Memo to the Planning Commission
Hearing Date: December 19, 2019
Continued from May 9, 2019, July 18, 2019, August 29, 2019, and October 24, 2019

Record No.: 2018-009551DRPVAR
Project Address: 3847-3849 18th Street
Permit Applications: 2018.06.22.2714
Zoning: RH-3 (Residential House, Three-Family)
        40-X Height and Bulk District
Block/Lot: 3585 / 077
Project Sponsor: Dawson & Clinton General Contractors
                PO Box 410475
                San Francisco, CA 94141
Staff Contact: David Winslow – (415) 575-9159
david.winslow@sfgov.org
              Jeff Horn – (415) 575-6925
              jeffrey.horn@sfgov.org

BACKGROUND

On July 18, 2019 the San Francisco Planning Commission (hereinafter “Commission”) adopted a Motion of Intent to Take DR and revise the project to “have the building restored to the original flat configuration, including that third unit, which is allowed in RH-3.” The Commission continued the item to August 29, 2019 to allow more time for Department staff, the City Attorney’s Office, and the Project Sponsor to consider the procedural implications of such a decision. Department staff met and consulted with both the City Attorney’s Office and the Project Sponsor since the July 18, 2019 hearing.

At the August 29, 2019 hearing, the Commission continued the item and to allow the Sponsor time to simplify the drawings of the site permit and to have a Pre-Application Review Meeting with the Department of Building Inspection (DBI) to ensure the feasibility of the proposed plans receiving approval by DBI and other City Agencies. The project was continued with being heard on October 24, 2019.

In response to the Commission’s requests at the August 29, 2019 hearing the Sponsor worked with DBI and the Fire Department to further explore the viability of adding a third unit to the project. As a result of those communications and pre-application meeting held on September 24, 2019, it has now been confirmed that the building classification would need to change from R3 to R2 to accommodate the additional unit, which would in-turn require new internal building systems, entrance/egress changes and additions, new fire ratings, elevators, dry standpipes, etc. in order to comply with the standards of an R2 building.
RECOMMENDATION

The Department makes no recommendation on the alternative plans submitted by the Project Sponsor.

ATTACHMENTS:

Project Sponsor letter to the Commission dated December 12, 2019
Revised Plan Set dated December 5, 2019
Memo to the Planning Commission from October 24, 2019
Revised Plan Set dated August 29, 2019
Memo to the Planning Commission from August 29, 2019
Sponsor’s letter to the Commission dated August 16, 2019
Sponsor’s letter to the Commission dated July 16, 2019
Memo to the Planning Commission from July 18, 2019
Abbreviated Analysis from the March 7, 2019 Hearing
December 12, 2019

Myrna Melgar, Commission President
San Francisco Planning Commission
San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco, CA 94103

RE: 3847-3849 18th Street
Case No.: 2018-009551DRP
Hearing Date: December 19, 2019

Dear Commission President Melgar,

We, Tim Clinton and Paul Dawson, are writing as the sponsors of the project at 3847-3849 18th St., Case No. 2018-009951DRP.

Since our last hearing nearly two months ago, our primary lender has moved forward with foreclosure on the building. Attached is the Notice of Foreclosure for your reference. As we have stated before, the length of this Planning enforcement process and the repeated delays in getting a decision from the Commission have pushed us beyond our ability to service our loan. After working in good faith with Planning Department enforcement staff for 14 months, and with the Commission for more than 7 months with four hearings already come and gone, we have lost the building. Our 20-year San Francisco construction company, with 18 long-term employees, is teetering on the brink of bankruptcy. This impact has not only resulted in a complete financial loss on the building, but has now put our entire financial lives and that of our families in ruin. A severe punishment has already been delivered for the planning violations we regretfully committed. We respectfully urge that the Commission finally make a determination on our revised permit application so we may move forward with what has been a more than five-year arduous and costly planning, construction and enforcement process.

There has been a lot of discussion – both at the Commission and more recently in the press – regarding the “egregious” nature of our various permit violations. While we have and do take responsibility for our errors and instances of poor judgment, we also feel that certain representations and accusations have been incorrect. A detailed outline and explanation of the permitting issues is attached for your review. Please note that none of our “excess of scope” or other violations represent work that would not have been allowed or fully permitted if the proper procedures had been followed.

Something we can certainly agree on with the Commission and other stakeholders is that this system is broken. Many aspects of approving, building and overseeing housing projects in San Francisco operate ineffectively at best. Our project took 36 months of construction with numerous permits, inspections and required upgrades that can be difficult for even a seasoned contractor to navigate. The incentive to “identify short-cuts” and rely on permit expeditors is real and widespread.
We also wish to remind you of the following:

1) Unlike many other projects or developers that run into trouble, we have been transparent and fully cooperative with Planning staff -- as well as with the project’s neighbors -- to correct and resolve the various violations and related issues from the beginning.

2) We have worked closely with the Planning Department to create a comprehensive plan set with Planning staff’s approval, which was sent out for 311 neighborhood notification earlier this year.

3) No actual neighborhood opposition was received. The one Discretionary Review application that was received was filed fraudulently by Mr. Kevin Cheng under the name “Malcolm Xiang.” We hope and trust that the Commission is fully aware of Kevin Cheng’s unusual and deceptive actions to bring this project in front of the Commission for reasons we still do not fully understand.

4) December 19, 2019 will be our 4th full Commission hearing and 5th scheduled hearing date. After nearly two years of enforcement proceedings to resolve a Notice of Violation and recommendations for approval from Planning staff, we still have not received clear direction from the Planning Commission.

As directed at the conclusion of our hearing in late August, we have since worked with DBI and the Fire Department to further explore the viability of adding a third unit to our completed project. As a result of those communications and pre-application meeting held on September 24, 2019, it has now been confirmed that the building classification would need to change from R3 to R2 to accommodate the additional unit, which would in-turn require new internal building systems, entrance/egress changes and additions, new fire ratings, elevators, dry standpipes, etc. in order to comply with the standards of an R2 building. R2 is the same standard required for buildings of 50, 100, or even more units. We would essentially be required to completely remodel the existing completed project.

If our project was in the conceptual stage, we could build the numerous requirements of an R2 building into the design. The reality is that at the specific direction and mandate of the City, our project was designed -- and its status as a two-unit building confirmed – more than five years ago. And as you may know, the project has been completed and vacant for the past two years. To now be required to meet the standards of an R2 building is completely financially infeasible not only for us, but for whomever may end up owning the property. Such a requirement would render this completed 2-unit building a vacant structure for the foreseeable future.

Throughout this process, we have made several proposals in front of the Commission directly and through staff, all of which have ultimately been rejected. We are therefore now requesting that the existing and vested two-unit status of the building be maintained as presented in the updated plan set dated December 5, 2019. At earlier hearings, we have communicated our willingness to make a substantial contribution into a City fund designated for housing construction. That remains something that we are open to and it is our understanding that our lender, who we expect to end up owning the building, would be amenable to as well.

By way of comparison with what we view as a much more extreme case of permit violations, the Willis Polk house at 950 Lombard, a designated historic structure that was allegedly demolished
without approvals in order to create a 45 million dollar property, is/was considered to have been penalized heavily. According to the *San Francisco Chronicle*, “Troon Pacific agreed to pay a $400,000 settlement to the city without admitting having done anything illegal. It was the biggest settlement ever paid by a developer for the illegal demolition of a single-family home in San Francisco.”

It is our opinion that the scale of violation in our case in no way rises to the level of violations in the 950 Lombard case, 49 Hopkins, 214 States St. etc. Further, we believe that the multitude of negative impacts we have experienced to date should certainly help dissuade members of the building community and other project sponsors from making similar errors. Most importantly, we must insist that due process be granted to us and that a vote and determination by the Planning Commission on our permit application be made on December 19th.

Thank you for your time and careful consideration.

Sincerely,

Tim Clinton & Paul Dawson

Cc: Commission Vice-President Joel Koppel
    Commissioner Sue Diamond
    Commissioner Frank S. Fung
    Commissioner Milicent A. Johnson
    Commissioner Kathrin Moore
    Commissioner Dennis Richards
    Jeff Horn, Senior Planner
    David Winslow, Architect Manager
NOTICE OF DEFAULT AND ELECTION TO SELL UNDER DEED OF TRUST

NOTE: THERE IS A SUMMARY OF THE INFORMATION IN THIS DOCUMENT ATTACHED*.

*PURSUANT TO CIVIL CODE § 2923.3(a), THE SUMMARY OF INFORMATION REFERRED TO ABOVE IS NOT ATTACHED TO THE RECORDED COPY OF THIS DOCUMENT BUT ONLY TO THE COPIES PROVIDED TO THE TRUSTOR.

IF YOUR PROPERTY IS IN FORECLOSURE BECAUSE YOU ARE BEHIND IN YOUR PAYMENTS, IT MAY BE SOLD WITHOUT ANY COURT ACTION, and you may have the legal right to bring your account in good standing by paying all of your past due payments plus permitted costs and expenses within the time permitted by law for reinstatement of your account, which is normally five business days prior to the date set for the sale of your property. No sale date may be set until approximately 90 days from the date this notice of default may be recorded (which date of recordation appears on this notice).

This amount is $135,267.85 as of 11/20/2019 and will increase until your account becomes current.

While your property is in foreclosure, you still must pay other obligations (such as insurance and taxes) required by your note and deed of trust or mortgage. If you fail to make future payments on the loan, pay taxes on the property, provide insurance on the property, or pay other obligations as required in the note and deed of trust or mortgage, the beneficiary or mortgagee may insist that you do so in order to reinstate your account in good standing. In addition, the beneficiary or mortgagee may require as a condition to reinstatement that you provide reliable written evidence that you paid all senior liens, property taxes, and hazard insurance premiums.
Upon your written request, the beneficiary or mortgagee will give you a written itemization of the entire amount you must pay. You may not have to pay the entire unpaid portion of your account, even though full payment was demanded, but you must pay all amounts in default at the time payment is made. However, you and your beneficiary or mortgagee may mutually agree in writing prior to the time the notice of sale is posted (which may not be earlier than three-months after this notice of default is recorded) to, among other things, (1) provide additional time in which to cure the default by transfer of the property or otherwise; or (2) establish a schedule of payments in order to cure your default; or both (1) and (2).

Following the expiration of the time period referred to in the first paragraph of this notice, unless the obligation being foreclosed upon or a separate written agreement between you and your creditor permits a longer period, you have only the legal right to stop the sale of property by paying the entire amount demanded by your creditor.

To find out the amount you must pay, to arrange for payment to stop the foreclosure, or if your property is in foreclosure for any other reason, contact: FJM PRIVATE MORTGAGE FUND, LLC; c/o Golden West Foreclosure Service, Inc., 611 Veterans Blvd., Suite 206, Redwood City, CA 94063-1401. Phone: (650) 369-5505.

If you have any questions, you should contact a lawyer or the governmental agency which may have insured your loan. Notwithstanding the fact that your property is in foreclosure, you may offer your property for sale, provided the sale is concluded prior to the conclusion of the foreclosure.

REMEMBER, YOU MAY LOSE LEGAL RIGHTS IF YOU DO NOT TAKE PROMPT ACTION. NOTICE IS HEREBY GIVEN THAT: GOLDEN WEST FORECLOSURE SERVICE, INC. is the duly appointed Trustee under a Deed of Trust dated 02/03/2017, executed by KANSAS STREET DEVELOPMENT, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY, as trustor, to secure obligations in favor of FJM PRIVATE MORTGAGE FUND, LLC A CALIFORNIA LIMITED LIABILITY COMPANY, AS TO AN UNDIVIDED 100.00% INTEREST, as Beneficiary Recorded on 02/10/2017 DOC 2017-K407153-00 of official records in the Office of the Recorder of San Francisco County, California, as more fully described on said Deed of Trust. Including the note(s) for the sum of $5,200,000.00 that the beneficial interest under said Deed of Trust and the obligations secured thereby are presently held by the beneficiary; that a breach of, and default in, the obligations for which said Deed of Trust is security has occurred in that the payment has not been made of: FAILURE TO MAKE THE 11/01/2019 INSTALLMENT OF PRINCIPAL AND/OR INTEREST AND ALL SUBSEQUENT INSTALLMENTS. INCLUDING WITHOUT LIMITATION THE BALANCE OF THE PRINCIPAL SUM OF $4,950,000.00 WHICH WILL BECOME ALL DUE AND PAYABLE ON 01/01/2020, WITH INTEREST THEREON, TOGETHER WITH LATE CHARGES, DEFAULT INTEREST, FORECLOSURE/ATTORNEY'S FEES, AND ALL OTHER SUMS DUE AND PAYABLE UNDER ALL OF THE TERMS AND CONDITIONS OF THE ORIGINAL NOTE AND DEED OF TRUST. SHOULD ANY SENIOR LIENS, INCLUDING REAL ESTATE TAXES AND/OR INSURANCE BE OR BECOME DELINQUENT IT SHALL BE A REQUIREMENT OF THE BENEFICIARY THAT THESE BE BROUGHT CURRENT WITH SUPPORTED PROOF BEFORE ANY REINSTATEMENT. ALSO ANY AND ALL ADVANCES BY THE BENEFICIARY TO PROTECT THEIR SECURITY MUST BE REIMBURSED AT REINSTATEMENT/PAYOFF.
That by reason thereof, the present beneficiary under such Deed of Trust, has executed and delivered to said Trustee, a written Declaration and Demand for Sale, and has deposited with said duly appointed Trustee, such Deed of Trust and all documents evidencing the obligations secured thereby, and has declared and does hereby declare all sums secured thereby immediately due and payable and has elected and does hereby elect to cause the trust property to be sold to satisfy the obligations secured thereby.

A declaration from the mortgagee, beneficiary or authorized agent is attached to the Notice of Default duly recorded with the appropriate County Recorder's office.

DATE: 11/20/19

GOLDEN WEST FORECLOSURE SERVICE, INC., as Trustee

[Signature]

Michael D. Orth, President
Declaration of Mortgage Servicer Pursuant to Civil Code §2923.5(b)

Borrower(s): KANSAS STREET DEVELOPMENT, LLC
Property Address: 3847-3849 18TH STREET, SAN FRANCISCO, CA 94114
T.S. No.: 8103

The undersigned, as an authorized agent or employee of the mortgage servicer named below, declares that:

1. □ The mortgage servicer has contacted the borrower pursuant to California Civil Code §2923.5(a)(2) “to assess the borrower’s financial situation and explore options for the borrower to avoid foreclosure”. Thirty (30) days, or more, have passed since the initial contact was made.

2. □ Despite the exercise of due diligence pursuant to California Civil Code §2923.5(e), the mortgage servicer has been unable to contact the borrower “to assess the borrower’s financial situation and explore options for the borrower to avoid foreclosure”. Thirty (30) days, or more, have passed since these due diligence efforts were satisfied.

3. ☒ No contact was required by the mortgage servicer because the individual(s) did not meet the definition of “borrower” pursuant to subdivision (c) of Section 2920.5.

4. ☒ The requirements of Cal. Civil Code §2923.5 do not apply because the loan is not secured by a first mortgage or first deed of trust that secures a loan, or that encumbers real property, described in Civil Code §2924.15(a).

I certify that this declaration is accurate, complete and supported by competent and reliable evidence which the mortgage servicer has reviewed to substantiate the borrower’s default and the right to foreclose, including the borrower’s loan status and loan information.

Dated: Nov 19 2019

FJM PRIVATE MORTGAGE FUND, LLC
BY: Sherry Mae E. Crisostomo, Authorized Signatory
Mortgage Servicer
VALIDATION NOTICE
PURSUANT TO THE FAIR DEBT COLLECTION PRACTICES ACT
15 U.S.C. SECTION 1601 AMENDED

Date: 11/20/2019
T.S.# 8103
To: KANSAS STREET DEVELOPMENT, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY
    P.O. BOX 410475
    SAN FRANCISCO, CA 94141

The Amount of the Debt: $4,950,000.00, plus interest, late charges, escrow shortages, and collection costs pursuant to the Note.

As of 11/20/2019, you owe $135,267.85. Because of interest, late charges, and other charges that may vary from day to day, the amount due on the day you pay may be greater.

The Name of Creditor to whom the Debt is Owed is: FJM PRIVATE MORTGAGE FUND, LLC A CALIFORNIA LIMITED LIABILITY COMPANY, AS TO AN UNDIVIDED 100.00% INTEREST
Serviced By: FIRST BRIDGE LENDING
Property Address: 3847-3849 18TH STREET, SAN FRANCISCO, CA 94114

Dear Mortgagor(s):

Your Mortgage Loan with the above referenced Creditor, has been referred to our office for foreclosure based upon a default under the terms of the subject Note and Deed of Trust. Pursuant to and in compliance with the Fair Debt Collection Practices Act (Federal [15 USC 1692], as amended), our office, acting on behalf of the above named Creditor hereby provides the following notifications:

1) We are attempting to collect a debt and any information we obtain will be used for that purpose.
2) The debt described in the foregoing Notice of Default will be assumed to be valid unless the Debtor (Property Owner) disputes the same within THIRTY (30) DAYS from the date hereof. If the debt is disputed, written verification of the debt will be obtained by our firm and mailed to the Debtor.
3) The amount required to reinstate or pay off the Debtor’s account will be provided to the Debtor upon request. The Debtor should telephone our office at the telephone number set forth below for a quotation of such amount.
4) Written requests or claims of dispute may be sent to the creditor or our office at the address set forth below.

You have the right to dispute the validity of the debt, not withstanding the filing of the foreclosure action. The foreclosure action can be withdrawn if it is determined by the Creditor that there has been no default or the default has been cured or corrected.

You have various rights and duties under California Law, which may include the right to reinstate the loan or redeem the property from the foreclosure sale. This letter is not intended to, and does not, advise you of what those rights are. You should seek independent advice with respect to those rights and your obligations under this debt.

Golden West Foreclosure Service, Inc.
611 Veterans Blvd., Suite 206, Redwood City, CA 94063-1401
Phone (650) 369-5505 Fax (650) 369-2261
Hours: Monday-Friday 9:00am-5:00pm (P.S.T.)
NOTICE OF DEFAULT
SUMMARY OF KEY INFORMATION

The attached notice of default was sent to KANSAS STREET DEVELOPMENT, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY, in relation to 3847-3849 18TH STREET, SAN FRANCISCO, CA 94114. This property may be sold to satisfy your obligation and any other obligation secured by the deed of trust or mortgage that is in default. KANSAS STREET DEVELOPMENT, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY has, as described in the notice of default, breached the mortgage or deed of trust on the property described above.

IMPORTANT NOTICE: IF YOUR PROPERTY IS IN FORECLOSURE BECAUSE YOU ARE BEHIND IN YOUR PAYMENTS, IT MAY BE SOLD WITHOUT ANY COURT ACTION, and you may have the legal right to bring your account in good standing by paying all of your past due payments plus permitted costs and expenses within the time permitted by law for reinstatement of your account, which is normally five business days prior to the date set for the sale of your property. No sale date may be set until approximately 90 days from the date the attached notice of default may be recorded (which date of recordation appears on the notice).

This amount is $135,267.85 as of 11/20/2019 and will increase until your account becomes current.

While your property is in foreclosure, you still must pay other obligations (such as insurance and taxes) required by your note and deed of trust or mortgage. If you fail to make future payments on the loan, pay taxes on the property, provide insurance on the property, or pay other obligations as required in the note and deed of trust or mortgage, the beneficiary or mortgagee may insist that you do so in order to reinstate your account in good standing. In addition, the beneficiary or mortgagee may require as a condition to reinstatement that you provide reliable written evidence that you paid all senior liens, property taxes, and hazard insurance premiums.

Upon your written request, the beneficiary or mortgagee will give you a written itemization of the entire amount you must pay. You may not have to pay the entire unpaid portion of your account, even though full payment was demanded, but you must pay all amounts in default at the time payment is made. However, you and your beneficiary or mortgagee may mutually agree in writing prior to the time the notice of sale is posted (which may not be earlier than three months after this notice of default is recorded) to, among other things, (1) provide additional time in which to cure the default by transfer of the property or otherwise; or (2) establish a schedule of payments in order to cure your default; or both (1) and (2).

Following the expiration of the time period referred to in the first paragraph of this notice, unless the obligation being foreclosed upon or a separate written agreement between you and your creditor permits a longer period, you have only the legal right to stop the sale of your property by paying the entire amount demanded by your creditor.

To find out the amount you must pay, or to arrange for payment to stop the foreclosure, or if your property is in foreclosure for any other reason, contact: FJM PRIVATE MORTGAGE FUND, LLC A CALIFORNIA LIMITED LIABILITY COMPANY, AS TO AN UNDIVIDED 100.00% INTEREST; c/o Golden West Foreclosure Service, Inc. 611 Veterans Blvd., Suite 206, Redwood City, CA 94063-1401

If you have any questions, you should contact a lawyer or the governmental agency which may have insured your loan.

Notwithstanding the fact that your property is in foreclosure, you may offer your property for sale, provided the sale is concluded prior to the conclusion of the foreclosure.

Remember, YOU MAY LOSE LEGAL RIGHTS IF YOU DO NOT TAKE PROMPT ACTION.

If you would like additional copies of this summary, you may obtain them by calling (650) 369-5505

違約通知
關鍵信息摘要
本文中包含有關 3847-3849 18TH STREET, SAN FRANCISCO, CA 94114 的違約通知發送給 KANSAS STREET DEVELOPMENT, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY.
該房產可能被出售，以履行你的產權契約，抵押貸款及所應承擔的任何其它義務。 KANSAS STREET DEVELOPMENT, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY 如違約通知中所描述，違反了上述房產的抵押貸款或產權契約。

重要注意事項：如果你的房產因為你逾期未付款而進入法拍程序，可能不經任何法庭行動而被出售，你可能有權利在法律允許的恢復賬戶時間內，支付你所有的逾期款項，加上應付的成本和費用，使你的帳戶保持良好信譽。
채무 불이행 통지서
주요 정보 요약

첨부된 채무 불이행 통지서는 KANSAS STREET DEVELOPMENT, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY에게 발송되는 것이며, 이는 3847-3849 18TH STREET, SAN FRANCISCO, CA 94114에 관한 것입니다.

이 부동산은 귀하의 채무 및 신탁 증서나 저당권에 의해 보증된 기타 채무를 이행하기 위해 매각될 수 있습니다.
채무 불이행 통지서에서 설명된 바와 같이, KANSAS STREET DEVELOPMENT, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY는(은)
상기 설명된 부동산의 저당권 또는 신탁 증서를 위반했습니다.

주요 통보: 귀하의 부동산이 체납으로 인해 차압이 진행 중인 경우, 그 부동산은 법원의 판결 없이 매각될 수 있으며, 귀하에게는 모든 미불금과 허용 가능 원가 및 법인 허용하는 시간 내에 계정 복구를 위한 비용을 지불함으로써 귀하의 계정을 완불 상태로 만들 수 있는 법적 권리가 있으며, 이 허용 시간은 보통 영업일로 부동산의 매각 예정일로부터 5일 전입니다. 부동산 매각 날짜는 채무 불이행 통지가 기록되는 날짜(통지서에 기재되어 있음)로부터 약 90일 이내로 정해질 수 없습니다.

이 금액은 $135,267.85 현재 11/20/2019 이며, 귀하의 계정이 기한 내 지불 상태가 될 때까지 증가할 것입니다.
귀하의 부동산 차입이 진행되는 동안에도 귀하는 신탁 여음 및 증서 또는 저당권에 의해 요구되는 기타 채무(보험, 세금 등)를 지불해야 합니다. 장래 대부금 지불, 부동산에 대한 세금 납부, 부동산에 대한 보험 유지, 또는 신탁 여음 및 증서 또는 저당권에 의해 요구되는 기타 채무에 대한 지불을 불이행하는 경우, 신탁수익자나 저당권자는 상기 사항이 이행되지 않으면 귀하의 계정이 완불 상태로 복구될 수 없다고 주장할 수 있습니다. 또한 신탁수익자나 저당권자는 복구의 조건으로 귀하에게 모든 선순위 담보권, 재산세 및 재해 보험료를 지불했다는 확인한 서면 증거를 제공할 것을 요구할 수 있습니다.

서면 요청시, 신탁수익자나 저당권자는 지불되어야 할 전체 금액에 대한 조목별 기재 문서를 제공할 것입니다. 완불을 요구합니다 하더라도 귀하는 귀하 계정의 전체 미납 부분을 모두 지불할 필요는 없지만, 지불하는 당사 모든 채무 불이행 금액이 지불되어야 합니다. 그러나, 귀하와 귀하의 신탁수익자 또는 저당권자는 매각 통보의 계시 시점 이전에, (1) 부동산의 양도 또는 다른 방법으로 채무 불이행을 해결할 수 있는 추가적인 시간 제공, 또는 (2) 채무 불이행을 해결하기 위한 지급 일정의 확률, 또는 (1)과 (2)를 함께 수행하는 서면 사전 합의와 같은 해결 방법들이 있습니다.

본 통지서의 첫번째 단락에 나타난 만기일 이후, 차입이 진행되는 채무 또는 귀하와 귀하의 채권자에 의한 별도의 서면 합의에 의해 추가적인 시간이 허용되지 않는 한, 채권자가 요구하는 전체 금액을 지불하는 것이 귀하의 부동산 매각을 저지할 수 있는 유일한 법적 권리입니다.

귀가 지불해야 할 금액을 알아보시려면, 차입을 중단하기 위한 지불 방법에 대해 합의하시려면 또는 다른 어떤 이유로 인해 귀하의 부동산에 대한 차입이 진행되는 경우, 다음과 연락하십시오: FJM PRIVATE MORTGAGE FUND, LLC A CALIFORNIA LIMITED LIABILITY COMPANY, AS TO AN UNDIVIDED 100.00% INTEREST, c/o Golden West Foreclosure Service, Inc.811 Veterans Blvd., Suite 206, Redwood City, CA 94063-1401

문건이 있으신 경우, 변호사 또는 귀하의 대부금을 보증한 정부 기관에 연락하십시오.

귀하의 부동산에 대한 차입이 진행됨에도 불구하고 귀하는 부동산을 매각 처분할 수 있으며, 이때 부동산의 매각은 차입이 완료되기 전에 완료되어야 합니다.

신속히 행동하지 않으시는 경우, 법적 권리를 잃을 수 있는 사실을 명심하시기 바랍니다.

본 요약서의 추가적인 사본을 원하시는 경우, (650) 369-5505 (으)로 전화하시면 보내드립니다.

AVISO DE INCUMPLIMIENTO
RESUMEN DE LA INFORMACIÓN CLAVE

El aviso de incumplimiento adjunto se envío a KANSAS STREET DEVELOPMENT, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY, en relación con 3847-3849 18TH STREET, SAN FRANCISCO, CA 94114.

Es posible que esta propiedad sea subastada para cancelar su deuda y cualquier otra obligación garantizada por la escritura de fideicomiso o hipoteca en mora. Tal como se describe en el aviso de incumplimiento, KANSAS STREET DEVELOPMENT, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY ha incumplido los términos de la hipoteca o escritura de fideicomiso relacionadas con la propiedad antes mencionado.

ADVERTENCIA DE IMPORTANCIA: SI LA PROPIEDAD VA A SER EJECUTADO POR UN ATRASO EN LOS PAGOS, PUEDE VENDERSE SIN NECESIDAD DE ENTABLAR NINGUNA ACCIÓN ANTE LA CORTE, pero usted tiene el derecho jurídico de regularizar su cuenta mediante el pago de todos los importes atrasados, más los costos y gastos permitidos, dentro del plazo permitido por ley para la regularización de la deuda, que es, por lo general, de cinco días hábiles antes de la fecha fijada para la subasta la propiedad. No se puede fijar una fecha para la subasta hasta aproximadamente 90 días después de la fecha en que se registre el aviso de incumplimiento adjunto (fecha que figura en el aviso).
El importe adeudado es de $135,267.85 al día 11/20/2019 y aumentará hasta que se ponga al corriente en los pagos.

Mientras se mantenga vigente el procedimiento de ejecución de su propiedad, usted debe pagar otras obligaciones (tales como seguro e impuestos) exigidas en su vale y escritura de fideicomiso o hipoteca. Si no realiza los últimos pagos del préstamo, los impuestos de la propiedad, el seguro de la propiedad u otras obligaciones requeridas por el vale y la escritura de fideicomiso o hipoteca, el beneficiario o acreedor hipotecario pueden insistir en que los pague como condición para regularizar su cuenta. Asimismo, el beneficiario o acreedor hipotecario pueden exigirle, como condición para la regularización, que presente un comprobante confiable por escrito de que ha pagado todos los gravámenes principales, impuestos inmobiliarios y primas del seguro contra riesgos.

Si usted lo solicita por escrito, el beneficiario o acreedor hipotecario le entregarán un resumen por escrito del importe total que debe pagar. Es posible que usted no tenga que pagar la totalidad del monto adeudado de su cuenta, aunque la intimación haya incluido la totalidad de dicho monto, pero sí deberá pagar todos los importes vencidos a la fecha de la realización del pago. Sin embargo, antes de la fecha de publicación del aviso de venta (que no podrá ser menos de tres meses antes de la fecha de registro de este aviso de incumplimiento), usted y su beneficiario o acreedor hipotecario podrán acordar mutuamente por escrito, entre otras cosas: (1) un plazo adicional para subsanar el incumplimiento mediante una transferencia del bien o de otro modo; (2) un programa de pagos para subsanar el incumplimiento; o ambos.

Una vez vencido el plazo mencionado en el primer párrafo del presente aviso, salvo que la obligación que se ejecuta o acuerda por escrito separado entre usted y su acreedor permitan un plazo mayor, usted solo tendrá el derecho jurídico de detener la subasta del bien mediante el pago de todo el importe adeudado cuyo pago haya exigido el acreedor.

Para averiguar el importe que debe pagar o coordinar un programa de pagos para suspender la ejecución, o si su bien va a ser ejecutado por cualquier otro motivo, comuníquese con: FJM PRIVATE MORTGAGE FUND, LLC A CALIFORNIA LIMITED LIABILITY COMPANY, AS TO AN UNDIVIDED 100.00% INTEREST; c/o Golden West Foreclosure Service, Inc. 611 Veterans Blvd., Suite 206, Redwood City, CA 94063-1401

Si tiene alguna duda, debe consultar a un abogado o a la agencia de gobierno que asegura su préstamo.

Aun cuando ya se haya iniciado el procedimiento de ejecución, usted puede vender su propiedad, siempre que la venta se realice antes de la finalización del procedimiento de ejecución.

Recuerde que SI NO TOMA MEDIDAS DE INMEDIATO, ES POSIBLE QUE PIERDA SUS DERECHOS JURÍDICOS.

Si desea recibir copias adicionales de este resumen, puede llamar al teléfono (650) 369-5505

NOTICE OF DEFAULT (PABATID NG HINDI PAGKAKABAYAD)

BUOD NG PANGUNAHING IMPORMASYON

Ang nakakalip na notice of default (pabatid ng hindi pagkakabayad) ay ipinadala kay KANSAS STREET DEVELOPMENT, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY, sa may kaugnayan sa 3847-3849 18TH STREET, SAN FRANCISCO, CA 94114.

Ang ari-arian na ito ay maaaring ibenta para masiyahan ang inyong obligasyon at alinmang iba pang obligasyong natibay ng deed of trust (papeles ng panagot sa utang) o isinangla na hindi nabayaran. KANSAS STREET DEVELOPMENT, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY ay, tulad nang inilarawan sa notice of default (pabatid ng hindi pagkakabayad), hindi natupad na isinangla o deed of trust (papeles ng panagot sa utang) sa ari-arian na inilarawan sa itaas.

MAHALAGANG PAUNAWA: KUNG ANG INYONG ARI-ARIAN AY MAREREMATA SANHI NG INYONG PAGKUKULANG SA MGA KABAYARAN, MAAARI ITONG IBENTA NANG WALANG ANUMANG PAGKILOS MULA KORTE, at maaaring kayo ay ay may legal na karapatan na muling maisaayos para maturing na mainam na katayuan ang inyong account sa pamamagitan ng pagbabayad sa lahat ng inyong nakalipas na bayarin at ang mga pinahihintulutan na gastusin at singil sa loob ng panahon na pinahihintulutan ng batas para sa muling pagtatalaga ng inyong account, na karaniwang limang araw ng trabaho bago ang petsang itinakda para sa pagbebenta ng inyong ari-arian. Walang petsa ng pagbebenta ang maaaring itakda hanggang sa halos 90 araw mula sa petsang nakasaaad sa notice of default (pabatid ng hindi pagkakabayad na maaaring maitala (aling petsa ng muling pagtatala na ipinapakita sa pabatid).

Ang halagang ito ay $135,267.85 mula nang 11/20/2019 at tatas hanggang ang inyong account ay masapanahon.
Habang ang inyong ari-arian ay inireremata, maaari ninyo pa rin bayaran ang iba pang mga obligasyon (tulad ng insurance at mga buwis) na hinihiling ang inyong tala at deed of trust (papeles ng panagot sa utang) o isinangla. Kung mabigo kayong makapagbayad sa utang, magbayad sa mga buwis sa ari-arian, kumuha ng insurance sa ari-arian, o bayaran ang iba pang mga obligasyon tulad nang hinihiling sa tala o deed of trust (papeles ng panagot sa utang) o isinangla, maaaring piliin ng beneapsyaryo o nag-sangla (nagkalooob ng isinangla) na gawin ninyo ito upang muling maitalaga ang inyong account patungo sa mainam na katayuan. Bilang karagdagan dito, maaaring hilingin bilang kondisyong ng beneapsyaryo o nag-sangla para sa muling pagtatalaga, na kayo ay magbigay ng mapagkakatiwalaan nakasulat na kalibayan na inyong nabayaran ang mga lumang garantiya, buwis sa ari-arian, at mga hulog sa seguro para sa pinsala.

Sa inyong naibigay na nakasulat na kahilangan, ang beneapsyaryo o nag-sangla ay magbibigay sa inyo ng nakasulat na detalyadong listahan ng kabuuan halaga na dapat ninyong bayaran. Maaaring hindi ninyo kailangang bayaran ang buong hindi pa bayad na bahagi ng inyong account, kahit na hinihiling ang buong kabayaran, pero kailangan muna inyong bayaran ang lahat ng mga halaga na nagkukulang ayon sa kasunduan sa panahon na naisagawa ang pagbabayad. Gayunman, kayo at ang inyong beneapsyaryo o nag-sangla ay maaaring magkasundo sa pamamagitan ng kasulatan bago ilagay ang abiso ng pagbebenta (na hindi maaaring mas maaga sa tatlong buwan makalipas na malaong itong notice of default o abiso ng hindi pagkakabayaran) sa, bukod sa iba pang mga bagay, (1) magbigay ng dagdag na panahon kung saan ang kalutasan sa hindi pagtutupad sa napakasunduan sa pamamagitan ng paglilipat ng ari-arian o sa iba pang paraan; o (2) magtataag ng tipanan ng mga pagbabayaran upang malutas ang inyong pagkukulang; o parehong (1) at (2).

Kasunod ng pagpapaso ng tinakdang panahon na tinutukoy sa unang talaga ng pabatid na ito, maliban kung ang obligasyon sa pagkakaremata o sa hiwalay na nakasulat na kasunduan sa pagitan ninyo at ng inyong creditor ay nagpapahintulot sa isang mas pinatagal na panahon, mayroon lamang kayong legal na karapatan sa ihinto ang pagbebenta ng inyong legal na ari-arian sa pamamagitan ng pagbabayaran ng buong halagang hinihingi ng inyong creditor.

Upang malaman ang halagang kailangan ninyong bayaran, o para isaayos ang mga pagbabayaran para maihinto ang pagkakaremata, o kung ang inyong ari-arian ay maremata sa iba pang kadahilanan, makipag-ugnayan sa: FJM PRIVATE MORTGAGE FUND, LLC A CALIFORNIA LIMITED LIABILITY COMPANY, AS TO AN UNDIVIDED 100.00% INTEREST; c/o Golden West Foreclosure Service, Inc.611 Veterans Blvd., Suite 206, Redwood City, CA 94063-1401

Kung kayo ay mayroong kaith na anong katanungan, kailangan ninyong makipag-ugnayan sa isang abogado o ahensya ng pamahalaan na maaaring nagkalooob ng insurance sa inyong utang.

Sa kabila ng katotohanan na ang inyong ari-arian ay inireremata, maaari ninyong ihandog na ipagbenta ang inyong ari-arian, sa kondisyon na ang pagbebenta ay natapos bagong pagtagatapos ng pagkakaremata.

Tandaan, MAAARING MAWALA SA INYO ANG MGA LEGAL NA KARAPATAN KUNG HINDI KAYO KUMILOS KAAGAD.

Kung nais ninyo ng karagdagang mga kopya ng buod na ito, maaari ninyong makuha ang mga ito sa pamamagitan ng pagtawag sa (650) 369-5505.

THÔNG BÁO VỀ VIỆC QUÁ HAN TRẢ NO’
BẢN TÔM LUỘC CÁC THÔNG TIN CHÍNH

Thông báo quá han trả nợ kém theo ngày được gửi cho có quan hệ với KANSAS STREET DEVELOPMENT, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY, 3847-3849 18TH STREET, SAN FRANCISCO, CA 94114.

Cần nhắc nhở có thể thiếu băn đề hoàn trả số tiền nợ của quý vị và bất kỳ khoản nợ nào khác theo hợp đồng vay thế chấp mua nhà đã qua hạn trả. Như trình bày trong thông báo quá hạn trả nợ, KANSAS STREET DEVELOPMENT, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY đã vi phạm hợp đồng vay thế chấp mua nhà hoặc không yêu sách hoặc đòi hỏi hạn trả hệ thống.

THÔNG BÁO QUAN TRỌNG: NẾU CẦN NHÀ CỦA QUÝ VỊ BI TỊCH THU THẾ NỢ VỊ QUỸ VỊ KHÔNG TRẢ TIẾN DỤNG HAN, CẦN NHÀ ĐÓ CÓ THỂ ĐƯỢC BĂN MÃ KHÔNG CẦN KIẾN RA TÒA, và theo luật quý vị có quyền trả nợ đầy đủ cho trung mục của mình bằng cách trả toàn bộ số tiền đã qua hạn trả công với các khoản chi phí và phí tồn được phép trong thời gian luật pháp cho phép để khởi phục lại tài khoản của quý vị, thường là năm ngay làm việc trước ngày đủ định bản cần nhà của quý vị. Không được thu xếp ngân bản nhà cho tôi khoảng 90 ngày kể từ ngày thông báo quá hạn trả nợ kèm theo có thể được lưu hồ sơ (ngay lưu hồ sơ như trên thông báo).

Số tiền này là $135,267.85 tính tới ngày 11/20/2019 và sẽ tăng cho tôi khi tài khoản của quý vị được thanh toán đầy đủ.
Trong thời gian cận nhà của quý vị bị tịch thu thế nợ, quý vị vẫn phải trả các khoản tiền khác (ví dụ như bảo hiểm và thuế) theo giấy vay nợ và kết thúc việc hoàn tổng vay thế chấp mua nhà của quý vị. Nếu sau này quý vị không tiếp tục trả nợ khoản vay đó, trả thuế cho căn nhà đó, cung cấp bảo hiểm cho căn nhà, hoặc trả các khoản tiền khác theo qui định trong giấy cam kết trả nợ và kết thúc việc hoàn tổng vay thế chấp mua nhà, người thu hướng hoặc người cho vay thế chấp mua nhà có thể yêu cầu quý vị làm như vậy để phục hồi tài khoản của quý vị. Ngoài ra, người thu hướng hoặc Bên cho vay thế chấp mua nhà có thể dự ra điều kiện tài phục hồi, đó là quý vị phải cung cấp chứng từ đăng tốn cậy về việc đã trả tất cả các khoản tiền thuộc nợ trước đó, thuế bất động sản, và lệ phí bảo hiểm hình nguy.

Sau khi nhận được yêu cầu bằng văn bản của quý vị, người thu hướng hoặc người cho vay thế chấp mua nhà sẽ gửi cho quý vị một bản liệt kê chi tiết toàn bộ số tiền mà quý vị phải trả. Quý vị có thể không phải trả toàn bộ phần chưa trả trong trường hợp của quý vị, mặc dù phải trả toàn bộ, nhưng phải trả tất cả các khoản tiền đã quả hạn trả nợ vào thời điểm trả tiền. Tuy nhiên, quý vị và người thu hướng hoặc Bên cho vay thế chấp mua nhà có thể thỏa thuận bằng văn bản trước thời điểm hết hạn thời gian bảo hành (không được sờ hơn ba tháng sau khi thông báo vay phòng hoảng đồng ngày được lưu hồ sơ) để (ngoại các việc khác) (1) gia hạn thời gian khác phục tình trạng quý han trả nợ bằng cách chuyển nhoanh căn nhà hoặc theo cách khác; hoặc (2) sắp xếp kế hoạch trả góp để khác phục tình trạng vi phạm hợp đồng của quý vị; hoặc cả (1) và (2).

Sau khi hết khoảng thời gian được nhận được trong đơn đầu tiên của thông báo này, trừ khi số tiền bị tịch thu thế nợ hoặc có thỏa thuận riêng bằng văn bản giữa quý vị và chủ nợ cho phép gia hạn thêm thời gian, thì luật quý vị chỉ có quyền ngừng việc bán căn nhà của quý vị bằng cách trả toàn bộ số tiền mà chủ nợ yêu cầu.

Để biết số tiền mà quý vị phải trả, hoặc để thấy việc trả tiền nhằm ngăn chặn tình trạng thi nhau thế nợ, hoặc nếu căn nhà của quý vị đang bị tịch thu thế nợ vì bất kỳ lý do nào khác, liên lạc:

FJM PRIVATE MORTGAGE FUND, LLC A CALIFORNIA LIMITED LIABILITY COMPANY, AS TO AN UNDIVIDED 100.00% INTEREST; c/o Golden West Foreclosure Service, Inc.611 Veterans Blvd., Suite 206, Redwood City, CA 94063-1401

Nếu có thắc mắc, quý vị nên liên lạc với một luật sư hoặc cơ quan chính phủ có thể giúp bảo hiểm cho khoản vay của quý vị.

Cho dù căn nhà của quý vị hiện đang bị tịch thu thế nợ của quý vị, quý vị có thể chao bán căn nhà đó, với điều kiện việc bán nhà phải kết thúc trước khi kết thúc việc thực thi nhau thế nợ.

Xin nhớ, QUY VỊ CÓ THỂ MẤT CÁC QUYỀN HAN PHÁP LÝ NẺU KHÔNG HÀNH ĐỘNG NGAY.

Nếu muốn có thêm băn sao của thông báo này, quý vị có thể gọi (650) 369-5505.
Explanation of Excess Scope of Work for 3847-3849 18th St.

1. Two-story horizontal addition at rear SE corner of the building

   Regarding the violations on our project, there is a public perception, one further advanced by inferences in the Brief submitted to the Board of Appeals by Mr. Richards’ Six Dogs, LLC, that we added 2 levels without permits. The reality is that we filled-in a notched corner at the rear of the existing structure. Please note that Commissioner Richards’ own project filled in a notched corner of his building in the required rear yard setback which would have required a variance. We squared-off 219 square ft. total at the rear corner of the structure to match the existing rear of the building, which equates to approximately 3% of the gross building area.

2. Enclosure of existing light wells (east and west sides) at levels 1 & 3

   We enclosed 44 square ft. of the existing light well. This enclosure does not affect the neighboring properties and is not visible from the public right-of-way. This change has been included in our permit set, noticed and is supported by Planning Staff.

3. Enlargement of the existing light-well (west) at levels 2 & 3

   We removed 50 square ft. of the existing structure to increase the light-well to provide more light and air. This enlargement of the light-well does not affect the neighboring properties and is not visible from the public right-of-way. This change has been included in our permit set, noticed and is supported by Planning Staff.

4. Increase the habitable square footage of the attic space

   We removed some existing non-structural interior attic perimeter walls to increase storage and livable floor space in the existing habitable attic. This does not increase the building envelope. This change has been included in our permit set, noticed and is supported by Planning Staff.

5. Addition of a bay window at front of the basement level, located beneath the front stairs

   This 20 square ft. addition encloses an existing non-conditioned space under the landing of the front stairs. This addition is not visible from the public right-of-way. This change has been included in our permit set, noticed and is supported by Planning Staff.
6. Front addition to the garage to align with the front property line

   This addition seeks to maintain the consistent block face pattern where garage doors align with the front property line. This feature has been thoroughly reviewed and has gained support of RDAT. This change has been included in our permit set, noticed and is supported by Planning Staff.

7. A 40 SF roof deck at the rear of level 3

   We provided access to a permitted roof area for use as a balcony. This change has been included in our permit set, noticed and is supported by Planning Staff.

8. The combining of two “exempt” dormers into one single dormer

   The two dormers were approved by SF Planning under BPA# 2015.12.24.5908. The approval consists of two dormers that are 6 inches apart. SF Planning should have required 311 notification but overlooked this requirement. Dormers that are 36 inches apart are exempt from 311 notification. This change has been included in our permit set, noticed and is supported by Planning Staff.

9. A 11’-4” (max height) wall along the east side property line

   We matched the height of the existing neighbor’s garage wall at the property line. This change has been included in our permit set, noticed and will require a variance to be determined by the Zoning Administrator.

10. A 4’-8” white laminated glass guardrail/privacy screen along the east side property line

   We matched the height of the existing neighbor’s trellis at the property line with a frosted glass guardrail. We propose to remove this feature.

11. A new steel garage door and pedestrian gate.

   The permit seeks to legalize a change of material from wood to steel for the garage door and gate. The garage door and gate were approved under BPA# 2014.12.30.4758. We strayed from the approved material and design. This change has been included in our permit set, noticed and is supported by Planning Staff.

12. Retaining walls and guardrails at front property line

   Item #12 refers to item #9 and #10 above.
13. Cumulative excavation for all work performed, estimated at 822 Cubic Yards

The amount of excavation on our permits was not quantified and underestimated by our excavation and garage sub-contractor. Our sub-contractor could have readily called out and received approval for the amount of excavation. This would have added a few months onto the permitting process with an additional permit application for a Categorical Exemption, but regrettably, this did not happen. We have fully cooperated with Planning staff since the beginning of the Planning enforcement process. Planning staff’s estimate of the scope of our over-excavation was initially about 250 cubic yards. After reviewing the excavation plans, we found that the actual excavation amount was 822 cubic yards and immediately informed our enforcement planner John Purvis. Please note that any amount over 50 cubic yards, whether 51 yards or 5,000 yards all require the same steps, and all are approvable. Our huge misstep was to overlook the permitting processes, which we relied on 3rd parties. Regardless, the actual amount of work completed was fully and completely permittable and not an unprecedented amount of work when done through the proper approvals.
December 12, 2019

VIA ELECTRONIC MAIL

Myrna Melgar, Commission President (melgarsf@gmail.com)
Planning Commissioners
San Francisco Planning Commission
1650 Mission Street, Suite 400
San Francisco, CA 94103

Kate Stacy, Office of the City Attorney (kate.stacy@sfcityatty.org)

Re: 3847-3849 18th Street – Discretionary Review

Dear Commissioners and Ms. Stacy:

This firm represents Dawson & Clinton (“Applicant”), proponent of the above referenced project (“Project”), which is scheduled for yet another hearing on a request for discretionary review on December 19, 2019.

Background Facts

These are the basic facts that form the basis of our request herein:

Planning Commissioner Dennis Richards is part owner of a project located at 3426-3432 22nd Street (“Richards Project”), which is the subject of multiple notices of violation issued by the Department of Building Inspection. His financial interest in the Richards Project, according to his 3/31/19 Statement of Economic Interests Disclosure, is approximately $1,000,000. DBI has revoked nine building permits on the Richards Project. Commissioner Richards, personally and through his legal representative, has publicly stated that he feels that DBI’s actions to revoke the permits on the Richards Project result directly from Richards’ actions, rhetoric, and votes regarding the 18th Street Project. In short, he has stated that DBI is retaliating against his project because of his harsh treatment of DBI and the Applicant’s subcontractor in this matter.
Commissioner Richards Should Recuse Himself or, Failing That, Should Not Be Permitted To Participate In This Process

Commissioner Richards has a conflict of interest as defined in California Code of Regulations Section 18,700, regulations under the Fair Political Practices Commission or FPPC. That section sets forth a series of questions to determine whether a government official has a prohibited conflict of interest. The rules are lengthy and intricate and so are not repeated here in their entirety.

(1) Step One: Is it reasonably foreseeable that the governmental decision will have a financial effect on any of the public official’s financial interests?

Commissioner Richards has asserted repeatedly, both personally and through his attorney, that his actions on this Project are directly resulting in impacts on the Richards Project. For example, “Mr. Buscovich interpreted their comments to mean that until Commissioner Richards backed off his opposition to the 18th Street Project, they were going to hold up the [Richards] Project.”1 The very gist of Richards’ brief before the Board of Appeals is that a project in which he has a significant financial interest is being held up because of his actions vis a vis the 18th Street project.

Whether or not this type of connection is what was intended to be addressed by the FPPC rules, it is clear that Commissioner Richards himself believes that his financial interest in the Richards Project is tied to the fate of the 18th Street project. And that belief is more than enough to create the kind of financial conflict of interest requiring recusal.

In addition, the Richards Project recently went on the market, listing residential units for sale. Mr. Richards’ financial interests are served by preventing other multi-unit housing projects from going to market, at least until his units are sold.

(2) Step Two: Will the reasonably foreseeable financial effect be material?

Commissioner Richards valued his interest in the Richards Project at $1,000,000. Even in the Bay Area, that amount is material to most folks. In any event, the rules find materiality in real estate whenever the issuance or denial of a permit or a potential sale is involved, as they are here. (CCR Section 18,702.2).

(3) Step Three: Can the public official demonstrate that the material financial effect on the public official’s financial interest is indistinguishable from its effect on the public generally?

The interest involved here is clearly distinguishable from that of the general public. Commissioner Richards, in fact, specifically asserts that he is being singled out or treated differently from other members of the general public.2

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1 Board of Appeal Brief of Appellant Six Dogs, LLC (“Board of Appeal Brief”), p. 6. See also generally the arguments in the Brief. Attached (without lengthy exhibits) as Exhibit 1. A complete copy with exhibits totaling 369 pages has been provided to staff for the record and is therefore available for Commissioners review and examination.

2 Board of Appeal Brief pp. 7-11.
For all of the above reasons, Commissioner Dennis Richards needs to recuse himself from further proceedings involving this Project. Commissioner Richards has a financial conflict of interest requiring that he do so. Put another way, Richards believes that how he votes on this Project and what he says about this Project has a direct impact on the Richards Project, in which he has a significant financial interest. This is precisely the type of conflict that is targeted by the FPPC and its regulations.

In addition to Commissioner Richards’ financial conflict, during the August 29, 2019 hearing, Commissioner Richards repeatedly sought the input of engineer Pat Buscovich, without disclosing to my clients or the Commission that Mr. Richards employs Mr. Buscovich on the Richards Project. Mr. Buscovich was invited to come forward multiple times to provide testimony and opinion, which was treated as expert opinion, on my client’s Project, despite having never set foot on the property. Mr. Richards, the entire time, concealed the fact that he has a business and financial relationship with Mr. Buscovich.

The Applicant’s Right To Due Process Has Been and Continues To Be Violated.

The basic rule of procedural due process is very simply stated: Before government deprives a person of a protected interest in property, that person must be given reasonable notice of the action and a reasonable opportunity to be heard. This body over the course of the hearings on this matter repeatedly refused to allow my clients to speak on allegations being thrown at them. My clients have been given only a few minutes to make a presentation and have never been allowed to come forward to clarify facts or answer questions. Instead, as stated above, the Commission invited Mr. Buscovich to give testimony on the Project and the viability of draft plans presented by my client, despite that Mr. Buscovich has no known relationship with the 18th Street Project and has never even visited the site.

In a letter dated July 17, 2019, I demonstrated that the Commission’s decision to reverse the vested right in a permit to remove the third unit in the 18th Street building violated my clients’ rights. We have also set forth in various communications, the financial costs resulting from this Commission’s actions and inaction. The law requires a reasonable right to be heard – a two or three-minute presentation can hardly be considered reasonable when such important property rights and millions of dollars are at issue. What is reasonable in this context depends on the complexity of the issues and the significance of the stake.

Commissioner Richards’ clear bias in this matter further undermines my clients’ due process rights. The courts have made clear that a disqualifying bias can be shown where a commissioner or council member’s behavior and words demonstrates that they cannot be a “disinterested, unbiased decision-maker.” (Clark v. City of Hermosa Beach (1996) 48 Cal.App.4th 1152, 1172-73). Commissioner Richards’ statements in the press, at the Board of Appeals and during Commission hearings clearly demonstrate that he is anything but disinterested. For example, “It’s me. That’s why they’re doing this. [The building and planning officials] are trying to get back at me. They’re holding it over my head so that I let that [18th Street project] go and stop pursuing it.”

3 Both due process and the common law conflict of interest doctrine are implicated when a decision-maker’s appreciable personal stake in the outcome of a matter make holding a fair hearing and rendering fair decision impossible.

3 Hearing at Board of Appeals, December 4, 2019, at approximately 4:38. Written transcript not yet available.
The Planning Commission Must Make a Decision On This Project Now

It has become apparent that no matter what decision the Planning Commission makes, this matter will end up in front of the Board of Permit Appeals and may ultimately be resolved in court. This DR request was filed on February 7, 2019 and this is the fifth hearing date on this DR ten months later. The Planning Commission just needs to make a decision and let this Project move on to the next step in its arduous journey. Commissioner Richards has made it clear that he considers it entirely appropriate to continue to delay a decision by the Planning Commission and continue to push for additional hearings and investigations.

The Property is currently in foreclosure. As my clients have previously stated, this process now threatens the very livelihood of their company, a company that has been operating in San Francisco for over 20 years. This is penalty enough for the violations that occurred.

In sum, Commissioner Richards has tied his Richards Project to this 18th Street Project and it is no longer appropriate that he participate in any decision on this Project. And his rhetoric has infected the entire Planning Commission, calling into question this body’s ability to make a fair decision at all.

My clients will be available at the hearing but, under my instructions, will not participate if Commissioner Richards does not recuse himself from these proceedings. I can be reached by phone and would be happy to discuss the matters set forth herein prior to the hearing.

Regards,

Christine R. Wade

cc: Jeffrey Horn, Senior Planner (jeffrey.horn@sfgov.org)
Corey Teague, Zoning Administrator (corey.teague@sfgov.org)
SAN FRANCISCO BOARD OF APPEALS

SIX DOGS LLC,

vs.

DEPARTMENT OF BUILDING INSPECTION,

Respondent.

Case No. 19-116

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BRIEF OF APPELLANT SIX DOGS, LLC

Hearing Date: December 4, 2019
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I. INTRODUCTION

This appeal involves unwarranted, unprecedented and retaliatory actions taken by the Department of Building Inspection against Appellant Six Dogs LLC. Even worse than the baseless nature of DBI's extreme actions is its motivation for trying to penalize Six Dogs. Planning Commissioner Dennis Richards is a member of Six Dogs and DBI's actions followed directly after Commissioner Richards public criticized DBI and called into question the integrity of information DBI provided to the Planning Commission about projects where DBI's actions smacked of favoritism towards certain contractors with close ties to DBI personnel.

Thus, this is not an ordinary appeal. Six Dogs seeks to overturn DBI's unprecedented revocation of Six Dogs' routine renovation permits, but also seeks to shine a bright light on practices that no public official should sanction.

II. THE PROJECT

The project at issue is located at 3426-3432 22nd Street ("the Property" or "the Project"). The Project involves relatively routine renovation of a four-unit building, that is two stories over a garage level. This photograph shows the building before the renovation work started:
This photograph shows the building as it exists today:

The Project involved no change to the building’s envelope. The building had, and continues to have, four residential units.

III. SIX DOGS OBTAINED PERMITS FOR THIS RENOVATION PROJECT

Six Dogs retained well-known San Francisco engineer Patrick Buscovich to oversee the renovation work. He obtained several permits for different aspects of the renovation work. On August 3, 2018, Mr. Buscovich obtained permit 201807235200 for a soft-story retrofit. That permit was reviewed by DBI, SFFD, Planning and the Housing Inspection Division, and the work under that permit was inspected on August 14, 2018 and October 5, 2018. (Ex. 1.)

Also, in August 2018, RC Construction obtained permit 201808016151 to replace windows in the building. The permit was approved by DBI, Planning and Housing Inspection Division. (Ex. 2)

In late 2018, Mr. Buscovich applied for permit 201811216573 to remove and replace the building’s siding. That permit was approved by DBI, Planning, SFFD and the Housing Inspection Division. The work was inspected by DBI on March 20, 2019. (Ex. 3)
In November 2018, Mr. Buscovich obtain four permits, one for each of the four units, to remodel the interior and add baths (permits 201811216577, 201811216578, 201811216579 and 201811216580). Between November 2018 and January 2019, these permits were approved by SFFD, DBI, SFPUC Planning and Housing Inspection Division. The work was inspected on five separate dates by DBI. (Ex. 4.)

On December 24, 2018, Mr. Buscovich obtained permit 201812249088 to rebuild an exit deck in the rear of the building because it became apparent the deck was no longer safe due to dry rot. The permit was approved by DBI, Planning SFFD and the Housing Inspection Division. The work was inspected by DBI on March 20, 2019. (Ex. 5.)

Finally, on September 27, 2019, High Quality Roofing belatedly obtained permit 201909272941 for reroofing and a skylight, work that had already been completed. (Ex. 6.)

IV. BEFORE COMMISSION RICHARDS SPOKE OUT THE PROJECT PROCEEDED SMOOTHLY WITH DBI OVERSIGHT AND INSPECTIONS

The renovation Project proceeded without controversy from mid-2018 to early 2019 when the work was substantially completed. On September 2, 2019, Six Dogs listed the building for sale (as “coming soon”).

In the meantime, trouble was brewing for DBI at the Planning Commission. On May 9, 2019, a project at 3847-3849 18th Street (“the 18th Street Project”) came before the Planning Commission. That project was the latest in a series of projects involving a startling amount of work being done without, or far outside the scope of, permits. This is list of what the Planning Department found to be unpermitted, unauthorized work on the 18th Street Project:

- Two-story horizontal addition at rear SE corner of the building
- Enclosure of existing lightwells (east and west sides) at levels 1 & 3
- Enlargement of the existing lightwell (west) at levels 2 & 3
- Increase the habitable square footage of the attic space
- Addition of a bay window at front of the basement level, located beneath the front stairs
- Front addition to the garage to align with the front property line
• A 40 SF roof deck at the rear of level 3
• The combining of two “exempt” dormers into one single dormer
• A 11'-4" (max height) wall along the east side property line
• A 4'-8" white laminated glass guardrail/privacy screen along the east side property line
• A new steel garage door and pedestrian gate.
• Retaining walls and guardrails at front property line
• Cumulative excavation calculation for all work performed, estimated at 882 Cubic Yards  (Ex. 7.)

That’s right, the 18th Street Project involved a “two-story horizontal addition” with 882 cubic yards of excavation without permits. Moreover, the 18th Street Project team included John Pollard and Annabel McClellan, two convicted felons with close ties to members of DBI staff and who have been associated with many other recent complaints about projects done without proper permits, Planning review, CEQA review or neighborhood notification.¹

The Planning Commission was incensed and continued the matter to its July 18, 2019 meeting. At that meeting, Commissioner Richards led an inquiry by several of his fellow Commissioners into how DBI could have approved a series of permits of the 18th Street Project and supposedly inspected the work on many separate occasions but not noticed the huge amount of excavation and other work being done outside the scope of the permits for the project.²

Commission Richards pointed out that the Commission has been confronted with several recent projects involving gross misrepresentations but that “this one takes the cake.” Commission Richards went through many of the 18th Street Project’s permits and explained that DBI appeared to have failed to conduct sufficient inspections, catch an obvious case of serial permitting, or notice a gross disparity between what was represented on the permitted plans and

¹ See details in Section VII below.
² You can view the hearing at this link: https://sanfrancisco.granicus.com/MediaPlayer.php?view_id=20&clip_id=33681 The 3847-3849 18th Street matter is item 14 on the Commission’s agenda.
the actual conditions at the site. The project sponsor acknowledged that the project was “a
runaround” and “serial permitting,” and that “we screwed up bad.” Near the conclusion of the
July 18 hearing Commissioner Richards spoke out strongly about a “pay-to-play problem” in the
City. The Commission voted 5-2 to continue the hearing on the 18th Street Project until August
29, 2019.

At the August 29, 2019 meeting, Commissioner Richards raised questions about DBI’s
testimony at the prior Commission meeting, stated that he had “lost faith” in DBI, and supported
Commission President’s call for the City Attorney to do an investigation into what happened
with the project. Other Commissioners followed Commissioner Richards lead. For example,
then-Commissioner (now Commission President) Myrna Melgar said she could not trust DBI to
“do what they’re supposed to do” because “they’ve already failed to do what they’re supposed to
do,” and that “our system” has “failed us egregiously.”³ The Commission voted 4-2 to continue
the matter to the Commission’s October 24, 2019 meeting. At the October 29 meeting the
Commission voted 4-1 to continue the matter to its December 19, 2019 meeting.

V. AFTER COMMISSIONER RICHARDS SPOKE OUT DBI ENGAGED IN A
PATTERN OF RETALIATORY AND UNPRECEDENTED ACTIONS

Less than a month after Commissioner Richards called for a City Attorney investigation
and while the 18th Street matter was still pending before the Planning Commission (and about
three weeks after Six Dogs advertised the Property for sale), those upset by Commissioner
Richards’ unwillingness to turn a blind eye to the “pay to play” culture sprang into action. On
September 25, 2019 DBI supposedly received an anonymous complaint about work on the Six
Dogs Project that had been performed and inspected months earlier. According to the DBI
website the complaint “criticizes the approval of PA#20180785200.” (Ex. 8.) Even though
there was no indication of public safety or other urgent issues, the next day DBI Chief Building
Inspector Mauricio Hernandez dropped what he was doing to conduct a site inspection on the
Project and then sent an Inspection Request Letter to Six Dogs. (Shortly thereafter Mr.

³ You can view the hearing at this link:
https://sanfrancisco.granicus.com/MediaPlayer.php?view_id=20&clip_id=33901 The items is
number 18 on the Commission’s agenda.
Hernandez and Mr. Sweeney made it clear to Mr. Buscovich that they were going to find a way to come down as hard as possible on this Project. Mr. Buscovich interpreted their comments to mean that until Commissioner Richards backed off his opposition to the 18th Street Project, they were going to hold up the Six Dogs Project.

The following day, September 27, Commissioner Richards received a text from Board Member Daryl Honda stating: "Hey bro, there's some not so nice stuff going around about you right now. What's up."\(^4\) (Ex. 9.) As a result of the text Commissioner Richards placed a call to Board Member Honda and asked what he had heard and where he heard it. Board Member Honda said that he "hears things" and that Commissioner Richards was in deep trouble with DBI. When Board Member Honda intimated to Commissioner Richards that there was a need for him to go to DBI and get this all resolved (which Commissioner Richards understood to mean that he should make a deal with Fd Sweeney to back off the 18th Street Project in order to get Mr. Sweeney to allow the Six Dogs Project to move forward), Commissioner Richards told Board Member Honda that he could not be bought and that he is not giving in to extortion.

Incensed at the messages Board Member Honda was delivering for Mr. Sweeney, Commissioner Richards told Board Member Honda to tell Mr. Sweeney "to go to hell."

Three days later, on September 30, 2019, DBI issued a Notice of Violation (No. 201987211) relating to the Property. (Ex. 10.) If that was not extraordinary enough, that same day, Chief Building Inspector Hernandez signed a letter to Six Dogs revoking, not suspending, nine separate permits relating to the projects, many of which were for work that had long since been completed and approved by DBI's Bill Walsh. (Ex. 11.) Why is this extraordinary? Let's count the ways.

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\(^4\) Board member Honda also called Commissioner Richards' colleague on the Planning Commission, Joel Koppel, and told him that "it looks like the Commission will be needing to fill two vacant seats," suggesting that in addition to one already vacant seat, Commissioner Richards would be removed from his seat on the Commission. Given Board Member Honda's insertion of himself into this controversy and his communications with others about the project sponsor and the Project, he should not participate in hearing or voting on this appeal.
1. According to records provided by this Board in response to a public records request, since 2011, revocations of building permits (as opposed to suspensions) are so rare that this Board has never heard an appeal of a DBI-initiated permit revocation.

2. The most notorious and egregious examples in the past several years of developers doing work outside the scope of permits have not resulted in revocation of permits (see discussion in Section VII below).

3. Based on records produced by DBI in response to a public records request, since 2011 DBI has issued revocation letters relating to just 35 properties (about four per year). The vast majority of the revocation letters stemmed from Planning Code violations (and were issued typically at the request of the Planning Department) or actions by this Board (21 of 35). Of the 14 DBI-initiated revocations 12 were for wrongful demolition activity, unauthorized additions to a building, or permits that were not authorized by the actual building owner. The other two involved dangerous foundation work or flagrant circumvention of previous Notices of Violation. None of the routine renovation permitting activity associated with the Project is remotely similar to these categories.

4. Of the 35 revocation letters DBI has sent since 2011, all but one (from 2014) were signed by Chief Building Inspector Patrick O’Riordan. According the records produced by DBI, Mr. Hernandez had never before issued a revocation letter. We believe Mr. Hernandez sent this letter at Mr. Sweeney’s urging and without the review or approval of Director Tom Hui or Chief Building Inspector Patrick O’Riordan, and that their motivation was to retaliate against Commissioner Richards for his criticism of DBI and his unwillingness to let certain DBI-connected contractors avoid facing significant consequences for doing work without permits.
VI. THE ALLEGED VIOLATIONS ARE EITHER BASED ON FALSE
INFORMATION OR AT MOST INVOLVE MINOR PERMIT DISCREPANCIES
THAT WOULD NORMALLY BE DEALT WITH BY AN AS BUILT OR
REVISION PERMIT

As this brief is being written, DBI appears to be backing off many of the unsupportable
claims made in the Notices of Violation they have issued. Mr. Buscovich has filed a separate
appeal in this matter and his brief will address the permit-by-permit issues. We have attached a
copy of a statement from Mr. Buscovich as Exhibit 12 and we incorporate it in this brief.

At the end of the day, DBI – through Mr. Sweeney and Mr. Hernandez – took the
extraordinary step of revoking all the permits associated with the Project when only a few minor
permitting missteps occurred. As shown in Section V above, this type of punitive, Draconian
behavior is unprecedented. Typically, those minor issues would be dealt with by a clean-up
revision permit at the end of a project. According to documents produced in response to our
public records requests to this Board and to DBI, never before have minor issues like these
resulted in DBI revoking permits.

VII. DBI DOES NOT REVOKE PERMITS EVEN FOR THE MOST EGREGIOUS
PERMITTING VIOLATIONS

Below is a brief summary of some, but by no means all, of the outrageous projects
involving demolition and/or construction without permits (or proper permits) that have come to
light in the past several years. In none of these cases did DBI revoke permits; in many it did not
even suspend permits.

25 17th Avenue. A total of 15 building and planning code violations occurred at this
property including unpermitted demolition of a deck, a three-story bay, a three-story chimney,
eleven windows and a lightwell. Thirteen complaints were filed. On 8/2/2017 DBI suspended a
permit per this Board’s request under Appeal #17-128 but no permits were revoked. (Ex. 13.)

7 Seymour. This project increased building height, which was not permitted under the
approved plans; no 311 Notice occurred during permit review; and the work damaged the
historical resource and adversely impacted its relationship to adjacent historical properties.
Despite these serious violations, no permits were revoked. (Ex. 14.)
457 Roosevelt Way. Among other egregious actions, this project involved illegal excavation work which undermined the foundation of two neighboring homes. Work was conducted beyond scope of permits or without permits at all. Work continued in violation of stop work orders. The scope of work was misrepresented in order to evade mandatory review. DBI issued a NOV for unsafe building in violation of Building Code Section 106.4.7. Despite all of this, no permits were revoked. (Ex. 15.)

49 Hopkins. This entire Richard Neutra house was illegally demolished without permits. No permits were revoked. (Ex. 16.)

310 Montcalm Street. This project involved illegal alteration of an historical building and work exceeding the approved plans, including the addition of a new unpermitted new story. Despite continual work outside permitted plans no permits were revoked. (Ex. 17.)

278 Monticello. This developer turned the single-family home into group housing with twelve rooms for students with a shared kitchen and a dining area. Per the Planning Department’s request, DBI suspended but did not revoke the permit. (Ex. 18.) Then President of the Board of Supervisors publicly called out this case as involving “egregious abuses” that requires the City to “root out the corruption” at DBI.5

841 Chestnut Street. All exterior walls and windows of this historic Willis Polk home were demolished without proper permits. No permits were revoked. (Ex. 19.)

2465 Mission Street. The developer engaged in unpermitted interior construction at a theater, which was eligible for listing as a resource on the California Register of Historic Places. Despite unpermitted construction, and concern over the possible destruction of a WPA-era mural, while NOVs, letters of Abatement etc. were issued, no permits were revoked. (Ex. 20.)

4068 Folsom. This project involved unpermitted construction, unpermitted demolition of the building façade, and misrepresentation of existing conditions. Permits were suspended by DBI but not revoked. (Ex. 21.)

5 You can view the hearing at this link: https://sanfrancisco.granicus.com/MediaPlayer.php?view_id=20&clip_id=30901&meta_id=6234

99 The items is number 18 on the Commission’s agenda.
3636 21st Street. This project was found to be tantamount to a demolition without proper
permits or approvals. The Planning Department issued a NOE for work beyond the scope of the
permits. No permit suspension or revocation issued. (Ex. 22.)

157 Marview. "Despite a complete change to front facade without Planning review," no
permits were revoked. (Ex. 23.)

531 33rd Avenue. This project involved the unauthorized demolition of a portion of a
single-family dwelling. The permit was suspended by DBI per letter of request from Planning,
but no permits were revoked. (Ex. 24.)

120 Brewster Street. This project involved unpermitted demolition and the illegal change
of use. The permit was suspended but not revoked. (Ex. 25.)

903 Minnesota. This project involved extensive damage to a locally designated
landmark building within the Dogpatch Historic District. No permits were revoked. (Ex. 26.)

235 Jersey Street. This project involved illegal demolition of front and rear facades and
side walls with completely new construction of floor/ceiling assemblies beyond scope of permit.
Per the Planning Department's request, DBI suspended but did not revoke this permit. (Ex. 27.)

41 18 21st Street. This project involved substantial demolition of all floor levels without
permits. The front façade was removed despite permit specifically stating that façade would not
be removed. (Ex. 28)

336 Pierce Street. This project involved the demolition of a single-family dwelling
without permits. (Ex. 29.)

As discussed above the project that broke the camel's back for Commissioner Richards
was 3847-3849 18th Street. The 18th Street Project team include John Pollard and Annabel
McClellan. In 2011, Ms. McClellan was convicted and then served time in prison for lying to
the SEC about her role in an insider trading scheme she allegedly orchestrated using secrets
obtained behind the back of her then-husband, who headed a merger and acquisition team at
Deloitte, LLC. (Ex. 30.) She also was ordered to pay a civil penalty of $1,000,000. (Id.) In
2013, Mr. Pollard pleaded guilty to aiding and assisting in the preparation and presentation of a
false federal tax return. (Ex. 31.) In 2014, he was sentenced to two years' probation including a
year of home detention. (Ex. 32.) During the sentencing phase, Deputy Director Sweeney filed
an affidavit in support of Mr. Pollard in which he stated he has known Pollard since 2004 and
that Pollard had given his son a job. (Ex. 33.) Mr. Pollard later violated his probation when he
was accused of assault with a deadly weapon and felony hit-and-run, and, during the
investigation of that incident, he lied to police. (Ex. 34.) Two years of additional probation were
added to his criminal sentence. (Ex. 35.)

In the past several years Pollard/McClellan projects other than the 18th Street Project
have been the subject of widespread complaints and alleged permit violations. For example,
their project at 2068 Pine Street was the subject of five separate neighborhood complaints to DBI
including complaints of “work beyond the scope” of permits “causing damage to sub-structure of
the neighboring property including significant cracking to foundation,” “demo work without a
permit,” “uncontained construction dust with lead.” (Ex. 36.) DBI never revoked or even
suspended Pollard/McClellan’s permits, forcing a neighboring property owner to file a lawsuit
against Mr. Pollard and Ms. McClellan in 2016. (Ex. 37.)

More recently, in 2019, a Pollard/McClellan project at 2046 Filbert Street generated
neighborhood complaints for “work beyond scope of permit; illegal change of use,” resulting in a
Planning Department enforcement action for unlawfully merging a two-unit building into a one-
unit building. (Ex. 38.) DBI never revoked or even suspended Pollard/McClellan’s permits.

And a project at 125 Lundy’s Lane associated with Pollard/McClellan generated
neighborhood complaints for work exceeding the scope of permits including the unpermitted
excavation of new floor. (Ex. 39.) Again, DBI did not suspend or revoke and permits, but the
Planning Department opened an investigation that appears to be ongoing. (Ex. 40.)

VIII. THIS BOARD SHOULD RESCIND THE NOTICES OF VIOLATION, REQUIRE
DBI TO WORK WITH SIX DOGS TO CLOSE OUT THE PERMITS AND
DEMAND AN INVESTIGATION INTO DBI'S RETALIATORY ACTIONS.

DBI had no justification for the extreme action it took towards the Project. The few valid
permit issues identified are minor – the types of issues that arise in most construction projects
and that are dealt with by a clean-up permit at a project’s conclusion.
In contrast, DBI used the Building Code equivalent of the nuclear option on the Project –
revocation of all the permits associated with the Project. It did so without substantiation of its
allegations. And it did so just weeks after Commissioner Richards questioned DBI’s honesty
and called for a City Attorney-led investigation into DBI’s practices, citing pay-to-play activity.
Moreover, the specific project that provoked Commissioner Richards’ comments was a project
by a notorious development team that curries favor with DBI despite their felony convictions and
their track record of Building and Planning Code violations.

DBI’s long-standing way of doing business has been to work with developers and
contractors to abate problems, not to punish them, even when their conduct is nothing short of
outrageous. Reasonable minds could differ about whether DBI’s lenient approach is good public
policy. What reasonable minds could not disagree about is whether DBI personnel should apply
one standard to developers they like, and another uniquely harsh standard to public officials who
speak out about dishonesty and corruption.

This Board should grant this appeal, rescind the NOVs relating to this Project, instruct
DBI members not associated with the NOVs to work with Six Dogs to close out all permits
related to the Project, retain jurisdiction over these permits to make sure DBI does not continue
to retaliate against Six Dogs, and demand an investigation into DBI’s conduct in this matter and
the ties between DBI staff members and developers with a history of misconduct.

Dated: November 21, 2019

Respectfully Submitted,

MOSCONE EMBLIDGE & OTIS LLP

By: G. Scott Emlidge

Attorneys for Appellant Six Dogs, LLC
New White laminated glass screen at west property line lightwell.

Change of use of the level 1 family room from storage.

New wood guardrail at front yard.

New wood entry door.

New steel garage door and gate.

New 40 sq.ft. deck at level 3.

New 11'-4" wall at front yard side property line to align with top of adjacent garage.

Combine two dormers approved under BPA # 2015.12.24.5908 into one single dormer.

Revise window at front facade, level 3.

New steel garage door and gate.

New wood entry door.

New wood guardrail at front yard.

Provide demolition calculation for all approved BPA's.

Provide excavation calculation for all approved BPA's.

In event of conflict, the most stringent requirements shall apply.

Full-scale drawings of the existing building are available upon request.

Corrections and additions shall be made only in writing to the architect and engineer, and are subject to their approval.

Current San Francisco Planning Codes.

Current San Francisco Building Codes.

As well as any and all other governing codes and ordinances.

In event of conflict, the most stringent requirements shall apply.

THE 2016 CALIFORNIA BUILDING STANDARDS CODE:

PART 1 - CALIFORNIA BUILDING STANDARDS ADMINISTRATIVE CODE

PART 2 - CALIFORNIA BUILDING CODE - VOL. I

PART 3 - CALIFORNIA ELECTRICAL CODE

PART 4 - CALIFORNIA MECHANICAL CODE

PART 5 - CALIFORNIA PLUMBING CODE

PART 6 - CALIFORNIA ENERGY CODE

PART 7 - NO LEADERS PUBLISHED IN THIS 24-SERIES TITLE 24-INC CODE

PART 8 - CALIFORNIA HISTORICAL BUILDING CODE

PART 9 - CALIFORNIA FIRE CODE

PART 10 - CALIFORNIA DESTROYING BUILDING CODE

PART 11 - CALIFORNIA GREEN BUILDING STANDARDS CODE

PART 12 - CALIFORNIA REFERENCE STANDARDS CODE

2016 ASME 17.1 SAFETY CODE FOR ELEVATORS AND ESCALATORS

CURRENT SAN FRANCISCO BUILDING CODES

CURRENT SAN FRANCISCO PLANNING CODES

The 2016 San Francisco Building Code:

- Building area (conditioned): 4,700 sq.ft.
- Building area (gross): 6,490 sq.ft.
- Building height: 37'-5"
- Stories: 3
- Number of stories: 3
- Number of stories of basement: 3
- Number of off-street parking: 0
- Number of dwelling units: 2
- Fire sprinklers: yes
- Construction type: VB
- Occurrence type: R-3
- Zoning district: RH-3
- Total lot area: 2,848 sq.ft.
- Year built: 1907
- Historic resource status: B
- Unknown / Age eligible
- Site plan - proposed
- Site plan - existing
- Building section - proposed
- Building section - existing
- Exterior elevations - proposed
- Exterior elevations - existing
- Garage & basement level plan - proposed
- Garage & basement level plan - existing
- Level 1 & 2 plan - proposed
- Level 1 & 2 plan - existing
- Level 3 & roof plan - proposed
- Level 3 & roof plan - existing
- Exterior elevations - proposed
- Exterior elevations - existing
- Demolition calculations
- Excavation calculations
- Site plan - proposed
- Site plan - existing
- Building section - proposed
- Building section - existing
- Exterior elevations - proposed
- Exterior elevations - existing
- Excavation calculations
- Demolition calculations
- Building area (conditioned): 1,264 sq.ft.
- Building area (gross): 1,169 sq.ft.
- Foundation replacement
- Exterior remodel: relocate 3847 18th st from level 1 to basement level, 2nd story windows and doors (3)
- Exclusively for resident use
- Exclusively for resident use
- Exclusively for resident use
- Total basement area: 2,001 sq.ft.
- Exterior remodeling: relocate 3847 18th st from level 1 to basement level, 2nd story windows and doors (3)
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EXISTING LEVEL 3

EXISTING LEVEL 3

EXISTING ROOF

EXISTING ROOF

FLOOR PLANS

FLOOR PLANS

EXISTING TO REMAIN
EXISTING DEMOLISHED
PROPOSED WALL
1-HR RATED WALL
2-HR RATED WALL

EXISTING TO REMAIN
EXISTING DEMOLISHED
PROPOSED WALL
1-HR RATED WALL
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EXISTING ROOF

EXISTING ROOF
(N) 11'-4" WALL AT SIDE PROPERTY LINE TO ALIGN WITH TOP OF ADJACENT GARAGE, SEE SHEET A-3.2
CHANGE ALL WINDOWS TO (N) DOUBLE HUNG WOOD WINDOWS WITH INTEGRAL Ogee Lugs
(N) PAINTED SOLID RAISED PANELING AND TRIM AROUND ENTRY DOOR
(N) STAINED WOOD ENTRY DOOR WITH LAMINATED GLASS LITE
(N) WOOD GUARDRAIL, STAIR REPLACEMENT APPROVED UNDER BPA # 2014.12.30.4758
(N) 3'-6" X 5'-6" WOOD DOUBLE-HUNG WINDOW WITH INTEGRAL Ogee Lugs
(N) STEEL GARAGE DOOR AND GATE, WOOD GARAGE DOOR APPROVED UNDER BPA # 2014.12.30.4758
AVERAGE GRADE AT FRONT FACADE PER SEC. 260(a)(1)(C): 10'-10"
TOP OF CURB: 0'-0"
LEVEL 3: 41'-4"
LEVEL 2: 30'-2"
LEVEL 1: 18'-10"
ROOF EAVE: 42'-8"
HEIGHT OF PITCHED ROOF PER SEC. 260(a)(2): 37'-5"
LEVEL 1: 18'-10"
LEVEL 2: 30'-2"
ROOF RIDGE: 53'-10"
BASEMENT LEVEL: 8'-4"
STUCCO FENCE

UNDER BPA # 2017.02.03.8618

OUTLINE OF 3841 18TH STREET
(ADJACENT BUILDING BEYOND)

OUTLINE OF 3851-3853 18TH STREET
(ADJACENT PROPERTY BEHIND)

LEVEL 2: 30'-2"

LEVEL 1: 18'-10"

LEVEL 3: 41'-4"

ROOF RIDGE: 53'-10"

AVERAGE GRADE AT
FRONT FACADE: 10'-10"

HEIGHT OF PITCHED ROOF
PER SEC. 260(a)(1)(C), & SEC. 260(a)(2): 37'-5"

10'-3"

10'-0"

9'-5"

11'-0"

10'-10"

11'-4 1/2"

10'-0"

114'-0"

42'-8"

10'-10"

5'-7"

0'-0"

7'-5 1/4"

10'-0"

40' HEIGHT LIMIT
PER SEC. 260(a)(1)(C)

6'-3"

15'-3" REQ. FRONT SETBACK

32'-9"

42'-9"

53'-3"

15'-6"

5'-5 3/4"

11'-4 1/2"

10'-0"

6'-11 1/2"

5'-5 3/4"

6'-11 1/2"

18'-0" FRON SETBACK

30'-0" FRONT PROPERTY LINE

30' HEIGHT LIMIT
PER SEC. 134 (c)(1)

23'-2 1/4"

2'-6"

10'-0"

40' HEIGHT LIMIT
PER SEC. 260(a)(1)(C)

20'-2 1/4"

11'-10"

2'-6"

10'-0"

11'-10"

2'-6"

10'-0"
SAN FRANCISCO PLANNING DEPARTMENT CODE SECTION 317

SECTION 317, LOSS OF RESIDENTIAL AND UNAUTHORIZED UNITS THROUGH DEMOLITION, MERGER AND CONVERSION.

(B) DEFINITIONS, FOR THE PURPOSES OF THIS SECTION 317, THE TERMS BELOW SHALL BE AS DEFINED BELOW, CAPITALIZED TERMS NOT DEFINED BELOW ARE DEFINED IN SECTION 102 OF THIS CODE

(1) 'RESIDENTIAL CONVERSION' SHALL MEAN THE REMOVAL OF COOKING FACILITIES, CHANGE OF OCCUPANCY (AS DEFINED AND REGULATED BY THE BUILDING CODE), OR CHANGE OF USE (AS DEFINED AND REGULATED BY THE PLANNING CODE), OF ANY RESIDENTIAL UNIT OR UNAUTHORIZED UNIT TO A NON-RESIDENTIAL OR STUDENT HOUSING LINE.

(2) 'RESIDENTIAL DEMOLITION' SHALL MEAN ANY OF THE FOLLOWING:
   (a) ANY WORK ON A RESIDENTIAL BUILDING FOR WHICH THE DEPARTMENT OF BUILDING INSPECTION DETERMINES THAT AN APPLICATION FOR A DEMOLITION PERMIT IS REQUIRED, OR
   (b) A MAJOR ALTERATION OF A RESIDENTIAL BUILDING THAT PROPOSED THE REMOVAL OF MORE THAN 50% OF THE SUM OF THE FRONT FACADE AND THE REAR FACADE AND ALSO PROPOSED THE REMOVAL OF MORE THAN 65% OF THE SUM OF ALL EXTERIOR WALLS, MEASURED IN LINEAL FEET AT THE FOUNDATION LEVEL.
   (c) A MAJOR ALTERATION OF A RESIDENTIAL BUILDING THAT PROPOSES THE REMOVAL OF MORE THAN 50% OF THE VERTICAL ENVELOPE ELEMENTS AND MORE THAN 50% OF THE HORIZONTAL ELEMENTS OF THE EXISTING BUILDING, AS MEASURED IN SQUARE FEET OF ACTUAL SURFACE AREA.
   (d) THE PLANNING COMMISSION MAY REDUCE THE ABOVE NUMERICAL ELEMENTS OF THE CRITERIA IN SUBSECTIONS (B)(2)(B) AND (B)(2)(C). BY UP TO 20% OF THEIR VALUES SHOULD IT DEEM THAT ADJUSTMENT IS NECESSARY TO IMPLEMENT THE INTENT OF THIS SECTION 317. TO CONSERVE EXISTING SOUND HOUSING AND PRESERVE AFFORDABLE HOUSING.

(3) 'FACADE' IS DEFINED IN SECTION 102 OF THIS CODE

(4) 'FRONT FACADE' IS DEFINED IN SECTION 102 OF THIS CODE

(5) 'HORIZONTAL ELEMENTS' SHALL MEAN ALL ROOF AREAS AND ALL FLOOR PLATES, EXCEPT FLOOR PLATES AT OR BELOW GRADE.

DEMOLITION CALCULATION OF EXTERIOR WALLS AT THE FOUNDATION LEVEL - 317(B)(2)(B)

<table>
<thead>
<tr>
<th>Elevations</th>
<th>Total Area of Façade</th>
<th>Demolition Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>SOUTH ELEVATION</td>
<td>542 SQ.FT.</td>
<td>542 SQ.FT.</td>
</tr>
<tr>
<td>EAST ELEVATION</td>
<td>1,443 SQ.FT.</td>
<td>318 SQ.FT.</td>
</tr>
<tr>
<td>NORTH ELEVATION</td>
<td>940 SQ.FT.</td>
<td>264 SQ.FT.</td>
</tr>
<tr>
<td>WEST ELEVATION</td>
<td>1,380 SQ.FT.</td>
<td>121 SQ.FT.</td>
</tr>
</tbody>
</table>

TOTAL LENGTH OF FRONT AND REAR FACADE AT FOUNDATION: (25'-0" + 25'-0") = 50'-0"
50% MAX. ALLOWABLE DEMOLITION = 25'-0"
TOTAL DEMOLITION: (25'-0" + 22'-3") = 47'-3"
TOTAL LENGTH OF EXTERIOR WALLS AT FOUNDATION: (25'-0" + 53'-3" + 25'-0" + 53'-3") = 156'-6"
65% MAX. ALLOWABLE DEMOLITION = 101'-8"
TOTAL DEMOLITION: (25'-0" + 6'-3" + 9'-7" + 22'-3" + 7'-6") = 70'-7"
DOES NOT EXCEED BOTH THRESHOLDS ABOVE, THEREFORE PROJECT IS NOT A "RESIDENTIAL DEMOLITION" PER SEC. 317

DEMOLITION CALCULATION OF VERTICAL & HORIZONTAL ELEMENTS - 317(B)(2)(C)

<table>
<thead>
<tr>
<th>Elevations</th>
<th>Total Area of Façade</th>
<th>Demolition Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>SOUTH ELEVATION</td>
<td>562 SQ.FT.</td>
<td>562 SQ.FT.</td>
</tr>
<tr>
<td>EAST ELEVATION</td>
<td>1,663 SQ.FT.</td>
<td>318 SQ.FT.</td>
</tr>
<tr>
<td>WEST ELEVATION</td>
<td>1,280 SQ.FT.</td>
<td>121 SQ.FT.</td>
</tr>
<tr>
<td>ATTIC</td>
<td>1,138 SQ.FT.</td>
<td>1,138 SQ.FT.</td>
</tr>
<tr>
<td>LEVEL 3</td>
<td>1,240 SQ.FT.</td>
<td>248 SQ.FT.</td>
</tr>
<tr>
<td>LEVEL 2</td>
<td>1,209 SQ.FT.</td>
<td>190 SQ.FT.</td>
</tr>
<tr>
<td>BASEMENT LEVEL</td>
<td>802 SQ.FT.</td>
<td>802 SQ.FT.</td>
</tr>
<tr>
<td>GARAGE LEVEL</td>
<td>N/A</td>
<td>N/A</td>
</tr>
</tbody>
</table>

TOTAL AREA OF VERTICAL ENVELOPE: (562 SQFT + 1,663 SQFT + 943 SQFT + 1,280 SQFT) = 4,448 SQFT
50% MAX. ALLOWABLE DEMOLITION = 2,224 SQFT
TOTAL DEMOLITION: (562 SQFT + 318 SQFT + 266 SQFT + 121 SQFT) = 1,267 SQFT
TOTAL AREA OF HORIZONTAL ELEMENTS: (1,138 SQFT + 1,240 SQFT + 1,209 SQFT + 1,203 SQFT + 802 SQFT) = 5,592 SQFT
50% MAX. ALLOWABLE DEMOLITION = 2,796 SQFT
TOTAL DEMOLITION: (1,138 SQFT + 248 SQFT + 190 SQFT + 25 SQFT + 802 SQFT) = 2,403 SQFT
DOES NOT EXCEED BOTH THRESHOLDS ABOVE, THEREFORE PROJECT IS NOT A "RESIDENTIAL DEMOLITION" PER SEC. 317
EXCAVATION CALCULATIONS

LOCATION
VOLUME (CUBIC YARD)
FRONT YARD
CRAWL SPACE AT GARAGE LEVEL
CRAWL SPACE AT BASEMENT LEVEL
LIGHTWELL
STORAGE
REAR YARD

93
246
99
153
191
40

MAX. PROJECT TOTAL
822 CUBIC YARD

AREA (SQUARE FEET)
257
781
443.75
275
412.5
237.5
2,406.75 SQUARE FEET

DEPTH * (FEET)
9.75
8.5
6
15
12.5
4.75
15 FEET

* NOTE: DEPTH NOTED ARE AVERAGES PER LOCATION. THE MAXIMUM DEPTH OF EXCAVATION / DISTURBANCE
BELOW GRADE IS 15'-0". SEE EXCAVATION DIAGRAMS ABOVE FOR DETAILS.
Memo to the Planning Commission

Hearing Date: October 24, 2019
Continued from May 9, 2019, July 18, 2019, August 29, 2019

Record No.: 2018-009551DRPVAR
Project Address: 3847-3849 18th Street
Permit Applications: 2018.06.22.2714
Zoning: RH-3 (Residential House, Three-Family)
40-X Height and Bulk District
Block/Lot: 3585 / 077
Project Sponsor: Dawson & Clinton General Contractors
PO Box 410475
San Francisco, CA 94141
Staff Contact: David Winslow – (415) 575-9159
david.winslow@sfgov.org
Jeff Horn – (415) 575-6925
jeffrey.horn@sfgov.org

BACKGROUND

On July 18, 2019 the San Francisco Planning Commission (hereinafter “Commission”) adopted a Motion of Intent to Take DR and revise the project to “have the building restored to the original flat configuration, including that third unit, which is allowed in RH-3.” The Commission continued the item to August 29, 2019 to allow more time for Department staff, the City Attorney’s Office, and the Project Sponsor to consider the procedural implications of such a decision. Department staff met and consulted with both the City Attorney’s Office and the Project Sponsor since the July 18, 2019 hearing.

At the August 29, 2019 hearing, the Commission continued the item and to allow the Sponsor time to simplify the drawings of the site permit and to have a Pre-Application Review Meeting with the Department of Building Inspection (DBI) to ensure the feasibility of the proposed plans receiving approval by DBI and other City Agencies.

PROJECT DESIGN CHANGES AND PLANNING REVIEW

1. The following changes were made drawings of the floor plans:

   Deleted notes, revision clouds, closets/furnishings, and finish floor patterns to simplify drawing set and increase clarity of floor plans.

2. The following changes were made to the Site Permit as a result of the Pre-Application meeting with DBI and the San Francisco Fire Department (SFFD):
Executive Summary

Hearing Date: October 24, 2019

RECORD NO. 2018-009511DRPVAR
3847-3849 18th Street

a. Added sheet A-0.3 to illustrate code compliance including path of egress travel, number of exits, emergency escape and rescue openings, natural ventilation, and natural light requirements.

b. Added sheet A-0.5, DBI form AB-005 and added (4) WS sprinkler heads at the windows and doors located at the rear façade of Level 3 as an acceptable local equivalency per DBI Information Sheet EG-05 B.2.a.

RECOMMENDATION

The Department makes no recommendation on the alternative plans submitted by the Project Sponsor.

ATTACHMENTS:

Revised Plan Set dated August 29, 2019
Memo to the Planning Commission from August 29, 2019
Sponsor’s letter to the Commission dated August 16, 2019
Sponsor’s letter to the Commission dated July 16, 2019
Memo to the Planning Commission from July 18, 2019
Abbreviated Analysis from the March 7, 2019 Hearing
**BASEMENT: GRADE PLANE AND STORY**

- **Basement:** A basement is a subsurface enclosed structure below the level of the lowest exterior ground surface.
- **Grade Plane:** The reference plane representing the average of finished ground level adjoining the building at exterior walls where the finished ground level slopes away from the exterior walls. The reference plane shall be established by the lowest points within the area between the building and the lot line or, where the lot line is more than 6 feet (1825 mm) from the building, by the lowest points within the area between the building and a point a distance of 6 feet (1825 mm) from the building.
- **Story Above Grade Plane:** Any story having a finished floor elevation directly above ground plane, or in which the finished surface of the floor next above is:
  - More than 4 feet (1219 mm) above ground plane, or
  - More than 12 feet (3658 mm) above the finished ground level at any point.

**Natural Ventilation and Natural Light**

<table>
<thead>
<tr>
<th>LOCATION</th>
<th>FLOOR AREA</th>
<th>OPENABLE AREA</th>
<th>GLAZED AREA</th>
<th>PROVIDED</th>
<th>PROVIDED</th>
</tr>
</thead>
<tbody>
<tr>
<td>3847-8 E 1ST ST</td>
<td>LIVING/KITCHEN</td>
<td>750</td>
<td>36</td>
<td>61</td>
<td>61</td>
</tr>
<tr>
<td></td>
<td>BEDROOM 1</td>
<td>120</td>
<td>15</td>
<td>15</td>
<td>14</td>
</tr>
<tr>
<td></td>
<td>MASTER BED</td>
<td>120</td>
<td>14</td>
<td>13</td>
<td>13</td>
</tr>
<tr>
<td>3847-8 1ST ST</td>
<td>LIVING/ DINING/KITCHEN</td>
<td>905</td>
<td>139</td>
<td>137</td>
<td>137</td>
</tr>
<tr>
<td>3847-8 1ST ST</td>
<td>BEDROOM 2</td>
<td>120</td>
<td>16</td>
<td>15</td>
<td>15</td>
</tr>
</tbody>
</table>

**Chapter 2: Definitions**

- **Basement:** Any story directly below the lowest exterior ground surface of the building.
- **Grade Plane:** The lowest exterior ground surface of the building.

**Fire Sprinkler System:**

- **Classification:** NFPA 13B

**Building Permit:**

- **Project Data:**
  - **Design:** 30 SQ. FT.
  - **NumberOfUnits:** 4
  - **Floor Area:** 1,056 SQ. FT.
  - **Openable Area:** 1,544 SQ. FT.
  - **Glazed Area:** 780 SQ. FT.
  - **Permit No.:** A-0.3

**Code Analysis:**

- **Occupancy Type:** 8-D RESIDENTIAL
- **Building Area:**
  - 18TH STREET
  - First Floor: 1,056 SQ. FT.
  - Second Floor: 1,544 SQ. FT.
  - Total: 2,600 SQ. FT.
- **Fire Sprinkler:** NFPA 13B
- **Occupancy Load Factor:**
  - For Group I: 0.3
  - For Group II: 0.2
- **Occupancy Load:**
  - Group I: 1,056 SQ. FT.
  - Group II: 1,544 SQ. FT.
  - Total: 2,600 SQ. FT.
- **Type of Egress Travel:**
  - First Floor: 108 SQ. FT.
  - Second Floor: 108 SQ. FT.
  - Total: 216 SQ. FT.
- **Safety Features:**
  - Smoke and fire detectors provided.
GS5: San Francisco Green Building Submittal Form for Residential Alteration + Addition Projects

INSTRUCTIONS:
1. Fill in the project information in the Verification box on the right.
2. Submittal must be a minimum of 4" x 7".
3. This project was accepted and is considered INCOMPLIANT, August 17, 2017.
4. The project information is required to be submitted by January 1, 2018.

SOURCE OF REQUIREMENT
DESCRIPTION OF REQUIREMENT

CALGreen 4.1.6.3 A-0.7
Show how surface drainage (grading, swales, diversion, retention areas) all two-step water from entering the building.

CALGreen 4.4.0.2.1
Seal around pipe, cable, conduit, and other openings in exterior walls with cement mortar or DBI-approved similar method.

CALGreen 4.5.0.2.1
Install only direct-vent or sealed combustion, EPA Phase II-compliant appliance.

CALGreen 4.5.0.6.2
Slab-on-grade foundation requiring vapor retarder also require a capillary break such as 4 inches of base 1/2-inch aggregate under retarder; slab design specified by licensed professional.

CALGreen 4.5.0.5.3
Must be ENERGY STAR compliant, designed to be installed, and its humidistat shall be capable of adjusting by ±5% to ±10% (humidity may be separate component).

CALGreen 4.5.0.2.1-SPGB-4-103.3.2
Use products that comply with the emission limit requirements of 4.504.3-1, 5.504.4-14 for adhesives, sealants, paints, coatings, carbonyl compounds including ureas and adhesives, resilient flooring (80% area), and composite wood products.

CALGreen 4.3.0.1
Must fluid flow requirements for toilets (1.1 gpf), showers (1.8 gpm), and sink faucet (0.5 gpm) floor shonectric devices (5 gpm) lavatories (1.5 gpm private, 0.5 gpm public/comm) kitchen faucets (1.8 gpm), wash fountains (4.5 gpm), rooming waterfall (0.5 gpm), food waste disposer (1.2 gpm/trash). Residential major improvement projects must install all non-compliant fixtures per SF Housing Code sec. 12A10.

Administrative Code ch.43
If modified landscape area is ≥500 sq. ft., use low water use plants or climate appropriate plants, restrict lawn areas and comply with Model Water Efficient Landscape Ordinance restrictions by calculated ETAF or by prescribed compliance for projects ≥5,000 sq. ft. of landscape area.

CALGreen Energy Code
Comply with all requirements of the CALGreen Code.

Provide short- and long-term bike parking to meet requirements of SF Planning Code sec. 155.1.2.

Provide adequate space and equal access for storage, collection, and loading of compostable, recyclable and refillable materials.

For 100% of mixed C&D debris utilize registered transporters and registered processing facilities with a minimum of 5% diversion rates.

CALGreen 4.7.1.2
Install filters in all toilets in best practices.

HVAC Design
HVAC must be designed to be energy efficient.

Glass facades and leopard finsing and/or Urban Bird Refuges may need to treat their glass for opacity.

Provide screening within 10 feet of building entries, air intakes, and operable windows and egress common areas.

Proprietary testing ≥15,000 sq. ft., in combined or separate cellar areas, in replacing ≥15,000 Impervious sq. ft. in separate cellar area, must implement a Stormwater Control Plan meeting SFPUC Stormwater Management Requirements.

Construction Site Runduff
Provide a construction site Stormwater Pollution Prevention Plan and Implement SFPUC Best Management Practices.

CALGreen 4.504.1
Seal permanent HVAC ducts/equipment stored onsite before installation.

OTHER RESIDENTIAL ALTERATIONS + ADDITIONS
adds any amount of conditioned area, volume, or size

VERIFICATION
Indicate below who is responsible for ensuring green building requirements are met. Projects that increase total conditioned floor area by ≥5,000 sq. ft. are required to have a Green Building Compliance Professional or Resident as described in Administrative Bulletin #3 for projects that increase total conditioned floor area by ≥5,000 sq. ft. in the City. Resubmittal is required in Case of Rejected. Projects that include new areas of total conditioned floor area ≥5,000 sq. ft. in the City. Resubmittal is required in Case of Rejected. Sign above and no design or special qualifications are required. FINAL COMPLIANCE VERIFICATION from will be required prior to Certificate of Completion

FIRM
I am a LEED Accredited Professional
I am a GreenPoint Partner
I am an ICC Certified CALGreen Inspector

GREEN BUILDING COMPLIANCE PROFESSIONAL (name & contact phone #)

INDICATE SOURCE OF MATERIALS
WATER
INCOMPLIANT

ARCHITECTURAL+INTERIOR

PARKING
INCOMPLIANT

RECYCLING BY OCCUPANTS

CONSTRUCTION & DEMOLITION (C&D) WASTE MANAGEMENT

HVAC INSTALLATION QUALS

HVAC DESIGN

BIRD-SAFE BUILDINGS

TOBACCO SMOKING PROHIBITED

STORMWATER CONTROL PLAN

CONSTRUCTION SITE RUNDUFF

AIR FILTRATION (CONSTRUCTION)

INDOOR INDOOR AIR QUALITY

Indoor Air Quality

Project that extends outside envelope.

Indoor Air Quality

MATERIALS

WATER-EFFICIENT LANDSCAPE

ENERGY EFFICIENCY

TREATMENT

BATHROOM ENSUITE

MOISTURE CONTENT

CAPILLARY BREATHER, SLAB ON GRADE

FIREPROOFING & SURFACE PROTECTION

ROOF DRIFTING & UPLIFT PROTECTION

GRADING & DRAINING

GS5: San Francisco Green Building Submittal Form for Residential Alteration + Addition Projects

INSTRUCTIONS:
1. Fill in the project information in the Verification box on the right.
2. Submittal must be a minimum of 4" x 7".
3. This project was accepted and is considered INCOMPLIANT, January 2017 through December 2017. The project information is required to be submitted by January 1, 2018.

SOURCE OF REQUIREMENT
DESCRIPTION OF REQUIREMENT

CALGreen 4.1.6.3
Show how surface drainage (grading, swales, diversion, retention areas) all two-step water from entering the building.

CALGreen 4.4.0.2.1
Seal around pipe, cable, conduit, and other openings in exterior walls with cement mortar or DBI-approved similar method.

CALGreen 4.5.0.2.1
Install only direct-vent or sealed combustion, EPA Phase II-compliant appliance.

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Slab-on-grade foundation requiring vapor retarder also require a capillary break such as 4 inches of base 1/2-inch aggregate under retarder; slab design specified by licensed professional.

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Must be ENERGY STAR compliant, designed to be installed, and its humidistat shall be capable of adjusting by ±5% to ±10% (humidity may be separate component).

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Use products that comply with the emission limit requirements of 4.504.3-1, 5.504.4-14 for adhesives, sealants, paints, coatings, carbonyl compounds including ureas and adhesives, resilient flooring (80% area), and composite wood products.

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Must fluid flow requirements for toilets (1.1 gpf), showers (1.8 gpm), and sink faucet (0.5 gpm) floor shonectric devices (5 gpm) lavatories (1.5 gpm private, 0.5 gpm public/comm) kitchen faucets (1.8 gpm), wash fountains (4.5 gpm), rooming waterfall (0.5 gpm), food waste disposer (1.2 gpm/trash). Residential major improvement projects must install all non-compliant fixtures per SF Housing Code sec. 12A10.

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Provide adequate space and equal access for storage, collection, and loading of compostable, recyclable and refillable materials.

For 100% of mixed C&D debris utilize registered transporters and registered processing facilities with a minimum of 5% diversion rates.

CALGreen 4.7.1.2
Install filters in all toilets in best practices.

HVAC Design
HVAC must be designed to be energy efficient.

Glass facades and leopard finsing and/or Urban Bird Refuges may need to treat their glass for opacity.

Provide screening within 10 feet of building entries, air intakes, and operable windows and egress common areas.

Proprietary testing ≥15,000 sq. ft., in combined or separate cellar areas, in replacing ≥15,000 Impervious sq. ft. in separate cellar area, must implement a Stormwater Control Plan meeting SFPUC Stormwater Management Requirements.

Construction Site Runduff
Provide a construction site Stormwater Pollution Prevention Plan and Implement SFPUC Best Management Practices.

CALGreen 4.504.1
Seal permanent HVAC ducts/equipment stored onsite before installation.

Project that extends outside envelope.

Indoor Air Quality

Project that extends outside envelope.

Inspecions to this requirement are noted to situations where replacement of HVAC unit is required. For more information, see the Commercial Water Conservation Program Brochure, available at SFPUC.

Indoor air quality must comply with SFPUC Standards for Indoor Air Quality, meet the ASHRAE 62.2-2007 Standards for Indoor Air Quality, and meet or exceed the standards established by the Indoor Air Quality Act of 1989 (California Health and Safety Code § 13827).
PROPOSED EAST ELEVATION

ELEVATIONS

A-3.2
SAN FRANCISCO PLANNING DEPARTMENT CODE SECTION 317

SECTION 317. LOSS OF RESIDENTIAL AND UNAUTHORIZED UNITS THROUGH DEMOLITION, HARASSMENT, AND CONVERSION

(A) Definitions. For the purposes of this Section 317, the terms below shall be as defined below. Capitalized terms not defined below are defined in Section 102 of the Code.

(1) Residential Conversion shall mean the removal of cooking facilities, change of occupancy (as defined and regulated by the Building Code), or change of use (as defined and regulated by the Planning Code), of any residential unit or unauthorized unit in a non-residential or student housing project.

(2) Residential Demolition shall mean any of the following:

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

(b) A major alteration of a residential building that proposes the removal of more than 30% of the square footage of the front facade and the rear facade, and also proposes the removal of more than 60% of the square footage of the interior walls, measured in linear feet at foundation level.

(c) A major alteration of a residential building that proposes the removal of more than 30% of the vertical, non-load-bearing elements and more than 60% of the horizontal elements of the existing building, as measured in square feet of actual surface area.

(3) The Planning Commission may reduce the above numerical elements of the criteria in subsections (a) and (b) to the extent that it is necessary to accommodate the density of the project.

(4) canoe is defined in Section 102 of the Code.

(5) Front facade is defined in Section 102 of the Code.

(6) Horizontal elements shall mean all roof areas and all floor plates, except floor plates at below grade.

DEMOLITION CALCULATIONS OF EXISTING WALLS AT 18TH STREET (A-5.1)

TOTAL LENGTH OF FRONT AND REAR FACADE ATTACHMENT (L): 260' + 20' = 280'

TOTAL AREA OF FRONT AND REAR FACADE ATTACHMENT (L): 4920 sq ft

TOTAL LENGTH OF SIDE (H): 72.3' + 72.3' = 144.6'

TOTAL AREA OF SIDE (H): 144.6' x 72.3' = 10392 sq ft

TOTAL LENGTH OF SIDE (H): 72.3' + 72.3' = 144.6'

TOTAL AREA OF SIDE (H): 144.6' x 72.3' = 10392 sq ft

DOES NOT EXCEED MAXIMUM ALLOWABLE PROJECT A RESIDENTIAL DEMOLITION PROJECT 317

DEMO CONSTRUCTION PERMIT 3847-3849 18TH STREET

BUILDING PERMIT 3855 / 077

DEMO CONSTRUCTION PERMIT 3847-3849 18TH STREET

DEMO CONSTRUCTION PERMIT 3847-3849 18TH STREET
MAX. PROJECT TOTAL 822 CUBIC YARD

2,406.75 SQUARE FEET

15 FEET

NOTE: DEPTHS NOTED ARE AVERAGES PER LOCATION. THE MAXIMUM DEPTHS OF EXCAVATION / DISTURBANCE BELOW GRADE IS 15'-0". SEE EXCAVATION DIAGRAMS ABOVE FOR DETAILS.
Memo to the Planning Commission

Hearing Date: August 29, 2019
Continued from May 9, 2019 and July 18, 2019

Record No.: 2018-009551DRPVAR
Project Address: 3847-3849 18th Street
Permit Applications: 2018.06.22.2714
Zoning: RH-3 (Residential House, Three-Family)
40-X Height and Bulk District
Block/Lot: 3585 / 077
Project Sponsor: Dawson & Clinton General Contractors
PO Box 410475
San Francisco, CA 94141
Staff Contact: David Winslow – (415) 575-9159
david.winslow@sfgov.org
Jeff Horn – (415) 575-6925
jeffrey.horn@sfgov.org

BACKGROUND

On July 18, 2019 the San Francisco Planning Commission (hereinafter “Commission”) adopted a Motion of Intent to Take DR and revise the project to “have the building restored to the original flat configuration, including that third unit, which is allowed in RH-3.” The Commission continued the item to August 29, 2019 to allow more time for Department staff, the City Attorney’s Office, and the Project Sponsor to consider the procedural implications of such a decision. Department staff met and consulted with both the City Attorney’s Office and the Project Sponsor since the July 18, 2019 hearing.

PROJECT DESIGN CHANGES AND PLANNING REVIEW

In response to the Commission’s continuance, the Project Sponsor submitted plans for a proposed three-unit residential building for the Commission’s consideration. However, this 3-unit proposal is not consistent with the original 3-unit configuration, and it keeps the additions constructed and proposed for legalization on the plans dated July 3rd, 2019. The following is a list of changes required of the as-built structure to conform to the revised plans dated August 8, 2019. Additionally, a letter is attached from the Project Sponsor describing the new proposal in greater detail.

1. Garage Level – No changes, the floor is proposed to remain as a three-car garage.

2. Basement Level – No changes, the floor is proposed to remain as a 1,264 square foot 1-bedroom unit.
3. Levels 1, 2 and 3 (Attic) – Originally proposed as a 4,021 square foot 3-bedroom unit, the kitchen/living spaces were on Level 1, two bedrooms were located on Level 2, and the master bedroom was in the attic. The revised plans propose a to create two units in this building area; Level 1 would provide a 1,696 square foot one-bedroom unit, with the rear yard encroachment proposed to remain to accommodate the bedroom (the Variance would still be required). Levels 2 and 3 would provide a 2,325 two-bedroom unit.

4. New Features:
   a. The upper two units would both be accessed at the front of the building at Level 1, consistent with the building’s original design. Two independent doorway entrances would be reintroduced, and a demising wall would be added. This façade alteration would be supportable by Preservation Staff.
   b. A kitchen would be added at the rear of Level 2 to accommodate the third unit.
   c. Rear access stairs would be added within the lightwell/courtyard from Level 1 to Level 2, providing all three units with access to the rear yard’s usable open space. This structure would require a Variance for the additional rear yard encroachment.

RECOMMENDATION

The Department makes no recommendation on the alternative plans submitted by the Project Sponsor.

ATTACHMENTS:

Revised Plan Set dated August 8, 2019
Sponsor’s letter to the Commission dated August 16, 2019
Sponsor’s letter to the Commission dated July 16, 2019
Memo to the Planning Commission from July 18, 2019
Abbreviated Analysis from the March 7, 2019 Hearing
August 16, 2019

San Francisco Planning Commission
1650 Mission Street, Suite 400
San Francisco, CA 94103

Re: 3847-3849 18th Street Project
Case No.: 2018-009551DRP
Hearing Date: August 29, 2019

Dear Commissioners:

As the sponsors of 3847-3849 18th Street, we are writing in reference to Building Permit Application No. 2018.06.22.2714 and the continuance of the Discretionary Review hearing for our project, which is on the Planning Commission agenda for Thursday, August 29, 2019.

At our first hearing in May, and again at the hearing on July 18th, we received direction from the Commission to add a 3rd unit to our project proposal. As we explained at the hearing last month and in our July 16th letter to Commissioners, which is attached for your reference, it will not be financially possible for us to maintain ownership of the building if we are required to permit and construct a 3rd unit due to the tremendous carrying costs we have already incurred working with Planning over the last 18 months, the additional time and associated expenses to complete permitting and construction, and the actual construction costs themselves. That said, while we still disagree with the logic and legality of requiring construction of an additional unit, we have proceeded to work with Planning staff to identify a path forward that would include the desired 3rd unit in an effort to come to resolution on this matter.

Your hearing packet includes new plans that would create three housing units on the property, each on individual and discreet levels. We believe that the proposed plan now before you is the best and most responsible configuration for the existing building that meets what we interpret as the Commission’s intent. We have also tried to factor in the need for producing housing in a timely manner, as well as our neighbor’s fatigue with construction and the continued vacancy of the building. While financially impossible for us to execute, we nonetheless believe that successfully permitting the project as currently proposed could prove to be a viable project for someone else, eventually getting three housing units onto the market.

While feasible, the work required to reconfigure this already completed building is still very significant and includes:

www.dawson-clinton.com
State license # 791724
• Demo ceiling, wall and floor finishes as required;
• Demo entry door, and provide (2) entry doors and demising wall;
• Demo powder room to replace with full bath;
• Demo M.P.E. as required throughout;
• Provide new separate utility meters for new unit;
• New M.P.E. for 3rd unit, including radiant heat and fire sprinkler systems;
• New 1-hr fire separation between units;
• New ceiling, wall and floor finishes as required;
• New M.P.E., cabinetry and appliances for new kitchen;
• New M.P.E. as required, at new full bath location including fixtures, finishes and cabinetry;
• New 36” wide exterior stair for egress and rear yard access, reconfigure all guardrails as required.

To be clear, this project will be a complete and tremendous loss for our company no matter what happens next. The building will need to go through a short sale/foreclosure, and the remaining obligations on the building will likely force our company, which has been operating in San Francisco for over 20 years, out of business.

We ask and hope that the Commission will see the earnest logic in our proposal, and allow this property to be completed and utilized to it’s best potential in the least amount of possible time.

Thank you for your time and careful consideration regarding all of the above.

Sincerely,

Tim Clinton and Paul Dawson

Cc:
Commission President Myrna Melgar
Commission Vice-President Joel Koppel
Commissioner Frank S. Fung
Commissioner Rich Hillis
Commissioner Milicent A. Johnson
Commissioner Kathrin Moore
Commissioner Dennis Richards
Supervisor Rafael Mandelman
Jeff Horn, Senior Planner
David Winslow, Architect Manager
July 16, 2019

San Francisco Planning Commission
1650 Mission Street, Suite 400
San Francisco, CA 94103

Re: 3847-3849 18th Street Project
Case No.: 2018-009551DRP
Hearing Date: July 18, 2019

Dear Commissioners:

As the sponsors of 3847-3849 18th Street, we are writing in reference to Building Permit Application No. 2018.06.22.2714 and the continuance of the Discretionary Review hearing for our project, which is on the Planning Commission agenda for this Thursday, July 18. We appreciate the time that was spent and the discussion that occurred during our Commission hearing in May, and have been working closely with Planning Dept. staff to address outstanding issues and diligently explore the suggestions made by Commissioners regarding the path forward.

Please know that we deeply regret the mistakes we made regarding the permitting of our project and have been committed to correcting any and all violations through the process that the Planning Department has in place. We have worked cooperatively and transparently for the past 16 months with Code Enforcement Planner Jon Purvis, Senior Planner Jeff Horn, and RDAT Architect Manager David Winslow, as well as with numerous neighbors whose support and trust we are very grateful to have earned.

By way of background and to refresh your memories, we first undertook this project back in 2014 as a design-build project. The complete program and plans were not yet determined when we began and we were exploring various options. The building was in foreclosure, had several violations, and a pending Notice of Abatement to remove an unwarranted 3rd unit. As residents of San Francisco for the past 23 years, it has always been our goal and intent to transform the building into something for which we, as well as the neighborhood, would be proud.

That said, in order to decrease the length of time it can take to complete and gain approval for such a project – and thus reduce our hefty carrying costs – we fully acknowledge that we exercised poor judgment and inadequate oversight of various important details. To be clear, we did have the proper permits for the vast majority of the work and the project was inspected a number of different times. The final certificate of completion and occupancy for the building was issued back in February of 2018. Following that action, inaccurate allegations were submitted to the Building and Planning Departments, which eventually brought to light the actual violations that have been detailed for you in your meeting packets.

The process over the past 16 months has included multiple meetings with Planning staff and comprehensive reviews of our project by Planning Code Enforcement and Senior Planning staff. This has resulted in a number of agreed upon revisions and revised plan sets, including the latest version that we prepared and submitted.
under the direction of Planning staff in anticipation of our hearing this week. We have had Planning staff, as well as multiple DBI Inspectors, on-site to evaluate the building first-hand and to confirm the comprehensive and accurate nature of our revised plan set.

Revised plans were sent out for 311 Notification at the beginning of this year and no objections were received from any actual neighbors or neighborhood groups. As you may recall, the only reason our project is being reviewed by the Commission is because of a Discretionary Review application that was fraudulently filed under a fictitious name by a disgruntled local builder. The Commission ruled against this individual and a project of his a few years ago, and we and others believe that he has been seeking some sort of strange retribution against fellow builders such as us, if not the Commission and/or Planning Department itself.

Regardless of how we got here, we understand that the upcoming DR hearing is about us and our project, and the need to determine an appropriate remedy for the situation. At the hearing in May, Commission President Melgar indicated that she would like us to look into converting the finished two-unit building into three units as a remedy for our errors and as an opportunity to increase the City’s housing stock.

The slight irony in this approach is that when we first acquired the building in 2014, among the countless code violations there was also a Notice of Abatement requiring us to remove an unwarranted 3rd unit as we have mentioned. At that time, had the City encouraged or even allowed us to maintain and bring the 3rd unit up to code, we may have gone in a completely different direction with the project. Instead, we complied with the order from the City, removed the unwarranted unit, and maintained the building’s 2-unit status.

Nonetheless, we have diligently evaluated what it would take to add a 3rd unit and even engaged a third party expert architect to advise us on the feasibility and estimated expenses of such an action. (A letter from the architect and draft estimate is attached for your information.) Adding a unit would effectively require a complete interior remodel, including: separating and reconfiguring the building’s hydronic heating system, lighting control systems, plumbing and electrical; the fire sprinkler systems would all need to be redone and separated; new metering for utilities; new staircases and means of entry and egress; a new kitchen and relocation of bathrooms, which would all require significant reconfigurations to the floor plans. The construction costs to perform such work on what is already a finished building are estimated to be $800,000 to $1.2 million. In addition, it could easily take a year or more for the new plans and required permits to be approved, followed by a minimum of nine months of additional construction activity for already fatigued neighbors. The cost of our debt financing to-date and the ongoing carrying costs of such a scenario make this path a simply impossible one.

So that you can fully understand our position, we would like to share the current financial realities of our situation. Over the last 16 months since we began working with the Planning Code Enforcement staff, we have already incurred $700,000 in additional carrying costs on the building. Our loan of $4.95 million is currently more than 170 days in default and we have no path forward to sell the building until the permitting issues are resolved. The outstanding balance to just bring the loan current is an additional $400,000+ and the loan payments continue to compile at just under $64,000/month at the current default interest rate (recent correspondence from our lender is attached). Moreover, a second loan of $600k on the property is accruing interest at a rate of 19%. We also have outstanding accounts payable on the project in excess of $350,000 owed to longtime vendors and subcontractors whose considerable patience and trust are coming to an end. Just since the time we began working with Planning enforcement in March of last year, we have incurred $1.1 million in carrying costs through today, which doesn’t include the range of other related professional and project expenses during this period.
We certainly understand the desire to increase the City’s housing stock and to identify a remedy that would create a strong disincentive for mistakes such as ours to be repeated. However, we hope that the ultimate remedy and action taken by the Commission will take into account the significant negative consequences we have already experienced, and that the Commission can reach agreement on a path forward that does not force the building into foreclosure and unnecessarily destroy our small business, which has been operating in San Francisco for more than 20 years. While we no longer anticipate profiting from this now 5-year project, we do desperately hope to survive it.

Our goal and sincere hope this Thursday is for this process to come to a viable conclusion – one that can provide real benefits to the local community and avoids the collapse of our company and the loss of jobs for our employees. We also do acknowledge our errors and take responsibility for them. We would therefore like to respectfully propose an alternative approach.

Our Proposal: In lieu of significant changes to the current building, we propose making a sizable payment toward the construction of an off-site BMR unit consistent with the City’s inclusionary housing program directly following the sale of the building or either of the units. Using the City’s current calculation methods based on the square footage of a project, we estimate such a payment to be approximately $250,000. We put this forward as a remedy as it would genuinely help address the City’s housing crisis, allow our small business to survive, and avoid additional construction disruption for our neighbors. We also believe that it would appropriately recognize the fact that we have been acting in full cooperation with the Planning Department, and would help demonstrate the importance and value of the system that the Planning Department has in place to address violations.

In conclusion, we fully acknowledge our wrongdoing and hope you will understand that we have already paid a heavy price for our errors, and conclude that any additional punitive measures the Commission may require should fall within our capacity to execute without collapsing our company. Please also note that a further delay in making a determination on the path forward would in itself push us closer to bankruptcy and could result in foreclosure on the building.

Thank you for your time and careful consideration regarding all of the above. We look forward to seeing you on Thursday.

Sincerely,

Tim Clinton and Paul Dawson

Cc:

Commission President Myrna Melgar
Commission Vice-President Joel Koppel
Commissioner Frank S. Fung
Commissioner Rich Hillis
Commissioner Milicent A. Johnson
Commissioner Kathrin Moore
Commissioner Dennis Richards
Supervisor Rafael Mandelman
Jeff Horn, Senior Planner
David Winslow, Architect Manager
Memo to the Planning Commission
Hearing Date: July 18, 2019
Continued from the May 9, 2019

Record No.: 2018-009551DRPVAR
Project Address: 3847-3849 18th Street
Permit Applications: 2018.06.22.2714
Zoning: RH-3 (Residential House, Three-Family)
40-X Height and Bulk District
Block/Lot: 3585 / 077
Project Sponsor: Dawson & Clinton General Contractors
PO Box 410475
San Francisco, CA 94141
Staff Contact: David Winslow – (415) 575-9159
david.winslow@sfgov.org
Jeff Horn – (415) 575-6925
jeffrey.horn@sfgov.org

BACKGROUND

On May 9, 2019, the San Francisco Planning Commission (hereinafter “Commission”) conducted a duly noticed public hearing at a regularly scheduled meeting on a Discretionary Review request No. 2018-009551DRP. The Planning Commission continued the item to July 18, 2019, to allow staff from the Planning Department and the Department of Building Inspection (DBI) to meet to review the permit history of the project and to perform a site visit to confirm that all alterations to the building and site, permitted or unpermitted, are accurately reflected in the plan set.

SITE VISIT

On June 13th, 2019, the Project Sponsor led a site visit of the property with staff from Planning and DBI. The following scopes of work and plan drawing revisions have been added to the Plan Set in response to unpermitted changes and clarifications that were determined by staff review of the as-built conditions.

- “Change of use of the Level 1 “Family Room" from storage” added to Project Scope. See Sheet A-0.1.
- The 4’-8” white laminated glass guardrail located in the in the front setback and proposed for legalization was removed. See Sheets A-0.1 and A-1.1.
- White laminated glass screen at west property line lightwell is proposed for legalization. See Sheets A-0.1, A-2.2, A-2.3, and A-3.3.
• A wood fence at rear property line and noted fence height in relation to grade at adjacent rear property (48/50 Hancock) is proposed for legalization. See Sheets A-3.2, A-3.3, and A-4.1.


• Legalization of a west property line parapet used as a gutter to divert water.

• Updated plans to propose siding material for the dormers to be horizontal painted wood siding. See Sheet A-3.2.

• Changed all windows to double-hung wood windows with integral ogee lugs at north elevation. See Sheet A-3.1.

• Added rear elevations of adjacent structures. See Sheets A-3.01, and A-3.1.

• Provided section drawing at lightwell showing north elevation of lightwell, family room and rear yard. Noted existing grade and materials. See Sheet A-3.4.

• Clarification of the grade at eastern and western neighbors. See Sheets A-3.02, A-3.03, A-3.2, and A-3.3.

ATTACHMENTS:
Abbreviated Analysis from the March 7, 2019 Hearing
Revised Plan Set dated July 3, 2019
Date: May 2, 2019
Case No.: 2018-009551DRP
Project Addresses: 3847-3849 18th Street
Permit Applications: 2018.06.22.2714
Zoning: RH-3 [Residential House, Three-Family]
40-X Height and Bulk District
Area Plan: N/A
Block/Lot: 3585/077
Project Sponsor: Dawson & Clinton General Contractors
PO Box 410475
San Francisco, CA 94141
Staff Contact: David Winslow – (415) 575-9159
David.Winslow@sfgov.org
Jeff Horn – (415) 575-6926
Jeffrey.Horn@sfgov.org
Recommendation: Do Not Take DR

PROJECT DESCRIPTION

The proposed scope of work is to abate an outstanding Planning Enforcement case relating to the project sponsor exceeding the scope of work of a series of permits issued on the property, most of which were issued over the counter.

The proposed scope of work seeking legalization includes:

- Two-story horizontal addition at rear SE corner of the building
- Enclosure of existing lightwells (east and west sides) at levels 1 & 3
- Enlargement of the existing lightwell (west) at levels 2 & 3
- Increase the habitable square footage of the attic space
- Addition of a bay window at front of the basement level, located beneath the front stairs
- Front addition to the garage to align with the front property line
- A 40 SF roof deck at the rear of level 3
- The combining of two “exempt” dormers into one single dormer
- A 11’-4” (max height) wall along the east side property line
- A 4’-8” white laminated glass guardrail/privacy screen along the east side property line
- A new steel garage door and pedestrian gate.
- Retaining walls and guardrails at front property line
- Cumulative excavation calculation for all work performed, estimated at 882 Cubic Yards
The project proposes to make the following modifications to the current as-built building based on comments providing by RDAT and Preservation Staff:

- Front gable window to be reduced in size to match proportions of the original window
- Wood paneling added to front entry way
- All front façade windows to be wood, double-hung with ogee lugs

In total, the description of the project as-built and with proposed legalizations and modifications would be a 6,490 square foot, four-story-over-garage, two-family dwelling. Project details include a 4,021 SF upper unit, a 1,624 SF lower unit, and an 848 SF garage.

BACKGROUND

Below is a summary of the permit, complaint and enforcement history of the subject property. A series of plans were submitted in a manner that presented all scopes of work presented as being exempt from Section 311 neighborhoods notification requirements, in some cases by not correctly portraying the existing conditions:

A Department of Building Inspection (DBI) Notice of Violation (NOV 201310261) was issued on August 23rd, 2013, based on a complaint filed in June of that year, for an illegal unit at the basement level. The Project Sponsor came into possession of the property in August 2014. In September 2014, the Project Sponsor submitted their 1st Building Permit on this property; BPA #2014.0922.6974 proposed to remove the unit at abate the NOV. The plans for this permit described the existing square footage of the structure as 2,463 square feet.

A summary of all over-the-counter permits is as follows, notations describing major discrepancies or out-of-scope work associated with these permits are in parenthesis:

- 2014.09.22.6974 - Correct N.O.V. #201310261. Remove illegal dwelling unit at basement.
- 2014.11.25.2493 - Replace perimeter foundation of (e) crawl space in-kind.
- 2014.12.12.3665 - Excavate Crawl Space to create basement “storage.” (Over excavation per Project Sponsor’s Sheet A-4.01)
- 2014.12.30.4758 - Convert “storage” to garage. (Over excavation per Project Sponsor’s Sheet A-4.01, front garage wall built out 5’-3” further than approved, additional retaining walls and railings/fences constructed at front and side property lines)
- 2015.07.24.2364 - Voluntary full seismic upgrade.
- 2015.12.24.5908 - Interior remodel, relocate lower unit from 1st level to basement level. New windows and door on north elevation, (Over excavation per Project Sponsor’s Sheet A-4.01, out-of-scope alterations to windows, doors, rear addition shown as existing, dormers enlarged)
- 2016.06.30.1316 - Excavate to expand rear yard storage space. (Over excavation per Project Sponsor’s Sheet A-4.01)
• 2017.02.03.8618 - Replace existing property line fence in rear yard with new stucco wall, 9'-6” height.
• 2017.06.26.0353 - Install new sprinkler monitoring system.

Seven subsequent DBI complaints were received after construction began on the project, dating from July 2016 to February 2018. On February 12, 2018 Planning opened Enforcement Case no. 2018-002303ENF, and on May 3, 2018 Planning sent a Notice of Violation to the Project Sponsor providing a detailed account of the out-of-scope work performed at the property (Attached). To correct all complaints, violations and enforcement actions, the Project Sponsor submitted a Building Permit Application (2018.0622.2714) on June 22, 2018. A plan check review of the submitted plans by Planning Staff resulted in a determination that some of the as-built features were located within the required front setback and required rear yard. The Sponsor proposes to legalize these features and is seeking a variance within case no. 2018-009551VAR, filed on January 24, 2019.

SITE DESCRIPTION AND PRESENT USE
The site is a 25’ x 114” rectangular shaped and up sloping lot with an existing, as-built, 4-story-over-garage, 6,490 SF two-family residence that was recently altered and originally constructed in 1907. The building is classified as a category ‘B’ historic resource.

SURROUNDING PROPERTIES AND NEIGHBORHOOD
The street face of this block of 18th has a consistent pattern of 3- and 4-story buildings of varying styles, with large setbacks, stepping with the slope of the street, many with protruding “snout” garages. The subject property and the two buildings to the both the east and west are setback from the front property line, with protruding “snout” garages, while the buildings further to the west and east abut the front property line. The mid-block open space is bounded by consistent alignment of buildings, although neighbors to the rear contain non-complying structures on their respective rear lot lines.

BUILDING PERMIT NOTIFICATION

<table>
<thead>
<tr>
<th>TYPE</th>
<th>REQUIRED PERIOD</th>
<th>NOTIFICATION DATES</th>
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<th>DR HEARING DATE</th>
<th>FILING TO HEARING TIME</th>
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<td>February 07, 2019</td>
<td>May 09, 2019</td>
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HEARING NOTIFICATION

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<td>April 20, 2019</td>
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<td>20 days</td>
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PUBLIC COMMENT

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<th></th>
<th>SUPPORT</th>
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<tbody>
<tr>
<td>Adjacent neighbor(s)</td>
<td>5</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Other neighbors on the block or directly across the street</td>
<td>1</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Neighborhood groups</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

DR REQUESTOR

Malcom Xiang, no address provided. There has been no correspondence with Mr. Xiang since the DR was received.

DR REQUESTORS’ CONCERNS AND PROPOSED ALTERNATIVES

Issues:
1. The project should be considered tantamount to demolition.
2. The project “eliminated” two equal-sized units, and removed an illegal unit

Request:
1. Planning Commission should exercise its Discretionary Review and deny permit application. Project Sponsor should return building to its original configuration, as many other similar properties have been required to do by the Planning Commission.

See attached Discretionary Review Application, dated February 07, 2019

PROJECT SPONSOR’S RESPONSE TO DR APPLICATION

See attached Response to Discretionary Review, dated April 18, 2019.

PROJECT ANALYSIS

The Residential Design Advisory team reviewed the project and found the alterations seeking legalization to generally be in compliance with the Residential Design Guidelines. The RDAT noted a consistent pattern of full lot width “snout” garages in the immediate vicinity of the project. The RDAT and Preservation Staff provided the following comments to the Sponsor, which have been incorporated into the current design proposal.

- Reduce the front gable window to match the proportions of the original window.
- Add solidity to front entry way.
- Retain existing window design and operation at front façade.

The Sponsor submitted Section 317 calculations that determined the amount of removal that occurred does not exceed threshold that would be consider the project as tantamount to demolition. Staff acknowledges that because the construction has been completed and the series of plans submitted contained inaccuracies, it is difficult to fully verify the quantities of removal provided by the Sponsor.
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).

RECOMMENDATION: Do Not Take DR

Attachments:
Block Book Map
Sanborn Map
Zoning Map
Aerial Photographs
Context Photographs
Section 311 Notice
CEQA Determination
Enforcement’s Notice of Violation dated May 3, 2018
DR Application
Response to DR Application dated April 18, 2019
Letters of Support
Reduced Plans
Exhibits
Parcel Map

Discretionary Review Hearing
Case Number 2018-009551DRPVAR
3847-3849 18th Street
*The Sanborn Maps in San Francisco have not been updated since 1998, and this map may not accurately reflect existing conditions.
Aerial Photo

Discretionary Review Hearing
Case Number 2018-009551DRPVAR
3847-3849 18th Street
Aerial Photo
Aerial Photo

SUBJECT PROPERTY

Discretionary Review Hearing
Case Number 2018-009551DRPVAR
3847-3849 18th Street
NOTICE OF BUILDING PERMIT APPLICATION (SECTION 311)

On June 22, 2018, the Applicant named below filed Building Permit Application No. 2018.06.22.2714 with the City and County of San Francisco.

**PROJECT INFORMATION**

<table>
<thead>
<tr>
<th>Project Address:</th>
<th>3847-3849 18th Street</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cross Street(s):</td>
<td>Church Street / Sanchez Street</td>
</tr>
<tr>
<td>Block/Lot No.:</td>
<td>3585/077</td>
</tr>
<tr>
<td>Zoning District(s):</td>
<td>RH-3 / 40-X</td>
</tr>
<tr>
<td>Record No.:</td>
<td>2018-009551PRJ</td>
</tr>
</tbody>
</table>

**APPLICANT INFORMATION**

<table>
<thead>
<tr>
<th>Applicant:</th>
<th>DAWSON + CLINTON</th>
</tr>
</thead>
<tbody>
<tr>
<td>Address:</td>
<td>PO Box 410475</td>
</tr>
<tr>
<td>City, State:</td>
<td>San Francisco, CA 94141</td>
</tr>
<tr>
<td>Telephone:</td>
<td>(415) 359-9991</td>
</tr>
<tr>
<td>Email:</td>
<td><a href="mailto:paul@dawson-clinton.com">paul@dawson-clinton.com</a></td>
</tr>
</tbody>
</table>

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

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

**PROJECT SCOPE**

- ☐ Demolition
- ☐ Change of Use
- ☑ Rear Addition
- ☑ Façade Alteration(s)
- ☑ Front Addition
- ☑ Side Addition
- ☑ Vertical Addition
- ☑ New Construction
- ☑ Alteration

**PROJECT FEATURES**

<table>
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<tr>
<th>Building Use</th>
<th>Two-Family Residence</th>
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<tbody>
<tr>
<td>Front Setback</td>
<td>15 feet, 6 inches</td>
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<tr>
<td>Side Setbacks</td>
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<tr>
<td>Building Depth</td>
<td>71 feet, 3 inches</td>
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<tr>
<td>Rear Yard</td>
<td>42 feet, 9 inches</td>
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<tr>
<td>Building Height</td>
<td>37 feet, 5 inches</td>
</tr>
<tr>
<td>Number of Stories</td>
<td>4</td>
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<tr>
<td>Number of Dwelling Units</td>
<td>2</td>
</tr>
<tr>
<td>Number of Parking Spaces</td>
<td>0</td>
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</table>

**PROJECT DESCRIPTION**

An expansion and alteration to the existing two-family residence occurred from 2015 to 2017 under a series of issued permits as well as work that was performed beyond the scope of the permits or not included in any permits issued by the City. Expansions to the structure includes a 219 square foot (SF) addition at the rear of the building, the enclosure of a 44 SF lightwell, roof dormers, and the addition of a basement/garage level. The project also includes major interior renovations and the enlarging of the basement floor and the attic, improvements to the rear yard and fencing, and exterior alterations to the front windows, doors, entryway, stairs, railings, decks and the addition of a garage. Prior to any construction activities the original structure was 4,700 Gross SF in total area, the current structure is 6,490 GSF, an increase of 1,790 square feet. Three features require a Variance for approval, which will be noticed separately, these include the 11’-4” tall property line wall along the front stairs, the 219 SF addition at the rear of building and an elevated rear yard access bridge.

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.

For more information, please contact Planning Department staff:

Planner: Jeff Horn
Telephone: (415) 575-6925
E-mail: jeffrey.horn@sfgov.org

Notice Date: 1/9/19
Expiration Date: 2/8/19
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, please contact the Planning Information Center at 1660 Mission Street, 1st Floor (415/ 558-6377) between 8:00am - 5:00pm Monday-Friday. 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 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.

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. You must submit the application in person at the Planning Information Center (PIC) between 8:00am - 5:00pm Monday-Friday, 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. 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, on-line, at 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.
CEQA Categorical Exemption Determination

PROPERTY INFORMATION/PROJECT DESCRIPTION

Project Address: 3847-3849 18TH ST
Block/Lot(s): 3585077

Case No.: 2018-009551PRJ
Permit No.: 201806222714

Addition/ Alteration
Demolition (requires HRE for Category B Building)
New Construction

Project description for Planning Department approval.
CORRECT NOV 2018-002303ENF:HORIZONTAL ADD. ENCLOSE (E) LITEWELL ATTIC SPACE. NEW DECK. COMBINE 2 DORMERS. REVISE WINDOW AT FRT FAÇADE. NEW STEEL GARAGE DOOR & GATE. NEW WOOD ENTRY DOOR. NEW WOOD GUARDRAIL AT FRT YD. PROVIDE DEMO CALES FOR ALL APPROV BPAS. PROVIDE EXCAVATION CALCULATION FOR ALL APPROVED BPAS.

STEP 1: EXEMPTION CLASS

*Note: If neither class applies, an Environmental Evaluation Application is required.*

Class 1 - Existing Facilities. Interior and exterior alterations; additions under 10,000 sq. ft.

Class 3 - New Construction. Up to three new single-family residences or six 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.

Class 32 - In-Fill Development. New Construction of seven or more units or additions greater than 10,000 sq. ft. and meets the conditions described below:
(a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.
(b) The proposed development occurs within city limits on a project site of no more than 5 acres substantially surrounded by urban uses.
(c) The project site has no value as habitat for endangered rare or threatened species.
(d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.
(e) The site can be adequately served by all required utilities and public services.

FOR ENVIRONMENTAL PLANNING USE ONLY

Class ___
## STEP 2: CEQA IMPACTS

TO BE COMPLETED BY PROJECT PLANNER

If any box is checked below, an Environmental Evaluation Application is required.

<table>
<thead>
<tr>
<th><strong>Air Quality:</strong> 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, etc.)? (refer to EP_ArcMap &gt; CEQA Catex Determination Layers &gt; Air Pollution Exposure Zone)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hazardous Materials: 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. 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 Maher program, or other documentation from Environmental Planning staff that hazardous material effects would be less than significant (refer to EP_ArcMap &gt; Maher layer).</td>
</tr>
<tr>
<td>Transportation: 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?</td>
</tr>
<tr>
<td>Archeological Resources: 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 &gt; CEQA Catex Determination Layers &gt; Archeological Sensitive Area)</td>
</tr>
<tr>
<td>Subdivision/Lot Line Adjustment: 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 &gt; CEQA Catex Determination Layers &gt; Topography)</td>
</tr>
<tr>
<td><strong>Slope = or &gt; 20%:</strong> 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 &gt; CEQA Catex Determination Layers &gt; Topography) If box is checked, a geotechnical report is required.</td>
</tr>
<tr>
<td><strong>Seismic: Landslide Zone:</strong> 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 &gt; CEQA Catex Determination Layers &gt; Seismic Hazard Zones) If box is checked, a geotechnical report is required.</td>
</tr>
<tr>
<td><strong>Seismic: Liquefaction Zone:</strong> 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 &gt; CEQA Catex Determination Layers &gt; Seismic Hazard Zones) If box is checked, a geotechnical report will likely be required.</td>
</tr>
</tbody>
</table>

If no boxes are checked above, GO TO STEP 3. If one or more boxes are checked above, an Environmental Evaluation Application is required, unless reviewed by an Environmental Planner.

Comments and Planner Signature (optional): Jeffrey Horn
### STEP 3: PROPERTY STATUS - HISTORIC RESOURCE
**TO BE COMPLETED BY PROJECT PLANNER**

PROPERTY IS ONE OF THE FOLLOWING: *(refer to Parcel Information Map)*

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
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</thead>
<tbody>
<tr>
<td></td>
<td>Category A: Known Historical Resource. <strong>GO TO STEP 5.</strong></td>
</tr>
<tr>
<td>✓</td>
<td>Category B: Potential Historical Resource (over 45 years of age). <strong>GO TO STEP 4.</strong></td>
</tr>
<tr>
<td></td>
<td>Category C: Not a Historical Resource or Not Age Eligible (under 45 years of age). <strong>GO TO STEP 6.</strong></td>
</tr>
</tbody>
</table>

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

Check all that apply to the project.

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1. <strong>Change of use and new construction.</strong> Tenant improvements not included.</td>
</tr>
<tr>
<td></td>
<td>2. <strong>Regular maintenance or repair</strong> to correct or repair deterioration, decay, or damage to building.</td>
</tr>
<tr>
<td>✓</td>
<td>3. <strong>Window replacement</strong> that meets the Department’s <em>Window Replacement Standards</em>. Does not include storefront window alterations.</td>
</tr>
<tr>
<td></td>
<td>4. <strong>Garage work.</strong> A new opening that meets the <em>Guidelines for Adding Garages and Curb Cuts</em>, and/or replacement of a garage door in an existing opening that meets the Residential Design Guidelines.</td>
</tr>
<tr>
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<td>5. <strong>Deck, terrace construction, or fences</strong> not visible from any immediately adjacent public right-of-way.</td>
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<tr>
<td></td>
<td>6. <strong>Mechanical equipment installation</strong> that is not visible from any immediately adjacent public right-of-way.</td>
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<td>7. <strong>Dormer installation</strong> that meets the requirements for exemption from public notification under <em>Zoning Administrator Bulletin No. 3: Dormer Windows</em>.</td>
</tr>
<tr>
<td></td>
<td>8. <strong>Addition(s)</strong> 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.</td>
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</table>

**Note:** Project Planner must check box below before proceeding.

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<table>
<thead>
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<tbody>
<tr>
<td></td>
<td>Project is not listed. <strong>GO TO STEP 5.</strong></td>
</tr>
<tr>
<td></td>
<td>Project does not conform to the scopes of work. <strong>GO TO STEP 5.</strong></td>
</tr>
<tr>
<td>✓</td>
<td>Project involves <strong>four or more</strong> work descriptions. <strong>GO TO STEP 5.</strong></td>
</tr>
<tr>
<td></td>
<td>Project involves <strong>less than four</strong> work descriptions. <strong>GO TO STEP 6.</strong></td>
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</tbody>
</table>

### STEP 5: CEQA IMPACTS - ADVANCED HISTORICAL REVIEW
**TO BE COMPLETED BY PROJECT PLANNER**

Check all that apply to the project.

<p>| | |</p>
<table>
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<tbody>
<tr>
<td></td>
<td>1. Project involves a <strong>known historical resource (CEQA Category A)</strong> as determined by Step 3 and conforms entirely to proposed work checklist in Step 4.</td>
</tr>
<tr>
<td></td>
<td>2. <strong>Interior alterations to publicly accessible spaces.</strong></td>
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<tr>
<td></td>
<td>3. <strong>Window replacement</strong> of original/historic windows that are not “in-kind” but are consistent with existing historic character.</td>
</tr>
<tr>
<td></td>
<td>4. <strong>Facade/storefront alterations</strong> that do not remove, alter, or obscure character-defining features.</td>
</tr>
<tr>
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<td>5. <strong>Raising the building</strong> in a manner that does not remove, alter, or obscure character-defining features.</td>
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<tr>
<td></td>
<td>6. <strong>Restoration</strong> based upon documented evidence of a building’s historic condition, such as historic photographs, plans, physical evidence, or similar buildings.</td>
</tr>
</tbody>
</table>
7. **Addition(s)**, including mechanical equipment that are minimally visible from a public right-of-way and meet the Secretary of the Interior’s Standards for Rehabilitation.

8. **Other work consistent** with the Secretary of the Interior Standards for the Treatment of Historic Properties (specify or add comments):

9. **Other work** that would not materially impair a historic district (specify or add comments):

(Requires approval by Senior Preservation Planner/Preservation Coordinator)

10. **Reclassification of property status.** (Requires approval by Senior Preservation Planner/Preservation Coordinator)
    - [ ] Reclassify to Category A
    - [ ] Reclassify to Category C
      - a. Per HRER dated (attach HRER)
      - b. Other (specify):

Note: If ANY box in STEP 5 above is checked, a Preservation Planner MUST check one box below.

- [ ] Further environmental review required. Based on the information provided, the project requires an Environmental Evaluation Application to be submitted. **GO TO STEP 6.**

- [✓] Project can proceed with categorical exemption review. The project has been reviewed by the Preservation Planner and can proceed with categorical exemption review. **GO TO STEP 6.**

Comments (optional):

Preservation Planner Signature: Natalia Kwiatkowska

**STEP 6: CATEGORICAL EXEMPTION DETERMINATION**

**TO BE COMPLETED BY PROJECT PLANNERS**

- [ ] Further environmental review required. Proposed project does not meet scopes of work in either (check all that apply):
  - [ ] Step 2 - CEQA Impacts
  - [ ] Step 5 - Advanced Historical Review

STOP! Must file an Environmental Evaluation Application.

- [✓] No further environmental review is required. The project is categorically exempt under CEQA. There are no unusual circumstances that would result in a reasonable possibility of a significant effect.

**Project Approval Action:**

<table>
<thead>
<tr>
<th>Building Permit</th>
<th>Signature: Natalia Kwiatkowska</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>01/10/2019</td>
</tr>
</tbody>
</table>

If Discretionary Review before the Planning Commission is requested, the Discretionary Review hearing is the Approval Action for the project.

Once signed or stamped and dated, this document constitutes a categorical exemption pursuant to CEQA Guidelines and Chapter 31 of the Administrative Code.

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.

Please note that other approval actions may be required for the project. Please contact the assigned planner for these approvals.
STEP 7: MODIFICATION OF A CEQA EXEMPT PROJECT
TO BE COMPLETED BY PROJECT PLANNER

In accordance with Chapter 31 of the San Francisco Administrative Code, when a California Environmental Quality Act (CEQA) exempt project changes after the Approval Action and requires a subsequent approval, the Environmental Review Officer (or his or her designee) must determine whether the proposed change constitutes a substantial modification of that project. This checklist shall be used to determine whether the proposed changes to the approved project would constitute a "substantial modification" and, therefore, be subject to additional environmental review pursuant to CEQA.

PROPERTY INFORMATION/PROJECT DESCRIPTION

<table>
<thead>
<tr>
<th>Project Address (If different than front page)</th>
<th>Block/Lot(s) (If different than front page)</th>
</tr>
</thead>
<tbody>
<tr>
<td>3847-3849 18TH ST</td>
<td>3585/077</td>
</tr>
<tr>
<td>Case No.</td>
<td>Previous Building Permit No.</td>
</tr>
<tr>
<td>2018-009551PRJ</td>
<td>201806222714</td>
</tr>
<tr>
<td>Plans Dated</td>
<td>Previous Approval Action</td>
</tr>
<tr>
<td>Building Permit</td>
<td>New Approval Action</td>
</tr>
</tbody>
</table>

Modified Project Description:

DETERMINATION IF PROJECT CONSTITUTES SUBSTANTIAL MODIFICATION

Compared to the approved project, would the modified project:

☐ Result in expansion of the building envelope, as defined in the Planning Code;

☐ Result in the change of use that would require public notice under Planning Code Sections 311 or 312;

☐ Result in demolition as defined under Planning Code Section 317 or 19005(f)?

☐ Is any information being presented that was not known and could not have been known at the time of the original determination, that shows the originally approved project may no longer qualify for the exemption?

If at least one of the above boxes is checked, further environmental review is required.

DETERMINATION OF NO SUBSTANTIAL MODIFICATION

☐ The proposed modification would not result in any of the above changes.

If this box is checked, the proposed modifications are categorically exempt under CEQA, in accordance with prior project approval and no additional environmental review is required. This determination shall be posted on the Planning Department website and office and mailed to the applicant, City approving entities, and anyone requesting written notice.

Planner Name: Date:
NOTICE OF VIOLATION

May 3, 2018

Property Owner
Kansas Street Development LLC
P.O. Box 410475
San Francisco, CA 94141

Site Address: 3847-3849 18th Street
Assessor’s Block/Lot: 3585/077
Zoning District: RH-3, Residential, House, Three-Family
Complaint Number: 2018-002303ENF
Code Violation: Sections 174 and 175: Unauthorized Alterations and Building Expansion
Administrative Penalty: Up to $250 Each Day of Violation
Response Due: Within 15 days from the date of this Notice
Staff Contact: Jon Purvis, (415) 558-6354, jonathan.purvis@sfgov.org

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

DESCRIPTION OF VIOLATION

Our records indicate that the subject property is currently authorized for a two-family dwelling. The violation pertains to the remodeling done to the above property between 2014 and 2017. It appears that work was done without permit or proper noticing, and other work is inconsistent with the Planning Code or with approved building permits. The discrepancies include expansions to the building envelope without permit, serial permitting for excavation, and revisions to windows and doors without permit.

Considering the extent of work performed on this property with multiple permits in just two years, most of this project should have been submitted under one Building Permit application with neighborhood notification. It should also have been subject to excavation calculations, demolition calculations, and possibly Environmental Review.

On April 10, 2018, the Planning Department sent you a Notice of Enforcement to inform you about the complaint and to meet and discuss the apparent violations. On April 12, 2018, Planning Department staff met with you to review the permits and plans to understand the reasons for the discrepancies. To date you have not contacted the Planning Department to resolve these issues. Below is a list of some of the permit work in question:

www.sfplanning.org
• Building Permit application (BPA) no. 2014.09.22.6974 was approved by the Planning Department to “remove illegal dwelling unit at basement.” The Floor Plan (A-2.1) shows the basement is to be converted entirely to storage and the stair access between the basement storage and the first floor dwelling is restored. Note that the Site Plan (A-1.1) shows that the existing rear wall closely aligns with the adjacent building to the east.

• BPA no. 2014.11.25.2493 was approved without Planning Department review to “replace perimeter foundation of existing crawl space in kind.” The crawl space under the basement is shown in Section (A4) to have about a 3-foot clearance. Note that in the Floor Plans (A3) the rear wall is now shown to project several feet beyond the adjacent building to the east, inconsistent with the prior plans. All plans submitted after this show this rear expansion on all floors of the building. This represents an expansion of the building envelope without permit.

• BPA no. 2014.12.12.3665 was also approved without Planning Department review to revise BPA no. 2014.11.25.2493 to “excavate 4 feet under existing crawl space for new storage.” This is shown in Section (A5) to provide a crawl space with a 7-foot clearance for additional storage to be provided underneath the basement storage. There are no calculations showing the amount of soil excavated from under the building, but it is likely about 100 cubic yards, which should have triggered California Environmental Quality Act (CEQA) review or at minimum a geotechnical report. Furthermore, without an apparent need for two levels of “storage,” this permit and the prior one are just incremental steps in a two-year process of over-the-counter serial permitting to disguise the total scope of the project.

• BPA no. 2014.12.30.4758 was approved to “convert existing storage to a new garage and demo front wall for new garage door.” What was identified as proposed “new” storage on December 12 is identified as “existing” storage on December 30. The Elevation (A2) shows the approved garage door to be a traditional style 8ft x 8ft wood-paneled door, while the as-built door is modern, metallic and larger than approved. As with the prior permit, this permit and the plans make no reference to required excavation. The Sections (A6) only refer to demolition of “walls” to access the new garage, but photos of the construction show substantial excavation into the hillside for the garage access.

• BPA no. 2015.12.24.5908 was approved for “interior remodel; relocate lower unit from first level to basement; new windows and doors on north elevation; new hydraulic elevator and new dormer windows per ZA Bulletin No. 3.” The work shown in the plans is a major remodel that includes interior demolition on all floors and a possible dwelling unit merger. There are no calculations showing the extent of the demolition, nor are there dwelling unit size calculations demonstrating that this is not a dwelling unit merger.

The North Elevation (A-3.1) submitted and approved with this application shows the attic window and garage door unchanged, and the Roof Plan (A-2.6) shows four individual dormers, each 8ft x 8ft. The as-built attic window and the garage door were enlarged and two of the east side dormers were combined into a single 8ft x 16ft dormer, which is inconsistent
with ZA Bulletin No. 3 and should have triggered neighborhood notification under Planning Code Section 311.

The Basement Plans (A-2.2) and First Floor Plans (A-2.3) show existing crawlspace and a light well at the rear of the building, which in prior plans was shown only as a sloping rear yard supported by retaining walls. This suggests additional excavation was done in the rear yard without permit. The First Floor Plans (A-2.3) also show that a light well existing in prior plans had been filled in without permit. The Attic Floor Plan (A-2.5) shows an existing bedroom at the rear to be larger than as depicted in prior plans, suggesting another expansion without permit and without neighborhood notification.

- BPA no. 2016.06.30.1316 was approved to “excavate to expand rear yard storage.” Under CEQA, any excavation of more than 50 cubic yards on a property with a slope of greater than 20 percent requires a geotechnical report. There are no calculations showing the extent of the excavation added to what had already been done at the front under BPA no. 2014.12.30.4758 and at the rear under BPA no. 2015.12.24.5908. It is likely to be at least 200 cubic yards.

A comparison between the Longitudinal Section (A-4.1) of the property with that shown in BPA no. 2014.11.25.2493 (A4) shows the full extent of the excavation of the lot and expansion of the building.

The extent of work performed on this property over the course of two years with multiple permits, some filed within days of others and some not referred to the Planning Department suggests an attempt to disguise the full extent of the project. This work should have included excavation calculations, demolition calculations, and dwelling unit size figures. It should have been filed under a single building permit with neighborhood notification and possibly an Environmental Review application.

Pursuant to Planning Code Section 174, every condition, stipulation, special restriction and other limitation imposed by administrative actions pursuant to this Code, whether such actions are discretionary or ministerial, shall be complied with in the development and use of land and structures. All such conditions, stipulations, special restrictions and other limitations shall become requirements of this Code, and failure to comply with any such condition, stipulation, special restriction or other limitation shall constitute a violation of the provisions of this Code.

Pursuant to Planning Code Section 175, (a) no application for a building permit or other permit or license, or for a permit of Occupancy, shall be approved by the Planning Department, and no permit or license shall be issued by any City department, which would authorize a new use, a change of use or maintenance of an existing use of any land or structure contrary to the provisions of this Code; and (b) no such application, permit or license shall be approved or issued by any City department for the construction, reconstruction, enlargement, alteration, relocation or occupancy of any structure if the construction or other activities that would be authorized by the requested permit or license would not conform in all respects to this Code, or if the structure or any feature thereof is designed, constructed, arranged, maintained or intended to be used for a purpose or in a manner contrary to the provisions of this Code.
TIMELINE OF INVESTIGATION

On February 13, 2018, the Planning Department sent you a Notice of Complaint to inform you about the complaint. In that notice, you were advised to contact the Planning Department to resolve the complaint. You contacted the Department and acknowledged some discrepancies, including an attic window and a garage door replaced without permit or inconsistent with the permit approved.

On March 28, 2018, you submitted Building Permit application no. 2018.03.28.4843 seeking a “revision to BPA no. 2015.12.24.5908, with new steel garage door and gate, guardrail at front yard, and a new 3'6" x 5x6" window at north elevation.” This Building Permit application is on hold pending resolution of this Notice of Violation.

On April 10, 2018, the Planning Department sent you a Notice of Enforcement outlining the complaint and some of the discrepancies and omissions in the permits that were issued for this project. In that Notice, you were advised to take corrective actions and provide evidence of compliance to the Planning Department within fifteen (15) days. To help you with this, Planning Department staff met with you on April 12, 2018 to review the permits and plans and to get an explanation for the multiple discrepancies. You have not contacted the Planning Department since that meeting to demonstrate how you intend to bring the subject property into compliance with the Planning Code.

HOW TO CORRECT THE VIOLATION

The Planning Department requires that you immediately proceed to abate the violation by applying for new building permit that complies with all provisions of the Planning Code to correct the record. The scope of this permit would be for all work done beginning with BPA no. 2014.11.25.2493 and up to and including BPA no. 2016.06.30.1316. This should include the demolition of floors and walls, excavation, new garage, rear building expansion, lightwell fill-in, rearrangement of the dwelling units, new windows, doors, and dormers, plus any other work that was done but not fully and accurately represented on a building permit or plan.

Pursuant to Planning Code Section 317, if the extent of the demolition work exceeds that as defined in Code Section 317(b)(2), you must also file a Conditional Use Authorization application to seek approval. The Conditional Use Authorization application is available from the Planning Department’s website at http://www.sf-planning.org. Only if the Conditional Use Authorization is granted may you then proceed with the building permit.

You must also indicate all expansions of the building envelope in the permit description and show this on the plans. This would include the rear addition, the dormers, and any other expansion not previously indicated. This will be subject to neighborhood notification under Planning Code Section 311.

The plans must show the required front setback and rear yard lines and work outside those lines may be subject to variance. The Variance application is also available on our website.

Alternatively, the responsible party will need to provide adequate evidence to demonstrate that either no violation exists or that the violation has been abated. Please provide evidence that includes duly
issued permits reviewed and approved by Planning for all of the above-referenced work. A site visit may also be required to verify compliance.

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

1) Correct the violation as noted above; or

2) Appeal this Notice of Violation as noted below.

The corrective actions shall be taken as early as possible. Please contact the enforcement staff as noted above to submit evidence of correction. Any unreasonable delays in abatement of the violation will result in further enforcement action by the Planning Department.

**APPEAL PROCESSES**

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

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

2) The responsible or any interested party may waive the right to a Zoning Administrator Hearing and proceed directly to appeal the Notice of Violation to the Board of Appeals located at 1650 Mission Street, Room 304, San Francisco, CA 94103, telephone: (415) 575-6880, website: www.sfgov.org/bdappeal. The Board of Appeals may not reduce the amount of penalty below $100 per day for each day the violation continues unabated, excluding the period of time the matter has been pending either before the Zoning Administrator or before the Board of Appeals.

**ADMINISTRATIVE PENALTIES**

If any responsible party does not request any appeal process and does not take corrective action to abate the violation **within the 15-day time limit** as noted above, this Notice of Violation will become final. Beginning on the following day, administrative penalties of up to **$250 per day** to the responsible party will start to accrue for each day the violation continues unabated. The penalty amount shall be paid **within 30 days** from the final date of the Notice of Violation. After 30 days, the
Planning Department may forward the matter to the Bureau of Delinquent Revenue for collection as authorized by Article V, Section 10.39 of the San Francisco Administrative Code. Please be advised that payment of penalty does not excuse failure to correct the violation or bar further enforcement action. Additional penalties will continue to accrue until a corrective action is taken to abate the violation.

ENFORCEMENT TIME AND MATERIALS FEE

Pursuant to Planning Code Section 350(g)(1), the Planning Department shall charge for ‘Time and Materials’ to recover the cost of correcting the Planning Code violations. Accordingly, the responsible party is currently subject to a fee of $1,351 for ‘Time and Materials’ cost associated with the Code Enforcement investigation. Please submit a check payable to ‘San Francisco Planning Department’ for Code Enforcement within 15 days from the date of this notice. Additional fees will continue to accrue until the violation is abated. This fee is separate from the administrative penalties 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.

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

Sincerely,

Tina Tam
Acting Zoning Administrator

Enc.: Notice of Enforcement dated April 10, 2018

cc: Dawson and Clinton
    Pier 50
    San Francisco, CA 94158
Notice of Violation

May 3, 2018

Mercury Engineering/SF Garage
1760 Mission Street
San Francisco, CA 94103

Patrick O'Riordan, Chief Building Inspector
NOTICE OF ENFORCEMENT

April 10, 2018

Property Owner
Kansas Street Development LLC
P.O. Box 410475
San Francisco, CA 94141

Site Address: 3847-3849 18th Street
Assessor’s Block/Lot: 3585/077
Zoning District: RH-3, Residential, House, Three-Family
Complaint Number: 2018-002303ENF
Code Violation: Sections 174 and 175: Unauthorized Alterations and Building Expansion
Administrative Penalty: Up to $250 Each Day of Violation
Response Due: Within 15 days from the date of this Notice
Staff Contact: Jon Purvis, (415) 558-6354, jonathan.purvis@sfgov.org

The Planning Department has received a complaint that a Planning Code violation exists on the above referenced property that needs to be resolved. As the owner of the subject property, you are responsible. 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

Our records indicate that the subject property is currently authorized for a two-family dwelling. The violation pertains to the remodeling done to the above property between 2014 and 2017. It appears that work was done without permit or proper noticing, and other work is inconsistent with the Planning Code or with approved building permits. The discrepancies include expansions to the building envelope without permit, serial permitting for excavation, and revisions to windows and doors without permit.

Considering the extent of work performed on this property with multiple permits in just two years, most of this project should have been submitted under one building permit application with neighborhood notification. It should also have been subject to excavation calculations, demolition calculations, and possibly environmental review.

On February 13, 2018, the Planning Department sent you a Notice of Complaint to inform you about the complaint. You did not contact the Planning Department to respond to this notice.

Pursuant to Planning Code Section 174, every condition, stipulation, special restriction and other limitation imposed by administrative actions pursuant to this Code, whether such actions are discretionary or ministerial, shall be complied with in the development and use of land and structures.
All such conditions, stipulations, special restrictions and other limitations shall become requirements of this Code, and failure to comply with any such condition, stipulation, special restriction or other limitation shall constitute a violation of the provisions of this Code.

Pursuant to Planning Code Section 175, (a) no application for a building permit or other permit or license, or for a permit of Occupancy, shall be approved by the Planning Department, and no permit or license shall be issued by any City department, which would authorize a new use, a change of use or maintenance of an existing use of any land or structure contrary to the provisions of this Code; and (b) no such application, permit or license shall be approved or issued by any City department for the construction, reconstruction, enlargement, alteration, relocation or occupancy of any structure if the construction or other activities that would be authorized by the requested permit or license would not conform in all respects to this Code, or if the structure or any feature thereof is designed, constructed, arranged, maintained or intended to be used for a purpose or in a manner contrary to the provisions of this Code.

HOW TO CORRECT THE VIOLATION

Contact the Enforcement Planner listed above to arrange for a site inspection of the subject property within 15 days from the date of this notice. If the building has work that is inconsistent with any of the approved building permits or with the Planning Code, or with CEQA guidelines, you must immediately proceed to abate the violation by applying retroactively for revisions to clarify and legalize the actual work that was done. If these changes are not approved, you may have to alter the work or appeal the permit decisions.

The responsible party will need to provide adequate evidence to demonstrate that either no violation exists or that the violation has been abated. Evidence would include duly issued permits and plans showing conditions reviewed and approved by the Planning Department, and the condition as it exists today or you wish to legalize. A site visit will be required to verify compliance.

Please contact the Department of Building Inspection (DBI), 1660 Mission Street, San Francisco, CA 94103, telephone: (415) 558-6088, website: www.sfgov.org/dbi, regarding the Building Permit application process. Please visit the Planning Information Counter located at the first floor of 1660 Mission Street or website: 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(g)(1), the Planning Department shall charge for ‘Time and Materials’ to recover the cost of correcting Planning Code violations and violations of Planning Commission and Planning Department’s Conditions of Approval. Accordingly, the responsible party may be subject to an amount of $1,351 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: Current Owner or Occupant
    3847-3849 18th Street
    San Francisco, CA 94114

    Patrick O’Riordan, Chief Building Inspector
    Department of Building Inspection
An expansion and alteration to the existing two-family residence occurred from 2015 to 2017 under a series of issued permits as well as work that was performed beyond the scope of the permits or not included in any permits issued by the City. Expansions to the structure includes a 219 square foot (SF) addition at the rear of the building, the enclosure of a 44 SF lightwell, roof dormers, and the addition of a basement/garage level. The project also includes major interior renovations and the enlarging of the basement floor and the attic, improvements to the rear yard and fencing, and exterior alterations to the front windows, doors, entryway, stairs, railings, decks and the addition of a garage. Prior to any construction activities the original structure was 4,700 Gross SF in total area, the current structure is 6,490 GSF, an increase of 1,790 square feet. Three features require a Variance for approval, which will be noticed separately, these include the 11'-4" tall property line wall along the front stairs, the 219 SF addition at the rear of building and an elevated rear yard access bridge.
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

Building Permit Applications No(s):  2018.06.22.2714
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.

<table>
<thead>
<tr>
<th>PRIOR ACTION</th>
<th>YES</th>
<th>NO</th>
</tr>
</thead>
<tbody>
<tr>
<td>Have you discussed this project with the permit applicant?</td>
<td></td>
<td>✓</td>
</tr>
<tr>
<td>Did you discuss the project with the Planning Department permit review planner?</td>
<td></td>
<td>✓</td>
</tr>
<tr>
<td>Did you participate in outside mediation on this case? (including Community Boards)</td>
<td></td>
<td>✓</td>
</tr>
</tbody>
</table>

CHANGES MADE TO THE PROJECT AS A RESULT OF MEDIATION

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

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

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

   - Project is tantamount to demolition, given the extensive gutting of all interior spaces and exterior walls / envelop, and over 822cy of excavation
   - Project expanded / in-filled building and added garage / subterranean living spaces without permits
   - Project disguised its true program over a series of permits and misrepresentations on its architectural / engineer submissions

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.**

   - Project eliminated two equal-sized, affordable, rent-controlled apartments (with an unwarranted basement studio) to create a $11.85 million, 6490sf single family home with au pair

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?**

   - Planning Commission should exercise its Discretionary Review and deny permit application. Project Sponsor should return building to its original configuration, as many other similar properties have been required to do by the Planning Commission
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

Malcolm Xiang
Name (Printed)

__________________________
Public Initiated DR 415-320-7736
Relationship to Project Phone
(i.e. Owner, Architect, etc.)

malcolmlixiang@gmail.com
Email

APPLICANT’S SITE VISIT CONSENT FORM

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

__________________________
Signature

__________________________
Name (Printed)

__________________________
Date

For Department Use Only
Application received by Planning Department:
By: JEFF SPARR
Date: 2/7/19
RESPONSE TO
DISCRETIONARY REVIEW (DRP)

Project Information
Property Address: 3847 - 3849 18th Street
Building Permit Application(s): 2018 06 22 2714
Record Number: 2018-009551DRP Assigned Planner: Jeffrey Horn
Zip Code: 94114

Project Sponsor
Name: Kansas Street Development LLC
Phone: (415) 850-9319
Email: paul@dawson-clinton.com

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.)

The pre-existing building lacked proper maintenance, lost many character-defining features, and negatively contributed to the neighborhood character. The proposed project greatly improves the building and neighborhood character. Additionally, the proposed project maintains existing housing units and improves its desirability.

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.

No alternative or change is proposed. The proposed project does not have any adverse effect on the surrounding properties.

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.

The proposed project does not increase massing and scale of the building that is visible from the public right-of-way. The choice of quality materials and craftsmanship provides visual interest and texture to the building and enhances the neighborhood character. The proposed project does not have any adverse effect on the surrounding properties. No owner or occupant of surrounding properties who are most likely to be adversely affected (if such adverse effect exists) have filed a DR as a result of this building permit application.
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.

<table>
<thead>
<tr>
<th>Feature</th>
<th>Existing</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dwelling Units (only one kitchen per unit - additional kitchens count as additional units)</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>Occupied Stories (all levels with habitable rooms)</td>
<td>4</td>
<td>4</td>
</tr>
<tr>
<td>Basement Levels (may include garage or windowless storage rooms)</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Parking Spaces (Off-Street)</td>
<td>4</td>
<td>4</td>
</tr>
<tr>
<td>Bedrooms</td>
<td>4</td>
<td>4</td>
</tr>
<tr>
<td>Height</td>
<td>37'-5&quot;</td>
<td>37'-5&quot;</td>
</tr>
<tr>
<td>Building Depth</td>
<td>56'-0&quot;</td>
<td>56'-0&quot;</td>
</tr>
<tr>
<td>Rental Value (monthly)</td>
<td>$7,000</td>
<td>$7,500</td>
</tr>
<tr>
<td>Property Value</td>
<td>$7.5m</td>
<td>$7.6m</td>
</tr>
</tbody>
</table>

I attest that the above information is true to the best of my knowledge.

Signature: [Signature]

Printed Name: Paul Dawson

Date: 3/5/19

☑ 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 18, 2019

Myrna Melgar, Commission President
San Francisco Planning Commission
San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco, CA 94103

RE: 3847-3849 18th Street – Response to DR Application
Case No.: 2018-009551DRP
Hearing Date: May 09, 2019

Dear Commission President Melgar,

We are writing to respond to, and correct misrepresentations made by “Malcolm Xiang”, the applicant of the Discretionary Review Case No.: 2018-009551DRP.

We also want to point out that the applicant failed to establish the numerous requirements of a Discretionary Review Request. The applicant failed to establish “the exceptional and extraordinary circumstances that justify Discretionary Review of the project.” The applicant failed to establish how “the project conflicts with the City’s General Plan or the Planning Code’s Priority Policies or Residential Design Guidelines.” And the applicant also failed to establish “how this project would cause unreasonable impacts.”

Following are the claims made by the applicant, as well as the project sponsor’s responses.

**Applicant:** “Project is tantamount to demolition, given the extensive gutting of all interior spaces and exterior walls / envelop, and over 822cy of excavation”

**Response:** The proposed project is not tantamount to demolition as determined by both planning code enforcement and planning staff.

**Applicant:** “Project expanded / in-filled building and added garage / subterranean living spaces without permits”

**Response:** The garage and subterranean living spaces were done under permit numbers 2014.12.30.4758 and 2016.06.30.1316. A 219 sq.ft. addition at the rear of the building, a 44 sq.ft. lightwell infill, and a 20 sq.ft. infill under an existing stair were done without permits, which led to the project sponsor subsequently submitting building permit application 2018.06.00.2714 to remedy the discrepancies. All of these items were included in a 311 notification and no comments were received from actual neighbors. The only comment was from this applicant “Malcolm Xiang.”
Applicant: “Project disguised its true program over a series of permits and misrepresentations on its architectural / engineer submissions”

Response: The project sponsor undertook this project as a design-build project. The complete program of the project was unknown at the start of the project. As the project evolved, the project sponsor engaged with subcontractors and consultants to acquire the appropriate building permits. Regrettably, several areas were erroneously presented during this process. The project sponsor has since worked diligently with various department staff, including thorough review by planning code enforcement and additional complete review by planning staff and RDAT, to identify and remedy discrepancies in previously approved permit applications, hence submitting building permit application 2018.06.00.2714.

Applicant: “Project eliminated two equal-sized, affordable, rent-controlled apartments (with an unwarranted basement studio) to create a $11.85 million, 6490sf single family home with au pair”

Response: This is inaccurate on many levels. The project consists of 2 units, whose respective sizes were never equal, and is consistent with RH-2 zoning as approved by planning staff under permit number 2015.12.24.5908. The value of the property will be determined by the market. It has yet to be sold. Additionally, rent control ordinances and regulations remain applicable to the project.

Additionally, please note that the proposed project does not increase the massing and scale of the building that is visible from the public right-of-way. Moreover, the proposed project does not have any adverse effect on the surrounding properties. No owner or occupant of surrounding properties, who would be most likely to be impacted, registered complaints during the 311 notification process or anytime following the corrective actions that have been undertaken.

We therefore respectfully ask for your support for our project. Thank you for your time and consideration.

Sincerely,
Paul Dawson & Tim Clinton

Cc: Commission Vice-President Joel Koppel
Commissioner Rich Hillis
Commissioner Milicent A. Johnson
Commissioner Kathrin Moore
Commissioner Dennis Richards
Jeff Horn, Senior Planner
David Winslow, Architect Manager
Dear Jeffrey Horn,

I am a tenant who lives at 3851 18th Street which is directly next door to 3847-3849 18th Street. I am writing to say that I support the proposal I received in the 311 notification package. I am pleased with the outcome of their renovations and I would be opposed to any other changes.

Sincerely,

Sam Fishman
Dear Jeffrey Horn:

I am the owner and resident of 3853 18th Street which is located directly adjacent to the project at 3847-3849 18th Street. I want to state for the record that I am pleased with the building, I support the proposal I received in the 311 notification package, and I would be opposed to any other changes.

The developers were very respectful and accessible throughout the project. They went to great lengths to insure the comfort and safety of all the surrounding neighbors. Also,
their project had minimal impact on my property other than a few scuffs which they quickly rectified.

In the end, my family is grateful for the dramatic improvement to our quality of life brought on by the beautiful house they created. Their renovations blend in well with the other houses and contribute to the overall beauty of the block. I feel that the entire neighborhood has benefited from their project.

Sincerely,

Timothy Morano
Dear San Francisco Planning Dept.

I am a joint owner of 3853 18th street which is directly next door to 3847-3849 18th Street.

I have been living at this location for over 20 years and have witnessed a lot of change in this neighborhood. The renovation and restoration of 3847-3849 18th St is the most dramatic improvement I’ve observed on our street.

I am writing to say that I am pleased with their building and I support the proposal I received in the 311 notification package, and would be opposed to any other changes.

The building is beautiful and has improved the look and quality of life on our block. The contractors have been friendly, agreeable and attentive to our needs throughout the entire process, nothing but professional.

As large construction projects go this has been as non invasive as possible, and as the next door neighbor I am thrilled with the end results. This has been a radical improvement to our community and I wouldn’t change a thing.

The building itself has been upgraded and presents a contemporary and prestigious addition to our neighborhood. I am excited to see this project
finished and eager to see the building occupied and meet my new neighbors.

Sincerely,

John O’Leary
3853 18th Street
San Francisco, CA 94114
(415) 290-8491
Jeffrey:

I am the Owner of the freestanding Garden Cottage @ 50-B Hancock Street (part of a 3-unit condominium) which is located @ the rear property line directly behind the subject property & am also a licensed Architect / Owner of Palter / Donzelli Design + Architecture, Inc. who has been practicing in San Francisco / specializing in residential construction for over 25 years.

While I certainly do not condone some of the means by which the Applicant proceeded with the refurbishment of the property (including exceeding the approved scope of work), I do believe they were generally undertaken with honorable intentions & my dealings & interactions with them over the past several years have always been very positive.

Furthermore, the resulting development is certainly an overall positive for the neighborhood, particularly when compared to the previous condition of the property which was is a very poor state of disrepair.

As such, I am in support of the Project as it is currently built & believe that any requirement for demolition / removal of any of the un-permitted elements will be overly punitive, while not substantively improving the built environment. The delay of sale of the completed development has already, no doubt, had an adverse affect on the Applicant & I feel no further penalties are necessary as a deterrent to them not following proper permitting procedures in the future.

While I am not available to attend the upcoming Public Hearing, please take this email correspondence as my support for the Project as it is currently configured.

I am also happy to answer any questions you might have.

Regards,

Nick Palter, Architect, Certified Green Point Rater
PALTER / DONZELLI DESIGN + ARCHITECTURE, INC.
cell: 415.215.7808
Dear Jeffrey Horn,

I live at 3851 18th Street, directly next door to 3847-3849 18th st. I am writing to say that I support the proposal I received in the 311 notification package. I am pleased with the outcome of their renovations and I would be opposed to any other changes.

Sincerely,
Ben Scharfstein
Dear Mr. Horn,

I am a current resident of 3851 18th St, a neighbor to the properties at 3847-3849 18th St. I support the proposal I received in the 311 notification package. The renovations done are to my satisfaction, and I am opposed to any further changes.

Best,
Toni
PROPERTY ADDRESS: 3847-3849 18TH STREET
SAN FRANCISCO, CA 94114

OWNER: KANSAS STREET DEVELOPMENT LLC
415.359.9991 - PO BOX 410475, SAN FRANCISCO, CA 94141

ZONING DISTRICT: RH-3

YEAR BUILT: 1907
HISTORIC RESOURCE STATUS: B

OCCUPANCY TYPE: R-3

BUILDING HEIGHT: 37'-5" 37'-5"

NUMBER OF DWELLING UNITS: 2 3
NUMBER OF STORIES: 3 3

EXISTING
- 219 SQ.FT. HORIZONTAL ADDITION. FILL IN CORNER AT REAR OF BUILDING
- ENCLOSE 44 SQ.FT. OF EXISTING LIGHTWELL AT LEVEL 1 & 3
- FIRE SPRINKLER: YES

PROPOSED
- REMOVE 50 SQ.FT. OF EXISTING STRUCTURE TO ENLARGE EXISTING LIGHTWELL AT LEVEL 2 & 3
- EXPAND 198 SQ.FT. INTO EXISTING ATTIC SPACE. NO BUILDING ENVELOPE EXPANSION
- EXPAND 20 SQ.FT. UNDER FRONT YARD STAIR AT BASEMENT LEVEL
- EXTEND GARAGE 63 SQ.FT. TO THE FRONT PROPERTY LINE

EXISTING
- DEMO CEILING, WALL AND FLOOR FINISHES.
- DEMO ENTRY DOOR, AND PROVIDE (2) ENTRY DOORS AND DEMISING WALL.
- DEMO POWDER AND REPLACE WITH FULL BATH.
- DEMO M.P.E. AND FIRE SPRINKLERS.
- PROVIDE NEW SEPARATE UTILITY METERS, M.P.E. AND FIRE SPRINKLERS FOR 3RD UNIT.
- NEW 1-HR FIRE SEPARATION BETWEEN UNITS.
- NEW CEILING, WALL AND FLOOR FINISHES.
- NEW M.P.E., CABINETRY AND APPLIANCES FOR NEW KITCHEN.
- NEW WHITE LAMINATED GLASS SCREEN AT WEST PROPERTY LINE LIGHTWELL

PROPOSED
- NEW 40 SQ.FT. DECK AT LEVEL 3
- NEW STEEL GARAGE DOOR AND GATE
- NEW WOOD ENTRY DOOR
- NEW WOOD GUARDRAIL AT FRONT YARD
- PROVIDE DEMOLITION CALCULATION FOR ALL APPROVED BPAs
- PROVIDE EXCAVATION CALCULATION FOR ALL APPROVED BPAs
- NEW 1-HR FIRE SEPARATION BETWEEN UNITS.
- NEW CEILING, WALL AND FLOOR FINISHES.
- NEW M.P.E., CABINETRY AND APPLIANCES FOR NEW KITCHEN.
- NEW WHITE LAMINATED GLASS SCREEN AT WEST PROPERTY LINE LIGHTWELL

BUILDING AREA (GROSS): 4,700 SQ.FT. 6,490 SQ.FT.
BUILDING AREA (CONDITIONED):

CURRENT SAN FRANCISCO PLANNING CODES
AS WELL AS ANY AND ALL OTHER GOVERNING CODES AND ORDINANCES.

THE 2016 CALIFORNIA BUILDING STANDARDS CODE:
PART 1 - CALIFORNIA BUILDING STANDARDS ADMINISTRATIVE CODE
PART 2 - CALIFORNIA BUILDING CODE - VOL. I & II
PART 3 - CALIFORNIA ELECTRICAL CODE
PART 5 - CALIFORNIA PLUMBING CODE
PART 6 - CALIFORNIA ENERGY CODE
PART 7 - NO LONGER PUBLISHED IN TITLE 24; SEE TITLE 8 CCR
PART 8 - CALIFORNIA HISTORICAL BUILDING CODE
PART 9 - CALIFORNIA FIRE CODE
PART 10 - CALIFORNIA EXISTING BUILDING CODE
PART 11 - CALIFORNIA GREEN BUILDING STANDARDS CODE
PART 12 - CALIFORNIA REFERENCE STANDARDS CODE

PROJECT SCOPE

EXISTING
- BLOCK / LOT: BLOCK 3585 / LOT 077
- HEIGHT / BULK: 40-X
- ARCHITECT: RYAN BORMAN. LICENSE # C-36689
- ENGINEER: MERCURY ENGINEERING. LICENSE # C-17591

PROPOSED
- A-0.1 TITLE SHEET
- A-0.2 PRE-CONSTRUCTION AND CURRENT PHOTOGRAPHS
- A-1.01 SITE PLAN - EXISTING
- A-1.1 SITE PLAN - PROPOSED
- A-2.01 GARAGE & BASEMENT LEVEL PLAN - EXISTING
- A-2.02 LEVEL 1 & 2 PLAN - EXISTING
- A-2.03 LEVEL 3 & ROOF PLAN - EXISTING
- A-2.1 GARAGE & BASEMENT LEVEL PLAN - PROPOSED
- A-2.2 LEVEL 1 & 2 PLAN - PROPOSED
- A-2.3 LEVEL 3 & ROOF PLAN - PROPOSED
- A-3.01 EXTERIOR ELEVATIONS - EXISTING
- A-3.02 EXTERIOR ELEVATIONS - EXISTING
- A-3.03 EXTERIOR ELEVATIONS - EXISTING
- A-3.1 EXTERIOR ELEVATIONS - PROPOSED
- A-3.2 EXTERIOR ELEVATIONS - PROPOSED
- A-3.3 EXTERIOR ELEVATIONS - PROPOSED
- A-3.4 EXTERIOR ELEVATIONS - PROPOSED
- A-4.01 BUILDING SECTION - EXISTING
- A-4.1 BUILDING SECTION - PROPOSED

DRAWING:
TITLE SHEET
SHEET INDEX
BUILDING PERMIT
PROJECT TEAM
PROJECT DATA
NUMBER OF OFF-STREET PARKING: 0 4
3847-A 18TH ST
3849 18TH ST
510.549.0440 - 1041A FOLGER AVE, BERKELEY CA 94710
415.218.6556 - 301 UPPER TERRACE, SAN FRANCISCO, CA 94117
415.359.9991 - P.O. BOX 410475, SAN FRANCISCO, CA 94141

CODE REFERENCES
PROPERTY ADDRESS:
DRAWING:
SHEET:
DATE:
NO.   DATE SUBMISSION
1 JAN 10TH 2019
2 JULY 3RD 2019 NOPDR #2
3 AUGUST 8TH 2019
PART 1 - CALIFORNIA BUILDING STANDARDS ADMINISTRATIVE CODE
PART 2 - CALIFORNIA BUILDING CODE - VOL. I & II
PART 3 - CALIFORNIA ELECTRICAL CODE
PART 5 - CALIFORNIA PLUMBING CODE
PART 6 - CALIFORNIA ENERGY CODE
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PART 10 - CALIFORNIA EXISTING BUILDING CODE
PART 11 - CALIFORNIA GREEN BUILDING STANDARDS CODE
PART 12 - CALIFORNIA REFERENCE STANDARDS CODE

BUILDING PERMIT
SECTION 317, LOSS OF RESIDENTIAL AND UNAUTHORIZED UNITS THROUGH DEMOLITION, MERGER AND CONVERSION.

(B) DEFINITIONS, FOR THE PURPOSES OF THIS SECTION 317, THE TERMS BELOW SHALL BE AS DEFINED BELOW, CAPITALIZED TERMS NOT DEFINED BELOW ARE DEFINED IN SECTION 102 OF THIS CODE

(1) 'RESIDENTIAL CONVERSION' SHALL MEAN THE REMOVAL OF COOKING FACILITIES, CHANGE OF OCCUPANCY (AS DEFINED AND REGULATED BY THE BUILDING CODE), OR CHANGE OF USE (AS DEFINED AND REGULATED BY THE PLANNING CODE), OF ANY RESIDENTIAL UNIT OR UNAUTHORIZED UNIT TO A NON-RESIDENTIAL OR STUDENT HOUSING LINE.

(2) 'RESIDENTIAL DEMOLITION' SHALL MEAN ANY OF THE FOLLOWING:

(a) ANY WORK ON A RESIDENTIAL BUILDING FOR WHICH THE DEPARTMENT OF BUILDING INSPECTION DETERMINES THAT AN APPLICATION FOR A DEMOLITION PERMIT IS REQUIRED, OR

(b) A MAJOR ALTERATION OF A RESIDENTIAL BUILDING THAT PROPOSED THE REMOVAL OF MORE THAN 50% OF THE SUM OF THE FRONT FACADE AND THE REAR FACADE AND ALSO PROPOSED THE REMOVAL OF MORE THAN 65% OF THE SUM OF ALL EXTERIOR WALLS, MEASURED IN LINEAL FEET AT THE FOUNDATION LEVEL.

(c) A MAJOR ALTERATION OF A RESIDENTIAL BUILDING THAT PROPOSES THE REMOVAL OF MORE THAN 50% OF THE VERTICAL ENVELOPE ELEMENTS AND MORE THAN 50% OF THE HORIZONTAL ELEMENTS OF THE EXISTING BUILDING, AS MEASURED IN SQUARE FEET OF ACTUAL SURFACE AREA.

(d) THE PLANNING COMMISSION MAY REDUCE THE ABOVE NUMERICAL ELEMENTS OF THE CRITERIA IN SUBSECTIONS (B)(2)(B) AND (B)(2)(C) BY UP TO 20% OF THEIR VALUES SHOULD IT DEEM THAT ADJUSTMENT IS NECESSARY TO IMPLEMENT THE INTENT OF THIS SECTION 317. TO CONSERVE EXISTING SOUND HOUSING AND PRESERVE AFFORDABLE HOUSING.

(3) 'FACADE' IS DEFINED IN SECTION 102 OF THIS CODE

(4) 'FRONT FACADE' IS DEFINED IN SECTION 102 OF THIS CODE

(5) 'HORIZONTAL ELEMENTS' SHALL MEAN ALL ROOF AREAS AND ALL FLOOR PLATES, EXCEPT FLOOR PLATES AT OR BELOW GRADE.