

1/10/19

Pub. Com.

January 10, 2014

Mr. Gabriel Metcalf
SPUR
654 Mission Street
San Francisco, California 94105-4105

Re: Housing Crisis in San Francisco

Dear Mr. Metcalf:

I appreciate your attempts to deal with the housing crisis in San Francisco. As a long time resident of the City and having lived in Noe Valley since 1986, I have a suggestion. It is a minor suggestion given the enormity and complexity of the housing problem in the City but I think it could have some impact on the incredible and rampant speculation in the San Francisco housing market that is part of the fuel for this crisis.

It is this: *Demolition of housing is epidemic in Noe Valley, but it is disguised as "remodeling" or "addition". Leaving up one wall, or a part of a wall, or even sort of preserving the facade, while the entire house is gutted should be classified as "demolition". (I began writing this letter prior to "Crown Terrace" which is an extreme example of the problem but sometimes it is the extremes that best illustrate an issue.) This is an issue for all neighborhoods.*

Contractors/Speculators/Property Owners appear to be buying up homes and not only obliterating their original footprint and structure but then expanding them creating three to four thousand sq. foot homes on lots that are typically 114' x 25'. Not only does this fuel price increases, but it shuts out families who might want to buy one of these smaller homes to live in. For example if a house is purchased for \$700k to \$1 million, then demolished, even though the permit says "remodel" or "addition" and sold for \$3 million plus, how could this NOT add to all the various pressures on housing in San Francisco?

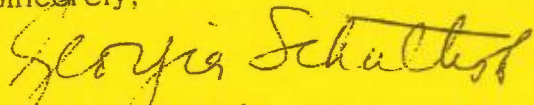
I think the City needs much stricter oversight on an addition/remodel. I also believe that the City could be collecting higher fees if these projects were classified as demolitions since that is what they really are. And it could slow the impact of speculation. I know that demolitions require a Mandatory DR, but maybe that would not be a bad thing as it would help to cool the speculative fever if this process were not as easy as it is now like taking candy from a baby.

This has been going on in one form or another for years. I have seen it before, and I am sure you have too, but now it really seems to be part of a housing problem that is making life bad for the citizens in our City and diminishing the economic and social diversity that make a great City. Perhaps the market will cool off. It has in the past. But in the meantime, this is cheating. It is part of the problem you and others are trying to deal with. And it is an administrative fix that the City could easily implement. What is happening is not fair. And it does not "preserve existing housing" which some have proposed as part of the way to keep housing affordable. It destroys it.

I am not an economist, or a statistician, or a housing expert. I am really just a mother of grown children. However this is what I am seeing and internalizing about my neighborhood and my City.

Below are some addresses of homes in Noe Valley that are either under construction or for sale, or sold that seem to me to illustrate my argument. For some of them, if you look on Google you can see the former house on the site and form your own opinion on what an "addition/remodel" has become under this current system. I would wager that there are others, not only in Noe Valley, but throughout the City. It is a problem that should be studied and then solved.

Sincerely,



Georgia Schuttish
460 Duncan Street
San Francisco, California 94131

Addresses

2220 Castro Street	90 Jersey Street
1612 Church Street	4372 25th Street
525 28th Street	457 Valley Street
1375 Noe Street	469 Valley Street
1566 Sanchez	1433 Diamond Street
1436 Sanchez	4218 24th Street
1402 Sanchez	3946 25th Street
41 Clipper Street	1144/46 Castro Street
1151/53 Castro Street	865 Duncan Street

cc: Planning Commissioners, Mayor Lee, Supervisor Weiner,
Tom Hui and John Rahaim

ORIGINALLY SENT AS CC TO COMMISSION 1/10/2014
RESUBMITTED AT GENERAL PUBLIC COMMENT 1/10/2019
SS



Received at CPC Hearing 1/10/19
Minutes.

12/20/18 Minutes adoption must be delayed until 1/24/19.

Despite repeated requests files for 1052-^{Lo}~~10~~Folsom have NOT been produced. Planner left Department 12/21/18.

Commission action on Voter-adopted Prop K Shadow restriction needs correct record - what was before Commission, what was NOT, and when produced. Misleading **12/13/18** Draft Shadow motion incorrectly stated recommendation of Rec/Park Manager and Commission.

Commission comments that Project plans incorporated into Motions had missing required Code-required spaces were omitted. Changes to project mass affect shadows on VMDraves park.

Minutes omit information on who offered what documents at hearing. My own comments are misleading.

Complete project files must be produced in time to correct motion.

Changes made at the hearing PLUS Commission comments on missing documents and incomplete plans must be part of MINUTES.

Sue Hestor

Item #8 - 12/20/18 minutes

Received at CPC Hearing 1/10/19
M. Small

San Francisco Tall Buildings Study

Planning Commission
01/10/18 1pm

Agenda

- Project Overview
- Specific Recommended Actions for Reducing Tall Building Earthquake Risk in San Francisco
 - Q&A
- Next steps

PROJECT OVERVIEW

Heather Green

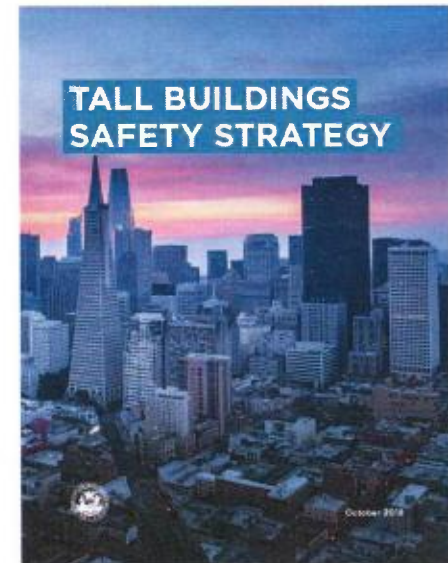
Deputy Director, Office of Resilience and Capital Planning

Project Objective and Scope

Examine the earthquake performance of San Francisco's tall buildings and develop recommendations to address building code requirements, policies and practices for the design of new buildings, assessment and retrofit of existing buildings, and post-earthquake inspection and response to promote the earthquake resilience of San Francisco

- Project initiated August 2017
- Summary Recommendations released October 4, 2018
- Final Report completed

<http://onesanfrancisco.org/resilient-sf>



Applied Technology Council (ATC) Project Team

Project Technical Committee:

- John D. Hooper (Task Leader)
- David Bonowitz
- Gregory Deierlein
- Shah Vahdani

Reviewers for Geotechnical Task:

- Mark Haley (Boston)
- Bill Walton (Chicago)

Project Working Group:

- Carlos Molina-Hutt (University of British Columbia, UBC)
- Anne Hulseley (Stanford)
- Preetish Kakoty (UBC)
- Alireza Eksir Monfared (UBC)
- Wen-Yi Yen (Stanford)

ATC Project Managers:

- Ayse Hortacsu
- Justin Moresco

City Review

- Tall Buildings Executive Panel
 - **Naomi Kelly**, City Administrator (chair)
 - **Mary Ellen Carroll**, Dept. of Emergency Management
 - **Kathryn How**, Public Utilities Commission
 - **Tom Hui**, Dept. of Building Inspection
 - **Brian Strong**, Office of Resilience and Capital Planning
- Tall Buildings Stakeholders – 2 meetings
- ORCP
 - **Danielle Mieler**, Project Manager

INVENTORY OF TALL BUILDINGS IN SF

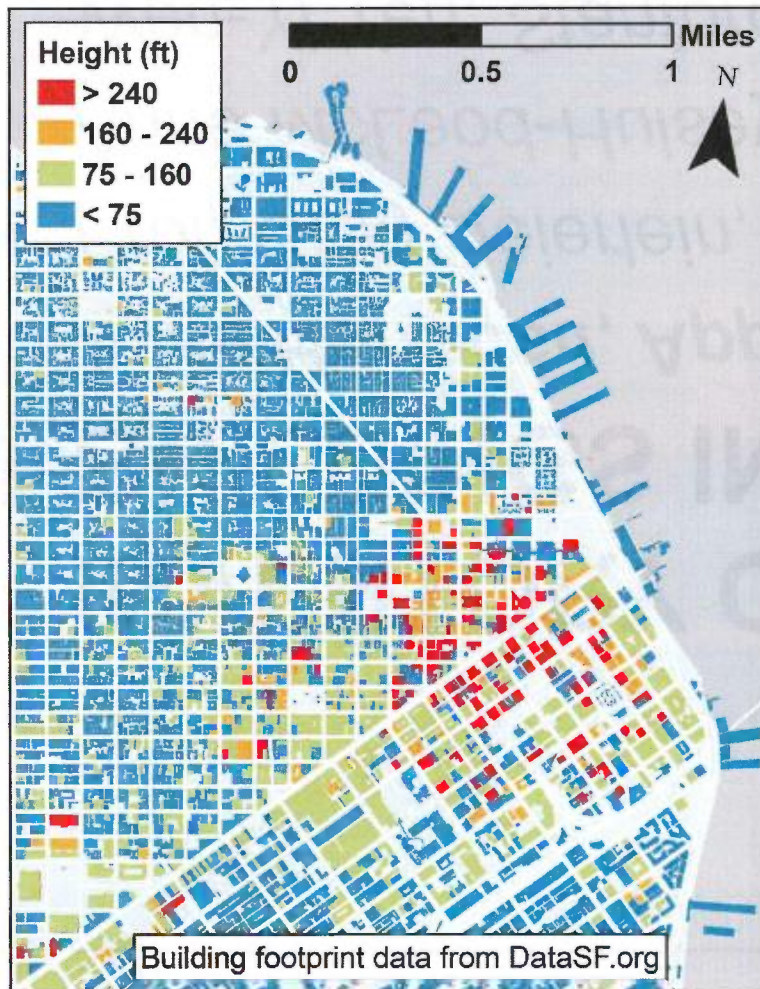
Ayse Hortacsu, Applied Technology Council

Prof. Greg Deierlein, Stanford University

Anne McLeod-Hulse, Stanford University

Wen-Yi Yen, Stanford University

Overview of Database



156 Tall Buildings (Over 240 ft)

Building Structural Systems

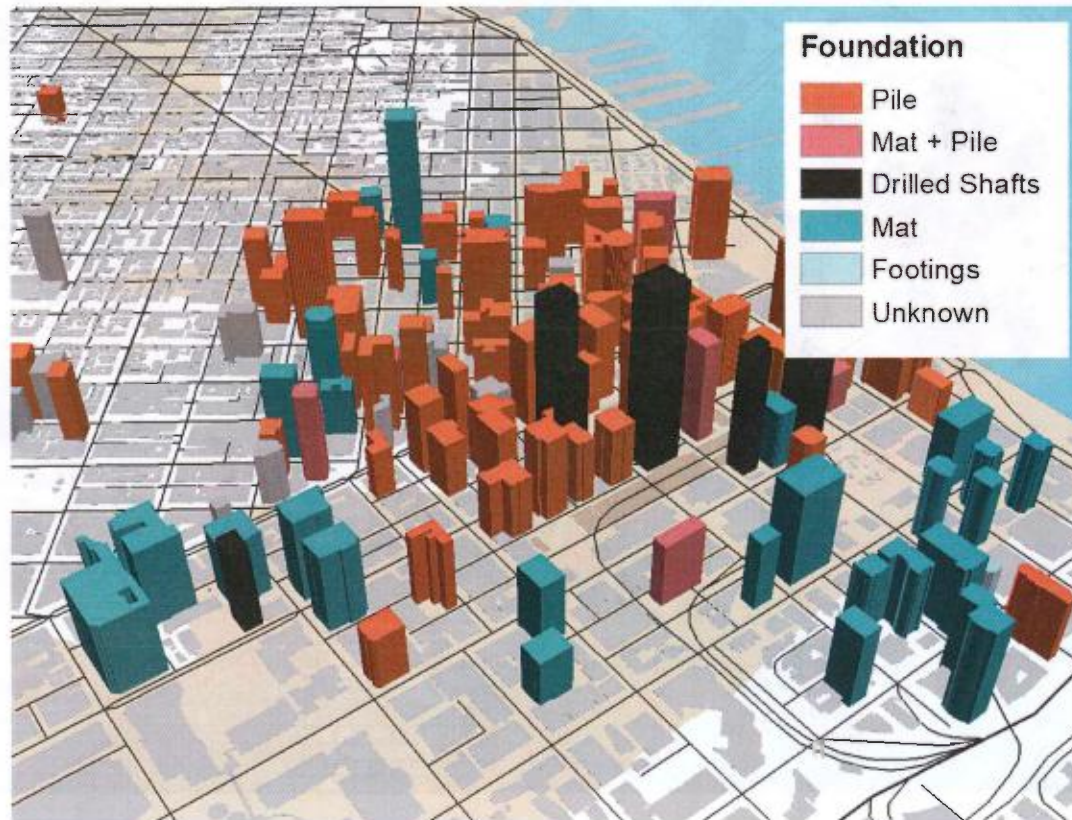


Structural System

- [Steel] Moment Frame - Perimeter
- [Steel] Moment Frame - Space
- [RC] Shear Wall
- [Dual] Shear Wall + RC Moment Frame
- [Dual] Shear Wall + Steel Moment Frame
- [Dual] Shear Wall + BRB
- [Dual] Braced Frame - Eccentric
- [Dual] Braced Frame - Concentric and Eccentric
- [Dual] Braced Frame - Concentric
- Unknown

- The newer buildings (south of Market) tend to be concrete shear wall systems
- Older buildings are predominantly steel moment frame systems

Building Foundations

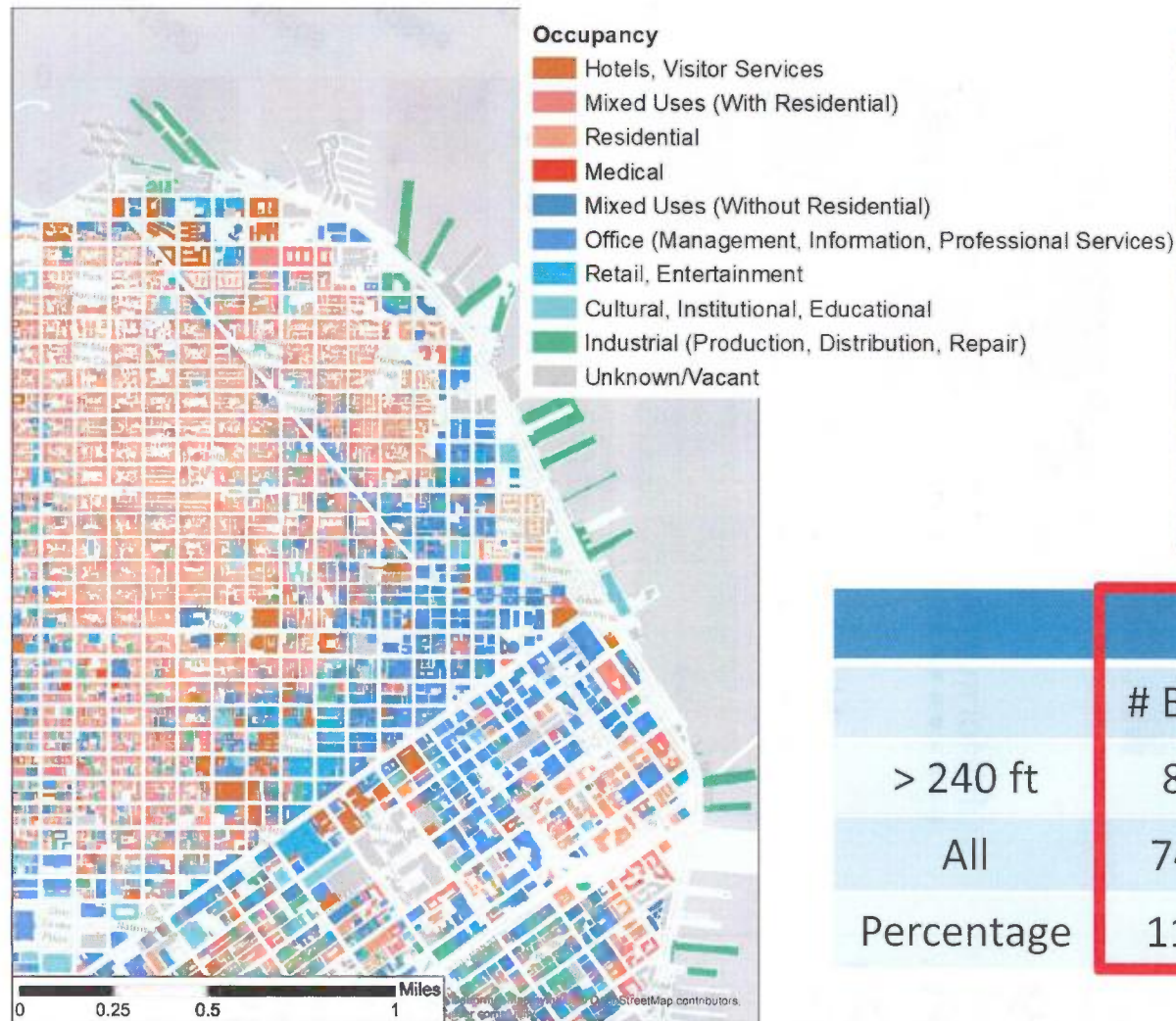


Factors of Influence

1. Depth to rock
2. Soil Type/Stiffness
 - *Marine Deposits*
 - *Colma Sands*
 - *Old Bay Clay*
3. Building Height/Weight
4. Number of Basement Levels
5. Slope/Proximity to Shoreline
6. Adjacent/Underlying Structures
7. Ground Water Level

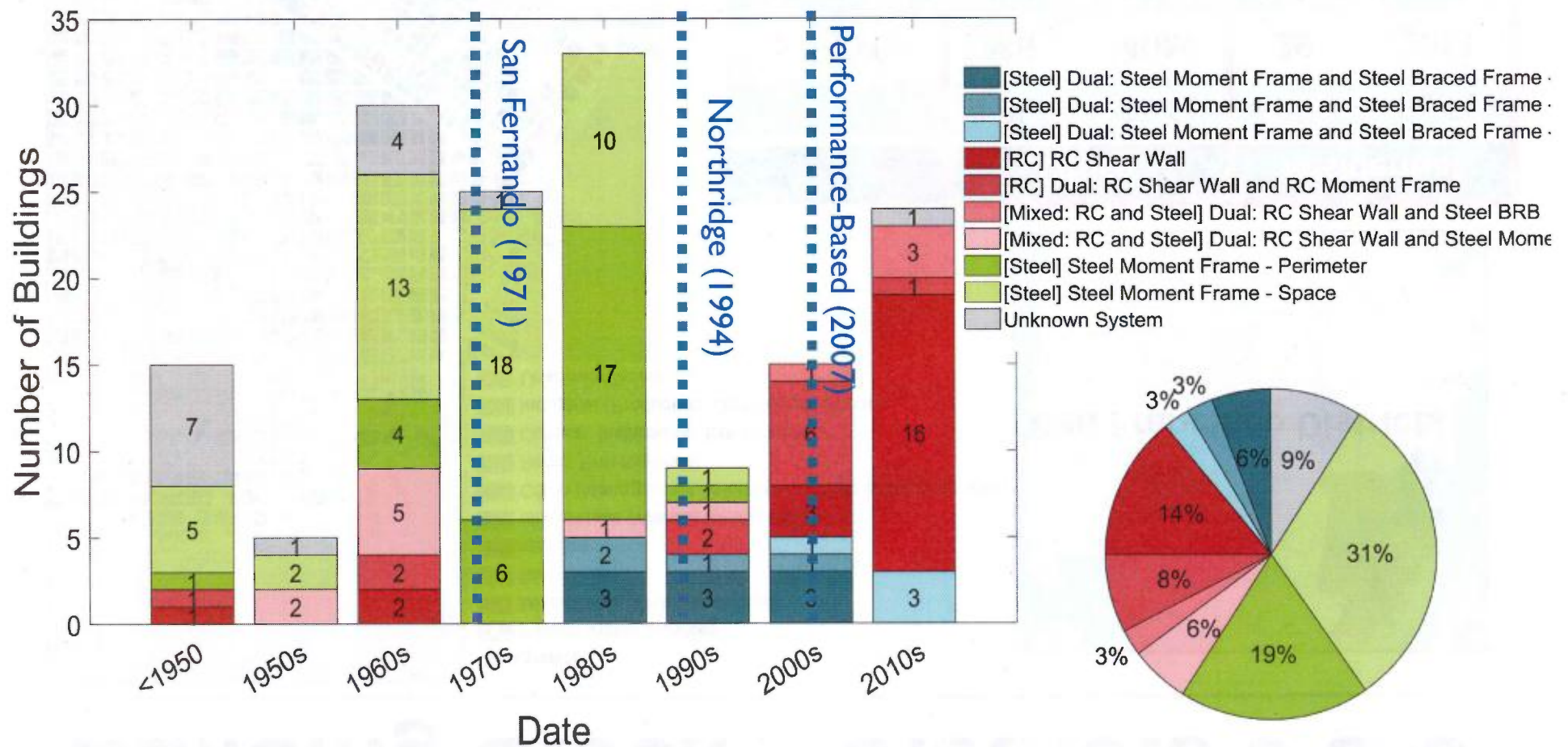
Plus, construction technologies, logistics and economics

Building Stock – Districts 3 & 6

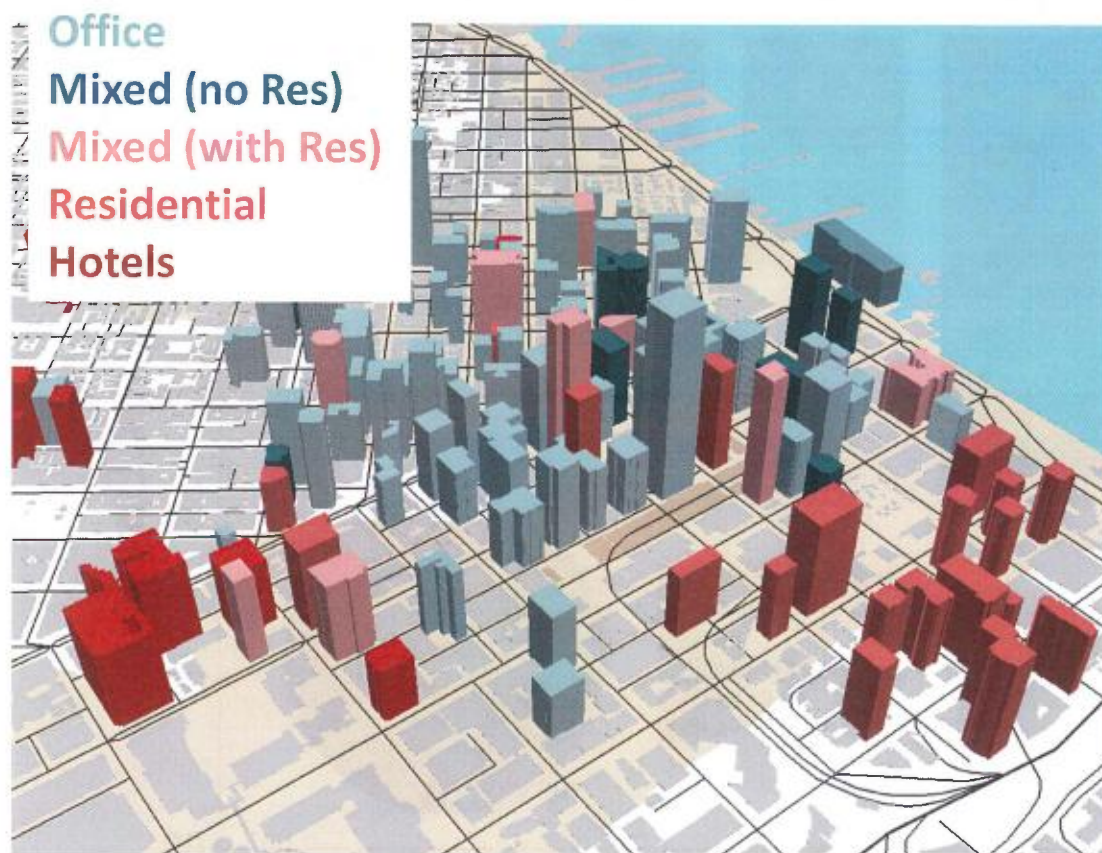


	Office		Residential	
	# Bldg	Sq.Ft	# Bldg	Sq.Ft
> 240 ft	86	40M	29	20M
All	749	70M	3,949	50M
Percentage	11%	64%	1%	33%

Structural Systems & Age



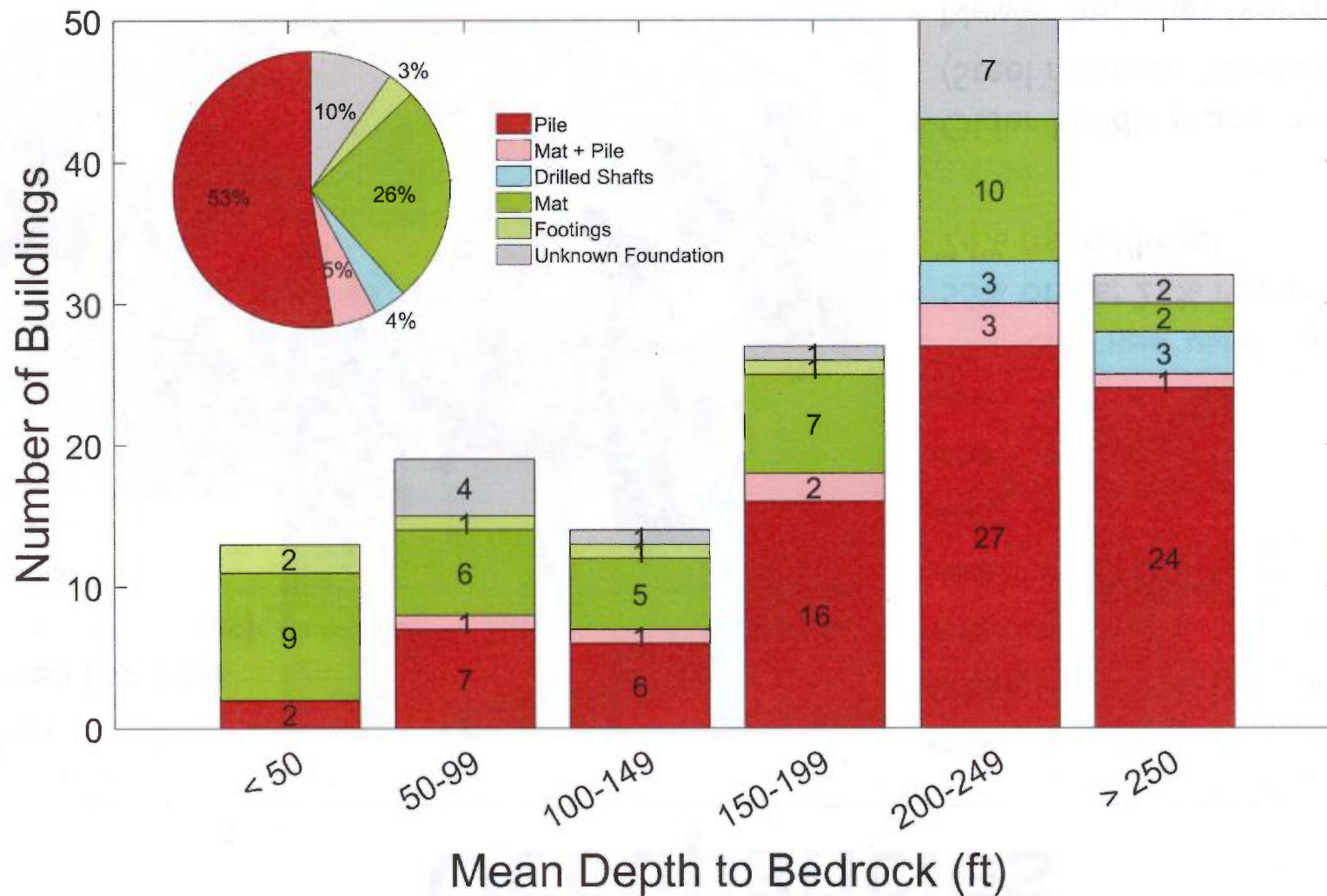
Occupancies



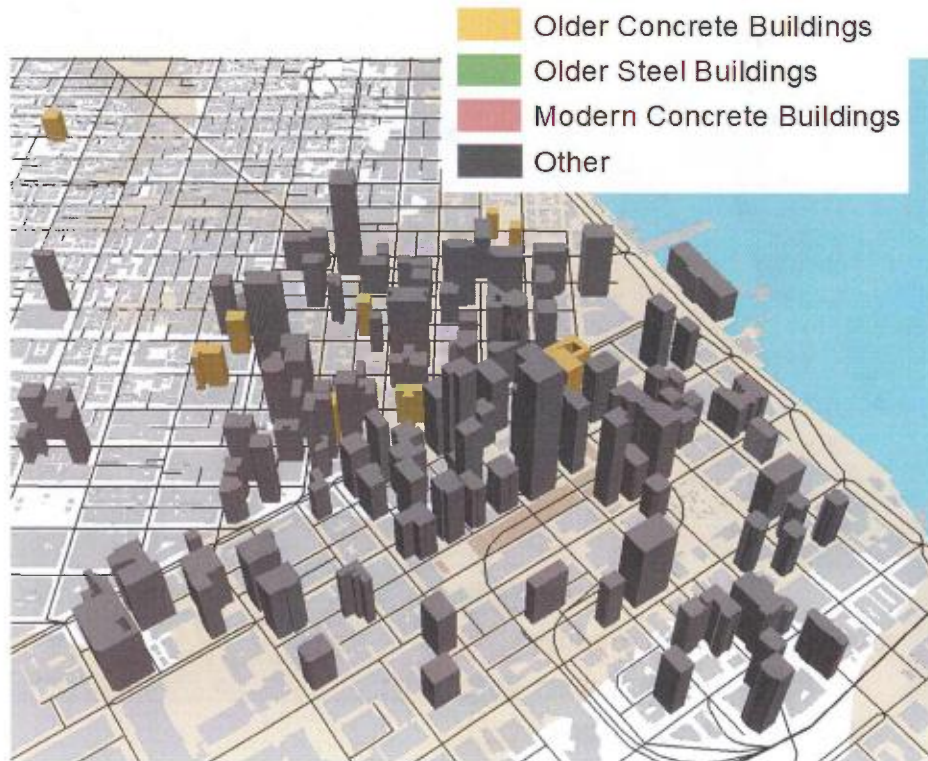
	CIE	Hotel	MixRes	Mixed	Office	Res
<1960	1	3	0	0	15	1
1960s	0	3	2	0	16	9
1970s	0	4	0	3	17	1
1980s	0	5	4	4	20	0
1990s	0	2	1	1	4	1
2000s	0	1	1	0	5	8
>2010	0	0	3	0	7	14

- 55% office; 22% residential; 24% mixed/hotel
- Older buildings are mostly offices (Steel moment frames)
- Newer buildings (south of Market) tend to be residential (Concrete shear wall systems)

Building Foundations

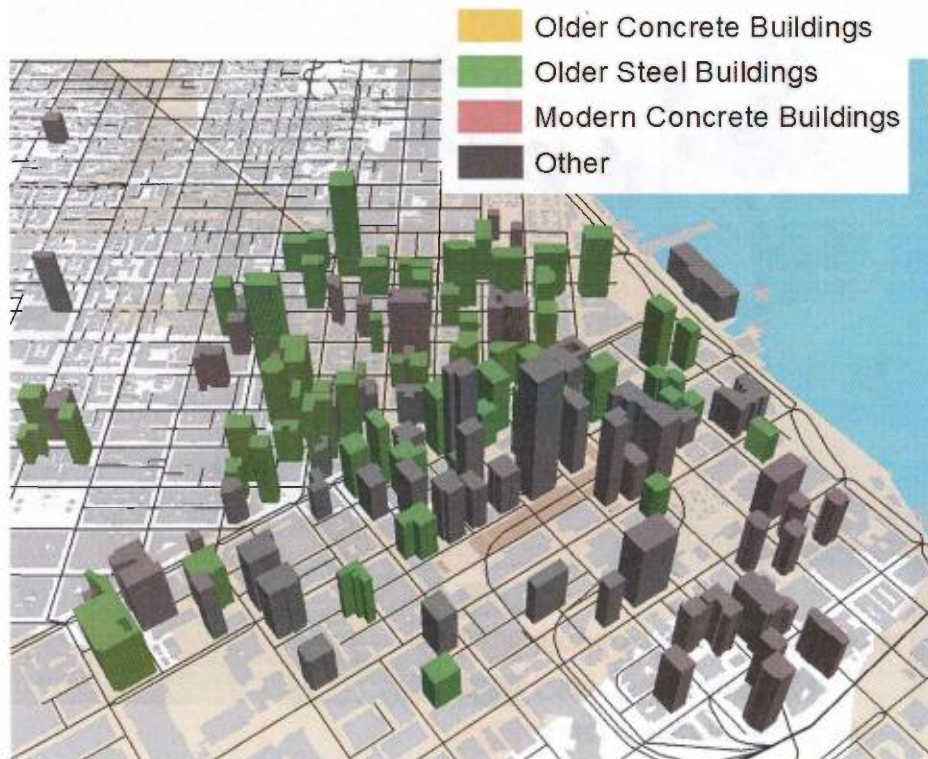


Tall Building Cohorts



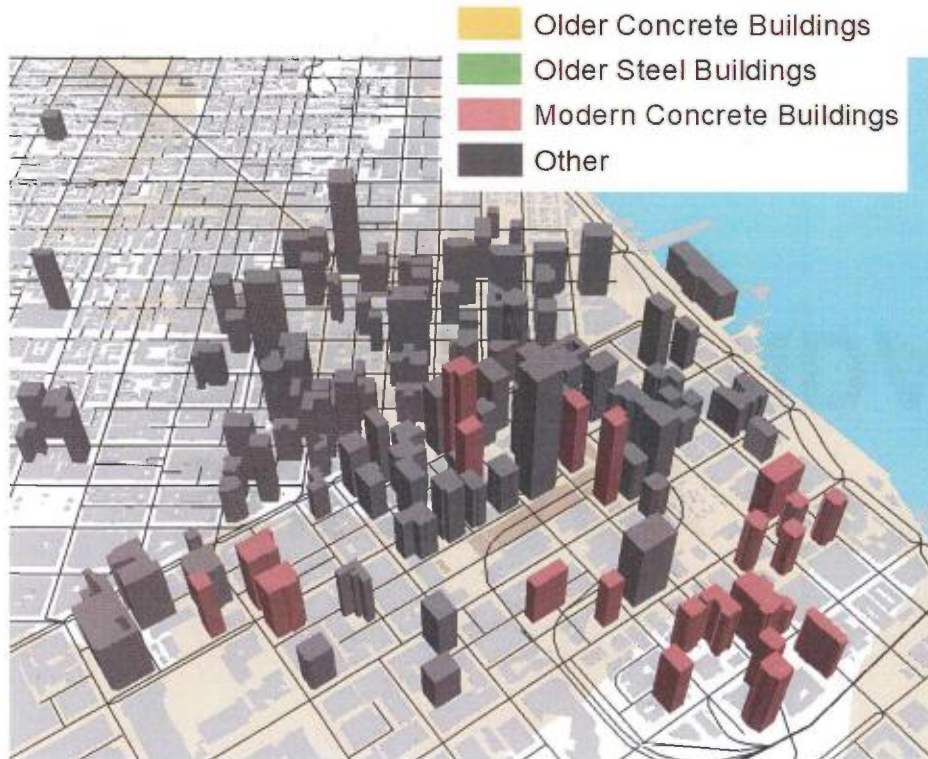
- **Pre-1980 Non-Ductile Concrete Systems**
 - 12 buildings (dual systems)
 - Small fraction of the larger inventory
 - Ordinances in LA and Santa Monica
- **Pre-Northridge Steel Framed Buildings**
 - 86 total
 - 50 to 65 welded MF
 - 9 welded dual systems
- **Newer (post 2000) residential buildings**
 - 24 residential or mixed use
 - mostly concrete shear wall or dual system

Tall Building Cohorts



- **Pre-1980 Non-Ductile Concrete Systems**
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 - Small fraction of the larger inventory
 - Ordinances in LA, Santa Monica, and others ...
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Tall Building Cohorts



- **Pre-1980 Non-Ductile Concrete Systems**
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 - 86 total
 - 50 to 65 welded SMF
 - 9 welded dual systems
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 - 24 residential or mixed use
 - mostly concrete shear wall or dual system

SUMMARY RECOMMENDATIONS

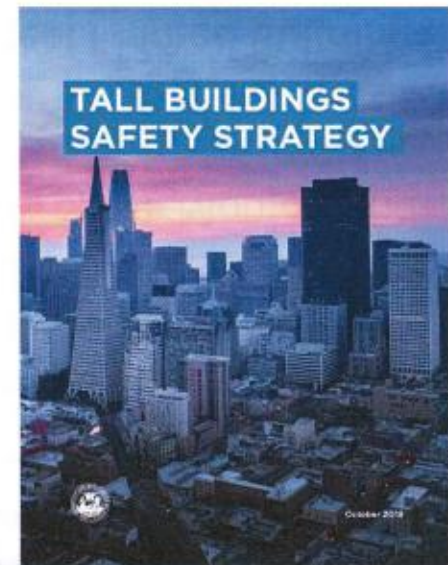
David Bonowitz

Greg Deierlein

John D. Hooper

Shah Vahdani

Carlos Molina Hutt



16 Recommendations

Recommended Action	Short-Term	Mid-Term	Long-Term
<i>1. Actions for Reducing Seismic Risk Prior to Earthquakes – New Buildings</i>			
1A. Develop Regulations to Address Foundation and Geotechnical Issues			
Training and checklist	X		
Develop geotechnical regulations		X	
1B. Establish Recovery-Based Seismic Design Standards			X
<i>2. Actions for Reducing Seismic Risk Prior to Earthquakes – Existing Buildings</i>			
2A. Apply the Repair Provisions of the San Francisco Existing Building Code with Respect to Possible Loma Prieta damage		X	
2B. Amend the San Francisco Existing Building Code Triggers			
Alteration and change of occupancy triggers	X		
Acquisition triggers		X	
2C. Recommend Minimum Levels of Earthquake Insurance or Other Collateral to Ensure Post-Earthquake Recovery			X
2D. Review Requirements for Post-Earthquake Fire Suppression and Evacuation Systems		X	

3. Actions for Reducing Seismic Risk Following Earthquakes

3A. Develop New Policies and Procedures for Implementing the State's Safety Assessment Program	X		
3B. Extend and Improve the Building Occupancy Resumption Program			
Conduct simulation-based training	X		
Update procedures	X		
Extend program		X	
3C. Clarify and Update Roles and Responsibilities Associated with Post-earthquake Emergency Response and Safety Inspection	X		
3D. Update and Amend the San Francisco Existing Building Code Triggers for Repair Projects		X	
3E. Update Administrative Bulletin 099 and Clarify its Application to Tall Concrete Structural Systems			X
3F. Develop a New Administrative Bulletin for Post-Earthquake Inspection and Evaluation of Welded Steel Moment Frames			X
3G. Create Protocols and Procedures for Establishing Cordons around Damaged Buildings	X		
3H. Require Existing Buildings to File Recovery Plans			X

4. Actions to Improve the City's Understanding of its Tall Building Seismic Risk

4A. Maintain and Expand the Database of Tall Buildings	X		
4B. Develop a Comprehensive Recovery Plan for the Financial District and Adjacent Neighborhoods			X

Rec 1A: Regulations to Address Foundation and Geotechnical Issues

- DBI should develop an Administrative Bulletin or Information Sheet to address:
 - Acceptable limits of total and differential settlement
 - Quality Assurance/Quality Control for foundation systems
 - Foundation design and other countermeasures for soil liquefaction and lateral spreading
 - Shoring and dewatering design and analysis criteria
 - Lateral earthquake resistance of deep and shallow foundations
 - Site characterization and exploration

Rec 1B: Recovery-Based Seismic Design Standards

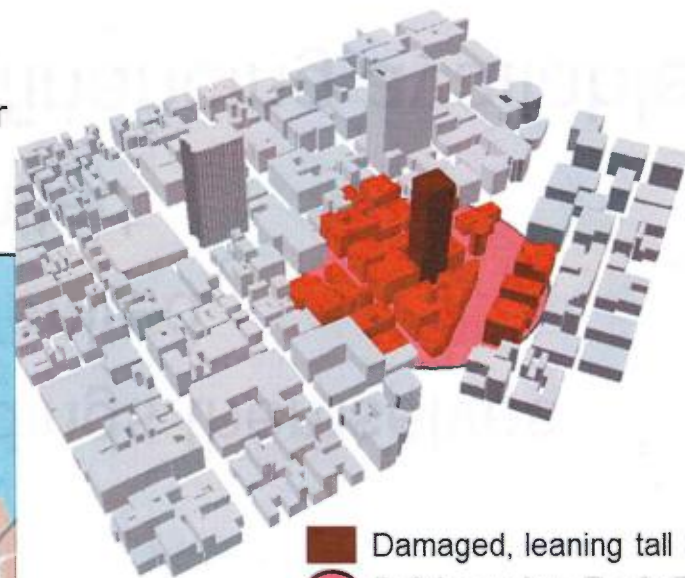
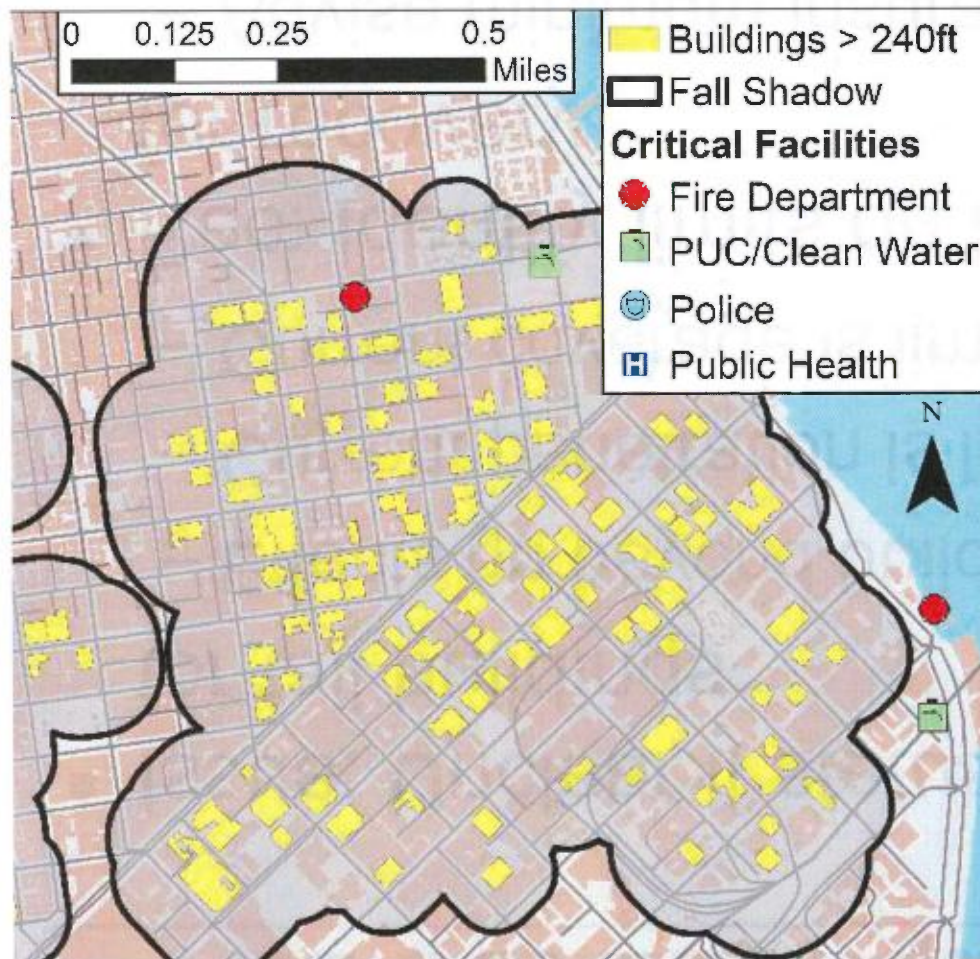
To shorten downtime in new tall buildings, DBI should develop an Administrative Bulletin (with building code amendments as needed) that specifies:

- **Recovery-based seismic design and construction requirements**, including tighter drift limits under expected ground motions, enhanced design criteria for critical mechanical, electrical, plumbing, and elevator systems, enhanced detailing requirements for exterior cladding and interior partition walls,
- **Measures to mitigate externalities that impede recovery**, e.g., San Francisco's Building Occupancy Resumption Program (BORP) or a program like it, should be required for all new tall buildings.

Rec 2C: Earthquake Insurance

- Issue: Unclear if *status quo* is adequate for tall buildings
 - Effects go beyond buildings themselves
 - Current penetration is limited
 - Current coverage is limited
- Rec: Identify limits on financing available for recovery
 - Advise minimum insurance levels suitable for building, neighborhood recovery

Rec 3G: Cordons



- Damaged, leaning tall building
- Safety cordon, R = building height
- Buildings with restricted access

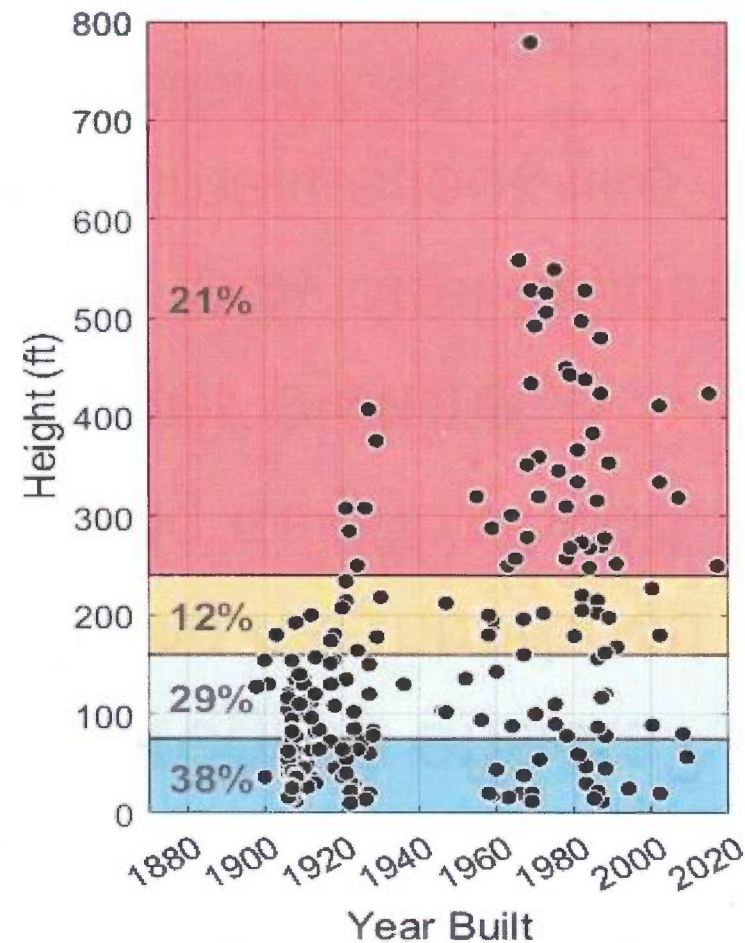
3G. Cordons

- Rec: DPW and DBI update protocols and procedures. Consider:
 - Standard procedures based on height
 - Type and extent of damage
 - Incorporation of aftershock information
 - Impact on safety and recovery

3H. Require Recovery Plans

- Issue: Is BORP enough, especially if we relax Alteration and Repair triggers?
- Rec 3H: Require basic recovery plans for tall and recovery-critical buildings
 - Enhance City's recovery planning capacity
 - BORP "lite," or Continuity of Operations plan
 - Consistent with Rec 1B for new buildings

4B. Downtown Recovery Plan



4B. Downtown Recovery Plan

- Issue: What about aggregate effects?
 - Effects on the tall building neighborhood
 - Effects *of* the tall building neighborhood
- Rec 4B: Study the bigger picture
 - Broaden the focus from individual buildings
 - What will the recovery timeline look like?
 - Extent of immediate functional loss
 - Pace of reoccupancy and recovery over time
 - Are additional programs, policies needed?

NEXT STEPS

Heather Green

*Deputy Director, Office of Resilience and
Capital Planning*

QUESTIONS?

Received at CPC Hearing 1/10/19

G. Pantoja



TIMELINE 3848 24th STREET

Here is the timeline of how the office came into play.

- **August 2016**, I was in negotiations for 1354 Castro (The old First American Title Co.) and on August 16th I submitted an LOI for the space and they were creating a sub-lease for me as of Aug 25th. **(SEE EXHIBIT #1)**
- **At this same time, I ran into the owner of Olive This Olive That** (Janelle Pekkain, Mary Kucel) I had recently sold a home for them and told them I submitted an LOI, I was so excited.
- They pointed out that the old stain glass store was for rent, she said she thought we could partner together as she would be a storefront and could co-exist. **OTOT offered to reach out to Edgar, a planner who had assisted her in her current space and he said as long as I was less than a certain percentage (accessory use).**
- **On August 30th, we jointly submitted an LOI** to the landlord. We were additionally asked by the management company and the leasing agent, Ryan Abel, to provide the planners info so they could check that we had no issues since they didn't want to see any issues arise. We submitted his info to him to confirm. **(SEE EXHIBIT #2,2A)** This was a requirement to sign the lease.
- **On September 12th, AFTER THE LEASING AGENT CALLED PLANNING I signed a lease** for us and we engaged a designer to put together a joint plan to share the space with retail as the front runner, see use of premises as well. **(SEE EXHIBIT #3)**
- **On SEPT 29TH, we received designs and shared with the Noe Valley Merchants, who were in support. (DESIGNS SHOWING ME USING LESS THAN 10% OF THE SPACE ATTACHED) SEE EXHIBIT #DESIGNS & #DESIGNS A.)**
- **In October**, we went to the Noe Valley Merchants and Professionals meeting and officially presented the plans and they unanimously approved our joint concept. They asked if I would also be the new president. **(SEE EXHIBIT #4, Page 1,2)**
- We started building retail shelving and putting in floors and painting.

- * On November 9th I received an email from the OTOT partners saying they had underestimated the cost and were sorry to leave me in a bad position and were bowing out. (SEE EXHIBIT #5).
- * I told the designer that day. He offered to move in and have a housing wares store. I agreed. He moved in a few weeks later and we were open. See Noe Valley Store Trek article here on his store, page 23. (SEE EXHIBIT #4, PG 3) <https://www.noevalleyvoice.com/2017/September/201709.pdf>
- * On Dec 1st 2017, we had a soft opening for The Noe Valley Wine Walk.
- * We opened our doors fully at the end of January 2017. (SEE EXHIBIT #4, PG 3)
- * IS Store moved out October 2017, about a year after moving in amid exhaustion at planning coming in and telling them they felt he could be selling more items and that they he could not sell art as he was not zoned a gallery. He moved to the Tenderloin.
- * At this time, my company commissioned T-Shirts, Hats, Water Bottles and other Items to be sold in the space as it was becoming more difficult to sublet to retail folks with the retail sector declining and we were trying to keep a retail aspect. Our company had a celebrity following due to my co-owners wife being part of the Beverly Hills Housewives show. We also had local artists do shows.
- We hired the president of The Council of District Merchants to handle the CU when we were contacted by the city in April 2017.
- *There was tons of confusion over what we were categorized as (SEE EXHIBIT , the city decided to remove the requirement that we do a formula retail study, as we were mis-categorized as formula retail and this is evident by the emails between the planner and Mr Karnilowizc, our expeditor. (SEE EXHIBIT #6)
- * On August 13th, the city revised what was needed for us per the change after the mis-categorization. (SEE EXHIBIT #7)
- *At this time I hired Jody Knight as I felt like the matter needed to be resolved and wasn't going anywhere and we had our hearing scheduled right after she took over. I believe this was September 2018.

SIDE NOTES

- PREE- APP MEETING HELD IN DECEMBER OF 2017 HAD 44 PEOPLE, ONE OF WHOM WAS OPPOSED. THE ORIGINAL TENANT, JANELLE PEKKAIN. (SEE EXHIBIT #8)
- EMAIL FROM JANELLE PEKKAIN SAYING HOW GREAT THE JOINT EFFORT WILL BE AND NEIGHBORHOOD BOARD MEMBER/ GROUPS SAYING WE WOULD BE FINE WITH STRONG RETAIL PRESENCE, MIRRORING PLANNING. (EXHIBIT #9)

EXHIBIT #1

RACHEL SWANN

Top Producer

415.225.7743

Rachel@TheSwannGroupSF.com

TheSwannGroupSF.com

Cal BRE #01860456

225 Valencia Street | San Francisco, CA 94103

Each Office is Independently Owned and Operated

kw SAN FRANCISCO
KELLER WILLIAMS REALTY



From: Susie Hall <Susie.Hall@cushwake.com>

Sent: Thursday, August 25, 2016 11:29 AM

To: Rachel Swann

Subject: RE: Signed LOI

Hi Rachel,

First American's legal department is drafting the sublease. After speaking with the LL's attorney, First American's counsel believes they can resolve the LL's concerns regarding the RE office use via some language in the sublease and consent.

We do need to get an inventory of what existing furniture (if any) you would like to keep in the space. Do you recall from your last site visit which items you would like? We can arrange another site visit if needed to assess. Please let me know.

Thank you Rachel!

Susie

Susie Hall

Associate Director

Retail Services

CA License 01842943

Direct: +1 415 658 3692

Subject: FW: Signed LOI
Date: Thursday, November 29, 2018 at 9:44:38 AM Pacific Standard Time
From: Rachel Swann
To: Chloe V. Angelis, Gina Blancarte, Zhane Dikes, Debra Niemann
Attachments: image001.jpg, image002.png

This was the LOI and negotiations with 1354 Castro, before I was asked to partner with Janelle. We were about to sign this lease for a financial services office.

Thank you in advance,

Rachel

THE AGENCY

A Global Marketing and Sales Organization

RACHEL SWANN

Managing Partner | San Francisco

m: [415 225 7743](tel:4152257743)

TheAgencyRE.com

CalBRE# [01860456](#)

CONFIDENTIALITY: This email message and any attachments are confidential and may be privileged. Emails sent or received shall neither constitute acceptance of conducting transactions via electronic means nor shall create a binding contract in the absence of a fully signed written agreement.

From: Rachel Swann <rachel@theswanngroupsf.com>
Date: Thursday, August 25, 2016 at 9:25 PM
To: Susie Hall <Susie.Hall@cushwake.com>, Rachel Swann <rachel@theswanngroupsf.com>
Subject: Re: Signed LOI

Thank you!

From: Susie Hall <Susie.Hall@cushwake.com>
Sent: Tuesday, August 23, 2016 2:26 PM
To: Rachel Swann
Subject: RE: Signed LOI

Receipt confirmed. Thank you Rachel.

Susie Hall

Associate Director

Retail Services

CA License 01842943

Direct: +1 415 658 3692

Mobile: +1 415 860 5648

susie_hall@cushwake.com



425 Market Street, Suite 2300

San Francisco, CA 94105 | USA

www.cushmanwakefield.com

[LinkedIn](#) | [Facebook](#) | [Twitter](#) | [YouTube](#) | [Google+](#) | [Instagram](#)

From: DocuSign System [<mailto:dse@docusign.net>]
Sent: Tuesday, August 23, 2016 11:26 AM
To: Susie Hall
Subject: Signed LOI



Rachel Swann sent you a copy.

REVIEW DOCUMENT

Rachel Swann



rachel@theswanngroupsf.com

Hi Susie,

I have signed the LOI.

Thanks!

Rachel

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This email contains a secure link to DocuSign. Please do not share this email, link, or access code with others.

Alternate Signing Method

Visit [DocuSign.com](https://www.docusign.com), click 'Access Documents', and enter the security code:
7A085AD3650F4DECAC87A728130E3DC51

About DocuSign

Subject: FW: LOI for 24th Street Space - Thank you Ryan!
Date: Thursday, November 29, 2018 at 9:43:32 AM Pacific Standard Time
From: Rachel Swann
To: Chloe V. Angelis, Gina Blancarte, Zhane Dikes, Debra Niemann
Attachments: image001.jpg

This is the LOI submitted for Janelle/I.

Thank you in advance,

Rachel

THE AGENCY
A Global Marketing and Sales Organization

RACHEL SWANN
Managing Partner | San Francisco
m: 415 225 7743
TheAgencyRE.com
CalBRE# 01860456

EXHIBIT
#2

CONFIDENTIALITY: This email message and any attachments are confidential and may be privileged. Emails sent or received shall neither constitute acceptance of conducting transactions via electronic means nor shall create a binding contract in the absence of a fully signed written agreement.

From: Rachel Swann <rachel@theswanngroupsf.com>
Date: Tuesday, August 30, 2016 at 5:01 PM
To: "rabel@blatteisrealty.com" <rabel@blatteisrealty.com>
Subject: LOI for 24th Street Space - Thank you Ryan!

August 30th, 2016

LEASE LETTER OF INTENT

Rachel Swann | Janell Pekkain
The Swann Group SF | Olive This Olive That
1126 Sanchez Street #PH
San Francisco, CA 94114

Re: Letter of Intent for lease to Olive This Olive That and Rachel Swann "The Swann Group SF" ("Tenant") to lease space located at 3848 24th Street, San Francisco, CA from Don & Diane Iglesias ("Landlord").

Dear Don & Diane:

We are pleased to present this proposal to lease the above-referenced premises. This letter constitutes a letter of intent summarizing the basic business terms we are proposing to initiate the successful negotiation of a definitive Lease Agreement for the above-referenced property.

Landlord: Don & Diane Iglesias

Tenant: Olive This Olive That & The Swann Group SF

Lease: Lease commencing September 1st, 2016 or date premises is delivered to tenant.

Permitted Use: General formula retail and office use.

Subleased Address: 3848 24th Street, San Francisco, CA 94114

Premise size: Consisting of approximately 900 square feet and a large storage space. ADA bathroom and entry.

Parking: 2 Garage Spots

Leasehold Improvements: Tenant intends to install new wide plank out floors, new drywall, trim, small trio of sinks along north back wall and paint. Tenant to build out the garage storage space to have flooring and walling. Tenant to add two sinks in the back per the city code.

Personal Property: None, space delivered vacant

Term: 5 years with 5 year option.

Commencement Date: The later of September 1, 2016 or the date landlord delivers occupancy to Tenant immediately following consent of Prime Landlord.

Expiration Date: September 1st, 2021 or 5 years after date landlord delivers occupancy.

Gross Rent: September 1, 2016 — June 30, 2017, \$6,000.00/mo

July 1, 2017 — June 30, 2018, \$6,400.00/mo

July 1, 2018 — June 30, 2019, \$6,550.00/mo

July 1, 2019 — June 30, 2020, \$6,700.00/mo

Options to Extend: Five Year Option, details to be mutually agreed upon with Landlord. Tenant is flexible.

Rent Commencement Date: Rent commencement date to be January 1st, 2017 or 4 months after landlord delivers occupancy. Rent equal to 4 months to be as guest of landlord in lieu of reimbursement for Tenant Improvements.

Security Deposit: Tenant shall pay to Landlord a Security Deposit equal to the last month of rent -- \$6,700.

Advance Rent: Tenant shall pre-pay to Landlord upon execution of the definitive lease Agreement, a sum equal to the six (6) months of Gross Rent as pre-payment for months 5-10 of lease.

Utilities and Services: Tenant shall be responsible for all utilities to the Leased Premises. (Water, electricity, Janitorial, Refuse removal, etc.) Landlord shall have no obligation to provide any service, pay any cost or expense, or do any acts or thing with respect to the Leased Premises except as may otherwise be set forth in the Lease.

Insurance: Tenant shall maintain general liability insurance in an amount of no less than One Million Dollars (\$1,000,000.00).

Indemnity: Except for matters arising out of the willful misconduct or gross negligence of Landlord, tenant shall hold landlord harmless from and defend landlord against any and all claims or liability (including consequential damages and reasonable attorneys' fees) for any breach of the lease, including any action or inaction which would constitute a breach of the Lease, as well as any

EXHIBIT 2A

Rachel Swann | Top 1% SF
2015 #1 Producer - Noe Valley Office
Rachel@TheSwannGroupSF.com
Cell 1.415.225.7743 | BRE#01860456
www.TheSwannGroupSF.com

On Aug 31, 2016, at 10:40 PM, Ryan Abel <rabel@blatteisrealty.com> wrote:

Rachel,

Please see below. If you can put us in contact with the person from planning that would be helpful. I'll call you tomorrow to talk about it

Ryan Abel

Begin forwarded message:

From: "David Blatteis" <dsblatteis@blatteisrealty.com>
Date: August 31, 2016 at 9:16:20 PM PDT
To: "Ryan Abel" <rabel@blatteisrealty.com>
Subject: Rachel Swann

Ryan,

The owners want Rachel to verify from the Planning Dept that she will be able to install a real estate office at the site.

We don't want her to sign a lease and then run into trouble from the City about failing to obey any potential zoning restrictions, because once she signs a lease, she will be obligated for the rent.

Could you please ask her to do that tomorrow.

Thanks

David Blatteis
Blatteis Realty Co., Inc.
44 Montgomery Street, Suite 1288
San Francisco, CA 94104

Direct: 415-321-7488

Office: 415-981-2844

Fax: 415-981-4986

CA LIC# 00418305

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EXHIBIT
#3

LEASE
(STANDARD FORM)

THIS LEASE is entered into as of September 12, 2016, by and between Iglesias Properties LLC ("Lessor"), and Rachel Swann ("Lessee").

The words "Lessor" and "Lessee" as used herein shall include the plural as well as the singular, and shall include, apply to and bind and benefit the heirs, executors, administrators, successors and assigns of Lessor and Lessee. If there is more than one (1) person or entity comprising Lessor or Lessee, the obligations hereunder imposed upon Lessor or Lessee, as applicable, shall be joint and several.

Lessor and Lessee hereby agree as follows:

1. PREMISES: Upon the terms, covenants and conditions set forth in this Lease, Lessor hereby leases to Lessee, and Lessee hereby leases from Lessor, those certain premises, consisting of approximately 925 square feet commonly known as 3848 - 24th Street, San Francisco, California (the "Premises"), situated on the ground floor of that certain three story building located on the northeast corner of 24th Street & Vicksburg Street (the "Building"), together with the 2 car garage on the Vicksburg side of said Building, all being a portion of San Francisco Assessor's Block #3651, Lot #22. The exact boundary and configuration of the Premises shall be as constructed. Subject to the provisions of this Lease, the boundary of the Premises shall extend to the unfinished surface of all floors and the underside of the structure forming the ceiling of the Premises. The parties agree that the square footage of the Premises set forth in this Paragraph shall be deemed to be accurate (even if the actual square footage of the Premises may be greater or less than the figure specified in this Paragraph), and, as such, that if the actual square footage of the Premises varies from the figure specified in this Paragraph, the minimum monthly rent, Lessee's share and any other amounts or payments in this Lease that are a function of the square footage of the Premises shall nonetheless remain unchanged.

2. TERM: The term of this Lease (the "Term") shall be for Five (5) years, one & one-half (1.5) months, commencing September 16, 2016, and ending on November 30, 2021. In the event of Lessee's valid exercise of any option to extend the Term, all references in this Lease to the Term shall be considered to mean the Term as extended; and all references to expiration or to the end of the Term shall be considered to mean the expiration date or end of the Term as extended.

3. RENT: Lessee agrees to pay to Lessor as minimum monthly rent for the Premises ("Rent") the following in lawful money of the United States of America:

For the first three months of the term, namely from September 16, 2016 to December 15, 2016, there shall be no rent charged Lessee;

For the following one-half (1/2) month, namely from December 16, 2016 to December 31, 2016, the sum of Three Thousand, Two Hundred, Fifty Dollars (\$3,250.00);

For the following eleven (11) months of the term, namely from January 1, 2017, to November 30, 2017, equal monthly payments of Six Thousand, Five Hundred Dollars (\$6,500.00);

For the second year of the term, namely from December 1, 2017 to November 30, 2018, equal monthly payments of Six Thousand, Six Hundred, Ninety-five Dollars (\$6,695.00);

For the third year of the term, namely from December 1, 2018 to November 30, 2019, equal monthly payments of Six Thousand, Eight Hundred, Ninety-five Dollars (\$6,895.00);

For the fourth year of the term, namely from December 1, 2019 to November 30, 2020, equal monthly payments of Seven Thousand, One Hundred, Two Dollars (\$7,102.00);

For the fifth year of the term, namely from December 1, 2020 to November 30, 2021, equal monthly payments of Seven Thousand, Three Hundred, Fifteen Dollars (\$7,315.00).

→
use on
next
page

The Rent shall be subject to further adjustment in accordance with the provisions of Exhibit A attached hereto and incorporated herein.

Rent is payable by Lessee to Lessor in advance of the first day of each month throughout the Term without notice or demand and without deduction, offset or counterclaim. Rent shall be paid at such place or places as may be designated in writing from time to time by Lessor, the first installment of which (in the amount of \$6,500.00 for the term of December 16, 2016 to January 15, 2017) shall be paid upon execution of this Lease. Rent for any period during the Term which is for less than one (1) month shall be prorated based upon the number of days in such month. Lessee shall pay, as additional rent, all rentals, charges and other sums of money required to be paid by Lessee under this Lease (all such rentals, charges and sums other than minimum monthly rent being referred to in this Lease as "Additional Rental"), whether or not the same may be designated "Additional Rental". Minimum monthly rent and Additional Rent are sometimes collectively referred to herein as "Rent". Where the time for payment of any Additional Rental is not specified in this Lease, the same shall be due and payable ten (10) days after Lessor's invoice or demand is given.

4. USE OF PREMISES: Lessee shall use and operate the Premises continuously throughout the Term for the following purpose and for no other purpose:

Sale of cooking ingredients including, but not limited to olive oil; and office use.

(No cooking on the premises.).

Lessee agrees not to conduct or permit to be conducted in, on or from the Premises any fire sale, bankruptcy sale or sale by auction. Lessee shall not display or sell merchandise or allow carts, portable signs, devices or any other object to be stored or to remain outside of the exterior walls, roof or permanent doorways of the Premises, or in public hallways or common areas of the Building. Lessee shall not maintain or permit any video game machine, newspaper stand, automatic teller machine, public telephone or street concession of any kind in or adjacent to the Premises. Lessee acknowledges and agrees that no warranties or representations have been made by Lessor or agents of Blatteis Realty Co., Inc. regarding the fitness or suitability of the Premises for the conduct of Lessee's business or otherwise regarding the condition of the Premises (except as expressly set forth in this Lease by Lessor), and Lessee has made Lessee's own independent investigation to determine the fitness and suitability of the Premises for Lessee's use and otherwise regarding the condition of the Premises, and Lessee takes possession of the Premises hereunder subject to all laws, codes, ordinances and regulations applicable to the Premises and their use, and any covenants or restrictions of record, and Lessee, at its cost and expense, shall be responsible for compliance with all such laws, codes, ordinances, regulations, covenants and restrictions applicable to the Premises throughout the Term, including without limitation those relating to the rights of individuals with disabilities.

5. TAXES: Beginning on December 1, 2016, Lessee agrees to pay to Lessor, in addition to the minimum monthly rent, one-third (1/3) of any and all taxes and assessments, impositions, levies and fees commonly known as real estate taxes and assessments imposed, levied or assessed by any governmental authority, upon or against the land and improvements of which the Premises is a portion. Such taxes shall be paid to Lessor by Lessee within thirty (30) days after Lessor has made written demand therefor. Any tax increase for the lease years in which this Lease commences and expires or terminates shall be prorated between Lessor and Lessee to the end that Lessee shall only pay such portion of such tax as is included within the Term. In addition, Lessee shall pay 100% of all tax increases caused or occasioned by any improvements made by Lessee to the Premises and 100% of all tax assessments on the personal property of Lessee. Lessee shall not be liable for any tax increase resulting from improvements made by Lessor or other tenants of other parts of the Building other than the Premises. Taxes and assessments referred to herein shall also include without limitation any and all special assessment and community benefit and business improvement district taxes and assessments, gross receipt taxes, taxes or assessments (or increases thereto) attributable to a change of ownership of the property of which the Premises is a part or any portion thereof or interest therein, and taxes and assessments of every kind and nature whatsoever levied or assessed in lieu of or in addition to existing real or personal property taxes, such as any tax or excise on rents or any other tax, however described, levied against Lessor on account of the rent reserved hereunder or on the business of renting space on the property of which the Premises is a part. However, Lessee shall not be responsible for any estate, inheritance, gift or succession taxes imposed upon Lessor.





THE NOE VALLEY VOICE

Swann Swings Store Association Helm Forward

Energetic Noe Resident Adept At Multitasking

By Matthew S. Bajko

The new president of the 94-year-old Noe Valley Merchants and Professionals Association is brimming with ideas for how to attract additional customers and businesses to the neighborhood's commercial corridors.

Real estate agent Rachel Swann, 39, took over leadership of the business group last December. Since then, she has helped activate the one-year-old Noe Valley Town Square in order to increase foot traffic to local stores, kept close track of the sale of the long-vacant Real Food Company site, and started discussions with District 8 Supervisor Jeff Sheehy's office on amending zoning rules in the area to make it easier to fill vacant storefronts with new retail concepts.

"Rachel has brought to the table an infusion of new ideas and new energy," said Cliché Noe Gifts + Home owner Dani Sheehan-Meyer, who has belonged to the business group for seven years and is its vice president of marketing and publicity. "She is a disrupter and a go-getter. She is



Thinking Green. Noe Valley Merchants and Professionals Association President Rachel Swann was an early adopter of Friends of the Urban Forest plantings in the neighborhood. She proudly stands by "her" two trees on Sanchez Street.

Photo by Pamela Gerard

bringing new direction to the group. We are very excited."

Swann's involvement with the business group stemmed from her decision to co-locate her real estate office into a storefront on the corner of 24th and Vicksburg streets with that of a home furnishings store her friend and local de-

signer Ian Stallings had long wanted to open. (His IS: Fine Art and Design is the subject of this month's Store Trek profile.)

After presenting the shared workspace concept to neighborhood business owners, Swann not only walked away with

CONTINUED ON PAGE 9

Want to Buy a Real Food Site?

The Latest Chapter in the Long-Running 24th Street Serial

By Corrie M. Anders

The Real Food Company store on 24th Street, which has sat vacant for 14 years, is for sale.

The owner made a quick decision in late August to sell off the coveted site—a move that could bring fresh vitality to Noe Valley's main commercial strip.

That bright prospect came after HGGC, a private investment firm based in Palo Alto, announced Aug. 23 that it had completed acquisition of Real Food's corporate owner, Nutraceutical International Corporation, a global manufacturer and retailer of nutritional supplements.

The \$446 million transaction originally was announced May 22, but Nutraceutical had 60 days to weigh bids from other buyers. When none materialized, Nutraceutical shareholders gave final approval to the purchase Aug. 21.

HGGC wasted little time in moving to sell the store, located at 3935-39 24th St., directly across from Whole Foods Market. Within days of taking possession, HGGC asked commercial real estate broker Cush-

CONTINUED ON PAGE 10

Bike-Share Stations Get Rolling in Noe Valley

Autos May Need to Search Longer for Parking Spaces

By Matthew S. Bajko

Over the summer, five bike-share stations were installed throughout Noe Valley, giving residents a new way to commute to work or run errands around town. The number of locations is one less than had been proposed for the neighborhood last year. Nonetheless, the quintet of stations has a total of 86 bikes that can be rented out for use.

There are 19 bikes at the Jersey and Castro streets station adjacent to the Walgreens parking lot. At the intersection of Jersey and Church streets is a station with 18 bikes, with another station of 19 bikes located nearby at 24th and Chattanooga streets. The two other stations each have 15 bikes and can be found at the intersection of Cesar Chavez and Dolores streets and further south at 29th and Church streets.

The five Noe Valley stations are part of the regional bike-share system operated by Motivate and dubbed Ford GoBike due to the sponsorship of the Ford Motor

Company. As of late June, there were 3,500 bicycles at 332 stations scattered across San Francisco, the East Bay, and San Jose.

Reaction to the bike-share stations has been mixed, with stations in the Mission vandalized by those who argue they add to gentrification of the largely Latino district. In Noe Valley, the complaints have centered on the loss of street parking spaces.

"The bike-share station on Jersey at Castro has taken up three spaces," said Noe Neighborhood Council co-founder Ozzie Rohm, adding that many of the city's elderly residents cannot use the bikes and rely either on Muni or their own cars to get around.

But Progress Noe Valley co-founder Laura Fingal-Surma hailed the expansion of the bike-share stations into more residential areas of the city, as usage of the bikes by residents to commute to work will result in less car congestion and traffic, in particular during the morning and evening commutes.

"Sure, there are less parking spots available," she conceded, "but how many people can give up their cars, now that they have good options to get around the city by bike?"

When fully installed next year, the program will boast 7,000 bikes at 546 stations. It is set to become the second largest bike-share network in North America. New York has the most, with 645 stations, while Chicago is currently in second with 581.

CONTINUED ON PAGE 13

The Poet Laureate From Eureka Street

Active Citizen and Prolific Artist Is Homegrown

By Richard May

The new San Francisco poet laureate grew up on Eureka Street between 22nd and 23rd streets. Kim Shuck, who still lives on Eureka Street, although not on the same block, was named San Francisco's seventh poet laureate June 21 by Mayor Edwin Lee and City Librarian Luis Herrera. She follows in the poetic footsteps of Lawrence Ferlinghetti, Janice Mirikitani, devorah major, Jack Hirschman, Diane di Prima, and Alejandro Murguía. Her term is for two years.

Shuck will be busy during those 24 months. Her duties include delivering an inaugural address, appearing at local poetry events, and working on one or more poetry events in cooperation with the San Francisco Public Library, Friends of the Library, and WritersCorps, a writers-in-schools program. She will also have to lead a poetry event at Litquake, the October literary festival held at various venues around the city.

None of this will be a problem for Shuck. "I'm already doing most of it," she says. She has volunteered for over 20 years in San Francisco public schools, assisting elementary school students in math and poetry. She already participates in Litquake and in poetry readings

CONTINUED ON PAGE 15



Go for a Ride. There are five Ford GoBike stations in Noe Valley, including this one on Jersey at Church Street. Currently, the cost is \$3 for a single trip from one dock to another, or \$9.95 for half-hour trips all day.

Photo by Pamela Gerard

Rachel Swann's New Vision

CONTINUED FROM PAGE 1

their support, she was asked to take over leadership of the association.

"I saw a need," Swann said for why she agreed to become president.

Stallings said of Swann, his friend for close to a decade, that, "She is very much a connector. She connects people."

In Favor of Shop Sharing

In an interview with the *Voice* in her office garage space, which she has turned into a conference room and community meeting space, Swann said her main focus was to see that businesses in Noe Valley not only survive but also thrive.

"We have way too many empty spaces," said Swann, who has lived in Noe Valley since 2013, a short walk from her office, with her wife, Elizabeth Moreno, a corporate attorney she met five years ago. "We want to keep things vibrant instead of vacant."

Yet, on their own, many locally owned businesses can't afford the rents landlords in Noe Valley are asking, said Swann. Her landlord initially wanted \$10,000 a month, though Swann was able to negotiate for a reduced price, which she declined to disclose, and signed a five-year lease with an option to extend it another five years. But not every building owner with vacant ground-floor retail space is willing to cut the lease price.

"They can sit around and wait to rent out a storefront," said Swann.

One way for local business owners to afford the rents, argued Swann, is to allow merchants to share the same storefront as she and Stallings have done. Yet not everyone supports the idea, as someone filed a complaint with the city arguing

that Swann had exceeded the allowable square footage for her real estate office.

Swann told the *Voice* that she is using just 5 percent of the storefront for two desk work areas, well below the 25 percent city planners had told her she could occupy. That is in addition to the garage space, which is accessed separately off Vicksburg and consists of several work stations, a sitting area, and a large conference table. She and Stallings expect the issue will go before the city's planning commission sometime this fall and are hopeful the matter will be dismissed.

"I am confident we can resolve it," said Swann.

To assist in the matter going forward, Swann has approached Sheehy's office about re-examining the zoning in the neighborhood to ease the rules for when two businesses share the same storefront. With more and more people shopping online, Swann argued that brick-and-mortar stores could be less financially stressed by splitting the cost of their rent with another business.

"The city needs to realize we are living in the world of Amazon and online retail, which is not helpful for merchant corridors," she said.

Tech Tools and Open Spaces

Putting technology to use for local merchants, however, is a priority for Swann. One immediate goal is revamping the business association's website—<https://www.noevalleymerchants.com>—as it hasn't been updated in years.

"It was pretty much a fossil. I am not sure what code they even used," joked Swann of the association's outdated online platform. Besides redesigning the site, she is producing a weekly email newsletter, which promotes NVMPA activities and those of new and existing merchants.

Another idea she is exploring is to use

drone footage to highlight the different shopping and dining areas in Noe Valley, such as along Church, 24th, and Diamond streets. Swann recruited Chateau De Noir Holdings Chairman and CEO Cameron Silva to serve on the merchant group's board as a vice president, partly to oversee the project.

"I brought him on as he is a true visionary on finances and a master drone operator," she said.

Taking advantage of the Noe Valley Town Square to draw in customers to the neighborhood is another key focus for Swann, particularly on Sundays when the area can feel "like a ghost town," she said. The public park on 24th Street opened last October and is across from Swann's storefront.

A barbecue event held there in late July drew roughly 600 people. Other events Swann would like to see in the square are movie nights and music performances.

"We are the only neighborhood with a town square space in San Francisco. We should take advantage of that," said Swann, who serves on the events committee for the open space.

One long-festering neighborhood issue Swann has been tackling is the vacant Real Food Company site. She has been closely tracking the sale of Nutraceutical, which had shuttered the former grocery store due to a unionization effort by the staff, to a private equity firm co-founded by former 49ers quarterback Steve Young.

Swann said she has made clear to the firm that Noe Valley residents and merchants deserve "transparency" on what plans it has for the site. The sale closed Aug. 23, and Young's firm, Palo Alto-based HGGC, put the vacant grocery building up for sale. (See story, page 1.)

Ideas she has heard floated for the retail component of any redevelopment at the site include a spa or a co-working office space. In addition, she said, many

people want to see "lots of housing" built there. "It should be something community centered and focused. That would be great," she said. "You could put anything there, and a lot of people are going to be happy to see something there."

Partners and Pastimes

Swann has worked in the neighborhood since 2011, having started her real estate career with Hill & Co. Real Estate. By 2013 she had created her own team of agents under the banner of the Swann Group. In May of 2016, Swann brought her team to Vanguard Properties, and last month she merged her office yet again with Los Angeles-based firm The Agency.

"Rachel has a deep understanding of the market and its nuances, and we're excited to partner with her as we firmly establish our foothold in Northern California," stated CEO Mauricio Umansky.

Taking on the title of managing partner and overseeing the firm's San Francisco office, Swann will lead a team of agents specializing in luxury homes, vacation leases, and new development projects throughout the city.

"The Agency was born to redefine and modernize the real estate business, and we know this forward-thinking approach will be well received in the extremely active San Francisco market," stated Swann in announcing the news.

"I am thrilled to bring The Agency's innovative approach to the real estate industry to San Francisco."

Prior to launching her career selling properties, Swann spent 17 years working in the restaurant and wine industry. She continues to be a food and wine enthusiast, as she and her wife love to frequent new restaurants and bars in the city.

When not traveling, another cherished pastime of Swann's, the couple can often be found in Dolores Park with their dogs LaToya, Diego, and Besito. ■



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STORE TREK

Store Trek is a regular feature of the Noe Valley Voice, profiling new stores and businesses in Noe Valley. This month we introduce a design firm showcasing artists and art objects for the home.

IS: FINE ART AND DESIGN
3848 24th St. at Vicksburg Street
415-621-5660
<http://ianstallings.com/>

The IS in the name of the home furnishings store and art gallery at the corner of 24th and Vicksburg streets stands for Ian Stallings, an interior designer and artist who left the Midwest two decades ago to make a go of it in San Francisco.

IS: Fine Art and Design is a division of the Indiana native's eponymously named Ian Stallings Design firm. IS shares the retail space, formerly home to stained-glass studio Cradle of the Sun, with the office of real estate agent Rachel Swann.

Without the arrangement between the longtime friends, Stallings said, he wouldn't have been able to afford opening the store on his own. Apart from two desks Swann's firm uses, Stallings' shop occupies the bulk of the space, which is partitioned in front by diagonally placed, floor-to-ceiling shelving used to display the high-end items Stallings has curated for the store.

"She asked me to design the space, and in the process, we formed more of a collaboration effort," said Stallings, 41, who lives on Nob Hill. "Opening the store was a big venture. I had been thinking about doing it for a few years, but the time was never right. With Rachel inviting me to share the space, she pushed me into doing it. If it wasn't for Rachel, I wouldn't have had the platform to do this."

Among the items on sale are soy-wax handcrafted candles from Bungo Candle Co. (\$35), which come in a variety of scents, including patchouli, rose, pine, and fire island pine, and sturdy black umbrellas made in Europe (\$125) that come in unique shapes. They have become one of the store's best sellers; a local tango troupe bought a bunch for a recent performance.

"I was thinking we would just have those for April showers," said Stallings, who initially ordered the umbrellas to incorporate them into a display that month.

In August, the store had in stock vari-



Artist and interior designer Ian Stallings offers a selection of jewelry, candles, and unique home furnishings in his store and gallery on 24th Street.

Photo by Pamela Gerard

ous vases (\$90 for a pair of white porcelain ones); unique furnishings, such as a Syrian hexagon marquetry box (\$1,000) or a mid-century rosewood hourglass (\$400); and a variety of match strikers (\$90 to \$200).

"I want the objects to be unique, and you can't just buy them anywhere," explained Stallings. "We want it to be special."

Each month, Stallings uses the store to mount a new art show by a local artist that is themed to the seasons. The space's main right-side wall is painted a new color for each show that fits the theme. In August, it bore a bright orange color to feature "Labor of Love," works inspired by the tradition of quilt-making, by artist Steven Vasquez Lopez.

"I represented artists privately and have been placing artists' work in the homes of my design clients, but I wanted bigger and better exposure for the artists,"

said Stallings.

On his website, he posts a story about each new show; in June he featured the work of artist duo BLECHMEKI, a partnership between Noe Valley residents Max Blechman and Kazu Umeki.

(The wall that month was painted a dark purple.)

The store hosts an opening reception for each new show the first Friday of the month from 6 to 9 p.m. The free events, open to the public, have been attracting upwards of 200 people.

"We would like to bring people from all over the Bay Area to the neighborhood," said Stallings. "We want to make it a destination spot for people from the East Bay who either don't come here often or for people who used to live here but moved away."

One artist he has no plans to feature, however, is himself.

"I didn't want it to be a vanity gallery," said Stallings.

Since the store opened in January, Stallings and his one employee, who manages the day-to-day operations, have largely felt embraced by the neighborhood.

The local community "has been very supportive and welcoming," he said. "We have met lots of lovely people we didn't know before."

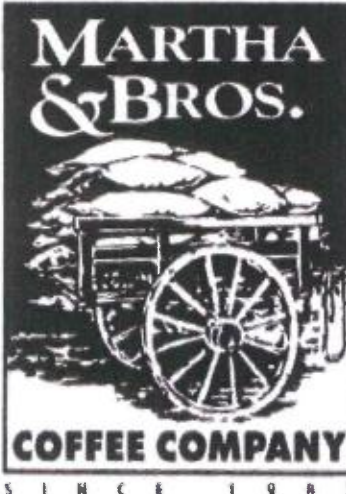
One person did file a complaint with the city's planning department, claiming that not enough of the store was being used for retail. Stallings and Swann told the *Voice* a city planner assured them their shared-use arrangement met zoning laws prior to their opening.

They also contend that IS uses 95 percent of the storefront's square footage. The matter is expected to go before the planning commission in the coming months. Stallings is confident they will prevail and doesn't expect he will have to close his store anytime soon.

"I have a full-time employee who wouldn't have a job without this space," he noted. "It is proper retail."

The shop is open Tuesday through Saturday, 10 a.m. to 6 p.m.

—Matthew S. Bajko



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EXHIBIT
#5

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From: Janell Pekkain <janellp@gmail.com>
Sent: Thursday, November 10, 2016 1:33 PM
To: Rachel Swann
Subject: Re: so#17838

Hi Rachel ... checking in to see if you received my email last night. Thank you for confirming.

Best,
Janell

On Wed, Nov 9, 2016 at 6:28 PM, Janell Pekkain <janellp@gmail.com> wrote:

Hi Rachel,

Thank you Ian for the budget breakdown and doing the drawings.

You're right, Rachel, I am hesitant. Although super excited about the opportunity to be on 24th, fresh look, new start, interesting proposition, timing is challenging and details overwhelming.

I also didn't have a clear enough picture of the expenses and as they are just becoming clearer, it's not feasible for me nor a risk I'm willing to take at this time.

I am very appreciative of all you've done and I know timing is critical, so I am regretfully bowing out and apologize for putting you in a difficult situation. I'm sure you'll find another eager retailer.

Best,
Janell

On Wed, Nov 9, 2016 at 5:33 PM, Rachel Swann <rachel@theswanngroupsf.com> wrote:

Thank you, Ian.

Mary & Janell, I get this underlying feeling during this whole process that you guys are one foot in and one foot out the door and that there is apprehension on your behalf. I have been gunning to get these things done as a lot of time has past and the rent due is coming soon, it needs to be an operational office.

I can understand if this is not something you can afford (or isn't in budget) and are having second thoughts of staying in your space. Its not cheap to pay \$2600, utilities, insurance, Triple Nets and \$20k+ in build outs and then want to retire in a year. If you want to bail, I get it. If that is the case please give me the courtesy of letting me know by end of day tomorrow so I can fill the retail spot and get things done there in time for the walk.

Thank you.

Rachel

--

RACHEL SWANN

Principal | THE SWANN GROUP
Vanguard Properties | SAN FRANCISCO

3848 24th St | San Francisco CA 94114

[415.225.7743](tel:415.225.7743)

rachel@vanguardsf.com | www.theswanngroupsf.com

BRE# 01860456



CONFIDENTIALITY: This email message and any attachments are confidential and may be privileged. Emails sent or received shall neither constitute acceptance of conducting transactions via electronic means nor shall create a binding contract in the absence of a fully signed written agreement.

From: Ian Stallings <ian@ianstallings.com>

Sent: Wednesday, November 9, 2016 3:53 PM

To: Rachel Swann

Cc: Janell Pekkain; Mary Kucel (lavaesp@gmail.com)

Subject: Re: so#17838

Hello Everyone,

I wanted to get these numbers over to you. I know time is important, and the clock is ticking, so that we can have you ready to open for the Wine Walk on Dec 1st.

Please see Ali's quote for Labor. This amount doesn't include lumber or the flooring. I assume

split of TI, despite you having the majority of the space. I put my name & credit on the line for the space and the full deposit. I've supervised the majority of of the planning and work and had design donated in exchange for me giving advertising, but I can't do everything and let you pay 1/3 of the rent. I've tried to be flexible but this is business and it also needs to be fair.

We need to figure this out and I'll need a signed lease to move forward so there isn't any more miscommunications.

It's fine if you want to slowly move in, but it doesn't change our rent due date that is still December 15, I believe.

Let's chat tomorrow.

RACHEL SWANN | Principal THE SWANN GROUP
VANGUARD PROPERTIES

C: [415.225.7743](tel:415.225.7743)

BRE #01860456

www.vanguardproperties.com



Sent from my iPhone - Please excuse typos and brevity.

On Nov 7, 2016, at 9:52 PM, Janell Pekkain <janellp@gmail.com> wrote:

Hi Rachel,

Thank you for picking out the floors. However, I'm not comfortable with splitting the cost of the floors.

As per our initial conversations, I recall length of time in the building for me didn't affect your decision to take the lease. I have no idea how long I will keep OTOT and the floors are part of the bones of the building. I'm willing to pay for all the fixtures and items that it will take to get OTOT set up in this location. I trust that you understand and are willing to discuss this further.

Subject: RE: 2017-007943CUA for 3848 24th St.

Date: Friday, August 17, 2018 at 10:44:00 AM Pacific Daylight Time

From: Sider, Dan (CPC)

To: Henry Karnilowicz

CC: Berger, Chaska (CPC), Pantoja, Gabriela (CPC), Rachel Swann, Rachel Swann, Rachel Swann, Rahaim, John (CPC), fernest_redfern@yahoo.com, Jeff Doney, Mandelman, Rafael (BOS), Joslin, Jeff (CPC), doddwalker@gmail.com, Debra Walker, Rodgers, AnMarie (CPC)

Thanks for your email, Henry. I appreciate it. We're all looking forward to getting this resolved.
dan

EXHIBIT
#6

Daniel A. Sider, AICP

Director of Executive Programs

San Francisco Planning Department

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

Direct: 415-558-6697 | www.sfplanning.org

[San Francisco Property Information Map](#)

From: Henry Karnilowicz [mailto:occexp@aol.com]

Sent: Friday, August 17, 2018 10:32 AM

To: Sider, Dan (CPC)

Cc: Berger, Chaska (CPC); Pantoja, Gabriela (CPC); Rachel Swann; Rachel Swann; Rachel Swann; Rahaim, John (CPC); fernest_redfern@yahoo.com; Jeff Doney; Mandelman, Rafael (BOS); Joslin, Jeff (CPC); doddwalker@gmail.com; Debra Walker; Rodgers, AnMarie (CPC)

Subject: Re: 2017-007943CUA for 3848 24th St.

Hi Dan,

I apologise if I offended anyone and that certainly was not my intent.

Of course I intend to and will work with the planners assigned to resolve this issue in an appropriate manner.

Dan, I truly appreciate your message.

Henry Karnilowicz

Occidental Express

Consulting • Design • Construction • Management

CSL#319153

1019 Howard Street

San Francisco, CA 94103-2806

415.621.7533 office

415.621.7583 fax

415.420.8113 cell

I just spoke with Dan Sider and apparently a real estate office does not fall under formula retail.

I believe that thus we should withdraw the CU file application for a change in use and apply the fees paid to the latter.

Henry Karnilowicz

Occidental Express
Consulting • Design • Construction • Management
CSL#319153
1019 Howard Street
San Francisco, CA 94103-2806
415.621.7533 office
415.621.7583 fax
415.420.8113 cell

Sent from my iPhone

On Aug 16, 2018, at 4:22 PM, Henry Karnilowicz <occexp@aol.com> wrote:

Hi Chaska,

We were working on the CU and believe provided responses including the evidence of meeting evidence etc. Ms. Swann was getting the drawings done as per the NOPDR which I believe were submitted.

The use is not causing a life safety issue and the business benefits the community with its many services including giving students at a local high school the opportunity to get work experience.

I feel your seven day demand is harsh and urge you to extend it at least thirty days.

I have a project that is still at planning for over two years which is for creating three units from a single family and I don't think it is fair or reasonable to impose a requirement for a response within 7 days.

Henry Karnilowicz

Occidental Express
Consulting • Design • Construction • Management
CSL#319153
1019 Howard Street
San Francisco, CA 94103-2806
415.621.7533 office
415.621.7583 fax
415.420.8113 cell

Sent from my iPhone

Begin forwarded message:

Conditional Use Authorization. The items that shall be submitted are those that address the listed comments in NOPDR #1. The items that you have submitted are in no relation addressing the provided comments per NOPDR #1. Therefore, please do submit the requested items per NOPDR #1 within the previously indicated allowable **7-day response period**. If the items **are not** received within the allowable 7-day response period, **the cancellation of the CUA will be initiated and completed**.

Please let me know if you have any questions.

Best,
Gabriela

Gabriela Pantoja, Planner
Southwest Team, Current Planning Division
San Francisco Planning Department
1650 Mission Street, Suite 400 San Francisco, CA 94103
Direct: 415.575.8741 | www.sfplanning.org
[San Francisco Property Information Map](#)

From: Pantoja, Gabriela (CPC)
Sent: Friday, August 10, 2018 5:15 PM
To: 'Henry Karnilowicz'
Cc: rachel.swann@theagencyre.com; diglesias@leadershipassociates.org;
Berger, Chaska (CPC); Sanchez, Scott (CPC)
Subject: RE: 2017-007943CUA for 3848 24th St.

Hi Henry,

The listed Conditional Use Authorization **will not** be cancelled if the required materials, listed in NOPDR #1, are submitted within the allowable **7-day response period**.

Thank you,
Gabriela

Gabriela Pantoja, Planner
Southwest Team, Current Planning Division
San Francisco Planning Department
1650 Mission Street, Suite 400 San Francisco, CA 94103
Direct: 415.575.8741 | www.sfplanning.org
[San Francisco Property Information Map](#)

From: Henry Karnilowicz [<mailto:occexp@aol.com>]
Sent: Friday, August 10, 2018 2:54 PM
To: Pantoja, Gabriela (CPC)
Cc: rachel.swann@theagencyre.com; diglesias@leadershipassociates.org;
Berger, Chaska (CPC); Sanchez, Scott (CPC)
Subject: Re: 2017-007943CUA for 3848 24th St.

Thank you,
Gabriela

Gabriela Pantoja, Planner
Southwest Team, Current Planning Division
San Francisco Planning Department
1650 Mission Street, Suite 400 San Francisco, CA 94103
Direct: 415.575.8741 | www.sfplanning.org
[San Francisco Property Information Map](#)

From: Pantoja, Gabriela (CPC)
Sent: Wednesday, May 23, 2018 12:15 PM
To: 'occexp@aol.com'
Subject: 2017-007943CUA for 3848 24th St.

Hi Henry,

I hope all is well. I wanted to check-in on the progress for the listed Conditional Use Authorization application. The attached NOPDR was provided back in February, and I last spoke with a member of your team with regards to the completion of the application in March. As you are aware, the listed Conditional Use Authorization application was submitted in response to the issued Notice of Violation per Code Enforcement Case No. 2017-001835ENF so it is very much critical that progress is being made on the listed application. May you please provide me with an estimate timeframe for the listed missing documentation and information in the attached NOPDR.

Please do let me know if you have any questions.

Best,
Gabriela

Gabriela Pantoja, Assistant Planner
Southwest Team, Current Planning Division
San Francisco Planning Department
1650 Mission Street, Suite 400 San Francisco, CA 94103
Direct: 415.575.8741 | www.sfplanning.org
[San Francisco Property Information Map](#)

<3848 24th St_NOPDR2.pdf>

<NOV - 12.05.17 - 3848 24th St - 2017-001835ENF (ID 968515).pdf>

<3848 24th Street.NOE1.pdf>

#7

Subject: RE: 2017-007943CUA for 3848 24th St.
Date: Thursday, August 23, 2018 at 9:38:01 AM Pacific Daylight Time
From: Pantoja, Gabriela (CPC)
To: Rachel Swann, Rachel Swann, Henry Karnilowicz
CC: Berger, Chaska (CPC), Anthony DeLaCruz
Attachments: Plans - 3848 24th Street - 2017-007943CUA (ID 970453).pdf, 3848 24th St_NOPDR_Edit.pdf

Hi Rachel and Henry,

Attached is the revised NOPDR #1 given the determination regarding the applicability of Planning Code Section 303.1 (Formula Retail) to the Project. I have also attached the submitted plan set associated with the Conditional Use Authorization Application for your reference.

As Chaska mentioned, please provide the remainder of the requested information in the provided NOPDR #1 by Tuesday, August 28, 2018. If the remainder items outlined in the NOPDR # 1 are not received within the allowable 7-day response period, the cancellation of the CUA will be completed and the penalty of \$250 per day will begin to accrue following the allowable response period.

Please let me know if you have any questions.

Best,
Gabriela

Gabriela Pantoja, Planner
Southwest Team, Current Planning Division
San Francisco Planning Department
1650 Mission Street, Suite 400 San Francisco, CA 94103
Direct: 415.575.8741 | www.sfplanning.org
[San Francisco Property Information Map](#)

EXHIBIT
#7

From: Rachel Swann [mailto:rachel.swann@theagencyre.com]
Sent: Tuesday, August 21, 2018 4:31 PM
To: Rachel Swann
Cc: Berger, Chaska (CPC); Henry Karnilowicz; Pantoja, Gabriela (CPC); Sider, Dan (CPC); Tam, Tina (CPC); Anthony DeLaCruz
Subject: Re: 2017-007943CUA for 3848 24th St.

Also, I have paid for several different floor plans and CAD drawings so its hard tp figure out what is really needed. Can we meet in person next week at our offices to review all items, please.

Thanks!

THEAGENCY
A Global Marketing and Sales Organization

RACHEL SWANN
Managing Partner, San Francisco
m: 415.225.7743
TheAgencyRE.com
CalBRE# 01860456

EXHIBIT #8

Pre-Application Meeting Sign-In Sheet

Page One

Meeting Date: 1/11/18
Meeting Time: 6pm
Meeting Address: 3848 24TH ST SF 94114
Project Address: 3848 24TH ST SF 94114
Property Owner Name: IGLOSIA'S PROPERTIES LLC
Project Sponsor/Representative:

Please print your name below, state your address and/or affiliation with a neighborhood group, and provide your phone number. Providing your name below does not represent support or opposition to the project; it is for documentation purposes only.

NAME/ORGANIZATION	ADDRESS	PHONE #	EMAIL	SEND PLANS
1. Christine Penfield	(858) 442-4747	cdpenfield@gmail.com		
2. Kristen Gianaras	(415) 672-3600	Kristen@novysf.com		
3. Kathryn Gianaras	(415) 672-1901	Kathryn@novysf.com		
4. Vo Duong	(415) 516-3390	VoVDuong@gmail.com		
5. Magda Aguirre	(415) 350-5620	magdaaguirre@yahoos.com		
6. Dorothy Davila	(617) 999-7495	dorothydavila@gmail.com		
7. Jeffrey Senkir	(415) 217-9065	senkirdesign@gmail.com		
8. Abril Avila	(760) 984-2535	abrileavila@gmail.com		
9. Cristal Wrisht	(415) 644-4366	Cristaal1977@gmail.com		
10. Julien Jacquei	(312) 945-8537	jayjaychicago@yahoo.com		
11. Carly Da Costa	(706) 577-6084	Carly.a.dacosta@gmail.com		
12. Jered Da Costa	(954) 295-6029	jered.dacosta@gmail.com		
13. Heather Freyer	(415) 200-5780	Heather.freyer@gmail.com		
14. Carrie Busch	(415) 500-5127	e.p.busch@gmail.com		
15. Janell Pekkain	(415) 251-7520	janell@OliveThisOliveThat		
16. Michelle Long	(415) 602-0307	michelle.long@theAgencyre.com		
17. Chris Nichokon		christopherrnichokon@outlook.com		
18. Lucas Nichokon		Student		

opposed

INTAKE WAS JUNE 22nd
2017

Pre-Application Meeting Sign-in Sheet

Page 3

Meeting Date: 1/11/18

Meeting Time: 6pm

Meeting Address: 3848 24th St SF 94114

Project Address: 3848 24th St SF 94114

Property Owner Name: Iglesias Properties LLC

Project Sponsor/Representative:

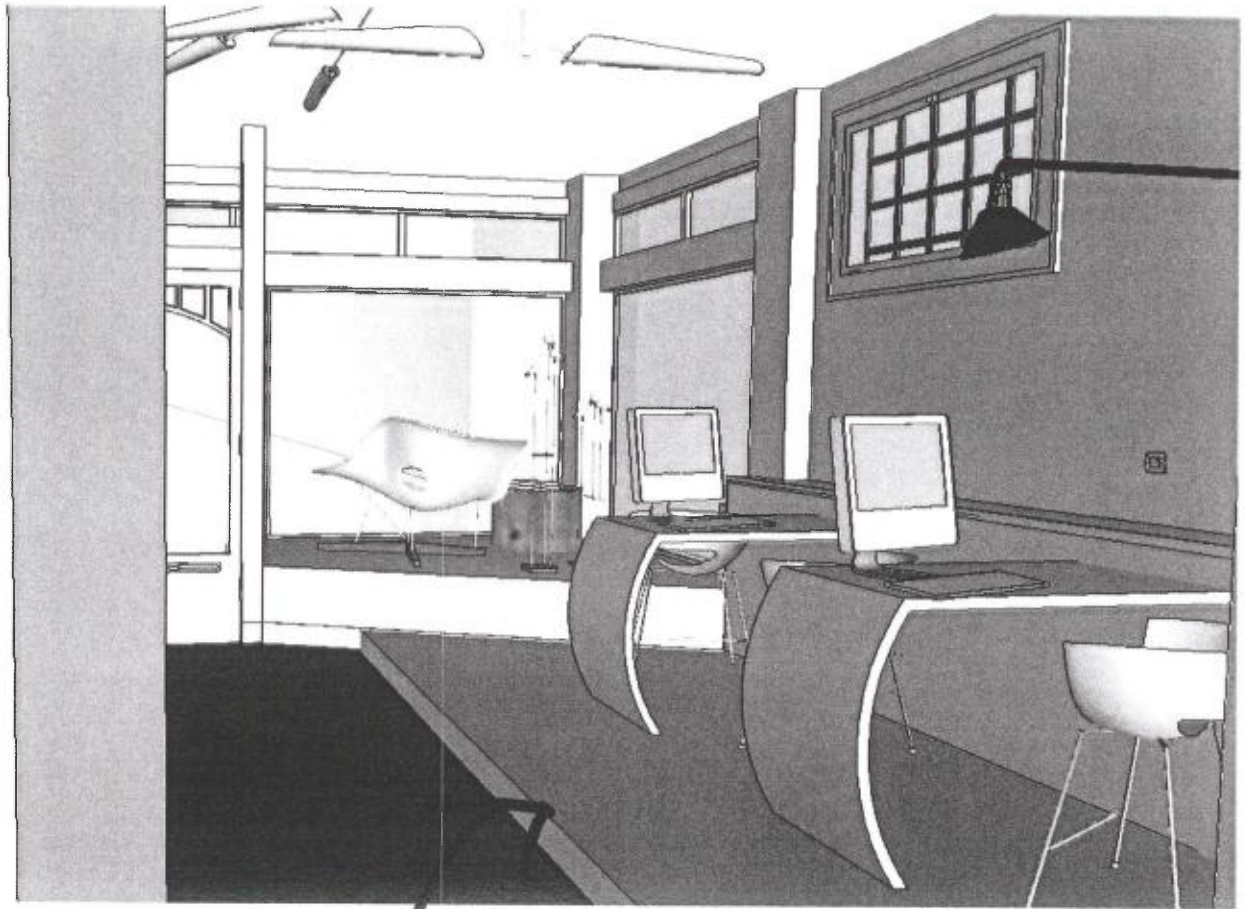
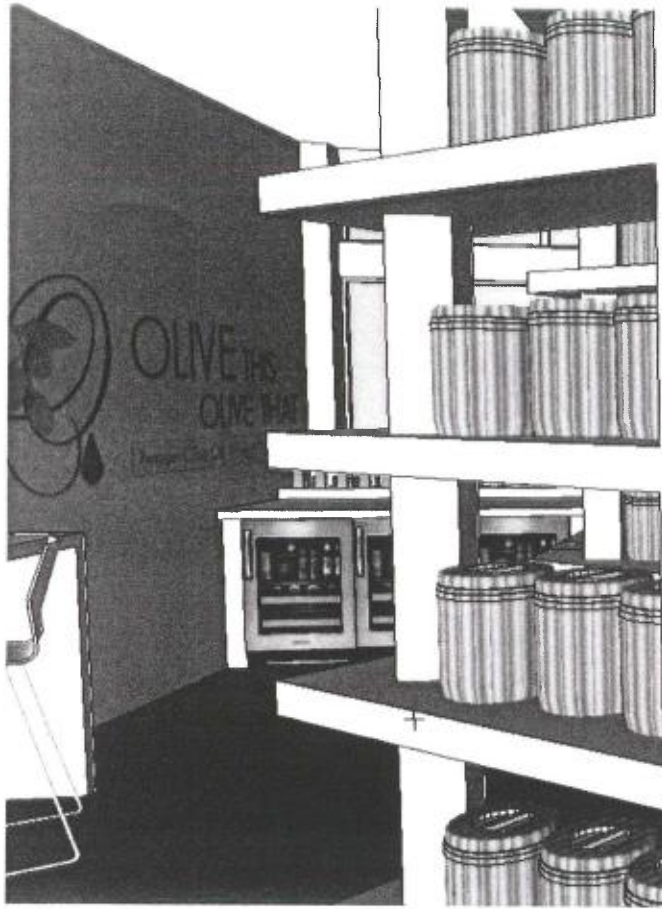
Please print your name below, state your address and/or affiliation with a neighborhood group, and provide your phone number. Providing your name below does not represent support or opposition to the project; it is for documentation purposes only.

NAME/ORGANIZATION	ADDRESS	PHONE #	EMAIL	SEND PLANS
1. Callista Nichokon	Student			
2. Sister Lily Fitzpatrick	(415) 824-2052	slilyeicacademy.org		
3. Bill Olinger	(415) 824-2052	wlolinger@hotmail.com		
4. Tony Hartman	(415) 999-5929	tonyhartman@gmail.com		
5. Shabnam Azad	(510) 333-4116	shabnamkoirala@gmail.com		
6. Badi Azad	(510) 918 7414	badiazad@gmail.com		
7. Anyo Olzen				
8. Tara Brant				
9.				
10.				
11.				
12.				
13.				
14.				
15.				
16.				
17.				
18.				

#EXHIBIT DESIGNS



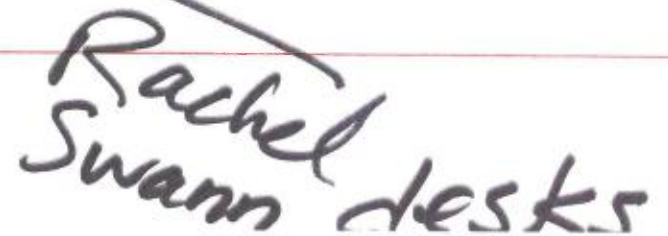
IAN STALLINGS DESIGN 415.621.5660
WWW.IANSTALLINGS.COM



Step up
delineating
From Retail

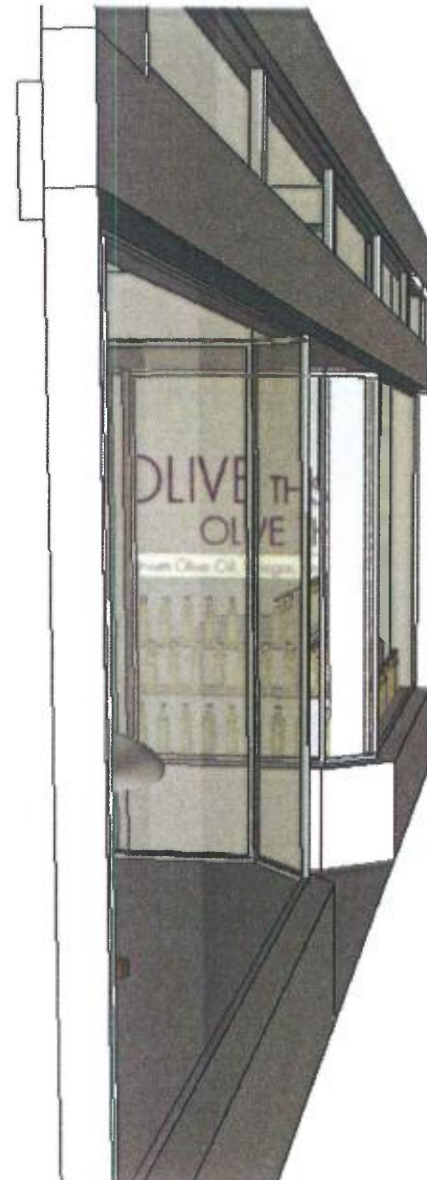


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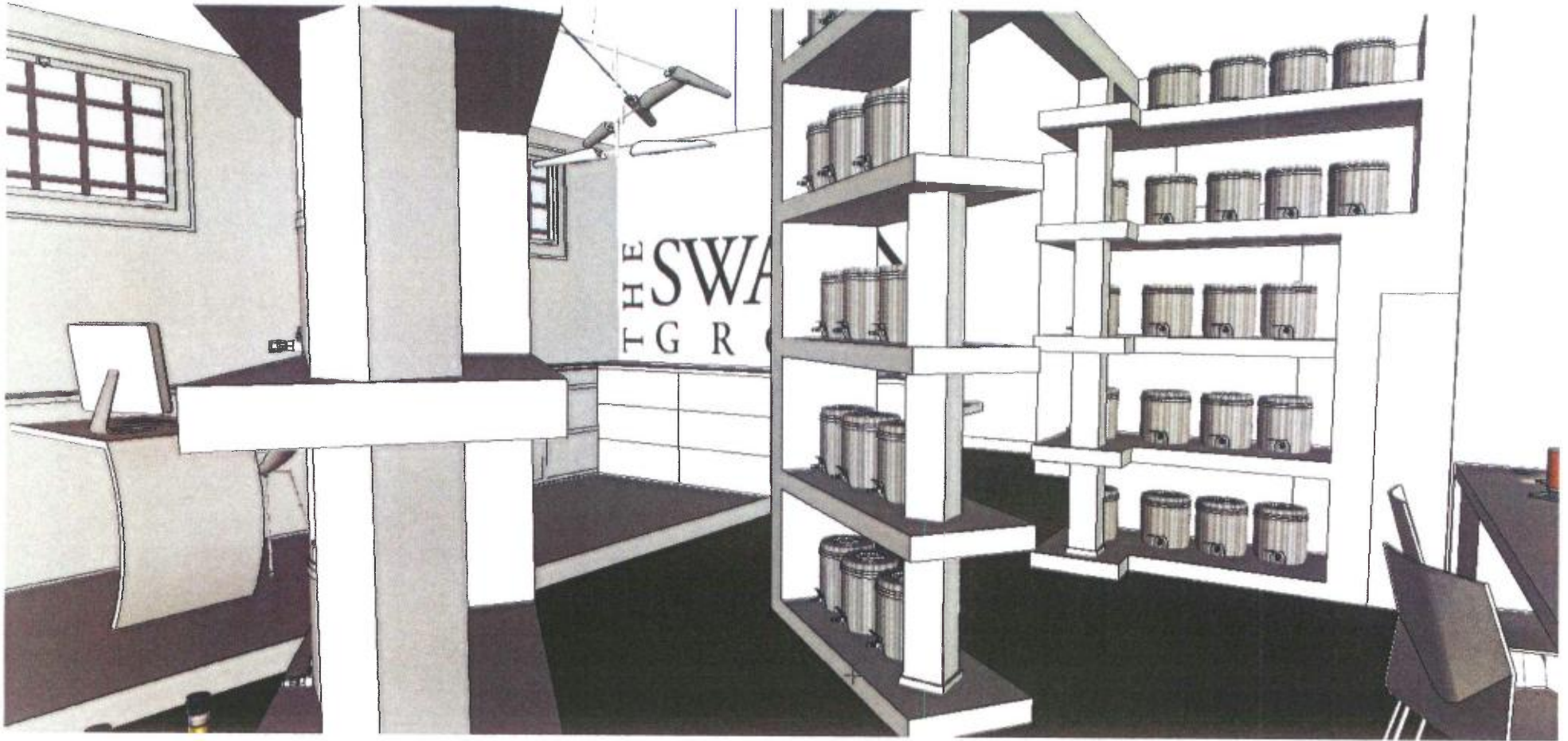
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WWW.IANSTALLINGS.COM

Subject: Re: Question re NVCD
Date: Thursday, September 22, 2016 at 4:44:08 PM Pacific Daylight Time
From: Janell Pekkain
To: Debra Niemann
CC: Rachel Swann, Mary Kucel
Attachments: PastedGraphic-3.tiff

EXHIBIT
DESIGNS A

Thanks Deb!

Really appreciate your time and encouragement. This going to be great for the Noe neighborhood - and beyond!

Both Rachel and I will be at the Merchant's Assoc meeting this week.

Best,
Janell

On Thu, Sep 22, 2016 at 4:21 PM, Debra Niemann <debranemo@gmail.com> wrote:

Hi Janell,

As long as Rachel Swann has a strong retail presence, such as your olive oil store, in that space, strong being half the window space or more is given to retail, I don't see any problems with the neighborhood. However I would also contact the Noe Valley Merchants Association and present your idea of co-existing in that storefront to them and gaining their approval.

You and Olive This, Olive That have been generous and strong supporters of all things Noe, particularly your involvement for many years with the Noe Valley Harvest Festival, it is on the basis of your involvement that we are encouraging you to go for this retail space with Rachel Swann and her real estate company. Solely as a real estate office it would receive much push back from the community.

Best of luck to you,
Debra

[PastedGraphic-3.tiff](#)

Janell Pekkain - owner

Olive This Olive That

Sensory Panel Member, COOC

Shop: 415-251-7520

Cell: 415-519-6801

www.OliveThisOliveThat.com

[12 Best Niche Shops in SF!](#)

Subject: RE: Rachel Swann

Date: Thursday, January 10, 2019 at 11:11:50 AM Pacific Standard Time

From: Ryan Abel

To: Rachel Swann

Rachel,

From what I can recall about the transaction, you were not the focal tenant for the retail space and thus according to planning, you could carve out a small square footage for your personal/business office without it falling under formula retail.

Ryan Abel | **TRANSWESTERN** | Direct: 415.489.1741

From: Rachel Swann <rachel.swann@theagencyre.com>

Sent: Thursday, January 10, 2019 9:52 AM

To: Ryan Abel <ryan.abel@transwestern.com>

Subject: FW: Rachel Swann

Thank you in advance,

Rachel

THE AGENCY

A Global Marketing and Sales Organization

RACHEL SWANN

Managing Partner | San Francisco

m: 415 225 7743

TheAgencyRE.com

CalBRE# 01860456

FINAL
EXHIBIT

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From: Rachel Swann <rachel.swann@theagencyre.com>

Date: Thursday, November 29, 2018 at 9:41 AM

To: Debra Niemann <debranemo@gmail.com>, Zhane Dikes <zhane.dikes@theagencyre.com>, Gina Blancarte <gblancarte@theagencyre.com>, "Chloe V. Angelis" <cangelis@reubenlaw.com>

Subject: FW: Rachel Swann

This was me telling the landlord what we were told from planning. I then gave him Edward from Plannings info and they accepted our LOI.

Received at CPC Hearing

1/10/19

G. Pantaja

Rachel Swann and The Agency
Community Artist and Small Business Support

Rachel Swann and The Agency is an integral part of the local artist and small business community in San Francisco by sponsoring various free community events which would not be possible without the financial and inspirational contributions.

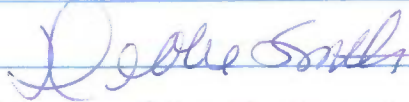
The Agency is more than a real estate company, it is instrumental in bringing the community together.

Each person on the signature list expressly thanks The Agency for making a great difference in their lives.

DAVID VALLE 

pg Kim SK

Dellie Small



mayat Winoitha myah unowel

tony DOD

DAND chow 

Lina Sung 

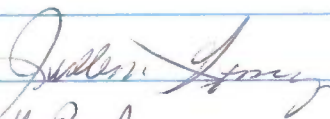
Ken WARR



John DOD



Julianne GORE



KIFF BARK





Gregg PRATT



JASON LINDT



LISA PETERS



SANDY EDMIRKS



RAJ



TOM BARR



JIL THOMPSON



BRIGGATE SON



AMER SPITZ

TIM LEE

BIANCA RETER




KATY BORESSER

PAUL WONG

DANNA WONG

SHIN TYPEN



Lisa Brown	
Randall Bone	
Michelle Stealy	MA Stealy
Dave Stealy	DB Stealy
T.A. Wimmerich	Taffy Wimmerich
Mark Wimmerich	Mark Wimmerich
Nicole Repack	Nicole Repack
Mark Bode	Mark Bode
Kelly Bode	Kelly Bode
Jade Begnon	Jade Begnon
Muscleman Munk	Muscleman Munk
Jeany Azor	Jeany Azor
Sasha Reuter	Sasha Reuter
Francine Reuter	Francine Reuter
Elliot Sheets	
Aaron Sild	Aaron Sild
Nyria Finnes	Nyria Finnes
Carla Orosko	Carla Orosko
Carol Orosko	Carol Orosko
Jelly VanAcker	Jelly VanAcker
Julie Valle	Julie Valle
David Valle	David Valle
Tina Marie	Tina Marie
Ryan Fay	Ryan Fay
Jon Farr	Jon Farr
Anous Farr	Anous Farr
Paulie Pora	Paulie Pora
Bridgette SW	Bridgette SW

ONLINE Petition Supporting

Rachel Swann & The Agency
Local artists & small businesses in San Francisco

Keith Hollander
Stephen Anadon Jr
Margarita Funes
Deb Finberg
Michelle Estrada
Carla Orvando
Summer Locks
Nicole Repack
Kathryn Sprankle
Carl Lewis
John Gavin
Patrick Gavin
Dolly Vannarath
Fernando Lopez
Melissa Heisenberg
Charlene Rector
Judy Friis
Monti Monti Sur
Lisa Mullahura
Betsey Johnson
Jacob Ahdoot
Joseph Flange
Mike Dotty
Michelle Sheedy
Aaron Sheedy
Isaias Crow
Mikel Cirkus
August Forman
Francisco Gonzales
Bill Benninghoff
Tim Dilley
Nancy Binzen
Mark Renault
Ian Houghton
Susie Mckenzie
Faith Borunda
Noor Soeb
Halley Box
Peter Gomez
Sascha Reuter
Bianca Reuter
Bruce Hallman
David Berger

Byron May
Sal Ramos
Shane Callahan
Calvin Tay
Camila Valdez
Ed Hilinski
Dennis Toomey
Stephanie Carpenter
Catrina Chavas
Sean Renault
Pete Romano
Chris Liss
Taylor Liss
Chris Lydell
Thomas Liebl
Christopher Nelson
Cindy Cody
Lisa Cleveland
Connie Niel
John Niel
Katie Cooper
Correy Wood
Dan Dear
Danna Brooks
Dan Shanks
Jen Darland
David Jade
Daniel Dilworth
Ed Value
Beverly Masri
Susan Dobbs
Mel Finnegan
Angela Fisher
Diane DaSilva
Kristen Fletcher
Fran Shannon
Peter Lesser
Pam Franklin
Jody Wassel
Matt Gannon
Andy Charlton
Thomas Smart
Faith Davis

Monique Grimble
Mattie Winowitch
Conrad Duncan
Marcos Sprankle
Mick Guzman
Angus Gavin
Josh Harris
Heidi Fay
Jenn Arciero
Delene Hessinger
Myron Hill
Sandy Hill
Tom Hirose
Condon Hughes
Lisa Hutte
Janie Riley
Jason Wolford
JD Willson
Jeremy Flores
Jessica Hilinski
Deb Bennett
Jim Sharp
Joe Colmenares
Jody McCowen
John Fox
Jon Bloom
Jose Daniels
Kate Doyle
Ken Wei
Adam Kennedy
Steve Ko
Justin Yau
Pete Laird
Darron Lawson
Andrea Lea
Isabel Renault
Jessie Parker
Carol Lewis
Sam Hoffman
Liz Erhart
Vincent Lobdell
Nick Lopez
Linze Luna

Maggie Dickenson

John Marino

Martha Cooper

Sarah Masre

Martin Lints

Krista Mason

Douglas Smith

Mel Carl

Mike Brooks

Kim Shaldon

Milly Muhr

John Navis

Lalin Jinasena

Horst Schmidtke

Rula Skezas

Michael Weaver

Stan Pratt

Adrian Rocha

Pam Surva

Patrick Mummel

Emily Peeler

Robert Werner

Doug Bawden

Andrew Phillips

Cheryl Pierce

Al Potrillo

Nancy Lee

Danny Thornton

Billy Johnson

Scott Kolowski

Perla Jones

Raymond Kim

Dennis Sim

Margie Renault

Dick Rice

Rob Lopez

Vivian Rogers

Dan Lilly

Ron Britz

Paul Rosenberg

Rudi Halbright

Ruth Kahn
Isabel Foxen
Matt Fuller
Ray Thompson
Sam Anderson
Martin West
Sean Morales
David Valle
Carla Trist
Sean Yarbough
Whitney Sharp
Shawn Dass
Shernita Lipscomb
James Smallwood
Lisa Snyder
Mobina Nubi
Mike Stapleton
Steven Jay
Ryan Stubbs

Received at CPC Hearing 1/10/19

G. Pantoja

From: [Alice Berry](#)
To: [Pantoja, Gabriela \(CPC\)](#); [Johnson, Millicent \(CPC\)](#); [Moore, Kathrin \(CPC\)](#); [Melgar, Myrna \(CPC\)](#); [Koppel, Joel \(CPC\)](#); [Richards, Dennis \(CPC\)](#)
Subject: Reject CU Application for The Agency at 3848 24th Street
Date: Tuesday, January 08, 2019 10:58:27 AM

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

Dear all,

I'm writing to ask you to reject the conditional use application for The Agency at 3848 24th Street on January 10. The Planning Commission should not reward businesses who break the rules. The last thing Noe Valley's 24th Street needs is another real estate brokerage. Thank you.

Best,
Alice Berry
263B Duncan Street

From: [Anna Burke](#)
To: [Pantoja, Gabriela \(CPC\)](#)
Subject: Rejection of the CU for the Agency
Date: Monday, January 07, 2019 9:06:22 PM

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

I'm writing to ask you to reject the conditional use application for The Agency on [24th Streeton January 10](#). The last thing Noe Valley needs is yet another real estate brokerage. The Planning Commission should not reward businesses who break the rules. Thank you.

Sent from my iPhone

From: [Christine Patel](#)
To: [Pantoja, Gabriela \(CPC\)](#); [Johnson, Milicent \(CPC\)](#); [Moore, Kathrin \(CPC\)](#); [Melgar, Myrna \(CPC\)](#); [Koppel, Joel \(CPC\)](#); [Richards, Dennis \(CPC\)](#)
Subject: Reject CU Application for The Agency at 3848 24th Street
Date: Tuesday, January 08, 2019 11:05:49 AM

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

Hi, I've lived in Noe Valley for 4 years. I'm writing to ask you to reject the conditional use application for The Agency at [3848 24th Street on January 10](#). The Planning Commission should not reward businesses who break the rules. The last thing Noe Valley's [24th Street](#) needs is another real estate brokerage. Thank you.
Christine Patel

From: [dan loflin](#)
To: [Pantoja, Gabriela \(CPC\)](#); [Johnson, Milicent \(CPC\)](#); [Moore, Kathrin \(CPC\)](#); [Melgar, Myrna \(CPC\)](#); [Koppel, Joel \(CPC\)](#); [Richards, Dennis \(CPC\)](#)
Subject: Reject CU Application for The Agency at 3848 24th Street
Date: Tuesday, January 08, 2019 9:58:04 AM

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

I'm writing to ask you to reject the conditional use application for The Agency at 3848 24th Street on January 10. The Planning Commission should not reward businesses who break the rules. The last thing Noe Valley's 24th Street needs is another real estate brokerage.

Thank you

Dan Loflin

From: [SAGE \(Jamie Cotton\)](#)
To: [Pantoja, Gabriela \(CPC\)](#)
Cc: [Johnson, Milicent \(CPC\)](#); [Moore, Kathrin \(CPC\)](#); richhillssf@gmail.com; [Melgar, Myrna \(CPC\)](#); [Koppel, Joel \(CPC\)](#); planning@rodnevfong.com; [Richards, Dennis \(CPC\)](#)
Subject: 2017-007943CUA
Date: Monday, January 07, 2019 4:35:12 PM
Attachments: [24th st VACANCIES.pdf](#)
[VIOLATION RECORD 3848 24th St .pdf](#)
[3848 pics.pdf](#)

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

Dear Commissioners,

At the last hearing I was extremely troubled by the fact that the Commissioners were so willing to entertain and be swayed by testimonies of character and person deeds rather than sticking strictly to the issue. As a concerned citizen who believes this to be an important issue, I now feel that I have been put in the unsavory position of having to tear down the character and/or refute the personal deeds of a neighbor, in order, to debate this issue. To be perfectly honest, I resent being put in that position and as a matter of integrity, I am NOT willing to speak ill of an individual no matter how important I believe this issue to be. I feel that ruling on planning permit issues based on the personal character of the individual, whether deemed good or bad, degrades the issue and mocks the vital process of debate which is at the heart of these necessary and important hearings. I request that the commissioners disregard all the testimonies relating to character and rule on this issue based on facts, related actions and the merits of the issue.

Based on the facts, the Conditional Use permit should be denied to Rachel Swann and The Agency this time. Here are the facts as they relate to this issue:

- 1) Rachel Swann knew she needed a Conditional Use permit when she sought to occupy the building at 3848 24th St. She is the managing agent of a real estate agency that deals in leasing commercial properties in Noe Valley. How could she not know.
- 2) She entered into an agreement with a retailer in order to obtain the lease and then cut that retailer loose once the lease was obtained.
- 3) When the Planning department contacted her to inform her of her need to comply, she ignored their calls and e-mails and letters and skirted their site visits for 2 years before finally complying due to the threat of eviction. (see attachment VIOLATION RECORD)
- 4) Contrary to what was presented at the last hearing, there are, in fact, very few available retail properties for lease in the Noe Valley commercial corridor at this time. **There are currently only 5 vacant store fronts available and for lease on 24th St.** There was lots of talk of 16 vacancies at the hearing but this simply is not true. Of the 13 empty store fronts: 4 are under contract to businesses that should be opening later this year, and 4 are under construction due to retro-fitting or upgrading, (see attachment 24th St VACANCIES for details).
- 5) The Agency is occupying a desirable corner space with ample store frontage on two sides, which would better serve the neighborhood if available to a retailer. (see attachment 3848 PHOTOS)
- 6) The Agency is leaving Noe Valley anyways. They have signed a lease on a 8700 square foot location in the Castro that would accommodate 30-50 agents. (here is a link to the article for more information: <https://hoodline.com/2018/11/real-estate-office-proposes-to-take-over-castro-s-long-vacant-former-volvo-centrum-shop>)
- 7) There are currently 12 Real Estate Offices in Noe Valley's commercial corridor taking up valuable store frontage, Due to the lack of available retail space, having a 6th space available now for retail, rather than protect the 12th Real Estate Office which is moving away anyways, would be far more beneficial to the Noe neighborhood.
- 8) The Planning Commission has recently cracked down on violators.
Planning Commissioner Dennis Richards said he hopes the commission's action in the 49 Hopkins case will send a message to those accustomed to ignoring city planning and building laws with few or no repercussions. "We are tired of seeing this happening in the city and are drawing a line in the sand," said Richards. "You can have all the rules in the world, but if you don't enforce them, the rules are worthless." (here is a link to this article for more information: <https://www.sfchronicle.com/bayarea/article/City-requires-property-owner-who-demolished-13467909.php>)
- 9) This is an enforcement issue. Rachel Swann clearly ignored city and planning laws. There must be repercussions because "You can have all the rules in the world, but if you don't enforce them, the rules are worthless."

10) Granting the CU permit after such a clear and intentional violation would undraw that line in the sand and make a mockery of all the well thought out and necessary rules that have painstakingly been put in place by the Planning Department. Hard work by experts in this area went into putting together the CU stipulations and that should be respected.

11) Rewarding The Agency with a CU permit now would set a dangerous precedent and place the planning department in the precarious position of having to chase down offenders after the fact. It would promote rule breaking and increases the burden of enforcement on the planning department.

Due to the above facts, I request that the Planning Commissioners uphold there own law, respect their own rules and help preserve the necessary Continual Use permitting process by denying the Conditional Use permit to the current illegal occupants at 3848 24th, Rachel Swan and The Agency.

After doing some research it appears only 5 vacant store fronts are actually available for lease. The other 8 are either already under contract or are undergoing retrofitting. Here is the current state of the 13 empty store fronts in the Noe Valley commercial corridor.

Currently leased out or under contract

4026 24th St - sign in window "Vive La Tarte is coming soon"

4018 24th St - sign in window says waiting on permit for Wallflower Co.

3818 24th St - will open soon as Go Health Urgent Care

3751 24th St - dispensary has put in application on this space

undergoing retrofit and NOT available for lease

3813 24th St (former Cardio Tone)

3910 24th St

4066 24th St (former Small Frys)

under construction and NOT available for lease

3939 24th St (former Real Foods)

Vacant and for lease

3789 24th St. (the Agency is the leasing agent)

3859 24th St. (former cleaners)

3980 24th St. (down to the studs rebuild, just became available Dec 2018)

4110 24th St. (former eye doctor moved 1 block over)

4169 24th St. (small front window with pipes - not really suitable for retail)

references

--<https://www.downing-co.com/2018/09/11/big-changes-coming-to-the-24th-street-retail-corridor-in-noe-valley/>

--loopnet.com

3848 24th st. now



3848 24th st. when occupied by a retail store





SAN FRANCISCO PLANNING DEPARTMENT

NOTICE OF VIOLATION

December 5, 2017

Property Owner
Iglesias Properties, LLC
908 Pelton Avenue
Santa Cruz, CA 95060

Business Owner/Managing Partner
Rachel Swann, Principal
The Swann Group Vanguard Properties
The Agency, A Global Marketing and Sales Organization
3848 24th Street
San Francisco, CA 94114

Site Address: 3848 24th Street
Assessor's Block/Lot: 3651/022
Zoning District: NCD, 24th Street- Noe Valley Neighborhood Commercial
Complaint Number: 2017-001835ENF
Code Violation: Section 728 (Unpermitted Business or Professional Service Use)
Section 703.2(b)(1)(C) (Unpermitted Accessory Use in Neighborhood Commercial Districts)
Section 303.1(k) (Unauthorized Formula Retail Uses)
Administrative Penalty: Up to \$250 Each Day of Violation
Response Due: Within 15 days from the date of this Notice
Staff Contact: Chaska Berger, (415) 575-9188, chaska.berger@sfgov.org

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

The Planning Department has determined that the above referenced property is in violation of the Planning Code. As the owner and/or leaseholder of the subject property, you are a 'responsible' party 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 general Retail Sales and Service uses on the ground floor. It has been reported that the above property is being used for a Business or Professional Service use (dba "The Swann Group, Vanguard Properties") without such authorization and a retail use selling merchandise from an organization (dba "The Agency, A Global Marketing and Sales Organization") which is a Formula Retail use.

Pursuant to Planning Code Section 728.53, a Conditional Use Authorization is required for Business or Professional Services uses in the Noe Valley Neighborhood Commercial Zoning District where the

subject property is located. While an application for a Conditional Use Authorization has been filed for the subject property (Case No. 2017-007943CUA), the application is not complete.

The subject property is also found to be in violation of Planning Code Section 303.1 for the operation of a Formula Retail Use (dba "The Agency, A Global Marketing and Sales Organization") without the required Conditional Use Authorization from the Planning Commission. Formula Retail Uses, while defined as a type of retail sales or service, require Conditional Use Authorization in the subject zoning district. Pursuant to Section 303.1(k), Conditional Use authorization shall be required for all uses (even those which may be considered as accessory uses) within those use categories subject to Formula Retail Use controls as defined in Section 303.1.

Pursuant to Planning Code Section 303.1(b), a Formula Retail use is defined as a retail sales or service activity that has eleven or more other retail establishments in operation, or with local land use or permit entitlements already approved, located anywhere in the world. In addition to having eleven or more locations worldwide, The Agency maintains two or more of the following features:

1. A standardized array of merchandise (50% or more of in-stock merchandise from a single distributor bearing uniform markings)
2. The use of a trademark (word, phrase, symbol or design, or combination thereof that identifies and distinguishes the source of goods from one party from those of others)
3. The use of a servicemark (word, phrase, symbol or design, or combination thereof that identifies and distinguishes the source of a service from one party from those of others)
4. Standardized décor (style of interior furnishings)
5. A standardized color scheme (selection of colors used throughout, such as on furnishings, fixtures, wall coverings)
6. A standardized façade (face or front of a building, including awnings, looking onto a street or an open space)
7. Uniform apparel (standardized items of clothing such as aprons, pants, shirts, etc., for employees)
8. Standardized signage (business signs)

Pursuant to Planning Code Section 171, structures and land in any zoning district shall be used only for the purposes listed in this Code as permitted in that district, and in accordance with the regulations established for that district. Further, pursuant to Planning Code Section 174, every condition, stipulation, special restriction, and other limitation under the Planning Code shall be complied with in the development and use of land and structures. Failure to comply with any of Planning Code provisions constitutes a violation of Planning Code and is subject to enforcement process under Code Section 176.

TIMELINE OF INVESTIGATION

- On February 13, 2017, the Planning Department sent you a Notice of Complaint. In that notice, you were advised to contact the Planning Department to resolve the complaint.
- On February 28, 2017, Planning Department staff, Laura Lynch and Chaska Berger, conducted a site visit and confirmed the violation.

- On **April 25, 2017**, at the request of the project sponsor, Planning Department staff, Matt Dito and Chaska Berger, conducted a second site visit and discussed the violation and next steps to bring the property back into compliance with the Planning Code.
- On **April 27, 2017**, the Planning Department sent you a Notice of Enforcement informing you about the violation and the abatement process. In that notice, you were advised to take corrective actions and provide evidence of compliance to the Planning Department within fifteen (15) days from April 27, 2017.
- On **June 22, 2017**, Conditional Use Authorization (CUA) materials were submitted to the Planning Department by Ms. Nicole McGrath from Ian Stallings (Case No. 2017-007943CUA). A follow-up email was sent to Ms. McGrath to "ian@ianstallings.com" explaining that in order for staff to deem the application complete, the department required a digital copy of all required submittal material and a full size copy of plans.
- During the week of **September 11, 2017**, Mr. Anthony DeLaCruz contacted Chaska Berger to discuss the status of the CUA Application.
- On **September 19, 2017**, Chaska Berger responded via email to Mr. DeLaCruz (cc to Ms. Rachel Swann, et.al) to discuss additional information that must be submitted before the Conditional Use application can be assigned to a Planner for review and processing. In this email, the below was outlined:
 - Please submit a full sized plan set of the proposed project, including a title page and floor plans that clearly label the total areas allocated for each individual use.
 - Include an elevation, or at a minimum a photograph, of the front elevation of the property showing the entire frontage, including signage, windows, entrance, etc.
 - Submit a complete written description of the operation of the businesses at the property. It is important to include the total square footage that each business uses. In addition, in order to clearly understand the operation, include a total income distribution that each use generates and a total number of employees dedicated to staff each use.
- On **September 21, 2017**: Ms. Swann explained to Chaska Berger on a telephone call that the business operation would be reorganized and Ian Stallings Design was no longer operating from the site. Additionally, The Agency's mechanize would be sold as a retail component at the property. Chaska Berger explained that two copies of a large plan set (36" X 24") should be submitted with the Conditional Use Authorization application. Further, as requested by Delvin Washington, Southwest Team Leader, a total income distribution that each use generates and a total number of employees dedicated to staff each use should also be included.
- On **October 23, 2017**: Ms. Swann emailed Chaska Berger explaining that the outstanding material would be submitted to the Planning Department by October 27, 2017.

- On November 2, 2017, Henry Karnilowicz, permit expediter, emailed Chaska Berger to explain that the outstanding material would be submitted to the Planning Department by November 21, 2017. To date, Planning has not received any additional information in order to deem the CUA complete and assign the entitlement project to Planning Staff for review.

HOW TO CORRECT THE VIOLATION

The Planning Department requires that you immediately proceed to abate the violation by discontinuing the Business and Professional Service use and Formula Retail use and reinstate the above property to its last authorized retail use or seek authorization for a use permitted under the Planning Code. If you intend to use the above property as Business and Professional Service and Formula Retail uses, you must submit the required information for the Conditional Use Authorization Application to seek legalization of such use. The missing information is outlined in the Department's October 19, 2017 email. If the Conditional Use Authorization is granted, you will also need to obtain a Building Permit.

You may also need to obtain a building permit for change of use and any alterations done at the property. 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 the 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 **\$2,731.92** 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.

3848 24th Street
Complaint No.: 2017-001835ENF

Notice of Violation
December 5, 2017

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,



Scott F. Sanchez
Zoning Administrator

Enc.: Notice of Enforcement dated April 27, 2017



SAN FRANCISCO PLANNING DEPARTMENT

NOTICE OF ENFORCEMENT

April 27, 2017

Property Owner
Iglesias Properties LLC
908 Pelton Avenue
Santa Cruz, CA 95060

Business Owner
Rachel Swann, Principal
The Swann Group Vanguard Properties
3848 24th Street
San Francisco, CA

Business Owner
Ian Stallings Design
3848 24th Street
San Francisco, CA

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Site Address:	3848 24th Street
Assessor's Block/Lot:	3651/ 022
Zoning District:	NCD, 24th Street- Noe Valley Neighborhood Commercial
Complaint Number:	2017-001835ENF
Code Violation:	SEC. 728. 24th Street – Noe Valley Neighborhood Commercial District (Unpermitted Business or Professional Service Use) SEC. 703.2 (b)(1)(C) Uses Permitted in Neighborhood Commercial Districts (Accessory Uses)
Administrative Penalty:	Up to \$250 Each Day of Violation
Response Due:	Within 15 days from the date of this Notice
Staff Contact:	Chaska Berger, (415) 575-9188, chaska.berger@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 a responsible party. The purpose of this notice is to inform you about the Planning Code Enforcement process so you can take appropriate action to bring your property into compliance with the Planning Code. Details of the violation are discussed below:

DESCRIPTION OF VIOLATION

Our records indicate that the subject property is currently authorized for retail uses on the ground floor. It has been reported that the above property is being used Business or Professional Service uses

www.sfplanning.org

(DBA The Swann Group Vanguard Properties and DBA Ian Stalling Design) without such authorization. Pursuant to Planning Code Section 728.53, a Conditional Use Authorization is required for Business or Professional Services uses in the Noe Valley Neighborhood Commercial District Zoning District where the subject property is located.

Pursuant to SEC. 703.2 (b)(1)(C) Uses Permitted in Neighborhood Commercial Districts, "an accessory use is a related minor use which is either necessary to the operation or enjoyment of a lawful Principal or Conditional Use, or is appropriate, incidental and subordinate to any such use and shall be permitted as an Accessory Use when located on the same lot. Any Use which does not qualify as an Accessory Use shall be classified as a Principal or Conditional Use, unless it qualifies as a temporary use under Sections 205 through 205.4 of this Code." The two Business and Professional Service uses (The Swann Group Vanguard Properties and Ian Stallings Design) are neither necessary to the operation or enjoyment of a lawful principal use, nor are they appropriate, incidental and subordinate to any such use.

Pursuant to Planning Code Section 171 structures and land in any zoning district shall be used only for the purposes listed in this Code as permitted in that district, and in accordance with the regulations established for that district. Further, pursuant to Planning Code Section 174, every condition, stipulation, special restriction, and other limitation under the Planning Code shall be complied with in the development and use of land and structures. Failure to comply with any of Planning Code provisions constitutes a violation of Planning Code and is subject to enforcement process under Code Section 176.

HOW TO CORRECT THE VIOLATION

The Planning Department requires that you immediately proceed to abate the violation by discontinuing the Business and Professional Service uses and reinstate the above property to its last authorized retail use or seek authorization for a use permitted under the Planning Code. If you intend to use the above property as Business and Professional Service uses, you may file a Conditional Use Authorization Application to seek legalization of such use. The Conditional Use Authorization Application is available from the Planning Department's website at <http://www.sf-planning.org>. If the Conditional Use Authorization is granted, you will also need to obtain a Building Permit.

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 including (such as dimensioned plans, photos, licenses, lease copies, etc.).

You may also need to obtain a building permit for change of use and any alterations done at the property. 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 **\$1,308.00** 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.

From: [Julie Brannegan](#)
To: [Barbara_Gonzalez@CFCU](#); [Johnnie_Milward@CFCU](#); [Hanna_Kathryn@CFCU](#); [Helen_Murray@CFCU](#); [Korabel_Tsai@CFCU](#); [Richelle_Denry@CFCU](#)
Subject: Reject CU Application for The Agency at 3848 24th Street
Date: Tuesday, January 08, 2019 4:39:49 PM

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

Hi,
I'm writing to ask you to reject the conditional use application for The Agency at 3848 24th Street on January 10.
The Planning Commission should not reward businesses who break the rules. The last thing Noe Valley's 24th Street needs is another real estate brokerage.
Thank you,
Julie Brannegan
SF Resident

From: [VIP Grooming](#)
To: [Pantoja, Gabriela \(CPC\)](#); [Johnson, Millicent \(CPC\)](#); [Moore, Kathrin \(CPC\)](#); [richhillissf@gmail.com](#); [Melgar, Myrna \(CPC\)](#); [Koppel, Joel \(CPC\)](#); [planning@rodneyfong.com](#); [Richards, Dennis \(CPC\)](#)
Subject: RE: 2017-007943CUA
Date: Tuesday, January 08, 2019 10:04:41 PM

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

RE: 2017-007943CUA

Dear Commissioner:

I am a longtime Noe Valley small business owners writing to ask you to deny a conditional use permit for The Agency, a residential real estate firm operating at 3848 24th Street.

This prominent corner location in the heart of Noe Valley is permitted and intended for retail space, not professional services. The Agency has been operating at this location in flagrant violation of the CU protocol. There is an imbalance of real estate firms that take up three corners of this heavily trafficked intersection. In addition this location has 2 large front facing display windows facing 24th St. and an additional large window facing Vicksburg St. that are being wasted on a real estate office.

Currently there are only 4 locations vacant and available for lease along 24th Street; additional locations are not available for lease because they are already in contract (4), under construction or being retrofitted (5). 24th street already has 12 Real Estate offices in its 5 block commercial corridor. Shifting this space from a real estate office to an available retail space would be greatly beneficial to the neighborhood.

Furthermore, when looking at the facts of this case denying the request seems the only reasonable course of action:

- The Agency (formerly Rachel Swann Associates) assumed and operated its location under false pretense.
- Other businesses seeking the location during this timeframe would have been denied fair competition to occupy and operate their business at a prime corner spot while The Agency was there unlawfully.
- Concern that not granting a CU will create a commercial vacancy in this neighborhood is counterproductive. According to the San Francisco Office of Economic and Workplace Development, Noe Valley is among the five healthiest commercial corridors in the city with one of the lowest vacancy rates.
- A case in point is the Planning Commission's denial of a CU for a proposed pet food chain store seeking to open a new location on 24th Street in the former Radio Shack space in June. Subsequently, that spot was quickly rented to a yoga fitness business, the first of its kind in the neighborhood.

The notion that denying a CU will cause The Agency to go out of business is unfounded. On November 2, [Hoodline](#) reported that The Agency has already signed a five-year lease on an 8,700-square-foot space in the Castro that would be converted to support about 30-50 employees. It's hard to imagine The Agency would not relocate its current 11 agents in Noe Valley to the Castro location that a spokesperson said "will be our home base."

Retail is the lifeblood of the 24th Street corridor. And while there are some chains and professional services in the mix, all of these businesses have followed proper procedures and protocol in opening and operating their locations. As your own Dennis Richards recently said "You can have all the rules in the world, but if you don't enforce them, the rules are worthless."

We ask that you uphold the CU process at the Jan.10 hearing. The permitting process is a vital part of our community that safeguards small and independent businesses that compete in a challenging market place and economy.

Sincerely,

Lancy Woo
VIP Grooming

--

VIP Staff

VIP Grooming

owner: Lancy Woo

415-282-1393
4299 24th Street
San Francisco CA 94114
www.vipgroomingsf.com
[VIP Grooming Facebook](#)

From: [Olga Milan-Howells](#)
To: [Pantoja, Gabriela \(CPC\)](#)
Cc: [Christopher Faust](#)
Subject: Upper Noe Neighbors opposes the Conditional Use Permit for 3848 24th St.
Date: Tuesday, January 08, 2019 7:05:34 PM

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

Dear Ms. Pantoja,

'The Agency' at 3848 24th Street is currently operating as an unpermitted real estate firm in a retail location and has applied for a conditional use permit to change the zoning from retail to professional services.

Upper Noe Neighbors **strongly** opposes the conditional use permit. A thriving 24th Street is what makes Noe Valley the place we love to live in. It does not make sense to make an exception to the planning code in order to have **FOUR** Realtors on the prime corner of 24th and Vicksburg!

If we allow exceptions like this for professional services firm, landlords will have even more incentive to raise rents and push retailers out. We need thriving retail to keep our neighborhood special and encourage people to walk, bike, and be part of the community. We do not need another Real Estate office!

We respectfully request that you deny the conditional use permit.

Kind Regards,

Olga Milan-Howells
President
Upper Noe Neighbors

From: [Steve May](#)
To: [Pantoja, Gabriela \(CPC\)](#); [Richards, Dennis \(CPC\)](#); [Koppel, Joel \(CPC\)](#); [Moore, Kathrin \(CPC\)](#); [Johnson, Millicent \(CPC\)](#); [Melgar, Myrna \(CPC\)](#)
Subject: The Agency request for conditional use - please reject
Date: Monday, January 07, 2019 10:00:13 PM

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

I'm writing to ask you to reject the conditional use application for The Agency on 24th Street on January 10. The last thing Noe Valley needs is yet another real estate brokerage. The Planning Commission should not reward businesses who break the rules.

Thank you.

Steve

--

Steve
415 654 3827

From: [Adam Bennes](#)
To: [Pantoja, Gabriela \(CPC\)](#); [Johnson, Millicent \(CPC\)](#); [Moore, Kathrin \(CPC\)](#); [Melgar, Myrna \(CPC\)](#); [Koppel, Joel \(CPC\)](#); [Richards, Dennis \(CPC\)](#)
Subject: Please Reject CU Application for The Agency
Date: Monday, January 07, 2019 8:46:55 PM

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

I'm writing to ask you to reject the conditional use application for The Agency on 24th Street on January 10. The last thing Noe Valley needs is yet another real estate brokerage. The Planning Commission should not reward businesses who break the rules. Thank you.

Adam bennes

Blue Coast Contracting
Adam Bennes
1651 Hawes St.
San Francisco, CA 94124
CA LIC# 1037530
415-740-8102
adambennes@gmail.com

From: [D. Emanuel](#)
To: [Johnson, Millicent \(CPC\)](#); [Moore, Kathrin \(CPC\)](#); richhillissf@gmail.com; [Melgar, Myrna \(CPC\)](#); [Koppel, Joel \(CPC\)](#); planning@rodneyfong.com; [Richards, Dennis \(CPC\)](#)
Cc: [Pantoja, Gabriela \(CPC\)](#)
Subject: Deny The Agency real estate firm CU -- 2017-007943CUA
Date: Wednesday, January 09, 2019 3:23:44 PM

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

Dear Planning Commissioners,

The Agency residential real estate firm at 3848 24th Street should not qualify for a conditional use permit. This business was fully aware of the retail zoning when it signed a lease by representing it would bring in a retail business partner. The Agency has openly defied that requirement by evading the Planning Dept. for more than a year. (See timeline of Planning's efforts, page 2: <http://commissions.sfplanning.org/cpcpackets/2017-007943CUA.pdf>.)

Denying this CU will not adversely affect the merchant community. Noe Valley has one of the lowest vacancy rates in San Francisco. A case in point is the Planning Commission's denial of a CU for a proposed pet food chain store seeking to open a new location on 24th Street in June. Subsequently, that spot was quickly rented to a yoga fitness business, the first of its kind in the neighborhood.

There are currently only 5 stores available for lease on 24th Street. All of the other empty storefronts are either leased with future tenants or under construction or retrofitting and not available for lease. The Noe Valley Community Benefits District provided misleading and inaccurate information about vacancies to the Commission at the CU hearing on November 29.

Your decision to deny a CU will not put The Agency out of business. The Agency has already signed a lease for 8,700 square feet in the Castro that will accommodate 30-50 employees. It's hard to imagine The Agency would not relocate its current 11 agents in Noe Valley to the Castro location that a spokesperson said "will be our home base." (See *Hoodline*, November 2, "[Real estate office proposes to take over Castro's long-vacant former Volvo Centrum shop](#).")

Retail is the lifeblood of the 24th Street corridor. And while there are some chains and professional services in the mix, all of these businesses have followed proper procedures and protocol in opening and operating their locations.

Please do not reward a business that is asking forgiveness after violating zoning laws.

Thank you for your consideration.

David Emanuel
43 Fairmount Street

From: [Diane Merkadeau](#)
To: [Pantoja, Gabriela \(CPC\)](#)
Subject: Hello
Date: Tuesday, January 08, 2019 6:54:24 AM

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

Hello -

I am writing to you again to reiterate my views on rejecting the conditional use application for The Agency on [24th Street on January 10](#). The last thing Noe Valley needs is yet another real estate brokerage. The Planning Commission should not reward businesses who break the rules.

Thank you for carefully considering this.

Best,
Diane

merkadeau@gmail.com
415.298.7132

Sent from my iPhone