

File No. 2211120

Committee Item No. 1

Board Item No. _____

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Rules Committee

Date May 2, 2022

Board of Supervisors Meeting

Date _____

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Completed by: Victor Young Date April 28, 2022

Completed by: _____ Date _____

President, Board of Supervisors
District 10



City and County of San Francisco

SHAMANN WALTON

華頌善

December 2, 2021

Board of Appeals President Darryl Honda

██████████ Street

San Francisco, CA 94114

██████████ [com](#)

RE: Hearing of Board of Appeals Allegations

Dear Board of Appeals President Honda,

On October 19, 2021, I introduced a hearing file at the Board of Supervisors to seek additional information regarding the recent allegations that you participated in discussions and decisions at the Board of Appeals in which you may have had a financial conflict of interest. I have asked the chairperson of the Board's Rules Committee to schedule that informational hearing on December 13, 2021 at 10:00 a.m., and I request that you attend. I have no personal knowledge about the substance or veracity of the allegations, and I make no assumptions about their reliability, so the primary purpose of this hearing is to gather information about the allegations and to allow you an opportunity to respond to them publicly. To ensure that the Committee has appropriate information during the December 13 hearing, please bring copies of the following documents if you have them in your possession. If you do not have copies of these documents in your possession but you believe that another party, such as SIA Consulting or your current or past brokerage firm, might have copies, please make reasonable efforts to obtain copies from that party.

1. All agreements between you, or any firm with which you were engaged, and SIA Consulting under which you or the firm agreed to represent SIA Consulting in the listing, sale, or purchase of real property in the City and County of San Francisco or in any other location any time during the period between January 1, 2013 and present.
2. All agreements between you, or any firm with which you were engaged, and any of the following individuals—Sia Tahbazof, Yosef Tahbazof, Reza Khoshnevisan, Bahman Ghassemzadeh, Freydoon Ghassemzadeh, or Baha Hariri— under which you or the firm agreed to represent one or more of the individuals in the listing, sale, or purchase of real property in the City and County of San Francisco or in any other location any time during the period between January 1, 2013 and present.
3. All agreements between you, or any firm with which you were engaged, and any entities in which you know or believe one of the individuals named above has or had an

ownership interest, under which you or the firm agreed to represent one or more of those entities in the listing, sale, or purchase of real property in the City and County of San Francisco or in any other location any time during the period between January 1, 2013 and present.

4. All agreements between you and any of the individuals or entities named in requests 1-3 under which you agreed to pay any of those individuals or entities for their services during the period between January 1, 2013 and present.
5. All records of commissions or other payments that you received, directly or indirectly, from any of the individuals or entities named in requests 1-3 during the period between January 1, 2013 and present.

A copy of this letter has been transmitted digitally and mailed physically through the U.S. Postal Service.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Shamann Walton', with a long horizontal flourish extending to the right.

Supervisor Shamann Walton, District 10
President, San Francisco Board of Supervisors



December 31, 2021

VIA E-MAIL & OVERNIGHT DELIVERY

Board of Supervisors President Shamann Walton
Supervisor Aaron Peskin
Supervisor Rafael Mandelman
Supervisor Connie Chan
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

RE: Board of Appeals Commissioner Darryl Honda

Dear Supervisors:

On behalf of our client, Board of Appeals Commissioner Darryl Honda, thank you for the opportunity to clarify and shed light on allegations in a recent Mission Local article pertaining to Commissioner Honda’s personal financial interests and certain Board of Appeals votes in 2015 and 2017. (“Commissioner Testified That He Recused Himself from Hearing His Business Associate’s Cases, But He Didn’t Always Do It” (10/19/21), <https://missionlocal.org/2021/10/darryl-honda-sia-dennis-richards-board-of-appeals/>; copy attached.) We also appreciate the extension of time, which has allowed us to more closely review hundreds of pages of documents covering the last eight years of Commissioner Honda’s financial transactions and voting record on the Board of Appeals.

From the outset, Commissioner Honda would like us to convey that he takes ethics laws and conflicts of interest very seriously, and has always made his best efforts to comply with all disclosure and disqualification requirements. While the legal statute of limitations on the matters at issue before the Rules Committee has long passed, he has combed through years of records and notes to make sure that the Committee has the best possible information at this time. All of the information provided in this letter is to the best of Commissioner Honda’s and our knowledge and ability, and conveys our best understanding of the facts surrounding these matters.

That said, we also need to emphasize that, given that the votes in question took place between 4 ½ and almost 7 years ago, tracking down all relevant documents was often not easy, and some documents may be lost to history; moreover, Commissioner Honda does not necessarily recall all of the details of these meetings. If the Rules Committee is aware of any additional documents or information not contained in this letter, we would greatly appreciate

you sharing them with us so we may better respond to all facts at issue.

In order to respond to your questions regarding Commissioner Honda's participation in these Board of Appeals matters, we have reviewed as many of the purchase and sales agreements, commission receipts, and consulting agreements as are available at this time, which we compiled pursuant to Supervisor Walton's December 2, 2021 letter. We also reviewed the agendas for all of the Board of Appeals meetings which involved one or more of the individuals and entities listed in the December 2nd letter, as well as relevant documents available from the Assessor's Office. These documents do not reveal any business transactions with a party or agent before the Board within 12 months of Commissioner Honda's vote on a matter, other than the one described below. As you can appreciate, the purchase and sales agreements, commission receipts, and consulting agreements contain confidential and proprietary information, including financial information relating to individuals not involved in the matters before the Rules Committee in any way. If the Rules Committee still wishes to review any of these documents after reviewing this letter, we can work with City staff on a procedure for maintaining confidentiality.

Factual Background

Prior to every Board of Appeals meeting, Commissioner Honda receives documents from Board staff in order to determine, with advice from the City Attorney's office, whether he has any conflicts of interest which require disclosure or recusal. Specifically, he reviews lists of all applicants, determinates, and their agents in order to evaluate if he has an existing financial, business or personal relationship with any party. Commissioner Honda takes this evaluation process very seriously and, in fact, has recused himself from at least 16 Board matters, and has disclosed a business relationship with a party or party representative in at least 34 matters, in the span of our review alone. On a number of occasions, Commissioner Honda has consulted with the City Attorney's office to ensure that he has complied with all legal requirements to disqualify himself or disclose any relationship to the Board. Commissioner Honda recused himself and made disclosures every time he was advised to do so.

You have asked for information about three Board of Appeals matters, briefly described in the Mission Local article, from which Commissioner Honda did not recuse himself – two in 2015 and one in 2017. Based on our research, we believe these three matters involve: 40 Bernal Heights Boulevard and 965, 985 & 1025 Powhattan Avenue (collectively, the "Bernal Heights Matter"), 910 Carolina Street (the "Carolina Matter") and 437 Duncan Street (the "Duncan Matter"). The article alleges that these matters were "SIA-tied projects," presumably referring to the engineering and architectural firm, SIA Consulting. However, the

article did not explain that neither SIA Consulting nor any of its owners were actually the property owners or appellants in the three matters, but instead that SIA Consulting had provided engineering or architectural services to the property owners or appellants. The article also does not answer the question of whether Commissioner Honda received income from an owner of SIA Consulting within the 12 months prior to the votes on these projects, which is the crucial question for the conflict of interest analysis. (Cal. Govt. Code section 87103(c).) The goal of this letter is to clarify this part of the record, and to respond to any concerns which the Rules Committee might have regarding Commissioner Honda's potential conflicts of interest for these three matters.

Commissioner Honda has been a realtor in San Francisco for over 24 years, and assists in the sales and purchases of commercial and residential properties throughout the City. Over the years, Sia Tahbazof has been his client on multiple occasions. Mr. Tahbazof formerly owned SIA Consulting, but has evidently recently relinquished some or all of his ownership to Reza Khoshnevisan. We are not certain when exactly this transition took place, or of the exact ownership interest of the firm, as this information is not available to the public. Mr. Khoshnevisan was also Commissioner Honda's client for two transactions in 2021. Important for the question before the Rules Committee and most relevant to Mission Local article, Commissioner Honda has never received income from or worked directly for SIA Consulting.¹

Commissioner Honda also has a few of his own real estate development projects in the City, and has retained SIA Consulting to provide engineering or architectural services for some of these projects. Commissioner Honda is aware that City law requires him to disclose any "personal, business or financial relationships" with property owners, appellants and their representatives who are appearing before the Board, and he makes his best efforts to comply with this disclosure obligation. (S.F. Camp. & Govt. Conduct Code section 3.214.) In fact, he has publicly disclosed on the record that he has a business relationship with attorneys or other consultants who are appearing before the Board on at least 34 occasions since 2018. Mr. Honda does not recall whether he made such disclosures in these three cases, though he knows that he has indicated on the record in several proceedings that he has a business relationship

¹To the extent that the article makes it seem as if Commissioner Honda has ever acted as a realtor or otherwise been paid by SIA Consulting, it is incorrect. Again, SIA Consulting is an engineering and architectural firm which has provided consulting services to some of the property owners or appellants who have appeared before the Board, not a party itself to Board proceedings.

with SIA Consulting because he has retained the firm to provide engineering or architectural services on some of his real estate projects.

As already mentioned, in the matters discussed in the Mission Local article, and in other Boards of Appeals matters, SIA Consulting itself was not the appellant or property owner before the Board, but instead was hired by one of the parties to conduct analysis and perhaps draft architectural or engineering plans. The SIA Consulting employees who drafted the plans or who had expertise about the properties may have spoken before the Board. In such matters where Commissioner Honda knew SIA Consulting was hired by one of the parties and/or where an SIA Consulting employee spoke before the Board, he would recuse himself if he had received income from either Mr. Tahbazof or Mr. Khoshnevisan within the last 12 months.

Bernal Heights Matter²

In June 2017, December 2018 and January 2019, four related matters came before the Board protesting the issuance of permits to erect four houses at 40 Bernal Heights Boulevard, 965 Powhattan Avenue, 985 Powhattan Avenue and 1025 Powhattan Avenue. These matters were consolidated into a single agenda item at all Board meetings. On June 21, 2017, the Board unanimously voted to uphold the permits. The matter was appealed again and at the December 12, 2018 meeting, the Board postponed the second appeal to 2019 due to a lack of quorum. At the January 2019 meeting, the appellants withdrew their appeal and the matter was closed. The June 21, 2017 meeting was therefore the only meeting which included a substantive vote on the matter.

Neither SIA Consulting, Mr. Tahbazof nor Mr. Khoshnevisan were parties to this appeal as they were not the appellant or the owner of the property. However, a SIA Consulting employee was listed as an agent for the permit holder and spoke before the Board. Even though Commissioner Honda has recused himself when SIA Consulting is an agent for a party before the Board and he has received income from one of the firm's owners within the prior 12 months, he was able to vote on the Bernal Heights Matter because he had not received income from either Mr. Tahbazof or Mr. Khoshnevisan during the 12 months before the June 21, 2017 vote. At the time, the most recent transaction Commissioner Honda had with either

²For your convenience, we have attached minutes from the three Board of Appeals meetings where the Bernal Heights, Carolina and Duncan Matters were discussed, along with relevant materials from the agenda packets for each case.

client closed on January 27, 2016 (the Assessor's Office records list February 3, 2016), approximately 18 months before the vote, when he sold a property for Mr. Tahbazof. (See Bernal Heights Matter Attachments.) Therefore, Commissioner Honda believed that it was not a conflict of interest for him to vote on this matter. Commissioner Honda also recalls that on numerous occasions the City Attorney's office confirmed that he could vote on such matters where he had not received income from SIA Consulting the prior 12 months. Additionally, the 12-month period applies to the requirement to disclose business relationships (SFEC Reg. 3.214-4), so he also did not have to mention on the record that he had done work with the firm in the past.

Carolina Matter

On June 24, 2015, the Board voted unanimously to grant an appeal of a permit to construct a house at 910 Carolina Street. The Board's decision conditioned the permit on revised plans which were brought before the Board at the meeting.

Just as in the Bernal Heights Matter, SIA Consulting, Mr. Tahbazof and Mr. Khoshnevisan were not named parties in the appeal, nor did they own the property in question. SIA Consulting was listed as an agent for the property owner as the firm helped draft the architectural plans for the house. Noticing SIA Consulting was the architect of record, Commissioner Honda reviewed his real estate agent records in order to determine if he had done work for Mr. Tahbazof or Mr. Khoshnevisan in the previous 12 months. Seeing that his last transaction for either of them had closed on April 23, 2014 (the Assessor's Office lists April 22, 2014), approximately 14 months before the vote, Commissioner Honda was free to vote on this matter. (See Carolina Matter Attachments.) Given the vote was outside of this 12 month window, he also did not have to mention on the record that he had done work with the firm.

Duncan Matter

On April 8, 2015, Commissioner Honda joined a unanimous vote denying an appeal of a permit to demolish a one-story house and construct a three-story house. Like the other two matters, SIA Consulting, Mr. Tahbazof and Mr. Khoshnevisan were neither the appellant nor the property owner. SIA Consulting was also not mentioned as an agent in the appeal statement or Notice of Appeal submitted by the appellant, or in the response submitted by the property owner. Seeing no mention of SIA Consulting or either of its owners in the correspondence about the immediate 2015 appeal, Commissioner Honda had no reason to believe he could not cast his vote with the unanimous majority.

However, SIA Consulting had evidently previously done work for the property owner in the Duncan Matter. Although we can not confirm for certain exactly which documents Commissioner Honda received in his packet for this meeting (which took place 6 ½ years ago), the agenda packet on the Board's website now contains about 100 pages of backup documentation for the appeal and the history of the property, including its previous appeals and permits. During our review of this backup documentation, we discovered that SIA Consulting was listed as an agent for the applicant in the original 2012 permit filing, as the firm was evidently the original architect of the 2012 permit application, though the name of a different architecture firm was listed on the blueprints that came before the Board in 2015. (See Duncan Matter Attachments.) Until we found these notes on the original permit, Commissioner Honda was not aware that SIA Consulting was ever involved with the property at all.³

The issue in this appeal was whether the permit was properly issued given a recent challenge to whether it complied with affordability requirements. Although he cannot recall exactly his thought process from April 2015, Commissioner Honda believes that he was most likely focused on the most substantive and more recent documents – i.e., the March 19, 2015 letter from the appellant and the April 2, 2015 response from the property owner – in order to analyze the affordability question, whereas the 2012 paperwork about the original permits was really not relevant to the questions before the Board. (The Board ultimately denied the appeal, which meant that the three-story house could be built under the original permit.)

Because SIA Consulting had evidently done work for the property owner in the Duncan Matter (although unbeknownst to Commissioner Honda at the time, and not clear from the record), Commissioner Honda should have done the same conflict of interest analysis which he had done for the Bernal Heights Matter and the Carolina Matter; namely, determine whether he had been paid a commission for buying or selling a piece of property for the one of the firm's owners in the prior 12 months. Our understanding is that, at the time of this vote in April 2015, Commissioner Honda most recently worked for either Mr. Tahbazof or Mr. Khoshnevisan in early 2014, closing a sale on April 23, 2014, 11 months and 17 days before

³In a Notice of Appeal, the engineers, architects and attorneys representing the appellant and property owner are typically listed under "Address of Other Parties." SIA Consulting was listed in this space for the Carolina Matter. For the Bernal Heights Matter, SIA Consulting was not listed in this space, but a SIA Consulting employee was separately listed and appeared before the Board as a speaker. However, in the Duncan Matter, SIA Consulting was not listed as an agent or a speaker.

the vote.⁴ Had Commissioner Honda known that SIA Consulting had done work for the property owner, he therefore would have recused himself, just as he had done in other matters involving SIA Consulting.

Commissioner Honda's Legal Duties

As you know, the disqualification rules are often complicated, and do not necessarily require a public official to recuse him or herself from a matter, even if the matter somehow involves one of the official's personal financial interests. Specifically, Board of Appeals Commissioners are only legally required to recuse themselves when they know or have reason to know that a vote will have a "reasonably foreseeable" and "material" financial effect on a source of their income within the last 12 months. (Cal. Govt. Code section 87103(c).) The FPPC has adopted specific regulations to determine when the impact on an official's financial interest is deemed to be "material" and thereby triggers disqualification. If a Commissioner's source of income is the named party in the appeal, then he or she may not participate in the matter under nearly any circumstance. (2 Cal. Code of Regs. section 18702.3(a)(1).) However, if a Commissioner's source of income is not a named party in a matter, but still may be affected somehow by the matter, then the effect on the source of income is only deemed to be material if the decision is likely to increase or decrease the business entity's annual revenues by either \$1 million or 5 percent. (2 Cal. Code of Regs. section 18702.3(a)(2)(B), referencing section 18702.1(a)(2).)

Therefore, the law only requires Commissioner Honda to recuse himself from Board matters where SIA Consulting is working with the property owner or applicant if: (1) he has received commission income from one of SIA Consulting's owners in the prior 12 months; and (2) the Board matter would either increase or decrease the firm's annual revenues by \$1 million or 5 percent. The FPPC has confirmed on numerous occasions that public officials are legally permitted to participate in matters which may have an impact on one of their sources of income if the matter will not meet the requisite monetary thresholds in the applicable regulations. (See e.g., FPPC Advice Letter to Georgeann White (2007) A-07-106.)

Commissioner Honda has consistently gone beyond these legal requirements. (See

⁴Because this sale occurred over seven years ago, we can not confirm the exact date when Commissioner Honda received his commission payment. The buyer and seller finalized and signed the sales contract on April 3, 2014 (outside the 12 month window before the vote), but escrow did not close until April 23, 2014, and the Assessor's Office lists April 22, 2014 (within the 12 month window). (See Duncan Matter Attachments.)

Board of Appeals Regular Board Meeting Minutes (12/4/2019) [“Commissioner Honda stated that he was not legally bound to recuse himself but he was doing so to protect the integrity and fairness of the Board’s proceedings”].) If he knows that SIA Consulting is representing a property owner or appellant, either because a SIA Consulting employee appears before Board, or SIA Consulting is listed on the appeal documents, he consistently recuses himself from the matter if he has received commission from one of SIA Consulting’s owners within the past 12 months, regardless of how the decision may impact the firm’s fees. Because he is not privy to whether the decision of the Board of Appeals is likely to impact the fees earned by the engineering firm retained by the property owner or appellant, and certainly cannot know the exact amount of any increase in the firm’s fees, recusing himself in all situations is clearly the safest course of action.

In both the Bernal Heights Matter and the Carolina Matter, he had not received income from any owners of SIA Consulting (or from the appellant or the property owner) in the previous 12 months. Not only was he therefore allowed under the law to vote on these matters and not required to make the disclosure on the public record, but also his position as the realtor for an owner of the firm representing the property owner or appellant did not have any real or perceived impact on his vote. While Commissioner Honda appreciates why the Mission Local article may have raised questions about his ability to vote on these matters, the newspaper did not have access to the dates and amounts of his commission payments when writing the article (and Commissioner Honda does not recall the writer asking for this information before going to print).

In the Duncan Matter, Commissioner Honda was not aware at the time of the vote that SIA Consulting had worked for the property owner in the past, so he was not aware, when he joined in the unanimous vote, that he had received income from an owner 11-and-a-half months earlier. No SIA Consulting employee spoke before the Board or was involved in the 2015 appeal, like they were in the Bernal Heights Matter and Carolina Matter. As demonstrated by his actions vis-a-vis similar matters before and after these votes, Commissioner Honda certainly would have spent the time to determine whether he was required to recuse himself from this matter if he had known that SIA Consulting had done architectural work for the owner of the Duncan Matter property. Saying that, it is not clear from the record whether Commissioner Honda’s vote on this matter actually violated the law, because it is not known whether the firm would have received any additional fees based on the Board’s decision on the permit. However, it does not seem unreasonable to conclude that the decision to deny the appeal and thereby allow the three-story house to be built pursuant to the original permits did not increase the firm’s annual revenues in 2015 by either \$1 million or 5 percent given the firm’s work was completed in 2012 and future blueprints were produced by a

different engineering firm.

It is also not certain whether he was required to make a public disclosure in the Duncan Matter. He was not required to make these disclosures in the Bernal Heights Matter or the Carolina Matter because he had not received commission income from the firm's owners during the prior 12 months; if he was required to make this disclosure in the Duncan Matter but did not do so, then it was an inadvertent oversight.

Conclusion

Commissioner Honda would again like to thank Supervisor Walton and the entire Board of Supervisors for the opportunity to serve on the Board of Appeals for the past nine years, and he very much looks forward to continuing to serve on the Board in the future. He also wants to again thank the Rules Committee for taking the time to fully understand the facts surrounding the three votes described in the Mission Local article, and hopes that the Committee members appreciate that he has always made good faith efforts to always comply with all applicable disclosure and disqualification obligations. The question of when a Commissioner is legally required to recuse him or herself from a matter is often nuanced, and is more complicated when the Commissioner's financial interest is not the property owner or appellant appearing before the Board, but rather is a consulting firm which may be doing work for the property owner or appellant. And while the statute of limitations has run, Commissioner Honda still takes these allegations seriously and hopes to completely clear the record and respond to any and all concerns of the Committee.

In sum, Commissioner Honda could not have had a disqualification or disclosure obligation in the Bernal Heights Matter and Carolina Matter as he did not receive income from the property owners, appellants, or any owner of one of their consulting firms during the 12 months prior to the votes. He only voted on these matters after confirming that he did not have a conflict of interest. In the Duncan Matter, Commissioner Honda was completely unaware that SIA Consulting had worked for the property owner three years before the appeal, and clearly he would have disqualified himself and made the public disclosure if he had known. He apologizes for this oversight. At the same time, we always want to emphasize for the Rules Committee that his participation in the Duncan Matter more likely than not did not violate the conflict of interest law, because it does not seem likely that the Board's vote to uphold the existing permit could result in a material effect on SIA Consulting, as that term is defined in the applicable FPPC regulation.

* * *

Rules Committee
December 31, 2021
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Please feel free to contact us with any questions before the next Rules Committee meeting on this matter. Again, if you are aware of any additional documentation from these historical cases which are relevant to whether Commissioner Honda could participate in them, we would appreciate the opportunity to review this information before the upcoming Rules Committee hearing.

Sincerely,

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

James R. Sutton

cc: Darryl Honda
Attachments
JPF/dfm
#2284.01

MISSION LOCAL
ARTICLE



GOVERNMENT

Commissioner testified that he recused himself from hearing his business associate's cases — but he didn't always do it

Board of Appeals president Darryl Honda concedes he should've recused himself, but says City Attorney cleared his move



by **JOE ESKENAZI**
OCTOBER 19, 2021



Board of Appeals president Darryl Honda, seen here recusing himself from a case involving SIA Consulting on May 6, 2019

San Francisco Board of Appeals president Darryl Honda unambiguously swore in a deposition earlier this year that he recuses himself whenever a project from SIA Consulting comes before his commission.

“I’m their realtor,” Honda explained regarding SIA, which bills itself as a “planning, design and engineering” firm. It’s a position Honda estimated he’s held for “10 or 11 years.”

A review of cases before the Board of Appeals, however, does not bear out Honda’s claim: Mission Local found at least three SIA projects in which Honda failed to recuse himself: Two in 2015, and one in 2017.

Bob Stern, the former president of the Center for Governmental Studies and a former general counsel for the Fair Political Practices Commission, said “I’m not sure this is illegal, but I would say it doesn’t look right.”

Added Paul Melbostad, who served eight years on the city’s Ethics Commission and four on the Board of Appeals’ precursor, the Board of Permit Appeals, said, “He should’ve recused himself. This appears to be a violation of the Campaign and Governmental Conduct Code. He *for sure* should’ve disclosed it.”

The Board of Appeals, as its name implies, is the final arbiter short of the legal system for anyone who feels the wrong decision was made by city commissions or permit-granting officials. It is a little-heralded city body, but an important and powerful one. Honda was first appointed to the Board of Appeals by Mayor Ed Lee in 2012.

In the three SIA cases Honda heard, he voted along with his colleagues to deny the appeal made against a SIA-tied project in **2015** and **2017**. In a complex 2015 case, Honda and the board voted **to uphold the permit on a SIA project**, but only on the condition of revised plans being adopted.

Honda, however, *did* recuse himself from SIA cases both before and after the three he heard: Mission Local found **a recusal in 2013**, one **in 2019** and **two in 2021**.

On March 6, 2019, **Honda explained his recusal** to his fellow commissioners with the following statement: “Upon advice from our City Attorney, I’d like to avoid the appearance of a conflict of interest. One of the permit-holders that’s before this body is my regular, uh, I am their Realtor. And they have been a source of income, and although there is not currently a conflict of interest I would like to be consistent to avoid any potential conflict of interest.”

In none of these recusals did Honda refer to SIA by name.

‘ ... The advice I had been given prior’

Reached on his mobile phone, Honda conceded that, in hindsight, he should’ve recused himself in those three earlier SIA cases, but said City Attorney advice informed his decision to not do so.

“In retrospect, I probably should have recused,” he said. “I was just going along with the advice I had been given prior.”

That advice, Honda said, came from a prior deputy city attorney who had advised the Board of Appeals. That attorney “did not give me as much guidance. The current one has been more direct with guidance.”

Up until a couple of years ago, Honda said he’d hear a SIA case if he hadn’t sold property to SIA within a year. He also drew a distinction between projects in which SIA was a hired representative — and guaranteed payment, win or lose — or if the project was the company’s own, and more was at stake.

The current deputy city attorney, Honda said, has advised him to recuse himself more broadly.

When informed of Honda’s recollection and rationale, City Attorney spokesman John Côté sent the following written statement: “All City commissioners are trained in ethics requirements and have our Good Government Guide as a resource. They can also seek advice from our office, which is recognized as one of the premier public law

offices in the country. Ultimately it's the official's responsibility to disclose their potential conflicts and take responsibility for the decisions they make. Commissioner Honda needs to take responsibility for his decisions.”

Melbostad, who served on what was essentially the same commission, feels Honda hasn't done enough.

“If I was a Board of Appeals commissioner and I had received a payment 13 months ago, I feel that's something the parties to the case should know — and I should recuse myself unless they said they don't have a problem with that,” said Melbostad. “One year is a very short period of time. That does not make sense to me.”

Text chain

The February, 2021, sworn deposition in which Honda was quizzed about SIA was part of **former planning commissioner Dennis Richards'** ongoing litigation vs. the city.

Richards maintains the Department of Building Inspection retaliated against him by revoking nine permits on his project on Sept. 30, 2019.

The lawsuit also alleges a close relationship between Honda and Department of Building Inspection higher-ups.

It cites a Sept. 27, 2019, text-message chain between Honda and Richards that starts with a text from Honda: “Hey bro, there's some not so nice stuff going around about you right now. What's up.” Richards contends Honda was dispatched by Department of Building Inspection brass to urge Richards to stop scrutinizing DBI — or suffer reprisals on his project.

Honda declined to go into detail on the allegations in this ongoing case. But he did deny Richards' charge that he was involved in any “quid pro quo” offer. He also denied the charges made in an **Aug. 13 lawsuit** filed by former Board of Appeals employee Katy Sullivan; she alleges that Honda improperly removed documentation

of his Sept. 27, 2019, text message exchange with Richards from the file for Richards' case before the Board of Appeals in 2019.

'To eat'

Apart from recusal matters or legal allegations, text messages obtained by Richards' counsel and discussed during the February deposition point to a chummy relationship between Honda and Department of Building Inspection higher-ups, some of whom regularly appear before him and represent their department at the Board of Appeals.

Honda conceded that he sometimes texts Joe Duffy, a DBI deputy director who regularly serves as the department's representative to the Board of Appeals, in the midst of Board of Appeals meetings to discuss the cases being heard.

Honda also texted Duffy regarding golf tournaments, social engagements and permit issues on a property. On the latter, he asked for a recommendation on who could resolve the permitting problem. Duffy suggested Honda hire Amy Lee, a former DBI director who is now a permit consultant. Honda did, in fact, hire Lee, but denied it was due to Duffy's recommendation or even that such a recommendation took place.

"You just said he's never recommended anybody to you," said Richards' attorney, Scott Emblidge, during the February deposition. "Isn't he right here recommending Amy Lee?"

"I guess he is," conceded Honda. "I didn't see that text and I don't recall him recommending [Lee]. I've asked Joe for recommendations in the past and he has always declined to give recommendations."

The communications also revealed that Honda had set up a lunch meeting between Duffy and SIA Consulting's Bahman Ghassemzadeh and Reza Khoshnevisan (Duffy wrote Honda he got too busy to attend and offered apologies to Ghassemzadeh and Khoshnevisan).

When questioned about why he wanted to arrange a lunch with Duffy and SIA representatives, Honda answered “to eat.”

SIA in the news

SIA, meanwhile, found itself in the headlines this summer when senior building inspector Bernie Curran hurriedly resigned after the City Attorney **discovered that he failed to disclose a \$180,000 “loan” from Freydoon Ghassemzadeh, whose family operates SIA.** It is unclear if this money was ever paid back, or was even intended to be paid back, which would change this from a “loan” to an “alleged bribe.”

A September report from the city controller noted that a second Department of Building Inspection employee also “owed Mr. Ghassemzadeh a significant amount of money when this employee was still working for the department and reviewing plans submitted to obtain permits for work at properties Mr. Ghassemzadeh owned.”

While that employee was not named in the report, Mission Local located Assessor’s documents revealing that former DBI plan-checker **Rodolfo “Rudy” Pada** received loans from Ghassemzadeh on a Sunset District home.

When asked by Mission Local why he unambiguously stated in the sworn deposition that he recused himself from SIA cases — when, in actuality, his practice was more conditional — Honda said “I don’t remember what I said. I had a five-and-a-half hour deposition and it was months ago.”

He added: “I believe I heard the cases fairly and treated everyone equally.”

An earlier version of this story did not make it clear that Duffy declined to attend the lunch invite from Honda with SIA representatives.

<input type="radio"/> ONE-TIME
<input type="radio"/> MONTHLY
<input type="radio"/> ANNUALLY

\$10
\$25
\$40
Other

Your contribution is appreciated.

Donate now

JOE ESKENAZI

✉ getbackjoejoe@gmail.com



Joe was born in San Francisco, raised in the Bay Area, and attended U.C. Berkeley. He never left.

“Your humble narrator” was a writer and columnist for SF Weekly from 2007 to 2015, and a senior editor at San Francisco Magazine from 2015 to 2017. You may also have read his work in the Guardian (U.S. and U.K.); San Francisco Public Press; San Francisco Chronicle; San Francisco Examiner; Dallas Morning News; and elsewhere.

He resides in the Excelsior with his wife and three (!) kids, 4.3 miles from his birthplace and 5,474 from hers.

The Northern California branch of the Society of Professional Journalists named Eskenazi the 2019 Journalist of the Year.

More by Joe Eskenazi

Concerned SF

October 19, 2021 at 8:15 am

Incredible work. Real journalism that is exposing the roots of corruption. Are you planning to reveal the malfeasance in the dept of homelessness?

Clyde Conrad

October 19, 2021 at 9:24 am

Corruption starts with Mayor Breed!

21five

October 19, 2021 at 2:38 pm

“Bernie Curran hurriedly resigned after the City Attorney discovered that he failed to disclose a \$180,000 “loan” from Freydoon Ghassemzadeh, whose family operates SIA. It is unclear if this money was ever paid back or was even intended to be paid back — which would change this from a “loan” to an “alleged bribe.””

It would also change it from a loan to income, which makes for an interesting conversation with the IRS and a significant immediate tax liability.

Clyde Conrad

October 19, 2021 at 2:55 pm

Strange the Mayor paid a fine for ethics violations.
The city atty Dennis changes jobs, after what 20 years?

Sarah Smith

October 21, 2021 at 10:35 am

Hi Joe

In the interests of fair and balanced reporting please inform your readers how many times Pat Buscovich came before the planning commission while he was the engineer of record for Dennis Richards' project. Of these times, in how many did Dennis recuse himself?
Thank you!

Joe Eskenazi 🗨️

October 21, 2021 at 11:41 am

Sir or madam —

A few things: First, stop sock-puppeting on our site. Don't leave multiple comments under multiple names. We can tell.

Second: What Dennis Richards did or didn't do is not relevant to what Darryl Honda did or didn't do — whether it was wrong or right, ethical or unethical.

Third: Dennis Richards resigned in March 2020.

Fourth: Dennis Richards paid Pat Buscovich money to work as an engineer. Whereas SIA was the one paying Honda money; he worked for them. This is not the same dynamic.

Yours,

JE

Drs

December 22, 2021 at 7:03 pm

Names of the wicked. O’riordain, Duffy 1, Duffy 2, Hernandez, Braulio, Hinchion are the last real threat to San Francisco Residents. That’s just DBI though . Help end corruption and give your names and watch the change in our gov. As long as the top in SFGOV depts are corrupt then there will never be a city of liberty and happiness. Not filth and depravity brought on by the last few mayors and supervisors with help from DPW and DBI everyone in the top spots got together and created a criminal empire from the people that are easy to fool and easy to threaten the old, poor, homeless. The are making money by making all the depts run dysfunctional and in constant confusion, they use insider info given to certain people to purchase properties that have permit problems bury the permits and resell the property for a future. The top is still getting paid right under the FBI's noses ever after they got busted.

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PROUDLY POWERED BY NEWSPACK BY AUTOMATTIC

BERNAL HEIGHTS
MATTER
ATTACHMENTS

ITEMS (11A) THROUGH (11D) SHALL BE HEARD TOGETHER

(11A) APPEAL NO. 17-063

MELISSA SHAW, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	965 Powhattan Avenue. Protesting the ISSUANCE on April 17, 2017, to Patrick Harty, of a Site Permit (to erect a two-story over basement, Type 5, single family residence). APPLICATION NO. 2014/05/21/6382S. FOR HEARING TODAY.
--	--

(11B) APPEAL NO. 17-064

MELISSA SHAW, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	985 Powhattan Avenue. Protesting the ISSUANCE on April 17, 2017, to Patrick Harty, of a Site Permit (to erect a two-story over basement, Type 5, single family residence). APPLICATION NO. 2014/05/21/6395S. FOR HEARING TODAY.
--	--

(11C) APPEAL NO. 17-065

MELISSA SHAW, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	40 Bernal Heights Boulevard. Protesting the ISSUANCE on April 17, 2017, to Patrick Harty, of a Site Permit (to erect a two-story over basement, Type 5, single family residence). APPLICATION NO. 2014/05/21/6394S. FOR HEARING TODAY.
--	---

(11D) APPEAL NO. 17-066

MELISSA SHAW, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1025 Powhattan Avenue. Protesting the ISSUANCE on April 17, 2017, to Patrick Harty, of a Site Permit (to erect a two-story over basement, Type 5, single family residence). APPLICATION NO. 2014/05/21/6396S. FOR HEARING TODAY.
--	---

ACTION: Upon motion by Vice President Fung, the Board voted 4-0-1 (Commissioner Swig absent) to deny the appeals and uphold the permits on the basis that they were properly issued.

SPEAKERS: Betsy Brown, agent for appellant; Melissa Shaw, appellant; Dan Frattin, attorney for permit holder; Amir Afifi, agent for permit holder; Scott Sanchez, ZA; Joseph Duffy, DBI.

PUBLIC COMMENT: Terry Milne, Rafael Vranizan, Barbara Underberg, Herbert Felsenfeld and Linda Bettencourt spoke in support of the appellant. Michael Snead asked whether the City will take responsibly for the Carver Street improvements.

(7) **APPEAL NO. 18-141**

<p>BARBARA UNDERBERG, Appellant(s) vs. SAN FRANCISCO PUBLIC WORKS BUREAU OF STREET USE AND MAPPING, Respondent</p>	<p>40 Bernal Heights Boulevard. Protesting the ISSUANCE on October 09, 2018, to SIA Consulting Corp., of a Street Improvement Permit (to remove and reconstruct new 10-foot driveway curb cut and sidewalk per approved plan; additional paving as required and directed by SFPW-BSM inspector; field inspection is mandatory prior to excavation and pouring concrete). PERMIT NO. 17IE-0568. FOR HEARING TODAY. Note: On December 12, 2018, the Board voted 4-0-1 (President Fung absent) to reschedule this matter to January 23, 2019 due to a lack of a quorum.</p>
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ACTION: Withdrawn.

ITEMS (8A) AND (8B) SHALL BE HEARD TOGETHER

(8A) **APPEAL NO. 18-135**

<p>DEETJE BOLER, Appellant(s) vs. SAN FRANCISCO PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent</p>	<p>100 Larkin Street. Protesting the ISSUANCE on September 27, 2018, to the San Francisco Public Library of a Public Works Order (APPROVAL of request to remove with replacement 19 ficus street trees along the Grove Street and Hyde Street frontages of the subject property; replacement trees shall be a minimum 24-inch box size and the species shall be red maple or a cultivar of that species). ORDER NO. 188456. FOR HEARING TODAY.</p>
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(8B) **APPEAL NO. 18-136**

<p>DEMONSTRATION GARDENS, Appellant(s) vs. SAN FRANCISCO PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent</p>	<p>100 Larkin Street. Protesting the ISSUANCE on September 27, 2018, to the San Francisco Public Library, of a Public Works Order (APPROVAL of request to remove with replacement 19 ficus street trees along the Grove Street and Hyde Street frontages of the subject property; replacement trees shall be a minimum 24-inch box size and the species shall be red maple or a cultivar of that species). ORDER NO. 188456. FOR HEARING TODAY.</p>
--	---

BOARD OF APPEALS, CITY & COUNTY OF SAN FRANCISCO

Appeal No. **17-063**

Appeal of
MELISSA SHAW,)
Appellant(s))
vs.)
DEPARTMENT OF BUILDING INSPECTION,)
PLANNING DEPARTMENT APPROVAL Respondent)

NOTICE OF APPEAL

NOTICE IS HEREBY GIVEN THAT on April 27, 2017, the above named appellant(s) filed an appeal with the Board of Appeals of the City and County of San Francisco from the decision or order of the above named department(s), commission, or officer.

The substance or effect of the decision or order appealed from is the **ISSUANCE** on April 17, 2017 to Patrick Harty, of a Site Permit (to erect a two-story over basement, Type 5, single family residence) at 965 Powhattan Avenue.

APPLICATION NO. 2014/05/21/6382S

FOR HEARING ON June 28, 2017

Address of Appellant(s):

Address of Other Parties:

Melissa Shaw, Appellant 3 Nebraska Street San Francisco, CA 94110	Patrick Harty, Permit Holder c/o John Kevlin, Attorney for Permit Holder Reuben, Junius and Rose LLP One Bush Street, Suite 600 San Francisco, CA 94104
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BOARD OF APPEALS, CITY & COUNTY OF SAN FRANCISCO

Appeal of
MELISSA SHAW,)
Appellant(s))
vs.)
DEPARTMENT OF BUILDING INSPECTION,)
Respondent)

Appeal No. **17-065**

NOTICE OF APPEAL

NOTICE IS HEREBY GIVEN THAT on April 27, 2017, the above named appellant(s) filed an appeal with the Board of Appeals of the City and County of San Francisco from the decision or order of the above named department(s), commission, or officer.

The substance or effect of the decision or order appealed from is the ISSUANCE on April 17, 2017 to Patrick Harty, of a Site Permit (to erect a two-story over basement, Type 5, single family residence) at 40 Bernal Heights Boulevard.

APPLICATION NO. 2014/05/21/6394S

FOR HEARING ON June 28, 2017

Address of Appellant(s):

Address of Other Parties:

Melissa Shaw, Appellant 3 Nebraska Street San Francisco, CA 94110	Patrick Harty, Permit Holder c/o John Kevlin, Attorney for Permit Holder Reuben, Junius & Rose, LLP One Bush Street, Suite 600 San Francisco, CA 94110
---	--



Date Filed:

BOARD OF APPEALS

APR 27 2017

APPEAL # 17-063

CITY & COUNTY OF SAN FRANCISCO
BOARD OF APPEALS

PRELIMINARY STATEMENT OF APPEAL

I / We, **Melissa Shaw**, hereby appeal the following departmental action: **ISSUANCE** of a **Site Permit No. 2014/05/21/6382S** by the **Department of Building Inspection** which was issued or became effective on: **April 17, 2017**, to: **Patrick Harty**, for the property located at: **965 Powhattan Avenue**.

BRIEFING SCHEDULE:

The Appellant may, but is not required to, submit a one page (double-spaced) supplementary statement with this Preliminary Statement of Appeal. No exhibits or other submissions are allowed at this time.

Appellant's Brief is due on or before: **June 08, 2017, (no later than three Thursdays prior to the hearing date)**, up to 12 pages in length, double-spaced, with unlimited exhibits, with eleven (11) copies delivered to the Board office by 4:30 p.m., and with additional copies delivered to the other parties the same day. In addition, an electronic copy should be emailed to: boardofappeals@sfgov.org if possible. MAS

Respondent's and ^{Permit Holder} Other Parties' Briefs are due on or before: **June 22, 2017, (no later than one Thursday prior to hearing date)**, up to 12 pages in length, doubled-spaced, with unlimited exhibits, with eleven (11) copies delivered to the Board office by 4:30 p.m., and with additional copies delivered to the other parties the same day. In addition, an electronic copy should be emailed to: boardofappeals@sfgov.org if possible.

Only photographs and drawings may be submitted by the parties at hearing.

Hearing Date: **Wednesday, June 28, 2017, 5:00 p.m., City Hall, Room 416, One Dr. Carlton B. Goodlett Place.**

All parties to this appeal must adhere to the briefing schedule above, however if the hearing date is changed, the briefing schedule MAY also be changed. Written notice will be provided of any change to the briefing schedule.

In order to have their documents sent to the Board members prior to hearing, **members of the public** should submit eleven (11) copies of all documents of support/opposition no later than one Thursday prior to hearing date by 4:30 p.m. Please note that names and contact information included in submittals from members of the public will become part of the public record. Submittals from members of the public may be made anonymously.

Please note that in addition to the parties' briefs, any materials that the Board receives relevant to this appeal, including letters of support/opposition from members of the public, are distributed to Board members prior to hearing. All such materials are available for inspection at the Board's office. You may also request a copy of the packet of materials that are provided to Board members at a cost of 10 cents per page, per S.F. Admin. Code Ch. 67.28.

If you have any questions please call the Board of Appeals at 415-575-6880

The reasons for this appeal are as follows:

See attachment to the Preliminary Statement of Appeal.

Appellant or Agent (Circle One):

Signature: Melissa Shaw

Print Name: Melissa Shaw

April 28, 2017

Board of Appeals
1650 Mission Street, Suite 304
San Francisco, CA 94103

BOARD OF APPEALS

APR 27 2017

APPEAL # 17-063

Re: NOTICE OF APPEAL OF ISSUANCE OF PERMIT
Permit Application Number 2014-0521-6382-S
Permit Number 1422619
Issue Date: April 17, 2017

We represent more than 150 neighbors who live in close proximity to the proposed development project at 40 Bernal Heights Avenue, 965 Powhattan Avenue, 985 Powhattan Avenue and 1025 Powhattan Avenue, all of whom have signed letters to the Planning Department in opposition to this development project. We oppose the development project because it will negatively affect our individual and collective interests. For these reasons, we file this Notice of Appeal seeking to appeal the issuance of the above-identified permit.

Regards,

Melissa A. Shaw

Presently Vacant
M. Corcoran 5/21

APPROVED
DEPARTMENT OF BUILDING INSPECTION
OFFICE COPY

19
112
2014-21-21-6883

BOARD OF APPEALS

APR 27 2017

APPEAL #17-063

FILE

SITE PERMIT
MAY 21 2014

FORM 1
APR 17 2017
FORM 2

THIS APPLICATION SUBMITTED FOR SITE PERMIT ONLY. NO WORK SHALL BE STARTED UNTIL CONSTRUCTION PLANS HAVE BEEN APPROVED.

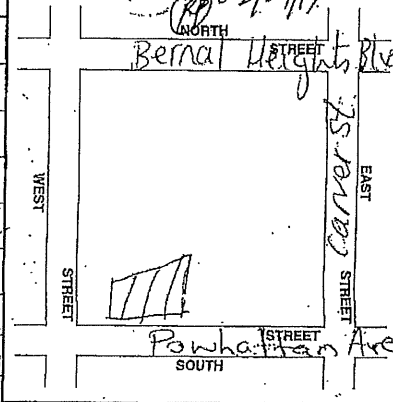
THIS APPLICATION IS HEREBY MADE FOR PERMISSION TO BUILD ON THIS PROPERTY WITH THE PLANS AND SPECIFICATIONS SUBMITTED HEREON AND FOR THE PURPOSE SET FORTH HEREIN.

SFUSD
A= 170 FT
1302 SF
1332.00

ADDRESS: 965 Powhattan Ave
Bernal Heights Bernal Heights
7600 N.E. Carver Rosenkrantz
NEAREST CROSS STREET

DATE FILED: MAY 22 2014
PLUMBING PERMIT NO.: 14055549
TYPE OF CONSTRUCTION: V-B
ASSESSOR'S BLOCK & LOT NO.: 5640/1010
PERMIT NO.: 1422619
ISSUED: APR 17 2017
ESTIMATED COST: \$350,000.00
REVISED: DCP 4756,000
BY: (signature) DATE: 4/24/17

BUILDING DESCRIPTION	
SIZE OF LOT: 47 FT. FRONT, 50'2" REAR, 29' AVE DEPTH	IS ANY OTHER BUILDING ON LOT? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
IS AUTO RUN-WAY TO BE CONSTRUCTED? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	USE OF BUILDING: Single family home
DOES BUILDING EXTEND BEYOND PROPERTY LINE? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	GROUND FLOOR AREA: 2195 SQ. FT.
HIGHT AT CENTER LINE OF FRONT OF BUILDING: 27'11"	IS BUILDING DESIGNED FOR ADDITIONAL STORIES? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
NUMBER OF DWELLING UNITS: 1	NUMBER OF STORIES OF OCCUPANCY: 2
GENERAL CONTRACTOR: OWNER BUILDER	ADDRESS: _____
CALIFORNIA LICENSE NUMBER: _____	EXPIRATION DATE: _____
ARCHITECT/ENGINEER (DESIGN): Sia Consulting Corp, 1256 Howard St	ADDRESS: _____
CALIFORNIA CERTIFICATE NUMBER: C38527	TELEPHONE: 415-922-0200
ARCHITECT OR ENGINEER (FOR CONSTRUCTION): _____	ADDRESS: _____
CALIFORNIA CERTIFICATE NUMBER: _____	TELEPHONE: _____
OWNER'S NAME: Patrick Marty, 125441st Ave, SF	ADDRESS: _____
TELEPHONE: (A 94122) (415) 7242425	ADDRESS: _____



IMPORTANT NOTICES

No change shall be made in the character of the occupancy of use without first obtaining a Building Permit authorizing such change. See San Francisco Building Code and San Francisco Housing Code.

No portion of building or structure or scaffolding used during construction, to be closer than 3'0" to any wire containing more than 750 volts. See Sec. 385, California Penal Code.

Pursuant to the San Francisco Building Code, the building permit shall be posted on the job. The owner is responsible for approved placard and application being kept at building site.

Grade lines as shown on drawings accompanying this application, are assumed to be correct. If actual grade lines are not the same as shown revised drawings showing correct, grade lines, data and files together with complete details of matching walls and wall footings required must be submitted to this department for approval.

ANY STIPULATION REQUIRED HEREIN OR BY CODE MAY BE APPEALED.

BUILDING NOT TO BE OCCUPIED UNTIL CERTIFICATE OF FINAL COMPLETION IS POSTED ON THE BUILDING OR PERMIT OF OCCUPANCY GRANTED, WHEN REQUIRED.

APPROVAL OF THIS APPLICATION DOES NOT CONSTITUTE AN APPROVAL FOR THE ELECTRICAL WIRING OR PLUMBING INSTALLATIONS. A SEPARATE PERMIT FOR THE WIRING AND PLUMBING MUST BE OBTAINED.

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

In dwellings all insulating materials must have a clearance of not less than two inches from all electrical wires or equipment.

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

APPLICANT'S CERTIFICATION

I CERTIFY THAT I HAVE READ THIS APPLICATION AND STATE THAT THE ABOVE INFORMATION IS CORRECT. I AGREE THAT IF A PERMIT IS ISSUED FOR THE CONSTRUCTION DESCRIBED IN THIS APPLICATION, ALL THE PROVISIONS OF THE PERMIT AND ALL LAWS AND ORDINANCES THERE TO WILL BE COMPLIED WITH.

NOTICE TO APPLICANT

HOLD HARMLESS CLAUSE: The permittee(s) by acceptance of the permit, agree(s) to indemnify and hold harmless the City and County of San Francisco from and against any and all claims, demands and actions for damages resulting from operations under this permit, regardless of negligence of the City and County of San Francisco and to assume the defense of the City and County of San Francisco against all such claims, demands or actions.

In conformity with the provisions of Section 3800 of the Labor Code of the State of California, the applicant shall have the option under (I), or (II), designated below or shall indicate item (III), or (IV), or (V), whichever is applicable. If however item (V) is checked item (IV) must be checked as well. Mark the appropriate method of compliance below:

I hereby affirm under penalty of perjury one of the following designations:

() I. I have and will maintain a certificate of consent to self-insure for workers compensation, as provided by Section 3700 of the Labor Code, for the performance of the work for which this permit is issued.

() II. I have and will maintain workers' compensation insurance, as required by Section 3700 of the Labor Code, for the performance of the work for which this permit is issued. My workers' compensation insurance carrier and policy number are:

Carrier _____
Policy Number _____

() III. The cost of the work to be done is \$100 or less.

() IV. I certify that in the performance of the work for which this permit is issued, I shall not employ any person in any manner so as to become subject to the workers' compensation laws of California. I further acknowledge that I understand that in the event that I should become subject to the workers' compensation provisions of the Labor Code of California and fail to comply therewith with the provisions of Section 3800 of the Labor Code, that the permit herein applied for shall be deemed revoked.

() V. I certify as the owner (or the agent for the owner) that in the performance of the work for which this permit is issued, I will employ a contractor who complies with the workers' compensation laws of California and who, prior to the commencement of any work, will file a complete copy of this form with the Central Permit Bureau.

Signature of Applicant or Agent: *(Signature)* Date: 05/20/14

CONDITIONS AND STIPULATIONS

BOARD OF APPEALS

APR 27 2017

APPEAL # 17-063

REFER TO:	APPROVED: <i>RH-1/40-X</i> Zone <i>RH-1/40-X</i> New construction of a SFR <i>25'-10" x 2,736 SF w/ 2 off-street parking spaces</i> Ref: 2014-003191 DRP-08 (DR) ACTION # 17-063-0470 APPROVED: <i>[Signature]</i> DEPARTMENT OF PUBLIC HEALTH DIVISION OF BUILDING CONSTRUCTION NOTIFIED MR.	DATE: _____ REASON: _____ NOTIFIED MR. _____
<input type="checkbox"/>	REVIEWED BY FIRE DEPT. FIRE DEPT INSPECTIONS NOT REQUIRED William Madsen, SFFD MAR 20 2017 BUREAU OF FIRE PREVENTION & PUBLIC SAFETY	DATE: _____ REASON: _____ NOTIFIED MR. _____
<input type="checkbox"/>	APPROVED: PLAN CHECKER, DEPT. OF BLDG. INSPECTION	DATE: _____ REASON: _____ NOTIFIED MR. _____
<input type="checkbox"/>	APPROVED: CIVIL ENGINEER, DEPT. OF BLDG. INSPECTION	DATE: _____ REASON: _____ NOTIFIED MR. _____
<input type="checkbox"/>	APPROVED: DIRECTOR OF PUBLIC HEALTH	DATE: _____ REASON: _____ NOTIFIED MR. _____
<input type="checkbox"/>	APPROVED: SFPVBSM SIGN-OFF ON JOB CARD REQUIRED PRIOR TO DBI FINAL CALL (415) 554-7149 TO SCHEDULE By <i>[Signature]</i> Clinton Choy, SFPVBSM BUREAU OF ENGINEERING	DATE: _____ REASON: _____ NOTIFIED MR. _____
<input type="checkbox"/>	APPROVED: MECHANICAL ENGINEER, DEPT. OF BLDG. INSPECTION	DATE: _____ REASON: _____ NOTIFIED MR. _____
<input type="checkbox"/>	APPROVED: SFPUC Monica Gray-Whitney SFPUC	DATE: _____ REASON: _____ NOTIFIED MR. _____

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

Number of attachments

[Signature]
OWNER'S AUTHORIZED AGENT

ALL PERSONS NOTIFIED DURING PROCESSING



CITY & COUNTY OF SAN FRANCISCO
BOARD OF APPEALS

Date Filed:

BOARD OF APPEALS

APR 27 2017

APPEAL # 17-064

PRELIMINARY STATEMENT OF APPEAL

I / We, **Melissa Shaw**, hereby appeal the following departmental action: **ISSUANCE** of a **Site Permit No. 2014/05/21/6395S** by the **Department of Building Inspection** which was issued or became effective on: **April 17, 2017**, to: **Patrick Harty**, for the property located at: **985 Powhattan Avenue**.

BRIEFING SCHEDULE:

The Appellant may, but is not required to, submit a one page (double-spaced) supplementary statement with this Preliminary Statement of Appeal. No exhibits or other submissions are allowed at this time.

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If you have any questions please call the Board of Appeals at 415-575-6880

The reasons for this appeal are as follows:

See attachment to the Preliminary Statement of Appeal.

Appellant or Agent (Circle One):

Signature: Melissa Shaw

Print Name: Melissa Shaw

BOARD OF APPEALS

April 28, 2017

Board of Appeals
1650 Mission Street, Suite 304
San Francisco, CA 94103

APR 27 2017
APPEAL # 17-064

Re: NOTICE OF APPEAL OF ISSUANCE OF PERMIT
Permit Application Number 2014-0521-6382-S
Permit Number 1422619
Issue Date: April 17, 2017

We represent more than 150 neighbors who live in close proximity to the proposed development project at 40 Bernal Heights Avenue, 965 Powhattan Avenue, 985 Powhattan Avenue and 1025 Powhattan Avenue, all of whom have signed letters to the Planning Department in opposition to this development project. We oppose the development project because it will negatively affect our individual and collective interests. For these reasons, we file this Notice of Appeal seeking to appeal the issuance of the above-identified permit.

Regards,

Melissa A. Shaw

BOARD OF APPEALS
 APR 27 2017
 APPEAL # 17-064

Presently Vacant
 m. Corbett 5/2)

FIRE

1302.024 Fire Elected
 4533.02

APPROVED
 Dept. of Building Insp.
 APR 11 2017
 Tom C. Hui, S.E.
 DIRECTOR
 DEPT. OF BUILDING INSPECTION

OFFICE COPY

FORM 1. Office Building
 FORM 2. (2) Story TYPE V Building

APPLICATION IS HEREBY MADE FOR PERMISSION TO BUILD IN ACCORDANCE WITH THE PLANS AND SPECIFICATIONS SUBMITTED HERewith AND FOR THE PURPOSE SET FORTH HEREIN:

ADDRESS: 98.5 Powhattan Ave
 N SIDE Powhattan Ave
 35 FT. E FROM ROSENKRANS AVE
 NEAREST CROSS STREET

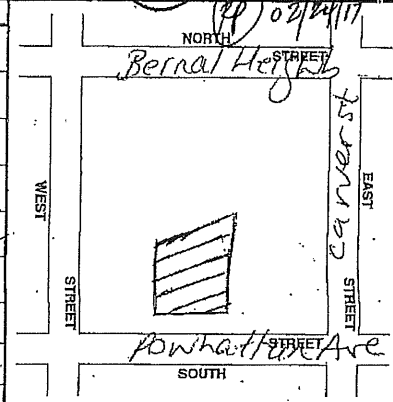
ASSESSOR'S BLOCK & LOT NO. 564010
 REVISIONS: NONE
 FEE: \$836,000
 DATE: 02/24/17

DATE FILED: MAY 2 2014
 FILING FEE RECEIPT NO. 1405552
 TYPE OF CONSTRUCTION: V-B
 PERMIT NO. 142262
 ISSUED: APR 17 2017
 ESTIMATED COST: \$350,000.00

BUILDING DESCRIPTION

SIZE OF LOT: 35 FT. FRONT, 31 FT. REAR, 43 FT. AVE. DEPTH
 IS ANY OTHER BUILDING ON LOT? YES NO (IF YES, SHOW ON PLOT PLAN)
 IS AUTO HIGHWAY TO BE CONSTRUCTED? YES NO
 USE OF BUILDING: Single Family Home
 BLDG. CODE OCCUP. CLASS.: R-3
 DOES BUILDING EXTEND BEYOND PROPERTY LINE? YES NO
 GROUND FLOOR AREA: 2793 SQ. FT.
 HEIGHT AT CENTER LINE OF FRONT OF BUILDING: 27'7"
 WALL STREET SPACE BE USED DURING CONSTRUCTION? YES NO
 IS BUILDING DESIGNED FOR ADDITIONAL STORIES? YES NO HOW MANY?
 NUMBER OF DWELLING UNITS: 1
 NUMBER OF STORIES OF OCCUPANCY: 2
 NUMBER OF BASEMENTS: 1
 WALL SUB-SIDEWALK SPACE BE USED? YES NO

GENERAL CONTRACTOR: OWNER BUILDER
 ARCHITECT/ENGINEER (DESIGN): Sia Consulting Corp. 1256 Howard, SF, CA 94103
 CALIFORNIA CERTIFICATE NUMBER: 38824
 TELEPHONE: (415) 922-0200
 ARCHITECT OR ENGINEER (FOR CONSTRUCTION):
 CALIFORNIA CERTIFICATE NUMBER:
 TELEPHONE:
 OWNER'S NAME: Patrick Harty, 1254 41st Ave, SF
 TELEPHONE: (415) 724-2425
 CONSTRUCTION LENDER (ENTER NAME AND BRANCH DESIGNATION IF ANY, IF THERE IS NO KNOWN CONSTRUCTION LENDER, ENTER "UNKNOWN"):



IMPORTANT NOTICES

No change shall be made in the character of the occupancy or use without first obtaining a Building Permit authorizing such change. See San Francisco Building Code and San Francisco Housing Code.

No portion of building or structure or scaffolding used during construction, to be closer than 60" to any wire containing more than 750 volts. See Sec. 886, California Penal Code.

Pursuant to the San Francisco Building Code, the building permit shall be posted on the job. The owner is responsible for approved plans and application being kept at building site.

Grade lines as shown on drawings accompanying this application are assumed to be correct. If actual grade lines are not the same as shown revised drawings showing correct grade lines, cuts and fills together with complete details of retaining walls and wall footings required must be submitted to this department for approval.

ANY STIPULATION REQUIRED HEREIN OR BY CODE MAY BE APPEALED.

BUILDING NOT TO BE OCCUPIED UNTIL CERTIFICATE OF FINAL COMPLETION IS POSTED ON THE BUILDING OR PERMIT OF OCCUPANCY GRANTED, WHEN REQUIRED.

APPROVAL OF THIS APPLICATION DOES NOT CONSTITUTE AN APPROVAL FOR THE ELECTRICAL WIRING OR PLUMBING INSTALLATIONS. A SEPARATE PERMIT FOR THE WIRING AND PLUMBING MUST BE OBTAINED.

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

In dwellings all insulating materials must have a clearance of not less than two inches from all electrical wires or equipment.

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

APPLICANT'S CERTIFICATION

I CERTIFY THAT I HAVE READ THIS APPLICATION AND STATE THAT THE ABOVE INFORMATION IS CORRECT. I AGREE THAT IF A PERMIT IS ISSUED FOR THE CONSTRUCTION DESCRIBED IN THIS APPLICATION, ALL THE PROVISIONS OF THE PERMIT AND ALL LAWS AND ORDINANCES THERETO WILL BE COMPLIED WITH.

NOTICE TO APPLICANT

HOLD HARMLESS CLAUSE: The permittee(s) by acceptance of the permit, agree(s) to indemnify and hold harmless the City and County of San Francisco from and against any and all claims, demands and actions, for damages resulting from operations under the permit, regardless of negligence of the City and County of San Francisco, and its agents, employees of the City and County of San Francisco, against all such claims, demands or actions.

In conformity with the provisions of Section 3800 of the Labor Code of the State of California, the applicant shall have coverage under (I), or (II) designated below or shall indicate item (III), or (IV), or (V), whichever is applicable. If however item (V) is checked item (IV) must be checked as well. Mark the appropriate method of compliance below:

I hereby affirm under penalty of perjury one of the following declarations:

() I. I have and will maintain a certificate of consent to self-insure for workers compensation, as provided by Section 3700 of the Labor Code, for the performance of the work for which this permit is issued.

() II. I have and will maintain workers' compensation insurance, as required by Section 3700 of the Labor Code, for the performance of the work for which this permit is issued. My workers' compensation insurance carrier and policy number are:
 Carrier _____
 Policy Number _____

() III. The cost of this work to be done is \$100 or less.

() IV. I certify that in the performance of the work for which this permit is issued, I shall not employ any person in any manner so as to become subject to the workers' compensation laws of California. I further acknowledge that I understand that in the event that I should become subject to the workers' compensation provisions of the Labor Code of California and fail to comply forthwith with the provisions of Section 3800 of the Labor Code, that the permit herein applied for shall be deemed revoked.

(X) V. I certify as the owner (or the agent for the owner) that in the performance of the work for which this permit is issued, I will employ a contractor who complies with the workers' compensation laws of California and who, prior to the commencement of any work, will file a completed copy of this form with the Central Permit Bureau.

Signature of Applicant or Agent: *Patrick Harty* Date: 05/20/17

APPROVED: Zone RH-1/40-X C.P.C. Setback

REFER TO: New construction of a SFR, 2-story over basement, with 27-1' 3369 SF with 3 off-street parking spaces.

Ref: 2014-003191 DRP-68 2/21/17

PERMIT #: DRA-0478 APPROVED 2/21/17

DEPARTMENT OF CITY PLANNING Dept. Chief: [Signature]

DATE: _____

REASON: _____

APPROVED: [Signature]

REVIEWED BY FIRE DEPT.

FIRE DEPT INSPECTIONS NOT REQUIRED

William Madsen, SFFD

MAR 20 2017

BUREAU OF FIRE PREVENTION & PUBLIC SAFETY

NOTIFIED MR. _____

DATE: _____

REASON: _____

APPROVED: [Signature]

Rodolfo Pada, DBI

FEB 24 2017

PLAN CHECKER, DEPT. OF BLDG. INSPECTION

NOTIFIED MR. _____

DATE: _____

REASON: _____

APPROVED: [Signature]

For Site Permit only

Rodolfo Pada, DBI

FEB 24 2017

CIVIL ENGINEER, DEPT. OF BLDG. INSPECTION

NOTIFIED MR. _____

DATE: _____

REASON: _____

APPROVED: [Signature]

DIRECTOR OF PUBLIC HEALTH

NOTIFIED MR. _____

DATE: _____

REASON: _____

APPROVED: [Signature]

SFPW/BSM SIGN OFF ON JOB CARD REQUIRED PRIOR TO DBI FINAL CALL: (415) 554-7149 TO SCHEDULE

Clinton Choy, SFPW/BSM

BUREAU OF ENGINEERING

NOTIFIED MR. _____

DATE: _____

REASON: _____

APPROVED: [Signature]

MECHANICAL ENGINEER, DEPT. OF BLDG. INSPECTION

NOTIFIED MR. _____

DATE: _____

REASON: _____

APPROVED: [Signature]

SEPMC

NOTIFIED MR. _____

DATE: _____

REASON: _____

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

Number of attachments

[Signature]
OWNER'S AUTHORIZED AGENT

BOARD OF APPEALS
APR 27 2017
APPEAL # 17-064

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



Date Filed:

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO
BOARD OF APPEALS

APR 27 2017

APPEAL # 17-065

PRELIMINARY STATEMENT OF APPEAL

I / We, **Melissa Shaw**, hereby appeal the following departmental action: **ISSUANCE** of **Site Permit No. 2014/05/21/6394S** by the **Department of Building Inspection** which was issued or became effective on: **April 17, 2017**, to: **Patrick Harty**, for the property located at: **40 Bernal Heights Blvd.**

BRIEFING SCHEDULE:

The Appellant may, but is not required to, submit a one page (double-spaced) supplementary statement with this Preliminary Statement of Appeal. No exhibits or other submissions are allowed at this time.

Appellant's Brief is due on or before: **June 08, 2017, (no later than three Thursdays prior to the hearing date)**, up to 12 pages in length, double-spaced, with unlimited exhibits, with eleven (11) copies delivered to the Board office by 4:30 p.m., and with additional copies delivered to the other parties the same day. In addition, an electronic copy should be emailed to: boardofappeals@sfgov.org if possible. MMS

Respondent's and ^{Permit Holder} ~~Other Parties~~ Briefs are due on or before: **June 22, 2017, (no later than one Thursday prior to hearing date)**, up to 12 pages in length, double-spaced, with unlimited exhibits, with eleven (11) copies delivered to the Board office by 4:30 p.m., and with additional copies delivered to the other parties the same day. In addition, an electronic copy should be emailed to: boardofappeals@sfgov.org if possible.

Only photographs and drawings may be submitted by the parties at hearing.

Hearing Date: **Wednesday, June 28, 2017, 5:00 p.m., City Hall, Room 416, One Dr. Carlton B. Goodlett Place.**

All parties to this appeal must adhere to the briefing schedule above, however if the hearing date is changed, the briefing schedule MAY also be changed. Written notice will be provided of any change to the briefing schedule.

In order to have their documents sent to the Board members prior to hearing, **members of the public** should submit eleven (11) copies of all documents of support/opposition no later than one Thursday prior to hearing date by 4:30 p.m. Please note that names and contact information included in submittals from members of the public will become part of the public record. Submittals from members of the public may be made anonymously.

Please note that in addition to the parties' briefs, any materials that the Board receives relevant to this appeal, including letters of support/opposition from members of the public, are distributed to Board members prior to hearing. All such materials are available for inspection at the Board's office. You may also request a copy of the packet of materials that are provided to Board members at a cost of 10 cents per page, per S.F. Admin. Code Ch. 67.28.

If you have any questions please call the Board of Appeals at 415-575-6880

The reasons for this appeal are as follows:

See attachment to the Preliminary Statement of Appeal.

Appellant or Agent (Circle One):

Signature: Melissa Shaw

Print Name: Melissa Shaw

April 28, 2017

Board of Appeals
1650 Mission Street, Suite 304
San Francisco, CA 94103

BOARD OF APPEALS

APR 27 2017
APPEAL # 17-065

Re: NOTICE OF APPEAL OF ISSUANCE OF PERMIT
Permit Application Number 2014-0521-6382-S
Permit Number 1422619
Issue Date: April 17, 2017

We represent more than 150 neighbors who live in close proximity to the proposed development project at 40 Bernal Heights Avenue, 965 Powhattan Avenue, 985 Powhattan Avenue and 1025 Powhattan Avenue, all of whom have signed letters to the Planning Department in opposition to this development project. We oppose the development project because it will negatively affect our individual and collective interests. For these reasons, we file this Notice of Appeal seeking to appeal the issuance of the above-identified permit.

Regards,

Melissa A. Shaw

BOARD OF APPEALS

APR 27 2017

APPEAL # 17-065

Presently Vacant
in concrete
APPROVED
Dept. of Building Insp.
APR 17 2017
Victor [Signature]
DEPT. OF BUILDING INSPECTION
MAR 29 2017

FIRE
on [unclear]

CITY AND COUNTY OF SAN FRANCISCO
DEPARTMENT OF BUILDING INSPECTION
APPLICATION FOR BUILDING PERMIT
OFFICE COPY

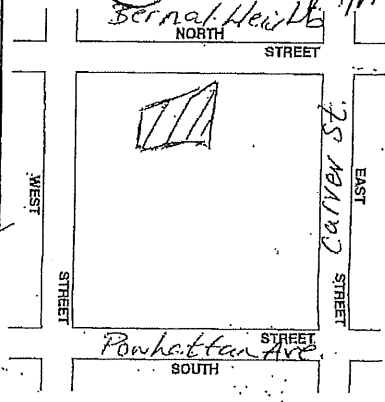
FORM 1 [] TYPE I, II, III, IV Building
FORM 2 [X] (2) Story TYPE V Building

APPLICATION IS HEREBY MADE FOR PERMISSION TO BUILD IN ACCORDANCE WITH THE PLANS AND SPECIFICATIONS SUBMITTED HERewith AND FOR THE PURPOSE SET FORTH HEREIN.

ADDRESS: 40 Bernal Heights BL
S. Bernal Heights ST
O. E. FROM CARVER NEAREST CROSS STREET

DATE FILED: MAY 22 2014
PERMIT NO: 1400619
FILING FEE RECEIPT NO: 14053551
ISSUED: APR 17 2017
TYPE OF CONSTRUCTION: V-B
ASSESSOR'S BLOCK & LOT NO: 5610-010
ESTIMATED COST: \$350,000.00
REVISED COST: \$887,000.00
DATE: 05/20/16

BUILDING DESCRIPTION
SIZE OF LOT: 51 FT. FRONT, 40 FT. REAR, 27 FT. 20 FT. DEPTH
IS ANY OTHER BUILDING ON LOT? YES [X] NO []
USE OF BUILDING: Single family house
BLOG. CODE OCCUP. CLASS: R-3
GROSS FLOOR AREA: 2,222 SQ. FT.
HEIGHT AT CENTER LINE OF FRONT OF BUILDING: 21'9"
WILL STREET SPACE BE USED DURING CONSTRUCTION? YES [X] NO []
IS BUILDING DESIGNED FOR ADDITIONAL STORIES? YES [] NO [X]
HOW MANY? []
NUMBER OF DWELLING UNITS: 1
NUMBER OF STORIES OF OCCUPANCY: 2
NUMBER OF PARCELS: 1
WILL SUBSIDEWALK SPACE BE USED? YES [] NO [X]
GENERAL CONTRACTOR: JIMMER BULLERK
ARCHITECT OR ENGINEER (DESIGN): Via Consulting Corp, 1256 Howard St, CA 94103
ARCHITECT OR ENGINEER (FOR CONSTRUCTION): (415) 922 0200
OWNER'S NAME: Patrick Harty, 1254 41st Ave, SE, CA 94122, (415) 724 2425



26
1/2
APPROVAL NUMBER: 17-065
COSHIA APPROVAL REC'D

IMPORTANT NOTICES

No change shall be made in the character of the occupancy or use without first obtaining a Building Permit authorizing such change. See San Francisco Building Code and San Francisco Housing Code.

No portion of building or structure or scaffolding used during construction, to be closer than 6'0" to any wire containing more than 750 volts. See Sec. 385, California Penal Code.

Pursuant to the San Francisco Building Code, the building permit shall be posted on the job. The owner is responsible for approved plans and application being kept at building site.

Grade lines as shown on drawings accompanying this application are assumed to be correct, if actual grade lines are not the same as shown revised drawings showing correct grade lines, cuts and fills together with complete details of retaining walls and wall footings required must be submitted to this department for approval.

ANY STIPULATION REQUIRED HEREIN OR BY CODE MAY BE APPEALED.

BUILDING NOT TO BE OCCUPIED UNTIL CERTIFICATE OF FINAL COMPLETION IS POSTED ON THE BUILDING OR PERMIT OF OCCUPANCY GRANTED, WHEN REQUIRED.

APPROVAL OF THIS APPLICATION DOES NOT CONSTITUTE AN APPROVAL FOR THE ELECTRICAL WIRING OR PLUMBING INSTALLATIONS. A SEPARATE PERMIT FOR THE WIRING AND PLUMBING MUST BE OBTAINED.

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

In dwellings all insulating materials must have a clearance of not less than two inches from all electrical wires or equipment.

CHECK APPROPRIATE BOX

- OWNER [] ARCHITECT [] ENGINEER []
- LESSEE [] AGENT WITH POWER OF ATTORNEY []
- CONTRACTOR [] ATTORNEY IN FACT []

APPLICANT'S CERTIFICATION

I CERTIFY THAT I HAVE READ THIS APPLICATION AND STATE THAT THE ABOVE INFORMATION IS CORRECT. I AGREE THAT IF A PERMIT IS ISSUED FOR THE CONSTRUCTION DESCRIBED IN THIS APPLICATION, ALL THE PROVISIONS OF THE PERMIT AND ALL LAWS AND ORDINANCES THERETO WILL BE COMPLIED WITH.

NOTICE TO APPLICANT

HOLD HARMLESS CLAUSE. The permittee(s) by acceptance of the permit, agree(s) to indemnify and hold harmless the City and County of San Francisco from and against any and all claims, demands and actions for damages resulting from operations under this permit, regardless of negligence of the City and County of San Francisco and to assume the defense of the City and County of San Francisco against all such claims, demands or actions.

In conformity with the provisions of Section 3800 of the Labor Code of the State of California, the applicant shall have coverage under (i), or (ii) designated below or shall indicate item (iii), or (iv), or (v), whichever is applicable, if however item (v) is checked item (iv) must be checked as well. Mark the appropriate method of compliance below:

I hereby affirm under penalty of perjury one of the following declarations:

- () I. I have and will maintain a Certificate of consent to self-insure for workers' compensation, as provided by Section 3700 of the Labor Code, for the performance of the work for which this permit is issued.
- () II. I have and will maintain workers' compensation insurance, as required by Section 3700 of the Labor Code, for the performance of the work for which this permit is issued. My workers' compensation insurance carrier and policy number are:
Carrier _____
Policy Number _____
- () III. The cost of the work to be done is \$100 or less.
- () IV. I certify that in the performance of the work for which this permit is issued, I shall not employ any person in any manner so as to become subject to the workers' compensation laws of California. I further acknowledge that I understand that in the event that I should become subject to the workers' compensation provisions of the Labor Code of California and fail to comply forthwith with the provisions of Section 3800 of the Labor Code, that the permit herein applied for shall be deemed revoked.
- (X) V. I certify as the owner (or the agent for the owner) that in the performance of the work for which this permit is issued, I will employ a contractor who complies with the workers' compensation laws of California and who, prior to the commencement of any work, will file a completed copy of this form with the Central Permit Bureau.

Signature of Applicant or Agent: [Signature] Date: 05/20/16

CONDITIONS AND STIPULATIONS

BOARD OF APPEALS

APR 27 2017
 APPEAL #17-065

APPROVED: Zone: <u>RH-1/41-x</u> C.P.C. Setback REFER TO: <u>New construction of a SFR, 2-story over basement with 30% 2,847 SF, full 2 off street parking spaces.</u> (Ref: 2014-00319/DRP-02, APPROVED 7/21/16) DEPARTMENT OF CITY PLANNING APPROVED:	DATE: _____ REASON: _____ NOTIFIED MR.: _____ DATE: _____ REASON: _____
REVIEWED BY FIRE DEPT. FIRE DEPT. INSPECTIONS NOT REQUIRED Victor Lubet, SFPUS MAR 29 2017 BUREAU OF FIRE PREVENTION & PUBLIC SAFETY	NOTIFIED MR.: _____ DATE: _____ REASON: _____
APPROVED: _____ PLAN CHECKER, DEPT. OF BLDG. INSPECTION Rodolfo Pado, DBI FEB 24 2017	NOTIFIED MR.: _____ DATE: _____ REASON: _____ NOTIFIED MR.: _____ DATE: _____ REASON: _____
APPROVED: _____ CIVIL ENGINEER, DEPT. OF BLDG. INSPECTION Rodolfo Pado, DBI FEB 24 2017	NOTIFIED MR.: _____ DATE: _____ REASON: _____ NOTIFIED MR.: _____ DATE: _____ REASON: _____
APPROVED: _____ DIRECTOR OF PUBLIC HEALTH N/A, PP	NOTIFIED MR.: _____ DATE: _____ REASON: _____
APPROVED: _____ SFPW/BSM SIGN OFF ON JOB CARD REQUIRED PRIOR TO DBI FINAL CALL (415) 554-7149 TO SCHEDULE By: _____ 3/29/17 Clinton Choy, SFPW/BSM BUREAU OF ENGINEERING	NOTIFIED MR.: _____ DATE: _____ REASON: _____ NOTIFIED MR.: _____ DATE: _____ REASON: _____
APPROVED: _____ MECHANICAL ENGINEER, DEPT. OF BLDG. INSPECTION N/A, PP	NOTIFIED MR.: _____ DATE: _____ REASON: _____
APPROVED: _____ SFPUS k.m. for [Signature] 4/21/17 SFPUS	NOTIFIED MR.: _____ DATE: _____ REASON: _____ NOTIFIED MR.: _____

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

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

Number of attachments

OWNER'S AUTHORIZED AGENT: _____



Date Filed:

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO
BOARD OF APPEALS

APR 27 2017

APPEAL # 17-066

PRELIMINARY STATEMENT OF APPEAL

I / We, **Melissa Shaw**, hereby appeal the following departmental action: **ISSUANCE** of **Site Permit No. 2014/05/21/6396S** by the **Department of Building Inspection** which was issued or became effective on: **April 17, 2017**, to: **Patrick Harty**, for the property located at: **1025 Powhattan Avenue**.

BRIEFING SCHEDULE:

The Appellant may, but is not required to, submit a one page (double-spaced) supplementary statement with this Preliminary Statement of Appeal. No exhibits or other submissions are allowed at this time.

Appellant's Brief is due on or before: **June 08, 2017, (no later than three Thursdays prior to the hearing date)**, up to 12 pages in length, double-spaced, with unlimited exhibits, with eleven (11) copies delivered to the Board office by 4:30 p.m., and with additional copies delivered to the other parties the same day. In addition, an electronic copy should be emailed to: boardofappeals@sfgov.org if possible. *MAK*

Respondent's and ^{*Deann Holden*} **Other Parties'** Briefs are due on or before: **June 22, 2017, (no later than one Thursday prior to hearing date)**, up to 12 pages in length, doubled-spaced, with unlimited exhibits, with eleven (11) copies delivered to the Board office by 4:30 p.m., and with additional copies delivered to the other parties the same day. In addition, an electronic copy should be emailed to: boardofappeals@sfgov.org if possible.

Only photographs and drawings may be submitted by the parties at hearing.

Hearing Date: **Wednesday, June 28, 2017, 5:00 p.m., City Hall, Room 416**, One Dr. Carlton B. Goodlett Place.

All parties to this appeal must adhere to the briefing schedule above, however if the hearing date is changed, the briefing schedule **MAY** also be changed. Written notice will be provided of any change to the briefing schedule.

In order to have their documents sent to the Board members prior to hearing, **members of the public** should submit eleven (11) copies of all documents of support/opposition no later than one Thursday prior to hearing date by 4:30 p.m. Please note that names and contact information included in submittals from members of the public will become part of the public record. Submittals from members of the public may be made anonymously.

Please note that in addition to the parties' briefs, any materials that the Board receives relevant to this appeal, including letters of support/opposition from members of the public, are distributed to Board members prior to hearing. All such materials are available for inspection at the Board's office. You may also request a copy of the packet of materials that are provided to Board members at a cost of 10 cents per page, per S.F. Admin. Code Ch. 67.28.

If you have any questions please call the Board of Appeals at 415-575-6880

The reasons for this appeal are as follows:

See attachment to the Preliminary Statement of Appeal.

Appellant or Agent (Circle One):

Signature: *Melissa Shaw*

Print Name: Melissa Shaw

April 28, 2017

Board of Appeals
1650 Mission Street, Suite 304
San Francisco, CA 94103

BOARD OF APPEALS

APR 27 2017

APPEAL # 17-066

Re: NOTICE OF APPEAL OF ISSUANCE OF PERMIT
Permit Application Number 2014-0521-6382-S
Permit Number 1422619
Issue Date: April 17, 2017

We represent more than 150 neighbors who live in close proximity to the proposed development project at 40 Bernal Heights Avenue, 965 Powhattan Avenue, 985 Powhattan Avenue and 1025 Powhattan Avenue, all of whom have signed letters to the Planning Department in opposition to this development project. We oppose the development project because it will negatively affect our individual and collective interests. For these reasons, we file this Notice of Appeal seeking to appeal the issuance of the above-identified permit.

Regards,

Melissa A. Shaw

BOARD OF APPEALS

APR 27 2017
APPEAL # 16-066

Presently Valid
m. Corneille

FIRE
APPROVED
Dept. of Building Insp.
APR 17 2017

SFPUC
TOM U. HUI, S.E.
DIRECTOR
DEPT. OF BUILDING INSPECTION

DEPARTMENT OF BUILDING INSPECTION
APPLICATION FOR BUILDING PERMIT

OFFICE COPY

FORM 1 TYPE I - II - III - IV Building
FORM 2 (2) Story TYPE V Building

APPLICATION IS HEREBY MADE FOR PERMISSION TO BUILD IN ACCORDANCE WITH THE PLANS AND SPECIFICATIONS SUBMITTED HERewith AND FOR THE PURPOSE SET FORTH HEREIN.

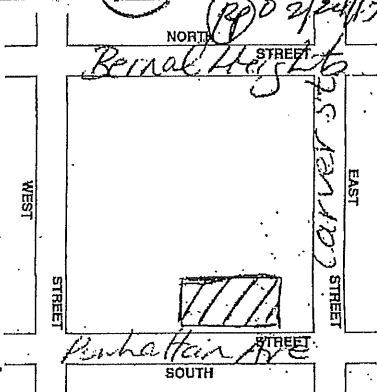
ADDRESS: 1025 Bernalhatten Ave
N. SIDE Bernalhatten
80 FT. E. FROM Rosenkranz Ave
NEAREST CROSS STREET

DATE FILED: MAY 2 2 2014
BUILDING FEE RECEIPT NO.: 14055554
TYPE OF CONSTRUCTION: V-B
ADDRESS BLOCK & LOT NO.: 5508-010
ESTIMATED COST: \$350,000.00
REVISED COST: \$790,000.00
DCP FEE

PERMIT NO.: 14-220-20
ISSUED: APR 17 2017

BUILDING DESCRIPTION

SIZE OF LOT: 45' x 45' x 39'	IS ANY OTHER BUILDING ON LOT? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	(IF YES, SHOW ON PLOT PLAN)
IS AUTO RUN-WAY TO BE CONSTRUCTED? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	USE OF BUILDING: Single Family Home	BLDG. CODE OCCUP. CLASS: R-3
DOES BUILDING EXTEND BEYOND PROPERTY LINE? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	GROUND FLOOR AREA: 2793 SQ. FT.	
HEIGHT AT CENTER LINE OF FRONT OF BUILDING: 27'4"	WILL STREET SPACE BE USED DURING CONSTRUCTION? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	IS BUILDING DESIGNED FOR ADDITIONAL STORIES? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
NUMBER OF DWELLING UNITS: 1	NUMBER OF STORIES OF OCCUPANCY: 2	NUMBER OF BASEMENTS: 1
GENERAL CONTRACTOR: OWNER BUILDER	ADDRESS:	
CALIFORNIA LICENSE NUMBER:	EXPIRATION DATE:	TELEPHONE:
ARCHITECT/ENGINEER (DESIGN): Sta. Consulting Corp. 1256 Howard St, CA	ADDRESS:	
CALIFORNIA CERTIFICATE NUMBER: C38527	TELEPHONE: (415) 9220260	
ARCHITECT OR ENGINEER (FOR CONSTRUCTION):	ADDRESS:	
CALIFORNIA CERTIFICATE NUMBER:	TELEPHONE:	
OWNER'S NAME: Patrick Hartly 1254 41st Ave, SF	ADDRESS:	
TELEPHONE: CA 94122 (415) 724 2425		



DESIGN LIVE LOAD FOR FLOORS: (TO BE POSTED IN COMMERCIAL AND INDUSTRIAL BLDGS.)

IMPORTANT NOTICES

No change shall be made in the character of the occupancy or use without first obtaining a Building Permit authorizing such change. See San Francisco Building Code and San Francisco Housing Code.

No portion of building for structure or scaffolding used during construction, to be closer than 6'0" to any wire containing more than 750 volts. See Sec. 385, California Penal Code.

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

APPLICANT'S CERTIFICATION

I CERTIFY THAT I HAVE READ THIS APPLICATION AND STATE THAT THE ABOVE INFORMATION IS CORRECT. I AGREE THAT IF A PERMIT IS ISSUED FOR THE CONSTRUCTION DESCRIBED IN THIS APPLICATION, ALL THE PROVISIONS OF THE PERMIT AND ALL LAWS AND ORDINANCES THERETO WILL BE COMPLIED WITH.

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I hereby affirm under penalty of perjury one of the following declarations:

() I. I have and will maintain a certificate of consent to self-insure for workers compensation, as provided by Section 3700 of the Labor Code, for the performance of the work for which this permit is issued.

() II. I have and will maintain workers' compensation insurance, as required by Section 3700 of the Labor Code, for the performance of the work for which this permit is issued. My workers' compensation insurance carrier and policy number are:
Carrier _____
Policy Number _____

() III. The cost of the work to be done is \$100 or less.

() IV. I certify that in the performance of this work for which this permit is issued, I shall not employ any person in any manner so as to become subject to the workers' compensation laws of California. I further acknowledge that I understand that in the event that I should become subject to the workers' compensation provisions of the Labor Code of California and fail to comply therewith with the provisions of Section 3800 of the Labor Code, that the permit herein applied for shall be deemed revoked.

(X) V. I certify as the owner (or the agent for the owner) that in the performance of the work for which this permit is issued, I will employ a contractor who complies with the workers' compensation laws of California and who, prior to the commencement of work, will file a completed copy of this form with the Central Permit Bureau.

Signature of Applicant or Agent: [Signature]
Date: 05/20/11

1/2
APPLICATION NUMBER: 16-01-63965
APPROVAL NUMBER: 5985
OSHA APPROVAL REQ'D:

BOARD OF APPEALS

APR 27 2017

APPEAL # 17-066

APPROVED:

Zone RH-1/40-X

C.P.C. Setback

REFER TO:

New construction of a SFR, 2-story over basement
 units 27'-6", 2,932 SF, w/ 20' street parking spaces
 Ref: 2014-00319, APPROVED 2/2/17

APPROVED:

REVIEWED BY FIRE DEPT

FIRE DEPT. INSPECTION
 NOT REQUIRED

Victor Lubet, SFFD

MAR 30 2017

BUREAU OF FIRE PREVENTION & PUBLIC SAFETY

APPROVED:

Rodolfo Pada, DBI

FEB 24 2017

PLAN CHECKER, DEPT. OF BLDG. INSPECTION

APPROVED:

For Site Permit Only

Rodolfo Pada, DBI
 FEB 24 2017

CIVIL ENGINEER, DEPT. OF BLDG. INSPECTION

APPROVED:

DIRECTOR OF PUBLIC HEALTH

APPROVED:

SFPW/BSM SIGN OFF ON JOB CARD
 REQUIRED PRIOR TO DBI FINAL
 CALL (415) 554-7149 TO SCHEDULE By

Clinton Choy, SFPW/BSM

BUREAU OF ENGINEERING

APPROVED:

MECHANICAL ENGINEER, DEPT. OF BLDG. INSPECTION

APPROVED:

SFPUC

Whitney

Number of attachments

OWNER'S AUTHORIZED AGENT

DATE:

REASON:

NOTIFIED MR.

DATE:

REASON:

NOTIFIED MR.

DATE:

REASON:

NOTIFIED MR.

DATE:

REASON:

NOTIFIED MR.

DATE:

REASON:

NOTIFIED MR.

DATE:

REASON:

NOTIFIED MR.

DATE:

REASON:

NOTIFIED MR.

DATE:

REASON:

NOTIFIED MR.

DATE:

REASON:

NOTIFIED MR.

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

Document Number ()	Document Date ↓↑ ()	Search Filing Code ↓↑ ()	Names
Clearview Records Manager 2008601476	6/20/2008	DECLARATION CC&R CONDOMINIUM PLAN	(R) 353 25TH AVE (E) 353 25TH AVE
2008537516	2/20/2008	DECLARATION CC&R CONDOMINIUM PLAN	(R) KHOSHNEVISAN RE ZA (E) 1000 1001 PACIFIC A

Close

Add To Cart

Document Number

2016197912

Document Date

02/03/2016

Pages

2

Title(s)	Description	Corrected
144	RELEASE ASSIGN RENTS	

Name Type	Name	X-Ref	Corrected
Grantor	FIRST REPUBLIC BANK		
Grantee	TAHBAZOF SAMANHEH		
	TAHBAZOF SIAVASH		



City and County of San Francisco Assessor-

Officials ▼

0155/057

1

Search Result: 10 Documents

[Criteria: OfficialRecords, 01/02/1990, 12/30]

10 / Page ▼



Document Number (<input type="checkbox"/>)	Document Date Date <input type="checkbox"/> (<input type="checkbox"/>)	SearchFilingCode (<input type="checkbox"/>)	Names
2016197935	2/3/2016	SUBSTITUTION TRUSTEE RECONVEYANCE	(R) FIDELITY NATIONAL TITLE INS CO (E) FIRST REPUBLIC BANK
2016197912	2/3/2016	RELEASE ASSIGN RENTS	(R) FIRST REPUBLIC BANK (E) TAHBAZOF SAMANHEH
2016188327	1/15/2016	DEED	(R) CHANG JOANNA W (E) CHANG JOANNA W
2016188326	1/15/2016	DEED	(R) CHANG PAUL K (E) CHANG JOANNA W
2016188325	1/15/2016	DEED	(R) TAHBAZOF SAMANEH (E) CHANG JOANNA W
2014823682	1/10/2014	ASSIGNMENT OF LEASE	(R) TAHBAZOF SAMANEH (E) FIRST REPUBLIC BANK
2014823681	1/10/2014	DEED OF TRUST FIXTURE FILING ASGT RENTS/LEASES NTC SECURITY AGRMNT	(R) TAHBAZOF SAMANEH (E) FIRST REPUBLIC BANK
2008601477	6/20/2008	DECLARATION	(R) ARRIAZA DENISE (E) NTC OF SB 800 PRE LITIGATION PROCEDURES



Report for: **1300 PACIFIC AVE**

Property

General information related to properties at this location.

Parcel (Block/Lot)	Parcel History	Address(es) for this Parcel	Reports
0155/057	0155/009 became 0155/057 on an unknown date 0155/009 became 0155/057 on an unknown date 0155/009 became 0155/057 on an unknown date 0155/009 became 0155/057 on an unknown date	1300 Pacific Ave, San Francisco, CA 94109	Assessor Summary Assessor Recorded Documents ↗ Secured Property Tax Rolls
0155/058	0155/009 became 0155/058 on an unknown date 0155/009 became 0155/058 on an unknown date 0155/009 became 0155/058 on an unknown date 0155/009 became 0155/058 on an unknown date	1302 Pacific Ave, San Francisco, CA 94109	Assessor Summary Assessor Recorded Documents ↗ Secured Property Tax Rolls
0155/059	0155/009 became 0155/059 on an unknown date 0155/009 became 0155/059 on an unknown date 0155/009 became 0155/059 on an unknown date 0155/009 became 0155/059 on an unknown date	1304 Pacific Ave, San Francisco, CA 94109	Assessor Summary Assessor Recorded Documents ↗ Secured Property Tax Rolls

There are 3 parcels at this location.

Planning District

District 3 Northeast

Current Planning Team

NE Team [↗](#)

Supervisor District

District 3 (Aaron Peskin) [↗](#)

Census Tract

2010 Census Tract 011000

CAROLINA
MATTER
ATTACHMENTS

ITEMS (8A) & (8B) SHALL BE HEARD TOGETHER:

(8A) APPEAL NO. 15-049

<p>DOROTHY LARSON, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL</p>	<p>910 Carolina Street. Protesting the ISSUANCE on March 20, 2015, to Leon Kemel, of a Permit to Erect a Building (construct a three-story, single-family dwelling with 4,848sf of ground floor area). APPLICATION NO. 2013/03/12/2050S. PUBLIC HEARING HELD ON MAY 06, 2015. FOR FURTHER CONSIDERATION TODAY. Note: matter was continued to allow time for the parties to negotiate issues such as a reduction in bulk, maximizing light and air, and compatibility with the neighborhood.</p>
--	--

(8B) APPEAL NO. 15-051

<p>PEGGY SNIDER, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL</p>	<p>910 Carolina Street. Protesting the ISSUANCE on March 20, 2015, to Leon Kemel, of a Permit to Erect a Building (construct a three-story, single-family dwelling with 4,848sf of ground floor area). APPLICATION NO. 2013/03/12/2050S. PUBLIC HEARING HELD ON MAY 06, 2015. FOR FURTHER CONSIDERATION TODAY. Note: matter was continued to allow time for the parties to negotiate issues such as a reduction in bulk, maximizing light and air, and compatibility with the neighborhood.</p>
--	--

ACTION: Upon motion by Vice President Honda, the Board voted 4-0-1 (Commissioner Swig absent) to grant the appeals and condition the permit on the revised plans dated June 17, 2015, on the basis that the reduction in the revised plans is sufficient.

SPEAKERS: John Kevlin, attorney for appellant; Dorothy Larson, appellant; Peggy Snider, appellant; Scott Sanchez, ZA.

PUBLIC COMMENT: Kathy Pagan Quadros, Elizabeth Brodersen and Kirsten Curtis spoke in support of the appellants.



Date Filed:

BOARD OF APPEALS

MAR 24 2015

APPEAL # 15-049

CITY & COUNTY OF SAN FRANCISCO
BOARD OF APPEALS

PRELIMINARY STATEMENT OF APPEAL

I / We, **Dorothy Larson**, hereby appeal the following departmental action: **ISSUANCE** of Permit to Erect a **Building BPA NO. 2013/03/12/2050S** by the **Department of Building Inspection** which was issued or became effective on: **March 20, 2015**, to: **Leon Kemel**, for the property located at: **910 Carolina Street**.

BRIEFING SCHEDULE:

The Appellant may, but is not required to, submit a one page (double-spaced) supplementary statement with this Preliminary Statement of Appeal. No exhibits or other submissions are allowed at this time.

Appellant's Brief is due on or before: **April 16, 2015, (no later than three (3) Thursdays prior to the hearing date)**, up to 12 pages in length, double-spaced, with unlimited exhibits, with eleven (11) copies delivered to the Board office by 4:30 p.m., and with additional copies delivered to the other parties the same day.

Respondent's and Other Parties' Briefs are due on or before: **April 30, 2015, (no later than one (1) Thursday prior to hearing date)**, up to 12 pages in length, doubled-spaced, with unlimited exhibits, with eleven (11) copies delivered to the Board office by 4:30 p.m., and with additional copies delivered to the other parties the same day.

Only photographs and drawings may be submitted by the parties at hearing.

Hearing Date: **Wednesday, May 06, 2015, 5:00 p.m., City Hall, Room 416, One Dr. Carlton B. Goodlett Place.**

All parties to this appeal must adhere to the briefing schedule above, however if the hearing date is changed, the briefing schedule MAY also be changed. Written notice will be provided of any change to the briefing schedule.

In order to have their documents sent to the Board members prior to hearing, **members of the public** should submit eleven (11) copies of all documents of support/opposition no later than one (1) Thursday prior to hearing date by 4:30 p.m. Please note that names and contact information included in submittals from members of the public will become part of the public record. Submittals from members of the public may be made anonymously.

Please note that in addition to the parties' briefs, any materials that the Board receives relevant to this appeal, including letters of support/opposition from members of the public, are distributed to Board members prior to hearing. All such materials are available for inspection at the Board's office. You may also request a copy of the packet of materials that are provided to Board members at a cost of 10 cents per page, per S.F. Admin. Code Ch. 67.28.

If you have any questions please call the Board of Appeals at 415-575-6880

The reasons for this appeal are as follows:

see attached.

Appellant or Agent (Circle One):
Signature: Dorothy Larson
Print Name: DOROTHY LARSON

PRELIMINARY STATEMENT OF APPEAL

Date 3-24-15

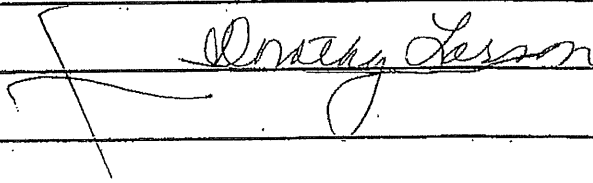
Filed: BOARD OF APPEALS

MAR 24 2015

APPEAL # 15-049

SUMMARY OF REASONS OR GROUNDS FOR APPEAL CONTINUED:

- 1- Project will impact light & privacy to adjacent properties.
- 2- The project mass & form are not compatible with rest of surrounding homes. Should have a set back on top floor front & back. Does not preserve the neighborhood character.
- 3- Building scale is not compatible with the surrounding homes.

Emily Larson

ADDITIONAL FEES REQ. FIRE

DEPT. OF BUILDING INSPECTION
Capacity Charges
Water: \$ 620.
Wastewater: \$

APPROVED
SFUSD Dept. of Building Insp.
MAR 20 2015

Tom C. Hui
TOM C. HUI, S.E.
DIRECTOR
DEPT. OF BUILDING INSPECTION 50

DEPARTMENT OF BUILDING INSPECTION
APPLICATION FOR BUILDING PERMIT

FORM 1 TYPE I - II - III - IV Building
FORM 2 4 Story TYPE V Building

APPLICATION IS HEREBY MADE FOR PERMISSION TO BUILD IN ACCORDANCE WITH THE PLANS AND SPECIFICATIONS SUBMITTED HEREWITH AND FOR THE PURPOSE SET FORTH HEREIN:

910 Carolina ST
ADDRESS

1/2 SIDE Carolina
22nd ST. NEAREST CROSS STREET

TYPE OF CONSTRUCTION: V-B
ARREARS BLOCK & LOT NO.: 4160 1007

ESTIMATED COST: \$700,000.00
REVISED COST: \$900,000.00

1/2 APPLICATION NUMBER: 2015 012 2051 50

OSHA APPROVAL NO.:

BOARD OF APPEALS
MAR 24 2015
APPEAL # 15-049

BUILDING DESCRIPTION

USE: FRONT 29 FT. REAR 25 FT. AVE. DEPTH 100 FT. IS ANY OTHER BUILDING ON LOT? YES (IF YES, SHOW ON PLOT PLAN)

AUTO RUNWAY TO BE CONSTRUCTED? YES NO USE OF BUILDING: 13 Unit Residential Bldg. R-3

DES BUILDING EXTEND BEYOND PROPERTY LIMIT? YES NO GROUND FLOOR AREA: 4848 SQ. FT.

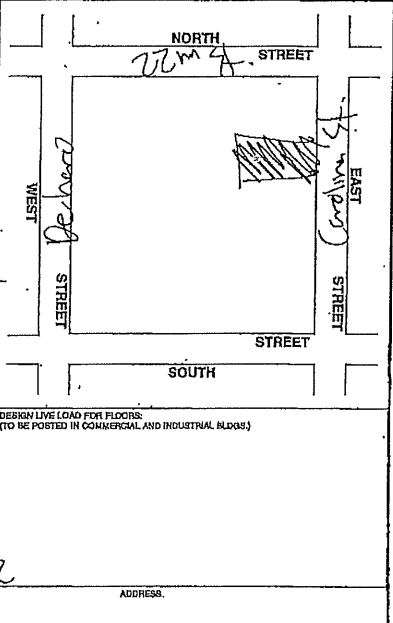
EIGHT AT CENTER LINE OF FRONT PROPERTY? YES NO WILL STREET SPACE BE USED DURING CONSTRUCTION? YES NO IS BUILDING DESIGNED FOR ADDITIONAL STORIES? YES NO NON-MANAGED? YES NO WILL SUBSIDEWALK SPACE BE USED? YES NO

GENERAL CONTRACTOR: UNIDENTIFIED NEW CONSTRUCTION INC. (415) 204-3915
CALIFORNIA LICENSE NUMBER: B 982025 EXPIRATION DATE: 03.31.2015

ARCHITECT OR ENGINEER (DESIGN): GIA Consulting Corp. 1056 Howard St. # CA
CALIFORNIA CERTIFICATE NUMBER: C38827 TELEPHONE: 415-422-0200 EXT. 108

ARCHITECT OR ENGINEER (FOR CONSTRUCTION):
CALIFORNIA CERTIFICATE NUMBER: TELEPHONE:

OWNER'S NAME: Leon Kemel 1616 Franklin St. Suite 2003
TELEPHONE: 415-309-3915 ADDRESS: Oakland CA 94612



IMPORTANT NOTICES

change shall be made in the character of the occupancy or use without first obtaining a Building Permit authorizing such change. See San Francisco Building Code and San Francisco Housing Code.

portion of building or structure or scaffolding used during construction, to be "closer than 60" any wire containing more than 750 volts. See Sec. 385, California Penal Code.

pursuant to the San Francisco Building Code, the building permit shall be posted on the job. The permit is responsible for approved plans and application being kept at building site.

side lines as shown on drawings accompanying this application are assumed to be correct. If actual grade lines are not the same as shown revised drawings showing correct grade lines, utility files together with complete details of retaining walls and wall footings required must be submitted to this department for approval.

STIPULATION REQUIRED HEREIN OR BY CODE MAY BE APPEALED.

BUILDING NOT TO BE OCCUPIED UNTIL CERTIFICATE OF FINAL COMPLETION IS POSTED IN THE BUILDING OR PERMIT OF OCCUPANCY GRANTED, WHEN REQUIRED.

PROVAL OF THIS APPLICATION DOES NOT CONSTITUTE AN APPROVAL FOR THE ELECTRICAL WIRING OR PLUMBING INSTALLATIONS. A SEPARATE PERMIT FOR THE RINGS AND PLUMBING MUST BE OBTAINED.

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

dwelling all insulating materials must have a clearance of not less than two inches from all critical wires or equipment.

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

NOTICE TO APPLICANT

HOLD HARMLESS CLAUSE: This permittee(s) by acceptance of the permit, agree(s) to indemnify and hold harmless the City and County of San Francisco from and against any and all claims, demands and actions for damages resulting from operations under this permit, regardless of negligence of the City and County of San Francisco, and to assume the defense of the City and County of San Francisco against all such claims, demands or actions.

In conformity with the provisions of Section 3800 of the Labor Code of the State of California, the applicant shall have coverage under the workers' compensation law of the State of California, or (V), whichever is applicable. If (a) or (b) is selected, the applicant shall also be covered as well. Mark the appropriate method of compliance below:

I hereby affirm under penalty of perjury one of the following declarations:

- I have and will maintain a certificate of consent to self-insure for workers' compensation, as provided by Section 3700 of the Labor Code, for the performance of the work for which this permit is issued.
- I have and will maintain workers' compensation insurance, as required by Section 3700 of the Labor Code, for the performance of the work for which this permit is issued. My workers' compensation insurance carrier and policy number are:
Carrier: _____
Policy Number: _____
- The cost of the work to be done is \$100 or less.
- I certify that in the performance of the work for which this permit is issued, I shall not employ any person in any manner so as to become subject to the workers' compensation laws of California; I further acknowledge that I understand that in the event that I should become subject to the workers' compensation provisions of the Labor Code of California and fail to comply forthwith with the provisions of Section 3800 of the Labor Code, that the permit herein applied for shall be deemed revoked.
- I certify as the owner (or the agent for the owner) that in the performance of the work for which this permit is issued, I will employ a contractor who complies with the workers' compensation laws of California and who, prior to the commencement of any work, will file a completed copy of this form with the Central Permit Bureau.

APPLICANT'S CERTIFICATION

I CERTIFY THAT I HAVE READ THIS APPLICATION AND STATE THAT THE ABOVE INFORMATION IS CORRECT. I AGREE THAT IF A PERMIT IS ISSUED FOR THE INSTRUCTION DESCRIBED IN THIS APPLICATION, ALL THE PROVISIONS OF THE PERMIT AND ALL LAWS AND ORDINANCES THERE TO WILL BE COMPLIED WITH.

13-04 (REV. 2/05)
Printed on recycled materials.

Signature of Applicant or Agent: _____ Date: 3/12/2015

APPROVED: RF-2 C.P.O. Selback 0

BUILDING EXEMPT FROM ENVIRONMENTAL REVIEW

DEPARTMENT OF CITY PLANNING
9/19/14
 Approved Planning Dept. Erika S. Jackson

APPROVED: Tracy O'Keeffe, SFFD
 DEC 15 2014

BUREAU OF FIRE PREVENTION & PUBLIC SAFETY

APPROVED: [Signature]
 CAREY McELROY, DBI
 JAN 14 2015

PLAN CHECKER, DEPT. OF BLDG. INSPECTION

APPROVED: [Signature]
 CIVIL ENGINEER, DEPT. OF BLDG. INSPECTION

APPROVED: [Signature]
 DIRECTOR OF PUBLIC HEALTH

APPROVED: [Signature]
 BUREAU OF ENGINEERING

APPROVED: [Signature]
 MECHANICAL ENGINEER, DEPT. OF BLDG. INSPECTION

APPROVED: SFPUC Capacity Charges
 See attached SFPUC Capacity Charge Invoice for total amount due. DBI will collect charges.
 SFPUC [Signature]
 Ajay Kumar
 1/22/15

DATE: _____
 REASON: _____

NOTIFIED MR. _____

DATE: _____
 REASON: _____

NOTIFIED MR. _____

DATE: _____
 REASON: _____

NOTIFIED MR. _____

DATE: _____
 REASON: _____

NOTIFIED MR. _____

DATE: _____
 REASON: _____

NOTIFIED MR. _____

DATE: _____
 REASON: _____

NOTIFIED MR. _____

DATE: _____
 REASON: _____

NOTIFIED MR. _____

DATE: _____
 REASON: _____

NOTIFIED MR. _____

BOARD OF APPEALS
 MAR 24 2015
 APPEAL # 15-049

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

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

Number of attachments

[Signature]
 OWNER'S AUTHORIZED AGENT



Date Filed:

BOARD OF APPEALS

MAR 20 2015

APPEAL # 15-051

CITY & COUNTY OF SAN FRANCISCO
BOARD OF APPEALS

PRELIMINARY STATEMENT OF APPEAL

I / We, **Peggy Snider**, hereby appeal the following departmental action: **ISSUANCE of Site Permit 2013/03/12/2050S** by the **Department of Building Inspection** which was issued or became effective on: **March 20, 2015**, to: **Leon Kemel**, for the property located at: **910 Carolina Street**.

BRIEFING SCHEDULE:

The Appellant may, but is not required to, submit a one page (double-spaced) supplementary statement with this Preliminary Statement of Appeal. No exhibits or other submissions are allowed at this time.

Appellant's Brief is due on or before: **April 16, 2015, (no later than three (3) Thursdays prior to the hearing date)**, up to 12 pages in length, double-spaced, with unlimited exhibits, with eleven (11) copies delivered to the Board office by 4:30 p.m., and with additional copies delivered to the other parties the same day. 15

Respondent's and Other Parties' Briefs are due on or before: **April 30, 2015, (no later than one (1) Thursday prior to hearing date)**, up to 12 pages in length, double-spaced, with unlimited exhibits, with eleven (11) copies delivered to the Board office by 4:30 p.m., and with additional copies delivered to the other parties the same day.

Only photographs and drawings may be submitted by the parties at hearing.

Hearing Date: **Wednesday, May 6, 2015, 5:00 p.m., City Hall, Room 416, One Dr. Carlton B. Goodlett Place.**

All parties to this appeal must adhere to the briefing schedule above, however if the hearing date is changed, the briefing schedule MAY also be changed. Written notice will be provided of any change to the briefing schedule.

In order to have their documents sent to the Board members prior to hearing, **members of the public** should submit eleven (11) copies of all documents of support/opposition no later than one (1) Thursday prior to hearing date by 4:30 p.m. Please note that names and contact information included in submittals from members of the public will become part of the public record. Submittals from members of the public may be made anonymously.

Please note that in addition to the parties' briefs, any materials that the Board receives relevant to this appeal, including letters of support/opposition from members of the public, are distributed to Board members prior to hearing. All such materials are available for inspection at the Board's office. You may also request a copy of the packet of materials that are provided to Board members at a cost of 10 cents per page, per S.F. Admin. Code Ch. 67.28.

If you have any questions please call the Board of Appeals at 415-575-6880

The reasons for this appeal are as follows:

See Attachment to the Preliminary Statement of Appeal.

Appellant or Agent (Circle One):
Signature: *Peggy Snider*
Print Name: PEGGY SNIDER

PRELIMINARY STATEMENT OF APPEAL

Date 3.26.2015
Filed:

BOARD OF APPEALS

MAR 26 2015

SUMMARY OF REASONS OR GROUNDS FOR APPEAL CONTINUED:

APPEAL # 15-057

The proposed building is out of scale with the
surrounding homes. It does not conform to
the topography of the hill, rising to 4
floors in the back. The front facing
the street does not set back on its
third floor as other houses on block
do. It is 3-4 stories between a 1 story
& a 2 story structure.

JARD OF APPEALS
 MAR 26 2015
 APPEAL # 15-051

DEPARTMENT OF BUILDING INSPECTION
APPLICATION FOR BUILDING PERMIT

FORM 1 TYPE I, II, III, IV Building
 FORM 2 4 Story TYPE V Building

APPLICATION IS HEREBY MADE FOR PERMISSION TO BUILD IN ACCORDANCE WITH THE PLANS AND SPECIFICATIONS SUBMITTED HERewith AND FOR THE PURPOSE SET FORTH HEREIN:

910 Carolina ST
 ADDRESS: Carolina ST FROM 22nd ST. AVE. NEAREST CROSS STREET

DATE FILED: 3/12/2015 FILING PER RECEIPT NO. 13038064 TYPE OF CONSTRUCTION: V-B. ASSESSOR'S BLOCK & LOT NO. 9160/1004
 PERMIT NO. 1352322 ISSUED: MAR 20 2015 ESTIMATED COST: \$700,000.00 REVISED COST: \$900,000.00 DATE: 1-14-5

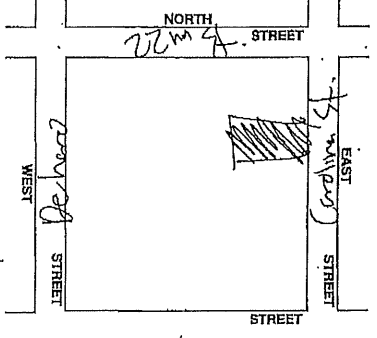
BUILDING DESCRIPTION

SIZE OF LOT: 25 FT. FRONT, 25 FT. REAR, 100 FT. AVE. DEPTH	IS ANY OTHER BUILDING ON LOT? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	(IF YES, SHOW ON PLOT PLAN)
IS AUTO HIGHWAY TO BE CONSTRUCTED? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	USE OF BUILDING: 113 Unit Residential Bldg. 1-3	BLDG. CODE OCCUP. CLASS.
DOES BUILDING EXTEND BEYOND PROPERTY LINE? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	APPROX. FLOOR AREA: 4848 sq. FT.	
HEIGHT AT CENTER LINE OF FRONT: 20 FT.	WILL STREET SPACE BE USED DURING CONSTRUCTION? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	IS BUILDING DESIGNED FOR ADDITIONAL STORIES? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
NUMBER OF DWELLING UNITS: 1	NUMBER OF STORIES OF OCCUPANCY: 3+0	NUMBER OF AGREEMENTS: 1
GENERAL CONTRACTOR: HANSON NAT Construction Inc (415) 309-3915	CALIFORNIA LICENSE NUMBER: B 982095	EXPIRATION DATE: 03.31.2015
ARCHITECT OR ENGINEER (DESIGN): GIA Consulting Corp 1256 Howard St. S.F. CA	CALIFORNIA CERTIFICATE NUMBER: C38827	TELEPHONE: 415-422-0200 Ext. 108
ARCHITECT OR ENGINEER (FOR CONSTRUCTION):	CALIFORNIA CERTIFICATE NUMBER:	TELEPHONE:
OWNER'S NAME: Leon Kemei 1616 Franklin St. Suite 2003	ADDRESS:	TELEPHONE: 415-309-3915
CONSTRUCTION LEADER (ENTER NAME AND BRANCH DESIGNATION IF ANY, IF THERE IS NO KNOWN CONSTRUCTION LEADER, ENTER "UNKNOWN")		

DESIGN LIVE LOAD FOR FLOORS: (TO BE POSTED IN COMMERCIAL AND INDUSTRIAL BLDGS.)

back only
 FIRE SFFD INSP. FEES REQ.
 SAN FRANCISCO
 Capacity Charges
 APPROVED
 SFFD DEPT. OF BUILDING INSP.
 MAR 20 2015
 Tom C. Hui, S.E. DIRECTOR
 DEPT. OF BUILDING INSPECTION 50

1/2
 APPLICATION NUMBER: 15051
 SPECIAL APPROVAL NUMBER:



IMPORTANT NOTICES

No change shall be made in the character of the occupancy or use without first obtaining a Building Permit authorizing such change. See San Francisco Building Code and San Francisco Housing Code.

No portion of building or structure or scaffolding used during construction, to be closer than 6' to any wire containing more than 750 volts. See Sec. 385, California Penal Code.

Pursuant to the San Francisco Building Code, the building permit shall be posted on the job. The owner is responsible for approved plans and application being kept at building site.

Grade lines as shown on drawings accompanying this application are assumed to be correct. If actual grade lines are not the same as shown revised drawings showing correct grade lines, cuts and fills together with complete details of retaining walls and well footings required must be submitted to this department for approval.

ANY STIPULATION REQUIRED HEREIN OR BY CODE MAY BE APPEALED.

BUILDING NOT TO BE OCCUPIED UNTIL CERTIFICATE OF FINAL COMPLETION IS POSTED ON THE BUILDING OR PERMIT OF OCCUPANCY GRANTED, WHEN REQUIRED.

APPROVAL OF THIS APPLICATION DOES NOT CONSTITUTE AN APPROVAL FOR THE ELECTRICAL WIRING OR PLUMBING INSTALLATIONS. A SEPARATE PERMIT FOR THE WIRING AND PLUMBING MUST BE OBTAINED.

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

In dwellings all heating materials must have a clearance of not less than two inches from all electrical wires or equipment.

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

NOTICE TO APPLICANT

HOLD HARMLESS CLAUSE: The permittee(s) by acceptance of the permit, agree(s) to indemnify and hold harmless the City and County of San Francisco from and against any and all claims, demands and actions for damages resulting from operations under this permit, regardless of negligence of the City and County of San Francisco, and to assume the defense of the City and County of San Francisco against all such claims, demands or actions.

In conformity with the provisions of Section 3800 of the Labor Code of the State of California, the applicant shall have coverage under (a) its designated liability policy (b) workers' compensation (c) or (d), whichever is applicable. If the correct form (a) is checked then (b) must be checked as well. Mark the appropriate method of compliance below.

I hereby affirm under penalty of perjury one of the following declarations:

() I. I have and will maintain a certificate of consent to self-insure for workers' compensation, as provided by Section 3700 of the Labor Code, for the performance of the work for which this permit is issued.

(x) II. I have and will maintain workers' compensation insurance, as required by Section 3700 of the Labor Code, for the performance of the work for which this permit is issued. My workers' compensation insurance carrier and policy number are:
 Carrier: State Farm
 Policy Number: 9086074

() III. The cost of the work to be done is \$100 or less.

() IV. I certify that in the performance of the work for which this permit is issued, I shall not employ any person in any manner so as to become subject to the workers' compensation laws of California. I further acknowledge that I understand that in the event that I should become subject to the workers' compensation provisions of the Labor Code of California and fail to comply therewith with the provisions of Section 3800 of the Labor Code, that the permit rights applied for shall be deemed revoked.

() V. I certify as the owner (or the agent for the owner) that in the performance of the work for which this permit is issued, I will employ a contractor who complies with the workers' compensation laws of California and who, prior to the commencement of any work, will file a completed copy of this form with the Central Permit Bureau.

APPLICANT'S CERTIFICATION

I CERTIFY THAT I HAVE READ THIS APPLICATION AND STATE THAT THE ABOVE INFORMATION IS CORRECT. I AGREE THAT IF A PERMIT IS ISSUED FOR THE CONSTRUCTION DESCRIBED IN THIS APPLICATION, ALL THE PROVISIONS OF THE PERMIT AND ALL LAWS AND ORDINANCES THERE TO WILL BE COMPLIED WITH.

8203-04 (REV. 2/85)
 Printed on recycled material.

Signature of Applicant or Agent: [Signature]
 Date: 3/12/2015

BOARD OF APPEALS
MAR 26 2015
APPEAL # 15-051

APPROVED: Zone <u>R</u> C.P.C. Setback <u>0</u> REFER TO: APPROVED CLEAR FROM ENVIRONMENTAL REVIEW OFFICIAL CO. <u>9/19/14</u> DEPARTMENT OF CITY PLANNING Approved Planning Dept. Erik S. Jackson	DATE: _____ REASON: _____
APPROVED: Tracy O'Keefe, SFFD DEC 15 2014 BUREAU OF FIRE PREVENTION & PUBLIC SAFETY	NOTIFIED MR. _____ DATE: _____ REASON: _____
APPROVED: _____ CAREY McELROY, DBI JAN 14 2015 PLAN CHECKER, DEPT. OF BLDG. INSPECTION	NOTIFIED MR. _____ DATE: _____ REASON: _____
APPROVED: _____ CIVIL ENGINEER, DEPT. OF BLDG. INSPECTION	NOTIFIED MR. _____ DATE: _____ REASON: _____
APPROVED: _____ DIRECTOR OF PUBLIC HEALTH	NOTIFIED MR. _____ DATE: _____ REASON: _____
APPROVED: DPW/BSM SIGN OFF ON JOB CARD REQUIRED PRIOR TO DEL FINAL CALL 554-7149 TO SCHEDULE By <u>LTC H. 11.26.14</u> Hong Tian Cy, DPW/BSM BUREAU OF ENGINEERING	NOTIFIED MR. _____ DATE: _____ REASON: _____
APPROVED: _____ MECHANICAL ENGINEER, DEPT. OF BLDG. INSPECTION	NOTIFIED MR. _____ DATE: _____ REASON: _____
APPROVED: SFPUC Capacity Charges See attached SFPUC Capacity Charge Invoice for total amount due. DBI will collect charges. SFPUC <u>Ajay Kumar</u> 1/22/15	NOTIFIED MR. _____ DATE: _____ REASON: _____

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

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

Number of attachments _____

[Signature]
 OWNER'S AUTHORIZED AGENT

DUNCAN
MATTER
ATTACHMENTS

REGULAR MEETING, BOARD OF APPEALS, APRIL 8, 2015 - PAGE 3

ITEMS (6A) AND (6B) SHALL BE HEARD TOGETHER:

(6A) APPEAL NO. 15-020

GEORGIA SCHUTTISH, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	437 Duncan Street. Protesting the ISSUANCE on January 21, 2015, to Ristead O'Sulleabhain, of a Demolition Permit (demolish one-story single-family dwelling with 690sf of ground floor area). APPLICATION NO. 2012/07/16/4978. FOR HEARING TODAY.
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(6B) APPEAL NO. 15-021

GEORGIA SCHUTTISH, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	437 Duncan Street. Protesting the ISSUANCE on January 21, 2015, to 437 Duncan LLC, of a Permit to Erect a Building (construct three-story, single-family dwelling with 1,423sf of ground floor area). APPLICATION NO. 2012/04/18/8570S. FOR HEARING TODAY.
---	---

ACTION: Upon motion by Commissioner Fung, the Board voted 5-0 to deny the appeals and uphold the permits on the basis that the design was appropriately vetted by the Planning Department.

SPEAKERS: Georgia Schuttish, appellant; Jody Knight, attorney for permit holder; Cathlyne Scharetg, agent for permit holder; Scott Sanchez, ZA.

PUBLIC COMMENT: Leticia Gonzalez, Celia Rose and Petra Janopaul spoke in support of the appellant.

(7) APPEAL NO. 15-022

BEN CADY, CHANDRA REDACK, PETER TAYLOR, BRAD ALDER, CHAD BENJAMIN POTTER, MANUEL RODRIGUEZ, ANN COOPER, MELISSA BRACERO, ADAM WOJEWIDKA, CHRIS BAKER, BRENDAN BARTHEL, CARINA ZONA, KARL HASS, JUAN ESCOBEDO, DARREN BROWN, BO MARCOL & CHRISTOPHER FIGUEROA, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	1049-1051 Market Street. Protesting the ISSUANCE on February 02, 2015, to John Gall & Terry Bogart, of a Request for Release of Suspension (asking that the Dept. of Building Inspection release the suspension against BPA No. 2013/07/26/2890 - comply with NOV No. 200711850; demo of office walls on 5th floor through 1st floor). FOR HEARING TODAY.
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BOARD OF APPEALS, CITY & COUNTY OF SAN FRANCISCO

- Appeal of

Appeal No. 15-020

GEORGIA SCHUTTISH,)
Appellant(s))
vs.)
DEPARTMENT OF BUILDING INSPECTION,)
PLANNING DEPARTMENT APPROVAL Respondent)

NOTICE OF APPEAL

NOTICE IS HEREBY GIVEN THAT on February 03, 2015, the above named appellant(s) filed an appeal with the Board of Appeals of the City and County of San Francisco from the decision or order of the above named department(s), commission, or officer.

The substance or effect of the decision or order appealed from is the ISSUANCE on January 21, 2015, to Risteard O'Sulleabhain, of a Demolition Permit (demolish one-story single-family dwelling with 690sf of ground floor area) at 437 Duncan Street.

APPLICATION NO. 2012/07/16/4978

FOR HEARING ON April 08, 2015

Address of Appellant(s):

Address of Other Parties:

Georgia Schuttish, Appellant 460 Duncan Street San Francisco, CA 94131	Risteard O'Sulleabhain, Permit Holder c/o John Kevlin, Attorney for Permit Holder One Bush Street #600 San Francisco, CA 94104
--	---



Date Filed:

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO
BOARD OF APPEALS

FEB 03 2015

APPEAL # 15-020

PRELIMINARY STATEMENT OF APPEAL

I / We, **Georgia Schuttish**, hereby appeal the following departmental action: **ISSUANCE** of Demolition Permit **BPA NO. 2012/07/16/4978** by the Department of Building Inspection which was issued or became effective on: **January 21, 2015**, to: **Ristead O'Sulleabhain**, for the property located at: **437 Duncan Street**.

BRIEFING SCHEDULE:

The Appellant may, but is not required to, submit a one page (double-spaced) supplementary statement with this Preliminary Statement of Appeal. No exhibits or other submissions are allowed at this time.

Appellant's Brief is due on or before: **March 19, 2015, (no later than three (3) Thursdays prior to the hearing date)**, up to 12 pages in length, double-spaced, with unlimited exhibits, with eleven (11) copies delivered to the Board office by 4:30 p.m., and with additional copies delivered to the other parties the same day.

Permit Holder
Respondent's and Other Parties' Briefs are due on or before: **April 02, 2015, (no later than one (1) Thursday prior to hearing date)**, up to 12 pages in length, double-spaced, with unlimited exhibits, with eleven (11) copies delivered to the Board office by 4:30 p.m., and with additional copies delivered to the other parties the same day.

Only photographs and drawings may be submitted by the parties at hearing.

Hearing Date: **Wednesday, April 08, 2015, 5:00 p.m., City Hall, Room 416, One Dr. Carlton B. Goodlett Place.**

All parties to this appeal must adhere to the briefing schedule above, however if the hearing date is changed, the briefing schedule MAY also be changed. Written notice will be provided of any change to the briefing schedule.

In order to have their documents sent to the Board members prior to hearing, **members of the public** should submit eleven (11) copies of all documents of support/opposition no later than one (1) Thursday prior to hearing date by 4:30 p.m. Please note that names and contact information included in submittals from members of the public will become part of the public record. Submittals from members of the public may be made anonymously.

Please note that in addition to the parties' briefs, any materials that the Board receives relevant to this appeal, including letters of support/opposition from members of the public, are distributed to Board members prior to hearing. All such materials are available for inspection at the Board's office. You may also request a copy of the packet of materials that are provided to Board members at a cost of 10 cents per page, per S.F. Admin. Code Ch. 67.28.

If you have any questions please call the Board of Appeals at 415-575-6880

The reasons for this appeal are as follows:

The project does not comply with the Planning Code pertaining to demolition and replacement structure.

Appellant or Agent (Circle One):

Signature:

Print Name:

Georgia Schuttish

GEORGIA SCHUTTISH

BOARD OF APPEALS, CITY & COUNTY OF SAN FRANCISCO

Appeal of

Appeal No. 15-021

GEORGIA SCHUTTISH,)
Appellant(s))

vs.)

DEPARTMENT OF BUILDING INSPECTION,)
PLANNING DEPARTMENT APPROVAL Respondent)

NOTICE OF APPEAL

NOTICE IS HEREBY GIVEN THAT on February 03, 2015, the above named appellant(s) filed an appeal with the Board of Appeals of the City and County of San Francisco from the decision or order of the above named department(s), commission, or officer.

The substance or effect of the decision or order appealed from is the ISSUANCE on January 21, 2015, to 437 Duncan LLC, of a Permit to Erect a Building (construct three-story, single-family dwelling with 1,423sf of ground floor area) at 437 Duncan Street.

APPLICATION NO. 2012/04/18/8570S

FOR HEARING ON April 08, 2015

Address of Appellant(s):

Address of Other Parties:

Georgia Schuttish, Appellant 460 Duncan Street San Francisco, CA 94131	437 Duncan LLC, Permit Holder c/o John Kevin, Attorney for Permit Holder One Bush Street #600 San Francisco, CA 94104
--	--



BOARD OF APPEALS

Date Filed:

FEB 03 2015

APPEAL # 15-021

CITY & COUNTY OF SAN FRANCISCO
BOARD OF APPEALS

PRELIMINARY STATEMENT OF APPEAL

I / We, **Georgia Schuttish**, hereby appeal the following departmental action: **ISSUANCE of Permit to Erect a Building BPA NO. 2012/04/18/8570S** by the **Department of Building Inspection** which was issued or became effective on: **January 21, 2015**, to: **437 Duncan LLC**, for the property located at: **437 Duncan Street**.

BRIEFING SCHEDULE:

The Appellant may, but is not required to, submit a one page (double-spaced) supplementary statement with this Preliminary Statement of Appeal. No exhibits or other submissions are allowed at this time.

Appellant's Brief is due on or before: **March 19, 2015, (no later than three (3) Thursdays prior to the hearing date)**, up to 12 pages in length, double-spaced, with unlimited exhibits, with eleven (11) copies delivered to the Board office by 4:30 p.m., and with additional copies delivered to the other parties the same day. *(GS)*

Respondent's and Other Parties' Briefs are due on or before: **April 02, 2015, (no later than one (1) Thursday prior to hearing date)**, up to 12 pages in length, double-spaced, with unlimited exhibits, with eleven (11) copies delivered to the Board office by 4:30 p.m., and with additional copies delivered to the other parties the same day. *Permit Holder*

Only photographs and drawings may be submitted by the parties at hearing.

Hearing Date: **Wednesday, April 08, 2015, 5:00 p.m., City Hall, Room 416, One Dr. Carlton B. Goodlett Place.**

All parties to this appeal must adhere to the briefing schedule above, however if the hearing date is changed, the briefing schedule MAY also be changed. Written notice will be provided of any change to the briefing schedule.

In order to have their documents sent to the Board members prior to hearing, **members of the public** should submit eleven (11) copies of all documents of support/opposition no later than one (1) Thursday prior to hearing date by 4:30 p.m. Please note that names and contact information included in submittals from members of the public will become part of the public record. Submittals from members of the public may be made anonymously.

Please note that in addition to the parties' briefs, any materials that the Board receives relevant to this appeal, including letters of support/opposition from members of the public, are distributed to Board members prior to hearing. All such materials are available for inspection at the Board's office. You may also request a copy of the packet of materials that are provided to Board members at a cost of 10 cents per page, per S.F. Admin. Code Ch. 67.28.

If you have any questions please call the Board of Appeals at 415-575-6880

The reasons for this appeal are as follows:

The project does not comply with the Planning Code pertaining to demolition and replacement structure.

Appellant or Agent (Circle One):

Signature: Georgia Schuttish

Print Name: GEORGIA SCHUTTISH

7-152-12222 receipt
 APPROVED
 Dept. of Building Inspection

CITY AND COUNTY OF SAN FRANCISCO
 DEPARTMENT OF PUBLIC WORKS

APPLICATION FOR DEMOLITION PERMIT

6

APPLICATION NUMBER
 2012-07-16-4978

JAN 21 2015
 7-152-12222 permit sent
 1115-Permit Sent To PG & E
 1115-150 Letters Sent
 2012-07-18-35703

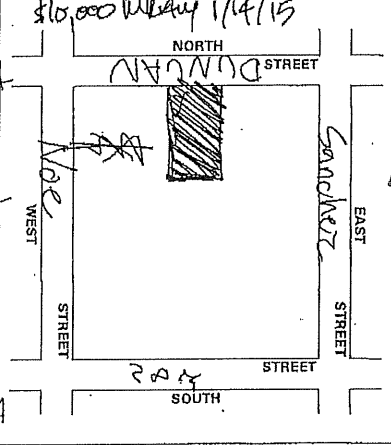
APPLICATION IS HEREBY MADE FOR PERMISSION TO DEMOLISH IN ACCORDANCE WITH THE PLANS AND SPECIFICATIONS SUBMITTED HERewith AND FOR THE PURPOSE SET FORTH HEREIN:

FILED 7/16/2012
 FILING FEE RECEIPT NO. 12037201
 ISSUED 15014622
 JAN 21 2015

ADDRESS 437 Duncan St.
 SIDE EAST
 FROM (NEAREST CROSS ST.) 714 FT. W of Sanchez
 31-6602 \$5000.00 Lot 255

OSHA APPROVAL RECORD
 APPROVAL NUMBER

BUILDING DESCRIPTION	
FRONT 75 FT.	REAR 25 FT.
AVE DEPTH 114 FT.	STREET FRONTAGE DR. (IF-NONE) SHORTEST SIDE
C. HT. 14 FT.	TYPE OF BUILDING Single Family Home + Car Port
WALL STREET SPACE BE USED DURING CONSTR. YES <input checked="" type="checkbox"/>	NUMBER OF STORIES 1
ASBESTOS SENT IN/ON MISE? YES <input checked="" type="checkbox"/>	GROUND FLOOR AREA 690 SQ. FT.
T OCCUPANCY R-3 (27)	USE OF BUILDING Single Family Home
OF ELLING IS APTS. N/A	IS ANY OTHER BUILDING ON LOT? YES <input checked="" type="checkbox"/>
ADDITION PROGRAM RUMED AND ACHIEVED EXEMPT <input checked="" type="checkbox"/>	IS BUILDING SPARKLEBED? YES <input type="checkbox"/>
IS THERE STAND ES? NO <input checked="" type="checkbox"/>	IS BUILDING SPARKLEBED? YES <input type="checkbox"/>
FORMAL CONTRACTOR	ADDRESS
CALIFORNIA LICENSE NUMBER 437 Duncan LLC	EXPIRATION DATE
DIRECTOR OR ENGINEER G.A. Corbellini Corp	ADDRESS 1206 Howard St. SECA
CALIFORNIA CERTIFICATE NUMBER C38827	TELEPHONE 415-9220200
OWNER'S NAME Richard O'Sullivan	ADDRESS 437 Duncan
TELEPHONE 415-377-1948	
UTILITY DISCONNECTION ELECTRIC: 861-8000 X 324	PT & T: 553-3056
TELEPHONE NUMBERS: PG & E: 781-4214 X 3786	WATER: 558-3196
	VIACOM CARLEVISION: 495-6200 X 351 or 357.



BOARD OF APPEALS
 FEB 03 2015
 APPEAL # 15-020

NOTE: THE BAY AREA AIR QUALITY MANAGEMENT DISTRICT REQUIRES, BY LAW, PRIOR NOTIFICATION OF ALL DEMOLITIONS UNDER PENALTY OF FINE. PHONE 771-6000 EXT. 217 FOR DETAILS.

IMPORTANT NOTICES

Demolition work shall be performed in accordance with the San Francisco Building Code and other applicable ordinances.
 No portion of building or structure or scaffolding used during construction to be closer than 5' to any wire containing more than 750 volts. See Sec. 305, California Penal Code.
 Pursuant to the San Francisco Building Code, the demolition permit shall be posted at the job. The owner is responsible for approved plans and application being submitted to the Building Department.
 Debris to be removed from the street, sidewalk, and lot. Premises to be left in sanitary condition and complying with the Building Code.
 Demolition involves abandonment of side sewer, applicant must obtain a side sewer permit. Side sewer will then be blocked.
 Applications for demolition of Historic Landmarks will be referred to the Landmark Commission.
 A STIPULATION REQUIRED HEREIN OR BY CODE MAY BE APPLIED.
 THIS IS NOT A DEMOLITION PERMIT. NO WORK SHALL BE STARTED UNTIL 15 DAYS AFTER THE PERMIT HAS BEEN ISSUED.

HOLD HARMLESS CLAUSE
 Permittee(s) by acceptance of the permit, agree(s) to indemnify and hold harmless the City and County of San Francisco from and against any and all claims, demands and actions for damages resulting from operations under this permit, regardless of passive negligence of the City and County of San Francisco.

APPLICANT'S CERTIFICATION
 I certify that I have read this application and state that the above information is correct. I agree that if a permit is issued for the demolition described in this application, all the provisions of the permit, and all the laws and ordinances applicable thereto, will be complied with.

NOTICE TO APPLICANT
 In conformity with the provisions of Section 3800 of the Labor Code of the State of California, the applicant shall have on file, or file with the Central Industrial Bureau, either Certificate (I) or (II) or (III) designated below or shall state item (IV) or (V) or (VI) below, whichever is applicable. If however, item (IV) is checked then item (V) must be checked as well. Mark the appropriate item of compliance below.

- (I) I. Certificate of Consent to Self-Insure issued by the Director of Industrial Relations.
- (II) II. Certificate of Workman's Compensation Insurance issued by an admitted insurer.
- (III) III. An exact copy or duplicate of (I)-certified by the Director or (II) certified by the insurer.

(I) IV. The contractor shall be licensed for the work for which this Permit is issued.
 (I) V. I certify that I am exempt from the provisions of the California Contractors License Law (Chapt. 9, Div. 3, B, and P. Code) because:
 I am the owner of the above property and will do the work myself or through my employees with wages as their sole compensation; or
 I am the owner of the above property and I will contract to have all of the above work performed by licensed contractors.

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

Applicant's Signature *[Signature]* Date 7-16-2012
 Address and location where work is to be done 437 Duncan St.

CONTRACTORS SIGN BELOW
 I certify that I am a licensed contractor and that my license is in full force and effect.
 Contractor _____ By _____ Authorized Agent

OWNER-BUILDER SIGN BELOW
 I certify that I am exempt from the provisions of the California Contractors License Law (Chapt. 9, Div. 3, B, and P. Code) because:
 I am the owner of the above property and will do the work myself or through my employees with wages as their sole compensation; or
 I am the owner of the above property and I will contract to have all of the above work performed by licensed contractors.

Owner's Signature or Name _____ By _____ Authorized Agent (Must be owner's authorized architect or engineer)

APPROVED
HISTORIC LANDMARK?

YES

NO

Doug Vu 10.17.14
Approved Planning Dept. Doug Vu

CITY PLANNING

APPROVED:

Matthew Ralls
Matthew Ralls, DBI

JAN 14 2015

BUILDING INSPECTOR, BUREAU OF BUILDING INSPECTION

DEMOLITION PROGRAM REQUIRED.
BUILDING NOT TYPE V, OR IS
MORE THAN 2-STORIES, OR
MORE THAN 25 FEET IN HEIGHT.

APPROVED:

Matthew Ralls
Matthew Ralls, DBI

JAN 14 2015

CIVIL ENGINEER, BUREAU OF BUILDING INSPECTION

SPECIAL INSPECTION
REQUIRED

APPROVED:

**NO CONSTRUCTION WILL
BEGINNING REQUIRED BY
BUREAU OF ENGINEERING
Call (415) 554-7149 to schedule**

By *LTC 10/30/14*
Long Tian Co, DPW/BSN

BUREAU OF ENGINEERING

APPROVED:

FIRE PREVENTION INSPECTOR, BUREAU OF BUILDING INSPECTION

SEE TO COMPLY WITH ALL CONDITIONS OR STIPULATIONS OF THE VARIOUS BUREAUS OR
AGREEMENTS NOTED HEREON.

Matthew Ralls
OWNER OR OWNER'S AUTHORIZED AGENT
(TO BE AUTHORIZED ARCHITECT, ENGINEER, OR CONTRACTOR)

DATE:
REASON:

NOTIFIED MR.

DATE:
REASON:

NOTIFIED MR.

DATE:
REASON:

NOTIFIED MR.

DATE:
REASON:

NOTIFIED MR.

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NOTIFIED MR.

DATE:
REASON:

NOTIFIED MR.

BOARD OF APPEALS

FEB 03 2015

APPEAL # 15-020

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

March 19, 2015

To: Board of Appeals

Re: Appeal # 15-020 and Appeal # 15-021
437 Duncan Street Hearing Date: April 8, 2015
Demolition Permit #2012.07.16.4978
Building Permit #2012.04.18.8570

Dear President Lazarus and Members of the Board:

Below is a two-page summary. It is followed by an 13 page brief, one page of footnotes, an exhibit list and eight exhibits.

Because this project is a Demolition of housing and Section 317 of the Planning Code applies, the Board should do one of two things. **Please either amend the Building Permit to have this permit comply with Section 317 OR deny the Demolition Permit for this project because the project proposed under the Building Permit does not meet the Demolition Review Criteria, described in Section 317, specifically Planning Code Section 317(d)(3)(C)(ix).**

In order to meet this criterion the proposed project must *"...protect the relative affordability of existing housing"*. The proposed project will not do that, because not only will this proposed project have more square footage than the average square footage for the nearby *existing* houses, it will also be larger in absolute size than any other *existing* single family house on the 400 block of Duncan Street.

It is easily stipulated that the less square footage in a project, the more "*relatively affordable*", a project will be. Therefore, this appeal brief requests that you should amend the Building Permit by removing the roof deck and reducing the square footage of the project by approximately 400 to 500 square feet of space, spread out over the three living levels of the proposed 2,986 square feet (3,544 gross square feet) to allow the creation of a project that "*...protects the relative affordability of the existing housing.*"

Or you should deny the issuance of the Demolition Permit if you cannot amend the Building Permit to meet the "*relative affordability*" criteria of this section.

Additionally, I suggest that you should consider some addition criteria from Section 317, specifically, Section 317(d)(3)(C)(vii) and (viii) and certainly Section 101.1 when evaluating these two permits. Further, this project violates the Residential Design Guidelines. These concern neighborhood preservation, conservation, design and context and they are discussed toward the end of the brief.

However, this appeal is primarily concerned with the issue of "relative affordability" as stated in Planning Code Section 317(d)(3)(C)(ix) and I hope that you as members of the Board of Appeals will deal with this issue directly.

Sincerely,
Georgia Schuttish
Appellant

Section I

This appeal is primarily about relative affordability, which is a criterion from **Section 317(d)(3)(C)(ix)** of the San Francisco Planning Code. This criterion is one of four criteria listed as "Priority Policies" on the affirmed Application for Demolition.

The exact wording of the criterion in the Planning Code is:

"Whether the project protects the relative affordability of existing housing". (See Exhibit 1)

On October 15, 2012, the project sponsor filed their affirmed Application for Demolition with the Planning Department for the property at 437 Duncan Street. In their response to this Section 317(d)(3)(C)(ix) criterion they stated the following,

"The proposed single family dwelling protects the relative affordability of existing housing" (See Exhibit 2)

(For the complete affirmed Application for Demolition please see Exhibit 8 which covers both Planning Code Sections 317 and 101.1).

However, the proposed project does not "...*protect(s) the relative affordability of existing housing*" (and it certainly cannot be a true fact *just* by saying it is so). Here is why.

First, the project sponsor has never challenged the fact of the affordability of the existing structure, an 800+ square foot cottage on the rear of the lot that contains two bedrooms and a basement. It is affordable.

Second, the project sponsor is proposing a new structure at 2,986 square feet plus a roof deck. The gross square footage is 3,544 square feet which includes the two car garage. As proposed, this would be the largest, single family home on the 400 block of Duncan.

Third, the average square footage of the single family homes in the approximate 150 foot radius is 1,556 square feet. (See **Exhibit 3**). This should be a standard for "*existing housing*", the housing that should be "*protected*" according to the Planning Code, because this

is the *"existing housing"*. And what is intended to be *"protected"* is *"the relative affordability of existing housing."*

Fourth, there have been two recent sales of single family homes that are listed on the spread sheet in **Exhibit 3**. These sold homes were less than the square footage of the proposed project and closer to the average square footage of the existing housing, than the proposed project. (See **Exhibit 4**) These two homes with their more modest square footage and their sales price are good benchmarks for understanding *"...the relative affordability of existing housing"* criterion that this Building Permit must meet in order to issue the Demolition Permit.

Fifth, it can easily be stipulated that a residential structure, any house, that has less square footage will be more affordable than a house with more square footage.

Sixth, if the Demolition Permit is upheld, then the new Building Permit at 437 Duncan as currently proposed will become, *"....existing housing"*. This proposed project will have more square footage than

any of the other single family homes cited on the spread sheet at **Exhibit 3.** Which will make the new house on Duncan Street, less *relatively affordable* than the *existing housing*.

Therefore it will not *"...protect(s) the relative affordability of existing housing."*

Due to these six points the proposed structure does not meet this very important Section in the Planning Code of the City and County of San Francisco.

Why is this an important criterion and why is this an important section of the Planning Code? Because it is applicable to this project. And because it has been incorrectly affirmed by the project sponsor in the Application for Demolition.

And because according to key decision makers, we are in a housing crisis with regard to affordability. *"Relative affordability"* obviously matters as well. Decision makers voted to put *"relative*

affordability" in the Planning Code and to let it remain in the Planning Code.

Section II

Please remember, that due to Planning Code Section 317 these projects are inextricably linked. If the Demolition Review Criterion of *"relative affordability"* is not met, the Board should not allow the issuance of the Demolition Permit. If the Demolition Permit is not issued, then the Building Permit cannot be issued. Therefore, one of two things must happen. Either,

1. The Demolition Permit is denied, because the structure proposed under the Building Permit does not meet the criterion in Planning Code Section 317(d)(3)(C)(ix) as outlined above in Section I

or,

2. The Building Permit is amended by reducing the square footage of the proposed structure to "*protect(s) the relative affordability of existing housing*"

Based on Exhibits 3 and 4 we know what the average square footage is for the "*existing housing*" and we know the sales price of two of the recently sold homes of "*existing housing*" and their square footage price. Also there is information of the price per square foot of homes in the greater Noe Valley Neighborhood. (See Exhibit 5).

The price per square foot apparently ranges from \$1,000 to \$1,400 a square foot. It is easy to stipulate that the more square footage in a structure, particularly a new structure, a structure will be less "*relatively affordable*" than a structure with less square footage. Less square footage equals more "*relative affordability*".

To begin to make the proposed structure at 437 Duncan more relatively affordable there is a very quick fix: Remove the roof deck. It can be argued that roof decks add to the unaffordability of housing. It is hard to gauge what impact a roof deck has on "*relative*

affordability", but even if it is one-fourth of the value per square foot of interior space it could add up to \$50,000. Some real estate agents estimate that it could be anywhere from \$80,000 to \$200,000 depending on the view that is captured. This obviously effects *"relative affordability.* {1}

In terms of reducing the square footage on each floor the process could be somewhat complicated, but not overwhelmingly so, if the Board chooses to amend the Building Permit. Starting at the light well on the eastern side of the property, the light well could be increased without a major disruption of the floor plan at each of the three levels. Here is a summary of what may be possible:

[a]. On the Garage Level there is 713 square feet. The Garage itself is another 558 square feet for a total of 1,271 square feet. Bring the expanded light well down to the ground level. Rearrange the floor plan to make more actual, defined usable space than a "bonus room", while keeping a fourth, guest bedroom and

bath. Allow for tandem car parking, not side by side in the two car garage. Or convert it to a one car garage.{2}

[b]. On the First Living Level there is 1,213 square feet. It contains a Living Room, a Dining Room, a Kitchen and a Family Room, as well as a Powder Room. How much the light well expands into the proposed structure on the Garage Level will be a determinate of what happens here. However, there is an additional possibility of creating a setback along the eastern wall and I will discuss that more right below in subsection[c].

[c]. On the Second Living Level there is 1,060 square feet. On this Level which has a master suite and a deck off the two other bedrooms, again, the expanded light well will be a determinate.

Again, a setback along the eastern wall provides a further possibility for not only reducing the square footage, but creating a design that more fully complies with the Planning Code, not only some of the other criteria in Section 317, but also the Priority Policies of Section 101.1 and the Residential Design Guidelines.

But that will be discussed in Section III of this brief. Before going on, it should be pointed out that if the Board decides to amend the permit by removing the roof deck this adds square footage to the Second Living Level because no stairway will be needed to ascend to the roof and that would offset a reduction in square footage from the expanded light well and/or the setbacks on the Third Living Level.

If this premise is followed in some manner like this, a reduction of 400 to 500 square feet total could be reached. But most importantly, this Board of Appeals would meet the criterion of "*protect(ing) the relative affordability of existing housing* " because the project would become comparable in square footage to the "*existing housing*".

Section III

To begin Section III, I would like to describe the 400 block of Duncan Street, where I have lived since 1986 with my husband and where we raised our children. This block of Duncan is a hill that rises quite steeply from Sanchez Street and dead ends into a

Depression Era stairway that takes a pedestrian up to Noe Street. As you can see from **Exhibit 3**, the 400 block of Duncan Street is comprised of primarily single family homes. (These are the addresses listed with the white background on the sheet.) These single family homes with two exceptions are under 2,500 square feet. There are two multi-unit apartment buildings at the base of the hill on the North side of the street as well as a lovely Edwardian four-plex on the South side of Duncan Street. There are two, two-unit buildings, one of which is condos.

One of the four houses immediately downhill from the project site is a circa 1900 home with a peaked roof and a cottage on the rear of the lot. This rear cottage is one of six cottages on the rear of six different lots, three of which have large front yards facing Duncan Street. {3} One of these three cottages with a front yard is 437 Duncan. All the cottages have peaked roofs.

Additionally all the single family homes with three levels have peaked roofs, not flat roofs.

The roof style that predominates *is* peaked (can also be called gabled or hipped roof). There are 18 peaked roof homes and 9 flat roof homes on Duncan Street. This is the context.

The newest single family homes were built in 1951 and 1952. The oldest are 1900, but a few may be older. Most of the homes are prior to the 1920s or 1930s. Because of the current "look" of the street, due in major part to the roof lines of the homes, the proposed project will not only change the character but change the texture and feel of the street. It will not "preserve and conserve" the neighborhood. It will not respect the context.

Specifically, the proposed three level project, which has a flat roof, will be surrounded by peaked roof homes -- four uphill and four downhill. And there are four peaked roof homes immediately across Duncan Street as well. (See Exhibit 6)

To deal with this important design/context issue, and to comply with criteria in Section 317(d)(3)(C)(vii) and (viii) (See Exhibits 1 and 2) and the Residential Design Guidelines (See Exhibit 7) as well as

Section 101.1 (See Exhibit 8) --- this Building Permit should be amended. An amended Building Permit would better preserve and conserve, as required by the criteria in Section 317 as listed above. If amended, the new structure would not violate the Residential Design Guidelines.

By reducing the overall square footage, which includes removing the roof deck, expanding the lightwell, and/or creating setbacks on the eastern side that should extend to the front facade, the project would then "modernly" mimic the predominant peaked roof pattern of the homes on the 400 block of Duncan Street. And in particular it would then "modernly" mimic the eight peaked roof homes that are the immediate context because they bracket the proposed project.

CONCLUSION

Although the preservation of the context and of the character of Duncan Street is extremely important, the overriding consideration, the most critical consideration before this Board is to deal with the issue of relative affordability.

At the core this is about a Demolition and a new single family dwelling that will either *"...protect(s) the relative affordability of the existing housing"* or it will not.

This is why this Board must either deny the Demolition Permit or uphold it, but only uphold it through amending the Building Permit as suggested above, so that a new structure *"...protects the relative affordability of the existing housing."*

Hopefully this brief has set out a clear and concise path, particularly in Section I and Section II, to make such a decision.

Footnotes

{1} The roof deck is approximately 583 square feet in size.

{2} The six single family homes on Duncan Street that range from 2,000 to 2,800 square feet have either a one car garage or no garage space.

{3} One of these cottages received a variance for alterations from the Zoning Administrator in 2003. All have peaked rooflines.

REUBEN, JUNIUS & ROSE, LLP

April 2, 2015

By Email and Hand Delivery

President Ann Lazarus
San Francisco Board of Appeals
1650 Mission Street, Suite 304
San Francisco, CA 94103

Re: 437 Duncan Permit Appeal
Appeal Numbers: 15-020; 15-021
Hearing Date: April 8, 2015
Our File No.: 8056.01

Dear President Lazarus and Commissioners:

Our office represents Finbarr Collins, Richard O’Sullivan and Alan Casserly (the “Project Sponsors”), owners of the property located at 437 Duncan Street (the “Property”). The Property is currently improved with a significantly under-sized single family home at the rear of the lot and a carport at the front. The Project Sponsors propose to demolish the existing improvements and to construct a family-sized, single-family home that creates a consistent streetwall along this block of Duncan Street (the “Project”).

As discussed below, the Project Sponsors have been sensitive to the neighborhood’s concerns and the Planning Department staff’s design guidance and have made significant modifications to the Project, displaying their willingness to work with their neighbors and to seek a project that is compatible with the existing neighborhood. On July 24, 2014 the Project was considered by the Planning Commission on Discretionary Review. The Planning Commission approved the Project subject to the Project Sponsors’ agreement to remove the third

James A. Reuben | Andrew J. Junius | Kevin H. Rose | Daniel A. Frattin
Sheryl Reuben¹ | David Silverman | Thomas Tunny | Jay F. Drake | John Kevlin
Lindsay M. Petrone | Melinda A. Sarjapur | Mark H. Loper | Jody Knight | Jared Eigerman^{2,3} | John McInerney III²

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President Ann Lazarus
San Francisco Board of Appeals
April 2, 2015
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floor of the home. The Project Sponsors submitted revised plans and were issued a demolition permit (Application No. 2012/07/16/4978) and building permit (Application No. 2012/04/18/8570S), which are both appealed here ("Permits"). Current plans for the Project are attached as **Exhibit A**.

The Project will replace an under-sized home that is in disrepair and inconsistent with the pattern of development in the neighborhood with a modern, family-sized home which fills a hole on the blockface and removes off-street parking from view. It was determined by Planning Department staff to be consistent with the Residential Design Guidelines, was approved by the Planning Commission, and is fully consistent with the Planning Code. It will provide a home for a San Francisco family, and will do its incremental share to ease the current housing crisis.

A. Project Description

The Property is currently improved with a small structure located in the rear third of the lot, which is in complete disrepair. The plumbing and heating systems don't work. The roof leaks and the floor joists are rotted. In short, the existing home is uninhabitable. The existing home is served by an unenclosed carport at the street that consists of a concrete slab.

The Project would demolish the existing improvements, and construct a two-story-over-garage, single-family home. A generous 5-foot deep, 14.25-foot long lightwell is provided on the east property line, maintaining significant light and air access to the first floor and basement windows of the adjacent east neighbor building. A roof deck is provided on top of the second

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April 2, 2015
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floor, set back 19.5 feet from the front property line (and five feet from the front of the home). A 45 percent rear yard is provided.

The Project replaces a void and carport on Duncan Street with a single-family home. This block of Duncan Street is on a significant hill, and the Project steps down with the elevation change. The Project completes this block, is consistent with the nearby single-family home development, and removes an unsightly off-street parking space adjacent to the sidewalk.

B. Neighborhood Outreach and Design Development

The Project Sponsors spent significant time and effort to gather and respond to concerns of the neighborhood. An initial pre-application meeting was held on February 22, 2012. A second meeting was held with interested neighbors on November 22, 2013. It was communicated to the Project Sponsors that nothing short of removing the penthouse level would satisfy many of the neighbors. The Project Sponsors also met with neighbors during the DR process and received feedback from the City's Residential Design Team ("RDT"). In response to feedback, the Project Sponsors made the following changes to the Project:

- Provided a deeper-than-normal lightwell on the east side to provide light and air all the way to the neighbor's small basement window.
- The roof deck was set back five feet from the front of the home;
- The roof parapet was reduced to its minimum six inches

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At the Planning Commission hearing, the Project Sponsors agreed to remove the top floor of the Project. The Project as modified is for a modest home that, as discussed below, is entirely compatible with the City's residential design guidelines.

C. The Project Complies with Residential Design Guidelines

The Appellant argues that the Project does not protect affordability of existing housing. However, the Project proposes a modest home that actually adds to the housing stock by providing a usable single-family home in place of an under-sized home that is in disrepair.

Appellant's own submitted photos show that the proposed two-story over garage Project is compatible with the neighborhood. In addition, the Project complies with the Residential Design Guidelines as follows:

Neighborhood Character

The Residential Design Guidelines include specific guidance on how to provide appropriate building scale at the street for a new building. The general guideline is:

Design the height and depth of the building to be **compatible with the existing building scale at the street.** (Residential Design Guidelines, Page 24; emphasis added.)

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The Residential Design Guidelines provide clear direction when designing a building larger than its neighbors:

A building that is larger than its neighbors can still be in scale and be compatible with the smaller buildings in the area. It can often be made to look smaller by façade articulations and through setbacks to upper floors. (Residential Design Guidelines, Page 11.)

The Guidelines go on to say that when “a proposed building is taller than surrounding buildings...it may be necessary to modify the building height or depth to maintain the existing scale at the street.” (Residential Design Guidelines, Page 24.)

The effects of applying these Guidelines to the Project have a significant impact at the street. The building massing at the street matches the adjacent buildings and steps down with the slope. Removal of the top floor and setting back the roof deck have created a Project that meets the concerns previously expressed and complies with the Residential Design Guidelines, especially given the sloping nature of the street.

In addition, despite what the Appellant appears to argue, this block of Duncan Street displays significant variation: Mediterranean and Spanish revival and Victorian; flat roofs and gabled roofs; high and low articulation. There is no unified architecture to influence the Project design. (See photographs of blockface, attached as **Exhibit B.**) The Project attempts to bridge this architectural gap, providing architecture that is compatible with the diverse style of the block

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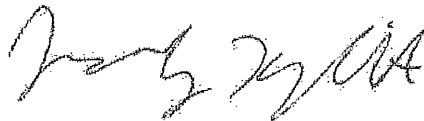
D. Conclusion

The Project Sponsors propose a Project that would provide a modest new, badly-needed family-sized housing unit in San Francisco that is sensitive to the existing built environment in the neighborhood. The Project improves the existing neighborhood environment by completing the blockface with a compatible home and removing visible off-street parking at the front property line. The Project Sponsors have shown their good faith in working with the neighborhood and Planning Department staff and making numerous Project modifications.

We respectfully request the Board of Appeals to deny the appeal and allow the Project to move forward. I look forward to presenting this matter to you on April 8, 2015. Thank you for your consideration.

Very truly yours,

REUBEN, JUNIUS & ROSE, LLP



Jody Knight

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President Ann Lazarus
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April 2, 2015
Page 7

Cc: Georgia Schuttish

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Title(s)	Description	Corrected
001	DEED	

Name Type	Name	X-Ref	Corrected
Grantor	SST INVESTMENTS LLC		
Grantee	SADDA SHALINI REDDY		
	SADDA SRIKANT R		



City and County of San Francisco Assessor-

Officials ▼

2861/011

1

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Document Number ⬆ ⬇ ⬇ ⬆ ()	Document Date ⬆ ⬇ ⬇ ⬆ ()	SearchFilingCode ⬆ ⬇ ⬇ ⬆ ()	Names
2015071366	6/4/2015	RES ENERGY INSPCTN	(R) SHUMSKY GREG
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2014859383	4/2/2014	RES ENERGY INSPCTN	(R) SST INVESTMENTS LLC
2014851728	3/18/2014	DECLARATION	(R) SST INVESTMENTS LLC (E) SB 800 PRELITIGATION PROCEDURES
2014851727	3/18/2014	NTC COMPLETION	(R) SST INVESTMENTS LLC (E) AREA DEVELOPMENT I NC
2012518165	10/10/2012	RECONVEYANCE	(R) SAXE MORTGAGE CO (E) LOPATIOUK NATALIA VI KTOROVNA
2012464680	8/10/2012	DEED	(R) LOPATIOUK NATALIA VI KTOROVNA (E) SST INVESTMENTS LLC



Report for: **160 SAN MARCOS AVE**

Property

General information related to properties at this location.

Parcel (Block/Lot) 2861/011	Parcel History	Address(es) for this Parcel	Reports
		160 San Marcos Ave, San Francisco, CA 94116	Assessor Summary Assessor Recorded Documents Secured Property Tax Rolls

Planning District

District 14 Inner Sunset

Current Planning Team

SW Team [↗](#)

Schools (K-12) Within 600ft

None

Port Facilities

None

City Properties

None

Supervisor District

District 7 (Myrna Melgar) [↗](#)

Census Tract

2010 Census Tract 030400

Neighborhood (Planning Dept)

West of Twin Peaks

Neighborhood Groups Map [↗](#)

Services nearby (street cleaning, parks, MUNI, etc.) [↗](#)

Transportation (transit, ped & bike safety, etc.) [↗](#)

Recommended Plants

Would you like to grow plants that create habitat and save water? Check out the plants that we would recommend for this property at SF Plant Finder [↗](#)

Official Maps

Assessor's Block Map [↗](#)

Block Map 2009

Block Book Maps 1980

Block Book Maps 1960-65

Block Book Maps 1946

Block Book Maps 1935

Historic Sanborn Map [↗](#)

Historic Sanborn Map 2 [↗](#)

December 13, 2021

Board of Supervisors President Shamann Walton
Supervisor Aaron Peskin
Supervisor Rafael Mandelman
Supervisor Connie Chan
1 Dr. Carlton B. Goodlett Place
San Francisco, Ca. 94102

Dear Supervisors:

I am submitting this letter in connection with today's hearing before the Board of Supervisors Rules Committee regarding certain votes which I took in 2015 and 2017 on matters before the Board of Appeals.

I want to emphasize at the outset that I have been honored to serve on the Board of Appeals, as an appointee of the Mayor for eight years, and of the Board of Supervisors for one year. I take this position very seriously, and spend a significant amount of time every month reviewing documents, talking to City staff, and attending hearings. I am proud of the work which I have done on the Board.

I also want to emphasize that I take compliance with all ethics and transparency laws seriously. I always pay attention to whether I need to recuse myself from a matter because I have done work for the party appearing before the Board, and have requested guidance from the City Attorney's office on numerous occasions. In fact, I have noted several times when I have done work with a party's representative, and have recused himself from numerous matters over the years when I have received income from the party within the prior 12 months.

Since the Mission Local article appeared in October, I have begun going through my records and have even reviewed several videos of the 2015 and 2017 meetings in order to determine whether I should have recused myself from those matters. I believe that I acted properly in all of these matters because, to the best of my recollection, I had not received income from those parties in the prior 12 months. I nevertheless look forward to closely reviewing the matters with the Committee in order to make certain I complied with all legal requirements.

You sent me a letter 10 days ago requesting my agreements with the parties and certain other documents. I have started looking for these documents, and have asked my brokerage firm to do the same. However, because your request goes back to 2013, I am not able to provide the documents at this time, and some of these documents may no longer exist.

I respect the Committee's interest in getting to the bottom of the situation, and I am as interested as are you in making certain that I understand the conflict of interest rules and that I recuse myself when legally required to do so. I also want to emphasize that I will of course cooperate with the Rules Committee's inquiry. However, I am not in a position to answer questions at this hearing about specific Board of Appeals matters or specific financial transactions. Because the Committee is looking at whether I complied with City law, I could potentially face legal liability in an enforcement matter brought by the Ethics Commission, City Attorney's office or District Attorney. In light of this potential liability, my attorney, Jim Sutton, has advised me that I should not any answer specific questions in a public meeting at this time.

In sum, I am requesting more time to compile all relevant documents and review the facts and law with my attorney so that I will be in a better position to answer questions about the 2015 and 2017 votes. I expect to be able to provide the Committee with all relevant information about these votes after the holidays, by Friday, January 7, 2022. I therefore respectfully request that the Committee re-schedule this hearing for a date in late January, which would give the Committee the opportunity to review this information and therefore have a more productive discussion at a future hearing.

Again, I look forward to assisting the Committee in understanding all of the facts relating to my participation in these Board of Appeals matters, and appreciate your cooperation in giving me more time in order to comply with your request.

Sincerely,



Darryl Honda

cc: James R. Sutton, Esq.

BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102-4689
Tel. No. (415) 554-5184
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TDD/TTY No. (415) 554-5227

MEMORANDUM

TO: Darryl Honda, Board of Appeals

FROM: John Carroll, Assistant Clerk, Government Audit and Oversight Committee,
Board of Supervisors

DATE: October 25, 2021

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Government Audit and Oversight Committee has received the following hearing request, introduced by Supervisor Walton on October 19, 2021:

File No. 211120

Hearing to exercise the Board of Supervisors' unlimited power of inquiry in the pursuit of information on the potential failure to disclose conflicts of interest in the actions of Board of Appeals Member, Darryl Honda; and requesting Board Member Honda to report.

If you have any comments or reports to be included with the file, please forward them to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

c: Offices of Chair Preston and Supervisor Walton

Introduction Form

By a Member of the Board of Supervisors or Mayor

Time stamp
or 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 inquiries"
- 5. City Attorney Request.
- 6. Call File No. from Committee.
- 7. Budget Analyst request (attached written motion).
- 8. Substitute Legislation File No.
- 9. Reactivate File No.
- 10. Topic 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 the Imperative Form.

Sponsor(s):

Subject:

The text is listed:

Signature of Sponsoring Supervisor:

For Clerk's Use Only

To: Ms. Pelham, Mr. Bush, Mr. Chiu, Ms. Keslie Stewart

Cc: Ms. Melgar, Ms. Ronen, Mr. Peskin, Mr. Preston

From: Jerry Dratler

Subject: Discrepancies in the Ethics Commission form 700s filed by SF Board of Appeals President Darryl Honda

Date: November 1, 2021

The SF City Attorney and the SF Ethics Commission should conduct a detailed audit of Mr. Darryl Honda's form 700 filings between the calendar years 2014 and 2020.

Mr. Honda did not report his ownership interest in three limited liability corporations correctly on his 700 filings with the SF Ethics Commission. Mr. Honda's economic interest was an indirect economic interest through his membership in the limited liability corporations, and he should have reported his interest on schedule A of form 700.

In 2014 and 2015 Mr. Honda also incorrectly characterized his economic interest as a direct ownership interest of his spouse and incorrectly reported the ownership interests on schedule B of form 700. On October 14, 2021, Mr. Honda filed amended form 700s for the calendar years 2017, 2018 and 2020. The amended form 700's for these three years also appear to be incorrect.

When an individual files a form 700 with the SF Ethics Commission, the filer indicates on the face of the form 700 the schedules they have included with their form 700 filing. Schedule B lists the filer's ownership interest in real property. Darryl Honda's initial form 700 filings for the calendar years 2014-2020 included schedules B and C. Schedule C is income, loans, and business positions. Mr. Honda did not file schedule A's in the period 2014-2016.

Below is the top half of a copy of one page of Mr. Honda's schedule B for the calendar year 2014. On the form B Mr. Honda lists 430 Eddy Street and 519 Ellis Street as valued at over \$1 million each, acquired on 1/15/2014 and owned by his spouse. Mr. Honda reported an ownership interest in 7 different properties on his original form 700 filings.

On October 14, 2021 Mr. Honda filed amended form 700s for 2017, 2018 and 2020. Mr. Honda did not file a schedule B with the three amended form 700 filings. The schedule on page 5 shows six properties that Mr. Honda now claims not to own in 2017, 2018, and 2020.

SCHEDULE B
Interests in Real Property
 (Including Rental Income)

Name

Honda, Darryl

ASSESSOR'S PARCEL NUMBER OR STREET ADDRESS	ASSESSOR'S PARCEL NUMBER OR STREET ADDRESS
430 Eddy Street	519 Ellis Street
CITY	CITY
San Francisco	San Francisco
FAIR MARKET VALUE	FAIR MARKET VALUE
IF APPLICABLE, LIST DATE:	IF APPLICABLE, LIST DATE:
<input type="checkbox"/> \$2,000 - \$10,000	<input type="checkbox"/> \$2,000 - \$10,000
<input type="checkbox"/> \$10,001 - \$100,000	<input type="checkbox"/> \$10,001 - \$100,000
<input type="checkbox"/> \$100,001 - \$1,000,000	<input type="checkbox"/> \$100,001 - \$1,000,000
<input checked="" type="checkbox"/> Over \$1,000,000	<input checked="" type="checkbox"/> Over \$1,000,000
ACQUIRED: 01 / 15 / 14	ACQUIRED: 01 / 15 / 14
DISPOSED: / /	DISPOSED: / /
NATURE OF INTEREST	NATURE OF INTEREST
<input type="checkbox"/> Ownership/Deed of Trust	<input type="checkbox"/> Ownership/Deed of Trust
<input type="checkbox"/> Easement	<input type="checkbox"/> Easement
<input type="checkbox"/> Leasehold	<input type="checkbox"/> Leasehold
<input checked="" type="checkbox"/> Spouse	<input checked="" type="checkbox"/> Spouse
Yes, remaining	Yes, remaining
Other	Other
IF RENTAL PROPERTY, GROSS INCOME RECEIVED	IF RENTAL PROPERTY, GROSS INCOME RECEIVED
<input type="checkbox"/> \$0 - \$499	<input type="checkbox"/> \$0 - \$499
<input type="checkbox"/> \$500 - \$1,000	<input type="checkbox"/> \$500 - \$1,000
<input type="checkbox"/> \$1,001 - \$10,000	<input type="checkbox"/> \$1,001 - \$10,000
<input type="checkbox"/> \$10,001 - \$100,000	<input type="checkbox"/> \$10,001 - \$100,000
<input type="checkbox"/> OVER \$100,000	<input type="checkbox"/> OVER \$100,000
SOURCES OF RENTAL INCOME: If you own a 10% or greater interest, list the name of each tenant that is a single source of income of \$10,000 or more.	SOURCES OF RENTAL INCOME: If you own a 10% or greater interest, list the name of each tenant that is a single source of income of \$10,000 or more.
<input checked="" type="checkbox"/> None	<input checked="" type="checkbox"/> None

Below is a copy of the top half of Mr. Honda's original 2017 schedule B for 430 Eddy Street. His reported ownership interest changes to a 20% partnership interest, and it is unclear if Mr. Honda or his spouse has the ownership interest. Mr. Honda made the same changes in 2017 on his Schedule B for 519 Ellis Street.

- The only member listed on 430 Eddy Street Associates LLC 2020 form LLC-12 is Eric Wong. The 2014 LLC-2 for 430 Eddy Street Associates, LLC was signed by Eric Wong, Manager of JW Properties Development, LLC. A 2014 JW Properties Development, LLC Statement of information filed with the California Secretary of State lists Eric Wong and William Joe as members.

In the 2014 calendar year form 700 schedule B Mr. Honda filed with the SF Ethics Commission, he reported he had a 50% ownership in 133 Elsie Street through his 50% share in a partnership.

- SF Assessor/Recorder records show an LLC not a partnership owns 133 Elsie Street. On March 31, 2014, J.S.O.D, LLC acquired the property.
- Filings with the California Secretary of State show the manager or member of J. S. O. D, LLC is John Patrick O'Donoghue. **This is the third LLC where Mr. Honda is a member with John Patrick O'Donoghue.**
- Is Mr. Honda a member of a limited liability corporation (J.S. O. D., LLC) and not a partnership?

A comparison of Mr. Honda's original and amended form 700 schedule B filings

The first table below lists the 7 properties Darryl Honda filed on his **original form 700 schedules B** for the years 2014-2020. Note Mr. Honda filed his 2015 form 700 in July of 2017 without schedules B and C. Failing to file the schedule B for the calendar year 2015 makes no sense because the same properties are reported in the year earlier (2014) and the following year (2016).

	Year	Year	Year	Year	Year	Year	Year
	2014	2015	2016	2017	2018	2019	2020
	Form 700	Form 700	Form 700	Form 700	Form 700	Form 700	Form 700
Darryl Honda's		filed late- July 20,2017					
Original form 700 filing with Schedules B and C	Schedule B	Schedule B	Schedule B	Schedule B	Schedule B	Schedule B	Schedule B
1 1551-1553 8th Avenue	Reported	No schedule B or C filed	Reported	Reported	Reported	Reported	Reported
2 2035 15th Avenue	Reported	No schedule B or C filed	Reported	Reported	Reported	Reported	Reported
3 133 Elsie Street	Reported	No schedule B or C filed					
4 96 Latona Street	Reported	No schedule B or C filed	Reported	Reported	Reported	Reported	Reported
5 430 Eddy Street	Reported	No schedule B or C filed	Reported	Reported	Reported	Reported	
6 519 Ellis Street	Reported	No schedule B or C filed	Reported	Reported	Reported	Reported	Reported
7 2121 Mason Street							Reported

On October 14, 2021, Darryl Honda filed three amended form 700s for the years 2017, 2018 and 2019. On the amended form 700 filing Mr. Honda did not file schedule Bs.

- All the properties listed in the original fillings for the years 2017, 2018 and 2019 were not reported on the amended form 700 filings. This does not make sense; it is illogical for the properties not to be owned in 2017 and 2018 when they were owned in 2016 and 2019.

	Year	Year	Year	Year	Year	Year	Year
	2014	2015	2016	2017	2018	2019	2020
	Form 700	Form 700	Form 700	Form 700	Form 700	Form 700	Form 700
<u>October 14, 2021 Amended form 700 filing where only the form C was included</u>				Amended filing	Amended filing		Amended filing
1 1551-1553 8th Avenue	On the original schedule B	No schedule B or C filed	On the original schedule B	No schedule B filed	No schedule B filed	On the filed schedule B	No schedule B filed
2 2035 15th Avenue	On the original schedule B	No schedule B or C filed	On the original schedule B	No schedule B filed	No schedule B filed	On the filed schedule B	No schedule B filed
3 133 Elsie Street	On the original schedule B	No schedule B or C filed					
4 96 Latona Street	On the original schedule B	No schedule B or C filed	On the original schedule B	No schedule B filed	No schedule B filed	On the filed schedule B	No schedule B filed
5 430 Eddy Street	On the original schedule B	No schedule B or C filed	On the original schedule B	No schedule B filed	No schedule B filed	On the filed schedule B	
6 519 Ellis Street	On the original schedule B	No schedule B or C filed	On the original schedule B	No schedule B filed	No schedule B filed	On the filed schedule B	No schedule B filed
7 2121 Mason Street							No schedule B filed

An October 19, 2021, Mission Local article reported that in a deposition Darryl Honda stated he recuses himself whenever a project from SIA consulting comes before his commission and that he has been SIA Consulting's realtor for 10 or 11 years. The October 19, 2021, Mission Local article also reported Mr. Honda did not recuse himself from 3 SIA projects heard by the SF Board of Appeals when he was a member, two projects in 2015 and one project in 2017.

I attached copies of building permits for two properties Mr. Honda improperly reported on his form 700s: 430 Eddy Street and 519 Ellis Street. The Eddy Street permit was approved in 2018 and the 519 Ellis Street permit was filed in 2018. The agents for both construction projects are SIA Consulting Corporation and Bahman Ghassemzadeh. Loans made by Bahman Ghassemzadeh's father, Freydon Ghassemzadeh to former SF DBI employees are currently under investigation.

Welcome to our Permit / Complaint Tracking System!

Below is a list of all agents for the selected

permit, along with their roles on the project.

Permit Number: 201605056698

	Firm Name	Agent Name	Role	From	To
Info	SIA CONSULTING CORPORATION	BAHMAN GHASSEMZADEH	ARCHITECT	5/5/2016	
Info	SIA CONSULTING CORP.	SU YUN JESS ZENG	AUTHORIZED AGENT-OTHERS	5/5/2016	
1					

Welcome to our Permit / Complaint Tracking System!

Permit Details Report

Report Date: 5/14/2020 11:08:23 AM

Application Number: 201605056698

Form Number: 1

Address(es): 0334/008 /0 430 EDDY ST

Description: TO ERRECT 8 STORIES, 1 BASEMENT, TYPE I-A, 23 UNITS RESIDENTIAL CONDO WITH COMMERCIAL, MIXED USE BUILDING. (R-2,M)

Cost: \$5,500,000.00

Occupancy Code: R-2,M

Building Use: 24 - APARTMENTS

Disposition / Stage:

Action Date	Stage	Comments
5/5/2016	TRIAGE	
5/5/2016	FILING	
5/5/2016	FILED	
4/12/2018	APPROVED	

Contact Details:

Contractor Details:

Addenda Details:

Description:SITE.

Step	Station	Arrive	Start	In Hold	Out Hold	Finish	Checked By	Phone	Hold Description
1	CPB	5/5/16	5/5/16			5/5/16	CHAN AMARIS	415-558-6070	
2	CP-ZOC	5/5/16	5/25/16			5/27/16	CHANG TINA	415-558-6377	Approved: the new construction of an eight-story, approximately 80-foot tall, 19,900 gross square foot, mixed-use building containing 23 dwelling units, 930 square feet of retail space and 2,600 square feet of private and common open space in the form of a rear yard, common courtyard at the proposed second level, common roof deck and private balconies on the proposed eight floor. All 23 dwelling units contain one bedroom and are less than 500 square feet in size, therefore counting as only of a dwelling unit for the purposes of residential density calculation, per Planning Code Section 209.3.
3	BLDG	5/31/16	6/8/16	6/15/16	5/18/17	5/18/17	KWOK STEPHEN	415-558-6133	
4	SFFD	6/15/16	9/13/16	10/26/16	4/7/17	4/7/17	CHIN JEFF	415-558-6177	APPROVED, Non High-Rise, No Fire Pump. Fire Alarm, Sprinklers, Standpipes and underground on separate permits. Comply with CFC Chapter 33 and 35 for Fire Safety during construction. JJC
5	DPW-BSM	11/7/16	11/14/16			11/14/16	CHOY CLINTON	415-558-6060	Approved SITE Permit only. 11/14/16: ADDENDA requirement(s) for sign off: Street Improvement (remove existing curb cut) Minor Sidewalk Encroachment (ADA level landing) and Urban Forestry (new tree). All sidewalk application(s) and/or plans MUST be applied IN-PERSON for intake at 1155 Market St, 3rd Floor. Download sidewalk application(s) at http://www.sfpublishworks.org/services/permits/application-forms . Only new trees can be applied ONLINE and UPLOAD plans through http://bsm.sfdpw.org/buftrees2/treeplanting.aspx . Your construction addenda will be ON-HOLD until all necessary BSM permit(s) are completed or BSM plan checker(s) could recommend sign off to the satellite office via email. Please call (415) 554-5810 for permit application information. -CC
6	SFPUC	11/14/16	12/8/16			12/8/16	TOM BILL	415-575-6941	Reviewed & assessed for capacity charges. DBI will collect charges. See invoice and meter upgrade letter attached to application. Route submittal to PPC 12/8/16.
7	DFCU	5/26/17	5/26/17	1/12/18		3/26/18	BLACKSHEAR JOHN		3/26/18: First Source Hiring has been executed. DFCU signed off. 1/12/18: As of today, the First Source Hiring Agreement has not been executed. The project sponsor may request an impact fee report from John Blackshear at john.blackshear@sfgov.org 5/26/17: Planning has entered impact fees (~\$108,000) on this project. The DFCU has prepared them for collection at the issuance of addenda #1. The project sponsor needs to contact the Office of Economic and Workforce Development (OEWD) to start and execute the First Source Hiring MOU. The contact is Joyce Wong (415) 701-4891 joyce.s.wong@sfgov.org The DFCU will not sign off until the OEWD informs the DFCU that the MOU has been executed.
8	PPC	3/26/18	3/26/18			3/26/18	USER GSA	415-558-6133	3/26/18: To CPB; HP 5/1/17: to SFFD to sign off application; EC. 5/1/17: In hold bin; EC. 3/9/17: to SFFD for recheck; EC. 12/8/16: to Hold ; TH. 11/14/16: to PUC; snt. 11/7/16: to BSM ; TH. 6/15/16: to SFFD; TH.
9	CPB	3/26/18	4/12/18				SECONDEZ GRACE	415-558-6070	5/6/20: applicant paid for 2nd extension, new cancel date 4/30/22. gs 5/6/20: emailed Ext fee invoice, need Owner Builder form or Contractor's Statement. gs 05/01/2020: Notice of Cancellation Letter Sent. Cancel Date: 5/10/2020 (If issue on prior to 5/10/2020 no extension fee.) 2nd extension fee: \$5,496.20 mw 6/13/18: 28 PAGES. AMARIS. 05/15/18: Extension Paid. New Cancel Date: 05/10/2020.ay 05/03/18: Notice of Cancellation Letter Sent. Cancel Date: 05/21/18 (If issue on or prior to 05/21/18 no extension fee.) 1st extension fee: \$5,496.20.ay 4/12/18:SFUSD POSTED, NEED CONTRACTOR'S INFO. APPROVED BY NG

Appointments:

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

Activity Date	Inspector	Inspection Description	Inspection Status
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Special Inspections:

Addenda No.	Completed Date	Inspected By	Inspection Code	Description	Remarks
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[City and County of San Francisco](#) © 2

Welcome to our Permit / Complaint Tracking System!

Below is a list of all agents for the selected permit, along with their roles on the project.

Permit Number: 201806081421

	Firm Name	Agent Name	Role	From	To
Info	SIA CONSULTING	SALLY SZETO	AUTHORIZED AGENT-OTHERS	6/13/2018	
Info	OWNER	OWNER OWNER	CONTRACTOR	6/13/2018	
Info		BAHMAN GHASSEMZADEH	ENGINEER	6/13/2018	

Welcome to our Permit / Complaint Tracking System!

Permit Details Report

Report Date: 10/26/2021 7:59:37 AM

Application Number: 201806081421

Form Number: 1

Address(es): 0334 /028 /1 519 ELLIS ST

Description: TO ERECT 8 STORIES, 1 BASEMENT, TYPE I-B, 21 UNITS RESIDENTIAL WITH MIX USE BLDG. (R-2,M)

Cost: \$5,800,000.00

Occupancy Code: R-2,M

Building Use: 24 - APARTMENTS

Disposition / Stage:

Action Date	Stage	Comments
6/8/2018	TRIAGE	

6/8/2018	FILING	
6/8/2018	FILED	

Contact Details:

Contractor Details:

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

Addenda Details:

Description:SITE.

Step	Station	Arrive	Start	In Hold	Out Hold	Finish	Checked By	Phone	Hold Description
1	CPB	6/13/18	6/13/18			6/13/18	CHAN AMARIS	628-652-3240	25 PAGES.
2	CP-ZOC	6/13/18	6/20/18			6/20/18	FOSTER NICHOLAS	628-652-7300	Approved BPA for (N) construction of 8-story-over-basement building with 21 Dwelling Units and ground-floor retail; project approved under Motion No. 19928 (Case No. 2014.0506).
3	BLDG	6/20/18	7/13/18	8/13/18		8/22/18	FINNEGAN JOHN	628-652-3780	Approved Site Plan
4	SFFD	8/13/18	1/25/19	1/25/19	3/27/19	3/27/19	STUMPP FRED	628-652-3472	1/25/19 - Comments issued to Amir Afifi of SIA Consulting via e-mail. reassigned to Stumpp 1/2/19 RP
5	DPW-BSM	3/27/19	3/29/19			3/29/19	CHOY CLINTON	628-271-2000	Approved SITE Permit only. 3/29/19: ADDENDUM requirement(s) for sign off: Street Improvement (remove curb cut) and Bureau of Urban Forestry (tree planting). Download sidewalk application(s) at http://www.sfpublishworks.org/services/permits/application-forms and submit them at 1155 Market, 3rd Floor. Only new trees can be applied ONLINE and UPLOAD plans through http://bsm.sfdpw.org/buftrees2/treeplanting.aspx . Your construction addendum will be ON-HOLD until all necessary permit(s) are approved or the assigned BSM plan checker(s) and BUF may recommend sign off to the satellite office via email. Please call the main office at (415) 554-5810 or view http://www.sfpublishworks.org/informationalbrochures for permit application information. -CC
6	SFPUC	4/1/19	5/23/19	5/23/19	5/24/19	5/24/19	TOM BILL	628-652-6040	RELEASED HOLD - 5/24/19. Letter received. ON HOLD until the owner sends a memo to confirm that sub meters will be installed for the residential units to Bill Tom, btom@sfgwater.org Reviewed & assessed for capacity charges. DBI will collect charges. See invoice and meter upgrade letter attached to application. Return submittal to PPC 5/23/19. 5/3/19 - Sent request to SIA for more INFO.
7	DFCU	11/20/18	11/20/18	11/20/18			BLACKSHEAR JOHN		11/20/18: This project is subject to a First Source Hiring Agreement and shall contact Joyce Wong at the Office of Economic and Workforce Development to complete this MOU. Joyce Wong can be reached at (415) 701-4891 and joyce.s.wong@sfgov.org . The DFCU cannot sign off until this is complete. Planning entered a Child Care and Transit impact development fee on this project. This fee will be collected by the CPB at the issuance of addenda #1. If not paid before 1/1/18, Planning will index these by

									6%. The project sponsor may request an impact fee report from John Blackshear at john.blackshear@sfgov.org. An impact report has been sent to the owner via certified mail 11/20/18.
8	CP-ZOC	5/24/19	6/10/19	6/10/19			FOSTER NICHOLAS	628-652-7300	6/10/19: Recorded NSRs required prior to approval; 6/20/18: Route back to Planning for BMR designation verification.
9	PPC						MAN ALICIA	628-652-3780	5/24/19: to DCP; am 5/23/19: to HOLD bin pending PUC approval (then to DCP); am 4/1/19: to PUC; cp 3/27/19: To BSM; HP 8/13/18: to SFFD; am 6/20/18: To BLDG; HP 6/13/18: To DCP; HP
10	CPB							628-652-3240	

Appointments:

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

Activity Date	Inspector	Inspection Description	Inspection Status
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Special Inspections:

Addenda No.	Completed Date	Inspected By	Inspection Code	Description	Remarks
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For information, or to schedule an inspection, call 628-652-3400 between 8:30 am and 3:00 pm.



**State of California
Secretary of State**

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**STATEMENT OF INFORMATION
(Limited Liability Company)**

Filing Fee \$20.00. If this is an amendment, see instructions.

IMPORTANT — READ INSTRUCTIONS BEFORE COMPLETING THIS FORM

FILED
Secretary of State
State of California
MAY 02 2014

1. LIMITED LIABILITY COMPANY NAME

519 Ellis St. Partners, LLC

DUE: JUN 17 2014

2/1/20/PC

This Space For Filing Use Only

File Number and State or Place of Organization

2. SECRETARY OF STATE FILE NUMBER

201407710185

3. STATE OR PLACE OF ORGANIZATION (If formed outside of California)

California

No Change Statement

4. If there have been any changes to the information contained in the last Statement of Information filed with the California Secretary of State, or no Statement of Information has been previously filed, this form must be completed in its entirety.

If there has been no change in any of the information contained in the last Statement of Information filed with the California Secretary of State, check the box and proceed to Item 15.

Complete Addresses for the Following (Do not abbreviate the name of the city. Items 5 and 7 cannot be P.O. Boxes.)

5. STREET ADDRESS OF PRINCIPAL OFFICE	CITY	STATE	ZIP CODE
755 Victoria Street	San Francisco	CA	94127

6. MAILING ADDRESS OF LLC, IF DIFFERENT THAN ITEM 5	CITY	STATE	ZIP CODE

7. STREET ADDRESS OF CALIFORNIA OFFICE	CITY	STATE	ZIP CODE
755 Victoria Street	San Francisco	CA	94127

Name and Complete Address of the Chief Executive Officer, if Any

8. NAME	ADDRESS	CITY	STATE	ZIP CODE

Name and Complete Address of Any Manager or Managers, or if None Have Been Appointed or Elected, Provide the Name and Address of Each Member (Attach additional pages, if necessary.)

9. NAME	ADDRESS	CITY	STATE	ZIP CODE
John O'Donohue	755 Victoria Street	San Francisco, CA		94127

10. NAME	ADDRESS	CITY	STATE	ZIP CODE
JM Properties Development, LLC	2028 S. El Camino Real, Suite B	San Mateo, CA		94403

11. NAME	ADDRESS	CITY	STATE	ZIP CODE
Darryl Honda	2035 15th Avenue	San Francisco, CA		94116

Agent for Service of Process If the agent is an individual, the agent must reside in California and Item 13 must be completed with a California address, a P.O. Box is not acceptable. If the agent is a corporation, the agent must have on file with the California Secretary of State a certificate pursuant to California Corporations Code section 1505 and Item 13 must be left blank.

12. NAME OF AGENT FOR SERVICE OF PROCESS
John O'Donohue

13. STREET ADDRESS OF AGENT FOR SERVICE OF PROCESS IN CALIFORNIA, IF AN INDIVIDUAL	CITY	STATE	ZIP CODE
755 Victoria Street	San Francisco	CA	94127

Type of Business

14. DESCRIBE THE TYPE OF BUSINESS OF THE LIMITED LIABILITY COMPANY
Real estate development

15. THE INFORMATION CONTAINED HEREIN, INCLUDING ANY ATTACHMENTS, IS TRUE AND CORRECT.

04/30/2014	John O'Donohue	Manager	
DATE	TYPE OR PRINT NAME OF PERSON COMPLETING THE FORM	TITLE	SIGNATURE

LLC-12 (REV 01/2014)

APPROVED BY SECRETARY OF STATE



State of California
Secretary of State

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STATEMENT OF INFORMATION
(Limited Liability Company)

ASM

Filing Fee \$20.00. If this is an amendment, see instructions.

IMPORTANT — READ INSTRUCTIONS BEFORE COMPLETING THIS FORM

FILED
Secretary of State
State of California
MAY 02 2014

1. LIMITED LIABILITY COMPANY NAME

430 Eddy St. Associates, LLC

DUE: JUN 17 2014

2/20/PC

This Space For Filing Use Only

File Number and State or Place of Organization

2. SECRETARY OF STATE FILE NUMBER

201407710180

3. STATE OR PLACE OF ORGANIZATION (If formed outside of California)

California

No Change Statement

4. If there have been any changes to the information contained in the last Statement of Information filed with the California Secretary of State, or no Statement of information has been previously filed, this form must be completed in its entirety.

If there has been no change in any of the information contained in the last Statement of Information filed with the California Secretary of State, check the box and proceed to Item 15.

Complete Addresses for the Following (Do not abbreviate the name of the city. Items 5 and 7 cannot be P.O. Boxes.)

5. STREET ADDRESS OF PRINCIPAL OFFICE

2028 S. El Camino Real, Suite B

CITY

San Mateo

STATE

CA

ZIP CODE

94403

6. MAILING ADDRESS OF LLC, IF DIFFERENT THAN ITEM 5

CITY

STATE

ZIP CODE

7. STREET ADDRESS OF CALIFORNIA OFFICE

2028 S. El Camino Real, Suite B

CITY

San Mateo

STATE

CA

ZIP CODE

94403

Name and Complete Address of the Chief Executive Officer, If Any

8. NAME

ADDRESS

CITY

STATE

ZIP CODE

Name and Complete Address of Any Manager or Managers, or if None Have Been Appointed or Elected, Provide the Name and Address of Each Member (Attach additional pages, if necessary.)

9. NAME

John O'Donohue

ADDRESS

755 Victoria Street

CITY

San Francisco, CA

STATE

ZIP CODE

94127

10. NAME

JW Properties Development, LLC

ADDRESS

2028 S. El Camino Real, Suite B

CITY

San Mateo, CA

STATE

ZIP CODE

94403

11. NAME

Darryl Honda

ADDRESS

2035 15th Avenue

CITY

San Francisco, CA

STATE

ZIP CODE

94116

Agent for Service of Process If the agent is an individual, the agent must reside in California and Item 13 must be completed with a California address, a P.O. Box is not acceptable. If the agent is a corporation, the agent must have on file with the California Secretary of State a certificate pursuant to California Corporations Code section 1505 and Item 13 must be left blank.

12. NAME OF AGENT FOR SERVICE OF PROCESS

Eric Wong

13. STREET ADDRESS OF AGENT FOR SERVICE OF PROCESS IN CALIFORNIA, IF AN INDIVIDUAL

2028 S. El Camino Real, Suite B

CITY

San Mateo

STATE

CA

ZIP CODE

94403

Type of Business

14. DESCRIBE THE TYPE OF BUSINESS OF THE LIMITED LIABILITY COMPANY

Real estate development

15. THE INFORMATION CONTAINED HEREIN, INCLUDING ANY ATTACHMENTS, IS TRUE AND CORRECT.

04/30/2014

Eric Wong

Manager

DATE

TYPE OR PRINT NAME OF PERSON COMPLETING THE FORM

TITLE

SIGNATURE

LLC-12 (REV 01/2014)

APPROVED BY SECRETARY OF STATE

LLC-2 **Amendment to Articles of Organization of a Limited Liability Company (LLC)**

To change information of record for your California LLC, you can fill out this form, and submit for filing along with:

- A \$30 filing fee.
- A separate, non-refundable \$15 service fee also must be included, if you drop off the completed form.
- To file this form, the status of your LLC must be active on the records of the California Secretary of State, or if suspended, this form can only be filed to list a new LLC name. To check the status of the LLC, go to

Important! To change the LLC addresses, or to change the name or address of the LLC's agent for service of process, you must file a Statement of Information (Form LLC-12). To get Form LLC-12, go to

Items 4-6: Only fill out the information that is changing. Attach extra pages if you need more space or need to include any other matters.

For questions about this form, go to .

FILED *04/17/14*
Secretary of State
State of California
APR 17 2014

2LL This Space For Office Use Only

① **LLC's Exact Name** (on file with CA Secretary of State)
519 Eddy St. Associates, LLC

② **LLC File No.** (issued by CA Secretary of State)
201407710180

Purpose

③ The purpose of the limited liability company is to engage in any lawful act or activity for which a limited liability company may be organized under the California Revised Uniform Limited Liability Company Act.

New LLC Name (List the proposed LLC name exactly as it is to appear on the records of the California Secretary of State.)

④ **430 Eddy St. Associates, LLC**

Proposed LLC Name

The proposed new name must include: LLC, L.L.C., Limited Liability Company, Limited Liability Co., Ltd. Liability Co. or Ltd. Liability Company; and may not include: bank, trust, trustee, incorporated, inc., corporation, or corp., insurer, or insurance company.

Management (Check only one.)

⑤ The LLC will be managed by:

One Manager

More Than One Manager

All Limited Liability Company Member(s)

Amendment to Text of the Articles of Organization (List both the current text, and the text as amended by this filing.)

⑥

Read and sign below: Unless a greater number is provided for in the Articles of Organization, this form must be signed by at least one manager, if the LLC is manager-managed or at least one member, if the LLC is member-managed. If the signing manager or member is a trust or another entity, go to for more information. If you need more space, attach extra pages that are 1-sided and on standard letter-sized paper (8 1/2" x 11"). All attachments are part of this document.

[Signature]
 Sign here

Eric Wong, Manager of JW Properties Development,
 Manager
 Print your name here Your business title

Make check/money order payable to: Secretary of State
 Upon filing, we will return one (1) uncertified copy of your filed document for free, and will certify the copy upon request and payment of a \$6 certification fee.

By Mail
 Secretary of State
 Business Entities, P.O. Box 944228
 Sacramento, CA 94244-2280

Drop-Off
 Secretary of State
 1600 11th Street, 3rd Floor
 Sacramento, CA 95814



Secretary of State
Statement of Information
(Limited Liability Company)

LLC-12

20-E99995

FILED

In the office of the Secretary of State
of the State of California

DEC 12, 2020

IMPORTANT — Read instructions before completing this form.

Filing Fee — \$20.00

Copy Fees — First page \$1.00; each attachment page \$0.50;
Certification Fee - \$5.00 plus copy fees

This Space For Office Use Only

1. Limited Liability Company Name (Enter the exact name of the LLC. If you registered in California using an alternate name, see instructions.) 430 EDDY ST. ASSOCIATES, LLC	
2. 12-Digit Secretary of State File Number 201407710180	3. State, Foreign Country or Place of Organization (only if formed outside of California) CALIFORNIA

4. Business Addresses			
a. Street Address of Principal Office - Do not list a P.O. Box 2028 S. El Camino Real, Suite B	City (no abbreviations) San Mateo	State CA	Zip Code 94403
b. Mailing Address of LLC, if different than Item 4a 2028 S. El Camino Real, Suite B	City (no abbreviations) San Mateo	State CA	Zip Code 94403
c. Street Address of California Office, if Item 4a is not in California - Do not list a P.O. Box 2028 S. El Camino Real, Suite B	City (no abbreviations) San Mateo	State CA	Zip Code 94403

5. Manager(s) or Member(s) If no managers have been appointed or elected, provide the name and address of each member. At least one name and address must be listed. If the manager/member is an individual, complete items 5a and 5c (leave item 5b blank). If the manager/member is an entity, complete items 5b and 5c (leave item 5a blank). Note: The LLC cannot serve as its own manager or member. If the LLC has additional managers/members, enter the name(s) and addresses on Form LLC-12A (see instructions).

a. First Name, if an individual - Do not complete item 5b Eric	Middle Name	Last Name Wong	Suffix
b. Entity Name - Do not complete item 5a			
c. Address 2028 S. El Camino Real, Suite B	City (no abbreviations) San Mateo	State CA	Zip Code 94403

6. Service of Process (Must provide either Individual OR Corporation.)
 INDIVIDUAL — Complete items 6a and 6b only. Must include agent's full name and California street address.

a. California Agent's First Name (if agent is not a corporation) Eric	Middle Name	Last Name Wong	Suffix
b. Street Address (if agent is not a corporation) - Do not enter a P.O. Box 2028 S. El Camino Real, Suite B	City (no abbreviations) San Mateo	State CA	Zip Code 94403

CORPORATION — Complete item 6c only. Only include the name of the registered agent Corporation.
 c. California Registered Corporate Agent's Name (if agent is a corporation) — Do not complete item 6a or 6b

7. Type of Business
 a. Describe the type of business or services of the Limited Liability Company
 Real Estate

8. Chief Executive Officer, if elected or appointed

a. First Name	Middle Name	Last Name	Suffix
b. Address			
City (no abbreviations)		State	Zip Code

9. The information contained herein, including any attachments, is true and correct.
 12/12/2020 Eric Wong Manager
Date Type or Print Name of Person Completing the Form Title

Return Address (Optional) (For communication from the Secretary of State related to this document, or if purchasing a copy of the filed document enter the name of a person or company and the mailing address. This information will become public when filed. SEE INSTRUCTIONS BEFORE COMPLETING.)

Name: []
 Company: []
 Address: []
 City/State/Zip: []



State of California
Secretary of State

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STATEMENT OF INFORMATION
(Limited Liability Company)

Filing Fee \$20.00. If this is an amendment, see instructions.

IMPORTANT — READ INSTRUCTIONS BEFORE COMPLETING THIS FORM

FILED
Secretary of State
State of California
MAY 02 2014

1. LIMITED LIABILITY COMPANY NAME

JW Properties Development, LLC

DUE: JUN 17 2014

21/20/PC

This Space For Filing Use Only

File Number and State or Place of Organization

2. SECRETARY OF STATE FILE NUMBER 201407710176 3. STATE OR PLACE OF ORGANIZATION (If formed outside of California) California

No Change Statement

4. If there have been any changes to the information contained in the last Statement of Information filed with the California Secretary of State, or no Statement of Information has been previously filed, this form must be completed in its entirety.

If there has been no change in any of the information contained in the last Statement of Information filed with the California Secretary of State, check the box and proceed to Item 15.

Complete Addresses for the Following (Do not abbreviate the name of the city. Items 5 and 7 cannot be P.O. Boxes.)

5. STREET ADDRESS OF PRINCIPAL OFFICE	CITY	STATE	ZIP CODE
2028 S. El Camino Real, Suite B	San Mateo	CA	94403
6. MAILING ADDRESS OF LLC, IF DIFFERENT THAN ITEM 5	CITY	STATE	ZIP CODE
7. STREET ADDRESS OF CALIFORNIA OFFICE	CITY	STATE	ZIP CODE
2028 S. El Camino Real, Suite B	San Mateo	CA	94403

Name and Complete Address of the Chief Executive Officer, if Any

8. NAME	ADDRESS	CITY	STATE	ZIP CODE

Name and Complete Address of Any Manager or Managers, or if None Have Been Appointed or Elected, Provide the Name and Address of Each Member (Attach additional pages, if necessary.)

9. NAME	ADDRESS	CITY	STATE	ZIP CODE
Eric Wong	2028 S. El Camino Real, Suite B	San Mateo, CA	CA	94403
10. NAME	ADDRESS	CITY	STATE	ZIP CODE
William Joe	2028 S. El Camino Real, Suite B	San Mateo, CA	CA	94403
11. NAME	ADDRESS	CITY	STATE	ZIP CODE

Agent for Service of Process If the agent is an individual, the agent must reside in California and Item 13 must be completed with a California address, a P.O. Box is not acceptable. If the agent is a corporation, the agent must have on file with the California Secretary of State a certificate pursuant to California Corporations Code section 1505 and Item 13 must be left blank.

12. NAME OF AGENT FOR SERVICE OF PROCESS	13. STREET ADDRESS OF AGENT FOR SERVICE OF PROCESS IN CALIFORNIA, IF AN INDIVIDUAL	CITY	STATE	ZIP CODE
Eric Wong	2028 S. El Camino Real, Suite B	San Mateo	CA	94403

Type of Business

14. DESCRIBE THE TYPE OF BUSINESS OF THE LIMITED LIABILITY COMPANY
Real estate development

15. THE INFORMATION CONTAINED HEREIN, INCLUDING ANY ATTACHMENTS, IS TRUE AND CORRECT

4/30/2014	Eric Wong	Manager
DATE	TYPE OR PRINT NAME OF PERSON COMPLETING THE FORM	TITLE
		SIGNATURE

LLC-12 (REV 09/2014)

APPROVED BY SECRETARY OF STATE

To: SF City Attorney Chiu, Head Attorney for Public Integrity Ms. Stewart, SF Ethics Commission Director Pelham
Cc: Supervisors Melgar, Peskin, Preston, Ronan
From: Jerry Dratler
Subject: DBI should not have issued a Certificate of Final Completion for Commissioner Honda's property at 133 Elsie Street
Date: December 6, 2021

The information in this memo supplements the earlier memo I sent to you in preparation for the BOS hearing on Darrell Honda scheduled for December 13, 2021. This further information centers around 133 Elsie Street, an investment property Mr. Honda sold in calendar year 2015. Mr. Honda's failure to file a timely 2015 Form 700 with the SF Ethics Commission led me to conduct a more detailed review of Mr. Honda's ownership interest in 133 Elsie Street. The page numbers in this document reference exhibits in the attached PDF.

When I reviewed the Planning Department and the Department of Building Inspection online records for the construction of 133 Elsie Street, I was shocked by my two principal findings:

1. DBI issued a Certificate of Compliance for 133 Elsie Street even though the \$19,000 building permit for the fire suppression system with 13 sprinkler heads was never finalized and three of the plumbing permits expired before the permits were finalized. Also, there were only 3 DBI field inspections other than the final inspection during the construction of this new single-family home. There was a rough framing, reinforcing steel and an exterior lath inspection. The DBI inspections recorded on the building permits in the PTS system do not agree with the DBI job cards.
2. There should be two planning applications in the Planning Department online system for 133 Elsie Street. There are no planning applications in the Accela System even though the Planning Department sent 311 Notices to the neighbors on August 30, 2006, and May 1, 2013. The lack of public access to Planning Department documents prevented me from determining if the house constructed at 133 Elsie Street complies with the SF Planning Code.

Planning Applications

Permits are required in San Francisco to operate a business or to perform construction activity. The Planning Department reviews most applications for these permits to ensure that the projects comply with the [Planning Code](#). The 'Project' is the activity being proposed. For a glossary of terms, visit [Planning Code section 102](#), or the [Help](#) section of this site.

Report for: **133 ELSIE ST**



No Planning Applications



Mr. Honda's purchase and sale of 133 Elsie Street

Mr. Honda was a member of the limited liability corporation (JSOD LLC) that acquired a vacant lot at 133 Elsie Street in March of 2014 for \$650,000 (pg. 1) and completed construction of a new home at 133 Elsie Street in October 2014.

- John Patrick O'Donoghue established JSOD, LLC in 2005 (pg. 2) and Mr. O'Donoghue's construction company built 133 Elsie Street.
- Mr. Honda was an active investor in JSOD, LLC, in January of 2015; he was also the realtor who sold 133 Elsie Street for \$2,010,000 (pg.3) to Michael Kalkowski and Julie M. Wheeler on January 6, 2015. Mr. Honda also filed the new construction prelitigation notice (pg. 4) under the California Construction Defect Law with the SF City Assessor in June of 2015, five months after 133 Elsie Street was sold.

Mr. Honda's Form 700 filings with the SF Ethics Commission

Mr. Honda filed his 2015 Form 700 with the SF Ethics Commission one year late, on July 20, 2017. On the 2015 Form 700 Mr. Honda falsely checked the box claiming he had no reportable interest to report on Form 700 schedules A1 through E. The subject property, 133 Elsie Street, is one of many properties Mr. Honda should have reported on a Schedule B in 2015.

Mr. Honda did include 133 Elsie on his 2014 Form 700 Schedule B but misrepresented his ownership interest in a limited liability corporation (JSOD, LLC) to be a 50% ownership interest in a partnership.

- Mr. Honda falsely claimed on his 2014 Schedule B that he sold 133 Elsie Street in 2014 when it was sold on January 6, 2015 (pg. 5).
- Mr. Honda failed to disclose JSOD's \$1.1 million construction loan (pgs. 6-17) at the bottom of the 2014 133 Elsie Street Form B.

In summary, Mr. Honda failed to disclose the following information on the 2015 Form 700 he filed on July 20, 2017:

- The January 2015 sale of 133 Elsie Street.
- JSOD's \$1.1 million construction loan.
- Mr. Honda's 50% share of JSOD's profits from the \$2,010,000 sale of 133 Elsie Street.

The Department of Building Inspection should not have issued a Certificate of Compliance for 133 Elsie Street on October 23, 2014.

- DBI Building Inspector Donald Simas should not have issued a Certificate of Final Completion for 133 Elsie St. because the work on three plumbing and one building permit listed below was never completed.

- The building permit for the fire suppression system (pgs. 18-19) was never closed.
- Three of the four plumbing permits remain open (pgs. 20- 22). Only the fireplace installation permit was closed.

Permit #	Lot	Street #	Street Name	Current Stage	Stage Date	cost	scope of work
200603015694	57	133	ELSIE ST	COMPLETE	10/23/2014	\$700,000	ERECT 3 STORY, NO BASEMENT, SINGLE FAMILY DWELLING.
201404082740	57	133	ELSIE ST	COMPLETE	10/23/2014	\$17,000	REVISION TO the APPROVED SHORING PLAN WITH PERMIT AP #200603015694. SHORING WAS UNDER PREVIOUS PERMITS, ADDED COST OF PILES ARE \$17,000
201404183612	57	133	ELSIE ST	COMPLETE	10/23/2014	\$1.00	REVISION TO 200603015694/s1 CHANGES TO FOUNDATION PLAN
201406178679	57	133	ELSIE ST	ISSUED	6/17/2014	\$19,000	INSTALL NEW FIRE SPRINKLER SYSTEM PER NFPA 13D THROUGHOUT THE BUILDING INCLUDING UNDERGROUND. TOTAL 31 SPRINKLERS.

Plumbing permits							
Permit #	Lot	Street #	Street Name	Current Stage	Stage Date		
PP20140617589	57	133	ELSIE ST	EXPIRED	6/13/2015		INSTALL NEW SPRINKLER SYSTEM PER NFPA 13D INCLUDE UNDERGROUND
PMW20140611801	57	133	ELSIE ST	COMPLETE	7/3/2014		WORK CATEGORY: 1M; INSTALL ONE FIREPLACE
PM20140523988	57	133	ELSIE ST	EXPIRED	5/19/2015		INSTALL NEW FURNACES & NEW FLUE PIPES
PP20140523987	57	133	ELSIE ST	EXPIRED	5/19/2015		NEW CONSTRUCTION PLUMBING; ALL FLOORS: NEW BATHROOMS, KITCHEN, GAS PIPE.

- Designing and constructing a new home at 133 Elsie Street was complicated. The home is in a special use district and subject to the Elsie Street Plan and the East Slope Building Guidelines. The project required a geotechnical engineering report and the building permits list special inspections for shoring, special grading and filling, shotcrete, and other pile installation. The shoring special inspections at the bottom of the building permit was never issued because a shoring permit was never issued by DBI.
- I don't understand how the structural engineer of record and the supervising structural engineer of the independent inspection service could have issued final reports confirming 133 Elsie Street was constructed in compliance with the building code and the city approved architectural plans when there are open building and plumbing permits in the DBI PTS system today.
 - It appears a shoring permit was never issued by DBI and the shoring special inspection (item 21A) on the building permit was never approved by the Special Inspection Service.
 - I sent DBI a California Public Document request on December 06, 2021, for a copy of the two final reports from the project structural engineers. Pezhaman Motevaselli with SIA Consulting Corporation is one of the project structural engineers (pgs. 29-30). Mr. Honda has engaged the services of SIA Consulting on

four projects. Three projects he has reported on his Form 700 filings, 133 Elsie Street, 519 Ellis Street, 430 Eddy Street and a 2021 project at 1161 Post Street.

- I also requested a copy of the DBI issued 3R report for 133 Elsie Street in my California Public Document Request.
- Permit information in PTS system shows DBI Building Inspectors only inspected the lath exterior, rough framing and reinforcing steel at 133 Elsie Street before issuing the final certificated of compliance. None of the inspections was preschedule and there are no entries on the 133 Elsie Street job cards (below) for the DBI reinforcing steel inspections.

	Permit#	Permit#	Permit#
<u>Description</u>	2006.0301.5694	2014.0408.2740	2014.0418.3612
Final CFC issued	Donald Simas	Donald Simas	Donald Simas
Lath exterior	Donald Simas		
Rough Frame	Donald Simas		
Reinforcing steel	Donald Simas	Sean Birmingham	Donald Simas

List of exhibits in the attached PDF.

Page #	Description
1	Grant Deed issued to JSOD, LLC March 31,2014, 133 Elsie Street
2	Limited Liability Company Articles JSOD, LLC signed by John O'Donoghue
3	MLS data showing Darryl Honda to be the agent for the \$2,010,000 sale of 133 Elsie Street.
4	California Construction Defect Law, June 8,2015 Declaration of Notice SB800 Prelitigation Procedures filed by Darryl Honda.
5	MLS data showing the Janary 6,2015 \$2,010,000 sale of 133 Elsie Street by JSOD, LLC.
6-17	Construction Deed of Trust with Avid Bank for a \$1,104,000 construction mortgage on 133 Elsie Street.
18-19	Copy of \$19,000 building permit for sprinkler system permit that was issued and never closed
20	Plumbing permit for new furnace that was never finaled and auto expired on May 19,2015.
21	Plumbing permit for new sprinkler sytem that was never finaled and auto expired on June 13,2015
22	Plumbing permit for new constrution plumbing that was never finaled and auto expired on May 19,2015.
23-28	\$700,000 permit for new construction with permit addendum.
29-30	Permit revision for changes to foundation - SIA Consulting Corp.
31-33	\$17,000 revision to approved shoring plan to add the cost of piles.

20149J85834700003
San Francisco Assessor-Recorder
Carmen Chu, Assessor-Recorder
DOC 2014-J858347-00
Acct 2005-Fidelity Title Company Concord
Monday, MAR 31, 2014 13:24:44
Ttl Pd \$4,451.00 Nbr-0004912491
ofa/RE/1-3

RECORDING REQUESTED BY:
Fidelity National Title Company
Order No.: FSFM-2051400101 -AP

When Recorded Mail Document To:
JSOD LLC
755 Victoria St
SAN FRANCISCO, CA 94127

APN/Parcel ID(s): Lot 057, Block 5619
Property: 133 Elsie St.

SPACE ABOVE THIS LINE FOR RECORDER'S USE

GRANT DEED

The undersigned grantor(s) declare(s)

- This transfer is exempt from the documentary transfer tax.
 - The documentary transfer tax is \$4,420.00 and is computed on:
 - the full value of the interest or property conveyed.
 - the full value less the liens or encumbrances remaining thereon at the time of sale.
- The property is located in the City of San Francisco.

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, Brendan Frost and Robin Hubinsky, husband and wife as community property with right of survivorship

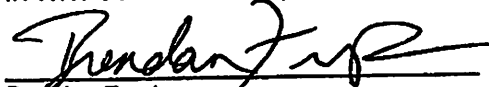
hereby GRANT(S) to JSOD LLC

the following described real property in the City of San Francisco, County of San Francisco, State of California:

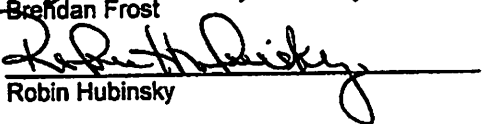
SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

Dated: March 25, 2014

IN WITNESS WHEREOF, the undersigned have executed this document on the date(s) set forth below.



Brendan Frost



Robin Hubinsky

MAIL TAX STATEMENTS AS DIRECTED ABOVE



State of California Secretary of State

LIMITED LIABILITY COMPANY ARTICLES OF ORGANIZATION

File # 200522710085

FILED in the office of the Secretary of State of the State of California

AUG 15 2005

A \$70.00 filing fee must accompany this form.

IMPORTANT - Read instructions before completing this form.

This Space For Filing Use Only

ENTITY NAME (End the name with the words "Limited Liability Company," "Ltd. Liability Co.," or the abbreviations "LLC" or "L.L.C.")

1. NAME OF LIMITED LIABILITY COMPANY

J.S.O.D LLC

PURPOSE (The following statement is required by statute and may not be altered.)

2. THE PURPOSE OF THE LIMITED LIABILITY COMPANY IS TO ENGAGE IN ANY LAWFUL ACT OR ACTIVITY FOR WHICH A LIMITED LIABILITY COMPANY MAY BE ORGANIZED UNDER THE BEVERLY-KILLEA LIMITED LIABILITY COMPANY ACT.

INITIAL AGENT FOR SERVICE OF PROCESS (If the agent is an individual, the agent must reside in California and both Items 3 and 4 must be completed. If the agent is a corporation, the agent must have on file with the California Secretary of State a certificate pursuant to Corporations Code section 1505 and Item 3 must be completed (leave Item 4 blank).)

3. NAME OF INITIAL AGENT FOR SERVICE OF PROCESS

JOHN O DOWOGHUE

4. IF AN INDIVIDUAL, ADDRESS OF INITIAL AGENT FOR SERVICE OF PROCESS IN CALIFORNIA CITY STATE ZIP CODE

44 Willow Ave SAN FRANCISCO CA 94112

MANAGEMENT (Check only one)

5. THE LIMITED LIABILITY COMPANY WILL BE MANAGED BY:

- ONE MANAGER (checked)
MORE THAN ONE MANAGER
ALL LIMITED LIABILITY COMPANY MEMBER(S)

ADDITIONAL INFORMATION

6. ADDITIONAL INFORMATION SET FORTH ON THE ATTACHED PAGES, IF ANY, IS INCORPORATED HEREIN BY THIS REFERENCE AND MADE A PART OF THIS CERTIFICATE

EXECUTION

7. I DECLARE I AM THE PERSON WHO EXECUTED THIS INSTRUMENT, WHICH EXECUTION IS MY ACT AND DEED

Signature of John O Dowoghue

SIGNATURE OF ORGANIZER

08/10/05

DATE

JOHN O DOWOGHUE

TYPE OR PRINT NAME OF ORGANIZER

RETURN TO (Enter the name and the address of the person or firm to whom a copy of the filed document should be returned)

8 NAME [JOHN O DOWOGHUE]
FIRM J.S.O.D LLC
ADDRESS 44 Willow Ave
CITY/STATE/ZIP [SAN FRANCISCO CA 94112]

Agent and Office Information		
Agent	Darryl Honda <input checked="" type="checkbox"/> (ID: 800499) Primary:415-608-7575 Secondary:415-608-7575 Other:415-552-9500 Lic: 01241016	
Office	Zephyr Real Estate (ID:ZEPH06) Phone: 415-674-6500, FAX: 415-674-6610 Office Lic.: 02109201	
Closing Information		
Close Price	2,010,000	Close Date
Listing Price	1,828,000	Pending Date
SP % LP	109.96	Original Price
Buyer Financing	Other	
Comments		
Buyer Agent	Caroline Scott (806745)	Buyer Office
Buyer Co-Agent		Buyer Co-Office

On Mon, Nov 29, 2021 at 6:14 PM Dennis Richards <drichards20@outlook.com> wrote:

WHEN RECORDED RETURN TO:

Darryl Honda
2035 15th Ave
San Francisco, CA 94114

APN: 5619, Lot 057

DECLARATION OF NOTICE OF SB 800 PRELITIGATION PROCEDURES

(California Civil Code Sections 900-938)

THIS DECLARATION ("Declaration") is made on the date set forth below by JSOD, LLC, a California limited liability "Seller". Seller was the developer of a single-family residence located in the City and County of San Francisco, State of California, 133 Elsie Street, Block 5619, Lot 057 (the "Property").

single family residence

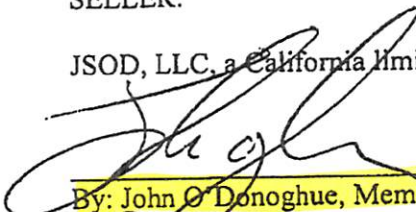
Seller hereby gives notice to the buyers of the ~~condominium~~ at the Property of the following:

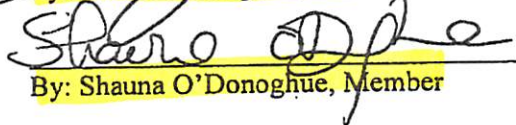
1. There exist certain legal procedures which are set forth in Chapter 4 (commencing with Section 910) or Part 2 of Division 2 of the California Civil Code (the "Prelitigation Procedures"). Seller hereby elects to utilize these Prelitigation Procedures for any dispute or action regarding construction defects which may be alleged to be associated in any way with the Property.
2. The Prelitigation Procedures impact the legal rights of the owners single-family residence at the Property.

SELLER:

DATE: June 8, 2015

JSOD, LLC, a California limited liability company


 By: John O'Donoghue, Member


 By: Shauna O'Donoghue, Member

MLS Listing Price	\$1,828,000	\$699,000	\$450,000
MLS Orig Listing Price	\$1,828,000	\$749,000	\$450,000
MLS Close Date	01/09/2015		06/16/2005
MLS Listing Close Price	\$2,010,000		\$450,000

LAST MARKET SALE & SALES HISTORY

Settle Date	Tax: 10/29/2019 MLS: 11/01/2019	Seller	Salkowski Peter M
Recording Date	11/01/2019	Document Number	K851072
Sale Price	\$3,050,000	Deed Type	Grant Deed
Owner Name	Creasy Michael Edward	Price Per Square Feet	\$1,001.31
Owner Name 2	Creasy Vivian		

Sale/Settlement Date	10/29/2019	01/06/2015	03/25/2014	06/06/2005	
Recording Date	11/01/2019	01/09/2015	03/31/2014	06/16/2005	06/21/1984
Sale Price	\$3,050,000	\$2,010,000	\$650,000	\$450,000	\$15,000
Nominal					
Buyer Name	Creasy Michael E & Vivian C	Salkowski Peter M	Jsod LLC	Frost Brendan	Taylor Cynthia M
Seller Name	Salkowski Peter M	Jsod LLC	Frost Brendan	Malork Julie A	Metcalf Charles A
Document Number	K851072	K002670	J858347	I912-19	D0693-270
Document Type	Grant Deed	Grant Deed	Grant Deed	Grant Deed	Deed (Reg)

Sale/Settlement Date		00/1979		00/1978
Recording Date				
Sale Price		\$16,000		\$500
Nominal				Y
Buyer Name		Metcalf Charles A		Bennett Richard A
Seller Name		Winer Edward H		Vieira Joseph
Document Number		C0810-211		C0607-845
Document Type		Deed (Reg)		Deed (Reg)

MORTGAGE HISTORY

Mortgage Date	09/07/2021	11/01/2019	12/07/2015	01/09/2015	03/31/2014
Mortgage Amount	\$1,496,849	\$2,440,000	\$925,000	\$950,000	\$1,104,000
Mortgage Lender	Better Mtg	Pnc Bk National Assn	Sofi Lndg Corp	Sofi Lndg Corp	Avidbank
Mortgage Code	Conventional	Conventional	Conventional	Conventional	
Mortgage Type	Refi	Resale	Refi	Resale	Construction
Mortgage Int Rate	2.5	2.875		3	
Mortgage Term	30	30	15	30	

Mortgage Date		06/16/2005		06/21/1984
Mortgage Amount		\$360,000		\$7,500
Mortgage Lender		Bank Of America		
Mortgage Code		Conventional		Private Party Lender
Mortgage Type		Resale		Seller/Carry Back
Mortgage Int Rate		6.25		
Mortgage Term		30		

FSFM-205140001-AP
133 Elsie St
Apn. 5619-57

20149J85834800012
San Francisco Assessor-Recorder
Carmen Chu, Assessor-Recorder
DOC 2014-J858348-00
Acct 2005-Fidelity Title Company Concord
Monday, MAR 31, 2014 13:24:44
Ttl Pd \$51.00 Nbr-0004912492
ofa/RE/1-12

RECORDATION REQUESTED BY:

AVIDBANK
Main Office
400 Emerson Street
Palo Alto, CA 94301

WHEN RECORDED MAIL TO:

AVIDBANK
Main Office
400 Emerson Street
Palo Alto, CA 94301

SEND TAX NOTICES TO:

J.S.O.D LLC
755 Victoria Street
San Francisco, CA 94127

FOR RECORDER'S USE ONLY

133 Elsie St
057-5619



#####03400326201401

CONSTRUCTION DEED OF TRUST

THIS DEED OF TRUST is dated March 26, 2014, among J.S.O.D LLC, a California limited liability company ("Trustor"); AVIDBANK, whose address is Main Office, 400 Emerson Street, Palo Alto, CA 94301 (referred to below sometimes as "Lender" and sometimes as "Beneficiary"); and Fidelity National Title Company, whose address is 2537 Ocean Avenue, San Francisco, CA 94132 (referred to below as "Trustee").

CONVEYANCE AND GRANT. For valuable consideration, Trustor irrevocably grants, transfers and assigns to Trustee in trust, with power of sale, for the benefit of Lender as Beneficiary, all of Trustor's right, title, and interest in and to the following described real property, together with all existing or subsequently erected or affixed buildings, improvements and fixtures; all easements, rights of way, and appurtenances; all water, water rights and ditch rights (including stock in utilities with ditch or irrigation rights); and all other rights, royalties, and profits relating to the real property, including without limitation all minerals, oil, gas, geothermal and similar matters, (the "Real Property") located in San Francisco County, State of California:

Lot 512, "Gift Map No. 3", as per Map of said Tract recorded in the office of the County Recorder of the City and County of San Francisco, on December 31, 1861, in Book 2 "A" and "B" of Maps, at Page 15.

For APN/Parcel ID(s): Lot 057, Block 5619

The Real Property or its address is commonly known as 133 Elsie Street, San Francisco, CA 94110. The Assessor's Parcel Number for the Real Property is Lot 057, Block 5619.

Trustor presently assigns to Lender (also known as Beneficiary in this Deed of Trust) all of Trustor's right, title, and interest in and to all present and future leases of the Property and all Rents from the Property. This is an absolute assignment of Rents made in connection with an obligation secured by real property pursuant to California Civil Code Section 2938. In addition, Trustor grants to Lender a Uniform Commercial Code security interest in the Personal Property and Rents.

THIS DEED OF TRUST, INCLUDING THE ASSIGNMENT OF RENTS AND THE SECURITY INTEREST IN THE RENTS AND PERSONAL PROPERTY, IS GIVEN TO SECURE (A) PAYMENT OF THE INDEBTEDNESS AND (B) PERFORMANCE OF ANY AND ALL OBLIGATIONS OF THE TRUSTOR UNDER THE NOTE, THE RELATED DOCUMENTS, AND THIS DEED OF TRUST. THIS DEED OF TRUST, INCLUDING THE ASSIGNMENT OF RENTS AND THE SECURITY INTEREST IN THE RENTS AND PERSONAL PROPERTY, IS ALSO GIVEN TO SECURE ANY AND ALL OF TRUSTOR'S OBLIGATIONS UNDER THAT CERTAIN CONSTRUCTION LOAN AGREEMENT BETWEEN TRUSTOR AND LENDER OF EVEN DATE HEREWITH. ANY EVENT OF DEFAULT UNDER THE CONSTRUCTION LOAN AGREEMENT, OR ANY OF THE RELATED DOCUMENTS REFERRED TO THEREIN, SHALL ALSO BE AN EVENT OF DEFAULT UNDER THIS DEED OF TRUST. THIS DEED OF TRUST IS GIVEN AND ACCEPTED ON THE FOLLOWING TERMS:

PAYMENT AND PERFORMANCE. Except as otherwise provided in this Deed of Trust, Trustor shall pay to Lender all amounts secured by this Deed of Trust as they become due, and shall strictly and in a timely manner perform all of Trustor's obligations under the Note, this Deed of Trust, and the Related Documents.

CONSTRUCTION MORTGAGE. This Deed of Trust is a "construction mortgage" for the purposes of Sections 9-334 and 2A-309 of the Uniform Commercial Code, as those sections have been adopted by the State of California.

POSSESSION AND MAINTENANCE OF THE PROPERTY. Trustor agrees that Trustor's possession and use of the Property shall be governed by the following provisions:

- Possession and Use. Until the occurrence of an Event of Default, Trustor may (1) remain in possession and control of the Property; (2) use, operate or manage the Property; and (3) collect the Rents from the Property.
- Duty to Maintain. Trustor shall maintain the Property in tenantable condition and promptly perform all repairs, replacements, and



#####03400326201402

DEED OF TRUST
(Continued)

maintenance necessary to preserve its value.

Compliance With Environmental Laws. Trustor represents and warrants to Lender that: (1) During the period of Trustor's ownership of the Property, there has been no use, generation, manufacture, storage, treatment, disposal, release or threatened release of any Hazardous Substance by any person on, under, about or from the Property; (2) Trustor has no knowledge of, or reason to believe that there has been, except as previously disclosed to and acknowledged by Lender in writing, (a) any breach or violation of any Environmental Laws, (b) any use, generation, manufacture, storage, treatment, disposal, release or threatened release of any Hazardous Substance on, under, about or from the Property by any prior owners or occupants of the Property, or (c) any actual or threatened litigation or claims of any kind by any person relating to such matters; and (3) Except as previously disclosed to and acknowledged by Lender in writing, (a) neither Trustor nor any tenant, contractor, agent or other authorized user of the Property shall use, generate, manufacture, store, treat, dispose of or release any Hazardous Substance on, under, about or from the Property; and (b) any such activity shall be conducted in compliance with all applicable federal, state, and local laws, regulations and ordinances, including without limitation all Environmental Laws. Trustor authorizes Lender and its agents to enter upon the Property to make such inspections and tests, at Trustor's expense, as Lender may deem appropriate to determine compliance of the Property with this section of the Deed of Trust. Any inspections or tests made by Lender shall be for Lender's purposes only and shall not be construed to create any responsibility or liability on the part of Lender to Trustor or to any other person. The representations and warranties contained herein are based on Trustor's due diligence in investigating the Property for Hazardous Substances. Trustor hereby (1) releases and waives any future claims against Lender for indemnity or contribution in the event Trustor becomes liable for cleanup or other costs under any such laws; and (2) agrees to indemnify, defend, and hold harmless Lender against any and all claims, losses, liabilities, damages, penalties, and expenses which Lender may directly or indirectly sustain or suffer resulting from a breach of this section of the Deed of Trust or as a consequence of any use, generation, manufacture, storage, disposal, release or threatened release occurring prior to Trustor's ownership or interest in the Property, whether or not the same was or should have been known to Trustor. The provisions of this section of the Deed of Trust, including the obligation to indemnify and defend, shall survive the payment of the Indebtedness and the satisfaction and reconveyance of the lien of this Deed of Trust and shall not be affected by Lender's acquisition of any interest in the Property, whether by foreclosure or otherwise.

Nuisance, Waste. Trustor shall not cause, conduct or permit any nuisance nor commit, permit, or suffer any stripping of or waste on or to the Property or any portion of the Property. Without limiting the generality of the foregoing, Trustor will not remove, or grant to any other party the right to remove, any timber, minerals (including oil and gas), coal, clay, scoria, soil, gravel or rock products without Lender's prior written consent.

Removal of Improvements. Trustor shall not demolish or remove any Improvements from the Real Property without Lender's prior written consent. As a condition to the removal of any Improvements, Lender may require Trustor to make arrangements satisfactory to Lender to replace such Improvements with Improvements of at least equal value.

Lender's Right to Enter. Lender and Lender's agents and representatives may enter upon the Real Property at all reasonable times to attend to Lender's interests and to inspect the Real Property for purposes of Trustor's compliance with the terms and conditions of this Deed of Trust.

Compliance with Governmental Requirements. Trustor shall promptly comply with all laws, ordinances, and regulations, now or hereafter in effect, of all governmental authorities applicable to the use or occupancy of the Property, including without limitation, the Americans With Disabilities Act. Trustor may contest in good faith any such law, ordinance, or regulation and withhold compliance during any proceeding, including appropriate appeals, so long as Trustor has notified Lender in writing prior to doing so and so long as, in Lender's sole opinion, Lender's interests in the Property are not jeopardized. Lender may require Trustor to post adequate security or a surety bond, reasonably satisfactory to Lender, to protect Lender's interest.

Duty to Protect. Trustor agrees neither to abandon or leave unattended the Property. Trustor shall do all other acts, in addition to those acts set forth above in this section, which from the character and use of the Property are reasonably necessary to protect and preserve the Property.

Construction Loan. If some or all of the proceeds of the loan creating the Indebtedness are to be used to construct or complete construction of any Improvements on the Property, the Improvements shall be completed no later than the maturity date of the Note (or such earlier date as Lender may reasonably establish) and Trustor shall pay in full all costs and expenses in connection with the work. Lender will disburse loan proceeds under such terms and conditions as Lender may deem reasonably necessary to insure that the interest created by this Deed of Trust shall have priority over all possible liens, including those of material suppliers and workmen. Lender may require, among other things, that disbursement requests be supported by receipted bills, expense affidavits, waivers of liens, construction progress reports, and such other documentation as Lender may reasonably request.

DUE ON SALE - CONSENT BY LENDER. Lender may, at Lender's option, declare immediately due and payable all sums secured by this Deed of Trust upon the sale or transfer, without Lender's prior written consent, of all or any part of the Real Property, or any interest in the Real Property. A "sale or transfer" means the conveyance of Real Property or any right, title or interest in the Real Property; whether legal, beneficial or equitable; whether voluntary or involuntary; whether by outright sale, deed, installment sale contract, land contract, contract for deed, leasehold interest with a term greater than three (3) years, lease-option contract, or by sale, assignment, or transfer of any beneficial interest in or to any land trust holding title to the Real Property, or by any other method of conveyance of an interest in the Real Property. If any Trustor is a corporation, partnership or limited liability company, transfer also includes any change in ownership of more than twenty-five percent (25%) of the voting stock, partnership interests or limited liability company interests, as the case may be, of such Trustor. However, this option shall not be exercised by Lender if such exercise is prohibited by applicable law.



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**DEED OF TRUST
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TAXES AND LIENS. The following provisions relating to the taxes and liens on the Property are part of this Deed of Trust:

Payment. Trustor shall pay when due (and in all events at least ten (10) days prior to delinquency) all taxes, special taxes, assessments, charges (including water and sewer), fines and impositions levied against or on account of the Property, and shall pay when due all claims for work done on or for services rendered or material furnished to the Property. Trustor shall maintain the Property free of all liens having priority over or equal to the interest of Lender under this Deed of Trust, except for the lien of taxes and assessments not due and except as otherwise provided in this Deed of Trust.

Right to Contest. Trustor may withhold payment of any tax, assessment, or claim in connection with a good faith dispute over the obligation to pay, so long as Lender's interest in the Property is not jeopardized. If a lien arises or is filed as a result of nonpayment, Trustor shall within fifteen (15) days after the lien arises or, if a lien is filed, within fifteen (15) days after Trustor has notice of the filing, secure the discharge of the lien, or if requested by Lender, deposit with Lender cash or a sufficient corporate surety bond or other security satisfactory to Lender in an amount sufficient to discharge the lien plus any costs and attorneys' fees, or other charges that could accrue as a result of a foreclosure or sale under the lien. In any contest, Trustor shall defend itself and Lender and shall satisfy any adverse judgment before enforcement against the Property. Trustor shall name Lender as an additional obligee under any surety bond furnished in the contest proceedings.

Evidence of Payment. Trustor shall upon demand furnish to Lender satisfactory evidence of payment of the taxes or assessments and shall authorize the appropriate governmental official to deliver to Lender at any time a written statement of the taxes and assessments against the Property.

Notice of Construction. Trustor shall notify Lender at least fifteen (15) days before any work is commenced, any services are furnished, or any materials are supplied to the Property, if any mechanic's lien, materialmen's lien, or other lien could be asserted on account of the work, services, or materials. Trustor will upon request of Lender furnish to Lender advance assurances satisfactory to Lender that Trustor can and will pay the cost of such improvements.

PROPERTY DAMAGE INSURANCE. The following provisions relating to insuring the Property are a part of this Deed of Trust.

Maintenance of Insurance. Trustor shall procure and maintain policies of fire insurance with standard extended coverage endorsements on a replacement basis for the full insurable value covering all improvements on the Real Property in an amount sufficient to avoid application of any coinsurance clause, and with a standard mortgagee clause in favor of Lender. Trustor shall also procure and maintain comprehensive general liability insurance in such coverage amounts as Lender may request with Trustee and Lender named as additional insureds in such liability insurance policies. Additionally, Trustor shall maintain such other insurance, including but not limited to hazard, business interruption, and boiler insurance, as Lender may reasonably require. Notwithstanding the foregoing, in no event shall Trustor be required to provide hazard insurance in excess of the replacement value of the improvements on the Real Property. Policies shall be written in form, amounts, coverages and basis reasonably acceptable to Lender and issued by a company or companies reasonably acceptable to Lender. Trustor, upon request of Lender, will deliver to Lender from time to time the policies or certificates of insurance in form satisfactory to Lender, including stipulations that coverages will not be cancelled or diminished without at least thirty (30) days prior written notice to Lender. Each insurance policy also shall include an endorsement providing that coverage in favor of Lender will not be impaired in any way by any act, omission or default of Trustor or any other person. Should the Real Property be located in an area designated by the Director of the Federal Emergency Management Agency as a special flood hazard area, Trustor agrees to obtain and maintain Federal Flood Insurance, if available, within 45 days after notice is given by Lender that the Property is located in a special flood hazard area, for the full unpaid principal balance of the loan and any prior liens on the property securing the loan, up to the maximum policy limits set under the National Flood Insurance Program, or as otherwise required by Lender, and to maintain such insurance for the term of the loan.

Application of Proceeds. Trustor shall promptly notify Lender of any loss or damage to the Property. Lender may make proof of loss if Trustor fails to do so within fifteen (15) days of the casualty. In Lender's sole judgment Lender's security interest in the Property has been impaired, Lender may, at Lender's election, receive and retain the proceeds of any insurance and apply the proceeds to the reduction of the indebtedness, payment of any lien affecting the Property, or the restoration and repair of the Property. If the proceeds are to be applied to restoration and repair, Trustor shall repair or replace the damaged or destroyed improvements in a manner satisfactory to Lender. Lender shall, upon satisfactory proof of such expenditure, pay or reimburse Trustor from the proceeds for the reasonable cost of repair or restoration if Trustor is not in default under this Deed of Trust. Any proceeds which have not been disbursed within 180 days after their receipt and which Lender has not committed to the repair or restoration of the Property shall be used first to pay any amount owing to Lender under this Deed of Trust, then to pay accrued interest, and the remainder, if any, shall be applied to the principal balance of the indebtedness. If Lender holds any proceeds after payment in full of the indebtedness, such proceeds shall be paid to Trustor as Trustor's interests may appear.

Trustor's Report on Insurance. Upon request of Lender, however not more than once a year, Trustor shall furnish to Lender a report on each existing policy of insurance showing: (1) the name of the insurer; (2) the risks insured; (3) the amount of the policy; (4) the property insured, the then current replacement value of such property, and the manner of determining that value; and (5) the expiration date of the policy. Trustor shall, upon request of Lender, have an independent appraiser satisfactory to Lender determine the cash value replacement cost of the Property.

LENDER'S EXPENDITURES. If any action or proceeding is commenced that would materially affect Lender's interest in the Property or if Trustor fails to comply with any provision of this Deed of Trust or any Related Documents, including but not limited to Trustor's failure to discharge or pay when due any amounts Trustor is required to discharge or pay under this Deed of Trust or any Related Documents, Lender



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**DEED OF TRUST
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on Trustor's behalf may (but shall not be obligated to) take any action that Lender deems appropriate, including but not limited to discharging or paying all taxes, liens, security interests, encumbrances and other claims, at any time levied or placed on the Property and paying all costs for insuring, maintaining and preserving the Property. All such expenditures incurred or paid by Lender for such purposes will then bear interest at the rate charged under the Note from the date incurred or paid by Lender to the date of repayment by Trustor. All such expenses will become a part of the indebtedness and, at Lender's option, will (A) be payable on demand; (B) be added to the balance of the Note and be apportioned among and be payable with any installment payments to become due during either (1) the term of any applicable insurance policy; or (2) the remaining term of the Note; or (C) be treated as a balloon payment which will be due and payable at the Note's maturity. The Deed of Trust also will secure payment of these amounts. Such right shall be in addition to all other rights and remedies to which Lender may be entitled upon Default.

WARRANTY; DEFENSE OF TITLE. The following provisions relating to ownership of the Property are a part of this Deed of Trust:

Title. Trustor warrants that: (a) Trustor holds good and marketable title of record to the Property in fee simple, free and clear of all liens and encumbrances other than those set forth in the Real Property description or in any title insurance policy, title report, or final title opinion issued in favor of, and accepted by, Lender in connection with this Deed of Trust, and (b) Trustor has the full right, power, and authority to execute and deliver this Deed of Trust to Lender.

Defense of Title. Subject to the exception in the paragraph above, Trustor warrants and will forever defend the title to the Property against the lawful claims of all persons. In the event any action or proceeding is commenced that questions Trustor's title or the interest of Trustor or Lender under this Deed of Trust, Trustor shall defend the action at Trustor's expense. Trustor may be the nominal party in such proceeding, but Lender shall be entitled to participate in the proceeding and to be represented in the proceeding by counsel of Lender's own choice, and Trustor will deliver, or cause to be delivered, to Lender such instruments as Lender may request from time to time to permit such participation.

Compliance With Laws. Trustor warrants that the Property and Trustor's use of the Property complies with all existing applicable laws, ordinances, and regulations of governmental authorities.

Survival of Representations and Warranties. All representations, warranties, and agreements made by Trustor in this Deed of Trust shall survive the execution and delivery of this Deed of Trust, shall be continuing in nature, and shall remain in full force and effect until such time as Trustor's indebtedness shall be paid in full.

CONDEMNATION. The following provisions relating to eminent domain and inverse condemnation proceedings are a part of this Deed of Trust:

Proceedings. If any eminent domain or inverse condemnation proceeding is commenced affecting the Property, Trustor shall promptly notify Lender in writing, and Trustor shall promptly take such steps as may be necessary to pursue or defend the action and obtain the award. Trustor may be the nominal party in any such proceeding, but Lender shall be entitled, at its election, to participate in the proceeding and to be represented in the proceeding by counsel of its own choice, and Trustor will deliver or cause to be delivered to Lender such instruments and documentation as may be requested by Lender from time to time to permit such participation.

Application of Net Proceeds. If any award is made or settlement entered into in any condemnation proceedings affecting all or any part of the Property or by any proceeding or purchase in lieu of condemnation, Lender may at its election, and to the extent permitted by law, require that all or any portion of the award or settlement be applied to the indebtedness and to the repayment of all reasonable costs, expenses, and attorneys' fees incurred by Trustor or Lender in connection with the condemnation proceedings.

IMPOSITION OF TAXES, FEES AND CHARGES BY GOVERNMENTAL AUTHORITIES. The following provisions relating to governmental taxes, fees and charges are a part of this Deed of Trust:

Current Taxes, Fees and Charges. Upon request by Lender, Trustor shall execute such documents in addition to this Deed of Trust and take whatever other action is requested by Lender to perfect and continue Lender's lien on the Real Property. Trustor shall reimburse Lender for all taxes, as described below, together with all expenses incurred in recording, perfecting or continuing this Deed of Trust, including without limitation all taxes, fees, documentary stamps, and other charges for recording or registering this Deed of Trust.

Taxes. The following shall constitute taxes to which this section applies: (1) a specific tax upon this type of Deed of Trust or upon all or any part of the indebtedness secured by this Deed of Trust; (2) a specific tax on Trustor which Trustor is authorized or required to deduct from payments on the indebtedness secured by this type of Deed of Trust; (3) a tax on this type of Deed of Trust chargeable against the Lender or the holder of the Note; and (4) a specific tax on all or any portion of the indebtedness or on payments of principal and interest made by Trustor.

Subsequent Taxes. If any tax to which this section applies is enacted subsequent to the date of this Deed of Trust, this event shall have the same effect as an Event of Default, and Lender may exercise any or all of its available remedies for an Event of Default as provided below unless Trustor either (1) pays the tax before it becomes delinquent, or (2) contests the tax as provided above in the Taxes and Liens section and deposits with Lender cash or a sufficient corporate surety bond or other security satisfactory to Lender.

SECURITY AGREEMENT; FINANCING STATEMENTS. The following provisions relating to this Deed of Trust as a security agreement are a part of this Deed of Trust:

Security Agreement. This instrument shall constitute a Security Agreement to the extent any of the Property constitutes fixtures, and Lender shall have all of the rights of a secured party under the Uniform Commercial Code as amended from time to time.



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**DEED OF TRUST
(Continued)**

Security Interest. Upon request by Lender, Trustor shall take whatever action is requested by Lender to perfect and continue Lender's security interest in the Rents and Personal Property. Trustor shall reimburse Lender for all expenses incurred in perfecting or continuing this security interest. Upon default, Trustor shall not remove, sever or detach the Personal Property from the Property. Upon default, Trustor shall assemble any Personal Property not affixed to the Property in a manner and at a place reasonably convenient to Trustor and Lender and make it available to Lender within three (3) days after receipt of written demand from Lender to the extent permitted by applicable law.

Addresses. The mailing addresses of Trustor (debtor) and Lender (secured party) from which information concerning the security interest granted by this Deed of Trust may be obtained (each as required by the Uniform Commercial Code) are as stated on the first page of this Deed of Trust.

FURTHER ASSURANCES; ATTORNEY-IN-FACT. The following provisions relating to further assurances and attorney-in-fact are a part of this Deed of Trust:

Further Assurances. At any time, and from time to time, upon request of Lender, Trustor will make, execute and deliver, or will cause to be made, executed or delivered, to Lender or to Lender's designee, and when requested by Lender, cause to be filed, recorded, refiled, or rerecorded, as the case may be, at such times and in such offices and places as Lender may deem appropriate, any and all such mortgages, deeds of trust, security deeds, security agreements, financing statements, continuation statements, instruments of further assurance, certificates, and other documents as may, in the sole opinion of Lender, be necessary or desirable in order to effectuate, complete, perfect, continue, or preserve (1) Trustor's obligations under the Note, this Deed of Trust, and the Related Documents, and (2) the liens and security interests created by this Deed of Trust as first and prior liens on the Property, whether now owned or hereafter acquired by Trustor. Unless prohibited by law or Lender agrees to the contrary in writing, Trustor shall reimburse Lender for all costs and expenses incurred in connection with the matters referred to in this paragraph.

Attorney-in-Fact. If Trustor fails to do any of the things referred to in the preceding paragraph, Lender may do so for and in the name of Trustor and at Trustor's expense. For such purposes, Trustor hereby irrevocably appoints Lender as Trustor's attorney-in-fact for the purpose of making, executing, delivering, filing, recording, and doing all other things as may be necessary or desirable, in Lender's sole opinion, to accomplish the matters referred to in the preceding paragraph.

FULL PERFORMANCE. If Trustor pays all the indebtedness when due, and otherwise performs all the obligations imposed upon Trustor under this Deed of Trust, Lender shall execute and deliver to Trustor a request for full reconveyance and shall execute and deliver to Trustor suitable statements of termination of any financing statement on file evidencing Lender's security interest in the Rents and the Personal Property. Lender may charge Trustor a reasonable reconveyance fee at the time of reconveyance.

EVENTS OF DEFAULT. Each of the following, at Lender's option, shall constitute an Event of Default under this Deed of Trust:

Payment Default. Trustor fails to make any payment when due under the Indebtedness.

Other Defaults. Trustor fails to comply with or to perform any other term, obligation, covenant or condition contained in this Deed of Trust or in any of the Related Documents or to comply with or to perform any term, obligation, covenant or condition contained in any other agreement between Lender and Trustor.

Compliance Default. Failure to comply with any other term, obligation, covenant or condition contained in this Deed of Trust, the Note or in any of the Related Documents.

Default on Other Payments. Failure of Trustor within the time required by this Deed of Trust to make any payment for taxes or insurance, or any other payment necessary to prevent filing of or to effect discharge of any lien.

Environmental Default. Failure of any party to comply with or perform when due any term, obligation, covenant or condition contained in any environmental agreement executed in connection with the Property.

Default in Favor of Third Parties. Should Grantor default under any loan, extension of credit, security agreement, purchase or sales agreement, or any other agreement, in favor of any other creditor or person that may materially affect any of Grantor's property or Grantor's ability to repay the indebtedness or Grantor's ability to perform Grantor's obligations under this Deed of Trust or any of the Related Documents.

False Statements. Any warranty, representation or statement made or furnished to Lender by Trustor or on Trustor's behalf under this Deed of Trust or the Related Documents is false or misleading in any material respect, either now or at the time made or furnished or becomes false or misleading at any time thereafter.

Defective Collateralization. This Deed of Trust or any of the Related Documents ceases to be in full force and effect (including failure of any collateral document to create a valid and perfected security interest or lien) at any time and for any reason.

Death or Insolvency. The dissolution of Trustor's (regardless of whether election to continue is made), any member withdraws from the limited liability company, or any other termination of Trustor's existence as a going business or the death of any member, the insolvency of Trustor, the appointment of a receiver for any part of Trustor's property, any assignment for the benefit of creditors, any type of creditor workout, or the commencement of any proceeding under any bankruptcy or insolvency laws by or against Trustor.

Creditor or Forfeiture Proceedings. Commencement of foreclosure or forfeiture proceedings, whether by judicial proceeding, self-help, repossession or any other method, by any creditor of Trustor or by any governmental agency against any property securing the indebtedness. This includes a garnishment of any of Trustor's accounts, including deposit accounts, with Lender. However, this



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Event of Default shall not apply if there is a good faith dispute by Trustor as to the validity or reasonableness of the claim which is the basis of the creditor or forfeiture proceeding and if Trustor gives Lender written notice of the creditor or forfeiture proceeding and deposits with Lender monies or a surety bond for the creditor or forfeiture proceeding, in an amount determined by Lender, in its sole discretion, as being an adequate reserve or bond for the dispute.

Breach of Other Agreement. Any breach by Trustor under the terms of any other agreement between Trustor and Lender that is not remedied within any grace period provided therein, including without limitation any agreement concerning any indebtedness or other obligation of Trustor to Lender, whether existing now or later.

Events Affecting Guarantor. Any of the preceding events occurs with respect to any Guarantor of any of the Indebtedness or any Guarantor dies or becomes incompetent, or revokes or disputes the validity of, or liability under, any Guaranty of the Indebtedness.

Adverse Change. A material adverse change occurs in Trustor's financial condition, or Lender believes the prospect of payment or performance of the Indebtedness is impaired.

Insecurity. Lender in good faith believes itself insecure.

RIGHTS AND REMEDIES ON DEFAULT. If an Event of Default occurs under this Deed of Trust, at any time thereafter, Trustee or Lender may exercise any one or more of the following rights and remedies:

Election of Remedies. Election by Lender to pursue any remedy shall not exclude pursuit of any other remedy, and an election to make expenditures or to take action to perform an obligation of Trustor under this Deed of Trust, after Trustor's failure to perform, shall not affect Lender's right to declare a default and exercise its remedies.

Foreclosure by Sale. Upon an Event of Default under this Deed of Trust, Beneficiary may declare the entire Indebtedness secured by this Deed of Trust immediately due and payable by delivery to Trustee of written declaration of default and demand for sale and of written notice of default and of election to cause to be sold the Property, which notice Trustee shall cause to be filed for record. Beneficiary also shall deposit with Trustee this Deed of Trust, the Note, other documents requested by Trustee, and all documents evidencing expenditures secured hereby. After the lapse of such time as may then be required by law following the recordation of the notice of default, and notice of sale having been given as then required by law, Trustee, without demand on Trustor, shall sell the Property at the time and place fixed by it in the notice of sale, either as a whole or in separate parcels, and in such order as it may determine, at public auction to the highest bidder for cash in lawful money of the United States, payable at time of sale. Trustee may postpone sale of all or any portion of the Property by public announcement at such time and place of sale, and from time to time thereafter may postpone such sale by public announcement at the time fixed by the preceding postponement in accordance with applicable law. Trustee shall deliver to such purchaser its deed conveying the Property so sold, but without any covenant or warranty, express or implied. The recitals in such deed of any matters or facts shall be conclusive proof of the truthfulness thereof. Any person, including Trustor, Trustee or Beneficiary may purchase at such sale. After deducting all costs, fees and expenses of Trustee and of this Trust, including cost of evidence of title in connection with sale, Trustee shall apply the proceeds of sale to payment of: all sums expended under the terms hereof, not then repaid, with accrued interest at the amount allowed by law in effect at the date hereof; all other sums then secured hereby; and the remainder, if any, to the person or persons legally entitled thereto.

Judicial Foreclosure. With respect to all or any part of the Real Property, Lender shall have the right in lieu of foreclosure by power of sale to foreclose by judicial foreclosure in accordance with and to the full extent provided by California law.

UCC Remedies. With respect to all or any part of the Personal Property, Lender shall have all the rights and remedies of a secured party under the Uniform Commercial Code, including without limitation the right to recover any deficiency in the manner and to the full extent provided by California law.

Collect Rents. Lender shall have the right, without notice to Trustor to take possession of and manage the Property and collect the Rents, including amounts past due and unpaid, and apply the net proceeds, over and above Lender's costs, against the Indebtedness. In furtherance of this right, Lender may require any tenant or other user of the Property to make payments of rent or use fees directly to Lender. If the Rents are collected by Lender, then Trustor irrevocably designates Lender as Trustor's attorney-in-fact to endorse instruments received in payment thereof in the name of Trustor and to negotiate the same and collect the proceeds. Payments by tenants or other users to Lender in response to Lender's demand shall satisfy the obligations for which the payments are made, whether or not any proper grounds for the demand existed. Lender may exercise its rights under this subparagraph either in person, by agent, or through a receiver.

Appoint Receiver. Lender shall have the right to have a receiver appointed to take possession of all or any part of the Property, with the power to protect and preserve the Property, to operate the Property preceding foreclosure or sale, and to collect the Rents from the Property and apply the proceeds, over and above the cost of the receivership, against the Indebtedness. The receiver may serve without bond if permitted by law. Lender's right to the appointment of a receiver shall exist whether or not the apparent value of the Property exceeds the Indebtedness by a substantial amount. Employment by Lender shall not disqualify a person from serving as a receiver.

Tenancy at Sufferance. If Trustor remains in possession of the Property after the Property is sold as provided above or Lender otherwise becomes entitled to possession of the Property upon default of Trustor, Trustor shall become a tenant at sufferance of Lender or the purchaser of the Property and shall, at Lender's option, either (1) pay a reasonable rental for the use of the Property, or (2) vacate the Property immediately upon the demand of Lender.



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**DEED OF TRUST
(Continued)**

Other Remedies. Trustee or Lender shall have any other right or remedy provided in this Deed of Trust or the Note or available at law or in equity.

Notice of Sale. Lender shall give Trustor reasonable notice of the time and place of any public sale of the Personal Property or of the time after which any private sale or other intended disposition of the Personal Property is to be made. Reasonable notice shall mean notice given at least ten (10) days before the time of the sale or disposition. Any sale of the Personal Property may be made in conjunction with any sale of the Real Property.

Sale of the Property. To the extent permitted by applicable law, Trustor hereby waives any and all rights to have the Property marshalled. In exercising its rights and remedies, the Trustee or Lender shall be free to sell all or any part of the Property together or separately, in one sale or by separate sales. Lender shall be entitled to bid at any public sale on all or any portion of the Property.

Attorneys' Fees; Expenses. If Lender institutes any suit or action to enforce any of the terms of this Deed of Trust, Lender shall be entitled to recover such sum as the court may adjudge reasonable as attorneys' fees at trial and upon any appeal. Whether or not any court action is involved, and to the extent not prohibited by law, all reasonable expenses Lender incurs that in Lender's opinion are necessary at any time for the protection of its interest or the enforcement of its rights shall become a part of the Indebtedness payable on demand and shall bear interest at the Note rate from the date of the expenditure until repaid. Expenses covered by this paragraph include, without limitation, however subject to any limits under applicable law, Lender's attorneys' fees and Lender's legal expenses, whether or not there is a lawsuit, including attorneys' fees and expenses for bankruptcy proceedings (including efforts to modify or vacate any automatic stay or injunction), appeals, and any anticipated post-judgment collection services, the cost of searching records, obtaining title reports (including foreclosure reports), surveyors' reports, and appraisal fees, title insurance, and fees for the Trustee, to the extent permitted by applicable law. Trustor also will pay any court costs, in addition to all other sums provided by law.

Rights of Trustee. Trustee shall have all of the rights and duties of Lender as set forth in this section.

POWERS AND OBLIGATIONS OF TRUSTEE. The following provisions relating to the powers and obligations of Trustee are part of this Deed of Trust:

Powers of Trustee. In addition to all powers of Trustee arising as a matter of law, Trustee shall have the power to take the following actions with respect to the Property upon the written request of Lender and Trustor: (a) join in preparing and filing a map or plat of the Real Property, including the dedication of streets or other rights to the public; (b) join in granting any easement or creating any restriction on the Real Property; and (c) join in any subordination or other agreement affecting this Deed of Trust or the interest of Lender under this Deed of Trust.

Obligations to Notify. Trustee shall not be obligated to notify any other party of a pending sale under any other trust deed or lien, or of any action or proceeding in which Trustor, Lender, or Trustee shall be a party, unless the action or proceeding is brought by Trustee.

Trustee. Trustee shall meet all qualifications required for Trustee under applicable law. In addition to the rights and remedies set forth above, with respect to all or any part of the Property, the Trustee shall have the right to foreclose by notice and sale, and Lender shall have the right to foreclose by judicial foreclosure, in either case in accordance with and to the full extent provided by applicable law.

Successor Trustee. Lender, at Lender's option, may from time to time appoint a successor Trustee to any Trustee appointed under this Deed of Trust by an instrument executed and acknowledged by Lender and recorded in the office of the recorder of San Francisco County, State of California. The instrument shall contain, in addition to all other matters required by state law, the names of the original Lender, Trustee, and Trustor, the book and page where this Deed of Trust is recorded, and the name and address of the successor trustee, and the instrument shall be executed and acknowledged by Lender or its successors in interest. The successor trustee, without conveyance of the Property, shall succeed to all the title, power, and duties conferred upon the Trustee in this Deed of Trust and by applicable law. This procedure for substitution of Trustee shall govern to the exclusion of all other provisions for substitution.

Acceptance by Trustee. Trustee accepts this Trust when this Deed of Trust, duly executed and acknowledged, is made a public record as provided by law.

NOTICES. Any notice required to be given under this Deed of Trust shall be given in writing, and shall be effective when actually delivered, when actually received by telefacsimile (unless otherwise required by law), when deposited with a nationally recognized overnight courier, or, if mailed, when deposited in the United States mail, as first class, certified or registered mail postage prepaid, directed to the addresses shown near the beginning of this Deed of Trust. Trustor requests that copies of any notices of default and sale be directed to Trustor's address shown near the beginning of this Deed of Trust. All copies of notices of foreclosure from the holder of any lien which has priority over this Deed of Trust shall be sent to Lender's address, as shown near the beginning of this Deed of Trust. Any party may change its address for notices under this Deed of Trust by giving formal written notice to the other parties, specifying that the purpose of the notice is to change the party's address. For notice purposes, Trustor agrees to keep Lender informed at all times of Trustor's current address. Unless otherwise provided or required by law, if there is more than one Trustor, any notice given by Lender to any Trustor is deemed to be notice given to all Trustors.

STATEMENT OF OBLIGATION FEE. Lender may collect a fee, not to exceed the maximum amount permitted by law, for furnishing the statement of obligation as provided by Section 2943 of the Civil Code of California.



#####03400326201408

**DEED OF TRUST
(Continued)**

COUNTERPARTS. This Agreement may be executed in counterparts, each of which, when so executed, shall be deemed to be an original, and such counterparts together shall constitute one in the same instrument. For purposes of this Agreement, a facsimile execution shall be considered as the equivalent of a wet ink signature and shall be deemed good and valid acceptance of this Agreement and shall be deemed to have been reasonably relied on by all other parties; provided, however, that any signature forwarded by facsimile shall be promptly followed by a wet ink original, but the failure to forward a wet ink original shall not void or otherwise effect the acceptance evidenced by the facsimile execution.

MISCELLANEOUS PROVISIONS. The following miscellaneous provisions are a part of this Deed of Trust:

Amendments. This Deed of Trust, together with any Related Documents, constitutes the entire understanding and agreement of the parties as to the matters set forth in this Deed of Trust. No alteration of or amendment to this Deed of Trust shall be effective unless given in writing and signed by the party or parties sought to be charged or bound by the alteration or amendment.

Annual Reports. If the Property is used for purposes other than Trustor's residence, Trustor shall furnish to Lender, upon request, a certified statement of net operating income received from the Property during Trustor's previous fiscal year in such form and detail as Lender shall require. "Net operating income" shall mean all cash receipts from the Property less all cash expenditures made in connection with the operation of the Property.

Caption Headings. Caption headings in this Deed of Trust are for convenience purposes only and are not to be used to interpret or define the provisions of this Deed of Trust.

Merger. There shall be no merger of the interest or estate created by this Deed of Trust with any other interest or estate in the Property at any time held by or for the benefit of Lender in any capacity, without the written consent of Lender.

Governing Law. This Deed of Trust will be governed by federal law applicable to Lender and, to the extent not preempted by federal law, the laws of the State of California without regard to its conflicts of law provisions. This Deed of Trust has been accepted by Lender in the State of California.

No Waiver by Lender. Lender shall not be deemed to have waived any rights under this Deed of Trust unless such waiver is given in writing and signed by Lender. No delay or omission on the part of Lender in exercising any right shall operate as a waiver of such right or any other right. A waiver by Lender of a provision of this Deed of Trust shall not prejudice or constitute a waiver of Lender's right otherwise to demand strict compliance with that provision or any other provision of this Deed of Trust. No prior waiver by Lender, nor any course of dealing between Lender and Trustor, shall constitute a waiver of any of Lender's rights or of any of Trustor's obligations as to any future transactions. Whenever the consent of Lender is required under this Deed of Trust, the granting of such consent by Lender in any instance shall not constitute continuing consent to subsequent instances where such consent is required and in all cases such consent may be granted or withheld in the sole discretion of Lender.

Severability. If a court of competent jurisdiction finds any provision of this Deed of Trust to be illegal, invalid, or unenforceable as to any circumstance, that finding shall not make the offending provision illegal, invalid, or unenforceable as to any other circumstance. If feasible, the offending provision shall be considered modified so that it becomes legal, valid and enforceable. If the offending provision cannot be so modified, it shall be considered deleted from this Deed of Trust. Unless otherwise required by law, the illegality, invalidity, or unenforceability of any provision of this Deed of Trust shall not affect the legality, validity or enforceability of any other provision of this Deed of Trust.

Successors and Assigns. Subject to any limitations stated in this Deed of Trust on transfer of Trustor's interest, this Deed of Trust shall be binding upon and inure to the benefit of the parties, their successors and assigns. If ownership of the Property becomes vested in a person other than Trustor, Lender, without notice to Trustor, may deal with Trustor's successors with reference to this Deed of Trust and the Indebtedness by way of forbearance or extension without releasing Trustor from the obligations of this Deed of Trust or liability under the Indebtedness.

Time is of the Essence. Time is of the essence in the performance of this Deed of Trust.

Waive Jury. To the extent permitted by applicable law, all parties to this Deed of Trust hereby waive the right to any jury trial in any action, proceeding, or counterclaim brought by any party against any other party.

DEFINITIONS. The following capitalized words and terms shall have the following meanings when used in this Deed of Trust. Unless specifically stated to the contrary, all references to dollar amounts shall mean amounts in lawful money of the United States of America. Words and terms used in the singular shall include the plural, and the plural shall include the singular, as the context may require. Words and terms not otherwise defined in this Deed of Trust shall have the meanings attributed to such terms in the Uniform Commercial Code:

Beneficiary. The word "Beneficiary" means AVIDBANK, and its successors and assigns.

Borrower. The word "Borrower" means J.S.O.D LLC and includes all co-signers and co-makers signing the Note and all their successors and assigns.

Deed of Trust. The words "Deed of Trust" mean this Deed of Trust among Trustor, Lender, and Trustee, and includes without limitation all assignment and security interest provisions relating to the Personal Property and Rents.

Default. The word "Default" means the Default set forth in this Deed of Trust in the section titled "Default".

Environmental Laws. The words "Environmental Laws" mean any and all state, federal and local statutes, regulations and ordinances



#####03400326201409

DEED OF TRUST
(Continued)

relating to the protection of human health or the environment, including without limitation the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, 42 U.S.C. Section 9601, et seq. ("CERCLA"), the Superfund Amendments and Reauthorization Act of 1986, Pub. L. No. 99-499 ("SARA"), the Hazardous Materials Transportation Act, 49 U.S.C. Section 1801, et seq., the Resource Conservation and Recovery Act, 42 U.S.C. Section 6901, et seq., Chapters 6.5 through 7.7 of Division 20 of the California Health and Safety Code, Section 25100, et seq., or other applicable state or federal laws, rules, or regulations adopted pursuant thereto.

Event of Default. The words "Event of Default" mean any of the events of default set forth in this Deed of Trust in the events of default section of this Deed of Trust.

Guarantor. The word "Guarantor" means any guarantor, surety, or accommodation party of any or all of the Indebtedness.

Guaranty. The word "Guaranty" means the guaranty from Guarantor to Lender, including without limitation a guaranty of all or part of the Note.

Hazardous Substances. The words "Hazardous Substances" mean materials that, because of their quantity, concentration or physical, chemical or infectious characteristics, may cause or pose a present or potential hazard to human health or the environment when improperly used, treated, stored, disposed of, generated, manufactured, transported or otherwise handled. The words "Hazardous Substances" are used in their very broadest sense and include without limitation any and all hazardous or toxic substances, materials or waste as defined by or listed under the Environmental Laws. The term "Hazardous Substances" also includes, without limitation, petroleum and petroleum by-products or any fraction thereof and asbestos.

Improvements. The word "Improvements" means all existing and future improvements, buildings, structures, mobile homes affixed on the Real Property, facilities, additions, replacements and other construction on the Real Property.

Indebtedness. The word "Indebtedness" means all principal, interest, and other amounts, costs and expenses payable under the Note or Related Documents, together with all renewals of, extensions of, modifications of, consolidations of and substitutions for the Note or Related Documents and any amounts expended or advanced by Lender to discharge Trustor's obligations or expenses incurred by Trustee or Lender to enforce Trustor's obligations under this Deed of Trust, together with interest on such amounts as provided in this Deed of Trust.

Lender. The word "Lender" means AVIDBANK, its successors and assigns.

Note. The word "Note" means the promissory note dated March 26, 2014, in the original principal amount of \$1,104,000.00 from Trustor to Lender, together with all renewals of, extensions of, modifications of, refinancings of, consolidations of, and substitutions for the promissory note or agreement. NOTICE TO TRUSTOR: THE NOTE CONTAINS A VARIABLE INTEREST RATE.

Personal Property. The words "Personal Property" mean all equipment, fixtures, and other articles of personal property now or hereafter owned by Trustor, and now or hereafter attached or affixed to the Real Property; together with all accessions, parts, and additions to, all replacements of, and all substitutions for, any of such property; and together with all proceeds (including without limitation all insurance proceeds and refunds of premiums) from any sale or other disposition of the Property. The words "Personal Property" also include all tangible and intangible items obtained or owned by, or in the possession of Trustor that are directly or indirectly related to the acquisition, development, design, construction, permitting, marketing, or habitation of the Real Property or the Improvements to be constructed on the Real Property, whether heretofore or hereafter issued, prepared, or executed, including without limitation all permits, licenses, authorizations and approvals, trademarks and tradenames, and any and all land use entitlements, development rights, sewer capacity, approvals, density allocations and other rights or approvals relating to or authorizing the development or occupancy of the Property, plus all utility or other deposits, reimbursement rights, studies, tests, contracts, plans and specifications, relating to the Property and Improvements.

Property. The word "Property" means collectively the Real Property and the Personal Property.

Real Property. The words "Real Property" mean the real property, interests and rights, as further described in this Deed of Trust.

Related Documents. The words "Related Documents" mean all promissory notes, credit agreements, loan agreements, security agreements, mortgages, deeds of trust, security deeds, collateral mortgages, and all other instruments, agreements and documents, whether now or hereafter existing, executed in connection with the Indebtedness; except that the words do not mean any guaranty or environmental agreement, whether now or hereafter existing, executed in connection with the Indebtedness.

Rents. The word "Rents" means all present and future leases, rents, revenues, income, issues, royalties, profits, and other benefits derived from the Property together with the cash proceeds of the Rents.

Trustee. The word "Trustee" means Fidelity National Title Company, whose address is 2537 Ocean Avenue, San Francisco, CA 94132 and any substitute or successor trustees.

Trustor. The word "Trustor" means J.S.O.D LLC.



#####03400326201410

DEED OF TRUST
(Continued)

TRUSTOR ACKNOWLEDGES HAVING READ ALL THE PROVISIONS OF THIS DEED OF TRUST, AND TRUSTOR AGREES TO ITS TERMS, INCLUDING THE VARIABLE RATE PROVISIONS OF THE NOTE SECURED BY THIS DEED OF TRUST.

TRUSTOR:

J.S.O.D LLC

By:

John O'Donoghue, Member of J.S.O.D LLC

By:

Shauna O'Donoghue

CERTIFICATE OF ACKNOWLEDGMENT

STATE OF

California

)

) SS

COUNTY OF

San Francisco

)

On

March 17, 2014

before me,

Anatoliy A. Pavlishin

(here insert name and title of the officer)

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

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

WITNESS my hand and official seal.

Signature

[Handwritten signature]



(Seal)



#####03400326201411

**DEED OF TRUST
(Continued)**

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**(DO NOT RECORD)
REQUEST FOR FULL RECONVEYANCE**
(To be used only when obligations have been paid in full)

To: _____, Trustee

The undersigned is the legal owner and holder of all indebtedness secured by this Deed of Trust. All sums secured by this Deed of Trust have been fully paid and satisfied. You are hereby directed, upon payment to you of any sums owing to you under the terms of this Deed of Trust or pursuant to any applicable statute, to cancel the Note secured by this Deed of Trust (which is delivered to you together with this Deed of Trust), and to reconvey, without warranty, to the parties designated by the terms of this Deed of Trust, the estate now held by you under this Deed of Trust. Please mail the reconveyance and Related Documents to:

Date: _____

Beneficiary: _____

By: _____

Its: _____

EXHIBIT "A"
Legal Description

For APN/Parcel ID(s): Lot 057, Block 5619

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF SAN FRANCISCO , COUNTY OF SAN FRANCISCO, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

Lot 512, "Gift Map No. 3", as per Map of said Tract recorded in the office of the County Recorder of the City and County of San Francisco, on December 31, 1861, in Book 2 "A" and "B" of Maps, at Page 15.

Welcome to our Permit / Complaint Tracking System!

Below is a list of all agents for the selected permit, along with their roles on the project.

Permit Number: 201406178679

	Firm Name ▼	Agent Name	Role	From	To
Info	MAGNUM CONSTRUCTION GROUP INC	JOBEEN TSANG	CONTRACTOR	6/17/2014	
Info	MAGNUM CONSTRUCTION	JOE TSANG	ARCHITECT	6/17/2014	

Welcome to our Permit / Complaint Tracking System!

Permit Details Report

Report Date: 11/27/2021 1:02:25 PM

Application Number: 201406178679

Form Number: 8

Address(es): 5619/057 /0 133 ELSIE ST

Description: INSTALL NEW FIRE SPRINKLER SYSTEM PER NFPA 13D THROUGHOUT THE BUILDING INCLUDING UNDERGROUND. TOTAL 31 SPRINKLERS.

Cost: \$19,000.00

Occupancy Code: R-3

Building Use: 27 - 1 FAMILY DWELLING

Disposition / Stage:

Action Date	Stage	Comments
6/17/2014	TRIAGE	
6/17/2014	FILING	
6/17/2014	FILED	
6/17/2014	APPROVED	
6/17/2014	ISSUED	

Contact Details:

Contractor Details:

License Number: 901895

Name: JOBEEN TSANG

Company Name: MAGNUM CONSTRUCTION GROUP INC
 Address: P O BOX 4045 * FOSTER CITY CA 94404-0000
 Phone:

Addenda Details:

Description:

Step	Station	Arrive	Start	In Hold	Out Hold	Finish	Checked By	Hold Description
1	INTAKE	6/17/14	6/17/14			6/17/14	BUFKA SUSAN	
2	SFFD	6/17/14	6/17/14			6/17/14	BROWN RICHARD	OTC
3	DPW-BSM	6/17/14	6/17/14			6/17/14	CHOY CLINTON	
4	CPB	6/17/14	6/17/14			6/17/14	YU ZHANG REN	

This permit has been issued. For information pertaining to this permit, please call 628-652-3450.

Appointments:

Appointment Date	Appointment AM/PM	Appointment Code	Appointment Type	Description	Time Slots
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Inspections: There are no inspections on this permit.

Activity Date	Inspector	Inspection Description	Inspection Status
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Special Inspections:

Addenda No.	Completed Date	Inspected By	Inspection Code	Description	Remarks
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For information, or to schedule an inspection, call 628-652-3400 between 8:30 am and 3:00 pm.

[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](#).

Welcome to our Permit / Complaint Tracking System!

Plumbing Permit Details Report

Report Date: 11/27/2021 3:54:14 PM

Application Number: PM20140523988

Address(es): 5619 /057 :133 ELSIE ST

Description: **INSTALL NEW FURNACES & NEW FLUE PIPES.**

Stage:

Action Date	Stage	Comments
5/19/2015	EXPIRED	Auto expire
5/23/2014	ISSUED	
5/23/2014	FILED	

Contractor Details:

License Number: 420893
 Name: ARWIN FUYU HO
 Company Name: NEW ERA CONSTRUCTION CO. ***CHECK ID****
 Address: 18 LEONARD CT ALAMEDA CA, 94502-0000
 Phone: 4153366188

Appointment Details:

Appointment Date	Appointment AM/PM	Appointment Code	Appointment Type	Description	Time Slots
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Inspection Details:

Activity Date	Inspector	Inspection Description	Inspection Status
9/11/2014	Daniel Ortega	FINAL MECHANICAL INSPECTION	CORRECTION NOTICE
6/23/2014	Jason Buckley	FINAL MECHANICAL INSPECTION APPRVED	ROUGH IN FLUES/VENTS/FURNACE APPROVED

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

Welcome to our Permit / Complaint Tracking System!

Plumbing Permit Details Report

Report Date: 11/27/2021 3:51:10 PM

Application Number: PP20140617589

Address(es): 5619 /057 :133 ELSIE ST

Description: **INSTALL NEW SPRINKLER SYSTEM PER NFPA 13D INCLUDE UNDERGROUND.**

Stage:

Action Date	Stage	Comments
6/13/2015	EXPIRED	Auto expire
6/17/2014	ISSUED	
6/17/2014	FILED	

Contractor Details:

License Number: 901895

Name: JOBEEN TSANG

Company Name: **MAGNUM CONSTRUCTION GROUP INC**

Address: P O BOX 4045 FOSTER CITY CA, 94404-0000

Phone: 4158062788

Appointment Details:

Appointment Date	Appointment AM/PM	Appointment Code	Appointment Type	Description	Time Slots
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Inspection Details:

Activity Date	Inspector	Inspection Description	Inspection Status
---------------	-----------	------------------------	-------------------

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

[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](#).

Welcome to our Permit / Complaint Tracking System!

Plumbing Permit Details Report

Report Date: 12/6/2021 1:47:11 PM

Application Number: PP20140523987

Address(es): 5619 /057 : 133 ELSIE ST

Description: NEW CONSTRUCTION PLUMBING; ALL FLOORS: NEW BATHROOMS, KITCHEN, GAS PIPE.

Stage:

Action Date	Stage	Comments
5/19/2015	EXPIRED	Auto expire
5/23/2014	ISSUED	
5/23/2014	FILED	

Contractor Details:

License Number: 420893
 Name: ARWIN FUYU HO
 Company Name: NEW ERA CONSTRUCTION CO. ***CHECK ID***
 Address: 18 LEONARD CT ALAMEDA CA, 94502-0000
 Phone: 4153366188

Appointment Details:

Appointment Date	Appointment AM/PM	Appointment Code	Appointment Type	Description	Time Slots
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Inspection Details:

Activity Date	Inspector	Inspection Description	Inspection Status
9/11/2014	Daniel Ortega	FINAL PLUMBING INSPECTION	CORRECTION NOTICE
7/14/2014	Jason Buckley	SHOWER PAN INSTALLATION	SHOWER PAN INSTALLATION APPROVED
6/23/2014	Jason Buckley	ROUGH IN PLUMBING	ROUGH IN PLUMBING APPROVED

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

Welcome to our Permit / Complaint Tracking System!

Below is a list of all agents for the selected permit, along with their roles on the project.

Permit Number: 200603015694

	<u>Firm Name</u> ▼	<u>Agent Name</u>	<u>Role</u>	<u>From</u>	<u>To</u>
Info	OWNER	OWNER OWNER	CONTRACTOR	12/2/2013	
Info	LEVY ART ARCHITECTURE	SUSIE DOUGLAS	ARCHITECT	3/1/2006	
Info		ROSS LEVY	ARCHITECT	12/11/2012	
Info		KEN CEREGHINO	AUTHORIZED AGENT-OTHERS	12/11/2012	

Welcome to our Permit / Complaint Tracking System!

Permit Details Report

Report Date: 11/27/2021 12:54:09 PM

Application Number: 200603015694
 Form Number: 2
 Address(es): 5619/057 /0 133 ELSIE ST
 Description: ERECT 3 STORY, NO BASEMENT, SINGLE FAMILY DWELLING.
 Cost: \$700,000.00
 Occupancy Code: R-3
 Building Use: 27 - 1 FAMILY DWELLING

Disposition / Stage:

Action Date	Stage	Comments
3/1/2006	TRIAGE	
3/1/2006	FILING	
3/1/2006	FILED	
11/5/2007	PLANCHECK	
12/7/2009	APPROVED	
10/21/2011	CANCELLED	Cancelled per section 106A.3.7
12/11/2012	REINSTATED	REINSTATED TO MAKE DUPLICATION PA FOR ISSUING. CANCELLED IN ERROR. WF
7/24/2013	PLANCHECK	
10/22/2013	APPROVED	
12/2/2013	ISSUED	
4/9/2014	SUSPEND	Per Robert Cheung's request on 4/7/2014

4/18/2014	REINSTATED	Per Robert Cheung's request on 4/18/2014
10/16/2014	COMPLETE	2277277 Final Inspection/Approved
10/23/2014	COMPLETE	CFC Issued

Contact Details:

Contractor Details:

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

Addenda Details:

Description:SITE PERMIT (PCD PROJECT)

Step	Station	Arrive	Start	In Hold	Out Hold	Finish	Checked By	Hold Description
1	CPB	3/1/06	3/1/06			3/1/06	YU ANNE	
2	CP-NP	8/30/06	10/4/06			10/4/06	DURANDET KIMBERLY	Sec. 311 mailed 8/30/06, exp 9/29/06.
2	CP-ZOC	3/1/06	5/2/06			10/4/06	DURANDET KIMBERLY	approved addendum
3	ONE-STOP	10/5/06	1/10/07			1/10/07	OMOKARO ERIC	Awaiting client to submit docs since 10/25. Client requested extension to submit docs Dec 06. Client to submit docs 200509163113
4	PAD-MECH	1/10/07	1/11/07			1/11/07	SHAIKH MOHSIN	
4	PAD-MAJ	1/10/07	2/13/07			8/2/07	CHUN ROBERT	
4	DPW-BSM	1/10/07	3/2/07			10/22/07	GAIME BERHANE	Subject to all conditions of DPW/BSM SI #07IE-0224, and MSE #07MSE-0205, Pre-construction site meeting and DPW/BSM sign of is required.
5	SFPUC	8/21/07	8/21/07			8/21/07	SZU-WHITNEY MONICA	Return to BSM. Re-assessed on 11/24/08 for new rates effective 07/01/2008. Returned plans/appl. to CPB - 12/05/08.
6	CPB	10/25/07	10/25/07			10/25/07	YAN BRENDA	CITY PLANNER NEED TO SIGN OFF ON ADDENDUM CARD AND IN THE COMPUTER. SEND BACK TO DCP ON 10/25/07 BY BYAN. SFUSD & SAFETY PERMIT REQ. APPROV BY BYAN.
7	ADMIN	10/24/11	10/24/11			10/24/11	YU ANNE	09/28/11:NOC ISSUED 09/30/11. CANCELS ON 10/21/11. A/P IN ADMINISTRATION HOLDBIN.AY 10/24/11:Application and plans cancelled 10/21/11 per section 106A.3.7.ay
8	CP-ZOC	10/26/07	11/1/07			11/1/07	DURANDET KIMBERLY	approved
9	CPB	11/5/07	11/5/07			11/5/07	LEE ANITA	REMOVE THE APPROVAL ROUTE TO PPC ALONG WITH S-1 & 4 SETS OF PLANS FOR FIRE PER SIMON 10/20/09 ANITA
10	PPC	10/20/09	10/21/09			10/21/09	ELLA CORAZON	10-21-09: REROUTE TO SFFD/REVIEW NEW BLDG (S1 TRAVELLING W/ SITE). CE 10-21-09: ROUTE TO CPB. CE
11	SFFD	10/21/09	10/21/09			10/21/09	GUITRON BRUCE	
12	CPB	10/21/09	12/7/09			12/7/09	YAN BRENDA	SFUSD & SAFETY PERMIT REQ. APPROV BY BYAN. TOTAL AMOUNT DUE \$8142.29. BYAN 12/7/2009.
13	CP-ZOC	2/21/13	6/7/13			6/7/13	FU BEN	12/11/12: PA REINSTATED FOR SIGNATURE AGAIN. WF
14	CP-NP	4/10/13	5/8/13			5/8/13	FU BEN	Mailed 311 Notice 5/1/13; Expired 5/31/13 (Vlad)

15	BLDG	8/29/13	8/29/13			8/29/13	CHUN ROBERT	
15	BLDG	6/7/13	7/17/13	7/17/13		8/9/13	LIN EMILY	Gave plan to Robert Chun since he was the original plan checker.
15	BLDG	8/9/13	8/9/13			8/9/13	LIN EMILY	Gave plan to Rober Chun.
16	DPW-BSM	8/29/13	8/30/13			8/30/13	CY LIONGTIAN	Subject to all conditions of DPW/BSM SI #07IE-0224, and MSE #07MSE-0205, Pre-construction site meeting and DPW/BSM sign of is required.
17	SFFD	9/4/13	9/10/13			9/10/13	HAYES JANICE	N/A No change from previous review for fire flow fire dept access. 09/10/13jh
18	SFPUC	9/12/13	9/26/13			9/26/13	SZU-WHITNEY MONICA	Permit has been assessed a Capacity Charge. 50% paid with permit fees; balance due within 12 months of permit issued date. See Invoice attached to application. Re-assessed 09/25/2013 for new rates effective 07/01/2013. Permit Application was approved, then cancelled. SFPUC was not able to input the revised capacity charge amount in the first payment, therefore the balance is added onto the 2nd payment of the capacity charge which will be billed and collected by SFPUC directly. Route to PPC - 09/26/13.
19	DPW-BSM	9/26/13	9/26/13			9/26/13	CY LIONGTIAN	Subject to all conditions of DPW/BSM SI #07IE-0224, and MSE #07MSE-0205, Pre-construction site meeting and DPW/BSM sign of is required.
20	BLDG	10/10/13	10/11/13			10/11/13	CHUN ROBERT	
21	PPC	9/27/13	9/27/13			9/27/13	SAMARASINGHE GILES	10/11/13: to CPB.grs 10/10/13: to E. Lin for SFUSD form.grs 9/27/13: to CPB.grs 9/26/13: to BSM to stamp plans (traveled with S1).grs 9/12/13: Revised plans need PUC and BSM restamping. To BSM. Traveling with S1 set.grs 9/4/13: to SFFD; snt. 9/3/13: to BSM to sign site application. Traveled with S1 set.grs 8/29/13: to BSM with S1 set.grs
22	CPB	9/27/13	10/2/13			12/2/13	CHAN AMARIS	11/18/13: Notice of Cancellation Letter Sent.Cancel Date:12/9/13 (If customer pays issuance fee on 12/4/13 do not have to pay for extension fee.) 2nd Extension \$644.25 plus 2% technology fee.ay 10/22/13: approved. SFUSD req'd. travelling together w/ S1. gs 10/16/13: Extension Paid. New Cancel Date: 12/4/13.ay 10/10/13: route to PPC. need SFUSD form on Site pln. gs 10/2/13: Site approved. need to pay EXT fee. contractor not selected yet. Site attached to S1. gs 10/2/13: route to Anne Yu for EXT. gs 10/2/13: Notice of Cancellation Letter Sent.Cancel Date:10/23/13. Extension \$3,865.50 plus 2% tech fee. (Extension Fee Required for 2008,2009,2010,2011,2012,and 2013.)ay

This permit has been issued. For information pertaining to this permit, please call 628-652-3450.

Appointments: None of the five DBI inspections were prescheduled!

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

Activity Date	Inspector	Inspection Description	Inspection Status
10/23/2014	Donald Simas	FINAL INSPECT/APPRVD	CFC ISSUED
10/16/2014	Donald Simas	FINAL INSPECT/APPRVD	REINSPECT REQUIRED
6/26/2014	Donald Simas	LATH, EXTERIOR	LATH, EXTERIOR

12

nspections:

Activity Date	Inspector	Inspection Description	Inspection Status
6/24/2014	Donald Simas	ROUGH FRAME	ROUGH FRAME
5/5/2014	Donald Simas	REINFORCING STEEL	REINFORCING STEEL
<u>1 2</u>			

Special Inspections:

Addenda No.	Completed Date	Inspected By	Inspection Code	Description	Remarks
0	10/16/2014	CBLACKSH	1	CONCRETE (PLACEMENT & SAMPLING)	Reviewed & approved by Insp Tam Chiu
0	10/16/2014	CBLACKSH	5B5	MOMENT-RESISTING FRAMES	Reviewed & approved by Insp Tam Chiu
0	10/16/2014	CBLACKSH	20	HOLDOWNS	Reviewed & approved by Insp Tam Chiu
0	10/16/2014	CBLACKSH	13	SPECIAL GRADING, EXCAVATION AND FILLING (GEO. ENGINEERED)	Reviewed & approved by Insp Tam Chiu
0	10/16/2014	CBLACKSH	19	SHEAR WALLS AND FLOOR SYSTEMS USED AS SHEAR DIAPHRAGMS	Reviewed & approved by Insp Tam Chiu
0	9/25/2014	CCHIU	5A1	SINGLE PASS FILLET WELDS < 5/16"	

For information, or to schedule an inspection, call 628-652-3400 between 8:30 am and 3:00 pm.

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

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Permit Addenda Details Report

Report Date: 11/27/2021 3:36:56 PM

Application Number: 200603015694

Form Number: 2

Address(es):
5619 / 057 / 0 133 ELSIE ST

Description: ERECT 3 STORY, NO BASEMENT, SINGLE FAMILY DWELLING.

Cost: \$700,000.00

Occupancy Code: R-3

Building Use:

27 - 1 FAMILY DWELLING

Disposition / Stage:

Action Date	Stage	Comments
10/24/2011	Cancelled	
6/10/2013	App Reinstated	
12/2/2013	ISSUED	

Contact Details:

Contractor Details:

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

Addenda Details:

Description: FINAL - PCD PROJECT ERIC OMOKARO/SEA

Step	Station	Arrive	Start	In Hold	Out Hold	Finish	Checked By	Hold Description
1	PAD-MECH	8/2/07	8/13/07			8/13/07	ZHAN JAMES	to CPB
1	CP-ZOC	1/10/07	11/1/07			11/1/07	DURANDET KIMBERLY	
2	PAD-MAJ	1/10/07	3/1/07	3/2/07		8/2/07	CHUN ROBERT	
2	PAD-MECH	1/10/07	1/11/07			1/11/07	SHAIKH MOHSIN	To PCD
2	DPW-BSM	1/10/07	3/2/07			10/22/07	GAIME BERHANE	Subject to all conditions of DPW/BSM SI #07IE-0224, and MSE #07MSE-0205, Pre-construction site meeting and DPW/BSM sign of is required.
4	SFPUC	8/21/07	8/21/07			8/21/07	SZU-WHITNEY MONICA	Return to BSM
5	ADMIN	10/24/11	10/24/11			10/24/11	YU ANNE	10/24/11: Addendum and plans cancelled 10/21/11.ay
6	CPB	10/25/07	11/5/07			11/5/07	YAN BRENDA	ADDENDUM ATTACH W/ SITE, 12/7/09 BYAN.
7	CP-ZOC	6/7/13	6/7/13			6/7/13	FU BEN	12/11/12: ADDENDUM CANCEL IN ERROR. PLEASE SIGN AGAIN. WF
8	BLDG	8/9/13	8/9/13			8/9/13	LIN EMILY	Gave plan to Robert Chun.
8	BLDG	6/7/13	7/17/13	7/17/13		8/9/13	LIN EMILY	Gave plan to Robert Chun since he was the original plan checker.
8	BLDG	8/29/13	8/29/13			8/29/13	CHUN ROBERT	
9	SFFD	9/9/13	9/12/13			9/12/13	HAYES JANICE	n/a - see addendum card.grs
10	DPW-BSM	8/29/13	8/30/13			8/30/13	CY LIONGTIAN	8-30-13 Subject to all conditions of DPW/BSM SI #07IE-0224, and MSE #07MSE-0205, Pre-construction site meeting and DPW/BSM sign of is required.
11	SFPUC	9/12/13	9/26/13			9/26/13	SZU-WHITNEY MONICA	Permit has been assessed a Capacity Charge. 50% paid with permit fees; balance due within 12 months of permit issued date. See Invoice attached to application. Re-assessed 09/25/2013 for new rates effective 07/01/2013. Permit Application was approved, then cancelled. SFPUC was not able to input the revised capacity charge amount in the first payment, therefore the balance is added onto the 2nd payment of the capacity charge which will be billed and collected by SFPUC directly. Route to PPC - 09/26/13.
12	DPW-BSM	9/26/13	9/27/13			9/27/13	CY LIONGTIAN	
13	MECH	9/27/13	9/27/13			9/27/13	ZHAN JAMES	
14	PPC	9/27/13	9/27/13			9/27/13	SAMARASINGHE GILES	9/27/13: to CPB.grs 9/27/13: to J. Zhan to sign addendum card.grs 9/26/13: to BSM to sign plans

								(traveled with S set). gfrs 9/12/13: to PUC with S set. gfrs 9/4/13: traveled with site permit to SFFD; snt. 9/3/13: Traveled with Site permit to sign application. gfrs 8/29/13: to BSM with S set. gfrs
15	CPB	9/27/13	10/2/13			12/2/13	CHAN AMARIS	10/22/13: S1 approved. S1 attached to Site. gs

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Below is a list of all agents for the selected permit, along with their roles on the project.

Permit Number: 201404183612

	<u>Firm Name</u> ▼	<u>Agent Name</u>	<u>Role</u>	<u>From</u>	<u>To</u>
Info	SIA CONSULTING CORP	PEZHAMAN MOTEVASELLI	ENGINEER	4/18/2014	
Info	O DONOGHUE CONSTRUCTION INC.	JOHN O DONOGHUE	CONTRACTOR	4/21/2014	

Welcome to our Permit / Complaint Tracking System!

Permit Details Report

Report Date: 11/27/2021 1:00:47 PM

Application Number: 201404183612
 Form Number: 8
 Address(es): 5619/057 /0 133 ELSIE ST
 Description: REVISION TO 200603015694/s1 CHANGES TO FOUNDATION PLAN
 Cost: \$1.00
 Occupancy Code: R-3
 Building Use: 27 - 1 FAMILY DWELLING

Disposition / Stage:

Action Date	Stage	Comments
4/18/2014	TRIAGE	
4/18/2014	FILING	
4/18/2014	FILED	
4/21/2014	APPROVED	
4/21/2014	ISSUED	
10/23/2014	COMPLETE	Final Inspection/Approved

Contact Details:

Contractor Details:

License Number: 917704
 Name: JOHN O DONOGHUE

Company Name: O DONOGHUE CONSTRUCTION INC.
 Address: 755 VICTORIA ST * SAN FRANCISCO CA 94127-0000
 Phone:

Addenda Details:

Description:

Step	Station	Arrive	Start	In Hold	Out Hold	Finish	Checked By	Hold Description
1	INTAKE	4/18/14	4/18/14			4/18/14	BUFKA SUSAN	
2	BLDG	4/18/14	4/18/14			4/18/14	YIN DIANE	
3	CPB	4/21/14	4/21/14			4/21/14	PASION MAY	

This permit has been issued. For information pertaining to this permit, please call 628-652-3450.

Appointments:

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

Activity Date	Inspector	Inspection Description	Inspection Status
10/23/2014	Donald Simas	FINAL INSPECT/APPRVD	FINAL INSPECT/APPRVD
5/6/2014	Donald Simas	REINFORCING STEEL	REINFORCING STEEL

Special Inspections:

Addenda No.	Completed Date	Inspected By	Inspection Code	Description	Remarks
0	10/16/2014	YTCHIU	1	CONCRETE (PLACEMENT & SAMPLING)	J:Drive
0	10/16/2014	YTCHIU	2	BOLTS INSTALLED IN CONCRETE	
0	10/16/2014	YTCHIU	4	REINFORCING STEEL AND PRESTRESSING TENDONS	
0	10/16/2014	YTCHIU	24F	OTHERS	pile installation
0	10/16/2014	YTCHIU	12	SHOTCRETE	
0	10/16/2014	YTCHIU	20	HOLDOWNS	
0	10/16/2014	YTCHIU	24A	FOUNDATIONS	
0	10/16/2014	YTCHIU	11	PILING, DRILLED PIERS AND CAISSONS	

Welcome to our Permit / Complaint Tracking System!

Below is a list of all agents for the selected permit, along with their roles on the project.

Permit Number: 201404082740

	<u>Firm Name</u> ▲	<u>Agent Name</u>	<u>Role</u>	<u>From</u>	<u>To</u>
Info	O DONOGHUE CONSTRUCTION INC.	JOHN O DONOGHUE	CONTRACTOR	4/9/2014	

Welcome to our Permit / Complaint Tracking System!

Permit Details Report

Report Date: 11/27/2021 12:58:15 PM

Application Number: 201404082740

Form Number: 8

Address(es): 5619/057 /0 133 ELSIE ST

Description: REVISION TO the APPROVED SHORING PLAN WITH PERMIT AP #2O0603015694. SHORING WAS UNDER PREVIOUS PERMITS, ADDED COST OF PILES ARE \$17,000

Cost: \$17,000.00

Occupancy Code: R-3

Building Use: 27 - 1 FAMILY DWELLING

Disposition / Stage:

Action Date	Stage	Comments
4/8/2014	TRIAGE	
4/8/2014	FILING	
4/8/2014	FILED	
4/9/2014	APPROVED	
4/9/2014	ISSUED	
10/23/2014	COMPLETE	Final Inspection/Approved

Contact Details:

Contractor Details:

License Number: 917704

Name: JOHN O DONOGHUE
 Company Name: O DONOGHUE CONSTRUCTION INC.
 Address: 755 VICTORIA ST * SAN FRANCISCO CA 94127-0000
 Phone:

Addenda Details:

Description:

Step	Station	Arrive	Start	In Hold	Out Hold	Finish	Checked By	Hold Description
1	INTAKE	4/8/14	4/8/14			4/8/14	BUFKA SUSAN	
2	BLDG	4/8/14	4/8/14			4/8/14	CHUN ROBERT	
3	PAD-STR	4/8/14	4/8/14			4/8/14	CHUN ROBERT	
4	CPB	4/9/14	4/9/14			4/9/14	GALIZA DELIA	

This permit has been issued. For information pertaining to this permit, please call 628-652-3450.

Appointments:

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

Activity Date	Inspector	Inspection Description	Inspection Status
10/23/2014	Donald Simas	FINAL INSPECT/APPRVD	FINAL INSPECT/APPRVD
4/22/2014	Sean Birmingham	REINFORCING STEEL	REINFORCING STEEL

Special Inspections: There are no special inspections on this shoring permit.

Addenda No.	Completed Date	Inspected By	Inspection Code	Description	Remarks
0			1	CONCRETE (PLACEMENT & SAMPLING)	J:Drive
0			4	REINFORCING STEEL AND PRESTRESSING TENDONS	reinforcing steel
0			21A	SHORING	
0			11	PILING, DRILLED PIERS AND CAISSONS	
0			13	SPECIAL GRADING, EXCAVATION AND FILLING (GEO. ENGINEERED)	

0			5A1	SINGLE PASS FILLET WELDS < 5/16"	
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For information, or to schedule an inspection, call 628-652-3400 between 8:30 am and 3:00 pm.