

File No. 110840

Committee Item No. _____

Board Item No. 26

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee _____

Date _____

Board of Supervisors Meeting

Date September 6, 2011

Cmte Board

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

OTHER (Use back side if additional space is needed)

- | | | |
|--------------------------|--------------------------|---|
| <input type="checkbox"/> | <input type="checkbox"/> | <u>Appeal of Tentative Parcel Map - 8 Napier Lane/222-222A Filbert St</u> |
| <input type="checkbox"/> | <input type="checkbox"/> | _____ |
| <input type="checkbox"/> | <input type="checkbox"/> | _____ |

Completed by: Joy Lamug

Date September 1, 2011

Completed by: _____

Date _____

An asterisked item represents the cover sheet to a document that exceeds 20 pages. The complete document is in the file.

TERENCE KEENE
222 Filbert Street
San Francisco, CA 94133
(415) 902-0982
Email: tjkeene@msn.com

July 25, 2011

VIA HAND DELIVERY

Board of Supervisors
CITY AND COUNTY OF SAN FRANCISCO
1 Dr. Carlton B. Goodlett Place
Room 244
San Francisco, California 94102

Re: Tentative Subdivision Map Appeal
8 Napier Lane/222 Filbert Street/222A Filbert Street
Block and Lot: 0085-007

Dear City and County of San Francisco Supervisors:

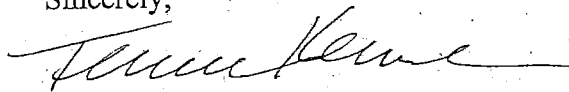
This is our Notice of Appeal for the above-referenced Tentative Subdivision Map Approval dated July 14, 2011. A copy of the approval is attached.

I am one the tenants at 222 Filbert Street.

The appeal is made based on violations of, *inter alia*, the San Francisco Administrative Code; Subdivision Code; and Building, Electrical, Housing and Plumbing Code.

We intend to file an additional statement in support of the appeal after the date and time of appeal have been set.

Sincerely,


Terence Keene

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2011 JUL 25 PM 2:11



Edwin M. Lee, Mayor
Edward D. Reiskin, Director
Fuad S. Sweiss, PE, PLS,
City Engineer & Deputy Director of Engineering



Phone: (415) 554-5827
Fax: (415) 554-5324
www.sfdpw.org
Subdivision.Mapping@sfdpw.org

Department of Public Works
Office of the City and County Surveyor
875 Stevenson Street, Room 410
San Francisco, CA 94103

Bruce R. Storrs, City and County Surveyor

Date: July 14, 2011

Approval of Tentative Map for

3 Units Condo Conversion

Address	Block	Lot
8 NAPIER LN	0085	007
222 - 222A FILBERT ST	0085	007

Dear Sir/Madam:

This is to advise you that based on our findings the City and County Surveyor has made his decision affirming the approval of the subject Tentative Map.

The City and County Surveyor, together with the Planning Department and Department of Building Inspection have reviewed the application for conformity with the General Plan, and with the requirements of the Subdivision Map Act, the San Francisco Subdivision Code and applicable regulations for the Tentative Map.

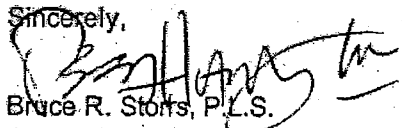
Subdivision Code Section 1314 provides that an appeal of the decision of the City and County Surveyor may be made to the Board of Supervisors, located at 1 Dr. Carlton B. Goodlett Place, Room 244, telephone number (415) 554-5184.

Any such appeal must be filed in writing with the Clerk of the Board within ten (10) days of the date of this letter along with a check in the amount of \$284 made out to the Department of Public Works.

The file for this project is available for viewing at the Office of the City and County Surveyor located at 875 Stevenson Street, Room 410 during regular business hours.

If you have any questions on this matter, please contact us at (415) 554-5827, or our email address: subdivision.mapping@sfdpw.org

Sincerely,


Bruce R. Storrs, P.L.S.
City and County Surveyor
City and County of San Francisco



Edwin M. Lee, Mayor
Edward D. Reiskin, Director
Fuad S. Swais, PE, PLS,
City Engineer & Deputy Director of Engineering



Phone: (415) 554-5827
Fax: (415) 554-5324
www.sfdpw.org
Subdivision.Mapping@sfdpw.org

11 JUL 14 AM 10:36

Department of Public Works
Office of the City and County Surveyor
875 Stevenson Street, Room 410
San Francisco, CA 94103

Bruce R. Storrs, City and County Surveyor

Date: May 31, 2011

Department of City Planning
1650 Mission Street, Suite 400
San Francisco, CA 94103

Attention: Mr. Scott F. Sanchez

1011.0719Q

NE

Project ID: 6448			
Project Type: 3 Units Condo Conversion			
Address#	StreetName	Block	Lot
8	NAPIER LN	0085	007
222 - 222A	FILBERT ST	0085	007
Tentative Map Referral			

Pursuant to Section 1325 of the City and County of San Francisco Subdivision Code and Section 4.105 of the 1996 City Charter, a print of the above referenced Map is submitted for your review, CEQA and General Plan conformity determination: Under the provisions of the Subdivision Map Act and the City and County of San Francisco Subdivision Code, your Department must respond to the Bureau of Street-Use and Mapping within 30 days of the receipt of the application or CEQA Determination per SMA 664521(c). Under these same state and local codes, DPW is required to approve, conditionally approve, or disapprove the above referenced map within 50 days of the receipt of the application or CEQA Determination per SMA 664521(c). Failure to do so constitutes automatic approval. Thank you for your timely review of this Map.

Enclosures:

- Print of Parcel Map
- List "B"
- Proposition "M" Findings
- Photos

Sincerely,

Bruce R. Storrs
Bruce R. Storrs, P.L.S.
City and County Surveyor

RECEIVED SUPERVISORS
BOARD OF SUPERVISORS
SAN FRANCISCO
2011 JUL 27 AM 10:39
AK

✓ The subject Tentative Map has been reviewed by the Planning Department and does comply with applicable provisions of the Planning Code. On balance, the Tentative Map is consistent with the General Plan and the Priority Policies of Planning Code Section 101.1 based on the attached findings. The subject referral is exempt from environmental review per Class 1 California Environmental Quality Act Guidelines.

The subject Tentative Map has been reviewed by the Planning Department and does comply with applicable provisions of the Planning Code subject to the following conditions (Any requested documents should be sent in with a copy of this letter to Scott F. Sanchez at the above address):

The subject Tentative Map has been reviewed by the Planning Department and does not comply with applicable provisions of the Planning Code. Due to the following reasons (Any requested documents should be sent in with a copy of this letter to Scott F. Sanchez at the above address):

PLANNING DEPARTMENT

DATE 7/11/2011

Caron Hollister
Caron Hollister
for Mr. Scott F. Sanchez, ~~Planning~~ Zoning Administrator

"IMPROVING THE QUALITY OF LIFE IN SAN FRANCISCO" We are dedicated individuals committed to teamwork, customer service and continuous improvement in partnership with the community.



Edwin M. Lee, Mayor
Edward D. Reiskin, Director
Fuad S. Sweiss, PE, PLS,
City Engineer & Deputy Director of Engineering



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Fax: (415) 554-5324
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Subdivision.Mapping@sfdpw.org

RECEIVED
11 JUN - 9 11:11

Department of Public Works
Office of the City and County Surveyor
875 Stevenson Street, Room 410
San Francisco, CA 94103

Bruce R. Storrs, City and County Surveyor

Date: May 31, 2011

Human Rights Commission
25 Van Ness Avenue, Suite 800
San Francisco, CA 94102-6033

Project ID: 6448			
Project Type: 3 Units Condo Conversion			
Address#	StreetName	Block	Lot
8	NAPIER LN	0085	007
222 - 222A	FILBERT ST	0085	007
Tentative Map Referral			

Attention Thomas J. Willis:

Pursuant to Sections 1359(d), 1396.2(a) & (b) and 1396.3(1) of the City and County of San Francisco Subdivision Code concerning building eviction status; the list below is submitted to your Commission for review of any evictions on or after January 1, 2000. Under the provisions of the Subdivision Map Act and the City and County of San Francisco Subdivision Code; your Department must respond to the Bureau of Street-Use and Mapping within 30 days of the date of this letter. Failure to do so constitutes automatic approval from your department. Under these same state and local codes, DPW is required to approve, conditionally approve, or disapprove the above referenced map within 50 days of the receipt of the application. Thank you for your timely review of this Tentative Map.

Sincerely,

Bruce R. Storrs, P.L.S.
City and County Surveyor

No Eviction(s) have occurred on or after January 1, 2000.

An Eviction has occurred on or after January 1, 2000.
See attached documents.

Date(s) of Eviction: _____

This confirms that the Human Rights Commission has reviewed the above property for any eviction on or after January 1, 2000. If evictions have occurred, supporting documents have been attached to this form.

Date 6/6/11

Signed [Signature]
Thomas J. Willis,
HRC Division Manager

Enclosure:

Signed Owners Affidavits (Form No. 5, 12 and 13)



Edwin M. Lee, Mayor
Edward D. Reiskin, Director
Fuad S. Sweiss, PE, PLS,
City Engineer & Deputy Director of Engineering



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Fax: (415) 554-5324
www.sfdpw.org
Subdivision.Mapping@sfdpw.org

Department of Public Works
Office of the City and County Surveyor
875 Stevenson Street, Room 410
San Francisco, CA 94103

Bruce R. Storrs, City and County Surveyor

Date: May 31, 2011

Rent Stabilization and Arbitration
Board
25 Van Ness Avenue, Suite 320
San Francisco, CA 94102-6033

Project ID: 6448			
Project Type: 3 Units Condo Conversion			
Address#	StreetName	Block	Lot
8	NAPIER LN	0085	007
222 - 222A	FILBERT ST	0085	007
Tentative Map Referral			

Attention Richard Winn:

Pursuant to Sections 1359(d), 1396.2(a) & (b) and 1396.3(1) of the City and County of San Francisco Subdivision Code concerning building eviction status, the list below is submitted to your Department for review of any evictions on or after January 1, 2000. Under the provisions of the Subdivision Map Act and the City and County of San Francisco Subdivision Code, your Department must respond to the Bureau of Street-Use and Mapping within 30 days of the date of this letter. Failure to do so constitutes automatic approval from your department. Under these same state and local codes, DPW is required to approve, conditionally approve, or disapprove the above referenced map within 50 days of the receipt of the application. Thank you for your timely review of this Tentative Map.

Sincerely,

Bruce R. Storrs, P.L.S.
City and County Surveyor

No Eviction(s) have occurred on or after January 1, 2000.

An Eviction has occurred on or after January 1, 2000.
See attached documents.

Date(s) of Eviction: _____

This confirms that the Rent Stabilization and Arbitration Board has reviewed the above buildings for any eviction on or after January 1, 2000. If evictions have occurred supporting documents have been attached to this form.

Date

6/2/2011

Signed

Richard Winn
Rent Stabilization and Arbitration Board



Edwin M. Lee, Mayor
Edward D. Reiskin, Director
Fuad S. Sweiss, PE, PLS,
City Engineer & Deputy Director of Engineering



Phone: (415) 554-5827
Fax: (415) 554-5324
www.sfdpw.org
Subdivision.Mapping@sfdpw.org

Department of Public Works
Office of the City and County Surveyor
875 Stevenson Street, Room 410
San Francisco, CA 94103

Bruce R. Storrs, City and County Surveyor

Langford Land Surveying
424 Preston Court
Livermore, CA 94551

Tentative Map Approval
PID: 6448
Assessor's Block No. 0085 Lot(s) 007
Address: 222 - 222A Filbert St. & 8 Napier Ln.
Project type: 3 Units Condo Conversion
Date: July 14, 2011

Dear Mr. Richard Langford, PLS:

The Tentative Map which you submitted to this Agency for review is approved, subject to compliance with the following:

The C.C.S.F. Planning Code and all Planning Department conditions outlined in the attached Planning Department memo dated July 11, 2011

Copy of Planning Department approval/conditions (check if attached)

The C.C.S.F. Building Code and all Department of Building Inspection conditions outlined in the attached D.B.I. memo dated

Copy of D.B.I. approval/conditions (check if attached)

The San Francisco Redevelopment Agency conditions outlined in the attached S.F.R.A. memo dated

Copy of S.F.R.A. approval/conditions (check if attached)

The C.C.S.F. Subdivision Code and the California State Map Act

Additionally, please submit:

Two (2) Check Prints of the final version of this map

One (1) copy of C.F.C. (Certificate of Final Completion)

One (1) copy of the Map Checklist (found at our website under: "Information for Mapping Professionals")

Do not submit check prints without complying with ALL of the above.
Incomplete submittals will be returned and subject to additional handling charges.

Sincerely,

Bruce R. Storrs, PLS
City and County Surveyor

Tentative approval valid for 36 months:

This Tentative Map Approval is valid for 36 months, unless a written request for an extension is received prior to the expiration date. When the approved time frame expires, the project is terminated. A completely new application packet together with new fees must then be submitted to DPW/BSM to reopen or reactivate the project.

Contesting this decision:

If you wish to contest this decision, you may do so by filing an appeal (together with an appeal fee check for \$250) with the Clerk of the Board of Supervisors, 1 Dr. Carlton B. Goodlett Place (formerly 400 Van Ness Ave.), Room 244; within ten (10) days of the date of this letter per Section 1314 of the San Francisco Subdivision Code.

11 JUL 15 PM 1:17
RECEIVED



Edwin M. Lee, Mayor
Edward D. Reiskin, Director
Fuad S. Sweiss, PE, PLS,
City Engineer & Deputy Director of Engineering



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Department of Public Works
Office of the City and County Surveyor
875 Stevenson Street, Room 410
San Francisco, CA 94103

Bruce R. Storrs, City and County Surveyor

Date: July 14, 2011

Approval of Tentative Map for

3 Units Condo Conversion

Address	Block	Lot
8 NAPIER LN	0085	007
222 - 222A FILBERT ST	0085	007

Dear Sir/Madam:

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The City and County Surveyor, together with the Planning Department and Department of Building Inspection have reviewed the application for conformity with the General Plan, and with the requirements of the Subdivision Map Act, the San Francisco Subdivision Code and applicable regulations for the Tentative Map.

Subdivision Code Section 1314 provides that an appeal of the decision of the City and County Surveyor may be made to the Board of Supervisors, located at 1 Dr. Carlton B. Goodlett Place, Room 244, telephone number (415) 554-5184.

Any such appeal must be filed in writing with the Clerk of the Board within ten (10) days of the date of this letter along with a check in the amount of \$284 made out to the Department of Public Works.

The file for this project is available for viewing at the Office of the City and County Surveyor located at 875 Stevenson Street, Room 410 during regular business hours.

If you have any questions on this matter, please contact us at (415) 554-5827, or our email address: subdivision.mapping@sfdpw.org

Sincerely,

Bruce R. Storrs, P.L.S.
City and County Surveyor
City and County of San Francisco

E. RESIDENTIAL CONDOMINIUM CONVERSION APPLICATION CHECKLIST

Each item on this check list has an explanation with a corresponding number earlier in the application.
 For example: For clarification of item 15 Proof of Owner Occupancy, see number 15 on page 11.

Check the following items enclosed where applicable:

Submitted per guidelines and in this order?	Conversion Date Only	No.	Item Description and Order	Total of copies	Which and how many of total required items are needed for each agency?			Which items are required for each category of Condominium Conversion?			Form No. (where applicable)
					DPW	DCP	DBI	2 units (Lottery bypass)	2-4 units (Lottery)	5-6 units (Lottery)	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	1.	Three (3) copies of Tentative Parcel Map *One additional copy will be required if project falls within the jurisdiction of SFRA.	3	2*	1		X	X		
<input type="checkbox"/>	<input checked="" type="checkbox"/>	2.	Three (3) copies of Tentative Final Map *One additional copy will be required if project falls within the jurisdiction of SFRA.	3	2*	1				X	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	3.	Subdivision Fee. \$ <u>933</u>	1				X	X		
<input checked="" type="checkbox"/>	<input type="checkbox"/>	4.	Preliminary Title Report (dated within 3 months)	2	1	1		X	X		
<input type="checkbox"/>	<input type="checkbox"/>	5.	Grant Deeds and any other recorded documents for: <input type="checkbox"/> Subject Site and <input checked="" type="checkbox"/> Adjainers	1	1			X	X		
<input checked="" type="checkbox"/>	<input type="checkbox"/>	6.	Building History [Sec. 1381(a)(1)]								
<input checked="" type="checkbox"/>	<input type="checkbox"/>	7.	Statement of Repairs and Improvements [Sec. 1381(g), 4(b)]								
<input checked="" type="checkbox"/>	<input type="checkbox"/>	8.	List of occupants and their apartment numbers, vacant units, and who intend to purchase [Sec 1381(e)(3) & Sec 1381(f)(4)(C)] **								
<input checked="" type="checkbox"/>	<input type="checkbox"/>	9.	Five-year Rental History (include all building occupants) [Sec 1381 (a)(3)] **	2	1	1		X	X		Form No. 1
<input type="checkbox"/>	<input type="checkbox"/>	10.	List of number of bedrooms, square feet, current rental rate, and proposed sales prices [Sec 1381(e)(3) & Sec 1381(f)(4)(C)] **								
<input checked="" type="checkbox"/>	<input type="checkbox"/>	11.	List the permit number(s) of the building permit application filed in connection with the proposed use of this property that is not listed in the 3R Report.	2	1	1		X	X		
<input checked="" type="checkbox"/>	<input type="checkbox"/>	12.	Physical Inspection Report or Receipt of application for Physical Inspection [Sec. 1381(a), (4)(B)]	2	1	1		X	X		
<input checked="" type="checkbox"/>	<input type="checkbox"/>	13.	Current 3R Report [Sec. 1381(a)(2)]	2	1	1		X	X		

Submitted per guidelines and in this order?	Special Use Only	No.	Item Description and Order	Total of copies	Which and how many items are needed for each agency?			Which items are required for each category of Condominium Conversion?			Form No. (where applicable)
					DPW	DCP	DBI	2 units (Lottery Bypass)	2-4 units (Lottery)	5-6 units (Lottery)	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	14.	Proof of owner's occupancy: ** <input checked="" type="checkbox"/> Homeowners Property Tax Exemption, and <input checked="" type="checkbox"/> Affidavit for Ownership / Occupancy (see instructions) <input type="checkbox"/> Tenant Intent to Purchase [Sec. 1388] **	2	1	1		X	X	X	Form No. 11
<input checked="" type="checkbox"/>	<input type="checkbox"/>	15.		2	1	1			X		Form No. 2
<input type="checkbox"/>	<input type="checkbox"/>	16.	Statement of Owner Occupancy [Sec. 1359 (C)] **	2	1	1		X			Form No. 3
<input checked="" type="checkbox"/>	<input type="checkbox"/>	17.	Owner's Release of Interest in Common Areas [Sec. 1323 (6)]	2	1	1		X	X	X	Form No. 4
<input checked="" type="checkbox"/>	<input type="checkbox"/>	18.	Owner's Affidavit [Sec 1359 (d) & 1386.1] ** [Copies: 1-DPW, 1-HRC, 1-DCP]	3	2	1		X	X	X	Form No. 5
<input checked="" type="checkbox"/>	<input type="checkbox"/>	19.	Number and names of all tenants aged 62 or older or permanently disabled who have resided in the building over the past three (3) years [Sec. 1381 (a)(3) & Sec. 1386] ** If applicable, check here <input type="checkbox"/> and submit attached form.	2	1	1		X	X	X	Form No. 6
<input type="checkbox"/>	<input type="checkbox"/>	20.	Neighborhood notification package for Planning Commission hearing [Sec 1313(b)]	1	1	1				X	
<input type="checkbox"/>	<input type="checkbox"/>	21.	Neighborhood notification package for Notification of Tentative Map decision [Sec 1313(e)]	1	1	1				X	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	22.	Owner & tenant notification of Tentative Map Decision [Sec 1314]	1	1	1			X	X	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	23.	Notice to tenants of the proposed conversion [Sec. 1381 (a)(6) & Subdivision Map Act Sec. 66452.51] **	2	1	1			X	X	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	24.	Summary of tenant contacts [Sec. 1381(a) 4(D)] **	2	1	1			X	X	Form No. 7
<input checked="" type="checkbox"/>	<input type="checkbox"/>	25.	Subdivider's statement that the notice of conversion has been given to existing tenants [Sec. 1381(a) (6)(A) & Sec. 1381(a) (6)(C)] **	2	1	1					Form No. 8
<input checked="" type="checkbox"/>	<input type="checkbox"/>	26.	Subdivider's commitment to provide a notice of conversion to new tenants [Sec. 1381(a) (6)(C)] **	2	1	1					

Submitted per guidelines and in this order?	Official Use Only		No.	Item Description and Order	Total of copies	Which and how many of total required items are needed for each agency?			Which items are required for each category of Condominium Conversion?			Form No. (where applicable)	
	Yes	No				DPW	DCP	DBI	2 units (Lottery bypass)	2-4 units (Lottery)	5-6 units (Lottery)		
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	27.	Subdivider's commitment to provide a right of first refusal to tenants to purchase their units [Sec 1387] **	2	1	1				X	X	Form No. 9
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	28.	Photographs of subject property, as follows: [Public Works Code Sec. 723.2 & Planning Code] <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Front photo from the street looking at the property, including sidewalk without obstructions <input checked="" type="checkbox"/> Photo from left side showing property line and sidewalk fronting subject site <input checked="" type="checkbox"/> Photo from right side showing property line and sidewalk fronting subject site <input checked="" type="checkbox"/> Photo of rear of property 	2	1	1				X	X	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	29.	Proposition "M" Findings demonstrating consistency with Eight Priority General Plan Policies [Planning Code Sec. 101.1(b)]	2	1	1				X	X	Form No. 10
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	30.	Owner's Affidavit - Eviction of Senior, Disabled or Catastrophically Ill Tenant [Sec 1396.2(b)] ** [Copies: 1-DPW, 1-HRC, 1-DCP] see page 13	3	2	1				X	X	Form No. 12
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	31.	Owner's Affidavit - Eviction of Tenants [Sec 1396.2(e)] ** [Copies: 1-DPW, 1-HRC, 1-DCP] see page 13	3	2	1				X	X	Form No. 13

** Does not apply to mixed use buildings where there is one (1) residential unit.

EXHIBIT A

The land referred to is situated in the County of San Francisco, City of San Francisco, State of California, and is described as follows:

Beginning at a point on the Northerly line, of Filbert Street, distant thereon 215 feet Easterly from the Easterly line of Montgomery Street, said point being the point of intersection of said line of Filbert Street and the Easterly line of Napier Alley; running thence Easterly and along said line of Filbert Street 30 feet; thence at a right angle Northerly 32 feet 9 inches; thence at a right angle Westerly 30 feet to the Easterly line of Napier Alley; thence at a right angle Southerly along said line of Napier Alley 32 feet 9 inches to the point of beginning.

Assessor's Lot 007; Block 0085

F.FORMS

Form No. 1

(To be submitted by all Residential Condominium Conversion applicants)

**Building History, Statement of Repairs & Improvements,
Occupants, Rental History, and Proposed Prices**

Assessor's Block 0085 Lot Number(s) 007 Address 8 Napier Lane & 222-222A Filbert St, SF, CA 94133

Item No. 6 – Building History

No information known except for as detailed on Report of Residential Record

Item No. 7 – Statement of Repairs & Improvements

n/a

Item No. 8 – List of occupants, their apartment number, vacant units, and owners and tenants who intend to purchase

Unit	Occupant Name	Apartment Number	Is the unit vacant?		Does occupant intend to purchase unit?	
One	Larry Habegger	8	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Two	Terence Keene	222	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Three	Christopher Cantrell & Annie Flowers	222A	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Four			<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Five			<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Six			<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> No

Total # of vacant units: 0

Item No. 9 - Five-year Rental History (include all building occupants)

Five Year Rental History

Apartment No.	Duration	Occupants	Rent	Reason for Termination/Leaving
8	10/90-present	Larry Habegger	O-O	n/a
222	1983-present	Terence Keene	\$1527	n/a
222A	08/10-present	Christopher Cantrell & Annie Flowers	\$2400	n/a
	5/09-7/10	Andrew Collins & Lacey Gattis	\$2200	Separation
	3/05-4/09	Julie Argyle	\$1900	Joined Peace Corps

Form No.1
 Condominium Conversion Application
 Page 2

Are there any evictions associated with this building since May 1, 2005 (Section 1396.2) Yes No
 If yes provide details.

Item No. 10 – List of number of bedrooms, square feet, current rental rate, and proposed sales prices

Apartment No.	No. of Bedrooms	Square Feet	Current Rental Rate	Proposed Sales Price
8	1	900	O-O	\$2,500,000
222	1	900	\$1527	\$2,000,000
222A	1	900	\$2400	\$1,500,000

Item No. 11 – List the permit number(s) of the building permit application filed in connection with the proposed use of this property that is/are not listed in the 3R Report in the space below

N/A # _____ # _____
 # _____ # _____ # _____

Larry Habegger
 Signature of Applicant

5/24/2011
 Date

Gregory Gray
 Signature of Applicant

5/24/2011
 Date

 Signature of Applicant

 Date

 Signature of Applicant

 Date

 Signature of Applicant

 Date



City and County of San Francisco
Department of Building Inspection

CERTIFICATE OF FINAL COMPLETION AND OCCUPANCY

LOCATION: 8 Napier Lane (AKA 222 Filbert Street) 0085/007
(number) (street) (block and lot)

Permit Application No: 201106168272 Type of Construction: V-B Stories: 3 Dwelling Units: 3

Basements: Occupancy Classification: R-2 No. of Guestrooms: 0 with cooking facilities:

Description of Construction: To comply with Physical Inspection Report CC-5974

To the best of our knowledge, the construction described above has been completed and, effective as of the date the building permit application was filed, conforms both to the Ordinances of the City and County of San Francisco and to the Laws of the State of California. The above referenced occupancy classification is approved pursuant to Section 109A of the *San Francisco Building Code*.

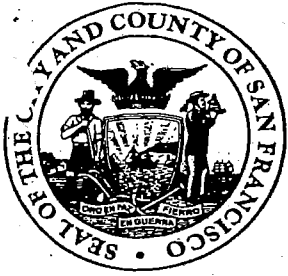
Any change in the use or occupancy of these premises--or any change to the building or premises--could cause the property to be in violation of the *Municipal Codes* of the City and County of San Francisco and, thereby, would invalidate this *Certificate of Final Completion and Occupancy*. A copy of this *Certificate* shall be maintained on the premises and shall be available at all times. Another copy of this *Certificate* should be kept with your important property documents.

Before making any changes to the structure in the future, please contact the Department of Building Inspection, which will provide advice regarding any change that you wish to make and will assist you in making the change in accordance with the *Municipal Codes* of the City and County of San Francisco.

This certificate issued on: 5/17/11 July 6, 2011

Vivian L. Day by: [Signature]
(Signature) Building Inspector

VIVIAN L. DAY, C.B.O., Director of Building Inspection
Copies: White (original to microfilm); Blue (to property owner); Yellow (to Building Inspector); Pink (to Housing Inspector) **PATRICKO / KORDAN,** Printed Name



DEPARTMENT OF BUILDING INSPECTION

City & County of San Francisco

1660 Mission Street, San Francisco, CA 94103-2414

RECEIPT

Recipient:

SIRKIN AND ASSOCIATES
250 MONTGOMERY, SUITE 1200
SAN FRANCISCO, CA 94104
2007040590

Receipt No: 201103031742

Issue Date: 03/03/2011

Issued by: MAY YU

Applicant:

SIRKIN AND ASSOCIATES
250 MONTGOMERY, SUITE 1200
SAN FRANCISCO, CA 94104
2007040590

Report No	Item	Amount Paid	Payment Type	Check/Account No
103031742	3R Report for: 8 NAPIER LN	\$ 160.00	CHECK	2446

Address of Building 8 NAPIER LN

Block 0085

Lot 007

Other Addresses 222 222 A FILBERT ST

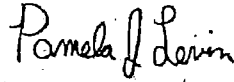
Date of Issuance: 25 FEB 2011

Date of Expiration: 25 FEB 2012

By: WENDY HAMILTON

Report No: 201103031742

Patty Herrera, Manager, Support Services



Pamela J. Levin, Deputy Director
Department of Building Inspection

THIS REPORT IS VALID FOR ONE YEAR ONLY.

The law requires that, prior to the consummation of the sale or exchange of this property, the seller must deliver this report to the buyer and the buyer must sign it.

(For Explanation of terminology, see attached)

EXPLANATION OF TERMS USED IN REPORT OF RESIDENTIAL RECORDS (3R REPORT)

Residential Building: A residential building is a building or a portion thereof, containing one or more dwelling units but not including hotels containing 30 or more guest rooms, or motels.

1A. Present Authorized Occupancy or Use: Number of units presently found to be legal based on the building permits on file. If the Department is unable to establish the authorized occupancy of the building based on permits on file "UNKNOWN" will be indicated.

1B. Condominiums: Refers to the type of ownership of the building.

1C. Residential Hotel Guest Rooms: Certain hotels are regulated as to use and occupancy if they contain Residential Guest Rooms. Call **Housing Inspection Services** at 558-6220 for information.

2. Zoning District: The main uses of property permitted by the Planning Code in each zoning district are as follows:

P	(Public Use) district
RH-1(D)	(House, One-Family, Detached Dwellings) district
RH-1	(House, One-Family) district
RH-1(S)	(House, One-Family with Minor Second Unit) district
RH-2	(House, Two-Family) district
RH-3	(House, Three-Family) district
RM-1	(Mixed Residential, Low Density) district
RM-2	(Mixed Residential, Moderate Density) district
RM-3	(Mixed Residential, Medium Density) district
RM-4	(Mixed Residential, High Density) district
RC-1	(Residential-Commercial Combined, Low Density) district
RC-2	(Residential-Commercial Combined, Moderate Density) district
RC-3	(Residential-Commercial Combined, Medium Density) district
RC-4	(Residential-Commercial Combined, High Density) district
C-1	(Neighborhood Shopping) district
C-2	(Community Business) district
C-3-0	(Downtown Office) district
C-3-R	(Downtown Retail) district
C-3-G	(Downtown General Commercial) district
C-3-S	(Downtown Support) district
C-M	(Heavy-Commercial) district
M-1	(Light Industrial) district
M-2	(Heavy Industrial) district
NC-1	(Neighborhood Commercial Cluster) district
NC-2	(Small-Scale Neighborhood Commercial) district
NC-3	(Moderate-Scale Neighborhood Commercial) district
NC-5	(Neighborhood Commercial Shopping Center) district

Chinatown Mixed Used Districts

CCB	(Chinatown Community Business) district
(CR/NC)	(Chinatown Residential/Neighborhood Commercial) district
CRV	(Chinatown Visitor Retail) district

South of Market Mixed Use Districts

MUR	Mixed Use Residential district
RED	(Residential Enclave) district
SPD	(South Park) district
RSD	(Residential Service) district
SLR	(Service/Light Industrial/Residential) district
SLI	(Service/Light Industrial) district
SSO	(Service/Secondary Office) district

Mission Bay Districts

MB-R-1	(Mission Bay Lower Density Residential) district
MB-R-2	(Mission Bay moderate Density Residential) district
MB-R-3	(Mission Bay High Density Residential) district
MB-NC-2	(Mission Bay Small Scale Neighborhood Commercial) district
MB-NC-3	(Mission Bay Moderate Scale Neighborhood Commercial) district
MB-NC-S	(Mission Bay Neighborhood Commercial Shopping Center) district
MB-O	(Mission Bay Office) district
MB-CI	(Mission Bay Commercial-Industrial) district
MB-H	(Mission Bay Hotel) district
MB-CF	(Mission Bay Community Facilities) district
MB-OS	(Mission Bay Open Space) district

All buildings are subject to certain standards concerning dwelling unit density, lot coverage, off street parking, building height and bulk, etc., which vary according to zoning district. Call the **Planning Department** at 558-6377 or go to their website at <http://www.sf-planning.org/> for additional information.

3. Building Code Occupancy Classification: Present classification of building in accordance with Building Code reference.

Class I	Institutional
Class B	Business
Class R-1	Residential – Transient Hotels & Motels
Class R-2	Residential – Apartments and Condominiums with 3 or more units, Residential Hotels
Class R-3	1 or 2 family dwellings, including housekeeping rooms

4. Non-conforming Use: When a use is located in a district preceding the one for which the use is first listed above, this may indicate illegal status or legal non-conforming status. Any date at which legal non-conforming status is scheduled to expire will be stated on the face of this report. You are advised to inquire in these cases and in any other questionable cases at the Zoning Division of the Planning Department at 558-6377.

5. Building Construction Date: The year the building was constructed.

6. Original Occupancy or Use: The number of residential unit(s) when the building was constructed.

7. Permit Application: This section shows all issued building permit applications for this property, the permit number, the date issued and the description of work. Status: It indicates the status of the permit application:

C – the work was completed;

I – permit has been issued;

N – no job card found;

X – the permit expired (work not started or not completed);

8A. Franchise Tax Board Referral: The City will advise the State Franchise Tax Board to deny all deductions being claimed on income property by an owner, when that owner fails to comply in a timely manner with a notice(s) of violation issued by the Department of Building Inspection. For additional information please call **Housing Inspection Services** at 558-6220.

8B. Abatement Proceedings: The legal action taken to have a property brought into code compliance. This includes holding hearings, recording orders of abatement against the property, and City Attorney action.

The City may also perform the work and place a lien against the property. Call **Housing Inspection Services** at 558-6220 or Code Enforcement at 558-6454 for additional information.

9. Number of residential structures on property: The number of legal residential structures on one lot.

10. Energy Conservation Ordinance: Compliance with this ordinance is required before an owner sells a property. Questions should be directed to **Housing Inspection Services** at 558-6220.

Form No. 11

(Required for all Residential Condominium Conversion applications)

AFFIDAVIT FOR OWNERSHIP/OCCUPANCY

I, Larry Habegger, certify under penalty of perjury that the
full name

following statement is true:
I have resided continuously at 8 Napier Lane, also
address including unit number

being Assessor's Block and Lot 857, in
Assessors's Block and Lot

The City and County of San Francisco, as my primary residence since: October 1, 1990
date occupancy began

I understand that I am affirming under penalty of perjury to the truthfulness of the claims made in this affidavit and that the punishment for knowingly making a false statement may include denial of the condominium conversion subdivision, fines and/or imprisonment.

Date: February 14, 2011

Signature: [Handwritten Signature]

State of California
County of SAN FRANCISCO

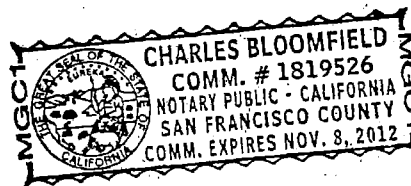
On FEBRUARY 14, 2011 before me, CHARLES BLOOMFIELD NOTARY PUBLIC,
appeared LARRY HABEGGER

_____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/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)



Form No. 2

(To be submitted by Residential Lottery Condominium Conversion applicants)

Tenant Intent to Purchase

Subdivision Code Section 1388. Tenant Intent to Purchase. No application for conversion shall be approved unless there are substantial numbers of tenants who have indicated their intent to purchase their rental unit. This intent shall be evidenced by the submittal in writing of the DPW Tenant Intent to Purchase Form by tenants representing no less than forty percent (40%) of the units. For purposes of calculation, such Forms must be signed by one (1) tenant in a 2-unit building, two (2) tenants residing in separate units in a 3-, 4-, or 5-unit building, or three (3) tenants residing in separate units in a 6-unit building. In obtaining or soliciting tenant approval of the Intent to Purchase Forms, subdividers shall comply with any restrictions set forth in the California Business and Professions Code and regulations of the State Real Estate Commissioner. Further, in calculating the total number of units necessary to satisfy Section 1388, there shall be included in the forty percent (40%) requirement any units in which the occupant qualified for and has expressed an intent to obtain a renewable lifetime lease pursuant to Section 1391(c).

Any Tenant Intent to Purchase Forms obtained by way of any inducement of the subdivider to provide benefits to that tenant beyond those established by this Code shall be so identified and the specific representations of the subdivider shall be set forth in detail. All such Forms shall be come a matter of public record and the subdivider shall be required to comply with his or her representations as conditions of approval.

The Intent to Purchase Forms, once signed by a tenant, shall be irrevocable by said tenant, for purposes of compliance with Section 1388, provided, however, that the Director shall invalidate any such Form upon a determination that the subdivider has used coercion, fraud, duress, misrepresentation or threat in connection with obtaining or soliciting tenant approval of such Form.

TENANT INTENT TO PURCHASE

Larry Habegger as tenant(s) of property at 8 Napier Lane
222 Filbert, SF 94133 at the time of the filing of the application for a condominium conversion subdivision of such property, do hereby certify my/our intent to purchase my/our occupied Unit No. 8 at said property. I/We have seen the list of proposed sales prices to tenants, to be filed by the subdivider with the City and County of San Francisco, and this list indicates the sales price for the subject unit to be \$ 2,500,000.

I/We have reviewed Section 1388 of the Subdivision Code, concerning Tenant Intent to Purchase. It is understood that signing this Intent to Purchase Form, while not creating a contractual obligation to buy, does represent my/our bona fide current desire that I/We have every intention to pursue to completion.

It is further understood that this Intent to Purchase Form will be filed with the City and County for the purpose of establishing the percentage of tenants that may be expected to purchase units if the units are sold as condominiums, pursuant to Section 1388 of said Subdivision Code.

I/We declare, under penalty of perjury, that the statements herein are true and correct.

Tenant(s) and Prospective Buyer(s): Larry Habegger

Dated: 5/24/2011

Form No. 2

(To be submitted by Residential Lottery Condominium Conversion applicants)

Tenant Intent to Purchase

Subdivision Code Section 1388. Tenant Intent to Purchase. No application for conversion shall be approved unless there are substantial numbers of tenants who have indicated their intent to purchase their rental unit. This intent shall be evidenced by the submittal in writing of the DPW Tenant Intent to Purchase Form by tenants representing no less than forty percent (40%) of the units. For purposes of calculation, such Forms must be signed by one (1) tenant in a 2-unit building, two (2) tenants residing in separate units in a 3-, 4-, or 5-unit building, or three (3) tenants residing in separate units in a 6-unit building. In obtaining or soliciting tenant approval of the Intent to Purchase Forms, subdividers shall comply with any restrictions set forth in the California Business and Professions Code and regulations of the State Real Estate Commissioner. Further, in calculating the total number of units necessary to satisfy Section 1388, there shall be included in the forty percent (40%) requirement any units in which the occupant qualified for and has expressed an intent to obtain a renewable lifetime lease pursuant to Section 1391(c).

Any Tenant Intent to Purchase Forms obtained by way of any inducement of the subdivider to provide benefits to that tenant beyond those established by this Code shall be so identified and the specific representations of the subdivider shall be set forth in detail. All such Forms shall be come a matter of public record and the subdivider shall be required to comply with his or her representations as conditions of approval.

The Intent to Purchase Forms, once signed by a tenant, shall be irrevocable by said tenant, for purposes of compliance with Section 1388, provided, however, that the Director shall invalidate any such Form upon a determination that the subdivider has used coercion, fraud, duress, misrepresentation or threat in connection with obtaining or soliciting tenant approval of such Form.

TENANT INTENT TO PURCHASE

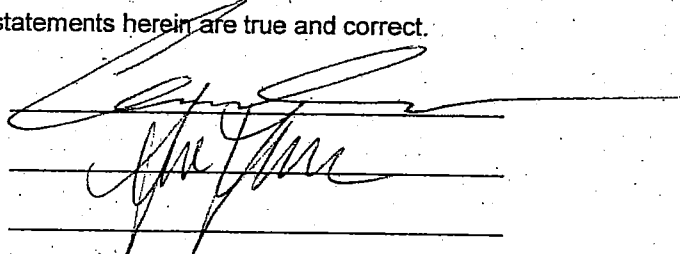
CHRISTOPHER CANTRELL / ANNE FLOWERS as tenant(s) of property at 8 Napier Lane / 222 Filbert
SF 94133 at the time of the filing of the application for a condominium
conversion subdivision of such property, do hereby certify my/our intent to purchase my/our occupied Unit No.
222A at said property. I/We have seen the list of proposed sales prices to tenants, to be filed by the subdivider
with the City and County of San Francisco, and this list indicates the sales price for the subject unit to be
\$1,500,000.

I/We have reviewed Section 1388 of the Subdivision Code, concerning Tenant Intent to Purchase. It is understood that signing this Intent to Purchase Form, while not creating a contractual obligation to buy, does represent my/our bona fide current desire that I/We have every intention to pursue to completion.

It is further understood that this Intent to Purchase Form will be filed with the City and County for the purpose of establishing the percentage of tenants that may be expected to purchase units if the units are sold as condominiums, pursuant to Section 1388 of said Subdivision Code.

I/We declare, under penalty of perjury, that the statements herein are true and correct.

Tenant(s) and Prospective Buyer(s):



Dated: 5/18/2011

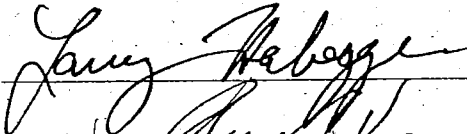
Form No. 4

(To be submitted by all Residential Condominium Conversion applicants)

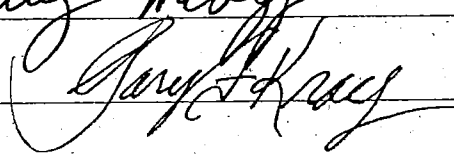
Owner's Release of Interest in Common Areas

In accordance with section 1323(a)(6) of the San Francisco Subdivision Code, this is my statement that neither I nor any of my agents shall retain any right, title or interest in any common area or areas or facilities except those common areas in which I might retain any individual interest by virtue of ownership of one or more of the individual units.

Dated: 5/24/11

Signed: 

Dated: 5/24/11

Signed: 

Dated: _____

Signed: _____

Dated: _____

Signed: _____

Form No. 5

(To be submitted for all Residential Condominium Conversions)

Owner's Affidavit

Compliance with Section 1359(d) & 1396.1 of the San Francisco Subdivision Code

(This document is required for all owners of record.)

Assessors Block 0085 Lot 007

Address 8 Napier Lane & 222-222A Filbert St, SF, CA 94133

We, Larry F. Habegger, Gary F. Kray, hereby certify under penalty of perjury that the following is true and correct to the best of our knowledge:

Since November 16, 2004, no eviction as defined in San Francisco Administrative Code Section 37.9(a)(8) – (14) of a senior, disabled person, or catastrophically ill tenant as defined below has occurred, or if an eviction has taken place under Administrative Code Section 37.9(a)(11) or (14), the original tenant reoccupied the unit after a temporary eviction. For purposes of the above statement, a "senior" shall be a person who is 60 years or older and has been residing in the unit for 10 years or more at the time of the application; a "disabled" tenant is defined as a person who is disabled within the meaning of Title 42 U.S.C. Section 12102(2)(A); and a "catastrophically ill" tenant is defined as a person who is disabled as defined by above, and who is suffering from a life threatening illness as certified by his or her primary care physician.

Larry Habegger
Signature of owner

5/24/2011
Date

Gary F. Kray
Signature of owner

5/24/2011
Date

Signature of owner

Date

Signature of owner

Date

Signature of owner

Date

Signature of owner

Date

Form No. 6

(To be submitted by all Residential Condominium Conversions)

Name of Tenants Aged 62 or Older or Permanently Disabled

Names of all tenants aged 62 or older or permanently disabled who have resided in the building over the past three (3) years [Sec. 1381 (a) (3)]

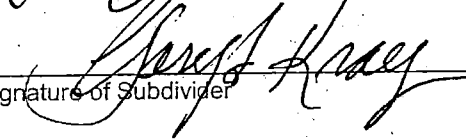
Apt. No.	Name of tenants aged 62 or older or are permanently disabled (to the best of my knowledge)	Residence Period	Forwarding Address	Reason for Relocation
8	None			
222	None			
222A	None			



 Signature of Subdivider

5/24/2011

 Date



 Signature of Subdivider

5/24/2011

 Date

 Signature of Subdivider

 Date

 Signature of Subdivider

 Date

Address list for:

8 Napier Lane & 222-222A Filbert St, San Francisco, CA 94133 Block 0085 Lot 007

Owners

Larry F. Habegger & Gary F. Kray
c/o 8 Napier Lane,
San Francisco, CA 94133

Tenants

Terence Keene
222 Filbert St,
San Francisco, CA 94133

Christopher Cantrell & Annie Flowers
222A Filbert St,
San Francisco, CA 94133

Form No. 7

(To be submitted by Residential Lottery Condominium Conversion applicants)

Summary of Tenant Contacts

Article 9 Section 1381 (a) (4)(D) of the San Francisco Subdivision Code requires subdividers to submit with condominium conversion application a summary of tenant contacts including all meetings held with tenants and all information provided to them about the project and their own options.

Date of contact	Description of interaction with tenants
2/17-4/27	<p>Feb 17th: Owner emailed to inform tenant of 222 about condo conversion and he replied the same day.</p> <p>Feb 18th: Owner provided tenant of 222 "notice of proposed condo conversion" form (copy attached) & tenant intent to purchase form</p> <p>Feb 24th: Owner asked tenant of 222 in-person if he'd like to talk, he said not yet, he needed to talk to some other people first, may take a week or so.</p> <p>March 17th: Owner emailed tenant of 222 and asked if he'd had a chance to talk to whoever it was he wanted to talk to. He wrote back, referring to meeting, that he'd get back to me <i>him</i></p> <p>April 6th: Owner asked tenant of 222 again if he'd had a chance to talk to his contacts & suggested they meet in two weeks to discuss.</p> <p>April 27: Owner emailed tenant of 222. At time of application submission tenant of 222 had not signed either document and gave no indication he would.</p>
Feb 19 th	Owner talked with tenants of 222A & gave them a notice of proposed condo conversion form (copy attached) which they signed to show they had read & understood.
May 18th	Tenant of 222A requested 6 months of free rent to sign a tenant intent to purchase, which was granted.

The undersigned hereby certifies that he/she has recorded all tenant interactions as required by the San Francisco Subdivision Code.

Laney Habegger

 Signature of Applicant

5/24/2011

 Date

Christy Gray

 Signature of Applicant

5/24/2011

 Date

FORM #1

NOTICE OF PROPOSED CONDOMINIUM CONVERSION

The owners of the property in which you reside plan to file a condominium map with the City and County, and to convert the property to condominiums. Under applicable law, the owners are required to provide you with the information contained in and accompanying this Notice, as well as the rights and benefits described in this material.

I. PUBLIC HEARING

If the building contains five or more residential units, public hearings concerning the proposed conversion will be held. You have the right to attend and be heard at the hearing. You may inquire about the hearing with the Department of City Planning. No public hearing is required for buildings containing four or fewer residential units.

II. CITY INSPECTION REPORT

San Francisco's Department of Building Inspection ("DBI") will inspect the property for housing code violations and incipient or potential deficiencies including electrical, plumbing, boiler and energy conservation requirements. A copy of DBI's report will be provided upon request following completion of the report.

III. PROPOSED REPAIRS AND IMPROVEMENTS PRIOR TO CONVERSION

The owners are not representing to you that they will make any repairs and improvements to the property prior to conveying the condominium units.

IV. PROPOSED SALE PRICES AND HOME OWNERS' ASSOCIATION DUES

The following chart contains the prices at which the owners would offer the condominium units for sale if they choose to sell the units, and the projected monthly home owners' association dues:

UNIT	PRICE	DUES
8	2,500,000	250 (est.)
222	2,000,000	250 (est.)
222A	1,500,000	250 (est.)
		250 (est.)
		250 (est.)
		250 (est.)

The units will be sold as fee simple interests. These sale prices may not be increased before each tenant has either waived or exercised his/her purchase rights (as described below) except by the following amounts:

- (a) The percentage increase in the Housing Component of the "Bay Area Consumer Price Index, U.S. Department of Labor" above the price index in existence as of the date of this Notice.
- (b) The pro rata actual cost of any repairs or improvements made by the owners.

Any reduction in the price level of any unit made before each tenant has either waived or exercised his/her purchase rights must be accompanied by a comparable price reduction on the other units.

V. SUMMARY OF TENANT CONTACTS

There have been no tenant contacts other than this Notice. The following occupants have expressed an interest in purchasing their units:

UNIT	OCCUPANT

Tenants who choose not to purchase will be accorded the rights described below. No other programs or assistance will be provided.

VI. RENT INCREASE LIMITATIONS

Your current rent cannot be increased for two years from the date the condominium conversion application is filed. After this two-year period expires, normal San Francisco rent control provisions again apply to limit rent increases.

VII. MANAGEMENT DOCUMENTS

If the building contains five or more units, management documents will be submitted to the California Department of Real Estate. A copy of the management documents will be provided upon request.

VIII. RIGHT TO PURCHASE

You will have a right to purchase the unit in which you live at the price stated in Part IV above. If this is a 2-4 unit building, this right will commence upon the recordation of the Final Map of the condominium project ("Final Map"). If this is a 5-6 unit building, this right will commence upon the issuance of the State Department of Real Estate's Final Subdivision Public Report ("Public Report"). The right will continue for 90 days.

IX. RIGHTS FOR TENANTS WHO DO NOT PURCHASE

A. ONE YEAR LEASE AVAILABLE TO ALL TENANTS

Following approval of the Final Map, you will receive a notification. You will be entitled to enter into a lease agreement for a period of one year from the date of approval of the Final Map. During this period, your rent will remain the same as it is now except for any rent increases allowed by the San Francisco Rent Stabilization and Arbitration Ordinance or, if such Ordinance is not applicable to your unit, any increases proportionate to the increases in the Residential Rent Component of the "Bay Area Cost of Living Index, U.S. Department of Labor".

B. LIFETIME LEASE AVAILABLE TO ELDERLY OR DISABLED TENANTS

If you are 62 or older or permanently disabled at the time of recordation of the Final Map, you are entitled to continue to rent your unit until the later of (i) your death, (ii) the death of the last surviving member of your household who is related to you by blood or marriage and is 62 or older at the time of your death, or (iii) the date you voluntarily vacate the premises following the required notice. Your rent will remain the same as it is now except for any rent increases allowed by the San Francisco Rent Stabilization and Arbitration Ordinance or, if such Ordinance is not applicable to your unit, any increases proportionate to the increases in the Residential Rent Component of the "Bay Area Cost of Living Index, U.S. Department of

Labor". If you request relocation assistance, such assistance shall be provided by the Central Relocation Services agency for the City and County of San Francisco ("CRS") and the seller shall bear any cost of this assistance. When you move, you will be reimbursed for either your actual moving expenses up to \$1,000 or the fixed amount for moving expenses allowed under the CRS moving expense schedule, whichever you prefer.

C. ONE HUNDRED TWENTY DAY NOTICE

If, following recordation of the Final Map, or expiration of your lease, whichever is later, the owner has a legal right to recover possession of your unit to prepare the unit for sale, you will be entitled to receive 120 days to find alternative housing. If you request relocation assistance, such assistance shall be provided by the Central Relocation Services agency for the City and County of San Francisco ("CRS") and the owner shall bear any cost of this assistance. When you move, you will be reimbursed for either your actual moving expenses up to \$1,000 or the fixed amount for moving expenses allowed under CRS' moving expense schedule, whichever you prefer.

If you would like further information regarding any of these matters, please contact:

Larry Habegger at the following number: 415-391-7036
Printed Name of Owner Telephone

Larry Habegger Feb. 17, 2011 415-734-7780
(owner signature) DATE

I have read and understand this document.

CHRISTOPHER CANTRAL
(printed tenant name)

[Signature] 2/19/11
(tenant signature) DATE

Anne Flowers
(printed tenant name)

[Signature] 2/19/11
(tenant signature) DATE

(printed tenant name)

(tenant signature) DATE

Form No. 8

(To be submitted by Residential Lottery Condominium Conversion applicants)

Subdivider's Statement and Commitment Regarding Notice to Tenants

Subdivider's Statement Regarding Notice of Conversion to Existing Tenants

[Sec. 1381(a) (6)(A) & Sec. 1381(a) (6)(C)]

The undersigned subdivider hereby certify that he/she has given notices required by the San Francisco Subdivision Code Section 1381(a)(6) to all current lessees or tenants and will give such notices to those who occupy after submission of the application packet for conversion.

Lucy Habegger
Signature of owner

5/24/2011
Date

Angela Gray
Signature of owner

5/24/2011
Date

Signature of owner

Date

Signature of owner

Date

Subdivider's Commitment to Provide Notice of Conversion to New Tenants

[Sec. 1381(a) (6)(B) & Sec. 1381(a) (6)(C)]

The undersigned subdivider hereby certify that he/she will give notices required by the San Francisco Subdivision Code Section 1381(a)(6) to all current lessees or tenants including those who occupy after submission of the application packet for conversion.

Lucy Habegger
Signature of owner

5/24/2011
Date

Angela Gray
Signature of owner

5/24/2011
Date

Signature of owner

Date

Signature of owner

Date

Form No. 9

(To be submitted by Residential Lottery Condominium Conversion applicants)

Subdivider's Commitment Regarding Notice of the Tenant's Right of First Refusal to Purchase

Subdivider's Commitment to Provide a Right of First Refusal to Tenants to Purchase Their Units [Sec. 1387]

The undersigned subdividers hereby certify that the present tenant or tenants at the date of filing of the application for a Tentative Map of any unit to be converted or, in the event of a voluntary vacation, or eviction for cause, the tenant or tenants in occupancy at the date of recording of the Parcel Map (or in the case of 5-6 unit buildings, at the date of issuance of the State Department of Real Estate's Final Subdivision Public Report) shall be given a nontransferable contract right to purchase the unit occupied at a price no greater than the price offered to the general public, as required by San Francisco Subdivision Code Section 1387.

Henry Heberger
Signature of owner

5/24/2011
Date

[Signature]
Signature of owner

5/24/2011
Date

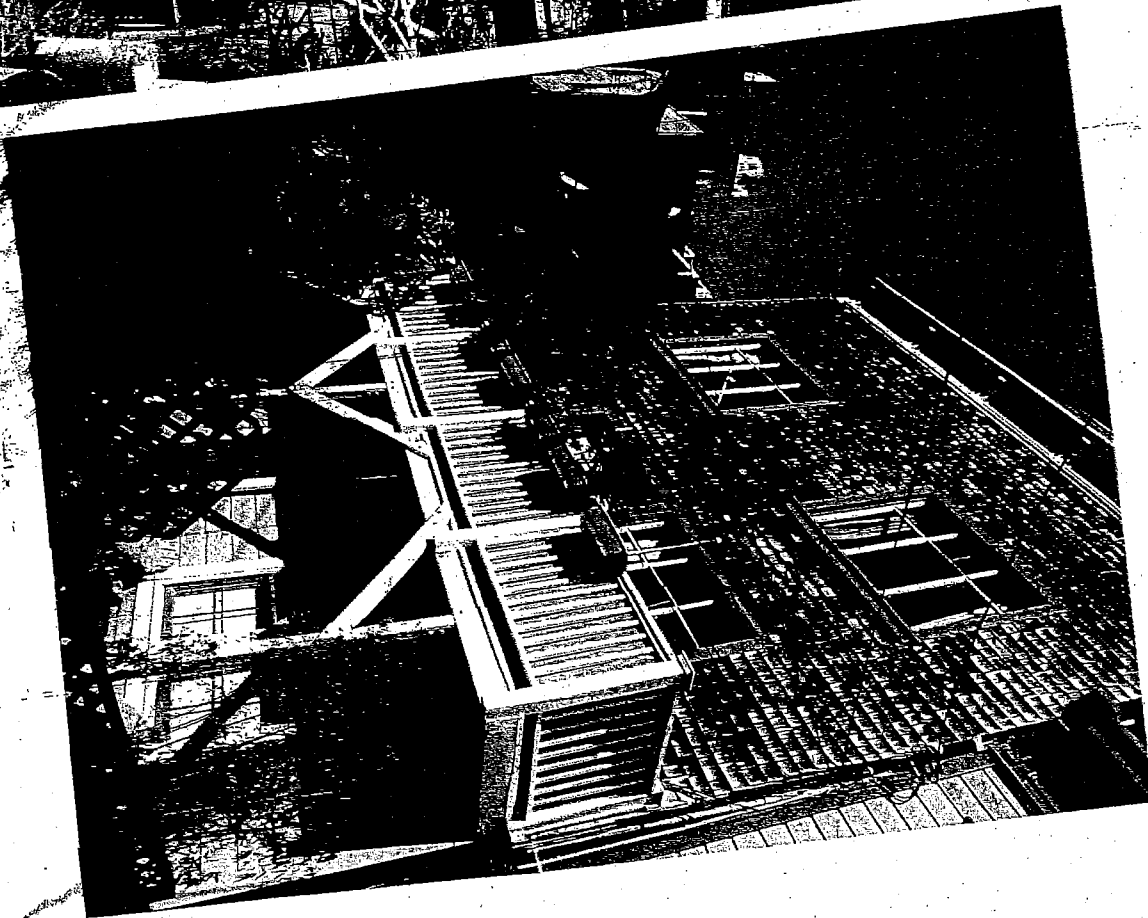
Signature of owner

Date

Signature of owner

Date

8 Napier Lane & 222-222A Filbert St. San Francisco, CA 94133 Block 0085 Lot 007
(There are no sidewalks, both sides of building are fronted by wooden steps.)





Form No. 10

(To be submitted by all Residential Condominium Conversion applicants)

Proposition "M" Findings Form

The Eight Priority Policies
of Section 101.1 of the San Francisco Planning Code

Date: _____

City Planning Case No. _____ (if available)

Address 8 Napier Lane & 222-222A Filbert St, San Francisco, CA 94133

Assessor's Block 0085 Lot(s) 007

Proposal Condominium Conversion

EIGHT PRIORITY GENERAL PLAN POLICIES

As a result of the passage of Proposition M (Section 101.1 of the San Francisco Planning Code), findings that demonstrate consistency with the eight priority policies of Section 101.1 must be presented to the Department of City Planning as part of your project application review for general conformity with San Francisco's General Plan.

Photographs of the subject property are required for priority policy review and must be submitted as part of the application.

INSTRUCTION TO APPLICANTS: Please present information in detail about how your application relates to each of the eight priority policies listed below. The application will be found to be incomplete if the responses are not thorough. Use a separate document and attach if more space is needed.

1. That existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses enhanced;

The proposal will have no negative or positive effect on existing neighborhood-serving retail uses.

2. That existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhood;

The proposal will have no negative or positive effect on existing housing and neighborhood character.

3. That the City's supply of affordable housing be preserved and enhanced;

The proposal will have no negative or positive effect on the City's supply of affordable housing.

4. That commuter traffic not impede Muni transit service or overburden our streets or neighborhood parking;

The proposal will have no negative or positive effect on Muni transit service, traffic or parking.

5. That a diverse economic base be maintained by protecting our industrial and service sectors from displacement due to commercial office development; and that future opportunities for resident employment and ownership in these sectors be enhanced;

The proposal does not involve commercial office development and will have no negative or positive effect on future opportunities for resident employment and ownership in our industrial and service sectors.

6. That the City achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake;

The proposal will have no negative or positive effect on earthquake preparedness.

7. That landmarks and historic buildings be preserved; and

The proposal does not involve changes to existing buildings.

8. That our parks and open space and their access to sunlight and vistas be protected from development.

The proposal will have no negative or positive effect on parks and open space and their access to sunlight

and vistas.

Gary Halverson
Signature of Applicant

5/24/2011
Date

Angela Gray
Signature of Applicant

5/24/2011
Date

Signature of Applicant

Date

Signature of Applicant

Date

Signature of Applicant

Date

Signature of Applicant

Date

Form No. 12

(Required for all Residential Condominium Conversion applications)

Owners Affidavit - Eviction of Senior, Disabled or Catastrophically Ill Tenant

Compliance with Section 1396.2(b) of the San Francisco Subdivision Code

Required for all owners of record

Assessors Block 85 Lot 7
Address 8 Napier Lane

I, Larry Habegger, hereby certify under penalty of perjury that the
(Print Name)
following is true and correct to the best of my knowledge:

Since May 1, 2005, no eviction as defined in San Francisco Administrative Code Section 37.9(a)(8), 37.9(a)(10), 37.9(a)(11), or 37.9(a)(13) of a senior, disabled person, or catastrophically ill tenant as defined below has occurred, or if such an eviction took place, each unit in the building was occupied by a separate owner of record on April 4, 2006. For purposes of the above statement, a "senior" shall be a person who is 60 years or older and has been residing in the unit for 10 years or more at the time of issuance of the eviction notice; a "disabled" tenant is defined as a person who is disabled within the meaning of Title 42 U.S.C. Section 12102(2)(A); and a "catastrophically ill" tenant is defined as a person who is disabled as defined by above, and who is suffering from a life threatening illness as certified by his or her primary care physician.

I understand that I am affirming under penalty of perjury to the truthfulness of the claims made in this affidavit and that the punishment for knowingly making a false statement may include denial of the condominium conversion subdivision, fines, and/or imprisonment

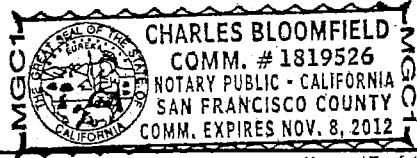
Date: 2/14/11 Signature Larry Habegger
State of California
County of SAN FRANCISCO

On FEBRUARY 14, 2011 before me, (here insert name and title of the officer), personally appeared LARRY HABEGGER
CHARLES BLOOMFIELD, NOTARY PUBLIC

_____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/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 _____ (Seal)



Form No. 12

(Required for all Residential Condominium Conversion applications)

Owners Affidavit - Eviction of Senior, Disabled or Catastrophically Ill Tenant

Compliance with Section 1396.2(b) of the San Francisco Subdivision Code

Required for all owners of record

Assessors Block 85 Lot 7

Address 8 Napier Ln
San Francisco 94133

I, GARY F. KRAY, hereby certify under penalty of perjury that the
(Print Name)
following is true and correct to the best of my knowledge:

Since May 1, 2005, no eviction as defined in San Francisco Administrative Code Section 37.9(a)(8), 37.9(a)(10), 37.9(a)(11), or 37.9(a)(13) of a senior, disabled person, or catastrophically ill tenant as defined below has occurred, or if such an eviction took place, each unit in the building was occupied by a separate owner of record on April 4, 2006. For purposes of the above statement, a "senior" shall be a person who is 60 years or older and has been residing in the unit for 10 years or more at the time of issuance of the eviction notice; a "disabled" tenant is defined as a person who is disabled within the meaning of Title 42 U.S.C. Section 12102(2)(A); and a "catastrophically ill" tenant is defined as a person who is disabled as defined by above, and who is suffering from a life threatening illness as certified by his or her primary care physician.

I understand that I am affirming under penalty of perjury to the truthfulness of the claims made in this affidavit and that the punishment for knowingly making a false statement may include denial of the condominium conversion subdivision, fines, and/or imprisonment

Date: 2/14/11 Signature [Signature]

State of California
County of SAN FRANCISCO

On February 14, 2011 before me, CHARLES BLOOMFIELD, NOTARY PUBLIC
appeared GARY F. KRAY

_____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/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 [Signature] (Seal)



Form No. 13

(Required for all Residential Condominium Conversion applications)

Owners Affidavit - Eviction of Tenants

Compliance with Section 1396.2(a) of the San Francisco Subdivision Code

Required for all owners of record

Assessors Block 85 Lot 7
Address 8 Napier Lane

I, Larry Habegger, hereby certify under penalty of perjury that the
(Print Name)

following is true and correct to the best of my knowledge:

Since May 1, 2005, two or more tenants occupying separate units have not been evicted under San Francisco Administrative Code Section 37.9(a)(8), 37.9(a)(10), 37.9(a)(11), or 37.9(a)(13), or if such evictions took place, each unit in the building was occupied by a separate owner of record on April 4, 2006.

I understand that I am affirming under penalty of perjury to the truthfulness of the claims made in this affidavit and that the punishment for knowingly making a false statement may include denial of the condominium conversion subdivision, fines, and/or imprisonment.

Date: 2/14/11

Signature [Handwritten Signature]

State of California
County of SAN FRANCISCO

On FEBRUARY 14, 2011 before me, CHARLES BLOOMFIELD, NOTARY PUBLIC, personally appeared LARRY HABEGGER

_____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/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)



Form No. 13

(Required for all Residential Condominium Conversion applications)

Owners Affidavit - Eviction of Tenants

Compliance with Section 1396.2(a) of the San Francisco Subdivision Code

Required for all owners of record

Assessors Block 85 Lot 7

Address 8 Napier Ln.
San Francisco 94133

I, GARY F. KRAY, hereby certify under penalty of perjury that the
(Print Name)

following is true and correct to the best of my knowledge:

Since May 1, 2005, two or more tenants occupying separate units have not been evicted under San Francisco Administrative Code Section 37.9(a)(8), 37.9(a)(10), 37.9(a)(11), or 37.9(a)(13), or if such evictions took place, each unit in the building was occupied by a separate owner of record on April 4, 2006.

I understand that I am affirming under penalty of perjury to the truthfulness of the claims made in this affidavit and that the punishment for knowingly making a false statement may include denial of the condominium conversion subdivision, fines, and/or imprisonment

Date: 2/14/11 Signature [Handwritten Signature]

State of California
County of SAN FRANCISCO

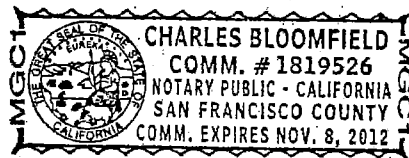
On FEBRUARY 14, 2011 before me, (here insert name and title of the officer), personally appeared GARY F. KRAY CHARLES BLOOMFIELD, NOTARY PUBLIC

me on the basis of satisfactory evidence to be the person(s) whose name(s) is/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)



BOARD of SUPERVISORS



City Hall
Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 544-3222

July 26, 2011

Edward Reiskin, Director
Department of Public Works
City Hall, Room 348
San Francisco, CA 94102

File Number 110840

Appeal of Tentative Map for 8 Napier Lane/222-222A Filbert Street
Lot No. 007 Assessor's Block No. 0085
3-Units Condominium Conversion

Dear Director Reiskin:

The Office of the Clerk of the Board is in receipt of an appeal filed by Terence Keene (copy attached), from the decision of the Department of Public Works dated July 14, 2011, affirming the approval of a Tentative Map for a 3-unit condominium conversion located at 8 Napier Lane and 222-222A Filbert Street.

By copy of this letter, the City Engineer's Office is advised the Board of Supervisors will have the appeal scheduled for public hearing on Tuesday, September 6, 2011, at 2:30 p.m.

Pursuant to Subdivision Code Section 1315, enclosed is a filing fee of \$284.00 paid by the appellant for deposit to your Subdivision Fund.

Sincerely,

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

Angela Calvillo
Clerk of the Board

c:

Jerry Sanguinetti, Manager, Department of Public Works-Bureau of Street Use and Mapping
Fuad Sweiss, City Engineer, Department of Public Works
Bruce Storrs, PLS, County Surveyor, Department of Public Works
Appellant, Terence Keene, 222 Filbert Street, San Francisco, CA 94133
Property Owners, Larry F. Habegger/Gary F. Kray, 8 Napier Lane, San Francisco, CA 94133
Project Contact, Cam Perridge c/o Sirkin Associates, 250 Montgomery Street, Suite 1200, San Francisco, CA 94104
Scott Sanchez, Zoning Administrator, Planning Department
AnMarie Rodgers, Planning Department
Cheryl Adams, Deputy City Attorney
John Malamut, Deputy City Attorney

RECEIVED
11 JUL 26 PM 3:58
DEPT. PUBLIC WORKS
DIRECTOR'S OFFICE
RP.
5/26/11

Appeal of Tentative Condominium Map for 8 Napier Lane/222-222A Filbert Street
File Number 110840

Tenants-Appellants: Terence Keene and Astrid Keene
Tenant Address: 222 Filbert Street
Lot No. 007 Assessor's Block No. 0085
3-Units Condominium Conversion

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2011 AUG 31 PM 12:55
BY [Signature]

Issue

A senior tenant with nearly thirty years in occupancy will be denied a lifetime lease as a result of DBI's failure to properly interpret and enforce laws that require real estate speculators to bring multi-unit apartment buildings fully up to code prior to condo conversion. This is a systemic problem at DBI that has been going on for a decade.

Introduction

Before converting San Francisco tenant housing stock to condominiums, real estate speculators are required to bring multi-unit residential buildings into full building code compliance. Subdivision Code section 1383 states that "as a condition of Final Map approval, the subdivider must demonstrate that *all applicable provisions of the City's Housing, Building and City Planning Codes* have been met and that all violations of such codes have been satisfactorily corrected."

Despite being responsible for pre-condo-conversion inspections and enforcement, DBI has been rushing to rubberstamp condo-conversion Certificates of Final Completion and Occupancy. As the instant appeal by tenants Terence and Astrid Keene will exemplify, for more than a decade, DBI has been wrongly interpreting section 1383 to mean that DBI need only cite landlords for *major health and safety* code violations rather than *all* code violations.

DBI condo-conversion inspectors have been spending an average of only two minutes in each unit before signing off on condo conversions. And, the inspectors are even ignoring violations that meet their own, limited standard of *major health and safety* violation. In truth, DBI has been failing to cite real estate speculators for most violations, whether connected to health and safety or not.

In passing section 1383, the Board of Supervisors wanted to use the property investment windfall gained on a condo-conversion as a carrot to make San Francisco buildings safe, healthy and decent for tenants and future condominium owners. In fact, one of the seven legislative goals stated in the condo-conversion statutory scheme is "to ensure the physical condition of the structure . . . offered for purchase." Subdivision code section 1302(5).

Another of the seven stated legislative goals is "to prevent the displacement of elderly and disabled tenants by assuring them extended leases." Subdivision code section 1302(4). Any tenant who reaches the age of 62 prior to condo conversion is entitled to a lifetime lease. On October 3, 2011, Mr. Keene will turn 62 years of age. If DBI had done its job as required by law, Mr. and Mrs. Keene would have had an opportunity at a lifetime lease.

The City's condo-conversion statutes were designed to balance tenant rights to affordable housing against property owners' rights to profit from condo conversion. Mr. and Mrs. Keene were hoping for and pursuing a life-time lease. DBI did not require the landlord to put the building and the units in the condition required for condo-conversion, and Mr. and Mrs. Keene are in fact entitled to the lifetime lease.

The condo laws were passed as a balance between the rights of owners and the rights of tenants. Landlords may condo convert if they abide by the statutes. Mr. and Mrs. Keene want an opportunity at a lifetime lease, and they are entitled to a fair shake.

Request

Mr. and Mrs. Keene request that section 1383 be followed to the letter and that DBI be ordered to conduct a thorough inspection to uncover all code violations in their one-bedroom apartment. By ordering DBI to follow the mandates of the law, the Board of Supervisors will send a message that they want buildings code compliant and that they respect long-term tenants' rights to live in safe, healthy and decent housing.

Factual Background

In Mr. and Mrs. Keene's case, the condo-conversion inspectors refused to cite for both major and minor code violations. A private building inspector with twenty years' experience as a public housing inspector with the City of Oakland confirmed these violations in a twenty-eight page written report (Report of Claudio Bluer attached as Exhibit A). In addition, a senior San Francisco Public Health Department inspector came to the property after DBI had approved the condo-conversion and stated, "I cannot believe that DBI did not cite for the peeling lead paint on the exterior of the building." The Health Department inspector made a telephone call to DBI's Housing Inspection Unit and a Notice of Violation was issued the next day.

DBI's condo-conversion inspectors failed to cite the building owners for all of the following violations, among others:

- (1) peeling lead paint inside and outside the unit;
- (2) visible water damage and mold;
- (3) major plumbing work without permits in the kitchen and bathroom;
- (4) two illegal walls installed in 2009 without permits, constituting an earthquake hazard;
- (5) inadequate heat with no heat in the bedroom;
- (6) missing subfloor throughout the home;
- (7) peeling paint;
- (8) illegal electrical wiring installed without permits, constituting shock and fire hazards;
- (9) missing secondary fire exit;
- (10) illegally attached deck, which is 200 feet up the Filbert steps; and
- (11) dilapidated roof with leaks.

The first condo conversion inspector spent less than two minutes in Mr. and Mrs. Keene's unit. In his report, he asked the landlord to do only three things: unplug an IKEA lamp in the kitchen, move furniture to allow an inspection of the heater, and move a water heater. The report said that "no visible building code violations [were] observed." (Report of Physical Inspection attached as Exhibit B). When politely approached about the scope of the inspection, the first inspector retorted, "This is how much time we always spend for condo-conversions. We've always done it this way." Refusing to come out again, he said, "We only cite for *major health and safety* violations."

Mr. and Mrs. Keene asked for a new inspection by a different condo-conversion inspector. Like the first inspector, the second inspector was in the home for less than two minutes. He did not even go into the bathroom, despite the fact that Mr. and Mrs. Keene told the inspector about unpermitted plumbing and electrical work that had been done in the bathroom in 2009. He also claimed that the unit did not need a secondary fire access because the building was "a single-family residence". The building has three legal units. Needless to say, he did not cite the landlord for the additional violations.

Mr. and Mrs. Keene appealed the matter again, this time to the senior building inspector, who is also the employee at DBI who actually signs the Certificates of Final Completion and Occupancy for condo conversions. Like the first inspector, the senior building inspector said that pre-condo-conversion inspections were for "*major health and safety* violations only." Before the senior inspector's visit, Mr. and Mrs. Keene emailed the senior inspector a list of all the code violations found by the private inspector. The list was ostensibly the same as the eleven items listed above. The senior inspector emailed back that the list contained "mostly maintenance related issues" and suggested that these additional code violations were not serious enough to warrant inclusion in the condo-conversion sign-off.

One day later, the senior inspector came to Mr. and Mrs. Keene's home with a senior electrical inspector and a senior plumbing inspector. They reported no additional violations. In actuality, they found additional code violations but did not report them because they again argued that the violations were not *major health and safety* issues. For example, the senior electrical inspector noted illegal wiring. The illegal wiring presented a major shock and fire hazard. Nothing showed up in any report about this issue.

Faced with no other alternative, Mr. and Mrs. Keene contacted the housing inspection division at DBI, a division that the DBI director has to date kept isolated from the condo-conversion approval process even though they cite under the same building codes. On July 6, 2011, the housing inspector cited the landlord for fifteen building code violations. (Notice of Violation attached as Exhibit C).

Despite the outstanding code violations, the senior building inspector signed off on the condo-conversion, sending the Certificate of Final Completion and Occupancy to DPW later that same day. (Certificate of Final Completion attached as Exhibit D).

In a July 11, 2011 email, the senior building inspector who signed off on the certificate wrote, "We intend to make our counterparts at DPW fully aware of the outstanding Housing Inspection

maintenance requirements.” (Email from Senior Inspector attached as Exhibit E). On July 21, 2011, the deputy director at DBI reiterated in writing that DPW would be made aware of the outstanding code violations. (Letter from Deputy Director attached as Exhibit F).

DBI never sent anything to DPW about the outstanding code violations, and the DPW file contains absolutely no mention of any outstanding code violations. Even if DBI had informed DPW of the code violations, it would not have mattered. DPW has made clear to Mr. and Mrs. Keene that all that DPW reviews in issuing a Tentative Map is DBI’s Certificate of Final Completion and Occupancy.

DPW issued the tentative condo-conversion map on July 14, 2011. (Approval of Map attached as Exhibit G).

All eleven of the violations listed above have yet to be cured. And, with the exception of the peeling lead paint, which the Health Department forced the issue on, DBI has not cited for any of them.

Argument

DBI’s approval process for condo conversions violates Subdivision Code section 1383. The inspectors have created their own standard for whether to force a building owner to cure a code violation. It is leading to arbitrary and capricious results. If the letter of the law is followed, there will be no discretion. All code violations will be cited, and buildings will be brought up to code. This is the intent of the law. If the Board of Supervisors had wanted the law to apply only to code violations that an inspector “deemed” a *major health and safety* violation, the Board of Supervisors would have added this language to the statute.

The condo-conversion building inspectors are rushing through the inspections. A two-minute inspection is inadequate for a one-bedroom, 1,000 square foot apartment, especially for a building that was built in 1900 and has a history of illegal construction, unpermitted work, mold, water intrusions, and lead paint.

DBI will argue that it is too costly to do thorough inspections and that they have wasted too many resources on the Mr. and Mrs. Keene’s unit. The cost of a twenty minute inspection is minimal when weighed against the potential for injury caused by failure to cite for code violations. To see the importance of thorough code inspection and enforcement, one need only look to the Diamond Heights fire of June 2, 2011 where two firefighters perished in a fire that likely originated in an electrical outlet. In addition, the City makes money off requiring landlords to obtain proper permits – \$36 million in FY 2010-11.

The current DBI process for condo conversion sign-off is leading to absurd results. DBI cited Mr. and Mrs. Keene’s landlord for a plug-in IKEA lamp in the kitchen. Mr. and Mrs. Keene unplugged the lamp and the violation was lifted. But, five condo-conversion inspectors came through the house and none of them cited for the following, among others: (1) illegal walls constructed without permits, constituting an earthquake hazard; (2) sagging four foot by four foot section of floor, which was listed in the housing inspector’s Notice of Violation as needing

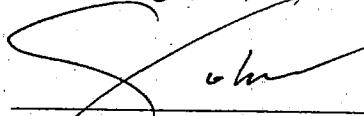
to be replaced, constituting an earthquake and trip hazard; (3) complete bathroom remodel done without permits, constituting a raw sewage hazard, shock hazard, earthquake hazard, and mold hazard; (5) a falling deck with dry-rot, constituting an earthquake hazard given the location on a steep hillside; and (6) woefully inadequate heat, constituting a health hazard.

This case is an example of everything that can go wrong under the current condo-conversion statutory scheme. First, the landlords in this case paid off younger, newer tenants in one of the units in order to meet the 40% tenant-approval threshold required to enter the condo-conversion lottery. Second, to avoid two no-fault evictions on the property, which would have meant a ten-year condo-conversion bar, the landlords did major capital improvements without formally relocating the tenants. Dangerous lead and mold remediation was done with tenants still in occupancy. The most recent displacement occurred earlier this month when an entire unit was ensconced in plastic for mold and lead related work. (Photographs of Renovation attached as Exhibit H). Third, the landlords did shoddy and rushed major rehabilitation, including mold and lead abatement, to avoid an October 3, 2011 deadline, which if not met by the landlords will mean that the tenants who have submitted this appeal will get a lifetime lease.

Conclusion

Mr. and Mrs. Keene respectfully request that the Board of Supervisors mandate that DBI re-inspect their unit to cite the landlord for *all* code violations. They further request that DBI be henceforth mandated to conduct meaningful and thorough pre-condo-conversion inspections for all units. Winning the condo-conversion lottery should not be a fast-track to increased property value. The condo-conversion statutory scheme was designed to balance tenant rights in displacement and future condo owners' rights to decent housing against the rights of real estate investors to a fair return on their investment. In passing the statute that required building owners to make their units fully code compliant, the Board of Supervisors intended to ensure that tenants and future condominium owners have healthy, safe and decent housing.

Dated: August 31, 2011



Joseph S. Tobener
TOBENER LAW CENTER

EXHIBIT A

RESIDENTIAL HOUSING INSPECTION REPORT

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FOREWORD

Narrative

The unit shows signs of decay, neglect, and lack of preventive and periodic maintenance for a prolonged period of time. There are code violations of several degrees of importance, some requiring immediate attention. Several violations constitute immediate life threatening hazards, directly affecting health and safety (habitability).

There is repair work executed in an unprofessional manner and apparently without the proper and required building permits. Most conditions observed are long standing. There are several layers of unprofessional repairs.

There is a pattern of lack of repairs and maintenance (periodic and preventive) and of unprofessional corrections that aggravates the unsuitable living conditions at this structure. Strong steps need to be taken in order to rectify the uninhabitable conditions and to render this dwelling habitational. Failure to bring this structure in compliance with all applicable construction codes should result in vacation of living unit.

Due to the several life threatening conditions, the inordinate number of habitability violations, the lack of maintenance, and their compounded effect, this building constitutes a threat to the health and safety of the occupants. Repairs towards rehabilitation of this unit should start immediately with properly trained and qualified contractors in order to safeguard the safety of the occupants. This building should be made to comply with all construction code requirements in order to be used for human habitation.

There was no work in progress at time of inspection or any other evidence that work commencement was impending (tools, supplies, materials, personnel, posted permits, etc.)

General

An inspection of this structure was conducted in order to identify the presence or lack of Housing Code violations. The purpose of the Housing Code (section 102) is "to provide minimum standards to safeguard life or limb, health, property, and public welfare by regulating and controlling the use and occupancy, location, and maintenance of all residential buildings and structures within this jurisdiction."

This report lists conditions that are in violation of the Housing Code and therefore, constitute a threat to the health and safety of the occupants. The inspection was non-intrusive and non-destructive, no access was gained to areas not readily available to tenants (see disclaimer).

Pictures included with this report represent only a sample of some of the violations found throughout the premises. Images included in this report are digital pictures shot during inspection. Some of the digital files printed in this report might have been compressed and / or enhanced. All original electronic files (i.e. photography / videography) have been preserved.

Rating

This reports cites hazardous conditions, habitability issues, and maintenance conditions.

"A" Conditions refer to major conditions, threatening life and safety, requiring immediate correction. Due to the nature of these conditions, abatement work must commence immediately.

"B" Conditions refer to code violations that constitute habitability issues, requiring immediate correction. These conditions directly affect habitability on a daily basis and should be corrected promptly.

"C" Conditions refer to maintenance issues that directly affect the living standards and they should be corrected in a timely manner.

"NR" (not rated) conditions that are alleged, informative, unable to verify, or as otherwise noted.



Disclaimer

This report is the result of a "walk-through" inspection. No access was gained to attic, roofs, garages, and/or adjacent properties, unless otherwise explicitly noted. This visual inspection would not reveal any structural damage or "hidden" and unobservable items without incising access holes to the core of the structure. Other areas not available for inspection may include: interior of hollow walls, underside of decks and similar structures, interior of built-in furniture, around free standing appliances and furnishings, under floor coverings or heavy vegetation, and/or around stored materials. To execute this inspection no item was defaced, moved, removed, detached, probed, or in any other way physically altered by the inspector, unless otherwise explicitly noted. This report is not meant to replace other specialized reports (i.e. termite report, fire place / chimney report, or similar). This report does not carry any warranty expressed or implied about the opinion of damages to the dwelling nor about any recommendation that may be included. The listed conditions were observed and existing on the date of inspection.

Note regarding floor plans

The floor plans included in our reports are intended to help visualize the lay out of the dwelling. The measurements are approximate figures, as well as the location of doors, windows, appliances, stairs, etc. The floor plans do not establish legal usage of rooms and the names / labels assigned to rooms are meant to match the description in the text part of the report. Not all areas / rooms of the structure have been necessarily inspected. The floor plans included do not constitute drawings of draftsman / architectural detail and accuracy.

SYNOPSIS OF CODE REQUIREMENTS

GENERAL

The Housing Code is part of the California Civil Code and it is found in Chapters XXIV and XXV of the California Code of Regulations. All jurisdictions within the State are mandated to enforce this code. This Code regulates the maintenance of residential dwellings. The Code makes both specific and general requirements as well as referencing all other Construction and related Municipal Codes (i.e. Building, Electrical, Plumbing, Zoning)

The 1997 edition of the Uniform Housing Code, published by ICBO (International Conference of Building Officials); as adopted by the State, mandates minimum requirements for health and safety, and sets forth specific requirements defining habitable rooms (floor space, window area for light and ventilation and egress, ceiling height, etc.) and non habitable rooms (kitchen, bathrooms ceiling height, air exchanges, plumbing fixtures, etc.) within residential dwellings. Municipalities can enact their version of the Housing Code as long as it is more descriptive or stringent and not otherwise.

The purpose of the Housing Code (section 102) is "to provide minimum standards to safeguard life or limb, health, property, and public welfare by regulating and controlling the use and occupancy, location, and maintenance of all residential buildings and structures within this jurisdiction." and the scope of the Housing Code "shall apply to all buildings of portions thereof used, or designed or intended to be used for human habitation"

"Responsibilities Defined. Owners remain liable for violations of duties imposed by this Code even though an obligation is also imposed on the occupants of the building, and even though the owner has, by agreement, imposed on the occupant the duty of furnishing required equipment or of complying with this Code. Buildings and structures and parts thereof shall be maintained in a safe and sanitary condition. The owner or the owner's designated agent shall be responsible for such maintenance."

HABITABLE ROOMS

Must exhibit minimum ceiling height, floor space, window area, heat, finished surfaces, closet space, wiring (outlets, light fixtures).

NON HABITABLE ROOMS

Are subject to construction code and maintenance requirements such as minimum height, floor space, finished surfaces, wiring.

CEILING AND WALLS

Covering material must be of approved type (i.e. lath and plaster, sheetrock, paneling) and coated (i.e. primed and painted, unless self sealing), patched at seams and edges, and fitted with moldings and baseboards. Exposed surfaces must be cleanable. Small patches must match existing material (texture, color, and type) with approved type material. Major patching warrants thorough repainting, Major replastering requires permits. Most walls warrant periodic cleaning and repainting every few years (5 - 15). Surfaces containing lead based paint in good condition are code compliant. Surfaces with dilapidated lead based paint warrant special abatement



(see related entries).

INTERIOR SURFACES

All exposed surfaces (walls, ceiling, floors, moldings, baseboards, sills, doors, frames, etc.) must be of approved type, cleanable, durable, able to carry the imposed loads with safety, and must be properly maintained both as part of housekeeping and maintenance. Housekeeping must be discharged in a regular scheduled basis (daily, weekly, monthly) by occupants. There are other responsibilities that fall upon the ownership (i.e. painting).

WIRING

All wiring must be kept in its original condition and properly maintained. The wiring system, from the service drop at utility pole, through fuses, breakers, wires, outlets, switches, light fixtures, appliances, junction boxes, clamps, and all other accessories warrant continuous maintenance. Alteration of wiring inside the walls (past the junction box) and all other major work requires permits. Switches and outlets should make a positive contact and be fitted with cover plates as they play a major role in shock and fire prevention. Light fixtures should be fitted with indicated and properly rated light bulbs.

New wiring for a new or replacement garbage disposal requires permits. Extension cords are for temporary usage and must be removed upon completion of use, frequent usage warrants permanent installation of wiring (i.e. surface mounted) under permit. Conversion of ungrounded outlets (2 holes) to grounded type (3 hole) requires permits for installation. Shock protected outlets (GFCI - ground fault circuit interrupter) are required at bathroom, kitchen, garage, and exterior. All items directly connected to the wiring system must have all their hardware in place (i.e. light fixture covers, recessed light fixture metal housing, fan grills, filters, etc.) Circuit branches should not be overfused, all wiring systems must meet present loads, current demands. Switches, / outlets within reach of tub / shower receptacle must be relocated under permit. Grounding adaptors must be properly connected onto grounding means

Defective and non-original construction wiring (including boxes, conduit, fixtures, etc.) and accessory contraptions can expose occupants to shock hazards, can damage appliances, and can also result in electrical short circuits and fires. All electrical appliances and equipment must be in good working order, to be connected onto the main electrical system.

Breakers should be labeled and the panel should be readily accessible. There should be no overgrowth around power lines. Wire splices should be found within junction boxes only (not exposed). All appliances warrant proper installation and maintenance (laundry facilities, dishwashers, trash compactors,

and air conditioning units.)

WINDOWS

Windows must be properly rated for their intended usage, installed and maintained so as to afford minimum code requirements for light and ventilation, emergency egress and ingress, security, weather protection, structural requirements, fire resistivity, insulation, and listed performance.

One window per habitable room must afford emergency egress (for occupants) / ingress (for emergency personnel), by meeting minimum width, height, and area. Habitable room window safety guards, one must be fitted with "panic hardware" (to allow for opening of guards from the inside) that can be operated without special knowledge or effort.

Hardware (locks, latches, rollers, tracks, sash cords, pulleys, pulls, weather stripping, labels, etc.) must be properly maintained. Locks at hung type windows (vertically sliding units) must be set within mid third of frame width and latching fully, wide sashes warrant two locks. Painted over hardware must still be able to work properly. Sash cord is rated material, can not be replaced with household type rope or string, or painted over. All moving mechanical parts (sash and roller mechanisms, hinges, etc.) must be lubricated and / or replaced as necessary.

Glass panes must afford full light, (decorative / tinted panes do not count towards total light area - diffuse privacy type panes are allowed for bathroom usage), exhibit no cracks, gaps, or holes. Broken and / or cracked glass panes must be replaced (vs. repaired). Replacement panes must meet required thickness and type (safety glass if too close to doors, tub - plexiglass material is rated differently). Replacement panes must be properly secured to frame (i.e. "points", metal molding) and sealed (i.e. glazing putty). Most wood sashes are not meant to be fitted with weather stripping. Replacement or major changes (different width, height, area) must meet present day code requirements and be carried out under permit. Louver glass panes must be fully set onto holding brackets. Broken panes constitute a nuisance (cutting jagged edges). Windows should not rattle in the tracks.

Screens must be properly maintained (metal frame, rubber spline, screen, hardware) or removed. Screens are not code required unless subject to specific regulations (i.e. "Section 8 dwellings"). Window dressings are not code required (i.e. blinds, curtains) yet if present they must be properly maintained.

The areas by windows (both inside and outside) must be kept free and clear of all obstructions (including overgrowth), in



order to afford emergency egress / ingress, access for operation (to afford light and ventilation). Overgrowth in front windows also allows for vermin ingress and it constitutes structural and fire issues / hazards.

There are requirements regarding sill height, clerestory units, windows facing different occupancies (non residential structures), and "set-backs". The moldings between window and wall must properly seal gaps in order to afford fire resistivity, sanitation, weather protection, and block vermin ingress. Windows must be maintained to work as designed.

FLOORS

Floor coverings must be of approved type (i.e. hardwood, carpeting, vinyl, tiling - ceramic, slate, or resilient), must be installed as per manufacturers instructions (i.e. proper underlayment, seam sealer, glue type, metal edge bars, padding, baseboards, thresholds, grout, sealers). Subfloor material is not an acceptable finished surface (i.e. softwood, untreated concrete, particle board, plywood). All flooring requires periodic maintenance and regular housekeeping such as professional shampooing of carpeting, and sanding and recoating of hardwood material. Damaged flooring (peeling up, cracks, holes) can constitute a trip / slip hazard, an unsanitary condition, and a rodent burrow.

HEATING

Heating facilities must be capable of maintaining a room temperature of 68 degrees Fahrenheit at a point 3 feet above the floor in all habitable rooms. All heating devices must be of approved type and permanently installed (gas lines, hard-wired-in, flue assemblies, piping, etc.), under permit, and maintained properly. Replacement or major repairs trigger construction permits and must meet present day code requirements. Portable heaters can be used to supplement main heating or for areas not required to be heated.

Filters, grills, and covers for all types of heating devices must be regularly checked for lint and any other foreign material. Shut off valves, disconnects, and all other similar means must be readily visible and available, no obstructions can be found around heaters, clearances must be maintained (as per manufacturers instructions and code requirements). Factory metal engraved labels should not be removed. Dedicated gas valves are required for each appliance.

Maintenance of heating units include inspecting for gas leaks, fume leaks, loose wires, sparking, strong foul odors, grease, thermostats, timers, and bracing.

Use of unapproved type heating devices (portable electric heaters, camping gas devices) cause overloading of electrical

lines, ensuing fires, and release of poisonous fumes.

BATHROOMS

Code required air exchanges must be ensured by means of windows (meeting minimum size requirements, facing an approved location) and / or exhaust fans (meeting minimum requirements CFM - cubic feet per minute) and discharging onto an approved location. Excess dampness results in mold, rust, lesser air quality constitutes (unsanitary condition), and ensuing damage to paint, plaster, and metal items (i.e. medicine cabinet, vanity, hardware). Corroded items warrant replacement (vs. repair).

Enamel coated fixtures that are damaged (dented, chipped) warrant patch repairs, major recoating with approved type material and techniques, and / or replacement. Plaster surfaces must be coated with enamel semigloss type paint (or similar). Tub walls must be maintained water proof. Toilets and other plumbing fixtures must be caulked at base and around walls and hardware. Hot and cold water are required at sink and tub.

Exhaust fans must be checked for excessive noise (indicative of malfunction) and excessive lint at grill (cloggages). Toilets should be set firmly, with approved type bolts (cut off and fitted with plastic caps). Bathroom doors must close tightly and afford privacy. Plumbing pipe joints, fitted with rubber gaskets, should not be sealed with teflon tape or similar material. Shower fixtures must be fitted with enclosures (sliding doors, curtains).

KITCHENS

Kitchens must afford proper and sanitary means of food preparation and storage. All appliances (stoves, refrigerators, exhaust hoods, disposals, dishwashers, trash compactors), must be properly maintained.

Counters should have end caps and / or blocks and all edges should caulked regularly. Seams must be water proof.

EXTERIOR DOORS

All exterior doors must be properly rated for their intended usage, installed and maintained as to afford minimum code requirements for emergency egress and ingress, security, weather protection, structural requirements, fire resistivity, insulation, and listed performance.

Doors must comply with emergency / fire regulations (thickness, type of core and veneer) and afford emergency ingress and egress. Doors must swing free and fully onto frames and close snugly without dragging on frame (damaging paint, loose and / or rattling). Dead bolt locks (one inch throw) are code required. Safety viewers are code required by some municipalities.



Subject property: 222 Fillbert St.

San Francisco, Ca

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Doors must meet minimum width and height (as per type of occupancy). All hardware must be properly maintained (dead bolt, knob lock, safety chain, hinges, viewer, etc.)

Changes to the original opening must be done under permit. Metal labels (at hinge side) stating their rating, must not be altered (not painted, damaged, or otherwise tampered with). Landings are required at both sides of doors / doorways unless otherwise exempted by code. Screen doors are not treated as doors by the code yet also warrant maintenance (i.e. hardware, netting). Security gates are treated as doors by the code. Door surfaces (i.e. veneers) are treated in the same manner as walls (coated, kept clean and sanitary, cleanable material - no bare wood). "Windows" within doors must also be code compliant for security, privacy, fire resistivity, and weather protection.

INTERIOR DOORS

Doors should close, stay closed / open, therefore affording privacy and room separation. The moldings between door and wall must properly sealed in order to afford fire resistivity, sanitation, and inhibit vermin ingress. Molding and jamb are rated material and can't be substituted with non rated type lumber. Signage is code required on some doors (i.e. emergency exit, ADA). Veneers must be properly maintained, all wood material must be coated. Locks must be of approved type for the appropriate usage (i.e. privacy) and well maintained.

PLUMBING

The entire plumbing system must be in good working order, from the water supply connecting point to sewer drainage connection. All original and replacement components must be of approved type, properly installed, maintained, secured, insulated, and without leaks. Fixtures, piping, fittings, valves, all other hardware must be properly maintained and routinely serviced. Common issues include caulking, washers. Tub walls must be water proof and showers must exhibit an enclosure. Some municipalities place restrictions on the type of material (encasement of exposed sewer plastic lines, plastic piping) also depending on the type of structure. Flexible water lines are required on some instances (i.e. water heaters).

Leakages constitute unsanitary conditions, nourishment for vermin, and dilapidates structural members and personal belongings, and affect areas beyond subject dwellings. Flooring discoloration around toilet (or any other plumbing fixture) is indicative of raw sewage leakage (warranting replacement and sanitation of all contaminated members). Sewer waste is highly toxic, highly noxious, and flammable. Dry raw sewage on outside of piping (after leakage) must be properly cleaned off.

Work requiring permits include replacement of shut off valves,

alteration of piping inside and / or outside the walls, and installation of water heaters, garbage disposals, and exhaust fans (not replacement).

WATER HEATERS

Basic installation requirements include, bracing (two straps within top and bottom thirds, 4 inches from controls, of structural strength - straps, fasteners, looped), water supply flexible lines, hot and cold water lines insulated, if within a garage must be set 18 inches above grade and bollards set in front of unit, draft diverter secured to flue pipe assembly with 3 screws, clearance in front of control and around appliance, safety valve fitted with a drain pipe (not reduced, terminated outside, end not threaded, not trapped, 6 inches to 24" from ground), not allowed in habitable rooms, flue and flange must exhibit proper clearances at ceiling / wall, piping must be double wall type beyond wall entering point, double wall flue can not be screwed together or reverted to single wall, must have a cap at top, and project minimum length above roof line.

The area around water heaters must be kept free and clear. Replacement of unit requires permits (plumbing and mechanical), even if the same unmodified piping is used. Electrical units are also subject to code and manufacturers requirements. These appliances must be checked periodically for defects and maintenance such as leaks (water, fumes, gas), lint, loose items, clearances, etc.

UNDERGROUND SYSTEMS

Maintenance of underground systems, such as rain storm, sewer drain, french drains, include screening and unclogging piping to allow for proper flow and to prevent vermin harborage and fostering.

Planters, flower beds, and patches of ground around the structure must be properly sloped and / or fitted with means of drainage, to prevent flooding and water stagnation leading to unsanitary conditions, harborage and nourishment for vermin, and excessive dampness of habitable rooms.

ROOF

Roof and assemblies must be able to render structures impervious to rain water penetration by collecting and diverting rain water and condensation at least four feet away from the structure. Roofing is rated material and must meet code requirements for fire resistivity, thermal performance, and other code requirements, and must be maintained as to meet those requirements throughout their life span. Some roofs are part of the fire escape route and warrant special maintenance (i.e. at ladders, areas of refuge, walkways on roofs, signage). Major roof work requires permits for execution.



Gutters, downspouts, funnels, and screens, must be kept free and clear of clogage. Roof surfaces must be inspected for cracks, tears, loose and detaching membrane / shingles, mold at shingles, ripples. Roof maintenance issues also include fascia boards, metal flashing, shingles, rolled roofing material, tar, screens, tar & gravel, projections (flues, plumbing pipes, antennas), decks / walking platforms, parapets / guardrails, chimneys, drainage means, gates, and doors.

Patching can be attempted a limited number of times until major tear-up and reroofing is required. Siding, trim, windows, and doors that are part of the roof assembly also must treat water properly and warrant periodic inspection.

Defective roofs expose occupants and the structure to the elements and result in health issues and dilapidated structural members. Trees and other vegetation must be kept from direct roof contact and should not overhang roof areas.

VEGETATION

All plant growth must be kept at least four feet away from the structure (including roof) and tended at all times. All overgrowth (dead or alive) should be promptly removed as it constitutes fire, safety, sanitation, structural, and vermin issues. Plant growth should not block window area for light, ventilation, and means of egress. Areas covered by overgrowth have a tendency to allow mold growth. Overgrowth must be also kept from stairs, guardrails, handrails (tripping hazard), flue pipes, foundations, and chimneys.

STAIRS

Stairs and their assemblies must be maintained as to prevent slips, falls, and afford proper ingress and egress. There are code requirements governing rise and run, nosing, handrails, guardrails, landings, illumination, headroom, anti-slip means (i.e. abrasive taping), ADA compliance, and should not be subject to alterations without permits. Major maintenance work triggers compliance with present day code requirements and non compliant issues (unable to practically / physically meet present day code) must be addressed with proper variances. There are different requirements for interior, exterior, and emergency stairs. Ramps are also regulated by code requirements and warrant similar maintenance.

FIRE FIGHTING EQUIPMENT

Items requiring maintenance include fire extinguishers, fire hoses, smoke detectors, alarms, emergency lighting, door closers, signage, light fixtures, openings for hoses, and hydrants. Some of this work (servicing of fire extinguisher and hoses) must be carried out by a professional licensed company as per orders of the State Fire Marshall and on a set schedule. Emergency exit signs must be properly maintained (light bulbs,

self luminous signs, free and clear of obstruction). Smoke detector batteries must be checked at least one a month and replaced every six months (or as per manufacturers instructions). Maintenance failure hinders the ability of occupants and fire fighting personnel to fight fires and egress / ingress during emergencies.

FIRE / EMERGENCY EXITS

These exits must exhibit proper signage, well indicated and designated, lighted, fitted with automatic door closers, magnetic door devices, and free and clear of all obstruction. No modifications can be undertaken without permits.

FIRE PROTECTION

The structure envelope must be properly maintained to afford protection from fires originating outside the structure. Interior fires must be hindered from propagating within the structure by discharging proper maintenance.

The exterior siding, trim, windows, overgrowth, garbage, and flammable material, must be properly tended to. Replacement door, windows, frames, molding, and other structural members (i.e. fire blocks, plates) must maintain and meet their required fire ratings. Some appurtenances are more conducive to fire origination and propagation such as gas and electrical wiring lines, and appliances.

Warnings systems include Fire Alarms, smoke detectors, carbon monoxide detectors, connections to central systems and to emergency phone lines, and must be routinely maintained and tested. Active means include fire sprinklers, fire extinguishers, fire hoses, all properly maintained and serviced as per requirements of the State Fire Marshall. Proper validating tags are required.

Other related issues include proper installation and maintenance of window guard panic hardware, unobstructed fire doors and means of discharge for emergency egress and ingress, proper signage, audible systems and lights (battery back up systems), code compliant egress windows. There are retroactive fire related code requirements (i.e. encasement of interior stairs in multi-level, multi-unit structures).

Fires should be prevented, fire fighting means should be provided, and emergency egress should be readily available. Fires often result due to improper/illegal construction and repairs (illegal wiring, flues, etc.) and the inability to fight fires (lack of fire fighting equipment). Further aggravating the fire threat is the lack of code compliant emergency means of egress (stairs, hallways, roof access, etc.) and their appurtenances (ladders, handrails, automatic door closers, signage, etc.)

The path of travel along emergency means of egress from farthest point to point of discharge must be kept free and clear. All parts of the assembly must be properly maintained, and not subject to non compliant changes. Some of the appurtenances warrant maintenance, such as plaster walls, scissor ladders, doors, gates, windows, etc. These areas also constitute a means of ingress for emergency personnel. The original configuration must be kept throughout (i.e. width and height of egress windows, type of exterior doors, automatic closers, etc.

FIREPLACES

The entire assembly (from basement to top chimney) requires regular maintenance in order to avoid becoming a fire hazard, a structural issue, allow water penetration, a nuisance (falling oversized object), and a point of ingress for vermin. Regular maintenance to be performed includes cleaning and inspection, if necessary by a specialized licensed professional. Proper care should be taken for cracks, missing mortar, and damaged fire bricks. Full inspection of fireplace assemblies are required to be done by a specialized licensed professional.

SIDING

All components of the siding assembly such as stucco, planks, shingles, shakes, bricks, panels, trims, projections, windows, doors, chimneys, etc. must be properly maintained in order to afford fire protection, weather protection, security, zoning requirements, etc. Regular maintenance includes caulking of joints / seams, cleaning, and painting.

NUISANCE

Items defined as nuisance by the code include any public nuisance known at common law or in equity jurisprudence, any attractive nuisance which may prove detrimental to children, abandoned wells, shafts, basements or excavations; abandoned refrigerators or motor vehicles, any structurally unsound fencing or structures; or any lumber, trash, fence, debris or vegetation which may prove a hazard for inquisitive minors. Nuisance items include whatever is dangerous to life and limb or to property or detrimental to public health, overcrowding, insufficient ventilation or illumination, inadequate or unsanitary sewage or plumbing facilities, uncleanness, and whatever renders air, food or drink unwholesome or detrimental to the health of human beings. Graffiti must be promptly removed or covered. Graffiti of gang or hate nature must be properly taken care of.

MOLD

Molds are detrimental to health and safety and should not grow within dwellings. Molds generate allergens and mycotoxins that result in health conditions. Non toxic molds also constitute a health issue as airborne particulate matter is

breathed-in by occupants. All surfaces within a residential dwelling should be cleanable and kept clean.

Mold can grow in non readily visible areas such as inside walls, backside of ceramic tiles, behind furniture, inside HVAC ducts, and many other locations. Other factors contributing to mold development include clothes dryer vents discharging improperly, heating ducts disconnected, defective sump pumps, undertable ground water, overgrowth pushing / growing onto structure, etc.

Molds damage and eventually destroy the host surface where it grows, it usually dilapidates personal belongings and / or construction material. Mold consumes organic matters (i.e. leather goods) and can set its roots onto inorganic material with the same destructive result. Molds grow rapidly and become a health issue if inhaled (airborne), ingested, or come in direct contact with skin (touching a contaminated surface).

The source of mold and damage must be addressed as per trade practices. Professional remediation must be carried out as per established industry standards and in a timely manner. Other means of correction include ventilation for closets (windows, vents), passive de-humidifiers (vases containing special water absorbing chemicals), ceiling fans, delay switches for bathroom exhaust fans, windows opening 100 % (louver type), ventilation for crawl and attic spaces, etc.

Dwellings should be made impervious to water penetration, habitable rooms should exhibit no excessive dampness, all plumbing systems must be free of leakage (water supply and sewer), exterior ground water should be properly drained at least four feet away from structures.

LEAD PAINT

Lead is a heavy metal that is highly toxic. Items within a residential structure that contain lead include paint, soil, and plumbing piping / fixtures. Lead can also be found in a dwelling due to home hobbies, nearby construction, workers bringing lead home from other sites, porcelain items, candy, and medicines.

Older housing (pre-1978) paint material is considered to contain lead unless otherwise proven. Post 1978 housing is assumed not to contain lead paint. Lead paint must be properly maintained (no chipping, dusting, peeling off) and all dilapidated paint must be repaired or removed. There are strict and detailed government regulations regarding lead based paint condition, inspection, and abatement. Special permits and paperwork are necessary to work with or disturb lead based paint. Lead abatement protocols include training all workers tending to such tasks (inspectors, project managers,



supervisors, and workers.) Lead contaminated soil, especially around children's play areas, must be properly abated. Some hobbies (i.e. lead soldering) and professions (i.e. painting) may contaminate a dwelling with lead dust or chips, thus warranting monitoring, testing, and abatement if necessary. Older plumbing pipes and some fixtures may release lead onto the water supply, thus warranting testing and abatement if necessary. Other items that may contain lead include pottery used for decoration or kitchenware, that if present in a residential structure, warrant testing and abatement if necessary. Dilapidated lead paint can be stabilized without full abatement under some circumstances. Children are more susceptible to the hazards of lead based paint.

VERMIN

Vermin should be prevented from getting into structures by closing all holes and gaps at structure envelope (i.e. around doors, windows, moldings, piping, wiring). Overgrowth allows for vermin travel, harborage, and ingress. Plumbing leaks (both sewer and water supply) and organic matter (garbage, grease) constitute sustenance for vermin. Garbage areas must be properly and regularly tended (tight fitting lids, regular pick-up schedule, appropriate type and size receptacles). Housekeeping duties must be properly discharged in order to discourage vermin ingress, harborage, transit, and sustenance.

Means of exterminating infestations (insecticides, traps) must be properly installed as to prove effective and not jeopardize the health and safety of the occupants. Reoccurring / severe vermin issues warrant a professional, licensed company, contracted on a long term and structure-wide basis.

SANITATION

All exposed surfaces such as floor coverings, walls, ceilings, counters, plumbing fixtures, appliances, moldings, baseboards, paneling, must be of cleanable material and properly maintained by either regular housekeeping practices and / or maintenance.

INDOOR AIR QUALITY

Items having a direct impact include proper ventilation (windows); air exchanges (exhaust fans), proper discharge of fumes (sewer gasses, carbon monoxide), lack of mold growth, proper humidity levels (around 50%), lack of loose asbestos fibers, general housekeeping and maintenance, and proper use of construction material and supplies.

SECURITY

Items requiring maintenance include structurally sound windows and doors and their locking devices. Other items include gates, fencing, common areas illumination, vegetation

growth, viewers, burglar alarms, intercoms, and remote door releases.

MISCELLANEOUS

Earthquake retrofitting takes permits and it is mandatory under certain circumstances. Items warranting maintenance include sheer walls, hold-downs, anchor bolts, and metal plates. Set-backs (space between structure and property line / adjacent structure) should be observed and maintained. Parking should not be altered without zoning / building approvals. Air & Light wells should not be enclosed without permits / approvals. There should be no wood soil contact. Some specific tasks must be carried out by a specialized professional, bearing a State issued license, such as asbestos, lead construction material / paint removal and disposal, main plumbing lines at city's main.

All repairs done to the structure, even if not requiring permit, must be done with accepted construction rated material, techniques, methods, practices, tools, and supplies. Construction material exhibits a rating label (piping, lumber, wiring) and supplies include a narrative for intended usage and application means. All work must be done following manufacturers directions, plans, diagrams, trade practices, and construction standards. Repair, replacement, additions, modifications, alterations must be properly carried out as necessary.

Entry #	ROOM Description	Code Section	Rating (see pg #2)
LIVING ROOM			
1.	The step like structure in front of fire place exhibits bricks improperly set (too far apart) and broken. There is mortar (between bricks) damaged and unprofessionally repaired (missing).	102	B
2.	The fire place hearth exhibits excessive soot. This condition warrants further inspection by specialized professional (i.e. licensed chimney inspector).	102	B
3.	There is no approved type finished floor covering, there is exposed subfloor, thus constituting an unsanitary condition. The soft wood material has been just painted over.	1001(b)	B
4.	The windows outside and inside sills exhibit paint peeling off and missing altogether and there is exposed bare wood material, thus failing to afford code required weather protection for material. Should paint be found to be lead based, it requires special abatement practices, as mandated by government regulations.	1001(h)	B
5.	The window exhibits evidence of failure to render the dwelling impervious to rain water penetration. There is paint peeling off and missing altogether, there is mold growth, and there are stains. This condition will worsen with time and usage. This condition was noted at several locations.	1001(h)	B
6.	There is hardware (at window frame / molding) that exhibits unfinished removal. There is hardware still in place and the former locations have not been patched.	102	C
7.	There is a not original construction electric baseboard heater that requires permits for installation / execution.		NR
8.	There are light fixtures type units at ceiling that exhibit unfinished removal. Wiring and / or gas lines warrant disposition under permit.		NR
HALLWAY			
9.	The floor covering exhibits unprofessional installation and it is damaged. The resilient tiles are cracked and chipped off at several locations. This condition is consistent with lack of proper underlayment. There are wide gaps between tiles and the tiles have not been set lined up. This condition will worsen with time and usage.	1306	B
10.	The front door veneer is damaged and it has been just painted over without patching.	102	B
11.	There is not original construction surface mounted wiring that requires proper permits for installation.		NR



Entry #	ROOM Description	Code Section	Rating (see pg #2)
KITCHEN			
12.	The stove enamel surface is dilapidated, thus constituting an unsanitary condition. This condition warrants replacement of appliance.	1001(b) 3	B
13.	The ceiling light fixture exhibits non conforming modifications. The glass cover is missing, there is an outlet adaptor, and there is a cord permanently connected.	701(d)	B
14.	The floor covering exhibits unprofessional and failed installation. There are tiles overlapped, loose and detaching (gaps), peeling off (top finishing layer), and cracked, thus constituting an unsanitary condition. This condition is consistent with lack of proper underlayment.	1306	B
15.	The window exhibits evidence of failure to render the dwelling impervious to rain water penetration. There is paint cracked, peeling off, and missing altogether. The wood material is water damaged. This condition will worsen with time and usage. This condition was noted at several locations. There is overgrown vegetation pushing onto windows (from the outside). There is paint peeling off and missing altogether at outside sills. There is a lock that exhibits less than professional installation (not lined up properly with latch).	1001(h)	B
16.	There is evidence of leakage and damage at ceiling. There are stains and cracks in the wood paneling members at several locations, thus constituting an unsanitary condition.	1001(b)	B
17.	The counter exhibits unprofessional and failed installation, and lack of maintenance. There is a sealing rubber molding at inner corner (at backsplash), it has been improperly set, it is detached, and not reset, thus constituting an unsanitary condition.	1001(b)	B
18.	There are non original construction plumbing lines and shut off valves that require proper permits for installation.		NR
19.	The sink drain pipe is missing a flange at wall entering point, thus allowing moisture and vermin into the structure.	505(g)	C
20.	The counter exhibits unprofessional installation. The formica top material exhibits a wide gap at seam, thus constituting an unsanitary condition.	1001(b)	B
21.	There is a door at utility closet that leads to another part of the structure (or exterior) and it is not rated for this usage and location.	102	B
BEDROOM			
22.	There is a light fixture type unit at ceiling that exhibit unfinished removal. Wiring		NR



Entry #	ROOM Description	Code Section	Rating (see pg #2)
	and / or gas lines warrant disposition under permit.		
23.	There is no approved type finished floor covering, there is exposed subfloor, thus constituting an unsanitary condition. The soft wood material has been just painted over. There is no edge cap at doorway to kitchen. There is a trap door type access that is in disrepair, thus constituting a falling hazard (nuisance).	1001(b)	B
24.	There is a fire extinguisher tag that is out-of-date, thus rendering the unit expired, the validating tag exhibits a last service of this unit on October 18, 1987, thus constituting a fire hazard. Extinguishers are code required to be serviced on a yearly basis by order of the State Fire Marshall.	1001(m)	A
25.	The door to the kitchen exhibits unprofessional and unfinished installation. The former indentations for hinges have not been patched (and just painted over), the jamb is cracked due to lack of pilot holes for fasteners, and there is onset of peeling paint.	102	B
26.	The right window exhibits a broken lock that has not been removed. The screen exhibits unprofessional installation. The sash mechanism is dilapidated, not allowing window to open and provide code required ventilation for this habitable room.	504	B
27.	The ceiling exhibits cracked paint throughout. There is unprofessional patch painting with non matching paint. This condition will worsen with time and usage. There is evidence of leakage, there are stains at wall below ceiling.	102	B
28.	There is no permanent, approved type, source of heat, able to provide code required heat for this room.	1001(b)	A
BATHROOM			
29.	The door drags excessively on the frame and there is paint peeling off and missing altogether at friction surfaces. There is a wall that also exhibits peeling paint.	102	B
30.	The medicine cabinet exhibits paint peeling off and missing altogether throughout, thus constituting an unsanitary condition.	1001(b)	B
31.	The toilet securing bolts are missing their plastic caps, thus constituting an unsanitary condition.	505(g)	C
32.	There is evidence of major remodeling work at this room that requires permits for installation / execution. There are new plumbing lines and shut off valves, a ceiling electric exhaust fan, shower stall, light fixture (and junction box), etc.		NR



Entry #	ROOM Description	Code Section	Rating (see pg #2)
33.	The shower stall shower head assembly is loose. There is a gap around pipe. The attaching means (copper clamp) exhibits non conforming installation.	1001(f)	B
34.	The door does not latch, thus not affording privacy to the occupants. The noted lock is non conforming (hook and eye screws).	505(f)2	B
EXTERIOR			
35.	There is a structural wood member that exhibits illegal installation. There is piece of lumber attached to this structure (with an undersized wood block) and to adjacent property deck structure.	1001(c)	B
36.	There is fencing attached to this structure and adjacent property.	1001(c)	B
END OF REPORT			

Mr. Claudio A. Bluer, RHI



Subject property: 222 Fillbert St.
San Francisco, Ca
Page #13

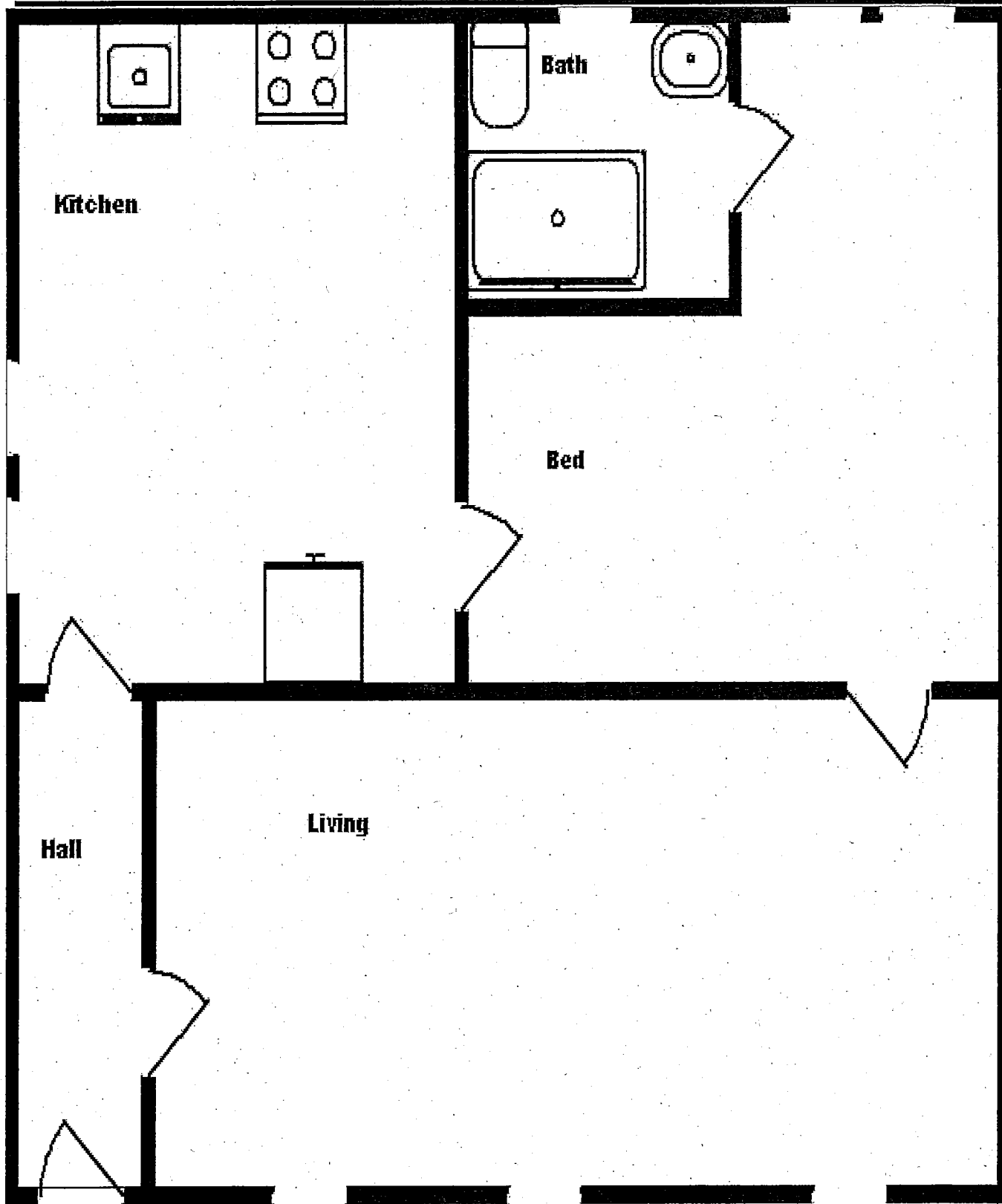


Image 1. Room layout.



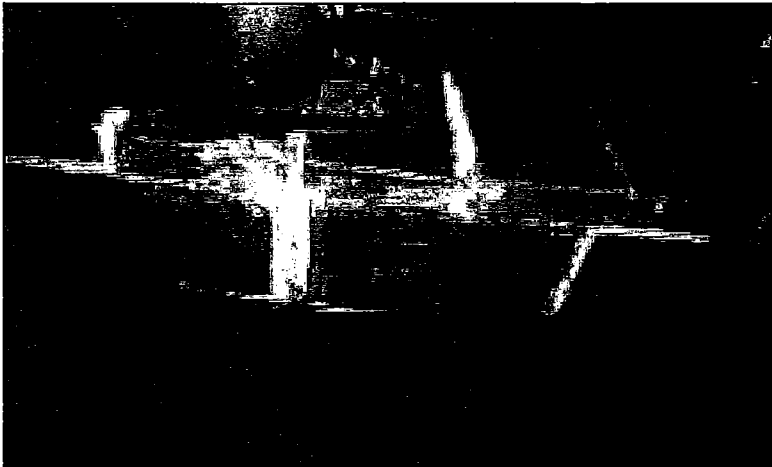


Image 1. Fire place damaged brick and mortar.

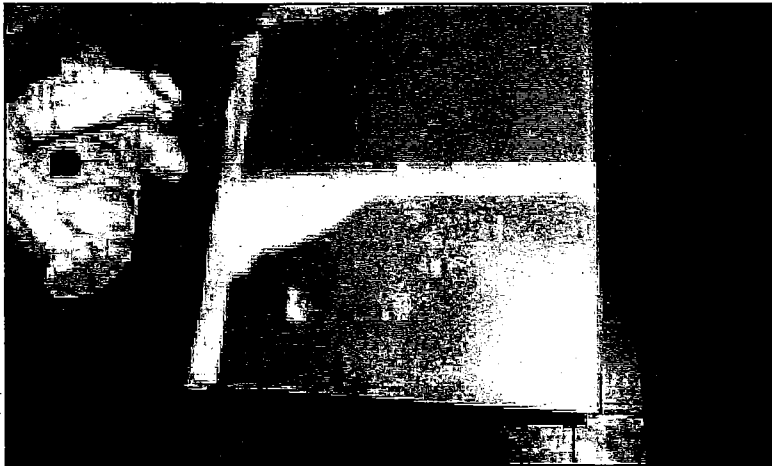


Image 3. Living bricks by fire place unprofessional installation.

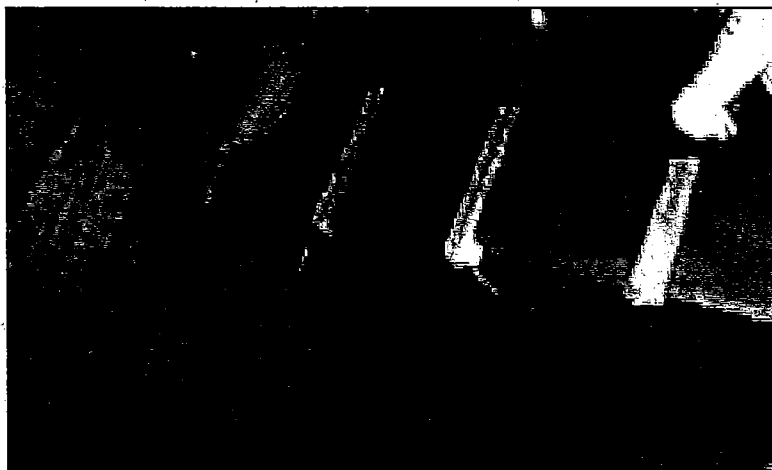


Image 2. Another location.

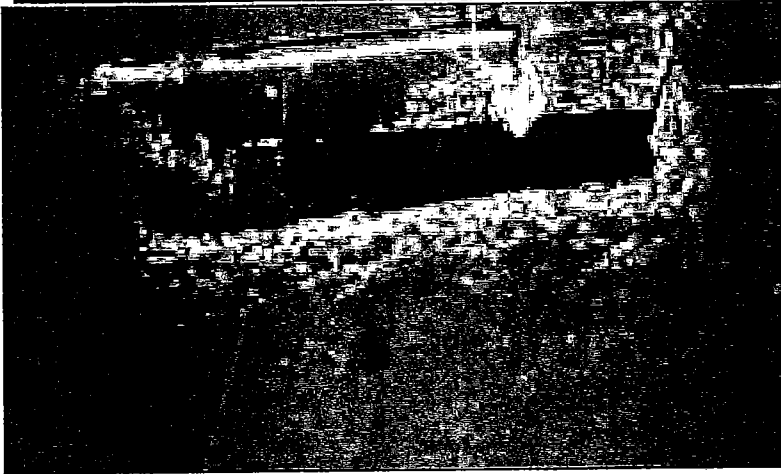


Image 4. Fire place hearth excessive soot.



Image 6. Exposed subfloor just painted over.

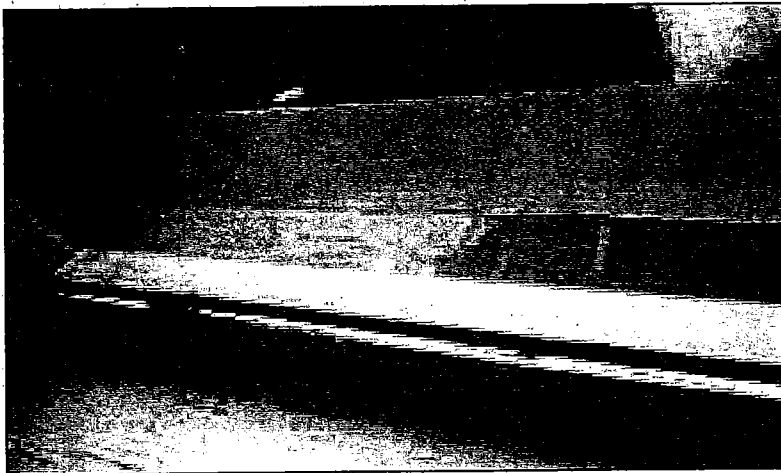


Image 5. Window sill paint peeling off and missing altogether.

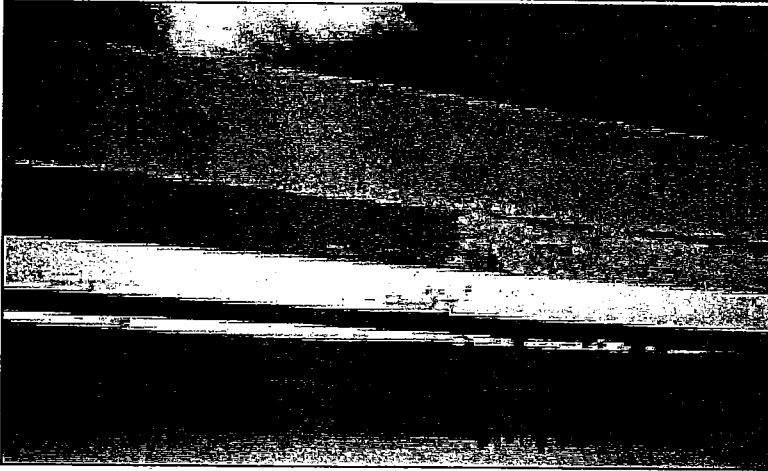


Image 7. Another location.

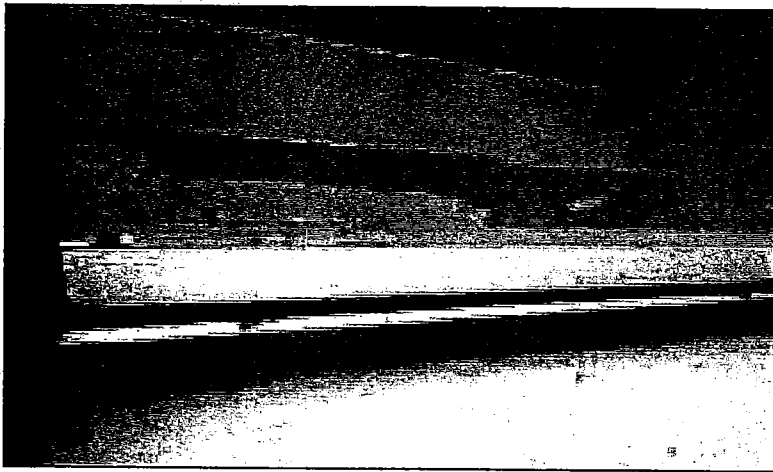


Image 9. Another location.

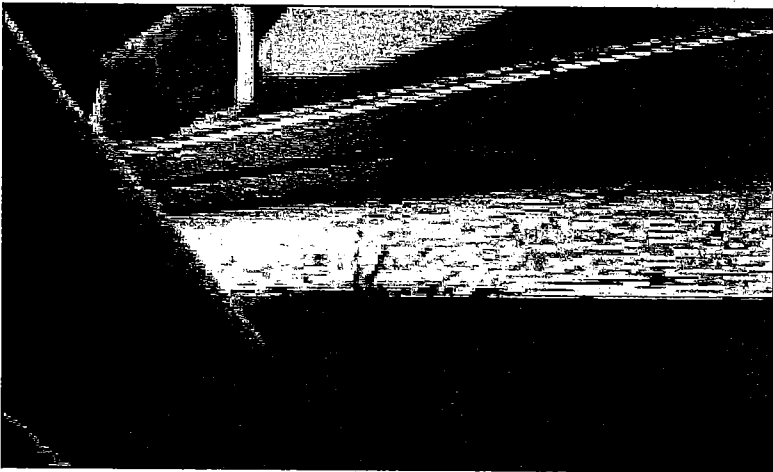


Image 8. Another location.

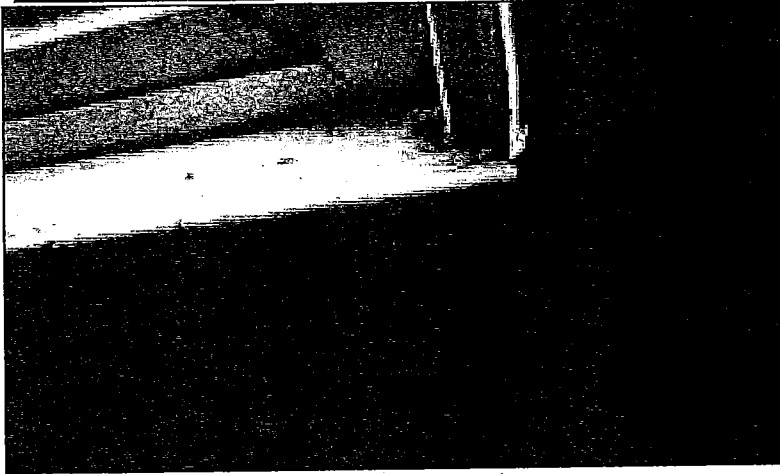


Image 10. Evidence of leakage and damage at window.



Image 12. Another location.

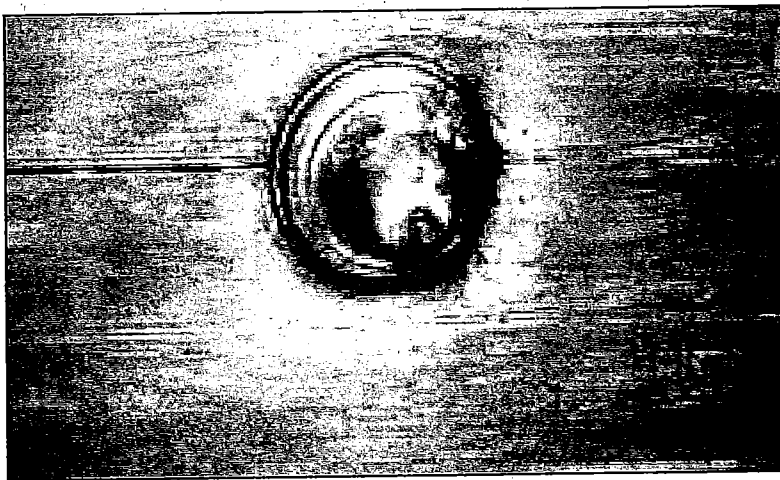


Image 11. Light fixture at ceiling unfinished removal.

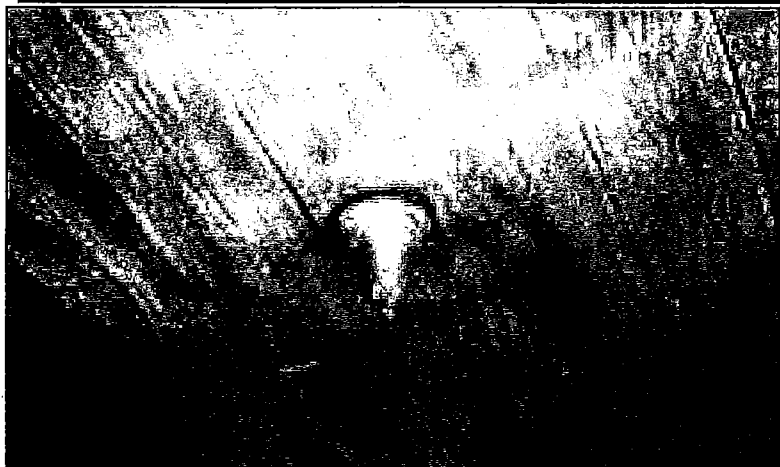


Image 13. Another location.



Image 15. Hallway, front door unprofessional painting.

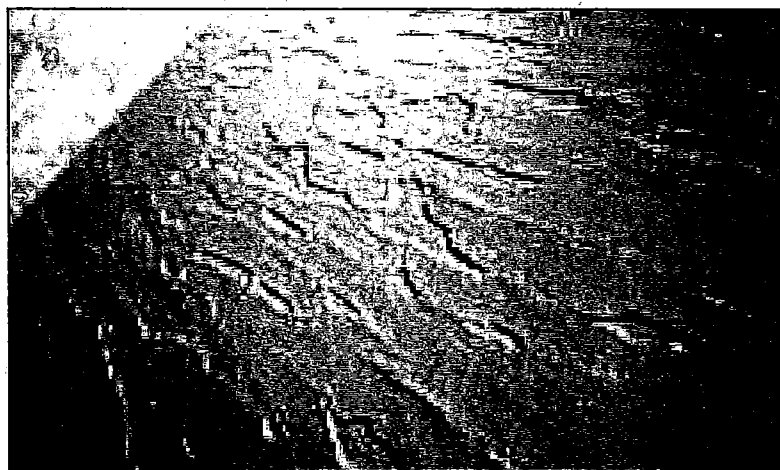


Image 14. Another location.



Image 16. Floor tiles unprofessional installation and damaged.

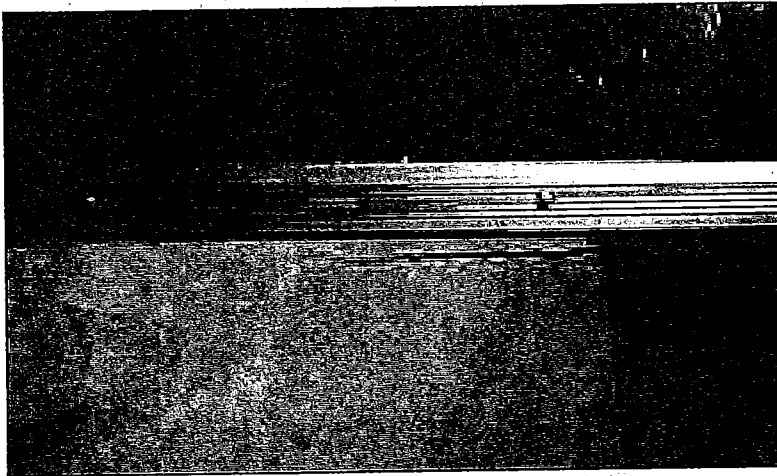


Image 18. Another location.



Image 17. Another location.

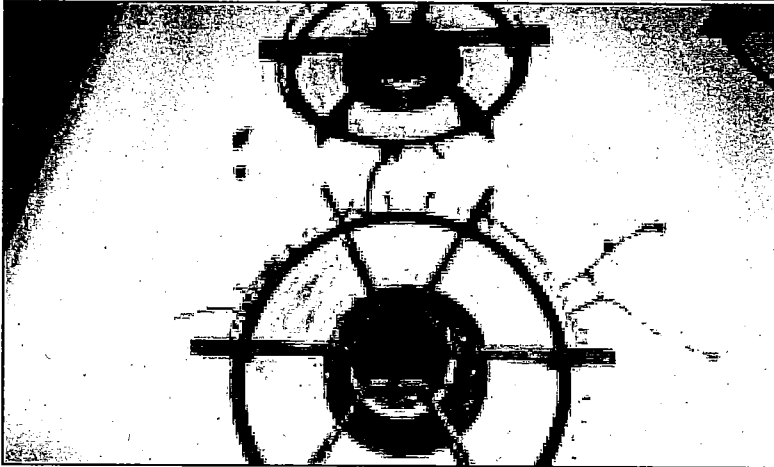


Image 19. Kitchen, stove surface dilapidated.

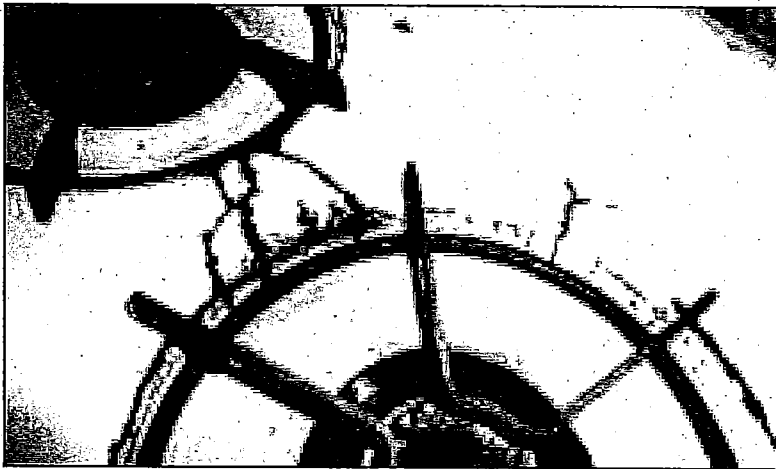


Image 21. Another location.

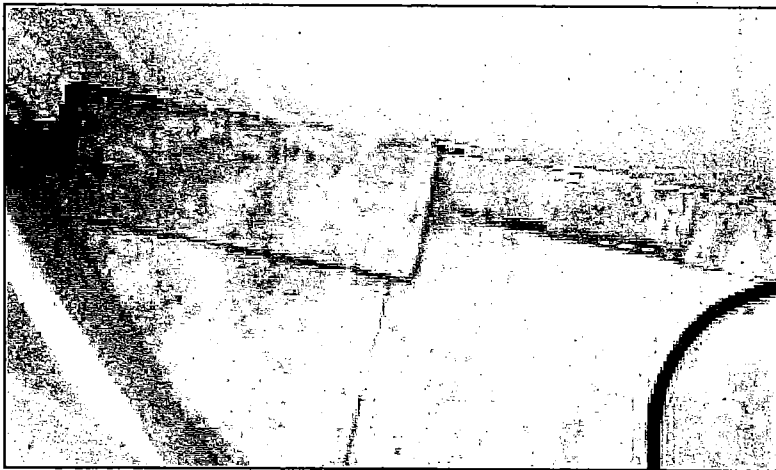


Image 20. Flooring unprofessional installation.

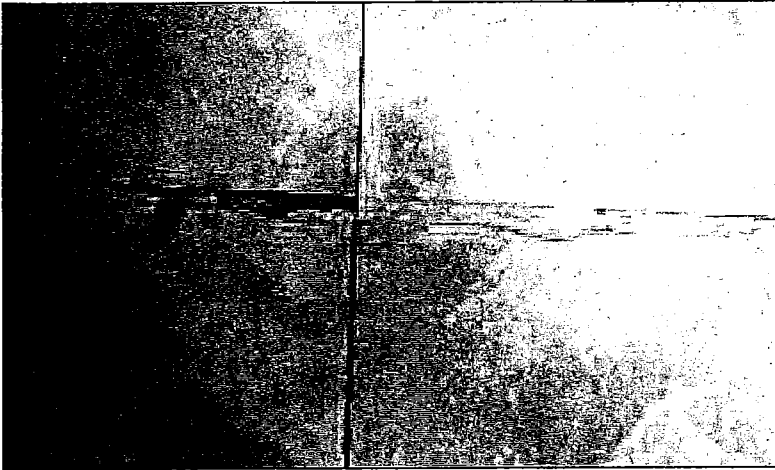


Image 22. Another location.

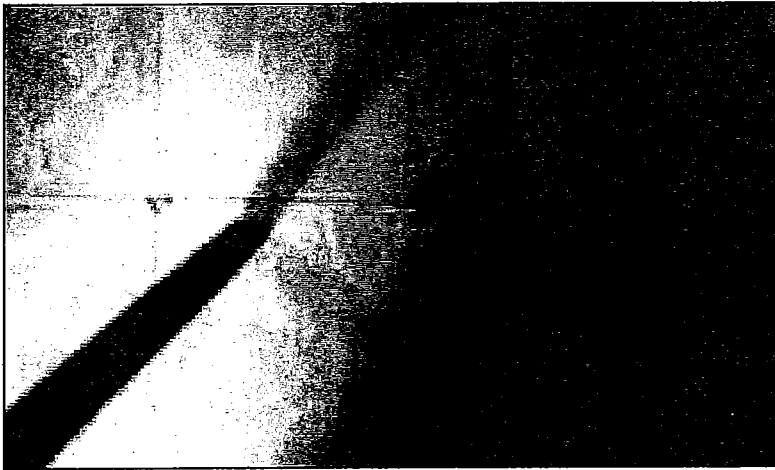


Image 24. Another location.



Image 23. Water intrusion at window.

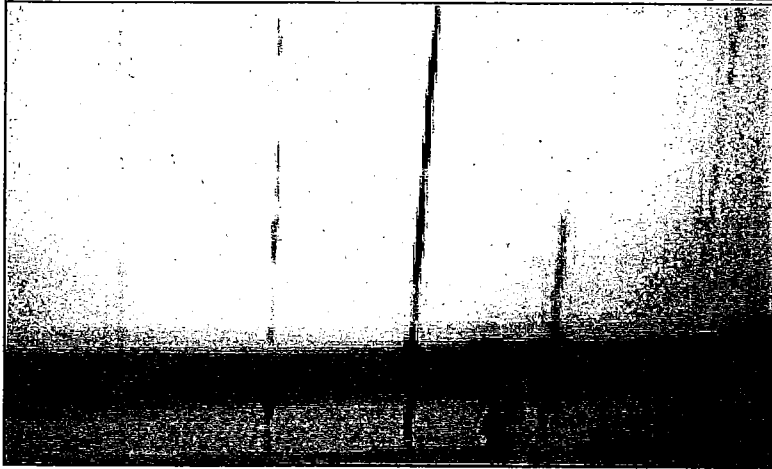


Image 25. Ceiling evidence of leakage and damage.

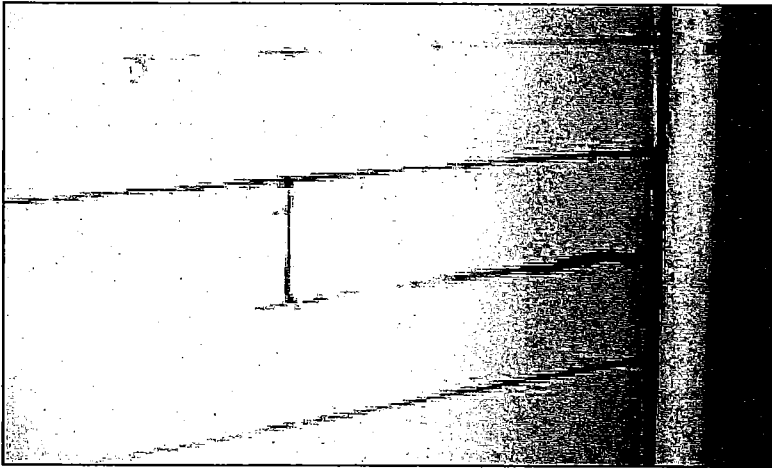


Image 27. Another location.

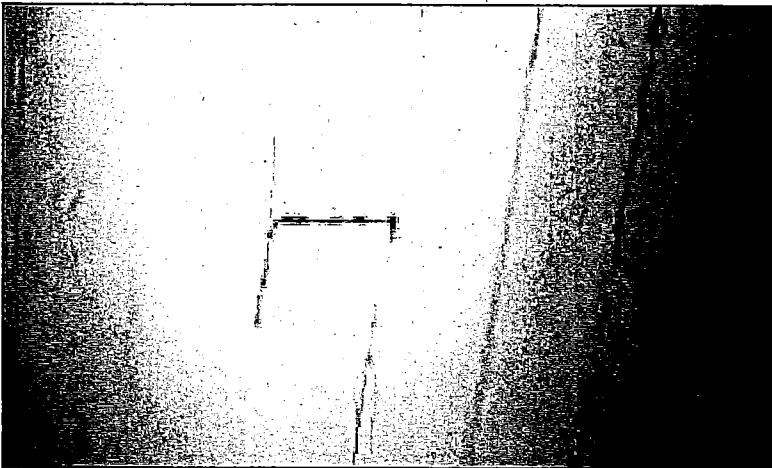


Image 26. Another location.

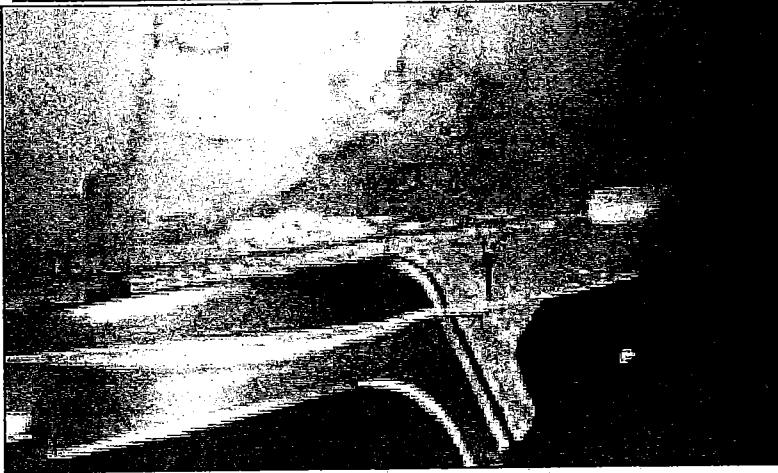


Image 28. Counter unprofessional failed repairs.

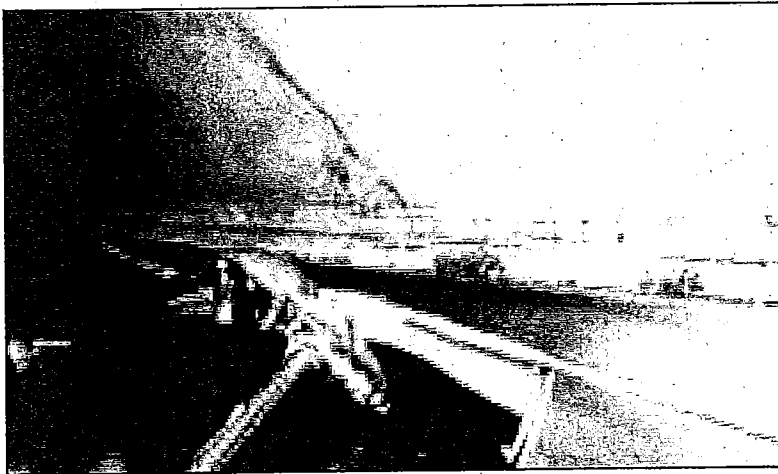


Image 30. Another view.

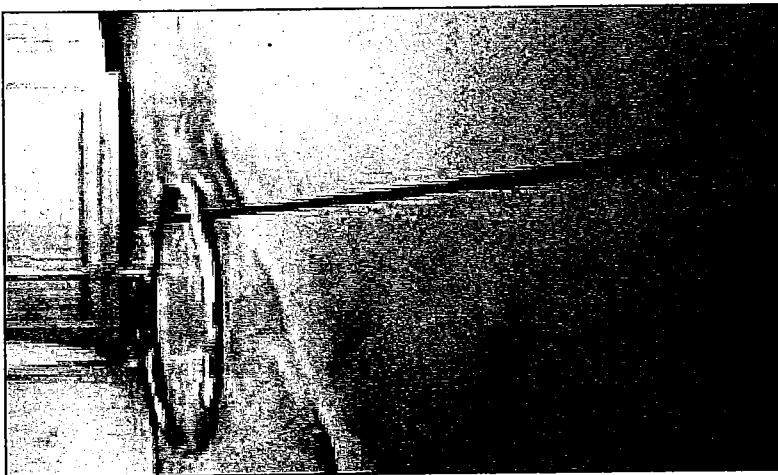


Image 29. Counter top unprofessional installation (gap).

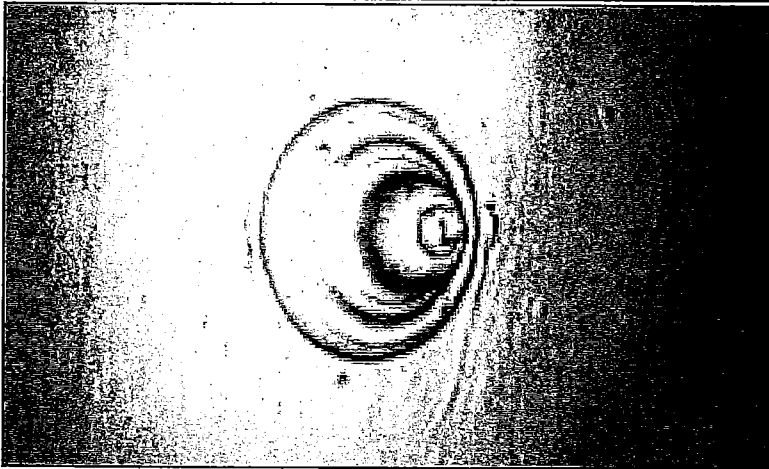


Image 31. Bedroom, light fixture unfinished removal.



Image 33. Exposed subfloor painted over.

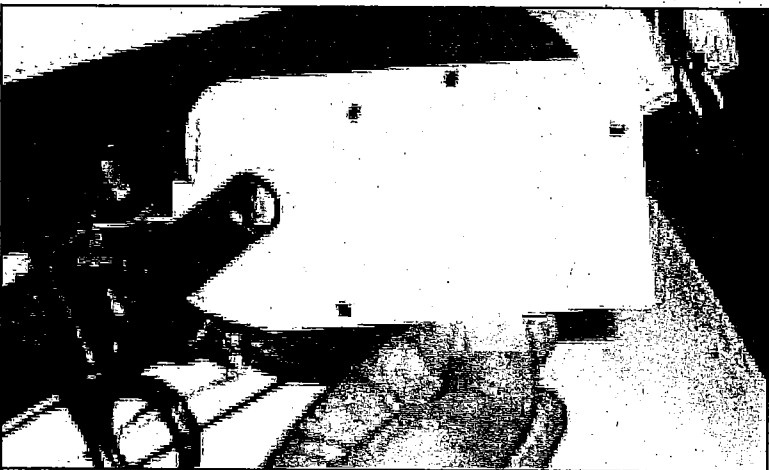


Image 32. Fire extinguisher tag expired.
Cropped image.

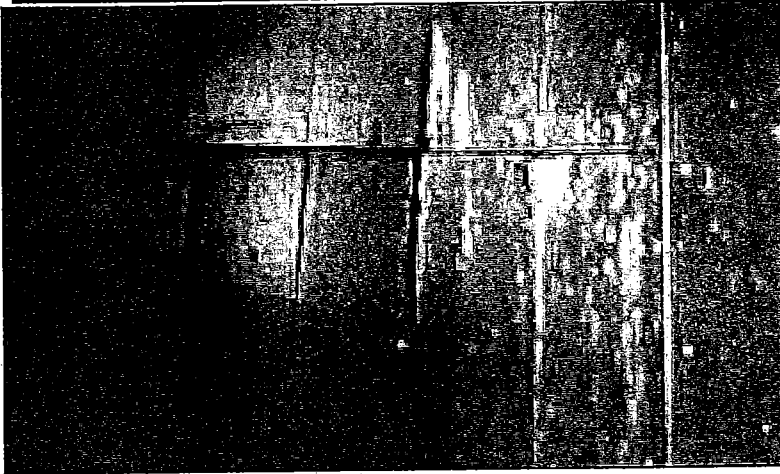


Image 34. Damaged trap door at floor.

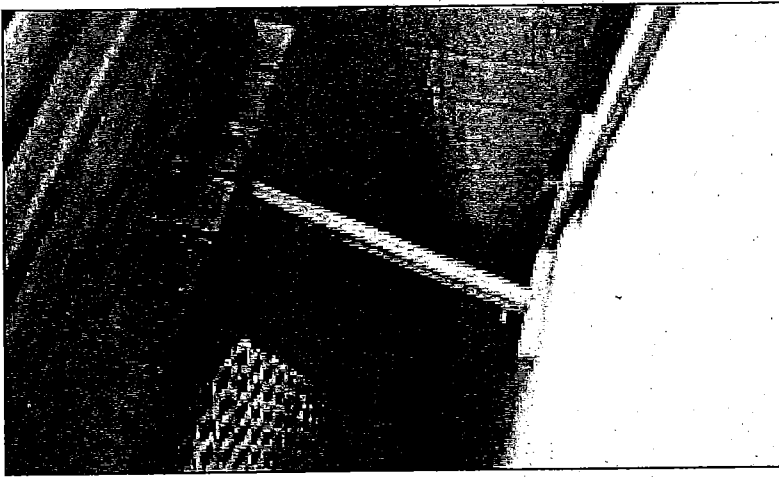


Image 36. Exterior, structural work non conforming installation.

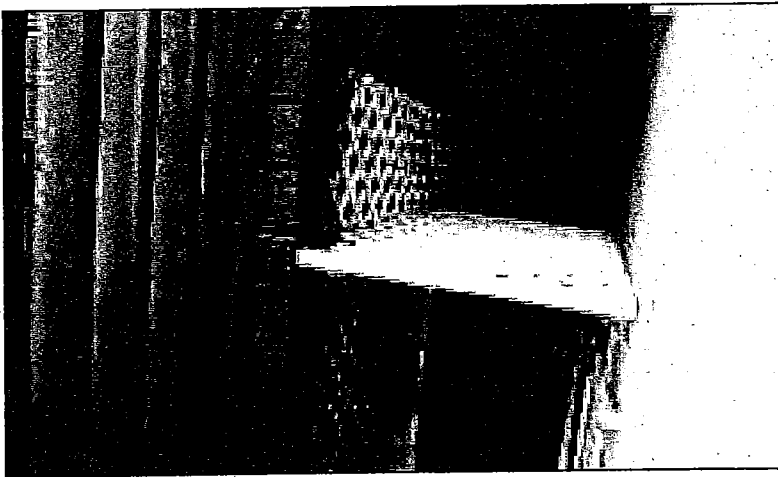


Image 35. Fencing non conforming installation.



Image 37. Bedroom, ceiling paint cracked.

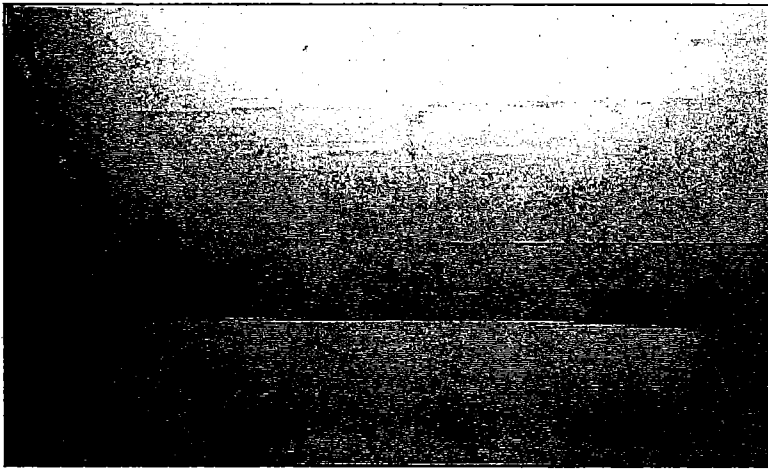


Image 39. Unprofessional painting.

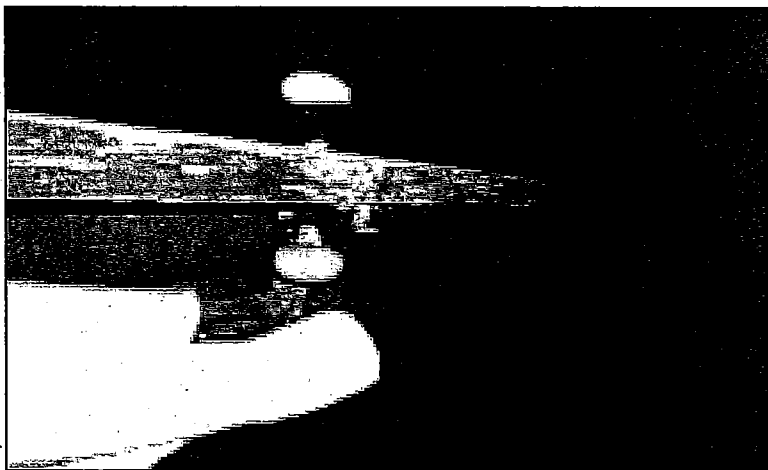


Image 38. Bath, door dragging on frame and peeling paint.

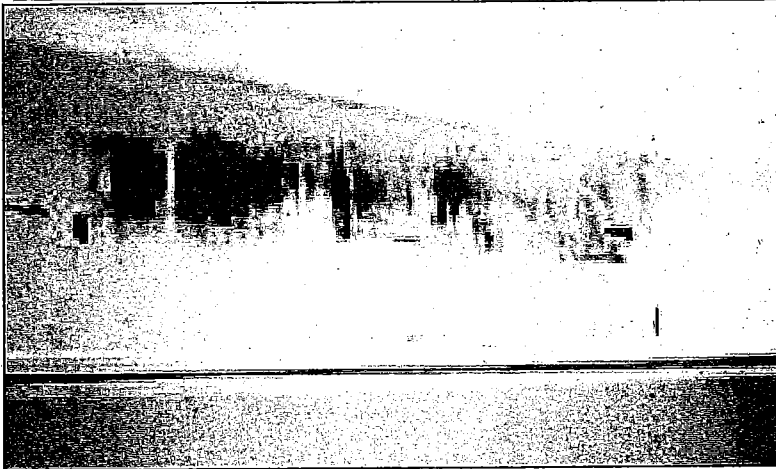


Image 40. Door dragging on frame and peeling paint.

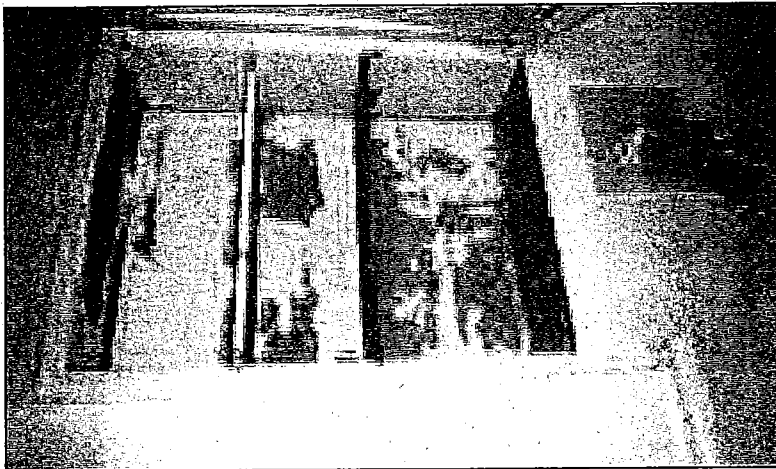


Image 42. Medicine cabinet paint peeling off and missing altogether.



Image 41. Shower stall shower head pipe assembly non conforming installation.

EXHIBIT B

City and County of San Francisco
Department of Building Inspection



Edwin M. Lee, Mayor
Vivian L. Day, C.B.O., Director

May 16, 2011

**REPORT OF PHYSICAL INSPECTION
APPLICATION CC- 5974**

Larry Habegger
8 Napier Lane
San Francisco, CA 94133

Dear Property Owner:

In accordance with your request for a report of physical inspection of the property located at 8 Napier Lane & 222-222A Filbert Street, the following report is hereby submitted.

Under the provisions of the law, it is necessary that you correct all violations listed in this report within six (6) months of the date of this letter. Your prompt attention to this will be appreciated.

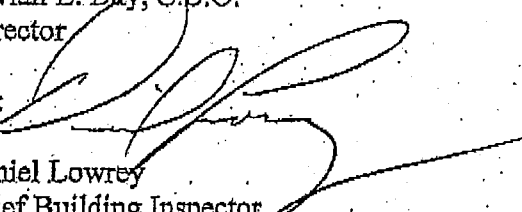
Please follow the instructions outlined on the last page of this report.

If further information or assistance is required regarding any items cited in the Building, Electrical or Plumbing portions of this report, please contact the appropriate inspector listed on that portion of the report. You must obtain separate Building, Electrical and Plumbing permits before starting any work.

Very truly yours,

Vivian L. Day, C.B.O.
Director

By:


Daniel Lowrey
Chief Building Inspector
Building Inspection Division

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Building Inspection Division
1660 Mission Street - San Francisco CA 94103
Office (415) 558-6570 - FAX (415) 558-6474
Website: www.sfdbi.org

City and County of San Francisco
Department of Building Inspection



Edwin M. Lee, Mayor
Vivian L. Day, C.B.O., Director

Date of Report: April 12, 2011

Date of Inspection: 4/06/11

Report of Condition at: 8 Napier Lane & 222-222A Filbert Street

Physical Inspection: CC- 5974

Owner of Record: Larry Habegger

Block: 0085 **Lot:** 007

Mailing Address: 8 Napier Lane,
San Francisco, CA 94133

Description of Property

The premises contain a 3 story, wood framed, Type V building without basement. There is an arrangement for 3 dwelling units R-3 occupancy on 3 floors. There is no off street parking for this building.

The original construction date of this building is unknown, according to the report of residential building record. There are no other outstanding Building, Electrical and Plumbing violations notices issued against this building, according to our Complaints Tracking System. The dimensions of this lot are 30ft. x 32.75ft. and is zoned RH-3.

Building and Housing Inspection Report

The San Francisco Building, Housing and Mechanical Code violations contained herein are those that were observed at the time of inspection. If other, or similar, concealed violations become evident as corrective work progresses, they also shall be corrected in accordance with the San Francisco Building, Housing and Mechanical Code.

General Building:

No visible building code violations observed at time of this inspection.

Building Inspection Division
1660 Mission Street - San Francisco CA 94103
Office (415) 558-6570 - FAX (415) 558-6474
Website: www.sfdbi.org

Page 1 of 6

Report of Condition at Premise(s):
8 Napier Lane & 222-222A Filbert St

Page 2 of 6
CC-5974

8 Napier Street:

No visible building code violations observed at time of this inspection.

222 Filbert Street:

No visible building code violations observed at time of this inspection.

222A Filbert Street:

1. Door to unit shall be provided with a minimum 135 degree view which does not have sighting capability when viewed from the outside. SFBC Sec. 1003A.2.2
2. Provide proper access for furnace at crawl space. SFBC Sec. 304.0

If you require any further information regarding this portion of the report, please call building inspector Adwin Lau at 415-558-6349 (desk) or 415-558-6570 (main) between 7:30AM to 4:00 PM, or by email adwin.lau@sfgov.org

Report of Condition at Premise(s):
8 Napier Lane & 222-222A Filbert St

Page 3 of 6
CC-5974

Electrical Inspection Report

The San Francisco Electrical Code violations contained herein are those that were observed at the time of inspection. If other, or similar, concealed violations become evident as corrective work progresses, they also shall be corrected in accordance with the San Francisco Electrical Code.

UNIT: 8 NAPIER LANE:

1. Install a bonding conductor between the hot and cold water piping systems at the water heater, SFEC Section 250.104(A).
2. Replace the unapproved cord wiring in the bedroom with an electrical installation suitable for the conditions of use, SFEC Article 89.126
3. Install or restore as applicable, the required main grounding for the main electrical service, SFEC Section 250 Part II.
4. Install a bonding conductor between the interior gas piping system and the grounding electrode conductor, SFEC Section 250.104(B)

UNIT: 222 FILBERT STREET:

5. Replace the unapproved cord wiring in the kitchen with an electrical installation suitable for the conditions of use, SFEC Article 89.126
6. Access to all walls was not available at the time of inspection. Provide clearance to the baseboard heater. Further inspection may expose violations of the SFEC.

UNIT: 222A FILBERT STREET:

7. Install additional supports or fastening devices for the EMT conduit installation at the rear door SFEC Section 300.11
8. Install or maintain as applicable lighting outlet in the crawl space.

Report of Condition at Premise(s):
8 Napier Lane & 220-220A Filbert St

Page 4 of 6
CC-5974

9. Provide documentation of electrical permit approval for the unit remodel installation. If documentation is unavailable, follow the procedure below:
- a) Have a state-licensed (C10) contractor file an electrical permit with fees of \$240.00
 - b) Have contractor consult with the district electrical inspector to determine the extent of wiring exposure necessary to perform an inspection
 - c) Have contractor correct any violations observed and arrange a follow-up inspection

Based on the above report, the violations contained herein shall be corrected by a California State licensed electrical contractor, subject to electrical permit and inspection requirements. **NO ELECTRICAL WORK SHALL BE PERFORMED UNTIL A VALID ELECTRICAL PERMIT IS ISSUED.**

If you need additional information regarding this report, please telephone Inspector James Reed at 415-558-6036. Office hours: 7:30 to 8:30 AM and 3:15 to 4:00 PM.

Report of Condition at Premise(s):
8 Napier Lane & 222-222A Filbert St

Page 5 of 6
CC-5974

Plumbing Inspection Report

The San Francisco Plumbing and Mechanical Code violations contained herein are those that were observed at the time of inspection. If other, or similar, concealed violations become evident as corrective work progresses, they also shall be corrected in accordance with the San Francisco Plumbing and Mechanical Code.

Common Area:

1. The water service to the building is undersized. (CPC Sec. 610.0)
2. Vacuum breakers required at all hose bibs. (CPC Sec. 603.0)
3. 1 ½" copper pipe at crawl space is incorrectly capped off. (CPC Sec. 101.4)

222 Filbert Street:

4. The water heater is installed in an unapproved location. (CPC Chapter 5)

222A Filbert Street:

5. The water heater off of bathroom is incorrectly installed. (CPC Chapter 5)
6. The furnace flue is installed with incorrect material. (CMC Chapter 8)

8 Napier Lane:

7. The leg tub valve requires a pressure valve device. (CPC Sec. 418.0)
8. The water heater relief valve is incorrectly terminated. (CPC Sec. 508.5)
9. The drain for water heater pan is incorrectly installed. (CPC Sec. 508.4)
10. The waste and vent piping for the kitchen sink and lavatory and bathtub is incorrectly installed. (CPC Chapter 7, Chapter 9)

If you require any further information or assistance regarding this portion of the report, please call Inspector Bob Christman at 558-6055 between 7:30 - 8:30 AM and 3:00 - 4:00 PM.

Report of Condition at Premise(s):
8 Napier Lane & 222-222A Filbert St

Page 6 of 6
CC-5974

INSTRUCTIONS TO OBTAIN PERMITS FOR CONDOMINIUM CONVERSION

1. APPLICANT TO OBTAIN ONE (1) BUILDING PERMIT. APPLY "BUILDING PERMIT" AT 1660 MISSION STREET, 1st FLOOR.

Bring a copy of your "Report of Physical Inspection" for reference.
Write "To Comply with Physical Inspection Report #CC-5974"
on Line 16 of Building Application (description of work)

2. PLANS REQUIRED ALONG WITH BUILDING APPLICATION FOR THIS PROJECT.

YES NO

3. APPLICANT TO OBTAIN ELECTRICAL PERMIT/S

California state licensed contractors C-10 will be required.
Under the "Description of Work by this Permit":

Write: To Comply with Physical Inspection Report #CC-5974 (Electrical Report)

4. APPLICANT TO OBTAIN ONE (1) PLUMBING AND ONE (1) MECHANICAL PERMIT

California state licensed contractors C-36 and C-20 will be required.
Under the "Description of Work Covered By This Permit":

Write: To Comply with Physical Inspection Report #CC-5974 (Plumbing Report)

5. FOLLOW UP INSPECTIONS

Have the application (permit) numbers with you when call for inspections.
CALL 415-575-6955 for building, electrical and plumbing inspections.
District Inspectors for Building, Electrical and Plumbing will be responsible for all the required follow up inspections including the final inspections.

6. ON THE DATE OF INSPECTION APPOINTMENT

Provide Building Job Card for District Electrical & Plumbing Inspectors to sign off.
Prior to final building inspection, the electrical and plumbing inspectors have to sign off your building job card.

7. PROJECT COMPLETION

A certificate of final completion and occupancy (CFC) will be issue by the district building inspector upon final sign off on building job card.

8. ADDITIONAL CONTACT INFORMATION

Call (415) 558-6349 if you need further assistance.
Or go to www.sfdbi.org and look for staff phone directory.

EXHIBIT C



DEPARTMENT OF BUILDING INSPECTION

Housing Inspection Services Division
City and County of San Francisco
1660 Mission Street 6th Floor, San Francisco, California 94103-2414
(415) 558-6220 Fax: (415) 558-6249 Email: DBHIDComplaints@sfgov.org Website: www.sfdbi.org

NOTICE OF VIOLATION

COMPLAINT: 201148306

OWNER/AGENT: HABEGGER LARRY F

DATE: 06-JUL-11

MAILING

ADDRESS: HABEGGER LARRY F
8 NAPIER LANE
SAN FRANCISCO CA

LOCATION: 222 FILBERT ST

BLOCK: 0085 LOT: 007

NOTICE TYPE: COMPLAINT

94133

BUILDING TYPE: APT

USE TYPE: R2

YOU ARE HEREBY ORDERED TO COMPLY WITH THE FOLLOWING REQUIREMENTS:

ITEM	DESCRIPTION
1 THIS NOTICE INCLUDES VIOLATIONS FOR THE AREAS NOTED.	222 FILBERT STREET.
2 REPAIR WINDOW AND FRAME (1001(h),b,d,708 HC)	REPAIR WINDOW TO PROPER WORKING ORDER IN THE BEDROOM. WINDOW CURRENTLY DOES NOT CLOSE ALL THE WAY CREATING A GAP AT THE BASE AND WILL NOT STAY OPEN.
3 COMPLY WITH SECTION 604 OF THE SAN FRANCISCO HOUSING CODE(604 HC)	COMPLETE AND RETURN TO HOUSING INSPECTION SERVICES THE COMPLIANCE AFFIDAVIT FOR SECTION 604 OF THE SAN FRANCISCO HOUSING CODE(ATTACHED WITH THIS NOTICE OF VIOLATION)
4 REPAIR SINK (1001f, b, d HC)	-SECURE LOOSE KITCHEN FAUCET.
5 REPAIR ELECTRICAL OUTLET (1001e,b,d HC)	-REPAIR LEAK AT THE ANGLE STOP ON THE COLD SIDE OF THE BATHROOM SINK.
6 SECURE LOOSE SHOWER SPOUT. (1001f,b,d HC)	REPAIR/REPLACE CRACKED ELECTRICAL OUTLET BEHIND THE BED IN THE BEDROOM.
7 REPAIR LIGHT (1001e,b,d HC)	IN THE BATHROOM. REMOVE ADAPTOR PLUGGED INTO LIGHT AND RESTORE KITCHEN LIGHT TO PROPER WORKING ORDER.
8 PAINT CEILINGS (1001b,d, 1301 HC)	PAINTING REQUIRED ON THE KITCHEN CEILING, KITCHEN CEILING TRIM, KITCHEN WINDOW FRAMES, THE MEDICINE CABINET IN THE BATHROOM AND THE BASE BELOW THE BATHROOM SINK WHERE PAINT IS CHIPPING AND/OR PEELING.



DEPARTMENT OF BUILDING INSPECTION

Housing Inspection Services Division
City and County of San Francisco

1660 Mission Street 6th Floor, San Francisco, California 94103-2414

(415) 558-6220 Fax: (415) 558-6249 Email: DBIHIDComplaints@sfgov.org Website: www.sfdbi.org

NOTICE OF VIOLATION

COMPLAINT: 201148306

LEAD WARNING.

9 Disturbing lead based paint can be **EXTREMELY DANGEROUS** to dwelling occupants and visitors, particularly to young children, pregnant women, pets, and to people performing work on the premises.

For interior or exterior paint removal : Always wet the surface, contain and properly dispose of leaded paint. If you are unsure whether the paint is leaded, you should test it prior to performing any work. If the paint is found to contain lead, you should consult with an expert about appropriate procedures. Proper containment and 3-day notification is required for exterior jobs of more than 10 sq.ft. (Sec.3423, SFBC)

Informational packets are available at (415) 558-6088.

You can contact the San Francisco Childhood Lead Poisoning Prevention Program at: (415) 252-3800 for free advice. IF YOU CAUSE LEAD DUST TO BE CREATED, YOU COULD BE LIABLE FOR ANY ILLNESS CAUSED BY THE DUST. Ordinance #446-97.

10 REPAIR KITCHEN COUNTER TOP (1001b, d HC)

-SECURE AND RESEAL THE LAMINENT COUNTER TOP BEHIND THE KITCHEN SINK AT THE WALL AND AT THE FAR END OF THE COUNTER.

-ALSO REMOVE GLUE FROM PREVIOUS MOLDING STRIP BEHIND KITCHEN FAUCET AREA AND WALL.
-REPAIR AND SEAL HOLE AT THE BASE OF THE NORTH/EAST WALL IN THE BEDROOM. AFTER REPAIR IS MADE, PAINT THE AREA.

11 REPAIR DAMAGED WALLS (1001b,h,d HC)

-REPAIR AND SEAL HOLE AT THE TOP OF THE HALLWAY CEILING WHERE THE SPRINKLER PIPE COMES THROUGH THE WALL. AFTER REPAIR IS MADE, PAINT THE AREA.

REPAIR/SECURE FLOORING IN THE BEDROOM NEAR THE BATHROOM ENTRANCE. FLOORING IN THE AREA HAS GIVE AND CREATES A TRIPPING HAZARD. IN THE MEDICINE CABINET IN THE BATHROOM.

12 REPAIR FLOOR COVERING (1001b,j,d HC)

13 ELIMINATE MOLD/MILDEW ON WALLS (1301,1001B(13),1306 HC)

14 REPAIR TILING AND BASE OF FIREPLACE.(1001b,d HC)

REPAIR AND SEAL THE HOLES AND CHIPPING MORTAR IN THE FIREPLACE AND SECURE THE LOOSE BRICKS AROUND THE EDGES OF THE FIREPLACE.



DEPARTMENT OF BUILDING INSPECTION

Housing Inspection Services Division

City and County of San Francisco

1660 Mission Street 6th Floor, San Francisco, California 94103-2414

(415) 558-6220 Fax: (415) 558-6249 Email: DBIHIDComplaints@sfgov.org Website: www.sfdbi.org

NOTICE OF VIOLATION

COMPLAINT: 201148306

15 INSPECTOR COMMENTS

It is the property owner's responsibility to be present or direct his/her representative to attend, the reinspection as scheduled on this Notice of Violation for the purpose of providing entry to the Inspector of those areas not accessed during the initial inspection as specified, and/or to provide access to all areas cited within this Notice.

If the property owner cannot attend the scheduled reinspection (as specified on this Notice) it is his/her responsibility to secure a different inspection date and time with the Inspector, and provide all tenants with notification as required by California Civil Code Section 1954 (San Francisco Housing Code Section 303(b), if any dwellings, apartment units or guest rooms are to be accessed during the reinspection.

ALL ITEMS MUST BE COMPLETED WITHIN 30 DAYS. REINSPECTION DATE : 05 August 2011 02:00 PM

IT IS RECOMMENDED THAT THE OWNER/OWNERS REPRESENTATIVE CONFIRM REINSPECTION DATE/TIME.

CONTACT HOUSING INSPECTOR : Harry DerVartanian AT 415-575-6990

FOR EVERY INSPECTION AFTER THE INITIAL RE-INSPECTION, A \$170.00 FEE WILL BE CHARGED UNTIL THE VIOLATIONS ARE ABATED. SFBC 108.8

EXHIBIT D



City and County of San Francisco
Department of Building Inspection

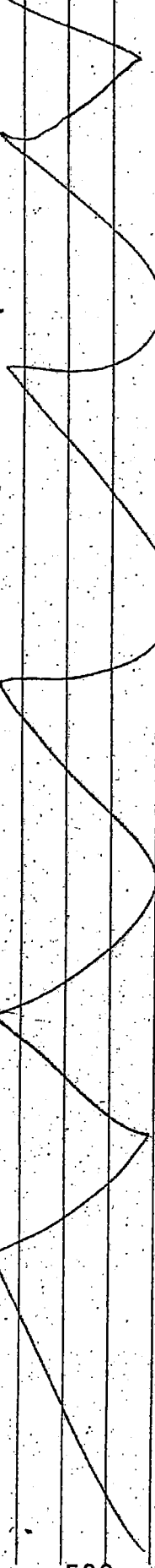
CERTIFICATE OF FINAL COMPLETION AND OCCUPANCY

LOCATION: 8 Napier Lane (AKA 222 Filbert Street) 0085/007
(number) (street) (block and lot)

Permit Application No: 201106168272 Type of Construction: V-B Stories: 3 Dwelling Units: 3

Basements: 0 Occupancy Classification: R-2 No. of Guestrooms: 0 with cooking facilities: 0

Description of Construction: To comply with Physical Inspection Report CC-5974



530

To the best of our knowledge, the construction described above has been completed and, effective as of the date the building permit application was filed, conforms both to the Ordinances of the City and County of San Francisco and to the Laws of the State of California. The above referenced occupancy classification is approved pursuant to Section 109A of the *San Francisco Building Code*.

Any change in the use or occupancy of these premises--or any change to the building or premises--could cause the property to be in violation of the *Municipal Codes* of the City and County of San Francisco and, thereby, would invalidate this *Certificate of Final Completion and Occupancy*. A copy of this *Certificate* shall be maintained on the premises and shall be available at all times. Another copy of this *Certificate* should be kept with your important property documents.

Before making any changes to the structure in the future, please contact the Department of Building Inspection, which will provide advice regarding any change that you wish to make and will assist you in making the change in accordance with the *Municipal Codes* of the City and County of San Francisco.

This certificate issued on: 6/27/11 July 6, 2011

Vivian L. Day by: [Signature]
(Signature) Building Inspector

VIVIAN L. DAY, C.B.O., Director of Building Inspection
Copies: White (original to microfilm); Blue (to property owner); Yellow (to Building Inspector); Pink (to Housing Inspector)

Printed Name PATRICK R. RDAN,

EXHIBIT E



Tobener Joseph <tobener@gmail.com>

222 Filbert Street, San Francisco

Patrick.O'Riordan@sfgov.org <Patrick.O'Riordan@sfgov.org>

Mon, Jul 11, 2011 at 3:48 PM

To: jtobener@tobenerlaw.com

Cc: Adwin.Lau@sfgov.org, Daniel.Lowrey@sfgov.org, Edward.Sweeney@sfgov.org

Hi Joseph,

I have contacted a representative from our City Attorney's Office as well as conferring with both the Chief Building Inspector and a Deputy Director here at DBI.

The CFC may be issued so long as the appropriate people at DPW are made aware of the Housing Notice of Violation.

We intend to make our counterparts at DPW fully aware of the outstanding Housing Inspection maintenance requirements.

Article 9, section 1983:

As a condition of Final Map approval, the subdivider must demonstrate that all applicable provisions of the City's Housing, Building and City Planning Codes have been met and that all violations of such codes have been satisfactorily corrected **or, upon the approval of the Director, and prior to recordation of the Final Map or Parcel Map, funds have been adequately escrowed or bonded to assure completion of such corrective work prior to the closing of escrow of any unit in the project.**

The Director mentioned in the above language is in reference to DPW.

Items relating to electrical are best handled by that division.

Regards,

Patrick O'Riordan
Senior Building Inspector
Department of Building Inspection
1660 Mission Street
San Francisco, CA 94103
(415) 558 6105

From: Joseph Tobener <jtobener@tobenerlaw.com>
To: patrick.o'riordan@sfgov.org
Date: 07/08/2011 02:35 PM
Subject: 222 Filbert Street, San Francisco
Sent by: tobener@gmail.com

[Quoted text hidden]

EXHIBIT F



July 21, 2011

Physical Inspection Report CC-5974
222 Filbert Street

Mr. Joseph S. Tobener
Tobener Law Center
21 Masonic Avenue, Suite A
San Francisco, CA 94118

Dear Mr. Tobener:

This correspondence is in regards to the property located at 222 Filbert Street (aka 8 Napier Lane), San Francisco, California.

Building, Plumbing, and Electrical inspections were performed for the compilation of the Physical Inspection Report (CC-5974).

A building permit (PA#201106168272) was subsequently approved and issued for compliance with the report.

Inspections were again performed to verify the correction of the items listed on the report and compliance was noted.

Complaints were then filed with the Housing, Building, Electrical, and Plumbing Inspection Divisions. Four Senior Inspectors from the respective disciplines noted above responded to the complaints and it was determined that the only concerns were maintenance related issues which were documented on a Housing Notice of Violation.

The Certificate of Final Completion and Occupancy was issued for compliance with the Physical Inspection Report and the Department of Public Works was notified of the outstanding Housing Notice of Violation relating to the maintenance issues.

If you have any questions regarding this matter you may contact Senior Building Inspector Patrick O'Riordan at (415) 558-6105.

Very truly yours,

A handwritten signature in black ink, appearing to read "E. Sweeney", written over a large, stylized flourish.

Edward Sweeney,
Deputy Director

cc: Patrick O'Riordan, Sr. Bldg. Inspector
BID File

P:\corresp\2011\222filbertstreet.doc

Edward Sweeney, Deputy Director – Inspection Services
1660 Mission Street – San Francisco CA 94103
Office (415) 558-6142 – FAX (415) 558-6435
Email: Edward.Sweeney@sfgov.org

EXHIBIT G



Edwin M. Lee, Mayor
Edward D. Reiskin, Director
Fuad S. Swais, PE, PLS.
City Engineer & Deputy Director of Engineering



Phone: (415) 554-5827
Fax: (415) 554-5324
www.sfdpw.org
Subdivision.Mapping@sfdpw.org

Department of Public Works
Office of the City and County Surveyor
875 Stevenson Street, Room 410
San Francisco, CA 94103

Bruce R. Storrs, City and County Surveyor

Date: July 14, 2011

Approval of Tentative Map for

3 Units Condo Conversion

Address	Block	Lot
8 NAPIER LN	0085	007
222 - 222A FILBERT ST	0085	007

Dear Sir/Madam:

This is to advise you that based on our findings the City and County Surveyor has made his decision affirming the approval of the subject Tentative Map.

The City and County Surveyor, together with the Planning Department and Department of Building Inspection have reviewed the application for conformity with the General Plan, and with the requirements of the Subdivision Map Act, the San Francisco Subdivision Code and applicable regulations for the Tentative Map.

Subdivision Code Section 1314 provides that an appeal of the decision of the City and County Surveyor may be made to the Board of Supervisors, located at 1 Dr. Carlton B. Goodlett Place, Room 244, telephone number (415) 554-5184.

Any such appeal must be filed in writing with the Clerk of the Board within ten (10) days of the date of this letter along with a check in the amount of \$284 made out to the Department of Public Works.

The file for this project is available for viewing at the Office of the City and County Surveyor located at 875 Stevenson Street, Room 410 during regular business hours.

If you have any questions on this matter, please contact us at (415) 554-5827, or our email address: subdivision.mapping@sfdpw.org

Sincerely,

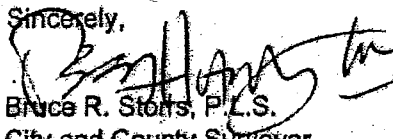
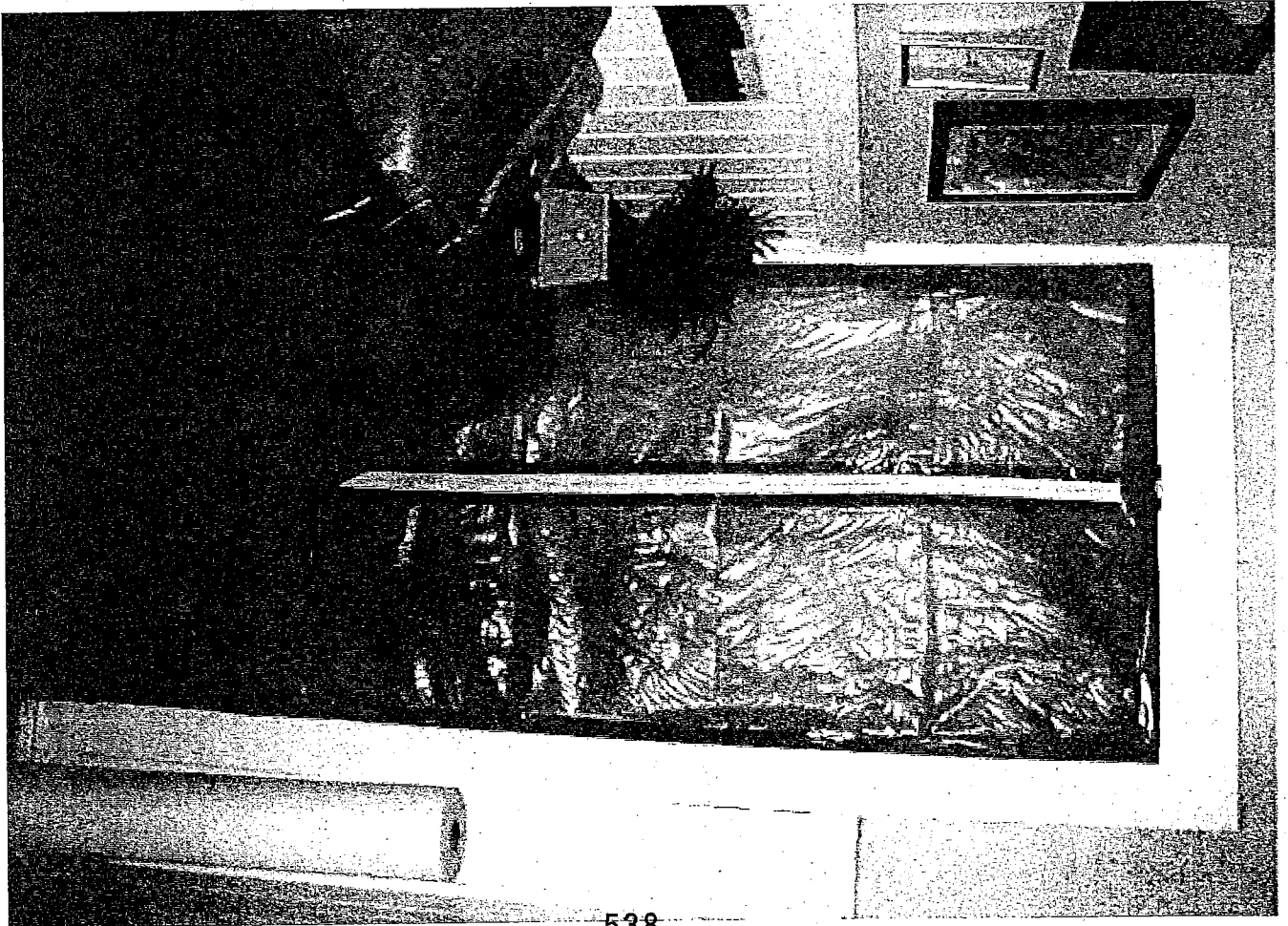
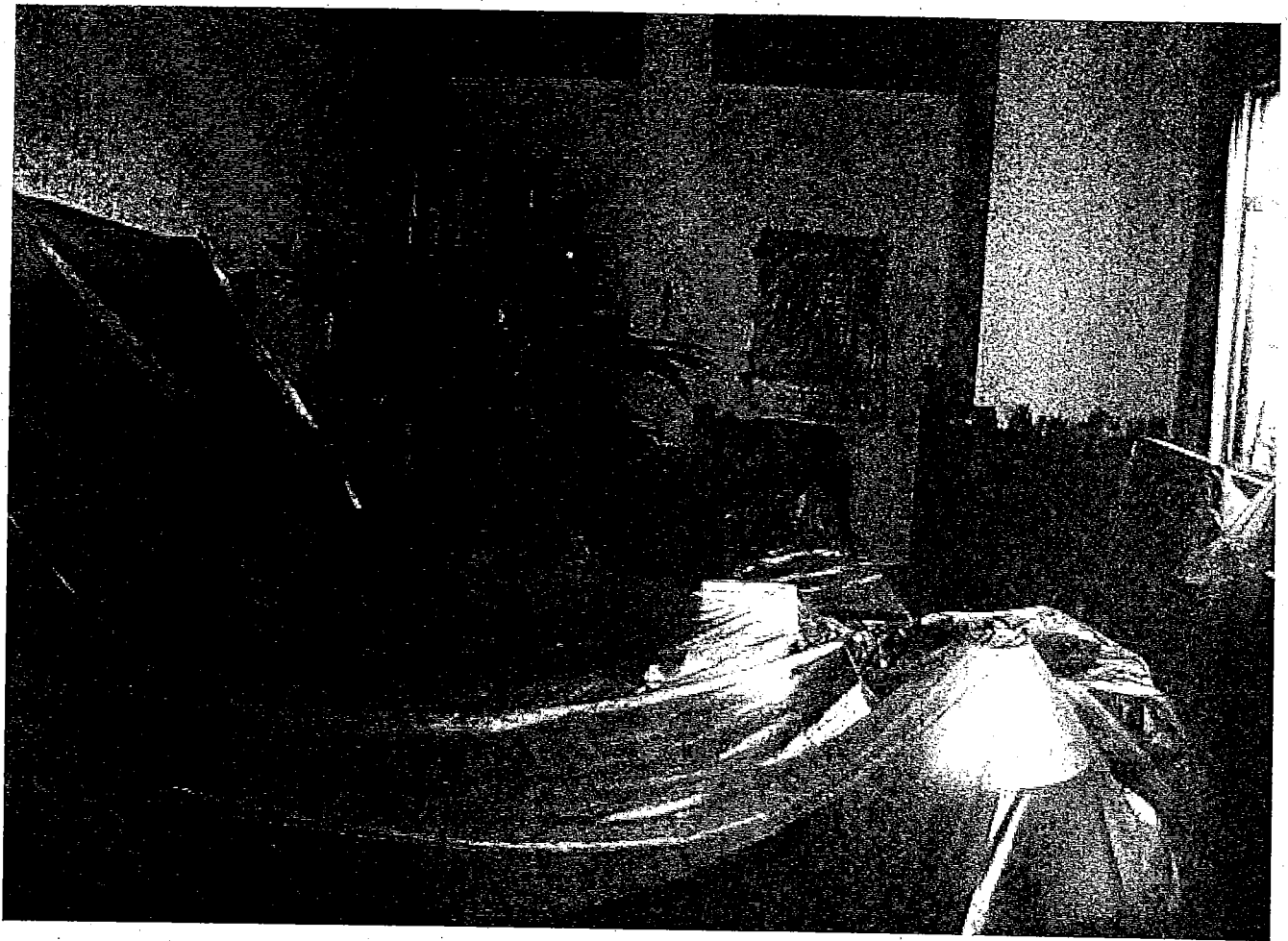
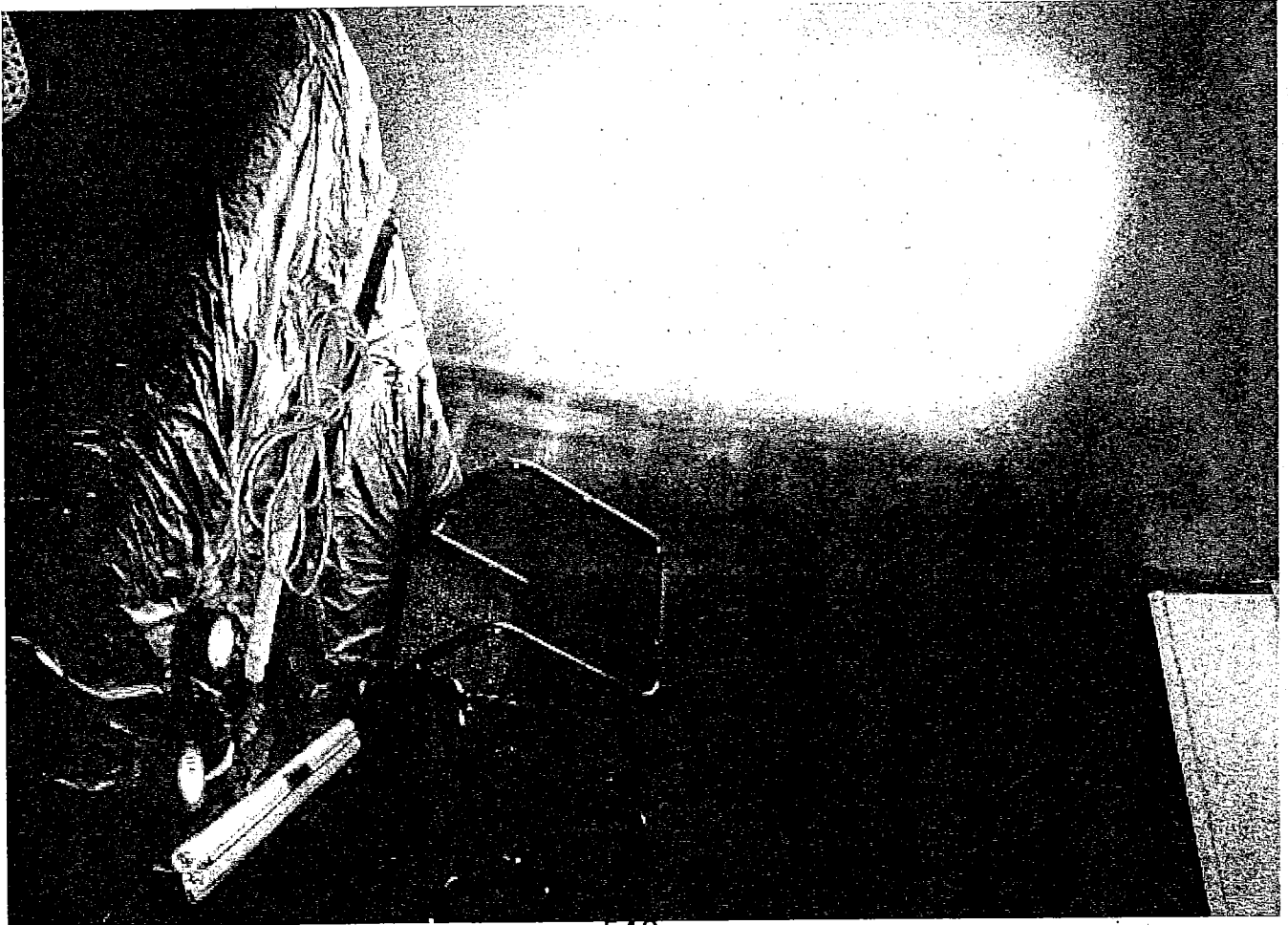
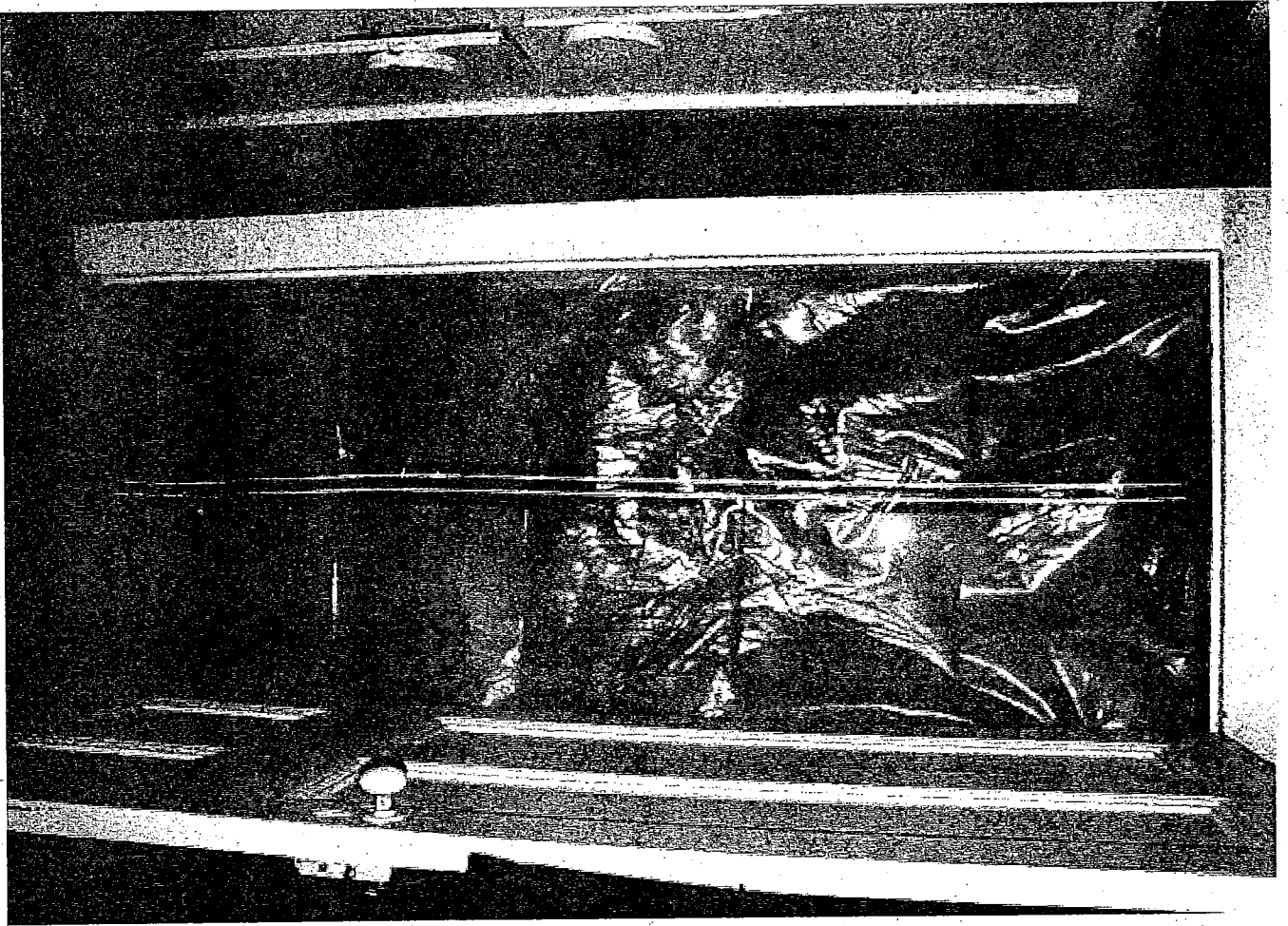
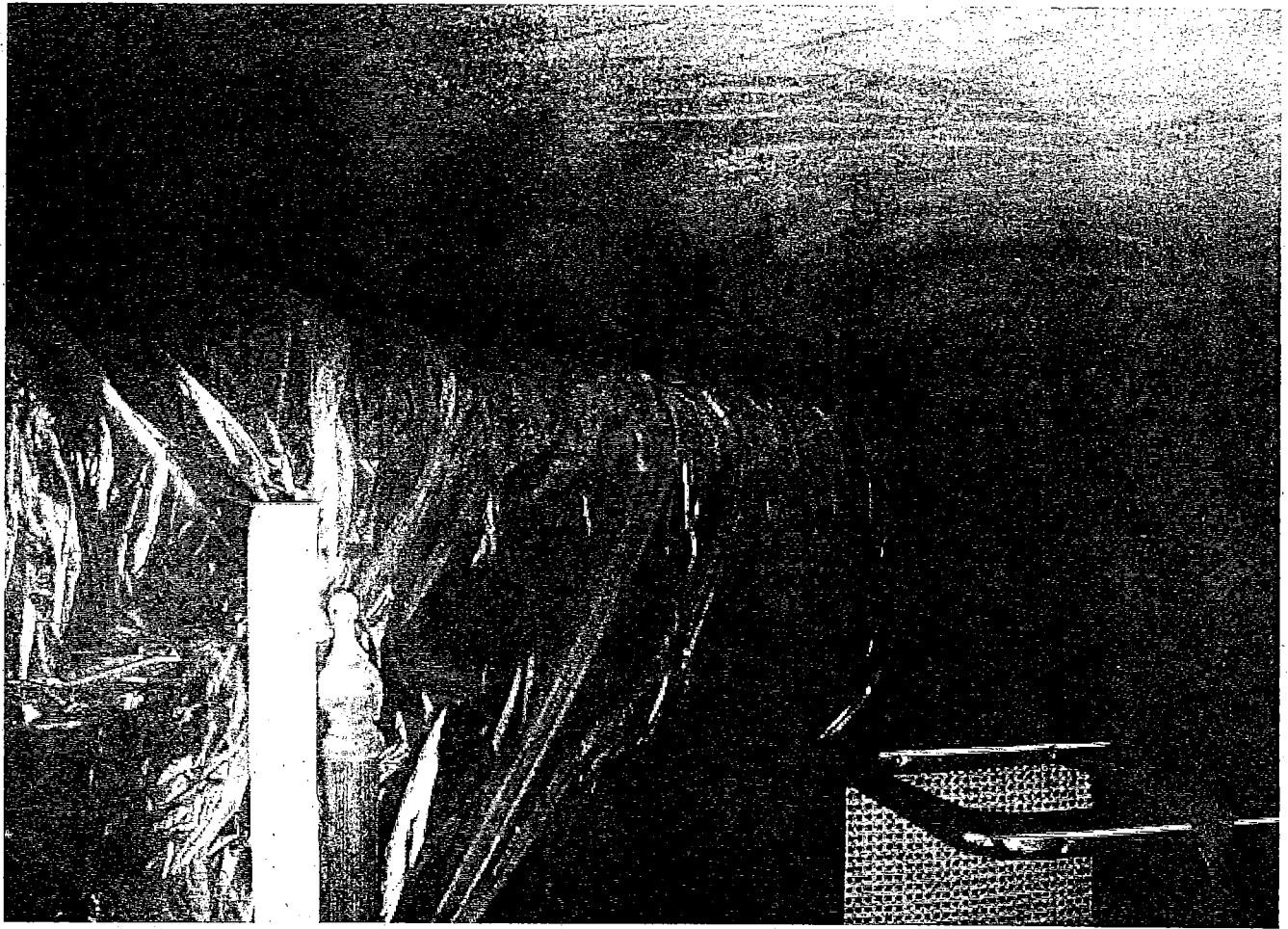

Bruce R. Storrs, P.L.S.
City and County Surveyor
City and County of San Francisco

EXHIBIT H









BOARD of SUPERVISORS



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

NOTICE OF PUBLIC HEARING


BOARD OF SUPERVISORS OF THE CITY AND COUNTY OF SAN FRANCISCO

NOTICE IS HEREBY GIVEN THAT the Board of Supervisors of the City and County of San Francisco will hold a public hearing to consider the following proposal and said public hearing will be held as follows, at which time all interested parties may attend and be heard:

Date: Tuesday, September 6, 2011
Time: 2:30 p.m.
Location: Room 416, 4th Floor located at City Hall, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102
Subject: File No. 110840. Hearing of persons interested in or objecting to the decision of the Department of Public Works dated July 14, 2011, approving a Tentative Parcel Map for a 3-unit condominium conversion located at 8 Napier Lane/222-222A Filbert Street, Assessor's Block No. 0085, Lot No. 007. (District 3) (Appellant: Terence Keene)

Pursuant to Government Code Section 65009, notice is hereby given, if you challenge, in court, the matter described above, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.

In accordance with Section 67.7-1 of the San Francisco Administrative Code, persons who are unable to attend the hearing on these matters may submit written comments to the City prior to the time the hearing begins. These comments will be made a part of the official public records in these matters, and shall be brought to the attention of the Board of Supervisors. Written comments should be addressed to Angela Calvillo, Clerk of the Board, Room 244, City Hall, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102. Information relating to this matter is available in the Office of the Clerk of the Board and agenda information will be available for public review on Thursday, September 1, 2011.


Angela Calvillo
Clerk of the Board

PUBLISHED: August 26, 2011
POSTED/MAILED: August 26, 2011