



SAN FRANCISCO PLANNING DEPARTMENT

RECEIVED & DISTRIBUTED IN
BOARD 9-20-16

MEMO

APPEAL OF CONDITIONAL USE AUTHORIZATION [SUPPLEMENTAL RESPONSE] 2785 Bruno Avenue

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San Francisco,
CA 94103-2479

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DATE: September 20, 2016
TO: Angela Calvillo, Clerk of the Board of Supervisors
FROM: John Rahaim, Planning Director – Planning Department (415) 558-6411
Jeffrey Speirs, Case Planner – Planning Department (415) 575-9106
RE: File No. 160918, Planning Case No. 2014-003173CUA - Appeal of the approval of
Conditional Use Authorization for 2785 San Bruno Avenue
HEARING DATE: September 20, 2016
ATTACHMENTS: None

PROJECT SPONSOR: Brian Kaufman, 77 Van Ness Avenue, San Francisco, CA 94103

APPELLANT: Stephen Williams, 1934 Divisadero Street, San Francisco, CA 94115

INTRODUCTION:

This supplemental memorandum and the attached documents are in response to the supplemental letter of appeal to the Board of Supervisors (“Board”) regarding the Planning Commission’s (“Commission”) approval of the application for Conditional Use Authorization under Planning Code Sections 303 (Conditional Use Authorization) and 317 (Loss of Dwelling Units through Demolition, Merger, and Conversion), to demolish a one-story residential Dwelling Unit and accessory structure at 2785 San Bruno Avenue within the NC-2 (Small-Scale Neighborhood Commercial District) and 40-X Height and Bulk District (“the Project”).

This supplemental response provides further clarifications regarding the proposed project and addresses the supplemental appeal (“Supplemental Appeal Letter”) to the Board filed on September 15, 2016 by Stephen Williams, representing neighbors in opposition to the project. The Supplemental Appeal Letter referenced the proposed project in Case No. 2014-003173CUA.

The decision before the Board is whether to uphold or overturn the Planning Commission’s approval of Conditional Use Authorization to demolish a one-story residential Dwelling Unit and an accessory structure and to construct a new four-story, mixed-use building containing three dwelling units and two commercial units at 2785 San Bruno Avenue.

It is important to note that at the Planning Commission hearing on July 14th, 2016 the Commission and staff believed the property included an “unauthorized unit” rather than an accessory structure and the Commission approved its removal. With additional evidence provided since the hearing, the property

does not appear to include an "unauthorized unit"; rather the property may contain a detached 391 square foot living area consisting of a bedroom and bathroom, located at the rear of the property. While the Commission's approval would have allowed for the demolition of a dwelling unit and an unauthorized unit, the actual demolition, if permitted by the Board of Supervisors, would be less extensive than the Commission authorization and would be more appropriately described as the demolition of a dwelling unit. (For further details, see Response #1.).

SUPPLEMENTAL APPELLANT ISSUES AND PLANNING DEPARTMENT RESPONSES:

The concerns raised in the Supplemental Appeal Letter are cited in a summary below and are followed by the Department's response:

ISSUE #1: The appellant claims that the Department's response "falsely and improperly" attempts to change the facts and present a different scenario to the Board than that which was acted upon by the Planning Commission.

RESPONSE #1: The Department is obligated to present all relevant facts to decision-makers in conjunction with proposed entitlements. Additional evidence provided to Department staff supports a determination by Department staff, including the Zoning Administrator, that the rear accessory structure may not be an unauthorized unit. After reviewing the original Appeal letter and its attachments, specifically the Craig's List advertisement, Department staff conducted additional review of the existing conditions and determined that the rear accessory structure is not used as a separate and distinct sleeping area; therefore; the rear accessory structure is not an unauthorized unit, as defined by the Planning Code. Planning Code Section 317(b)(13) includes two criteria, which must both be met, to determine if a living or sleeping area is an Unauthorized Unit. The two criteria are:

1. The living or sleeping space must have been used as a separate and distinct living or sleeping space (i.e. no sharing of facilities), **and**
2. The living or sleeping space must meet the physical characteristic of "independent" (i.e. a separate entry and no open, visual connection to another unit) as defined in Planning Code Section 317.

Under previous analysis, staff mistakenly reviewed the project against only one of the two criteria required: whether the space was physically "independent" from other residential units on the property. Additionally, staff had conflicting information about how the accessory structure was used.

Before the Commission Hearing. Initially, the project sponsor submitted plans showing the rear structure as a "workshop." To determine the correct dwelling unit count proposed for the demolition application, Department staff conducted a site visit. During the site visit, staff determined that the rear structure did not meet the definition for a dwelling unit and therefore concluded that the rear structure contained an unauthorized unit². Given the new evidence provided and recent changes to law,

² Department staff conducted the site visit on August 17, 2015. At that time, removal of an unauthorized unit in buildings of three units or more (which this is not, under any interpretation) required a Discretionary Review under the Mayoral Executive Directive 13-01. Removal of an unauthorized unit did not require a Conditional Use authorization until April 2016. During the time period before April 2016, the provision of cooking facilities was a key factor in determining if an unauthorized unit was present. After April 2016,

specifically the definition of “unauthorized unit” now provided in the Planning Code, this conclusion is no longer accurate.

On March 2, 2016, the project sponsor submitted an affidavit declaring that the property did not contain an unauthorized unit. Nevertheless, even without the presence of a separate kitchen, Department staff concluded that under the Planning Code as it then existed, the physical characteristics of the rear space indicated that it was an unauthorized unit and was an unauthorized unit. Given the physical characteristics of the rear-structure and the City’s preference to legalize units when possible, Department staff then informed the project sponsor that the rear-structure was an unauthorized unit and that to proceed with their proposed project they would need to seek Planning Commission approval through a mandatory discretionary review hearing for removal of both a dwelling unit (main structure) and removal of an unauthorized unit (rear structure) in addition to the new construction. In April 2016, the Planning Code was changed to require a Conditional Use authorization for the removal of any dwelling unit or any unauthorized unit. The Planning Commission approved this project via Conditional Use authorization on July 14, 2016.

After the Commission Hearing. As described in our initial response, since the Planning Commission hearing additional evidence has been presented that calls into question the “independent use” of the rear structure. The first piece of evidence was submitted by the appellant. The appellant provided an advertised listing of the rental property from Craig’s List. This advertisement specifically stated that the “use” of the rear structure was as one private bedroom within a shared house. The advertisement stated that the bedroom to be leased in the principal structure (where the Craig’s List Ad sought to lease a room) would not have to share the bathroom with one tenant (apparently in the rear structure) who had a private bathroom. This language implies that the rest of the house would be shared.

In light of this new evidence, Planning Staff contacted the Project Sponsor about the “independent use” of the structure. In response, the Project Sponsor provided three leases (See Attachments C, D, and E to the original September 20, 2016 Planning Response which are respectively leases for 8/8/2014, 9/1/2015 and 5/9/2016). All three of these leases state under Clause Five (5) that the intended use of the property was as a “single-family dwelling”. No cooking facilities were present in the rear structure during Department staff’s site visit in August of 2015. The fact that cooking facilities were removed is not proof of an independent unit as single-family homes are permitted to have multiple the cooking facilities. As described to the Department by the current owner, no cooking facilities have existed in the accessory structure since they purchased the property in 2014 and all of their tenants have had access to the kitchen in the primary structure.

Given the additional information provided by the project sponsor, the Conditional Use review for removal of an unauthorized unit may not have been necessary. Current evidence contradicts the earlier determination that the rear structure was used “independently” from the dwelling unit at the front of the property. Specifically, the Craig’s List Ad of the property as a shared house, leasing information for the property as a single-family dwelling and a signed affidavit from the project sponsor stating that the unit has not been used “without the benefit of a building permit, as a separate and distinct living or sleeping space independent from Residential Units on the same property” all support the Department’s current

unauthorized use is determined by independent physical characteristics and independent use as set forth in Planning Code Section 317(b)(13).

conclusion that the rear structure is not an "unauthorized unit" within the meaning of the Planning Code and does not require a Conditional Use authorization to be removed..

Summary of Response One. In order to accurately determine if an unauthorized unit is present onsite, Planning Code Section 317(b)(13) requires that the independent use of the rear accessory structure be established in addition to physical characteristics of independence. The Planning Department brought the project to review before the Commission with some evidence supporting that the rear structure was used as a separate and distinct living or sleeping area. New evidence in the form of the Craig's List advertisement and three leases provided by the project sponsor raise doubt as to whether the use of the rear structure is truly as an "independent" unit or whether use of the structure relied on integrated use with the main structure. With additional evidence and subsequent review by the Zoning Administrator, the Department has revised its determination to conclude that the rear accessory structure is not an unauthorized unit as now defined in the Planning Code. **If the Board of Supervisors concludes that the unit is an unauthorized unit, no changes to the Commission's findings are needed because the Commission approved the loss of an unauthorized unit. If the Board of Supervisors concludes that there is not evidence supporting the Department's new determination that the space is an unauthorized unit, the Board of Supervisors may choose, but is not required to, revise the findings to state that the property only contains a single-family dwelling with additional living space in a rear structure.**

Regardless, as long as the Board of Supervisors concludes that the Conditional Use authorization for the removal of the dwelling unit(s) was properly granted (whether viewed as one dwelling unit and an accessory structure or one dwelling unit and an unauthorized unit), the Board may reject this appeal and uphold the Conditional Use authorization as approved by the Planning Commission.

ISSUE #2: The Appellant claims that the Project Sponsor removed the kitchen in order to obtain Conditional Use Authorization.

RESPONSE #2: Whether the project is characterized as removal of one unit or two, it requires a Conditional Use authorization under either scenario. Moreover, the removal of the kitchen is not the critical issue in determining whether the rear structure is an unauthorized unit or whether it is part of the single-family house. Instead, under current law the establishment of an unauthorized unit is determined by considering whether the rear structure is separate in both physical nature and whether it is independent in use from the main structure.

The Planning Commission considered the unit as an unauthorized unit and approved its removal. This was the most rigorous review possible for the rear-structure in terms of the number of units on-site. (See also Response Four for further discussion of the applicability of Rent Control.) If a kitchen had been present, the date of its removal is important relative to the City's recently changed laws. If a kitchen was removed prior to the Mayor's Executive Directive (December 2013), removal of the kitchen would have been consistent with the law of the day, which had historically sought to remove unauthorized units. If the kitchen was removed after the recent ordinances (April 2016), the removal of the kitchen would have been prohibited without a Conditional Use permit. Again, the Commission's approval of the Conditional Use authorization was an approval to remove an unauthorized unit. For this reason the question of a presence of a kitchen is not critical to the determination of the most appropriate regulation of removal of this space under today's Planning Code.

To clarify, below is a recent timeline of actions affecting the Department's definition and relevant controls for unauthorized units.

Prior to December 2013: The City required the removal of unauthorized units. If a Notice of Violation was received regarding existence of an unauthorized unit, the City required the owner to remove the unit. This was the City's practice until the Mayor's Executive Directive published in December 2013. At this point in time unauthorized units were determined primarily by the presence of cooking facilities.

December 2013: The Mayor's Executive Directive published in December 2013³ generally called for preserving housing as well as accelerating new housing approvals. One of the new practices established in response to the Mayor's Executive Directive, was to require Mandatory Discretionary Review for the removal of unauthorized units in buildings with **three** or more units. This response was published on February 4, 2014.

May 2014: New legislation was enacted via Ordinance 43-14,⁴ sponsored by Supervisors Chiu, Wiener, Avalos, Mar, Breed, and Cohen, to allow voluntary legalization of certain unauthorized units. This legislation did not include a definition of unauthorized units nor was there any additional process for the removal of such units.

January 2016: With enactment of Ordinance Number 208-15⁵, sponsored by Supervisor Wiener, the removal of unauthorized units required tenant notification. This ordinance established the first notice ever provided to such tenants prior to City action on an application to remove an occupied, but unauthorized unit.

April 2016: With enactment of Ordinance Numbers 023-16 and 033-16⁶, sponsored by Supervisor Avalos, a definition for unauthorized units was created for the first time in the Planning Code. These ordinances established the first requirement for a Conditional Use Authorization whenever the removal of an Unauthorized Unit is proposed.

Summary of Response Two. There is no definitive evidence as to when the cooking facilities were removed nor is there evidence as to whether the previous cooking facilities were used to establish an independent unit in the rear. Prior to the new Conditional Use criteria established by the April 2016 Ordinances 023-16 and 033-16, a kitchen, without benefit of a permit, could be removed with a simple building permit. After April 2016, if a kitchen were part of an unauthorized unit, it could be demolished through a Conditional Use permit such as the one the Commission authorized in this case. As of today, neither the Department, the Project Sponsor, nor the Appellant have established that any previous kitchen facilities that may have existed functioned as part of a unit that was independent in use. Without

³ A summary of this executive directive may be found on the Planning Department website at: <http://sf-planning.org/article/mayor-lee%E2%80%99s-executive-directive-accelerate-housing-production-protect-existing-housing-stock>. A summary of the Planning Department's response to this executive directive may be found on the Department's website at: <http://commissions.sfplanning.org/cpcpackets/Executive%20Directive%20Status%20Update.pdf>.

⁴ A summary of this ordinance may be found on the Planning Department website at: http://default.sfplanning.org/legislative_changes/new_code_summaries/131148.pdf

⁵ A summary of this ordinance may be found on the Planning Department website at: http://default.sfplanning.org/legislative_changes/new_code_summaries/150587.pdf

⁶ A summary of these two ordinances may be found on the Planning Department website at: http://default.sfplanning.org/legislative_changes/new_code_summaries/160115_150494.pdf.

clear evidence to the contrary, the project sponsor's affidavit signed under penalty of perjury combined with other evidence forms the basis of the Department's determination to revise the status of the rear structure as dependent upon the primary unit.

ISSUE #3: The Appellant claims the Department failed to follow the mandatory provisions of Planning Code 317(g)(6).

RESPONSE #3: Even if the rear structure is defined as an "unauthorized unit", the findings presented to the Planning Commission included all criteria required by the Planning Code for *demolition*. In raising this issue in both Appeal Letters, the Appellant quotes the Planning Code Section 317(g)(6) criteria. However, this Subsection only provides additional criteria for removal through conversion or merger. As the code is currently written, the code states, "**In addition** [emphasis added] to the criteria set forth in Subsections (g)(1) through (g)(4) above, the Planning Commission shall consider the criteria below..." However, **Subsections (g)(1) through (g)(4) apply to conversion and merger and not to demolition. Demolition is in Subsection (g)(5).** The Department's analysis and the Planning Commission's decision did not ignore the criteria set forth in Subsections (g)(1) through (g)(4), but rather applied the criteria for demolition, found in Subsection g(5). The Planning Commission approval and staff's recommendation addressed the current code correctly, if the accessory structure were to be an unauthorized unit because it is proposed for demolition.

ISSUE #4: The appellant repeatedly states the units are rent-controlled.

RESPONSE #4: As stated in Response #1, the rear living and sleeping area are not clearly separate and distinct and are part of the main "household," which is a single-family dwelling unit. Although it is ultimately up to the Rent Stabilization and Arbitration Board to determine whether the rent-control provisions of the Rent Stabilization and Arbitration Ordinance apply to any given property in the City, Administrative Code Section 37.3(d)(1)(A) states that a landlord may set the initial and all subsequent rent increases for single-family homes. The Department has asked that staff from the Rent Board attend the appeal hearing to provide further clarity to the Board of Supervisors.

If the Board of Supervisors believes that the rent-control provisions apply to the property, the Board of Supervisors could alter the Commission's findings to indicate as much. If the Board of Supervisors believes that the rent-control provisions do not apply, no changes are needed to the Commission's findings.

CONCLUSION:

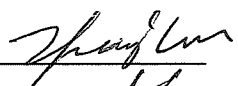
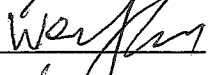


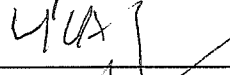
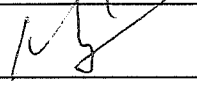

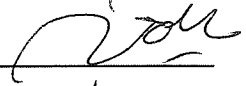
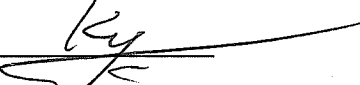

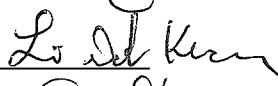

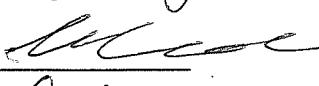
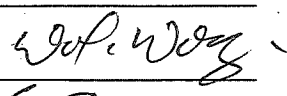

For the reasons stated above, the Department recommends that the Board uphold the Commission's decision in approving the Conditional Use authorization for the demolition of the one-story single-family Dwelling, and construction of a new four-story, mixed-use building containing three dwelling units and two commercial units.

RECEIVED & DISTRIBUTED
TO BOARD 9.22.16 JP

City Planning Commission
Case No. 2014-003173 CUA

Dear San Francisco Board of Supervisors and San Francisco Planning Department

Below are signatures of support for the Conditional Use Authorization at 2785 San Bruno Ave, San Francisco CA 94134 to demolish the existing one story house and build a new mixed-use four story building.





Printed Name	Street Address	Block/Lot	Signature
1. ZHEN Yi Wu	349 GIRARD ST	5982	
2. WENDY M. Wu	349 GIRARD ST	5982	
3. Joe Mungos	755 GIRARD	5982	
4. Randall Szeto	361 Girard st	5982	
5. Li Lai	367 Girard st	5982	
6. Lungai Yau	343 GIRARD	5982	
7. Yung tai Pang	130 Silliman st		
8. ANW VO	319 Baron ST		
9. Ky Phau	325 Baron ST		
10. Lin	333 Girard St	5982	
11. LI WAN KWAN	257 Girard st		
12. Judy	288t San Bruno		
13. Wah	2785 San Bruno Ave.		
14. Wah Fung Wong	337 Girard		
15. Lee Wong	337 Girard		
16.			

City Planning Commission
Case No. 2014-003173 CUA

September 1, 2016

Dear San Francisco Board of Supervisors and San Francisco Planning Department

Below are signatures of support for the Conditional Use Authorization at 2785 San Bruno Ave, San Francisco CA 94134 to demolish the existing one story house and build a new mixed-use four story building.

	Printed Name	Street Address	Block/Lot	Signature
→	1. WENDY FANG	2728 SAN BRUNO AVE	SF CA 94134	
→	2. CINDY TSP	2830 SAN BRUNO AVE	SF CA 94134	
	3. DAN	2626 SAN BRUNO AVE	SF CA 94134	
	4. GAIL	2550 SAN BRUNO AV.	CA 94134	
→	5. JING WANG	2730 SAN BRUNO S.F.	94134	
	6. KARY MOIDE	1172 KEY S.F.	CA 94124	
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1 Louis J. Sarmiento (SBN 297926)
2 REUBEN, JUNIUS & ROSE, LLP
3 One Bush Street, Suite 600
4 San Francisco, CA 94104
5 Telephone: (415) 567-9000
6 Facsimile: (415) 399-9480
7 E-mail: lsarmiento@reubenlaw.com

8 **BOARD OF SUPERVISORS**
9 **CITY AND COUNTY OF SAN FRANCISCO**

10 **Steven Williams**) **Appeal No. 160918**
11)
12) **RE: PROPERTY LOCATED AT 2785 SAN**
13) **BRUNO AVENUE**
14) **DECLARATION OF LOUIS SARMIENTO**
15) **IN OPPOSITION TO APPEAL OF**
16) **STEVEN WILLIAMS REGARDING**
17) **CONDITIONAL USE AUTHORIZATION**
18) **FOR 2785 SAN BRUNO AVENUE**

11 Appellant,
13 v.
14 **Linda Huang**
15 C.U. Permit Holder

16
17 I, Louis J. Sarmiento, declare:

- 18 1. I am an attorney licensed to practice in the State of California.
19 2. I visited the San Francisco Rent Board at 25 Van Ness Avenue, Suite 320, San
20 Francisco, California on September 7, 2016 at approximately 3:00 P.M. to investigate claims
21 filed with the Board of Supervisors by Steven Williams regarding 2785 San Bruno Avenue,
22 Assessor's Parcel Block Number 5450, Lot Number 018.
23 3. I inquired with Josh Vining, the Citizen's Compliance Officer, as to whether 2785
24 San Bruno Avenue was subject to the San Francisco Rent Control Ordinance.
25 4. Single family homes are not subject to the Rent Control Ordinance. Two-unit
26 residential buildings may be subject to the San Francisco Rent Control Ordinance.
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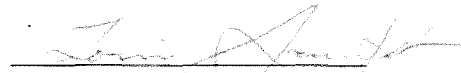
5. Attached is a true and correct copy of "Rent Board Topic No. 019", which provides, in pertinent part, as follows:

"A single family dwelling with an illegal in-law unit also constitutes a two-unit building and is not exempt, unless both units are rented together as a single tenancy".
(Emphasis Added) (Rent Board Bulletin, Topic No. 019).

6. Mr. Vining advised me that the Rent Board does not maintain any list of buildings that are subject to the San Francisco Rent Control Ordinance.

7. Based on my experience as a San Francisco land use attorney, the determination regarding whether a dwelling is one unit or two units is normally performed by the Planning Department staff.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this Declaration was executed on 9/16/2016 at San Francisco, California.


Louis J. Sarmiento

Rent Board

Topic No. 019: Partial Exemption for Certain Single-Family Homes and Condominiums Under Costa-Hawkins

Pursuant to the Costa-Hawkins Rental Housing Act, as of January 1, 1999 single-family homes and condominiums are generally exempt from the rent increase limitations (but not the just cause eviction provisions) of the Rent Ordinance, but ONLY IF the tenancy commenced on or after January 1, 1996.

Any tenancy in a single-family home or condominium that commenced before January 1, 1996 is still subject to the entire Ordinance. This includes continuing tenancies even where there is no original tenant remaining who was living in the unit prior to January 1, 1996.

A single-family dwelling with a legal in-law unit constitutes a two-unit building and is not exempt from the Ordinance. A single-family dwelling with an illegal in-law unit also constitutes a two-unit building and is not exempt, unless both units are rented together as a single tenancy.

A single-family dwelling is not exempt if there is another residential structure on the same lot.

A house occupied by an owner who rents out more than one room as separate rental units, in a situation akin to a boarding house, may not qualify for exemption as a single-family dwelling.

Effective January 1, 2002, certain condominium units that have not been sold by the subdividing owner, are not exempt from the Ordinance. For such units, the lawful rent in effect for the unit on May 7, 2001 is the initial base rent for the unit.

The exemption for single-family homes and condominiums does not apply where there was an outstanding citation for a serious health, safety or building code violation that remained unabated for six months or longer preceding the last vacancy. The exemption is also not applicable if the prior tenancy was terminated by a notice to quit or based upon a change in the terms of the tenancy for which notice was given under Civil Code Section 827.

Since units exempted from rent control limitations by Costa-Hawkins are still subject to the just cause eviction controls of the Ordinance, the annual Rent Board fee will continue to be collected for these units.

June 2006

Español

中文

Subject: 2785 San Bruno Ave

From: teresaduque@sfcec.org (teresaduque@sfcec.org)

To: jeffrey.speirs@sfcec.org; brian@briankaufmandesign.com; lindahuang504@yahoo.com;

Cc: audrey_wl@yahoo.com; michaelwongdc@mail.com; portolaauto@gmail.com;

Date: Wednesday, July 13, 2016 8:37 AM

Dear Mr. Speirs, Commissioners and Developers and Owners,

Many of our local merchants, residents and business owners came to our center and express their concerns on the 2785 San Bruno project. On behalf of our neighbors, we are in general support of the developer's goal to improve a one story single family home. But we cannot fully support the project as currently designed. Our specific concerns as follow:

1. As proposed project would **negatively impact traffic due to the number of units, and commercial spaces**. San Bruno Ave is already congested during all hours of the day.
2. Street parking is already severely limited and **we believe that the cumulative square footage of the commercial spaces and dwelling units as proposed justifies additional on-site parking**.
3. **The project will be the four (4) story building along San Bruno Ave**. We understand that this is allowed under the Planning Code, but we are very concerned that no effort has been made to 'soften' the visual impact of the building. At four (4) floors, the building is out of scale with the prevailing pattern along the corridor. **We believe that the height of the building is solely profit driven.**

Request for postponement on the notice of public hearing in July, 14 2016.

We are requesting a postponement on the notice of public hearing on July 14, 2016 to a later day because most neighbors did not receive blueprints or drawings of the proposed building. We would like to set up a meeting with the architect and the owners of the proposed building to discuss our concerns with the proposed building.

If we cannot justify with a postponement, our neighbors and myself will be present to protest the plan at Public Hearing in July, 14 2016. We will appeal this Plan at the Board of Supervisors if we have to!

Please feel free to contact me at 415-467-1929 or email me at teresaduque@sfcec.org. Thank you for your attention to this matter.

Sincerely,

Teresa Duque
Executive Director, SFCEC

Teresa Duque, Executive Director
2798 San Bruno Avenue
San Francisco, CA 94134
24/7 Contact 415-829-9550
Office tel/fax 415-467-1929

Our mission is to empower and encourage people to find support and available resources

Carroll, John (BOS)

From: BOS Legislation, (BOS)
Sent: Tuesday, September 20, 2016 10:10 AM
To: SMW@stevewilliamsllaw.com; lindahuang504@yahoo.com; brian@briankaufmandesign.com; dsilverman@reubenlaw.com; gdn208@gmail.com
Cc: BOS Legislation, (BOS); Givner, Jon (CAT); Stacy, Kate (CAT); Byrne, Marlena (CAT); Rahaim, John (CPC); Sanchez, Scott (CPC); Gibson, Lisa (CPC); Starr, Aaron (CPC); Rodgers, AnMarie (CPC); Speirs, Jeffrey (CPC); Ionin, Jonas (CPC); BOS-Supervisors; BOS-Legislative Aides; Calvillo, Angela (BOS); Somera, Alisa (BOS); Lew, Lisa (BOS)
Subject: Post-Packet Materials - 2785 San Bruno Avenue Appeal - September 20, 2016 Hearing Date
Categories: 160918

Good morning,

Since preparation of the Board agenda packets, the Office of the Clerk of the Board has received several documents related to the appeal of the proposed project at 2785 San Bruno Avenue. Below, please find a link to the post-packet materials related to today's hearing, as well as links to the original appeal hearing packet prepared on Friday, September 16.

[Post-Packet Materials](#)

[Board of Supervisors File No. 160918 Appeal Packet](#)

The appeal hearing for this matter is scheduled for a 3:00 p.m. special order before the Board today, September 20, 2016.

I invite you to review the entirety of this matter on our [Legislative Research Center](#) by following the link below:

[Board of Supervisors File No. 160918](#)

Regards,

John Carroll

Legislative Clerk

Board of Supervisors

San Francisco City Hall, Room 244

San Francisco, CA 94102

(415)554-4445 - Direct | (415)554-5163 - Fax

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Carroll, John (BOS)

From: Somera, Alisa (BOS)
Sent: Monday, September 19, 2016 12:56 PM
To: BOS Legislation, (BOS)
Subject: FW: Conditional Use Appeal - 2785 San Bruno Avenue
Attachments: Email to Project Planner J.Speirs with Attachments.pdf; Email from tenant Aditya.pdf; Email from tenants Sam & Luke.pdf; Email from Listing Agent Confirming No Stove.pdf

For file and distribution, please.... Thanks!

Alisa Somera

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**From:** Calvillo, Angela (BOS)  
**Sent:** Monday, September 19, 2016 12:55 PM  
**To:** Somera, Alisa (BOS) <[alisa.somera@sfgov.org](mailto:alisa.somera@sfgov.org)>; Gosiengfiao, Rachel (BOS) <[rachel.gosiengfiao@sfgov.org](mailto:rachel.gosiengfiao@sfgov.org)>  
**Subject:** FW: Conditional Use Appeal - 2785 San Bruno Avenue

Thank you.

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**From:** Linda Huang [<mailto:lindahuang504@yahoo.com>]  
**Sent:** Monday, September 19, 2016 12:14 PM  
**To:** Breed, London (BOS) <[london.breed@sfgov.org](mailto:london.breed@sfgov.org)>; Johnston, Conor (BOS) <[conor.johnston@sfgov.org](mailto:conor.johnston@sfgov.org)>; Calvillo, Angela (BOS) <[angela.calvillo@sfgov.org](mailto:angela.calvillo@sfgov.org)>  
**Cc:** David Silverman <[dsilverman@reubenlaw.com](mailto:dsilverman@reubenlaw.com)>; Linda Huang <[lindahuang504@yahoo.com](mailto:lindahuang504@yahoo.com)>; Eric Huang <[exh012@yahoo.com](mailto:exh012@yahoo.com)>  
**Subject:** Conditional Use Appeal - 2785 San Bruno Avenue

Dear President Breed,

Please find attached additional materials in support of tomorrow's hearing on the 2785 San Bruno Avenue project. These materials have also been forwarded to our project planner, Jeffrey Speirs on September 16th. It has come to our attention that the appellant claims the structure in the rear of the existing single family home at one point contained a stove and kitchen. The structure has never contained a stove as long as my family has owned the property, since 2014, and I have attached here statements from the two previous tenants attesting to the fact that the structure in the rear never contained a kitchen during their tenancies at 2785 San Bruno.

Thank you,  
Linda Huang

**Subject:** 2785 San Bruno Ave  
**From:** Linda Huang (lindahuang504@yahoo.com)  
**To:** jeffrey.speirs@sfgov.org;  
**Cc:** lindahuang504@yahoo.com; dsilverman@reubenlaw.com;  
**Date:** Friday, September 16, 2016 10:28 PM

Hi Jeff,

Per our conversation earlier this evening, I reached out to the previous tenants and they state there was no stove in the rear during their tenancy. As I said before, everyone in the property shared a kitchen. I am also attaching an email from the listing agent of the property and she clearly remembers the condition of the house -- there was no stove or refrigerator on the property.

Please let me know if you have any questions and I would be glad to help.

Sam - Aug 2014 to Aug 2015

Aditya - Sept 2015 to May 2016 (which I forgot to send you the lease last time, I found his lease and have attached a copy)

Eric - Current (which in the exhibit 2 of the appellant's response letter dated 9/15/16, there is clearly still no stove. I state again that we are unsure when the stove was remove if there was one, but there was no stove when we purchased the house).

Thank you,  
Linda Huang

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## **Attachments**

- Email from tenant Aditya.pdf (86.03KB)
- Email from tenants Sam & Luke.pdf (97.29KB)
- Aditya Davar Lease Agreement 2015-2016.pdf (712.92KB)
- Email from Listing Agent Confirming No Stove.pdf (107.38KB)



**Subject:** Re: 2785 San Bruno Ave  
**From:** Luke Fatora (luke.fatora@gmail.com)  
**To:** samuel.schoenwald@sfcu.edu;  
**Cc:** lhestate@yahoo.com; elizabeth.cooke17@gmail.com; julija.zibrat@gmail.com; schoe557@umn.edu;  
**Date:** Friday, September 16, 2016 10:07 PM

There was not a stove in the back unit.

Best,  
Luke

On Fri, Sep 16, 2016 at 10:03 PM, Sam Schoenwald <samuel.schoenwald@sfcu.edu> wrote:

Hi Linda,

Yeah, I lived in the rear room. There wasn't a stove in the rear. I shared the kitchen with the others.

Best,

Sam

On Fri, Sep 16, 2016, 6:49 PM Lhestate <lhestate@yahoo.com> wrote:

Hi Everyone,

Hope this email finds you well.

Can you guys confirm that when you were leasing the house from August 8, 2014 through August 31, 2015 that there was only one kitchen with one stove that was shared between you the four of you?

Please confirm if there was a stove in the rear where I believe Luke was sleeping or if you all shared the kitchen?

Thank you,  
Linda Huang

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**Subject:** Stove in the kitchenette

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**From:** Aditya Davar (addavar@gmail.com)

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**To:** lhestate@yahoo.com;

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**Date:** Friday, September 16, 2016 6:40 PM

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Hey Linda,

I was your tenant from September 2015 to may 2016. I'm just confirming that there has never been a stove in the studio unit in the backyard. I've always used the kitchen inside the main house.

Cheers,  
Aditya

Sent from my iPhone

**Subject:** Re: 2785 San Bruno Avenue San Francisco

**From:** Li-Hwa Hsing (lihwahsing@gmail.com)

**To:** lindahuang504@yahoo.com;

**Date:** Friday, September 16, 2016 3:03 PM

Hi Linda,

I'm sorry, the only picture that I took at the time of sale was the second link you sent to me yesterday. I can certainly recall the property had one kitchen (no stove, no refrigerator) and the condition of the property was not livable (inhabitable) at the time of sale.

On Fri, Sep 16, 2016 at 3:02 PM, Linda Huang <lindahuang504@yahoo.com> wrote:

Hi Li Hwa,

Can I please follow up on my email below? Also, in the purchase document attached, it was written the condition of the property is inhabitable (suitable for living)..did you mean uninhabitable (not suitable for living)?

Thank you,  
Linda Huang

On Thursday, September 15, 2016 4:52 PM, Linda <lindahuang504@yahoo.com> wrote:

Hi Li Hwa,

I hope this email finds you well. My name is Linda Huang, I'm not sure if you remember but my parents Guo Fu Huang and Qi Nong Ma purchased the subject property from you in May of 2014. Since you were the listing agent, I was hoping to see if you still have any photographs of the house during the listing period. I tried looking online at Redfin and other online Real Estate websites but there are no photos, besides the front of the house (see links below). Do you recall anything about the property at the time you listed it? Did the previous owner live in the home or was the house rented to tenants? How many kitchens did the property have? Do you recall two stoves? Anything would help.

If you remember anything or have any photos, would you mind please letting me know?

<https://www.blossor.com/details/6-418900/2785-San-Bruno-Avenue,-San-Francisco,-CA-94134>

<https://www.redfin.com/CA/San-Francisco/2785-San-Bruno-Ave-94134/home/754538>

Thank you so much for your time in advance,  
Linda Huang

--  
Li-Hwa Hsing / Global Realty  
Sales Manager  
Broker-Associate

DRE# 00611965  
Office: 415-759-8080  
Cell: 415-806-8809