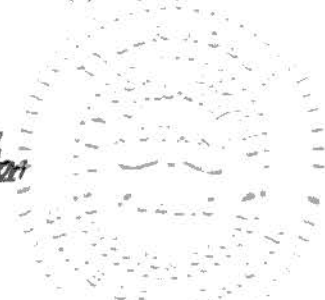
STATE OF Michigan }  
COUNTY OF Livingston }

On September 1st, 2023 before me, Tyler Noble, personally appeared Charles Izant, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

  
Notary Public

TYLER NOBLE  
Notary Public, State of Michigan  
County of Livingston  
My Commission Expires 01-03-2027  
Acting in the County of Livingston



## EXHIBIT A

“PARCEL A” – COMMENCING at a point on the Easterly line of Treat Avenue, distant thereon 150 feet northerly from the northerly line of 23rd Street; running thence northerly along the easterly line of Treat Street 110 feet; thence at a right angle Easterly 122 feet and 6 inches; thence at a right angle easterly 122 feet and 6 inches; thence at a right angle southerly 110 feet; and thence at a right angle westerly 122 feet 6 inches to easterly line of Treat Street and the point of commencement. Being part of Mission Block Number 139.

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**EXHIBIT B**

San Francisco County Recorder's Office's Change in Ownership Form



**Action Required:**  
**Submit the enclosed 1-page form and requested documents within 30 days.**

Dear 17TH & PERALTA LLC:

As you know, my office is responsible for assessing all property in San Francisco County, including change in ownership. To inform this effort, we need information from property owners to ensure that we fairly and accurately assess these transfers. **Please read this letter in its entirety to learn more about the information we need from you.**

**Why am I receiving this letter and form?**

You are being asked to complete the attached Land Change in Ownership Information Form because our records indicate that there was a transfer recorded on your property.

**What do I need to do?**

Please (1) complete the attached Land Change in Ownership Information Form in its entirety and (2) collect the required documentation listed in Section 1 of the form. Any information you submit to us is required to be kept confidential and will not be made available for public inspection.

**Join the majority of property owners who submit this to us within 30 days using one of the following options.**

In care of "ASR Change in Ownership":

Option 1: Scan & Email <small>(preferred)</small>	Option 2: Mail	Option 3: Drop off
Scan your form and documents and email them to <a href="mailto:rp.assessor@sfgov.org">rp.assessor@sfgov.org</a> .	Mail your form and documents to our office at the address in the footer of this letter.	Drop off your form and documents to our office in City Hall Room 190 (1 <sup>st</sup> floor).

**What will happen if I do not respond to this letter?**

If we do not receive a response from you, we will use the information available to us to proactively determine an appropriate assessment for your change in ownership. If you disagree with that determination, you will need to call our office to request an informal assessment review of your property value or file a formal assessment appeal, taking more of your time and energy. **Therefore, please respond within 30 days to ensure we correctly assess your transfer.** Blank or incomplete forms and documentation will not be considered responsive.

**More questions?**

E-mail us at: [rp.assessor@sfgov.org](mailto:rp.assessor@sfgov.org), call 415-554-5596, or visit our website at [www.sfassessor.org](http://www.sfassessor.org)

Sincerely,

Joaquín Torres  
Assessor-Recorder

# Land Change in Ownership Information Form

**Instructions:** Complete and return this form and the required documentation to our office within 30 days. Please fill out this form in its entirety; a returned form that is blank or incomplete will not be considered a response.

**Your property information**

Property Owner's Name:  
17TH & PERALTA LLC  
Assessor's Parcel Number(s):  
3639 036B  
Property Location:  
957 TREAT AVE


## 1) Tell us about your change in ownership on 10/6/2023

Attach	
<input type="checkbox"/>	The purchase agreement and closing statement.
<input type="checkbox"/>	Details on the offer to purchase and any counter offer(s).
<input type="checkbox"/>	If available, please provide a copy of the listing package and marketing brochures.
<input type="checkbox"/>	Details on the financing involved for the purchase.
<input type="checkbox"/>	A copy of any appraisal, cash flow analysis, pro forma worksheets or investment analysis prepared for the acquisition or financing of the subject property.
<input type="checkbox"/>	Use of the property prior to purchase, planned use after the purchase.
<input checked="" type="checkbox"/>	Details on any proposed construction and development of the site.
<input type="checkbox"/>	Details and status of any entitlements included in the purchase.
<input type="checkbox"/>	If any area is leased to a third party, submit a copy of lease.
<input type="checkbox"/>	If this property generates income, provide detailed Income and Expense Statements for the two years prior to the event date.

## 2) How can we contact you?

<b>A) Owner contact information</b>	Owner Email <u>tax@monkeybrains.net</u>	Owner Phone <u>415-974-1313</u>
<b>B) Agent contact information</b>	Agent Contact/Name _____	Agent Company _____
	Agent Email _____	Agent Phone _____

I certify that the foregoing is true, correct, and complete to the best of my knowledge. The Assessor-Recorder's Office may audit this statement for completeness and accuracy and contact you for more information as required.

  
Owner/Agent Signature

11/15/2023  
Date

**REQUEST FOR INFORMATION**

**SEE ENCLOSED LETTER**

This request for information is being made by the assessor pursuant to the authority granted by Revenue and Taxation Code section 441(d). This provision requires you to comply.

NAME AND MAILING ADDRESS  
 (Make necessary corrections to the printed name and mailing address.)

17TH & PERALTA LLC  
 1611 17TH ST  
 OAKLAND, CA 94607

DATE OF REQUEST 11/6/2023		DUE DATE FOR REQUESTED INFORMATION 12/6/2023		
STREET ADDRESS OR PHYSICAL LOCATION OF THE PROPERTY 957 TREAT AVE		CITY SAN FRANCISCO	STATE CA	ZIP 94110
ASSESSOR'S PARCEL NUMBER 3639 036B				
ACCOUNT NUMBER/ASSESSMENT NUMBER				
EVENT DATE 10/6/2023		EVENT TYPE CHANGE IN OWNERSHIP		

SEE ENCLOSURE FOR THE LIST OF INFORMATION SPECIFICALLY BEING REQUESTED. IF YOU ARE UNCERTAIN AS TO WHAT INFORMATION IS BEING REQUESTED OR NEED MORE TIME TO COMPLY WITH THE REQUEST, PLEASE CONTACT THE ASSESSOR'S OFFICE EMPLOYEE WHOSE NAME AND CONTACT INFORMATION APPEAR ON THE ENCLOSURE.

Is this request being made in conjunction with an assessment appeal hearing?

NO

YES If yes, please complete the following:

Assessment Appeal Application number(s), if assigned: \_\_\_\_\_

Applicant: \_\_\_\_\_

Hearing date, if scheduled: \_\_\_\_\_

Type of assessment being appealed: \_\_\_\_\_

Various provisions in the Revenue and Taxation Code grant assessors the authority to obtain information to fulfill their assessment duties. This request for information is made pursuant to the authority granted by Revenue and Taxation Code section 441, subdivision (d), which states:

(1) At any time, as required by the assessor for assessment purposes, every person shall make available for examination information or records regarding their property or any other personal property located on premises they own or control. In this connection details of property acquisition transactions, construction and development costs, rental income, and other data relevant to the determination of an estimate of value are to be considered as information essential to the proper discharge of the assessor's duties.

**EXHIBIT C**

Email correspondence from Mr. Mauricio Hernandez, Sr. Building Inspector, dated December 19, 2023





Jay Martin &lt;italicize@gmail.com&gt;

---

## Question about appeals or reviews

---

**Hernandez, Mauricio (DBI)** <mauricio.hernandez@sfgov.org>  
To: Jay Martin <italicize@gmail.com>

Tue, Dec 19, 2023 at 11:16 AM

Hello Mr. Martin,

Yesterday when I visited the site I notice that one of the gates is covered by two pieces of plywood so I'm not sure if the work is completed, also the permit is suspended therefore the permit holder cannot call for any inspections and the district inspector is not able to perform inspection to verify if all the work is complete or if needs items to be corrected.

In my opinion the horizontal supports are within the allowable replacement or repair for the fence. As per my previous response, the routing does not seem to have any historical restrictions so if the permit holder wants to add extra support to the frame of this fence then there is no separate permit required

Thank you,

Mauricio Hernandez

Senior Building Inspector

**49 South Van Ness Ave SF 94103**

Direct 628 652 3440

**From:** Jay Martin <italicize@gmail.com>  
**Sent:** Tuesday, December 19, 2023 9:48 AM  
**To:** Hernandez, Mauricio (DBI) <mauricio.hernandez@sfgov.org>  
**Subject:** Re: Question about appeals or reviews

Mr. Hernandez,

Thank you for reviewing the fence work at [957 Treat Avenue](#). You're right about the criteria of in-kind, of course, but what about the criteria of replacement? The application and permit were for replacement.

In the attached photo, nothing was being replaced, only added. Did the work in the photo need a separate permit for adding horizontal bracing?

Thanks,

Jay Martin

**EXHIBIT D**

Excerpts of Assessor Records for Parcel 36B

B07071

Ownership History

12/22/2023

Vol	Apn	Block	Lot	Lo Adr	Hi Adr	DR	Street Name	Type	Room Num	TRA	Nghborhd	Class		
24	3639		036 B	957			TREAT	AVE			09-C	VCI		
				957 TREAT AVE										

O As Of 12/22/2023 =====

17TH & PERALTA LLC	Percent	4.4606	Valdat	10/20/2023
1611 17TH ST			Effctiv	10/20/2023
OAKLAND CA 94607			Retire	99/99/9999

O As Of 12/22/2023 =====

17TH & PERALTA LLC	Percent	4.4606	Valdat	10/20/2023
1611 17TH ST			Effctiv	10/20/2023
OAKLAND CA 94607			Retire	99/99/9999

O As Of 12/22/2023 =====

17TH & PERALTA LLC	Percent	4.4606	Valdat	10/20/2023
1611 17TH ST			Effctiv	10/20/2023
OAKLAND CA 94607			Retire	99/99/9999

More...

F1=Help F3=Exit/Save F7=Situs F9=Full Scr F10=Full Vw F11=Full Hst F12=Cncl

B07071

Ownership History

12/22/2023

Vol	Apn	Block	Lot	Lo Adr	Hi Adr	DR	Street Name	Type	Room Num	TRA	Nghborhd	Class
24	3639		036 B				TREAT	AVE			09-C	VCI
				957								
				957			TREAT AVE					

O As Of 12/22/2023 =====

17TH & PERALTA LLC	Percent	1.7888	Valdat	10/06/2023
1611 17TH ST			Effctiv	10/06/2023
OAKLAND CA 94607			Retire	99/99/9999

O As Of 12/22/2023 =====

CRIM WILLIAM HENRY III	Percent	13.5417	Valdat	3/01/1975
5120 CLEAR CREEK RD			Effctiv	1/01/2007
PLACERVILLE CA 95667			Retire	99/99/9999

O As Of 12/22/2023 =====

READY BETTY CRIM	Percent	13.5417	Valdat	3/01/1975
257 IVY PL			Effctiv	1/01/2007
ORINDA CA 94563			Retire	99/99/9999

More...

F1=Help F3=Exit/Save F7=Situs F9=Full Scr F10=Full Vw F11=Full Hst F12=Cncl

**EXHIBIT E**  
Restraining Order

Workplace Violence Restraining Order After Hearing

Clerk stamps date here when form is filed.

FILED San Francisco County Superior Court

OCT 09 2023

CLERK OF THE COURT

BY: [Signature] Deputy Clerk

1 Petitioner (Employer)

a. Name: Another Corporate ISP, LLC, DBA Monkeybrains
Lawyer for Petitioner (if any, for this case)
Name: Lisa Pinelli State Bar No.:322425
Firm Name: Lvovich & Szucsko PC
b. Your Address (If you have a lawyer, give your lawyer's information.)
Address: 50 Osgood Place #500
City: San Francisco State: CA Zip: 94133
Telephone: 415-392-2560 Fax:
Email Address:

Fill in court name and street address:

Superior Court of California, County of San Francisco

400 McAllister Street
San Francisco, CA 94102

2 Employee (Protected Person)

Full Name: Rudy Rucker

Court fills in case number when form is filed.

Case Number:
CCH-23-585730

3 Respondent (Restrained Person)

(Give all the information you know. Information with a star (\*) is required to add this order to the California police database. If age is unknown, give an estimate.)

\*Full Name: Jay Martin \*Age: 58 Date of Birth:
\*Race: Caucasian Height: 5'10" Weight: 190 lb Hair Color: White Eye Color: Brown
\*Gender: [X] M [ ] F [ ] Nonbinary Home Address: 2784 22nd Street
City: San Francisco State: CA Zip: 94110
Relationship to Protected Person:

4 [X] Additional Protected Persons

In addition to the employee, the following family or household members or other employees are protected by the temporary orders indicated below:

Table with 4 columns: Full Name, Gender, Age, Household Member?, Relation to employee. Row 1: Alejandro Menendez, M, 49, [ ] Yes [X] No, Co-employee.

[ ] Additional protected persons are listed at the end of this Order on Attachment 4.

5 Expiration Date

This Order, except for any award of lawyer's fees, expires at

Date: October 9, 2026 Time: 9:00 [X] a.m. [ ] p.m.

If no expiration date is written here, this Order expires three years from the date of issuance.

This is a Court Order.



**6 Hearing**

- a. There was a hearing on (date): Oct 9, 2023 at (time): 10:00 AM in Dept.: 505 Room: 505  
(Name of judicial officer): Honorable Lydia M Villareall made the orders at the hearing.
- b. These people were at the hearing:
  - (1)  The petitioner/employer (name): Another Corporate ISP, LLC DBA MonkeyBrains
  - (2)  The lawyer for the petitioner/employer (name): Lisa A Pinelli, Esq.
  - (3)  The employee      (4)  The lawyer for the employee (name): \_\_\_\_\_
  - (5)  The respondent      (6)  The lawyer for the respondent (name): \_\_\_\_\_
  - Additional persons present are listed at the end of this Order on Attachment 6b.
- c.  The hearing is continued. The parties must return to court on (date): \_\_\_\_\_ at (time): \_\_\_\_\_.

**To the Respondent:**

The court has granted the orders checked below. If you do not obey these orders, you can be arrested and charged with a crime. You may be sent to jail for up to one year, pay a fine of up to \$1,000, or both.

**7 Personal Conduct Orders**

- a. You are ordered not do the following things to the employee
  - and to the other protected persons listed in (4):
    - (1)  Harass, molest, strike, assault (sexually or otherwise), batter, abuse, destroy personal property of, or disturb the peace of the person.
    - (2)  Commit acts of violence or make threats of violence against the person.
    - (3)  Follow or stalk the person during work hours or to or from the place of work.
    - (4)  Contact the person, either directly or indirectly, in any way, including, but not limited to, in person, by telephone, in writing, by public or private mail, by interoffice mail, by email, by text message, by fax, or by other electronic means.
    - (5)  Enter the person's workplace.
    - (6)  Take any action to obtain the person's address or locations. If this item is not checked, the court has found good cause not to make this order.
    - (7)  Other (specify):  
 Other personal conduct orders are attached at the end of this Order on Attachment 7a(7).  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- b. Peaceful written contact through a lawyer or a process server or other person for service of legal papers related to a court case is allowed and does not violate this order.

**This is a Court Order.**



**8 Stay-Away Orders**

a. You must stay at least 5 yards away from (*check all that apply*):

- (1)  The employee. (7)  The employee's children's place of child care.  
(2)  Each other protected person listed in (4). (8)  The employee's vehicle.  
(3)  The employee's workplace. (9)  Other (*specify*):  
(4)  The employee's home. \_\_\_\_\_  
(5)  The employee's school. \_\_\_\_\_  
(6)  The employee's children's school. \_\_\_\_\_

b. This stay-away order does not prevent you from going to or from your home or place of employment.

**9 No Firearms (Guns), Firearm Parts, or Ammunition**

a. You cannot own, possess, have, buy or try to buy, receive or try to receive, or in any other way get any prohibited items listed below in b.

b. Prohibited items are:

- (1) Firearms (guns);  
(2) Firearm parts, meaning receivers, frames, or any item that may be used as or easily turned into a receiver or frame (see Penal Code section 16531); and  
(3) Ammunition.

c. If you have not already done so, you must:

- Within 24 hours of being served with this Order, sell to or store with a licensed gun dealer, or turn in to a law enforcement agency, any firearms (guns) and firearm parts in your custody or control or that you possess or own.
- File a receipt with the court within 48 hours of receiving this Order that proves that your firearms (guns) and firearm parts have been turned in, sold, or stored. (You may use *Receipt for Firearms and Firearm Parts* (form WV-800) for the receipt.)

d.  The court has received information that you own or possess a firearm (gun), firearm parts, or ammunition.

e.  The court has made the necessary findings and applies the firearm relinquishment exemption under Code of Civil Procedure section 527.9(f). Under California law, the person in (3) is not required to relinquish this firearm (*specify make, model, and serial number of firearm(s)*): \_\_\_\_\_

The firearm must be in his or her physical possession only during scheduled work hours and during travel to and from his or her place of employment. Even if exempt under California law, the person in (3) may be subject to federal prosecution for possessing or controlling a firearm.

**This is a Court Order.**





**10**  **Costs**

You must pay the following amounts for costs to the petitioner:

<u>Item</u>	<u>Amount</u>	<u>Item</u>	<u>Amount</u>
_____	\$ _____	_____	\$ _____
_____	\$ _____	_____	\$ _____
_____	\$ _____	_____	\$ _____

Additional amounts are attached at the end of this Order on Attachment 10.

**11**  **Other Orders** (*specify*):

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

Additional orders are attached at the end of this Order on Attachment 11.

**To the Person in 1:**

**12** **Mandatory Entry of Order Into CARPOS Through CLETS**

This Order must be entered into the California Restraining and Protective Order System (CARPOS) through the California Law Enforcement Telecommunications System (CLETS). (*Check one*):

- a.  The clerk will enter this Order and its proof-of-service form into CARPOS.
- b.  The clerk will transmit this Order and its proof-of-service form to a law enforcement agency to be entered into CARPOS.
- c.  By the close of business on the date that this Order is made, the petitioner or the petitioner's lawyer should deliver a copy of the Order and its proof-of-service form to the law enforcement agency listed below to enter into CARPOS:

Name of Law Enforcement Agency

Address (City, State, Zip)

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

Additional law enforcement agencies are listed at the end of this Order on Attachment 12.

**13** **Service of Order on Respondent**

- a.  The respondent personally attended the hearing. No other proof of service is needed.
- b.  The respondent did not attend the hearing.
  - (1)  Proof of service of form WV-110, *Temporary Restraining Order*, was presented to the court. The judge's orders in this form are the same as in form WV-110 except for the expiration date. The respondent must be served with this Order. Service may be by mail.
  - (2)  The judge's orders in this form are different from the temporary restraining orders in form WV-110. Someone—but not the petitioner or anyone protected by this order—must personally serve a copy of this Order on the respondent.

**This is a Court Order.**



**14 No Fee to Serve (Notify) Restrained Person**

The sheriff or marshal will serve this Order without charge because the Order is based on a credible threat of violence or stalking.

**15** Number of pages attached to this Order, if any: \_\_\_\_\_

Date: October 9, 2023

  
\_\_\_\_\_  
Judicial Officer

**Warning and Notice to the Respondent:**

**You Cannot Have Firearms (Guns), Firearm Parts, or Ammunition**

Unless item 9e is checked, you cannot own, have, possess, buy or try to buy, receive or try to receive, or otherwise get any prohibited items listed in item 9b on page 3 while this Order is in effect. If you do, you can go to jail and pay a \$1,000 fine. You must sell to or store with a licensed gun dealer, or turn in to a law enforcement agency, any firearms (guns) and firearm parts that you have or control as stated in item 9 above. The court will require you to prove that you did so.

**Instructions for Law Enforcement**

**Enforcing the Restraining Order**

This Order is enforceable by any law enforcement agency that has received the Order, is shown a copy of the Order, or has verified its existence on the California Restraining and Protective Order System (CARPOS). Agencies are encouraged to enter violation messages into CARPOS. If the law enforcement agency has not received proof of service on the restrained person, and the restrained person was not present at the court hearing, the agency must advise the restrained person of the terms of the Order and then must enforce it. Violations of this Order are subject to criminal penalties.

**Start Date and End Date of Orders**

This Order *starts* on the date next to the judge's signature on page 5 and *ends* on the expiration date in item 5 on page 1.

**If the Protected Person Contacts the Restrained Person**

Even if the protected person invites or consents to contact with the restrained person, this Order remains in effect and must be enforced. The protected person cannot be arrested for inviting or consenting to contact with the restrained person. The orders can be changed only by another court order. (Pen. Code, § 13710(b).)

**This is a Court Order.**



**Conflicting Orders—Priorities for Enforcement**

If more than one restraining order has been issued protecting the protected person from the restrained person, the orders must be enforced in the following priority (see Pen. Code, § 136.2 and Fam. Code, §§ 6383(h)(2), 6405(b)):

1. *Emergency Protective Order (EPO)*: If one of the orders is an *Emergency Protective Order* (form EPO-001), provisions (e.g., stay-away order) that are more restrictive than in the other restraining/protective orders must be enforced. Provisions of another order that do not conflict with the EPO must be enforced.
2. *No-Contact Order*: If a restraining/protective order includes a no-contact order, the no-contact order must be enforced. Item 7a(4) is an example of a no-contact order.
3. *Criminal Protective Order (CPO)*: If none of the orders include an EPO or a no-contact order, the most recent CPO must be enforced. (Fam. Code, §§ 6383(h)(2) and 6405(b).) Additionally, a CPO issued in a criminal case involving charges of domestic violence, Penal Code sections 261, 261.5, or former 262, or charges requiring sex offender registration must be enforced over any civil court order. (Pen. Code, § 136.2(e)(2).) All provisions in the civil court order that do not conflict with the CPO must be enforced.
4. *Civil Restraining Orders*: If there is more than one civil restraining order (e.g., domestic violence, juvenile, elder abuse, civil harassment), then the order that was issued last must be enforced. Provisions that do not conflict with the most recent civil restraining order must be enforced.

Clerk's Certificate  
[seal]

(Clerk will fill out this part.)  
—Clerk's Certificate—

I certify that this *Workplace Violence Restraining Order After Hearing* is a true and correct copy of the original on file in the court.

Date: \_\_\_\_\_ Clerk, by \_\_\_\_\_, Deputy

**This is a Court Order.**

**EXHIBIT F**

Small Claims Judgment

SMALL CLAIMS CASE NO: **CSM-23-867455****NOTICE TO ALL PLAINTIFFS AND DEFENDANTS:**

Your small claims case has been decided. If you lost the case, and the court ordered you to pay money, your wages, money, and property may be taken without further warning from the court. Read the back of this sheet for important information about your rights.

**AVISO A TODOS LOS DEMANDANTES Y DEMANDADOS:**

Su caso ha sido resuelto por la corte para reclamos judiciales menores. Si la corte ha decidido en su contra y ha ordenado que usted pague dinero, le pueden quitar su salario, su dinero, y otras cosas de su propiedad, sin aviso adicional por parte de esta corte. Lea el reverso de este formulario para obtener informacion de importancia acerca de sus derechos.

PLAINTIFF/DEMANDANTE (Name, street address, and telephone number of each)

ANOTHER CORPORATE ISP, LLC  
 286 12TH ST  
 SAN FRANCISCO, CA 94103

Telephone No: (415) 974-1313

DEFENDANT/DEMANDADO (Name, street address, and telephone number of each)

LARA HANNA  
 C/O JAY MARTIN 2784 22ND ST  
 SAN FRANCISCO, CA 94110

Telephone No:

JAY MARTIN  
 2784 22ND ST  
 SAN FRANCISCO, CA 94110

Telephone No:

Telephone No:

See attached sheet for additional plaintiffs and defendants.

**NOTICE OF ENTRY OF JUDGMENT**

Judgment was entered as below on: Dec-12-2023

Defendant

MARTIN, JAY  
 CREELY, ELIZABETH

shall pay plaintiff ANOTHER CORPORATE ISP, LLC  
 \$620.00 principal, \$150.00 costs, and \$.00 interest on plaintiff's claim.

SEE ATTACHED STATEMENT OF DECISION

See judgment at length.

Enforcement of the judgment is automatically postponed for 30 days or, if an appeal is filed, until the appeal is decided.

**NOTICE OF DESTRUCTION OF EXHIBITS PURSUANT TO CCP 1952**

Pursuant to Section 1952 of the Code of Civil Procedure of California, notice is hereby given that the exhibits introduced in the above-entitled proceedings shall be destroyed sixty (60) days after the mailing of the notice of entry of judgment or the final determination of an appeal. You may personally pick up your exhibits at the Small Claims Division or send someone with written authorization to pick them up. Exhibits will not be mailed. Upon written request, the court may preserve exhibits not to exceed one (1) year from the date of this notice.

CLERK'S CERTIFICATE OF MAILING -- I certify that I am not a party to this action. This Notice of Entry of Judgment and Notice of Destruction of Exhibits was mailed first class, postage prepaid, in a sealed envelope to the parties at the addresses shown above. The mailing and this certification occurred at the place and on the date shown below.

Place of mailing: San Francisco, California

Date of mailing: Dec-12-2023

Clerk, by DACARTER, Deputy

-- The county provides small claims advisor services free of charge. Read the information sheet on the reverse. --

SHORT TITLE: ANOTHER CORPORATE ISO, LLC VS. LARA HANNA ET AL.	CASE NUMBER: CSM-23-867455
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ATTACHMENT (Number): 1*(This Attachment may be used with any Judicial Council form.)*

Present at the Dec. 12, 2023 hearing is Plaintiff ANOTHER CORPORATE ISP, LLC via Rudy Rucke ("ACI"), Defendant Jay Martin ("Martin") in his individual capacity and as representative for his spouse Defendant Elizabeth Creely ("Creely"). ACI dismissed without prejudice non-appearing Defendant Lara Hanna and amended its complaint to only seek \$620 worth of property damage from Martin and Creely. Martin and Creely had no objection to ACI's dismissal or amendment.

About May 2023, ACI hired laborers to construct concrete forms for planters ("planters") on land of unknown ownership. None of the parties had any legal ownership of the land, however all parties agree that (1) ACI's planters were exclusively owned by ACI and (2) ACI never gave permission to Martin, Creely or Hanna to alter or exercise any control over the planters.

On May 24, 2023 video and photograph stills of same, show Martin, Creely and Hanna at ACI's planters. It also showed Martin actively altering the planters by stomping on the wooden liners. Martin also testified he also unscrewed the wooden boards and may have lost some of the screws. Creely was also present and acted as "look out" in support of the unauthorized dismantling of the planters. The subsequent physical altercations are not at issue in this claim and therefore are excluded.

ACI paid \$620 to repair the damage caused on May 24, 2023. The labor cost was \$500 and the materials was \$120.

Martin and Creely assert that the planters were not on ACI's property. This is correct but neither Martin nor Creely could establish that they possessed land ownership to argue a right to damage the planters. Martin then shared that he has a ownership claim to the property since he paid property taxes on the land. This alone is insufficient to establish land ownership, and especially when the property taxes was paid around October 2023 well after the May 24, 2023 incident date.

Martin and Creely then argued that the planters were unpermitted and therefore illegal. However this is unrelated to the issue of property damage to ACI's planters. Even if the planters were unpermitted and illegal, this is properly addressed through the city's Department of Building Inspection not by Martin's and Creely's individual behaviors.

Martin and Creely dispute ACI's \$620 repair damages. Martin said it was too much and had no other cost estimate or witness testimony about an alternative damage amount.

Therefore it is ORDERED:

Defendants Martin and Creely jointly and severally shall pay Plaintiff ACI (1) \$620 principal, (2) \$0 interest and (3) \$150 costs.

*(If the item that this Attachment concerns is made under penalty of perjury, all statements in this Attachment are made under penalty of perjury.)*

Page 1 of 1*(Add pages as required)*

<b>INFORMATION AFTER JUDGMENT</b>	<b>INFORMACION DESPUES DEL FALLO DE LA CORTE</b>
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Your small claims case has been decided. The judgment or decision of the court appears on the front of this sheet. The court may have ordered one party to pay money to the other party. The person (or business) who won the case and who can collect the money is called the judgment creditor. The person (or business) who lost the case and who owes the money is called the judgment debtor.

Enforcement of the judgment is postponed until the time for appeal ends or until the appeal is decided. This means that the judgment creditor cannot collect any money or take any action until this period is over. Generally, both parties may be represented by lawyers after judgment.

**IF YOU LOST THE CASE . . .**

1. If you lost the case on your own claim and the court did not award you any money, the court's decision on your claim is FINAL. You may not appeal your own claim.
2. If you lost the case and the court ordered you to pay money, your money and property may be taken to pay the claim unless you do one of the following things:
  - a. **PAY THE JUDGMENT**  
The law requires you to pay the amount of the judgment. You may pay the judgment creditor directly, or pay the judgment to the court for an additional fee. You may also ask the court to order monthly payments you can afford. Ask the clerk for information about these procedures.
  - b. **APPEAL**  
If you disagree with the court's decision, you may appeal the decision on *the other party's claim*. You may not appeal the decision on your own claim. However, if any party appeals, there will be a new trial on *all* the claims. If you appeared at the trial, you *must* begin your appeal by filing a form called a *Notice of Appeal* (form SC-140) and pay the required fees within 30 days after the date this *Notice of Entry of Judgment* was mailed or handed to you. Your appeal will be in the superior court. You will have a new trial and you must present your evidence again. You may be represented by a lawyer.
  - c. **VACATE OR CANCEL THE JUDGMENT**  
If you did not go to the trial, you may ask the court to vacate or cancel the judgment. To make this request, you must file a *Motion to Vacate the Judgment* (form SC-135) and pay the required fee *within 30 days* after the date this *Notice of Entry of Judgment* was mailed. If your request is denied, you then have 10 days from the date the notice of denial was mailed to file an appeal. The period to file the *Motion to Vacate the Judgment* is 180 days if you were *not properly served* with the claim. The 180-day period begins on the date you found out or should have found out about the judgment against you.

**b. VOLUNTARY PAYMENT**

Ask the judgment debtor to pay the money. If your claim was for possession of property, ask the judgment debtor to return the property to you. **THE COURT WILL NOT COLLECT THE MONEY OR ENFORCE THE JUDGMENT FOR YOU.**

**c. STATEMENT OF ASSETS**

If the judgment debtor does not pay the money, the law requires the debtor to fill out a form called the *Judgment Debtor's Statement of Assets* (form SC-133). This form will tell you what property the judgment debtor has that may be available to pay your claim. If the judgment debtor willfully fails to send you the completed form, you may file an *Application and Order to Produce Statement of Assets and to Appear for Examination* (form SC-134) and ask the court to give you your attorney's fees and expenses and other appropriate relief, after proper notice, under Code of Civil Procedure section 708.170.

**d. ORDER OF EXAMINATION**

You may also make the debtor come to court to answer questions about income and property. To do this, ask the clerk for an *Application and Order for Appearance and Examination (Enforcement of Judgment)* (form EJ-125) and pay the required fee. There is a fee if a law officer serves the order on the judgment debtor. You may also obtain the judgment debtors financial records. Ask the clerk for the *Small Claims Subpoena and Declaration* (form SC-107) or *Civil Subpoena Duces Tecum* (form SUBP-002).

**e. WRIT OF EXECUTION**

After you find out about the judgment debtor's property, you may ask the court for a *Writ of Execution* (form EJ-1 30) and pay the required fee. A writ of execution is a court paper that tells a law officer to take property of the judgment debtor to pay your claim. Here are some examples of the kinds of property the officer may be able to take: wages, bank account, automobile, business property, or rental income. For some kinds of property, you may need to file other forms. See the law officer for information.

**f. ABSTRACT OF JUDGMENT**

The judgment debtor may own land or a house or other buildings. You may want to put a lien on the property so that you will be paid if the property is sold. You can get a lien by filing an *Abstract of Judgment* (form EJ-001) with the county recorder in the county where the property is located. The recorder will charge a fee for the *Abstract of Judgment*

**IF YOU WON THE CASE . . .**

1. If you were sued by the other party and you won the case, then the other party may not appeal the court's decision.
2. If you won the case and the court awarded you money, here are some steps you may take to collect your money or get possession of your property:
  - a. **COLLECTING FEES AND INTEREST**  
Sometimes fees are charged for filing court papers or for serving the judgment debtor. These extra costs can become part of your original judgment. To claim these fees, ask the clerk for a *Memorandum of Costs*.

**NOTICE TO THE PARTY WHO WON:** As soon as you have been paid in full, you *must* fill out the form below and mail it to the court *immediately* or you may be fined. If an *Abstract of Judgment* has been recorded, you must use another form; see the clerk for the proper form.

SMALL CLAIMS CASE NO.:

ACKNOWLEDGMENT OF SATISFACTION OF JUDGMENT (*Do not use this form if an Abstract of Judgment has been recorded.*)

To the Clerk of the Court:

I am the  judgment creditor  assignee of record.

I agree that the judgment in this action has been paid in full or otherwise satisfied.

Date:

\_\_\_\_\_

(TYPE OR PRINT NAME) (SIGNATURE)

**EXHIBIT G**

Photo of Fence



PASSENGER  
LOADING ONLY  
8AM TO 4PM  
MON - FRI  
5 MINUTE LIMIT

NO PARKING  
EXCEPT FOR  
LOADING AND  
UNLOADING  
PASSENGERS  
8AM TO 4PM  
MON - FRI



# PUBLIC COMMENT

## Longaway, Alec (BOA)

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**From:** Edward Hasbrouck <edward@hasbrouck.org>  
**Sent:** Friday, January 5, 2024 12:17 PM  
**To:** BoardofAppeals (PAB)  
**Subject:** BOA Appeal No. 23-059, building permit application 202311019926

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

The following comments are submitted in relation to Appeal No. 23-059, building permit application 202311019926, in \*opposition\* to this permit.

I am a neighbor who has resided on Treat Ave. since 1987.

Throughout that time, I have been a regular user of the pre-existing public pedestrian right-of-way between Treat Ave. and 22nd St. through what it now known as the "Mission Greenway".

This easement by adverse possession for a pedestrian right-of-way and for other public uses, has existed continuously since there were railroad tracks through this lot, when I and other pedestrians could and did walk or bicycle through this lot and use it as public open space.

There were gates at Treat Ave. and 22nd St. along the sidewalk at the ends of this and the adjoining lots constituting what is now know as the Greenway. But what I remember is those gates were only occasionally closed, had gaps that permitted pedestrian passage even when they were closed, and could be (and routinely were) easily climbed over by pedestrians. I don't remember ever seeing a "no trespassing" sign or any attempt by either the railroad or abutters to prevent pedestrian passage except at times when trains were passing, which were infrequent.

Any claim to an easement for parking of motor vehicles or storage of other materials on this lot after the railroad ceased to use the tracks would clearly be subject to this prior easement for a pedestrian right-of-way.

I find it ironic that a claimant to new partial ownership of one of the lots along the Greenway, who has based some of their actions and claims on the assertion that there is an unwritten constructive easement for parking vehicles, seems not to have considered the existence or the implications of the pre-existing decades-old constructive easement for other uses.

Unfortunately, the new gate that has been erected since this permit application appears to be intended to illegally extinguish the pedestrian right of passage, without going through proper legal procedures to do so.

The new gate is \*not\* comparable to the old one. It has none of the prior gaps to allow pedestrian passage, and appears to be designed to enable it to be locked (with no emergency opening), and to be harder to climb.

In addition to interfering with the public right of passage, when it is locked the new gate creates an imminent safety hazard for all residents and tenants of the premises for which the Greenway provides essential emergency (rear) egress. This hazard is directly related to the difficulty of pedestrian passage through the gate, which affects those seeking to flee in the event of fire or other emergency just as much as it effects pedestrians seeking to enter or pass through the Greenway.



Edward Hasbrouck  
1130 Treat Ave.  
San Francisco, CA 94110  
phone +1-415-824-0214  
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Edward Hasbrouck

<edward@hasbrouck.org>

<https://url.avanan.click/v2/\_\_\_https://hasbrouck.org\_\_\_YXAzOnNmZHqYOmE6bzpjODNiMzQxOTRmMzU5ZDk4MzdjMThkYTg3NjhkMDNmYTo2OmMzNmQ6Y2RhODkyNDM5MmZjMwIWNWl5NzlyMjMxNGE5YWU0OTRhMmE1NDAYyZy3NjkyYjgzZDQxZWFKOTBhMmE3YjdkNTpwOIQ>

+1-415-824-0214 (voice/Signal)

<https://url.avanan.click/v2/\_\_\_https://mastodon.online/\_@ehasbrouck\_\_\_YXAzOnNmZHqYOmE6bzpjODNiMzQxOTRmMzU5ZDk4MzdjMThkYTg3NjhkMDNmYTo2OmUzYzE6NjQ4OGlyZTI1Y2JiMzcxYWMxM2Y2Y2Q2ZTgwM2ZjZmRmY2YwZWNIMzA2ODNIZThlODZkZTJmNWMxZTllYjg5YTpwOIQ>

Consultant to The Identity Project:

<https://url.avanan.click/v2/\_\_\_https://papersplease.org\_\_\_YXAzOnNmZHqYOmE6bzpjODNiMzQxOTRmMzU5ZDk4MzdjMThkYTg3NjhkMDNmYTo2OmQ0Mjc6NzZkOWY1NjZkZTBmNmYzMTQwYTEzYjM3Y2Q1YmUyY2ZmOTE0MTRjMmEwOWFmZDhlNmMxZWZjYzE3N2I1YjliZDpwOIQ>

Travel privacy, surveillance, civil liberties, & human rights

<https://url.avanan.click/v2/\_\_\_https://hasbrouck.org/articles/travelprivacy.html\_\_\_YXAzOnNmZHqYOmE6bzpjODNiMzQxOTRmMzU5ZDk4MzdjMThkYTg3NjhkMDNmYTo2OmQ5MzQ6ZWY0MmZkYzFhYTdjM2FmMwQ2ZWVlNDg5NGVkyjYjYzpwOIQ>

Travel FAQ's, "How-Tos", & Explainers:

<https://url.avanan.click/v2/\_\_\_https://hasbrouck.org/faq/\_\_\_YXAzOnNmZHqYOmE6bzpjODNiMzQxOTRmMzU5ZDk4MzdjMThkYTg3NjhkMDNmYTo2OjM1YzU6ZTBjN2Q1NGYxN2Y5NjQ4N2UxMzZiMwZlMlMlYjYzpwOIQ>

The Practical Nomad blog:

<https://url.avanan.click/v2/\_\_\_https://hasbrouck.org/blog/\_\_\_YXAzOnNmZHqYOmE6bzpjODNiMzQxOTRmMzU5ZDk4MzdjMThkYTg3NjhkMDNmYTo2OjlkYzYzZjEzZTlhYWl5ODJiMzNhNGVINWl1MwI2MDYwMGU1OWRkNDg1Y2M1NGUyNzhhMzE0NmQ2NDUzMDcwNjhiMjhhNDpwOIQ>

The Practical Nomad's travel newsletter:

<https://url.avanan.click/v2/\_\_\_https://hasbrouck.org/newsletter/\_\_\_YXAzOnNmZHqYOmE6bzpjODNiMzQxOTRmMzU5ZDk4MzdjMThkYTg3NjhkMDNmYTo2OjY1ZWQ6ZTFmZTkYmViMmEwYTJhYmQ2NWlwOWUzZDNIbG1ZDg2ZmY3ODkwZTRhNmNmM2IzYmJmYzY1ZjUyZTEyMDc3YzpwOIQ>

"The Practical Nomad: How to Travel Around the World"

"The Practical Nomad Guide to the Online Travel Marketplace"

<https://url.avanan.click/v2/\_\_\_https://practicalnomad.com\_\_\_YXAzOnNmZHqYOmE6bzpjODNiMzQxOTRmMzU5ZDk4MzdjMThkYTg3NjhkMDNmYTo2OjUxYWU6ZDA4ZjQ1MTE0NGVkbGNTczNzY2MjVjVjMzZjZmMwMTMxYzA1NjA1NjI1ODk5YzA1YWwkbG1ZVINWFmMGI2MzBjNTpwOIQ>