



# SAN FRANCISCO PLANNING DEPARTMENT

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## Memo to the Planning Commission

*Date:* May 25, 2017  
*Case No.:* **2014.0958PRJ**  
*Project Address:* **3826-3828 Cesar Chavez Street**  
*Zoning:* RH-2 [Residential – House, Two-Family]  
40-X Height and Bulk District  
*Block/Lot:* 6566/011  
*Project Sponsor:* Tim Raduenz  
Form + One Design  
1675 Rollins Road Unit H  
Burlingame, CA 94010  
*Staff Contact:* Veronica Flores – (415) 575-9173  
Veronica.flores@sfgov.org

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

Reception:  
**415.558.6378**

Fax:  
**415.558.6409**

Planning  
Information:  
**415.558.6377**

### SUMMARY

The subject property has an unauthorized unit located in an unpermitted rear cottage. The current property owner is proposing a net addition of approximately 179 square feet to the existing three-story two-unit building located at the front of the property, and to remedy the unauthorized unit at the rear cottage. The Department is recommending the property owner to remove the unauthorized unit located in the rear cottage of the subject property, despite Planning Commission's directive to legalize the unit, because there is currently no path to legalization. There is no specific Planning Commission action required; however, this memo serves to clarify the Department's approach to the project.

### BACKGROUND

Planning Code Section 207(b)(2) states that the Department shall not approve an application for legalization if there has been a no-fault eviction, and the tenant was served with a notice of eviction after March 13, 2014. According to Rent Board records, the former property owner issued a 60-day notice of eviction to the tenant on May 13, 2014 which precludes the property from legalizing the unauthorized unit. Because there is no path to legalization, the said unauthorized unit may be removed administratively; however, the former tenant filed a Discretionary Review on the initial permit to remove the unauthorized unit and the Planning Commission took Discretionary Review directing the owner to legalize the unit pursuant to DRA-0389. The property owner is now stuck between conflicting direction from the Planning Commission to maintain the unauthorized unit and the latest legislative developments which results in there being no path to legalization for this specific unit. This was an unintended consequence for the subject property, and the Department is looking to remedy the situation.

## **NEXT STEPS**

In order for the project to proceed, the Department is administratively approving the property owner's request to remove the unauthorized unit located in the unpermitted rear cottage of the subject property, despite Commission's action per DRA-0389, because there is currently no path to legalization.

### **Attachments:**

Case Report 2014.0958D, including DR application  
DRA-0389



# SAN FRANCISCO PLANNING DEPARTMENT

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## Discretionary Review Abbreviated Analysis

HEARING DATE: OCTOBER 23, 2014

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

Reception:  
**415.558.6378**

Fax:  
**415.558.6409**

Planning  
Information:  
**415.558.6377**

*Date:* October 16, 2014  
*Case No.:* **2014.0958D**  
*Project Address:* **3826-3828 CESAR CHAVEZ STREET**  
*Permit Application:* 2014.05.07.5151  
*Zoning:* RH-2 (Residential, House, Two-Family)  
40-X Height and Bulk District  
*Block/Lot:* 6566/011  
*Project Sponsor:* Karen Uchiyama  
Law Offices of Karen Y. Uchiyama  
1441 Baker Street  
San Francisco, CA 94115  
*Staff Contact:* Michael Smith – (415) 558-6322  
[michael.e.smith@sfgov.org](mailto:michael.e.smith@sfgov.org)  
*Recommendation:* **Do not take DR and approve as proposed**

### PROJECT DESCRIPTION

The proposal is to remove the illegal dwelling unit from the rear cottage by removing its kitchen.

### SITE DESCRIPTION AND PRESENT USE

The project site is located on Cesar Chavez Street on the north side of the street between Dolores and Church Streets within the Noe Valley neighborhood. The subject property has 25 feet of frontage on Cesar Chavez Street and measures 114 feet in depth. The property is improved with a two-story over garage Victorian that contains two flats and was constructed circa 1890 and a detached cottage located at the rear of the lot. According to Assessor's records, the building at the front of the lot contains 1,437 square-feet of habitable area. There are no records for the cottage at the rear of the lot though it appears to contain 400-500 square-feet of habitable area. The cottage does not appear on Sanborn Maps.

The property owner, Hela Campbell, died in July 2013 and the property is currently part of her estate. The two flats within the front building are both vacant. The cottage at the rear of the lot is tenant occupied by Ms. Pamela Miller who has resided in the cottage since September 2006 and pays \$1,400 per month in rent. The cottage does not have separate meters but it appears from site inspections that it has been existent for many decades which was also confirmed by an inspector from the Department of Building Inspection. Ms. Miller also holds a BBN on the property.

On May 7, 2014, the Department approved permit 2014.05.07.5151 over-the-counter for the removal of the illegal rear unit. Ms. Miller appealed the permit issuance and the permit was subsequently suspended by the Department because we had failed to notify Ms. Miller as required by her BBN. The Board of Appeals hearing is currently pending the outcome of the Planning Department's review.

## SURROUNDING PROPERTIES AND NEIGHBORHOOD

The surrounding neighborhood is residential in nature and characterized by single-family and two-family dwellings with small-scale mixed use buildings located at the corners. The subject building is one in a row of eight formerly identical Victorian buildings. These buildings were constructed as single-family dwellings though some were converted to two flats like the subject property.

## BUILDING PERMIT NOTIFICATION

TYPE	REQUIRED PERIOD	NOTIFICATION DATES	DR FILE DATE	DR HEARING DATE	FILING TO HEARING TIME
BBN	10 days	June 3, 2014 – June 13, 2014	June 13, 2014	October 23, 2014	100 days

The subject permit is not subject to neighborhood notification pursuant to Section 311 of the Planning Code. The DR requestor received notification of the permit because she holds a BBN on the property and filed the DR application during the 10-day BBN noticing period.

## HEARING NOTIFICATION

TYPE	REQUIRED PERIOD	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUAL PERIOD
Posted Notice	10 days	October 13, 2014	October 10, 2014	13 days
Mailed Notice	10 days	October 13, 2014	October 10, 2014	13 days

## PUBLIC COMMENT

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

No neighborhood comments have been received regarding this project.

## DR REQUESTOR

Pamela Miller, the tenant occupant of 3828A Cesar Chavez Street, the rear yard cottage in question.

## DR REQUESTOR'S CONCERNS AND PROPOSED ALTERNATIVES

See attached *Discretionary Review Application*, dated May 7, 2014.

## PROJECT SPONSOR'S RESPONSE TO DR APPLICATION

The Project Sponsor will be submitting her response to the DR separately.

## ENVIRONMENTAL REVIEW

The Department has determined that the proposed project is exempt from environmental review, pursuant to CEQA Guideline Sections 15301(1)(4) and 15303(a).

## DEPARTMENT REVIEW

The issues raised in the DR application do not pertain to the Department's *Residential Design Guidelines* and therefore the project was not referred to the Residential Design Team for review. Instead the project was discussed with Department management for its policy implications and they determined that the Mayor's Executive Directive regarding housing was not applicable in this situation because the subject property has two legal dwellings where the policy applies to properties with three or more legal dwellings. The Chiu legislation would offer the property owners the only avenue to legalize the cottage as an independent dwelling. Legalization of the unit via the Chiu legislation would need to be initiated by the property owner. The first step in the legalization process is for DBI to determine whether or not the unit is eligible for the program through a pre-screening process. The pre-screening process with DBI requires the applicant to submit: 1) documentation to prove that the unit existed prior to January 1, 2013 (through water bills, lease agreements, etc.), and 2) a report from a licensed contractor indicating how the unit would comply with the program. Building and Housing Code requirements remain relevant for these units except for some existing equivalencies but these units are exempt from Planning Code requirements regarding open space, rear yard, exposure, parking, and neighborhood notification. The unit legalization process is administered by the Planning Department's Housing Coordinator in conjunction with DBI.

As stated earlier, the subject property owner died July 2013 and her estate is being handled by an unrelated neighbor who is the trustee while the beneficiaries are located abroad. Neither party in this case is prepared to navigate the dwelling unit legalization process. Given these circumstances, the Department found it difficult to force either the trustee or the beneficiaries to participate in a voluntary legalization process.

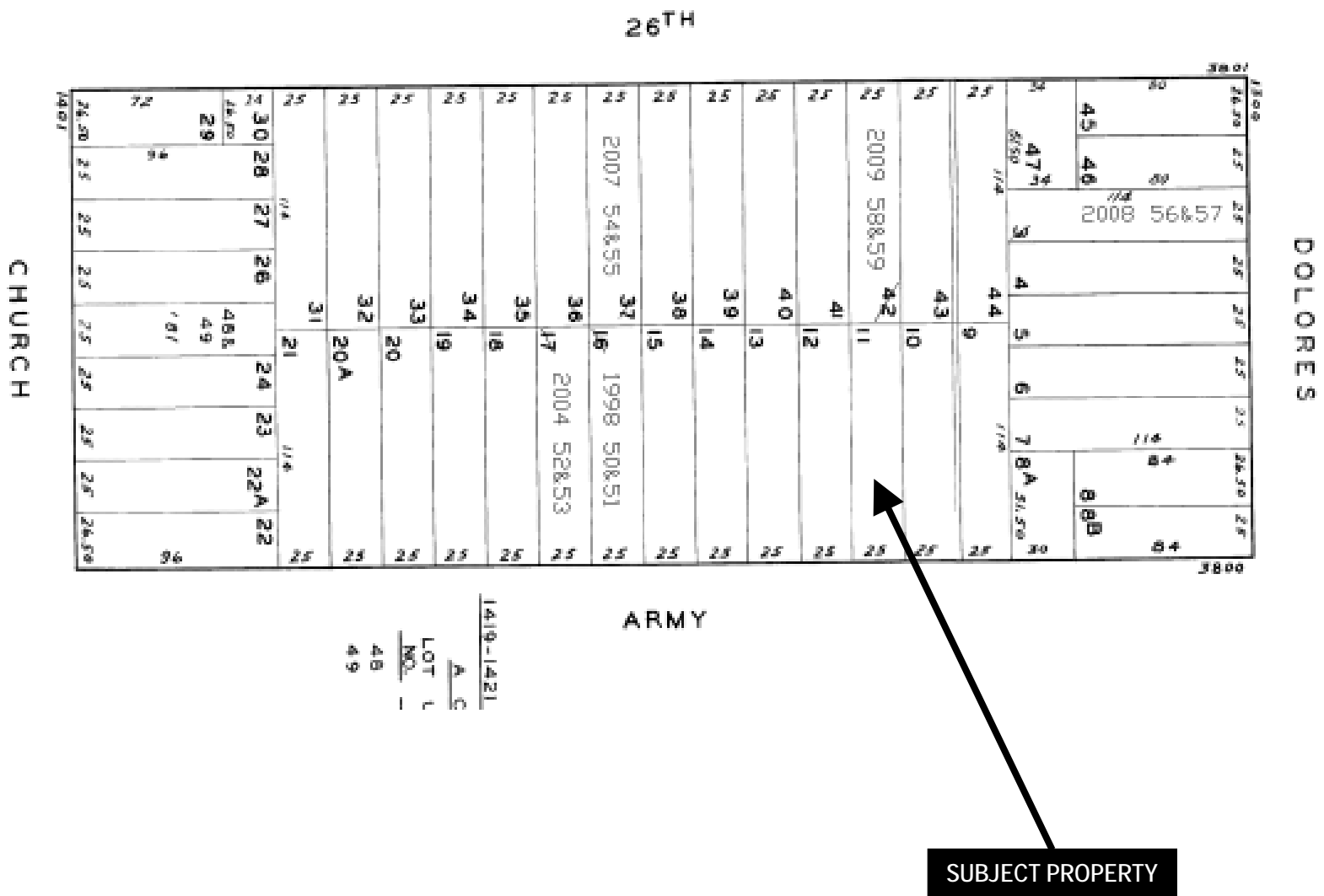
**Under the Commission's pending DR Reform Legislation, this project would not be referred to the Commission as this project does not contain or create any exceptional or extraordinary circumstances.**

<b>RECOMMENDATION:</b>	<b>Do not take DR and approve project as proposed</b>
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### Attachments:

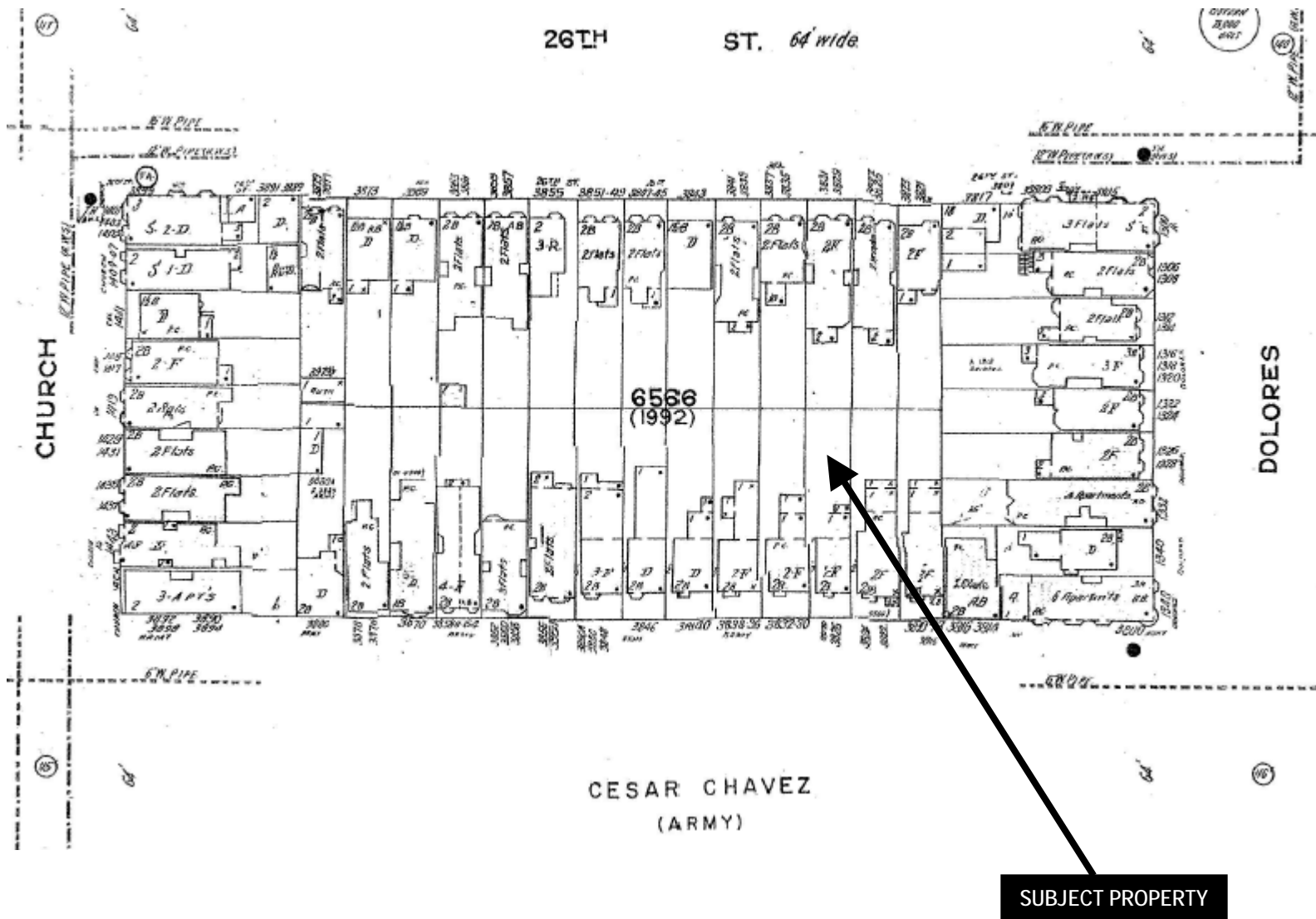
Block Book Map  
Sanborn Map  
Zoning Map  
Photo of Streetscape  
Aerial Photographs  
DR Application (with interior and exterior photos of cottage)  
Reduced Plans

# Parcel Map



Discretionary Review Hearing  
Case Number 2014.0958D  
3826-3828 Cesar Chavez 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 2014.0958D  
3826-3828 Cesar Chavez Street

# Aerial Photo

SUBJECT PROPERTY





# Aerial Photo

SUBJECT PROPERTY



Discretionary Review Hearing  
Case Number 2014.0958D  
3826-3828 Cesar Chavez Street

Street view of the subject and adjacent buildings.



SUBJECT PROPERTY

# APPLICATION FOR Discretionary Review

## 1. Owner/Applicant Information

DR APPLICANT'S NAME:

Pamela Miller

DR APPLICANT'S ADDRESS:

3828A Cesar Chavez, San Francisco CA

ZIP CODE:

94131

TELEPHONE:

(415 ) 722-6445

PROPERTY OWNER WHO IS DOING THE PROJECT ON WHICH YOU ARE REQUESTING DISCRETIONARY REVIEW NAME:

Alfonso Bazarro c/o Karen Y. Uchiyama, Law Offices of Karen Y. Uchiyama

ADDRESS:

1441 Baker Street, San Francisco, CA

ZIP CODE:

94115

TELEPHONE:

(415 ) 563-9300

CONTACT FOR DR APPLICATION:

Same as Above ☐ Dave Crow, Crow & Rose Attorneys at Law

ADDRESS:

605 Market Street, San Francisco, CA

ZIP CODE:

94105

TELEPHONE:

(415 ) 552-9060

E-MAIL ADDRESS:

dave@crowandrose.com

## 2. Location and Classification

STREET ADDRESS OF PROJECT:

3828 Cesar Chavez

ZIP CODE:

94131

CROSS STREETS:

Church/Dolores

ASSESSORS BLOCK/LOT:

6566 /011

LOT DIMENSIONS:

25' X 114'

LOT AREA (SQ FT):

2850

ZONING DISTRICT:

RH-2

HEIGHT/BULK DISTRICT:

40-X

## 3. Project Description

Please check all that apply

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

Dwelling unit

Present or Previous Use:

Proposed Use: Remove dwelling unit

Building Permit Application No. 201405075151

Date Filed: May 7, 2014

RECEIVED

JUN 13 2014

CITY & COUNTY OF S.F.  
PLANNING DEPARTMENT



## 4. Actions Prior to a Discretionary Review Request

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

## 5. Changes Made to the Project as a Result of Mediation

If you have discussed the project with the applicant, planning staff or gone through mediation, please summarize the result, including any changes there were made to the proposed project.

Yes, I have discussed the ramifications of this building permit with the Landlord's Attorney, Karen Uchiyama. We discussed a settlement by which my client would vacate but we could not agree on terms. There are no changes in the current proposal.

## Discretionary Review Request

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

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

See attached memorandum of points and authorities.

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

Not applicable to this Request for Discretionary Review.

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

See attached memorandum of points and authorities.

# Discretionary Review Application Submittal Checklist

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

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

## NOTES:

☐ Required Material.

☒ Optional Material.

☐ Two sets of original labels and one copy of addresses of adjacent property owners and owners of property across street.

*Steve Crow* 6/13/2014

For Department Use Only

Application received by Planning Department:

By: \_\_\_\_\_

Date: \_\_\_\_\_

## Applicant's Affidavit

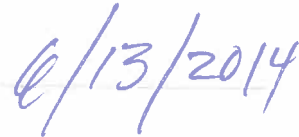
Under penalty of perjury the following declarations are made:

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

Signature:



Date:

Print name, and indicate whether owner, or authorized agent:Dave Crow, Attorney for Applicant

Owner / Authorized Agent (circle one)

14.0958D

Pamela G. Miller  
3828a Cesar Chavez  
San Francisco, CA 94131

June 11, 2014


San Francisco Planning Department  
1650 Mission Street, Suite 400  
San Francisco, CA 94103-9425

*Re: Application for Discretionary Review  
Building Permit Application No. 201405075151*

To Whom It May Concern:

I hereby authorize my attorney, Dave Crow, to deliver this Application of Discretionary Review and to discuss it with the appropriate Planning Department employees as necessary.

Sincerely,

A handwritten signature in cursive script that reads "Pamela G. Miller".

Pamela G. Miller  
Applicant



**Discretionary Review Application**  
**3826-28 Cesar Chavez Street**  
**Block 6566, Lot 011**  
**Project Owner Agent: Alfonso Bazurto**  
**Building Permit Application No. 201405075151**  
**Applicant: Pamela Miller**

14-09580

## **1. Introduction**

Applicant, Pamela Miller requests discretionary review of building owner/agent Alfonso Bazurto's building permit application to remove and demolish her residence at 3828A Cesar Chavez street in San Francisco. Discretionary review is appropriate here, because, there is no notice of violation on the dwelling. The dwelling is habitable but for the unpermitted addition of a kitchen years ago. Given San Francisco's new emphasis on priority to create dwelling units and to maintain affordable housing, removal of this unit flies in the face of those policies.

## **2. Statement Of Facts**

The subject property consists of a building with two flats at 3826-28 Cesar Chavez Street and a carriage house/cottage at the back of the property, 3828A Cesar Chavez Street. (See photos attached as Exhibit A.)

Applicant, Pamela Miller, leased the subject premises at 3828A Cesar Chavez Street from the former owner, Hela Campbell, on September 23, 2006. (See lease, attached as Exhibit B.)

Ms. Miller will testify that Ms. Campbell represented she completely renovated the cottage adding the amenities that exist presently.

Ms. Campbell died on July 6, 2013. Alfonso Bazurto is the trustee for the Hela Campbell Revocable Trust.

After Mr. Bazurto became trustee for the property, he told Ms. Miller that he wanted to sell the property. Mr. Bazurto informed Ms. Miller on August 2, 2013 there would be an owner move in eviction on her unit. He told her the new owners would keep the upper unit of the main house for rental and live in lower unit, and the cottage would be used by the family. Pamela then contacted her attorney and discussed the possibility of the unit being illegal since it was not listed in Department of Building Inspection records.

On August 5, 2013 Ms. Miller requested an inspection of the premises by a housing inspector from the Department of Building Inspection. On August 9, 2013 "Inspector Steve Mungovan investigated the complaint at the rear cottage of the subject property and observed possible violations of the San Francisco Housing Code. Pertinent observations are as follows: What appears to be an original carriage house has been converted to a dwelling unit." (DBI Complaint Data sheet attached as Exhibit C.)

Ms. Miller began to discuss settlement terms to vacate the premises with Mr. Bazurto early in 2014.

By March 28, 2014 when she was still unable to come to terms with Mr. Bazurto, Ms. Miller contacted Mr. Mungovan to inquire if a determination had been made as to the legality of her unit. Ms. Miller will testify that Mr. Mungovan commented that there was nothing wrong with the unit, it was habitable, but for the kitchen, which was installed without benefit of a building permit. He indicated that legalizing the unit would be “a snap” and that he was unwilling to issue a notice of violation. Ms. Miller then withdrew the complaint.

Ms. Miller failed to agree to settlement terms with Mr. Bazurto and filed a Block Book Notice for the parcel on April 30, 2014.

Mr. Bazurto filed Building Permit Application No. 201405075151 on May 7, 2014 (See attached Exhibit D) and on May 13, 2014, used it as the basis for serving Ms. Miller a Sixty-Day Notice of Termination of her tenancy under Rent Ordinance section 37.9(a)(10) “to demolish or to otherwise permanently remove the rental unit from housing use.”

### **3. What are the reasons for requesting Discretionary Review?**

Ms. Miller seeks Discretionary Review for the primary purpose of preserving her rent-controlled housing. According to the Mayor’s Executive Directive 13-01, December 18, 2013, Task (2) allowing discretionary review for loss of housing units: “The Planning Commission could then consider the reasons for the reduction in housing units, with *special attention paid to preserving existing rental stock.*” (Emphasis added.)

### **4. The project meets the minimum standards of the Planning Code. What are the exceptional and extraordinary circumstances that justify Discretionary Review of the project?**

In this case the exceptional and extraordinary circumstances have been created by the rapid loss of affordable housing and dramatic rent increases in San Francisco during the last few years as recognized by the San Francisco Planning Department Executive Summary, March 13, 2014, recommending the amendment to Planning Code section 207.3 providing for authorization of dwelling units constructed without a building permit:

“San Francisco is experiencing a boom in development with over 6,000 units currently under construction and another 4,700 units permitted to start construction. Over 3,500 new units were added to the City’s housing stock in the last two years, a steep increase from the 270 net new units built in 2011. This recent boom may well surpass the ten-year average of 2,245 net units built between 2001 and 2010. Rental prices in San Francisco rose almost 110%, over the last year. A recent report published by Trulia indicates that the median asking rents in recent listings varied by neighborhoods ranging up to \$3,300 per bedroom. Parallel with this steep rise in rents, eviction rates have soared. The Office of Budget and Legislative Analyst

published a report in October 2013, which indicated a 38.2% increase in all of evictions while Ellis Act evictions types increased by a dramatic 168%.

In his State of the City speech in early January 2014, Mayor Lee acknowledged a housing shortage and established a seven-point plan for housing. The City has been taking on many approaches to preserve existing affordable housing stock while developing more affordable housing. San Francisco's current housing crisis necessitates the City to diligently preserve housing affordable to low and middle income households.

Unauthorized units, more commonly known as illegal units, constitute an anecdotally large portion of San Francisco's housing stock. While the City does not maintain any database on these units, anecdotal references estimate a range between 30,000 to 50,000 of such units in San Francisco. Having been built without permits, many of these units may not comply with city code requirements.

Historically, once the City became aware of existence of such units, the life and safety hazard concerns required the owners to remove and demolish such units. Between 2000 and 2011, about 250 of such units have been removed. In response to the existing housing crisis and the need for preserving our existing housing stock, the City has recently changed its approach towards these units.

In his Executive Directive to all Departments, published on December 18, 2013, the Mayor called for establishing a discretionary review to ensure that property owners have made every effort to maintain a housing unit before removal of the unit. The proposed Ordinance would provide a new avenue for maintaining additional unauthorized units through the provisions offered under the State law."

Accordingly, the removal of Ms. Miller's unit, a habitable, affordable unit, as shown the attached photographs (Exhibit A) is an action diametrically opposed to recent policies enacted to mitigate the extreme and extraordinary circumstances of the housing crisis. Discretionary Review is more than justified in this case.

#### **5. How does the project conflict with the City's General Plan or the Planning Code's Priority Policies or Residential Design Guidelines?**

Planning Code section 101.1(b) articulates the priority policies to be considered in granting this request for Discretionary Review and they will be discussed in turn:

Planning Code section 101.1(b)(2): "That existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods."

The project conflicts with this priority because it removes affordable, rent-controlled housing stock from the neighborhood and, at the very least, will destroy the economic diversity of the neighborhood.

Planning Code section 101.1(b)(3): "That the City's supply of affordable housing be preserved and enhanced."

Ms. Miller pays \$1,400 per month and has lived in the unit for almost eight years. (Exhibit B.) This affordable unit will be permanently lost if it is removed.

San Francisco Planning Code section 317(b)(10) states: " 'Removal' shall mean, with reference to a Residential Unit, its Conversion, Demolition, or Merger.

The building permit application is self-defined as an "Over counter permit to demolish that unwarranted rent unit incorporating cottage back into and with lower flat." (Exhibit D) Given the plain language of the permit, the property owner intends to both demolish the unit and incorporate (merge) it with the lower unit.

The removal/demolition of Ms. Miller's unit as requested in the permit application (Exhibit C) does not withstand Planning Commission scrutiny under the following subparts of Planning Code section 317(d)(3)(c):

When considering this demolition permit the Planning Commission is charged to consider:

"(i) whether the property is free of a history of serious, continuing Code violations;"

There are no active notices of violation on the unit.

"(ii) whether the housing has been maintained in a decent, safe, and sanitary condition;"

As demonstrated by the photographs (Exhibit A) the unit is clearly maintained in a decent , safe and sanitary manner.

"(v) whether the project converts rental housing to other forms of tenure or occupancy;"

According to the permit, the cottage would be "incorporated" with the lower unit. While the tenure would certainly change, it remains to be seen how the property owner intends to use the cottage and should be the subject of inquiry.

"(vi) whether the project removes rental units subject to the Rent Stabilization and Arbitration Ordinance or affordable housing;"

The project removes an affordable rent-controlled unit.

"(vii) whether the project conserves existing housing to preserve cultural and economic neighborhood diversity;

As stated above, the project will not conserve existing housing to preserve cultural and economic neighborhood diversity;

“(viii) whether the project conserves neighborhood character to preserve neighborhood cultural and economic diversity;”

As stated above, the project will not preserve economic diversity.

“(ix) whether the project protects the relative affordability of existing housing;”

As stated above, project will not protect the relative affordability of existing housing, but will instead remove an affordable unit.

In this case the project is also diametrically opposed to all of the Policy Priorities designed to preserve rent-controlled, affordable housing.

**6. 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?**

Article I, section 26 of the San Francisco Business and Tax Regulations “vest[s] administrative authorities with very broad discretion to decide whether and on what conditions an applicant will be granted a permit. And if the application is for a building permit, the fact that the applicant’s project complies with zoning ordinance and building codes does not restrict the scope of that discretion.” (*Martin v. City and County of San Francisco* (2005) 135 Cal.App.4<sup>th</sup> 392, 400; accord, *Guinnane v. San Francisco City Planning Com.* (1989) 209 Cal.App.3d 732, 736 [“compliance with the zoning laws and building codes did not entitle [the applicant] to a building permit as a matter of course”].) Thus, the Commission has the discretion to reject a permit simply because a proposed residential development is “unsuitable for the indicated location.” (*Guinnane, supra*, 209 Cal.App.3d at p. 736.)

“[I]t is well established that section 26 administrative discretion is not cabined by specific criteria that may be set forth in city codes or ordinances. Instead, that discretion is informed by public interest, encompassing anything impacting the public health, safety or general welfare.” (*Martin, supra*, 135 Cal.App.4<sup>th</sup> at p. 407.)

There are no alternatives or changes to the proposed project that can respond to the exceptional and extraordinary circumstances as delineated above. Therefore Ms. Miller will request that Building Permit Application No. 201405075151 be denied.

However, the property owner can avail itself of the procedure outlined in Planning Code section 207.3 to legalize Ms. Miller’s unit, thereby creating an additional, legal income stream for the property.

## **7. Conclusion**

For all the reasons argued above, Applicant, Pamela Miller respectfully requests that the Planning grant her request for discretionary review and when review is completed to deny Building Permit Application No. 201405075151.

## **EXHIBIT A**



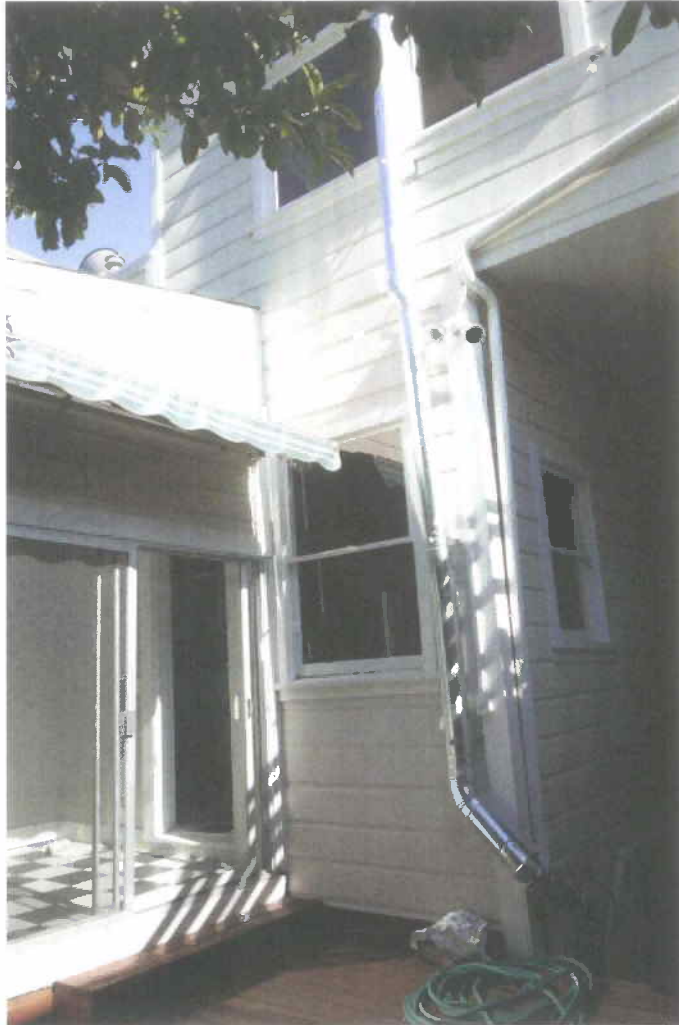
# 3226-28 Cesar Chavez - View From Street





## 3826-28 Cesar Chavez - Back of Building

14.09580



# 3828A Cesar Chavez Cottage - View From Building

14-0958D





# 3828A Cesar Chavez Cottage - Exterior

14.0958D



# 3828A Cesar Chavez Cottage - Interior

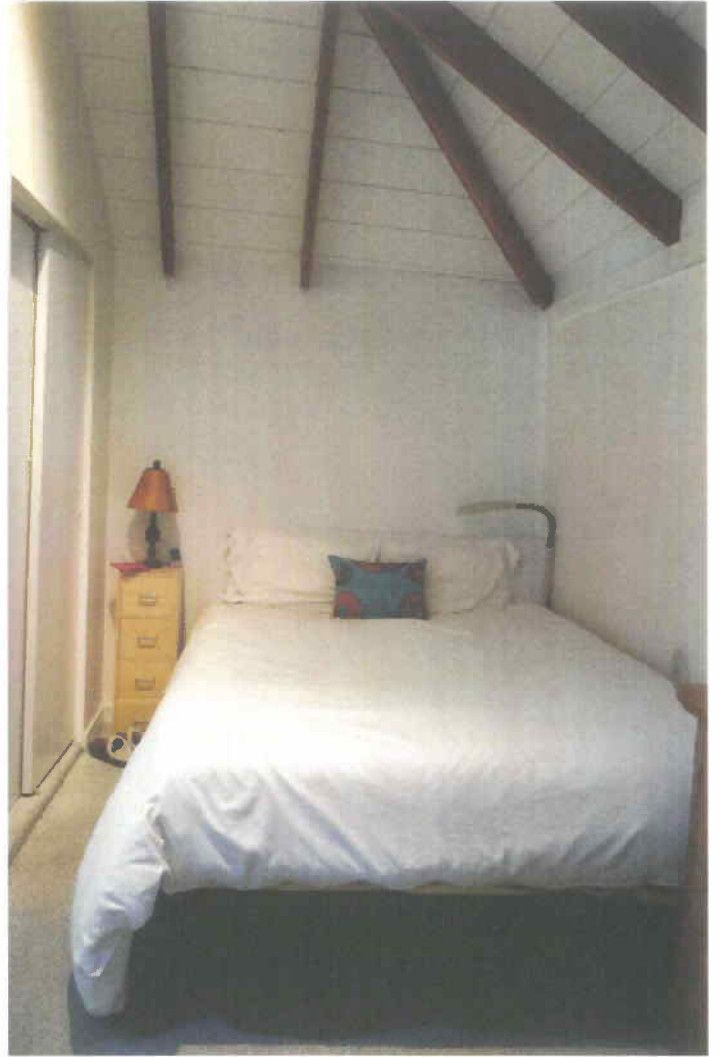
14.0958D





# 3828A Cesar Chavez Cottage - Interior

14-09580



# 3828A Cesar Chavez Cottage - Interior

14.0958D 1



# 3828A Cesar Chavez Cottage - Interior

14.0958D



14.0958D

## **EXHIBIT B**



# LEASE AGREEMENT

THIS AGREEMENT is made and entered into this SEP 23, day of SEPT, 2006 between  
HELA CAMPBELL (Name of Owner/Agent), whose address and phone number are  
3828 CESAR CHAVEZ ST, SFO, CA. 94131-8219  
 and PAMELA (Address and Telephone of Owner/Agent) "Resident."

## THE PARTIES AGREE AS FOLLOWS:

1. **RENTAL UNIT:** Subject to the terms and conditions of this Agreement, Owner rents to Resident and Resident rents from Owner, for residential use only.

the premises located at: 3828 A CESAR CHAVEZ (if applicable) N/A

PAN FRANCISCO, CA (Street Address) (City) (Zip)

2. **RENT:** Rent is due in advance on the 01 day of each and every month, at \$ 1400 per month, beginning on OCT 01, 2006, payable

at 3828 CESAR CHAVEZ ST (Address where payment should be delivered)

N/A and N/A on the following days of the week: ☐ Monday ☐ Tuesday ☐ Wednesday ☐ Thursday ☐ Friday ☐ Saturday ☐ Sunday

Acceptable methods of payment: ☐ Personal Check ☐ Cashier's Check ☐ Money Order ☐ Cash ☐ EFT/Credit (see Owner/Agent for details)

If rent is paid after the \_\_\_\_\_ of the month, there will be a late charge of \$ 25.00 assessed. Pursuant to California law, if Resident passes a check on insufficient funds, Resident will be liable to Owner/Agent for the amount of the check and a service charge of \$ 25.00 not to exceed \$25 for the first check passed on insufficient funds, and \$35 for each subsequent check passed on insufficient funds.

3. **SECURITY DEPOSIT:** Resident shall deposit with Owner/Agent, as a security deposit, the sum of \$ LAST MONTH. Resident shall not use the security deposit to pay any month's rent. Owner/Agent may withhold from the security deposit only such amounts as are reasonably necessary to remedy Resident defaults including, but not limited to, the following:

- (a) defaults in the payment of rent,
- (b) to repair damages to the premises caused by Resident, exclusive of ordinary wear and tear, and/or
- (c) to clean the premises, if necessary, upon termination of the tenancy in order to return the unit to the same level of cleanliness it was in at the inception of the tenancy, and/or
- (d) to restore, replace, or return personal property or appurtenances, exclusive of ordinary wear and tear.

No later than 21 calendar days after Owner/Agent has regained possession of the premises, Owner/Agent shall return any remaining portion of such security deposit to Resident.

4. **TERM:** The term of this Agreement is for 1 YEAR beginning on OCT 01, 06 and ending on OCT 01, 07 at which time this

Lease shall terminate without further notice. Any holding over thereafter shall result in Resident being liable to Owner/Agent for "rental damages" equal to the current market value of the unit, divided by 30. Daily rental value is prorated using a 30-day month. A "month-to-month" tenancy subject to the terms and conditions of this agreement shall be created only if Owner/Agent accepts rent from Resident thereafter, and if so accepted, tenancy may be terminated by Resident after service upon the Owner/Agent of a written 30-day Notice of Termination. The month-to-month tenancy created thereafter may be terminated by the Owner/Agent by service upon the Resident of a written 30-day notice of termination of tenancy if Resident has been in possession of the unit for less than one year, or the month-to-month tenancy may be terminated thereafter by the Owner/Agent after service upon the Resident of a written 60-day notice of termination of tenancy if Resident has been in possession of the unit for one year or longer.

5. **OCCUPANTS:** Premises shall be occupied only by the following named person(s):

<u>PAMELA MILLER</u>	<u>7-12-65</u>
Name Birthdate	Name Birthdate
<u>N/A</u>	<u>N/A</u>
Name Birthdate	Name Birthdate

6. **PROHIBITIONS:** Without Owner/Agent's prior written permission as an addendum to this Agreement, no pets, no water beds or liquid-filled furniture or

GUESTS STAY IN LONGER THAN 30 DAYS or allowed in or about the premises.

7. **QUIET ENJOYMENT:** Resident shall not violate any criminal or civil law, ordinance or statute in the use and occupancy of the premises, commit waste or nuisance, annoy, molest or interfere with any other Resident or neighbor. Any such action may result in the immediate termination of this Agreement as provided herein and by law.

8. **REPAIRS AND ALTERATIONS:** Except as provided by law, no repairs, decorating or alterations shall be done by Resident without Owner/Agent's prior written consent. Resident shall notify Owner/Agent in writing of any repairs or alterations contemplated. Decorations include, but are not limited to, painting and wallpapering. Resident shall hold Owner/Agent harmless and indemnify Owner/Agent as to any mechanics' lien recordation or proceeding caused by Resident. Resident may not make any alterations to cable or telephone inside wiring (such as may occur when changing telecommunications providers or adding phone lines) without prior written consent of the Owner/Agent. The notice shall include the name, address, and telephone number of any new telecommunication provider. Resident agrees to pay all costs resulting from the alteration and agrees to pay to the Owner/Agent any costs associated with restoring the inside wiring to the condition at the time of move-in, except for reasonable wear and tear.



California Apartment Association Approved Form  
 www.caanet.org  
 Form 2.1 - Revised 1/04 - © 2004 - All Rights Reserved  
 Page 1 of 2

UNAUTHORIZED REPRODUCTION  
 OF BLANK FORMS IS ILLEGAL



9. **ACCEPTANCE OF PREMISES:** Resident has inspected the premises, furnishings and equipment, and has found them to be satisfactory. All plumbing, heating and electrical systems are operative and deemed satisfactory.
10. **CARE, CLEANING, MAINTENANCE AND INSURANCE:** Resident agrees to leave the premises in the same condition as it was received, subject to normal wear and tear. Except as prohibited by law, Resident shall keep the premises and furniture, furnishings and appliances, and fixtures, which are rented for Resident's exclusive use, in good order and condition. Upon move-out, Resident agrees to return the unit to the same level of cleanliness it was in at the inception of the tenancy. Resident ☐ is ☐ is not (check one) responsible for the upkeep of the yard and landscaping. Resident shall pay Owner/Agent for costs to repair, replace or rebuild any portion of the premises damaged by the Resident, Resident's guests or invitees. Resident's property is not insured by Owner/Agent. Resident is not a co-insured and is expressly excluded from any insurance policy held by Owner/Agent which is now in effect or becomes effective during the term of this Agreement.
11. **UTILITIES:** Resident shall pay for all utilities, services and charges, if any, made payable by or predicated upon occupancy of Resident, except:

ALL UTILITIES INCLUDED

12. **WAIVER OF BREACH:** The waiver of either party of any breach shall not be construed to be a continuing waiver of any subsequent breach. The receipt by Owner of the rent with the knowledge of any violation of a covenant or condition hereto shall not be deemed a waiver of such breach. No waiver by either party of the provisions herein shall be deemed to have been made unless expressed in writing and signed by all parties to this Rental Agreement.
13. **JOINT AND SEVERAL LIABILITY:** The undersigned Resident(s), whether or not in actual possession of the premises, are jointly and severally liable for all obligations under this Rental Agreement, and shall indemnify Owner/Agent for liability arising prior to the termination of the Rental Agreement for personal injuries or property damage caused or permitted by Resident(s), their guests and invitees. This does not waive "Owner/Agent's duty of care" to prevent personal injury or property damage where that duty is imposed by law.
14. **ENTRY:** California law allows Owner/Agent or his/her employee(s) to enter the premises for certain purposes during normal business hours. The Owner/Agent will provide written notice to the Resident prior to the entry of the dwelling unit whenever required by state law. (Civil Code Section 1954.) Resident's non-compliance with Owner/Agent's lawful request for entry is a material breach of this Agreement that may be cause for immediate termination as provided herein and by law.
15. **SUBLETTING AND ASSIGNMENT:** No portion of the premises shall be sublet nor this Agreement assigned. Any attempted subletting or assignment by Resident shall, at the election of Owner/Agent, be an irremediable breach of this Agreement and cause for immediate termination as provided herein and by law.
16. **BREACH OF LEASE:** In the event that Resident breaches this Lease Agreement, Owner/Agent shall be allowed at Owner/Agent's discretion, but not by way of limitation, to exercise any or all remedies provided Owner/Agent by California Civil Code Section 1951.2 and 1951.4. Damages Owner/Agent "may recover" include the worth at the time of the award of the amount by which the unpaid rent for the balance of the term after the time of award, or for any shorter period of time specified in the Lease Agreement, exceeds the amount of such rental loss for the same period that the Resident proves could be reasonably avoided.
17. **SALE OF PROPERTY:** In the event of the sale or refinance of the property: If Owner/Agent presents to Resident a "Resident's Certification of Terms - Estoppel Certification," or other similar Estoppel Certification form, Resident agrees to execute and deliver the certificate acknowledging that this Lease Agreement is unmodified and in full force and effect, or in full force and effect as modified with the consent of Owner/Agent, and stating the modifications, within ten (10) days of written notice. Failure to comply shall be deemed Resident's acknowledgement that the certificate as submitted by Owner/Agent is true and correct and may be relied upon by any lender or purchaser.
18. **SMOKE DETECTION DEVICE:** The premises are equipped with a functioning smoke detection device(s), and Resident shall be responsible for testing the device weekly and immediately reporting any problems, maintenance or need for repairs to Owner/Agent. If battery operated, Resident is responsible for changing the detector's battery as necessary. Owner/Agent shall have a right to enter the premises to check and maintain the smoke detection device as provided by law.
19. **NOTICE:** The California Department of Justice, sheriff's departments, police departments serving jurisdictions of 200,000 or more and many other local law enforcement authorities maintain for public access a data base of the locations of persons required to register pursuant to paragraph (1) of subdivision (a) of Section 290.4 of the Penal Code. The data base is updated on a quarterly basis and a source of information about the presence of these individuals in any neighborhood. The Department of Justice also maintains a Sex Offender Identification Line through which inquiries about individuals may be made. This is a "900" telephone service. Callers must have specific information about individuals they are checking. Information regarding neighborhoods is not available through the "900" telephone service.
20. **ADDENDA:** By initialing as provided, Resident acknowledges receipt of the following applicable addenda, as indicated, copies of which are attached hereto, and are incorporated as part of this Agreement.
- |  |  |  |
|--|--|--|
| <input checked="" type="checkbox"/> Resident Policies & Rules    | <input checked="" type="checkbox"/> Smoke Detector Agreement | _____ Conditions, Covenants & Restrictions |
| <input checked="" type="checkbox"/> Move-In/Move-Out Itemization | <input checked="" type="checkbox"/> Pet Agreement            | _____ Other: _____                         |
| <input checked="" type="checkbox"/> Pest Control Notice          | <u>N/A</u> Asbestos Addendum                                 | _____ Other: _____                         |
| _____ Satellite Addendum   | <input checked="" type="checkbox"/> Lead Disclosure Addendum | _____ Other: _____                         |
| _____ Pool Rules   | <u>N/A</u> Mold Addendum                                     | _____ Other: _____                         |
21. **ENTIRE AGREEMENT:** This Agreement, which includes all attachments referred to above, constitutes the entire Agreement between the parties and cannot be modified except in writing and signed by all parties. Owner/Agent, nor an agent or employee of Owner/Agent has made any representations or promises other than those set forth herein.
22. **CREDIT REPORTS:** A negative credit report reflecting on your credit history may be submitted to a credit reporting agency if you fail to fulfill the terms of your credit obligations. Resident expressly authorizes Owner/Agent (including a collection agency) to obtain Resident's consumer credit report, which Owner/Agent may use if attempting to collect past due rent payments, late fees, or other charges from Resident, both during the term of the Agreement and thereafter.
23. **ATTORNEYS' FEES:** If any legal action or proceeding is brought by either party to enforce any part of this Agreement, the prevailing party shall recover, in addition to all other relief, reasonable attorneys' fees and court costs, unless one of the following two boxes is checked:
- ☐ the prevailing party shall recover, in addition to all other relief, attorneys' fees not to exceed \_\_\_\_\_, plus court costs.
- or ☐ each party shall be responsible for their own attorneys' fees and court costs.

The undersigned Resident(s) acknowledge(s) having read and understood the foregoing, and receipt of a duplicate original.

Date

Date

Date

Resident

Resident

Owner/Agent

## **EXHIBIT C**

14.0958D

## Permits, Complaints and Boiler PTO Inquiry

### COMPLAINT DATA SHEET

**Complaint Number:** 201315751

**Owner/Agent:** OWNER DATA SUPPRESSED

**Owner's Phone:** --

**Contact Name:** --

**Contact Phone:** --

**Complainant:** COMPLAINANT DATA SUPPRESSED

**Date Filed:**

08/05/2013

**Location:**

3828 CESAR CHAVEZ ST

**Block:**

6566

**Lot:**

011

**Site:**

Unit A

**Rating:**

**Occupancy Code:** R-3

**Received By:** Bernedette Perez

**Division:**

HIS

**Complainant's**

**Phone:**

**Complaint**

**Source:** TELEPHONE

**Assigned to**

HIS

**Division:**

**Description:** Possible illegal unit (cottage in the back).

**Instructions:**

### INSPECTOR INFORMATION

DIVISION	INSPECTOR	ID	DISTRICT	PRIORITY
HIS	OLIVARES	6162	14	

### REFERRAL INFORMATION

#### COMPLAINT STATUS AND COMMENTS

DATE	TYPE	DIV	INSPECTOR	STATUS	COMMENT
08/05/13	ILLEG CNVRSN/# UNITS	HIS	Mungovan	TELEPHONE CALLS	Inspection 8/9/2013 @ 11a.
08/05/13	CASE OPENED	HIS	Mungovan	CASE RECEIVED	
08/09/13	ILLEG CNVRSN/# UNITS	HIS	Mungovan	PERMIT RESEARCH	Property's permit history has been requested.
08/09/13	ILLEG CNVRSN/# UNITS	HIS	Mungovan	INSPECTION OF PREMISES MADE	Inspector Steve Mungovan investigated the complaint at the rear cottage of the subject property and observed possible violations of the San Francisco Housing Code. Pertinent observations are as follows: What appears to be an original carriage house has been converted to a dwelling unit.
11/04/13	ILLEG CNVRSN/# UNITS	HIS	Mungovan	TELEPHONE CALLS	Left voice mail message with complainant regarding the properties permit history still being researched by the Records Management Dept.
03/28/14	ILLEG CNVRSN/# UNITS	HIS	Mungovan	CASE ABATED	
03/28/14	ILLEG CNVRSN/# UNITS	HIS	Mungovan	TELEPHONE CALLS	Discussed the complaint with the complainant who called back later in the day to request that the complaint be withdrawn. Case abated.

### COMPLAINT ACTION BY DIVISION

**NOV (HIS):**

**NOV (BID):**

Inspector Contact Information

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

### Technical Support for Online Services

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

## **EXHIBIT D**



14.0958D

APPROVED  
Dept. of Building Insp.

MAY 07 2014

COMP 201315751(HIS)

Tom C. Hui

BLDG. FORM 3/8

APPLICATION NUMBER

OSHA APPROVAL REQ. ☐

2014-05-07-5151

APPLICATION FOR BUILDING PERMIT  
ADDITIONS, ALTERATIONS OR REPAIRS

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.

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

2 NUMBER OF PLAN SETS

DO NOT WRITE ABOVE THIS LINE

DATE FILED: 5-7-14	FILING FEE RECEIPT NO. 3828	STREET ADDRESS OF JOB: 3828 CESAR CHAVEZ ST	BLOCK & LOT: 6566 LOT 811
PERMIT NO. 1333997	ISSUED: 5/7/14	(2A) ESTIMATED COST OF JOB: 200 (DOF FEE)	(25) REVISED COST: 200

INFORMATION TO BE FURNISHED BY ALL APPLICANTS

LEGAL DESCRIPTION OF EXISTING BUILDING				
(4A) TYPE OF CONSTR. wood	(5A) NO. OF STORIES OF OCCUPANCY 2	(6A) NO. OF BASEMENTS AND CELLARS 1	(7A) PRESENT USE TWO UNIT RENTAL w/ COTTAGE	(9A) NO. OF DWELLING UNITS 32
DESCRIPTION OF BUILDING AFTER PROPOSED ALTERATION				
(4) TYPE OF CONSTR. wood	(5) NO. OF STORIES OF OCCUPANCY 2	(6) NO. OF BASEMENTS AND CELLARS 1	(7) PROPOSED USE (LEGAL USE) TWO RENTAL BUILDING	(9) NO. OF DWELLING UNITS 2
(10) IS AUTO RUNWAY TO BE CONSTRUCTED OR ALTERED?	(11) WILL STREET SPACE BE USED DURING CONSTRUCTION?	(12) ELECTRICAL WORK TO BE PERFORMED?	(13) PLUMBING WORK TO BE PERFORMED?	
YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	
(14) GENERAL CONTRACTOR: ALBERT CONSTRUCTION 3838 CESAR CHAVEZ 415 215 5747 CALIF. LIC. NO. 964931 EXPIRATION DATE 04/30/2015				
(15) OWNER - LESSEE (CROSS OUT ONE): AELA CAMPBELL 3826 CESAR CHAVEZ				
(16) WRITE IN DESCRIPTION OF ALL WORK TO BE PERFORMED UNDER THIS APPLICATION (REFERENCE TO PLANS IS NOT SUFFICIENT)				
DISCONNECT AND REMOVE STOVE, FRIG AND SINK				
OVER-COUNTER PERMIT TO DEMOLISH THAT UNWARRANTED RENTAL UNIT INCORPORATING COTTAGE BACK INTO AND WITH LOWER FLAT				
ADDITIONAL INFORMATION				
(17) DOES THIS ALTERATION CREATE ADDITIONAL HEIGHT OR STORY TO BUILDING? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	(18) IS (17) YES STATE NEW HEIGHT AT CENTER LINE OF FRONT	(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	SO. 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 checked="" type="checkbox"/> ADDRESS				
(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 Planning Code.

No portion of building or structure or site holding used during construction is to be closer than 6' 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 drawing accompanying this application are assumed to be correct. If actual grade lines are not the same as shown, revised drawings showing correct grade lines, curb and fills, and complete details of retaining walls and wall footings must be submitted to this department for approval.

ANY VIOLATION 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.

APPROVAL OF THIS APPLICATION DOES NOT CONSTITUTE AN APPROVAL FOR THE ELECTRICAL WIRING OR PLUMBING INSTALLATIONS. A SEPARATE PERMIT FOR THE WIRING AND PLUMBING MUST BE OBTAINED. SEPARATE PERMITS ARE REQUIRED IF ANSWER IS "YES" TO ANY OF ABOVE QUESTIONS (10) (11) (12) (13) (22) OR (24).

THIS IS NOT A BUILDING PERMIT. NO WORK SHALL BE STARTED UNTIL A BUILDING PERMIT IS ISSUED.

In Swellings, all insulating materials must have a density of not less than two inches from all exterior walls or equipment.

CHECK APPROPRIATE BOX:  
☒ OWNER  
☐ LESSEE  
☒ CONTRACTOR  
☐ ARCHITECT  
☐ AGENT  
☐ ENGINEER

APPLICANT'S CERTIFICATION

I HEREBY CERTIFY AND AGREE THAT IF A PERMIT IS ISSUED FOR THE CONSTRUCTION DESCRIBED IN THIS APPLICATION, ALL THE PROVISIONS OF THE PERMIT AND ALL LAWS AND ORDINANCES THEREOF WILL BE COMPLIED WITH.

NOTICE TO APPLICANT

HOLD HARMLESS CLAUSE: The permittee, by acceptance of the permit, covenants, in indemnity and hold harmless the City and County of San Francisco from and against any and all claims, damages 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, damages or actions.

In conformity with the provisions of Section 3805 of the Labor Code of the State of California, the applicant shall have worker's compensation coverage under (i) or (ii) designated below, or shall indicate item (iii), (iv) or (v), whichever is applicable. If however item (iv) is checked, item (ii) 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 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.
  - (ii) I have and will maintain worker's compensation insurance, as required by Section 3700 of the Labor Code, for the performance of the work for which this permit is issued. My worker's compensation insurance policy and policy number are: \_\_\_\_\_
  - (iii) The cost of the work to be done is \$ \_\_\_\_\_ or less.
  - (iv) I certify that in the performance of the work for which this permit is issued, I shall not employ any person (every member of my family) to become subject to the worker's compensation laws of California. I understand and agree that in the event that I should become subject to the worker's compensation law provided in the Labor Code of California and full compliance therewith with the provisions of Section 3805 of the Labor Code, and the permit herein applied for shall be deemed revoked.
  - (v) I certify as the owner for this permit for the performance of the work for which this permit is issued, I will employ a contractor who complies with the worker's compensation law of California and who, prior to the commencement of any work, will file a complete copy of this form with the General Permit Office.

Signature of Applicant or Agent: Carlos Bozinger Date: 3/24/2014

EXHIBIT 'C'

#6566 / #011

Occupants  
3822 Cesar Chavez Street  
San Francisco, CA 94131

#6566 / #011

Occupants  
3824 Cesar Chavez Street  
San Francisco, CA 94131

#6566 / #011

Occupants  
3826 Cesar Chavez Street  
San Francisco, CA 94131

#6566 / #011

Occupants  
3828 Cesar Chavez Street  
San Francisco, CA 94131

#6566 / #011

Occupants  
3830 Cesar Chavez Street  
San Francisco, CA 94131

#6566 / #011

Occupants  
3832 Cesar Chavez Street  
San Francisco, CA 94131

#6566 / #011

Occupants  
3825 26<sup>th</sup> Street  
San Francisco, CA 94131

#6566 / #011

Occupants  
3827 26<sup>th</sup> Street  
San Francisco, CA 94131

#6566 / #011

Occupants  
3829 26<sup>th</sup> Street  
San Francisco, CA 94131

#6566 / #011

Occupants  
3831 26<sup>th</sup> Street  
San Francisco, CA 94131

#6566 / #011

Occupants  
3835 26<sup>th</sup> Street  
San Francisco, CA 94131

#6566 / #011

Occupants  
3837 26<sup>th</sup> Street  
San Francisco, CA 94131

#6566 / #011

Mr. Alfonso Bazurto  
3838 Cesar Chavez Street  
San Francisco, CA 94131

#6566 / #011

Ms. Karen Uchiyama  
1441 Baker Street  
San Francisco, CA 94115

#6566 / #011

Mr. Ted Gullicksen, SFTU  
558 Capp Street  
San Francisco, CA 94110

#6566 / #011

Ms. Pamela Miller  
3828A Cesar Chavez Street  
San Francisco, CA 94131

#6566 / #011

Ms. Aela Campbell  
3826 Cesar Chavez Street  
San Francisco, CA 94131

# CODES

2013 San Francisco Building Codes  
and amendments  
2010 California Building, Electrical  
and Housing Codes

## Property Information

All Existing and Proposed  
Occupancy: R3  
Type: VB  
2 Units  
3 Stories

## Scope of Work

Remove Kitchen

## Drawing Index

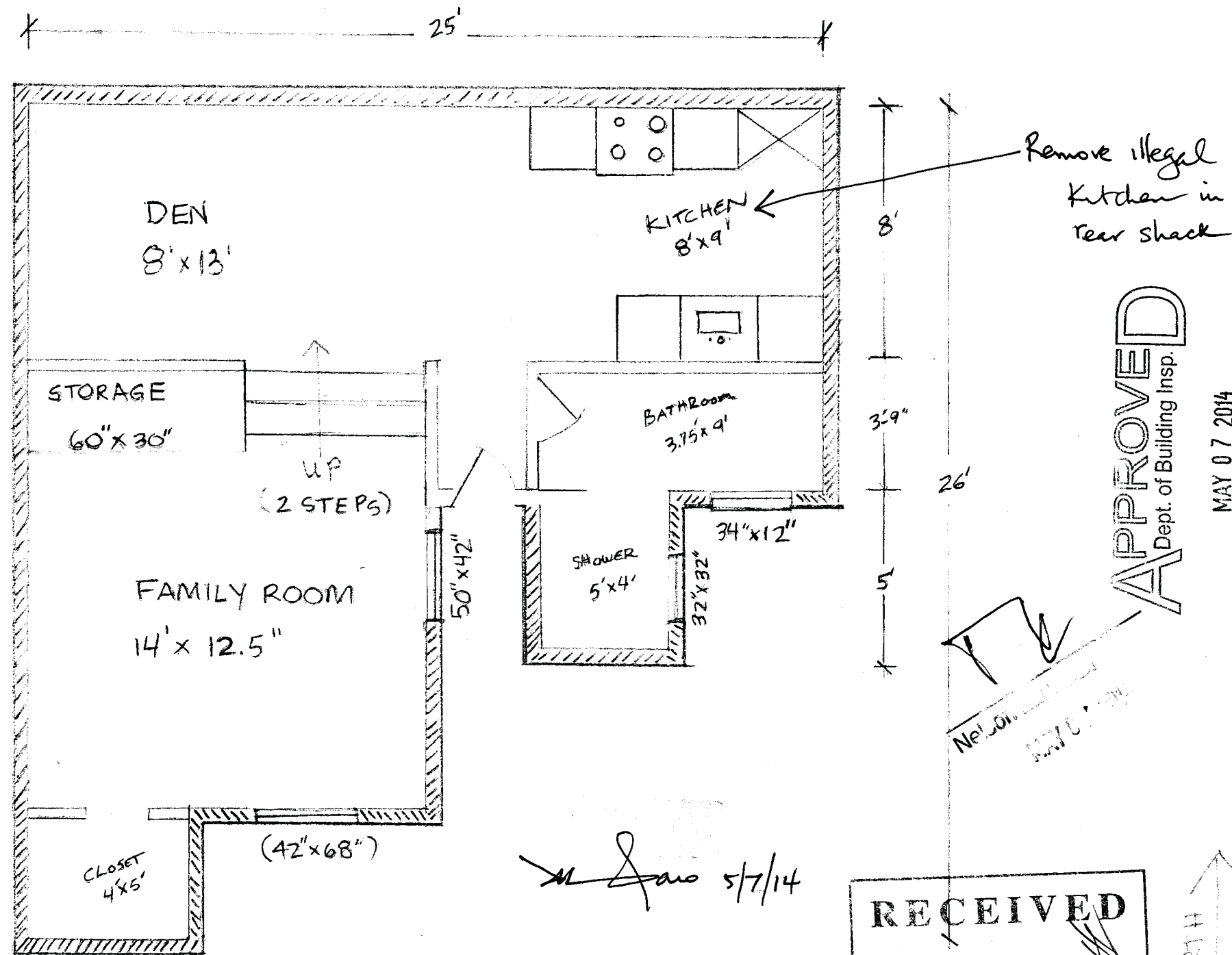
A1: Existing Layout  
A2: Proposed Layout  
B: Building Footprint

## Legend

Existing Wall  
Property Line  
Building Footprint on (B)

## Abbreviations and Symbols

Bc Bottom Cabinet



① FIRST FLOOR PLAN  
1/4" = 1'

RECEIVED  
MAY - 7 2014  
DEPT. OF BUILDING INSPECTION  
THIS PLAN MEETS THE QUALITY  
STANDARD FOR DIGITIZING  
ACCEPTED

NORTH

DRAWN BY: Scott J. Houton  
SCALE: 1/4" = 1'  
DATE: 4/24/14

A1  
SHEET: 1 of 2

Alfonso Barez

Tom C. Hui  
TOM C. HUI, S.E.  
DIRECTOR  
DEPT. OF BUILDING INSPECTION  
MAIN FLOOR PLAN - 3826 - 3828  
(SHACK)  
CESAR CHAVEZ  
SAN FRANCISCO, CA  
94131

2014-05-07-5151

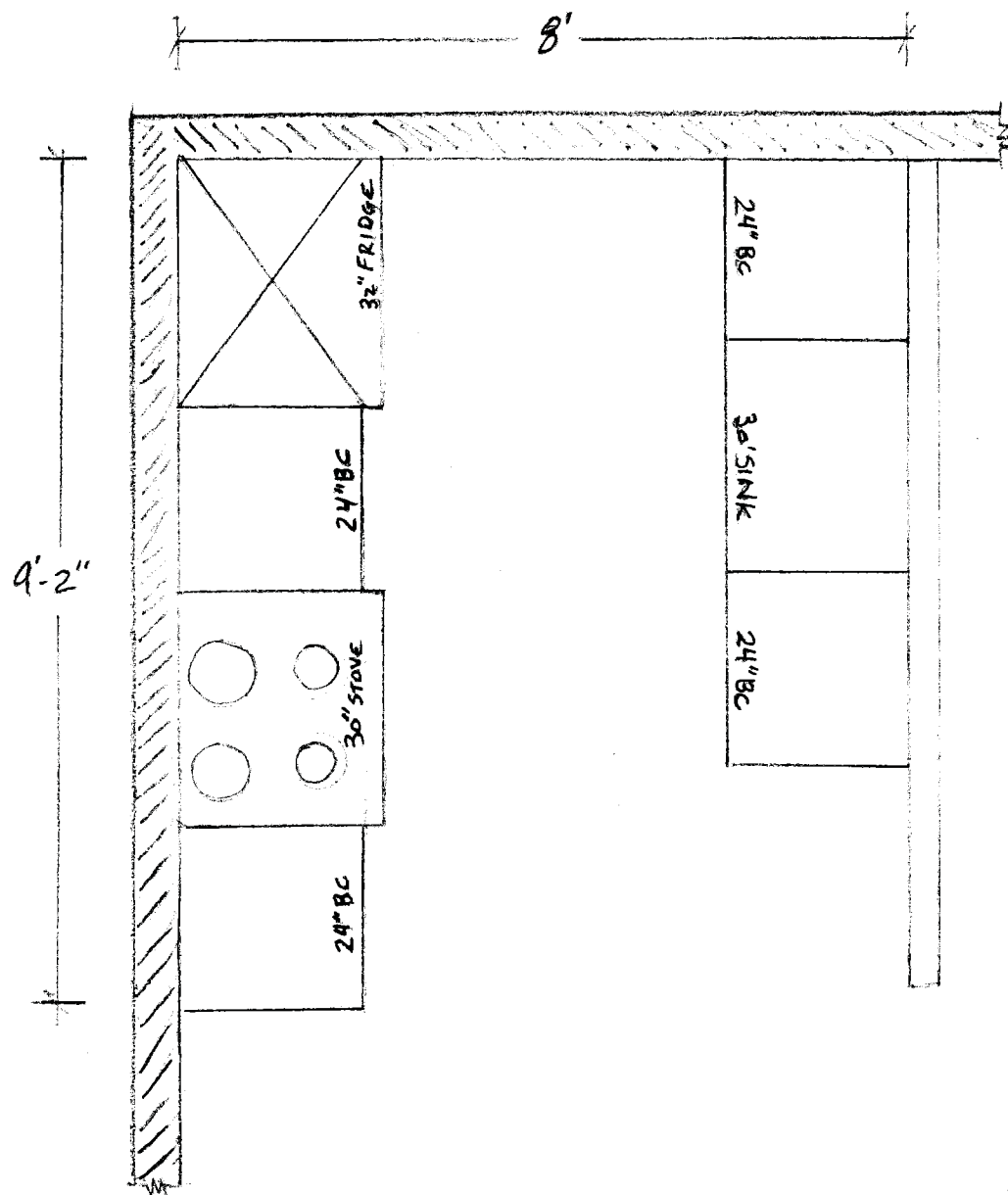


# NOTES

PLUMBING TO SINK - TO BE CAPPED

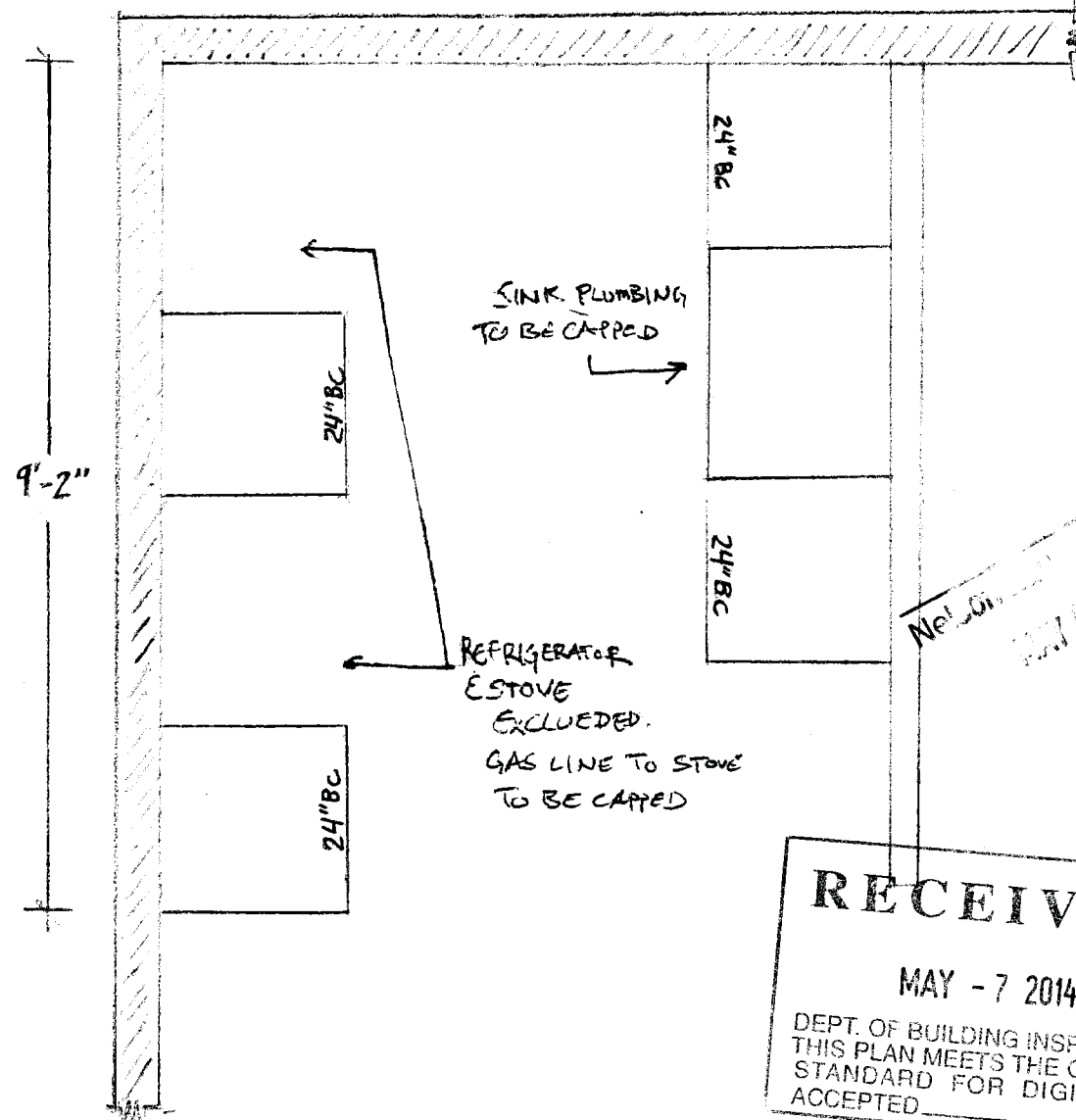
GAS TO STOVE - TO BE CAPPED

30" BOTTOM CABINET

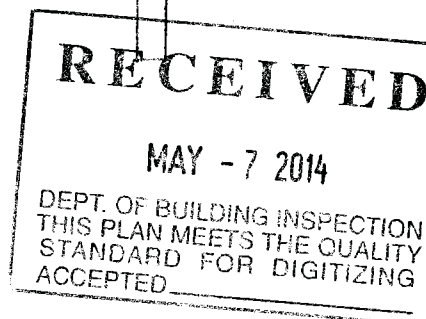


1 EXISTING KITCHEN  
1/2" = 1'

*San* 5/7/14



2 PROPOSED KITCHEN AREA  
1/2" = 1'



DRAWN BY: Scott J. Houtman

SCALE: 1/2" = 1'

DATE: 4/24/14

SHEET:

2 of 2

*Arbore Design*

PROPOSED KITCHEN PLAN - 3826-3828  
CESAR (NAME)  
SAN FRANCISCO, CA

(SHACK)  
APPROVED  
91131  
Dept. of Building Insp.

MAY 07 2014

*Tom C. Hui*  
TOM C. HUI, S.E.  
DIRECTOR  
DEPT. OF BUILDING INSPECTION

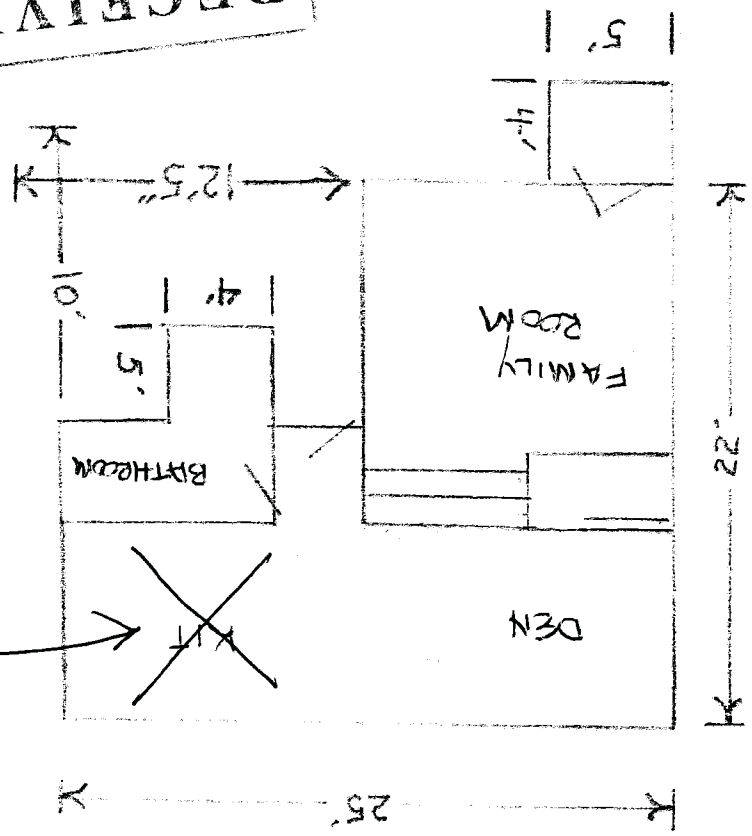
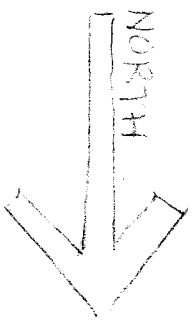
CESAR CHAVEZ

(---) BUILDING FOOTPRINT  
(---) LOT LINE (---)

SHACK

RECEIVED  
MAY - 7 2014  
DEPT. OF BUILDING INSPECTION  
THIS PLAN MEETS THE QUALITY  
STANDARD FOR DIGITIZING  
ACCEPTED

APPROVED  
MAY 5/14



Remove illegal kitchen

Not to scale  
MAY 07 2014

APPROVED  
Dept. of Building Insp.

MAY 07 2014

Tom C. Hill, S.E.  
DIRECTOR

Building Footprint

SHACK

3828-3526 (Cesar Chavez)

Francisco, CA 94531

DRAWN BY: S. G. G. G. G. G.  
SCALE: 1/8" = 1'  
DATE: 4/24/14  
SHEET: 1 OF 1

Arjuna Bayant



# SAN FRANCISCO PLANNING DEPARTMENT

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## Discretionary Review Action DRA-0389

HEARING DATE: OCTOBER 23, 2014

*Date:* October 30, 2014  
*Case No.:* 2014.0958D  
*Project Address:* 3826 - 3828 Cesar Chavez Street  
*Permit Application:* 2014.05.07.5151  
*Zoning:* RH-2 (Residential, House, Two-Family)  
40-X Height and Bulk District  
*Block/Lot:* 6566/011  
*Project Sponsor:* Karen Uchiyama  
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**ADOPTING FINDINGS RELATED TAKING DISCRETIONARY REVIEW IN CASE NO. 2014.0958D AND DISAPPROVING BUILDING PERMIT 2014.05.07.5151 PROPOSING TO REMOVE THE ILLEGAL DWELLING UNIT FROM THE REAR COTTAGE BY REMOVING ITS KITCHEN. THE SUBJECT PROPERTY IS LOCATED WITHIN A RH-2 (RESIDENTIAL, HOUSE, TWO-FAMILY) ZONING DISTRICT AND A 40-X HEIGHT AND BULK DISTRICT.**

### PREAMBLE

On May 7, 2014, Alfonso Bazurto, Trustee of the Estate of Hela Campbell, filed for Building Permit Application No. 2014.05.07.5151 proposing to remove the illegal dwelling unit from the detached cottage at the rear of the property by removing its kitchen. The property is located within a RH-2 (Residential, House, Two-Family) District and a 40-X Height and Bulk District.

On June 13, 2014, David Crow filed (hereinafter "Discretionary Review (DR) Requestor") filed an application with the Planning Department (hereinafter "Department") for Discretionary Review (2014.0958D) of Building Permit Application No. 2014.05.07.5151 on behalf of the tenant, Pamela Miller.

The Project is exempt from the California Environmental Quality Act ("CEQA") as a Class 1 categorical exemption.

On October 23, 2014, the Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Discretionary Review Application 2014.0958D.

The Commission has heard and considered the testimony presented to it at the public hearing and has further considered written materials and oral testimony presented on behalf of the applicant, Department staff, and other interested parties.

#### **ACTION**

The Commission hereby takes Discretionary Review requested in Application No. 2014.0958D and disapproves Building Permit Application 2014.05.07.5151. The Commission took this action after a motion to Continue failed +2 -4 (Hillis, Johnson, Richards, Wu against)

#### **BASIS FOR RECOMMENDATION**

The Commission took DR and Disapproved the permit; Finding that the disapproval would:

1. Preserve affordable housing;
2. The illegal unit is without a complaint and/or violation;
3. The illegal unit does not prohibit the trustee's ability to sell the property or take any other land use action; and
4. It would be consistent with the Mayor's Directive to generally preserve housing.

**APPEAL AND EFFECTIVE DATE OF ACTION:** Any aggrieved person may appeal this Building Permit Application to the Board of Appeals within fifteen (15) days after the date the permit is issued. For further information, please contact the Board of Appeals at (415) 575-6881, 1650 Mission Street # 304, San Francisco, CA, 94103-2481.

I hereby certify that the Planning Commission did take Discretionary Review and disapproved the building permit as reference in this action memo on October 23, 2014.

Jonas P. Ionin  
Commission Secretary

AYES: Commissioners Wu, Antonini, Hillis, Johnson, Richards

NAYS: Commissioner Fong

ABSENT: Commissioner Moore

ADOPTED: October 23, 2014