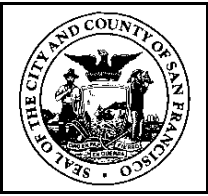


***Regular Meeting of the
Abatement Appeals Board
October 15, 2025***

***Agenda Item C2
Staff Report***



ABATEMENT APPEALS BOARD

City & County of San Francisco

49 South Van Ness Avenue, San Francisco, California 94103-1226

CODE ENFORCEMENT SECTION ABATEMENT APPEALS BOARD STAFF REPORT

Appeal No. 6959

Date of Abatement Appeals Board Hearing: 10/15/2025

Property Address: 970 Key Av

Block: 4993 Lot: 018

Page 1

Complaint Number: 202420002

PROPERTY OWNER INFORMATION

Property Owner(s) Name and Appellant:

Lorraine Smith Living Trust – 966 Key Ave. San Francisco, CA 94124

Appellant: Sierra McGinn Smith on behalf of Lorraine Smith

Building/Property Description:

Legal Use/Occupancy: R-3/ Single Family Dwelling

Case Summary:

The case originated from a telephone complaint filed on 2/26/24 citing a leak from 970 Key Av property causing down hill runoff to adjacent properties.

A complaint investigation was performed and an NOV was issued on 3/14/24.

Enforcement Actions:

- 02/26/24 – Case opened by BID
- 02/27/24 – Permit research and site inspection performed
- 3/14/24 – NOV Issued and Posted
- 8/15/24 – Final Warning Letter issued and mailed; case referred to CES.
- 8/16/24 – Case received in CES
- 8/16/24 – CES reviewed permits; scheduled for Director's Hearing 10/1/24.
(Inspector McConn)

Appeal No. 6959

Date of Abatement Appeals Board Hearing: 10/15/2025

Property Address: 970 Key St.

Block: 4993 Lot: 018

Page 2

- 9/17/24 – DH notice posted and mailed.
- 10/01/24 – Director’s Hearing Held; Return to Staff for 60 days.
- 12/18/24 – CES reviewed case; scheduled for Director’s Hearing 2/4/25.
(Inspector McConn)
- 1/08/25 – DH posted and mailed.
- 2/4/25 – Director’s Hearing Held: 30-Day Continuance and rescheduled for 3/18/25.
- 3/18/25 – Director’s Hearing Held: Issue OOA. Owner/Representative was not present at DH.
- 3/19/25 – Initial Bill Prepare with 7 months of MMF (8/15/25-3/19/25).
- 3/28/25 – OOA Posted and Mailed.
- 4/7/25 – AAB payment processed.
- 8/14/25 – CES reviewed; case scheduled for Abatement Appeals Board hearing. Notice mailed to appellant and property owner.
- 8/19/25 – AAB Notice Posted. Site visit performed and photos taken.

Current Status: Outstanding

Outstanding Violations: Yes – No plumbing permits have been filed to comply with NOV.

Life Safety Hazards: Unsafe

Directors Hearing: #202420002 Date: 3/18/2025

Result: Order of Abatement

Order of Abatement: 202420002-A issued with condition: 30 Days to Obtain Permit and Complete including Final Signoff to Comply with NOV# 202420002 and Pay All CES Fees.

Appellant’s Request: Property Owner is seeking a continuance of 3 months as owner is in active litigation to recover possession from the tenants.

Staff recommendation: Uphold the Order of Abatement and impose assessment of costs

Appeal No. 6959

Date of Abatement Appeals Board Hearing: 10/15/2025

Property Address: 970 Key St.

Block: 4993 Lot: 018

Page 3

Abatement Appeals Board Action:

LIST OF DOCUMENTS

- 1) Appellant's Appeal**
- 2) Order of Abatement #202420002-A and Initial Bill**
- 3) Declaration of service of posting and mailing of Order of Abatement**
- 4) Notice of Violation(s) and Final Warning Notice Letter**
- 5) Complaint Data Sheet.**
- 6) Photos of current conditions from site visit on 8/19/25.**



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

PAYMENT RECEIPT

Printed on: 04/07/2025 01:06:31 PM

Code Enforcement Division

Phone:(628) 652-3430

Payment Date: 04/07/2025

Job Address

970 KEY AV -

Receipt Number: CED09530

Issued By: AYAVUZ

Payment received from:

Application Number:

SIERRA MCGINN SMITH

970 KEY AV -

202420002_970 KEY ST_AAB Filing Fee

Payment received for the items indicated:

Fee Description	Payment Amount	Complaint#/ (if applicable)
CED AAB Filing Fee	\$326.45	202420002

TOTAL

\$326.45



BY 

DBI COPY

DBI

DBI Processing

Date/Time: 04/07/2025 1:05:47 PM

Visa:

*****8780

Method: Contactless

Sale Amt: \$326.45

Auth Code: 080120

Receipt Number: 2025094001-58

Signature

Safe Building!

*** Merchant Copy ***

RECEIVED

APR 07 2025

APPEAL TO THE ABATEMENT APPEALS BOARD
OF THE CITY AND COUNTY OF SAN FRANCISCO
FROM THE BUILDING INSPECTION DEPARTMENT DIRECTOR'S ORDER

Check Type of Appeal: ☒ Appeal of Director's Order ☐ Request for Jurisdiction ☐ Re-hearing

Appellant Name: Sierra McGinn Smith on behalf of Lorraine Smith

Appeal Number

Director's Order No 2024 20002 A

Date Appeal Filed: 4/7/2025

Complaint Tracking

No(s) Filing Fee: \$326.45

202420002A

Instructions: Please (1) answer all the questions on pages 1 and 2 for appeals of Director's Orders, and complete pages 1 through 3 for Requests for Jurisdiction, (2) sign the bottom of page 2 (and 3 if applicable), and (3) include the requisite filing fee of **\$326.45** (checks are payable to the San Francisco Department of Building Inspection). Please attach additional pages as necessary and print legibly.

Jurisdiction of the Abatement Appeals Board (AAB): Under Section 105A.2 of the San Francisco Building Code (SFBC), and Chapter 77 of the San Francisco Administrative Code, the AAB has the power to hear and decide appeals from Orders of Abatement and hear direct appeals pursuant to SFBC Section 102A.. The Board may "uphold, modify, or reverse such orders, provided that the public health, safety and public welfare are secured most nearly in accordance with the intent and purpose of this code and the San Francisco Housing Code." (SFBC 105A.2.3).

Appellant Questionnaire & Declaration: The undersigned appellant hereby appeals to the AAB and makes the following allegations in connection therewith:

- (1) The Order appealed from was made at a public hearing by the Director of Building Inspection, of the City and County of San Francisco, on March 18, 2025.
- (2) The affected premises are located at 970 Key Avenue
San Francisco. They contain 1 dwelling units and 4 guest rooms.
- (3) State in ordinary and concise language the specific nature of the action appealed from, together with any material facts relating thereto.
We are appealing an Order of Abatement and corresponding \$5,000 fine, which was entered because the required repairs to 970 Key Avenue have not yet been made due to the Tenant / Occupant's resistance to Owner's effort to repair.
- (4) State the relief you seek and reasons why you claim the appealed action should be modified or reversed by this board. (Attach additional sheet(s) if necessary.).
The property owners seek a continuance of 3 months at this time. The property owners have made significant efforts to gain access to the property and recover possession of the Property. The owners are in active litigation with the tenant to recover possession base on the tenant's refusal to allow access (See attached pages)
- (5) Please state /check appellant's relationship to the property: ☐ property owner ☐ owner's agent
☒ attorney ☐ architect ☐ engineer ☐ contractor ☐ other _____
If the appellant is an agent of the owner(s) of record, please attach documentation delineating representation. See Exhibit A, Unlawful Detainer Complaint, Attorney of Record for Plaintiff Lorraine Smith.
- (6) **Appellant's Information:**

Print Appellant's Name: Sierra McGinn Smith

Appellant's Mailing Address: 180 Montgomery Street, Suite 1950, San Francisco, CA 94104

Phone Number: 415-956-8100

Email Address: sierra@zfplaw.com

Abatement Appeals Board (AAB)
Tel. (628) 652-3517 - (628) 652-3426
49 South Van Ness Avenue Suite 400, San Francisco, CA 94103

Abatement Appeals Board Appeal Application Form

Page Two

- (7) Please state any work that you are aware of that was performed at the subject property without required ☐ building, ☐ plumbing, ☐ electrical permits:
None This original NOU is not related to unpermitted work.
- (8) Did the current owner(s) of record own the property when this work was performed? ☐ Yes ☐ No N/A
- (9) If no, explain property purchases and approximate time when work was performed:
N/A
- (10) Please state any work completed to correct the related code violations:
Property owners have finally gained access to the property, but tenant's personal property is blocking the repair area. Property owners have terminated the tenant's tenancy and are in active litigation to obtain judgment for possession. See attachment.
- (11) What was the extent of the work performed? How much remains to be completed? No work has yet been completed.
- (12) When was the work done? N/A
- (13) Who did the work? N/A
- (14) What is your occupation? If you are a co-owner, list all other co-owners and other occupants.
Attorney for Property Owner, Lorraine Smith, Trustee of Lorraine Smith Living Trust
- (15) Do you own other properties in San Francisco? ☐ Yes ☒ No
- (16) If yes, do any of these properties have active Department of Building Inspection code enforcement cases or Orders of abatement? ☐ Yes ☒ No
- (17) If Yes, please list Complaint Tracking or Order numbers
N/A
- (18) Have you owned property in San Francisco before? ☐ Yes ☒ No
- (19) Are you aware that building, plumbing, and/or electrical permits may be required to abate the subject code violations? ☐ Yes ☒ No
- (20) Have you applied for the required permits to abate the subject code violations? ☐ Yes ☒ No not
If yes, please list permit applications:
☐ Building Permit Application Nos. _____
☐ Plumbing Permit Application Nos. _____
☐ Electrical Permit Application Nos. _____
- (21) What other permits have you been granted by the City? N/A
- (22) What other facts do you want the Board to consider?
See attachment.

I declare under penalty of perjury and the laws of the State of California that the foregoing is true and correct.

Print Name: Sierra McGinn Smith

Signature: 

Date Signed: 4/17/25

Signatory is ☐ property owner ☒ agent ☐ other _____

Instructions: If you are requesting that the AAB take jurisdiction of an appeal after the requisite appeal period has expired please complete the following questionnaire:

Jurisdiction of the Abatement Appeals Board & Filing Time Periods: Pursuant to Chapter 77.5 of the San Francisco Administrative Code, the AAB has the power to grant jurisdiction after the appeal period has expired only upon a showing by the appellant that the delay in filing the appeal was due to misrepresentation, mistake, or other error on the part of the City. (Admin. Code Chp. 77.5(b)(2)). A Request for Jurisdiction shall be filled within fifteen (15) days from the date the Board Secretary has rejected an appeal, or fifteen (15) days after the appellant has actual or constructive knowledge of the right to appeal.

- (1) Date of Request: _____
- (2) Date AAB Secretary rejected appeal or date appellant made aware of right to appeal

- (3) Please explain why there was a delay in filing the appeal:

- (4) Please describe the alleged misrepresentation, mistake, or other error on the part of the City that caused the delay (attach additional sheet(s) if necessary):

- (5) What other facts do you want the Board to consider regarding the request for jurisdiction?

I declare under penalty of perjury and the laws of the State of California that the foregoing is true and correct.

Print Name: _____ Signature: _____

Date Signed: _____ Signatory is ☐ property owner ☐ agent ☐ other _____

Attachment to Appeal to the Abatement Appeals Board

I represent Lorraine Smith, Trustee of the Lorraine Smith Living Trust, UTD, August 8, 2008 (“Owner”), owner of 970 Key Avenue, San Francisco, Block 4993 / Lot 018 (“Property”). Please accept this submission to appeal to the abatement appeals board regarding the director’s order for abatement posted on March 28, 2025, for NOV #202420002 (“NOV”).

As previously detailed in the submission to the Director’s Hearing in October 2024 (attached as **Exhibit A**), the Property has been occupied by a tenant who repeatedly refused to grant access, preventing the Owner from assessing conditions and making necessary repairs. Despite multiple legal notices and attempts to enter, access was blocked, and an unlawful detainer action was initiated to regain possession of the unit.

Since the prior hearing, progress has been made in gaining access to the Property. The Owner successfully negotiated limited entry, and on February 26, 2025, the Owner, accompanied by a licensed contractor and a plumber, was able to inspect the Property for the first time since this issue began. This marks a significant step forward, as it allowed the Owner to assess conditions firsthand and determine the scope of work required. However, upon entry, it was clear that the interior was in worse condition than anticipated, with severe clutter and hoarding obstructing access to key areas.

Large amounts of personal belongings and debris are obstructing access to key areas that require repair, making it impossible to conduct a proper assessment of the full extent of necessary work or begin remediation efforts. (See attached **Exhibit B**—photographs illustrating the conditions obstructing access to the repair area.)

Given these conditions, it is evident that remedial work cannot proceed while the tenant remains in possession. The tenant has not cooperated with the Owner’s efforts to repair the property and continues to hinder progress. The Owner is actively engaged in the discovery process to obtain additional information regarding certain financial transactions related to the Property. This ongoing investigation may provide further leverage in settlement discussions aimed at securing the tenant’s voluntary departure, which is necessary to facilitate repairs and bring the Property into compliance with the NOV.

The Owner remains committed to resolving this matter but requires additional time to (1) complete negotiations with the tenant and (2) regain full control of the Property to undertake the necessary repairs. Accordingly, we respectfully request that the Director refer this case back to DBI staff and grant additional time for the Owner to regain possession and address the violation.

Unfortunately, due to a misunderstanding regarding the continued status of the hearing, no representative appeared at the March 18, 2025 Director’s Hearing. I had submitted written materials in advance and, after seeing online that the matter had been marked as “continued,” I believed—based on prior experience where such submissions resulted in continuances—that the hearing would not proceed. I later learned that the “continued” designation referred to the prior hearing date rather than a new continuance. As a result, the hearing proceeded in our absence, and a Director’s Order of Abatement was issued. We respectfully request that the Abatement

Appeals Board accept this appeal and consider the underlying circumstances in light of the Owner's continued good faith efforts to resolve the NOV.

EXHIBIT A

Director's Hearing Submission

I represent Lorraine Smith, Trustee of the Lorraine Smith Living Trust, UTD, August 8, 2008 ("**Owner**"), owner of 970 Key Avenue, San Francisco, Block 4993 / Lot 018 ("**Property**"). Please accept this submission in advance of the Director's Hearing scheduled for NOV #202420002 ("**NOV**").

As you are aware, a water leak occurred at the Property in March 2024, and the NOV was issued thereafter. The Property is occupied by a tenant, and the tenant has been unreachable to coordinate access and has, in fact, physically barred access to the Property. "**Exhibit 1**" is a picture of a padlock and chain locking the outer gate to the Property. The Owner believes the tenant put the lock and chain there. The Owner has no ability to get through it to access physically, and in any event, cannot enter the Property over the tenant's objection.

The tenant has been completely unresponsive to the Owner's requests to enter and inspect the Property and make necessary repairs to cure the NOV. Most recently, my office served a notice of inspection to the occupant on June 26, 2024, indicating that the Owner would enter the Property on July 1, 2024. When the Owner arrived at the Property, the tenant was not there to provide access, and the Owner again observed the padlock and chain on the front gate. (See "**Exhibit 1**" attached.)

On July 9, 2024, my office again served a notice of inspection, indicating Owner's intent to enter the Property on July 12, 2024. My office also served a 10-day warning to the occupant. The Owner arrived on the 12th, and again, the padlock and chain was on the gate and the tenant made no effort to permit access. Accordingly, on July 24, 2024, my office served a 3-day notice to quit on the occupant and filed an unlawful detainer complaint based on refusal to allow access on September 17, 2024. ("**Exhibit 2**".)

Our process server has been unable to obtain access, and so the Owner has a pending motion before the Superior Court for authorization to serve the complaint and summons on the occupant by "post and mail," rather than personal service, following our server's multiple, diligent attempts to serve the tenant.

Since the Owner became aware of the NOV, she has made continued and repeated efforts to finally and fully resolve the NOV and make the required repairs to the Property. However, the occupant in possession of the Property has been completely uncooperative to the point of physically barring access.

We expect the application for service to be granted in the next few business days. Until the tenant is served, we do not yet know how quickly the Owner will recover possession. (For instance, it may obtain judgment for possession by default, upon failure to answer, or it may follow trial.) But unlawful detainers are a speedy civil remedy, and the Owner will briskly seek to recover the unit or settle the case in a manner that provides for judicially

supervised access to cure the NOV. For these reasons, we respectfully request that the Director refer this case back to DBI staff to allow the Owner more time to legally regain possession of the Property and thereafter swiftly cure the NOV.



Superior Court of California,
County of San Francisco
Civil/Small Claims

Sep-17-2024 W1224917F006 ASEALE
15:41:23

CASE NUMBER: CUD-24-676171

LORRAINE SMITH VS. EVERLYN DARNES ET AL

CIVIL COMPLAINT/PETITION/OTHER FIRST PAP
ER

FILED BY

FEE: \$435.00 PAID BY CHECK

THANK YOU

SUMMONS—EVICTIION
(CITACIÓN JUDICIAL—DESALOJO)

BUM-130

UNLAWFUL DETAINER / FORCIBLE DETAINER / FORCIBLE ENTRY
(RETENCIÓN ILÍCITA DE UN INMUEBLE / RETENCIÓN FORZOSA / ENTRADA FORZOSA)

NOTICE TO DEFENDANT:
(AVISO AL DEMANDADO):
Evelyn Darnes and Does 1-10 inclusive

YOU ARE BEING SUED BY PLAINTIFF:
(LO ESTÁ DEMANDANDO EL DEMANDANTE):
Lorraine Smith, Trustee of the Lorraine Smith Living Trust, UTD, August 8, 2008

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 5 days. You have 5 DAYS, not counting Saturdays and Sundays and other judicial holidays, after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. If this summons was served through the Secretary of State's Safe at Home address confidentiality program, you have 10 days from the date of service, not counting Saturdays and Sundays and other judicial holidays, to respond.

A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courts.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services website (www.lawhelpca.org), the California Courts Online Self-Help Center (www.courts.ca.gov/selfhelp), or by contacting your local court or county bar association.

FEE WAIVER: If you cannot pay the filing fee, ask the clerk for a fee waiver form. **NOTE:** The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case.

(AVISO! Usted ha sido demandado. Si no responde dentro de 5 días, el tribunal puede emitir un fallo en su contra sin una audiencia. Una vez que le entreguen esta citación y papeles legales, solo tiene 5 DÍAS, sin contar sábado y domingo y otros días feriados del tribunal, para presentar una respuesta por escrito en este tribunal y hacer que se entregue una copia al demandante. Si la presente citación le ha sido entregado a través del programa de dirección confidencial del Secretario del Estado Seguro en Casa, tiene 10 días después de la fecha de entrega, sin contar sábado y domingo y otros días feriados del tribunal, para responder.

Una carta o una llamada telefónica no lo protege. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no presenta su respuesta a tiempo, puede perder el caso por falta de comparecencia y se le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpca.org/es), en el Centro de Ayuda de las Cortes de California, (www.sucorte.ca.gov) o poniéndose en contacto con la corte o el colegio de abogados local.

EXENCIÓN DE CUOTAS: Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. **AVISO:** Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos con un gravamen sobre cualquier monto de \$10,000 ó más recibido mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desestimar el caso.

1. The name and address of the court is:
(El nombre y dirección de la corte es):
San Francisco Superior Court-Civic Center Courthouse
400 McAllister Street, San Francisco, CA 94102

CASE NUMBER (número de caso):
CUD-24-676171

2. The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is: (El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):
SIERRA MCGINN SMITH, ZACKS & FREEDMAN, PC, 180 Montgomery Street, Suite 1950 San Francisco, CA 94104,
415-956-8100

Page 1 of 2

PLAINTIFF (Name): Lorraine Smith, Trustee of the Lorraine Smith Living Trust, UTD, August 8, 2008	CASE NUMBER
DEFENDANT (Name): Evelyn Dames and Dads 1-10 Inclusive	CUD-24-676171

3. (Must be answered in all cases) An unlawful detainer assistant (Bus. & Prof. Code, §§ 6400-6415) ☒ did not ☐ did for compensation give advice or assistance with this form. (If plaintiff has received any help or advice for pay from an unlawful detainer assistant, complete item 4 below.)
4. Unlawful detainer assistant (complete if plaintiff has received any help or advice for pay from an unlawful detainer assistant)

- a. Assistant's name:
- b. Telephone no.:
- c. Street address, city, and zip.

- d. County of registration:
- e. Registration no.:
- f. Registration expires on (date):

SEP 17 2024

Date:
(Fecha)

Clerk, by
(Secretario)

ALEXANDRA SEALE

Deputy
(Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)

(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons (form POS-010).)

[SEAL]

5. NOTICE TO THE PERSON SERVED: You are served

- a. ☐ as an individual defendant.
- b. ☐ as the person sued under the fictitious name of (specify):
- c. ☐ as an occupant.
- d. ☐ on behalf of (specify):
- under ☐ CCP 416.10 (corporation). ☐ CCP 416.60 (minor).
- ☐ CCP 416.20 (defunct corporation). ☐ CCP 416.70 (conservatee).
- ☐ CCP 416.40 (association or partnership). ☐ CCP 416.90 (authorized person).
- ☐ CCP 415.46 (occupant). ☐ other (specify):
- e. ☐ by personal delivery on (date):

Plaintiff: Lorraine Smith, Trustee of the Lorraine Smith Living Trust, UTD, August 8, 2015	CASE NUMBER:
Defendant: Evelyn Darnes and Does 1-10 inclusive	

11. If my landlord lost this property to foreclosure, I understand that I can file this form at any time before judgment is entered, and that I have additional rights and should seek legal advice.
12. I understand that I will have *five days* (excluding court holidays) to file a response to the Summons and Complaint after I file this Prejudgment Claim of Right to Possession form.

NOTICE: If you fail to file this claim, you may be evicted without further hearing.

13. **Rental agreement.** I have (*check all that apply to you*):

- a. ☐ an oral or written rental agreement with the landlord.
- b. ☐ an oral or written rental agreement with a person other than the landlord.
- c. ☐ an oral or written rental agreement with the former owner who lost the property to foreclosure.
- d. ☐ other (*explain*):

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

WARNING: Perjury is a felony punishable by imprisonment in the state prison.

Date:

(TYPE OR PRINT NAME)

(SIGNATURE OF CLAIMANT)

NOTICE: If you file this claim to possession, the unlawful detainer action against you will be determined at trial. At trial, you may be found liable for rent, costs, and, in some cases, treble damages.

— NOTICE TO OCCUPANTS —

YOU MUST ACT AT ONCE if all the following are true:

1. You are **NOT** named in the accompanying **Summons and Complaint**.
2. You occupied the premises on or before the date the unlawful detainer (eviction) complaint was filed.
3. You still occupy the premises.

You can complete and SUBMIT THIS CLAIM FORM WITHIN 10 DAYS from the date of service (on the form) at the court where the unlawful detainer (eviction) complaint was filed. If you are a tenant and your landlord lost the property you occupy through foreclosure, this 10-day deadline does not apply to you. You may file this form at any time before judgment is entered. You should seek legal advice immediately.

If you do not complete and submit this form (and pay a filing fee or file a fee waiver form if you cannot pay the fee), YOU WILL BE EVICTED.

After this form is properly filed, you will be added as a defendant in the unlawful detainer (eviction) action and your right to occupy the premises will be decided by the court. *If you do not file this claim, you may be evicted without a hearing.*

ATTORNEY OR PARTY WITHOUT ATTORNEY NAME Sierra McGinn Smith FIRM NAME Zacks & Freedman, PC STREET ADDRESS 180 Montgomery Street, Suite 1950 CITY San Francisco STATE CA ZIP CODE 94133 TELEPHONE NO 415-956-8100 FAX NO 415-288-9755 EMAIL ADDRESS sierra@zfplaw.com ATTORNEY FOR (name) Plaintiff, Lorraine Smith, Trustee of the Lorraine Smith Living Trust, UT	FOR COURT USE ONLY <div style="border: 1px solid black; padding: 5px; margin: 0 auto; width: 80%;"> ENDORSED FILED <small>Superior Court of California County of San Francisco</small> </div> SEP 17 2024 CLERK OF THE COURT BY: <u>ALEXANDRA SEALE</u> <small>Deputy Clerk</small>
SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN FRANCISCO STREET ADDRESS 400 McAllister St. MAILING ADDRESS 400 McAllister St. CITY AND ZIP CODE San Francisco 94102 BRANCH NAME CIVIC CENTER COURTHOUSE	
PLAINTIFF: Lorraine Smith, Trustee of the Lorraine Smith Living Trust, UTD, August 8, 2008 DEFENDANT: EVELYN DARNES and DOES 1-10 inclusive	
PLAINTIFF'S MANDATORY COVER SHEET AND SUPPLEMENTAL ALLEGATIONS—UNLAWFUL DETAINER	CASE NUMBER CUD-24-676171
<p><i>All plaintiffs in unlawful detainer proceedings must file and serve this form. Filing this form complies with the requirement in Code of Civil Procedure section 1179.01.5(c).</i></p> <ul style="list-style-type: none"> • <i>Serve this form and any attachments to it with the summons.</i> • <i>If a summons has already been served without this form, then serve it by mail or any other means of service authorized by law.</i> • <i>If defendant has answered prior to service of this form, there is no requirement for defendant to respond to the supplemental allegations before trial.</i> <p><i>To obtain a judgment in an unlawful detainer action for nonpayment of rent on a residential property, a plaintiff must verify that no rental assistance or other financial compensation has been received for the amount demanded in the notice or accruing afterward, and that no application is pending for such assistance. To obtain a default judgment, plaintiff must use Verification by Landlord Regarding Rental Assistance—Unlawful Detainer (form UD-120) to make this verification and provide other information required by statute.</i></p>	

1. PLAINTIFF (name each):

Lorraine Smith, Trustee of the Lorraine Smith Living Trust, UTD, August 8, 2008

alleges causes of action in the complaint filed in this action against DEFENDANT (name each):
 EVELYN DARNES and DOES 1-10 Inclusive

2. Statutory cover sheet allegations (Code Civ. Proc., § 1179.01.5(c))

- a. This action seeks possession of real property that is (check all that apply) ☒ residential ☐ commercial.
 (If "residential" is checked, complete all remaining items that apply to this action. If only "commercial" is checked, no further items need to be completed except the signature and verification on page 2.)
- b. This action is based, in whole or in part, on an alleged default in payment of rent or other charges. ☒ Yes ☐ No

3. ☐ Statements regarding rental assistance (Required in all actions based on nonpayment of rent or any other financial obligation. Plaintiff must answer all the questions in this item and, if later seeking a default judgment, will also need to file Verification Regarding Rental Assistance—Unlawful Detainer (form UD-120).)

- a. Has plaintiff received rental assistance or other financial compensation from any other source corresponding to the amount demanded in the notice underlying the complaint? ☐ Yes ☒ No
- b. Has plaintiff received rental assistance or other financial compensation from any other source for rent accruing after the date of the notice underlying the complaint? ☐ Yes ☒ No
- c. Does plaintiff have any pending application for rental assistance or other financial compensation from any other source corresponding to the amount demanded in the notice underlying the complaint? ☐ Yes ☒ No
- d. Does plaintiff have any pending application for rental assistance or other financial compensation from any other source for rent accruing after the date on the notice underlying the complaint? ☐ Yes ☒ No

PLAINTIFF: Lorraine Smith, Trustee of the Lorraine Smith Living Trust, UTD, August 8, 2008
 DEFENDANT: EVELYN DARNES and DOES 1-10 inclusive

CASE NUMBER:

4. ☐ Other allegations Plaintiff makes the following additional allegations: *(State any additional allegations below, with each allegation lettered in order, starting with (a), (b), (c), etc. If there is not enough space below, check the box below and use form MC-025, title it Attachment 4, and letter each allegation in order.)* ☐ Other allegations are on form MC-025.

5. ☒ Number of pages attached (*specify*): 1 (verification)

Date: September 16, 2024

Sierra McGinn Smith

(TYPE OR PRINT NAME)

(SIGNATURE OF PLAINTIFF OR ATTORNEY)

VERIFICATION

(Use a different verification form if the verification is by an attorney or for a corporation or partnership.)

I am the plaintiff in this proceeding and have read this complaint. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: SEE ATTACHED

SEE ATTACHED VERIFICATION

(TYPE OR PRINT NAME)

(SIGNATURE)

VERIFICATION

I, LORRAINE SMITH, the undersigned, declare:

I am Plaintiff Lorraine Smith, trustee of The Lorraine Smith Living Trust, UTD, August 8, 2008, in this action. I have read the foregoing Plaintiff's Mandatory Cover Sheet and Supplemental Allegations—Unlawful Detainer. I make this verification based upon my personal knowledge, except for those allegations that are based on information and belief. The allegations stated in Plaintiff's Mandatory Cover Sheet and Supplemental Allegations—Unlawful Detainer are true and correct to the best of my knowledge, except where those allegations are made on information and belief, in which case I am informed of and believe those allegations to be true.

I declare under penalty of perjury under the laws of the State of California that, that the foregoing is true and correct, and that this verification was executed on 9-13, 2024 at

San Francisco
Location

Lorraine Smith
LORRAINE SMITH, Trustee of The Lorraine
Smith Living Trust, UTD, August 8, 2008

ZACKS & FREEDMAN, PC
180 MONTGOMERY STREET, SUITE 1950
SAN FRANCISCO, CALIFORNIA 94104

JUSTIN A. GOODMAN (SBN 263377)
SIERRA MCGINN SMITH (SBN 339487)
ZACKS & FREEDMAN, PC
180 Montgomery Street, Suite 1950
San Francisco, CA 94104
Tel: (415) 956-8100
Fax: (415) 288-9755
justin@zsfplaw.com
sierra@zsfplaw.com

Attorneys for Plaintiff,
LORRAINE SMITH,
Trustee of the Lorraine Smith Living Trust,
UTD, August 8, 2008

ENDORSED
FILED
Superior Court of California
County of San Francisco

SEP 17 2024

CLERK OF THE COURT

BY: ALEXANDRA PALE
Deputy Clerk

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF SAN FRANCISCO

UNLIMITED JURISDICTION

Case No.: CUD-24-676171

LORRAINE SMITH, Trustee of the Lorraine
Smith Living Trust, UTD, August 8, 2008,

Plaintiff,

vs.

EVELYN DARNES, and DOES 1-10
inclusive,

Defendants.

**COMPLAINT FOR UNLAWFUL
DETAINER**

Plaintiff LORRAINE SMITH, Trustee of the Lorraine Smith Living Trust, UTD, August 8, 2008 ("Plaintiff"), alleges as follows:

1. Plaintiff is the owner of the premises located at APN block 4993, lot 018, and commonly known as, 970 Key Avenue, San Francisco, 94124 ("the Premises"), which is the subject of this action, and is located in San Francisco County.

2. Plaintiff is informed and believes and thereupon alleges that Defendant EVELYN DARNES ("Defendant") is a natural person and over 18 years of age who is a resident of City and County of San Francisco, California, and who is in possession of the Premises.

1 3. Defendant currently occupies the Premises, or claims some right to occupy the Premises, by
2 virtue of which Plaintiff is excluded from possession.

3 4. Plaintiff does not know the true names or capacities of defendants named herein as Does 1-10,
4 and therefore sues these defendants by fictitious names under the provisions of Code of Civil
5 Procedure section 474. Plaintiff will amend this complaint to allege their true names and capacities
6 when ascertained. At all times mentioned herein, each of the defendants, including the defendants
7 served as DOE herein, was the agent and/or employee of each of the remaining defendants and in
8 doing the things herein mentioned was acting within the scope of such agency and/or employment.
9 Plaintiff is further informed and believes and thereupon alleges that each of the defendants, including
10 the defendants served as DOE herein, claims some type of possessory interest in and to the Premises.

11 5. At the time of service of the notice described below, Defendant was a periodic, month-to-
12 month tenant at the Premises. A landlord-tenant relationship therefore exists between Plaintiff and
13 Defendant.

14 6. The rental agreement regarding the Premises is oral.

15 7. On information and belief, in or around February of 2024, a burst pipe (or some other, similar
16 failure with the plumbing at the Premises) caused flooding downhill to an adjacent property ("the
17 Conditions"). On or around March 14, 2024, the San Francisco Department of Building Inspection
18 issued a notice of violation to repair the damage ("the NOV").

19 8. During the above times, and on information and belief, persisting to the filing of this
20 Complaint, Defendant has installed a chain and lock to the front gate to the Premises, and has refused
21 requests for access by the landlord to address the Conditions and cure the NOV.

22 9. Accordingly, on June 26, 2024, Plaintiff posted a notice of entry (pursuant to Cal. Civ., §1954)
23 to access the unit on July 1, 2024 for the purpose of addressing the Conditions. A true and correct copy
24 of the June 26, 2024 notice of entry, along with its proof of service, is attached hereto as "**Exhibit 1**"
25 and is incorporated herein by reference.

26 10. On July 1, 2024, at the noticed time, Defendant was not there to provide access, and did not
27 otherwise permit access, and Plaintiff has no means of access independently of Defendant permitting
28 access because of, among other things, the chain-locked gate.

1 11. Accordingly, on July 9, 2024, Plaintiff sent a cover letter, via posting at the Premises and
2 mailing to the Defendant at the Premises, enclosing a second notice of entry, with a proposed date of
3 July 12, 2024 for access, but also including an invitation for Defendant to contact Plaintiff's counsel
4 to select any other available dates for the week of July 15, 2024. That letter also enclosed a 10-day
5 notice to cure (see, San Francisco Rent Ordinance §§37.9(c), (o)), requiring that Defendant cure the
6 refusal to permit access on July 1, 2024 within a ten day period. A true and correct copy of the July 9,
7 2024 cover letter, enclosing a notice of entry and a 10-day notice to cure, as well as the proof of service
8 of that letter, are attached hereto as "Exhibit 2" and is incorporated herein by reference. (The letter
9 indicates service by regular and certified mail, however, that is a typographical error, and it was
10 actually sent in the manner stated in the proof of service.)

11 12. On July 12, 2024, at the time stated in the notice of entry, Plaintiff again tried to access as
12 noticed, but Defendant was not there to provide access, and did not otherwise permit access, and
13 Plaintiff has no means of access independently of Defendant permitting access because of, among
14 other things, the chain-locked gate. Defendant did not contact Plaintiff (via counsel or otherwise) at
15 any time since July 12, 2024 (including as of the filing of this complaint) to seek to coordinate access
16 to the Premises.

17 13. Therefore, on July 24, 2024, Plaintiff served a "three (3) day notice to quit" ("the Eviction
18 Notice"), demanding that Defendant quit the Premises by the expiration of three days. A true and
19 correct copy of the Eviction Notice is attached hereto as "Exhibit 3" and is incorporated herein by
20 reference. A true and correct copy of the proof of service of the Eviction Notice is attached hereto as
21 "Exhibit 4" and is incorporated herein by reference, and the Eviction Notice was served as stated in
22 that proof of service.

23 14. The Eviction Notice expired at the end of the day on July 29, 2024, Defendant did not quit the
24 Premises by the end of the day on that date.

25 15. Defendant has continued in possession since the expiration of the Eviction Notice without
26 Plaintiff's permission or consent.

27 16. Defendant's tenancy at the Premises is subject to the San Francisco Rent Stabilization and
28 Arbitration Ordinance (San Francisco Administrative Code Chapter 37). Plaintiff's dominant motive

1 in seeking to recover possession of the Premises is Section 37.9(a)(6), which permits a landlord to
2 recover possession of a rental unit where "[t]he tenant has, after written notice to cease, refused the
3 landlord access to the rental unit as required by State or local law", and which cause is stated in the
4 Eviction Notice.

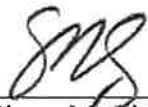
5 17. The value of the Premises is at least \$134.00 per day, and damages to Plaintiff caused by
6 Defendant's unlawful detention thereof have accrued at said rate since July 30, 2024, and will continue
7 to accrue at said rate so long as Defendant remains in possession of the Premises.

8 PRAYER FOR RELIEF

9 WHEREFORE, Plaintiff prays judgment against Defendant, and each of them, as follows:

- 10 1. For restitution and immediate possession of the Premises from Defendant;
11 2. For forfeiture of the rental agreement;
12 3. For damages at the rate of at least \$134.00 per day, according to proof at trial, for each day
13 Defendant continues in possession of the Premises, commencing July 30, 2024;
14 4. For costs of suit herein incurred; and
15 5. For such other and further relief as the court may deem just and proper.
16
17
18
19

20 Dated: September 16, 2024


By: Sierra McGinn Smith
ZACKS & FREEDMAN, PC
Attorneys for Plaintiff,
LORRAINE SMITH,
Trustee of the Lorraine Smith Living Trust,
UTD, August 8, 2008

VERIFICATION

I, LORRAINE SMITH, the undersigned, declare:

I am Plaintiff Lorraine Smith, trustee of The Lorraine Smith Living Trust, UTD, August 8, 2008, in this action. I have read the foregoing Complaint for Unlawful Detainer. I make this verification based upon my personal knowledge, except for those allegations that are based on information and belief. The allegations stated in the Complaint are true and correct to the best of my knowledge, except where those allegations are made on information and belief, in which case I am informed of and believe those allegations to be true.

I declare under penalty of perjury under the laws of the State of California that, that the foregoing is true and correct, and that this verification was executed on Sept 2, 2024 at

S.F., Ca

Location



LORRAINE SMITH, Trustee of the Lorraine
Smith Living Trust, UTD, August 8, 2008

EXHIBIT 1

NOTICE OF ENTRY OF PREMISES

(Cal. Civ., §1954)

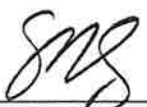
To: **Evelyn Darnes**, and
All Other Persons in Possession or Occupancy of

Premises: **970 Key Avenue**
San Francisco, CA 94124
including all garage, storage and common areas ("the Premises")

PLEASE TAKE NOTICE that the owner/landlord of the above-described Premises and/or their agent intend to enter the Premises, pursuant to California Civil Code, section 1954(a)(2), which allows entry "to make necessary or agreed repairs, decorations, alterations or improvements, supply necessary or agreed services". Specifically, landlord will be evaluating the water and plumbing issues at the Premises to make arrangements for repairs.

Said entry shall take place on **Monday, July 1, 2024**, at approximately **12:00 p.m.** and shall last approximately **1 hour**.

Please do not hesitate to contact the undersigned if you have any questions regarding this matter. Advice regarding this Notice is available from the San Francisco Residential Rent Stabilization and Arbitration Board, located at 25 Van Ness Avenue, Suite 320, San Francisco, California (415) 252-4600.



By: Sierra McGinn Smith
ZACKS & FREEDMAN, PC
Attorneys for Owner/Landlord
180 Montgomery Street, Suite 1950
San Francisco, CA 94104
415.956.8100
415.288.9755 fax
Sierra@zfplaw.com

NOTICE OF ENTRY OF PREMISES

(Cal. Civ., §1954)

1954. (a) A landlord may enter the dwelling unit only in the following cases:

(1) In case of emergency.

(2) To make necessary or agreed repairs, decorations, alterations or improvements, supply necessary or agreed services, or exhibit the dwelling unit to prospective or actual purchasers, mortgagees, tenants, workers, or contractors or to make an inspection pursuant to subdivision (f) of Section 1950.5.

(3) When the tenant has abandoned or surrendered the premises.

(4) Pursuant to court order.

(5) For the purposes set forth in Chapter 2.5 (commencing with Section 1954.201).

(6) To comply with the provisions of Article 2.2 (commencing with Section 17973) of Chapter 5 of Part 1.5 of Division 13 of the Health and Safety Code.

(b) Except in cases of emergency or when the tenant has abandoned or surrendered the premises, entry may not be made during other than normal business hours unless the tenant consents to an entry during other than normal business hours at the time of entry.

(c) The landlord may not abuse the right of access or use it to harass the tenant.

(d) (1) Except as provided in subdivision (e), or as provided in paragraph (2) or (3), the landlord shall give the tenant reasonable notice in writing of his or her intent to enter and enter only during normal business hours. The notice shall include the date, approximate time, and purpose of the entry. The notice may be personally delivered to the tenant, left with someone of a suitable age and discretion at the premises, or, left on, near, or under the usual entry door of the premises in a manner in which a reasonable person would discover the notice. Twenty-four hours shall be presumed to be reasonable notice in absence of evidence to the contrary. The notice may be mailed to the tenant. Mailing of the notice at least six days prior to an intended entry is presumed reasonable notice in the absence of evidence to the contrary.

(2) If the purpose of the entry is to exhibit the dwelling unit to prospective or actual purchasers, the notice may be given orally, in person or by telephone, if the landlord or his or her agent has notified the tenant in writing within 120 days of the oral notice that the property is for sale and that the landlord or agent may contact the tenant orally for the purpose described above. Twenty-four hours is presumed reasonable notice in the absence of evidence to the contrary. The notice shall include the date, approximate time, and purpose of the entry. At the time of entry, the landlord or agent shall leave written evidence of the entry inside the unit.

(3) The tenant and the landlord may agree orally to an entry to make agreed repairs or supply agreed services. The agreement shall include the date and approximate time of the entry, which shall be within one week of the agreement. In this case, the landlord is not required to provide the tenant a written notice.

(e) No notice of entry is required under this section:

(1) To respond to an emergency.

(2) If the tenant is present and consents to the entry at the time of entry.

(3) After the tenant has abandoned or surrendered the unit.

PROOF (DECLARATION) OF SERVICE OF NOTICE TO TENANT

On 6/26/2024, I served the NOTICE(s) herein to the following Tenant(s):
(Insert Date of Service of Notice)

Evelyn Darnes
(Insert Name of Tenant)

All Other Persons in Possession or Occupancy
(Insert Name of Tenant)

(Insert Name of Tenant)

At: 970 Key Avenue San Francisco, CA 94124
(Address)

- ☐ 3 Day Notice to Pay Rent or Quit
☐ TEN-DAY WARNING TO Tennant (San Francisco Rent Ordinance § 37.9(c))
☐ 30 Day Notice to Quit or Cure Illegal Use (Code of Civil Procedure Section 1161; SFRO 37.9(a)(4))
☐ 60 Day Notice of Termination of Tenancy
☒ Other: NOTICE OF ENTRY OF PREMISES (Cal. Civ., §1954)

The NOTICE(s) set forth above were served by:

☐ PERSONAL DELIVERY:

I HANDED a copy of the NOTICE(s) to the following Tenant(s)

(Insert Name of Tenant)

(Insert Name of Tenant)

☐ SUBSTITUTED SERVICE BY LEAVING NOTICE & MAILING:

I LEFT copies of the NOTICE(s) with a person of suitable age and discretion at the residence or usual place of business of the Tenant(s), said Tenant(s) being absent there from. Thereafter, on the same date, I also MAILED copies of the NOTICE(s) to the Tenant(s) by depositing a sealed envelope with First Class postage fully prepaid, in the United States Mail, addressed to the Tenant(s) at the Premises.

(Insert Name of the Person that you left the Notice With Who Is At Least 18 years old or Give Description (Age, Sex, Height, Weight etc). if person refuses to give name)

☒ POSTING & MAILING:

I served the NOTICE to the Tenant(s) by POSTING a copy of the NOTICE(s) in a conspicuous place on the Premises, as no person of suitable age or discretion could be found at the Premises and the business cannot be ascertained. Thereafter, on the same date, I also MAILED copies of the NOTICE(s) to the Tenant(s) by depositing a sealed envelope with First Class postage fully prepaid, in the United States Mail, addressed to the Tenant(s) at the Premises.

I declare under penalty of perjury under the laws of the State of California that that at the time of service of the NOTICE(s) I was at least EIGHTEEN (18) years of age and that foregoing is true and correct. If called as a witness to testify thereto, I could do so competently.

Executed (Signed) on 6/27/24, at San Francisco California.
(Insert City)

Stephen Sabol REG: SF 20201453

Print Name

Stephen Sabol

Signature

EXHIBIT 2



ZACKS & FREEDMAN PC

July 9, 2024

Evelyn Darnes
970 Key Avenue
San Francisco, CA 94124

Via First Class Mail & Certified Mail

Re: Access Issues at 970 Key 36th Street ("the Premises")

Dear Ms. Darnes,

As you may be aware, my office represents the owner of the Premises. My office posted a statutory notice at the Premises on June 26, 2024, which notified you that the owner intended to enter the Premises, pursuant to California Civil Code, section 1954(a)(2), to evaluate the water and plumbing issues at the Premises.

The notice stated that the owner would enter the Premises on Monday, July 1, 2024, at approximately 12:00 p.m. for approximately one hour. However, when my client went to the Premises at the aforementioned date and time, he was unable to gain entry due to no answer, and a chain on the front gate.

Enclosed, please find another notice of entry, scheduled for Friday, July 12, 2024, at approximately 12:00 p.m. Additionally, we invite you to select other suitable dates during the week of July 15th.

If you are not able to allow entry on July 12, 2024, please let us know your preferred dates and times. This will help us coordinate access to the Premises and address the necessary evaluations and repairs promptly. I am available by email at sierra@zfplaw.com, or by phone at 415-956-8100.

Thank you for your cooperation in this matter.

Very truly yours,

ZACKS & FREEDMAN, PC

Sierra McGinn Smith

San Francisco | 180 Montgomery Street, Suite 1950 San Francisco, CA 94104 • Tel: (415)956-8100 • Fax: (415)288-9755

Oakland | 1970 Broadway, Suite 1270, Oakland, CA 94612 • Tel: (510)469-0555

Soquel | 2805 Porter Street, Soquel, CA 95073 • Tel: (831)309-4010

(Please respond to San Francisco Office) | www.zfplaw.com

Lorraine Smith Living Trust

July 9, 2024

Page 2

Encl.:

- Notice of Entry of Premises
- 10-Day Warning to Tenant

NOTICE OF ENTRY OF PREMISES

(Cal. Civ., §1954)

To: **Evelyn Darnes**, and
All Other Persons in Possession or Occupancy of

Premises: **970 Key Avenue**
San Francisco, CA 94124
including all garage, storage and common areas ("the Premises")

PLEASE TAKE NOTICE that the owner/landlord of the above-described Premises and/or their agent intend to enter the Premises, pursuant to California Civil Code, section 1954(a)(2), which allows entry "to make necessary or agreed repairs, decorations, alterations or improvements, supply necessary or agreed services". Specifically, landlord will be evaluating the water and plumbing issues at the Premises to make arrangements for repairs.

Said entry shall take place on **Friday, July 12, 2024**, at approximately **12:00 p.m.** and shall last approximately **1 hour**.

Please do not hesitate to contact the undersigned if you have any questions regarding this matter. Advice regarding this Notice is available from the San Francisco Residential Rent Stabilization and Arbitration Board, located at 25 Van Ness Avenue, Suite 320, San Francisco, California (415) 252-4600.



By: Sierra McGinn Smith
ZACKS & FREEDMAN, PC
Attorneys for Owner/Landlord
180 Montgomery Street, Suite 1950
San Francisco, CA 94104
415.956.8100
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Sierra@zfplaw.com

NOTICE OF ENTRY OF PREMISES

(Cal. Civ., §1954)

1954. (a) A landlord may enter the dwelling unit only in the following cases:

(1) In case of emergency.

(2) To make necessary or agreed repairs, decorations, alterations or improvements, supply necessary or agreed services, or exhibit the dwelling unit to prospective or actual purchasers, mortgagees, tenants, workers, or contractors or to make an inspection pursuant to subdivision (f) of Section 1950.5.

(3) When the tenant has abandoned or surrendered the premises.

(4) Pursuant to court order.

(5) For the purposes set forth in Chapter 2.5 (commencing with Section 1954.201).

(6) To comply with the provisions of Article 2.2 (commencing with Section 17973) of Chapter 5 of Part 1.5 of Division 13 of the Health and Safety Code.

(b) Except in cases of emergency or when the tenant has abandoned or surrendered the premises, entry may not be made during other than normal business hours unless the tenant consents to an entry during other than normal business hours at the time of entry.

(c) The landlord may not abuse the right of access or use it to harass the tenant.

(d) (1) Except as provided in subdivision (e), or as provided in paragraph (2) or (3), the landlord shall give the tenant reasonable notice in writing of his or her intent to enter and enter only during normal business hours. The notice shall include the date, approximate time, and purpose of the entry. The notice may be personally delivered to the tenant, left with someone of a suitable age and discretion at the premises, or, left on, near, or under the usual entry door of the premises in a manner in which a reasonable person would discover the notice. Twenty-four hours shall be presumed to be reasonable notice in absence of evidence to the contrary. The notice may be mailed to the tenant. Mailing of the notice at least six days prior to an intended entry is presumed reasonable notice in the absence of evidence to the contrary.

(2) If the purpose of the entry is to exhibit the dwelling unit to prospective or actual purchasers, the notice may be given orally, in person or by telephone, if the landlord or his or her agent has notified the tenant in writing within 120 days of the oral notice that the property is for sale and that the landlord or agent may contact the tenant orally for the purpose described above. Twenty-four hours is presumed reasonable notice in the absence of evidence to the contrary. The notice shall include the date, approximate time, and purpose of the entry. At the time of entry, the landlord or agent shall leave written evidence of the entry inside the unit.

(3) The tenant and the landlord may agree orally to an entry to make agreed repairs or supply agreed services. The agreement shall include the date and approximate time of the entry, which shall be within one week of the agreement. In this case, the landlord is not required to provide the tenant a written notice.

(e) No notice of entry is required under this section:

(1) To respond to an emergency.

(2) If the tenant is present and consents to the entry at the time of entry.

(3) After the tenant has abandoned or surrendered the unit.

10-Day Warning To Tenant

(San Francisco Rent Ordinance Section 37.9(c))

To [Tenants and all others in possession] at [Address of the rental unit]:

Evelyn Dames

970 Key Avenue, San Francisco, California 94124

San Francisco Rent Ordinance Section 37.9(c) provides that before a landlord may begin eviction proceedings for certain just cause reasons, the tenant must be given a written warning and an opportunity to correct the claimed violation.

You are hereby notified that you are violating the following material term(s) of your tenancy (include specific facts):

You, Evelyn Dames, refused to allow landlord access to your rental unit as required by law. Specifically, on July 1, 2024, you refused entry to the landlord who needed access to conduct necessary repairs and maintenance despite receiving a 24-hour advance notice as required by law.

(attach additional pages if necessary)

You must take the following action in order to correct the claimed violation described above:

To cure the above violation, you must permit access on July 12, 2024, at 12:00 PM. Alternatively, you may make timely arrangements for Landlord to access the rental unit at a mutually agreeable time that is within the next ten days.

(attach additional pages if necessary)

Please take notice that if the violation described above is not cured within ten (10) days, your Landlord may serve you with a formal eviction notice pursuant to California Code of Civil Procedure §1161. In some cases, the eviction notice may be required to provide you with an additional period to cure the violation before the landlord may terminate your tenancy.

For mediation services and help resolving housing disputes, contact the San Francisco Bar Association's Conflict Intervention Service at (415) 782-8940 or Community Boards at (415) 920-3820. For general information regarding landlord-tenant issues, the San Francisco Rent Board provides phone counseling at (415) 252-4600.

Dated: July 9, 2024

By:


LANDLORD/LANDLORD'S AGENT

Si necesita este formulario en Español, por favor llame al 415-252-4600 o visite a la oficina de La Junta del Control de Rentas en 25 Van Ness Avenue, #320, San Francisco.

如果您需要此表格的中文版本，請致電 415-252-4600 或造訪租務委員會辦公室，地址是：25 Van Ness Avenue, #320, San Francisco.

Kung kailangan ninyo ng form na ito sa Filipino, mangyaring tumawag sa 415-252-4600 o pumunta sa opisina ng San Francisco Rent Board na matatagpuan sa 25 Van Ness Avenue, #320, San Francisco.



San Francisco Residential Rent Stabilization and Arbitration Board

Notice to Tenant Required by Rent Ordinance §37.9(c)

Effective March 19, 2016, a copy of this Notice to Tenant must be attached to every notice to terminate tenancy.

NOTICE TO TENANT (English)

The landlord has served you with a notice to terminate your tenancy. A tenant's failure to timely act in response to a notice to terminate tenancy may result in a lawsuit by the landlord to evict the tenant. Advice regarding the notice to terminate tenancy is available from the San Francisco Rent Board located at 25 Van Ness Avenue, Suite 320, San Francisco, CA 94102. Office hours are Monday to Friday, 10:00 am - 2:00 pm, except holidays. Counselors are also available by telephone at (415) 252-4600 between 9:00 am - 12:00 pm and 1:00 pm - 4:00 pm. Information is also available at www.sf.gov/rentboard.

You may be eligible for affordable housing programs and apartments. Visit the website of the Mayor's Office of Housing and Community Development (MOHCD) at www.sfmohcd.org for information about available homes, waiting lists and program eligibility. If you are being evicted because the building's owner or relative is moving into your unit or because of the Ellis Act, you may qualify for an affordable housing lottery preference. For more information about local housing resources, the *San Francisco Housing Resource Guide* is available at <http://sfmohcd.org/san-francisco-housing-resource-guide>.

NOTIFICACIÓN AL INQUILINO (Spanish)

El arrendatario le ha dado a usted un aviso de desalojo de su inquilinato. Si el inquilino no actúa a tiempo en respuesta a un aviso de desalojo, el arrendatario podría demandar legalmente al inquilino para desalojarlo. Puede obtener asesoría sobre el aviso de desalojo de su inquilinato en la Junta del Control de Rentas de San Francisco ubicada en 25 Van Ness Avenue, Suite 320, San Francisco, CA 94102. El horario de atención es de lunes a viernes de 10:00 am a 2:00 pm, excepto feriados. Consejeros están disponibles por teléfono en el (415) 252-4600 entre las 9:00 am - 12:00 pm y 1:00 pm - 4:00 pm. También hay información disponible en www.sf.gov/rentboard.

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THÔNG BÁO CHO NGƯỜI THUÊ NHÀ (Vietnamese)

Chủ nhà đã tổng đạt cho quý vị thông báo chấm dứt hợp đồng thuê nhà. Nếu người thuê không hành động kịp thời để đáp ứng thông báo chấm dứt hợp đồng thuê nhà thì có thể dẫn đến việc chủ nhà nộp đơn kiện để trục xuất người thuê đó. Quý vị có thể được tư vấn về thông báo chấm dứt hợp đồng thuê nhà này tại San Francisco Rent Board (Ủy Ban Kiểm Soát Tiền Thuê Nhà San Francisco), địa chỉ 25 Van Ness Avenue, Suite 320, San Francisco, CA 94102. Văn phòng mở cửa từ Thứ Hai đến Thứ Sáu, 10:00 giờ sáng - 2:00 giờ chiều, không kể ngày lễ. Quý vị cũng có thể nói chuyện với người tư vấn qua điện thoại tại số (415) 252-4600 từ 9:00 giờ sáng - 12:00 giờ trưa và 1:00 - 4:00 giờ chiều. Thông tin cũng có sẵn tại trang web www.sf.gov/rentboard.

Có thể quý vị hội đủ điều kiện tham gia chương trình trợ cấp nhà ở và căn hộ chung cư với chi phí vừa túi tiền. Hãy xem trang web của Sở Phát Triển Nhà Ở Và Cộng Đồng Của Thị Trường (Mayor's Office of Housing and Community Development - MOHCD) tại địa chỉ www.sfmohcd.org để biết thêm thông tin về các loại nhà có sẵn, danh sách chờ đợi và các điều kiện của chương trình. Nếu quý vị đang bị trục xuất khỏi nhà vì điều luật Ellis hoặc vì chủ nhà hay người thân của chủ nhà sắp dọn vào ở nhà của quý vị, có thể quý vị hội đủ điều kiện được ưu tiên trong cuộc rút thăm trúng nhà thuê vừa túi tiền. Để biết thêm thông tin về các nguồn trợ giúp trong địa phương về nhà ở, quý vị có thể tìm đọc *Cẩm Nang Các Nguồn Trợ Giúp Về Nhà Ở San Francisco* (*San Francisco Housing Resource Guide*) tại địa chỉ <http://sfmohcd.org/san-francisco-housing-resource-guide>.



San Francisco Residential Rent Stabilization and Arbitration Board

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租客通知 (Chinese)

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УВЕДОМЛЕНИЕ АРЕНДАТОРУ ЖИЛЬЯ (Russian)

Арендодатель вручил вам уведомление о расторжении договора аренды жилого помещения. В случае несвоевременных действий арендатора в ответ на данное уведомление арендодатель может подать в суд иск о выселении арендатора. Если вам необходима консультация по поводу уведомления о расторжении договора, вы можете обратиться в Комитет аренды жилья города Сан-Франциско, расположенный по адресу: 25 Van Ness Avenue, Suite 320, San Francisco, CA 94102. Часы работы Комитета — с понедельника по пятницу с 10:00 до 14:00 (за исключением праздничных дней). С консультантами можно также связаться по телефону (415) 252-4600 с 9:00 до 12:00 и с 13:00 до 16:00. Кроме того, информация размещена на веб-сайте www.sf.gov/rentboard.

Вы, возможно, имеете право на участие в программах по предоставлению доступного жилья и квартир. Посетите веб-сайт мэра города, раздел жилищного строительства и развития общин («МОHCD»). www.sfmohcd.org, где вы сможете получить дополнительную информацию о предоставляемом жилье, списках ожидания и ваших правах на участие в подобного рода программах. Если вас выселяют, потому что владелец или родственники владельца здания должны въехать в вашу квартиру, соответственно закону «Ellis Act», то у вас, возможно, есть право претендовать на определенные преимущества при участии в лотерее по предоставлению доступного жилья. За более подробной информацией о помощи по предоставлению жилья просьба обращаться к руководству г. Сан-Франциско по предоставлению подобной помощи на веб-сайте <http://sfmohcd.org/san-francisco-housing-resource-guide>.

ABISO SA NANGUNGUPAHAN (Filipino)

Nabigyan na kayo ng nagpapaupa ng abiso tungkol sa pagwawakas sa inyong pangungupahan. Ang hindi pagkilos sa tamang oras ng nangungupahan sa pagtugon sa abiso ng pagwawakas sa pangungupahan ay posibleng mauwi sa paghahabla ng nagpapaupa para ma-evict o mapaalis sa tahanan ang nangungupahan. May makakuhang payo tungkol sa abiso ng pagwawakas sa pangungupahan mula sa San Francisco Rent Board (Lupon para sa Pangungupahan sa San Francisco) na nasa 25 Van Ness Avenue, Suite 320, San Francisco, CA 94102. Bukas ang opisina tuwing Lunes hanggang Biyernes, 10:00 am - 2:00 pm, maliban sa mga pista opisyal. May mga tagapayo rin na makakausap sa telepono sa (415) 252-4600 sa pagitan ng 9:00 am - 12:00 pm at ng 1:00 pm - 4:00 pm. Makakukuha rin ng impormasyon sa www.sf.gov/rentboard.

Posibleng kuwalipikado kayo para sa mga abot-kayang pabahay at apartment. Pumunta sa Opisina para sa Pabahay at Pagpapaunlad sa Komunidad (Office of Housing and Community Development, MOHCD) ng Alkalde sa www.sfmohcd.org para sa karagdagang impormasyon tungkol sa makukuhang bahay, waiting lists (listahan para sa naghihintay makapasok) at mga kinakailangan para maging kuwalipikado. Kung pinapaalis kayo sa inyong tahanan dahil titira na sa inyong unit ang may-ari ng building o ang kanyang kamag-anak, o dahil sa Ellis Act, posibleng kuwalipikado rin kayo para sa abot-kayang pabahay sa pamamagitan ng lottery preference (pagbibigay-preperensiya batay sa ala-suwerteng bunutan). Para sa karagdagang impormasyon tungkol sa mapagkukunan ng tulong para sa lokal na pabahay, matitingnan ang *San Francisco Housing Resource Guide* (Gabay para sa Mapagkukunan ng Impormasyon at Tulong ukol sa Pabahay sa San Francisco) sa <http://sfmohcd.org/san-francisco-housing-resource-guide>.

PROOF (DECLARATION) OF SERVICE OF NOTICE TO TENANT

On 7/9/2024, I served the NOTICE(s) herein to the following Tenant(s):
(Insert Date of Service of Notice)

Evelyn Darnes
(Insert Name of Tenant)

All Other Persons in Possession or Occupancy
(Insert Name of Tenant)

(Insert Name of Tenant)

At: 970 Key Avenue San Francisco, CA 94124
(Address)

- ☐ 3 Day Notice to Pay Rent or Quit
☐ TEN-DAY WARNING TO Tennant (San Francisco Rent Ordinance § 37.9(c))
☐ 30 Day Notice to Quit or Cure Illegal Use (Code of Civil Procedure Section 1161; SFRO 37.9(a)(4))
☐ 60 Day Notice of Termination of Tenancy
☒ Other: Letter to tenant with Enclosures: Notice of Entry of Premises, 10-Day Warning to Tenant

The NOTICE(s) set forth above were served by:

☐ PERSONAL DELIVERY:

I **HANDED** a copy of the NOTICE(s) to the following Tenant(s)

(Insert Name of Tenant)

(Insert Name of Tenant)

☐ SUBSTITUTED SERVICE BY LEAVING NOTICE & MAILING:

I **LEFT** copies of the NOTICE(s) with a person of suitable age and discretion at the residence or usual place of business of the Tenant(s), said Tenant(s) being absent there from. Thereafter, on the same date, I also **MAILED** copies of the NOTICE(s) to the Tenant(s) by depositing a sealed envelope with First Class postage fully prepaid, in the United States Mail, addressed to the Tenant(s) at the Premises.

(Insert Name of the Person that you left the Notice With Who Is At Least 18 years old or Give Description (Age, Sex, Height, Weight etc). If person refuses to give name)

☒ POSTING & MAILING:

I served the NOTICE to the Tenant(s) by **POSTING** a copy of the NOTICE(s) in a conspicuous place on the Premises, as no person of suitable age or discretion could be found at the Premises and the business cannot be ascertained. Thereafter, on the same date, I also **MAILED** copies of the NOTICE(s) to the Tenant(s) by depositing a sealed envelope with First Class postage fully prepaid, in the United States Mail, addressed to the Tenant(s) at the Premises.

I declare under penalty of perjury under the laws of the State of California that that at the time of service of the NOTICE(s) I was at least EIGHTEEN (18) years of age and that foregoing is true and correct. If called as a witness to testify thereto, I could do so competently.

Executed (Signed) on 7/10/24, at San Francisco California.
(Insert City)

Stephen Sabol REG: SF 20201453

Print Name

Stephen Sabol

Signature

EXHIBIT 3

THREE (3) DAY NOTICE TO QUIT

(Cal. Code Civ. Proc., § 1161(4); San Francisco Rent Ordinance Section 37.9(a)(6))

To: **EVELYN DARNES**, DOES 1 through 10, and All Other Occupants in possession of the following Premises:

Premises: **970 Key Avenue, San Francisco, CA 94124**, including any and all garage, storage and common areas ("the Premises")

YOU ARE HEREBY NOTIFIED that you are committing waste upon the Premises and/or maintaining, committing and/or permitting the maintenance or commission of a nuisance upon the Premises as follows:

- On June 26, 2024, the owner posted and mailed a notice of entry of Premises, notifying you, that the owner intended to enter the Premises on July 1, 2024, at approximately 12:00 p.m. for about 1 hour to evaluate the water and plumbing issues and make arrangements for repairs.
- On July 1, 2024, the owner of the Premises attempted to enter, as noticed. You did not answer the door or otherwise make arrangements for entry, and the gate in front of the door was locked and chained with a padlock for which you have not provided the owner with a key. The owner was therefore unable to gain entry pursuant to the notice of entry.
- On July 9, 2024, the owner posted and mailed a letter along with a second notice of entry of the Premises, notifying you that the owner intended to enter the Premises on July 12, 2024, at approximately 12:00 p.m. for about 1 hour to evaluate the water and plumbing issues and make arrangements for repairs. The July 9, 2024 letter invited you to make arrangements for other dates of entry, on the week of July 15, 2024, if you preferred. The July 9, 2024 letter also enclosed a 10-Day Warning to Tenant, notifying you that refusal to permit access is just cause for eviction and allowing you to cure the refusal to allow access.
- On July 12, 2024, at 12:00 p.m., the owner attempted to enter the Premises again to evaluate the water and plumbing issues and make arrangements for repairs. You did not answer the door or otherwise make arrangements for entry, and the gate in front of the door was locked and chained with a padlock for which you have not provided the owner with a key. The owner was unable to gain entry pursuant to the notice of entry of the Premises.
- As of the date of this notice, you have not permitted entry or made any arrangements to attempt to permit or allow entry to the Premises.

YOU ARE HEREBY REQUIRED, by the expiration of three (3) days after service upon you of this Notice, to remove yourself from and deliver up possession of the above-mentioned Premises to the Owner Lorraine Smith Living Trust, which you may do c/o Sierra McGinn Smith of ZACKS & FREEDMAN, PC, located at 180 Montgomery Street, Suite 1950, San Francisco, CA 94104 and available at Tel.: 415.956.8100, Fax: 415.288.9755, Email: Sierra@zfplaw.com, who is authorized to receive same.

If you do not comply with this Notice by quitting possession of the Premises, legal proceedings will be instituted against you to recover possession of the Premises, to declare the forfeiture of the lease or rental agreement under which you occupy the Premises, and to recover damages together with court costs and attorney's fees as permitted by law.

The Owner and this Notice comply with Section 37.9(a)(6) of the San Francisco Administrative Code, Chapter 37, enacted in 1979, and amended thereafter ("the Rent Ordinance"), which permits a landlord to recover possession of a rental unit where "[t]he tenant has, after written notice to cease, refused the landlord access to the rental unit as required by State or local law." Section 37.9(a)(6) of the Rent Ordinance is the Owner's dominant motive in seeking to recover possession. The foregoing acts and omissions constitute nuisance (Cal. Civ., § 3479) and waste, as those terms are used in Cal. Code Civ. Proc., § 1161(4).

YOU ARE FURTHER NOTIFIED that the Landlord/Owner hereby elects to declare the forfeiture of your lease or rental agreement under which you hold possession of the Premises.

YOU ARE FURTHER NOTIFIED that State law permits former tenants to reclaim abandoned personal property left at the former address of the tenant, subject to certain conditions. You may or may not be able to reclaim property without incurring additional costs, depending on the cost of storing the property and the length of time before it is reclaimed. In general, these costs will be lower the sooner you contact your former landlord after being notified that property belonging to you was left behind after you moved out.

Advice regarding this Notice is available from the San Francisco Residential Rent Stabilization and Arbitration Board, located at 25 Van Ness Avenue, Suite 320, San Francisco, California (415) 252-4600.



By: Sierra McGinn Smith, Esq.
ZACKS & FREEDMAN, PC
Attorneys for Owner,
Lorraine Smith Living Trust
180 Montgomery Street, Suite 1950
San Francisco, CA 94104
Tel: 415.956.8100
Fax: 415.288.9755

CC: San Francisco Residential Rent Stabilization and Arbitration Board

Enclosure: Notice to Tenant Required by Rent Ordinance §37.9(c)



San Francisco Residential Rent Stabilization and Arbitration Board

Notice to Tenant Required by Rent Ordinance §37.9(c)

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NOTICE TO TENANT (English)

The landlord has served you with a notice to terminate your tenancy. A tenant's failure to timely act in response to a notice to terminate tenancy may result in a lawsuit by the landlord to evict the tenant. Advice regarding the notice to terminate tenancy is available from the San Francisco Rent Board located at 25 Van Ness Avenue, Suite 320, San Francisco, CA 94102. Office hours are Monday to Friday, 10:00 am - 2:00 pm, except holidays. Counselors are also available by telephone at (415) 252-4600 between 9:00 am - 12:00 pm and 1:00 pm - 4:00 pm. Information is also available at www.sf.gov/rentboard.

You may be eligible for affordable housing programs and apartments. Visit the website of the Mayor's Office of Housing and Community Development (MOHCD) at www.sfmohcd.org for information about available homes, waiting lists and program eligibility. If you are being evicted because the building's owner or relative is moving into your unit or because of the Ellis Act, you may qualify for an affordable housing lottery preference. For more information about local housing resources, the *San Francisco Housing Resource Guide* is available at <http://sfmohcd.org/san-francisco-housing-resource-guide>.

NOTIFICACIÓN AL INQUILINO (Spanish)

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您可能有資格申請可負擔房屋計劃和公寓。請上網 www.sfmohcd.org 瀏覽市長的住房與社區發展辦公室 (MOHCD) 網站，以獲知有關現有住屋、等候名單和計劃參加資格等資訊。如果您因為建物所有人或親戚要遷入您的住宅單位或由於艾利斯法而被驅逐，您可能有資格獲得可負擔房屋的抽籤優先權。如需更多有關本地住房資源的資訊，請上網 <http://sfmohcd.org/san-francisco-housing-resource-guide> 瀏覽 三藩市住房資源指南。

УВЕДОМЛЕНИЕ АРЕНДАТОРУ ЖИЛЬЯ (Russian)

Арендодатель вручил вам уведомление о расторжении договора аренды жилого помещения. В случае несвоевременных действий арендатора в ответ на данное уведомление арендодатель может подать в суд иск о выселении арендатора. Если вам необходима консультация по поводу уведомления о расторжении договора, вы можете обратиться в Комитет аренды жилья города Сан-Франциско, расположенный по адресу: 25 Van Ness Avenue, Suite 320, San Francisco, CA 94102. Часы работы Комитета — с понедельника по пятницу с 10:00 до 14:00 (за исключением праздничных дней). С консультантами можно также связаться по телефону (415) 252-4600 с 9:00 до 12:00 и с 13:00 до 16:00. Кроме того, информация размещена на веб-сайте www.sf.gov/rentboard.

Вы, возможно, имеете право на участие в программах по предоставлению доступного жилья и квартир. Посетите веб-сайт мэра города, раздел жилищного строительства и развития общин («МОHCD»), www.sfmohcd.org, где вы сможете получить дополнительную информацию о предоставляемом жилье, списках ожидания и ваших правах на участие в подобного рода программах. Если вас выселяют, потому что владелец или родственники владельца здания должны въехать в вашу квартиру, соответственно закону «Ellis Act», то у вас, возможно, есть право претендовать на определенные преимущества при участии в лотерее по предоставлению доступного жилья. За более подробной информацией о помощи по предоставлению жилья просьба обращаться к руководству г. Сан-Франциско по предоставлению подобной помощи на веб-сайте <http://sfmohcd.org/san-francisco-housing-resource-guide>.

ABISO SA NANGUNGUPAHAN (Filipino)

Nabigyan na kayo ng nagpapaupa ng abiso tungkol sa pagwawakas sa inyong pangungupahan. Ang hindi pagkilos sa tamang oras ng nangungupahan sa pagtugon sa abiso ng pagwawakas sa pangungupahan ay posibleng mauwi sa paghahabla ng nagpapaupa para ma-evict o mapaalís sa tahanan ang nangungupahan. May makakuhang payo tungkol sa abiso ng pagwawakas sa pangungupahan mula sa San Francisco Rent Board (Lupon para sa Pangungupahan sa San Francisco) na nasa 25 Van Ness Avenue, Suite 320, San Francisco, CA 94102. Bukas ang opisina tuwing Lunes hanggang Biyernes, 10:00 am - 2:00 pm, maliban sa mga pista opisyal. May mga tagapayo rin na makakausap sa telepono sa (415) 252-4600 sa pagitan ng 9:00 am - 12:00 pm at ng 1:00 pm - 4:00 pm. Makakukuha rin ng impormasyon sa www.sf.gov/rentboard.

Posibleng kuwalipikado kayo para sa mga abot-kayang pabahay at apartment. Pumunta sa Opisina para sa Pabahay at Pagpapaunlad sa Komunidad (Office of Housing and Community Development, MOHCD) ng Alkalde sa www.sfmohcd.org para sa karagdagang impormasyon tungkol sa makukuhang bahay, waiting lists (listahan para sa naghihintay makapasok) at mga kinakailangan para maging kuwalipikado. Kung pinapaalis kayo sa inyong tahanan dahil titira na sa inyong unit ang may-ari ng building o ang kanyang kamag-anak, o dahil sa Ellis Act, posibleng kuwalipikado rin kayo para sa abot-kayang pabahay sa pamamagitan ng lottery preference (pagbibigay-preperensiya batay sa ala-suwerteng bunutan). Para sa karagdagang impormasyon tungkol sa mapagkukunan ng tulong para sa lokal na pabahay, matitingnan ang *San Francisco Housing Resource Guide* (Gabay para sa Mapagkukunan ng Impormasyon at Tulong ukol sa Pabahay sa San Francisco) sa <http://sfmohcd.org/san-francisco-housing-resource-guide>.

EXHIBIT 4

PROOF (DECLARATION) OF SERVICE OF NOTICE TO TENANT

On 7/24/2024, I served the NOTICE(s) herein to the following Tenant(s):
(Insert Date of Service of Notice)

Evelyn Darnes

(Insert Name of Tenant)

All Other Occupants in possession

(Insert Name of Tenant)

(Insert Name of Tenant)

At: 970 Key Avenue San Francisco, CA 94124

(Address)

- ☒ **3 Day Notice to Quit**
☐ **TEN-DAY WARNING TO Tennant (San Francisco Rent Ordinance § 37.9(c))**
☐ **30 Day Notice to Quit or Cure Illegal Use (Code of Civil Procedure Section 1161; SFRO 37.9(a)(4))**
☐ **60 Day Notice of Termination of Tenancy**
☒ **Other: Notice to Tenant Required by Rent Ordinance §37.9(c)**

The NOTICE(s) set forth above were served by:

☐ **PERSONAL DELIVERY:**

I **HANDED** a copy of the NOTICE(s) to the following Tenant(s)

(Insert Name of Tenant)

(Insert Name of Tenant)

☐ **SUBSTITUTED SERVICE BY LEAVING NOTICE & MAILING:**

I **LEFT** copies of the NOTICE(s) with a person of suitable age and discretion at the residence or usual place of business of the Tenant(s), said Tenant(s) being absent there from. Thereafter, on the same date, I also **MAILED** copies of the NOTICE(s) to the Tenant(s) by depositing a sealed envelope with First Class postage fully prepaid, in the United States Mail, addressed to the Tenant(s) at the Premises.

(Insert Name of the Person that you left the Notice With Who Is At Least 18 years old or Give Description (Age, Sex, Height, Weight etc). If person refuses to give name)

☒ **POSTING & MAILING:**

I served the NOTICE to the Tenant(s) by **POSTING** a copy of the NOTICE(s) in a conspicuous place on the Premises, as no person of suitable age or discretion could be found at the Premises and the business cannot be ascertained. Thereafter, on the same date, I also **MAILED** copies of the NOTICE(s) to the Tenant(s) by depositing a sealed envelope with First Class postage fully prepaid, in the United States Mail, addressed to the Tenant(s) at the Premises.

I declare under penalty of perjury under the laws of the State of California that that at the time of service of the NOTICE(s) I was at least EIGHTEEN (18) years of age and that foregoing is true and correct. If called as a witness to testify thereto, I could do so competently.

Executed (Signed) on 7/24/24, at Oakland California.

(Insert City)

Joshua Blank RPS: 2024-0001354

Print Name

Signature

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address) JUSTIN A. GOODMAN (SDN 203377), SIERRA MCGINN SMITH (SDN 330407) ZACKS & FREEDMAN, PC, 180 Montgomery St., Ste 1950, San Francisco, CA 94104		FOR COURT USE ONLY <div style="border: 1px solid black; padding: 5px; margin: 10px auto; width: 150px;"> ENDORSED FILED <small>Superior Court of California County of San Francisco</small> </div> <div style="margin: 10px auto; width: 150px;"> SEP 17 2024 CLERK OF THE COURT BY: <u>ALEXANDRA SCHE</u> <small>Deputy Clerk</small> </div>	
TELEPHONE NO 415-950-8100 FAX NO 415-288-0755 EMAIL ADDRESS justin@zfpaw.com, sierra@zfpaw.com ATTORNEY FOR (Name) Plaintiff The Lorraine Smith Living Trust			
SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN FRANCISCO STREET ADDRESS 400 McAllister Street MAILING ADDRESS 400 McAllister Street CITY AND ZIP CODE SAN FRANCISCO, 94102 BRANCH NAME Civic Center Courthouse			
CASE NAME: Lorraine Smith, Trustee of The Lorraine Smith Living Trust v. Evelyn Darnes and Does 1-10			
CIVIL CASE COVER SHEET <input checked="" type="checkbox"/> Unlimited (Amount demanded exceeds \$35,000) <input type="checkbox"/> Limited (Amount demanded is \$35,000 or less)		Complex Case Designation <input type="checkbox"/> Counter <input type="checkbox"/> Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)	CASE NUMBER <div style="font-size: 1.2em; font-weight: bold;">CUD-24-878171</div>
		JUDGE DEPT	

Items 1-6 below must be completed (see instructions on page 2)

1. Check one box below for the case type that best describes this case:

Auto Tort <input type="checkbox"/> Auto (22) <input type="checkbox"/> Uninsured motorist (46) Other P/DP/DWD (Personal Injury/Property Damage/Wrongful Death) Tort <input type="checkbox"/> Asbestos (04) <input type="checkbox"/> Product liability (24) <input type="checkbox"/> Medical malpractice (45) <input type="checkbox"/> Other P/DP/DWD (23) Non-P/DP/DWD (Other) Tort <input type="checkbox"/> Business tort/unfair business practice (07) <input type="checkbox"/> Civil rights (08) <input type="checkbox"/> Defamation (13) <input type="checkbox"/> Fraud (18) <input type="checkbox"/> Intellectual property (19) <input type="checkbox"/> Professional negligence (25) <input type="checkbox"/> Other non-P/DP/DWD tort (35) Employment <input type="checkbox"/> Wrongful termination (36) <input type="checkbox"/> Other employment (15)	Contract <input type="checkbox"/> Breach of contract/warranty (06) <input type="checkbox"/> Rule 3.740 collections (09) <input type="checkbox"/> Other collections (09) <input type="checkbox"/> Insurance coverage (18) <input type="checkbox"/> Other contract (37) Real Property <input type="checkbox"/> Eminent domain/inverse condemnation (14) <input type="checkbox"/> Wrongful eviction (33) <input type="checkbox"/> Other real property (26) Unlawful Detainer <input type="checkbox"/> Commercial (31) <input checked="" type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (38) Judicial Review <input type="checkbox"/> Asset forfeiture (05) <input type="checkbox"/> Petition re. arbitration award (11) <input type="checkbox"/> Writ of mandate (02) <input type="checkbox"/> Other judicial review (39)	Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403) <input type="checkbox"/> Antitrust/Trade regulation (03) <input type="checkbox"/> Construction defect (10) <input type="checkbox"/> Mass tort (40) <input type="checkbox"/> Securities litigation (28) <input type="checkbox"/> Environmental/Toxic tort (30) <input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41) Enforcement of Judgment <input type="checkbox"/> Enforcement of judgment (20) Miscellaneous Civil Complaint <input type="checkbox"/> RICO (27) <input type="checkbox"/> Other complaint (not specified above) (42) Miscellaneous Civil Petition <input type="checkbox"/> Partnership and corporate governance (21) <input type="checkbox"/> Other petition (not specified above) (43)
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2. This case ☐ is ☒ is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
- | | |
|--|--|
| a. <input type="checkbox"/> Large number of separately represented parties
b. <input type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve
c. <input type="checkbox"/> Substantial amount of documentary evidence | d. <input type="checkbox"/> Large number of witnesses
e. <input type="checkbox"/> Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court
f. <input type="checkbox"/> Substantial postjudgment judicial supervision |
|--|--|
3. Remedies sought (check all that apply): a. ☒ monetary b. ☒ nonmonetary; declaratory or injunctive relief c. ☐ punitive
4. Number of causes of action (specify): One: Unlawful Detainer
5. This case ☐ is ☒ is not a class action suit.
6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)
- Date: September 16, 2024
- Sierra McGinn Smith

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions
- File this cover sheet in addition to any cover sheet required by local court rule
- If this case is complex under rule 3.400 of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

Page 1 of 2

INSTRUCTIONS ON HOW TO COMPLETE THE COVER SHEET

CM-010

To Plaintiffs and Others Filing First Papers. If you are filing a first paper (for example, a complaint) in a civil case, you must complete and file, along with your first paper, the Civil Case Cover Sheet contained on page 1. This information will be used to compile statistics about the types and numbers of cases filed. You must complete items 1 through 6 on the sheet. In item 1, you must check one box for the case type that best describes the case. If the case fits both a general and a more specific type of case listed in item 1, check the more specific one. If the case has multiple causes of action, check the box that best indicates the **primary** cause of action. To assist you in completing the sheet, examples of the cases that belong under each case type in item 1 are provided below. A cover sheet must be filed only with your initial paper. Failure to file a cover sheet with the first paper filed in a civil case may subject a party, its counsel, or both to sanctions under rules 2.30 and 3.220 of the California Rules of Court.

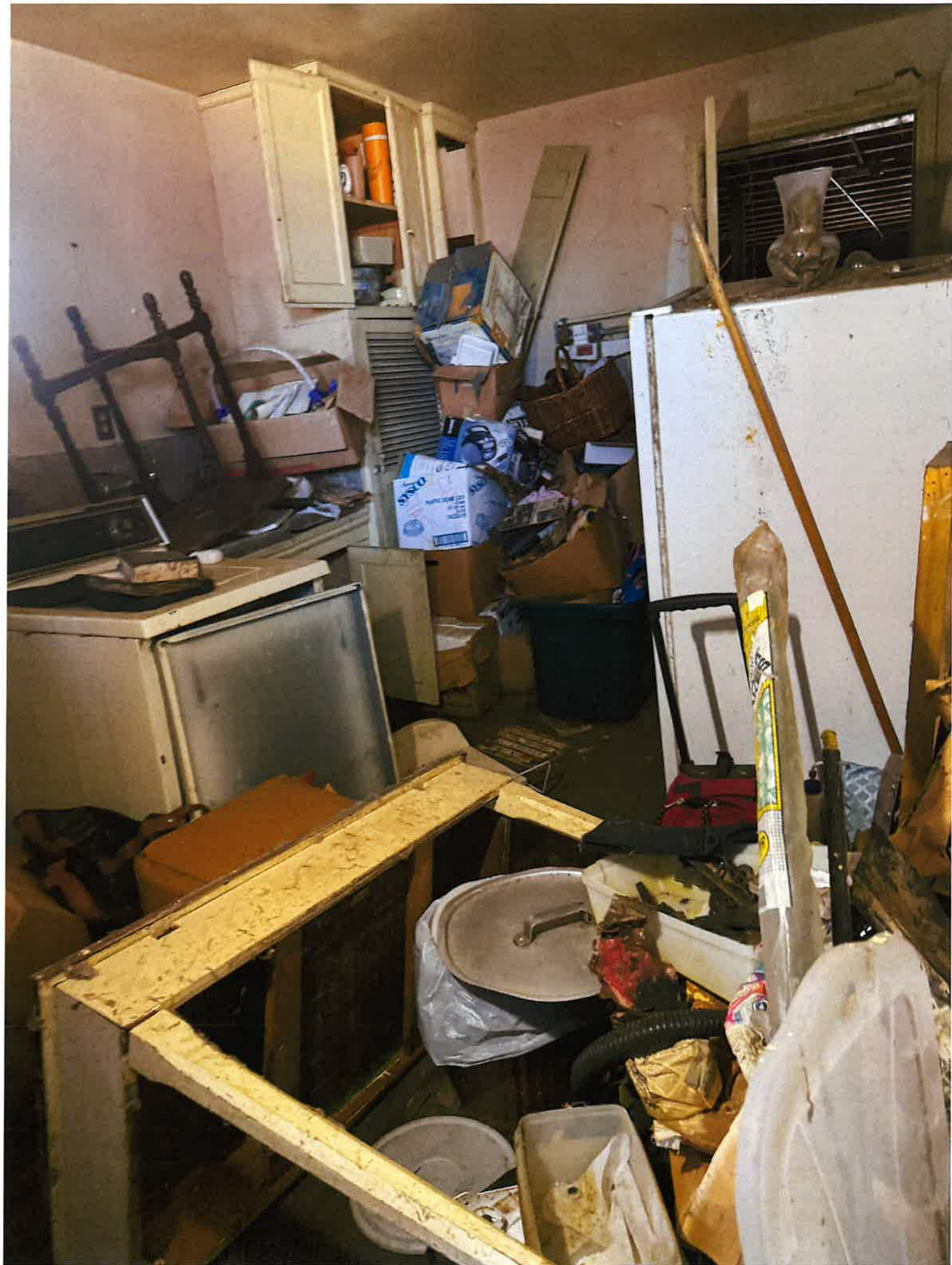
To Parties in Rule 3.740 Collections Cases. A "collections case" under rule 3.740 is defined as an action for recovery of money owed in a sum stated to be certain that is not more than \$25,000, exclusive of interest and attorney's fees, arising from a transaction in which property, services, or money was acquired on credit. A collections case does not include an action seeking the following: (1) tort damages, (2) punitive damages, (3) recovery of real property, (4) recovery of personal property, or (5) a prejudgment writ of attachment. The identification of a case as a rule 3.740 collections case on this form means that it will be exempt from the general time-for-service requirements and case management rules, unless a defendant files a responsive pleading. A rule 3.740 collections case will be subject to the requirements for service and obtaining a judgment in rule 3.740.

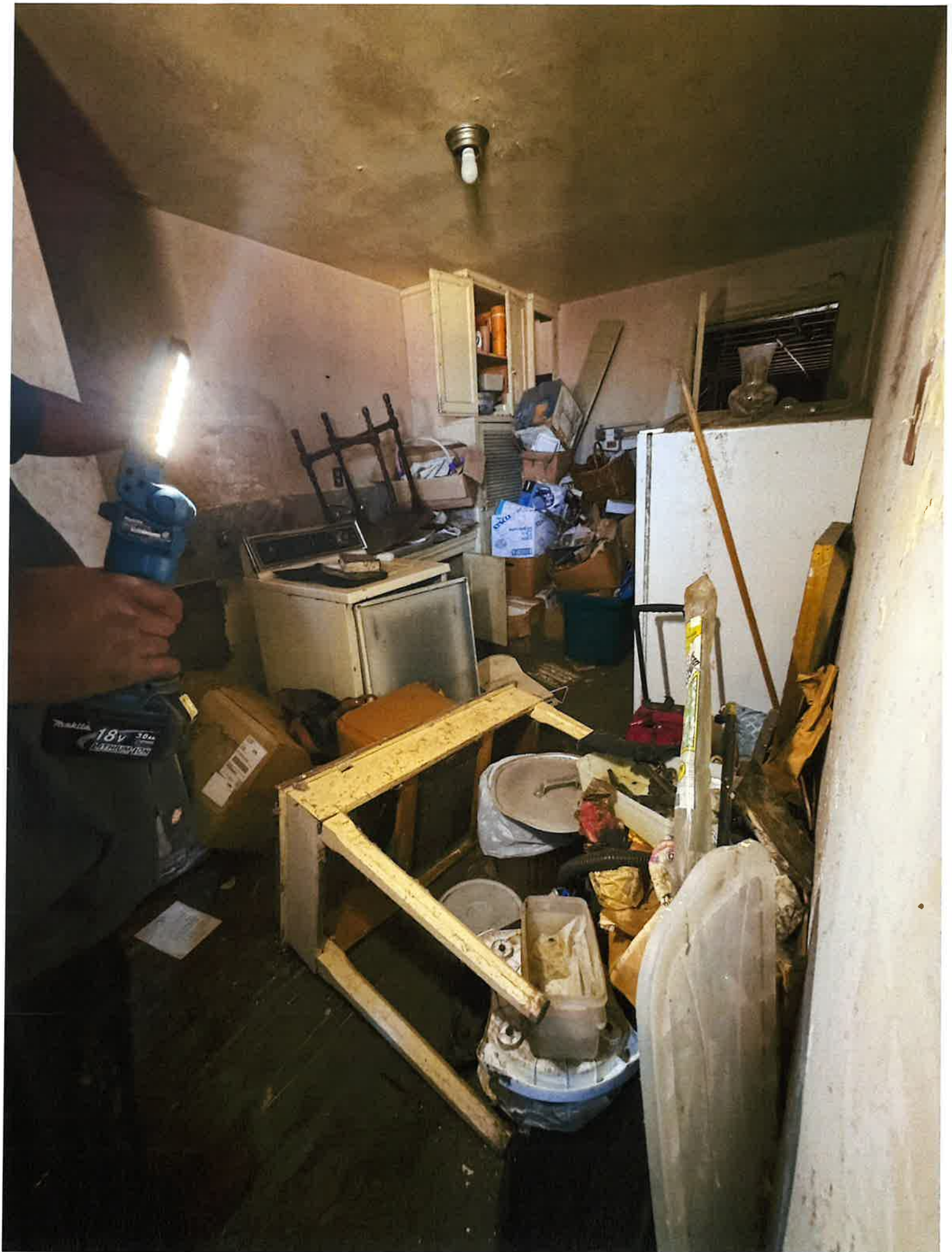
To Parties in Complex Cases. In complex cases only, parties must also use the Civil Case Cover Sheet to designate whether the case is complex. If a plaintiff believes the case is complex under rule 3.400 of the California Rules of Court, this must be indicated by completing the appropriate boxes in items 1 and 2. If a plaintiff designates a case as complex, the cover sheet must be served with the complaint on all parties to the action. A defendant may file and serve no later than the time of its first appearance a joinder in the plaintiff's designation, a counter-designation that the case is not complex, or, if the plaintiff has made no designation, a designation that the case is complex.

CASE TYPES AND EXAMPLES

Auto Tort Auto (22)–Personal Injury/Property Damage/Wrongful Death Uninsured Motorist (46) (<i>if the case involves an uninsured motorist claim subject to arbitration, check this item instead of Auto</i>) Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort Asbestos (04) Asbestos Property Damage Asbestos Personal Injury/Wrongful Death Product Liability (<i>not asbestos or toxic/environmental</i>) (24) Medical Malpractice (45) Medical Malpractice–Physicians & Surgeons Other Professional Health Care Malpractice Other PI/PD/WD (23) Premises Liability (e.g., slip and fall) Intentional Bodily Injury/PD/WD (e.g., assault, vandalism) Intentional Infliction of Emotional Distress Negligent Infliction of Emotional Distress Other PI/PD/WD Non-PI/PD/WD (Other) Tort Business Tort/Unfair Business Practice (07) Civil Rights (e.g., discrimination, false arrest) (<i>not civil harassment</i>) (08) Defamation (e.g., slander, libel) (13) Fraud (16) Intellectual Property (19) Professional Negligence (25) Legal Malpractice Other Professional Malpractice (<i>not medical or legal</i>) Other Non-PI/PD/WD Tort (35) Employment Wrongful Termination (36) Other Employment (15)	Contract Breach of Contract/Warranty (06) Breach of Rental/Lease Contract (<i>not unlawful detainer or wrongful eviction</i>) Contract/Warranty Breach–Seller Plaintiff (<i>not fraud or negligence</i>) Negligent Breach of Contract/Warranty Other Breach of Contract/Warranty Collections (e.g., money owed, open book accounts) (09) Collection Case–Seller Plaintiff Other Promissory Note/Collections Case Insurance Coverage (<i>not provisionally complex</i>) (18) Auto Subrogation Other Coverage Other Contract (37) Contractual Fraud Other Contract Dispute Real Property Eminent Domain/Inverse Condemnation (14) Wrongful Eviction (33) Other Real Property (e.g., quiet title) (26) Writ of Possession of Real Property Mortgage Foreclosure Quiet Title Other Real Property (<i>not eminent domain, landlord/tenant, or foreclosure</i>) Unlawful Detainer Commercial (31) Residential (32) Drugs (38) (<i>if the case involves illegal drugs, check this item; otherwise, report as Commercial or Residential</i>) Judicial Review Asset Forfeiture (05) Petition Re: Arbitration Award (11) Writ of Mandate (02) Writ–Administrative Mandamus Writ–Mandamus on Limited Court Case Matter Writ–Other Limited Court Case Review Other Judicial Review (39) Review of Health Officer Order Notice of Appeal–Labor Commissioner Appeals	Provisionally Complex Civil Litigation (Cal. Rules of Court Rules 3.400–3.403) Antitrust/Trade Regulation (03) Construction Defect (10) Claims Involving Mass Tort (40) Securities Litigation (28) Environmental/Toxic Tort (30) Insurance Coverage Claims (<i>arising from provisionally complex case type listed above</i>) (41) Enforcement of Judgment Enforcement of Judgment (20) Abstract of Judgment (Out of County) Confession of Judgment (<i>non-domestic relations</i>) Sister State Judgment Administrative Agency Award (<i>not unpaid taxes</i>) Petition/Certification of Entry of Judgment on Unpaid Taxes Other Enforcement of Judgment Case Miscellaneous Civil Complaint RICO (27) Other Complaint (<i>not specified above</i>) (42) Declaratory Relief Only Injunctive Relief Only (<i>non-harassment</i>) Mechanics Lien Other Commercial Complaint Case (<i>non-tort/non-complex</i>) Other Civil Complaint (<i>non-tort/non-complex</i>) Miscellaneous Civil Petition Partnership and Corporate Governance (21) Other Petition (<i>not specified above</i>) (43) Civil Harassment Workplace Violence Elder/Dependent Adult Abuse Election Contest Petition for Name Change Petition for Relief From Late Claim Other Civil Petition
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EXHIBIT B







ORDER OF ABATEMENT

March 20, 2025

Owner:

LORRAINE SMITH LIVING TRUST
LORRIANE SMITH, TRUSTEE
966 KEY AVE SAN FRANCISCO CA 94124

Property Address: 970 KEY AV,

Block: 4993 Lot: 018 Seq: 01
Tract: 610 Case: BW0
Complaint: 202420002A

Inspector/Division: McConn

ORDER OF ABATEMENT UNDER SAN FRANCISCO BUILDING CODE SECTION 102A.6 & 102A.7 ORDER NO. **202420002A**

HEARING OF THE COMPLAINT OF THE DIRECTOR OF THE DEPARTMENT OF BUILDING INSPECTION AGAINST THE PROPERTY AT THE LOCATION SHOWN ABOVE WAS HELD ON **March 18, 2025** IN ACCORDANCE WITH THE SAN FRANCISCO BUILDING CODE SECTION 102A5. THE HEARING WAS CONDUCTED BY A REPRESENTATIVE OF THE DIRECTOR. **THE OWNER WAS NOT 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# 202420002 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, Code Enforcement
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

Date: March 24, 2025

Property Address: 970 KEY AV

Block: 4993 Lot: 018 Seq.: 01

Inspector: **Declan McConn**

Director's Order Number:

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

To:

LORRAINE SMITH LIVING TRUST
LORRIANE SMITH, TRUSTEE
966 KEY AVE
SAN FRANCISCO CA 94124

Dear Property Owner(s):

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 : **\$4986.64.**

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

Daniel Lurie, 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)

Owner LORRAINE SMITH LIVING TRU
LORRAINE SMITH LIVING TRU
LORRIANE SMITH, TRUSTEE
966 KEY AVE
SAN FRANCISCO CA 94124

Date March 24, 2025

Complaint Number 202420002

Block 4993 **Lot** 018

Address 970 KEY AV

Prepared by Declan McConn

Reviewed by S. Jew

Amount Now Due and Payable

\$4,986.64

Comments MMF from 8/15/25 to 3/19/25 (7 months)

Payment for the items indicated:

Date	Action	Staff	Time in hrs	Rate	Amount
03/14/24	Issued Notice of Violation and Data entry	Inspector	.75	\$280.00	\$210.00
08/15/24	Issued Final Warning Letter	Inspector	.25	\$280.00	\$70.00
08/16/24	Researched permit history/status	Inspector	.25	\$280.00	\$70.00
08/16/24	Reviewed and approved case for Director's Hearing	Inspector	.75	\$280.00	\$210.00
08/16/24	Case review, Scheduling and Data entry	Inspector	.25	\$280.00	\$70.00
08/16/24	Case intake and Data entry	Clerical	.5	\$166.64	\$83.32
09/06/24	Telephone calls/Office visits (Owner/Agent)	Inspector	.25	\$280.00	\$70.00
09/16/24	Research Title and Prepare case for Director's Hearing	Clerical	1	\$166.64	\$166.64
09/17/24	Posted Notice of Director's Hearing	Inspector	.5	\$280.00	\$140.00
09/17/24	Case review, Scheduling and Data entry	Inspector	.25	\$280.00	\$70.00
09/18/24	Processed photos	Inspector	.25	\$280.00	\$70.00
09/18/24	Certified Mailing	Clerical	.5	\$166.64	\$83.32
09/27/24	Telephone calls/Office visits (Owner/Agent)	Inspector	.25	\$280.00	\$70.00
10/01/24	Hearing Appearance and Summary	Inspector	.25	\$280.00	\$70.00
10/01/24	Posted Hearing Case Update	Clerical	.25	\$166.64	\$41.66
12/06/24	Telephone calls/Office visits (Owner/Agent)	Inspector	.25	\$280.00	\$70.00
12/18/24	Reviewed and approved case for Director's Hearing	Inspector	.75	\$280.00	\$210.00
01/07/25	Research Title and Prepare case for Director's Hearing	Clerical	1	\$166.64	\$166.64
01/08/25	Posted Notice of Director's Hearing	Inspector	.5	\$280.00	\$140.00
01/08/25	Case review, Scheduling and Data entry	Inspector	.25	\$280.00	\$70.00
01/08/25	Processed photos	Inspector	.25	\$280.00	\$70.00
01/10/25	Certified Mailing	Clerical	.5	\$166.64	\$83.32
01/29/25	Case review, Scheduling and Data entry	Inspector	.25	\$280.00	\$70.00

* 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.



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)

02/04/25	Hearing Appearance and Summary	Inspector	.25	\$280.00	\$70.00
02/04/25	Reviewed and approved case for Director's Hearing	Inspector	.75	\$280.00	\$210.00
02/04/25	Posted Hearing Case Update	Clerical	.25	\$166.64	\$41.66
02/19/25	Prepare Case for Continued Director's Hearing	Clerical	.5	\$166.64	\$83.32
02/19/25	Certified Mailing	Clerical	.5	\$166.64	\$83.32
03/13/25	Case review, Scheduling and Data entry	Inspector	.25	\$280.00	\$70.00
03/14/25	Telephone calls/Office visits (Owner/Agent)	Inspector	.25	\$280.00	\$70.00
03/18/25	Hearing Appearance and Summary	Inspector	.25	\$280.00	\$70.00
03/18/25	Issued Order of Abatement	Inspector	.25	\$280.00	\$70.00
03/18/25	Building Official's Abatement Order (2 hr min.)	Building Official	2	\$280.00	\$560.00
03/18/25	Posted Hearing Case Update	Clerical	.25	\$166.64	\$41.66
03/19/25	Researched permit history/status	Inspector	.25	\$280.00	\$70.00
03/19/25	Case review, Scheduling and Data entry	Inspector	.25	\$280.00	\$70.00
03/19/25	Prepared Assessment of Costs	Inspector	.25	\$280.00	\$70.00
03/19/25	Monthly Violation Monitoring Fee (Ordinance 180-10)	Other Clerical	3.5	\$199.57	\$698.50
03/24/25	Prepared Order of Abatement	Clerical	.5	\$166.64	\$83.32
03/24/25	Case Update and Maintenance	Clerical	1	\$166.64	\$166.64
03/28/25	Certified Mailing	Clerical	.5	\$166.64	\$83.32
				*Total to Date	\$4,986.64

*** 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.**



ORDER OF ABATEMENT

March 20, 2025

Owner:

LORRAINE SMITH LIVING TRUST
LORRIANE SMITH, TRUSTEE
966 KEY AVE SAN FRANCISCO CA 94124

Property Address: 970 KEY AV,

Block: 4993 Lot: 018 Seq: 01
Tract: 610 Case: BW0
Complaint: 202420002A

Inspector/Division: McConn

ORDER OF ABATEMENT UNDER SAN FRANCISCO BUILDING CODE SECTION 102A.6 & 102A.7 ORDER NO. **202420002A**

HEARING OF THE COMPLAINT OF THE DIRECTOR OF THE DEPARTMENT OF BUILDING INSPECTION AGAINST THE PROPERTY AT THE LOCATION SHOWN ABOVE WAS HELD ON **March 18, 2025** IN ACCORDANCE WITH THE SAN FRANCISCO BUILDING CODE SECTION 102A5. THE HEARING WAS CONDUCTED BY A REPRESENTATIVE OF THE DIRECTOR. **THE OWNER WAS NOT 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# 202420002 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, Code Enforcement
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

Date: March 24, 2025

Property Address: 970 KEY AV

Block: 4993 Lot: 018 Seq.: 01

Inspector: **Declan McConn**

Director's Order Number:

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

To:

LORRAINE SMITH LIVING TRUST
LORRIANE SMITH, TRUSTEE
966 KEY AVE
SAN FRANCISCO CA 94124

Dear Property Owner(s):

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 : **\$4986.64**.

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

Daniel Lurie, 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)

Owner LORRAINE SMITH LIVING TRU
LORRAINE SMITH LIVING TRU
LORRIANE SMITH, TRUSTEE
966 KEY AVE
SAN FRANCISCO CA 94124

Date March 24, 2025

Complaint Number 202420002

Block 4993 **Lot** 018

Address 970 KEY AV

Prepared by Declan McConn

Reviewed by S. Jew

Amount Now Due and Payable

\$4,986.64

Comments MMF from 8/15/25 to 3/19/25 (7 months)

Payment for the items indicated:

Date	Action	Staff	Time in hrs	Rate	Amount
03/14/24	Issued Notice of Violation and Data entry	Inspector	.75	\$280.00	\$210.00
08/15/24	Issued Final Warning Letter	Inspector	.25	\$280.00	\$70.00
08/16/24	Researched permit history/status	Inspector	.25	\$280.00	\$70.00
08/16/24	Reviewed and approved case for Director's Hearing	Inspector	.75	\$280.00	\$210.00
08/16/24	Case review, Scheduling and Data entry	Inspector	.25	\$280.00	\$70.00
08/16/24	Case intake and Data entry	Clerical	.5	\$166.64	\$83.32
09/06/24	Telephone calls/Office visits (Owner/Agent)	Inspector	.25	\$280.00	\$70.00
09/16/24	Research Title and Prepare case for Director's Hearing	Clerical	1	\$166.64	\$166.64
09/17/24	Posted Notice of Director's Hearing	Inspector	.5	\$280.00	\$140.00
09/17/24	Case review, Scheduling and Data entry	Inspector	.25	\$280.00	\$70.00
09/18/24	Processed photos	Inspector	.25	\$280.00	\$70.00
09/18/24	Certified Mailing	Clerical	.5	\$166.64	\$83.32
09/27/24	Telephone calls/Office visits (Owner/Agent)	Inspector	.25	\$280.00	\$70.00
10/01/24	Hearing Appearance and Summary	Inspector	.25	\$280.00	\$70.00
10/01/24	Posted Hearing Case Update	Clerical	.25	\$166.64	\$41.66
12/06/24	Telephone calls/Office visits (Owner/Agent)	Inspector	.25	\$280.00	\$70.00
12/18/24	Reviewed and approved case for Director's Hearing	Inspector	.75	\$280.00	\$210.00
01/07/25	Research Title and Prepare case for Director's Hearing	Clerical	1	\$166.64	\$166.64
01/08/25	Posted Notice of Director's Hearing	Inspector	.5	\$280.00	\$140.00
01/08/25	Case review, Scheduling and Data entry	Inspector	.25	\$280.00	\$70.00
01/08/25	Processed photos	Inspector	.25	\$280.00	\$70.00
01/10/25	Certified Mailing	Clerical	.5	\$166.64	\$83.32
01/29/25	Case review, Scheduling and Data entry	Inspector	.25	\$280.00	\$70.00

* 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.

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

LORRAINE SMITH LIVING TRUST
966 KEY AVE
SAN FRANCISCO, CA 94124
sj: OOA 970 KEY AV 202420002



9590 9402 6815 1074 4683 70

2. Article Number (Transfer from service label)

9589 0710 5270 1862 8380 98

PS Form 3811, July 2020 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X Mail Box

- ☐ Agent
- ☐ Addressee

B. Received by (Printed Name)

Mail Box

C. Date of Delivery

04/03/25

D. Is delivery address different from item 1? If YES, enter delivery address below:

- ☐ Yes
- ☐ No

APR 4 2025

CODE ENFORCEMENT
CCSF - DBI

3. Service Type

- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☐ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery
- ☐ Insured Mail
- ☐ Priority Mail Express®
- ☐ Registered Mail™
- ☐ Registered Mail Restricted Delivery
- ☐ Signature Confirmation™
- ☐ Signature Confirmation Restricted Delivery
- ☐ Mail Restricted Delivery

Domestic Return Receipt

9589 0710 5270 1862 8380 98

U.S. Postal Service[™]
CERTIFIED MAIL[®] RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com.

OFFICIAL USE

Certified Mail Fee

\$

Extra Services & Fees (check box, add fee as appropriate)

- | | | |
|--|----|--|
| <input type="checkbox"/> Return Receipt (hardcopy) | \$ | |
| <input type="checkbox"/> Return Receipt (electronic) | \$ | |
| <input type="checkbox"/> Certified Mail Restricted Delivery | \$ | |
| <input type="checkbox"/> Adult Signature Required | \$ | |
| <input type="checkbox"/> Adult Signature Restricted Delivery | \$ | |

Postmark
Here

Postage

LORRAINE SMITH LIVING TRUST

966 KEY AVE

SAN FRANCISCO, CA 94124

sj: OOA 970 KEY AV 202420002



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

DEPARTMENT OF BUILDING INSPECTION **NOTICE:** 1
City and County of San Francisco
49 South Van Ness Ave, Suite 400 San Francisco, CA

NUMBER: 202420002
DATE: 14-MAR-24

ADDRESS: 970 KEY AV

OCCUPANCY/USE: ()

BLOCK: 4993 **LOT:** 018

☐ 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: LORRAINE SMITH LIVING TRUST
MAILING LORRAINE SMITH LIVING TRUST
ADDRESS LORRIANE SMITH, TRUSTEE
 966 KEY AVE
 SAN FRANCISCO CA 94124

PHONE #: --

PERSON CONTACTED @ SITE: LORRAINE SMITH LIVING TRUST

PHONE #: --

VIOLATION DESCRIPTION:

CODE/SECTION#

- | | |
|--|--|
| <input type="checkbox"/> WORK WITHOUT PERMIT | |
| <input type="checkbox"/> ADDITIONAL WORK-PERMIT REQUIRED | |
| <input type="checkbox"/> EXPIRED OR <input type="checkbox"/> CANCELLED PERMIT PA#: | |
| <input type="checkbox"/> UNSAFE BUILDING <input type="checkbox"/> SEE ATTACHMENTS | |

As observed during complaint inspection: Flooding down to lower street properties from unknown water leak at home. SFWater and SFFD checked for - identified & shut off the domestic water meter at 970 Key Ave.: Check & repair water service to restore.
A monthly monitoring fee will be assessed. Sec 110A, Table 1A-K
Code/Section: CPC Chapters: 1-5.

CORRECTIVE ACTION:

- ☐ **STOP ALL WORK SFBC 104A.2.4** (628)652-3400
- ☐ **FILE BUILDING PERMIT WITHIN DAYS** ☐ **(WITH PLANS)** A copy of This Notice Must Accompany the Permit Application
- ☒ **OBTAIN PERMIT WITHIN 15 DAYS AND COMPLETE ALL WORK WITHIN 30 DAYS, INCLUDING FINAL INSPECT AND SIGN OFF.**
- ☒ **CORRECT VIOLATIONS WITHIN 30 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.

Hire state licensed contractor, obtain permit and make any required repairs, call for inspection.

INVESTIGATION FEE OR OTHER FEE WILL APPLY

- | | | |
|--|--|-------------------------------------|
| <input type="checkbox"/> 9x FEE (WORK W/O PERMIT AFTER 9/1/60) | <input type="checkbox"/> 2x FEE (WORK EXCEEDING SCOPE OF PERMIT) | <input type="checkbox"/> NO PENALTY |
| <input type="checkbox"/> OTHER: | <input type="checkbox"/> REINSPECTION FEE \$ | (WORK W/O PERMIT PRIOR TO 9/ |

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: Michael J Allen

PHONE # (628)652-3400

DIVISION: PID

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 fee can 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. **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 for each 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 tax and bank and corporate income tax interest, depreciation or taxes attributable to such substandard structure. If correction work is not completed or being done 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 1 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 for six months for each separate offense for every day such offense occurs.

De acuerdo a las Secciones 107.5 y 106.4.7 de el Código de Construcción de Edificios de San Francisco, gastos de investigación serán cobrados por trabajo empezado sin los debidos permisos o por trabajo que exceda el limite 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 cobraran al dueño del edificio o la propiedad será embargada para recuperar los 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 multe inmediatamente \$100 por cada primer caso de inconformidad, seguido 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 se termina o esta diligentemente, rápidamente y continuamente acusado después de seis (6) 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 Edificios de San Francisco impone multas civiles hasta de \$500 por cada día a cualquier persona que infrinja, desobee, omita, descuide, rehusa cumplir, resiste o se opone a la ejecución de las provisiones de este código. Esta sección también impone multas por delito menor, si es declarada 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.

根據《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，調查費可以向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、以糾正上述違章行為，將導致建築檢查局付諸強制糾正程序的執行。倘對此房地產頒發的強制糾正程序令一經在市府備案，則自這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，則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，或者沒有進行必要的維護工程，我們將根據《國家稅收法規》(即 Revenue & Taxation Code) (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、蔑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，將付最重的民事罰款。此法規還規定對違法者，如果被判罪，對每天所發生的、每一單獨行為，將付不超過 500 元的罰款，和/或者監禁六個月。



DEPARTMENT OF BUILDING INSPECTION

Inspection Services

City and County of San Francisco

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

(628) 652-3240 Website: www.sfdbi.org

DATE: 08/15/2024

PROPERTY ADDRESS:

970 KEY AV

LORRAINE SMITH LIVING TRUST

LORRAINE SMITH LIVING TRUST

LORRIANE SMITH, TRUSTEE

966 KEY AVE

SAN FRANCISCO CA 94124

--

BLOCK: 4993 LOT: 018

Plumbing Complaint #: 202420002

NOTICE OF VIOLATION FINAL WARNING

Dear Property Owner(s):

NOTICE OF VIOLATION OUTSTANDING:

On 03/14/2024 your property was inspected and/or a Notice of Violation was issued informing you of required code abatement, and warnings for failure to comply. The time period to correct all cited code violations indicated in this Notice has passed, and the Department records indicate that the required code abatement work remains outstanding. Your case has been referred to the Code Enforcement Division for enforcement.

ASSESSMENT OF COSTS NOW IMPOSED:

Therefore, pursuant to Section 102A.3 of the San Francisco Building Code you will be assessed costs arising from department time accrued pertaining but not limited to: (1) site inspections and reinspections, (2) case management, update, and data entry, (3) case inquiries (meetings, office visits, phone calls, emails, response to correspondence etc), (4) permit history research, (5) notice/hearing preparation, (6) staff appearances/reports at hearings, (7) case referrals, and (8) monthly violation monitoring.

AVOID FURTHER ASSESSMENT:

To keep the assessment of costs at a minimum, and avoid the accrual of further time spent on the actions above such as administrative hearing preparation, and monthly violation monitoring, etc., please complete all work within thirty (30) days. Contact the Code Enforcement Division at (628) 652-3430 if you have questions concerning the referenced Notice of Violation.

IF PERMITS ARE REQUIRED:

Please note that you must also obtain all necessary building, plumbing, and/or electrical permits. Obtain final sign-off from the Building Inspector on the building job card and sign-offs from the Plumbing or Electrical Inspectors for the plumbing permit or for the electrical permit. Otherwise, the work will be deemed incomplete.

CASE WILL BE CLOSED WHEN ALL WORK & ASSESSMENT OF COSTS PAID:

This case will not be closed and assessment of costs will continue to accrue until (1) all required work is completed as verified by site inspections, (2) final sign-offs are obtained for all required permits, and (3) all assessment of costs are paid.

YOUR PROMPT ACTION IS REQUESTED & APPRECIATED!



COMPLAINT DATA SHEET

COMPLAINT NUMBER : 202420002

OWNER/AGENT: LORRAINE SMITH LIVING TRUST
LORRAINE SMITH LIVING TRUST
LORRIANE SMITH, TRUSTEE
966 KEY AVE
SAN FRANCISCO CA
94124

DATE FILED: 26-FEB-24

LOCATION: 970 KEY AV

BLOCK: 4993 **LOT:** 018

SITE:

RATING: **OCCUPANCY CODE :**

OWNER'S PHONE:

CONTACT NAME:

CONTACT PHONE:

RECEIVED BY: Julie Yu **DIVISION:** INS

COMPLAINT SOURCE: TELEPHONE

COMPLAINANT: Leneta Anderson

ASSIGNED TO DIVISION: CES

COMPLAINANT'S PHONE 4156086519

DESCRIPTION: leak coming from 970 Key Av property causing water to run down hill to below neighbor properties - 1075 and 1081 Jamestown. Causing mold and mildew to properties on Jamestown.

INSTRUCTIONS:

INSPECTOR CURRENTLY ASSIGNED

DIVISION	INSPECTOR	ID	DISTRICT	PRIORITY
CES	MCCONN	6960		

REFERRAL INFORMATION

DATE	REFERRED BY	TO	COMMENT
15-AUG-24	Suzanna Wong	CES	Per Michael Allen

COMPLAINT STATUS AND COMMENTS

DATE	TYPE	INSPECTOR	STATUS	COMMENT	UPDATED BY	DIVIS
26-FEB-24	CASE OPENED	M ALLEN	CASE RECEIVED		Julie Yu 26-FEB-24	INS
27-FEB-24	CASE OPENED	M ALLEN	CASE UPDATE	Research permit - none. Site insp - access allowed at lower prop. Discussed compl. They stated water dept ; fire dept shut off water meter . Observed flood affected areas - currently now dry. Water stopped with action at (970). Left card & info at prop from door - Meter currently off - Check further info with Water dept . - NOV to follow	Michael Allen 27-FEB-24	PID
14-MAR-24	CASE OPENED	M ALLEN	CASE UPDATE	PTS check - no permit. no contact. NOV : unknown water leak ; NOV written - posted	Michael Allen 14-MAR-24	PID
14-MAR-24	OTHER BLDG/HOUSING VIOLATION	M ALLEN	FIRST NOV SENT	1st NOV issued. MA/tt	Thu Ha Thi Truong 14-MAR-24	INS



COMPLAINT DATA SHEET

COMPLAINT NUMBER : 202420002

COMPLAINT STATUS AND COMMENTS

DATE	TYPE	INSPECTOR	STATUS	COMMENT	UPDATED BY	DIVIS
14-MAR-24	OTHER BLDG/HOUSING VIOLATION	M ALLEN	CASE UPDATE	1st NOV mailed. MA/tt	Thu Ha Thi Truong 14-MAR-24	INS
15-AUG-24	OTHER PLUMB VIOLATN	M ALLEN	CASE UPDATE	Final warning letter mailed and referred to CES per MA; slw	Suzanna Wong 15- AUG-24	BIE
15-AUG-24	OTHER BLDG/HOUSING VIOLATION	M ALLEN	FINAL WARNING LETTER SENT	Refer to CES final letter sent.	David Ledda 15- AUG-24	PID
15-AUG-24	GENERAL MAINTENANCE	M ALLEN	REFERRED TO OTHER DIV	transfer to div CES	Suzanna Wong 15- AUG-24	BIE
16-AUG-24	OTHER PLUMB VIOLATN	J NG	CASE UPDATE	Case reviewed and reassigned to Inspector McConn. -jn	Joe Ng 16-AUG-24	CES
16-AUG-24	OTHER PLUMB VIOLATN	D MCCONN	CASE UPDATE	Case received in CES - sj	Susan Jew 16-AUG- 24	CES
16-AUG-24	OTHER PLUMB VIOLATN	D MCCONN	CASE UPDATE	research permit history / Status no permit found -DMC	Declan McConn 16- AUG-24	CES
16-AUG-24	OTHER PLUMB VIOLATN	D MCCONN	CASE UPDATE	case update / ok to send to DH on 10/1/24 - DMC	Declan McConn 16- AUG-24	CES
06-SEP-24	GENERAL MAINTENANCE	D MCCONN	CASE UPDATE	reserved voice mail from rep of owner. I call them back and go no reply	Declan McConn 08- JAN-25	CES
16-SEP-24	OTHER BLDG/HOUSING VIOLATION	D MCCONN	CASE UPDATE	Prepared DH packet. SB	Sonya Bryant 16- SEP-24	CES
17-SEP-24	OTHER BLDG/HOUSING VIOLATION	D MCCONN	CASE UPDATE	went out site to post D/H notice and take pictures ; DMC	Declan McConn 17- SEP-24	CES
17-SEP-24	OTHER BLDG/HOUSING VIOLATION	D MCCONN	CASE UPDATE	Case update/ signed affidavit- DMC	Declan McConn 17- SEP-24	CES
18-SEP-24	OTHER BLDG/HOUSING VIOLATION	D MCCONN	CASE UPDATE	Cert mailed DH packet to owners on file. SB	Sonya Bryant 18- SEP-24	CES
18-SEP-24	OTHER BLDG/HOUSING VIOLATION	D MCCONN	CASE UPDATE	Case update / uploaded photos to file - DMC	Declan McConn 18- SEP-24	CES
26-SEP-24	OTHER BLDG/HOUSING VIOLATION	D MCCONN	CASE UPDATE	Case update / prepared HIF for DH - DMC	Declan McConn 26- SEP-24	CES
27-SEP-24	OTHER BLDG/HOUSING VIOLATION	D MCCONN	CASE UPDATE	case update / email Andrew and informed him to bring all info he has to the D/H - DMC	Declan McConn 27- SEP-24	CES
01-OCT-24	OTHER BLDG/HOUSING VIOLATION	J NG	DIRECTOR'S HEARING DECISION	P/ RTS for 60 days per H.O. (R. Farrow). -jn	Joe Ng 01-OCT-24	CES



COMPLAINT DATA SHEET

COMPLAINT NUMBER : 202420002

COMPLAINT STATUS AND COMMENTS

DATE	TYPE	INSPECTOR	STATUS	COMMENT	UPDATED BY	DIVIS
06-DEC-24	OTHER BLDG/HOUSING VIOLATION	D MCCONN	CASE UPDATE	case update / received email from owner's rep to update me on status of the NOV - DMC	Declan McConn 06-DEC-24	CES
18-DEC-24	OTHER BLDG/HOUSING VIOLATION	D MCCONN	CASE UPDATE	case update / ok to send to DH on 2/4/25 - DMC	Declan McConn 08-JAN-25	CES
07-JAN-25	OTHER BLDG/HOUSING VIOLATION	D MCCONN	CASE UPDATE	prepared 2/4/2025 DH posting packet - sj	Susan Jew 07-JAN-25	CES
08-JAN-25	OTHER BLDG/HOUSING VIOLATION	D MCCONN	CASE UPDATE	case update / went out to site to post DH notice and take pictures - DMC	Declan McConn 08-JAN-25	CES
08-JAN-25	OTHER BLDG/HOUSING VIOLATION	D MCCONN	CASE UPDATE	case update / signed affidavit - DMC	Declan McConn 08-JAN-25	CES
08-JAN-25	OTHER BLDG/HOUSING VIOLATION	D MCCONN	CASE UPDATE	case update / uploaded photos to file - DMC	Declan McConn 08-JAN-25	CES
10-JAN-25	OTHER BLDG/HOUSING VIOLATION	D MCCONN	CASE UPDATE	Cert Mailed DH packet to owners on file - sj	Susan Jew 10-JAN-25	CES
29-JAN-25	OTHER BLDG/HOUSING VIOLATION	D MCCONN	CASE UPDATE	case update / prepare HIF for Director Hearing - DMC	Declan McConn 29-JAN-25	CES
04-FEB-25	OTHER BLDG/HOUSING VIOLATION	M HERNANDEZ	DIRECTOR'S HEARING DECISION	30 day continuance granted per H.O(B.H). Owner to provide progress of completion with CES inspector or at the next DH. Owner present at DH. MH	Mauricio Hernandez 04-FEB-25	CES
04-FEB-25	OTHER BLDG/HOUSING VIOLATION	D MCCONN	CASE UPDATE	case update / ok to resend to DH on 3/18/25 - DMC	Declan McConn 04-FEB-25	CES
19-FEB-25	OTHER BLDG/HOUSING VIOLATION	D MCCONN	CASE UPDATE	prep CDHN packet and Cert. Mailed to owners on file - sj	Susan Jew 19-FEB-25	CES
13-MAR-25	OTHER BLDG/HOUSING VIOLATION	D MCCONN	CASE UPDATE	case update / prep case for Director Hearing - DMC	Declan McConn 13-MAR-25	CES
14-MAR-25	OTHER BLDG/HOUSING VIOLATION	D MCCONN	CASE UPDATE	case update / received email from owner's Lawer with documents for the hearing. uploaded documents to file - DMC	Declan McConn 14-MAR-25	CES
18-MAR-25	OTHER BLDG/HOUSING VIOLATION	G LAM	DIRECTOR'S HEARING DECISION	Issue OOA per HO (M.D.). Owner/rep was not present at DH. -GL	Gilbert Lam 18-MAR-25	CES
19-MAR-25	OTHER BLDG/HOUSING VIOLATION	D MCCONN	CASE UPDATE	case update / found no permit to comply with NOV - DMC	Declan McConn 19-MAR-25	CES



COMPLAINT DATA SHEET

COMPLAINT NUMBER : 202420002

COMPLAINT STATUS AND COMMENTS

DATE	TYPE	INSPECTOR	STATUS	COMMENT	UPDATED BY	DIVIS
19-MAR-25	OTHER BLDG/HOUSING VIOLATION	D MCCONN	CASE UPDATE	case update / MMF from 8/15/25 to 3/19/25 (7 months) - DMC	Declan McConn 19- MAR-25	CES
24-MAR-25	OTHER BLDG/HOUSING VIOLATION	D MCCONN	CASE UPDATE	prepared OOA packet & Initial Bill - sj	Susan Jew 24-MAR- 25	CES
28-MAR-25	OTHER BLDG/HOUSING VIOLATION	D MCCONN	CASE UPDATE	Case update / went out to site to post OOA and Take Pictures- DMC	Declan McConn 28- MAR-25	CES
28-MAR-25	OTHER BLDG/HOUSING VIOLATION	D MCCONN	CASE UPDATE	case update / signed affidavit - DMC	Declan McConn 28- MAR-25	CES
28-MAR-25	OTHER BLDG/HOUSING VIOLATION	D MCCONN	CASE UPDATE	case update / up loaded photos to the file - DMC	Declan McConn 28- MAR-25	CES
31-MAR-25	OTHER BLDG/HOUSING VIOLATION	D MCCONN	CASE UPDATE	Cert. Mailed OOA packet to owners on file - sj	Susan Jew 31-MAR- 25	CES
07-APR-25	OTHER BLDG/HOUSING VIOLATION	D MCCONN	CASE UPDATE	case update / sent link to AAB to owner's rep - DMC	Declan McConn 07- APR-25	CES
07-APR-25	OTHER BLDG/HOUSING VIOLATION	D MCCONN	CASE UPDATE	case update / sent link to AAB to owner's rep - DMC	Declan McConn 07- APR-25	CES
07-APR-25	OTHER BLDG/HOUSING VIOLATION	D MCCONN	CASE UPDATE	AAB application submitted and payment received. Copy of Receipt provided to Costumer -ay.	Aylin Yavuz 08- APR-25	CES
15-APR-25	OTHER BLDG/HOUSING VIOLATION	D MCCONN	CASE UPDATE	case update / responded to email from owner's rep letting them know that there AAB was filed on their case - DMC	Declan McConn 15- APR-25	CES
22-APR-25	OTHER BLDG/HOUSING VIOLATION	D MCCONN	ORDER OF ABATEMENT POSTED	case update / this is to update case file that OOA was posted on 3/28/25 but the column Abatement type was put in as case update and not as Order of abatement posted - DMC	Declan McConn 22- APR-25	CES
14-AUG-25	OTHER BLDG/HOUSING VIOLATION	G LAM	CASE UPDATE	Case reviewed, OK to schedule for Abatement Appeals Board Hearing. -GL	Gilbert Lam 14-AUG- 25	CES
14-AUG-25	OTHER BLDG/HOUSING VIOLATION	D MCCONN	CASE UPDATE	Called appellant listed on the AAB form submitted. She no longer works for the law firm that represents ownership of the property. Call recipient says that she will relay information of Abatement Appeals Board hearing scheduling to party assigned by their law firm. Abatement Appeals Board hearing scheduled for 10/15/25. - CR	Charles Robinson 14-AUG-25	CES



COMPLAINT DATA SHEET

COMPLAINT NUMBER : 202420002

COMPLAINT STATUS AND COMMENTS

DATE	TYPE	INSPECTOR	STATUS	COMMENT	UPDATED BY	DIVIS
14-AUG-25	OTHER BLDG/HOUSING VIOLATION	D MCCONN	CASE UPDATE	Mailed Abatement Appeals Board Notice of Hearing to appellant and property owner-hb	Heather Brooks 14-AUG-25	CES
18-AUG-25	OTHER BLDG/HOUSING VIOLATION	D MCCONN	CASE UPDATE	spoke with owner rep letting him that there is an AAB hearing coming up and that i would like to do a site inspection - DMC	Declan McConn 18-AUG-25	CES
19-AUG-25	OTHER BLDG/HOUSING VIOLATION	D MCCONN	CASE UPDATE	went out to site to post AAB notice and take photos - DMC	Declan McConn 19-AUG-25	CES
19-AUG-25	OTHER BLDG/HOUSING VIOLATION	D MCCONN	CASE UPDATE	signed affidavit and up loaded photos to folder - DMC	Declan McConn 19-AUG-25	CES

COMPLAINT ACTION BY DIVISION

DIVISION	DATE	DESCRIPTION	ACTION COMMENT
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NOV (HIS) NOV (BID)
14-MAR-24





970

