



August 10, 2015

Joseph Bravo, Permit Holder
55 Castenada Avenue
San Francisco, CA. 94116

Re: **JURISDICTION REQUEST**
Date Filed: August 10, 2015
Subject Property: 665 San Jose Avenue
Permit No. : 2015/05/21/6937
Type : Alteration Permit

Dear Permit Holder:

The Board of Appeals has received the enclosed letter requesting that it take jurisdiction beyond the 15-day appeal period for the matter referenced above. This **JURISDICTION REQUEST** has been scheduled for consideration on **Wednesday, August 26, 2015, at City Hall, Room 416, at 5:00 p.m.**, One Dr. Carlton B. Goodlett Place.

Please note that the filing of a Jurisdiction Request **DOES NOT** suspend work on the subject permit. However, if the Board grants the Jurisdiction Request on the above referenced date of consideration (4 out of 5 votes required), **a new five (5) day appeal period shall be created which ends on the following Monday**, and the subject permit shall then be suspended upon the filing of a formal appeal, and pending resolution of the case by the Board of Appeals.

Pursuant to Article V, § 10 of the Board Rules, the **RESPONSE** to the written requests for jurisdiction must be submitted by the permit holder or Department no later than 10 days from the date of filing, on or before **August 20, 2015**, and must not exceed a total of six (6) double-spaced pages in length, with unlimited exhibits. Eleven (11) copies shall be submitted to the Board office by 4:30 p.m., with additional copies delivered to the opposing parties the same day.

It is the general practice of the Board that up to three (3) minutes of testimony for each party will be allowed per request. If you have any questions, please call the Board office at (415) 575-6880.

Sincerely,

BOARD STAFF

cc: Dept. of Building Inspection, Planning Dept. (if applicable)

Tyrone Whitehorn, Requestor
665 San Jose Avenue
San Francisco, CA. 94110



BOARD OF APPEALS

Date Filed:

'AUG 10 2015

APPEAL # JR

City & County of San Francisco
BOARD OF APPEALS

JURISDICTION REQUEST

Date of request: August 10, 2015.

Tyrone Whitehorn, (requestor(s)) hereby seeks a new appeal period for the following departmental action: **ISSUANCE of Alteration Permit 2015/05/21/6937** by **Department of Building Inspection**, issued to: **Joseph Bravo**, for property at **665 San Jose Avenue**, that was issued or became effective on **May 22, 2015**, and for which the appeal period ended at close of business on **June 08, 2015**.

Your **Jurisdiction Request** will be considered by the Board of Appeals on Wednesday, **August 26, 2015** at **5:00 p.m. City Hall, Room 416**, One Dr. Carlton B. Goodlett Place.

Pursuant to Article V, § 10 of the Board Rules, the **RESPONSE** to the written request for jurisdiction must be submitted by the permit, variance, or determination holder(s) and/or department(s) no later than **10 days from the date of filing, on or before August 20, 2015**, and must not exceed 6 pages in length (double-spaced), with unlimited exhibits. An original and 10 copies shall be submitted to the Board office with additional copies delivered to the opposing parties the same day.

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 the requestor, the permit holder, and the department(s) will be allowed. Your testimony should focus on the reason(s) you did not file on time, and why the Board should allow a late filing in your situation.

Based upon the evidence submitted and the testimony, the Board will make a decision to either grant or deny your Jurisdiction Request. Four votes are necessary to grant jurisdiction. If your request is denied, an appeal may not be filed and the decision of the department(s) is final. If your request is granted, **a new five (5) day appeal period shall be created which ends on the following Monday**, and an appeal may be filed during this time.

Please Print:

Name: Tyrone Whitehorn
Address: 665 San Jose Ave
Phone: 415-574-5723
Email: twhitehorn@yahoo.com

Tyrone Whitehorn
Signature of Requestor or Agent

AUG 10 2015

APPEAL # JR

Board of Appeals – to present

I am filing a Jurisdiction Request because my landlord, Joseph K Bravo, failed to give me any notice of the planned filing of his application for a Building Permit, as he is required to do by law. Mr. Bravos Permit Application was approved on May 22, 2015. I didn't learn anything of it until he improperly served me with an eviction notice by taping it, and a check made out to me for \$2700, to the front door of my apartment on June 17, 2015.

Mr. Bravo practices Real Estate Law, and his firm, Bravo and Margulies, says on its website that they specialize in Landlord and Tenant Issues, so one assumes he knows his way around the rules for getting a tenant out. My feeling is that he is trying to exploit loopholes in the law-in effect, he timed me out of the process of being able to put a Block Book Notice on the Building Permit. I also received no notice from the Planning Department when the application was submitted, which is a requirement per SF Planning Code S311. Had I received that notification I could have requested a discretionary review.

Mr. Bravos calling the unit "illegal" on the building permit application, but as I pointed out to the Landlords in a letter dated April 28, 2015, according to the Assessor Recorders office the building is zoned RH2-Residential House 2 Family. It was built in 1908 with what it has now -4 units, 2 stories, and 2 distinct addresses. The Building Permit application also says it is to be "returned to commercial space", even though the previously mentioned document suggests that is a falsehood. It never was commercial space. And it should be noted that none of the rest of the building is facing this demolition work.

Upon receiving his permits, the landlord is supposed to post notices on the building to alert neighbors and tenants that a permit has been granted, and no such sign has materializes. This leads me to wonder if this "demolition" will actually be some small cosmetic changes and re-renting of the unit at a much higher rate. If it is just cosmetic changes he is making, he should, by law, allow me to move back in when the renovation is done. His language and his reasons for renovation are vague throughout his paperwork, and I believe it is linguistic obfuscation in order to ease his way to doing what he wants with the unit where I live.

For a lawyer who knows his way around this section of the law, Mr. Bravo seems to be trying some extremely questionable and slippery tactics in order to confuse everyone into thinking he is simply getting rid of an illegal unit and returning a property to what it should have been. In fact, he is trying to evict a tenant in good standing, who is hard working but low income, from a perfectly legal apartment. If Mr. Bravo is allowed to execute the work detailed on this permit and go through with this eviction, I worry for my ability to keep the job I have been working at for over two years, and I worry about keeping a roof over my head.

With this letter I am imploring the Board of Appeals to revoke this questionable permit.

Tyrone Whitehorn



8-5-2015

P.S. As of Aug. 7th the permit has not been pulled.

APPROVED

Dept. of Building Insp.

MAY 22 2015

Tom C. Hui

TOM C. HUI, S.E.
DIRECTOR
DEPT. OF BUILDING INSPECTION

This permit is issued without full access compliance for interior demolition only. Building or area of interior demolition to remain vacant until full accessibility compliance is provided. Subsequent tenant improvement permit showing full accessibility to be filed per AB-017. Failure to comply will result in issuance of Notice of Violation.

APPROVED FOR ISSUANCE

BLDG. FORM 3/8

APPLICATION NUMBER
APPROVAL NUMBER

APPLICATION FOR BUILDING PERMIT ADDITIONS, ALTERATIONS OR REPAIRS

CITY AND COUNTY OF SAN FRANCISCO
DEPARTMENT OF BUILDING INSPECTION

FORM 3 OTHER AGENCIES REVIEW REQUIRED

FORM 8 OVER-THE-COUNTER ISSUANCE

APPLICATION IS HEREBY MADE TO THE DEPARTMENT OF BUILDING INSPECTION OF SAN FRANCISCO FOR PERMISSION TO BUILD IN ACCORDANCE WITH THE PLANS AND SPECIFICATIONS SUBMITTED HERewith AND ACCORDING TO THE DESCRIPTION AND FOR THE PURPOSE HEREINAFTER SET FORTH.

DCP FEE

2 NUMBER OF PLAN SETS

DO NOT WRITE ABOVE THIS LINE

DATE FILED 5/21/15	FILED FEE RECEIPT NO.	(1) STREET ADDRESS OF JOB 665 MARKET ST SAN FRANCISCO	BLOCK & LOT 6597-029
PERMIT NO. 135299	ISSUED 5/22/15	(2A) ESTIMATED COST OF JOB 6000	(2B) REVISED COST BY: 6000 DATE: 5/21/15

INFORMATION TO BE FURNISHED BY ALL APPLICANTS

LEGAL DESCRIPTION OF EXISTING BUILDING

(4A) TYPE OF CONSTR. ✓	(5A) NO. OF STORIES OF OCCUPANCY 2	(6A) NO. OF BASEMENTS AND CELLARS 1	(7A) PRESENT USE Residential Units	(8A) OCCUP CLASS R-3, B	(9A) NO. OF DWELLING UNITS 2
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DESCRIPTION OF BUILDING AFTER PROPOSED ALTERATION

(4) TYPE OF CONSTR. ✓	(5) NO. OF STORIES OF OCCUPANCY 2	(6) NO. OF BASEMENTS AND CELLARS 1	(7) PROPOSED USE (LEGAL USE) Printshop / 2 units	(8) OCCUP CLASS R3, B	(9) NO. OF DWELLING UNITS 2
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(10) IS AUTO RUNWAY TO BE CONSTRUCTED OR ALTERED? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	(11) WILL STREET SPACE BE USED DURING CONSTRUCTION? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	(12) ELECTRICAL WORK TO BE PERFORMED? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	(13) PLUMBING WORK TO BE PERFORMED? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
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(14) GENERAL CONTRACTOR	ADDRESS	ZIP	PHONE	CALIF. LIC. NO.	EXPIRATION DATE
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(15) OWNER - LESSEE (CROSS OUT ONE)	ADDRESS	ZIP	BTRC#	PHONE (FOR CONTACT BY DEPT.)
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(16) WRITE IN DESCRIPTION OF ALL WORK TO BE PERFORMED UNDER THIS APPLICATION (REFERENCE TO PLANS IS NOT SUFFICIENT)

* AB-017 *

Remove (2) illegal residential living spaces @ unit 665
1st FLOOR commercial store front, at ground level
Remove store from unit 665 1st FLOOR & basement basement level
1st FLOOR street level unit 665 to be returned to commercial space per State Planning Board Use App

ADDITIONAL INFORMATION

(17) DOES THIS ALTERATION CREATE ADDITIONAL HEIGHT OR STORY TO BUILDING? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	(18) IF (17) IS YES, STATE NEW HEIGHT AT CENTER LINE OF FRONT	(19) DOES THIS ALTERATION CREATE DECK OR HORIZ. EXTENSION TO BUILDING? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	(20) YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> (19) IS YES, STATE NEW GROUND FLOOR AREA SQ. FT.
(21) WILL SIDEWALK OVER SUB-SIDEWALK SPACE BE REPAIRED OR ALTERED? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	(22) WILL BUILDING EXTEND BEYOND PROPERTY LINE? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	(23) ANY OTHER EXISTING BLDG. ON LOT? (IF YES, SHOW ON PLOT PLAN) YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	(24) DOES THIS ALTERATION CONSTITUTE A CHANGE OF OCCUPANCY? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>

(25) ARCHITECT OR ENGINEER (DESIGN & CONSTRUCTION)	ADDRESS	CALIF. CERTIFICATE NO.
Kevin Treachnell	PO Box 1892 Sausalito, CA	94966

(26) CONSTRUCTION LEADER (ENTER NAME AND BRANCH DESIGNATION IF ANY) IF THERE IS NO KNOWN CONSTRUCTION LEADER, ENTER "UNKNOWN"	ADDRESS
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IMPORTANT NOTICES

No change shall be made in the character of the occupancy or use without first obtaining a Building Permit authorizing such change. See San Francisco Building Code and San Francisco Housing Code.

No portion of building or structure or scaffolding used during construction is to be closer than 6'0" to any wire containing more than 750 volts. See Sec 386, California Penal Code.

Pursuant to San Francisco Building Code, the building permit shall be posted on the job. The owner is responsible for approved plans and application being kept at building site.

Grade lines as shown on drawings accompanying this notification are assumed to be correct. If actual grade

NOTICE TO APPLICANT

HOLD HARMLESS CLAUSE: The permittee, by acceptance of the permit, agrees to indemnify and hold harmless the City and County of San Francisco from and against any and all claims, damages, and expenses, including reasonable attorneys' fees, resulting from operations under this permit, regardless of negligence of the City and County of San Francisco, and to assume the defense of the City and County of San Francisco against any such claims, damages, or actions.

In conformity with the provisions of Section 18085 of the California Code of Regulations, the applicant shall have written consent of the owner of the property to be altered, and shall indicate thereon (II), (IV), or (V), whichever is applicable. If the owner is not the applicant, the owner must be notified as well. Mark the appropriate method of notification.

BRAVO & MARGULIES

ATTORNEYS AT LAW

901 MARKET STREET, SUITE 450
SAN FRANCISCO, CALIFORNIA 94103
TELEPHONE: (415) 512-6700
FACSIMILE: (415) 512-6716

July 20, 2015

VIA HAND DELIVERY AND US MAIL

TYRONE L. WHITEHORN
CHRISTOPHER NUNEZ
665 SAN JOSE AVENUE
SAN FRANCISCO, CA 94110

Re: 665 San Jose Avenue
Notice of Termination of Tenancy and
Permit to Remove Unit From Residential Rental Use

Dear Messrs. Whitehorn and Nunez:

I am in receipt of Mr. Whitehorn's letter regarding the issuance of eviction notice served upon the two of you for removal of your unit from residential rental use.

Though I disagree with the application of CC 1940.6 to an illegal dwelling unit being removed from residential dwelling use that is not being demolished, I will withdraw the permit application and apply for a new one so that you have the opportunity to challenge it.

Naturally, this means the eviction notice previously served upon you is being withdrawn and that you are not required to vacate per its demand for possession.

Sincerely,


Joseph K. Bravo



**Residential Rent Stabilization and Arbitration Board
City & County Of San Francisco**

Date:

Esta notificación puede afectar a sus derechos como propietario o inquilino. Si necesita ayuda para entender este aviso, por favor llame al 415-252-4602.

本項公告可能會影響您身為房東或房客之權利。如果您需要協助來了解本項公告，請致電 415-252-4602。

ATTACHMENT

**IN RE: 665 SAN JOSE AVENUE
CASE NO. E150993**

Tenant petitioner, Tyrone Whitehorn, reports that the new owner, Rika Ueda, told him that he would need to move out because the unit is "commercial." However, the tenant reports (and Planning Department records indicate) that the building is zoned residential.



Residential Rent Stabilization and Arbitration Board
City & County Of San Francisco

Date: 5/15/15

Esta notificación puede afectar a sus derechos como propietario o inquilino. Si necesita ayuda para entender este aviso, por favor llame al 415-252-4602.
本項公告可能會影響您身為房東或房客之權利。如果您需要協助來了解本項公告,請致電 415-252-4602。

Response to Receipt of Report Of Alleged Wrongful Eviction

IN RE: 665 SAN JOSE AVENUE
CASE NO. E150993

Tyrone L. Whitehorn
665 San Jose Avenue
San Francisco, CA 94110
(Tenant Petitioner)

John Bravo
55 Castenada Avenue
San Francisco, CA 94116
(Landlord Respondent)

Rika Ueda
55 Castenada Avenue
San Francisco, CA 94116
(Landlord Respondent)

1. I agree [] or disagree [X] with the allegations contained in the Notice of Receipt of Report of Alleged Wrongful Eviction for the following reasons (continue on separate sheet if necessary):

MY WIFE, RIKA UEDA, NEVER TOLD TYRONE WHITEHORN HE NEEDED TO VACATE FOR ANY REASON.

2. The Rent Ordinance requires under §37.9(c) that a landlord shall not endeavor to recover possession of a rental unit unless at least one of the grounds enumerated in Section 37.9(a) or (b) is the landlord's dominant motive for recovering possession and that the landlord informs the tenant in writing on or before the date upon which notice to vacate is given of the ground upon which possession is sought.

Please sign, date and return the following affidavit:

I hereby declare under penalty of perjury under the laws of the State of California that the ground stated in the Notice to Vacate is my dominant motive for seeking recovery of possession of the rental unit.

(signature of landlord) [Signature] JOSEPH K. BRAVO (print name)
Executed on 5/27/15, at SAN FRANCISCO (date) (city and state)

Please complete this form, make a copy of it, send the copy to the tenant, and return the original to the Rent Board office. Thank you.
Due Date: 5/27/2015

If you wish us to contact your attorney or other designated agent/representative regarding this case, please so indicate by providing his/her address below:

Four horizontal lines for providing an address.

If you have any questions regarding this case, please contact Aaron Morrison at 252-4611.
Our hours of operation are 8:00 AM - 5:00 PM Monday through Friday.



**Residential Rent Stabilization and Arbitration Board
City & County Of San Francisco**

Date: 7/17/15

Esta notificación puede afectar a sus derechos como propietario o inquilino. Si necesita ayuda para entender este aviso, por favor llame al 415-252-4602.

本項公告可能會影響您身為房東或房客的权利。如果您需要協助來了解本項公告，請致電 415-252-4602。

ATTACHMENT

**IN RE: 665 SAN JOSE AVENUE
CASE NO. E151526**

Tenant petitioner Tyrone Whitehorn reports receipt of a sixty-day notice to quit based on a permit to demolish or otherwise permanently remove the unit from housing use. The tenant asserts that the landlord did not comply with Civil Code Section 1940.6, which requires a landlord to notify a tenant before seeking a permit to demolish the unit in which the tenant resides.

April 28, 2015

For the attention of Rika Ueda and Joe Bravo

Re: 665 San Jose Ave

Upon reviewing the details of the zoning of this property through the SF Assessor Recorder's Office, I found that, contrary to what Rika Ueda has told me, 665 San Jose Ave is zoned as a RH2 - Residential House 2 Family. The building, which was built in 1908, is recorded as having 4 units, 2 stories, and two distinct mailing addresses (663 and 665 San Jose Ave). I have been a co-tenant in one of those units since January 1, 2013, paying \$550 a month in rent. The building (and my tenancy) is subject to SF Rent Ordinance. Should Ms. Ueda pursue the eviction notice she gave me verbally, I shall be filing for wrongful eviction. After visiting the SF Tenants Union and reviewing my rights, I have selected an attorney to represent my claim, and I have no intention of moving out.

In the future, please address any further discussion of tenancy, eviction, or access to the unit, to me in writing. I will not answer questions in person. Please remember that you must comply with California Civil Code 1954.

Tyrone L Whitehorn

I believe this eviction is wrongful because the landlords, Joseph K Bravo and Rika Ueda, have broken laws and used underhanded tactics in fulfilling their obligation of notifying me of the planned demolition of my unit, thereby trying to time me out of the possibility of pursuing a wrongful eviction claim.

The eviction notice and a payment check for both me and my roommate were taped to my door at 665 San Jose Avenue, San Francisco 94110, on June 17, 2015. I believe this service was improper as the door is unprotected, I did not receive the paperwork personally, and the checks and the paperwork could have been tampered with or stolen.

In April, Ms. Ueda verbally threatened eviction. I brought this to the attention of the Rent Board and in their decision RB E150993 the Rent Board declared that this verbal notification was invalid. At the time of this verbal intimidation, Mr. Bravo and Ms. Ueda did not mention demolition plans or a pending application with the Planning Department. Mr. Bravo's application with the Planning Department was approved on May 22, 2015.

State law requires that the landlord notify the tenant of the plan to demolish the unit prior to applying for the permit. I received no such notification. Had I received the notification, I could have requested a Block Book Notice. I also received no notice from the Planning Department when the application was submitted, which is a requirement per SF Planning Code S311. Had I received that notification I could have requested a discretionary review.

He's calling the unit 'illegal' in the building inspection permit, but as I pointed out to the Landlords in a letter dated April 28, 2015, according to the Assessor Recorder's office the building is zoned RH2 – Residential House 2 Family. It was built in 1908 with what it has now – 4 units, 2 stories, and 2 distinct addresses. Labelling our unit 'illegal' seems to be the loophole he is expecting to work for evicting me and my roommate from our unit. None of the rest of the building is facing this demolition work.

Upon receiving his permits, the Landlord is supposed to post notices on the building to alert neighbors and tenants that a permit has been granted, and no such sign has materialized. This leads me to wonder if this 'demolition' will actually be some small cosmetic changes and a re-renting of the unit at a much higher rate. If it is just cosmetic changes he is making, he should, by law, allow me to move back in when the renovation is done. His language and his reasons for renovation are vague throughout his paperwork, and I believe it is linguistic obfuscation in order to ease his way to doing what he wants with the unit where I live.

To Joseph K. Bravo and Rika Ueda

Please be notified that I consider your eviction action to be wrongful and am filing a wrongful eviction petition with the Rent Board.

It is my belief that your Permit Application to the Planning Department is invalid. State law requires that the landlord notify the tenant of the plan to demolish the unit prior to applying for the permit. I received no such notification. I also received no notice from the Planning Department when the application was submitted, which is a requirement per SF Planning Code S311. In addition, upon receiving the permits, the Landlord is supposed to post notices on the building to alert neighbors and tenants that a permit has been granted, and no such sign has materialized.

It is also my belief that the eviction notice was improperly served, as the eviction notice including a check made out to me was taped to my door at 665 San Jose Avenue, San Francisco 94110, on June 17, 2015. I did not receive the paperwork personally, the door it was taped to was unprotected by a gate, and both paperwork and check could have been tampered with or stolen.

As I intend to pursue a claim for wrongful eviction with the Rent Board and I will not vacate the premises. Since the Rent Board already issued a decision regarding Ms. Ueda's verbal threat of eviction, I consider this improperly fulfilled eviction action to be harassment.

Sincerely,

Tyrone Whitehorn

110 8/26/15

FILE

BOARD OF APPEALS
AUG 20 2015 *cas*
APPEAL # J.R.

VIA HAND-DELIVERY

August 20, 2015

San Francisco Board of Permit Appeals
1650 Mission Street
Suite 304
San Francisco, CA 94103

Subject Property: 665 San Jose Avenue
Permit NO. 2015/05/21/6937
Type Alternation Permit:
Date Filed August 10, 2015

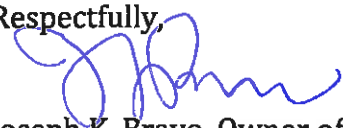
Dear Members of the Board:

My name is Joseph Bravo and I am the permit holder for the above-referenced permit. I am in receipt of the Request for Jurisdiction filed by Tyrone Whitehorn, and my response is that I have no objection to his jurisdiction request only.

I am in disagreement to the application of Civil Code section 1940.6 to his eviction case, and am continuing to research whether he must be provided an opportunity to receive notification of the permit prior to his being issued an eviction Notice under San Francisco Rent Ordinance Section provisions for removal of a unit from illegal residential dwelling use.

I have not proceeded with his eviction, which was served upon him more than sixty days ago, and which expired this month, until I can obtain such clarification about the application of Civil Code section 1940.6 to his eviction. I have notified him and the Rent Board of my decision not to proceed with his eviction based upon the Notice I refer to.

Nonetheless I am in favor of allowing Mr. Whitehorn his jurisdiction request and will be filing an opposition to his appeal when it is filed.

Respectfully,


Joseph K. Bravo, Owner of 655 San Jose and Permit Holder