



# SAN FRANCISCO PLANNING DEPARTMENT

## Discretionary Review Abbreviated Analysis HEARING DATE: JULY 25, 2019

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

Reception:  
**415.558.6378**

Fax:  
**415.558.6409**

Planning  
Information:  
**415.558.6377**

*Date:* July 12, 2019  
*Case No.:* 2017-000987DRP-02  
*Project Address:* 25 17<sup>th</sup> Avenue  
*Permit Application:* 2017.0707.1206  
*Zoning:* RH-1 [Residential House, One-Family]  
40-X Height and Bulk District  
*Block/Lot:* 1341/025  
*Project Sponsor:* John Kantor  
256 16<sup>th</sup> Avenue  
San Francisco, CA 94110  
*Staff Contact:* David Winslow – (415) 575-9159  
[David.Winslow@sfgov.org](mailto:David.Winslow@sfgov.org)  
*Recommendation:* **Take DR and Approve with Modifications**

### PROJECT DESCRIPTION

The project consists of a rear horizontal addition at levels 1 through 3 and a horizontal front addition at the fourth story. The proposal also includes the legalization of previous demolition of a three-story bay projection, deck and chimney on the South façade performed without the benefit of a permit.

### SITE DESCRIPTION AND PRESENT USE

The site is a 25'-0" wide x 120'-0" lot with an existing 4-story, single-family house built in 1913. The building is a category 'C' historical resource. This block of 17<sup>th</sup> Avenue is a 60'-0" wide dead-end right-of-way that terminates in the Presidio.

### SURROUNDING PROPERTIES AND NEIGHBORHOOD

This property on 17<sup>th</sup> Avenue is set amongst a group of 3-4 story single-family houses set back from the street. The lot to the immediate South, which is also part of this 'project' but under a separate permit, has a one-story garage in the rear of the lot. The buildings to the North have a generally consistent alignment with respect to the rear yard, that extend further than the subject building. The properties to the South extend about half as far into the rear.

### BUILDING PERMIT NOTIFICATION

TYPE	REQUIRED PERIOD	NOTIFICATION DATES	DR FILE DATE	DR HEARING DATE	FILING TO HEARING TIME
311 Notice	30 days	February 21, 2019 – March 25, 2019	3.25. 2019	7.25. 2019	101 days

## HEARING NOTIFICATION

TYPE	REQUIRED PERIOD	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUAL PERIOD
Posted Notice	20 days	July 5, 2019	July 5, 2019	20 days
Mailed Notice	20 days	July 5, 2019	July 5, 2019	20 days
Online Notice	20 days	July 5, 2019	July 5, 2019	20 days

## PUBLIC COMMENT

	SUPPORT	OPPOSED	NO POSITION
Adjacent neighbor(s)	0	0	0
Other neighbors on the block or directly across the street	0	10	0
Neighborhood groups	0	0	0

## ENVIRONMENTAL REVIEW

The Department has determined that the proposed project is exempt/excluded from environmental review, pursuant to CEQA Guideline Section 15301 (Class One - Minor Alteration of Existing Facility, (e) Additions to existing structures provided that the addition will not result in an increase of more than 10,000 square feet).

## ENFORCEMENT HISTORY:

On July 21, 2016, a complaint was filed (Case no. 2016-009806ENF) with the Planning Department in reference to a Complaint with the Dept. of Building Inspections regarding demolition exceeding the permitted scope of work (BPA No. 201601066439, "Replace (e) foundation with new mat foundation;" 201606160104: "Demo all lath & plaster removal and repair dry rot along entire south wall replace and repair where needed with new materials, fire rate entire south facing wall. Stucco repair in-kind.") Following a site visit by Planning staff on August 25, 2016, it was determined that a side bay and deck had been removed without the benefit of permits and the Department of Building Inspections suspended all active permits at the site.

Due to further pending work for the project scope currently before the Commission, staff required that the project sponsor complete a Historic Resource Evaluation to determine whether the subject building was historically significant for CEQA purposes (Case No. 2017-000987ENV) prior to reviewing permits to legalize the unpermitted work; the building was reclassified as "Category C, no historic resource" on March 20, 2017. On May 18, 2017, a permit was filed to abate the violation and to legalize the removal of the side bay and deck as well as address interior work at the garage level (BPA No. 201705186923), which was issued on August 1, 2017 and appealed on August 2, 2019. The appeal was granted by the Board of Appeals (Appeal No. 17-128) on September 13, 2017. The Board required that the scope of work related to the abatement of the DBI and Planning violations be removed from the permit under appeal and incorporated into the larger project currently before the Commission. To date the project sponsor has paid all fees for staff time and materials related to the enforcement case and provided timely responses to all staff



requirements and requests; therefore, no penalties have accrued. The permit currently before the Commission would not only allow for the proposed addition to 25 17th Avenue and new construction at 27 17th Avenue, but also abate the violation relating to the unpermitted removal of the deck and bay at the south wall of the existing building.

## DR REQUESTORS

### DR requestor #1:

Jerry Dratler of 40 17<sup>th</sup> Avenue, a neighbor across the street to the East of the proposed project.

### DR requestor #2:

Alan Greinetz of 20 18<sup>th</sup> Avenue, the neighbor to the rear (West) of the proposed project.

## DR REQUESTOR'S CONCERNS AND PROPOSED ALTERNATIVES

### DR requestor #1:

1. Work was performed without the benefit of a permit including the removal of a three-story bay extending over the side lot line.
2. The size and massing of the proposed building is not compatible with height and scale of existing nearby buildings.
3. Abating the violation of removing the bay should not be allowed due to the historical heritage of the building. The lot split would be contingent upon the removal of building features that straddle the new subdivided lot lines, the approval of removal was not considered in the lot split due to inaccuracies of the plans provided by the project sponsor.
4. The proposed project does not conform to Residential Design Guidelines:
  - *Design the Scale of the Building to be Compatible with the Height and Depth of Surrounding Buildings.* The proposed building is out of scale with the surrounding neighborhood.
  - *Articulate the Building to Minimize Impacts on Light and Privacy to Adjacent Properties.* The proposed decks at the front and rear of the 4<sup>th</sup> floor are excessive and intrusive to privacy.

See attached *Discretionary Review Application*, dated March 25, 2019.

### DR requestor #2:

1. Work was performed without the benefit of a permit including the removal of a three-story bay extending over the side lot line.
2. The project does not conform to several Residential Design Guidelines:
  - *Design the Scale of the Building to be Compatible with the Height and Depth of Surrounding Buildings.*

- *Articulate the Building to Minimize Impacts on Light and Privacy to Adjacent Properties.*  
The quantity and size of the proposed decks impacts the privacy of properties that front on 18<sup>th</sup> Avenue, as well as properties across 17<sup>th</sup> Avenue.

Proposed alternatives:

- 1 Reduce the size of the project to approximately 5,000 s.f.
- 2 Remove the front and rear 4<sup>th</sup> floor decks

See attached *Discretionary Review Application*, dated March 25, 2019.

## PROJECT SPONSOR'S RESPONSE TO DR APPLICATION

The sponsor has complied with the Residential Design Guidelines (RDGs) in relation to the DR requestor's issues related to scale and height, neighborhood character, light and privacy.

See attached *Response to Discretionary Review*, dated April 30, 2019.

## RESIDENTIAL DESIGN TEAM REVIEW

The Department's Residential Design Advisory Team (RDAT) re-reviewed this project and confirmed that this addition does not present an exceptional or extraordinary circumstance with respect to relevant Residential Design Guidelines related to massing, scale, mid-block open space, neighborhood character, and light. However, there are exceptional circumstance related to privacy with respect to the decks.

In response to issues specifically addressed by the DR requestors:

1. The legality of two separate lots has been conclusively determined by San Francisco Public Works, the appropriate City agency, as two legally complying lots. (See attached letters from Muhammed Nuru, Director of Public Works and Bruce Storrs, City and County Land Surveyor.)
2. While the removal of portions of the building straddling the lot line without benefit of a permit is inappropriate, staff preservation review determined that this building, although the work of a prominent local architect, was not significant, nor eligible as an individual or as a part of a historic district. Furthermore, that the side bay was not original to the house, but a subsequent addition from around from 1919-1938. (see CEQA determination.)
3. The existing building retains the features of its front façade, except for a modest addition to the 4<sup>th</sup> story which is setback from the front, which maintains continuity with neighborhood character.
4. The rear additions to the first through third floors extend no further than the adjacent building to the north and step back as they ascend with the third story incorporating a 5' side setback against the property to the south so as not to create a building mass that is out of scale or blocks access to the mid-block open space.
5. The amount, size, and location of decks are consistent with Department's criteria that look at minimizing potential nuisance to neighboring properties in that they are setback from adjacent open space --with the exception of the front deck that is adjacent to a window of the

neighbor to the North. Staff recommends that the front deck be setback 5' from all building edges, and the rear decks should incorporate solid guardrails.

<b>RECOMMENDATION:</b> <b>Take DR and Approve with Modifications</b>
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**Attachments:**

Block Book Map  
Sanborn Map  
Zoning Map  
Aerial Photographs  
Context Photographs  
Section 311 Notice  
CEQA Determination  
DR Applications  
Letters from neighbors  
Response to DR Application, drawings dated April 15, 2019  
Reduced Plans



London N. Breed  
Mayor

**Mohammed Nuru**  
Director

San Francisco Public Works  
1 Dr. Carlton B. Goodlett Pl.  
Room 348  
San Francisco, CA 94102  
tel 415-554-6920

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[twitter.com/sfpublicworks](https://twitter.com/sfpublicworks)  
[twitter.com/mrcleansf](https://twitter.com/mrcleansf)

December 3, 2018

Jerry Dratler  
40 17<sup>th</sup> Avenue  
San Francisco, Ca. 94121

Mr. Dratler:

Thank you for raising your concerns about Public Works issuance of a Certificate of Compliance for 25 17<sup>th</sup> Avenue with myself and other City Officials. I requested Bruce Storrs, our City and County Surveyor and the signatory to the Certificate of Compliance, to brief me about this matter and the new information you presented. As part of my briefing from Mr. Storrs, he shared with me the attached letter from July 19, 2018 that he sent to you detailing the basis for his decision regarding the Certificate of Compliance for 25 17<sup>th</sup> Avenue (Project Identification 9190), which was recorded February 8, 2017.

As he stated in that letter:

***"For multiple properties to be merged, some action imparting public notice needs to take place, and the action imparting public notice also requires some subdivision mapping or governmental action to legally merge the lots."***

In your recent letter to the City dated November 26, 2018 "draft letter dated November 05 2018 version 6.pdf", you provided an attachment on page 3 with the header "1975 Approved merger application exhibit 2. We have searched the title history for these properties and determined that this is not a recorded document, does not impart public notice, and did not received the proper City approval to legally merge the parcels as required by the California Civil Code, the Subdivision Map Act (California Government Code), and the San Francisco Subdivision Code. In San Francisco, the only City department authorized to approve a merger is Public Works. The City Planning Commission cannot unilaterally take an action to legally merge lots. Consequently, this document does not satisfy any of the requirements Mr. Storrs mentioned above in this July 19, 2018 letter to you.

Out of an abundance of caution, Mr. Storrs did contact the Planning Department and asked them to research their records on these properties to determine the relevance, if any, of the document you presented to us. While the Planning Department did find a copy of this document in its historic file on the properties, there were no other documents, resolutions, motions, or Planning Commission actions associated with it or on record with the Planning Department. The Planning Department hypothesized that this document may have been related to a proposed merger that Public Works referred to Planning for its input and recommendation, but that ultimately the City (through

Public Works) never approved the merger. Given that Public Works and the Planning Department have no other records relating to this 1975 document and there is no recorded document in the chain of title evidencing a legal merger of the lots, we view this document as a historic relic that has no bearing on Mr. Storrs's determination as represented in the Certificate of Compliance that these lots have not been merged.

Further, the code compliance issues raised in your letter are not relevant to the Certificate of Compliance. The Planning Department and the Department of Building Inspection have jurisdiction over those matters and are responsible for following up with the property owner to resolve the issues.

Consequently, I stand by the February 8, 2017 Certificate of Compliance, issued under the auspices of San Francisco Public Works by the City and County Surveyor, and the representations in Mr. Storrs's July 19, 2018 letter. Mr. Storrs's Certificate of Compliance decision is final and not appealable.

Best regards,

A handwritten signature in blue ink, appearing to read 'Mohammed Nuru', is written over a horizontal line.

Mohammed Nuru



July 19, 2018

London N. Breed  
Mayor

Mohammed Nuru  
Director

Jerry Sanguinetti  
Bureau of Street Use & Mapping  
Manager

**Bruce R. Storrs P.L.S.**  
City and County Surveyor

Bureau of Street Use & Mapping  
1155 Market St., 3rd floor  
San Francisco, CA 94103  
tel (415) 554-5827

[sfpublicworks.org](http://sfpublicworks.org)  
[facebook.com/sfpublicworks](https://facebook.com/sfpublicworks)  
[twitter.com/sfpublicworks](https://twitter.com/sfpublicworks)

Subject: PID 9190  
Lot Line Adjustment (LLA)  
25 17<sup>th</sup> Avenue  
Assessor's Block 1341, Lot 021

All,

I have consulted with Deputy City Attorney John Malamut and he agrees with my decision that the Certificate of Compliance (PID 9190) was the appropriate action for the City under the Subdivision Map Act to validate the existence of 2 separate legal 25'x120' lots at this location.

My decision is based upon my evaluation of the chain of title.

The chain of title shows the 2 properties conveyed through separate legal descriptions from 1908 through 1938, even though the properties were owned by one entity from 1919 through 1938. The original conveyance of the 2 lots occurred at a time that predated City laws concerning land division and minimum lot size requirements. Further, there does not appear to be any evidence that subsequent purchasers of each lots acquired the parcel with actual or constructive notice that there may have been a violation of the Subdivision Map Act or a City ordinance that may have been in effect at the time. Consequently, the City and County Surveyor's issuance of the Certificate of Compliance was the appropriate action in accordance with Government Code Section 66412.6 (Presumption of Lawful Creation of Certain Parcels).

The first time the properties were conveyed using a combined legal description of 50'x120' was in 1938.

Since 1938, the properties utilized a description of 50'x120', even though this represented 2 distinct legal properties.

For multiple properties to be merged, some action imparting public notice needs to take place, and the action imparting public notice also requires some subdivision mapping or governmental action to legally merge the lots. For example, if the Assessor showed this as a single lot on an Assessor's Parcel Map, that does not effectuate a merger, even though such an action may make it easier and more efficient for the Assessor/Tax Collector to use for taxing purposes. Another example of non-merger, similar to the situation here, is if there is a common owner of two separate but adjacent legal lots, and that owner conveys both lots in a single transaction that might describe both lots with a single metes and bounds description or identify each lot separately. This private transaction in the absence of a governmental action that legally merges the lots does not effectuate a merger that has legal standing.

Sincerely,

A handwritten signature in blue ink, appearing to read "Bruce Storrs". The signature is fluid and cursive, with the first name "Bruce" and last name "Storrs" clearly distinguishable.

Bruce Storrs, P.L.S.

City and County Surveyor



Edwin M. Lee  
Mayor

Cynthia G. Goldstein  
Executive Director

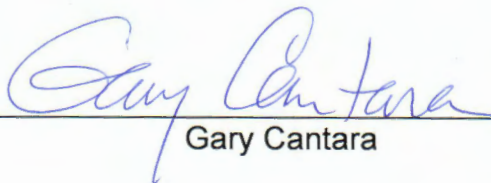
## AFFIDAVIT OF SERVICE

**Jerry S. B. Dratler, Appellant**  
**40 17th Avenue**  
**San Francisco, CA 94121**

I, Gary Cantara, Legal Assistant for the Board of Appeals, hereby certify that on this **31<sup>st</sup>** day of **October 2017**, I served the attached **Notice of Decision** for **Appeal No. 17-128, Dratler vs. Department of Building Inspection**, subject property at **25 17th Avenue**, on the appellant by mailing a copy via U.S. mail, first class, to the address above.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed in San Francisco, California.

October 31, 2017  
Date

  
Gary Cantara

cc: Joseph Duffy, Senior Building Inspector  
Department of Building Inspection  
1660 Mission Street, 5th Floor  
San Francisco, CA 94103



OTHER PARTIES  
OR CONCERNED CITIZENS:

**Twenty Five 17th Avenue LLC, Permit Holder**  
**c/o Jon Kantor, Agent for Permit Holder**  
**256 16th Avenue**  
**San Francisco, CA 94118**



# BOARD OF APPEALS, CITY & COUNTY OF SAN FRANCISCO

Appeal of

JERRY S. B. DRATLER,

Appellant(s)

vs.

DEPARTMENT OF BUILDING INSPECTION,

PLANNING DEPARTMENT APPROVAL Respondent

Appeal No. 17-128

## NOTICE OF APPEAL

**NOTICE IS HEREBY GIVEN THAT** on August 02, 2017, the above named appellant(s) filed an appeal with the Board of Appeals of the City and County of San Francisco from the decision or order of the above named department(s), commission, or officer.

The substance or effect of the decision or order appealed from is the ISSUANCE on August 01, 2017 to Twenty Five 17th Avenue, LLC, of an Alteration Permit (abate Planning Enforcement Case No. 2016-009806ENF and DBI NOV Nos. 201623795 and 201757399; remove exterior bay and chase along south wall at all floors; interior remodel at ground floor; at ground and second floors, voluntary lateral strengthening and partial structural strengthening of floor, removal of exterior deck and stairs) at 25 17th Avenue.

**APPLICATION NO. 2017/05/18/6923**

**FOR HEARING ON October 18, 2017**

Address of Appellant(s):

Address of Other Parties:

Jerry S. B. Dratler, Appellant  
40 17th Avenue  
San Francisco, CA 94121

Twenty Five 17th Avenue, LLC, Permit Holder  
c/o Jon Kantor, Agent for Permit Holder  
256 16th Avenue  
San Francisco, CA 94118

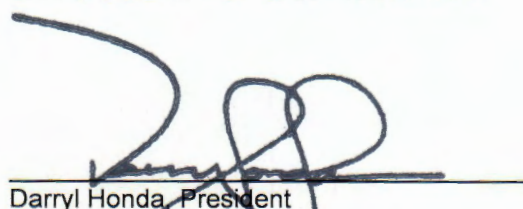
## NOTICE OF DECISION & ORDER

The aforementioned matter came on regularly for hearing before the Board of Appeals of the City & County of San Francisco on OCTOBER 18, 2017.

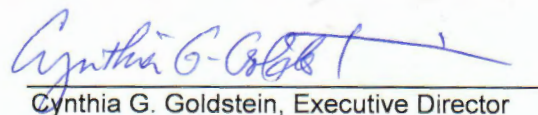
**PURSUANT TO** § 4.106 of the Charter of the City & County of San Francisco and Article 1, §14 of the Business & Tax Regulations Code of the said City & County, and the action above stated, the Board of Appeals hereby **GRANTS THE APPEAL AND ORDERS** that the ISSUANCE of the subject permit by the DEPARTMENT OF BUILDING INSPECTION is **UPHELD** on the **condition** that only work be allowed at the ground floor, as follows: interior remodel at ground floor, and voluntary lateral strengthening and partial structural strengthening, on the basis that some of the specified work is defective.

**THE SUSPENSION MAY NOT BE LIFTED UNTIL REVISED PLANS ARE ACCEPTED BY BOARD STAFF, THEN APPROVED BY THE DBI AND PLANNING DEPT., AND UNTIL THE DBI ISSUES A SPECIAL CONDITIONS PERMIT WHICH EXECUTES THE AFOREMENTION CONDITION IMPOSED BY THE BOARD.**

BOARD OF APPEALS  
CITY & COUNTY OF SAN FRANCISCO

  
Darryl Honda, President

Last Day to Request Rehearing: October 30, 2017  
Request for Rehearing: None  
Rehearing: None  
Notice Released: October 31, 2017

  
Cynthia G. Goldstein, Executive Director



## **PROCESS FOR SUBMITTING REVISED PLANS**

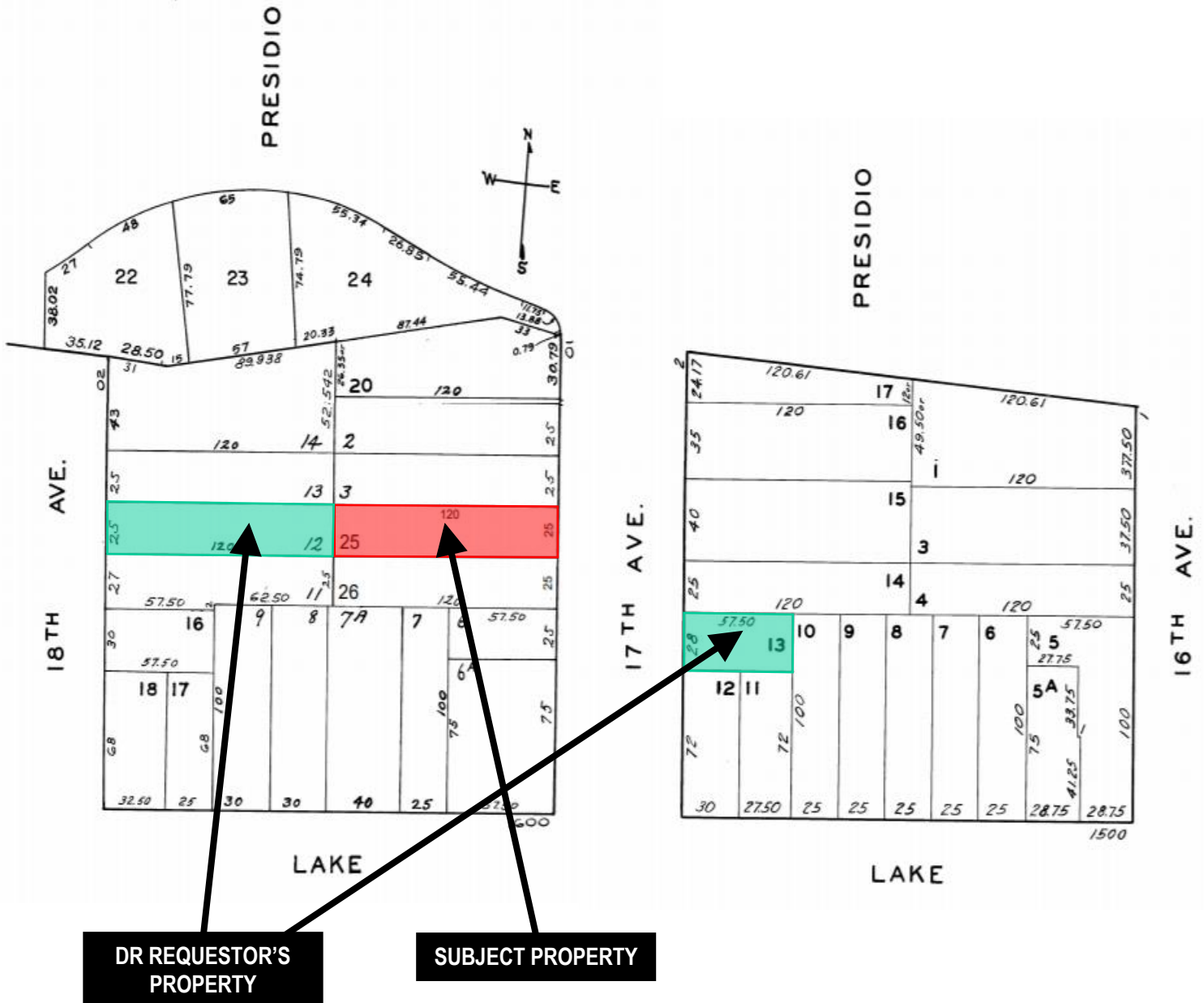
The following process applies only to appeals in which the Board of Appeals has imposed the submittal of revised plans as a condition of approval for a building permit or zoning variance.

1. The permit holder shall submit three (3) sets of revised plans to the Executive Director for review and approval.
2. All three (3) sets of plans shall be marked with clouds and/or highlighting to clearly show the specific revisions required by the Board of Appeals.
3. A copy of the Notice of Decision issued by the Board of Appeals shall be reproduced on the plans.
4. After approval by the Executive Director, the permit holder or his/her representative will submit two plan sets to the Department of Building Inspection for expedited review under the Building Code, for the purpose of obtaining a **Board of Appeals Special Conditions Permit**. The Board of Appeals will retain one plan set as part of the permanent Appeal record.

You may contact the Board of Appeals office for an appointment with the Executive Director to have the plans reviewed while you wait, or you may leave the plans at the Board office for review and pick up at a later time.

# Exhibits

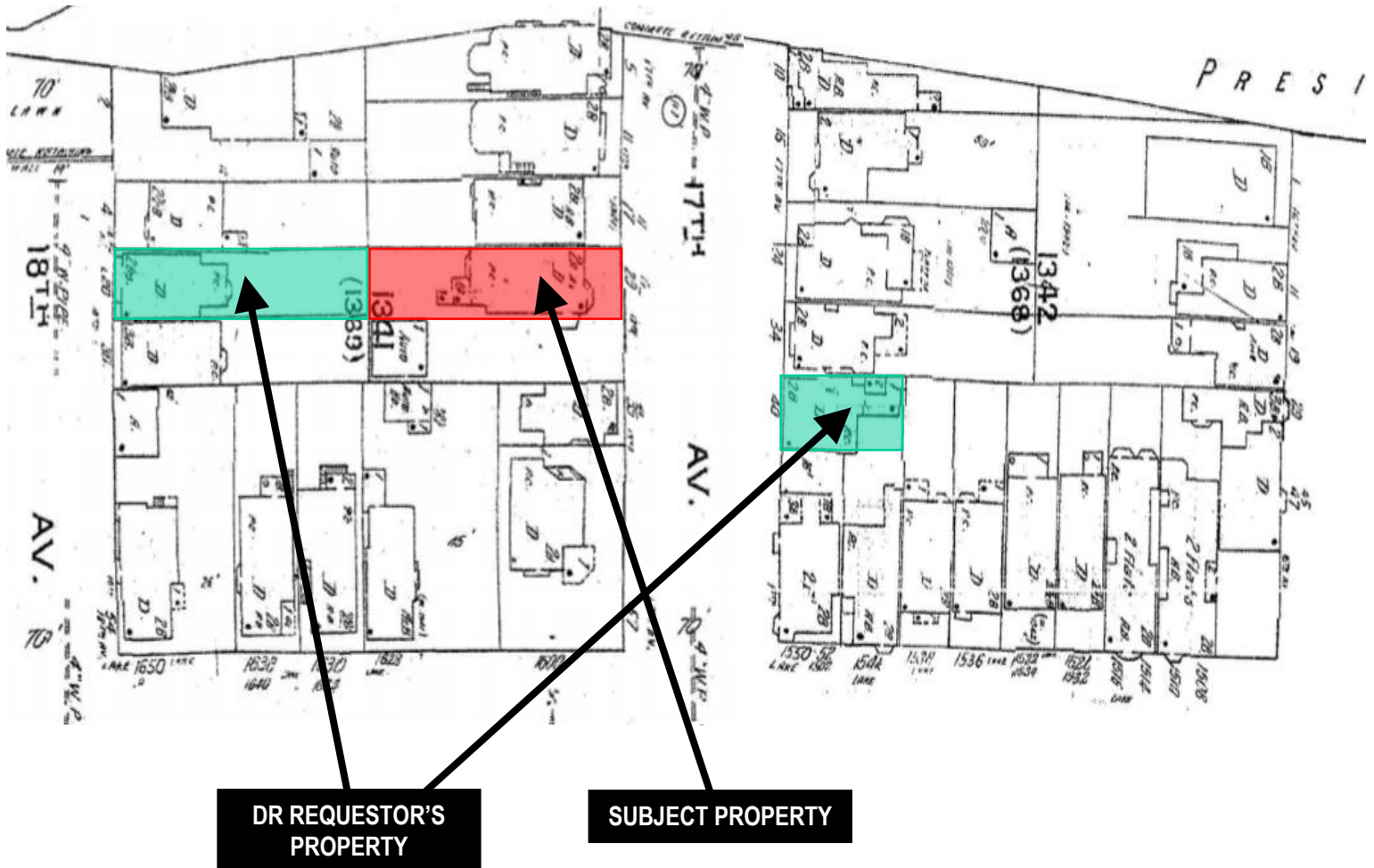
# Parcel Map



Discretionary Review Hearing  
Case Number 2017-000987DRP-02  
25 17<sup>th</sup> Avenue



# Sanborn Map\*



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



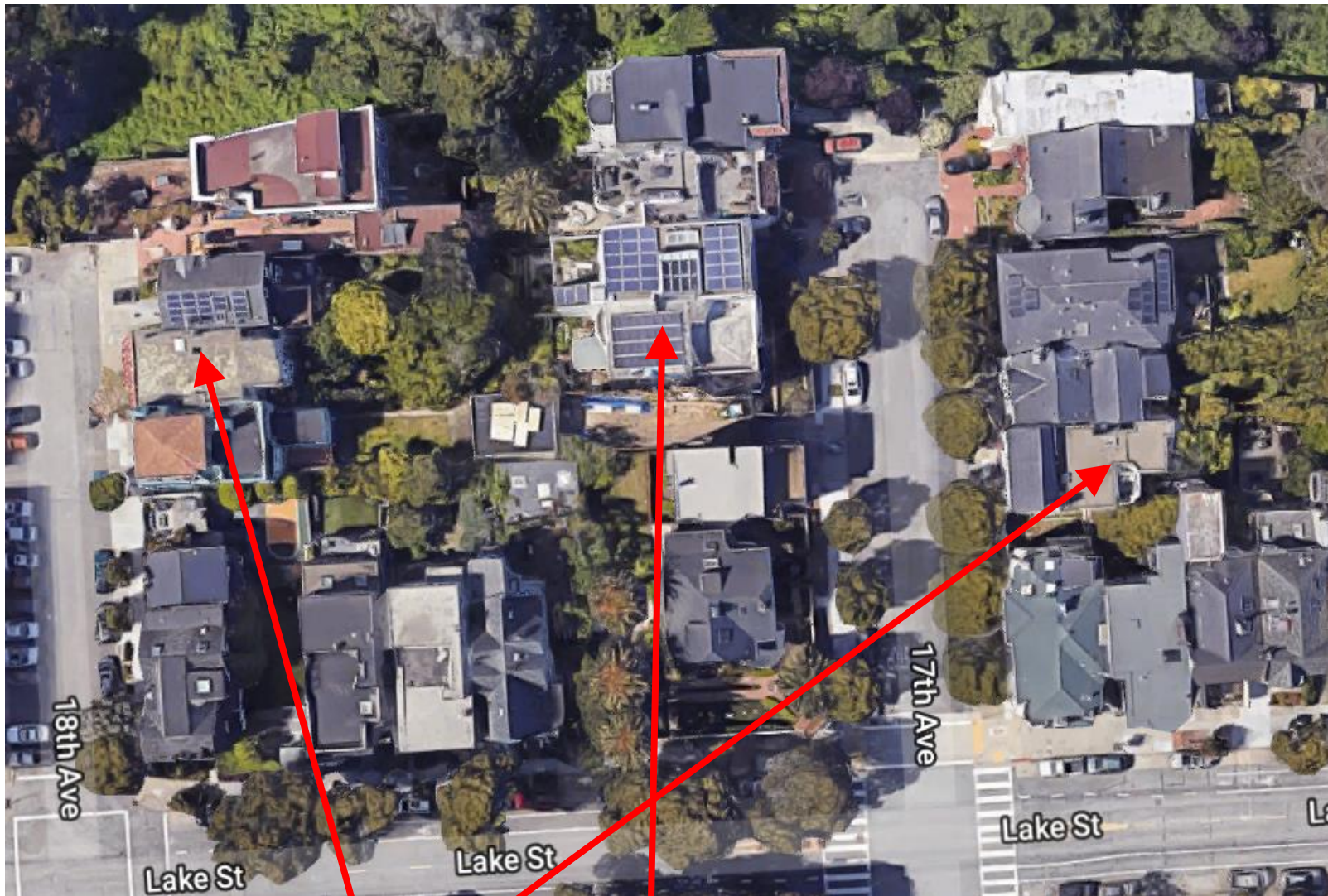
Discretionary Review Hearing  
Case Number 2017-000987DRP-02  
25 17<sup>th</sup> Avenue

# Zoning Map



Discretionary Review Hearing  
Case Number 2017-000987DRP-02  
25 17<sup>th</sup> Avenue

# Aerial Photo



**DR REQUESTOR'S  
PROPERTY**

## SUBJECT PROPERTY



Discretionary Review Hearing  
Case Number 2017-000987DRP-02  
25 17<sup>th</sup> Avenue



# Aerial Photo



DR REQUESTOR'S  
PROPERTY

SUBJECT PROPERTY



Discretionary Review Hearing  
Case Number 2017-000987DRP-02  
25 17<sup>th</sup> Avenue



# Aerial Photo



DR REQUESTOR'S  
PROPERTY

SUBJECT PROPERTY





# Aerial Photo



**DR REQUESTOR'S  
PROPERTY**

**SUBJECT PROPERTY**



Discretionary Review Hearing  
Case Number 2017-000987DRP-02  
25 17<sup>th</sup> Avenue



# Site Photo



**SUBJECT PROPERTY**

Discretionary Review Hearing  
Case Number 2017-000987DRP-02  
25 17<sup>th</sup> Avenue



# SAN FRANCISCO PLANNING DEPARTMENT

## CEQA Categorical Exemption Determination

### PROPERTY INFORMATION/PROJECT DESCRIPTION

Project Address		Block/Lot(s)	
25 17th Avenue		1341/021	
Case No.	Permit No.	Plans Dated	
2017-000987ENV		12/28/2016	
<input checked="" type="checkbox"/> Addition/ Alteration	<input type="checkbox"/> Demolition (requires HRER if over 45 years old)	<input type="checkbox"/> New Construction	<input type="checkbox"/> Project Modification (GO TO STEP 7)
Project description for Planning Department approval. Interior and exterior alterations to an existing four single-family residence. Rear addition and new foundation. Lot split.			

### STEP 1: EXEMPTION CLASS TO BE COMPLETED BY PROJECT PLANNER

<b>*Note: If neither class applies, an <i>Environmental Evaluation Application</i> is required.*</b>	
<input checked="" type="checkbox"/>	<b>Class 1 – Existing Facilities.</b> Interior and exterior alterations; additions under 10,000 sq. ft.
<input type="checkbox"/>	<b>Class 3 – New Construction/ Conversion of Small Structures.</b> Up to three (3) new single-family residences or six (6) dwelling units in one building; commercial/office structures; utility extensions.; .; change of use under 10,000 sq. ft. if principally permitted or with a CU. Change of use under 10,000 sq. ft. if principally permitted or with a CU.
<input checked="" type="checkbox"/>	<b>Class <u>15</u></b> 15 —minor land divisions in areas with an average slope of less than 20%.

### STEP 2: CEQA IMPACTS TO BE COMPLETED BY PROJECT PLANNER

<b>If any box is checked below, an <i>Environmental Evaluation Application</i> is required.</b>	
<input type="checkbox"/>	<b>Air Quality:</b> Would the project add new sensitive receptors (specifically, schools, day care facilities, hospitals, residential dwellings, and senior-care facilities) within an Air Pollution Exposure Zone? Does the project have the potential to emit substantial pollutant concentrations (e.g., backup diesel generators, heavy industry, diesel trucks)? <i>Exceptions: do not check box if the applicant presents documentation of enrollment in the San Francisco Department of Public Health (DPH) Article 38 program and the project would not have the potential to emit substantial pollutant concentrations. (refer to EP_ArcMap &gt; CEQA Catex Determination Layers &gt; Air Pollutant Exposure Zone)</i>
<input type="checkbox"/>	<b>Hazardous Materials:</b> If the project site is located on the Maher map or is suspected of containing hazardous materials (based on a previous use such as gas station, auto repair, dry cleaners, or heavy manufacturing, or a site with underground storage tanks): Would the project involve 50 cubic yards or more of soil disturbance - or a change of use from industrial to residential? If yes, this box must be checked and the project applicant must submit an Environmental Application with a Phase I Environmental Site Assessment. <i>Exceptions: do not check box if the applicant presents documentation of enrollment in the San Francisco Department of Public Health (DPH) Maher program, a DPH waiver from the</i>

	<i>Mahe program, or other documentation from Environmental Planning staff that hazardous material effects would be less than significant (refer to EP_ArcMap &gt; Maher layer).</i>
<input type="checkbox"/>	<b>Transportation:</b> Does the project create six (6) or more net new parking spaces or residential units? Does the project have the potential to adversely affect transit, pedestrian and/or bicycle safety (hazards) or the adequacy of nearby transit, pedestrian and/or bicycle facilities?
<input type="checkbox"/>	<b>Archeological Resources:</b> Would the project result in soil disturbance/modification greater than two (2) feet below grade in an archeological sensitive area or eight (8) feet in a non-archeological sensitive area? (refer to EP_ArcMap > CEQA Catex Determination Layers > Archeological Sensitive Area)
<input type="checkbox"/>	<b>Subdivision/Lot Line Adjustment:</b> Does the project site involve a subdivision or lot line adjustment on a lot with a slope average of 20% or more? (refer to EP_ArcMap > CEQA Catex Determination Layers > Topography)
<input type="checkbox"/>	<b>Slope = or &gt; 20%:</b> Does the project involve any of the following: (1) square footage expansion greater than 1,000 sq. ft. outside of the existing building footprint, (2) excavation of 50 cubic yards or more of soil, (3) new construction? (refer to EP_ArcMap > CEQA Catex Determination Layers > Topography) <b>If box is checked, a geotechnical report is required.</b>
<input type="checkbox"/>	<b>Seismic: Landslide Zone:</b> Does the project involve any of the following: (1) square footage expansion greater than 1,000 sq. ft. outside of the existing building footprint, (2) excavation of 50 cubic yards or more of soil, (3) new construction? (refer to EP_ArcMap > CEQA Catex Determination Layers > Seismic Hazard Zones) <b>If box is checked, a geotechnical report is required.</b>
<input type="checkbox"/>	<b>Seismic: Liquefaction Zone:</b> Does the project involve any of the following: (1) square footage expansion greater than 1,000 sq. ft. outside of the existing building footprint, (2) excavation of 50 cubic yards or more of soil, (3) new construction? (refer to EP_ArcMap > CEQA Catex Determination Layers > Seismic Hazard Zones) <b>If box is checked, a geotechnical report will likely be required.</b>
<b>If no boxes are checked above, GO TO STEP 3. If one or more boxes are checked above, an <u>Environmental Evaluation Application</u> is required, unless reviewed by an Environmental Planner.</b>	
<input checked="" type="checkbox"/>	<b>Project can proceed with categorical exemption review. The project does not trigger any of the CEQA impacts listed above.</b>
<b>Comments and Planner Signature (optional):</b> Jean Poling <div style="float: right; font-size: small;"> Digitally signed by Jean Poling  Date: 2017.01.24 18:36:53 -08'00' </div>	

**STEP 3: PROPERTY STATUS – HISTORIC RESOURCE  
TO BE COMPLETED BY PROJECT PLANNER**

<b>PROPERTY IS ONE OF THE FOLLOWING: (refer to Parcel Information Map)</b>	
<input type="checkbox"/>	<b>Category A: Known Historical Resource. GO TO STEP 5.</b>
<input checked="" type="checkbox"/>	<b>Category B: Potential Historical Resource (over 45 years of age). GO TO STEP 4.</b>
<input type="checkbox"/>	<b>Category C: Not a Historical Resource or Not Age Eligible (under 45 years of age). GO TO STEP 6.</b>

**STEP 4: PROPOSED WORK CHECKLIST**  
**TO BE COMPLETED BY PROJECT PLANNER**

Check all that apply to the project.	
<input type="checkbox"/>	1. <b>Change of use and new construction.</b> Tenant improvements not included.
<input type="checkbox"/>	2. <b>Regular maintenance or repair</b> to correct or repair deterioration, decay, or damage to building.
<input type="checkbox"/>	3. <b>Window replacement</b> that meets the Department's <i>Window Replacement Standards</i> . Does not include storefront window alterations.
<input type="checkbox"/>	4. <b>Garage work.</b> A new opening that meets the <i>Guidelines for Adding Garages and Curb Cuts</i> , and/or replacement of a garage door in an existing opening that meets the <i>Residential Design Guidelines</i> .
<input type="checkbox"/>	5. <b>Deck, terrace construction, or fences</b> not visible from any immediately adjacent public right-of-way.
<input type="checkbox"/>	6. <b>Mechanical equipment installation</b> that is not visible from any immediately adjacent public right-of-way.
<input type="checkbox"/>	7. <b>Dormer installation</b> that meets the requirements for exemption from public notification under <i>Zoning Administrator Bulletin No. 3: Dormer Windows</i> .
<input type="checkbox"/>	8. <b>Addition(s)</b> that are not visible from any immediately adjacent public right-of-way for 150 feet in each direction; does not extend vertically beyond the floor level of the top story of the structure or is only a single story in height; does not have a footprint that is more than 50% larger than that of the original building; and does not cause the removal of architectural significant roofing features.
<b>Note: Project Planner must check box below before proceeding.</b>	
<input checked="" type="checkbox"/>	Project is not listed. <b>GO TO STEP 5.</b>
<input type="checkbox"/>	Project <b>does not conform</b> to the scopes of work. <b>GO TO STEP 5.</b>
<input type="checkbox"/>	Project involves <b>four or more</b> work descriptions. <b>GO TO STEP 5.</b>
<input type="checkbox"/>	Project involves <b>less than four</b> work descriptions. <b>GO TO STEP 6.</b>

**STEP 5: CEQA IMPACTS – ADVANCED HISTORICAL REVIEW**  
**TO BE COMPLETED BY PRESERVATION PLANNER**

Check all that apply to the project.	
<input type="checkbox"/>	1. Project involves a <b>known historical resource (CEQA Category A)</b> as determined by Step 3 and conforms entirely to proposed work checklist in Step 4.
<input type="checkbox"/>	2. <b>Interior alterations to publicly accessible spaces.</b>
<input type="checkbox"/>	3. <b>Window replacement</b> of original/historic windows that are not "in-kind" but are consistent with existing historic character.
<input type="checkbox"/>	4. <b>Façade/storefront alterations</b> that do not remove, alter, or obscure character-defining features.
<input type="checkbox"/>	5. <b>Raising the building</b> in a manner that does not remove, alter, or obscure character-defining features.
<input type="checkbox"/>	6. <b>Restoration</b> based upon documented evidence of a building's historic condition, such as historic photographs, plans, physical evidence, or similar buildings.
<input type="checkbox"/>	7. <b>Addition(s)</b> , including mechanical equipment that are minimally visible from a public right-of-way and meet the <i>Secretary of the Interior's Standards for Rehabilitation</i> .
<input type="checkbox"/>	8. <b>Other work consistent</b> with the <i>Secretary of the Interior Standards for the Treatment of Historic Properties</i> (specify or add comments):

<input type="checkbox"/>	<p>9. <b>Other work</b> that would not materially impair a historic district (specify or add comments):</p> <p>(Requires approval by Senior Preservation Planner/Preservation Coordinator) _____</p>
<input checked="" type="checkbox"/>	<p>10. <b>Reclassification of property status.</b> (Requires approval by Senior Preservation Planner/Preservation Coordinator)</p> <p><input type="checkbox"/> Reclassify to Category A      <input checked="" type="checkbox"/> Reclassify to Category C</p> <p>a. Per HRER dated: <u>Per PTR form dated 3-20-17</u> (attach HRER)</p> <p>b. Other (specify):</p>
<p><b>Note: If ANY box in STEP 5 above is checked, a Preservation Planner MUST check one box below.</b></p>	
<input type="checkbox"/>	<p><b>Further environmental review required.</b> Based on the information provided, the project requires an <i>Environmental Evaluation Application</i> to be submitted. <b>GO TO STEP 6.</b></p>
<input type="checkbox"/>	<p><b>Project can proceed with categorical exemption review.</b> The project has been reviewed by the Preservation Planner and can proceed with categorical exemption review. <b>GO TO STEP 6.</b></p>
<p><b>Comments (optional):</b></p>	
<p><b>Preservation Planner Signature:</b> Jorgen Cleemann      Digitally signed by Jorgen Cleemann Date: 2017.03.21 10:38:28 -07'00'</p>	

**STEP 6: CATEGORICAL EXEMPTION DETERMINATION**  
**TO BE COMPLETED BY PROJECT PLANNER**

<input type="checkbox"/>	<p><b>Further environmental review required.</b> Proposed project does not meet scopes of work in either (check all that apply):</p> <p><input type="checkbox"/> Step 2 – CEQA Impacts</p> <p><input type="checkbox"/> Step 5 – Advanced Historical Review</p> <p><b>STOP! Must file an <i>Environmental Evaluation Application</i>.</b></p>			
<input checked="" type="checkbox"/>	<p><b>No further environmental review is required. The project is categorically exempt under CEQA.</b></p> <table border="1"> <tr> <td> <p><b>Planner Name:</b> Jorgen Cleemann</p> <p><b>Project Approval Action:</b></p> <p>Building Permit</p> <p>If Discretionary Review before the Planning Commission is requested, the Discretionary Review hearing is the Approval Action for the project.</p> </td> <td> <p><b>Signature:</b></p> <p><b>Jorgen Cleemann</b></p> <p>Digitally signed by Jorgen Cleemann Date: 2017.03.21 10:38:53 -07'00'</p> </td> </tr> </table> <p>Once signed or stamped and dated, this document constitutes a categorical exemption pursuant to CEQA Guidelines and Chapter 31 of the Administrative Code.</p> <p>In accordance with Chapter 31 of the San Francisco Administrative Code, an appeal of an exemption determination can only be filed within 30 days of the project receiving the first approval action.</p>		<p><b>Planner Name:</b> Jorgen Cleemann</p> <p><b>Project Approval Action:</b></p> <p>Building Permit</p> <p>If Discretionary Review before the Planning Commission is requested, the Discretionary Review hearing is the Approval Action for the project.</p>	<p><b>Signature:</b></p> <p><b>Jorgen Cleemann</b></p> <p>Digitally signed by Jorgen Cleemann Date: 2017.03.21 10:38:53 -07'00'</p>
<p><b>Planner Name:</b> Jorgen Cleemann</p> <p><b>Project Approval Action:</b></p> <p>Building Permit</p> <p>If Discretionary Review before the Planning Commission is requested, the Discretionary Review hearing is the Approval Action for the project.</p>	<p><b>Signature:</b></p> <p><b>Jorgen Cleemann</b></p> <p>Digitally signed by Jorgen Cleemann Date: 2017.03.21 10:38:53 -07'00'</p>			





# SAN FRANCISCO PLANNING DEPARTMENT

## PRESERVATION TEAM REVIEW FORM

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

Reception:  
**415.558.6378**

Fax:  
**415.558.6409**

Planning  
Information:  
**415.558.6377**

<b>Preservation Team Meeting Date:</b>		<b>Date of Form Completion</b>	2/24/2017
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PROJECT INFORMATION:		
<b>Planner:</b>	<b>Address:</b>	
Jørgen G. Cleemann	25 17th Avenue	
<b>Block/Lot:</b>	<b>Cross Streets:</b>	
1341/021	Lake Street and the Presidio	
<b>CEQA Category:</b>	<b>Art. 10/11:</b>	<b>BPA/Case No.:</b>
B	N/A	2017-000987ENV

PURPOSE OF REVIEW:			PROJECT DESCRIPTION:	
<input checked="" type="radio"/> CEQA	<input type="radio"/> Article 10/11	<input type="radio"/> Preliminary/PIC	<input checked="" type="radio"/> Alteration	<input type="radio"/> Demo/New Construction

<b>DATE OF PLANS UNDER REVIEW:</b>	12/28/2016
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PROJECT ISSUES:	
<input checked="" type="checkbox"/>	Is the subject Property an eligible historic resource?
<input type="checkbox"/>	If so, are the proposed changes a significant impact?
Additional Notes:	
Submitted: Supplemental Information for Historic Resource Determination prepared by Page & Turnbull (dated December 6, 2016). Proposed Project: Removal of bay window on side elevation; at rear, removal of deck and facade, construction of four-story horizontal addition; reconstruction of rooftop penthouse to bring front facade closer to street wall; demolition of garage; interior alterations.	

PRESERVATION TEAM REVIEW:	
<b>Category:</b>	<input type="radio"/> A <input type="radio"/> B <input checked="" type="radio"/> C
<b>Individual</b>	<b>Historic District/Context</b>
Property is individually eligible for inclusion in a California Register under one or more of the following Criteria:	Property is in an eligible California Register Historic District/Context under one or more of the following Criteria:
Criterion 1 - Event: <input type="radio"/> Yes <input checked="" type="radio"/> No	Criterion 1 - Event: <input type="radio"/> Yes <input checked="" type="radio"/> No
Criterion 2 -Persons: <input type="radio"/> Yes <input checked="" type="radio"/> No	Criterion 2 -Persons: <input type="radio"/> Yes <input checked="" type="radio"/> No
Criterion 3 - Architecture: <input type="radio"/> Yes <input checked="" type="radio"/> No	Criterion 3 - Architecture: <input type="radio"/> Yes <input checked="" type="radio"/> No
Criterion 4 - Info. Potential: <input type="radio"/> Yes <input checked="" type="radio"/> No	Criterion 4 - Info. Potential: <input type="radio"/> Yes <input checked="" type="radio"/> No
Period of Significance: <input type="text" value="N/A"/>	Period of Significance: <input type="text" value="N/A"/>
	<input type="radio"/> Contributor <input type="radio"/> Non-Contributor



Complies with the Secretary's Standards/Art 10/Art 11:	<input type="radio"/> Yes	<input type="radio"/> No	<input checked="" type="radio"/> N/A
CEQA Material Impairment to the individual historic resource:	<input type="radio"/> Yes	<input checked="" type="radio"/> No	
CEQA Material Impairment to the historic district:	<input type="radio"/> Yes	<input checked="" type="radio"/> No	
Requires Design Revisions:	<input type="radio"/> Yes	<input checked="" type="radio"/> No	
Defer to Residential Design Team:	<input checked="" type="radio"/> Yes	<input type="radio"/> No	

**PRESERVATION TEAM COMMENTS:**

According to the Historic Resource Evaluation prepared by Page & Turnbull (dated December 6, 2016) and information found in the Planning Department files, the subject property at 25 17th Avenue contains a two-story over-garage, wood-frame building with a setback one-story rooftop penthouse. Located on the west side of 17th Avenue in the Inner Richmond district of San Francisco, the subject property is clad in stucco on its primary east elevation. The subject property was designed by Edward Eyestone Young and constructed in 1913.

The building's original owner, Matthew Little, was a builder who owned the property for less than a year. The two longest-term owner/occupants were Zeb and Arabelle Kendall (1919-ca. 1932) and the extended Hooper family (1946-2015). Known exterior alterations to the property include the addition of a bay window on the side (south) elevation (1919-1938); the construction of a garage in the backyard (1919); the alteration of the projecting wing in the rear yard (1915-1950); the construction of a deck wrapping around the side and rear elevations (1995); foundation underpinning (2001); the installation of rooftop solar panels (2003); additional foundation work (2016); the demolition of the side-yard deck (date unknown); and miscellaneous repairs.

The subject property is not significant for association with broad patterns of history at the local, regional, or national level (Criterion 1). None of the owners or occupants has been identified as important to history (Criterion 2). Although Zeb Kendall was a prominent miner and politician, he is more directly linked with the State of Nevada, where a house he inhabited has been placed on the National Register. The building is not architecturally distinct such that it would qualify individually for listing in the California Register under Criterion 3. The subject building is not significant under Criterion 4 since this significance criterion typically applies to rare construction types when involving the built environment.

Planning staff concurs with the conclusions of the consultant that 17th Avenue between Lake Street and the Presidio does not qualify as a potential historic district. The boundaries of this study area, which includes the properties on the two Lake Street corners as well as both sides of 17th Avenue, were determined in consultation with Planning Department staff and are consistent with the staff's current approach to identifying potential historic districts. An earlier HRER issued by the Planning Department in 2012 for 1650 Lake Street - continued -

Signature of a Senior Preservation Planner / Preservation Coordinator:	Date:
	3.20.2017

- continued -

(2012.0590E) identified a potential California Register-eligible historic district in an area bounded by 15<sup>th</sup> Avenue, Lake Street, 20<sup>th</sup> Avenue, and the Presidio. Such a district would include the subject property. Since the time of that HRER, the Planning Department has refined its approach to evaluating potential historic districts. In the case of this area, staff has taken the position that if a district were to exist in this general vicinity, it is not as large as that described in the HRER for 1650 Lake Street. This refined approach is reflected in such recent documents as the 2016 Categorical Exemption Determination for 20 16<sup>th</sup> Ave. (2016.001445ENV), which is located one block from the subject property. Assessing the potential existence of an eligible Historic District that is smaller in scale than that described by the HRER for 1650 Lake Street, the Preservation Team Review Form for 20 16<sup>th</sup> Ave. concludes that no such district appears to exist "on 16<sup>th</sup> Avenue and on nearby blocks ... " It should be noted, however, that neither the current determination nor the determination for 20 16<sup>th</sup> Ave. preclude the possibility that historic districts and individually significant historic resources may exist elsewhere in the neighborhood, both inside and outside the area identified in the 2012 HRER.

The development pattern for the study area, which was built up between 1909 and 1917, is typical for western neighborhoods that were rapidly developed in the wake of the 1906 Earthquake and Fire. This pattern is embodied in the nearby Presidio Heights neighborhood, large portions of which the Planning Department has recognized as a California Register-eligible historic district. The study area thus does not convey significance in a way that is not already conveyed more clearly by a similar, geographically proximate historic district.

In making the current determination, Planning staff studied the contents of the study area and found that they do not contain sufficient coherence and do not exemplify a high level of architectural achievement. Although four residences on the west side of the 17<sup>th</sup> Avenue, including the subject property, were designed by the master architect Edward Eyestone Young, these buildings are not representative of his best designs, several of which are recognized historic resources (e.g., the Hotel Californian (now the Serrano Hotel) at 403 Taylor Street; the Francisca Club at 595 Sutter Street). Young was an extremely prolific designer of residential buildings, responsible for over 600 commissions. Many of his more accomplished single-family residences and apartment buildings may be found throughout the Pacific Heights and Cow Hollow neighborhoods (e.g., 2740, 2750, and 2760 Divisadero Street; 2880 Green Street; 2235, 2245, and 2255 Octavia Street; 2790 Green Street; 2105 Buchanan Street; 2265 Broadway; 2230 Steiner Street). Young also designed the house at 22 Presidio Terrace that he and his family inhabited for 26 years. Of the four houses in the study area that Young designed, one was the subject of a 2003 renovation in which the front façade was replaced with a modern design. The other buildings in the study area were designed in a variety of styles and do not hold together as a coherent group.

Therefore the subject building is not eligible for listing in the California Register under any criteria individually or as part of a historic district and is not a historic resource under CEQA.



25 17th Ave. Screenshot of June 2015 Google streetview.



# SAN FRANCISCO PLANNING DEPARTMENT

1650 Mission Street Suite 400 San Francisco, CA 94103

## NOTICE OF BUILDING PERMIT APPLICATION (SECTION 311)

On **July 7, 2017**, Building Permit Application No. **201707071206** was filed for work at the Project Address below.

**Notice Date: 2/21/2019**

**Expiration Date: 3/25/2019**

PROJECT INFORMATION		APPLICANT INFORMATION	
Project Address:	<b>25 17th Avenue</b>	Applicant:	<b>John Kantor</b>
Cross Street(s):	<b>Lake Street</b>	Address:	<b>256 16<sup>TH</sup> Avenue</b>
Block/Lot No.:	<b>1341 / 025</b>	City, State:	<b>San Francisco, CA</b>
Zoning District(s):	<b>RH-1/40-X</b>	Telephone:	<b>(415) 412-6798</b>
Record Number:	<b>2017-000987PRJ</b>	Email:	<b>kantor@pacbell.net</b>

You are receiving this notice as an owner or occupant of property 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 that the Planning Commission review this application at a public hearing for Discretionary Review. Requests for a Discretionary Review hearing must be filed during the 30-day review period, prior to the close of business on the Expiration Date shown above, 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 checked="" 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	Residential	Residential
Front Setback	± 16'-5"	No change
Side Setbacks	± 0	No change
Building Depth	± 63'-4"	± 68'-4"
Rear Yard	± 38'-3"	± 33'-3"
Building Height	± 35'-3"	No change
Number of Stories	4	No change
Number of Dwelling Units	1	No change
Number of Parking Spaces	1	2
PROJECT DESCRIPTION		
<p>The project proposes to alter an existing four story, single family residence by constructing a rear horizontal addition on all levels and a front horizontal addition on the fourth floor. The proposed building expansion will accommodate a new elevator and additional living space on all floors. The proposal also includes the demolition of a three-story bay window along the south façade. 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>		

To view plans or related documents, visit [sf-planning.org/notices](http://sf-planning.org/notices) and search the Project Address listed above. Once the property is located, click on the dot(s) to view details of the record number above, its related documents and/or plans.

**For more information, please contact Planning Department staff:**

Sylvia Jimenez, 415-575-9187, [Sylvia.Jimenez@sfgov.org](mailto:Sylvia.Jimenez@sfgov.org)



# GENERAL INFORMATION ABOUT PROCEDURES

Reduced copies of the proposed project plans have been included in this mailing for your information. If you have questions about the plans, please contact the project Applicant listed on the front of this notice. You may wish to discuss the plans with your neighbors or neighborhood association, as they may already be aware of the project. If you have general questions about the Planning Department's review process, contact the Planning Information Center (PIC) at 1660 Mission Street, 1st Floor (415) 558-6377 or [pic@sfgov.org](mailto:pic@sfgov.org). If you have specific questions about the proposed project, you should contact the planner listed on the front of this notice.

If you believe that the impact on you from the proposed project is significant and you wish to seek to change the project, there are several procedures you may use. **We strongly urge that steps 1 and 2 be taken.**

1. Request a meeting with the project Applicant to get more information and to explain the project's impact on you.
2. Contact the nonprofit organization Community Boards at (415) 920-3820, or online at [www.communityboards.org](http://www.communityboards.org) for a facilitated discussion in a safe and collaborative environment. Community Boards acts as a neutral third party and has, on many occasions, helped reach mutually agreeable solutions.
3. Where you have attempted, through the use of the above steps or other means, to address potential problems without success, please contact the planner listed on the front of this notice to discuss your concerns.

If, after exhausting the procedures outlined above, you still believe that exceptional and extraordinary circumstances exist, you have the option to request that the Planning Commission exercise its discretionary powers to review the project. These powers are reserved for use in exceptional and extraordinary circumstances for projects which generally conflict with the City's General Plan and the Priority Policies of the Planning Code; therefore the Commission exercises its discretion with utmost restraint. This procedure is called Discretionary Review. If you believe the project warrants Discretionary Review by the Planning Commission, **you must file a Discretionary Review application prior to the Expiration Date shown on the front of this notice.** Discretionary Review applications are available at the Planning Information Center (PIC), 1660 Mission Street, 1st Floor, or online at [www.sfplanning.org](http://www.sfplanning.org). **You must submit the application in person** at the Planning Information Center (PIC), with all required materials and a check payable to the Planning Department. To determine the fee for a Discretionary Review, please refer to the Planning Department Fee Schedule available at [www.sfplanning.org](http://www.sfplanning.org). If the project includes multiple building permits, i.e. demolition and new construction, a **separate request for Discretionary Review must be submitted, with all required materials and fee, for each permit that you feel will have an impact on you.** **Incomplete applications will not be accepted.**

If no Discretionary Review Applications have been filed within the Notification Period, the Planning Department will approve the application and forward it to the Department of Building Inspection for its review.

## BOARD OF APPEALS

An appeal of the Planning Commission's decision on a Discretionary Review case may be made to the **Board of Appeals within 15 calendar days after the building permit is issued** (or denied) by the Department of Building Inspection. Appeals must be submitted in person at the Board's office at 1650 Mission Street, 3rd Floor, Room 304. For further information about appeals to the Board of Appeals, including current fees, contact the Board of Appeals at (415) 575-6880.

## ENVIRONMENTAL REVIEW

This project has undergone preliminary review pursuant to California Environmental Quality Act (CEQA). If, as part of this process, the Department's Environmental Review Officer has deemed this project to be exempt from further environmental review, an exemption determination has been prepared and can be obtained through the Exemption Map at [www.sfplanning.org](http://www.sfplanning.org). An appeal of the decision **to exempt the proposed project from CEQA may be made to the Board of Supervisors within 30 calendar days** after the project approval action identified on the determination. The procedures for filing an appeal of an exemption determination are available from the Clerk of the Board at City Hall, Room 244, or by calling (415) 554-5184.

Under CEQA, in a later court challenge, a litigant may be limited to raising only those issues previously raised at a hearing on the project or in written correspondence delivered to the Board of Supervisors, Planning Commission, Planning Department or other City board, commission or department at, or prior to, such hearing, or as part of the appeal hearing process on the CEQA decision.



# DISCRETIONARY REVIEW APPLICATION

## APPLICATION SUBMITTAL REQUIREMENTS

Pursuant to Planning Code Section 311 (d) and 312 (e), the Planning Commission may exercise its power of Discretionary Review over a building permit application.

Please read the [Discretionary Review Informational Packet](#) carefully before the application form is completed.

### WHAT TO SUBMIT:

- ☐ Two (2) complete applications signed by owner or agent.
- ☐ A Letter of Authorization for Agent from the owner giving you permission to communicate with the Planning Department on their behalf.
- ☐ Photographs or plans that illustrate your concerns.
- ☐ Related covenants or deed restrictions (if any).
- ☐ A digital copy (CD or USB drive) of the above materials (optional)
- ☐ Payment via Check, Money Order or debit/credit for the required intake fee amount. (See [Fee Schedule and/or Calculator](#))

### HOW TO SUBMIT:

To file your Mandatory or Staff Initiated Discretionary Review application, please send an email request along with the intake appointment request form to: [CPC.Intake@sfgov.org](mailto:CPC.Intake@sfgov.org). Intake request forms are available here: <http://sf-planning.org/permit-forms-applications-and-fees>.

To file your Public Initiated Discretionary Review (Public) application, please submit in person at the Planning Information Center, 1660 Mission Street, first floor, with all required materials including a check payable to the Planning Department.

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

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

**Tagalog:** Kung gusto mo ng tulong sa pagkumpleto ng application na ito sa Filipino, paki tawagan ang 415.575.9121. Paki tandaan na mangangailangan ang Planning Department ng hindi kukulangin sa isang araw na pantrabaho para makasagot.



# DISCRETIONARY REVIEW APPLICATION

## Property Owner's Information

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Email Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

## Applicant Information (if applicable)

Name: \_\_\_\_\_

Same as above ☐

Company/Organization: \_\_\_\_\_

Address: \_\_\_\_\_

Email Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

### 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: \_\_\_\_\_

Block/Lot(s): \_\_\_\_\_

Plan Area: \_\_\_\_\_

## Project Description:

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

**Project Details:**

---

- ☐ Change of Use      ☐ New Construction      ☐ Demolition      ☐ Facade Alterations      ☐ ROW Improvements
- ☐ Additions      ☐ Legislative/Zoning Changes      ☐ Lot Line Adjustment-Subdivision      ☐ Other \_\_\_\_\_

**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**

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Building Permit Applications No(s): \_\_\_\_\_



## 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 cite specific sections of the Residential Design Guidelines.

See attached

- 
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 attached

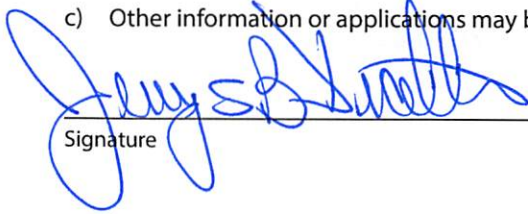
- 
3. What alternatives or changes to the proposed project, beyond the changes (if any) already made would respond to the exceptional and extraordinary circumstances and reduce the adverse effects noted above in question #1?

See attached

# 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

Jerry S. B. Dratler

Name (Printed)

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

Phone

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

Name (Printed)

Date

For Department Use Only

Application received by Planning Department:

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

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

**1. What are the reasons for requesting the Discretionary Review? The project meets the standards of the Planning Code and 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 Policies or Residential Design Guidelines? Please be specific and site-specific sections of the Residential Design Guidelines.**

There are four reasons for requesting a Discretionary Review.

1. Work performed without the benefit of permit that remains unabated should not be abated.
2. The Planning Department is recommending the abatement of the two Notices of Violation for a second time.
3. A 3-story bay illegally straddling two new lots (025 and 026) is the result of a Certificate of Compliance that should not have been filed and approved.
4. The proposed 5,589 sq. ft. home does not meet the standards in the Residential Design Guidelines.

**1. Work performed without the benefit of permit that remains unabated should not be abated.**

The house at 25 17<sup>th</sup> Ave. was designed in 1913 by master architect Edward Eyestone Young. Mr. Young, a prominent local architect, designed Glide Memorial Church (National Register), Franciscan Club, the Russian Embassy and other important San Francisco buildings. The attached article (Exhibit 1) discusses Mr. Young's professional accomplishments and the significance of 25 17<sup>th</sup> Avenue.

Reducing the width of 25 17<sup>th</sup> Ave. to 25 feet required the removal of all the existing features on the south side of the home. The features that were removed include ; the deck/parking structure, the 3-story chimney, 3-story bay windows, French Doors, and the existing windows on the south side of the home (Exhibits 2,3,4 demolition pictures). The south side of 25 17<sup>th</sup> Ave. is now covered in plywood.

The property owner's four-step plan to build a second house on 25 17<sup>th</sup> Ave. included these improper actions.

1. Demolish the deck/parking structure on the south wall of the house without a permit.
2. Submit false architectural plans with the dry rot repair permit application that failed to show the existing 3-story bay. (Exhibit 5 NOV).
3. Exceed the scope of the dry rot repair permit and remove the 3-story bay.
4. Subdivide the existing 50-foot lot.

The property owner should have received CEQA approval to remove the deck and bay from a home that is over 100 years old. Securing a building permit to remove the entire

south wall of 25 17th Ave. would have been difficult because the home was designed by master architect E. E. Young.

## **2. The Planning Department is recommending the abatement of two Notices of Violation for a second time.**

The property owner used illegal methods to achieve a goal, removal of the south wall of 25 17<sup>th</sup> Ave., that was likely unachievable through legal means. Abating the two NOVs would reward the property owner for their illegal acts.

The previous (2017) permit to abate the two open NOVs approved by the Department of Building Inspection and Planning was denied by the Board of Appeals (BOA). The BOA reduced the scope of the abatement permit (it removed the abatement of the deck and bay NOVs) to completion of the permitted foundation replacement and a voluntary seismic upgrade.

The permitted foundation repair and seismic upgrade were not completed, the project was abandoned in June of 2018 (Exhibit 10, memo to DBI).

Neighbors of 25 17th Ave. are upset the developer removed an important part of San Francisco's architectural heritage by circumventing the demolition permit and lot split application processes. The concerned 23 neighbors presented a long list of additional violations (Exhibit 14.BOA brief) to the BOA in the hearing. The severity of the two NOVs and the additional violations were a critical factor weighed by the Board of Appeals in their denial of the abatement permit. One BOA member presented a motion which was seconded to require the property owner to replace the existing bay. The bay replacement motion did not have enough votes to pass, the Board of Appeals compromised and kicked the NOV abatement issue back to the Planning Department.

The Planning Department has not offered new information or justifications for filing a second abatement permit. Former S. F. Planning Department Zoning Administrator, Mary Gallagher's four questions below need to be asked and answered to fully understand why abatement of the violations is the wrong choice.

## **3.The improper approval of the 2017 lot split has the 3-story bay straddling two lots that should not have been created.**

Subdividing a lot out of compliance with local building codes is improper. Former S. F. Planning Department Zoning Administrator, Mary Gallagher, sent an email to the S. F. Department of Public Works (DPW) on April 13,2018 (Exhibit 12). Ms. Gallagher stated the 3-story bay now crosses the new property line that created two lots (025 and 026). The October 2016 Certificate of Compliance application should not have been filed 43 days after the Planning Department issued a Notice of Enforcement requiring the property owner to replace the 3-story bay. The lot split application included a plat map acknowledging the encroaching portions of the building (3-story bay) to be demolished. The 3-story bay has not been legally removed.

Ms. Gallagher acknowledges the approval of the Certificate of Compliance (COC) on January 7, 2017 and the recording of the COC in February 2017. She asks if a new permit is filed to try again to get the bay removal legalized and is taken to the Planning Commission it is entirely possible the Commission will require the bay to be reconstructed. Ms. Gallagher asked four questions that were not answered by DPW.

1. Did DPW require proof of the bay removal prior to issuance of the Certificate of Compliance?
2. Was the removal of the bay ( whether proof was submitted or not) required for issuance of the Certificate of Compliance.
3. Does DPW require proof of the owners obtaining a permit when portions of a building shown to be removed when such portions must be removed in order to approve a Certificate of Compliance and, if so, why was this not required in this case?
4. If the Planning Commission requires the bay to be reconstructed , what process will be required to again merge the lots—specifically, can the Certificate of Compliance be revoked by DPW given the history of the site or is some other process required?

DPW's approval and review of the COC application was deeply flawed. DPW approved the application 25 days before the surveyor submitted the final COC application on February 02,2017.The DPW Bureau of Streets and Mapping review of the final application occurred 30 days after the application was approved.

The March 06,2017 email I sent the City Attorney and City Administrator includes a completed review of the COC approval process (Exhibit 13).

***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.***

The Residential Design Guidelines articulate expectations regarding the character of the building environment and intended to promote design that will protect neighborhood character. The proposed project disrupts the cohesive neighborhood identity and disturbs the unique setting of this small block (exhibit 8, picture). Attached is a letter signed by 26 neighbors who request and support a reduction in the proposed expansion of 25 17<sup>th</sup> Avenue that requires the home to be compatible with the existing homes on the block and preserve mid-block open space.

**Design principle:** Ensure the building's scale is compatible with the surrounding buildings. The proposed home at 25 17<sup>th</sup> Ave. is not appropriately scaled for the block.

1. Splitting the existing 50 ft. wide lot in 2017 doubled the housing density of 25 17<sup>th</sup> Avenue. The subdivision of the existing 50-ft. wide lot into two 25-foot lots in 2017 doubled the density (floor area ratio) of 25 17<sup>th</sup> Avenue.

2. Increasing 25 17<sup>th</sup> Avenue to 5,589 square ft. would further increase the home's density. The proposed 5,589 square ft. house on a 3,000 square ft. lot would have a housing density of nearly twice the current housing density for the ten homes on 17<sup>th</sup> Avenue North of Lake Street. The proposed home would have a floor area ratio of 1.9 which is 190% of the floor area ratio of the existing homes.

3. The scale of the proposed home is too large relative to the existing homes on the block. The proposed 5,589 sq. ft. home at 25 17<sup>th</sup> Ave. is out of scale with the existing ten homes on 17<sup>th</sup> Ave. North of Lake St. that average 3,131 sq. ft., (Exhibit 7). The proposed home is 78% larger than the existing homes.

4. The proposed 5,589 sq. ft. home at 25 17<sup>th</sup> Ave. and the proposed second 5,500 square ft. home at 27 17<sup>th</sup> Ave. would result in two homes of 11,089 square ft. (Exhibit 8 picture) adjacent to the existing 4,382 square ft. home at 17 17<sup>th</sup> Ave. Having three homes in a row that total 15,471 square feet would create a huge massing problem. The three-home average of 5,157 square feet is over twice the size of our home (2,154 sq. ft.) at 40 17<sup>th</sup> Ave.

**Design principle:** Provide architectural features that enhance the neighborhood's character.

The plans submitted for 25 17<sup>th</sup> Ave. includes three new decks, two at the rear of the home and one on the fourth floor at the front of the home. The existing 4<sup>th</sup> floor plan shows the flat roof at the front of the 4<sup>th</sup> floor to be an existing deck. The Exhibit 3 picture clearly shows the space to be a flat roof and not an existing deck.

The fourth floor was designed by Mr. Young not to be visible from street level. The proposed horizontal addition to the fourth floor of 25 17<sup>th</sup> Ave. compromises master architect E. E. Young's 1913 front façade design. The front façade of the house has been unchanged for over 100 years and should remain unchanged. The proposed 4<sup>th</sup> floor deck and horizontal expansion would create privacy issues for residents on east side of 17<sup>th</sup> Ave.

***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?***

1. My neighbors and I would like the scale of the two proposed homes (25 and 27 17<sup>th</sup> Ave.) scaled down to be consistent with the existing homes in the neighborhood. This would also retain the mid-block open space.
2. 25 17<sup>th</sup> Ave. is one of the larger homes on the block so the proposed expansion should be very modest, I recommend not to exceed 4,200 sq. ft. 27 17<sup>th</sup> Ave. is new construction; a well-designed new home is not constrained by the lifestyles and



construction limitations that existed 100 years ago. 27 17<sup>th</sup> Ave. should be slightly larger than the average home on the block, perhaps 3,700 sq. ft.

3. The unpermitted demolition violations should not be abated. The developer and his structural engineer have decades of experience and should be held to a high standard. This is another example of an experienced developer gaming the system and asking for forgiveness for serious violations of the building and planning code when they are caught.
4. The most reasonable remedy for dealing with the three-story bay that straddles two lots is to reverse the lot split that should not have been filed because the lot was out of compliance and was improperly approved by DPW.
5. The horizontal front addition to the fourth floor should not be approved, it radically alters an intact 100-year old facade. A fourth-floor deck is not a reason to alter the work of a master architect.
6. Two rear and one front deck in a congested city like San Francisco is excessive. The size of the rear horizontal expansion should be reduced to preserve the mid-block open space and retain the privacy of the homes on Lake Street and 18<sup>th</sup> Avenue.

#### **Attached exhibits**

Exhibit 1- one-page article on E. E. Young and 25 17<sup>th</sup> Ave.

Exhibit 2- Picture of south wall of 25 17<sup>th</sup> Ave., deck and 3-story bay and 4<sup>th</sup> floor

Exhibit 3- Picture of south wall after deck was removed.

Exhibit 4- Picture of south wall after deck and bay removed.

Exhibit 5- Copy of NOV, violation description notes arch. plans “do not show existing bay”.

Exhibit 6- McGuire Realty floor plans of 25 17<sup>th</sup> Ave. August 2015.

Exhibit 7- Schedule of the size of the ten existing homes on 17<sup>th</sup> Ave. North of Lake Street

Exhibit 8- Picture of two proposed homes

Exhibit 9- Letter signed by homeowners and list of homeowner addresses.

Exhibit 10- Memo to DBI on foundation repair

Exhibit 11- Memo to DPW from former Zoning Administrator Mary Gallagher.

Exhibit 12- Detailed analysis of COC application approval

Exhibit 13- BOA brief with exhibits.



## E. E. YOUNG

Architect  
(1870-1934)

Edward Eyestone Young was born on March 11, 1870 in Carthage, Missouri. He moved to San Francisco in 1902 and started work as a contractor. He obtained his State Architectural license in 1905 (B366). In November 1906 he married Julia Tharp, a talented pianist and the sister of architect Newton J. Tharp, and in 1907 they moved into their new house at 22 Presidio Terrace, designed by Young.

In 1908 Young moved his office to 251 Kearny. It was to remain there until 1924, when Young moved into a studio he built for himself (above a garage) at 2002 California, next to a large apartment building that he had designed. One of his 5 children, John Davis Young, joined him in his practice in 1931. During his 30 year career, Young's output was truly prolific, with almost 600 residential buildings designed, many in interesting groups of 2, 3 or 4 adjacent to each other.

These are fine examples of his homes and flats:

- Lake Street - 8 3rd Ave. (1907), 160 25th Ave. (1912),  
- 5, 11, 17 & 25 17th Ave., 15 & 21 18th Ave.,  
- 1630 & 1638 Lake, 1806, 1816 & 1824 Lake  
(all in 1913), 1400 Lake (1925);
- Pacific Heights - 2467-69 & 2471-73 Jackson (1912),  
- 2740, 2750 & 2760 Divisadero (1915),  
- 46, 50, 56 & 68 Presidio Ave. (1916),  
- 2235, 2245 & 2255 Octavia (1925),  
- 2815 Pacific (1926), 2000 Jackson (1929);
- Presidio Heights - 3233 Jackson (1913), 3659 Washington (1914),  
- 222-24 Cherry (1920), 207 & 215 Maple (1926);
- Marina - 85, 87 & 89 Cervantes Blvd. (1926).



25 17th Avenue

Young designed several clubs and hotels, including the Franciscan Club at 595 Sutter (1919) and the 16-story Hotel Californian at 403 Taylor (1925). His apartment buildings are his most dominant legacy however, beginning in 1906 with some in the brown-shingle style, progressing to multi-story luxury buildings with flat-fronted brick exteriors and elevators, many now condos/co-ops/TICs:

- Russian Hill - 1181-99 Green (1906, 11 apts.), 2400 Van Ness (1907, 28 apts.),  
- 2054 Hyde (1912, 9 apts.), 1304 Lombard (1924, 12 apts.);
- Lake Street - 41-51 Arguello (1907, 12 apts.), 2610 Lake (1917, 10 apts.);
- Presidio Heights - 132-48 Locust/3590 Washington (1909, 6 corner apts.);
- Pacific Heights - 2153 Sacramento (1916, 12 apts.), 2107 Pierce (1917, 10 apts.),  
- 2790 Green (1922, a consulate), 2230 Steiner (1923, 12 apts.),  
- 2265 Broadway (1923, 10 apts.), 1896 Pacific (1924, 18 apts.),  
- 2000 California (1924, 14 apts.), 2298 Pacific (1926, 9 apts.);
- Nob Hill - 637 Powell (1923, 12 apts.), 1100 Sacramento (1924, 44 apts.);
- Marina - 3481 Pierce (1926, 6 apts.), 1920 Jefferson (1928, 6 apts.).

Young died on February 6, 1934. His son, John Davis Young, continued his practice.













# NOTICE OF VIOLATION

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

☒ FIRST NOTICE

☐ SECOND NOTICE

☐ OTHER:

7/26/16  
COMPLAINT NUMBER

## DEPARTMENT OF BUILDING INSPECTION

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

ADDRESS 25-17th Ave

OCCUPANCY / USE R-3 SFD

CONST. TYPE V

☒ 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 SF Clem LLC

MAILING ADDRESS 256-16th Ave

PERSON CONTACTED @ SITE

DATE 7/14/16

BLOCK 1341

LOT 021

STORIES 3

☐ BASEMENT

PHONE #

CITY S.F.

ZIP 94118

PHONE #

## VIOLATION DESCRIPTION:

☐ WORK WITHOUT PERMIT (SFBC 103A); ☒ ADDITIONAL WORK-PERMIT REQUIRED (SFBC 106A.4.7);

☐ EXPIRED PERMIT (SFBC 106A.4.4); ☐ CANCELLED PERMIT (SFBC 106A.3.7) PA# \_\_\_\_\_;

☐ UNSAFE BUILDING (SFBC 102A); ☐ SEE ATTACHMENTS

CODE / SECTION #

You have removed 2 decks and a bay

106A.4.7

on the south side of this property without

the benefit of permits or Planning Dept Approval.

The plans depicting South property line

wall do not show the existing bay.

This notice also addresses complaints #

201620761 + 201620753.

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

## CORRECTIVE ACTION:

☒ STOP ALL WORK SFBC 104A.2.4

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

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

☐ CORRECT VIOLATIONS WITHIN \_\_\_\_\_ DAYS. ☐ NO PERMIT REQUIRED.

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

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

Obtain correct permits + Planning Dept approval for

all items addressed in this Notice. Correct the plans

to accurately depict the existing conditions of the

South property line with a bay.

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

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

☒ 2x Permit Fee (Work Exceeding Scope of Permit)

☐ Other

☐ Reinspection Fee \$

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

APPROX. DATE OF WORK W/O PERMIT 7/14/16

VALUE OF WORK PERFORMED WITHOUT PERMITS \$3500

## BY ORDER OF THE DIRECTOR, DEPARTMENT OF BUILDING INSPECTION

CONTACT INSPECTOR Senior Insp. B. Curran

(Inspector - Print Name)

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

PHONE # (415) 558-6094 bernie.curran@sfgov.org

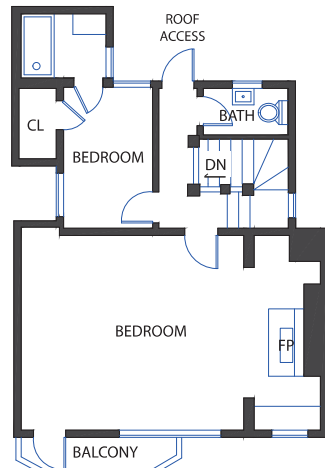
By: (Inspector's Signature)

DISTRICT #

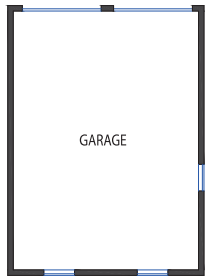
CC: ☐ DCP ☐ EID ☐ PID ☐ BID ☐ HIS ☐ CED ☐ PRS ☐ DAD ☐ SFFD ☐ DPH ☐ PS

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

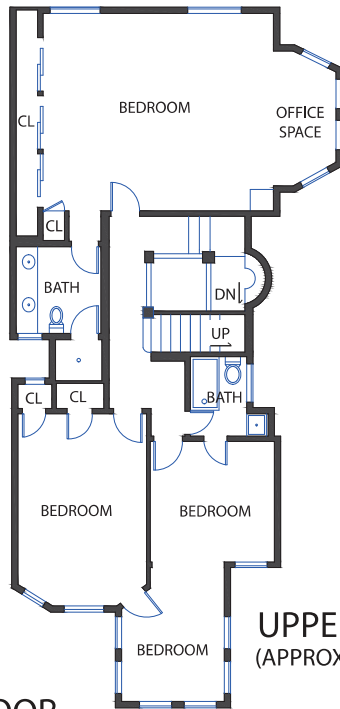
# 25 17TH AVENUE



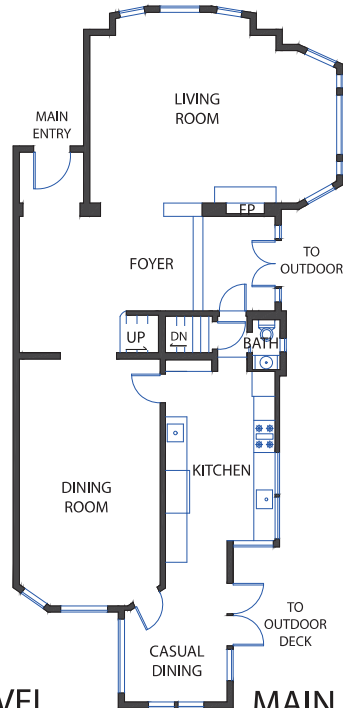
**TOP LEVEL**  
(APPROX. 668 SQF)



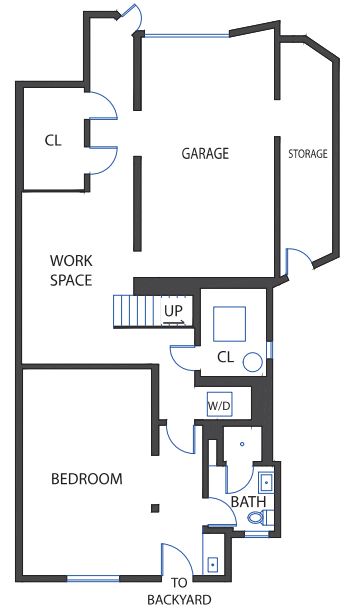
**OUTDOOR**  
(APPROX. 560 SQF)



**UPPER LEVEL**  
(APPROX. 1410 SQF)



**MAIN LEVEL**  
(APPROX. 1264 SQF)

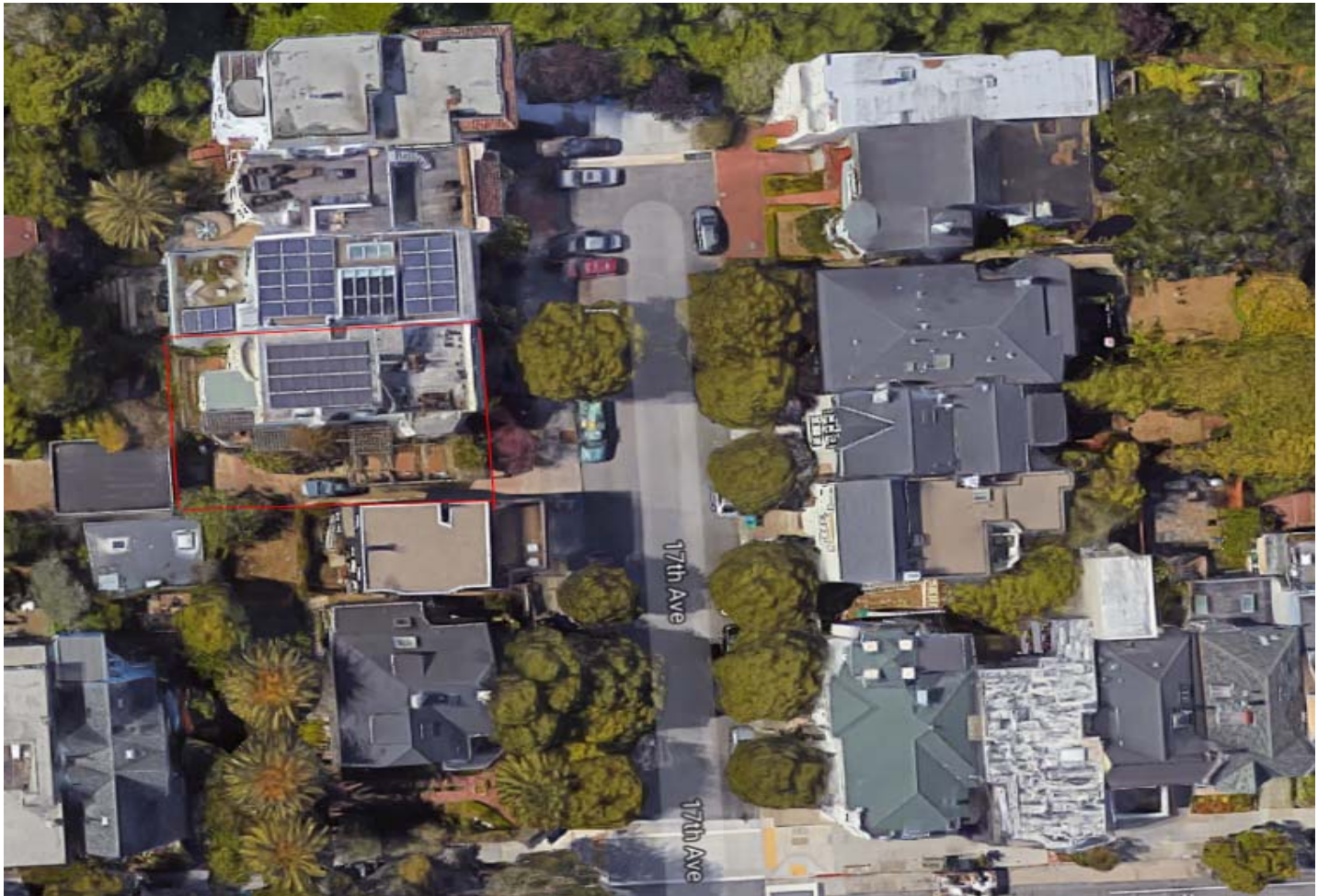


**LOWER LEVEL**  
(APPROX. 368 SQF  
GARAGE ~ 726 SQF)

NOTE: FLOOR PLANS, SQUARE FOOTAGE, AND DIMENSIONS ARE APPROXIMATE AND NOT FOR CONSTRUCTION PURPOSES. A PROSPECTIVE BUYER SHOULD NOT RELY ON THESE PLANS, SQUARE FOOTAGE, AND DIMENSIONS IN MAKING THEIR PURCHASE DECISION AND SHOULD CAREFULLY VERIFY THE ABOVE ITEMS AND ALL OTHER INFORMATION HEREIN.



**17 th Ave. North of Lake St.**  
**Ten homes**



PIM		Pim		Proposed #25 & # 27			
<u>house #</u>	<u>Existing</u> <u>sq. ft.</u>	<u>house #</u>	<u>Existing</u> <u>sq. ft.</u>	<u>house #</u>	<u>sq. ft.</u>	<u>house #</u>	<u>sq. ft.</u>
<u>West side of St.</u>		<u>East side of St.</u>		<u>West side of St.</u>		<u>East side of St.</u>	
#5	2,907	#10	3,138	#5	2,907	#10	3,138
#11	3,597	#16	3,010	#11	3,597	#16	3,010
#17	4,382	#24	2,691	#17	4,382	#24	2,691
#25	3,564	#34	2,665	#25	5,589	#34	2,665
				#27	5,500		
#35	3,197	#40	2,154	#35	3,197	#40	2,154
total	17,647		13,658	Total	25,172		13,658
Average	3,529		2,732	Average	4,195		2,732
Total		31,305					
Block average		3,131					





March 19, 2019

Sylvia Jimenez, Senior Planner  
San Francisco Planning Department  
1650 Mission street  
San Francisco CA 94103

**Re: Building Permit Application Numbers 201707071206 and 201806252842**

Dear Ms. Jimenez,

We the undersigned neighbors have reviewed the proposed plans provided in the Section 311 Notices for the above referenced projects located at 25 17th Avenue and 27 17th Avenue by developers Jon Kantor and Tim Brown, and we strongly object to both.

We find the expansion of 25 17th Ave. from approximately 3,700 sf to 5,589 sf and the construction of a new house at 27 17th Ave. of 5,500 sf to be out of character with our neighborhood in both size and design.

We request that Planning require the following:

- **Size reduction of both buildings** to be compatible with the existing buildings on the block and to be compatible with the existing building scale at the mid-block open space;
- Size reduction accommodated in the addition by a reduction in depth.;
- **Redesign of the front facade** by a qualified contextual architect to incorporate important architectural features, fenestration and entry patterns and materials; and
- **Reduction in rear first story deck** of 27 17th Ave. near the neighbors to the south and reduction of the expansion of 25 17th Ave.

**Residential Design Guideline: Design the scale of the building to be compatible with the height and depth of surrounding buildings.**

**We support the construction of appropriately-scaled buildings for the block, but the plans as proposed do not accomplish this.**



Ms. Sylvia Jimenez  
March 19, 2019  
Page Two

The plans for the addition to the existing building located at 25 17th Ave. show that it will be increasing in size by approximately 1,900 sf and totaling 5,589 sf on a 3,000 sf lot. The expanded house on this lot will be 1.75 times larger than the average-sized home on this block (3,130 sf), as well as two times over the average size home in this neighborhood and four times over the average-sized home in San Francisco. We support the expansion of the home be limited to a size that is compatible with other homes on the street and limited to no more than 500 sf by reducing the length of the building for a 4,000 square foot home. We believe this reduction will complement the blocks existing neighborhood character and mid-block open space.

**Residential Design Guideline: Use architectural details to establish and define a building's character and to visually unify a neighborhood.**

**The proposal's front façade lacks architectural detail compatible with the building and surrounding area.**

This block of 17th Ave, and in fact most nearby blocks, is dominated by older homes with rich architectural detail and divided wood windows. Exterior facades often include several building materials with stucco and/or shingles facades and wood trim. Windows and their surrounds are wood with substantial depth and detail. Floors are generally distinguished by setbacks or belt courses. Entries are most often inset behind arched entry porches. Rooflines are enhanced by cornice lines and large corbels. There is only one building on this block that is modern and lacking in detail.

The proposed façade of the building at 27 17<sup>th</sup> Ave. is out of character, and lacks architectural detail commensurate with other buildings on the block. The only other house similar to it sticks out like a sore thumb. It not only does not contribute to the character of the block; it detracts from it substantially and uses the worst designed building on the block as its model. Buildings can be decidedly and unabashedly modern while acknowledging adjacent character, detail and material; this building makes no effort to fit into the neighborhood.

Ms. Sylvia Jimenez  
March 19, 2019  
Page Three

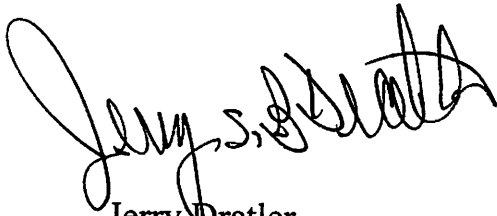
**Residential Design Guideline: Articulate the building to minimize impacts on light and privacy to adjacent properties.**

**The proposal to provide a total of five new rear decks, and one new deck at the front of 27 17<sup>th</sup> Ave. impacts privacy for abutting structures.**

We find the massive intrusion into the mid-block space to be unacceptable. Both proposed projects at 25 17<sup>th</sup> Ave. and 27 17<sup>th</sup> Ave. look like cruise ships with the addition of five rear decks, three rear decks at 27 17<sup>th</sup> Ave. and two rear decks at 25 17<sup>th</sup> Avenue. The noise and the loss of privacy in our open space is unacceptable. We suggest one deck per house.

We have attached various photographs and illustrations of the proposed projects in context of the neighborhood for your reference. Thank you for your consideration of our concerns.

Sincerely,



Jerry Dratler  
40 17<sup>th</sup> Avenue  
[dratler@sonic.net](mailto:dratler@sonic.net)



Alan Greinetz  
20 18<sup>th</sup> Avenue  
[apgreinetz@aol.com](mailto:apgreinetz@aol.com)

Attachments

# NEIGHBORS:

Name	Address	Signature
<u>JERRY S. BRADLER</u>	<u>40 17th Ave</u>	<u>Jerry S. Bradler</u>
<u>Sandra J. Drabke</u>	<u>40 17th Ave</u>	<u>Sandra J. Drabke</u>
<u>Jim Riley</u>	<u>1601 Lake St</u>	<u>Jim Riley</u>
<u>Josiah Clark</u>	<u>1628 Lake St</u>	<u>Josiah Clark</u>
<u>Trent Hu</u>	<u>5-17th Ave</u>	<u>Trent Hu</u>
<u>Judith L. Rosen</u>	<u>30-18th Ave</u>	<u>JUDITH L. ROSEN</u>
<u>SUSIE GREINERZ</u> <u>Ornenitz</u>	<u>20-18TH AVE</u>	<u>Ornenitz</u>
<u>ALAN GREINERZ</u>	<u>20-18TH AVE</u>	<u>Alan Greinerz</u>
<u>Evelyn</u> <u>Walker</u>	<u>34 17th Ave</u>	<u>Evelyn Walker</u>
<u>David Herasen</u>	<u>10 17th Ave</u>	<u>David Herasen</u>
<u>Colette Brooks</u>	<u>10 17th Ave.</u>	<u>Colette Brooks</u>
<u>Nancy T. Clark</u>	<u>1628 Lake St</u>	<u>Nancy T. Clark</u>

# NEIGHBORS:

Name	Address	Signature
<u>W Bonhan</u>	<u>#4-18<sup>th</sup> Ave</u>	<u>Wm Bonhan</u>
<u>L Fong</u>	<u>4-18<sup>th</sup> ave</u>	<u>[Signature]</u>
<u>Sarah Sweed</u>	<u>1630 LAKE STREET</u>	<u>SARAH SWEEDER</u>
<u>Moise Cohen</u>	<u>1638 LAKE ST.</u>	<u>[Signature]</u>
<u>Deborah Cohen</u>	<u>1638 Lake Street</u>	<u>[Signature]</u>
<u>HILL FERGUSON</u>	<u>1650 Lake St</u>	<u>[Signature]</u>
<u>Shirley Ferguson</u>	<u>1650 Lake St</u>	<u>[Signature]</u>
<u>Stephanie [unclear]</u>	<u>35 [unclear]</u>	<u>[Signature]</u>
<u>SARA STEPHENS</u>	<u>16-17<sup>th</sup> AVE</u>	<u>[Signature]</u>
<u>Desiree Hockett</u>	<u>24 17<sup>th</sup> ave</u>	<u>[Signature]</u>
<u>Cliff Hockett</u>	<u>24-17<sup>th</sup> Ave</u>	<u>Cliff Hockett</u>
<u>Brooke Bangier</u>	<u>11-17<sup>th</sup> Ave</u>	<u>[Signature]</u>

**NEIGHBORS:**

**Name**

**Address**

**Signature**

Montgomery Woods 1600 Lake St

Daniel Neumayer 1600 Lake St.

Daniel Neumayer

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## **DR List of Signatures**

**March 22, 2019**

Louise Fong	Block 1341- Lot 13
Bill Bohnam	Block 1341- Lot 13
Alan Greinetz	Block 1341- Lot 13
Susie Greinetz	Block 1341- Lot 13
Judi Rosen	Block 1341- Lot 11
Genny Ferguson	Block 1341- Lot 16, 17, 18
Hill Ferguson	Block 1341- Lot 16, 17, 18
Moise Cohen	Block 1341- Lot 9
Deborah Cohen	Block 1341- Lot 9
Sara Sweedler	Block 1341- Lot 8
Nancy Clark	Block 1341- Lot 7A
Montgomery Woods	Block 1341- Lot 7,6A
Daniel Neumeyer	Block 1341- Lot 7,6A
Stephanie Peek	Block 1341- Lot 6
Brooke Bengier	Block 1341- Lot 2
Trent Hu	Block 1341- Lot 20
Colette Brooks	Block 1342- Lot 17
David Harrison	Block 1342- Lot 17
Sara Stephens	Block 1342- Lot 16
Deirdre Hockett	Block 1342- Lot 15
Chris Hockett	Block 1342- Lot 15
Evelyn Walker	Block 1342- Lot 14
Sandra Dratler	Block 1342- Lot 13
Jerry Dratler	Block 1342- Lot 13
Jim Riley	Block 1377- Lot 1

To: Mr. McHugh  
From: Jerry Dratler  
Subject; Removal of shoring and structural beams prior to completion of foundation repair at 25 17<sup>th</sup> Avenue.  
Date: June 25,2018

Thank you for visiting the jobs site and examining the foundation repair at 25 17<sup>th</sup> Avenue on June 19,2018. The October 31,2017 Board of Appeals ruling allowed the property owner to finish the foundation replacement and complete a seismic upgrade. There have been over 11 code violations at 25 17<sup>th</sup> Avenue since June of 2016 when a stop work order was issued and four in the foundation repair process alone.

### **Summary**

The purpose of this memo is to review the building code enforcement over the two years of foundation repair at 25-17<sup>th</sup> Avenue. The foundation repair building code violations enumerated in this memo share many of the attributes of the complaint the City Attorney recently filed against Ashok Gujral, work without permit, underpayment of permit fees, work beyond the scope of permit and only after being caught, applying for building permits.

I am both shocked and disappointed that the only NOV issued by DBI for all the foundation repair code violations was for an emergency code violation. Failure to enforce the building code combined with a contractor's stated belief that the world is corrupt and influenced by Zionists is the ideal prescription for future serious building code violations.

The foundation repair permit in PTS as of June 23,2018 (exhibit 1) shows there has not been a final inspection of the foundation repair. The seismic upgrade permit (exhibit 2) issued on December 28,2017 shows that the last site visit was on February 22,2018 where an ok to pour was approved.

Removing the steel beams and shoring that were installed for the foundation repair prior to a final inspection is both a public safety issue and a building code violation.



**Foundation repair violations:**

1. Inspector Walsh signed off on the concrete pour one week after the issuance of a NOV with a stop work order. I asked DBI why they allowed the concrete pour and the response was, "It was the opinion of the district inspector and management that due to windblown sand conditions at the site it would be better to allow the pour for safety reasons" (exhibit 3). There were no windblown sand conditions at the site.
2. Installation of shoring without a building permit. The shoring permit was secured on July 07, 2016 (exhibit 4) after the shoring was put in place. A picture below shows the shoring in place on June 23, 2016. An NOV should have been issued for installing shoring without a shoring permit.
3. The property owner submitted a permit with a cost \$10,000 which was increased to \$25,000 by DBI (exhibit 5). No penalty or fine was assessed for understating the permit cost.

4. The required inspection of the shoring by DBI after the shoring was installed was not scheduled by the property owner. Had the inspection been schedule the building inspector would have noticed the shoring was defective. A NOV should have been issued for failing to schedule the required post shoring installation inspection.
5. On August 14, 2017, over one year after the installation of the shoring, Mr. Santos, the project structural engineer, sent the President of the Permit Appeals Board a letter (exhibit 5) stating that "the building poses major life safety issues and It is imperative we stabilize the site to protect the building, adjacent buildings, and people in the general vicinity".







6. I filed a complaint with DBI (exhibit 6) regarding the unsafe shoring and DBI opened the case on August 21, 2017 and issued an NOV and emergency shoring request. You signed off on the work on September 12, 2017.

In your June 19, 2018 email response (exhibit 7), you enumerate several aspects of the project that have not been completed:

1. "The eight-foot-wide center grade beam connecting the 2 sets of moment frames in the middle of the building". I noticed that the structural steel contractor removed four steel beams from the building site.
2. "Some plywood on the 2<sup>nd</sup> floor has yet to be nailed off to the joists, and the nailer on top of the moment frame.
3. "Straps attached to the bottom of the 2<sup>nd</sup> floor joists, minimal framing and the ground floor 5-inch concrete slab also need to be completed".

The removal of the shoring and steel beams prior to final inspection of the foundation repair is the second code violation last week at 25 17<sup>th</sup> Avenue. The first was the use of a debris hauler not on the City's list of debris haulers on Saturday June 16, 2018 to



remove a mixed load of building debris from the jobsite. This is the second time the property owner used an unapproved debris hauler.

In your email you state that oft-times it (the shoring removal) is to accommodate other work required by the governing permit. On Saturday the contractor gave me an answer why he violates the building and planning codes. Mr. McKevitt said, *the world is corrupt and then ended his rant with a comment about Zionists*.

The actions of the contractor on Saturday June 16, 2018 as described below provide insight into the recurring code compliance problem at 25 17<sup>th</sup> Avenue. The contractor went on a rant and said, *“the world is corrupt and then ended his rant with a comment about Zionists”*. I believe that Declan’s rant is his personal justification for his repeated violations of the San Francisco Building Code. The situation leading up to the rant is explained below.

When I took the picture below I had a very strange conversation with Declan McKevitt, the contractor. I was walking down the steps of our house with my camera on a strap around my neck. Declan said, why don’t you come over and take a picture? I told him that I had many pictures. He responded by saying why don’t you let some hard-working guys earn a living. I said that I was not preventing them from working and expressed my concern that they don’t engage in any illegal activity.

This is where the conversation became very strange. Declan went on a rant and said that the world is corrupt and then ended his rant with a comment about Zionists.



**Permit Details Report****Report Date:** 6/23/2018 4:07:23 PM

Application Number: 201601066439

Form Number: 8

Address(es): 1341/021/0 25 17TH AV

Description: REPLACE (E) FOUNDATION WITH NEW MAT FOUNDATION

Cost: \$50,000.00

Occupancy Code: R-3

Building Use: 27 - 1 FAMILY DWELLING

**Disposition / Stage:**

Action Date	Stage	Comments
1/6/2016	TRIAGE	
1/6/2016	FILING	
1/6/2016	FILED	
1/7/2016	APPROVED	
1/7/2016	ISSUED	

**Contact Details:****Contractor Details:**

License Number: 919465

Name: DECLAN MCKEVITT

Company Name: AN DUN CONSTRUCTION

Address: P.O. BOX 27144 \* SAN FRANCISCO CA 94127-0000

Phone:

**Addenda Details:****Description:**

Step	Station	Arrive	Start	In Hold	Out Hold	Finish	Checked By	Hold Description
1	INTAKE	1/6/16	1/6/16			1/6/16	PANGELINAN MARIANNE	
2	BLDG	1/6/16	1/6/16			1/6/16	PANG DAVID	
3	CPB	1/7/16	1/7/16			1/7/16	GREEN EMILIE	

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

**Appointments:**

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

Activity Date	Inspector	Inspection Description	Inspection Status
7/22/2016	William Walsh	OK TO POUR	OK TO POUR

**Special Inspections:**

Addenda No.	Completed Date	Inspected By	Inspection Code	Description	Remarks
0			24A	FOUNDATIONS	
0	9/25/2017	MGREENE	4	REINFORCING STEEL AND PRESTRESSING TENDONS	reinforcing steel
0	9/25/2017	MGREENE	1	CONCRETE (PLACEMENT & SAMPLING)	
0	9/25/2017	MGREENE	2	BOLTS INSTALLED IN CONCRETE	

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

[Station Code Descriptions and Phone Numbers](#)[Online Permit and Complaint Tracking home page.](#)**Technical Support for Online Services**

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

Exhibit 2

**Permit Details Report****Report Date:** 6/25/2018 10:39:59 AM

Application Number: 201712136333

Form Number: 8

Address(es): 1341 / 025 / 0 25 17TH AV

Description: PER BPA DECISION FOR APEAL #17-128: GROUND FLOOR LATERAL &amp; VERTICAL UPGRADE - INTERIOR WORK ONLY. NO WORK TO OCCUR ABOVE THE FINISHED FLOOR OF 2ND FLOOR. REMOVAL OF (E) ELEMENTS ( REF ENF 2016-009806 &amp; NOV #201623795 &amp; #2017-57399) ADDRESSED UNDER SEPARATE PERMIT FOR EACH LOT.

Cost: \$100,000.00

Occupancy Code: R-3

Building Use: 27 - 1 FAMILY DWELLING

**Disposition / Stage:**

Action Date	Stage	Comments
12/13/2017	TRIAGE	
12/13/2017	FILING	
12/13/2017	FILED	
12/28/2017	APPROVED	
12/28/2017	ISSUED	

**Contact Details:****Contractor Details:**

License Number: 919465

Name: DECLAN MCKEVITT

Company Name: AN DUN CONSTRUCTION

Address: P.O. BOX 27144 \* SAN FRANCISCO CA 94127-0000

Phone:

**Addenda Details:****Description:**

Step	Station	Arrive	Start	In Hold	Out Hold	Finish	Checked By	Hold Description
1	INTAKE	12/13/17	12/13/17			12/13/17	YIP JANET	
2	CP-ZOC	12/20/17	12/20/17			12/20/17	KIRBY ALEXANDRA	
3	BLDG	12/22/17	12/22/17			12/22/17	PANG DAVID	
4	BLDG	12/28/17	12/28/17			12/28/17	PANG DAVID	Correct revised cost.
5	CPB	12/28/17	12/28/17			12/28/17	VICTORIO CHRISTOPHER	

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

**Appointments:**

Appointment Date	Appointment AM/PM	Appointment Code	Appointment Type	Description	Time Slots
2/22/2018	PM	VS	IVR Scheduled	REINFORCING STEEL	1
2/7/2018	AM	VS	IVR Scheduled	OK TO POUR	1

**Inspections:**

Activity Date	Inspector	Inspection Description	Inspection Status
2/22/2018	Michael (Yuet) Chan	REINFORCING STEEL	OK TO POUR
2/7/2018	Michael (Yuet) Chan	OK TO POUR	OK TO POUR
1/3/2018	Michael (Yuet) Chan	START WORK	START WORK

**Special Inspections:**

Addenda No.	Completed Date	Inspected By	Inspection Code	Description	Remarks
0			1	CONCRETE (PLACEMENT & SAMPLING)	
0			2	BOLTS INSTALLED IN CONCRETE	
0			4	REINFORCING STEEL AND PRETRESSING TENDONS	reinforcing steel only
0			5	SINGLE PASS FILLET	

Exhibit 3.

**Subject:** FW: 25-17th Ave sunshine questions. August 14,2017  
**From:** "SunshineRequests, DBI (DBI)" <dbi.sunshinerequests@sfgov.org>  
**Date:** 8/24/2017 10:40 AM  
**To:** "dratler@sonic.net" <dratler@sonic.net>  
**CC:** "SunshineRequests, DBI (DBI)" <dbi.sunshinerequests@sfgov.org>, "Strawn, William (DBI)" <william.strawn@sfgov.org>, "Sweeney, Edward (DBI)" <edward.sweeney@sfgov.org>

Mr. Dratler,

Please see answers below to your questions posed in your Sunshine Request #2 dated August 14, 2017. Please contact Deputy Director Edward Sweeney, copied on this response, should you need further clarification.

Sincerely,  
William Strawn  
Legislative/Public Affairs Manager

---

**From:** Sweeney, Edward (DBI)  
**Sent:** Wednesday, August 23, 2017 3:06 PM  
**Cc:** Strawn, William (DBI) <william.strawn@sfgov.org>; Jayin, Carolyn (DBI) <carolyn.jayin@sfgov.org>; O'Riordan, Patrick (DBI) <patrick.oriordan@sfgov.org>; McHugh, Kevin (DBI) <kevin.mchugh@sfgov.org>; Walsh, William (DBI) <william.u.walsh@sfgov.org>; Curran, Bernie (DBI) <bernie.curran@sfgov.org>  
**Subject:** 25-17th Ave sunshine questions. August 14,2017

Page 3 i

A notice of violation #201623795 was issued for the demolition of a deck and a bay window on July 14, 2016. At the time of the violation being written no work had been observed at the west wall.

Page 6 Q7

NOV #201623795 was amended to include all of the work performed beyond the scope of permit application's #201601066439 and #201606160104. The owners have obtained a permit P.A #201705186923 which is now under appeal with The Board of Permit Appeals. This permit should abate all of the NOV's to date. This NOV #201623795 which is an amended NOV was to consolidate all of the previous complaints and NOV's issued prior to July 26,2017 . DBI cannot abate an NOV until a permit has been obtained and the work is deemed to conform to the building code. All other complaints were closed since the violations observed were included in NOV #201623795. NOV #201757399 was issued on 2/13/17 for work on the south wall beyond the scope of work.

Page 6 iii

1. See Chief Plumbing Inspector Steve Panelli's letter.
2. The removal of all of the walls on the second floor is shown on the plans of Permit Application #201607011417 dated 7/7/2016 . The work of replacing the existing foundation would have been very difficult without removing the walls and heating unit at the ground floor unit.
3. It was the opinion of the district inspector and management that due to the windblown sand conditions at the site it would be better to allow the pour for safety concerns. This would help to shore up the building.
- 3a The work of removing a deck and a bay window is based on the estimated value of the labor only(\$2500) since no materials were used. A times 2 multiplier was used since there was a permit obtained (PA #201601066439). The owner of 25 -17<sup>th</sup> Avenue paid \$253.40 in penalties in addition to the \$16,542.93 in total permit cost for PA #201705186923.
- 3b The demolition of the furnace see Plumbing chiefs letter. Ground floor demo was shown on PA#201607011417 . The expansion of the garage door opening is also covered under PA's 201601066439 foundation replacement and PA#201607011417 Temporary shoring permit.



Page 8

1. See Plan Check Engineer David Pang's letter.
2. I believe these were sent. You may also get this information online.
3. \$253.40

11. Two building NOV's were issued to the owner at 25-17<sup>th</sup> Ave. The total amount \$ 7,500 x 2. The first \$ 7,500 was calculated as  $x2 = 15,000$ . The added penalty was \$253.40. The owner paid a total fee of 16,542.93

Page 9

1. The value of the work performed beyond the scope is determined by the inspector writing the NOV. This is based on the actual costs of removing the deck, bat, chimney etc.... This work is straight forward and does not involve any materials.

- a. yes
- b. A Notice of Violation when issued is for the amount done only,
- c. no

ii

1. See above
2. See above

iii

- a. Penalty was for work done beyond the scope.
- b. Beyond scope of work x2

Page 10

I see above

li see above

iii DBI follows the SF Building Code. In the case of penalties please see Sec 110A, table 1A-K

Q 12 No

- a. Office Policy and Procedures for Issuing Notices of Violation #OP-015.98 dated March 25, 1998. You were given this document when on the Grand Jury.
- b. Don't have that information
- c. DBI issues a first NOV with specific time periods to respond. A second NOV can be issued and the case sent to Code Enforcement where a directors hearing is scheduled if there is no action by the property owner. At the directors hearing the building owner is given a chance to explain why they have not responded to the NOV that was issued. If the hearing officer does not get a good reason for the delays an Order of Abatement can be issued. If life Safety is of a concern or the case is seen as particularly egregious Code Enforcement can refer the case to the BIC litigation committee for their review and action. The Litigation Committee may refer these case to the City Attorney .
- d. DBI would not issue warnings to anyone. The City Attorney would be the correct department to inquire .

Q13

The three cases that you have included in your sunshine request 337-27<sup>th</sup> Avenue (Ms. Lei), 125 Crown Terrace, 214 States have all been sent to the BIC Litigation committee. The Litigation Committee referred these cases to the City Attorney's office.

Page 12

e. Please refer to SF Building Code Sec. 110

lii See answer to page 10 Q.12

Q.14

b. See Chief Panelli's letter. The building code Sec 106.1.6.1 and 106A.1.11 both say that a permit is required for installation or replacement only not removal. Since permits for foundation replacement and shoring which showed removal of all the ground floor walls were obtained the furnace would have been removed in the course of work being performed.

c. DBI acts in an advisory role. DPH and the Dept. of Environment would be the lead. If DBI inspectors suspect

**Permit Details Report****Report Date:** 8/25/2017 9:08:11 AM

Exhibit 4

Application Number: 201607011417  
Form Number: 8  
Address(es): 1341 / 021 / 0 25 17TH AV  
Description: TEMPORARY SHORING OF BUILDING BY MEANS OF CRIBBING  
Cost: \$25,000.00  
Occupancy Code: R-3  
Building Use: 27 - 1 FAMILY DWELLING

**Disposition / Stage:**

Action Date	Stage	Comments
7/1/2016	TRIAGE	
7/1/2016	FILING	
7/1/2016	FILED	
7/7/2016	APPROVED	
7/7/2016	ISSUED	

**Contact Details:****Contractor Details:**

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

**Addenda Details:****Description:**

Step	Station	Arrive	Start	In Hold	Out Hold	Finish	Checked By	Hold Description
1	INTAKE	7/1/16	7/1/16			7/1/16	BUFKA SUSAN	
2	BID-INSP	7/1/16	7/1/16			7/1/16		BID-INSP STAFF
3	BLDG	7/5/16	7/5/16			7/5/16	LIU CHU	
4	CPB	7/7/16	7/7/16			7/7/16	GALIZA DELIA	

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

**Appointments:**

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

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

Addenda No.	Completed Date	Inspected By	Inspection Code	Description	Remarks
0			24F	OTHERS	cribbing system installation
0			21A	SHORING	

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

Station Code Descriptions and Phone Numbers



Exhibit 5

APPROVED FOR ISSUANCE

JUL 7 2016

APPROVAL NUMBER

3/8

APPLICANT NUMBER

081070114

**APPROVED**

Dept. of Building Insp.

JUL 07 2016

*Tom C. Hu*

TOM C. HU, S.E.  
DIRECTOR  
DEPT. OF BUILDING INSPECTION

2016 23 795 (BIP)

2016 20761 (BIP)

2016 20753 (BID)

**APPLICATION FOR BUILDING PERMIT**  
**ADDITIONS, ALTERATIONS OR REPAIRS**

FORM 3 ☐ OTHER AGENCIES REVIEW REQUIRED

FORM 8 ☒ OVER-THE-COUNTER ISSUANCE

2 NUMBER OF PLAN SETS

▼ 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 <b>7/1/16</b>	PLANS FOR PERMIT NO. <b>7-7-16</b>	(1) STREET ADDRESS OF JOB <b>25 17TH AVE</b>	BLOCK & LOT <b>1341/1021</b>
PERMIT NO. <b>1396845</b>	ISSUED <b>7-7-16</b>	(2A) ESTIMATED COST OF JOB <b>\$10,000</b>	(3) REVISED COST <b>\$25,000</b>
DATE <b>7/1/16</b>			

**INFORMATION TO BE FURNISHED BY ALL APPLICANTS**

(1A) TYPE OF CONSTRUCTION <b>VB</b>	(2A) NO. OF STORIES OF OCCUPANCY <b>2</b>	(3A) NO. OF BASEMENTS AND CELLARS <b>0</b>	(4A) PRESENT USE <b>SINGLE FAMILY</b>	(5A) OCCUP. CLASS <b>R3</b>	(6A) NO. OF DWELLING UNITS <b>1</b>
<b>DESCRIPTION OF BUILDING AFTER PROPOSED ALTERATION</b>					
(1B) TYPE OF CONSTRUCTION <b>VB</b>	(2B) NO. OF STORIES OF OCCUPANCY <b>2</b>	(3B) NO. OF BASEMENTS AND CELLARS <b>0</b>	(4B) PROPOSED USE (LEGAL USE) <b>SINGLE FAMILY</b>	(5B) OCCUP. CLASS <b>R3</b>	(6B) NO. OF DWELLING UNITS <b>1</b>
<p>(7) IS AUTO RUMMAGE TO BE CONSTRUCTED OR ALTERED?</p> <p>YES <input type="checkbox"/> (11) WALL STREET SPACE TO BE USED DURING CONSTRUCTION? YES <input type="checkbox"/></p> <p>NO <input checked="" type="checkbox"/> (12) ELECTRICAL WORK TO BE PERFORMED? YES <input type="checkbox"/></p> <p>(13) PLUMBING WORK TO BE PERFORMED? YES <input type="checkbox"/></p>					
<p>(14) GENERAL CONTRACTOR <b>OWNER/BUILDER</b></p> <p>(15) OWNER'S LESSOR (FILL OUT ONE) <b>JOHN KANTOR 25 17TH AVE SE CA</b></p> <p>(16) SIGN IN DESCRIPTION OF ALL WORK TO BE PERFORMED UNDER THIS APPLICATION (REFERENCE TO PLANS IS NOT SUFFICIENT)</p> <p><b>TEMPORARY SHORING OF BUILDING BY MEANS OF CRIBBING</b></p>					
<p>(17) DOES THIS ALTERATION CREATE ADDITIONAL HEIGHT OR STORY TO BUILDING? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/></p> <p>(18) IF YES, STATE NEW HEIGHT AT CENTER LINE OF FRONT EXISTING BUILDING</p> <p>(19) SHALL SIGNATURE OVER SUB-GOVERNOR SPACE BE KNOWN ON ALTERNATE? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/></p> <p>(20) ARCHITECT OR ENGINEER DESIGN BY CONSTRUCTION? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/></p> <p>(21) CONSTRUCTION LENDER (ENTER NAME AND ADDRESS DESIGNATION IF ANY. IF THERE IS NO KNOWN CONSTRUCTION LENDER, ENTER "UNDESIGNATED")</p>					

**IMPORTANT NOTICES**

No change shall be made in the construction 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 is to be closer than 6' to any lot containing more than 100 sq. ft. See San Francisco Building Code.

Permitted to San Francisco Building Code, the building permit shall be posted on the job. The notice is responsible for approved plans and applications being kept of including 10'.

Permit Zone as shown on drawings accompanying this application are assumed to be correct. If actual grade lines are not the same as shown, variances showing existing grade lines, cuts and fills, and complete details of retaining walls and such works should be submitted to this department for approval.

ALL APPLICATIONS NOTIFIED HEREIN ON BY CODE MAY BE APPEALED.

BUILDING MAY NOT BE OCCUPIED UNTIL CERTIFICATE OF FINAL COMPLETION IS POSTED ON THE BUILDING OR PORTION OF OCCUPANCY SANCTIONED, WHEN NECESSARY.

APPROVAL OF THIS APPLICATION DOES NOT CONSTITUTE AN APPROVAL FOR THE ELECTRICAL, MECHANICAL OR PLUMBING INSTALLATIONS. A SEPARATE PERMIT FOR THE MECHANICAL AND PLUMBING MUST BE OBTAINED. SEPARATE PERMITS ARE REQUIRED BY ARCHITECT'S "SPEC" TO ANY OF ABOVE QUANTITIES (1) (2) (3) (4) (5) (6) (7) (8) (9) (10) (11) (12) (13) (14) (15) (16) (17) (18) (19) (20) (21) (22) (23) (24) (25) (26) (27) (28) (29) (30) (31) (32) (33) (34) (35) (36) (37) (38) (39) (40) (41) (42) (43) (44) (45) (46) (47) (48) (49) (50) (51) (52) (53) (54) (55) (56) (57) (58) (59) (60) (61) (62) (63) (64) (65) (66) (67) (68) (69) (70) (71) (72) (73) (74) (75) (76) (77) (78) (79) (80) (81) (82) (83) (84) (85) (86) (87) (88) (89) (90) (91) (92) (93) (94) (95) (96) (97) (98) (99) (100) (101) (102) (103) (104) (105) (106) (107) (108) (109) (110) (111) (112) (113) (114) (115) (116) (117) (118) (119) (120) (121) (122) (123) (124) (125) (126) (127) (128) (129) (130) (131) (132) (133) (134) (135) (136) (137) (138) (139) (140) (141) (142) (143) (144) (145) (146) (147) (148) (149) (150) (151) (152) (153) (154) (155) (156) (157) (158) (159) (160) (161) (162) (163) (164) (165) (166) (167) (168) (169) (170) (171) (172) (173) (174) (175) (176) (177) (178) (179) (180) (181) (182) (183) (184) (185) (186) (187) (188) (189) (190) (191) (192) (193) (194) (195) (196) (197) (198) (199) (200) (201) (202) (203) (204) (205) (206) (207) (208) (209) (210) (211) (212) (213) (214) (215) (216) (217) (218) (219) (220) (221) (222) (223) (224) (225) (226) (227) (228) (229) (230) (231) (232) (233) (234) (235) (236) (237) (238) (239) (240) (241) (242) (243) (244) (245) (246) (247) (248) (249) (250) (251) (252) (253) (254) (255) (256) (257) (258) (259) (260) (261) (262) (263) (264) (265) (266) (267) (268) (269) (270) (271) (272) (273) (274) (275) (276) (277) (278) (279) (280) (281) (282) (283) (284) (285) (286) (287) (288) (289) (290) (291) (292) (293) (294) (295) (296) (297) (298) (299) (300) (301) (302) (303) (304) (305) (306) (307) (308) (309) (310) (311) (312) (313) (314) (315) (316) (317) (318) (319) (320) (321) (322) (323) (324) (325) (326) (327) (328) (329) (330) (331) (332) (333) (334) (335) (336) (337) (338) (339) (340) (341) (342) (343) (344) (345) (346) (347) (348) (349) (350) (351) (352) (353) (354) (355) (356) (357) (358) (359) (360) (361) (362) (363) (364) (365) (366) (367) (368) (369) (370) (371) (372) (373) (374) (375) (376) (377) (378) (379) (380) (381) (382) (383) (384) (385) (386) (387) (388) (389) (390) (391) (392) (393) (394) (395) (396) (397) (398) (399) (400) (401) (402) (403) (404) (405) (406) (407) (408) (409) (410) (411) (412) (413) (414) (415) (416) (417) (418) (419) (420) (421) (422)



OFFICIAL COPY

SAN FRANCISCO

CONDITIONS AND STIPULATIONS

REFER TO: DEPARTMENT OF BUILDING INSPECTION

APPROVED:	MA	DATE:	
	BUILDING INSPECTOR, DEPT. OF BLDG. INSP.	REASON:	JUL 01 2016 OK TO PROCESS
<input type="checkbox"/>		NOTIFIED MR.	
APPROVED:		DATE:	
	DEPARTMENT OF CITY PLANNING	REASON:	
<input type="checkbox"/>		NOTIFIED MR.	
APPROVED:		DATE:	
	BUREAU OF FIRE PREVENTION & PUBLIC SAFETY	REASON:	
<input type="checkbox"/>		NOTIFIED MR.	
APPROVED:		DATE:	
	MECHANICAL ENGINEER, DEPT. OF BLDG. INSPECTION	REASON:	
<input type="checkbox"/>	Chiu Liu, DBI JUL 05 2016	NOTIFIED MR.	
APPROVED:		DATE:	
	CIVIL ENGINEER, DEPT. OF BLDG. INSPECTION	REASON:	
<input type="checkbox"/>		NOTIFIED MR.	
APPROVED:	MA	DATE:	
	BUREAU OF ENGINEERING	REASON:	
<input type="checkbox"/>		NOTIFIED MR.	
APPROVED:		DATE:	
	DEPARTMENT OF PUBLIC HEALTH	REASON:	
<input type="checkbox"/>		NOTIFIED MR.	
APPROVED:		DATE:	
	REDEVELOPMENT AGENCY	REASON:	
<input type="checkbox"/>		NOTIFIED MR.	
APPROVED:		DATE:	
	HOUSING INSPECTION DIVISION	REASON:	
<input type="checkbox"/>		NOTIFIED MR.	

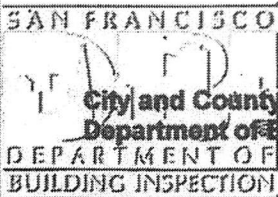
HOLD SECTION - NOTE DATES AND NAMES OF ALL PERSONS NOTIFIED DURING PROCESSING

I agree to comply with all conditions or stipulations of the various bureaus or departments noted on this application, and attached statements of conditions or stipulations, which are hereby made a part of this application.

Number of attachments ☐

OWNER'S AUTHORIZED AGENT





City and County of San Francisco  
Department of Building Inspection



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

Permit 20160701417

## **PROPERTY OWNER'S PACKAGE**

### **Disclosures & Forms for Owner-Builders Applying for Construction Permits**

#### **IMPORTANT! NOTICE TO PROPERTY OWNER**

Dear Property Owner:

An application for a building permit has been submitted in your name listing yourself as the builder of the property improvements specified at 25 17th Avenue.

We are providing you with an Owner-Builder Acknowledgment and Information Verification Form to make you aware of your responsibilities and possible risk you may incur by having this permit issued in your name as the Owner-Builder. **We will not issue a building permit until you have read, initialed your understanding of each provision, signed, and returned this form to us at our official address indicated.** An agent of the owner cannot execute this notice unless you, the property owner, obtain the prior approval of the permitting authority.

#### **OWNER'S ACKNOWLEDGMENT AND VERIFICATION OF INFORMATION.**

*DIRECTIONS: Read and initial each statement below to signify you understand or verify this information.*

- ☒ 1. I understand a frequent practice of unlicensed persons is to have the property owner obtain an "Owner-Builder" building permit that erroneously implies that the property owner is providing his or her own labor and material personally. I, as an Owner-Builder, may be held liable and subject to serious financial risk for any injuries sustained by an unlicensed person and his or her employees while working on my property. My homeowner's insurance may not provide coverage for those injuries. I am willfully acting as an Owner-Builder and am aware of the limits of my insurance coverage for injuries to workers on my property.
- ☒ 2. I understand building permits are not required to be signed by property owners unless they are responsible for the construction and are not hiring a licensed Contractor to assume this responsibility.
- ☒ 3. I understand as an "Owner-Builder" I am the responsible party of record on the permit. I understand that I may protect myself from potential financial risk by hiring a licensed Contractor and having the permit filed in his or her name instead of my own.
- ☒ 4. I understand Contractors are required by law to be licensed and bonded in California and to list their license numbers on permits and contracts.
- ☒ 5. I understand if I employ or otherwise engage any persons, other than California licensed Contractors, and the total value of my construction is at least five hundred dollars (\$500), including labor and materials, I may be considered an "employer" under state and federal law.
- ☒ 6. I understand if I am considered an "employer" under state and federal law, I must register with the state and federal government, withhold payroll taxes, provide workers' compensation disability insurance, and contribute to unemployment compensation for each "employee." I also understand my failure to abide by these laws may subject me to serious financial risk.
- ☒ 7. I understand under California Contractors' State License Law, an Owner-Builder who builds single-family residential structures cannot legally build them with the intent to offer them for sale, unless all work is performed by licensed subcontractors and the number of structures does not exceed four within any calendar year, or all of the work is performed under contract with a licensed general building Contractor.

October 1, 2013 Property-Owner's Package 1 of 2

1660 Mission Street - San Francisco CA 94103  
Office (415) 558-8088 - FAX (415) 558-8401  
Website: [www.sfdbi.org](http://www.sfdbi.org)



8. I understand as an Owner-Builder if I sell the property for which this permit is issued, I may be held liable for any financial or personal injuries sustained by any subsequent owner(s) that result from any latent construction defects in the workmanship or materials.

9. I understand I may obtain more information regarding my obligations as an "employer" from the Internal Revenue Service, the United States Small Business Administration, the California Department of Benefit Payments, and the California Division of Industrial Accidents. I also understand I may contact the California Contractors' State License Board (CSLB) at 1-800-321-CSLB (2752) or [www.cslb.ca.gov](http://www.cslb.ca.gov) for more information about licensed contractors.

10. I am aware of and consent to an Owner-Builder building permit applied for in my name, and understand that I am the party legally and financially responsible for proposed construction activity at the following address:

25 17th Avenue

11. I agree that, as the party legally and financially responsible for this proposed construction activity, I will abide by all applicable laws and requirements that govern Owner-Builders as well as employers.

12. I agree to notify the issuer of this form immediately of any additions, deletions, or changes to any of the information I have provided on this form. Licensed contractors are regulated by laws designed to protect the public. If you contract with someone who does not have a license, the Contractors' State License Board may be unable to assist you with any financial loss you may sustain as a result of a complaint. Your only remedy against unlicensed Contractors may be in civil court. It is also important for you to understand that if an unlicensed Contractor or employee of that individual or firm is injured while working on your property, you may be held liable for damages. If you obtain a permit as Owner-Builder and wish to hire Contractors, you will be responsible for verifying whether or not those Contractors are properly licensed and the status of their workers' compensation insurance coverage.

Before a building permit can be issued, this form must be completed and signed by the property owner and returned to the agency responsible for issuing the permit. *Note: A copy of the property owner's driver's license, form notarization, or other verification acceptable to the agency is required to be presented when the permit is issued to verify the property owner's signature.*

Signature of property owner

A handwritten signature in black ink, appearing to be 'J M K', is written over a horizontal line.

Date: 07/08/2016

*Note: The following Authorization Form is required to be completed by the property owner only when designating an agent of the property owner to apply for a construction permit for the Owner-Builder.*

### **AUTHORIZATION OF AGENT TO ACT ON PROPERTY OWNER'S BEHALF**

Excluding the Notice to Property Owner, the execution of which I understand is my personal responsibility, I hereby authorize the following person(s) to act as my agent(s) to apply for, sign, and file the documents necessary to obtain an Owner-Builder Permit for my project.

Scope of Construction Project (or Description of Work): Temporary Shoring

Project Location or Address: 25 17th Avenue

Name of Authorized Agent: Santos and Urutia Structural Engineers, Inc.

Tel No. (415) 843-7722

Address of Authorized Agent: 2451 Harrison Street

I declare under penalty of perjury that I am the property owner for the address listed above and I personally filled out the above information and certify its accuracy. *Note: A copy of the owner's driver's license, form notarization, or other verification acceptable to the agency is required to be presented when the permit is issued to verify the property owner's signature.*

Property Owner's Signature:

A handwritten signature in black ink, appearing to be 'J M K', is written over a horizontal line.

Date: 07/08/2016

Exhibit 6

## SANTOS & URRUTIA



25 17<sup>th</sup> Avenue  
San Francisco, CA

August 14, 2016

President Daryl Honda  
City and County of San Francisco  
Board of Appeals  
San Francisco City Hall Room 416  
One Dr. Carlton B Goodlett Place  
San Francisco, CA 94102

Re: 25 17<sup>th</sup> Avenue, Appeal No 17-128  
Subject: Reschedule of BPA Hearing Date

Dear President Honda:

We request the following board of appeals item, Dratler vs. DBI, PDA (Appeal No 17-128), be heard on September 13<sup>th</sup>, 2017 instead of the currently scheduled date of October 18<sup>th</sup>, 2017.

The primary reason for this rescheduling request is to immediately stabilize the existing structure. Since July of 2016, the existing 3-story wood framed structure has been temporarily supported by steel shoring beams and wood cribbing towers. These temporary supports are not only highly susceptible to seismic forces, they have caused sagging of the existing structural members and the overall building has tilted slightly south. The structure also sits on loose sand with no adequate drainage, we fear that October 18<sup>th</sup> will force us into construction during rainy season, which would further increase the risk of structural failure.

The building currently poses major life safety issues and it is imperative we stabilize the site to protect the building, adjacent buildings, and people in the general vicinity.

We would like to emphasize we are following a directive from DCP and DBI to address their enforcement cases. The work performed will not exceed the existing envelope of the building and as this is primarily a structural-related scope of work.

If you have any questions, please contact our office at (415) 642-7722.

Sincerely,

Rodrigo Santos, S.E.  
Santos & Urrutia Structural Engineers, Inc.  
[rsantos@santosurrutia.com](mailto:rsantos@santosurrutia.com)



Jerry S. B. Dratler  
40-17<sup>th</sup> Avenue  
San Francisco, CA 94121

**Ms. Goldstein,**

I received the hearing date rescheduling request from Alex Santos and the letter Rodrigo Santos wrote to Mr. Honda today. I do not agree to reschedule the board of appeals matter currently scheduled for October 18, 2017 for the reasons listed below.

1. My wife and I will have been married 45 years on September 30, 2017. We have scheduled a trip to Italy for the last two weeks of September to celebrate. We are leaving in four weeks and very much looking forward to the trip.
2. I will need all the time before we leave on our trip to prepare my brief and eleven copies of the materials for the Permit Appeals Board.
3. The Department of Building Inspection issued the 25-17<sup>th</sup> Avenue Notice of Violation and stop work notice on July 14, 2016 for the developer's unpermitted work. Work stopped at the jobsite because the developer elected to do unpermitted work.
4. The developer has had thirteen months to address the building and planning code violations that will be discussed in the October 18, 2017 hearing. The same life safety issues have been present for the last thirteen months and the developer and engineer have not acted with any urgency to address these issues.
5. If the developer and engineer were truly concerned about the stability of 25-17<sup>th</sup> Avenue they would not have waited ten months to submit a permit to remedy or abate their unpermitted work and finish the permitted foundation replacement.
6. The building has been sitting on steel shoring and blocking for the last 13 months and nothing has happened and October 18, 2017 is well before the rainy season.
7. In preparation for developing my brief I am sending Sunshine Requests to the Department of Building Inspection and the Planning Department today, they have ten days to respond to my Sunshine Requests. The Sunshine Requests are dense and both departments will take the allowable ten days to respond. This gives me little time to prepare my brief, make the copies etc. before we leave for Italy. Accelerating the hearing date is not a viable option.
8. I went on the Permit Tracking system this morning to finish my Sunshine Requests and noticed that the Department of Building Inspection is still working on my complaint for the unpermitted demolition of the deck on the south and west walls of 25-17<sup>th</sup> Avenue. A Director's Hearing Decision is not scheduled until September 26, 2017 to closeout this violation. I was planning to stop by your office on Wednesday of this week to ask if the hearing needed to be postponed until all the open issues are closed.
  - a. I submitted complaint# 201620761 on June 02, 2016 for the unpermitted demolition of the exterior deck. DBI deleted my complaint and replaced it with complaint #201620753 which excludes some of the more interesting details in the first complaint. The second



Exhibit 17

**COMPLAINT DATA SHEET****Complaint Number:** 201700172Owner/Agent: OWNER DATA  
SUPPRESSED

Date Filed:

Owner's Phone: --

Location: 25 17TH AV

Contact Name:

Block: 1341

Contact Phone: --

Lot: 021

Complainant: COMPLAINANT DATA  
SUPPRESSED

Site:

Rating:

Occupancy Code:

Received By: JTRAN

Division: BID

Complainant's

Phone:

Complaint Source: WEB FORM

Assigned to

Division: BID

Description: date last observed: 14-AUG-17; exact location: Main Bldg; building type: Residence/Dwelling  
STRUCTURAL PROBLEMS; ; additional information: Building poses life safety issues per  
structural engineer, Mr. Santos, in letter sent to Permit Appeals Board on Aug. 14, 2017. ;

Instructions:

**INSPECTOR INFORMATION**

DIVISION	INSPECTOR	ID	DISTRICT	PRIORITY
BID	WALSH	6312	5	

**REFERRAL INFORMATION****COMPLAINT STATUS AND COMMENTS**

DATE	TYPE	DIV	INSPECTOR	STATUS	COMMENT
08/21/17	CASE OPENED	BID	Walsh	CASE RECEIVED	
08/22/17	OTHER BLDG/HOUSING VIOLATION	BID	Walsh	FIRST NOV SENT	case reviewed, to be investigated by district inspector. mh
08/22/17	OTHER BLDG/HOUSING VIOLATION	INS	Walsh	CASE UPDATE	Mailed 1st NOV; s.thai.
08/23/17	OTHER BLDG/HOUSING VIOLATION	BID	Walsh	CASE UPDATE	NOV issued 8/22/17. Emergency shoring reqd for structure. kmh
09/12/17	OTHER BLDG/HOUSING VIOLATION	INS	Walsh	CASE ABATED	Work completed under PA 201708306367; Kevin McHugh.

**COMPLAINT ACTION BY DIVISION**

NOV (HIS):

NOV (BID): 08/22/17

[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 8

KM

From: **McHugh, Kevin (DBI)** kevin.mchugh@sfgov.org  
Subject: RE: Removal of steel beams without final inspection as required  
Date: June 19, 2018 at 10:58 AM  
To: O'Riordan, Patrick (DBI) patrick.oriordan@sfgov.org, dratler@sonic.net

Mr Dratler,

The site visit revealed all moment frames and foundation walls in place except for the 8' wide center grade beam connecting 2 sets of moment frames in the middle of the building.

The moment frames at the front and back have already been tied together with grade beams.

Some plywood on the 2nd floor has yet to be nailed off to the joists, and the nailer on top of moment frame.

Straps attached to the bottom of the 2nd floor joists, minimal framing and the ground floor 5" concrete slab also need to be completed.

Because of the center grade beam and strapping details the shoring needed to be removed to complete the work.

The structure at the moment is a lot more secure than when it was on the temp shoring.

Kevin Mc Hugh  
Senior Building Inspector.

Sent from my Verizon Wireless 4G LTE Smartphone

----- Original message -----

From: "McHugh, Kevin (DBI)"

Date: 06/19/2018 8:06 AM (GMT-08:00)

To: "O'Riordan, Patrick (DBI)" , dratler@sonic.net

Subject: RE: Removal of steel beams without final inspection as required

Hi Mr Dratler,

I will visit the property today to investigate the removal of the temporary shoring and ascertain if the removal has affected the structure in a negative manner.

As you are aware, shoring was installed under PA 201607011417 and sub sequentially strengthened under permit application

201708306367, thanks to complaint # 201700172, filed by you on 8/21/17.

A site inspection performed by DBI Engineer Cyril Yu, found the updated shoring, filed under PA 201708306367 adequate to stabilize the structure.

The permit received a final inspection on 9/12/17 and the complaint was abated.

As the district inspector is on vacation, I will not speculate as to why the shoring was removed but oft-times it is to accommodate other work required by the governing permit.

I have not been to the site since the structural work resumed, but if the builder has removed the shoring without the foundations in place, a violation shall be issued and new shoring will be required.

I will update you on the result of today's visit.

Kevin Mc Hugh  
Senior Building Inspector

Sent from my Verizon Wireless 4G LTE Smartphone

----- Original message -----

From: "O'Riordan, Patrick (DBI)"

Date: 06/18/2018 3:05 PM (GMT-08:00)

To: "McHugh, Kevin (DBI)"

Cc: Jerry Dratler

Subject: FW: Removal of steel beams without final inspection as required

Hi Kevin,

Can you please review what included in this attachment, investigate and provide Mr. Dratler with an update based on your findings/actions?

Thanks,

Patrick O'Riordan

Chief Building Inspector

3rd Floor, 1660 Mission Street

San Francisco, CA 94103

Tel. 415 558 6105

Email: patrick.oriordan@sfgov.org

From: [dratler@sonic.net](mailto:dratler@sonic.net) [mailto:[dratler@sonic.net](mailto:dratler@sonic.net)]  
Sent: Monday, June 18, 2018 10:34 AM  
To: Hui, Tom (DBI); O'Riordan, Patrick (DBI)  
Subject: Removal of steel beams without final inspection as required

Please see the attached PDF.  
Jerry Dratler

PID 9190 FW - certificate of compliance  
25 17th Avenue - 1. PDF

**From:** VerHagen, Adrian (DPW)  
**To:** Ryan, James (DPW)  
**Cc:** Storrs, Bruce (DPW)  
**Subject:** PID 9190 FW: certificate of compliance 25 17th avenue  
**Date:** Friday, April 13, 2018 2:20:16 PM  
**Attachments:** [survey for 25 17th Ave submitted with CofC application.pdf](#)  
[051 - Notice of Enforcement.pdf](#)  
[9190 COC 20170208.pdf](#)  
[image001.jpg](#)  
[image005.jpg](#)  
[image006.png](#)  
[image007.png](#)

---

James,  
PID 9190  
Certificate of Compliance recorded 2/09/2017. (see attached)  
(the other attachments are from the inquiring party)  
Please see below and attached as found in the subdivision inbox.  
Per the tracking system, you were apparently the Lead review on this so I think it is most appropriate  
you respond to the applicant as you may be aware of details I am not.  
FYI...the inquiring party per her website claims to be former SF assistant director of planning.  
<http://mgaplanning.com/about.html>  
Let me know if I can assist.

Thanks,  
Adrian VerHagen  
Land Surveyor  
Bureau of Streets Use and Mapping  
San Francisco Public Works  
City and County of San Francisco  
1155 Market St., 3rd Floor  
San Francisco, CA 94103  
Office: (415) 554-4193  
[sfpublicworks.org](http://sfpublicworks.org)

**From:** mary gallagher [mailto:maryegallagher@yahoo.com]  
**Sent:** Friday, April 13, 2018 12:00 PM  
**To:** DPW, Subdivision Mapping(DPW)  
**Subject:** Fw: certificate of compliance 25 17th avenue

I have been reviewing the certificate of compliance granted for this property on January 7, 2017.

The application was to recognize a single lot as two lots.  
The title reports submitted with the application show the site had been two lots up until at least 1919 and then was one lot no later than 1938 and had remained one lot since 1938, until your approval of a Certificate of Compliance was issued in 2017. Sometime between 1909 and 1938 a bay on the south side of the existing building was constructed (a bay which stood in the middle of the lot and encroaching over what is now a new property line). I believe the bay was constructed with permit in 1909 shortly after one party purchased both lots.

The survey submitted with the C of C application shows the bay that was crossing what was proposed as the new lot line that would create two lots. The statement, "encroaching portions of building to be demolished" (survey attached) is on the survey. The date of the survey was Oct 2016; the date of the Certificate of Compliance application was October 13, 2016. At some point prior to August 18, 2016 (as evidenced by a notice of enforcement from the



Planning Department, attached), the owners removed the bay (and a deck partially encroaching over the proposed new property line) without benefit of permit (ie, illegally). The Certificate of Compliance was issued on January 7, 2017 and recorded the next month. A permit subsequently filed by the owners to legalize the removal of the bay was disapproved by the Board of Appeals. A new permit to try again to get the bay removal legalized is expected to be filed soon and will be taken to the Planning Commission. It is entirely possible the Commission will require the bay to be reconstructed.

I have several questions:

- 1) Did DPW require proof of the bay removal prior to issuance of the Certificate of Compliance?
- 2) Was removal of the bay (whether proof was submitted or not) required for issuance of the Certificate of Compliance?
- 3) Does DPW require proof of the owners obtaining a permit when portions of a building shown to be removed when such portions must be removed in order to approve a C of C and, if so, why was this not required in this case?
- 4) If the Planning Commission requires the bay to be reconstructed, what process will be required to again merge the lots -- specifically, can the Certificate of Compliance be revoked by DPW given the history of the site or is some other process required?

Thank you for your time,

Mary Gallagher

Mary Gallagher Planning

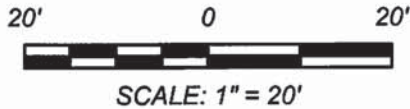


**Mary Gallagher Planning**

Mary Gallagher planning and zoning in San Francisco

# LEGEND

P.O.B. POINT OF BEGINNING



## ASSESSOR'S BLOCK 1341



APN 1341-003

LERDAL  
97-G261295-00  
NOV. 21, 1997  
120.00'

APN 1341-012

GREINETZ  
1999-G635534-00  
AUG. 11, 1999

47.3'

PARCEL "A"  
APN 1341-.....  
3,000 SQ. FT.

APN 1341-021  
2015-K157130-00  
25 17TH AVENUE  
4 LEVEL STUCCO

APN 1341-011

ROSEN  
2013-J651167-00  
MAY 3, 2013

GARAGE

PARCEL "B"  
APN 1341-.....  
3,000 SQ. FT.

ENCROACHING  
PORTIONS OF  
BUILDING TO BE  
DEMOLISHED

P.O.B.  
PARCEL "A"

P.O.B.  
PARCEL "B"

APN 1341-006

PEEK  
2007-I308094-00  
JAN. 4, 2007

APN 1341-007A

CLARK  
2007-G979127-00  
JUL. 13, 2001

APN  
1341-007

NEUMAYER  
2013-J583970-00  
JAN. 15, 2013

17TH AVENUE 70' WIDE

100.00'

ALL ANGLES ARE 90° UNLESS  
OTHERWISE NOTED

ALL DISTANCES ARE MEASURED IN  
FEET AND DECIMALS THEREOF

**LAKE STREET**  
80' WIDE

SURVEY:  
FTS  
DRAWN:  
HRF  
CHECKED:



**Frederick T. Seher & Associates, Inc.**  
PROFESSIONAL LAND SURVEYORS  
841 LOMBARD STREET, SAN FRANCISCO, CA  
PHONE (415) 921-7690 FAX (415) 921-7655

**EXHIBIT "B"**  
PLAT TO ACCOMPANY LEGAL DESCRIPTIONS  
**APN 1341-021**

JOB NO. 1910-15

DATE: OCT, 2016

SCALE: 1" = 20'

SHEET NO. 1 OF 1





## SAN FRANCISCO PLANNING DEPARTMENT

### NOTICE OF ENFORCEMENT

September 6, 2016

**Property Owner**

SF Clem, LLC  
256 16th Ave  
San Francisco, CA 94118

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

Reception:  
**415.558.6378**

Fax:  
**415.558.6409**

Planning  
Information:  
**415.558.6377**

**Site Address:** 25 17th Ave  
**Assessor's Block/ Lot:** 1341/ 021  
**Complaint Number:** 2016-009806ENF  
**Zoning District:** RH-1, Residential- House, One Family  
**Code Violation:** **174: Unpermitted removal of bay**  
**Administrative Penalty:** Up to \$250 Each Day of Violation  
**Response Due:** Within 15 days from the date of this Notice  
**Staff Contact:** Alexandra Kirby, (415) 575-9133, alexandra.kirby@sfgov.org

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

#### DESCRIPTION OF VIOLATION

The subject property was issued a Building Permit (#201606160104) on June 16, 2016, to remove and repair lath and plaster and exterior stucco in-kind. Per a site visit conducted by Planning Staff on August 18<sup>th</sup>, the side bay and a rear deck have been removed without the benefit of a permit.

On July 27<sup>th</sup>, 2016, the Planning Department sent you a Notice of Complaint to inform you about the complaint.

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

#### HOW TO CORRECT THE VIOLATION

The Planning Department requires that you immediately proceed to abate the violation by filing for a permit to restore the removed bay and cladding in a historically appropriate manner to replicate that

which was removed, including all architectural details and finishes. A site visit will be required to verify compliance. The permit application shall include drawing and specifications with the following information:

1. Details and sections illustrating all exterior profiles and dimensions of proposed work below the roofline to correct the violation. Sections shall include areas where new materials transition to existing materials, such as near door frames and window trim.
2. Written information, also referred to as "specifications" on the materials, equipment, systems, standards, and workmanship for the installation of new materials, to ensure new materials closely match those materials removed in visual appearance and character. This written information shall accompany the plans as part of the permit application. Prior to completing the work, you shall schedule a site visit with Enforcement staff to demonstrate a mock-up of the proposed rough, hand-troweled stucco finish on the entry turret.

The above stated work shall be required to be approved and completed prior to consideration of future alteration applications by the Planning Department.

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

## **TIMELINE TO RESPOND**

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

## **PENALTIES AND APPEAL RIGHTS**

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

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



## **ENFORCEMENT TIME AND MATERIALS FEE**

Pursuant to Planning Code Section 350(c) (1), the Planning Department shall charge for 'Time and Materials' to recover the cost of correcting Planning Code violations and violations of Planning Commission and Planning Department's Conditions of Approval. Accordingly, the responsible party may be subject to an amount of \$1,308 plus any additional accrued time and materials cost for Code Enforcement investigation and abatement of violation. This fee is separate from the administrative penalties as noted above and is not appealable.


## OTHER APPLICATIONS UNDER CONSIDERATION

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

cc: Daniel Lowrey, Deputy Director, Department of Building Inspection, San Francisco  
Patrick O'Riordan, Chief Building Inspector, Department of Building Inspection, San Francisco

中文詢問請電: **558.6378**

Para información en Español llamar al: **558.6378**

**From:** dratlerj@gmail.com   
**Subject:** Lots 025 and 026 were improperly created and 311 notices have been sent for building permits, Mr. Nuru has not addressed this problem  
**Date:** March 6, 2019 at 8:50 AM  
**To:** city.administrator@sfgov.org, cityattorney@sfcityatty.org  
**Cc:** carol.stuart@sfcityatty.org

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memo to City on  
COC...its.pdf

To: S. F. City Administrator Kelly, S. F. City Attorney Herrera  
From: Jerry Dratler  
Subject: Lots 025 and 026 of block 1341 were improperly created because DPW erred in approving a Certificate of Compliance.

I would like to meet with you in the next 5 days to discuss a document review I performed of the Certificate of Compliance that divided lot 021 of block 1341 into lots 025 and 026. It is my contention that this was an improper lot split. This matter is of urgent importance as plans to build a structure on the improperly created lot are currently under final review by the Planning Department.

## **Summary**

Developer Tim Brown improperly subdivided 25 17<sup>th</sup> Avenue (lot 021 of block 1341) through the Certificate of Compliance (COC) administrative process.

- 25 17<sup>th</sup> Avenue currently sits on two lots (025 and 026) which I am told is illegal.
- The 1985 revision of block map 1341 was the Map of Record when the COC application was filed. The Map of Record depicts lot 021 to be a 50-foot lot. The COC application claims 25 17<sup>th</sup> Avenue was on two 25-foot wide lots. The preliminary title policy submitted with the 2016 COC application includes the 1985 block map with lot 021 and a legal description of a 50-foot lot.
- Lots 025 and 026 appear to have been improperly created and 25 17<sup>th</sup> Avenue was not in compliance with local building and planning codes when the COC application was filed.
- DPW received the surveyor's signed legal description and plat map 25 days after the COC application was approved and forwarded the documents to the Assessor for recordation. Documents received 25 days after the COC application was approved could not have been included in that review and should not have been sent to the Assessor for recordation.

The balance of this memo is divided into four sections: 1) an ownership history of lots 004 and 005 which were merged into lot 021; 2) the City's approval and recording of the lot merger application to merge lots 004 and 005 into lot 021 in 1975; 3) the DPW Bureau of Street Use and Mapping's improper approval of the COC application, and 4) the Assessor/Recorder's revision of block map 1341 which now shows lots 025 and 026.

### **1) Lot ownership**



In 2016, 25 17<sup>th</sup> Avenue sat on a 50-foot-wide lot (formerly lots 004 and 005 of block 1341) that was acquired 99 years ago by Arabelle Kendall.

- Mrs. Kendall owned the property for over 18 years and transferred a single 50- foot wide lot in 1938 (Exhibit 3, pg. 7).
- The legal description for the 50-foot wide lot recorded in 1938 is the same legal description used when 25 17<sup>th</sup> Avenue was sold to Mr. and Mrs. Hooper in 1946 (Exhibit 4pg. 9).
- The ownership of 25 17<sup>th</sup> Avenue remained in the Hooper family from 1946 to 2015 when Mr. Brown's LLC (SF Clem) acquired the property.
- In August of 2015 Mr. Brown signed purchase documents for a single 50-foot wide lot which were recorded.
- Lot history information is summarized in the lot ownership schedules (Exhibit 4, pgs. 8-9) from the Historic Resource Evaluation (HRE) report prepared by preservation architects Page and Turnbull in December of 2016. Page 8 of the HRE report states, "when the two lots were merged, there was a sale stipulation that the bungalow at lot 005 be removed within 30 days".

## **2) Lot merger and recordation by the City**

In August of 1975 Mr. Hooper submitted an application to the S. F. Planning Department (Exhibit 5, pg.10 ) to merge lots 004 and 005 into a single lot.

- Mr. Hooper's application was approved by the Planning Department and recorded with the City of San Francisco.
- The 1976 block map (Exhibit6, pg.11) for block 1341 depicts two 25-foot-wide lots (004 and 005). The 1985 revision (Exhibit 7,pg.12) of block map 1341 depicts a single 50-foot wide lot, lot 021.
- With the approval and recording of the lot merger, 25 17<sup>th</sup> Avenue's recorded legal description and the block map were brought into agreement, both documents reflecting the existence of a single 50-foot wide lot.
- In 1994 the property owner applied for a permit to remodel 25 17<sup>th</sup> Avenue which included a horizontal addition that covered most of what is now designated lot 026 with a deck/parking structure. DBI and the Planning Department approved the building permit (Exhibit 8,pgs. 13-14) which was issued to lot 021 of block 1341. The building permit would not have been issued if two lots (004 and 005) were in existence.
- The Preliminary Title report, issued in the name of the current property owner, submitted with the COC application includes a copy of the 1985 block map which depicts lot 021, the same legal description for a single 50-foot wide lot that was first recorded in 1938 and a property tax bill for lot 021.
- The HRE report and Chain of Title reports show no recorded transactions for lots 004 and 005 after 1919. A hand-written chain of title diagram (Exhibit 9, pg. 15) in the COC project file prepared by DPW also confirms the legal descriptions for lots 004 and 005 were last recorded in 1919. These documents contradict Mr. Brown and Mr. Seher, the

developer's surveyor's assertion two lots (004 and 005) have existed for the last 99 years.

There is no evidence to support the assertion that lots 004 and 005 were in existence when the preliminary COC application was submitted on October 24, 2016 (Exhibit 10, pg. 16).

Furthermore, if the two lots were in existence, the City would not have issued two new lot numbers (25 and 26) to replace lot 021. Please provide an explanation as to why two new lot numbers were required if the two lots were in existence in 2016 when the preliminary COC application was filed.

At the time the COC application was submitted, 25 17<sup>th</sup> Avenue was not in compliance with local property laws. The property was subject to two unresolved Notices of Violation (NOV) and an open Notice of Enforcement (NOE) issued by the Planning Department. All these documents were available in the S. F. Planning Department Accela system when the COC application was prepared.

- I requested a copy of the DPW COC project file and found the project file failed to include the two NOV's and the Planning Department NOE that required the property owner to replace the three-story bay that was illegally removed. The absence of these documents in the DPW project file indicates the documents were not reviewed in the DPW Bureau of Streets and Mapping department review of the COC application.
- The preliminary plat map, exhibit B submitted with COC application (Exhibit 13, pg. 23), depicts the three-story bay that was illegally removed and depicts 25 17<sup>th</sup> Avenue residing on two lots (now lots 025 and 026).
  - Attached is a memo (Exhibit 12, pgs.17-18) prepared by Ms. Mary Gallagher, a former Zoning Administrator for the San Francisco Planning Department. In the conclusion section of the memo Ms. Gallagher refutes the assertion that two lots were in existence when the COC was filed and concludes the COC application to create lots 25 and 26 should not have been approved due to the existence of the south side bay that crossed the proposed property line.
  - Ms. Gallagher also sent the attached email (Exhibit 13, pgs. 19-27) to James Ryan, the lead reviewer of the COC, with several questions: did DPW require proof of the bay removal prior to issuance of the COC, was the removal of the bay required for the issuance of the COC, and if the Planning Commission requires reconstruction of the bay what will be the process to merge the lots. All of Ms. Gallagher's questions remain unanswered ten months after she sent her email.

### **3) DPW's improper review and approval of the COC which created lots 025 and 026**

- DPW approved the COC application on January 07, 2017, twenty-five days before Mr. Seher submitted the final COC application exhibits on February 02, 2017 with his seal and signature. DPW's Bureau of Street Use and Mapping's department review of the COC on February 06, 2017 occurred 30 days after the COC application was signed.
  - The only plat map (exhibit B) in DPW's COC project file on January 07, 2017 was the October 2016 preliminary plat map that depicted the three-story bay which extended into the proposed lot (026) with the comment, "encroaching portions of building to be demolished".
  - On January 18, 2017, eleven days after the COC application was approved, DPW created a redline copy of the preliminary COC application legal description (Exhibit A) and plat map (Exhibit B) with recommended changes that were sent to Mr. Seher. The redline copy of the legal description (exhibit A) and the plat map (exhibit B) are exhibit 14 on pages 28 and 29.
    - Mr. Seher's comment on the preliminary plat map (Exhibit B) , "encroaching portions of the building to be demolished", was unchanged. It is interesting to note that the final plat map (Exhibit 16, pg. 38) submitted 25 days after the COC application was signed does not depict the three-story bay that continues to encroach on lot 026. Please provide an explanation of the difference between October 2016 and February 2017 plat maps.
    - In the redline copy of exhibit B, DPW added a comment that the boundary line between lots 025 and 026 -in Mr. Seher's preliminary plat map was added by the Assessor (Exhibit 14, pg.29). It is illogical that the Assessor/Recorder would have received a copy of the preliminary COC application and altered the plat map. Why did DPW add the boundary line comment to the redline copy of the plat map?

#### 4) The Assessor's 2018 revision of block map 1341 which now shows lots 025 and 026

- The recorded COC application (Exhibit 16, pgs. 32-38) contains two plat maps (Exhibit B). The first map, the preliminary map created in October of 2016, depicts the three-story bay that was illegally removed. The final plat map with Mr. Seher's signature and seal was submitted 25 days after the COC application was signed and does not depict the three-story bay. **Because the final exhibits A and B with the surveyor's signature and seal were received after January 07,2017, they were not part of the COC application approval process and should not have been sent to the Assessor/Recorder for recordation.**

- Mr. Seher's February 14, 2017 email (Exhibit 17, pgs. 39-40) to DPW addresses the problem DPW created when they included both the preliminary and final plat maps in the COC application sent to the Assessor for recordation. In the email Mr. Seher states, the COC that was recorded, **"appears to be missing certain elements, legal description of the compliant parcels, exhibit A, two exhibits B one marked preliminary and the other signed, missing ownership page and maybe other elements that I'm not aware of"**.
  - DPW has done nothing to correct the problem of the improperly issued COC after receiving my emails, Ms. Gallagher's emails and Mr. Seher's February 14, 2017 email. DPW Director Nur's December 03, 2018 email refuses to acknowledge the concerns raised in this memo.
  - The Assessor/Recorder issued a 2018 revision of block map 1341 using the erroneous final plat map (Exhibit B) (Exhibit 17, pg. 38) with Mr. Seher's signature and seal that fails to show the three-story bay that encroaches on to what is now lot 026.



**25 17th Ave. COC**  
**Schedule of Exhibits**

Exhibit #	Page #	<u>Document description</u>
1	1-2	December 03 2018 email from DPW Director Nuru
2	3-6	Application for new lot number
3	7	1938 legal description showing the sale of a 50-foot wide lot
4	8-9	Two pages from Historic Resource Evaluation report showing the ownership of lots , 004,005 and 021, note no entries for lots 004 and 005 after 1938.
5	10	1975 application to merge lots 004 and 005 approved by the Planning Department
6	11	1976 Block map (1341) showing the existence of lots 004 and 005
7	12	1985 Block map (1341) showing a single 50-foot wide lot, 021 and the recording of the lot merger by the City.
8	13-14	1994 Approved building permit for horizontal addition to lot 021 approved by the Planning Department and Department of Building Inspection
9	15	DPW diagram showing the merger of lots 004 and 005 into lot 021 in 1938, from COC project file
10	16	October 24,206 letter of transmittal from Mr. Seher to Mr. Storrs at DPW with <u>preliminary</u> Certificate of Compliance documents
11	12-13	April 13,2018 memo prepared by former Zoning Admin. Ms. Gallagher regarding the improper issuance of the COC
12	17-18	Memo from Mary Gallagher summarizing 25 17th Avenue and issuance of COC
13	19-27	April 13,2018 email from Ms. Gallagher to DPW with attachments, that questions the issuance of the COC
14	28-29	Redline copy of COC application exhibits A and B
15	30-31	DPW project management report showing COC actions by date , note the COC department senior review occurred on February 06,2017, 30-days after the COC was signed on January 07,2017.
16	32-38	The Certificate of Compliance recorded with the City on February 08,2017 , note the COC was signed and notarized 25 days before the final COC application was received.
17	39-40	Email from Mr. Seher to DPW employee Mr. Ryan regarding the COC that was recorded on Feb 08,2017 with the Assessor/Recorder which appears to be missing certain elements and two exhibit B plat maps that have conflicting information.

**Subject:** Fwd: conclusive proof that the 25 17th Avenue Certificate of Compliance was issued in error and should be rescinded  
**From:** Jerry Dratler <dratler@me.com>  
**Date:** 2/14/2019, 10:02 AM  
**To:** Jerry Dratler <dratler@sonic.net>

Begin forwarded message:

**From:** "Nuru, Mohammed (DPW)" <[mohammed.nuru@sfdpw.org](mailto:mohammed.nuru@sfdpw.org)>  
**Subject:** RE: conclusive proof that the 25 17th Avenue Certificate of Compliance was issued in error and should be rescinded  
**Date:** December 3, 2018 at 2:41:06 PM PST  
**To:** "[dratler@me.com](mailto:dratler@me.com)" <[dratler@me.com](mailto:dratler@me.com)>  
**Cc:** "Sanchez, Scott (CPC)" <[scott.sanchez@sfgov.org](mailto:scott.sanchez@sfgov.org)>, "Kirby, Alexandra (CPC)" <[alexandra.kirby@sfgov.org](mailto:alexandra.kirby@sfgov.org)>, "Teague, Corey (CPC)" <[corey.teague@sfgov.org](mailto:corey.teague@sfgov.org)>, "O'Riordan, Patrick (DBI)" <[patrick.oriordan@sfgov.org](mailto:patrick.oriordan@sfgov.org)>, "Duffy, Joseph (DBI)" <[joseph.duffy@sfgov.org](mailto:joseph.duffy@sfgov.org)>, "Administrator, City (ADM)" <[city.administrator@sfgov.org](mailto:city.administrator@sfgov.org)>, "Hui, Tom (DBI)" <[tom.hui@sfgov.org](mailto:tom.hui@sfgov.org)>, "Rahaim, John (CPC)" <[john.rahaim@sfgov.org](mailto:john.rahaim@sfgov.org)>, "Storrs, Bruce (DPW)" <[Bruce.Storrs@sfdpw.org](mailto:Bruce.Storrs@sfdpw.org)>, Cityattorney <[Cityattorney@sfcityatty.org](mailto:Cityattorney@sfcityatty.org)>, "Chu, Carmen (ASR)" <[carmen.chu@sfgov.org](mailto:carmen.chu@sfgov.org)>

Mr. Dratler:

Thank you for raising your concerns about Public Works issuance of a Certificate of Compliance for 25 17<sup>th</sup> Avenue with myself and other City Officials. I requested Bruce Storrs, our City and County Surveyor and the signatory to the Certificate of Compliance, to brief me about this matter and the new information you presented. As part of my briefing from Mr. Storrs, he shared with me the attached letter from July 19, 2018 that he sent to you detailing the basis for his decision regarding the Certificate of Compliance for 25 17<sup>th</sup> Avenue (Project Identification 9190), which was recorded February 8, 2017.

As he stated in that letter:

***"For multiple properties to be merged, some action imparting public notice needs to take place, and the action imparting public notice also requires some subdivision mapping or governmental action to legally merge the lots."***

In your recent letter to the City dated November 26, 2018 "draft letter dated November 05 2018 version 6.pdf", you provided an attachment on page 3 with the header "1975 Approved merger application exhibit 2. We have searched the title history for these properties and determined that this is not a recorded document, does not impart public notice, and did not received the proper City approval to legally merge the parcels as required by the California Civil Code, the Subdivision Map Act (California Government Code), and the San Francisco Subdivision Code. In San Francisco, the only City department authorized to approve a merger is Public Works. The City Planning Commission cannot unilaterally take an action to legally merge lots. Consequently, this document does not satisfy any of the requirements Mr. Storrs mentioned above in this July 19, 2018 letter to you.

Out of an abundance of caution, Mr. Storrs did contact the Planning Department and asked them to research their records on these properties to determine the relevance, if any, of the document you presented to us. While the Planning Department did find a copy of this document in its historic file on the properties, there were no other documents, resolutions, motions, or Planning Commission actions associated with it or on record with the Planning Department. The Planning Department hypothesized that this document may have been related to a proposed merger that Public Works

referred to Planning for its input and recommendation, but that ultimately the City (through Public Works) never approved the merger. Given that Public Works and the Planning Department have no other records relating to this 1975 document and there is no recorded document in the chain of title evidencing a legal merger of the lots, we view this document as a historic relic that has no bearing on Mr. Storrs's determination as represented in the Certificate of Compliance that these lots have not been merged.

Further, the code compliance issues raised in your letter are not relevant to the Certificate of Compliance. The Planning Department and the Department of Building Inspection have jurisdiction over those matters and are responsible for following up with the property owner to resolve the issues.

Consequently, I stand by the February 8, 2017 Certificate of Compliance, issued under the auspices of San Francisco Public Works by the City and County Surveyor, and the representations in Mr. Storrs's July 19, 2018 letter. Mr. Storrs's Certificate of Compliance decision is final and not appealable.

Best regards,

—image003.jpg—



Mohammed Nuru  
Director

San Francisco Public Works | City and County of San Francisco  
1 Dr. Carlton B. Goodlett Place | San Francisco, CA 94102 | (415) 554-6920 | [sfpublicworks.org](http://sfpublicworks.org) · [twitter.com/sfpublicworks](https://twitter.com/sfpublicworks)

**From:** [dratler@me.com](mailto:dratler@me.com) [<mailto:dratler@me.com>]

**Sent:** Sunday, November 25, 2018 8:50 PM

**To:** Administrator, City (ADM) <[city.administrator@sfgov.org](mailto:city.administrator@sfgov.org)>; Nuru, Mohammed (DPW) <[mohammed.nuru@sfdpw.org](mailto:mohammed.nuru@sfdpw.org)>; Hui, Tom (DBI) <[tom.hui@sfgov.org](mailto:tom.hui@sfgov.org)>; Rahaim, John (CPC) <[john.rahaim@sfgov.org](mailto:john.rahaim@sfgov.org)>; Storrs, Bruce (DPW) <[Bruce.Storrs@sfdpw.org](mailto:Bruce.Storrs@sfdpw.org)>; Cityattorney <[Cityattorney@sfcityatty.org](mailto:Cityattorney@sfcityatty.org)>; Chu, Carmen (ASR) <[carmen.chu@sfgov.org](mailto:carmen.chu@sfgov.org)>

**Cc:** Sanchez, Scott (CPC) <[scott.sanchez@sfgov.org](mailto:scott.sanchez@sfgov.org)>; Kirby, Alexandra (CPC) <[alexandra.kirby@sfgov.org](mailto:alexandra.kirby@sfgov.org)>; Teague, Corey (CPC) <[corey.teague@sfgov.org](mailto:corey.teague@sfgov.org)>; O'Riordan, Patrick (DBI) <[patrick.oriordan@sfgov.org](mailto:patrick.oriordan@sfgov.org)>; Duffy, Joseph (DBI) <[joseph.duffy@sfgov.org](mailto:joseph.duffy@sfgov.org)>

**Subject:** conclusive proof that the 25 17th Avenue Certificate of Compliance was issued in error and should be rescinded

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

Please see attached memo.

Thank you,  
Jerry Dratler

**Permit Details Report****Report Date:** 5/17/2018 1:33:56 PM

Application Number: M762067

Form Number: 8

Address(es): 1341 / 026 / 0 27 17TH AV

Description: AT BLOCK 1341, LOT 021, LOT SPLIT INTO TWO PARCEL 25 &amp; 26, AT BLOCK 1341, LOT 026, ADD NEW ADDRESS AT ; 27 17TH AVE.

Cost: \$243.66

Occupancy Code:

Building Use:

**Disposition / Stage:**

Action Date	Stage	Comments
2/17/2017	TRIAGE	
2/17/2017	FILING	
2/17/2017	FILED	
2/17/2017	APPROVED	
2/17/2017	ISSUED	

**Contact Details:****Contractor Details:****Addenda Details:****Description:**

Step	Station	Arrive	Start	In Hold	Out Hold	Finish	Checked By	Hold Description
1	CPB	2/17/17	2/17/17			2/17/17	SHEKKATHY	

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

**Appointments:**

Appointment Date	Appointment AM/PM	Appointment Code	Appointment Type	Description	Time Slots
------------------	-------------------	------------------	------------------	-------------	------------

**Inspections:**

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

Addenda No.	Completed Date	Inspected By	Inspection Code	Description	Remarks
-------------	----------------	--------------	-----------------	-------------	---------

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

Station Code Descriptions and Phone Numbers
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[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.





# APPROVED

Dept. of Building Insp.

FEB 17 2017

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

APPROVED FOR ISSUANCE

FEB 17 2017

BLDG. FORM 3/8

APPLICATION NUMBER  
W1762067OSHA APPROVAL REQUIRED  
APPROVAL NUMBER

## APPLICATION FOR BUILDING PERMIT ADDITIONS, ALTERATIONS OR REPAIRS

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

0 NUMBER OF PLAN SETS

▼ 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 FEB 17 2017	FILED FEE RECEIPT NO.	(1) STREET ADDRESS OF JOB 27 17TH AVE. 1341 026	BLOCK & LOT 1341 026
PERMIT NO. 1417332	ISSUED FEB 17 2017	(2A) ESTIMATED COST OF JOB \$243.66	(2B) REVISED COST: FEB 17 2017

### INFORMATION TO BE FURNISHED BY ALL APPLICANTS

#### LEGAL DESCRIPTION OF EXISTING BUILDING

(4A) TYPE OF CONSTR.	(4A) NO. OF STORIES OF OCCUPANCY:	(4A) NO. OF BASEMENTS AND CELLARS:	(7A) PRESENT USE:	(8A) OCCUP. CLASS	(8A) NO. OF DWELLING UNITS:
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#### DESCRIPTION OF BUILDING AFTER PROPOSED ALTERATION

(4) TYPE OF CONSTR.	(5) NO. OF STORIES OF OCCUPANCY:	(5) NO. OF BASEMENTS AND CELLARS:	(7) PROPOSED USE (LEGAL USE)	(8) OCCUP. CLASS	(8) NO. OF DWELLING UNITS:
---------------------	----------------------------------	-----------------------------------	------------------------------	------------------	----------------------------

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

(14) GENERAL CONTRACTOR	ADDRESS	ZIP	PHONE	CALIF. LIC. NO.	EXPIRATION DATE
-------------------------	---------	-----	-------	-----------------	-----------------

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

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

AT BLOCK 1341, LOT 021, LOT SPLIT INTO PARCELS 21 AND 26.
AT BLOCK 1341, LOT 026, ADD NEW BUILDINGS AS: 27 17TH AVE

### ADDITIONAL INFORMATION

(17) DOES THIS ALTERATION CREATE ADDITIONAL HEIGHT OR STORY TO BUILDING?	YES <input type="checkbox"/> NO <input type="checkbox"/>	(18) IF (17) IS YES, STATE NEW HEIGHT AT CENTER LINE OF FRONT	(19) DOES THIS ALTERATION CREATE DECK OR PORCH EXTENSION TO BUILDING?	YES <input type="checkbox"/> NO <input 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 type="checkbox"/>	(22) WILL BUILDING EXTEND BEYOND PROPERTY LINE?	YES <input type="checkbox"/> NO <input type="checkbox"/>	(23) ANY OTHER EXISTING BLDG. ON LOT? (IF YES, SHOW ON PLOT PLAN)	YES <input type="checkbox"/> NO <input type="checkbox"/>	(24) DOES THIS ALTERATION CONSTITUTE A CHANGE OF OCCUPANCY?	YES <input type="checkbox"/> NO <input 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 is 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, and complete details of retaining walls and wall footings 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.

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.

to dwellings, all building materials must have a clearance of not less than two inches from all electrical wires or equipment.

#### CHECK APPROPRIATE BOX

☒ OWNER  
☐ LESSOR  
☐ 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 THERE TO WILL BE COMPLIED WITH.

REV 06/13

### 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 claims, 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 worker's compensation coverage under (I) or (II) designated below, or shall indicate item (III), (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.
- 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 carrier and policy number are:  
Carrier \_\_\_\_\_  
Policy Number \_\_\_\_\_
- The cost of the work to be done is \$100 or less.
- I certify that in the performance of the work for which this permit is issued, I shall not employ any person in any manner so as to become subject to the worker's compensation laws of California. I further acknowledge that I understand that in the event that I should become subject to the worker's compensation provisions of the Labor Code of California and fail to comply therewith with the provisions of Section 3800 of the Labor Code, that the permit herein applied for shall be deemed revoked.
- I certify as the owner (or the agent for the owner) that in the performance of the work for which this permit is issued, I will employ a contractor who complies with the worker's compensation laws of California and who, prior to the commencement of any work, will file a completed copy of this form with the Central Permit Bureau.

4

OFFICE COPY

Date

OFFICIAL COPY

SAN FRANCISCO

CONDITIONS AND STIPULATIONS

REFER TO: APPROVED:

DEPARTMENT OF BUILDING INSPECTION

FOR ADDRESS ONLY

CENTRAL PERMIT BUREAU

By Wai Fong Cheung  
WAI FONG CHEUNG, DBI

FEB 17 2017

BUILDING INSPECTOR, DEPT. OF BLDG. INSP.

APPROVED:

☐

W/H

DEPARTMENT OF CITY PLANNING

APPROVED:

☐

BUREAU OF FIRE PREVENTION & PUBLIC SAFETY

APPROVED:

☐

MECHANICAL ENGINEER, DEPT. OF BLDG. INSPECTION

APPROVED:

☐

CIVIL ENGINEER, DEPT. OF BLDG. INSPECTION

APPROVED:

☐

BUREAU OF ENGINEERING

APPROVED:

☐

DEPARTMENT OF PUBLIC HEALTH

APPROVED:

☐

REDEVELOPMENT AGENCY

APPROVED:

☐

HOUSING INSPECTION DIVISION

DATE: \_\_\_\_\_  
REASON: \_\_\_\_\_

NOTIFIED MR.

DATE: \_\_\_\_\_  
REASON: \_\_\_\_\_

NOTIFIED MR.

DATE: \_\_\_\_\_  
REASON: \_\_\_\_\_

NOTIFIED MR.

DATE: \_\_\_\_\_  
REASON: \_\_\_\_\_

NOTIFIED MR.

DATE: \_\_\_\_\_  
REASON: \_\_\_\_\_

NOTIFIED MR.

DATE: \_\_\_\_\_  
REASON: \_\_\_\_\_

NOTIFIED MR.

DATE: \_\_\_\_\_  
REASON: \_\_\_\_\_

NOTIFIED MR.

DATE: \_\_\_\_\_  
REASON: \_\_\_\_\_

NOTIFIED MR.

DATE: \_\_\_\_\_  
REASON: \_\_\_\_\_

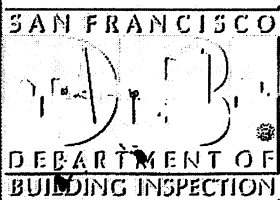
NOTIFIED MR.

HOLD SECTION - NOTE DATES AND NAMES OF ALL PERSONS NOTIFIED DURING PROCESSING

I agree to comply with all conditions or stipulations of the various bureaus or departments noted on this application, and attached statements of conditions or stipulations, which are hereby made a part of this application.

Number of attachments ☐

OWNER'S AUTHORIZED AGENT



## Twenty Five 17th Avenue, LLC

415.412.6798    kantor@pacbell.net    256 16th Avenue San Francisco, CA 94118

February 17, 2017

Wai Fong Cheung  
San Francisco Building Department  
1660 Mission Street  
San Francisco, CA 94103

To Whom it May Concern:

We submitted an application with San Francisco's Department of Public Works - Streets Use and Mapping for a Certificate of Compliance (COC) on October 25, 2016. This application was to take Blk/Lot 1341/021 a 50'X120' wide lot and return it to it's actual state of two 25'X120' lots. Our application was accepted and confirmed recorded 2/9/2017. There are now two lots, 025 and 026.

We request that the building department continue to recognize the current address of 25 17th Avenue as Blk/Lot 1341/025 and establish a new address for Blk/Lot 1341/026 of 27 17th Avenue.

Sincerely yours,

  
Jonathan Kantor

ARABELLE F. KENDALL

TO

1-§3, 1-80½ U.S.I.R.S.Can.

PAUL CAMPICHE & WIFE

ARABELLE FRANCES KENDALL, the first party, hereby grants to PAUL CAMPICHE and MAY CAMPICHE, his wife, the second parties, in joint tenancy, all that real property situated in the City and County of San Francisco, State of California, and bounded and described as follows:

BEGINNING at a point on the Westerly line of Seventeenth Avenue, distant thereon

100 feet Northerly from the Northerly line of Lake Street, running thence Northerly along said line of Seventeenth Avenue 50 feet; thence at a right angle Westerly 120 feet; thence at a right angle Southerly 50 feet; and thence at a right angle Easterly 120 feet to the point of beginning.

BEING a portion of Outside Land Block No. 55.

IN WITNESS WHEREOF, the said first party has executed this conveyance this 15th day of March, 1938.

ARABELLE FRANCES KENDALL.

State of California,  
City and County of San Francisco,) ss.

On this 15th day of March, in the year of our Lord one thousand nine hundred and thirty-eight, before me, E. A. Bering, a Notary Public in and for said City and County of San Francisco, State of California, residing therein, duly commissioned and sworn, personally appeared Arabelle Frances Kendall, known to me to be the person described in and whose name is subscribed to the within instrument and acknowledged to me that she executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal at my office in said City and County of San Francisco, the day and year in this certificate first above written.

(Seal)

E. A. BERING, Notary Public

in and for said City and County of San Francisco, State of California.

My commission expires Dec. 31st, 1938.

Recorded at request of Calif. Pac. T. & T. Co., Mar. 16, 1938, at 30 min. past 8 A.M.

No. M 45669

Fee \$1.00

Pol. 5

Compared-Book:

POWER

Compared-Document: MUND



History” below). The south bay was not part of the original design by Edward Young. In fact, a bay along the subject building’s south façade would not have been possible due to the existence of a bungalow directly to the south. When the two lots were merged, there was a sale stipulation that the bungalow at lot 005 be removed within 30 days. The demolition of the bungalow made possible the construction of a bay on the south façade of the subject building. Recent changes to the subject building have included the demolition of the south bay. Further evidence that the bay was not original to the building was uncovered during its recent demolition.<sup>17</sup>

A detached garage was constructed at the southwest corner of the lot in 1919. The main building has experienced known alterations. The rear (west) wing was depicted on the Sanborn maps as a one-story structure; today it extends three stories. A parapet above the east bay window was removed at an unknown date (see **Figure 36**). Exterior wood decking constructed in the 1990s was recently removed. The interior and the ground level of the building have been gutted and the building is currently supported by means of cribbing. The basement-level garage door and single door at the east façade have been removed. The entire south facade and the south portion of the east façade were wrapped and not visible during Page & Turnbull’s November 2016 site visit.

### OWNERSHIP AND OCCUPANT HISTORY

The following information has been gathered using sales records held at the San Francisco Assessor-Recorder’s Office, building permit applications, and San Francisco City Directories.

Ownership Table			
Date(s)	Lot #	Owner(s)	Occupancy
9/8/1913-6/22/1914	004	Matthew Little and Frankie Little	Matthew: Builder
6/22/1914-9/8/1915	004	Seymour Lee and Henrietta Lee	n/a
9/8/1915-3/14/1919	004	Cyril Davis, Flora Davis and Vera Davis	n/a
3/14/1919-5/26/1919	004	Vera Davis	n/a
5/26/1919-9/19/1919	004	Zeb Kendall	Broker, Miner, President of Mexican Gold and Silver Mining Co.
9/19/1919-3/16/1938	004	Arabelle Kendall	n/a
Unknown-3/18/1908	005	Diana Handyside and Vernor Handyside	Vernor: Freight Clerk
3/18/1908-10/2/1912	005	Phillip Kammerer and Harriet Kammerer	n/a
10/2/1912-4/17/1919	005	Don Morris and Zela Morris	Don: Bookkeeper
4/17/1919-9/11/1919	005	Edwin Turney and Rose Turney	n/a
9/11/1919	005	Fred Peterson and Emma Peterson	Fred: Building Contractor
9/11/1919-	005	Arabelle Kendall	n/a

<sup>17</sup> Following the demolition of the south bay, observations were reported: the bay window was not anchored correctly; exterior siding of the south façade under the bay was painted and later covered with stucco; a mix of old and new lumber was used in the construction of the bay.

3/16/1938			
September 1919-3/16/1938	021	Arabelle Kendall	
3/16/1938-2/1/1946	021	Paul Campiche and May Campiche	Paul: Private practice surgeon
2/1/1946-12/22/1992	021	Betty Lee Hooper and R. Pardow Hooper	R. Pardow: professional farm-manager
12/22/1992-7/7/1993	021	Robyn Hooper Aissa	n/a
7/7/1993-2/9/2007	021	Robyn Hooper Aissa and Victor Aissa	n/a
2/9/2007-8/17/2015	021	Victor Aissa	n/a
8/17/2015-11/18/2015	021	SF Clem LLC	n/a
11/18/2015-present	021	25 17th Avenue, LLC	n/a

\*Lots 004 and 005 were jointly owned by Arabelle Kendall from late 1919 to early 1938. There are no recorded documents of a formal merger. In 1938, the two lots were sold in one conveyance transaction. The property currently known as lot 021 was last transferred as lots 004 and 005 during a sale in February 1946. The 1950 Sanborn map shows one lot labeled as 021.<sup>18</sup>

The subject building appears to have been owner-occupied. Owner Arabelle Kendall owned the lot for nineteen years and the Hoopers owned the lot for forty-six years; otherwise, there has been significant occupancy turnover. The original and subsequent owners of the building have not been found to be particularly important to local, state or national history.

## ARCHITECT

Edward Eyestone Young (1870-1934) was born in Carthage, Missouri. In 1902, he moved to San Francisco and began work as a contractor before receiving his state architectural license in 1905.<sup>19</sup> Young married Julia Rapier Tharp, a pianist and sister of City architect Newton J. Tharp, in 1906. In 1907 they moved into a house Young had designed at 22 Presidio Terrace. Young opened an architectural office at 251 Kearny in 1908 and remained at that location until 1923, when he moved operations to a Mediterranean style studio he had designed at 2002 California Street.<sup>20</sup>

Young was a prolific architect active throughout San Francisco, designing clubs, hotels, churches, apartment buildings, and single-family residences. He is well-known for the Francisca Club at 595 Sutter Street (1919) and the Hotel California (now the Serrano Hotel, listed on the National Register of Historic Places) at 403 Taylor Street (1923). Young is not known for designing in any one style. Rather, he “became a master at designing in any of the styles a client might request,” and subsequently received nearly six hundred residential commissions.<sup>21</sup> When designing apartment buildings and homes, Young oftentimes received commissions for a series on a block with two, three

<sup>18</sup> A condition of the 1919 sale of Lot 005 by Peterson to Kendall was that the existing bungalow be removed within 30 days of sale.

<sup>19</sup> David Parry, “Young, Edward Eyestone,” *The Encyclopedia of San Francisco*.  
<http://www.sfhistoryencyclopedia.com/articles/y/youngEdward.html>

<sup>20</sup> Young also designed the brick buildings adjacent to and opposite his new studio at 2002 California Street: 2000 and 2001 California Street.

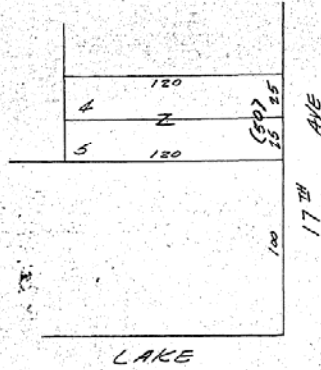
<sup>21</sup> “The Story of the Hotel Californian.” <https://serranohotel.com/our-history/>

GRANTOR: \_\_\_\_\_  
GRANTEE: \_\_\_\_\_

DATE OF RECORD \_\_\_\_\_  
BOOK \_\_\_\_\_ PAGE \_\_\_\_\_

VOL. 10  
BLK. 1341  
LOT 485

25-17<sup>th</sup> Ave



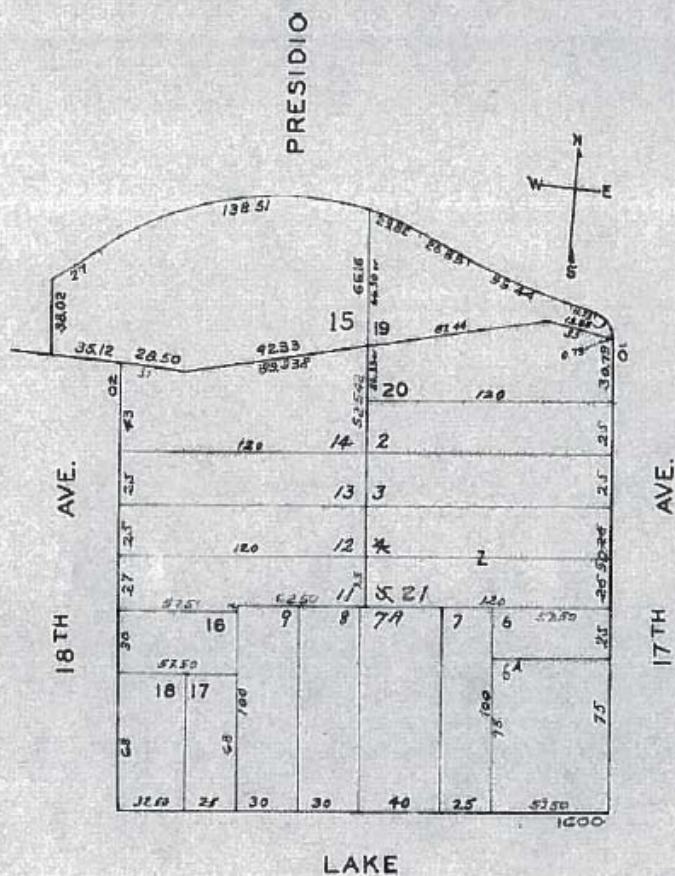
OWNER REQUEST CUT \_\_\_\_\_ MERGE ☒  
NAME P. S. S. S. S.  
ADDRESS 25-17<sup>th</sup> Ave  
PHONE 751-5357 DATE 8/22/75

CITY PLANNING  
APPROVED ☒ DISAPPROVED \_\_\_\_\_  
BY R. D. D. D. DATE 8/22/75

1341

RICHMOND BLK. 55

REVISED '60  
REVISED '64  
REVISED 1975





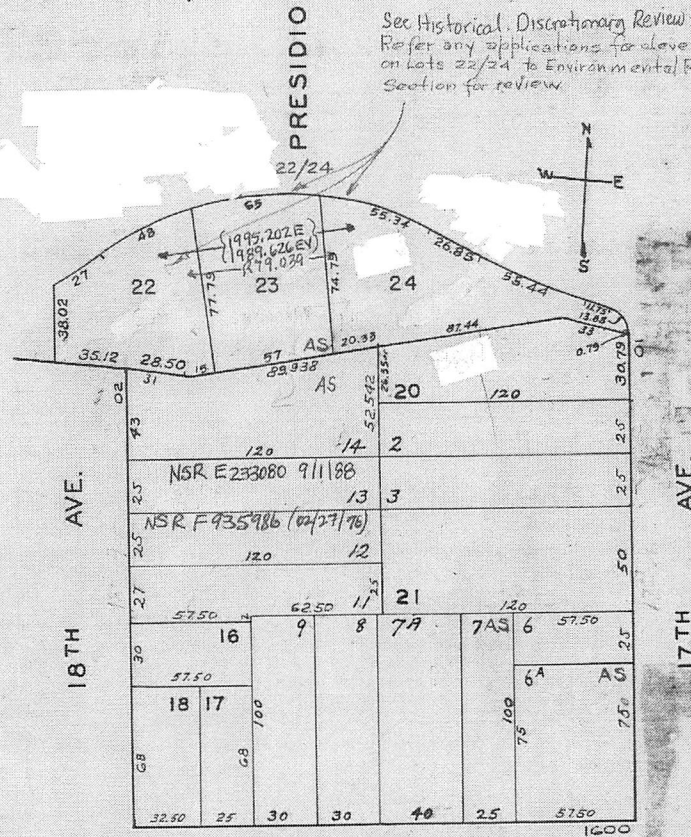
1341

RICHMOND BLK. 55

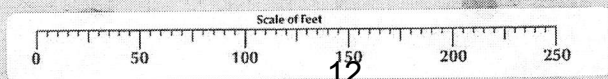
REVISED '60  
REVISED '64  
REVISED '76  
" '85

RH-1  
40-X

Lots 15 & 19 (INT) LOTS 22/24 - 1985



**LOBOS CREEK MORATORIUM**  
LOBOS CREEK MORATORIUM  
1994.233E - Moratorium on building  
permits from 06/1994-03/1998  
Applicable to the following lots: 20, 24



DEPT OF  
BUILDING  
INSPECTION

If the image of this document appears less sharp than this notice, it is due to the quality of the original.

**BUILDING ENLARGEMENT**  
DESCRIPTION  
*Heiz*  
Date

THIS APPLICATION APPROVED FOR SITE PERMIT ONLY. NO WORK MAY BE DONE UNTIL CONSTRUCTION PLANS HAVE BEEN APPROVED.

**APPROVED**  
Dept of Public Works

OCT 11 1994

**APPLICATION FOR BUILDING PERMIT  
ADDITIONS, ALTERATIONS OR REPAIRS**

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

24 PRE APP NOTICE  
NUMBER OF PLAN SETS

**CITY AND COUNTY OF SAN FRANCISCO  
DEPARTMENT OF PUBLIC WORKS**  
ACTING SUPERVISOR  
BUREAU OF BUILDING INSPECTION

APPLICATION IS HEREBY MADE TO THE DEPARTMENT OF PUBLIC WORKS 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: 24 June 93  
PERMIT NO.: 756265  
ISSUED: 10-11-94  
PLANS RECEIPT NO.: 249496  
(1) STREET ADDRESS OF JOB: 25 Seventeenth Ave  
BLOCK & LOT: Blk 1342/Lot 21  
(2A) ESTIMATED COST OF JOB: \$100,000  
(2B) REVISED COST: \$100,000  
ST. DATE

**INFORMATION TO BE FURNISHED BY ALL APPLICANTS**

<b>DESCRIPTION OF EXISTING BUILDING</b>				(8A) OCCUP. CLASS	(9A) NO. OF DWELLING UNITS
(3A) TYPE OF CONSTR.	(3B) NO. OF STORES OF OCCUPANCY	(3C) NO. OF BASEMENTS AND CELLARS	(7A) PRESENT USE	R3	1
V-N	3	1	Single family dwelling		
<b>DESCRIPTION OF BUILDING AFTER PROPOSED ALTERATION</b>				(8B) OCCUP. CLASS	(9B) NO. OF DWELLING UNITS
(4) TYPE OF CONSTR.	(5) NO. OF STORES OF OCCUPANCY	(5C) NO. OF BASEMENTS AND CELLARS	(7) PROPOSED USE (LEGAL USE)	R3	1
V-N	3	1	Single family dwelling		
(10) IS AUTO RAMPWAY 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"/>
(14) GENERAL CONTRACTOR			(13) PLUMBING WORK TO BE PERFORMED?		
UNKNOWN GOTTLIEB CONST. 164 EVELYN WAY S.F. 665-6265			YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>		
(15) OWNER (CROSS OUT ONE)			CALIF. LIC. NO.		
Robyn & Vic Aissa 350 San Benito Way San Francisco 94127 957-0579 (arch)			389955		
(16) WRITE IN DESCRIPTION OF ALL WORK TO BE PERFORMED UNDER THIS APPLICATION (REFERENCE TO PLANS IS NOT SUFFICIENT)					
Add new wood deck at level of first (main) floor. Deck partly supported by new structure with stucco exterior near front lot line. Remodel kitchen, master bedroom, master bath, second bath and second bedroom. Modify windows on street facade at second floor level.					

**ADDITIONAL INFORMATION — FORM 3 APPLICANTS ONLY**

(17) DOES THIS ALTERATION CREATE ADDITIONAL 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 PORCH EXTENSION TO BUILDING?	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	(20) IF (19) IS YES, START NEW GROUND FLOOR AREA +	1400 exist 225 new
(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 OR CONSTRUCTION)				CALIF. CERTIFICATE NO.			
Harvey Hacker Architects 528 Bryant Street SF 94107				C8520			
(26) CONSTRUCTION LEADER (ENTER NAME AND BRANCH DESIGNATION IF ANY, IF THERE IS NO KNOWN CONSTRUCTION LEADER, ENTER "UNKNOWN")							
unknown							

**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 bureau 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.  
APPROVAL OF THIS APPLICATION DOES NOT CONSTITUTE AN APPROVAL FOR THE ELECTRICAL WIRING OR PLUMBING INSTALLATIONS. A SEPARATE PERMIT FOR THE ELECTRICAL 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 dwellings all insulating materials must have a clearance of not less than two inches from all electrical wires or equipment.

CHECK APPROPRIATE BOX  
☐ OWNER ☒ ARCHITECT ☐ ENGINEER  
☐ LESSEE ☐ AGENT WITH POWER OF ATTORNEY  
☐ CONTRACTOR ☐ ATTORNEY IN FACT

**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 THERETO WILL BE COMPLIED WITH.

**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 claims, demands and actions for damages resulting from operations and activities conducted in accordance with the permit, regardless of negligence of the City and County of San Francisco, and this permit, regardless of negligence of the City and County of San Francisco against all such claim demands and actions.  
In conformity with the provisions of Section 3800 of the Labor Code of the State of California, the applicant shall have on file, or file with the Central Permit Bureau, either Certificate (I) or (II) designated below or shall indicate item (IV) or (V) or (VI) below, whichever is applicable. If however, item (VI) is checked then item (V) must be checked as well. Mark the appropriate method of compliance below:

- ( ) I. Certificate of Consent to Self-Insure issued by the Director of Industrial Relations.
- ( ) II. Certificate of Workman's Compensation Insurance issued by an admitted insurer.
- ( ) III. An exact copy or duplicate of (I) certified by the Director or certified by the insurer.
- (X) IV. The cost of the work to be performed is \$100 or less. I certify that in the performance of the work for which this Permit is issued, I shall not employ any person in any manner so as to become subject to the workman's compensation laws of California subject to the workman's compensation provisions of the Labor Code of California and fail to comply with the provisions of Section 3800 of the Labor Code, that the Permittee applied for shall be deemed revoked.
- (X) VI. I certify as the owner (or the agent of the owner) that in the performance of the work for which this Permit is issued, I will employ a contractor who complies with the workman's compensation law of California and who has on file, or prior to the commencement of work will file, with the Central Permit Bureau evidence of workman's compensation insurance is carried.

Applicant's Signature: *Harvey Hacker* Date: 6-24-93





If the image of this document appears less sharp than this notice, it is due to the quality of the original.

# CONDITIONS AND STIPULATIONS

<p>REFER TO</p> <p>APPROVED:</p> <p><i>[Signature]</i> 3-22-93</p> <p>BUILDING INSPECTOR, BUR. OF BLDG. Insp.</p>	<p>DATE: 3/17/94</p> <p>REASON: <i>CHANGED</i></p> <p><i>FLC 2032: A/B</i></p>
<p>APPROVED: <i>per plans and application only</i></p> <p>1342/21</p> <p>RH-1</p> <p><b>FOR SINGLE FAMILY USE ONLY</b></p> <p>CATEGORICALLY EXEMPT FROM ENVIRONMENTAL REVIEW</p> <p><i>[Signature]</i> SEP 09 1993</p> <p>DEPARTMENT OF CITY PLANNING</p>	<p>NOTIFIED MR. HARVEY HACKEN</p> <p>DATE:</p> <p>REASON:</p>
<p>APPROVED:</p> <p><i>N/A</i></p> <p>BUREAU OF FIRE PREVENTION &amp; PUBLIC SAFETY</p>	<p>NOTIFIED MR.</p> <p>DATE:</p> <p>REASON:</p>
<p>APPROVED:</p> <p><i>[Signature]</i></p> <p>THIS APPLICATION APPROVED FOR SITE PERMIT ONLY. NO WORK MAY BE STARTED UNTIL CONSTRUCTION PLANS HAVE BEEN APPROVED.</p> <p><i>[Signature]</i> 5-8-94</p> <p>CIVIL ENGINEER, BUR. OF BLDG. INSPECTION</p>	<p>NOTIFIED MR.</p> <p>DATE:</p> <p>REASON:</p>
<p>APPROVED: <i>Sites</i></p> <p><i>[Signature]</i> 4/2/94</p> <p>BUREAU OF ENGINEERING</p>	<p>NOTIFIED MR.</p> <p>DATE:</p> <p>REASON:</p>
<p>APPROVED: <i>APAS Jones on plans</i></p> <p>6-3-94</p> <p>BOE</p> <p><i>[Signature]</i></p> <p>DEPARTMENT OF PUBLIC HEALTH</p>	<p>NOTIFIED MR.</p> <p>DATE:</p> <p>REASON:</p>
<p>APPROVED:</p> <p><i>[Signature]</i></p> <p>REDEVELOPMENT AGENCY</p>	<p>NOTIFIED MR.</p> <p>DATE:</p> <p>REASON:</p>
<p>APPROVED:</p> <p><i>[Signature]</i></p> <p>HOUSING INSPECTION DIVISION</p>	<p>NOTIFIED MR.</p> <p>DATE:</p> <p>REASON:</p>

I agree to comply with all conditions or stipulations of the various bureaus or departments noted on this application and attached statements of conditions or stipulations which are hereby made a part of this application.

Number of attachments ☐

OWNER'S AUTHORIZED AGENT

HOLD SECTION — NOTE DATES AND NAMES OF ALL PERSONS NOTIFIED DURING PROCESSING

LOT 05  
① 3/18/08  
100Ft  
25Ft

⑤ 10/2/12  
100 Ft  
25 Ft

⑥ 3/13/13  
100Ft  
25 Ft

⑫ 4/17/19  
100Ft  
25Ft

⑭ 4/17/19  
100Ft  
25Ft

⑮ 9/11/19  
100Ft  
25Ft

Round  
Street  
Kendal

9/11/19  
100Ft  
25Ft

⑩?

LOT 021

⑪ 3/16/38  
100Ft  
50Ft

⑯ 2/1/46  
100Ft  
50Ft

⑰ 7/20/85  
100Ft  
50Ft

⑱?

LOT 04

② 5/29/08  
125  
25Ft Fire

③ 3/31/09  
125Ft  
25Ft

④ 3/30/10  
125Ft  
50Ft

⑦ 9/8/13  
125Ft  
50Ft Builder

⑧ 6/22/14  
125Ft  
25Ft

⑨ 9/8/15  
125Ft  
25Ft

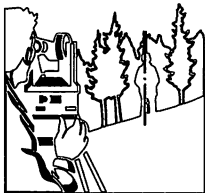
⑪ 12/12/2001  
125Ft  
25Ft

⑫ 3/4/19  
125Ft  
25Ft

⑬ 5/26/19  
125Ft  
25Ft Kendal

⑭ 9/19/19  
125Ft  
25Ft





***Frederick T. Seher & Associates, Inc.***

PROFESSIONAL LAND SURVEYORS

STATE LICENSE # 6216

## **LETTER OF TRANSMITTAL**

**DATE:** October 24, 2016

**JOB NUMBER:** 1910-15

**TO:** Bureau of Street-Use & Mapping  
1155 Market Street, 3<sup>rd</sup> Floor  
San Francisco, CA 94103

**ATTENTION:** Bruce Storrs

**SUBJECT:** Certificate of Compliance – 25 17th Avenue, S.F.  
APN 1341-021

**TRANSMITTING THE FOLLOWING:** -Attached

- ⇒ Checklist
- ⇒ Applicant's contact information
- ⇒ Application for Certificate of Compliance
- ⇒ EXHIBIT A: Legal descriptions of parcels
- ⇒ EXHIBIT B: Plat
- ⇒ Fee check (\$2,701.00)
- ⇒ Preliminary Parcel Title Report
- ⇒ Photographs of subject property
- ⇒ Chain of title information for subject lot
  - ⇒ Chain of title summary
  - ⇒ Chain of title guarantee from title company
  - ⇒ Chain of title documents for old Lots 004 & 005, as well as for current Lot 021
- ⇒ Adjoiner deeds

### **REMARKS:**

Bruce:

If you have any questions or need additional information, please do not hesitate to call (415) 921-7690.

Regards,

Heather Folsom

## **25 17<sup>th</sup> Avenue: Lot Status and Legality of South Side Bay**

Prepared by Mary Gallagher, April 13, 2018

Statement of qualifications: I am an urban planner with thirty years experience in the field, a qualified expert witness in land use in San Francisco, and also qualified as an architectural historian under National Register standards. My undergraduate work was in architecture and architectural history, with a degree in the latter. I hold a Masters of Historic Preservation Planning from Cornell University and also fulfilled all major requirements for the Masters of Regional Planning. Positions I have held include Senior Planner in charge of Enforcement and later Assistant Director of Planning in San Francisco and Chief of Planning in San Mateo. I am currently self-employed as an urban planning consultant.

Background: In reading the Historic Resources Evaluation (HRE) and application for a Certificate of Compliance for this property, I saw two issues that are of significant importance to the entitlement applications for this site: first is that the Certificate of Compliance appears to rely on the removal of the south side bay in order to grant recognition of the site as two lots instead of one; and, second, several statements in the HRE regarding the lot status and legality of the bay are unsubstantiated and contrary to the underlying facts provided in the HRE itself. I undertook the study of these two issues to take a closer look at the facts.

### **Lot History and Bay Removal and their Relationship to the Certificate of Compliance:**

Title documents provided in the Certificate of Compliance application show two separate lots (lot 4 and lot 5) through part of 1919 when a single party – Arabelle Kendall – purchased each lot about a week apart. The next sale that takes place, according to the C of C filed documents, is in 1938, by which time the verbal description of the site in the title document is of a single parcel of 50-foot width. The HRE nonetheless states “The property currently known as lot 21 was last transferred as lots 4 and 5 during a sale in February 1946” (page 19 note in HRE). Not only is there no factual basis for this statement in the HRE but the HRE itself lists the site as one lot – lot 21 – during all years after Kendall’s purchase in 1919 (see table on page 19) thru the purchase by the current owners in 2015. All title documents from 1938 to 2015 describe the property as a single parcel of 50-foot width.

An application for a Certificate of Compliance was filed in October of 2016 to recognize the site as two lots. The survey filed with the application shows the south side bay as encroaching into the newly proposed south lot. That survey states, “encroaching portions of building to be demolished.” Two lots of 25-foot width could not be recognized without this statement because no portion of an existing building can cross a property line. This survey was dated October, 2016. Based upon a Notice of Enforcement issued by the San Francisco Planning Department, sometime before August 18, 2016 the owners removed the bay without benefit of permit. The Certificate of Compliance was issued January 7, 2017 and recorded the following month. I do not believe the certificate of compliance would have been issued without the bay removal because the recognition of two lots with an existing building crossing the property lines would not have been legal. In summary, two lots would not have been recognized had the bay not been legally or illegally removed.

South Side Bay Construction History: Arabelle Kendall purchased lot 4 on September 19, 1919 and lot 5 on September 11, 1919. The HRE states a condition of the sale of lot 5 was that “the existing bungalow

be removed within 30 days of sale” (footnote 18, HRE, page 16). On November 3, 1919, which would have been several weeks after the building on lot 5 would have been demolished, a permit application on Kendall’s behalf was filed for, “alterations and additions as per plans.” A Sanborn Map of 1913-1915 shows the two buildings on the two lots. A Sanborn dated 1913-1950 shows one building remaining with the south side bay. A 1938 aerial photo shows one building with the south side bay. Therefore we know the bay must have been constructed sometime between 1915 and 1938. In cities with permit requirements, Sanborn Maps were based on city records and not random street-walking surveyors.<sup>1</sup> Furthermore, all prior and current Zoning Administrators of the City and County of San Francisco have relied on Sanborn Maps to determine legal status when no other records exist. So if a building is shown on a Sanborn Map with a certain outline, that outline is presumed to have been constructed with legal permit in the absence of any contravening record. The city did not maintain the plans associated with Kendall’s 1919 permit, but the fact the bay appears in a Sanborn Map and a 1919 permit was taken out for “additions” just subsequent to the purchase of both lots by one person and also just subsequent to the demolition of a building on a site in the bay’s location, lead naturally to the conclusion the bay was constructed with that 1919 permit. It is not credible that an owner who took out a permit for “alterations and additions” would then go ahead and construct a bay without permit.

The HRE concludes the bay was “unpermitted” (bottom page 17) not only without any supporting evidence whatsoever but in direct conflict with the filing of a permit for “additions” during the time period the HRE states the bay would have been constructed. Furthermore, nowhere does the HRE indicate the removal of the bay was unpermitted, which had been documented in a notice of enforcement issued by the Planning Department prior to the filing of the HRE.

#### Conclusion:

The site was two lots until 1919 when they were purchased by a single person. In that year the building on one of the lots was demolished and a permit was filed for “additions” which most likely included the south side bay. When the owner since 1919 sold the property in 1938 the deed described the site as one parcel with 50-feet of width – in other words, as a single lot. Only the City can give lot numbers. That the site changed from lots 4 and 5 to lot 21 is proof some recognized City process occurred to merge the lots. The site remained a single lot until a 2017 Certificate of Compliance was issued. That Certificate could not have been approved with the south side bay because that bay crossed the proposed new property line. The owners removed the south side bay without permit, apparently to gain approval of the lot split and be able to apply for two separate projects. Both the bay removal and lot split came about because of work without permit.

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<sup>1</sup> Library of Congress, Introduction to the Collection of Sanborn Maps: <https://www.loc.gov/collections/sanborn-maps/articles-and-essays/introduction-to-the-collection/>. Sanborn surveyors were provided with a manual that instructed them to begin with city records to develop the maps. In my 30-year experience as a planner in San Francisco, I have never seen any additions done without permit appearing on the Sanborn Maps.

PID 9190 FW - certificate of compliance  
25 17th Avenue - 1. PDF

**From:** VerHagen, Adrian (DPW)  
**To:** Ryan, James (DPW)  
**Cc:** Storrs, Bruce (DPW)  
**Subject:** PID 9190 FW: certificate of compliance 25 17th avenue  
**Date:** Friday, April 13, 2018 2:20:16 PM  
**Attachments:** [survey for 25 17th Ave submitted with CofC application.pdf](#)  
[051 - Notice of Enforcement.pdf](#)  
[9190 COC 20170208.pdf](#)  
[image001.jpg](#)  
[image005.jpg](#)  
[image006.png](#)  
[image007.png](#)

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James,

PID 9190

Certificate of Compliance recorded 2/09/2017. (see attached)

(the other attachments are from the inquiring party)

Please see below and attached as found in the subdivision inbox.

Per the tracking system, you were apparently the Lead review on this so I think it is most appropriate you respond to the applicant as you may be aware of details I am not.

FYI...the inquiring party per her website claims to be former SF assistant director of planning.

<http://mgaplanning.com/about.html>

Let me know if I can assist.

Thanks,

Adrian VerHagen

Land Surveyor

Bureau of Streets Use and Mapping

San Francisco Public Works

City and County of San Francisco

1155 Market St., 3rd Floor

San Francisco, CA 94103

Office: (415) 554-4193

[sfpublicworks.org](http://sfpublicworks.org)

**From:** mary gallagher [mailto:maryegallagher@yahoo.com]

**Sent:** Friday, April 13, 2018 12:00 PM

**To:** DPW, Subdivision Mapping(DPW)

**Subject:** Fw: certificate of compliance 25 17th avenue

I have been reviewing the certificate of compliance granted for this property on January 7, 2017.

The application was to recognize a single lot as two lots.

The title reports submitted with the application show the site had been two lots up until at least 1919 and then was one lot no later than 1938 and had remained one lot since 1938, until your approval of a Certificate of Compliance was issued in 2017. Sometime between 1909 and 1938 a bay on the south side of the existing building was constructed (a bay which stood in the middle of the lot and encroaching over what is now a new property line). I believe the bay was constructed with permit in 1909 shortly after one party purchased both lots.

The survey submitted with the C of C application shows the bay that was crossing what was proposed as the new lot line that would create two lots. The statement, "encroaching portions of building to be demolished" (survey attached) is on the survey. The date of the survey was Oct 2016; the date of the Certificate of Compliance application was October 13, 2016. At some point prior to August 18, 2016 (as evidenced by a notice of enforcement from the



Planning Department, attached), the owners removed the bay (and a deck partially encroaching over the proposed new property line) without benefit of permit (ie, illegally). The Certificate of Compliance was issued on January 7, 2017 and recorded the next month. A permit subsequently filed by the owners to legalize the removal of the bay was disapproved by the Board of Appeals. A new permit to try again to get the bay removal legalized is expected to be filed soon and will be taken to the Planning Commission. It is entirely possible the Commission will require the bay to be reconstructed.

I have several questions:

- 1) Did DPW require proof of the bay removal prior to issuance of the Certificate of Compliance?
- 2) Was removal of the bay (whether proof was submitted or not) required for issuance of the Certificate of Compliance?
- 3) Does DPW require proof of the owners obtaining a permit when portions of a building shown to be removed when such portions must be removed in order to approve a C of C and, if so, why was this not required in this case?
- 4) If the Planning Commission requires the bay to be reconstructed, what process will be required to again merge the lots -- specifically, can the Certificate of Compliance be revoked by DPW given the history of the site or is some other process required?

Thank you for your time,

Mary Gallagher

Mary Gallagher Planning



**Mary Gallagher Planning**

Mary Gallagher planning and zoning in San Francisco

4/13/2018 EMAIL FROM PLANNING

Exhibit #3

**From:** [mary.gallagher](#)  
**To:** [DPW, Subdivision Mapping\(DPW\)](#)  
**Subject:** Fw: certificate of compliance 25 17th avenue  
**Date:** Friday, April 13, 2018 12:00:10 PM  
**Attachments:** [survey for 25 17th Ave submitted with CofC application.pdf](#)  
[051 - Notice of Enforcement.pdf](#)

---

I have been reviewing the certificate of compliance granted for this property on January 7, 2017.

The application was to recognize a single lot as two lots.

The title reports submitted with the application show the site had been two lots up until at least 1919 and then was one lot no later than 1938 and had remained one lot since 1938, until your approval of a Certificate of Compliance was issued in 2017. Sometime between 1909 and 1938 a bay on the south side of the existing building was constructed (a bay which stood in the middle of the lot and encroaching over what is now a new property line). I believe the bay was constructed with permit in 1909 shortly after one party purchased both lots.

The survey submitted with the C of C application shows the bay that was crossing what was proposed as the new lot line that would create two lots. The statement, "encroaching portions of building to be demolished" (survey attached) is on the survey. The date of the survey was Oct 2016; the date of the Certificate of Compliance application was October 13, 2016.

At some point prior to August 18, 2016 (as evidenced by a notice of enforcement from the Planning Department, attached), the owners removed the bay (and a deck partially encroaching over the proposed new property line) without benefit of permit (ie, illegally).

The Certificate of Compliance was issued on January 7, 2017 and recorded the next month.

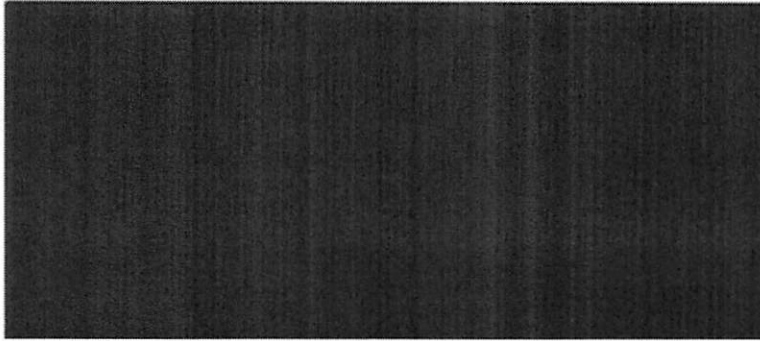
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- 2) Was removal of the bay (whether proof was submitted or not) required for issuance of the Certificate of Compliance?
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- 4) If the Planning Commission requires the bay to be reconstructed, what process will be required to again merge the lots -- specifically, can the Certificate of Compliance be revoked by DPW given the history of the site or is some other process required?

Thank you for your time,

Mary Gallagher  
Mary Gallagher Planning

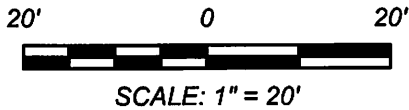


**Mary Gallagher Planning**

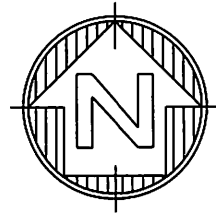
Mary Gallagher planning and zoning in San Francisco

# LEGEND

P.O.B. POINT OF BEGINNING



## ASSESSOR'S BLOCK 1341



APN 1341-003

LERDAL  
97-G261295-00  
NOV. 21, 1997  
120.00'

APN 1341-012

GREINETZ  
1999-G635534-00  
AUG. 11, 1999

PARCEL "A"  
APN 1341-.....  
3,000 SQ. FT.

APN 1341-021  
2015-K157130-00

25 17TH AVENUE  
4 LEVEL STUCCO

APN 1341-011

ROSEN  
2013-J651167-00  
MAY 3, 2013

PARCEL "B"  
APN 1341-.....  
3,000 SQ. FT.

ENCROACHING  
PORTIONS OF  
BUILDING TO BE  
DEMOLISHED

P.O.B.  
PARCEL "A"

P.O.B.  
PARCEL "B"

APN 1341-006

PEEK  
2007-I308094-00  
JAN. 4, 2007

APN 1341-007A

CLARK  
2007-G979127-00  
JUL. 13, 2001

APN  
1341-007

NEUMAYER  
2013-J583970-00  
JAN. 15, 2013

17TH AVENUE 70' WIDE

100.00'

ALL ANGLES ARE 90° UNLESS  
OTHERWISE NOTED

ALL DISTANCES ARE MEASURED IN  
FEET AND DECIMALS THEREOF

## LAKE STREET

80' WIDE

SURVEY:  
FTS  
DRAWN:  
HRF  
CHECKED:



**Frederick T. Seher & Associates, Inc.**  
PROFESSIONAL LAND SURVEYORS  
841 LOMBARD STREET, SAN FRANCISCO, CA  
PHONE (415) 921-7690 FAX (415) 921-7655

**EXHIBIT "B"**  
**PLAT TO ACCOMPANY LEGAL DESCRIPTIONS**  
**APN 1341-021**

JOB NO. 1910-15

DATE: OCT, 2016

SCALE: 1" = 20'

SHEET NO.

1 OF 1





## SAN FRANCISCO PLANNING DEPARTMENT

### NOTICE OF ENFORCEMENT

September 6, 2016

**Property Owner**

SF Clem, LLC  
256 16th Ave  
San Francisco, CA 94118

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

Reception:  
**415.558.6378**

Fax:  
**415.558.6409**

Planning  
Information:  
**415.558.6377**

**Site Address:** 25 17th Ave  
**Assessor's Block/ Lot:** 1341/ 021  
**Complaint Number:** 2016-009806ENF  
**Zoning District:** RH-1, Residential- House, One Family  
**Code Violation:** 174: Unpermitted removal of bay  
**Administrative Penalty:** Up to \$250 Each Day of Violation  
**Response Due:** Within 15 days from the date of this Notice  
**Staff Contact:** Alexandra Kirby, (415) 575-9133, alexandra.kirby@sfgov.org

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

#### DESCRIPTION OF VIOLATION

The subject property was issued a Building Permit (#201606160104) on June 16, 2016, to remove and repair lath and plaster and exterior stucco in-kind. Per a site visit conducted by Planning Staff on August 18<sup>th</sup>, the side bay and a rear deck have been removed without the benefit of a permit.

On July 27<sup>th</sup>, 2016, the Planning Department sent you a Notice of Complaint to inform you about the complaint.

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

#### HOW TO CORRECT THE VIOLATION

The Planning Department requires that you immediately proceed to abate the violation by filing for a permit to restore the removed bay and cladding in a historically appropriate manner to replicate that

which was removed, including all architectural details and finishes. A site visit will be required to verify compliance. The permit application shall include drawing and specifications with the following information:

1. Details and sections illustrating all exterior profiles and dimensions of proposed work below the roofline to correct the violation. Sections shall include areas where new materials transition to existing materials, such as near door frames and window trim.
2. Written information, also referred to as "specifications" on the materials, equipment, systems, standards, and workmanship for the installation of new materials, to ensure new materials closely match those materials removed in visual appearance and character. This written information shall accompany the plans as part of the permit application. Prior to completing the work, you shall schedule a site visit with Enforcement staff to demonstrate a mock-up of the proposed rough, hand-troweled stucco finish on the entry turret.

The above stated work shall be required to be approved and completed prior to consideration of future alteration applications by the Planning Department.

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

## **TIMELINE TO RESPOND**

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

## **PENALTIES AND APPEAL RIGHTS**

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

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

## **ENFORCEMENT TIME AND MATERIALS FEE**

Pursuant to Planning Code Section 350(c) (1), the Planning Department shall charge for 'Time and Materials' to recover the cost of correcting Planning Code violations and violations of Planning Commission and Planning Department's Conditions of Approval. Accordingly, the responsible party may be subject to an amount of \$1,308 plus any additional accrued time and materials cost for Code Enforcement investigation and abatement of violation. This fee is separate from the administrative penalties as noted above and is not appealable.

## **OTHER APPLICATIONS UNDER CONSIDERATION**

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

cc: Daniel Lowrey, Deputy Director, Department of Building Inspection, San Francisco  
Patrick O'Riordan, Chief Building Inspector, Department of Building Inspection, San Francisco

**中文詢問請電: 558.6378**

**Para información en Español llamar al: 558.6378**

**EXHIBIT "A"****LEGAL DESCRIPTIONS OF COMPLIANT PARCELS****PARCEL "A"** (FORMERLY LOT 004)**(APN: 1341- )**CCSF TO  
ASSIGN APN

Real property in the ~~City of San Francisco, County of San Francisco~~, State of California, described as follows: **CITY AND COUNTY OF SAN FRANCISCO**

Commencing at a point on the westerly line of 17<sup>th</sup> Avenue, distant thereon 125 feet northerly from the northerly line of Lake Street, running thence northerly and along said westerly line of 17<sup>th</sup> Avenue 25 feet, thence at a right angle westerly 120 feet, thence at a right angle southerly 25 feet, thence at a right angle easterly 120 feet to the westerly line of 17<sup>th</sup> Avenue and the point of commencement.

Being a part of Outside Land Block No. 55

**PARCEL "B"** (FORMERLY LOT 005)**(APN: 1341- )**CCSF TO  
ASSIGN APN

Real property in the ~~City of San Francisco, County of San Francisco~~, State of California, described as follows: **CITY AND COUNTY OF SAN FRANCISCO**

Beginning at a point on the westerly line of Seventeenth Avenue, distant thereon 100 feet northerly from the point formed by the intersection of the westerly line of Seventeenth Avenue with the northerly line of Lake Street; and running thence northerly along said line of Seventeenth Avenue 25 feet; thence at a right angle westerly 120 feet; thence at a right angle southerly 25 feet; and thence at a right angle easterly 120 feet to the point of beginning.

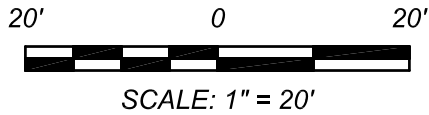
Being a part of ~~Outside Land Block "M", also known as~~ Outside Land Block No. 55

LICENSE  
STAMP

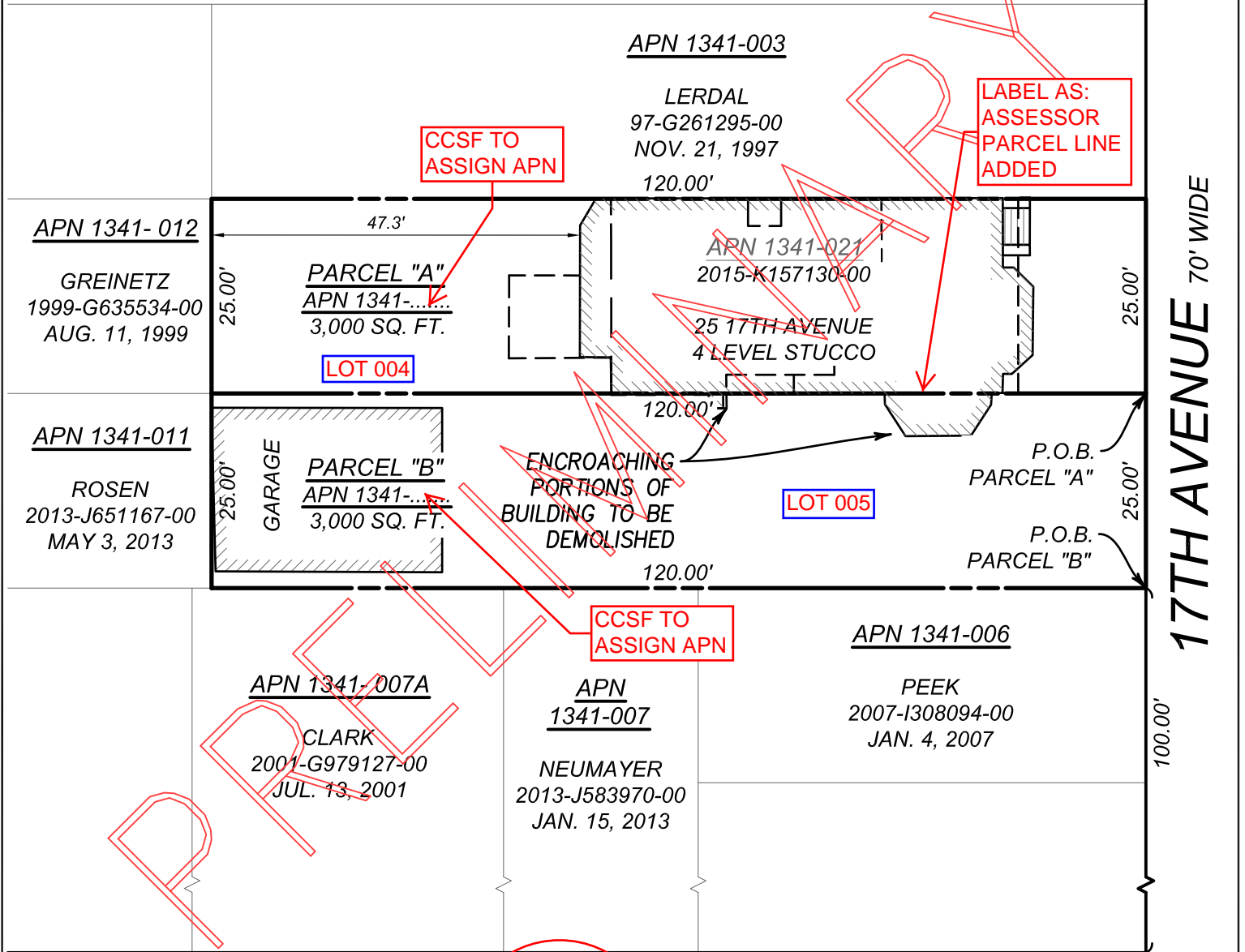


# LEGEND

P.O.B. POINT OF BEGINNING



## ASSESSOR'S BLOCK 1341



ALL ANGLES ARE 90° UNLESS OTHERWISE NOTED

ALL DISTANCES ARE MEASURED IN FEET AND DECIMALS THEREOF

LICENSE  
STAMP

### LAKE STREET

80' WIDE

REPLACE WITH  
NEW ASSESSOR  
PARCEL NUMBERS

SURVEY:  
FTS  
DRAWN:  
HRF  
CHECKED:



**Frederick T. Seher & Associates, Inc.**  
PROFESSIONAL LAND SURVEYORS  
841 LOMBARD STREET, SAN FRANCISCO, CA  
PHONE (415) 921-7690 FAX (415) 921-7655

**EXHIBIT "B"**  
PLAT TO ACCOMPANY LEGAL DESCRIPTIONS  
**APN 1341-021**

JOB NO. 1910-15

DATE: 29 OCT, 2016

SCALE: 1" = 20'

SHEET NO. 1 OF 1

UPDATE

[back to list](#)

project id: <b>9190</b>			
Project Name:	<b>1341 / 021 (COMP)</b>	DPW Surveyor:	<b>James Ryan</b>
Project Type:	<b>0 Certificate of Compliance</b>		
Check Rec'd	<b>\$2701</b>	ECP Check Rec'd	<b>\$0</b>
Surveyor / Engineer of Record:	<b>FREDERICK T. SEHER &amp; ASSOCIATES</b>		

Address #	Street Name	Block #	Lot #
25-25	17TH AVE	1341	021

Current Phase: **Submitted to the Recorder** Current Status: **Confirmed Recorded**

Book:	Page: -	Box: <b>352</b>	Map:
-------	---------	-----------------	------

Date Rec'd	Date to DCP	Date Rec'd from DCP	Date DPW Tent. Approval	Date Mylars Rec'd	Date Recorded
10/25/2016 11:28:07 AM					2/9/2017

Activity	Date Stamp	Comments
Application Logged	10/25/2016	Received check for \$2701.00 (Check #: 1010). AE.
Application Assigned	10/25/2016	James Ryan
Project Funds Received	10/25/2016	AE/SB
Comment	11/9/2016	Project under review. tn
Comment	11/15/2016	Email to DCP: Block Maps requested . tn
Comment	12/13/2016	RH
Comment	1/13/2017	Tax cert received. eb
Comment	1/17/2017	Exhibits under review. sb
Comment	1/17/2017	To Lead for review. sb
Application Deemed Submittable	1/17/2017	sb
Comment	1/17/2017	Requested confirmation of proposed APNs from Assessor's Office. sb
Comment	1/18/2017	APNs confirmed by ASR. sb
Comment	1/26/2017	To Lead for transmittal signature. sb
Comment	2/1/2017	Returned to applicant. Requested final exhibits and recording fee. sb
Comment	2/2/2017	Received final exhibits and Recorder fee (check#7334

		\$28.00) eb
To Senior for Review	2/6/2017	sb
Certificate of Compliance to be Recorded	2/8/2017	ae
Submitted to Recorder	2/8/2017	ae
Confirmed Recorded	2/9/2017	ae
Comment	2/14/2017	new lot numbers added
Comment	2/14/2017	new lot numbers added
Comment	2/23/2017	sb
Comment	2/22/2018	
Comment	7/18/2018	MC

RECORDING REQUESTED BY  
DEPARTMENT OF PUBLIC WORKS  
THE CITY AND COUNTY SURVEYOR  
1155 MARKET STREET, THIRD FL  
SAN FRANCISCO, CA 94103

WHEN RECORDED MAIL TO

NAME OFFICE OF THE ASSESSOR-RECORDER  
ELIZABETH COOPER  
MAILING ADDRESS 1 DR CARLTON B. GOODLETT PLACE  
ROOM 190  
CITY, STATE SAN FRANCISCO, CA  
ZIP CODE 94102-4698

San Francisco Assessor-Recorder  
Carmen Chu, Assessor-Recorder  
DOC- 2017-K406467-00

Check Number 1883-7334

Wednesday, FEB 08, 2017 15:40:40

Ttl Pd \$33.00

Rcpt # 0005550347

ear/AB/1-7

SPACE ABOVE THIS LINE RESERVED FOR RECORDER'S USE

APN: 1341-021

### CERTIFICATE OF COMPLIANCE

The City and County of San Francisco has determined that the parcels described in Exhibits "A", and "B", attached hereto and made a part hereof, comply with the applicable provisions of Title 7, Division 2, Subdivisions, of the Government Code, cited as the Subdivision Map Act, and all local Ordinances enacted pursuant thereto.

As provided by Section 66499.35, the City and County Surveyor of San Francisco hereby issues this Certificate of Compliance free of any conditions.

Block: 1341

Old Assessor's Parcel Number(s): 021

New Assessor's Parcel Number(s): 025 & 026

Address: 25 17<sup>th</sup> Ave

Owners: Twenty Five 17<sup>th</sup> Avenue, LLC, a California Limited Liability Company

This certificate relates only to issues of compliance or noncompliance with the Subdivision Map Act and local ordinances enacted pursuant thereto. The parcels described herein may be sold, leased, or financed without further compliance with the Subdivision Map Act or any local ordinance enacted pursuant thereto. Development of the parcels may require issuance of a permit or permits, or other grant or grants of approval.

Description Approved:

*Bruce R. Storrs*

Bruce R. Storrs, L.S. 6914  
City and County Surveyor  
Department of Public Works



A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California )  
County of San Francisco )

On January 07, 2017 before me, Monserate Sandra Galdamez, Notary Public, personally appeared Bruce R. Storrs, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

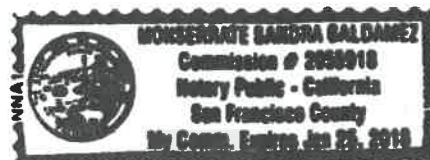
I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature

*Monserate Sandra Galdamez*

(Seal)



October 13, 2016

**APPLICATION FOR CERTIFICATE OF COMPLIANCE**

I (We), the undersigned property owner(s) (or the owner's authorized agent) of that certain real property located at:

Address 25 17<sup>th</sup> Avenue, San Francisco, California

Assessor's Block and Lot APN 1341-021

Property described in Document No./Book and Image:

DOC. 2015-K157130-00

(Provide complete recording information for current vesting deed)

Hereby request the City and County of San Francisco to determine whether said real property complies with the provisions of Government Code Section 66410, etc., The California Subdivision Map Act, as shown on the attached Exhibit A and B.

I (We), Twenty Five 17<sup>th</sup> Avenue, LLC, a California Limited Liability Company  
(Print or type name in full)

being duly sworn, depose and say that I am (We are) the owner(s) of the property involved in this application and that the statements and information herein contained are in all respects true and correct to the best of my (our) knowledge and belief.

Signed [Signature]

Twenty Five 17<sup>th</sup> Avenue, LLC, a California Limited Liability Company  
By: Jonathan Kantor, Manager

A NOTARY PUBLIC OR OTHER OFFICER COMPLETING THIS CERTIFICATE VERIFIES ONLY THE IDENTITY OF THE INDIVIDUAL WHO SIGNED THE DOCUMENT TO WHICH THIS CERTIFICATE IS ATTACHED, AND NOT THE TRUTHFULNESS, ACCURACY, OR VALIDITY OF THAT DOCUMENT

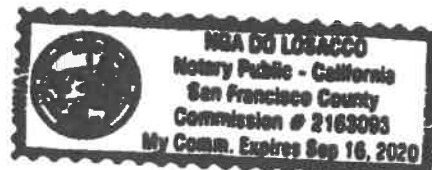
State of California

County of San Francisco

Subscribed and sworn to (or affirmed) before me on this 17<sup>th</sup> day of \_\_\_\_\_

October 2016, by Jonathan Kantor, proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.

[Signature]  
Notary Public





October 13, 2016

**GENERAL ACKNOWLEDGMENT**

A NOTARY PUBLIC OR OTHER OFFICER COMPLETING THIS CERTIFICATE VERIFIES ONLY THE IDENTITY OF THE INDIVIDUAL WHO SIGNED THE DOCUMENT TO WHICH THIS CERTIFICATE IS ATTACHED, AND NOT THE TRUTHFULNESS, ACCURACY, OR VALIDITY OF THAT DOCUMENT

State of California

County of San Francisco

On 10/17/16 before me, Nga Do Losacco  
(insert name and title of the officer)

Personally appeared Jonathan Kantor  
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

[Signature]  
Signature of Notary



**EXHIBIT "A"**

**LEGAL DESCRIPTIONS OF COMPLIANT PARCELS**

**PARCEL "A"**  
**(APN: 1341- )**

***Real property in the City of San Francisco, County of San Francisco, State of California, described as follows:***

***Commencing at a point on the westerly line of 17<sup>th</sup> Avenue, distant thereon 125 feet northerly from the northerly line of Lake Street, running thence northerly and along said westerly line of 17<sup>th</sup> Avenue 25 feet, thence at a right angle westerly 120 feet, thence at a right angle southerly 25 feet, thence at a right angle easterly 120 feet to the westerly line of 17<sup>th</sup> Avenue and the point of commencement.***

***Being a part of Outside Land Block No. 55***

**PARCEL "B"**  
**(APN: 1341- )**

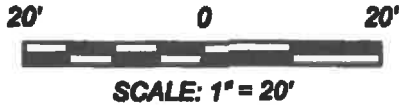
***Real property in the City of San Francisco, County of San Francisco, State of California, described as follows:***

***Beginning at a point on the westerly line of Seventeenth Avenue, distant thereon 100 feet northerly from the point formed by the intersection of the westerly line of Seventeenth Avenue with the northerly line of Lake Street; and running thence northerly along said line of Seventeenth Avenue 25 feet; thence at a right angle westerly 120 feet; thence at a right angle southerly 25 feet; and thence at a right angle easterly 120 feet to the point of beginning.***

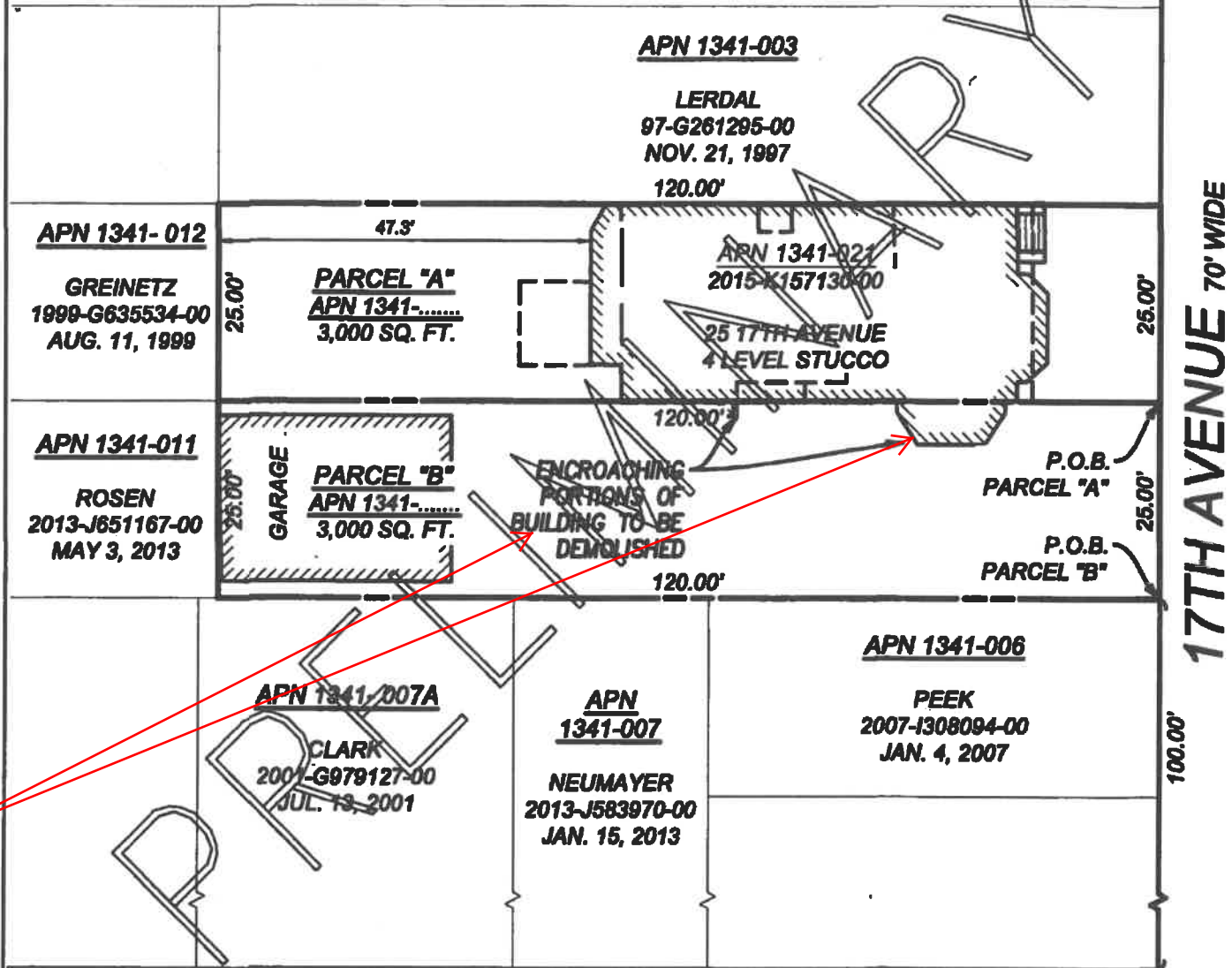
***Being a part of Outside Land Block "M", also known as Outside Land Block No. 55***

**LEGEND**

P.O.B. POINT OF BEGINNING



**ASSESSOR'S  
BLOCK 1341**



ALL ANGLES ARE 90° UNLESS  
OTHERWISE NOTED

ALL DISTANCES ARE MEASURED IN  
FEET AND DECIMALS THEREOF

**LAKE STREET**  
80' WIDE

SURVEY:  
FTS  
DRAWN:  
HRF  
CHECKED:



**Frederick T. Seher & Associates, Inc.**  
PROFESSIONAL LAND SURVEYORS  
841 LOMBARD STREET, SAN FRANCISCO, CA  
PHONE (415) 921-7690 FAX (415) 921-7655

**EXHIBIT "B"**  
PLAT TO ACCOMPANY LEGAL DESCRIPTIONS  
APN 1341-021

JOB NO. 1910-15 DATE: OCT, 2016 SCALE: 1" = 20' SHEET NO. 1 OF 1

**EXHIBIT "A"**

**LEGAL DESCRIPTIONS OF COMPLIANT PARCELS**

**PARCEL "A"**  
**(APN: 1341-025)**

*Real property in the City of San Francisco, County of San Francisco, State of California, described as follows:*

*Commencing at a point on the westerly line of 17<sup>th</sup> Avenue, distant thereon 125 feet northerly from the northerly line of Lake Street, running thence northerly and along said westerly line of 17<sup>th</sup> Avenue 25 feet, thence at a right angle westerly 120 feet, thence at a right angle southerly 25 feet, thence at a right angle easterly 120 feet to the westerly line of 17<sup>th</sup> Avenue and the point of commencement.*

*Being a part of Outside Land Block No. 55*

**PARCEL "B"**  
**(APN: 1341-026)**

*Real property in the City of San Francisco, County of San Francisco, State of California, described as follows:*

*Beginning at a point on the westerly line of Seventeenth Avenue, distant thereon 100 feet northerly from the point formed by the intersection of the westerly line of Seventeenth Avenue with the northerly line of Lake Street; and running thence northerly along said line of Seventeenth Avenue 25 feet; thence at a right angle westerly 120 feet; thence at a right angle southerly 25 feet; and thence at a right angle easterly 120 feet to the point of beginning.*

*Being a part of Outside Land Block "M", also known as Outside Land Block No. 55*

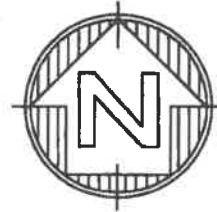


**LEGEND**

P.O.B. POINT OF BEGINNING



SCALE: 1" = 20'

**ASSESSOR'S  
BLOCK 1341****APN 1341-003**LERDAL  
97-G261295-00  
NOV 21, 1997  
120.00'**APN 1341-012**GREINETZ  
1999-G635534-00  
AUG 11, 1999

25.00'

**PARCEL "A"**  
**APN 1341-025**  
3,000 SQ. FT.**APN 1341-021**  
2015-K157130-00P.O.B.  
PARCEL "A"

25.00'

**APN 1341-011**ROSEN  
2013-J651167-00  
MAY 3, 2013

25.00'

**PARCEL "B"**  
**APN 1341-026**  
3,000 SQ. FT.

120.00'

P.O.B.  
PARCEL "B"

25.00'

120.00'

**APN 1341-007A**CLARK  
2001-G979127-00  
JUL 13, 2001**APN**  
**1341-007**NEUMAYER  
2013-J583970-00  
JAN. 15, 2013**APN 1341-006**PEEK  
2007-I308094-00  
JAN. 4, 2007

100.00'

**17TH AVENUE 70' WIDE**ALL ANGLES ARE 90° UNLESS  
OTHERWISE NOTEDALL DISTANCES ARE MEASURED IN  
FEET AND DECIMALS THEREOF**LAKE STREET**

80' WIDE

SURVEY  
FTS  
DRAWN  
HRF  
CHECKED.**Frederick T. Seher & Associates, Inc.**  
PROFESSIONAL LAND SURVEYORS  
841 LOMBARD STREET, SAN FRANCISCO, CA  
PHONE (415) 921-7690 FAX (415) 921-7655**EXHIBIT "B"**  
**PLAT TO ACCOMPANY LEGAL DESCRIPTIONS**  
**APN 1341-025 AND 026**

JOB NO. 1910-15

DATE FEB. 2017

SCALE 1" = 20'

SHEET NO

1 OF 1



**Steinberg, David (DPW)**

---

**From:** Ryan, James (DPW)  
**Sent:** Wednesday, February 15, 2017 9:28 AM  
**To:** Frederick T. Seher; Mapping, Subdivision (DPW)  
**Cc:** Storrs, Bruce (DPW); 'Jon Kantor'  
**Subject:** RE: 9190\_COC

We will get that corrected.

James

**From:** Frederick T. Seher [mailto:rick@sflandsurveyor.com]  
**Sent:** Tuesday, February 14, 2017 6:24 PM  
**To:** Mapping, Subdivision (DPW)  
**Cc:** Storrs, Bruce (DPW) ; Ryan, James (DPW) ; 'Jon Kantor'  
**Subject:** RE: 9190\_COC

Tsege et al,

I'm not entirely sure this COC will be able to be used by the client or title company as it appears to missing certain elements; legal description of the compliant parcels, exhibit "A", two exhibit "B's" one marked preliminary the other signed, missing ownership page and maybe other elements that I'm not aware of. Please advise. Thank you.

Kind regards,

Rick Seher

**Frederick T. Seher & Associates, Inc.**  
 Professional Land Surveyors  
 841 Lombard Street  
 San Francisco, CA 94133  
 415-921-7690 Office  
 415-921-7655 Fax

---

**From:** Mapping, Subdivision (DPW) [mailto:Subdivision.Mapping@sfdpw.org]  
**Sent:** Tuesday, February 14, 2017 3:49 PM  
**To:** Frederick T. Seher  
**Subject:** 9190\_COC

Rick,

Attached is a confirmed copy of COC 9190.

Thank you,



Tsegereda Naizghi  
Survey Assistant II

Bureau of Street-Use and Mapping

San Francisco Public Works  
City and County of San Francisco  
1155 Market St 3<sup>rd</sup> Floor  
San Francisco, CA 94103  
(415) 554-5832 | [tsegereda.naizghi@sfdpw.org](mailto:tsegereda.naizghi@sfdpw.org)

Two years ago, Mr. Brown, a developer, purchased a 3,500-square foot home (25-17<sup>th</sup> Avenue) which sits on a double lot across the street from our house with the goal of creating two 6,000 square foot homes. I am appealing an abatement permit the developer filed to legalize unpermitted work. The permit was approved in August of 2017.

For reference, page numbers in parentheses in this brief refer to the exhibit page number.

Both the developer and the project structural engineer are experienced professionals and are aware of the S. F. Building and Planning Code requirements. Mr. Brown, the developer who purchased the home, is a licensed realtor and the owner/broker at Brown & Co., a real estate brokerage firm. His biography on the website states that "Mr. Brown has 37 years of experience in sales, development and investing in properties". Mr. Brown has converted over 2,500 residential units in San Francisco to TIC units (18). Mr. Santos, the licensed project structural engineer, was President of the Building Inspection Commission in 2005. Their experience and professional standing require they be held to the highest level of accountability for willfully violating the S. F. Building and Planning Codes

There are a total of 15 building and planning code violations (17) for 25-17<sup>th</sup> Avenue. The principal violations are the unpermitted demolition of a very large deck, a three-story bay, a three-story chimney, windows and a lightwell on the south wall of 25-17<sup>th</sup> Avenue. Before and after pictures and building plans (1-9) show the scale of the unpermitted work. The

penalty assessed by DBI and Planning for these unpermitted actions was \$253.40 (10). The penalty that was assessed vs. the scale of the violations is outrageous!

**Recommendations and requests.** The City Code only specifies what the Permit Appeals Board may do, not what it may not do. The underlined portion of the following statement in the Board's Special Instructions For Parties appears to be unsupported by the City Code, "In deciding a case, the Board may only uphold, overturn or place conditions on departmental decision; it cannot remand (send back) a decision to the underlying department for further review or action".

The Permit Appeal Board is empowered to set permit penalties at between 2 and 9 times permit fees, and there do not appear to be any limitations on the Board's authority regarding requiring DBI to amend or correct building permits that have been issued in error (49).

The penalty for the removal of the three-story bay, chimney, windows and lightwell should include the \$200,000 cost of addressing the structural problems created by the violations and the penalty should be 9 times the \$4,132.53 permit fee or \$37,192.77 and not \$253.40. A penalty of \$7,983 should be assessed for installing risky shoring without a permit.

As background, 25-17<sup>th</sup> Avenue was constructed in 1913 and designed by E. E. Young, the prominent architect who designed the Russian Embassy; the Hotel California (Serrano Hotel), now Glide Memorial Methodist Church which is on the National Register of historic places in San Francisco, and the Franciscan Club. A summary of E. E. Young's work (19)

includes a picture of 25-17<sup>th</sup> Avenue, one of three E. E. Young homes on the west side of 17<sup>th</sup> Avenue north of Lake Street. The developer purchased the home in 2015 from Mr. Hooper's son-in-law. Mr. Hooper purchased 25-17<sup>th</sup> Avenue in 1947. The home had been in the same family for nearly 70 years.

**Eleven of the 15 violations are summarized below.**

**Unpermitted demolition of two decks.** I filed my first complaint (20) on June 02, 2016 regarding the unpermitted demolition of the large south wall deck that wrapped around the house to the west wall.

The district inspector visited the jobsite on June 06, 2016, and the contractor told the district inspector that the project engineer was pulling a permit to reconstruct the deck that day. My June 02, 2016 complaint was deleted from the DBI permit tracking system and replaced with a second complaint generated by DBI (21) that did not include the district inspector's site visit or the contractor's statement about the structural engineer pulling a permit. The second complaint was marked as closed on August 12, 2016 with a reference that the second complaint was part of a third complaint #201623795 (22) that I filed 22 days after the deck demolition complaint. The third complaint deals with the unpermitted demolition of the internal four floors of 25-17<sup>th</sup> Avenue and is unrelated to the violations contained in the second complaint generated by DBI. I do not understand why the two complaints were combined. The combined deck demolition and interior demolition complaint remains open



and a Director's hearing is scheduled for September 27, 2017. It is not clear why DBI approved an abatement permit where the scope of work includes approving the unpermitted demolition of the two decks when there is an open complaint subject to a director's hearing.

The unpermitted deck demolition and the unpermitted bay removal is valued at \$3,500 on the Notice of Violation #2 (23). The value on Notice of Violation #1 was \$2,500. The value of \$3,500 does not reflect the genuine cost of demolishing the deck and bay. I believe that the violation was work without a permit vs. work outside the scope of an existing building permit because the only existing permit as June 02, 2016 was the foundation replacement building permit. The penalty for work without permit is 9 times the fees paid.

**Filing a false building plan with the City.** On June 16, 2016, the engineer applied for and received an over-the-counter Planning Department permit where the scope of work was a like-kind repair of south wall dry rot. When the engineer submitted the building permit he submitted building plans that failed to show the existing three-story bay (24).

Mr. Santos, the project engineer, has a documented history of submitting false documents with the City. In addition to deleting existing structures from plans submitted to the City, he in another case created a garage that did not exist (25) on building plans (214 State Street).

Mr. Santos, was the project engineer for 125 Crown Terrace which collapsed and fell down the hill (26-27). 125 Crown Terrace was developed by Mel Murphy, another former President of the Building Inspection Commission.

In 2005 while Mr. Santos was President of the Building Inspection Committee, he represented Ms. Lei who ran into trouble obtaining permits to finish her construction project. A copy of the Chronicle Story is on exhibit page 28.

The BIC Litigation Committee referred these three cases to the City Attorney (11) and the S.F. Planning Department has seven active cases (16) with Mr. Santos's firm, Santos & Urrutia.

The Planning Department's response to my Sunshine Request regarding penalties for submitting false plans was "Planning does not assess fines and penalties for submitting false plans" (16). If the City does not rein in this abhorrent practice through penalties, it will continue and there will ultimately be serious injuries or even loss of life. The abatement permit does not address this violation.

**Failure to file a Planning Department Historical Review application.** The developer did not file a Historic Review Evaluation (HRE) application with the Planning Department which is required under CEQA. The Planning Department response to my Sunshine Request regarding penalties for failing to file an HRE was "there are no penalties or fees directly associated with failing to file an HRE" (15).

Approval of an HRE application can slow down a construction project by between three and six months, and the need to file an HRE only becomes visible if the developer requests a building permit and DBI determines the building is over fifty years old. The current situation

allows developers the opportunity to accelerate their project by six months if they do unpermitted work and "legalize" the work after it has been completed.

A six-month delay in remodeling a house purchased for \$4 million results in approximately \$100,000 of additional carrying cost (i.e., cost of funds, property taxes, insurance). The financial incentives for unpermitted construction work and the lack of meaningful financial penalties appear to be the root cause in the increase in unpermitted demolition and construction in San Francisco.

**Demolition of three-story bay without permit.** Sr. Building inspector Curran stated in his July 12, 2016 email (31-32) that permit # 201606160104 was "obtained under the guise of dry rot work" and the developer demolished the three-story bay at the southeast corner of the house. As you can see from the before and after pictures, the developer infilled the area where the three-story bay existed with plywood. No attempt was made in July of 2016 to deal with structural problems from the unpermitted removal of the three-story bay. If the developer had elected to address the structural problems he created by ripping out the bay before infilling with plywood that could be described as a voluntary action. Agreeing to remedy the structural problems the developer created after DBI issued a Notice of Violation (NOV) and stop work order does not appear to be a voluntary action.

Permit 201705186923 (33-34), the abatement permit, has a stated cost of \$200,000 and includes "voluntary lateral strengthening and partial structural strengthening of floor". Most

of the value of the work performed under the permit is the “voluntary” structural work. The developer valued the work at \$100,000 when the permit was submitted, and DBI increased the value of the work to \$200,000.

It is arbitrary to only assess a penalty on the cost of ripping out the three-story bay, a part of the infraction, and not the entire cost of unpermitted bay removal which includes the cost to address the structural problems. The permit fee for the abatement permit is \$4,132.53, and I believe the unpermitted bay removal is without permit which is assessed at 9 times the permit fee or \$37,192.77.

The Planning Department issued a Notice of Enforcement on September 6, 2016. The abatement permit addresses the Notice of Enforcement (NOE). The Planning Department response to my Sunshine Request regarding penalties assessed from the issuance of the NOE (15-16) was, “no penalties have been assessed, the cost of staff time and materials is \$4,724.19 of which \$1,308 has been paid”. “Our goal is to bring cases into compliance with the Planning Code, not penalize”. Can a Planning Department enforcement process that does not issue penalties be an effective deterrent?

**Unpermitted expansion of west wall of 25-17<sup>th</sup> Avenue.** I asked Sr. Building Inspector Curran to determine if the developer had expanded the west wall of 25-17<sup>th</sup> Avenue during his site visit. Sr. Building Inspector Curran in his July 12, 2016 email reply (31-32) stated “it looks like that might be their thought in the future but it has not taken place”. The

developer's intent is also confirmed by plans that were submitted with the foundation repair permit filled in January of 2016. Page 1 of the plans depicts an extension of the existing rear ground floor wall of 25-17<sup>th</sup> Avenue. This is the rectangle on page 8 of the exhibits showing where the rear deck was removed. The scope of work on the plans is "replace existing foundation with new MAT foundation" which is inconsistent with what is depicted in the plans.

The plans show the developer intended to pour the floor and footing for the unpermitted expansion of the west wall of 25-17<sup>th</sup> Avenue. This is further confirmed by the excavation and construction of concrete forms (36). The developer would have poured the concrete floor and footing if Sr. Building Inspector Curran had not told the contractor not to pour the footing to expand the west wall of 25-17<sup>th</sup> Avenue. An NOV was not issued for this unpermitted work.

**Demolition of the three-story chimney, windows, lightwells and infill with plywood.**

An NOV (37) was issued in 2017 for this violation. The work is valued at \$5,000 and the penalty was assessed at 2 times permit fees. The only permit filed to address this violation is the abatement permit. The penalty should be 9 times the abatement permit fees.

This NOV was one of three NOV's added to the abatement permit a week after the abatement permit (33-34) was approved over the counter. The second NOV added after the abatement permit was approved is an amended NOV for the demolition of the 2 decks and



south bay, the value of the work was increased from \$2,500 to \$3,500. I believe the third NOV was for the Planning Department Notice of Enforcement (NOE). The attached response (13) from Mr. Pang at DBI states that the three NOVs were removed from the Permit Tracking System.

Why did DBI add three permits to the scope of work of the abatement permit after the permit was approved over the counter and why were the three NOVs removed from the Permit Tracking system? An amended abatement permit should have been issued where the scope of work included the three NOVs.

**Installation of building shoring without a shoring permit.** On January 7, 2016, the developer secured a permit to replace the foundation of 25-17<sup>th</sup> Avenue. On about June 23, 2016 the developer jacked up the four-story house and had the house supported by two large steel beams running east-west. The two steel beams are supported by shoring. The project engineer did not apply for a shoring permit until July 7, 2016, two weeks after installing the shoring. DBI is required to inspect the shoring; however, no special inspection was made per the shoring permit (42). A Notice of Violation (NOV) should have been issued and a penalty should have been assessed at 9 times the permit fees (\$887.00) or \$7,983. The shoring permit (38-41) was submitted with a shoring cost of \$10,000 which was increased to \$25,000 by DBI.

Mr. Santos sent the Permit Appeals Board a letter dated August 14, 2017 stating “the building currently poses major life safety issues and it is imperative we stabilize the site to protect the building and people in the vicinity” (43). After reading Mr. Santos’s letter, I filed a complaint on August 21, 2017 (44) and DBI visited the site on August 22, 2017 and issued a NOV requiring emergency shoring. The neighbors of 25-17<sup>th</sup> Avenue have had to live with major safety issues identified in Mr. Santos’s memo for the last fourteen months. The severity of this violation requires the assessment of the maximum allowable penalties.

**Demolition of ground floor interior walls and mechanical equipment without a permit.**

To replace the entire existing foundation of 25-17<sup>th</sup> Avenue, the ground floor structures and equipment needed to be removed which should have required additional building permits: 1) a permit for the demolition of the ground floor kitchen, bathroom and internal walls. and 2) a mechanical or plumbing permit to remove the existing furnace and distribution ducts (they were not covered in the plumbing permit scope of work). An NOV (45) for the furnace demolition was issued without penalties and closed.

The heating plant and distribution ducts removed without a permit contain friable asbestos (46). I took the two pictures (47-48) with my cell phone. The construction crew did not wear protective clothing or install plastic barriers to prevent the spread of asbestos. The removal of asbestos requires additional permits. The developer also expanded the existing garage door opening by one foot, without a building permit.

**Failure to recycle construction debris.** Demolishing the four internal floors, the exterior deck and the exterior stucco of the south wall of 25-17<sup>th</sup> Avenue creates a substantial amount of building debris. The result was nine large truckload of building debris. This excludes the concrete debris from the foundation replacement which was properly disposed of. I observed nine truckloads of building debris removed from 25-17<sup>th</sup> Avenue by AJ Hauling Inc., a debris hauler not licensed by the City of San Francisco.

San Francisco implemented local laws to enforce the State of California mandate that 50% of construction and demolition debris (C&D) be recycled. San Francisco's method of enforcing this law is to require that property owners use debris haulers on the San Francisco list of approved debris haulers. This ensures that debris is sent to a City approved recycling center.

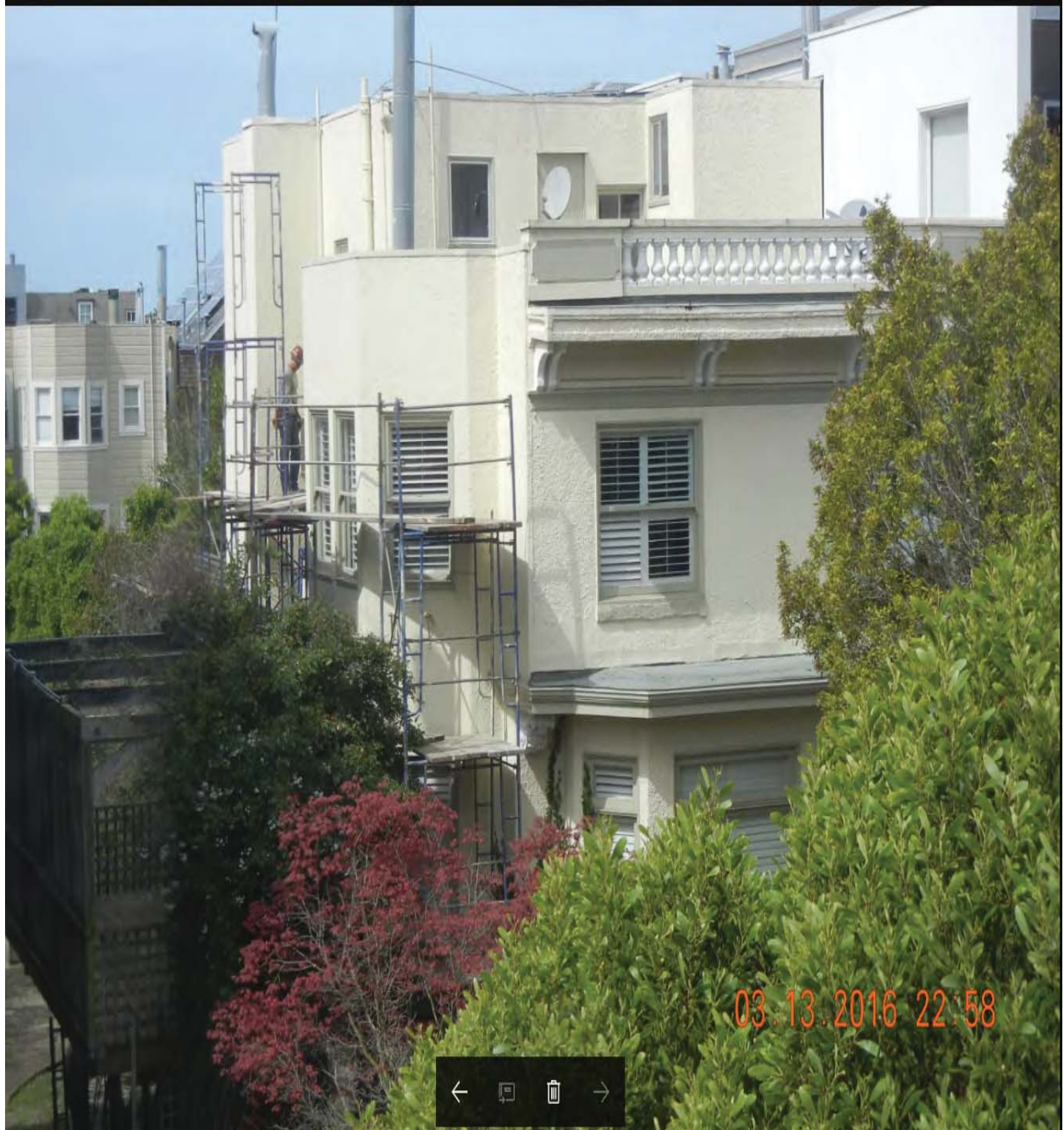
**Submission of a materially inaccurate Environmental Evaluation Application.** The project summary table for 25-17<sup>th</sup> Avenue submitted by the developer overstated the size of the existing structure by 459 sq. ft. which results in a material understatement of the proposed new construction. No penalties were assessed by Planning. The actual new construction is 1,625 sq. ft.

**Preparing and distributing inaccurate pre-application meeting materials.** The Notice of Pre-Application Meeting prepared by the developer for the March 01, 2017 meeting to discuss the development of 25-17<sup>th</sup> Avenue showed the existing building square feet at

5,817 sq. ft. and the proposed sq. feet to be 6,061 square feet. A net addition of 244 square feet which is inconsistent with the 1,625 additional square feet in the Environmental Evaluation Application submitted to Planning. The Planning Department Sunshine Request response (16) from Planning is that “pre-application meetings are not mandated by the Planning Code, but rather a policy requirement implemented to improve neighborhood communication regarding projects”. “In certain circumstances, the Zoning Administrator will require a revised meeting”.

**Conclusions.** Many of the appeals that come before the Permit Appeals Board deal with contested facts, the failure of S. F. citizens to timely file complaints with DBI or Planning or to escalate their complaints within DBI or Planning. The 15 violations in my complaint don't have these limitations. This allows us to focus on the root causes of the violations.

I am utilizing the permit appeal process to document which areas of the Building and Planning Code are a root cause of the increase in unpermitted construction in San Francisco.







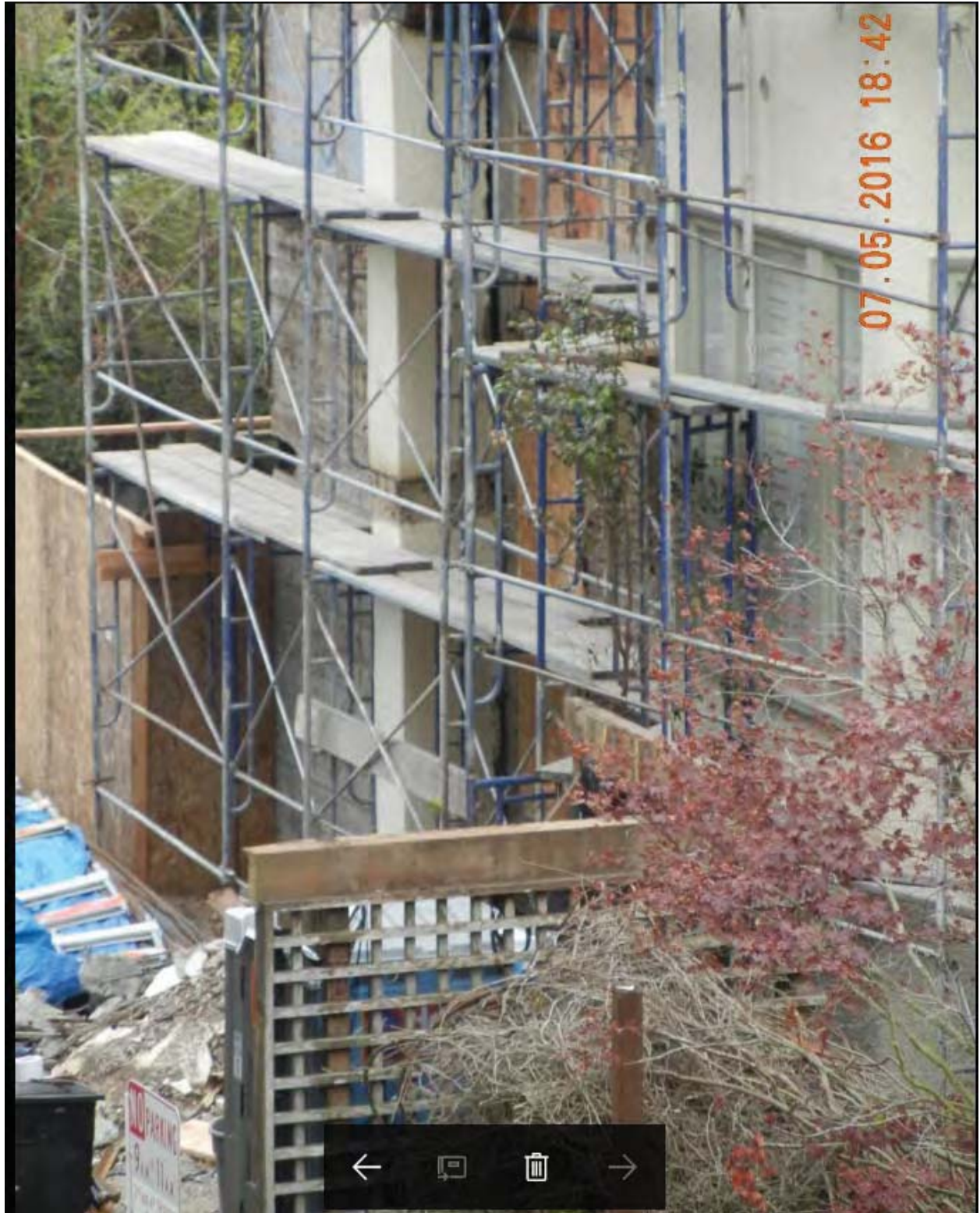






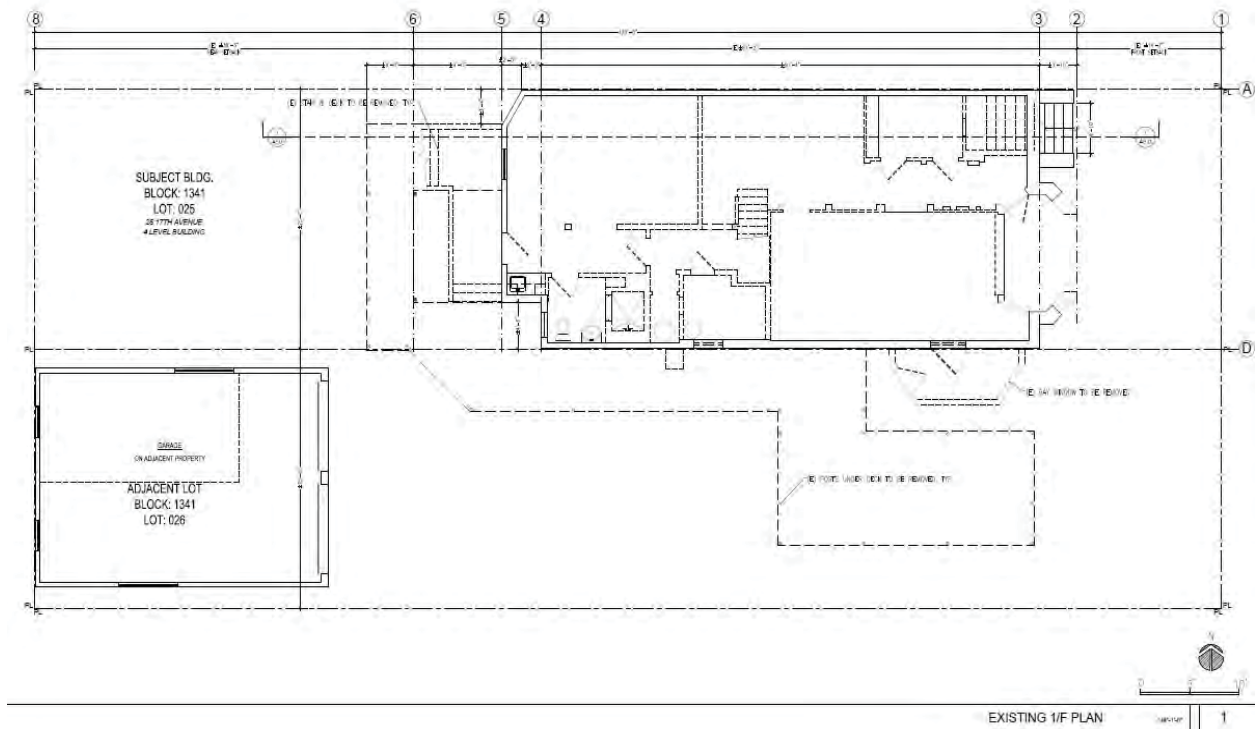
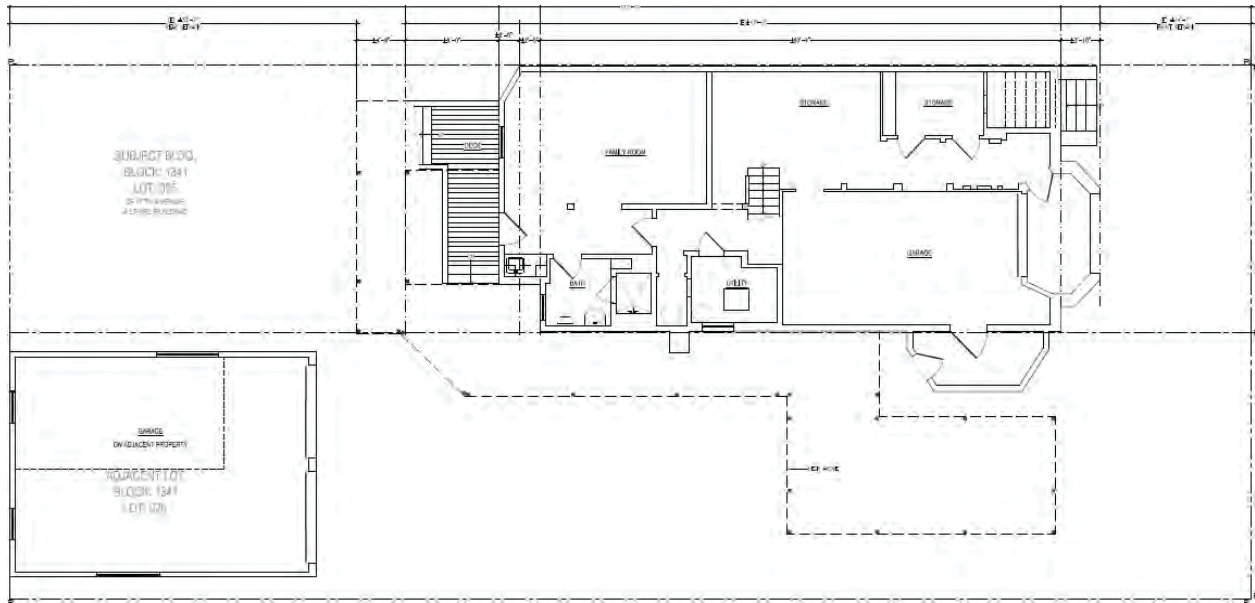






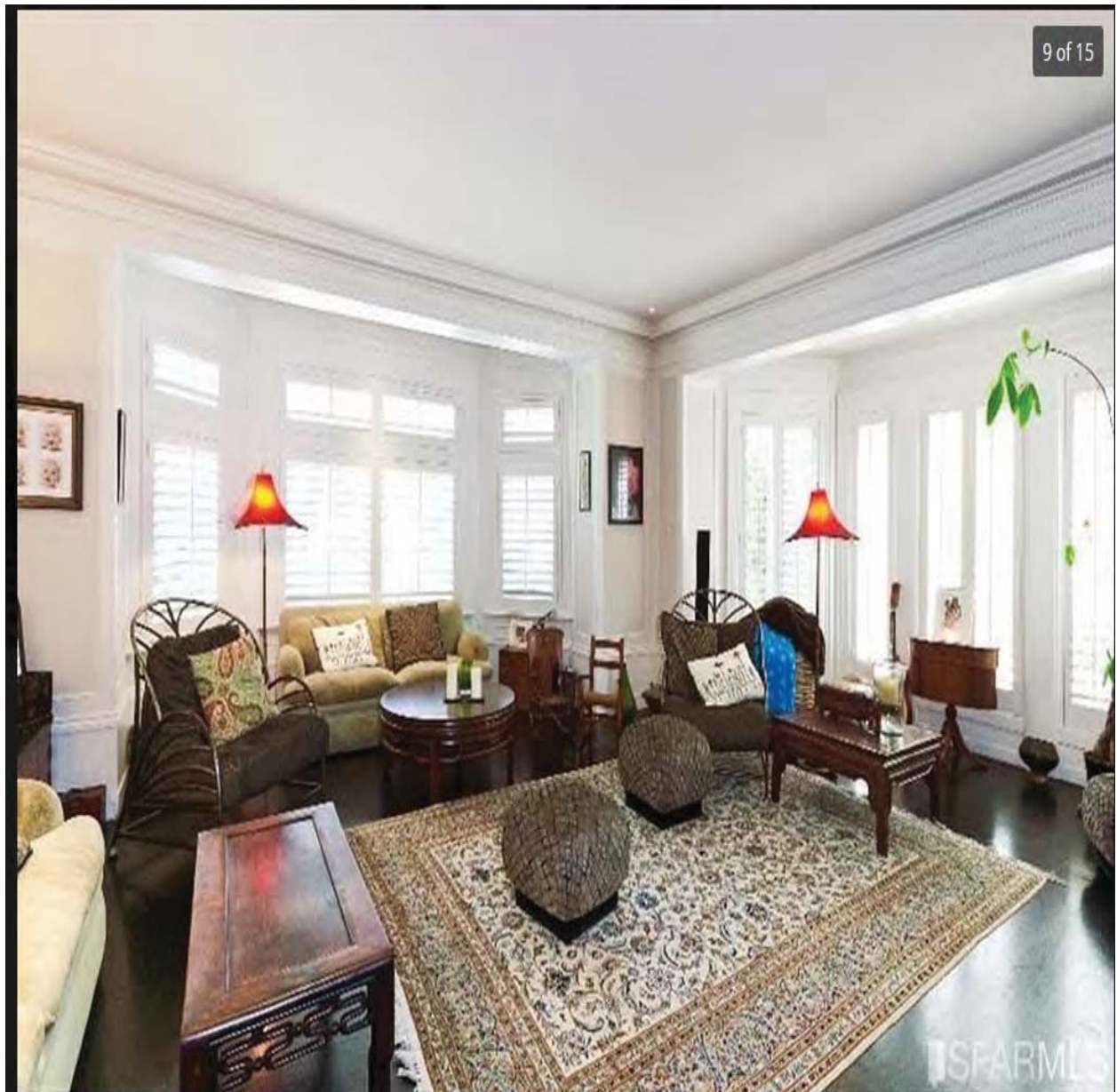






EXISTING 1/F PLAN

1



Interior picture of second floor three- story bay.



**Subject:** FW: 25-17th Ave sunshine questions. August 14,2017

**From:** "SunshineRequests, DBI (DBI)" <dbi.sunshinerequests@sfgov.org>

**Date:** 8/24/2017 10:40 AM

**To:** "dratler@sonic.net" <dratler@sonic.net>

**CC:** "SunshineRequests, DBI (DBI)" <dbi.sunshinerequests@sfgov.org>, "Strawn, William (DBI)" <william.strawn@sfgov.org>, "Sweeney, Edward (DBI)" <edward.sweeney@sfgov.org>

Mr. Dratler,

Please see answers below to your questions posed in your Sunshine Request #2 dated August 14, 2017. Please contact Deputy Director Edward Sweeney, copied on this response, should you need further clarification.

Sincerely,

William Strawn

Legislative/Public Affairs Manager

---

**From:** Sweeney, Edward (DBI)

**Sent:** Wednesday, August 23, 2017 3:06 PM

**Cc:** Strawn, William (DBI) <william.strawn@sfgov.org>; Jayin, Carolyn (DBI) <carolyn.jayin@sfgov.org>; O'Riordan, Patrick (DBI) <patrick.oriordan@sfgov.org>; McHugh, Kevin (DBI) <kevin.mchugh@sfgov.org>; Walsh, William (DBI) <william.u.walsh@sfgov.org>; Curran, Bernie (DBI) <bernie.curran@sfgov.org>

**Subject:** 25-17th Ave sunshine questions. August 14,2017

Page 3 i

A notice of violation #201623795 was issued for the demolition of a deck and a bay window on July 14, 2016. At the time of the violation being written no work had been observed at the west wall.

Page 6 Q7

NOV #201623795 was amended to include all of the work performed beyond the scope of permit application's #201601066439 and #201606160104. The owners have obtained a permit P.A #201705186923 which is now under appeal with The Board of Permit Appeals. This permit should abate all of the NOV's to date. This NOV #201623795 which is an amended NOV was to consolidate all of the previous complaints and NOV's issued prior to July 26,2017 . DBI cannot abate an NOV until a permit has been obtained and the work is deemed to conform to the building code. All other complaints were closed since the violations observed were included in NOV #201623795. NOV #201757399 was issued on 2/13/17 for work on the south wall beyond the scope of work.

Page 6 iii

1. See Chief Plumbing Inspector Steve Panelli's letter.
2. The removal of all of the walls on the second floor is shown on the plans of Permit Application #201607011417 dated 7/7/2016 . The work of replacing the existing foundation would have been very difficult without removing the walls and heating unit at the ground floor unit.
3. It was the opinion of the district inspector and management that due to the windblown sand conditions at the site it would be better to allow the pour for safety concerns. This would help to shore up the building.
- 3a The work of removing a deck and a bay window is based on the estimated value of the labor only(\$2500) since no materials were used. A times 2 multiplier was used since there was a permit obtained (PA #201601066439). The owner of 25 -17<sup>th</sup> Avenue paid \$253.40 in penalties in addition to the \$16,542.93 in total permit cost for PA #201705186923.
- 3b The demolition of the furnace see Plumbing chiefs letter. Ground floor demo was shown on PA#201607011417 . The expansion of the garage door opening is also covered under PA's 201601066439 foundation replacement and PA#201607011417 Temporary shoring permit.

Page 8

1. See Plan Check Engineer David Pang's letter.
2. I believe these were sent. You may also get this information online.
3. \$253.40

11. Two building NOV's were issued to the owner at 25-17<sup>th</sup> Ave. The total amount \$ 7,500 x 2. The first \$ 7,500 was calculated as  $x2 = 15,000$ . The added penalty was \$253.40. The owner paid a total fee of 16,542.93

Page 9

1. The value of the work performed beyond the scope is determined by the inspector writing the NOV. This is based on the actual costs of removing the deck, bat, chimney etc....This work is straight forward and does not involve any materials.

- a. yes
- b. A Notice of Violation when issued is for the amount done only,
- c. no

ii

1. See above
2. See above

l ii

- a. Penalty was for work done beyond the scope.
- b. Beyond scope of work x2

Page 10

I see above

li see above

l ii DBI follows the SF Building Code. In the case of penalties please see Sec 110A, table 1A-K

Q 12 No

- a. Office Policy and Procedures for Issuing Notices of Violation #OP-015.98 dated March 25, 1998. You were given this document when on the Grand Jury.
- b. Don't have that information
- c. DBI issues a first NOV with specific time periods to respond. A second NOV can be issued and the case sent to Code Enforcement where a directors hearing is scheduled if there is no action by the property owner. At the directors hearing the building owner is given a chance to explain why they have not responded to the NOV that was issued. If the hearing officer does not get a good reason for the delays an Order of Abatement can be issued. If life Safety is of a concern or the case is seen as particularly egregious Code Enforcement can refer the case to the BIC litigation committee for their review and action. The Litigation Committee may refer these case to the City Attorney .
- d. DBI would not issue warnings to anyone. The City Attorney would be the correct department to inquire .

Q13

The three cases that you have included in your sunshine request 337-27<sup>th</sup> Avenue (Ms. Lei), 125 Crown Terrace, 214 States have all been sent to the BIC Litigation committee. The Litigation Committee referred these cases to the City Attorney's office.

Page 12

e. Please refer to SF Building Code Sec. 110

l ii See answer to page 10 Q.12

Q.14

b. See Chief Panelli's letter. The building code Sec 106.1.6.1 and 106A.1.11 both say that a permit is required for installation or replacement only not removal. Since permits for foundation replacement and shoring which showed removal of all the ground floor walls were obtained the furnace would have been removed in the course of work being performed.

c. DBI acts in an advisory role. DPH and the Dept. of Environment would be the lead. If DBI inspectors suspect



hazardous materials are being handled improperly the inspectors would call DPH. Please see Information Sheet G-20.

- d. See Chief Panelli's letter
- e. see above

— Attachments: —

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Notice of Violation OP&P.pdf	999 KB
8.16.17 Pang Email.pdf	25.9 KB
8.18.17 Panelli Email.pdf	29.2 KB

## Sweeney, Edward (DBI)

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**From:** Pang, David (DBI)  
**Sent:** Wednesday, August 16, 2017 4:32 PM  
**To:** Lowrey, Daniel (DBI)  
**Cc:** Sweeney, Edward (DBI); Samarasinghe, Giles (DBI)  
**Subject:** RE: Sunshine request 25-17th Avenue.

Hello Dan,

My response to the following requested questions are below:

- 1) Correction, I amended the 3 NOV's to the permit 6 days before the permit was approved and issued by CPB on 8/1/17.
- 2) The 3 NOV's were amended 6 days before the permit was "08/01/2017: approved & issued. ST".

Note: The NOV's appear to be removed from the PTS, so I could not review them.

David Pang, P.E.  
Associate Engineer  
Plan Review Team 1

Department of Building Inspection  
1660 Mission Street, 2<sup>nd</sup> floor  
San Francisco, CA 94103

Direct (415) 558-6137  
[www.sfdbi.org](http://www.sfdbi.org)

---

**From:** Lowrey, Daniel (DBI)  
**Sent:** Tuesday, August 15, 2017 3:11 PM  
**To:** Pang, David (DBI) <david.pang@sfgov.org>  
**Cc:** Sweeney, Edward (DBI) <edward.sweeney@sfgov.org>; Samarasinghe, Giles (DBI) <giles.samarasinghe@sfgov.org>  
**Subject:** FW: Sunshine request 25-17th Avenue.

Good Afternoon David,

Please respond to this sunshine request within the time limit indicated below.

Thank you.

Daniel Lowrey, Deputy Director  
Permit Services  
Department of Building Inspection  
1660 Mission Street, 2<sup>nd</sup> Floor  
San Francisco, CA 94103  
(415) 558-6127 Office

## **Sweeney, Edward (DBI)**

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**From:** Panelli, Steven (DBI)  
**Sent:** Friday, August 18, 2017 9:52 AM  
**To:** Sweeney, Edward (DBI)  
**Cc:** SunshineRequests, DBI (DBI); Madjus, Lily (DBI)  
**Subject:** 25 17th

Deputy Director Sweeney,

After looking more in-depth to the situation I have come to the conclusion that , Daniela Ortega issued an NOV and before the fines were entered into the system a permit was obtained. Then the complaint was returned to Mr. Ortega and he closed the complaint. According to Mr. Ortega the only work being done was demo and no plumbing was touched at that time . I explained that he should have never posted a NOV or fine if that was the case. The fact that no letter was written or put into the system or fine it had to have been withdrawn because of the obtained permit. The permit has expired and I have assessed a penalty against the correct block and lot . So when they come to obtain a permit they will either pay the fines or contact me to verify that no work has begun . The contactor that obtained the permit is no longer working for the owner and stated that they never started.

Sincerely,

Steven Panelli  
Chief Plumbing Inspector  
Department of Building Inspection  
Plumbing Inspection Division  
1660 Mission Street, 3rd Floor  
San Francisco, Ca 94103  
(415)558-6058

This message and any attachments are solely for the intended recipient and may contain confidential or privileged information. If you are not the intended recipient, any disclosure, copying, use or distribution of the information included in this message and any attachments is prohibited. If you have received this communication in error, please notify me by reply e-mail and immediately and permanently delete this message and any attachments. Thank you.

## 25 17<sup>th</sup> Ave Sunshine Request

**Request #1** appears to only address DBI concerns pertaining to the removal of the side deck structure and associated process and penalties. The Planning Administrative Codes do not stipulate maximum financial penalties. Please refer to Section 176.1(e) of the Planning Code for the penalty structure.

### Request #2

1. There are no penalties or fees directly associated with failing to file and Historic Resource Evaluation (HRE) prior to construction per CEQA. For this project and HRE was required for the proposed, rather than the completed scope of work, and staff found that following such determination, we could make a better-informed decisions regarding the alterations to the side of the property.

In practice, if we became aware of inaccurate info in the EEA (Environmental Evaluation Application, under which the HRE is reviewed) during the course of environmental review, we would require that the applicant update/correct their EEA. We would then assess the implications of the revised EEA on the adequacy of the data and analysis conducted and our conclusions regarding the potential for the project to have a significant effect on the environment. If necessary, we would require that the environmental review analysis, possibly including background reports, be updated to reflect the correct information. This may change the level of CEQA review required, all of which could result in cost increases and schedule delays.

I think the same could be said if our CEQA document were already issued, but the project was not yet approved. We could rescind our CEQA determination if necessary.

2. B
3. The typical process for Environmental review takes place prior to construction. Per CEQA we are only able to evaluate the existing conditions; therefore if work is completed or underway the review is inadequate. There is no enforcement mechanism within CEQA.
4. \$0 – see above. We cannot penalize property owners or project sponsors via CEQA.
5. For this project (25 17<sup>th</sup> Avenue, Complaint No. 2016-009806ENF) no penalties have been assessed, I have outlined the Planning enforcement process below. The project sponsor is responsible for the cost of staff time and materials, which is currently at \$4,724.19, of which they have paid \$1,308.
  - i. Penalties: \$0 – did not extend to daily penalties
  - ii. Fees: \$4,724.19, see attached. This covers the cost of staff time & materials
  - iii. Actual fine: see penalties
  - iv. Actual other costs: The project was delayed for approximately 11 months while we conducted standard planning review of the proposed changes and reviewed the Environmental Evaluation.
6. See attached notice of Enforcement.

- a. Section 176 of the Planning Code doesn't address maximum penalties. As a Department, our goal is to bring cases into compliance with the Planning Code, not to penalize sponsors. As a standard practice, staff will issue a **Notice of Enforcement** ("NOE"), which allows the sponsor 15 days to provide any required applications for entitlements (Building Permit, Conditional Use, etc.). If a reasonable response is not provided within that time period a **Notice of Violation** ("NOV") is issued by the Zoning Administrator. This is an appealable document that provides the sponsor with an opportunity to request a hearing before the Zoning Administrator. At this stage, a minimum fee of \$1,308 is assessed on the project, which is typically paid prior to the permit being issued. If all requirements are not met or no appeal is filed within the 15 days following the NOV a daily penalty of \$250/day is initiated. After 50 days of accumulating penalties, we typically refer enforcement cases to the City Attorney's office.

For this project, they submitted all required materials in a timely fashion and no NOV was issued. Because the violation was justified the sponsor will be responsible for paying for all staff time dedicated to the abatement of the violation.

- b. To date, \$4,724.19, any staff time addressing this case specifically (they have a separate active permit on file) will be charged to the project. All exceeded scopes of work have been considered one violation.
  - c. I don't have access to this data, I have passed this on to our IT and finance divisions.
7. All NOV's noted in the Property Information Map were issued by DBI, we have no information on these matters.
  8. See above.
  9. Not to my knowledge. I am currently aware of 7 active Planning enforcement cases with Santos & Urrutia.
  10. Fines and penalties are not accrued for submitting false plans, but for exceed the approved scope of work.

### Request #3

1. See comments above, there is no penalty for filing inaccurate information for CEQA review.
2. \$0
3. Pre-Application Meetings are not mandated by the Planning Code, but rather a policy requirement implemented to improve neighborhood communication regarding projects. In certain circumstances the Zoning Administrator will require a revised meeting if adequate documentation is not provided or there is evidence of the neighborhood being misinformed.
4. \$0



## **Violation**

- 1 Unpermitted demolition of two decks
- 2 Filing false building plans with the City
- 3 Failure to file a Planning Department Historical Review Application
- 4 Demolition of a three-story bay without a permit
- 5 Unpermitted expansion of west wall of 25-17th Avenue
- 6 unpermitted demolition of a three-story chimney, windows, lightwell and infill with plywood
- 7 Installation of shoring without a shoring permit and failure to have a DBI inspection of shoring.
- 8 Unpermitted demolition of the ground floor interior walls and mechanical equipment of 25-17th Ave.
- 9 Unpermitted demolition of plumbing fixtures
- 10 Unpermitted demolition of three internal floors (2,3,4) of 25-17th Avenue.
- 11 Unpermitted expansion of existing ground level garage door opening.
- 12 Failure to use a licensed asbestos removal contractor to remove asbestos laden construction materials.
- 13 Failure to properly recycle construction debris
- 14 Submission of inaccurate Environmental Evaluation Application to the Planning Department
- 15 Preparing and distributing inaccurate pre-application meeting materials to the neighbors of 25-17th Ave.

Who we are

The Agents

Projects

Community  
Involvement

## THE AGENTS OF BROWN & CO

### Meet the Matchmakers



#### **Tim A. Brown, Broker/Owner**

Tim has been the broker and owner of Brown & Co. Real Estate since its establishment in 1993. He is an exceptionally talented professional who possesses an unusual combination of business experience, creativity and a genuine passion for real estate. Tim attributes his success to going above and beyond the call of duty, consistently striving to improve his business, and to keeping his clients satisfied. He has built Brown & Co. into one of the top Bay Area real estate firms by capitalizing on his native San Francisco roots and his 37 years of experience in sales, development and investing in properties. He led the industry from 2004 - 2009 in TIC production and has consistently been in the top 1% in city wide sales. Well respected among his peers, he was elected to the San Francisco Association of Realtors and was a founding member of the SF Roundtable, which tracks local real estate trends. Tim's unparalleled professionalism, service, and success have cultivated lasting relationships with all of his clients. As a new client or repeat customer, Tim is always ready to help you with the important decision of selling, buying or investing in San Francisco real estate.

Direct: 415.594.9220 | email: [tim@brownandco-sf.com](mailto:tim@brownandco-sf.com)

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## E. E. YOUNG

Architect  
(1870-1934)

Edward Eyestone Young was born on March 11, 1870 in Carthage, Missouri. He moved to San Francisco in 1902 and started work as a contractor. He obtained his State Architectural license in 1905 (B366). In November 1906 he married Julia Tharp, a talented pianist and the sister of architect Newton J. Tharp, and in 1907 they moved into their new house at 22 Presidio Terrace, designed by Young.

In 1908 Young moved his office to 251 Kearny. It was to remain there until 1924, when Young moved into a studio he built for himself (above a garage) at 2002 California, next to a large apartment building that he had designed. One of his 5 children, John Davis Young, joined him in his practice in 1931. During his 30 year career, Young's output was truly prolific, with almost 600 residential buildings designed, many in interesting groups of 2, 3 or 4 adjacent to each other.

These are fine examples of his homes and flats:

- Lake Street - 8 3rd Ave. (1907), 160 25th Ave. (1912),  
- 5, 11, 17 & 25 17th Ave., 15 & 21 18th Ave.,  
- 1630 & 1638 Lake, 1806, 1816 & 1824 Lake  
(all in 1913), 1400 Lake (1925);
- Pacific Heights - 2467-69 & 2471-73 Jackson (1912),  
- 2740, 2750 & 2760 Divisadero (1915),  
- 46, 50, 56 & 68 Presidio Ave. (1916),  
- 2235, 2245 & 2255 Octavia (1925),  
- 2815 Pacific (1926), 2000 Jackson (1929);
- Presidio Heights - 3233 Jackson (1913), 3659 Washington (1914),  
- 222-24 Cherry (1920), 207 & 215 Maple (1926);
- Marina - 85, 87 & 89 Cervantes Blvd. (1926).



25 17th Avenue

Young designed several clubs and hotels, including the Francisca Club at 595 Sutter (1919) and the 16-story Hotel Californian at 403 Taylor (1925). His apartment buildings are his most dominant legacy however, beginning in 1906 with some in the brown-shingle style, progressing to multi-story luxury buildings with flat-fronted brick exteriors and elevators, many now condos/co-ops/TICs:

- Russian Hill - 1181-99 Green (1906, 11 apts.), 2400 Van Ness (1907, 28 apts.),  
- 2054 Hyde (1912, 9 apts.), 1304 Lombard (1924, 12 apts.);
- Lake Street - 41-51 Arguello (1907, 12 apts.), 2610 Lake (1917, 10 apts.);
- Presidio Heights - 132-48 Locust/3590 Washington (1909, 6 corner apts.);
- Pacific Heights - 2153 Sacramento (1916, 12 apts.), 2107 Pierce (1917, 10 apts.),  
- 2790 Green (1922, a consulate), 2230 Steiner (1923, 12 apts.),  
- 2265 Broadway (1923, 10 apts.), 1896 Pacific (1924, 18 apts.),  
- 2000 California (1924, 14 apts.), 2298 Pacific (1926, 9 apts.);
- Nob Hill - 637 Powell (1923, 12 apts.), 1100 Sacramento (1924, 44 apts.);
- Marina - 3481 Pierce (1926, 6 apts.), 1920 Jefferson (1928, 6 apts.).

Young died on February 6, 1934. His son, John Davis Young, continued his practice.

© David Parry  
June 2015

**COMPLAINT DATA SHEET****Complaint Number:** 201620761Owner/Agent: OWNER DATA  
SUPPRESSED

Date Filed:

Owner's Phone: --

Location: 25 17TH AV

Contact Name: --

Block: 1341

Contact Phone: --

Lot: 021

Complainant: COMPLAINANT DATA  
SUPPRESSED

Site:

Rating:

Occupancy Code:

Received By: Sharae Brown

Division: INS

Complainant's  
Phone:

Complaint Source: TELEPHONE

Assigned to Division: BID

Description: Demolition of structure without a permit.

Instructions: Please reference attached images

**INSPECTOR INFORMATION**

DIVISION	INSPECTOR	ID	DISTRICT	PRIORITY
BID	WALSH	6312	5	

**REFERRAL INFORMATION****COMPLAINT STATUS AND COMMENTS**

DATE	TYPE	DIV	INSPECTOR	STATUS	COMMENT
06/02/16	CASE OPENED	BID	Walsh	CASE RECEIVED	
06/06/16	OTHER BLDG/HOUSING VIOLATION	BID	Walsh	CASE CONTINUED	I met with the contractor Declan McKeivitt, at the property. He has an active permit (P.A. # 201601066439) issued for "replace existing foundation" and stated that his Engineer was at DBI actively seeking another permit for the deck rebuild. Case Continued, B.Walsh
08/12/16	OTHER BLDG/HOUSING VIOLATION	BID	Walsh	CASE CLOSED	This complaint has been addressed by complaint # 201623795. KM /jj

**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.

**COMPLAINT DATA SHEET****Complaint Number:** 201620753Owner/Agent: OWNER DATA  
SUPPRESSED

Date Filed:

Owner's Phone: --

Location: 25 17TH AV

Contact Name: --

Block: 1341

Contact Phone: --

Lot: 021

Complainant: COMPLAINANT DATA  
SUPPRESSED

Site:

Rating:

Occupancy Code:

Received By: GSAMARAS

Division: BID

Complainant's  
Phone:

Complaint Source: WEB FORM

Assigned to  
Division: BID

Description: date last observed: 01-JUN-16; time last observed: 9:13 an; exact location: Main Bldg; building type: Residence/Dwelling WORK W/O PERMIT; ; additional information: Developer purchased the home last year and contractor is demolishing a large outside deck. There are two decks, one on the south side of the house and a second deck at the rear of the house. The only permit on file for the house is a permit for foundation work. When I asked the workers if they had a demolition permit they said yes. I told them if they did not stop I would file a compliant. They responded that they would call their boss. After speaking with their boss they stopped demolition on the southd deck and started working on the rear deck. ;

Instructions:

**INSPECTOR INFORMATION**

DIVISION	INSPECTOR	ID	DISTRICT	PRIORITY
BID	WALSH	6312	5	

**REFERRAL INFORMATION****COMPLAINT STATUS AND COMMENTS**

DATE	TYPE	DIV	INSPECTOR	STATUS	COMMENT
06/02/16	CASE OPENED	BID	Walsh	CASE RECEIVED	
08/12/16	OTHER BLDG/HOUSING VIOLATION	BID	Walsh	CASE CLOSED	This complaint has been addressed by complaint #201623795. KM

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

Inspector Contact Information

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



## Welcome to our Permit / Complaint Tracking System!

### COMPLAINT DATA SHEET

Complaint Number:	201623795	Date Filed:	
Owner/Agent:	OWNER DATA SUPPRESSED	Location:	25 17TH AV
Owner's Phone:	—	Block:	1341
Contact Name:		Lot:	021
Contact Phone:	—	Site:	
Complainant:	COMPLAINANT DATA SUPPRESSED	Rating:	
		Occupancy Code:	CYPEI
		Received By:	
		Division:	BID
Complainant's Phone:			
Complaint Source:	WEB FORM		
Assigned to Division:	CES		
Description:	<p>date last observed: 23-JUN-16; time last observed: June 23 2016; floor: third floor; exact location: Main Bldg; building type: Residence/Dwelling WORK W/O PERMIT; ; additional information: Interior demolition of the third floor and removal of third floor street facing exterior door and door jam without permit. This is the fourth instance of work without permit on this job site. The contractor pulled a foundation building permit in January of 2016 that expired when the following work was done without a building permit; demolition of exterior porch, removal of plumbing soil pipe, removal of HVAC trunk ductwork at ground level. Given the age of the building it is very likely that the heating ducts were insulated with asbestos. The contractor did secure an extension of the foundation building permit on June 16, 2016, however this was after the non-permitted work was performed. ;</p>		

Instructions:

#### INSPECTOR INFORMATION

DIVISION	INSPECTOR	ID	DISTRICT	PRIORITY
CES	HINCHION	1125		

#### REFERRAL INFORMATION

DATE	REFERRED BY	TO	COMMENT
6/5/2017	Sylva Thal	CES	

#### COMPLAINT STATUS AND COMMENTS

DATE	TYPE	DIV	INSPECTOR	STATUS	COMMENT
06/24/16	CASE OPENED	BID	Walsh	CASE RECEIVED	
07/14/16	WRK OVER PRMIT SCOPE	BID	Walsh	FIRST NOV SENT	After a site visit and meeting with contractor a NOV has been issued for going beyond the scope of and inaccurately depicting existing conditions at the South wall. B. Curran
07/15/16	WRK OVER PRMIT SCOPE	BID	Walsh	CASE UPDATE	copy of 1st nov mailed by JJ
07/26/16	WRK OVER PRMIT SCOPE	BID	Walsh	ADDENDUM TO NOV	amended 1st nov issued by BC
07/29/16	WRK OVER PRMIT SCOPE	BID	Walsh	CASE UPDATE	copy of amended 1st nov mailed by JJ
06/05/17	WRK OVER PRMIT SCOPE	BID	Walsh	FINAL WARNING LETTER SENT	Refer to CES; kmhugh. Mailed NOV Final Warning letter; s.thal.
06/05/17	GENERAL MAINTENANCE	BID	Walsh	REFERRED TO OTHER DIV	transfer to div CES
06/07/17	CASE OPENED	CES	Hinchion	CASE RECEIVED	Case received in CES - ts.
06/21/17	WRK OVER PRMIT SCOPE	CES	Gutierrez	CASE UPDATE	Process case for Dh referral
07/14/17	OTHER BLDG/HOUSING VIOLATION	CES	Gutierrez	CASE UPDATE	DH date 8/15/17
08/05/17	OTHER BLDG/HOUSING VIOLATION	CES	Gutierrez	CASE UPDATE	Continue letter submitted
08/14/17	OTHER BLDG/HOUSING VIOLATION	CES	Gutierrez	CASE UPDATE	Pre DH
08/15/17	OTHER BLDG/HOUSING VIOLATION	CES	Gutierrez	DIRECTOR'S HEARING DECISION	Cont. to 9/26/17

#### COMPLAINT ACTION BY DIVISION

NOV (HIS): NOV (BID): 07/14/16  
07/26/16

Inspector Contact Information

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

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**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: 201623795**

**DATE: 26-JUL-16**

**ADDRESS: 25 17TH AV**

**OCCUPANCY/USE: ()**

**BLOCK: 1341 LOT: 021**

☐ 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:** SF CLEM LLC  
**MAILING** SF CLEM LLC  
**ADDRESS** 256 16TH AVE  
SAN FRANCISCO CA

**PHONE #: --**

94118

**PERSON CONTACTED @ SITE:** SF CLEM LLC

**PHONE #: --**

**VIOLATION DESCRIPTION:**

<input type="checkbox"/> WORK WITHOUT PERMIT	CODE/SECTION# 106.1.1
<input checked="" 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

*AMENDED:*

You have removed 2 decks and a bay @ south side of this property without the benefit of permits or Planning Dept approval. The plans depicting south prop line wall do not show the existing bay. This notice also addresses complaint # 201620761 and 201620753.  
Code sec: 106A.4.7

**CORRECTIVE ACTION:**

☒ **STOP ALL WORK SFBC 104.2.4**

415-558-6094

- ☒ **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 correct permits and Planning Dept approval for all items addressed in this Notice. Correct the plans to accurately depict the existing conditions at the south property line with a bay.

**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** 14-JUL-16 **VALUE OF WORK PERFORMED W/O PERMITS** \$3500

**BY ORDER OF THE DIRECTOR, DEPARTMENT OF BUILDING INSPECTION**

**CONTACT INSPECTOR:** Bernard J Curran

**PHONE #** 415-558-6094

**DIVISION:** BID

**DISTRICT :**

**By:**(Inspector'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 - 2414

ADDRESS 25-17th Ave

OCCUPANCY / USE R-3 SFD

CONST. TYPE V

☒ 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 SF Clem Llc

MAILING ADDRESS 256-16th Ave

PERSON CONTACTED @ SITE \_\_\_\_\_

☒ FIRST NOTICE

☐ SECOND NOTICE

☐ OTHER: \_\_\_\_\_

COMPLAINT NUMBER

DATE 7/14/16

BLOCK 1341 LOT 021

STORIES 3 ☐ BASEMENT

PHONE # \_\_\_\_\_

CITY S.F.

ZIP 94118

PHONE # \_\_\_\_\_

## VIOLATION DESCRIPTION:

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

CODE / SECTION #

You have removed 2 decks and a bay  
on the south side of this property without  
the benefit of permits or Planning Dept Approval.  
The plans depicting South property line  
will do not show the existing bay.  
This notice also addresses complaints #  
201620761 + 201620753.

106A.4.7

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

## CORRECTIVE ACTION:

### ☒ STOP ALL WORK SFBC 104A.2.4

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

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

☐ CORRECT VIOLATIONS WITHIN \_\_\_\_\_ DAYS. ☐ NO PERMIT REQUIRED.

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

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

Obtain correct permits + Planning Dept approval for  
all items addressed in this Notice. Correct the plans  
to accurately depict the existing conditions of the  
South property line with a bay.

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

☐ 9x Permit Fee (Work w/o Permit after 9/1/80)

☒ 2x Permit Fee (Work Exceeding Scope of Permit)

☐ Other \_\_\_\_\_

☐ Reinspection Fee \$ \_\_\_\_\_

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

APPROX. DATE OF WORK W/O PERMIT 7/14/16

VALUE OF WORK PERFORMED WITHOUT PERMITS \$3500

## BY ORDER OF THE DIRECTOR, DEPARTMENT OF BUILDING INSPECTION

CONTACT INSPECTOR Senior Insp. B. Curran

(Inspector - Print Name)

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

PHONE # (415) 558-6094 bernie.curran@sf.gov.org

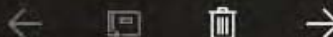
By: (Inspector's Signature) \_\_\_\_\_

DISTRICT # \_\_\_\_\_

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

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

18 0000 05 (Rev. 02/10)







# 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 - 2414

ADDRESS 214 States St  
OCCUPANCY / USE R-3 Residential

CONST. TYPE II

OWNER / AGENT \_\_\_\_\_

MAILING ADDRESS \_\_\_\_\_

PERSON CONTACTED @ SITE \_\_\_\_\_

☒ FIRST NOTICE  
☐ SECOND NOTICE  
☐ OTHER: \_\_\_\_\_

COMPLAINT NUMBER

201412792

DATE

12/24/14

BLOCK \_\_\_\_\_

LOT \_\_\_\_\_

STORIES \_\_\_\_\_

☐ BASEMENT

PHONE # \_\_\_\_\_

PHONE # \_\_\_\_\_

## VIOLATION DESCRIPTION:

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

Following Complaints and subsequent site inspection it appears that existing conditions on this building have been misrepresented on drawings which were submitted to Dept. of Building Inspection and San Francisco Planning department.

It appears that no garage ever existed at this property. Excavation at the rear of the property is in excess of that which was shown on plans

BC - Building Code

HC - Housing Code

PC - Plumbing Code

EC - Electrical Code

MC - Mechanical Code

201405

## CORRECTIVE ACTION:

201408254675 155937

☒ STOP ALL WORK SFBC 104A.2.4 on PA 201408194202 201408295145

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

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

☐ CORRECT VIOLATIONS WITHIN \_\_\_\_\_ DAYS. ☐ NO PERMIT REQUIRED.

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

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

Stop all work, present all permit documents, permits, job cards and plans to Department of Building Inspection for review. This Notice of Violation may be modified after a further investigation is conducted. Penalty to be determined.

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

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

☐ 2x Permit Fee (Work Exceeding Scope of Permit)

☐ Other \_\_\_\_\_

☐ Reinspection Fee \$ \_\_\_\_\_

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

APPROX. DATE OF WORK W/O PERMIT \_\_\_\_\_

VALUE OF WORK PERFORMED WITHOUT PERMITS \_\_\_\_\_

## BY ORDER OF THE DIRECTOR, DEPARTMENT OF BUILDING INSPECTION

CONTACT INSPECTOR

Joseph Duffy / Chris Schroeder

(Inspector - Print Name)

OFFICE HOURS 7-30 TO 8-30 AM AND 3-00 TO 4-00 PM

PHONE # 415 558-6656

By: (Inspector's Signature) \_\_\_\_\_

DISTRICT # \_\_\_\_\_

CC: ☒ DCP ☒ EID ☒ PID ☐ BID ☐ HIS ☐ CED ☐ PRS ☐ DAD ☐ SFFD ☐ OPH ☐ PS

☒ Building Inspection Division  
3rd Floor, 1660 Mission St. 558-6096

☐ Housing Inspection Services  
6th Floor, 1660 Mission St. 558-6220

☐ Electrical Inspection Division  
3rd Floor, 1660 Mission St. 558-6030

☐ Plumbing Inspection Division  
3rd Floor, 1660 Mission St. 558-6054

☐ Code Enforcement Division  
3rd Floor, 1660 Mission St. 558-6454





# SF WEEKLY

## News

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### TOP

E



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Good on  
Cannabis?

By Alex



Fox News

By Tom



Crime Doesn't Pay,  
Even for Shrimp  
Boy

By

NEWS » YOUR HUMBLE NARRATOR

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## Developer Mel Murphy's House Tumbles, and a Metaphor for S.F. Arises

By Joe Eskenazi

Wednesday, Dec 25 2013

Comments 1

All too often, it feels like San Francisco just ain't that friendly of a town.

Folks on your block, or even in your building, may not bother to say hello. Why would they? They don't know your name and you don't know theirs.



JIM HERD

The neighbors never drop in to visit.

Developer Mel Murphy's House Tumbles

Actually, that's not necessarily so. In one tony subdivision, a prominent resident has, most assuredly, dropped in on the neighbors. And, wouldn't you know it, everyone complained.

That's because, while influential developer Mel Murphy was purportedly enjoying himself in Hawaii, large portions of the Twin Peaks home at 125 Crown Terrace he was remodeling collapsed and plunged downhill into the streets below.

Actually, Murphy was remodeling more than just a home; he was remodeling the definition of the term "remodeling." After multiple attempts to obtain a demolition permit to raze an 854-square-foot home and erect a 4,019-square-foot residence, he came back with a plan to "remodel" it — to 5,139 square feet.

Naturally, the city approved this; Murphy's engineer Rodrigo Santos claimed he could retain 90 percent of the home's existing walls and foundations even while sextupling its size. Last week, however, a goodly percentage of this percentage crumbled, spewing detritus down onto Graystone Terrace and giving an upscale enclave the appearance of a drone strike.

It warrants mentioning that this occurred on a temperate, dry, lovely San Francisco evening. It also warrants mentioning that both Murphy and Santos are former members of the city's Building Inspection Commission, a body for which both men served as president.

Sudden and utter loss of structural integrity at a Mel Murphy property is something of an Amy Winehouse moment: It's a shock. But it's no surprise.

A decade ago, an unknown caller informed the Building Inspection Department that an ostensibly sound property recently obtained by Murphy on 26th Street was, suddenly, "falling over" and at risk of imminent collapse. A demolition permit for that structure

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Reveal the Spirit of Its Inside



Without Feathers: The Flap Over  
Native American Regalia at the  
Ballpark Reveals a Deeper  
Hypocrisy



was later approved on the very day an aggrieved complainant claimed half the building had already been demolished sans permit. Earlier this year, after the *Chronicle* asked why work had been under way on the property for months without the necessary permitting, Murphy shelled out \$167,833 for the required paperwork one day later.

Almost exactly one year to the day before the house at 125 Crown Terrace took itself for a walk, it was the centerpiece of an *SF Weekly* cover story about the gaping loopholes that certain builders, long on knowledge and connections and short on qualms, can use to essentially demolish small, (somewhat) affordable family housing and erect monster homes for ascendent San Francisco buyers flush with cash.

Murphy's definition of the term "remodel" stretched the limits of semantics and credulity. But the city acquiesced. San Francisco, however, exercises little control over the laws of physics and gravity. As such, the home is a pile of twisted wreckage. But it's also much more than that.

It's a metaphor for a time and place where things have grown rather twisted indeed.

Distilled to its essence, the parable of Mel Murphy's dream home is a recurring San Francisco theme: A wealthy, powerful, and connected player conjures up a self-serving proposition that's crazy on its face. Far from leading to derision or reproach, the proposition is approved and even advocated by the city. And yet, when exposed to the harsh light of reality, it disintegrates.

It's a disturbingly common motif. Think of the America's Cup sold to San Francisco as a \$1.4 billion economic engine attracting 15 free-spending yachting syndicates and millions upon millions of spendthrift yachting aficionados. Think of the lockstep support from developers, city politicians, members of the building trades, and downtown groups behind erecting condos for the super-rich in a waterfront tower at 8 Washington St., at nearly triple the height limits. Think of the indulgent tax breaks and generous incentives piled upon technology companies at the behest of those very companies, their heavy investors, and politicians favored by both.

The city buys the notion that transforming a cottage into a square-mile fortress qualifies as a "remodel," provided aging, worthless, and superficial elements of the original structure are retained. Many city planners and self-interested parties can — and will — parse codes to explain how this works; they'll even explain how you can actually replace the very elements you're retaining in order to fall under the aegis of a "remodel" and still not qualify as a "demolition."

Yes: Parts of a building can be simultaneously replaced and retained. And, in the end, that kind of logic crumbles as assuredly as 125 Crown Terrace.

As it does with America's Cup: The yachting syndicates didn't come, a sailor died, the economic numbers were continually downgraded and remain highly uncertain, and the crowds were modest. Taxpayers are still on the hook for millions of dollars.

And as it does with 8 Washington: Voters rejected the proposed pillar of pied-à-terres by a 2-to-1 margin.

The logic has also collapsed, to a degree, regarding the incestuous relationship between the tech industry and a city government largely espousing the notion that what's good for tech is good for San Francisco. To an extent, it's true — depending upon one's definition of "good" and "San Francisco." The city's unemployment rate keeps shrinking and the amount of cash rolling around keeps growing. But we're reaching unequalled levels of inequality, and the city is showing its fault lines. Tension grows when corporate shuttles idle in Muni stops, forcing actual Muni riders to run like hell for the bus; when rents and home prices soar to parodic levels; when residents are left to ponder just whom this city is for and whom its government serves. The millions of dollars shunted away from city coffers via tax breaks are calculable. The benefit this has supposedly delivered to the city remains more abstract.

Your humble narrator reached Mel Murphy on his cellphone last week. The developer said he was boarding a plane in Hawaii and had no comment for us.

It's always sobering news to learn that your house isn't where you left it. But, for Murphy, it may not be such a bad thing. He might just end up getting that demolition permit he was after.

In San Francisco, after all, logic can be both retained and replaced.

#### SLIDESHOWS



clipping at Brava Theater Sept. 11



Tame Impala at The Greek Theatre, September 3

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#### THE SNITCH



S.F. Seen As Perfect Host City For Summer Olympics — in 2008



Filmmaker's Time-Lapse Video Shows Stunning SF Fog



Millennial Problems: Most Pokemon-Obsessed City Is NOT S.F.

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In 2001, the year after reports first surfaced about an FBI investigation into accusations of bribery and cover-ups in the building agency, an audit by the city controller's office said nearly half the agency's workers reported seeing preferential treatment given to permit expeditors -- private individuals hired to push projects through the complex permit process.

The audit called for many reforms to make the department more efficient and free of corruption charges. But department leaders balked at implementing some of the suggestions, including one that called for an occasional survey of the department's customers.

"We kept trying to follow up," said City Controller **Ed Harrington**, who noted that the agency is not legally required to follow the recommendations. "We used moral persuasion, but the commission wasn't interested."

In 2001, the Board of Supervisors debated a measure to force permit expeditors to register with the **Ethics Commission**, just as political lobbyists do.

Instead, supervisors adopted a watered-down version last year that required the Planning, **Public Works** and Building Inspection departments to post a general "Permit Processing Code of Conduct" in a conspicuous place. The law also required the agencies to adopt more detailed policies to treat all applicants fairly.

"I called for the registration of permit expeditors, the supervisors picked up on it, and the next thing I know is we ended up with not much," said **Charlie Marsteller**, former head of the government watchdog group Common Cause in San Francisco.

Even so, the Building Inspection Department still hasn't posted the code of conduct as required by February 2005. **Carla Johnson**, chief building inspector, said the agency was unaware of the deadline.

"I'd call it a misunderstanding," Johnson said. "We will make efforts to comply."

Johnson also said the three departments are still in the process of crafting the more detailed regulations. "It's still in draft form," she said.

In 2003, a civil grand jury found that favoritism in the department was deeply ingrained and that employees were unaware that preferential treatment was prohibited.

Department officials disagreed with most of the report's findings and again refused to implement some of its suggestions.

That same year the grand jury criticized the department's inefficient computer technology, the man in charge of improving the system, former information systems manager **Marcus Armstrong**, pleaded guilty to charges he took \$500,000 in bribes from companies vying for city contracts.

City leaders say they are trying to eliminate complaints of impropriety at the Building Inspection Department. The agency has a new acting director, **Amy Lee**, and recently updated its Web site to let the public track permits online, making the process more transparent.

"It's important that the system as we know it changes," said Walker, who served on the Building Inspection Commission from 2000 to 2002 and was recently appointed to the panel again by **Board of Supervisors President Aaron Peskin**. "It's just going to take time."

But the latest bribery charges, and complaints against Santos, suggest the city may need to do more to repair the agency's reputation.

Santos, who served on the Building Inspection Commission from 2000 to February 2005, was hired to work on one of the projects that have been linked to the bribery probe of Fallay, according to a search warrant and city records.

That project was a house renovation at 337 28th Ave. in the Richmond District. It stalled in September 2003 after city inspectors ordered Lei to halt construction for doing far more work than her permits allowed. Two months later, Lei hired Santos, a structural engineer, to draw up new plans for the renovations. In a letter filed with the city, Lei said Santos had told her he was a member of the Building Inspection Commission at the time.

Within days, Lei said, Santos contacted **James Hutchinson**, the Building Inspection Department's deputy director, to talk about the project. Hutchinson oversaw the division that had shut down the project.

Despite the apparent conflict of interest, the conversation probably did not violate the city's ethics rules. Until last year, the rules automatically exempted officials such as Santos who held commission seats that required them to belong to certain professions. Starting in January 2004, the rules required Santos and similar officials to seek a special waiver to contact city officials on behalf of a client.

Yet even in early 2004, after the ethics rules were tightened, Santos said he visited the property with fellow Commissioner **Roy Guinnane** to try to broker a settlement with Lei and the Building Inspection Department. Santos did not seek a waiver to contact city officials regarding the project, according to the Ethics Commission.

And when the project came up at a commission meeting on March 1, 2004, Santos participated in the discussion of the property, saying Lei was

willing to accommodate the city to move the project forward, according to minutes of the meeting. **John St. Croix**, executive director of the Ethics Commission, declined to say whether Santos' conduct was improper.

"It's not a good idea for me to comment on cases that could eventually come before the commission," he said. He refused to say whether the city plans to investigate the issue.

Sue Hestor, a San Francisco land-use attorney, said she filed a complaint against Santos with the Ethics Commission more than a year ago for similar behavior on a different project.

"He had no boundaries whatsoever," Hestor said.

Santos, however, said his work for Lei was never a problem because he was public about his relationship and never voted on the project. "If there is a project that comes up before the commission (for a vote), you have to recuse yourself," Santos said.

Despite Santos' assistance, the Building Inspection Department refused to grant Lei permission to complete the Richmond District project. The Board of Appeals, which handles disputes about building permits, turned down Lei's appeal.

Santos said conflicts are inevitable as long as the city requires one of the building commissioners to be a practicing San Francisco structural engineer. He said he had warned Mayor **Gavin Newsom** before leaving the panel that it was becoming increasingly difficult to separate his engineering business from his role as a commissioner.

"Maybe the city needs to change the charter," said Santos, co-founder of Santos & Urrutia Structural Engineers Inc.

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**HEARST**

Regards,  
Jerry Dratler

Hi Jerry,

I was out there yesterday, I have addressed each of your questions below under your request. I have also asked that the contractor come into DBI with his approved plans on Thurs.

Bernie Curran  
Senior Building Inspector, BID  
Department of Building Inspection  
1660 Mission Street, 3rd floor  
San Francisco, CA 94103  
Tel:415-558-6094

-----Original Message-----

From: Jerry Dratler [mailto:dratler@sonic.net]  
Sent: Tuesday, July 12, 2016 12:28 PM  
To: Curran, Bernie (DBI) <bernie.curran@sfgov.org<mailto:bernie.curran@sfgov.org>>  
Subject: 25 17th Avenue

Inspector Curran thank you for calling me.

When you do your site visit please check the following:

1. Is the expansion of the ground floor space where the hot tub was previously located beyond the scope of their foundation repair permit?

If so, they should be required to stop the illegal expansion and secure a permit from the planning department. The house was built in 1913 so they would need historic preservation review prior to securing approval to expand the house to the rear.

As of yet they have not expanded the building at the ground floor, it looks like that might be their thought in the future but it has not taken place and as you correctly stated that would require Planning Dept approval. I would think that would be addressed as part of the normal process and procedure in acquiring a permit for any remodeling or expansion of the building. I looked up this property and while old it is not listed as historic.

2. Can you check to see if they have started removing the two story bay at the south



east corner of the property to reduce the foot print of the existing building so that they can build a second home on the side lot.

This would be a violation of the planning department permit to repair the south wall stucco on a like kind basis and make the entire south wall fire rated. This would be a second serious violation where the scope of work requires the contractor to secure Planning Department approval to remove the two story bay.

It looks like they have removed said bay at the South side without proper permitting or Planning Dept Approval. There is now a straight wall that was installed under the guise of the dryrot work). I will address this in a Notice of Violation that I am going to issue when I meet with the contractor tomorrow.

3. I suggest that you walk through the entire house because I believe they have demolished the entire interior of the building without securing a demolition permit and they violated the debris ordinance by having seven or eight truckloads of debris hauled away by a trucking company not on the City's approved list. I have pictures of the trucks if this would be helpful.

The removal of all the wall finishes (lathe & plaster) is covered under Pa # 201606160104 . I was told by the foreman that all debris was taken to a certified site for recycling and or disposal. I have requested the tags for this.

My neighbors and I want the developer and contractor to secure all the legally required permits for their construction work. All required permits would include construction permits from DBI and land use permits from the S. F. Planning Department. The developer and contractor have demonstrated a near total disregard for the City's building and Planning codes and my neighbors and I want the piece of mind that all work on the site will be 100 % legal up to code. This is especially true for the neighbors to the north of 25 17th Avenue who's wall touches 25 17th Avenue.

In closing I would like to say that there are a few other things such as the removal of the deck that will also be addressed on the Notice of Violation. I would like to assure you that they will be made to follow all of the proper steps moving through the various departments involved. The building will be in full compliance with today's Building Codes and Planning Dept guidelines as they apply to this project.

Thank you,

Jerry Dratler

<blkompfjeoehandi.png>



NO SUSPENSE, NO NEW HABITABLE  
7/19/17

BUILDING ENLARGEMENT  
DESCRIPTION  
VERTICAL  
HORIZONTAL

APPROVED FOR ISSUANCE

BLDG. FORM 3/8

APPLICATION NUMBER  
APPROVAL NUMBER

2017-05-18-69

2017-05-18-69  
2017-05-18-69  
2017-05-18-69

### APPLICATION FOR BUILDING PERMIT ADDITIONS, ALTERATIONS OR REPAIRS

FORM 3 ☐ OTHER AGENCIES REVIEW REQUIRED

FORM 8 ☒ OVER-THE-COUNTER ISSUANCE

2 NUMBER OF PLAN SETS

### 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.

FEE \$ 432.53

DO NOT WRITE ABOVE THIS LINE

DATE FILED JUL 13 2017 5/18/17	FILING FEE RECEIPT NO. 17076202	(1) STREET ADDRESS OF JOB 25 17TH AVENUE	BLOCK & LOT 1341/025
PERMIT NO. 1433195	ISSUED AUG 01 2017	(2A) ESTIMATED COST OF JOB \$109,000	(2B) REVISED COST \$200,000 DATE 7/19/17

### INFORMATION TO BE FURNISHED BY ALL APPLICANTS

#### LEGAL DESCRIPTION OF EXISTING BUILDING

(4A) TYPE OF CONSTR. V-B	(5A) NO. OF STORIES OF OCCUPANCY 3	(6A) NO. OF BASEMENTS AND CELLARS 0	(7A) PRESENT USE: SINGLE FAMILY DWELLING	(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-B	(5) NO. OF STORIES OF OCCUPANCY 3	(6) NO. OF BASEMENTS AND CELLARS 0	(7) PROPOSED USE (LEGAL USE) SINGLE FAMILY DWELLING	(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 OWNER BUILDER	ADDRESS	ZIP	PHONE	CALIF. LIC. NO.	EXPIRATION DATE
--	---------	-----	-------	-----------------	-----------------

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

(15) OWNER - LESSEE (CROSS OUT ONE) TWO FIVE FIVE 17TH AVENUE, LLC	ADDRESS	ZIP	BTRCH	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 EXTERIOR BAY AND CHASE ALONG SOUTH WALL AT ALL FLOORS.

INTERIOR SOUTH LIGHT LINED AT 3/F. INTERIOR REMODEL AT G/F.

REMODEL AT G/F AND 2/F: VOLUNTARY LATERAL STRENGTHENING AND

PARTIAL STRUCTURAL STRENGTHENING OF FLOOR, REMOVAL OF EXTERIOR DECK STAIRS

#### 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 N/A	(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 N/A 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 OR CONSTRUCTION)	ADDRESS	CALIF. CERTIFICATE NO.
---	---------	------------------------

(25) ARCHITECT OR ENGINEER (DESIGN OR CONSTRUCTION) RODRIGO SANTOS 2457 HARRISON ST., SF, CA 94110	ADDRESS	CALIF. CERTIFICATE NO. 52981
---	---------	---------------------------------

(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 is to be closer than 6'0" to any wire containing more than 750 volts. See Sec 386, 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, and complete details of retaining walls and wall footings 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.

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 dwellings, all insulating materials must have a clearance of not less than two inches from all electrical wires 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 THERETO WILL BE COMPLIED WITH.

### 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 claims, 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 worker's compensation coverage under (i) or (ii) designated below, or shall indicate item (iii), (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 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 carrier and policy number are:

Carrier  
Policy Number

( ) III. The cost of the work to be done is \$100 or less.

( ) IV. I certify that in the performance of the work for which this permit is issued, I shall not employ any person in any manner so as to become subject to the worker's compensation laws of California. I further acknowledge that I understand that in the event that I should become subject to the worker's compensation provisions of the Labor Code of California and fail to comply therewith with the provisions of Section 3800 of the Labor Code, that the permit herein applied for shall be deemed revoked.



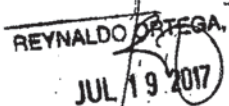




( ) V. I certify as the owner (or the agent for the owner) that in the performance of the work for which this permit is issued, I will employ a contractor who complies with the worker's compensation laws of California and who, prior to the commencement of any work, will file a completed copy of this form with the Central Permit Bureau.

Signature of Applicant or Agent

OFFICE COPY

5/18/17  
JUL 13 2017

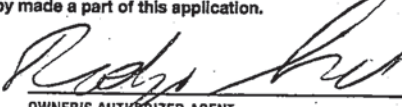
# CONDITIONS AND STIPULATIONS

REFER TO:	<p>APPROVED: </p> <p>BUILDING INSPECTOR, DEPT. OF BLDG. INSPECTION</p>	<p>DATE: <u>MAY 18 2017</u></p> <p>REASON: <u>OK to process</u></p> <p>NOTIFIED MR. <u>B. Curran</u></p>
<input type="checkbox"/>	<p>APPROVED: <u>Remove exterior side bay &amp; chase at south wall. Interior remodel @ GF. Remove exterior deck &amp; stairs. No infill @ 3rd story lightwell. To abate planning violation 2016-07806-ENF</u></p> <p><u>A. Kirby</u> 7/17/17</p> <p>DEPARTMENT OF CITY PLANNING</p>	<p>DATE: _____</p> <p>REASON: _____</p> <p>NOTIFIED MR. _____</p>
<input type="checkbox"/>	<p>APPROVED: </p> <p>BUREAU OF FIRE PREVENTION &amp; PUBLIC SAFETY</p>	<p>DATE: _____</p> <p>REASON: _____</p> <p>NOTIFIED MR. _____</p>
<input type="checkbox"/>	<p>APPROVED: </p> <p>REYNALDO ORTEGA, DBI</p> <p>JUL 19 2017</p> <p>MECHANICAL ENGINEER, DEPT. OF BLDG. INSPECTION</p>	<p>DATE: _____</p> <p>REASON: _____</p> <p>NOTIFIED MR. _____</p>
<input type="checkbox"/>	<p>APPROVED: </p> <p>CIVIL ENGINEER, DEPT. OF BLDG. INSPECTION</p>	<p>DATE: _____</p> <p>REASON: _____</p> <p>NOTIFIED MR. _____</p>
<input checked="" type="checkbox"/>	<p>APPROVED: </p> <p>BUREAU OF ENGINEERING</p>	<p>DATE: _____</p> <p>REASON: _____</p> <p>NOTIFIED MR. _____</p>
<input type="checkbox"/>	<p>APPROVED: </p> <p>DEPARTMENT OF PUBLIC HEALTH</p>	<p>DATE: _____</p> <p>REASON: _____</p> <p>NOTIFIED MR. _____</p>
<input type="checkbox"/>	<p>APPROVED: _____</p> <p>REDEVELOPMENT AGENCY</p>	<p>DATE: _____</p> <p>REASON: _____</p> <p>NOTIFIED MR. _____</p>
<input type="checkbox"/>	<p>APPROVED: </p> <p>HOUSING INSPECTION DIVISION</p>	<p>DATE: _____</p> <p>REASON: _____</p> <p>NOTIFIED MR. _____</p>

HOLD SECTION - NOTE DATES AND NAMES OF ALL PERSONS NOTIFIED DURING PROCESSING

I agree to comply with all conditions or stipulations of the various bureaus or departments noted on this application, and attached statements of conditions or stipulations, which are hereby made a part of this application.

Number of attachments ☐

  
OWNER'S AUTHORIZED AGENT



**Permit Details Report****Report Date:** 8/25/2017 9:02:22 AM

Application Number: 201705186923

Form Number: 3

Address(es): 1341 /025 /0 25 17TH AV

Description: ABATE PLANNING 2016-009806 ENF, ABATE DBI NOV#201623795 ♦. REMOVE EXTERIOR BAY AND CHASE ALONG SOUTH WALL AT ALL FLOORS. INTERIOR REMODEL AT GROUND FLOOR. AT GROUND FL & 2ND FL: VOLUNTARY LATERAL STRENGTHENING & PARTIAL STRUCTURAL STRENGTHENING OF FLOOR. REMOVAL OF EXTERIOR DECK & STAIRS.

Cost: \$200,000.00

Occupancy Code: R-3

Building Use: 27 - 1 FAMILY DWELLING

**Disposition / Stage:**

Action Date	Stage	Comments
5/18/2017	TRIAGE	
5/18/2017	FILING	
5/18/2017	FILED	
8/1/2017	PLANCHECK	
8/1/2017	APPROVED	
8/1/2017	ISSUED	
8/2/2017	SUSPEND	Per BOA request. Appeal#: 17-128

**Contact Details:****Contractor Details:**

License Number: OWN

Name: OWNER OWNER

Company Name: OWNER

Address: OWNER \* OWNER CA 00000-0000

Phone:

**Addenda Details:****Description:**

Step	Station	Arrive	Start	In Hold	Out Hold	Finish	Checked By	Hold Description
1	BID-INSP	5/18/17	5/18/17			5/18/17	CURRAN BERNIE	
2	INTAKE	5/18/17	5/18/17			5/18/17	CHUNG JANCE	
3	CPB	7/13/17	7/13/17			7/13/17	CHAN AMARIS	30 PAGES.
4	CP-ZOC	7/13/17	7/17/17			7/17/17	KIRBY ALEXANDRA	No interior remodel @ 2nd floor; no removal of exterior siding or framing to accommodate seismic strengthening.
5	BLDG	7/18/17	7/19/17			7/26/17	PANG DAVID	7/26/17 reviewed removal of deck piers and added 3 NOV's to scope of work.
6	MECH	7/19/17	7/19/17			7/19/17	ORTEGA REYNALDO	Approved, OTC
7	PPC	7/26/17	7/26/17			7/27/17	CHEUNG DEREK	7/27/17: to CPB; dc 7/26/17: 1 set missing A1.01A; dc 7/20/17: to Hold bin per BID chief Patrick O'Riordan; cp 7/20/17: to PPC for qc; cp 7/19/17am: to David Pang's inbox. ibb 7/19/17: Rodrigo Santos took plans to OTC;EC. 7/19/17: OTC approved by Rudy Pada; Plans to OTC;EC. 7/18/17: to BLDG;EC.
8	CPB	7/27/17	8/1/17			8/1/17	TORRES SHIRLEY	08/01/2017: approved & issued. ST 07/28/2017: school fees not req'd, but David Pang needs to fill out school fee form. ST

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







**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:** 201757399

**DATE:** 13-FEB-17

**ADDRESS:** 25 17TH AV

**OCCUPANCY/USE:** ()

**BLOCK:** 1341 **LOT:** 021

☐ 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:** SF CLEM LLC  
**MAILING** SF CLEM LLC  
**ADDRESS** 256 16TH AVE  
SAN FRANCISCO CA

**PHONE #:** --

94118

**PERSON CONTACTED @ SITE:** SF CLEM LLC

**PHONE #:** --

**VIOLATION DESCRIPTION:**

	CODE/SECTION#
<input type="checkbox"/> WORK WITHOUT PERMIT	106.1.1
<input checked="" 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

Removal of 3 story chimney, windows and lightwell at south property line wall.

Infill of lightwell approx 3' x 12' at South PL wall, infill of windows and covering entire wall with plywood.

Code/Section: 106A.4.7

**CORRECTIVE ACTION:**

☒ **STOP ALL WORK SFBC 104.2.4**

415-575-6830

- ☒ **FILE BUILDING PERMIT WITHIN 7 DAYS** ☒ **(WITH PLANS)** A copy of This Notice Must Accompany the Permit Application
- ☒ **OBTAIN PERMIT WITHIN 14 DAYS AND COMPLETE ALL WORK WITHIN 30 DAYS, INCLUDING FINAL INSPECTION SIGN 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.**

Submit building permit with plans to address above noted violations. City planning review required.

**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 \$5000**

**BY ORDER OF THE DIRECTOR, DEPARTMENT OF BUILDING INSPECTION**

**CONTACT INSPECTOR:** Kevin N McHugh

**PHONE #** 415-575-6830

**DIVISION:** BID

**DISTRICT :**

**By:**(Inspector's Signature) \_\_\_\_\_



**APPROVED**  
Dept. of Building Insp.

JUL 07 2016

TOM C. HUL S.E.  
DIRECTOR  
DEPT. OF BUILDING INSPECTION

DEPT. OF BUILDING INSPECTION

2016 23 795 (BIP)  
2016 20761 (BIP)  
2016 20753 (BID)

\$ 887.00

BLDG. FORM 318  
APPROVED FOR ISSUANCE  
JUL 7 2016  
APPLICATION NUMBER  
2016070114

**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 7/1/16	FILED FEE RECEIPT NO. 7-7-16	(1) STREET ADDRESS OF JOB 25 17TH AVE	BLOCK & LOT 1341/1021
PERMIT NO. 1396845	ISSUED 7-7-16	(2A) ESTIMATED COST OF JOB \$10,000	(2B) REVENUE COST \$25,000
		DATE: 7/1/16	

**INFORMATION TO BE FURNISHED BY ALL APPLICANTS**

LEGAL DESCRIPTION OF EXISTING BUILDING			
(1A) TYPE OF CONSTR. V-B	(1B) NO. OF STORIES OF OCCUPANCY 2	(1C) NO. OF BASEMENTS AND CELLARS 0	(1D) PRESENT USE SINGLE FAMILY
(1E) OCCUP. CLASS R3	(1F) NO. OF DWELLING UNITS 1		
DESCRIPTION OF BUILDING AFTER PROPOSED ALTERATION			
(2A) TYPE OF CONSTR. V-B	(2B) NO. OF STORIES OF OCCUPANCY 2	(2C) NO. OF BASEMENTS AND CELLARS 0	(2D) PROPOSED USE (LEGAL USE) SINGLE FAMILY
(2E) OCCUP. CLASS R3	(2F) NO. OF DWELLING UNITS 1		
(3) IS AUTO RAMPWAY TO BE CONSTRUCTED OR ALTERED?	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	(4) WILL STREET SPACE BE USED DURING CONSTRUCTION?	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
(5) WILL ELECTRICAL WORK TO BE PERFORMED?	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	(6) WILL PLUMBING WORK TO BE PERFORMED?	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
(4) GENERAL CONTRACTOR OWNER/BUILDER	ADDRESS 25 17TH AVE SE CA	ZIP 94116	PHONE 415 642 7122
(5) OWNER JOHN KANTOR	ADDRESS 25 17TH AVE SE CA	ZIP 94116	PHONE (FOR CONTACT BY DEPT.) 415 642 7122

TEMPORARY SHORING OF BUILDING BY MEANS OF CRIBBING

**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	(19) DOES THIS ALTERATION CREATE BASE OR SECOND EXTENSION TO BUILDING?	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	(20) IF (19) IS YES, STATE FLOOR AREA
(21) WILL SIDEWALK OVER SUB-GROUND SPACE BE REMOVED 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 PLAT 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	CONSTRUCTION BY RODRIGO SANTOS	ADDRESS 2451 HARRISON ST SE	CITY SAN FRANCISCO	STATE CA	ZIP 94116
(26) CONSTRUCTION LENDER NAME AND BRANCH REGISTRATION IF ANY. IF THERE IS NO KNOWN CONSTRUCTION LENDER, ENTER "UNKNOWN"					

**IMPORTANT NOTICES**

No change shall be made in the structure of the property or in use thereof until 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 is to be closer than 6' to any wire containing more than 750 volts. See Sec. 380, 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 specifications being kept at building site.

Grade flow 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, and complete details of retaining walls and foundations must be submitted to this Department for approval.

ANY REVISIONS REQUIRED HEREON 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 AFFIDAVIT FOR THE ELECTRICAL, MECHANICAL OR PLUMBING INSTALLATIONS. A SEPARATE PERMIT FOR THE WORK AND PLUMBING MUST BE OBTAINED. SEPARATE PERMITS ARE REQUIRED OF ARCHITECT OR "PRO" TO ANY OF ABOVE QUESTIONS (1) (2) (3) (4) (5) (6) (7) (8) (9) (10) (11) (12) (13) (14) (15) (16) (17) (18) (19) (20) (21) (22) (23) (24) (25) (26).

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

In drawings, all building materials must have a clearance of not less than two inches from all electrical wires or equipment.

CHECK APPROPRIATE BOX

☐ OWNER  
☐ LESSOR  
☐ 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 THEREIN WILL BE COMPLIED WITH.

REV 08/13

**NOTICE TO APPLICANT**

**9010 WORKERS' COMPENSATION.** The permittee, by acceptance of the permit, agrees to indemnify and hold harmless the City and County of San Francisco from and against all and every claim, demand and action 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 worker's compensation coverage under (1) or (2) designated below, or shall indicate how (1), (2), or (3) whichever is applicable. If however item (3) is checked, item (2) must be checked as well. Mark the appropriate method of compliance below.

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

(1) 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.

(2) 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 carrier and policy number are:

Carrier \_\_\_\_\_  
Policy Number \_\_\_\_\_

(3) The cost of the work to be done is \$100 or less.

X I certify that in the performance of the work for which this permit is issued, I shall not employ any person in any manner so as to become subject to the worker's compensation laws of California. I further acknowledge that I understand that in the event that I should become subject to the worker's compensation provisions of the Labor Code of California and fail to comply therewith with the provisions of Section 3800 of the Labor Code, that the permittee applicant for shall be deemed negligent.

X I certify as the owner (or the agent for the owner) that in the performance of the work for which this permit is issued, I will employ a contractor who complies with the worker's compensation laws of California and who, prior to the performance of any work, will file a completed copy of this form with the General Permit Bureau.

Signature of Applicant/Agent

OFFICE COPY

SAN FRANCISCO  
 DEPARTMENT OF  
 BUILDING INSPECTION

CONDITIONS AND STIPULATIONS

REFER TO:	APPROVED:	DATE: _____ REASON: JUL 01 2016 OK TO PROCESS
	BUILDING INSPECTOR, DEPT. OF BLDG. INSP.	NOTIFIED MR. _____
<input type="checkbox"/>	APPROVED:	DATE: _____ REASON: _____
	DEPARTMENT OF CITY PLANNING	NOTIFIED MR. _____
<input type="checkbox"/>	APPROVED:	DATE: _____ REASON: _____
	BUREAU OF FIRE PREVENTION & PUBLIC SAFETY	NOTIFIED MR. _____
<input type="checkbox"/>	APPROVED:	DATE: _____ REASON: _____
	MECHANICAL ENGINEER, DEPT. OF BLDG. INSPECTION	NOTIFIED MR. _____
<input type="checkbox"/>	APPROVED:	DATE: _____ REASON: _____
	CHU Liu, DBI JUL 05 2016 CIVIL ENGINEER, DEPT. OF BLDG. INSPECTION	NOTIFIED MR. _____
<input type="checkbox"/>	APPROVED:	DATE: _____ REASON: _____
	BUREAU OF ENGINEERING	NOTIFIED MR. _____
<input type="checkbox"/>	APPROVED:	DATE: _____ REASON: _____
	DEPARTMENT OF PUBLIC HEALTH	NOTIFIED MR. _____
<input type="checkbox"/>	APPROVED:	DATE: _____ REASON: _____
	REDEVELOPMENT AGENCY	NOTIFIED MR. _____
<input type="checkbox"/>	APPROVED:	DATE: _____ REASON: _____
	HOUSING INSPECTION DIVISION	NOTIFIED MR. _____

HOLD SECTION - NOTE DATES AND NAMES OF ALL PERSONS NOTIFIED DURING PROCESSING

I agree to comply with all conditions or stipulations of the various bureaus or departments noted on this application, and attached statements of conditions or stipulations, which are hereby made a part of this application.

Number of attachments ☐

OWNER'S AUTHORIZED AGENT





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

*Pat# 201607011417*

## **PROPERTY OWNER'S PACKAGE**

### **Disclosures & Forms for Owner-Builders Applying for Construction Permits**

#### **IMPORTANT! NOTICE TO PROPERTY OWNER**

Dear Property Owner:

An application for a building permit has been submitted in your name listing yourself as the builder of the property improvements specified at 25 17th Avenue.

We are providing you with an Owner-Builder Acknowledgment and Information Verification Form to make you aware of your responsibilities and possible risk you may incur by having this permit issued in your name as the Owner-Builder. **We will not issue a building permit until you have read, initialed your understanding of each provision, signed, and returned this form to us at our official address indicated.** An agent of the owner cannot execute this notice unless you, the property owner, obtain the prior approval of the permitting authority.

#### **OWNER'S ACKNOWLEDGMENT AND VERIFICATION OF INFORMATION**

**DIRECTIONS:** Read and initial each statement below to signify you understand or verify this information.

- JK* 1. I understand a frequent practice of unlicensed persons is to have the property owner obtain an "Owner-Builder" building permit that erroneously implies that the property owner is providing his or her own labor and material personally. I, as an Owner-Builder, may be held liable and subject to serious financial risk for any injuries sustained by an unlicensed person and his or her employees while working on my property. My homeowner's insurance may not provide coverage for those injuries. I am willfully acting as an Owner-Builder and am aware of the limits of my insurance coverage for injuries to workers on my property.
- JK* 2. I understand building permits are not required to be signed by property owners unless they are responsible for the construction and are not hiring a licensed Contractor to assume this responsibility.
- JK* 3. I understand as an "Owner-Builder" I am the responsible party of record on the permit. I understand that I may protect myself from potential financial risk by hiring a licensed Contractor and having the permit filed in his or her name instead of my own.
- JK* 4. I understand Contractors are required by law to be licensed and bonded in California and to list their license numbers on permits and contracts.
- JK* 5. I understand if I employ or otherwise engage any persons, other than California licensed Contractors, and the total value of my construction is at least five hundred dollars (\$500), including labor and materials, I may be considered an "employer" under state and federal law.
- JK* 6. I understand if I am considered an "employer" under state and federal law, I must register with the state and federal government, withhold payroll taxes, provide workers' compensation disability insurance, and contribute to unemployment compensation for each "employee." I also understand my failure to abide by these laws may subject me to serious financial risk.
- JK* 7. I understand under California Contractors' State License Law, an Owner-Builder who builds single-family residential structures cannot legally build them with the intent to offer them for sale, unless all work is performed by licensed subcontractors and the number of structures does not exceed four within any calendar year, or all of the work is performed under contract with a licensed general building Contractor.

October 1, 2013 Property-Owner's Package 1 of 2

1660 Mission Street – San Francisco CA 94103  
Office (415) 558-6088 – FAX (415) 558-6401  
Website: [www.sfdbl.org](http://www.sfdbl.org)





8. I understand as an Owner-Builder if I sell the property for which this permit is issued, I may be held liable for any financial or personal injuries sustained by any subsequent owner(s) that result from any latent construction defects in the workmanship or materials.

9. I understand I may obtain more information regarding my obligations as an "employer" from the Internal Revenue Service, the United States Small Business Administration, the California Department of Benefit Payments, and the California Division of Industrial Accidents. I also understand I may contact the California Contractors' State License Board (CSLB) at 1-800-321-CSLB (2752) or [www.cslb.ca.gov](http://www.cslb.ca.gov) for more information about licensed contractors.

10. I am aware of and consent to an Owner-Builder building permit applied for in my name, and understand that I am the party legally and financially responsible for proposed construction activity at the following address:

25 17th Avenue

11. I agree that, as the party legally and financially responsible for this proposed construction activity, I will abide by all applicable laws and requirements that govern Owner-Builders as well as employers.

12. I agree to notify the issuer of this form immediately of any additions, deletions, or changes to any of the information I have provided on this form. Licensed contractors are regulated by laws designed to protect the public. If you contract with someone who does not have a license, the Contractors' State License Board may be unable to assist you with any financial loss you may sustain as a result of a complaint. Your only remedy against unlicensed Contractors may be in civil court. It is also important for you to understand that if an unlicensed Contractor or employee of that individual or firm is injured while working on your property, you may be held liable for damages. If you obtain a permit as Owner-Builder and wish to hire Contractors, you will be responsible for verifying whether or not those Contractors are properly licensed and the status of their workers' compensation insurance coverage.

**Before a building permit can be issued, this form must be completed and signed by the property owner and returned to the agency responsible for issuing the permit. Note: A copy of the property owner's driver's license, form notarization, or other verification acceptable to the agency is required to be presented when the permit is issued to verify the property owner's signature.**

Signature of property owner J M K Date: 07/08/2018

**Note: The following Authorization Form is required to be completed by the property owner only when designating an agent of the property owner to apply for a construction permit for the Owner-Builder.**

#### **AUTHORIZATION OF AGENT TO ACT ON PROPERTY OWNER'S BEHALF**

Excluding the Notice to Property Owner, the execution of which I understand is my personal responsibility, I hereby authorize the following person(s) to act as my agent(s) to apply for, sign, and file the documents necessary to obtain an Owner-Builder Permit for my project.

Scope of Construction Project (or Description of Work): Temporary Shoring

Project Location or Address: 25 17th Avenue

Name of Authorized Agent: Santos and Umutia Structural Engineers, Inc. Tel No. (415) 842-7722

Address of Authorized Agent: 2451 Harrison Street

I declare under penalty of perjury that I am the property owner for the address listed above and I personally filled out the above information and certify its accuracy. Note: A copy of the owner's driver's license, form notarization, or other verification acceptable to the agency is required to be presented when the permit is issued to verify the property owner's signature.

Property Owner's Signature: J M K Date: 07/08/2018



**Permit Details Report****Report Date:** 8/25/2017 9:08:11 AM

Application Number: 201607011417  
 Form Number: 8  
 Address(es): 1341 / 021 / 0 25 17TH AV  
 Description: TEMPORARY SHORING OF BUILDING BY MEANS OF CRIBBING  
 Cost: \$25,000.00  
 Occupancy Code: R-3  
 Building Use: 27 - 1 FAMILY DWELLING

**Disposition / Stage:**

Action Date	Stage	Comments
7/1/2016	TRIAGE	
7/1/2016	FILING	
7/1/2016	FILED	
7/7/2016	APPROVED	
7/7/2016	ISSUED	

**Contact Details:****Contractor Details:**

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

**Addenda Details:****Description:**

Step	Station	Arrive	Start	In Hold	Out Hold	Finish	Checked By	Hold Description
1	INTAKE	7/1/16	7/1/16			7/1/16	BUFKA SUSAN	
2	BID-INSP	7/1/16	7/1/16			7/1/16		BID-INSP STAFF
3	BLDG	7/5/16	7/5/16			7/5/16	LIU CHU	
4	CPB	7/7/16	7/7/16			7/7/16	GALIZA DELIA	

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

**Appointments:**

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

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

Addenda No.	Completed Date	Inspected By	Inspection Code	Description	Remarks
0			24F	OTHERS	cribbing system installation
0			21A	SHORING	

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

Station Code Descriptions and Phone Numbers



25 17<sup>th</sup> Avenue  
San Francisco, CA

August 14, 2016

President Daryl Honda  
City and County of San Francisco  
Board of Appeals  
San Francisco City Hall Room 416  
One Dr. Carlton B Goodlett Place  
San Francisco, CA 94102

Re: 25 17<sup>th</sup> Avenue, Appeal No 17-128  
Subject: Reschedule of BPA Hearing Date

Dear President Honda:

We request the following board of appeals item, Dratler vs. DBI, PDA (Appeal No 17-128), be heard on September 13<sup>th</sup>, 2017 instead of the currently scheduled date of October 18<sup>th</sup>, 2017.

The primary reason for this rescheduling request is to immediately stabilize the existing structure. Since July of 2016, the existing 3-story wood framed structure has been temporarily supported by steel shoring beams and wood cribbing towers. These temporary supports are not only highly susceptible to seismic forces, they have caused sagging of the existing structural members and the overall building has tilted slightly south. The structure also sits on loose sand with no adequate drainage, we fear that October 18<sup>th</sup> will force us into construction during rainy season, which would further increase the risk of structural failure.

The building currently poses major life safety issues and it is imperative we stabilize the site to protect the building, adjacent buildings, and people in the general vicinity.

We would like to emphasize we are following a directive from DCP and DBI to address their enforcement cases. The work performed will not exceed the existing envelope of the building and as this is primarily a structural-related scope of work.

If you have any questions, please contact our office at (415) 642-7722.

Sincerely,

  
Rodrigo Santos, S.E.  
Santos & Urrutia Structural Engineers, Inc.  
[rsantos@santosurrutia.com](mailto:rsantos@santosurrutia.com)



**COMPLAINT DATA SHEET****Complaint Number:** 201700172Owner/Agent: OWNER DATA  
SUPPRESSED

Date Filed:

Owner's Phone: --

Location: 25 17TH AV

Contact Name:

Block: 1341

Contact Phone: --

Lot: 021

Complainant: COMPLAINANT DATA  
SUPPRESSED

Site:

Rating:

Occupancy Code:

Received By: JTRAN

Division: BID

Complainant's  
Phone:

Complaint Source: WEB FORM

Assigned to  
Division: BIDDescription: date last observed: 14-AUG-17; exact location: Main Bldg; building type: Residence/Dwelling  
STRUCTURAL PROBLEMS; ; additional information: Building poses life safety issues per  
structural engineer, Mr. Santos, in letter sent to Permit Appeals Board on Aug. 14,2017. ;

Instructions:

**INSPECTOR INFORMATION**

DIVISION	INSPECTOR	ID	DISTRICT	PRIORITY
BID	WALSH	6312	5	

**REFERRAL INFORMATION****COMPLAINT STATUS AND COMMENTS**

DATE	TYPE	DIV	INSPECTOR	STATUS	COMMENT
08/21/17	CASE OPENED	BID	Walsh	CASE RECEIVED	
08/22/17	OTHER BLDG/HOUSING VIOLATION	INS	Walsh	CASE UPDATE	Mailed 1st NOV; s.thai.
08/22/17	OTHER BLDG/HOUSING VIOLATION	BID	Walsh	FIRST NOV SENT	case reviewed, to be investigated by district inspector. mh
08/23/17	OTHER BLDG/HOUSING VIOLATION	BID	Walsh	CASE UPDATE	NOV issued 8/22/17. Emergency shoring reqd for structure. kmh

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

08/22/17

[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.





**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:** 201621739

**DATE:** 13-JUN-16

**ADDRESS:** 25 17TH AV

**OCCUPANCY/USE:** ()

**BLOCK:** 1341 **LOT:** 021

☐ 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:** SF CLEM LLC  
**MAILING** SF CLEM LLC  
**ADDRESS** 256 16TH AVE  
SAN FRANCISCO CA

**PHONE #:** --

94118

**PERSON CONTACTED @ SITE:** SF CLEM LLC

**PHONE #:** --

**VIOLATION DESCRIPTION:**

**CODE/SECTION#**  
CPC 103.1

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

Furnace/wall heater installed without the benefit of a permit.  
(CMC Chapter 1)

**CORRECTIVE ACTION:**

- ☐ **STOP ALL WORK SFBC 104.2.4** (415)558-6570  
☐ **FILE BUILDING PERMIT WITHIN DAYS** ☐ **(WITH PLANS)** A copy of This Notice Must Accompany the Permit Application  
☒ **OBTAIN PERMIT WITHIN 7 DAYS AND COMPLETE ALL WORK WITHIN 21 DAYS, INCLUDING FINAL INSPECTION AND SIGNOFF.**  
☐ **CORRECT VIOLATIONS WITHIN DAYS.** ☐ **NO PERMIT REQUIRED**  
☐ **YOU FAILED TO COMPLY WITH THE NOTICE(S) DATED , THEREFORE THIS DEPT. HAS INITIATED ABATEMENT PROCEEDINGS.**  
● **FAILURE TO COMPLY WITH THIS NOTICE WILL CAUSE ABATEMENT PROCEEDINGS TO BEGIN.**  
**SEE ATTACHMENT FOR ADDITIONAL WARNINGS.**  
Hire a state-licensed contractor, secure proper permits, make corrections and schedule inspection.  
A \$52 Monthly Violation Monitoring Fee Will Be Assessed. (SFBC 102A.3 TABLE 1 A-K).

**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 \$**

**BY ORDER OF THE DIRECTOR, DEPARTMENT OF BUILDING INSPECTION**

**CONTACT INSPECTOR:** Daniel Ortega

**PHONE #** (415)558-6570

**DIVISION:** PID

**DISTRICT :**

**By:**(Inspector's Signature) \_\_\_\_\_



22070E1

Please print or type. (Form designed for use on elite (12-pitch) typewriter.)

Form Approved. OMB No. 2050-0039

<b>UNIFORM HAZARDOUS WASTE MANIFEST</b>		1. Generator ID Number CAC002870223	2. Page 1 of 1	3. Emergency Response Phone (800) 424-9300	4. Manifest Tracking Number 002253358 JJK			
5. Generator's Name and Mailing Address Jon Kantor 256 16th AVE, San Francisco, CA. Generator's Phone: (415) 412-6798			Generator's Site Address (if different than mailing address) 25 17th AVE San Francisco, CA. 94121					
6. Transporter 1 Company Name LD Transportation, LLC			U.S. EPA ID Number CA0001813152					
7. Transporter 2 Company Name			U.S. EPA ID Number					
8. Designated Facility Name and Site Address Recology Hay Road Landfill 6424 HAY ROAD, Vacaville, CA. Facility's Phone: (707) 451-3276			U.S. EPA ID Number CA0983042475					
GENERATOR	9a. HM	9b. U.S. DOT Description (including Proper Shipping Name, Hazard Class, ID Number, and Packing Group (if any))		10. Containers No. Type		11. Total Quantity	12. Unit Wt./Vol.	13. Waste Codes
	1.	1A 2212, Asbestos, 9, PG III, RQ		020 BA		002	Y	151
	2.							
	3.							
	4.							
14. Special Handling Instructions and Additional Information 981 FRABLE Asbestos Removal Requirement 40 CFR. 61 (bagged, Sealed & Labeled) DOT#5800. 56uld 1718004IND. 375 Beale Street. San Francisco CA. 94105-2066								
15. GENERATOR'S/OFFEROR'S CERTIFICATION: I hereby declare that the contents of this consignment are fully and accurately described above by the proper shipping name, and are classified, packaged, marked and labeled/placarded, and are in all respects in proper condition for transport according to applicable international and national governmental regulations. If export shipment and I am the Primary Exporter, I certify that the contents of this consignment conform to the terms of the attached EPA Acknowledgment of Consent. I certify that the waste minimization statement identified in 40 CFR 262.27(a) (if I am a large quantity generator) or (b) (if I am a small quantity generator) is true.								
Generator's/Officer's Printed/Typed Name Rudy Gonzalez			Signature Rudy Gonzalez			Month 7	Day 23	Year 2016
16. International Shipments <input type="checkbox"/> Import to U.S. <input type="checkbox"/> Export from U.S. Port of entry/exit: Transporter signature (for exports only): Date leaving U.S.:								
17. Transporter Acknowledgment of Receipt of Materials Transporter 1 Printed/Typed Name Signature Month Day Year Transporter 2 Printed/Typed Name Signature Month Day Year								
18. Discrepancy 18a. Discrepancy Indication Space <input type="checkbox"/> Quantity <input type="checkbox"/> Type <input type="checkbox"/> Residue <input type="checkbox"/> Partial Rejection <input type="checkbox"/> Full Rejection Manifest Reference Number: U.S. EPA ID Number Facility's Phone: 18c. Signature of Alternate Facility (or Generator) Month Day Year								
19. Hazardous Waste Report Management Method Codes (i.e., codes for hazardous waste treatment, disposal, and recycling systems) 1. H132 2. 3. 4.								
20. Designated Facility Owner or Operator: Certification of receipt of hazardous materials covered by the manifest except as noted in Item 18a Printed/Typed Name Signature Month Day Year Ben Anderson 13A 8/4/16								

EPA Form 8700-22 (Rev. 3-05) Previous editions are obsolete.

DESIGNATED FACILITY TO GENERATOR

Copy of asbestos manifest from 25-17th Avenue







**Subject:** RE: Sunshine request  
**From:** "Goldstein, Cynthia (BOA)" <cynthia.goldstein@sfgov.org>  
**Date:** 8/29/2017 11:16 AM  
**To:** Jerry Dratler <dratler@sonic.net>  
**CC:** "Cantara, Gary (BOA)" <gary.cantara@sfgov.org>

Mr. Dratler,

My apologies for not addressing your request more clearly.

The Charter and Code provisions I provided to you are the only such provisions I know of that address your item #3. Those provisions specify what the Board may do when deciding an appeal. Since remanding a matter to the underlying department is not listed among the options provided to the Board, the Board does not remand matters. I'm aware of no other Code or Charter provisions that are more specific on this point.

Cynthia G. Goldstein  
Executive Director  
San Francisco Board of Appeals  
1650 Mission Street, Suite 304  
San Francisco, CA 94103  
Phone: 415-575-6881  
Fax: 415-575-6885  
Email: cynthia.goldstein@sfgov.org

---

**From:** Jerry Dratler [mailto:dratler@sonic.net]  
**Sent:** Tuesday, August 29, 2017 11:07 AM  
**To:** Goldstein, Cynthia (BOA) <cynthia.goldstein@sfgov.org>  
**Cc:** Cantara, Gary (BOA) <gary.cantara@sfgov.org>  
**Subject:** Re: Sunshine request

Ms. Goldstein,

1. Sunshine Request item #3 deals with the legal justification for the statement in the Permit Appeals handout, "In deciding a case, the Board may only uphold, overturn or place conditions on a departmental decision; it cannot remand (send back) a decision to the underlying department for further review or action". My Sunshine Request requested copies of the specific sections of the City Code or written Board policy that support this statement.

Your Sunshine response failed to provide copies of the sections of the City Code or written Board policy that support the statement above. Please address point three of my request. If the statement is not supported by specific sections of the City Code or written Board of Appeals policy please indicate that there is no written documentation to support the statement.

Respectfully,

Jerry Dratler

On 8/28/2017 3:04 PM, Goldstein, Cynthia (BOA) wrote:

Mr. Dratler,

This message is sent in response to your August 28, 2017 email labeled "Re: Sunshine Request" in which you request the following:

1. Please provide copies of all City Code Sections including DBI, DPW, Planning, Zoning etc. and Board of Appeals operating rules and procedures that discuss the decision options available to the Permit Appeals Board in DBI permit appeal hearings.
2. Please provide the specific City Code sections and Board of Appeals rules and procedures that specifically limit the decision options of the Permit Appeals Board in DBI permit appeal hearings.
3. The Board of Appeals Special Instruction For Parties handout includes the statement;  
"In deciding a case, the Board may only uphold, overturn or place conditions on a departmental decision; it cannot remand (send back) a decision to the underlying department for further review or action".

- i. Please provide copies of the specific sections of the City Code or written Board policy that support this statement in the handout.

By "decision options available to the Permit Appeals Board in DBI permit appeal hearings" I'm assuming you mean the ways in which the Board of Appeals may decide an appeal like the one you filed in regards to Building Permit Application No. 2017/05/18/6923 for work at 25 17<sup>th</sup> Avenue (Appeal No. 17-128).

Attached is a copy of a document that contains provisions of the San Francisco



Charter and San Francisco Business and Tax Regulations Code pertaining to the Board of Appeals. Charter Section 4.106(d) and Business and Tax Regulations Code Article 1, Sections 14 and 26 are responsive to your requests.

If I have misinterpreted your request or you have further questions about the appeal process, please feel free to call me at the telephone number below.

Sincerely,

Cynthia G. Goldstein  
Executive Director  
San Francisco Board of Appeals  
1650 Mission Street, Suite 304  
San Francisco, CA 94103  
Phone: 415-575-6881  
Fax: 415-575-6885  
Email: [cynthia.goldstein@sfgov.org](mailto:cynthia.goldstein@sfgov.org)

-----Original Message-----

From: Jerry Dratler [<mailto:dratler@sonic.net>]  
Sent: Monday, August 28, 2017 11:36 AM  
To: Goldstein, Cynthia (BOA) <[cynthia.goldstein@sfgov.org](mailto:cynthia.goldstein@sfgov.org)>  
Cc: Cantara, Gary (BOA) <[gary.cantara@sfgov.org](mailto:gary.cantara@sfgov.org)>  
Subject: Sunshine request

Please see attached.

Jerry Dratler

**CITY AND COUNTY OF SAN FRANCISCO  
OFFICE OF THE TREASURER & TAX COLLECTOR**

City Hall, Room 140  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102  
[www.sftreasurer.org](http://www.sftreasurer.org)



**JOSÉ CISNEROS, TREASURER**

**REQUEST FOR INFORMATION**

1. Please print clearly. Contact information not required.

Requestor's Name:	JERRY DRATHLER		
Address:	40-17th Ave. SAN FRANCISCO CA 94121		
	Street	City	State Zip Code
Phone Number:	415, 387-5092 ( )		
	Day Phone	FAX	
Date Requested:	8/28/2017		

2. Please provide any of the following information that will help identify the account for which you are requesting information.

Business Account Number:	
Business Name (Registered Ownership):	Twenty Five 17th Avenue LLC
Trade Name / DBA:	
Business Location:	

**FOR OFFICE USE ONLY**

Business is:	<input type="checkbox"/> Registered	<input checked="" type="checkbox"/> Unregistered	Inactive Date, if applicable:	
If registered, start date of registration:		Last certificate issue date:		
If registered, status of account:	<input type="checkbox"/> Current	<input type="checkbox"/> On hold	<input type="checkbox"/> Inactive	
Business Account Number:				
Business Name (Registered Ownership):				
Trade Name / DBA:				
Business Location:	Street	City	State	Zip Code
Mailing Address:	Street/Box	City	State	Zip Code
Researched by:				
Date received:	8/28/17			
Date completed:	8/28/17			

**RECEIVED**

AUG 28 2017

CITY & COUNTY OF SAN FRANCISCO  
TREASURER & TAX COLLECTOR

Revised 6/16/17



GoAdviro.com

Page 3 of 6

### **Lab Results:**

*Complete lab results attached*

#### ***Air - TEM***

<b>#</b>	<b><u>Volume</u></b> Liters	<b><u>Location</u></b>	<b><u>Asbestos Structures</u></b>
01	1710	Backyard – Patio	<i>None Detected</i>

#### ***Soil – PLM***

<b>#</b>	<b><u>Pattern</u></b>	<b><u>Location</u></b>	<b><u>Asbestos Structures</u></b>
01	X	Backyard	<i>None Detected</i>
02	X	Front Yard	<i>None Detected</i>

#### ***Dust Wipe – PLM***

<b>#</b>	<b><u>Size</u></b>	<b><u>Location</u></b>	<b><u>Asbestos Structures</u></b>
01	1 sf	Backyard – Patio	<i>None Detected</i>
02	1 sf	Front Yard – Stairs	<i>None Detected</i>

**Site:** 25-27 17<sup>th</sup> Ave, San Francisco, CA 94121

**Service:** Asbestos Screening – Air, Soil, Dust

**Date:** July 25<sup>th</sup>, 2017

**#:** 1707-07A



RECEIVED

MAR 25 2019

CITY & COUNTY OF S.F.  
PLANNING DEPARTMENT  
PIC

**DISCRETIONARY REVIEW PUBLIC (DRP)**  
APPLICATION

### Discretionary Review Requestor's Information

Name: Alan Greinetz

Address: 20 18th Avenue, San Francisco, CA

Email Address: **apgreinetz@aol.com**

Telephone: 415.305.0019

### Information on the Owner of the Property Being Developed

Name: **John Kantor**

Company/Organization:

Address: 256 16th Avenue, San Francisco, CA

Email Address: **kantor@pacbell.net**

Telephone: 415.412.6798

## Property Information and Related Applications

Project Address: **25 17th Avenue**

Block/Lot(s): 1341/025

Building Permit Application No(s): 2017.07.07.1206

## ACTIONS PRIOR TO A DISCRETIONARY REVIEW REQUEST

PRIOR ACTION		YES	NO
Have you discussed this project with the permit applicant?		<input checked="checked" type="checkbox"/>	
Did you discuss the project with the Planning Department permit review planner?		<input checked="checked" type="checkbox"/>	
Did you participate in outside mediation on this case? (including Community Boards)			<input checked="checked" type="checkbox"/>
<p>Changes Made to the Project as a Result of Mediation.</p> <p>If you have discussed the project with the applicant, planning staff or gone through mediation, please summarize the result, including any changes that were made to the proposed project.</p>			
<p></p>			



## 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.

- 
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.

- 
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?

# DISCRETIONARY REVIEW REQUESTOR'S AFFIDAVIT

Under penalty of perjury the following declarations are made:

a) The undersigned is the DR requestor or their authorized representation.



Signature



Name (Printed)

Relationship to Requestor  
(i.e. Attorney, Architect, etc.)

Phone

Email

For Department Use Only

Application received by Planning Department:

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

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

25 17<sup>th</sup> Avenue (Horizontal Expansion and Demolition), BPA No.: 2017.0707.1206  
27 17<sup>th</sup> Avenue (Demolition and New Construction), BPA No.: 2018.0625.2842

## Discretionary Review Request

- 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 Policies or Residential Design Guidelines? Please be specific and site-specific sections of the Residential Design Guidelines.**

The reasons for requesting the Discretionary Review are three-fold:

1. A record of work performed without the benefit of a permit and a disregard to consider neighbor concerns has resulted in the need for a heightened project evaluation and the request to include monitoring mechanisms so as to ensure project implementation is completed in accordance with Code;
2. The proposal does not meet the standards in the Residential Design Guidelines; and,
3. There are exceptional and extraordinary circumstances pertaining to a complex review process that relies on work performed without the benefit of a permit (namely, the demolition of the encroaching bay window and chimney and a subsequent lot split for a property with an active NOV), and the assumption of an approval of a proposed building that has not yet been approved (27 17<sup>th</sup> Avenue).

### **1. Work Performed without the Benefit of a Permit**

In June 2016, an over the counter permit (BPA No.: 2016.0616.0104) was issued to remove lath and plaster and repair dry rot on the subject property. The actual scope of work included the demolition and removal of two decks, a chimney, and a bay window (Exhibit 1: Image of bay window and decks before unpermitted demolition). The result was a series of complaints, notices of violation, enforcement cases, and an appeal. During this time, with the 'encroaching' bay window, decks and chimney now removed, a lot subdivision was proposed and subsequently deemed compliant in February 2017. Despite common practice that all permit activity be placed on hold for properties with violations, the lot split occurred, and the project sponsor submitted two project proposals – a remodel of the existing property and a new construction on the now vacant lot. During approximately the same time, permits were issued to replace the existing foundation (BPA Nos: 2016.0106.6439, 2016.0701.1417, 2017.0830.6367, 2017.1213.6333), again, notices of violations and corrections and an appeal occurred. The Board of Appeals eliminated the abatement of the bay and deck from the abatement permit and allowed the property owner to continue with a permitted foundation replacement and a voluntary seismic upgrade. The foundation replacement and seismic upgrade have not been completed, the project was abandoned in August of 2018. It is suspected the scope of unpermitted work completed by the sponsor also included the creation of usable floor area at the first floor expanding the home from

what was advertised when it was purchased by the project sponsor as a 3,710 square foot home, to a 5,067 square foot home (Exhibit 2: Existing square foot differential). The result of this pre-emptive enlargement from a 3,710 square foot home to a proposed 5,589 square foot home reduces the current proposal to a 522 square foot expansion when the total 1,879 square foot expansion should be considered. Lastly, the pre-application meetings were well attended and neighbors raised a large number of questions and concerns (Exhibit 3: 27 17<sup>th</sup> Avenue Pre-app sign-in sheet and summary of comments). The meeting's intention is to initiate neighbor communication and identify issues and concerns. **These issues and concerns were not addressed, and the proposed projects do not adhere to the context-specific issues that have been raised by neighbors including: mass, design, and privacy.**

## **2. Residential Design Guidelines**

The Residential Design Guidelines articulate expectations regarding the character of the building environment and are intended to promote design that will protect neighborhood character. The proposed project disrupts the cohesive neighborhood identity and disturbs the unique setting of this small dead-end block. What follows is a list of the guidelines that are not adhered to. Generally, there is support and a request for: an overall size reduction (including in proposed depth) so that the proposed projects (both 25 and 27 17<sup>th</sup> Avenue) are compatible with the existing buildings on the block and scale at the mid-block open space; and a redesign of the front facade to incorporate important architectural features, fenestration and entry patterns and materials.

Design Principle: Ensure that the building's scale is compatible with the surrounding buildings.

Neighborhood Character: Design Principle: Design buildings to be responsive to the overall neighborhood context, in order to preserve the existing visual character.

**Guideline: In areas with a defined visual character, design buildings to be compatible with the patterns and architectural features of surrounding buildings.**

Design Principle: Design the building's scale and form to be compatible with that of surrounding buildings, in order to preserve neighborhood character.

**Guideline: Design the scale of the building to be compatible with the height and depth of surrounding buildings.**

**Guideline: Design the building's form to be compatible with that of surrounding buildings.**

*The plans as proposed do not support the construction of appropriately-scaled buildings for the block.*

The two proposed homes of approximately 5,500 square feet are 76% larger than the existing average (3,130 sf) of the ten homes on 17<sup>th</sup> Avenue north of Lake Street and is roughly four times the average-sized home in San Francisco (Exhibit 4: Current home-size comparison). **We support an expansion of a home that is limited to a size that is**



**compatible with other homes on the street and propose that 27 17<sup>th</sup> Avenue be no more than 4,000 square feet and 25 17<sup>th</sup> Avenue no more than 5,000 square feet (retain existing building envelope).** We believe this reduction, while still larger than most buildings on the block, will be more compatible with the existing neighborhood character and mid-block open space.

Design Principle: Provide architectural features that enhance the neighborhood's character.

Building Details: Design Principle: Use architectural details to establish and define a building's character and to visually unify a neighborhood.

**Guideline: Design the placement and scale of architectural details to be compatible with the building and the surrounding area.**

**Guideline: Use windows that contribute to the architectural character of the building and the neighborhood.**

*The proposal's front façade lacks architectural detail compatible with the building and surrounding area.*

This block of 17th Ave, and in fact most nearby blocks, is dominated by older homes with rich architectural detail and divided wood windows. Exterior facades often include several building materials with stucco and/or shingle facades and wood trim. Windows and their surrounds are wood with substantial depth and detail. Floors are generally distinguished by setbacks or belt courses. Entries are most often inset behind arched entry porches. Rooflines are enhanced by cornice lines and large corbels. There is only one building on this block that is modern and lacking in detail.

The proposed façade of the building at 27 17<sup>th</sup> Avenue is out of character and lacks architectural detail commensurate with other buildings on the block. The only other house similar to it is an anomaly. The proposed design not only does not contribute to the character of the block; it detracts from it substantially. Buildings can be decidedly and unabashedly modern while acknowledging adjacent character, detail and material; this building makes no effort to fit into the neighborhood.

Design Principle: Place the building on its site so it responds to the topography of the site, its position on the block, and to the placement of surrounding buildings.

**Guideline: Articulate the building to minimize impacts on light and privacy to adjacent properties.**

*The proposal to provide over 1,000 square feet of decks on multiple levels as part of a horizontal addition generates privacy impacts.*

Currently, the rear wall of 25 17<sup>th</sup> Avenue is comprised of a very small deck (only 4' deep and maybe 40 square feet) on the top floor and doors and stairs leading from the second to first floor. The adjacent lot, which proposes 27 17<sup>th</sup> Avenue, currently houses

a garage that includes a rear wall with 2 double hung windows. The proposal includes approximately 1,112 square feet of decks (25 17<sup>th</sup> Avenue: 200 square foot roof deck at the second floor, and two roof decks on the 4<sup>th</sup> floors: front deck approximately 312 square feet, rear deck approximately 200 square feet) (27 17<sup>th</sup> Avenue: approximately 247 square foot deck at the second floor, an approximately 70 square foot deck at the third floor, and an approximately 100 square foot deck in the rear on the 4<sup>th</sup> floor and an approximately 200 square foot deck in the front on the 4<sup>th</sup> floor). The unusual number of proposed decks in addition to the proposed horizontal addition with floor to ceiling glass doors impacts the privacy of the mid-block open space and properties that reside on 18<sup>th</sup> avenue looking east, and Lake Street looking north. (Exhibit 5: Mid-block open space rendering and photo). The fourth floor roof in the front of 25 17<sup>th</sup> Ave is inaccurately labeled as a deck and the proposal to create a new roof deck raises privacy concerns for the east side of 17<sup>th</sup> Avenue (Exhibit 6: Image of existing 4<sup>th</sup> floor 'roof deck').

**3. Exceptional and Extraordinary Circumstances: 25 27<sup>th</sup> Avenue has not yet been approved, and 35 17<sup>th</sup> Avenue is a key lot.**

In addition to the work performed without benefit of a permit described above, the proposal for 27 17<sup>th</sup> Avenue assumes the approval of the proposal for 25 27<sup>th</sup> Avenue. On its own, the proposal to develop the vacant lot would likely require a greater reduction in building depth, a lightwell for the bay window, and a project designed in keeping with the nuances provided by the key lot at 35 17<sup>th</sup> Avenue and of the neighborhood character in general.

- 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 of the neighborhood would be unreasonably affected, please state who would be affected, and how.**

The projects as proposed and described above will create unreasonable impacts associated with building mass and privacy. In both cases, the projects have submitted revised drawings but have proposed minimal reduction in square footage and replaced much of the reduction with the addition of decks. For example, when the proposal for 25 17<sup>th</sup> Avenue was initially submitted to the Planning Department, the existing square footage was stated to be 4,858 square feet and the project proposed expanding the building to 6,054 square feet. In response to Planning Department requests, the project was revised to slightly reduce the building envelope and to add the unpermitted demolition. The revision increased the existing square footage to 5,067 and reduced the proposed square footage to 5,589 square feet. The revision resulted in a reduction of 465 square feet. For 27 17<sup>th</sup> Avenue, the proposal was revised from 5,689 square feet to

5,500 square feet, a reduction of approximately 189 square feet. Impacts still exist as a result of the project.

The adjacent lot to the south (35 17<sup>th</sup> Avenue) is a key lot and measures 57'5" and includes an 8' rear yard. It has three side, property line windows that depend on the lot at 27 17<sup>th</sup> Avenue for light. The project at 27 17<sup>th</sup> Avenue has been designed to accommodate light for one of those windows. The Residential Design Guidelines include articulating the building to minimize impacts on light and privacy to adjacent properties and to provide setbacks on upper floors of the building to protect these windows. In addition, lot 7 fronts Lake Street and the rear yard abuts the south side lot line of 27 17<sup>th</sup> Avenue (lot 26) (Exhibit 7: Lot map). The proposal to extend the building at the side property line all the way back to only a 33 foot rear setback on the ground floor, to extend the second floor 5 feet past the existing adjacent building (lot 6, 35 17<sup>th</sup> Avenue), and add a deck on the roof of the ground floor raises privacy concerns for the occupants of 1600 Lake Street (lot 7) and 1628 Lake Street (lot 7A).

The addition of five decks to the mid-block open space provided by the two properties coupled with floor to ceiling glass doors constitute an intrusion of privacy and light and need to be sufficiently reduced to honor this space.

**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?**

In response to the adverse effects noted in number 1 above, we propose the following changes be made:

1. Implement a monitoring mechanism so as to ensure the project is implemented accordingly to the approved permit. Any variations in scope should be brought back before the Planning Commission for review.
2. Amend the project design to significantly reduce the mass of both buildings:

**27 17<sup>th</sup> Avenue**

- Reduce the size of the proposed project to approximately 4,000 square feet so as to be more compatible with the average size of homes on the block and to respect the mid-block open space,
- Reduce the size of the deck on the 2<sup>nd</sup> floor from 13' to 6' deep and remove the firepit,
- Remove the deck on the 3<sup>rd</sup> floor,
- Remove the rear deck on the 4<sup>th</sup> floor,
- Reduce the width of the building in the rear to provide a 5 foot setback from the south lot line and an approximately 67.5 foot rear setback along the south lot line.

### **25 17<sup>th</sup> Avenue**

- Reduce the size of the proposed project to approximately 5,000 square feet so as to be more compatible with the average size of homes on the block and to respect the mid-block open space
  - Remove the front and rear 4<sup>th</sup> floor decks
3. Add sheets in the 27 17<sup>th</sup> Avenue plan set (BPA 2018.06.25.2842) that do not only show the proposed addition but the existing condition so that plans accurately reflect what currently and legally exists.

### **Exhibits**

- Exhibit 1: Image of bay window and decks before demolition  
Exhibit 2: Existing square foot differential  
Exhibit 3: Pre-app sign-in sheet and summary of comments  
Exhibit 4: Current home-size comparison  
Exhibit 5: Mid-block open space rendering and photo  
Exhibit 6: Existing 4<sup>th</sup> floor 'roof deck'  
Exhibit 7: Lot map



**Exhibit 1: Bay window and decks before demolition**





## Exhibit 2: Existing square foot differential

25 17th Ave. Existing SF	Realtor	B/K Plans	Difference
1st Floor	368	1,371	1,003
2nd Floor	1,264	1,479	215
3rd Floor	1,410	1,504	94
4th Floor	<u>668</u>	<u>713</u>	<u>45</u>
TOTALS	3,710	5,067	1,357

---

# Exhibit 3: Pre-App sign-in sheet and summary of comments submitted by Project Sponsor

## Notice of Pre-Application Meeting

July 5, 2017

Date

Dear Neighbor:

You are invited to a neighborhood Pre-Application meeting to review and discuss the development proposal at 27 17th Avenue cross street(s) Lake Street (Block/Lot#: 1341/026; Zoning: RM-1), in accordance with the San Francisco Planning Department's Pre-Application procedures. The Pre-Application meeting is intended as a way for the Project Sponsor(s) to discuss the project and review the proposed plans with adjacent neighbors and neighborhood organizations before the submittal of an application to the City. This provides neighbors an opportunity to raise questions and discuss any concerns about the impacts of the project before it is submitted for the Planning Department's review. Once a Building Permit has been submitted to the City, you may track its status at [www.sfgov.org/dbi](http://www.sfgov.org/dbi).

The Pre-Application process serves as the first step in the process prior to building permit application or entitlement submittal. Those contacted as a result of the Pre-Application process will also receive a formal entitlement notice or 311 or 312 notification after the project is submitted and reviewed by Planning Department staff.

A Pre-Application meeting is required because this project includes (check all that apply):

- ☒ New Construction;
- ☐ Any vertical addition of 7 feet or more;
- ☐ Any horizontal addition of 10 feet or more;
- ☐ Decks over 10 feet above grade or within the required rear yard;
- ☐ All Formula Retail uses subject to a Conditional Use Authorization;
- ☐ PDR-I-B, Section 313;
- ☐ Community Business Priority Processing Program (CB3P).

The development proposal is to: New Construction of a S.F.D.

Existing # of dwelling units: <u>0</u>	Proposed: <u>1</u>	Permitted: <u>0</u>
Existing bldg square footage: <u>624 SF</u>	Proposed: <u>6,490 SF</u>	Permitted: <u>624 SF</u>
Existing # of stories: <u>1</u>	Proposed: <u>4</u>	Permitted: <u>1</u>
Existing bldg height: <u>8'-7"</u>	Proposed: <u>35'-0"</u>	Permitted: <u>8'-7"</u>
Existing bldg depth: <u>29'-7.5"</u>	Proposed: <u>77'-0"</u>	Permitted: <u>29'-7.5"</u>

### MEETING INFORMATION:

Property Owner(s) name(s): Twenty Five 17th Avenue, LLC

Project Sponsor(s): Tim Brown/ Jonathan Kantor

Contact information (email/phone): kantor@pacbell.net / 415-412-6798

Meeting Address\*: @ the home of Carol & Mark Lerdal 17 17th Avenue, San Francisco, CA 94121

Date of meeting: 07/20/2017

Time of meeting\*: 6:00-7:30PM

\*The meeting should be conducted at the project site or within a one-mile radius, unless the Project Sponsor has requested a Department Facilitated Pre-Application Meeting, in which case the meeting will be held at the Planning Department offices, at 1650 Mission Street, Suite 400.

\*\*Weeknight meetings shall occur between 6:00 p.m. - 9:00 p.m. Weekend meetings shall be between 10:00 a.m. - 9:00 p.m., unless the Project Sponsor has selected a Department Facilitated Pre-Application Meeting.

If you have questions about the San Francisco Planning Code, Residential Design Guidelines, or general development process in the City, please call the Public Information Center at 415-558-6378, or contact the Planning Department via email at [pic@sfgov.org](mailto:pic@sfgov.org). You may also find information about the San Francisco Planning Department and on-going planning efforts at [www.sfplanning.org](http://www.sfplanning.org).

## Pre-Application Meeting Sign-in Sheet

Meeting Date: 07/20/2017

Meeting Time: 6:00-7:30PM

Meeting Address: 17 17th Avenue

Project Address: 27 17th Avenue

Property Owner Name: Twenty Five 17th Avenue, LLC

Project Sponsor/Representative: Tim Brown / Jon Kantor

Please print your name below, state your address and/or affiliation with a neighborhood group, and provide your phone number. Providing your name below does not represent support or opposition to the project; it is for documentation purposes only.

NAME/ORGANIZATION	ADDRESS	PHONE #	EMAIL	SEND PLANS
1. JERRY DRATLER	40-17th Ave			<input checked="" type="checkbox"/>
2. Sandra Dratler	40-17th Ave			<input type="checkbox"/>
3. Daniel Neumayer			daniel.neumayer@gmail.com	<input checked="" type="checkbox"/>
4. Gwendolyn Rothman			phonegwendolyn@gmail.com	<input type="checkbox"/>
5. Eileen Noller	34 17th Ave St		Noller2895@SBCglobal.net	<input type="checkbox"/>
6. Stephanie	35-17th Ave St		stephanie@stephaniepark.com	<input type="checkbox"/>
7. Peter U. Hildestein	129 24th Ave			<input type="checkbox"/>
8. Nancy Clark	1628 Lake St			<input checked="" type="checkbox"/>
9. Jim Riley	1601 Lake St			<input checked="" type="checkbox"/>
10. Carl Lerdol	17-17th Ave			<input type="checkbox"/>
11. Pat Furlong	316 17th Ave		pfurlong@sbcglobal.net	<input checked="" type="checkbox"/>
12. Chris Hockett	24-17th Ave		chris.hockett@davispc.com	<input checked="" type="checkbox"/>
13. Doreen Hockett	"		dahockett@gmail.com	<input checked="" type="checkbox"/>
14. SARA STEPHENS	16-17th Ave			<input checked="" type="checkbox"/>
15.				<input type="checkbox"/>
16.				<input type="checkbox"/>
17.				<input type="checkbox"/>
18.				<input type="checkbox"/>



## Affidavit of Conducting a Pre-Application Meeting, Sign-in Sheet and Issues/Responses submittal

I, Timothy Brown, do hereby declare as follows:

1. I have conducted a Pre-Application Meeting for the proposed new construction, alteration or other activity prior to submitting any entitlement (Building Permit, Variance, Conditional Use, etc.) in accordance with Planning Commission Pre-Application Policy.
2. The meeting was conducted at 17 17th Avenue, San Francisco, CA (location/address) on July 20, 2017 (date) from 6:00 - 7:30PM (time).
3. I have included the mailing list, meeting invitation and postmarked letter, sign-in sheet, issue/response summary, and reduced plans with the entitlement Application. I understand that I am responsible for the accuracy of this information and that erroneous information may lead to suspension or revocation of the permit.
4. I have prepared these materials in good faith and to the best of my ability.

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

EXECUTED ON THIS DAY, July 20th, 2017 IN SAN FRANCISCO.

  
Signature

Timothy Brown

Name (type or print)

Owner

Relationship to Project (e.g. Owner, Agent)  
(if Agent, give business name & profession)

27 17th Avenue

Project Address

①

# Summary of discussion from the Pre-Application Meeting

14 people + Carol

Meeting Date: Th. July 20, 2017  
 Meeting Time: 6pm  
 Meeting Address: Lordal Home  
 Project Address: 17th Av.  
 Property Owner Name: Tim Brown  
 Project Sponsor/Representative: Jon Kantor } Intro New Bldg, Plans, Q/A

Please summarize the questions/comments and your response from the Pre-Application meeting in the space below. Please state if/how the project has been modified in response to any concerns.

Question/Concern #1 by (name of concerned neighbor/neighborhood group): blg w/ lot

Jon 4 story bldg N to bldgs b/t 25 - 5 17th Av on the 3 S. side  
Zoning RH1 - Lot depth, lot & what were proposed?

Project Sponsor Response: any lot set back, rear

① RH1 - What are those rules?

① 120 deep lot 70' is 90ft

Front - no further Rwd than 2 adjoining neighbors in our case

Question/Concern #2: avg b/t ours + Stephens bldg, were set back farther than

Also in our neighborhood 35 ft ht limit. We won't exceed

Project Sponsor Response: Elevators & provision will not go above existing elevator "dog house"

② Elev. in both houses? A) Yes

Question/Concern #3: What about on both sides?

A) on Lordal's side

Carol - we did meeting & decided all that

Project Sponsor Response: 3 stories permitted to 4th story step back but

we will go 75% limit.

10ft back after 1st story.

planning code allows for full 90ft but we'll

Question/Concern #4: Step it back. Not need it

④ What's The Grey ~~area~~ A) Bay. Voice popping out beyond set back?

How far does it come out?

Project Sponsor Response: Carol - " " has it.

where " " Front but " " has it.

A) Trapezoid allowed bigger if not 3ft. allowed.

view from south:

⑤ How far beyond Stephens bldg is it extend at the line/stories?

It looks like a commercial bldg

Carol - like mine?

⑥ No windows on that wall? You could sell posters on it

A) b/c South no windows allowed

51' 76' ? Peeks 50 from 90 = 40ft?

Deirdre  
arrived  
& pmg it  
hideous.  
Ms. Peeks  
agrees.

(2)

## Summary of discussion from the Pre-Application Meeting

Meeting Date: \_\_\_\_\_  
 Meeting Time: \_\_\_\_\_  
 Meeting Address: \_\_\_\_\_  
 Project Address: \_\_\_\_\_  
 Property Owner Name: \_\_\_\_\_  
 Project Sponsor/Representative: \_\_\_\_\_

Please summarize the questions/comments and your response from the Pre-Application meeting in the space below. Please state if/how the project has been modified in response to any concerns.

Question/Concern #1 by (name of concerned neighbor/neighborhood group): \_\_\_\_\_

(A) Not starting at 90ft  
 Peels: but my house is at the front  
 A) No yours is slightly set back

Project Sponsor Response: Peels - Lot is 59'  
 from back of house to back fence  
 10-15' back.

Question/Concern #2: \_\_\_\_\_

(A) ~~Hard~~ Existing garage.

Project Sponsor Response: \_\_\_\_\_

(A) Computational Rules but  
 6,500 sq ft

Question/Concern #3: \_\_\_\_\_

52ft at Lot.  
 Project Sponsor Response: 42ft for other  
 No windows?  
 Illegal

Question/Concern #4: \_\_\_\_\_

(A) Might be able if fire rated glass.  
 Unsure you can put these right at property  
 line can 3ft back.

Project Sponsor Response: \_\_\_\_\_

but avg house on this blk is 3500 sq. ft. (from 31 website)  
 why need to bld such a big house on this blk?  
 Carol - why ask 2 houses on this blk is already that big  
 or bigger?...

(A) 100-yr old data & in some cases 100% incorrect

(A) But not application for this blk except Landals so why  
 the need for the A to this is butting up to Lake, 18th, 17th.  
 this is way out of scale w/ City.

(3)

## Summary of discussion from the Pre-Application Meeting

Meeting Date: \_\_\_\_\_  
 Meeting Time: \_\_\_\_\_  
 Meeting Address: \_\_\_\_\_  
 Project Address: \_\_\_\_\_  
 Property Owner Name: \_\_\_\_\_  
 Project Sponsor/Representative: \_\_\_\_\_

Please summarize the questions/comments and your response from the Pre-Application meeting in the space below. Please state if/how the project has been modified in response to any concerns.

Question/Concern #1 by (name of concerned neighbor/neighborhood group):

A) Using this data is ~~not~~ not correct & 100 yrs old.

Ex -> it's wrong & therefore incrs the livable space in envelope

Project Sponsor Response: A) Aerial shot, lots of ppl on this blk. Sun porch & infilled by ppl & that's livable as well

Question/Concern #2:

We are only req'd. Sq ftage under roof & to the outer edge of envelope. If you get 3 appraisers to come out you'll get 3 diff reads. What I have done is work with the "data provided" home next door, 5,060 sq ft is more than 60%.

Levada's 44 sq ft but 6300 sq ft 43% diff

Question/Concern #3:

1896 sq ft

Dedre's -> 5400 sq ft 100% diff from when

Project Sponsor Response:

Where the sq ft? 2134 -> dede off back outside envelope

Question/Concern #4:

info on website it's not

4100 sq ft

29% diff

That's tiny.

Project Sponsor Response:

5 homes diff's read,

Steph's House 3200 on website

A) I selected these homes b/c permits to see it but my estimation is 4,000 - 4,050.

That big wall 42-52 longer than Steph's?

A) So if I say  $42 \times 41 = 1600$  sq ft. that exceeds Steph's box ... 1800 - 2000 bigger than Steph's house



④

## Summary of discussion from the Pre-Application Meeting

Meeting Date: We can change pick houses & look at avg  
Meeting Time: Steph's house a little bigger some ppl did work  
Meeting Address: Steph's is bigger than Steph's house the avg  
Project Address: So you're proposing 1600-2000 bigger than  
Property Owner Name: avg  
Project Sponsor/Representative: (A) Steph & you have Key lots (smaller lots).

Please summarize the questions/comments and your response from the Pre-Application meeting in the space below. Please state if/how the project has been modified in response to any concerns.

Question/Concern #1 by (name of concerned neighbor/neighborhood group):

this house + others not Key lots  
Lerdals 6300 sq ft. proposing slightly bigger than that

Project Sponsor Response:

5200 sq ft

⑭

all 6 lots

Jerry's 38 ft wide

Question/Concern #2:

Deidre ours is double (lot & 1/2).  
On presidio side is narrower.

Project Sponsor Response:

⑮

Why are you wanting to build a bigger house?  
why when we neighbors don't want & not respecting  
our views & issues.

Question/Concern #3:

(A) Look at what we're proposing the front is 25 ft wide  
(that's the extent of the lot).

Project Sponsor Response:

But that matches all the houses on  
east side of blk. It will look same as all others  
(except if you are standing on Lake St).

Question/Concern #4:

But this is the most Southern side... will this impact  
the Lerdals light?

Project Sponsor Response:

Carol Lerdal - the inch goes down  
towards & so we lose v. little light

⑯

How far behind?

A) 2nd, 3rd, 4th fl. 10 ft behind Lerdals  
32" past at 2nd fl on a 9' ceiling.

⑰

Why are you doing it?

A) Carol - why would we do it? We did it b/c we needed  
a kitchen  
but you did it to your own home.

(5)

## Summary of discussion from the Pre-Application Meeting

Meeting Date:

it will &amp; why are we fighting, it will happen

Meeting Time:

repeats

Meeting Address:

Deirdre → why are overall experience inside

Project Address:

the block

Property Owner Name:

Project Sponsor/Representative:

Impact Steph, Nancy push back, backyd.

Please summarize the questions/comments and your response from the Pre-Application meeting in the space below. Please state if/how the project has been modified in response to any concerns.

Question/Concern #1 by (name of concerned neighbor/neighborhood group):

(18) From my window, I will see this w/ no detail. That looks like something experience you have

Project Sponsor Response:

down in first house

Nancy - you get that wall

(A) Architecturally → you want arch'l. break up.

Question/Concern #2:

Interest - to look at. That looks like every block in the Marina.

Project Sponsor Response:

Can't - can you put windows in?

That's a massive wall.

(19) We own 1600 Lake (2 lots) we got proposals for

Question/Concern #3:

Large house 3rd floor we never considered for our neighbors. to Deirdre's pt if you have are having an effect on me... the only thing has been what can be done.

Project Sponsor Response:

(20) Deirdre - would you consider downsizing it?

30 ft back as big as you can

A) 15 ft back

Question/Concern #4:

(21) So biggest impact is Steph's house, cutting out 2-3 windows of Nancy. Encourage you to

Project Sponsor Response:

renovate that

(22) Nancy's garage wall

Terrace looks into Nancy's

people stand on Terrace would look into everyone's house.

So this area could be an area that

Something can be done. Something decorative &amp;

factual... (A) Trellis w/ plants, etc.

can we come &amp; discuss how to make it

work.

(23)

Steph → Plumb Tree

A) Look at it w/ you &amp; reach out w/ email + ph

(24) Jerry → Preapp Meeting Notice  
5500 sq ft  
6500 > 1000 sq ft diff?

Pre-Application Meeting (6)

(A) 2 reasons. ① sq ft age for 1st preapp meet. There was a lot of discussion & when I provided the updated sq ft age b/c we had to remove sq ft from garage not being part of 7.

Meeting Date: \_\_\_\_\_  
Meeting Time: So remove those & the sq ft age today 12  
Meeting Address: It is 6 ft back from new house b/c avg 17  
Project Address: \_\_\_\_\_  
Property Owner Name: \_\_\_\_\_  
Project Sponsor/Representative: 6 ft x 25 ft wide x 3 stories = 450 ft

Please summarize the questions/comments and your response from the Pre-Application meeting in the space below. Please state if/how the project has been modified in response to any concerns. Set back 15 ft

Question/Concern #1 by (name of concerned neighbor/neighborhood group): 59 ft x 25

\* New house 500 sq ft larger? 525 sq ft diff  
Project Sponsor Response: (A) 25<sup>th</sup> 450 What is the sq ft age diff & where? 27<sup>th</sup> 500

Question/Concern #2:

(25) Are you digging foundation deeper?

Project Sponsor Response: A) Your house (Steph) had a seismic upgrade 1989 & they often break it into sections... directed by experienced & often enter into agreement for underpinning & underpinning agreement

Question/Concern #3:

1/4" - 1/2"

Project Sponsor Response:

(26) That's all the space 6 ft houses?

(27) New construction bears underpin?

Question/Concern #4:

(A) Yes, we will

Levelling underpinned ours

(28) Steph if you dig around Tim concerned

Project Sponsor Response: Around. Southern Foundation sand will shift

(A) We're a long way away from that & that will get engineered on.

(29) Wittgenstein → Steph's property wall →

(A) We're req'd to make a 1- wall

Steph not req'd to "

4th story Artist window & try to come up

## Summary of discussion from the Pre-Application Meeting

Meeting Date: w/ Solu w/ her.

Meeting Time:

Meeting Address: (30) what about light in my bathroom?

Project Address: A) where

Property Owner Name:

Project Sponsor/Representative:

Please summarize the questions/comments and your response from the Pre-Application meeting in the space below. Please state if/how the project has been modified in response to any concerns.

Question/Concern #1 by (name of concerned neighbor/neighborhood group):

(32) lucky for you I closed ~~the~~ something  
but what about my stain glass window?

Living Room first 12 ft, then stain glass  
So when you anchored didn't take into  
Project Sponsor Response: consideration I had any windows  
on the north side. So you thought ok to block it?  
(A) thought you would have brought up these concerns  
when we

Question/Concern #2:

(32) We had Smos (March 1 meeting) No new plans  
when do we get new plans?

Project Sponsor Response:

we submitted July 7th & sent plans out  
email -  
No one got them?

Question/Concern #3:

ReToward - the original email on July 7

(33) Property Values - wall pushed into garden space & so  
taking away open backyard space that you're reclaiming

Project Sponsor Response:

nailed, is there not a way to pull it back?  
Lendal's past everyone. ~~When we~~ were past Lendal's by

Question/Concern #4:

32" after 1st story 10ft back that's  
7ft & change.

Project Sponsor Response:

maybe can pull back 1st story  
& have a smaller terrace at 1st  
step to allow for more open space

(34) Property Value

Ter instead of open space see a big brick wall

(35) City has code - been to planning?

A) Bdg might have suggestions

why PreApp. Meet. is req'd now. Before  
submittal. It could go to planning but we  
can try to incor. some AS.



- (36) Alex Nie other work done? → where, w/ Rectangle Bay?  
Pre-Application Meeting (8)  
(A) Yes 1 on 26th b/t Calif + Lake more Strucco & metal rail  
1950's Edwardian 261-26th A.  
Steph New Richmond Special S. →

## Summary of discussion from the Pre-Application Meeting

Meeting Date: \_\_\_\_\_  
Meeting Time: \_\_\_\_\_  
Meeting Address: \_\_\_\_\_  
Project Address: \_\_\_\_\_  
Property Owner Name: \_\_\_\_\_  
Project Sponsor/Representative: \_\_\_\_\_

Please summarize the questions/comments and your response from the Pre-Application meeting in the space below. Please state if/how the project has been modified in response to any concerns.

Question/Concern #1 by (name of concerned neighbor/neighborhood group): \_\_\_\_\_

- (37) When the unpermitted demo was done - Asbestos contaminant  
will you test for Asbestos?  
Project Sponsor Response: (A) subcontractor hired to do grade to grave.  
I have pictures to refute that any abatement was done.  
Jim. Do it for the new owners. Incentive.

Question/Concern #2: \_\_\_\_\_

Project Sponsor Response: \_\_\_\_\_

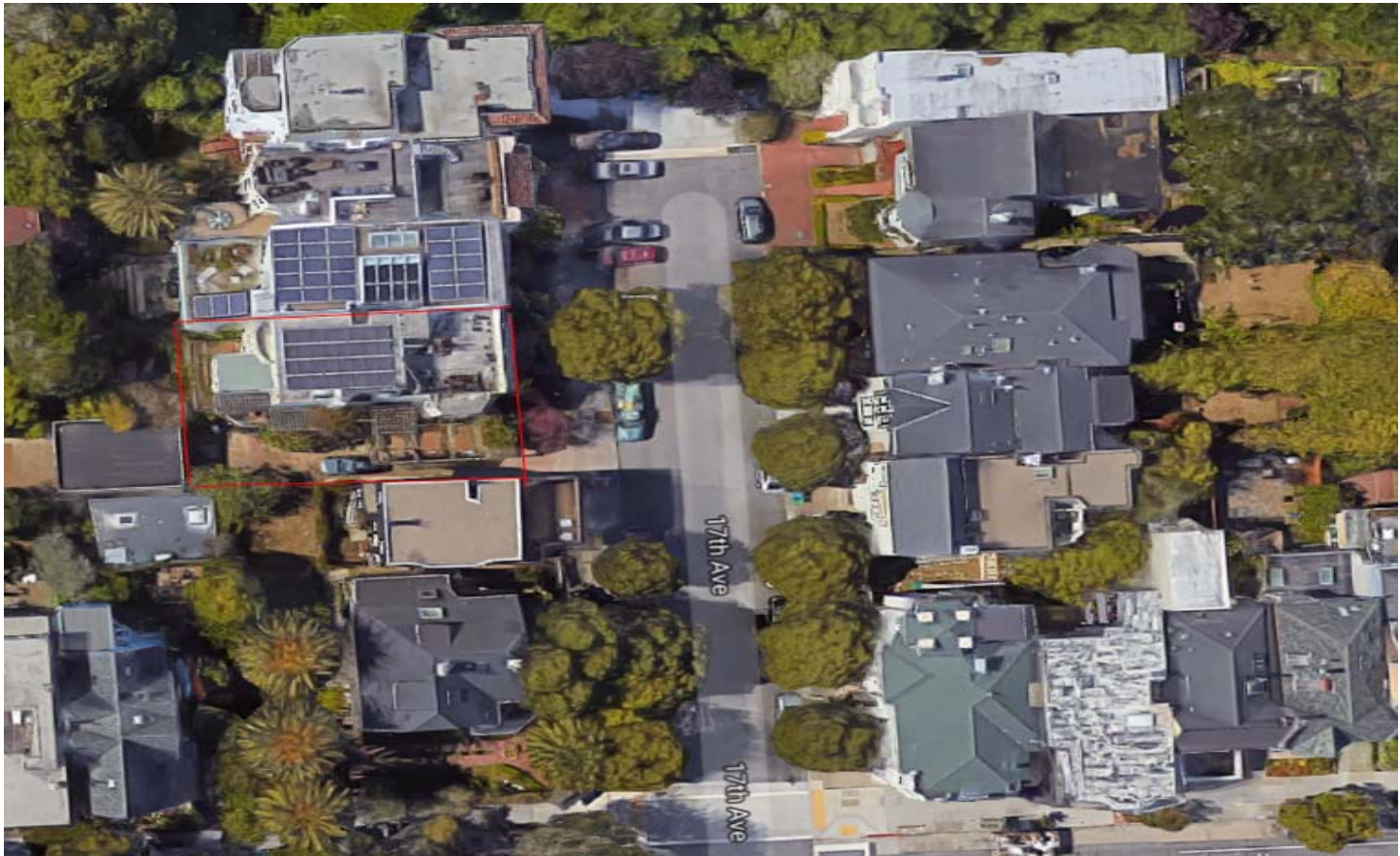
Question/Concern #3: \_\_\_\_\_

Project Sponsor Response: \_\_\_\_\_

Question/Concern #4: \_\_\_\_\_

Project Sponsor Response: \_\_\_\_\_

## Exhibit 4: Current home-size comparison



As-is current homes

17th. Ave.		17th. Ave.		17th. Ave.		17th. Ave.	
PIM		Pim		Proposed 25 and 27 the			
<u>house #</u>	<u>Existing</u> <u>sq. ft.</u>	<u>house #</u>	<u>Existing</u> <u>sq. ft.</u>	<u>house #</u>	<u>sq. ft.</u>	<u>house #</u>	<u>sq. ft.</u>
<u>West side of St.</u>		<u>East side of St.</u>		<u>West side of St.</u>			
#5	2,907	#10	3,138	#5	2,907	#10	3,138
#11	3,597	#16	3,010	#11	3,597	#16	3,010
#17	4,382	#24	2,691	#17	4,382	#24	2,691
#25	3,564	#34	2,665	#25	6,054	#34	2,665
				#27	5,500		
#35	3,197	#40	2,154	#35	3,197	#40	2,154
total	17,647		13,658	total	25,637		13,658
average	3,529		2,732	average	4,273		2,732
total		31,305					

block average

3,131

1. Density for #25 17th Ave. doubled after the lot split.
2. The 3 largest homes on the block are #11,17 and #25. The proposal for #25 and #27 would result in four homes in a row with an average size of 4,883 sq. ft. This is way over scale for the block!
3. The proposed 2,490 square ft. addition to 25 17th Ave. is near the avg. size (2,732 sq. ft.) of the five existing homes on the east side of 17th Ave.
4. Increasing #25 by 2,490 sq. ft. is like adding a 3rd house to the west side of 17th Ave.
5. The proposed 5,500 sq. ft. size of #27 is 1,971 sq. ft or 56% larger than the existing five homes on the west side of the block.



**Exhibit 5: Mid-block open space rendering**









Exhibit 6: Existing 4th floor 'roof deck'



Exhibit 6: Lot Map (highlight showing affected properties)

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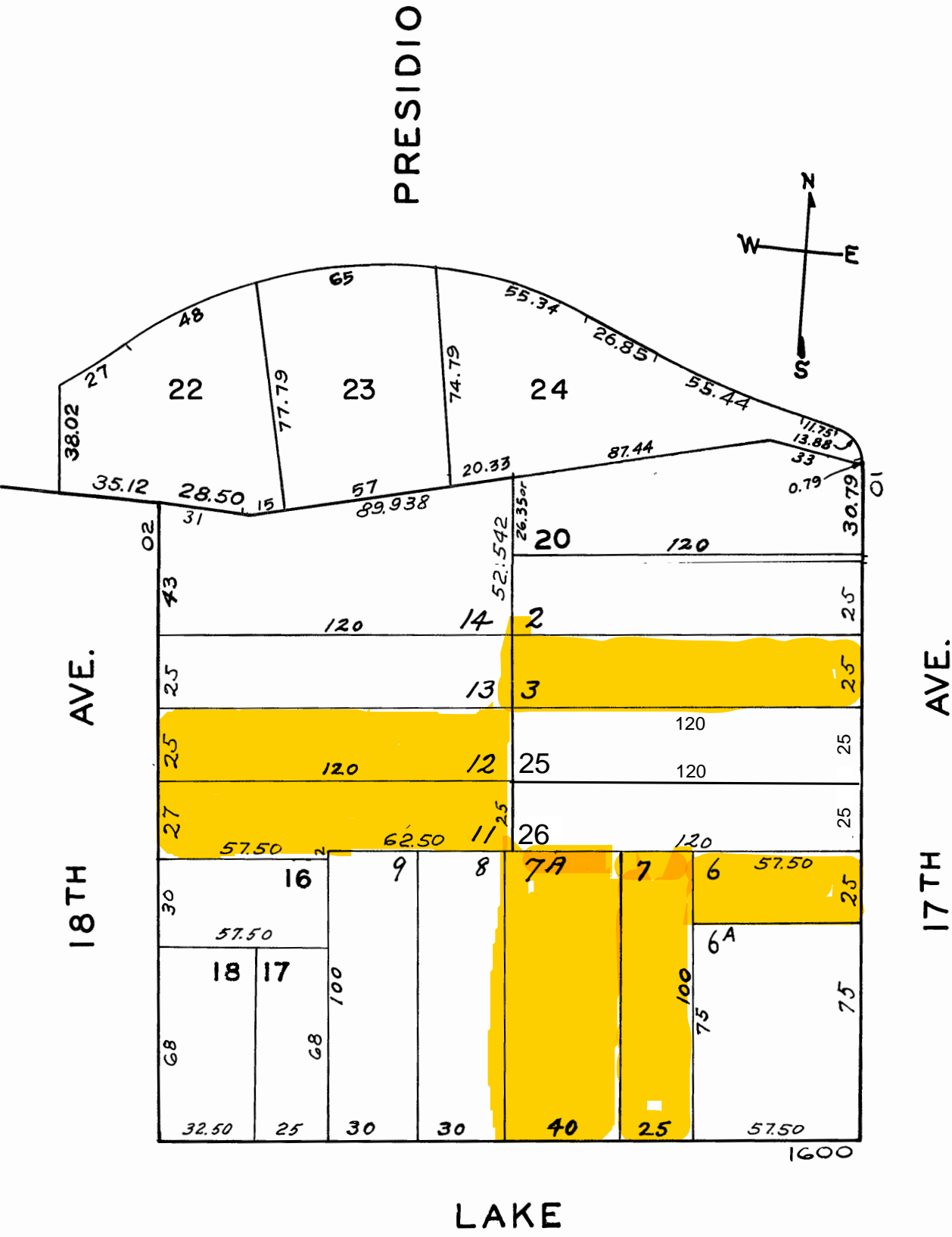
1341

RICHMOND BLK. 55

REVISED '60  
REVISED '64  
REVISED '76  
" '85

Lot 21 into lots 25 & 26 for 2018 roll

REVISED 2018





March 19, 2019

Sylvia Jimenez, Senior Planner  
San Francisco Planning Department  
1650 Mission street  
San Francisco CA 94103

**Re: Building Permit Application Numbers 201707071206 and 201806252842**

Dear Ms. Jimenez,

We the undersigned neighbors have reviewed the proposed plans provided in the Section 311 Notices for the above referenced projects located at 25 17th Avenue and 27 17th Avenue by developers Jon Kantor and Tim Brown, and we strongly object to both.

We find the expansion of 25 17th Ave. from approximately 3,700 sf to 5,589 sf and the construction of a new house at 27 17th Ave. of 5,500 sf to be out of character with our neighborhood in both size and design.

We request that Planning require the following:

- **Size reduction of both buildings** to be compatible with the existing buildings on the block and to be compatible with the existing building scale at the mid-block open space;
- Size reduction accommodated in the addition by a reduction in depth.;
- **Redesign of the front facade** by a qualified contextual architect to incorporate important architectural features, fenestration and entry patterns and materials; and
- **Reduction in rear first story deck** of 27 17th Ave. near the neighbors to the south and reduction of the expansion of 25 17th Ave.

**Residential Design Guideline: Design the scale of the building to be compatible with the height and depth of surrounding buildings.**

**We support the construction of appropriately-scaled buildings for the block, but the plans as proposed do not accomplish this.**

Ms. Sylvia Jimenez  
March 19, 2019  
Page Two

The plans for the addition to the existing building located at 25 17th Ave. show that it will be increasing in size by approximately 1,900 sf and totaling 5,589 sf on a 3,000 sf lot. The expanded house on this lot will be 1.75 times larger than the average-sized home on this block (3,130 sf), as well as two times over the average size home in this neighborhood and four times over the average-sized home in San Francisco. We support the expansion of the home be limited to a size that is compatible with other homes on the street and limited to no more than 500 sf by reducing the length of the building for a 4,000 square foot home. We believe this reduction will complement the blocks existing neighborhood character and mid-block open space.

**Residential Design Guideline: Use architectural details to establish and define a building's character and to visually unify a neighborhood.**

**The proposal's front façade lacks architectural detail compatible with the building and surrounding area.**

This block of 17th Ave, and in fact most nearby blocks, is dominated by older homes with rich architectural detail and divided wood windows. Exterior facades often include several building materials with stucco and/or shingles facades and wood trim. Windows and their surrounds are wood with substantial depth and detail. Floors are generally distinguished by setbacks or belt courses. Entries are most often inset behind arched entry porches. Rooflines are enhanced by cornice lines and large corbels. There is only one building on this block that is modern and lacking in detail.

The proposed façade of the building at 27 17<sup>th</sup> Ave. is out of character, and lacks architectural detail commensurate with other buildings on the block. The only other house similar to it sticks out like a sore thumb. It not only does not contribute to the character of the block; it detracts from it substantially and uses the worst designed building on the block as its model. Buildings can be decidedly and unabashedly modern while acknowledging adjacent character, detail and material; this building makes no effort to fit into the neighborhood.



Ms. Sylvia Jimenez  
March 19, 2019  
Page Three

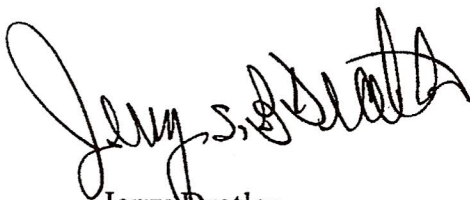
**Residential Design Guideline: Articulate the building to minimize impacts on light and privacy to adjacent properties.**

**The proposal to provide a total of five new rear decks, and one new deck at the front of 27 17<sup>th</sup> Ave. impacts privacy for abutting structures.**

We find the massive intrusion into the mid-block space to be unacceptable. Both proposed projects at 25 17<sup>th</sup> Ave. and 27 17<sup>th</sup> Ave. look like cruise ships with the addition of five rear decks, three rear decks at 27 17<sup>th</sup> Ave. and two rear decks at 25 17<sup>th</sup> Avenue. The noise and the loss of privacy in our open space is unacceptable. We suggest one deck per house.

We have attached various photographs and illustrations of the proposed projects in context of the neighborhood for your reference. Thank you for your consideration of our concerns.

Sincerely,



Jerry Dratler  
40 17<sup>th</sup> Avenue  
[dratler@sonic.net](mailto:dratler@sonic.net)



Alan Greinetz  
20 18<sup>th</sup> Avenue  
[apgreinetz@aol.com](mailto:apgreinetz@aol.com)

Attachments

# NEIGHBORS:

Name	Address	Signature
<u>JERRY S. BRATLER</u>	<u>40 17th Ave</u>	<u>[Signature]</u>
<u>Sandra J. Drake</u>	<u>40 17th Ave</u>	<u>[Signature]</u>
<u>Jim Riley</u>	<u>1601 Lake St</u>	<u>[Signature]</u>
<u>Josiah Clark</u>	<u>1628 Lake St</u>	<u>[Signature]</u>
<u>Trent Hu</u>	<u>5-17th Ave</u>	<u>[Signature]</u>
<u>Judith L. Rosen</u>	<u>30-18th Ave</u>	<u>JUDITH L. ROSEN</u>
<u>SUSIE GREINERZ</u> <u>Greinerz</u>	<u>20-18th Ave</u>	<u>[Signature]</u>
<u>Alan GREINERZ</u>	<u>20-18th Ave</u>	<u>[Signature]</u>
<u>EVELYN</u> <u>Walker</u> <u>WALKER</u>	<u>34 17th Ave</u>	<u>Evelyn Walker</u>
<u>David Herasen</u>	<u>10 17th Ave</u>	<u>[Signature]</u>
<u>Colette Brooks</u>	<u>10 17th Ave.</u>	<u>[Signature]</u>
<u>Nancy T. Clark</u>	<u>1628 Lake St</u>	<u>Nancy T. Clark</u>

# NEIGHBORS:

Name	Address	Signature
<u>W Bonhan</u>	<u>#4-18<sup>th</sup> Ave</u>	<u>Wm Bonhan</u>
<u>L Fong</u>	<u>4-18<sup>th</sup> ave</u>	<u>[Signature]</u>
<u>Sarah Sweed</u>	<u>1630 LAKE STREET</u>	<u>SARAH SWEEDLER</u>
<u>Moise Cohen</u>	<u>1638 LAKE ST.</u>	<u>[Signature]</u>
<u>Deborah Cohen</u>	<u>1638 Lake Street</u>	<u>[Signature]</u>
<u>HILL FERGUSON</u>	<u>1650 Lake St</u>	<u>[Signature]</u>
<u>Charnice Ferguson</u>	<u>1658 Lake St</u>	<u>[Signature]</u>
<u>Stephanie Fong</u>	<u>3517th</u>	<u>[Signature]</u>
<u>SARA STEPHENS</u>	<u>16-17<sup>th</sup> AVE</u>	<u>[Signature]</u>
<u>Deirdre Hockett</u>	<u>24 17<sup>th</sup> ave</u>	<u>Deirdre Hockett</u>
<u>Cliff Hockett</u>	<u>24-17<sup>th</sup> Ave</u>	<u>Cliff Hockett</u>
<u>Brooke Bangier</u>	<u>11-17<sup>th</sup> Ave</u>	<u>[Signature]</u>

**NEIGHBORS:**

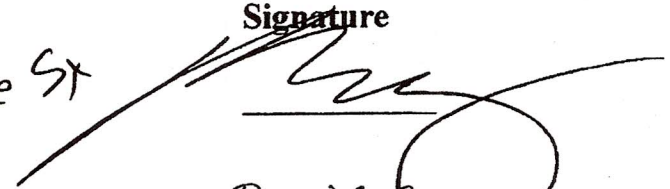
**Name**

**Address**

**Signature**

Montgomery Woods

1600 Lake St



Daniel Newmayer 1600 Lake St.

Daniel Newmayer

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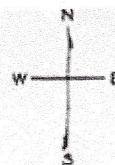


## **DR List of Signatures**

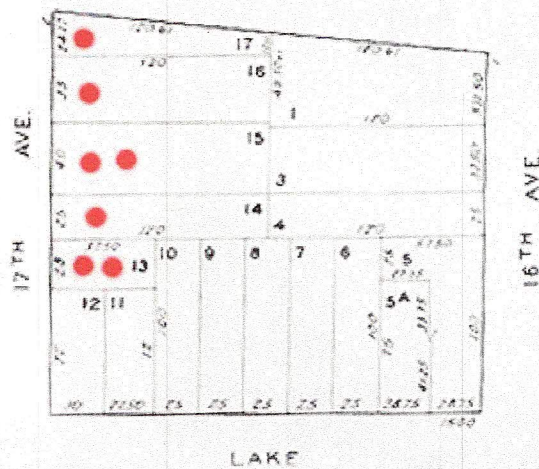
Louise Fong  
Bill Bohnam  
Alan Greinetz  
Susie Greinetz  
Judi Rosen  
Genny Ferguson  
Hill Ferguson  
Moise Cohen  
Deborah Cohen  
Sara Sweedler  
Nancy Clark  
Montgomery Woods  
Daniel Neumeyer  
Stephanie Peek  
Brooke Bengier  
Trent Hu  
Colette Brooks  
David Harrison  
Sara Stephens  
Deirdre Hockett  
Chris Hockett  
Evelyn Walker  
Sandra Dratler  
Jerry Dratler  
Jim Riley

**March 22, 2019**

Block 1341- Lot 13  
Block 1341- Lot 13  
Block 1341- Lot ~~13~~ 12  
Block 1341- Lot ~~10~~ 12  
Block 1341- Lot 11  
Block 1341- Lot 16, 17, 18  
Block 1341- Lot 16, 17, 18  
Block 1341- Lot 9  
Block 1341- Lot 9  
Block 1341- Lot 8  
Block 1341- Lot 7A  
Block 1341- Lot 7,6A  
Block 1341- Lot 7,6A  
Block 1341- Lot 6  
Block 1341- Lot 2  
Block 1341- Lot 20  
Block 1342- Lot 17  
Block 1342- Lot 17  
Block 1342- Lot 16  
Block 1342- Lot 15  
Block 1342- Lot 15  
Block 1342- Lot 14  
Block 1342- Lot 13  
Block 1342- Lot 13  
Block 1377- Lot 1

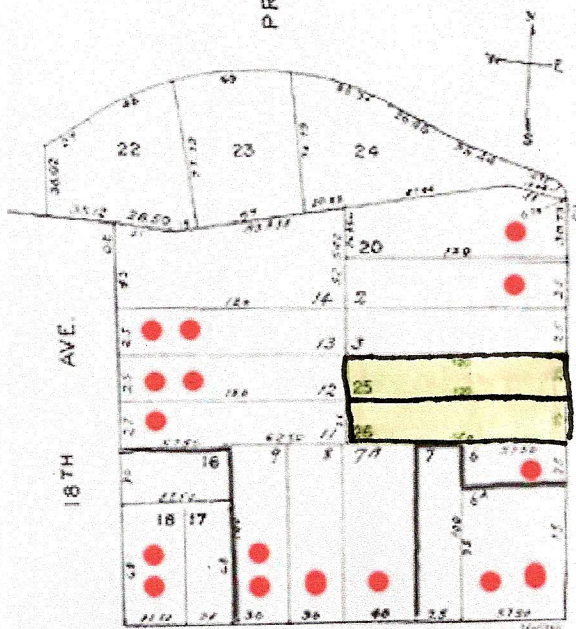


PRESIDIO

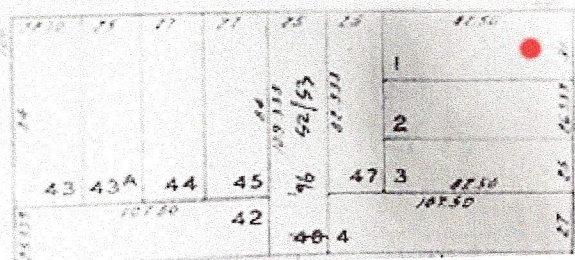


LAKE

PRESIDIO



LAKE



March 19, 2019

Sylvia Jimenez, Senior Planner  
San Francisco Planning Department  
1650 Mission street  
San Francisco CA 94103

**Re: Building Permit Application Numbers 201707071206 and 201806252842**

Dear Ms. Jimenez,

We the undersigned neighbors have reviewed the proposed plans provided in the Section 311 Notices for the above referenced projects located at 25 17th Avenue and 27 17th Avenue by developers Jon Kantor and Tim Brown, and we strongly object to both.

We find the expansion of 25 17th Ave. from approximately 3,700 sf to 5,589 sf and the construction of a new house at 27 17th Ave. of 5,500 sf to be out of character with our neighborhood in both size and design.

We request that Planning require the following:

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Ms. Sylvia Jimenez  
March 19, 2019  
Page Two

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**Residential Design Guideline: Use architectural details to establish and define a building's character and to visually unify a neighborhood.**

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Ms. Sylvia Jimenez  
March 19, 2019  
Page Three

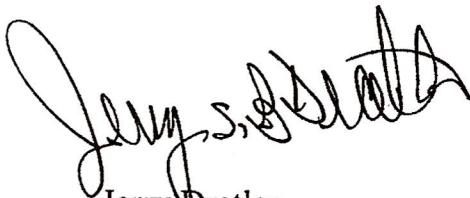
**Residential Design Guideline: Articulate the building to minimize impacts on light and privacy to adjacent properties.**

**The proposal to provide a total of five new rear decks, and one new deck at the front of 27 17<sup>th</sup> Ave. impacts privacy for abutting structures.**

We find the massive intrusion into the mid-block space to be unacceptable. Both proposed projects at 25 17<sup>th</sup> Ave. and 27 17<sup>th</sup> Ave. look like cruise ships with the addition of five rear decks, three rear decks at 27 17<sup>th</sup> Ave. and two rear decks at 25 17<sup>th</sup> Avenue. The noise and the loss of privacy in our open space is unacceptable. We suggest one deck per house.

We have attached various photographs and illustrations of the proposed projects in context of the neighborhood for your reference. Thank you for your consideration of our concerns.

Sincerely,



Jerry Dratler  
40 17<sup>th</sup> Avenue  
[dratler@sonic.net](mailto:dratler@sonic.net)



Alan Greinetz  
20 18<sup>th</sup> Avenue  
[apgreinetz@aol.com](mailto:apgreinetz@aol.com)

Attachments

# NEIGHBORS:

Name	Address	Signature
<u>JERRY S. BRATLER</u>	<u>40 17th Ave</u>	<u>[Signature]</u>
<u>Sandra J. Drake</u>	<u>40 17th Ave</u>	<u>[Signature]</u>
<u>Jim Riley</u>	<u>1601 Lake St</u>	<u>[Signature]</u>
<u>Josiah Clark</u>	<u>1628 Lake St</u>	<u>[Signature]</u>
<u>Trent Hu</u>	<u>5-17th Ave</u>	<u>[Signature]</u>
<u>Judith L. Rosen</u>	<u>30-18th Ave</u>	<u>JUDITH L. ROSEN</u>
<u>SUSIE GREINERZ</u> <u>Greinerz</u>	<u>20-18th Ave</u>	<u>[Signature]</u>
<u>Alan GREINERZ</u>	<u>20-18th Ave</u>	<u>[Signature]</u>
<u>EVELYN</u> <u>Walker</u> <u>WALKER</u>	<u>34 17th Ave</u>	<u>Evelyn Walker</u>
<u>David Herasen</u>	<u>10 17th Ave</u>	<u>[Signature]</u>
<u>Colette Brooks</u>	<u>10 17th Ave.</u>	<u>[Signature]</u>
<u>Nancy T. Clark</u>	<u>1628 Lake St</u>	<u>Nancy T. Clark</u>

# NEIGHBORS:

Name	Address	Signature
<u>W Bonhan</u>	<u>#4-18<sup>th</sup> Ave</u>	<u>Wm Bonhan</u>
<u>L Fong</u>	<u>4-18<sup>th</sup> ave</u>	<u>[Signature]</u>
<u>Sarah Sweed</u>	<u>1630 LAKE STREET</u>	<u>SARAH SWEEDLER</u>
<u>Moise cohen</u>	<u>1638 LAKE ST.</u>	<u>[Signature]</u>
<u>Deborah Cohen</u>	<u>1638 Lake Street</u>	<u>[Signature]</u>
<u>HILL FERGUSON</u>	<u>1650 Lake St</u>	<u>[Signature]</u>
<u>Charnice Ferguson</u>	<u>1658 Lake St</u>	<u>[Signature]</u>
<u>Stephanie Fong</u>	<u>3517th</u>	<u>[Signature]</u>
<u>SARA STEPHENS</u>	<u>16-17<sup>th</sup> AVE</u>	<u>[Signature]</u>
<u>Deirdre Hockett</u>	<u>24 17<sup>th</sup> ave</u>	<u>Deirdre Hockett</u>
<u>Cliff Hockett</u>	<u>24-17<sup>th</sup> Ave</u>	<u>Cliff Hockett</u>
<u>Brooke Bangier</u>	<u>11-17<sup>th</sup> Ave</u>	<u>[Signature]</u>

**NEIGHBORS:**

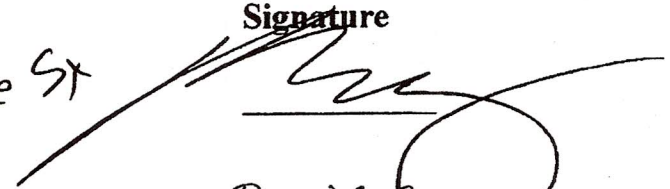
**Name**

**Address**

**Signature**

Montgomery Woods

1600 Lake St



Daniel Newmayer 1600 Lake St.

Daniel Newmayer

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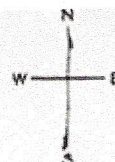


## **DR List of Signatures**

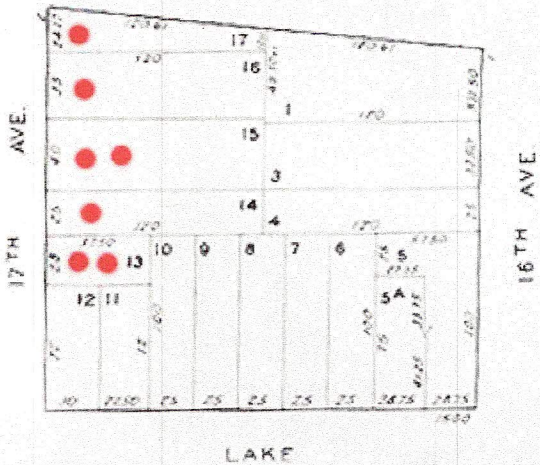
Louise Fong  
Bill Bohnam  
Alan Greinetz  
Susie Greinetz  
Judi Rosen  
Genny Ferguson  
Hill Ferguson  
Moise Cohen  
Deborah Cohen  
Sara Sweedler  
Nancy Clark  
Montgomery Woods  
Daniel Neumeyer  
Stephanie Peek  
Brooke Bengier  
Trent Hu  
Colette Brooks  
David Harrison  
Sara Stephens  
Deirdre Hockett  
Chris Hockett  
Evelyn Walker  
Sandra Dratler  
Jerry Dratler  
Jim Riley

**March 22, 2019**

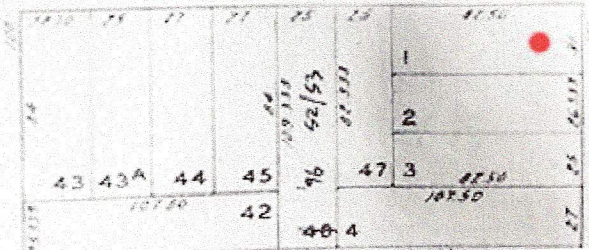
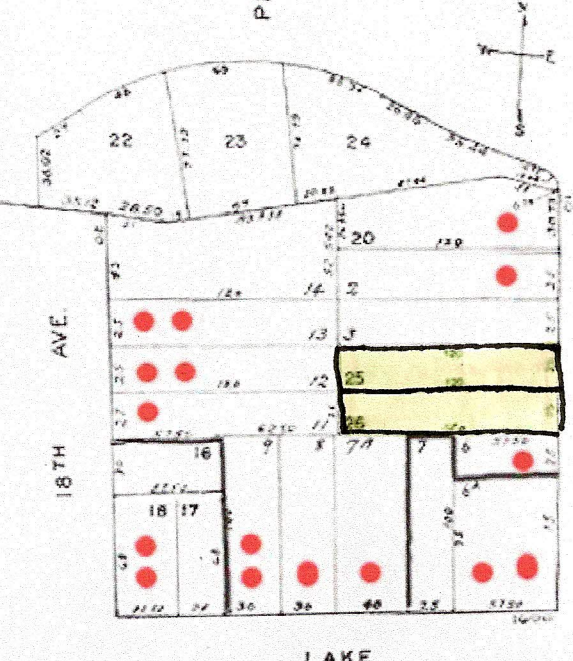
Block 1341- Lot 13  
Block 1341- Lot 13  
Block 1341- Lot ~~13~~ 12  
Block 1341- Lot ~~10~~ 12  
Block 1341- Lot 11  
Block 1341- Lot 16, 17, 18  
Block 1341- Lot 16, 17, 18  
Block 1341- Lot 9  
Block 1341- Lot 9  
Block 1341- Lot 8  
Block 1341- Lot 7A  
Block 1341- Lot 7,6A  
Block 1341- Lot 7,6A  
Block 1341- Lot 6  
Block 1341- Lot 2  
Block 1341- Lot 20  
Block 1342- Lot 17  
Block 1342- Lot 17  
Block 1342- Lot 16  
Block 1342- Lot 15  
Block 1342- Lot 15  
Block 1342- Lot 14  
Block 1342- Lot 13  
Block 1342- Lot 13  
Block 1377- Lot 1



PRESIDIO



PRESIDIO



**SANDRA J. DRATLER, DrPH**

40 17<sup>th</sup> Avenue      San Francisco, CA 94121      [sdratler@berkeley.edu](mailto:sdratler@berkeley.edu)      415.387.5092

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July 10, 2019

President Myrna Melgar  
Planning Commission  
1650 Mission Street, Suite 400  
San Francisco, CA 94103-2414

RE:

Jerry Dratler  
27 17th Avenue  
Record #2017-000987DRP-040  
Block/lot 1341/026  
Building Permit #20180625842

Jerry Dratler  
25 17th Avenue  
Record #2017-000987DRP  
Block/lot 1341/025  
Building permit #201707071206

Alan Greinetz.  
27 17th Avenue  
Record #2017-000987DRP-030  
Block/lot 1341/026  
Building Permit #20180625842

Alan Greinetz  
25 17th Avenue  
Record #2017-000987DRP-020  
Block/lot 1341/025  
Building permit #201707071206

Dear Commissioner Melgar;

I am a neighbor residing at 40 17<sup>th</sup> Avenue who has lived on the block for nearly 35 years. I am writing to express my objections to the projects being proposed at 25 17<sup>th</sup> Avenue and 27 17<sup>th</sup> Avenue as well as the request for abatement of the two open Notices of Violation.

The developer purchased the single-family home at 25 17<sup>th</sup> Avenue in August 2015 with the intent of splitting the 50-foot lot and developing a spec house in the current side yard. In his effort to accomplish this, he has undertaken illegal demolition of a three-story bay and a deck/parking structure. Notices of Violation related to these demolitions were issued by DBI in July 2016. The Planning Department issued a Notice of Enforcement requiring the property owner to replace the three-story bay exactly as it existed before the removal.

The property owner's first request to abate the NOVs was denied by the Board of Appeals in the fall of 2017. Your approval of the building permit will abate these Notices of Violation and send a message to the developer community that it is ok to ignore the City's Building and Planning Code because, if you are caught, the City will approve a permit to abate your violations. **The Planning Commission should deny the developer's application to abate the two Notices of Violation for the illegal removal of the three-story bay and deck/parking structure.**

Along with the illegal demolitions, the developer improperly created lots 025 and 026 from lot 021, the 50-foot lot on which the existing house sits. The city revised block map 1341 in 1985 and replaced original lots 004 and 005 with a single 50-foot wide lot 021. The developer's claim that lots 004 and 005 were not merged into lot 021 is false. **The improper lot split taken with the Notice of Enforcement to restore the three-story bay finds the existing home at 25 17<sup>th</sup> Avenue to be occupying two lots, another violation of City codes.**

As further evidence of the existence of the single 50-foot wide lot, the title policy the property owner/developer received after he purchased 25 17<sup>th</sup> Avenue included a block map depicting a single 50-foot wide lot, a legal description for a 50-foot wide and a property tax bill for lot 021. Also, DBI issued the two Notices of Violation to lot 021 as did the Planning Department in issuing its Notice of Enforcement to replace the three-story bay.

The developer and the Department of Public Works have not presented documentation to support the developer's claim that the City did not legally create lot 021, the 50-foot wide lot. **A written legal opinion regarding the legal entitlement of lots 025 and 026 should be required prior to the approval of building permits for 25 and 27 17<sup>th</sup> Avenue.**

The developer has consistently been less than truthful with the neighbors and staff in the Planning Department regarding the size and scope of the renovation at 25 17<sup>th</sup> Avenue. He has submitted three different sets of architectural plans claiming the existing home to be as large as 5,817 sq. ft. and as small as 4,858 sq. ft. All three sets of plans cannot be accurate. The plans before the Commission also do not show the existing rooftop solar installation and depict a fourth-floor front deck that does not exist. **The remodel permit for 25 17<sup>th</sup> Avenue should be denied as it is based on false plans.**

My neighbors will speak more to the design, aesthetics and size of the renovations and new construction. My concern in raising my objections lies with the total disregard the developer has had for the open and transparent processes the City strives to undertake as we all look to create more housing. He wantonly demolished structures to clear the way for his intended plans. He abused City processes to create two lots where there is only one.

The developer has from the first misrepresented the project itself to City staff and neighbors. He has shown himself to be a bad actor. These projects could already be underway if the established processes had been followed.

Your consideration of denying these requests is greatly appreciated.

Regards,

Sandra J. Dratler



**From:** CPC-Commissions Secretary  
**Sent:** Thursday, July 11, 2019 11:41 AM  
**To:** Richards, Dennis (CPC); Fung, Frank (CPC); Johnson, Milicent (CPC); Koppel, Joel (CPC); Moore, Kathrin (CPC); Melgar, Myrna (CPC); Rich Hillis  
**Cc:** Feliciano, Josephine (CPC); Winslow, David (CPC)  
**Subject:** FW: Design Review 25 and 27 - 17th Avenue

Jonas P. Ionin,  
Director of Commission Affairs

Planning Department | City & County of San Francisco  
1650 Mission Street, Suite 400, San Francisco, CA 94103  
Direct: 415-558-6309 | Fax: 415-558-6409

[jonas.ionin@sfgov.org](mailto:jonas.ionin@sfgov.org)  
[www.sfplanning.org](http://www.sfplanning.org)

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**From:** Gwendolyn Rothman <[gwendolyn.rothman@gmail.com](mailto:gwendolyn.rothman@gmail.com)>  
**Sent:** Wednesday, July 10, 2019 7:07 PM  
**To:** CPC-Commissions Secretary <[commissions.secretary@sfgov.org](mailto:commissions.secretary@sfgov.org)>  
**Subject:** Design Review 25 and 27 - 17th Avenue

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

**To: Secretary of Commission Affairs**

**From:** Gwendolyn Rothman

**Date:** 10 July 2019

Below you will find a copy of my letter to The Planning Commissioners

regarding the projects listed before the salutation of the letter.

Thank you for your consideration.

Gwendolyn Rothman  
1600-1602 Lake  
Street

San Francisco, CA 94121

San

July 10, 2019

To: Commissioner  
Planning Commission,  
1650 Mission Street, Suite  
400

San Francisco, CA 94103-2414

Re:

Jerry Dratler 27 17th  
Ave. Record # 2017-000987DRP-  
040 Block/ lot 1341-  
026 Building Permit #20180625842

Alan Greinetz. 27 17th  
Ave. Record # 2017-000987DRP-  
030 Block/ lot 1341-  
026 Building Permit # 20180625842

Alan Greinetz 25 17th  
Avenue Record # 2017-000987DRP-  
020 Block  
lot 1341/025 Building permit # 201707071206

Jerry Dratler 25 17th  
Ave Record 2017-  
000987DRP Block lot  
1341/025 Building permit #201707071206

Dear Commissioner,

I am the neighbor who owns 1600-1602 Lake Street; I have owned my house for 50 years. Our neighborhood is a close-knit community. Over the years our 17<sup>th</sup> Avenue Association has planted matching trees and installed underground utilities on our cul-de-sac bordered by the Presidio. We've had block parties every Halloween for more than 35 years. Our 1913 house was known as the old Easter Seal House but before that it was owned by Charles Sutro whose rose garden was admired by all passers-by. Even today, people stop to admire our garden with its stately palms.

I am writing to express my objections to the proposed project for the large lot where 25 17<sup>th</sup> Avenue exists and I oppose the design for a new house would be on the side yard adjacent to my property.

**The proposed structure does not meet San Francisco Residential Design Guidelines.**

- The proposed home violates the design principle requiring architectural features that enhance the neighborhood's character. The proposed front façade of 27 17<sup>th</sup> Ave. clashes with the existing neighborhood homes. The large canopy at the front of the home is out of place and the proposed style and building materials are not in keeping with the character of the neighborhood.
- The proposed home is out of scale with the ten existing homes on 17<sup>th</sup> Ave. North of Lake Street. The proposed 5,500 square foot home adjacent to the proposed 5,589 sq. ft. home at 25 17<sup>th</sup> Ave. would create a significant massing problem. The size of both proposed homes should be reduced.
- The property owner is proposing seven decks that total 1,390 sq. ft between 25 and 27 17<sup>th</sup> Ave. This is excessive and invasive of our privacy. Five of the seven decks are rear decks totaling 940 square ft.
- 4 outside decks that total 740 sq. ft. are proposed for 27 17<sup>th</sup> Ave.; the 3 rear decks total 540 sq. ft. and single front deck is 200 sq. ft. The proposed home should have a single outside deck like most of the other houses here.

The developers' proposal for spec houses in the center of our block is unacceptable to us. In addition, their many violations of city codes and neighborhood trust impel me to ask you to deny their plans. .

Sincerely yours,

Gwendolyn Rothman

Judith I. Rosen  
30-18<sup>th</sup> Avenue  
San Francisco, CA 9412

July 1, 2019

To: President Myrna Melgar  
Planning Commission,  
1650 Mission Street, Suite 400,  
San Francisco, CA 94103-2414.

Re:

Jerry Dratler  
27 17th Ave.  
Record # 2017-000987DRP-040  
Block/ lot 1341-026  
Building Permit # 20180625842,

Alan Greinetz  
25 17th Avenue  
Record # 2017-000987DRP-020  
Block lot 1341/025  
Building permit # 201707071206

Alan Greinetz.  
27 17th Ave.  
Record # 2017-000987DRP-030  
Block/ lot 1341-026  
Building Permit # 20180625842

Jerry Dratler  
25 17th Ave  
Record 2017-000987DRP  
Block lot 1341/025  
Building permit #201707071206

Dear Commissioner Melgar,

I am the owner of the property directly in back of the current garage on the 50- foot long lot on 17<sup>th</sup> Ave. I have lived in my home for fifty-five years. The developers' plans to build both houses, infringes on my privacy and space with their massive size. From the beginning, the developers have been disingenuous and with numerous code violations (which have been brought to your attention through my neighbors). In particular, they have neglected to file for permits when:

- They removed the deck /parking structure
- They removed the 3 -story bay.



- They removed the wing walls and pedestrian door on the front façade of 25-17<sup>th</sup> Ave
- They improperly removed an asbestos laden heating plant and ducts
- They jacked up their 4-story house and put it on shoring prior to obtaining a building permit

These violations are particularly appalling, which brings to light their credibility.

In addition, the developers have misrepresented the facts when questioned about the permits and an actual work being done. In my opinion, these people have been less than honest in dealing with us.

The scope and scale of the proposed houses is not in keeping with the neighborhood. Thank you for your consideration.

Most Sincerely,

Judith I. Rosen



Trent Hu  
5 - 17<sup>th</sup> Avenue  
San Francisco, CA 94121

July 9, 2019

To: President Myrna Melgar  
Planning Commission,  
1650 Mission Street, Suite 400,  
San Francisco, CA 94103-2414

Re:

Jerry Dratler  
27 17th Ave.  
Record # 2017-000987DRP-040  
Block/ lot 1341-026  
Building Permit # 20180625842,

Alan Greinetz.  
27 17th Ave.  
Record # 2017-000987DRP-030  
Block/ lot 1341-026  
Building Permit # 20180625842

Alan Greinetz  
25 17th Avenue  
Record # 2017-000987DRP-020  
Block lot 1341/025  
Building permit # 201707071206

Jerry Dratler  
25 17th Ave  
Record 2017-000987DRP  
Block lot 1341/025  
Building permit #20170707120

Dear Commissioner Melgar,

Please accept the following comments in support of the DR Applications listed above. I have lived in my house 5 – 17<sup>th</sup> Avenue all my life. The developers' plan to build two unnecessarily huge houses is an imposition on our small cul-de-sac block and the proposed façade of the new home is in not in keeping with the neighborhood.

In addition, all along the developers have consistently presented inaccurate information to the City and the neighbors, and violated numerous codes. For example:

- \* The developer submitted three different sets of plans to the City which overstate the size of the existing home (see attached)
- \* They told us the wrong number of square feet they planned to expand the existing house. (They said only a 244 sq.ft. expansion but they were going to add 3 new rooms)
- \* They illegally subdivided the 50-ft. wide lot. A written legal opinion from the City Attorney is necessary.
- \* They demolished the deck and the 3 -story bay without a permit. And Rodrigo Santos submitted a dry rot repair permit with plans that failed to show the existing 3-story bay.
- \* The abatement permit before you is the developer's second attempt to abate these violations; the first attempt was denied by the Board of Appeals. Approval of the second abatement permit would send a message to developers that it is OK to violate the City's Building and Planning Codes.

These violations and prevarications have caused so much disruption in the neighborhood. I ask that you do not approve these 2 building permits, deny the abatement permit, and uphold the Planning Department's Notice of Violation to restore the 3-story bay at #25-17<sup>th</sup> Avenue.

Thank you for your consideration.

Sincerely,

Trent Hu

Attached: Analysis of Square Feet

Page 2 of 2





From: Louise Fong and Bill Bonham  
4 - 18th Avenue  
San Francisco, CA 94121

To: David Winslow  
Current Planning  
Architecture and Design Review  
Architect Manager

Date: July 9, 2019

RE:

Jerry Dratler  
27 17th Avenue  
Record #2017-000987DRP-040  
Block/lot 1341/026  
Building Permit #20180625842

Jerry Dratler  
25 17th Avenue  
Record #2017-000987DRP  
Block/lot 1341/025  
Building permit #201707071206

Alan Greinetz  
27 17th Avenue  
Record #2017-000987DRP-030  
Block/lot 1341/026  
Building Permit #20180625842

Alan Greinetz  
25 17th Avenue  
Record #2017-000987DRP-020  
Block/lot 1341/025  
Building permit #201707071206

Dear Mr. Winslow,

My wife and I live at #4 - 18<sup>th</sup> Avenue and have for close to thirty years. We believe the current plans for the two houses to be built on 17<sup>th</sup> Avenue are totally out of character for our neighborhood. Both in terms of square footage on the property and the effect these buildings would have on the light.

Of equal concern is our inability to trust or rely on the candor and honesty of these 'developers.' Please take a brief glance at the history so far:

Page One of Two



1 Not getting a permit to remove the deck and garage in 2016.

2 Not getting a permit to remove a three-story bay.

3 No permit to remove parts of the front façade.

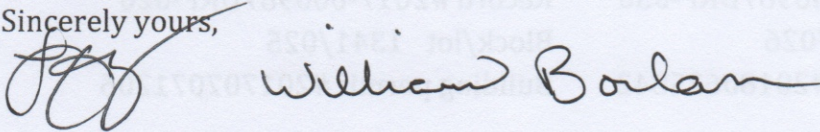
4 The callousness of not doing a proper job removing the asbestos coated heating plant.

An approval by the Planning Commission on the abatement issue, thus giving a significant financial benefit to the developers, would be a terrible precedent to set, providing other developers a solid foundation for breaking the law.

This history of obfuscation and untruth should not be rewarded with an approval for their current plans.

Please consider all the ramifications of approval.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "William Bonham".

Louise Fong and Bill Bonham  
4 - 18th Ave  
San Francisco, CA 94121

Page Two of Two

Jim Riley  
1601 Lake Street  
San Francisco, CA 94121  
July 8, 2019

To: Commissioner Affairs  
Planning Commission  
1650 Mission Street, Suite 400  
San Francisco, CA 94103-2414

Re: Support of Discretionary Review of the following:

Jerry Dratler  
27 17th Ave.  
Record # 2017-000987DRP-040  
Block/ lot 1341-026  
Building Permit #20180625842

Alan Greinetz.  
27 17th Ave.  
Record # 2017-000987DRP-030  
Block/ lot 1341-026  
Building Permit # 20180625842

Alan Greinetz  
25 17th Avenue  
Record # 2017-000987DRP-020  
Block lot 1341/025  
Building permit # 201707071206

Jerry Dratler  
25 17th Ave  
Record 2017-000987DRP  
Block lot 1341/025  
Building permit #201707071206



Dear Commission Affairs,

This project has been dishonest, misleading and legally questionable from the very beginning. Certain parties involved have made it suspicious even before the lying and fraudulent plans were exposed.

Why are bad actors and bad behavior given such free reign in SF?

Those involved with this project have submitted 4 sets of architectural plans, 3 from their architect and one from the structural engineer involved, one Mr. Rodrigo Santos. The square footage has been as large as 5,817 SF and as small as 4,858 SF. The current set claims the existing home at 25 17<sup>th</sup> Ave is 5,067 sf. We were mislead and lied to from day one at the first meeting held at the Richmond Recreation Center when the numbers just were not adding up. At that meeting I pointed out that I had been in 25 17<sup>th</sup> Ave and the ceiling height of the ground floor did not make it habitable space. Mr. Brown acknowledged that fact and called it “non-heatable space”. Whatever that is?

**The current plans for 25 17<sup>th</sup> Ave have the following errors:**

- An existing 4<sup>th</sup> floor deck does not exist – Does a door on to a roof does make it a deck!
  - The existing rooftop solar panels are not shown.
  - The wing walls on either side of the garage and the garage pedestrian door are not shown on plans and all 3 structural elements were removed without permit by the current owner.
- Why was an NOV not issued for these like the unpermitted 3-story bay removal?
- The Environmental Evaluation form submitted claims 31 CY of soil to be excavated to make the ground floor habitable space. The proposed 9'-8" and 8'-0" ceiling heights could require more than 50 CY to be removed. This fact also is proof of my previous point that the ground floor was not habitable space and should not be included in existing square footage calculations.

Why is an amended Environmental Evaluation and a geotechnical report not required?

In 2017 Rodrigo Santos submitted a permit to abate the unpermitted removal of the deck and 3-story bay, DBI increased the stated value of the work on the permit from \$100K to \$200K. That permit was denied by the Board of Appeals. The BOA did allow the completion of the permitted foundation replacement under the footprint of the existing 25 17<sup>th</sup> Avenue only. That work was abandoned in 2018.

Why?

I have lived at 1601 Lake Street for over 2 decades and enjoy all the neighborhood offers. I particularly like the green space we have around our homes and the Presidio nearby. My home looks north toward the Sutro home across the street with its 3 mature palm trees, green space mid block and beyond into the Presidio. If 27 17<sup>th</sup> Ave is built as planned, I will see 3 stories of siding. A view that would be sold for billboard space if it were south of Market. Consideration for sides of structures can be just as important as the front and rear façade. The cruise ship analogy has been used and is most appropriate for what the end product looks like with projects like this. I have one visible from my kitchen. Prior to its launch there was always a nice tree lined skyline with the moon, stars and planets in the southwest sky. Now at night I see 500 recessed light fixtures on 3 floors above the trees. Please do not allow either ship to dock on 17<sup>th</sup> Avenue and ruin the character of our neighborhood.

Thank you for your thoughtful consideration,

Jim Riley

**STEPHANIE PEEK**

35 17<sup>th</sup> Avenue San Francisco, CA 94118 [stephanie@stephaniepeek.com](mailto:stephanie@stephaniepeek.com) 415.971.0577

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July 14, 2019

President Myrna Melgar  
Planning Commission  
1650 Mission Street, Suite 400  
San Francisco, CA 94103-2414

RE:

Jerry Dratler	Jerry Dratler
27 17th Avenue	25 17th Avenue
Record #2017-000987DRP-040	Record #2017-000987DRP
Block/lot 1341/026	Block/lot 1341/025
Building Permit #20180625842	Building permit #201707071206
Alan Greinetz	Alan Greinetz
27 17th Avenue	25 17th Avenue
Record #2017-000987DRP-030	Record #2017-000987DRP-020
Block/lot 1341/026	Block/lot 1341/025
Building Permit #20180625842	Building permit #201707071206

Dear President Melgar,

Thank you for reviewing this project next door to my house. I have lived at #35-17<sup>th</sup> Ave. for 34 years. To the north, my house shares a property line with #25-17<sup>th</sup> Ave. For more than 60 years, #25 has occupied a large lot, twice as wide and more than twice as deep as my small key lot.

The developers' proposed 522 sq.ft. expansion of 25 17<sup>th</sup> Ave. and new construction at 27 17<sup>th</sup> Ave. would result in two homes that greatly exceed the size of existing neighborhood homes. The proposed front façade for 27 17<sup>th</sup> Ave. with a commercial canopy is out of character with the existing homes. I also oppose the two proposed homes because the developer has refused to follow proper procedures. From the beginning, the developers have misrepresented facts to the neighbors, the DBI, the Planning Department and the Board of Appeals.

### Examples of misrepresentation and misconduct:

--The developers' statement that their lot 021 (a 50-foot wide lot) was never created through the merger of lots 004 and 005 is incorrect. Their claim that 25 17<sup>th</sup> Ave. has always been 2 lots is not true, which has been thoroughly documented for you by Jerry Dratler.

--The house at #25-17th Ave has been illegally straddling two lots for the last 30 months. Two open Notices of Violation were not resolved before the 50- foot lot was improperly subdivided.

--In the fall of 2017, when the Board of Appeals denied the developers' abatement permit of these two open NOV's, they were allowed to proceed with their foundation replacement project. But, the developers abandoned the project in June of 2018 leaving large debris piles and tall unruly weeds alongside my house which have resulted in an infestation of rats into my house on a regular basis.

**Commented [jd1]:** It allowed the developer to proceed with his foundation replacement project.

### Size and Design:

- The average house on our block is significantly smaller than the developers' proposed houses with almost 6000 sq. ft. proposed for the expansion of the existing house and 5500 sq. ft. for a new house to be inserted in the side yard.

-- 7 decks with shiny glass guards have been added to these houses which invade privacy and are visually offensive as is the unsightly façade.

-- For the new house #27, a huge sunken "media room" on the ground floor and a "great room" on the top floor have been proposed in addition to the living room on the second floor, is out of context, unnecessary and excessive.

**Commented [jd2]:** I suggest we not get into a discussion of the average size of the houses on 17<sup>th</sup> Ave because the Planning Dept. sq. footages exclude the ground floor. I suggest you talk in more general terms.

-- The proposed new entertainment room on first floor of the existing house #25 is 450 sq. ft. by itself. The proposed additional sq. ft. for the whole house is 522 sq. ft. and there are still 2 more rooms proposed: a "great room" on the second floor and a major expansion of the 3<sup>rd</sup> floor bedroom.

**Commented [jd3]:** Is this constructive or whining?

There isn't space enough in my letter to list all the illegal steps these developers have taken to get to this point, but I hope I have given you some indication of their bad behavior and that, along with my neighbors' testimony, their irregular method of operation has been made clear. It is exasperating that neighbors have to pay the price for the massive profits the sponsors seek to reap from these uncontextual spec houses obtained through dubious means.

Respectfully yours,

Stephanie Peek





To: David Winslow Planner

From: Daniel Neumeyer

Date: 10 July 2019

Below you will find a copy of my letter to The Planning Commissioners  
regarding the projects listed before the salutation of the letter.

Thank you for your consideration.

Daniel Neumeyer  
1600-1602 Lake Street  
San Francisco, CA 94121

July 10, 2019

To: Commissioner  
Planning Commission,  
1650 Mission Street, Suite 400  
San Francisco, CA 94103-2414

Re:

Jerry Dratler  
27 17th Ave.  
Record # 2017-000987DRP-040  
Block/ lot 1341-026  
Building Permit #20180625842

Alan Greinetz.  
27 17th Ave.  
Record # 2017-000987DRP-030  
Block/ lot 1341-026  
Building Permit # 20180625842

Record # 2017-000987DRP-020  
Block lot 1341/025  
Building permit # 201707071206

Jerry Dratler  
25 17th Ave  
Record 2017-000987DRP  
Block lot 1341/025  
Building permit #201707071206

Alan Greinetz  
25 17th Avenue

Dear Commissioner Melgar,

I am writing to express my objections to the expansion of 25 17th Ave. and the proposed new house at 27 17th Ave. which abuts my property. My wife has resided at 1600 Lake Street since the early sixties

**1. The remodel permit for 25 17th Avenue should be denied as it is based on false plans.**

The developer has submitted 3 different sets of architectural plans claiming the existing home to be as large as 5,817 sq. ft. and as small as 4,858 square feet; all three sets of plans cannot be accurate. Furthermore, the plans before the Commission do not show the existing rooftop solar installation and depict a fourth-floor front deck that does not exist.

**2. The Planning Commission should deny the developer's application to abate the two Notices of Violation for the illegal removal of the 3-story bay and deck/parking structure.** The

Department of Building Inspection issued 2 Notices of Violation because the developer illegally removed an existing 3-story bay and deck/parking structure to reduce the width of 25 17th Ave. After DBI issued the NOV for the 3-story bay removal, the Planning Department issued a Notice of Enforcement requiring the property owner to replace the 3-story bay exactly as it existed before the removal. The property owner's first request to abate was denied by the Board of Appeals in the fall of 2017.

If the Planning Commission approves the building permit to abate the two Notices of Violation, it is sending a very bad message to the developer community. The Planning Commission would be telling developers it is OK to ignore the City's Building and Planning Code because if you are caught the City will approve a permit to abate your violations

**3. The proposed home at 27 17th Ave. does not meet San Francisco Residential Design Guidelines.**

- The proposed home violates the design principle requiring architectural features that enhance the neighborhood's character. The proposed front façade of 27 17th Ave. clashes with existing neighborhood homes. The large canopy at the front of the home is out of place and the proposed style and building materials are not in keeping with the character of the neighborhood.
- The proposed home is out of scale with the ten existing homes on 17th Ave. North of Lake Street. The proposed 5,500 square foot home adjacent to the proposed 5,589 sq. ft. home at 25
- 17th Ave. would create a significant massing problem. The size of both proposed homes should be reduced.
- The property owner is proposing seven decks that total 1,390 sq. ft between 25 and 27 17th Ave. This is excessive. Five of the seven decks are rear decks totaling 940 square ft.
  - Four outside decks that total 740 sq. ft. are proposed for 27 17th Ave., the three rear decks total 540 sq. ft. and single front deck is 200 sq. ft. The proposed home should have a single outside deck. (All this is in Gwendolyn's letter now)

The proposed scale of the south wall of 27 17th Ave. would tower over the rose garden planted by Charles Sutro, son of former Mayor Adolph Sutro on the side yard of our home. The garden has been a neighborhood treasure for approximately 100 years. Mr. Sutro was a noted gardener who maintained a well-known rose garden with majestic palms that was a source of continued delight to his friends and a perpetual joy to him. My neighbors and I feel the same way about the Sutro rose garden.

Thank you for your consideration,

Daniel Neumeyer





Nancy Clark  
1628 Lake Street  
San Francisco, CA 94121

July 9, 2019

To: David Winslow  
Current Planning  
Architecture and Design Review  
Architect Manager

RE:  
Jerry Dratler  
27 17th Ave.  
Record # 2017-000987DRP-040  
Block/ lot 1341-026  
Building Permit # 20180625842,

Alan Greinetz.  
27 17th Ave.  
Record # 2017-000987DRP-030  
Block/ lot 1341-026  
Building Permit # 20180625842

Alan Greinetz  
25 17th Avenue  
Record # 2017-000987DRP-020  
Block lot 1341/025  
Building permit # 201707071206

Jerry Dratler  
25 17th Ave  
Record 2017-000987DRP  
Block lot 1341/025  
Building permit #201707071206

Dear Mr. Winslow,

When people ask when we bought our house at 1628 Lake Street I say “In the nick of time in 1971. We certainly couldn’t afford the house now.” That alas is true and sad testimony to the skyrocketing cost of housing all over the City. Our section of the Richmond district reflects a time period and a neighborhood style of well cared for older family homes. Though times have changed significantly since 1971 when we moved to our home and definitely since 1896 when my house was built, the integrity of style and scale of the surrounding homes and condominiums in the area has remained intact over the years.

For this reason I am deeply concerned about what the developer Tim Brown, has proposed to build at 25- and 27- 17<sup>th</sup> Avenue. My house shares a backyard property line with the property(s) in question.

\*\*\*Mr. Brown is proposing to significantly expand the size of the home at 25-17<sup>th</sup> Avenue. He is proposing to build a second new house of equally gigantic proportions— behemoth, in fact, on a separate lot of dubious existence at 27-17<sup>th</sup> Avenue

\*\*\*Both of these proposed houses are out of scale with other homes on the square block and would significantly reduce the mid-block open space shared with homes on 17<sup>th</sup> and 18<sup>th</sup> Avenues and on Lake Street. In my case, the open space would be entirely removed. According to the plans submitted by Mr. Brown, a WALL of looming decks, several decks, would be at the rear of my property. Not only is any semblance of open space removed, equally significant is the removal of privacy.

\*\*\*That the developer has shown no regard for the integrity of the neighborhood is one issue. Perhaps more important is his lack of integrity with the neighbors and in fact with the Planning Commission. From the outset he did extensive work without permits

- He removed an existing deck and a 3-storey bay window

- He removed part of the front façade of 25-17<sup>th</sup> Avenue

With the help of structural engineer Rodrigo Santos he submitted a dry rot repair permit with plans that failed to show the existing 3-storey bay

- He submitted 3 different architectural plans with three different estimates of the existing square footage of 25-17<sup>th</sup> Avenue

- At a neighborhood meeting he asserted that the size of the house would only increase 244 sq feet in spite of the fact that his proposal showed the addition of three large rooms. It is estimated that the size of the house has increased by 40%

- In order to build a completely new house at 27-17<sup>th</sup> Avenue Mr. Brown illegally subdivided the original 50-foot lot of 25-17<sup>th</sup> Avenue using a Certificate of Compliance, claiming it had always been two lots. Records show that the City approved the merger of those lots decades earlier. The property was sold to Mr. Brown as one lot.

Misrepresentation has been standard operating procedure for Mr. Brown and his staff.

I am hopeful that the Planning Commission will carefully consider this matter and deny the existing plans for 25-17<sup>th</sup> Avenue and for a new house at 27-17<sup>th</sup> Avenue. A McMansion house –or worse, two of them --is not appropriate for this Richmond district neighborhood.



From: Sara Stephens  
Address: 16- 17<sup>th</sup> Avenue  
San Francisco CA 94121

To: Commissioner Dennis Richards  
Planning Commission  
1650 Mission Street, Suite 400  
San Francisco, CA 94103-2414

Date: July 13, 2019

RE:

Jerry Dratler  
27 17th Avenue  
Record #2017-000987DRP-040  
Block/lot 1341/026  
Building Permit #20180625842

Jerry Dratler  
25 17th Avenue  
Record #2017-000987DRP  
Block/lot 1341/025  
Building permit #201707071206

Alan Greinetz  
27 17th Avenue  
Record #2017-000987DRP-030  
Block/lot 1341/026  
Building Permit #20180625842

Alan Greinetz  
25 17th Avenue  
Record #2017-000987DRP-020  
Block/lot 1341/025  
Building permit #201707071206

Dear Commissioner Richards:

I was surprised and confused to receive the mailing and to read the posting notice on our block announcing a request for a review and approval to remove the 3 story bay windows that are already gone! Doesn't the city know they were removed, and without a permit? It makes one wonder what sort of documentation was presented to the city by the builder, and how that city planning department review process proceeded.

Is this a situation where a homeowner or developer goes ahead and does what they want with a plan to ask forgiveness and pay whatever fine is requested later?

Such behavior is unacceptable. If our city truly wants to present itself as a beacon of, fair-mindedness, responsibility and principle- we should think through our decision on this property very carefully.

I'm grateful we are having a reevaluation of what has been done, what is going to be allowed and the impact on the neighborhood. I would expect all stakeholders to be honest and truthful. Additionally, shouldn't we require everyone, rich or not, carpenters, contractors, architects and city government officials to follow the rules? For without consistency and fairness, you have uncontrolled, unmonitored and unsafe construction in a city with geography that cannot afford it.

The planning commission has a choice. You can ask the developers to replace what they unlawfully removed or not. If the developers are not offered forgiveness, what an example and precedent that would set!

Respectfully,

Sara Stephens

# RESPONSE TO DISCRETIONARY REVIEW (DRP)



**San Francisco  
Planning**

**SAN FRANCISCO PLANNING DEPARTMENT**  
1650 MISSION STREET, SUITE 400  
SAN FRANCISCO, CA 94103-2479  
MAIN: (415) 558-6378 SFPLANNING.ORG

## Project Information

Property Address: 25 17th Avenue

Zip Code: 94121

Building Permit Application(s): 201707071206

Record Number: 2017-00987DRP(01/02)

Assigned Planner: Sylvia Jimenez

## Project Sponsor

Name: 25 17th Ave, LLC - Tim Brown/Jon Kantor

Phone: (415) 412-6798

Email: kantor@pacbell.net

## Required Questions

1. Given the concerns of the DR requester and other concerned parties, why do you feel your proposed project should be approved? (If you are not aware of the issues of concern to the DR requester, please meet the DR requester in addition to reviewing the attached DR application.)

We have worked collaboratively w/ the Planning Department since 7/2016 and have done everything requested, including: an HRE, w/ favorable "C" CEQA finding; permit to abate enforcement case; massing which is fully RH-1 compliant w/out need for variance or CU; further massing reductions to incorporate residential design guidelines and accommodation of neighbor concerns for "mid-block open space" & rear yard size; maintained massing and density in-keeping w/ other 3 similar homes on block.

2. What alternatives or changes to the proposed project are you willing to make in order to address the concerns of the DR requester and other concerned parties? If you have already changed the project to meet neighborhood concerns, please explain those changes and indicate whether they were made before or after filing your application with the City.

The changes made since our outreach/submittal include: 17% reduction of addition @ 1/F from 14'6" addition to 12'0", matching northern neighbor; 20% reduction of rear deck @ 2/F from 10' to 8'; 5' side setbacks @ 3F/4F; changed elevator design to address Mr. Dratler's concern of a roof "penthouse" and incorporate sound mitigating measures requested by northern neighbor. Overall reduction in massing from outreach/submittal 6,054sf to 311 notification 5,589sf.

3. If you are not willing to change the proposed project or pursue other alternatives, please state why you feel that your project would not have any adverse effect on the surrounding properties. Include an explanation of your needs for space or other personal requirements that prevent you from making the changes requested by the DR requester.

DR is asking for reductions in mass based on information in the PIM system that grossly misrepresents sqft of homes on the block, including their own (i.e. PIM of #25 3,564sf vs. actual prior to construction of 5,057sf). Their use of inaccurate information makes this appear to be a 57% increase in massing when it is less than 11% and results in a home that is less than the average of the 3 similar homes on the block (#5, #11, #17) from their submitted remodel plans.

## Project Features

Please provide the following information about the project for both the existing and proposed features. **Please attach an additional sheet with project features that are not included in this table.**

	EXISTING	PROPOSED
Dwelling Units (only one kitchen per unit - additional kitchens count as additional units)	1	1
Occupied Stories (all levels with habitable rooms)	4	4
Basement Levels (may include garage or windowless storage rooms)	0	0
Parking Spaces (Off-Street)	1	2
Bedrooms	3	4
Height	35'3"	35'3"
Building Depth	63'4"	68'4"
Rental Value (monthly)	NA	NA
Property Value	\$4mil	\$5mil

I attest that the above information is true to the best of my knowledge.

Signature:



Date: April 30, 2019

Printed Name: Timothy Brown

- ☒ Property Owner
- ☒ Authorized Agent

*If you have any additional information that is not covered by this application, please feel free to attach additional sheets to this form.*



April 26, 2019

Mr. David Winslow  
San Francisco Planning Department  
1650 Mission Street  
Suite 400  
San Francisco, CA 94103

Re: Addendum to DR for #2017.0707.1206

Mr. Winslow:

There were 4 general premises under which Mr. Dratler and Mr. Greinetz filed their request for Discretionary Review:

1. How to address work that occurred beyond the scope of an active permit and the abatement of the open Planning Department enforcement item and two Building Department notices of violation.
2. The Bureau of Street Use and Mapping acceptance and approval of the Certificate of Compliance recognizing the existence of two lots at 25 and 27 17th Avenue.
3. Their belief that the proposed home does not meet the standards in the Residential Design Guidelines for size and massing.
4. Their concern for proper monitoring and oversight once construction restarts.

In regards to #1, outstanding Planning Enforcement action, 2016-009806ENF and Building Department NOV #201623795 and #201757399 are completely addressed within the scope of #2017.0707.1206. We have worked in cooperation with Planning Department staff for more than 2 1/2 years to ensure we are compliant. Building permit application 2017.0518.6923 addressed the open enforcement case. The permit was issued on 8/1/2017 and immediately appealed on 8/2/2017. As a result of a Board of Appeals hearing, the Board requested that we address the outstanding enforcement case under the plans that include the full scope of the remodel. Our permit application #2017.0707.1206 meets all of Planning's requests for compliance.

Item #2 relates to the acceptance and approval of our application for a Certificate of Compliance submitted to the Bureau of Street Use and Mapping on 10/25/2016 and recorded on 2/9/2017.

The COC did not effectuate a lot split. The BSM determined 2 separate - 25'X120' lots located at 25 and 27 17th Avenue always existed and that referring to 25 17th Avenue for the past number of years as 1 - 50'X120' lot was not accurate as a legal lot merger never took place. To be clear, there was never a subdivision or lot split, only the recognition that the property line still exists. Effectively, you had 1 owner that may or may not have realized they owned 2 congruous lots. The actions taken by BSM staff have been fully reviewed by Bruce Storrs, County Surveyor, John Malamut, Land Use Specialist In the City Attorneys Office and Mohammed Nuru, Director of DPW. Despite

numerous Sunshine requests and a Whistle Blower Compliant the actions taken by BSM stand (see attached letter from Mohammed Nuru to Mr. Dratler). Any work beyond the scope of permit and/or property line encroachments had no bearing on the COC application process. Furthermore because the COC proved that the property line still exists, no approval from the Planning or Building Departments was required.

Item #3 addresses the size of the proposed remodel.

An online street/aerial view shows that the proposed remodel at 25 17th Avenue is very similar in size to the homes located at addresses 5, 11 and 17 17th Avenue see attached). The DR applicants continue to reference the highly inaccurate square footage from the Planning Department's PIM system in the Assessor/Recorders database, instead of accurate records on completed remodels available at the 4th floor of the Building Department (11 & 17), which show each of these homes to be much larger than the PIM system shows. The average of the 3 homes above far exceeds the proposed remodel at 25 17th Avenue. The DR filers must know the information in the PIM system is inaccurate, but continue to use it to fit a false narrative. Mr. Dratler continues to present his home as a 2,154sf SFR, despite having submitted remodel plans in 2001 that clearly showed his home to be more than 4,080sf. Either Mr. Dratler's home magically increased in size by 89%, he submitted inaccurate plans, or the information in the PIM system is inaccurate. Likewise, Mr. Greinetz completed an addition and remodel of his home in 2015 with plans showing existing square footage of 3,564sf and a finished remodel of 3,631sf, yet the PIM system still reflects his original home size of 2,659sf, a 37% misrepresentation. The PIM system shows 25 17th Avenue to be 3,564sf. However, the home prior to any construction was 5,057sf, a misrepresentation of 42%. This information holds true for all the homes on 17th Avenue. The PIM system cannot be used to perform comparisons because of these vast discrepancies between what it shows and what really exists. We can appreciate that Mr. Dratler might be unaware of work their neighbors have completed, but question why he would continue to misrepresent the facts when he should at least be aware of the size of his own home. Furthermore, DR filer's massing exhibit inaccurately depicts the proposed rear massing of the remodel.

Finally, with regards to item #4, we respectfully defer to Planning/Building Department staff and know that many inspections will take place during the course of construction. It is during these times that DBI will be able to monitor our performance and compliance with building to approved plans.

We would conclude with the fact that: not one southern neighbor reached out to us with any concerns regarding the remodel and we worked collaboratively with our northern neighbor to address their concerns as evidenced by their letter supporting our remodel.

Sincerely



Tim Brown, Owner/Sponsor



London N. Breed  
Mayor

Mohammed Nuru  
Director

San Francisco Public Works  
1 Dr. Carlton B. Goodlett Pl.  
Room 348  
San Francisco, CA 94102  
tel 415-554-6920

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[twitter.com/sfpublicworks](https://twitter.com/sfpublicworks)  
[twitter.com/mrcleansf](https://twitter.com/mrcleansf)

December 3, 2018

Jerry Dratler  
40 17<sup>th</sup> Avenue  
San Francisco, Ca. 94121

Mr. Dratler:

Thank you for raising your concerns about Public Works issuance of a Certificate of Compliance for 25 17<sup>th</sup> Avenue with myself and other City Officials. I requested Bruce Storrs, our City and County Surveyor and the signatory to the Certificate of Compliance, to brief me about this matter and the new information you presented. As part of my briefing from Mr. Storrs, he shared with me the attached letter from July 19, 2018 that he sent to you detailing the basis for his decision regarding the Certificate of Compliance for 25 17<sup>th</sup> Avenue (Project Identification 9190), which was recorded February 8, 2017.

As he stated in that letter:

*"For multiple properties to be merged, some action imparting public notice needs to take place, and the action imparting public notice also requires some subdivision mapping or governmental action to legally merge the lots."*

In your recent letter to the City dated November 26, 2018 "draft letter dated November 05 2018 version 6.pdf", you provided an attachment on page 3 with the header "1975 Approved merger application exhibit 2. We have searched the title history for these properties and determined that this is not a recorded document, does not impart public notice, and did not received the proper City approval to legally merge the parcels as required by the California Civil Code, the Subdivision Map Act (California Government Code), and the San Francisco Subdivision Code. In San Francisco, the only City department authorized to approve a merger is Public Works. The City Planning Commission cannot unilaterally take an action to legally merge lots. Consequently, this document does not satisfy any of the requirements Mr. Storrs mentioned above in this July 19, 2018 letter to you.

Out of an abundance of caution, Mr. Storrs did contact the Planning Department and asked them to research their records on these properties to determine the relevance, if any, of the document you presented to us. While the Planning Department did find a copy of this document in its historic file on the properties, there were no other documents, resolutions, motions, or Planning Commission actions associated with it or on record with the Planning Department. The Planning Department hypothesized that this document may have been related to a proposed merger that Public Works referred to Planning for its input and recommendation, but that ultimately the City (through

Public Works) never approved the merger. Given that Public Works and the Planning Department have no other records relating to this 1975 document and there is no recorded document in the chain of title evidencing a legal merger of the lots, we view this document as a historic relic that has no bearing on Mr. Storrs's determination as represented in the Certificate of Compliance that these lots have not been merged.

Further, the code compliance issues raised in your letter are not relevant to the Certificate of Compliance. The Planning Department and the Department of Building Inspection have jurisdiction over those matters and are responsible for following up with the property owner to resolve the issues.

Consequently, I stand by the February 8, 2017 Certificate of Compliance, issued under the auspices of San Francisco Public Works by the City and County Surveyor, and the representations in Mr. Storrs's July 19, 2018 letter. Mr. Storrs's Certificate of Compliance decision is final and not appealable.

Best regards,

A handwritten signature in blue ink, appearing to read 'Mohammed Nuru', with a long horizontal stroke extending to the right.

Mohammed Nuru





17th Ave



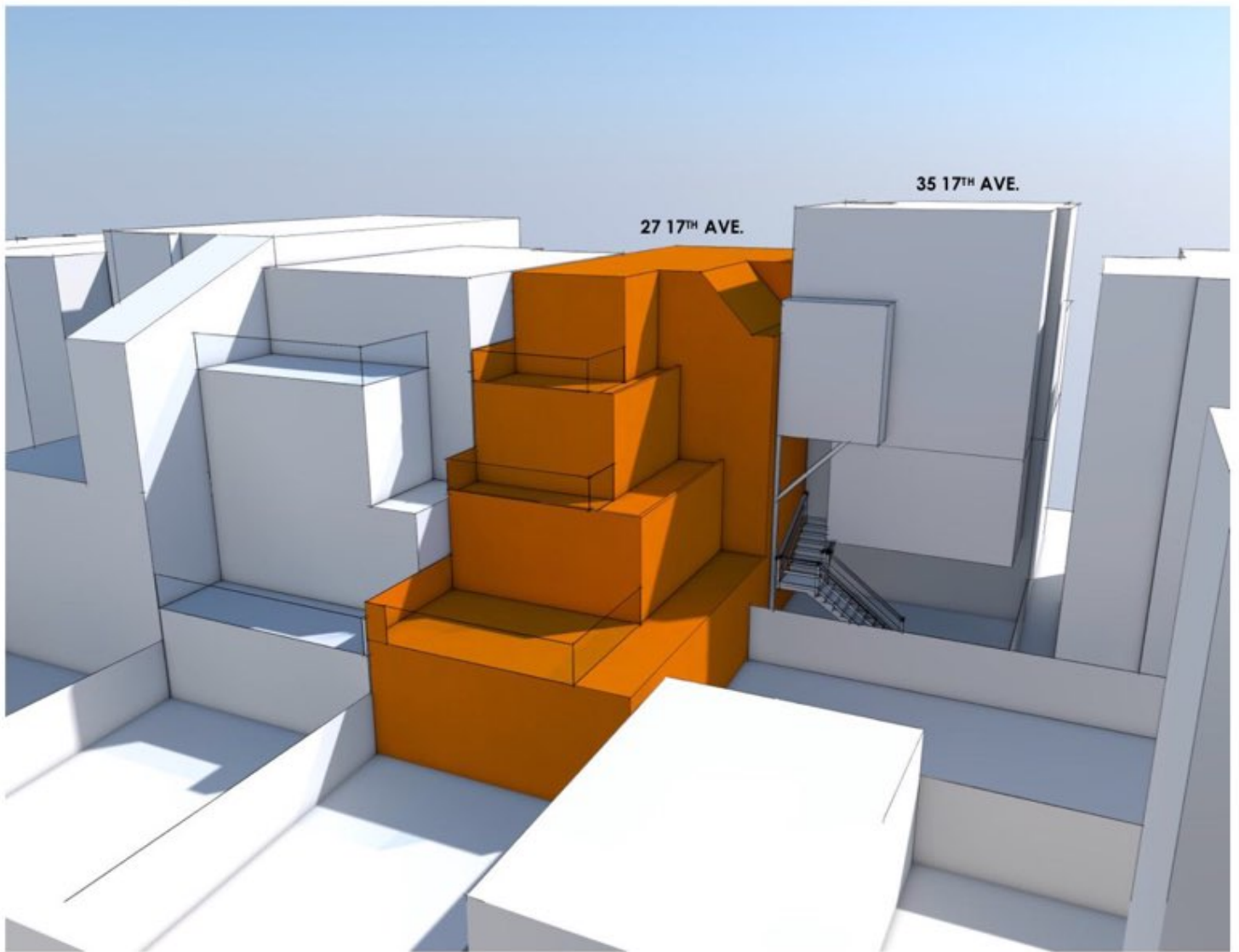
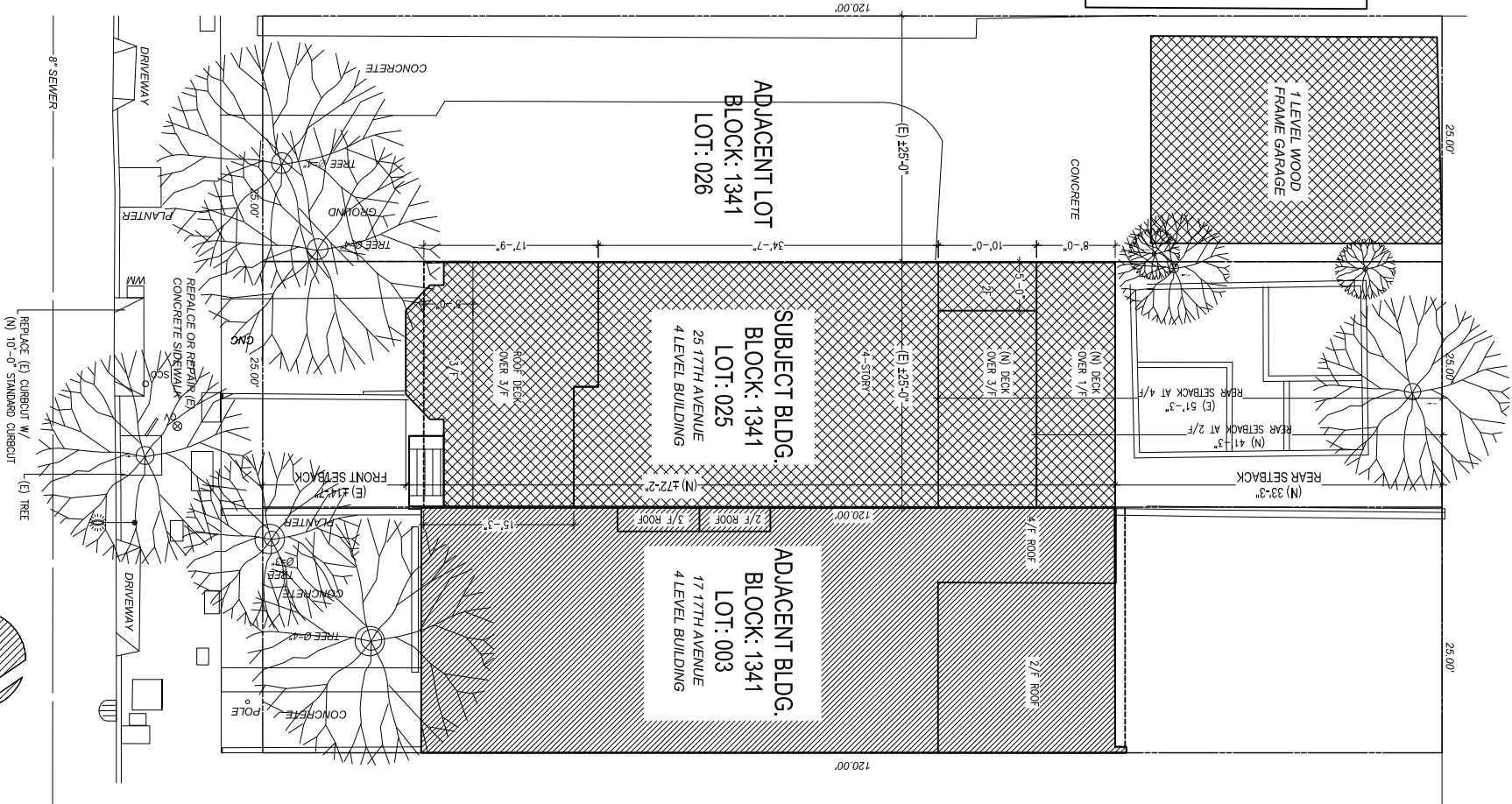
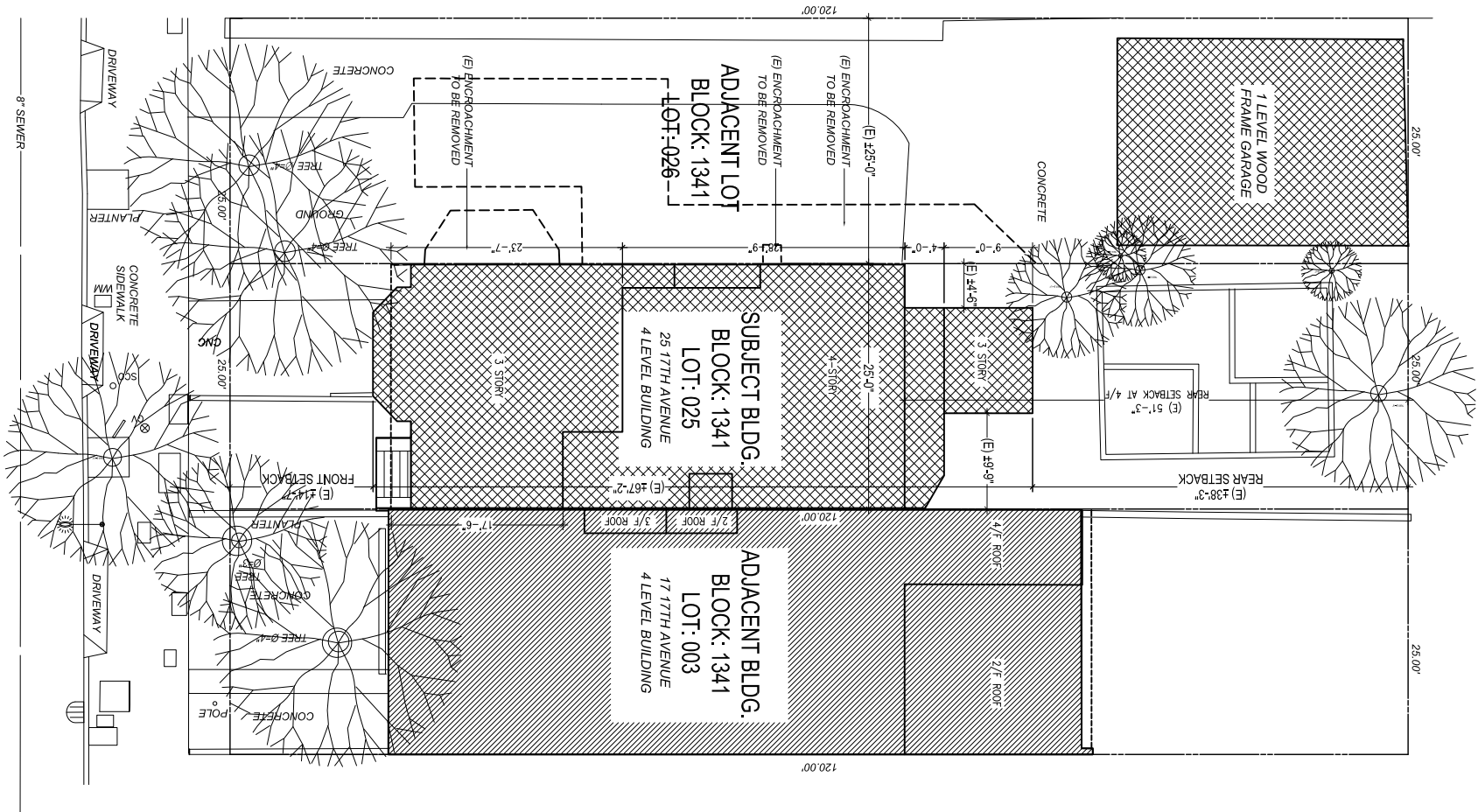
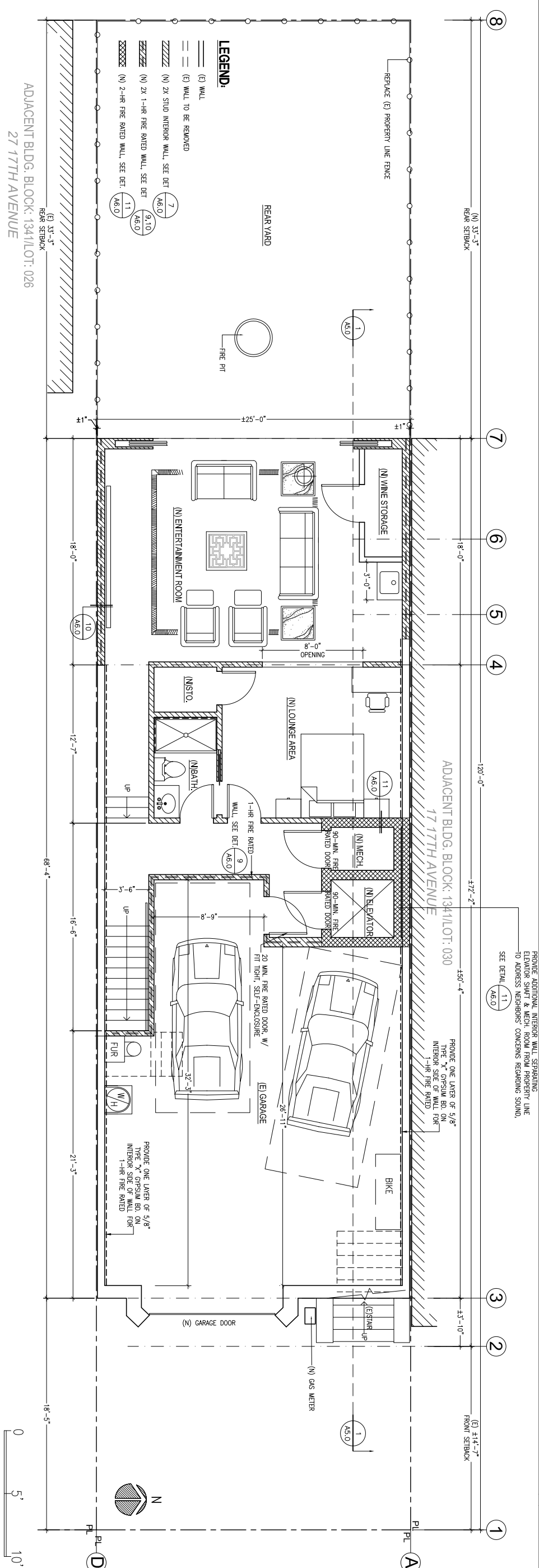
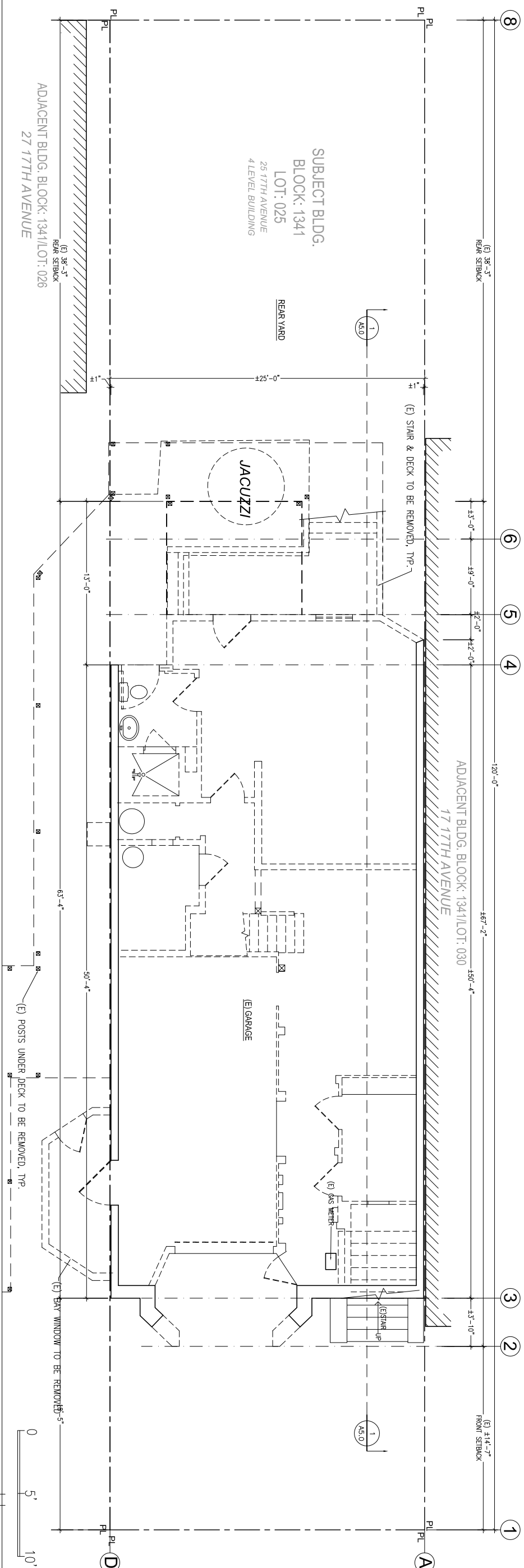
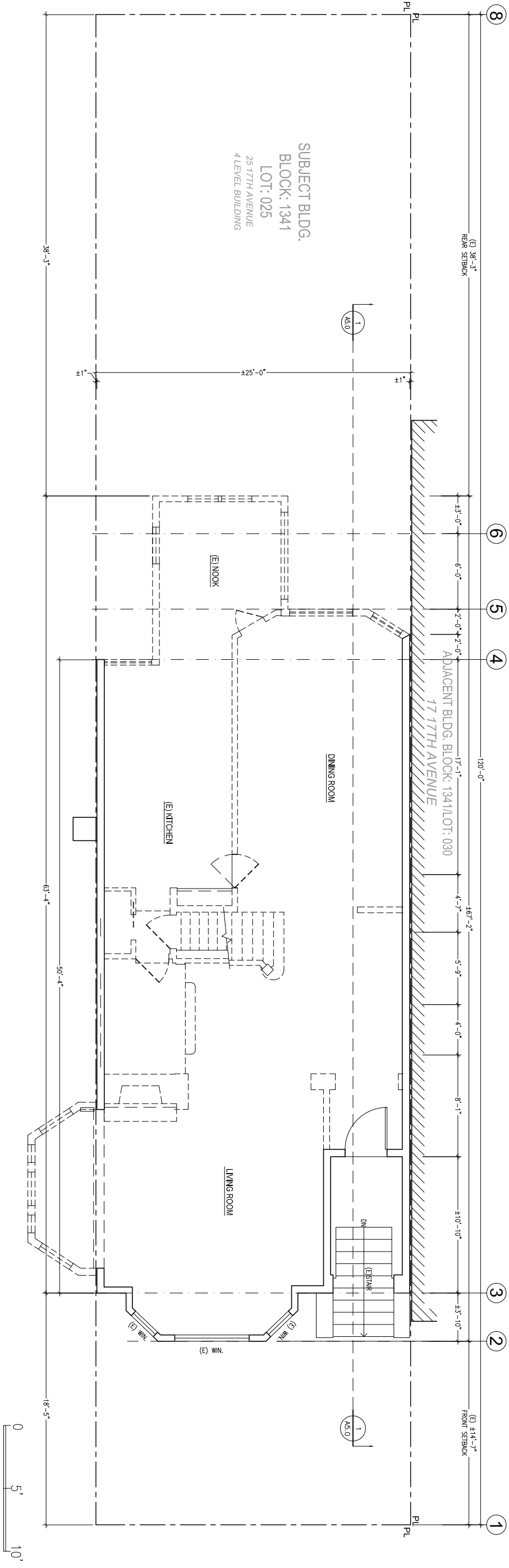


FIGURE 4: PROPOSED MASSING OF DESIGN "B", VIEWED FROM THE REAR OF THE PROPERTY.



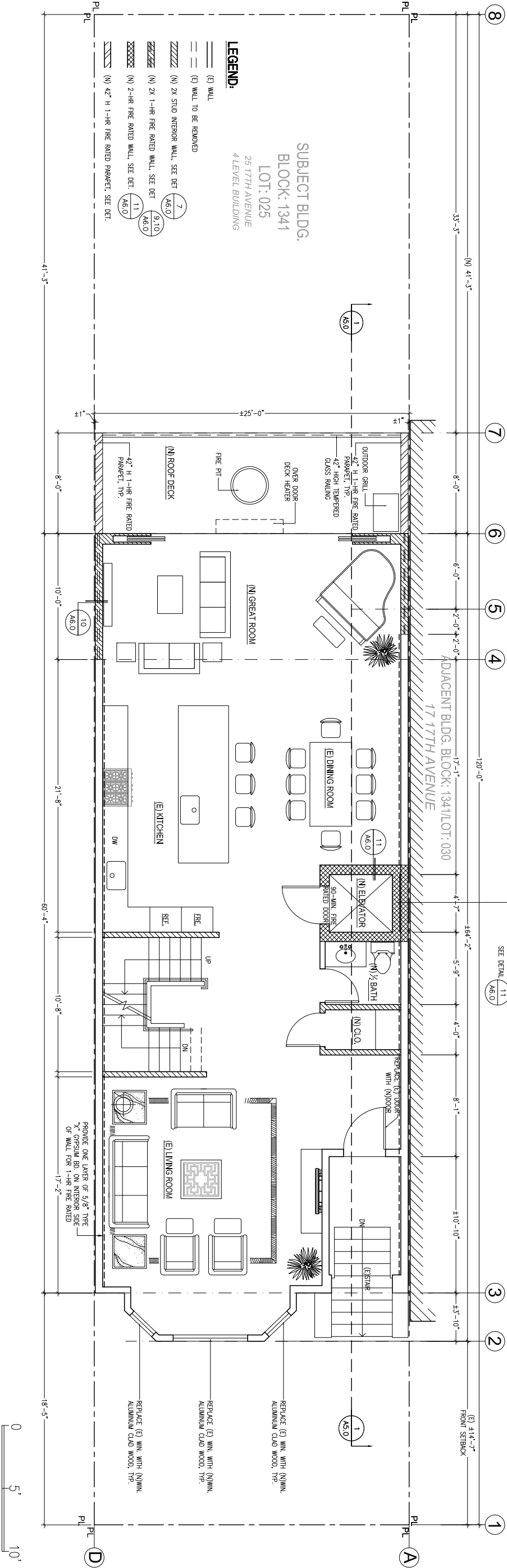






EXISTING 2/F PLAN 1/4\"=1'-0"

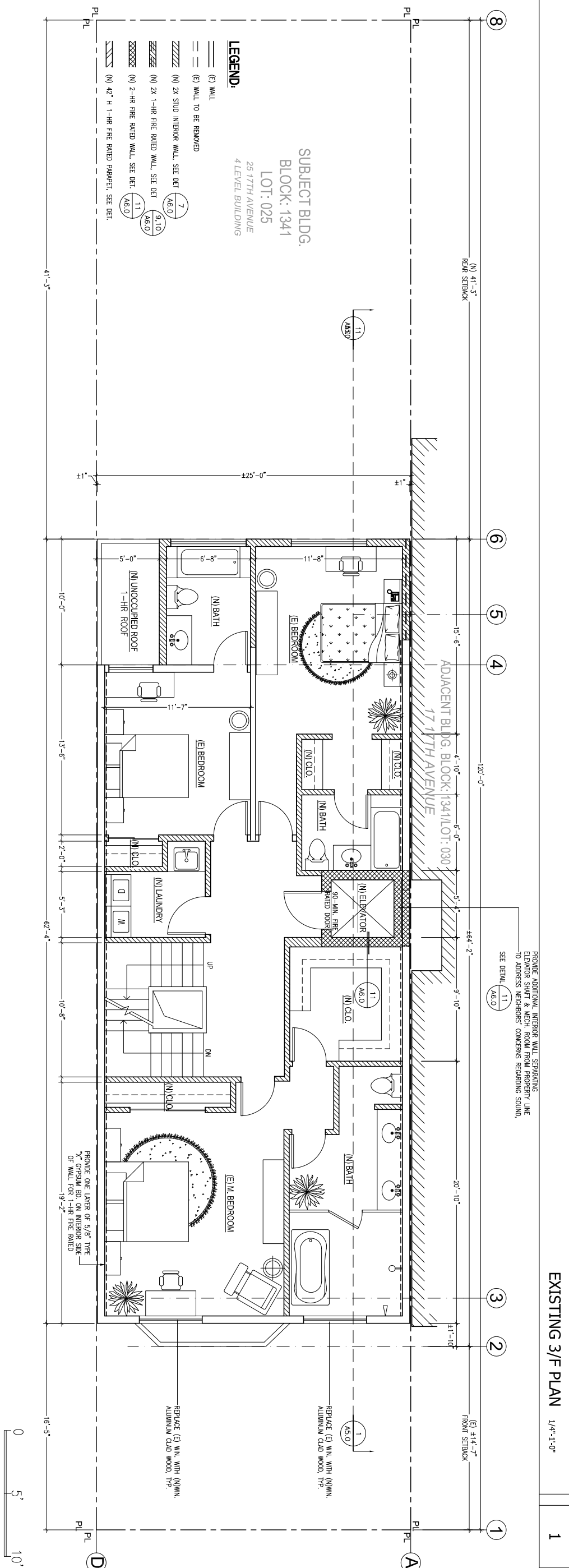
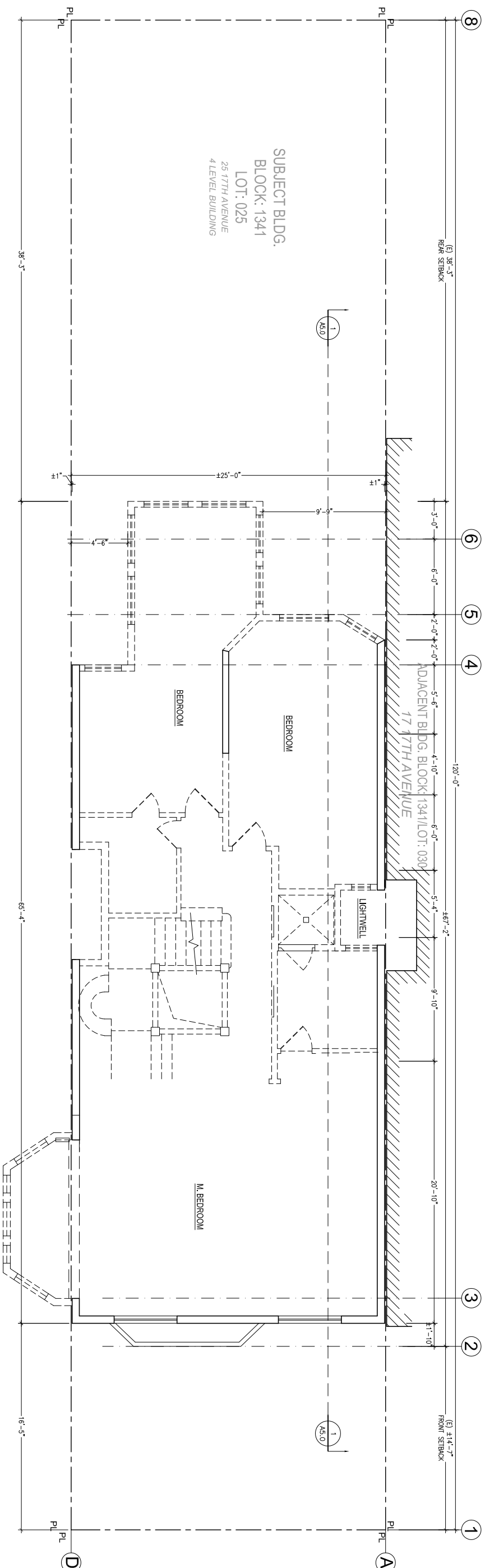
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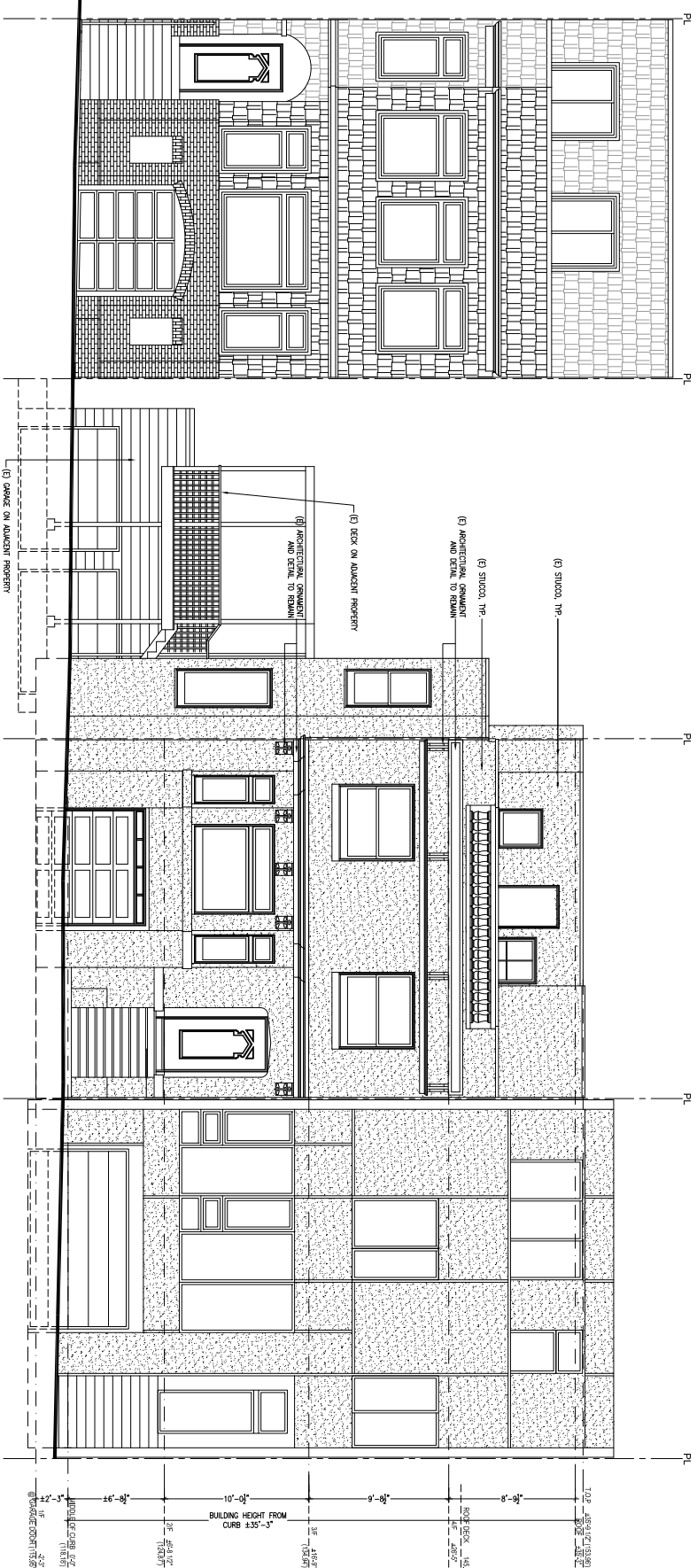
PROPOSED 2/F PLAN

1/4\"=1'-0"

2







BLOCK: 1341  
LOT: 006  
35 17TH AVENUE

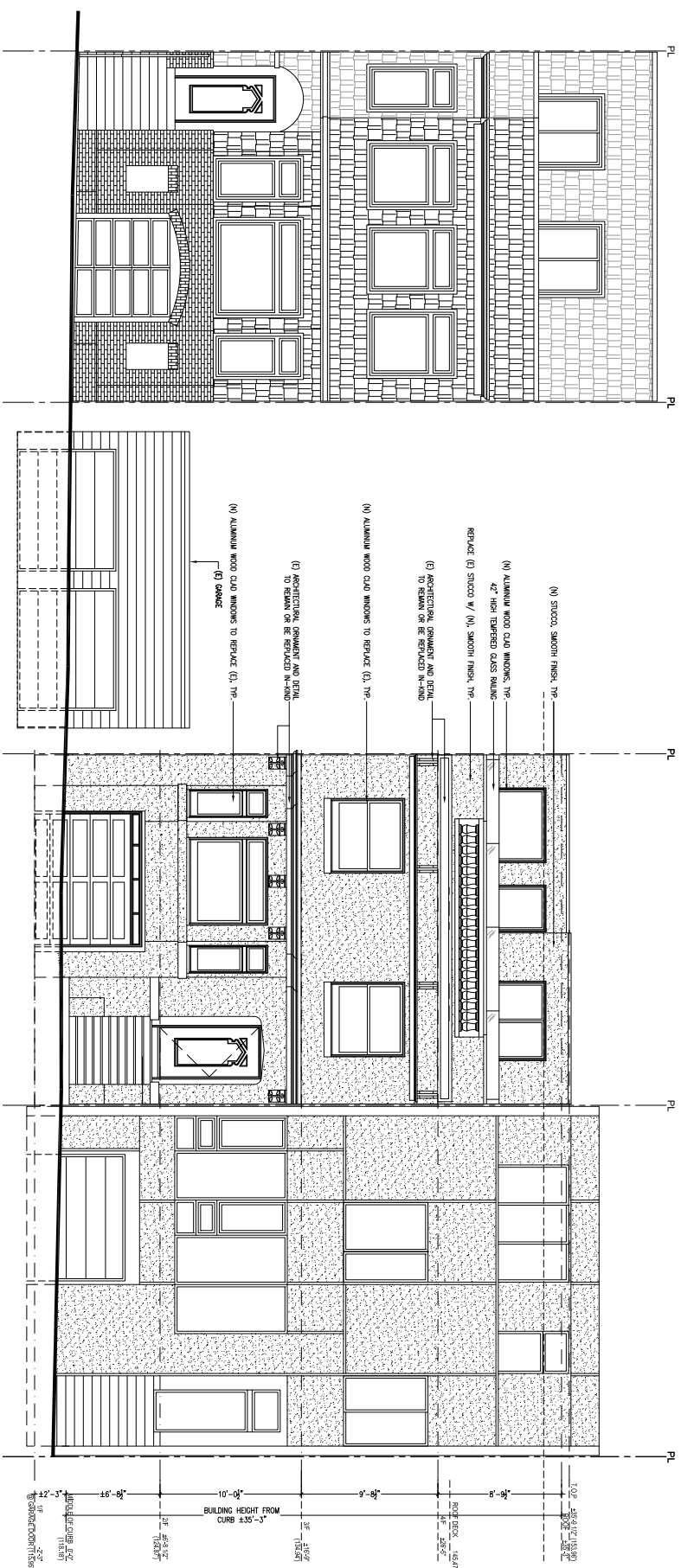
ADJ BLDG.  
BLOCK: 1341  
LOT: 026  
27 17TH AVENUE

SUBJECT BLDG.  
BLOCK: 1341  
LOT: 025  
25 17TH AVENUE

ADJACENT BLDG  
BLOCK: 1341  
LOT: 030  
17 17TH AVENUE

EXISTING EAST ELEVATION 1/4"=1'-0"

—



BLOCK: 134  
LOT: 006  
35 17TH AVENUE

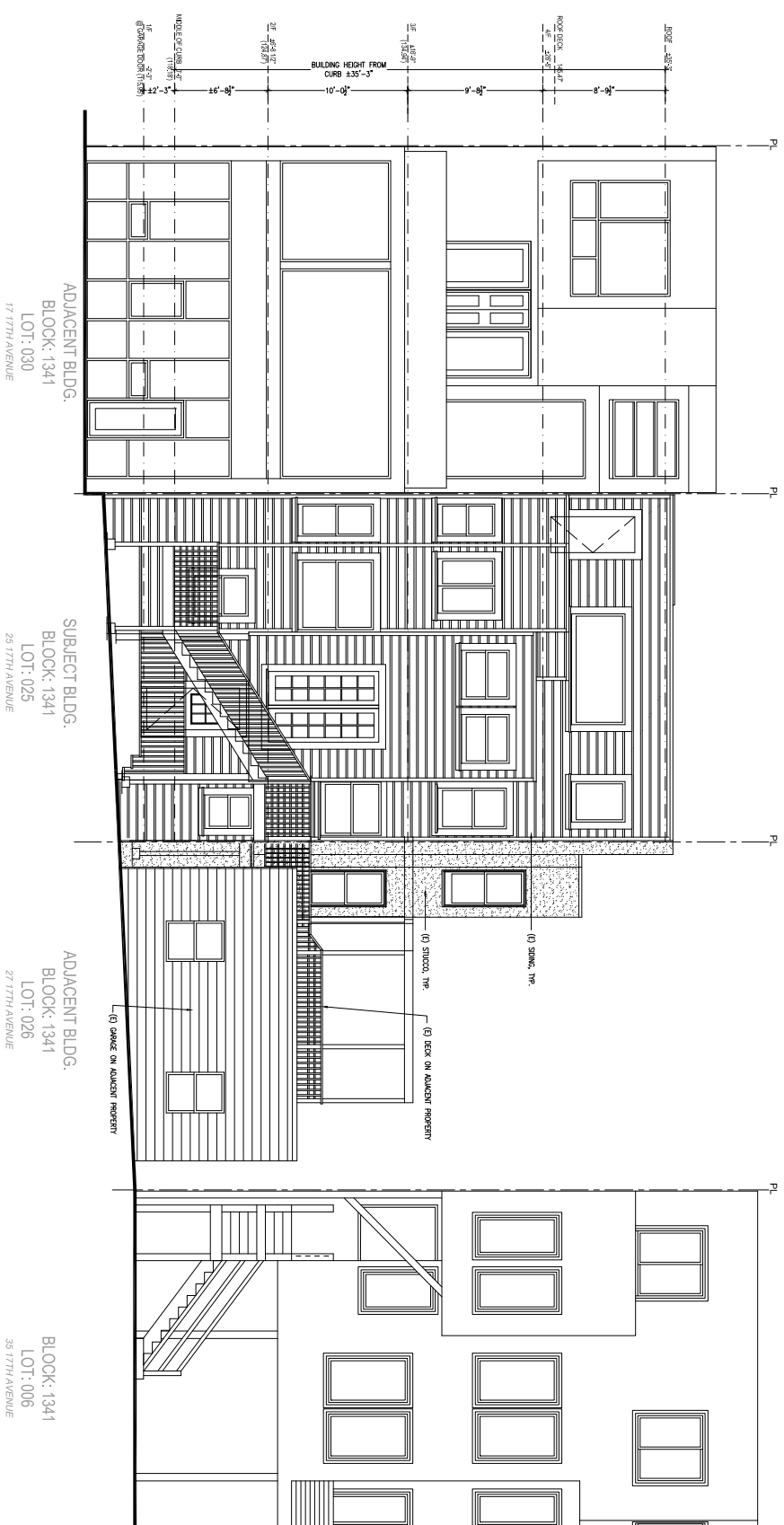
ADJACENT BLDG  
BLOCK: 1341  
LOT: 026  
27 17TH AVENUE

SUBJECT BLDG  
BLOCK: 1341  
LOT: 025  
25 17TH AVENUE

ADJACENT BLDG  
BLOCK: 1341  
LOT: 030  
17 17TH AVENUE

PROPOSED EAST ELEVATION 1/4"-1-0





ADJACENT BLDG.  
BLOCK: 1341  
LOT: 030  
17 17TH AVENUE

SUBJECT BLDG.  
BLOCK: 1341  
LOT: 025  
25 17TH AVENUE

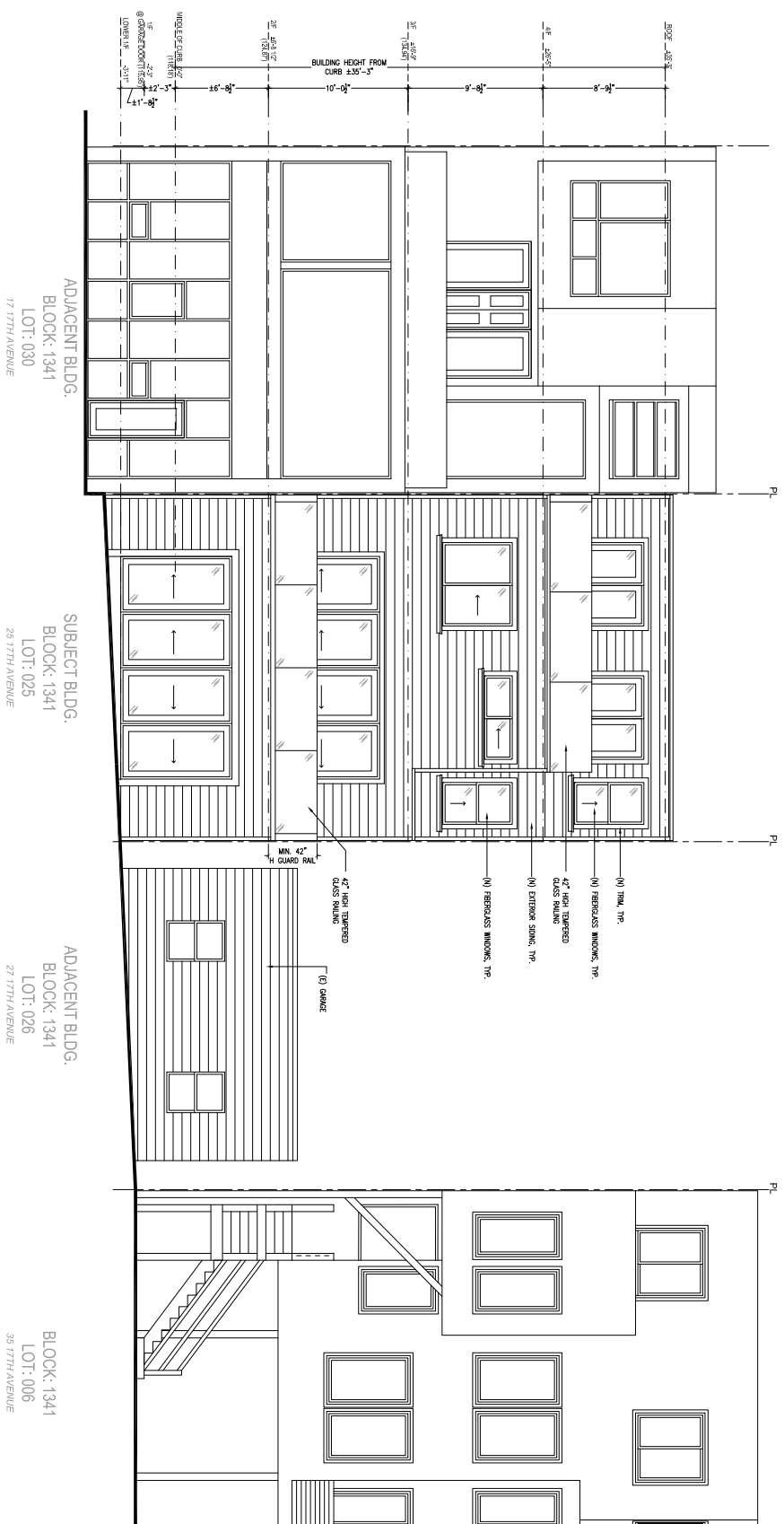
ADJACENT BLDG.  
BLOCK: 1341  
LOT: 026  
27 17TH AVENUE

BLOCK: 1341  
LOT: 006  
35 17TH AVENUE

EXISTING WEST ELEVATION 1/4"-1'-0"

1/4"-1'-0"

1



ADJACENT BLDG.  
BLOCK: 1341  
LOT: 030  
17 17TH AVENUE

SUBJECT BLDG:  
BLOCK: 1341  
LOT: 025  
25 17TH AVENUE

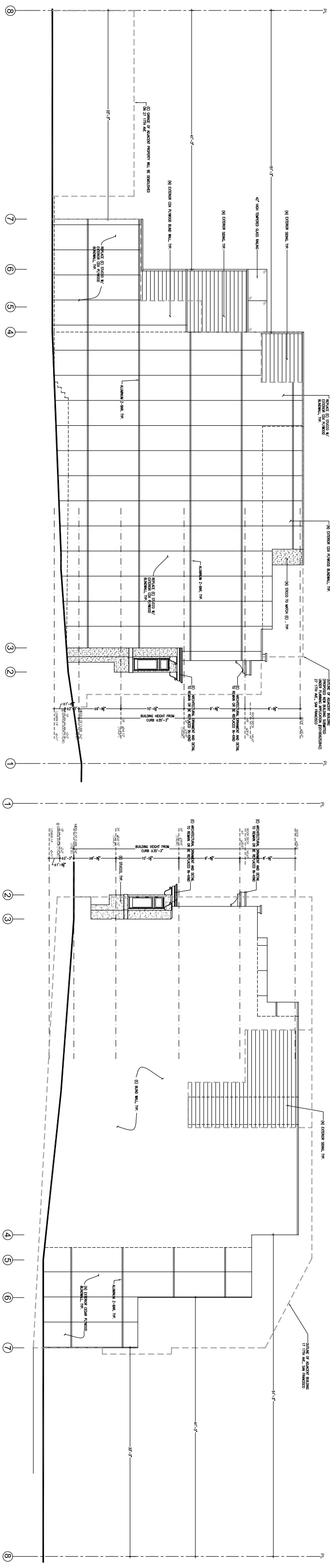
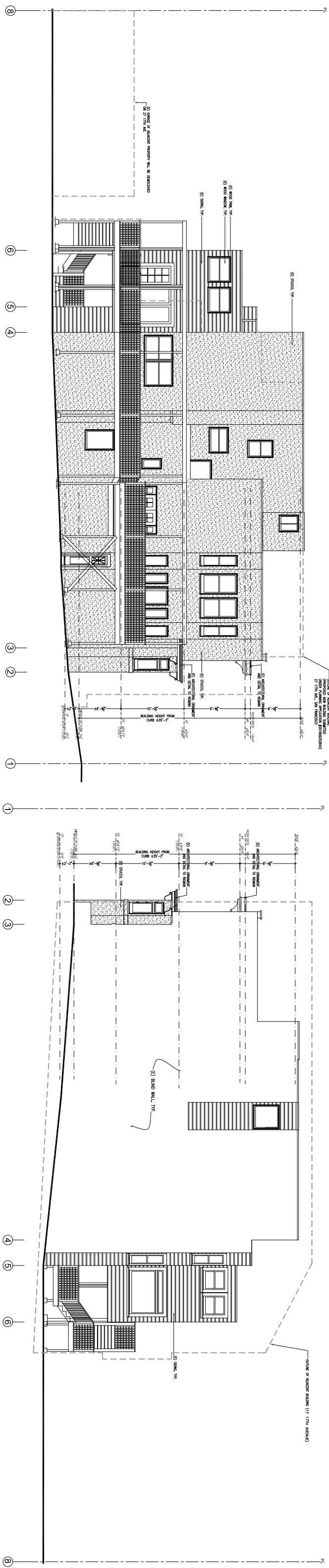
ADJACENT BLDG.  
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LOT: 026  
27 17TH AVENUE

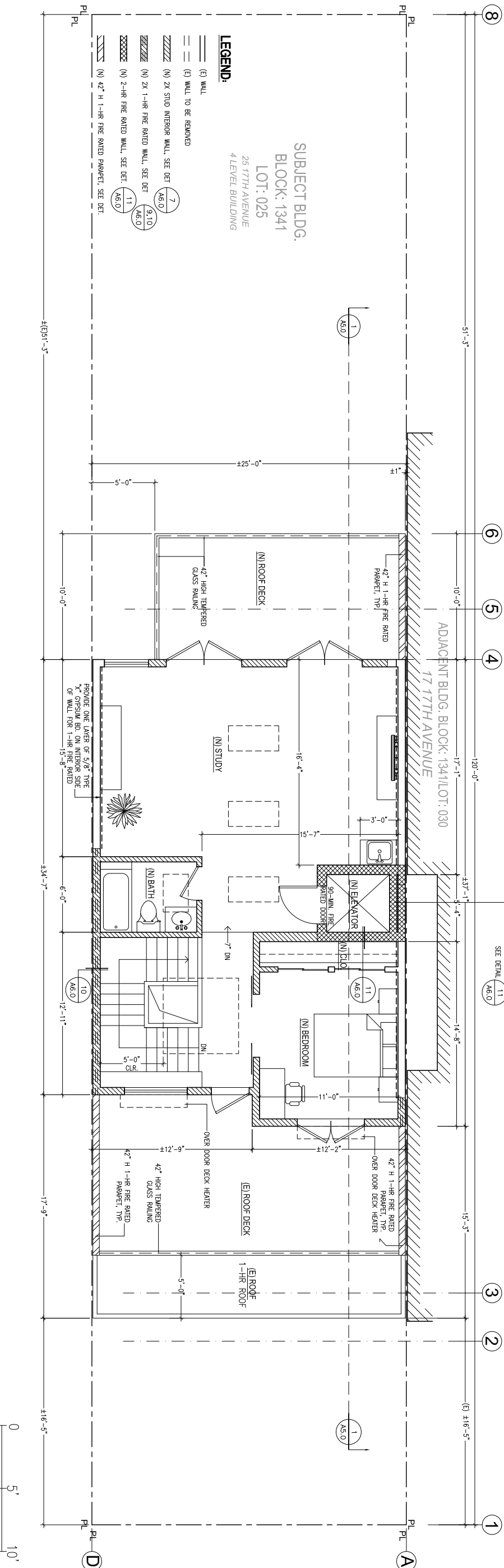
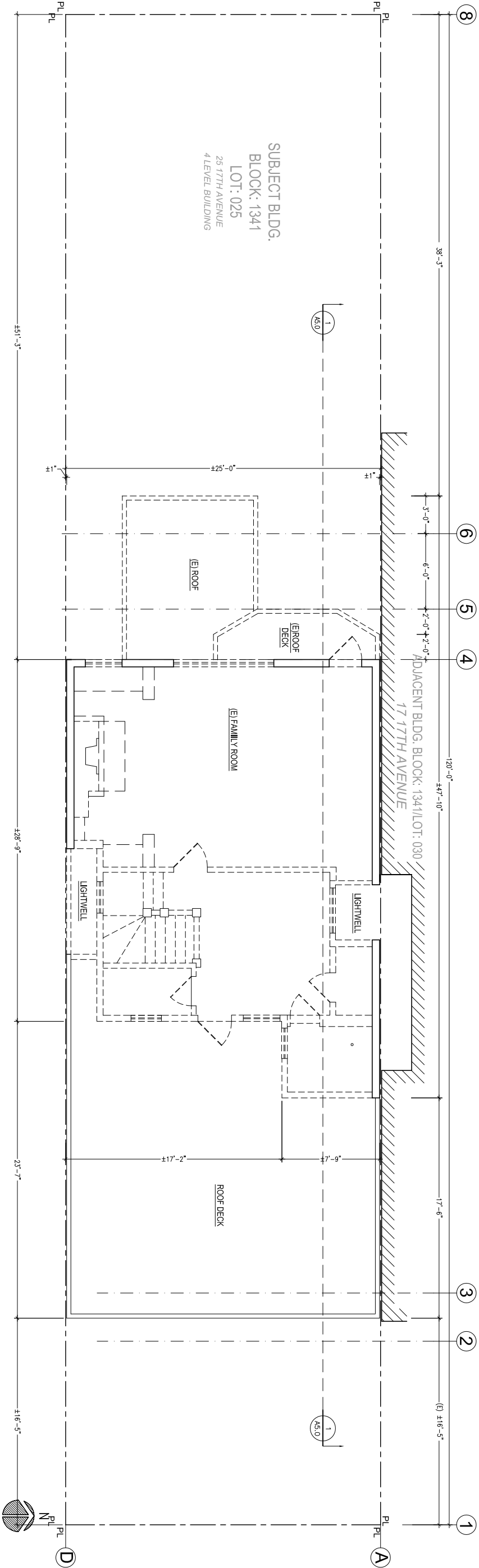
BLOCK: 134  
LOT: 006  
35 17TH AVENUE

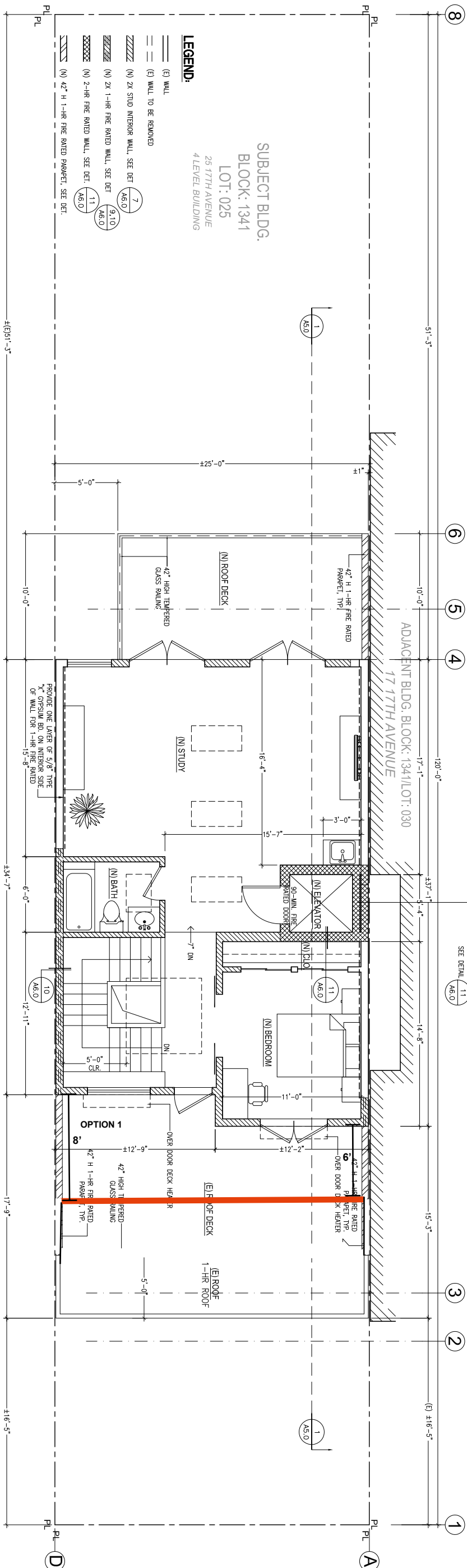
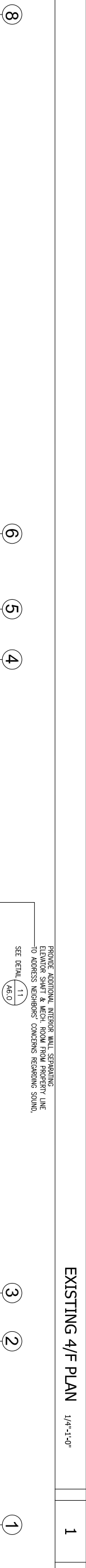
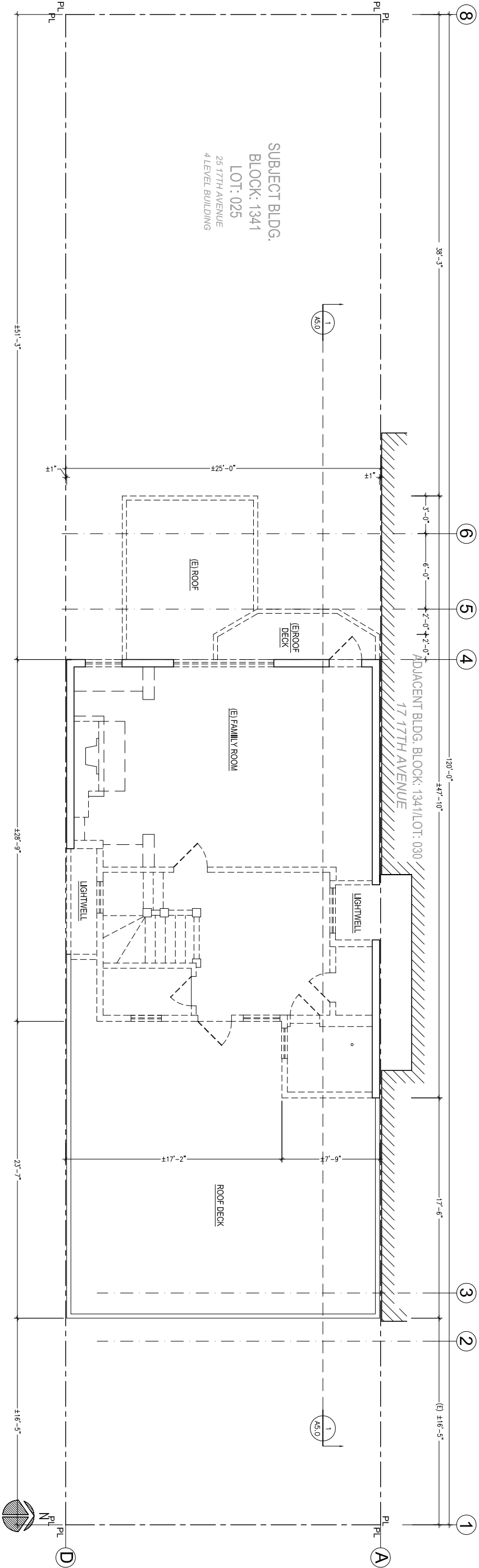
PROPOSE WEST ELEVATION 1/4"-1'-0"

1/4"-1'-0"

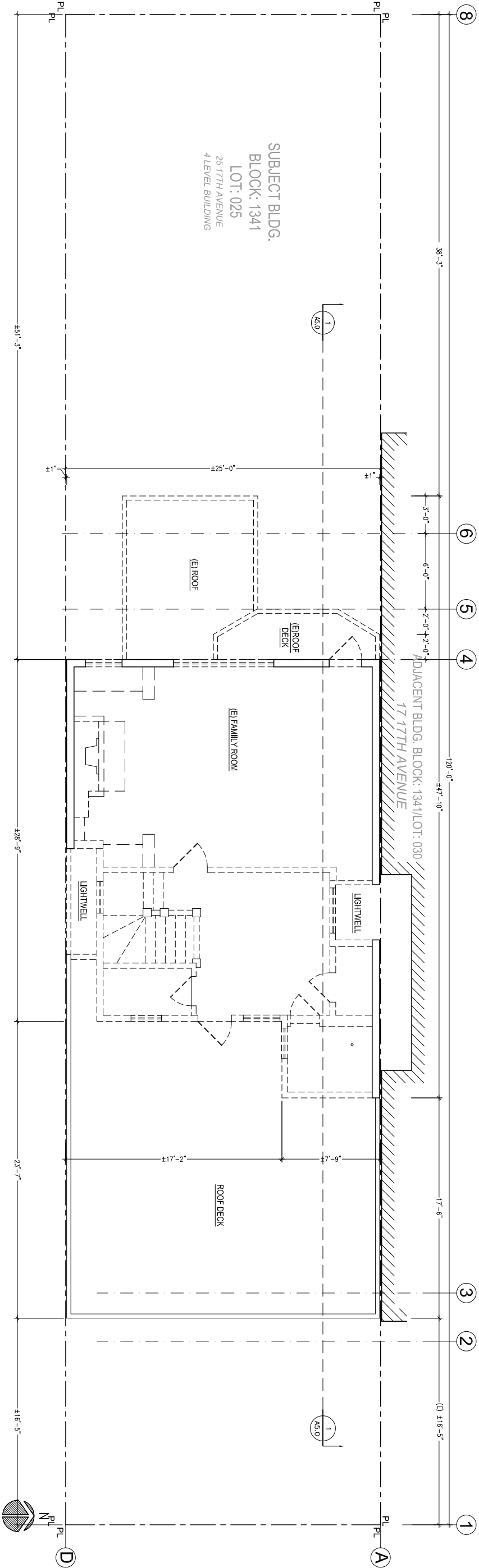
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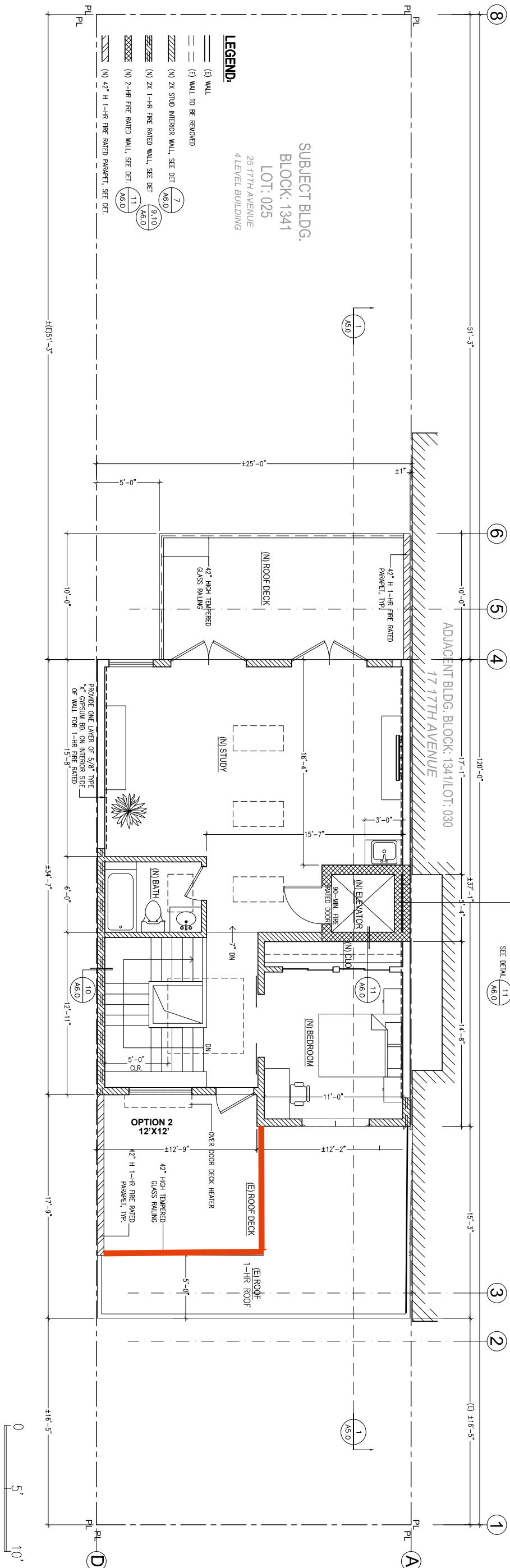








EXISTING 4/F PLAN 1/4"=1'-0"



PROPOSED 4/F PLAN

