

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

Appeal of  
JOHN & TERESA VOTRUBA, )  
Appellant(s) )  
vs. )  
DEPARTMENT OF BUILDING INSPECTION, )  
PLANNING DEPARTMENT APPROVAL Respondent )

Appeal No. 14-132

**NOTICE OF APPEAL**

**NOTICE IS HEREBY GIVEN THAT** on July 10, 2014, 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 June 25, 2014, to Clinton Choy, Alteration Permit (replace existing roof decking and handrails; scope of work also includes to comply with complaint NOV No. 201049586) at 280-284 Union Street.

**APPLICATION NO. 2011/11/17/9101**

**FOR HEARING ON September 10, 2014**

Address of Appellant(s):

Address of Other Parties:

John & Teresa Votruba, Appellant 218 Union Street #7 San Francisco, CA 94133	Clinton Choy, Permit Holder 284 Union Street San Francisco, CA 94133
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Date Filed:

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO  
BOARD OF APPEALS

JUL 10 2014

APPEAL # 14-132

**PRELIMINARY STATEMENT OF APPEAL**

I / We, **John & Teresa Votruba**, hereby appeal the following departmental action: **ISSUANCE of Alteration Permit BPA NO. 2011/11/17/9101** by the **Department of Building Inspection** which was issued or became effective on: **June 25, 2014**, to: **Clinton Choy**, for the property located at: **280-284 Union 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: **August 21, 2014, (no later than three (3) Thursdays prior to the hearing date)**, up to 12 pages in length, double-spaced, with unlimited exhibits, with an original and 10 copies delivered to the Board office by 4:30 p.m., and with additional copies delivered to the other parties the same day.

Respondent's and Other Parties' Briefs are due on or before: **September 04, 2014, (no later than one (1) Thursday prior to hearing date)**, up to 12 pages in length, doubled-spaced, with unlimited exhibits, with an original and 10 copies delivered to the Board office by 4:30 p.m., and with additional copies delivered to the other parties the same day.

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

Hearing Date: **Wednesday, September 10, 2014, 5:00 p.m., City Hall, Room 416**, One Dr. Carlton B. Goodlett Place.

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 submit an original and 10 copies of all documents of support/opposition no later than one (1) Thursday prior to hearing date by 4:30 p.m. 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 at the Board's office. 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.

***If you have any questions please call the Board of Appeals at 415-575-6880***

**The reasons for this appeal are as follows:**

see attached.

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

Signature: \_\_\_\_\_

Print Name: \_\_\_\_\_

*John F. Votruba*

Fraudulent Plans, History of Illegal Construction, and Overbuilt Conditions/ BPA201111179101

- 1) Illegal demolition occurred (2010) which included non-permitted and enlarged construction of decks (late 1990's). ( See SF DBI Google maps—2008.)
- 2) Other non-permitted construction: chimney flues,#280 fireplace, 2<sup>nd</sup> penthouse stairway(private-#280), 4<sup>th</sup> skylight(north west). See bubbled sections of plan and areas called *existing and no change*, an attempt to legalize work beyond the scope of previous permits.
- 3) Fraudulent presentation of buildable area. **ACTUAL UNREPORTED CONDITIONS:**  
No rear yard per SF Planning code 134. Building is 4 full stories, not 3 stories. Garage below 17.5 ft. concrete deck extends nearly to lot depth constituting a non permitted obstruction. (See recorded Condo Map BK 27, pp. 91-96, BPA 8606550 and Planning Code Section 136). Height limitation ( 40 ft max )is exceeded in this project..
- 4) Please see transcript of ACOA 13.0092 . HPC ruled against the requestor for historically accurate permits being brought to their attention. DBI Joseph Duffy had lobbied for 280-284 Union. This created a continuing opportunity for the presentation of misleading information by Clinton Choy, Richard Green, Bushra Khan and architect. Also not presented structural calculations and full 42" firewall as per BPA8707964.
- 5) No transparency by DBI. Requestors have frequently asked DBI for elevations regarding permitted work post-2010 deck demolition without permit. DBI has refused to provide building elevation height to roof and has also protected this Condo from requirements of current code on decks. DBI has also through the efforts of Senior Inspector Joseph Duffy misrepresented to the Appeals Board at 9/12/2012 Jurisdictional Review that AB-009 conditions have been met as required in SF. Stucco sidewall and parapet<sup>one</sup> is also required by BPA8601702.

BOARD OF APPEALS  
JUL 10 2014  
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**SFFD INSP. FEES REQ.**

APPROVED FOR ISSUANCE  
MAY 06 2014

BUDG. FORM 3/8

JUN 25 2014

REVIEWED BY FIRE DEPT.

Tom C. Hui  
TOM C. HUI, S.E.P.  
DIRECTOR

FIRE DEPT INSPECTION  
SAN FRANCISCO



BID-201049586  
BID-201049586

**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

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.

DATE FILED: 4/23/13	PLAN/FEE RECEIPT NO.: 1309481	(1) STREET ADDRESS OF JOB: 280-284 UNION ST. OREGON/6	BLOCK & LOT:
PERMIT NO.: 1028094	ISSUED: JUN 25 2014	(2A) ESTIMATED COST OF JOB: \$3,000	(2B) REVISED COST: \$3,000

2011-11-17-9101  
APPLICATION NUMBER  
APPROVAL NUMBER:  
BOARD OF APPEALS  
JUL 10 2014  
APPEAL # 14-132

**INFORMATION TO BE FURNISHED BY ALL APPLICANTS**

**LEGAL DESCRIPTION OF EXISTING BUILDING**

(A) TYPE OF CONSTR.: I-B	(5A) NO. OF STORIES OF OCCUPANCY: 3	(5B) NO. OF BASEMENTS AND CELLARS: 1	(7A) PRESENT USE: Residential Condos	(8A) OCCUP. CLASS: R-2	(9A) NO. OF DWELLING UNITS: 3
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**DESCRIPTION OF BUILDING AFTER PROPOSED ALTERATION**

(A) TYPE OF CONSTR.: I-B	(5) NO. OF STORIES OF OCCUPANCY: 3	(5) NO. OF BASEMENTS AND CELLARS: 1	(7) PROPOSED USE (LEGAL USE): Residential Condos	(8) OCCUP. CLASS: R-2	(9) NO. OF DWELLING UNITS: 3
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(10) IS ALSO RUNWAY TO BE CONSTRUCTED OR ALTERED?	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	(11) WILL STREET SPACE BE USED DURING CONSTRUCTION?	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	(12) ELECTRICAL WORK TO BE PERFORMED?	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	(13) PLUMBING WORK TO BE PERFORMED?	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
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(14) GENERAL CONTRACTOR: KOTAS/ANTAWANI ARCHITECTS  
ADDRESS: 70 306 ST, #200 94107  
PHONE: 415 697 2122  
CALIF. LIC. NO.: C-14072  
EXPIRATION DATE: 12/31/15

(15) OWNER - LESSEE (CHECK ONE):  
OWNER: KOTAS/ANTAWANI ARCHITECTS  
ADDRESS: 280 UNION ST 94112  
PHONE: 397 9501

(16) WRITE IN DESCRIPTION OF ALL WORK TO BE PERFORMED UNDER THIS APPLICATION (REFERENCE TO PLANS IS NOT SUFFICIENT):  
REPLACE EXISTING ROOF DECKINGS & HANDRAILS  
SCOPE OF WORK ALSO TO COMPLY WITH COMPLAINT  
#201049586 Co. For Common Area

**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 FT.	(19) DOES THIS ALTERATION CREATE DECK OR PORCH EXTENSION TO BUILDING?	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	(20) IF (19) IS YES, STATE NEW GRASS FLOOR AREA SQ. FT.
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(21) WILL SIDEWALK OVER SUB-SIDEWALK SPACE BE REPAIRED OR ALTERED? YES  NO

(22) ARCHITECT OR ENGINEER (DESIGN OR CONSTRUCTION): KOTAS/ANTAWANI ARCHITECTS 70 306 ST, #200 94107 C-14072

(23) CONSTRUCTION LEADER (ENTER NAME AND BRANCH DESIGNATION IF ANY, IF THERE IS NO KNOWN CONSTRUCTION LEADER, ENTER "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, to be closer than 6' to any wire containing more than 750 volts See Sec 385, California Penal Code.  
Pursuant to San Francisco Building Code, the building permit shall be posted on the job. The owner is responsible for approved plan and application being kept at building site.  
Checks fees are shown on drawings accompanying this application and assumed to be correct. If actual costs are shown on drawings, the applicant shall submit current grade fees, code and fee together with accurate details of retaining walls and soil footings required must be submitted to this department for approval.  
ANY SYMPLATION 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 (18) (19) (21) (22) OR (24).  
THIS IS NOT A BUILDING PERMIT. NO WORK SHALL BE STARTED UNTIL A BUILDING PERMIT IS ISSUED.  
In drawings all insulating materials must have a clearance of not less than two inches from all electrical wires or equipment.

**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 or 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 coverage under (i), or (ii) designated below or shall indicate item (iii), or (iv), whichever is applicable. If however item (iv) is checked item (iv) must be checked as well. Mark the appropriate method of compensation below.

- I hereby affirm under penalty of perjury one of the following declarations:
- 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 the work for which this permit is issued.
  - 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 workers' compensation license number and policy number are:  
Carrier: DAK Insurance  
Policy Number: 2200050086
  - The cost of the work to be done is \$100 or less.
  - 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 workers' compensation laws of California. I further acknowledge that I understand that in the event that I should become subject to the workers' 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.
  - 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 workers' compensation laws of California and who, prior to the commencement of any work, will be a completed copy of this form with the Current Permit Bureau.

CHECK APPROPRIATE BOX:  
 OWNER  
 ARCHITECT  
 LICENSED  
 AGENT  
 CONTRACTOR  
 ENGINEER

**APPLICANT'S CERTIFICATION**

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

Signature of Applicant or Agent: [Signature] Date: 11.16.11

**CONDITIONS AND STIPULATIONS**

REFER TO:	APPROVED: <u>David Pang, DBI</u> FEB 10 2014 BUILDING INSPECTOR, DEPT. OF BLDG. INSP.	DATE: <u>11/17/11</u> REASON: <u>OK TO PROCESS - SA</u> NOTIFIED MR.
<input checked="" type="checkbox"/>	APPROVED: <u>Robert Chun, DBI</u> APR 22 2013 BUILDING INSPECTOR, DEPT. OF BLDG. INSP.	DATE: _____ REASON: _____ NOTIFIED MR.
<input checked="" type="checkbox"/>	APPROVED: <u>Lily Yegazu</u> Approved Planning Dept. DEPARTMENT OF CITY PLANNING BY 4.30.14	DATE: _____ REASON: _____ NOTIFIED MR.
<input checked="" type="checkbox"/>	APPROVED: <u>Atlica Bowden SFFD</u> FEB 13 2014 FIRE DEPT INSPECTIONS NOT REQUIRED BUREAU OF FIRE PREVENTION & PUBLIC SAFETY	DATE: _____ REASON: <b>BOARD OF APPEALS</b> NOTIFIED MR.
<input type="checkbox"/>	APPROVED: _____ MECHANICAL ENGINEER, DEPT OF BLDG. INSPECTION	DATE: _____ REASON: _____ NOTIFIED MR.
<input type="checkbox"/>	APPROVED: <u>David Pang, DBI</u> FEB 10 2014 CIVIL ENGINEER, DEPT. OF BLDG INSPECTION	DATE: _____ REASON: _____ NOTIFIED MR.
<input type="checkbox"/>	APPROVED: _____ BUREAU OF ENGINEERING	DATE: _____ REASON: _____ NOTIFIED MR.
<input type="checkbox"/>	APPROVED: _____ DEPARTMENT OF PUBLIC HEALTH	DATE: _____ REASON: _____ NOTIFIED MR.
<input type="checkbox"/>	APPROVED: _____ REDEVELOPMENT AGENCY	DATE: _____ REASON: _____ NOTIFIED MR.
<input type="checkbox"/>	APPROVED: _____ Legal use per CFC # <u>8601702</u> No. of units <u>3</u> Firs. of Occ. <u>3</u> FOR HIS <u>DAUGHTER</u> HOUSING INSPECTION DIVISION	DATE: _____ REASON: _____ NOTIFIED MR.

**BOARD OF APPEALS**

**JUL 10 2014**

**APPEAL # 14-132**

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 department noted on this application, and attached statements of conditions or stipulations, which are hereby made a part of this application.

Number of attachments:

[Signature]  
 OWNERS AUTHORIZED AGENT

1 JOHN VOTRUBA  
2 TERESA VOTRUBA  
3 218 UNION STREET TIC  
4 SAN FRANCISCO, CA 94133  
5 (415) 834-0508

6 APPELLANTS

7 BOARD OF APPEALS, CITY & COUNTY OF SAN FRANCISCO

8 JOHN VOTRUBA AND TERESA VOTRUBA

9 Appellants,

10 vs.

11 DEPT. OF BUILDING INSPECTION

12 Respondent.

13 APPELLANTS BRIEF

14 APPEAL #14-132

15 BP APPLICATION #201111179101

16 280-284 Union Condominium Assoc.

17  
18 Appellants appeal Permit BPA #201111179101 issued to Permit Holder, Clinton Choy, on June 25, 2014 for  
19 the property located at 280-284 Union Street.

20  
21 Brief History of 280-284 Union Condominium construction:

22 From 1984 to 1987 permits were issued or canceled in an attempt to remodel and expand the footprint of  
23 a vintage 1900 duplex and cabin (286 Union) located on the northeast corner of a 25'x 70' lot. In 1986, the  
24 City of San Francisco accepted with cross outs and revisions BPA #8601702, BPA #8606550, and BPA  
25 #8612786 covering the construction of a building containing 3 condominiums on this same lot. All permits

1 were finalized the same day, 6/17/87. Then on 7/27/1988 a fourth permit (BPA # 8707964) was issued for  
2 two roof decks, railings, and a one (1) hr rated parapet of 42" on the east side of the roof. These permitted  
3 decks and railings were then demolished without permit about 1998, and new enlarged decks and  
4 railings were built. (See aerial photo-Exhibit A.) The red delineations indicate areas that remained  
5 without permit until another illegal demolition occurred in 2010 when during a routine reroofing project  
6 the 42" railings and parapet privacy, fire, and security wall were removed and not replaced. Instead 24"  
7 wooden planter boxes were placed where the parapet was and some of these blew off the roof creating  
8 unsafe conditions, yet not recognized as unsafe by CES until December, 2012. In addition, during this  
9 demolition the upper portion of three 218 Union chimney flues were detached, without notice to 218  
10 Union (Appellants' adjoining building) from the 280 Union parapet wall creating an immediate hazard  
11 by a potential fall to the sidewalk and street 4 stories below. Bushra Khan owner of 280 Union  
12 subsequently rented her unit to a couple with small children who continued to use the unguarded roof.

13  
14 The complete disregard for the transparency of the permitting process and gross misjudgments  
15 for the safety and privacy of 218 Union residents and 280 Union tenants have been hallmarks of Ms.  
16 Bushra Khan and her brother Richard Green.

17  
18 Separately, see Footnote # 1 describing the installation of 280 Union illegal lot windows that were  
19 permitted with fraudulent plans (BPA #201031519) and out of compliance with AB-009. This 2011  
20 window permitting took precedence over the life safety conditions described above, which were  
21 definitely in need of attention by CES. It is significant to note that BPA# 201111179101 resulted from a  
22 complaint that has existed since June 1, 2010. (See Exhibits B and C). Inspector Duffy could easily have  
23 included both violations in his office meeting with Bushra Khan on June 28, 2010, as both were in the DBI  
24 computer record before this date.

1 Related to permit # 201111179101, a second penthouse stairway leading to one of the  
2 demolished decks had been built beyond the scope, but nonetheless called *existing* in BPA #8707964  
3 when in fact, the penthouse stairway, chimneys and a 4<sup>th</sup> skylight do not appear in building plans, yet all  
4 can be found on the roof without the benefit of required permits. The current roof deck plans identified  
5 as BPA# 201111179101/R-2 attempt to legalize such work by referring to them as "existing or no change".  
6

7 BASIS FOR DENIAL OF BUILDING PERMIT 201111179101

8 A. Insufficient buildable area based on building height limitations. The building is incorrectly  
9 defined as three (3) story when in fact it is a full four (4) stories. The SF Building Code defines a fully  
10 above grade garage as the first story with the 3 condominiums occupying the three (3) stories above that.  
11 Astoundingly, the Planning Department required no elevations to be shown on the plans, although this  
12 information is critical to understanding the unpermitted nature of the roof appurtenances. (See Exhibit 1-  
13 SF Plan Submittal Guidelines.)

14 Joseph Duffy at DBI and Kimberley Durandet at Planning were requested to verify building  
15 height but so far have declined to do so. (See email from Planner Kate Connor - Exhibit 2.) The recorded  
16 Condominium Map Survey Bk 27 pgs. 92 to 96 prepared by Engineering and Surveying firm Tronoff  
17 Associates found in the City records is germane to the property from 1986 to current. A synopsis of this  
18 information results in the conclusion that Appellants have been discussing with DBI and Planning for  
19 four (4) years. Our historic 40' maximum limit Telegraph Hill neighborhood requires variances and  
20 public meetings when anything is to be built outside the buildable area. The survey signed by Public  
21 Works and the developer records the height of the building at 233.57' which conservatively results in a  
22 42.99 foot roof elevation measured from the midpoint at the sidewalk. (See Exhibit 3- for detailed  
23 compilation of elevations from past permits and BK 27 pp.91-96 recorded 1987 survey.)  
24  
25



1 B. Insufficient buildable area for failure of an existing rear yard. See Exhibit #4: Decks on Roofs. An  
2 overview of the 280-284 plans shows that there is no rear setback. Permit applicant fraudulently calls a  
3 rear concrete deck over an above grade and nearly full lot garage a *rear yard*. Technical Services at DBI  
4 recognizes the scenario described as having no rear yard. In the Condominium Map recorded survey, in  
5 BK 27, p.94, the CONCRETE DECK is not depicted as a rear yard but instead noted as an exclusive use  
6 area for Clinton Choy in unit #284 at the level of his living area.

7 1) Note 5 on page 93 states as follows: "The term *Exclusive Common Area* shall mean that  
8 portion of the common area, the exclusive use of which is set aside, allocated to and set aside for a  
9 particular unit or units."

10 2) Note 10 on page 93 provides: " Garden Area GA-284 is an *Exclusive Common Area* allocated to  
11 Unit 284." Mr. Choy's exclusive garden area covers the entire deck except for the 3' ingress and egress of  
12 17 steps to the garage below.

13 The garage is also shown in this survey in its as permitted and as built condition (BPA  
14 #8606550)—above grade extending nearly to the full lot depth with seventeen (17) 3 feet wide steps from  
15 the deck above to the garage below. Planning Code Section 136 (c) (26) provides that even if the deck  
16 should somehow qualify as usable open space and meet the requirements of paragraph (c) (24) or (c)  
17 (25) , no garage under the deck shall occupy any area within the rear 15 feet of the depth of the lot.

18 The garage provides diagonal parking for two regular cars and two smaller cars as per real  
19 estate listing.

20 This garage is also not a basement garage. It is the first story of this four (4) story condominium  
21 above grade plane. SF Building Code Section 1102B defines a story as any story having its finished floor  
22 surface entirely above grade plane or in which the finished surface of the floor next above is, more than  
23 6ft above grade plane.

1 C. Permit Holder Misrepresentation of Key Aspects under (BPA 20111179101/R-2)

2 1. No elevations are provided; building is four (4) stories, not three (3); as is neighboring 218  
3 Union building.

4 2. 284 Union private deck is misrepresented as a rear yard in a continuing attempt to disguise  
5 buildable area deficiencies.

6 3. Non-permitted and built beyond the scope are a second penthouse stairway, chimneys, and  
7 fourth skylight *all called existing*;

8 4. Failure to show full length of garage under deck, which is a non permitted obstruction.

9 5. Additionally the plans attempt to show the grade level by crosshatch marks as being directly  
10 below the deck when in fact actual grade is 12 feet below the deck and descending from front to  
11 back. See similar false submittal of grade slope crosshatching as rising front to back instead of  
12 declining back to front, as is the actual. (See BPA # 201009080424 East Elevation Exhibit #5.)

13 6. Bubbled areas in BPA # 20111179101/R-2 are an attempt at legalization of non-conforming  
14 and built beyond the scope structures.

15  
16 D. Permit is not an in kind replacement of previously existing construction

17 As referenced above, a deck expansion had taken place in approximately 1998 without the benefit  
18 of a building permit as shown prominently on Google maps and acknowledged by DBI's Dan Lowrey as  
19 inconsistent with originally permitted deck plans. This revised set of roof decks existed illegally and  
20 were used for 12 years. This fact alone makes it impossible to call the current deck construction an in-  
21 kind replacement of what existed before the 2010 roof was replaced and the decks and its privacy firewall  
22 parapet demolished.

23 Additionally, the in kind replacement does not meet current Planning Code requirements for  
24 buildable area, and Permit Holder's garage constitutes an unpermitted obstruction under section 136 of  
25 the Planning Code as referenced above. (See Exhibit 6)

1  
2 **E. Structural conditions**

3 The rooftop 10 foot chimney and its flue penetrations have not been permitted. This chimney box  
4 constructed by 280 Union on its roof requires structural tie downs and wind and seismic structural  
5 calculations. Additionally roof decks require a live load strength which may well exceed the as built-16  
6 inch OC 2x10 configuration of the 280-284 bitumen and plywood roof. (See California Building Code  
7 structural notes for roofs and decks, Exhibit #7).

8 Also, Permit Holder's eastside lot line windows formerly "x" ed out of building plans BPA  
9 #8601702/23 at A-8 and A -20 have been permitted without seismic consideration as required and  
10 referenced in S-3 and no shear wall currently exists as originally permitted in BPA # 87007964 with  
11 structural details required by Wing Lau 10/14/1988. (See exhibit 8, Original Roof Deck Application.)  
12

13 **F. Obstruction of Coit Tower Views in Violation of Preservation of Neighborhood Character**

14 The second penthouse 280 stairway exists above the height limitations for penthouse stairways.  
15 As such and in its unpermitted and built beyond the scope condition, it blocks views from the public  
16 access ways of Upper and Lower Calhoun Terrace. (See Exhibit #9 Site Line Calhoun Terraces to Coit  
17 Tower.) The size, the location, and the shadowing of the 2<sup>nd</sup> penthouse lacks respect for the character of  
18 Telegraph Hill and its neighbors.  
19

20 **Conclusion**

21 At the urging of Joseph Duffy, some officials at the Building and Planning departments have  
22 characterized our actions as a simple dispute between neighbors. The purpose of this appeal is to show  
23 that Appellants' concerns result from the Department of Building Inspection and Planning Department  
24 not following their own codes, not carefully reading historical records, and misguidedly accepting  
25

1 purposely inaccurate and therefore fraudulent plans, without the proper site verification that has been  
2 requested repeatedly by the Appellants over a four (4) year period.

3 It is owners Bushra Khan and Clinton Choy who are responsible for the unsafe conditions that  
4 have been perpetrated by a) misrepresentations of permitting and recorded survey facts, b) as built  
5 beyond the scope conditions, c) two illegal demolitions without permit, lasting 12 and 4 years,  
6 respectively without correction, and d) misinformation to neighbors and others at Director's and HPC  
7 hearings. Their actions have shown a complete disregard for the permitting process, public transparency,  
8 and respect for the facts such as disregarding district height limitations (See Exhibit 10).

9  
10 Appellants are appreciative of the Board's review and consideration of this matter. It is our hope  
11 that this case and the Board's actions will be further reason to make transparency and other  
12 improvements to the permitting practices at DBI.

13  
14 FOOTNOTE #1

15 On a related matter on March 21, 2011 led by Senior Building Inspector Joseph Duffy, DBI completed  
16 legalization of ten (although there are eleven) lot line windows for 280 Union Street as BPA  
17 # 201009080424. ( In a 3<sup>rd</sup> floor building department conversation with Appellant Teresa Votruba in  
18 November, 2011 Mr. Duffy related that under no circumstances could this permit be revoked because he  
19 had overseen it and knew the project well. )

20 The 280 Union lot line windows had been installed in spite of all being marked out of originally  
21 approved plans in 1987. The permit approved by inspectors Joseph Duffy and Donal Duffy under AB-  
22 009 was out of compliance with equivalency conditions 3 and 6 (no permission having been granted by  
23 218 Union) and there was no fire inspection in connection with the approval confirmed by SFFD  
24 Lieutenant John Darminan. ( See e-mails from Lt. Darminan and to Tom Hui- Exhibit 11). The plans  
25 submitted by 280 Union owner Bushra Khan misrepresented the size, number and location of the

1 windows and their relationship to Appellants' roof and common area. Additionally by survey under the  
2 Condominium Map Act (Bk. 27, p. 92-Exhibit 12), the 280 Union windows and exterior wall extend over  
3 the 218 Union property line by 3.12 inches constituting a continuing encroachment as well as the  
4 windows not having sufficient buildable area for the same reasons stated in this brief in respect of the  
5 roof decks.

6 Appellants lost their jurisdictional appeal in the lot line windows matter which included  
7 misrepresentations to the Board of Appeals by Joseph Duffy and Bushra Khan that there were no  
8 problems at all with the permit. Appellants were consequently denied due process and prevented from  
9 subsequently presenting the details challenging the window permit itself, which permit impacted on fire  
10 prevention, privacy and other violations of SF Building and Planning codes.

11  
12 Dated this 19<sup>th</sup> day of August, 2014,

13 BY:   
14 JOHN VOTRUBA

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## Table of Exhibits

Exhibit A: Google Map Aerial photo of new 1998 deck

Exhibits B and C: Guardrail demolition complaint and illegal lot line windows complaint

Exhibit 1: Planning Department Submittal Guidelines

Exhibit 2: E-mail from Planner Kate Connor

Exhibit 3: Elevation comparison

Exhibit 4: Portion of Planning Dept brochure "Decks on Roofs"

Exhibit 5: East elevation showing completely reversed 280-284 Union lot grade

Exhibit 6: Portion of Planning Department publication on "Deck Replacement"

Exhibit 7: California Building Code structural notes

Exhibit 8: Second page of original 280-284 deck permit application

Exhibit 9: Picture of second non permitted penthouse stairway

Exhibit 10: Portion of Planning Department brochure on height limitation

Exhibit 11: Email to Tom Hui and e-mail from SFPD Lt. Darmminan

Exhibit 12: Page 92 of Condominium Map Survey of 280-284 Union St.

# Aerial Photo



SHOWS EXPANDED  
W/ WOODEN  
RAILINGS

284-286 UNION  
4 STORY  
called 13 STORY

218 UNION  
4 STORY



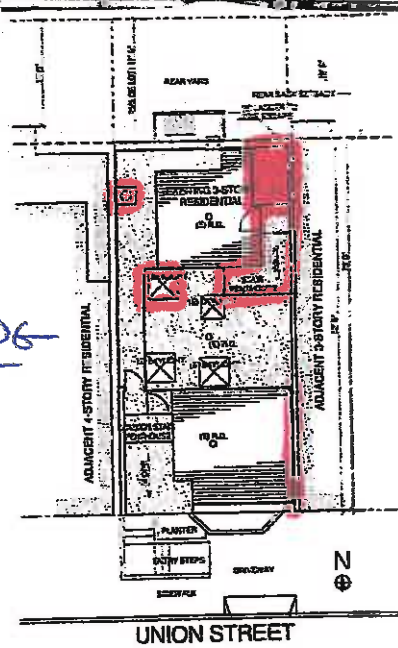
Expanded  
deck area  
w/ wooden  
railing



called EXISTING  
but NO PERMIT



42" FIREWALL  
MISSING  
per BPA 8701964/  
R-2



ROOF DECK "IN-KIND" REPLACEMENT  
280 - 284 UNION STREET  
SAN FRANCISCO, CA 94127

42" PRIVACY  
FIREWALL

Site Plan  
A1.0  
1/8" = 1'-0"

Scale: As Shown  
Date: 8.2.13  
Sheet No: 1503  
Altitude:

A1.0  
PERMIT SET

Exhibit #A

## Permits, Complaints and Boiler PTO Inquiry

### COMPLAINT DATA SHEET

**Complaint Number:** 201049536  
**Owner/Agent:** OWNER DATA SUPPRESSED  
**Owner's Phone:** -  
**Contact Name:** -  
**Contact Phone:** -  
**Complainant:** COMPLAINANT DATA SUPPRESSED  
**Date Filed:** 06/01/2010  
**Location:** 280 UNION ST  
**Block:** 0106  
**Lot:** 065  
**Site:**  
**Rating:**  
**Occupancy Code:**  
**Received By:** Christina Wang  
**Division:** BID  
**Complainant's Phone:**  
**Complaint Source:** TELEPHONE  
**Assigned to Division:** BID  
**Description:** Re-install Guarderils approved under PA#8707964

**Instructions:**

### INSPECTOR INFORMATION

DIVISION	INSPECTOR ID	DISTRICT	PRIORITY
BID	DONNELLY	6253	15

### REFERRAL INFORMATION

### COMPLAINT STATUS AND COMMENTS

DATE	TYPE	DIV	INSPECTOR	STATUS	COMMENT
06/01/10	CASE OPENED	BID	Quinlan	CASE RECEIVED	
06/01/10	OTHER BLDG/HOUSING VIOLATION	BID	Quinlan	FIRST NOV SENT	

### COMPLAINT ACTION BY DIVISION

NOV (HIS): NOV (BID): 06/01/10

Inspector Contact Information

Online Permit and Complaint Tracking home page.

### Technical Support for Online Services

If you need help or have a question about this service, please visit our FAQ area.

Exhibit B



## Permits, Complaints and Boiler PTO Inquiry

### COMPLAINT DATA SHEET

**Complaint Number:** 201031519  
**Owner/Agent:** OWNER DATA SUPPRESSED  
**Date Filed:** 01/21/2010  
**Owner's Phone:** -  
**Contact Name:** -  
**Location:** 280 UNION ST  
**Contact Phone:** -  
**Block:** 0106  
**Lot:** 065  
**Complainant:** COMPLAINANT DATA SUPPRESSED  
**Site:**  
**Rating:**  
**Occupancy Code:**  
**Received By:** Carina Moreno  
**Division:** BID  
**Complainant's Phone:**  
**Complaint Source:** TELEPHONE  
**Assigned to Division:** BID  
**Description:** An illegal lot line windows and rotting wood siding and an illegal dryer vent. See attached email dtd 1/19/10.

#### Instructions:

### INSPECTOR INFORMATION

DIVISION	INSPECTOR	ID	DISTRICT	PRIORITY
BID	DUFFY	1100		

### REFERRAL INFORMATION

#### COMPLAINT STATUS AND COMMENTS

DATE	TYPE	DIV	INSPECTOR	STATUS	COMMENT
01/21/10	CASE OPENED	BID	Duffy	CASE RECEIVED	
01/22/10	CONST WORK NO PERMIT	BID	Duffy	CASE UPDATE	ordered microfilm
05/20/10	CONST WORK NO PERMIT	BID	Duffy	FIRST NOV SENT	
06/28/10	CONST WORK NO PERMIT	CES	Duffy	CASE CONTINUED	Met with new owners and explained the procedure of obtaining a building permit
12/03/10	CONST WORK NO PERMIT	CES	Duffy	CASE CONTINUED	Permit filed
03/21/11	CONST WORK NO PERMIT	BID	Duffy	CASE ABATED	Ok to abate - PA #201009080424 finalized on 3/21/11 to legalize windows.

#### COMPLAINT ACTION BY DIVISION

NOV (HIS): NOV (BID): 05/20/10

#### Inspector Contact Information

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

#### Technical Support for Online Services

If you need help or have a question about this service, please visit our FAQ area.

Contact SFGov Accessibility Policies  
City and County of San Francisco ©2000-2009

Exhibit C

# SF Plan Submittal Guidelines

## Site Survey

Site surveys are required for new buildings, or required by Planning Staff, and must be signed by a licensed surveyor registered in California. A plot plan cannot substitute for the site survey. The following must be included:

- Scale: 1/8"=1'-0" or 1"=10'-0" unless the project is too large to accommodate the 1/8"=1'-0" scale.
- The full width of all buildings on adjacent lots.
- The front setback of all adjacent buildings.
- Curb elevation in line with the mid-point of the subject building and those adjacent lots.
- Grade elevations at the mid-point of the front wall of adjacent buildings.
- Roof elevations including the elevation of eaves and peaks of pitched roofs.
- Contour lines.
- Utility lines, vegetation, existing structures on the site, etc.
- North arrow

## Scope of Work

Please provide a narrative description of the proposal including all scopes of work. Please also include existing and proposed square footage (use gross square footage calculation unless the project necessitates occupied square footage calculations). Detail other pertinent project data.

## Plot Plan

The plot plan must be dimensioned to show significant measurements and signed by the preparer who, in most cases, must be a licensed architect registered in California. It must show both existing and proposed development on the subject lot and all development on those lots used to compute the maximum depth of the project pursuant to the requirements of the Planning Code. It must include:

- Scale: 1/8"=1'-0" or 1"=10'-0" unless the project is too large to accommodate the 1/8"=1'-0" scale.
- Full widths of all adjacent buildings.
- Heights (in feet and number of stories) of buildings and any difference in elevation due to pitched roofs or steps in building mass.
- Existing and proposed curb cuts, curb lines, including both adjacent properties.

- Dimensioned landscaped areas. Please also include permeability area calculations.
- Dimensioned setback requirements including front setback, rear yard, and side yard.
- North arrow

## Floor Plans

Existing and proposed floor and roof plans are required. The floor and roof plans must be dimensioned to show significant measurements and show all of the following information:

- Scale: 1/4"=1'-0" unless the project is too large to accommodate the 1/4"=1'-0" scale, but a minimum of 1/8"=1'-0".
- Annotations identifying the existing and intended use of all rooms.
- All existing and proposed plumbing stacks.
- All walls, those to remain and those to be removed or added.
- All stairs showing the direction of ascent or descent.
- All doors and windows, existing and proposed.
- North arrow.

## Elevations

Elevations are needed of each building face related to the work for which the application is being sought. The type of building materials on all wall surfaces and for windows and doors should be indicated. Profiles of adjacent buildings that show the full outline of each adjacent building are required in certain instances; refer to the Applications Materials Matrix. Side elevations should show full profile of the adjacent building and window openings that face the project. Show grade plane and height of building. All significant measurements must be dimensioned and a north arrow provided. Please also indicate the height limit on the elevation.

**From:** "Conner, Kate" <kate.conner@sfgov.org>  
**To:** John Votruba <jvotrub@yahoo.com>  
**Sent:** Thursday, April 11, 2013 7:11 AM  
**Subject:** RE: 218 Union Timeline/Exit Issues

I believe that Kimberly is waiting for DBI to verify the height measurement at 280 Union. I think that is supposed to be done this week or next week. For status on the enforcement case, it is best to contact Kimberly directly. When I find out the results of the height measurement, I will let you know.

Thanks

Kate

Kate Conner  
Planner, LEED AP  
San Francisco Planning Department  
1650 Mission Street, Suite 400  
San Francisco, CA 94103  
p. 415-575-6914  
f. 415-558-6409

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Exhibit #2

COMPILATION OF ELEVATIONS AND PERMITTED AND NON\_PERMITTED CONSTRUCTION

<b>SOURCE of Information</b>	<u>BPA 20111179101</u>	<u>BK 27-1987 Recorded Survey pp. 91-96</u>	<u>BPA 8601702/23 A-4, A-6, A-8, A-20</u>	<u>BPA 8606550/3</u>	<u>BPA 201009080424</u>
GRADE of Lot/Height of Lot SLOPES FRONT TO REAR	FRAUD				FRAUD

2nd Penthouse Stairway #280 NO PERMIT	FRAUD	242.02'				Applicant reduced height and mass-FRAUD
Front Penthouse Stairway PERMIT	FRAUD	242.11'	240.84'			

Front Parapet PERMIT		236.81'	235.84'	235.74'		
T.O. ROOF PERMIT		233.57'	232.34'	232.34'		

#280 CEILING Elevation PERMIT		232.18'				
#280 FLOOR Elevation PERMIT		223.18'	222.42'	222.42'		

#282 FLOOR Elevation PERMIT		212.97'	212.60'	212.60'		
#284 FLOOR Elevation PERMIT		202.82'	202.78'	202.78'		

Garage Height PERMIT		201.63'	202.34'	202.34'		
ABOVE GRADE Garage Slab HT PERMIT		191.67'	192'	191.5'		Below grade-FRAUD

CONCRETE DECK 17.5X18.5 #284 PERMIT	Applicants called Rear Yard-FRAUD	202.82'		202.08'		Applicant called Rear Yard-FRAUD
--	-----------------------------------	---------	--	---------	--	----------------------------------

STUCCO SIDEWALL/42" PARAPET PERMIT	FRAUD	Yes	Yes	Yes	Yes	Applicant said no seismic issues-FRAUD
---------------------------------------	-------	-----	-----	-----	-----	--

Chimney, NE skylight NO PERMIT	FRAUD					
-----------------------------------	-------	--	--	--	--	--

Siding-East Windows-East						
In Kind Replacement	FRAUD					

Over boundary of 218 Union ~.26' p. 92

FRAUDULENT TAKING of 218 Union Property

Exhibit #3

ZONING DISTRICT	MAXIMUM DWELLING UNIT DENSITY (§206.1)	OTHER PRINCIPAL USES (Permitted as of Right) (§§208-209.3)	OTHER CONDITIONAL USES (Subject to Commission Approval) (§§208-209.4)	MINIMUM LOT SIZE (§121)	BASIC FLOOR AREA RATIO (Other than Dwellings) (§124)	FRONT SET-BACK REQUIREMENTS (§152)	REAR YARD REQUIREMENTS (§154)	USABLE OPEN SPACE REQUIREMENTS FOR DWELLING UNITS (§128)	OTHER SPECIAL REQUIREMENTS
RH-1(D) House, One-Family (Residential Dwellings) (§206.1)	One dwelling unit per lot.		Medical in: (a) non-residential care facility for 7 or more, child care facility for 13 or more; elementary school; secondary school; religious institution; community facility; open recreation area; greenhouse or plant nursery; utility installation or public service facility; community garage access driveway to C or M district; non-accessory parking for a specific use; Planned Unit Development; C-2 use in structure on designated landmark site.	Width: 33 ft. Area: 4000 sq. ft.	1.8 times lot area	Based upon average of adjacent buildings; up to 15 ft. or 15% of lot depth.	20% of lot depth, but no less than 15 feet.	300 sq. ft. per unit if all private common space substituted must be 1/3 greater.	(§133) Side yard requirements based on lot width. (§261) Less than height limit - 35 ft., 30 ft. at front of property.
RH-1 House, One-Family (§206.1)	One dwelling unit per lot; up to one unit per 3000 sq. ft. of lot area (maximum of 3 units) with conditional use approval.			Width: 25 ft. Area: 2500 sq. ft.	1.8 times lot area	Based upon average of adjacent buildings; up to 15 ft. or 15% of lot depth.	25% of lot depth, but no less than 15 feet.	300 sq. ft. per unit if all private common space substituted must be 1/3 greater.	(§261) Use district height limit - 35 ft., 30 ft. at front of property.
RH-1(S) House, One-Family with Minor Second Unit (§206.1)	Same as RH-1; or 2 dwelling units per lot with second unit limited to 800 sq. ft. of net floor area.	Residential care facility for 8 or fewer; child care facility for 12 or fewer; open space for horticulture or passive recreation; public structure or use of non-habitual character; sale or lease of sign.		Width: 25 ft. Area: 2500 sq. ft.	1.8 times lot area	Based upon average of adjacent buildings; up to 15 ft. or 15% of lot depth.	25% of lot depth, but no less than 15 feet.	300 sq. ft. per second minor unit, if all private common space substituted must be 1/3 greater.	(§261) Use district height limit - 35 ft., 30 ft. at front of property.
RH-2 House, Two-Family (§206.1)	Two dwelling units per lot; up to one unit per 1500 sq. ft. of lot area with conditional use approval.			Width: 25 ft. Area: 2500 sq. ft.	1.8 times lot area	Based upon average of adjacent buildings; up to 15 ft. or 15% of lot depth.	45% of lot depth, except of reductions based upon average of adjacent buildings; if averaged, least 10 ft. is limited to height of 30 ft. and a minimum of 25% of lot depth, but no less than 15 feet.	125 sq. ft. per unit if all private common space substituted must be 1/3 greater.	(§144) Limits on parking entrances and blank facades. (§261) Use district height limit - 40 ft., 30 ft. at front of property.
RH-3 House, Three-Family (§206.1)	Three dwelling units per lot; up to one unit per 1000 sq. ft. of lot area with conditional use approval.		Same uses as above, plus: Group housing, boarding, group housing, religious centers, group housing, medical and educational facilities; hotel up to 5 rooms.	Width: 25 ft. Area: 2500 sq. ft.	1.8 times lot area	Based upon average of adjacent buildings; up to 15 ft. or 15% of lot depth.	45% of lot depth, except of reductions based upon average of adjacent buildings; if averaged, least 10 ft. is limited to height of 30 ft. and a minimum of 25% of lot depth, but no less than 15 feet.	100 sq. ft. per unit if all private common space substituted must be 1/3 greater.	(§144) Limits on parking entrances and blank facades.

**DECKS ON ROOFS**

**Neighborhood Notification requirement**  
The Neighborhood Notification requirement is dependent upon whether the roof deck, and the access to it, is within the buildable area of your lot (see below). If your deck requires "notification," a mailing notifying the nearby neighbors of your proposed project is sent to adjacent neighbors only and they are given a period of to respond with concerns (as compared to a 30-day notice to owners and occupants within 150 feet of the site, as is done with the standard Neighborhood Notification process).

**"Buildable area of the lot"**

"Buildable area of the lot" means the area that is not part of the required yards or set backs under the Planning Code and within the applicable height limit. (Zoning Administrator Bulletin 5 explains buildable area for Residential Districts.) For residences in commercial zoning districts, the rear yard requirement is typically 25 percent of lot depth. You can apply the rules of a 25 percent rear yard requirement shown in Zoning Administrator Bulletin 5 to determine yard requirements for residences in commercial districts. (See Deck's & Stairs if your deck project is not on a roof.)

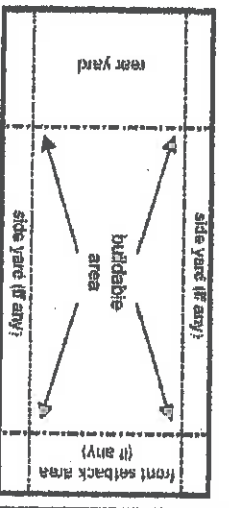


Exhibit #4

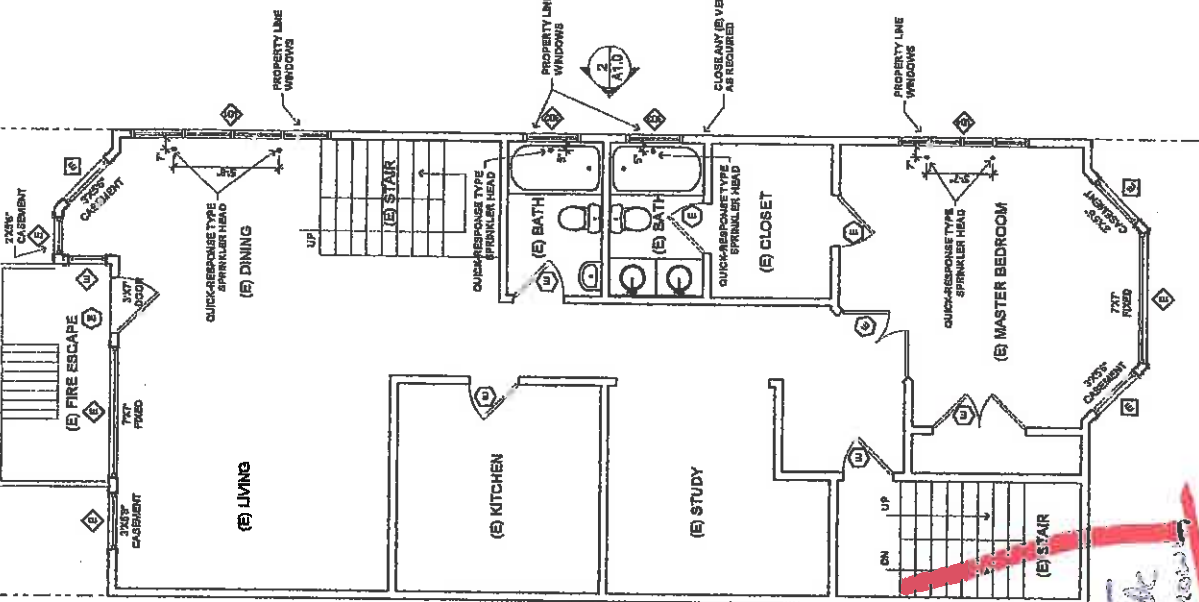
SUBJECT: 284-280 UNION

- 1) Requires averaging on yard of 15' as all other buildings on site + Union
- 2) 45% Rule for non-buildable area height applies

NON-BUILDABLE  
from rear line

**QUICK-RESPONSE TYPE SPRINKLER HEADS.**  
 CLOSE UP ANY VENTS ON THE PROPERTY LINE

**NOTICE OF VIOLATION**  
 Building Code Enforcement Department  
 1500 Market Street, San Francisco, CA 94104  
 DATE OF BUILDING INSPECTION: 05/19/14  
 ADDRESS: 280 Union St, San Francisco, CA 94104  
 OCCUPANCY / USE: Residential  
 VIOLATION: Quick-response type sprinkler heads on property line windows.  
 CORRECTIVE ACTION: Stop all work until permitted.  
 STOP ALL WORK S.F.B.C. 10A.4.24



1 (E) 3rd Floor  
 1/4" = 1'-0"

MARK	ROOM	WIND	HGT	SILL HEIGHT	TYPE	MATERIAL	GLASS	NOTES
1	CL. 501	2"	24"	4"	A	STEEL	SINGLE	
2	CL. 502	2"	24"	4"	A	STEEL	SINGLE	
3	CL. 503	2"	24"	4"	A	STEEL	SINGLE	
4	CL. 504	2"	24"	4"	A	STEEL	SINGLE	

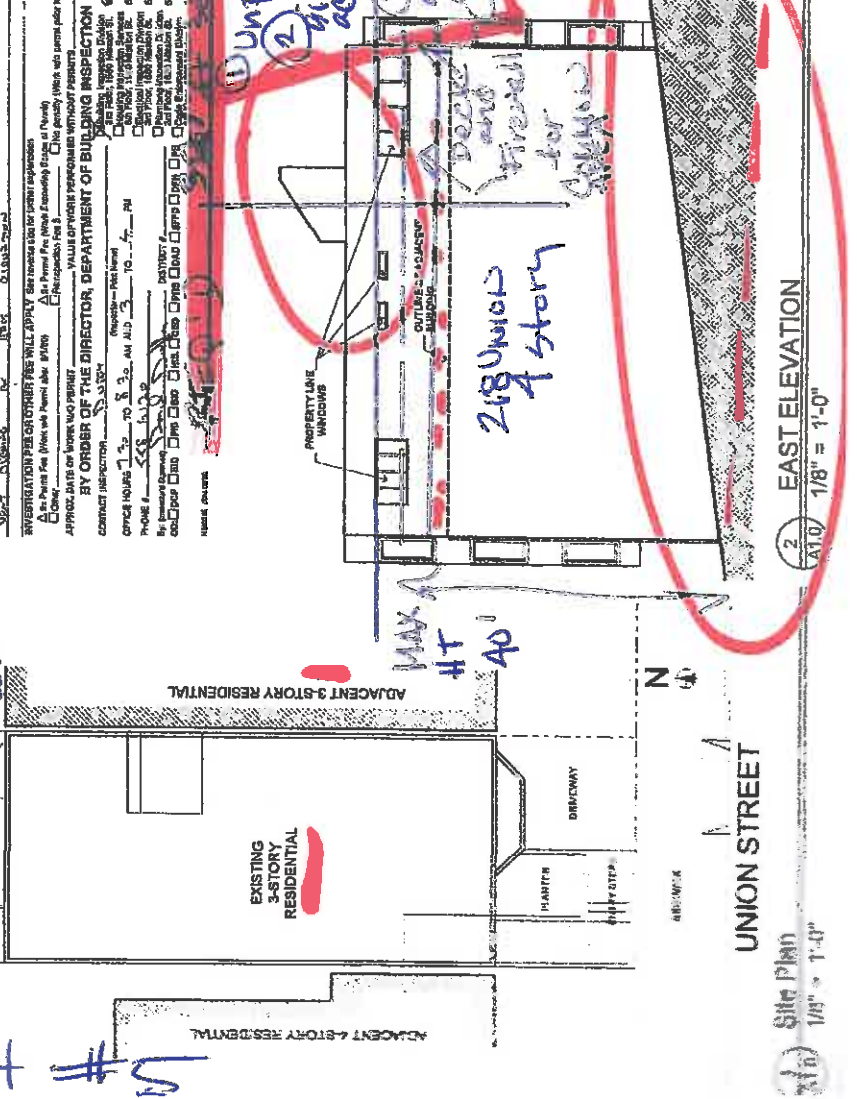


**FRONT FACED PRESENTATION of Actual Slope WINDOW TYPES**

*slope from front to back 20ft +*

**FRAUD**  
 Actual is concrete deck

**Exhibit #5**



2 EAST ELEVATION  
 1/8" = 1'-0"

General Planning Information  
Decks Planning Code Sec  
136C24 136C25, 311,  
312 and related

## Deck Replacement

If you are replacing a deck, do not assume that it may be fully replaced in-kind. Many decks that were legally constructed with a building permit now protrude into required yards. This is generally due to a change in yard setback requirements since the time the deck was constructed. These decks are now partly or wholly 'non-complying' under the Planning Code. If a non-complying feature is removed, it may only be reconstructed if it is in compliance with current Codes or if you seek and justify a Variance from the Code. A Variance requires a separate application and a hearing before the Zoning Administrator subject to public notification.

If a legal, complying deck is replaced in-kind or with a smaller deck within the same footprint and envelope as the original deck, it would not require notice.

Exhibit #6



**TABLE 1607.1**  
**MINIMUM UNIFORMLY DISTRIBUTED LIVE LOADS,  $L_u$ , AND**  
**MINIMUM CONCENTRATED LIVE LOADS<sup>a</sup>**

OCCUPANCY OR USE	UNIFORM (psf)	CONCENTRATED (lbs.)
1. Apartments (see residential)	—	—
2. Access floor systems		
Office use	50	2,000
Computer use	100	2,000
3. Armories and drill rooms	150 <sup>m</sup>	—
4. Assembly areas		
Fixed seats (fastened to floor)	60 <sup>n</sup>	—
Follow spot, projections and control rooms	50	—
Lobbies	100 <sup>m</sup>	—
Movable seats	100 <sup>m</sup>	—
Stage floors	150 <sup>m</sup>	—
Platforms (assembly)	100 <sup>m</sup>	—
Other assembly areas	100 <sup>m</sup>	—
5. Balconies and decks <sup>b</sup>	Same as occupancy served	—
6. Catwalks	40	300
7. Cornices	60	—
8. Corridors		
First floor	100	—
Other floors	Same as occupancy served except as indicated	—
9. Dining rooms and restaurants	100 <sup>m</sup>	—
10. Dwellings (see residential)	—	—
11. Elevator machine room grating (on area of 2 inches by 2 inches)	—	300
12. Finish light floor plate construction (on area of 1 inch by 1 inch)	—	200
13. Fire escapes	100	—
On single-family dwellings only	40	—
14. Garages (passenger vehicles only)	40 <sup>m</sup>	Note 2
Trucks and buses	See Section 1607.7	
15. Handrails, guards and grab bars	See Section 1607.8	
16. Helipads	See Section 1607.6	
17. Hospitals		
Corridors above first floor	80	1,000
Operating rooms, laboratories	60	1,000
Patient rooms	40	1,000
18. Hotels (see residential)	—	—
19. Libraries		
Corridors above first floor	80	1,000
Reading rooms	60	1,000
Stack rooms	150 <sup>m</sup>	1,000
20. Manufacturing		
Heavy	250 <sup>m</sup>	3,000
Light	125 <sup>m</sup>	2,000
21. Marquees	75	—
22. Office buildings		
Corridors above first floor	80	2,000
File and computer rooms shall be designed for heavier loads based on anticipated occupancy	—	—
Lobbies and first-floor corridors	100	2,000
Offices	50	2,000

**TABLE 1607.1—continued**  
**MINIMUM UNIFORMLY DISTRIBUTED LIVE LOADS,  $L_u$ , AND**  
**MINIMUM CONCENTRATED LIVE LOADS<sup>a</sup>**

OCCUPANCY OR USE	UNIFORM (psf)	CONCENTRATED (lbs.)
23. Penal institutions		
Cell blocks	40	—
Corridors	100	—
24. Recreational uses:		
Bowling alleys, poolrooms and similar uses	75 <sup>m</sup>	—
Dance halls and ballrooms	100 <sup>m</sup>	—
Gymnasiums	100 <sup>m</sup>	—
Reviewing stands, grandstands and bleachers	100 <sup>m</sup>	—
Stadiums and arenas with fixed seats (fastened to floor)	60 <sup>m</sup>	—
25. Residential		
One- and two-family dwellings		
Uninhabitable attics without storage <sup>c</sup>	10	—
Uninhabitable attics with storage <sup>d, j, k</sup>	20	—
Habitable attics and sleeping areas <sup>b</sup>	30	—
All other areas	40	—
Hotels and multifamily dwellings		
Private rooms and corridors serving them	40	—
Public rooms <sup>m</sup> and corridors serving them	100	—
26. Roofs		300
All roof surfaces subject to maintenance workers		
Awnings and canopies:		
Fabric construction supported by a skeleton structure	5 nonreducible	
All other construction	20	
Ordinary flat, pitched, and curved roofs (that are not occupiable)	20	
Where primary roof members are exposed to a work floor, at single panel point of lower chord of roof trusses or any point along primary structural members supporting roofs:		
Over manufacturing, storage warehouses, and repair garages		2,000
All other primary roof members		500
Occupiable roofs:		
Roof gardens	160	
Assembly areas	100 <sup>m</sup>	
All other similar areas	Note 1	Note 1
27. Schools		
Classrooms	80	1,000
Corridors above first floor	80	1,000
First-floor corridors	100	1,000
28. Scuttles, skylight ribs and accessible ceilings	—	200
29. Sidewalks, vehicular drive ways and yards, subject to trucking	250 <sup>l, n</sup>	8,000 <sup>o</sup>
30. Stairs and exits		
One- and two-family dwellings	40	300
All other	100	300
31. Storage warehouses (shall be designed for heavier loads if required for anticipated storage)		
Heavy	250 <sup>m</sup>	—
Light	125 <sup>n</sup>	—

(continued)



3 F  
ON

APPROVED:

CONTACT DISTRICT INSPECTOR NAMED ON FACE OF APPLICATION AT START OF WORK (TELEPHONE NO. 861-5820). THIS APPLICATION IS APPROVED WITHOUT FIELD INSPECTION AND DOES NOT CONSTITUTE AN APPROVAL OF THE BUILDING WORK AUTHORIZED MUST BE DONE IN STRICT ACCORDANCE WITH ALL APPLICABLE CODES



*Done* 6/17/87  
BUILDING INSPECTOR, BUR. OF BLDG. INSP.

DATE:

REASON:

NOTIFIED MR.

APPROVED:

for work stated

NOV 5 - 1987

DEPARTMENT OF CITY PLANNING

DATE:

REASON:

NOTIFIED MR.

APPROVED:

BUREAU OF FIRE PREVENTION & PUBLIC SAFETY

DATE:

REASON:

NOTIFIED MR.

APPROVED:

Roof deck

*Wang You Han* 10/14/87  
CIVIL ENGINEER, BUR. OF BLDG. INSPECTION

DATE:

REASON:  
① Structural, columns & Details  
② Verify (E) Plans

NOTIFIED MR.

APPROVED:

BUREAU OF ENGINEERING

DATE:

REASON:

NOTIFIED MR.

APPROVED:

DEPARTMENT OF PUBLIC HEALTH

DATE:

REASON:

NOTIFIED MR.

APPROVED:

REDEVELOPMENT AGENCY

DATE:

REASON:

NOTIFIED MR.

APPROVED:

for work stated in application and

Approval of this Application does not constitute approval of the use and occupancy of this building

Height of guardrails to be at least 42 inches (Sec. 1716 UBC)

*Henry* 6-17-87  
HOUSING INSPECTION DIVISION

DATE:

REASON:

NOTIFIED MR.

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

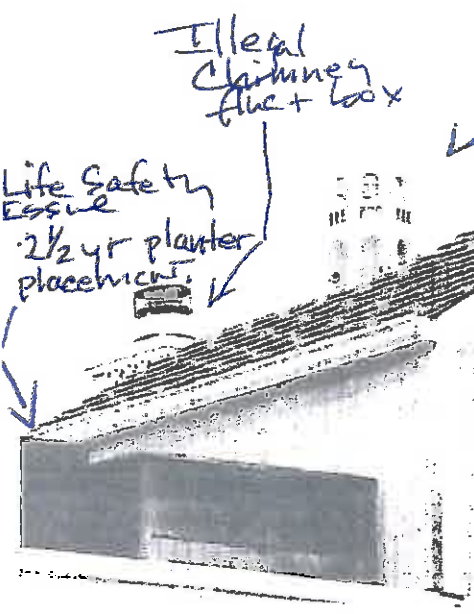
*Alan K...* For Robert Tolano  
OWNER'S AUTHORIZED AGENT

Exhibit # 8

HOLD SECTION  
NOTE: DATES OF ALL PERSONS NOTIFIED DURING PROCESSING

SUBJECT - 280 UNION - Illegal Private Penthouse

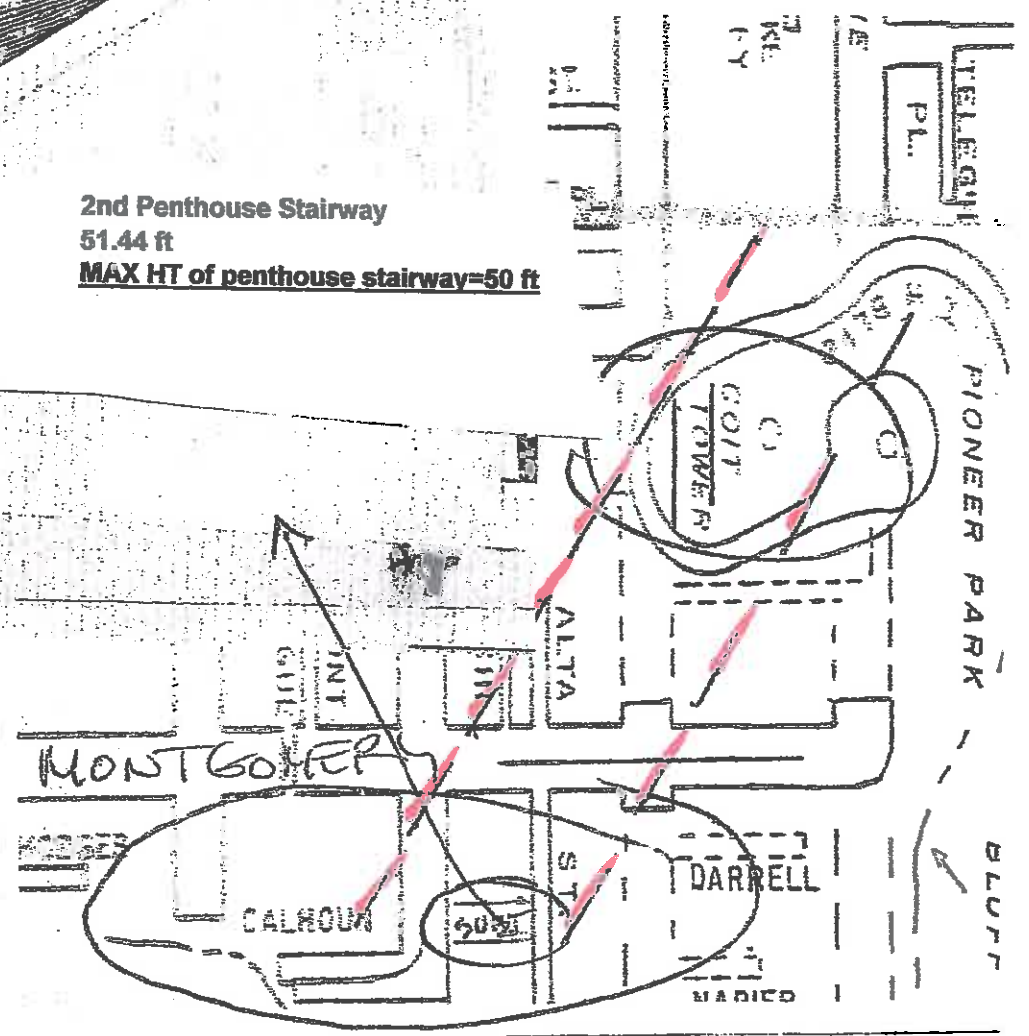
STAIRWAY  
to out of  
buildable area  
deck



COIT TOWER

2nd Penthouse Stairway  
51.44 ft  
MAX HT of penthouse stairway=50 ft

T.O. Roof  
HT from midpoint of sidewalk  
42.99 feet  
MAX HT=40 ft.



SITE LINE  
Calhoun terraces  
to Coit tower

284 - 280 Union St / 3 UNITS plus garage

This height restriction may be reduced based on the height of the immediately adjacent buildings, i.e. if that average exceeds the limit, the subject property may also, up to the maximum height limits applicable in the district.

Last, there are height limits that apply in certain districts where lots are significantly sloped up or down. The 35 height limit in RH-1 districts may be increased to 40 feet where the average ground elevation at the rear line of the lot is higher by 20 or more feet than at the front. The height limit in these districts is reduced to 30 feet where the average ground elevation at the rear line of the lot is lower by 20 or more feet than at the front line reduced to 25 feet where the average ground elevation at the rear line of the lot is lower by 40 or more feet than at the front.

In RH-2 Districts, no dwelling is permitted to exceed a height of 40 feet, and the height limit is further reduced to 35 feet where the average ground elevation at the rear line of the lot is lower by 20 or more feet than at the front.

All parcels have a height limit proscribed by the Zoning Map. For most RH districts the mapped height limit is 40 feet, though in limited cases it might be different. However, regardless of the mapped height limit there are additional height limits that apply in certain residential districts.

\* Same for RH-3

In RH-1 districts, regardless of the mapped height limit, the maximum allowable height is 35 feet.

In RH-1 and RH-2 districts there is an additional height limit that applies at the front of the property. The height limit is 30 feet at the front lot line or, where the lot is subject to a legislated setback line or required front setback as described above, at the setback. The height limit then increases at an angle of 45 degrees from the horizontal toward the rear of the lot until the maximum height limit is reached (typically 35 feet in RH-1 and 40 feet in RH-2). See Figure 10.

31.5'

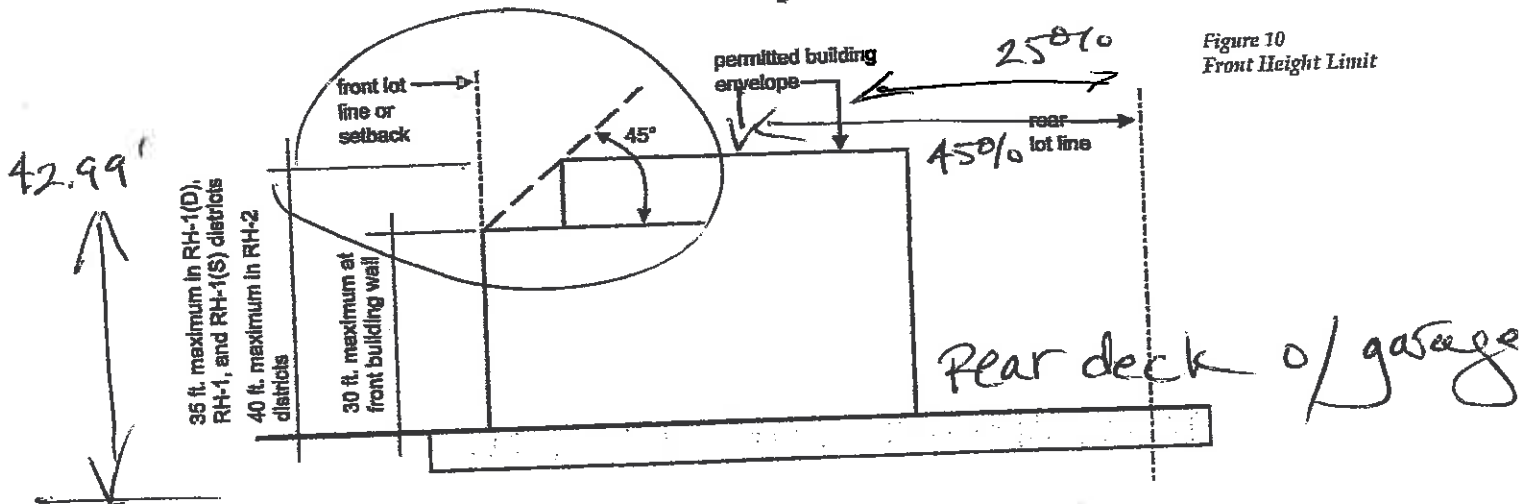


Figure 10 Front Height Limit

Exhibit #10



Ronald Tom made a site visit to our roof and took photographs of the same.

Sincerely,

John Votruba

On Tuesday, October 29, 2013 2:39 PM, "Darmanin, John" <[john.darmanin@sfgov.org](mailto:john.darmanin@sfgov.org)> wrote:  
Hello Mr. Votruba,

In reference to your email the answer is "YES" a fire department inspection should have been conducted as part of the DBI permit process for P/A no. 2010-0908-0424. The Fire Department reviewed and approved that permit application as well as the AB-009 equivalency associated with that permit application. Fire Department records show that the Fire Department did NOT conduct an inspection associated with this permit application. DBI records reflect that this permit application is "COMPLETE", which means that the permit application has been 'signed off' in conjunction with a final inspection.

Fire Department records in our ORACLE data base reveals that the fire district inspector did not conduct any inspections related to that permit application and did NOT sign off to authorize that permit to be closed or marked "COMPLETE". I would suggest that you contact the building inspection department and discuss what happened with them.

A review of our inspection records does show that there were two site inspections related to an inquiry from the residents of 218 Union Street. The inspection reference number is: 163061. The 2 inspections occurred on the following dates and were conducted by Fire Inspector General James (415-558-3374) and associated notes (in red) are as follows:

6/26/2013

Conducted site inspection of roof top of 218 Union street with residents concerning their issues of San Francisco Building Department Administrative Bulletin 009 and code compliance

7/10/2013

Email response letter to complainant;

A site inspection was conducted in response to the request from residents of 218 Union St. relating to filed building complaint regarding property lines openings for 280 Union not being in compliance with building code.

Openings at 280 Union Street as it relates to the roof top of 218 Union is not compliant with Administrative Bulletin 009 {Local equivalencies Item 3 and 4}. The Administrative Bulletin 009 is a San Francisco city agency document which address the property line and opening issues on a case by case basis. The fire department recommendation is as follows:

- The owner of property at 218 Union or complainant submit plan with details complying with AB 009 for the San Francisco Building Department for official review .
- Plans include voluntary fire wall construction to remedy the required support of duct work and compliant window assembly

Feel free to call me should you have any additional questions.

Best regards.



**John F. Darmanin**  
Lieutenant  
SF Fire Department-Plan Check

Office.: (415) 558-6176  
Cell: (650) 642-8646

**From:** John Votruba [mailto:jvotrub@yahoo.com]  
**Sent:** Tuesday, October 29, 2013 10:35 AM  
**To:** Darmanin, John  
**Subject:** 280 Union Street lot line windows

Dear Lieutenant Darmanin:

Referencing our recent telephone conversations, please refer to 280 Union Street permit application #2010-09-08-0424 addressing NOV 201031519 by legalizing 280 Union windows by installation of required window assemblies and sprinklers under the requirements of AB-009. A permit was issued on March 21, 2011.

The job card inspection record shows one signature by building department inspector, Donal Duffy, on 3/21/2011, none for the fire department.

My questions are these:

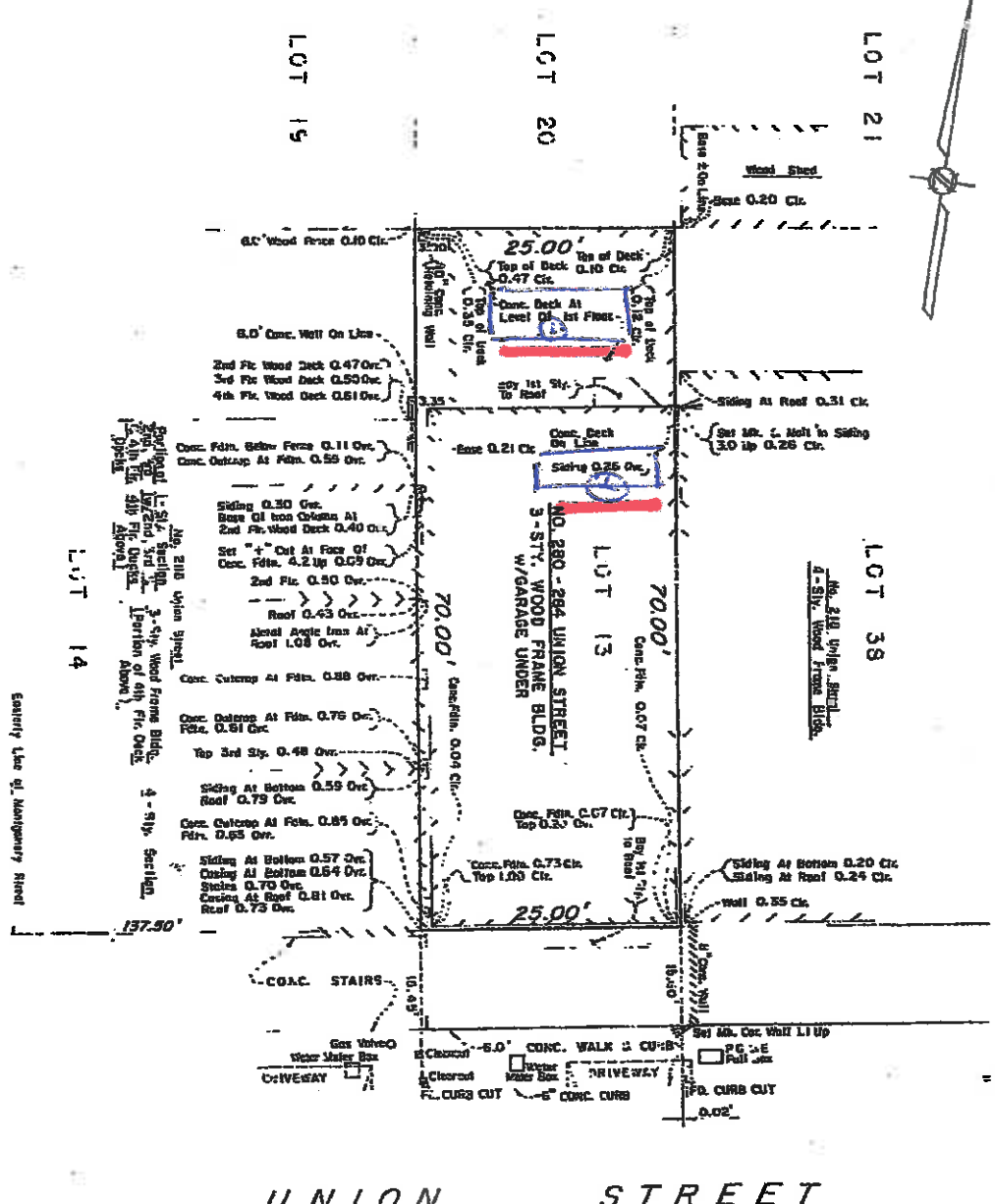
1. Was a fire department inspection made in connection with issuance of the permit ?
2. Is it a requirement that a fire department inspection be made in connection with issuing the permit ?

Thank you for your time and assistance.

John Votruba  
218 Union Street  
415-834-0508

... or ...

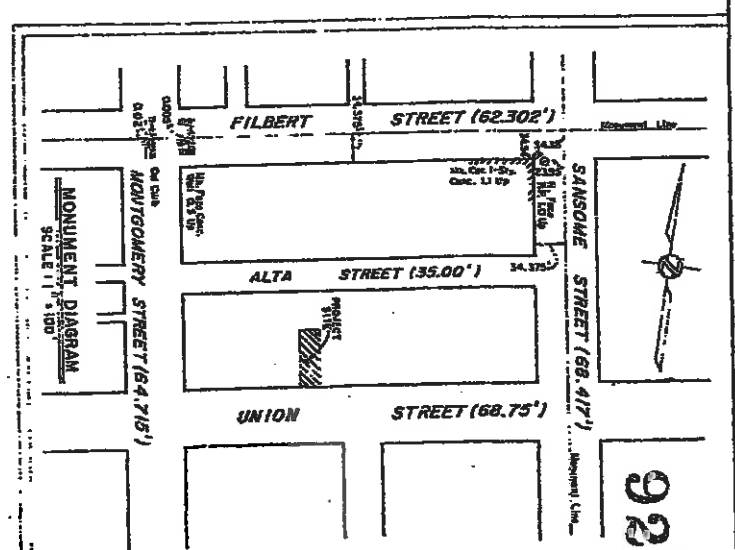
① CONCRETE DECK! NO REAR YARD  
 ② SIDING AT 280 is 0.26' over 218 property boundary.



**NOTES.**

- (1) Generated in accordance with Chicago Title Insurance Company Policyform (Form No. 41958 dated August 20, 1985).
- (2) For the purposes of clarity, the details near property lines are not necessarily shown to scale.
- (3) All property line angles are 90°.
- (4) DATUM: City and County of San Francisco.
- (5) Encroachment by the adjoining parcel property is hereby noted, and it shall be the responsibility solely of the property owners involved to resolve any issue which may arise therefrom.
- (6) Reference is made to Ordinance No. 4, under No. 80, Order No. 10348 (S), on file at the City Engineer's Office.
- (7) Measurements taken at the intersection of Union and Montgomery Streets on file in the City Engineer's Office.
- (8) Keys encroaching into the public streets are allowed by permit, subject to restrictions set forth in Section 4004 and 4504.1 of the San Francisco Building Code.

0.26' = 3.12 inches  
 x 144 (12")



MAP OF  
 280 - 284 UNION STREET  
 A CONDOMINIUM  
 SAN FRANCISCO, CALIFORNIA  
 BEING A SUBDIVISION OF REAL PROPERTY  
 ON A PORTION OF SD VANA BLOCK NO. 44  
 ALSO ASSESSOR'S BLOCK 108  
 TRONOFF ASSOCIATES - LAND SURVEYORS  
 900 PINE STREET  
 SAN FRANCISCO  
 985-3218  
 FEBRUARY, 1987

Exhibit # 12



# REUBEN, JUNIUS & ROSE, LLP

September 4, 2014

President Ann Lazarus  
San Francisco Board of Appeals  
1650 Mission Street, Room 304  
San Francisco, CA 94103

**Re:** Respondents' Opposition to Appeal of Building Permit No. 201111179101  
(Appeal No. 14-132)  
**Hearing Date:** September 10, 2014

Dear President Lazarus and Commissioners:

On behalf of the 280-284 Union Condominium Association ("Respondents"), the owners of the residential property at 280-284 Union Street (the "Property"), we write to oppose the appeal of Building Permit No. 201111179101 (the "Permit"). The Permit was properly issued by the Department of Building Inspection ("DBI") on June 25, 2014, authorizing in-kind replacement of two previously-existing roof deck areas that were removed as part of a permitted roof replacement in 2010.

The work contemplated under this Permit has undergone thorough review by DBI and the Planning Department, and has received an Administrative Certificate of Appropriateness ("ACOA"), confirming that the decking will not be visible from the public right of way and will be consistent with the character of the surrounding historic district. The allegations raised by Appellants in support of the appeal have already been investigated and dismissed by DBI and the Planning Department, and are largely unrelated to the limited scope of work approved under the Permit. Further, approval of the Permit is necessary to facilitate installation of guardrails and a parapet wall that will make the roof area safe for residents of the Property and satisfy the

James A. Reuben | Andrew J. Junius | Kevin H. Rose | Daniel A. Frattin  
Sheryl Reuben<sup>1</sup> | David Silverman | Thomas Tunny | Jay F. Drake | John Kevlin  
Lindsay M. Petrone | Melinda A. Sarjapur | Kenda H. McIntosh | Jared Eigerman<sup>2,3</sup> | John McInerney III<sup>2</sup>

1. Also admitted in New York 2. Of Counsel 3. Also admitted in Massachusetts

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requirements of a June 2013 Order of Abatement. For these reasons, Respondents ask that the Board deny this appeal and allow the project to proceed.

**A. Project History**

The property is located on the north side of Union Street between Montgomery and Sansome Streets (Assessor's Block 0106, Lot 065) in the North Beach neighborhood. The three-story-over-basement building was built in 1986, and is considered a non-contributor within the Telegraph Hill Historic District. The Property is located in an RH-3 (Residential House, Three Family) Zoning District and a 40-X Height and Bulk District.

The Property contains three condominium units. The first floor unit (284 Union) has been occupied by Clinton Choy since November 1991; the second-floor unit (282 Union) has been occupied by Noah and Monica Kadner since July 2012, and the third floor unit (280 Union) has been occupied by Bushra Khan since March 2010.

The roof deck areas were originally installed in 1988, pursuant to Building Permit Application ("BPA") No. 8707964. A copy of this permit and related plans are attached as Exhibit B. These roof deck areas predate all of the current owners, and were not altered from their original form during the occupancy of the Respondents. However, in May 2010 the roof decking and a parapet wall were removed as part of a project to install new roofing, pursuant to BPA 201004220825, attached as Exhibit C. The roofing replacement was necessary due to water leakage.

Replacement of the roof decks was not included within the scope of work for the 2010 roofing permit. Instead, the owners intended to apply for a separate permit to reconstruct the

decks after the new roofing was installed. Accordingly, in November 2011, the Respondents filed BPA No. 201111179101 (the "Permit," attached as Exhibit A), seeking to replace the removed parapet wall, railing, and roof deck areas with slight modifications.

Approval of the Permit was delayed while the Respondents sought an ACOA for the work (required in the Telegraph Hill Historic District) and responded to comments from the Planning and Building Departments.

In June 2013, while the Permit was still pending, DBI issued Order of Abatement No. 105454-A (attached as Exhibit D), requiring Respondents to re-install the parapet wall and guardrails at the building's rooftop. However, accrual of fines under the Order of Abatement was suspended pending approval of the Permit, which will encompass installation of the required parapet wall and guard rails.

Respondents were subsequently informed that the Planning Department would issue the ACOA for the work and sign-off on the Permit without further delay, if they agreed to eliminate all proposed modifications and *instead re-construct the deck as originally designed and approved in 1987*. In the interest of promptly completing the required work, Respondents agreed to this request.

On December 18, 2013, the Planning Department issued an ACOA for the project. Shortly thereafter, Appellants appealed issuance of the ACOA, *raising nearly identical grounds to those presented in their current brief*. On January 15<sup>th</sup>, 2014, the Historic Preservation Commission upheld the Department's issuance of the ACOA, confirming that the minor in-kind

roof deck replacement will have no negative effects upon the surrounding historic district, and that the new decking will not be visible from the public right of way.

At the January 15<sup>th</sup> hearing, Tim Frye of the Planning Department also confirmed that the Building Code violations alleged by Appellants (i.e. previous unauthorized construction and demolition activities at the Property; construction of roof deck areas “outside the buildable area”; installation of unpermitted stair penthouses; etc.) *had already been investigated and dismissed by the Planning Department’s Code enforcement team*. A copy of the transcript from this hearing is attached as Exhibit G.

The Permit was finally issued by DBI on May 6<sup>th</sup>, 2014, and Respondents are now eager to move forward with the work and to comply with Order of Abatement No. 105454-A. However, Appellants filed the current appeal in August 2014, further delaying construction.

**B. The Permit Was Properly Issued and Complies with All Applicable Code Requirements**

Appellants raise a number of inaccurate and unsupported claims in support of the current appeal, including allegations that “insufficient buildable area” exists at the Property; that the plans contain misrepresentations; and that the underlying work has been improperly characterized. As previously reviewed and confirmed by the Planning Department and DBI, these allegations are meritless. The San Francisco Fire Department (“SFFD”) also carried out extensive review for Code compliance before the Permit was finally granted. Although many of the claims raised by Appellants are unrelated to the roof deck replacement work approved under the Permit, we have briefly addressed each below.

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*i. Project Will Have No Affect on Buildable Area At the Property*

Appellants assert that “insufficient buildable area” exists at the site, due to existing building height and a mischaracterization of the building as a 3-story (versus 4-story) structure. However, the project will not install features that count toward the calculation of building height under the Planning Code, and will not exceed the Property’s 40-foot height limit. The building’s chimneys, stair penthouse, and skylights were all installed in the 1980s, have not been removed, and would not be altered or expanded by the project. Rather, the project will install decking on a flat roof behind a 40-inch tall parapet wall at the front of the building and a 30-inch tall parapet along the side of the building. The railings and parapet wall areas are exempt from the calculation of building height pursuant to Planning Code Section 260(b)(2)(A), and are being installed to ensure the safety of building residents. The roof decking will not be visible from the public-right of way. Further, DBI has thoroughly reviewed Permit plans and determined that the scope of work will not exceed height restrictions at the site. A copy of Complaint No. 210316201, in which DBI investigated the building height complaint raised by Appellants and determined that no violations exist, is attached in Exhibits E. A copy of Complaint No. 201308589, in which DBI confirmed that the building is properly defined as a 3-story-over-basement structure, is attached in Exhibit E.

Appellants also claim that the proposed work falls outside of “buildable area” because “[p]ermit applicant fraudulently calls a rear concrete deck over an above grade and nearly full lot garage a *rear yard*.” This complaint is unrelated to the proposed in-kind roof deck replacement, which would have no affect on the referenced concrete deck area. Further, the Code-compliance

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of the concrete deck area over the existing garage was investigated and confirmed by DBI in response to Complaint No. 201316211, attached as Exhibit E.

***ii. Plans Associated with the Permit are Accurate and Complete***

Appellants assert that Respondents have misrepresented key aspects of the Permit and related plans. These allegations are unsupported, repetitive, and have been directly contradicted by previous DBI investigations documented in Complaint Nos. 201316211, 201308341, 201308589, and 201316201, and attached as Exhibit E. Further, the Permit application was prepared and submitted by a licensed San Francisco architect practice, Kotas/Pantaleoni Architects, applying significant experience and high-level of professional skill. The associated plans, attached as Exhibit A, are based on BPA 8707964, which authorized installation of the original roof decks in 1987. Current Code requirements were incorporated into the plans as required, and they were thoroughly reviewed and found accurate and complete by DBI and the Planning Department as part of the Permit approval process.

***iii. Project Will Not Effect the Telegraph Hill Historic District***

On December 18, 2013, the Planning Department issued an ACOA for work under the Permit. A copy of this document is attached as Exhibit F. The ACOA confirms that the Permit's minor scope of work will not negatively effect on the surrounding historic district. The ACOA represents the Department's official determination that the project will be in compliance with the *Secretary of the Interior's Standards for Rehabilitation*, and finds that the roof deck areas will not be visible from the public right of way, and will not affect any distinctive features, finishes, or construction techniques that characterize the landmark district.

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***iv. Project Is Limited to In-Kind Replacement of Previously-Existing Roof Decks***

Appellants allege that the scope of work described under the current Permit is inaccurate. This allegation is untrue. The roof deck areas predate the occupancy of Respondents, but were removed as part of a roof replacement project in 2010. The Permit and associated plans, attached as Exhibit A, expressly state that the project is *limited to “in-kind replacement of existing roof decking and hand rails as per approved permit application 8707964/R-2”* (the original 1987 permit authoring installation of the roof deck areas). A side-by-side comparison of plans submitted with the 1987 permit and current Permit (attached as Exhibits A and B) show that the work is limited to in-kind replacement of the previously-existing deck areas, as approved in 1987. Further, DBI has previously verified that remaining rooftop features were constructed as approved by the original 1987 permit. This is documented in Complaint No. 2013.16201, attached as Exhibit E.

***v. No Evidence of Structural Deficiencies At Property***

The plans have been thoroughly vetted by the project architect, Planning Department, DBI and SFFD, with no structural deficiencies noted.

***vi. Public Views Will Not Be Affected***

Appellants claim that an existing stair penthouse is unpermitted and “blocks views from the public access ways of Upper and Lower Calhoun Terrace.” This is inaccurate and falls outside of the limited scope of work under the Permit. The project will not alter or replace the existing stair penthouse. Further, DBI has confirmed in Complaint No. 201316201, attached as Exhibit E, that existing roof top elements at the Property were constructed as per approved plans.

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The ACOA, attached as Exhibit E, also confirms that roof decking constructed under the Permit will not be visible from the public right of way, and that guardrails will be only minimally visible.

**C. Prior Site History Not Pertinent to the Current Permit**

Appellants brief also alleges a number of prior building violations occurring at the Property, dating back to the 1980s. Each of these claims have already been investigated by DBI and found to be without merit. More importantly, however, *they are not pertinent to the current Permit or appeal*, but are instead indicative of previous disputes. In fact, in response to receiving and processing many of the same complaints posed in Appellants' brief in November 2013, Chief Building Inspector Patrick Riordan wrote a letter pleading for owners of both properties to resolve their neighborly differences and to refrain from abusing City's valuable resources by lodging multiple and mostly baseless complaints. A copy of this letter is attached as Exhibit H.

**D. Conclusion**

The Permit was properly issued by DBI following a thorough review process. The project is limited to in-kind replacement of previously-existing roof deck areas that were removed in 2010 as part of a roof replacement. Further, the project is necessary for Respondents to install new parapet wall and guardrails as required by 2013 Order of Abatement. Appellants' unsupported claims have already been investigated and dismissed by the Planning Department and DBI. Respondents have met all requirements of the City's permit approval process, attended

President Lazarus and Commissioners  
San Francisco Board of Appeals  
September 4, 2014  
Page 9

all hearings to affirm the integrity of their project, and have incurred significant expenses. For these reasons, we urge you to reject this appeal and allow this project to move forward.

Very truly yours,

REUBEN, JUNIUS & ROSE, LLP



Melinda A. Sarjapur

cc: Arcelia Hurtado, Vice President  
Commissioner Frank Fung  
Commissioner Darryl Honda  
Cynthia Goldstein, Board of Appeals  
Clint Choy, et al., Respondents  
John and Teresa Votruba, Appellants

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**Exhibit A**

City and County of  
**San Francisco**

- Home
- Permit Services
- Plan Review
- Inspection Services
- Most Requested
- Other Services
- About Us

Home » Most Requested <="">

## Permits, Complaints and Boiler PTO Inquiry



### Permit Details Report

**Report Date:** 7/25/2014 9:32:13 AM

**Application Number:** 201111179101

**Form Number:** 3

**Address(es):**  
 0106 / 065 / 0 280 UNION ST  
 0106 / 064 / 0 282 UNION ST  
 0106 / 063 / 0 284 UNION ST

**Description:** REPLACE EXTG ROOF DECKING AND HANDRAILS. SCOPE OF WORK ALSO TO COMPLY WITH COMPLAINT #201049586

**Cost:** \$3,000.00

**Occupancy Code:** R-2

**Building Use:** 24 - APARTMENTS

#### Disposition / Stage:

Action Date	Stage	Comments
11/17/2011	TRIAGE	
11/17/2011	FILING	
11/17/2011	FILED	
5/6/2014	PLANCHECK	
5/6/2014	APPROVED	
6/25/2014	ISSUED	
7/11/2014	SUSPEND	per BOA's request dated 7/10/2014

#### Contact Details:

#### Contractor Details:

**License Number:** 681374

**Name:** KEVIN PHILLIP SULLIVAN

**Company Name:** KEVIN SULLIVAN CONSTRUCTION INC.

**Address:** 140 CHAVES ST \* SAN FRANCISCO CA 94127-0000

**Phone:** 6816418

#### Addenda Details:

#### Description:

Step	Station	Arrive	Start	In Hold	Out Hold	Finish	Checked By	Hold Description
1	BID-INSP	11/17/11	11/17/11			11/17/11	HAJNAL STEVEN	
2	HIS	11/17/11	11/17/11			11/17/11	YAN BRENDA	
3	INTAKE	11/17/11	11/17/11			11/17/11	SHAWL HAREGGEWAIN	
4	SFFD	4/22/13	4/22/13			4/22/13	GALLOT ROBERT	Originally labeled as N/A at counter. Per Lt. Darmanin...route to SFFD for further review and determination. jfd 5-4-13
5	CPB	4/23/13	4/23/13			4/23/13	LEE ANITA	
6	CP-ZOC	4/23/13	1/31/14			1/31/14	YEGAZU LILY	
7	BLDG	1/31/14	2/10/14			2/10/14	PANG DAVID	
								comments 1st issued 2/20/14 via email ..kicked

8	SFFD	2/12/14	2/13/14	2/28/14	3/19/14	3/19/14	BOWDEN ATTICA	back..faxed on 2/28/14 adb 2nd recheck 3.19.14 adb
9	BLDG	3/20/14	3/28/14			3/28/14	PANG DAVID	Review revision R2 set.
10	CP-ZOC	3/28/14	5/1/14			5/1/14	YEGAZU LILY	5/6/14: DCP 1 HOUR BACK PER YK. WF
11	PPC	5/1/14	5/1/14			5/5/14	THAI SYLVIA	
12	CPB	5/5/14	5/6/14			6/25/14	SECONDEZ GRACE	6/25/14: issued. gs 05/06/2014:APPROVED PG

This permit has been issued. For information pertaining to this permit, please call [415-558-6096](tel:415-558-6096).

**Appointments:**

Appointment Date	Appointment AM/PM	Appointment Code	Appointment Type	Description	Time Slots
7/1/2014	AM	CS	Clerk Scheduled	START WORK	1

**Inspections:**

Activity Date	Inspector	Inspection Description	Inspection Status
7/1/2014	Robert Power	START WORK	SITE VERIFICATION

**Special Inspections:**

Addenda No.	Completed Date	Inspected By	Inspection Code	Description	Remarks
-------------	----------------	--------------	-----------------	-------------	---------

For information, or to schedule an inspection, call 558-6570 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](#).

### City Information

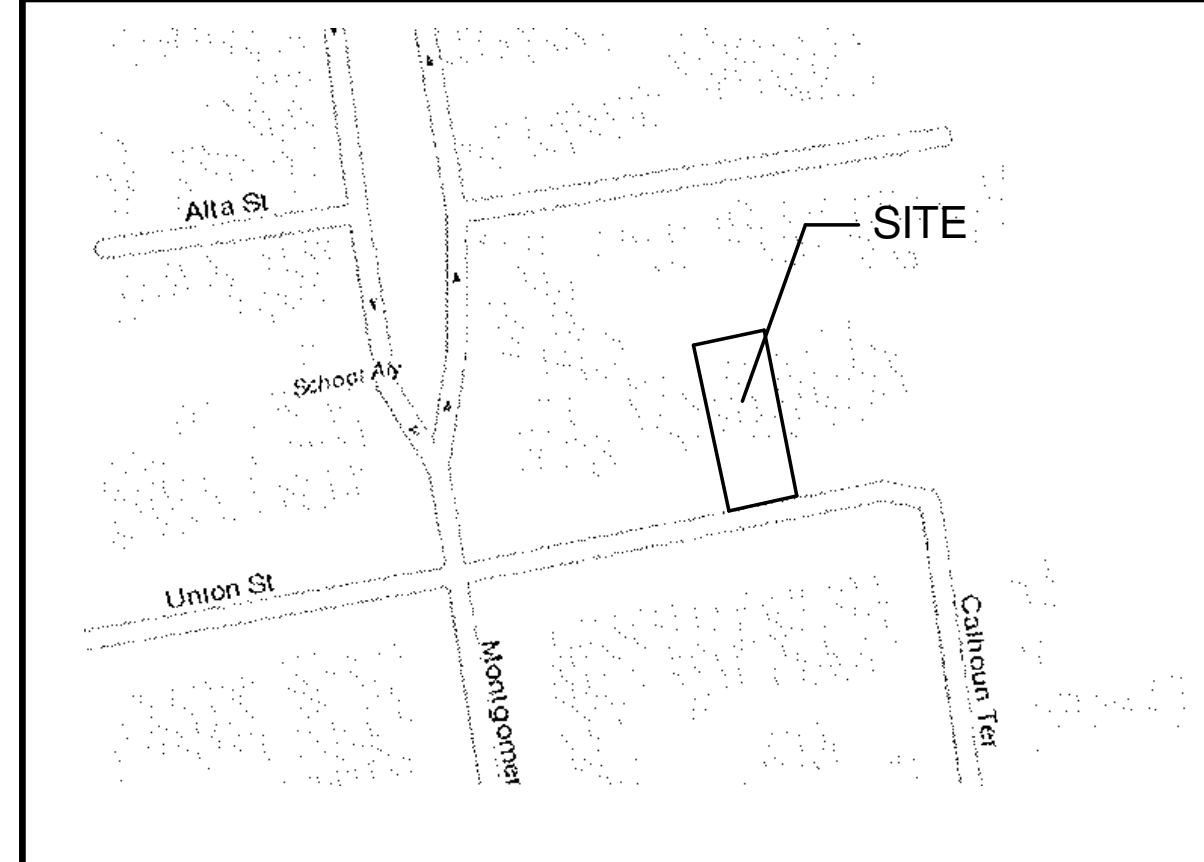
**280, 282, 284 UNION STREET**  
 BLOCK: 0106  
 LOT: 065, 064, 063  
 ZONING: RH-3  
 HT. LIMIT: 40-X  
 OCCUPANCY: R1  
 CONSTRUCTION: TYPE V-B

**BUILDING CODE:**  
 2010 CALIFORNIA BUILDING CODE (CBC)  
 2010 SAN FRANCISCO ADDENDUMS TO CBC  
 2010 ENERGY CODE - TITLE 24  
 2010 SAN FRANCISCO MECH. & ELEC. CODES  
 2010 SAN FRANCISCO FIRE CODES

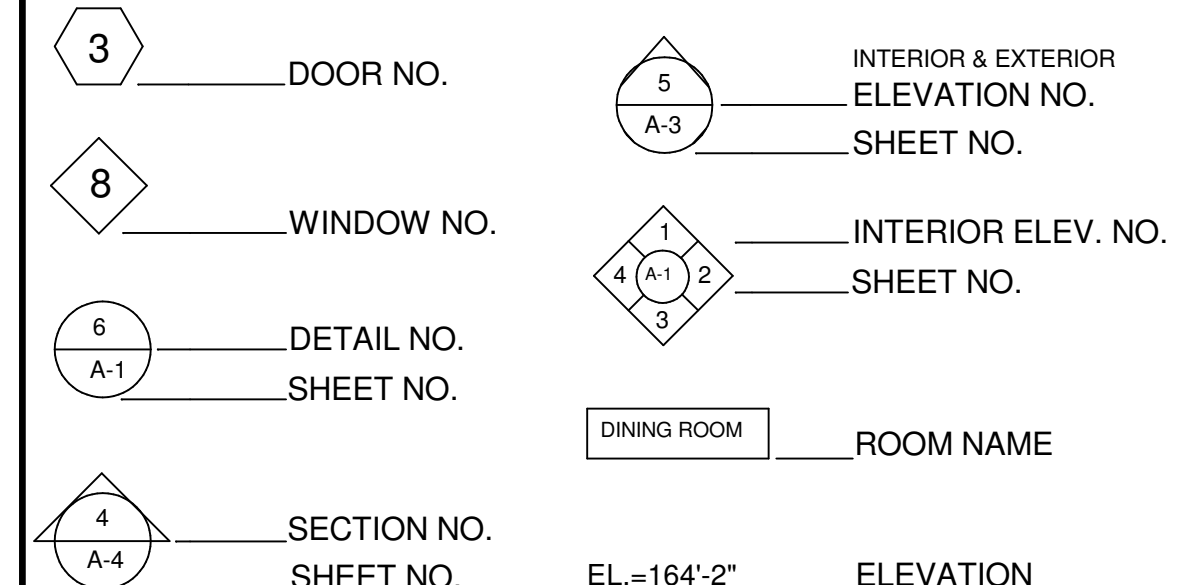
### Schedule of Drawings

**ARCHITECTURAL**  
 A1.0 SITE PLAN, CITY INFORMATION: PLANS AND DETAIL

### Vicinity Map



### Symbols



### Abbreviations

&	AND	FDN.	FOUNDATION	PT.	POINT
<	ANGLE	FIN.	FINISH	PTN.	PARTITION
@	AT	FL.	FLOOR	R.	RISER
○	CENTERLINE	FLUOR.	FLUORESCENT	R.D.	ROOF DRAIN
∅	DIAMETER OR ROUND	F.O.C.	FACE OF CONCRETE	REF.	REFRIGERATOR
⊙	POUND OR NUMBER	F.O.F.	FACE OF FINISH	REINF.	REINFORCED
—	PROPERTY LINE	F.O.C.	FACE OF STUDS	REQ.	REQUIRED
ABV	ABOVE	FTG.	FOOTING	RM.	ROOM
AC	AIR CONDITIONER	FURR.	FURRING	R.O.	ROUGH OPENING
ADJ.	ADJUSTABLE	FUT.	FUTURE	RWD.	REDWOOD
A.F.F.	ABOVE FINISH FLOOR	GA.	GALVANIZED	R.W.L.	RAIN WATER LEAF
AL.	ALUMINUM	GD.	GRADE	S.C.	SOLID CORE
APPROX.	APPROXIMATE	GYP.	GYP. GYPSUM	SCHED.	SCHEDULE
ARCH.	ARCHITECTURAL	H.B.	HOSE BIB	SECT.	SECTION
BD.	BOARD	H.C.	HANDICAPPED	SH.	SIMILAR
BLDG.	BUILDING	H.C.	HOLLOW CORE	SPEC.	SPECIFICATION
BLK.	BLOCK	H.C.	HOLLOW CORE	SQ.	SQUARE
BLKG.	BLOCKING	H.C.	HOLLOW CORE	SST.	STAINLESS STEEL
BM.	BEAM	HDW.	HARDWARE	STD.	STANDARD
B.W.	BOTTOM OF WALL	HT.	HEIGHT	STL.	STEEL
CAB.	CABINET	HT.	HEIGHT	STOR.	STORAGE
CER.	CERAMIC	HT.	HEIGHT	STOR.	STORAGE
CLG.	CEILING	HT.	HEIGHT	STOR.	STORAGE
CL.	CLOSET	HT.	HEIGHT	STOR.	STORAGE
CLR.	CLEAR	HT.	HEIGHT	STOR.	STORAGE
COL.	COLUMN	HT.	HEIGHT	STOR.	STORAGE
CONC.	CONCRETE	HT.	HEIGHT	STOR.	STORAGE
CONT.	CONTINUOUS	HT.	HEIGHT	STOR.	STORAGE
CTR.	CENTER	HT.	HEIGHT	STOR.	STORAGE
DBL.	DOUBLE	HT.	HEIGHT	STOR.	STORAGE
DEPT.	DEPARTMENT	HT.	HEIGHT	STOR.	STORAGE
D.F.	DRINKING FOUNTAIN	HT.	HEIGHT	STOR.	STORAGE
DET.	DETAIL	HT.	HEIGHT	STOR.	STORAGE
DIA.	DIAMETER	HT.	HEIGHT	STOR.	STORAGE
DIM.	DIMENSION	HT.	HEIGHT	STOR.	STORAGE
DN.	DOWN	HT.	HEIGHT	STOR.	STORAGE
DTL.	DETAIL	HT.	HEIGHT	STOR.	STORAGE
DW.	DISHWASHER	HT.	HEIGHT	STOR.	STORAGE
DWG.	DRAWING	HT.	HEIGHT	STOR.	STORAGE
(E)	EXISTING	HT.	HEIGHT	STOR.	STORAGE
EA.	EACH	HT.	HEIGHT	STOR.	STORAGE
EL.	ELEVATION	HT.	HEIGHT	STOR.	STORAGE
ELEC.	ELECTRICAL	HT.	HEIGHT	STOR.	STORAGE
ELEV.	ELEVATOR	HT.	HEIGHT	STOR.	STORAGE
EQ.	EQUAL	HT.	HEIGHT	STOR.	STORAGE
EQPT.	EQUIPMENT	HT.	HEIGHT	STOR.	STORAGE
F.P.	F.P.	HT.	HEIGHT	STOR.	STORAGE
(N)	NOT IN CONTRACT	HT.	HEIGHT	STOR.	STORAGE
N.I.C.	NOT IN CONTRACT	HT.	HEIGHT	STOR.	STORAGE
NO. OR #	NUMBER	HT.	HEIGHT	STOR.	STORAGE
N.T.S.	NOT TO SCALE	HT.	HEIGHT	STOR.	STORAGE
O.C.	ON CENTER	HT.	HEIGHT	STOR.	STORAGE
O.D.	OUTSIDE DIAMETER	HT.	HEIGHT	STOR.	STORAGE
PI	PI	HT.	HEIGHT	STOR.	STORAGE
PI & TZE	PI & TZE	HT.	HEIGHT	STOR.	STORAGE
W.	WITH	HT.	HEIGHT	STOR.	STORAGE
W.C.	WATER CLOSET	HT.	HEIGHT	STOR.	STORAGE
WID.	WASHER/DRYER	HT.	HEIGHT	STOR.	STORAGE
WD.	WOOD	HT.	HEIGHT	STOR.	STORAGE
WDO.	WINDOW	HT.	HEIGHT	STOR.	STORAGE
W/O	WITHOUT	HT.	HEIGHT	STOR.	STORAGE
WP.	WATERPROOF	HT.	HEIGHT	STOR.	STORAGE
WT	WATERPROOF	HT.	HEIGHT	STOR.	STORAGE

### General Notes

- ALL DIMENSIONS SHOWN ARE TO FACE OF STUD, FACE OF CONCRETE, OR FACE OF BLOCK, U.O.N. VERTICAL DIMENSIONS ARE SHOWN TO TOP OF SLAB, FLOOR JOISTS OR FLOOR FRAMING.
- CONTRACTOR AND SUBCONTRACTORS SHALL FAMILIARIZE THEMSELVES WITH EXISTING CONDITIONS PRIOR TO COMMENCING WORK.
- DO NOT SCALE DRAWINGS. WRITTEN DIMENSIONS TAKE PRECEDENCE. CONTRACTOR TO NOTIFY ARCHITECT OF ANY DISCREPANCIES BETWEEN FIELD CONDITIONS AND DIMENSIONS/CONDITIONS SHOWN IN THESE DRAWINGS.
- MECHANICAL, PLUMBING, ELECTRICAL AND SPRINKLER PERMITS SHALL BE THE RESPONSIBILITY OF THOSE SUBCONTRACTORS.
- AUTOMATIC FIRE SPRINKLER SYSTEM DESIGN AND CONSTRUCTION IS TO BE PERFORMED UNDER A SEPARATE PERMIT OBTAINED BY THE FIRE PROTECTION SUBCONTRACTOR. FIRE SPRINKLERS ARE DESIGNED TO BE ZONED BY FLOOR, FIRE ALARM ZONED BY FLOOR AND DEVICE.
- STREET AND SIDEWALK IMPROVEMENTS SHALL BE CONDUCTED UNDER SEPARATE PERMITS.
- CONTRACTOR SHALL REVIEW AND UTILIZE SPECIFICATIONS PROVIDED IN CONJUNCTION WITH THIS SET OF CONSTRUCTION DOCUMENTS. ARCHITECT SHOULD BE NOTIFIED OF ANY DISCREPANCY BETWEEN DRAWINGS AND SPECIFICATIONS.
- ELEVATOR TO COMPLY WITH CODES SET FORTH IN CHAPTER 30 OF THE UBC. INSTALLATION OF THE ELEVATOR ACCESS HATCH WILL BE IN COMPLIANCE WITH NFPA 72, 1996 EDITION, UNDER SEPARATE PERMIT.
- SHORING AND UNDERPINNING WORK TO BE UNDER SEPARATE PERMITS.
- ALL WORK PERFORMED WILL COMPLY WITH THE AMERICAN DISABILITIES ACT OUTLINED IN SECTIONS 10811 IN THE CBC. SEE SHEET A1.2 FOR STANDARD ACCESSIBILITY DETAILS APPLICABLE THROUGHOUT PROJECT.
- SOUND TRANSMISSION CONTROL TO BE PROVIDED AS REQUIRED BY APPENDIX CHAPTER 35, 1992 SFBC (STC AND IIC OF 50 BETWEEN UNITS).
- THE BUILDING SHALL COMPLY WITH VENTILATION REQUIREMENTS. SEE CODE SECTION 1202.2.7

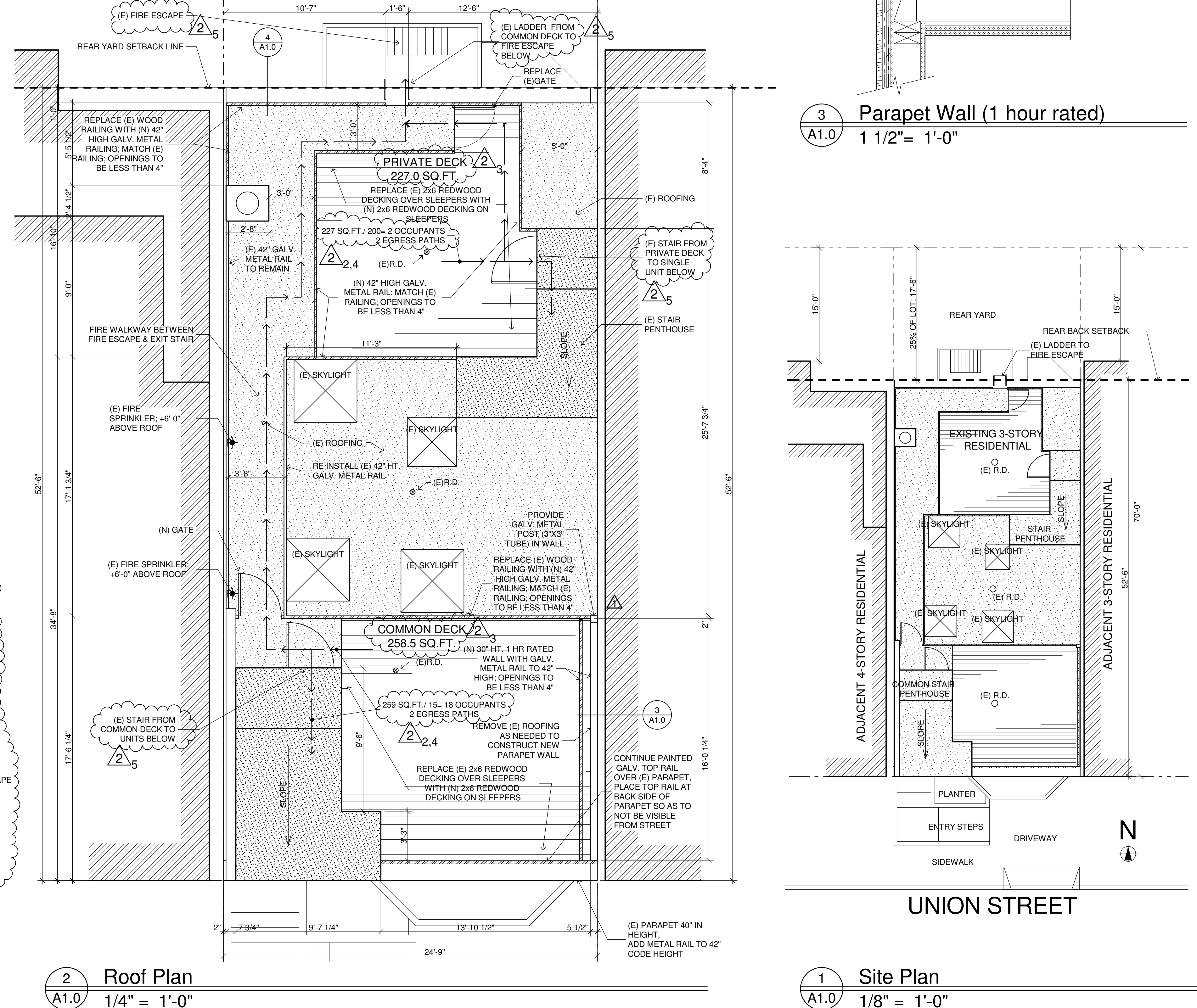
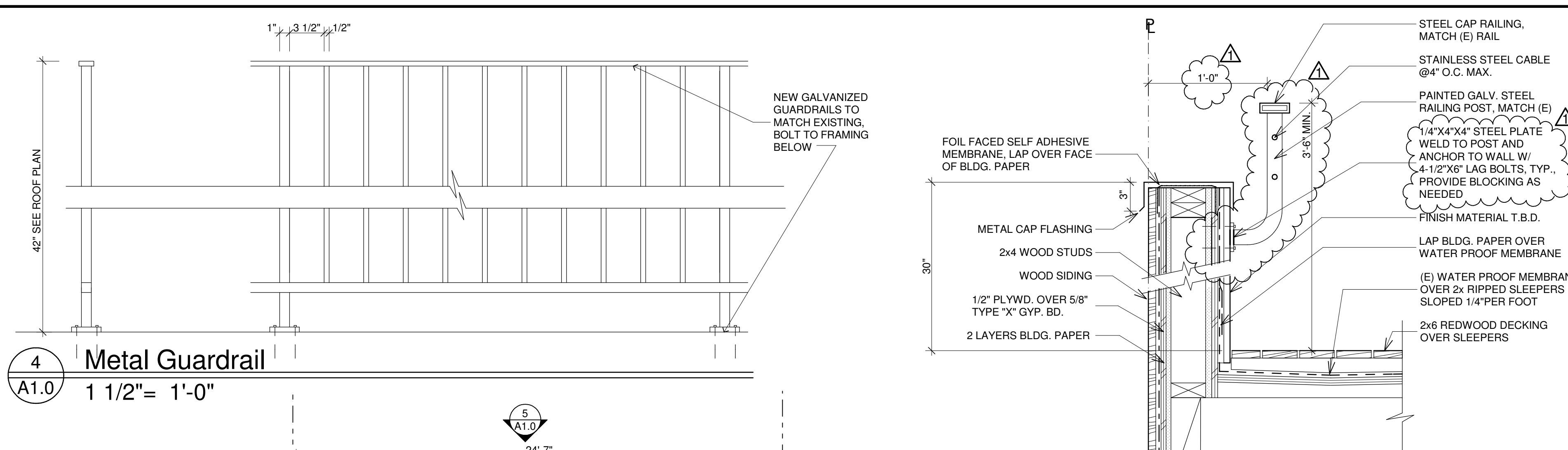
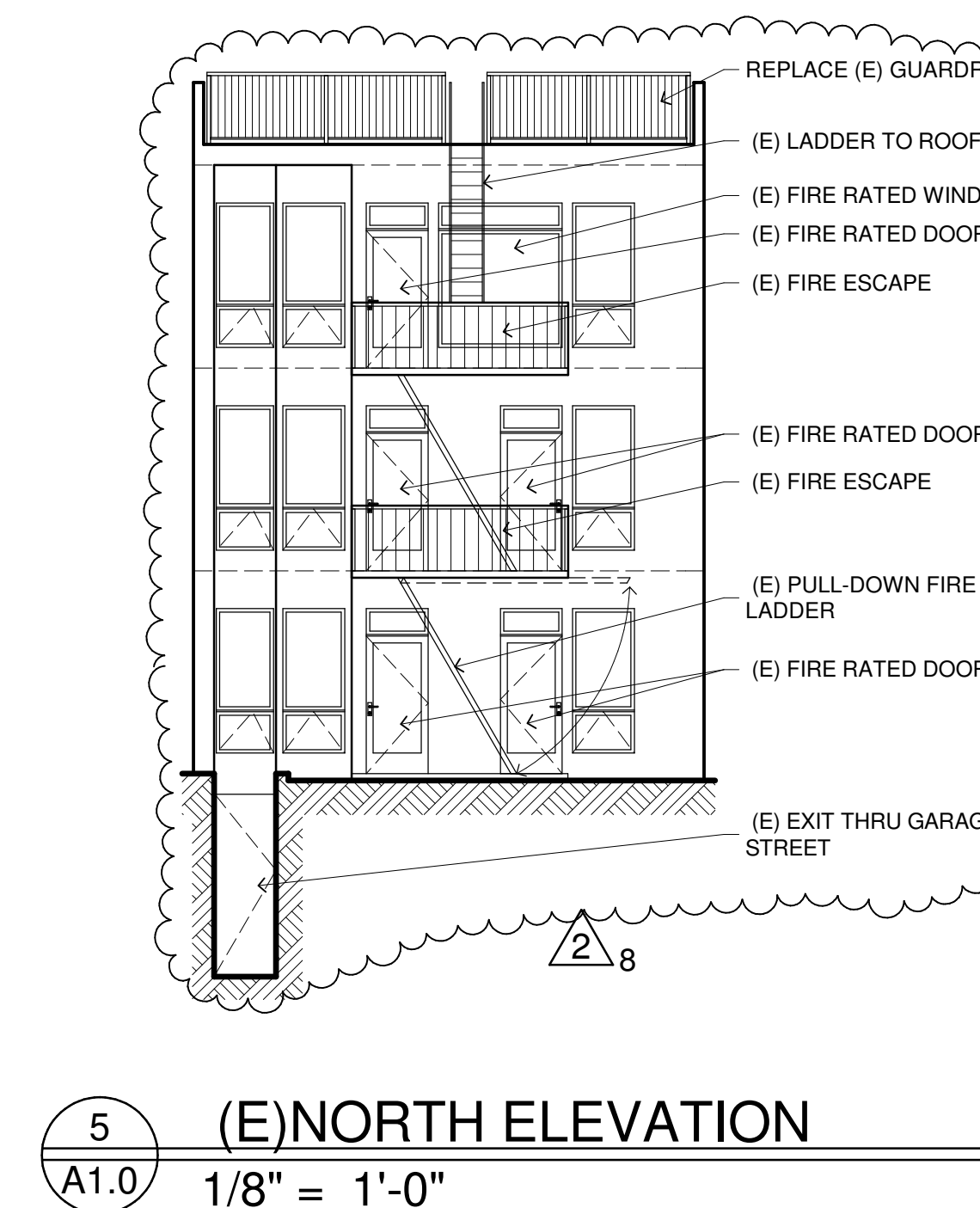
### Project Directory

**CLIENT**  
 CLINTON CHOY  
 284 UNION STREET  
 SAN FRANCISCO, CA 94127  
 415-399-9501

**ARCHITECT**  
 TONY PANTALEONI  
 KOTAS/PANTALEONI ARCHITECTS  
 70 ZOE STREET, SUITE 200  
 SAN FRANCISCO, CA. 94107  
 415-495-4051  
 415-495-6885 FAX

### Scope of Work

"IN-KIND" REPLACEMENT OF EXISTING ROOF DECKING AND HANDRAILS AS PER APPROVED PERMIT APPLICATION #8707964/R-2



**Kotas/Pantaleoni Architects**  
 Anthony A. Pantaleoni  
 LEED AP

70 Zoe Street Suite 200  
 San Francisco, California 94107  
 1.415.495.4051  
 1.415.495.6885

Revisions	By
Revisions 11.12.13	AJ
F.D. REVISIONS 03.10.14	BM

## ROOF DECK "IN-KIND" REPLACEMENT 280 - 284 UNION STREET SAN FRANCISCO, CA 94127

Sheet Title:  
**Site & City info:  
 Plans and Detail**

Scale:  
 As Noted

Date:  
 8.2.13

Drawn By:  
 MKG

Job Number:  
 4-211

Sheet:  
**A1.0  
 PERMIT SET**

**Exhibit B**

## Permits, Complaints and Boiler PTO Inquiry

### Permit Details Report

**Report Date:** 9/3/2014 7:16:40 PM

Application Number: 8707964  
 Form Number: 3  
 Address(es): 0106/065/0 280 UNION ST  
 0106/013/1 280 UNION ST  
 Description: NEW ROOF DECK  
 Cost: \$8,200.00  
 Occupancy Code: R-1  
 Building Use: 24 - APARTMENTS

### Disposition / Stage:

Action Date	Stage	Comments
6/9/1987	FILED	
11/9/1987	APPROVED	
11/18/1987	ISSUED	
7/27/1988	COMPLETE	

### Contact Details:

### Contractor Details:

### Addenda Details:

#### Description:

Step	Station	Arrive	Start	In Hold	Out Hold	Finish	Checked By	Hold Description
o	CNT-CE					6/22/87		LOG OUT/NO WORK DONE;ROUTE BACK TO CNT-PC/REVISION
o	CNT-CE					10/14/87		
o	CNT-PC					6/17/87		
o	HIS					6/17/87		
o	CNT-PC					10/14/87		
o	CP-ZOC					11/5/87		
o	CPB					10/14/87		ROUTE BACK TO CNT-PC PER W.L.
o	CNT-PC					9/9/87		HELD OVER 60-DAYS/READY FOR CANCELLATION

This permit has been issued. For information pertaining to this permit, please call 415-558-6096.

### Appointments:

Appointment Date	Appointment AM/PM	Appointment Code	Appointment Type	Description	Time Slots
------------------	-------------------	------------------	------------------	-------------	------------

### Inspections:

Activity Date	Inspector	Inspection Description	Inspection Status
---------------	-----------	------------------------	-------------------

### Special Inspections:

Addenda No.	Completed Date	Inspected By	Inspection Code	Description	Remarks
-------------	----------------	--------------	-----------------	-------------	---------

For information, or to schedule an inspection, call 558-6570 between 8:30 am and 3:00 pm.

[Station Code Descriptions and Phone Numbers](#)

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

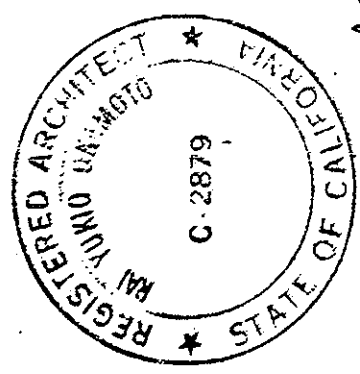
### Technical Support for Online Services

If you need help or have a question about this service, please visit our FAQ area.



**OKAMOTO  
MURATA  
MITTELSTADT**  
ARCHITECTS & PLANNERS

1533 STOCKTON STREET  
SAN FRANCISCO CA 94133  
415 397-6677



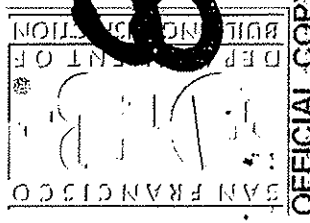
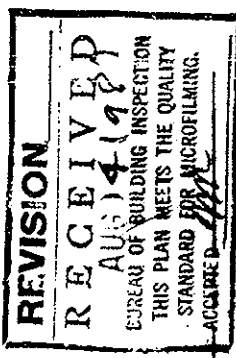
*Ryo Yuki Okamoto*

NEW DECK & WALKWAY  
MADE WITH SOLID MINERAL SURFACED  
FIBER FELT W/ EDGES  
ROLLED DOWN ONTO ROOF  
ON 3/4" T&G PLYWOOD  
SCREWED ONTO 2x4  
SLEEPERS, HOT MOPPED  
INTO BUILT-UP ROOFING  
MEMBRANE AS PER  
UBC '79 SEC 3203

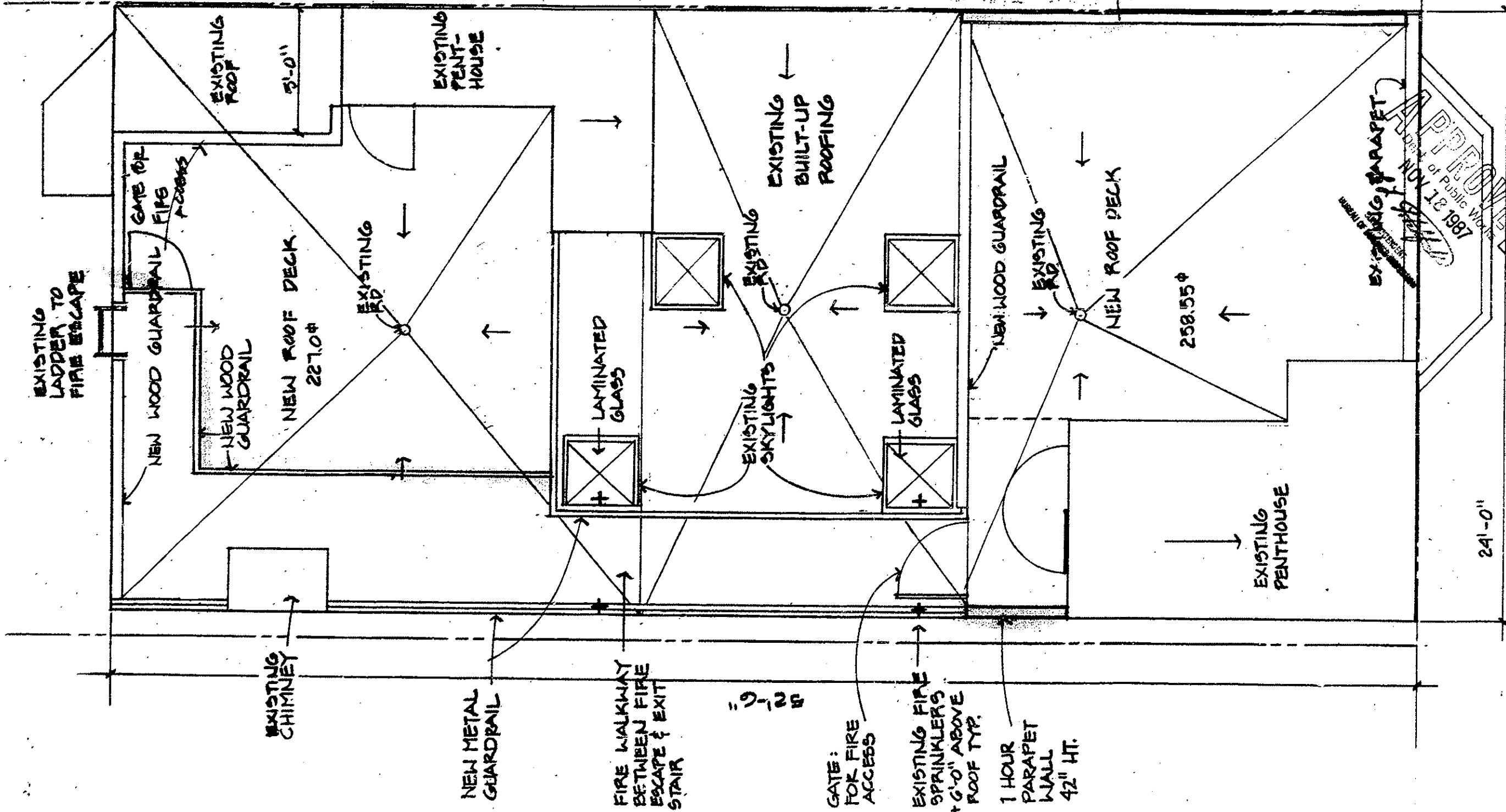
NEW 1/2 HGT. GUARDRAILS  
42" IN HEIGHT WITH  
INTERMEDIATE POSTS  
SUCH THAT A SPHERE  
9" IN DIAMETER CANNOT  
PASS THROUGH AS PER  
UBC '79 SEC 1716.  
NEW METAL RAILING  
IF WITHIN 5' OF PROPERTY  
LINE.

1 HOUR  
PARAPET WALL  
42" HT

NEW DECK @  
280 UNION ST.  
SF CA 94133



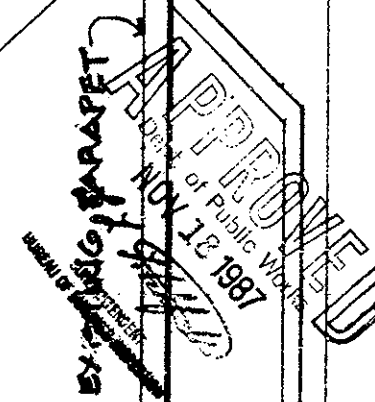
OFFICIAL COPY



EXISTING ROOF PLAN

8707964 / 12-2

DRAWN BY: 6/15/87  
BY



REVISION RECEIVED  
AUG 14 1987  
BUREAU OF BUILDING INSPECTION  
THIS PLAN MEETS THE QUALITY  
STANDARD FOR MICROFILMING.



**Exhibit C**

# City and County of San Francisco

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- Other Services
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## Permits, Complaints and Boiler PTO Inquiry



### Permit Details Report

**Report Date:** 6/30/2013 9:43:16 AM

**Application Number:** 201004220825  
**Form Number:** 8

**Address(es):** 0106 / 065 / 0 280 UNION ST  
 0106 / 063 / 0 284 UNION ST

**Description:** REROOFING  
**Cost:** \$16,150.00  
**Occupancy Code:** R-3  
**Building Use:** 24 - APARTMENTS

**Disposition / Stage:**

Action Date	Stage	Comments
4/22/2010	TRIAGE	
4/22/2010	FILING	
4/22/2010	FILED	
4/22/2010	APPROVED	
4/22/2010	ISSUED	
5/3/2010	COMPLETE	Final Inspection/Approved

**Contact Details:**

**Contractor Details:**

**License Number:** 731731  
**Name:** CATHINA LEE  
**Company Name:** TOM LEE ROOFING INC  
**Address:** 243 ONONDAGA AV \* SAN FRANCISCO CA 94112-0000  
**Phone:** 4153335373

**Addenda Details:**

**Description:**

Step	Station	Arrive	Start	In Hold	Out Hold	Finish	Checked By	Hold Description
1	BLDG	4/21/10	4/21/10			4/21/10	VALLE JAIME	
2	CP-ZOC	4/21/10	4/21/10			4/21/10	McCORMICK JIM	
3	SFFD	4/22/10	4/22/10			4/22/10	DARMANIN JOHN	
4	MECH	4/22/10	4/22/10			4/22/10		N/A
5	CPB	4/22/10	4/22/10			4/22/10	SHAWL HAREGGEWAIN	

This permit has been issued. For information pertaining to this permit, please call 415-558-6096.

**Appointments:**

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

Inspection Date	Inspection AM/PM	Inspection Code	Inspection Type	Description	Time Slots
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Activity Date	Inspector	Inspection Description	Inspection Status
5/3/2010	Michael Quinlan	FINAL INSPECT/APPRVD	FINAL INSPECT/APPRVD

**Special Inspections:**

Addenda No.	Completed Date	Inspected By	Inspection Code	Description	Remarks
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For information, or to schedule an inspection, call 558-6570 between 8:30 am and 3:00 pm.

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

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[Contact SFGov](#)   [Accessibility](#)   [Policies](#)

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**Exhibit D**



Date: June 28, 2013

Property Address: 280 Union Street

Block: 0106 Lot: 065 Seq. 00

Complaint No.: 201049586

Director's Order No.: 105454-A

Khan Bushra  
280 Union Street  
San Francisco, CA 94133

INITIAL BILL- Assessment of Costs  
Code Enforcement Section

Dear Property Owner(s):

Our records show that all required work was not completed PRIOR TO THE DIRECTOR'S HEARING AND RECORDATION OF THE ORDER OF ABATEMENT ON THE TITLE OF THIS PROPERTY. THIS RESULTED IN THE ACCRUAL OF AN ASSESSMENT OF COSTS pursuant to Sections 102.2 & 102.16 of the San Francisco Building Code. These code sections require that this Department's cost of preparation for and appearance at the hearing, and all prior and subsequent attendant costs "shall be assessed upon the Property owner."

The Assessment of Cost AMOUNT accrued to date NOW DUE AND PAYABLE is: \$1,114.50

Payment must be by Cashier's Check or money order & must be accompanied by this original letter.

Make all checks payable to: The Department of Building Inspection.  
Mailed payments can be sent to:

Assessment of Costs Payment  
Department of Building Inspection  
Code Enforcement Section  
1660 Mission Street, 6<sup>th</sup> Floor  
San Francisco, CA 94103

TO AVOID HAVING A LIEN RECORDED UPON YOUR PROPERTY AND LEVIED ON YOUR NEXT PROPERTY TAX BILL, it is necessary for you to render payment immediately.

Note: The Order of Abatement cannot be removed from the title nor can the complaint against this property be abated, until appropriate permits are issued, inspections are performed to verify correction of violations, final inspection approvals are granted and further accrued Assessments of Costs are paid.

All violations must be abated AS SOON AS POSSIBLE TO AVOID OR MINIMIZE ADDITIONAL COSTS & PENALTIES. All additional time accrued from this billing to the final abatement of your case will be sent to you in a separate and final assessment of costs bill.

Contact the Code Enforcement Division at (415) 558-6454 should you have any questions concerning this matter. Your prompt cooperation on this matter is appreciated.

*su*  
PO:JH:gs

cc: CES File

Very truly yours,

A handwritten signature in black ink, appearing to read "Patrick O'Riordan".

Patrick O'Riordan  
Chief Building Inspector

Code Enforcement Section  
1660 Mission Street, 6th Floor, San Francisco CA 94103  
Office (415) 558-6454 – FAX (415) 558-6226 – [www.sfdbi.org](http://www.sfdbi.org)



**ORDER OF ABATEMENT**

June 28, 2013

Owner:

**KHAN BUSHRA  
280 UNION ST  
SAN FRANCISCO CA 94133**

Property Address: 280 UNION ST,

Block: 0106      Lot: 065      Seq: 00  
Tract:            Case: BWO  
Complaint: 201049586

**Inspector: Simas**

ORDER OF ABATEMENT UNDER SAN FRANCISCO BUILDING CODE SECTION 102.5 & 102.6 ORDER NO. 105454-A  
HEARING OF THE COMPLAINT OF THE DIRECTOR OF THE DEPARTMENT OF BUILDING INSPECTION AGAINST THE  
PROPERTY AT THE LOCATION SHOWN ABOVE WAS HELD ON **May 14, 2013** IN ACCORDANCE WITH THE SAN  
FRANCISCO BUILDING CODE SECTION 102.4. THE HEARING WAS CONDUCTED BY A REPRESENTATIVE OF THE  
DIRECTOR. **THE OWNER WAS REPRESENTED.**

BASED UPON THE FACTS AS SUBMITTED AT THE HEARING, THE DIRECTOR FINDS AND DETERMINES AS FOLLOWS:

1. THAT NOTICE HAS BEEN DULY GIVEN AS REQUIRED BY LAW AND THE ORDER OF THE DIRECTOR, AND MORE THAN 10 DAYS PRIOR TO THE HEARING.
2. THAT THE CONDITIONS ARE AS STATED IN THE COMPLAINT OF THE DIRECTOR OF THE DEPARTMENT OF BUILDING INSPECTION.
3. THAT THE CONDITIONS OF SAID STRUCTURE CONSTITUTES A PUBLIC NUISANCE UNDER THE TERMS OF THE BUILDING CODE OF THE CITY AND COUNTY OF SAN FRANCISCO.

**THE DIRECTOR HEREBY ORDERS THE OWNER OF SAID BUILDING TO COMPLY WITH THE FOLLOWING:**

- (1) 30 DAYS TO OBTAIN PERMIT TO REPLACE GUARDRAILS AT ROOF INCLUDING FINAL INSPECTION APPROVAL.

THE TIME PERIOD SHALL COMMENCE FROM THE DATE OF THIS ORDER. THE DEPARTMENT OF BUILDING INSPECTION SHALL BE REIMBURSED BY THE OWNER OF SAID BUILDING FOR ABATEMENT COSTS PURSUANT TO THE ATTACHED AND FUTURE NOTICES.

**APPEAL:** PURSUANT TO SECTION 105.3 OF THE SAN FRANCISCO BUILDING CODE, ORDERS PERTAINING TO DISABLED ACCESS MAY BE APPEALED TO THE ACCESS APPEALS COMMISSION. PURSUANT TO SECTION 105.2 OF THE SAN FRANCISCO BUILDING CODE, ORDERS PERTAINING TO WORK WITHOUT PERMIT MAY BE APPEALED TO THE ABATEMENT APPEALS BOARD. APPEALS MUST BE IN WRITING ON FORMS OBTAINED FROM THE APPROPRIATE APPEALS BODY AT 1660 MISSION ST., SAN FRANCISCO, CA 94103, Tel: (558-6454), AND MUST BE FILED WITH THE SECRETARY OF THE APPEALS BODY WITHIN FIFTEEN (15) DAYS OF THE POSTING AND SERVICE OF THIS ORDER.

RECOMMENDED BY:

Handwritten signature of Patrick O'Riordan in black ink.

Patrick O'Riordan  
Chief Building Inspector  
Phone No. (415) 558-6570  
Fax No. (415) 558-6261

APPROVED BY:

Handwritten signature of Tom C. Hui in black ink.

Tom C. Hui, S.E., C.B.O., Acting Director  
Department of Building Inspection  
Fax No. (415) 558-6474

**Exhibit E**



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## Permits, Complaints and Boiler PTO Inquiry

### COMPLAINT DATA SHEET

Complaint Number:	201049586	Date Filed:	06/01/2010
Owner/Agent:	OWNER DATA SUPPRESSED	Location:	280 UNION ST
Owner's Phone:	--	Block:	0106
Contact Name:	--	Lot:	065
Contact Phone:	--	Site:	
Complainant:	COMPLAINANT DATA SUPPRESSED	Rating:	
		Occupancy Code:	
		Received By:	Christina Wang
Complainant's Phone:		Division:	BID
Complaint Source:	TELEPHONE		
Assigned to:	CES		
Division:			
Description:	Re-install Guardrails approved under PA#8707964		

Instructions:

#### INSPECTOR INFORMATION

DIVISION	INSPECTOR	ID	DISTRICT	PRIORITY
CES	HINCHION	1125		

#### REFERRAL INFORMATION

DATE	REFERRED BY	TO	COMMENT
1/18/2013	Christina Wang	CES	send to Director for Hearing of Complaint

#### COMPLAINT STATUS AND COMMENTS

DATE	TYPE	DIV	INSPECTOR	STATUS	COMMENT
06/01/10	CASE OPENED	BID	Quinlan	CASE RECEIVED	
06/01/10	OTHER BLDG/HOUSING VIOLATION	BID	Quinlan	FIRST NOV SENT	
01/15/13	OTHER BLDG/HOUSING VIOLATION	BID	Donnelly	SECOND NOV SENT	2n NOV Issued by D. Duffy
01/17/13	OTHER BLDG/HOUSING VIOLATION	BID	Donnelly	OFFICE/COUNTER VISIT	2nd NOV Mailed Cert. (Cib)
01/18/13	GENERAL MAINTENANCE	BID	Donnelly	REFERRED TO OTHER DIV	transfer to div CES
01/23/13	CASE OPENED	CES	Hinchion	CASE RECEIVED	
03/14/13	OTHER BLDG/HOUSING VIOLATION	CES	Simas	REFER TO DIRECTOR'S HEARING	
03/25/13	OTHER BLDG/HOUSING VIOLATION	CES	Simas	DIRECTOR HEARING NOTICE POSTED	Directors Hearing 4/9/13
04/09/13	GENERAL MAINTENANCE	CES	Simas	CASE CONTINUED	Continued on 4/9/13 for hearing on 5/14/13
05/14/13	GENERAL MAINTENANCE	CES	Simas	ADVISEMENT	30 days
06/24/13	OTHER BLDG/HOUSING VIOLATION	CES	Simas	ORDER OF ABATEMENT ISSUED	
07/22/13	OTHER BLDG/HOUSING VIOLATION	CES	Simas	ORDER OF ABATEMENT POSTED	
08/09/13	OTHER BLDG/HOUSING VIOLATION	CES	Therault	CASE UPDATE	Permit filed 11/17/11
05/09/14	OTHER BLDG/HOUSING VIOLATION	CES	Hinchion	ABATEMENT APPEALS BOARD HRG	post AAB Hearing notice
05/21/14	OTHER BLDG/HOUSING VIOLATION	CES	Hinchion	ABATEMENT APPEALS BOARD	upheld-







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## Permits, Complaints and Boiler PTO Inquiry



### COMPLAINT DATA SHEET

Complaint Number: 201308589  
 Owner/Agent: OWNER DATA SUPPRESSED  
 Owner's Phone: --  
 Contact Name: --  
 Contact Phone: --  
 Date Filed: 06/17/2013  
 Location: 280 UNION ST  
 Block: 0106  
 Lot: 013  
 Complainant: COMPLAINANT DATA SUPPRESSED  
 Site:  
 Rating:  
 Occupancy Code:  
 Received By: CYPEI  
 Division: BID  
 Complainant's Phone:  
 Complaint Source: WEB FORM  
 Assigned to: BID  
 Division:  
 Description: date last observed: 17-JUN-13; floor: 4th Floor; unit: 280; exact location: Side Bldg; building type: Residence/Dwelling OTHER BUILDING; ; additional information: Condo 280-286 Union-No permit for 4th Story Windows on East Side Wall as per description in C of A Case # 20100934 A--Windows approved by HPC are on the 3rd Story;

Instructions:

#### INSPECTOR INFORMATION

DIVISION	INSPECTOR	ID	DISTRICT	PRIORITY
BID	POWER	6270	15	

#### REFERRAL INFORMATION

#### COMPLAINT STATUS AND COMMENTS

DATE	TYPE	DIV	INSPECTOR	STATUS	COMMENT
06/17/13	CASE OPENED	BID	Power	CASE RECEIVED	
06/25/13	OTHER BLDG/HOUSING VIOLATION	CES	Power	CASE CLOSED	Building is three stories over basement.

#### COMPLAINT ACTION BY DIVISION

NOV (HIS): NOV (BID):

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

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## Permits, Complaints and Boiler PTO Inquiry



### COMPLAINT DATA SHEET

**Complaint Number:** 201316201

**Owner/Agent:** OWNER DATA SUPPRESSED      **Date Filed:** 08/07/2013

**Owner's Phone:** --      **Location:** 280 UNION ST

**Contact Name:** --      **Block:** 0106

**Contact Phone:** --      **Lot:** 013

**Complainant:** COMPLAINANT DATA SUPPRESSED      **Site:**

**Rating:**

**Occupancy Code:**

**Received By:** Alma Canindin

**Division:** PID

**Complainant's Phone:**

**Complaint Source:** OFFICE VISIT

**Assigned to Division:** BID

**Description:** Picture Provided - Sec. BPA #8601702, 8606550, 8707964(no permit). Stairway to roof (interior in 280 apartment), penthouse stairway (exterior)/not permitted construction. Exists outside buildable area exceeds height limitation as built.

**Instructions:**

#### INSPECTOR INFORMATION

DIVISION	INSPECTOR	ID	DISTRICT	PRIORITY
BID	POWER	6270	15	

#### REFERRAL INFORMATION

#### COMPLAINT STATUS AND COMMENTS

DATE	TYPE	DIV	INSPECTOR	STATUS	COMMENT
08/07/13	CASE OPENED	BID	Power	CASE RECEIVED	
08/15/13	OTHER BLDG/HOUSING VIOLATION	CES	Power	CASE CLOSED	Construction per approved plans

#### COMPLAINT ACTION BY DIVISION

**NOV (HIS):**

**NOV (BID):**

[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](#).

## Permits, Complaints and Boiler PTO Inquiry

### COMPLAINT DATA SHEET

**Complaint Number:** 201316211

Owner/Agent: OWNER DATA  
SUPPRESSED

Date Filed: 08/07/2013

Owner's Phone: --

Location: 280 UNION ST

Contact Name: --

Block: 0106

Contact Phone: --

Lot: 013

Complainant: COMPLAINANT DATA  
SUPPRESSED

Site: 280 - 286 Union St.

Rating:

Occupancy Code:

Received By: Alma Canindin

Complainant's  
Phone:

Division: PID

Complaint  
Source: TELEPHONE

Assigned to  
Division: BID

Description: See BPA #8606550, permit for deck only (picture provided). Owner's fraudulently call concrete deck over 1st story garage a rear yard 14 feet above grade and 17 steps to above grade garage.

Instructions:

### INSPECTOR INFORMATION

DIVISION	INSPECTOR	ID	DISTRICT	PRIORITY
BID	POWER	6270	15	

### REFERRAL INFORMATION

#### COMPLAINT STATUS AND COMMENTS

DATE	TYPE	DIV	INSPECTOR	STATUS	COMMENT
08/07/13	CASE OPENED	BID	Power	CASE RECEIVED	
08/15/13	OTHER BLDG/HOUSING VIOLATION	CES	Power	CASE CLOSED	Constructed per Pa#8601702

### COMPLAINT ACTION BY DIVISION

NOV (HIS):

NOV (BID):

Inspector Contact Information

[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.

## Permits, Complaints and Boiler PTO Inquiry

### COMPLAINT DATA SHEET

**Complaint Number:** 201308341

Owner/Agent: OWNER DATA  
SUPPRESSED

Date Filed: 06/14/2013

Owner's Phone: --

Location: 280 UNION ST

Contact Name: --

Block: 0106

Contact Phone: --

Lot: 013

Complainant: COMPLAINANT DATA  
SUPPRESSED

Site:

Rating:

Occupancy Code:

Received By: CWANG

Complainant's

Division: BID

Phone:

Complaint Source: WEB FORM

Assigned to

BID

Division:

Description: date last observed: 13-JUN-13; time last observed: June 13,2013; identity of person performing the work ; unit: 280; exact location: Side Bldg; building type: Residence/Dwelling OTHER BUILDING; ; additional information: AB-009 Non-Compliance-received Permit without proper plans showing neighboring roof chimney flues, skylight, firewall, roof deck. Failure to show elevations for windows outside buildable area and failed to sh;

Instructions: ABo09-lot lined windows that do not meet: Condition #6. Windows are within 6' of 218 skylight requiring permission from 218. No permission was granted. Condition #3: 218 roofdeck rebuilt permitted in 2004 required a 42' fire wall across the illegal lot windows, so no windows are permitted within any walls. Code section 708.5: windows within 3' are not permitted whether openings are protected or not (windows were built within 3' of the 218 roof) Violation bldg code section 104A2.7.1

### INSPECTOR INFORMATION

DIVISION	INSPECTOR	ID	DISTRICT	PRIORITY
BID	POWER	6270	15	

### REFFERAL INFORMATION

#### COMPLAINT STATUS AND COMMENTS

DATE	TYPE	DIV	INSPECTOR	STATUS	COMMENT
06/14/13	CASE OPENED	BID	Power	CASE RECEIVED	
06/25/13	OTHER BLDG/HOUSING VIOLATION	CES	Power	CASE CLOSED	Permit approved by D.B.I and Planning dept.

### COMPLAINT ACTION BY DIVISION

NOV (HIS):

NOV (BID):

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

### Technical Support for Online Services

If you need help or have a question about this service, please visit our FAQ area.

**Exhibit F**



# SAN FRANCISCO PLANNING DEPARTMENT

## Certificate of Appropriateness ADMINISTRATIVE ACOA 13.0092

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

Reception:  
**415.558.6378**

Fax:  
**415.558.6409**

Planning  
Information:  
**415.558.6377**

*Date:* December 18, 2013  
*Case No.:* 2013.1478A  
*Permit Application No.:* 2011.11.17.9101L  
*Project Address:* 280-284 UNION STREET  
*Historic Landmark:* Telegraph Hill Landmark District  
*Zoning:* RH-3 (Residential, House, Three-Family)  
 40-X Height and Bulk District  
*Block/Lot:* 0106 / 063-065  
*Project Sponsor:* Clint Choy  
 280 Union Street  
 San Francisco, CA 94133  
*Staff Contact* Lily Yegazu - (415) 575-9076  
[lily.yegazu@sfgov.org](mailto:lily.yegazu@sfgov.org)  
*Reviewed By* Tim Frye - (415) 575-6822  
[tim.frye@sfgov.org](mailto:tim.frye@sfgov.org)

This is to notify you that pursuant to the process and procedures adopted by the Historic Preservation Commission (“HPC”) in Motion No. 0181 and authorized by Section 1006.2 of the Planning Code, the scope of work identified in this Administrative Certificate of Appropriateness for **280-284 Union Street** has been delegated to the Department. The Department grants **APPROVAL** in conformance with the architectural plans and specifications labeled Exhibit A on file in the docket for Case No. **2013.1478A**.

### ENVIRONMENTAL REVIEW STATUS

The Planning Department has determined that the proposed project is exempt/excluded from environmental review pursuant to CEQA Guideline Section 15301 (Class 1 - Minor alteration of existing facilities with negligible or no expansion of use) because the project is an alteration of an existing structure and meets the *Secretary of the Interior’s Standards for the Treatment of Historic Properties*.

### PROJECT DESCRIPTION

The proposed scope of work includes the re-installation of two roof deck areas located at the front and rear portion of the roof, that were previously removed to perform maintenance work on the existing roof. The new decks, railings enclosing the decks and walkways and access gates will be reinstalled at the same locations as the previous decks, wood railings and access gates. Specifically, the front roof deck will be set back approximately 1-foot, 6-inches and the rear roof deck will be set back approximately 34-feet, 8-inches from the front building wall. The front deck will be enclosed by the existing 40-inch high



parapet wall along the front with a new steel post and cable rail enclosure attached to the side of the parapet wall to meet the minimum railing height of 42-inches. In addition, the previously removed parapet wall along the east side property line (starting at the southeast corner of the building and extending 16-feet, 0.25-inches towards the back) will be replaced with a new 30-inches high, 1 hour rated parapet wall clad to match existing. Similar to the front parapet wall, a new steel post and cable rail enclosure will be attached to the side of the new parapet wall to bring it to 42-inches in height. Both decks will be accessed by an existing stair penthouse. The two deck areas will be mounted on a flat roof and will not be visible from the public right-of-way.

## FINDINGS

This work complies with the following requirements:

**1. Compliance with the Secretary of the Interior's Standards for Rehabilitation and consistent with the architectural character of the landmark property, as set forth in the Telegraph Hill Landmark District designation report:**

Standard 1: A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.

*The proposed project will retain the existing residential use of the property. The continued use requires no changes to the landmark district's distinctive qualities.*

Standard 2: The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.

*The proposed project will not detract from the historic character of the landmark district. As the decks will be installed on a flat roof behind a 40-inch tall parapet wall along the front and 30-inch tall parapet along the side, the installation will not be visible from the public right-of-way. Moreover, the steel post and cable enclosures will be minimally visible from the public right-of-way since the enclosures are attached to the inside of the existing parapet walls providing a minimum of 1-foot setback from the face of the parapet wall. The nearest metal railings are located 16-feet, 0.25-inches from the front of the building and will not be visible from the public right-of-way.*

Standard 3: Each property will be recognized as a physical record of its time, place and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.

*The proposed project does not include the addition of conjectural elements or architectural features from other buildings.*

Standard 5: Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.

*The proposed project will not affect any original distinctive materials, features, finishes, and construction techniques that characterize the landmark district. The existing roof cladding that will be affected by the*

*installation of the roof decks, railing enclosure and parapet walls is not historic fabric.*

Standard 9: New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work will be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.

*The proposed project will not detract from the historic character of the landmark district. The work will be limited to the non-visible flat roof portion of the building, which contains no character-defining features. The deck and railing will be contemporary in appearance and will be easily differentiated as a new addition within the landmark district. The new railing enclosures and access gates are compatible with the character of the existing landmark district in that they are setback from the front and east side of the building to minimize their view from the public right-of-way. The new parapet wall will be finished with horizontal wood siding, matching that on the existing building and also found in the district. The proposed work meets the guidelines established by Appendix G of Article 10 of the San Francisco Planning Code.*

Standard 10: New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

*The essential form and integrity of the subject property or landmark district will be unimpaired if the proposed deck were removed at a future date.*

2. **General Plan Compliance.** The proposed Administrative Certificate of Appropriateness, on balance, is consistent with the following Objectives and Policies of the General Plan:

#### I. URBAN DESIGN ELEMENT

THE URBAN DESIGN ELEMENT CONCERNS THE PHYSICAL CHARACTER AND ORDER OF THE CITY, AND THE RELATIONSHIP BETWEEN PEOPLE AND THEIR ENVIRONMENT.

#### GOALS

*The Urban Design Element is concerned both with development and with preservation. It is a concerted effort to recognize the positive attributes of the city, to enhance and conserve those attributes, and to improve the living environment where it is less than satisfactory. The Plan is a definition of quality, a definition based upon human needs.*

#### OBJECTIVE 1

EMPHASIS OF THE CHARACTERISTIC PATTERN WHICH GIVES TO THE CITY AND ITS NEIGHBORHOODS AN IMAGE, A SENSE OF PURPOSE, AND A MEANS OF ORIENTATION.

#### POLICY 1.3

*Recognize that buildings, when seen together, produce a total effect that characterizes the city and its districts.*

#### OBJECTIVE 2

CONSERVATION OF RESOURCES WHICH PROVIDE A SENSE OF NATURE,

CONTINUITY WITH THE PAST, AND FREEDOM FROM OVERCROWDING.

*POLICY 2.4*

*Preserve notable landmarks and areas of historic, architectural or aesthetic value, and promote the preservation of other buildings and features that provide continuity with past development.*

*POLICY 2.5*

*Use care in remodeling of older buildings, in order to enhance rather than weaken the original character of such buildings.*

*POLICY 2.7*

*Recognize and protect outstanding and unique areas that contribute in an extraordinary degree to San Francisco's visual form and character.*

The goal of a Certificate of Appropriateness is to provide additional oversight for buildings and districts that are architecturally or culturally significant to the City in order to protect the qualities that are associated with that significance.

The proposed project qualifies for an Administrative Certificate of Appropriateness and therefore furthers these policies and objectives by maintaining and preserving the character-defining features of the landmark district for the future enjoyment and education of San Francisco residents and visitors.

3. **Prop M Findings.** The proposed project is generally consistent with the eight General Plan priority policies set forth in Section 101.1 in that:

a. The existing neighborhood-serving retail uses will be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses will be enhanced:

*The proposed project will have no adverse effect on the neighborhood-serving aspects of the building.*

b. The existing housing and neighborhood character will be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods:

*The proposed project will strengthen neighborhood character by respecting the character-defining features of the landmark district in conformance with the requirements set forth in HPC Motion No. 0181 and the Secretary of the Interior's Standards.*

c. The City's supply of affordable housing will be preserved and enhanced:

*The proposed project will have no adverse effect on the City's supply of affordable housing.*

d. The commuter traffic will not impede MUNI transit service or overburden our streets or neighborhood parking:

*The proposed project will not result in commuter traffic impeding MUNI transit service or overburdening the streets or neighborhood parking.*

- e. A diverse economic base will be maintained by protecting our industrial and service sectors from displacement due to commercial office development. And future opportunities for resident employment and ownership in these sectors will be enhanced:

*The proposed project will not affect the City's diverse economic base and will not displace any business sectors due to commercial office development.*

- f. The City will achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake.

*Preparedness against injury and loss of life in an earthquake is unaffected by the proposed project. Any construction or alteration associated would be executed in compliance with all applicable construction and safety measures.*

- g. That landmark and historic buildings will be preserved.

*The proposed project respects the character-defining features of the landmark district and is in conformance with the requirements set forth in HPC Motion No. 0181 and the Secretary of the Interior's Standards.*

- h. Parks and open space and their access to sunlight and vistas will be protected from development:

*The proposed Administrative Certificate of Appropriateness will not impact the City's parks and open space.*

For these reasons, the above-cited work is consistent with the intent and requirements outlined in HPC Motion No. 0181 and will not be detrimental to the subject building.

**REQUEST FOR HEARING: If you have substantial reason to believe that there was an error in the issuance of this Administrative Certificate of Appropriateness, or abuse of discretion on the part of the Planning Department, you may file for a Request for Hearing with the Historic Preservation Commission within 20 days of the date of this letter. Should you have any questions about the contents of this letter, please contact the Planning Department at 1650 Mission Street, 4th Floor or call 415-575-9121.**

cc: Historic Preservation Commission, 1650 Mission Street, Suite 400, San Francisco, CA 94103  
San Francisco Architectural Heritage, 2007 Franklin Street, San Francisco, CA 94109  
Sue Hestor, Attorney, 870 Market Street, San Francisco, CA 94102  
Nancy Shanahan, Planning & Zoning Committee, Telegraph Hill Dwellers, 224 Filbert Street, San Francisco, CA 94133

**Exhibit G**



## City and County of San Francisco

WEDNESDAY, JANUARY 15, 2014

...

**Commission Secretary, Jonas P. Ionin** >> Commissioners, Item 6, Case for 280 through 288 Union Street. I'd like to announce as a benefit to the public there's no procures established for this type of item so the chair has determined there will be a presentation from staff and the public can submit their comments up to 3 minutes each.

Tim Frye, Planning Department Staff >> Good afternoon, Commissioners, Tim Frye, Department staff. The item before you is not to consider the merits of the project but rather to determine whether the decision on the Administrative Certificate of Appropriateness by the Planning Department should be reviewed by this body. The Administrative C of A 13.0092 for the installation of two roof decks and associated work was issued by the department on December 18th of last year. On January 6th the Department received the request for hearing from the owners and tenants of the adjacent property at 218 Union Street. So, I'd like to make the Commission aware that the issues raised in the request for hearing were investigated by our Code Enforcement Team from March through May of 2013. Permit records indicate the construction on the subject building in 1987 was permitted and finalized as complete by the Department of Building Inspection. And, as there was no evidence of error on the part of DBI, the alleged violation was closed. The Department believes its decision on the COA is consistent with HPC Motion 0081, which delegates this scope of work to the Planning Preservation staff for review and approval. Representatives from the subject building and the hearing requestor are present today, as well as preservation planning staff, should you have any questions.

If the HPC desires a hearing on this project, the Department will follow your standard noticing procedures required for requests for Certificates of Appropriateness, which includes a 20 day notice at the site and mailed notice. We would prepare a case report and we would schedule the item for a future hearing. If the HPC however determines that the Department was within its review authority pursuant to the ACOA delegation and determines that the hearing is not warranted, the Department will approve the permit as in conformance with the administrative approval. So that concludes my comments, and unless you have any questions I will let the representatives speak on behalf of their requests.

**Commission Secretary, Jonas P. Ionin** >> Thank you, Commissioners, any questions for staff at this time. >> seeing none, we have 3 minutes from the requesting party and then we'll move onto the any public comment after that, of which we have several cards.

**Requestor** >> Thank you for the opportunity to speak today. I'm Terry Votruba, I represent the 10 tenants and 5 owners at Union street, which abuts Calhoun Terrace. There's handouts - is this vision thing on? >> give us one second. Just so the audience can have a chance to see what I'm providing for the Commissioners, this is the area were there used to be 48 foot parapet wall when I bought into the building, and that was removed without permit, and that happened in 2010. And, if you see the juxtaposition of Coit Tower, you see two structures on that roof which have never been permitted. But, somehow this has escaped the purview of the Planning group. So that would be the second penthouse, which is here, and this chimney box, both of which stick 10 feet up into the air and are four feet above the

legal limit and could never be permitted. I would like next to just quickly move on to the next item. It's a notice of violation which occurred in June of 2010, and this is a record of what the Building Department felt, and they dropped the ball at one point, and I think they thought these people were pursuing a permit, which never got past the planning stages because it was held up at the counter because everyone realized so much of this would be outside the buildable area. And finally, one of the reasons that this particular property has so many problems, in terms of understanding its complexity, is because this structure that is concrete exists 14 feet above the grade level and on top of that grade level is a garage which extends all the way to the property line. There is no rear yard. I would recommend that the group presenting this application provide elevations, which they have not done, and we also need to understand that these railings are visible from the street, if you look at photos 1, 2, and 6 in your packet, you will see from Calhoun Terrace, you can see the second illegal penthouse which blocks Coit Tower.

**Commission President Karl Hasz** >> Thank you very much, and if we could have 3 minutes from the project sponsor.

**Project Sponsor** >> Hi. Good afternoon, Commissioners. Melinda Sarjapur, Reuben, Junius & Rose. I'm here today representing the project sponsors and owners of 280-284 Union Street. I'm going to keep my comments brief because we've also submitted a letter on the topic, and I think the issue was well covered by the Planning Department as well. But, I am here today to ask that the request for hearing be denied, because it is simply not required at this time. What we're looking at is exactly the type of project that qualifies for an Administrative Certificate of Appropriateness under the Planning Code and HPC Motion 00181. As you know, the HPC delegates authority to the Planning Department to issue Administrative Certificates for certain kinds of minor projects, and that list includes construction of non-visible rooftop decks. This project is limited, as you can see in the description, to in-kind replacement of two roof top deck areas on the building that was constructed in the 1980s, and those roof decks existed at the site up until 2010, so we're dealing with a replacement of what previously existed. In fact, the guard rails that would be installed as part of this project are required for the owners to comply with an Order of Abatement that we've heard about in 2013. The roof top work here would not be visible from the public street and it wouldn't affect any public views. The Planning Department, as part of the Administrative Certificate, properly determined that the rooftop cladding area that would be effected by the work isn't part of the historic character of the building or district, and that this project would fully comply with the Secretary of the Interior's Standards for Rehabilitation. As we've heard, the Requestors have raised a number of alleged previous Building Code violations. However, those items were already investigated by the Building Department and aren't related to the Administrative Certificate. There really are no allegations before the Commission right now that the Planning Department erred in determining that this was the kind of minor project for which an Administrative Certificate of Appropriateness is appropriate or that the work being proposed would have any impact on the historic character of the district. So, for those reasons we ask that you deny this request, to allow the project to move forward. Thank you.

**Commission President** >> And Melinda, you had submitted for public comment, so your testimony will take the place of that. We'll move to any public comment? In order I have Monica Kadner, Richard Green, Theresa Votruba, and John Votruba.

**Monica Kadner** >> Good afternoon. My name is Monica Kadner and I have been the owner of 282 Union Street for about a year and a half. I live there with my husband and my two little boys. By the way, I love the work you do. I love the district and the way it looks, and thank you for doing that. I really admire that. Our HOA is looking forward to finally obtaining the permit so we can rebuild our roof deck, which is a replacement in kind. And, we can finally comply with the City's requirement that we replace our rooftop guard rails that were removed as part of a previous project for maintenance. In the interests of time, we also submitted a letter on Monday, so it is all explained in the letter. It is our understanding that there has been an unfortunate and contentious history with the neighbors from 218 Union Street, who are requesting the hearing regarding the building permit history at the site. But the Department of Building Inspection at the time has previously investigated and abated complaints on each of the issues raised, And, none of the comments in the request for hearing relate to the historic impacts of the current project. So that is why we kindly request that the hearing is denied, as the nature of the work is limited to in-kind

replacement of a previously existing roof deck and installation of railings as required by a recent Order of Abatement. Thank you very very much for your time.

**Commission President** >> Thank you, Richard Green?

**Richard Green** >> Hi. My partner and my sister, Dr. Colin, owns 280 Union Street since 2010. The HOA is requesting replacement in kind of the roof top deck because it was originally removed, because the roof leaked and a new roof was put on. Now, a permit was issued for all that. The HOA has fully cooperated with the Planning Department, and the plans submitted to have the deck put back complies with anything the Planning Department required. We don't understand the – we don't understand the reason for why the progress of having the deck be reinstalled should be held up, so hopefully it will continue.

**Commission President** >> Thank you. Theresa Votruba? Oh, I'm sorry - that was you - thank you very much. John Votruba?

**John Votruba** >> Good afternoon, Commissioners. My name is John Votruba, and I am the owner of the adjoining property at 218 Union Street. I note that council for the 280 and 286 owners in her letter and testimony does not dispute a single issue raised in our letter or request, but dismisses them all as unrelated. Building height and buildable areas are very related. Not only because of the necessity of Code compliance, but failing to meet the requirements results in a diminishing of site lines and views within the Telegraph Hill District. I urge you to continue with the full proceedings. Thank you.

**Commissioner President** >> Thank you. Does any other member of the public wish to speak on this item? Seeing none, we'll close public comment and bring it back to the Commission. Commissioners?

**Commissioner Johnck** >> Well, I'm not convinced there's been missteps on the part of the staff and the Building Department, and, um, even listening to the testimony today and reading the materials again, and also reading the Department's work program for the next year, I would not support a rehearing on this. So –

**Commissioner President** >> Thank you, Commissioner Pearlman?

**Commissioner Pearlman** >> Yeah. I wanted to say all the concerns near all this information about the building permits that were dated from the 1980s, that really has no bearing on anything that we're considering here today. If it's true that the only thing we're considering is the in kind replacement of the deck, I believe that the staff issued the COA appropriately, and I also would not support a hearing for this.

**Commission President** >> Thank you Commissioner Johns?

**Commissioner Johns** >> I agree with what the prior two Commissioners have said. I think that if the long-simmering dispute between these two neighbors is going to be resolved, this is not the proper place to resolve it, based upon the matter that we have before us. That is, the in-kind replacement. There are other issues, and I don't think we should use the in-kind question in order to open up these other things.

**Commission President** >> Thank you. Commissioners, any other questions or comments?

**Commissioner** >> do we need a motion. >>

**Commission Secretary** >> Commissioners, you should make a motion and the motion would be either to hold a hearing or not hold the hearing.

**Commissioner** >> I make a motion to not hold a hearing.

**Commissioner** >> Thank you.



**Commission Secretary** >> On that motion to not hold a hearing - Commissioner Hyland. Commissioner Johnck. Commissioner Cohns. Commissioner Matsuda. Commissioner Castillo. Commissioner Wolfram and Commission President Hasz. So moved, Commissioners. That motion passes unanimously and places you on President Reports.

...

**Exhibit H**



November 22, 2013

Dear Owners at 218 and 280 Union Street,

It is with great regret and disappointment that I write this letter knowing that two neighbors cannot act in a neighborly fashion to solve some fairly typical property line issues. This situation is mostly to do with supporting existing chimney flues on one building and putting back what was an existing roof deck back on the other. This scenario has deteriorated into neighbors filing multiple and mostly baseless complaints against each other's properties. If a little respect and common sense could be infused a solution would be easily attainable.

The Building Department has spent several hundred hours of investigation on mostly meritless complaints from both sides. These buildings have 4 owners at 218 and 3 owners at 280-286 Union Street yet only one owner from each building is engaged in this dispute. The question might be asked how involved are the other owners of both of these buildings regarding this on-going conflict.

The Police Department has been involved in quelling at least one altercation between the parties. Supervisor Chiu's Office has been contacted by one of the parties. The Department of Building Inspection has been baselessly accused of taking inappropriate actions on more than one occasion. Yet, I have to commend my fellow Inspectors and other DBI staff for their professional attention to all matters relating to this dispute.

It is a drain of DBI staff and resources in continually generating and responding to this flurry of meritless complaints from both sides. This has now been going on since March 2011 with a total of 26 complaints filed since that time. Two violations now exist (one on each building) out of the 26 complaints.

It is in everyone's best interest that these neighbors will both agree to complete the work to comply with their respective violations as neighbors and not adversaries. Blaming a City Department is not appropriate nor is it the answer to lack of outreach to your neighbor with whom you share a property line.

Very truly yours,

A handwritten signature in black ink, appearing to read "Patrick O'Riordan".

Patrick O'Riordan  
Chief Building Inspector

CC: Tom C Hui, Director  
Daniel Lowrey, Deputy Director  
Yvonne Mere, City Attorney's Office  
Lily Yegazu, Planning Department  
Robert Power, District Bldg Inspector  
Amy Chan, Supervisor Chiu's Office  
BID File