

# BOARD OF APPEALS, CITY & COUNTY OF SAN FRANCISCO

Appeal of  
JERRY DRATLER, )  
Appellant(s) )  
vs. )  
DEPARTMENT OF BUILDING INSPECTION, )  
PLANNING DEPARTMENT APPROVAL Respondent )

Appeal No. **21-006**

## **NOTICE OF APPEAL**

**NOTICE IS HEREBY GIVEN THAT** on January 21, 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 January 12, 2021 to 27 17th Avenue LLC, of an Alteration Permit (comply with NOV # 201623795 & 201757399, Planning Enforcement #2016.0096 & Planning Commission DR 2017-000987 DRP to restore the three-story bay from 25 17th Ave.; scope of work and cost included under Permit # 2017/0707/1206; permit for administrative purposes only) at 27 17th Avenue.

**APPLICATION NO. 2020/09/22/4726**

**FOR HEARING ON March 3, 2021**

Address of Appellant(s):

Address of Other Parties:

Jerry Dratler, Appellant(s)  
40 17th Avenue  
San Francisco, CA 94121

27 17th Avenue LLC, Determination Holder(s)  
c/o John Kevlin, Attorney for Determination Holder(s)  
Reuben Junius & Rose LLP  
One Bush Street, Suite 600  
San Francisco, CA 94104



Date Filed: January 21, 2021

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

**PRELIMINARY STATEMENT FOR APPEAL NO. 21-006**

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I / We, **Jerry Dratler**, hereby appeal the following departmental action: **ISSUANCE of Alteration Permit No. 2020/09/22/4726** by the **Department of Building Inspection** which was issued or became effective on: **January 12, 2021**, to: **27 17th Avenue LLC**, for the property located at: **27 17th Avenue**.

**BRIEFING SCHEDULE:**

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

Appellant's Brief is due on or before: 4:30 p.m. on **February 11, 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 [jkevin@reubenlaw.com](mailto:jkevin@reubenlaw.com).

Respondent's and Other Parties' Briefs are due on or before: 4:30 p.m. on **February 25, 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 [dratler@sonic.net](mailto:dratler@sonic.net).

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, March 3, 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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**The reasons for this appeal are as follows:**

See attachment to the preliminary Statement of Appeal.

**Appellant or Agent (Circle One):**

Signature: Via Email

Print Name: Jerry Dratler

I am appealing administrative permit 2020.0922.4726 for three reasons. 1) The scope of work in #2020.0922.4726 does not comply with both Planning Department NOE 2016-009806ENF and Planning Commission 2017-000987DRP-02 (DRA-0657). Both the NOE and DRA-0657 require the property owner to file a permit to restore the removed bay and cladding in a historically appropriate manner to replicate that which was removed, including architectural details and finishes. 2) It is unclear why DBI elected to have two unissued building permits (2018.0625.2842 and 2018.0625.2837) “travel” with permit 2020.0922.4726 on the day it was issued. Building permit 2018.0625.2842 can’t be issued because the permit was not approved by the Planning Commission (DRA 0658). The Planning Commission requested the property owner submit new plans for 27 17<sup>th</sup> Ave. to the Planning Commission after the permit for 25 17<sup>th</sup> Ave. has been approved with the bay restoration requested by the Planning Commission. 3) Restoration of the 3-story bay at 25 17<sup>th</sup> Ave. (lot 025 of block 1341) will result in the bay encroaching onto 27 17<sup>th</sup> Ave. (lot 026 of block 1341). Bay restoration will result in a nonstandard lot which requires a Planning Commission Variance.

The property owner needs to appear before the Planning Commission a second time to secure approval of building permit 2018.0625.2842 and request a variance to reduce the width of lot 026 to a non-standard width to accommodate the restored bay.

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**Permit Details Report****Report Date:** 1/21/2021 9:52:20 AM

Application Number: 202009224726

Form Number: 8

Address(es): 1341 / 026 / 0 27 17TH AV

Description: COMPLY W/ NOV# 201623795 &amp; 201757399, PLANNING ENFORCEMENT #2016.0096 &amp; PLANNING COMMISSION DR 2017-000987 DRP TO RESTORE THE 3 STORY BAY FROM 25 17TH AVE. SCOPE OF WORK AND COST INCLUDED UNDER PA# 201707071206 PERMIT FOR ADMINISTRATIVE PURPOSES ONLY.

Cost: \$1.00

Occupancy Code: R-3

Building Use: 27 - 1 FAMILY DWELLING

**Disposition / Stage:**

Action Date	Stage	Comments
9/22/2020	TRIAGE	
9/22/2020	FILING	
9/22/2020	FILED	
1/12/2021	APPROVED	
1/12/2021	ISSUED	

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

License Number: OWN

Name: OWNER OWNER

Company Name: OWNER

Address: OWNER \* OWNER CA 00000-0000

Phone:

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

Step	Station	Arrive	Start	In Hold	Out Hold	Finish	Checked By	Hold Description
1	CPB	9/22/20	9/22/20			9/22/20	LEE KIM	
2	CP-ZOC	9/4/20	9/4/20			9/4/20	GORDON-JONCKHEER ELIZABETH	
3	BLDG	9/3/20	9/3/20			9/3/20	LOWREY DANIEL	1/12/2021: 90-DAY RE-REVIEW BY WILLY YAU-mbp
4	CPB	1/12/21	1/12/21			1/12/21	PASION MAY	TRAVELING WITH (N) BLDG PA# 201806252842 & DEMO PA# 201806252937

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.

Station Code Descriptions and Phone Numbers
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[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 21-006**

**Hearing Date March 3, 2021**

## **SUMMARY**

**NOTE:** *The numbers in parentheses are for exhibits at the end of this document.*

27 17<sup>th</sup> Ave. is a new construction project on a vacant lot. Mr. Kantor, the project sponsor, submitted administrative permit (2020.0922.4726) (1) for 27 17<sup>th</sup> Ave. falsely claiming to be in compliance with the violations which occurred at the adjacent property 25 17<sup>th</sup> Ave. which he is also developing. I am requesting that the Board of Appeals (1) deny the administrative permit for 27 17<sup>th</sup> Ave. which falsely claims to be in compliance with the two NOVS and the NOE at 25 17<sup>th</sup> Ave. and (2) invoke the prohibition in the 2016 Planning Department NOE which requires the project sponsors to fully restore the 3-story bay at 25 17<sup>th</sup> Ave. before the project sponsors are allowed to submit new permit applications.

The table below summarizes the two Notices of Violation (NOV) issued by the Department of Building Inspection (DBI) and a Notice of Enforcement (NOE) issued by the Planning Department to 25 17<sup>th</sup> Ave. All of the violations were issued over four years ago and remain unresolved. The project sponsors also violated CEQA when they failed to submit a legally required Historic Resource Evaluation Report before demolishing parts of 25 17<sup>th</sup> Ave., a house built in 1913.

	Violations in the administrative permit	Violation/Remedy and Penalty
27 17th Ave	none	none
25 17th Ave.	1 NOV 2016.23795	Violation, <u>stop all work</u> due to the unpermitted removal of two decks, and the 3-story bay at 25 17th Ave. Remedy, obtain a permit in 90 days and complete work including final inspection signoff. Penalty assessed at two times the permit fee to correct unpermitted work.
25 17th Ave.	2 NOV 2017.57399	Violation, <u>stop all work</u> due to the unpermitted removal of a 3-story chimney ,windows and a lightwell on the south wall of 25 17th Ave. and infilling with plywood. Remedy, obtain a permit in 30 days and complete work including final inspection signoff. Penalty assessed at two times the fee to correct the unpermitted work.
25 17th Ave.	3 Notice of Enforcement 2016.0096 ENF	Violation, property owner was issued a building permit for in-kind dry rot repair and removed the bay and side and rear decks without a permit. Remedy, abate the violation by filing a permit to restore the bay and cladding in a historically appropriate manner to <u>replicate that which was removed</u> including all architectural details and finishes. A site visit will be required to verify compliance. <u>The above stated work shall be required to be approved and completed prior to consideration of future alteration applications by the Planning Department.</u>

The picture of 25 17<sup>th</sup> Avenue below was taken four years ago after a storm ripped off the opaque white plastic covering the south wall. Nothing has changed over the last four years except for the removal of the white plastic in the picture.





## Scope of the administrative permit approved on 9/04/2020 by Planning Department

Note the administrative permit has been issued to 27 17<sup>th</sup> Ave. and falsely claims that the developer has brought the neighboring project into compliance with the DBI and Planning Department enforcement orders to restore the 3-story bay, windows and the two decks at 25 17<sup>th</sup> Ave.

Permit Details Report	
Report Date:	1/19/2021 1:42:49 PM
Application Number:	202009224726
Form Number:	8
Address(es):	1341 / 026 / 0 27 17TH AV COMPLY W/ NOV# 201623795 & 201757399, PLANNING ENFORCEMENT #2016.0096 & PLANNING COMMISSION DR 2017-000987 DRP TO RESTORE THE 3 STORY BAY FROM 25 17TH AVE. SCOPE OF WORK AND COST INCLUDED UNDER PA# 201707071206 PERMIT FOR ADMINISTRATIVE PURPOSES ONLY.
Description:	
Cost:	\$1.00
Occupancy Code:	R-3
Building Use:	27 - 1 FAMILY DWELLING

Additionally, ten days after approving the administrative permit in which the project sponsor falsely claims to be in compliance with the NOV and the NOE issued for the illegal removal of the 3-story bay, Ms. Gordon-Jonckheer approves a second permit (2) to remove the same 3-story bay. Granting the second permit will save the project sponsor \$200,000 by allowing the project sponsor to “demolish” the 3-story bay they never restored.

## Permit Details Report

**Report Date:** 1/19/2021 9:56:18 PM

Application Number: 201905069814

Form Number: 3

Address(es): 1341/026/0 27 17TH AV

Description: TO COMPLY W/ NOV 201623795 & 201757399, PLANN  
ENFORCEMENT #2016.0096 TO REMOVE PORTION OF 25 17TH  
AVE THAT CROSSED TO PROPERTY LINE AS SHOWN ON  
PLANS SUBMITTED AT PA #201707071206S, FOR REFERENCE  
TO NEW BLDG #201806252842S.

Cost: \$7,500.00

### Description:SITE

Step	Station	Arrive	Start	In Hold	Out Hold	Finish	Checked By	Phone	Hold Description
1	CPB	5/6/19	5/6/19			5/6/19	CHEUNG WAI FONG	628-652-3240	
2	CP-ZOC	9/14/20	9/14/20			9/14/20	GORDON- JONCKHEER ELIZABETH	628-652-7300	Approved for Sylvia J.
3	CP-NP	9/14/20	9/14/20			9/14/20	GORDON- JONCKHEER ELIZABETH	628-652-7300	Approved for Sylvia J.
4	BLDG							628-652-3780	
4	CP-DR	9/14/20	9/14/20			9/14/20	GORDON- JONCKHEER ELIZABETH	628-652-7300	Approved for Sylvia J.
5	CP-DR	9/14/20	9/14/20			9/14/20	GORDON- JONCKHEER ELIZABETH	628-652-7300	Approved for Sylvia J.
6	DPW- BSM							628-271-2000	
7	SFPUC							628-652-6040	
8	PPC							628-652-3780	12/24/18: S/R2 to DCP; am 6/5/18am: R1 to DCP. ibb
9	CPB							628-652-3240	

### STATUS OF THE NOVs AND NOE ISSUED TO 25 17<sup>TH</sup> AVE.

Four years ago, DBI issued two NOVs that ordered the project sponsors to stop all work and file building permits. The project sponsors have not filed building permits or completed the construction required to comply with the two NOVs issued for the unpermitted demolitions.

Lack of action on the part of the developer to correct these NOVs has stalled the project for

four years. Failure to file the building permits has also prevented DBI from assessing financial penalties of two times the permit fee for correcting the unpermitted work. The project sponsors should not be allowed to escape the assessment of financial penalties and the additional cost of restoring their illegal demolitions. If the project sponsors had complied with the two NOVs and the NOE, the remodel of 25 17<sup>th</sup> Ave. could have been completed years ago. I provide a more detailed status of the NOVs and NOE below.

### **Review of each Notice of Violation and the Notice of Enforcement**

**NOV 2017.57399 (4)** below was issued for the July 2016 unpermitted removal of the 3-story chimney, windows and the infilling of a lightwell on the south wall of 25 17<sup>th</sup> Avenue. The entire south wall of 25 17<sup>th</sup> Ave. is now covered in plywood after the unpermitted removals. DBI assessed a penalty fee of 2 times the permit fee. DBI has not assessed the penalty because the project sponsors have not submitted a building permit in the last four years. The project sponsors have not complied with the NOV corrective action listed in the NOV below. The picture below shows the south wall of 25 17<sup>th</sup> Ave. on June 14, 2016 prior to the unauthorized demolition as it should look today if the project sponsors complied with NOV 2017.57399.



**NOTICE OF VIOLATION**  
of the San Francisco Municipal Codes Regarding Unsafe,  
Substandard or Noncomplying Structure or Land or Occupancy

**DEPARTMENT OF BUILDING INSPECTION**

City and County of San Francisco  
1660 Mission St. San Francisco, CA 94103

NOTICE: 1

NUMBER: 201757399

DATE: 13-FEB-17

ADDRESS: 25 17TH AV

OCCUPANCY/USE: ()

BLOCK: 1341 LOT: 021

☐ 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: SF CLEM LLC  
MAILING SF CLEM LLC  
ADDRESS 256 16TH AVE  
SAN FRANCISCO CA

PHONE #: --

94118

PERSON CONTACTED @ SITE: SF CLEM LLC

PHONE #: --

**VIOLATION DESCRIPTION:**

	CODE/SECTION#
<input type="checkbox"/> WORK WITHOUT PERMIT	106.1.1
<input checked="" type="checkbox"/> ADDITIONAL WORK-PERMIT REQUIRED	106.4.7
<input type="checkbox"/> EXPIRED OR <input type="checkbox"/> CANCELLED PERMIT PA#:	106.4.4
<input type="checkbox"/> UNSAFE BUILDING <input type="checkbox"/> SEE ATTACHMENTS	102.1

Removal of 3 story chimney, windows and lightwell at south property line wall.

Infill of lightwell approx 3' x 12' at South PL wall, infill of windows and covering entire wall with plywood.

Code/Section: 106A.4.7

**CORRECTIVE ACTION:**

☒ STOP ALL WORK SFBC 104.2.4

415-575-6830

☒ FILE BUILDING PERMIT WITHIN 7 DAYS

☒ (WITH PLANS) A copy of This Notice Must Accompany the Permit Application

☒ OBTAIN PERMIT WITHIN 14 DAYS AND COMPLETE ALL WORK WITHIN 30 DAYS, INCLUDING FINAL INSPECTION AND OFF.

☐ CORRECT VIOLATIONS WITHIN 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.

Submit building permit with plans to address above noted violations. City planning review required.

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 PERMIT \$



**NOV 2016.23795 (5)** was issued in July of 2016 for the unpermitted removal of two decks on the south and west sides of 25 17<sup>th</sup> Ave. and the 3-story bay on the south wall. This NOV should be two separate NOVs because the deck removal occurred about one month before the bay removal. It was necessary to remove the south wall deck before demolishing the 3-story bay. DBI assessed a financial penalty of two times the permit fee for the work required to replace the building elements that were removed without permit. DBI has not assessed the penalty fee because the project sponsors have not submitted a building permit in the last four years. The project sponsors have not complied with the NOV corrective action to file a permit with plans and to complete work in 90 days including the final inspection signoff. The corrective action also requires the property owner to submit plans that show the existing 3-story bay. Project structural engineer Rodrigo Santos submitted false plans that failed to show the 3-story bay. The picture below shows the bay and two decks. A south wall deck and a



smaller deck that wrapped around the west wall of 25 17<sup>th</sup> Avenue. If the project complied with the NOV, the south wall of 25 17<sup>th</sup> Avenue today would look like the picture below. The project surveyor's picture is looking east, not north.



**NOE 2016-009806ENF (6)** – The enforcement NOE was issued by the Planning Department on September 06, 2016 after DBI issued the NOVs for the bay, windows, chimney, lightwell and deck removals. The NOE references a site visit during which Planning staff observed the unpermitted removal of the bay and side and rear decks. The NOE requires the property owner to file a permit “to restore the removed bay and cladding in a historically appropriate manner to replicate that which was removed, including architectural details and finishes”. Furthermore, the NOE states the Planning Department will not approve additional building permits until the 3-story bay restoration has been completed and compliance verified with a site visit. The project sponsors violated the NOE when they submitted additional permit

applications for 25 and 27 17<sup>th</sup> Avenue. The City should not have issued permit 2017.0707.1206 for 25 17<sup>th</sup> Ave. The NOE also provides for administrative penalties of up to \$250 per day for failure to respond within 15 days of the NOE.

**Planning Department 2017-00098 ENV (7)** is a CEQA Categorical Exemption Determination issued in March of 2017 which determined 25 17<sup>th</sup> Ave. was not a historic resource and approved splitting lot 021 of block 1341 into two standard 25 foot wide lots. If the Planning Department had properly enforced NOE-2016.0096ENF, the Planning Department could not have approved splitting the 50- foot wide lot into two 25 foot wide lots. Approval of the lot split put 25 17<sup>th</sup> Ave. on two lots which is illegal because the 3-story bay which was physically removed was not legally removed. The encroachment of the 3-story bay is clearly depicted in the project sponsor's preliminary plat map below with the notation "encroaching portions of building to be demolished". Attached is an April 2019 email (8) thread from Zoning Administrator Corey Teague where Mr. Teague replied there are no departmental records for a lot split and the CEQA clearance did not "approve" the lot split.



# SAN FRANCISCO PLANNING DEPARTMENT

## CEQA Categorical Exemption Determination

### PROPERTY INFORMATION/PROJECT DESCRIPTION

Project Address		Block/Lot(s)	
25 17th Avenue		1341/021	
Case No.	Permit No.	Plans Dated	
2017-000987ENV		12/28/2016	
<input checked="" type="checkbox"/> Addition/ Alteration	<input type="checkbox"/> Demolition (requires HRER if over 45 years old)	<input type="checkbox"/> New Construction	<input type="checkbox"/> Project Modification (GO TO STEP 7)
Project description for Planning Department approval. Interior and exterior alterations to an existing four single-family residence. Rear addition and new foundation. Lot split.			

The plat map (9) below is important because it accurately depicts the encroaching portions of 25 17<sup>th</sup> Ave. that illegally encroach onto 27 17<sup>th</sup> Ave. The Planning Department approved a permit to remodel 25 17<sup>th</sup> Ave. but did not give the project sponsors the legal approval to have the reconstructed bay extend into 27 17<sup>th</sup> Ave. This appears to be why the Planning Department approved the permit to remove the 3-story bay on September 14, 2020.



LEGEND

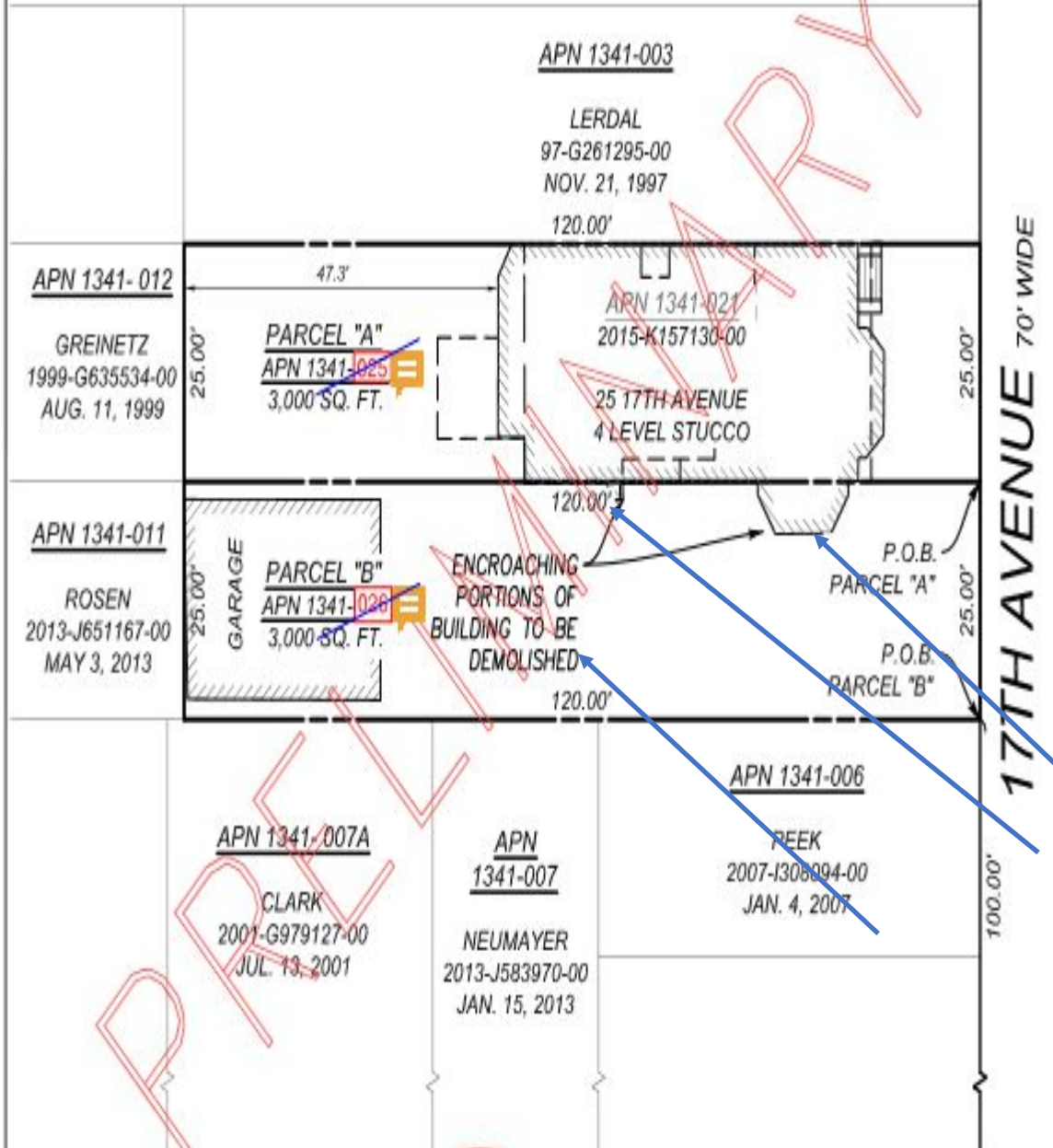
P.O.B. POINT OF BEGINNING

20' 0 20'



SCALE: 1" = 20'

ASSESSOR'S  
BLOCK 1341



## **Building Permit 2017.0707.1206**

The Planning Department and the Planning Commission violated the terms of the 2016 NOE when they approved building permit 2017.0707.1206. The project sponsors were required to complete restoration of the 3-story bay prior to submitting future alteration applications. This is another reason for denying the administrative permit and sending the administrative permit back to the Planning Commission.

## **REQUEST TO THE BOARD OF APPEALS**

The behavior of the project sponsors over the last four years demonstrates they do not believe the rules apply to them. A more prescriptive solution is necessary to achieve our shared goal of completing the remodel of 25 17<sup>th</sup> Ave. with a fully restored 3-story bay.

My request is to (1) deny the administrative permit for 27 17<sup>th</sup> Ave. which falsely claims to be in compliance with the two NOVS and the NOE and (2) invoke the prohibition in the 2016 Planning Department NOE which requires the project sponsors to fully restore the 3-story bay before the project sponsors are allowed to submit new permit applications. My recommendation is consistent with the Planning Commission's July 25, 2019 decision in Discretionary Review Action-0657 (3) which requires the project sponsors to put the 3-story bay back the way it was.

# Welcome to our Permit / Complaint Tracking System!

Below is a list of all agents for the selected permit, along with their roles on the project.

Permit Number: 202009224726

	<a href="#">Firm Name</a> ▼	Agent Name	<a href="#">Role</a>	<a href="#">From</a>	<a href="#">To</a>
<a href="#">Info</a>	OWNER	OWNER OWNER	CONTRACTOR	1/12/2021	
<a href="#">Info</a>	JONATHAN KANTOR	JONATHAN KANTOR	AUTHORIZED AGENT-OTHERS	1/12/2021	

# Welcome to our Permit / Complaint Tracking System!

## Permit Details Report

**Report Date:** 1/19/2021 1:42:49 PM

Application Number: 202009224726

Form Number: 8

Address(es): 1341/026/0 27 17TH AV

Description: COMPLY W/ NOV# 201623795 & 201757399, PLANNING ENFORCEMENT #2016.0096 & PLANNING COMMISSION DR 2017-000987 DRP TO RESTORE THE 3 STORY BAY FROM 25 17TH AVE. SCOPE OF WORK AND COST INCLUDED UNDER PA# 201707071206 PERMIT FOR ADMINISTRATIVE PURPOSES ONLY.

Cost: \$1.00

Occupancy Code: R-3

Building Use: 27 - 1 FAMILY DWELLING

## Disposition / Stage:

Action Date	Stage	Comments
9/22/2020	TRIAGE	
9/22/2020	FILING	
9/22/2020	FILED	
1/12/2021	APPROVED	
1/12/2021	ISSUED	

# Exhibit 1 BOA appeal 21-006

## Contact Details:

## Contractor Details:

License Number: OWN  
Name: OWNER OWNER  
Company Name: OWNER  
Address: OWNER \* OWNER CA 00000-0000  
Phone:

## Addenda Details:

### Description:

Step	Station	Arrive	Start	In Hold	Out Hold	Finish	Checked By	Hold Description
1	CPB	9/22/20	9/22/20			9/22/20	LEE KIM	
2	CP-ZOC	9/4/20	9/4/20			9/4/20	GORDON-JONCKHEER ELIZABETH	
3	BLDG	9/3/20	9/3/20			9/3/20	LOWREY DANIEL	1/12/2021: 90-DAY RE-REVIEW BY WILLY YAU-mbp
4	CPB	1/12/21	1/12/21			1/12/21	PASION MAY	TRAVELING WITH (N) BLDG PA# 201806252842 & DEMO PA# 201806252937

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 S
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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	Remar
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# Welcome to our Permit / Complaint Tracking System!

Below is a list of all agents for the selected permit, along with their roles on the project.

Permit Number: 201905069814

	<a href="#">Firm Name</a> ▼	<b>Agent Name</b>	<a href="#">Role</a>	<a href="#">From</a>	<a href="#">To</a>
<a href="#">Info</a>	NIE YANG ARCHITECTS	YANG NIE	ARCHITECT	7/7/2017	
<a href="#">Info</a>	JONATHAN KANTOR	JONATHAN KANTOR	AUTHORIZED AGENT-OTHERS	7/7/2017	

# Welcome to our Permit / Complaint Tracking System!

## Permit Details Report

**Report Date:** 1/19/2021 9:56:18 PM

Application Number: 201905069814

Form Number: 3

Address(es): 1341/026/0 27 17TH AV

Description: TO COMPLY W/ NOV 201623795 & 201757399, PLANN ENFORCMT #2016.0096 TO REMOVE PORTION OF 25 17TH AVE THAT CROSSED TO PROPERTY LINE AS SHOWN ON PLANS SUBMITTED AT PA #201707071206S, FOR REFERENCE TO NEW BLDG #201806252842S.

Cost: \$7,500.00

Occupancy Code: R-3

Building Use: 27 - 1 FAMILY DWELLING

## Disposition / Stage:

Action Date	Stage	Comments
5/6/2019	TRIAGE	
5/6/2019	FILING	
5/6/2019	FILED	

# Exhibit 2 BOA appeal 21-006

## Contact Details:

## Contractor Details:

## Addenda Details:

## Description:SITE

Step	Station	Arrive	Start	In Hold	Out Hold	Finish	Checked By	Phone	Hold Description
1	CPB	5/6/19	5/6/19			5/6/19	CHEUNG WAI FONG	628-652-3240	
2	CP-ZOC	9/14/20	9/14/20			9/14/20	GORDON- JONCKHEER ELIZABETH	628-652-7300	Approved for Sylvia J.
3	CP-NP	9/14/20	9/14/20			9/14/20	GORDON- JONCKHEER ELIZABETH	628-652-7300	Approved for Sylvia J.
4	BLDG							628-652-3780	
4	CP-DR	9/14/20	9/14/20			9/14/20	GORDON- JONCKHEER ELIZABETH	628-652-7300	Approved for Sylvia J.
5	CP-DR	9/14/20	9/14/20			9/14/20	GORDON- JONCKHEER ELIZABETH	628-652-7300	Approved for Sylvia J.
6	DPW- BSM							628-271-2000	
7	SFPUC							628-652-6040	
8	PPC							628-652-3780	12/24/18: S/R2 to DCP; am 6/5/18am: R1 to DCP. ibb
9	CPB							628-652-3240	

## Appointments:

Appointment Date	Appointment AM/PM	Appointment Code	Appointment Type	Description	Time S
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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	Remar
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## SAN FRANCISCO PLANNING DEPARTMENT

### Discretionary Review Action DRA-0657

HEARING DATE: JULY 25, 2019

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

Reception:  
**415.558.6378**

Fax:  
**415.558.6409**

Planning  
Information:  
**415.558.6377**

*Record No.:* 2017-000987DRP-02  
*Project Address:* 25 17<sup>th</sup> Avenue  
*Building Permit:* 2017.0707.1206  
*Zoning:* RH-1 (Residential House One Family) District  
40-X Height and Bulk District  
*Block/Lot:* 1341/025  
*Project Sponsor:* Jon Kantor  
256 16<sup>th</sup> Avenue  
San Francisco, CA 94121  
*Dr requestors:* Jerry Dratler  
40 17<sup>th</sup> Avenue  
San Francisco, CA 94121  
Alan Greinetz  
20 18<sup>th</sup> Avenue  
San Francisco, CA 94121  
*Staff Contact:* David Winslow – (415) 575-9159  
[david.winslow@sfgov.org](mailto:david.winslow@sfgov.org)

ADOPTING FINDINGS RELATED TO TAKING DISCRETIONARY REVIEW OF RECORD NO. 2017-000987DRP-02 AND THE APPROVAL OF BUILDING PERMIT APPLICATION NO. 2017.0707.1206 PROPOSING A THREE-STORY HORIZONTAL ADDITION AT THE REAR AND A 4<sup>TH</sup> STORY HORIZONTAL ADDITION TO THE FRONT OF A FOUR-STORY ONE-FAMILY RESIDENCE AT 25 17<sup>TH</sup> AVENUE WITHIN THE RH-1 (RESIDENTIAL HOUSE, ONE FAMILY) ZONING DISTRICT AND 40-X HEIGHT AND BULK DISTRICT.

#### PREAMBLE

On July 7, 2017, Jon Kantor filed for Building Permit Application No. 2017.0707.1206 proposing a three – story horizontal rear addition to an existing 4-story, one-family residence at 25 17<sup>th</sup> Avenue within the RH-1 (Residential House, One-Family) zoning district and 40-X height and bulk district.

On March 25, 2019 Jerry Dratler and Alan Greinetz, (hereinafter “Discretionary Review (DR) Requestors”) filed applications with the Planning Department (hereinafter “Department”) for Discretionary Review (2017-000987DRP-02) of Building Permit Application No. 2017.0707.1206.

The Project is exempt from the California Environmental Quality Act (“CEQA”) as a Class 3 categorical exemption.

On July 25, 2019, the San Francisco Planning Commission (hereinafter “Commission”) conducted a duly noticed public hearing at a regularly scheduled meeting on Discretionary Review **Application 2017-000987DRP-02.**

# Exhibit 3 BOA appeal 21-006

DRA-0657  
July 25, 2019

Record No. 2017-000987DRP-02  
25 17<sup>th</sup> Avenue

The Commission has heard and considered the testimony presented to it at the public hearing and has further considered written materials and oral testimony presented on behalf of the applicant, Department staff, and other interested parties.

## ACTION

The Commission finds exceptional and extraordinary circumstances with respect to the project and hereby takes Discretionary Review requested in Record No. 2017-000987DRP-02 and approves Building Permit Application 2017.0707.1206 with the conditions enumerated below:

1. Revert the existing building to its previous existing condition by restoring the 3-story bay.



# Exhibit 3 BOA appeal 21-006

DRA-0657  
July 25, 2019

Record No. 2017-000987DRP-02  
25 17<sup>th</sup> Avenue

**APPEAL AND EFFECTIVE DATE OF ACTION:** Any aggrieved person may appeal this Building Permit Application to the Board of Appeals only after the Department of Building Inspection (DBI) takes action (issuing or disapproving) the permit. Such appeal must be made within fifteen (15) days of DBI's action on the permit. For further information, please contact the Board of Appeals at (415) 415-575-6880, 1650 Mission Street # 304, San Francisco, CA, 94103-2481.

**Protest of Fee or Exaction:** You may protest any fee or exaction subject to Government Code Section 66000 that is imposed as a condition of approval by following the procedures set forth in Government Code Section 66020. The protest must satisfy the requirements of Government Code Section 66020(a) and must be filed within 90 days of the date of the first approval or conditional approval of the development referencing the challenged fee or exaction. For purposes of Government Code Section 66020, the date of imposition of the fee shall be the date of the earliest discretionary approval by the City of the subject development.

If the City has not previously given Notice of an earlier discretionary approval of the project, the Planning Commission's adoption of this Motion, Resolution, Discretionary Review Action or the Zoning Administrator's Variance Decision Letter constitutes the approval or conditional approval of the development and the City hereby gives **NOTICE** that the 90-day protest period under Government Code Section 66020 has begun. If the City has already given Notice that the 90-day approval period has begun for the subject development, then this document does not re-commence the 90-day approval period.

I hereby certify that the Planning Commission took Discretionary Review and approved the building permit as referenced in this action memo on July 25, 2019.



Jonas P. Ionir  
Commission Secretary

AYES: Johnson, Koppel, Melgar, Moore, Richards

NAYS: Fung

ABSENT: Hillis

ADOPTED: July 25, 2019

# Exhibit 4 BOA appeal 21-006



## 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  
1660 Mission St. San Francisco, CA 94103

NUMBER: 201757399  
DATE: 13-FEB-17

ADDRESS: 25 17TH AV

OCCUPANCY/USE: ()

BLOCK: 1341 LOT: 021

☐ 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: SF CLEM LLC  
MAILING SF CLEM LLC  
ADDRESS 256 16TH AVE  
SAN FRANCISCO CA

PHONE #: --

94118

PERSON CONTACTED @ SITE: SF CLEM LLC

PHONE #: --

### VIOLATION DESCRIPTION:

	CODE/SECTION#
<input type="checkbox"/> WORK WITHOUT PERMIT	106.1.1
<input checked="" type="checkbox"/> ADDITIONAL WORK-PERMIT REQUIRED	106.4.7
<input type="checkbox"/> EXPIRED OR <input type="checkbox"/> CANCELLED PERMIT PA#:	106.4.4
<input type="checkbox"/> UNSAFE BUILDING <input type="checkbox"/> SEE ATTACHMENTS	102.1

Removal of 3 story chimney, windows and lightwell at south property line wall.  
Infill of lightwell approx 3' x 12' at South PL wall, infill of windows and covering entire wall with plywood.  
Code/Section: 106A.4.7

### CORRECTIVE ACTION:

☒ STOP ALL WORK SFBC 104.2.4

415-575-6830

- ☒ FILE BUILDING PERMIT WITHIN 7 DAYS ☒ (WITH PLANS) A copy of This Notice Must Accompany the Permit Application  
☒ OBTAIN PERMIT WITHIN 14 DAYS AND COMPLETE ALL WORK WITHIN 30 DAYS, INCLUDING FINAL INSPECTION  
☐ CORRECT VIOLATIONS WITHIN 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.

Submit building permit with plans to address above noted violations. City planning review required.

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 \$5000

BY ORDER OF THE DIRECTOR, DEPARTMENT OF BUILDING INSPECTION

CONTACT INSPECTOR: Kevin N McHugh

PHONE # 415-575-6830

DIVISION: BID

DISTRICT :

By:(Inspectors's Signature) \_\_\_\_\_

# Exhibit 5 BOA appeal 21-006



## NOTICE OF VIOLATION

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

**DEPARTMENT OF BUILDING INSPECTION**  
City and County of San Francisco  
1660 Mission St. San Francisco, CA 94103

NOTICE: 2

NUMBER: 201623795

DATE: 26-JUL-16

ADDRESS: 25 17TH AV

OCCUPANCY/USE: ()

BLOCK: 1341 LOT: 021

☐ 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: SF CLEM LLC  
MAILING SF CLEM LLC  
ADDRESS 256 16TH AVE  
SAN FRANCISCO CA

PHONE #: --

94118

PERSON CONTACTED @ SITE: SF CLEM LLC

PHONE #: --

### VIOLATION DESCRIPTION:

	CODE/SECTION#
<input type="checkbox"/> WORK WITHOUT PERMIT	106.1.1
<input checked="" type="checkbox"/> ADDITIONAL WORK-PERMIT REQUIRED	106.4.7
<input type="checkbox"/> EXPIRED OR <input type="checkbox"/> CANCELLED PERMIT PA#:	106.4.4
<input type="checkbox"/> UNSAFE BUILDING <input type="checkbox"/> SEE ATTACHMENTS	102.1

AMENDED: You have removed 2 decks and a bay @ south side of this property without the benefit of permits or Planning Dept approval. The plans depicting south prop line wall do not show the existing bay. This notice also addresses complaint # 201620761 and 201620753.

Code sec: 106A.4.7

### CORRECTIVE ACTION:

☒ STOP ALL WORK SFBC 104.2.4

415-558-6094

- ☒ FILE BUILDING PERMIT WITHIN 30 DAYS ☐ (WITH PLANS) A copy of This Notice Must Accompany the Permit Application
- ☒ OBTAIN PERMIT WITHIN 60 DAYS AND COMPLETE ALL WORK WITHIN 90 DAYS, INCLUDING FINAL INSPECTION AND OFF.
- ☐ CORRECT VIOLATIONS WITHIN 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.

Obtain correct permits and Planning Dept approval for all items addressed in this Notice. Correct the plans to accurately depict the existing conditions at the south property line with a bay.

#### 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 14-JUL-16 VALUE OF WORK PERFORMED W/O PERMITS \$3500

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

CONTACT INSPECTOR: Bernard J Curran

PHONE # 415-558-6094

DIVISION: BID

DISTRICT :

By:(Inspectors's Signature) \_\_\_\_\_



## SAN FRANCISCO PLANNING DEPARTMENT

### NOTICE OF ENFORCEMENT

September 6, 2016

**Property Owner**

SF Clem, LLC  
256 16th Ave  
San Francisco, CA 94118

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

Reception:  
**415.558.6378**

Fax:  
**415.558.6409**

Planning  
Information:  
**415.558.6377**

**Site Address:** 25 17th Ave  
**Assessor's Block/ Lot:** 1341/ 021  
**Complaint Number:** 2016-009806ENF  
**Zoning District:** RH-1, Residential- House, One Family  
**Code Violation:** **174: Unpermitted removal of bay**  
**Administrative Penalty:** Up to \$250 Each Day of Violation  
**Response Due:** Within 15 days from the date of this Notice  
**Staff Contact:** Alexandra Kirby, (415) 575-9133, alexandra.kirby@sfgov.org

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

#### DESCRIPTION OF VIOLATION

The subject property was issued a Building Permit (#201606160104) on June 16, 2016, to remove and repair lath and plaster and exterior stucco in-kind. Per a site visit conducted by Planning Staff on August 18<sup>th</sup>, the side bay and a rear deck have been removed without the benefit of a permit.

On July 27<sup>th</sup>, 2016, the Planning Department sent you a Notice of Complaint to inform you about the complaint.

Pursuant to Planning Code Section 174, every condition, stipulation, special restriction, and other limitation under the Planning Code shall be complied with in the development and use of land and structures. Failure to comply with any of Planning Code provisions constitutes a violation of Planning Code and is subject to enforcement process under Code Section 176.

#### HOW TO CORRECT THE VIOLATION

The Planning Department requires that you immediately proceed to abate the violation by filing for a permit to restore the removed bay and cladding in a historically appropriate manner to replicate that

# Exhibit 6 BOA appeal 21-006

25 17th Ave  
Complaint No. 2016-009806ENF

Notice of Enforcement  
September 6, 2016

which was removed, including all architectural details and finishes. A site visit will be required to verify compliance. The permit application shall include drawing and specifications with the following information:

1. Details and sections illustrating all exterior profiles and dimensions of proposed work below the roofline to correct the violation. Sections shall include areas where new materials transition to existing materials, such as near door frames and window trim.
2. Written information, also referred to as "specifications" on the materials, equipment, systems, standards, and workmanship for the installation of new materials, to ensure new materials closely match those materials removed in visual appearance and character. This written information shall accompany the plans as part of the permit application. Prior to completing the work, you shall schedule a site visit with Enforcement staff to demonstrate a mock-up of the proposed rough, hand-troweled stucco finish on the entry turret.

The above stated work shall be required to be approved and completed prior to consideration of future alteration applications by the Planning Department.

Please contact the Department of Building Inspection (DBI), 1660 Mission Street, San Francisco, CA 94103, telephone: (415) 558-6088, website: [www.sfgov.org/dbi](http://www.sfgov.org/dbi), regarding the Building Permit Application process. Please visit the Planning Information Counter located at the first floor of 1660 Mission Street or website: [www.sf-planning.org](http://www.sf-planning.org) for any questions regarding the planning process.

## TIMELINE TO RESPOND

The responsible party has fifteen (15) days from the date of this notice to contact the staff planner noted at the top of this notice and submit evidence to demonstrate that the corrective actions have been taken to bring the subject property into compliance with the Planning Code. A site visit may also be required to verify the authorized use at the above property. The corrective actions shall be taken as early as possible. Any unreasonable delays in abatement of the violation may result in further enforcement action by the Planning Department.

## PENALTIES AND APPEAL RIGHTS

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

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

# Exhibit 6 BOA appeal 21-006

25 17th Ave  
Complaint No. 2016-009806ENF

Notice of Enforcement  
September 6, 2016

## **ENFORCEMENT TIME AND MATERIALS FEE**

Pursuant to Planning Code Section 350(c) (1), the Planning Department shall charge for 'Time and Materials' to recover the cost of correcting Planning Code violations and violations of Planning Commission and Planning Department's Conditions of Approval. Accordingly, the responsible party may be subject to an amount of \$1,308 plus any additional accrued time and materials cost for Code Enforcement investigation and abatement of violation. This fee is separate from the administrative penalties as noted above and is not appealable.

# Exhibit 6 BOA appeal 21-006

25 17th Ave  
Complaint No. 2016-009806ENF

Notice of Enforcement  
September 6, 2016

## OTHER APPLICATIONS UNDER CONSIDERATION

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

cc: Daniel Lowrey, Deputy Director, Department of Building Inspection, San Francisco  
Patrick O'Riordan, Chief Building Inspector, Department of Building Inspection, San Francisco

中文詢問請電: **558.6378**

Para información en Español llamar al: **558.6378**

**SAN FRANCISCO  
PLANNING DEPARTMENT****CEQA Categorical Exemption Determination****PROPERTY INFORMATION/PROJECT DESCRIPTION**

Project Address		Block/Lot(s)	
25 17th Avenue		1341/021	
Case No.	Permit No.	Plans Dated	
2017-000987ENV		12/28/2016	
<input checked="" type="checkbox"/> Addition/ Alteration	<input type="checkbox"/> Demolition (requires HRER if over 45 years old)	<input type="checkbox"/> New Construction	<input type="checkbox"/> Project Modification (GO TO STEP 7)
Project description for Planning Department approval. Interior and exterior alterations to an existing four single-family residence. Rear addition and new foundation. Lot split.			

**STEP 1: EXEMPTION CLASS****TO BE COMPLETED BY PROJECT PLANNER**

<b>*Note: If neither class applies, an <i>Environmental Evaluation Application</i> is required.*</b>	
<input checked="" type="checkbox"/>	<b>Class 1 – Existing Facilities.</b> Interior and exterior alterations; additions under 10,000 sq. ft.
<input type="checkbox"/>	<b>Class 3 – New Construction/ Conversion of Small Structures.</b> Up to three (3) new single-family residences or six (6) dwelling units in one building; commercial/office structures; utility extensions.; .; change of use under 10,000 sq. ft. if principally permitted or with a CU. Change of use under 10,000 sq. ft. if principally permitted or with a CU.
<input checked="" type="checkbox"/>	<b>Class 15</b> 15 —minor land divisions in areas with an average slope of less than 20%.

**STEP 2: CEQA IMPACTS****TO BE COMPLETED BY PROJECT PLANNER**

<b>If any box is checked below, an <i>Environmental Evaluation Application</i> is required.</b>	
<input type="checkbox"/>	<b>Air Quality:</b> Would the project add new sensitive receptors (specifically, schools, day care facilities, hospitals, residential dwellings, and senior-care facilities) within an Air Pollution Exposure Zone? Does the project have the potential to emit substantial pollutant concentrations (e.g., backup diesel generators, heavy industry, diesel trucks)? <i>Exceptions: do not check box if the applicant presents documentation of enrollment in the San Francisco Department of Public Health (DPH) Article 38 program and the project would not have the potential to emit substantial pollutant concentrations. (refer to EP_ArcMap &gt; CEQA Catex Determination Layers &gt; Air Pollutant Exposure Zone)</i>
<input type="checkbox"/>	<b>Hazardous Materials:</b> If the project site is located on the Maher map or is suspected of containing hazardous materials (based on a previous use such as gas station, auto repair, dry cleaners, or heavy manufacturing, or a site with underground storage tanks): Would the project involve 50 cubic yards or more of soil disturbance - or a change of use from industrial to residential? If yes, this box must be checked and the project applicant must submit an Environmental Application with a Phase I Environmental Site Assessment. <i>Exceptions: do not check box if the applicant presents documentation of enrollment in the San Francisco Department of Public Health (DPH) Maher program, a DPH waiver from the</i>



# Exhibit 7 BOA appeal 21-006

	<i>Maier program, or other documentation from Environmental Planning staff that hazardous material effects would be less than significant (refer to EP_ArcMap &gt; Maier layer).</i>
<input type="checkbox"/>	<b>Transportation:</b> Does the project create six (6) or more net new parking spaces or residential units? Does the project have the potential to adversely affect transit, pedestrian and/or bicycle safety (hazards) or the adequacy of nearby transit, pedestrian and/or bicycle facilities?
<input type="checkbox"/>	<b>Archeological Resources:</b> Would the project result in soil disturbance/modification greater than two (2) feet below grade in an archeological sensitive area or eight (8) feet in a non-archeological sensitive area? (refer to EP_ArcMap > CEQA Catex Determination Layers > Archeological Sensitive Area)
<input type="checkbox"/>	<b>Subdivision/Lot Line Adjustment:</b> Does the project site involve a subdivision or lot line adjustment on a lot with a slope average of 20% or more? (refer to EP_ArcMap > CEQA Catex Determination Layers > Topography)
<input type="checkbox"/>	<b>Slope = or &gt; 20%:</b> Does the project involve any of the following: (1) square footage expansion greater than 1,000 sq. ft. outside of the existing building footprint, (2) excavation of 50 cubic yards or more of soil, (3) new construction? (refer to EP_ArcMap > CEQA Catex Determination Layers > Topography) <b>If box is checked, a geotechnical report is required.</b>
<input type="checkbox"/>	<b>Seismic: Landslide Zone:</b> Does the project involve any of the following: (1) square footage expansion greater than 1,000 sq. ft. outside of the existing building footprint, (2) excavation of 50 cubic yards or more of soil, (3) new construction? (refer to EP_ArcMap > CEQA Catex Determination Layers > Seismic Hazard Zones) <b>If box is checked, a geotechnical report is required.</b>
<input type="checkbox"/>	<b>Seismic: Liquefaction Zone:</b> Does the project involve any of the following: (1) square footage expansion greater than 1,000 sq. ft. outside of the existing building footprint, (2) excavation of 50 cubic yards or more of soil, (3) new construction? (refer to EP_ArcMap > CEQA Catex Determination Layers > Seismic Hazard Zones) <b>If box is checked, a geotechnical report will likely be required.</b>
<b>If no boxes are checked above, GO TO STEP 3. If one or more boxes are checked above, an <u>Environmental Evaluation Application</u> is required, unless reviewed by an Environmental Planner.</b>	
<input checked="" type="checkbox"/>	<b>Project can proceed with categorical exemption review. The project does not trigger any of the CEQA impacts listed above.</b>
<b>Comments and Planner Signature (optional):</b> Jean Poling <div style="float: right; font-size: small;"> Digitally signed by Jean Poling  Date: 2017.01.24 18:36:53 -08'00' </div>	

## STEP 3: PROPERTY STATUS – HISTORIC RESOURCE TO BE COMPLETED BY PROJECT PLANNER

<b>PROPERTY IS ONE OF THE FOLLOWING: (refer to Parcel Information Map)</b>	
<input type="checkbox"/>	<b>Category A: Known Historical Resource. GO TO STEP 5.</b>
<input checked="" type="checkbox"/>	<b>Category B: Potential Historical Resource (over 45 years of age). GO TO STEP 4.</b>
<input type="checkbox"/>	<b>Category C: Not a Historical Resource or Not Age Eligible (under 45 years of age). GO TO STEP 6.</b>

# Exhibit 7 BOA appeal 21-006

## STEP 4: PROPOSED WORK CHECKLIST TO BE COMPLETED BY PROJECT PLANNER

Check all that apply to the project.	
<input type="checkbox"/>	1. <b>Change of use and new construction.</b> Tenant improvements not included.
<input type="checkbox"/>	2. <b>Regular maintenance or repair</b> to correct or repair deterioration, decay, or damage to building.
<input type="checkbox"/>	3. <b>Window replacement</b> that meets the Department's <i>Window Replacement Standards</i> . Does not include storefront window alterations.
<input type="checkbox"/>	4. <b>Garage work.</b> A new opening that meets the <i>Guidelines for Adding Garages and Curb Cuts</i> , and/or replacement of a garage door in an existing opening that meets the <i>Residential Design Guidelines</i> .
<input type="checkbox"/>	5. <b>Deck, terrace construction, or fences</b> not visible from any immediately adjacent public right-of-way.
<input type="checkbox"/>	6. <b>Mechanical equipment installation</b> that is not visible from any immediately adjacent public right-of-way.
<input type="checkbox"/>	7. <b>Dormer installation</b> that meets the requirements for exemption from public notification under <i>Zoning Administrator Bulletin No. 3: Dormer Windows</i> .
<input type="checkbox"/>	8. <b>Addition(s)</b> that are not visible from any immediately adjacent public right-of-way for 150 feet in each direction; does not extend vertically beyond the floor level of the top story of the structure or is only a single story in height; does not have a footprint that is more than 50% larger than that of the original building; and does not cause the removal of architectural significant roofing features.
<b>Note: Project Planner must check box below before proceeding.</b>	
<input checked="" type="checkbox"/>	Project is not listed. <b>GO TO STEP 5.</b>
<input type="checkbox"/>	Project <b>does not conform</b> to the scopes of work. <b>GO TO STEP 5.</b>
<input type="checkbox"/>	Project involves <b>four or more</b> work descriptions. <b>GO TO STEP 5.</b>
<input type="checkbox"/>	Project involves <b>less than four</b> work descriptions. <b>GO TO STEP 6.</b>

## STEP 5: CEQA IMPACTS – ADVANCED HISTORICAL REVIEW TO BE COMPLETED BY PRESERVATION PLANNER

Check all that apply to the project.	
<input type="checkbox"/>	1. Project involves a <b>known historical resource (CEQA Category A)</b> as determined by Step 3 and conforms entirely to proposed work checklist in Step 4.
<input type="checkbox"/>	2. <b>Interior alterations to publicly accessible spaces.</b>
<input type="checkbox"/>	3. <b>Window replacement</b> of original/historic windows that are not "in-kind" but are consistent with existing historic character.
<input type="checkbox"/>	4. <b>Façade/storefront alterations</b> that do not remove, alter, or obscure character-defining features.
<input type="checkbox"/>	5. <b>Raising the building</b> in a manner that does not remove, alter, or obscure character-defining features.
<input type="checkbox"/>	6. <b>Restoration</b> based upon documented evidence of a building's historic condition, such as historic photographs, plans, physical evidence, or similar buildings.
<input type="checkbox"/>	7. <b>Addition(s)</b> , including mechanical equipment that are minimally visible from a public right-of-way and meet the <i>Secretary of the Interior's Standards for Rehabilitation</i> .
<input type="checkbox"/>	8. <b>Other work consistent</b> with the <i>Secretary of the Interior Standards for the Treatment of Historic Properties</i> (specify or add comments):

# Exhibit 7 BOA appeal 21-006

<input type="checkbox"/>	<p>9. <b>Other work</b> that would not materially impair a historic district (specify or add comments):</p> <p>(Requires approval by Senior Preservation Planner/Preservation Coordinator) _____</p>
<input checked="" type="checkbox"/>	<p>10. <b>Reclassification of property status.</b> (Requires approval by Senior Preservation Planner/Preservation Coordinator)</p> <p><input type="checkbox"/> Reclassify to Category A      <input checked="" type="checkbox"/> Reclassify to Category C</p> <p>a. Per HRER dated: <u>Per PTR form dated 3-20-17</u> (attach HRER)</p> <p>b. Other (specify):</p>
<p><b>Note: If ANY box in STEP 5 above is checked, a Preservation Planner MUST check one box below.</b></p>	
<input type="checkbox"/>	<p><b>Further environmental review required.</b> Based on the information provided, the project requires an <i>Environmental Evaluation Application</i> to be submitted. <b>GO TO STEP 6.</b></p>
<input type="checkbox"/>	<p><b>Project can proceed with categorical exemption review.</b> The project has been reviewed by the Preservation Planner and can proceed with categorical exemption review. <b>GO TO STEP 6.</b></p>
<p><b>Comments (optional):</b></p>	
<p><b>Preservation Planner Signature:</b> Jorgen Cleemann      Digitally signed by Jorgen Cleemann Date: 2017.03.21 10:38:28 -07'00'</p>	

## STEP 6: CATEGORICAL EXEMPTION DETERMINATION TO BE COMPLETED BY PROJECT PLANNER

<input type="checkbox"/>	<p><b>Further environmental review required.</b> Proposed project does not meet scopes of work in either (check all that apply):</p> <p><input type="checkbox"/> Step 2 – CEQA Impacts</p> <p><input type="checkbox"/> Step 5 – Advanced Historical Review</p> <p><b>STOP! Must file an <i>Environmental Evaluation Application</i>.</b></p>			
<input checked="" type="checkbox"/>	<p><b>No further environmental review is required. The project is categorically exempt under CEQA.</b></p> <table border="1"> <tr> <td> <p><b>Planner Name:</b> Jorgen Cleemann</p> <p><b>Project Approval Action:</b></p> <p>Building Permit</p> <p><b>If Discretionary Review before the Planning Commission is requested,</b> the Discretionary Review hearing is the Approval Action for the project.</p> </td> <td> <p><b>Signature:</b></p> <p><b>Jorgen Cleemann</b></p> <p>Digitally signed by Jorgen Cleemann Date: 2017.03.21 10:38:53 -07'00'</p> </td> </tr> </table> <p>Once signed or stamped and dated, this document constitutes a categorical exemption pursuant to CEQA Guidelines and Chapter 31 of the Administrative Code.</p> <p>In accordance with Chapter 31 of the San Francisco Administrative Code, an appeal of an exemption determination can only be filed within 30 days of the project receiving the first approval action.</p>		<p><b>Planner Name:</b> Jorgen Cleemann</p> <p><b>Project Approval Action:</b></p> <p>Building Permit</p> <p><b>If Discretionary Review before the Planning Commission is requested,</b> the Discretionary Review hearing is the Approval Action for the project.</p>	<p><b>Signature:</b></p> <p><b>Jorgen Cleemann</b></p> <p>Digitally signed by Jorgen Cleemann Date: 2017.03.21 10:38:53 -07'00'</p>
<p><b>Planner Name:</b> Jorgen Cleemann</p> <p><b>Project Approval Action:</b></p> <p>Building Permit</p> <p><b>If Discretionary Review before the Planning Commission is requested,</b> the Discretionary Review hearing is the Approval Action for the project.</p>	<p><b>Signature:</b></p> <p><b>Jorgen Cleemann</b></p> <p>Digitally signed by Jorgen Cleemann Date: 2017.03.21 10:38:53 -07'00'</p>			



# SAN FRANCISCO PLANNING DEPARTMENT

## PRESERVATION TEAM REVIEW FORM

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

Reception:  
**415.558.6378**

Fax:  
**415.558.6409**

Planning  
Information:  
**415.558.6377**

<b>Preservation Team Meeting Date:</b>		<b>Date of Form Completion</b>	2/24/2017
--	--	--------------------------------	-----------

PROJECT INFORMATION:		
<b>Planner:</b>	<b>Address:</b>	
Jørgen G. Cleemann	25 17th Avenue	
<b>Block/Lot:</b>	<b>Cross Streets:</b>	
1341/021	Lake Street and the Presidio	
<b>CEQA Category:</b>	<b>Art. 10/11:</b>	<b>BPA/Case No.:</b>
B	N/A	2017-000987ENV

PURPOSE OF REVIEW:			PROJECT DESCRIPTION:	
<input checked="" type="radio"/> CEQA	<input type="radio"/> Article 10/11	<input type="radio"/> Preliminary/PIC	<input checked="" type="radio"/> Alteration	<input type="radio"/> Demo/New Construction

<b>DATE OF PLANS UNDER REVIEW:</b>	12/28/2016
------------------------------------	------------

PROJECT ISSUES:	
<input checked="" type="checkbox"/>	Is the subject Property an eligible historic resource?
<input type="checkbox"/>	If so, are the proposed changes a significant impact?
Additional Notes:	
<p>Submitted: Supplemental Information for Historic Resource Determination prepared by Page &amp; Turnbull (dated December 6, 2016).</p> <p>Proposed Project: Removal of bay window on side elevation; at rear, removal of deck and facade, construction of four-story horizontal addition; reconstruction of rooftop penthouse to bring front facade closer to street wall; demolition of garage; interior alterations.</p>	

PRESERVATION TEAM REVIEW:	
<b>Category:</b>	<input type="radio"/> A <input type="radio"/> B <input checked="" type="radio"/> C
<b>Individual</b>	<b>Historic District/Context</b>
Property is individually eligible for inclusion in a California Register under one or more of the following Criteria:	Property is in an eligible California Register Historic District/Context under one or more of the following Criteria:
Criterion 1 - Event: <input type="radio"/> Yes <input checked="" type="radio"/> No Criterion 2 -Persons: <input type="radio"/> Yes <input checked="" type="radio"/> No Criterion 3 - Architecture: <input type="radio"/> Yes <input checked="" type="radio"/> No Criterion 4 - Info. Potential: <input type="radio"/> Yes <input checked="" type="radio"/> No	Criterion 1 - Event: <input type="radio"/> Yes <input checked="" type="radio"/> No Criterion 2 -Persons: <input type="radio"/> Yes <input checked="" type="radio"/> No Criterion 3 - Architecture: <input type="radio"/> Yes <input checked="" type="radio"/> No Criterion 4 - Info. Potential: <input type="radio"/> Yes <input checked="" type="radio"/> No
Period of Significance: <input type="text" value="N/A"/>	Period of Significance: <input type="text" value="N/A"/>
<input type="radio"/> Contributor <input type="radio"/> Non-Contributor	

# Exhibit 7 BOA appeal 21-006

Complies with the Secretary's Standards/Art 10/Art 11:	<input type="radio"/> Yes	<input type="radio"/> No	<input checked="" type="radio"/> N/A
CEQA Material Impairment to the individual historic resource:	<input type="radio"/> Yes	<input checked="" type="radio"/> No	
CEQA Material Impairment to the historic district:	<input type="radio"/> Yes	<input checked="" type="radio"/> No	
Requires Design Revisions:	<input type="radio"/> Yes	<input checked="" type="radio"/> No	
Defer to Residential Design Team:	<input checked="" type="radio"/> Yes	<input type="radio"/> No	

## PRESERVATION TEAM COMMENTS:

According to the Historic Resource Evaluation prepared by Page & Turnbull (dated December 6, 2016) and information found in the Planning Department files, the subject property at 25 17th Avenue contains a two-story over-garage, wood-frame building with a setback one-story rooftop penthouse. Located on the west side of 17th Avenue in the Inner Richmond district of San Francisco, the subject property is clad in stucco on its primary east elevation. The subject property was designed by Edward Eyestone Young and constructed in 1913.

The building's original owner, Matthew Little, was a builder who owned the property for less than a year. The two longest-term owner/occupants were Zeb and Arabelle Kendall (1919-ca. 1932) and the extended Hooper family (1946-2015). Known exterior alterations to the property include the addition of a bay window on the side (south) elevation (1919-1938); the construction of a garage in the backyard (1919); the alteration of the projecting wing in the rear yard (1915-1950); the construction of a deck wrapping around the side and rear elevations (1995); foundation underpinning (2001); the installation of rooftop solar panels (2003); additional foundation work (2016); the demolition of the side-yard deck (date unknown); and miscellaneous repairs.

The subject property is not significant for association with broad patterns of history at the local, regional, or national level (Criterion 1). None of the owners or occupants has been identified as important to history (Criterion 2). Although Zeb Kendall was a prominent miner and politician, he is more directly linked with the State of Nevada, where a house he inhabited has been placed on the National Register. The building is not architecturally distinct such that it would qualify individually for listing in the California Register under Criterion 3. The subject building is not significant under Criterion 4 since this significance criterion typically applies to rare construction types when involving the built environment.

Planning staff concurs with the conclusions of the consultant that 17th Avenue between Lake Street and the Presidio does not qualify as a potential historic district. The boundaries of this study area, which includes the properties on the two Lake Street corners as well as both sides of 17th Avenue, were determined in consultation with Planning Department staff and are consistent with the staff's current approach to identifying potential historic districts. An earlier HRER issued by the Planning Department in 2012 for 1650 Lake Street - continued -

Signature of a Senior Preservation Planner / Preservation Coordinator:	Date:
	3.20.2017

## Exhibit 7 BOA appeal 21-006

- continued -

(2012.0590E) identified a potential California Register-eligible historic district in an area bounded by 15<sup>th</sup> Avenue, Lake Street, 20<sup>th</sup> Avenue, and the Presidio. Such a district would include the subject property. Since the time of that HRER, the Planning Department has refined its approach to evaluating potential historic districts. In the case of this area, staff has taken the position that if a district were to exist in this general vicinity, it is not as large as that described in the HRER for 1650 Lake Street. This refined approach is reflected in such recent documents as the 2016 Categorical Exemption Determination for 20 16<sup>th</sup> Ave. (2016.001445ENV), which is located one block from the subject property. Assessing the potential existence of an eligible Historic District that is smaller in scale than that described by the HRER for 1650 Lake Street, the Preservation Team Review Form for 20 16<sup>th</sup> Ave. concludes that no such district appears to exist "on 16<sup>th</sup> Avenue and on nearby blocks ... " It should be noted, however, that neither the current determination nor the determination for 20 16<sup>th</sup> Ave. preclude the possibility that historic districts and individually significant historic resources may exist elsewhere in the neighborhood, both inside and outside the area identified in the 2012 HRER.

The development pattern for the study area, which was built up between 1909 and 1917, is typical for western neighborhoods that were rapidly developed in the wake of the 1906 Earthquake and Fire. This pattern is embodied in the nearby Presidio Heights neighborhood, large portions of which the Planning Department has recognized as a California Register-eligible historic district. The study area thus does not convey significance in a way that is not already conveyed more clearly by a similar, geographically proximate historic district.

In making the current determination, Planning staff studied the contents of the study area and found that they do not contain sufficient coherence and do not exemplify a high level of architectural achievement. Although four residences on the west side of the 17<sup>th</sup> Avenue, including the subject property, were designed by the master architect Edward Eyestone Young, these buildings are not representative of his best designs, several of which are recognized historic resources (e.g., the Hotel Californian (now the Serrano Hotel) at 403 Taylor Street; the Francisca Club at 595 Sutter Street). Young was an extremely prolific designer of residential buildings, responsible for over 600 commissions. Many of his more accomplished single-family residences and apartment buildings may be found throughout the Pacific Heights and Cow Hollow neighborhoods (e.g., 2740, 2750, and 2760 Divisadero Street; 2880 Green Street; 2235, 2245, and 2255 Octavia Street; 2790 Green Street; 2105 Buchanan Street; 2265 Broadway; 2230 Steiner Street). Young also designed the house at 22 Presidio Terrace that he and his family inhabited for 26 years. Of the four houses in the study area that Young designed, one was the subject of a 2003 renovation in which the front façade was replaced with a modern design. The other buildings in the study area were designed in a variety of styles and do not hold together as a coherent group.

Therefore the subject building is not eligible for listing in the California Register under any criteria individually or as part of a historic district and is not a historic resource under CEQA.





25 17th Ave. Screenshot of June 2015 Google streetview.

# Exhibit 8 BOA appeal 21-006

From: **Teague, Corey (CPC)** [corey.teague@sfgov.org](mailto:corey.teague@sfgov.org)  
Subject: RE: April 18 2019 follow up on CEQA Sunshine Request dated March 31,2019  
Date: April 24, 2019 at 4:16 PM  
To: [dratler@sonic.net](mailto:dratler@sonic.net), **Jimenez, Sylvia (CPC)** [sylvia.jimenez@sfgov.org](mailto:sylvia.jimenez@sfgov.org)



The CEQA clearances did not “approve” the lot split. The CEQA clearance indicated that a lot split was part of the overall project being reviewed under CEQA. I think the confusion stems from the fact the “lot split” called out in the CEQA clearance was not an actual subdivision of land, but was in reference to a Certificate of Compliance confirming for the record that the two lots were already separate legal lots. A Certificate of Compliance is not a subdivision, and it is my understanding that they are only reviewed DPW, which is why Planning doesn’t have any records for the “lot split.”

I hope that helps. Please let me know if you have any other questions. Thanks.

**Corey A. Teague, AICP, LEED AP**  
Zoning Administrator

San Francisco Planning Department  
1650 Mission Street, Suite 400, San Francisco, CA 94103  
Direct: 415.575.9081 | [www.sfplanning.org](http://www.sfplanning.org)  
[San Francisco Property Information Map](#)

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**From:** [dratler@sonic.net](mailto:dratler@sonic.net) <[dratler@sonic.net](mailto:dratler@sonic.net)>  
**Sent:** Wednesday, April 24, 2019 1:25 PM  
**To:** Teague, Corey (CPC) <[corey.teague@sfgov.org](mailto:corey.teague@sfgov.org)>; Jimenez, Sylvia (CPC) <[sylvia.jimenez@sfgov.org](mailto:sylvia.jimenez@sfgov.org)>  
**Subject:** RE: April 18 2019 follow up on CEQA Sunshine Request dated March 31,2019

Thank you for your reply.

If there was no application why was a lot split approved on March 17,2017 with the CEQA Categorical Exemption Determination?  
Should I be asking Mr. Cleemann?  
Jerry Dratler

---

**From:** Teague, Corey (CPC) <[corey.teague@sfgov.org](mailto:corey.teague@sfgov.org)>  
**Sent:** Wednesday, April 24, 2019 12:48 PM  
**To:** [dratler@sonic.net](mailto:dratler@sonic.net); Jimenez, Sylvia (CPC) <[sylvia.jimenez@sfgov.org](mailto:sylvia.jimenez@sfgov.org)>  
**Subject:** RE: April 18 2019 follow up on CEQA Sunshine Request dated March 31,2019

Mr. Dratler,

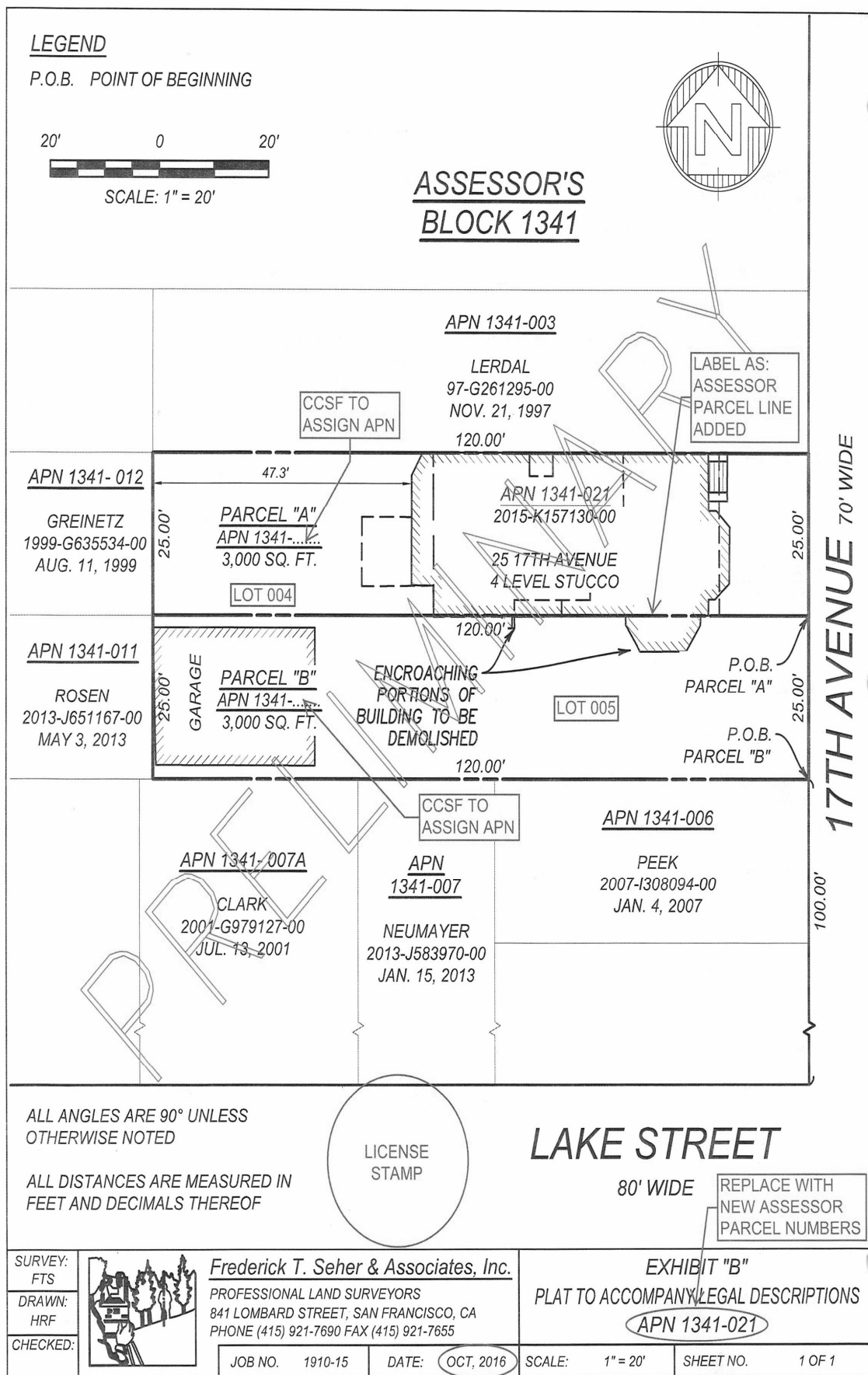
Our Records Request staff responded to your request on April 15<sup>th</sup> indicating that the Department has no records to produce related to any proposed subdivision/lot split/merger for this property. No case for such an application exists in the Department's system. Thank you.

**Corey A. Teague, AICP, LEED AP**  
Zoning Administrator

San Francisco Planning Department  
1650 Mission Street, Suite 400, San Francisco, CA 94103  
Direct: 415.575.9081 | [www.sfplanning.org](http://www.sfplanning.org)  
[San Francisco Property Information Map](#)



# Exhibit 9 BOA appeal 21-006



# PERMIT HOLDER'S BRIEF

# REUBEN, JUNIUS & ROSE, LLP

February 24, 2021

**Delivered Via E-mail**

President Darryl Honda  
San Francisco Board of Appeals  
1650 Mission Street, Suite 304  
San Francisco, CA 94103

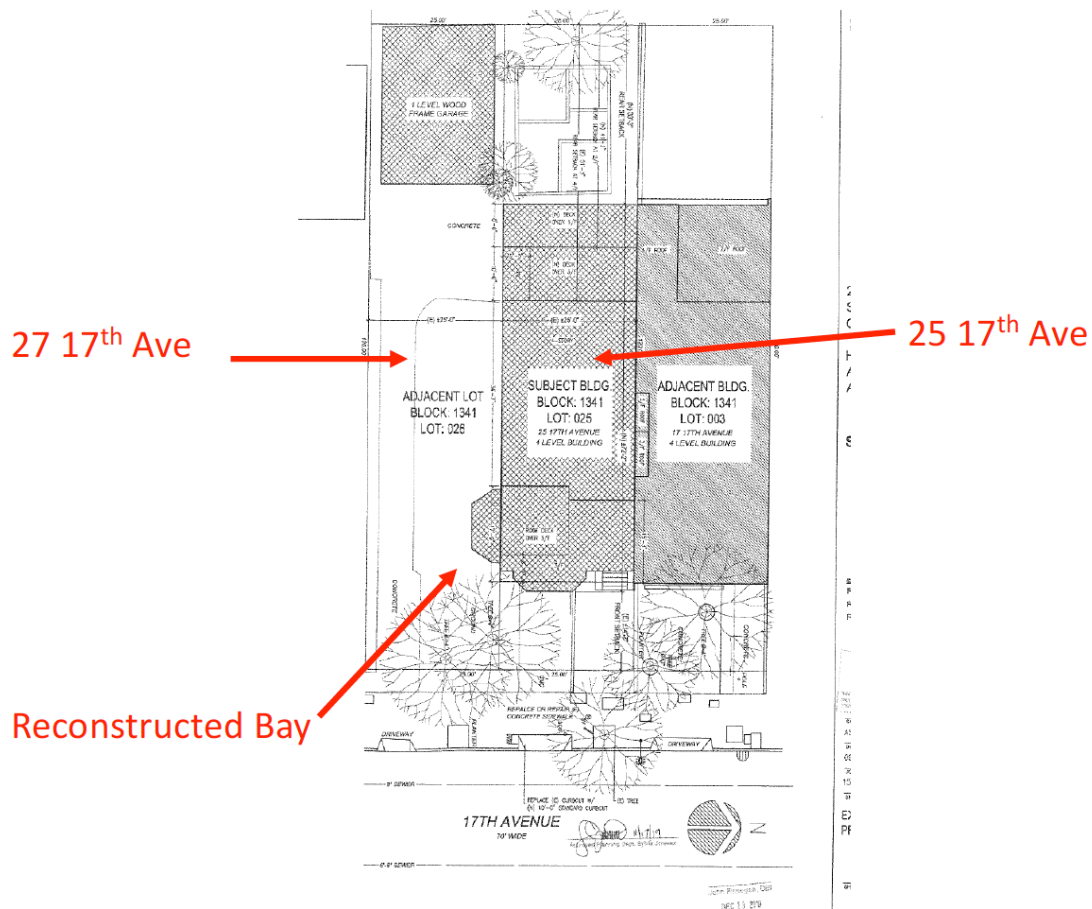
**Re: 27 17th Avenue  
Permitholder's Brief in Opposition to Appeal  
Building Permit Number: 2020.09.22.4726  
Appeal Nos. 21-006**

Dear President Honda and Commissioners:

We represent Tim Brown ("Sponsor"), owner of 25 17<sup>th</sup> Avenue (the "Property") and sponsor of a project to renovate the existing single-family home and reconstruct a three-story bay across its southern property line. The Project is being pursued in parallel with construction of a new single-family home on the southern, vacant lot at 27 17<sup>th</sup> Avenue (together, the "Project"). The Planning Commission heard and took discretionary review ("DR") on the Project on July 25, 2019, requiring reconstruction of the bay, which had been previously demolished.

The appellant previously appealed the permit carrying out the DR decision at 25 17<sup>th</sup> Avenue, which included reconstructing the bay. The Board of Appeals (the "Board") denied the appeal on April 22, 2020. Since the reconstructed bay crosses the property line between 25 and 27 17<sup>th</sup> Avenue, the Department of Building Inspection ("DBI") subsequently required a separate permit be filed, associated with 27 17<sup>th</sup> Avenue, authorizing construction of the bay on that property (the "Bay Permit"). **The Bay Permit is for administrative purposes only. Therefore,**

**no separate set of plans is associated with it, and it merely refers to the plans associated the permit heard on appeal in April 2020. Appellant appealed the Bay Permit.**



Subsequent to the Board of Appeals denial of the previous appeal in April 2020, the following permitting has transpired:

- The Bay Permit was filed, reviewed and issued, authorizing construction of the bay on the other side of the property line separating the two lots. The Sponsor has executed a Declaration of Restrictions with the City, dealing with all code issues

involved in construction crossing a property line, which is signed by the DBI manager, the Fire Marshall and the City Attorney. See attached as **Exhibit A**.

- The permit authorizing demolition of the existing garage at 27 17<sup>th</sup> Avenue has been approved by the Planning Department and is expected to be approved in the next month.
- The permit authorizing construction of a new single-family home at 27 17<sup>th</sup> Avenue has been approved by the Planning Department and is expected to be approved in the next month. This permit was subject to the original DR hearing at the Planning Commission. The Planning Commission had approved the permit at its DR hearing, with a condition requiring modifications necessary to accommodate reconstruction of the bay across the property line.

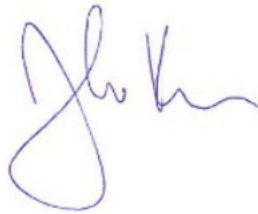
The Permit, and the demolition and new construction permits at 27 17<sup>th</sup> Avenue will conclude the entitlement and permit process for this project. These permits carry out the DR decision of the Planning Commission and are consistent with the Board's decision to deny the appeal brought by the appellant last year.

We therefore urge the Board to deny this latest appeal, and allow the project (including reconstruction of the three story bay) to be built, consistent with the Planning Commission's and Board's previous decisions.

President Ann Lazarus  
San Francisco Board of Appeals  
April 2, 2020  
Page 4

Very truly yours,

**REUBEN, JUNIUS & ROSE, LLP**

A handwritten signature in blue ink, appearing to read 'John Kevlin', with a large loop at the end of the last name.

John Kevlin

cc: Eduardo Santacana, Vice President  
Tina Chang, Commissioner  
Ann Lazarus, Commissioner  
Rick Swig, Commissioner



**CITY AND COUNTY OF SAN FRANCISCO**  
**DEPARTMENT OF BUILDING INSPECTION**  
49 South Van Ness Avenue  
San Francisco, CA 94103-1226

# PAYMENT RECEIPT

Printed on: 09/11/2020 11:46:28 AM

**Plan Review Division**

**Phone:(415)558-6133**

**Fax:(415)558-6686**

Payment Date: 09/11/2020

Job Address

**25 17TH AV -**

Receipt Number: PAD05091

Issued By: IBARTHOL

Payment received from:

Application Number:

TWENTY FIVE 17TH AVENUE LLC  
775 MONTEREY BLVD  
SAN FRANCISCO CA 94127

25 & 27th 17th Avenue  
Encroachment Easement

Payment received for the items indicated:

Fee Description	Payment Amount	Complaint#/ (if applicable)
PAD Easement	\$695.64	
PAD Easement City Attny	\$403.50	
PAD Easement Fire	\$390.00	

**TOTAL**

**\$1,489.14**

BY \_\_\_\_\_

**CUSTOMER COPY**

RECORDING REQUESTED BY AND  
WHEN RECORDED MAIL TO:

Herzig & Berlese  
414 Gough Street, Suite 5  
San Francisco, CA 94102

Assessor's Block 1341, Lots 025 and 026  
25 and 27 17<sup>th</sup> Avenue, San Francisco, CA

Space Above This line for Recorder's Use

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DECLARATION OF RESTRICTIONS  
AND GRANT OF EASEMENT

January 17, 2020

CITY ATTORNEY'S OFFICE  
1390 MARKET ST.  
2020 MAY 11 PM 3:42



DECLARATION OF RESTRICTIONS  
AND GRANT OF EASEMENT

THIS DECLARATION of Restrictions and Grant of Easement ("Declaration") is made on January \_\_, 2020 by Twenty Seven Seventeenth Avenue, LLC, a California limited liability company ("Declarant").

RECITALS

- A. Declarant is the owner of a parcel of real property located at 27 17<sup>th</sup> Avenue in San Francisco, California, APN 1341-026. It is shown on Exhibit A and described on Exhibit B, both of which are attached to this Declaration and incorporated by reference in it.
- B. Twenty Five 17<sup>th</sup> Avenue, LLC, a California limited liability company is the owner of an adjacent parcel of real property located at 25 17<sup>th</sup> Avenue in San Francisco, California, APN 1341-025. A portion of it is shown on Exhibit A. It is described on Exhibit C.
- C. Lots 025 and 026 are sometimes collectively referred to as "the Lots" in this Declaration.
- D. The term "Owner" means the owner in fee of either of the Lots during the period that the Owner remains a fee owner.
- E. In order to satisfy the requirements of the San Francisco Building Code and the San Francisco Fire Code (the "Codes") in effect as of the date of this Declaration, Declarant desires to impose certain restrictions for the benefit of and burdening the Lots, and to grant and reserve an easement as described on Exhibit D, attached to this Declaration and incorporated by reference in it.
- F. The City of San Francisco ("the City") is intended to be a third-party beneficiary of this Declaration such that the written consent of the Director of the City's Department of Building Inspection (the "Director") and the San Francisco Fire Marshal ("Fire Marshal") shall be required for the modification, revocation, or termination of the Easement and restrictions imposed in it.

NOW, THEREFORE,

Declarant hereby declares that the Lots are to be held, subdivided, conveyed, encumbered, leased, rented, used, occupied and improved subject to the following limitations, restrictions, reservations, rights, easements, conditions and covenants, all of which are imposed as equitable servitudes upon the Lots. All of the limitations, restrictions, reservations, rights, easements, conditions and covenants in this Declaration shall run with and burden Lots 025 and 026, and shall be binding on and inure to the benefit of the Lots, any portion of the Lots and any interest in them, and all persons having or acquiring any right, title or interest in either of the Lots, or any portion of and any interest in either of them, and their successors, heirs and assigns; and, further,

Declarant hereby declares:

that the reference to and description of "Easement" or "Encroachment Easement" in this Declaration shall not be affected by a merger of estates, but shall constitute a special restriction as to the Lots that runs with the land. If Twenty Seven Seventeenth Avenue, LLC transfers title to Lot 026 to a third party, the access rights specified in this Declaration shall be deemed to constitute valid and binding easements as described in Paragraph 2 below.

**1. Restrictions as Easement.** The provisions of this Declaration are binding restrictions as of the date of recording of this Declaration. When the Declaration is recorded, there shall be an Encroachment Easement burdening Lot 026 and benefitting Lot 025 as set forth in Paragraph 2 below. The Easement is more particularly described in Paragraph 2 below and is deemed to be granted or reserved, as the case may be, upon conveyance of the first of the Lots whether or not specifically referenced in the deed conveying a Lot.

**2. Encroachment Easement.** Lot 026 is burdened and Lot 025 is benefitted by an Encroachment Easement permitting the encroachment onto Lot 026 of a bay window on the single family residence located on Lot 025, as described on Exhibit D and as shown on Exhibit A. The Easement includes the right of the Owner of Lot 025, and his or her contractors and agents, to enter Lot 026 as provided below for the maintenance, repair and replacement of the bay window. The Easement also includes the right of the San Francisco Fire Department and other departments or agencies of the City to enter Lot 026 as necessary for access to the bay window for fire or other reasonably necessary services on Lot 025.

**3. Maintenance of Easement.** The Owner of Lot 025 shall at all times maintain the bay window and the Encroachment Easement in safe and good condition and repair at his or her sole expense. The Owner of Lot 025, or his or her contractors or agents, may enter Lot 026 to perform its responsibilities under this Declaration, including responsibilities with respect to window washing, construction, maintenance, or repair of the encroaching bay window, upon reasonable prior written notice to the Owner of Lot 026 and during normal business hours. However, the right to enter is immediate in case of an emergency originating within or threatening the residence located on Lot 025. If entry is made onto Lot 026, it must be left in the condition in which it existed prior to the entry. If, as a result of entry, any damage is done to landscaping or any other improvement located on Lot 026 by the Owner of Lot 025 or its agents, the Owner of Lot 025 promptly must repair the damage at his or her sole expense.

**4. Insurance.** The Owner of Lot 026 shall maintain a master policy of fire insurance covering the encroachment in an amount equal to the full replacement cost of the encroachment.

**5. Mediation.** If any dispute arises between the Owners of the Lots relating to maintenance of the encroaching bay window, access to Lot 026 or any other matter, they must first seek to resolve the dispute by mediation. If they are unable to arrive at a mediated resolution to the dispute, either Owner may bring an action in Superior Court. In either mediation or civil action, each party must pay his or her own attorney's fees and costs.

**6. Special Restrictions.** As part of the submission of any building permit application to the Department of Building Inspection by the Owner of either of the Lots on or after the date of

recording of this Declaration, each applicant shall submit a copy of this Declaration.

**7. Duration.** The restrictions contained in and the Easement granted or reserved under this Declaration shall be perpetual, unless modified, revoked or terminated pursuant to Paragraph 8 below.

**8. Modification or Revocation.** This Declaration has been recorded in order to satisfy the requirements of the Codes in effect as of the date of the Declaration. This Declaration may not be modified, revoked or terminated without the written consent of the then Owners of the Lots, and any such modification, revocation or termination shall not be effective unless and until the Director or his designee and the Fire Marshal consent to it in writing after receiving written notice from Declarant, and such modification, revocation or termination, executed by the Owners and the City, is recorded in the Official Records of the City.

**9. Easement Appurtenant.** The easement granted or reserved under this Declaration shall be appurtenant to or burden the Lots, as set forth in Paragraph 2, and shall pass with title to the Lots. Each and all of the foregoing covenants, conditions and restrictions (i) shall run with the land; (ii) shall be binding upon, and shall inure to the benefit of Declarant, each Owner, and any person having or acquiring any interest in either of the Lots, and all of their respective successive owners and assigns; and (iii) shall be binding upon, and shall inure to the benefit of, each of the Lots.

**10. Third Party Beneficiary.** The City is intended to be a third party beneficiary of this Declaration, with the right to consent to any modification or revocation of it and the right and authority, at its sole option, to enforce the provisions of it (including, but not limited to, remedies for violation of a building permit), provided, however, that the City shall have no liability whatsoever with respect to the condition of the Lots or the Easement.

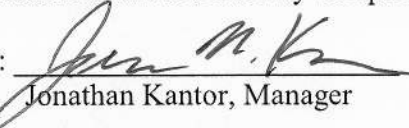
**11. No Public Dedication.** Nothing contained in this Declaration shall be deemed to be a gift or dedication to the general public or for any public purposes whatsoever, it being the intention that this document be strictly limited to, and for the purposes expressed in it.

**12. Indemnity.** Declarant, the Owner of Lot 026 and each successor Owner of either of the Lots, with respect to matters arising during or prior to the period that he or she remains an Owner of a Lot, on behalf of themselves and their successors and assigns ("Indemnitors"), shall indemnify, defend and hold harmless ("Indemnify") the City including, but not limited to, all of its boards, commissions, departments, agencies and other subdivisions, including, without limitation, its Department of Building Inspection and its Fire Department, and all of the heirs, legal representatives, successors and assigns (individually and collectively, the "Indemnified Parties"), and each of them, from and against any and all liabilities, losses, costs, claims, judgments, settlements, damages, liens, fines, penalties and expenses, including, without limitation, direct and vicarious liability of every kind (collectively, "Claims"), incurred in connection with or arising in whole or in part from: (a) any accident, injury to or death of a person, or loss of or damage to any property on the Lots, howsoever or by whomsoever caused, occurring in or use of the Easement; (b) any default by such Indemnitors in the observation or performance of any of the terms, covenants or conditions of this Declaration to be observed or performed on such Indemnitors' part; (c) the use or occupancy or manner of use or occupancy of

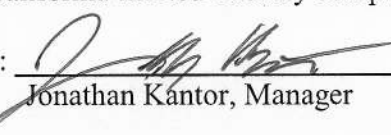
the Easement by such Indemnitors or any person or entity claiming through or under such Indemnitors; (d) the condition of the Easement; (e) any construction or other work undertaken by such Indemnitors permitted or contemplated by this Declaration; (f) any acts, omissions or negligence of such Indemnitors in, on or about the Easement by or on behalf of such Indemnitors; (g) any injuries or damages to real or personal property, goodwill, and persons in, upon or in any way allegedly connected with the use contemplated hereunder from any cause or Claims arising at any time; and (h) any release or discharge, or threatened release or discharge, of any hazardous material caused or allowed by Indemnitors in, under, on or about the Easement, all regardless of the active or passive negligence of, and regardless of whether liability without fault is imposed or sought to be imposed on, the Indemnified Parties, except to the extent that such Indemnity is void or otherwise unenforceable under applicable law in effect on or validly retroactive to the date of this Declaration and further except only such Claims as are caused exclusively by the willful misconduct or gross negligence of the Indemnified Parties. The foregoing Indemnity shall include, without limitation, reasonable fees of attorneys, consultants and experts and related costs and the City's costs of investigating any Claim. Declarant and the Owner of Lot 026, on behalf of the Indemnitors, specifically acknowledges and agrees that the Indemnitors have an immediate and independent obligation to defend the City from any claim which actually or potentially falls within this Indemnity even if such allegation is or may be groundless, fraudulent or false, which obligation arises at the time such Claim is tendered to such Indemnitors by the City and continues at all times thereafter. As used in this paragraph, "hazardous material" means any substance, waste or material which, because of its quantity, concentration of physical or chemical characteristics is deemed by any federal, state, or local governmental authority to pose a present or potential hazard to human health or safety or to the environment. For purposes of this paragraph, the term "Easement" includes the areas subject to this Declaration prior to sale of any portion of the Lots subject to this Declaration.

**13. Authority.** The persons executing this Declaration on behalf of Declarant and the Owner of Lot 026 do hereby covenant and warrant that they are authorized to sign on behalf of the duly formed and existing California limited liability companies that own the Lots, that they have the full right and authority to enter into this Declaration, and that the person signing on behalf of them is authorized to do so.

Twenty Five 17<sup>th</sup> Avenue, LLC,  
a California limited liability company

By:   
Jonathan Kantor, Manager

Twenty Seven Seventeenth Avenue, LLC,  
a California limited liability company

By:   
Jonathan Kantor, Manager

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 San Francisco

} SS.  
}

On 01/17/2020, before me, Melissa Lee, a Notary Public, personally appeared Jonathan Kaator 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.

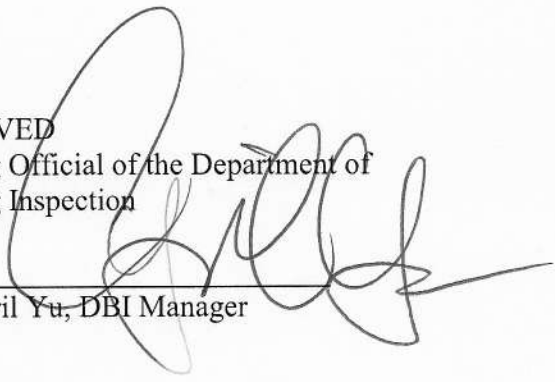
WITNESS my hand and official seal.

Signature \_\_\_\_\_






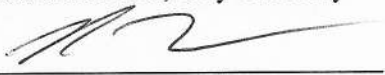
APPROVED  
Building Official of the Department of  
Building Inspection

By:   
Cyril Yu, DBI Manager

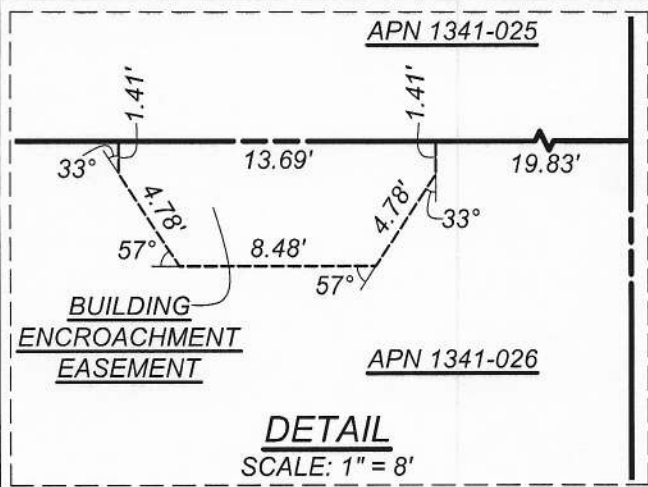
APPROVED  
Fire Marshal

By:   
RICH BROWN, ASST. FIRE  
MARSHAL

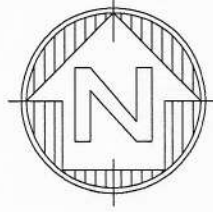
APPROVED AS TO FORM  
Dennis J. Herrera, City Attorney

By:   
Robb W. Kapla, Deputy City Attorney

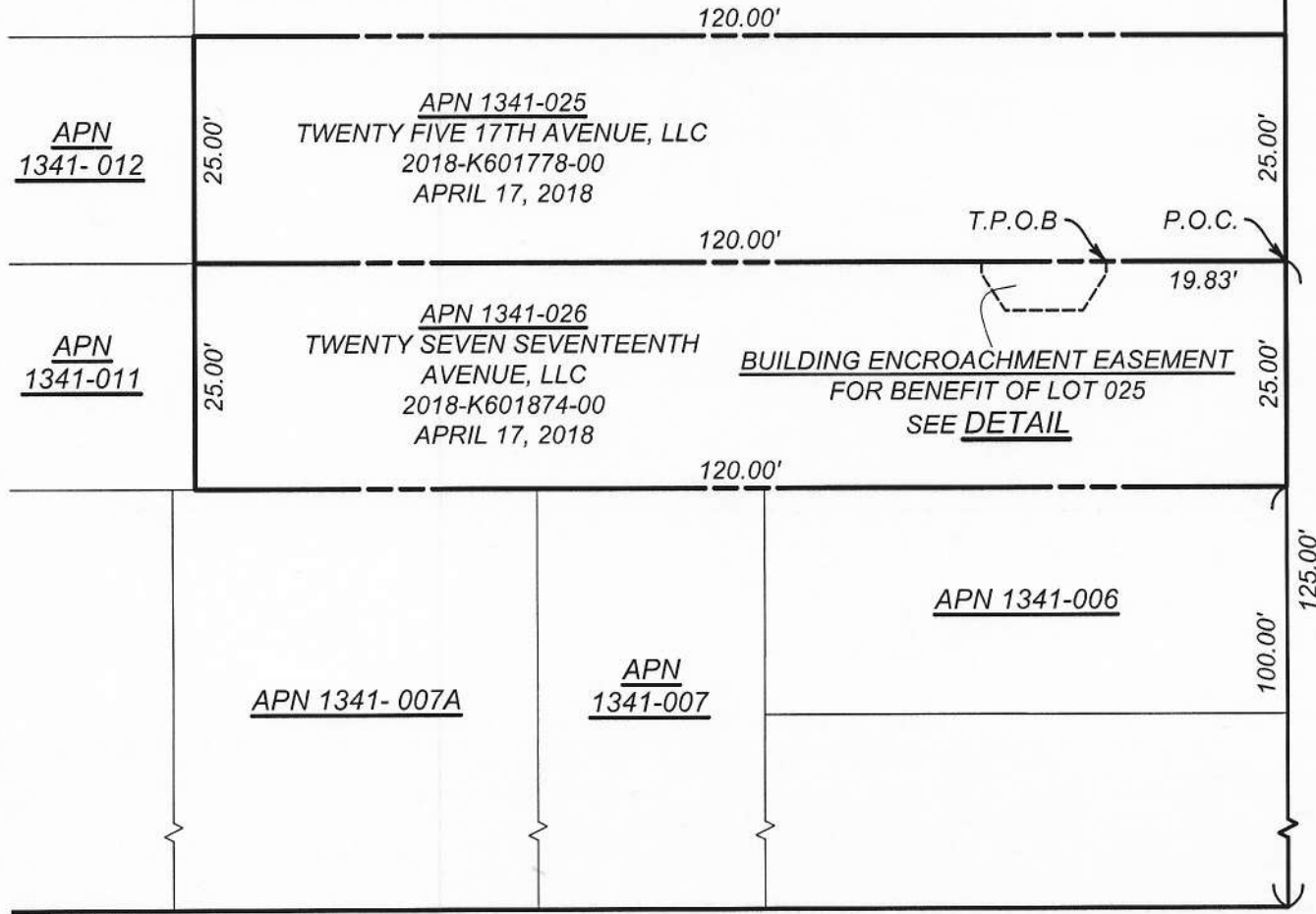
Attach Notary acknowledgment for each signature



# ASSESSOR'S BLOCK 1341



APN 1341-003



## LEGEND

P.O.C. POINT OF COMMENCEMENT  
T.P.O.B. TRUE POINT OF BEGINNING

ALL ANGLES ARE 90° UNLESS OTHERWISE NOTED

ALL DISTANCES ARE MEASURED IN FEET AND DECIMALS THEREOF



## LAKE STREET

80' WIDE

20' 0 20'



SCALE: 1" = 20'

SURVEY: FTS  
DRAWN: JC  
CHECKED: EF



**Frederick T. Seher & Associates, Inc.**  
PROFESSIONAL LAND SURVEYORS  
841 LOMBARD STREET, SAN FRANCISCO, CA  
PHONE (415) 921-7690 FAX (415) 921-7655

**EXHIBIT A**  
**PLAT TO ACCOMPANY LEGAL DESCRIPTION**  
**BUILDING ENCROACHMENT EASEMENT**

JOB NO. 1910-15	DATE: NOV. 2019	SCALE: 1" = 20'	SHEET NO. 1 OF 1
-----------------	-----------------	-----------------	------------------

**EXHIBIT "B"**

**SERVIENT TENEMENT LEGAL DESCRIPTION**

*The land referred to herein below is situated in the City of San Francisco, County of San Francisco, State of California and is described as follows:*

*BEGINNING at a point on the Westerly line of Seventeenth Avenue, distant thereon 100 feet Northerly from the point formed by the intersection of the Westerly line of Seventeenth Avenue with the Northerly line of Lake Street; and running thence Northerly along said line of Seventeenth Avenue 25 feet; thence at a right angle Westerly 120 feet; thence at a right angle Southerly 25 feet; and thence at a right angle Easterly 120 feet to the point of beginning.*

*BEING a part of Outside Land Block "M", also known as Outside Land Block No. 55, as described in that certain Certificate of Compliance, recorded February 8, 2017, as Instrument No. 2017-K406467-00 of Official Records.*

*APN: Block 1341, Lot 026*



**EXHIBIT "C"**

**DOMINANT TENEMENT LEGAL DESCRIPTION**

*The land referred to herein below is situated in the City of San Francisco, County of San Francisco, State of California and is described as follows:*

*COMMENCING at a point on the Westerly line of 17th Avenue, distant thereon 125 feet Northerly from the Northerly line of Lake Street, running thence Northerly and along said Westerly line of 17th Avenue 25 feet, thence at a right angle Westerly 120 feet, thence at a right angle Southerly 25 feet, thence at a right angle Easterly 120 feet to the Westerly line of 17th Avenue and the point of commencement.*

*BEING a part of Outside Land Block No. 55, as described in that certain Certificate of Compliance, recorded February 8, 2017, as Instrument No. 2017-K406467-00 of Official Records.*

*APN: Block 1341, Lot 025*

**EXHIBIT "D"**

**BUILDING ENCROACHMENT EASEMENT LEGAL DESCRIPTION**

The land referred to is situated in the State of California, City and County of San Francisco, and is described as follows:

Also being a portion of the lands described in that deed recorded April 17, 2018 under Recorder's Document Number 2018- K601874-00, San Francisco County Records.

COMMENCING at a point on the westerly line of 17th Avenue, distant thereon 125 feet northerly from the northerly line of Lake Street;  
thence at a right angle westerly 19.83 feet to the True Point of Beginning;  
thence at a right angle southerly 1.41 feet;  
thence deflecting 33 degrees to the right and running southwesterly 4.78 feet;  
thence deflecting 57 degrees to the right and running westerly 8.48 feet;  
thence deflecting 57 degrees to the right and running northwesterly 4.78 feet;  
thence deflecting 33 degrees to the right and running northerly 1.41 feet;  
thence at a right angle easterly 13.69 feet to the True Point of Beginning

The uppermost elevation of said easement shall be at elevation of 147 feet.

Elevation is based on San Francisco City Datum based on a City benchmark at the intersection of California Street and 17<sup>th</sup> Avenue, northeasterly corner, crow cut outer rim storm water Inlet, benchmark elevation 121.553 feet, as per City survey dated Decmber, 1984.

APN: Block 1341, Lot 026 (a portion)

This real property description has been prepared by me, or under my supervision, in conformance with the Professional Land Surveyor's Act.

Signature Frederick T. Seher

Frederick T. Seher  
Professional Land Surveyor, LS # 6216



# PUBLIC COMMENT

**To: San Francisco Board of Appeals**

**From: Jim Riley**

**Re: Appeal No. 21-006 27 17<sup>th</sup> Avenue**

**Hearing Date: March 3, 2021 5:00pm**

Dear President Lazarus, Vice President Honda, Commissioners Swig, Santacana & Chang,

I cannot believe we are doing this. AGAIN!

PLEASE deny the administrative permit to proceed with construction at 27 17th Avenue. Yet again the developers have made false and misleading statements to skirt city regulations and agreements made with neighbors. They have submitted false inaccurate drawings and plans just as they did on day one at the very first neighborhood meeting. They falsely claim to have *restored the elements of the south wall of 25 17th Avenue as ordered by the City, including the bay, which were removed illegally without permit.*

Please understand the backhanded move they are attempting. This is the THIRD time Mr. Brown and Mr. Kantor have tried to legalize their illegal bay removal. The developers HAVE NOT corrected the illegal demolition violations at 25 17th Avenue. Claiming that these violations have been corrected allows the developer to move forward with their second permit which has been approved by the Planning Department but not issued by the City. This second permit allows them to remove the bay at 25 17th Avenue that they never restored. Are we now really living in the world of alternative facts?

The neighborhood and the city came to an agreement that the bay would be restored and then work could progress. We all want this done. It is and has always been the unscrupulous actions of the developers preventing work being done and getting the project finished. This repetitive dishonest behavior is why no one in the neighborhood trusts them. They ignored your BOA order and have not done what was agreed to by all parties. Today nearly 40 neighbors in the 17<sup>th</sup> Ave, 18<sup>th</sup> Ave and Lake St blocks have signed are united in supporting the appeal and opposing the permits issuance.

**Approval of both permits would override the earlier Board of Appeals and the Planning Commission denials of a permit to legalize the illegal bay removal.**

**The 1st abatement permit denial** was at a 2017 Board of Appeals where the permit to abate or legalize the bay removal was challenged. The Board of Appeals denied their abatement permit request. Nearly 28 neighbors were in opposition and prevailed.

**The 2nd attempt** was at the July 25, 2019 Planning Commission to abate or legalize the bay removal. The Planning Commission denied their abatement permit. Again, the neighborhood was opposed and prevailed.

**The 3rd attempt** to legalize the illegal bay removal is sneaky!

Step 1 is an administrative permit submitted by Mr. Kantor which falsely claims to have restored all the elements including the bay to the south wall of 25 17th Avenue. For the record the neighbors are still here and aware of what is happening.

Step 2 is the permit to remove the portion of 25 17th Ave that encroaches onto 27 17th Ave. The second permit has not been issued by the City. It has been approved by the Planning Department and sent to the DBI. The permit in Step 2 as worded says:

**“Remove portion of 25 17<sup>th</sup> Ave that crossed property  
line as shown on plans submitted at PA #201707071206S”**

So the permit in Step 2 would be to remove something the developers were required/ordered to replace but never put back but are now getting a permit to remove it. **SERIOUSLY?**

I would also like to prebut any false and irrelevant claims made by any and all golf buddies of the developers that will be submitting support and/or attending the hearing. If you have any questions, please contact me anytime.

Thank you and please put a stop to this,

Jim Riley  
1601 Lake Street  
San Francisco, CA 94121

Board of Appeals  
49 Van Ness Avenue  
San Francisco CA 94103

RE: APPEAL 21-006

Appeal of 25 17<sup>th</sup> Avenue **Permit** #2020.0922.4726

To President Honda and Members of the Board:

My name is Nancy Clark and I am the long time owner of a house at 1628 Lake Street. My house shares a rear property line with the property John Kantor and Tim Brown are seeking to develop on 17<sup>th</sup> Avenue. I, along with many neighbors, am asking the Board of Appeals (1) to **deny** administrative permit 2020.0922.4726 because the project sponsors Jon Kantor and Tim Brown have not complied with the two outstanding Notices of Violation and (2) to **enforce** the Planning Department's Notice of Enforcement 2016-009806ENF, which requires restoration of the bay and prohibits the project sponsors from submitting additional building permits until they restore the 3-story bay at 25 17<sup>th</sup> Avenue

As has come to your attention, Administrative permit 2020.0922.4726 and demolition permit 2019.0506.9814 are the third attempts by the project sponsors to legalize their illegal demolition of the 3-story bay at 25 17<sup>th</sup> Avenue **without actually restoring it**. The demolition of the bay permit has been approved by the Planning Department and is awaiting approval by the Department of Building Inspection. If the project sponsors had complied with the two Notices of Violation

and the Notice of Enforcement, the project at 25 17<sup>th</sup> Avenue would have been completed years ago.

As you know, neighborhood dispute over the oversized development of this property and on-going deviousness on the part of the developers has been the nature of this project for years. In July of 2019, the Planning Commission denied the project sponsors' permit to legalize the 3-story bay removal; the Planning Commission approved the project sponsors' remodel permit with the requirement the project sponsors **"revert the existing building to its previous existing condition by restoring the 3-story bay"**.

Once again, I join with a cohort of neighbors who are deeply frustrated by Mr. Brown and Mr. Kantor's end-run efforts to override the Board of Appeals and Planning Commission's decisions to deny their abatement permit. It has been almost five years since the bay was illegally removed. I join my neighbors in requesting that the remodel of 25 17<sup>th</sup> Avenue be completed with the restoration of the 3-story bay. We believe the best method for getting this project back on track is for the Board of Appeals to enforce Notice of Enforcement 2016-009806ENF and suspend all building permits for 25 and 27 17<sup>th</sup> Avenue, requiring the property owner to restore the 3-story bay and cladding in a historically appropriate manner before the Planning Department approves additional building permits.

Sincerely

Nancy Clark 1628 Lake Street, San Francisco 94121



Stephanie Peek , 35 – 17<sup>th</sup> Avenue, San Francisco, CA 94121, February 25, 2021

Board of Appeals

49 Van Ness Avenue

San Francisco CA 94103

RE: APPEAL 21-006

Appeal of 25 17<sup>th</sup> Avenue **Permit** #2020.0922.4726

To President Honda and Members of the Board:

As a next door neighbor of 25 and 27 17<sup>th</sup> Avenue, I ask the Board of Appeals (1) to **deny** administrative permit 2020.0922.4726 because the project sponsors Jon Kantor and Tim Brown have not complied with the two outstanding Notices of Violation and (2) to **enforce** the Planning Department's Notice of Enforcement 2016-009806ENF, which requires restoration of the bay and prohibits the project sponsors from submitting additional building permits until they restore the 3-story bay at 25 17<sup>th</sup> Avenue.

Administrative permit 2020.0922.4726 and demolition permit 2019.0506.9814 are the third attempt by the project sponsors to legalize their illegal demolition of the 3-story bay at 25 17<sup>th</sup> Avenue **without actually restoring it**. The demolition of the bay permit has been approved by the Planning Department and is awaiting approval by the Department of Building Inspection. If the project sponsors had complied with the two

Notices of Violation and the Notice of Enforcement, the project at 25 17<sup>th</sup> Avenue would have been completed years ago.

In 2017, the Board of Appeals denied the project sponsors' permit to abate the illegal removal of the 3-story bay at 25 17<sup>th</sup> Avenue. The Board of Appeals revised the building permit to allow the project sponsors to continue work on their permitted foundation replacement and increased the permit scope of work to include a voluntary seismic upgrade. The project sponsors abandoned the seismic upgrade and foundation replacement six months later in June of 2018. In July of 2019, the Planning Commission denied the project sponsors' permit to legalize the 3-story bay removal; the Planning Commission approved the project sponsors' remodel permit with the requirement the project sponsors **“revert the existing building to its previous existing condition by restoring the 3-story bay”**. My neighbors and I are very frustrated by Mr. Brown and Mr. Kantor's efforts to override the Board of Appeals and Planning Commission's decisions to deny their abatement permit. It has been almost five years since the bay was illegally removed and my neighbors and I would like to see the remodel of 25 17<sup>th</sup> Avenue completed with the restoration of the 3-story bay. We believe the best method for getting this project back on track is for the Board of Appeals to enforce Notice of Enforcement 2016-009806ENF and suspend all building permits for 25 and 27 17<sup>th</sup> Avenue, requiring the property owner to restore the 3-story bay and cladding in a historically appropriate manner before the Planning Department approves additional building permits.

Thank you for your attention,

Stephanie Peek

Petition to BOA February 25, 2021

Board of Appeals

49 Van Ness Avenue

San Francisco CA 94103

RE: APPEAL 21-006

Appeal of 25 17<sup>th</sup> Avenue **Permit** #2020.0922.4726

And Planning Department Notice of Enforcement 2016-009806ENF

To President Honda and Members of the Board:

The neighbors of 25 and 27 17<sup>th</sup> Avenue ask the Board of Appeals to (1) deny administrative permit 2020.0922.4726 because of the outstanding Notices of Violation and (2) request the Board of Appeals enforce Planning Department Notice of Enforcement 2016-009806ENF which prohibits the project sponsors from submitting additional building permits before they fully restore the 3-story bay at 25 17<sup>th</sup> Avenue.

Respectfully submitted,

The 40 neighbors of 25 and 27 17<sup>th</sup> Avenue.

Petition to Appeal 21-006, continued

NAME

ADDRESS

SIGNATURE

Deirdre Hockett	24 17 <sup>th</sup> Ave, St	Deirdre Hockett
Riley Hockett	24 17 <sup>th</sup> Ave	Riley Hockett
Howard Young	5-17 <sup>th</sup> Ave	Howard Young
Adrienne Young	5-17 <sup>th</sup> Ave	Adrienne Young
TRENT HV	5-17 <sup>th</sup> Ave	Trent HV
Brooke Bengier	11 17 <sup>th</sup> Ave	Brooke Bengier
David Lyden	11 17 <sup>th</sup> Avenue	David Lyden
ALAN GREENWALD	20 18 <sup>th</sup> AVE	Alan Greenwald
SUSIE GREENWALD	20 18 <sup>th</sup> AVE	Susie Greenwald
Louise Fong	4 18 <sup>th</sup> ave	Louise Fong
Steve Jensen	2 18 <sup>th</sup> Ave	Steve Jensen
Nancy Clark	1628 Lake St	Nancy Clark
STEPHANIE PEEK	35-17 <sup>th</sup> AVE.	Stephanie Peek
CHRIS WALKER	24-17 <sup>th</sup> AVE	Chris Walker
Evelyn Walker	34-17 <sup>th</sup>	Evelyn Walker



Petition to Appeal 21-006, continued

NAME ADDRESS SIGNATURE

JERRY DRATLER 40 17th Ave

July 30 [Signature]

Sandra Dratler 40 17th Ave

[Signature]

Hill Ferguson 1650 Lake St

[Signature]

Genevieve Ferguson 1650 Lake St

[Signature]

Collette Brooks 10 17th Ave

[Signature]

SARA STEPHENS 16-17th Ave

[Signature]

CHUCK A. STEPLER 16-17th Ave

[Signature]

David Harrison 10 17th Ave

[Signature]

Jim Riley 1601 LAKE ST

[Signature]

Isaiah Riley-Gittin 1601 LAKE ST

LR

SARAH SWEEDLER 1630 LAKE ST

[Signature]

NAT Wyatt "

[Signature]

Josiah Clark 1628 lake st.

[Signature]

Moise Cohen 1638 LAKE ST

[Signature]

ANDREW TAYLOR 1600 LAKE ST

[Signature]

Susan HM Taylor 1600 Lake St

[Signature]

## Petition to Appeal 21-006, continued

NAME

ADDRESS

SIGNATURE

Randy Huck 1831 Lake Street

NATURE

*Paul J. Hall*

Zorha Evans-Huck 1631 Lake Street

Frank E. Hahn

Tatiana Rich 1621 LAKE STREET

Tetraneis Rich

MICHAEL PIECH 1621 LAKE STREET

47

Leslee Roberts 101-17<sup>th</sup> Avenue

*[Signature]*

Susanne Baum 143 17th Avenue

Bessie C. Brown



Re: Appeal 21-005 Petition EXTRA signature

Mrs. Rosen is temporarily staying up north with her daughter, a nurse, while healing so she sent us her signature by email.

February 25, 2021

Petition to BOA March 3, 2021

Board of Appeals  
49 Van Ness Avenue  
San Francisco CA 94103

RE: APPEAL 21-006  
Appeal of 25 17<sup>th</sup> Avenue Permit #2020.0922-4726  
And Planning Department Notice of Enforcement 2016-009806ENF

To President Lazarus and Members of the Board:

The neighbors of 25 and 27 17th Avenue ask the Board of Appeals to (1) deny administrative permit 2020.0922-4726 because of the outstanding Notices of Violation and (2) request the Board of Appeals enforce Planning Department Notice of Enforcement 2016-009806ENF which prohibits the project sponsors from submitting additional building permits before they fully restore the 3-story bay at 25 17th Avenue.

Respectfully submitted,

Jerry Dratler

*Judith L. Rosen*  
30-18<sup>th</sup> Ave  
San Francisco, CA 94121  
02/19/2021

ion to Appeal 21-006, continued

NAME	ADDRESS	SIGNATURE
JUDITH L. ROSEN	30-18 <sup>th</sup> Ave	<i>Judith L. Rosen</i>

