

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

Appeal of  
TIM LOUIE, \_\_\_\_\_ )  
Appellant(s) )  
vs. )  
DEPARTMENT OF BUILDING INSPECTION, \_\_\_\_\_ )  
Respondent

Appeal No. **21-070**

**NOTICE OF APPEAL**

**NOTICE IS HEREBY GIVEN THAT** on July 28, 2021, 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 July 19, 2021 to Richard Ruhland and Rhonda Cartwright, of an Alteration Permit (roof gutter siding sidewalk to comply with Complaint Nos. 202179383 & 202179572: replace gutter down spout penetrating roof and relace roofing in lightwell) at 120 Dorcas Way.

**APPLICATION NO. 2021/07/19/4604**  
**FOR HEARING ON September 22, 2021**

Address of Appellant(s):

Address of Other Parties:

Tim Louie, Appellant(s)  
c/o Maddy Zacks, Attorney for Appellant(s)  
Zack, Freedman & Patterson, PC  
601 Montgomery Street, Suite 400  
San Francisco, CA 94111

Richard Ruhland and Rhonda Cartwright, Permit  
Holder(s)  
c/o Ben Coleman, Agent for Permit Holder(s)  
197 Laidley Street  
San Francisco, CA 94131



Date Filed: July 28, 2021

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

**PRELIMINARY STATEMENT FOR APPEAL NO. 21-070**

I / We, **Tim Louie, Trustee of the Masako Louie Revocable Trust**, hereby appeal the following departmental action: **ISSUANCE of Alteration Permit No. 2021/07/19/4604** by the **Department of Building Inspection** which was issued or became effective on: **July 19, 2021**, to: **Richard Ruhland and Rhonda Cartwright**, for the property located at: **120 Dorcas Way**.

**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 **September 2, 2021, (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 should be emailed to: [boardofappeals@sfgov.org](mailto:boardofappeals@sfgov.org), [julie.rosenberg@sfgov.org](mailto:julie.rosenberg@sfgov.org), [scott.sanchez@sfgov.org](mailto:scott.sanchez@sfgov.org) and [info@hartfordproperties.com](mailto:info@hartfordproperties.com).

Respondent's and Other Parties' Briefs are due on or before: 4:30 p.m. on **September 16, 2021, (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 double-spaced with a minimum 12-point font. An electronic copy should be emailed to: [boardofappeals@sfgov.org](mailto:boardofappeals@sfgov.org), [julie.rosenberg@sfgov.org](mailto:julie.rosenberg@sfgov.org), [scott.sanchez@sfgov.org](mailto:scott.sanchez@sfgov.org) and [maddy@zfplaw.com](mailto:maddy@zfplaw.com).

The Board's physical office is closed to the public and hard copies of the brief do NOT need to be submitted.

**Only photographs and drawings may be submitted by the parties at the hearing.**

Hearing Date: **Wednesday, September 22, 2021, 5:00 p.m.**, 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 change 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](mailto: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](http://www.sfgov.org/boa). You may also request a copy of the packet of materials that are provided to Board members at a cost of 10 cents per page, per S.F. Admin. Code Ch. 67.28.

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Signature: Via Email

Print Name: Maddy Zacks, Attorney for Appellant

# City and County of San Francisco

- Home
- Permit Services
- Plan Review
- Inspection Services
- Most Requested
- Key Programs
- About Us

Home » Most Requested

## Welcome to our Permit / Complaint Tracking System! Permit Details Report

Report Date: 7/28/2021 11:35:45 AM

Application Number: 202107194604  
 Form Number: 8  
 Address(es): 2999A / 035 / 0 120 DORCAS WY  
 Description: ROOF GUTTER SIDING SIDEWALK TO COMPLY WITH 202179383 & 202179572: REPLACE GUTTER DOWN SPOUR PENITATING ROOF AND RELACE ROOFING IN LIGHTWELL.  
 Cost: \$10,000.00  
 Occupancy Code: R-3  
 Building Use: 27 - 1 FAMILY DWELLING

### Disposition / Stage:

Action Date	Stage	Comments
7/19/2021	TRIAGE	
7/19/2021	FILING	
7/19/2021	FILED	
7/19/2021	APPROVED	
7/19/2021	ISSUED	

### Contact Details:

#### Contractor Details:

License Number: 354080  
 Name: GEORGE B. COLEMAN  
 Company Name: BEN COLEMAN INC  
 Address: 197 LAIDLEY STREET \* SAN FRANCISCO CA 94131-0000  
 Phone:

### Addenda Details:

#### Description:

Step	Station	Arrive	Start	In Hold	Out Hold	Finish	Checked By	Hold Description
1	BLDG	7/19/21	7/19/21			7/19/21	CHEUNG JIMMY	
2	CES	7/19/21	7/19/21			7/19/21	HERNANDEZ MAURICIO	
3	PID-INSP	7/19/21	7/19/21			7/19/21	PANELLI STEVEN	
4	BID-INSP	7/19/21	7/19/21			7/19/21		BID: F CLANCY
5	CPB	7/19/21	7/19/21			7/19/21	VICTORIO CHRISTOPHER	

This permit has been issued. For information pertaining to this permit, please call 628-652-3450.

### Appointments:

Appointment Date	Appointment AM/PM	Appointment Code	Appointment Type	Description	Time Slots
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### Inspections:

Activity Date	Inspector	Inspection Description	Inspection Status
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### Special Inspections:



Addenda No.	Completed Date	Inspected By	Inspection Code	Description	Remarks
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For information, or to schedule an inspection, call 628-652-3400 between 8:30 am and 3:00 pm.

[Online Permit and Complaint Tracking](#) home page.

### Technical Support for Online Services

If you need help or have a question about this service, please visit our [FAQ area](#).

[Contact SFGov](#)   [Accessibility](#)   [Policies](#)  
City and County of San Francisco © 2021



# BRIEF SUBMITTED BY THE APPELLANT(S)

1 ANDREW ZACKS (SBN 147794)  
2 MADELEINE ZACKS (SBN 335394)  
3 ZACKS, FREEDMAN & PATTERSON, PC  
4 601 Montgomery Street, Suite 400  
5 San Francisco, CA 94111  
6 Tel: (415) 956-8100  
7 Fax: (415) 288-9755

8 Attorneys for Appellant,  
9 Tim Louie, Trustee of the Masako  
10 Louie Revocable Trust

11 **SAN FRANCISCO BOARD OF APPEALS**

12 TIM LOUIE, as Trustee of the Masako Louie  
13 Revocable Trust

Appeal No.: 21-070

14 Appellant,

**APPELLANT'S BRIEF**

15 vs.

BPA No.: 2021/07/19/4604  
Subject Address: 120 Dorcas Way  
Hearing Date: September 22, 2021

16 CITY AND COUNTY OF SAN  
17 FRANCISCO, SAN FRANCISCO  
18 DEPARTMENT OF BUILDING  
19 INSPECTION,

20 Respondent.

21 RICHARD RUHLAND and RHONDA  
22 CARTWRIGHT,

23 Permit Holders.  
24  
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1 I. SUMMARY

2 This Appeal concerns the Department of Building Inspection’s (“DBI”) issuance of  
3 Permit No. 202107194604, which instructs the owners of 120 Dorcas Way (“Permit Holders”)  
4 to legalize their encroachment onto 100 Dorcas Way. The Permit Holders, who are Appellant’s  
5 immediate northerly neighbor at 120 Dorcas Way, have improperly installed a gutter and  
6 downspout apparatus and siding on their building. The downspout is an encroachment that  
7 crosses Appellant’s property line. Appellant has strongly expressed his opposition to the  
8 encroachment. This permit should be suspended until the Appellant and Permit Holders conduct  
9 a survey of the property lines, which is scheduled to be completed by September 17. If the  
10 survey shows that the downspout and gutter encroach on Appellant’s property, it must be  
11 removed, and the current permit cannot be finalized.

12 II. OVERVIEW OF THE WORK

13 Appellant Tim Louie is the Trustee of the Masako Louie Revocable Trust, which owns  
14 100 Dorcas Way. Appellant and his family have lived in their home for almost 70 years since it  
15 was constructed in 1955. Permit Holders own the neighboring property located at 120 Dorcas  
16 Way. On or around June 21, 2021, Permit Holders’ contractor, Ben Coleman, illegally  
17 trespassed onto Appellant’s property to install a downspout and exterior siding on 120 Dorcas  
18 Way. Without seeking any permission from Appellant, Mr. Coleman then removed a portion of  
19 Appellant’s fence in order to connect the down spout’s drain to the sidewalk. (See Exhibit A.)

20 On June 29, 2021, DBI issued a Notice of Violation (“NOV”), indicating that the storm  
21 water gutter and downspout were **crossing the property line of 100 Dorcas Way, that the**  
22 **work had been done without permits, and was not installed in a code compliant manner.**

23 (See Exhibit B.) The violation required the Permit Holder to obtain a permit within seven days,  
24 and to correct the code violations. (*Id.*)

25 Permit Holders waited until July 19, 2021, which was two weeks later than required by  
26 the NOV, to apply for a permit to abate the NOV. The permit’s scope of work was to “replace  
27 gutter down spout penitating [sic] roof.” DBI issued the permit on the same day. (See Exhibit  
28 C.) On July 21, 2021, Mr. Coleman emailed DBI a screenshot of a map with alleged

1 approximations of lot lines from the Department of Public Works website. Mr. Coleman  
2 claimed to DBI that this screenshot showed that the down spout was permitted and that it was  
3 not an encroachment. (See Exhibit D.) DBI did not consult with Appellant concerning the  
4 disputed property line before issuing the permit to Mr. Coleman. Permit Holders have refused to  
5 remove the downspout encroachment from Appellant’s property.

6 Appellant is undertaking a survey to properly document the property line, which is  
7 scheduled to be completed by September 17. Permit Holders have not agreed to hold off work  
8 under the permit until the survey is completed. Appellants timely filed this appeal on July 28,  
9 2021, which suspended Permit Holder’s permit pending resolution of the appeal. Permit Holders  
10 have continued their siding work in violation of the DBI’s suspension of their permit. (See  
11 Exhibit E.)

12 It also appears that Mr. Coleman was able to get the permit after the final notice period  
13 ended because he told a senior plumbing inspector at DBI that “a license issue occurred and [the  
14 Permit Holders] needed to get a new contractor to secure a permit.” (See Exhibit F.) However,  
15 Mr. Coleman has been the contractor since the work first began. He was the contractor who  
16 installed the down spout without a permit, and he remains the point of contact and contractor for  
17 the Permit Holders today.

18 Permit Holders contest that this work is an encroachment, even though they removed a  
19 portion of Appellant’s fence to install the improper downspout without even consulting  
20 Appellant. This appeal has been filed to maintain the status quo until the Appellant is able to  
21 obtain an official survey showing the encroachment and is able to enforce the removal of the  
22 down spout. If the permit is reinstated before Appellant receives the survey, the Permit Holder  
23 will finish the work regardless of Appellant’s protestations.

### 24 III. CONCLUSION

25 The Appellant asks that the Board of Appeals not reinstate the permit until the survey is  
26 finalized, so that no further encroachments are built.

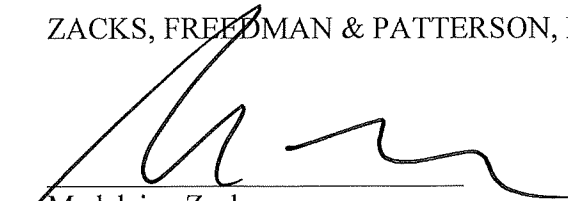
27 Alternatively, Appellants will grant access to the Permit Holders at a mutually agreeable  
28 time for the removal of the encroachment

**ZACKS, FREEDMAN & PATTERSON, PC**  
601 MONTGOMERY STREET, SUITE 400  
SAN FRANCISCO, CALIFORNIA 94111

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September 2, 2021

Respectfully submitted,  
ZACKS, FREEDMAN & PATTERSON, PC



\_\_\_\_\_  
Madeleine Zacks,  
Attorneys for Appellant

# Exhibit A



Storm drain and pan  
photo taken by Appellant





10 inch diameter drain, showing part of fence removed without Appellant's consent - photo taken by Appellant

















# Exhibit B



# NOTICE OF VIOLATION

of the San Francisco Municipal Codes Regarding Unsafe,  
Substandard or Noncomplying Structure or Land or Occupancy

**DEPARTMENT OF BUILDING INSPECTION** NOTICE: 1  
City and County of San Francisco  
49 South Van Ness Ave, Suite 400 San Francisco, CA

NUMBER: 202179383  
DATE: 29-JUN-21

ADDRESS: 120 DORCAS WY

OCCUPANCY/USE: ()

BLOCK: 2999A LOT: 035

If checked, this information is based upon site-observation only. Further research may indicate that legal use is different. If so, a revised Notice of Violation will be issued.

OWNER/AGENT: RICHARD RUHLAND REVOC LVG TR  
MAILING RICHARD RUHLAND REVOC LVG T  
ADDRESS RICHARD RUHLAND TRUSTEE

PHONE #: --



PERSON CONTACTED @ SITE: RICHARD RUHLAND REVOC LVG TR 2

PHONE #: --

## VIOLATION DESCRIPTION:

CODE/SECTION#  
CPC 103.1

- WORK WITHOUT PERMIT
- ADDITIONAL WORK-PERMIT REQUIRED
- EXPIRED OR  CANCELLED PERMIT PA#:
- UNSAFE BUILDING     SEE ATTACHMENTS

-Storm water gutter and downspout crossing the property line of 100 Dorcas  
-Storm water downspout installed without a permit and is not installed to code  
\* Observed exterior lightwell roofing being performed  
Penalty - 9 x \$148.80  
Code/Section: CPC Chapters 1, 3, 7, 8, 11

Monthly monitoring fee applies.  
Code/Section: SFBC 110A, Table 1A-K

## CORRECTIVE ACTION:

- STOP ALL WORK SFBC 104.2.4 (628)652-3400
- FILE BUILDING PERMIT WITHIN DAYS     (WITH PLANS) A copy of This Notice Must Accompany the Permit Application
- OBTAIN PERMIT WITHIN 7 DAYS AND COMPLETE ALL WORK WITHIN 21 DAYS, INCLUDING FINAL INSPECTION AND SIGNOFF.
- CORRECT VIOLATIONS WITHIN 21 DAYS.     NO PERMIT REQUIRED
- YOU FAILED TO COMPLY WITH THE NOTICE(S) DATED , THEREFORE THIS DEPT. HAS INITIATED ABATEMENT PROCEEDINGS.

● FAILURE TO COMPLY WITH THIS NOTICE WILL CAUSE ABATEMENT PROCEEDINGS TO BEGIN.  
SEE ATTACHMENT FOR ADDITIONAL WARNINGS.

-Hire licensed contractor, secure required permits, correct violations, schedule inspections  
-Pay monitoring fee

**INVESTIGATION FEE OR OTHER FEE WILL APPLY**

- 9x FEE (WORK W/O PERMIT AFTER 9/1/60)     2x FEE (WORK EXCEEDING SCOPE OF PERMIT)
- OTHER:     REINSPECTION FEE \$     NO PENALTY  
(WORK W/O PERMIT PRIOR TO 9/1/60)

APPROX. DATE OF WORK W/O PERMIT    VALUE OF WORK PERFORMED W/O PERMITS \$

**BY ORDER OF THE DIRECTOR, DEPARTMENT OF BUILDING INSPECTION**

CONTACT INSPECTOR: Daniel Ortega

PHONE # (628)652-3400

DIVISION: PID

DISTRICT :

# Exhibit C



**APPROVED**  
Dept. of Building Insp.  
- San Francisco -

JUL 19 2021

APPROVED FOR ISSUANCE  
FORM BLDG. 3/8  
APPLICATION NUMBER  
20210794604

CES # 202179383 - NOV(CP)  
BID # 202179572 (no Drully)

PATRICK O'RIOURAN  
FELICIA  
DEPT. OF BUILDING INSPECTION

**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  
 NUMBER OF PLAN SETS

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.

DO NOT WRITE ABOVE THIS LINE ▼

DATE FILED 07.09.21	FILING FEE RECEIPT NO.	(1) STREET ADDRESS OF JOB 120 Dorcas	BLOCK & LOT 2999A 035
PERMIT NO. 15-01932	ISSUED JUL 19 2021	(2A) ESTIMATED COST OF JOB \$10,000	(2B) REVISED COST: BY: \$10,000 DATE: 7/13/21

**INFORMATION TO BE FURNISHED BY ALL APPLICANTS**

<b>LEGAL DESCRIPTION OF EXISTING BUILDING</b>			
(4A) TYPE OF CONSTR. Roof VB	(5A) NO. OF STORIES OF OCCUPANCY: 2	(6A) NO. OF BASEMENTS AND CELLARS: 1	(7A) PRESENT USE: Resident SFD
(8A) OCCUP. CLASS Single R3	(9A) NO. OF DWELLING UNITS: 1		
<b>DESCRIPTION OF BUILDING AFTER PROPOSED ALTERATION</b>			
(4) TYPE OF CONSTR. Roof VB	(5) NO. OF STORIES OF OCCUPANCY: 2	(6) NO. OF BASEMENTS AND CELLARS: 1	(7) PROPOSED USE (LEGAL USE) Resident SFD
(8) OCCUP. CLASS Single R3	(9) NO. OF DWELLING UNITS: 1		
(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 checked="" type="checkbox"/> NO <input type="checkbox"/>
(14) GENERAL CONTRACTOR B Coleman + Son	ADDRESS 197 Landley St.	ZIP 94131	PHONE 415 298 8324
			CALIF. LIC. NO. 354080
			EXPIRATION DATE 12.31.21
(15) OWNER - LESSEE (CROSS OUT ONE) Richard Ruhlman	ADDRESS 197 Landley St	ZIP 94131	BTRCH# 351933
(16) WRITE IN DESCRIPTION OF ALL WORK TO BE PERFORMED UNDER THIS APPLICATION (REFERENCE TO PLANS IS NOT SUFFICIENT)			
Roof Gutter siding sidewalk. to comply with 202179383 & 202179572. Replace Gutter Downspout penetrating roof and replace roofing in lightwell			
<b>ADDITIONAL INFORMATION</b>			
(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) IF (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 <input type="checkbox"/> CONSTRUCTION <input type="checkbox"/> ADDRESS		CALIF. CERTIFICATE NO.	
(26) CONSTRUCTION LENDER (ENTER NAME AND BRANCH DESIGNATION IF ANY. IF THERE IS NO KNOWN CONSTRUCTION LENDER, ENTER "UNKNOWN")		ADDRESS	

**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 385, 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 application are assumed to be correct. If actual grade lines are not the same as shown, revised drawings showing correct grade lines, cuts and fills, and complete details of retaining walls and wall footings must be submitted to this department for approval.  
ANY STIPULATION REQUIRED HEREIN OR BY CODE MAY BE APPEALED.  
BUILDING NOT TO BE OCCUPIED UNTIL CERTIFICATE OF FINAL COMPLETION IS POSTED ON THE BUILDING OR PERMIT OF OCCUPANCY GRANTED, WHEN REQUIRED.  
APPROVAL OF THIS APPLICATION DOES NOT CONSTITUTE AN APPROVAL FOR THE ELECTRICAL WIRING OR PLUMBING INSTALLATIONS. A SEPARATE PERMIT FOR THE WIRING AND PLUMBING MUST BE OBTAINED. SEPARATE PERMITS ARE REQUIRED IF ANSWER IS "YES" TO ANY OF ABOVE QUESTIONS (10) (11) (12) (13) (22) OR (24).  
THIS IS NOT A BUILDING PERMIT. NO WORK SHALL BE STARTED UNTIL A BUILDING PERMIT IS ISSUED.  
In dwellings, all insulating materials must have a clearance of not less than two inches from all electrical wires or equipment.

CHECK APPROPRIATE BOX  
 OWNER  
 LESSEE  
 CONTRACTOR  
 ARCHITECT  
 AGENT  
 ENGINEER

**APPLICANT'S CERTIFICATION**

I HEREBY CERTIFY AND AGREE THAT IF A PERMIT IS ISSUED FOR THE CONSTRUCTION DESCRIBED IN THIS APPLICATION, ALL THE PROVISIONS OF THE PERMIT AND ALL LAWS AND ORDINANCES THERE TO WILL BE COMPLIED WITH.

**NOTICE TO APPLICANT**

**HOLD HARMLESS CLAUSE.** The permittee(s) by acceptance of the permit, agree(s) to indemnify and hold harmless the City and County of San Francisco from and against any and all claims, demands and actions for damages 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 all such claims, demands or actions.  
In conformity with the provisions of Section 3800 of the Labor Code of the State of California, the applicant shall have worker's compensation coverage under (I) or (II) designated below, or shall indicate item (III), (IV), or (V), whichever is applicable. If however item (V) is checked, item (IV) must be checked as well. Mark the appropriate method of compliance below.  
I hereby affirm under penalty of perjury one of the following declarations:  
( ) I. I have and will maintain a certificate of consent to self-insure for worker's compensation, as provided by Section 3700 of the Labor Code, for the performance of the work for which this permit is issued.  
( ) II. I have and will maintain worker's compensation insurance, as required by Section 3700 of the Labor Code, for the performance of the work for which this permit is issued. My worker's compensation insurance carrier and policy number are:  
Carrier \_\_\_\_\_  
Policy Number \_\_\_\_\_  
( ) III. The cost of the work to be done is \$100 or less.  
 IV. I certify that in the performance of the work for which this permit is issued, I shall not employ any person in any manner so as to become subject to the worker's compensation laws of California. I further acknowledge that I understand that in the event that I should become subject to the worker's compensation provisions of the Labor Code of California and fail to comply therewith with the provisions of Section 3800 of the Labor Code, that the permit herein applied for shall be deemed revoked.  
( ) V. I certify as the owner (or the agent for the owner) that in the performance of the work for which this permit is issued, I will employ a contractor who complies with the worker's compensation laws of California and who, prior to the commencement of any work, will file a completed copy of this form with the Central Permit Bureau.  
Signature of Applicant or Agent: Ben Delgado Date: 7-11-21  
7.9.21



OFFICIAL COPY

SAN FRANCISCO  
REFER APPROVED  
BUILDING INSPECTION

CONDITIONS AND STIPULATIONS

<input checked="" type="checkbox"/>	APPROVED:  <i>JIMMY CHEUNG, DBI</i> <i>JUL 13 2021</i>	_____ BUILDING INSPECTOR, DEPT. OF BLDG. INSP.
<input type="checkbox"/>	APPROVED:  <i>WA</i>	_____ DEPARTMENT OF CITY PLANNING
<input type="checkbox"/>	APPROVED:	_____ BUREAU OF FIRE PREVENTION & PUBLIC SAFETY
<input type="checkbox"/>	APPROVED:	_____ MECHANICAL ENGINEER, DEPT. OF BLDG. INSPECTION
<input type="checkbox"/>	APPROVED:	_____ CIVIL ENGINEER, DEPT. OF BLDG. INSPECTION
<input checked="" type="checkbox"/>	APPROVED:	_____ BUREAU OF ENGINEERING
<input type="checkbox"/>	APPROVED:  <i>WA</i>	_____ DEPARTMENT OF PUBLIC HEALTH
<input type="checkbox"/>	APPROVED:	_____ REDEVELOPMENT AGENCY
<input type="checkbox"/>	APPROVED:	_____ HOUSING INSPECTION DIVISION

DATE: *(310) 7/13/21*  
REASON: *ok to process*  
*F. CLANCY*  
DATE: CES  
Reason  
NOTIFIED MR.

DATE: *July 19 21*  
REASON: *ok to issue*  
*Paul PFD*  
*Steve Pravello*  
NOTIFIED MR.

DATE: \_\_\_\_\_  
REASON: \_\_\_\_\_  
NOTIFIED MR.

DATE: \_\_\_\_\_  
REASON: \_\_\_\_\_  
NOTIFIED MR.

DATE: \_\_\_\_\_  
REASON: \_\_\_\_\_  
NOTIFIED MR.

DATE: \_\_\_\_\_  
REASON: \_\_\_\_\_  
NOTIFIED MR.

DATE: \_\_\_\_\_  
REASON: \_\_\_\_\_  
NOTIFIED MR.

DATE: *7/13/21*  
REASON: *OK TO*  
*PROCESS WA*  
*CES*  
NOTIFIED MR.

DATE: \_\_\_\_\_  
REASON: \_\_\_\_\_  
NOTIFIED MR.

HOLD SECTION - NOTE DATES AND NAMES OF ALL PERSONS NOTIFIED DURING PROCESSING

I agree to comply with all conditions or stipulations of the various bureaus or departments noted on this application, and attached statements of conditions or stipulations, which are hereby made a part of this application.

Number of attachments

\_\_\_\_\_  
OWNER'S AUTHORIZED AGENT

# Exhibit D

**From:** [Ledda, David \(DBI\)](#)  
**To:** [Ortega, Daniel \(DBI\)](#)  
**Subject:** FW: 120 Corcas Way lot lay out.  
**Date:** Wednesday, July 21, 2021 7:54:00 AM  
**Attachments:** [Screenshot \(1\).png](#)

---

Here is the lot outline for 120 Doracs. Take a look.

David Ledda  
Senior Plumbing Inspector  
49 South Van Ness Suite 400  
San Francisco, Ca 94103  
628-652-3678

---

**From:** Info Hartford Properties <info@hartfordproperties.com>  
**Sent:** Wednesday, July 21, 2021 4:35 AM  
**To:** Ledda, David (DBI) <david.ledda@sfgov.org>; Info Hartford Properties <info@hartfordproperties.com>; Uncle Ben Coleman <[REDACTED]>  
**Subject:** Fwd: 120 Corcas Way lot lay out.

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

**Dear Mr. Ledda and SFDBI**

**Attached is the picture showing that the neighbor that has filed a complaint, is in fact the one that is encroaching onto the property at 120 Dorcas Way.**

**Thank you for your attention to this matter.**

**Ben Coleman  
Hartford Properties  
Property Manager  
415-298-8324**



scale: 250

**MAP LAYERS**

- Basic Map
- Zones
- Public Places
- Topography
- Permits/Construction
- Inspection
- SFMTA
- SFPUC
- Jurisdiction
- Public Works
- Emergency Mgmt
- Aerial Photo
- Lot Outline (4000)
- Address Numbers (2000)
- Lot Numbers (2000)
- Ortho Photo Grid 1993 & 2001
- Pictometry 2010 (4000)
- Pictometry 2013 (4000)
- Pictometry 2014 (4000)
- Pictometry 2015 (4000)
- Pictometry 2017 (4000)
- Pictometry 2018 (4000)
- Pictometry 2019 (4000)



# Exhibit E





Photo taken by Appellant on July 3, 2021, showing incomplete siding






Photo taken by Appellant on July 3, 2021, showing incomplete siding






Photo taken by Appellant July  
26, 2021, showing incomplete  
siding



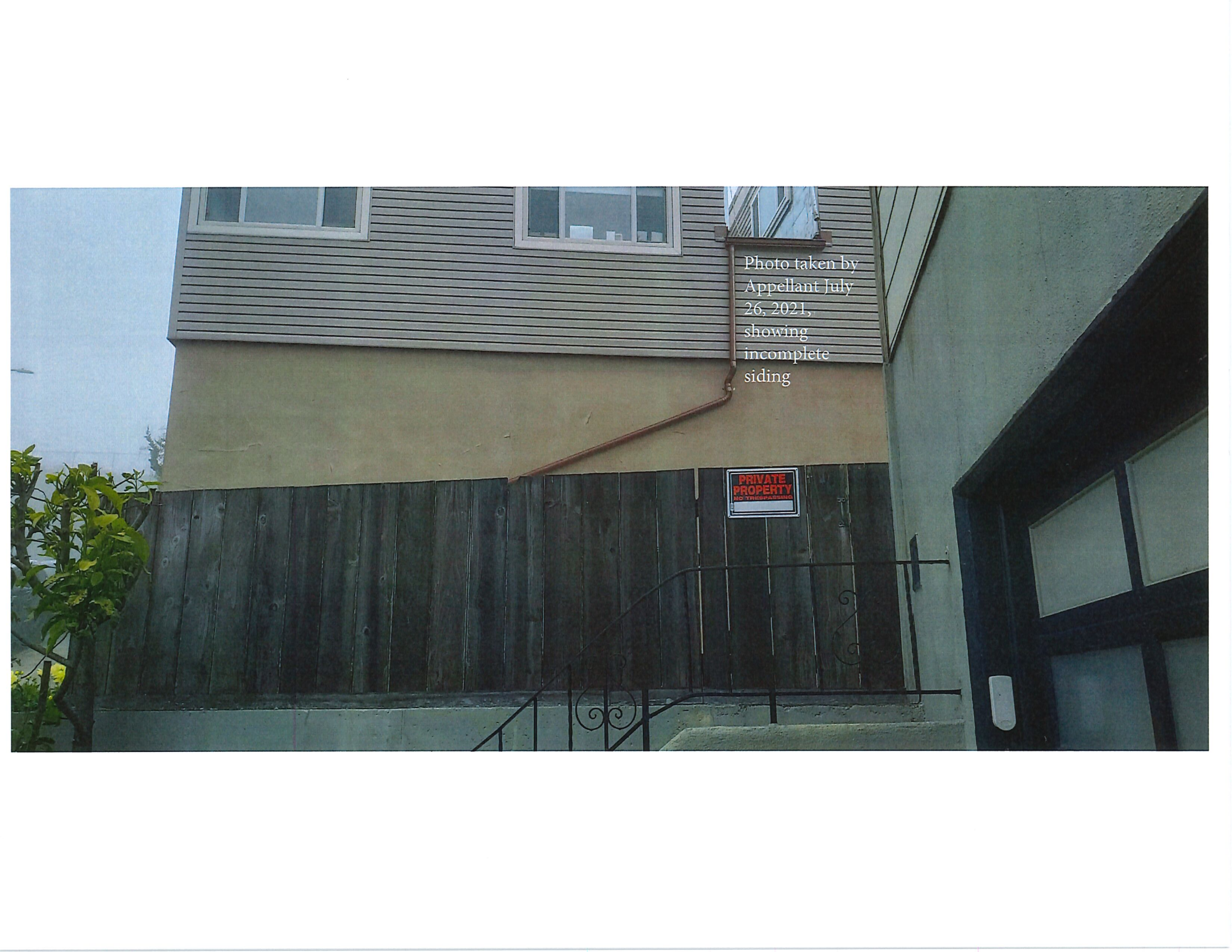


Photo taken by  
Appellant July  
26, 2021,  
showing  
incomplete  
siding

**PRIVATE  
PROPERTY  
NO TRESPASSING**



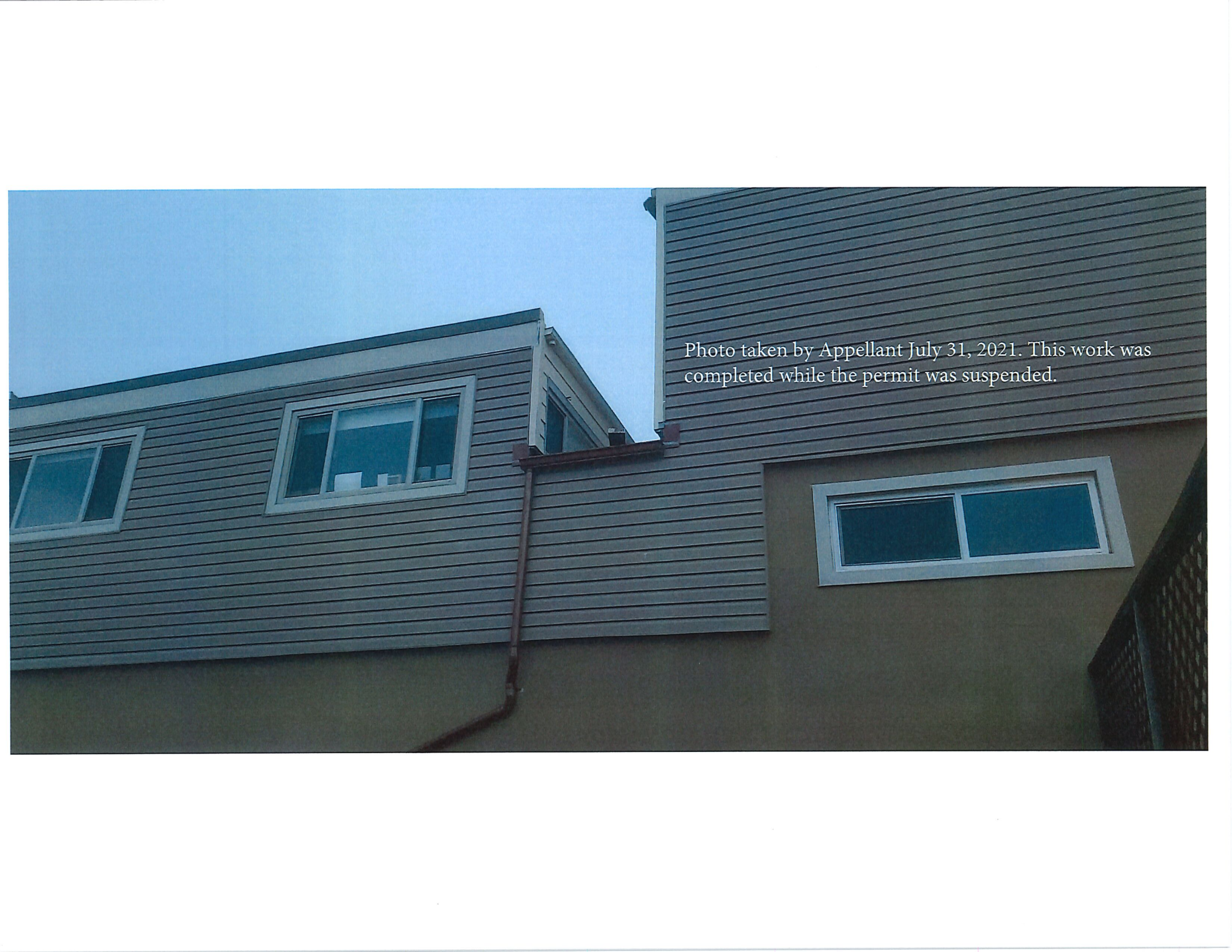


Photo taken by Appellant July 31, 2021. This work was completed while the permit was suspended.






Photo taken by Appellant  
July 31, 2021. This work was  
completed while the permit  
was suspended.

# Exhibit F

**From:** [Ledda, David \(DBI\)](#)  
**To:** [Fieber, Jennifer \(BOS\)](#)  
**Subject:** Re: Plumbing citation #22216570 120 Dorcas Way  
**Date:** Monday, July 26, 2021 2:56:31 PM

---

The work which has been install can stay, however the work is not complete and needs to be inspected. It is up to the contractor to call for inspection. Again, if the court finds there is a property line issue, then the piping which has crossed over the property line will have to be moved. This has been explained to the owner of 100 Dorcas and the owner rep at 120 Dorcas. the downspout in its current location can remain where it is at unless the building at 120 is over the property line.

David Ledda  
Senior Plumbing Inspector  
Department of Building Inspection  
49 South Van Ness Suite 400  
(628)652-3678  
David.ledda@sfgov.org

---

**From:** Fieber, Jennifer (BOS) <jennifer.fieber@sfgov.org>  
**Sent:** Monday, July 26, 2021 2:30 PM  
**To:** Ledda, David (DBI) <david.ledda@sfgov.org>  
**Cc:** Ortega, Daniel (DBI) <daniel.ortega@sfgov.org>  
**Subject:** RE: Plumbing citation #22216570 120 Dorcas Way

Thank David,

When you say they paid their penalties and secured a permit, does that mean the original work remains? That it was signed off so to speak, by your dept?

---

**From:** Ledda, David (DBI) <david.ledda@sfgov.org>  
**Sent:** Monday, July 26, 2021 2:13 PM  
**To:** Fieber, Jennifer (BOS) <jennifer.fieber@sfgov.org>  
**Cc:** Ortega, Daniel (DBI) <daniel.ortega@sfgov.org>  
**Subject:** Re: Plumbing citation #22216570 120 Dorcas Way

Good afternoon, Jennifer,

The issues at 100-120 Dorcas is complicated to say the least. The Plumbing Inspection Division received a complaint and Mr. Ortega investigated the claim. He identified work on the rainwater leader being performed without the benefit of a plumbing permit. A notice of violation was issued, and a penalty was placed on the property. The violation time closed, and the case was moved to CES. The property owner rep stated a license issue occurred and needed to get a new contractor to secure a permit. I then requested the case returned to our



division. The owner rep then paid penalties and secured a permit.

Now the complicated part. Both owners are claiming a property line issue of which the SFDBI does not get involved with. I directed both parties to hire private surveyor companies to identify the property line because this is a civil matter and SFDBI has no say or defines property lines.

If you have further questions, please feel free to call.

David Ledda  
Senior Plumbing Inspector  
Department of Building Inspection  
49 South Van Ness Suite 400  
(628)652-3678  
[David.ledda@sfgov.org](mailto:David.ledda@sfgov.org)

---

**From:** Fieber, Jennifer (BOS) <[jennifer.fieber@sfgov.org](mailto:jennifer.fieber@sfgov.org)>  
**Sent:** Monday, July 26, 2021 1:55 PM  
**To:** Ledda, David (DBI) <[david.ledda@sfgov.org](mailto:david.ledda@sfgov.org)>  
**Subject:** RE: Plumbing citation #22216570 120 Dorcas Way

Hello David,

I'm trying to help a constituent in our district who is having an issue with her neighbor's shoddy plumbing work. Could you please give me a status update as to the code enforcement complaint at 120 Dorcas Way and whether the offending work will be removed? See my original query below....

Thank you kindly,

Jennifer Fieber  
Office Of Supervisor Melgar, District 7

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**From:** Ortega, Daniel (DBI) <[daniel.ortega@sfgov.org](mailto:daniel.ortega@sfgov.org)>  
**Sent:** Monday, July 26, 2021 12:57 PM  
**To:** Fieber, Jennifer (BOS) <[jennifer.fieber@sfgov.org](mailto:jennifer.fieber@sfgov.org)>  
**Subject:** Re: Plumbing citation #22216570 120 Dorcas Way

Hi Jennifer,

I was the Plumbing Inspector who issued the NOV on 6/29/21. I also sent this Complaint to Code Enforcement on 7/8/21 for non-compliance. Looks like the Complaint was returned to PID on 7/20/21 by Senior Inspector Ledda. Inspector Ledda has since been in contact with the contractor and property owner and has up to date knowledge of this complaint. Please contact Senior Inspector Ledda for the current status of this Complaint.

Best regards,

Dan Ortega  
Plumbing Inspector / Complaints  
(628) 652-3687

Get [Outlook for iOS](#)

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**From:** Fieber, Jennifer (BOS) <[jennifer.fieber@sfgov.org](mailto:jennifer.fieber@sfgov.org)>  
**Sent:** Friday, July 23, 2021 3:33:25 PM  
**To:** Ortega, Daniel (DBI) <[daniel.ortega@sfgov.org](mailto:daniel.ortega@sfgov.org)>  
**Subject:** Re: Plumbing citation #22216570 120 Dorcas Way

Hello Daniel,

I'm writing on behalf of a constituent call I received. I hope you can help me navigate an answer. Her neighbor at 120 Dorcas Way installed a shoddy downspout pipe. They cut into her fence without permission which is a separate issue... she called to complain and a plumbing inspector came out and cited the owner for doing the work without permits. There were fines and Code enforcement was supposed to occur.

But the situation remained and another inspector came out and agreed that the work wasn't kosher. Her son checked the PIM (which isn't working for me today) and said that permits were issued retroactively. (dunno if this is true)

Can you please investigate whether this can be rectified? I have the names of the inspectors and the unlicensed plumber – but you probably have these records yourself.

Thank you very much,

Jennifer Fieber  
Administrative Aide  
Office of Supervisor Melgar – District 7

## **BRIEF SUBMITTED BY THE PERMIT HOLDER(S)**



Dear Board of Appeals,

My name is Ben Coleman and I manage the property at 120 Dorcas Way.

The tenants at 120 Dorcas have complained about the fact that the lightwell leaks into the Property. This could cause health issues, water and property damage.

My job as property manager is to ensure the health and safety of the occupants so we have done the following:

1. Attempted to address the lightwell leaking by redoing the total area
2. Hired a heater duct company to clean the vent lines/heater ducts
3. Route a NEW dryer exhaust vent to the outside atmosphere.

We have only successfully completed item 2 above since this work started in June of 2021.

We have tried to talk with reason to the owners of 100 Dorcas, their attorney, and even asked the district supervisors' office to contract them and see what can be done, which they did, yet their attempts were unsuccessful.

I take issue with most all of the comments and statement made by the attorney and briefs as well as their client's statements which are filled with incorrect and false statements.

The focus for me is the health and safety of the tenants at 120 Dorcas and working in a reasonable and positive direction to mitigate that situation while also working with adjacent neighbors in a positive and reasonable way.

The question is, can we rebuild the lightwell and obtain any related permits needed from other departments to complete this project and I believe the answer is Yes, we can and should.

Based on the documents recorded , assessor parcel maps, Sanborn maps, and Google maps

from the Bureau of Street and Maps, it is extremely reasonable to extrapolate that there is enough room for a 3-inch pipe on the West property line bordering 100 Dorcas without encroaching.

#### SUMMARY

1. We are only trying to protect the tenants with a health and safety issue while complying With the SFDBI and we believe there is no encroachment on our part.

2. I did not and would not trespass and I actually introduced myself to Mr. Louie as well as the carpenter Ben Delgado. He even laughed at the fact we both had the same first name. Mr. Louie said it would be no problem and anytime. I performed no work.

3. We purchased the most expensive downspouts and gutter material ( Copper ) so it would look aesthetically pleasing from the neighbors' side. Cast iron, aluminum or galvanized sheet metal are other options we discounted immediately with GOOD FAITH NEIGHBOR INTENTIONS.

I advised the attorney, Ms. Zacks personally that if they could demonstrate that there was an encroachment cause by this 31/8inch pipe, that we would gladly remove any encroachment found.

---

Ben Coleman

date

**EXHIBIT A**







Canada  
2004/2021  
09 35  
GV  
Branch T  
13730 6

Exhibit B

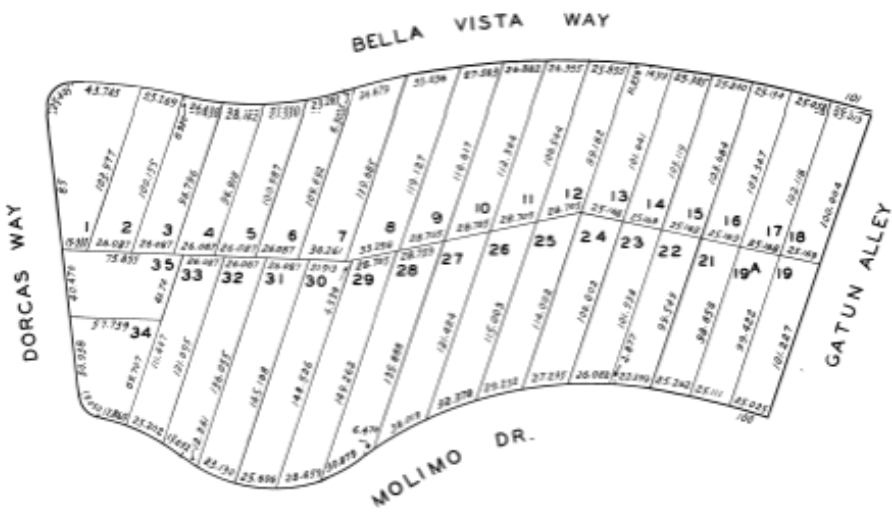




2999A

LOTS MERGED  
LOTS 2/28 OMITTED-1955  
LOT 20 INTO LOTS 2/28-1954

MIRALOMA PARK





**RECORDING REQUESTED BY:**

Christine E Hoburg  
Kelley & Farren, LLP  
1101 - 5th Avenue, Suite 160  
San Rafael, CA 94901



San Francisco Assessor-Recorder  
Carmen Chu, Assessor-Recorder  
**DOC- 2017-K432228-00**

Check Number 6333  
Wednesday, APR 12, 2017 10:05:51  
Ttl Pd \$21.00 Rcpt # 0005581471  
0J1/JL/1-2

**WHEN RECORDED MAIL DOCUMENT  
AND MAIL TAX STATEMENTS TO:**

Richard Ruhland  
919 Kensington Place  
Petaluma, CA 94954

APN: Block 2999A, Lot 35  
Commonly known as: 120 Dorcas Way, San Francisco

THIS IS A GIFT OF UNENCUMBERED REAL PROPERTY  
AND IS EXEMPT FROM REASSESSMENT, PROPERTY IS  
PASSING TO CHILDREN

**QUITCLAIM DEED**

**THE UNDERSIGNED QUITCLAIMORS DECLARE.**

Documentary transfer tax. NONE Exempt pursuant to Rev. & Tax. Code § 11930.

**FOR NO VALUABLE CONSIDERATION, RHONDA CARTWRIGHT and RICHARD RUHLAND, Trustees, CYNTHIA JANE RUHLAND LIVING TRUST dated January 28, 1994, hereby QUITCLAIM as follows**

- An undivided forty-five percent (45%) interest to RICHARD RUHLAND, Trustee, Ruhland GST Trust FBO Richard Ruhland dated January 28, 1994, as tenant in common
- An undivided forty-five percent (45%) interest to RHONDA CARTWRIGHT, Trustee, Ruhland GST Trust FBO Rhonda Cartwright dated January 28, 1994, as tenant in common

in the following described real property in the City and County of San Francisco, State of California:

SEE "EXHIBIT A" ATTACHED HERETO AND MADE A PART HEREOF

Dated 9/30, 2016

*Rhonda Cartwright*

RHONDA CARTWRIGHT, Trustee  
CYNTHIA JANE RUHLAND LIVING TRUST dated  
January 28, 1994

Dated: 9/30, 2016

*Richard Ruhland*

RICHARD RUHLAND, Trustee  
CYNTHIA JANE RUHLAND LIVING TRUST dated  
January 28, 1994

**CERTIFICATE OF ACKNOWLEDGMENT OF NOTARY PUBLIC**

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California  
County of Marin

On Mar. 20, 2017, before me, Christine Hoburg, Notary Public, personally appeared RHONDA CARTWRIGHT and RICHARD RUHLAND, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature *Christine Hoburg* (Seal)





## EXHIBIT A

BEGINNING at a point on the easterly line of Dorcas Way, distant thereon South 7° 08' East 85 feet from the southwesterly terminus of the curve with a radius of 15 feet which connects said line of Dorcas Way with the southwesterly line of Bella Vista Way, running thence South 7° 08' East along said line of Dorcas Way, 40.476 feet; thence South 88° 20' East 57.739 feet; thence North 18° 16' East 41.740 feet; thence North 88° 20' West 75.855 feet to the point of beginning. Being a portion of Block 2999-A, according to the "Map of Part of MIRALOMA PARK, showing Opening of Streets and Alleys", filed May 14, 1931, in Book "M" of Maps, at pages 43 to 46, inclusive, in the office of the Recorder of the City and County of San Francisco, State of California.

Recording Requested By  
And When Recorded Mail To:

Law Offices of Jack Riordan  
377 West Portal Avenue, Suite B  
San Francisco, CA 94127



San Francisco Assessor-Recorder  
Mabel S. Teng, Assessor-Recorder  
DOC- 2003-H399913-00

Check Number 1187  
Thursday, APR 03, 2003 12:18:43  
Ttl Pd \$12.00 Nbr-000210564  
REEL 1358 IMAGE 0444  
of 0/KC/1-2

Mail Tax Statements To:  
Mrs. Masako Louie  
100 Dorcas Way  
San Francisco, CA 94127

Property Address:  
100 Dorcas Way  
San Francisco, CA 94127  
Block 2999A, Lot 34

2/cz

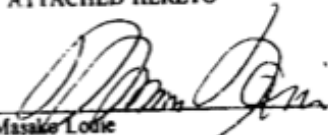
QUITCLAIM DEED

By this instrument dated: March 25, 2003

The undersigned quitclaimor declares documentary transfer tax is none; no consideration given; conveyance transferring Quitclaimor's interest within a revocable living trust and not pursuant to sale (Revenue and Taxation Code Section 11930).

MASAKO LOUIE, does hereby remise, release and forever quitclaim to MASAKO LOUIE, as trustee, or the successor trustee or trustees, of the MASAKO LOUIE REVOCABLE TRUST, all right, title and interest in and to the following described real property located in the City and County of San Francisco, State of California, and legally described as follows:

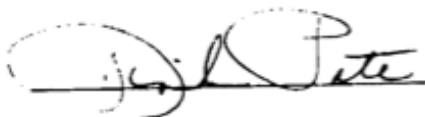
SEE EXHIBIT "A" ATTACHED HERETO

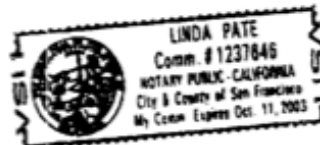
  
\_\_\_\_\_  
Masako Louie

State of California )  
County of San Francisco )

On the 26 day of MARCH, 2003, before the undersigned, Notary Public for the State of California, personally appeared Masako Louie, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her authorized capacity, and that by her signature on the instrument the person, or the entity upon behalf of which the person acted, executed this instrument.

WITNESS my hand and official seal.

  
\_\_\_\_\_  
Linda Pate



**H399913**

**EXHIBIT "A"**

Commencing at a point on the easterly line of Dorcas Way distant thereon south 7°08' east 125.476 feet from the southwesterly terminus of the curve with a radius of 15 feet which connects said line of Dorcas Way with the southwesterly line of Bella Vista Way; running thence south 7°08' east along said line of Dorcas Way 50.938 feet; thence southerly and easterly along the curve to the left with a radius of 15 feet, central angle 72° 45' 53", a distance of 19.050 feet to the northerly curved line of Molimo Drive; thence continuing easterly and southerly along said last named line, having a radius of 120 feet, a central angle of 80° 31' 39", a distance of 17.860 feet; thence north 18°16' east 69.707 feet to a point intersected by a line drawn south 88° 20' east through the point of commencement; thence north 88° 20' west 57.739 feet to the point of commencement.

Being a part of Block 2999-A, according to the "Map of part of Miraloma Park, Showing Opening of Streets and Alleys, filed May 14, 1931 in the office of the Recorder of the City and County of San Francisco, and of record in Map Book "M" at pages 43 through 46 inclusive.

[Block 2999A, Lot 34]



## CALCULATIONS

Front PL at the street of 120 Dorcas is 40.476 Ft ( the narrowest point ) Note: assessor records and recorded legal description

Measurement appears to have 30 millimeters on the picture equaling 40.476 ft approximately

Using 29 millimeters divided into 40.476 Ft = 1.39 ft per millimeter

The picture shows that we have at least ONE Millimeter to the adjacent property line in question.

1 ft = 12 inches

.39 ft equals 4.68 inches

16.68 inches is the approx. space at the front of building to property line adjoining 100 Dorcas

Taking only 25% of this calculation would still remain at the very least 4+ inches

Actual diameter of downspout is 3 1/8 inches noted in exhibit A we provided

This a methodical approach to what appears to be a reason estimate of space from the building

At 120 Dorcas Way to the adjoining PL at 100 Dorcas

Please note that the rear lot line width in 41.74 Ft

Exhibit C

