

File No. 150087

Committee Item No. 1  
Board Item No. \_\_\_\_\_

## COMMITTEE/BOARD OF SUPERVISORS

### AGENDA PACKET CONTENTS LIST

Committee: Land Use & Transportation

Date Mar. 2, 2015

Board of Supervisors Meeting

Date \_\_\_\_\_

#### Cmte Board

- |                                     |                          |  |
|-------------------------------------|--------------------------|--|
| <input type="checkbox"/>            | <input type="checkbox"/> | Motion                                       |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Resolution                                   |
| <input type="checkbox"/>            | <input type="checkbox"/> | Ordinance                                    |
| <input type="checkbox"/>            | <input type="checkbox"/> | Legislative Digest                           |
| <input type="checkbox"/>            | <input type="checkbox"/> | Budget and Legislative Analyst Report        |
| <input type="checkbox"/>            | <input type="checkbox"/> | Youth Commission Report                      |
| <input type="checkbox"/>            | <input type="checkbox"/> | Introduction Form                            |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/>            | <input type="checkbox"/> | MOU  |
| <input type="checkbox"/>            | <input type="checkbox"/> | Grant Information Form                       |
| <input type="checkbox"/>            | <input type="checkbox"/> | Grant Budget                                 |
| <input type="checkbox"/>            | <input type="checkbox"/> | Subcontract Budget                           |
| <input type="checkbox"/>            | <input type="checkbox"/> | Contract/Agreement                           |
| <input type="checkbox"/>            | <input type="checkbox"/> | Form 126 – Ethics Commission                 |
| <input type="checkbox"/>            | <input type="checkbox"/> | Award Letter                                 |
| <input type="checkbox"/>            | <input type="checkbox"/> | Application                                  |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Public Correspondence                        |

OTHER (Use back side if additional space is needed)

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Completed by: Andrea Ausberry Date Feb. 25, 2015  
Completed by: \_\_\_\_\_ Date \_\_\_\_\_

AMENDED IN COMMITTEE

2/23/15

FILE NO. 150087

RESOLUTION NO.

1 [Interim Zoning Controls - Building Permits for Commercial Uses in an Area Bounded by  
2 Market, 2nd, Brannan, and Division Streets, and South Van Ness Avenue]

3 **Resolution imposing interim zoning controls to require that for a 12-month period, in**  
4 **the area bounded by Market Street from Van Ness Avenue east to 5th Street on the**  
5 **north side, and east to 2nd Street on the south side, 2nd Street south to Brannan**  
6 **Street, Brannan Street west to Division Street, and South Van Ness Avenue north to**  
7 **Market Street, certain building permits for any building with some commercial use shall**  
8 **require the posting of a notice and a 15-day delay in starting the work, and the re-**  
9 **establishment of a commercial use that has been converted to residential use shall**  
10 **require Planning Commission approval through either an authorization under Planning**  
11 **Code, Section 320, et seq., or a conditional use authorization; and making**  
12 **environmental findings and a determination of consistency with the eight priority**  
13 **policies of Planning Code, Section 101.1.**

14  
15 WHEREAS, Planning Code, Section 306.7 provides for the imposition of interim zoning  
16 controls to accomplish several objectives, including preservation of areas of mixed residential  
17 and commercial uses and preservation of the City's rental housing stock; and

18 WHEREAS, Planning Code, Section 320 provides that the creation of 25,000 square  
19 feet or more of additional office space shall be subject to the office cap and other  
20 requirements of Section 320, et seq. ("Proposition M"); and

21 WHEREAS, for the purpose of office development authorizations "preexisting office  
22 space" is defined as "office space used primarily and continuously for office use and not  
23 accessory to any use other than office use for five years prior to Planning Commission  
24  
25

1 approval of an office development project which office use was fully legal under the terms of  
2 San Francisco law"; and

3 WHEREAS, There is evidence that preexisting office space has been converted  
4 without benefit of a permit to residential use in multiple buildings in the area of San Francisco  
5 bounded by Market Street from Van Ness Avenue east to 5th Street on the north side and to  
6 2nd Street on the south side, 2nd Street south to Brannan Street, Brannan Street west to  
7 Division Street, and South Van Ness north to Market; and

8 WHEREAS, The Board of Supervisors wants to control the removal of any existing  
9 residential uses in commercial spaces and review the status of the original legal uses until  
10 such time as the Planning Department can propose permanent legislation; and

11 WHEREAS, This Resolution imposes a new 12-month period for these amended  
12 interim controls, which were enacted by Resolution No. 428-13 and expired on December 13,  
13 2014; and

14 WHEREAS, This Board has considered the impact on the public health, safety, peace,  
15 and general welfare if the proposed interim controls are not imposed; and

16 WHEREAS, This Board has determined that the public interest will best be served by  
17 imposition of these interim controls at this time in order to ensure that the legislative scheme  
18 which may ultimately be adopted is not undermined during the planning and legislative  
19 process for permanent controls; and

20 WHEREAS, The Planning Department has determined that the actions contemplated in  
21 this Resolution are in compliance with the California Environmental Quality Act (California  
22 Public Resources Code, Sections 21000, et seq.); said determination is on file with the Clerk  
23 of the Board of Supervisors in File No. 150087 and is incorporated herein by reference; now,  
24 therefore, be it

1           RESOLVED, That pursuant to Planning Code, Section 306.7, the Board of Supervisors  
2 by this Resolution hereby requires that during the pendency of these interim controls certain  
3 building permits for any buildings with some commercial use in the area of San Francisco  
4 bounded by Market Street from Van Ness Avenue east to 5th Street on the north side and to  
5 2nd Street on the south side, 2nd Street south to Brannan Street, Brannan Street west to  
6 Division Street, and South Van Ness Avenue north to Market Street shall require a notice to  
7 be posted the day of permit issuance in a conspicuous location on the ground floor of the  
8 building for the work specified below; and, be it

9           FURTHER RESOLVED, That if a posted notice is required it shall meet the  
10 requirements of the Planning and Building Departments and at a minimum shall state in plain  
11 language and in multiple languages the following information: "The building permit described  
12 below has been issued by the City and County of San Francisco. If you or someone you know  
13 lives in this building and may be displaced by this work, please call the following number prior  
14 to the expected construction start date on \_\_\_\_\_;" and, be it

15           FURTHER RESOLVED, That if a posted notice is required, work under the issued  
16 permit may not start until the expiration of 15 days from permit issuance and posting of the  
17 notice; and, be it

18           FURTHER RESOLVED, That the building permits that are subject to the posted notice  
19 and 15-day hold requirements are for: Structural or architectural work above the ground floor  
20 in the interior of any building with some commercial use that obtained its first certificate of  
21 occupancy prior to 1979, is valued at \$15,000 or more, and requires the submittal of floor  
22 plans; and, be it

23           FURTHER RESOLVED, That the following building permits are exempt from the  
24 posted notice and 15-day hold requirements: Permits to address a life/safety issue, and  
25 permits for weather protection, accessibility upgrades, and dry rot repair; and, be it

1 FURTHER RESOLVED, That during the pendency of these interim controls in the  
2 geographic area covered by these controls, any commercial use that has been converted in  
3 whole or in part to residential use without benefit of a permit shall be deemed abandoned. A  
4 permit to re-establish any commercial use shall not be issued or reinstated, or, if already  
5 issued, shall not remain effective, unless the project sponsor obtains a Conditional Use  
6 authorization under Planning Code Section 303, in addition to all requirements of the Planning  
7 Code applicable to the establishment of any such use; and, be it

8 FURTHER RESOLVED, That these interim controls shall remain in effect for twelve  
9 (12) months unless further extended or until the adoption of permanent legislation, whichever  
10 shall first occur; and, be it

11 FURTHER RESOLVED, That these interim controls are not in conflict with and hence  
12 are consistent with the eight priority policies of Planning Code, Section 101.1.

13  
14 APPROVED AS TO FORM:  
15 DENNIS J. HERRERA, City Attorney

16 By:   
17 SUSAN CLEVELAND-KNOWLES  
18 Deputy City Attorney

19  
20  
21  
22  
23  
24  
25  
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# SAN FRANCISCO PLANNING DEPARTMENT

## Release of Suspension Request

February 2, 2015

Mr. Tom Hui, S.E., CBO  
Director  
Department of Building Inspection  
1660 Mission Street  
San Francisco, CA 94103

**Building Application No.:** 201307262890  
**Property Address:** 1049-1051 Market Street  
**Block and Lot** 3703 / 067  
**Zoning District:** C-3-G / 90-X  
**Staff Contact:** Corey Teague, Assistant Zoning Administrator  
(415) 575-9081 or [corey.teague@sfgov.org](mailto:corey.teague@sfgov.org)

Dear Director Hui,

This letter is to request that the Department of Building Inspection (DBI) release suspension of Building Permit Application Number 201307262890 ("Permit") for the property at 1049-1051 Market Street.

On October 28, 2013, Corey A. Teague (Acting Zoning Administrator) submitted a Request for Suspension for the Permit because it was not reviewed by the Planning Department, and there was a question as to whether the work proposed in the Permit triggered additional requirements and/or procedures under the Planning Code.

That Request for Suspension was appealed to the Board of Appeals by John Gall on November 13, 2013. Planning Department staff met with John Gall and others representing the subject property in January 2014. The result of the meeting was a shared understanding that the property owner(s) would request a letter of determination from the Zoning Administrator regarding the possibility of converting some or all of the unpermitted habitable space referenced in DBI Notice of Violation No. 200711850 into dwelling units that are integrated with the working space of artists, artisans and other craftspersons, pursuant to Planning Code Section 204.4(b). Subsequent to that meeting, the appeal of the Request for Suspension was withdrawn on February 19, 2014.

Despite the outcome of the January 2014 meeting the Planning Department received no communication from the permit holder or property owner(s) until December 2014. At that time, counsel for the property owner(s) requested that the Department either seek reinstatement or revocation of the Permit. The Department understood it to be implicit in this request that the permit holder and property owner(s) no longer intended to move forward with a conversion of

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

Reception:  
**415.558.6378**

Fax:  
**415.558.6409**

Planning  
Information:  
**415.558.6377**

Tom Hui, Director of Building Inspection  
Release of Suspension Request  
1049-51 Market Street  
February 2, 2015

the preexisting office space to dwelling units that are integrated with the working space of artists, artisans and other craftspersons, as had been previously discussed.

As such, it is my determination that the current legal use of the portion of the building subject to the Permit is the last legal use, which was office space here. Absent an abandonment of use recognized by the Planning Code, when a legal use of a property is changed without the benefit of a permit, the legal use remains the last legal use if that use is permitted as of right. While the principle of abandonment may apply in some circumstances to change this presumption, there is no provision for abandonment in the Code for a principally permitted use. The Planning Code provides for abandonment of nonconforming uses (Section 183) and conditional uses (Section 178). Here, the preexisting office space was legally established, and office is permitted as of right in the C-3-G Zoning District. Office is neither a nonconforming use nor a conditional use on the subject property. As such, the construction of walls and other facilities for the purpose of residential use in the subject building did not constitute abandonment under the Planning Code of the preexisting legal office space. Because the office space was not abandoned, the subject permit does not constitute a change of use or reestablishment of the office use, nor any associated Planning Code provisions that would apply to such activity.

As noted in the Request for Suspension, staff from both the Planning Department and DBI maintain that there are multiple ways in which residential uses at this Property and another property controlled by the owners of the subject property, 1067-1071 Market Street, may be maintained and improved in a manner consistent with the Planning and Building Codes. The Planning Department remains prepared to work with the property owners toward such a solution.

Therefore, the Planning Department is requesting that the Department of Building Inspection reinstate the Permit.

**APPEAL:** Any aggrieved person may appeal this letter to the Board of Appeals within fifteen (15) days after the date of the issuance of this letter. For further information, please contact the Board of Appeals in person at 1650 Mission Street, Room 304, or call 575-6880.

Sincerely,



Scott F. Sanchez  
Zoning Administrator

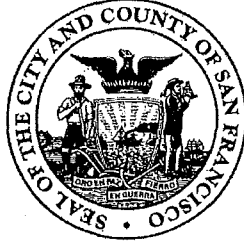
CC: Mr. John Gall - 1005 Market St #310, San Francisco CA 94103 (property owner)  
Mr. Terry Bogart - 16351 Skyline Blvd, Woodside CA 94062 (property owner)  
Mr. Daniel Lowrey, DBI  
Mr. Patrick O'Riordan, DBI  
Mr. Ron Tom  
Mr. Ed Sweeny  
Mr. Joe Duffy, DBI  
Mr. Bernie Curran, DBI

Tom Hui, Director of Building Inspection  
Release of Suspension Request  
1049-51 Market Street  
February 2, 2015

Ms. Yin Pei, DBI  
Mr. Ben Man, DBI  
Mr. Daniel Sider, Planning Department  
Mr. Mark Luellen, Planning Department  
Mr. Dario Jones, Planning Department  
Mr. Corey Teague, Planning Department  
Ms. Susan Cleveland-Knowles, City Attorney's Office



BOARD of SUPERVISORS



City Hall  
Dr. Carlton B. Goodlett Place, Room 244  
San Francisco 94102-4689  
Tel. No. 554-5184  
Fax No. 554-5163  
TDD/TTY No. 554-5227

February 5, 2015

File No. 150087

Sarah Jones  
Environmental Review Officer  
Planning Department  
1650 Mission Street, 4<sup>th</sup> Floor  
San Francisco, CA 94103

Dear Ms. Jones:

On January 27, 2015, Supervisor Kim introduced the following legislation:

**File No. 150087**

**Resolution imposing interim zoning controls to require that for a 12-month period in the area bounded by Market Street from Van Ness Avenue east to 5th Street on the north side and east to 2nd Street on the south side, 2nd Street south to Brannan Street, Brannan Street west to Division Street, and South Van Ness Avenue north to Market Street certain building permits for any building with some commercial use shall require the posting of a notice and a 15-day delay in starting the work and the re-establishment of a commercial use that has been converted to residential use shall require Planning Commission approval through either an authorization under Planning Code, Section 320, et seq., or a conditional use authorization; and making environmental findings and a determination of consistency with the eight priority policies of Planning Code, Section 101.1.**

This legislation is being transmitted to you for environmental review.

Angela Calvillo, Clerk of the Board

A handwritten signature in cursive script, appearing to read "A Ausberry".

By: Andrea Ausberry, Assistant Clerk  
Land Use & Economic Development Committee

Attachment

c: Joy Navarrete, Environmental Planning  
Jeanie Poling, Environmental Planning

Not defined as a project under CEQA Guidelines Sections 15378(c)(2) because it does not result in a physical change in the environment.

Joy Navarrete

Digitally signed by Joy Navarrete  
DN: cn=Joy Navarrete, o=Planning,  
ou=Environmental Planning,  
email=joy.navarrete@sfgov.org, c=US



# ZACKS & FREEDMAN

A PROFESSIONAL CORPORATION

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO

2015 FEB 23 PM 1:39

*LU Committee  
Committee Clerk  
City Attorney File  
COB*  
235 Montgomery Street, Suite 400  
San Francisco, California 94104  
Telephone (415) 956-8100  
Facsimile (415) 288-9755  
www.zulpc.com

February 23, 2015

Land Use and Economic Development Committee  
San Francisco Board of Supervisors  
1 Dr. Carlton B. Goodlett Place  
City Hall, Room 244  
San Francisco, CA 94102

Re: File No. 150087 - Interim Zoning Controls

Dear Members of the Land Use and Economic Development Committee:

This office represents 1049 Market Street, LLC and 1067 Market Street, LLC (“property owners”). File No. 150087 (the “Controls”) targets these clients and their properties, 1049 Market Street and 1067 Market Street, San Francisco, CA (the “properties”). The Controls are designed to deny the property owners any economically viable use of space that cannot legally be put to residential use – space which could otherwise be put to productive use as offices for businesses or nonprofit organizations displaced from elsewhere in SOMA.

The Controls are intended to target the property owners and their properties, but the Controls cannot rightly be applied to them. The Zoning Administrator’s February 2, 2015 Release of Suspension Request makes it clear that the properties’ commercial use has not been abandoned. Moreover, commercial use is ongoing at the properties, including but not limited to live/work use. Therefore, there is no “re-establishment of any commercial use that has been converted to residential use” that could be subject to the Controls. Moreover, the properties’ permits to end the illegal residential use were finally issued well before the Controls were proposed. The property owners have relied on the permits and on the City’s representations, and they have a vested right to complete work under the permits.

We oppose the Controls and submit these comments in advance of the committee hearing thereon.

1. The Controls do not advance a legitimate state interest.
  - a. The purpose of the Controls is to target and punish the property owners for their unpopular but lawful attempt to evict tenants for illegal and unsafe residential use of the properties.
  - b. The Controls acknowledge the need for an exemption for life-safety work, but the Controls only grant such an exemption from the 15-day notice requirement – and *not* the Conditional Use requirement, which is far more time-consuming, burdensome, dilatory, and political.

- c. The Controls attempt to force the property owners to maintain a life-safety hazard despite the Department of Building Inspection's issuance of Notices of Violation to cure that unlawful and hazardous condition.
  - d. No study was completed and no permanent controls were imposed pursuant to the Controls' previous iteration, File. No. 131068/Resolution No. 428-13. This and other noncompliance with Government Code sec. 65858 demonstrates bad faith.
2. The Controls' applicability is unconstitutionally vague.
  - a. It is unclear whether the Conditional Use requirement applies only to permits that are subject to the 15-day notice requirement, or to any permit for the re-establishment of commercial use within the subject area.
3. The Controls and their environmental determination violate the California Environmental Quality Act ("CEQA").
  - a. The Controls conflict with the General Plan.
    - i. Pursuant to the General Plan, office use is principally permitted within the area covered by the Controls. *See* General Plan, Downtown Land Use and Density Plan, Map 1. The Controls seek to change a principally permitted use to a conditional use and to compel residential use there without consideration of the density of residential uses, floor-area ratio, or any other consideration of environmental impacts or planning.
  - b. The Controls are a Project under CEQA.
    - i. The Controls change zoning classifications and the permissible uses of land.
4. The Controls conflict with the San Francisco Building Code ("SFBC").
  - a. SFBC Section 109A requires the issuance of a Certificate of Final Completion and Occupancy ("CFCO") prior to any residential use, but the Controls (under the auspices of the Planning Code) seek to compel residential use without the prior issuance of a CFCO.
  - b. The City's processes and procedures for amending the SFBC have not been followed.
5. The Controls are preempted by the California Building Code.
  - a. California Building Code Section 3408 explicitly authorizes the change of use from a more hazardous classification (e.g., residential) to a less hazardous classification (e.g., commercial).
  - b. California Historical Building Code Section 8-302 explicitly authorizes the return of a historical building to its historical use – in this case, office use.
  - c. The City has not followed the substantive or procedural requirements for deviation from the California Building Code.
  - d. The properties cannot economically be brought into compliance with the California Building Code for residential use. Compelling residential use despite the properties' noncompliance with state law is impermissible under principles of state law preemption.
6. If applied to the property owners' properties, the Controls would violate their right to due process of law.

- a. The Controls are an attempt to interfere with the Board of Appeals' quasi-judicial proceedings in Appeal No. 15-022.
  - b. The Controls are irrational and are intended to target the property owners.
7. If applied to the properties, the Controls would effect a regulatory taking of private property without compensation.
- a. The property owners cannot charge rent for illegal residential use, and the Controls seek to prevent any other use.
  - b. The properties' illegal residential use cannot be legalized. The cost of the work necessary to meet Building Code requirements for residential use would be greater than the value of the property and would destroy large portions of the property. That work would also necessitate temporary and permanent evictions, which the City seeks to prevent with the Controls.
8. Supervisor Jane Kim has demonstrated a bias against the property owners and should recuse herself from any participation in or involvement with the Controls.
- a. This bias is demonstrated, *inter alia*, by Supervisor Kim's advocacy for the properties' residential occupants and pushing of the Department of Building Inspection to take actions adverse to the property owners, designed to freeze their use of the properties and deny them any economic value therefrom.
9. The Controls seek to unreasonably burden or prevent landowners from going out of the residential rental business, in violation of the state's Ellis Act.

We respectfully request that this committee reject the proposed Controls. If the Controls are enacted, we are prepared to file suit to enforce the property owners' rights.

Very truly yours,

ZACKS & FREEDMAN, P.C.



Ryan J. Patterson

## Permits, Complaints and Boiler PTO Inquiry

## COMPLAINT DATA SHEET

**Complaint Number:** 200711850  
**Owner/Agent:** OWNER DATA SUPPRESSED  
**Owner's Phone:** --  
**Contact Name:** --  
**Contact Phone:** --  
**Complainant:** COMPLAINANT DATA SUPPRESSED  
**Date Filed:** 07/10/2007  
**Location:** 1049 MARKET ST  
**Block:** 3703  
**Lot:** 067  
**Site:**  
**Rating:**  
**Occupancy Code:**  
**Received By:** Rosario Ilustre  
**Division:** HIS  
**Complainant's Phone:**  
**Complaint Source:** TELEPHONE  
**Assigned to:** BID  
**Division:** BID  
**Description:** RENTING OUT OFFICE SPACES AS RESIDENTIAL IN A COMMERCIAL BUILDING.

## Instructions:

## INSPECTOR INFORMATION

DIVISION	INSPECTOR ID	DISTRICT	PRIORITY
BID	GREENE	11273	UNRATED

## REFERRAL INFORMATION

DATE	REFERRED BY	TO	COMMENT
8/7/2007	Albert Leong	BID	Investigation revealed all spaces are live/work units (approximately 60 plus). Permit research showed only 6 conversions were permitted. Consultation with Sr. Insp. Karcs, case to be referred to BID.
10/23/2013	Serena Fung	BID	Return to BID per BIC to district inspector
3/6/2013	Ying Pei	CES	Sent to Director's Hearing for abatement.

## COMPLAINT STATUS AND COMMENTS

DATE	TYPE	DIV	INSPECTOR	STATUS	COMMENT
07/10/07	CASE OPENED	HIS	Mansur	CASE RECEIVED	
07/11/07	HIS INSPECT REQUEST	HIS	Leong	INSPECTION OF PREMISES MADE	Met with building manager, Richard Lane of San Francisco Office Lofts. Mr. Lane said that entire building is Live/Work occupancy group. Additional documentation and research required.
07/17/07	NONCONFORM USE VIOL	HIS	Leong	PERMIT RESEARCH	Request to records management for records of authorized use and possible change in use to live work occupancy.
08/07/07	NONCONFORM USE VIOL	HIS	Leong	CASE UPDATE	Investigation revealed all spaces are live/work units (approximately 60 plus). Permit research showed only 6 conversions were permitted. Consultation with Sr. Insp. Karcs, case to be referred to BID.
08/08/07	OTHER BLDG/HOUSING VIOLATION	BID	Duffy	CASE RECEIVED	
10/25/07	OTHER BLDG/HOUSING VIOLATION	BID	Duffy	FIRST NOV SENT	
04/21/11	OTHER BLDG/HOUSING VIOLATION	CES	Duffy	CASE CONTINUED	Permit filed
02/16/13	OTHER BLDG/HOUSING VIOLATION	BID	Duffy	SECOND NOV SENT	Issued by Robert Power
03/05/13	OTHER BLDG/HOUSING VIOLATION	BID	Duffy	CASE UPDATE	Copy of 2nd NOV mailed by Certified mail with return receipt
03/06/13	CASE OPENED	CES	Hinchion	CASE RECEIVED	

03/06/13	GENERAL MAINTENANCE	BID	Duffy	REFER TO OTHER DIV	transfer to div CES
08/14/13	OTHER BLDG/HOUSING VIOLATION	CES	Simas	DIRECTOR HEARING NOTICE POSTED	for 9/24 --continued to 10/1/13--30 day advisement
10/23/13	OTHER BLDG/HOUSING VIOLATION	BID	Duffy	CASE RETURNED	
10/23/13	OTHER BLDG/HOUSING VIOLATION	CES	Hinchion	CASE RETURNED	to BID per request-
10/23/13	GENERAL MAINTENANCE	CES	Hinchion	REFERRED TO OTHER DIV	transfer to div BID
08/25/14	OTHER BLDG/HOUSING VIOLATION	INS	Greene	CASE CONTINUED	Case continued per DD

**COMPLAINT ACTION BY DIVISION****NOV (HIS):****NOV (BID):**

10/25/07

02/16/13

Inspector Contact InformationOnline Permit and Complaint Tracking home page.**Technical Support for Online Services**

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

## Permits, Complaints and Boiler PTO Inquiry

### COMPLAINT DATA SHEET

**Complaint Number:** 201516871

**Owner/Agent:** OWNER DATA  
SUPPRESSED

**Owner's Phone:** --

**Contact Name:** --

**Contact Phone:** --

**Complainant:** COMPLAINANT DATA  
SUPPRESSED

**Date Filed:** 01/06/2015

**Location:** 1049 MARKET ST

**Block:** 3703

**Lot:** 067

**Site:**

**Rating:**

**Occupancy Code:**

**Received By:** Maria Asuncion

**Division:** PID

**Complainant's Phone:**

**Complaint Source:** E-MAIL

**Assigned to Division:** BID

**Description:** Possible construction on ground floor.

**Instructions:**

### INSPECTOR INFORMATION

DIVISION	INSPECTOR	ID	DISTRICT	PRIORITY
BID	DUFFY	1100		

### REFERRAL INFORMATION

### COMPLAINT STATUS AND COMMENTS

DATE	TYPE	DIV	INSPECTOR	STATUS	COMMENT
01/06/15	CASE OPENED	BID	Duffy	CASE RECEIVED	
01/06/15	OTHER BLDG/HOUSING VIOLATION	CES	Duffy	CASE CONTINUED	Site inspection. No entry. Send letter to owner
01/07/15	OTHER BLDG/HOUSING VIOLATION	PID	Duffy	CASE UPDATE	Mailed "Inspection Request" by D. Duffy. slb
01/13/15	OTHER BLDG/HOUSING VIOLATION	INS	Duffy	FIRST NOV SENT	First NOV issued by Inspector Donal Duffy
01/13/15	OTHER BLDG/HOUSING VIOLATION	INS	Duffy	CASE UPDATE	Copy of first NOV mailed -TL
01/21/15	OTHER BLDG/HOUSING VIOLATION	BID	Duffy	CASE UPDATE	copy of 1st amended NOV mailed by JJ
01/21/15	OTHER BLDG/HOUSING VIOLATION	BID	Duffy	ADDENDUM TO NOV	amended 1st NOV sent by DD

### COMPLAINT ACTION BY DIVISION

**NOV (HIS):**

**NOV (BID):**

01/13/15

01/21/15

### Inspector Contact Information

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

### Technical Support for Online Services

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



## Permits, Complaints and Boiler PTO Inquiry

### COMPLAINT DATA SHEET

**Complaint Number:** 201313831

**Owner/Agent:** OWNER DATA SUPPRESSED  
**Owner's Phone:** --  
**Contact Name:** --  
**Contact Phone:** --  
**Complainant:** COMPLAINANT DATA SUPPRESSED

**Date Filed:** 07/24/2013  
**Location:** 1067 MARKET ST  
**Block:** 3703  
**Lot:** 063

**Site:**  
**Rating:**  
**Occupancy Code:**  
**Received By:** Gregory Slocum  
**Division:** INS

**Complainant's Phone:**  
**Complaint Source:** TELEPHONE  
**Assigned to Division:** CES  
**Description:** Commercial building being used as residential. No occupancy permits.

**Instructions:** This complaint was originally filed on 7/19/13 with HIS. It was closed by HIS and referred to BID on 7/23/13. BID received this referral on 7/24/13

### INSPECTOR INFORMATION

DIVISION	INSPECTOR ID	DISTRICT	PRIORITY
CES	HINCHION	1125	

### REFERRAL INFORMATION

DATE	REFERRED BY	TO	COMMENT
10/2/2013	Ying Pei	CES	Sent to Director's Hearing for abatement

### COMPLAINT STATUS AND COMMENTS

DATE	TYPE	DIV	INSPECTOR	STATUS	COMMENT
07/24/13	CASE OPENED	BID	Duffy	CASE RECEIVED	
07/26/13	OTHER BLDG/HOUSING VIOLATION	CES	Duffy	CASE CONTINUED	Permit research.
08/01/13	OTHER BLDG/HOUSING VIOLATION	CES	Duffy	CASE CONTINUED	Multi unit building. Left message with complainant.
08/23/13	OTHER BLDG/HOUSING VIOLATION	INS	Duffy	CASE UPDATE	First NOV processed by GPS
08/23/13	OTHER BLDG/HOUSING VIOLATION	INS	Duffy	FIRST NOV SENT	First NOV issued by DD
09/30/13	OTHER BLDG/HOUSING VIOLATION	INS	Duffy	SECOND NOV SENT	2nd NOV issued by Inspector D. Duffy
09/30/13	OTHER BLDG/HOUSING VIOLATION	INS	Duffy	REFER TO DIRECTOR'S HEARING	Referred to CES by Inspector -- mst
10/01/13	OTHER BLDG/HOUSING VIOLATION	INS	Duffy	CASE UPDATE	Mailed copy of 2nd NOV -- mst
10/02/13	GENERAL MAINTENANCE	BID	Duffy	REFERRED TO OTHER DIV	transfer to div CES
10/03/13	CASE OPENED	CES	Hinchion	CASE RECEIVED	
10/28/13	ILLEG CNVRSN/# UNITS	CES	Therault	CASE UPDATE	1 month monitoring fee due to date.
01/13/14	ILLEG CNVRSN/# UNITS	CES	Therault	REFER TO DIRECTOR'S HEARING	No permits to comply. Permit needs to state change of use from offices to residential, or to remove illegal conversion and construction with out permits.
02/06/14	ILLEG CNVRSN/# UNITS	CES	Mather	DIRECTOR HEARING NOTICE POSTED	posted
03/04/14	ILLEG CNVRSN/# UNITS	CES	Mather	CASE CONTINUED	to 4/8/14
04/08/14	ILLEG CNVRSN/# UNITS	CES	Mather	ADVISEMENT	30 days to 5/8/14
				DIRECTOR HEARING	

Department of Building Inspection

05/01/14	3G CNVRSN/# UNITS	CES	Mather	HEARIN NOTICE POSTED	
05/16/14	ILLEG CNVRSN/# UNITS	CES	Mather	ORDER OF ABATEMENT ISSUED	
05/27/14	ILLEG CNVRSN/# UNITS	CES	Mather	ORDER OF ABATEMENT ISSUED	
05/30/14	ILLEG CNVRSN/# UNITS	CES	Mather	ASSESSMENTS DUE	from 10/28/13 to 5/28/14 seven months @ \$52.
06/03/14	ILLEG CNVRSN/# UNITS	CES	Mather	ORDER OF ABATEMENT POSTED	

**COMPLAINT ACTION BY DIVISION**

**NOV (HIS):**

**NOV (BID):**

08/23/13  
09/30/13

[Inspector Contact Information](#)

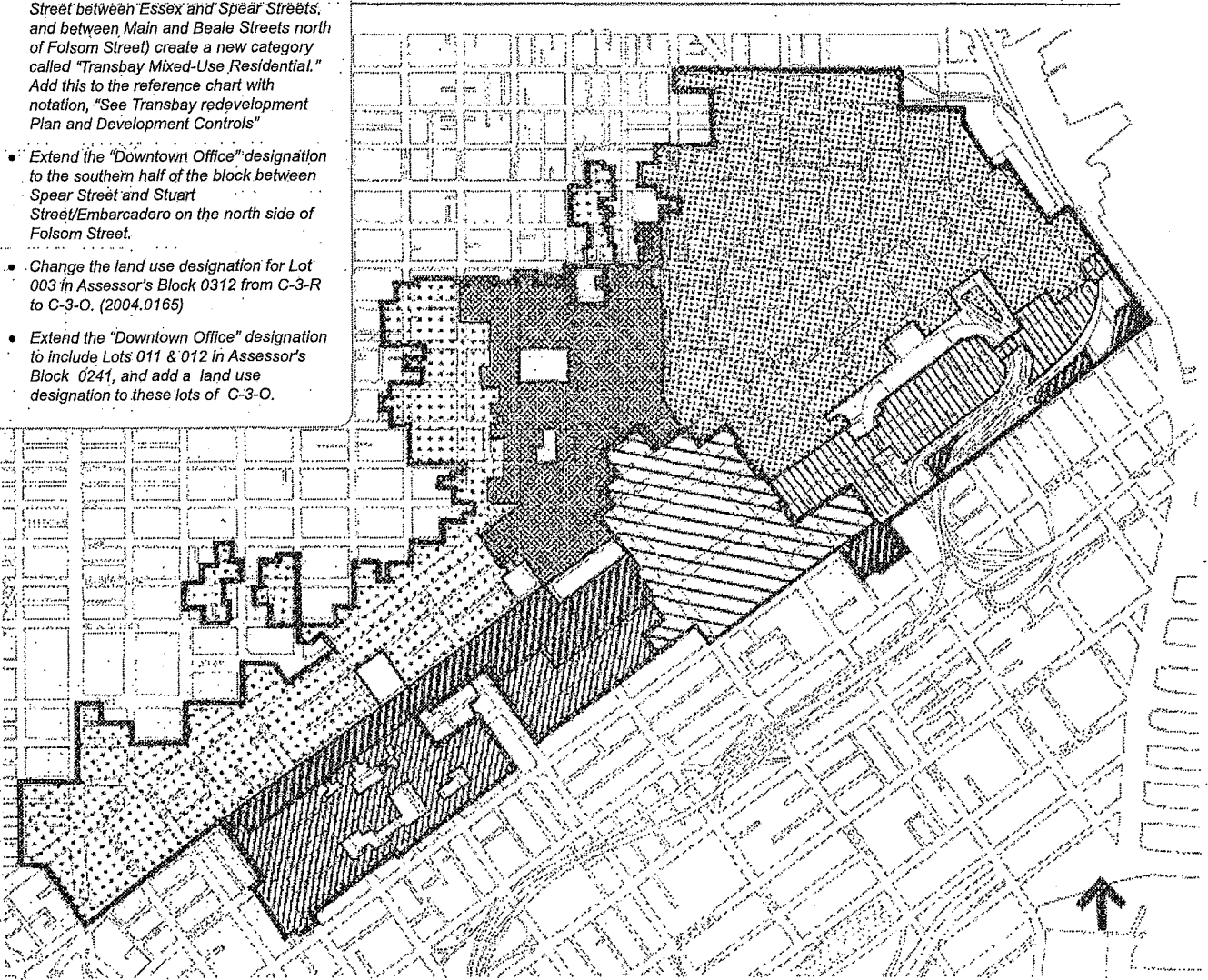
[Online Permit and Complaint Tracking home page.](#)

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

**MAP TO BE EDITED**

- For public parcels on former freeway ramps in the Transbay (along Folsom Street between Essex and Spear Streets, and between Main and Beale Streets north of Folsom Street) create a new category called "Transbay Mixed-Use Residential." Add this to the reference chart with notation, "See Transbay redevelopment Plan and Development Controls"
- Extend the "Downtown Office" designation to the southern half of the block between Spear Street and Stuart Street/Embarcadero on the north side of Folsom Street.
- Change the land use designation for Lot 003 in Assessor's Block 0312 from C-3-R to C-3-O. (2004.0165)
- Extend the "Downtown Office" designation to include Lots 011 & 012 in Assessor's Block 0241, and add a land use designation to these lots of C-3-O.



**DOWNTOWN LAND USE AND DENSITY PLAN**

Map 1

Predominant Commercial Use Type	Building Commercial Intensity Density*	Height	Appropriate Zoning District
Downtown Office	FAR 9:1		C-3-O
Downtown Office	6:1		C-3-O (SD)
Downtown Retail	6:1		C-3-R
Downtown General Commercial	6:1		C-3-G
Downtown Service	5:1		C-3-S
Downtown Service, Industrial Housing Conservation	2:1 office, 5:1 other		C-3-S (SU)
Mixed Use	See Yerba Buena Center Redevelopment Plan		

\*Unused FAR may be transferred from preservation sites to development sites up to a maximum FAR of 18:1 in the C-3-O and C-3-O (SD) districts and up to one and one half times the basic FAR in the C-3-R, C-3-G and C-3-S districts. See Preservation of the Past Chapter.

NOTE: The notations shown in italics represent recent amendments to the General Plan. This map is intended only as a temporary placeholder, and will be replaced by final maps illustrating these amendments in graphic form.

### SECTION 3408 CHANGE OF OCCUPANCY

**3408.1 Conformance.** No change shall be made in the use or occupancy of any building that would place the building in a different division of the same group of occupancies or in a different group of occupancies, unless such building is made to comply with the requirements of this code for such division or group of occupancies. Subject to the approval of the building official, the use or occupancy of existing buildings shall be permitted to be changed and the building is allowed to be occupied for purposes in other groups without conforming to all the requirements of this code for those groups, provided the new or proposed use is less hazardous, based on life and fire risk, than the existing use.

**3408.2 Certificate of occupancy.** A certificate of occupancy shall be issued where it has been determined that the requirements for the new occupancy classification have been met.

**3408.3 Stairways.** Existing stairways in an existing structure shall not be required to comply with the requirements of a new stairway as outlined in Section 1009 where the existing space and construction will not allow a reduction in pitch or slope.

**3408.4 Seismic.** When a change of occupancy results in a structure being reclassified to a higher risk category, the structure shall conform to the seismic requirements for a new structure of the higher risk category.

#### Exceptions:

1. Specific seismic detailing requirements of Section 1613 for a new structure shall not be required to be met where the seismic performance is shown to be equivalent to that of a new structure. A demonstration of equivalence shall consider the regularity, overstrength, redundancy and ductility of the structure.
2. When a change of use results in a structure being reclassified from Risk Category I or II to Risk Category III and the structure is located where the seismic coefficient,  $S_{DS}$ , is less than 0.33, compliance with the seismic requirements of Section 1613 are not required.

### SECTION 3409 HISTORIC BUILDINGS

*[DSA-AC] For applications listed in Section 1.9.1 regulated by the Division of the State Architect-Access Compliance for Qualified Historical Buildings, see California Code of Regulations, Title 24, Part 8 (California Historical Building Code).*

**3409.1 Historic buildings.** The provisions of this code relating to the construction, repair, alteration, addition, restoration and movement of structures, and change of occupancy shall not be mandatory for historic buildings where such buildings are judged by the building official to not constitute a distinct life safety hazard.

**3409.2 Flood hazard areas.** Within flood hazard areas established in accordance with Section 1612.3, where the work pro-

posed constitutes substantial improvement as defined in Section 1612.2, the building shall be brought into compliance with Section 1612.

**Exception:** Historic buildings that are:

1. Listed or preliminarily determined to be eligible for listing in the National Register of Historic Places;
2. Determined by the Secretary of the U.S. Department of Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined to qualify as an historic district; or
3. Designated as historic under a state or local historic preservation program that is approved by the Department of Interior.

### SECTION 3410 MOVED STRUCTURES

**3410.1 Conformance.** Structures moved into or within the jurisdiction shall comply with the provisions of this code for new structures.

**Exception:** *[HCD 1 & HCD 2] After July 1, 1978, local ordinances or regulations for moved apartment houses and dwellings shall permit the retention of existing materials and methods of construction, provided the apartment house or dwelling complies with the building standards for foundations applicable to new construction and does not become or continue to be a substandard building. For additional information, see Health and Safety Code Section 17958.9.*

### SECTION 3411 ACCESSIBILITY FOR EXISTING BUILDINGS

**3411.1 Scope.** The provisions of Sections 3411.1 through 3411.9 apply to maintenance, change of occupancy, additions and alterations to existing buildings, including those identified as historic buildings.

**3411.2 Maintenance of facilities.** A facility that is constructed or altered to be accessible shall be maintained accessible during occupancy.

**3411.3 Extent of application.** An alteration of an existing facility shall not impose a requirement for greater accessibility than that which would be required for new construction. Alterations shall not reduce or have the effect of reducing accessibility of a facility or portion of a facility.

**3411.4 Change of occupancy.** Existing buildings that undergo a change of group or occupancy shall comply with this section.

**Exception:** Type B dwelling units or sleeping units required by Section 1107 of this code are not required to be provided in existing buildings and facilities undergoing a change of occupancy in conjunction with alterations where the work

## CHAPTER 8-3 USE AND OCCUPANCY

### SECTION 8-301 PURPOSE AND SCOPE

**8-301.1 Purpose.** The purpose of the CHBC is to provide regulations for the determination of occupancy classifications and conditions of use for qualified historical buildings or properties.

**8-301.2 Scope.** Every qualified historical building or property for which a permit or approval has been requested shall be classified prior to permit issuance according to its use or the character of its occupancy in accordance with the regular code and applicable provisions of this chapter.

### SECTION 8-302 GENERAL

**8-302.1 Existing use.** The use or character of occupancy of a qualified historical building or property, or portion thereof, shall be permitted to continue in use regardless of any period of time in which it may have remained unoccupied or in other uses, provided such building or property otherwise conforms to all applicable requirements of the CHBC.

**8-302.2 Change in occupancy.** The use or character of the occupancy of a qualified historical building or property may be changed from or returned to its historical use or character, provided the qualified historical building or property conforms to the requirements applicable to the new use or character of occupancy as set forth in the CHBC. Such change in occupancy shall not mandate conformance with new construction requirements as set forth in regular code.

**8-302.3 Occupancy separations.** Required occupancy separations of more than one hour may be reduced to one-hour fire-resistive construction with all openings protected by not less than three-fourths-hour fire-resistive assemblies of the self-closing or automatic-closing type when the building is provided with an automatic sprinkler system throughout the entire building in accordance with Section 8-410.4. Doors equipped with automatic-closing devices shall be of a type which will function upon activation of a device which responds to products of combustion other than heat.

Required occupancy separations of one hour may be omitted when the building is provided with an automatic sprinkler system throughout.

**8-302.4 Maximum floor area.** Regardless of the use or character of occupancy, the area of a one-story qualified historical building or property may have, but shall not exceed, a floor area of 15,000 square feet (1393.5 m<sup>2</sup>) unless such an increase is otherwise permitted in regular code. Multistory qualified historical buildings (including basements and cellars) shall be in accordance with regular code requirements.

**Exception:** Historical buildings may be unlimited in floor area without fire-resistive area separation walls:

1. When provided with an automatic sprinkler, or
2. Residential occupancies of two stories or less when provided with a complete fire alarm and annunciation system and where the exiting system conforms to regular code.

**8-302.5 Maximum height.** The maximum height and number of stories of a qualified historical building or property shall not be limited because of construction type, provided such height or number of stories does not exceed that of its historical design.

**8-302.5.1 High-rise buildings.** Occupancies B, F-1, F-2 or S in high-rise buildings with floors located more than 75 feet above the lowest floor level having building access may be permitted with only the stories over 75 feet provided with an automatic fire sprinkler system if:

1. The building construction type and the exits conform to regular code, and
2. A complete building fire alarm and annunciation system is installed, and
3. A fire barrier is provided between the sprinklered and nonsprinklered floors.

**8-302.6 Fire-resistive construction.** See Chapter 8-4.

**8-302.7 Light and ventilation.** Existing provisions for light and ventilation which do not, in the opinion of the enforcing agency, constitute a safety hazard may remain. See Section 8-303.6 for residential requirements. See Section 8-503 for Escape or Rescue Windows and Doors.

### SECTION 8-303 RESIDENTIAL OCCUPANCIES

**8-303.1 Purpose.** The purpose of this section is to provide regulations for those buildings designated as qualified historical buildings or properties and classified as occupancies. The CHBC requires enforcing agencies to accept any reasonably equivalent to the regular code when dealing with qualified historical buildings and properties.

**8-303.2 Intent.** The intent of the CHBC is to preserve the integrity of qualified historical buildings and properties while maintaining a reasonable degree of protection of life, health and safety for the occupants.

**8-303.3 Application and scope.** The provisions of this section shall apply to all qualified historical buildings used for human habitation. Those dwelling units intended only for display, or public use with no residential use involved, need not comply with the requirements of this section.

Print
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## San Francisco Building Inspection Commission (BIC) Codes

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## SECTION 109A – CERTIFICATE OF OCCUPANCY; AMENDED CERTIFICATE OF OCCUPANCY FOR EXISTING BUILDING

**109A.1 Use and Occupancy.** No building or structure shall be used or occupied, and no change in the existing occupancy classification of a building or structure or portion thereof shall be made until the building official has issued a certificate of final completion and occupancy or an amended certificate of final completion and occupancy therefor as provided herein, or otherwise has been approved for use by the Department of Building Inspection.

Issuance of a certificate of final completion and occupancy or an amended certificate of final completion and occupancy shall not be construed as an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction. Certificates presuming to give authority to violate or cancel the provisions of this code or other ordinances of the jurisdiction shall not be valid. It shall be the duty of the Police Department, when called upon by the Building Official, to enforce this provision.

**109A.2 Change in Occupancy or Use.** Changes in the character or use of a building shall not be made except as specified in Section 3408 of this code. A certificate of final completion and occupancy shall be required for changes in use or occupancy as set forth in Section 3408, except for Group R-1 and R-2 Occupancies; Group R-1 and R-2 occupancies shall be subject to the requirements of Sections 109A.7 and 109A.8.

**109A.3 Certificate Issued.** The Building Official shall issue certificates of final completion And Occupancy for buildings or structures erected or enlarged; for each change in occupancy classification in any building, structure or portion thereof; and for buildings or structures seismically upgraded in accordance with the provisions of this code. An Amended certificate of final completion and occupancy shall be issued for an existing building where there is an increase in the number of legal dwelling units resulting in a change of occupancy. The amended certificate of occupancy shall indicate the date the first certificate of occupancy and any subsequent certificates of occupancy for the building or structure were issued. If there is no original certificate of occupancy, the amended certificate of occupancy shall refer to the date of initial construction on file in the records of the Department. The provisions of this section shall not be available for use in RH-1 or RH-1(D) zoning districts, nor shall it apply to any residential dwelling that is inconsistent with existing law.

**EXCEPTION:** For Group R-1 and R-2 Occupancies, see Sections 109A.7 and 109A.8.

**109A.4 Temporary Certificate.** Temporary certificates of occupancy may be issued if the Building Official finds that no substantial hazard will result from occupancy of any building, or portion thereof, before the same is completed and satisfactory evidence is submitted that the work could not have been completed prior to occupancy. The request for such temporary certificate shall be in writing, and no occupancy of the building shall be made until such certificate is issued. Such temporary certificate shall be valid for a period not to exceed 12 months, unless an extension of time is approved by the Building Official. See Section 110A, Table 1A-G – Inspections, Surveys and Reports – for applicable fee.

**109A.5 Posting.** No requirements.

**109A.6 Revocation.** The building official may, in writing, suspend or revoke a certificate of occupancy or an amended certificate of occupancy issued under the provisions of this code whenever the certificate is issued in error, or on the basis of incorrect information supplied, or when it is determined that the building or structure or portion thereof is in violation of any ordinance or regulation or any of the provisions of this code.

**109A.7 Certificate or Amended Certificate of Final Completion and Occupancy, Group R-1 and R-2 Occupancy.** Before the Department may issue a certificate of final completion and occupancy for a newly-erected building or structure, an amended certificate of final completion and occupancy for an existing building pursuant to Section 109A.3, or Apartment House/Hotel License, a written report of compliance with applicable codes, standards and regulations and any conditions of approval to the building, structure or property shall be obtained from those agencies having jurisdiction. An amended certificate of final completion and occupancy issued for changes to an existing building shall indicate the date the first certificate of occupancy and any subsequent certificates of occupancy for the building or structure were issued. If there is no original certificate of occupancy, the amended certificate of occupancy shall refer to the date of initial construction on file in the records of the Department.

Where any permit for the building, structure or property was appealed to the Board of Appeals and the Board imposed conditions on appeal, the Department may not issue a certificate of final completion and occupancy, an amended certificate of final completion and occupancy, or apartment house/hotel license until it determines that the conditions have been met. A copy of the certificate of final completion and occupancy or amended certificate of final completion and occupancy shall be forwarded to the Board of Appeals.

**109A.8 Group R-1 and R-2 Occupancy, Apartment House/Hotel License.** A license shall be required for every Group R-1 and R-2 occupancy structure. The license shall be obtained by paying the necessary fees as set forth in Section 110A, Table 1A-P – apartment house and hotel license fees.

The apartment house/hotel license is not transferable, and a new license must be applied for by the new owner within 30 days of change of ownership.

The apartment house/hotel license shall not be construed as authority to violate, cancel, alter or set aside any of the provisions or requirements of any laws or ordinances of the City and County of San Francisco, nor shall such issuance thereafter prevent requiring corrections of errors or of violations of any applicable law or ordinance of the City and County of San Francisco.

1 [Interim Zoning - Building Permits for Commercial Buildings Uses in an Area Bounded by  
2 Market, Second, Brannan, Division, and South Van Ness Streets]

3  
4 **Resolution imposing interim zoning controls to require that for a 12-month period, in**  
5 **the area bounded by Market Street from Van Ness Street east to 5th Street on the north**  
6 **side and east to 2nd Street on the south side, 2nd Street south to Brannan Street,**  
7 **Brannan Street west to Division Street, and South Van Ness Street north to Market**  
8 **Street: certain building permits for any commercial buildings with some commercial**  
9 **use shall require the posting of a notice and a 15-day delay in starting the work, and**  
10 **the re-establishment of a commercial use that has been converted to residential use**  
11 **shall require Planning Commission approval through either an authorization under**  
12 **Planning Code, Section 320 et seq., or a conditional use authorization; and making**  
13 **environmental findings, and a determination of consistency with the eight priority**  
14 **policies of Planning Code, Section 101.1.**

15  
16 WHEREAS, Planning Code Section 306.7 provides for the imposition of interim zoning  
17 controls to accomplish several objectives, including preservation of areas of mixed residential  
18 and commercial uses and preservation of the City's rental housing stock; and,

19 WHEREAS, Planning Code Section 320 provides that the creation of 25,000 square  
20 feet or more of additional office space shall be subject to the office cap and other  
21 requirements of Section 320 et seq. ("Proposition M"); and,

22 WHEREAS, Proposition M defines "preexisting office space" as "office space used  
23 primarily and continuously for office use and not accessory to any use other than office use for  
24  
25



1 five years prior to Planning Commission approval of an office development project which  
2 office use was fully legal under the terms of San Francisco law"; and,

3 WHEREAS, There is evidence that preexisting office space has been abandoned and  
4 converted to residential use in multiple buildings in the area of San Francisco bounded by  
5 Market Street from Van Ness Street east to 5th Street on the north side and to 2nd Street on  
6 the south side, 2nd Street south to Brannan Street, Brannan Street west to Division Street,  
7 and South Van Ness north to Market; and

8 WHEREAS, Under the Planning Code, reestablishment of an office use that has been  
9 abandoned for five years is considered a new office use subject to Planning Commission  
10 Proposition M authorization, payment of associated development impact fees, and other  
11 applicable requirements of the Planning Code; and,

12 WHEREAS, This Board wants to control the removal of existing residential uses in  
13 commercial spaces and re-establishment of office uses until such time as the Planning  
14 Department can propose permanent legislation; and,

15 WHEREAS, This Board has considered the impact on the public health, safety, peace,  
16 and general welfare if the proposed interim controls are not imposed; and,

17 WHEREAS, This Board has determined that the public interest will best be served by  
18 imposition of these interim controls at this time in order to ensure that the legislative scheme  
19 which may ultimately be adopted is not undermined during the planning and legislative  
20 process for permanent controls; and,

21 WHEREAS, The Planning Department has determined that the actions contemplated in  
22 this Resolution are in compliance with the California Environmental Quality Act (California  
23 Public Resources Code sections 21000 et seq.). Said determination is on file with the Clerk of  
24 the Board of Supervisors in File No. 131068 and is incorporated herein by reference; now,  
25 therefore, be it

1           RESOLVED, That pursuant to Planning Code Section 306.7, the Board of Supervisors  
2 by this Resolution hereby requires that during the pendency of these interim controls certain  
3 building permits for ~~commercial~~ any buildings with some commercial use in the area of San  
4 Francisco bounded by Market Street from Van Ness Street east to 5th Street on the north side  
5 and to 2nd Street on the south side, 2nd Street south to Brannan Street, Brannan Street west  
6 to Division Street, and South Van Ness Street north to Market Street shall require a notice to  
7 be posted the day of permit issuance in a conspicuous location on the ground floor of the  
8 building for the work specified below; and, be it

9           FURTHER RESOLVED, That if a posted notice is required it shall meet the  
10 requirements of the Planning and Building Departments and at a minimum shall state in plain  
11 language and in multiple languages the following information: "The building permit described  
12 below has been issued by the City and County of San Francisco. It is the City's understanding  
13 that no one lives in this building. If you or someone you know lives in this building and may be  
14 displaced by this work, please call the following number prior to the expected construction  
15 start date on \_\_\_\_\_;" and, be it

16           FURTHER RESOLVED, That if a posted notice is required, work under the issued  
17 permit may not start until the expiration of 15 days from permit issuance and posting of the  
18 notice; and, be it

19           FURTHER RESOLVED, That the building permits that are subject to the posted notice  
20 and 15-day hold requirements are for: Structural or architectural work above the ground floor  
21 in the interior of a any commercial building with some commercial use that obtained its first  
22 certificate of occupancy ~~was built~~ prior to 1979, is valued at \$15,000 or more, and requires the  
23 submittal of floor plans; and, be it

1 FURTHER RESOLVED, That the following building permits are exempt from the  
2 posted notice and 15-day hold requirements: Permits to address a life/safety issue, and  
3 permits for weather protection, accessibility upgrades, and dry rot repair; and, be it

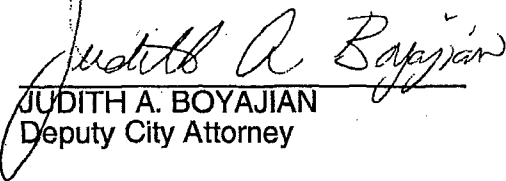
4 FURTHER RESOLVED, That during the pendency of these interim controls, the re-  
5 establishment of any commercial use that has been converted to residential use shall require  
6 Planning Commission approval through either ~~a Proposition M authorization~~ a conditional use  
7 and, if triggered by Planning Code Section 322, a Proposition M authorization ~~or a conditional~~  
8 use; and, be it

9 FURTHER RESOLVED, That these interim controls shall remain in effect for twelve  
10 (12) months unless further extended or until the adoption of permanent legislation, whichever  
11 shall first occur; and, be it

12 FURTHER RESOLVED, That these interim controls are not in conflict with and hence  
13 are consistent with the Priority Policies of Planning Code Section 101.1.

14 APPROVED AS TO FORM:  
15 DENNIS J. HERRERA, City Attorney

16 By:

  
17 JUDITH A. BOYAJIAN  
18 Deputy City Attorney

19 n:\legana\as2013\1400202\00888536.doc



**City and County of San Francisco**

**Tails  
Resolution**

City Hall  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4689

**File Number:** 131068

**Date Passed:** December 10, 2013

Resolution imposing interim zoning controls to require that, for a 12-month period, in the area bounded by Market Street from Van Ness Street east to 5th Street on the north side and east to 2nd Street on the south side, 2nd Street south to Brannan Street, Brannan Street west to Division Street, and South Van Ness Street north to Market Street: certain building permits for any buildings with some commercial use shall require the posting of a notice and a 15-day delay in starting the work, and the re-establishment of a commercial use that has been converted to residential use shall require Planning Commission approval through either an authorization under Planning Code, Section 320 et seq., or a conditional use authorization; and making environmental findings, and a determination of consistency with the eight priority policies of Planning Code, Section 101.1.

November 25, 2013 Land Use and Economic Development Committee - AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE

November 25, 2013 Land Use and Economic Development Committee - RECOMMENDED AS AMENDED

December 10, 2013 Board of Supervisors - AMENDED

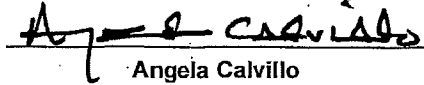
Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener and Yee

December 10, 2013 Board of Supervisors - ADOPTED AS AMENDED

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener and Yee

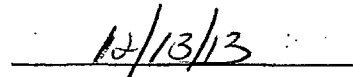
File No. 131068

I hereby certify that the foregoing  
Resolution was ADOPTED AS AMENDED on  
12/10/2013 by the Board of Supervisors of  
the City and County of San Francisco.



Angela Calvillo  
Clerk of the Board

  
Mayor

  
Date Approved

BOARD of SUPERVISORS



City Hall  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco 94102-4689  
Tel. No. 554-5184  
Fax No. 554-5163  
TDD/TTY No. 554-5227

## NOTICE OF PUBLIC HEARING

### BOARD OF SUPERVISORS OF THE CITY AND COUNTY OF SAN FRANCISCO LAND USE AND ECONOMIC DEVELOPMENT COMMITTEE

NOTICE IS HEREBY GIVEN THAT the Land Use and Economic Development Committee will hold a public hearing to consider the following proposal and said public hearing will be held as follows, at which time all interested parties may attend and be heard:

**Date:** Monday, February 23, 2015

**Time:** 1:30 p.m.

**Location:** Legislative Chamber, Room 250, located at City Hall  
1 Dr. Carlton B. Goodlett Place, San Francisco, CA

**Subject:** **File No. 150087.** Resolution imposing interim zoning controls to require that for a 12-month period, in the area bounded by Market Street from Van Ness Avenue east to 5th Street on the north side, and east to 2nd Street on the south side, 2nd Street south to Brannan Street, Brannan Street west to Division Street, and South Van Ness Avenue north to Market Street, certain building permits for any building with some commercial use shall require the posting of a notice and a 15-day delay in starting the work, and the re-establishment of a commercial use that has been converted to residential use shall require Planning Commission approval through either an authorization under Planning Code, Section 320, et seq., or a conditional use authorization; and making environmental findings and a determination of consistency with the eight priority policies of Planning Code, Section 101.1.

In accordance with Administrative Code, Section 67.7-1, persons who are unable to attend the hearing on this matter may submit written comments to the City prior to the time the hearing begins. These comments will be made as part of the official public record in this matter, and shall be brought to the attention of the members of the Committee. Written comments should be addressed to Angela Calvillo, Clerk of the Board, City Hall, 1 Dr. Carlton Goodlett Place, Room 244, San Francisco, CA 94102. Information relating to this matter is available in the Office of the Clerk of the Board. Agenda information relating to this matter will be available for public review on Friday, February 20, 2015.

A handwritten signature in black ink, appearing to read "Angela Calvillo".

Angela Calvillo, Clerk of the Board

**COMPUTER INTERNET SERVICES**

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**Public Notices**

**GOVERNMENT**

**ADVERTISEMENT FOR BIDS CITY & COUNTY OF SAN FRANCISCO DEPARTMENT OF PUBLIC WORKS**

Contract No. 2509.02  
PAVING PROGRAM NO. 2  
AS-NEEDED CURB RAMP CONSTRUCTION FOR PAVING PROGRAM NO. 2

Sealed bids will be received at 1155 Market Street, 4th Floor, San Francisco, California 94103 until 2:30 p.m. on March 18, 2015, after which they will be publicly opened and read. Digital files and Documents, Plan Holders Lists, and Addenda may be downloaded at no cost from the Department of Public Works (DPW) Electronic Bid Documents Download site at [www.sfdpw.org/bids](http://www.sfdpw.org/bids), or purchased on a CD format from 1155 Market Street, 4th Floor, San Francisco, California 94103, telephone 415-554-6229, for a non-refundable \$15.00 fee paid by cash or check to "Department of Public Works". Please visit the DPW's Contracts, Bid Opportunities and Payments webpage at [www.sfdpw.org](http://www.sfdpw.org) for more information. Notices regarding Addenda and other bid changes will be distributed by email to Plan Holders. The Work is on an as-needed basis and located at various throughout San Francisco, California and consists of curb ramp construction, sewer and drainage work, traffic routing and all associated work. The time allowed for completion is 180 consecutive calendar days. The Engineer's estimate is approximately \$1,800,000. For more information, contact the Project Manager, Ramon Kong at 415-554-8260.

On July 1, 2014, the registration program under section 1725.5 of the California Labor Code went into effect. The program requires that all contractors and subcontractors who bid or work on a public works project register and pay an annual fee to the California Department of Industrial Relations ("DIR").

**TRAVEL**

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**Public Notices**

Effective March 1, 2015, no contractor or subcontractor may be listed in a bid for a public works project unless registered with the DIR as required by Labor Code section 1771.5(a). Limited exceptions from this requirement for bid purposes only under Labor Code section 1771.5(a). Effective April 1, 2015, no contractor or subcontractor may be awarded a contract for public work on a public works project unless registered with the DIR pursuant to Labor Code section 1725.5. This Project shall incorporate the requirements for partnering elements for Partnering Level 1. Refer to Section 01.31.33 for more details.

Policies of San Francisco Administrative Code (SFAC) Section 6.25, "Clean Construction" is required for the performance of all work. The Specifications include liquidated damages. Contract bid items with Unit Prices basis. Progressive payments will be made. The Contract will be awarded to the lowest responsible responsive bidder. A bid may be rejected if the City determines that any of the bid item prices are materially unbalanced to the potential detriment of the City. Bid discounts may be applied as per SFAC Chapter 14B. Subcontracting goal is 25% LBE. Call Salomey Dzikun at 415-559-4059 for details. In accordance with SFAC Chapter 14B requirements, all bidders, except those who meet the exception noted below, shall submit documented good faith efforts with their bids and must achieve 80 out of 100 points to be deemed responsive. Bidders who do not achieve 80 out of 100 points for more information. Bidders are hereby advised that the Contract is awarded must be certified by the Human Rights Commission as being in compliance with the Equal Benefits Provisions of Chapter 12B of the City's Administrative Code within two weeks after notification of award.

If a bidder objects on any ground to any bid specification or to the award of the bid, the bidder shall, no later than the 10<sup>th</sup> working day prior

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**Public Notices**

Surety Bond Program, call Jennifer Elmore at (415) 217-6576.

A corporate surety bond or certified check for ten percent (10%) of the amount bid must accompany each bid. SFAC Sec. 6.22(A) requires all construction greater than \$25,000 to include performance and payment bonds for 100% of the contract award.

Class "A" license required to bid on a contract in excess of \$400,000 is awarded by the City and County of San Francisco until such time as the Mayor or the Mayor's designee approves the contract award and the Director of Public Works then issues an order of award. Pursuant to Charter Section 3.105, all contract awards are subject to certification by the Controller as to the availability of funds.

Minimum wage rates for this project must comply with the current General Prevailing Wage as determined by the State Department of Industrial Relations. Minimum wage rates other than applicable to the current General Prevailing Wage must comply with SFAC Chapter 12F, Minimum Compensation Ordinance.

This Project is subject to the requirements of the San Francisco Local Hiring Policy for Construction ("Policy") as set forth in Section 6.22(G) of the SFAC. Bidders are hereby advised that the requirements of the Policy will be incorporated as a material term of any contract awarded for the Project. Refer to Section 00.73.30 of the Project Manual for more information. Bidders are hereby advised that the Contract is awarded must be certified by the Human Rights Commission as being in compliance with the Equal Benefits Provisions of Chapter 12B of the City's Administrative Code within two weeks after notification of award.

If a bidder objects on any ground to any bid specification or to the award of the bid, the bidder shall, no later than the 10<sup>th</sup> working day prior

**SAN FRANCISCO PUBLIC NOTICES**

**STATEMENT OF ABANDONMENT OF USE OF FICTITIOUS BUSINESS NAME.** The registrant listed below has abandoned the use of the fictitious business name: JO O'S CAFE, 1537 Ocean Avenue, San Francisco, CA 94112. The fictitious business name was filed in the County of San Francisco under File #386301 on 09/09/2014. This business was conducted by an Individual, Signed by Ricky Lei Dated: 01/09/2015 by Morgan Jaldon, Deputy County Clerk Jan 23, 30 Feb 6, 13, 2015

**COLLECTOR CARS**

WANTED! I buy old Porsche 911, 356, 1948-1973 only. Any condition, top \$5 paid. Call The Tax Doctor 707-985-9548 or email [porscheclerk@sfx.com](mailto:porscheclerk@sfx.com) (CDCN)

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**Public Notices**

to the date of bid opening, provide written notice to the Contract Administrator, Division, Department of Public Works, setting forth with specificity the grounds for the objection. Right reserved to reject any or all bids and waive any minor irregularities.

**ADVERTISEMENT FOR BIDS CITY & COUNTY OF SAN FRANCISCO DEPARTMENT OF PUBLIC WORKS**

Contract No. 2271.J  
PAVEMENT RENOVATION AND DRIVEWAY REPLACEMENT

GRAFTON AVENUE AND GARFIELD STREET

Sealed bids will be received at 1155 Market Street, 4th Floor, San Francisco, California 94103 until 2:30 p.m. on March 25, 2015, after which they will be publicly opened and read. Digital files of Bid Documents, Plan Holders Lists, and Addenda may be downloaded at no cost from the Department of Public Works (DPW) Electronic Bid Documents Download site at [www.sfdpw.org/bids](http://www.sfdpw.org/bids), or purchased on a CD format from 1155 Market Street, 4th Floor, San Francisco, California 94103, telephone 415-554-6229, for a non-refundable \$15.00 fee paid by cash or check to "Department of Public Works". Please visit the DPW's Contracts, Bid Opportunities and Payments webpage at [www.sfdpw.org](http://www.sfdpw.org) for more information. Notices regarding Addenda and other bid changes will be distributed by email to Plan Holders. The Work is located along Garfield St, from Junipero Serra Blvd to Orizaba Ave, and Grafton Ave, from Orizaba Ave to Getz S/MT. Vernon, and consists of pavement renovation, curb ramp construction, sewer replacement, drainage work, traffic routing, and all associated work. The time allowed for completion is 390 consecutive calendar days. The Engineer's estimate is approximately \$2,800,000. For more information, contact the Project Manager, Ramon Kong at 415-554-8260.

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**Public Notices**

On July 1, 2014, the registration program under section 1725.5 of the California Labor Code went into effect. The program requires that all contractors and subcontractors who bid or work on a public works project register and pay an annual fee to the California Department of Industrial Relations ("DIR"). Effective March 1, 2015, no contractor or subcontractor may be listed in a bid for a public works project unless registered with the DIR as required by Labor Code section 1725.5 (with limited exceptions from this requirement for bid purposes only under Labor Code section 1771.5(a)). Effective April 1, 2015, no contractor or subcontractor may be awarded a contract for public work on a public works project unless registered with the DIR pursuant to Labor Code section 1725.5. This Project shall incorporate the required partnering elements for Partnering Level 1. Refer to Section 01.31.33 for more details.

Pursuant to San Francisco Administrative Code (SFAC) Section 6.25, "Clean Construction" is required for the performance of all work. The Specifications include liquidated damages. Contract will be on a Lump Sum Bid Items With Unit Prices basis. Progressive payments will be made. The Contract will be awarded to the lowest responsible responsive bidder. A bid may be rejected if the City determines that any of the bid item prices are materially unbalanced to the potential detriment of the City. Bid discounts may be applied as per SFAC Chapter 14B. Subcontracting goal is 25% LBE. Call Romulus Asencio at 415-581-2310 for details. In accordance with SFAC Chapter 14B requirements, all bidders, except those who meet the exception noted below, shall submit documented good faith efforts with their bids and must achieve 80 out of 100 points to be deemed responsive. Bidders who do not achieve 80 out of 100 points for more information. Bidders are hereby advised that the Contract is awarded must be certified by the Human

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Exception: Bidders who demonstrate that their total LBE participation exceeds the above subcontracting goal by 35% will not be required to meet the good faith efforts requirements. A pre-bid conference will be held on February 24, 2015, 1:30 p.m., at 1680 Mission Street, 3rd Floor. For information on the City's Surety Bond Program, call Jennifer Elmore at (415) 217-6576.

A corporate surety bond or certified check for ten percent (10%) of the amount bid must accompany each bid. SFAC Sec. 6.22(A) requires all construction greater than \$25,000 to include performance and payment bonds for 100% of the contract award.

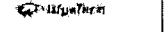
Class "A" license required to bid on a contract in excess of \$400,000 is awarded by the City and County of San Francisco until such time as the Mayor or the Mayor's designee approves the contract award and the Director of Public Works then issues an order of award. Pursuant to Charter Section 3.105, all contract awards are subject to certification by the Controller as to the availability of funds.

Minimum wage rates for this project must comply with the current General Prevailing Wage as determined by the State Department of Industrial Relations. Minimum wage rates other than applicable to the current General Prevailing Wage must comply with SFAC Chapter 12F, Minimum Compensation Ordinance.

This Project is subject to the requirements of the San Francisco Local Hiring Policy for Construction ("Policy") as set forth in Section 6.22(G) of the SFAC. Bidders are hereby advised that the requirements of the Policy will be incorporated as a material term of any contract awarded for the Project. Refer to Section 00.73.30 of the Project Manual for more information. Bidders are hereby advised that the Contract is awarded must be certified by the Human

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The Examiner [www.sfxaminer.com](http://www.sfxaminer.com)

**Public Notices**

Rights Commission as being in compliance with the Equal Benefits Provisions of Chapter 12B of the City's Administrative Code within two weeks after notification of award.

If a bidder objects on any ground to any bid specification or to the award of the bid, the bidder shall, no later than the 10<sup>th</sup> working day prior to the date of bid opening, provide written notice to the Contract Administrator, Division, Department of Public Works, setting forth with specificity the grounds for the objection. Right reserved to reject any or all bids and waive any minor irregularities.

**NOTICE OF PUBLIC HEARING LAND USE AND ECONOMIC DEVELOPMENT COMMITTEE SF BOARD OF SUPERVISORS**

FEBRUARY 23, 2015 - 1:30 PM

LEGISLATIVE CHAMBER, ROOM 250, CITY HALL, 1 DR. CARLTON B. GOODLETT PLACE, SF, CA

NOTICE IS HEREBY GIVEN THAT the Land Use and Economic Development Committee will hold a public hearing to consider the following proposal and said public hearing will be held as follows, at which time all interested parties may attend and be heard: File No. 150087. Resolution imposing interim zoning controls to require that for a 12-month period, in the area bounded by Market Street from Van Ness Avenue east to 5th Street on the north side, and east to 2nd Street on the south side, 2nd Street south to Brannan Street, Brannan Street west to Division Street, and South Van Ness Avenue north to Market Street, certain building permits for any building with some commercial use shall require the posting of a notice and a 15-day delay in starting the work, and the re-establishment of a commercial use that has been converted to residential use shall require Planning Commission

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**Public Notices**

approval through either an authorization under Planning Code, Section 320, at seq., or a conditional use authorization; and making environmental findings and a determination of consistency with the eight priority policies of Planning Code, Section 101.1, in accordance with Administrative Code, Section 677.1, persons who are unable to attend the hearing on this matter may submit written comments to the City prior to the time the hearing begins. These comments will be made as part of the official public record in this matter, and shall be brought to the attention of the members of the Committee. Written comments should be addressed to Angela Calvillo, Director of City Hall, 1 Dr. Carlton Goodlett Place, Room 244, San Francisco, CA 94102. Information relating to this matter will be available for public review on Friday, February 20, 2015, Angela Calvillo, Clerk of the Board

**NOTICE OF HEARING TO CONSIDER CHANGES TO DIVISION I, ARTICLE 300, SECTIONS 310 AND 320 OF THE TRANSPORTATION CODE THAT WOULD ADD NEW CITATION AMOUNTS, INCREASE EXISTING CITATION AMOUNTS, AND REDUCE THE FEE CHARGED TAXICAB MEDALLION HOLDERS WHO MOVE TO NEW COLOR SCHEMES.** The San Francisco Municipal Transportation Agency Board of Directors will hold a public hearing on Tuesday, March 3, 2015, to consider the addition of new citation amounts and increases to some existing citation amounts related to violations of the motor vehicle hire regulations of Article 1100s of the Transportation Code. At the hearing the Board shall require the posting of a notice and a 15-day delay in starting the work, and the re-establishment of a commercial use that has been converted to residential use shall require Planning Commission

Member, Board of Supervisors  
District 10



RECEIVED  
BOARD City and County of San Francisco  
SAN FRANCISCO

2015 FEB 24 AM 11:58

MALIA COHEN  
馬莉亞郭嫻

---

DATE: February 24, 2015

TO: Angela Calvillo  
Clerk of the Board of Supervisors

FROM: Supervisor Malia Cohen  
Chairperson

RE: Land Use and Economic Development Committee  
COMMITTEE REPORT

---

Pursuant to Board Rule 4.20, as Chair of the Land Use and Economic Development Committee, I have deemed the following matter is of an urgent nature and request it be considered by the full Board on March 3, 2015, as a Committee Report:

**150087 Interim Zoning Controls - Building Permits for Commercial Uses in an Area Bounded by Market, 2nd, Brannan, and Division Streets, and South Van Ness Avenue**

Resolution imposing interim zoning controls to require that for a 12-month period, in the area bounded by Market Street from Van Ness Avenue east to 5th Street on the north side, and east to 2nd Street on the south side, 2nd Street south to Brannan Street, Brannan Street west to Division Street, and South Van Ness Avenue north to Market Street, certain building permits for any building with some commercial use shall require the posting of a notice and a 15-day delay in starting the work, and the re-establishment of a commercial use that has been converted to residential use shall require Planning Commission approval through either an authorization under Planning Code, Section 320, et seq., or a conditional use authorization; and making environmental findings and a determination of consistency with the eight priority policies of Planning Code, Section 101.1.

This matter will be heard for the second time in the Land Use and Economic Development Committee on March 2, 2015, at 1:30 p.m.

Sincerely,

A handwritten signature in cursive script that reads "Malia".

Malia Cohen  
Member, Board of Supervisors



President, District 5  
BOARD of SUPERVISORS



City Hall  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco 94102-4689  
Tel. No. 554-7450  
Fax No. 554-7454  
TDD/TTY No. 544-5227

*orig. file Comm.  
Clerk, BOS-11,  
Aides, COB, Leg.  
Dep.*

**London Breed**

**PRESIDENTIAL ACTION**

Date: 2/18/15  
To: Angela Calvillo, Clerk of the Board of Supervisors

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SAN FRANCISCO  
FEB 19 AM 11:45

Madam Clerk,  
Pursuant to Board Rules, I am hereby:

Waiving 30-Day Rule (Board Rule No. 3.23)  
File No. 150087 Kim  
(Primary Sponsor)  
Title. Interim Zoning Controls - Building Permits for

Transferring (Board Rule No. 3.3)  
File No. \_\_\_\_\_  
(Primary Sponsor)  
Title. \_\_\_\_\_

From: \_\_\_\_\_ Committee  
To: \_\_\_\_\_ Committee

Assigning Temporary Committee Appointment (Board Rule No. 3.1)  
Supervisor \_\_\_\_\_  
Replacing Supervisor \_\_\_\_\_  
For: \_\_\_\_\_ Meeting  
(Date) (Committee)

London Breed, President  
Board of Supervisors

Print Form

# Introduction Form

By a Member of the Board of Supervisors or the Mayor

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2015 JAN 27 11:3:43  
Time stamp of meeting date

I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee. (An Ordinance, Resolution, Motion, or Charter Amendment)
- 2. Request for next printed agenda Without Reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning "Supervisor [ ] inquires"
- 5. City Attorney request.
- 6. Call File No. [ ] from Committee.
- 7. Budget Analyst request (attach written motion).
- 8. Substitute Legislation File No. [ ]
- 9. Reactivate File No. [ ]
- 10. Question(s) submitted for Mayoral Appearance before the BOS on [ ]

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission       Youth Commission       Ethics Commission
- Planning Commission       Building Inspection Commission

**Note: For the Imperative Agenda (a resolution not on the printed agenda), use a Imperative Form.**

**Sponsor(s):**


Supervisor Jane Kim

**Subject:**

Interim Zoning - Building Permits for Commercial Uses in an Area Bounded by Market, Second, Brannan, Division, and South Van Ness Streets

**The text is listed below or attached:**

See attached.

Signature of Sponsoring Supervisor: 

For Clerk's Use Only:

150087