



City & County of San Francisco

REHEARING REQUEST FOR APPEAL NO. 22-051

George Tedeschi, Appellant(s) seeks a rehearing of **Appeal No. 22-051** which was decided on **August 17, 2022**. This request for rehearing will be considered by the Board of Appeals on Wednesday, **September 14, 2022**, at 5:00 p.m. and will be held in Room 416 of San Francisco City Hall, 1 Dr. Carlton B. Goodlett Place. The parties may also attend remotely via the Zoom video platform.

Pursuant to Article V, § 9 of the Rules of the Board of Appeals, the **response** to the written request for rehearing must be submitted by the opposing party and/or Department no later than **10 days from the date of filing, on or before September 8, 2022** and must not exceed six (6) double-spaced pages in length, with unlimited exhibits. The brief shall be double-spaced with a minimum 12-point font size. An electronic copy should be e-mailed to: boardofappeals@sfgov.org julie.rosenberg@sfgov.org and 2atedeschi@gmail.com

You or your representative **MUST** be present at the hearing. It is the general practice of the Board that only up to three minutes of testimony from each side will be allowed. Except in extraordinary cases, and to prevent manifest injustice, the Board may grant a Rehearing Request only upon a showing that new or different material facts or circumstances have arisen, where such facts or circumstances, if known at the time, could have affected the outcome of the original hearing.

Based on the evidence and testimony submitted, the Board will make a decision to either grant or deny your request. Four votes are necessary to grant a rehearing. If your request is denied, a rehearing will not be scheduled and the decision of the Board will become final. If your request is granted, a rehearing will be scheduled, the original decision of the Board will be set aside, and after the rehearing, a second decision will be made. Only one request for rehearing and one rehearing are permitted under the Rules of the Board.

Requestor or Agent (Circle One)

Signature: Via Email

Print Name: George Tedeschi, Appellant

8-27-22

Re: 118-120 15th Ave., SF, Ca. (NOV 2016-014117ENF)

Members, Board of Permit Appeals:

I am the owner of the above property. On 8-17-22 you were kind enough to hear my appeal of a Violation and Penalty Decision dated 6-30-22 concerning 118-120 15th Ave. and its associated Planning NOV 2016-014117ENF. My lack of providing you with a timely brief put my case at a disadvantage and wasn't fair to you. For that, I apologize. The reason for my appeal was my desire to put on the record the requirements to fully abate the NOV and end 6 years of an open ended scheme of regulatory and financial harassment and inequitable treatment. Though the appeal was denied, I was grateful that the Board with Dep. ZA Tina Tam's assistance was able to narrow my obligations to two conditions. As promised, I immediately met these. Planning has yet to respond to my follow up requests leaving the matter unresolved. Apart from litigation, I am left with no alternative than to request a rehearing of what is manifest injustice.

The 2 requirements impeding abatement of NOV 2016-014117ENF were determined to be: 1) DBI inspection of the house confirming that the facade is finished per the approved site plan of permit number 2016-04064103. 2) Seek an accommodation of planning staffer Rachna Rachna (RR)'s non-invoiced fine of over \$3,000, which I for numerous reasons consider illegitimate. To that end, I was directed by the Board to attempt accommodation and compromise of said billing with Mr Corey Teague ZA.

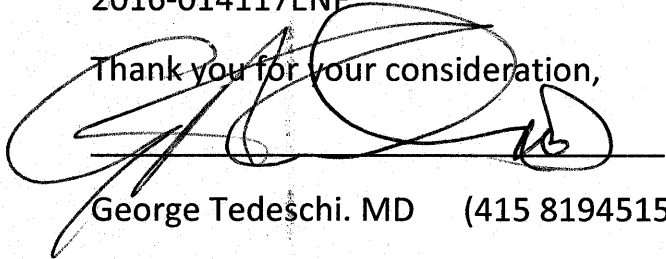
On 8-23-22 (1st available date) District 5 DBI Inspector Argumendo confirmed that the house is constructed according to the site plan, entering this in the job card. I immediately submitted documentation to RR, her supervisor Kelly Wong, and Corey Teague requesting confirmation and follow-up. None has been forthcoming. Requests to adress the billing with Mr. Teague and Ms. Wong have also been ignored.

To date, satisfaction of the NOV has forced me to demolish and rebuild what 6 years ago was a near completed house-with permits. \$500,000 out of pocket has been squandered at the expense of most of my retirement savings. Over \$100000 of this would have been avoidable had the HRE process not been

abused. With the end in sight, I fear to be put in the position of my neighbor at 135-14th Ave., who 7 years after purchase of his residence was forced by Planning to squander \$42,000 to change his front windows- accomplishing exactly the inverse of what I have been forced to do! (He claims having RR as his persecutor.) Abatement of the NOV now would avoid my house suffering similar additive and unjust scenarios.

As things stand 118-120 15th Ave. cannot provide its immediately available 2 units of housing and estimated \$45,000/yr. property tax revenue. Rational individuals should be able to simply resolve things and move on. I have done my part to no avail. I ask that you schedule this matter to mediate a reasonable "enforcement" charge with the concomitant abatement of NOV 2016-014117ENF

Thank you for your consideration,

A handwritten signature in black ink, appearing to read 'George Tedeschi', is written over a horizontal line. The signature is stylized and somewhat cursive.

George Tedeschi. MD (415 8194515)

Enclosed: Permit and job card, site plan and photo of current façade.

(Please contact me for any further questions or documentation. I would be happy to address details regarding the particulars of my history with Planning, present documentation of RR's 3 years ineffective interaction with non authorized representatives and a billing scheme devoid of invoicing as to why, when, or amount, and provide comparative examples demonstrating inequitable application of Planning's HRE process (with locations and dates), etc.)

BIDD 2/14/22
Need All Permits + Plans
Plumber + Electrical not
complete

BID 8/23/22
Front Elevations as per site plan on plans
201604064103 R2 pg A-3.0

City and County of San Francisco
DEPARTMENT OF BUILDING INSPECTION

J O B C A R D



OFFICE HOURS: THE BUILDING INSPECTION IS OPEN DAILY, MONDAY THRU FRIDAY,
FROM 8:00 a.m. TO 5:00 p.m.

REQUESTS FOR INSPECTIONS ARE TAKEN 24 HOURS A DAY/7DAYS A WEEK
BY CALLING (628) 652-3401

APPLICATION NO. **202202037290** ISSUED 02/03/2022
JOB ADDRESS: 118-120 15TH AVE BLOCK: 1374 LOT: 035
NATURE OF WORK: Recommencement and completion of work approved under PA 201604064103.

WORK PERMITTED UNDER AUTHORITY OF THIS BUILDING PERMIT NUMBER MUST BE COMPLETED
PRIOR TO EXPIRATION DATE OF **01/29/2023**

EXTENSION OF TIME TO COMPLETE WORK UNDER THIS BUILDING PERMIT NUMBER MAY BE GRANTED UPON
WRITTEN REQUEST PRIOR TO THE DATES NOTED ABOVE.

For informations on the Permit Process, Building Plans Review, Access Issues, etc., please see page 4 of this
JOB CARD for useful and appropriate telephone numbers.

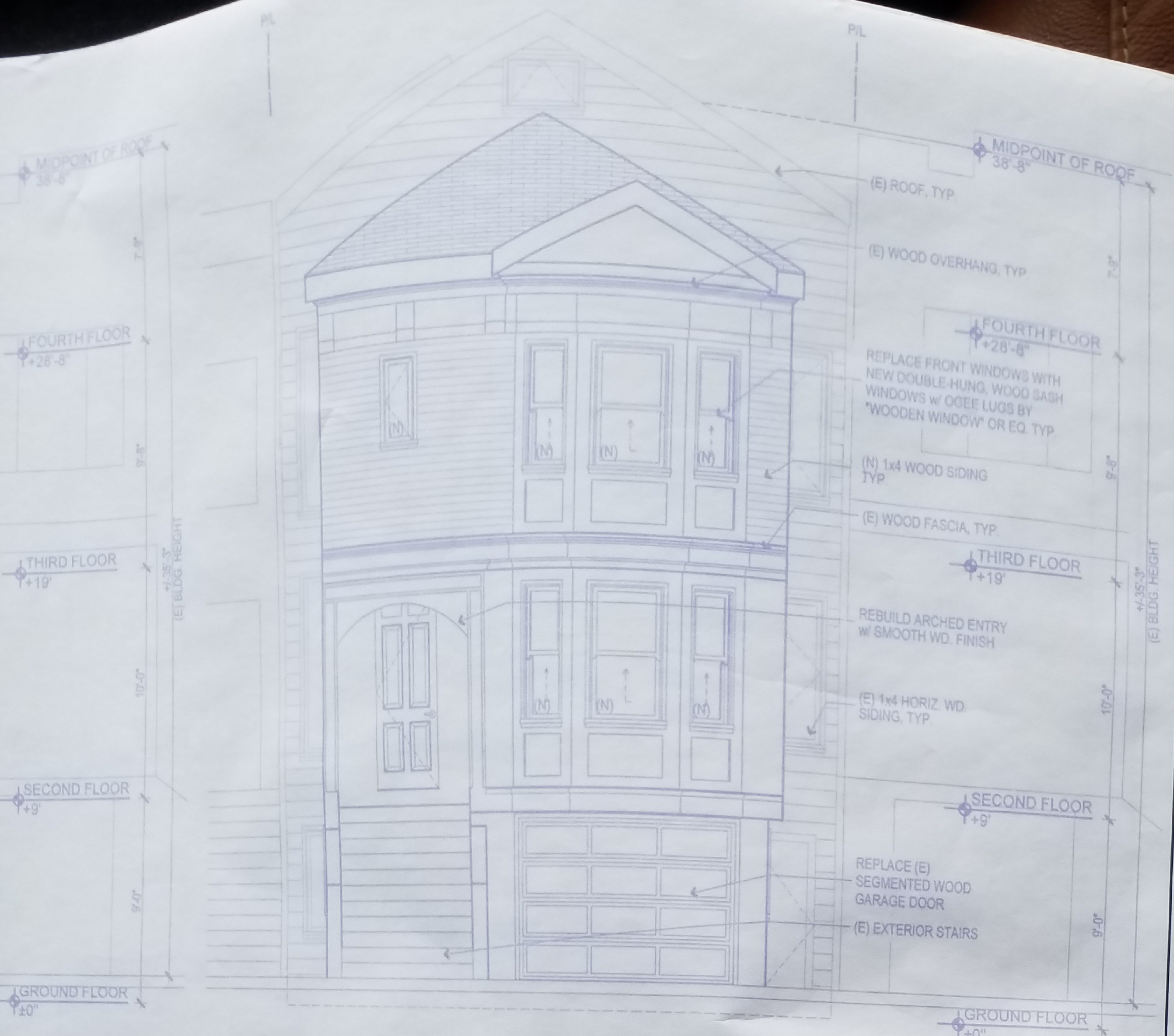
*** ELECTRICAL & PLUMBING WORK MUST HAVE PERMITS SEPARATE FROM A BUILDING PERMIT. ***

**KEEP THIS CARD POSTED IN A CONSPICUOUS PLACE ON THE JOB SITE AT ALL TIMES.
PLANS AND PERMIT DOCUMENTS SHALL BE ON THE JOB SITE
AT ALL TIMES WHEN WORK IS IN PROGRESS.
AFTER COMPLETION OF WORK, RETAIN THIS CARD FOR YOUR RECORDS.**

To Whom It May Concern:

Luca Chiuchiarelli am the owner of 114-15th Ave.
using the property





PROPOSED FRONT ELEVATION

ALL DIMENSIONS FROM FINISH TO FINISH, U.O.N.

SCALE: 1/4" = 1'-0"

APPROVED
 Dept. of Building Insp.
 - San Francisco -

FEB 04 2022

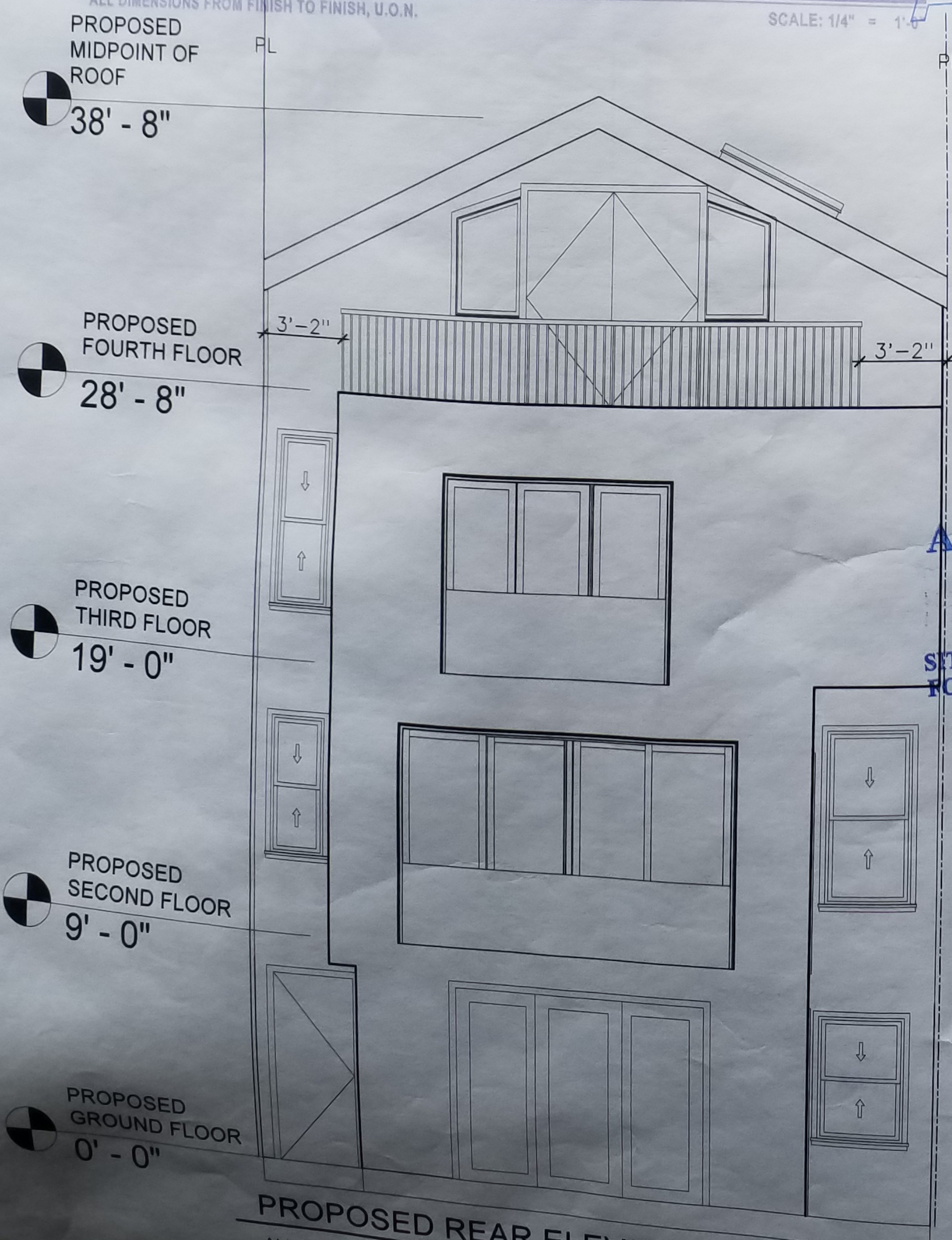
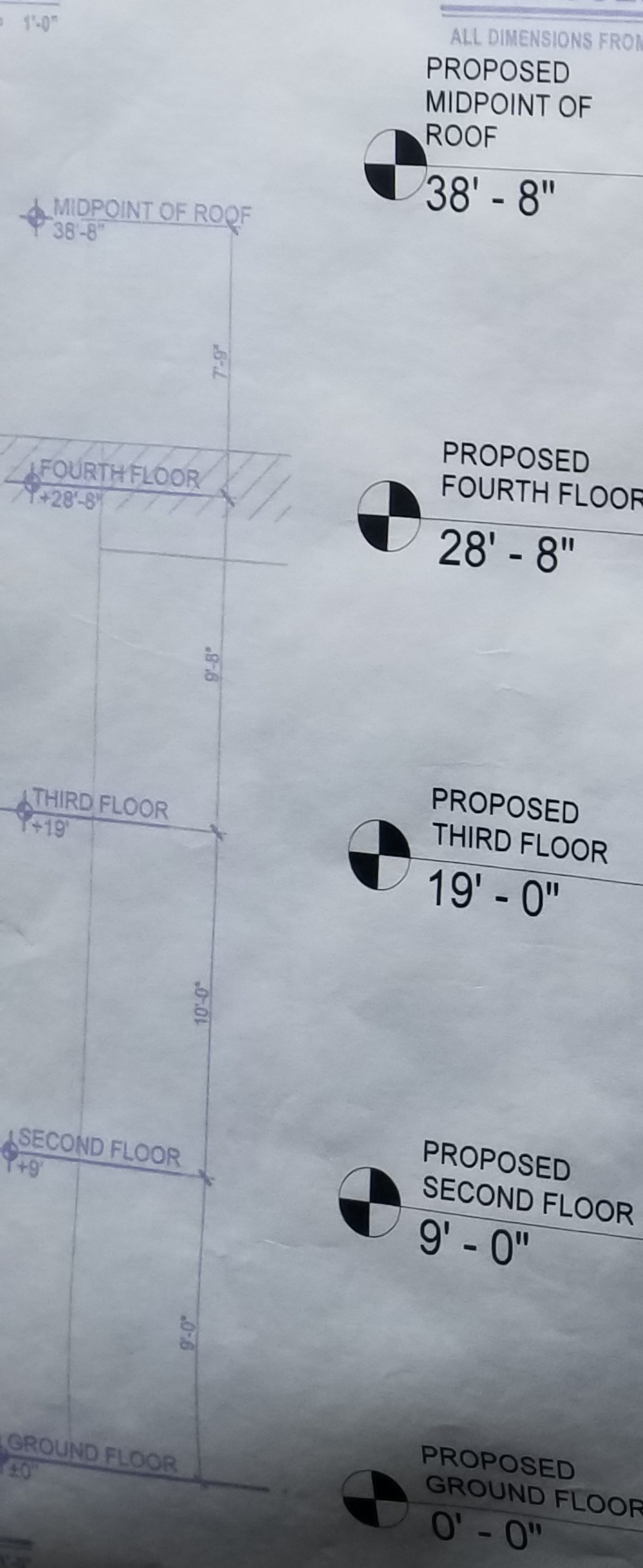
Patrick O'Riordan
 PATRICK O'RIRDAN
 INTERIM DIRECTOR
 DEPT. OF BUILDING INSPECTION

Stephen Kwok, DBI
 OCT 06 2021

ADDENDUM #

AUG 25 2021

SITE PERMIT ADDENDUM FOR CONSTRUCTION OF:



PROPOSED REAR ELEVATION

ALL DIMENSIONS FROM FINISH TO FINISH, U.O.N.

SCALE: 1/4" = 1'-0"

REVISION

HEXAGON PERMIT SERVICES
 5680 MISSION STREET
 SAN FRANCISCO, CA 94112
 TEL: 415.365.1295
 SANDY@HEXAGONPERMIT.COM



PROJECT:
 ROOMS & BATHRM @1ST FLR
 118-120 15TH AVENUE
 SAN FRANCISCO, CA. 94118

DRAWINGS:
 FRONT & REAR
 ELEVATIONS

OWNER:
 GEORGE TEDESCHI
 118-120 15TH AVE
 SAN FRANCISCO, CA 94118
 Tel: 415-819-4515

DATE: 06/30/2021
 JOB NO: 2021-873
 SCALE: AS SHOWN
 DRAWN: Q.M.

SHEET

A-3.0

7 OF 13 SHEET

DOCUMENTS SUBMITTED FOR THE ORIGINAL HEARING DATED AUGUST 17, 2022

BOARD OF APPEALS, CITY & COUNTY OF SAN FRANCISCO

Appeal of
GEORGE TEDESCHI,)
Appellant(s))
vs.)
ZONING ADMINISTRATOR,)
Respondent)

Appeal No. **22-051**

NOTICE OF APPEAL

NOTICE IS HEREBY GIVEN THAT on July 14, 2022, the above named appellant(s) filed an appeal with the Board of Appeals of the City and County of San Francisco from the decision or order of the above named department(s), commission, or officer.

The substance or effect of the decision or order appealed from is the **ISSUANCE** on June 30, 2022, of a Notice of Violation & Penalty Decision to George Tedeschi (the Zoning Administrator has determined that the subject property is in violation of Planning Code Sections 174 and 175 due to failure to complete the abatement work in compliance with Building Permit No. 2016/0406/4103; this permit was issued for the legalization and modification of unauthorized construction work including alterations to the roof form and front facade; interior alterations; removal of a dwelling unit on the second floor; and construction of a firewall in the rear yard without authorization; the subject property is authorized for two-family dwelling units) at 118-120 15th Avenue.

COMPLAINT NO. 2016-014117ENF

FOR HEARING ON August 17, 2022

Address of Appellant(s):

Address of Other Parties:

George Tedeschi, Appellant(s) 190 15th Avenue San Francisco, CA 94118	N/A
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Date Filed: July 14, 2022

**CITY & COUNTY OF SAN FRANCISCO
BOARD OF APPEALS**

PRELIMINARY STATEMENT FOR APPEAL NO. 22-051

I / We, **George Tedeschi**, hereby appeal the following departmental action: **ISSUANCE of Notice of Violation & Penalty Decision No. 2016-014117ENF** by the **Zoning Administrator** which was issued or became effective on: **June 30, 2022** for the property located at: **118-120 15th Avenue**.

BRIEFING SCHEDULE:

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

Appellant's Brief is due on or before: 4:30 p.m. on **July 28, 2022, (no later than three Thursdays prior to the hearing date)**. The brief may be up to 12 pages in length with unlimited exhibits. It shall be double-spaced with a minimum 12-point font. An electronic copy shall be emailed to: boardofappeals@sfgov.org, julie.rosenberg@sfgov.org corey.teague@sfgov.org and tina.tam@sfgov.org.

The Respondent Department's Brief is due on or before: 4:30 p.m. on **August 11, 2022, (no later than one Thursday prior to hearing date)**. The brief may be up to 12 pages in length with unlimited exhibits. It shall be doubled-spaced with a minimum 12-point font. An electronic copy shall be emailed to: boardofappeals@sfgov.org, julie.rosenberg@sfgov.org and 2atedeschi@gmail.com.

Hard copies of the briefs do NOT need to be submitted to the Board Office or to the other parties.

Hearing Date: **Wednesday, August 17, 2022, 5:00 p.m., Room 416 San Francisco City Hall, 1 Dr. Carlton B. Goodlett Place**. The parties may also attend remotely via Zoom. Information for access to the hearing will be provided before the hearing date.

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

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

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

The reasons for this appeal are as follows: Reasons will be set forth in the brief.

Appellant

George Tedeschi filed this appeal by telephone.



VIOLATION AND PENALTY DECISION

June 30, 2022

Property Owner

118-120 15th Avenue LLC
George Tedeschi
John Lee
474 29th Avenue
San Francisco, CA 94118

Property Owner

George Tedeschi
190 15th Avenue
San Francisco, CA 94118

Site Address: 118-120 15th Avenue
Assessor's Block/Lot: 1374/035
Zoning District: RH-2, Residential, House, Two-Family
Complaint Number: 2016-014117ENF
Code Violation: Section 174, Non-Compliance with Building Permit No. 201604064103
Section 175, Work without Permit and Planning Approval
Administrative Penalty: \$250 Each Day of Violation
Enforcement T & M Fee: \$3,342.85 (Current Fee, Additional charges may apply)
Response Due: Within 15 days from the date of this Notice
Staff Contact: Rachna, (628) 652-7404, Rachna.Rachna@sfgov.org

The Planning Department finds the above referenced property to be in violation of the Planning Code. As the owner of the subject property, you are a responsible party to bring the above property into compliance with the Planning Code. Details of the violation are discussed below:

Background

On June 25, 2021, the Planning Department issued you a Notice of Violation (NOV) finding the subject property in violation of the Planning Code. The NOV outlined the violation, how to correct the violation, administrative penalties, and the available appeal processes.

On July 10, 2021, you submitted a request for a Zoning Administrator Hearing to appeal the NOV.

On August 10, 2021, the Zoning Administrator held a remote public hearing on this matter. The hearing was attended by the Zoning Administrator, Corey A. Teague; acting Code Enforcement manager, Kelly Wong; Code Enforcement planner, Rachna; property owner, George Tedeschi; and the second property owner, John Lee's son, Andy Lee. Details of the violation and hearing are discussed below.

Description of Violation

The Zoning Administrator has determined that the above referenced property is in violation of the Planning Code Sections 174 and 175 due to failure to complete the abatement work in compliance with Building Permit (BP) No. 201604064103.

BP No. 201604064103 was issued for legalization and modification of unauthorized construction work done at the subject property beyond the scope of a previously issued BP No. 201504062850. The unauthorized work included alterations to the roof form and front façade; interior alterations; removal of a dwelling unit on the second floor; and construction of firewall in the rear yard without authorization.

The subject property is authorized for two (2) dwelling units. BP No. 201604064103 was issued to 1) Restore the property as a two-family dwelling by relocating one dwelling unit from the second floor to the ground floor and allocate the second dwelling unit on the second, third, and fourth floors; 2) Restore the original building façade with original siding, double hung wood sash windows with integral ogee lugs; and 3) rebuild the front arched entry with smooth wood finish in conformity with the plans approved under BP No. 201604064103.

The Planning Department requires that once a permit has been issued to abate a violation, the work approved under such permit must commence promptly and be continued diligently to completion with a final inspection and issuance of Certificate of Final Completion (CFC).

The subject property is not deemed to be in full compliance with the Planning Code until the work approved to abate the above violation under BP No. 201604064103 has been completed as authorized under BP No. 201604064103 and issued a CFC.

Pursuant to Planning Code Section 171, structures and land in any zoning district shall be used only for the purposes listed in the Planning Code as permitted in that district, and in accordance with the regulations established for that district.

Pursuant to Planning Code Section 174, every condition, stipulation, special restriction, and other limitation under the Planning Code shall be complied with the development and use of land and structures including actions on building permits.

Pursuant to Planning Code Section 175, a Building Permit is required for the construction, reconstruction, enlargement, alteration, relocation, or occupancy of any structure in compliance with the Planning Code.

Pursuant to Planning Code Section 176, failure to comply with above Planning Code provisions constitutes a violation of the Planning Code and is subject to an enforcement process.

Timeline of Investigation

On February 8, 2016, the Department of Building Inspection (DBI) opened a Complaint Case No. 201698212 for construction of a roof deck prior to the issuance of BPA 201504062850 for such authorization.

On April 6, 2016, you filed BP No. 201604064103 with scope of work as, *“Revision to BPA 201504062850 & 201412224285. Interior Remodel & Alteration. Expand Unit #118 to Ground Floor with Side Entry. Unit #120 to Be 2nd, 3rd, & 4th Fl. No Increase in Building Size. Rebuild Front Facade, Side Wall, & Rear Pop out Deck per Plan.”*

On October 31, 2016, the Planning Department’ received a complaint, *“Work completed beyond scope of issued BPA NO. 201504062850, including changes to roof form, changes to front façade, and interior remodeling. Potential dwelling unit removal. Construction of firewall in rear yard (aerial images indicate sometime after 2002).”*

On October 31, 2016, the Planning Department sent you a Notice of Complaint. In that notice, you were advised to contact the Planning Department to resolve the above complaint.

On November 1, 2016, BP 201504062850 was suspended to allow you to work with the Planning Department to correctly define the scope of work under BP No. 201604064103 and bring it into conformance with the Planning Code.

On April 11, 2018, the Planning Department approved the revised BP No. 201604064103 with the scope of work as, *“Unit Reconfiguration, Façade Alterations, Remodel 2-story North Side Wall at Rear, Replace 4th Floor Rear Roof Deck, Solid Parapet with Open Rail.”*

On July 23, 2018, DBI issued BP No. 201604064103. This permit was required to be completed by July 18, 2019. However, you were granted an extension to complete the work under this permit by July 13, 2020.

On February 18, 2020, the Planning Department sent you a Notice of Enforcement (NOE) requiring you to abate the violation by starting the work approved under BP No. 201604064103 within 30 days from the date of NOE and continue to work diligently to complete BP No. 201604064103 and obtain a CFC from DBI by July 13, 2020.

On February 26, 2020, you contacted the Planning Department staff, Rachna to discuss the abatement issues. Rachna advised you to start and complete work approved under BP No. 201604064103.

On March 4, 2020, Andy Lee contacted Rachna to inquire what proof was required to demonstrate that the construction work had started. Rachna advised Mr. Lee to schedule an inspection with DBI and get the job card updated to document the work in progress under BP No. 201604064103. Mr. Lee stated that he would initiate this process right away.

On March 6, 2020, Rachna requested Mr. Lee to keep Rachna updated on the status and send photos of the work in progress. Mr. Lee did not respond to Rachna.

On June 26, 2020, Rachna contacted Mr. Lee to find out if any progress was made on the work approved under BP No. 201604064103. Rachna advised Mr. Lee to seek extension of BP No. 201604064103 from DBI as this permit was set to expire on July 13, 2020. Rachna also provided Mr. Lee with online links to information on the permit process at DBI. Mr. Lee did not respond to Rachna.

On February 4, 2021, Rachna contacted Mr. Lee again to find out the expected date of completion of work under BP No. 201604064103. Rachna requested Mr. Lee to provide her monthly updates on the work progress. Again, Mr. Lee did not respond to Rachna.

On February 11, 2021, Mr. Tedeschi contacted Rachna to discuss the matter.

On February 16, 2021, Rachna discussed the abatement issues with Mr. Tedeschi via a phone call. Mr. Tedeschi indicated to Rachna that you do not intend to restore the original front façade and windows as required under BP No. 201604064103. You also requested Rachna to conduct a site visit and review the site conditions.

On February 23, 2021, Mr. Tedeschi contacted Rachna to schedule a site visit. Rachna requested Mr. Tedeschi to provide photos of the undergoing work at the subject property and your new front façade proposal.

On February 25, 2021, Rachna reminded Mr. Tedeschi to provide photos of the above property along with the approved plans and proposed façade windows materials and design changes.

On March 10, 2021, Mr. Tedeschi provided photos showing the as-built site conditions to Rachna.

On March 12, 2021, Rachna reiterated her request to Mr. Tedeschi to provide information on the proposed façade changes and proposed windows materials specifications. Mr. Tedeschi indicated to Rachna that you do not intend to change the as-built façade.

On March 16, 2021, Rachna advised you to file a new permit to seek changes to the last approved plans under BP No. 201604064103. Rachna also informed you that the new permit would be subject to preservation review. Rachna further advised you to submit your preliminary proposal so she could consult with the preservation staff on your proposed changes. Rachna also conducted a site visit to observe the existing site conditions.

On March 17, 2021, Mr. Tedeschi inquired Rachna if he could submit a request for Historic Resource Assessment application (HRA) to determine that the above property had no historic significance. Mr. Tedeschi indicated to Rachna that you did not wish to alter the as-built front façade as you believed that the present façade was in keeping with the surrounding neighborhood character. Mr. Tedeschi also indicated to Rachna that you would like to file an appeal if the current building façade was not acceptable to the Planning Department. Rachna informed you that upon consultation with the preservation staff, it was determined that the HRA cannot be processed while the above violation was still outstanding and BP No. 201604064103 was still pending completion. An HRA may only be filed for properties where no development or alteration project is pending.

On March 30, 2021, Rachna informed Mr. Tedeschi that since the existing front façade alternations were done without benefit of a permit and BP No. 201604064103 was issued to restore the current façade to its original condition, you would need to complete all work as authorized under BP No. 201604064103. Rachna also

informed Tedeschi that you may file a new permit to revise BP No. 201604064103 to seek legalization of the current façade, however, the Planning Department would likely not support it and you could then appeal the permit disapproval to the Board of Appeals (BOA). Rachna advised Mr. Tedeschi to abate the violation by June 15, 2021. Rachna also requested Mr. Tedeschi to provide a construction schedule and photos of work in progress. Additionally, Rachna inquired how you intended to abate the violation. You did not respond to Rachna.

On April 1, 2021, Rachna required you to provide monthly updates on the construction progress along with the compliance schedule on the façade work and windows installation work including windows order, delivery, and installation dates. Rachna reminded you to diligently pursue BP No. 201604064103 to completion with issuance of CFC. Rachna also requested you to make payment of then accrued enforcement time and material fee and advised you that the enforcement fee would continue to accrue until the violation was abated with a complete permit. You did not respond to Rachna.

On April 19, 2021, the Planning Department issued you a Notice Requiring Compliance (NRC) requiring you to 1) Complete the work approved under BP No. 201604064103 and provide biweekly status updates with photos of the construction work in progress with a copy of the job card documenting the inspections dates; 2) Provide a compliance schedule for all work to be done under BP No. 201604064103 including the façade work and windows installation work with windows order, delivery, and installation dates by May 4, 2021; 3) Seek completion of BP No. 201604064103 to achieve a ‘complete’ permit status with final inspection sign off and issuance of CFC from DBI by June 19, 2021. You did not respond to the NRC nor provided any information.

On May 25, 2021, Rachna contacted Mr. Tedeschi to seek an update on the construction status and information required pursuant to the NRC. Rachna also requested you to make payment of then accrued enforcement time and material fee and advised you that the Planning Department would issue a NOV for failure to continue to work diligently on BP No. 201604064103 to abate the violation. Rachna reiterated that if you intended to seek any changes to BP No. 201604064103, you would need to file a new permit and if that permit was not approved, you can then appeal to BOA. Mr. Tedeschi did not respond to Rachna.

On June 25, 2021, the Planning Department sent you a NOV to allow you additional fifteen (15) days to abate the violation. The NOV advised you about the appeal process and accrual of penalty for failure to comply by the July 10th deadline. The NOV required you to, 1) Provide a construction schedule for all work to be done under BP No. 201604064103 including the façade work and windows installation work with windows order, delivery, and installation dates; 2) Work diligently to complete the work approved under BP No. 201604064103 and provide biweekly status updates with photos of the construction work “completed” and “in progress” with a copy of the job card documenting the work inspection dates; 3) Seek a ‘complete’ permit status of BP No. 201604064103 with issuance of CFC from DBI by August 25, 2021.

On July 10, 2021, Mr. Tedeschi filed a Request for Zoning Administrator Hearing to appeal the NOV.

On August 10, 2021, the Zoning Administrator held a remote public hearing on the matter through the Zoom platform

Evidence Presented at the Zoning Administrator Hearing

Details of the hearing are discussed below.

At the hearing, Mr. Teague stated that the purpose of this hearing was to hear from all parties to determine whether or not there was a violation and upon conclusion of hearing and further review, a new determination letter will be issued which can be appealed to BOA by any interested parties.

Mr. Tedeschi stated that he bought the above property with Mr. John Lee with the intent to sell it. The subject property was undergoing renovation for the past seven years with approval of permits from all departments except the Planning Department. In 2016, the property became subject to the Planning Department violation upon a complaint from the neighborhood. The Planning Department had issues with the replacement of wood siding with stucco and replacement of double hung all wood windows with clad casement windows installed at the above property. Mr. Tedeschi added that while the windows installed at the above property were not all wood, yet these were of high quality and better in comparison to the windows that existed in the surrounding neighborhood. However, the Planning Department required to restore the original wood windows and wood siding by citing some historic reasons. Mr. Tedeschi indicated that while he didn't understand the Planning Department's reasoning, he was willing to resolve the violation and to that effect, he already had ordered the required windows and was also willing to install the siding per Planning Department requirements.

Mr. Teague then inquired Mr. Andy Lee if he intended to add anything to the matter. Mr. Lee stated that his father, John Lee was willing to do whatever was necessary to address the violation.

Mr. Teague then stated that it was a straightforward case with a clear violation where necessary permits were required to be obtained and work was to be completed per permits. Mr. Teague further stated that both Mr. Tedeschi and Mr. Lee have clearly expressed their intent and good faith to resolve the violation. The Planning Department would also like to move forward and close out the violation and see the work completed so that the much needed housing was made available for occupancy. Mr. Teague added that the Planning Department staff was available to help with the compliance process.

Mr. Tedeschi stated that there was a shortage of construction materials in the market and long delays in getting deliveries on the available materials. Mr. Tedeschi requested direction from the Planning Department on the type of siding that could be acceptable. Mr. Tedeschi also objected to the enforcement time and materials fee assessed by the Planning Department.

Mr. Teague stated that the process for review and approval on what material can be accepted, was a necessary part of the violation abatement work and the Planning Department would work with the owners on such details. Mr. Teague added that the main issue was to make sure that the finished product was properly permitted. Mr. Teague further stated that the Planning Department enforcement fee was required per Planning Code for all violation cases. If there was any specific dispute about any of the billing, such issues could be brought to the Planning Department's attention. Mr. Tedeschi acknowledged that he understood that and accepted that it was fair enough to charge the enforcement fee.

Mr. Teague then took the matter under advisement after hearing from all concerned parties and informed the parties that a new letter will be issued with the next steps and guidance on how to address the violation.

Submittals and Consideration After the Hearing

On August 25, 2021, you submitted the addendum plans under BP No. 201604064103 to DBI.

On September 7, 2021, Rachna contacted Mr. Tedeschi and Mr. Andy Lee via email to find out if there was further progress on the work approved under BP No. 201604064103. Rachna requested an update with the photos of work in progress and the specification sheet of the currently existing front windows including the exterior and interior window cladding materials. Mr. Tedeschi and Mr. Lee did not respond to Rachna.

On September 24, 2021, Rachna contacted Mr. Tedeschi and Mr. Andy Lee again to follow up on her above request. Rachna also inquired if you were still interested in pursuing HRA as previously requested by Mr. Tedeschi. Again, Mr. Tedeschi and Mr. Andy Lee did not respond to Rachna.

On October 7, 2021, Rachna contacted Mr. Tedeschi and Mr. Andy Lee yet again to follow up on her above requests. Once again, Mr. Tedeschi and Mr. Lee did not respond to Rachna.

On November 18, 2021, DBI informed Mr. Tedeschi via email that BP No. 201604064103 addendum was approved and ready for issuance. DBI provided the required forms to Mr. Tedeschi for permit issuance.

On December 21, 2021, DBI sent another email to remind your permit representative, Sandy at Hexagon Permit Services that BP No. 201604064103 addendum was approved and ready for issuance. DBI provided the required forms to Ms. Sandy for permit issuance.

On January 5, 2022, Rachna contacted Mr. Tedeschi and Mr. Lee for the third time to follow up on her previous two requests as noted above. Rachna informed Mr. Tedeschi and Mr. Lee that the addendum permit under the site permit BP No. 201604064103 was still not issued. Rachna inquired Mr. Tedeschi and Mr. Lee if any changes were made to the addendum and if the permit plans submitted under the addendum were different from the site permit plans. Rachna requested Mr. Tedeschi and Mr. Lee to send her a copy of the addendum plans. Mr. Tedeschi and Mr. Lee did not respond to Rachna.

On February 1, 2022, Mr. Tedeschi provided photos of the work completed to Rachna and requested removal of any holds on the above property by the Planning Department. Rachna informed Mr. Tedeschi that the addendum permit under BP No. 201604064103 was not yet issued and this permit was required to be completed with issuance of a CFC in order to abate the planning violation. Additionally, the Planning Department needed to confirm that the work on site was done as per planning approved plans under BP No. 201604064103. Rachna informed Mr. Tedeschi that the newly installed windows photos did not show the integral ogee lugs which were required per approved plans under BP No. 201604064103. Rachna informed Mr. Tedeschi that any changes from the approved plans required a new permit and approval from the Planning Department. Rachna requested Mr. Tedeschi to provide a copy of the job card issued under BP No. 201604064103. Mr. Tedeschi did not respond to Rachna.

On February 1, 2022, site permit under BP No. 201604064103 expired as the addendum permit process under this permit was not completed within the time frame allowed by DBI.

On February 3, 2022, Mr. Tedeschi filed a new BP No. 202202037290 for the recommencement and completion of work approved under BP No. 201604064103.

On February 14, 2022, DBI staff, Colette Cummins conducted an inspection at the above property. Pursuant to this inspection, correction on the completed work was required as the work done on site is not in compliance with the approved plans under BP No. 201604064103.

On February 17, 2022, DBI staff, Tienda, Braulio informed Mr. Tedeschi via email that another inspection was required to assure that the scope of work at the above property was not being exceeded.

To date, another inspection has not been scheduled and no new information has been provided. The Zoning Administrator has reviewed all submittals to date and considered statements made at the hearing conducted on August 10, 2021.

Decision

NOTICE OF VIOLATION UPHELD. Pursuant to Planning Code Section 176, the Zoning Administrator has a duty in administration and enforcement of the Planning Code. Accordingly, the Zoning Administrator upholds the Notice of Violation issued on June 25, 2021 as the property owner has failed to demonstrate compliance with the Planning Code as described above.

The subject property owner shall abate the violation in one of the following ways:

1. Conduct the work approved in BP Nos. 201604064103 and 202202037290 and have that work fully inspected and completed by DBI. Under this option, the work and completion of these permits must be diligently pursued, and periodic notices must be given to the Department (through the enforcement planner) on the status of such work and its completion.

Or,

2. Have an alternative scope of work from BP Nos. 201604064103 and 202202037290 approved by the relevant City departments and fully permitted. Similar to Option 1 above, the work and completion of any new permits must be diligently pursued, and periodic notices must be given to the Department (through the enforcement planner) on the status of such work and its completion. Any new permit application must include the pre-existing, last approved, as-built, and newly proposed plans and elevations, as well as photographs of the pre-existing and current state of the property. Please notate the siding and windows materials of as-built building façade on the elevations and provide window specifications, cut sheets, and sections to illustrate the windows' materials, operation, spacer color, and glazing when applying for the permit.

The responsible party will need to provide adequate evidence to demonstrate that the violation has been abated. The work approved under any permits to abate violation must commence promptly and be continued diligently to completion with a final inspection and/or issuance of certificate of final completion.

For questions regarding the building permit process, please contact the Department of Building Inspection (DBI) at:

49 South Van Ness Avenue, 2nd/5th Floor
San Francisco, CA 94103
Phone: 628.652.3200
Email: dbicustomerservice@sfgov.org
Website: www.sfdbi.org

For questions regarding the planning permit review process, please contact the Planning Department at:

49 South Van Ness Avenue, 2nd Floor
San Francisco, CA 94103
Phone: 628.652.7300
Email: pic@sfgov.org
Website: www.sfplanning.org

For questions about this enforcement case, please email the assigned enforcement planner as noted above. For questions about the Building Code or building permit process, please email DBI at the email address noted above.

Timeline to Respond

The responsible party has fifteen (15) days from the date of this notice to either;

- 1) Take steps to correct the violation as noted above, first by contacting the enforcement planner to indicate the proposed course of action, and then by diligently pursuing that course to full completion; or
- 2) Appeal this Violation and Penalty Decision notice as noted below.

The corrective actions shall be taken as early as possible. Any unreasonable delays in abatement of the violation will result in assessment of administrative penalties at \$250 per day.

Please contact the assigned Enforcement Planner noted above with any questions, to submit evidence of correction, and discuss the corrective steps to abate the violation. Should you need additional time to respond to and/or abate the violation, please discuss this with the assigned Enforcement Planner, who will assist you in developing a reasonable timeline.

Administrative Penalties

If any responsible party does not appeal this notice to the Board of Appeals **within 15-days from the date of this notice**, this Violation and Penalty Decision notice will become final. However, **administrative penalties will not begin to accrue until the 15-day period to respond expires**. Beginning on the following day, administrative

penalties of up to \$250 per day to the responsible party will start to accrue for each day the violation continues unabated. If such penalties are assessed, the Planning Department will issue a Notice of Penalty, and the penalty amount shall be paid within 30 days from the issuance date of Notice of Penalty. Additional penalties will continue to accrue until a corrective action is taken to abate the violation. Please be advised that payment of the penalty does not excuse failure to correct the violation or bar further enforcement action.

Enforcement Time and Materials Fee

Pursuant to Planning Code Section 350(g)(1), the Planning Department shall charge for “Time and Materials” to recover the cost of correcting Planning Code violations. Accordingly, a fee of **\$3,342.85** for “Time and Materials” cost associated with the Code Enforcement investigation is now due to the Planning Department. **Please submit a check payable to “Planning Department Code Enforcement Fund” within 15 days from the date of this notice.** Additional fees will continue to accrue until the violation is abated. **This fee is separate from the administrative penalties as described above and is not appealable.**

Failure to Pay Penalties and Fees

Any Administrative Penalties and Enforcement Fees not paid within the specified time period noted above may be forwarded to the Bureau of Delinquent Revenue (BDR) for collection pursuant to Article V, Section 10.39 of the San Francisco Administrative Code. The BDR may apply a 25% surcharge for their collection services. Please note that such surcharge will be considered part of the cost of correcting the violation, and you (the responsible party) will be responsible for such charges.


Appeal

This Violation and Penalty Decision notice and any assessed penalties may be appealed to the **Board of Appeals within the 15-day time limit** from the date of this Violation and Penalty Decision notice at:

49 South Van Ness Avenue, Suite 1475
San Francisco, CA 94103
Phone: 628.652.1150
Email: boardofappeals@sfgov.org
Website: www.sfgov.org/bdappeal

The Board of Appeals may not reduce the amount of penalty below \$100 per day for each day that the violation exists, excluding the period of time that the matter has been pending either before the Zoning Administrator or before the Board of Appeals.

Sincerely,



Corey A. Teague, AICP
Zoning Administrator

Enc.: Notice of Violation dated June 25, 2021

cc: Andy Lee via email at andy.h.lee93@gmail.com
George Tedeschi via email at 2atedeschi@gmail.com



IMPORTANT NOTE FOR NOTICE OF VIOLATION

The Department recognizes the challenges of the City's Stay-Safe-At-Home Order and its underlying cause. However, corrective actions should be taken as early as reasonably possible. Please contact the assigned Enforcement Planner with questions and/or to submit evidence of correction. Delays in abatement of the violation beyond the timeline outlined in this notice will result in further enforcement action by the Planning Department, including assessment of administrative penalties of **\$250 per day once Notice of Violation becomes Final**.

The timeline to respond to this Notice of Violation is fifteen (15) days. Starting on the 16th day of this notice, penalties of \$250 per day will begin. As such, we highly encourage you to immediately reach out to the assigned Enforcement Planner to discuss the corrective steps to abate the violation. Should you need additional time to respond to and/or abate the violation, please discuss this with the assigned Enforcement Planner, who will assist you in developing a reasonable timeline.

Pursuant to Planning Code Section 350(g)(1), the Planning Department shall charge for 'Time and Materials' to recover the cost of correcting Planning Code violations. The base amount for Enforcement T&M Fee is \$1,504 and is different from the administrative penalty of \$250/day. Additional fees may apply if more time is needed to review and monitor the enforcement case and assist you with abating the violation.

Please note there is **NO** in-person consultation available at 49 South Van Ness at this time due to COVID-19. Please do not visit 49 South Van Ness without an appointment. For questions about this enforcement case, please email the assigned enforcement planner as noted in the attached notice. For questions about the Building Code or building permit process, please email DBI at the email address noted in the attached notice.



NOTICE OF VIOLATION

June 25, 2021

Property Owner

George Tedeschi
118-120 15th Avenue LLC
474 29th Avenue
San Francisco, CA 94121

Site Address: 118-120 15th Avenue
Assessor's Block/Lot: 1374/035
Zoning District: RH-2, Residential, House, Two-Family
Complaint Number: 2016-014117ENF
Code Violation: Sections 175, Work without Permit
Section 174, Failure to Complete Building Permit Application No. 2016.04.06.4103
Section 317, Unauthorized Dwelling Unit Removal
Administrative Penalty: \$250 Each Day of Violation
Enforcement T & M Fee: \$2,378.56 (Current Fee, for confirmed violation. Additional charges may apply)
Response Due: Within 15 days from the date of this Notice
Staff Contact: Rachna, (628) 652-7404, Rachna.Rachna@sfgov.org

The Planning Department finds the above referenced property to be in violation of the Planning Code. As the owner of the subject property, you are a 'responsible' party to bring the above property into compliance with the Planning Code. Details of the violation are discussed below:

Description of Violation

The subject property is deemed to be in violation of Planning Code Section 175 for failure to complete the abatement work approved under Building Permit Application (BPA) No. 2016.04.06.4103. This permit was required as unauthorized construction work was done at the subject property beyond the scope of a previously issued BPA No. 2015.04.06.2850. The unauthorized work included alterations to the roof form and front façade; interior alterations; dwelling unit removal; and construction of firewall in the rear yard without authorization.

BPA No. 2016.04.06.4103 was issued to restore and relocate one dwelling unit from the second floor to the ground floor and expand the second dwelling unit on the second, third, and fourth floors; restore the original building façade with original siding, double hung wood sash windows with integral ogee lugs; and rebuild the front arched entry with smooth wood finish in conformity with the plans approved under BPA No. 2016.04.06.4103.

The Planning Department requires that once a permit has been issued to abate a violation, the work approved under such permit must commence promptly and be continued diligently to completion with a final inspection and/or issuance of certificate of final completion (CFC).

The subject property is not deemed to be in full compliance with the Planning Code until the work approved to abate the above violation under BPA No. 2016.04.06.4103 has been completed with issuance of a CFC.

Pursuant to Planning Code Section 172, no structure shall be constructed, reconstructed, enlarged, altered, or relocated in a manner that is not permissible under the limitations set forth in the Planning Code for the district in which such structure is located.

Pursuant to Planning Code Section 175, a Building Permit is required for the construction, reconstruction, enlargement, alteration, relocation, or occupancy of any structure in compliance with the Planning Code.

Pursuant to Planning Code Section 171, structures and land in any zoning district shall be used only for the purposes listed in the Planning Code as permitted in that district, and in accordance with the regulations established for that district. Further, pursuant to Planning Code Section 174, every condition, stipulation, special restriction, and other limitation under the Planning Code shall be complied with the development and use of land and structures including actions on building permits). Failure to comply with any of these provisions constitutes a violation of the Planning Code and is subject to an enforcement process under Planning Code Section 176.

Timeline of Investigation

On April 6, 2016, you filed BPA No. 2016.04.06.4103 to abate the violation with scope of work as, “*Revision to BPA 201504062850 & 201412224285. Interior Remodel & Alteration. Expand Unit #118 to Ground Floor with Side Entry. Unit #120 to Be 2nd, 3rd, & 4th Fl. No Increase in Building Size. Rebuild Front Facade, Side Wall, & Rear Pop out Deck per Plan.*”

On October 31, 2016, the Planning Department sent you a Notice of Complaint. In that notice, you were advised to contact the Planning Department to resolve the complaint.

On April 11, 2018, the Planning Department approved BPA No. 2016.04.06.4103 with the scope of work as, “*Unit Reconfiguration, Façade Alterations, Remodel 2-story North Side Wall at Rear, Replace 4th Floor Rear Roof Deck, Solid Parapet with Open Rail.*”

On July 23, 2018, the Department of Building Inspection (DBI) issued BPA No. 2016.04.06.4103. This permit was required to be completed by July 18, 2019. However, you were granted an extension to complete the work under this permit by July 13, 2020.

On February 18, 2020, the Planning Department sent you a Notice of Enforcement (NOE) requiring you to abate the violation by starting the work approved under BPA No. 2016.04.06.4103 within 30 days from the date of NOE and continue to work diligently to complete BPA No. 2016.04.06.4103 and obtain a CFC from DBI by no later than July 13, 2020.

On February 26, 2020, you contacted the Planning Department staff, Rachna to discuss the abatement issues. Rachna advised you to start and complete work approved under BPA No. 2016.04.06.4103.

On March 4, 2020, your representative Andy Lee contacted Rachna to inquire what proof was required to demonstrate that the construction work had started. Rachna advised Mr. Lee to schedule an inspection and get the job card updated to document the work in progress pursuant to BPA No. 2016.04.06.4103. Mr. Lee stated that he would initiate this process right away.

On March 6, 2020, Rachna requested Mr. Lee to keep Rachna updated on the status and send photos of the work underway. Mr. Lee did not respond to Rachna.

On June 26, 2020, Rachna contacted Mr. Lee to find out if any progress was made on the work approved under BPA No. 2016.04.06.4103. Rachna also informed Mr. Lee that all construction work was then permitted during the COVID-19 Pandemic. Rachna advised Mr. Lee to seek extension of BPA No. 2016.04.06.4103 from DBI in case this permit was set to expire on July 13, 2020. Rachna also provided Mr. Lee with online links to information on the permit process at DBI. Mr. Lee did not respond to Rachna.

On February 4, 2021, Rachna contacted Mr. Lee to find out the expected date of completion of work under BPA No. 2016.04.06.4103. Rachna requested Mr. Lee to provide her monthly updates on the work progress. Mr. Lee did not respond to Rachna.

On February 11, 2021, you contacted Rachna to discuss the scope of work approved under BPA No. 2016.04.06.4103.

On February 16, 2021, Rachna discussed the outstanding abatement issues with you via a phone call. You indicated to Rachna that you intend to make changes to the front façade and windows approved under BPA No. 2016.04.06.4103. You also requested Rachna to conduct a site visit and review the site conditions.

On February 23, 2021, you contacted Rachna to schedule a site visit. Rachna requested you to provide photos of the undergoing work at the subject property and your revised front façade proposal prior to making the site visit.

On February 25, 2021, Rachna advised you to provide photos of the above building frontage, rear, and sides along with the approved plans and proposed façade windows materials and design changes.

On March 10, 2021, you provided photos showing the existing site conditions to Rachna.

On March 12, 2021, Rachna reiterated her request to you to provide information on your proposed façade changes and proposed windows materials specifications. You indicated to Rachna that you do not intend to change the existing façade.

On March 16, 2021, Rachna advised you to file a new permit to seek changes to the last approved plans under BPA No. 2016.04.06.4103. Rachna also informed you that the new permit would be subject to preservation review. Rachna further advised you to submit your preliminary proposal so she could consult with the preservation staff on your proposed changes. Rachna also conducted a site visit to observe the existing site conditions and progress of work underway.

On March 17, 2021, you inquired Rachna if you could submit a request for Historic Resource Evaluation (HRE) to determine that the above property had no historic significance. You indicated to Rachna that you did not wish to alter the present front façade as you believed that the present façade was in keeping with the surrounding neighborhood character. You also indicated to Rachna that you would like to file an appeal if your request was not acceptable to the Planning Department. Rachna informed you that upon consultation with the preservation staff, it was determined that the HRE cannot be processed while the above violation was still outstanding. BPA No. 2016.04.06.4103 was required to be completed prior to HRE.

On March 30, 2021, Rachna informed you that since the existing front façade alternations were done without benefit of a permit and BPA No. 2016.04.06.4103 had been approved to return the current façade to its original condition, you would need to complete all work as approved under BPA No. 2016.04.06.4103. Rachna also informed you that you may file a new permit to revise BPA No. 2016.04.06.4103 to seek legalization of the current façade, however, the Planning Department would likely not support it and you could then appeal the permit disapproval to the Board of Appeals (BOA). Rachna advised you to complete all work approved under BPA No. 2016.04.06.4103 to abate the violation by or before June 15, 2021. Rachna also requested you to provide a construction schedule and photos of work in progress. Rachna also inquired how you intended to abate the violation. You did not respond to Rachna.

On April 1, 2021, Rachna required you to provide monthly updates on the construction progress along with the compliance schedule on the façade work and windows installation work including windows order, delivery, and installation dates. Rachna reminded you to diligently pursue BPA No. 2016.04.06.4103 to completion with issuance of CFC by June 15, 2021. Rachna also requested you to make payment of then accrued enforcement time and material fee and advised you that the enforcement fee would continue to accrue until the violation was abated with a complete permit. You did not respond to Rachna.

On April 19, 2021, the Planning Department issued you a Notice Requiring Compliance (NRC) requiring you to 1) Complete the work approved under BPA No. 2016.04.06.4103 and provide biweekly status updates with photos of the construction work completed and the work in progress with a copy of the job card documenting the inspections dates; 2) Provide a compliance schedule for all work to be done under BPA No. 2016.04.06.4103 including the façade work and windows installation work with windows order, delivery, and installation dates by May 4, 2021 and provide documentation on the windows order and delivery dates from the vendor; 3) Seek completion of BPA No. 2016.04.06.4103 to achieve a 'complete' permit status with final inspection sign off and issuance of CFC from DBI by June 19, 2021. You did not respond to the NRC nor provided any information.

On May 25, 2021, Rachna contacted you to seek an update on the construction status and information required pursuant to the NRC. Rachna also requested you to make payment of then accrued enforcement time and material fee and advised you that the Planning Department would issue a Notice of Violation for failure to continue to work on BPA No. 2016.04.06.4103 to abate the violation. Rachna also reiterated that if you intended to seek any changes to BPA No. 2016.04.06.4103, you would need to file a new permit and if that permit was not approved, you can then appeal to BOA. You did not respond to Rachna.

To date, BPA No. 2016.04.06.4103 has not been completed nor have you submitted any evidence to demonstrate that the above violation has been abated or a corrective action has been taken to bring the subject property into compliance with the Planning Code.

How to Correct the Violation

The Planning Department requires that you immediately proceed to abate the violation as follows:

1. Provide a construction schedule for all work to be done under BPA No. 2016.04.06.4103 including the façade work and windows installation work with windows order, delivery, and installation dates within fifteen days (15) from the date of this notice. The construction schedule shall include documentation on the windows order and delivery dates from the vendor.
2. Work diligently to complete the work approved under BPA No. 2016.04.06.4103 and provide biweekly status updates with photos of the construction work “completed” and “in progress” with a copy of the job card documenting the work inspection dates.
3. Seek a ‘complete’ permit status of BPA No. 2016.04.06.4103 with issuance of CFC from DBI by August 25, 2021.

The responsible party will need to provide adequate evidence to demonstrate that the violation has been abated. A site visit may also be required to verify compliance.

If you wish to seek changes to BPA No. 2016.04.06.4103, you may file a new BPA with your proposed alterations. You may also need to obtain a building permit for any other alterations done without benefit of permit at the property. For information on the permit process, please visit DBI website at <https://sf.gov/apply-building-permit>.

For questions regarding the building permit process, please contact the **Department of Building Inspection (DBI)** at:

49 South Van Ness Avenue, 2nd/5th Floor
San Francisco, CA 94103
Phone: 628.652.3200
Email: dbicustomerservice@sfgov.org
Website: www.sfgov.org/dbi

For questions regarding the planning permit review process, please contact the **Planning Department** at:

49 South Van Ness Avenue, 2nd Floor (By Appointment only to submit permits)
San Francisco, CA 94103
Phone: 628.652.7300
Email: pic@sfgov.org
Website: www.sfplanning.org

Please note there is NO in-person consultation available at 49 South Van Ness at this time due to COVID-19. Please do not visit 49 South Van Ness without an appointment. For questions about this enforcement case, please email the assigned enforcement planner as noted above. For questions about the Building Code or building permit process, please email DBI at the email address noted above.

Timeline to Respond

A Shelter in Place order was issued for San Francisco due to the COVID-19 pandemic on March 16, 2020, which was set to expire on April 7, 2020. On March 31, 2020, Order of the Health Officer No. C19-07b extended the previously issued Shelter in Place from April 7, 2020 to May 3, 2020. On April 29, 2020, Order of the Health Officer No. C19-07c further extended the previously issued Shelter in Place to May 31, 2020. On May 22, 2020, Stay-Safer-At-Home Order of the Health Officer No. C19-07e was issued to amend, clarify, and continue certain terms of the prior Shelter in Place orders. On June 1 and June 11, 2020, Stay-Safer-At-Home Order was updated and replaced the previous Shelter in Place, C19-07 orders. This Order was last updated on May 20, 2021 (C19-07x). On June 15, 2021, Safer-Return-Together Order No. C19-07y was issued to replace the previous C19-07 orders.

The timeline to respond to this Notice of Violation is fifteen (15) days. As such, we highly encourage you to immediately reach out to the assigned Enforcement Planner to discuss the corrective steps to abate the violation. Should you need additional time to respond to and/or abate the violation, please discuss this with the assigned Enforcement Planner, who will assist you in developing a reasonable timeline.

While many City agencies (including the Department of Building Inspection - DBI) are open, we understand there may be challenges and delays related to the processing of necessary applications to abate violations during the Stay-Safe-At-Home Order. You can find more information regarding the Planning Department procedures during the Stay-Safe-At-Home Order here: <https://sfplanning.org/covid-19>.

The Department recognizes the challenges of the City's Stay-Safe-At-Home Order and its underlying cause. However, corrective actions should be taken as early as reasonably possible. Please contact the assigned Enforcement Planner with questions and/or to submit evidence of correction. Any unreasonable delays in abatement of the violation beyond the timeline outlined above will result in further enforcement action by the Planning Department.

Appeal Processes

If the responsible party believes that this Notice of Violation of the Planning Code is an abuse of discretion by the Zoning Administrator, the following appeal processes are available **within fifteen (15) days from the date of this notice**:

1. The responsible party may request a Zoning Administrator Hearing under Planning Code Section 176 to show cause why this Notice of Violation is issued in error and should be rescinded by submitting the Request for Zoning Administrator Hearing Form and supporting evidence to the Planning Department. This form is available from the Planning Department's website at <https://sfplanning.org/resources>. The Zoning Administrator shall render a decision on the Notice of Violation within 30 days of such hearing. The responsible party may appeal the Zoning Administrator's decision to the Board of Appeals within 15 days from the date of the decision.
2. The responsible or any interested party may waive the right to a Zoning Administrator Hearing and proceed directly to appeal the Notice of Violation to the **Board of Appeals** located at:

49 South Van Ness Avenue, Suite 1475
San Francisco, CA 94103
Phone: 628.652.1150
Email: boardofappeals@sfgov.org
Website: www.sfgov.org/bdappeal

If Board of Appeals upholds the Notice of Violation, it may not reduce the amount of penalty below \$100 per day for each day the violation continues unabated, excluding the period of time the matter was pending either before the Zoning Administrator or before the Board of Appeals.

Administrative Penalties

If a responsible party does not request any appeal process and does not take corrective action to abate the violation **within 15 days**, this Notice of Violation will become final. However, **administrative penalties will not begin to accrue until the 15-day period to respond expires**, as detailed above. Beginning on the following day, administrative penalties of up to **\$250 per day** to the responsible party will start to accrue for each day the violation continues unabated beyond any of the timeline noted above. If such penalties are assessed, the Planning Department will issue a Notice of Penalty, and the penalty amount shall be paid **within 30 days** from the issuance date of that notice. Please be advised that payment of penalty does not excuse failure to correct the violation or bar further enforcement action. Additional penalties will continue to accrue until a corrective action is taken to abate the violation.

Enforcement Time and Materials Fee

Pursuant to Planning Code Section 350(g)(1), the Planning Department shall charge for 'Time and Materials' to recover the cost of correcting the Planning Code violations. Accordingly, the responsible party is currently subject to a fee of **\$2,378.56** for "Time and Materials" cost associated with the Code Enforcement investigation. **Please submit a check payable to "Planning Department Code Enforcement Fund" within 15 days from the date of this notice.** Additional fees will continue to accrue until the violation is abated. **This fee is separate from the administrative penalties described above and is not appealable.**

Failure to Pay Penalties and Fees

Any Administrative Penalties and Enforcement Fees not paid within the specified time period noted above may be forwarded to the Bureau of Delinquent Revenue (BDR) for collection pursuant to Article V, Section 10.39 of the San Francisco Administrative Code. The BDR may apply a 25% surcharge for their collection services. Please note that such surcharge will be considered part of the cost of correcting the violation, and you (the responsible party) will be responsible for such charges.

Other Applications Under Consideration

The Planning Department requires that any pending violations be resolved prior to the approval and issuance of any separate applications for work proposed on the same property. Therefore, any applications not related to

abatement of the violation on the subject property will be placed on hold until a corrective action is taken to abate the violation. We want to assist you to bring the subject property into full compliance with the Planning Code. You may contact the enforcement planner noted above for any questions on the enforcement and appeal process.

Sincerely,



Dario F. Jones
Acting Zoning Administrator

Enc.: Notice of Enforcement dated February 18, 2020
Notice Requiring Compliance dated April 19, 2021



NOTICE REQUIRING COMPLIANCE

April 19, 2021

Property Owner

George Tedeschi
118-12015th Avenue LLC
474 29th Avenue
San Francisco, CA 94121

- Site Address:** 118 15th Avenue
- Assessor’s Block/Lot:** 1374/035
- Zoning District:** RH-2, Residential, House, Two-Family
- Complaint Number:** 2016-014117ENF
- Code Violation:** Sections 175, Work without Permit
Section 174, Failure to Complete Building Permit Application No. 2016.04.06.4103
- Administrative Penalty:** \$250 Each Day of Violation
- Enforcement T & M Fee:** \$2,067.93 (Current Fee, Additional charges may apply)
- Response Due:** Within 15 days from the date of this Notice
- Staff Contact:** Rachna, (628) 652-7404, Rachna.Rachna@sfgov.org

You are receiving this notice because a Planning Code Violation is pending at the above property that needs to be resolved. As the property owner you are a responsible party. It was reported to the Planning Department that work at the subject property was done beyond the scope of BPA No. 2015.04.06.2850 including changes to roof form and front façade; interior remodeling; potential dwelling unit removal; and construction of firewall in the rear yard without authorization.

On April 6, 2016, you filed Building Permit Application (BPA) No. 2016.04.06.4103 to abate the violation with scope of work as, “Revision to BPA 201504062850 & 201412224285. Interior Remodel & Alteration. Expand Unit #118 to Ground Floor with Side Entry. Unit #120 to Be 2nd, 3rd, & 4th Fl. No Increase in Building Size. Rebuild Front Facade, Side Wall, & Rear Pop out Deck per Plan.”

On April 11, 2018, the Planning Department approved BPA No. 2016.04.06.4103 with the scope of work as, “Unit Reconfiguration, Façade Alterations, Remodel 2-story North Side Wall at Rear, Replace 4th Floor Rear Roof Deck, Solid Parapet with Open Rail.” As part of this permit approval, you were to restore the original building façade with siding and double hung wood sash windows with integral ogee lugs and rebuild the front arched entry with smooth wood finish as shown on the plans approved under BPA No. 2016.04.06.4103.

On July 23, 2018, the Department of Building Inspection (DBI) issued BPA No. 2016.04.06.4103. This permit was required to be completed by July 18, 2019. However, you were granted an extension to complete the work under this permit by July 13, 2020.

On February 18, 2020, the Planning Department sent you a Notice of Enforcement (NOE) requiring you to abate the violation by starting the work approved under BPA No. 2016.04.06.4103 within 30 days from the date of NOE and continue to work diligently to complete BPA No. 2016.04.06.4103 and obtain a Certificate of Final Inspection (CFC) from DBI by no later than July 13, 2020.

On February 26, 2020, you contacted the Planning Department staff, Rachna to discuss the abatement issues. Rachna advised you to start and complete work approved under BPA No. 2016.04.06.4103.

On March 4, 2020, your representative Andy Lee contacted Rachna to inquire what proof was required to demonstrate that the work had started. Rachna advised Mr. Lee to schedule an inspection and get the job card updated to document the work in progress pursuant to BPA No. 2016.04.06.4103. Mr. Lee stated that he would initiate this process right away.

On March 6, 2020, Rachna requested Mr. Lee to keep her updated on the status and send photos of the work underway. Mr. Lee did not respond to Rachna.

On June 26, 2020, Rachna contacted Mr. Lee to find out if any progress was made on the work approved under BPA No. 2016.04.06.4103. Rachna informed Mr. Lee that all construction work was now permitted during the COVID-19 Pandemic. Rachna also advised Mr. Lee to seek extension of BPA No. 2016.04.06.4103 from DBI in case this permit was set to expire on July 13, 2020. Rachna also provided Mr. Lee with online links to information on the permit process at DBI. Mr. Lee did not respond to Rachna.

On February 4, 2021, Rachna contacted Mr. Lee to find out the expected date of completion of work under BPA No. 2016.04.06.4103. Rachna requested Mr. Lee to provide her monthly updates on the work progress. Mr. Lee did not respond to Rachna.

On February 11, 2021, you contacted Rachna to discuss the scope of work approved under BPA No. 2016.04.06.4103.

On February 16, 2021, Rachna discussed the outstanding abatement issues with you via a phone call. You indicated to Rachna that you intend to make changes to the front façade and windows approved under BPA No. 2016.04.06.4103. You also requested Rachna to conduct a site visit and review the site conditions.

On February 23, 2021, you contacted Rachna to schedule a site visit. Rachna requested you to provide photos of the undergoing work at the subject property and your revised front façade proposal prior to making a site visit.

On February 25, 2021, Rachna advised you to send her photos of the above building frontage, rear, and sides along with the approved plans and proposed façade windows materials and design changes.

On March 10, 2021, you provided photos showing the existing site conditions to Rachna.

On March 12, 2021, Rachna reiterated her request to you to provide information on your proposed façade changes and proposed windows materials specifications. You indicated to Rachna that you do not intend to change the existing façade.

On March 16, 2021, Rachna advised you to file a new permit to seek changes to the last approved plans under BPA No. 2016.04.06.4103. Rachna also informed you that the new permit would be subject to preservation review. Rachna further advised you to submit your preliminary proposal so she could consult with the preservation staff on your proposed changes. Rachna also conducted a site visit to observe the existing site conditions and progress of work underway.

On March 17, 2021, you inquired Rachna if you could submit a request for Historic Resource Evaluation (HRE) to determine that the above property had no historic significance. You indicated to Rachna that you do not wish to alter the present front façade as you believed that the present façade was in keeping with the surrounding neighborhood character. You also indicated to Rachna that you would like to file an appeal if your request was not acceptable to the Planning Department. Rachna informed you that upon consultation with the preservation staff, it was determined that the HRE cannot be processed at this time as the above violation was still outstanding. As such, BPA No. 2016.04.06.4103 to restore the original façade was required to be completed.

On March 30, 2021, Rachna informed you that since the front façade alternations were done without benefit of a permit and BPA No. 2016.04.06.4103 had already been approved to return the current façade to its original condition, you would need to complete all work as approved under BPA No. 2016.04.06.4103. Rachna also informed you that you may file a new permit to revise BPA No. 2016.04.06.4103 to seek legalization of the current façade, however, the Planning Department would not support it and would disapprove it and you could then appeal the disapproval to the Board of Appeals (BOA). Rachna advised you to complete all work approved under BPA No. 2016.04.06.4103 to abate the violation by or before June 15, 2021. Rachna also requested you to provide her a construction schedule with work start and end dates and photos of work in progress from time to time. Rachna requested you to inform her about how you intended to proceed to abate the violation.

On April 1, 2021, Rachna required you to provide her monthly updates on the construction progress along with the compliance schedule on the façade work and windows installation work including windows order, delivery, and installation dates. Rachna advised you to pursue BPA No. 2016.04.06.4103 diligently to completion with issuance of Certificate of Final Completion (CFC) by June 15, 2021. Rachna also requested you to make payment of then accrued \$1640.82 enforcement time and material fee and advised you that this fee would continue to accrue until the violation was abated with a complete permit.

The subject property is not deemed to be in full compliance with the Planning Code until the work approved to abate the above violation under BPA No. 2016.04.06.4103 has not been completed.

Pursuant to Planning Code Section 175, a Building Permit is required for the construction, reconstruction, enlargement, alteration, relocation, or occupancy of any structure in compliance with the Planning Code.

Pursuant to Planning Code Section 171 structures and land in any zoning district shall be used only for the purposes listed in the Planning Code as permitted in that district, and in accordance with the regulations established for that district. Further, pursuant to Planning Code Section 174, every condition, stipulation, special restriction, and other limitation under the Planning Code shall be complied with in the development and use of

land and structures including actions on building permits. Failure to comply with any Planning Code provisions constitutes a violation of Planning Code under Code Section 176.

How to Correct the Violation

The Planning Department requires that you immediately proceed to abate the violation as follows:

1. Continue to work diligently to complete the work approved under BPA No. 2016.04.06.4103 and provide biweekly status updates with photos of the construction work completed and the work in progress with a copy of the job card documenting the inspections dates.
2. Provide a compliance schedule for all work to be done under BPA No. 2016.04.06.4103 within fifteen days (15) from the date of this notice including the façade work and windows installation work with windows order, delivery, and installation dates. Please provide documentation on the windows order and delivery dates from the vendor.
3. Seek completion of BPA No. 2016.04.06.4103 to achieve a ‘complete’ permit status with final inspection sign off and issuance of CFC from DBI by June 19, 2021.

The responsible party will need to provide adequate evidence to demonstrate that the violation has been abated. Delays in abatement of the violation beyond the timeline outlined above will result in further enforcement action by the Planning Department including issuance of a Notice of Violation.

In order to seek changes to BPA No. 2016.04.06.4103, you may file a new BPA. You may also need to obtain a building permit for any other alterations done without benefit of permit at the property. For information on the permit process, please visit DBI website at <https://sf.gov/apply-building-permit>.

For questions regarding the building permit process, please contact the **Department of Building Inspection (DBI)** at:

49 South Van Ness Avenue, 2nd/5th Floor
San Francisco, CA 94103
Phone: 628.652.3200
Email: dbicustomerservice@sfgov.org
Website: www.sfgov.org/dbi

For questions regarding the planning permit review process, please contact the **Planning Department** at:

49 South Van Ness Avenue, 2nd Floor (By Appointment only to submit permits)
San Francisco, CA 94103
Phone: 628.652.7300
Email: pic@sfgov.org
Website: www.sfplanning.org

Please note there is NO in-person consultation available at 49 South Van Ness at this time due to COVID-19. Please do not visit 49 South Van Ness without an appointment. For questions about this enforcement case,

please email the assigned enforcement planner as noted above. For questions about the Building Code or building permit process, please email DBI at the email address noted above.

Timeline to Respond

A Shelter in Place order was issued for San Francisco due to the COVID-19 pandemic on March 16, 2020, which was set to expire on April 7, 2020. On March 31, 2020, Order of the Health Officer No. C19-07b extended the previously issued Shelter in Place from April 7, 2020 to May 3, 2020. On April 29, 2020, Order of the Health Officer No. C19-07c further extended the previously issued Shelter in Place to May 31, 2020. On May 22, 2020, Stay-Safe-At-Home Order of the Health Officer No. C19-07e was issued to amend, clarify, and continue certain terms of the prior Shelter in Place orders. On June 1 and June 11, 2020, Stay-Safe-At-Home Order was updated and replaced previous Shelter in Place, C19-07 orders: C19-07d (May 18), C19-07c (April 29), C19-07b (March 31) and C19-07 (March 16). This Order was last updated on March 23, 2021 (C19-07u).

The timeline to respond to this Notice Requiring Compliance is noted above. As such, we highly encourage you to immediately reach out to the assigned Enforcement Planner to discuss the timeline to abate the violation. Should you need additional time to respond to and/or abate the violation, please discuss this with the assigned Enforcement Planner, who will assist you in developing a reasonable timeline.

While many City agencies (including the Department of Building Inspection - DBI) are open, we understand there may be challenges and delays related to the processing of necessary applications to abate violations during the Stay-Safe-At-Home Order. You can find more information regarding the Planning Department procedures during the Stay-Safe-At-Home Order here: <https://sfplanning.org/covid-19>.

The Department recognizes the challenges of the City's Stay-Safe-At-Home Order and its underlying cause. However, corrective actions should be taken as early as reasonably possible. Please contact the assigned Enforcement Planner with questions and/or to submit evidence of correction. Delays in abatement of the violation beyond the timeline outlined above will result in further enforcement action by the Planning Department.

Administrative Penalties

Pursuant to Planning Code Section 176, the San Francisco Zoning Administrator has the authority to enforce the Planning Code and impose penalties against violations if those violations are not corrected within the required time limit upon serving of notices. Failure to comply with any of the timeline outlined above will result in accrual of administrative penalties of up to \$250 per day to the responsible party for each day the subject violation continues unabated upon issuance of a Notice of Violation. If such penalties are assessed, the Planning Department will issue a Notice of Penalty, and the penalty amount shall be paid within 30 days from the issuance date of that notice. Please be advised that payment of penalty does not excuse failure to correct the violation or bar further enforcement action. The penalties will continue to accrue until the violation is abated.

Enforcement Time and Materials Fee

Pursuant to Planning Code Section 350(g)(1), the Planning Department shall charge for 'Time and Materials' to recover the cost of correcting Planning Code violations. Accordingly, a fee of **2,067.93** for 'Time and Materials' cost associated with the Code Enforcement investigation is now due to the Planning Department. Please submit

a check payable to 'Planning Department Code Enforcement Fund' **within 15 days** from the date of this notice. Additional fees will continue to accrue until the violation is abated. This fee is separate from the administrative penalties as described above and is not appealable.

Failure to Pay Penalties and Fees

Any Administrative Penalties and Enforcement Fees not paid within the specified time period noted above may be forwarded to the Bureau of Delinquent Revenue (BDR) for collection pursuant to Article V, Section 10.39 of the San Francisco Administrative Code. The BDR may apply a 25% surcharge for their collection services. Please note that such surcharge will be considered part of the cost of correcting the violation, and you (the responsible party) will be responsible for such charges.

Other Applications Under Consideration

The Planning Department requires that any pending violations be resolved prior to the approval and issuance of any separate applications for work proposed on the same property. Therefore, any applications not related to abatement of the violation on the subject property will be placed on hold until a corrective action is taken to abate the violation. We want to assist you to bring the subject property into full compliance with the Planning Code. You may contact the enforcement planner noted above for any questions on the enforcement and appeal process.

Enc.: Notice of Enforcement dated February 18, 2020



SAN FRANCISCO PLANNING DEPARTMENT

NOTICE OF ENFORCEMENT

February 18, 2020

Property Owner

118-120 15th Avenue LLC
474 29th Ave
San Francisco, CA 94121

Site Address: 118 15th Avenue
Assessor's Block/Lot: 1374/035
Zoning District: RH-2, Residential- House, Two Family
Complaint Number: 2016-014117ENF
Code Violation: Sections 171, 172, 174, Unauthorized Structures
Failure to Complete Building Permit Application No.: 2016.04.06.4103
Administrative Penalty: Up to \$250 Each Day of Violation
Response Due: Within 15 days from the date of this Notice
Staff Contact: Rachna, (415) 575-6806, Rachna.Rachna@sfgov.org

The Planning Department has received a complaint that a Planning Code violation exists on the above referenced property that needs to be resolved. As the owner of the subject property, you are a responsible party. The purpose of this notice is to inform you about the Planning Code Enforcement process so you can take appropriate action to bring your property into compliance with the Planning Code. Details of the violation are discussed below:

DESCRIPTION OF VIOLATION

The violation pertains to the changes to roof form, changes to front facade, construction of firewall in rear yard, interior remodeling, and dwelling unit removal at the subject property without benefit of permit.

On April 6, 2016, you filed Building Permit Application (BPA) No.: 2016.04.06.4103 to abate the violation with scope of work as, *"Revision to BPA 201504062850 & 201412224285. Interior Remodel & Alteration. Expand Unit #118 to Ground Floor with Side Entry. Unit #120 to Be 2nd, 3rd, & 4th Fl. No Increase in Building Size. Rebuild Front Facade, Side Wall, & Rear Pop out Deck per Plan."*

On April 11, 2018, the Planning Department approved BPA No.: 2016.04.06.4103 with the scope of work as, *"Unit Reconfiguration, Façade Alterations, Remodel 2-story North Side Wall at Rear, Replace 4th Floor Rear Roof Deck, Solid Parapet with Open Rail."*

On July 23, 2018, the Department of Building Inspection (DBI) issued BPA No.: 2016.04.06.4103. This permit was required to be completed by July 18, 2019. However, you were granted an extension to complete the work under this permit by July 13, 2020.

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Pursuant to Planning Code Section 175, a permit application is required for reconstruction, enlargement, and alteration of any structure in compliance with the Planning Code. The Planning Department requires that once a permit has been issued to abate a violation, the work approved under the permit must commence promptly and be continued diligently to completion with a final inspection and/or issuance of certificate of final completion (CFC). To date, BPA No.: 2016.04.06.4103 has not been completed.

Pursuant to Planning Code Section 171 structures and land in any zoning district shall be used only for the purposes listed in the Planning Code as permitted in that district, and in accordance with the regulations established for that district. Further, pursuant to Planning Code Section 174, every condition, stipulation, special restriction, and other limitation under the Planning Code shall be complied with in the development and use of land and structures. Failure to comply with any Planning Code provision constitutes a violation of Planning Code and is subject to an enforcement process under Code Section 176.

HOW TO CORRECT THE VIOLATION

The Planning Department requires that you immediately proceed to abate the violation by starting the work approved under BPA No.: 2016.04.06.4103 within 30 days from the date of this notice and continue to work diligently to complete BPA No.: 2016.04.06.4103 and obtain a CFC from DBI by no later than July 13, 2020. You are also required to complete other pending building permits related to the violation.

The responsible party will need to provide adequate evidence to demonstrate that either no violation exists or that the violation has been abated. A site visit may also be required to verify compliance. You may also need to obtain a building permit for any other alterations done at the property.

For questions regarding the building permit process, please contact the Department of Building Inspection (DBI) at:

1660 Mission Street
San Francisco, CA 94103
telephone: (415) 558-6088
website: www.sfgov.org/dbi

For questions regarding Planning Department process, please contact the Planning Information Center (PIC) at:

1660 Mission Street (5th floor)
San Francisco, CA 94103
telephone: (415) 558-6377
email: pic@sfgov.org

TIMELINE TO RESPOND

The responsible party has **fifteen (15) days from the date of this notice** to contact the staff planner noted at the top of this notice and submit evidence to demonstrate that the corrective actions have been taken to bring the subject property into compliance with the Planning Code. The corrective actions shall be

taken as early as possible. Any unreasonable delays in abatement of the violation may result in further enforcement action by the Planning Department.

PENALTIES AND APPEAL RIGHTS

Failure to respond to this notice by abating the violation or demonstrating compliance with the Planning Code **within fifteen (15) days from the date of this notice** will result in issuance of a **Notice of Violation** by the Zoning Administrator. Administrative penalties of up to **\$250 per day** will also be assessed to the responsible party for each day the violation continues thereafter. The Notice of Violation provides appeal processes noted below.

- 1) Request for Zoning Administrator Hearing. The Zoning Administrator's decision is appealable to the Board of Appeals.
- 2) Appeal of the Notice of Violation to the Board of Appeals. The Board of Appeals may not reduce the amount of penalty below \$100 per day for each day the violation exists, excluding the period of time the matter has been pending either before the Zoning Administrator or before the Board of Appeals.

ENFORCEMENT TIME AND MATERIALS FEE

Pursuant to Planning Code Section 350(g)(1), the Planning Department shall charge for 'Time and Materials' to recover the cost of correcting Planning Code violations and violations of Planning Commission and Planning Department's Conditions of Approval. Accordingly, the responsible party is currently subject to an amount of **\$670.71** plus any additional accrued time and materials cost for Code Enforcement investigation and abatement of violation. This fee is separate from the administrative penalties described above and is not appealable.

OTHER APPLICATIONS UNDER CONSIDERATION

The Planning Department requires that any pending violations be resolved prior to the approval and issuance of any new applications that you may wish to pursue in the future. Therefore, any applications not related to abatement of the violation on the subject property will be placed on hold until the violation is corrected. We want to assist you in ensuring that the subject property is in full compliance with the Planning Code. You may contact the enforcement planner as noted above for any questions.

APPELLANT(S) DID NOT SUBMIT A BRIEF