



SAN FRANCISCO PLANNING DEPARTMENT

Discretionary Review Abbreviated Analysis HEARING DATE: NOVEMBER 15, 2018

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

Reception:
415.558.6378

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415.558.6409

Planning
Information:
415.558.6377

Date: November 1, 2018
Case No.: **2015-009733DRP**
Project Addresses: **1026 Clayton St.**
Permit Applications: 2015.0716.1729
Zoning: RH-2[Residential House, Two-Family]
40-X Height and Bulk District
Area Plan: NA
Block/Lot: 1269/043
Project Sponsor: Francis Ryan
1026 Clayton St.
San Francisco, CA 94117
Staff Contact: David Winslow – (415) 575-9159
David.Winslow@sfgov.org
Recommendation: **Do not take DR and approve as proposed**

PROJECT DESCRIPTION

The “project” consists of documentation of existing conditions of permitted work done in 2007 for access stairs and a modest sized roof deck on top of a 1-story garage within the required rear yard per Variance Decision letter 2006.0508V. No additional work is proposed.

SITE DESCRIPTION AND PRESENT USE

1026 Clayton Street is a through-lot with a two-family house fronting Clayton and a 1-story, 2-car garage facing Ashbury Street.

SURROUNDING PROPERTIES AND NEIGHBORHOOD

Due to the geometry of the Ashbury and Clayton streets, this block has a development pattern of buildings on through-lots. The buildings fronting Ashbury (where the garage is located) are 2- to 3-stories with respect to their scale at the street, with a narrow mid-block open space.

BUILDING PERMIT NOTIFICATION

TYPE	REQUIRED PERIOD	NOTIFICATION DATES	DR FILE DATE	DR HEARING DATE	FILING TO HEARING TIME
311 Notice	30 days.	7.26.2018 8.27.2108	08.08. 2018	11.15. 2018	100 days

HEARING NOTIFICATION

TYPE	REQUIRED PERIOD	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUAL PERIOD
Posted Notice	10 days	November 5, 2018	November 5, 2018	10 days
Mailed Notice	10 days	November 5, 2018	November 5, 2018	10 days

PUBLIC COMMENT

	SUPPORT	OPPOSED	NO POSITION
Adjacent neighbor(s)	3	0	0
Other neighbors on the block or directly across the street	1	0	0
Others	4	0	0

DR REQUESTOR

Chris Durkin of 1055 Ashbury, adjacent neighbor directly to the North from the proposed project.

DR REQUESTORS' CONCERNS AND PROPOSED ALTERNATIVES

1. That the original variance was not acted upon in a timely manner with appropriate building permits,
2. And because of that and the presence of the newly constructed DR requestor's building adjacent to the roof deck that a new variance should be sought and justified with consideration of unspecified impacts to the DR requestor's property.

See attached *Discretionary Review Application*, dated August 8, 2018.

PROJECT SPONSOR'S RESPONSE TO DR APPLICATION

The project has been built since 2007 and DR requestor bought in to an existing and long-standing condition. The Building Permit Application is solely to document work performed and approved, as directed by the Abatement Appeals Board, on November 28, 2016. The project sponsor contends that the DR request is retaliatory. The project is compliant with the Planning Code and standards.

See attached *Response to Discretionary Review*, dated November 1, 2018.

ENVIRONMENTAL REVIEW

The Department has determined that the proposed project is not defined as a project under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Sections 15378 and 15060(c)(2) because it does not result in a direct or indirect physical change in the environment.

DEPARTMENT REVIEW

The Zoning Administrator has determined that the 2006 Variance Decision Letter (Case No. 2006.0508V) issued on October 11, 2006 remains valid and the work performed consistent with the approval.

The DR requestor came to an existing physical condition, that is typical- neither exceptional nor extraordinary - in its circumstance or impacts and was able to build a residential building in a similar location with no evidence of impact to light, privacy or other encumbrance from the roof deck.

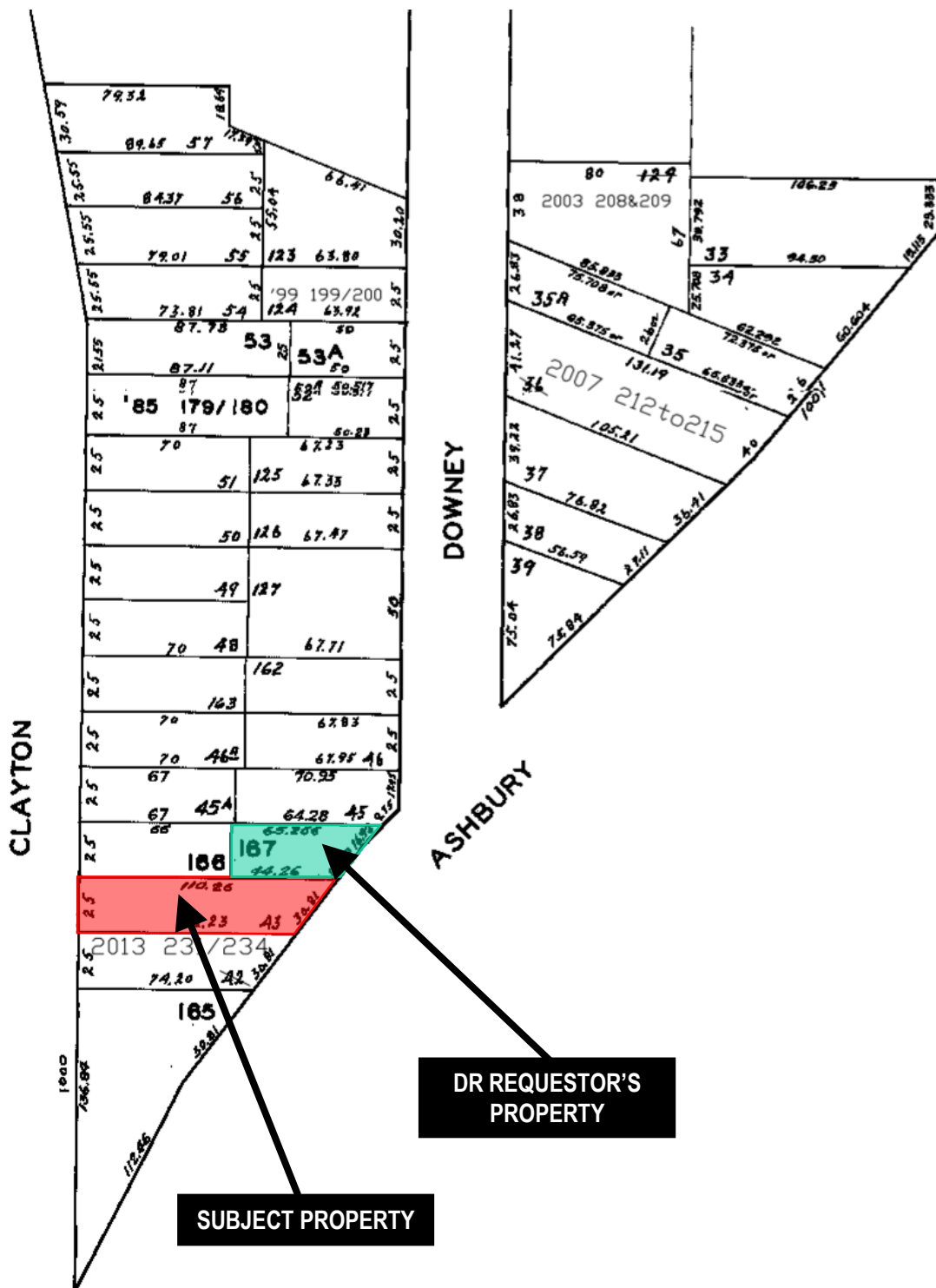
RECOMMENDATION:	Do not take DR and approve project as proposed
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Attachments:

Block Book Map
Sanborn Map
Zoning Map
Aerial Photographs
Context Photographs
311 Plans
Section 311 Notice
CEQA Determination
Variance Decision Letter
DR Application
Response to DR Application dated October 4, 2018
Letters of support for project sponsor

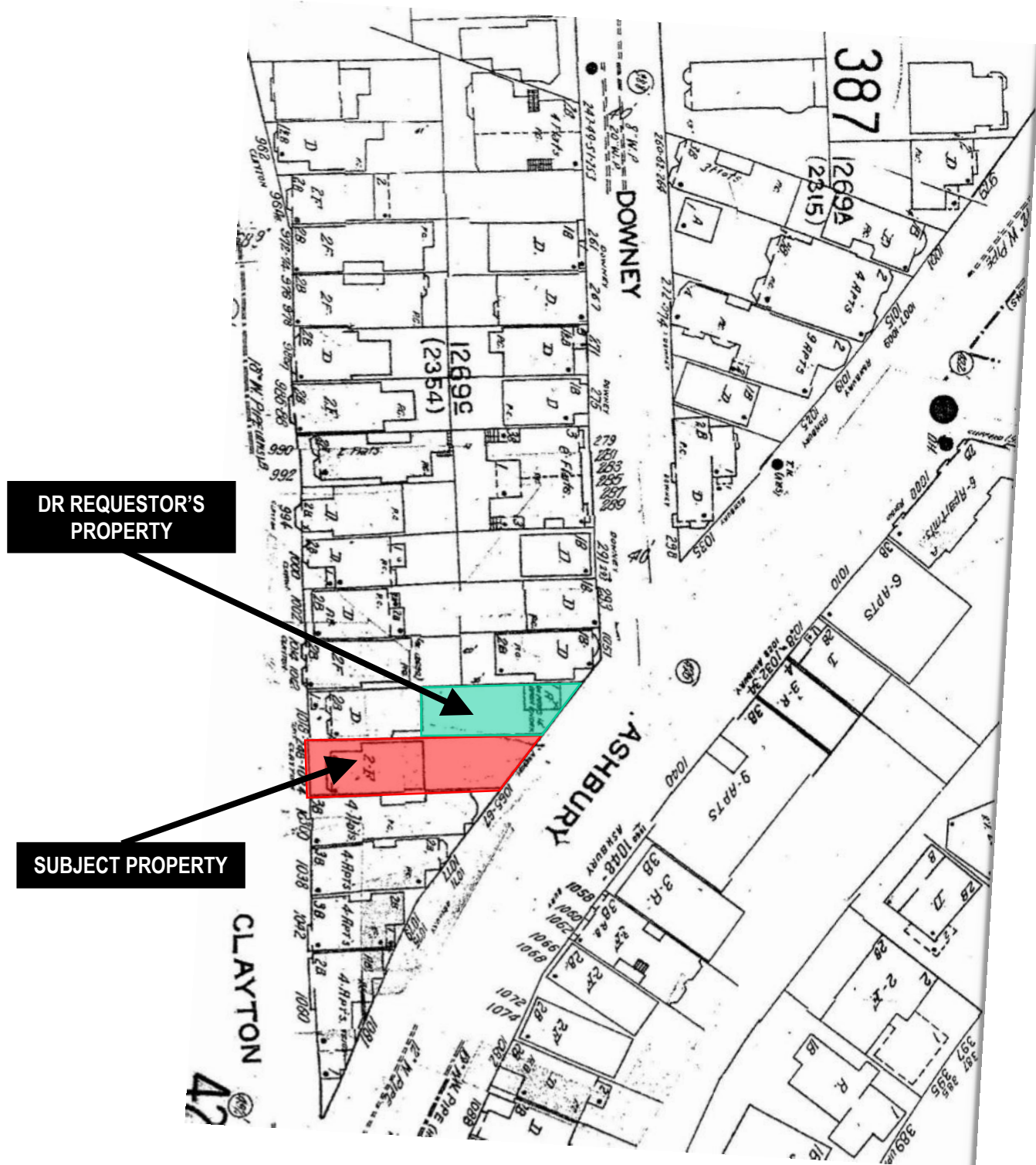
Exhibits

Parcel Map



Discretionary Review Hearing
Case Number 2015-009733DRP
1026 Clayton Street

Sanborn Map*

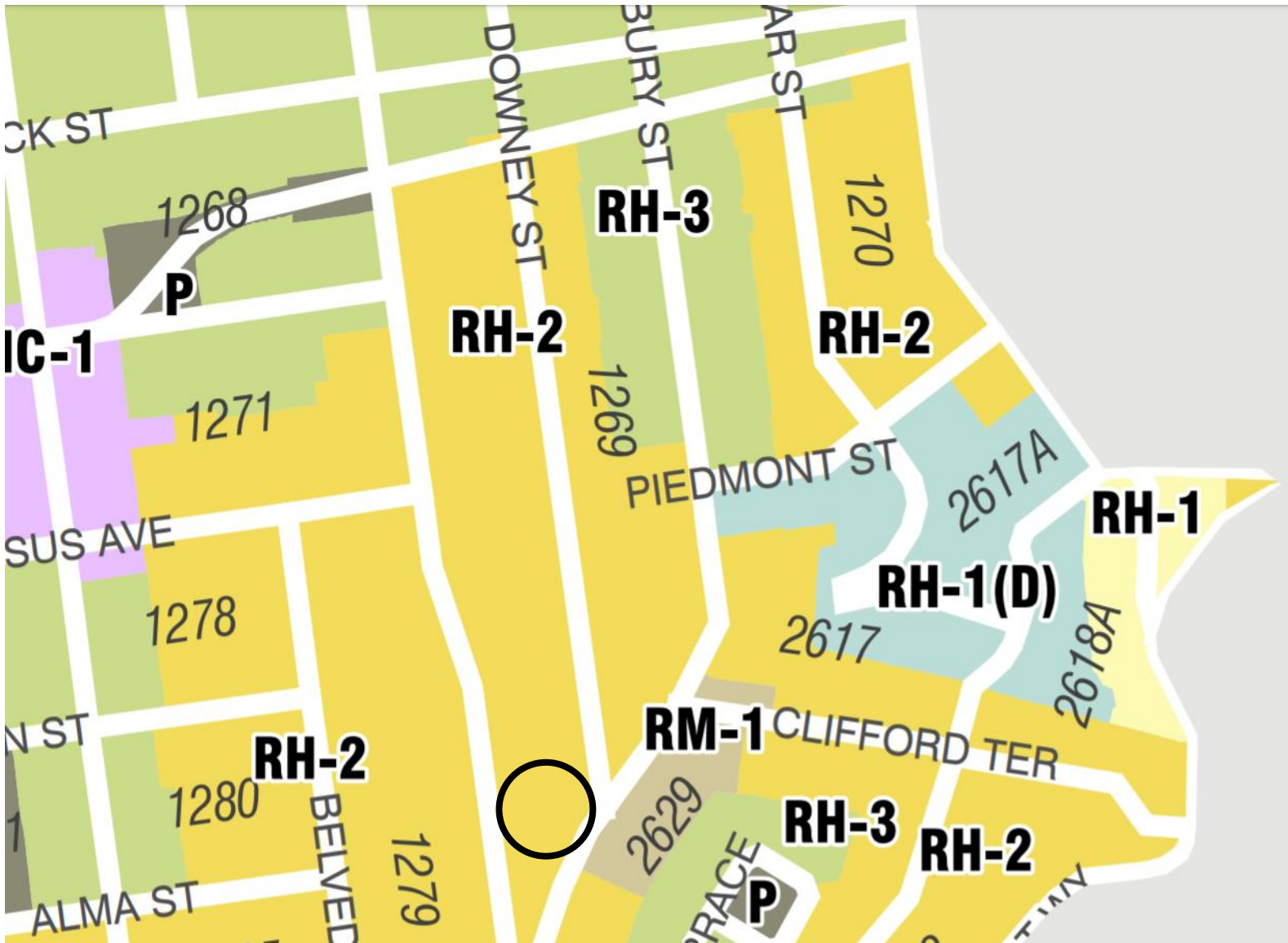


*The Sanborn Maps in San Francisco have not been updated since 1998, and this map may not accurately reflect existing conditions.



Discretionary Review Hearing
Case Number 2015-009733DRP
1026 Clayton Street

Zoning Map



Discretionary Review Hearing
Case Number 2015-009733DRP
1026 Clayton Street

Aerial Photo



SUBJECT PROPERTY

**DR REQUESTOR'S
PROPERTY**



Discretionary Review Hearing
Case Number 2015-009733DRP
1026 Clayton Street

Aerial Photo



SUBJECT PROPERTY

**DR REQUESTOR'S
PROPERTY**



Discretionary Review Hearing
Case Number 2015-009733DRP
1026 Clayton Street

Aerial Photo



DR REQUESTOR'S
PROPERTY

SUBJECT PROPERTY



Discretionary Review Hearing
Case Number 2015-009733DRP
1026 Clayton Street

Aerial Photo



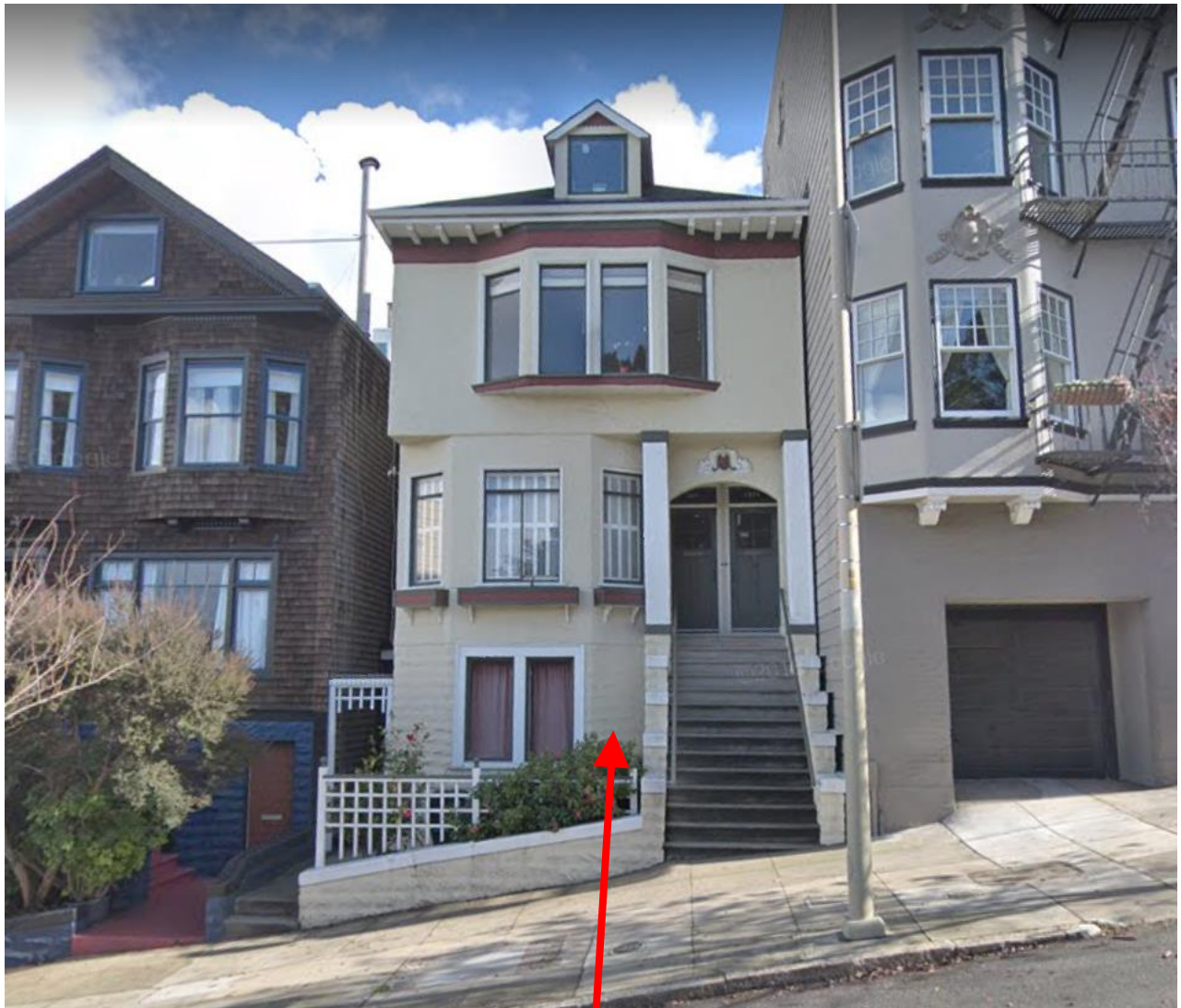
DR REQUESTOR'S
PROPERTY

SUBJECT PROPERTY



Discretionary Review Hearing
Case Number 2015-009733DRP
1026 Clayton Street

Site Photo



SUBJECT PROPERTY

Discretionary Review Hearing
Case Number 2015-009733DRP
1026 Clayton Street

VICINITY MAP:

1026 CLAYTON STREET

THROUGH BLOCK LOT
BLOCK 1269 / LOT 043

DETACHED GARAGE FACING ASHBURY STREET SUBJECT OF THIS PERMIT



DETACHED GARAGE
FACING ASHBURY STREET

PROJECT TEAM:

FOR WORK PERFORMED UNDER 2007 VARIANCE:

DESIGNER: CYNTHIA DOUBLEDAY/RHEHANA LAROCHE
TWO BY DESIGN,
450 LINDEN STREET, SAN FRANCISCO, CA. 94102

CONTRACTOR RAYMOND TOM
1362 GENEVA AVE, SAN FRANCISCO, CA. 94112
LICENCE # 524717

LEGEND:



ELEVATION
REFERENCE



ELEVATION
HEIGHT MARKER

PROJECT DESCRIPTION:

To document work completed and approved in 2007 to the detached garage structure (facing Ashbury Street) pursuant to a Variance Decision letter dated October 11, 2006 for Case No. 2006.0508V seeking variances from the rear yard and noncomplying structure requirements. The scope of work approved under the Variance Decision letter included the construction of an exterior stairway (approximately 10'–3" tall) from the garage floor level to the garage roof level deck, and a new firewall/parapet (with a minimum 36 inch height above the roof deck surface) around the perimeter of the garage roof to facilitate a rooftop deck for useable open space. No new work is proposed.

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G1.1EXISTING AND NEW SITE PLANS

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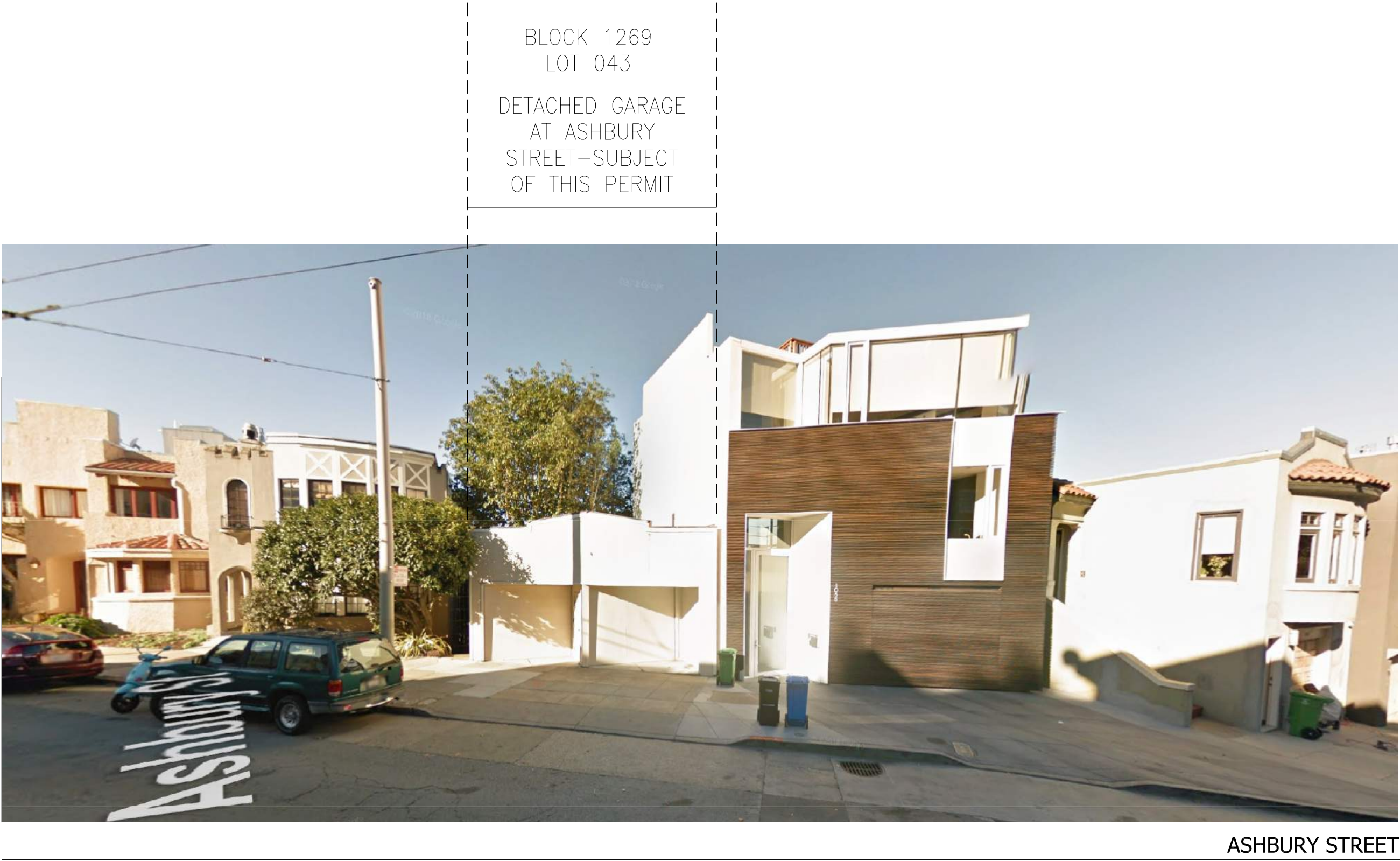
A1.1EXISTING AND NEW GARAGE ROOF PLANS

A2.1AEXISTING WEST ELEVATION

A2.1BPROPOSED WEST ELEVATION

A2.2EXISTING AND NEW SOUTH ELEVATIONS

A2.3EXISTING AND NEW EAST ELEVATIONS



Cumby Architecture

2325 Third Street, Suite 401
San Francisco, CA 94107

Tel 415.505.1536

Email david@cumbyarchitecture.com

Web www.cumbyarchitecture.com

PROJECT/CLIENT:
Renovation
1026 Clayton Street
San Francisco CA 94117

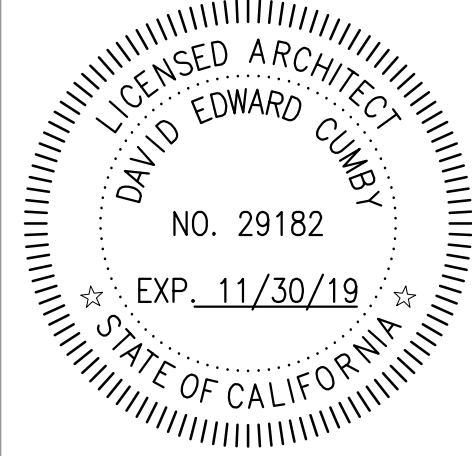
Francis Ryan
1026 Clayton Street
San Francisco, CA 94117
415.350.4752

ISSUE/DATE:

Permit Set May 15, 2018

permit set

APPROVAL:



SCALE:

NTS

TITLE:

PROJECT
INFORMATION

SHEET:

G1.0

PROJECT/CLIENT:
Renovation
1026 Clayton Street
San Francisco CA 94117

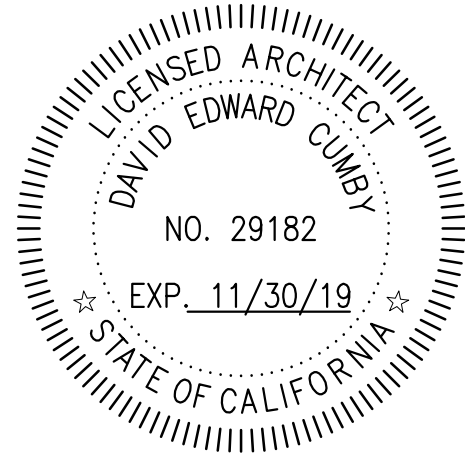
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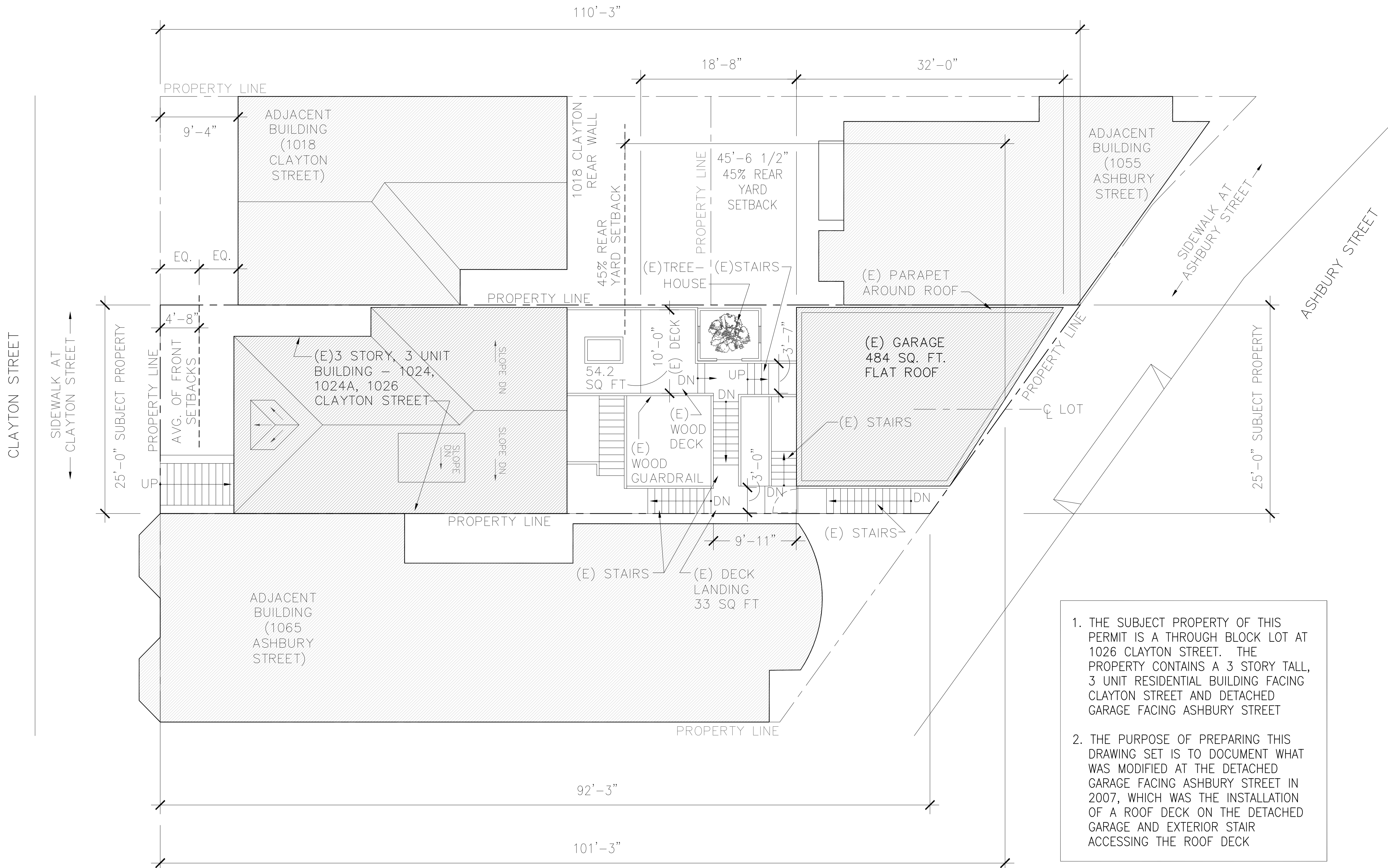


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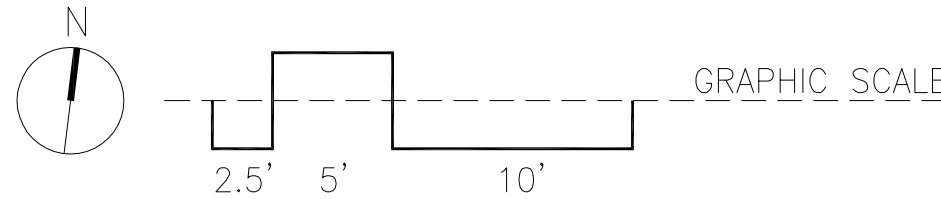
TITLE:
EXISTING
2006 SITE
PLAN

SHEET:

G1.1



1. THE SUBJECT PROPERTY OF THIS PERMIT IS A THROUGH BLOCK LOT AT 1026 CLAYTON STREET. THE PROPERTY CONTAINS A 3 STORY TALL, 3 UNIT RESIDENTIAL BUILDING FACING CLAYTON STREET AND DETACHED GARAGE FACING ASHBURY STREET
2. THE PURPOSE OF PREPARING THIS DRAWING SET IS TO DOCUMENT WHAT WAS MODIFIED AT THE DETACHED GARAGE FACING ASHBURY STREET IN 2007, WHICH WAS THE INSTALLATION OF A ROOF DECK ON THE DETACHED GARAGE AND EXTERIOR STAIR ACCESSING THE ROOF DECK



PROJECT/CLIENT:
Renovation
1026 Clayton Street
San Francisco CA 94117

Francis Ryan
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San Francisco, CA 94117

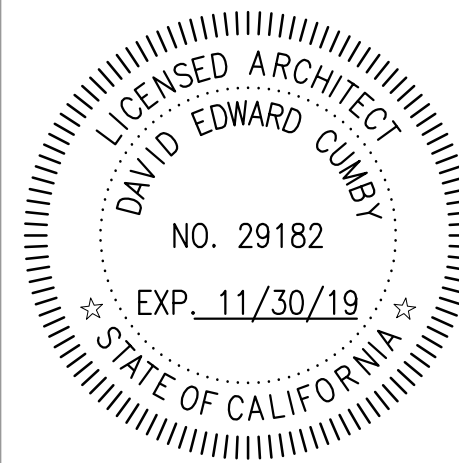
415.350.4752

ISSUE/DATE:

permit set 5-15-2018

permit set

APPROVAL:



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TITLE:

PROPOSED
2007 SITE
PLAN

SHEET:

G1.2



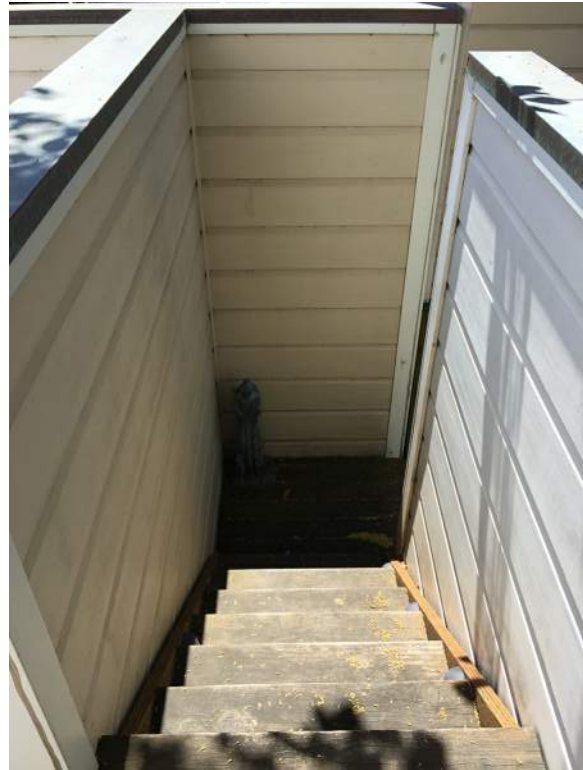
(A) ROOF DECK ON 1-STORY GARAGE, LOOKING TOWARD ASHBURY STREET



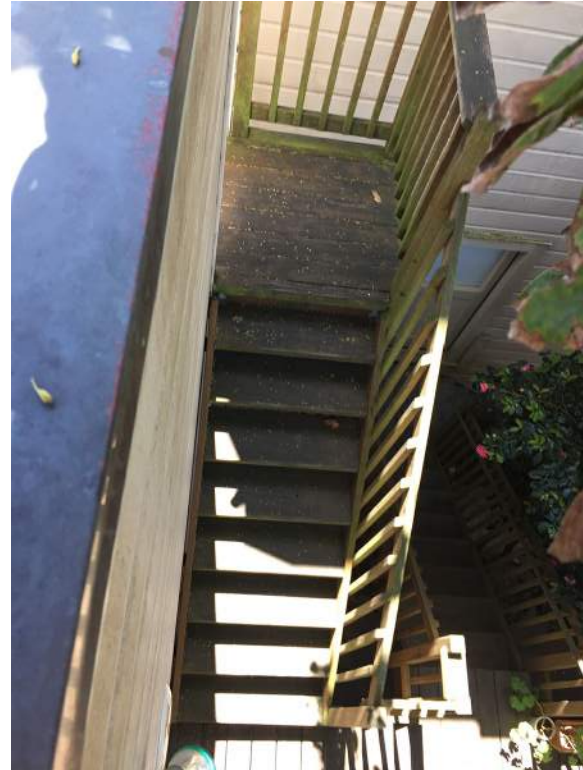
(B) ROOF DECK ON 1-STORY GARAGE, LOOKING TOWARD REAR YARD



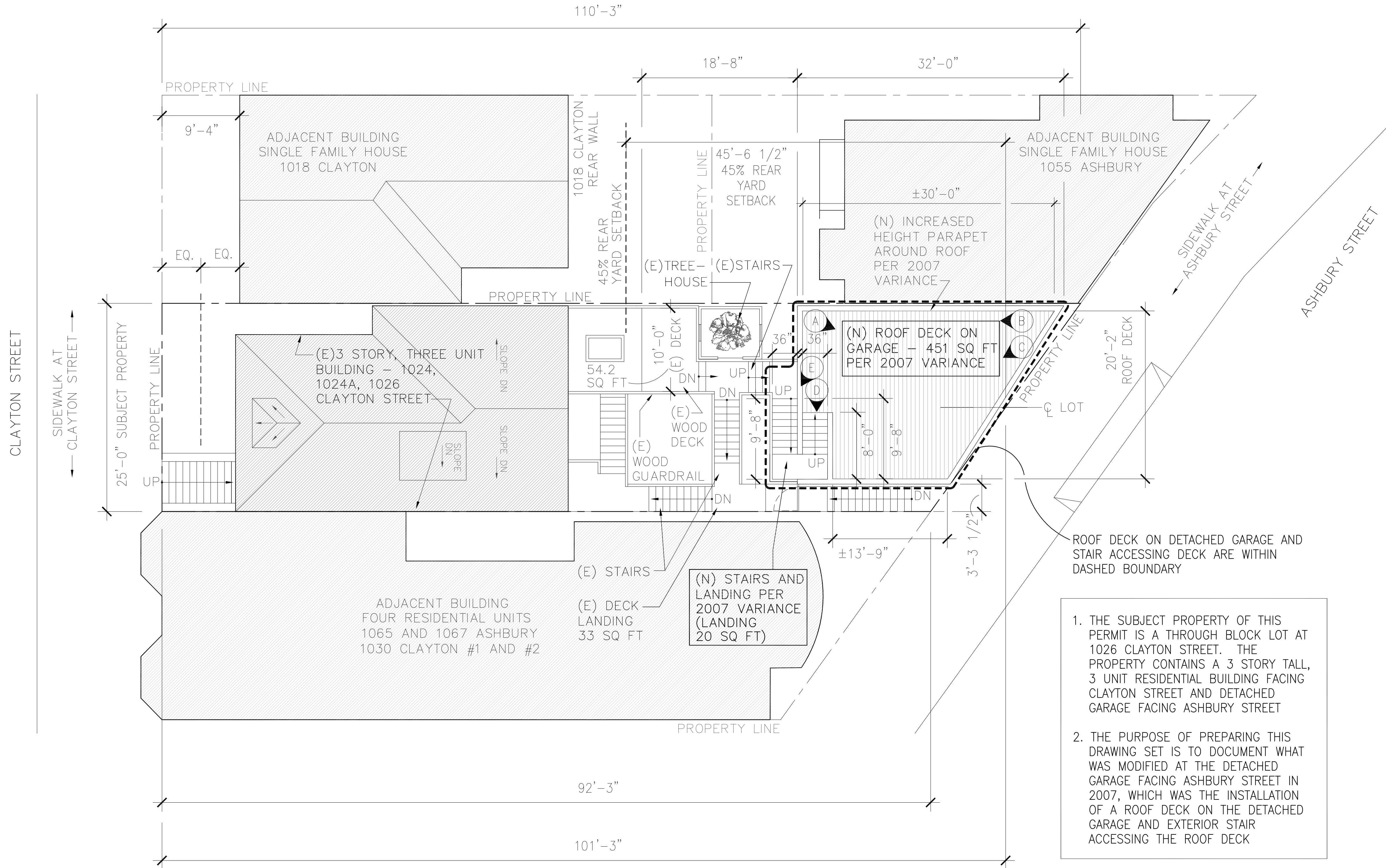
(C) ROOF DECK ON 1-STORY GARAGE, LOOKING TOWARD NEIGHBORING PROPERTY (1065 ASHBURY)



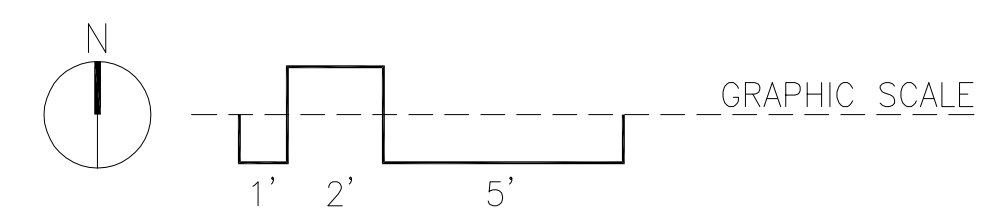
(D) STAIR ACCESSING ROOF DECK ON 1-STORY GARAGE



(E) STAIR ACCESSING ROOF DECK ON 1-STORY GARAGE



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Renovation
1026 Clayton Street
San Francisco CA 94117

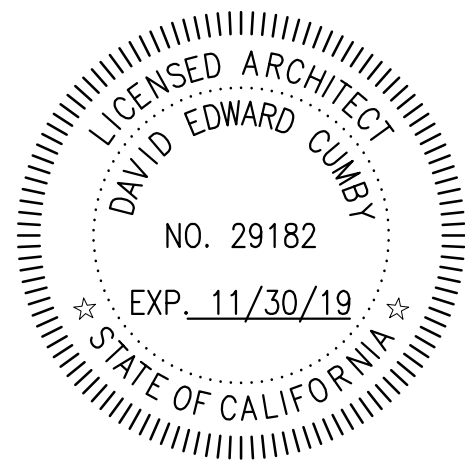
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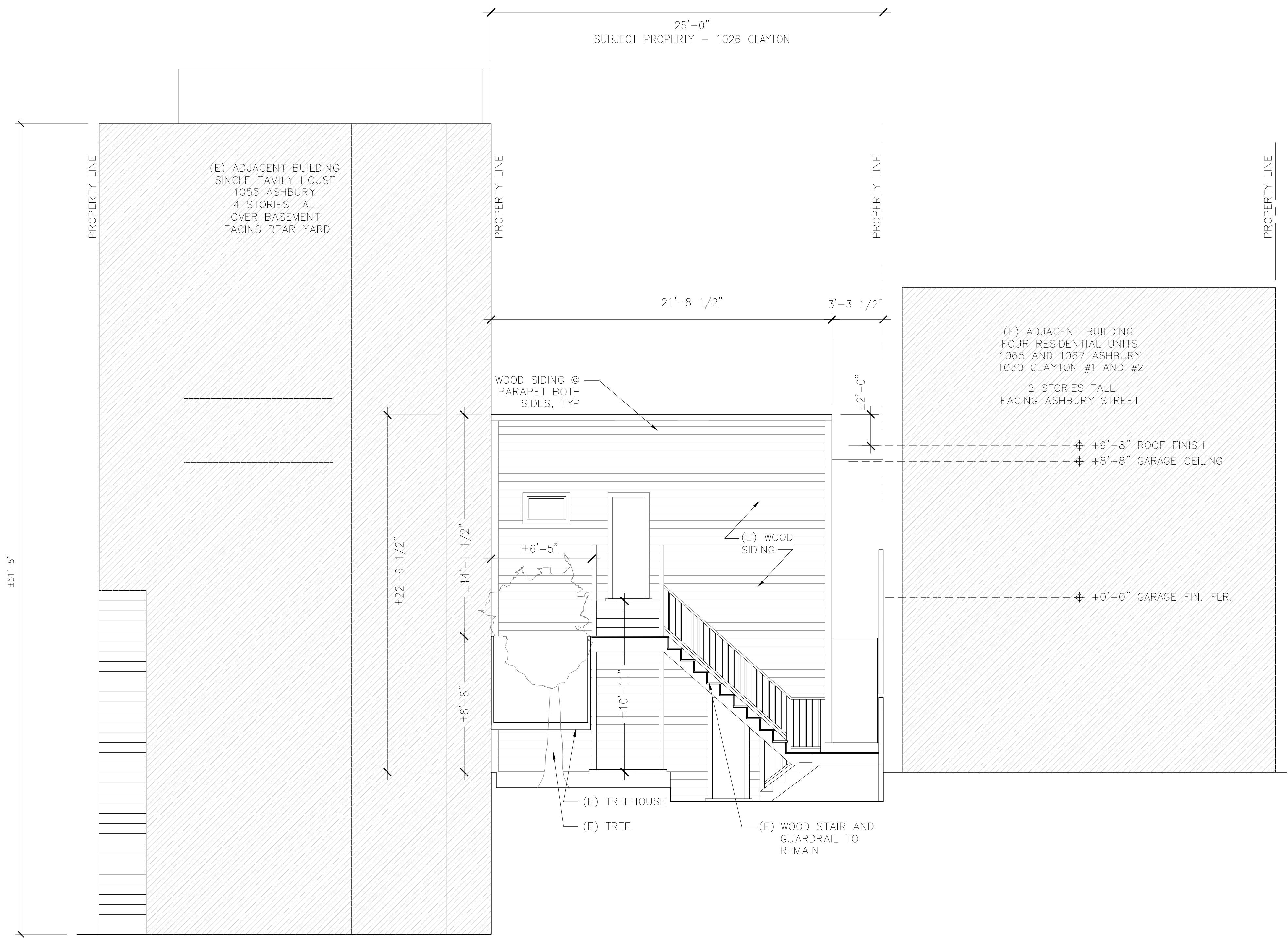


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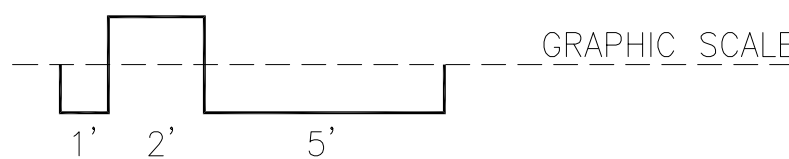
TITLE:
EXISTING
WEST
ELEVATION

SHEET:

A2.1A



1 (E) 2006 WEST ELEVATION / 1/4"=1'-0"



PROJECT/CLIENT:
Renovation
1026 Clayton Street
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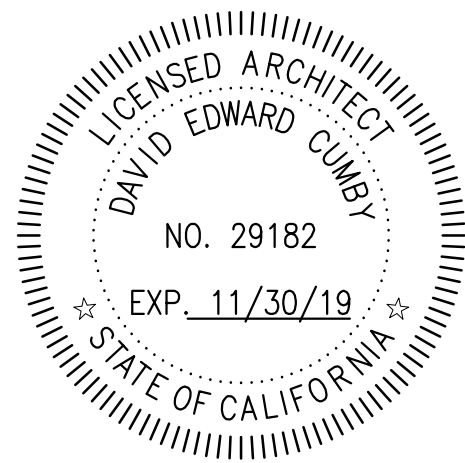
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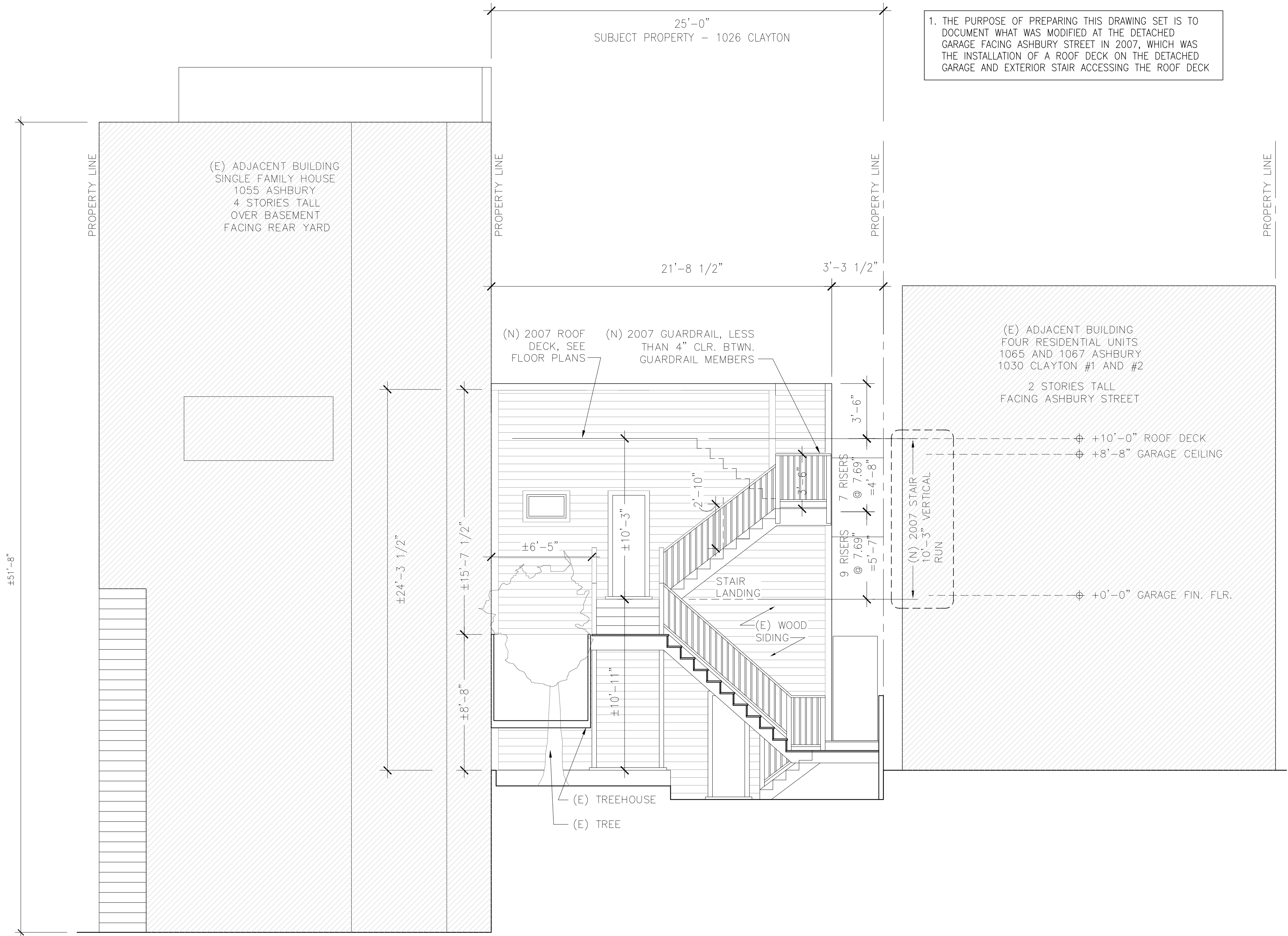


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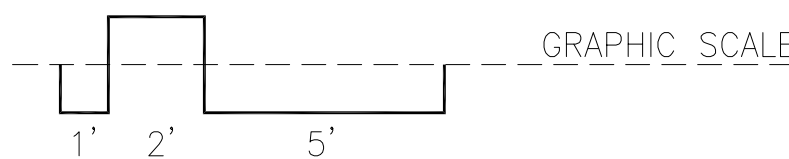
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NEW 2007
WEST
ELEVATION

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A2.1B

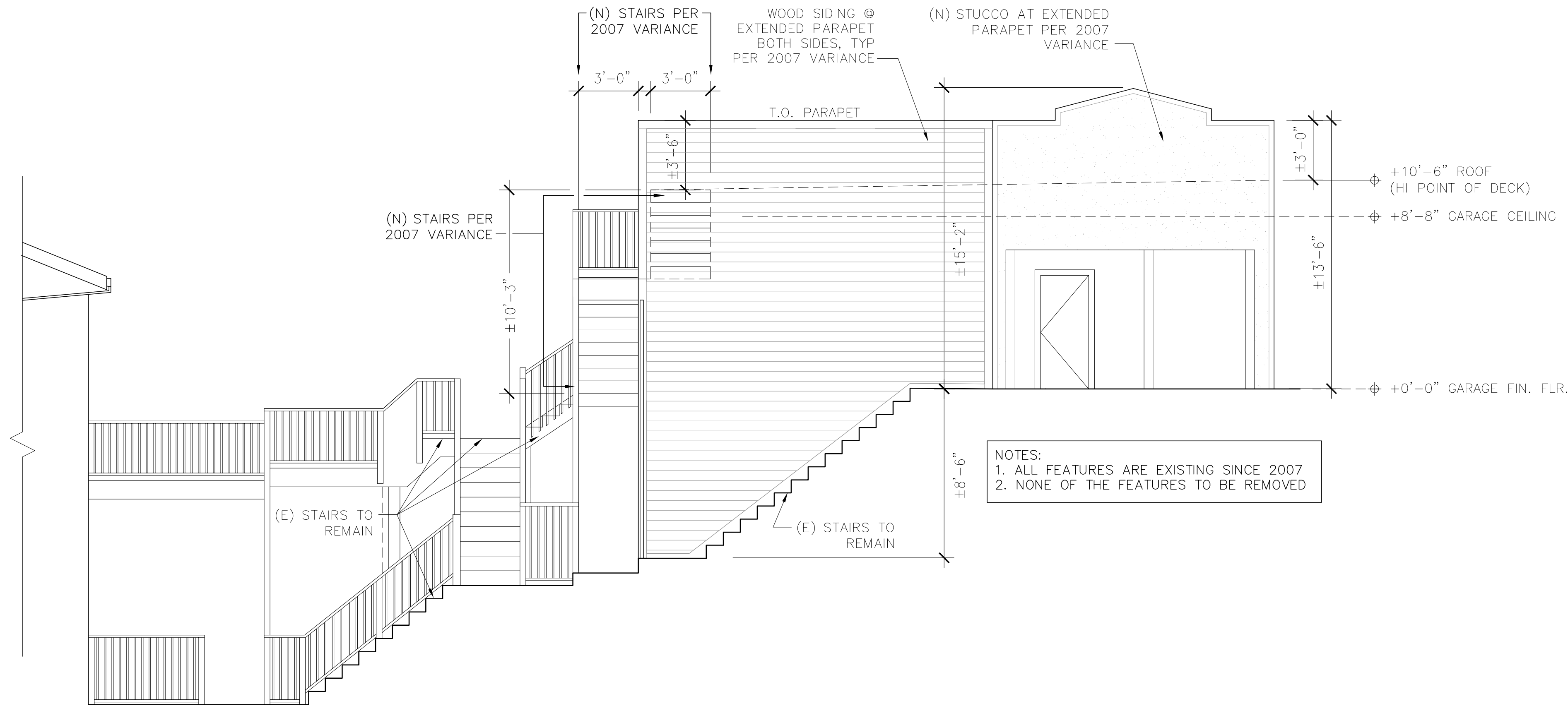


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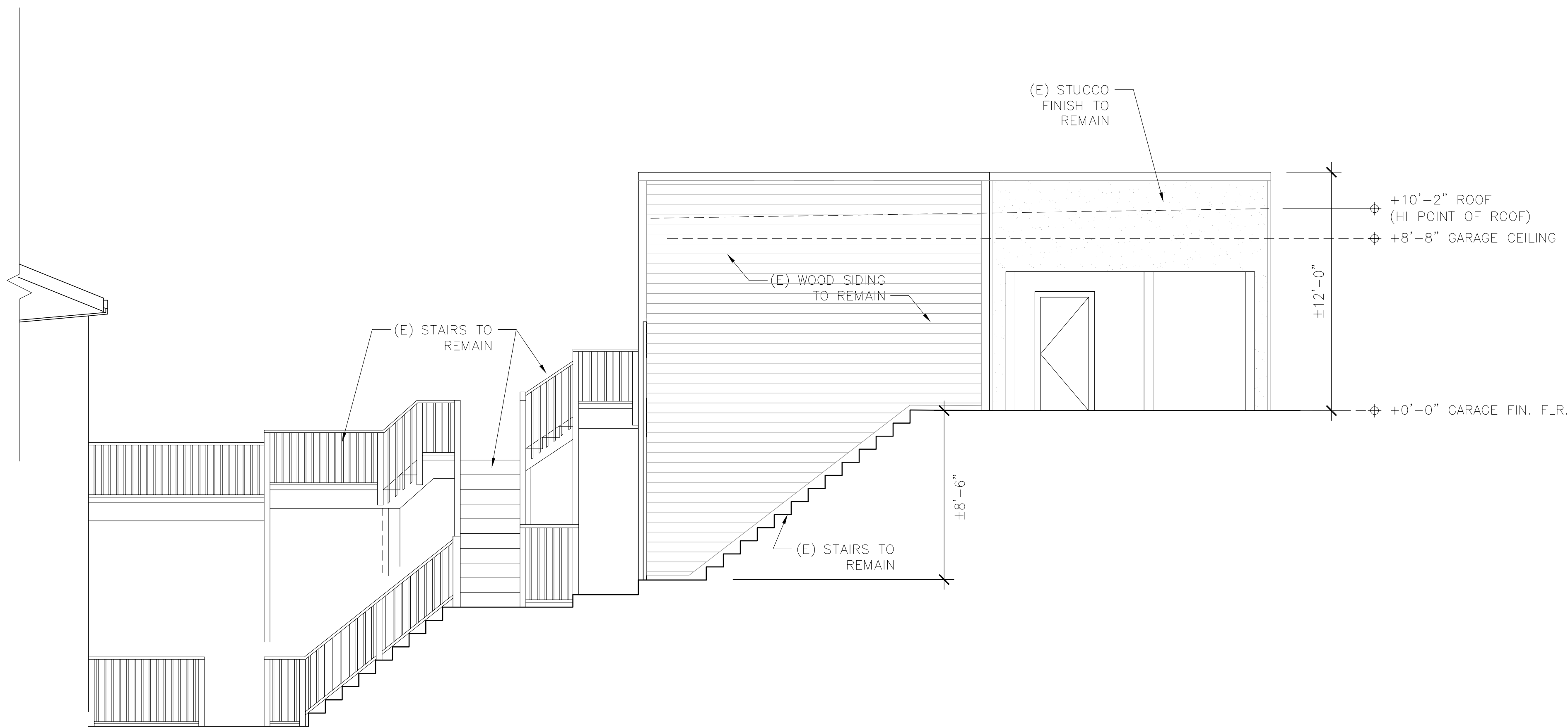


PROJECT/CLIENT:
Renovation
1026 Clayton Street
San Francisco CA 94117

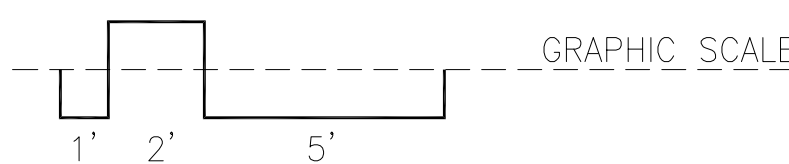
Francis Ryan
1026 Clayton Street
San Francisco, CA 94117
415.350.4752



2 (N) 2007 SOUTH ELEVATION / 1/4"=1'-0"

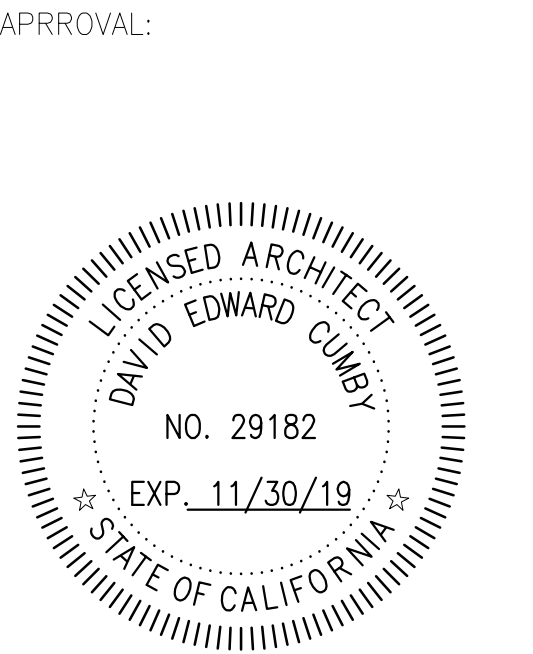


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ISSUE/DATE:
Permit Set May 15, 2018

permit set



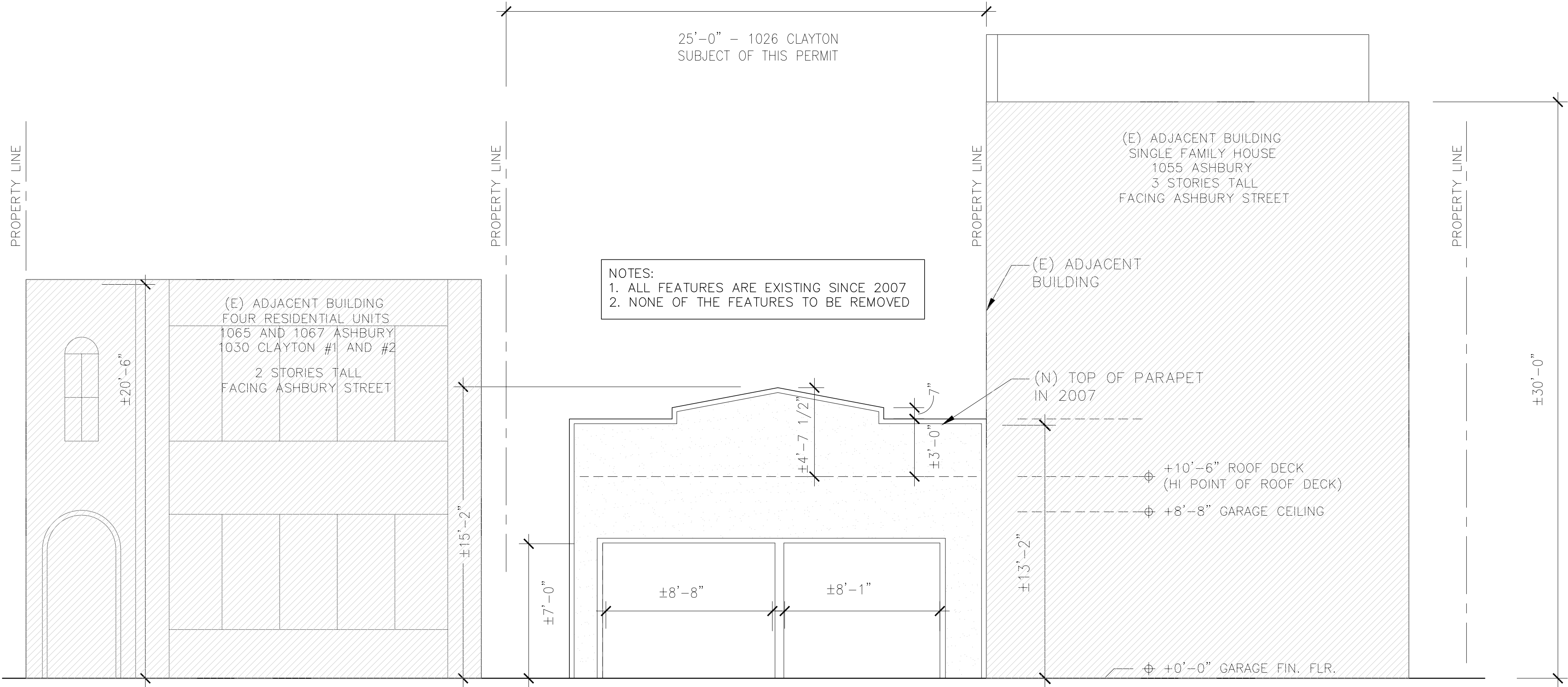
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EXISTING &
NEW SOUTH
ELEVATIONS

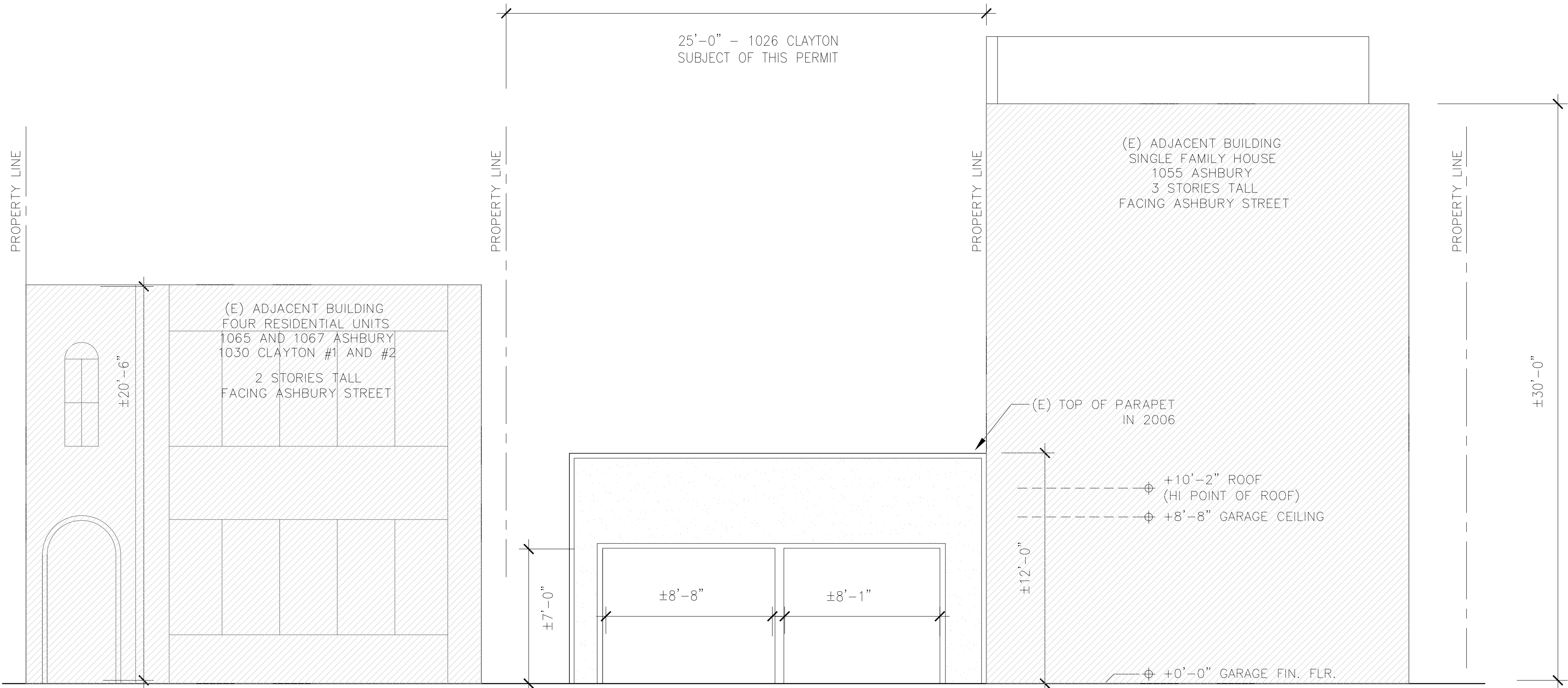
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PROJECT/CLIENT:
Renovation
1026 Clayton Street
San Francisco CA 94117

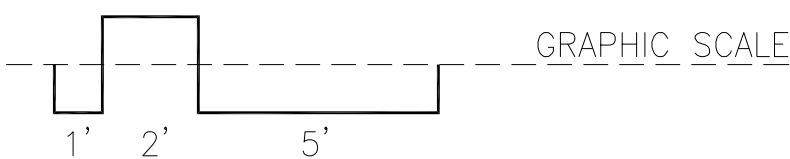
Francis Ryan
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2 (N) 2007 EAST ELEVATION / 1/4"=1'-0"



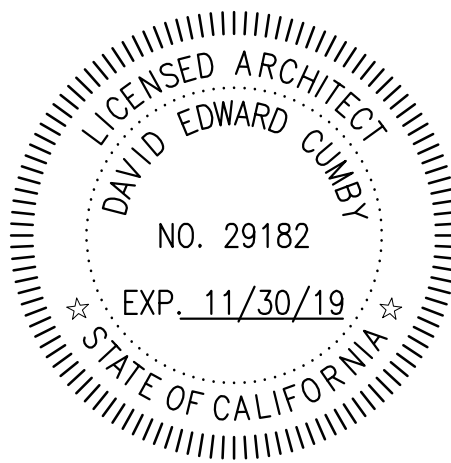
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ISSUE/DATE:
permit set 5-15-2018

permit set

APPROVAL:



SCALE:
TITLE: 1/4"=1'-0"

EXISTING &
NEW EAST
ELEVATION

SHEET:

A2.3



SAN FRANCISCO PLANNING DEPARTMENT

1650 Mission Street Suite 400 San Francisco, CA 94103

NOTICE OF BUILDING PERMIT APPLICATION (SECTION 311)

On **July 16, 2015**, the Applicant named below filed Building Permit Application No. **2015.07.16.1729** with the City and County of San Francisco.

PROJECT INFORMATION		APPLICANT INFORMATION	
Project Address:	1026 Clayton Street	Applicant:	Francis Ryan
Cross Street(s):	Ashbury & Downey Streets	Address:	c/o David Cumby, Architect
Block/Lot No.:	1269/043	2325 Third Street, Suite 401	
Zoning District(s):	RH-2 / 40-X	City, State:	San Francisco, CA 94107
Record No.:	2015-009733PRJ	Telephone:	(415) 505-1536
		Email:	david@cumbyarchitecture.com

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

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

PROJECT SCOPE		
<input type="checkbox"/> Demolition	<input type="checkbox"/> New Construction	<input checked="" type="checkbox"/> Alteration
<input type="checkbox"/> Change of Use	<input type="checkbox"/> Façade Alteration(s)	<input type="checkbox"/> Front Addition
<input checked="" type="checkbox"/> Rear Addition	<input type="checkbox"/> Side Addition	<input type="checkbox"/> Vertical Addition
PROJECT FEATURES	EXISTING	PROPOSED
Building Use (main building)	Residential	No change
Front Setback	5 feet	No change
Side Setbacks	N/A	No change
Building Depth (rear garage structure)	range from 17 to 30 feet	No change
Rear Yard	0 feet	No change
Building Height (rear garage structure)	10 feet at Ashbury frontage	No change
Number of Stories (main building)	3	No change
Number of Dwelling Units	3	No change
Number of Parking Spaces	2	No change
PROJECT DESCRIPTION		
<p>The subject property is a through lot containing two buildings with frontages on Clayton and Ashbury Streets. The proposal is to document work completed to the rear garage structure (facing Ashbury Street) pursuant to a Variance Decision letter dated October 11, 2006 for Case No. 2006.0508V seeking Variances from the rear yard and noncomplying structure requirements. The scope of work approved under the Variance Decision letter included the construction of an exterior stairway (approximately 10 feet tall) from the garage floor level to the garage roof, and a new firewall/parapet (approximately 3.6 tall) to facilitate a rooftop deck above the garage for useable open space and maintenance purposes. No new work is proposed. See attached plans.</p>		
<p>The issuance of the building permit by the Department of Building Inspection or the Planning Commission project approval at a discretionary review hearing would constitute as the Approval Action for the project for the purposes of CEQA, pursuant to Section 31.04(h) of the San Francisco Administrative Code.</p>		

For more information, please contact Planning Department staff:

Planner: Mary Woods
Telephone: (415) 558-6315
E-mail: mary.woods@sfgov.org

Notice Date: 7/26/2018
Expiration Date: 8/27/2018

October 11, 2006

VARIANCE DECISION

**UNDER THE PLANNING CODE
CASE NO. 2006.0508V**

APPLICANT: Rheanna LaRoche
2X Design
450 Linden Street
San Francisco, CA 94102

PLANNER: Sara Vellve – 558-6263

PROPERTY IDENTIFICATION: 1024 – 1026 CLAYTON STREET

East side between Frederick and Ashbury Streets; Lot 043 in Assessor's Block 1269 in an RH-2 (House, Two-Family) District and a 40-X Height and Bulk District. The subject lot is a through lot fronting on both Clayton and Ashbury Streets. A three-story, three-unit structure fronts on Clayton Street and a two-story, two-car garage fronts on Ashbury Street.

DESCRIPTION OF VARIANCE – REAR YARD AND NONCOMPLYING STRUCTURE

VARIANCES SOUGHT: The proposal is to construct a new exterior stairway from the second floor of the garage to the garage roof, and a new firewall/parapet on the north side of the garage roof to facilitate a rooftop deck for recreational and maintenance purposes. The new stairs would be approximately 11 feet high with one landing, and the overall height of the subject stairs would be approximately 22 feet from grade to the garage roof. The overall height of the firewall is approximately 3 feet 6 inches above the garage roof.

Small portions of the existing rear deck attached to the residential structure and landing attached to the garage that provide access between the garage and dwellings require variances as they are located within the required rear yard.

Section 134 of the Planning Code requires a minimum rear yard depth of approximately 25 feet, measured from the rear property line. The proposed new stair at the garage extend to within approximately 20 feet of the rear property line, and the proposed firewall would extend to the rear property line. Small portions of the existing deck and landing have been constructed outside the footprint of the two-story permitted obstruction.

Section 188 of the Planning Code prohibits the expansion of a noncomplying structure. As the existing garage is already built within the required rear yard it is considered a legal noncomplying structure. Therefore, the expansion is contrary to Section 188.

PROCEDURAL BACKGROUND:

1. This proposal was determined to be categorically exempt from Environmental Review.

2. The Zoning Administrator held a public hearing on Variance Application No. **2006.0508V** on **Wednesday, August 23, 2006**.
3. 311 neighborhood notification was not conducted in conjunction with the Variance.

DECISION:

GRANTED, to construct a new exterior stairway from the second floor of the garage to the garage roof, and a new firewall/parapet on the north side of the garage roof. The new stairs would be approximately 11 feet high with one landing, and the overall height of the existing and proposed stairs would be approximately 22 feet from grade to the garage roof. Small portions of the existing decks and landings located between the dwellings and garage, and outside the buildable area, have been incorporated into the proposal, in general conformity with the plans on file with this application, shown as Exhibit A and dated April 18, 2006, subject to the following conditions:

1. This variance is to allow building expansion into an area that would not normally be permitted under the Planning Code. Therefore, any further physical expansion, even within the buildable area, shall be reviewed by the Zoning Administrator to determine if the expansion is compatible with existing neighborhood character and scale, and that there is no significant impact upon the light or air or an extraordinary impact, the Zoning Administrator shall require either notice to adjacent and/or affected property owners or a new variance application be sought and justified.
2. The owners of the subject property shall record on the land records of the City and County of San Francisco the conditions attached to this variance decision as a Notice of Special Restrictions in a form approved by the Zoning Administrator.
3. The proposed project must meet these conditions and all applicable City Codes. In case of conflict, the more restrictive controls shall apply.
4. The proposal associated with this variance shall be constructed in accordance with the plans identified as Exhibit B in the case docket.
5. Minor modifications as determined by the Zoning Administrator may be permitted if it is demonstrated that such modifications are necessary in order to comply with Department of Building Inspection requirements.
6. The property owner shall diligently pursue all necessary approvals to legalize all decks, stairs and landings constructed between the residential structure and garage without the benefit of permits.

FINDINGS:

Section 305(c) of the Planning Code states that in order to grant a variance, the Zoning Administrator must determine that the facts of the case are sufficient to establish the following five findings:

FINDING 1.

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

REQUIREMENT MET.

- A. The subject property is a through lot with a two-car garage at the rear, fronting on Ashbury Street; a noncomplying structure constructed prior to implementation of the Code.
- B. The lot slopes steeply uphill from Clayton Street to Ashbury Street and creates a challenge in efficiently moving between the residential structure and garage, and providing useable open space.
- C. The rear property line is sharply angled and constructing new features or additions parallel to the rear property line is not compatible with standard building practices.

FINDING 2.

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

REQUIREMENT MET.

- A. The literal enforcement of the Planning Code would prohibit access from the interior of the lot to the garage roof for maintenance and recreational purposes.
- B. The literal enforcement of the Planning Code would prohibit the garage roof from providing additional open space on a steeply sloping lot with limited southern exposure. Decks on noncomplying structures are typically permitted as-of-right.

- C. The literal enforcement of the Planning Code would prohibit small portions of the existing deck attached to the residential structure and garage landing, which provide efficient access between the residential structure and garage.

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FINDING 3.

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

REQUIREMENT MET.

- A. Granting the variances will allow the subject property owner to provide additional useable open space that is level and to maintain the garage roof.
- B. Granting the variances will allow the subject property to retain small portions of the deck and garage landing that are built outside the two-story permitted obstruction footprint, and which provide efficient means of egress between the garage and residential structure.

FINDING 4.

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

REQUIREMENT MET.

- A. Granting the variance will not impede improvements to surrounding properties.
- B. An adjacent neighbor at 1018 Clayton Street expressed concern regarding potential shadowing of landscaped areas, loss of open space, and constructing features without appropriate authorization. The neighbor's property is not a through lot. The required fire-rated wall/parapet is expected to be less than 4 feet in height above the garage roof, and will not impact areas of any adjacent property protected by the Planning Code. The open area between the two structures on the subject lot is primarily within the buildable area. In order to authorize small portions of the features previously constructed.

FINDING 5.

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

REQUIREMENT MET.

- A. The proposal is consistent with the generally stated intent and purpose of the Planning Code to promote orderly and beneficial development. The proposal is in harmony with the Residence Element of the General Plan to encourage residential development when it preserves or improves the quality of life for residents of the City.
- B. Code Section 101.1 establishes eight priority planning policies and requires review of variance applications for consistency with said policies. Review of the relevant priority planning policies yielded the following determinations:
 - 1. That the proposed project will be in keeping with the existing housing and neighborhood character. As discussed above, it is generally consistent with the size and scale of other homes in the vicinity, and preserves the character of the architecturally significant structure.
 - 2. That the proposed project will have no effect on the City's supply of affordable housing, public transit or neighborhood parking, preparedness to protect against injury and loss of life in an earthquake, commercial activity, business or employment, landmarks and historic buildings, or public parks and open space.

The effective date of this decision shall be either the date of this decision letter if not appealed or the date of the Notice of Decision and Order if appealed to the Board of Appeals.

Once any portion of the granted variance is utilized, all specifications and conditions of the variance authorization became immediately operative.

CASE NO. 2006.0508V
1024 – 1026 Clayton Street
October 11, 2006
Page 6

The authorization and rights vested by virtue of this decision letter shall be deemed void and cancelled if (1) a Building Permit has not been issued within three years from the effective date of this decision; or (2) a Tentative Map has not been approved within three years from the effective date of this decision for Subdivision cases; or (3) neither a Building Permit or Tentative Map is involved but another required City action has not been approved within three years from the effective date of this decision. However, this authorization may be extended by the Zoning Administrator when the issuance of a necessary Building Permit or approval of a Tentative Map or other City action is delayed by a City agency or by appeal of the issuance of such a permit or map or other City action.

APPEAL: Any aggrieved person may appeal this variance decision to the Board of Appeals within ten (10) days after the date of the issuance of this Variance Decision. For further information, please contact the Board of Appeals in person at 1660 Mission Street, (Room 3036) or call 575-6880.

Very truly yours,

Lawrence B. Badiner
Zoning Administrator

=====

THIS IS NOT A PERMIT TO COMMENCE ANY WORK OR CHANGE OCCUPANCY.
PERMITS FROM APPROPRIATE DEPARTMENTS MUST BE SECURED BEFORE WORK IS
STARTED OR OCCUPANCY IS CHANGED.

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San Francisco Planning

PLANNING APPLICATION RECORD NUMBER

RECEIVED

AUG 08 2018

CITY & COUNTY OF S.F.
PLANNING DEPARTMENT
PIC

DISCRETIONARY REVIEW APPLICATION

Property Owner's Information

Name: Chris Durkin

Address: 1055 Ashbury Street, San Francisco, CA 94117

Email Address: cfdurkin@gmail.com

Telephone: (415) 407-0486

Applicant Information (if applicable)

Name: Mark B. Chernev

Same as above ☐

Company/Organization: Zacks, Freedman & Patterson, PC

Address: 235 Montgomery Street, Suite 400, San Francisco, CA 94104

Email Address: mark@zfplaw.com

Telephone: (415) 956-8100

Please Select Billing Contact:

☐ Owner

☒ Applicant

☐ Other (see below for details)

Name: _____ Email: _____ Phone: _____

Please Select Primary Project Contact:

☒ Owner

☐ Applicant

☐ Billing

Property Information

Project Address: 1026 Clayton Street, San Francisco, CA 94117 Block/Lot(s): 12691043

Plan Area: _____

Project Description:

Please provide a narrative project description that summarizes the project and its purpose.

See Attachment 1, Project Description

Project Details:

- ☐ Change of Use ☐ New Construction ☐ Demolition ☐ Facade Alterations ☐ ROW Improvements
☐ Additions ☐ Legislative/Zoning Changes ☐ Lot Line Adjustment-Subdivision ☒ Other Document work illegally constructed and completed.

Estimated Construction Cost: _____

- Residential:** ☐ Special Needs ☐ Senior Housing ☐ 100% Affordable ☐ Student Housing ☐ Dwelling Unit Legalization
☐ Inclusionary Housing Required ☐ State Density Bonus ☐ Accessory Dwelling Unit

- Non-Residential:** ☐ Formula Retail ☐ Medical Cannabis Dispensary ☐ Tobacco Paraphernalia Establishment
☐ Financial Service ☐ Massage Establishment ☐ Other: _____

Related Building Permits Applications

Building Permit Applications No(s): 2015 07161729

See Attachment 1, Related Building Permits and Applications

ACTIONS PRIOR TO A DISCRETIONARY REVIEW REQUEST

In reviewing applications for Certificate of Appropriateness the Historic Preservation Commission, Department staff, Board of Appeals and/or Board of Supervisors, and the Planning Commission shall be governed by *The Secretary of the Interior's Standards for the Treatment of Historic Properties* pursuant to Section 1006.6 of the Planning Code. Please respond to each statement completely (Note: Attach continuation sheets, if necessary). Give reasons as to *how* and *why* the project meets the ten Standards rather than merely concluding that it does so. IF A GIVEN REQUIREMENT DOES NOT APPLY TO YOUR PROJECT, EXPLAIN WHY IT DOES NOT.

PRIOR ACTION	YES	NO
Have you discussed this project with the permit applicant?	✓	
Did you discuss the project with the Planning Department permit review planner?	✓	
Did you participate in outside mediation on this case? (including Community Boards)		✓

CHANGES MADE TO THE PROJECT AS A RESULT OF MEDIATION

If you have discussed the project with the applicant, planning staff or gone through mediation, please attach a summary of the result, including any changes that were made to the proposed project.

DISCRETIONARY REVIEW REQUEST

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

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

See Attachment 1, Discretionary Review Request #1

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

See Attachment 1, Discretionary Review Request #2

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

See Attachment 1, Discretionary Review Request #3

APPLICANT'S AFFIDAVIT

Under penalty of perjury the following declarations are made:

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

Signature

agent of the owner

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

(415) 956-8100

Phone

Mark B. Chernev

Name (Printed)

mark@zfplaw.com

Email

APPLICANT'S SITE VISIT CONSENT FORM

I hereby authorize City and County of San Francisco Planning staff to conduct a site visit of this property, making all portions of the interior and exterior accessible.

Signature

August 8, 2018

Date

Mark B. Chernev

Name (Printed)

For Department Use Only

Application received by Planning Department:

By: _____

Date: _____

Attachment 1

Project Description

Proposed work is to document work already performed pursuant to a variance decision letter dated October 11, 2006 for Case No. 2006.0508V that sought variances from the rear yard and noncomplying structure requirements. The work performed was done pursuant to the Variance Decision long since expired. (Exhibit A, Variance Decision) No permits authorized the work performed. The property owner had already constructed illegal structures at the property. The Variance Decision required that the property owner "...diligently pursue all necessary approvals to legalize all decks, stairs and landings constructed between the residential structure and garage without the benefit of permits". The property owner failed to comply with the Variance Decision by failing to legalize all decks, stairs and landings that existed at the time. Additionally, the property owner constructed all of the new and additional work requested and granted in the Variance Decision without the benefit of any permits or approved plans. The property owner's unlawful efforts were later discovered by Planning and DBI, resulting in numerous NOV's. Years have passed, the NOV's remain outstanding, and the property has since been abated. The property owner has violated all of the obligations set forth in an Appeals Abatement Board Statement of Decision from almost two years ago. (Exhibit B, AAB Decision) The current permit application is an attempt by the property owner to have the long since expired variance granted in October of 2006 reinstated approximately twelve years later. Since that time, the empty lot on the north side of the project reference in the Variance Decision now contains a fully constructed and occupied residential structure referred to as 1055 Ashbury Street. Due to the significant change in circumstances, and the construction of a house directly adjacent to the project area authorized in the variance, which was an empty lot when the variance was applied for and granted, the property owner must be required to re-apply for a new variance, and not rely on a twelve year old variance, the terms of which were violated.

Approximately twelve years have passed and the property owner has failed to legalize the structure reference in the Variance Decision. The property owner constructed illegal structures and has failed to cure the NOV's associated with those structures, now in violation of an AAB decision. Furthermore, there now exists a residential structure on the variance line where there was an empty lot at the time the variance was granted. The property owner must be required to re-apply for a new variance.

Related Building Permits and Applications:

The property owner has no building permits for any work illegally completed, including the rooftop deck and staintower. After numerous NOV's, by way of an Abatement Appeals Board Notice of Decision on November 28, 2016, the property owner was given six months to submit plans correct all violations from November 16, 2016. (AAB Decision) Property owner failed to comply with that AAB decision. The associated Order of Abatement was held in abeyance for 18 months from the November

16, 2016 hearing. That period has since expired without the property owner having complied with the AAB Decision from 2016.

Discretionary Review Request

1. The proposed project is to document work performed and completed without the benefit of any permits, pursuant to a Variance Decision granted in October of 2006. The property owner should be required to apply for a new variance and not be allowed to rely on a twelve year old expired variance due to an extraordinary impact on current and affected property owners who were not in existence at the time the variance was applied for and granted and the impediment to surrounding properties not in existence at the time the variance was applied for and granted. A new variance application is warranted.

When the variance was applied for and granted in October of 2006, the property directly adjacent to the proposed work, and specifically referenced on the north property line in the variance itself, was an empty lot. (Exhibit C, Variance Application Plan Map) Since that time, the adjacent lot has been purchased and developed in full compliance with all San Francisco Planning and DBI rules and regulations. (Exhibit D, Photo of 1055 Ashbury Street) What was an empty lot when the variance was applied for and granted is now a fully occupied single family home directly adjacent to the illegal structure. (Exhibit E, Photo from 1055 Ashbury Street looking down) Many of the findings made in the Variance Decision supporting approval are no longer applicable, warranting a new variance application.

First, the Variance Decision was to allow building expansion into an area that would not normally be permitted under the Planning Code. The decision found "there is no significant impact upon the light or air or extraordinary impact" and if there will be, "the Zoning Administrator shall require either notice to adjacent and/or affected property owners *or a new variance application be sought and justified*". (Variance Decision, Page 3, Bullet 1) Here, when the findings were made, the property directly adjacent to the project was an empty lot. That lot now has a residential structure located on it. Likewise, because there is now an "adjacent and/or affected property" not considered in the original Variance Decision, a new application must be sought and justified.

Second, the Variance Decision was based on a finding requirement being met which is no longer applicable. Finding 4 Requirement Met A. found that "Granting the variance will not impede improvements to surrounding properties." (Variance Decision, Page 5, Finding 4.A.) This is no longer accurate. As discussed above, the property directly adjacent to the project was an empty lot, which significantly affected the analysis of the impact on "surrounding properties". That lot now has a residential structure, significantly impacting the analysis of impact on "surrounding properties". A new variance application is warranted.

Third, the Variance Decision permitted a new firewall/parapet on the north side of the garage roof of the project area. At the time the variance was granted, there was an empty lot on the north side of the garage roof where the firewall/parapet was authorized.

Now a structure exists directly adjacent to that property line. Based on that substantial change in circumstances a new variance application is warranted.

Lastly, the property owner should not enjoy the benefits of a twelve-year old since expired variance the terms of which were blatantly violated in direct conflict with the practices and procedures of the Planning Department as a matter of policy. The property owner's violations are continuing and severe, not limited to: 1) filing to diligently pursue all necessary approvals to legalize all decks, stairs and landings constructed between the residential structure and garage without the benefit of permits (Variance Decision Page 3, Bullet 6); 2) not securing the necessary building permits to perform any of the work authorized in the Variance Decision within three years (Variance Decision Page 6, Paragraph 1); and 3) commencing and completing all work without first securing the permits from appropriate departments (Variance Decision Page 6, Paragraph 3).

The property owner must be required to file a new variance application as a result of the circumstances changed since the original application and the numerous violations committed in conflict with the long since expired variance from 2006. Further, this project should require a categorical exception under CEQA. The project is highly visible from the street and involves raising the height of the wall by three feet and adding an extraordinary and outlandish looking parapet. The Planning Department should require a HRER application with full historical report due to the age of the building containing the project and a CATX.

2. When the variance was approved, there was no residential structure directly adjacent to the project. One now exists. The variance permitted a new firewall/parapet to be constructed on the north property line, now directly adjacent to the new home at 1055 Ashbury Street. The firewall/parapet was not constructed with the benefits of any permits or approved plans, and specifically fire ratings. The illegal firewall/parapet, deck structure, and stairtower poses severe fire and safety risks to the adjacent property owners and neighboring structures. The fire risks associated with the illegal firewall/parapet directly adjacent to a residential structure cannot be emphasized enough. Further, the illegal structure creates privacy issues, massing, shadowing of landscape areas, loss of open space, and the continued existence (for well over a decade) of constructed features without appropriate authorization. These safety risks and nuisance issues are real and severe. The San Francisco Fire Department has responded to the project area numerous times due to applicant's continued use of both open flames and pressurized combustibles on a regular basis. Exhibit E evidences the property owner's open flame use within inches of the neighboring structure. The property owner has removed all speculation of anticipated illegal and harmful use by directly engaging conduct that threatens the health and safety of surrounding properties. They cannot be permitted to rely on a variance granted when there was an empty lot where there now is an occupied family home.

3. The property owner must be required to apply for a new variance and not rely on one long since expired from 2006 due to failure to comply and change in surrounding property circumstances.

EXHIBIT A



PLANNING DEPARTMENT

City and County of San Francisco • 1660 Mission Street, Suite 500 • San Francisco, California • 94103-2414

MAIN NUMBER
(415) 558-6378

DIRECTOR'S OFFICE
PHONE: 558-6411

4TH FLOOR
FAX: 558-6426

ZONING ADMINISTRATOR
PHONE: 558-6350

5TH FLOOR
FAX: 558-6409

PLANNING INFORMATION
PHONE: 558-6377

MAJOR ENVIRONMENTAL
FAX: 558-5991

COMMISSION CALENDAR
INFO: 558-6422

INTERNET WEB SITE
www.sfgov.org

CASE NO. 2006.0508V
1024 - 1026 Clayton Street
October 11, 2006
Page 2

October 11, 2006

VARIANCE DECISION

**UNDER THE PLANNING CODE
CASE NO. 2006.0508V**

APPLICANT: Rheanna LaRoche
2X Design
450 Linden Street
San Francisco, CA 94102

PLANNER: Sara Vellve - 558-6263

PROPERTY IDENTIFICATION: 1024 - 1026 CLAYTON STREET

East side between Frederick and Ashbury Streets; Lot 043 in Assessor's Block 1269 in an RH-2 (House, Two-Family) District and a 40-X Height and Bulk District. The subject lot is a through lot fronting on both Clayton and Ashbury Streets. A three-story, three-unit structure fronts on Clayton Street and a two-story, two-car garage fronts on Ashbury Street.

DESCRIPTION OF VARIANCE - REAR YARD AND NONCOMPLYING STRUCTURE

VARIANCES SOUGHT: The proposal is to construct a new exterior stairway from the second floor of the garage to the garage roof, and a new firewall/parapet on the north side of the garage roof to facilitate a rooftop deck for recreational and maintenance purposes. The new stairs would be approximately 11 feet high with one landing, and the overall height of the subject stairs would be approximately 22 feet from grade to the garage roof. The overall height of the firewall is approximately 3 feet 6 inches above the garage roof.

Small portions of the existing rear deck attached to the residential structure and landing attached to the garage that provide access between the garage and dwellings require variances as they are located within the required rear yard.

Section 134 of the Planning Code requires a minimum rear yard depth of approximately 25 feet, measured from the rear property line. The proposed new stair at the garage extend to within approximately 20 feet of the rear property line, and the proposed firewall would extend to the rear property line. Small portions of the existing deck and landing have been constructed outside the footprint of the two-story permitted obstruction.

Section 188 of the Planning Code prohibits the expansion of a noncomplying structure. As the existing garage is already built within the required rear yard it is considered a legal noncomplying structure. Therefore, the expansion is contrary to Section 188.

PROCEDURAL BACKGROUND:

1. This proposal was determined to be categorically exempt from Environmental Review.

CASE NO. 2006.0508V
1024 – 1026 Clayton Street
October 11, 2006
Page 3

2. The Zoning Administrator held a public hearing on Variance Application No. 2006.0508V on Wednesday, August 23, 2006.
3. 311 neighborhood notification was not conducted in conjunction with the Variance.

DECISION:

GRANTED, to construct a new exterior stairway from the second floor of the garage to the garage roof, and a new firewall/parapet on the north side of the garage roof. The new stairs would be approximately 11 feet high with one landing, and the overall height of the existing and proposed stairs would be approximately 22 feet from grade to the garage roof. Small portions of the existing decks and landings located between the dwellings and garage, and outside the buildable area, have been incorporated into the proposal, in general conformity with the plans on file with this application, shown as Exhibit A and dated April 18, 2006, subject to the following conditions:

1. This variance is to allow building expansion into an area that would not normally be permitted under the Planning Code. Therefore, any further physical expansion, even within the buildable area, shall be reviewed by the Zoning Administrator to determine if the expansion is compatible with existing neighborhood character and scale, and that there is no significant impact upon the light or air or an extraordinary impact, the Zoning Administrator shall require either notice to adjacent and/or affected property owners or a new variance application be sought and justified.
2. The owners of the subject property shall record on the land records of the City and County of San Francisco the conditions attached to this variance decision as a Notice of Special Restrictions in a form approved by the Zoning Administrator.
3. The proposed project must meet these conditions and all applicable City Codes. In case of conflict, the more restrictive controls shall apply.
4. The proposal associated with this variance shall be constructed in accordance with the plans identified as Exhibit B in the case docket.
5. Minor modifications as determined by the Zoning Administrator may be permitted if it is demonstrated that such modifications are necessary in order to comply with Department of Building Inspection requirements.
6. The property owner shall diligently pursue all necessary approvals to legalize all decks, stairs and landings constructed between the residential structure and garage without the benefit of permits.

FINDINGS:

Section 305(c) of the Planning Code states that in order to grant a variance, the Zoning Administrator must determine that the facts of the case are sufficient to establish the following five findings:

FINDING 1.

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

REQUIREMENT MET.

- A. The subject property is a through lot with a two-car garage at the rear, fronting on Ashbury Street; a noncomplying structure constructed prior to implementation of the Code.
- B. The lot slopes steeply uphill from Clayton Street to Ashbury Street and creates a challenge in efficiently moving between the residential structure and garage, and providing useable open space.
- C. The rear property line is sharply angled and constructing new features or additions parallel to the rear property line is not compatible with standard building practices.

FINDING 2.

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

REQUIREMENT MET.

- A. The literal enforcement of the Planning Code would prohibit access from the interior of the lot to the garage roof for maintenance and recreational purposes.
- B. The literal enforcement of the Planning Code would prohibit the garage roof from providing additional open space on a steeply sloping lot with limited southern exposure. Decks on noncomplying structures are typically permitted as-of-right.
- C. The literal enforcement of the Planning Code would prohibit small portions of the existing deck attached to the residential structure and garage landing, which provide efficient access between the residential structure and garage.

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FINDING 3.

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

REQUIREMENT MET.

- A. Granting the variances will allow the subject property owner to provide additional useable open space that is level and to maintain the garage roof.
- B. Granting the variances will allow the subject property to retain small portions of the deck and garage landing that are built outside the two-story permitted obstruction footprint, and which provide efficient means of egress between the garage and residential structure.

FINDING 4.

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

REQUIREMENT MET.

- A. Granting the variance will not impede improvements to surrounding properties.
- B. An adjacent neighbor at 1018 Clayton Street expressed concern regarding potential shadowing of landscaped areas, loss of open space, and constructing features without appropriate authorization. The neighbor's property is not a through lot. The required fire-rated wall/parapet is expected to be less than 4 feet in height above the garage roof, and will not impact areas of any adjacent property protected by the Planning Code. The open area between the two structures on the subject lot is primarily within the buildable area. In order to authorize small portions of the features previously constructed.

FINDING 5.

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

REQUIREMENT MET.

- A. The proposal is consistent with the generally stated intent and purpose of the Planning Code to promote orderly and beneficial development. The proposal is in harmony with the Residence Element of the General Plan to encourage residential development when it preserves or improves the quality of life for residents of the City.
- B. Code Section 101.1 establishes eight priority planning policies and requires review of variance applications for consistency with said policies. Review of the relevant priority planning policies yielded the following determinations:
 - 1. That the proposed project will be in keeping with the existing housing and neighborhood character. As discussed above, it is generally consistent with the size and scale of other homes in the vicinity, and preserves the character of the architecturally significant structure.
 - 2. That the proposed project will have no effect on the City's supply of affordable housing, public transit or neighborhood parking, preparedness to protect against injury and loss of life in an earthquake, commercial activity, business or employment, landmarks and historic buildings, or public parks and open space.

The effective date of this decision shall be either the date of this decision letter if not appealed or the date of the Notice of Decision and Order if appealed to the Board of Appeals.

Once any portion of the granted variance is utilized, all specifications and conditions of the variance authorization became immediately operative.

CASE NO. 2006.0508V
1024 - 1026 Clayton Street
October 11, 2006
Page 6

The authorization and rights vested by virtue of this decision letter shall be deemed void and cancelled if (1) a Building Permit has not been issued within three years from the effective date of this decision; or (2) a Tentative Map has not been approved within three years from the effective date of this decision for Subdivision cases; or (3) neither a Building Permit or Tentative Map is involved but another required City action has not been approved within three years from the effective date of this decision. However, this authorization may be extended by the Zoning Administrator when the issuance of a necessary Building Permit or approval of a Tentative Map or other City action is delayed by a City agency or by appeal of the issuance of such a permit or map or other City action.

APPEAL: Any aggrieved person may appeal this variance decision to the Board of Appeals within ten (10) days after the date of the issuance of this Variance Decision. For further information, please contact the Board of Appeals in person at 1660 Mission Street, (Room 3036) or call 575-6880.

Very truly yours,

Lawrence B. Badiner
Zoning Administrator

=====

THIS IS NOT A PERMIT TO COMMENCE ANY WORK OR CHANGE OCCUPANCY.
PERMITS FROM APPROPRIATE DEPARTMENTS MUST BE SECURED BEFORE WORK IS
STARTED OR OCCUPANCY IS CHANGED.

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EXHIBIT B



ABATEMENT APPEALS BOARD

City & County of San Francisco

1660 Mission Street, San Francisco, California 94103-2414

NOTICE OF DECISION

November 28, 2016

Case No. 6824

Order of Abatement #107847-A

1026 Clayton Street

Complaint #201408641

Block: 1269 Lot: 043

Francis D. & Christine Ryan
1026 Clayton Street
San Francisco, CA 94117

Re: Appeal Case No. 6824

Dear Appellant:

On November 16, 2016, the Abatement Appeals Board (AAB) held a second duly noticed hearing concerning the property located at **1026 Clayton Street**. At the hearing, the AAB heard further oral testimony and reviewed the documentary evidence provided by the Department of Building Inspection, the Appellant, and other interested persons.

After deliberating on the evidence submitted and the relief sought, the AAB made the following findings and decision: the AAB **grants** the appeal and **upholds** the Order of Abatement with the following conditions (1) the Order of Abatement is held in abeyance for 18 months from the November 16, 2016 hearing; (2) Appellant shall submit plans to City Planning and DBI correcting all violations within six months from the date of the November 16, 2016 hearing; (3) the current Assessment of Costs is **imposed**; (4) fees going forward are **waived**.

All time periods specified in this decision become effective on the date of the Notice of Decision. The AAB may rehear an appeal upon which a Decision has been rendered, provided a request for a rehearing has been made in writing within 10 days of the date of this decision. You may obtain a rehearing request form at 1660 Mission Street, 6th floor, San Francisco, CA 94103.

Very truly yours,

Edward Sweeney, Secretary
Abatement Appeals Board

ES:ts

cc: Owner of Record
Building Occupants
Commission Secretary
HIS, & AAB file

(415) 558-6272

1660 Mission Street, 2nd Floor

San Francisco, CA 94103



ABATEMENT APPEALS BOARD
City & County of San Francisco
1660 Mission Street, San Francisco, California 94103-2414

NOTICE OF DECISION

November 28, 2016

Case No. 6823
Order of Abatement #9323-A
1024 Clayton Street
Complaint #200345254
Block: 1269 Lot: 043

Francis D. & Christine Ryan
1026 Clayton Street
San Francisco, CA 94117

Re: Appeal Case No. 6823

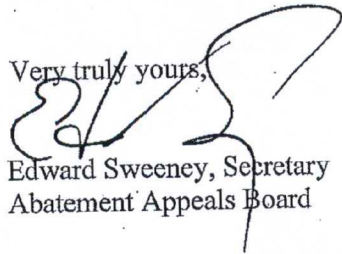
Dear Appellant:

On November 16, 2016, the Abatement Appeals Board (AAB) held a second duly noticed hearing concerning the property located at **1024 Clayton Street**. At the hearing, the AAB heard further oral testimony and reviewed the documentary evidence provided by the Department of Building Inspection, the Appellant, and other interested persons.

After deliberating on the evidence submitted and the relief sought, the AAB made the following findings and decision: the AAB **grants** the appeal and **upholds** the Order of Abatement with the following conditions (1) the Order of Abatement is held in abeyance for 18 months from the November 16, 2016 hearing; (2) Appellant shall submit plans to City Planning and DBI correcting all violations within six months from the date of the November 16, 2016 hearing; (3) the current Assessment of Costs is **imposed**; (4) fees going forward are **waived**.

All time periods specified in this decision become effective on the date of the Notice of Decision. The AAB may rehear an appeal upon which a Decision has been rendered, provided a request for a rehearing has been made in writing within 10 days of the date of this decision. You may obtain a rehearing request form at 1660 Mission Street, 6th floor, San Francisco, CA 94103.

Very truly yours,


Edward Sweeney, Secretary
Abatement Appeals Board

ES:ts

cc: Owner of Record
Building Occupants
Commission Secretary
HIS, & AAB file

(415) 558-6272

1660 Mission Street, 2nd Floor

San Francisco, CA 94103



City and County of San Francisco
Department of Building Inspection
1660 Mission Street
San Francisco, CA 94103

COMPLAINT DATA SHEET

COMPLAINT NUMBER : 201408641

OWNER/AGENT: RYAN FRANCIS D & CHRISTINE H
RYAN FRANCIS D & CHRISTINE
1026 CLAYTON ST
SAN FRANCISCO CA

94117

OWNER'S PHONE --
CONTACT NAME
CONTACT PHONE --

COMPLAINANT: Anonymous

DATE FILED: 18-NOV-14

LOCATION: 1026 CLAYTON ST

BLOCK: 1269 LOT: 043

SITE:

RATING:

OCCUPANCY CODE

RECEIVED BY: Samuel Gregory DIVISION: INS

COMPLAINT SOURCE: TELEPHONE

ASSIGNED TO DIVISION: CES

COMPLAINANT'S PHONE 415-407-0486

DESCRIPTION: Owner Of 1026 Clayton St. Has Built Deck And Upper Stairs Without Permits. Can Not See Deck Or Stairs From Street Must Go Through Ashbury Street Vacant Lot.

INSTRUCTIONS:

INSPECTOR INFORMATION

DIVISION	INSPECTOR	ID	DISTRICT	PRIORITY
CES	HINCHION	1125		

REFERRAL INFORMATION

DATE	REFERRED BY	TO	COMMENT
06-JUL-15	Giles Samarasinghe	CES	Referred to CES, per J. Barnes.grs
03-JUL-15	Ying Pei	CES	Refer to Director's Hearing for abatement

COMPLAINT STATUS AND COMMENTS

DATE	TYPE	DIVISION	INSPECTOR	STATUS	COMMENT
18-NOV-14	CASE OPENED	BID	C SCHROEDER	CASE RECEIVED	
19-NOV-14	OTHER BLDG/HOUSING VIC	BID	J BARNES	CASE CONTINUED	3 day notice, JB
21-NOV-14	OTHER BLDG/HOUSING VIC	BID	J BARNES	FIRST NOV SENT	issued NOV. Roof deck installed without proper permits, stairs and decking at rear of yard also installed without permit. JB
21-NOV-14	OTHER BLDG/HOUSING VIC	INS	J BARNES	CASE UPDATE	Copy of first NOV mailed -TL
24-NOV-14	OTHER BLDG/HOUSING VIC	BID	J BARNES	CASE UPDATE	issued NOV. Roof deck installed without proper permits, stairs and decking at rear of yard also installed without permit. JB
					property owner visit at building department on 11/24/2014 revealed that they was no building permit to install roof deck, pererty



City and County of San Francisco
Department of Building Inspection
1660 Mission Street
San Francisco, CA 94103

COMPLAINT DATA SHEET

COMPLAINT NUMBER : 201408641

COMPLAINT STATUS AND COMMENTS

DATE	TYPE	DIVISION	INSPECTOR	STATUS	COMMENT
09-DEC-14	OTHER BLDG/HOUSING VIC	CES	J BARNES	CASE CONTINUED	owner to research permit history for address. 1026 Clayton. Hold the N.O.V for 2 weeks. Variance for roof deck. Architect to file for permit.D Duffy
19-DEC-14	OTHER BLDG/HOUSING VIC	BID	J BARNES	CASE UPDATE	per joe duffy, hold NOV until permits aquired, JB
03-JUL-15	OTHER BLDG/HOUSING VIC	BID	J BARNES	SECOND NOV SENT	2nd nov sent by JB
03-JUL-15	OTHER BLDG/HOUSING VIC	BID	J BARNES	CASE UPDATE	2nd copy of NOV mailed by jj
03-JUL-15	GENERAL MAINTENANCE	BID	J BARNES	REFERRED TO OTHER DIV	transfer to div CES
06-JUL-15	GENERAL MAINTENANCE	CES	J HINCHION	REFERRED TO OTHER DIV	transfer to div CES
08-JUL-15	CASE OPENED	CES	J HINCHION	CASE RECEIVED	
18-SEP-15	OTHER BLDG/HOUSING VIC	CES	M GUNNELL	DIRECTOR HEARING NOTICE POSTED	DH scheduled for 9/29/15
22-SEP-15	GENERAL MAINTENANCE	CES	M GUNNELL	CASE UPDATE	met with owner at counter. Discussed options for compliance of the violation. Permit arrived in planning on 7/17/15, not yet under review.
05-OCT-15	OTHER BLDG/HOUSING VIC	CES	N GUTIERREZ	CASE UPDATE	Received case for preparation
06-OCT-15	OTHER BLDG/HOUSING VIC	CES	N GUTIERREZ	CASE CONTINUED	Continued to 11/3/2015
03-NOV-15	OTHER BLDG/HOUSING VIC	CES	N GUTIERREZ	DIRECTOR'S HEARING DECISION	30 Day Advisement till 12/08/2015
11-DEC-15	OTHER BLDG/HOUSING VIC	CES	N GUTIERREZ	ORDER OF ABATEMENT ISSUED	O of A Issued.
16-DEC-15	OTHER BLDG/HOUSING VIC	CES	N GUTIERREZ	ORDER OF ABATEMENT POSTED	
26-OCT-16	OTHER BLDG/HOUSING VIC	CES	N GUTIERREZ	ABATEMENT APPEALS BOARD HRG	Posting of Continuance of AAB
30-NOV-16	OTHER BLDG/HOUSING VIC	CES	N GUTIERREZ	ABATEMENT APPEALS BOARD HRG	Declaration of Posting of AAB - Notice of Decision

COMPLAINT ACTION BY DIVISION

DIVISION DATE DESCRIPTION

ACTION COMMENT

NOV (HIS) NOV (BID)
03-JUL-15
21-NOV-14



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

DEPARTMENT OF BUILDING INSPECTION
City and County of San Francisco
1660 Mission St. San Francisco, CA 94103

NOTICE: 2

NUMBER: 201408641
DATE: 03-JUL-15

ADDRESS: 1026 CLAYTON ST 0
OCCUPANCY/USE: 0

BLOCK: 1269 LOT: 043

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

OWNER/AGENT: RYAN FRANCIS D & CHRISTINE H
MAILING RYAN FRANCIS D & CHRISTINE
ADDRESS 1026 CLAYTON ST
SAN FRANCISCO CA

PHONE #: --

94117

PERSON CONTACTED @ SITE: RYAN FRANCIS D & CHRISTINE H

PHONE #: --

VIOLATION DESCRIPTION:

- ☐ WORK WITHOUT PERMIT
☐ ADDITIONAL WORK-PERMIT REQUIRED
☐ EXPIRED OR ☐ CANCELLED PERMIT PA#:
☒ UNSAFE BUILDING ☐ SEE ATTACHMENTS

CODE/SECTION#
106.1.1
106.4.7
106.4.4
102.1

You have failed to comply with Notice of Violation date 11/21/14. Therefore this department has initiated abatement proceedings against property.

Monthly monitoring fee \$52
Code sec: 102A.3, TABLE 1A-K

CORRECTIVE ACTION:

☐ STOP ALL WORK SFBC 104.2.4

415-558-6472

- ☐ FILE BUILDING PERMIT WITHIN DAYS ☐ (WITH PLANS) A copy of This Notice Must Accompany the Permit Application
☐ OBTAIN PERMIT WITHIN DAYS AND COMPLETE ALL WORK WITHIN DAYS, INCLUDING FINAL INSPECTION AND SIGNOFF.
☐ CORRECT VIOLATIONS WITHIN DAYS. ☐ NO PERMIT REQUIRED
☒ YOU FAILED TO COMPLY WITH THE NOTICE(S) DATED 21-NOV-14, THEREFORE THIS DEPT. HAS INITIATED ABATEMENT PROCEEDINGS.

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

You will be notified of time, date and place of Director's Hearing by Code Enforment Division.

INVESTIGATION FEE OR OTHER FEE WILL APPLY

- ☐ 9x FEE (WORK W/O PERMIT AFTER 9/1/60) ☐ 2x FEE (WORK EXCEEDING SCOPE OF PERMIT) ☐ NO PENALTY
☐ OTHER: ☐ REINSPECTION FEE \$ (WORK W/O PERMIT PRIOR TO 9/1/60)

APPROX. DATE OF WORK W/O PERMIT

VALUE OF WORK PERFORMED W/O PERMITS \$

BY ORDER OF THE DIRECTOR, DEPARTMENT OF BUILDING INSPECTION

CONTACT INSPECTOR: Jeffrey A Barnes

PHONE # 415-558-6472

DIVISION: BID

DISTRICT :

By:(Inspectors's Signature) _____



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

DEPARTMENT OF BUILDING INSPECTION

NOTICE: 1

NUMBER: 201408641

DATE: 21-NOV-14

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

ADDRESS: 1026 CLAYTON ST 0

OCCUPANCY/USE: 0

BLOCK: 1269 LOT: 043

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

PHONE #: --

OWNER/AGENT: RYAN FRANCIS D & CHRISTINE H
MAILING RYAN FRANCIS D & CHRISTINE
ADDRESS 1026 CLAYTON ST
SAN FRANCISCO CA

94117

PERSON CONTACTED @ SITE: RYAN FRANCIS D & CHRISTINE H

PHONE #: --

VIOLATION DESCRIPTION:

CODE/SECTION#

106.1.1

106.4.7

106.4.4

102.1

☒ WORK WITHOUT PERMIT

☐ ADDITIONAL WORK-PERMIT REQUIRED

☐ EXPIRED OR ☐ CANCELLED PERMIT PA#:

☐ UNSAFE BUILDING ☐ SEE ATTACHMENTS

A complaint has been filed with this department for unpermitted roof deck. Investigation has revealed that a roof deck has been installed on top of detached garage. Also, no permits for decking and stairs at rear of building.

Codes: 102.3, table 1A-K

-Monthly monitoring violation fee \$52

CORRECTIVE ACTION:

☐ STOP ALL WORK SFBC 104.2.4

415-558-6472

☒ FILE BUILDING PERMIT WITHIN 30 DAYS

☒ (WITH PLANS) A copy of This Notice Must Accompany the Permit Application

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

☐ CORRECT VIOLATIONS WITHIN DAYS.

☐ NO PERMIT REQUIRED

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

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

Obtain building permit with plans and planning approval or obtain permit to remove unpermitted work described above.

INVESTIGATION FEE OR OTHER FEE WILL APPLY

☐ 9x FEE (WORK W/O PERMIT AFTER 9/1/60) ☒ 2x FEE (WORK EXCEEDING SCOPE OF PERMIT)

☐ OTHER:

☐ REINSPECTION FEE \$

☐ NO PENALTY
(WORK W/O PERMIT PRIOR TO 9/1/60)

APPROX. DATE OF WORK W/O PERMIT

VALUE OF WORK PERFORMED W/O PERMITS \$10000

BY ORDER OF THE DIRECTOR, DEPARTMENT OF BUILDING INSPECTION

CONTACT INSPECTOR: Jeffrey A Barnes

PHONE # 415-558-6472

DIVISION: BID

DISTRICT :

By: (Inspector's Signature) _____



City and County of San Francisco
Department of Building Inspection
1660 Mission Street
San Francisco, CA 94103

COMPLAINT DATA SHEET

COMPLAINT NUMBER : 200345254

OWNER/AGENT: RYAN FRANCIS D & CHRISTINE H
RYAN FRANCIS D & CHRISTINE
1026 CLAYTON ST
SAN FRANCISCO CA

94117

OWNER'S PHONE --
CONTACT NAME
CONTACT PHONE --

COMPLAINANT: GUNTLER DERTZ

DATE FILED: 04-NOV-03

LOCATION: 1024 CLAYTON ST

BLOCK: 1269 LOT: 043

SITE:

RATING:

OCCUPANCY CODE

RECEIVED BY: Ying Pei DIVISION: BID

COMPLAINT SOURCE: TELEPHONE

ASSIGNED TO DIVISION: CES

COMPLAINANT'S PHONE 415-661-4651

DESCRIPTION: BUILDING DOES NOT MATCH PLANS AND PERMITS APPROVED IN 1972 AND 1997. SEE ATTACHED LETTER, CONTACT COMPLAINANT FOR ADDITIONAL INFORMATION.
INSTRUCTIONS:

INSPECTOR INFORMATION

DIVISION	INSPECTOR	ID	DISTRICT	PRIORITY
CES	MCFADDEN	1106		

REFERRAL INFORMATION

DATE	REFERRED BY	TO	COMMENT
31-MAR-04	Christina Wang	CES	send to Director for Hearing of Complaint

COMPLAINT STATUS AND COMMENTS

DATE	TYPE	DIVISION	INSPECTOR	STATUS	COMMENT
04-NOV-03	CASE OPENED	BID	J AIRES	CASE RECEIVED	
06-NOV-03	WRK OVER PRMIT SCOPE	BID	J AIRES	UNABLE TO ENTER	INSPECTOR AIRES DROVE BY SITE, REQUESTED MICROFILM HISTORY
25-NOV-03	WRK OVER PRMIT SCOPE	BID	J AIRES	FIRST NOV SENT	ISSUED BY INSPECTOR AIRES
24-MAR-04	WRK OVER PRMIT SCOPE	BID	J AIRES	SECOND NOV SENT	ISSUED BY INSPECTOR AIRES
31-MAR-04	WRK OVER PRMIT SCOPE	BID	J AIRES	REFERRED TO OTHER DIV	referred to CED
01-APR-04	CASE OPENED	CES	L MCFADDEN	CASE RECEIVED	
29-APR-04	WRK OVER PRMIT SCOPE	CES	L MCFADDEN	ORDER OF ABATEMENT ISSUED	k mather
07-JAN-05	WATER WORK NO PERMIT	CES	L MCFADDEN	other	as per letter dated 5/28/04 fr. Sr. insp. Mcfadden to David Ryan, Order #9323-A s/l revoked (AL) - AAB -



City and County of San Francisco
Department of Building Inspection
1660 Mission Street
San Francisco, CA 94103

COMPLAINT DATA SHEET

COMPLAINT NUMBER : 200345254

COMPLAINT STATUS AND COMMENTS

DATE	TYPE	DIVISION	INSPECTOR	STATUS	COMMENT
26-AUG-13	WRK OVER PRMIT SCOPE	CES	T THERIAULT	CASE UPDATE	No permits to comply
26-OCT-16	WRK OVER PRMIT SCOPE	CES	N GUTIERREZ	ABATEMENT APPEALS BOARD HRG	Posting for continuance of AAB
30-NOV-16	WRK OVER PRMIT SCOPE	CES	N GUTIERREZ	ABATEMENT APPEALS BOARD HRG	Decleration of Posting of AAB - Notice of Decision
30-NOV-16	WRK OVER PRMIT SCOPE	CES	N GUTIERREZ	ABATEMENT APPEALS BOARD HRG	Decleration of Posting of AAB-Notice of Decision

COMPLAINT ACTION BY DIVISION

DIVISION	DATE	DESCRIPTION	ACTION COMMENT
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NOV (HIS) NOV (BID)

25-NOV-03

24-MAR-04



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

DEPARTMENT OF BUILDING INSPECTION
City and County of San Francisco
1660 Mission St. San Francisco, CA 94103

NOTICE: 1

NUMBER: 200345254
DATE: 25-NOV-03

ADDRESS: 1024 CLAYTON ST
OCCUPANCY/USE: 0

BLOCK: 1269 LOT: 043

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

OWNER/AGENT: RYAN FRANCIS D & CHRISTINE H
MAILING RYAN FRANCIS D & CHRISTINE
ADDRESS 1026 CLAYTON ST
SAN FRANCISCO CA

PHONE #: --

94117

PERSON CONTACTED @ SITE:

PHONE #: --

VIOLATION DESCRIPTION:

- ☒ WORK WITHOUT PERMIT
☐ ADDITIONAL WORK-PERMIT REQUIRED
☐ EXPIRED OR ☐ CANCELLED PERMIT PA#:
☐ UNSAFE BUILDING ☐ SEE ATTACHMENTS

CODE/SECTION#
106.1.1
106.4.7
106.4.4
102.1

AN INVESTIGATION MADE IN RESPONSE TO A LETTER OF COMPLAINT, RECEIVED ON 11-03-03 AND A REVIEW OF MICRO FILM RECORDS, 3R REPORT AND SITE CONDITIONS HAS REVEALED THE FOLLOWING:
THE DECK STRUCTURES AND STAIRWAYS, WHICH EXIST AT THIS TIME AT THE REAR YARD DO NOT MATCH THE CONFIGURATION AS DESCRIBED ON THE PLANS APPROVED UNDER APPLICATION #9813944, THERE IS NO RECORD OF A PERMIT TO ALTER AND/OR CONSTRUCT FOR THE CONDITIONS AS OBSERVED AT THIS TIME. = HORIZONTAL ADDITION W/O PERMIT AND REMOVAL OF EXTERIOR STAIRWAY.

CORRECTIVE ACTION:

☐ STOP ALL WORK SFBC 104.2.4

- ☒ FILE BUILDING PERMIT WITHIN 30 DAYS ☒ (WITH PLANS) A copy of This Notice Must Accompany the Permit Application
☒ OBTAIN PERMIT WITHIN 30 DAYS AND COMPLETE ALL WORK WITHIN 90 DAYS, INCLUDING FINAL INSPECTION AND OFF.
☐ CORRECT VIOLATIONS WITHIN DAYS. ☐ NO PERMIT REQUIRED
☐ YOU FAILED TO COMPLY WITH THE NOTICE(S) DATED , THEREFORE THIS DEPT. HAS INITIATED ABATEMENT PROCEEDINGS.

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

NOTE: DEPT OF CITY PLANNING CLEARANCE IS REQUIRED AND ALL EXISTING AND PROPOSED STRUCTURES MUST BE SHOWN ON ARCHITECTURAL PLANS, INCLUDING EXEMPT STRUCTURES SUCH AS TREE HOUSES AND FENCES.

INVESTIGATION FEE OR OTHER FEE WILL APPLY

- ☒ 9x FEE (WORK W/O PERMIT AFTER 9/1/60) ☐ 2x FEE (WORK EXCEEDING SCOPE OF PERMIT)
☐ OTHER: ☐ REINSPECTION FEE \$ ☐ NO PENALTY
(WORK W/O PERMIT PRIOR TO 9/1/60)

APPROX. DATE OF WORK W/O PERMIT

VALUE OF WORK PERFORMED W/O PERMITS \$10000

BY ORDER OF THE DIRECTOR, DEPARTMENT OF BUILDING INSPECTION

CONTACT INSPECTOR: John Aires
PHONE # --

DIVISION: BID

DISTRICT: 18

By:(Inspectors's Signature) _____



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

DEPARTMENT OF BUILDING INSPECTION

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

NOTICE: 2

NUMBER: 200345254

DATE: 24-MAR-04

ADDRESS: 1024 CLAYTON ST

OCCUPANCY/USE: ()

BLOCK: 1269 LOT: 043

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

OWNER/AGENT: RYAN FRANCIS D & CHRISTINE H
MAILING RYAN FRANCIS D & CHRISTINE
ADDRESS 1026 CLAYTON ST
SAN FRANCISCO CA

PHONE #: --

94117

PERSON CONTACTED @ SITE: RYAN FRANCIS D & CHRISTINE H

PHONE #: --

VIOLATION DESCRIPTION:

CODE/SECTION#

106.1.1

106.4.7

106.4.4

102.1

☒ WORK WITHOUT PERMIT

☐ ADDITIONAL WORK-PERMIT REQUIRED

☐ EXPIRED OR ☐ CANCELLED PERMIT PA#:

☐ UNSAFE BUILDING ☐ SEE ATTACHMENTS

NO RECORD OF COMPLIANCE WITH CORRECTIVE ACTION AS REQUIRED ON NOTICE OF VIOLATION POSTED ON NOV. 25, 2003 FOR, DECK STRUCTURES AND STAIRWAYS, WHICH EXIST AT THIS TIME, DO NOT COMPLY WITH THE PLANS APPROVED UNDER APP. 9813944 AND THERE IS NO RECORD OF A PERMIT TO BUILD AS OBSERVED AT PRESENT TIME = WORK PERFORMED WITHOUT A BUILDING PERMIT OR APPROVALS OF DEPT OF BUILDING INSPECTION OR CITY PLANNING.

CORRECTIVE ACTION:

☒ STOP ALL WORK SFBC 104.2.4

☐ FILE BUILDING PERMIT WITHIN DAYS

☐ (WITH PLANS) A copy of This Notice Must Accompany the Permit Application

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

☐ CORRECT VIOLATIONS WITHIN DAYS.

☐ NO PERMIT REQUIRED

☒ YOU FAILED TO COMPLY WITH THE NOTICE(S) DATED 25-NOV-03, THEREFORE THIS DEPT. HAS INITIATED ABATEMENT PROCEEDINGS.

● FAILURE TO COMPLY WITH THIS NOTICE WILL CAUSE ABATEMENT PROCEEDINGS TO BEGIN.

SEE ATTACHMENT FOR ADDITIONAL WARNINGS.

THIS CASE IS REFERRED TO CODE ENFORCEMENT DIVISION FOR ABATEMENT PROCEEDINGS.

INVESTIGATION FEE OR OTHER FEE WILL APPLY

☒ 9x FEE (WORK W/O PERMIT AFTER 9/1/60) ☐ 2x FEE (WORK EXCEEDING SCOPE OF PERMIT)

☐ OTHER:

☐ REINSPECTION FEE \$

☐ NO PENALTY

(WORK W/O PERMIT PRIOR TO 9/1/60)

APPROX. DATE OF WORK W/O PERMIT

VALUE OF WORK PERFORMED W/O PERMITS \$10000

BY ORDER OF THE DIRECTOR, DEPARTMENT OF BUILDING INSPECTION

CONTACT INSPECTOR: John Aires

PHONE # --

DIVISION: BID

DISTRICT: 18

By: (Inspector's Signature) _____



NOTICE OF VIOLATION

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

Pursuant to SFBC 304(e) and 332.3 investigation fees are charged for work begun or performed without permits or for work exceeding the scope of permits. Such fees may be appealed to the Board of Permit Appeals within 15 days of permit issuance, at 875 Stevenson St., 4th floor. 554-6720

WARNING: Failure to take immediate action as required to correct the above violations will result in abatement proceedings by the Department of Building Inspection. If an Order of Abatement is recorded against this property, the owner will be billed or the property will be fined for all costs incurred in the code enforcement process from the posting of the first "Notice of Violation" until all costs are paid. SFBC 203(b) & 332.3

WARNING: Section 204 of the San Francisco Housing Code provides for immediate fines of \$100 for each instance of initial non-compliance, followed by \$200 fines per violation for the second instance of non-compliance, up to a maximum of \$7,500 per building. This section also provides for issuance of a criminal charge as a misdemeanor for each violation, resulting in fines of not less than \$1,000 per day or six months' imprisonment or both.

WARNING: Anyone who derives rental income from housing determined by the Department of Building Inspection to be substandard cannot deduct from state personal income tax and bank and corporate income tax interest, depreciation or taxes attributable to such substandard structure. If correction work is not completed or being diligently, expeditiously and continuously prosecuted after six (6) months from the date of this notice, notification will be sent to the Franchise Tax Board as provided in Section 17284(c) of the Revenue and Taxation Code.

WARNING: Section 205(a) of the San Francisco Building Code provides for civil fines of up to \$500 per day for any person who violates, disobeys, omits, neglects or refuses to comply with or opposes the execution of any provisions of this code. This section also provides for misdemeanor fines, if convicted, of up to \$500 and/or imprisonment up to six months for each separate offense for every day such offense occurs.

De acuerdo a las Secciones 304(e) y 332.3 de el Código de Construcción de Edificios de San Francisco, gastos de investigación serán cobrados por trabajo empezado o realizado sin los debidos permisos o por trabajo que exceda el límite estipulado en los permisos. Dichos cobros pueden ser apelados ante la Junta de Apelaciones de Permisos (Board of Permit Appeals) dentro de los primeros quince días de haberse obtenido el permiso. Las apelaciones se hacen en el 875 de la calle Stevenson, cuarto piso, teléfono 554-6720.

ADVERTENCIA: Si no cumple con las acciones inmediatas requeridas para corregir las infracciones, el Departamento de Inspección de Edificios tendrá el derecho de iniciar el proceso de mitigación. Si una Orden de Mitigación es registrada contra dicha propiedad, los gastos incurridos durante el proceso de aplicación del código, desde la primera puesta del Aviso de Infracción hasta que todos los gastos estén pagados, se le cobrarán al dueño del edificio o la propiedad será embargada para recuperar dichos gastos. Referencia a la Sección 203(b) y 332.3 de el Código de Construcción de Edificios.

ADVERTENCIA: La Sección 204 de el Código de Vivienda de San Francisco permite que se multe inmediatamente \$100 por cada primer caso de inconformidad, seguida por una multa de \$200 por cada segunda infracción de inconformidad, aumentando hasta un máximo de \$7,500 por cada edificio. Esta Sección también permite obtener cargos criminales como delito menor, resultando en multas de no menos de \$1,000 diarios o 6 meses de encarcelamiento o ambas sanciones.

ADVERTENCIA: Cualquier persona que reciba renta por una vivienda que haya sido declarada que no satisface las normas requeridas por el Departamento de Inspección de Edificios, no puede deducir del estado intereses personales, de banco o empresa, depreciación o taxes atribuidos sobre dicha estructura. Si el trabajo de reparación no se termina o está diligentemente, rápidamente y continuamente acusado después de seis (6) meses de la fecha de este aviso, se le enviará una notificación a la Junta de Concesión de Impuestos (Franchise Tax Board) de acuerdo a la Sección 1264(c) del Código de Ingresos e Impuestos (Revenue and Taxation Code).

ADVERTENCIA: La Sección 205(a) de el Código de Edicios de San Francisco impone multas civiles hasta de \$500 por cada día a cualquier persona que infrinja, desobedezca, omita, descuide, rehuya cumplir, resiste o se opone a la ejecución de las provisiones de este código. Esta sección también impone multas por delito menor, si es declarado culpable, de hasta \$500 o encarcelamiento de hasta 6 meses, o ambas sanciones, por cada una de las ofensas y por cada día que dicha ofensa ocurra.

根據《三藩市建築法規》(簡稱 SFBC) 第 304(e) 項和第 332.3 項條款的規定，對沒有許可證或已開始的工程或正在進行的工程，或者超越許可範圍的工程，將收取調查費。當事人可以在許可證發出日起 15 天之內，調查費可以向許可上訴委員會提出上訴。該委員會地址在 Stevenson 街 875 號 4 樓。電話：554-6720。

警告：如不按照要求立即採取行動，以糾正上述違章行為，將導致建築檢查局付諸強制糾正程序的執行。倘若此項違章行為的強制糾正程序令一經在市府檔案，則自違章通知張貼日起的各項與此糾正程序有關的費用，將向房地產主索取，或將房地產扣押，直至付清各項費用。請參閱《三藩市建築法規》第 203(b) 項和第 332.3 項條款。

警告：《三藩市房屋法規》(即 SFHC) 第 204(b) 項條款規定：對每一違章初犯者立即將被罰款 100 元，二次違章者罰款 200 元，每種違章的最高罰款可達 7,500 元。此項法規還規定對每一違章輕罪者可提出刑事控告，每日最高罰款可達 1,000 元，或/和監禁六個月。

警告：任何人通過出租房屋獲得收入，而該房屋已被建築檢查局定為低於規定標準者，不能從加州個人所得稅、銀行和公司所得稅利息、以及與該低於規定標準的建築有關的新舊或稅款中扣除稅費。如果在此通告公布六個月後，改正工程沒有完成，或者沒有積極、迅速有效地繼續進行，我們將根據《國家稅收法規》(即 Revenue & Taxation Code) 第 1264(c) 項條款，通知加州稅務委員會 (The Franchise Tax Board)。

警告：《三藩市建築法規》第 205(a) 項條款規定：對於任何違反、不服從、疏忽、忽視、或拒絕遵從此法規者，或者抵制、反對實施此法規中的任何條款的個人，將付最高 500 元的民事罰款。此法規還規定對違法者，如果被判罪，對每天所發生的、每一單獨的犯法行為，將付予最高 500 元的罰款，和/或者監禁六個月。



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



NOTICE OF VIOLATION

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

Pursuant to SFBC 304(e) and 332.3 investigation fees are charged for work begun or performed without permits or for work exceeding the scope of permits. Such fees may be appealed to the Board of Permit Appeals within 15 days of permit issuance, at 875 Stevenson St., 4th floor. 554-6720

WARNING: Failure to take immediate action as required to correct the above violations will result in abatement proceedings by the Department of Building Inspection. If an Order of Abatement is recorded against this property, the owner will be billed or the property will be lien for all costs incurred in the code enforcement process from the posting of the first "Notice of Violation" until all costs are paid. SFBC 203(b) & 332.3

WARNING: Section 204 of the San Francisco Housing Code provides for immediate fines of \$100 for each instance of initial non-compliance, followed by \$200 fines per violation for the second instance of non-compliance, up to a maximum of \$7,500 per building. This section also provides for issuance of a criminal charge as a misdemeanor for each violation, resulting in fines of not less than \$1,000 per day or six months' imprisonment or both.

WARNING: Anyone who derives rental income from housing determined by the Department of Building Inspection to be substandard cannot deduct from state personal income tax and bank and corporate income tax interest, depreciation or taxes attributable to such substandard structure. If correction work is not completed or being diligently, expeditiously and continuously prosecuted after six (6) months from the date of this notice, notification will be sent to the Franchise Tax Board as provided in Section 17264(c) of the Revenue and Taxation Code.

WARNING: Section 205(a) of the San Francisco Building Code provides for civil fines of up to \$500 per day for any person who violates, disobeys, omits, neglects or refuses to comply with or opposes the execution of any provisions of this code. This section also provides for misdemeanor fines, if convicted, of up to \$500 and/or imprisonment up to six months for each separate offense for every day such offense occurs.

De acuerdo a las Secciones 304(e) y 332.3 de el Código de Construcción de Edificios de San Francisco, gastos de investigación serán cobrados por trabajo empezado o realizado sin los debidos permisos o por trabajo que exceda el límite estipulado en los permisos. Dichos cobros pueden ser apelados ante la Junta de Apelaciones de Permisos (Board of Permit Appeals) dentro de los primeros quince días de haberse obtenido el permiso. Las apelaciones se hacen en el 875 de la calle Stevenson, cuarto piso, teléfono 554-6720.

ADVERTENCIA: Si no cumple con las acciones inmediatas requeridas para corregir las infracciones, el Departamento de Inspección de Edificios tendrá el derecho de iniciar el proceso de mitigación. Si una Orden de Mitigación es registrada contra dicha propiedad, los gastos incurridos durante el proceso de aplicación del código, desde la primera puesta del Aviso de Infracción hasta que todos los gastos estén pagados, se le cobrarán al dueño del edificio o la propiedad será embargada para recuperar dichos gastos. Referencia a la Sección 203(b) y 332.3 de el Código de Construcción de Edificios.

ADVERTENCIA: La Sección 204 de el Código de Vivienda de San Francisco permite que se multe inmediatamente \$100 por cada primer caso de in conformidad, seguida por una multa de \$200 por cada segunda infracción de in conformidad, aumentando hasta un máximo de \$7,500 por cada edificio. Esta Sección también permite obtener cargos criminales como delito menor, resultando en multas de no menos de \$1,000 diarios o 6 meses de encarcelamiento o ambas sanciones.

ADVERTENCIA: Cualquier persona que reciba renta por una vivienda que haya sido declarada que no satisface las normas requeridas por el Departamento de Inspección de Edificios, no puede deducir del estado intereses personales, de banco o empresa, depreciación o taxes atribuidos sobre dicha estructura. Si el trabajo de reparación no se termina o está diligentemente, rápidamente y continuamente acusado después de seis (6) meses de la fecha de este aviso, se le enviará una notificación a la Junta de Concesión de Impuestos (Franchise Tax Board) de acuerdo a la Sección 1264(c) del Código de Ingresos e Impuestos (Revenue and Taxation Code).

ADVERTENCIA: La Sección 205(a) de el Código de Edificios de San Francisco impone multas civiles hasta de \$500 por cada día a cualquier persona que infrinja, desobedezca, omita, descuide, rehuya cumplir, resiste o se opone a la ejecución de las provisiones de este código. Esta sección también impone multas por delito menor, si es declarado culpable, de hasta \$500 o encarcelamiento de hasta 6 meses, o ambas sanciones, por cada una de las ofensas y por cada día que dicha ofensa ocurra.

根據《三藩市建築法規》(簡稱 SFBC) 第 304(e) 項和第 332.3 項條款的規定，對沒有許可證便已開始的工程或正在進行的工程，或者超越許可範圍的工程，將收取調查費。當事人可以在許可證發出日起 15 天之內，向調查費可以向上訴委員會提出上訴。該委員會地址在 Stevenson 街 875 號 4 樓，電話：554-6720。

警告：如不按照要求立即採取行動，以糾正上述違章行為，將導致建築檢查局付諸強制糾正程序的執行。倘若此房地產調查的強制糾正程序令一經在市府備案，則自違章通知張貼日起的各項與此糾正程序有關的費用，將向房地產主索取，或將房地產扣押，直至付清各項費用。請參閱《三藩市建築法規》第 203 (b) 項和第 332.3 項條款。

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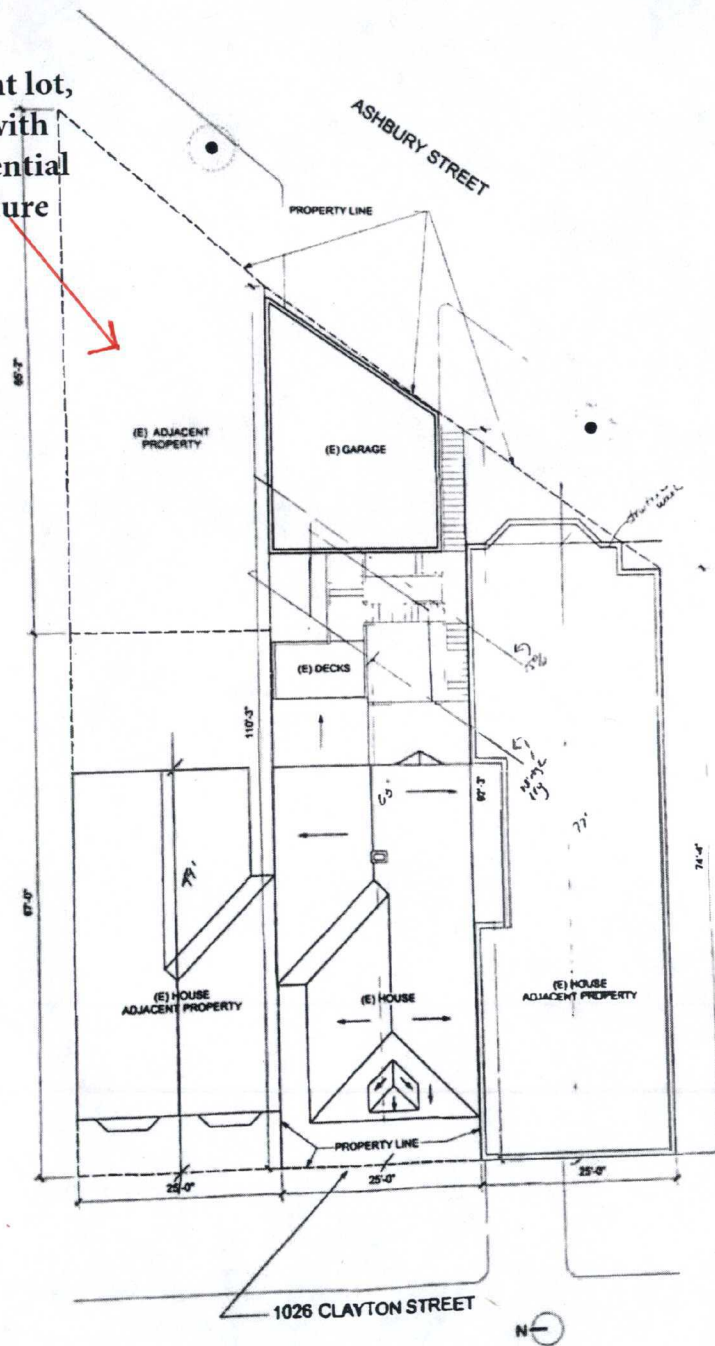


NOTICE OF VIOLATION

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

EXHIBIT C

Vacant lot,
now with
residential
structure



REVISIONS / PHASE	DATE

COPY

RYAN RESIDENCE
1026 CLAYTON ST.
SAN FRANCISCO, CA, 94117
BLOCK: 1265 LOT: 43



450 Linden Street
San Francisco
California 94102
t 415 355 0560
f 415 565 7132
www.2byD.com
e cynth@2byD.com

JOB	RYAN
DATE	26 SEPT 2008
SCALE	AS NOTED
DRAWN	RL/CO
SET	VARIANCE

G1.1

EXHIBIT D

Google Maps 1051 Ashbury St



Image capture: Jan 2018 © 2018 Google

San Francisco, California



Google, Inc.

Street View - Jan 2018

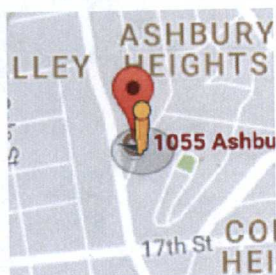
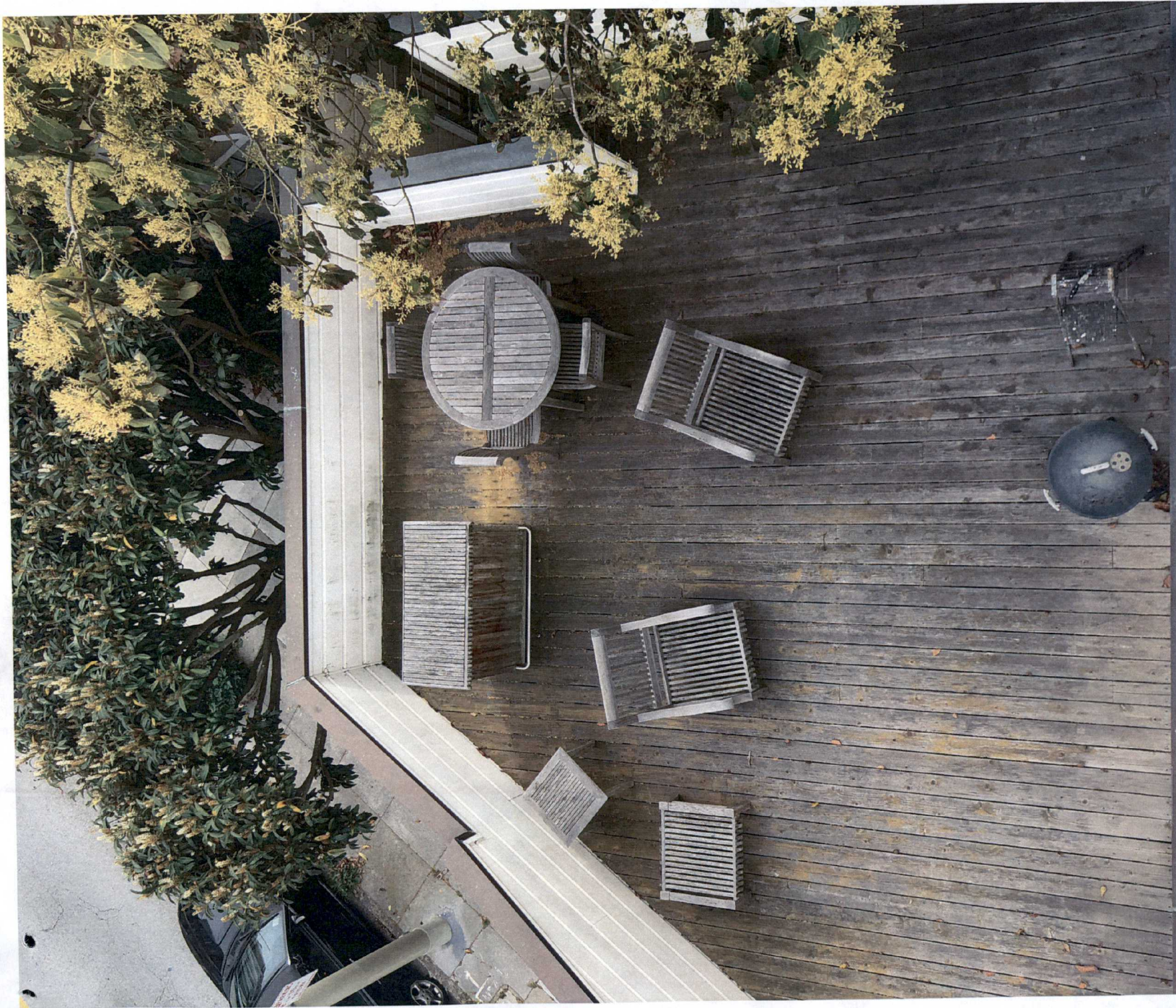


EXHIBIT E





August 7, 2018

We hereby authorize the attorneys of Zacks, Freedman & Patterson, PC to file a request for Discretionary Review of Case Nos.: 6823 & 6824 (1024-1026 Clayton Street) on my behalf.

Very truly yours,



Chris Durkin

1024-1026 Clayton Street

3 **Project Sponsor's BRIEF**

4
5 **I. INTRODUCTION**

6
7 This matter concerns DR requestor's opposition to project sponsors BPA 201507161729.
8 First and foremost this BPA (Building Permit Application) project is not a project in any ordinary
9 sense of the word but a purely documentation BPA for work done and approved by both DBI and
10 planning in 2007. There is no claim of, nor work done, on the garage roof since 2007. As shown in
11 primary RESPONSE TO DISCRETIONARY REVIEW (DRP) form no changes are proposed. The
12 PS (Project Sponsors) are Francis D (Dave) Ryan and Christine H Ryan who have lived at 1026
13 Clayton Street since 1990 and built the deck over their garage roof in 2007 and hence PS's have a
14 long standing and vested interest in this deck.

15 The DR requestor is the law firm of Zacks, Freedman & Patterson filing on behalf of Chris
16 Durkin who acquired the then empty property at 1055 Ashbury adjacent to the Ryan garage in 2013
17 in order to build a large single family home. Durkin is a property speculator and has done numerous
18 property flips and has acquired additional properties in the Cow Hollow and other neighborhoods.
19 The DR requestor repeatedly cited the Project Sponsors deck as "illegal" to Project Sponsors warning
20 that any lack of cooperation to his construction would be met by DBI complaints and legal action.
21 While the PS's, along with numerous other neighbors, opposed the Durkin project, this commission
22 approved the Durkin project with minor modifications.

23 The San Francisco Abatement Appeals Board ("AAB") recognized the retaliatory nature of
24 the Durkin complaint and ruled (in a decision letter dated November 28, 2016) that the PS's provide
25 updated plans (to show a play structure and to remove skylights shown on original plans but never
26 actually installed). The project sponsors have since complied with the AAB directives. The project
27 has been found to be compliant with the planning code and the departments residential design
28 guidelines. The project sponsors specifically urge rejection of this DR.

II. HISTORY

The current matter only originated after the DR requestor acquired the empty lot adjacent to Project Sponsors property in 2013 in order to build a house. The DR requestor's lot is a substandard lot and only existed as Mr. Dertz, the owner of 1018 Clayton, had previously split 1018 Clayton into two lots, front and rear, in order to provide a residence for a relative in the rear. That residence was never built and Mr. Dertz subsequently sold the unbuilt lot on to the DR requestor. DR requestor as a property developer and speculator was clearly aware of the substandard nature of the lot at the time of purchase and clearly the need to "quiet" any opposition to a variance he would obviously need to maximize the buildable area. The DR requestor then repeatedly cited the Project Sponsors deck as "illegal" to Project Sponsors warning that any lack of cooperation to his construction would be met by DBI complaints and legal action. The Project Sponsors finding such a claim of "illegality" incredulous, given the approvals obtained in 2007, rejected DR requestor's claim that their deck was illegal. The Project Sponsors finding DR requestor's completely unamenable to their concerns of his enormous project sought relief through the DR process. The then Project Sponsor (now DR requestor) was very successful in 2014 gaining a 50% variance in the depth of his 3,400+ 5 story building on a substandard lot.

The DR requestor then fulfilled his promise of DBI complaint and filed 201408641 which cites verbatim "Owner of 1026 Clayton St. Has Built Deck And Upper Stairs Without Permit. Cannot see Deck or Stairs From Street Must Go Through...". While DBI has accepted Durkin's complaint it is, to this day, in direct conflict with the online San Francisco Property Information Map which verbatim shows "deck structures and stairways all abated as of 12/21/2007".

The DR requestor then fulfilled his promise of legal action and filed San Francisco Superior court CGC-15-546787 claiming this deck as both a public and private nuisance. DR requestor's claim that the deck is a Public nuisance is completely without merit as the Public has no access nor is the Public impeded in any way by said deck. DR requestor's claim that the deck is a Private nuisance is completely without merit. The Project Sponsors deck causes no harm to the DR requestor. The deck does not impede DR requestor's access to his property in any way. DR requestor cannot access the deck. DR requestor, having now built his house, can only see the deck if he cranes his neck over

1 from the top of his five story house and looks down several stories. While this matter is being dealt
2 with separately the court will consider the outcome of this DR and so the project sponsors
3 specifically urge rejection of this DR.

4 5 **III. ADDRESSING OF DR REQUESTORS CONCERNS**

6 While PS's opinion is at one with that of the AAB we respond here based on some
7 noteworthy elements of the DR requestors concerns:

8 Project sponsors deny DR requestor "The property owner must be required to apply for a new
9 variance and not rely on one long since expired from 2006" as without pertinence given AAB
10 guidance. The DR requestor had knowingly and willingly bought in to a long standing and existing
11 condition when he purchased the empty lot adjacent to Project Sponsors property in 2013. The
12 Project Sponsors garage roof deck was built many years prior in 2007. The Project Sponsors opine
13 that they should be grandfathered in and that they cannot be held as overseers to any suspected
14 deficiencies that might be found years later in the highly complex planning and building processes.

15 Contrary to DR requestor's assertion of "The property owner has no building permits for any
16 work" the Project Sponsors understood their roof deck done in 2007 to be perfectly legal having both
17 DBI and CPB inspections and approval. The online San Francisco Property Information Map
18 verbatim shows "deck structures and stairways all abated as of 12/21/2007" (refer 5911_ENF) which
19 postdates the deck construction DBI signoff of 8/1/2007. Prior to performing any work, owners hired
20 2byDesign as the architect firm in 2006. 2byDesign obtained VDL (Variance Decision Letter)
21 2006.0508V as a minor encroachment was needed into the rear yard area and interfaced with City
22 DBI and CPB on the project. Prior to performing any work, owners hired Standard Roofing in 2007
23 who obtained approved permits 200706265111 (deck/stairs) and 200705040498 (reroof) and did the
24 work. DBI and CPB inspected and approved the project. Both permits 200706265111 and
25 200705040498 were approved with no requirement for any further steps as indicated by the blank
26 comments section in the associated permits. See Exhibit A.

27 DR requestor incorrectly assert "The San Francisco Fire Department has responded to the
28 project area numerous times due to applicant's continued use of both open flames and pressurized
combustibles on a regular basis" without evidence or basis. The Project Sponsors declare there is no

1 record of any numerous responses by San Francisco Fire Department. The Project Sponsors have in
2 fact obtained the records from the San Francisco Fire Department which do show numerous visits,
3 but not for issues with the deck, but for purposes of DR requestor's construction inspection
4 compliance inspections. DR requestor is simply misrepresenting these SFFD visits. See Exhibit B.
5 The Project Sponsors also point out a significant air gap exists between the buildings as illustrated in
6 the photos section. See "b. photos".

7 8 **IV. LEGAL ARGUMENT**

9 From the BUILDING INSPECTION COMMISSION (BIC), regular meeting held Monday,
10 May 1, 2006 at 9:00 a.m. in appeal re 1169-1177 Tennessee Street, while not identical, but with
11 parallels the City held verbatim: "The City is estopped from suspending the Permit under the theory
12 of equitable estoppel. This defense is proper in circumstances, such as this one, where the issuance
13 of a building permit is suspended or revoked after the property owner has relied on its issuance. Five
14 elements must ordinarily be proven to establish equitable estoppel: (1) the public agency must know
15 the facts; (2) the other party must be ignorant of the true state of the facts; (3) the public agency must
16 have intended that its conduct be acted on, or act so that the other party had a right to believe it was
17 intended; (4) the other party must rely on the conduct to its injury; and (5) if the government is not
18 estopped, the injustice to the other party's interest exceeds the injury to the public interest if the
government is estopped." Refer Exhibit C.

19 In this matter the Five elements are well established: (1) the public agency must know the
20 facts; Both DBI and DCP inspected and approved the deck and certainly knew the facts (2) the other
21 party must be ignorant of the true state of the facts; The Ryans were completely ignorant of any
22 claimed issue from 2007 until 2014 (3) the public agency must have intended that its conduct be
23 acted on, or act so that the other party had a right to believe it was intended; The Ryans acted on the
24 approvals received, paid their architect, paid their contractors and paid all City fees (4) the other party
25 must rely on the conduct to its injury; The Ryans are now suffering the injury of OOA and the injury
26 of Superior Court Lawsuit and (5) if the government is not estopped, the injustice to the other party's
27 interest exceeds the injury to the public interest if the government is estopped. There is no injury to
28 the Public in this matter. There is clearly a significant injury to the Ryans.

V. OTHER CONSIDERATIONS

Amazingly, in the view of the project sponsors, Durkin while aggressively pursuing the Ryans both in DBI and the courts, presenting himself as the pillar of righteousness, has himself accumulated a number of NOV's. We urge the commission to dismiss any consideration particularly given his apparent disdain for code compliance, planning criteria and commission instructions – here are just some examples:

NOV 201891801 “WORK W/O PERMIT; additional information: Apparent installation of glass on roof w/o permit”. Remarkably Durkin feels that he may do work on his own deck without permit while he holds the Ryans accountable for work they did with permit. Status is “09/19/18 First NOV mailed; oh”. Ignoring the NOV workers have been observed as recently as 10/30/18 working on the Durkin roof deck. Refer Exhibit D.

NOV 201708032 “Working beyond scope of PA #201705116316 Doing horizontal addition”; While this NOV is for 2417 Green Street in cow Hollow it is representative of Durkin's “above the law” mentality. The commission must already be intimately familiar with the multiple facets of this acrimonious situation. Refer Exhibit E.

1055 Ashbury PAN 201307313282 - 1051 Asbury Angle exceeds 135 degrees using Google Earth. The developer (Durkin) submitted plans in 2013 which distort the angle of intersection at Ashbury and Downey. They did not present a licensed survey to establish their case. Multiple measurements show that they have “fudged the angle” in order to gain development rights. Planning then advised the applicant (Durkin) to revise the project to be Code complying or opt to seek and justify a variance. Refer Exhibit F.

1055 Ashbury DR 20140911. Despite the fact that the then Project Sponsor (Durkin now DR requestor) has his building now and was very successful in 2014 gaining a 50% variance in depth of his 3,400+ 5 story structure on a substandard lot he has ignored the explicit direction of the commission that “grant the conditions there's a 15 foot rear yard remaining with no obstructions into the rear yard”. Various electrical, plumbing and other obstructions are clearly seen in the photographs. Refer Exhibit G.

VI. CONCLUSION

In conclusion we feel our proposed project should be approved as this BPA (Building Permit Application) is a purely documentation BPA, being done as directed by the AAB in their hearing of November 16, 2016, for work done and approved by both DBI and planning in 2007. Could there be any “project” less Extraordinary and Exceptional? Regarding other concerned parties neither the project sponsors nor their architect have received any other neighbor complaints. The DR requestor is the sole complainant. The DR requestor had knowingly and willingly bought in to a long standing and existing condition when he purchased the empty lot adjacent to Project Sponsors property in 2013. The then Project Sponsor (now DR requestor) has his building now and was very successful in 2014 gaining a 50% variance in depth of his 3,400+ 5 story structure on a substandard lot. The DR requestor, as recognized by the AAB and numerous others, is clearly acting in retaliation to the DR filed by the now project sponsors in 2014. This DR was filed by the developer out of spite and malice. The project sponsors have documented the work that was done in 2007. The project has been found to be compliant with the planning code and the departments residential design guidelines. There will be no new work done. We request that the permit be issued and that the violation be removed.

The commission may wish to consider a revocation of the associated OOA’s, not just for the benefit of the embattled project sponsors, but for the benefit of avoiding embroiling the City in any and all associated litigation. The DR requestor is relying on a technical artifact of these OOA’s as categorizing the Durkin complaint as a “Public nuisance” for which there is no statute of limitations. DR requestor’s claim that the deck is a Public nuisance is completely without merit as the Public has no access nor is the Public impeded in any way by said deck. The Project Sponsors deck causes no harm to the DR requestor. The deck does not impede DR requestor’s access to his property in any way. The project sponsors hold that DR requestor is indulging in an abuse of the City processes. A revocation of the associated OOA’s would allow this entire matter to be closed which has been dragging on and on since 2014.

The BIC regular meeting held Monday, May 1, 2006 in appeal re 1169-1177 Tennessee Street should establish a precedence for revocation of the associated OOA’s based on equitable estoppel.

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EXHIBIT A



San Francisco Property Information Map

Public Access to Useful Property Information & Resources at the Click of a Mouse

[Map Help](#) | [Your Feedback](#)
Tell us what you think

[Link](#)

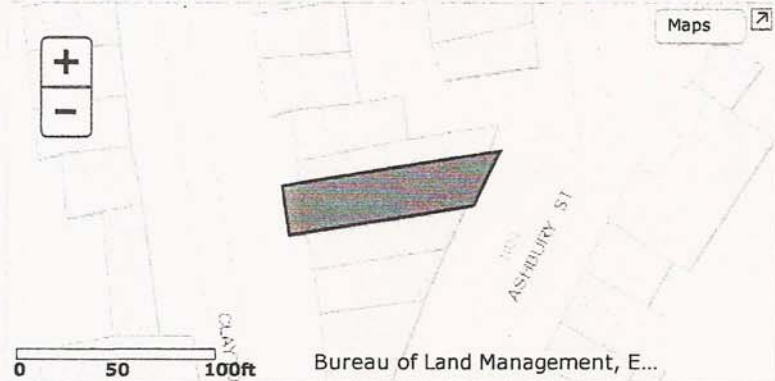
Step 1: Search or Click on the Map

Search Examples: 400 Van Ness Ave 0787/001
Mission and Van Ness 2015-005040PRJ
Ferry Building

1026 clayton street



[Measure Distance](#) | [Street View](#) | [Map Legend](#) | [Clear Map](#)



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Step 2: Review Property Information

Click tabs below to view property or parcel information

- Property
- Zoning
- Preservation
- Planning Apps
- Building Permits**
- Other Permits
- Complaints
- Appeals
- BBNs

RECEIVED
NOV 23 2015
CODE ENFORCEMENT
CCSF - DBI

Complaints Report: **1026 CLAYTON STREET**

The Planning Department and the Department of Building Inspection operate programs that ensure compliance with the San Francisco Code and Building Inspection Commission Codes respectively. Additionally, they respond to customer complaints of potential violations and initiate fair and unbiased enforcement action to those violations and educate property owners to maintain compliance.

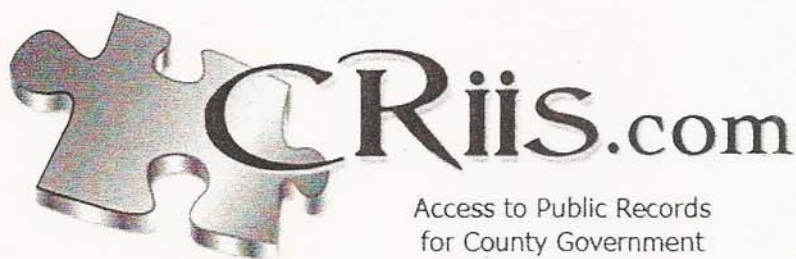
COMPLAINTS - PLANNING DEPT:
Select Language Powered by Google Translate SAN FRANCISCO
5911_ENF

Enforcement (ENF) 1024 CLAYTON ST

the deck structures and stairways which exist at this time do not match the configuration as described on the plans application #9813944; there is no record of a permit to alter construct for the conditions as observed at this time - horizontal without permit and removal of exterior stairway

OPENED	STATUS	ADDRESS
12/1/2003	Closed - Abated 12/21/2007	1024 CLAYTON ST, SAN FRANCISCO, CA 94

RELATED RECORDS: None



Access to Public Records
for County Government

[CRIIS Home](#) [Contact](#) [AtPac Home](#)

RECEIVED
NOV 23 2015
CODE ENFORCEMENT
CCSF - DBI

Search Results Document List By APN

APN Query Search Results

Criteria: 1269-043

		Block/Lot	Record	Date	Document	Doc Type
Show Name Detail	Show APN Detail	1269-043	07/15/2013		J705824-00	REVOCATION OF ORDER ABATEMEN
Show Name Detail	Show APN Detail	1269-043	03/27/2013		J627481-00	REVOCATION OF ORDER ABATEMEN
Show Name Detail	Show APN Detail	1269-043	02/07/2012		J350519-00	RECONVEYANCE
Show Name Detail	Show APN Detail	1269-043	02/07/2012		J350518-00	SUBSTITUTION TRUSTEE
Show Name Detail	Show APN Detail	1269-043	04/10/2007		I367155-00	ORDER OF ABATEMENT -LIEN
Show Name Detail	Show APN Detail	1269-043	01/18/2005		H889552-00	REVOCATION OF ORDER ABATEMEN
Show Name Detail	Show APN Detail	1269-043	05/12/2004		H716285-00	ORDER OF ABATEMENT -LIEN
Show Name Detail	Show APN Detail	1269-043	05/27/2003		H446163-00	RECONVEYANCE
Show Name Detail	Show APN Detail	1269-043	05/27/2003		H446162-00	SUBSTITUTION TRUSTEE
Show Name Detail	Show APN Detail	1269-043	04/02/2003		H398558-00	DEED OF TRUST
Show Name Detail	Show APN Detail	1269-043	12/14/2000		G875376-00	DEED OF TRUST
Show Name Detail	Show APN Detail	1269-043	05/12/1998		G349877-00	DEED OF TRUST
Show Name Detail	Show APN Detail	1269-043	04/28/1997		G153596-00	DEED OF TRUST
Show Name Detail	Show APN Detail	1269-043	02/09/1996		F927457-00	ASSIGNMENT OF DEED OF TRUST
Show Name Detail	Show APN Detail	1269-043	08/31/1995		F840185-00	DEED OF TRUST
Show Name Detail	Show APN Detail	1269-043	05/18/1990		E550285-00	DEED OF TRUST
Show Name Detail	Show APN Detail	1269-043	05/18/1990		E550284-00	DEED

End of Report



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13300 New Airport Rd. Suite 101 Auburn, CA 95602



A

Dept. of Building

JUN 26 2007

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D FOR ISSUANCE

8

APPLICATION NUMBER

2007-0626-5111

OSHA APPROVAL REQD

APPROVAL NUMBER:

APPLICATION FOR BUILDING PERMIT
ADDITIONS, ALTERATIONS OR REPAIRSCITY AND COUNTY OF SAN FRANCISCO
DEPARTMENT OF BUILDING INSPECTIONFORM 3 ☐ OTHER AGENCIES REVIEW REQUIREDFORM 8 ☒ OVER-THE COUNTER ISSUANCE

NUMBER OF PLAN SETS

APPLICATION IS HEREBY MADE TO THE DEPARTMENT OF
BUILDING INSPECTION OF SAN FRANCISCO FOR
PERMISSION TO BUILD IN ACCORDANCE WITH THE PLANS
AND SPECIFICATIONS SUBMITTED HERewith AND
ACCORDING TO THE DESCRIPTION AND FOR THE PURPOSE
HEREINAFTER SET FORTH.

DO NOT WRITE ABOVE THIS LINE

DATE FILED 6/26/07	FILING FEE RECEIPT NO.	(1) STREET ADDRESS OF JOB 1026 Clayton Street	BLOCK & LOT 1269 + 43
PERMIT NO. 1124776	ISSUED JUN 26 2007	(2A) ESTIMATED COST OF JOB 5000	(2B) REVISED COST: 15000 BY: DATE: 6/26/07

INFORMATION TO BE FURNISHED BY ALL APPLICANTS

LEGAL DESCRIPTION OF EXISTING BUILDING

(4A) TYPE OF CONSTR. V-N	(5A) NO. OF STORIES OF OCCUPANCY: 2	(6A) NO. OF BASEMENTS AND CELLARS: 0	(7A) PRESENT USE: SINGLE FAMILY	(8A) OCCUP. CLASS R-3	(9A) NO. OF DWELLING UNITS: 1
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DESCRIPTION OF BUILDING AFTER PROPOSED ALTERATION

(4) TYPE OF CONSTR. V-N	(5) NO. OF STORIES OF OCCUPANCY: 2	(6) NO. OF BASEMENTS AND CELLARS: 0	(7) PROPOSED USE (LEGAL USE) SFD	(8) OCCUP. CLASS R-3	(9) NO. OF DWELLING UNITS: 1
----------------------------	---------------------------------------	----------------------------------------	-------------------------------------	-------------------------	---------------------------------

(10) IS AUTO RUNWAY TO BE CONSTRUCTED OR ALTERED? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	(11) WILL STREET SPACE BE USED DURING CONSTRUCTION? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	(12) ELECTRICAL WORK TO BE PERFORMED? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	(13) PLUMBING WORK TO BE PERFORMED? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
--------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------

(14) GENERAL CONTRACTOR STANDARD ROOFING Co.	ADDRESS 1226 9th Ave.	ZIP 94122	PHONE 566-2049	CALIF. LIC. NO. 348544	EXPIRATION DATE 04/30/09
-------------------------------------------------	--------------------------	--------------	-------------------	---------------------------	-----------------------------

(15) OWNER - LESSEE (CROSS OUT ONE) DAVID RYAN -	ADDRESS 1026 Clayton St.	ZIP 94117	BTRC#	PHONE (FOR CONTACT BY DEPT.) (415) 350-4750
-----------------------------------------------------	-----------------------------	--------------	-------	------------------------------------------------

(16) WRITE IN DESCRIPTION OF ALL WORK TO BE PERFORMED UNDER THIS APPLICATION (REFERENCE TO PLANS IS NOT SUFFICIENT)

REPAIR ROOFING & SIDING. ROOF PERMIT # 1119130

ADDITIONAL INFORMATION

(17) DOES THIS ALTERATION CREATE ADDITIONAL HEIGHT OR STORY TO BUILDING? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	(18) IF (17) IS YES, STATE NEW HEIGHT AT CENTER LINE OF FRONT FT.	(19) DOES THIS ALTERATION CREATE DECK OR HORIZ. EXTENSION TO BUILDING? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	(20) IF (19) IS YES, STATE NEW GROUND FLOOR AREA SQ. FT.
(21) WILL SIDEWALK OVER SUB-SIDEWALK SPACE BE REPAIRED OR ALTERED? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	(22) WILL BUILDING EXTEND BEYOND PROPERTY LINE? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	(23) ANY OTHER EXISTING BLDG. ON LOT? (IF YES, SHOW ON PLOT PLAN) YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	(24) DOES THIS ALTERATION CONSTITUTE A CHANGE OF OCCUPANCY? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>

(25) ARCHITECT OR ENGINEER (DESIGN <input type="checkbox"/> CONSTRUCTION <input type="checkbox"/> ADDRESS	CALIF. CERTIFICATE NO.
--------------------------------------------------------------------------------------------------------------	------------------------

(26) CONSTRUCTION LENDER (ENTER NAME AND BRANCH DESIGNATION IF ANY, IF THERE IS NO KNOWN CONSTRUCTION LENDER, ENTER "UNKNOWN") ADDRESS

IMPORTANT NOTICES

No change shall be made in the character of the occupancy or use without first obtaining a Building Permit authorizing such change. See San Francisco Building Code and San Francisco Housing Code.

No portion of building or structure or scaffolding used during construction, to be closer than 6'0" to any wire containing more than 750 volts See Sec 385, California Penal Code.

Pursuant to San Francisco Building Code, the building permit shall be posted on the job. The owner is responsible for approved plans and application being kept at building site.

Grade lines as shown on drawings accompanying this application are assumed to be correct. If actual grade lines are not the same as shown revised drawings showing correct grade lines, cuts and fills together with complete details of retaining walls and wall footings required must be submitted to this department for approval.

ANY STIPULATION REQUIRED HEREIN OR BY CODE MAY BE APPEALED.

BUILDING NOT TO BE OCCUPIED UNTIL CERTIFICATE OF FINAL COMPLETION IS POSTED ON THE BUILDING OR PERMIT OF OCCUPANCY GRANTED, WHEN REQUIRED.

NOTICE TO APPLICANT

HOLD HARMLESS CLAUSE. The permittee(s) by acceptance of the permit, agree(s) to indemnify and hold harmless the City and County of San Francisco from and against any and all claim, demands and actions for damages resulting from operations under this permit, regardless of negligence of the City and County of San Francisco, and to assume the defense of the City and County of San Francisco against all such claims, demands or actions.

In conformity with the provisions of Section 2800 of the Labor Code of the State of California, the applicant shall have coverage under (I), or (II) designated below or shall indicate item (III), or (IV), or (V), whichever is applicable. If however item (V) is checked item (IV) must be checked as well. Mark the appropriate method of compliance below.

I hereby affirm under penalty of perjury one of the following declarations:

() I have and will maintain a certificate of consent to self-insure for worker's compensation, as provided by Section 3700 of the Labor Code, for the performance of the work for which this permit is issued.

(X) I have and will maintain workers' compensation insurance, as required by Section 3700 of the Labor Code, for the performance of the work for which this permit is issued. My workers'

MAY 04 2007

REROOFING

PLEASE CALL THE BUILDING INSPECTION DIVISION.
558-6096. FOR A FINAL INSPECTION APPOINTMENT,
NEW OR REPLACEMENT SHEATING AND SKYLIGHTS
REQUIRES A SEPARATE BUILDING PERMIT.

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1042007

EPH YU, DBI

APPLICATION NUMBER

APPROVAL NUMBER:

ISAM HASENIN, P.E., C.B.O.
DIRECTOR/CHIEF BUILDING OFFICIAL
DEPT. OF BUILDING INSPECTION

APPLICATION FOR BUILDING PERMIT ADDITIONS, ALTERATIONS OR REPAIRS

FORM 3 ☐ OTHER AGENCIES REVIEW REQUIREDFORM 8 ☒ OVER-THE COUNTER ISSUANCE

NUMBER OF PLAN SETS 1-1-08

DO NOT WRITE ABOVE THIS LINE

CITY AND COUNTY OF SAN FRANCISCO
DEPARTMENT OF BUILDING INSPECTION

APPLICATION IS HEREBY MADE TO THE DEPARTMENT OF
BUILDING INSPECTION OF SAN FRANCISCO FOR
PERMISSION TO BUILD IN ACCORDANCE WITH THE PLANS
AND SPECIFICATIONS SUBMITTED HERewith AND
ACCORDING TO THE DESCRIPTION AND FOR THE PURPOSE
HEREINAFTER SET FORTH.

DATE FILED 3/4/07	FILING FEE RECEIPT NO.	(1) STREET ADDRESS OF JOB 1026 Clayton St.	BLOCK & LOT 1269 + 43
PERMIT NO. 1119130	ISSUED 5-4-07	(2A) ESTIMATED COST OF JOB \$11,400.00	(2B) REVISED COST \$11400
		BY: [Signature]	DATE: 5/4/07

INFORMATION TO BE FURNISHED BY ALL APPLICANTS

LEGAL DESCRIPTION OF EXISTING BUILDING

(4A) TYPE OF CONSTR. SN	(5A) NO. OF STORIES OF OCCUPANCY 1	(6A) NO. OF BASEMENTS AND CELLARS 0	(7A) PRESENT USE: Detached Garage @ Front	(8A) OCCUP. CLASS U-1	(9A) NO. OF DWELLING UNITS 0
----------------------------	---------------------------------------	----------------------------------------	----------------------------------------------	--------------------------	---------------------------------

DESCRIPTION OF BUILDING AFTER PROPOSED ALTERATION

(4) TYPE OF CONSTR. SN	(5) NO. OF STORIES OF OCCUPANCY 1	(6) NO. OF BASEMENTS AND CELLARS 0	(7) PROPOSED USE (LEGAL USE) 1	(8) OCCUP. CLASS U-1	(9) NO. OF DWELLING UNITS 0
---------------------------	--------------------------------------	---------------------------------------	-----------------------------------	-------------------------	--------------------------------

(10) IS AUTO RUNWAY TO BE CONSTRUCTED OR ALTERED?	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	(11) WILL STREET SPACE BE USED DURING CONSTRUCTION?	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	(12) ELECTRICAL WORK TO BE PERFORMED?	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	(13) PLUMBING WORK TO BE PERFORMED?	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
---------------------------------------------------	---------------------------------------------------------------------	-----------------------------------------------------	---------------------------------------------------------------------	---------------------------------------	---------------------------------------------------------------------	-------------------------------------	---------------------------------------------------------------------

(14) GENERAL CONTRACTOR STANDARD Roofing Co - 1226 9th Ave - 94122	ADDRESS	ZIP	PHONE	CALIF. LICENSE NO.	EXPIRATION DATE
-----------------------------------------------------------------------	---------	-----	-------	--------------------	-----------------

(15) OWNER - LESSEE (CROSS OUT ONE) OWNER	ADDRESS	ZIP	BTRC#	PHONE (FOR CONTACT BY DEPT.)
----------------------------------------------	---------	-----	-------	------------------------------

(16) WRITE IN DESCRIPTION OF ALL WORK TO BE PERFORMED UNDER THIS APPLICATION (REFERENCE TO PLANS IS NOT SUFFICIENT)

Remove tar & gravel roofing from garage, front to dump. Apply 4 layers of fiberglass roof. This roofing has a "Class A" fire rating w/ mineral surface cap sheet.

ADDITIONAL INFORMATION

(17) DOES THIS ALTERATION CREATE ADDITIONAL HEIGHT OR STORY TO BUILDING?	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	(18) IF (17) IS YES, STATE NEW HEIGHT AT CENTER LINE OF FRONT	FT.	(19) DOES THIS ALTERATION CREATE DECK OR HORIZ. EXTENSION TO BUILDING?	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	(20) IF (19) IS YES, STATE NEW GROUND FLOOR AREA	SQ. FT.
--------------------------------------------------------------------------	---------------------------------------------------------------------	---------------------------------------------------------------	-----	------------------------------------------------------------------------	---------------------------------------------------------------------	--------------------------------------------------	---------

(21) WILL SIDEWALK OVER SUB-SIDEWALK SPACE BE REPAIRED OR ALTERED?	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	(22) WILL BUILDING EXTEND BEYOND PROPERTY LINE?	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	(23) ANY OTHER EXISTING BLDG. ON LOT? (IF YES, SHOW ON PLOT PLAN)	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	(24) DOES THIS ALTERATION CONSTITUTE A CHANGE OF OCCUPANCY?	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
--------------------------------------------------------------------	---------------------------------------------------------------------	-------------------------------------------------	---------------------------------------------------------------------	-------------------------------------------------------------------	---------------------------------------------------------------------	-------------------------------------------------------------	---------------------------------------------------------------------

(25) ARCHITECT OR ENGINEER (DESIGN <input type="checkbox"/> CONSTRUCTION <input type="checkbox"/>	ADDRESS	CALIF. CERTIFICATE NO.
---------------------------------------------------------------------------------------------------	---------	------------------------

(26) CONSTRUCTION LENDER (ENTER NAME AND BRANCH DESIGNATION IF ANY, IF THERE IS NO KNOWN CONSTRUCTION LENDER, ENTER "UNKNOWN")	ADDRESS
--------------------------------------------------------------------------------------------------------------------------------	---------

IMPORTANT NOTICES

No change shall be made in the character of the occupancy or use without first obtaining a Building permit authorizing such change. See San Francisco Building Code and San Francisco Housing Code.

No portion of building or structure or scaffolding used during construction, to be closer than 6'0" to any wire containing more than 750 volts See Sec 385, California Penal Code.

Pursuant to San Francisco Building Code, the building permit shall be posted on the job. The owner is responsible for approved plans and application being kept at building site.

Grade lines as shown on drawings accompanying this application are assumed to be correct. If actual grade lines are not the same as shown revised drawings showing correct grade lines, cuts and fills together with complete details of retaining walls and wall footings required must be submitted to this department for approval.

NOTICE TO APPLICANT

HOLD HARMLESS CLAUSE. The permittee(s) by acceptance of the permit, agree(s) to indemnify and hold harmless the City and County of San Francisco from and against any and all claim, demands and actions for damages resulting from operations under this permit, regardless of negligence of the City and County of San Francisco, and to assume the defense of the City and County of San Francisco against all such claims, demands or actions.

In conformity with the provisions of Section 3800 of the Labor Code of the State of California, the applicant shall have coverage under (I), or (II) designated below or shall indicate item (III), or (IV), or (V), whichever is applicable. If however item (V) is checked item (IV) must be checked as well. Mark the appropriate method of compliance below.

I hereby affirm under penalty of perjury one of the following declarations:

() I. I have and will maintain a certificate of insurance with...

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City and County of San Francisco
DEPARTMENT OF BUILDING INSPECTION

J O B C A R D



OFFICE HOURS: THE BUILDING INSPECTION IS OPEN DAILY, MONDAY THRU FRIDAY,
FROM 7:30 a.m. TO 5:00 p.m. DISTRICT BUILDING INSPECTORS KEEP OFFICE HOURS DAILY,
MONDAY THRU FRIDAY, FROM 7:30 a.m. TO 8:30 a.m. AND FROM 3:00 p.m. TO 4:00 p.m.

REQUESTS FOR INSPECTIONS ARE TAKEN ONLY DURING THE HOURS OF
8:30 A.M. TO 3:00 P.M. BY CALLING (415) 558-6096

APPLICATION NO. 2007-06-26-5111 PERMIT NO. 1124336 ISSUED _____

JOB ADDRESS: 1026 CLAYTON CT BLOCK: _____ LOT: _____

NATURE OF WORK: _____

WORK PERMITTED UNDER AUTHORITY OF THIS BUILDING PERMIT NUMBER MUST START BY 90 DAYS
AND BE COMPLETED BY 10-26-07.

WORK UNDERWAY MUST BE INSPECTED AT LEAST EVERY NINETY (90) DAYS IN ORDER TO PREVENT EXPIRATION
DUE TO ABANDONMENT OF WORK.

EXTENSIONS OF THE "START" & "COMPLETE WORK" DATES OF THIS BUILDING PERMIT NUMBER MAY BE GRANTED
UPON WRITTEN REQUEST PRIOR TO THE DATES NOTED ABOVE.

For information on the Permit Process, Building Plans Review, Access Issues, etc., please see page 4 of this
JOB CARD for useful and appropriate telephone numbers.

ELECTRICAL & PLUMBING WORK MUST HAVE PERMITS SEPARATE FROM A BUILDING PERMIT.

**KEEP THIS CARD POSTED IN A CONSPICUOUS PLACE ON THE JOB SITE AT ALL TIMES.
PLANS AND PERMIT DOCUMENTS SHALL BE ON THE JOB SITE
AT ALL TIMES WHEN WORK IS IN PROGRESS.
AFTER COMPLETION OF WORK, RETAIN THIS CARD FOR YOUR RECORDS.**

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FORM

City and County of San Francisco
DEPARTMENT OF BUILDING INSPECTION
INSPECTION RECORD

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CODE ENFORCEMENT
CCSF - DBIAPPLICATION NO. 2007-06-24-111 PERMIT NO. 1124336 ISSUED JUN 26 2007JOB ADDRESS: 1026 CLAYTON ST BLOCK: _____ LOT: _____

NATURE OF WORK: _____

Do Not Pour CONCRETE until the following are signed			
INSPECTIONS	Dates	Inspectors	
Foundation Forms			
Foundation Steel			
Grounding Electrode			
O.K. TO POUR			

Do Not Pour CONCRETE SLAB until the following are signed			
INSPECTIONS	Dates	Inspectors	
Plumbing Underground			
Electrical Underground			
Fire Service Underground			

Do Not COVER until the following are signed			
INSPECTIONS	Dates	Inspectors	
Rough Framing			
Rough Electrical			
Rough Plumbing			
Insulation			
Sound Transmission			
Rough Sprinklers (PLBG)			
Rough Sprinklers (FIRE)			
Flue & Vents (PLBG)			
Flue, Vents, Ducts (BLDG)			
Hydrostatic Test			
Lath			
O.K. TO COVER			

ADDITIONAL WORK REQUIRING APPROVALS			
INSPECTIONS	Dates	Inspectors	
Special			
Special			
Special			
Shower Pan			
Standpipes (wet/dry)			
Fire Alarm			
Security Ordinance			
Energy Ordinance			
Smoke & Heat Detectors			

FINAL INSPECTIONS REQUIRED			
INSPECTIONS	Dates	Inspectors	
Special			
Code Enforcement			
Disabled Access			
Housing			
Mechanical			
Plumbing			
Electrical			
Street Use & Mapping			
Urban Forestry			
Fire Department			
Health Department			
Building	<u>8/1/07</u>	<u>FTD</u>	
CERTIFICATE OF FINAL COMPLETION			

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CODE ENFORCEMENT
CCSF - DBI

FOR INFORMATION ON THE PERMIT PROCESS, CALL THE DEPARTMENT OF BUILDING INSPECTION'S CUSTOMER SERVICES DIVISION at 415-558-6088.

FOR INFORMATION RELEVANT TO VARIOUS ASPECTS OF YOUR PERMITTED WORK UNDER WAY, PLEASE USE THE FOLLOWING PHONE NUMBERS:

BUILDING INSPECTION:	415-558-6096	MECHANICAL PLAN CHECK:	415-558-6133
CENTRAL PERMIT BUREAU	415-558-6070	MICROFILM/3R REPORTS:	415-558-6080
CODE ENFORCEMENT:	415-558-6267	PERMIT STATUS:	415-558-6088
COMMERCIAL PLAN CHECK:	415-558-6133	PLANNING DEPARTMENT:	415-558-6377
CTI PLAN CHECK:	415-558-6086	PLUMBING INSPECTION:	415-558-6054
DISABLED ACCESS:	415-558-6014	REROOFING INSPECTION:	415-558-6091
ELECTRICAL INSPECTION:	415-558-6030	RESIDENTIAL PLAN CHECK:	415-558-6133
FIRE INSPECTION:	415-558-3300	SPECIAL INSPECTION:	415-558-6132
FIRE PLAN CHECK:	415-558-6379	STREET SPACE:	415-558-6060
HEALTH INSPECTION:	415-252-3816	STREET USE & MAPPING:	415-554-7149
HOUSING INSPECTION:	415-558-6220	TECHNICAL SERVICES:	415-558-6205
MAJOR/UMB PLAN CHECK:	415-558-6133		

A FINAL REMINDER

AFTER COMPLETION OF WORK BEING PERFORMED UNDER AUTHORITY OF YOUR BUILDING PERMIT, RETAIN THIS *JOB CARD* WITH YOUR IMPORTANT BUILDING RECORDS.

IMPORTANT !

If this permit was applied for to clear a NOTICE OF VIOLATION issued by HOUSING INSPECTION SERVICES, you must make a copy of the completed JOB CARD and mail it to the attention of the HOUSING INSPECTOR who wrote the NOTICE at the following:

San Francisco Department of Building Inspection
ATTN: Abatement Job Card
Housing Inspection Services
1660 Mission Street, 6th Floor
San Francisco, California 94103-24214

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CITY OF SAN FRANCISCO
DEPARTMENT OF BUILDING INSPECTION

CENTRAL PERMIT BUREAU
1660 Mission Street
San Francisco, California 94103

CITY AND COUNTY OF SAN FRANCISCO
DEPARTMENT OF BUILDING INSPECTION
(415)558-6088

Receipt No: 1124336
Application/Permit No: 200706265111

PERMIT IS GRANTED TO

☐ ERECT ☒ ALTER BUILDING ☐ ERECT SIGN DATE OF ISSUE 26-JUN-07
☐ DEMOLISH BUILDING ☐ GRADE FILING FEE RECEIPT # _____
☐ LOWER CURB ☐ OCCUPY STREET SPACE
☐ EXCAVATE STREET OR SIDEWALK ☐ POST NOTICE
☐ HOUSE NUMBER CERTIFICATE ☐ REPAIR OR CONSTRUCT SIDEWALK

THIS PERMIT IS GRANTED IN ACCORDANCE WITH PROVISIONS OF THE CHARTER AND ORDINANCES OF THE CITY AND COUNTY OF SAN FRANCISCO AND/OR THE CURRENT STANDARD SPECIFICATIONS OF THE DEPARTMENT OF BUILDING INSPECTION

* ADDITIONAL INFORMATION REGARDING SPECIFIC PERMITS IS GIVEN ON THE BACK OF THIS FORM.

SUPPLEMENTAL FEE PAID:

☐ FINAL PLAN CHECK ☐ EXPEDITER FEE ☐ PENALTY
☐ STRUCTURAL LTR ☐ DCP FEE

OWNER: FRANCIS D & CHRISTINE H (415)350-4750

LOCATION OF JOB: HOUSE NUMBER: EXISTING ☐ ASSIGNED ☐
STREET ADDRESS: BLOCK/LOT
1026 CLAYTON ST 1269/043

METES AND BOUNDS

FRONTAGE FT 2 5 R-3
STORIES TYPE LEGAL OCCUPANCIES
BUILDING USE 1 FAMILY DWELLING ESTIMATED COST \$ 5,000.00

SIDEWALK SQ. FTGE ST. SPACE LINEAR FT. 9 FT. CURB SECT. TO BE LOWERED

WORK MUST COMMENCE ON BUILDING WITHIN 90 days OF DATE OF ISSUANCE OF THIS PERMIT, UNLESS EXTENSION AUTHORIZED. IF UNDER ENFORCEMENT ORDERS SPECIAL TIME PERIODS WHERE SPECIFIED WILL APPLY.

TIME FOR COMPLETION OF WORK UNDER THIS BUILDING PERMIT EXPIRES 4 Months AFTER DATE OF ISSUANCE. IF UNDER ENFORCEMENT ORDERS SPECIAL TIME PERIODS WHERE SPECIFIED WILL APPLY. (NOTE: STREET SPACE PERMIT EXPIRES ON COMPLETION OF WORK OR WHEN REVOKED BY DIRECTOR OF PUBLIC WORKS. SEE BACK OF FORM FOR OTHER TIME LIMITS.)

BRUCE M MULLINS 415-566-2049

FEE PAYOR

1226 9TH AV
ADDRESS
SF CA 94122
CITY

PERMIT 1124336

APPEAL

CENTRAL PERMIT BUREAU-D.B.I. SHEKKATHY

DBI P/C PAID AT FILING

AUDITED FOR REFUND

FEE

BUILDING 134.55
CPB PROCESSING FEE 20.00

SURCHARGE 0.00
BOA SURCHARGE 13.00
SUBTOTAL OF FEES WITH APPLICABLE SURCHARGES \$167.55

STRONG MOTION 1.60

SUBTOTAL OTHER FEES 1.60
TOTAL \$ \$169.15

SEPARATE PERMITS MUST BE OBTAINED FOR ELECTRICAL, PLUMBING OR OTHER RELATED WORK
9003-18(Rev.10/95)

OFFICIAL COPY

SAN FRANCISCO

Property Information

Address: 1026 CLAYTON ST

Block/Lot: 1269 / 043

Building Occupancy: F

New Construction Date: 1910

Other possible addresses for this location:

Applicant Information

First Name DAVE

Address 1026 CLAYTON

Last Name RYAN

Address2

Company

City SAN FRANCISCO

Phone 4153504752 Ext

State CA

Alt. Phone Ext

Zip Code 94117

E-mail

Origin

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CODE ENFORCEMENT
CCSF - DBI

Request Information

Processed By: TISUARDA

Date Received: 09/29/2015 Ready Date: 10/27/2015

Until Date: 11/10/2015

Completed date: 09/29/2015

Final Date:

Voided Date:

Turnaround Time: 0

Duplication for Plans

Duplication: ☐ Yes or ☐ No

Mailed date:

Owner:

35MM: \$0.00

Pvision Plans: \$0.00

Design Prof:

View Only

Aperture Cards: 0

Díazo Cards: 0

Rolls: 0

DivApps: 0

Pvision Permits: 0

Pvision Plans: 0

Printed Copies

Aperture Cards: \$0.00

Pvision Permits: \$0.00

16MM: \$0.00

Certification: \$0.00

Additional Comments

Payment Amount

Customer Completed Date: 09/29/2015

Total: 0.00

Deposit or adjustment: 0.00

Balance due: 0.00

Total Printed Copy Paid Units

Aperture Cards	Pvision Permits	16MM	Certified	35MM	Pvision Plans
0	4	0	0	0	0

< >

Payments Applied

Receipt	Payment date	Payor	Address	Issued By	Amount
RR015241	9/29/2015	DAVE RYAN	1026 CLAYTON SAN FRANCISCO CA 94117	TISUARDA	\$0.40

< >

SAN FRANCISCO
W. D. B.
DEPARTMENT OF
BUILDING INSPECTION

RECEIVED
NOV 23 2015
CODE ENFORCEMENT
CCSF - DBI

ADDRESS OF JOB		BLOCK/LOT	APPLICATION NO.
1026 CLAYTON ST		1269/043	200705040498
OWNER NAME		TELEPHONE	
RYAN FRANCIS D & CHRISTINE H		350-4750	
ESTIMATED COST	FILE DATE	DISPOSITION	DISPOSITION DATE
\$11,400	05/04/07	ISSUED	05/04/07
FORM	CONST. TYPE	OCCUPANCY CODES	PLANS
			STORIES
			UNITS
			DISTRICT
8	U-1	0	18
CONTACT NAME		TELEPHONE	
STANDARD ROOFING CO		4155662049	
DESCRIPTION/BLDG. USE		OTHER DESCRIPTION	
PRKNG		REROOFING	
GARAGE/PRIVAT			
SPECIAL INSPECTIONS?	NO	FIRE ZONE	NO
SPECIAL USE DISTRICT		TIDF	
		PENALTY	NO
NOTES:		COMPLIANCE WITH REPORTS	

9003-15

PERMIT INSPECTION RECORD

DEPARTMENT OF BUILDING INSPECTION

CITY AND COUNTY OF SAN FRANCISCO

BUILDING INSPECTION JOB CARD

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CCSF - DBI

[illegible]

SAN FRANCISCO

DEPARTMENT OF
BUILDING INSPECTION

RECEIVED
NOV 23 2015
CODE ENFORCEMENT
CCSF - DBI

ADDRESS OF JOB		BLOCK/LOT		APPLICATION NO.	
1026 CLAYTON ST		1269/043		200706265111	
OWNER NAME		TELEPHONE			
RYAN FRANCIS D & CHRISTINE H		(415)350-4750			
ESTIMATED COST	FILE DATE	DISPOSITION	DISPOSITION DATE	PERMIT NO.	EXPIRATION DATE
\$5,000	06/26/07	ISSUED	06/26/07	200706265111	10/26/07
FORM	CONST. TYPE	OCCUPANCY CODES	PLANS	STORIES	UNITS
8	5	R-3	0	2	1
CONTACT NAME					DISTRICT
STANDARD ROOFING CO					18 BID-INSP
DESCRIPTION/BLDG. USE					TELEPHONE
1 FAMILY DWELLING					4155662049
REPLACE DRYROT DECKING & SIDING EXPAND SCOPE OF WORK .					
SPECIAL INSPECTIONS?		FIRE ZONE		NO	
SPECIAL USE DISTRICT		TIDF		NO	
PENALTY		COMPLIANCE WITH REPORTS		NO	
NOTES:					
9003-15					
PERMIT INSPECTION RECORD DEPARTMENT OF BUILDING INSPECTION CITY AND COUNTY OF SAN FRANCISCO BUILDING INSPECTION JOB CARD					

OFFICIAL COPY



RECEIVED
NOV 23 2015
CODE ENFORCEMENT
CCSF - DBI

DATE	BUILDING INSPECTORS JOB RECORD
8/1/07	305 complete <u>FTD</u>
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<u>WORK COMPLETED. FINAL CERTIFICATE ISSUED</u>	
APP. NO.	
200706265111	<u>Ed. Donnelly</u> BUILDING INSPECTOR

RECORDING REQUESTED BY:

WHEN RECORDED, MAIL TO:
NAME Department of Building
Inspection
MAILING Code Enforcement
ADDRESS Division 3rd Floor
1650 Mission Street
CITY, STATE San Francisco, CA 94103
ZIP CODE

San Francisco Assessor-Recorder
Mabel S. Teng, Assessor-Recorder
DOC- 2004-H716285-00

Acct 48-SFCC Bureau Of Building Inspections

Wednesday, MAY 12, 2004 10:22:27

Ttl Pd \$0.00

Nbr-0002474387

REEL I636 IMAGE 0296

sja/GG/1-2

SPACE ABOVE THIS LINE RESERVED FOR RECORDER'S USE

TITLE(S)

ORDER OF ABATEMENT - ORDER#9323-A

LOCATION: 1024 CLAYTON STREET
BLOCK/LOT: 1269/043

RECEIVED
NOV 23 2015
CODE ENFORCEMENT
CCSF - DBI

889552



DEPARTMENT OF BUILDING INSPECTION

City & County of San Francisco
1660 Mission Street, San Francisco, California 94103-2414

ORDER NUMBER: 9769-R

REVOCATION OF ORDER OF ABATEMENT

LOCATION: 1024 CLAYTON ST.
BLOCK: 1269 **LOT:** 043
OWNER Ryan Francis D & Christine
1026 Clayton St.
San Francisco, Ca 94117

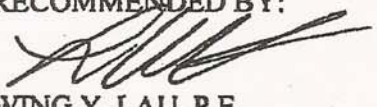
RECEIVED
NOV 23 2015
CODE ENFORCEMENT
CCSF - DBI

REEL: 1636 **IMAGE:** 0296

BY ORDER OF THE DIRECTOR OF THE DEPARTMENT OF BUILDING INSPECTION
THE ORDER OF ABATEMENT NO 9323-A, DATED April 30, 2004 IS HEREBY
REVOKED FOR THE REASON THAT THE VIOLATIONS HAVE BEEN CORRECTED.


FRANK Y. CHIU, DIRECTOR
DEPARTMENT OF BUILDING INSPECTION

RECOMMENDED BY:


For WING Y. LAU, P.E.
CHIEF BUILDING INSPECTOR
CODE ENFORCEMENT DIVISION

FILE(2)
OWNER
DBI
RECORDER (1 SIGNED)
HIS

APPROVED: January 7, 2005

DBI-Permit Tracking System

File Edit View Tools Reports Help Window

Complaint Tracking System

Complaints | Inspections | Details | Billing | Billing Log | Assessment | NOV | N | < | > |

General Information and Statistics

User: Michael Gunnel

Division: CES

User

Elf:

Login Time: 11/20/2015 08:24

Duration: 00:54

Complaint # 200345254

Active: Y

Supervisor

11/20/2015 09:18 AM

Street # 1024 Street CLAYTON ST

Block/Lot/Seq 1269 043 1 Unit

Permit Tracking

Status

Building

Plumbing

Electrical

Date

Legal Stories

Floors

Units

Guest Rooms(T) (R)

Other

Present Stories

Floors

Units

Guest Rooms(T) (R)

Other

LIFE HAZARDS:

Plumbing/Electrical

Fireproofing/Sprinklers/Alarm

Stairs need rebuilding/structural weakness

Egress

Continue case for 30 days

Advisement for days

Issue O of A Yes

Maintenance

Illegal Floors/Units

Reinspection prior to Director's Hearing (Date)

Posting Date 04/15/2004

Inspector's Recommendation to Director

Time

Refer to FTB

Director's Hearing Date 04/29/2004

Director's Hearing Decision

Division Representative K Mather

Hearing Officer wjing lau

Complaint Details

Complaint Type	Abatement Type	Date	Abatement Comment	Inspector	Hours	Billable N Y
WRK OVER PRMIT SCOP	REFERRED TO OTHER DIV	03/31/2004	referred to CED	Aires, John	25	
CASE OPENED	CASE RECEIVED	04/01/2004		McFadden,	25	
WRK OVER PRMIT SCOP	ORDER OF ABATEMENT ISSU	04/29/2004	k mather	McFadden,	25	
WATER WORK NO PERM	other	01/07/2005	AAB -	McFadden,	25	
WRK OVER PRMIT SCOP	CASE UPDATE	08/26/2013	No permits to comply	Therault, T	25	

Editor

as per letter dated 5/28/04 fr. Sr. insp. McFadden to David Ryan, Order #9323-A s/b revoked (AL) - AAB -

Search OK Cancel

RECEIVED
NOV 23 2015
CODE ENFORCEMENT
CCSF - DBI



DEPARTMENT OF BUILDING INSPECTION
City & County of San Francisco
1660 Mission Street, San Francisco, CA 94103-2414

RECEIVED
NOV 23 2015
CODE ENFORCEMENT
CCSF - DBI

April 30, 2004

ORDER OF ABATEMENT

Owner:

RYAN FRANCIS D & CHRISTINE
1026 CLAYTON ST
SAN FRANCISCO CA
94117

Property Address: 1024 CLAYTON ST, 0000

Block: 1269 Lot: 043 Seq: 1
Tract: 171 Case: BWO
Complaint: 200345254

Inspector: Mather

ORDER OF ABATEMENT UNDER SAN FRANCISCO BUILDING CODE SECTION 102.5 & 102.6 ORDER NO. 9323-A
HEARING OF THE COMPLAINT OF THE DIRECTOR OF THE DEPARTMENT OF BUILDING INSPECTION
AGAINST THE PROPERTY AT THE LOCATION SHOWN ABOVE WAS HELD ON April 29, 2004
IN ACCORDANCE WITH THE SAN FRANCISCO BUILDING CODE SECTION 102.4. THE HEARING WAS
CONDUCTED BY A REPRESENTATIVE OF THE DIRECTOR. THE OWNER WAS REPRESENTED.

BASED UPON THE FACTS AS SUBMITTED AT THE HEARING, THE DIRECTOR FINDS AND DETERMINES
AS FOLLOWS:

1. THAT NOTICE HAS BEEN DULY GIVEN AS REQUIRED BY LAW AND THE ORDER OF THE DIRECTOR, AND MORE THAN 10 DAYS PRIOR TO THE HEARING.
2. THAT THE CONDITIONS ARE AS STATED IN THE COMPLAINT OF THE DIRECTOR OF THE DEPARTMENT OF BUILDING INSPECTION.
3. THAT THE CONDITIONS OF SAID STRUCTURE CONSTITUTES A PUBLIC NUISANCE UNDER THE TERMS OF THE BUILDING CODE OF THE CITY AND COUNTY OF SAN FRANCISCO.

THE DIRECTOR HEREBY ORDERS THE OWNER OF SAID BUILDING TO COMPLY WITH THE FOLLOWING:

(1) 30 DAYS TO FILE PERMIT APPLICATION TO CONSTRUCT REAR STAIRS IN COMPLIANCE WITH PA#9813944 RENEW EXISTING PERMITS (2) 10 DAYS TO PICK UP AN APPROVED PERMIT (3) 30 DAYS TO COMPLETE ALL WORK INCLUDING A FINAL INSPECTION APPROVAL

THE TIME PERIOD SHALL COMMENCE FROM THE DATE OF THIS ORDER. THE DEPARTMENT OF BUILDING INSPECTION SHALL BE REIMBURSED BY THE OWNER OF SAID BUILDING FOR ABATEMENT COSTS PURSUANT TO THE ATTACHED AND FUTURE NOTICES.

APPEAL: PURSUANT TO SECTION 105.3 OF THE SAN FRANCISCO BUILDING CODE, ORDERS PERTAINING TO DISABLED ACCESS MAY BE APPEALED TO THE ACCESS APPEALS COMMISSION. PURSUANT TO SECTION 105.2 OF THE SAN FRANCISCO BUILDING CODE, ORDERS PERTAINING TO WORK WITHOUT PERMIT MAY BE APPEALED TO THE ABATEMENT APPEALS BOARD. APPEALS MUST BE IN WRITING ON FORMS OBTAINED FROM THE APPROPRIATE APPEALS BODY AT 1660 MISSION ST., SAN FRANCISCO, CA 94103, Tel: (558-6454), AND MUST BE FILED WITH THE SECRETARY OF THE APPEALS BODY WITHIN TEN (10) DAYS OF THE POSTING AND SERVICE OF THIS ORDER.

RECOMMENDED BY:

for
Wing Lau
Manager, Code Enforcement Division
Phone No. (415) 558-6135

APPROVED BY:

FRANK Y. CHIU, DIRECTOR
DEPARTMENT OF BUILDING INSPECTION
FAX No. 415-558-6474

RECEIVED

NOV 23 2015

ENFORCEMENT
- DBI



San Francisco Assessor-Recorder

Mabel S. Teng, Assessor-Recorder

DOC- 2004-H716285-00

Recd 48-SFCC Bureau Of Building Inspections

Wednesday, MAY 12, 2004 10:22:27

Ttl Pd \$0.00

Nbr-0002474387

REEL 1636 IMAGE 0296

oja/GG/1-2

RECORDING REQUESTED BY:

WHEN RECORDED MAIL TO:

NAME Department of Building
Inspection

MAILING Code Enforcement

ADDRESS Division 3rd Floor

1650 Mission Street

CITY, STATE San Francisco, CA 94103

SPACE ABOVE THIS LINE RESERVED FOR RECORDER'S USE

TITLE(S)

ORDER OF ABATEMENT - ORDER#9323-A

LOCATION: 1024 CLAYTON STREET
BLOCK/LOT: 1269/043



NOTICE OF VIOLATION
of the San Francisco Municipal Codes Regarding Use,
Substandard or Noncomplying Structure or Land or Occupancy

RECEIVED
NOV 23 2015
CODE ENFORCEMENT
CCSP DBI
DATE: 24-MAR-04

DEPARTMENT OF BUILDING INSPECTION

NOTICE: 2

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

ADDRESS: 1024 CLAYTON ST

OCCUPANCY/USE: ()

BLOCK: 1269 **LOT:** 043

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

OWNER/AGENT: RYAN FRANCIS D & CHRISTINE H
MAILING RYAN FRANCIS D & CHRISTINE
ADDRESS 1026 CLAYTON ST
SAN FRANCISCO CA

PHONE #: --

94117

PERSON CONTACTED @ SITE: RYAN FRANCIS D & CHRISTINE H

PHONE #: --

VIOLATION DESCRIPTION:

<input checked="" type="checkbox"/> WORK WITHOUT PERMIT	106.1.1
<input type="checkbox"/> ADDITIONAL WORK-PERMIT REQUIRED	106.4.7
<input type="checkbox"/> EXPIRED OR <input type="checkbox"/> CANCELLED PERMIT PA#:	106.4.4
<input type="checkbox"/> UNSAFE BUILDING <input type="checkbox"/> SEE ATTACHMENTS	102.1

NO RECORD OF COMPLIANCE WITH CORRECTIVE ACTION AS REQUIRED ON NOTICE OF VIOLATION POSTED ON NOV. 25, 2003 FOR,

DECK STRUCTURES AND STAIRWAYS, WHICH EXIST AT THIS TIME, DO NOT COMPLY WITH THE PLANS APPROVED UNDER APP. 9813944 AND THERE IS NO RECORD OF A PERMIT TO BUILD AS OBSERVED AT PRESENT TIME = WORK PERFORMED WITHOUT A BUILDING PERMIT OR APPROVALS OF DEPT OF BUILDING INSPECTION OR CITY PLANNING.

CORRECTIVE ACTION:

☒ **STOP ALL WORK SFBC 104.2.4**

- ☐ **FILE BUILDING PERMIT WITHIN DAYS** ☐ **(WITH PLANS)** A copy of This Notice Must Accompany the Permit Application
- ☐ **OBTAIN PERMIT WITHIN DAYS AND COMPLETE ALL WORK WITHIN DAYS, INCLUDING FINAL INSPECTION AND SIGNOFF.**
- ☐ **CORRECT VIOLATIONS WITHIN DAYS.** ☐ **NO PERMIT REQUIRED**
- ☒ **YOU FAILED TO COMPLY WITH THE NOTICE(S) DATED 25-NOV-03, THEREFORE THIS DEPT. HAS INITIATED ABATEMENT PROCEEDINGS.**

- **FAILURE TO COMPLY WITH THIS NOTICE WILL CAUSE ABATEMENT PROCEEDINGS TO BEGIN.**
SEE ATTACHMENT FOR ADDITIONAL WARNINGS.

THIS CASE IS REFERRED TO CODE ENFORCEMENT DIVISION FOR ABATEMENT PROCEEDINGS.

INVESTIGATION FEE OR OTHER FEE WILL APPLY

- ☒ **9x FEE (WORK W/O PERMIT AFTER 9/1/60)** ☐ **2x FEE (WORK EXCEEDING SCOPE OF PERMIT)** ☐ **NO PENALTY (WORK W/O PERMIT PRIOR TO 9/1/60)**
- ☐ **OTHER:** ☐ **REINSPECTION FEE \$**
- APPROX. DATE OF WORK W/O PERMIT** **VALUE OF WORK PERFORMED W/O PERMITS \$10000**

BY ORDER OF THE DIRECTOR, DEPARTMENT OF BUILDING INSPECTION

CONTACT INSPECTOR: John Aires

PHONE # --

DIVISION: BID

DISTRICT : 18

By:(Inspectors's Signature) _____



DEPARTMENT OF BUILDING INSPECTION

City and County of San Francisco
1660 Mission Street, San Francisco, California 94103-2414

Date: 11/20/15 08:50:56

Permit details report

Application Number: 9918957

Form Number: 8 Application RENEW PA#9813944 FOR FINAL INSPECTION

Description:

Address: 1269/043/1 1026 CLAYTON ST

Cost: \$1

Occupancy
code: R-3,U-1

RECEIVED
NOV 23 2015
CODE ENFORCEMENT
Building CCSF - DBI
Use: 27 -1 FAMILY DWELLING

Disposition/Stage:

Action Date	Stage	Comments
09-SEP-1999	FILED	
09-SEP-1999	APPROVED	
09-SEP-1999	ISSUED	
16-SEP-1999	COMPLETE	

Contact Details:

REILLY & REILLY CONSTRUCTION

Contractor Details

Addenda Details:

Description:

Step #	Station	Arrive Date	Start Date	In Hold	Out Hold	Finish Date	Plan Checked by	Hold Description
1	CPB	09-SEP-1999	09-SEP-1999					



DEPARTMENT OF BUILDING INSPECTION

City and County of San Francisco
1660 Mission Street, San Francisco, California 94103-2414

Date: 11/20/15 08:52:32

Permit details report

Application Number: 9813944

Form Number: 3 Application Description: CONVERT STORAGE AREA UNDER AN (E)GARAGE INTO A STUDY

Address: 1269/043/1 1026 CLAYTON ST

Cost: \$15,000

Occupancy
code: R-3,U-1

RECEIVED
NOV 23 2015
BUILDING ENFORCEMENT
USE: CCSF - DBI
GARAGE/PRIVATE

Disposition/Stage:

Action Date	Stage	Comments
22-JUL-1998	FILED	
17-AUG-1998	APPROVED	
18-AUG-1998	ISSUED	
16-SEP-1999	EXPIRED	updated from ISS

Contact Details:

JOHN MALICK

Contractor Details

Addenda Details:

Description:

Step #	Station	Arrive Date	Start Date	In Hold	Out Hold	Finish Date	Plan Checked by	Hold Description
1	CP-ZOC	24-JUL-1998	29-JUL-1998			29-JUL-1998	AMF	APPROVED PER PLANS FILED WITH PERMIT
2	CNT-PC	30-JUL-1998	10-AUG-1998			10-AUG-1998	RW	
2	CNT-CE	10-AUG-1998	12-AUG-1998			12-AUG-1998	MCH	
3	PAD-MECH	12-AUG-1998	13-AUG-1998			13-AUG-1998	RCW	
4	CPB	17-AUG-1998	17-AUG-1998					

RECORDING REQUESTED BY:

CITY AND COUNTY OF SAN FRANCISCO
DEPARTMENT OF BUILDING
INSPECTION
CODE ENFORCEMENT SECTION
1660 Mission Street, 6th Floor
San Francisco, CA 94103-2414

Telephone NO: (415) 558-6454

WHEN RECORDED MAIL TO:

CITY AND COUNTY OF SAN FRANCISCO
DEPARTMENT OF BUILDING INSPECTION
CODE ENFORCEMENT SECTION
1660 Mission Street, 6th Floor
San Francisco, CA 94103-2414



San Francisco Assessor-Recorder

Carmen Chu, Assessor-Recorder

DOC- 2013-J705824-00

Acct 48-SFCC Bureau Of Building Inspections

Monday, JUL 15, 2013 15:04:07

Ttl Pd \$13.00 Rcpt # 0004735908

REEL K938 IMAGE 0334

ofa/FT/1-4

RECEIVED

NOV 23 2015

CODE ENFORCEMENT
CCSF - DBI

SPACE ABOVE THIS LINE RESERVED FOR RECORDER'S USE

TITLES

REVOCATION OF ORDER OF ABATEMENT 105128 -R

LOCATION: 1026 CLAYTON STREET

BLOCK: 1269

LOT: 043

** Rerecord -
with Approved
date at the
bottom of page*

✓ Approved - MARCH 14, 2013

City and County of San Francisco
Department of Building Inspection



Edwin M. Lee, Mayor
Tom C. Hui, S.E., C.B.O., Acting Director

RECEIVED

NOV 23 2015

ORDER NUMBER: 105128-R

REVOCATION OF ORDER OF ABATEMENT CODE ENFORCEMENT
CCSF - DBI

LOCATION: 1026 CLAYTON STREET

COMPLAINT NUMBER: 200345506

BLOCK: 1269

LOT: 043

REEL: J366

IMAGE: 0436

OWNER: Francis Ryan
1026 Clayton St
San Francisco, CA 94117

BY ORDER OF THE DIRECTOR OF THE DEPARTMENT OF BUILDING INSPECTION THE
ORDER OF ABATEMENT NO: 102242-A DATED, MARCH 30, 2007. DOC- 2007-1367155-00
RECORDED ON APRIL 10, 2007 IS HEREBY REVOKED FOR THE REASON THAT THE
VIOLATION HAS BEEN CORRECTED.

Tom C. Hui

TOM C. HUI, S.E., C.B.O., ACTING DIRECTOR
DEPARTMENT OF BUILDING INSPECTION

RECOMMENDED BY:

Joseph Duffy

JOSEPH DUFFY
ACTING CHIEF BUILDING INSPECTOR
CODE ENFORCEMENT SECTION

JD:JH: cb

FILE (2)

OWNER

DBI

RECORDER (1 SIGNED)

CED

Code Enforcement Section
1660 Mission Street- San Francisco CA 94103
Office (415) 558-6454 - FAX (415) 558-6226 - www.sfgov.org/dbi

RECORDING REQUESTED BY:

CITY AND COUNTY OF SAN FRANCISCO
DEPARTMENT OF BUILDING
INSPECTION
CODE ENFORCEMENT SECTION
1650 Mission Street
San Francisco, CA 94103-2414

Telephone NO: (415) 558-6454

WHEN RECORDED MAIL TO:

CITY AND COUNTY OF SAN FRANCISCO
DEPARTMENT OF BUILDING INSPECTION
1650 Mission Street
San Francisco, CA 94103-2414

RECEIVED

NOV 23 2015

CODE ENFORCEMENT
CCSF - DBI



San Francisco Assessor-Recorder
Phil Ting, Assessor-Recorder

DOC- 2007-1367155-00

Acct 48-SFCC Bureau Of Building Inspections
Tuesday, APR 10, 2007 12:36:42

Ttl Pd \$0.00 Nbr-000320953

REEL J366 IMAGE 043

okc/JL/1-2

SPACE ABOVE THIS LINE RESERVED FOR RECORDER'S USE

TITLES

ORDER OF ABATEMENT - ORDER #102242-A

LOCATION: 1026 CLAYTON STREET

BLOCK: 1269 LOT: 043



DEPARTMENT OF BUILDING INSPECTION
City & County of San Francisco
1660 Mission Street , San Francisco, CA 94103-2414

March 30, 2007

ORDER OF ABATEMENT

RECEIVED
NOV 23 2015
CODE ENFORCEMENT
CCSF - DBI

Owner:

RYAN FRANCIS D & CHRISTINE
1026 CLAYTON ST
SAN FRANCISCO CA
94117

Property Address: 1026 CLAYTON ST,

Block: 1269 Lot: 043 Seq: 01
Tract: Case: BWO
Complaint: 200345506

Inspector: Hinchion

ORDER OF ABATEMENT UNDER SAN FRANCISCO BUILDING CODE SECTION 102.5 & 102.6 ORDER NO. 102242-A
HEARING OF THE COMPLAINT OF THE DIRECTOR OF THE DEPARTMENT OF BUILDING INSPECTION
AGAINST THE PROPERTY AT THE LOCATION SHOWN ABOVE WAS HELD ON March 29, 2007
IN ACCORDANCE WITH THE SAN FRANCISCO BUILDING CODE SECTION 102.4. THE HEARING WAS
CONDUCTED BY A REPRESENTATIVE OF THE DIRECTOR. THE OWNER WAS NOT REPRESENTED.

BASED UPON THE FACTS AS SUBMITTED AT THE HEARING, THE DIRECTOR FINDS AND DETERMINES
AS FOLLOWS:

1. THAT NOTICE HAS BEEN DULY GIVEN AS REQUIRED BY LAW AND THE ORDER OF THE DIRECTOR, AND MORE THAN 10 DAYS PRIOR TO THE HEARING.
2. THAT THE CONDITIONS ARE AS STATED IN THE COMPLAINT OF THE DIRECTOR OF THE DEPARTMENT OF BUILDING INSPECTION.
3. THAT THE CONDITIONS OF SAID STRUCTURE CONSTITUTES A PUBLIC NUISANCE UNDER THE TERMS OF THE BUILDING CODE OF THE CITY AND COUNTY OF SAN FRANCISCO.

THE DIRECTOR HEREBY ORDERS THE OWNER OF SAID BUILDING TO COMPLY WITH THE FOLLOWING:

- (i) 30 DAYS TO OBTAIN PLUMBING PERMIT FOR DUTCH GUTTER REPAIR INCLUDING FINAL INSPECTION APPROVAL.

THE TIME PERIOD SHALL COMMENCE FROM THE DATE OF THIS ORDER. THE DEPARTMENT OF BUILDING INSPECTION SHALL BE REIMBURSED BY THE OWNER OF SAID BUILDING FOR ABATEMENT COSTS PURSUANT TO THE ATTACHED AND FUTURE NOTICES.

APPEAL: PURSUANT TO SECTION 105.3 OF THE SAN FRANCISCO BUILDING CODE, ORDERS PERTAINING TO DISABLED ACCESS MAY BE APPEALED TO THE ACCESS APPEALS COMMISSION. PURSUANT TO SECTION 105.2 OF THE SAN FRANCISCO BUILDING CODE, ORDERS PERTAINING TO WORK WITHOUT PERMIT MAY BE APPEALED TO THE ABATEMENT APPEALS BOARD. APPEALS MUST BE IN WRITING ON FORMS OBTAINED FROM THE APPROPRIATE APPEALS BODY AT 1660 MISSION ST., SAN FRANCISCO, CA 94103, Tel: (558-6454), AND MUST BE FILED WITH THE SECRETARY OF THE APPEALS BODY WITHIN TEN (10) DAYS OF THE POSTING AND SERVICE OF THIS ORDER.

RECOMMENDED BY:


Carla Johnson
Chief Building Inspector
Code Enforcement Section
Phone No. (415) 558-6142

APPROVED BY:


Isam Hasenin, P.E., C.B.O.
Director / Department of Building Inspection
Fax No. (415) 558-6474

RECEIVED

NOV 23 2015

CODE ENFORCEMENT
CCSF - DBI

RECORDING REQUESTED BY:

WHEN RECORDED MAIL TO:

NAME: Department of Building
Inspection
Code Enforcement Division 3rd Floor
MAILING 1660 Mission Street
ADDRESS 3rd FLOOR
CITY, STATE: San Francisco,, CA
ZIP CODE: 94103



San Francisco Assessor-Recorder
Mabel S. Teng, Assessor-Recorder
DOC- 2005-H889552-00
Acct 48-SFCC Bureau Of Building Inspections
Tuesday, JAN 18, 2006 09:20:31
Ttl Pd \$11.00 Nbr-0002668437
REEL 1807 IMAGE 0093
oed/ER/___-2

SPACE ABOVE THIS LINE RESERVED FOR RECORDER'S USE

TITLES

REVOCATION OF ORDER OF ABATEMENT - ORDER#9769-R

LOCATION: 1024 CLAYTON STREET

BLOCK/LOT: 1269/043

889552



DEPARTMENT OF BUILDING INSPECTION

City & County of San Francisco
1660 Mission Street, San Francisco, California 94103-2414

ORDER NUMBER: 9769-R

RECEIVED

NOV 23 2015
CODE ENFORCEMENT
CCSF - DBI

REVOCATION OF ORDER OF ABATEMENT

LOCATION: 1024 CLAYTON ST.

BLOCK: 1269 LOT: 043

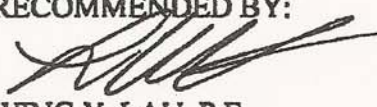
OWNER Ryan Francis D & Christine
1026 Clayton St.
San Francisco, Ca 94117

REEL: 1636 IMAGE: 0296

BY ORDER OF THE DIRECTOR OF THE DEPARTMENT OF BUILDING INSPECTION
THE ORDER OF ABATEMENT NO 9323-A, DATED April 30, 2004 IS HEREBY
REVOKED FOR THE REASON THAT THE VIOLATIONS HAVE BEEN CORRECTED.


FRANK Y. CHIU, DIRECTOR
DEPARTMENT OF BUILDING INSPECTION

RECOMMENDED BY:


For WING Y. LAU, P.E.
CHIEF BUILDING INSPECTOR
CODE ENFORCEMENT DIVISION

FILE(2)
OWNER
DBI
RECORDER (1 SIGNED)
HIS

APPROVED: January 7, 2005

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EXHIBIT B

BFP RECORDS REQUEST – RESPONSE COVER SHEETREQUESTOR: Christine and David RyanCONTACT INFO: chryan@pacbell.net# OF PAGES: 2FEE: ————

The SFFD Bureau of Fire Prevention has undertaken a diligent search in an attempt to provide any and all records that could reasonably be identified as responsive to your request for public records.

As a result of the search, the Department has located and is providing records which may be considered responsive to your request. Please refer to the attached documents.

NOTE: Ten (10) cents per copy will be charged before records can be collected (SF Admin. Code §67.28). No fee is charged if request results in less than ten (10) pages.

If a reproduction fee is due, you may pay and collect records at:

SFFD Bureau of Fire Prevention
698 Second Street, Room 109
San Francisco, CA

To receive records via US Mail (for all requests) or via Email (for up to 30 pages only), reproduction fee and self-addressed stamped envelope (for US Mail) must be received prior to delivery.

Credit cards (VISA or MasterCard) and checks (made out to “SFFD”) accepted only; no cash please.

Personal information contained in the records has been redacted based on the privacy considerations expressed in the CA Constitution (Article I, Section I), the CA Public Records Act (California Government Code §6254(c)), and the San Francisco Sunshine Ordinance (SF Administrative Code §67.1(g)).

The SF Department of Public Health, Hazardous Materials Unified Program Agency, maintains records regarding hazardous and regulated material storage, releases and spills, and may have additional responsive records. They may be contacted at: SFDPH, Environmental Health Management, 1390 Market Street, Suite 210, San Francisco, CA 94102; Phone (415) 252-3900; Fax (415) 252-3910.

The San Francisco Fire Department has provided all records and/or information it has been able to reasonably identify in response to your request.

Should you have any questions or concerns, please do not hesitate to contact the SFFD Bureau of Fire Prevention at (415) 558-3300. Thank you.

CONTACT DATE #1 (via)	10/11/18 email
CONTACT DATE #2 (via)	

SAN FRANCISCO



FIRE DEPARTMENT

Bureau of Fire Prevention

File Number 18.09.33

Date Completed 10/11/18

Number of Pages 2

Address(es) 1055 Ashbury Street

- ☐ No such address exists.
- ☐ No such address exists (see attachment for more information on an approximate address).
- ☐ No such business exists.
- ☐ No such data stored or maintained/no responsive records.
- ☐ No hazardous materials (storage/use) exist in the computer or on file.
- ☐ No permit(s) exist.
- ☒ No open violation(s)/complaint(s) exist.
- ☐ Open violation(s)/complaint(s) exist (see inspection letter or computer print-out).
- ☐ Permit(s)/hazardous materials exist (see computer print-out or file copy).
- ☐ Open complaint(s) exist.
- ☐ OTHER _____

San Francisco Fire Department
Division of Fire Prevention and Investigation

Building History

BUILDING

Address	Cross St
1055 ASHBURY ST	SAN FRANCISCO, CA 94117

Block	Lot	Batt.	Engine	Occu. Type	Const. Type	Year	Sq. Ft.	Height	St. Above	St. Below
1269	167	05	12							

OCCUPANT

DBA Name	Unit No	Insp. Area	Sq. Ft.
		05 - DISTRICT 5	

Primary Contact	Company	Phone
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ADDITIONAL CONTACTS

Contact Name	Phone	Alt. Phone
OWNER (ASSESSOR'S) DURKIN CHRISTOPHER		

INSPECTIONS

Insp. No.	Schd. Dt.	Area	Type	Disposition	Inspector
296739	11/28/16	05	31	C	Gonzales
Remarks: REVISE CONTRACTOR ON RECORD TO REF PA 201602040855, INSTALLATION PER NFPA#13 UNDERGROUND PER NFPA#24 DBI JOB: 201609218365 - Other Remarks:					
Date	From	To	Insp.	Remarks	
08/07/17	08:00	08:15	Powell	MET WITH JIM PARA REGARDING PAYING FOR EXTRA INSPECTION HOURS RECIEPT #1122069 \$480	
07/10/17	10:00	11:00	Powell	FLUSH OK. UNDERGROUND HYDRO TO FOLLOW.	
05/24/17	11:00	12:00	Romero	underground 2" type k copper hydro at 200 psi flush to follow	
03/20/17	09:30	10:30	Gonzales	FINAL inspection ALL OK.	
12/13/16	11:15	12:15	Gonzales	Overhead hydrostatic test ALL floors 200 PSI PASSED	
11/28/16	13:15	14:30	Gonzales	Rough in & glue inspection ALL floors ALL OK. Garage (street level) rough OK. Hangers/brackets OK.	

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EXHIBIT C

BUILDING INSPECTION COMMISSION (BIC)
Department of Building Inspection (DBI)

REGULAR MEETING

Monday, May 1, 2006 at 9:00 a.m.

City Hall, 1 Dr. Carlton B. Goodlett Place, Room 400

Aired Live on SFGTV Channel

ADOPTED JUNE 19, 2006

MINUTES

The regular meeting of the Building Inspection Commission was called to order at 9:13 a.m. by President Walker.

1. Call to Order and Roll Call - Roll call was taken and a quorum was certified.

COMMISSION MEMBERS PRESENT:

Debra Walker, **President**

Joe Grubb, **Commissioner**

Mel Murphy, **Commissioner**

Michael Theriault, **Commissioner**

Ann Aherne, **Commission Secretary**

Frank Lee, **Vice President**

Ephraim Hirsch, **Commissioner**

Criss Romero, **Commissioner**

D.B.I. REPRESENTATIVES:

Amy Lee, **Acting Director**

Wing Lau, **Acting Deputy Director**

Sonya Harris, **Secretary**

CITY ATTORNEY'S OFFICE REPRESENTATIVE:

Judy Boyajian, **Deputy City Attorney**

2. President's Announcements.

President Walker said that she wanted to thank the Department for coordinating a lot of the functions that took place to commemorate the 1906 earthquake last month, especially those functions that educated San Franciscans about the ongoing threats of earthquakes and what the Department is doing.

3. Director's Report.

a. Update regarding signage/ billboards.

Acting Director Lee said that this item was going to appear on the agenda in the future, but said that she wanted to give a recap of recent happenings. Ms. Lee said that DBI along with the Planning Department received a lot of complaints regarding illegal billboards. Ms. Lee stated that the Department is working with Planning and with Supervisors Peskin's Office on two key pieces of legislation. Ms. Lee said that DBI has eleven cases in all and three have been forwarded to the City Attorney's Office for litigation as they pose structural hazards. Ms. Lee stated that the Department is working with the Planning Department until Planning decides the legal use of the billboards in terms of the Planning Code review; DBI wants a mechanism to be sure the signs are structurally sound and if needed, to issue building permits to deal with the structural issues.

b. Update on DBI's recent activities.

Ms. Lee thanked Laurence Kornfield, Vernon Takasuka, Ron Tom and other key staff for their activities with the earthquake centennial and said that it was a great opportunity for the Department to educate the City of San Francisco and make the public realize how important DBI is in case of such an event.

Ms. Lee said that she would be giving an oral report on what the Department has been doing over the last couple of weeks.

Ms. Lee reported that she attended a high level meeting with the Mayor, State, Federal and other City Officials on Home Land Security Activities that was coordinated by Ann Marie Conroy of Office of Emergency Services (OES). Ms. Lee stated that the participants took part in three scenarios that included emergencies involving viruses, terrorist's attacks and earthquakes and the City's response to those happenings. Ms. Lee said that this would be an ongoing project.

Ms. Lee said that the Department had been very busy the past couple of weeks because of all the rain and said that the Department was monitoring several properties, but had only red tagged one building and an adjacent property received a yellow tag. Ms. Lee stated that DBI had met with several homeowners to try and stabilize a hillside and to help them with building better retaining walls for the future.

Ms. Lee said that the Department had three requests for emergency demolitions and said that one would probably come before the Commission in the near future as an appeal and said that staff was working with Planning to expedite the demolition of the other two because of the heavy rains.

Mr. Joe O'Donoghue said that regarding the report about the 911Security what should have been mentioned was that the City came in for criticisms in the press and said that holding meetings is not enough. Mr. O'Donoghue stated that San Francisco is not ready for a disaster and said that San Francisco got the highest budget of any City or State in the entire Country. Mr. O'Donoghue stated that it started with \$9M, then went to \$14M and then to \$21M. Mr. O'Donoghue said that audits have shown that all is not well and good here as the public safety is at issue. Mr. O'Donoghue said that having meetings with meaningless scenarios carried out is not the answer, as the City has to do more hands on with the private sector, PG&E and union leaders.

4. Public Comment: The BIC will take public comment on matters within the Commission's jurisdiction that are not part of this agenda.

Mr. Henry Karnilowitz thanked Silvia Thai for having a sufficient person on staff to handle a problem he was having with a special inspection.

Mr. Joe O'Donoghue of the Residential Builders Association (RBA) said that prior to the seating of this Commission over the last eight or ten years on every calendar there was an item regarding correspondence that was received by the Commission since the last meeting. Mr. O'Donoghue said that now this item has disappeared from the agenda and said that this was a control of information. Mr. O'Donoghue stated that one of the things when this Commission was structured was that the public had a right to know and a right to be informed as to all aspects of how this Department and Commission was functioning. Mr. O'Donoghue said that controlling information is a disaster that happens in a democracy. Mr. O'Donoghue said that maybe this item disappeared because one of the letters that came in critiqued an item that would be on the meeting later. Mr. O'Donoghue said that it is bad enough that San Francisco is running government through headlines in the newspapers and now there is an attempt to control what is said in Commissions. Mr. O'Donoghue stated that this is a bad thing for the people of San Francisco.

5. Discussion of contract terms and questions from Controller's Office; possible action to approve contract regarding the BIC's search for a permanent Director of DBI.

[President Debra Walker] – continued from April 3, 2006

President Walker said that the process for the choice of a permanent Director for DBI began last year as the previous Director stepped down and at that time the Commission appointed Amy Lee as Acting Director. President Walker stated that there were many action items in the process of going through this search including job description, and the drafting and choosing of a contractor; the contractor was chosen by the previous Commission and the terms were laid out. President Walker said that those terms were actually not met as the Commission was going to go through a four-month process last year and that timeframe has long gone. President Walker said that this process was now before the Commission and said that since the Department is undergoing a lot of reformation, especially relating to the computer system she wanted to look at the timing of this contract and when the Commission wants to begin and end it. President Walker called on the Commissioners for comments.

Commissioner Hirsch said that it had now been fourteen or fifteen months since this issue has been in the works and said that he did not want to see any more delays. Commissioner Hirsch said that the timeline would have to be changed because there was only two months left on the contract. Commissioner Hirsch said that other than that he could see no reason to delay the signing of the contract with Bob Murray & Associates.

Commissioner Theriault asked if any contract had been signed and if the dates would be correctable. Deputy City Attorney Judy Boyajian said no contract had been signed so the timeline could be changed. Commissioner Theriault asked what the timeline for the Information Technology (IT) revamp for the Department would be. Ms. Lee said that she expected it to start by the end of the year. Commissioner Theriault stated that he was inclined to allow the IT process to move farther forward before engaging in a search for a potential replacement. Commissioner Theriault said that he would entertain a delay in the contract.

Commissioner Hirsch said that he would respectfully disagree as he felt that this issue has been going on for some eighteen months and said that he thought the search for a permanent Director could move forward while the IT was being put in place. Commissioner Hirsch said that he was not casting any aspersion or opinion on Ms. Lee as Acting Director, but stated that the Department needed a permanent Director.

Commissioner Murphy said that he did not agree with Commissioner Theriault or Commissioner Hirsch as this contract was for \$40,000. Commissioner Murphy said that the Department is in need of cars and \$40,000 could purchase two cars. Commissioner Murphy stated that there are qualified people within the Department and anyone coming into the Department from Seattle or New York would need two or three years of catch up time to know for what is going on in San Francisco. Commissioner Murphy said that there were half a dozen qualified people working at DBI that are capable of running the Department. Commissioner Murphy stated that this was his personal opinion.

Commissioner Hirsch said that this was his attitude fifteen months ago, but for some reason the Commission wanted to hire and now wants to start all over.

Commissioner Romero said that he was on the Commission from the beginning of this process and said that he hates starting a process and then dropping it. Commissioner Romero suggested moving the start date of the contract to June 1, 2006 simply because nothing would happen for at least a month.

Commissioner Grubb said that as far as the IT project he was going to be involved in the process and said that he thought the Department could maintain continuity regardless of who the Director might be.

Commissioner Lee stated that he thought that the Commission should go ahead with this contract to see how others on the outside compare with those people who are qualified within the Department and to get the best person to lead the Department. Commissioner Grubb said that by doing a national search it would give credence and credibility to the person that is selected for this position. Commissioner Hirsch said those were exactly the reasons that were set forth in hiring an Executive Search Firm in order to go beyond the Department's inner circle.

Commissioner Murphy said that this was just more drama.

President Walker said that she wanted say that she was in support of doing a national search for a permanent Director, but her issue is the timing of the search. President Walker said that she believed that the leadership of DBI and the morale of the Department are better than they have been in a number of years under the current leadership. President Walker said that she would propose to put the contract off for six months.

Secretary Aherne reminded the Commission that public comment should be heard.

Commissioner Murphy made a motion, seconded by Commissioner Theriault that the Commission sign the contract with Bob Murray & Associates in six months.

Commissioner Theriault said that he and Commissioner Murphy were in agreement that the Department was running well and said that he looked forward to the process of a National search, but said he would be willing to let the process in place run longer before engaging in that search.

Commissioner Hirsch said that he had not heard any good reason for delaying this process and said that at this point Bob Murray & Associates would probably take a walk and then the Commission would have to start all over again in six months.

Secretary Aherne stated that she had been keeping Mr. Regan Williams of Bob Murray & Associates in the loop about what was happening at the BIC and said that hopefully the Commission would not have to go through that process again.

Commissioner Hirsch said that by putting this off for six months means that it is now two years since this process started and said that he just did not get it.

Commissioner Lee said that he agreed that morale in the Department is better and said that there are more people attending Commission meetings and communicating with the Commission. Commissioner Lee said that he believed that was because the Department has a good Acting Director in place.

Commissioner Romero said that he wanted to be sure that this item was not going to come up again in six months to be voted on and revisited at that time.

President Walker said that the contract could be signed now with a start date certain in six months. Commissioner Romero said that he would prefer that.

Commissioner Murphy agreed to an amendment to his motion. The motion was to sign the agreement with Bob Murray & Associates as soon as possible with a start date of November 1, 2006 and an end date of May 1, 2007.

President Walker called for public comment.

Mr. Joe O'Donoghue of the RBA said when the Mayor announced a change in leadership he gave the public the assurance that a new Director would be appointed within four months and now six months is being added to this process that has taken over fourteen months. Mr. O'Donoghue stated that the Director of DBI should have a degree in Engineering and several years of Plan Check experience as the Building Officials in other large cities do. Mr. O'Donoghue said that the Commission was playing Russian roulette with the lives and safety of the citizens of San Francisco by not having a qualified person in place in case of a disaster as an inexperienced or unqualified person would not be able to make the tough decisions. Mr. O'Donoghue stated that political decisions are impacting the safety of this City.

President Walker called for a vote on the amended motion.

The Commission voted as follows:

<i>President Walker</i>	<i>Aye</i>
<i>Vice-President Lee</i>	<i>Aye</i>
<i>Commissioner Grubb</i>	<i>Aye</i>
<i>Commissioner Hirsch</i>	<i>Nay</i>
<i>Commissioner Murphy</i>	<i>Aye</i>
<i>Commissioner Romero</i>	<i>Aye</i>
<i>Commissioner Theriault</i>	<i>Aye</i>

The motion carried on a vote of six to one.

RESOLUTION NO. BIC 024-06

President Walker announced that she had asked Commissioner Theriault to be the point man for this project. Acting Director Lee stated that Ms. Taras Madison would be the contact person for DBI.

**6. Rehearing Request regarding appeal heard before the Commission on March 20, 2006
by Regan Carroll, Trustee, Trust of Regan Carroll – Represented by Mr. Thomas Lippe,
Attorney for the appellant regarding 1179 – 1189 Tennessee Street.**

Mr. Lippi said that before this item began his client would like to request a change of order of the agenda. Mr. Lippi said that his client had three items on the agenda and wanted item #7 heard before item #6 so that nothing discussed in item #6 would affect the findings on 1169. President Walker said that she could see no reason to change the order of the agenda.

Mr. Lippi said that he wanted to make another request and said that the last time he appeared before the Commission no witnesses were sworn and said that he would like that to be done if that was the normal practice of the Commission. Deputy City Attorney Barnes said that it was not legally required for those testifying to be sworn.

Mr. Lippi said that there were a couple of basis for a rehearing with the primary reason being that he believed there was a legal error because the Commission was operating under the assumption based on legal advice from Ms. Barnes that the Commission could not apply the doctrine of estoppel in issuing a permit that did not comply with the Planning Code. Mr. Lippi said that if that was the Commission's understanding he wanted the Commission to think about the fact that this is wrong. Mr. Lippi stated that the BIC has the authority to apply estoppel to the issuance of a permit even if it does not comply with the Planning Code. Mr. Lippi cited a case involving an auto wrecking license, referred to as the Woody Case, in making his argument.

Mr. Lippi said that another reason for a rehearing was the amount of money that Mr. Carroll had spent on this project. Mr. Lippi said that the records showed that real money, \$182,000, was spent after the article (Dogpatch Historic District) took effect in 2003. Mr. Lippi said that other evidence showed that Mr. Carroll was operating in the same building envelope that the previous owner Mr. Strickland was and Mr. Carroll's project respects the boundaries of the original agreement that Mr. Strickland had with the Dogpatch Neighborhood Association. Mr. Lippi said that he had new facts and new law and said that on that basis he would like the Commission to grant a rehearing or at least to be in a position to fully and fairly apply the doctrine of estoppel. Mr. Lippi said that estoppel "trumps" technical compliance with the Planning Code.

President Walker asked for comment from Deputy City Attorney Catharine Barnes.

Ms. Barnes said that she disagreed with both the characterization of the advice that she gave the Commission at the last hearing and the characterization of the law of estoppel when it is asserted against the government. Ms. Barnes stated that estoppel is an extraordinary remedy especially when it is asserted against the government and can only be successful when there is a strong public policy in favor

of what is being estopped. Ms. Barnes said that zoning is adopted for the benefit of the public so it is difficult to assert an estoppel against existing zoning laws.

Ms. Barnes referred to case law regarding estoppel against the government. Ms. Barnes stated that she did not think that there was anything presented in this instance that was extraordinary.

Ms. Barnes said that the BIC did not have any specific rules about rehearing and said the Commission could grant a rehearing if the Commissioners thought there was merit to rehearing it again or if the Commission thought that they might come to a different conclusion or that an error had been made.

Commissioner Grubb asked about the appellant's assertion that the Planning Code did not apply to this particular property because it was new construction. Ms. Barnes said that it is not within the jurisdiction of the BIC to decide how the Historic District zoning laws apply to this project. Ms. Barnes stated that it was up to the BIC to determine whether a permit was or was not issued for improper reasons. Ms. Barnes said that the status right now was that zoning was looking at whether the Historic District lot applies, but zoning was reviewing that issue and that is zoning's decision and not the BIC's.

Ms. Barnes explained that the difference with estoppel and damages is that there might be a circumstance where damages are appropriate because the City misled someone, but damages do not mean that someone would end up with a building that does not comply with City zoning.

Commissioner Hirsch asked if this was the project that was ready to be issued and after hours Planning came and pulled the application. President Walker said that was correct as this was the permit that the Building Inspection Department said that it would issue and then the Planning Department pulled it back because of the zoning issues.

Mr. Lippi said that he was not in disagreement with Ms. Barnes, but said that he was asking the Commission to actually apply the document of estoppel as opposed to ignoring it based on the assumption that it was not an available doctrine because of technical non-compliance with the Planning Code. Mr. Lippi stated that granting the rehearing would not mean that the Commission would be issuing the permit.

Mr. Carroll submitted copies of plans to the Commission. Mr. Carroll stated that the Zoning Administrator issued a determination that purported to decide that the Historic District did apply, but did so without having done any of the analysis that is required through the process. Mr. Carroll stated that Mr. Lippi focused on the law which is clear, but said that Ms. Barnes focused on estoppel and the existence of extraordinary circumstances. Mr. Carroll said that extraordinary circumstances do apply here and said that he was going to focus on another point, which was the unclean hands of the Department. Mr. Carroll submitted copies of departmental e-mails relating to this project for the Commission's review. Mr. Carroll stated that it was clear from the beginning of this process that all actions by the Department were initiated at the behest of the Dogpatch Neighborhood Association. Mr. Carroll said that during the approval process of the project he was directed to seek the approval of the Dogpatch Neighborhood Association and said that it was clear that Mr. Corrette was seeking to find a way to throw out this project based on the variance that was approved for Mr. Strickland.

At this point in the meeting, President Walker allowed Mr. Carroll an additional minute of time to speak.

Mr. Carroll said that on one of the e-mails Mr. Purvis of Planning states that his projects predate the Historic District and that it was Mr. Purvis' belief that the Historic Ordinance could not be applied. Mr. Carroll said that then Mr. Corrette issued an e-mail to Ms. Johnson letting her know that the permit was issued on that day. Mr. Carroll said that Ms. Johnson's reply was that Planning needed to take this permit back before it went out the door. Mr. Carroll said that he was never notified by CPB or Planning that there was any problem with his permit and said that it was only when he went to pick it up after having paid the school fees that he was told his permits were taken. Mr. Carroll said that he thought he had provided sufficient grounds for a rehearing.

Commissioner Grubb said that he thought that this issue should be playing out between the Planning Department and the owner via the Board of Permit Appeals. Commissioner Murphy asked if anyone was

present from the Planning Department to answer questions. Mr. Mark Luellen of Planning said he would be happy to answer any questions.

President Walker asked what the current status of the permit was. Mr. Luellen said that he was not sure where it was, but said that Planning is reviewing it and does think that Article 10 applies, as any new construction within a Historic District would require a Certificate of Appropriateness. Acting Director Lee said that she thought this was a Planning issue. President Walker said that she thought the issue before the Commission was whether or not DBI issued the permit in the first place. President Walker said that she did not find anything in what was presented that would change her mind.

Commissioner Murphy said that he was still uncomfortable with the whole thing as someone got the Building Department to jump into the middle of this issue. Commissioner Murphy said that builders look forward to getting their permits, but then it came down to the last minute, the school tax was paid and then this contractor was denied his permit. Commissioner Murphy stated that he thought this was ridiculous.

Commissioner Hirsch said that he would agree and said that he was troubled by the back door way that this was done. Commissioner Hirsch said that this permit was ready to be issued and after hours somebody from Planning goes into the Building Department and pulls the drawings back. Commissioner Hirsch said that he did not like this kind of behavior particularly when it the project seems like it complied with the previous zoning requirements.

President Walker said that the question is whether DBI issued the permit or not. Commissioner Hirsch said that the question was whether or not to grant a rehearing. President Walker said that the rehearing has to be based on facts presented today.

Commissioner Romero said that he really hesitated rehashing a meeting where this was discussed and voted on before and said that the issue in his mind was whether or not there was new evidence that was compelling enough to change the vote that the Commission took previously. Commissioner Romero said that in his mind there was not enough new evidence to warrant a rehearing.

Commissioner Theriault said that he did not think that the Commissioners were in a position as the Building Inspection Commission to make case law with regard to estoppel and said that he did not think that the Commission should accept the appeal. Commissioner Lee said that he thought that the owner's issues are with the Planning Department and not DBI or the BIC.

Commissioner Murphy asked if the appellant had any new evidence or if a rehearing was granted if it would be the same argument. Mr. Lippi said that the plans that were submitted were new evidence and showed that there is not a difference in terms of the basic concept for what the building will look like. Mr. Lippi said that there was also the question of estoppel and said that estoppel applies the concept of fairness. Mr. Lippi stated that at the previous hearing the appellant did not have the cost figures to show the amount of expense that Mr. Carroll had incurred. Mr. Lippi said it was not an issue about if the permit was issued, but should it have been issued. Mr. Lippi said that Mr. Carroll had spent \$182,000 because he relied on the City's process for all these years and then the permit was pulled at the 11th hour when he was told that Article 10 would apply. Mr. Lippi said that he thought the Commission should at least agree to apply the concept of estoppel.

Commissioner Hirsch made a motion, seconded by Commissioner Murphy that the Commission grant a rehearing.

President Walker asked for public comment.

Mr. Joe O'Donoghue of the RBA said that he was not involved in this case, but said that politics have played a role in this case as it has in many cases. Mr. O'Donoghue stated that the same thing happened with tenants in the Western Addition where a number of tenants were going to be evicted until the RBA got notified. Mr. O'Donoghue said that the RBA did not come before the Building Inspection Commission with

that issue because the Housing Division through the Building Department had created this problem. Mr. O'Donoghue stated that the tenants went before the Board of Supervisors and got special legislation enacted. Mr. O'Donoghue said that another eviction was happening on McAllister Street. Mr. O'Donoghue said that the BIC is not a court of law, but should look at public policy and look at the amount of expense that this contractor had expended. Mr. O'Donoghue said that this Commission was set up with experts so that those Commissioners with less experience could rely on their expertise; the expertise of a structural engineer, an architect and a builder. Mr. O'Donoghue said that if it were a tenant issue the Commissioners would rely on Commissioner Grubb because that was his expertise and said that the rest of the Commissioners were not qualified and said that this Commission had broken the rules of how the Commission was set up. Mr. O'Donoghue said that this Commission was now a political Commission and a sham.

Mr. Henry Karnilowitz said that he was truly bothered because he thought that DBI should not have allowed Planning to come over and withdraw the application. Mr. Karnilowitz said that the appellant got a call from CPB to pay the school taxes and then come and pick up his permits. Mr. Karnilowitz said that had that fee been able to be paid at DBI the appellant would have his permit in hand, but as it is set up the school fee has to be paid somewhere else. Mr. Karnilowitz urged the Commission to grant the rehearing.

Commissioner Murphy asked how much time elapsed between the time the school tax was paid and the applicant came in to pick up his permit. Mr. Carroll said that he paid the school fee on December 2, and as soon as he received the notice from Central Permit he went in to pick up his permit. Mr. Carroll said that he understood that the permit had been taken by Planning some two weeks earlier, but said that he did not know anything about that until he went to CPB to obtain his permit.

Commissioner Romero said that Commission should not be rehearing things that were brought before the Commission at a previous meeting, but should be voting on the contents of the issues today.

Commissioner Theriault said that he did think that the appellant was badly treated and said that he believed the appellant had a valid grievance. Commissioner Theriault stated that he did not think that this was the appropriate body to hear that grievance. Commissioner Theriault said that he did wish the appellant luck.

President Walker called for a roll call vote on the motion to grant a rehearing. .

The Commissioners voted as follows:

<i>President Walker</i>	<i>Nay</i>
<i>Vice President Lee</i>	<i>Nay</i>
<i>Commissioner Grubb</i>	<i>Nay</i>
<i>Commissioner Hirsch</i>	<i>Aye</i>
<i>Commissioner Murphy</i>	<i>Aye</i>
<i>Commissioner Romero</i>	<i>Nay</i>
<i>Commissioner Theriault</i>	<i>Nay</i>

The motion failed on a vote of 5 to 2.

RESOLUTION NO. BIC 025-06

7. Discussion and possible action by the Commission to adopt findings regarding 1169 – 1177 Tennessee Street.

President Walker said that there was a revised addition dated April 28, 2006. Deputy City Attorney Catharine Barnes said that there were two sets of findings for 1169 – 1177 Tennessee Street one that was an eight-page document prepared by the appellants which cites back to the evidence that supports the

theories that he brought before the Commission. Ms. Barnes said that the other set of findings was prepared by the City Attorney's Office and said that she believed that these reflected the analysis that the Commission made in making their decision, which is essentially a sufficient road map between the facts and the Commission's conclusion. Mr. Barnes stated that the Commission was free to adopt what findings it thought accurately reflected the analysis.

The following are the findings submitted by the appellant.

[PROPOSED] FINDINGS

APPEAL RE 1169-1177 TENNESSEE STREET Revised April 28, 2006

1. This appeal concerns property located at 1169-1177 Tennessee Street ("Project"). This Project is owned and being developed by 1169-1177 Tennessee Street, Inc. ("Owner"). The Department of Building Inspection ("DBI") determined that Owner had to submit the Project to the Planning Department ("Planning") for compliance with Article 10, Appendix L of the San Francisco Planning Code relating to historic preservation in the Dogpatch Historic District. Appendix L to Article 10 designates the Dogpatch area as a "historic district" and applies the procedures of Article 10 to new construction in that district effective as of April 18, 2003. DBI based this determination on its assertion that Owner's site permit had expired due to work neither commencing nor being completed within the required time frames. Owner appealed DBI's determination.

2. On July 6, 1999, DBI issued a demolition permit (Permit No. 882957) to demolish the existing structure on the property. The permit provides that work must start within 90 days and be completed within 180 days. (Exhibit 1.)¹

3. On July 6, 1999, DBI also issued a Site Permit (Application No. 9906330S, Permit No. 889258) to build a three story over garage building with three commercial and two residential units. (Exhs. 2 and 3).

4. The Lower Potrero Hill Neighborhood Association ("LPHNA") appealed the demolition permit to the Board of Appeals ("BOA"), which denied the appeal. (Exhs. 4 and 5). At the appeal hearing, LPHNA also objected to issuance of the Site Permit, but BOA ruled that the appeal related only to the demolition permit and did not include the Site Permit. (Exhs. 5 and Exh "A" attached to Exhibit 8).

5. On August 25, 1999, LPHNA submitted to BOA a "Request For Rehearing" of the demolition permit appeal and a "Request For Jurisdiction" to have BOA hear their objections to the Site Permit. (Exhs. 5 and Exh "A" attached to Exhibit 8). BOA heard and denied the "Request For Rehearing" of the demolition permit on September 15, 1999 and the "Request For Jurisdiction" on September 22, 1999. (Exh. 5 and 6). LPHNA did not file a lawsuit to challenge the permit.

6. The BOA appeal proceedings suspended the effective date of the demolition and Site Permit to September 22, 1999. It took approximately one to two weeks after the hearing to reinstate the permits at the Central Permit Bureau ("CPB").

7. The Site Permit provided that work must be started within 90 days and completed within 36 months. (Exh. 3). These dates for the Site Permit were approximately December 21, 1999 and September 22, 2002, respectively.

8. Starting on or about December 16, 1999, Owner demolished the existing building and subsequently spent \$30,000 dollars underpinning the foundation on the adjacent property at 2572-80 3rd St. as the first steps to implement the Site Permit. (Exh. 43). Since the demolition permit is incorporated into the Site

¹ Exhibits referenced herein are the Exhibits submitted by Appellant Owner with its written brief.

Permit, the demolition work started the commencement of work on the Site Permit.

9. On September 21, 2001, Owner applied for (Application No. 2001.09.21.8969) and DBI issued "First Extension" of the Site Permit (Permit No. 949151), which provided that work must be completed within 12 months, which date was September 21, 2002. (Exh. 10).

10. On July 11, 2002, Owner submitted his application for the Final Plans Site Permit Addendum (Application No. 9906330S-1). (Exhs. 2, 3 and 46).

11. On April 18, 2003, Appendix L to Article 10 became effective and designated the Dogpatch Historic District as an area where the Certificate of Appropriateness requirements of Article 10 apply. However, Planning Code Section 1014, subd (b) provides that unexpired permits issued before Article 10 became effective are exempt from the requirements of Article 10, stating:

The provisions of this Article 10 shall be inapplicable to the construction, alteration or demolition of any structure or other feature on a landmark site or in a historic district, where a permit for the performance of such work was issued prior to the effective date of the designation of the said landmark site or historic district, and where such permit has not expired or been cancelled or revoked, provided that construction is started and diligently prosecuted to completion in accordance with the Building Code.

12. On July 10, 2003, Owner applied for a Second Renewal of the Site Permit (Application No. 2003.07.10.9174), which DBI issued on August 22, 2003 (Permit No. 1003528). (Exh. 11). Under Building Code Section 106.4.4, the time to complete work on a project valued between \$25,000 and \$300,000 is 12 months, while the time to complete work on a project valued between \$300,001 and \$1,000,000 is 24 months. Application No. 2003.07.10.9 originally stated the value of the construction to be \$300,000. (Exh. 11). Owner intended the valuation to be \$300,500. The original application fee paid by Owner is consistent with the \$300,000 job estimate. (Due to a typographical error, Permit No. 10035238 states the value to be \$30,000). (Exh. 11). Permit No. 10035238 states the time to complete work is 12 months after issuance, which date is August 22, 2004. (Exh. 11).

13. At some time after the 2003 Permit was issued and before July 15, 2004, DBI officials authorized a change to the 2003 Permit, changing the valuation of the work remaining from \$300,000 to \$300,500 ("Revised 2003 Permit"). The authorized revision was made by striking out the valuation information on Owner's copy of the permit, and inserting and initialing the larger value on the face of the Owner's copy of the permit. Owner also paid the additional application fee for the difference between the \$300,000 and \$300,500 valuation. (Exh. 11). The effect of increasing the value of the work to be performed under the Revised 2003 Permit was to increase the Owner's time for completion from 12 months to 24 months, or until August 22, 2005, which change is also reflected on the Job Card by a handwritten note made by DBI.

14. On October 24, 2004, DBI issued the Final Plans Site Permit Addendum (Application No. 9906330S-1 submitted on July 11, 2002). (Exhs 2, 3 and 46). The time to complete work under the Final Plans Site Permit Addendum is 24 months, which date is October 24, 2006.

15. Also, on October 24, 2004, Owner submitted an application (No. 2004.10.21.7428) to revise the Final Plans Site Permit Addendum (the "Revision") to step the foundation to avoid the need to underpin the foundation at 1155-1163 Tennessee; create a light well to preserve more of the pepper tree; and reduce the size of the rear of the building. (Exhs. 42 and 48). City officials told Owner that a review of this Revision would be completed by March or April of 2005 and be ready for issuance shortly thereafter. In fact, however, the Planning Department did not approve the Revision until June 30, 2005. (Exhs. 42 and 48).

16. On November 22, 2004, Owner applied for a separate Site Permit Addendum for the stepped foundation (Application No. 2004.11.22.9900) in order to get started on the foundation while DBI and the Planning Department processed the Revision. (Exhs. 12 and 47). DBI issued this "Foundation Addendum" on January 27, 2005 (Permit No. 1046650). (Exhs 12 and 47). The Foundation Addendum permit required

commencement of work within 90 days after January 27, 2005 (*i.e.*, April 27, 2005). (Exhs. 12 and 47). Since Planning had not yet approved the Revision, on April 4, 2005, Owner requested and DBI issued an extension of the Foundation Addendum, which extended the start and completion-of-work dates to July 27, 2005 and October 27, 2005, respectively. (Exh. 13).

17. In July 2005 and prior to July 27, 2005, Owner began work on the foundation. On October 14, 2005, Owner requested and DBI issued a second extension of the Foundation Addendum, which extended the completion date (but not the start date since work had already started in July 2005) to January 27, 2006. (Exh. 14). Owner then continued working on the foundation until November 3, 2005.

18. On November 2, 2005, Susan Eslick of Dogpatch Neighborhood Association ("DNA") sent a complaint by email to Moses Corrette of the Planning Department stating:

There is an empty lot that has started construction on Tennessee Street in the dead end section. Excavation has begun on Regan Carroll's empty lot with no permits posted. As you might remember, Regan Carroll owns two empty adjacent lots. The smaller lot is where the old Italian-ate was torn down. I found that original file. The address is 1167 Tennessee. This is the site where he has already started to excavate with no posted permits. However, the lot that has the renewed permits is for the adjacent lot - 1189 Tennessee. This is what I saw on the planning Dept. Web site. The planner for 1189 Tennessee was Jon Purvis. What can the neighbors do to make sure he is doing this work in compliance with the codes, as we think he is working on a site without the proper permits and those two lots have not been turned into one lot. What might you know or suggest we do to make sure this is all on the up and up. (Exh. 24, p.14 [DP 0013]).

19. On November 3, 2005, DBI inspector Kevin McHugh ("McHugh") arrived at the Project and inspected the permits. McHugh wrote a note on the "Job Card" that the Foundation Addendum had been extended to January 27, 2006 (Exh. 47) and told Owner to post it.

20. On November 4, 2005, Owner called McHugh who informed him that he had been ordered to issue a "Stop Work" order on the Project. McHugh instructed Owner to go to DBI and renew his Site Permit. Owner stopped worked on the Project. McHugh arrived later that day and issued a Notice of Violation and Stop Work order on the Project, which stated the Site Permit had expired because work was not "started or completed within the required time frames" and the Foundation Addendum "did not renew" the Site Permit. (Exh. 15).

21. Also, on November 4, 2005, Owner went to DBI to renew the Site Permit. He went to the first floor counter for intake processing and was sent to the third floor for further processing. A senior inspector on duty that afternoon began processing the renewal for the Site Permit (Exh. 16) at which time he found a "block" on the computer placed by DBI Chief Building Inspector, Carla Johnson. (Exh. 36). Ms. Johnson refused to renew or further process the Site Permit and told Owner that the Revision application was being returned to the Planning Department for review.

22. On December 1, 2005, Acting Director of DBI, Amy Lee, wrote to Owner's attorney, stating: "I have reviewed the facts surrounding the foundation permit, Building Permit Application Number 200411229900 and conclude that this permit has not yet expired. Your client may proceed at their own risk if they choose to start work under this permit so long as they understand that the Planning Department review of the Site Permit renewal may take some time to complete, and in addition that the Planning Department review might result in changes to the overall project." (Exh. 24).

23. On January 5, 2006, Ms. Lee again wrote to Owner's attorney stating her determination that DBI would not issue a renewal of the Site Permit or issue the Revision Addendum unless and until Owner submitted to the Planning Department review of these applications pursuant to Article 10, Appendix L and Section 312 of the Planning Code. (Exh. 27).

24. On January 10, 2006, Owner applied for and DBI issued a third extension of the Foundation Permit, which extended the completion date to April 27, 2006. (Exh. 20). On the application, Owner wrote as the reason for

the request: "Wrongful delay caused by CCSF DBI issuing improper stop work order. Stop work order rescinded. Work proceeding." (Exh. 20).

25. On January 20, 2006, Owner timely appealed DBI's determination to this Commission. The appeal presents the issue whether the Site permit "expired." This issue is within the Commission's jurisdiction pursuant to:

- a. City and County Charter Section D3.750-4, which provides: "The commission may reverse, affirm or modify determinations made by the Department of Building Inspection on all permits required for a final certificate of completion."
- b. City and County Administrative Code Section 77.3, which provides: The Commission may hear and decide appeals of the following matters:
 - (a) Decisions or determinations regarding applications for permits under the San Francisco Building [Code], Electrical, Housing, Mechanical, and Plumbing Codes, excluding decisions appealable to the Access Appeals Commission or Board of Appeals;
 - (b) Decisions or determinations made by the Department of Building Inspection in the enforcement of the Codes enumerated in subsection (a) above and the other laws that it enforces.

26. This Commission hereby finds that the Site Permit was issued on July 6, 1999 and became effective on September 22, 1999, prior to the effective date of Appendix L of Article 10 of the Planning Code.

27. This Commission hereby finds that the Site Permit has not expired for the following reasons:

1. Work started on the Site Permit within ninety days of its effective date as a result of Owner's demolition of the existing structure on the property, which commenced on December 16, 1999 pursuant to the demolition permit. The demolition work was followed shortly thereafter with the underpinning work at the adjacent property.
2. DBI has extended or renewed the time for completing work under the Site Permit from its effective date to the present by:
 - (1) Renewing the Site Permit on August 24, 2003 for a 24 month period to August 24, 2005;
 - (2) Issuing the Final Plans Site Permit Addendum on October 24, 2004 (Application No. 9906330S-1) with a time to complete work of 24 months, *i.e.*, to October 24, 2006; and
 - (3) Issuing and extending the Foundation Addendum on three separate occasions with a current time to complete date of April 27, 2006.

28. This Commission hereby finds that the Site Permit has not expired for the following additional reasons:

- a. Under S.F. Building Code Section 106.3.4.2, A No construction work shall be done under the site permit. Construction may proceed after the appropriate addenda have been issued." Accordingly, page 1 of the approved Site Permit application bears a stamp stating: "This application approved for site permit only. No work may be started until construction plans have been approved" and a "Notice" stating: "This is not a building permit. No work shall be started until a building permit is issued." (Exh. 2, p. 1).
- b. Since the Site Permit without an addendum does not authorize any work, neither the start of work or completion of work deadlines set forth in Building Code Section 106.4.4 apply to site permits that do not have any issued addenda.

- c. The first addenda issued for this Site Permit is the Final Plans Site Permit Addendum issued on October 24, 2004 (Application No. 9906330S-1) with a time to complete work of 24 months, *i.e.*, to October 24, 2006. Therefore, the earliest time to complete work on this project is October 24, 2006.
- d. The second addenda issued for this Site Permit is the Foundation Addendum, for which DBI has extended the time to complete work to April 27, 2006. Therefore, the Site Permit cannot expire before April 27, 2006.

29. This Commission hereby finds that the Site Permit has not expired for the additional reason that the City and County is equitably estopped from contending the Site Permit expired because:

- a. On August 24, 2003, over four months after the effective date of Appendix L to Article 10, DBI issued the Second Renewal of the Site Permit (Application No. 2003.07.10.9174, Permit No. 1003528) without requiring compliance with Article 10, Appendix L, or disclosing to Owner that additional Planning Department review of the Site Permit for compliance with Article 10, Appendix L would be required.
- b. On October 24, 2004, DBI issued the Final Plans Site Permit Addendum (Application No. 9906330S-1) without requiring compliance with Article 10, Appendix L, or disclosing to Owner that additional Planning Department review of the Site Permit for compliance with Article 10, Appendix L would be required.
- c. On October 24, 2004, DBI and Planning officials told Owner the Revision to the final plans Addendum would be approved by March or April of 2005, well before the August 24, 2005 expiration of the Site Permit. It then took Planning almost seven months, from December 6, 2004 until June 30, 2005 to sign off on the Revision, just two months before the August 24, 2005 expiration of the Site Permit. At no time during this period did DBI or Planning require compliance with Article 10, Appendix L, or disclose to Owner that additional Planning Department review of the Site Permit for compliance with Article 10, Appendix L would be required.
- d. On January 27, 2005, DBI issued the Foundation Addendum and extended it on April 4, 2005, after which Owner started work on the foundation in July 2005. DBI again extended the Foundation Addendum on October 14, 2005, almost two months after the August 24, 2005 alleged expiration of the Site Permit, without requiring compliance with Article 10, Appendix L, or disclosing to Owner that additional Planning Department review of the Site Permit for compliance with Article 10, Appendix L would be required.
- e. On January 10, 2006, DBI issued a third extension of the Foundation Addendum purportedly at Owner's "risk," extending the completion date to April 27, 2006.
- f. Owner reasonably and detrimentally relied on all of these approvals by continuing to expend funds on design work, architectural and engineering fees, foundation excavation and construction, etc. (Exh. 50). With respect to the third extension of the Foundation Addendum, this Commission finds it was unreasonable for DBI to suddenly inform Owner that he proceeded at his own risk because significant detrimental reliance by Owner on the previous approvals had already occurred.
- g. Owner was not aware that compliance with Article 10, Appendix L would be required while the City was, at minimum, constructively aware that it would be required if the Site Permit had in fact expired without work having been started.
- h. Based on these facts, all the elements necessary for equitable estoppel are present.

30. This Commission hereby finds that the Site Permit has not expired for the additional reason that Owner

has acquired a vested right to build the project subject to the Site Permit issued in 1999 because:

- a. In *Avco Community Developers, Inc. v. South Coast Regional Com.* (1976) 17 Cal. 3d 785, the California Supreme Court held that where a "property owner has performed substantial work and incurred substantial liabilities in good faith reliance upon a permit issued by the government, he acquires a vested right to complete construction in accordance with the terms of the permit." *Id.* at 791.
- b. DBI issued the Site Permit in July 1999, the plans for which exactly specify the type of building to be constructed, including its "dimensions" and "height." *Avco Community Developers, Inc. v. South Coast Regional Com.*, *supra*, 17 Cal. 3d at 794. The Building Code requires that the Site Permit application include "preliminary drawings and specifications" that "clearly indicate the nature, character and extent of the work proposed." Section 106.3.4.2.
- c. Owner has performed substantial work and incurred substantial liabilities in good faith reliance on the Site Permit as follows:
 - (4) Demolition of the previous building in December 1999 to January 2000.
 - (5) Underpinning the foundation at 2572-80 3rd St. in January 2000 at a cost of \$30,000.
 - (6) Work on the foundation in July 2005.
 - (7) Work on the foundation from July 2005 to November 2005.
 - (8) "Work on the foundation from January 2006 to the present.

NOW THEREFORE, we hereby find, conclude and determine, on the basis of the above findings and the other facts, evidence, law and argument presented to us in connection with this appeal, that:

- (1) the Site Permit (Application No. 9906330S; Permit No. 889258) as renewed by Application No. 2003.07.10.9174, Permit No. 1003528) has not expired;
- (2) the Final Plans Site Permit Addendum issued on October 24, 2004 (Application No. 9906330S-1) is still valid; and
- (3) the Revision Final Plans Site Permit Addendum (Application No. 2004.10.21.7428) should have been issued in November of 2005.

NOW THEREFORE, we hereby Order the Department of Building Inspection, in the person of Acting Director Amy Lee, to: extend the Site Permit immediately upon application and payment of required fees by Owner.

The undersigned hereby certify that the Building Inspection Commission adopted the above findings and decision at its regular meeting on _____, 2006.

P010d Proposed Findings 1169.wpd

The following are the findings submitted by the City Attorney's Office:

**Findings of the Building Inspection Commission
Regarding Appeal for 1169 – 1177 Tennessee Street**

On March 20, 2006, this appeal by 1169 – 1177 Tennessee Street, Inc. ("Owner") of the Department of Building Inspection's decision that the Site Permit for the project at 1169 – 1177 Tennessee Street "expired without work having been started or completed within the required time frames," came before a duly noticed hearing of the Building Inspection Commission pursuant to Section D3.750-4 of the City Charter.

Having heard all of the public testimony and reviewed the record on this matter, the Building Inspection Commission hereby grants the appeal and overturns the Department, based upon the following findings:

Findings

1. On July 6, 1999, DBI issued Permit No. 882958 (Application No. 9906330S) to the Trustee of Dorsey Redland for a mixed-use commercial/residential project at 1169-1177 Tennessee Street ("1999 Permit"). ~~Mr. Carroll~~ **Corporation 1169-1177 Tennessee Street, Inc.** ("Permitholder") is the duly authorized representative of the successor in interest to Dorsey Redland. The Job Card for the 1999 Permit stated that work for the 1999 Permit must be completed by July 7, 2002.
2. On September 21, 2001, DBI issued Permit No. 949151 (Application No. 2001/09/21/8969) to renew Permit No. 9906330S. ("2001 Permit"). The 2001 Permit stated that the value of the work remaining was \$300,000. The associated Job Card stated that work for the 2001 permit must be completed by September 21, 2002.
3. On August 22, 2003, DBI issued Permit No. (Application No. 2003/07/10/9174) to renew Permit 9906330 ("2003 Permit"). The 2003 Permit stated that the value of the work remaining was \$300,000 (after correction of a typographical error). The associated Job Card stated that work for the 2002 permit must be completed by August 22, 2004.
4. At some time after the 2003 Permit was issued and before July 15, 2004, then DBI Acting Director Jim Hutchinson and Senior Building Inspector Ed Sweeny authorized a change to the 2003 Permit, changing the valuation of the work remaining from \$300,000 to \$300,500 ("Revised 2003 Permit"). The authorized revision was made by striking out the valuation information on permit holder's copy of the permit, and inserting and initialing the larger value on the face of the permitholder's copy of the permit- but DBI did not have a copy of the Revised 2003 Permit in its permit records. The effect of increasing the valuation of the work to be performed under the Revised 2003 Permit was to increase Permitholder's time for completion of work from 12 months to 24 months, or until August 22, 2005.
5. Amending a permit in the manner of the Revised 2003 Permit (striking out and ~~initializing~~ **initialing** a change in valuation and failing to retain a copy of the revised permit) did not conform to routine DBI procedures and was an irregular means to extend the time for completion of work under an existing permit. On July 15, 2004, Permitholder paid additional permit fees of approximately \$93.80 for the increase in valuation of the work to be performed under the Revised 2003 Permit.
6. The permitholder demonstrated in the hearing that underpinning on the adjacent property, demolition of the existing structure, commencement of foundation work, and compliance with comments from DBI and Planning on subsequent revision permits, started prior to the expiration of the Revised 2003 Permit. Because, on the facts of this case, work started prior to the expiration of the site permit, the Permitholder is entitled to extend the site permit without further Planning review.
7. On November 4, 2005, acting on an anonymous telephone complaint alleging unpermitted excavation being done at the Project site, and based upon DBI records reflecting that the 2003 Permit had expired without work having started, DBI issued a "Notice of Violation and Stop Work" order for the Project. DBI did not have information about, or any copy of, the hand altered and initialed Revised 2003 Permit authorized by Messrs. Hutchinson and Sweeny.

Now therefore, we hereby find, conclude and determine, that:

1. The Site Permit for the Project did not expire before work had commenced.
2. DBI is directed to lift the Notice of Violation and Stop Work Notices and, upon application and payment of required fees, extend the Site Permit.

Ms. Barnes said that she usually discusses the City Attorney's findings with the appellant's Attorney, but did not have a chance to do so and did not know if he agreed with those findings or not.

President Walker said that she thought that the City Attorney's Office reflected the discussion that the Commission had to support the appellant's appeal.

Mr. Lippi said that there were a couple of important differences in the findings and said that his findings were more detailed and represented the exhibits; these findings also addressed other legal theories besides the narrow bases of the decision. Mr. Lippi stated that the estoppel doctrine was a big difference.

Mr. Lippi said that he had some comments on Ms. Barnes' findings and said that a technical point was that the appellant is not Mr. Regan Carroll, but is the Corporation 1169 - 1177 Tennessee Street, Inc.

Mr. Lippi said that a more important point was in Paragraph 5 where it refers to amending the permit in the 2003 permit by striking out and initializing a change in valuation and failing to obtain a copy of the revised permit did not conform to procedures and was an irregular means to extend the time. Mr. Lippi stated that he did not believe that this statement was supported by the facts and the findings are supposed to be from evidence. Mr. Lippi said that he had a transcript of the hearing and that was never stated. Mr. Lippi said that there was no evidence that the Department failed to retain a copy of the amended copy and said that the statement that there was no process for amending it under DBI procedures was not supported. Mr. Lippi asked for Mr. Carroll to speak.

Mr. Carroll urged the Commission to adopt the findings prepared by his council as they accurately and completely recite facts and the basis that were required to have the Commission make the decision that it did. Mr. Carroll said that he thought that Ms. Barnes' findings were inadequate in many counts. Mr. Carroll thanked the Commission.

President Walker said that she recalled that the striking out and initializing of the application was not in the staff report, but was in the evidence submitted by the appellant and was brought up for the first time in the hearing which was a material fact and a material issue that was determined.

Acting Deputy Director Carla Johnson said that she prepared the staff report based on the official records that were at DBI along with microfilm records and computer records. Ms. Johnson stated that she had an opportunity to watch the tape of the hearing and listened to all testimony. Ms. Johnson stated that she recalled both Director Amy Lee and Deputy Director Wing Lau discussing that permit and how it was unusual. Ms. Johnson said that the document that was submitted with the appellant's package was new information and said that the Department did not have copies that the appellant provided to the Department about the extension in time and increase in value.

Acting Director Lee said that normally the Department would have copies of these documents and said that she was not saying that because the Department did not have a copy that it was not valid. Ms. Johnson said that she would be in agreement with that.

Commissioner Grubb asked if Ms. Barnes had time to review the appellant's proposed findings. Ms. Barnes said that she did, but said that she did not believe that the Commission made its decision on any theory, but made the decision on the argument that the permits stayed in effect the entire time. Ms. Barnes said that the 2004 permit was not a site permit, but was a revision permit. Ms. Barnes said that this was mischaracterized and said she was not saying that this was intentional. Ms. Barnes said that she created enough evidence that the work started before the end of the prior permit and that is why finding number six is included in her findings. Ms. Barnes said that once the permit is issued it is the Department's practice that once works starts an applicant can continue the site permit without new approval from Planning.

Commissioner Theriault said that he looked over the proposed findings of Mr. Lippi and said that there were indeed doctrines in there that were not part of the Commission's discussions. Commissioner Theriault said that he understood why Mr. Lippi wanted these findings dealt with before asking for a rehearing.

Commissioner Theriault made a motion, seconded by Commissioner Murphy, that the Commission accept the City Attorney's findings. Commissioner Hirsch made a friendly amendment that the name of the party be corrected and a typographical error be corrected. (Please note these

corrections have been made in the above findings submitted by the City Attorney using a ~~strikethrough~~ and the correction in bold.—

President Walker called for public comment. There was none.

President Walker called for a vote on the motion.

The Commissioners voted as follows:

<i>President Walker</i>	<i>Aye</i>
<i>Vice-President Lee</i>	<i>Aye</i>
<i>Commissioner Grubb</i>	<i>Aye</i>
<i>Commissioner Hirsch</i>	<i>Aye</i>
<i>Commissioner Murphy</i>	<i>Aye</i>
<i>Commissioner Romero</i>	<i>Aye</i>
<i>Commissioner Theriault</i>	<i>Aye</i>

The motion carried unanimously.

RESOLUTION NO. BIC 026-06

12. Discussion and possible action by the Commission to adopt findings regarding 1179 – 1189 Tennessee Street.

President Walker said that Item 8 would not be applicable anymore. Deputy City Attorney Barnes said that the Commission did not grant a rehearing so the findings would need to be adopted. Secretary Aherne stated that the only findings received on this item were from the City Attorney.

The following findings were submitted by the City Attorney:

City Attorney's Proposed Findings
Regarding Appeal for 1179 – 1189 Tennessee Street
May 1, 2006

On March 20, 2006, this appeal by Regan Carroll of the Department of Building Inspection's refusal to issue the Site Permit and Addendum (BPA No. 9902819) for the project at 1179 – 1189 Tennessee Street came before a duly noticed hearing of the Building Inspection Commission pursuant to Section D3.750-4 of the City Charter.

Having heard all of the public testimony and reviewed the record on this matter, the Building Inspection Commission hereby denies the appeal and upholds the Department of Building Inspection, based upon the following findings.

Findings

1. On or about March 31, 2000, Appellant Carroll obtained title to the property at 1179-1189 Tennessee Street ("Property") and rights to any building permit applications, approvals and/or permits that its former owner, John Stricklin, possessed for a project to erect a four story, eight unit residential building with commercial on the vacant lot.
2. Appellant Carroll pursued the project sporadically over the course of the next four years as his personal circumstances, including the illness and eventual death of his mother, permitted, consulting with the local neighborhood group, Dogpatch Neighborhood Association, and working on a series of revisions with necessary City departments. Although Appellant had an application pending during that time period, the City has not yet issued a building permit to Mr. Carroll.
3. City Planning commented upon and/or approved the Project at various times during the application process, including signing off on the Final Plans on or about June 30, 2005.
4. On or about November 14, 2005, DBI's Central Permit Bureau sent Appellant Carroll a Notice that his permit was ready for issuance upon proof of payment of applicable school fees.

5. Before Appellant Carroll picked up the permit, the Planning Department reasserted jurisdiction over the permit awaiting pickup for further analysis of its consistency with the City Planning Code, specifically the Dogpatch Historic District, which had been adopted during the project's lengthy design and permitting process.

6. The Planning Department acted properly in reasserting its jurisdiction over the permit because, under San Francisco Building Code Section 106.4.3, a building permit issued in violation of the Planning Code - or any City Ordinance- would not be valid. The Planning Department is the City agency charged with determining whether building permits comply with the Planning Code.

Now therefore, we hereby find, conclude and determine, that:

1. The Appeal is without merit because DBI's Central Permit Bureau never issued the site permit for the Project. No permit was delivered to the Appellant Carroll or his agent. Sign-offs by various City Departments on Appellant's final plans and other structural details that are needed before a permit can issue are not "issuance" of a permit.

2. Notification by DBI's Central Permit Bureau that a permit is ready for pickup upon payment of fees or any other reason does not constitute "issuance" of a permit. City departments are not estopped by such notification from performing their statutory duties to ensure that a contemplated permit complies with City law prior to delivery of the permit, and any permit issued in violation of City law would, in any case, not be valid.

3. Because DBI's Central Permit Bureau did not yet issue a permit to Appellant Carroll, Appellant has no vested right to undertake the Project and DBI has no further jurisdiction pending Planning Department action on the matter.

Commissioner Grubb made a motion, seconded by Commission Romero to accept the City Attorney's findings on 1179 – 1189 Tennessee Street.

Mr. Lippi said that these findings do not address that there is an equitable estoppel, vested rights or permit estoppel by discrimination and said that he thought that it would not be right for the Commission to vote on this until those claims that were appropriately before the Commission. Deputy City Attorney Catharine Barnes said that she did not understand why Mr. Lippi that that it was not proper. Ms. Barnes said that the Commission had a decision and made a decision and were now adopting the findings in accordance with Administrative Law.

President Walker called for a vote on the motion.

The Commission voted as follows:

<i>President Walker</i>	<i>Aye</i>
<i>Vice-President Lee</i>	<i>Aye</i>
<i>Commissioner Grubb</i>	<i>Aye</i>
<i>Commissioner Hirsch</i>	<i>Aye (reluctantly)</i>
<i>Commissioner Murphy</i>	<i>Aye</i>
<i>Commissioner Romero</i>	<i>Aye</i>
<i>Commissioner Theriault</i>	<i>Aye</i>

The motion carried unanimously.

RESOLUTION NO. BIC 027-06

13. Discussion and possible action regarding the DBI Cost Services Study (fee analysis) performed by the Public Resource Management Group. [Chief Administrative Officer Taras Madison]

Chief Administrator Officer Taras Madison said that in January 2005 the Controller's Office issued an RFP to hire a company to perform a cost recovery study for both DBI and the Planning Department. Ms. Madison said that in March 2005 the Public Resource Management Group (PRM) were selected to conduct this study and had been working on this for well over a year. Ms. Madison stated that today

representatives from PRM would be providing a summary and then there would be a discussion as to what the next steps should be. Ms. Madison turned the presentation over to representatives from PRM.

Mr. Brad Wilkes said that he was with Public Resource Management Group and was joined by his partner Erin Payton. Mr. Wilkes said that he was going to explain an overview of the study so that when Erin presented the results the Commission would have an understanding of how the results were reached. Mr. Wilkes explained that PRM had done studies such as this for many cities. Mr. Wilkes said that it was important to identify the full costs, both direct and indirect costs to supply City services and said that the report focused on staff members that provide the particular services for DBI. Mr. Wilkes stated that according to State law fees should not be set higher than the cost of providing the service. Mr. Wilkes said that costs from City Hall, payroll, DHR and other departments were included in this report as costs spent by DBI. Mr. Wilkes said that the methodology that PRM used was not new for City and Counties in the State and is commonly accepted in the State.

Mr. Wilkes introduced Ms. Erin Payton from PRM. Ms. Payton said she would focus on page 8 of the report that contained a summary of the findings and notes on methodology. Ms. Payton stated that PRM took a look at about sixty different services provided by DBI, fee related and non-fee related, and compared costs and revenues for those different programs. Ms. Payton reported that PRM looked at the total annual cost and current annual projected revenue for fiscal year 2005/2006 and added additional layers of overhead costs, including: building rent and maintenance, equipment depreciation and an annual technology refresh lease. Ms. Payton said that then PRM studied a proposed model of the same information for fiscal year 2006/2007. Ms. Payton stated that for fiscal year 2005/2006 PRM was projecting an 86.24% cost recovery level and for fiscal year 2006/2007 a 96.02% cost recovery level. Ms. Payton said that this report was just presenting the results of the analysis and said that PRM did not make any recommendations for fee adjustments at this point.

Acting Director Amy Lee said that with the 2006/2007 proposed model the Department will be closer to recovering its costs as the turn around time backlog days should be reduced from 45 to 20 days for large projects. Ms. Lee said that she was reluctant to propose any fee increases or decreases at this time, as there are several factors to look at. Ms. Lee stated that she would hope to recruit new engineers, but it has been very difficult to recruit this past year so there is no guarantee that the Department will have the additional staff needed. Ms. Lee said that this Department is cyclical in nature and there are many high-rise buildings being proposed right now, but that could change in a couple of years and the Department's revenue would be decreased. Ms. Lee said that she would like time to look at the trends of past revenues and said that the Mayor's Office, the Board of Supervisors and particularly the Budget Analyst know that the Department now has detailed information and might be pressing to move forward faster with fee changes. Ms. Lee said that she would be reluctant to do so at this time.

Commissioner Hirsch said that there was a breathtaking reduction in the unrecovery cost in the proposed model and asked how realistic Ms. Lee thought this was. Ms. Lee said that it would depend on the budget process. Commissioner Hirsch asked what the changes were going to be from the 05/06 to the 06/07. Ms. Taras Madison said that the reason recovery had increased over the two years is that the Department has a higher proposed annual revenue. Ms. Madison said that for the revenue projects for next year there are many big projects included. Ms. Madison cautioned that the budget for fiscal year 06/07 had not yet been finalized and said that there may be cuts or additions or other changes that happen. President Walker asked if this amount included any fee increases. Ms. Madison said that it did not.

Deputy Director Wing Lau said that he wanted to clarify that the Department collects fees for plan check services and fees for inspections. Mr. Lau said that the fees are collected when the permit is issued, but on big projects it could be three to four years before the inspections services have been performed and that money is a deferred credit. Acting Director Lee said that the deferred credit report is done every six months.

Commissioner Grubb asked the consultants if the survey details showed what areas in the Department are being subsidized by other revenue producing areas. Mr. Wilkes said that sixty categories were studied at DBI and said that DBI keeps revenues in a fee for service category program-by-program or fee-by-fee. Mr. Wilkes stated that rarely was there a corresponding set of time reports from employees that kept time with those exact categories so PRM was left to make judgments. Mr. Wilkes stated that this is typical of all cities in California. Acting Director Lee said that one of the difficulties was figuring out what DBI's direct and indirect costs are associated with each activity. Ms. Lee said that she wanted to commend PRM because DBI does a lot of work with staff that is not related to the permit fee. Ms. Lee said that a large

portion of the work done at DBI is talking to customers, neighbors and tenants and said that PRM tried to distribute those costs. Ms. Lee stated that it is the Department's intention to have a better way of capturing people's time. Commissioner Murphy said that he did not think that Commissioner Grubb's question had been answered.

Mr. Wilkes referred to the report and said that there were eight categories that show where the revenues for some divisions are low and some are high. Commissioner Grubb said that this would show what areas needed work. Commissioner Grubb asked if PRM made any recommendations for cost recovery improvement. Mr. Wilkes said that no recommendations were included as this study focused on the cost and the current revenue and how DBI is doing there. Mr. Wilkes said that this information was provided so that the Commission and the Department could use that information to determine what should be done with fees.

Acting Director Lee said that the Department would be engaging in that discussion and would try to submit any recommendations to the Commission before the budget is submitted to the Mayor's Office on June 1, 2006. Ms. Lee said that the Department would be looking at the deferred credit funds because it is not surprising that DBI was under collecting because the Department was using its surplus funds. Ms. Lee said that the Department would also be looking at a three-year trend and would try to get a commitment from the Mayor's Office and the Board of Supervisors to commit to DBI's budget proposal. Ms. Lee stated that DBI is often treated as a General Fund Department and when the General Fund departments are told to make cuts, DBI is included and that does not make any sense. Commissioner Grubb said that he hoped that something like this report will give the Department the ability to go to the Mayor's Office and show that DBI is funding General Fund activities for the Mayor or whatever departments that are coming out of fees that are being paid by people taking out permits. Commissioner Grubb said that it should be a lot easier for the Mayor's Office to see how much DBI does that basically donates to the General Fund. Ms. Lee said that this report would be particularly helpful with the Budget Analyst. Acting Director Lee said that issue would be agendized for a future meeting along with a discussion regarding fees.

Mr. Joe O'Donoghue of the Residential Builders said that as a member of the industry that is funding this entire Department this report is an excellent step, but it is like filing a tax return just showing someone's income and cost. Mr. O'Donoghue said that there was no information that would show how someone arrived at the conclusions and said that this report is just a formula for fee increases. Mr. O'Donoghue stated that as fees increase in the City the delays are also increasing and customer service is declining. Mr. O'Donoghue said that there should be an analysis showing how San Francisco compares with other cities in terms of cost, personnel and the productivity. Mr. O'Donoghue said that there needs to be detail in terms of what the indirect costs are and said that this report was unacceptable in its present form.

14. Review and approval of the minutes of the February 6, 2006 meeting.

Vice-President Lee made a motion, seconded by Commissioner Grubb that the minutes be approved.

The motion carried unanimously.

RESOLUTION NO. BIC 028-06

15. Review and approval of the minutes of the March 6, 2006 meeting.

Commissioner Hirsch abstained from voting on this item, as he was not present at the March, 6, 2006 meeting.

Commissioner Theriault made a motion, seconded by Vice-President Lee to approve the minutes. The motion carried unanimously.

RESOLUTION NO. BIC 029-06

16. Review Commissioner's Questions and Matters.

- a. Inquiries to Staff. At this time, Commissioners may make inquiries to staff regarding various documents, policies, practices, and procedures, which are of interest to the Commission.**

Commissioner Hirsch said that he would like a report at the next meeting on an item that was in the paper and brought to his attention by a resident of that district about a project in the Western Addition. Commissioner Hirsch said that this project dragged through Planning and the Building Department and was rejected by the Building Department because of the narrow street width that would be okay for condos, but not for a rental project. Commissioner Hirsch said that he did not have an address on the property; Ms. Lee said that she believed that it was Ellis Street.

Commissioner Grubb said that he had one question for Ms. Boyajian regarding the BIC's minutes, which he thought, were painfully detailed and asked if this was tradition or a necessity. Ms. Boyajian said that it is tradition that the Secretary does very detailed minutes even though it is not legally required, but the public has come to expect this detail.

Secretary Aherne said that she recently listened to a discussion on this issue with the Taxi Commission who had this as an agenda item because she wanted to hear what the public had to say about minutes. Ms. Aherne said that from that discussion it was determined that every public speaker has to be acknowledged and the gist of what that public speaker has to say has to be recorded in the minutes. Ms. Aherne said that she would be perfectly happy to cut down on the minutes, but said that the public and DBI employees have come to expect the detailed minutes. President Walker said that people have commented to her on the efficiency of the minutes and said that people who do not come to the meeting can definitely read the minutes and keep up with the BIC. President Walker said that there is a problem with paraphrasing. Ms. Aherne said that the minutes have been cut down substantially as there was a time when the minutes were almost 40 pages. Ms. Aherne said that now that the Commission meetings are televised the minutes would not have to be as detailed, but said that she had gotten comments from many people that they do not have access to the meetings since the BIC was moved to Channel 78 and that the subsequent showings of the meeting on Channel 26 are on very late at night; many people say that they keep up with the meetings through the minutes. Ms. Aherne said she was happy to do whatever the Commission wanted. Commissioner Grubb said that if the Commission meetings were not televised he thought that more in depth minutes might be merited. Commissioner Grubb said that he thought shorter minutes would allow staff more time to get through this process. Commissioner Hirsch said that he did not understand the objection and said that he thought it should be left up to the Secretary and her staff as to what can be provided. Secretary Aherne said that she would try doing less detailed minutes, but still try to get the gist of what the public and the Commissioners want to come across. President Walker said that she wanted to go on record to say that the Secretary does a great job with the minutes. Commissioner Hirsch said that he sees minutes from other Commissions or Boards and the BIC's are superior. President Walker said that the Secretary had the Commission's encouragement for brevity.

Commissioner Hirsch said that an issue was raised earlier in public comment about communications received by the Commission, but not appearing on the agenda. President Walker said that it is not a requirement to put the communication items on the agenda. Commissioner Hirsch asked how the Commissioners receive the communication items. Secretary Aherne said that she sends them to the Commissioners. President Walker said that a Commissioner could request any communication item to be on the agenda. Commissioner Murphy asked if this had always been the case with the communication items. Secretary Aherne said that when she first started with the Commission the Communication items were listed as a general item and were brought to the meeting in a binder for viewing by the public and if there was a particular item they wanted to discuss it could be done at that time, but no action could be taken on those items. Secretary Aherne said that in February 2000 President Alfonso Fillon wanted the communication items listed separately. Secretary Aherne said that this then became an issue because people were using the communication items as agenda items and the Commission would get into long discussions about letters, etc. Secretary Aherne said that if there were any member of the public that wanted to request all communication items she would be happy to send them either via e-mail or by U.S. Mail. Secretary Aherne said that she would do whatever the Commission decided.

b. Future Meetings/Agendas. At this time, the Commission may discuss and take action to set the date of a Special Meeting and/or determine those items that could be placed on the agenda of the next meeting and other future meetings of the Building Inspection Commission.

Vice-President Lee asked for an update on the status of hiring a Communication's Officer for the Department. President Walker requested on-going updates on the CAPSS projects. President Walker asked Deputy City Attorney to be prepared to have a discussion on the possibility of moving the UMB Loan Program approved by the voters to a ballot measure to use that money for some of the buildings as

determined by the CAPSS program. Acting Director Lee said that there was a significant amount of money left in that fund and said that the Department had been looking into this issue.

President Walker called for public comment.

Mr. Joe O'Donoghue of the RBA said that he would disagree with Madam Secretary that the communication items were being used to protract discussions at the hearings. Mr. O'Donoghue said that very seldom was their discussion on the communication items. Mr. O'Donoghue said that the listing was extensive and it allowed people an opportunity to know what was happening in other parts of the City. Mr. O'Donoghue stated that obviously this is part of the blackout and it is the same way with the blackout of the minutes; this is the new agenda of this Administration, blackout, blackout, blackout. Mr. O'Donoghue said that since the meetings went from Channel 26 to Channel 78 the public has less access now compared to what they had before. Mr. O'Donoghue said that in the past there was full access to the letters of communication here and it was excellent when they came on the calendar. Mr. O'Donoghue said that the calendar was sent to people and the public could comment on that communication item without coming to a meeting; now the public has no access to that and that is avoidance. Mr. O'Donoghue said that this is a sham and is restricting information to the public. Mr. O'Donoghue said that the reason this Commission was created was for the public as they are the taxpayers and need to know what is happening, but this Commission is suppressing free speech. Mr. O'Donoghue said that that is why the RBA members are leaving San Francisco.

13. Public Comment: The BIC will take public comment on matters within the Commission's jurisdiction that are not part of this agenda.

Mr. Joe O'Donoghue of the RBA said that another fact that has recently heated up and resulted in evictions and not surprising the RBA stood up representing in a good manner those that were evicted. Mr. O'Donoghue stated that these evictions had occurred at Golden Gate and Lyon Streets. Mr. O'Donoghue said that his Commission should investigate this issue and said that he had brought this issue up about six weeks ago. Mr. O'Donoghue said that there were Housing Inspectors, intentionally or unintentionally; issuing a report that gave the landlord or a land speculator the right to come in on a building that was purchased in January to evict the tenants, one of who was in her 80's and also an elderly black lady and man. Mr. O'Donoghue said that the RBA worked with the Tenderloin Housing Clinic to prevent those people from being evicted. Mr. O'Donoghue said that this was happening because the Housing Inspectors were going out and issuing Notices of Violation which then gives those speculators the legal right to evict those tenants and the speculators avoid going to Planning which is what happened in this instance. Mr. O'Donoghue stated that he has been complaining about this for the past three years and said as a result of this process the entire industry gets a bad reputation. Mr. O'Donoghue said that neither DBI nor the BIC have taken any action to do something about this or to even put it on the calendar. Mr. O'Donoghue said that he was asking formally for the BIC to put this on the calendar to find out why the Housing Inspectors did what they did; were they operating in collusion with the landlords. Mr. O'Donoghue said that he did not know the answer to that, but said that the public and the tenants have a right to know what is happening. Mr. O'Donoghue stated that the RBA had made a proposal to the Board of Supervisors to put all evictions under the Ellis Act subject to the new Code in terms of parking and all of that and that would take the profit out of the evictions. Mr. O'Donoghue said that the Peskin legislation that deals with this from another aspect does not take the profit out, nor does it take the profit out of the Tenant's In Common (TIC's) or condo conversion. President Walker asked Acting Director Lee to give her a report on this issue.

There was no further public comment.

17. Adjournment.

President Walker made a motion, seconded by Commissioner Romero, that the meeting be adjourned in honor of the immigrants who made America, America and in honor of all who work in the construction industry.

The motion carried unanimously.

RESOLUTION NO. BIC 030-06

The meeting was adjourned at 11:29 a.m.

Respectfully submitted,

Ann Marie Aherne
Commission Secretary

SUMMARY OF REQUESTS BY COMMISSIONERS	
Issue of signage and billboards – future agenda item. – President Walker	Pages 1 – 2
Ongoing reports requested regarding PRM fee study report. – Commissioners	Pages 25 – 28
Report on project in Western addition (Ellis Street) regarding permits and width of road. – Commissioner Hirsch	Pages 28 – 29
Update on the hiring of a Communication's Officer for DBI. – Vice-President Lee. –	Page 30
Possibility of converting UMB monies to CAPSS related issues. – President Walker	Page 30
Report on evictions at Golden Gate & Lyon Streets and issue of evictions relating to Housing Inspection Violations. – President Walker	Page 31

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EXHIBIT D

Welcome to our Permit / Complaint Tracking System!

COMPLAINT DATA SHEET

Complaint Number: 201891801

Owner/Agent: OWNER DATA SUPPRESSED

Owner's Phone: --

Contact Name: --

Contact Phone: --

Complainant: COMPLAINANT DATA SUPPRESSED

Date Filed:

Location: 1055 ASHBURY ST

Block: 1269

Lot: 167

Site:

Rating:

Occupancy Code:

Received By: OHUANG

Division: BID

Complainant's Phone:

Complaint Source: WEB FORM

Assigned to Division: BID

Description: date last observed: 13-SEP-18; time last observed: 0900; identity of person performing the work: Vella Glass; floor: roof; exact location: Main Bldg; building type: Residence/Dwelling WORK W/O PERMIT; ; additional information: Apparent installation of glass on roof w/o permit;

Instructions:

INSPECTOR INFORMATION

DIVISION	INSPECTOR	ID	DISTRICT	PRIORITY
BID	HERNANDEZ	6340	18	

REFERRAL INFORMATION

COMPLAINT STATUS AND COMMENTS

DATE	TYPE	DIV	INSPECTOR	STATUS	COMMENT
09/14/18	OTHER BLDG/HOUSING VIOLATION	INS	Hernandez	CASE UPDATE	Case reviewed, to be investigated by district inspector. cm/oh
09/14/18	CASE OPENED	BID	Hernandez	CASE RECEIVED	
09/18/18	OTHER BLDG/HOUSING VIOLATION	BID	Hernandez	CASE UPDATE	Visited site, unable to see any one working at site at time of visit. Contacted complainant via-phone to gather additional information, complainant e-mailed photos of work currently being done. Will do project research.
09/19/18	OTHER BLDG/HOUSING VIOLATION	INS	Hernandez	FIRST NOV SENT	First NOV issued; hh/oh
09/19/18	OTHER BLDG/HOUSING VIOLATION	INS	Hernandez	CASE UPDATE	First NOV mailed; oh

COMPLAINT ACTION BY DIVISION

NOV (HIS):

NOV (BID):

09/19/18

Inspector Contact Information

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EXHIBIT E



San Francisco Property Information Map

[Help](#) | [Your Feedback](#)[Link](#) [Terms of Use](#) [Download Data](#)

Step 1: Search or Click on the Map

2417 green street

SEARCH

Step 2: Review Property Information

Click the tabs below to view the reports.

[Property](#) [Zoning](#) [Preservation](#) [Planning Applications](#) [Building Permits](#) [Other Permits](#)[Complaints](#) [Appeals](#) [BBNs](#)

Complaints Report: 2417 GREEN STREET

[Printable Version of Reports](#)

The Planning Department and the Department of Building Inspection operate programs that ensure compliance with the San Francisco [Planning Code](#) and [Building Inspection Commission Codes](#) respectively. Additionally, they respond to customer complaints of potential code violations and initiate fair and unbiased enforcement action to correct those violations and educate property owners to maintain code compliance.

ON THIS PAGE:

[Complaints - Planning Dept](#)[Complaints - Dept of Building Inspection](#)COMPLAINTS - PLANNING DEPT: [MAP](#)

2017-012992ENF

Tina Tam Tel: 415-558-6325

Enforcement (ENF) 2417 Green

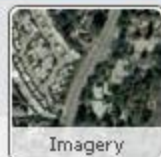
Work beyond scope - Horizontal addition. BPA 201705116316 was issued without review by DCP.
DBI NOV 201708032

OPENED	STATUS	ADDRESS	FURTHER INFO
10/2/2017	Pending Review 8/3/2018	2417 GREEN ST 94123	Related Documents View in ACA

RELATED RECORDS: None

COMPLAINTS - DEPARTMENT OF BUILDING INSPECTION:

[View Complaint 201888531 \(2417 GREEN ST\)](#)
[View Complaint 201830371 \(2417 GREEN ST\)](#)
[View Complaint 201727261 \(2417 GREEN ST\)](#)
[View Complaint 201727021 \(2417 GREEN ST\)](#)
[View Complaint 201724852 \(2417 GREEN ST\)](#)
[View Complaint 201708032 \(2417 GREEN ST\)](#)

[back to top](#)

Imagery

Green St

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EXHIBIT F

Francis Ryan

From: Cabrereros, Glenn (CPC) <glenn.cabreros@sfgov.org>
Sent: Wednesday, May 14, 2014 5:54 PM
To: fdryan@pacbell.net
Cc: Lindsay, David (CPC); edumican@dumicanmosey.com; James Reuben (jreuben@reubenlaw.com); Chris Durkin (cfdurkin@gmail.com)
Subject: RE: 1055 Ashbury PAN 201307313282 - joint hearing for DR & the variance
Attachments: image023.gif; image024.gif; image025.gif; image026.gif; image027.gif; image028.jpg; image029.gif; image030.gif; image031.gif; image032.gif; image033.gif; image034.jpg; image001.png; image002.png; image003.png; image004.png; image005.png

Dave-

I was able to get feedback from the Zoning Administrator regarding a recent survey that was emailed to me last week. The survey depicts that the angle of intersection is greater than 135 degrees. Thus, the adjacent property cannot be considered a corner lot per our interpretation from last summer. Per the survey date (June 2013) this information was not disclosed to the Department at the time we were reviewing the adjacent conditions.

In order to move forward with the project, we have advised the applicant to revise the project to be Code-complying or opt to seek and justify a variance. If a variance application is filed, the DR and V hearings would be scheduled together.

I'll have to await a response from the applicant to see how they want to proceed and then keep everyone posted as to the hearing date.

Thank you.

**Glenn Cabrereros, LEED AP
Planner**

Planning Department | City and County of San Francisco
1650 Mission Street, Suite 400, San Francisco, CA 94103
Direct: 415-558-6169 | Fax: 415-558-6409
Email: glenn.cabreros@sfgov.org
Web: www.sfplanning.org



From: Daver [mailto:fdryan@pacbell.net]
Sent: Friday, May 09, 2014 12:59 PM
To: Cabrereros, Glenn (CPC)
Cc: Lindsay, David (CPC)
Subject: RE: 1055 Ashbury PAN 201307313282 - joint hearing for DR & the variance

Glenn,

Understood that you are still working on getting resolution on the corner lot issue / angle / rear yard setback matter. As a result, the placeholder venue would seem to be indeterminate at this time since the venue (hearing for DR or joint hearing for DR & the variance) is to be determined by that resolution. My objection here is to the presupposition of a hearing for DR which is, in essence, an assumed decision in favor of the developer. My suggestion is to defer a placeholder pending resolution. A significant component in my filing a DR was to provide you with adequate time to resolve.

In any event, surely a variance is already required for the rear yard elevator which is shown on the current plans extending into the rear setback area?

For my availability any of the following Thursdays June 5th, June 12th, July 24th or July 31st currently works for me.

(Francis) Dave Ryan (415)350-4752 Mobile
1026 Clayton Street
San Francisco
CA 94117

From: Cabreros, Glenn (CPC) [<mailto:glenn.cabreros@sfgov.org>]
Sent: Friday, May 09, 2014 9:55 AM
To: fdryan@pacbell.net
Cc: Lindsay, David (CPC)
Subject: RE: 1055 Ashbury PAN 201307313282 - joint hearing for DR & the variance

Dave-

Understood – we are still working on getting resolution on that matter. The request for your availability is to hold a future date on the Commission’s calendar. The required notices and posters for DR hearings are mailed out 10 days in advance, so I’ll need to schedule a hearing date as a placeholder to provide you and the applicant advanced notice.

Please provide a response as to your availability by Monday. If no response is provided, staff will select a date in June.

Thank you.

**Glenn Cabreros, LEED AP
Planner**

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Direct: 415-558-6169 | Fax: 415-558-6409
Email: glenn.cabreros@sfgov.org
Web: www.sfplanning.org



From: Daver [<mailto:fdryan@pacbell.net>]
Sent: Friday, May 09, 2014 7:21 AM
To: Cabreros, Glenn (CPC)
Subject: RE: 1055 Ashbury PAN 201307313282 - joint hearing for DR & the variance

Hi Glenn,

Thanks for your email on “DR hearing date” and I appreciate you taking my availability into account. However, it seems premature to schedule a DR hearing as surely we need a formal decision on whether 1051 Ashbury does, or does not, qualify as a corner lot to determine if a “joint hearing would be scheduled for the DR & the variance” (see below). As you know, my position and that of my neighbor Kirk Scott is that 1051 Ashbury does not qualify as a corner lot based on our measurements.

Also, please see highlighting in the email from Scott Sanchez as clearly the angle is not the sole determinant “I would be concerned with any development proposal that would not respect this pattern of development.” And (my underline) “They may have an argument if this lot is a corner lot”:

From: Sanchez, Scott
Sent: Monday, July 15, 2013 4:08 PM
To: Oropeza, Edgar
Subject: Re: 1055 Ashbury Street - Req. Rear Yard, Sec. 134(c)(4)(B)

Thanks, Edgar. This is an interesting one. I understand their argument that the adjacent property at 1051 Ashbury Street Downey Street, but the pattern of develop reads as if all lots were developed with the same frontage. As such, I would be any development proposal that would not respect this pattern of development. They may have an argument if this lot is a defined in the Planning Code (see below). To be a corner lot, the angle of the intersection between Ashbury and Downey 135 degrees (it looks close). If it exceeds 135 degrees, then it is not a corner lot and the property on Downey Street would determine the rear yard requirement.

When would be a good time for you to talk on this?

(Francis) Dave Ryan (415)350-4752 Mobile
1026 Clayton Street
San Francisco
CA 94117

From: Lindsay, David (CPC) [<mailto:david.lindsay@sfgov.org>]
Sent: Monday, April 28, 2014 7:42 AM
To: fdryan@pacbell.net
Cc: Cabrerros, Glenn (CPC); Sanchez, Scott (CPC)
Subject: RE: 1055 Ashbury PAN 201307313282 - Request DR fee waiver

Dave – you should file a DR only if you have concerns with the project itself (regardless of the technical aspects, which we are currently investigating). If it is ultimately determined that 1051 Ashbury does not qualify as a corner lot, the project would require a rear yard variance to proceed (which has its own public hearing process). If a variance is required and if a DR has been filed against the bldg. permit application currently out for 311 notice, then a joint hearing would be scheduled for the DR & the variance.

David Lindsay
Senior Planner, Northwest Quadrant, Current Planning

Planning Department | City and County of San Francisco
1650 Mission Street, Suite 400, San Francisco, CA 94103
Direct: 415.558.6393 | Fax: 415.558.6409
Email: david.lindsay@sfgov.org
Web: www.sfplanning.org



From: Daver [<mailto:fdryan@pacbell.net>]
Sent: Monday, April 28, 2014 7:01 AM
To: Lindsay, David (CPC)
Cc: Cabrerros, Glenn (CPC)
Subject: RE: 1055 Ashbury PAN 201307313282 - Request DR fee waiver

David,

Since planning is directing me to “file a request for Discretionary Review” I request that the associated fee be waived.

(Francis) Dave Ryan (415)350-4752 Mobile

1026 Clayton Street
San Francisco
CA 94117

From: Cabreros, Glenn (CPC) [<mailto:glenn.cabreros@sfgov.org>]
Sent: Thursday, April 24, 2014 12:45 PM
To: fdryan@pacbell.net; 'Kirk Scott'
Cc: Lindsay, David (CPC)
Subject: RE: 1055 Ashbury PAN 201307313282 - 1051 Asbury Angle exceeds 135 degrees using Google Earth

Dave and Kirk-

David Lindsay and I were able to discuss your emails/concerns with the Zoning Administrator this morning. We are continuing to look into the matter to gather additional information. The ZA does not need to meet with you at this time; however to address your concerns, you should file a request for Discretionary Review to formally oppose the project, particularly as the last day to file for DR will be on May 1, 2014.

As with any DR, the Department asks that you continue to communicate with the project sponsor/architect in hopes of addressing any specific concerns you have regarding the project.

Thank you.

**Glenn Cabreros, LEED AP
Planner**

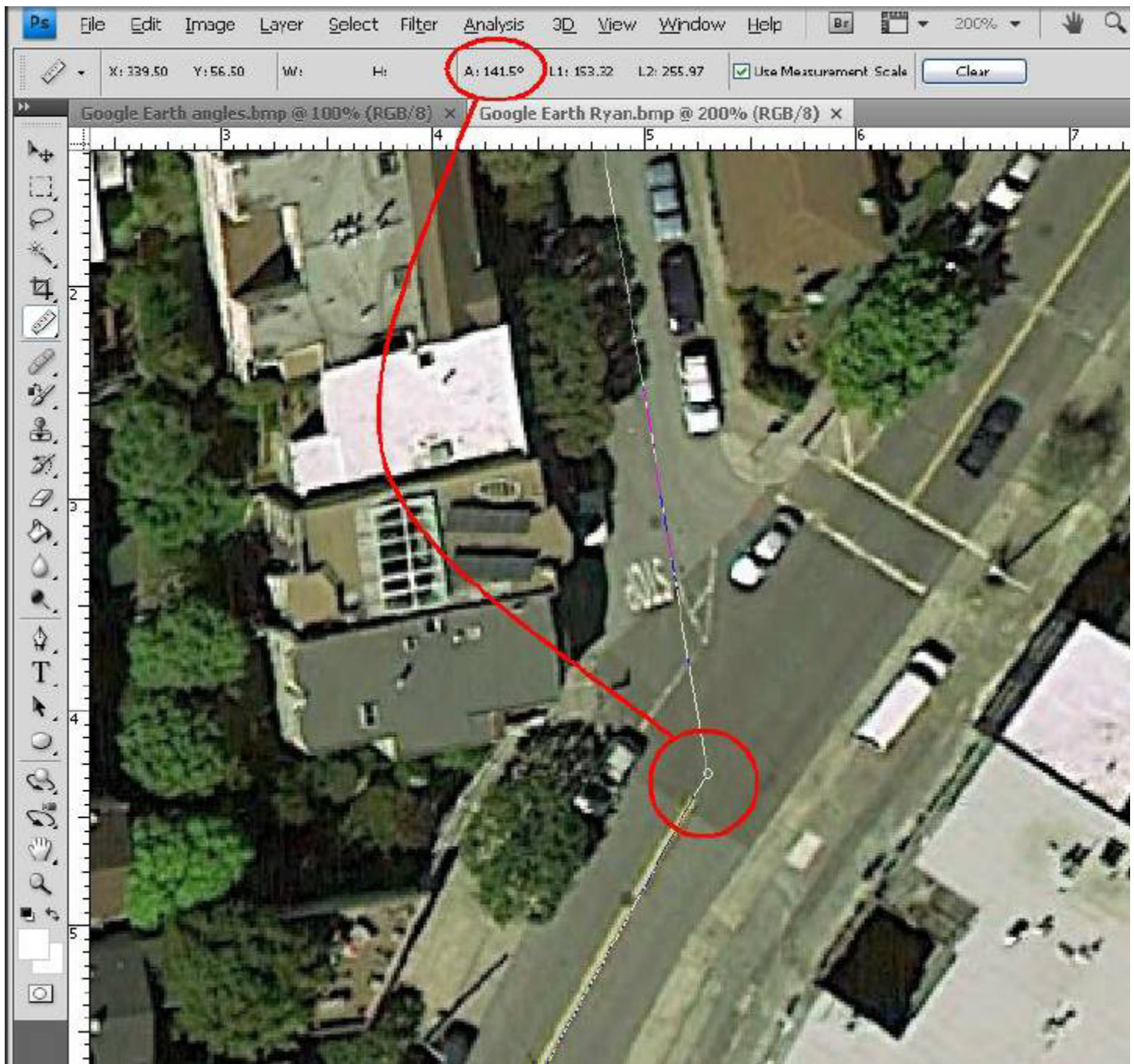
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Direct: 415-558-6169 | Fax: 415-558-6409
Email: glenn.cabreros@sfgov.org
Web: www.sfplanning.org



From: Daver [<mailto:fdryan@pacbell.net>]
Sent: Tuesday, April 22, 2014 12:05 PM
To: Cabreros, Glenn (CPC)
Cc: Lindsay, David (CPC); 'Kirk Scott'
Subject: RE: 1055 Ashbury PAN 201307313282 - 1051 Asbury Angle exceeds 135 degrees using Google Earth

Glenn,

In addition, using Google Earth and measuring the angle, relative to the street center lines as you requested, Photoshop gives 141.5 again greater than 135:



(Francis) Dave Ryan (415)350-4752 Mobile
1026 Clayton Street
San Francisco
CA 94117

From: Cabreros, Glenn (CPC) [<mailto:glenn.cabreros@sfgov.org>]

Sent: Tuesday, April 22, 2014 9:38 AM

To: fdryan@pacbell.net

Cc: Lindsay, David (CPC)

Subject: RE: 1055 Ashbury PAN 201307313282 - 1051 Asbury Angle exceeds 135 degrees - Resend

Thanks Dave – I'd like to get the ZA's input first and then call you back. I'll print out your email for the ZA to review. We typically meet with the ZA on Thursdays, but I'll see what I can do to meet with him earlier.

**Glenn Cabreros, LEED AP
Planner**

Planning Department | City and County of San Francisco
1650 Mission Street, Suite 400, San Francisco, CA 94103
Direct: 415-558-6169 | Fax: 415-558-6409
Email: glenn.cabreros@sfgov.org
Web: www.sfplanning.org



From: Daver [<mailto:fdryan@pacbell.net>]
Sent: Tuesday, April 22, 2014 8:06 AM
To: Cabreros, Glenn (CPC)
Cc: Lindsay, David (CPC)
Subject: 1055 Ashbury PAN 201307313282 - 1051 Asbury Angle exceeds 135 degrees - Resend

Resend of my 4/18 email just in case you did not receive per my voicemail just now – seems very clear exceeds 135° – lets talk

Glenn,

Using your Survey1977.pdf document, Adobe Photoshop measures the angle as 144.7° which is of course greater than 135°. This 144.7° is not unexpected as one would expect an angle larger than the 135° originally shown on the Survey1977.pdf on 1051 Ashbury due to the property line jog west as discussed. Please see attached Survey1977_angle.pdf. The ruler angle measurement feature of Photoshop was used as circled in red (you can see the ruler selected) and the center line of the streets were used as discussed. In addition, the Adobe Photoshop angle measurement capability was verified by measuring pre existing angle measurements on the Survey1977.pdf and an excellent correlation was obtained in all cases.

The “Google Earth angles.pdf” claimed measurements are inaccurate due to a variety of issues including Google Earth view angle distortions and general Google Earth limitations making an actual Survey1977.pdf a preferred reference.

Therefore, do you agree that 1051 Ashbury does not qualify as a corner lot?

Let's discuss – if there is a particular time that best suits you please let me know,

(Francis) Dave Ryan (415)350-4752 Mobile
1026 Clayton Street
San Francisco
CA 94117

From: [Kirk Scott](#)
To: [Cabreros, Glenn \(CPC\)](#)
Cc: [fdryan@pacbell.net](#); [Lindsay, David \(CPC\)](#)
Subject: Re: 1055 Ashbury PAN 201307313282 - 1051 Asbury Angle exceeds 135 degrees using Google Earth
Date: Thursday, April 24, 2014 3:19:47 PM
Attachments: [image002.png](#)
[Blk1269-SitePlan.png](#)
[image005.png](#)
[image001.png](#)
[image004.png](#)
[image003.png](#)

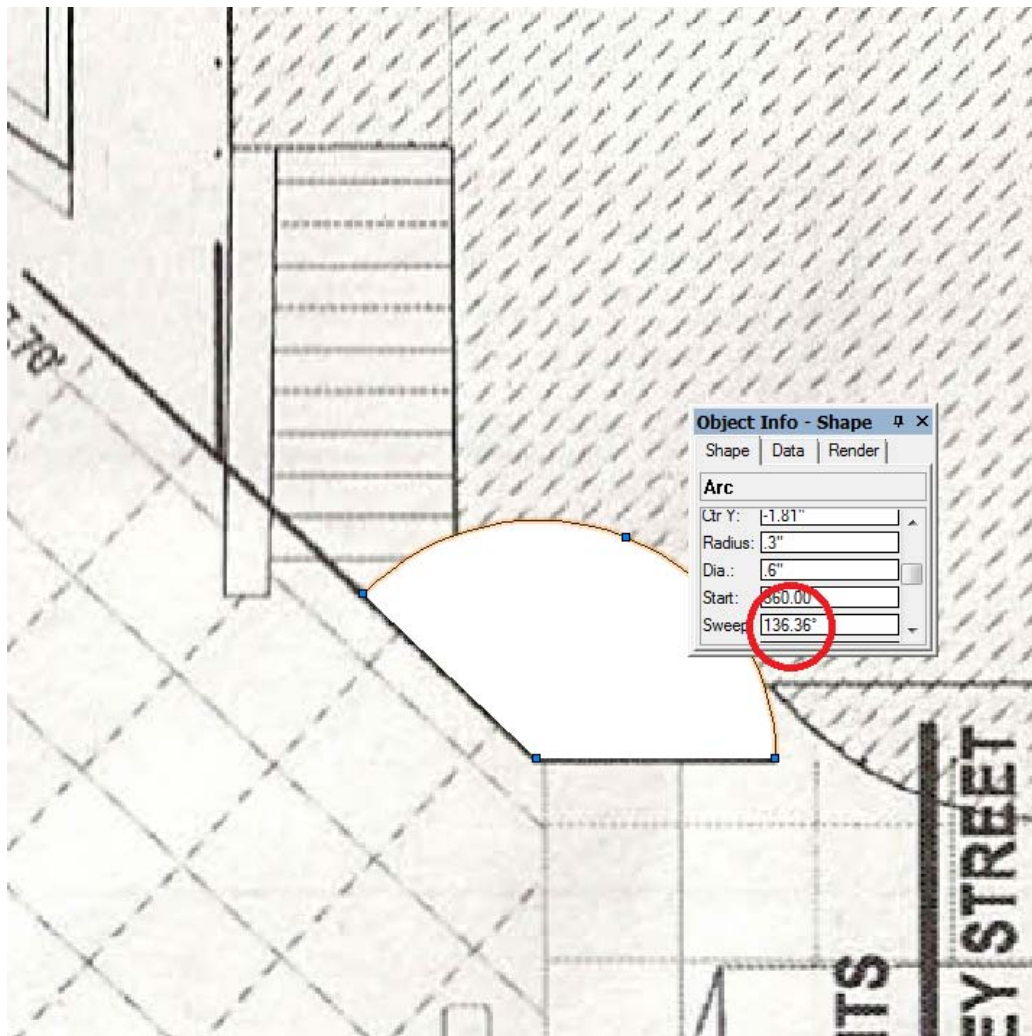
Glenn, this isn't a DR matter -- this should have been caught in department review. Even the ZA said it was close.

The fact is that the developers submitted plans which distort the angle of intersection at Ashbury and Downey. They haven't presented a licensed survey which establishes their case. Multiple measurements show that they have fudged the angle in order to gain development rights.

So, please stop the process and examine this more closely. As you can see below, even the developer's own site plan shows the corner angle exceeds 135 degrees.

Therefore, the project should be suspended and either re-drafted to conform to the planning code, or a variance should be requested.

(As an aside, I am basically pro-development as-of-right for projects conforming to the Residential Design Guidelines, and I am opposed to most of the arduous DR process. Normally I would have supported this project, but we all must play by the rules.)



On Thu, Apr 24, 2014 at 12:44 PM, Cabreros, Glenn (CPC) <glenn.cabreros@sfgov.org> wrote:

Dave and Kirk-

David Lindsay and I were able to discuss your emails/concerns with the Zoning Administrator this morning. We are continuing to look into the matter to gather additional information. The ZA does not need to meet with you at this time; however to address your concerns, you should file a request for Discretionary Review to formally oppose the project, particularly as the last day to file for DR will be on May 1, 2014.

As with any DR, the Department asks that you continue to communicate with the project sponsor/architect in hopes of addressing any specific concerns you have regarding the project.

Thank you.

**Glenn Cabreros, LEED AP
Planner**

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1650 Mission Street, Suite 400, San Francisco, CA 94103
Direct: [415-558-6169](tel:415-558-6169) | Fax: [415-558-6409](tel:415-558-6409)

Email: glenn.cabreros@sfgov.org

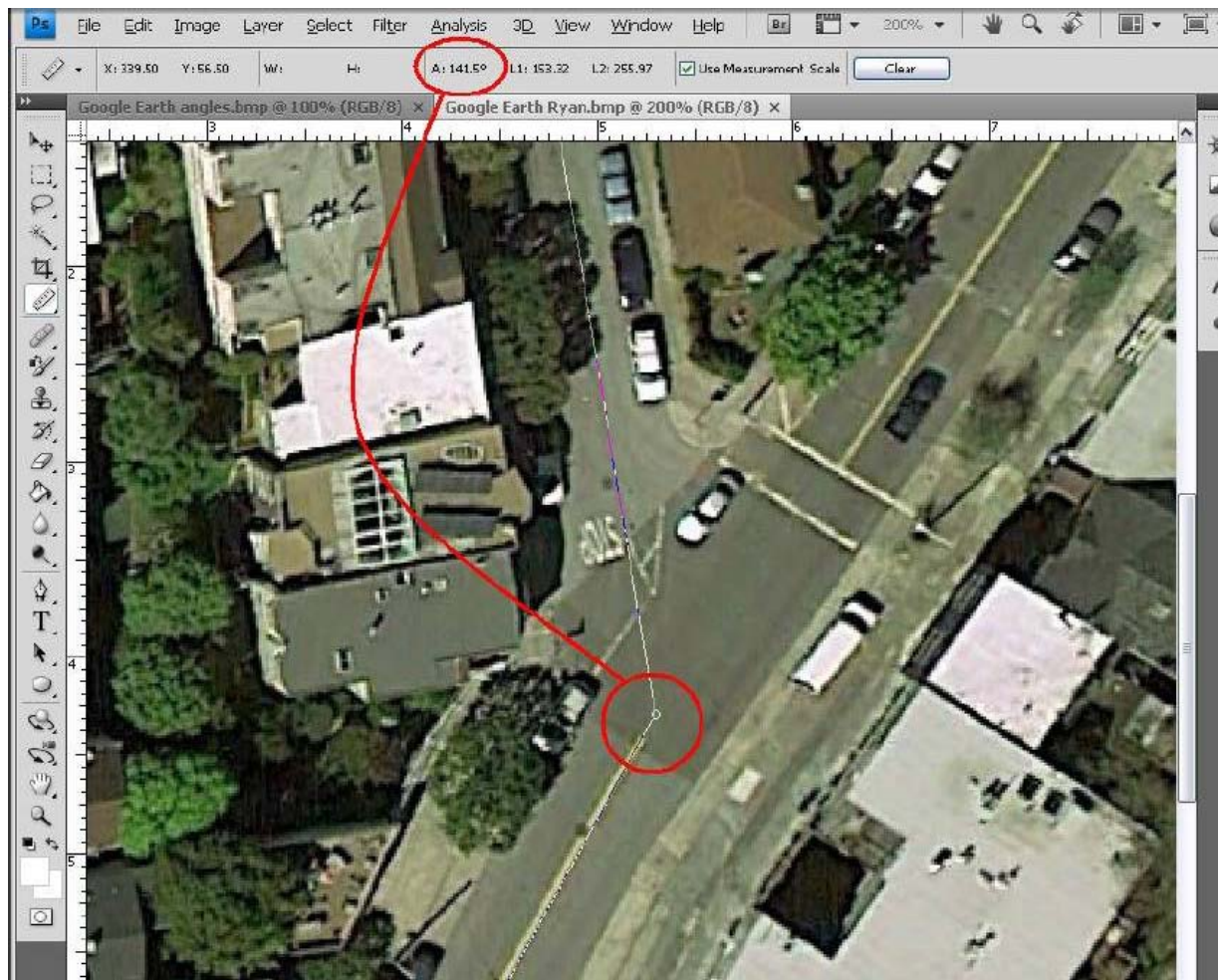
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(Francis) Dave Ryan ([415350-4752](tel:4153504752)) Mobile

1026 Clayton Street

San Francisco

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(Francis) Dave Ryan ([415350-4752](tel:415350-4752)) Mobile

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EXHIBIT G









From: Narasu Rebbapragada <narasur@gmail.com>
Sent: Thursday, November 01, 2018 2:22 PM
To: Winslow, David (CPC)
Subject: Statement for 1026 Clayton DR 11/15 Public hearing

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

Hello Mr. Winslow,

I would like to support the Ryan family at 1026 Clayton Street. I am their neighbor, and I live across the street from their garage on 1040 Ashbury St.

I urge you to advise the Planning Commission not to take the DR (Discretionary Review filed by Chris Durkin of 1055 Ashbury Street) for the subject permit. As you know, the permit is just to document work done and approved by DBI and CPB in 2007 (No new work is planned).

I've lived in this neighborhood for years and I assure you that the deck added on the Ryan garage is not visible or accessible and has no impact on the neighborhood.

Thank you very much,
Narasu Rebbapragada
1040 Ashbury St #9, San Francisco, CA 94117

--

Narasu Rebbapragada
Twitter | @narasu

From: [VSantori](#)
To: [Winslow, David \(CPC\)](#)
Cc: fdryan@pacbell.net; [1Dave](#)
Subject: 1026 Clayton DR 11/15 Public hearing
Date: Thursday, November 01, 2018 12:25:43 PM

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

Dear Mr. Winslow,

We are long term residents of Ashbury Street - more than 50 years, several generations.

We support the Ryan Family, owners of 1026 Clayton Street, who are facing a Discretionary Review filed by Chris Durkin of 1055 Ashbury Street. As we understand it, the subject permit work was already completed and approved - no new structure, and not an issue for the neighborhood. It certainly is not a problem for us. We ask that you advise the Planning Commission not to take the DR.

Aside - we feel this action is just more evidence that builders in San Francisco increasingly use City building codes and frivolous lawsuits to bully whole neighborhoods into silence over what gets built - and some appear bent on using it for retribution, after the fact.

If Mr. Durkin really didn't like the structures on adjacent properties, he could have bought a different lot for his project. But that is not what this is about. Now that Mr. Durkin is part of the neighborhood, he too can enjoy making compromises that we all make to keep our community strong and friendly.

Thank you for your consideration.

Sincerely,
Valerie Santori

From: Hugh Diamond <diamondh@hotmail.com>
Sent: Thursday, November 01, 2018 10:09 AM
To: Winslow, David (CPC)
Subject: 1026 Clayton DR 11/15 Public hearing

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

Hello Mr. Winslow,

I wish to support the Ryan family at 1026 Clayton Street and urge you to advise the Planning Commission not to take the DR (Discretionary Review filed by Chris Durkin of 1055 Ashbury Street) for the subject permit. As you know, the permit is just to document work done and approved by DBI and CPB in 2007 (No new work is planned). The deck added on the Ryan garage is not visible or accessible and has no impact on the neighbourhood.

Thank you,

Hugh Diamond
1040 Ashbury St APT 9
SF CA 94117

From: [Adrienne Franzese](#)
To: [Winslow, David \(CPC\)](#)
Cc: fdryan@pacbell.net
Subject: 1026 Clayton - 2015-009733DRP - Oppose DR
Date: Thursday, November 01, 2018 12:10:59 PM

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

Hello Mr. Winslow,

I wish to support the Ryan family at 1026 Clayton Street and urge you to advise the Planning Commission not to take the DR (Discretionary Review filed by Chris Durkin of 1055 Ashbury Street) for the subject permit. As you know, the permit is just to document work done and approved by DBI and CPB in 2007 (No new work is planned). The deck added on the Ryan garage is not visible or accessible and has no impact on the neighborhood.

I would also like to add that this DR filed by Chris Durkin is clearly a vindictive move after the Ryan family and many other neighbors opposed the multiple level building Chris Durkin of 1055 Ashbury proposed and eventually after much discontent in the neighborhood, built. I was present at City Hall to protest Mr. Durkin's building since it obstructed views, went above the height of the homes around it, removed trees and overshadowed other neighbors. Mr. Durkin was threatening to those who opposed his building especially his neighbor the Ryan family.

The Ryan family have lived at their location for many years at 1026 Clayton with no issue about their garage space built in 2007 until Mr Durkin moved in around 2014-2015 and got dispute over his egregious building by many neighbors as well as the Ryan family. This DR proposed by Mr. Durkin is clearly an attempt to bully his new neighbors even after he was able to build his structure at 1055 Ashbury.

Please do not consider this DR filed by Chris Durkin.

Thank you,

Adrienne Franzese

Former resident at 1058 Ashbury St.

From: Liz McCormack <ecmccormack5@gmail.com>
Sent: Wednesday, October 31, 2018 8:07 PM
To: Winslow, David (CPC)
Cc: fdryan@pacbell.net
Subject: 1026 Clayton - 2015-009733DRP - Oppose DR

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Hello Mr. Winslow,

I wish to support the Ryan family at 1026 Clayton Street and urge you to advise the Planning Commission not to take the DR (Discretionary Review filed by Chris Durkin of 1055 Ashbury Street) for the subject permit. As you know, the permit is just to document work done and approved by DBI and CPB in 2007 (No new work is planned). The deck added on the Ryan garage is not visible or accessible and has no impact on the neighborhood.

Thank you

From: Forrest Carroll <forrestfcarroll@gmail.com>
Sent: Wednesday, October 31, 2018 1:09 PM
To: Winslow, David (CPC)
Cc: fdryan@pacbell.net
Subject: 1026 Clayton - 2015-009733DRP - Oppose DR

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Dear Mr. Winslow,

I'm writing to support the Ryan family at 1026 Clayton Street and urge you to advise the Planning Commission not to take the DR (Discretionary Review filed by Chris Durkin of 1055 Ashbury Street) for the subject permit. As you know, the permit is just to document work done and approved by DBI and CPB in 2007 (No new work is planned). The deck added on the Ryan garage is not visible or accessible and has no impact on the neighborhood.

I am a neighbor (1067 Ashbury) and took some time to do some research on Mr. Durkin who seems to have a track record of making unfair and retaliatory allegations in an effort to boost his own personal net worth at the expense of the people around him. This type of deplorable behavior is what will eventually destroy what remains of the rare neighborly camaraderie that still exists in SF. I live in the house adjacent to 1026 and didn't even know the deck was there until it was pointed out to me. It is completely innocuous from a visual standpoint.

Thank you,

Forrest F. Carroll

From: Carter Makin <cmakin00@gmail.com>
Sent: Wednesday, October 31, 2018 1:01 PM
To: Winslow, David (CPC)
Cc: fdryan@pacbell.net; richhillissf@gmail.com; Secretary, Commissions (CPC)
Subject: 1026 Clayton - 2015-009733DRP - Oppose DR

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Hello Mr. Winslow,

I wish to support the Ryan family at 1026 Clayton Street and urge you to advise the Planning Commission not to take the DR (Discretionary Review filed by Chris Durkin of 1055 Ashbury Street) for the subject permit. As you know, the permit is just to document work done and approved by DBI and CPB in 2007 (No new work is planned). The deck added on the Ryan garage is not visible or accessible and has no impact on the neighborhood.

Thank you,

Carter Makin

978.578.8233

beautycounter.com/cartermakin

From: Bob Shimmon <bobshim@gmail.com>
Sent: Friday, November 02, 2018 10:14 AM
To: Winslow, David (CPC)
Cc: fdryan@pacbell.net
Subject: 1026 Clayton - 2015-009733DRP - Oppose DR

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Thank you

Sent from my iPad