

***Regular Meeting of the
Abatement Appeals Board***

May 21, 2025

***Agenda Item D
Appellant Statement***

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April 30, 2025

ABATEMENT APPEALS BOARD
49 South Van Ness Avenue
San Francisco, CA 94103
Dbi.aab@sfgov.org

Re: Appellant and Property Owner William O’Keeffe’s Written Statement in Support of Rehearing of Appeal from Director’s Order 202184157-A Issuing an Order of Abatement Against 820 Laguna Honda Blvd. (AAB Appeal No. 6945)

Dear Honorable Commissioners:

This commission should grant re-hearing to correct the longstanding errors that culminated in the San Francisco Department of Building Inspection (“DBI”) issuing an Order of Abatement (“Order”) that requires William O’Keeffe (“O’Keeffe”) to *complete* a permit to legalize an addition in the rear yard of his home at 820 Laguna Honda (the “Property”) before DBI *issues* the permit. The Commission, in upholding the Order, wrongly presumed—without any evidence in the record—that O’Keeffe knew the addition was unpermitted. It did not address the applicable law, it ignored O’Keeffe’s right to due process, and its actions were a clear abuse of discretion.

I. O’KEEFFE BELIEVED IN GOOD FAITH THAT HE HAD OBTAINED A PERMIT FOR THE ADDITION IN 1998/1999 AND HAS ALWAYS PROMPTLY COOPERATED WITH DBI.

Without any evidence in the record before it, and without permitting O’Keeffe to present the facts, the Commission erroneously concluded O’Keeffe knew the addition was unpermitted. The Commission’s unsubstantiated speculation is wrong.

More than two and a half decades ago, O’Keeffe sought to expand the rear portion of his home. He hired a licensed contractor, Eamon Murphy of EJM Construction, to complete the work.

Mr. O'Keeffe relied on Mr. Murphy to obtain all necessary approvals and permits for the work and relied on Mr. Murphy's representations that he had done so. Indeed, Mr. O'Keeffe remembers reviewing a permit for what he understood to include the rear addition and recalls being present for what he understood to be a final inspection of the addition by the San Francisco Building Department at the property in 1999. (See Attachment 1 (Permit Details Report for 9802292) and Attachment 2 (Permit Details Report for 9904564))

Beginning in 2013, Mr. O'Keeffe received a series of three complaints from his neighbor, Tony Hall, alleging that he had completed "Major Remodeling w/o permit including plumbing [and electrical] work." (See Attachment 3 (Complaint Data Sheet for 201328711), Attachment 4 (Complaint Data Sheet for 201328721) and Attachment 5 (Complaint Data Sheet for 201328141).) The complaints were each promptly closed or otherwise abated with findings that there was "no major remodeling" and "no new electrical work installed" (see Attachment 4), and a permit for minor work Mr. O'Keeffe had done relative to the installation of a backyard fountain was subsequently issued (see Attachments 3, 5). In 2015 Mr. O'Keeffe again received another complaint that he had allegedly performed work beyond the scope of a permit. (See Attachment 6 (Complaint Data Sheet for 201575611).)

The City inspected the property and closed the matter less than a week later finding that all work had been done "per scope of permit." (See Attachment 6.) In 2016 Mr. O'Keeffe received yet another complaint related to an alleged "Horizontal addition at rear ground floor" (see Attachment 7 (Complaint Data Sheet for 201608091) and another that alleged work had been done outside the scope of a permit (Attachment 8 (Complaint Data Sheet for 201620061).) Although Mr. O'Keeffe believed any work done on the Property had been performed with a permit, he nevertheless promptly sought and obtained a building permit to cure the complaints related to the alleged horizontal addition. (See Attachment 9 (Permit Details Report for 201608245926), see also

Attachment 7.) The Building Department closed the second complaint two weeks after receiving it, finding that permits had been issued for the work. (See Attachment 8.)

Five years later, in 2021 Mr. O'Keeffe received yet another complaint related to the addition. (See Attachment 10 (Complaint Data Sheet for 202184157.)) Although, once again, Mr. O'Keeffe believed the issue had already been resolved, the City was unable to locate a permit for the addition. When Mr. O'Keeffe was unable to find records related to the twenty-five-year-old construction, Mr. O'Keeffe promptly sought a permit to legalize the historical addition. He has been waiting for DBI to permit ever since, and the history of O'Keeffe's efforts to obtain the current permit is set forth in greater detail in the O'Keeffe's previously submitted Statement in Support of Appeal from Director's Order 202184157-A (Attachment 11 hereto.)

II. DBI Abused Its Discretion By Issuing the Order of Abatement.

San Francisco Building Code ("Building Code") Section 102A.5 states that: "If the Building Official determines that the building owner has not corrected the code violations by the deadline provided in the NOV, the Building Official shall schedule an administrative hearing on the violations. . . unless the building owner demonstrates to the Building Official's satisfaction that the building owner has made substantial progress in abating the violations." (Emphasis added.) The language of the Building Code provides that owners who have taken substantial steps to cure Building Code violations should not be subject to the administrative hearing process in the first instance. That is because Building Code violations are intended to be corrective. (*City and County of San Francisco v. Sainez* (2000) 77 Cal.App.4th 1302, 1320.) Their goal is to obtain compliance with the Building Code. (*Ibid.*) They are not intended to be punitive. (*Ibid.*) Nor are Building Code violations strict liability offences. (*Jones v. Awad* (2019) 39 Cal.App.5th 1200, 1212.) The mere fact that a building code violation may have occurred does not warrant the imposition of fines or penalties or the issuance of an order of abatement.

Prior to the issuance of the underlying notice of violation Mr. O'Keeffe had no reason to believe that addition lacked any of the required permits. He reasonably believed that permits had been obtained at the time of the original construction, and his Property was repeatedly inspected in response to complaints regarding "unpermitted work." Those complaints had all been closed or resolved years ago.

When O'Keeffe received the pending notice of violation, he promptly acted to cure it—as he has always done. Indeed, he has done everything within his power to abate the underlying violation and obtain a permit for the addition. DBI should not have issued the underlying Order of Abatement in light of the fact that there is nothing more Mr. O'Keeffe could have done to cure the notice of violation. Yet the Commission's deliberations made no reference to either Section 102A.5 of the Building Code itself, the underlying purpose of the Section as a compliance mechanism, nor O'Keeffe's good faith efforts to cure the notice of violation.

III. DBI Abused Its Discretion by Imposing an Impossible 30 day Cure Period in The Order of Abatement.

Due process requires that a property owner be provided with a "reasonable time" to cure any notice of violation or order of abatement. (Cal. Health & Saf. Code, § 17980.7.) Embodying the "reasonable time" that is required to cure, Building Code section 102A.7(c) states that "[t]he Administrative Order shall specify the time within which the building owner shall repair, alter, vacate, and/or demolish the building, structure, or property, or portion thereof, or otherwise comply with the Order. The time for compliance with the Administrative Order shall not to [sic] exceed 180 days *from permit issuance*." (Emphasis added.)

DBI Issued the Order of Abatement on November 5, 2025. It did not assign a planner to the underlying permit application until January 23, 2025—*49 days after the deadline to complete the permit had already elapsed*. It is not reasonable to demand O'Keeffe complete work on a permit before DBI has even begun its review of the permit application.

Indeed, as of the date of this submission, DBI *still* has not issued a building permit. The text of the Building Code itself provides that an owner may reasonably be provided with up to 180 days to cure the order of abatement *after* a permit has been issued for the work. Yet here O'Keeffe has been required to complete work on the permit before DBI even issues the permit.

Because there can be no colorable argument that O'Keeffe was given the mandatory reasonable opportunity to cure, the Commission never addressed that issue and wholly ignored the fact that DBI imposed impossible to meet deadlines. Instead, the Commission focused exclusively on its (eronious and unsupported) speculation that O'Keeffe knew the addition was unpermitted while ignoring the due process to which O'Keeffe is entitled.

IV. Conclusion

For more than twenty-five years, Mr. O'Keeffe has acted in good faith, reasonably believing that his contractor secured all required permits for the rear addition, and has repeatedly cooperated with DBI to resolve any question about its legality. DBI's issuance of the Order of Abatement—mandating legalization within 30 days despite its own failure to issue a permit—constitutes an abuse of discretion, violates the remedial and non-punitive purposes of the Building Code, and denies Mr. O'Keeffe due process.

The Commission should correct the longstanding errors that culminated in DBI's issuance of the Order by granting a re-hearing and vacating the Order of Abatement.

Respectfully submitted,

CLARK HILL LLP



David M. Perl

Attorney at Law

Authorized Representative of Property Owner

William O'Keeffe

ATTACHMENT 1—Permit Details Report for 9802292

Permit Details Report**Report Date:** 3/25/2024 9:14:16 AM

Application Number: 9802292
Form Number: 8
Address(es): 2916 / 014 / 0 820 LAGUNA HONDA BL
Description: LEVEL CONC FLOOR,INSTALL CEILING IN GARAGE,REPLACE WINDOWS
Cost: \$5,900.00
Occupancy Code: R-3
Building Use: 27 - 1 FAMILY DWELLING

Disposition / Stage:

Action Date	Stage	Comments
2/11/1998	FILED	
2/11/1998	APPROVED	
2/11/1998	ISSUED	
1/26/1999	EXPIRED	
1/26/1999	EXPIRED	Work Not Completed

Contact Details:**Contractor Details:****Addenda Details:****Description:**

Station	Rev#	Arrive	Start	In Hold	Out Hold	Finish	Checked By	Review Result	Hold Description
CPB		2/11/98	2/11/98						

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

Appointments:

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

Activity Date	Inspector	Inspection Description	Inspection Status
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Special Inspections:

Addenda No.	Completed Date	Inspected By	Inspection Code	Description	Remarks
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For information, or to schedule an inspection, call 628-652-3400 between 8:30 am and 3:00 pm.

Station Code	Descriptions and Phone Numbers
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ATTACHMENT 2—Permit Details Report for 9904564

Permit Details Report**Report Date:** 3/25/2024 9:17:05 AM

Application Number: 9904564

Form Number: 8

Address(es): 2916 / 014 / 0 820 LAGUNA HONDA BL

Description: TO RENEW PA#9802292 FOR FINAL INSPECTION

Cost: \$1.00

Occupancy Code: R-3

Building Use: 27 - 1 FAMILY DWELLING

Disposition / Stage:

Action Date	Stage	Comments
3/9/1999	FILED	
3/9/1999	APPROVED	
3/9/1999	ISSUED	
3/25/1999	COMPLETE	Final Inspection/Approved

Contact Details:

EJM CONTRACTORS -

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

Station	Rev#	Arrive	Start	In Hold	Out Hold	Finish	Checked By	Review Result	Hold Description
CPB		3/9/99	3/9/99						

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

Appointments:

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

Activity Date	Inspector	Inspection Description	Inspection Status
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Special Inspections:

Addenda No.	Completed Date	Inspected By	Inspection Code	Description	Remarks
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Station Code Descriptions and Phone Numbers

[Online Permit and Complaint Tracking](#) home page.**Technical Support for Online Services**

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ATTACHMENT 3—Complaint Data Sheet for 201328711

COMPLAINT DATA SHEET**Complaint
Number:****201328711**Owner/Agent: OWNER DATA
SUPPRESSED

Date Filed:

Owner's Phone: --

Location: 820 LAGUNA HONDA BL

Contact Name:

Block: 2916

Contact Phone: --

Lot: 014

Complainant: COMPLAINANT DATA
SUPPRESSED

Site:

Rating:

Occupancy Code:

Received By: Maria Asuncion

Complainant's

Division: PID

Phone:

Complaint

Source: TELEPHONE

Assigned to

PID

Division:

Description: Major Remodeling w/o permit including plumbing work.

Instructions:

INSPECTOR CURRENTLY ASSIGNED

DIVISION	INSPECTOR	ID	DISTRICT	PRIORITY
PID	LEDDA	6195		

REFERRAL INFORMATION**COMPLAINT STATUS AND COMMENTS**

DATE	TYPE	INSPECTOR	STATUS	COMMENT	UPDATED BY	DIV
10/07/13	CASE OPENED	Ledda	CASE RECEIVED		Maria Asuncion 07-OCT-13	IPR
10/08/13	OTHER PLUMB VIOLATN	Ledda	INSPECTION OF PREMISES MADE	I inspected site and met the owner and the contractor on site. The contractor showed me where he disconnected all the piping relating to the fountain. I directed them to secure a permit for all the plumbing related work. The owner stated he will be installing a self contained hot tub.	David Ledda 08-OCT-13	PID
10/08/13	OTHER PLUMB VIOLATN	Ledda	OFFICE/COUNTER VISIT	I researched for a permit when I returned to the office and a permit has been secured. I will hold until inspection has been conducted at said property.	David Ledda 08-OCT-13	PID
01/13/14	OTHER PLUMB VIOLATN	Ledda	CASE CLOSED	Work has stop & waste water line and gas line has been capped off. Ok to close case. DL/mst	Mehret Tesfaye 23- JAN-14	INS

COMPLAINT ACTION BY DIVISION**NOV (HIS):****NOV (BID):**

Inspector Contact Information

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ATTACHMENT 4—Complaint Data Sheet for 201328721

COMPLAINT DATA SHEET**Complaint
Number:** 201328721Owner/Agent: OWNER DATA
SUPPRESSED

Owner's Phone: --

Contact Name:

Contact Phone: --

Complainant: COMPLAINANT DATA
SUPPRESSED

Date Filed:

Location: 820 LAGUNA HONDA BL

Block: 2916

Lot: 014

Site:

Rating:

Occupancy Code:

Received By: Maria Asuncion

Division: PID

Complainant's

Phone:

Complaint

Source: TELEPHONE

Assigned to

Division: EID

Description: Major Remodeling w/o permit including electrical work.

Instructions:

INSPECTOR CURRENTLY ASSIGNED

DIVISION	INSPECTOR	ID	DISTRICT	PRIORITY
EID	LEWIS	6291	3	

REFERRAL INFORMATION**COMPLAINT STATUS AND COMMENTS**

DATE	TYPE	INSPECTOR	STATUS	COMMENT	UPDATED BY	DIV
10/07/13	CASE OPENED	Lewis	CASE RECEIVED		Maria Asuncion 07-OCT-13	IPR
10/08/13	CASE OPENED	Lewis	CASE CLOSED	NO MAJOR REMODELING AT SFD. NO NEW ELECTRICAL WORK INSTALLED.	Chantel Lewis 08- OCT-13	PRS

COMPLAINT ACTION BY DIVISION**NOV (HIS):****NOV (BID):**

Inspector Contact Information

[Online Permit and Complaint Tracking](#) home page.**Technical Support for Online Services**

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ATTACHMENT 5—Complaint Data Sheet for 201328141

COMPLAINT DATA SHEET**Complaint Number:** 201328141Owner/Agent: OWNER DATA
SUPPRESSED

Owner's Phone: --

Contact Name:

Contact Phone: --

Complainant: COMPLAINANT DATA
SUPPRESSED

Date Filed:

Location: 820 LAGUNA HONDA BL

Block: 2916

Lot: 014

Site:

Rating:

Occupancy Code:

Received By: Gregory Slocum

Division: INS

Complainant's

Phone:

Complaint

Source: TELEPHONE

Assigned to

Division: BID

Description: Complainant has stated that the property owner has done major work without a permit. A giant wall has been erected, in addition to doing plumbing and electrical work.

Instructions: Site can be accessed through the side yard at 10 Rockaway (corner of Rockaway and Laguna Honda).

INSPECTOR CURRENTLY ASSIGNED

DIVISION	INSPECTOR	ID	DISTRICT	PRIORITY
BID	HERNANDEZ	6286		

REFERRAL INFORMATION**COMPLAINT STATUS AND COMMENTS**

DATE	TYPE	INSPECTOR	STATUS	COMMENT	UPDATED BY	DIV
10/03/13	CASE OPENED	Hajnal	CASE RECEIVED		Gregory Slocum 03-OCT-13	INS
10/04/13	OTHER BLDG/HOUSING VIOLATION	Hernandez	CASE UPDATE	no entry left a wywo on 10/4/13 MH	Mauricio Hernandez 04-OCT-13	BID
10/08/13	OTHER BLDG/HOUSING VIOLATION	Hernandez	FIRST NOV SENT	Issued by Mauricio Hernandez	Ying Pei 09-OCT-13	CPC
05/12/14	OTHER BLDG/HOUSING VIOLATION	Duffy	CASE CONTINUED	CONTINUE CASE, ACTIVE PERMIT. - bm	Ben Man 12-MAY-14	IPR
10/23/17	OTHER BLDG/HOUSING VIOLATION	Hernandez	CASE ABATED	Closed per E Sweeney. gsamaras	Giles Samarasinghe 23-OCT-17	BID

COMPLAINT ACTION BY DIVISION**NOV (HIS):****NOV (BID):**

10/8/2013

Inspector Contact Information[Online Permit and Complaint Tracking](#) home page.**Technical Support for Online Services**

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ATTACHMENT 6—Complaint Data Sheet for 201575611

COMPLAINT DATA SHEET**Complaint Number:** 201575611Owner/Agent: OWNER DATA
SUPPRESSED

Owner's Phone: --

Contact Name: --

Contact Phone: --

Complainant: COMPLAINANT DATA
SUPPRESSED

Date Filed:

Location: 820 LAGUNA HONDA BL

Block: 2916

Lot: 014

Site:

Rating:

Occupancy Code:

Received By: Giles Samarasinghe

Division: BID

Complainant's

Phone:

Complaint

Source: TELEPHONE

Assigned to

Division: BID

Description: Illegal work beyond the scope of the permits. See PA 201508285542

Instructions:

INSPECTOR CURRENTLY ASSIGNED

DIVISION	INSPECTOR	ID	DISTRICT	PRIORITY
BID	SCHROEDER	1144		

REFERRAL INFORMATION**COMPLAINT STATUS AND COMMENTS**

DATE	TYPE	INSPECTOR	STATUS	COMMENT	UPDATED BY	DIV
10/22/15	CASE OPENED	Schroeder	CASE RECEIVED		Giles Samarasinghe 22-OCT-15	BID
10/27/15	CASE OPENED	Schroeder	CASE CLOSED	per scope of permit cs	Christopher Schroeder 27-OCT-15	TSD

COMPLAINT ACTION BY DIVISION**NOV (HIS):****NOV (BID):**

Inspector Contact Information

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ATTACHMENT 7—Complaint Data Sheet for 201608091

COMPLAINT DATA SHEET**Complaint Number:** 201608091Owner/Agent: OWNER DATA
SUPPRESSED

Owner's Phone: --

Contact Name:

Contact Phone: --

Complainant: COMPLAINANT DATA
SUPPRESSED

Date Filed:

Location: 820 LAGUNA HONDA BL

Block: 2916

Lot: 014

Site:

Rating:

Occupancy Code:

Received By: Danielle Hendricks

Division: CES

Complainant's

Phone:

Complaint

Source: TELEPHONE

Assigned to CES

Division:

Description: Horizontal addition at rear ground floor

Instructions:

INSPECTOR CURRENTLY ASSIGNED

DIVISION	INSPECTOR	ID	DISTRICT	PRIORITY
CES	HINCHION	1125		

REFERRAL INFORMATION**COMPLAINT STATUS AND COMMENTS**

DATE	TYPE	INSPECTOR	STATUS	COMMENT	UPDATED BY	DIV
03/24/16	CASE OPENED	Hinchion	CASE RECEIVED		Danielle Hendricks 24-MAR-16	CES
03/25/16	WITHOUT PERMIT-ADDED, DELETED FLOOR OCCUPANCY	Keane	FIRST NOV SENT	Posted 1st NOV at site.tdk.	John Hinchion 28-MAR-16	CES
05/06/16	WITHOUT PERMIT - OTHER	Keane	SECOND NOV SENT	2nd NOV sent.tdk	Thomas Keane 09-MAY-16	BID
08/10/16	WITHOUT PERMIT-ADDED, DELETED FLOOR OCCUPANCY	Li	REFER TO DIRECTOR'S HEARING	jtli-9/27/16		CES
08/10/16	WITHOUT PERMIT-ADDED, DELETED FLOOR OCCUPANCY	Li	CASE UPDATE	jtli-MMF		CES
09/07/16	WITHOUT PERMIT-ADDED, DELETED FLOOR OCCUPANCY	Li	DIRECTOR HEARING NOTICE POSTED	jtli		CES
09/27/16	WITHOUT PERMIT-ADDED, DELETED FLOOR OCCUPANCY	Li	ORDER OF ABATEMENT ISSUED	jtli		CES
10/07/16	WITHOUT PERMIT-ADDED, DELETED FLOOR OCCUPANCY	Li	ORDER OF ABATEMENT POSTED	jtli		CES
08/15/17	WITHOUT PERMIT-ADDED, DELETED	Gutierrez	ASSESSMENTS DUE	11MMF 9/25/16 to 8/25/17	Norman Gutierrez 15-AUG-17	CES 26

	FLOOR OCCUPANCY					
09/10/18	WITHOUT PERMIT- ADDED, DELETED FLOOR OCCUPANCY	Li	CASE UPDATE	jtli-MMF		CES
09/10/18	WITHOUT PERMIT- ADDED, DELETED FLOOR OCCUPANCY	Li	CASE ABATED	jtli		CES
09/18/18	WITHOUT PERMIT- ADDED, DELETED FLOOR OCCUPANCY	Hinchion	CASE CLOSED	gs		CES

COMPLAINT ACTION BY DIVISION

NOV (HIS):

NOV (BID):

3/25/2016

5/6/2016

Inspector Contact Information

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ATTACHMENT 8—Complaint Data Sheet for 201620061

COMPLAINT DATA SHEET**Complaint Number:** 201620061Owner/Agent: OWNER DATA
SUPPRESSED

Owner's Phone: --

Contact Name:

Contact Phone: --

Complainant: COMPLAINANT DATA
SUPPRESSED

Date Filed:

Location: 820 LAGUNA HONDA BL

Block: 2916

Lot: 014

Site:

Rating:

Occupancy Code:

Received By: Leinaala Mahi

Division: INS

Complainant's

Phone:

Complaint Source: TELEPHONE

Assigned to

Division: BID

Description:

CONSTRUCTION AT THE REAR OF THE HOUSE NOT SURE IF IT IS IN THE SCOPE OF
WORK ON THE PERMITS THAT HAVE BEEN PULLED FOR THIS ADDRESS.
COMPLAINANT CONCERNED ABOUT LARGE HOLE IN THE GROUND AND ALSO THE
ENLARGED FOOTPRINT OF THE PROPERTY.

Instructions:

INSPECTOR CURRENTLY ASSIGNED

DIVISION	INSPECTOR	ID	DISTRICT	PRIORITY
BID	SCHROEDER	1144		

REFERRAL INFORMATION**COMPLAINT STATUS AND COMMENTS**

DATE	TYPE	INSPECTOR	STATUS	COMMENT	UPDATED BY	DIV
05/25/16	CASE OPENED	Schroeder	CASE RECEIVED		Leinaala Mahi 25- MAY-16	INS
06/09/16	CASE OPENED	Schroeder	CASE CLOSED	permits issued for work cs	Bernard Curran 09- JUN-16	BID

COMPLAINT ACTION BY DIVISION**NOV (HIS):****NOV (BID):**

Inspector Contact Information

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ATTACHMENT 9—Permit Details Report for 201608245926

Permit Details Report**Report Date:** 3/25/2024 9:24:30 AM

Application Number: 201608245926
Form Number: 3
Address(es): 2916 / 014 / 0 820 LAGUNA HONDA BL
Description: TO COMPLY WITH NOV #201608091. PLANS TO CORRECT NOV #201608091.
INSTALL NEW GLASS BLOCK IN EXTERIOR WALLS, SLIDING GLASS WINDOW
AND POWDER ROO TO EXTG STORAGE ROOM.
Cost: \$30,000.00
Occupancy Code: R-3
Building Use: 27 - 1 FAMILY DWELLING

Disposition / Stage:

Action Date	Stage	Comments
8/24/2016	TRIAGE	
8/24/2016	FILING	
8/24/2016	FILED	
9/28/2016	PLANCHECK	
9/28/2016	APPROVED	
9/28/2016	ISSUED	
2/28/2017	COMPLETE	3167854 Final Inspection/Approved

Contact Details:**Contractor Details:**

License Number: 101981
Name: WILLIAM O'KEEFFE *
Company Name: O'KEEFFE'S INC
Address: 100 N HILL DRIVE #12 * BRISBANE CA 94005-0000
Phone:

Addenda Details:**Description:**

Station	Rev#	Arrive	Start	In Hold	Out Hold	Finish	Checked By	Review Result	Hold Description
CES		8/24/16	8/24/16			8/24/16	GUNNELL MICHAEL		
BID- INSP		8/24/16	8/24/16			8/24/16	GREENE MATT		
INTAKE		8/24/16	8/24/16			8/24/16	SHAWL HAREGGEWAIN		
BLDG		8/24/16	8/24/16			8/24/16	LIU CHU		
SFPUC		8/26/16	8/26/16			8/26/16	ARRIOLA LAURA		OTC - Capacity Charge not applicable. Not enough additional fixtures/GPM. Return to Applicant - 08/26/16
CPB		8/30/16	8/30/16			8/30/16	SECONDEZ GRACE		
CP-ZOC		8/30/16	9/13/16			9/14/16	KIRBY ALEXANDRA		Permit doe snot authorize construction of rear deck - basement level alterations at rear only.
PPC		9/15/16	9/15/16			9/15/16	THAI SYLVIA		
CPB		9/15/16	9/28/16			9/28/16	SECONDEZ GRACE		9/28/16: approved & issued. gs

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

Appointments:

Appointment Date	Appointment AM/PM	Appointment Code	Appointment Type	Description	Time Slots
2/28/2017	AM	WS	Web Scheduled	FINAL INSPECT/APPRVD	1
12/20/2016	AM	WS	Web Scheduled	OK TO COVER	1

Inspections:

Activity Date	Inspector	Inspection Description	Inspection Status
2/28/2017	Bernard Curran	FINAL INSPECT/APPRVD	FINAL INSPECT/APPRVD
12/20/2016	Bernard Curran	OK TO COVER	OK TO COVER

Special Inspections:

Addenda No.	Completed Date	Inspected By	Inspection Code	Description	Remarks
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For information, or to schedule an inspection, call 628-652-3400 between 8:30 am and 3:00 pm.

Station Code Descriptions and Phone Numbers

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Technical Support for Online Services

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ATTACHMENT 10—Complaint Data Sheet for 202184157

COMPLAINT DATA SHEET**Complaint Number:** 202184157Owner/Agent: OWNER DATA
SUPPRESSED

Owner's Phone: --

Contact Name:

Contact Phone: --

Complainant: COMPLAINANT DATA
SUPPRESSED

Date Filed:

Location: 820 LAGUNA HONDA BL

Block: 2916

Lot: 014

Site:

Rating:

Occupancy Code:

Received By: Mauricio Hernandez

Division: CES

Complainant's

Phone:

Complaint

Source: TELEPHONE

Assigned to

Division: CES

Description:

A potential unauthorized horizontal expansion at the rear of the property located at 820 Laguna. During the course of our review of this project, it was brought to our attention that the building may have been extended to the rear without benefit of permit. In reviewing available information, we can see that the Sanborn Map and 1993 aerial photo show a building shorter than the existing structure. In the 2002 aerial photo the building appears to have the same (expanded) footprint as the existing structure. As such, it appears that the building was expanded at some point between 1993 and 2002.

Instructions:

INSPECTOR CURRENTLY ASSIGNED

DIVISION	INSPECTOR	ID	DISTRICT	PRIORITY
CES	HINCHION	1125		

REFERRAL INFORMATION

DATE	REFERRED BY	TO	COMMENT
8/10/2023	Julie Yu	CES	per Inspector Carl Malchow

COMPLAINT STATUS AND COMMENTS

DATE	TYPE	INSPECTOR	STATUS	COMMENT	UPDATED BY	DIV
11/09/21	CASE OPENED	Zeng	CASE RECEIVED		Mauricio Hernandez 09-NOV-21	BID
11/09/21	OTHER BLDG/HOUSING VIOLATION	Duffy	CASE UPDATE	Case reviewed and assigned to complaint investigation team per MH; slw	Suzanna Wong 09-NOV-21	BID
11/10/21	OTHER BLDG/HOUSING VIOLATION	Duffy	CASE UPDATE	Permit analysis.		BID
12/03/21	OTHER BLDG/HOUSING VIOLATION	Duffy	CASE UPDATE	Inspection request		BID
12/07/21	OTHER BLDG/HOUSING VIOLATION	Duffy	CASE UPDATE	1st Inspection request letter mailed. gsamaras	Giles Samarasinghe 07-DEC-21	BID
12/16/21	OTHER BLDG/HOUSING VIOLATION	Duffy	CASE UPDATE	Spoke to owner, left 12/15/21 for Europe returning 1/15/22 and will arrange an inspection upon his return.		BID
01/25/22	OTHER BLDG/HOUSING VIOLATION	Duffy	CASE UPDATE	Site inspection, NOV to follow.		BID
01/26/22	OTHER BLDG/HOUSING VIOLATION	Duffy	CASE UPDATE	Addition.		BID
01/26/22	OTHER BLDG/HOUSING VIOLATION	Duffy	FIRST NOV SENT	1st NOV issued per DD; ag	Audrey Gee 28-JAN-22	INS
01/28/22	OTHER BLDG/HOUSING VIOLATION	Duffy	CASE UPDATE	1st NOV mail; ag	Audrey Gee 28-JAN-22	INS
05/10/22	OTHER BLDG/HOUSING VIOLATION	Duffy	CASE UPDATE	Permit filed.		BID
03/06/23	OTHER BLDG/HOUSING VIOLATION	Malchow	CASE UPDATE	In routing review OK to continue		34 BID

08/10/23	OTHER BLDG/HOUSING VIOLATION	Malchow	FINAL WARNING LETTER ISSUED	No permit issued. No activity in routing.		BID
08/10/23	OTHER BLDG/HOUSING VIOLATION	Malchow	FINAL WARNING LETTER SENT		Carl Malchow 10-AUG-23	BID
08/10/23	OTHER BLDG/HOUSING VIOLATION	Duffy	CASE UPDATE	Final warning letter mailed;jy	Julie Yu 10- AUG-23	INS
08/10/23	OTHER BLDG/HOUSING VIOLATION	Duffy	REFERRED TO OTHER DIV	Case referred to CES per CM;jy	Julie Yu 10- AUG-23	INS
08/10/23	GENERAL MAINTENANCE	Duffy	REFERRED TO OTHER DIV	tranfer to div CES	Julie Yu 10- AUG-23	INS
08/10/23	OTHER BLDG/HOUSING VIOLATION	Hinchion	CASE RECEIVED	CES received case transfer - CR	Charles Robinson 10- AUG-23	CES

COMPLAINT ACTION BY DIVISION

NOV (HIS):

NOV (BID):

1/26/2022

Inspector Contact Information

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

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ATTACHMENT 11—APPELLANT'S FEBRUARY 26, 2025 STATEMENT

David M. Perl
T (415) 984-8538
Email: DPerl@ClarkHill.com

Clark Hill LLP
505 Montgomery Street
13th Floor
San Francisco, CA 94111
T (415) 984-8500
F (415) 984-8599

February 26, 2025

ABATEMENT APPEALS BOARD
49 South Van Ness Avenue
San Francisco, CA 94103
Dbi.aab@sfgov.org

Re: Appellant and Property Owner William O’Keeffe’s Written Statement in Support of
Appeal from Director’s Order 202184157-A Issuing an Order of Abatement
Against 820 Laguna Honda Blvd. (AAB Appeal No. 6945)

Dear Honorable Commissioners:

On November 5, 2024, the San Francisco Department of Building Inspection (“DBI”) issued an Order of Abatement (“Order”) requiring William O’Keeffe (“O’Keeffe”) to obtain and complete a permit to legalize an addition that has existed in the rear yard of his home at 820 Laguna Honda (the “Property”) for more than two and a half decades within 30 days. That deadline was arbitrarily imposed and impossible to meet due to DBI’s delays. O’Keeffe has been promptly complying with all notices and requests from DBI to obtain his Permit. The Order should be vacated.

I. DESPITE O’KEEFFE’S DILIGENT ATTEMPTS TO OBTAIN THE PERMIT, THE DIRECTOR ISSUED THE ORDER OF ABATEMENT.

O’Keeffe has been attempting to obtain a permit (Application No. 202205033449) (the “Permit”) to cure the underlying notice of violation since May 2022. (See Attachment 1.) That process has moved at a glacial pace due to administrative delays imposed on the approval process.

O’Keeffe used to be close friends with his neighbor Tony Hall (“Hall”), but after a falling out in 2013, Hall used DBI as a vehicle to harass O’Keeffe. He has submitted a relentless barrage

of meritless complaints to DBI about the Property (see e.g., Data Sheet for Complaints 201328711, 201328721, 201328141, 201575611, and 201620061.) As part of his efforts to harass O'Keeffe, Hall opposed every aspect of the Permit and ultimately submitted a request for Discretionary Review with the Planning Commission that sought removal of the addition from O'Keeffe's home.

On April 4, 2024, the Planning Commission ("Commission") and the Zoning Administrator ("Administrator") held a Discretionary Review hearing for the Permit and a Variance Hearing related to the rear-yard-setback requirements in the Planning Code. On April 26, 2024, the Commission issued its Discretionary Review Action Memo approving the Permit. (Attachment 2.) On May 29, 2024, the Administrator approved a Variance. (Attachment 3.)

As a requirement for the Variance, the Administrator imposed an arbitrary and unjustified condition that O'Keeffe remove two small balconies on the second floor of his home. Lacking any reasonable basis to require the removal of the balconies, on June 7, 2024, O'Keeffe submitted an appeal of the Variance Decision. (Attachment 4.) A hearing on the appeal was scheduled for August 28, 2024.

Even though O'Keeffe was actively working towards the issuance of the Permit, on or around June 20, 2024, DBI sent a Notice of Director's Hearing to O'Keeffe for the potential issuance of an Order of Abatement. The hearing was scheduled for July 2, 2024.

O'Keeffe and his counsel appeared at the hearing and requested a continuance past August 28, 2024, explaining that an Order of Abatement should not be issued because O'Keeffe was unable to obtain a permit due to the pending appeal of the Variance Decision and that he had been working in good faith to obtain the Permit for years. Nevertheless, the Director continued the hearing an insufficient 30 days.

Driven in part by the incongruent dates for the continued Director's Hearing and the hearing date for the variance appeal, along with his desire to simply resolve this matter, O'Keeffe

withdrew the appeal on August 6, 2024. (Attachment 5).

On August 20, 2024, DBI held another Director's Hearing. Once again, O'Keeffe's counsel appeared and explained that it was virtually impossible for DBI to work quickly enough to issue the Permit within the foreseeable future. Nevertheless, on November 5, 2024, DBI issued the Order requiring O'Keeffe to obtain the Permit and complete it within 30 days—i.e. by December 5, 2024. (Attachment 6.)

II. DBI'S DELAYS HAVE MADE IT IMPOSSIBLE FOR O'KEEFFE TO MEET THE 30-DAY DEADLINE.

O'Keeffe uploaded revised site plans for the Permit to the Planning Department removing the balconies on September 26, 2024. (Attachment 6.) Planning did not approve the revised site plan until November 18, 2024. (See Attachment 1.)

Once the plans for a site permit are approved by Planning, they are routed to DBI (and various other departments) for review. DBI did not assign anyone to the Permit until January 23, 2025—*49 days after the deadline to complete the permit had already elapsed.* (See Attachment 1.) When DBI finally reviewed the submission for the site permit, they required additional changes, which O'Keeffe submitted on February 21, 2025. (See Attachment 7.)

Almost immediately after assigning the Permit to DBI, on February 4, 2025, O'Keeffe received a notification from Erik Hillstrom at the San Francisco Department of Public Works ("DPW") that a portion of the sidewalk and driveway on 820 Laguna Honda was located within the public right-of-way allocated to the roadway. Hillstrom put the permit on hold until O'Keeffe obtained a Minor Encroachment Permit. (See Attachment 1.)

O'Keeffe is not responsible for the location of the sidewalk, the location of the driveway on his Property, or the fact that the City chose not to use all 80' reserved to it for the Laguna Honda Boulevard. Still, O'Keeffe wanted to move forward with the Permit expeditiously. He submitted

his request for a Minor Encroachment Permit with DPW on February 20, 2025 (Attachment 8.) O'Keeffe does not control when the Minor Encroachment Permit will be issued. Yet, once that relatively simple administrative hurdle is cleared, O'Keeffe still faces a long road to the *issuance* of the Permit, and an even longer one to the final signoff on the Permit.

Before DBI will issue the Permit, it still must approve the site permit. Once the site permit is approved, O'Keeffe must submit a building permit and all necessary documents associated with it, which DBI must review and approve. O'Keeffe does not control the pace at which DBI moves, does not know precisely what additional steps or information DBI may request, does not know how long it will take DBI to issue the Permit, and does not know how long it will take DBI to sign off on completion of the Permit once the work is finished. The only thing that is certain is that DBI's review of the documents for a building permit typically takes months, and it is all but impossible for the Permit to be completed in 30 days.

III. O'KEEFFE SHOULD NOT BE PUNISHED FOR FAILING TO COMPLY WITH ARBITRARY DEADLINES IMPOSED BY DBI THAT ARE IMPOSSIBLE TO MEET.

O'Keeffe is not trying to avoid obtaining a permit for the addition. He has cooperated with every notice or request from DBI (or other departments) that he has ever received. Yet this appeal is necessary to prevent the potential imposition of substantial fines and criminal charges for failing to comply with arbitrary deadlines that are impossible to meet.

San Francisco Building Code (the "Building Code") Section 102A.7(c) states that "[t]he Administrative Order shall specify the time within which the building owner shall repair, alter, vacate, and/or demolish the building, structure, or property, or portion thereof, or otherwise comply with the Order. The time for compliance with the Administrative Order shall not to [sic] exceed 180 days *from permit issuance*." (Emphasis added.) Where DBI has not issued a permit,

the Building Code does not mandate any deadline for compliance with the Order, instead leaving the management and the timing for the building owner to obtain a permit in the first instance to the discretion of DBI.

The Order is silent as to why the 30-day deadline was imposed. The addition has existed for more than two decades. It does not present any threat to the health or safety of the community, neighboring residents, or O'Keeffe. No findings of fact were made to the contrary. Moreover, O'Keeffe has been diligent in his efforts to cure the underlying notice of violation.

The consequences of DBI's actions could be severe. Building Code section 102A.11 provides that an owner who fails to comply with an Order is guilty of a misdemeanor and subject to fines up to \$500 per day. Even though it was impossible for O'Keeffe to have completed work on the Permit by December 5, 2024, he could be subjected to fines (through the date of this filing) up to \$41,500 for his failure to complete work on the Permit. (See also Building Code § 103A.)

Moreover, the City could seek to "Cause the building, structure, property, or portion thereof, to be vacated, barricaded, or otherwise secured against use or occupancy pending the correction of all conditions ordered to be corrected, or pending demolition." (Building Code § 102A.14.) Irrespective of whether DBI may seek to impose such unjust and draconian penalties on O'Keeffe, they should not have the option to do so in the first instance, and this Appeal Board should vacate the Order.

Respectfully submitted,
CLARK HILL LLP



David M. Perl
Attorney at Law
Authorized Representative of Property Owner
William O'Keeffe

INDEX OF ATTACHMENTS TO:
820 Laguna Honda Appeal of Director's Order 202184157-A

Attachment 1: Department of Building Inspection Permit Tracking Information for Application No. 202205033449

Attachment 2: San Francisco Planning Department Discretionary Review Action RDA-854

Attachment 3: San Francisco Planning Department Variance Decision for Case No. 2020-004486VAR

Attachment 4: Notice of Appeal of May 29, 2024 Variance Decisions for Case No. 2020-004486VAR

Attachment 5: Withdraw Request for Appeal No. 24-036 (Case No. 2020-004486VAR)

Attachment 6: Order of Abatement No. 202184157A

Attachment 7: Bluebeam Screenshot for Revised Site Plan for Permit Application No. 202205033449 uploaded September 26, 2024 Removing Balconies

Attachment 8: Application for Minor Sidewalk Encroachment, submitted Feb. 20, 2025.

EXHIBIT 1



Welcome to our Permit / Complaint Tracking System!

Permit Details Report

Report Date: 2/26/2025 1:45:28 PM

Application Number: 202205033449

Form Number: 3

Address(es): 2916 /014 /0 820 LAGUNA HONDA BL
TO COMPLY WITH N.O.V# 202184157. LEGALIZE
UNPERMITTED 10'-0" HORIZONTAL ADDITIONAL TO COMPLY
WITH CODE ENFORCEMENT CASE NO. 2021070708 ENF.
PROPOSED NEW STEEL AND GLASS DECK. SEE VARIANCE
APPLICATION NO.2020-004486VAR.

Description:

Cost: \$262,916.00

Occupancy Code: R-3

Building Use: 27 - 1 FAMILY DWELLING

Disposition / Stage:

Action Date	Stage	Comments
5/3/2022	TRIAGE	
5/3/2022	FILING	
5/3/2022	FILED	

Contact Details:

Contractor Details:

Addenda Details:

Description:

Station	Rev#	Arrive	Start	In Hold	Out Hold	Finish	Checked By	Phone	Review Result	Hold Description
BID-INSP		5/5/22	5/5/22			5/5/22	GREENE MATT	415-558-6096		OK to process. No penalty per NOV. Add language "To comply with NOV # 202184157".
CPB		5/3/22	5/3/22			5/9/22	LEE KIM	628-652-3240		5/9/22: Sent to PPC for session 5/9/2022: INVOICED EMAILED APPLICATION TO BID FOR SIGN OFF.
CP-ZOC		5/9/22	8/30/22			4/4/24	HORN JEFFREY	628-652-7300	Issued Comments	4/4/2024. Pending VDL
CP-ZOC	1	11/18/24	11/18/24			11/18/24	HORN JEFFREY	628-652-7300	Approved	11/18/2024. Approved plans to legalize a 3-story, 10 foot rear addition partially located within the lot's required rear yard per 2020-004486DRP and 2020-004486VAR. An existing 3rd floor deck at the rear will be removed. Jeff Horn
CP-DR		10/19/22	10/26/22			10/26/22	HORN JEFFREY	628-652-7300	Administrative	10/26/22: Routed to DR coordinator. 10/19/22: DR received. Intake assigned to J. Lung.
CP-DR		3/14/23	3/19/24			3/19/24	HORN JEFFREY	628-652-7300	Administrative	3/19/23: Routed to DR coordinator. 3/14/23: DR received. Intake assigned to J. Lung.
BLDG		1/23/25	2/3/25			2/7/25	SOENKSEN RICHARD	628-652-3780	Issued Comments	Issued comments in BB session. Arch notified 2/7/2025
BLDG	1	2/21/25	2/24/25			2/24/25	SOENKSEN RICHARD	628-652-3780	Approved	Approved REV4A in the BB session. Arch notified 2/24/2025
DPW-BSM		1/23/25	2/4/25			2/4/25	HILLSTROM ERIK	628-271-2000	Issued Comments	FULL PERMIT requirement(s) for sign off (TIER 1): Minor Sidewalk Encroachment (existing non-conforming excessive slope driveway, special paving, landscaping, and guard rail). Download application(s) at http://www.sfpdw.org/services/permits/application-forms and submit electronically to bsmpermitdivision@sfdpw.org . Your construction addendum will be ON-HOLD until all necessary permit application(s) and fees are submitted to bsmpermitdivision@sfdpw.org . Please call the office at (628) 271-2000 or email at bsmpermitdivision@sfdpw.org for more information. Please be advised if Tier 1 release, you are required to provide plans to Public Works within 90-days of application date submittal or re-activation fee shall be enforced. erik.hillstrom@sfdpw.org

DPW-BSM	1	2/21/25	2/26/25			2/26/25	DENNIS RASSENDYLL	628-271-2000	Approved-Stipulated	ADDENDUM requirement(s) for sign off (TIER 1): Inspection Right-of-Way Conformity and 25MSE-00045. Download application(s) at http://www.sfpublishworks.org/services/permits/application-forms and submit electronically to bsmpermitdivision@sfdpw.org. Your construction addendum will be ON-HOLD until all necessary permit application(s) and fees are submitted to bsmpermitdivision@sfdpw.org. Please call the office at (628) 271-2000 or email at bsmpermitdivision@sfdpw.org for more information. Please be advised if Tier 1 release, you are required to provide plans to Public Works within 90-days of application date submittal or re-activation fee shall be enforced.
DPW-BSM	2	2/26/25	2/26/25			2/26/25	DENNIS RASSENDYLL	628-271-2000	Approved-Stipulated	ADDENDUM requirement(s) for sign off (TIER 1): Inspection Right-of-Way Conformity and 25MSE-00045. Download application(s) at http://www.sfpublishworks.org/services/permits/application-forms and submit electronically to bsmpermitdivision@sfdpw.org. Your construction addendum will be ON-HOLD until all necessary permit application(s) and fees are submitted to bsmpermitdivision@sfdpw.org. Please call the office at (628) 271-2000 or email at bsmpermitdivision@sfdpw.org for more information. Please be advised if Tier 1 release, you are required to provide plans to Public Works within 90-days of application date submittal or re-activation fee shall be enforced.
SFPUC		1/23/25	1/30/25			1/30/25	GARCIA JOBEL	628-652-6040	Approved	EPR - Capacity Charge not applicable. Existing fixture count (gpm) in the same tier as proposed fixture count (gpm). Please note that existing meter is undersized. Meter upgrade is recommended. Please contact SFPUC, New Installations, 525 Golden Gate Ave, 2nd floor, San Francisco, CA 94102, Telephone: (415) 551-2900 for more info. 1/30/25.
CP-ZOC	1	2/21/25					HORN JEFFREY	628-652-7300		
SFPUC	1	2/21/25	2/25/25			2/25/25	GARCIA JOBEL	628-652-6040	Approved	RESTAMP - EPR - Capacity Charge not applicable. Existing fixture count (gpm) in the same tier as proposed fixture count (gpm). Please note that existing meter is undersized. Meter upgrade is recommended. Please contact SFPUC, New Installations, 525 Golden Gate Ave, 2nd floor, San Francisco, CA 94102, Telephone: (415) 551-2900 for more info. 2/25/25.
PPC		5/9/22	5/9/22				LUA NATALIE	628-652-3780		2/21/2025: Invite sent to plan checkers to review and stamp 202205033449_SITE DWGS_REV4A.pdf;nl 1/23/25: Invite sent to BLDG, BSM & PUC to start electronic plan review. TW 5/9/22: Invite sent to applicant to join BB session; HP 5/9/22: Bluebeam session created, invite sent to DCP to start electronic plan review; HP
CPB								628-652-3240		

Appointments:

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

Activity Date	Inspector	Inspection Description	Inspection Status
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Special Inspections:

Addenda No.	Completed Date	Inspected By	Inspection Code	Description	Remarks
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For information, or to schedule an inspection, call 628-652-3400 between 8:30 am and 3:00 pm.

[Station Code Descriptions and Phone Numbers](#)

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

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EXHIBIT 2



DISCRETIONARY REVIEW ACTION DRA-854

HEARING DATE: APRIL 4, 2024

Record No.: **2020-004486DRP-02**
Project Address: **820 Laguna Honda Boulevard**
Building Permit: **2022.0503.3449**
Zoning: RH-1(D) (Residential House- Single Family - Detached) Zoning District
Family Opportunity Housing SUD
40-X Height and Bulk District
Block/Lot: 2916 / 014
Project Sponsor: Steven Hammond on behalf of William O’Keefe
Panoramic Interests Clark Hill, LLP
505 Montgomery Street 13th floor
San Francisco, CA 94111
DR Requestors: Anthony Hall
20 Rockaway Street
San Francisco, CA 94127
Karen Tarantola on behalf of the Greater West Portal Neighborhood Association
PO Box 27116
San Francisco, CA 94127
Staff Contact: David Winslow – (628) 652-7335
David.Winslow@sfgov.org

ADOPTING FINDINGS RELATED TO TAKING DISCRETIONARY REVIEW OF RECORD NO. 2020-004486DRP-02 AND THE APPROVAL OF BUILDING PERMIT APPLICATION NO. 2022.0503.3449 PROPOSING SEEKS TO LEGALIZE A 3-STORY, 10’ X 25’ REAR EXTENSION TO A SINGLE-FAMILY BUILDING THAT WAS CONSTRUCTED WITHOUT THE BENEFIT OF A PERMIT TO A THREE-STORY, SINGLE-FAMILY DWELLING WITHIN THE RH-1(D) (RESIDENTIAL HOUSE, ONE-FAMILY-DETACHED) ZONING DISTRICT AND A 40-X HEIGHT AND BULK DISTRICT.

Preamble

On May 3, 2022, Willie L. Brown filed for Building Permit Application No. 2022.0503.3449 proposing to legalize construction of a three-story horizontal rear addition and addition of a 184 sq. ft. deck to a three-story, single-family dwelling within the RH-1(D) (Residential House, One-Family- Detached) District and a 40-X Height and Bulk District.

On October 20, 2022 Anthony Hall and on March 14, 2024 Karen Tarantola (hereinafter “Discretionary Review (DR) Requestors”) filed applications with the Planning Department (hereinafter “Department”) for Discretionary Review (2020-004486DRP-02) of Building Permit Application No. 2022.0503.3449.

The Department has determined that the proposed project is exempt/excluded from environmental review, pursuant to CEQA Guideline Section 15301 (Class One - Minor Alteration of Existing Facility, (e) Additions to existing structures provided that the addition will not result in an increase of more than 10,000 square feet).

On April 4, 2024, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Discretionary Review Application 2020-004486DRP-02.

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

Action

The Commission hereby takes Discretionary Review requested in Record No. 2020-004486DRP-02 and approves Building Permit Application 2022.0503.3449 with the following condition: that a Notice of Special restriction be recorded to require a Building Permit for exterior construction to require Neighborhood Notification.

The reasons that the Commission took the action described above include:

1. There are extraordinary or exceptional circumstances in the case. The permit to legalize an existing non-complying condition that extends into the required rear yard which was constructed without benefit of a permit is exceptional and extraordinary and demonstrated a lack of regard for process including proper neighborhood and regulatory review. The proposal does not comply with the Planning Code.
2. The Commission determined that no modifications to the project were necessary, and they instructed staff to approve the Project per plans dated March 25, 2024, on file with the Planning Department.

APPEAL AND EFFECTIVE DATE OF ACTION: Any aggrieved person may appeal this Building Permit Application to the Board of Appeals only after the Department of Building Inspection (DBI) takes action (issuing or disapproving) the permit. Such appeal must be made within fifteen (15) days of DBI's action on the permit. For further information, please contact the Board of Appeals at (628) 652-1150, 49 South Van Ness Ave, Suite 1475, San Francisco, CA 94103.

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

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

I hereby certify that the Planning Commission took Discretionary Review and approved the building permit as reference in this action memo on April 4, 2024.



Jonas P. Ionin

Commission Secretary

Jonas P Ionin

Digitally signed by Jonas P Ionin
Date: 2024.04.18 09:08:14 -07'00'

AYES: Braun, Imperial, Moore, Diamond

NOES: Williams, Koppel

ABSENT: None

ADOPTED: April 4, 2024

[illegible]

[illegible]

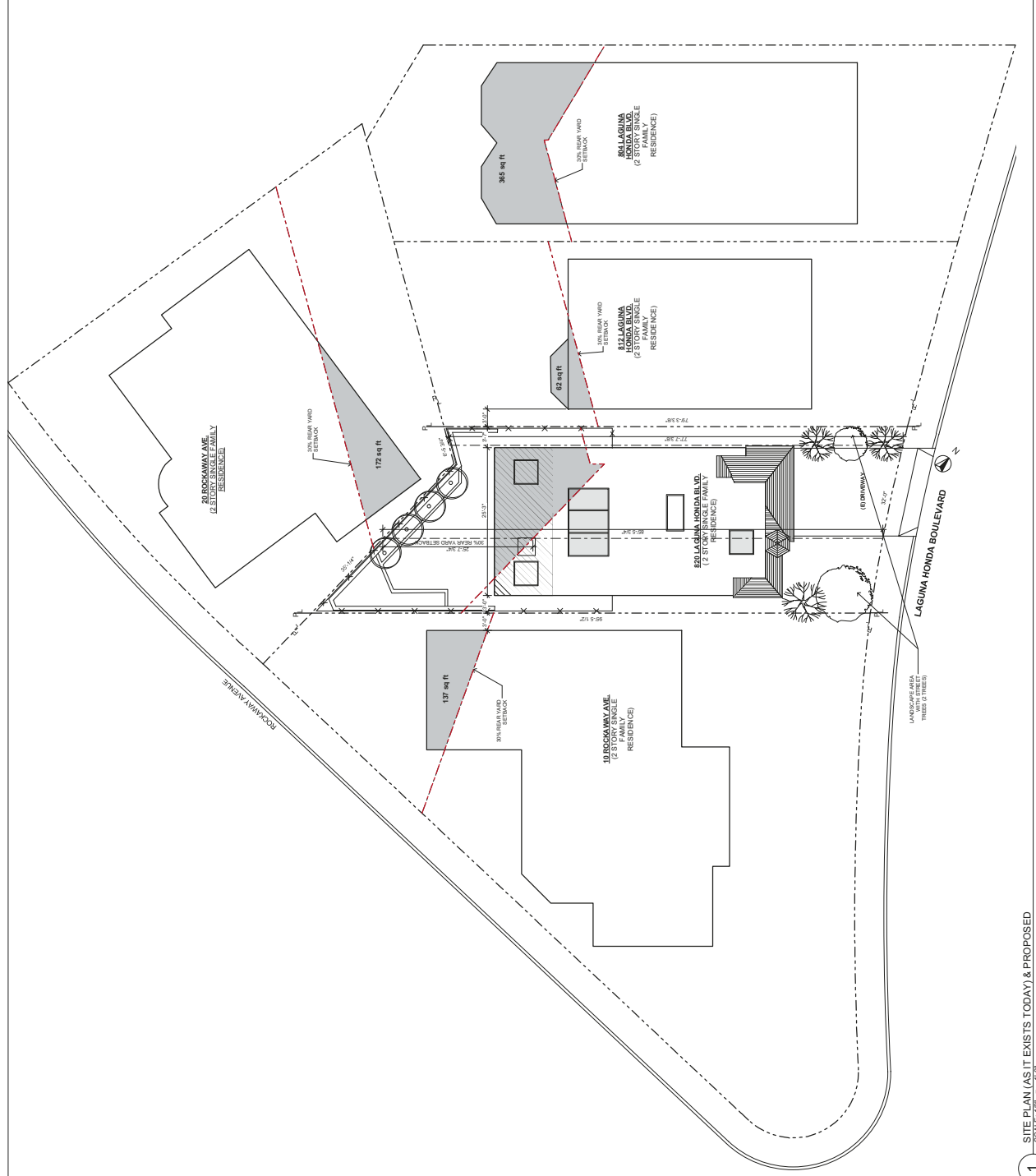
O'KEEFE RESIDENCE ADDITION
820 LAGUNA HONDA BLVD
SAN FRANCISCO, CA 94127

FOR DBI USE

Project Info:
SITE PLAN

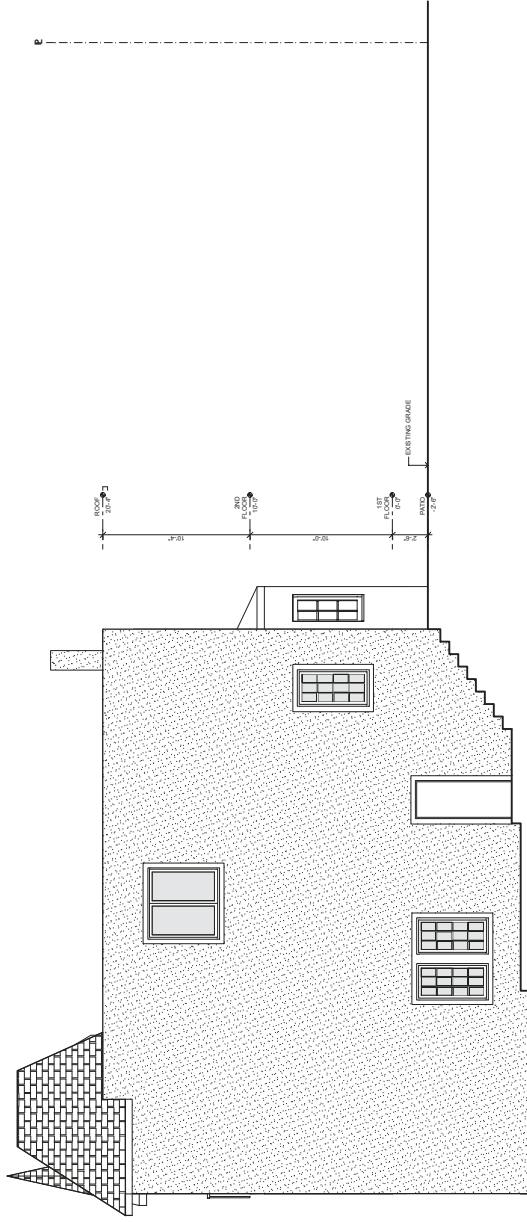
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A1.0A

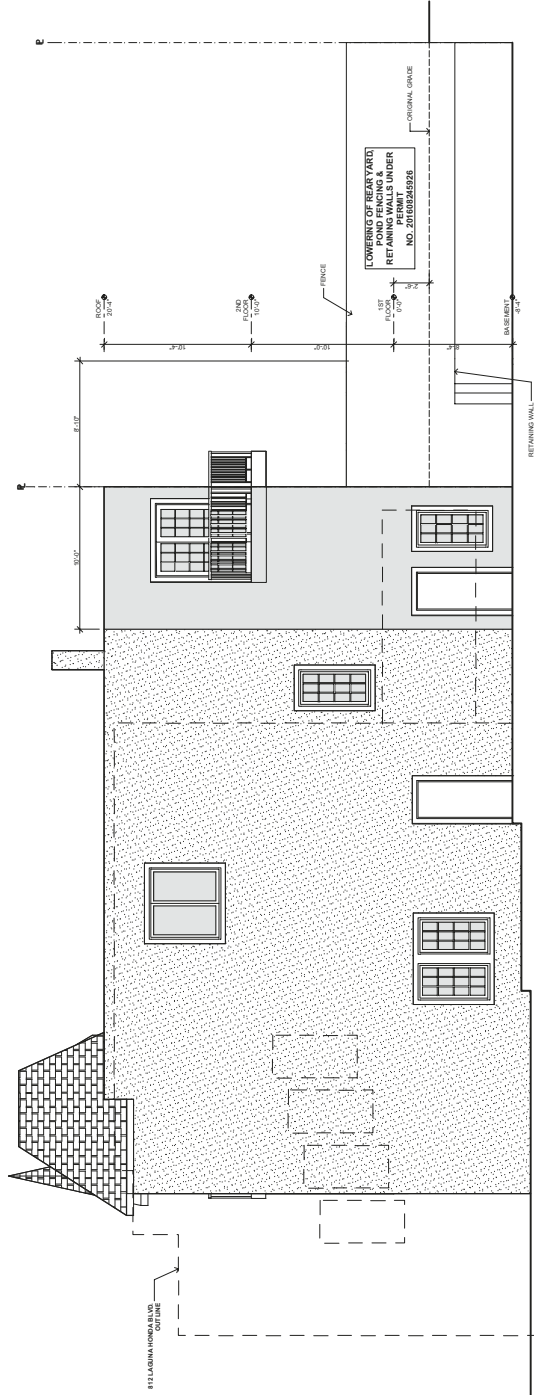


PRIOR TO UNPERMITTED ADDITION

UNPERMITTED ADDITION TO BE LEGALIZED



2 WEST ELEVATION (LAST LEGAL CONDITION)
SCALE: 1/4" = 1'-0"



1 WEST ELEVATION (AS IT EXISTS TODAY)
SCALE: 1/4" = 1'-0"



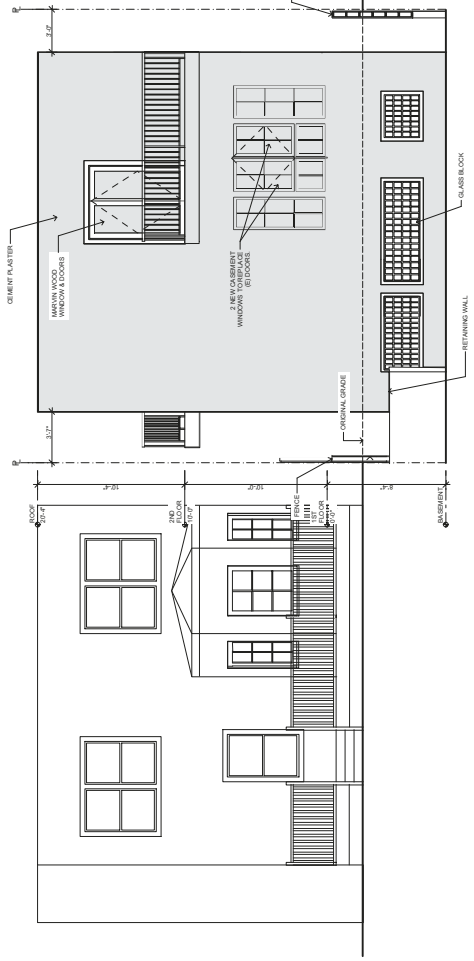
Revisions	By	Date

O'KEEFE RESIDENCE ADDITION
820 LAGUNA HONDA BLVD
SAN FRANCISCO, CA 94127

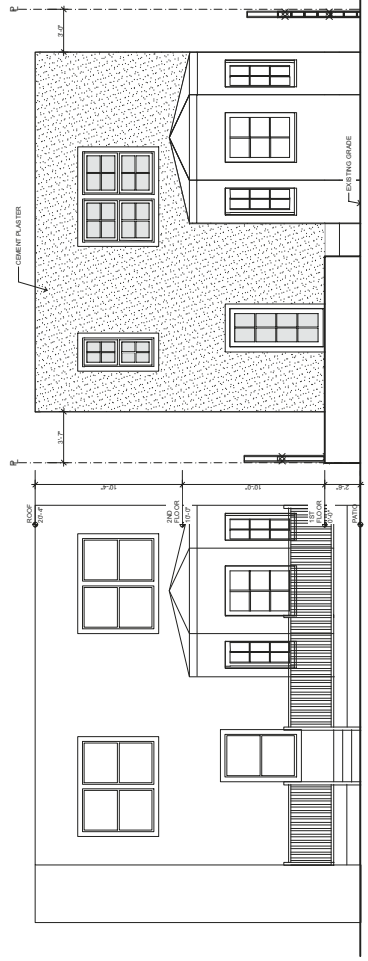
FOR DBI USE

Sheet Title:
Exterior Elevations:
LAST ELEVATIONS
CONDITION & AS IT
EXIST TODAY (1)
Date: 03.25.24
Drawn By: BM
Job Number: 1-1013

A3.1



2 SOUTH ELEVATION (AS IT EXISTS TODAY)
SCALE: 1/4" = 1'-0"



1 SOUTH ELEVATION (LAST LEGAL CONDITION)
SCALE: 1/4" = 1'-0"



Revisions	By

O'KEEFE RESIDENCE ADDITION
820 LAGUNA HONDA BLVD
SAN FRANCISCO, CA 94127

FOR DBI USE

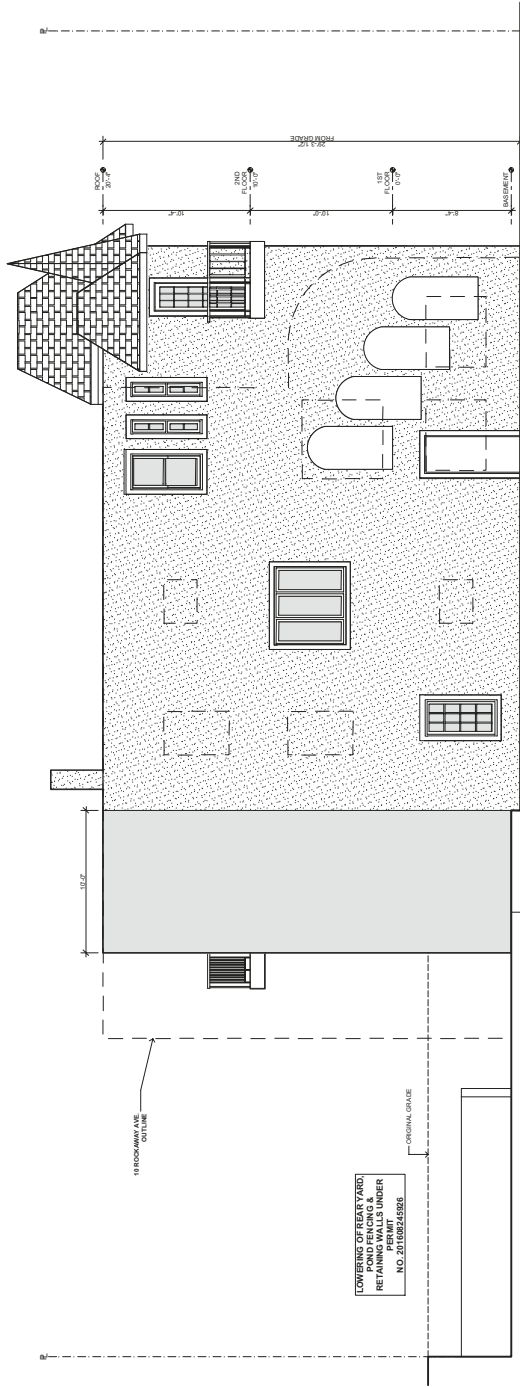
Sheet Title:
Exterior Elevations
Last Legal Condition
It Exits Today

Date: 03.25.24

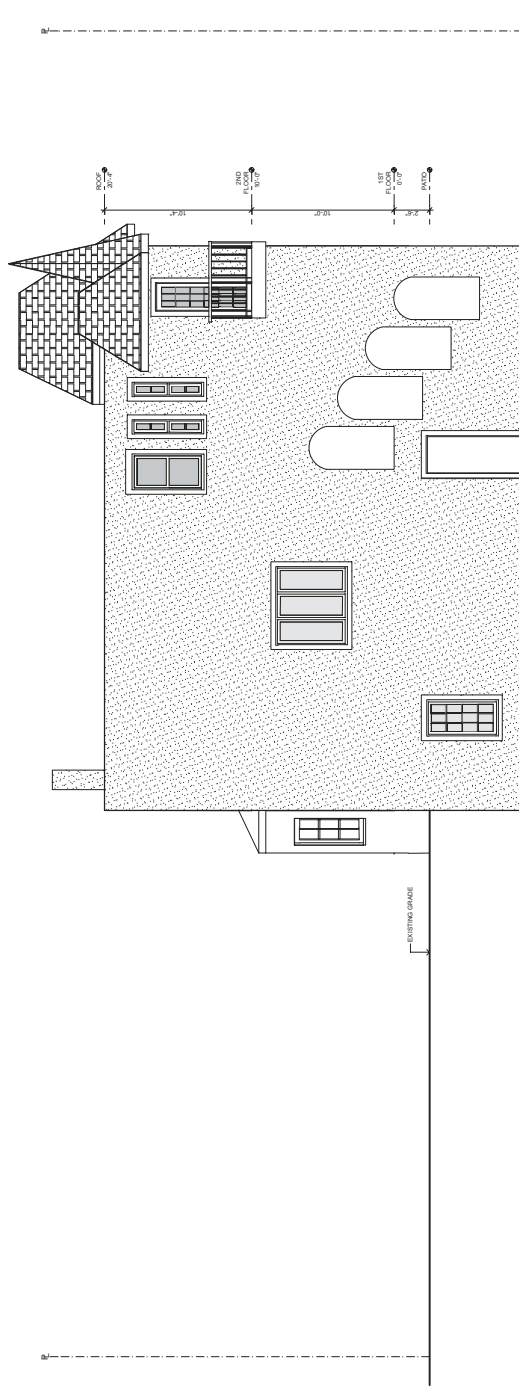
Drawn By: BM

Job Number: 1-1013

A3.2



2 EAST ELEVATION (AS IT EXISTS TODAY)
SCALE: 1/4" = 1'-0"



1 EAST ELEVATION (LAST LEGAL CONDITION)
SCALE: 1/4" = 1'-0"

(E) LONGITUDINAL BUILDING SECTION
SCALE: 1/4" = 1'-0"

EXHIBIT 3



VARIANCE DECISION

Date: May 29, 2024
Case No.: 2020-004486VAR
Project Address: 820 Laguna Honda Boulevard
Block/Lots: 2916/014
Zoning: RH-1(D) (Residential House- Single Family - Detached) Zoning District
Family and Senior Housing Opportunity SUD
Height/Bulk: 40-X
Applicant: Steven Hammond on behalf of William O’Keefe
Clark Hill, LLP
505 Montgomery Street, 13th Floor
San Francisco, CA 94113
Owner: Willaim O’Keefe
820 Laguna Honda Boulevard
San Francisco, CA 94127
Staff Contact: Jeff Horn – 628-652-7366
jeffrey.horn@sfgov.org

Description of Variance – Rear Yard Variance Sought:

The proposal is to legalize a 3-story, 10-foot by 25-foot building expansion at the rear of the existing single-family building.

Planning Code Section 134 requires the subject property to maintain a rear yard equivalent to 30 percent of the lot depth, which ranges from 23 feet 9 inches to 28 feet 7 inches for the subject property. A portion of the building proposed to be legalized extends into the required rear yard. Therefore, a variance is required.

Procedural Background:

1. On February 22, 2022, a Notice of Enforcement was issued informing that the property owner that the 3-story, 10-foot by 25-foot building expansion at the rear had been constructed without the necessary building permit or rear yard variance, and therefore was in violation of the Planning Code.
2. The Project is exempt from the California Environmental Quality Act (“CEQA”) as a Class 1 Categorical Exemption.
3. Planning Code Section 311 notification was not required for the associated building permit. However, a request for Discretionary Review was filed on October 19, 2022. An additional request for Discretionary

Review was filed on March 14, 2024.

4. Revised plans were submitted in March 2024 that removed a previously proposed rear yard deck.
5. On April 4, 2024, the Planning Commission and Zoning Administrator held a joint public hearing to consider Discretionary Review Case No. 2020-004486DRP-02 and Variance Case No. 2020-004486VAR.
6. At the hearing, the Commission took Discretionary Review and approved the project per plans dated March 25, 2024, with the condition that a Notice of Special Restriction be recorded to require any future building permit for exterior construction to undergo neighborhood notification through DRA-854.

Decision:

GRANTED, in general conformity with the revised plans on file with this application, shown as EXHIBIT A, to legalize a 3-story, 10-foot by 25-foot building expansion at the rear of the existing single-family building, subject to the following conditions:

1. Both balconies (rear and side) at the top (2nd) floor must be removed.
2. Any building permit or Project Application (PRJ), whichever is applicable, that proposes a deck or other structure within the rear yard that is more than 3 feet higher than current grade must undergo neighborhood notification pursuant to Planning Code Section 311 and be subject to Mandatory Discretionary Review by the Planning Commission. However, this requirement shall not apply to the in-kind or lesser replacement of any existing structures within the rear yard.
3. The authorization and rights vested by virtue of this decision letter **shall be deemed void and cancelled** if a Site or Building Permit has not been issued within three years from the effective date of this decision. However, this authorization may be extended by the Zoning Administrator when implementation of the project is delayed by a public agency, an appeal, or a legal challenge, and only by the length of time for which such public agency, appeal, or challenge has caused delay.
4. Any future physical expansion, even in the buildable area, shall be reviewed by the Zoning Administrator to determine if the expansion is compatible with existing neighborhood character and scale. If the Zoning Administrator determines that there would be a potentially substantial impact, the Zoning Administrator may require either notice to adjacent and/or affected property owners or a new Variance application be sought and justified.
5. The proposed project must meet these conditions and all applicable City Codes. In case of conflict, the more restrictive controls apply.
6. Minor modifications, as determined by the Zoning Administrator, may be permitted.
7. The owner of the subject property shall record on the land records of the City and County of San Francisco the conditions attached to this Variance decision as a Notice of Special Restrictions in a form approved by

the Zoning Administrator.

Findings:

Section 305(c) of the Planning Code states that in order to grant a variance, the Zoning Administrator must determine that the facts of the case are sufficient to establish the following five findings:

FINDING 1.

That there are exceptional or extraordinary circumstances applying to the property involved or to the intended use of the property that do not apply generally to other properties or uses in the same class of district.

Requirement Met.

- A. The subject lot slopes up from the front, such that the basement level was, prior to rear yard excavation in 2016, substantially below grade. As such the rear of the existing building has more of a 2-story expression in relation to adjacent lots.
- B. The subject lot has an irregular shape, with a slightly curving front property line and a jagged rear property line that ranges in depth. Additionally, the subject lot is positioned in an atypical manner adjacent to other irregular lots that cap the eastern end of an irregularly shaped block.
- C. The existing building was constructed circa 1936 and is a potential historic resource. The original construction of the building included a large front setback of approximately 20 feet at its largest.

FINDING 2.

That owing to such exceptional and extraordinary circumstances the literal enforcement of specified provisions of this Code would result in a practical difficulty or unnecessary hardship not created by or attributed to the applicant or the owner of the property.

Requirement Met.

- A. The circumstances described above create a scenario where the literal enforcement of the rear yard requirement results in a practical difficulty towards constructing a similar amount of massing that would otherwise be principally permitted on the lot, but in a regular manner that conflicts with the atypical rear property line and block pattern. Such circumstances were not created by or attributed to the applicant or the owner of the property.

FINDING 3.

That such variance is necessary for preservation and enjoyment of a substantial property right of the subject property, possessed by other property in the same class of district.

Requirement Met.

- A. As mentioned above, the variance will allow the construction of a similar amount of massing that would

otherwise be principally permitted on the lot, but in a regular manner that conflicts with the atypical rear property line and block pattern, while being consistent with the Residential Design Guidelines. This represents an enjoyment of a substantial property right of the subject property that is possessed by other property in the same class of district.

FINDING 4.

That the granting of such variance will not be materially detrimental to the public welfare or materially injurious to the property or improvements in the vicinity.

Requirement Met.

- A. The subject lot, adjacent lots, and eastern block end are atypical in shape and orientation. Due to the upsloping topography, the proposed addition to the 3-story building will only have a 2-story expression at the rear. Additionally, this variance is conditioned to require the removal of the upper floor balconies and to require substantial review process for any additional proposals at the rear of the lot.
- B. The Planning Commission reviewed the project through a Discretionary Review process and determined the proposal complies with the Residential Design Guidelines, but voted to take Discretionary Review to condition the permit to require neighborhood notice for any future proposals at the rear.

FINDING 5.

The granting of such variance will be in harmony with the general purpose and intent of this Code and will not adversely affect the General Plan.

Requirement Met.

- A. This development is consistent with the generally stated intent and purpose of the Planning Code to promote orderly and beneficial development. Planning Code Section 101.1 establishes eight priority-planning policies and requires review of variance applications for consistency with said policies. The project meets all relevant policies, including conserving neighborhood character, and maintaining housing stock.
 - 1. Existing neighborhood retail uses will not be adversely affected by the proposed project.
 - 2. The proposed project will be in keeping with the existing housing and neighborhood character. The proposal will preserve the existing dwelling unit on the subject property.
 - 3. The proposed project will have no effect on the City's supply of affordable housing.
 - 4. The proposed project does not adversely affect neighborhood parking or public transit.
 - 5. The project will have no effect on the City's industrial and service sectors.
 - 6. The proposed project will have no effect on the City's preparedness to protect against injury and loss

of life in an earthquake.

7. The project will have no effect on the City's landmarks or historic buildings.
8. The project would not affect any existing or planned public parks or open spaces.

The effective date of this decision shall be either the date of this decision letter if not appealed, or the date of the Notice of Decision and Order if appealed to the Board of Appeals.

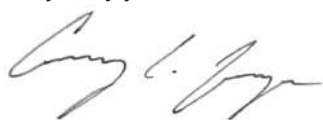
Once any portion of the granted variance is used, all specifications and conditions of the variance authorization become immediately operative.

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

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

APPEAL: Any aggrieved person may appeal this variance decision to the Board of Appeals within ten (10) days after the date of the issuance of this Variance Decision. For further information, please contact the Board of Appeals in person at 49 South Van Ness Ave, Suite 1475 (14th Floor), call 628-652-1150, or visit www.sfgov.org/bdappeal.

Very truly yours,



Corey A. Teague, AICP
Zoning Administrator

This is not a permit to commence any work or change occupancy. Permits from appropriate departments must be secured before work is started or occupancy is changed.

EXHIBIT 4



Steven L. Hammond
T (415) 984-8554
Email: SHammond@ClarkHill.com

Clark Hill LLP
505 Montgomery Street
13th Floor
San Francisco, CA 94111
T (415) 984-8500
F (415) 984-8599

June 7, 2024

VIA EMAIL

BOARD OF APPEALS
49 South Van Ness Avenue
Suite 1475
San Francisco, CA 94103
Email: boardofappeals@sfgov.org

Re: Notice of Appeal of May 29, 2024 Variance Decisions for Case No. 2020-004486VAR

To Whom It May Concern,

This office represents William O’Keefe, the owner of the single-family residence located at 820 Laguna Honda in San Francisco. We have been authorized to submit this appeal on Mr. O’Keefe’s behalf. (See enclosed Authorization to Submit Appeal.) On May 29, 2024, Zoning Administrator Corey A. Teague issued a Variance Decision (the “Decision”) regarding Case Number 2020-004486VAR. A copy of the Decision is enclosed. Through this letter and in accordance with San Francisco Municipal Code Article IV, sections 4.105 and 4.106(c)(2) Mr. O’Keefe provides notice of and hereby appeals the Decision.

Sincerely,

CLARK HILL LLP

A handwritten signature in blue ink, appearing to read 'Steven L. Hammond'.

Steven L. Hammond
Attorney at Law

w/enclosures

cc: Corey A. Teague (corey.teague@sfgov.org)
Jeffrey Horn (jeffrey.horn@sfgov.org)

Authorization to Submit Appeal

To Whom It May Concern,

I, William O'Keeffe, am the owner of the single-family residential property commonly known as 820 Laguna Honda, in San Francisco. I intend to appeal the May 29, 2024 Variance Decision (the "Decision") reached by Zoning Administrator Corey A. Teague regarding Case Number 2020-004486VAR. I hereby authorize the law firm of Clark Hill LLP, and all persons working for it, including without limitation Steven Hammond, Esq, and David Perl, Esq. to submit to this Board of Appeal any and all documents required for such appeal on my behalf, to represent me, and otherwise act on my behalf in connection with any appeal and this matter generally.

Sincerely,

A handwritten signature in blue ink, appearing to read "William O'Keeffe".

William O'Keeffe

Owner of 820 Laguna Honda



VARIANCE DECISION

Date: May 29, 2024
Case No.: 2020-004486VAR
Project Address: 820 Laguna Honda Boulevard
Block/Lots: 2916/014
Zoning: RH-1(D) (Residential House- Single Family - Detached) Zoning District
Family and Senior Housing Opportunity SUD
Height/Bulk: 40-X
Applicant: Steven Hammond on behalf of William O’Keefe
Clark Hill, LLP
505 Montgomery Street, 13th Floor
San Francisco, CA 94113
Owner: Willaim O’Keefe
820 Laguna Honda Boulevard
San Francisco, CA 94127
Staff Contact: Jeff Horn – 628-652-7366
jeffrey.horn@sfgov.org

Description of Variance – Rear Yard Variance Sought:

The proposal is to legalize a 3-story, 10-foot by 25-foot building expansion at the rear of the existing single-family building.

Planning Code Section 134 requires the subject property to maintain a rear yard equivalent to 30 percent of the lot depth, which ranges from 23 feet 9 inches to 28 feet 7 inches for the subject property. A portion of the building proposed to be legalized extends into the required rear yard. Therefore, a variance is required.

Procedural Background:

1. On February 22, 2022, a Notice of Enforcement was issued informing that the property owner that the 3-story, 10-foot by 25-foot building expansion at the rear had been constructed without the necessary building permit or rear yard variance, and therefore was in violation of the Planning Code.
2. The Project is exempt from the California Environmental Quality Act (“CEQA”) as a Class 1 Categorical Exemption.
3. Planning Code Section 311 notification was not required for the associated building permit. However, a request for Discretionary Review was filed on October 19, 2022. An additional request for Discretionary

Review was filed on March 14, 2024.

4. Revised plans were submitted in March 2024 that removed a previously proposed rear yard deck.
5. On April 4, 2024, the Planning Commission and Zoning Administrator held a joint public hearing to consider Discretionary Review Case No. 2020-004486DRP-02 and Variance Case No. 2020-004486VAR.
6. At the hearing, the Commission took Discretionary Review and approved the project per plans dated March 25, 2024, with the condition that a Notice of Special Restriction be recorded to require any future building permit for exterior construction to undergo neighborhood notification through DRA-854.

Decision:

GRANTED, in general conformity with the revised plans on file with this application, shown as EXHIBIT A, to legalize a 3-story, 10-foot by 25-foot building expansion at the rear of the existing single-family building, subject to the following conditions:

1. Both balconies (rear and side) at the top (2nd) floor must be removed.
2. Any building permit or Project Application (PRJ), whichever is applicable, that proposes a deck or other structure within the rear yard that is more than 3 feet higher than current grade must undergo neighborhood notification pursuant to Planning Code Section 311 and be subject to Mandatory Discretionary Review by the Planning Commission. However, this requirement shall not apply to the in-kind or lesser replacement of any existing structures within the rear yard.
3. The authorization and rights vested by virtue of this decision letter **shall be deemed void and cancelled** if a Site or Building Permit has not been issued within three years from the effective date of this decision. However, this authorization may be extended by the Zoning Administrator when implementation of the project is delayed by a public agency, an appeal, or a legal challenge, and only by the length of time for which such public agency, appeal, or challenge has caused delay.
4. Any future physical expansion, even in the buildable area, shall be reviewed by the Zoning Administrator to determine if the expansion is compatible with existing neighborhood character and scale. If the Zoning Administrator determines that there would be a potentially substantial impact, the Zoning Administrator may require either notice to adjacent and/or affected property owners or a new Variance application be sought and justified.
5. The proposed project must meet these conditions and all applicable City Codes. In case of conflict, the more restrictive controls apply.
6. Minor modifications, as determined by the Zoning Administrator, may be permitted.
7. The owner of the subject property shall record on the land records of the City and County of San Francisco the conditions attached to this Variance decision as a Notice of Special Restrictions in a form approved by

the Zoning Administrator.

Findings:

Section 305(c) of the Planning Code states that in order to grant a variance, the Zoning Administrator must determine that the facts of the case are sufficient to establish the following five findings:

FINDING 1.

That there are exceptional or extraordinary circumstances applying to the property involved or to the intended use of the property that do not apply generally to other properties or uses in the same class of district.

Requirement Met.

- A. The subject lot slopes up from the front, such that the basement level was, prior to rear yard excavation in 2016, substantially below grade. As such the rear of the existing building has more of a 2-story expression in relation to adjacent lots.
- B. The subject lot has an irregular shape, with a slightly curving front property line and a jagged rear property line that ranges in depth. Additionally, the subject lot is positioned in an atypical manner adjacent to other irregular lots that cap the eastern end of an irregularly shaped block.
- C. The existing building was constructed circa 1936 and is a potential historic resource. The original construction of the building included a large front setback of approximately 20 feet at its largest.

FINDING 2.

That owing to such exceptional and extraordinary circumstances the literal enforcement of specified provisions of this Code would result in a practical difficulty or unnecessary hardship not created by or attributed to the applicant or the owner of the property.

Requirement Met.

- A. The circumstances described above create a scenario where the literal enforcement of the rear yard requirement results in a practical difficulty towards constructing a similar amount of massing that would otherwise be principally permitted on the lot, but in a regular manner that conflicts with the atypical rear property line and block pattern. Such circumstances were not created by or attributed to the applicant or the owner of the property.

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That such variance is necessary for preservation and enjoyment of a substantial property right of the subject property, possessed by other property in the same class of district.

Requirement Met.

- A. As mentioned above, the variance will allow the construction of a similar amount of massing that would

otherwise be principally permitted on the lot, but in a regular manner that conflicts with the atypical rear property line and block pattern, while being consistent with the Residential Design Guidelines. This represents an enjoyment of a substantial property right of the subject property that is possessed by other property in the same class of district.

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- B. The Planning Commission reviewed the project through a Discretionary Review process and determined the proposal complies with the Residential Design Guidelines, but voted to take Discretionary Review to condition the permit to require neighborhood notice for any future proposals at the rear.

FINDING 5.

The granting of such variance will be in harmony with the general purpose and intent of this Code and will not adversely affect the General Plan.

Requirement Met.

- A. This development is consistent with the generally stated intent and purpose of the Planning Code to promote orderly and beneficial development. Planning Code Section 101.1 establishes eight priority-planning policies and requires review of variance applications for consistency with said policies. The project meets all relevant policies, including conserving neighborhood character, and maintaining housing stock.
 - 1. Existing neighborhood retail uses will not be adversely affected by the proposed project.
 - 2. The proposed project will be in keeping with the existing housing and neighborhood character. The proposal will preserve the existing dwelling unit on the subject property.
 - 3. The proposed project will have no effect on the City's supply of affordable housing.
 - 4. The proposed project does not adversely affect neighborhood parking or public transit.
 - 5. The project will have no effect on the City's industrial and service sectors.
 - 6. The proposed project will have no effect on the City's preparedness to protect against injury and loss

of life in an earthquake.

7. The project will have no effect on the City's landmarks or historic buildings.
8. The project would not affect any existing or planned public parks or open spaces.

The effective date of this decision shall be either the date of this decision letter if not appealed, or the date of the Notice of Decision and Order if appealed to the Board of Appeals.

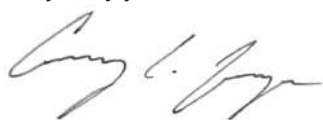
Once any portion of the granted variance is used, all specifications and conditions of the variance authorization become immediately operative.

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

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

APPEAL: Any aggrieved person may appeal this variance decision to the Board of Appeals within ten (10) days after the date of the issuance of this Variance Decision. For further information, please contact the Board of Appeals in person at 49 South Van Ness Ave, Suite 1475 (14th Floor), call 628-652-1150, or visit www.sfgov.org/bdappeal.

Very truly yours,



Corey A. Teague, AICP
Zoning Administrator

This is not a permit to commence any work or change occupancy. Permits from appropriate departments must be secured before work is started or occupancy is changed.

EXHIBIT 5



WITHDRAWAL REQUEST

Instructions:

This form is to be used by appellants who wish to withdraw their appeal or requestors who wish to withdraw their rehearing or jurisdiction request. **Please note: when an appeal is withdrawn, the Board loses jurisdiction over the determination at issue and any suspension of the determination will be lifted.**

Once withdrawn, an appeal cannot be reinstated for any reason. You are strongly encouraged to contact a Board staff member to discuss the ramifications of withdrawing your appeal prior to submitting this form.

To file a Withdrawal Request, please fill out this form and email it to the Board of Appeals.

Email to: boardofappeals@sfgov.org

The Board will send written confirmation to all parties that the matter has been withdrawn.

Appeal No.: 24-036 (Case No. 2020-004486 VAR)

Rehearing or Jurisdiction Request No.: _____

Address of Subject Property: 820 Laguna Honda Blvd.

Hearing Date: August 28, 2024

Name of Appellant(s)/Requestor: William O'Keeffe via Steven Hammond (Authorized Agent)


Phone: 415-984-8554 Fax: 415-984-8599

Email: shammond@clarkhill.com; dperl@clarkhill.com

Please sign below to confirm the following statement:

I/We hereby withdraw this appeal.

The reasons for this action are [optional]:

 8/6/2024
Signature of Appellant/Requestor or Agent Date

Signature of Appellant or Agent Date

EXHIBIT 6



ORDER OF ABATEMENT

November 5, 2024

Owner:

O'KEEFE WILLIAM
820 LAGUNA HONDA BLVD
SAN FRANCISCO CA 94127

Property Address: 820 LAGUNA HONDA BL,

Block: 2916 Lot: 014 Seq: 00
Tract: Case: BW1
Complaint: 202184157A

Inspector/Division: Chiu

ORDER OF ABATEMENT UNDER SAN FRANCISCO BUILDING CODE SECTION 102A.6 & 102A.7 ORDER NO. **202184157A**

HEARING OF THE COMPLAINT OF THE DIRECTOR OF THE DEPARTMENT OF BUILDING INSPECTION AGAINST THE PROPERTY AT THE LOCATION SHOWN ABOVE WAS HELD ON **August 20, 2024** IN ACCORDANCE WITH THE SAN FRANCISCO BUILDING CODE SECTION 102A5. THE HEARING WAS CONDUCTED BY A REPRESENTATIVE OF THE DIRECTOR. **THE OWNER WAS REPRESENTED**

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


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

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

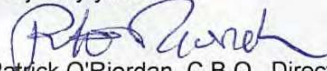
30 Days to Obtain Permit and Complete including Final Signoff to Comply with NOV#202184157 and Pay All CES Fees.

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

APPEAL: PURSUANT TO SECTION 105A3 OF THE SAN FRANCISCO BUILDING CODE, ORDERS PERTAINING TO DISABLED ACCESS MAY BE APPEALED TO THE ACCESS APPEALS COMMISSION. PURSUANT TO SECTION 105A2 OF THE SAN FRANCISCO BUILDING CODE, ORDERS PERTAINING TO WORK WITHOUT PERMIT MAY BE APPEALED TO THE ABATEMENT APPEALS BOARD. APPEALS MUST BE IN WRITING ON FORMS OBTAINED FROM THE APPROPRIATE APPEALS BODY AT 49 South Van Ness Ave, Suite 400, San Francisco, CA 94103, tel: (628) 6523517, (628) 6523430, AND MUST BE FILED WITH THE SECRETARY OF THE APPEALS BODY WITHIN FIFTEEN (15) DAYS OF THE POSTING AND SERVICE OF THIS ORDER.


Mauricio Hernandez, Chief Building Inspector
Department of Building Inspection

Very truly yours


Patrick O'Riordan, C.B.O., Director
Department of Building Inspection

Code Enforcement Division
49 South Van Ness Ave, Suite 400 San Francisco, CA 94103-1226
Office (628) 652-3430 - FAX (628) 652-3439 - www.sfdbi.org



DEPARTMENT OF BUILDING INSPECTION

City & County of San Francisco

49 South Van Ness Ave, Suite 400 San Francisco, CA 94103-1226

To:

O'KEEFFE WILLIAM
820 LAGUNA HONDA BLVD
SAN FRANCISCO CA
94127

Dear Property Owner(s):

Date: November 06, 2024
Property Address: 820 LAGUNA HONDA BL

Block: 2916 Lot: 014 Seq.: 00
Inspector: **Chester Chiu**

Director's Order Number:

**INITIAL BILL- Assessment of Costs
Code Violations Outstanding**

Our records show that all required work has not been completed to abate the code enforcement case referenced above. FAILURE TO CORRECT THESE CODE VIOLATIONS PRIOR TO THE DIRECTOR'S HEARING AND RECORDED ORDER OF ABATEMENT HAS RESULTED IN THE ACCRUAL OF "ASSESSMENT OF COSTS" pursuant to 102.2, 102.16, 102A.3, 102A.7, 103A5, and Section 110, Table 1A-K of the San Francisco Building Code. Said Code requires that this Department's "cost of preparation for and appearance at the hearing, and all prior and subsequent attendant costs shall be assessed upon the property owner. Said violations will not be deemed legally abated until the property owner makes full payment of the assessment..."

The Assessment of Cost AMOUNT accrued to date NOW DUE AND PAYABLE is : **\$5536.6**.

Payment must be payable to CITY and COUNTY of SAN FRANCISCO OR CCSF-DBI in the form of cashier's check, money order or cash and must be accompanied by this original letter.

Please tender payment by mail or in person during regular business hours (8am-4pm) to the address indicated below:

Assessment of Costs Payment
Department of Building Inspection
Code Enforcement Section
49 South Van Ness Avenue, Suite 400
San Francisco, CA 94103

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

Note: The Order of Abatement of the Department of Building Inspection cannot be lifted, and the structure cited above cannot be brought into compliance with the applicable sections of the San Francisco Building and Housing Codes until all required work is completed and further accrued Assessments of Costs are paid.


You must notify your assigned CES Inspector when all violations have been completed AS SOON AS POSSIBLE TO AVOID OR MINIMIZE ADDITIONAL COSTS & PENALTIES.

You will be sent a Final bill assessment of costs for additional time accrued until the case is abated..

Code Enforcement Section can be reached at (628) 652-3430 should you have any questions.

Your prompt cooperation on this matter is appreciated,

Patrick O'Riordan, C.B.O, Director
Department of Building Inspection


By: Mauricio Hernandez
Chief Building Inspector, Code Enforcement

cc: CED File



CITY AND COUNTY OF SAN FRANCISCO
DEPARTMENT OF BUILDING INSPECTION
49 South Van Ness Ave, Suite 400
San Francisco, CA 94103-1226

London N. Breed, Mayor
Patrick O'Riordan, C.B.O., Director

Assessment of Costs - Initial

(Pursuant to Sections 102A3 et al, and 110A Tables 1A-D, 1 A-G, 1A-K of the San Francisco Building Code and Ordinance 180-11)

Owner O'KEEFFE WILLIAM
O'KEEFFE WILLIAM
820 LAGUNA HONDA BLVD
SAN FRANCISCO CA

94127

Date November 6, 2024
Complaint Number 202184157

Block 2916 **Lot** 014
Address 820 LAGUNA HONDA BL

Prepared by Chester Chiu

Reviewed by S. Jew

Amount Now Due and Payable \$5,536.60

Comments IB MMF (1/25/22 - 11/5/24) 21 months -CC

Payment for the items indicated:

Date	Action	Staff	Time in hrs	Rate	Amount
11/10/21	Case review, Scheduling and Data entry	Inspector	.25	\$280.00	\$70.00
12/03/21	Case review, Scheduling and Data entry	Inspector	.25	\$280.00	\$70.00
12/16/21	Telephone calls/Office visits (Owner/Agent)	Inspector	.25	\$280.00	\$70.00
01/25/22	Initial Site Inspection, Travel time and Data entry	Inspector	1	\$280.00	\$280.00
01/26/22	Issued Notice of Violation and Data entry	Inspector	.75	\$280.00	\$210.00
05/10/22	Case review, Scheduling and Data entry	Inspector	.25	\$280.00	\$70.00
03/06/23	Case review, Scheduling and Data entry	Inspector	.25	\$280.00	\$70.00
08/10/23	Issued Final Warning Letter	Inspector	.25	\$280.00	\$70.00
08/10/23	Case intake and Data entry	Clerical	.5	\$166.64	\$83.32
04/03/24	Case review, Scheduling and Data entry	Inspector	.25	\$280.00	\$70.00
06/14/24	Reviewed and approved case for Director's Hearing	Inspector	.75	\$280.00	\$210.00
06/18/24	Research Title and Prepare case for Director's Hearing	Clerical	1	\$166.64	\$166.64
06/20/24	Posted Notice of Director's Hearing	Inspector	.5	\$280.00	\$140.00
06/20/24	Processed photos	Inspector	.25	\$280.00	\$70.00
06/20/24	Certified Mailing	Clerical	.5	\$166.64	\$83.32
06/24/24	Case review, Scheduling and Data entry	Inspector	.25	\$280.00	\$70.00
07/02/24	Case review, Scheduling and Data entry	Inspector	.25	\$280.00	\$70.00
07/25/24	Case review, Scheduling and Data entry	Inspector	.25	\$280.00	\$70.00
08/07/24	Certified Mailing	Clerical	.5	\$166.64	\$83.32
08/13/24	Case review, Scheduling and Data entry	Inspector	.25	\$280.00	\$70.00
08/20/24	Hearing Appearance and Summary	Inspector	.25	\$280.00	\$70.00
08/20/24	Building Official's Abatement Order (2 hr min.)	Building Official	2	\$280.00	\$560.00
08/20/24	Posted Hearing Case Update	Clerical	.25	\$166.64	\$41.66

* Please note that this is only an initial bill. The property owner will accrue additional assessment of costs until all required code abatement is complete and verified by inspector site inspection. The case will not be closed until all code abatement and assessment of costs are paid.



CITY AND COUNTY OF SAN FRANCISCO
DEPARTMENT OF BUILDING INSPECTION
49 South Van Ness Ave, Suite 400
San Francisco, CA 94103-1226

London N. Breed, Mayor
Patrick O'Riordan, C.B.O., Director

Assessment of Costs - Initial

(Pursuant to Sections 102A3 et al, and 110A Tables 1A-D, 1 A-G, 1A-K of the San Francisco Building Code and Ordinance 180-10)

11/05/24	Prepared Assessment of Costs	Inspector	.25	\$280.00	\$70.00
11/05/24	Issued Order of Abatement	Inspector	.25	\$280.00	\$70.00
11/05/24	Monthly Violation Monitoring Fee (Ordinance 180-10)	Other Clerical	11.5	\$199.57	\$2,295.06
11/06/24	Prepared Order of Abatement	Clerical	.5	\$166.64	\$83.32
11/06/24	Case Update and Maintenance	Clerical	1	\$166.64	\$166.64
11/13/24	Certified Mailing	Clerical	.5	\$166.64	\$83.32
*Total to Date				\$5,536.60	

*** Please note that this is only an initial bill. The property owner will accrue additional assessment of costs until all required code abatement is complete and verified by inspector site inspection. The case will not be closed until all code abatement and assessment of costs are paid.**



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

DEPARTMENT OF BUILDING INSPECTION
City and County of San Francisco
49 South Van Ness Ave, Suite 400 San Francisco, CA

NOTICE: 1

NUMBER: 202184157

DATE: 26-JAN-22

ADDRESS: 820 LAGUNA HONDA BL

OCCUPANCY/USE: R-3 (RESIDENTIAL- 1 & 2 UNIT DWELLINGS,TOWNHOUSES) BLOCK: 2916 LOT: 014

☐ If checked, this information is based upon site-observation only. Further research may indicate that legal use is different. If so, a revised Notice of Violation will be issued.

OWNER/AGENT: O'KEEFFE WILLIAM
MAILING O'KEEFFE WILLIAM
ADDRESS 820 LAGUNA HONDA BLVD
SAN FRANCISCO CA

PHONE #: --

94127

PERSON CONTACTED @ SITE: O'KEEFFE WILLIAM

PHONE #: --

VIOLATION DESCRIPTION:

<input checked="" type="checkbox"/> WORK WITHOUT PERMIT	CODE/SECTION# 103A 106A.1
<input type="checkbox"/> ADDITIONAL WORK-PERMIT REQUIRED	106.4.7
<input type="checkbox"/> EXPIRED OR <input type="checkbox"/> CANCELLED PERMIT PA#:	106A.4.4
<input type="checkbox"/> UNSAFE BUILDING <input type="checkbox"/> SEE ATTACHMENTS	102A

A complaint has been filed with this department regarding an unpermitted addition to building at rear Site inspection performed on 1/25/22 revealed an addition which does not appear on sanborn map or 1993 aerial photograph. Addition is three stories in height, 10 feet in depth by width of building (25 feet +/-) A search of city records failed to unearth a building permit for this addition.
Code/Section: SFBC 106.1.1, 102A.3

Monthly monitoring fee applies.

Code/Section: SFBC 110A, Table 1A-K

CORRECTIVE ACTION:

☐ STOP ALL WORK SFBC 104A.2.4

628-652-3437

- ☒ FILE BUILDING PERMIT WITHIN 30 DAYS ☒ (WITH PLANS) A copy of This Notice Must Accompany the Permit Application
☒ OBTAIN PERMIT WITHIN 60 DAYS AND COMPLETE ALL WORK WITHIN 90 DAYS, INCLUDING FINAL INSPECTION AND SIGN OFF.
☐ CORRECT VIOLATIONS WITHIN DAYS. ☐ NO PERMIT REQUIRED
☐ YOU FAILED TO COMPLY WITH THE NOTICE(S) DATED , THEREFORE THIS DEPT. HAS INITIATED ABATEMENT PROCEEDINGS.

- FAILURE TO COMPLY WITH THIS NOTICE WILL CAUSE ABATEMENT PROCEEDINGS TO BEGIN.
SEE ATTACHMENT FOR ADDITIONAL WARNINGS.

File building permit application to legalize, modify or remove unpermitted addition at rear of building planning Department approval required when permit is issued Obtain all required inspections to close this complaint.

INVESTIGATION FEE OR OTHER FEE WILL APPLY

- ☐ 9x FEE (WORK W/O PERMIT AFTER 9/1/60) ☐ 2x FEE (WORK EXCEEDING SCOPE OF PERMIT) ☐ NO PENALTY
☐ OTHER: ☐ REINSPECTION FEE \$ (WORK W/O PERMIT PRIOR TO 9/1/60)

APPROX. DATE OF WORK W/O PERMIT

VALUE OF WORK PERFORMED W/O PERMITS \$

BY ORDER OF THE DIRECTOR, DEPARTMENT OF BUILDING INSPECT

CONTACT INSPECTOR: Donal J Duffy

PHONE # 628-652-3437

DIVISION: BID

DISTRICT :

By:(Inspectors's Signature) _____



NOTICE OF VIOLATION

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

Pursuant to SFBC 107.5 and 106.4.7 investigation fees are charged for work begun or performed without permits or for Work exceeding the scope of permits. Such fees may be appealed to the Board of Permit Appeals within 15 days of permit issuance, at 49 South Van Ness Ave., Suite 1475 (14th Floor), (628) 652-1150

WARNING: Failure to take immediate action as required to correct the above violations will result in abatement proceedings by the Department of Building Inspection. If an Order of Abatement is recorded against this property, the owner will be billed or the property will be lien for all costs incurred in the code enforcement process from the posting of the first "Notice of Violation" until all costs are paid, SFBC 102.2 & 110.

WARNING: Section 204 of the San Francisco Housing Code provides for immediate fines of \$100 for each instance of initial non-compliance, followed by \$200 fines per violation for the second instance of non-compliance, up to a maximum of \$7,500 per building. This section also provides for issuance of a criminal charge as a misdemeanor for each violation, resulting in fines of not less than \$1,000 per day or six months' imprisonment or both.

WARNING: Anyone who derives rental income from housing determined by the Department of Building Inspection to be substandard cannot deduct from state personal income tax and bank and corporate income tax interest, depreciation or taxes attributable to such substandard structure. If correction work is not completed or being diligently, expeditiously and continuously prosecuted after six (6) months from the date of this notice, notification will be sent to the Franchise Tax Board as provided in Section 17264(6) of the Revenue and Taxation Code.

WARNING: Section 103 of the San Francisco Building Code provides for civil fines of up to \$500 per day for any person who violates, disobeys, omits, neglects or refuses to comply with or opposes the execution of any provisions of this code. This section also provides for misdemeanor fines, if convicted, of up to \$500 and/or imprisonment up to six months for each separate offense for every day such offense occurs.

De acuerdo a las Secciones 107.5 y 106.4.7 del Código de Construcción de Edificios de San Francisco, gastos de investigación serán cobrados por trabajo empezado o realizado sin los debidos permisos o por trabajo que exceda el límite estipulado en los permisos. Dichos cobros pueden ser apelados ante la Junta de Apelaciones de Permisos (Board of Permit Appeals) dentro de los primeros quince días de haberse obtenido el permiso. Las apelaciones se hacen en el 49 South Van Ness Ave., Suite 1475 (14th Floor), telefono (628) 652-1150.

ADVERTENCIA: Si no cumple con las acciones inmediatas requeridas para corregir las infracciones, el Departamento de Inspección de Edificios tendrá el derecho de iniciar el proceso de mitigación. Si una Orden de Mitigación es registrada contra dicha propiedad, los gastos incurridos durante el proceso de aplicación del código, desde la primera puesta del Aviso de Infracción hasta que todos los gastos estén pagados, se le cobrarán al dueño del edificio o la propiedad será embargada para recuperar dichos gastos. Referencia a la Sección 102.2 y 110 de el Código de Construcción de Edificios.

ADVERTENCIA: La Sección 204 de el Código de Vivienda de San Francisco permite que se multa inmediatamente \$100 por cada primer caso de inconformidad, seguida por una multa de \$200 por cada segunda infracción de inconformidad, aumentando hasta un máximo de \$7,500 por cada edificio. Esta Sección también permite obtener cargos criminales como delito menor, resultando en multas de no menos de \$1,000 diarios ó 6 meses de encarcelamiento o ambas sanciones.

ADVERTENCIA: Cualquier persona que reciba renta por una vivienda que haya sido declarada que no satisface las normas requeridas por el Departamento de Inspección de Edificios, no puede deducir del estado intereses personales, de banco o empresa, depreciación o taxes atribuidos sobre dicha estructura. Si el trabajo de reparación no se termina o esta diligentemente, rapidamente y continua mente acusado despues de seis(c) meses de la fecha de este aviso, se le enviara una notificación a la Junta de Concesión de Impuestos (Franchise Tax Board) de acuerdo a la Sección 1264(c) del Código de Ingresos e Impuestos (Revenue and Taxation Code).

ADVERTENCIA: La Sección 103 de el Código de Edicios de San Francisco impone multas civiles hasta de \$500 porcada día a cualquier persona que infrinja, desobedezca, omita, descuide, rehusa cumplir, resiste o se opone a la ejecución de las provisiones de este código. Esta sección también impone multas per delito menor, si es declarado culpable, de hasta \$500 o encarcelamiento de hasta 6 meses, o ambas sanciones, por cada una de las ofensas y por cada día que dicha ofensa ocurra.

警告: 《三藩市建築法規》(簡稱 SFBC) 第 107.5 項和第 106.4.7 項條款的規定，對沒有許可證便已開始的工程和或正在進行的工程、或者超越許可範圍的工程，將收取調查費。當事人可以在許可證發出日起 15 天之內，向調查可以內許可上訴委員會提出上訴。該委員會地址在 South Van Ness 街 49 號 14 樓。電話：(628) 652-1150。

警告: 如不按照要求立即採取行動、以糾正上述違規行為，將導致建築檢查局付諸強制糾正程序的執行。倘對此房地產開發的強制糾正程序令一經在市府備案，則自通告通知張貼日起的各項與此糾正程序令有關的費用，將向房地產主索取，或將房地產扣押，直至付清各項費用。請參閱《三藩市建築法規》第 102.2 項和第 110 項條款。

警告: 《三藩市房屋法規》(即 SFHC) 第 204(b) 項條款規定：對每一違章初犯者立即將被罰款 100 元，二次違犯者罰款 200 元，每幢樓宇的最高罰款可達 7,500 元。此項法規還規定對每一違章初犯者可提出刑事控告，每日最高罰款可達 1,000 元，或/和監禁六個月。

警告: 任何人通過出租房屋獲得收入，而該房屋已被建築檢查局定為低於規定標準者，不能從加州個人所得稅、銀行和公司所得稅利息、以及與該低於規定標準的建築有關的折舊或稅款中扣除稅款。如果在此通告公布六個月後，改正工程沒有完成，或者沒有執照、更沒有當地建築進行，我們將根據《國家稅收法規》(即 Revenue & Taxation Code) 第 1264(c) 項條款，通知加州稅務委員會 (The Franchise Tax Board)。

警告: 《三藩市建築法規》第 103 項條款規定：對於任何違反、不服從、疏忽、忽視、或拒絕遵照此法規者，或者抵制、反對實施此法規中的任何條款的個人，將付最高 500 元的民事罰款。此法規還規定對違法者，如果被定罪，對每天所發生的、每一單獨的犯法行為，將付最高達 500 元的罰款，和/或者監禁六個月。



COMPLAINT DATA SHEET

COMPLAINT NUMBER : 202184157

OWNER/AGENT: O'KEEFFE WILLIAM
O'KEEFFE WILLIAM
820 LAGUNA HONDA BLVD
SAN FRANCISCO CA

94127

OWNER'S PHONE --
CONTACT NAME: *****
CONTACT PHONE *****

COMPLAINANT: *****
***** *****

DATE FILED: 09-NOV-21
LOCATION: 820 LAGUNA HONDA BL
BLOCK: 2916 LOT: 014
SITE:
RATING: OCCUPANCY CODE
RECEIVED BY: Mauricio Hernandez DIVISION: CES
COMPLAINT SOURCE: TELEPHONE

ASSIGNED TO DIVISION: CES

COMPLAINANT'S PHONE *****

DESCRIPTION: A potential unauthorized horizontal expansion at the rear of the property located at 820 Laguna. During the course of our review of this project, it was brought to our attention that the building may have been extended to the rear without benefit of permit. In reviewing available information, we can see that the Sanborn Map and 1993 aerial photo show a building shorter than the existing structure. In the 2002 aerial photo the building appears to have the same (expanded) footprint as the existing structure. As such, it appears that the building was expanded at some point between 1993 and 2002.

INSTRUCTIONS:

INSPECTOR CURRENTLY ASSIGNED

DIVISION	INSPECTOR	ID	DISTRICT	PRIORITY
CES	CHIU	6287		

REFERRAL INFORMATION

DATE	REFERRED BY	TO	COMMENT
10-AUG-23	Julie Yu	CES	per Inspector Carl Malchow

COMPLAINT STATUS AND COMMENTS

DATE	TYPE	INSPECTOR	STATUS	COMMENT	UPDATED BY	DIVISIO
09-NOV-21	CASE OPENED	V ZENG	CASE RECEIVED		Mauricio Hernandez 09-NOV-21	BID
09-NOV-21	OTHER BLDG/HOUSING VIOLATION	D DUFFY	CASE UPDATE	Case reviewed and assigned to complaint investigation team per MH; slw	Suzanna Wong 09-NOV-21	BID
10-NOV-21	OTHER BLDG/HOUSING VIOLATION	D DUFFY	CASE UPDATE	Permit analysis.		
03-DEC-21	OTHER BLDG/HOUSING VIOLATION	D DUFFY	CASE UPDATE	Inspection request		



COMPLAINT DATA SHEET

COMPLAINT NUMBER : 202184157

COMPLAINT STATUS AND COMMENTS

DATE	TYPE	INSPECTOR	STATUS	COMMENT	UPDATED BY	DIVISIO
07-DEC-21	OTHER BLDG/HOUSING VIOLATION	D DUFFY	CASE UPDATE	1st Inspection request letter mailed. gsamaras	Giles Samarasinghe 07-DEC-21	BID
16-DEC-21	OTHER BLDG/HOUSING VIOLATION	D DUFFY	CASE UPDATE	Spoke to owner, left 12/15/21 for Europe returning 1/15/22 and will arrange an inspection upon his return.		
25-JAN-22	OTHER BLDG/HOUSING VIOLATION	D DUFFY	CASE UPDATE	Site inspection, NOV to follow.		
26-JAN-22	OTHER BLDG/HOUSING VIOLATION	D DUFFY	CASE UPDATE	Addition.	John Hinchion 25- JUN-24	CES
26-JAN-22	OTHER BLDG/HOUSING VIOLATION	D DUFFY	FIRST NOV SENT	1st NOV issued per DD; ag	Audrey Gee 28- JAN-22	INS
28-JAN-22	OTHER BLDG/HOUSING VIOLATION	D DUFFY	CASE UPDATE	1st NOV maild; ag	Audrey Gee 28- JAN-22	INS
10-MAY-22	OTHER BLDG/HOUSING VIOLATION	D DUFFY	CASE UPDATE	Permit filed.		
06-MAR-23	OTHER BLDG/HOUSING VIOLATION	C MALCHOW	CASE UPDATE	In routing review OK to continue		
10-AUG-23	OTHER BLDG/HOUSING VIOLATION	C MALCHOW	FINAL WARNING LETTER ISSUED	No permit issued. No activity in routing.		
10-AUG-23	OTHER BLDG/HOUSING VIOLATION	D DUFFY	CASE UPDATE	Final warning letter mailed;jy	Julie Yu 10-AUG- 23	INS
10-AUG-23	OTHER BLDG/HOUSING VIOLATION	D DUFFY	REFERRED TO OTHER DIV	Case referred to CES per CM;jy	Julie Yu 10-AUG- 23	INS
10-AUG-23	OTHER BLDG/HOUSING VIOLATION	J HINCHION	CASE RECEIVED	CES received case transfer - CR	Charles Robinson 10-AUG-23	CES
10-AUG-23	OTHER BLDG/HOUSING VIOLATION	C MALCHOW	FINAL WARNING LETTER SENT		Carl Malchow 10- AUG-23	BID
10-AUG-23	GENERAL MAINTENANCE	D DUFFY	REFERRED TO OTHER DIV	transfer to div CES	Julie Yu 10-AUG- 23	INS
03-APR-24	OTHER BLDG/HOUSING VIOLATION	J HINCHION	PERMIT RESEARCH	Assigned to G.L. - Pa not yet issued. Jh	John Hinchion 03- APR-24	CES



COMPLAINT DATA SHEET

COMPLAINT NUMBER : 202184157

COMPLAINT STATUS AND COMMENTS

DATE	TYPE	INSPECTOR	STATUS	COMMENT	UPDATED BY	DIVISIO
14-JUN-24	OTHER BLDG/HOUSING VIOLATION	G LAM	REFER TO DIRECTOR'S HEARING	Case reviewed. Pa202205033449 to comply is not issued nor completed. Schedule DH 7/2/24. -GL	Gilbert Lam 14- JUN-24	CES
18-JUN-24	OTHER BLDG/HOUSING VIOLATION	G LAM	CASE UPDATE	Prepared DH packet. SB	Sonya Bryant 18- JUN-24	CES
20-JUN-24	OTHER BLDG/HOUSING VIOLATION	M CHUNG	DIRECTOR HEARING NOTICE POSTED	Notice of the DH posted-mc	Mike Chung 20- JUN-24	CES
20-JUN-24	OTHER BLDG/HOUSING VIOLATION	M CHUNG	CASE UPDATE	Processed photos-mc	Mike Chung 20- JUN-24	CES
20-JUN-24	OTHER BLDG/HOUSING VIOLATION	G LAM	CASE UPDATE	Cert mailed DH packet to owners on file. SB	Sonya Bryant 20- JUN-24	CES
24-JUN-24	OTHER BLDG/HOUSING VIOLATION	G LAM	PERMIT RESEARCH	Permit Research Performed to prepare hearing notice for Hearing Officer. -GL	Gilbert Lam 24- JUN-24	CES
02-JUL-24	OTHER BLDG/HOUSING VIOLATION	J NG	DIRECTOR'S HEARING DECISION	P/ Continue case for 30 days per H.O. (D. Gordon). -jn	Joe Ng 02-JUL-24	CES
25-JUL-24	OTHER BLDG/HOUSING VIOLATION	C CHIU	CASE UPDATE	case reviewed; continued for 8/20/24 DH -cc	Chester Chiu 25- JUL-24	CES
06-AUG-24	OTHER BLDG/HOUSING VIOLATION	C CHIU	CASE CONTINUED	Prep. Case Cont. DH for 8/20/24 -mr	Melissa Reyes 06- AUG-24	CES
07-AUG-24	OTHER BLDG/HOUSING VIOLATION	C CHIU	CASE CONTINUED	Cert. Mail Cont. DH for 8-20-2024 mr	Melissa Reyes 08- AUG-24	CES
13-AUG-24	OTHER BLDG/HOUSING VIOLATION	C CHIU	CASE UPDATE	case and permit research. updated HIF for DH -cc	Chester Chiu 13- AUG-24	CES
20-AUG-24	OTHER BLDG/HOUSING VIOLATION	J NG	DIRECTOR'S HEARING DECISION	P/ 60 Days advisement per H.O. (K. Gonzales). -jn	Joe Ng 20-AUG-24	CES
01-OCT-24	OTHER BLDG/HOUSING VIOLATION	C CHIU	CASE UPDATE	email update from Steven from Clark Hill, working on getting plans approved. resubmitting due to comments from Planning -CC	Chester Chiu 01- OCT-24	CES
05-NOV-24	OTHER BLDG/HOUSING VIOLATION	C CHIU	ASSESSMENTS DUE	IB MMF (1/25/22 - 11/5/24) 21 months -CC	Chester Chiu 05- NOV-24	CES
05-NOV-24	OTHER BLDG/HOUSING VIOLATION	C CHIU	ORDER OF ABATEMENT ISSUED	OOA issued -CC	Chester Chiu 05- NOV-24	CES



City and County of San Francisco
Department of Building Inspection
49 South Van Ness Ave, Suite
400

COMPLAINT DATA SHEET

COMPLAINT NUMBER : 202184157

COMPLAINT ACTION BY DIVISION

DIVISION DATE DESCRIPTION

ACTION COMMENT

NOV (HIS) NOV (BID)

26-JAN-22

EXHIBIT 7

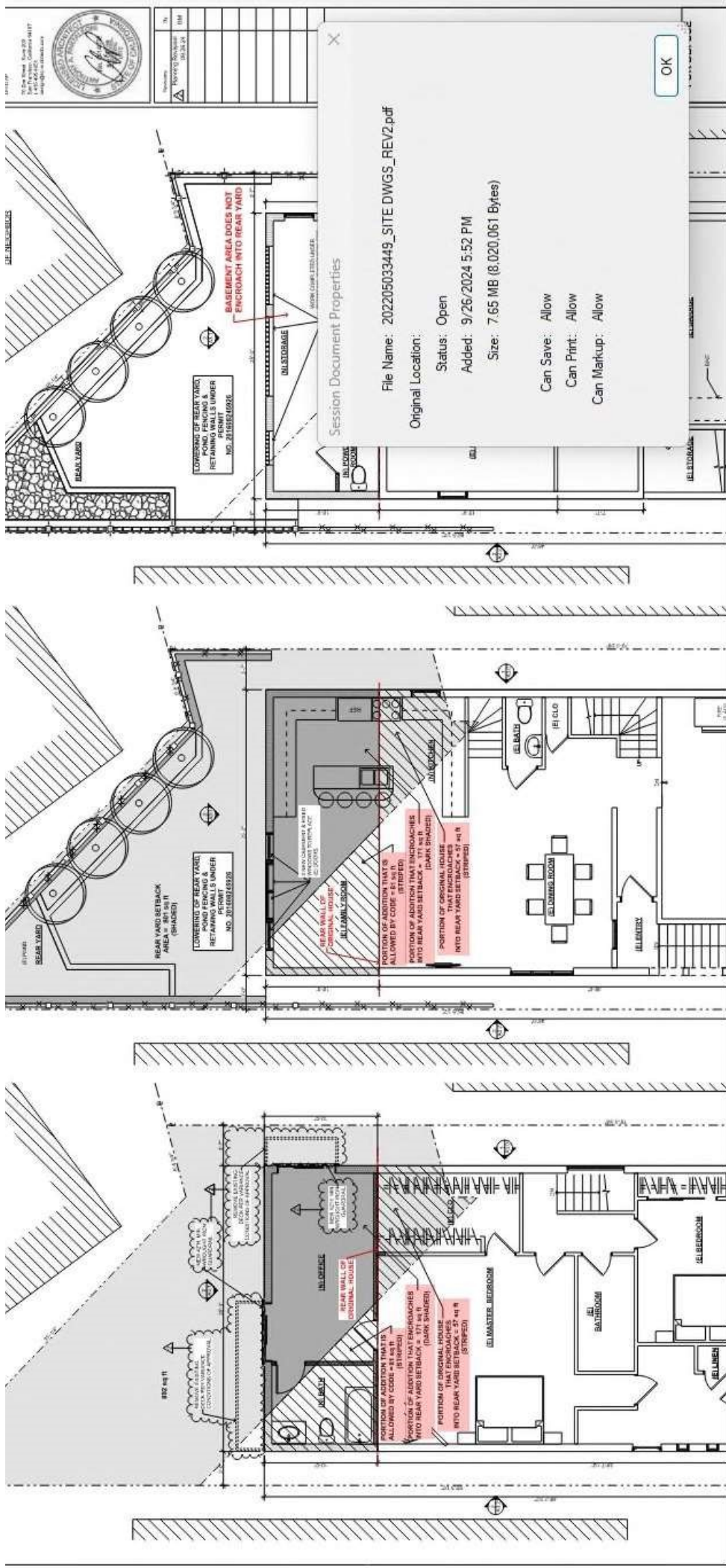


EXHIBIT 8

Subject: 820 Laguna Honda -BPN - 202205033449 - Minor Sidewalk Encroachment Permit

Attachments: SW1.pdf; Application_for_Minor_Sidewalk_Encroachment_Permit.pdf; Certification of Authorized Agent.pdf

From: Bert Martinez <bert@kp-architects.com>
Sent: Thursday, February 20, 2025 11:43 AM
To: 'bsmpermitdivision@sfdpw.org' <bsmpermitdivision@sfdpw.org>; 'erik.hillstrom@sfdpw.org' <erik.hillstrom@sfdpw.org>
Cc: Tony Pantaleoni <tony@kp-architects.com>
Subject: 820 Laguna Honda -BPN - 202205033449 - Minor Sidewalk Encroachment Permit

Erik,
Hope you are doing well. Attached is our application for the Minor Encroachment. Also attached is the Agent form and SW1-drawings of the encroachment area. Is this enough to for you to release the Site Permit, BPN- 202205033449?

Bert Martinez
Senior Project Manager
Kotas Pantaleoni Architects
70 Zoe Street, Suite 200
San Francisco, CA 94107
T: 415.689.5564



Permits

T. 628.271.2000 | 49 South Van Ness Ave. 3rd Floor, San Francisco, CA 94103

APPLICATION FOR MINOR SIDEWALK ENCROACHMENT PERMIT

PUBLIC WORKS PERMIT#

For Official Use Only

SITE INFORMATION

Site Address: 820 LAGUNA HONDA Building Permit #: 202205033449
Cross Street: ROCKAWAY AVE Block: 2916 Lot: 014

PROJECT DESCRIPTION

List each encroachment and purpose:

Existing non-conforming excessive slope driveway, special paving, landscaping, and guard rail.

APPLICANT INFORMATION

NOTE: If you are not applying as the property owner, you **MUST** complete the Certificate of Authorized Agent section at the end of this form in order for Public Works to begin reviewing your application.

☐ Owner ☒ Agent of Owner

Applicant/Authorized Agent Name: ANTHONY PANTALEONI Company Name: KOTAS PANTALOENI ARCHITECTS
Address: 70 ZOE ST. SUITE 200
City: SAN FRANCISCO State: CA Zip: 94107
Phone: 415.689.5558 E-Mail: TONY@KP-ARCHITECTS.COM, BERT@KP-ARCHITECTS.COM

REQUIRED APPLICANT INFORMATION

☐ **Individual Applicant:** Driver's License or State ID Number _____

☒ **Business Applicant:** San Francisco Business Account Number _____

OR State License Number C14072 ☒ Architect ☐ Engineer ☐ Contractor

PROPERTY OWNER INFORMATION (Leave blank if applicant is property owner)

Owner Name: WILLIAM OKEEFFE Phone: 415.518.5500 Email: wfo@safti.com
Address: 820 LAGUNA HONDA BLVD.
City: SAN FRANCISCO State: CA Zip: 94116

NOTE: Invoice for annual encroachment assessment fees per Public Works Code, Article 2.1, Section 723, if applicable, shall be sent to the address listed above.

SITE ADDRESS: 820 LAGUNA HONDA

PUBLIC WORKS PERMIT#

For Official Use Only

To the best of my knowledge, the foregoing is true and I/we agree to comply with all conditions and requirements noted on this application.

ANTHONY PANTALEONI

Print Name



Signature of Owner(s) of Record or
Authorized Agent of Owner(s) of Record

02.19.25

Date

MINOR SIDEWALK ENCROACHMENT PERMIT INFORMATION

The Director of Public Works may grant permission, revocable at his/her will, to an owner of property abutting any court, alley or street to install and maintain minor encroachments such as ramped driveway, retaining walls, steps or stairways and other minor structures in the sidewalk fronting such property where such encroachments are desirable or convenient in conjunction with the owner's use and enjoyment of his property or required for the safety, convenience and comfort of the public using the sidewalk.

Such encroachments shall not occupy **more than 10 percent of the area of the sidewalk fronting the property nor more than 25 percent of the width of the sidewalk**, unless the Director of Public Works determines that such restrictions are not applicable due to the nature of the encroachment. The Director may require further restrictions or modifications and he/she may stipulate such conditions as he/she deems necessary. No advertisement shall be permitted on the encroachments.

PERMIT REQUIREMENTS

Once the Minor Sidewalk Encroachment Permit is issued, the permittee is required to notarize and record the permit at the Recorder's Office located at Room 190, City Hall. There will be fees required for notary and recording and they are collected not by Public Works.

In accordance to Public Works Code Section 723.2, the encroachment may be subject to annual assessment. Initial assessment is due at permit issuance. Subsequent assessment will be billed to the current property owner annually.

For warped driveway ramps and all other severe sidewalk warping designs, a minimum of three (3) profiles and three (3) cross-sections drawings are required at locations described as followed. Cross-sections should note and indicate existing and proposed grades.

F-F at Curb Line

E-E at Beginning of Warped Driveway Ramp or outer edge of level landing

D-D at Property Line

A-A at Right Edge of Driveway or entry area

B-B at Left Edge of Driveway or entry area

C-C at Center of Driveway or entry area

Planter boxes or guard rails are required at a **minimum height of 2'6"** at all warped driveways.

Note all elevations of grade breaks and percent slope between grade breaks. Indicate by dashed lines and notes any guard-rails, planter boxes, retaining walls, steps, ramps or walks in front of or behind cross-section.

For level landing, accessible entrance upgrade or entrances to public place compliance to Accessible Business Entrance program, plans shall be prepared in accordance to Public Works Order No.200,405.

SITE ADDRESS: 820 LAGUNA HONDA

PUBLIC WORKS PERMIT#

For Official Use Only

SUBMITTAL CHECKLIST

Applicant to provide the following documentation along with a completed application:

- ☒ Application Fee (see Fee Schedule). Invoice for application fee will be emailed to permit applicant after filing. Additional fees such as annual assessment may be required at permit issuance.
 - ☒ Authorized agent form (if applicant is not property owner)
 - ☒ A fully dimensioned plan indicating property lines and all encroachments. Note that additional plan(s) or civil plan(s) may be required for encroachments related to sidewalk warping for driveways, level landings or compliance with the Accessible Business Entrance (ABE) Program.
 - ☐ Notification package (for new encroachment). This package may be required as instructed by the plan checker. The package includes a 150-foot radius map, a list of all current property owners within the 150-foot radius, and a completed affidavit for public notification, [Affidavit for Radius Maps.pdf](#). Public Works will provide the notification letters once the proposed encroachment(s) has been tentatively approved and the permit applicant will be responsible for the mailing.
- NOTE:** For those encroachments that result from filling **MAPPING ACTIONS** (condominium map, parcel map, etc.) and that have been part of the existing structure (s) for an extended period of time; i.e., since building/structure was constructed, San Francisco Public Works may waive the requirement for 150-foot radius Property Owner Notification. All other requirements note on this application shall apply.
- ☒ Photographs of the neighborhood encroachment pattern on either side of the subject property.



EMAIL

Electronic copies (PDF) of the application materials may be sent to: BSMPermitDivision@sfdpw.org



Permits

T. 628.271.2000 | 49 South Van Ness Ave. 3rd Floor, San Francisco, CA 94103

CERTIFICATION OF AUTHORIZED AGENT

820 LAGUNA HONDA BLVD. 2916 014 94127
[Project Address] [Block] [Lot] [Zip Code]

Public Works Permit Number (s) TBD

Building Permit Application (BPA) Number 202205033449

I/We, WILLIAM O'KEEFFE, hereby certify for the purpose of
[Name of Property Owner(s) – Print]

completing and submitting an application for street/sidewalk-use permit(s) with San Francisco Public Works and for the completion of any form related to the San Francisco Public Works Code and/or to any City and County Ordinances and regulations, or State Codes, I/we are authorizing


ANTHONY PANTALEONI to sign all documents
[Name of Agent(s) – Print]

connected with this application(s) or permit(s).

I/We also acknowledge that certain permits for encroachments within the public right of way incur annual assessment fees and will be recorded against property title for life of encroachment.

 415.689.5558
[Authorized Agent Signature] [Phone Number]

C-14072 02.19.25
[CA Contractor, Driver's or SF Business License number] [Date]

 415.518.550 02.19.25
[Property Owner Signature] [Phone Number] [Date]



Revisions	By

**O'KEEFE RESIDENCE ADDITION
820 LAGUNA HONDA BLVD
SAN FRANCISCO, CA 94127**

FOR DB/USE

**SIDEWALK
SITE PLAN**

Date: 03.25.24
Drawn By: BM
Job Number: 1-1013

SW1



**APPROXIMATE AREA
ENCROACHMENT OF NEIGHBOR
(RED SHADING)**

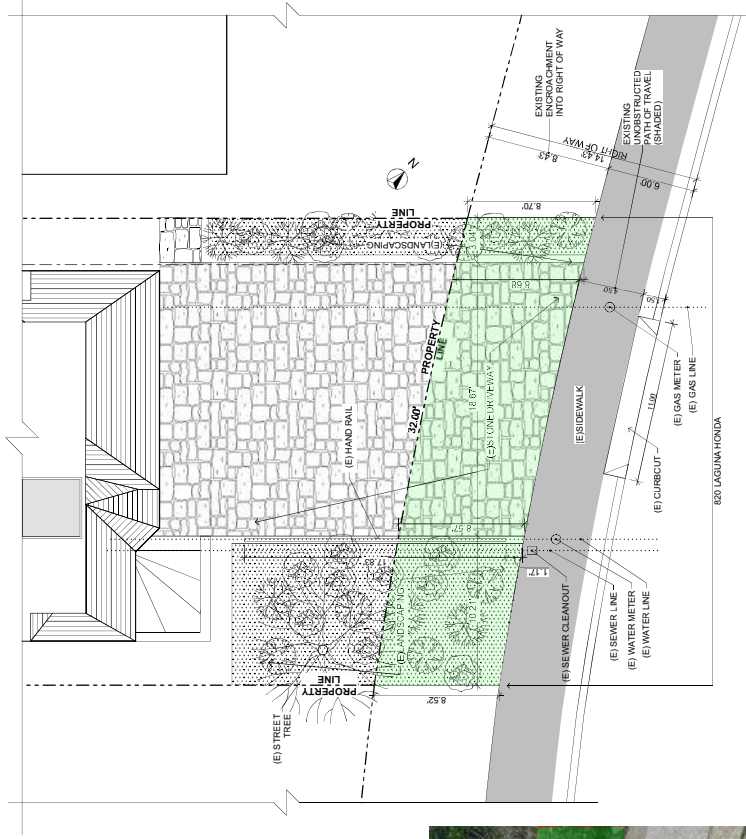


**APPROXIMATE AREA
ENCROACHMENT
(GREEN SHADING)**

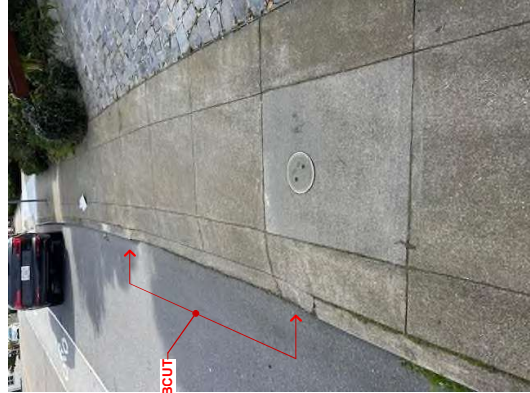
**APPROXIMATE AREA
ENCROACHMENT OF NEIGHBOR
(RED SHADING)**

NEIGHBOR ENCROACHMENT

NEIGHBOR ENCROACHMENT



SITE PLAN FOR ENCROACHMENT PERMIT
SCALE: 1/4" = 1'-0"



(E) CURBOUT

**APPROXIMATE AREA
ENCROACHMENT
(GREEN SHADING)**



(E) CURBOUT

SIDEWALK PHOTO

SIDEWALK PHOTO