

BOARD OF APPEALS, CITY & COUNTY OF SAN FRANCISCO

Appeal of
AMY YU,

Appeal No. **21-018**

Appellant(s)

VS.

DEPARTMENT OF BUILDING INSPECTION.

PLANNING DEPARTMENT APPROVAL Respondent

NOTICE OF APPEAL

NOTICE IS HEREBY GIVEN THAT on March 16, 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 March 2, 2021 to 530 Stockton Street LP, of an Alteration Permit ((Ground floor ADUs Per Ordinance No. 162-16; convert existing garage and storage (3) units at space into new dwelling unit within existing envelope, five new bathrooms, three new dishwashers, three new washers/dryers, new windows facing street) at 530 Stockton Street.

APPLICATION NO. 2019/12/31/1128

FOR HEARING ON May 5, 2021

Address of Appellant(s):

Address of Other Parties:

Amy Yu, Appellant(s)
c/o Brad Hirn, Attorney for Appellant(s)
Housing Rights Committee of San Francisco
1663 Mission Street, Suite 504
San Francisco, CA 94103

530 Stockton Street LP, Determination Holder(s)
c/o Jake Herczeg, Agent for Determination Holder(s)
Halyard Inc.
49 Powell Street, Sixth Floor
San Francisco, CA 94102
c/o Jeremy Paul, Agent for Determination Holder(s)
Quickdraw Permit Consulting
584 Castro Street
San Francisco, CA 94114



Date Filed: March 16, 2021

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

PRELIMINARY STATEMENT FOR APPEAL NO. 21-018

I / We, **Amy Yu**, hereby appeal the following departmental action: **ISSUANCE of Alteration Permit No. 2019/12/31/1128** by the **Department of Building Inspection** which was issued or became effective on: **March 2, 2021**, to: **530 Stockton Street LP**, for the property located at: **530 Stockton Street**.

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 **April 15, 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, julie.rosenberg@sfgov.org, scott.sanchez@sfgov.org and jake@halyardbuild.com

Respondent's and Other Parties' Briefs are due on or before: 4:30 p.m. on **April 29, 2021, (no later than one Thursday prior to hearing date)**. The brief may be up to 12 pages in length with unlimited exhibits. It shall be doubled-spaced with a minimum 12-point font. An electronic copy should be emailed to: boardofappeals@sfgov.org, julie.rosenberg@sfgov.org, scott.sanchez@sfgov.org and brad@hrscsf.org

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, May 5, 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. 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. 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.

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: Brad Hirn, attorney for appellant.

March 15, 2021

Appeal on Department of Building Inspection (DBI) Permit No. 201912311128

On behalf of tenants at 530 Stockton St., I, Brad Hirn of Housing Rights Committee of San Francisco, am appealing DBI permit no. 201912311128, issued on March 2, 2021 to allow the project sponsor, Ballast Investments / Brick + Timber, to add three accessory dwelling units (ADUs) to the existing building.

The project sponsor has flagrantly violated San Francisco law during past ADU projects (see 2020-010949PRJ and DBI permit no. 202012030165, now withdrawn after tenants filed a DR on 3/4/2021) and continues to do so with this project. The project sponsor signed an Owner Affidavit regarding housing services (DBI Information Sheet G-23), stating that the project would not sever any housing services. On March 5, Ballast / Brick + Timber sent an email to tenants informing them that they would be severing basement access, common-area laundry, parking, the bicycle storage room, and backyard access (Exhibit A). On March 8, 2021 at 8 AM, Ballast severed common-area laundry for existing tenants indefinitely. On March 15, Ballast blocked access to the basement, preventing tenants from accessing the garbage area, as well as gas and electric meters.

Additionally, it appears that Ballast / Brick + Timber is violating SF Fire Code Section 1030.1.2 and SF Housing Code by removing basement access, which is a mandatory secondary means of egress for existing tenants.

According to the City's General Plan -- in particular, Policy 3.1 of the Housing Element -- the "City should pay particular attention to rent control units which contribute to the long term existence and affordability of the city's rental housing stock without requiring public subsidy, by continuing their protection and supporting tenant's rights laws." This project conflicts with this policy and risks exacerbating displacement at a building where tenants have already been displaced through constructive eviction due to alleged unlawful business practices related to construction and demolition. As Policy 5.5 states, "Because of the economic and social hardships involved when a household is forced to move, and the difficulty of finding replacement housing at comparable rents, every effort should be made to minimize displacement."

Since Ballast / Brick + Timber assumed ownership and management of 530 Stockton, multiple tenants have been displaced through constructive eviction, citing as a contributing factor the reduction in housing services and violation of quiet enjoyment caused by non-essential remodels of vacant apartments over the last two years. Two more tenants are planning to vacate for similar reasons.

For these reasons, tenants at 530 Stockton St. urge the Board of Appeals to accept this appeal and deny the permit.

Home » Most Requested

Welcome to our Permit / Complaint Tracking System!

Permit Details Report

Report Date:3/10/2021 4:18:51 PM

Application Number:201912311128

Form Number:3

Address(es):0271 / 017 / 1 530 STOCKTON ST

Description:GROUND FL ADUS PER ORD 162-16, CONVERT EXISTING GARAGE & STORAGE (3) UNITS AT SPACE INTO NEW DWELLING UNIT W/ (E) ENVELOPE, FIVE NEW BATHRMS, 3 NEW DISHWASHERS, 3 NEW WASHER/DRYERS, NEW WINDOWS FACING STREET, SPRINKLER & FIRE ALARM UNDER SEPAREARY PERMIT.

Cost:\$800,000.00

Occupancy Code:R-2

Building Use:24 - APARTMENTS



Disposition / Stage:

Action Date	Stage	Comments
12/31/2019	TRIAGE	
12/31/2019	FILING	
12/31/2019	FILED	
1/23/2021	PLANCHECK	
1/23/2021	APPROVED	
3/2/2021	ISSUED	

Contact Details:

Contractor Details:

License Number:1016313

Name:ALEJANDRO SERRANO

Company Name:GRIZZLY BUILDERS INC.

Address:4630 GEARY BL * SAN FRANCISCO CA 94118-0000

Phone:

Addenda Details:

Description:

Step	Station	Arrive	Start	In Hold	Out Hold	Finish	Checked By	Hold Description
1	CPB	2/4/20	2/4/20			2/4/20	TORRES SHIRLEY	
2	CP-ZOC	2/4/20	3/21/20	2/7/20	3/20/20	4/13/20	HUGHEN WILL	Approved three dwelling units per ord. 162-16. - Will Hughen 4/13/2020
3	BLDG	4/21/20	5/10/20	5/10/20	10/9/20	10/9/20	JONES DAVID	
4	PAD-STR	5/14/20	7/2/20			7/2/20	LIU CHU	Reassigned by SK 7/2/20.
5	PAD-STR	5/14/20	7/31/20	7/31/20		11/24/20	HUANG VIVIAN	Approved.
6	MECH	5/1/20	5/1/20	5/1/20		11/3/20	NAGATA TIMOTHY	Recheck approved 11-3-20; For ADU; Plans back to hold bin 11-3-20 WKP999
7	SFFD	4/21/20	5/12/20			12/2/20	G. Chris Gauer	Reviewed ADU(s) Will approve when SIP allows and will Stamp plans then. reviewed and approved(stamped) plans at DBI 12/2/20
								Approved. 12/31/2020: BSM sign off on Job Card required prior to DBI final. Subject to all conditions of BSM: #20MSE-00343, 201E-00408 & BUF. -AZ 12/28/20: BSM is ready to sign off. Please route the plans and original application into the BSM queue. (REF: 20MSE-

8	DPW-BSM	4/23/20	4/23/20	4/23/20	12/31/20	12/31/20	ZHOU ANDY	00343, 20IE-00408 & BUF) -CC On hold. 4/23/20: Requirement(s) for sign off: Street Improvement (remove curb cut), Minor Sidewalk Encroachment (existing step and new FDC) and Bureau of Urban Forestry (tree planting). Download sidewalk application(s) at http://www.sfpw.org/services/permits/application-forms and submit them at 1155 Market Street, 3rd Floor. Your project will be ON-HOLD until all necessary permit(s) are approved or the assigned BSM plan checker(s) and BUF may recommend sign off to the satellite office via email. Please email bsmpermitdivision@sfpw.org (curb cut & encroachment) and urbanforestry@sfpw.org (tree) for triage, intake or questions. -CC
9	SFPUC	9/22/20	9/22/20	9/22/20	11/17/20	11/17/20	ARRIOLA LAURA	Off HOLD. 11/17/20 On Hold pending approval from Planning/Building and plans and permit routed to PUC for sign-off. ADU - Capacity Charge not applicable. Not enough additional fixtures/GPM. - 04/30/20 Request for Fixture Count to Architect. No Sign-Off until both Planning and Building.
10	CP-ZOC	11/6/20	11/6/20			11/6/20	HUGHEN WILL	Recorded documents have been verified. Do not route back to planning. - Will Hughen 11/6/2020
11	SFPUC	1/5/21	1/7/21			1/7/21	ARRIOLA LAURA	Restamp only, route to PPC. 01/07/20
12	PPC	1/7/21	1/7/21			1/7/21	LEI MANDY	1/7/21: to CPB; mml 1/5/21: to SFPUC to stamp & sign on 1 cover sheet;mml 12/29/20: to BSM;EC. 12/2/20: ADU project, to HOLD bin pending ADU meeting/re-checks; am 11/18/20: ADU project, to HOLD bin pending ADU meeting/re-checks; am 11/13/20: plans retrieved by PUC-James Nguyen; am 10/9/20: ADU project, to HOLD bin pending ADU meeting/re-checks; am 9/28/20: ADU project, to HOLD bin pending ADU meeting/re-checks; am 9/17/20: plans retrieved by James Nguyen; am 7/17/20: ADU project, to HOLD bin pending ADU meeting; am 2/4/20: To DCP; HP
13	CPB	1/7/21	1/23/21			3/2/21	SONG SUSIE	3/2/21: CONTRACTOR CHANGED, ISSUED. SS 2/25/21: payment received. couldn't be issued until cont license renewed. ss 1/28/21: PENDING PAYMENT. SS 1/23/21: 38 PGS. SFUSD FEE POSTED. NEED AUTH LETR FROM CONTRACTOR. SS

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

Appointments:

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

Activity Date	Inspector	Inspection Description	Inspection Status
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Special Inspections:

Addenda No.	Completed Date	Inspected By	Inspection Code	Description	Remarks
0			1	CONCRETE (PLACEMENT & SAMPLING)	
0			4	REINFORCING STEEL AND PRETRESSING TENDONS	
0			12	SHOTCRETE	
0			20	HOLDOWNS	
0			24A	FOUNDATIONS	
0			IP11	NRCI-PLB-02-E - HIGH RISE RESIDENTIAL/HOTEL/MOTEL CENTRAL HOT WATER SYSTEM DISTRIBUTION	
0			IB35	NRCI-ENV-01-E - ENVELOPE CERTIFICATE OF INSTALLATION	
0			IB36	NRCI-MCH-01-E - MECHANICAL CERTIFICATE OF INSTALLATION	
0			AB1	NRCA-ENV-02-F - FENESTRATION ACCEPTANCE	
0			IP10	NRCI-PLB-01-E - PLUMBING	
12					

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

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

Technical Support for Online Services

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

APPELLANT(S) DID NOT SUBMIT A BRIEF

BRIEF SUBMITTED BY THE PERMIT HOLDER(S)



QUICKDRAW

PERMIT CONSULTING

584 CASTRO STREET SFC A 94114

415-552-1888 INFO@QUICKDRAWSF.COM

WWW.PERMITCONSULTING.COM

President Darryl Honda
San Francisco Board of Appeals
49 S. Van Ness Suite 1475
San Francisco, CA 94103

APPEAL NO. 21-018 530 Stockton Street
Building Permit No. 2019/12/31/1128

"Add 3 Ground Floor Accessory Dwelling Units
Per S.F. Ordinance 162-16"

Permit Holders Response submitted on behalf of 530 Stockton Street LP

Dear Pres. Honda and Hon. Members of the Board:

In August of 2016 Mayor Ed Lee signed an extraordinary piece of legislation into law. In the midst of a housing crisis growing more dire by the month, the San Francisco Board of Supervisors brought forward Ordinance 162 –16 creating opportunities for the first new rent-controlled housing in San Francisco in more than 30 years.

Accessory Dwelling Units could be built within existing San Francisco residential structures where they had previously been precluded by zoning. Suddenly hundreds of acres of uninhabited volume within existing structures became available to house San Franciscans. And all those new units would be rental units and every one of them would be subject to rent control.

For those of us on the front lines, struggling to create low-cost housing in this very expensive city; for those of us, this ordinance was a godsend.

The legislation was crafted with every San Francisco interest group weighing in with their particular concern. The Ordinance required 114 pages to specify every conceivable detail of this new type of housing . . . but that was the easy part.

The real work of creating this new rent-controlled housing relies upon owners, designers, property managers and builders all working within the fully inhabited residential environment of San Francisco. And that environment, as we all know, is one firmly resistant to change.

No one likes changes where they live. When your neighbor builds a room addition, or new construction gets underway across the street, it can be a nightmare. We've all been there. We'd like to think that the projects are going to go off without a hitch, but they never do.

Creating new housing, and improving the housing we have creates inconvenience to the people who currently live where the work is going on. It's unfortunate but it's a fact. It's urban life.

"The Stockton Court Apartments" as 530 Stockton St. is named in the National Register of Historic Places, were constructed in 1925. For 96 years the large basement and garage areas of this building have contributed little benefit to the housing stock and quality of life in San Francisco. The San Francisco Accessory Dwelling Units legislation created an opportunity to increase housing density here - exactly where it's needed.

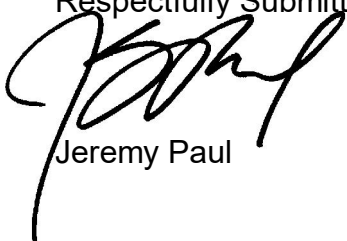
Building Permit 2019.1231.1128 underwent over a year of meticulous plan check and review by San Francisco Building, Planning, and Fire Departments assuring absolute code compliance in the design of three new dwelling units.

This is a properly issued Building Permit, and nothing in the Appellant's Statement of Appeal demonstrates otherwise.

Please uphold this Building Permit and encourage those members of our community creating quality new rent-controlled housing to push forward with all due speed.

Let's get those units built and get those bedrooms occupied.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "JP", with a stylized flourish extending from the bottom left.

Jeremy Paul

PUBLIC COMMENT

From: [Meghan Wright](#)
To: [BoardofAppeals \(PAB\)](#)
Subject: Opposition Letter - Appeal No. 21-018 530 Stockton St. Alteration Permit No. 2019/12/31/1128
Date: Monday, April 19, 2021 10:00:55 AM

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

To the Board of Appeals,

I am submitting this letter in opposition to Appeal No. 21-018 530 Stockton St., Alteration Permit No. 2019/12/31/1128 for the following reasons:

- Property owner Brick + Timber hides their buildings behind several Delaware LLCs
- Construction in the parking garage space has already started
- Workers have been roaming the building without masks since early last year when construction was deemed essential
- Unit and building repairs are put off for as long as possible and often not properly fixed when addressed
- They have been using "rent eviction" since purchasing this property and have converted several studio apartments into "one bedrooms"
- Tenants have been billed additional unexplained fees in addition to monthly rent
- Demo and Construction often start at unreasonable hours in the morning; blaring music often lasts all day
- Power and water shutoffs often happen without proper notice
- Property owner refuses to address security issues
- This specific property currently has numerous vacancies

Thank you

M. Wright

From: [Personal](#)
To: [BoardofAppeals \(PAB\)](#)
Subject: Rent-eviction
Date: Tuesday, April 27, 2021 10:14:50 PM

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

Hi Rent Board,

I have lived at 530 Stockton for about 6 years. Once B+T bought the place, it's been a living hell. So I moved out about 6 months ago. The constant construction noise at any hour, elevator being broken, and mostly the water shut off with out any notice. On top of that, they wanted us to pay the bond fees and the O&M out of no where. I wrote to you guys back then. And you said to hold out on paying that until after the hearing. If they win or not. There's no site manager to help with any problems I would have with my unit. I was so fed up with emails and no response until days later. Please help the long term tenants who are still living there. I hope this email can help them stay there longer and B+T will comply with the law and regulations.

Thank You,
Tan

Sent from my iPhone

To: [REDACTED]

Subject:

Date:

[REDACTED] [Board of Appeals \(PAB\)](#)

Re: 530 Stockton ADU construction

Thursday, April 29, 2021 12:08:40 PM

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

On [REDACTED]:

Hello,

I request anonymity for stating concerns regarding our residence and ask for it to be redacted.

My husband and I have lived in the building since 2006. When we moved in Lightner Property owned the 530 Stockton building, and the live in manager was Soroush Hassanzadeh. Repairs and maintenance were completely in a timely manner and the building was clean and well maintained. We had pest control services annually.

Since Brick and Timber purchased the building, we have experienced reduced housing services. There was continuous construction in the building for a year and a half which lead to many problems.

1) Loud construction noise 2) and Disruption of water services were constant.
3) The elevator was in daily use by construction workers bringing materials and appliances both up and down. Our small, old elevator was used for commercial purposes and lead to regular breakdowns, which we continue to experience to this day.

We were informed on a Friday afternoon by email, that our laundry and parking would no longer be available beginning Monday. Parking places were permanently terminated and the email stated that laundry services would be gone for a lengthy time, a year or more. Stockton St is on a 45% hill and transporting laundry to an off site location means a three block walk involving this hill. In addition, as the elevator is often not working, this would mean carrying the laundry up and down the stairs which is a hardship for me.

Our building has 48 units and 24 of those units face the interior of the building. When the construction began for the proposed units the noise was deafening. The sound travels up the interior walls and is very disruptive to working at home.

Even when reading for pleasure at home, one must wear noise cancelling headphones.

Should the construction be permitted to continue, I have concerns about further reduction of house services.

1) Continuous breakdown of the elevator puts me in a very difficult position. I have upcoming surgery in May 2021 and I will be required to use a wheelchair and then walker for many weeks. If the elevator doesn't work, I will be trapped either upstairs or on the ground floor.

2) Even temporary loss of the basement entrance will prevent me from entering the building in my wheelchair. The workers closed off access to the level garage door entrance when construction began. This entrance takes you directly to the elevator without facing the

barrier of both outdoor and indoor steps which are at the main entrance.

3) Loss of indoor bike storage. The replacement plan is to have an uncovered outdoor bike rack. My bicycle would be ruined by weather.

4) Reduced size of our common spaces such as the back yard.

5) Reduced water service . The hot water now takes longer to arrive in our apartment since the renovation of apartments in the building. All the new washer dryer combos and dishwashers put additional strain on existing infrastructure . The proposed apartments will add five more washrooms, three dishwashers and washer dryer combos which will further contribute to the strain.

6) Reduced service when water is completely shut off for hours at a time, if construction is allowed to go forward. This happened regularly during the last phase of renovations to apartments.

This construction negatively impacts residents in their daily lives. Since B+T sent information packages to 27 long term residents stating that O+M fees will be passed along to us, only 11 of those residents remain. A continued Reduction of Services has lead many long term residents to move out of the building.

Thank you for your time.



To:



[BoardofAppeals \(PAB\)](#)

Subject:

530 Stockton

Date:

Thursday, April 29, 2021 12:19:15 PM

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

Hello,

This is an addendum to the first email rearding Reduction of Services

6) I wish to stress my final concern if the construction goes forward, and that is noise. Many tenants, us included work from home. During this pandemic we have transitioned to working from home full time. Loud construction noises prevent workers from doing their jobs whether presenting, conversing with clients and customers, attending conferences or studying.

Thankyou for your time.

From: [Sus Bee](#)
To: [BoardofAppeals \(PAB\)](#)
Subject: Appeal #21-018 530 Stockton St.
Date: Thursday, April 29, 2021 12:10:08 PM

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

Good Morning,

I have resided at 530 Stockton St. for almost 11 years, and I am writing to you today to formally appeal the permit granted to Brick + Timber in regards to the construction of ADUs in the basement of 530 Stockton St.

On Friday, March 5, 2021 at 4:31pm, I received an email from Brick + Timber stating that we would be losing laundry services, access to the backyard, access to the bicycle storage room, and the basement entrance starting the morning of Monday, March 8, 2021 - these amenities were to be gone for at least a year, and the basement entrance would not be restored when construction was complete. We were not provided 24 hours business notice, much less 3 business days notice, no immediate rent concessions were offered at the time the email was originally sent, and this was the last straw in a series of issues that I have had since Brick + Timber purchased the property from the Lightner Property Group several years ago.

Shortly after Brick + Timber purchased the building, construction on vacant units (including the two on either side of my apartment) began, including the installation of dishwashers and individual washer/dryers, as well as aesthetic and layout changes. Construction noise regularly started before 7:00am, occasionally on weekends, and the few complaints I made to management (as I was not aware at the time we even had a resident manager and I still know very little about them now) went unanswered - it was only when I went directly to the construction crew myself and asked them nicely to quiet down that I got anywhere on that end. During this time, water shutoffs occurred nearly non-stop, and the elevator frequently shut down, presumably due to overuse. This went on for months on end without any communication from management - I work at a retirement community myself, specifically in the department that handles construction projects and apartment renovations, and I can guarantee you that a non-response like this would get people reprimanded if not worse where I am.

The next issue was the proposed O&M fee floated by Brick + Timber, listing supposed "improvements" as justification for the increased rent - given that the elevator wasn't working at the time I received the notice and I hadn't seen any improvements myself, I was more than a little angry at the prospect of paying more rent for someone else's dishwasher as well as consistently inoperable elevators and a front door that sometimes decides not to latch. Since that time, I have refused to include the proposed O&M fee in my rent - I understand this may cause issues should this eventually be granted as the balance would be due at the next payment date, however they have not done anything that would warrant such an increase to date.

I understand that plans have been filed with the city, and there are renderings of the proposed "improvements" in the lobby of our building - the renderings do not seem to match the plans on file with the city. The number of units is incorrect (there are 48 units in the building, not

46), and what is listed as an office is really an apartment from what I can tell.

I am not opposed to the idea of adding additional units to the building - this is Brick + Timber's investment and the company has a right to improve upon it as they see fit so long as it does not take away from the amenities and safety of existing residents. However, the proposed project plan as it currently stands is not acceptable - I am more interested in in-building laundry and a working lobby door than I am about new plants in the lobby, however nice they may be.

Thank you for your time.

Cordially,

Susannah Burns
530 Stockton St., Apt 402
San Francisco, CA 94108

From: [china.ching](#)
To: [BoardofAppeals \(PAB\)](#)
Subject: Appeal No. 21-018 530 Stockton
Date: Thursday, April 29, 2021 1:19:36 PM

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

April 29, 2021

Re: Appeal No .21-018 530 Stockton

Dear San Francisco Board of Appeals,

I write this letter to you not from San Francisco where I have made my home for nearly a decade (and still work) but from another city outside of the Bay Area. First, I love San Francisco. I have been endlessly enriched by the beauty, the diversity and the creative energy. And, as any place you consider *home*, I have contributed back--investing my time, service and financial resources to the city I love. It's a place that I intended to make my home. A place where I am no longer a resident.

In March 2018, Ballast/Brick+Timber took over the management of 530 Stockton Street. The experience of being a tenant (I moved in May 2011) changed overnight.

- Construction began immediately--often beginning before 7AM and continuing on the weekends. The building was filled with materials and tools, blocking the hallways and filling common areas. There was constant noise, dust, water shut offs (often with less than 24 hour notice) and a parade of workers who left doors propped and the building unsecure. The front door still doesn't close properly due to someone jimmying the lock to ease with bringing materials in and out. Construction was continuous for two years and only halted with the pandemic.
- Some of the workers were living in the building including it seemed in informal units in the basement. All workers (or at least those living in the building) had access to a lock box hanging on the first floor banister with a master key. I know of this master key as I was regularly offered tours of units as the work progressed by one of these workers. The existence of this master key caused me incredible anxiety about the security of the building and the personal safety of the residents.
- Around June 2018, packages started regularly disappearing from the lobby so much so I had all my mail rerouted to my office. During the pandemic, not being able to reliably receive mail and packages was a source of constant strain.
- During construction, elevator service was constantly disrupted (it essentially became a freight elevator) and was often out of service due to being overloaded with machinery and debris. One day, I was on the elevator and it fell one floor. I immediately exited and called management. I never received a call back nor was a notice ever sent to the residents. The elevator just went out of service for well over a month. It took several weeks for Ballast/Brick+Timber to even officially acknowledge that it was inoperational.

- Despite the disruption caused by two years of construction, Ballast/Brick+Timber added a monthly “Operating and Maintenance” fee (which was worded as being the maximum percentage they could pass on; my understanding is this was a percentage based on your rent). The fee was added despite there being no changes/increases in services/ammendies and no concessions were offered for the significant service disruptions we faced over a 24 month period. In fact we lost a resident manager during this time.
- On March 5th, 2021 at 4:31PM (a Friday), residents were sent a letter “notifying you about construction activity that will begin on Monday, March 8th, 2021 to construct ADUs, (additional dwelling units) at the premises.” It was estimated in the email that construction would take “12 – 14 months to complete.” They also were taking away: laundry, parking, backyard and storage. By 8AM on Monday laundry was gone and later that day all access to the basement was blocked. Which included the primary fire exit for the back units of the building.

I am lucky to be a person whose job is able to transition to fully working from home. And my office will remain virtual till the end of the year, and potentially indefinitely. Already, due to some other construction that began a few months earlier, I had to start taking calls from the bathroom and the closet. The idea of 12-14 months of noise, increased building insecurity, fire alarms being triggered due to dust, no more backyard to take a quick break between calls and having to pay for a laundry pickup/delivery service (all of the closest laundromats in the neighborhood closed during the pandemic) was untenable. I gave my notice on 17 March 2021. My last day was 17 April 2021.

When I look back at the time from when Ballast/Brick + Timber took over the building, I feel angry that I continued to live in a building which treated its residents with such disregard and ashamed that I didn't advocate better for my rights and for the rights of the other tenants in the building. Especially when mismanagement and the breakdown of services impacted long-term residents the most who were often retired, people of color and lower wage workers. But this is part of the anxiety of renting in the city: you feel so lucky to have an apartment, you know that if you lose your apartment, you cannot afford another one so you stay quiet and try to ride under the radar. Only in SF, do you feel “lucky” to be paying 2K a month for an apartment with constant construction noise, windows that don't shut properly and an inability to reliably receive mail.

I urge the Board of Appeals to review the permitting process for accessory dwelling units (ADUs) along with the predatory practices of Ballastic/Brick+Timber. Housing is a right. San Francisco is made better, richer and stronger by being a *livable* city which can welcome, support and benefit from a true community of people, not just the bottom line of profit.

Thank you for your consideration,

Bessie China Ching
2369 Corby Ave
Santa Rosa, CA 95407

Re Appeal No. 21-018 530 Stockton Street

My name is Sabella Moreno and I am over 60 years old. I have been a tenant at 530 Stockton Street since October 1980, and in my current unit (608) since 1983. I have concerns about the recently approved permit to construct ADUs in my building.

The initial notice of the construction project was issued via email at 4:31 pm on March 05, 2021, the Friday before the planned start the following Monday. Construction duration was anticipated to last 12-14 months. That's less than 72 hours notice of a major construction project, with only ½ hour of that time within normal business hours. No paper copies of the notice were posted in the building for the benefit of tenants who did not sign up for email notices through the Brick & Timber web site.

The notice stated that due to construction tenants would lose access to parking, bicycle storage, the backyard, laundry machines, and the basement entrance. Those housing services were severed early Monday, March 08, 2021, the first day of construction. The notice did say no rent would be collected for those housing services but did not offer any compensation for the major inconvenience. On March 10, 2021 8:00 am there was an email offering compensation for loss of housing services. At 10:51 am that same day there was another email clarifying that the amounts were monthly. Even with the amounts being monthly, they seem low.

On March 05, 2021 I replied to the initial construction notice email to ask about the Recology bins in the basement. My email was ignored, and no information provided about a new location for the bins until the March 10, 2021 10:51 am email. The first location for the bins was to be in the "alleyway" (labelled as Patio on the building plans) at the base of the back stairs. On March 13 and 14, 2021 there were emails stating that Brick & Timber had been informed that they could not have the trash area in the previously discussed location, and that the bins would be relocated to a new location accessible only by the left garage door effective March 15, 2021. This would require exiting the building to access the bins. Then the appeal of the building permit was filed, construction stopped, and the bins relocated yet again, this time to a former parking space with no lighting that required passing through a work area scattered with tools and equipment. I complained about this situation and suspect other tenants did as well. On April 10, 2021 the bins were finally relocated to their previous location in a well-lit basement area.

I do not have a washer/dryer in my unit. Knowing that there are washer/dryers in the numerous units renovated by Brick & Timber and that there were a large number of vacancies in the building, I asked if I could use a machine in a vacant unit and was told that there was no alternative option and that rent concessions were being provided. That meant I would have to leave my building during a pandemic to use public laundry facilities.

After my building was last sold 3 years ago and Brick & Timber took over property management of the building, there was a period of at least 17 months in which all vacant units (over 20) were renovated. The renovations generally involved gutting those units down to the studs, reconfiguring wall layouts, and installing new and additional appliances. That was a period of hell. There is only 1 elevator in the building (6 stories plus basement) so it was used as a freight elevator to move construction debris out, and new supplies and materials in. During this time there was a 5 week period in which the elevator did not operate due to a broken brake arm. Brick & Timber did not offer compensation in any form for that major inconvenience. There were numerous days with water shutoffs of up to 6 hours, some without advance notice. There were power cords plugged into hallway outlets that we had to walk around. The

front and basement entrances would be left ajar, which left the building open to unauthorized access and package theft. While presumably having construction only in the basement would not be as disruptive to the upper floors, the overall prior construction experience makes me wary of construction of ADUs in the basement. Their construction would include installing/constructing 5 bathrooms, 3 dishwashers, and 3 washer/dryers. That will undoubtedly mean more water shutoffs, possibly still under pandemic conditions when people are being asked to stay at home. Having only the front lobby building entrance accessible to tenants will be an inconvenience and a safety issue. Having to leave the building to do laundry will be a major inconvenience, and even having a small rent concession for that will not fully compensate for the aggravation. My building is on a street at a 45 degree incline. The closest laundromats are 3-4 blocks away.

The installation of numerous dishwashers and washer/dryers during that previous construction episode affected the water supply in my 6th floor unit. It now takes significantly longer for hot water to appear when a faucet is turned on in the kitchen or bathroom. Water is also wasted by having to keep the faucet running until hot water finally appears. I expect that adding 5 bathrooms, 3 dishwashers, and 3 washer/dryers would only worsen that situation.

The main difference I've noticed in property management under the previous owners and Brick & Timber is communication. The communication about ADU construction is a prime example. No advance notice was received until less than 72 hours before the planned construction start. Information about the project has not been volunteered but only seems to appear in response to tenant requests or complaints. Only after I asked for a copy of the planned ADU layout were a floorplan and renderings posted in the lobby. No copy of a building permit application or approved permit has been posted in or on the building.

An email with information about building upgrades planned in conjunction with the ADU construction was sent on April 02, 2021, 3:38 pm, another late Friday notice. The email stated "We are pleased to provide you with an update on our plans to upgrade the common area amenities in your building! Our goal is to make this a transparent process, with clear communication between us and all residents." And yet this second email was not received until 4 weeks after the initial construction notice, and only after an appeal of the building permit had been filed. Renderings of the ADU construction floorplan/layout, along with existing and proposed site conditions were posted in the lobby that same day. The renderings show new plants in the lobby. There were plants in the lobby under the previous owners, but the plants did not thrive under Brick & Timber management, who made the decision to have them removed, and not replaced at that time. The April email states that we can expect a "modern, USPS-approved mailbox". We already received such mailboxes under the previous owners. There are statements about anticipated inconveniences during ADU construction, claiming tenants would receive notifications 2 weeks in advance, and backup services provided if those inconveniences lasted longer than 2 hours. This is a complete about-face from the previous construction episode, when it was not unusual to receive notice only the day before of planned shutoffs of services, if we received notice at all, and I am suspicious of this sudden new attitude.

Another example of lack of communication is the resident manager. There was no resident manager at the time the building was sold. A resident manager has since been hired under Brick & Timber management, but there has never been any official notice of that. I only found out accidentally while dealing with a minor repair issue. Some tenants do not know that we have a resident manager. Some

tenants do know we have one, but do not know what apartment he lives in. The previous owners, when a new resident manager was hired, would promptly give tenants his/her biography and contact information.

The main focus under the new ownership seems to be collecting rent. During one December Brick & Timber posted 3 paper notices in the lobby. One dealt specifically with rent payment deadlines due to office holiday closures. The other 2 notices were primarily about other subjects, but the final paragraphs were about rent payments. The previous owners would offer pest control sprays in the units several times a year. No such pest control sprays have been offered under Brick & Timber management. The previous owners conducted annual tests of unit smoke detectors. Brick & Timber does not do this.

While construction of ADUs would seem to be good for creating new housing stock in the city, I feel that the main reasons this was requested in my building are to create maximum profits in the form of rents, and to drive long term tenants out by providing them with fewer housing services during and after construction. There are currently 48 units in my building, including 22 vacancies. I feel this reflects on the current ownership and property management. I do not think adding more units in my building is in the best interest or welfare of current or future tenants, especially long term tenants that rely on affordable housing.

Sabella Moreno

530 Stockton St. #608

SF, CA 94108

From: [Shane Tepper](#)
To: [BoardofAppeals \(PAB\)](#)
Subject: Re: Appeal No. 21-018 530 Stockton
Date: Thursday, April 29, 2021 4:26:05 PM

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

April 29, 2021

Dear San Francisco Board of Appeals,

I moved to this incredible city from Atlanta in September 2017 seeking a change of pace, style, and scenery. I have not regretted my decision to relocate for a single second. What I have regretted, however, is the experience of living in a building under the management of Ballast/Brick + Timber.

This company assumed management of 530 Stockton about six months into my initial lease. And let me tell you, as a lifetime renter, they have been the worst landlord I've ever had by a wide margin.

To be more specific, Ballast/Brick+Timber have:

- Failed on numerous occasions to provide adequate notice when removing or limiting services, including shutting off water
- Dangerously obstructed walkways in common areas with construction materials and equipment (I have photos)
- Failed to adequately address problems, at various times, with both the first floor and basement-level doors locking, likely leading to the theft of packages from the lobby, and, on one occasion, a homeless person gaining access to the backyard where they were discovered in the morning with drug paraphernalia
- Disrupted tenants with two straight years of noisy construction
- Failed to repair the elevator adequately; it has only been functioning intermittently since Ballast/Brick+Timber assumed control of the building
- Failed to address my issues with hot water for months on end, even suggesting at one point that I use another unit to shower (I have the email)
- Eliminated, with less than 72 hours' notice, access to on-site laundry
- Due to what I assume was worker carelessness during renovation on the unit above my own, caused brown, filthy water to leak from the bathroom ceiling and into my bathroom (I have photos)

I am an able-bodied, healthy, and relatively young person, so while these problems were merely mostly inconvenient for me, they could have been incredibly hazardous for some of the older longer-term tenants.

I humbly request that the Board of Appeals review and reconsider not only Ballast/Brick+Timber's permit for the ADUs, but their business and building maintenance

practices in general, as I'm certain the residents of 530 Stockton are not the only tenants who have had problems with this nightmare of a landlord.

Thank you for your consideration,

--

Shane H. Tepper

Copywriting + Content + Branding

SF | ATL

shanehteppe.com

404-509-9910

[LinkedIn](#) | [Youtube](#) | [Instagram](#) | [IMDb](#)

From: [Mike Hasenmueller](#)
To: [BoardofAppeals \(PAB\)](#)
Subject: 530 Stockton Street - Brick + Timber's Permit for the ADUs
Date: Friday, April 30, 2021 2:01:02 PM

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

Dear San Francisco Board of Appeals,

I'm writing this letter from Missouri, having moved here two month ago from San Francisco. My wife and I moved to San Francisco in March of 2019. We were excited about starting new careers in San Francisco having worked and rented in St. Louis for the prior 8 years. While we made many wonderful memories in San Francisco, our experience with our living conditions at 530 Stockton Street and the treatment from Brick + Timber made the decision to leave San Francisco an easy one.

Here is a list of some of the issues we had during our two years of living at 530 Stockton Street:

- The elevator in the building was out of service from mid-March 2019 until late May 2019 (we lived on the 6th floor so this was quite a problem having been sold on the apartment with a functioning elevator). The elevator would proceed to be broken for several days and sometimes weeks, every month or so, likely due to the constant construction materials being hauled up and down every day.
- Construction was a constant occurrence for our entire time living at 530 Stockton Street. This was never disclosed to us when we signed our lease. The noise made it difficult to take phone calls in our unit. There was also a constant mess around the building and in the elevator from the construction (also a cause for the frequent breaking down of the elevator).
- The water would be shut off several times per month with little notice (even during Covid when we all relied on that water to survive!)
- Construction workers were living in the basement unit (titled Unit #609) as it was being repaired. From the backyard I saw at least a half dozen air mattresses being occupied by construction workers in this unit.
- Issues with building packages being stolen from the lobby and unauthorized people entering the building.

My wife and I are lucky to be healthy and relatively young people, so we were able to get by despite being very unhappy with our living conditions. However, there were many older tenants, some that even lived on the 6th floor with us, that were definitely struggling with the physical challenges that living in this building created. This was all caused directly by Brick + Timber's refusal to thoroughly address these issues as a proper landlord should.

I urge the Board of Appeals to review the permitting process for accessory dwelling units (ADUs) along with the unjust business practices of Brick + Timber. I know there are many people who have experienced similar issues while inhabiting 530 Stockton and other Brick + Timber managed properties.

Thank you for your consideration,

Mike Hasenmueller

From: [Jesse Feldman](#)
To: [BoardofAppeals \(PAB\)](#)
Cc: [Patrick Tostado](#); [Glenn Gilmore](#); [Hepner, Lee \(BOS\)](#)
Subject: Fwd: Brick & Timber Collective LLC, a California limited liability company
Date: Wednesday, May 5, 2021 3:07:13 PM
Attachments: [image.png](#)

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

Honorable Board-members:

Please see below as it relates to Item 8 on tonight's agenda. Please let us know if you have any questions.

Best,
Jesse Feldman

Sent from my mobile, please pardon any errors.

Begin forwarded message:

From: Patrick Tostado <patrick@brickandtimbercollective.com>
Date: May 5, 2021 at 4:52:40 PM EDT
To: Jesse Feldman <jesse@brickandtimbercollective.com>
Cc: Glenn Gilmore <glenn@brickandtimbercollective.com>
Subject: **Brick & Timber Collective LLC, a California limited liability company**

To Whom It May Concern,

I am counsel to Brick & Timber Collective LLC, a California limited liability company ("BTC"), having a principal place of business at 855 Front Street, San Francisco, California 94111. BTC is an asset management company which owns, controls or manages certain office properties in San Francisco, California. Neither BTC, nor any of its affiliates, owns or controls any residential properties of any kin in connection with its business.

Neither BTC nor any of its affiliates has any relationship with "Brick & Timber, Inc., a California corporation, having its principal place of business at 49 Powell Street, 4th Floor, San Francisco, California (BT). BT, as we understand it, owns and/or manages certain residential units in San Francisco. BT has asserted ownership over the name "Brick & Timber", but not "Brick & timber Collective". These assertions have been the subject of negotiation between the parties to avoid confusion like this.

Nevertheless, for the avoidance of doubt, BTC has no relation to BT.

Thank you,

Patrick F. Tostado, Esq.
Counsel to Brick & Timber Collective LLC

