

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

Appeal of  
KEMPTON DUNN and MEREDITH DUNN, \_\_\_\_\_ )  
Appellant(s) )  
vs. )  
DEPARTMENT OF BUILDING INSPECTION, \_\_\_\_\_ )  
PLANNING DEPARTMENT APPROVAL Respondent

Appeal No. **21-072**

**NOTICE OF APPEAL**

**NOTICE IS HEREBY GIVEN THAT** on August 3, 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 20, 2021 to Patrick Gordon, of an Alteration Permit (Scope of Work: (1) Basement: partial replacement of foundation and slab, add front lightwell, infill under deck; add two bedrooms and 1 ½ baths, office and storage (2) First floor: remodel kitchen, half bath replacing full bath and expand deck with new stairs (3) Second floor: remodel bath and add hallway) at 152 28th Avenue.

**APPLICATION NO. 2021/0623/3067**

**FOR HEARING ON October 6, 2021**

Address of Appellant(s):

Address of Other Parties:

Kempton Dunn and Meredith Dunn, Appellant(s)  
c/o Stephen Williams, Attorney for Appellant(s)  
1934 Divisadero Street  
San Francisco, CA 94115

Patrick Gordon, Permit Holder(s)  
c/o Will Henderson, Agent for Permit Holder(s)  
Outerlands Design & Build, Inc.  
884 31st Avenue  
San Francisco, CA 94121



Date Filed: August 3, 2021

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

**PRELIMINARY STATEMENT FOR APPEAL NO. 21-072**

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I / We, **Kempton Dunn and Meredith Dunn**, hereby appeal the following departmental action: **ISSUANCE of Alteration Permit No. 2021/0623/3067** by the **Department of Building Inspection** which was issued or became effective on: **July 20, 2021**, to: **Patrick Gordon**, for the property located at: **152 28th Avenue**.

**BRIEFING SCHEDULE:**

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

Appellants Brief is due on or before: 4:30 p.m. on **September 16, 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), [Gordon.patrick.a@gmail.com](mailto:Gordon.patrick.a@gmail.com) and [will@outerlandsdesign.com](mailto:will@outerlandsdesign.com).

Respondent's and Other Parties' Briefs are due on or before: 4:30 p.m. on **September 30, 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 doubled-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 [Kempton.dunn@gmail.com](mailto:Kempton.dunn@gmail.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, October 6, 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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**Appellant: Kempton & Meredith Dunn, filed by telephone.**

**Permit Details Report****Report Date:** 8/3/2021 11:38:51 AM

Application Number: 202106233067

Form Number: 8

Address(es): 1331 / 027 / 0 152 28TH AV

Description: 1) IN BASEMENT, PARTIAL REPLACEMENT OF FOUNDATION &amp; SLAB, ADD FRONT LIGHTWELL, INFILL UNDER DECK, ADD 2 BEDROOMS &amp; 1 1/2 BATHS, OFFICE &amp; STORAGE, 2) ON 1ST FL: REMODEL KITCHEN, HALF BATH REPLACING FULL BATH, &amp; EXPAND DECK WITH NEW STAIRS. 3) ON 2ND FL: REMODEL BATH &amp; ADD HALLWAY.

Cost: \$250,000.00

Occupancy Code: R-3

Building Use: 27 - 1 FAMILY DWELLING

**Disposition / Stage:**

Action Date	Stage	Comments
6/23/2021	TRIAGE	
6/23/2021	FILING	
6/23/2021	FILED	
7/20/2021	APPROVED	
7/20/2021	ISSUED	

**Contact Details:****Contractor Details:**

License Number: 1026243

Name: JARED JOHNSON

Company Name: OUTERLANDS DESIGN INC

Address: 884 31ST AV \* SAN FRANCISCO CA 94120-0000

Phone:

**Addenda Details:****Description:**

Step	Station	Arrive	Start	In Hold	Out Hold	Finish	Checked By	Hold Description
1	INTAKE	6/23/21	6/23/21			6/23/21	SHAWL HAREGGEWAIN	
2	CP-ZOC	7/20/21	7/20/21			7/20/21	BOTN KURT	Apporved OTC: In-fill at rear over a legal projecting room within the buildable area less than 12' from grade. Reconfigure deck at the rear less than 10' from grade within the buildable area no fire walls. Interior wall demo less than 20%. No work to front facade of building
3	BLDG	7/20/21	7/20/21			7/20/21	QUAN SUE	Approved.
4	MECH	7/20/21	7/20/21			7/20/21	LAI JEFF	7/20/2021-approved & plans back to applicant
5	SFPUC	7/20/21	7/20/21			7/20/21	FONG JEFFREY	Approved. Capacity Charge not applicable. Existing fixture count (gpm) in the same tier as proposed fixture count (gpm). Please note that existing meter is undersized. Meter upgrade is recommended. Please contact SFPUC, New Installations, 525 Golden Gate Ave, 2nd floor, San Francisco, CA 94102, Telephone: (415) 551-2900 for more info. jfong@sfgwater.org. Plans given back to applicant 07/20/21.
6	CPB	7/20/21	7/20/21			7/20/21	DOMINGO CARMELO ADRIAN	

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
0			IB53	CF2R-ADD-02-E - PRESCRIPTIVE RESIDENTIAL ADDITIONS THAT DO NOT REQUIRE HERS FIELD VERIFICATION	
0			IB1	CF2R-ENV-01-E - FENESTRATION INSTALLATION	
0			IP5	CF2R-PLB-02-E - SINGLE DWELLING UNIT HOT WATER SYSTEM DISTRIBUTION	
0			IE1	CF2R-LTG-01-E - LIGHTING - SINGLE FAMILY DWELLINGS	
0			IB3	CF2R-ENV-03-E - INSULATION INSTALLATION	

For information, or to schedule an inspection, call 628-652-3400 between 8:30 am and 3:00 pm.

**Station Code Descriptions and Phone Numbers**

[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.

# **BRIEF(S) SUBMITTED BY APPELLANT(S)**

# San Francisco Board of Appeals

## Appeal No. 21-072

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Kempton and Meredith Dunn,  
Appellants,  
v.  
San Francisco Dept. of Building Inspection,  
Respondent.

Project Sponsor,  
Patrick Gordon

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## Appellant's Brief

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**BPA No. 2021/0623/3067(OTC)** **152 28<sup>th</sup> Avenue**

Appeal of Permit Issued for (1) In Basement, Partial Replacement of Foundation & Slab, Add Front Lightwell, Infill Under Deck, Add 2 Bedrooms & 1 ½ Baths, Office & Storage, (2) On 1<sup>st</sup> FL: Remodel Kitchen, Half Bath Replacing Full bath & Expand Deck with New Stairs. (3) on 2<sup>nd</sup> FL: Remodel Bath, & Hallway

Hearing Date: Wednesday, October 6, 2021  
Time: 5:00 P M  
Location: City Hall, Room 416  
#1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102

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Stephen M. Williams SBN: 122103  
1934 Divisadero Street  
San Francisco, CA 94115  
Tel: (415) 292-3656  
smw@stevewilliamslaw.com  
Attorney for Appellants

## Table of Contents

I.	SUMMARY OF THE APPEAL.....	1
A.	The Plans do not Correctly Depict the Existing Conditions at the Site. ....	1
B.	The Plans do not Provide a Code Compliant Rear Yard.....	1
C.	The Project Requires Notification Under Section 311.....	1
D.	The Subject Building is an Acknowledged Historic Resource .....	1
E.	Sponsors Conducted No Neighborhood Outreach and Provided False Information .....	1
F.	The Project Has Substantial Impacts on the Neighbors .....	1
II.	INTRODUCTION .....	1
III.	REAR YARD OBSTRUCTIONS ARE OMITTED FROM THE PLAN AND THE PROPOSAL WRONGLY INCLUDES A DRIVEWAY, PARKING AREA, AND THE ALLEYWAY AS PART OF THE REQUIRED REAR YARD .....	5
IV.	THE PLANS DO NOT CORRECTLY DEPICT THE REAR YARD, OMIT THE FACT THAT THE LOT IS A THROUGH LOT AND ARE NOT CODE COMPLIANT .....	9
V.	THE PROJECT REQUIRES NEIGHBORHOOD NOTIFICATION UNDER SECTION 311 BECAUSE OF THE REAR YARD AND ELEVATED DECK AND THE REVIEW BY PLANNING WAS OBTAINED BY MISREPRESENTATION .....	10
VI.	THE BUILDING IS A HISTORIC RESOURCE & REQUIRES CEQA REVIEW.....	11
VII.	SPONSORS CONDUCTED NO COMMUNITY OUTREACH AND THE PROJECT HAS SUBSTANTIAL IMPACTS ON THE NEIGHBORS.....	12
VIII.	CONCLUSION.....	12

## I. SUMMARY OF THE APPEAL

### A. The Plans do not Correctly Depict the Existing Conditions at the Site.

The rear yard is not correctly drawn or measured. The fact that the subject lot is a through lot (and subject to special rules) is completely omitted from the plans.

### B. The Plans do not Provide a Code Compliant Rear Yard.

The sponsor has included a 17 ft wide rear alleyway in the measurement dimensions and a driveway to the current garage (which is to be eliminated and built out as part of the project) as part of the rear yard. Such obstructions are not permitted in the rear yard.

### C. The Project Requires Notification Under Section 311.

Because the rear yard is depicted and measured incorrectly, the elevated deck extension encroaches beyond the permitted ratio into the rear yard and subjects the proposal to neighborhood notification under Section 311.

### D. The Subject Building is an Acknowledged Historic Resource

The building is an eligible contributor to the Sea Cliff Historic District. CEQA review of the project was mandatory, and a historic resource evaluation application should have been submitted. This is particularly true because of the alterations to the facade proposed.

### E. Sponsors Conducted No Neighborhood Outreach and Provided False Information

This large project was submitted as an over-the-counter proposal and none of the neighbors were notified about the scope or extent of the project no Planning Applications were submitted. In addition to misrepresenting the project to the Departments by failing to depict the lot as a through lot, sponsors demonstrated a shocking lack of candor with the neighbors and their project was not revealed to anyone prior to the neighbors receiving a Notice of Structural Addition. Sponsors refused to provide any substantive information to the neighborhood and refused to give plans to any of the neighbors.

### F. The Project Has Substantial Impacts on the Neighbors

The new elevated deck is more than three times larger than the present deck. The exterior staircase to be moved to the north side and numerous new windows are now to be installed directly facing the neighbors living area. The privacy impacts must be mitigated.

## II. INTRODUCTION

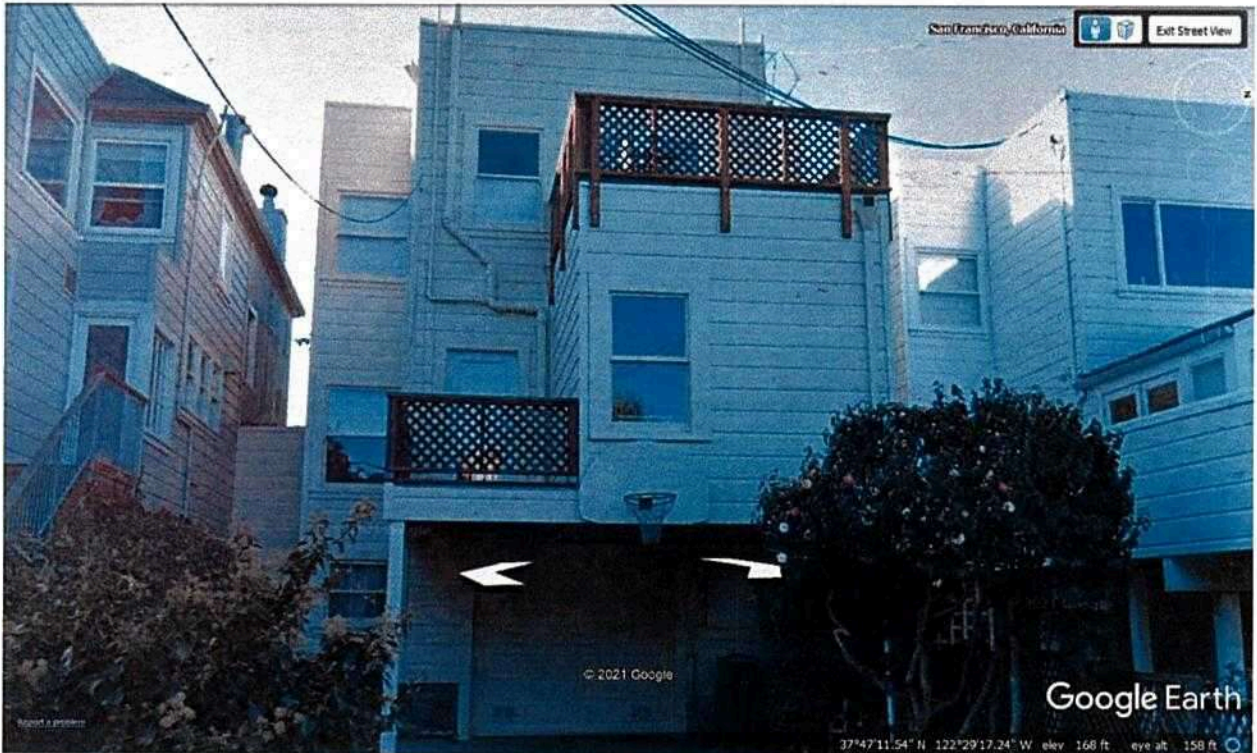
Appellants Kempton and Meredith Dunn (hereafter “Appellants” or “Mr. and Mrs. Dunn”) purchased their home next door to the subject site more than 16 years ago (hereafter “Dunn Home”) in 2005. They have lived there continuously over the past 16 plus years, busy



raising their three children. This area is part of the Sea Cliff neighborhood and has a block-face of near identically sized homes, built at the same time (1922) by the same builder.



The site is zoned RH-1(D) and is facing due west, mid-block on 28<sup>th</sup> Avenue between Lake Street and El Camino Del Mar. Because the houses on this block-face were all built at the same time by the same construction company, the buildings are nearly identical in size, shape, and function. (See, Sanborn Map attached as Exhibit 1) With a unique near uniformity, the buildings are all approximately 2700 square feet and the development lots are all approximately 3700 square feet, with only slight differences in square footage due to the curvature of 28<sup>th</sup> Avenue as it runs north to south. As noted on the Sanborn Map, there is an alleyway that bisects the block and allows access for parking to the rear of each building on the block. The fact that this is a “through lot” with a seventeen foot (17’) wide alleyway at the rear was not revealed to the Dept’s and is not depicted on the plans. The photo below shows the rear view of the site from the alley behind the buildings on the block.



The Project Sponsors recently purchased the subject property at 152 28<sup>th</sup> Avenue last year in November 2020. The Sponsors were welcomed to the neighborhood, and many months later in late spring 2021, they informed the neighbors that they were only going to do some “*interior remodeling.*” The Sponsors did not share any plans with the neighbors and refused to provide plans until this appeal was filed and counsel requested plans. Sponsors did not provide any detail of the scope of the project other than simple “interior remodeling.” No mention was made of the new deck extending 10-12 feet into the rear yard at the second floor, no mention was made of the new staircase being moved to the north side property line and also being extended into the rear yard with the new elevated deck, no mention was made of the new bank of French doors, allowing egress and ingress facing the Dunn home and no mention was made of the new lightwell in the front façade of the building.

The Dunn’s learned about the extent of the project when they received the Notification of Structural Addition from the City and were quite surprised. The Dunn’s were on friendly terms

with the sponsors (had hosted them in their home and had numerous backyard conversations) the Dunn's reached out and requested plans. Sponsors refused to provide a copy of the plans to the neighbors. Only after this appeal was filed did the sponsors set up a viewing link for the plans. However, the plan could not be downloaded, copied, or printed. That link expired a short time later and no one in the neighborhood was provided a copy of the plans for the proposed project--- sponsors refused to send out the plans electronically.

Surprisingly, this permit was issued over the counter because the work at the site is extensive. The sponsors have now "gutted" every room in the house and all sheet rock has been taken out "down to the studs." The interior work already far exceeds the demolition shown on the plans. The plans show only very modest demolition with most doors and windows removed at the ground floor and only the end walls demolished at that level. The first floor shows only the kitchen on the north side and two small rooms at the rear demolished and the top floor shows only doors replaced and no walls demolished on the floor. That has been far exceeded at nearly 100%. Planning signed off on the permit with the understanding that "Interior wall demo less than 20%." (See, Exhibit 3 and the notes from the Planner at the Counter)

The over-the-counter permit for which the Sponsors applied (BPA #202106233067) is the subject of this appeal. The description of the work set forth on the Permit Application is:

1) IN BASEMENT, PARTIAL REPLACEMENT OF FOUNDATION & SLAB, ADD FRONT LIGHTWELL, INFILL UNDER DECK, ADD 2 BEDROOMS & 1 1/2 BATHS, OFFICE & STORAGE, 2) ON 1ST FL: REMODEL KITCHEN, HALF BATH REPLACING FULL BATH, & EXPAND DECK WITH NEW STAIRS. 3) ON 2ND FL: REMODEL BATH & ADD HALLWAY (Exhibit 2)

The work at the site already exceeds the description of the work on the permit just as the demolition to date already exceeds that noted on the plans. Because the sponsors did not share the plans with the neighbors or meet with the neighbors to fully disclose the scope of the project, the new rear yard extension and new staircase on the north side came as quite a disquieting

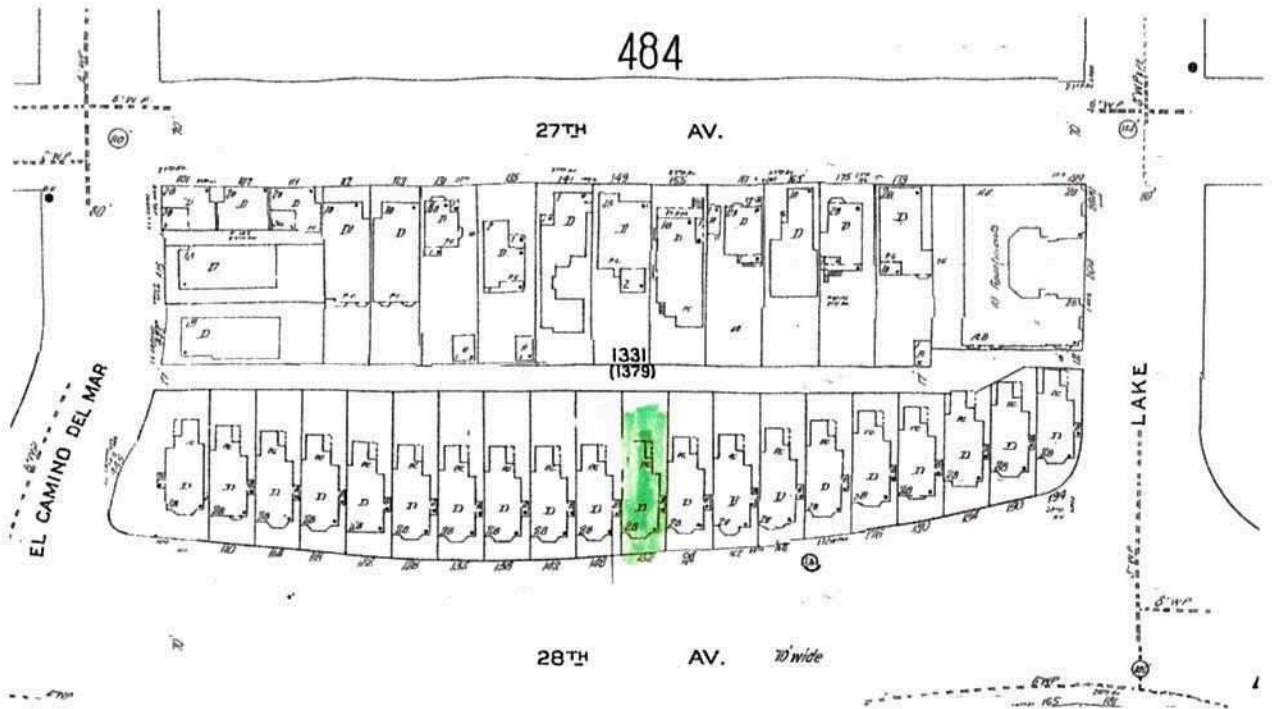
surprise for the neighbors. Further, the plans that were submitted did not show neighboring properties in any of the elevations or views, do not provide any context for the project and its impacts on the adjacent neighbors. The plans are substandard and not code compliant as they fail to show the neighboring properties or show crucial dimensions and fail to disclose the rear yard obstructions and that the lot is a through lot from 28<sup>th</sup> Avenue on to a well-used alleyway.

Without these basic (and mandatory) elements included in the drawings, the impacts to the adjacent buildings and to the neighborhood cannot be fairly judged or mitigated. Further, the project required neighborhood notification under Section 311 because the new elevated deck at the rear intrudes into the final 25% of the rear lot depth. Again, because of the lack of dimensions on the plans and a clear illustration of the subject lot in its surroundings, the impacts of the project cannot be fully judged. The appeal should be granted, and the sponsors required to submit new code-complying plans, meet with the neighbors in a “pre-application” meeting and provide neighborhood notification and copies of the proposed plan to the neighbors.

**III. REAR YARD OBSTRUCTIONS ARE OMITTED FROM THE PLAN AND THE PROPOSAL WRONGLY INCLUDES A DRIVEWAY, PARKING AREA, AND THE ALLEYWAY AS PART OF THE REQUIRED REAR YARD**

The subject building at 152 28<sup>th</sup> Avenue was constructed in 1922 along with the entire block face. As noted above, the buildings are nearly identical in size, and shape. An important feature for the neighborhood is the small private alley that bisects the block and provides rear yard access to a garage for every home on the 28<sup>th</sup> Avenue block face. The homes on 27<sup>th</sup> Avenue do not have access to their rear yard from the alley.

As shown in the Sanborn Map produced below, the homes form a near identical row of buildings along 28<sup>th</sup> Avenue with a clearly defined neighborhood pattern of development. The plans submitted by the sponsors do not illustrate the alley or correctly show the rear yard obstructions such as the driveway and paving from the alleyway into the driveway at the site.



The buildings on this block face have a garage under the buildable area of the lot and access to the garages is via a rear yard driveway through the alley. As may be seen in the photo below, there is a vehicle parked in the driveway of the subject site. These are through lots.



Obviously, the neighborhood pre-dates the modern Planning Code and the rear yard obstruction of a driveway from the private alley leading to a garage under the buildings was a uniform design used on this block-face. However, because the project is expanding into the required rear yard area and is building out the existing garage into new inhabitable space the new rear yard being created must comply with the Planning Code. The plan as presented does not present a Code-complying rear yard and in fact simply omits any reference or depiction of what is in the rear yard. There are numerous problems with this approach:

1. The measurement of the depth of the rear yard apparently includes the alley way which is seventeen (17') feet wide (see Sanborn Map). This reduces the rear yard to twenty-three (23') feet ( $40.77' - 17' = 23.23'$ )
2. Most of the remainder of the rear yard is a driveway to the garage, which is a permitted obstruction only under extremely limited circumstances. Those circumstances will no longer be present because the proposed project removes the existing garage from the home. As shown in the photo below, the alleyway leads to a driveway which leads to parking under the current building.
3. Section 136(c) (30) allows for a driveway in the required rear yard only if it leads to required and permitted parking in the buildable area of the lot. That Section states:

“ 136 (c)(30)Driveways, for use only to provide necessary access to required or permitted parking that is located in the buildable area of the subject property other than in a required open area, and where such driveway has only the minimum width needed for such access, and in no case shall parking be allowed in the setback;”

The condition described in the statute is the condition that currently exists at the building.

The proposed project is removing the permitted parking located in the buildable area and

therefore the driveway and the alley are no longer permitted obstructions and may not be part of the permitted rear yard.



The required rear yard is nearly 100% composed of paved alley way and a driveway

4. The Plans are inconsistent in the measurement of the rear yard and include the alley way in one measurement and remove it in another. The Plot Plan Sheet (page A0.2) claims the existing rear yard is 50.77' feet and that the proposed project will provide a rear yard of 40.77' feet after the new encroachment into the rear yard. The Basement Plan (page A1.1)

presents a completely different measurement of the same area and claims an existing rear yard of 32.2' feet which will be reduced to 22.2' feet with the addition of the proposed ten-foot new deck extension into the rear yard.

The Plans must be revised to properly address this crucial issue. The driveway and the alley may not be considered as either "rear yard" or as usable open space.

**IV. THE PLANS DO NOT CORRECTLY DEPICT THE REAR YARD, OMIT THE FACT THAT THE LOT IS A THROUGH LOT AND ARE NOT CODE COMPLIANT**

The plans submitted by the sponsor lack the basic elements needed in all such project plans. Other than on the Plot/Site Plan the plans do not depict adjacent structures in any fashion and certainly do not provide any neighborhood context for the changes proposed. The existing and proposed site plan fails to correctly illustrate the project by the omission of the fact that the lots are all through lots which front on an alley at the rear and that the "rear yard" includes at least 17' feet of pavement. The Code requires that the subject lot as well as the full lots and structures of the directly adjacent properties be correctly and fully depicted.

The front and rear elevations fail to include the full profiles (or any profiles) of the adjacent structures including the adjacent structures' doors, windows, and general massing. In these plans the adjacent buildings are not shown at all. The side elevations (north and south) fail to include the full profile (or any profile) of the adjacent building in the foreground of the project, and none of the adjacent windows, lightwells and general massing are illustrated. Both adjacent neighbors have numerous windows that should be depicted in the plans and illustrated for the purpose of judging impacts on those openings.

The proposal adds numerous new windows on the sides of the building which are directed at the neighbors' homes. The elevations in the plans do not show the adjacent buildings.



As depicted in the photo, appellants have numerous windows and doors facing the subject---none are shown on the plans



**V. THE PROJECT REQUIRES NEIGHBORHOOD NOTIFICATION UNDER SECTION 311 BECAUSE OF THE REAR YARD AND ELEVATED DECK AND THE REVIEW BY PLANNING WAS OBTAINED BY MISREPRESENTATION**

The Planning Dept.'s approval of this project over-the-counter was obtained by the sponsor with false information. Sponsors told the planner at the counter that the rear yard elevated deck extension will not exceed ten feet (10')...it will, Sponsors told Planning that the interior demolition would not exceed 20%...it is already nearly 100% on all floors. The sponsors told Planning that no changes would be made to the front façade, sponsors plan calls for construction of a new light well in the front façade. Planning's sign-off on the permit states:

*Approved OTC; In-fill at rear over a legal projecting room within the buildable area less than 12' from grade. Reconfigure deck at the rear less than 10' from grade within the buildable area no fire walls. Interior wall demo less than 20%. No work to front facade of building (color added for emphasis...Permit Report Attached as Exhibit 3)*

The Project is required to provide neighborhood notification because it does not fall under one of the exceptions outlined at Planning Code Section 311(b)(2) which provides an exception from the notification requirement for expansions outlined in Section 136(c)(25). That Section states as follows:

- “(25) Except in required side yards, decks, and enclosed and unenclosed extensions of buildings, when limited as specified herein:
- (A) The structure shall extend no more than 12 feet into the required open area; and shall not occupy any space within the rear 25 percent of the total depth of the lot, or within the rear 15 feet of the depth of the lot, whichever is greater,
  - (B) Within all parts of the required open area, the structure shall be limited in height to either:
    - (i) 10 feet above grade....”

In this instance, when the correct measurement of the rear yard is used, (excluding the alley way) the new elevated deck is within the 25% of the total depth of the subject lot and only 22’ feet of rear yard is left without obstruction.

## **VI. THE BUILDING IS A HISTORIC RESOURCE & REQUIRES CEQA REVIEW**

The subject building is a historic resource as classified by the Planning Dept in its survey of the area and is part of the Sea Cliff (potential) Historic District. The Dept’s records state:

Report for: **152 28TH AVE**      **Historic Evaluation**

**Planning Dept. Historic Resource Status:**

A - Historic Resource Present

**Parcel:**                    1331/027

**Building Name:**

**Address:**                152 28TH AV

**Eligible Sea Cliff Historic District**                    (Exhibit 4)

Accordingly, an analysis under CEQA and an Historic Resource Evaluation Application must have been submitted. This was not done. Further, the Dept was under the impression that there were no changes to the façade and when it was approved by Planning over the counter. As noted above, the reviewing Planner specifically signed off on the project on the condition, “ No work to the front façade of the building.” As part of the re-review of this project an HRE Application should be completed, and the façade alterations considered in historical context.

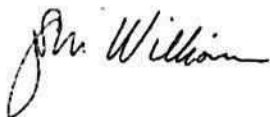
**VII. SPONSORS CONDUCTED NO COMMUNITY OUTREACH AND THE PROJECT HAS SUBSTANTIAL IMPACTS ON THE NEIGHBORS**

The subject project is an extensive alteration of the property at 152 28<sup>th</sup> Avenue. The sponsors failed to meet with any of their neighbors or provide any meaningful information about their proposal prior to this appeal being filed. The sponsors refused to provide a copy of the plans to anyone. This is an unfortunate way to start out in an established neighborhood and of course Mr. and Mrs. Dunn were very concerned because of the new stairway and windows facing their home and the elevated deck which essentially is aimed directly south at their home given the new set of French doors facing south on the subject property. The project should be returned for neighborhood notification and a “pre-app” meeting with all concerned neighbors.

**VIII. CONCLUSION**

The plans do not correctly depict this through lot development site and as a result the rear yard is incorrectly measured and calculated for obstructions. The Plans do not depict any adjacent buildings. This OTC permit has already far exceeded its scope and nearly 100% of all wall board has been removed in the building. The building is an acknowledged historic resource and no CEQA review was accomplished. The project should not have been processed as an OTC permit and neighborhood notification is required. The project must be returned to the Dept. and the plans redrawn to meet the mandatory requirements of the Code.

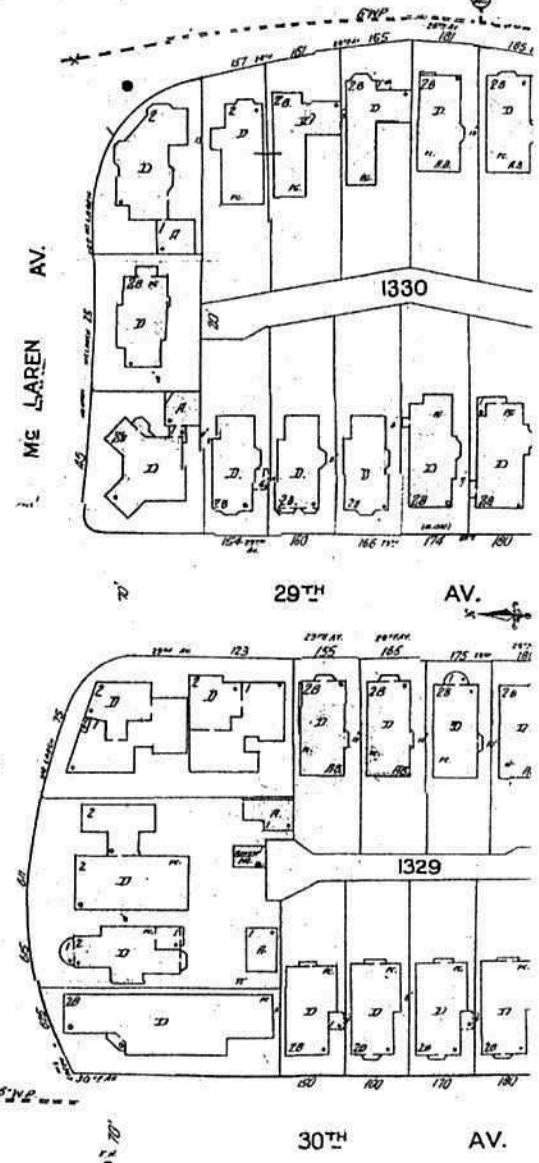
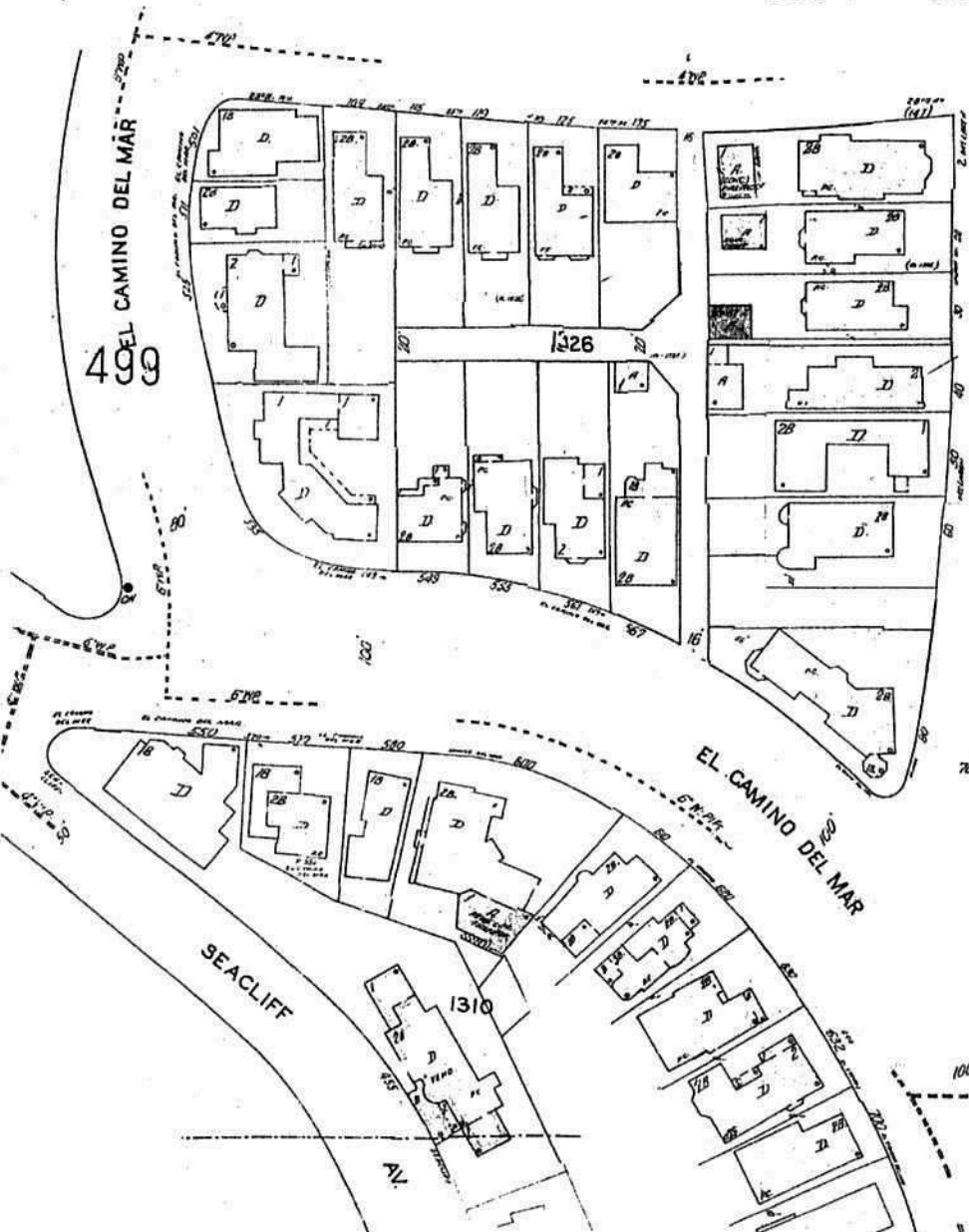
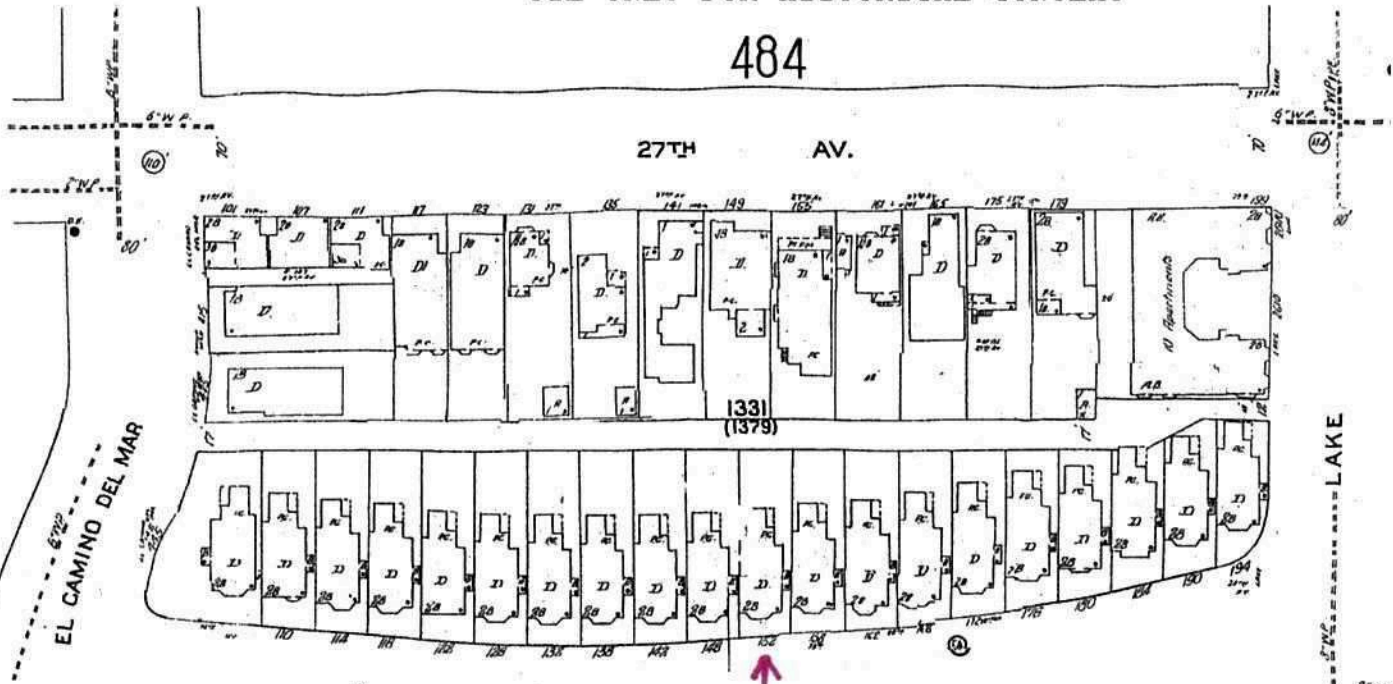
Respectfully Submitted,



Stephen M. Williams,  
On Behalf of Appellants Kempton and Meredith Dunn

# EXHIBIT 1

484



# EXHIBIT 2

# APPROVED

Dept. of Building Insp.  
- San Francisco -

JUL 20 2021

**SFPUC - Please be advised**

Based on your plans and fixtures count, your existing water meter may be UNDERSIZED. A water meter upgrade is recommended. Please contact SFPUC New Installations, 525 Golden Gate Ave, 2<sup>nd</sup> Floor, San Francisco, CA 94102, Tel: (415) 551-2900 for more information.

**Capacity Charges**  
 TR...  
 ...  
 ...

**DWELLING ENLARGEMENT**  
 DESCRIPTION  
 VERTICAL  
 HORIZONTAL

APPROVED FOR ISSUANCE

**BLDG. FORM 318**

2021-06-25-106 APPLICATION NUMBER

OSHA APPROVAL REQ'D  APPROVAL NUMBER

**APPLICATION FOR BUILDING PERMIT ADDITIONS, ALTERATIONS OR REPAIRS**

**CITY AND COUNTY OF SAN FRANCISCO DEPARTMENT OF BUILDING INSPECTION**  
 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.

FORM 3  OTHER AGENCIES REVIEW REQUIRED  
 FORM 8  OVER-THE-COUNTER ISSUANCE **DCF FEE**  
 2 NUMBER OF PLAN SETS

▼ DO NOT WRITE ABOVE THIS LINE ▼

DATE FILED 6/23/21	FILING FEE RECEIPT NO.	(1) STREET ADDRESS OF JOB 152 28 <sup>th</sup> AVE	BLOCK & LOT 1331/027
PERMIT NO. 1542044	ISSUED 07/20/21	(2A) ESTIMATED COST OF JOB \$250,000	(2B) REVISED COST BY: \$250,000 (SA) DATE 7/20/21

**INFORMATION TO BE FURNISHED BY ALL APPLICANTS**

**LEGAL DESCRIPTION OF EXISTING BUILDING**

(4A) TYPE OF CONSTR. VS	(5A) NO. OF STORIES OF OCCUPANCY 3	(6A) NO. OF BASEMENTS AND CELLARS 1	(7A) PRESENT USE SINGLE FAMILY RESIDENCE	(8A) OCCUP. CLASS R-3	(9A) NO. OF DWELLING UNITS 1
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**DESCRIPTION OF BUILDING AFTER PROPOSED ALTERATION**

(4) TYPE OF CONSTR. VS	(5) NO. OF STORIES OF OCCUPANCY 3	(6) NO. OF BASEMENTS AND CELLARS 1	(7) PROPOSED USE (LEGAL USE) SINGLE FAMILY RESIDENCE	(8) OCCUP. CLASS R-3	(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 type="checkbox"/> NO <input checked="" type="checkbox"/>	(14) GENERAL CONTRACTOR	ADDRESS OUTER LANDS DESIGN P.O. Box 1752, Truckee, CA 96161	PHONE 415 987 4302	CALIF. LIC. NO. 1026273
(15) OWNER - LESSEE (CROSS OUT ONE)	OWNER <input checked="" type="checkbox"/> LESSEE <input type="checkbox"/>	(16) WRITE IN DESCRIPTION OF ALL WORK TO BE PERFORMED UNDER THIS APPLICATION (REFERENCE TO PLANS IS NOT SUFFICIENT)	(1) 1 <sup>st</sup> BASEMENT, PARTIAL REPLACEMENT OF FOUNDATION & SLAB, ADD FRONT LIGHTWELL, INFILL UNDER ROOM, ADD 2 BEDROOMS & 1/2 BATHS OFFICE & STORAGE (2) ON 1FL REMODEL KITCHEN, HALF BATH REPLACING FULL BATH & EXPAND DECK W/ (N) EXT. STAIRS (3) ON 2FL, REMODEL BATH & ADD HALLWAY.		

**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 checked="" type="checkbox"/> NO <input type="checkbox"/>	(20) IF (19) IS YES, STATE NEW GROUND FLOOR AREA 5797.750 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 OR CONSTRUCTION)	ADDRESS WILL HENDERSON 981 SHOTWELL ST, SF CA 94110	CALIF. CERTIFICATE NO. C-33505	
(26) CONSTRUCTION LENDER (ENTER NAME AND BRANCH DESIGNATION IF ANY. IF THERE IS NO KNOWN CONSTRUCTION LENDER, ENTER "UNKNOWN")	UNKNOWN				

**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' to any fire containing more than 750 watts. See Sec 305, 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 soil borings 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 material must have a clearance of not less than two inches from all electrical wires or equipment.

CHECK APPROPRIATE BOX  
 OWNER  ARCHITECT  
 LESSEE  AGENT  
 CONTRACTOR  ENGINEER

**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 contract 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 3701 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: HARTFORD INS.  
 Policy Number: 57-WBC-KN7990

(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.

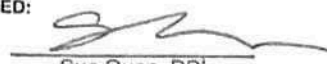

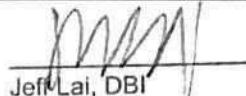
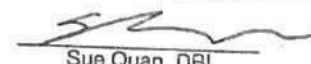

(v) I certify as the owner (or the agent for the owner) that in the performance of the work for which this permit is issued, I will employ a contractor who complies with the worker's compensation laws of California and who, prior to the commencement of any work, will file a completed copy of this form with the District Permit Region.

Signature of Applicant or Agent: [Signature] Date: 6/23/21

**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.

**CONDITIONS AND STIPULATIONS**

REFER TO:	APPROVED:  Sue Quan, DBI JUL 20 2021 BUILDING INSPECTOR, DEPT. OF BLDG. INSP.	DATE: _____ REASON: _____  NOTIFIED MR. _____
<input type="checkbox"/>	APPROVED:  Approved Planning Dept. Kurt Botn DEPARTMENT OF CITY PLANNING	DATE: _____ REASON: _____  NOTIFIED MR. _____
<input type="checkbox"/>	APPROVED: _____ BUREAU OF FIRE PREVENTION & PUBLIC SAFETY	DATE: _____ REASON: _____  NOTIFIED MR. _____
<input checked="" type="checkbox"/>	APPROVED:  Jeff Lai, DBI JUL 20 2021 MECHANICAL ENGINEER, DEPT. OF BLDG. INSPECTION	DATE: _____ REASON: _____  NOTIFIED MR. _____
<input type="checkbox"/>	APPROVED:  Sue Quan, DBI JUL 20 2021 CIVIL ENGINEER, DEPT. OF BLDG. INSPECTION	DATE: _____ REASON: _____  NOTIFIED MR. _____
<input type="checkbox"/>	APPROVED: _____ BUREAU OF ENGINEERING	DATE: _____ REASON: _____  NOTIFIED MR. _____
<input type="checkbox"/>	APPROVED: _____ DEPARTMENT OF PUBLIC HEALTH	DATE: _____ REASON: _____  NOTIFIED MR. _____
<input type="checkbox"/>	APPROVED: SFPUC  Jeffrey Fong REDEVELOPMENT AGENCY	DATE: _____ REASON: _____  NOTIFIED MR. _____
<input type="checkbox"/>	APPROVED: _____ HOUSING INSPECTION DIVISION	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 3

**Permit Details Report**

**Report Date:** 9/16/2021 3:24:08 PM

**Application Number:** 202106233067

**Form Number:** 8

**Address(es):** 1331 / 027 / 0 152 28TH AV

**Description:** 1) IN BASEMENT, PARTIAL REPLACEMENT OF FOUNDATION & SLAB, ADD FRONT LIGHTWELL, INFILL UNDER DECK, ADD 2 BEDROOMS & 1 1/2 BATHS, OFFICE & STORAGE, 2) ON 1ST FL: REMODEL KITCHEN, HALF BATH REPLACING FULL BATH, & EXPAND DECK WITH NEW STAIRS. 3) ON 2ND FL: REMODEL BATH & ADD HALLWAY.

**Cost:** \$250,000.00

**Occupancy Code:** R-3

**Building Use:** 27 - 1 FAMILY DWELLING

**Disposition / Stage:**

Action Date	Stage	Comments
6/23/2021	TRIAGE	
6/23/2021	FILING	
6/23/2021	FILED	
7/20/2021	APPROVED	
7/20/2021	ISSUED	
8/3/2021	SUSPEND	Per BOA appeal #21-072

**Contact Details:**

**Contractor Details:**

**License Number:** 1026243

**Name:** JARED JOHNSON

**Company Name:** OUTERLANDS DESIGN INC

**Address:** 884 31ST AV \* SAN FRANCISCO CA 94120-0000

**Phone:**

**Addenda Details:**

**Description:**

Step	Station	Arrive	Start	In Hold	Out Hold	Finish	Checked By	Hold Description
1	INTAKE	6/23/21	6/23/21			6/23/21	SHAWL HAREGGEWAIN	
2	CP-ZOC	7/20/21	7/20/21			7/20/21	BOTN KURT	Apporved OTC: In-fill at rear over a legal projecting room within the buildable area less than 12' from grade. Reconfigure deck at the rear less than 10' from grade within the buildable area no fire walls. Interior wall demo less than 20%. No work to front facade of building
3	BLDG	7/20/21	7/20/21			7/20/21	QUAN SUE	Approved.
4	MECH	7/20/21	7/20/21			7/20/21	LAI JEFF	7/20/2021-approved & plans back to applicant
5	SFPUC	7/20/21	7/20/21			7/20/21	FONG JEFFREY	Approved. Capacity Charge not applicable. Existing fixture count (gpm) in the same tier as proposed fixture count (gpm). Please note that existing meter is undersized. Meter upgrade is recommended. Please contact SFPUC, New Installations, 525 Golden Gate Ave, 2nd floor, San Francisco, CA 94102, Telephone: (415) 551-2900 for more info. jfong@sfgwater.org. Plans given back to applicant 07/20/21.
6	CPB	7/20/21	7/20/21			7/20/21	DOMINGO CARMELO ADRIAN	

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
0			IB53	CF2R-ADD-02-E - PRESCRIPTIVE RESIDENTIAL ADDITIONS THAT DO NOT REQUIRE HERS FIELD VERIFICATION	
0			IB1	CF2R-ENV-01-E - FENESTRATION INSTALLATION	
0			IP5	CF2R-PLB-02-E - SINGLE DWELLING UNIT HOT WATER SYSTEM DISTRIBUTION	
0			IE1	CF2R-LTG-01-E - LIGHTING - SINGLE FAMILY DWELLINGS	
0			IB3	CF2R-ENV-03-E - INSULATION INSTALLATION	

For information, or to schedule an inspection, call 628-652-3400 between 8:30 am and 3:00 pm.

[Station Code Descriptions and Phone Numbers](#)

[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.

# EXHIBIT 4

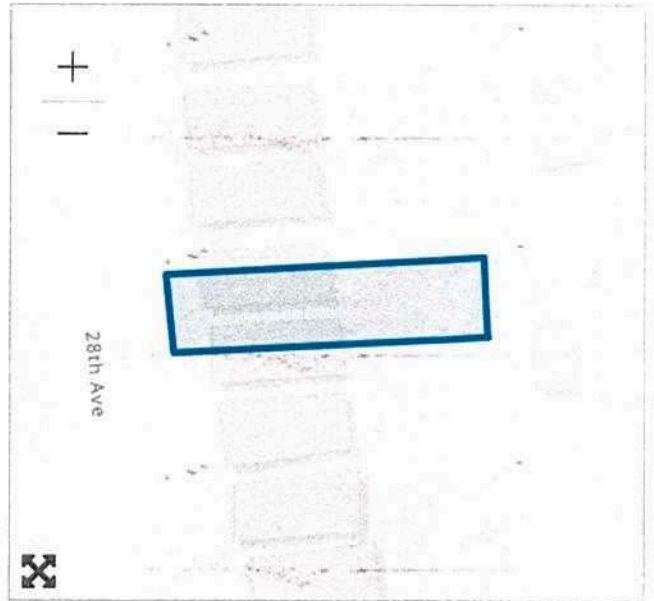


152 28TH AVE



## Historic Preservation

Historic preservation surveys and evaluations. The Historic Resource status shown on this page is tentative, to confirm the status of your property please speak to a Preservation Technical Specialist. Tel: 628.652.7300; Email: pic@sfgov.org. For a glossary of terms, visit the Help section of this site.



Report for: **152 28TH AVE**



### Historic Evaluation

Planning Dept. Historic Resource Status:

A - Historic Resource Present [↗](#)

Parcel: 1331/027

Building

Name:

Address: 152 28TH AV

### Article 10 Designated Historic Districts and Landmarks

None

### Article 11 Preservation Designation

None

### Mills Act

Properties with Mills Act [↗](#) approval.  
None

### National Register Historic Districts

None

### Legacy Business Registry

None

### California Register Historic Districts

None

### Historic Resource Evaluation Responses

None

Evaluations for the Purposes of CEQA - These evaluations do not result in the automatic listing or designation of any property within the study area.

Districts:

Eligible Sea Cliff Historic District

[> MORE DETAILS](#)

## Historic Resource Assessments

None

## Historic Surveys

None

## Historic Context Statements

None

## Cultural Heritage Districts

None

## Architecture

Unknown



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