Date: August 13, 2008

Item No. 3
File No. 08023

SUNSHINE ORDINANCE TASK FORCE

Compliance and Amendments Committee

AGENDA PACKET CONTENTS LIST*

- [x] **Order Of Determination Anonymous Tenants vs Planning Dept**
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Completed by: Frank Darby **Date:** August 8, 2008

***This list reflects the explanatory documents provided**

~ Late Agenda Items (documents received too late for distribution to the Task Force Members)

** The document this form replaces exceeds 25 pages and will therefore not be copied for the packet. The original document is in the file kept by the Administrator, and may be viewed in its entirety by the Task Force, or any member of the public upon request at City Hall, Room 244.

SUNSHINE ORDINANCE
TASK FORCE

City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. (415) 554-7724
Fax No. 415) 554-7854
TDD/TTY No. (415) 554-5227

ORDER OF DETERMINATION
August 4, 2008

DATE THE DECISION ISSUED
July 22, 2008

ANONYMOUS v. PLANNING DEPARTMENT (08023)

FACTS OF THE CASE

Anonymous Tenants state that they repeatedly requested Planning Department Planner Scott Sanchez and Sara Vellve to release the complete file regarding a new project at 2642-44 Hyde Street. The City Planners allegedly refused to provide the complete file for review, and provided additional documents only after Complainants followed up and specifically identified additional documents that should have been located in the file.

COMPLAINT FILED

On April 30, 2008, the Anonymous Tenants filed a complaint alleging violations of the Sunshine Ordinance.

HEARING ON THE COMPLAINT

On July 22, 2008, Complainant Anonymous Tenants appeared before the Task Force and presented his claim. Respondent Department was represented by Scott Sanchez and Lulu Wang who presented the Department's defense.

The issue in the case is whether the Department violated Section(s) 67.21, 67.26 & 67.27 of the Ordinance and Sections 6253 & 6255 of the California Public Records Act.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Based on the testimony and evidence presented the Task Force finds that the Department failed to adequately explain its response to the public records requests and how and when it complied with the requirements of the Sunshine Ordinance and the Public Records Act. Specifically, it appears from the testimony provided that the Department failed to provide all responsive documents within the 10 day timeframe required by the Ordinance. .

DECISION AND ORDER OF DETERMINATION

The Task Force finds that the Department violated Section(s) 67.21 (b) &(c) of the Sunshine Ordinance which requires a custodian of a public record to comply with a request as soon as possible and within ten days following the receipt of a request for inspection or

ORDER OF DETERMINATION

copy of a public record. The Department shall appear before the Compliance and Amendments Committee on August 13, 2008.

This Order of Determination was adopted by the Sunshine Ordinance Task Force on July 22, 2008, by the following vote: (Pilpel / Craven)
Ayes: Craven, Knee, Washburn, Knoebber, Pilpel, Chu, Goldman, Williams
Excused: Cauthen, Gokhale, Chan

Kristin Murphy Chu, Chair
Sunshine Ordinance Task Force

c: Ernie Llorente, Deputy City Attorney
Anonymous
Scott Sanchez, Planning Department
Linda Avery, Planning Department

CITY AND COUNTY OF SAN FRANCISCO

DENNIS J. HERRERA
City Attorney

OFFICE OF THE CITY ATTORNEY

ERNEST H. LLORENTE
Deputy City Attorney

DIRECT DIAL: (415) 554-4236
E-MAIL: ernest.llorente@sfgov.org

MEMORANDUM

July 14, 2008

ANONYMOUS TENANTS v. PLANNING DEPARTMENT (08023)

COMPLAINT

THE COMPLAINANT ALLEGES THE FOLLOWING FACTS:

Anonymous Tenants state that they repeatedly requested Planning Department Planner Scott Sanchez and Sara Vellve to release the complete file regarding a new project at 2642-44 Hyde Street. City Planners allegedly refused to provide the complete file for review.

COMPLAINANT FILES COMPLAINT:

On April 30, 2008, the Anonymous Tenants filed a complaint alleging violations of the Sunshine Ordinance.

JURISDICTION

Based on the allegations of the complaint and the sections of the Ordinance stated below, the Task Force has jurisdiction to hear this matter. In addition the parties in this case do not contest jurisdiction.

APPLICABLE STATUTORY SECTION;

1. California Constitution, Article I, Section 3 that states the general principals of public records and public meetings.
2. Sunshine Ordinance Section 67.1 that addresses Findings and Purpose.
3. Sunshine Ordinance, San Francisco Administrative Code Section 67.21 addresses general requests for public documents
4. Sunshine Ordinance, San Francisco Administrative Code Section. 67.26 deals with withholding kept to a minimum.
5. Sunshine Ordinance, San Francisco Administrative Code Section. 67.27 deals with justification for withholding.

6. California Public Records Act, Government Code Section 6253 deals with public records open to inspection, agency duties, and time limits.

7. California Public Records Act, Government Code Section 6255 deals with justification for withholding of records.

APPLICABLE CASE LAW:

none

ISSUES TO BE DETERMINED

1. FACTUAL ISSUES

A. Uncontested Facts:

- Anonymous Tenants state that they repeatedly requested Planning Department Planner Scott Sanchez and Sara Vellve to release the complete file regarding a new project at 2642-44 Hyde Street.

B. Contested facts/ Facts in dispute:

The Task Force must determine what facts are true.

i. Relevant facts in dispute:

- Whether the response of Planners Scott Sanchez and Sara Vellve to the request for the complete file regarding the new project at 2642-44 Hyde Street complied with the requirements of the Sunshine Ordinance.

QUESTIONS THAT MIGHT ASSIST IN DETERMINING FACTS;

- What documents were withheld by the Planning Department?

LEGAL ISSUES/LEGAL DETERMINATIONS;

- **Were sections of the Sunshine Ordinance (Section 67.21), Brown Act, Public Records Act, and/or California Constitution Article I, Section three violated?**
- **Was there an exception to the Sunshine Ordinance, under State, Federal, or case law?**

CONCLUSION

THE TASK FORCE FINDS THE FOLLOWING FACTS TO BE TRUE:

THE TASK FORCE FINDS THAT THE ALLEGED VIOLATIONS TO BE **TRUE OR NOT TRUE.**

Memorandum

THE CALIFORNIA CONSTITUTION AS AMENDED BY PROPOSITION 59 IN 2004 PROVIDES FOR OPENNESS IN GOVERNMENT.

Article I Section 3 provides:

a) The people have the right to instruct their representative, petition government for redress of grievances, and assemble freely ton consult for the common good.

b)(1) The people have the right of access to information concerning the conduct of the people's business, and therefore, the meetings of public bodies and the writings of public officials and agencies shall be open to public scrutiny.

2) A statute, court rule, or other authority, including those in effect on the effective date of this subdivision that limits the right of access shall be adopted with findings demonstrating the interest protect by the limitation and the need for protecting that interest.

3) Nothing in this subdivision supersedes or modifies the right of privacy guaranteed by Section 1 or affects the construction of any statute, court rule, or other authority to the extent that it protects that right to privacy, including any statutory procedures governing discovery or disclosure of information concerning the official performance or professional qualifications of a peace officer.

4) Nothing in this subdivision supersedes or modifies any provision of this Constitution, including the guarantees that person may not be deprived of life, liberty, or property without due process of law, or denied equal protection of the laws, as provided by Section 7.

5) This subdivision does not repeal or nullify, expressly or by implication, any constitutional or statutory exception to the right of access to public records or meetings or public bodies that is in effect on the effective date of this subdivision, including, but not limited to, any statute protecting the confidentiality of law enforcement and prosecution records.

6) Nothing in this subdivision repeals, nullifies, supersedes, or modifies protections for the confidentiality of proceedings and records of the Legislature, the Members of the Legislature, and its employees, committee, and caucuses provided by Section 7 of Article IV, state law, or legislative rules adopted in furtherance of those provisions: nor does it affect the scope of permitted discovery in judicial or administrative proceedings regarding deliberations of the Legislature, the Members of the Legislature, and its employees, committees, and caucuses.

Memorandum

ATTACHED STATUTORY SECTIONS FROM CHAPTER 67 OF THE SAN FRANCISCO ADMINISTRATIVE CODE (THE SUNSHINE ORDINANCE) UNLESS OTHERWISE SPECIFIED

Section 67.1 addresses Findings and Purpose

The Board of Supervisors and the People of the City and County of San Francisco find and declare:

(a) Government's duty is to serve the public, reaching its decisions in full view of the public.

(b) Elected officials, commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. The people do not cede to these entities the right to decide what the people should know about the operations of local government.

(c) Although California has a long tradition of laws designed to protect the public's access to the workings of government, every generation of governmental leaders includes officials who feel more comfortable conducting public business away from the scrutiny of those who elect and employ them. New approaches to government constantly offer public officials additional ways to hide the making of public policy from the public. As government evolves, so must the laws designed to ensure that the process remains visible.

(d) The right of the people to know what their government and those acting on behalf of their government are doing is fundamental to democracy, and with very few exceptions, that right supersedes any other policy interest government officials may use to prevent public access to information. Only in rare and unusual circumstances does the public benefit from allowing the business of government to be conducted in secret, and those circumstances should be carefully and narrowly defined to prevent public officials from abusing their authority.

(e) Public officials who attempt to conduct the public's business in secret should be held accountable for their actions. Only a strong Open Government and Sunshine Ordinance, enforced by a strong Sunshine Ordinance Task Force can protect the public's interest in open government.

(f) The people of San Francisco enact these amendments to assure that the people of the City remain in control of the government they have created.

(g) Private entities and individuals and employees and officials of the City and County of San Francisco have rights to privacy that must be respected. However, when a person or entity is before a policy body or passive meeting body, that person, and the public, has the right to an open and public process.

Memorandum

Section 67.21 addresses general requests for public documents.

This section provides:

> a.) Every person having custody of any public record or public information, as defined herein, ... shall, at normal times and during normal and reasonable hours of operation, without unreasonable delay, and without requiring an appointment, permit the public record, or any segregable portion of a record, to be inspected and examined by any person and shall furnish one copy thereof upon payment of a reasonable copying charge, not to exceed the lesser of the actual cost or ten cents per page.
>
> b.) A custodian of a public record shall as soon as possible and within ten days following receipt of a request for inspection or copy of a public record, comply with such request. Such request may be delivered to the office of the custodian by the requester orally or in writing by fax, postal delivery, or e-mail. If the custodian believes the record or information requested is not a public record or is exempt, the custodian shall justify withholding any record by demonstrating, in writing as soon as possible and within ten days following receipt of a request, that the record in question is exempt under express provisions of this ordinance.
>
> c.) A custodian of a public record shall assist a requester in identifying the existence, form, and nature of any records or information maintained by, available to, or in the custody of the custodian, whether or not the contents of those records are exempt form disclosure and shall, when requested to do so, provide in writing within seven days following receipt of a request, a statement as to the existence, quantity, form and nature of records relating to a particular subject or questions with enough specificity to enable a requester to identify records in order to make a request under (b). A custodian of any public record, when not in possession of the record requested, shall assist a requester in directing a request to the proper office or staff person.
>
> ...
>
> k.) Release of documentary public information, whether for inspection of the original or by providing a copy, shall be governed by the California Pubic Records Act Government Code Section 6250 et seq.) in particulars not addressed by this ordinance and in accordance with the enhanced disclosure requirement provided in this ordinance.
>
> l.) Inspection and copying of documentary public information stored in electronic form shall be made available to the person requesting the information in any form requested which is available to or easily generated by the department, its officers or employees, including disk, tape, printout or monitor at a charge no greater than the cost of the media

on which it is duplicated. Inspection of documentary public information on a computer monitor need not be allowed where the information sought is necessarily and unseparably intertwined with information not subject to disclosure under this ordinance. Nothing in this section shall require a department t program or reprogram a computer to respond to a request for information or to release information where the release of that information would violate a licensing agreement or copyright law.

Section 67.26 provides:

> No record shall be withheld from disclosure in its entirety unless all information contained in it is exempt from disclosure under express provisions of the California Public Records Act or of some other statute. Information that is exempt from disclosure shall be masked, deleted or otherwise segregated in order that the nonexempt portion of a requested record may be released, and keyed by footnote or other clear reference to the appropriate justification for withholding required by section 67.27 of this article. This work shall be done personally by the attorney or other staff member conducting the exemption review. The work of responding to a public-records request and preparing documents for disclosure shall be considered part of the regular work duties of any city employee, and no fee shall be charged to the requester to cover the personnel costs of responding to a records request.

Section 67.27 provides:

> Any withholding of information shall be justified in writing, as follows:
>
> a.) A withholding under a specific permissive exemption in the California Public Records Act, or elsewhere, which permissive exemption is not forbidden to be asserted by this ordinance, shall cite that authority.
>
> b.) A withholding on the basis that disclosure is prohibited by law shall cite the specific statutory authority in the Public Records Act of elsewhere.
>
> c.) A withholding on the basis that disclosure would incur civil or criminal liability shall cite any specific statutory or case law, or any other public agency's litigation experience, supporting that position.
>
> d.) When a record being requested contains information, most of which is exempt from disclosure under the California Public Records Act and this Article, the custodian shall inform the requester of the nature and extent of the nonexempt information and suggest alternative sources for the information requested, if available.

Memorandum

Sunshine Ordinance Section 67.1 provides:

> g) Private entities and individuals and employees and officials of the City and County of San Francisco have rights to privacy that must be respected. However, when a person or entity is before a policy body or passive meeting body, that person, and the public has the right to an open and public process.

The California Public Records Act is located in the state Government Code Sections 6250 et seq. All statutory references, unless stated otherwise, are to the Government Code.

Section 6253 provides.

> a.) Public records are open to inspection at all times during the office hours of the state or local agency and every person has a right to inspect any public record, except as hereafter provided. Any reasonably segregable portion of a record shall be available for inspection by any person requesting the records after deletion of the portions that are exempted by law.
>
> b.) Except with respect to public records exempt from disclosure by express provisions of law, each state or local agency, upon a request for a copy of records that reasonably describes an identifiable record or records, shall make the records promptly available to any person upon payment of fees covering direct costs of duplication, or a statutory fee if applicable. Upon request, an exact copy shall be provided unless impracticable to do so.
>
> c.) Each agency, upon a request for a copy of records, shall within 10 days from receipt of the request, determine whether the request, in whole or in part, seeks copies of disclosable public records in the possession of the agency and shall promptly notify the person making the request of the determination and the reasons therefore....

Section 6255 provides:

> a.) The agency shall justify withholding any record by demonstrating that the record in question is exempt under express provisions of this chapter or that on the facts of the particular case the public interest served by not disclosing the record clearly outweighs the public interest served by disclosure of the record.

b.) A response to a written request for inspection or copies of public records that includes a determination that the request is denied, in whole or in part, shall be in writing.

<complaints@sfgov.org>
04/30/2008 11:00 AM

To <sotf@sfgov.org>
cc
bcc
Subject Sunshine Complaint

History: This message has been forwarded.

Submitted on: 4/30/2008 11:00:23 AM

Department: Planning Department

Contacted: Scott Sanchez and Sara Vellve

Public_Records_Violation: Yes

Public_Meeting_Violation: No

Meeting_Date:

Section(s)_Violated:

Description: We have repeatedly requested Planning Department Planner Scott Sanchez and Vera Vellve to release the complete file regarding a new project at 2642-44 Hyde Street and they have refused to provide the complete file for us to review.

On 3/19/08 Mr. Sanchez said we must make a specific request, a Sunshine rquest for certain information/documents.

If we request for the complete file without mentioning Sunshine, the planners would only release partial documents which are chosen at their liking.

Hearing: Yes

Date: 4/14/2008

Name: Anonymous

Address:

City:

Zip:

Phone:

Email:

Anonymous: tenants769np@yahoo.com

Confidentiality_Requested: Yes

Tenants 769NorthPoint
<tenants769np@yahoo.com>

05/14/2008 01:24 PM

To SOTF <sotf@sfgov.org>
cc
bcc
Subject Re: 2642-44 Hyde Street

Dear Mr. Rustom:

Thank you for your e-mail. We have no problem to attend the hearing to present evidence. Please give us notice for the time and place which the hearing will be held and the procedures.

Thank you.

SOTF <sotf@sfgov.org> wrote:
Dear tenants769np,

You are required to attend the hearing to present evidence. Since you claimed anonymity the only way would be over the phone. Would you want to do it over the phone or change the complaint entry?

Chris Rustom
Administrator
Sunshine Ordinance Task Force
1 Dr. Carlton B. Goodlett Place
City Hall, Room 244
San Francisco, CA 94102-4689
SOTF@SFGov.org
OFC: (415) 554-7724
FAX: (415) 554-7854

Complete a SOTF Customer Satisfaction Survey by clicking the link below.
http://www.sfgov.org/site/sunshine_form.asp?id=34307

Tenants
769NorthPoint

oo.com> SOTF
cc
05/13/2008 01:25
PM Subject
Re: 2642-44 Hyde Street

Hello,

Thank you for responding to our email, Yes, we would like to schedule a Task Force hearing on our complaint.

SOTF wrote:
Tenants 769NorthPoint,

Do you want to go ahead and schedule a Task Force hearing on your complaint?

Chris Rustom

Administrator
Sunshine Ordinance Task Force
1 Dr. Carlton B. Goodlett Place
City Hall, Room 244
San Francisco, CA 94102-4689
SOTF@SFGov.org
OFC: (415) 554-7724
FAX: (415) 554-7854

Complete a SOTF Customer Satisfaction Survey by clicking the link below.
http://www.sfgov.org/site/sunshine_form.asp?id=34307

Tenants
769NorthPoint

oo.com> Sara.Vellve@sfgov.org
cc
05/13/2008 07:22 sotf@sfgov.org,
AM Victor.Pacheco@sfgov.org,
john.rahaim@sfgov.org,

David.Lindsay@sfgov.org,
Scott.Sanchez@sfgov.org
Subject
Re: 2642-44 Hyde Street

Dear Planner Sara Vellve:

We review the copy of the files that you released on May 12, 2008.
First we would like to point out that it is unfair to the public including us that after we repeatedly request for the complete file and recently requested under the Sunshine Ordinance, you still released incomplete files.
The file released contains many fraudulent plans and misleading information
that have been constantly changing before and after the hearings. Not to mention the procedures have not been complied with and/or waived for this project. Many items should have been corrected and/or submitted before any hearing, unfortunately they weren't.
As a direct result, the sponsor was able to persuade you and planning dept.
to be on his side and waived the codes and procedures for him. Many deals have been made with the project sponsor behind the public views. The Board relied on Planning Dept. and over looked the sponsor and the Planning staffs' lies and misleading documents or misstatements, etc.

We have asked you and Mr. Sanchez many, many times for a complete file but the file you release on May 12, 2009 is still an incomplete file. For example:
the restriction required by Planning Dept. is not released to the public/ us.
"A photograph of the poster posted on the property" must be submitted by Mr. Jeremy Paul, the permit expediter, at the variance hearing is not released to the public/us.
The reason why you stated the permit was canceled and project abandoned was not released to the public/us.
The meetings, e-mails, phone calls, events, correspondence between

you/planning dept. and Mr. Jeremy Paul who was the agent from 2004 to 2007 has not been released to the public/us.
Only partial e-mails between you and Mr. Robert Mittelstadt were released, many are withhold by you. The e-mails are so confused because some do not have the names of the sender and receiver.
Please let us know who wrote:" We will not include any of these or other building details in this permit application." "I'm confident that the Planning Commissioners will see through the smokescreen." and what he/she is talking about?
The majority of the e-mails between you or other planning dept. staffs and us are not released to the public/us.

There is an easement issue. If you look in the file you will see there is a
recorded court document stating that this is a perpetual easement and it is
for tradesmen, air and light. This easement was also recorded by Ms.Billie J. Cayot who was the Trustee until March 31, 2008. Ms. Cayot had this easement documents notarized before recording. Not only did Ms. Cayot record this easement, the permit expeditor Mr. Jeremy Paul acknowledged this easement at the variance hearing.
In addition, we have pointed out the easement issue many times and supplied
copies of the Court Documents which states that this is a perpetual easement.
Looking in the current file, we really don't understand how you can over look all the facts, recorded legal documents, COURT'S ORDER, etc. and keep on favoring the Sponsor(s) by claiming it remains as an "undetermined easement." Are you trying to over turn the Court's Order?
Your e-mails to Mr. Mittelstadt prove that you have no consideration for the facts and the law. You go out of your way to support what Mr. Mittelstadt wants to say and do. This easement is not in your jurisdiction nor does Mr. Mittelstadt has any right to over turn the Court's order by reclassifying it as an "access parcel". The Court orders that it is a perpetual easement and the Court's order was recorded.
As a matter of fact Planning Dept. requires that the legal description and any restriction must be disclosed when the sponsor applies for variance. Unfortunately you waived this procedures for the permit expediter Jeremy Paul and now for Mr. Robert Mittelstadt.

2642-44 Hyde Street was owned by the Trust known as "2642-44 Hyde Street, In Trust". This Trust was terminated on March 31, 2008 by the Court's Order
which was recorded.
Since April 1, 2008 the new owner is Ms. Kristina Vogel who is the grand

niece of the former owner Paula Fortune. Ms. Fortune created the 2642-44 Hyde Street Trust.
There is no authorized agency in file to prove that the new owner Ms. Vogel
has appointed anyone to be her agent. Are you going to waive the authorized agency requirement?

The new 6th revision plans are fraudulent plans which do not correctly indicate
the subject structures and floor plans, the location of the adjacent properties and structures.
For example, the structures to the south are wrong.
The structures to the north, 2646-48 Hyde Street, are wrong, part of the structures are intentionally deleted. Mr. Mittelstatd was also the architect for 2646-48 Hyde Street. His plans submitted under penalty of perjury are different than these new #6 revision.
769 North Point structures foot print are intentionally wrong. We have supplied you with a plan that shows the correct foot print.
In the #6 revised plans Mr. Mittelstadt labeled the project "legalization of second floor rear balcony at 2644 Hyde Street" when he has full knowledge that this illegal second floor deck/balcony is at 2642 Hyde Street - the second floor not at 2644 Hyde Street - the ground floor.
Again we ask you not to send 311 notification with these new #6 revised fraudulent plans to mislead the neighbors for you and the Planning Dept. to
pay favoritism to Mr. Jeremy Paul and Mr. Robert Mittelstadt.

These fraudulent plans must be corrected.

We paid fee to the Planning Dept. for block notification but you did not send the block notification to us. Can you tell us the reasons?

There are more issues we would like to bring to your attention. However, We would like you to respond to these questions/concerns stated above first.

Thank you.

Linda
Avery/CTYPLN/SFGOV
05/28/2008 07:58 PM

To SOTF/SOTF/SFGOV@SFGOV
cc John Rahaim/CTYPLN/SFGOV@SFGOV, Sara Vellve/CTYPLN/SFGOV@SFGOV, Scott Sanchez/CTYPLN/SFGOV@SFGOV,
bcc
Subject Re: Received: #08023_Anonymous v Planning Department

SOTF:

I am the custodian of records for the Planning Department and am in receipt of complaint #08023 filed by Anonymous against Ms. Sara Vellve and Mr. Scott Sanchez of Department staff.

The complainant states that they have repeatedly requested review of the "complete" file for 2642-44 Hyde Street, but that Ms. Vellve and Mr. Sanchez have refused to provide the complete file for their review.

Both Ms. Vellve and Mr. Sanchez believe that they have responded completely to the requests made by the complainant.

From a letter to Planner Sara Vellve from the complainant, (the letter does not seem to be dated and is attached as part of this complaint), it seems that from the material staff provided to the complainant, the complainant is questioning the reasoning and/or actions of staff in staff's decisions related to the case. The complainant's observations relative to the easement issue, their opinion of the decisions staff made relative to this case, and their assertion that the 6th revision of the plans are fraudulent and do not correctly indicate subject structures etc., seem to be matters that should fall under the review of the Director of Planning, (and possibly in conjunction with the City Attorney's office), but are they under the Jurisdiction of the Sunshine Ordinance Task Force?

From what I have been provided, it seems that staff has responded to the complainant's requests.

However, I offer the following: I will be out of the office until Monday, June 2, 2008. While I am away, I will have my assistant Ms. Lulu Hwang, pull together the file for 2642-44 Hyde Street. Upon my return, I will review the file; ask the City Attorney to review the file; and invite the complainant to come and review the file again or submit a copy of it to the SOTF for its consideration in this case.

If this matter is to have a prehearing conference with the Complaint Committee of SOTF, I will be out of town from Monday, June 9, 2008 thru Wednesday, June 11, 2008.

If you have questions during my absence, please contact Ms. Hwang by email or at 558-6318.

Thank you.

Linda D. Avery-Herbert
Commission Secretary
Chief of Operations
SAN FRANCISCO PLANNING COMMISSION
1650 MISSION STREET – SUITE 400
SAN FRANCISCO, CA 94103-2414
TEL: 415.558.6407 – FAX: 415.558.6409
WEBSITE: www.sfgov.org/planning

SOTF/BOS/SFGOV

June 3, 2008

SOTF

Re: # 08023

Thank you for e-mailing us a copy of Ms. Linda D. Avery-Herbert of Planning Dept.'s letter of May 29, 2008. She contests your jurisdiction.
She tries to mislead SOTF by stating that: "From a letter to Planner Sara Vellve from the complainant, (the letter does not seem to be dated and is attached as part of this complaint) while she has full knowledge that the letter to Planner Sara Vellve was sent to her by E-mail and cc to other parties. The first page of this e-mail letter has a date: 05//13/2008 which is 13 days after we submitted our complaint to SOTF. It is not and could not have been a part of the complaint as Ms. Avery alleged. Ms. Avery's points are mute. She is only clouding up the issues.
However, our May 13, 2008 e-mail to Planner Sara Vellve proves that even though we filed our complaint, we continue trying to gain access to all inferences and evidence from Planner Sara Vellve and Planning Department but failed.

SOTF is to provide the most open government possible (see City Administrative Code Section (67.1), all inferences and evidence shall be viewed in the light most favorable to the petitioner. It is the goal of SOTF to help the public gain access to public records and meetings.

Our complaint is under SOTF's jurisdiction because:
Both Senior Planner Scott Sanchez, Planner Sara Vellve and Ms. Avery are missing the point. The issue is not if we received and reviewed the dockets/files for 2642-44 Hyde Street. The issues are that the Planning Dept., Planner Scott Sanchez and Planner Sara Vellve provided incomplete dockets/files. The public can not gain access to all the public records. Many documents are removed from the file, for example:

All the correspondence between the city and applicant including the permit expeditor Mr. Jeremy Paul who represented the owner of 2642-44 Hyde Street from 2004 to 2007;
The correspondences and memorandum between the city employees;
Variance meeting documents;
Planner Sanchez at the BOA hearing of February 20, 2008 told the Board that: "the Zoning Administrator didn't see any problem with the stairs" but these documents/correspondence are not in the file;
The correspondences between us and the city;
They provided the dockets/files at the last minute leaving us no time to do research and/or have professionals (like architects) review the files before the hearings;
Letters/notices to all the interested parties;
Some of the documents re: meetings, decisions, etc.
Photo(s) of posted variance hearing required by the planning dept. were removed;
The permit details history by the Building Dept. shows the project was disapproved; Planner Sara Vellve's own statement to the Building Dept. : "permit cancelled, project abandond." But documents, email, correspondence, telephone logs, events, reason why permit cancelled, project abandond, project disapproved, etc. were removed; the inferences and evidence of such decision

and conclusion can not be viewed by the public.

Every time we looked at the file they added old documents that should have been in the file right from the start.
At the second BOA hearing of March 19, 2008, our request for a rehearing, Planner Sanchez told the BOA that if we expected to have the complete file we must make the request under the Sunshine Ordinance. This is the first time we heard of the Sunshine Ordinance request by Planning Dept. staff.
After the March 19, 2008 hearing, we again requested the complete file and this time we made the request under the Sunshine Ordinance. They added a couple of the emails to the file but continue withholding many correspondence mentioned above.

A couple of emails provided after the BOA hearings are without the names of the sender and receiver. These new e-mails are provided after the fact, after the hearings after they gave false information to the BOA.
At the March 19, 2008 BOA hearing, Planner Sanchez told the BOA that: "these materials were made available to the appellant time over time again time again. Um there are questions regarding communications between planners and between um staff and members of the public that's not typical information we don't print that out and keep in the dockets at all times." And " They can make a specific request they can make a Sunshine request for that information, um to my knowledge no such request was ever made Um I think they would have been best served had they really pursued that more vigorously if that's what they intended to do to try to receive."

Conversations between members of Planning Dept. staffs and the public, permit expeditor, architect and decisions made, any meetings, the reason why the project was disapproved, permit was cancelled, why we paid fees for block notifications for 4 years, but Planning Dept. kept the money but refused to give us the required block notifications, etc. all these are extremely important to the case and should have been made available to the public. It's not as if we didn't ask a dozen times. How much more vigorous does one have to be in order to meet the Planning Dept. standard? What is Planning Dept's standard for "vigorously" to pursue for complete files? Planner Sanchez tried to cover up his false statements to the board by telling them "questions regarding communications between planners and between um staff and members of the public that's not typical information we don't print that out and keep in the dockets at all times." These are extremely important to the case especially when there is an opposition to the project. These documents should have been in the file. These documents are in other files that we looked at for different properties.
In addition there are many more documents mentioned above that should be in the file.

Regardless how cunning Senior Planner Sanchez tried to cover up, the facts remains there are a lot more documents besides the communications that he is referring to. And how much more clearer do we have to make it to the City planners? When we asked for the complete file several times including we requested if "there are any other files and/or documents anywhere in the system related to this address," but they still refused to give it to us.

On April 1, 2008 I talked to Mr. Cris Rustom of SOTF. He informed me that Sr. Planner Scott Sanchez's statement is incorrect; we do not have to specifically state that we request the

complete file under the Sunshine Ordinance and that our request for the complete file is sufficient.

Over the last two weeks we went to the planning department to obtain a Sunshine Ordinance request form but no one at Planning knew what we were talking about. As recent as June 2, 2008 I talked to Lulu in planning department. She was confused to my request. Lulu told me they don't have any Sunshine Ordinance forms and we would have to get the forms from the Sunshine Ordinance office. Lulu told me "we just have the standard planning department request forms." We in fact filled out these standard planning department forms many times for complete files.

Most recently on May 19, 2008 Planning Dept. issued a letter to one of the tenant by stating that the Planning Department has responded repeatedly to her numerous requests for information on this project. She wrote two letters, one dated May 19, 2005 to Planner Sara Vellve and second one dated Sept. 02, 2005 to Director Mr. Dean Macris. She did not ever receive the response from the Planning Dept. and/or Planner Sara Vellve. But it proves by Planning Dept.'s own admission: Planner Sara Vellve and Planner Scott Sanchez, are definitely withholding documents from the public including us.
We asked for the complete/entire file over, over and over again. "Complete" in ordinary citizen's dictionary means everything related to the case which should include e-mails, correspondence, conversations logs, meetings, required photos, restrictions of the subject property, all inferences and evidence. But they failed their obligation.
The last issue is that after several months of requesting a complete file, over and over and over and over and over again, not one city employee out of the many city employees whom we talked to, informed us that we had to make a Sunshine Ordinance request for a complete file until at the BOA hearing of March 19, 2008. Planning Dept. was making sure that it would be too late for us to receive the complete file before the hearings and had to resort to make false statements, one after another false statements to cover up.

It is quit obvious if you listen to the two BOA hearings, Sr. Planner Sanchez went out of his way to support this project, even to the point of making false statements to the BOA board and Planner Vellve working in unison by not giving us the complete files. These two Planners are public servants and they are supposed to treat all of us equally and fairly. They are not suppose to rally around one property with total disregard to our health and safety, etc. which is exactly what they did.

We ask you to take jurisdiction of our complaint for the reasons stated above. We need your help to have Planning dept. and its staff provide a complete file to the public.
Ms. Avery of planning contests SOTF's jurisdiction did not address our complaint that they possess but refuse to provide the complete file, al inferences and evidence to the public.

Thank you.

Attached: Exhibit 1 (13 - pages) Some E-mails between Planner Sara Vellve and us.
Exhibit 2 (16 – pages) Some E-mails between Planner Scott Sanchez and us.
Exhibit 3 (1 - page) Permit Details Report by Department of Building Inspection.
Exhibit 4 (3 – pages) BOA hearings transposed to paper.

Exhibit 1

(13 - pages) Some E-mails between Planner Sara Vellve and us.

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Date: Mon, 22 Oct 2007 09:34:50 -0700 (PDT)

From: "Tenants 769NorthPoint" <tenants769np@yahoo.com>

Subject: 2642-44 Hyde Street Variance application 2004-1312V

To: sara.vellve@sfgov.org

Dear Ms. Vellve,

We viewed the Variance application file for 2642-44 Hyde Street on October 18, 2007. We noticed that many items that should be in the file are not in the file.

Please review the file and make sure all the items are in the file before you release it to us for review.
We would like to make another appointment to view the "complete" file.

Please respond ASAP.

Thank you.

cc: Lawrence Badiner

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Date: Mon, 22 Oct 2007 11:51:48 -0700 (PDT)

From: "Tenants 769NorthPoint" <tenants769np@yahoo.com>

Subject: Re: 2642-44 Hyde Street Variance application 2004-1312V

To: "Sara Vellve" <Sara.Vellve@sfgov.org>

Ms. Vellve,

Thank you for responding to our email. Yes, we believe there are many documents missing. Would anyone else have a copy of the entire file?
BOA does not have the Variance file which is still in your possession.

If you look at docket of Variance 2004.1312 V folder cover under "RELATED PROPOSALS: 2004.11.02.8353", would you please provide this file for our review? No document related to this proposals is in the docket that you released.

Other than the docket 2004.1312V that you released, are there any other files and/or documents anywhere in the system related to this address?

Please respond ASAP.

Thank you.

cc: Lawrence Badiner

Sara Vellve <Sara.Vellve@sfgov.org> wrote:

> As far as I know the docket is complete. If you believe information is missing please let me know. The docket has been reviewed many times and it is possible that items have been removed from it. The Board of Permit Appeals may have some of the information you are looking for.
>
> Sara Vellve, Northwest Team
> San Francisco Planning Department
> 1650 Mission Street, Suite 400
> San Francisco, CA 94103
> P: 415.558.6263
> F: 415.558.6409
>
> Tenants
> 769NorthPoint
>
> oo.com> sara.vellve@sfgov.org
> cc
> 10/22/2007 09:34
> AM Subject
> 2642-44 Hyde Street Variance
> application 2004-1312V

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Print - Close Window

Date: Thu, 1 Nov 2007 21:16:41 -0700 (PDT)

From: "Tenants 769NorthPoint" <tenants769np@yahoo.com>

Subject: Re: Fw: 2642-44 Hyde Street Variance application 2004-1312V

To: "Sara Vellve" <Sara.Vellve@sfgov.org>

November 1, 2007
Dear Mr. Vellve:
Re: 2642-44 Hyde Street, variance application 2004-1312V
Thank you for making the Variance docket/file available for our review.
In your e-mail, you stated that the plans and the related information are separate actions.
Would you educate us by explaining what do you mean by "actions"? How many different actions are there regarding the above address variance? What are the differences in these actions?
After you explain to us, we hope that in the future we won't disturb you.
Thank you for your time and consideration.
Sincerely,
Tenants at 769 North Point Street.

Sara Vellve <Sara.Vellve@sfgov.org> wrote:

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Date: Mon, 5 Nov 2007 21:53:14 -0800 (PST)

From: "Tenants 769NorthPoint" <tenants769np@yahoo.com>

Subject: Re: Fw: 2642-44 Hyde Street Variance application 2004-1312V

To: "Sara Vellve" <Sara.Vellve@sfgov.org>

CC: larry.badiner@sfgov.org

Dear Ms. Vellve:
Re: 2642-44 Hyde Street, 2004-1312V
After we reviewed the file that you released, we have many questions. We believe that we are not able to express our questions without pointing out the documents to you.
We need to see you in person so that you can explain to us.
Can we make an appointment to see you ASAP?
Looking forward to hearing from you.
Tenants 769 North Point

YAHOO! MAIL Classic

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Date: Sun, 27 Jan 2008 14:10:17 -0800 (PST)

From: "Tenants 769NorthPoint" <tenants769np@yahoo.com>

Subject: Re: Fw: 2642-44 Hyde, V05-129

To: Sara.Vellve@sfgov.org

Dear Planner Ms. Sara Vellve:

We are instructed by Senior Planner Scott Sanchez to contact you regarding the file # V05-129. The BOA hearing is re-scheduled on February 20, 2008. We need to have the information and documents available to us by the morning of Wednesday January 30, 2008 so that we can prepare ourselves and be ready to present our case before the BOA.

Please identify the documents below that Mr. Sanchez will use to support the variance decision and also identify the documents that were used at the May 25, 2005 variance hearing. Please place these documents separate from the other documents for our review.

The "NOTICE OF PLANNING DEPARTMENT REQUIREMENTS" requires the following:

" 1. Plans: Please include all lot lines and building footprints that relate to the adjacent structures and lots. Please indicate the following items on the plans:
a. Specific features subject to the variance request;
b. The solid fire wall required for the stairs;
c: The required rear setbacks.

2. Photo: Please provide a photo of the side notch area where the proposed stairs would be constructed.

3. Building Permit: The Department suggests that the building permit and variance proposals be processed concurrently. This would allow the neighborhood to comment on the proposal as a whole ....."

All plans submitted must be to an appropriate scale; plot plan 1"=10' or 20"; floor plans 1/8' or 1/4" to 1' with the use of all space labeled. "

There are 5 different sets of plans submitted. Please provide and/or identify all the plans that meet Planning Dept's requirements stated above.

The photos in Mr. Sanchez's files are different photos than your files.
Please identify what photos meet Planning Dept.'s requirement stated above.

Mr. Scott Sanchez recently informed us that the current application is what is being reviewed by the Department. We are confused. Could you please clarify if the "Duplicate" Building Permit Application or the variance application is "the current application" being reviewed by Planning Dept. ?

Thank you for your assistance.

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Date: Mon, 4 Feb 2008 16:12:25 -0800 (PST)

From: "Tenants 769NorthPoint" <tenants769np@yahoo.com>

Subject: RE: 2642-44 Hyde Street - V05-129

To: Sara.Vellve@sfgov.org

Dear Planner Ms. Sara Vellve:

You did not respond to our specific questions. We e-mail you our requests again. Everyone in the City informed us that you are the planner in this case and shoul be able to answer our questions and provide documents requested. Please respond.

We are instructed by Senior Planner Scott Sanchez to contact you regarding the file # V05-129. The BOA hearing is re-scheduled on February 20, 2008. We need to have the information and documents available to us by the morning of Wednesday January 30, 2008 so that we can prepare ourselves and be ready to present our case before the BOA.

Please identify the documents below that Mr. Sanchez will use to support the variance decision and also identify the documents that were used at the May 25, 2005 variance hearing. Please place these documents separate from the other documents for our review.

The "NOTICE OF PLANNING DEPARTMENT REQUIREMENTS" requires the following:

" 1. Plans: Please include all lot lines and building footprints that relate to the adjacent structures and lots. Please indicate the following items on the plans:
a. Specific features subject to the variance request;
b. The solid fire wall required for the stairs;
c: The required rear setbacks.

2. Photo: Please provide a photo of the side notch area where the proposed stairs would be constructed.

3. Building Permit: The Department suggests that the building permit and variance proposals be processed concurrently. This would allow the neighborhood to comment on the proposal as a whole ....."

All plans submitted must be to an appropriate scale; plot plan 1"=10' or 20"; floor plans 1/8' or 1/4" to 1' with the use of all space labeled. "

There are 5 different sets of plans submitted. Please provide and/or identify all the plans that meet Planning Dept's requirements stated above.

The photos in Mr. Sanchez's files are different photos than your files.
Please identify what photos meet Planning Dept.'s requirement stated above.

Mr. Scott Sanchez recently informed us that the current application is what is being reviewed by the Department. We are confused. Could you please clarify if the "Duplicate" Building Permit Application or the variance application is "the current application" being reviewed by Planning Dept. ?

Thank you for your assistance.

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Date: Tue, 12 Feb 2008 14:25:10 -0800 (PST)

From: "Tenants 769NorthPoint" <tenants769np@yahoo.com>

Subject: Re: 2642-44 Hyde Street - VO5-129 and 2004.1312V

To: Sara.Vellve@sfgov.org

Dear Planner Ms. Sara Vellve:

On February 8, 2008 (Friday) we went to Planning Dept.4/F to review the documents that you newly released. However, you still did not respond to our specific questions and our requested documents. (please see our previous e-mails)

We ask that you release the **original** VARIANCE HEARING SIGN-IN SHEET, Date: May 25, 2005, Case No. 2004.1312V, Planner: Sara Vellve for us to review ASAP.

Thank you for your cooperation.

YAHOO! MAIL Classic

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Date: Tue, 12 Feb 2008 21:50:00 -0800 (PST)

From: "Tenants 769NorthPoint" <tenants769np@yahoo.com>

Subject: Re:2642-44 Hyde Street - V05-129

To: "Sara Vellve" <Sara.Vellve@sfgov.org>

CC: Scott.Sanchez@sfgov.org

Dear Planner Ms. Sara Vellve:

We are extremely frustrated. We have been requesting verification on documents that you should have had in your files for years. The items that are listed on the "NOTICE OF PLANNING DEPARTMENT REQUIREMENTS" are mandatory in order for this project to proceed. In addition, they should have been provided to you within 30 days from Feb. 1, 2005. We ask you specifically to segregate these items so we may review them.
You failed to do any of these.
We have 2 days before we have to turn in our brief to the BOA. We are asking you again and again to provide us with the documents requested. Please segregate the documents so that we are sure the documents are provided. Please answer our questions below.
We list them again as following:

Please identify the documents below that Mr. Sanchez will use to support the variance decision and also identify the documents that were used at the May 25, 2005 variance hearing. Please place these documents separate from the other documents for our review.

The "NOTICE OF PLANNING DEPARTMENT REQUIREMENTS" requires the following:

" 1. Plans: Please include all lot lines and building footprints that relate to the adjacent structures and lots. Please indicate the following items on the plans:
a. Specific features subject to the variance request;
b. The solid fire wall required for the stairs;
c: The required rear setbacks.

2. Photo: Please provide a photo of the side notch area where the proposed stairs would be constructed.

3. Building Permit: The Department suggests that the building permit and variance proposals be processed concurrently. This would allow the neighborhood to comment on the proposal as a whole ....."

All plans submitted must be to an appropriate scale; plot plan 1"=10' or 20"; floor plans 1/8' or 1/4" to 1' with the use of all space labeled. "

There are 5 different sets of plans submitted. Please provide and/or identify all the plans that meet Planning Dept's requirements stated above.

The photos in Mr. Sanchez's files are different photos than your files.
Please identify what photos meet Planning Dept.'s requirement stated above.

Mr. Scott Sanchez recently informed us that the current application is what is being reviewed by the Department. We are confused. Could you please clarify if the "Duplicate" Building Permit Application is "the current application" being reviewed by Planning Dept. ?

We ask that you release the original variance hearing sign-in sheet, date May 25, 2005, case no. 2004.1312V, Planner Sara Vellve for us to review ASAP.

Thank you for your assistance.

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Date: Thu, 14 Feb 2008 19:07:47 -0800 (PST)

From: "Tenants 769NorthPoint" <tenants769np@yahoo.com>

Subject: Re:2642-44 Hyde Street - V05-129

To: Sara.Vellve@sfgov.org

CC: david.lindsay@sfgov.org

Dear Planner Ms. Sara Vellve,

Thank you for responding to our email. In your email dated: Thursday 14, February 2008 you stated: "the project sponser did not provide all the information listed above." Listed above meaning all the items listed in the 'NOTICE OF PLANNING DEPARTMENT REQUIREMENTS' that pertains to this variance request project.

1. Could you please inform us as to the items listed, which items did the project sponser not provide to the Building and Planning Departments for this variance request project?

In your email you stated; "At the time the letter was written the Department thought the stairs were to be newly constructed. Once it had been determined that they already existed, and that the Department of Building Inspection did not require a firewall, the stairs were no longer considered an element under review."

2. Could you please explain what "letter was written" that you are referring to?
3. Could you please inform us which "Department thought the stairs were to be newly constructed?"
4. Also could you please inform us who in the Department of Building Inspection said that a firewall is not required for the stairs?

When you respond, would you please write the specific numbers that you are responding to.
Example: 1. with you answer to question 1; 2. with your answer to question 2; etc.

Thank you for your cooperation.

Tenants 769 Norht Point

Yahoo! Mail - tenants769np@yahoo.com http://us.f448.mail.yahoo.com/ym/ShowLetter?box=Sent&Msgld=...

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Date: Tue, 29 Apr 2008 12:49:33 -0700 (PDT)

From: "Tenants 769NorthPoint" <tenants769np@yahoo.com>

Subject: Re: 2642-44 Hyde Street

To: "Sara Vellve" <Sara.Vellve@sfgov.org>

CC: Scott.Sanchez@sfgov.org, Lulu.Hwang@sfgov.org, Linda.Avery@sfgov.org

Dear Planner Sara Vellve:

Yes, we want to review the complete file(s) under the Sunshine Ordinance.
Complete file(s) means everything, including but not limited to the correspondence between the employees of Planning Dept.; Building Dept. and the permit applicant, the permit applicant's agent/permit expediter Mr. Jeremy Paul and Mr. Paul's company, the Architect Robert Mittelstadt and any member of the public; between the city employees, etc. We probably should use your word "all of them".
Please let us know if the complete file(s) is in fact available tomorrow at 11:00 am? or you need more time to make the complete file(s) ready?
In any even we like to review "Revision 5" tomorrow at 11:00 a.m.

Thank you.

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Date: Tue, 13 May 2008 07:22:52 -0700 (PDT)

From: "Tenants 769NorthPoint" <tenants769np@yahoo.com>

Subject: Re: 2642-44 Hyde Street

To: Sara.Vellve@sfgov.org

CC: sotf@sfgov.org, Victor.Pacheco@sfgov.org, john.rahaim@sfgov.org, David.Lindsay@sfgov.org, Scott.Sanchez@sfgov.org

Dear Planner Sara Vellve:

We review the copy of the files that you released on May 12, 2008.
First we would like to point out that it is unfair to the public including us that after we repeatedly request for the complete file and recently requested under the Sunshine Ordinance, you still released incomplete files.
The file released contains many fraudulent plans and misleading information that have been constantly changing before and after the hearings. Not to mention the procedures have not been complied with and/or waived for this project. Many items should have been corrected and/or submitted before any hearing, unfortunately they weren't.
As a direct result, the sponsor was able to persuade you and planning dept. to be on his side and waived the codes and procedures for him. Many deals have been made with the project sponsor behind the public views. The Board relied on Planning Dept. and over looked the sponsor and the Planning staffs' lies and misleading documents or misstatements, etc.

We have asked you and Mr. Sanchez many, many times for a complete file but the file you release on May 12, 2009 is still an incomplete file. For example:
the restriction required by Planning Dept. is not released to the public/ us.
"A photograph of the poster posted on the property" must be submitted by Mr. Jeremy Paul, the permit expediter, at the variance hearing is not released to the public/us.
The reason why you stated the permit was canceled and project abandoned was not released to the public/us.
The meetings, e-mails, phone calls, events, correspondence between you/planning dept. and Mr. Jeremy Paul who was the agent from 2004 to 2007
has not been released to the public/us.
Only partial e-mails between you and Mr. Robert Mittelstadt were released, many are withhold by you. The e-mails are so confused because some do not have the names of the sender and receiver.
Please let us know who wrote:" We will not include any of these or other building details in this permit application."
"I'm confident that the Planning Commissioners will see through the smokescreen." and what he/she is talking about?
The majority of the e-mails between you or other planning dept. staffs and us are not released to the public/us.

There is an easement issue. If you look in the file you will see there is a recorded court document stating that this is a perpetual easement and it is for tradesmen, air and light. This easement was also recorded by Ms.Billie J. Cayot who was the Trustee until March 31, 2008. Ms. Cayot had this easement documents notarized before recording. Not only did Ms. Cayot record this easement, the permit expeditor Mr. Jeremy Paul acknowledged this easement at the variance hearing.
In addition, we have pointed out the easement issue many times and supplied copies of the Court Documents which states that this is a perpetual easement.
Looking in the current file, we really don't understand how you can over look all the facts, recorded legal documents, COURT'S ORDER, etc. and keep on favoring the Sponsor(s) by claiming it remains as an "undetermined easement." Are you trying to over turn the Court's Order?
Your e-mails to Mr. Mittelstadt prove that you have no consideration for the facts and the law. You go out of your way to support what Mr. Mittelstadt wants to say and do. This easement is not in your jurisdiction nor does Mr. Mittelstadt has any right to over turn the Court's order by reclassifying it as an "access parcel". The Court orders that it is a perpetual easement and the Court's order was recorded.
As a matter of fact Planning Dept. requires that the legal description and any restriction must be disclosed when the sponsor applies for variance. Unfortunately you waived this procedures for the permit expediter Jeremy Paul and now for Mr. Robert Mittelstadt.

2642-44 Hyde Street was owned by the Trust known as "2642-44 Hyde Street, In Trust". This Trust was terminated on March 31, 2008 by the Court's Order which was recorded.
Since April 1, 2008 the new owner is Ms. Kristina Vogel who is the grand niece of the former owner Paula Fortune. Ms. Fortune created the 2642-44 Hyde Street Trust.
There is no authorized agency in file to prove that the new owner Ms. Vogel has appointed anyone to be her agent. Are you going to waive the authorized agency requirement?

The new 6th revision plans are fraudulent plans which do not correctly indicate
the subject structures and floor plans, the location of the adjacent properties and structures.
For example, the structures to the south are wrong.
The structures to the north, 2646-48 Hyde Street, are wrong, part of the structures are intentionally deleted. Mr. Mittelstatd was also the architect for 2646-48 Hyde Street. His plans submitted under penalty of perjury are different than these new #6 revision.
769 North Point structures foot print are intentionally wrong. We have supplied you with a plan that shows the correct foot print.
In the #6 revised plans Mr. Mittelstadt labeled the project "legalization of second floor rear balcony at 2644 Hyde Street" when he has full knowledge that this illegal second floor deck/balcony is at 2642 Hyde Street - the second floor not at 2644 Hyde Street - the ground floor.
Again we ask you not to send 311 notification with these new #6 revised fraudulent plans to mislead the neighbors for you and the Planning Dept. to pay favoritism to Mr. Jeremy Paul and Mr. Robert Mittelstadt.

These fraudulent plans must be corrected.

We paid fee to the Planning Dept. for block notification but you did not send the block notification to us. Can you tell us the reasons?

There are more issues we would like to bring to your attention. However,
We would like you to respond to these questions/concerns stated above first.

Thank you.

YAHOO! MAIL Classic

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Date: Mon, 12 May 2008 13:41:08 -0700 (PDT)

From: "Tenants 769NorthPoint" <tenants769np@yahoo.com>

Subject: Re: 2642-44 Hyde Street

To: Sara.Vellve@sfgov.org

CC: David.Lindsay@sfgov.org, john.rahaim@sfgov.org, Scott.Sanchez@sfgov.org

Dear Planner Sara Vellve:

Today we made copy of the files that you just released. There are new documents which were not release in the past by you.
We will review the file and the new documents when we have more time.

A quick review of the #6 new revision plans we would like to bring to your immediate attention:
These #6 revising plans are still fraudulent plans. We ask that you do not send these fraudulent plans as part of the 311 notification to mislead the neighbors in order to pay favoritism to certain individuals. These fraudulent plans must be corrected.

After we review the files that you released today, we will send you a detailed letter shortly.

We paid fee to the Planning Dept. for block notification but you did not send the block notification to us. Many deals have been made on this project behind the public view.

We hope that you will respond to our questions and /or concerns.

Thank you.

Exhibit 2

(16 – pages) Some E-mails between Planner Scott Sanchez and us.

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Subject: Re:2642-44 Hyde Street - V05-129

To: "Tenants 769NorthPoint" <tenants769np@yahoo.com>

CC: "Sara Vellve" <Sara.Vellve@sfgov.org>, "Larry Badiner" <Larry.Badiner@sfgov.org>

From: "Scott Sanchez" <Scott.Sanchez@sfgov.org>

Date: Tue, 4 Dec 2007 19:50:46 -0800

Hello,

Your welcome.

The files you reviewed are the complete files for both the variance and appeal at 2642-2644 Hydes Street. The Department does not have any other files relating to the variance or appeal.

Thank you.

Regards,
Scott F. Sanchez
Planner
San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco, CA 94103

Tel: 415.558.6326
Fax: 415.558.6409

E-mail: scott.sanchez@sfgov.org
Webpage: http://www.sfgov.org/planning

Tenants 769NorthPoint <tenants769np@yahoo.com> To

Scott.Sanchez@sfgov.org

cc

12/04/2007 07:30 PM

Subject

Re:2642-44 Hyde Street - V05-129

Dear Senior Planner Sanchez,

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Print - Close Window

Date: Fri, 7 Dec 2007 11:07:33 -0800 (PST)

From: "Tenants 769NorthPoint" <tenants769np@yahoo.com>

Subject: Re:2642-44 Hyde Street - V05-129

To: "Scott Sanchez" <Scott.Sanchez@sfgov.org>

Dear Senior Planner Sanchez:

From the files that you released to us on December 3, 2007, there is no Building Permit Application in the files.
Do you have the Building Permit Application for us to review?

Thank you.

Sincerely,

Scott Sanchez <Scott.Sanchez@sfgov.org> wrote:

> Hello,
>
> Your welcome.
>
> The files you reviewed are the complete files for both the variance and appeal at 2642-2644 Hydes Street. The Department does not have any other files relating to the variance or appeal.
>
> Thank you.
>
> Regards,
> Scott F. Sanchez
> Planner
> San Francisco Planning Department
> 1650 Mission Street, Suite 400
> San Francisco, CA 94103
>
> Tel: 415.558.6326
> Fax: 415.558.6409
>
> E-mail: scott.sanchez@sfgov.org
> Webpage: http://www.sfgov.org/planning
>
> Tenants
> 769NorthPoint
> oo.com> Scott.Sanchez@sfgov.org
> cc
> 12/04/2007 07:30
> PM Subject
> Re:2642-44 Hyde Street - V05-129

YAHOO! MAIL Classic

Print - Close Window

Date: Wed, 12 Dec 2007 15:46:21 -0800 (PST)

From: "Tenants 769NorthPoint" <tenants769np@yahoo.com>

Subject: Re:2642-44 Hyde Street - V05-129

To: Scott.Sanchez@sfgov.org

Second Request

Dear Senior Planner Sanchez:

From the files that you released to us on December 3, 2007, there is no Building Permit Application in the files.
Do you have the Building Permit Application for us to review?

Thank you.

Sincerely,

YAHOO! MAIL Classic

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Subject: Re:2642-44 Hyde Street - V05-129

To: "Tenants 769NorthPoint" <tenants769np@yahoo.com>

From: "Scott Sanchez" <Scott.Sanchez@sfgov.org>

Date: Wed, 12 Dec 2007 16:03:38 -0800

Yes. The building permit application and plans are available for review.
If you would like to review them, I can leave them out for you tomorrow morning (12/13/07) after 10 AM. If you would like to review them, please
confirm with an email.

Regards,
Scott F. Sanchez
Planner
San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco, CA 94103

Tel: 415.558.6326
Fax: 415.558.6409

E-mail: scott.sanchez@sfgov.org
Webpage: http://www.sfgov.org/planning

Tenants
769NorthPoint
<tenants769np@yah
To
oo.com> Scott.Sanchez@sfgov.org
cc
12/12/2007 03:46
PM
Subject
Re:2642-44 Hyde Street - V05-129

Second Request

Dear Senior Planner Sanchez:

From the files that you released to us on December 3, 2007, there is no Building Permit Application in the files.

YAHOO! MAIL Classic

Print - Close Window

Date: Mon, 17 Dec 2007 13:16:21 -0800 (PST)

From: "Tenants 769NorthPoint" <tenants769np@yahoo.com>

Subject: Re:2642-44 Hyde Street - V05-129

To: Scott.Sanchez@sfgov.org

Dear Senior Planner Sanchez:

Thank you for your help. We realize that you are very busy and unable to meet with us. We are accepting your offer and will communicate our concerns by e-mails.

In viewing the file for 2642-44 Hyde Street the file Sara Vellve released several weeks ago and comparing it to the file that you released recently, we noticed that they are two different files and contain different documents, even thought you believe that the file you released to us is the only file that Planning Dept. possesses.
Also when we brought to Ms. Vellve's attention that there were missing documents, Sara asked which documents were missing and shortly after they appeared.
We also notice that there are more missing documents but have not had the opportunity to bring it to Sara's attention. It is very clear to us that Sara has a private file and she only releases what she wants us to see. We cannot understand why does she control the files under her guard?
These files should be open to the public and we should be able to view the complete file.

How can we formulate our case befor BOA when we are not able to view the complete file?

We understand that you will be standing in for Mr. Badiner at the BOA hearing regarding 2642-44 Hyde Street Variance Appeal in February 2008.
If Mr. Badiner's decision was based on erroneous plans, etc. Are you allowed to voice your opinion and point it out if in fact this is the case?
We are wondering as a senior planner, will you defend Mr. Badiner's decision, even if his decision was based on erroneous plans, etc.?

Have you read all the documents that we have submitted regarding this issue?

Thank you for your time and consideration.

Sincerely yours,

Scott Sanchez <Scott.Sanchez@sfgov.org> wrote:

> Yes. The building permit application and plans are available for review. If you would like to review them, I can leave them out for you tomorrow morning (12/13/07) after 10 AM. If you would like to review them, please confirm with an email.
>
> Regards,
> Scott F. Sanchez
> Planner

YAHOO! MAIL Classic

Print - Close Window

Subject: Re:2642-44 Hyde Street - V05-129

To: "Tenants 769NorthPoint" <tenants769np@yahoo.com>

From: "Scott Sanchez" <Scott.Sanchez@sfgov.org>

Date: Fri, 28 Dec 2007 15:44:10 -0800

Hello,

I believe that the files which were left out for your review represent all the files the Department has on the subject project. In your email, you state the belief that there are "two different files and contain different documents" and that "there are more missing documents." What documents do you believe are missing?

Thank you.

Regards,
Scott F. Sanchez
Planner
San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco, CA 94103

Tel:Â Â Â Â 415.558.6326
Fax: Â Â Â 415.558.6409

E-mail: Â Â Â Â Â Â Â Â Â scott.sanchez@sfgov.org
Webpage:Â Â Â http://www.sfgov.org/planning

	Tenants 769NorthPoint <tenants769np@yahoo.com>	
To		Scott.Sanchez@sfgov.org
cc		
	12/17/2007 01:16 PM	
Subject		Re:2642-44 Hyde Street - V05-129

YAHOO! MAIL Classic

Print - Close Window

Date: Sat, 29 Dec 2007 11:51:08 -0800 (PST)

From: "Tenants 769NorthPoint" <tenants769np@yahoo.com>

Subject: Re:2642-44 Hyde Street - V05-129 and Happy Holidays to you.

To: Scott.Sanchez@sfgov.org

Hi Mr. Sanchez,

Thank you for respond to our December 17, 2007 e-mail.

You inform us that the files which you released to us for review are the complete files for both the variance and appeal at 2642-44 Hyde Street and the Department does not have any other files relating to the variance or appeal.

In the file we noticed there is no building permit application and we requested to review the application. You provided it and plans to us. We noticed this is a duplicate application and not a copy of the original application. We would like to review a copy of the original application. It should be easy to obtain by requesting one from the project sponsor.
This is one of the missing documents.

Also the file does not reflect all the documents that are required in the Planning Department's "NOTICE OF PLANNING DEPARTMENT REQUIREMENTS"; these documents are missing. We would like to review these documents along with any other document that should be in the file.

Since time is of the essence and February will be here before we know it. We would appreciate, if you are able to respond with a higher priority. We know that you are very busy and it is the Holiday Season, we really appreciate your help.

Thank you for time and consideration.

Happy Holidays!

Thank you.

Scott Sanchez <Scott.Sanchez@sfgov.org> wrote:

> Hello,
>
> I believe that the files which were left out for your review represent all the files the Department has on the subject project. In your email, you state the belief that there are "two different files and contain different documents" and that "there are more missing documents." What documents do you believe are missing?
>
> Thank you.
>
> Regards,
> Scott F. Sanchez
> Planner
> San Francisco Planning Department
> 1650 Mission Street, Suite 400

YAHOO! MAIL Classic

Print - Close Window

Date: Wed, 2 Jan 2008 23:39:13 -0800 (PST)

From: "Tenants 769NorthPoint" <tenants769np@yahoo.com>

Subject: Re:2642-44 Hyde Street - V05-129

To: Scott.Sanchez@sfgov.org

Dear Senior planner Scott Sanchez:

Thank you for response to our email. We understand your frustration and we don't mean to contribute to it. However, if you can view our position, you can see your frustration is no comparison to ours.

We have been trying for many weeks to view all the files, microfilm and have requested for the complete files and microfilm several times. Every time, some documents either become missing or new and different documents are added.

The "NOTICE OF PLANNING DEPARTMENT REQUIREMENTS" requires the following:

" 1. Plans: Please include all lot lines and building footprints that relate to the adjecent structures and lots. Please indicate the following items on the plans:
a. Specific features subject to the variance request;
b. The solid fire wall required for the stairs;
c: The required rear setbacks.

2. Photo: Please provide a photo of the side notch area where the proposed stairs would be constructed.

3. Building Permit: The Department suggests that the building permit and variance proposals be processed concurrently. This would allow the neighborhood to comment on the proposal as a whole ....."

All plans submitted must be to an appropriate scale; plot plan 1"=10' or 20"; floor plans 1/8' or 1/4" to 1' with the use of all space labeled. "

There are 5 different sets of plans submitted. Please provide and/or identify all the plans that meet Planning Dept's requirements stated above.

**The photos in your files are different photos than in Sara Vellve's files.
Please identify what photos meet Planning Dept.'s requirement stated above.**

You recently informed us that the current application is what is being reviewed by the Department. We are confused. Do you mean the "Duplicate" Building Permit Application is "the current application" being reviewed by Planning Dept.?

We are so confused and frustrated. Please help.

Thank you.

YAHOO! MAIL Classic

Print - Close Window

Date: Wed, 16 Jan 2008 10:43:57 -0800 (PST)

From: "Tenants 769NorthPoint" <tenants769np@yahoo.com>

Subject: Re:2642-44 Hyde Street - V05-129

To: "Scott Sanchez" <Scott.Sanchez@sfgov.org>

Dear Senior Planner Scott Sanchez:

We do not mean to imposition you nor add to your workload, however, we sent you e-mails on January 2 and 14, 2008 asking for specified documents as you requested us to do.
As of today, we have not heard from you. We are getting extremely frustrated and we are in a very limited time frame before BOA hearing. At the very least,
we hope that you can inform us with a single sentence as to why it is taking so much time.

Thank you.

Regards,

YAHOO! MAIL Classic

Print - Close Window

Date: Wed, 16 Jan 2008 21:22:59 -0800 (PST)

From: "Tenants 769NorthPoint" <tenants769np@yahoo.com>

Subject: Re:2642-44 Hyde Street - V05-129

To: "Scott Sanchez" <Scott.Sanchez@sfgov.org>

Hi Mr.Sanchez:

Thank you for getting back to us. We are a little bit puzzled, it is our understanding that November 14, 2007 was the scheduled BOA hearing date. It was cancelled the day before the hearing. We would assume that before November 14, 2007 you already had the entire file which should include the specified documents we requested.
We believe you provided the entire file in your possession to us for review. Obviously, it did not contain the specified documents that Planning Dept. requested from Quickdraw Permit Consulting.

You are unable to identify the specified documents we requested and forward our requests to the Planner Sara Vellve.
Please be aware that, Planner Ms. Vellve, along with the same architect and same permit expeditor/Quickdraw Permit Consulting are handling the subject property and two adjacent neighbors' projects.(These two adjacent property being 2646-48 Hyde Street and 2650-52 Hyde Street.)
When 2650-52 Hyde Street applied for permit with fraudulent plans, Ms.Vellve stated that: "I am going to make it as easy as possible for 2650-52 Hyde Street".

We are very concerned. For the system to work and to be fair to us, we only hope that you would not permit anyone to create documents right now.

We also understand that the duplicate building permit application is the one being reviewed by Planning Dept.

Thank you.

Regards,

Scott Sanchez <Scott.Sanchez@sfgov.org> wrote:

Hello,

I apologize for not getting back to you sooner. It is my understanding that this appeal will be heard in over one month, on February 20, 2008. We have provided all information available for this case. I have forwarded your questions to Sara Vellve (the planner who handled this case) and will try to respond to you by the end of next week.

Regards,
Scott F. Sanchez
Planner
San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco, CA 94103

Tel:Â Â Â Â 415.558.6326
Fax: Â Â Â 415.558.6409

E-mail: Â Â Â Â Â Â Â Â Â scott.sanchez@sfgov.org
Webpage:Â Â Â http://www.sfgov.org/planning

YAHOO! MAIL Classic

Print - Close Window

Date: Fri, 25 Jan 2008 17:01:40 -0800 (PST)

From: "Tenants 769NorthPoint" <tenants769np@yahoo.com>

Subject: Re:2642-44 Hyde Street - V05-129

To: "Scott Sanchez" <Scott.Sanchez@sfgov.org>

Hi, Mr. Sanchez:

We are extremely frustrated and disappointed. On 1/2/08 we specified the documents and information that we requested per your request. On 1/16/08 you informed us that you did not have the documents and information but would forward our requests to the Planner Sara Vellve, who is handling this case. You informed us that we should receive a response by the end of next week.
Today is the end of the week but we did not hear from you nor from Sara Vellve.
The information and documents that we requested should have been available to the public before the variance decision and again before the first scheduled BOA hearing on 11/14/07
but they are not.

The BOA hearing is rescheduled less then a month now. The information and documents we requested are still not available to us. We don't understand why you gave us "complete files" and Sara gave us a "complete" but a different file. And yet the documents requested are not in these two files.
Please inform us: do these documents exist or is Sara Vellve in the process creating the documents?

Also you have not responded to our 1/23/08 e-mail.

Can you please tell us why it is taking so long to respond to our requests?

Thank you for your help.

Regards,

YAHOO! MAIL Classic

Print - Close Window

Subject: Re:2642-44 Hyde Street - V05-129

To: "Tenants 769NorthPoint" <tenants769np@yahoo.com>

From: "Scott Sanchez" <Scott.Sanchez@sfgov.org>

Date: Fri, 25 Jan 2008 17:11:15 -0800

Any new construction within the required rear yard would require a variance.

As for your request for additional information, you have had access to all the files that the Department has for this case. I apologize for not being able to respond to you this week. I will discuss the case in greater detail with Sara next week. If you have specific questions for her, you should contact her directly. My responsibility is to represent the Department AT the hearing, not for every information request related to a particular case. For that, you must contact the planner directly.

Regards,
Scott F. Sanchez
Planner
San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco, CA 94103

Tel:Â Â Â Â 415.558.6326
Fax: Â Â Â 415.558.6409

E-mail: Â Â Â Â Â Â Â Â Â scott.sanchez@sfgov.org
Webpage:Â Â Â Â http://www.sfgov.org/planning

	Tenants 769NorthPoint <tenants769np@yahoo.com>		
To		Scott Sanchez <Scott.Sanchez@sfgov.org>	
	01/23/2008 03:51 PM		
cc			
Subject		Re:2642-44 Hyde Street - V05-129	

YAHOO! MAIL Classic

Print - Close Window

Date: Fri, 25 Jan 2008 22:08:32 -0800 (PST)

From: "Tenants 769NorthPoint" <tenants769np@yahoo.com>

Subject: Re:2642-44 Hyde Street - V05-129

To: "Scott Sanchez" <Scott.Sanchez@sfgov.org>

Hi Mr. Sanchez,

Thank you for responding to our e-mail. We have contacted the Planner Sara Vellve several times. The last contact with her was on November 5, 2007, nine days before the original BOA hearing of November 14, 2007. She did not respond to our Nov. 5, 2007e-mail.
We had no alternative so we contacted you since you are the person representing the Planning Dept. before BOA.

It is unfortunately that you are put in the middle of this. But we do need information, documents and assistance from the Planning Dept. We have dealt with Sara Vellve with other issues and her action leaves a lot to be desired. She tends to favor certain people.

At this point even if we are successful in working with Sara, we still believe that you are the one who should inform us on what documents, plans and information that you rely on to support the Variance Decision or do you believe that Sara should provide this information?

We don't mean to put you in an undesirable position but we do have a serious issue here at hand, that effects our well being for the entire time that we live at this address. We just want to be treated fairly and equally. We hope you can understand.

Thank you for your time and help.

Regards,

Tenants

YAHOO! MAIL Classic

Print - Close Window

Subject: Re:2642-44 Hyde Street - V05-129

To: "Tenants 769NorthPoint" <tenants769np@yahoo.com>

From: "Scott Sanchez" <Scott.Sanchez@sfgov.org>

Date: Wed, 30 Jan 2008 13:20:18 -0800

Hello,

Please understand that I do not have any reservations about providing information or helping answer your questions. All files, in their entirety, have been made available to you for review.

Regards,
Scott F. Sanchez
Planner
San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco, CA 94103

Tel:Â Â Â Â 415.558.6326
Fax: Â Â Â 415.558.6409

E-mail: Â Â Â Â Â Â Â Â Â scott.sanchez@sfgov.org
Webpage:Â Â Â http://www.sfplanning.org

Tenants 769NorthPoint <tenants769np@yahoo.com> To

Scott Sanchez <Scott.Sanchez@sfgov.org>

01/30/2008 12:34 PM

cc

Subject Re:2642-44 Hyde Street - V05-129

YAHOO! MAIL Classic

Print - Close Window

Date: Wed, 30 Jan 2008 12:34:29 -0800 (PST)

From: "Tenants 769NorthPoint" <tenants769np@yahoo.com>

Subject: Re:2642-44 Hyde Street - V05-129

To: "Scott Sanchez" <Scott.Sanchez@sfgov.org>

Hi Mr. Sanchez:

We are forced to send you this e-mail. As you know we have to turn in our response to the BOA a week before the hearing. It leaves not much time, a little over 9 working days to finish our research, etc. Between Sara and you we have already lost several weeks of valuable time waiting for a response to our specific requests. We believe that you are willing to help but you have some reservation due to the circumstances of this case. What you have done for us is greatly appreciated.

On January 27, 2008 we contacted the Planner Sara Vallve as you advised and we CC you our e-mail to Sara. We asked Sara to respond by this morning, unfortunately we have not heard from Sara.

The information we are seeking should be right at her and your finger tips.

We are extremely frustrated and are unable to conclude our report. This is a very poor way for the city to show the public how we are being treated by our public servants.

It seems that Sara is unwilling to cooperate. Sara has displayed favoritism to certain individuals and we feel that is why she does not respond. Ms. Sara Vellve is the planner for the three (3) properties at 2642-44, 2646-48 and 2650-52 Hyde Street. All these properties are represented by Mr. Jeremy Paul, the permit expediter and Mr. Robert Mittelstatd, Architect. The Planning Department shows favoritism to all these properties, waives the codes for them.

The playing field is not fair and equal as long as the city employees behave in this fashion.
For the sake of faimess and equality, the Planning Dept. should extend to us a little more courtesy.

Please respond asap.

Thank you.

Regards,

YAHOO! MAIL Classic

Print - Close Window

Date: Wed, 30 Jan 2008 21:54:30 -0800 (PST)

From: "Tenants 769NorthPoint" <tenants769np@yahoo.com>

Subject: Re:; 2642-44 Hyde Street

To: Scott.Sanchez@sfgov.org

Hi, Mr. Sanchez:

We believe that you release the documents to us for review and obviously you can only release what Planner Sara Vellve provided to you. Again, the specific documents requested are not in the file which you released to us.

Can you please answer one question: is the "duplicate building permit application" the current application that is being reviewed by the Planning Department?

Thank you.

Regards,

Exhibit 3

(1 - page) Permit Details Report by Department of Building Inspection.

Department of Building Inspection

Online Permit And Complaint Tracking

Permit Details Report

Report Date: 6/2/2008 12:14:56 PM

Application Number: 200411028353
Form Number: 3
Address(es): 0027 /017 /0 2644 HYDE ST
Description: LEGALIZE E 2ND FLOOR BALCONY AT REAR OF PROPERTY PER NOV
Cost: $1.00
Occupancy Code: R-3
Building Use: 28 - 2 FAMILY DWELLING

Disposition / Stage:

Action Date	Stage	Comments
11/2/2004	TRIAGE	
11/2/2004	FILING	
11/2/2004	FILED	
11/1/2006	PLANCHECK	
11/1/2006	DISAPPROVED	
3/8/2007	REINSTATED	

Contact Details:

Contractor Details:

License Number: UNDECIDED
Name: UNDECIDED UNDECIDED
Company Name: UNDECIDED
Address: UNDECIDED * UNDECIDED CA 00000-0000
Phone:

Addenda Details:

Description:

Step	Station	Arrive	Start	In Hold	Out Hold	Finish	Checked By	Phone	Hold Description
1	CPB	11/2/04	11/2/04			11/2/04	BUFKA SUSAN	415-558-6070	
2	CP-ZOC	11/3/04	11/23/04	11/23/04	9/21/06		VELLVE SARA	415-558-6377	permit cancelled, project abandond
3	CPB	11/1/06	11/1/06			11/1/06	SIMPSON GARLAND	415-558-6070	dapvd per dcp 11/01/06 - Apl/plns reinstated, with original and revision) per sara vellve of dcp 03/08/07 gls
4	CP-ZOC	3/8/07					IONIN JONAS	415-558-6377	PLANS LOST. APPLICANT TOLD TO RESUBMIT NEW APPLICATION.
5	PPC	4/21/08	4/21/08				SIMPSON GARLAND	415-000-0000	04/21/2008: rEVISION 5 ROUTED TO DCP/S. VELLVE: rqz 05/02/08: (revisions) route to dcp's S. Vellve. gls
6	CPB							415-558-6070	
7	CNT-PC							415-558-6133	
8	BID-INSP							415-558-6096	
9	ONE-STOP							415-558-6649	
10	CPB							415-558-6070	

Station Code Descriptions and Phone Numbers

Technical Support for Online Services

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

Exhibit 4

(3 – pages) BOA hearings transposed to paper.

Board Of Appeals hearing February 20, 2008 V05-129

Senior Planner Scott Sanchez 7 minute opening:

Good evening president Garcia and members of the board Scott Sanchez planning department staff, um the item before you is a ?????? ??? issue to clarify it is a variance to legalize an existing balcony a cantilevered balcony at the second floor of the subject property it provides useable open space immediately accessible to the unit located on the second level of this building, um it is a minor um balcony related it's set back 4'-9" from each of the side property lines it's approximately 13' x 3' um it's our understanding that it's been in that location since at least some time in the 60's it was previous a um notice of violation DBI and actually a permit to remove the a the balcony that was provided to us by the appellants um it appears obviously that work was never preformed and they subsequently come in to for the variance to legalize the balcony um the variance decision letter was issued on July 13, 2005 , on July 25 an appeal of the categorical exemption was filed for this with a hearing date schedule for um I believe I'm sorry the um yes on July 25 the appeal was submitted for this the a hearing was going to before the board of appeals on September 7, 2005 prior to that on September 2 the cadex appeal was filed and it was scheduled to be heard before the board of supervisors on October 11 and it's the departments understanding that the cadex appeal was withdrawn some time shortly before the a the hearing and a at the time it was supposed to be heard at the board of appeals on September 7 um the board voted to continue to the call of the chair to allow time for the cadex appeal to be heard um it was recently revived a few months ago it was back in October of 2007, the building permit is still active for the work to legalize the subject balcony, it requires neighborhood notification pursuant inspection 311, that neighborhood notification has not yet been preformed um so if the variance is upheld by the board which we we hope it will be upheld a then it would go out to neighborhood notification um and the appellant would then have the opportunity to file a discretionary review go on to the planning commission um also provided the planning commission review would uphold the building permit and it would be issued and could be back at this board some time it the future um there is a three year window on the validity of a variance decision letter however it does provide a time out um when there is an appeal pending on the property so even though the variance decision letter was issued almost three years ago it would still be valid and we would count the three years of validity from the dated that the board of appeals rendereds the final decision on the subject variance decision letter. A the zoning administrator back in 2005 found that the subject variance was um meet all five conditions of the of the required findings of the variance, it a provides useable open space although minimal balcony of open space to the subjects um it has minimal impact on the neighbors it's set back substantially so that it doesn't require a firewall, um it's been in place since the 60's and really don't find any issues with this, it a provides reasonable usable open space and the department request you up hold the variance and available for any questions **um there has been some concerns raised by the appellant that certain materials were not available to them um in speaking with the planner who handled this case these material were made available to the appellant time over time again time again I made them available to the appallent as well in fact when I received them from the planner they still had a the little request can be reviewed notices on them so I know that the the appellant has come in and has seen all the case materials.** I'm available for any questions.Thank you.

Board Of Appeals hearing February 20, 2008 V05-129

Senior Planner Scott Sanchez 3 minute rebuttal:

Thank you Scott Sanchez planning department staff, this is not an issue about illegal work on any other property on the block it's about an issue about what's going on neighbors property or how other people on the block is treated. This is about the legalization of a cantilevered balcony, which is approximately 12' wide by 3' deep it's provides useable open space for the dwelling unit located on the second level of the subject building. There have been some attempts to try to perhaps confuse the board in bringing in other issues, which may or may which really don't effect um the zoning administrators decision on this. Um issues were raise about illegal stairs the zoning administrator hasn't found any issues with regarding illegal stairs there existing stairs um that provide access for the subject unit to the rear yard. Additionally there is an issue about easement um when the department was reviewing this we reviewed all the materials that are currently available the parcel map the parcel map does not show the three-foot easement that has been described at the rear of the property. Even if we were to take that into account it's still within the required rear yard. It doesn't change anything that would have been required here in the process; it's in the required rear yard whether or not you have the three-foot easement. The zoning administrator found that the variance request meet all the five findings that it's something that that necessary desirable for the subject property, it's a reasonable encroachment into the required rear yard. It's a structure that's been there for over 40 years now and to my knowledge there haven't been any complaints on it. The planning department doesn't have an active complaint on this. I took a quick look at DBI's NOV's and didn't see any recent NOV's on this. So um we feel comfortable we support we hope you support the variance decision I'm available for any questions. Thank you.

Board Of Appeals hearing March 19, 2008 V05-129

Senior Planner Scott Sanchez rebuttal:

Good evening President Garcia members of the board Scott Sanchez planning department staff, um I don't know real what to say to the allegations of the appellant this evening um they had plenty of time to submit that information to the department we did not received any of the information in advance um this is simply a variance to legalize is a very small very modest um rear balcony that has existed at least to the best of our information since the sixties of the subject property. Um regards as to access to the dockets I personally made them available several times to the appellants as well as my college Sara Vellve who made them available to them several times as well. Um there are questions regarding communications between planners and between um staff and members of the public that's not typical information we don't print that out and keep in the dockets at all times. They can make a specific request they can make a Sunshine request for that information, um to my knowledge no such request was ever made. Um I think they would have been best served had they really perused that more vigorously if that's what they intended to do to try to receive. Um they mentioned something about a DBN notification I'm not quite sure exactly what he's referring to um I don't believe that there is any special DBN notification on the property here. Um there is still gonna be plenty neighborhood notification because a 311 has not gone out for the deck so the building permit still requires 311 notification and um this will continue on I'm sure at the a planning commission and perhaps further at the board of appeals I'm available for any questions, thank you.

FAX TRANSMITTAL

Date: June 3, 2008

To: Mr. Chris Rustom
Administrator
Sunshine Ordinance Task Force (SOTF)

From: tenants769np

Fax Number: 415-554-7854

Re: #08023
Sunshine Complaint

Total Pages Including this Cover Page: 41

If you do not receive all of the pages indicated above, please e-mail us at tenants769np@yahoo.com

Tenants 769NorthPoint
<tenants769np@yahoo.com>

06/25/2008 06:33 PM

To SOTF <sotf@sfgov.org>

cc

bcc

Subject July 8, 2008 Special Meeting of the Sunshine Ordinance Task Force

Dear Mr. Rustom:

Thank you for the e-mail. We are sorry that we will not be available on July 8, 2008. We will attend the scheduled meeting on July 22, 2008.

Regards,

SUNSHINE ORDINANCE TASK FORCE HEARING
JULY 22, 2008
COMPLAINT #08023

To: Members of the Sunshine Ordinance Task Force.

Re: Complaint #08023

After viewing City Attorney's memorandum of June 16, 2008, we submit the following:

The relevant facts and documents that support our complaint can be viewed in the e-mails as exhibits (attached) along with the list below. The documents in the list were not provided to us for review and their inferences are not given. Many documents were released to us only after we stated that they were missing, but most importantly many documents were placed in the file after the hearings.
The e-mail exhibits show our continual requests for all documents/complete file that were not released to us. Their inferences to our questions/concerns are not given to us.
Here is the list:

All the correspondence, meetings, communications between the city and the applicant including the permit expeditor Mr. Jeremy Paul who represented the owner of 2642-44 Hyde Street from 2004 to 2007 are not in the file;
Mr. Paul's correspondences, meetings, conversations, events with Planner Sara Vellve, other staff(s) and Planner Ms. Vellve told Mr. Paul to ADD STAIRS to the Variance Application to avoid any future complications because Planner Ms. Vellve knew there was no permit for the porch and stairs, are not in the file;
The inference why Planner Sara Vellve permitted Mr. Paul not to provide all the Planning Department Requirements dated Feb. 1, 2005, are not in the file;
The correspondences and memorandums between the city employees, are not in the file;
Planner Mr. Sanchez at the BOA hearing of February 20, 2008 told the Board that: "the Zoning Administrator didn't see any problem with the stairs" these documents/correspondence, inferences are not in the file;
The correspondences (e-mails) between us and the city, us and Planner Ms. Vellve, us and ZA Mr. Badiner, us and Planner Mr. Sanchez, are not in the file;
They provided the dockets/files at the last minute leaving us no time to do research and/or have professionals (like architects) review the files before the hearings but their inferences are not in the file;
Letters/notices to all the interested parties, are not in the file;
The estimated construction costs is not in the file;
Application Submittal Appointments are not in the file;
Variance Hearing Schedule is not in the file;
The complete filled out Summary of Variance Hearing form is not in the file;
Variance meeting documents; for example, form for speakers at the hearing with each individual speaker's own hand written of the names, addresses and comments are not in the file;
The documents re: meetings, decisions, inferences, etc., are not in the file;
Final Variance Meeting with ZA To Discuss Cases, is not in the file;
Final Variance Hearing Schedule for subject variance is not in the file;
The subject variance form of Briefing, Update, Action at hearing is not in the file;
Photo(s) of posted variance hearing required by the planning dept, is/are not in the file;
All inferences for any and all decisions, etc., are not in the file;

Planning Dept. and/or Planner Sara Vellve's responses to Ms. Tsang's letters dated May 19, 2005 and September 02, 2005, are not in the file;
The original building application or copy of it could have easily been obtained thru the applicant or the applicants agent Permit Expeditor Mr. Jeremy Paul are not in the file;
All the filled out "Planning Document Retrieval Form for Docket 2004 and After" with date(s) and signature(s), are not in the file;
The Permit Details Report issued by the Building Dept. stating that the project was disapproved;
Planner Sara Vellve's own statement to the Building Dept. : "permit cancelled, project abandoned." but the documents, e-mails, correspondence, telephone logs, events, reason(s) why the permit cancelled, project abandoned, project disapproved, etc., are not in the file;
The telephone log that should have information of telephone conversations between staffs and permit expeditor Mr. Paul, between staffs, etc. is not in the file;
The inferences why the planning dept. continues the process two years after the permit was canceled and project abandoned are not in the file;
The evidence of such decision , conclusion are withheld from the full view of the public, ;
"Memorandum Requesting Cancellation of A Building Permit Application", is not in the file;
21 day notice of permit application cancellation notice is not in the file;
Any documents and conversations related to the permit cancellation and/or reinstatement are not in the file;
The inference why they did not provide us block notification even after we paid fees to Planning Dept. for 4 years in a row, is not in the file.
Communications between staffs and all of the above, even after our Sunshine Ordinance request, are not in the file;

Planning Department asked us what is missing from the file. This is not our job. We are laymen, members of the public. Planning Department deals with the files/cases on a daily basis.
They should inform us what should be in the file and what is missing.

Also attached is Sr. Planner Sanchez's statements at the BOA hearings, we transposed the tapes to word document.

Last is the Permit Expeditor Jeremy Paul's testimony under penalty of perjury at the Variance Hearing, we transposed the tape to word document. (Attached).

There were no exception to the Sunshine Ordinance under State, Federal, or case law and the very least we were not notified in writing as required by law.

Any member of the public should have the right to access to the complete file and Planning Dept. and the staffs' inferences.

We have expended an enormous amount of time, energy and costs in trying to obtain the complete file and Planning Dept. and staff's inference of this case. It is uncalled for, unjust and unfair to the public.

We ask you to order Planning Dept. Planner Sara Vellve, Scott Sanchez release all the documents, inferences to the public/including us in order for them to comply with the law and take appropriate action against them.

Thank you.

EXHBITS (44 pages)

E-mails and Permit Details Report

Sr. Planner Scott Sanchez
Statements at BOA hearings

Permit Expeditor Jeremy Paul's
Testimony at Variance Hearing

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Print - Close Window

Date: Mon, 22 Oct 2007 09:34:50 -0700 (PDT)

From: "Tenants 769NorthPoint" <tenants769np@yahoo.com>

Subject: 2642-44 Hyde Street Variance application 2004-1312V

To: sara.vellve@sfgov.org

Dear Ms. Velive,

We viewed the Variance application file for 2642-44 Hyde Street on October 18, 2007. We noticed that many items that should be in the file are not in the file.

Please review the file and make sure all the items are in the file before you release it to us for review. We would like to make another appointment to view the "complete" file.

Please respond ASAP.

Thank you.

cc: Lawrence Badiner

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Date: Mon, 22 Oct 2007 11:51:48 -0700 (PDT)

From: "Tenants 769NorthPoint" <tenants769np@yahoo.com>

Subject: Re: 2642-44 Hyde Street Variance application 2004-1312V

To: "Sara Vellve" <Sara.Vellve@sfgov.org>

Ms. Vellve,

Thank you for responding to our email. Yes, we believe there are many documents missing. Would anyone else have a copy of the entire file?
BOA does not have the Variance file which is still in your possession.

If you look at docket of Variance 2004.1312 V folder cover under "RELATED PROPOSALS: 2004.11.02.8353", would you please provide this file for our review? No document related to this proposals is in the docket that you released.

Other than the docket 2004.1312V that you released, are there any other files and/or documents anywhere in the system related to this address?

Please respond ASAP.

Thank you.

cc: Lawrence Badiner

Sara Vellve <Sara.Vellve@sfgov.org> wrote:

> As far as I know the docket is complete. If you believe information is missing please let me know. The docket has been reviewed many times and it is possible that items have been removed from it. The Board of Permit Appeals may have some of the information you are looking for.
>
> Sara Vellve, Northwest Team
> San Francisco Planning Department
> 1650 Mission Street, Suite 400
> San Francisco, CA 94103
> P: 415.558.6263
> F: 415.558.6409
>
> Tenants
> 769NorthPoint
>
> oo.com> sara.vellve@sfgov.org
> cc
> 10/22/2007 09:34
> AM Subject
> 2642-44 Hyde Street Variance
> application 2004-1312V

2

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Print - Close Window

Date: Tue, 23 Oct 2007 15:09:06 -0700 (PDT)

From: "Tenants 769NorthPoint" <tenants769np@yahoo.com>

Subject: 2642 - 44 Hyde Street, Variance #2004-1312V

To: "Sara Vellve" <Sara.Vellve@sfgov.org>

Ms: Velle:

Thank you for your e-mail of Oct. 22, 2007, regarding 2642-44 Hyde Street, Variance #2004-1312V. You informed us that: "The docket has been reviewed many times and it is possible that items have been removed from it."

Could you please explain to us how could the items be removed?
Who is allowed to remove the items from the file?

In our Oct. 22, 2007 e-mail, we asked you to review the file and make sure that all the items are in the file. Did you review the file?

Please respond ASAP.

Thank you for your time.

3

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Date: Thu, 1 Nov 2007 21:16:41 -0700 (PDT)

From: "Tenants 769NorthPoint" <tenants769np@yahoo.com>

Subject: Re: Fw: 2642-44 Hyde Street Variance application 2004-1312V

To: "Sara Vellve" <Sara.Vellve@sfgov.org>

November 1, 2007
Dear Mr. Vellve:
Re: 2642-44 Hyde Street, variance application 2004-1312V
Thank you for making the Variance docket/file available for our review.
In your e-mail, you stated that the plans and the related information are separate actions.
Would you educate us by explaining what do you mean by "actions"? How many different actions are there regarding the above address variance? What are the differences in these actions?
After you explain to us, we hope that in the future we won't disturb you.
Thank you for your time and consideration.
Sincerely,
Tenants at 769 North Point Street.

Sara Vellve <Sara.Vellve@sfgov.org> wrote:

4

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Date: Mon, 5 Nov 2007 21:53:14 -0800 (PST)

From: "Tenants 769NorthPoint" <tenants769np@yahoo.com>

Subject: Re: Fw: 2642-44 Hyde Street Variance application 2004-1312V

To: "Sara Vellve" <Sara.Vellve@sfgov.org>

CC: larry.badiner@sfgov.org

Dear Ms. Vellve:
Re: 2642-44 Hyde Street, 2004-1312V
After we reviewed the file that you released, we have many questions. We believe that we are not able to express our questions without pointing out the documents to you.
We need to see you in person so that you can explain to us.
Can we make an appointment to see you ASAP?
Looking forward to hearing from you.
Tenants 769 North Point

5

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Date: Tue, 13 Nov 2007 14:21:46 -0800 (PST)

From: "Tenants 769NorthPoint" <tenants769np@yahoo.com>

Subject: 2642-44 Hyde St, - V05-129 - 2004-1312V

To: scott.sanchez@sfgov.org

Dear Mr. Sanchez,

Mr. Feldman at BOA informed us that you will be representing the Planning Dept. before BOA commissioners. Would you be so kind to meet with us at your offrice to review the complete file and answer some of our concerns?
Looking forward to hearing from you very soon.
Thank you.

Sincerely yours,

6

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Date: Mon, 26 Nov 2007 07:57:46 -0800 (PST)

From: "Tenants 769NorthPoint" <tenants769np@yahoo.com>

Subject: Second request. Re:2642-44 Hyde Street - V05-129

To: scott.sanchez@sfgov.org

Second Request

Dear Mr. Sanchez,

Mr. Feldman at BOA informed us that you will be representing the Planning Dept. before BOA commissioners. Would you be so kind to meet with us at your offrice to review the complete file and answer some of our concerns?
Looking forward to hearing from you very soon.
Thank you.

Sincerely yours,

7

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Date: Tue, 4 Dec 2007 19:30:42 -0800 (PST)

From: "Tenants 769NorthPoint" <tenants769np@yahoo.com>

Subject: Re:2642-44 Hyde Street - V05-129

To: Scott.Sanchez@sfgov.org

Dear Senior Planner Sanchez,

We want to thank you for letting us review the file for 2642-44 Hyde Street.
Would we be correct in assuming that the file which you provided us to review is the only file available to us/public? Again thank you.

Scott Sanchez <Scott.Sanchez@sfgov.org> wrote:

> You can review the files by visiting the main reception of the Planning Department at 1650 Mission Street, 4th Floor.
>
> Regards,
> Scott F. Sanchez
> Planner
> San Francisco Planning Department
> 1650 Mission Street, Suite 400
> San Francisco, CA 94103
>
> Tel: 415.558.6326
> Fax: 415.558.6409
>
> E-mail: scott.sanchez@sfgov.org
> Webpage: http://www.sfgov.org/planning
>
> Tenants
> 769NorthPoint
> oo.com> Scott.Sanchez@sfgov.org
> cc
> 11/30/2007 06:58
> PM Subject
> Re:2642-44 Hyde Street - V05-129
>
> Dear Senior Planner Sanchez,
>
> Thank you for your email, we will be there on Monday at 10:10 am, Dec. 3, 2007.
> Please let us know where we can view the files.
> Thank You.
> Regards,

Subject: Re:2642-44 Hyde Street - V05-129

To: "Tenants 769NorthPoint" <tenants769np@yahoo.com>

CC: "Sara Vellve" <Sara.Vellve@sfgov.org>, "Larry Badiner" <Larry.Badiner@sfgov.org>

From: "Scott Sanchez" <Scott.Sanchez@sfgov.org>

Date: Tue, 4 Dec 2007 19:50:46 -0800

Hello,

Your welcome.

The files you reviewed are the complete files for both the variance and appeal at 2642-2644 Hydes Street. The Department does not have any other files relating to the variance or appeal.

Thank you.

Regards,
Scott F. Sanchez
Planner
San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco, CA 94103

Tel: 415.558.6326
Fax: 415.558.6409

E-mail: scott.sanchez@sfgov.org
Webpage: http://www.sfgov.org/planning

Tenants
769NorthPoint
<tenants769np@yah
oo.com>

To: Scott.Sanchez@sfgov.org

cc:

12/04/2007 07:30
PM

Subject: Re:2642-44 Hyde Street - V05-129

Dear Senior Planner Sanchez,

9

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Date: Fri, 7 Dec 2007 11:07:33 -0800 (PST)

From: "Tenants 769NorthPoint" <tenants769np@yahoo.com>

Subject: Re:2642-44 Hyde Street - V05-129

To: "Scott Sanchez" <Scott.Sanchez@sfgov.org>

Dear Senior Planner Sanchez:

From the files that you released to us on December 3, 2007, there is no Building Permit Application in the files.
Do you have the Building Permit Application for us to review?

Thank you.

Sincerely,

Scott Sanchez <Scott.Sanchez@sfgov.org> wrote:

> Hello,
>
> Your welcome.
>
> The files you reviewed are the complete files for both the variance and appeal at 2642-2644 Hydes Street. The Department does not have any other files relating to the variance or appeal.
>
> Thank you.
>
> Regards,
> Scott F. Sanchez
> Planner
> San Francisco Planning Department
> 1650 Mission Street, Suite 400
> San Francisco, CA 94103
>
> Tel: 415.558.6326
> Fax: 415.558.6409
>
> E-mail: scott.sanchez@sfgov.org
> Webpage: http://www.sfgov.org/planning
>
> Tenants
> 769NorthPoint
> oo.com> Scott.Sanchez@sfgov.org
> cc
> 12/04/2007 07:30
> PM Subject
> Re:2642-44 Hyde Street - V05-129

10

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Date: Wed, 12 Dec 2007 15:46:21 -0800 (PST)

From: "Tenants 769NorthPoint" <tenants769np@yahoo.com>

Subject: Re:2642-44 Hyde Street - V05-129

To: Scott.Sanchez@sfgov.org

Second Request

Dear Senior Planner Sanchez:

From the files that you released to us on December 3, 2007, there is no Building Permit Application in the files.
Do you have the Building Permit Application for us to review?

Thank you.

Sincerely,

11

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Print - Close Window

Date: Mon, 17 Dec 2007 13:16:21 -0800 (PST)

From: "Tenants 769NorthPoint" <tenants769np@yahoo.com>

Subject: Re:2642-44 Hyde Street - V05-129

To: Scott.Sanchez@sfgov.org

Dear Senior Planner Sanchez:

Thank you for your help. We realize that you are very busy and unable to meet with us. We are accepting your offer and will communicate our concerns by e-mails.

In viewing the file for 2642-44 Hyde Street the file Sara Vellve released several weeks ago and comparing it to the file that you released recently, we noticed that they are two different files and contain different documents, even thought you believe that the file you released to us is the only file that Planning Dept. possesses.
Also when we brought to Ms. Vellve's attention that there were missing documents, Sara asked which documents were missing and shortly after they appeared.
We also notice that there are more missing documents but have not had the opportunity to bring it to Sara's attention. It is very clear to us that Sara has a private file and she only releases what she wants us to see. We cannot understand why does she control the files under her guard?
These files should be open to the public and we should be able to view the complete file.

How can we formulate our case befor BOA when we are not able to view the complete file?

We understand that you will be standing in for Mr. Badiner at the BOA hearing regarding 2642-44 Hyde Street Variance Appeal in February 2008.
If Mr. Badiner's decision was based on erroneous plans, etc. Are you allowed to voice your opinion and point it out if in fact this is the case?
We are wondering as a senior planner, will you defend Mr. Badiner's decision, even if his decision was based on erroneous plans, etc.?

Have you read all the documents that we have submitted regarding this issue?

Thank you for your time and consideration.

Sincerely yours,

Scott Sanchez <Scott.Sanchez@sfgov.org> wrote:

> Yes. The building permit application and plans are available for review. If you would like to review them, I can leave them out for you tomorrow morning (12/13/07) after 10 AM. If you would like to review them, please confirm with an email.
>
> Regards,
> Scott F. Sanchez
> Planner

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Subject: Re:2642-44 Hyde Street - V05-129

To: "Tenants 769NorthPoint" <tenants769np@yahoo.com>

From: "Scott Sanchez" <Scott.Sanchez@sfgov.org>

Date: Fri, 28 Dec 2007 15:44:10 -0800

Hello,

I believe that the files which were left out for your review represent all the files the Department has on the subject project. In your email, you state the belief that there are "two different files and contain different documents" and that "there are more missing documents." What documents do you believe are missing?

Thank you.

Regards,
Scott F. Sanchez
Planner
San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco, CA 94103

Tel:Â Â Â Â 415.558.6326
Fax: Â Â Â 415.558.6409

E-mail: Â Â Â Â Â Â Â Â Â scott.sanchez@sfgov.org
Webpage:Â Â Â http://www.sfgov.org/planning

	Tenants 769NorthPoint <tenants769np@yahoo.com>	
To		Scott.Sanchez@sfgov.org
cc		
	12/17/2007 01:16 PM	
Subject		Re:2642-44 Hyde Street - V05-129

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Date: Sat, 29 Dec 2007 11:51:08 -0800 (PST)

From: "Tenants 769NorthPoint" <tenants769np@yahoo.com>

Subject: Re:2642-44 Hyde Street - V05-129 and Happy Holidays to you.

To: Scott.Sanchez@sfgov.org

Hi Mr. Sanchez,

Thank you for respond to our December 17, 2007 e-mail.

You inform us that the files which you released to us for review are the complete files for both the variance and appeal at 2642-44 Hyde Street and the Department does not have any other files relating to the variance or appeal.

In the file we noticed there is no building permit application and we requested to review the application. You provided it and plans to us. We noticed this is a duplicate application and not a copy of the original application. We would like to review a copy of the original application. It should be easy to obtain by requesting one from the project sponsor.
This is one of the missing documents.

Also the file does not reflect all the documents that are required in the Planning Department's "NOTICE OF PLANNING DEPARTMENT REQUIREMENTS"; these documents are missing. We would like to review these documents along with any other document that should be in the file.

Since time is of the essence and February will be here before we know it. We would appreciate, if you are able to respond with a higher priority. We know that you are very busy and it is the Holiday Season, we really appreciate your help.

Thank you for time and consideration.

Happy Holidays!

Thank you.

Scott Sanchez <Scott.Sanchez@sfgov.org> wrote:

> Hello,
>
> I believe that the files which were left out for your review represent all the files the Department has on the subject project. In your email, you state the belief that there are "two different files and contain different documents" and that "there are more missing documents." What documents do you believe are missing?
>
> Thank you.
>
> Regards,
> Scott F. Sanchez
> Planner
> San Francisco Planning Department
> 1650 Mission Street, Suite 400

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Print - Close Window

Date: Wed, 2 Jan 2008 23:39:13 -0800 (PST)

From: "Tenants 769NorthPoint" <tenants769np@yahoo.com>

Subject: Re:2642-44 Hyde Street - V05-129

To: Scott.Sanchez@sfgov.org

Dear Senior planner Scott Sanchez:

Thank you for response to our email. We understand your frustration and we don't mean to contribute to it. However, if you can view our position, you can see your frustration is no comparison to ours.

We have been trying for many weeks to view all the files, microfilm and have requested for the complete files and microfilm several times. Every time, some documents either become missing or new and different documents are added.

The "NOTICE OF PLANNING DEPARTMENT REQUIREMENTS" requires the following:

" 1. Plans: Please include all lot lines and building footprints that relate to the adjacent structures and lots. Please indicate the following items on the plans:
a. Specific features subject to the variance request;
b. The solid fire wall required for the stairs;
c: The required rear setbacks.

2. Photo: Please provide a photo of the side notch area where the proposed stairs would be constructed.

3. Building Permit: The Department suggests that the building permit and variance proposals be processed concurrently. This would allow the neighborhood to comment on the proposal as a whole ....."

All plans submitted must be to an appropriate scale; plot plan 1"=10' or 20"; floor plans 1/8' or 1/4" to 1' with the use of all space labeled. "

There are 5 different sets of plans submitted. Please provide and/or identify all the plans that meet Planning Dept's requirements stated above.

The photos in your files are different photos than in Sara Vellve's files. Please identify what photos meet Planning Dept.'s requirement stated above.

You recently informed us that the current application is what is being reviewed by the Department. We are confused. Do you mean the "Duplicate" Building Permit Application is "the current application" being reviewed by Planning Dept.?

We are so confused and frustrated. Please help.

Thank you.

Scott Sanchez <Scott.Sanchez@sfgov.org> wrote:

> As previously stated to you, the original building permit application for this project was lost. Since it was lost before issuance, there are no copies of the original application on file with the City or with the project sponsor. So there is no way I can provide this to you. The current application is what is being reviewed by the Department.

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Date: Wed, 16 Jan 2008 10:43:57 -0800 (PST)

From: "Tenants 769NorthPoint" <tenants769np@yahoo.com>

Subject: Re:2642-44 Hyde Street - V05-129

To: "Scott Sanchez" <Scott.Sanchez@sfgov.org>

Dear Senior Planner Scott Sanchez:

We do not mean to imposition you nor add to your workload, however, we sent you e-mails on January 2 and 14, 2008 asking for specified documents as you requested us to do.
As of today, we have not heard from you. We are getting extremely frustrated and we are in a very limited time frame before BOA hearing. At the very least,
we hope that you can inform us with a single sentence as to why it is taking so much time.

Thank you.

Regards,

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Subject: Re:2642-44 Hyde Street - V05-129

To: "Tenants 769NorthPoint" <tenants769np@yahoo.com>

From: "Scott Sanchez" <Scott.Sanchez@sfgov.org>

Date: Wed, 16 Jan 2008 11:04:44 -0800

Hello,

I apologize for not getting back to you sooner. It is my understanding that this appeal will be heard in over one month, on February 20, 2008. We have provided all information available for this case. I have forwarded your questions to Sara Vellve (the planner who handled this case) and will try to respond to you by the end of next week.

Regards,
Scott F. Sanchez
Planner
San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco, CA 94103

Tel:Â Â Â Â 415.558.6326
Fax: Â Â Â 415.558.6409

E-mail: Â Â Â Â Â Â Â Â Â scott.sanchez@sfgov.org
Webpage:Â Â Â http://www.sfgov.org/planning

	Tenants 769NorthPoint <tenants769np@yahoo.com>	
To		Scott Sanchez <Scott.Sanchez@sfgov.org>
	01/16/2008 10:43 AM	
cc		
Subject		Re:2642-44 Hyde Street - V05-129

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Print - Close Window

Date: Wed, 16 Jan 2008 21:22:59 -0800 (PST)

From: "Tenants 769NorthPoint" <tenants769np@yahoo.com>

Subject: Re:2642-44 Hyde Street - V05-129

To: "Scott Sanchez" <Scott.Sanchez@sfgov.org>

Hi Mr.Sanchez:

> Thank you for getting back to us. We are a little bit puzzled, it is our understanding that November 14, 2007 was the scheduled BOA hearing date. It was cancelled the day before the hearing. We would assume that before November 14, 2007 you already had the entire file which should include the specified documents we requested.
> We believe you provided the entire file in your possession to us for review. Obviously, it did not contain the specified documents that Planning Dept. requested from Quickdraw Permit Consulting.
>
> You are unable to identify the specified documents we requested and forward our requests to the Planner Sara Vellve.
> Please be aware that, Planner Ms. Vellve, along with the same architect and same permit expeditor/Quickdraw Permit Consulting are handling the subject property and two adjacent neighbors' projects.(These two adjacent property being 2646-48 Hyde Street and 2650-52 Hyde Street.)
> When 2650-52 Hyde Street applied for permit with fraudulent plans, Ms.Vellve stated that: "I am going to make it as easy as possible for 2650-52 Hyde Street".
>
> We are very concerned. For the system to work and to be fair to us, we only hope that you would not permit anyone to create documents right now.
>
> We also understand that the duplicate building permit application is the one being reviewed by Planning Dept.

Thank you.

Regards,

Scott Sanchez <Scott.Sanchez@sfgov.org> wrote:

> Hello,
>
> I apologize for not getting back to you sooner. It is my understanding that this appeal will be heard in over one month, on February 20, 2008. We have provided all information available for this case. I have forwarded your questions to Sara Vellve (the planner who handled this case) and will try to respond to you by the end of next week.
>
> Regards,
> Scott F. Sanchez
> Planner
> San Francisco Planning Department
> 1650 Mission Street, Suite 400
> San Francisco, CA 94103
>
> Tel:Â Â Â Â 415.558.6326
> Fax: Â Â Â 415.558.6409
>
> E-mail: Â Â Â Â Â Â Â Â Â scott.sanchez@sfgov.org
> Webpage:Â Â Â http://www.sfgov.org/planning

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Date: Fri, 25 Jan 2008 17:01:40 -0800 (PST)

From: "Tenants 769NorthPoint" <tenants769np@yahoo.com>

Subject: Re:2642-44 Hyde Street - V05-129

To: "Scott Sanchez" <Scott.Sanchez@sfgov.org>

Hi, Mr. Sanchez:

We are extremely frustrated and disappointed. On 1/2/08 we specified the documents and information that we requested per your request. On 1/16/08 you informed us that you did not have the documents and information but would forward our requests to the Planner Sara Vellve, who is handling this case. You informed us that we should receive a response by the end of next week.
Today is the end of the week but we did not hear from you nor from Sara Vellve.
The information and documents that we requested should have been available to the public before the variance decision and again before the first scheduled BOA hearing on 11/14/07
but they are not.

The BOA hearing is rescheduled less then a month now. The information and documents we requested are still not available to us. We don't understand why you gave us "complete files" and Sara gave us a "complete" but a different file. And yet the documents requested are not in these two files.
Please inform us: do these documents exist or is Sara Vellve in the process creating the documents?

Also you have not responded to our 1/23/08 e-mail.

Can you please tell us why it is taking so long to respond to our requests?

Thank you for your help.

Regards,

Scott Sanchez <Scott.Sanchez@sfgov.org> wrote:

> Hello,
>
> I apologize for not getting back to you sooner. It is my understanding that this appeal will be heard in over one month, on February 20, 2008. We have provided all information available for this case. I have forwarded your questions to Sara Vellve (the planner who handled this case) and will try to respond to you by the end of next week.
>
> Regards,
> Scott F. Sanchez
> Planner
> San Francisco Planning Department
> 1650 Mission Street, Suite 400
> San Francisco, CA 94103
>
> Tel:Å Å Å Å 415.558.6326
> Fax: Å Å Å 415.558.6409
>
> E-mail: Å Å Å Å Å Å Å Å Å scott.sanchez@sfgov.org
> Webpage:Å Å Å http://www.sfgov.org/planning

19

YAHOO! MAIL Classic

Print - Close Window

Subject: Re:2642-44 Hyde Street - V05-129

To: "Tenants 769NorthPoint" <tenants769np@yahoo.com>

From: "Scott Sanchez" <Scott.Sanchez@sfgov.org>

Date: Fri, 25 Jan 2008 17:11:15 -0800

Any new construction within the required rear yard would require a variance.

As for your request for additional information, you have had access to all the files that the Department has for this case. I apologize for not being able to respond to you this week. I will discuss the case in greater detail with Sara next week. If you have specific questions for her, you should contact her directly. My responsibility is to represent the Department AT the hearing, not for every information request related to a particular case. For that, you must contact the planner directly.

Regards,
Scott F. Sanchez
Planner
San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco, CA 94103

Tel:Â Â Â Â 415.558.6326
Fax: Â Â Â 415.558.6409

E-mail: Â Â Â Â Â Â Â Â Â scott.sanchez@sfgov.org
Webpage:Â Â Â http://www.sfgov.org/planning

Tenants 769NorthPoint <tenants769np@yahoo.com> To

Scott Sanchez <Scott.Sanchez@sfgov.org>

01/23/2008 03:51 PM

cc

Subject Re:2642-44 Hyde Street - V05-129

20

YAHOO! MAIL Classic

Print - Close Window

Date: Fri, 25 Jan 2008 22:08:32 -0800 (PST)

From: "Tenants 769NorthPoint" <tenants769np@yahoo.com>

Subject: Re:2642-44 Hyde Street - V05-129

To: "Scott Sanchez" <Scott.Sanchez@sfgov.org>

Hi Mr. Sanchez,

Thank you for responding to our e-mail. We have contacted the Planner Sara Vellve several times. The last contact with her was on November 5, 2007, nine days before the original BOA hearing of November 14, 2007. She did not respond to our Nov. 5, 2007e-mail.
We had no alternative so we contacted you since you are the person representing the Planning Dept. before BOA.

It is unfortunately that you are put in the middle of this. But we do need information, documents and assistance from the Planning Dept. We have dealt with Sara Vellve with other issues and her action leaves a lot to be desired. She tends to favor certain people.

At this point even if we are successful in working with Sara, we still believe that you are the one who should inform us on what documents, plans and information that you rely on to support the Variance Decision or do you believe that Sara should provide this information?

We don't mean to put you in an undesirable position but we do have a serious issue here at hand, that effects our well being for the entire time that we live at this address. We just want to be treated fairly and equally. We hope you can understand.

Thank you for your time and help.

Regards,

Tenants

Scott Sanchez <Scott.Sanchez@sfgov.org> wrote:

> Any new construction within the required rear yard would require a variance.
>
> As for your request for additional information, you have had access to all the files that the Department has for this case. I apologize for not being able to respond to you this week. I will discuss the case in greater detail with Sara next week. If you have specific questions for her, you should contact her directly. My responsibility is to represent the Department AT the hearing, not for every information request related to a particular case. For that, you must contact the planner directly.
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> Regards,
> Scott F. Sanchez
> Planner
> San Francisco Planning Department
> 1650 Mission Street, Suite 400
> San Francisco, CA 94103
>
> Tel:Â Â Â Â 415.558.6326
> Fax: Â Â Â 415.558.6409

21

YAHOO! MAIL Classic

Print - Close Window

Date: Sun, 27 Jan 2008 14:10:17 -0800 (PST)

From: "Tenants 769NorthPoint" <tenants769np@yahoo.com>

Subject: Re: Fw: 2642-44 Hyde, V05-129

To: Sara.Vellve@sfgov.org

Dear Planner Ms. Sara Vellve:

We are instructed by Senior Planner Scott Sanchez to contact you regarding the file # V05-129. The BOA hearing is re-scheduled on February 20, 2008. We need to have the information and documents available to us by the morning of Wednesday January 30, 2008 so that we can prepare ourselves and be ready to present our case before the BOA.

Please identify the documents below that Mr. Sanchez will use to support the variance decision and also identify the documents that were used at the May 25, 2005 variance hearing. Please place these documents separate from the other documents for our review.

The "NOTICE OF PLANNING DEPARTMENT REQUIREMENTS" requires the following:

" 1. Plans: Please include all lot lines and building footprints that relate to the adjacent structures and lots. Please indicate the following items on the plans:
a. Specific features subject to the variance request;
b. The solid fire wall required for the stairs;
c: The required rear setbacks.

2. Photo: Please provide a photo of the side notch area where the proposed stairs would be constructed.

3. Building Permit: The Department suggests that the building permit and variance proposals be processed concurrently. This would allow the neighborhood to comment on the proposal as a whole ....."

All plans submitted must be to an appropriate scale; plot plan 1"=10' or 20"; floor plans 1/8' or 1/4" to 1' with the use of all space labeled. "

There are 5 different sets of plans submitted. Please provide and/or identify all the plans that meet Planning Dept's requirements stated above.

The photos in Mr. Sanchez's files are different photos than your files.
Please identify what photos meet Planning Dept.'s requirement stated above.

Mr. Scott Sanchez recently informed us that the current application is what is being reviewed by the Department. We are confused. Could you please clarify if the "Duplicate" Building Permit Application or the variance application is "the current application" being reviewed by Planning Dept. ?

Thank you for your assistance.

Sara Vellve <Sara.Vellve@sfgov.org> wrote:

> The Variance docket/file was made available for review per your request.
> The plans and their related information are available at our reception desk
> at 1650 Mission St., 4th Floor for your review. In the future please note
> that these are separate actions and you must specifically request documents
> for each action. The above subject line indicates only the variance

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YAHOO! MAIL Classic

Print - Close Window

Date: Sun, 27 Jan 2008 14:15:04 -0800 (PST)

From: "Tenants 769NorthPoint" <tenants769np@yahoo.com>

Subject: Re: 2642-44 Hyde St., V05-129

To: Sara.Vellve@sfgov.org

CC: Scott.Sanchez@sfgov.org

Dear Planner Ms. Sara Vellve:

We are instructed by Senior Planner Scott Sanchez to contact you regarding the file # V05-129. The BOA hearing is re-scheduled on February 20, 2008. We need to have the information and documents available to us by the morning of Wednesday January 30, 2008 so that we can prepare ourselves and be ready to present our case before the BOA.

Please identify the documents below that Mr. Sanchez will use to support the variance decision and also identify the documents that were used at the May 25, 2005 variance hearing. Please place these documents separate from the other documents for our review.

The "NOTICE OF PLANNING DEPARTMENT REQUIREMENTS" requires the following:

" 1. Plans: Please include all lot lines and building footprints that relate to the adjacent structures and lots. Please indicate the following items on the plans:
a. Specific features subject to the variance request;
b. The solid fire wall required for the stairs;
c: The required rear setbacks.

2. Photo: Please provide a photo of the side notch area where the proposed stairs would be constructed.

3. Building Permit: The Department suggests that the building permit and variance proposals be processed concurrently. This would allow the neighborhood to comment on the proposal as a whole ....."

All plans submitted must be to an appropriate scale; plot plan 1"=10' or 20"; floor plans 1/8' or 1/4" to 1' with the use of all space labeled. "

There are 5 different sets of plans submitted. Please provide and/or identify all the plans that meet Planning Dept's requirements stated above.

The photos in Mr. Sanchez's files are different photos than your files.
Please identify what photos meet Planning Dept.'s requirement stated above.

Mr. Scott Sanchez recently informed us that the current application is what is being reviewed by the Department. We are confused. Could you please clarify if the "Duplicate" Building Permit Application or the variance application is "the current application" being reviewed by Planning Dept. ?

Thank you for your assistance.

Sara Vellve <Sara.Vellve@sfgov.org> wrote:

> The Variance docket/file was made available for review per your request.
> The plans and their related information are available at our reception desk
> at 1650 Mission St., 4th Floor for your review. In the future please note
> that these are separate actions and you must specifically request documents

23

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Date: Tue, 29 Apr 2008 12:49:33 -0700 (PDT)

From: "Tenants 769NorthPoint" <tenants769np@yahoo.com>

Subject: Re: 2642-44 Hyde Street

To: "Sara Vellve" <Sara.Vellve@sfgov.org>

CC: Scott.Sanchez@sfgov.org, Lulu.Hwang@sfgov.org, Linda.Avery@sfgov.org

Dear Planner Sara Vellve:

Yes, we want to review the complete file(s) under the Sunshine Ordinance.
Complete file(s) means everything, including but not limited to the correspondence between the employees of Planning Dept.; Building Dept. and the permit applicant, the permit applicant's agent/permit expediter Mr. Jeremy Paul and Mr. Paul's company, the Architect Robert Mittelstadt and any member of the public; between the city employees, etc. We probably should use your word "all of them".
Please let us know if the **complete file**(s) is in fact available tomorrow at 11:00 am? or you need more time to make the complete file(s) ready?
In any even we like to review "Revision 5" tomorrow at 11:00 a.m.

Thank you.

24

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Date: Wed, 30 Jan 2008 12:34:29 -0800 (PST)

From: "Tenants 769NorthPoint" <tenants769np@yahoo.com>

Subject: Re:2642-44 Hyde Street - V05-129

To: "Scott Sanchez" <Scott.Sanchez@sfgov.org>

Hi Mr. Sanchez:

We are forced to send you this e-mail. As you know we have to turn in our response to the BOA a week before the hearing. It leaves not much time, a little over 9 working days to finish our research, etc. Between Sara and you we have already lost several weeks of valuable time waiting for a response to our specific requests. We believe that you are willing to help but you have some reservation due to the circumstances of this case. What you have done for us is greatly appreciated.

On January 27, 2008 we contacted the Planner Sara Vallve as you advised and we CC you our e-mail to Sara. We asked Sara to respond by this morning, unfortunately we have not heard from Sara.

The information we are seeking should be right at her and your finger tips.

We are extremely frustrated and are unable to conclude our report. This is a very poor way for the city to show the public how we are being treated by our public servants.

It seems that Sara is unwilling to cooperate. Sara has displayed favoritism to certain individuals and we feel that is why she does not respond. Ms. Sara Vellve is the planner for the three (3) properties at 2642-44, 2646-48 and 2650-52 Hyde Street. All these properties are represented by Mr. Jeremy Paul, the permit expediter and Mr. Robert Mittelstatd, Architect. The Planning Department shows favoritism to all these properties, waives the codes for them.

The playing field is not fair and equal as long as the city employees behave in this fashion.
For the sake of faimess and equality, the Planning Dept. should extend to us a little more courtesy.

Please respond asap.

Thank you.

Regards,

Scott Sanchez <Scott.Sanchez@sfgov.org> wrote:

> Any new construction within the required rear yard would require a variance.
>
> As for your request for additional information, you have had access to all the files that the Department has for this case. I apologize for not being able to respond to you this week. I will discuss the case in greater detail with Sara next week. If you have specific questions for her, you should contact her directly. My responsibility is to represent the Department AT the hearing, not for every information request related to a particular case. For that, you must contact the planner directly.
>
> Regards,
> Scott F. Sanchez
> Planner
> San Francisco Planning Department
> 1650 Mission Street, Suite 400
> San Francisco, CA 94103

25

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Subject: Re:2642-44 Hyde Street - V05-129

To: "Tenants 769NorthPoint" <tenants769np@yahoo.com>

From: "Scott Sanchez" <Scott.Sanchez@sfgov.org>

Date: Wed, 30 Jan 2008 13:20:18 -0800

Hello,

Please understand that I do not have any reservations about providing information or helping answer your questions. All files, in their entirety, have been made available to you for review.

Regards,
Scott F. Sanchez
Planner
San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco, CA 94103

Tel:Â Â Â Â 415.558.6326
Fax: Â Â Â 415.558.6409

E-mail: Â Â Â Â Â Â Â Â Â scott.sanchez@sfgov.org
Webpage:Â Â Â http://www.sfplanning.org

	Tenants 769NorthPoint <tenants769np@yahoo.com>	
To		Scott Sanchez <Scott.Sanchez@sfgov.org>
	01/30/2008 12:34 PM	
cc		
Subject		Re:2642-44 Hyde Street - V05-129

26

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Date: Wed, 30 Jan 2008 21:54:30 -0800 (PST)

From: "Tenants 769NorthPoint" <tenants769np@yahoo.com>

Subject: Re:; 2642-44 Hyde Street

To: Scott.Sanchez@sfgov.org

Hi, Mr. Sanchez:

We believe that you release the documents to us for review and obviously you can only release what Planner Sara Vellve provided to you. Again, the specific documents requested are not in the file which you released to us.

Can you please answer one question: is the "duplicate building permit application" the current application that is being reviewed by the Planning Department?

Thank you.

Regards,

27

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Date: Mon, 4 Feb 2008 16:12:25 -0800 (PST)

From: "Tenants 769NorthPoint" <tenants769np@yahoo.com>

Subject: RE: 2642-44 Hyde Street - V05-129

To: Sara.Vellve@sfgov.org

Dear Planner Ms. Sara Vellve:

You did not respond to our specific questions. We e-mail you our requests again. Everyone in the City informed us that you are the planner in this case and shoul be able to answer our questions and provide documents requested. Please respond.

We are instructed by Senior Planner Scott Sanchez to contact you regarding the file # V05-129. The BOA hearing is re-scheduled on February 20, 2008. We need to have the information and documents available to us by the morning of Wednesday January 30, 2008 so that we can prepare ourselves and be ready to present our case before the BOA.

Please identify the documents below that Mr. Sanchez will use to support the variance decision and also identify the documents that were used at the May 25, 2005 variance hearing. Please place these documents separate from the other documents for our review.

The "NOTICE OF PLANNING DEPARTMENT REQUIREMENTS" requires the following:

" 1. Plans: Please include all lot lines and building footprints that relate to the adjacent structures and lots. Please indicate the following items on the plans:
a. Specific features subject to the variance request;
b. The solid fire wall required for the stairs;
c: The required rear setbacks.

2. Photo: Please provide a photo of the side notch area where the proposed stairs would be constructed.

3. Building Permit: The Department suggests that the building permit and variance proposals be processed concurrently. This would allow the neighborhood to comment on the proposal as a whole ....."

All plans submitted must be to an appropriate scale; plot plan 1"=10' or 20"; floor plans 1/8' or 1/4" to 1' with the use of all space labeled. "

There are 5 different sets of plans submitted. Please provide and/or identify all the plans that meet Planning Dept's requirements stated above.

The photos in Mr. Sanchez's files are different photos than your files.
Please identify what photos meet Planning Dept.'s requirement stated above.

Mr. Scott Sanchez recently informed us that the current application is what is being reviewed by the Department. We are confused. Could you please clarify if the "Duplicate" Building Permit Application or the variance application is "the current application" being reviewed by Planning Dept. ?

Thank you for your assistance.

28

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Subject: RE: 2642-44 Hyde Street - V05-129

To: "Tenants 769NorthPoint" <tenants769np@yahoo.com>

CC: "Scott Sanchez" <Scott.Sanchez@sfgov.org>

From: "Sara Vellve" <Sara.Vellve@sfgov.org>

Date: Tue, 5 Feb 2008 11:59:37 -0800

I am unable to go through all the documents today. What the Department has will be left at the 4th Floor Reception area for you to review. A more thorough response to your request should be available on Friday.

Sorry for this inconvenience.

Sara Vellve, Northwest Team
San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco, CA 94103
P: 415.558.6263
F: 415.558.6409

Tenants 769NorthPoint <tenants769np@yahoo.com>

To

Sara.Vellve@sfgov.org

cc

02/04/2008 04:12 PM

Subject

RE: 2642-44 Hyde Street - V05-129

29

YAHOO! MAIL Classic

Print - Close Window

Date: Tue, 12 Feb 2008 14:25:10 -0800 (PST)

From: "Tenants 769NorthPoint" <tenants769np@yahoo.com>

Subject: Re: 2642-44 Hyde Street - VO5-129 and 2004.1312V

To: Sara.Vellve@sfgov.org

Dear Planner Ms. Sara Vellve:

On February 8, 2008 (Friday) we went to Planning Dept.4/F to review the documents that you newly released. However, you still did not respond to our specific questions and our requested documents. (please see our previous e-mails)

We ask that you release the **original** VARIANCE HEARING SIGN-IN SHEET,
Date: May 25, 2005, Case No. 2004.1312V, Planner: Sara Vellve for us to review ASAP.

Thank you for your cooperation.

30

YAHOO! MAIL Classic

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Date: Tue, 12 Feb 2008 14:41:35 -0800 (PST)

From: "Tenants 769NorthPoint" <tenants769np@yahoo.com>

Subject: Re: 2642-44 Hyde Street - VO5-129 and 2004.1312V

To: Sara.Vellve@sfgov.org

CC: Scott.Sanchez@sfgov.org

Dear Planner Ms. Sara Vellve:

On February 8, 2008 (Friday) we went to Planning Dept.4/F to review the documents that you newly released. However, you still did not respond to our specific questions and our requested documents. (please see our previous e-mails)

We ask that you release the **original** VARIANCE HEARING SIGN-IN SHEET,
Date: May 25, 2005, Case No. 2004.1312V, Planner: Sara Vellve for us to review ASAP.

Thank you for your cooperation.

31

YAHOO! MAIL Classic

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Date: Tue, 12 Feb 2008 21:50:00 -0800 (PST)

From: "Tenants 769NorthPoint" <tenants769np@yahoo.com>

Subject: Re:2642-44 Hyde Street - V05-129

To: "Sara Vellve" <Sara.Vellve@sfgov.org>

CC: Scott.Sanchez@sfgov.org

Dear Planner Ms. Sara Vellve:

We are extremely frustrated. We have been requesting verification on documents that you should have had in your files for years. The items that are listed on the "NOTICE OF PLANNING DEPARTMENT REQUIREMENTS" are mandatory in order for this project to proceed. In addition, they should have been provided to you within 30 days from Feb. 1, 2005. We ask you specifically to segregate these items so we may review them.
You failed to do any of these.
We have 2 days before we have to turn in our brief to the BOA. We are asking you again and again to provide us with the documents requested. Please segregate the documents so that we are sure the documents are provided. Please answer our questions below.
We list them again as following:

Please identify the documents below that Mr. Sanchez will use to support the variance decision and also identify the documents that were used at the May 25, 2005 variance hearing. Please place these documents separate from the other documents for our review.

The "NOTICE OF PLANNING DEPARTMENT REQUIREMENTS" requires the following:

" 1. Plans: Please include all lot lines and building footprints that relate to the adjacent structures and lots. Please indicate the following items on the plans:
a. Specific features subject to the variance request;
b. The solid fire wall required for the stairs;
c: The required rear setbacks.

2. Photo: Please provide a photo of the side notch area where the proposed stairs would be constructed.

3. Building Permit: The Department suggests that the building permit and variance proposals be processed concurrently. This would allow the neighborhood to comment on the proposal as a whole ....."

All plans submitted must be to an appropriate scale; plot plan 1"=10' or 20"; floor plans 1/8' or 1/4" to 1' with the use of all space labeled. "

There are 5 different sets of plans submitted. Please provide and/or identify all the plans that meet Planning Dept's requirements stated above.

The photos in Mr. Sanchez's files are different photos than your files.
Please identify what photos meet Planning Dept.'s requirement stated above.

Mr. Scott Sanchez recently informed us that the current application is what is being reviewed by the Department. We are confused. Could you please clarify if the "Duplicate" Building Permit Application is "the current application" being reviewed by Planning Dept. ?

We ask that you release the original variance hearing sign-in sheet, date May 25, 2005, case no. 2004.1312V, Planner Sara Vellve for us to review ASAP.

Thank you for your assistance.

32

YAHOO! MAIL Classic

Print - Close Window

Date: Thu, 14 Feb 2008 17:51:18 -0800 (PST)

From: "Tenants 769NorthPoint" <tenants769np@yahoo.com>

Subject: Re:2642-44 Hyde Street - V05-129

To: "Sara Vellve" <Sara.Vellve@sfgov.org>

Dear Planner Ms. Sara Vellve,

Thank you for responding to our email. In your email dated: Thursday 14, February 2008 you stated: "the project sponser did not provide all the information listed above." Listed above meaning all the items listed in the 'NOTICE OF PLANNING DEPARTMENT REQUIREMENTS' that pertains to this variance request project.

1. Could you please inform us as to the items listed, which items did the project sponser not provide to the Building and Planning Departments for this variance request project?

In your email you stated; "At the time the letter was written the Department thought the stairs were to be newly constructed. Once it had been determined that they already existed, and that the Department of Building Inspection did not require a firewall, the stairs were no longer considered an element under review."

2. Could you please explain what "letter was written" that you are referring to?
3. Could you please inform us which "Department thought the stairs were to be newly constructed?"
4. Also could you please inform us who in the Department of Building Inspection said that a firewall is not required for the stairs?

When you respond, would you please write the specific numbers that you are responding to.
Example: 1. with you answer to question 1; 2. with your answer to question 2; etc.

Thank you for your cooperation.

Tenants 769 Norht Point

Sara Vellve <Sara.Vellve@sfgov.org> wrote:

> Emails were sent to you on 2/5/08 and 2/7/08 with responses to the questions below. I have copied and pasted my previous answers below. The sign in sheet is in the Variance docket. New information is in bold. All the information is at our Reception area on the 4th Floor, 1650 Mission Street.
>
> Sara Vellve, Northwest Team
> San Francisco Planning Department
> 1650 Mission Street, Suite 400
> San Francisco, CA 94103
> P: 415.558.6263
> F: 415.558.6409
>
> Tenants
> 769NorthPoint
> hoo.com> Sara Vellve
> cc
> 02/12/2008 09:37 david.lindsay@sfgov.org
> PM Subject
> Re:2642-44 Hyde Street - V05-129

33

YAHOO! MAIL Classic

Print - Close Window

Date: Thu, 14 Feb 2008 19:10:15 -0800 (PST)

From: "Tenants 769NorthPoint" <tenants769np@yahoo.com>

Subject: Re:2642-44 Hyde Street - V05-129

To: Sara.Vellve@sfgov.org

CC: Scott.Sanchez@sfgov.org

Dear Planner Ms. Sara Vellve,

Thank you for responding to our email. In your email dated: Thursday 14, Februay 2008 you stated: "the project sponser did not provide all the information listed above." Listed above meaning all the items listed in the 'NOTICE OF PLANNING DEPARTMENT REQUIREMENTS' that pertains to this variance request project.

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3. Could you please inform us which "Department thought the stairs were to be newly constructed?"
4. Also could you please inform us who in the Department of Building Inspection said that a firewall is not required for the stairs?

When you respond, would you please write the specific numbers that you are responding to.
Example: 1. with you answer to question 1; 2. with your answer to question 2; etc.

Thank you for your cooperation.

Tenants 769 Nornt Point

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YAHOO! MAIL Classic

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Date: Mon, 12 May 2008 13:41:08 -0700 (PDT)

From: "Tenants 769NorthPoint" <tenants769np@yahoo.com>

Subject: Re: 2642-44 Hyde Street

To: Sara.Vellve@sfgov.org

CC: David.Lindsay@sfgov.org, john.rahaim@sfgov.org, Scott.Sanchez@sfgov.org

Dear Planner Sara Vellve:

Today we made copy of the files that you just released. There are new documents which were not release in the past by you.
We will review the file and the new documents when we have more time.

A quick review of the #6 new revision plans we would like to bring to your immediate attention:
These #6 revising plans are still fraudulent plans. We ask that you do not send these fraudulent plans as part of the 311 notification to mislead the neighbors in order to pay favoritism to certain individuals. These fraudulent plans must be corrected.

After we review the files that you released today, we will send you a detailed letter shortly.

We paid fee to the Planning Dept. for block notification but you did not send the block notification to us. Many deals have been made on this project behind the public view.

We hope that you will respond to our questions and /or concerns.

Thank you.

35

YAHOO! MAIL Classic

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Date: Tue, 13 May 2008 07:22:52 -0700 (PDT)

From: "Tenants 769NorthPoint" <tenants769np@yahoo.com>

Subject: Re: 2642-44 Hyde Street

To: Sara.Vellve@sfgov.org

CC: sotf@sfgov.org, Victor.Pacheco@sfgov.org, john.rahaim@sfgov.org, David.Lindsay@sfgov.org, Scott.Sanchez@sfgov.org

Dear Planner Sara Vellve:

We review the copy of the files that you released on May 12, 2008.
First we would like to point out that it is unfair to the public including us that after we repeatedly request for the complete file and recently requested under the Sunshine Ordinance, you still released incomplete files.
The file released contains many fraudulent plans and misleading information that have been constantly changing before and after the hearings. Not to mention the procedures have not been complied with and/or waived for this project. Many items should have been corrected and/or submitted before any hearing, unfortunately they weren't.
As a direct result, the sponsor was able to persuade you and planning dept. to be on his side and waived the codes and procedures for him. Many deals have been made with the project sponsor behind the public views. The Board relied on Planning Dept. and over looked the sponsor and the Planning staffs' lies and misleading documents or misstatements, etc.

We have asked you and Mr. Sanchez many, many times for a complete file but the file you release on May 12, 2009 is still an incomplete file. For example:
the restriction required by Planning Dept. is not released to the public/ us.
"A photograph of the poster posted on the property" must be submitted by Mr. Jeremy Paul, the permit expediter, at the variance hearing is not released to the public/us.
The reason why you stated the permit was canceled and project abandoned was not released to the public/us.
The meetings, e-mails, phone calls, events, correspondence between you/planning dept. and Mr. Jeremy Paul who was the agent from 2004 to 2007
has not been released to the public/us.
Only partial e-mails between you and Mr. Robert Mittelstadt were released, many are withhold by you. The e-mails are so confused because some do not have the names of the sender and receiver.
Please let us know who wrote:" We will not include any of these or other building details in this permit application."
"I'm confident that the Planning Commissioners will see through the smokescreen." and what he/she is talking about?
The majority of the e-mails between you or other planning dept. staffs and us are not released to the public/us.

There is an easement issue. If you look in the file you will see there is a recorded court document stating that this is a perpetual easement and it is for tradesmen, air and light. This easement was also recorded by Ms.Billie J. Cayot who was the Trustee until March 31, 2008. Ms. Cayot had this easement documents notarized before recording. Not only did Ms. Cayot record this easement, the permit expeditor Mr. Jeremy Paul acknowledged this easement at the variance hearing.
In addition, we have pointed out the easement issue many times and supplied copies of the Court Documents which states that this is a perpetual easement.
Looking in the current file, we really don't understand how you can over look all the facts, recorded legal documents, COURT'S ORDER, etc. and keep on favoring the Sponsor(s) by claiming it remains as an "undetermined easement." Are you trying to over turn the Court's Order?
Your e-mails to Mr. Mittelstadt prove that you have no consideration for the facts and the law. You go out of your way to support what Mr. Mittelstadt wants to say and do. This easement is not in your jurisdiction nor does Mr. Mittelstadt has any right to over turn the Court's order by reclassifying it as an "access parcel". The Court orders that it is a perpetual easement and the Court's order was recorded.
As a matter of fact Planning Dept. requires that the legal description and any restriction must be disclosed when the sponsor applies for variance. Unfortunately you waived this procedures for the permit expediter Jeremy Paul and now for Mr. Robert Mittelstadt.

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2642-44 Hyde Street was owned by the Trust known as "2642-44 Hyde Street, In Trust". This Trust was terminated on March 31, 2008 by the Court's Order which was recorded.
Since April 1, 2008 the new owner is Ms. Kristina Vogel who is the grand niece of the former owner Paula Fortune. Ms. Fortune created the 2642-44 Hyde Street Trust.
There is no authorized agency in file to prove that the new owner Ms. Vogel has appointed anyone to be her agent. Are you going to waive the authorized agency requirement?

The new 6th revision plans are fraudulent plans which do not correctly indicate
the subject structures and floor plans, the location of the adjacent properties and structures.
For example, the structures to the south are wrong.
The structures to the north, 2646-48 Hyde Street, are wrong, part of the structures are intentionally deleted. Mr. Mittelstatd was also the architect for 2646-48 Hyde Street. His plans submitted under penalty of perjury are different than these new #6 revision.
769 North Point structures foot print are intentionally wrong. We have supplied you with a plan that shows the correct foot print.
In the #6 revised plans Mr. Mittelstadt labeled the project "legalization of second floor rear balcony at 2644 Hyde Street" when he has full knowledge that this illegal second floor deck/balcony is at 2642 Hyde Street - the second floor not at 2644 Hyde Street - the ground floor.
Again we ask you not to send 311 notification with these new #6 revised fraudulent plans to mislead the neighbors for you and the Planning Dept. to pay favoritism to Mr. Jeremy Paul and Mr. Robert Mittelstadt.

These fraudulent plans must be corrected.

We paid fee to the Planning Dept. for block notification but you did not send the block notification to us. Can you tell us the reasons?

There are more issues we would like to bring to your attention. However,
We would like you to respond to these questions/concerns stated above first.

Thank you.

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Department of Building Inspection

Online Permit And Complaint Tracking

Permit Details Report

Report Date: **6/2/2008 12:14:56 PM**

Application Number: 200411028353
Form Number: 3
Address(es): 0027 /017 /0 2644 HYDE ST
Description: LEGALIZE E 2ND FLOOR BALCONY AT REAR OF PROPERTY PER NOV
Cost: $1.00
Occupancy Code: R-3
Building Use: 28 - 2 FAMILY DWELLING

Disposition / Stage:

Action Date	Stage	Comments
11/2/2004	TRIAGE	
11/2/2004	FILING	
11/2/2004	FILED	
11/1/2006	PLANCHECK	
11/1/2006	DISAPPROVED	
3/8/2007	REINSTATED	

Contact Details:

Contractor Details:

License Number: UNDECIDED
Name: UNDECIDED UNDECIDED
Company Name: UNDECIDED
Address: UNDECIDED * UNDECIDED CA 00000-0000
Phone:

Addenda Details:

Description:

Step	Station	Arrive	Start	In Hold	Out Hold	Finish	Checked By	Phone	Hold Description
1	CPB	11/2/04	11/2/04			11/2/04	BUFKA SUSAN	415-558-6070	
2	CP-ZOC	11/3/04	11/23/04	11/23/04	9/21/06		VELLVE SARA	415-558-6377	permit cancelled, project abandond
3	CPB	11/1/06	11/1/06			11/1/06	SIMPSON GARLAND	415-558-6070	dapvd per dcp 11/01/06 - Apl/pins reinstated, with original and revision) per sara vellve of dcp 03/08/07 gjs
4	CP-ZOC	3/8/07					IONIN JONAS	415-558-6377	PLANS LOST. APPLICANT TOLD TO RESUBMIT NEW APPLICATION.
5	PPC	4/21/08	4/21/08				SIMPSON GARLAND	415-000-0000	04/21/2008: rEVISION 5 ROUTED TO DCP/S. VELLVE: rqz 05/02/08: (revisions) route to dcp's S. Vellve. gjs
6	CPB							415-558-6070	
7	CNT-PC							415-558-6133	
8	BID-INSP							415-558-6096	
9	ONE-STOP							415-558-6649	
10	CPB							415-558-6070	

Station Code Descriptions and Phone Numbers

Technical Support for Online Services

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

Sr. Planner Scott Sanchez's statements at the BOA hearings, we transposed the tapes to paper

Board Of Appeals hearing February 20, 2008 V05-129

Senior Planner Scott Sanchez 7 minute opening:

Good evening president Garcia and members of the board Scott Sanchez planning department staff, um the item before you is a ?????? ??? issue to clarify it is a variance to legalize an existing balcony a cantilevered balcony at the second floor of the subject property it provides useable open space immediately accessible to the unit located on the second level of this building, um it is a minor um balcony related it's set back 4'-9" from each of the side property lines it's approximately 13' x 3' um it's our understanding that it's been in that location since at least some time in the 60's it was previous a um notice of violation DBI and actually a permit to remove the a the balcony that was provided to us by the appellants um it appears obviously that work was never preformed and they subsequently come in to for the variance to legalize the balcony um the variance decision letter was issued on July 13, 2005 , on July 25 an appeal of the categorical exemption was filed for this with a hearing date schedule for um I believe I'm sorry the um yes on July 25 the appeal was submitted for this the a hearing was going to before the board of appeals on September 7, 2005 prior to that on September 2 the cadex appeal was filed and it was scheduled to be heard before the board of supervisors on October 11 and it's the departments understanding that the cadex appeal was withdrawn some time shortly before the a the hearing and a at the time it was supposed to be heard at the board of appeals on September 7 um the board voted to continue to the call of the chair to allow time for the cadex appeal to be heard um it was recently revived a few months ago it was back in October of 2007, the building permit is still active for the work to legalize the subject balcony, it requires neighborhood notification pursuant inspection 311, that neighborhood notification has not yet been preformed um so if the variance is upheld by the board which we we hope it will be upheld a then it would go out to neighborhood notification um and the appellant would then have the opportunity to file a discretionary review go on to the planning commission um also provided the planning commission review would uphold the building permit and it would be issued and could be back at this board some time it the future um there is a three year window on the validity of a variance decision letter however it does provide a time out um when there is an appeal pending on the property so even though the variance decision letter was issued almost three years ago it would still be valid and we would count the three years of validity from the dated that the board of appeals rendereds the final decision on the subject variance decision letter. A the zoning administrator back in 2005 found that the subject variance was um meet all five conditions of the of the required findings of the variance, it a provides useable open space although minimal balcony of open space to the subjects um it has minimal impact on the neighbors it's set back substantially so that it doesn't require a firewall, um it's been in place since the 60's and really don't find any issues with this, it a provides reasonable usable open space and the department request you up hold the variance and available for any questions **um there has been some concerns raised by the appellant that certain materials were not available to them um in speaking with the planner who handled this case these material were made available to the appellant time over time again time again I made them available to the appallent as well in fact when I received them from the planner they still had a the little request can be reviewed notices on them so I know that the the appellant has come in and has seen all the case materials.** I'm available for any questions.Thank you.

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Board Of Appeals hearing February 20, 2008 V05-129

Senior Planner Scott Sanchez 3 minute rebuttal:

Thank you Scott Sanchez planning department staff, this is not an issue about illegal work on any other property on the block it's about an issue about what's going on neighbors property or how other people on the block is treated. This is about the legalization of a cantilevered balcony, which is approximately 12' wide by 3' deep it's provides useable open space for the dwelling unit located on the second level of the subject building. There have been some attempts to try to perhaps confuse the board in bringing in other issues, which may or may which really don't effect um the zoning administrators decision on this. Um issues were raise about illegal stairs the zoning administrator hasn't found any issues with regarding illegal stairs there existing stairs um that provide access for the subject unit to the rear yard. Additionally there is an issue about easement um when the department was reviewing this we reviewed all the materials that are currently available the parcel map the parcel map does not show the three-foot easement that has been described at the rear of the property. Even if we were to take that into account it's still within the required rear yard. It doesn't change anything that would have been required here in the process; it's in the required rear yard whether or not you have the three-foot easement. The zoning administrator found that the variance request meet all the five findings that it's something that that necessary desirable for the subject property, it's a reasonable encroachment into the required rear yard. It's a structure that's been there for over 40 years now and to my knowledge there haven't been any complaints on it. The planning department doesn't have an active complaint on this. I took a quick look at DBI's NOV's and didn't see any recent NOV's on this. So um we feel comfortable we support we hope you support the variance decision I'm available for any questions. Thank you.

Board Of Appeals hearing March 19, 2008 V05-129

Senior Planner Scott Sanchez rebuttal:

Good evening President Garcia members of the board Scott Sanchez planning department staff, um I don't know real what to say to the allegations of the appellant this evening um they had plenty of time to submit that information to the department we did not received any of the information in advance um this is simply a variance to legalize is a very small very modest um rear balcony that has existed at least to the best of our information since the sixties of the subject property. Um regards as to access to the dockets I personally made them available several times to the appellants as well as my college Sara Vellve who made them available to them several times as well. Um there are questions regarding communications between planners and between um staff and members of the public that's not typical information we don't print that out and keep in the dockets at all times. They can make a specific request they can make a Sunshine request for that information, um to my knowledge no such request was ever made. Um I think they would have been best served had they really perused that more vigorously if that's what they intended to do to try to receive. Um they mentioned something about a DBN notification I'm not quite sure exactly what he's referring to um I don't believe that there is any special DBN notification on the property here. Um there is still gonna be plenty neighborhood notification because a 311 has not gone out for the deck so the building permit still requires 311 notification and um this will continue on I'm sure at the a planning commission and perhaps further at the board of appeals I'm available for any questions, thank you.

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The Permit Expeditor Jeremy Paul's Testimony under penalty of perjury at the Variance Hearing, we transposed the tape to word Document

your variance was denied?" Mr. Badiner tries to set up Ms. Tsang. This is very unfair and not true. (Put the statement in here that we put in to the supervisors the one your friend corrected)
"A when the timing?" "Never mind it's OK I guess you're not going to answer the question."
"No No I want to answer that but you have to tell me the timing because there's a lots of complaining between the neighbors" Again Mr. Badiner cuts Ms Tsang off and will not allow her to speak. "Have you fi have you filed a number of complaints on your surrounding neighbors?" This is not right that Mr. Badiner is allowed to direct and interrogate Ms. Tsang as if she is on trial."
"As I know the neighbors received the violations and abatements" "OK"
"If that's what you want to know" "Thank you"
"Thank you"
"Mr. Paul"
Jeremy Paul speaks again; "Thank you Mr. Badiner, Jeremy Paul for the project sponsor a just some items for clarification. The indication of a stair on there was a suggestion of the planner um we show you a photograph of the um north side of the um balcony. There is an existing stair that extends down was a suggestion of the planner that we make sure that we got covered um for that stair well." (See Exhibit D). "So it's to legalize the stairs not to add a stair"
"Exactly it's to legalize the existing stair" The owner has done many illegal construction as proven by the permit history. Why does the owner continually receive more amenities than the surrounding properties?
"just to make sure that the record is completely solid um so um Ms. Tsangs' future shenanigans with her neighbors won't cause anymore problems for this property owner." We resent the accusation that Mr. Paul is making Ms. Tsang out to be some kind of fin antic. (check spelling)
"Um it's to the assertion that this had something to do with um this property owners objection to um Ms. Tsang and Aussesseress um um variance for their rear yard um intrusion. Um that's just simply not the case and I know that for certain because I representing the next property owner to the north um Mr. Fernandez" who incidentally is very supportive of this variance application." Of course Mr. Fernandez is supportive he does not want the subject property owner complaining about his towering addition which Mr. Paul says causes shading.
"Um in the opposition to legalization of that a um very large um metal structure that was has was illegally being inhabited" This is a false statement. The metal shed was never inhabited and Mr. Paul never introduced any proof because he doesn't have any evidence and he knows Ms. Tsang doesn't have the opportunity to refute his accusations, that's why Mr. Paul made this accusation in his rebutted statement and not in his opening statement.
"and the excavation that was being done in addition to it." Ms. Tsangs' rear yard sloped up to the her rear fence and there was approximately 2' to 3' of dirt was moved to backfill her rock of jabralter (check spelling) retaining wall. (See Exhibit H and I).
"Um this a deck doesn't have any evidence of ever having created a hazard or a intrusion or a nuisance to the adjacent property owners in anyway" What does Mr. Paul think that Ms. Tsang and others at 769 North Point complaints are, along with the previous violations and complaint from someone else.?
"and if they had I'm sure there would have been a call to animal welfare or to the police or who ever Ms. Tsang decided at that time was the appropriate party to call." Mr. Paul has to resort to belittling Ms. Tsang because she has voiced some complaints against his clients illegal construction, which I might add his clients where cited and had to put his project on hold.
"Um if you have any further questions I'm happy to" "I am confused are you saying you don't believe this is uh uh in retribution to opposition to?"
"I I believe they are incorrect that there has that there was any opposition from this property owner I think that there just lashing out at all" "Oh OK"