



November 13, 2014

Sent Via Messenger

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

**Re: Project Sponsor's Brief in Opposition to Appeal No. 14-154
834 44th Street
Our File No.: 8703.01**

Dear President Lazarus and Commissioners:

Our office represents Sarah and Ralph Dayan (the "Dayans") in connection with their project to renovate a vacant residential building at 834 44th Street (the "Property"). The Dayans purchased the Property in May 2011, and since that time have applied for and received a building permit to alter and expand an existing vacant single-family home into a two-family home (the "Project"). (See attached plans as Exhibit A.)

The previous owners of the Property, who in 2006 and 2007 performed work exceeding the scope of their building permit, eventually abandoned the project and left the home completely unfit for habitation. The Dayans have been working diligently since 2011 to design a project that rehabilitates the Property, and this building permit is the culmination of their efforts and the efforts of a number of different city agencies. The Project has been reviewed multiple times by multiple city departments. The Department of Building Inspection ("DBI") and the

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Planning Department agree the Project complies with all applicable city laws, including the Planning Code and Building Codes.

I. Background and Timeline.

a. The Prior Project.

Penny and Edmund Ip (the “Ips”) previously owned the Property. In 2004, the Ips submitted plans to the DBI for a third floor addition that would add a second dwelling unit to an existing two-story home with one floor of occupancy over a garage.

DBI reviewed the plans and issued an alteration permit on September 28, 2005. The existing structure is built to the side lot lines; the Ips’ approved project proposed to keep that configuration—which is consistent with prevailing neighborhood character. The Ips’ project did not incorporate any light wells on either side of the Property.

After a complaint was filed alleging the Ips’ project exceeded the scope of their permit, DBI conducted an investigation. On April 11, 2007, the Director of DBI issued an order determining that work done at the Property had indeed exceeded the scope of the project approval, and resulted in an unlawful residential demolition. (See attached order as **Exhibit B.**) The Director’s order was very specific regarding the consequences for exceeding the scope of the permit:

1. The alteration permit was revoked;
2. A five-year moratorium was imposed prohibiting the *issuance* of most building permits at the Property;

3. The Director did allow two types of permits to be issued during the five-year moratorium:
 - (1) permit to demolish the building; and (2) permit to construct a new building that would be the same size or smaller than the existing building, and would only contain a single residential unit on the second floor;
4. The Ips and their contractor were fined.

The exception to the moratorium essentially allowed the Ips to put the building back in its original condition, as if they had never performed the work. Otherwise, no building permit could be *issued* until April 11, 2012—five years after the Director’s order.

The Ips appealed, and this Board upheld the Director’s decision on February 19, 2008.

b. Bank Foreclosure; No Permits Filed or Issued.

According to publicly-available documents, the Property was foreclosed on in late 2008 or 2009. No building permit applications to demolish the building or construct a new building in substantially the same condition were filed during this time, meaning neither the Ips nor the bank that foreclosed on the Property attempted to use the exception to the moratorium.

c. The Dayans Purchase the Property.

In May, 2011, the Dayans purchased the property, intending to construct a three-story, two-unit building containing two off-street parking spaces (the “Project”). They *filed an application* to convert the existing building into a three-story, two-unit building on October 4, 2011. The building permit was not *issued* by DBI until August 22, 2014—nearly seven and a half years after the Director’s order and two and a half years after the moratorium ended.

d. The Project.

The Dayans' Project will alter and expand the existing building, adding a third story and a second unit. The Project will expand the rear of the first and second floors by approximately ten (10) feet to accommodate a living room on the first floor and a bedroom on the second. The rear extension provides five foot side setbacks on either side.

The third floor will be set back 15 feet from the front property line, with a front deck accessible from each third-floor bedroom. This setback was required by the Planning Department's Residential Design Team. A rear deck will be located on top of the second floor. The third floor also incorporates two 3-foot deep light wells to match the light wells of the adjacent properties to the north and south, consistent with current Planning Department standards.

e. City Review of Building Permit.

The City – through DBI, the Planning Department, the Department of Public Works, and other agencies – has thoroughly reviewed the Dayans' Project and confirmed it complies with all applicable code requirements. A brief summary of the project's permit review:

1. Christine Lamorena of the Planning Department confirmed the Project complied with all relevant requirements of the Planning Code on April 1, 2014;
2. The Department of Public Works approved the site permit on April 28, 2014, and again on June 6, 2014;
3. DBI signed off on the plans and issued the site permit on August 22, 2014.

II. Response to Issues Raised by Appellants.

a. The Project Requires a Demolition Permit Application and a New Building Permit Application.

The Appellants claim that the Director's order prohibits the Project from being approved as an alteration, and the Dayans must instead file a demolition permit application and a new construction application.

The Appellants misinterpret the Director's order. The order only required a demolition permit and new construction permit if any permits for the Property were to be *issued* during the five year moratorium. Essentially, this limitation on the kind of permits that could be issued was a penalty to prohibit the Ips from doing any other project for five years. It was not a requirement that any subsequent project needed to proceed in this manner, particularly one proposed by a new owner with a building permit issued more than seven years after the order was enacted.

The five-year moratorium only applied to the *issuance* of building permits; it did not prohibit the Dayans from *applying* for a permit. The moratorium did not prohibit the filing of a permit application prior to April 2012. The Dayans applied for the permit on October 4, 2011 and the permit was issued on August 22, 2014. The moratorium ended in April 2012—well before the Project's building permit was *issued*.

As noted above, the Planning Department and DBI each reviewed the Project in substantial detail to ensure it complied with all requirements of the Planning Code and the Building Code. Neither department directed the Dayans to change the Project's application from an alteration permit to a demolition permit.

b. Work Exceeding Scope of 2004 Permit; Damage to Adjacent Properties.

The current permit has been reviewed thoroughly by both the Department of Building Inspection and the Planning Department. DBI requested that the permit plan set indicate (1) the state of the building prior to the 2004 permit, (2) the state of the building when the moratorium went into effect and (3) the current proposed project. This is very unusual, and was requested due to the complicated history of the project. The plans also detail precisely which walls were in existence prior to 2004, after the 2004 permit work, and as proposed under the current permit.

All exterior walls constructed after the 2004 permit was issued will be demolished by the current permit. This assures that all new exterior walls will be constructed pursuant to a valid building permit and inspected by DBI. DBI has reviewed the plans without assuming the work done under the 2004 permit was legal. Their approval confirms that all building alterations proposed by the current permit are in compliance with the Building Code.

The Appellants point out various damages to their home caused by the shoddy construction of the previous owners. The Dayans are willing to correct any damage caused to the adjacent buildings. In fact, since the current permit proposes removal of all exterior walls that were constructed after issuance of the 2004 permit, this provides an opportunity to access the adjacent building exterior walls again in order to correct any damages.

Further, the Appellants point out that the post-2004 construction resulted in several property line encroachments. The Dayans had a survey conducted in October 2014, which identified several very minor encroachments of both the subject building. (See attached as Exhibit C.) The building's encroachments consist of roof trim and wood siding and measure

0.03 feet, 0.01 feet and 0.02 feet. These encroachments will be corrected as part of the reconstruction of the building as authorized by the current permit.

c. Design Changes Proposed by Appellants.

The Appellants also request that the Project incorporate a light well at the third floor matching their light well, and that the front deck on the third floor be removed.

Regarding the third-floor front setback and deck, Appellants claim that it creates an unsafe and hazardous condition because the Dayans could climb over onto the Appellants' roof, or throw materials onto Appellants' roof, creating potential fire hazards and safety issues. The Dayans originally proposed a third story with no front setback. However, during the design review process, the Planning Department requested the 15 foot setback at the third story, in order to make the project consistent with the Residential Design Guidelines. Each of these design elements is meant to reduce the scale of the third floor for both the Project's neighbors and to match the existing neighborhood character. This design complies with the Residential Design Guidelines and ensures the Project is consistent with the prevailing development pattern in the neighborhood.

Additionally, and as requested by Appellants, the Dayans' Project already incorporates two light wells on the third floor to match the light wells of the existing, adjacent buildings to the north and south. These light wells will be 3 feet deep, the standard depth for matching light wells in San Francisco.

III. Conclusion

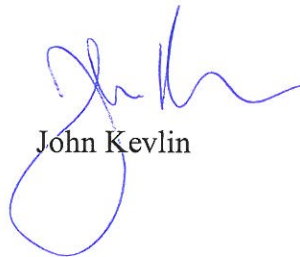
The Appellants suggest no remedy that could help conclude this longstanding matter and remove this blighted property from the block. The Dayans have processed the permit consistent with the moratorium and in close coordination with DBI and the Planning Department. Lightwells have been provided as requested by the Appellants. The third floor front setback has been required by the Planning Department.

The Dayans have spent a significant amount of time and money to take on and fix a majorly-flawed project abandoned by the previous owners. The permit being appealed is the culmination of that process. It has been reviewed thoroughly by the Planning Department, DBI, and the Department of Public Health, who have all found that the Project is fully consistent with all City codes and policies.

We respectfully request that the Board deny this appeal.

Very truly yours,

REUBEN, JUNIUS & ROSE, LLP



John Kevlin

Enclosures

cc: John Lau (Appellants' agent)

GENERAL NOTES

- All work shall comply with current building codes and all current local governing codes, regulations and ordinances.
- Contractor shall be licensed, fully insured and experienced in local construction codes regulations and ordinances.
- Contractor shall verify all site conditions and dimensions prior to commencement of work and ordering of materials. Any omissions or discrepancies, in any part, of the construction documents shall be reported to Engineer of Record prior to commencement of work.
 - Written dimensions take precedence. Do not scale drawings.
 - All dimensions are to face of finish, unless otherwise noted.
- Work shall be done in accordance with plans stamped by Department of Building Inspection. Owner and Engineer of Record shall be notified immediately in writing if different solutions are necessary. Failure to do so shall put entire responsibility onto contractor.
- Contractor shall be solely responsible for safety of people and property on project site.
- Contractor shall be responsible for repairing, at His/Her own expense, any damages to public or private property that is caused by His/Her own work.
- In the event of conflict between Drawings and Specifications, Specifications shall govern. Detail drawings shall take precedent over drawings of smaller scales (i.e. details govern of plans).
- All partitions are to be braced in accordance with seismic code requirements.
- All construction and demolition shall be conducted in a manner which provides protection of pedestrians and shall comply with the requirements of California Building Code.
- Construction shall not block means of egress.

PROTECTION AND FOUNDATION NOTES

- Contractor shall protect all areas (including new and existing materials and finishes) which may be damaged as a result of construction, demolition, dust, water, etc. and shall provide and maintain temporary barricades, closure walls, etc.
 - Damages to new and existing materials or finishes shall be replaced at cost by General Contractor.
- If damages or deterioration exist prior to commencement of construction pertaining to foundations of building within extent of work Contractor shall contact Engineer of Record.
- All exterior doors and windows shall be weather stripped per Title 24.

ROOF FIRE-RESISTANCE NOTES

- The entire span of the roof/ceiling framing elements shall be of not less than 1-hour fire-resistance-rated construction.
- Openings in the roof shall not be located within 5' of the 1-hour fire-resistance-rated exterior wall, measured from the interior of the wall.
- The entire building shall be provided with Class B or greater roof covering.

PLAN LAYOUTS

This building underwent a major renovation and addition that was stopped mid-construction because the permit was revoked by the City. To clarify plans have been provided for three different conditions:

PRE-EXISTING (PRE-2004): State of the building that existed pre-2004

EXISTING: Current state of the building that has existed since construction of a major renovation and addition under PA 2004-1216-1565 was revoked due to a five year moratorium placed on the building starting April 11th 2007.

PROPOSED: Proposed plans for this permit.

WALL LEGEND

- PROPERTY LINES
- (E) WALLS - NO CHANGE
- - - DEMO LAYER: WALLS, STAIRS, WINDOWS
- █ PRE-EXISTING 2004 WALLS TO REMAIN
- ▨ (N) EXTERIOR WALLS
- ▨ (N) EXTERIOR 1-HR FIRE RATED WALLS
- ▨ (N) 1 HR INTERIOR WALLS
- ▨ (N) INTERIOR WALLS

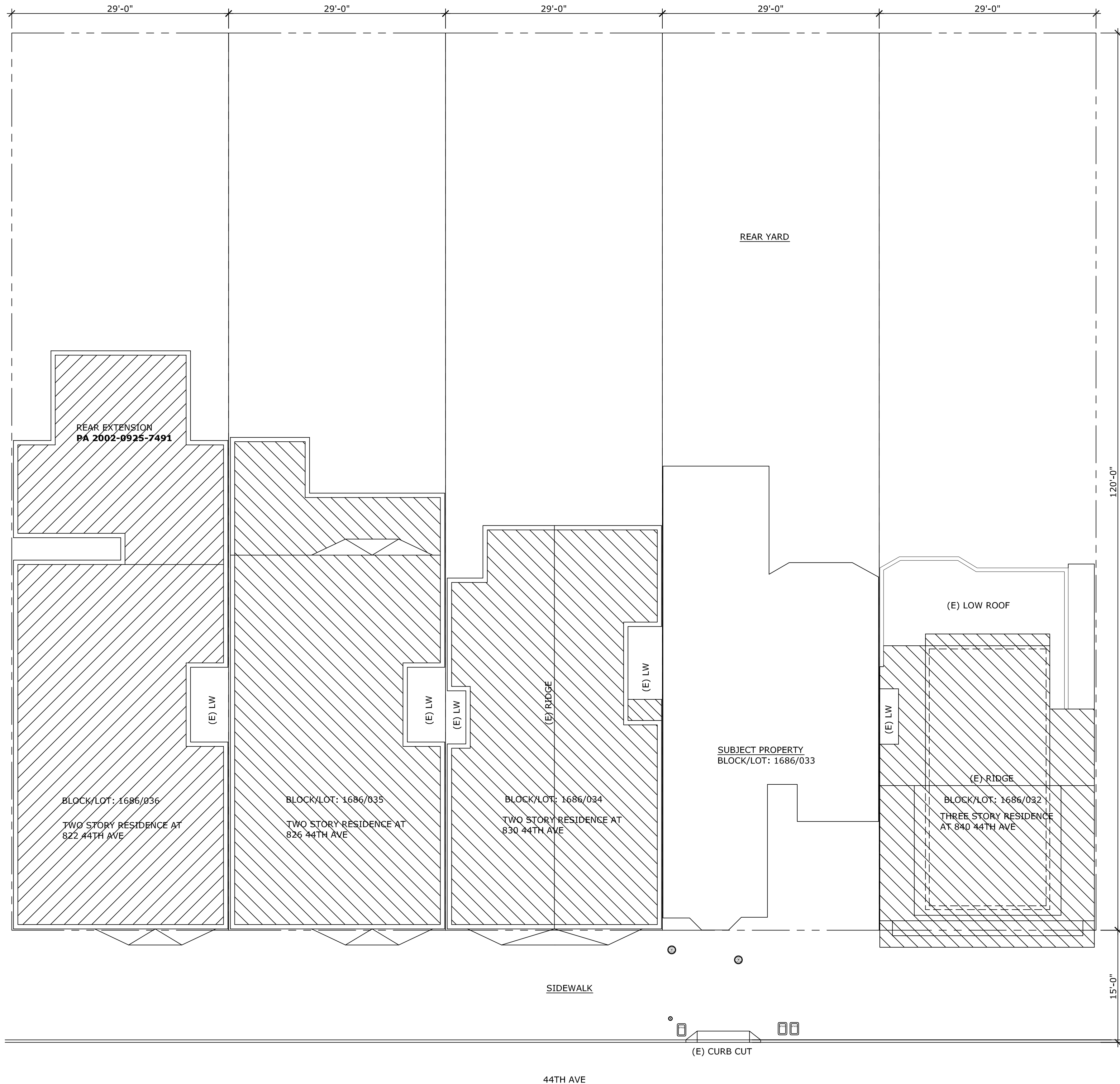
- C A6.0
- B A6.0
- F A6.0
- E A6.0
- A A6.0

NOTES:

- DIMENSIONS ARE APPROXIMATE. V.I.F
- EXISTING FLOOR AND SHEATHING TO REMAIN. EXCEPT TO
 - ALLOW FOR NEW STAIR
 - WOOD ROT OR 3RD FLOOR DECK

- FOR STAIR TREAD, HAND AND GAURD RAIL SEE DETAILS.

- L A6.0
- H A6.0
- D A6.0



1 Pre-Existing (Pre-2004) Site Plan SCALE: 1/8"=1'-0" NORTH

PLANS HAVE SIGNIFICANTLY CHANGED FROM SUBMITTED SET. REVISED PERMIT SET 10-29-2013

INTERIOR DESIGN HAS SIGNIFICANTLY CHANGED FROM SUBMITTED SET. EXTERIOR CHANGES ARE HIGHLIGHTED W/ REVISION CLOUDS.

GOVERNING CODES ('Code')

- Building: 2010 California Building Code
- Mechanical: 2010 California Mechanical Code
- Plumbing: 2010 California Plumbing Code
- Electrical: 2010 California Electrical Code
- Energy: 2010 California Energy Code
- Fire: 2010 California Fire Code

ALL CODES TO INCLUDE SF AMENDMENTS

PROJECT DIRECTORY

Owner
Ralph Dayan
331 31st Ave
San Francisco, CA 94121
Phone: (415) 386-2072
e-mail: drlmike415@gmail.com

Engineer of Record
Daniel Barringer, PE
BEAR DESIGN
2190 Bush Street
San Francisco, CA 94115
(415) 863-8900 Business
(415) 946-3345 Fax

BUILDING DATA

843 44TH AVE
San Francisco, CA 94121
Block/ Lot: 1686 / 033
Lot Area: 3,480sf

ZONING CODE: RH-2
OCCUPANCY: R-3
EXISTING USE: SINGLE FAMILY
PROPOSED USE: TWO-UNIT DWELLING

TYPE OF CONSTRUCTION: V-B

YEAR BUILT: 1920

SPRINKLERS: TO BE ADDED UNDER DEFERRED SUBMITTAL SYSTEM: NFPA13R AREA: THROUGHOUT ENTIRE BUILDING.

AREA CALCULATIONS

ITEM	As-Built	Retained	Net New	Total
Residential	1958sf	1958sf	2476sf	4434sf
Parking	620sf	620sf	50sf	670sf
Total	2578sf	2578sf	2526sf	5104sf
Dwelling Units	1	1	1	2
Parking spaces	1	1	1	2
# Buildings	1	1	0	1
Building Height	22'-0"	22'-0"	12'-8"	35'-9 1/4"
# Stories	2	2	1	3
Building Depth	60'-5"	60'-5"	5'-5"	65'-10"

SCOPE OF WORK

Convert two-story single family home into a three-story two unit building with two offstreet parking.

SHEET INDEX

- A1.0 PRE-EXISTING (PRE-2004) SITE PLAN
- A1.1 EXISTING SITE PLAN
- A1.2 PROPOSED SITE PLAN
- A2.1 1st FLOOR PLANS
- A2.2 2nd FLOOR PLANS
- A2.3 3rd FLOOR PLANS
- A3.1 ELEVATIONS
- A3.2 SIDE ELEVATIONS
- A4.1 SECTIONS
- A4.2 SECTIONS
- A4.3 SECTIONS
- A5.0 SCHEDULES
- A6.0 ARCHITECTURAL DETAILS
- S0.1 GENERAL NOTES ABBREVIATIONS
- S0.2 TYPICAL CONCRETE DETAILS
- S0.3 TYPICAL WOOD & STREET DETAILS
- S0.4 TYPICAL SHEAR WALL DETAILS
- S0.5 TYPICAL HOLDDOWN DETAILS
- S2.1 FOUNDATION/ FIRST FLOOR/ SECOND FLOOR PLAN
- S2.2 THIRD FLOOR PLAN ROOF PLAN
- S5.1 DETAILS
- S5.2 DETAILS
- M2.1 NOTES & FIRST FLOOR PLAN
- M2.2 SECOND & THIRD FLOOR PLAN
- T24.1
- T24.2

EXHIBIT A

ENGINEER

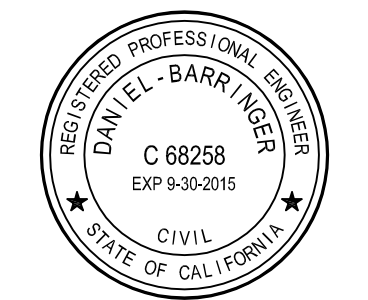


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PROJECT

Vertical & Horizontal Addition
834 44th Ave.
San Francisco, CA 94121
Block / Lot: 1686 / 033
Owner: Ralph Dayan

PROJECT NO. 2421



8-21-2014 ADDENDUM SUBMITTAL

5-8-2014 BUILDING REVISION

1-22-2014 PLANNING REVISION

12-11-2013 PLANNING REVISION

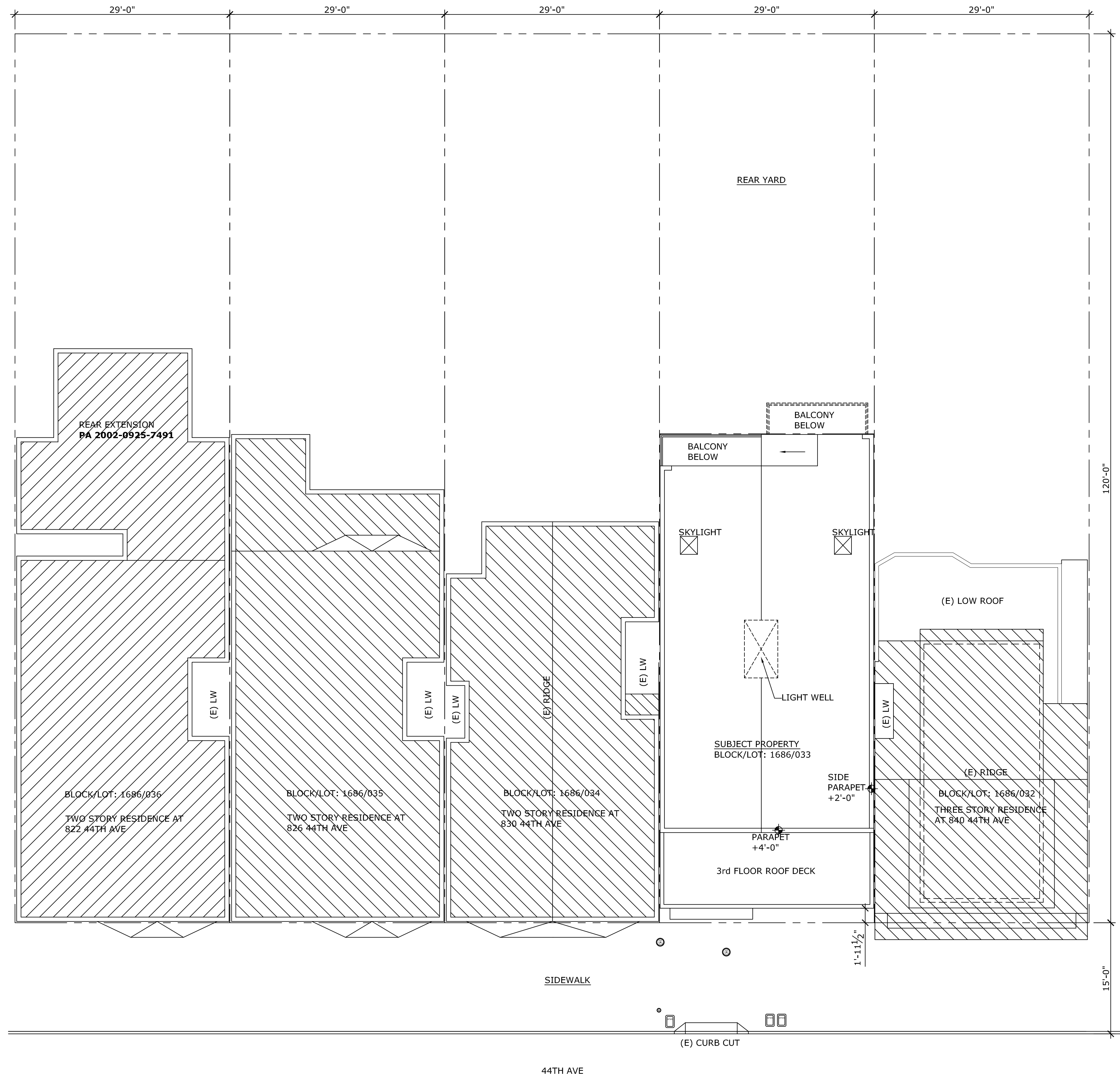
10-30-2013 PLANNING REVISION

02-25-2013 PERMIT SUBMITTAL

PRE-EXISTING (PRE-2004) SITE PLAN

SHEET NUMBER

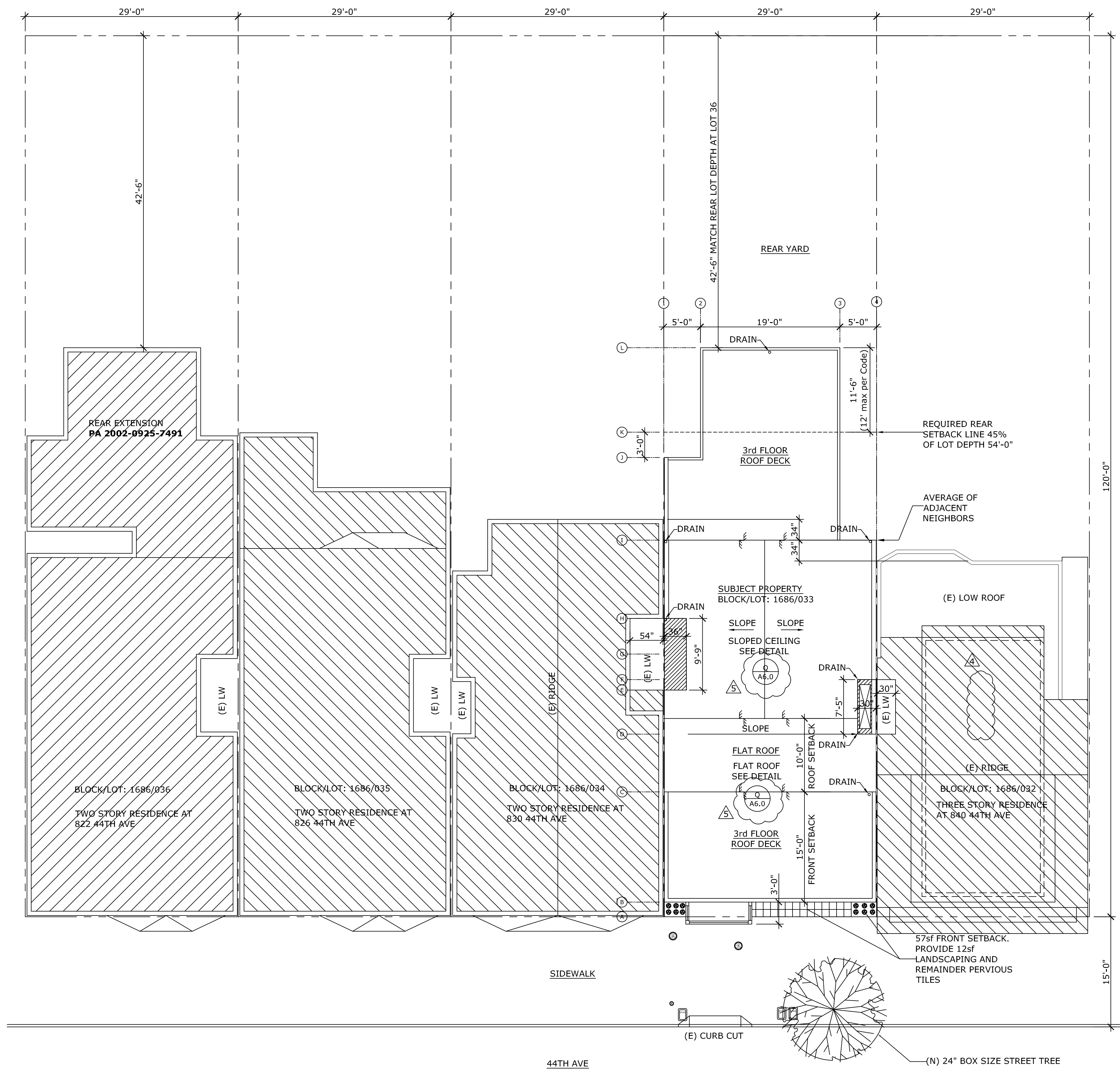
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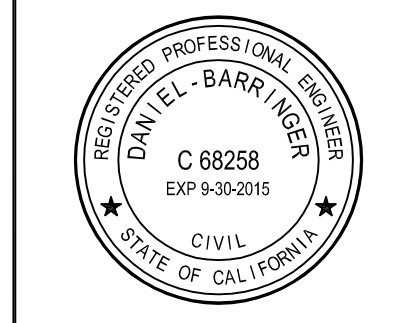
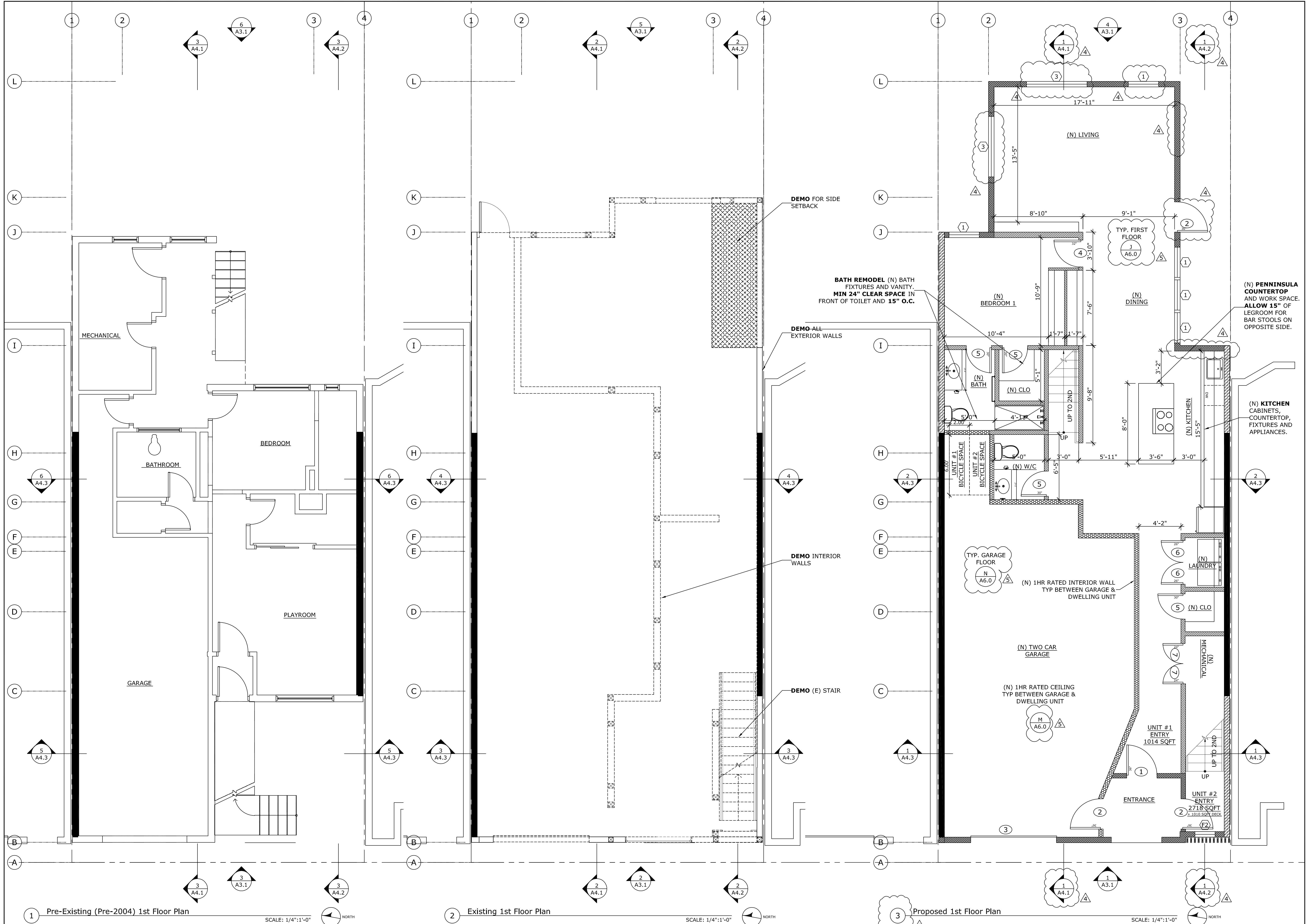
1 Existing Site Plan

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

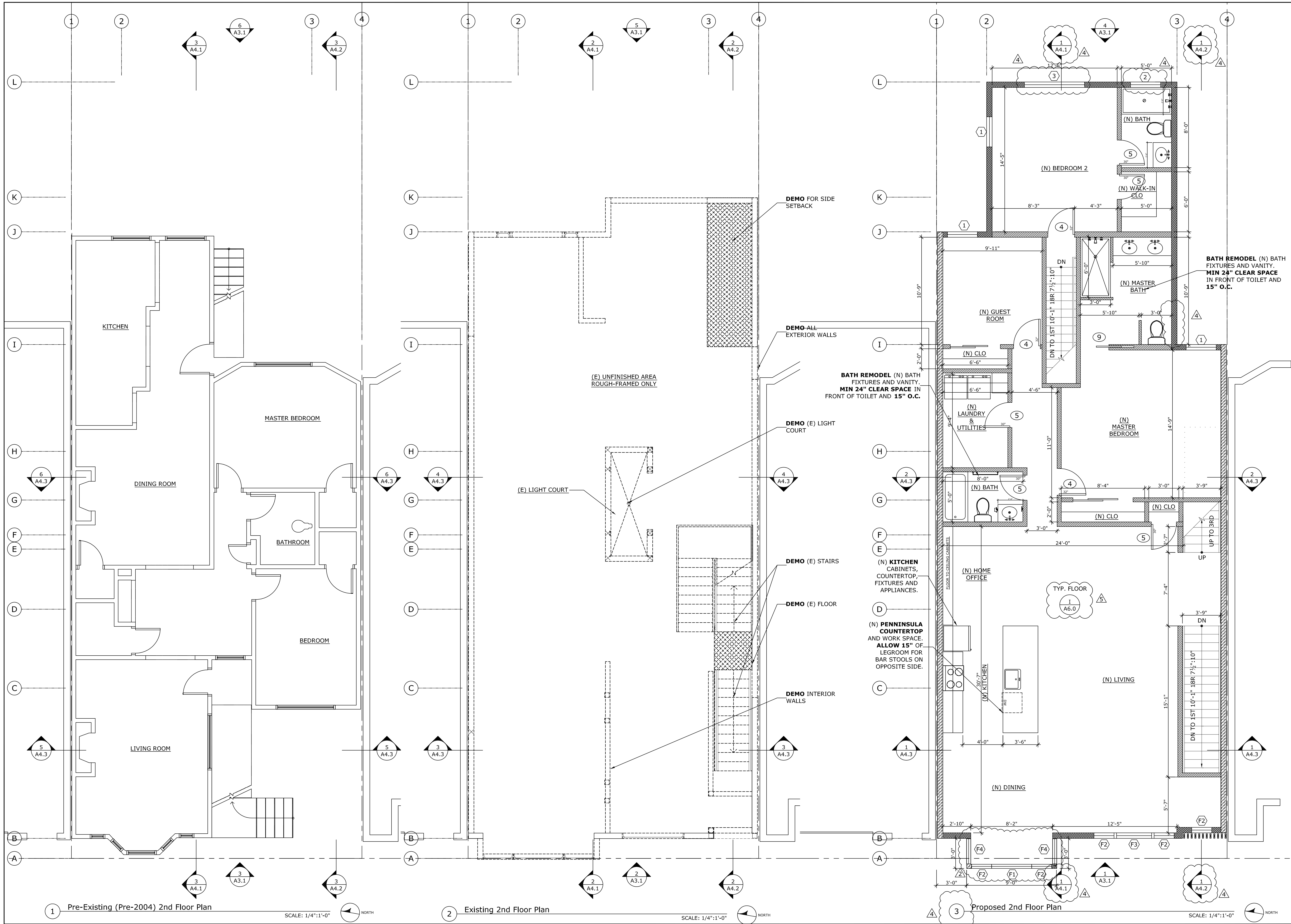
NORTH



1 Proposed Site Plan SCALE: 1/8"=1'-0" NORTH



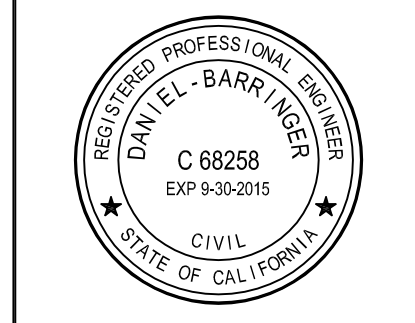
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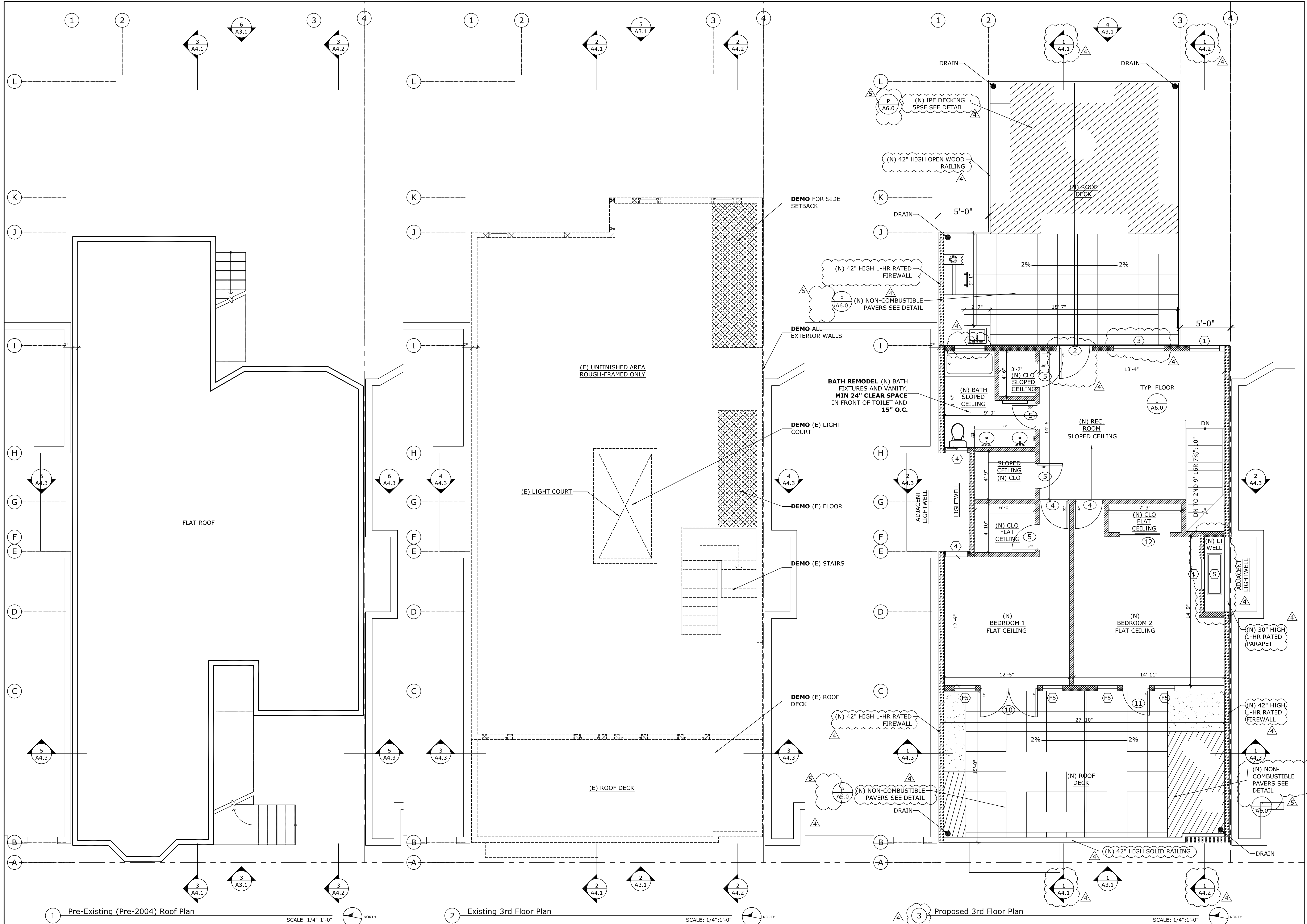
1 Pre-Existing (Pre-2004) 2nd Floor Plan
SCALE: 1/4"=1'-0" NORTH

2 Existing 2nd Floor Plan
SCALE: 1/4"=1'-0" NORTH

3 Proposed 2nd Floor Plan
SCALE: 1/4"=1'-0" NORTH



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ENGINEER

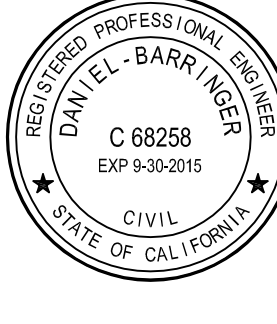


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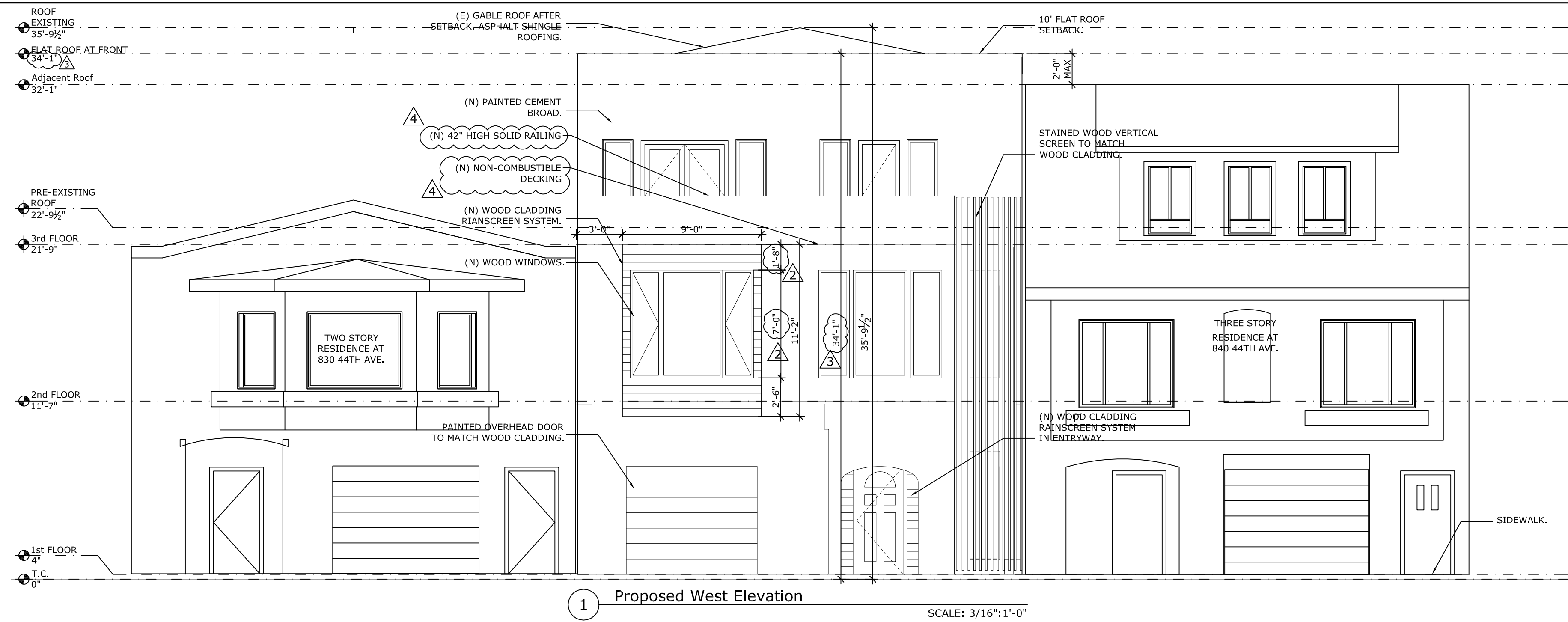


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3rd Floor Plans

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A2.3



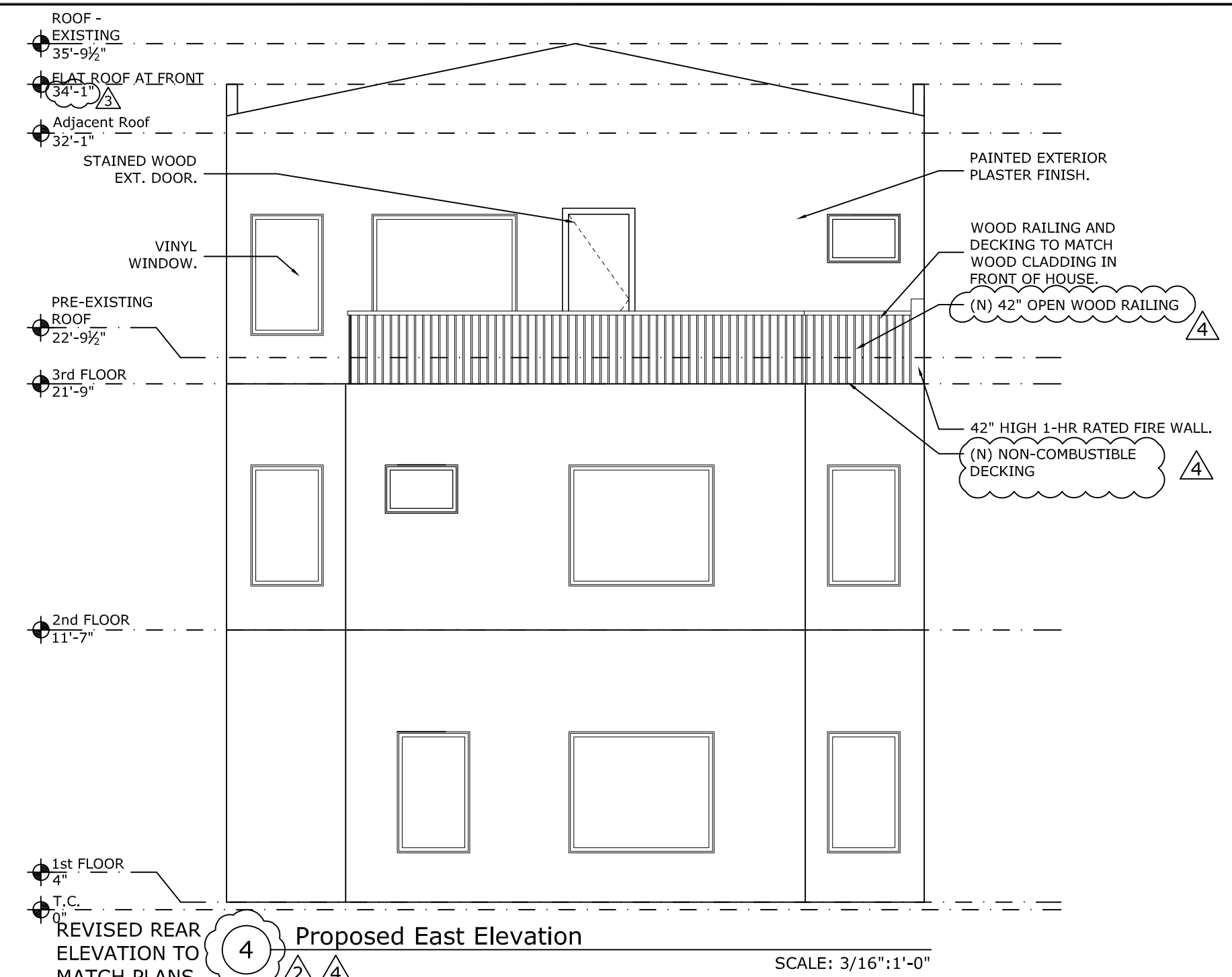
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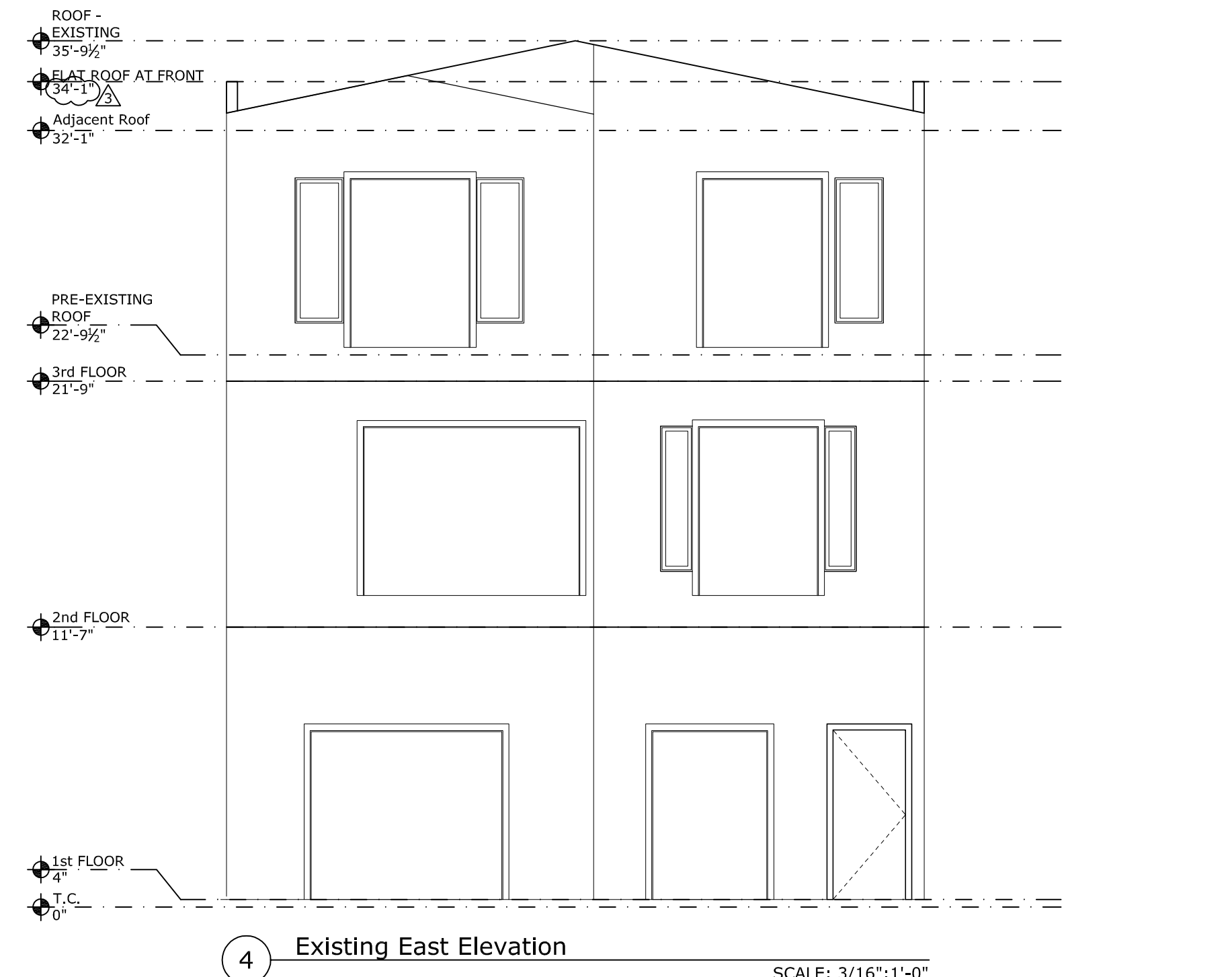
2 Existing West Elevation SCALE: 3/16":1'-0"



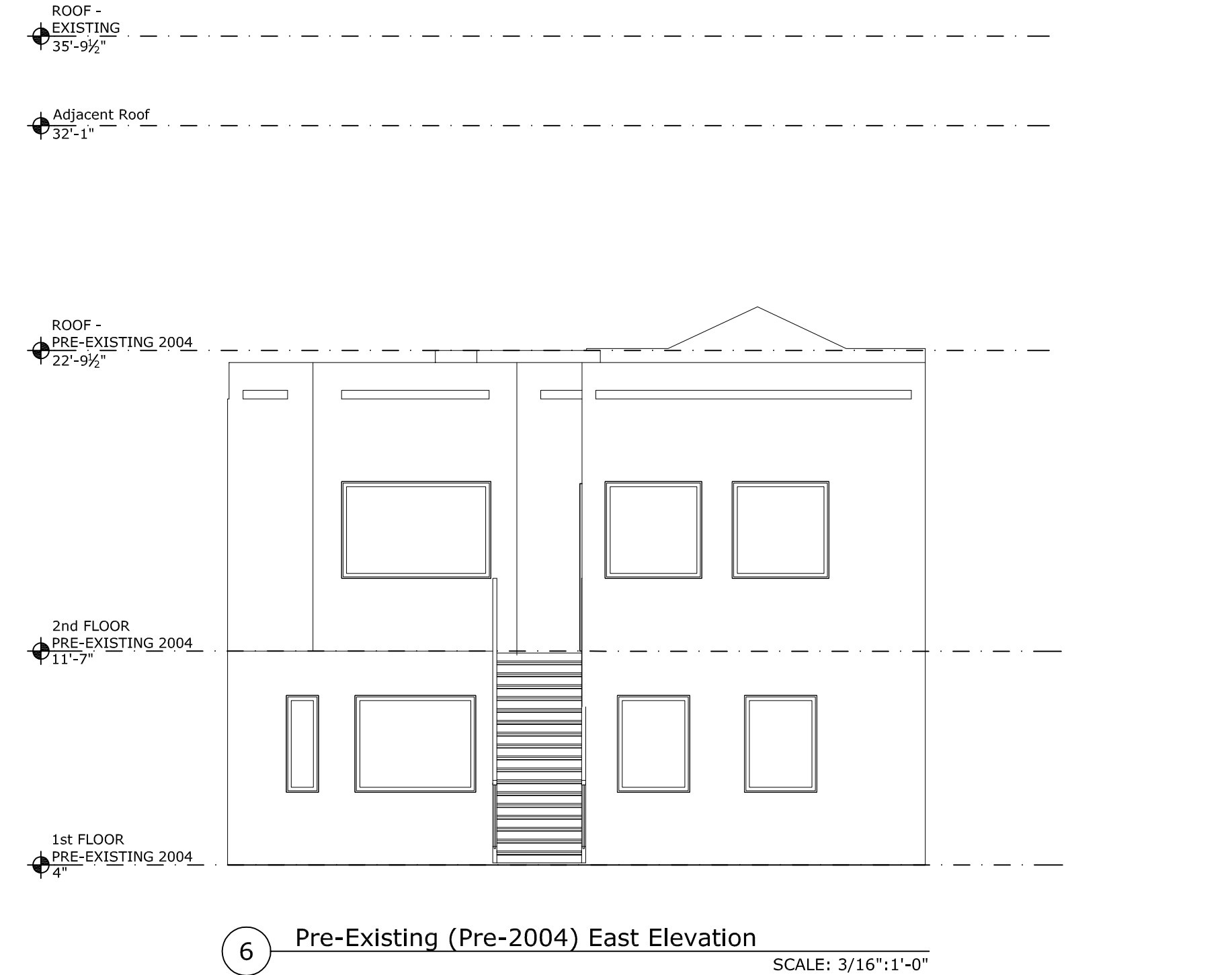
3 Pre-Existing (Pre-2004) West Elevation SCALE: 3/16":1'-0"



4 Proposed East Elevation SCALE: 3/16":1'-0"



4 Existing East Elevation SCALE: 3/16":1'-0"



6 Pre-Existing (Pre-2004) East Elevation SCALE: 3/16":1'-0"

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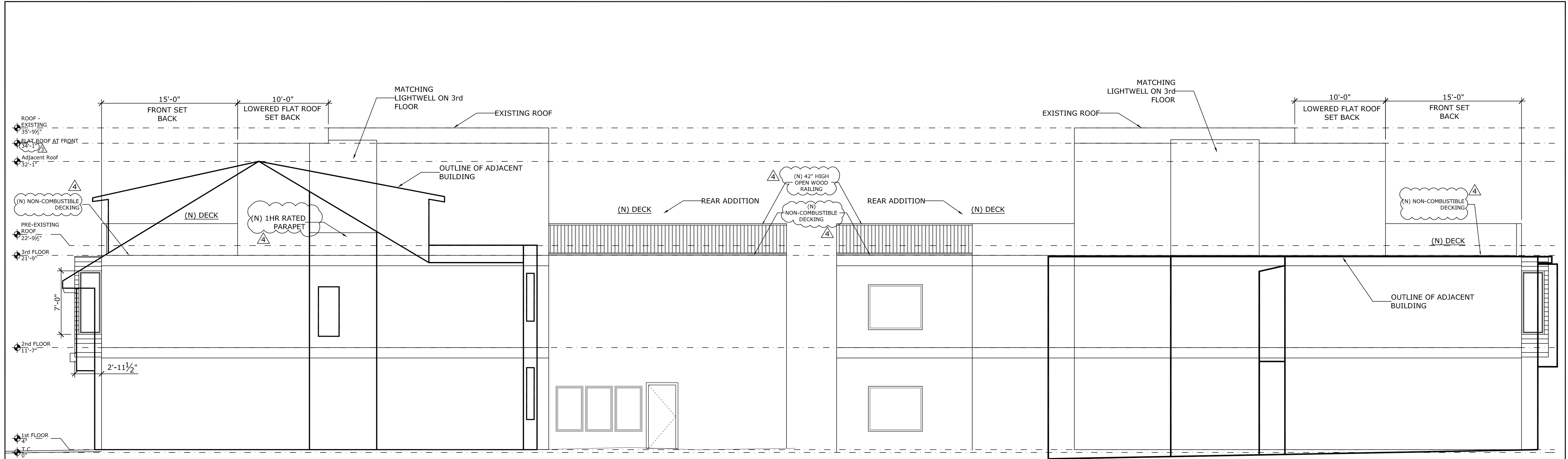
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Elevations

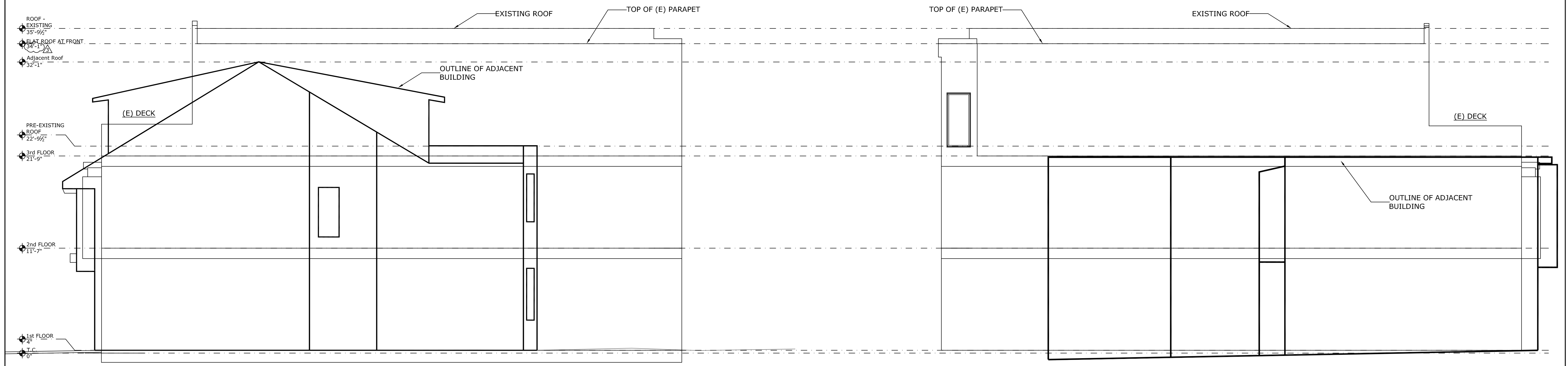
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A3.1



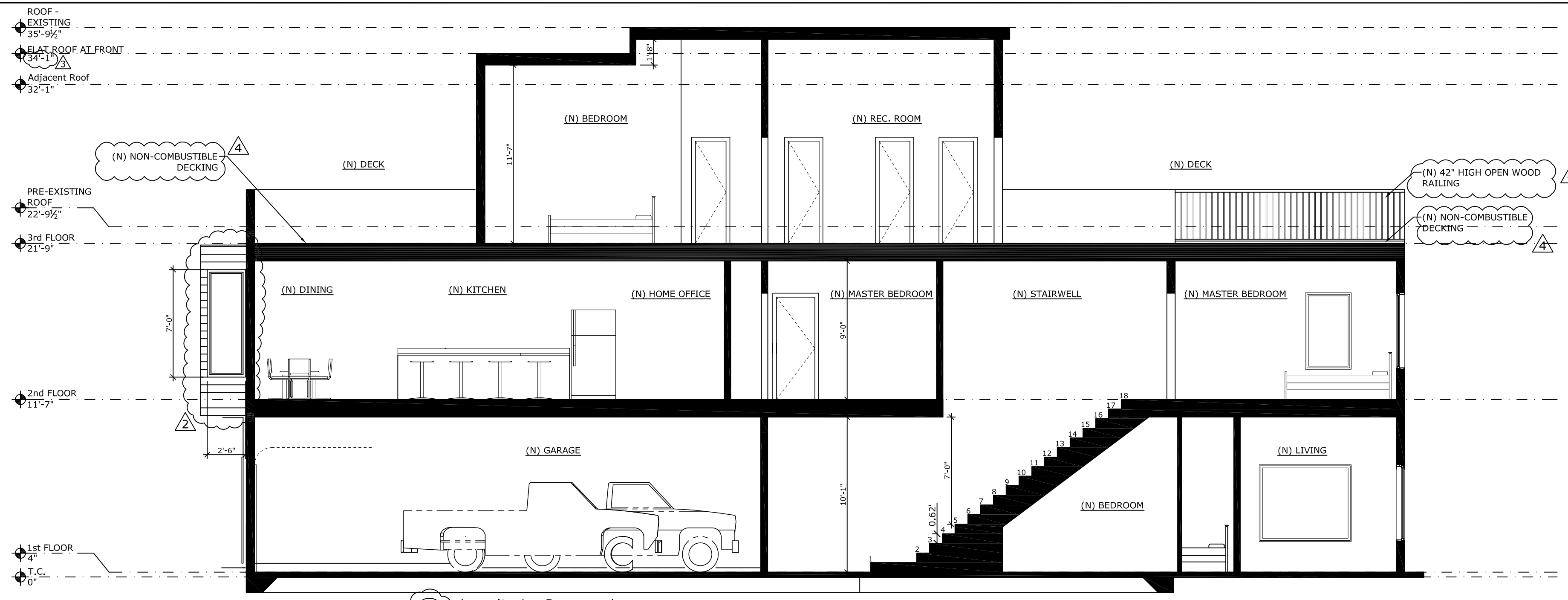
1 Proposed South Elevation
 REVISED SIDE ELEVATION TO MATCH PLANS
 SCALE: 3/16":1'-0"

3 Proposed North Elevation
 REVISED SIDE ELEVATION TO MATCH PLANS
 SCALE: 3/16":1'-0"

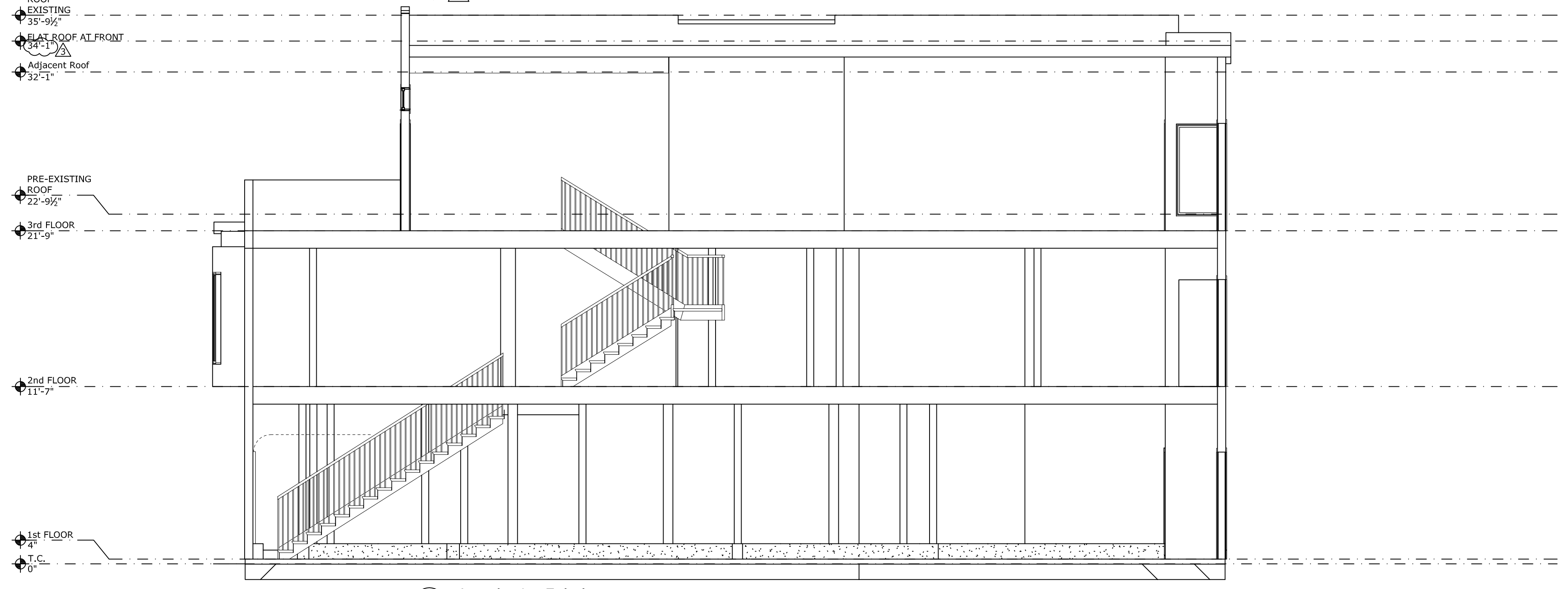


2 Existing South Elevation
 SCALE: 3/16":1'-0"

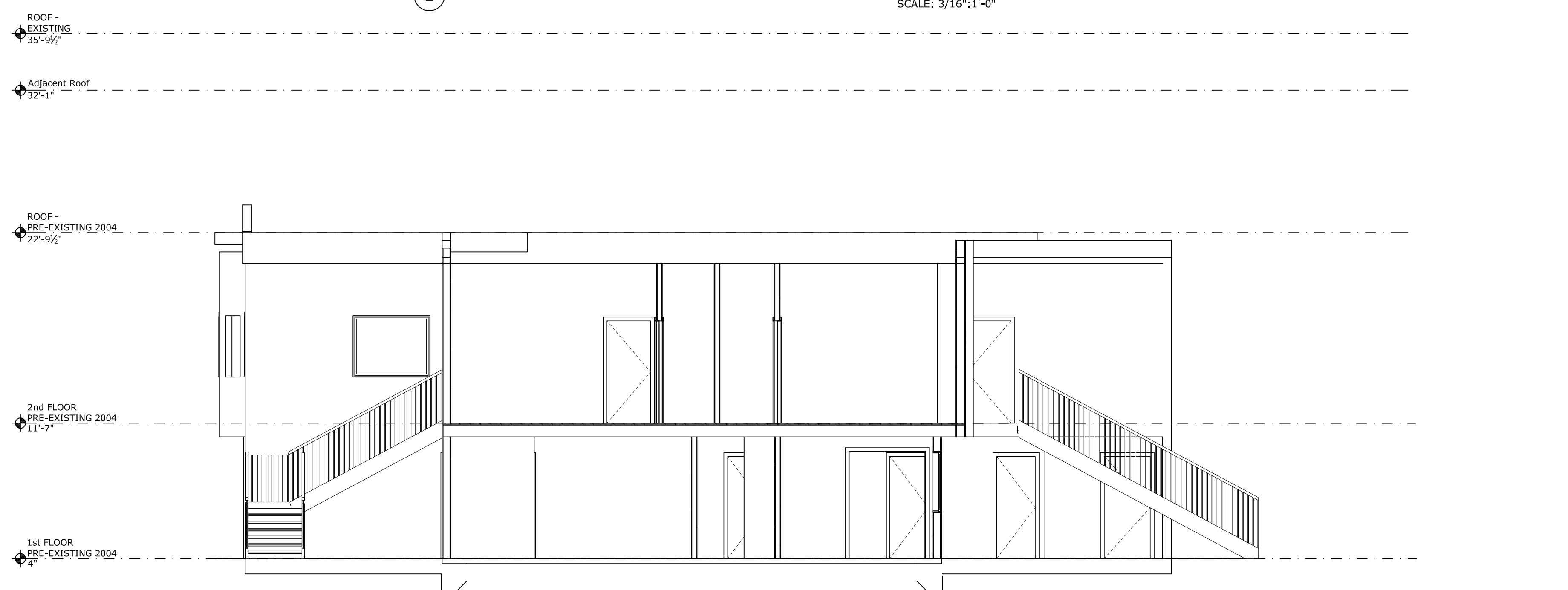
4 Existing North Elevation
 SCALE: 3/16":1'-0"



1 Longit. 1 - Proposed
 REVISÉ TO MATCH PLANS
 SCALE: 3/16"=1'-0"



2 Longit. 1 - Existing
 SCALE: 3/16"=1'-0"



3 Longit. 1 -Pre-Existing (Pre-2004)
 SCALE: 3/16"=1'-0"

ENGINEER

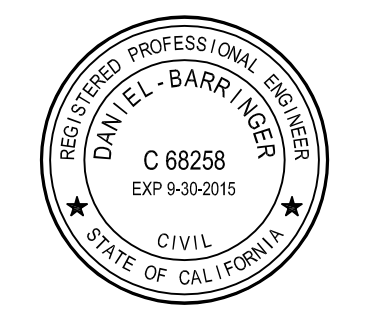


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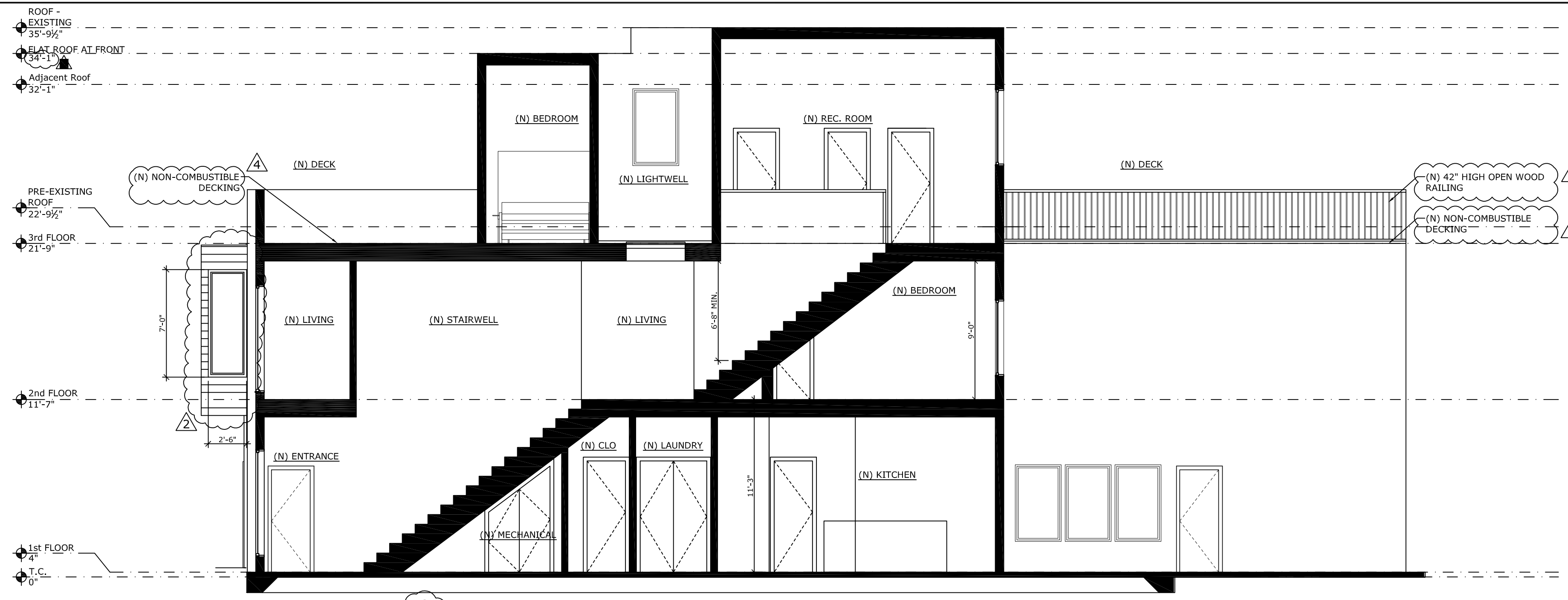


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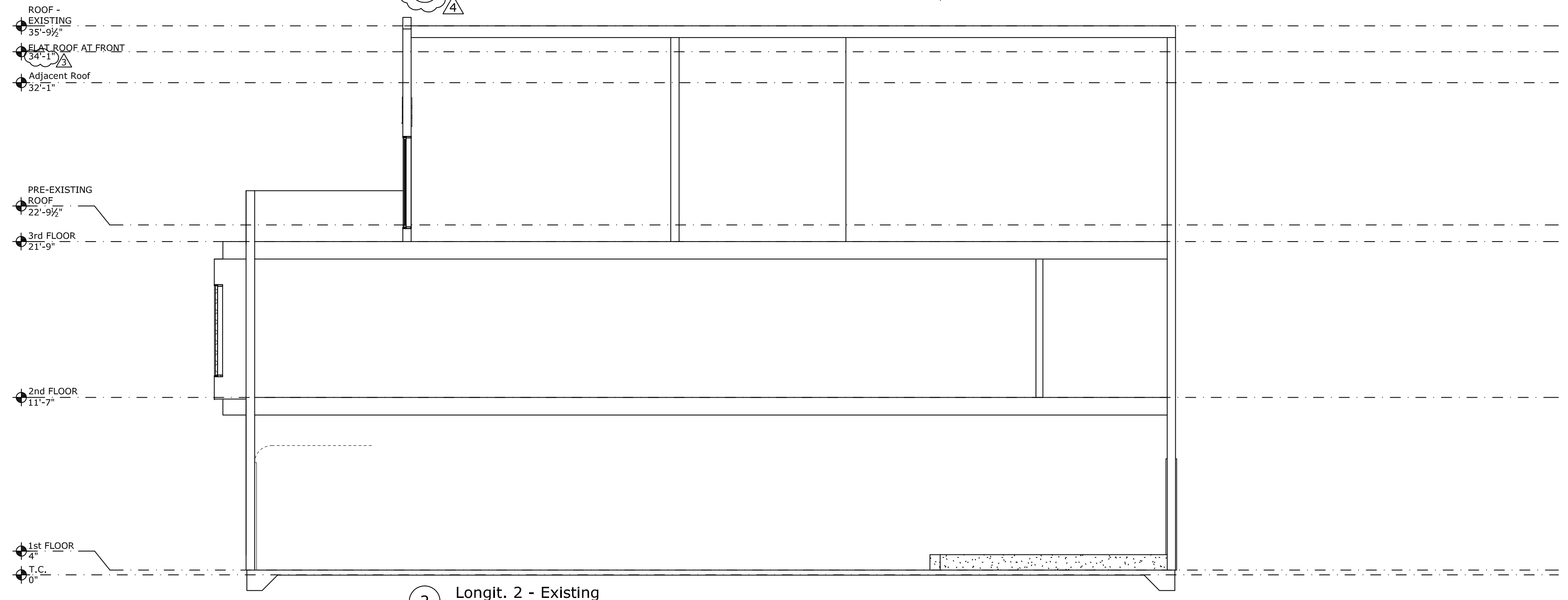
Sections

SHEET NUMBER

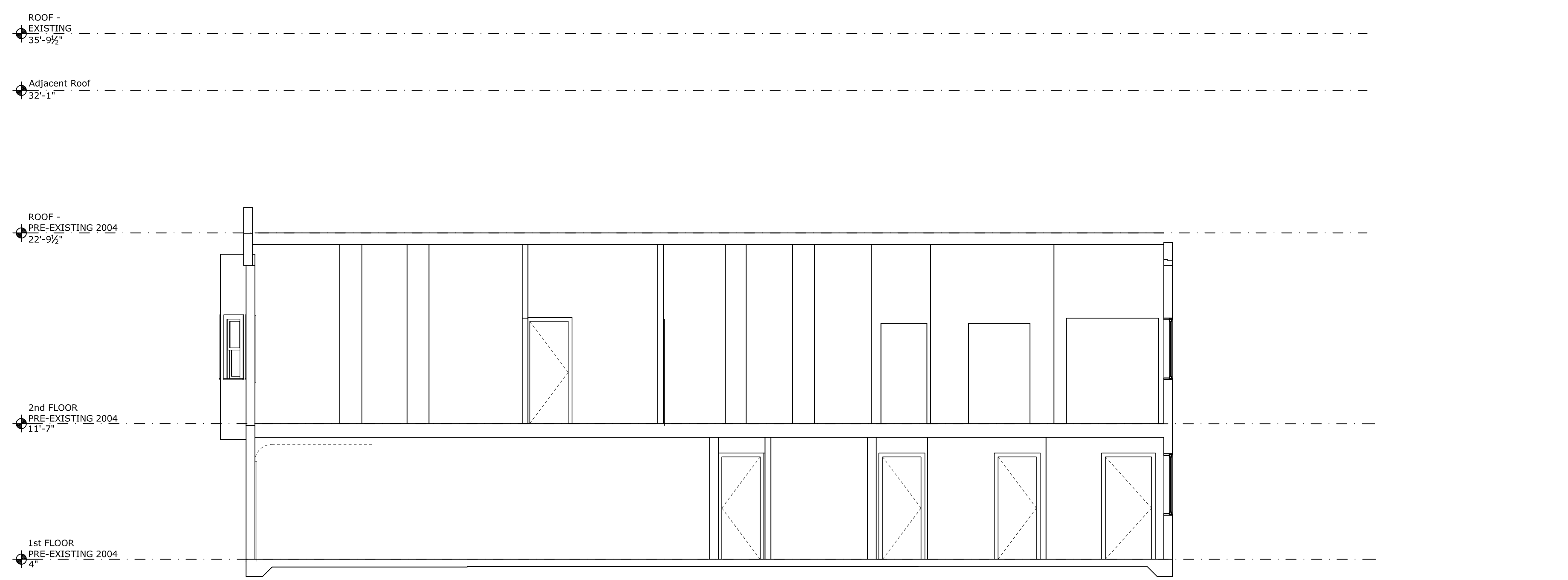
A4.1



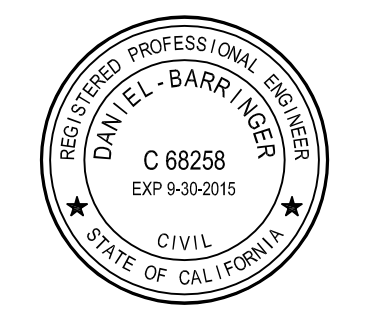
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 REVISIED TO MATCH PLANS
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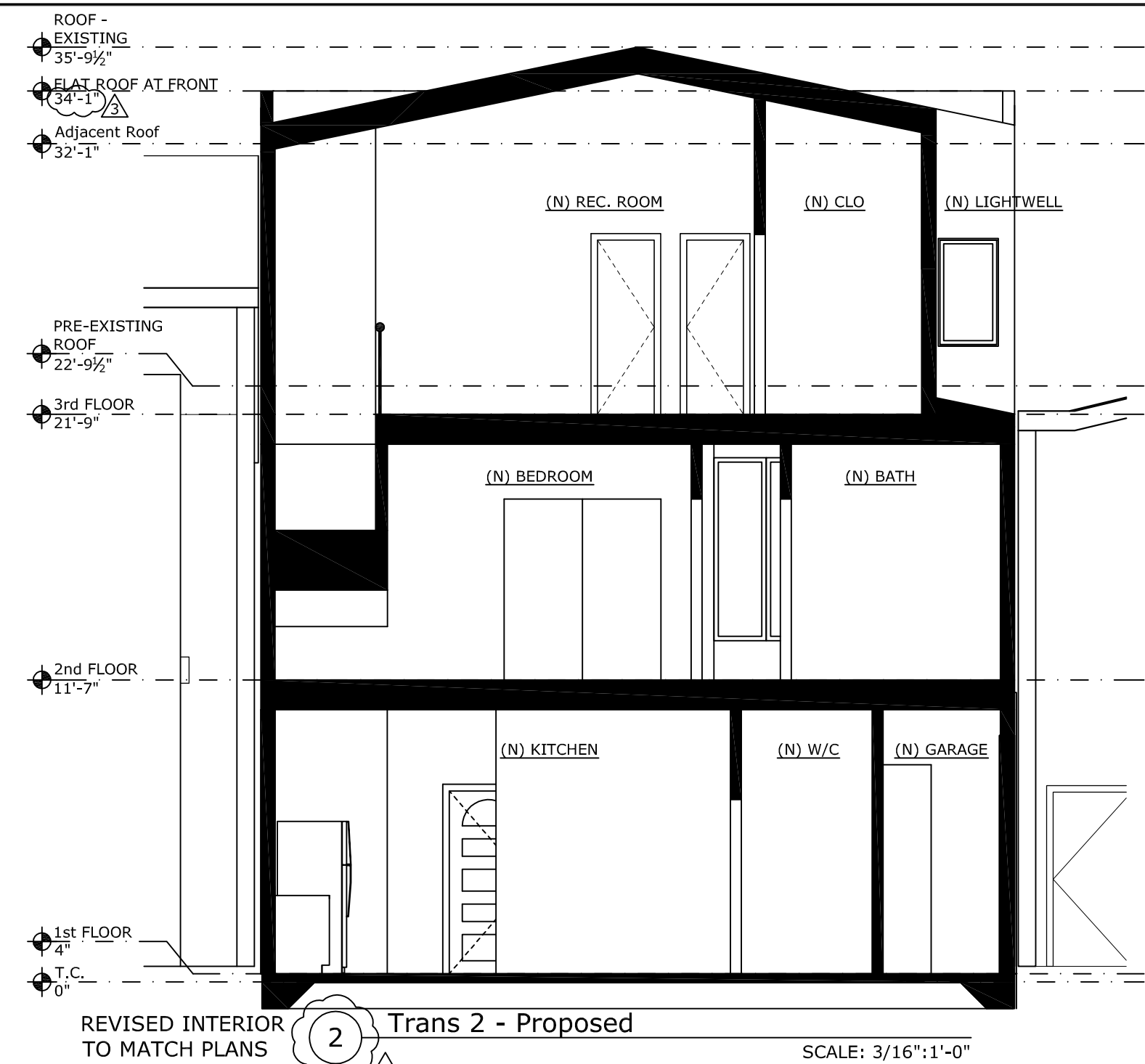
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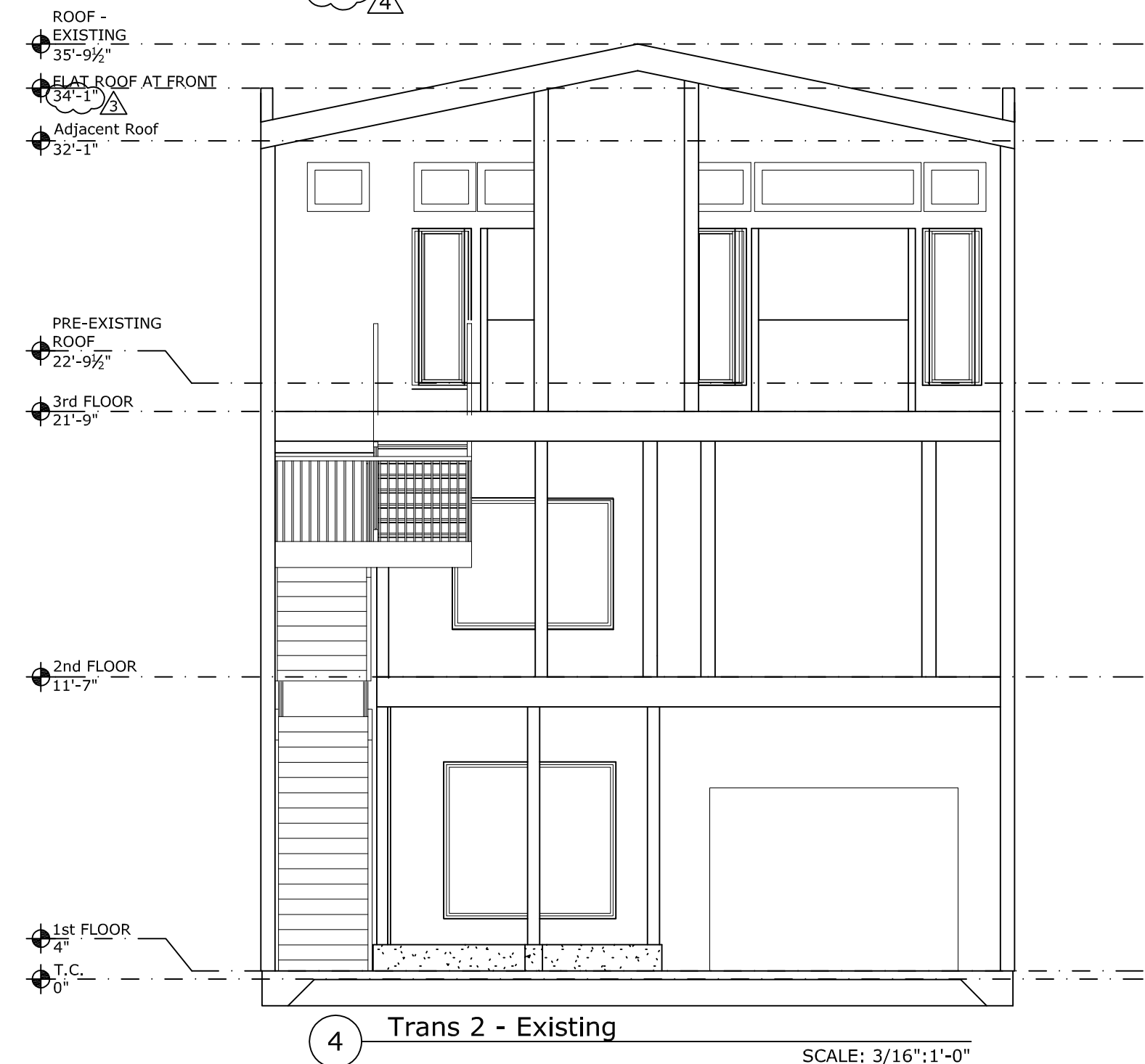
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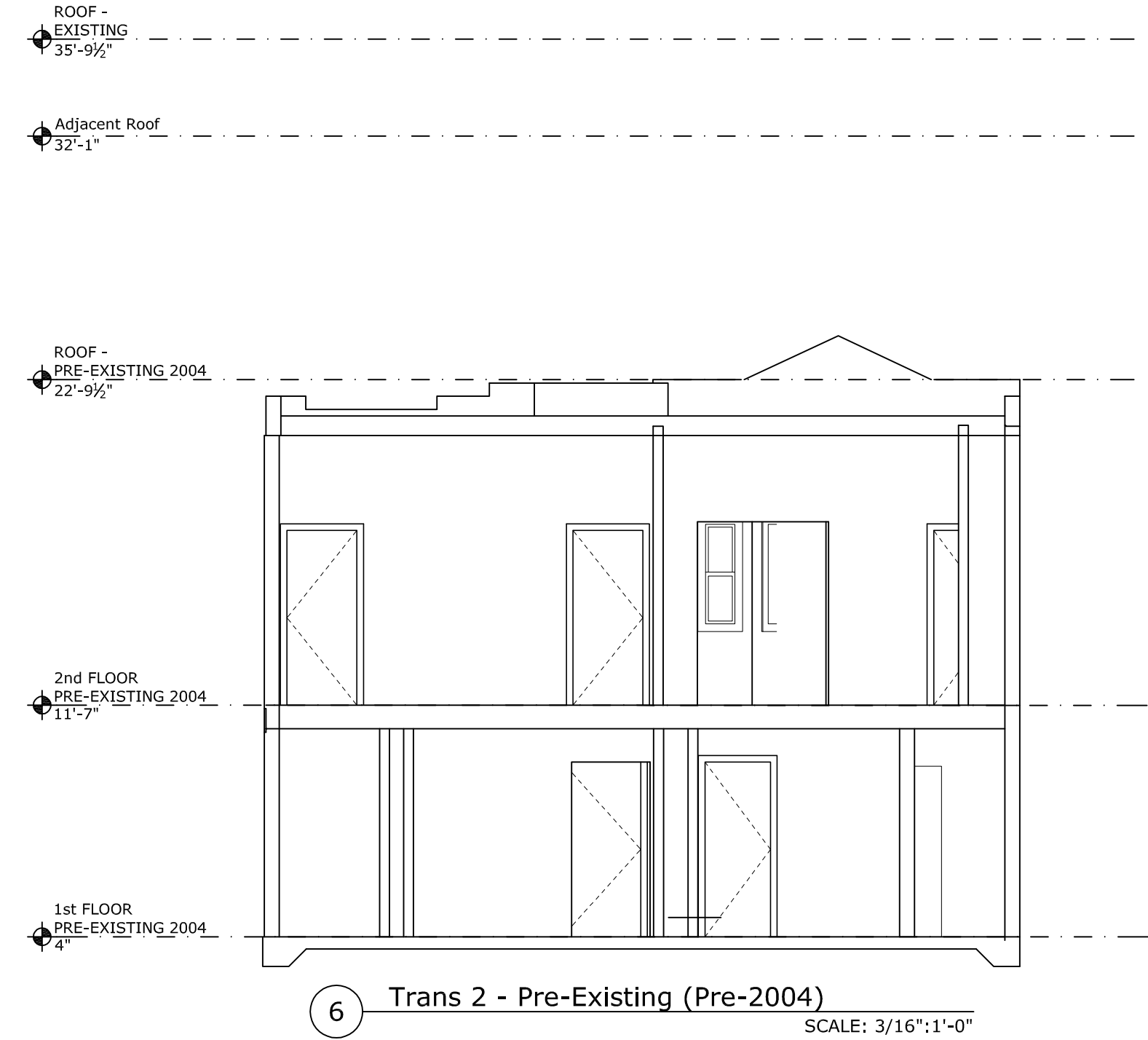
- 8-21-2014
ADDENDUM SUBMITTAL
- 5-8-2014
BUILDING REVISION
- 1-22-2014
PLANNING REVISION
- 12-11-2013
PLANNING REVISION
- 10-30-2013
PLANNING REVISION
- 02-25-2013
PERMIT SUBMITTAL



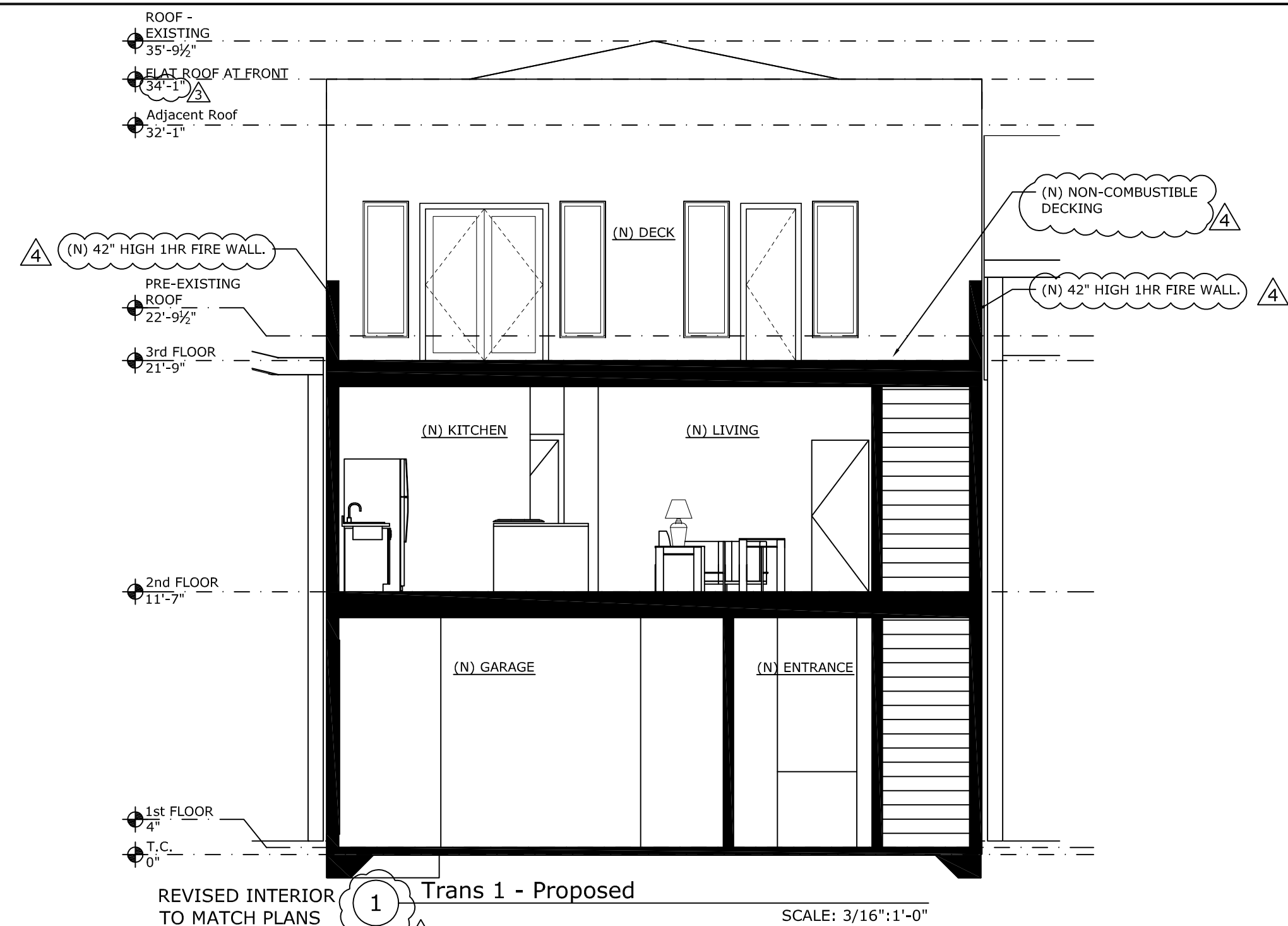
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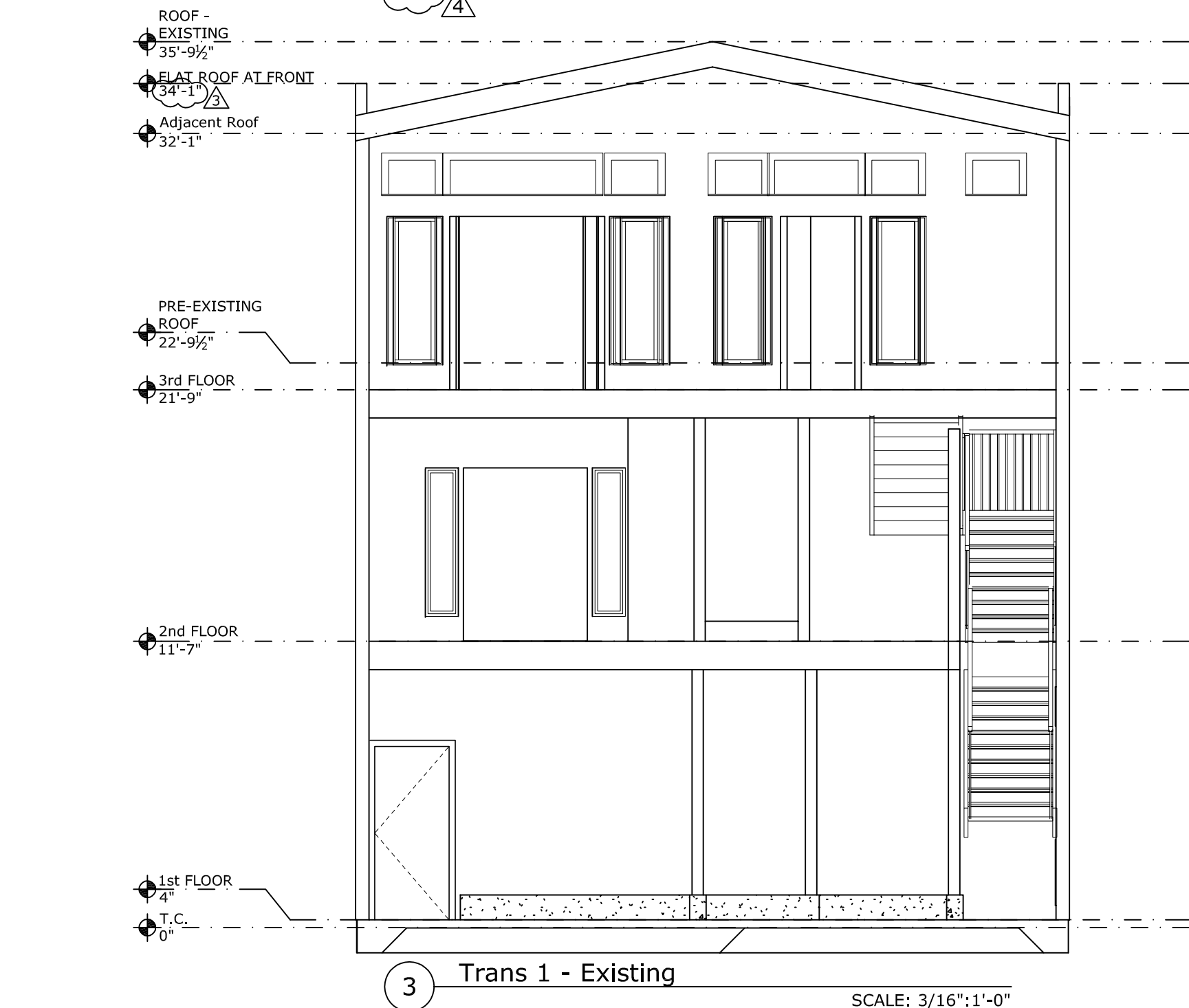
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SCALE: 3/16"=1'-0"



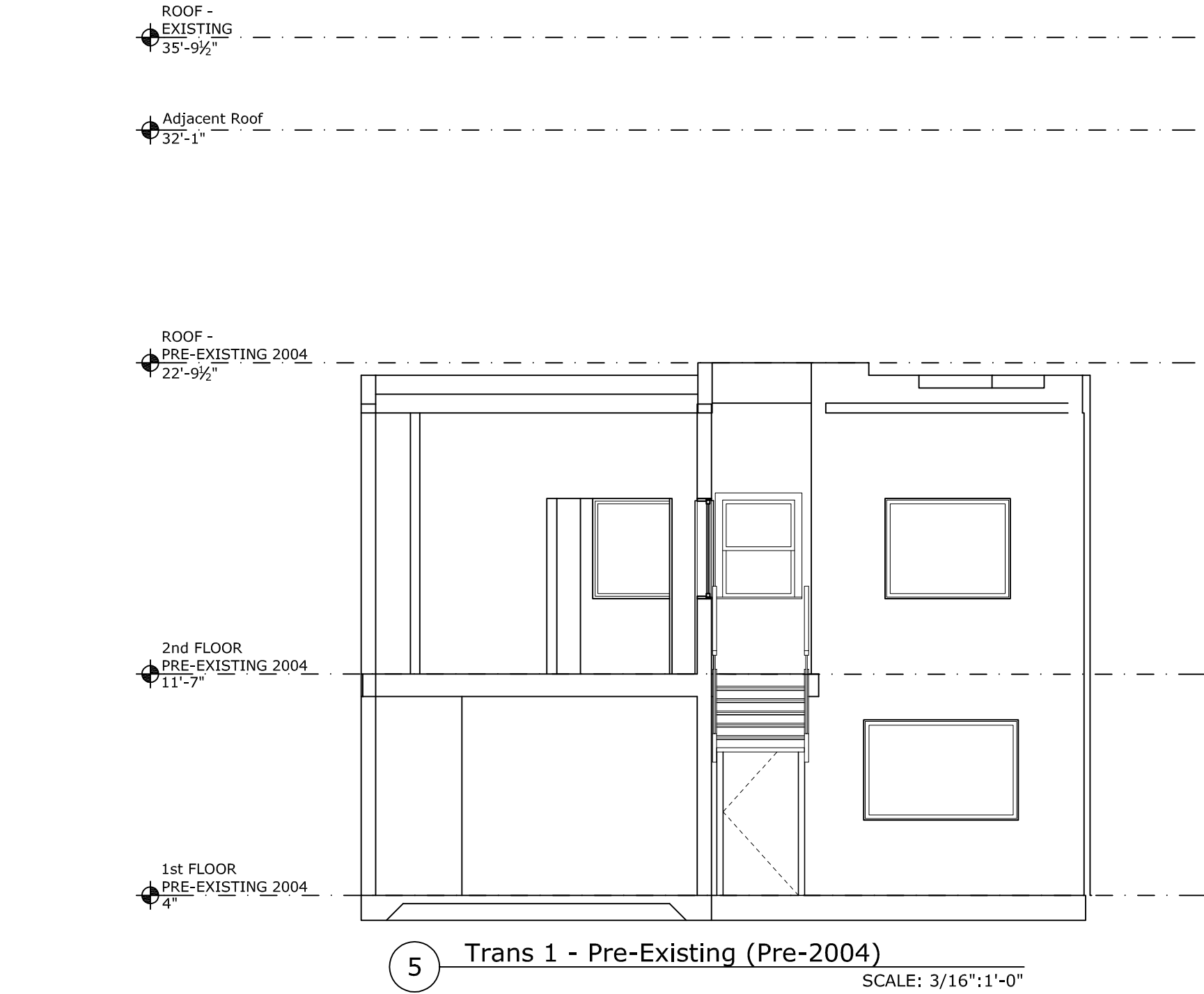
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SCALE: 3/16"=1'-0"



1 Trans 1 - Proposed
SCALE: 3/16"=1'-0"



3 Trans 1 - Existing
SCALE: 3/16"=1'-0"



5 Trans 1 - Pre-Existing (Pre-2004)
SCALE: 3/16"=1'-0"

REVISED GABLE ROOF SLOPE AND LAYOUT OF SECTIONS

ENGINEER

BEAR DESIGN
2190 Bush Street
San Francisco, CA 94115
(415) 863-8900 Business
(415) 946-3345 Fax

PROJECT

Vertical & Horizontal Addition
834 44th Ave.
San Francisco, CA 94121
Block / Lot: 1686 / 033
Owner: Ralph Dayan

PROJECT N^o 2421

- 8-21-2014 ADDENDUM SUBMITTAL
- 5-8-2014 BUILDING REVISION
- 1-22-2014 PLANNING REVISION
- 12-11-2013 PLANNING REVISION
- 10-30-2013 PLANNING REVISION
- 02-25-2013 PERMIT SUBMITTAL

Sections

SHEET NUMBER

A4.3

Door Schedule					
Count	Mark	Level	Family	Width	Head Height
1	①	1st Floor	Wood Single Decorative 2	3' - 0"	7' - 0"
3	②	1st Floor	Wood Single -Flush	3' - 0"	6' - 8"
1	③	1st Floor	Overhead-Sectional	9' - 6"	7' - 0"
1	④	1st Floor	Wood Single -Flush	2' - 8"	6' - 8"
4	⑤	1st Floor	Wood Single -Flush	2' - 6"	6' - 8"
2	⑥	1st Floor	Wood Lovure	2' - 6"	6' - 8"
2	⑦	1st Floor	Wood Lovure	2' - 4"	SLOPED

3	④	2nd Floor	Wood Single -Flush	2' - 8"	6' - 8"
6	⑤	2nd Floor	Wood Single -Flush	2' - 6"	6' - 8"
1	⑨	2nd Floor	Wood Pocket	2' - 6"	6' - 8"

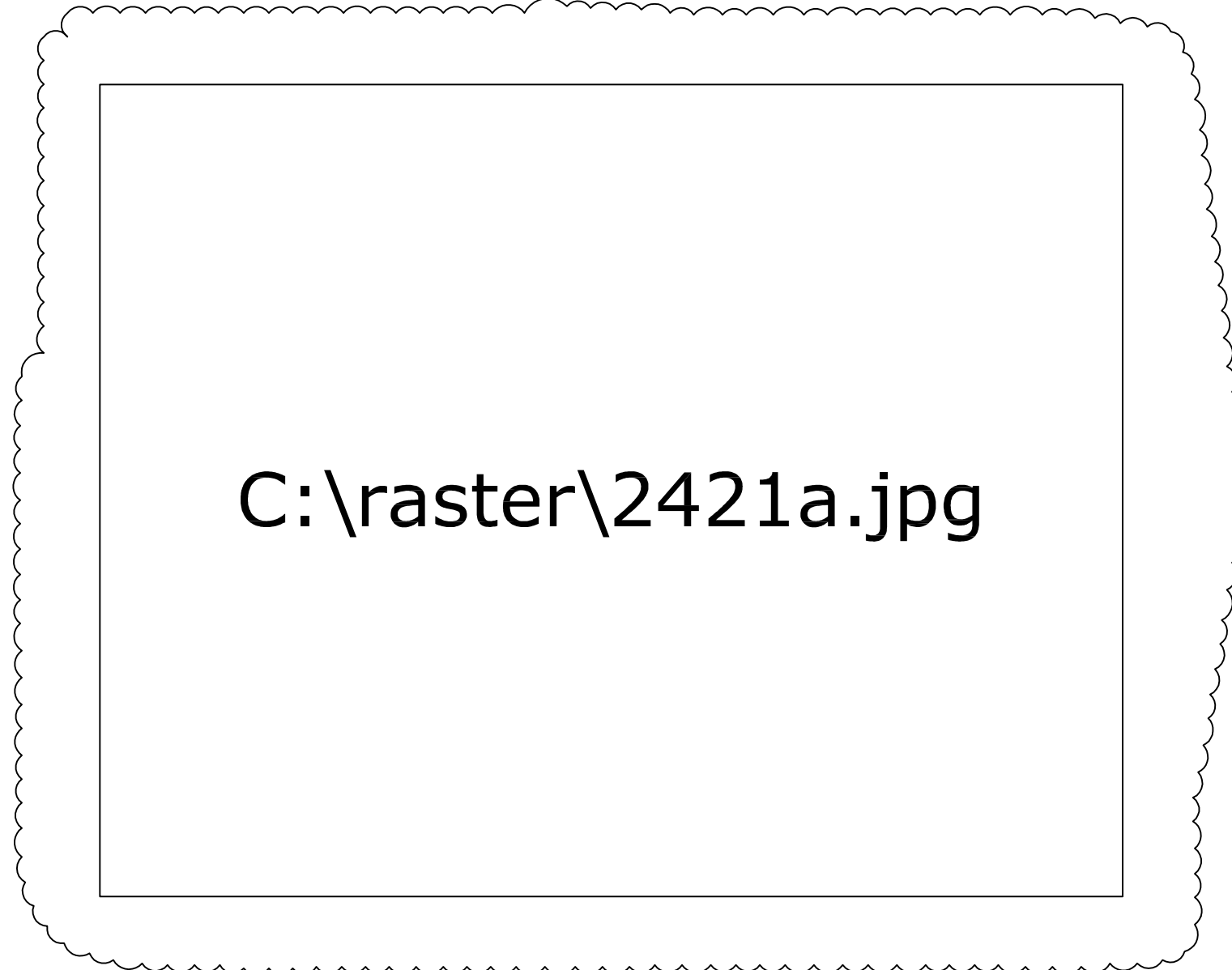
1	②	3rd Floor	Wood Single -Flush	3' - 0"	6' - 8"
2	④	3rd Floor	Wood Single -Flush	2' - 8"	6' - 8"
4	⑤	3rd Floor	Wood Single -Flush	2' - 6"	8' - 8"
1	⑩	3rd Floor	Wood Double -Glass 1	5' - 8"	6' - 8"
1	⑪	3rd Floor	Wood Double -Glass 1	2' - 8"	6' - 8"
1	⑫	3rd Floor	Wood Sliding-clo	5' - 0"	6' - 8"



Window Schedule - Front Facade					
Count	Mark	Level	Family	Width	Height
1	F1	2nd Floor	Wood Fixed	4' - 0"	7' - 0"
6	F2	2nd Floor	Wood Casement	2' - 0"	7' - 0"
1	F3	2nd Floor	Wood Fixed	3' - 6"	7' - 0"
2	F4	2nd Floor	Wood Fixed	2' - 6"	7' - 0"
4	F5	3rd Floor	Wood Casement	2' - 0"	6' - 0"

Window Schedule					
Count	Mark	Level	Family	Width	Height
10	①	1st Floor	Vinyl S-Hung	3' - 0"	5' - 0"
2	②	2nd Floor 3rd Floor	Vinyl Awning	3' - 0"	2' - 0"
4	③	1st - 3rd Floor	Vinyl Fixed	6' - 0"	5' - 0"
2	④	3rd Floor	Vinyl Casement	2' - 2"	4' - 0"
1	⑤	Light Well	Velux Fixed Skylight	1' - 2"	3' - 10"

ALL WINDOWS HAVE A U FACTOR OF < 0.4



ENGINEER

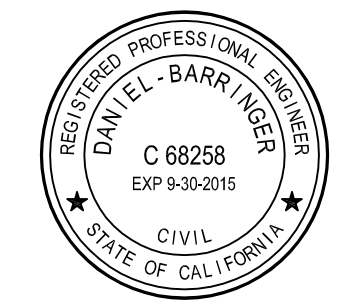


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Vertical & Horizontal Addition
834 44th Ave.
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PROJECT N^o 2421



8-21-2014
ADDENDUM SUBMITTAL

5-8-2014
BUILDING REVISION

1-22-2014
PLANNING REVISION

12-11-2013
PLANNING REVISION

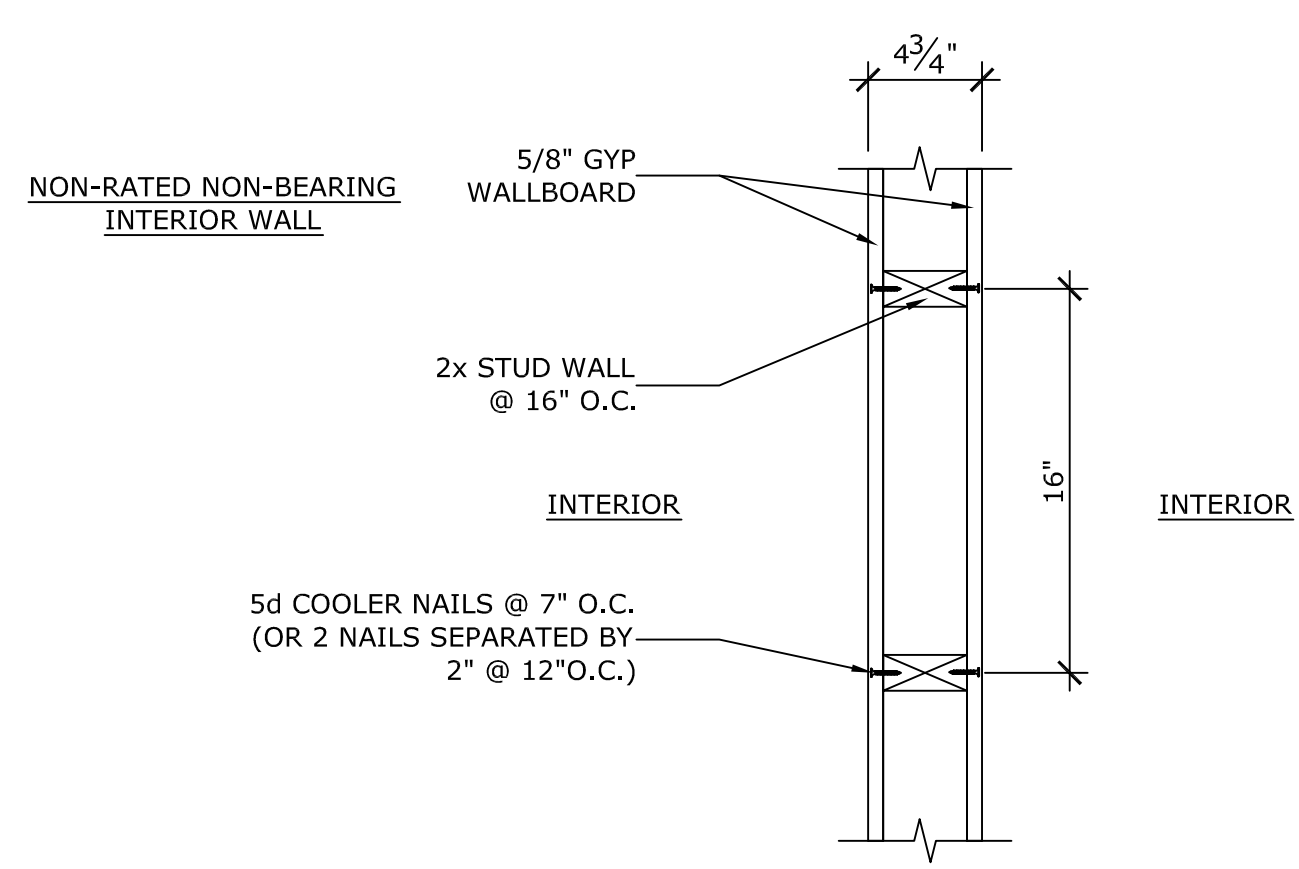
10-30-2013
PLANNING REVISION

02-25-2013
PERMIT SUBMITTAL

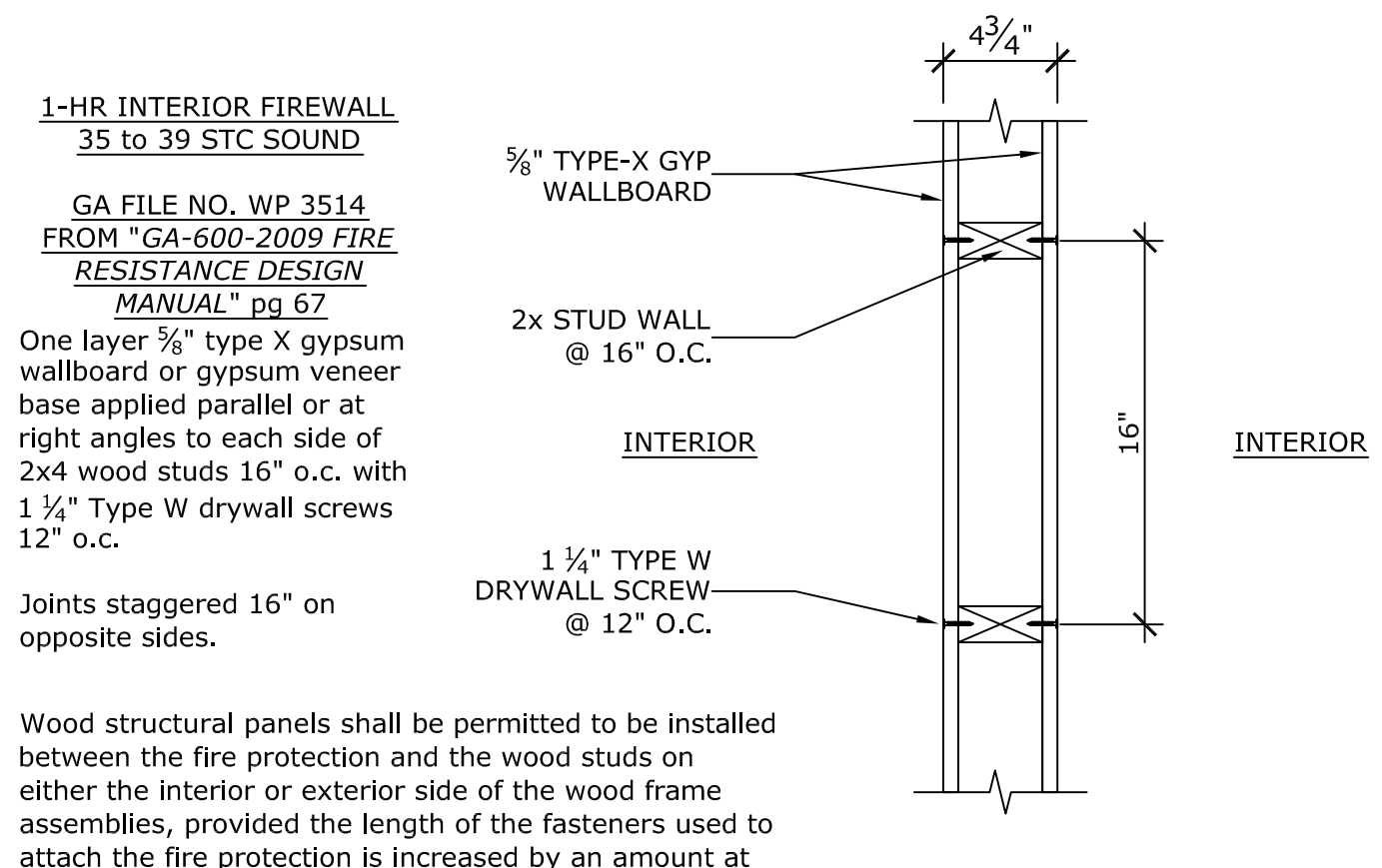
Schedules

SHEET NUMBER

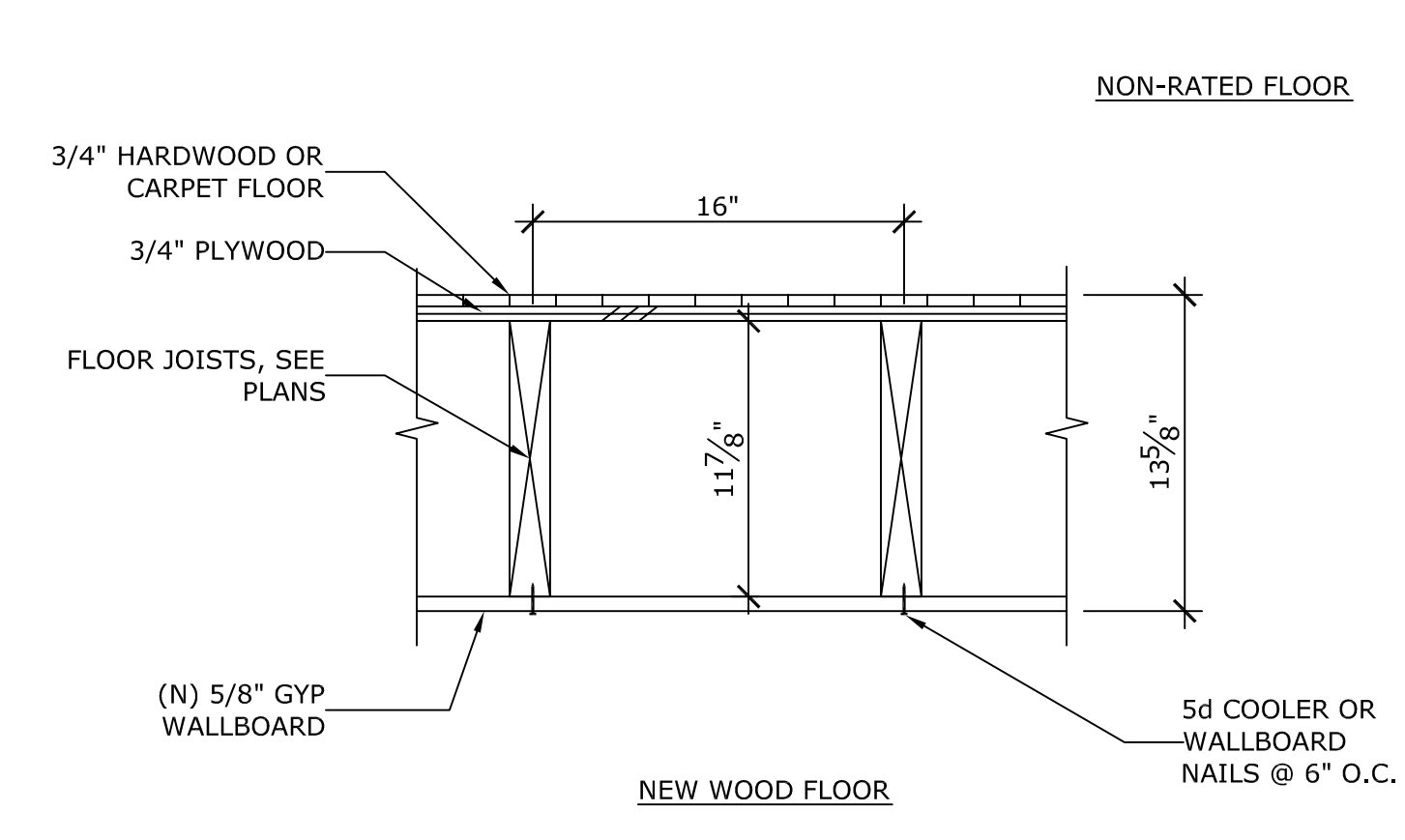
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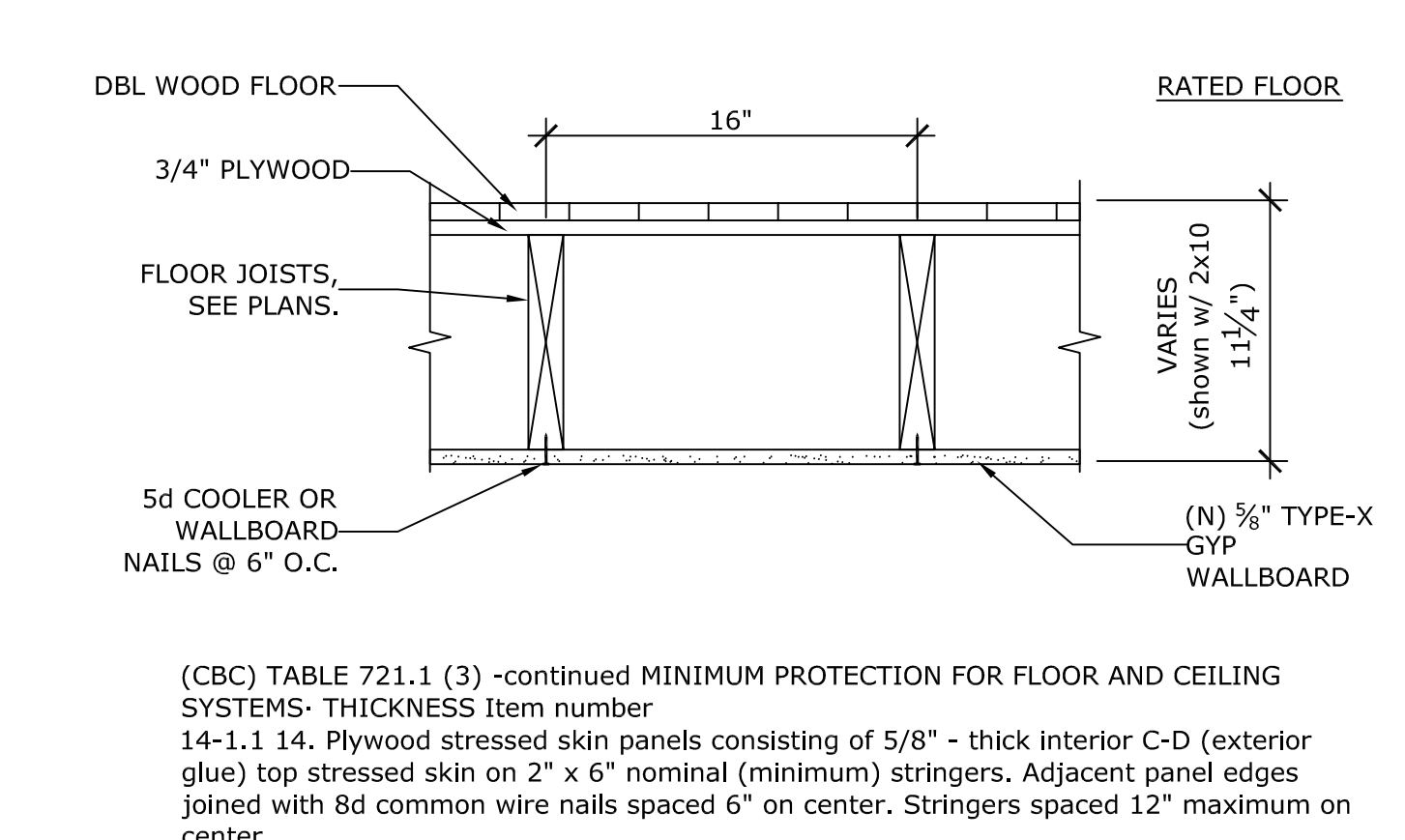
A WALL DETAIL
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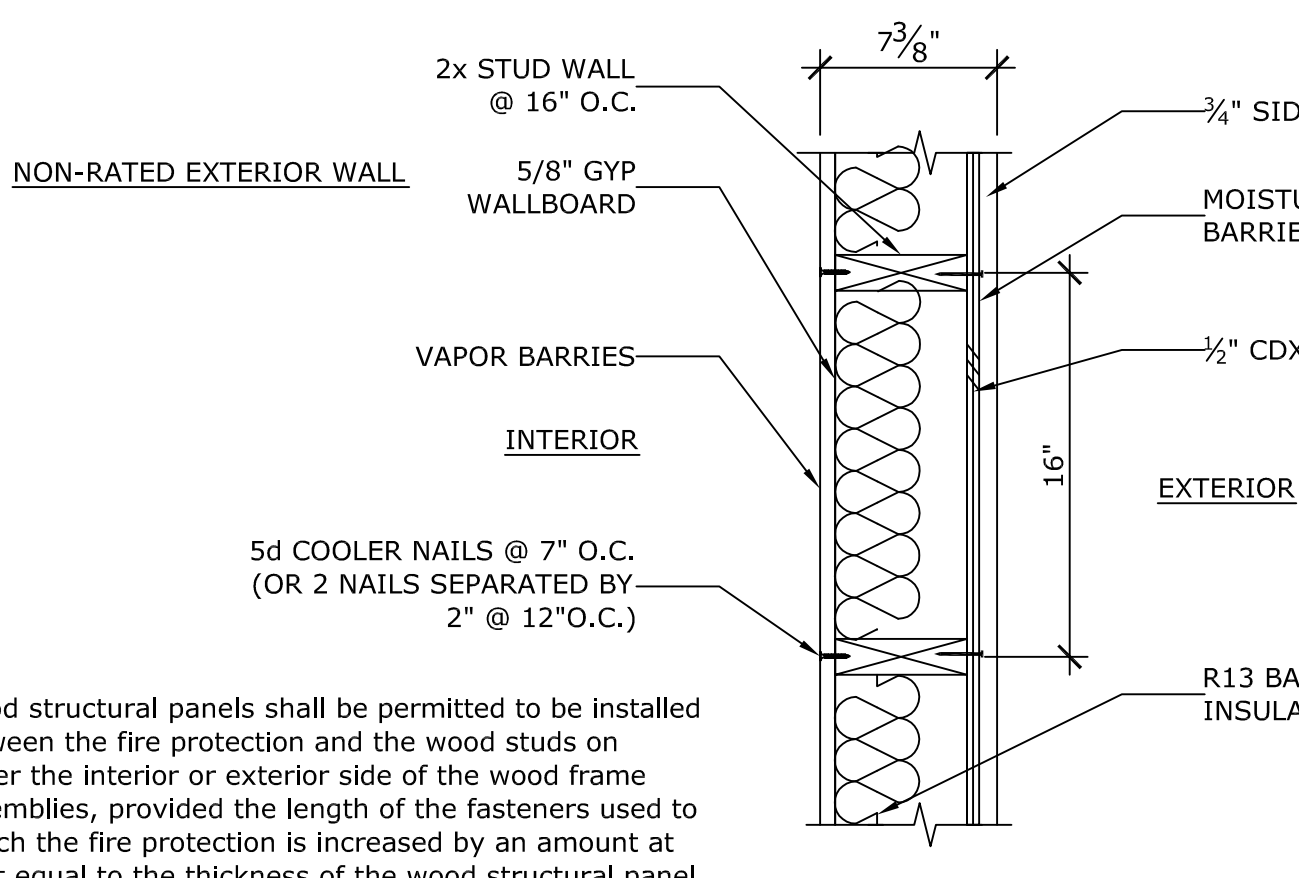
E WALL DETAIL
SCALE: 1-1/2":1'-0"



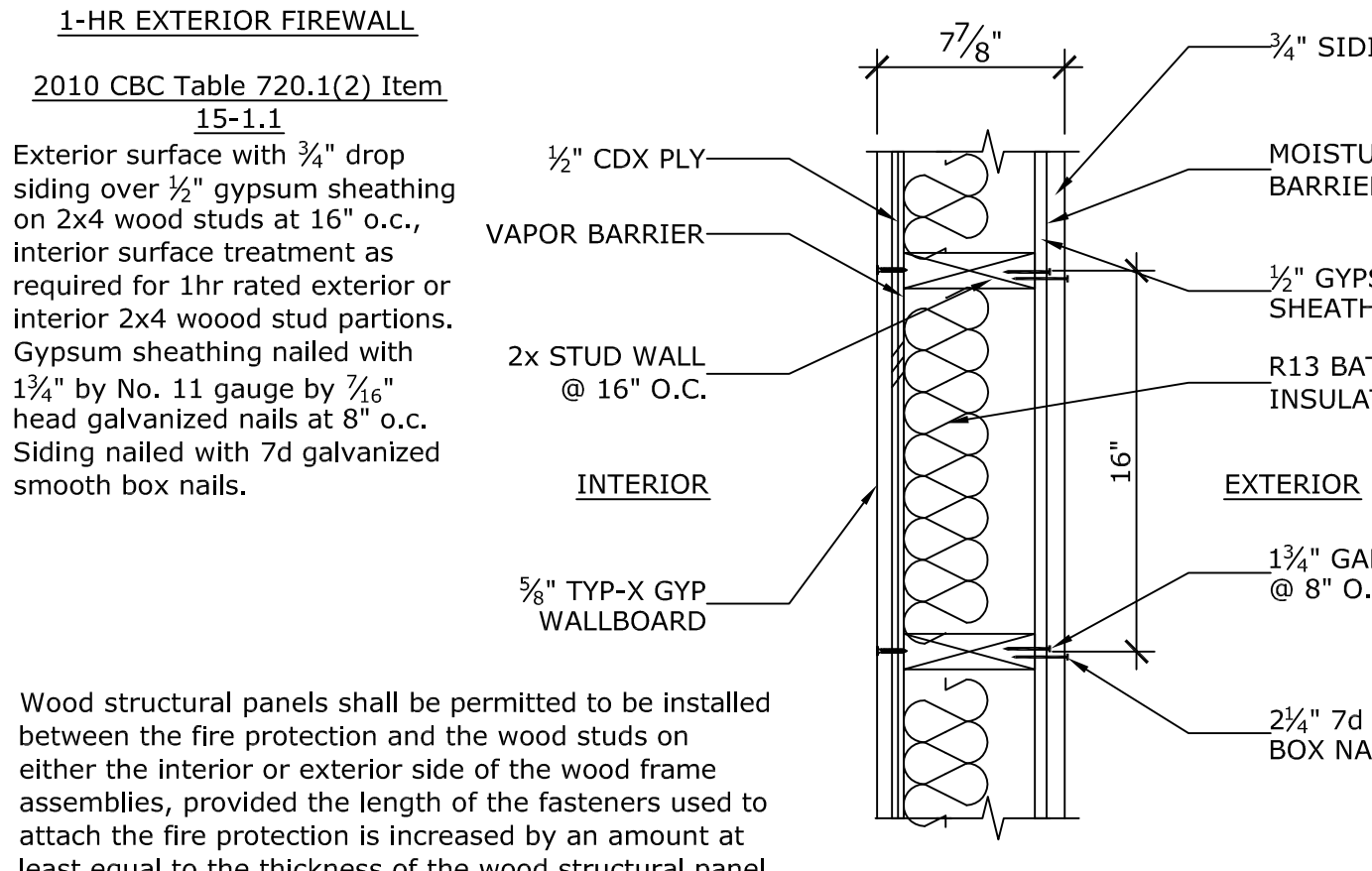
I FLOOR DETAIL
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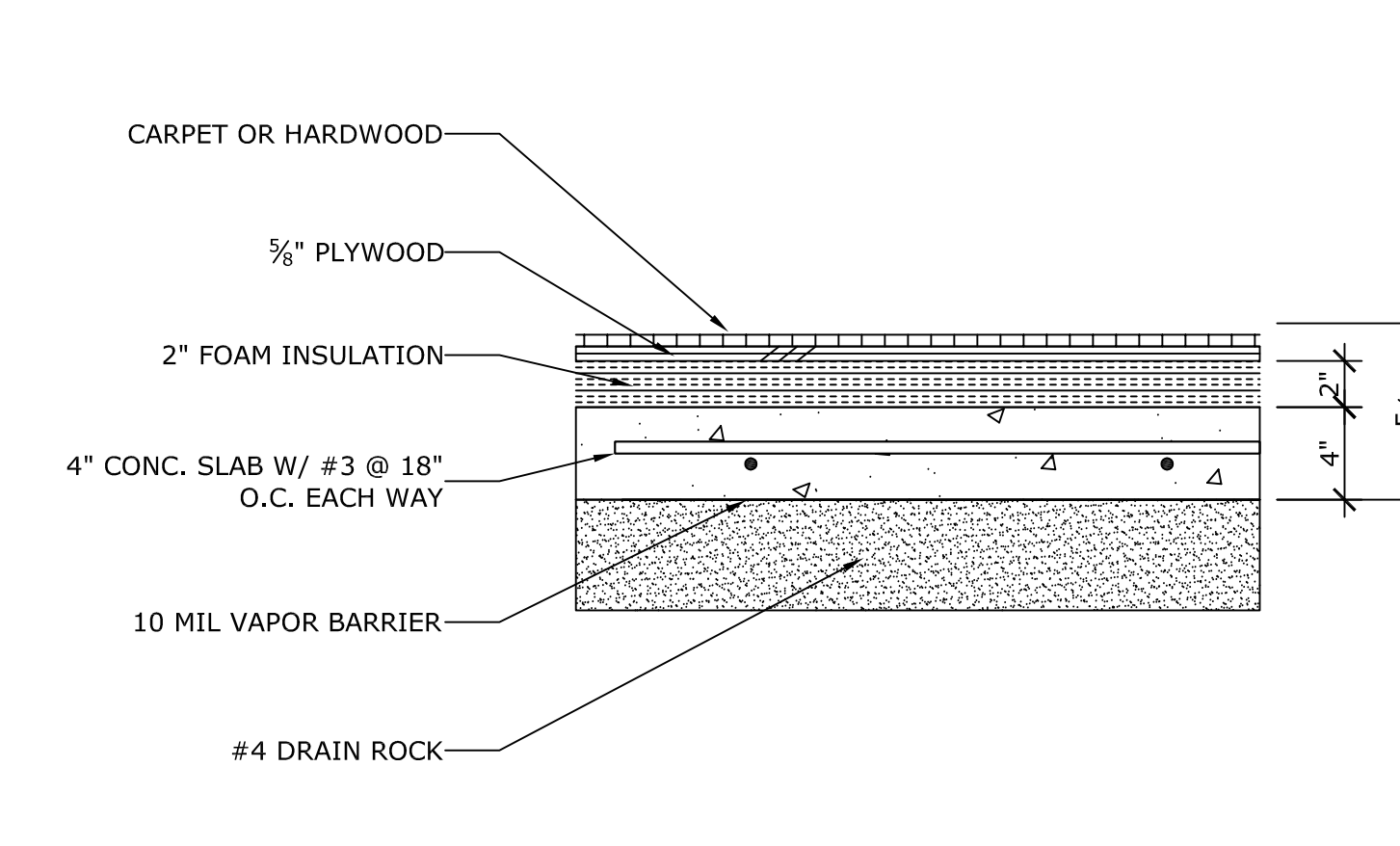
M 1 HR RATED FLOOR DETAIL
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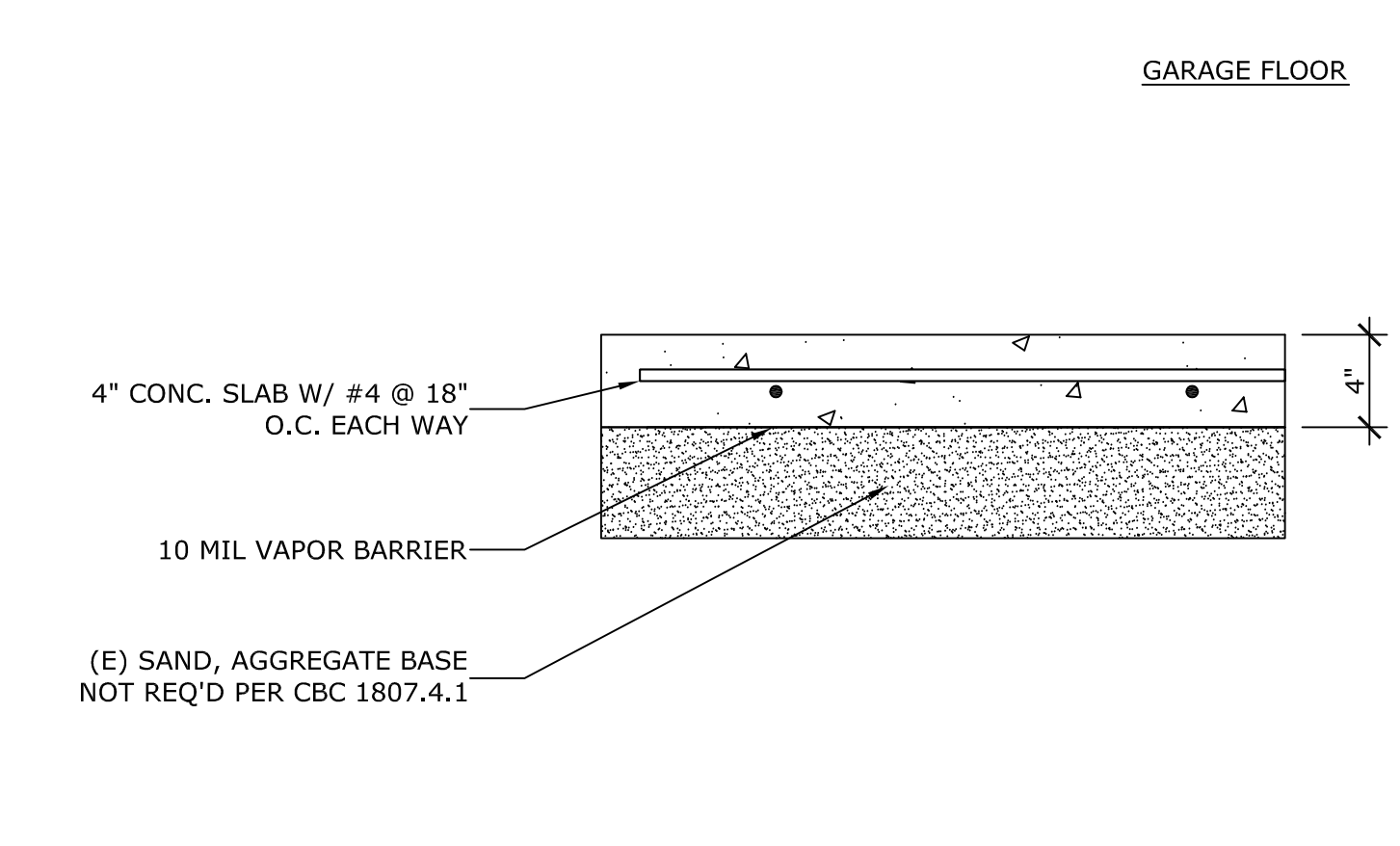
B WALL DETAIL
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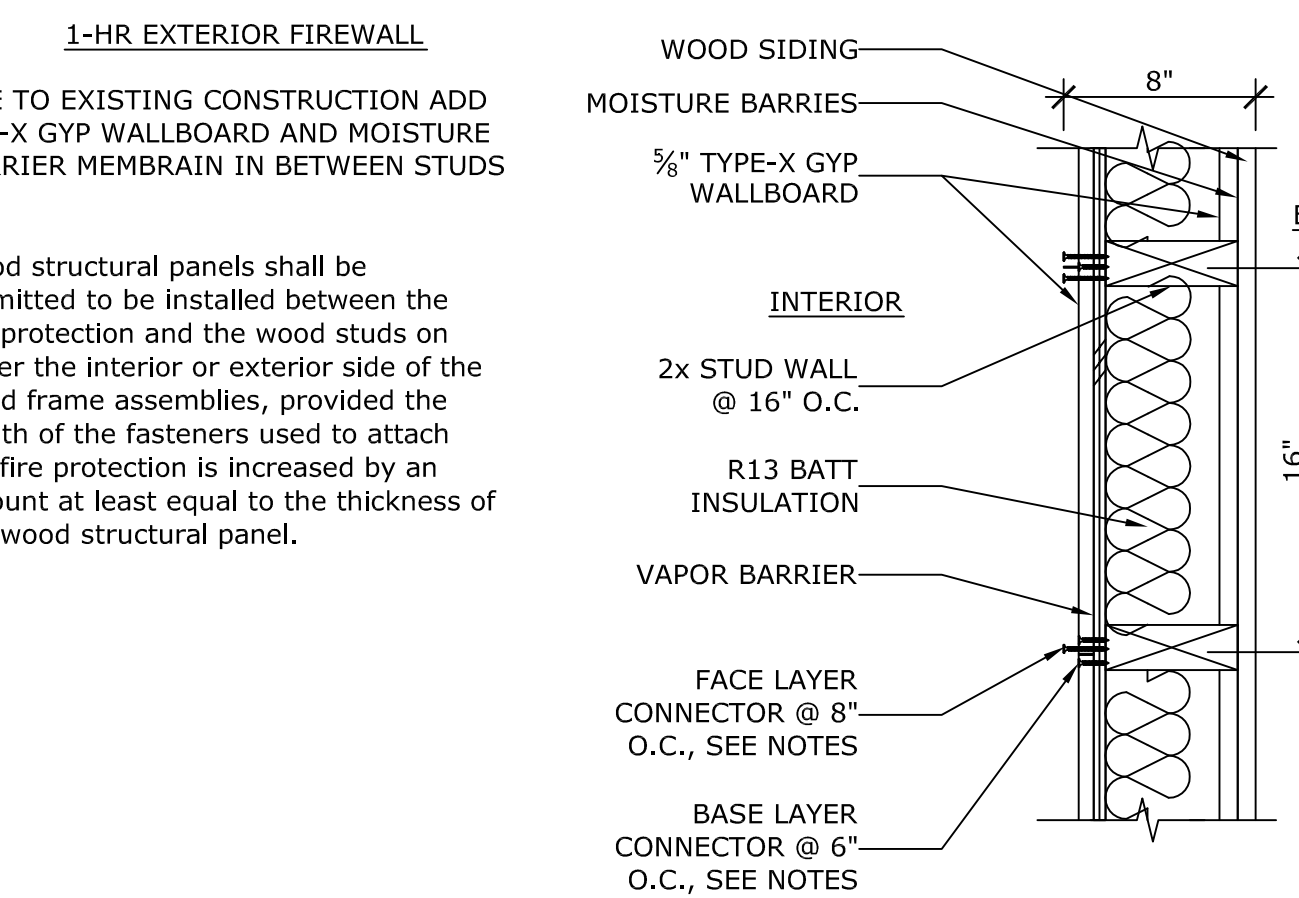
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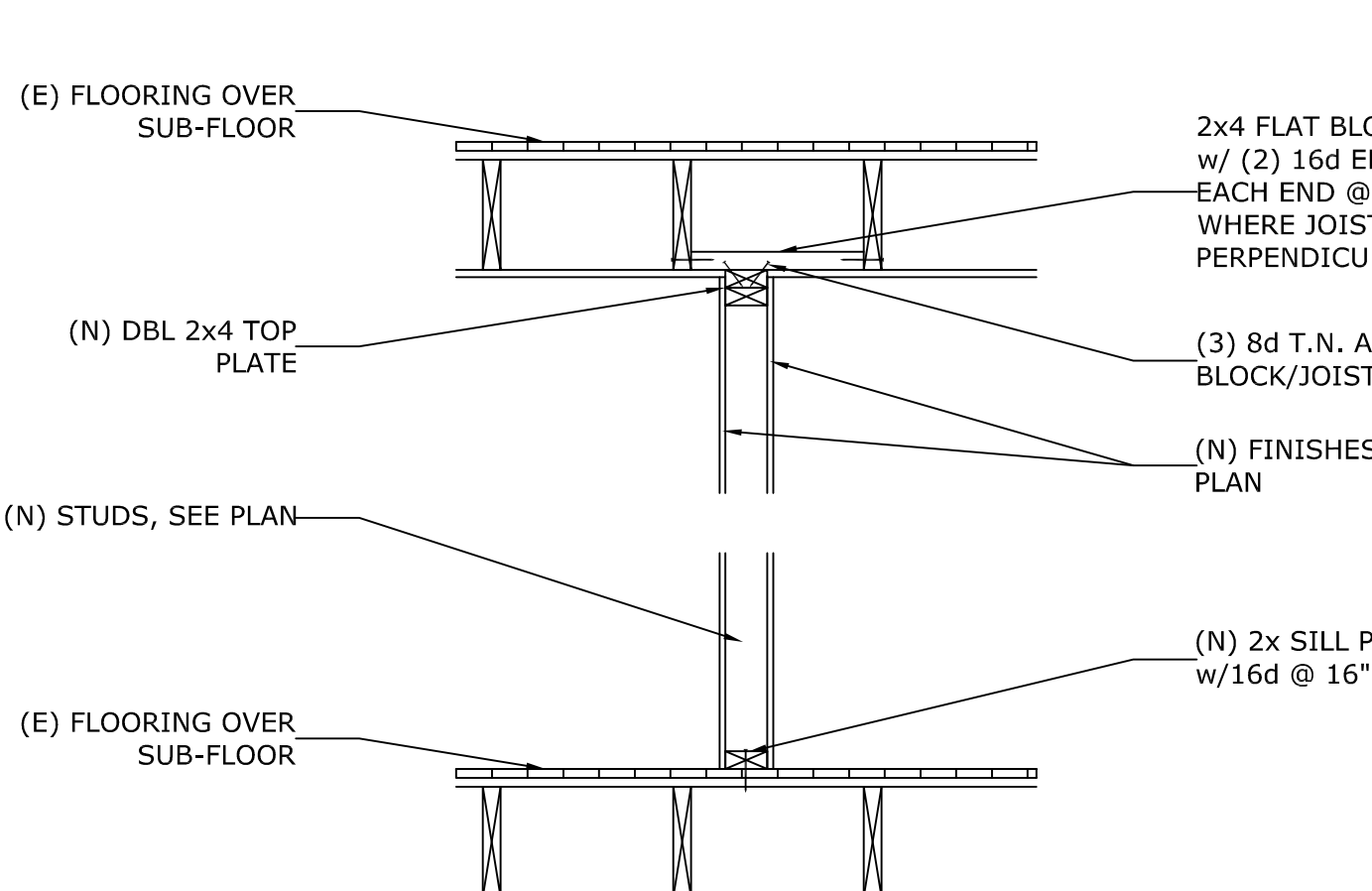
J DETAIL
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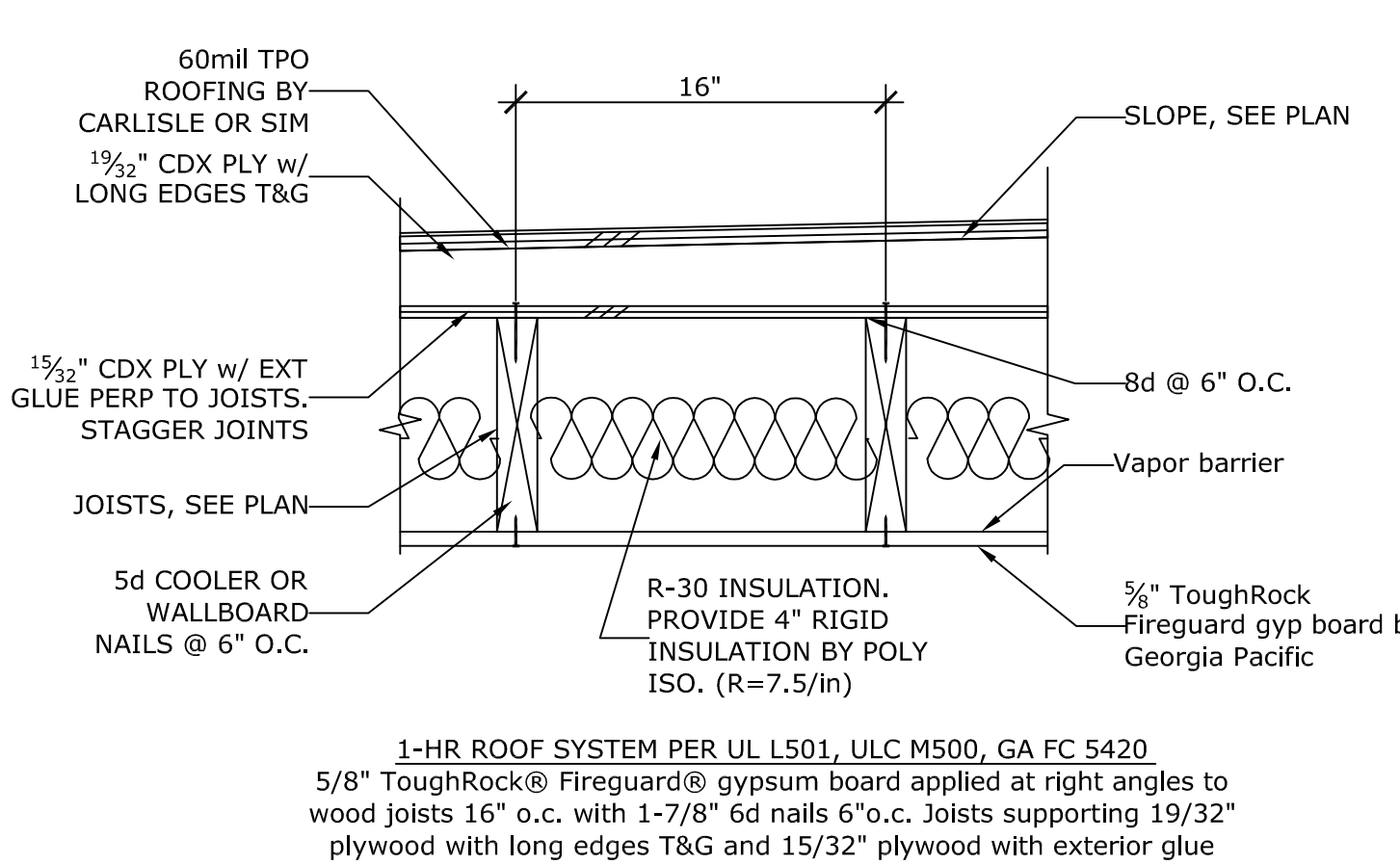
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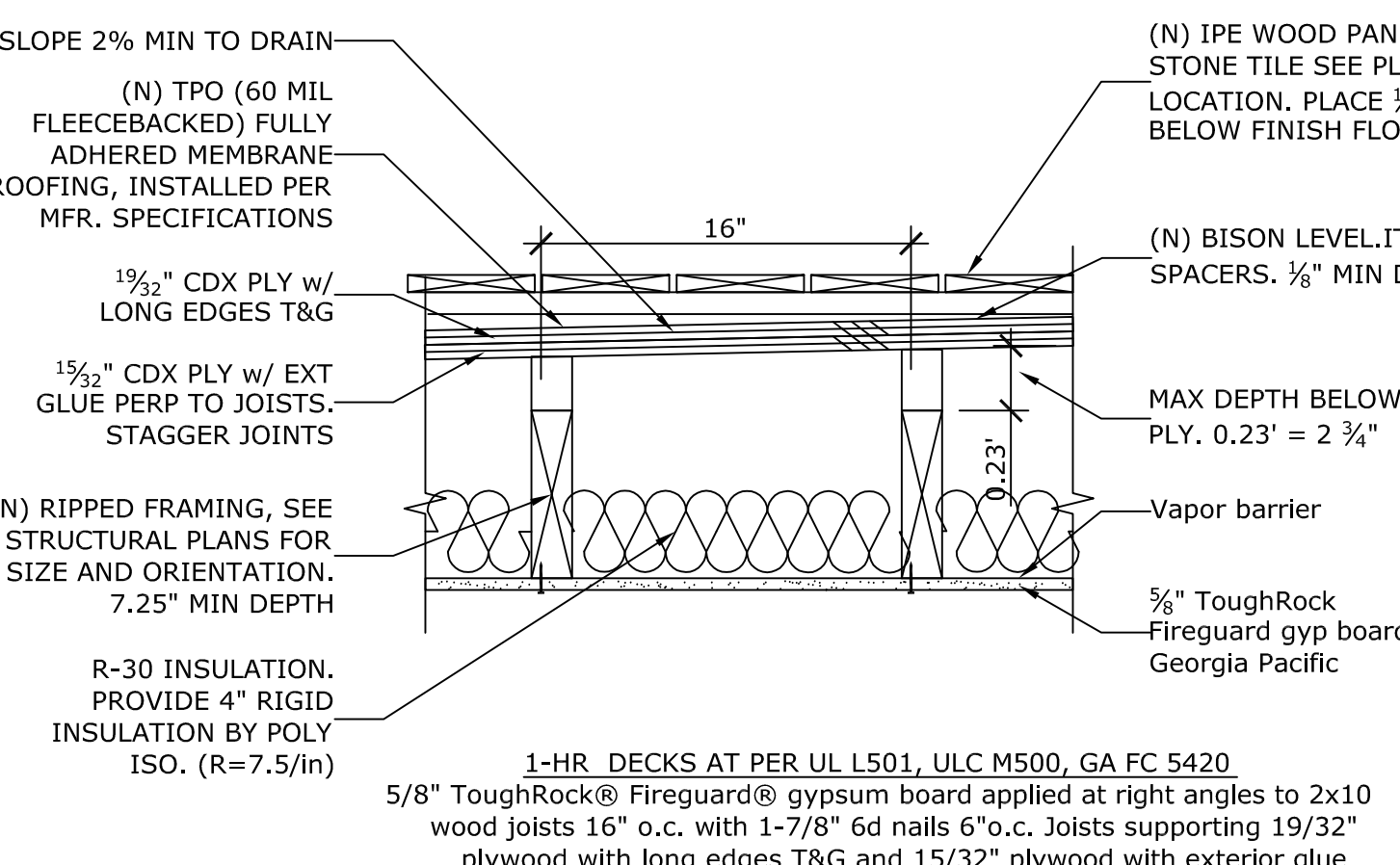
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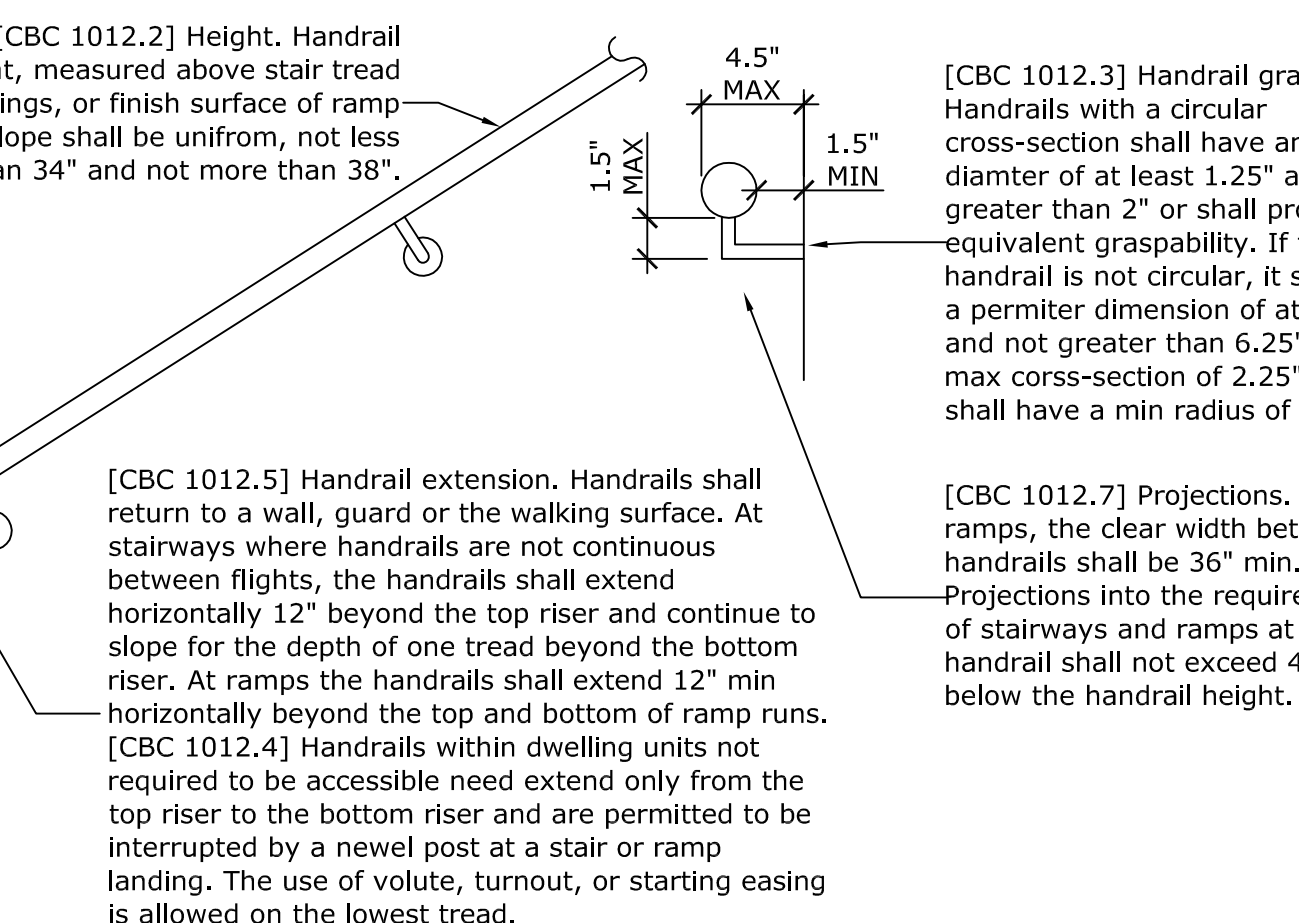
G CONNECTION WALL DETAIL
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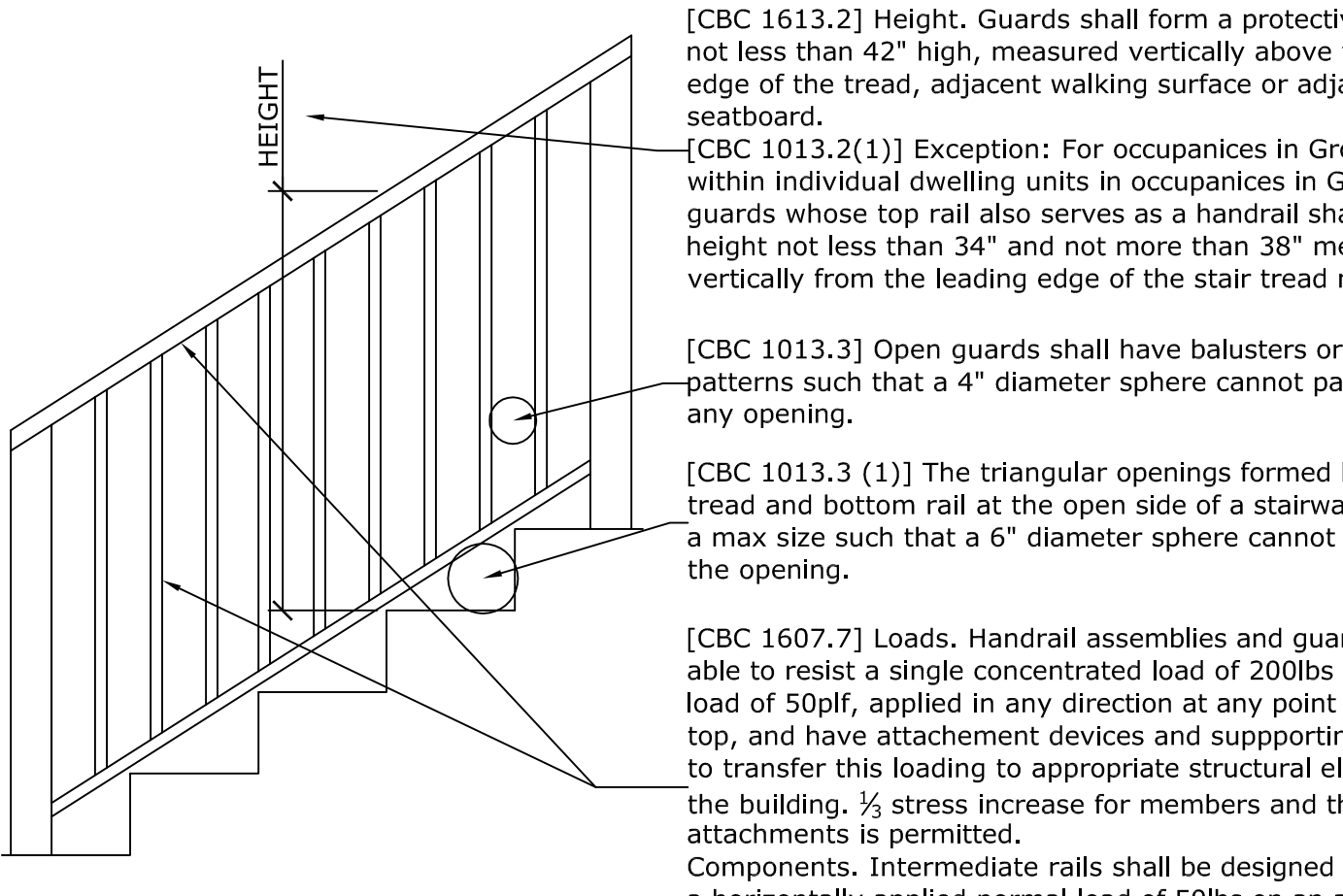
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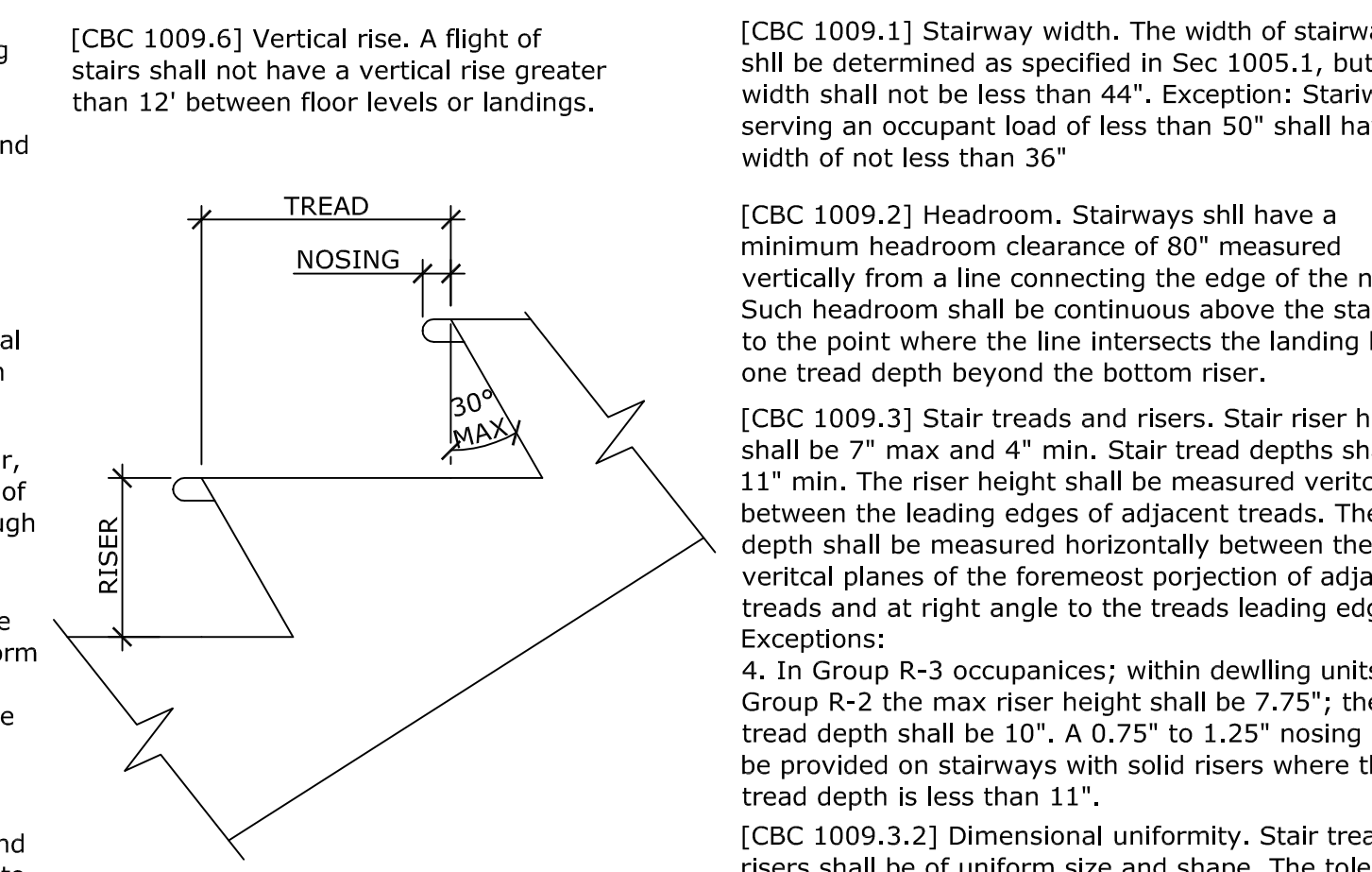
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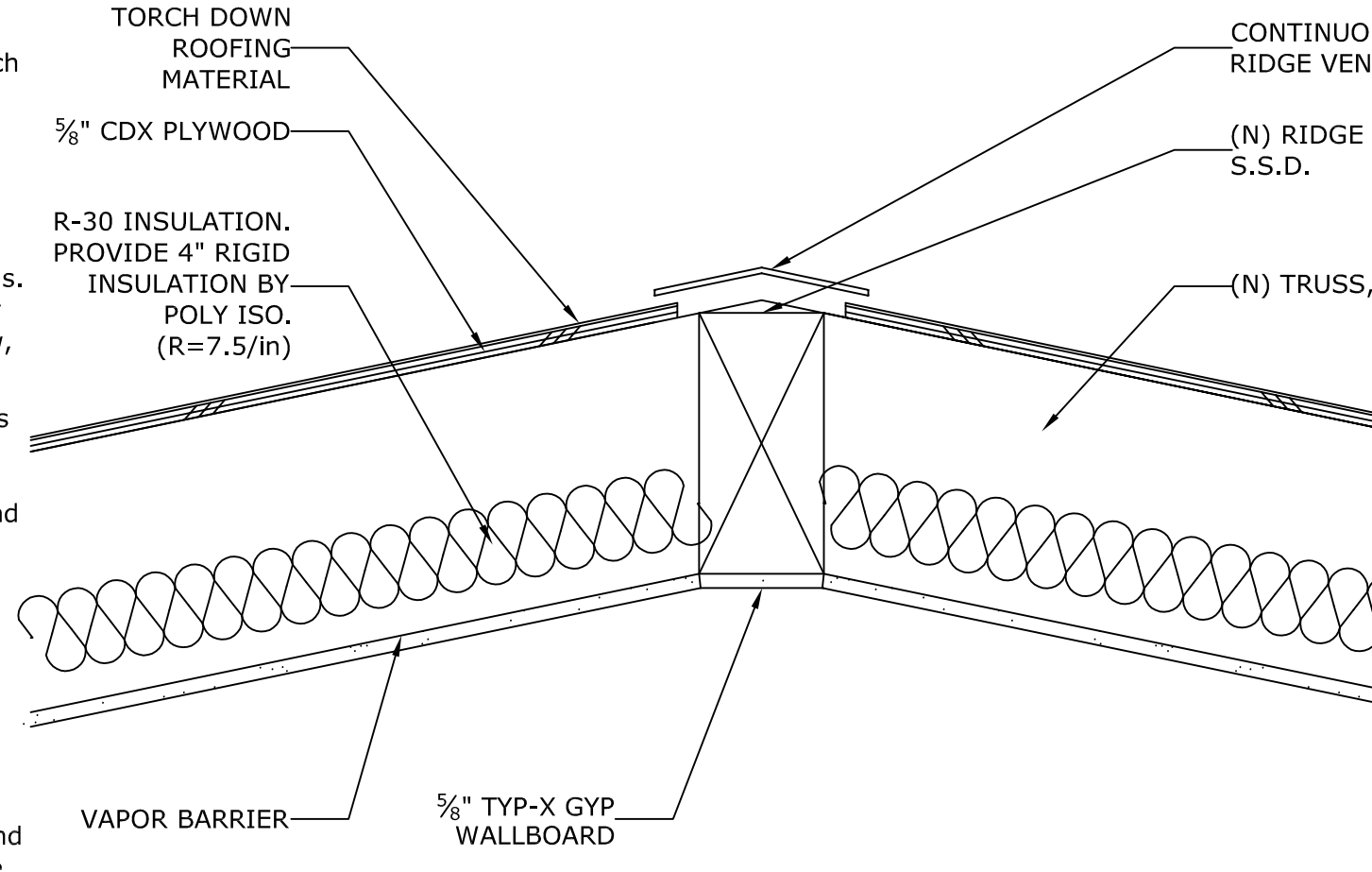
D HANDRAILS
SCALE: 3/4":1'-0"



H GUARDS
SCALE: 3/4":1'-0"



L STAIRS
SCALE: 3/4":1'-0"



Q SLOPED ROOF DETAIL
SCALE: 1-1/2":1'-0"

ENGINEER

BEAR DESIGN
2190 Bush Street
San Francisco, CA 94115
(415) 863-8900 Business
(415) 946-3345 Fax

PROJECT

Vertical & Horizontal Addition
834 44th Ave.
San Francisco, CA 94121
Block / Lot: 1686 / 033
Owner: Ralph Dayan

PROJECT NO. **2421**

- 8-21-2014 ADDENDUM SUBMITTAL
- 5-8-2014 BUILDING REVISION
- 1-22-2014 PLANNING REVISION
- 12-11-2013 PLANNING REVISION
- 10-30-2013 PERMIT SUBMITTAL
- 02-25-2013 PERMIT SUBMITTAL

ARCHITECTURAL DETAILS

SHEET NUMBER
A6.0



Gavin Newsom, Mayor
Fred V. Abadi, Ph.D., Director

EXHIBIT B



(415) 554-5810
FAX (415) 554-5843
<http://www.sfdpw.org>

Department of Public Works
Bureau of Street-Use and Mapping
875 Stevenson Street, Room 460
San Francisco, CA 94103-0942

Barbara L. Moy, Bureau Manager

April 9, 2007

Mr. Isam Hasenin, P.E., CBO
Director
Department of Building Inspection
1660 Mission Street, 6th floor
San Francisco, CA 94103

**834 44th Avenue
Unlawful Residential Demolition Hearing**

On February 14, 2006 at the Department of Building Inspection's request, I conducted a Director's Hearing regarding the allegations of unlawful demolition with respect to 834 – 44th Avenue, San Francisco, California. The hearing was held in Room 2001 at 1660 Mission Street commencing at 9:30 a.m.

A number of witnesses were sworn and testified. They were as follows:

- Edward Sweeney, Senior Building Inspector, DBI, BID
- Pat Buscovich, representing the owner of 834 – 44th Avenue
- Martin Chiu, owner of 841 – 43rd Avenue
- Helen Tam, owner of 840 – 44th Avenue
- Cerise Cheng, owner of 840 – 44th Avenue
- Aida Hom, owner of 842 – 44th Avenue

Exhibits were received in evidence and the proceedings were recorded on audiotape.

EVIDENCE

The evidence submitted to me as the hearing officer on the issues involved was as follows:

1. DBI submittal book, comprised of:
 - a) Summary report
 - b) Authorities (SFBC, Section 103.3)
 - c) Complaint records (CTS#200669766)
 - d) Notices of Violation (First 5-17-06 / Second 5-24-06)
 - e) Photographs of the property site
 - f) Notification of Director' Hearing for Unlawful Demolition and Revocation of Permits
 - g) Building permit application no. 2004-12-16-1565S /S1 (Form 3 – 9/28/05)
 - h) Official permit history for this property address
 - i) Correspondence received

April 9, 2007
Mr. Isam Hasenin, P.E., CBO
834 – 44th Avenue
Unlawful Residential Demolition Hearing
Page 2

FINDINGS

1. On September 28, 2005, a Form 3 alteration permit PA#200412161565 was issued to add a third floor and to add a second dwelling unit to an existing single family dwelling.
2. The original building at 834 – 44th Avenue prior to construction commencing under BPA # 200412161565 was a two (2) story, single family dwelling. The building had one floor of occupancy over a garage. According to the assessors property profile 834 – 44th Avenue was listed as having 1,882 square feet.
3. On May 16, 2006, complaint #200669766 was filed alleging that a possible Unlawful Demolition may have occurred. On May 19, 2006, District Building Inspector Hajnal issued Notice of Violation #200669766 for exceeding the scope of work approved under permit application 200412161565. Inspector Hajnal observed and noted in the NOV that 100% of the interior and exterior elements of the second floor had been demolished and additionally that 100% of the first story ceiling framing and all of the first story partition walls had been removed.
4. On May 23, 2006, Senior Building Inspector Edward Sweeney verified that approximately 95% of the previously existing building had been removed. The only building elements remaining were less than forty lineal feet of the original property line walls on the north and south side of the building at the ground floor level. The remaining building elements comprised approximately five to ten percent of the original structure.
5. Section 103.32 of the San Francisco Building Code defines a Demolition as *... any alteration which destroys or removes, as those terms are defined by the Director of the Department of Building Inspection, principal portions of an existing structure containing one or more residential units. This section further defines Principal Portion as ... construction which determines the shape and size of the building envelope (such as the exterior walls, roof and interior bearing elements), or that construction which alters two-thirds or more of the interior elements (such as walls, partitions, floors, and ceilings). Additionally, Webster's Third New International Dictionary of the English Language, Unabridged (as allowed by SFBC Section 201.1 defines Remove to mean, " to move by lifting, pushing aside or taking away or off".*

April 9, 2007
 Mr. Isam Hasenin, P.E., CBO
 834 - 44th Avenue
 Unlawful Residential Demolition Hearing
 Page 3

CONCLUSION AND RECOMMENDATION FOR DIRECTOR'S ORDER

- 1) Based upon the above findings, I conclude that an unlawful residential demolition within the meaning of SFBC Sections 103.3, 103.3.1, and 103.3.2 took place at 834 44th Ave.
- 2) The following permit obtained for this project, BPA# 200412161565, shall be revoked and a five year moratorium on the issuance of building permits with respect to 834 44th Ave shall be imposed pursuant to SFBC section 103.3.1. Said moratorium shall commence on the date of the Director's decision. Pursuant to SFBC 103.3.1, the only permits that may be issued during said moratorium are permits for the demolition of the previously existing building (Form 6 Building Permit), and a permit for the construction of a new building (Form 1-2), with the same number of dwelling units that existed previously, with the same proportion of residential to non-residential units, and the same or fewer square feet as the building or structure that existed prior to the issuance BPA 200412161565.
- 3) Notice of the five year moratorium on permits set forth above is to be recorded with respect to 834 44th Ave at the Office of the Assessor-Recorder.
- 4) The property owner(s) shall be assessed for all costs in connection with detecting all violations of SFBC Section 103.3, and for all costs in connection with the Director's Hearing held on February 14th, 2007. The Department of Building Inspection shall send a notice of the amount due for said costs to the property owner(s), which notice shall indicate that payment is due within 60 days of the date of mailing the Director's decision. Furthermore, if payment is not received within 90 days of the date of mailing the decision, a lien shall be placed on the property at 834 44th Ave in accordance with Section 102.18 and 102.9 of the SFBC.
- 5) The contractor or contractors involved in the subject project shall be assessed a civil penalty in the amount of \$5,000 in accordance with Section 103.3.7 of the SFBC.
- 6) The owners of the subject property shall be assessed a civil penalty in the amount of \$1,000 in accordance with Section 103.3.7 of the SFBC.

Recommended by:

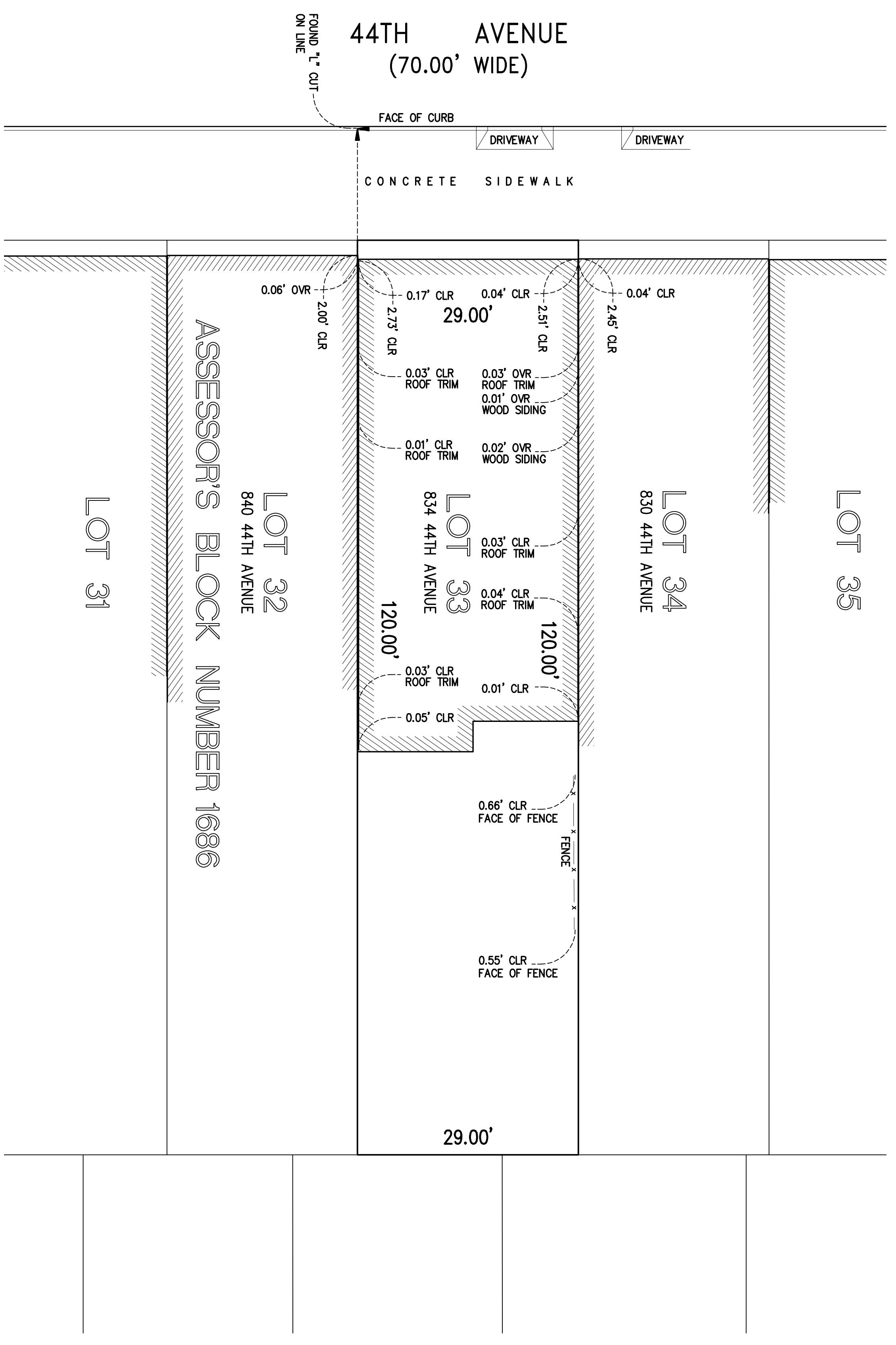
Barbara L. Moy
 Barbara Moy, Hearing Officer
 Bureau Chief
 Department of Public Works
 Bureau of Street Use and Mapping

April 9, 2007
Mr. Isam Hasenin, P.E., CBO
834 - 44th Avenue
Unlawful Residential Demolition Hearing
Page 4

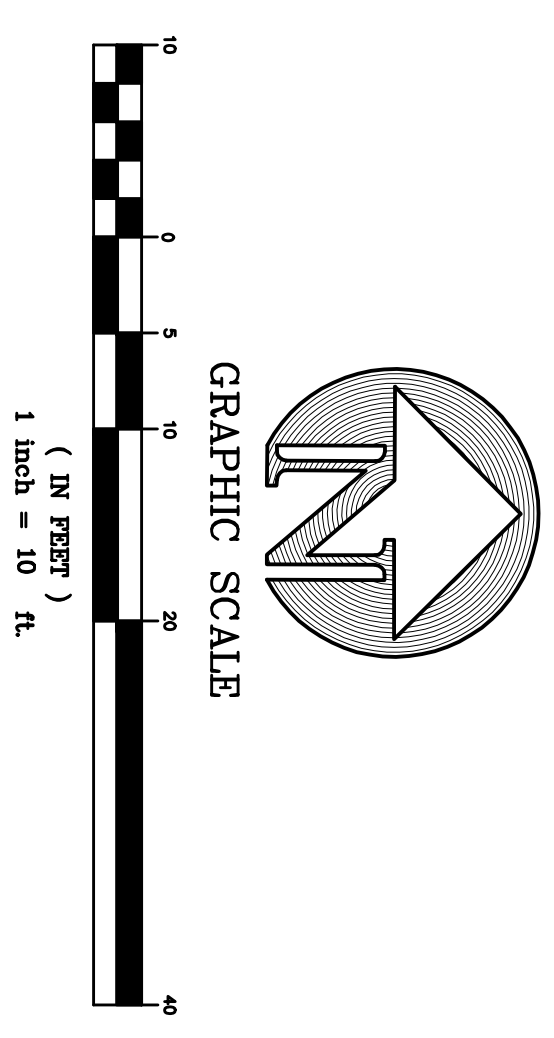
cc: Deputy City Attorney John Malamut
Carla Johnson, Acting Deputy Director, Inspection Services
Joe Duffy, Acting Chief Building Inspector

P:\demolition\notice of decision, hearing officers recommendation\834-44thavenue.doc

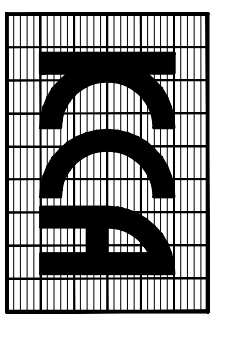
EXHIBIT C



NOTE:
BOUNDARY IS LOCATION IS PRELIMINARY. FINAL LOCATION
WILL BE DETERMINED UPON RECEIPT OF GRANT DEED.



KCA ENGINEERS, INC.
CONSULTING ENGINEERS • SURVEYORS • PLANNERS
315 BRANNAN ST. - SAN FRANCISCO, CA 94107 - (415) 546-7111 • FAX: (415) 546-9472



APPROVED:	DES. JH	DRW. YL
APPROVED:	CHK. JH	REV'D. PJB
PROJECT NO.	DATE 10/21/14	JOB NO. 6030
REVISIONS		
NO.	DATE	DESCRIPTION
	10/21/14	PRELIMINARY

SAN FRANCISCO

TOPOGRAPHIC MAP OF
834 44TH AVENUE
ASSESSOR'S BLOCK 1686 ~ LOT 033

CALIFORNIA

SCALE:
HORIZ. 1" = 10'
VERT. 1" = 10'
1 OF 1

Nov. 7, 2014

City & County of San Francisco
Board of Appeals
1650 Mission Street, Suite 304
San Francisco, Ca.94013

Re: Appeal No. 14-154; 834 – 44th Ave.

Dear sir/madam:

I live on the same block as the above address and I strongly oppose the issuance of an Alteration Permit to convert a two-story, single-family home into a three-story, two unit building with two off-street parking.

Since I moved into the neighborhood, many homeowners have converted their garages into single unit living spaces. With more people moving in, there were more cars. Some people have more than one car so parking became more difficult. With the addition of two units, there will be at least four more cars in addition to the already saturated off-street parking problem. Since the original owners occupied a single family home, I hope the board will keep it that way.

In order to avoid personal contact, I am, thus, withholding my name. I do live within 150 feet of the subject property mentioned above.

Yours sincerely,


Unnamed

BOARD OF APPEALS

NOV 10 2014
APPEAL # 14-154