

From: [Thomas Schuttish](#)
To: [Major, Erica \(BOS\)](#); [Melgar, Myrna \(BOS\)](#); [Peskin, Aaron \(BOS\)](#); [Preston, Dean \(BOS\)](#)
Cc: [Rosen, Hillary](#); [Chan, Connie \(BOS\)](#); [Lerma, Santiago \(BOS\)](#); [Starr, Aaron \(CPC\)](#); [Angulo, Sunny \(BOS\)](#); [Fieber, Jennifer \(BOS\)](#); [Smeallie, Kyle \(BOS\)](#); [Groth, Kelly \(BOS\)](#); [Merlons, Audrey \(CPC\)](#)
Subject: Board File No. 220878 Penalties for Code Enforcement February 27, 2023
Date: Saturday, February 25, 2023 4:27:49 PM
Attachments: [IMG_3679.png](#)
[IMG_7587.PNG](#)
[Demo Calcs for Lot 22.pdf](#)
[Screen Shot 2023-02-26 at 9:01:56 PM.pdf](#)

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Dear Chair Melgar, President Peskin and Supervisor Preston and Madame Clerk Major:

I am writing in support of this proposed legislation to increase Penalties under this legislation.

This hopefully will be an incentive for project sponsors to comply with the Planning and Building Codes.

Rather than just the incentive of financial punishment raining down on a project sponsor if caught, I also think that the incentive to do the right thing should be applied early in the process.

That is why I am requesting that in addition to approving this legislation with a recommendation to the full Board, the LUT Committee write a letter to the Planning Commission urging them to adjust the Tantamount to Demolition Calculations (TTD) as a further incentive to get project sponsors to do the right thing...*before the damage is done and existing housing is lost.*

Here is the background:

In 2008 the Board approved Planning Code Section 317. Here is the language from the Findings at Section 317(a):

The General Plan recognizes that existing housing is the greatest stock of rental and financially accessible residential units, and is a resource in need of protection.

One of the tools the Board approved to meet the goal in the Findings was to set up the Tantamount to Demolition (TTD) definitions with Sections 317 (b) (2) (B) and (b) (2) (C).

(B) A major alteration of a Residential Building that proposes the Removal of more than 50% of the sum of the Front Facade and Rear Facade and also proposes the Removal of more than 65% of the sum of all exterior walls, measured in lineal feet at the foundation level, or

(C) A major alteration of a Residential Building that proposes the Removal of more than 50% of the Vertical Envelope Elements and more than 50% of the Horizontal Elements of the existing building, as measured in square feet of actual surface area.

Additionally the Board granted the Planning Commission the power to adjust the Calcs with Section 317 (b) (2) (D).

(D) The Planning Commission may reduce the above numerical elements of the criteria in Subsections (b)(2)(B) and (b)(2)(C), by up to 20% of their values should it deem that adjustment is necessary to implement the intent of this Section [317](#), to conserve existing sound housing and preserve affordable housing.

Unfortunately, the Planning Commission has never adjusted the Demo Calcs, not even one time.

While there are many more, here are just two examples showing why the Commission should have adjusted the Demo Calcs.

These two projects are representative of the range of housing in the City, as one is a project in Pacific Heights and the other is a project in the Portola.

The first three photos (#1 thru #3) are of the Pacific Heights project, an A-rated home, a contributor to an Historic District, built in the Second Bay Tradition by a recognized Master Architect, H.C. Baumann.

It was approved in 2018 as an Alteration project, and although subject to review by Enforcement in 2020, the complaint was abated because the project was redesigned to be just below the Section 317 Demolition Calculations, shown at #4.

The last three photos (#5 thru #7) concern Lot 22 at the notorious San Bruno Avenue project. This portion of this horrendous project on Lot 22, was approved as an Alteration of an existing building with a horizontal expansion, a facade change, and a two-story vertical expansion.

Given the scope of the project it should have been reviewed as a Demolition and the Calcs at #5 are illogical. But in 2014 they were accepted by the Staff without any oversight from the Commission.

This portion of the San Bruno Avenue project, which is not currently occupied, was determined to be Tantamount to Demolition in the recent Enforcement by Planning.

This previously existing building did contain two separate flats, 2861 and 2863 San Bruno Avenue, prior to the issuance of the permit and the illegal Demo.

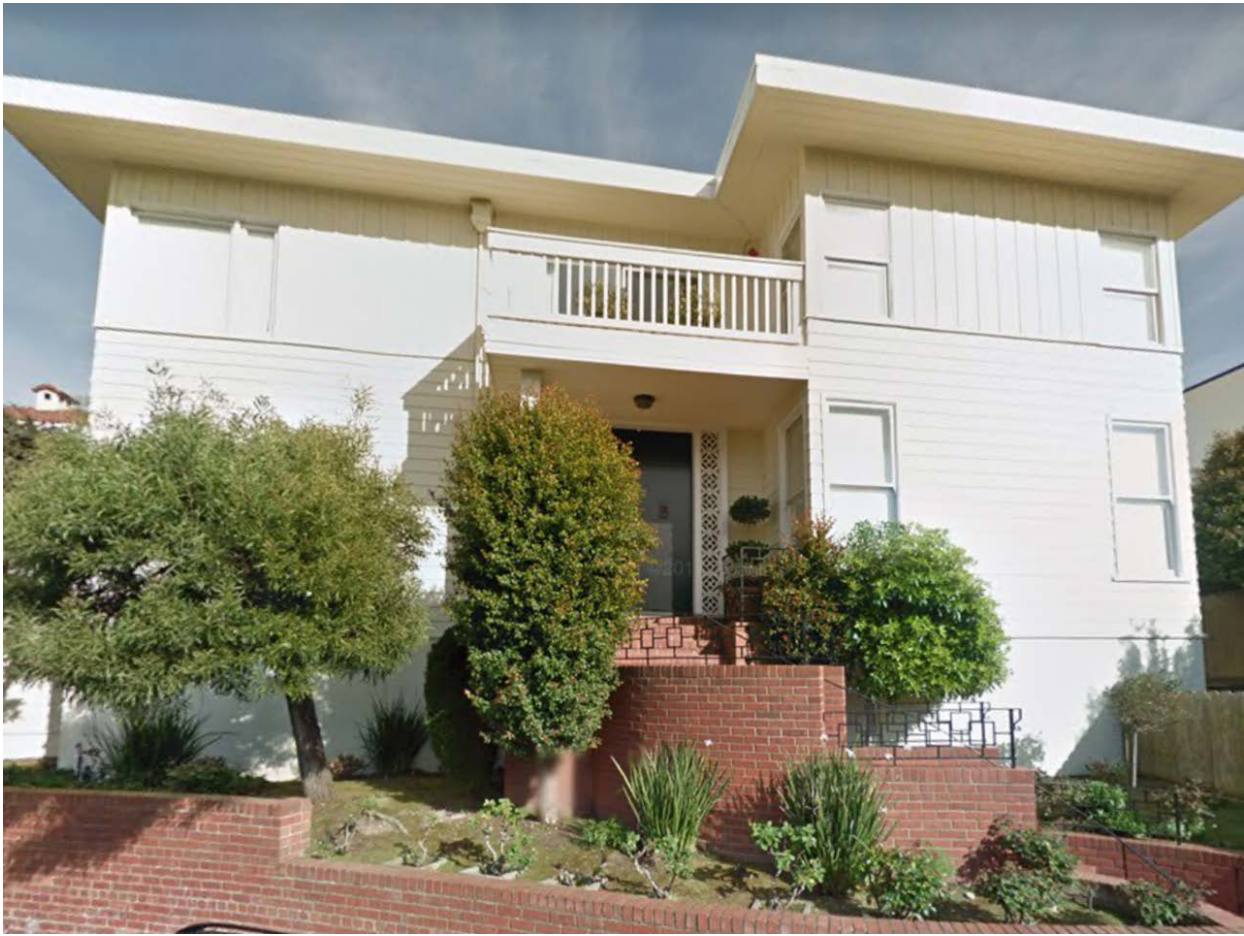
Please consider writing a letter to the Planning Commission, either as individual members of the Board or as a Committee, recommending that the Commission use the power granted to them in 2008 by the Board of Supervisors and adjust the Demo Calcs.

Adjusting the Calcs could be another incentive for project sponsors to do the right thing at the very start of a project.

Thank you.

Sincerely,
Georgia Schuttish

#1 PACIFIC HEIGHTS Original House



#2.DURING CONSTRUCTION



#3.JUST PRIOR TO COMPLETION



#4 REVISED DEMOLITION CALCULATIONS TO ABATE THE COMPLAINT (matrix)

6:37 PM Mon Jul 19

71% 🔋

Done

Image 7-19-21 at 5.20 PM.jpg

TOTAL EXTERIOR VERTICAL SURFACES REMOVAL (SQ)				
EXIST ELEVATION	TO BE DEMO	% REMOVED	MAX ALLOWED	COMPLIANCE
WEST ELEVATION	101.1 SF	14.4%	700.0 SF	COMPLIANT
EAST ELEVATION	101.1 SF	14.4%	700.0 SF	COMPLIANT
FRONT VERTICAL ELEVATION	38.7 SF	5.4%	700.0 SF	COMPLIANT
REAR VERTICAL ELEVATION	38.7 SF	5.4%	700.0 SF	COMPLIANT
TOTAL	178.6 SF	25.0%	2800.0 SF	COMPLIANT

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AND
 TOTAL DEMOLITION DOES NOT EXCEED BOTH QUANTITIES SPECIFIED IN SEC. 317(B)(2)(B) OF THE SF PLANNING CODE. PROJECT IS NOT A DEMOLITION AS DEFINED BY SECTION 317 OF THE SF PLANNING CODE.

DEMOLITION CALCULATIONS PER SECTION 317

DEMOLITION CALCULATION

8

9

EXISTING EAST ELEVATION

SCALE: 1/8" = 1'-0"

EXISTING ELEVATION

AD204

#5 Approved DEMO CALCS FOR 2861-2863 SAN BRUNO AVENUE (on 2014 plans)
 #6 2861-2863 SAN BRUNO AVENUE under Construction prior to being found to be Tantamount to Demolition (TTD)



#7 Original Building 2861-2863 San Bruno Ave

Linear Footage Measurement (in feet) at the foundation level

Element	(E) Length	Removed Length	% Removed
Facade A: Front	24.92	22.42	90%
Facade C: Rear	24.92	24.92	100%
Total:	49.84	47.34	95% $\leq 50%$
Facade B: Right side	68.00	0	0%
Facade D: Left side	68.00	0	0%
Total:	132.00	0	0% $\leq 65%$

Linear Footage Measurement is below demolition threshold

Area Measurement (in square feet) of actual surface area

Vertical - (E) Area

	Grd Fir length	2nd Fir length	Total length	Total ht.	Total area
Front	24.92	24.92	49.84	20.33	1,013
Rear	24.92	24.92	49.84	20.33	1,013
Right side	68.00	68	132	20.33	2,684
Left side	68.00	69.5	135.5	20.33	2,761

(68*20.33+135.5*20.33)

Vertical - Removed Area

	Grd Fir length	2nd Fir length	Total length	Total ht.	Total area
Front	22.42	22.5	44.92	20.33	913
Rear	24.92	11.75	36.67	20.33	746
Right side	0.00	0	0	20.33	0
Left side	0.00	27.01	27.01	20.33	549

(22.42*20.33+36.67*20.33+27.01*20.33)

Horizontal - (E) Area

	Grd Fir area	2nd Fir area	Total area
Floor	1643	1414	3059
Roof	231	1414	1645

(20*172+20)

Horizontal - Removed Area

	Grd Fir area	2nd Fir area	Total area
Floor	0	0	0
Roof	231	1414	1645

Element	(E) Area	Removed Area	% Removed
Facade A: Front	1,013	913	90%
Facade C: Rear	1,013	746	74%
Facade B: Right side	2,684	0	0%
Facades D: Left & Right wall	3,181	549	17%
Vertical Total:	7,871	2,208	28% $\leq 50%$
E: Floor	3,059	0	0%
F: Roof	1,645	1,645	100%
Horizontal Total:	4,704	1,645	35% $\leq 50%$

Area Measurement is below demolition threshold

SECTION 317 DEMOLITION CALCULATION



Google

Google

2021 Google

2021
2023

OPEN
Welcome
2021 Good

OPEN
Lido Nails
715-442-2175
FREE WIFI

Community Youth
Fashion Festival
Parks Department