



Edwin M. Lee  
Mayor

Cynthia G. Goldstein  
Executive Director

November 21, 2014

Growth Equity Partners, Permit Holder  
2010 Ocean Avenue, Suite E  
San Francisco, CA 94127

Re: **JURISDICTION REQUEST**  
Subject Property: **2250 – 34<sup>th</sup> Avenue**  
Application No(s): **2014/08/21/4454**  
Type(s) of Action: **ISSUANCE of Alteration Permit**

Dear Permit Holder(s):

The Board of Appeals has received the enclosed letter requesting that it take jurisdiction beyond the fifteen (15)-day appeal period for the matter(s) referenced above. This ***JURISDICTION REQUEST*** has been scheduled for consideration on **Dec. 10, 2014, at City Hall, Room 416, at 5:00 pm**, One Dr. Carlton B. Goodlett Place.

Please note that the filing of a Jurisdiction Request ***DOES NOT*** suspend work on the subject permit(s). However, if the Board grants the Jurisdiction Request on the above – referenced date of consideration (4 out of 5 votes required), **a new five (5) - day appeal period shall be created which ends on the following Monday**, and the subject permit(s) shall then be suspended upon the filing of a formal appeal, and until the Board of Appeals decides the matter and releases a notice of decision and order.

Pursuant to Article V, § 10 of the Board Rules, the **RESPONSE** to the written request for jurisdiction must be submitted by the permit/variance/determination holder(s) or Department no later than 10 days from the date of filing, on or before **Dec. 01, 2014**, and must not exceed six (6) pages in length, double-spaced, with unlimited exhibits. An original and 10 copies shall be submitted to the Board office by 4:30pm, with additional copies delivered to the opposing parties the same day. It is the general practice of the Board that only up to three (3) minutes of testimony for each party will be allowed. If you have any questions, please call (415) 575-6880.

Sincerely,

BOARD STAFF

cc: Dept. of Building Inspection, Planning Dept. (if applicable), & Requestor(s) w/o enclosures

David & Jennifer Nicholson, Requestors  
2246 – 34<sup>th</sup> Avenue  
San Francisco, CA 94116



City & County of San Francisco  
BOARD OF APPEALS

Date Filed:

BOARD OF APPEALS  
NOV 21 2014  
APPEAL # JR

# JURISDICTION REQUEST

Date of request: **November 21, 2014.**

David & Jennifer Nicholson, (requestor(s)) hereby seeks a new appeal period for the following departmental action: **ISSUANCE of Alteration Permit BPA NO. 2014/08/21/4454** by **Department of Building Inspection**, issued to: **Growth Equity Partners**, for property at **2250 - 34th Avenue**, that was issued or became effective on **October 03, 2014**, and for which the appeal period ended at close of business on **October 20, 2014**.

Your **Jurisdiction Request** will be considered by the Board of Appeals on **Wednesday, December 10, 2014 at 5:00 p.m. City Hall, Room 416**, One Dr. Carlton B. Goodlett Place.

Pursuant to Article V, § 10 of the Board Rules, the **RESPONSE** to the written request for jurisdiction must be submitted by the permit, variance, or determination holder(s) and/or department(s) no later than **10 days from the date of filing, on or before December 01, 2014**, and must not exceed 6 pages in length (double-spaced), with unlimited exhibits. An original and 10 copies shall be submitted to the Board office with additional copies delivered to the opposing parties the same day.

You or your representative **MUST** be present at the hearing. It is the general practice of the Board that only up to three minutes of testimony from the requestor, the permit holder, and the department(s) will be allowed. Your testimony should focus on the reason(s) you did not file on time, and why the Board should allow a late filing in your situation.

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

Name: DAVID NICHOLSON  
JENNIFER NICHOLSON

[Signature]  
[Signature]  
Signature of Requestor or Agent

**Jurisdiction Request**

**David & Jennifer Nicholson**

**2246 34<sup>th</sup> Avenue**

**BOARD OF APPEALS**

**NOV 21 2014**

**APPEAL #**

**Issuance of Alteration Permit BPA NO. 2014/08/21/4454 for 2250 34<sup>th</sup> Avenue**

**Permit Details**

The above-mentioned permit was issued for a major remodel in which the two bedroom, one bathroom home has been converted to a four bedroom, two bathroom home, thus doubling or tripling the potential occupancy. The issue at hand for us, the owners of the adjacent property, is that the remodel includes a rear deck off the second floor that will jeopardize our privacy. We have been closely following the permit process online through the DBI website since August and found the language used in reference to the deck plans describing the scope of the work differed depending on the source of the information: (1) "a rear deck outside of reg rear yard"; (2) "repair of deck in kind" even though there is no existing deck; (3) "add deck at rear at 2<sup>nd</sup> floor." (All three descriptions are direct quotes from the permit information.)

**Explanation for Jurisdiction Request**

As first time homeowners of the property adjacent to 2250 34<sup>th</sup> Avenue, we were confused not only by the discrepancies in reference to the scope of the work, but we also did not receive notification by mail or otherwise from DBI regarding the appeal process. We are therefore filing this Jurisdiction Request on the grounds that we had no prior knowledge of

our right to appeal due to not receiving notification of the appeals process and our right to appeal the construction of the deck due to the intrusion of our privacy that is posed.

We learned of our missed opportunity on November 5<sup>th</sup> 2014 from our neighbor, Rhonda Racine at 2254 34<sup>th</sup> Avenue. Not only did we have the right to appeal, but that the window for doing so had passed. Rhonda Racine had received her notification via U.S. mail sometime around October 8<sup>th</sup> and consequently filed an appeal on October 15<sup>th</sup> regarding the privacy issue the deck posed for her property. When the owner of 2250 34<sup>th</sup> Avenue learned of her appeal, he immediately negotiated a compromise with Rhonda Racine in which the deck was reduced in size by half in order to maintain her privacy. In light of the agreement made between the owner and Rhonda Racine, we are asking for the Jurisdiction with hope that either the owner will attempt a compromise with us or the Appeals Board members will hear our case and make a decision.

### **Merits of Our Case**

- (1) Our privacy is in jeopardy due to the fact that the deck will be approximately 6' from our master bedroom window (3' off of our property line and another 3' to our window). If a person is standing on the proposed deck, they will be able to see directly into our master bedroom.
- (2) We bought our property 7 years ago and invested approximately \$20,000 in designing and landscaping our yard. We spend a great deal of time on our patio and in our yard. The planned deck will shade 75% of our patio. Our stone patio is 8' deep and the deck extends 6' from the property.

- (3) The deck will intrude into the existing mid-block open space and sightlines.
- (4) The deck is one component of a major remodel conducted by an investment group and not by a family or individual who plans to occupy the premises.
- (5) There is conflicting information on the approved building permit that was not screened for accuracy:
- (a) Discrepancies describing the deck stated in paragraph #1.
  - (b) *Question #19--does this alteration create a deck or horizontal extension to building?* The question is answered no.
  - (c) *Question #24: Does this alteration constitute a change in occupancy?* The question is answered negatively yet the permit clearly states the addition of 2 bedrooms and 1 bathroom.

**Exhibits** *EXHIBIT A: PERMIT NO. 201408214454*

(Please see following pages)

*B* 1. Correspondence with Rhonda Racine

11/5 Email: Copy of Appeal

11/5 Email: Rescinding Appeal

11/6 Email: Reason or Rescinding

11/6 Email: Letter of Support from Rhonda Racine

*C* 2. Copy of Rhonda Racine Appeal

Capacity Charges  
 Water: \$620.00  
 Wastewater: \$2109.00  
 A/C REGISTER

**APPROVED**  
 Dept. of Building Insp.

OCT 03 2014

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

PLANS ENLARGEMENT  
 VERTICAL  
 HORIZONTAL

APPROVED FOR ISSUANCE  
 10/3/2014  
 BLDG. FORM 3/8  
 APPLICATION NUMBER  
 APPROVAL NUMBER  
 OSHA APPROVAL RECORD

201489971(BD)

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

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

FORM 3  OTHER AGENCIES REVIEW REQUIRED  
 FORM 8  OVER-THE-COUNTER ISSUANCE  
 2 NUMBER OF PLAN SETS **82**

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

DO NOT WRITE ABOVE THIS LINE

DATE FILED <b>10/3/2014</b>	FILING FEE RECEIPT NO. <b>FF</b>	(1) STREET ADDRESS OF JOB <b>2250 34TH AVE.</b>	BLOCK & LOT <b>2346/0020</b>
PERMIT NO. <b>1337893</b>	ISSUED <b>10/3/2014</b>	(2A) ESTIMATED COST OF JOB <b>\$46,500</b>	(2B) REVISED COST: BY: <b>566,000</b> DATE: <b>10/3/14</b>

**INFORMATION TO BE FURNISHED BY ALL APPLICANTS**

**LEGAL DESCRIPTION OF EXISTING BUILDING**

(4A) TYPE OF CONSTR. <b>5B</b>	(5A) NO. OF STORIES OF OCCUPANCY: <b>2</b>	(6A) NO. OF BASEMENTS AND CELLARS: <b>0</b>	(7A) PRESENT USE: <b>SINGLE FAMILY</b>	(8A) OCCUP. CLASS <b>R3</b>	(9A) NO. OF DWELLING UNITS: <b>1</b>
-----------------------------------	---	--	---	--------------------------------	---

**DESCRIPTION OF BUILDING AFTER PROPOSED ALTERATION**

(4) TYPE OF CONSTR. <b>5B</b>	(5) NO. OF STORIES OF OCCUPANCY: <b>2</b>	(6) NO. OF BASEMENTS AND CELLARS: <b>0</b>	(7) PROPOSED USE (LEGAL USE) <b>SINGLE FAMILY</b>	(8) OCCUP. CLASS <b>R3</b>	(9) NO. OF DWELLING UNITS: <b>1</b>
----------------------------------	--	---	--	-------------------------------	--

(10) IS AUTO RUNWAY TO BE CONSTRUCTED OR ALTERED? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	(11) WILL STREET SPACE BE USED DURING CONSTRUCTION? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	(12) ELECTRICAL WORK TO BE PERFORMED? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	(13) PLUMBING WORK TO BE PERFORMED? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
--	--	--	--

(14) GENERAL CONTRACTOR <b>MZ CONSTRUCTION</b>	ADDRESS <b>2118 REVERE AVE.</b>	CITY <b>94124</b>	PHONE <b>(415) 812-9636</b>	CALIF. LIC. NO. <b>886609</b>	EXPIRATION DATE <b>11/30/14</b>
---	------------------------------------	----------------------	--------------------------------	----------------------------------	------------------------------------

(15) OWNER - LESSEE (CROSS OUT ONE) <b>GROWTH EQUITY PARTNERS</b>	ADDRESS <b>2010 OCEAN AVE SUITE E.</b>	CITY <b>94127</b>	PHONE (FOR CONTACT BY DEPT.) <b>(415) 531-3373</b>
--	---	----------------------	---

(16) WRITE IN DESCRIPTION OF ALL WORK TO BE PERFORMED UNDER THIS APPLICATION (REFERENCE TO PLANS IS NOT SUFFICIENT)

- 1) COMPLY WITH COMPLAINT # 201489971. MEDIA ROOM
- 2) ADD TWO BEDROOMS, ONE BATH ROOM, STORAGE & LAUNDRY AT 1ST FLOOR PER PLAN.
- 3) ADD DECK AT REAR AT 2ND FLOOR.

**ADDITIONAL INFORMATION**

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

(25) ARCHITECT OR ENGINEER (DESIGN  CONSTRUCTION )  
 ADDRESS: **UNKNOWN** CALIF. CERTIFICATE NO.

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

**IMPORTANT NOTICES**

No change shall be made in the character of the occupancy or use without first obtaining a Building Permit authorizing such change. See San Francisco Building Code and San Francisco Housing Code.  
 No portion of building or structure or scaffolding used during construction is to be closer than 8'0" to any wire containing more than 750 volts. See Sec 305, California Penal Code.  
 Pursuant to San Francisco Building Code, the building permit shall be posted on the job. The owner is responsible for approved plans and application being kept at building site.  
 Grade lines as shown on drawings accompanying this application are assumed to be correct. If actual grade lines are not the same as shown, revised drawings showing correct grade lines, cuts and fills, and complete details of retaining walls and wall footings must be submitted to this department for approval.  
 ANY STIPULATION REQUIRED HEREIN OR BY CODE MAY BE APPEALED.  
 BUILDING NOT TO BE OCCUPIED UNTIL CERTIFICATE OF FINAL COMPLETION IS POSTED ON THE BUILDING OR PERMIT OF OCCUPANCY GRANTED, WHEN REQUIRED.  
 APPROVAL OF THIS APPLICATION DOES NOT CONSTITUTE AN APPROVAL FOR THE ELECTRICAL WIRING OR PLUMBING INSTALLATIONS. A SEPARATE PERMIT FOR THE WIRING AND PLUMBING MUST BE OBTAINED. SEPARATE PERMITS ARE REQUIRED IF ANSWER IS "YES" TO ANY OF ABOVE QUESTIONS (10) (11) (12) (13) (22) OR (24).  
 THIS IS NOT A BUILDING PERMIT. NO WORK SHALL BE STARTED UNTIL A BUILDING PERMIT IS ISSUED.  
 In dwellings, all insulating materials must have a clearance of not less than two inches from all electrical wires or equipment.  
 CHECK APPROPRIATE BOX  
 OWNER  ARCHITECT  
 LESSEE  AGENT  
 CONTRACTOR  ENGINEER

**NOTICE TO APPLICANT**


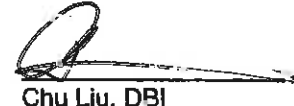
**HOLD HARMLESS CLAUSE.** The permittee(s) by acceptance of the permit, agree(s) to indemnify and hold harmless the City and County of San Francisco from and against any and all claims, demands and actions for damages resulting from operations under this permit, regardless of negligence of the City and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

**APPLICANT'S CERTIFICATION**

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

Signature of Applicant or Agent: **[Signature]** Date: **8/27/14**  
 OFFICE COPY

**CONDITIONS AND STIPULATIONS**

REFER TO:	APPROVED:	 NA BUILDING INSPECTOR, DEPT. OF BLDG. INSP.
<input type="checkbox"/>	APPROVED:	Development of Ground Floor - (Alternative indirect access; (limited connection) 2 bedrooms, 7 full baths, landing area; (w) rear deck outside of rear yard DEPARTMENT OF CITY PLANNING
<input type="checkbox"/>	APPROVED:	NA BUREAU OF FIRE PREVENTION & PUBLIC SAFETY
<input checked="" type="checkbox"/>	APPROVED:	etc As noted on floor plan MECHANICAL ENGINEER, DEPT. OF BLDG. INSPECTION
<input type="checkbox"/>	APPROVED:	 Chu Liu, DBI OCT 03 2014 CIVIL ENGINEER, DEPT. OF BLDG. INSPECTION
<input type="checkbox"/>	APPROVED:	NA BUREAU OF ENGINEERING
<input type="checkbox"/>	APPROVED:	NA DEPARTMENT OF PUBLIC HEALTH
<input type="checkbox"/>	APPROVED:	NA REDEVELOPMENT AGENCY
<input type="checkbox"/>	APPROVED:	SFPUC Capacity Charges See attached SFPUC Capacity Charge Invoice for total amount due. DBI will collect charges. SFPUC Ajay Kumar HOUSING INSPECTION DIVISION PUC 10/3/14

DATE: 08-21-14
REASON: OK to proceed in order.
NOTIFIED MR. _____
DATE: _____
REASON: _____
NOTIFIED MR. _____
DATE: _____
REASON: _____
NOTIFIED MR. _____
DATE: _____
REASON: _____
NOTIFIED MR. _____
DATE: _____
REASON: _____
NOTIFIED MR. _____
DATE: _____
REASON: _____
NOTIFIED MR. _____
DATE: _____
REASON: _____
NOTIFIED MR. _____

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

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

Number of attachments

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

November 6, 2014

**To The San Francisco Board of Appeals:**

This letter is in regards to the building construction permit for 2250 34<sup>th</sup> Avenue. I had filed an appeal on October 15 citing privacy issues and intrusion of the second story deck into the mid-block open space.

The agent for the owner and myself subsequently worked out a compromise that decreased the overall size of the deck, increased the clearance between the deck and property line on my side, added a living lattice privacy screen on the deck, and privacy trees at the fence line.

As I was finalizing the agreement with the owner's agent, Mr. Nicholson came out to discuss the building project. Mr. Nicholson is the owner of 2246 on the other side of 2250 where the building project is underway. I was subsequently conflicted about going through with the withdrawal, because I was surprised to learn that the Nicholsons had not been sent a Notice of Structural Addition, and they had had no opportunity to appeal.

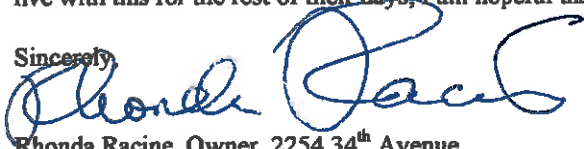
I felt honor-bound to follow through with the agreement I made with the owner's agent, and in the end went through with withdrawing my appeal. However, when Victor Pacheco at the Appeals Office discussed the appeals process with me, I understood him to say that even though I waive my right to appeal the new permit, anyone else could do so. Armed with that knowledge, I felt that I could honor my commitment to the owner's agent without closing the door to the Nicholsons, since, according to what I understood Victor to say, they would have the opportunity to appeal the new permit.

Now I understand there is conflicting information about whether anyone will have an opportunity to appeal the new permit. I was under the impression that the right to appeal would still be open to the Nicholsons, making the issue of never having received the Notice of Structural Addition moot. Unfortunately, that may not be the case.

Consequently, I am writing to ask that their jurisdiction request be granted on the basis that they never received the Notification of Structural Addition. I showed them my notice, and they were very surprised to learn that there was a process for making their voice heard. They clearly did not recognize the notice and it was abundantly clear that they had not received one. I know that I received mine many days AFTER the postmark, so it is entirely possible that it was a post office error.

In light of the fact that this project is being done by an absentee owner and that the Nicholsons will have to live with this for the rest of their days, I am hopeful that their jurisdiction request will be granted.

Sincerely,



Rhonda Racine, Owner, 2254 34<sup>th</sup> Avenue



From: **Jennifer Nicholson** jnicholson66@gmail.com  
Subject: **copy of appeal**  
Date: **November 5, 2014 at 11:29 PM**  
To: rhonda.racine@gmail.com  
Cc: **David Nicholson** darksydedave@att.net

Hello Rhonda,

My name is Jennifer Nicholson, Dave Nicholson's wife.

Thank you so much for your information and assistance in this matter and for sending the copy of the appeal. I wanted to make sure that I used similarly language since your appeal led to a compromise.

Dave said that part of your compromise includes planting trees along the fence line to provide further privacy for your house. I am correct that Leyland Cypress are specified for screening? This particular cypress can grow 20' to 30' feet wide and at least 50' feet tall. It is fast-growing at a rate of 3-5 ft. per year. These trees will can possibly shade a good portion of our yard by blocking any southern exposure. Unfortunately, if our Jurisdiction Request or Appeal is not approved and the deck is built and the trees are planted, it will present serious problems in terms of our landscape and enjoyment of our yard.

We have to schedule an appointment to file a Jurisdiction Request because we missed the original deadline. Our Jurisdiction Request has to be approved before we can file an appeal.

Dave said you are rescinding your appeal due to the compromise. Do you have to rescind at this moment? Do you think it would be to our advantage if your appeal was still 'on the table' until we have are able to file our own?

If for any reason you are willing to hold off rescinding your appeal for a few business days until we find out if we can file, it may extremely helpful for us.

I understand though if you would prefer to be done with this matter.

Please let me know what you think.

Thank you again.

Jennifer Nicholson

From: **Dave Nicholson** [darksydedave@att.net](mailto:darksydedave@att.net)   
Subject: **Fwd: Copy of the appeal**  
Date: **November 20, 2014 at 10:52 PM**  
To: **Jennifer Nicholson** [jnicholson60@gmail.com](mailto:jnicholson60@gmail.com)

Sent from my iPhone

Begin forwarded message:

**From:** Rhonda Racine <[rhonda.racine@gmail.com](mailto:rhonda.racine@gmail.com)>  
**Date:** November 5, 2014 at 4:48:03 PM PST  
**To:** [darksydedave@att.net](mailto:darksydedave@att.net)  
**Subject:** Copy of the appeal

Hi Dave,

I have attached the appeal.

It was great meeting you.

Rhonda



From: **Rhonda** rhonda.racine@gmail.com  
Subject: **Re: copy of appeal**  
Date: **November 6, 2014 at 6:36 AM**  
To: **Jennifer Nicholson** jnicholson66@gmail.com

Hi Jennifer,

I am so sorry we didn't connect before. I thought about not rescinding but Victor at the appeals board told me that the new permit can be appealed when it is issued by anyone but me. I figured that would be more painful to the investors because it draws things out even more.

You should check for the new permit approval every day so you can file an appeal which I will happily help you with.

Rhonda

On Nov 5, 2014, at 11:29 PM, Jennifer Nicholson <jnicholson66@gmail.com> wrote:

rescinding your appeal due to the compromise. Do you have to rescind at this

**City and County of San Francisco**

Edwin M. Lee  
Mayor



**Board of Appeals**

Cynthia G. Goldstein  
Executive Director

October 15, 2014

Growth Equity Partners  
2010 Ocean Avenue, Suite E  
San Francisco, CA 94127

**Appeal No.: 14-174**  
**Appeal Title: Racine vs. DBI, PDA**  
**Subject Property: 2250 - 34th Avenue**  
**Permit Type: Alteration Permit**  
**Permit No.: BPA NO. 2014/08/21/4454**

Dear Growth Equity Partners:

This is to notify you that an appeal has been filed with this office protesting the **ISSUANCE** of the above referenced **Alteration Permit**. Pursuant to Article I, §8 of the San Francisco Business & Tax Regulations Code, the subject permit is hereby **SUSPENDED** until the Board of Appeals decides this matter and releases a notice of decision and order.

We are enclosing a copy of the **Preliminary Statement of Appeal** for your information.

The hearing regarding this matter has been scheduled for **December 17, 2014, at 5:00 p.m., City Hall, Room 416, One Dr. Carlton B. Goodlett Place.**

If you have any further questions, you may call this office at (415) 575-6880.

Sincerely,

**BOARD STAFF**

cc: Dept. of Building Inspection c/o BID

Rhonda Racine, Appellant  
878 Sycamore Drive  
Palo Alto, CA 94303

BOARD OF APPEALS, CITY & COUNTY OF SAN FRANCISCO  
**PRELIMINARY STATEMENT OF APPEAL**

Date  
Filed:

BOARD OF APPEALS

OCT 15 2014

SUMMARY OF REASONS OR GROUNDS FOR APPEAL CONTINUED:

APPEAL # 14-174

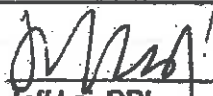


As owner next door to 2250 34th Ave SF, I would like to appeal the permit application # 201408214454 on the grounds that the second story deck adversely affects my privacy and intrudes into the mid-block open space. Also, the permit is discrepant. (16) states that a deck will be added at the rear of 2nd floor, however, in question (19), in answer to the question "Does this alteration create a deck or horizontal extension to the building?" permit applicant checked (NO) but there is no existing deck at this time, so the new deck DOES create a horizontal extension to the building.

Rhonda Racine

TSEE For Rhonda Racine Trust

Owner 2254 34th Ave SF

**CONDITIONS AND STIPULATIONS**

REFER TO:	APPROVED:  <p align="center">NA</p> <p align="center">BUILDING INSPECTOR, DEPT. OF BLDG. INSR.</p>	DATE: <u>08-21-14</u> REASON: <u>OK to proceed</u> <u>in October</u> NOTIFIED MR. _____
<input type="checkbox"/>	APPROVED: <u>Development of Ground Floor - (alteration)</u> <u>indirect access, (limited connection) 2 bedrooms</u> <u>2 full bath, laundry area; (w) rear deck</u> <u>outside of req' rear yard</u> <u>OK full w/alter</u> <p align="center">DEPARTMENT OF CITY PLANNING</p>	DATE: _____ REASON: _____ NOTIFIED MR. _____
<input type="checkbox"/>	BOARD OF APPEALS APPROVED: <u>OCT 15 2014</u> <u>APPEAL # 14-174</u>  <p align="center">NA</p> <p align="center">BUREAU OF FIRE PREVENTION &amp; PUBLIC SAFETY</p>	DATE: _____ REASON: _____ NOTIFIED MR. _____
<input checked="" type="checkbox"/>	APPROVED: <u>etc</u> <u>As proposed on floor</u> <p align="right">           Jeff Lai, DBI          OCT 03 2014          MECHANICAL ENGINEER, DEPT. OF BLDG. INSPECTION       </p>	DATE: _____ REASON: _____ NOTIFIED MR. _____
<input type="checkbox"/>	APPROVED:  <p align="center">           Chu Liu, DBI          OCT 03 2014          CIVIL ENGINEER, DEPT. OF BLDG. INSPECTION       </p>	DATE: _____ REASON: _____ NOTIFIED MR. _____
<input type="checkbox"/>	APPROVED:  <p align="center">NA</p> <p align="center">BUREAU OF ENGINEERING</p>	DATE: _____ REASON: _____ NOTIFIED MR. _____
<input type="checkbox"/>	APPROVED:  <p align="center">DEPARTMENT OF PUBLIC HEALTH</p>	DATE: _____ REASON: _____ NOTIFIED MR. _____
<input type="checkbox"/>	APPROVED:  <p align="center">           REDEVELOPMENT AGENCY       </p>	DATE: _____ REASON: _____ NOTIFIED MR. _____
<input type="checkbox"/>	APPROVED:  <p>SFPUC Capacity Charges</p> <p align="right"><u>NA</u></p>	DATE: _____ REASON: _____

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