BOARD OF APPEALS, CITY & COUNTY OF SAN FRANCISCO

Appeal of
JASON O'CONNOR and LEANNE O'CONNOR,)
Appellant(s))
)
vs.)
)
ZONING ADMINISTRATOR,)
Respondent

Appeal No. **26-047**

NOTICE OF APPEAL

NOTICE IS HEREBY GIVEN THAT on August 21, 2026, the above named appellant(s) filed an appeal with the Board of Appeals of the City and County of San Francisco from the decision or order of the above named department(s), commission, or officer.

The substance or effect of the decision or order appealed from is the ISSUANCE on July 29, 2026, of a Notice of Violation (The Planning Department's records reflect that the subject property is developed with a two-story building authorized for residential use with one dwelling unit; the Planning Department finds that an Unauthorized Unit was located on the ground floor of the subject building and removed without a required Conditional Use Authorization) at 678 Vermont Street.

RECORD NO. 2026-001954ENF

FOR HEARING ON November 4, 2026

Address of Appellant(s):	Address of Other Parties:
Jason O'Connor and LeAnne O'Connor, Appellant(s) c/o Thomas Tunny, Attorney for Appellant(s) Reuben, Junius & Rose, LLP One Bush Street #600 San Francisco, CA 94104	N/A

Date Filed: August 21, 2026

CITY & COUNTY OF SAN FRANCISCO
BOARD OF APPEALS

PRELIMINARY STATEMENT FOR APPEAL NO. 26-047

I / We, **Jason O'Connor and LeAnne O'Connor**, hereby appeal the following departmental action: **ISSUANCE** of **Notice of Violation Record No. 2026-001954ENF** by the **Zoning Administrator** which was issued or became effective on: **July 29, 2026**, for the property located at: **678 Vermont Street**.

BRIEFING SCHEDULE:

Appellants' Brief is due on or before: 4:30 p.m. on **September 24, 2026**, **(no later than three Thursdays prior to the hearing date)**. The brief may be up to 12 pages in length with unlimited exhibits. It shall be double-spaced with a minimum 12-point font. An electronic copy shall be emailed to: boardofappeals@sfgov.org, julie.lamarre@sfgov.org, corey.teague@sfgov.org, andrew.perry@sfgov.org, and carey.mcelroy@sfgov.org

Respondent's and Other Parties' Briefs are due on or before: 4:30 p.m. on **October 8, 2026**, **(no later than one Thursday prior to hearing date)**. The brief may be up to 12 pages in length with unlimited exhibits. It shall be doubled-spaced with a minimum 12-point font. An electronic copy shall be emailed to: boardofappeals@sfgov.org, julie.lamarre@sfgov.org, corey.teague@sfgov.org, andrew.perry@sfgov.org, carey.mcelroy@sfgov.org and ttunny@reubenlaw.com

Hard copies of the briefs do NOT need to be submitted to the Board Office or to the other parties.

Hearing Date: **Wednesday, October 14, 2026, 5:00 p.m., Room 416 San Francisco City Hall, 1 Dr. Carlton B. Goodlett Place.** The parties may also attend remotely via Zoom. Information for access to the hearing will be provided before the hearing date.

All parties to this appeal must adhere to the briefing schedule above, however if the hearing date is changed, the briefing schedule MAY also be changed. Written notice will be provided of any changes to the briefing schedule.

In order to have their documents sent to the Board members prior to hearing, **members of the public** should email all documents of support/opposition no later than one Thursday prior to hearing date by 4:30 p.m. to boardofappeals@sfgov.org. Please note that names and contact information included in submittals from members of the public will become part of the public record. Submittals from members of the public may be made anonymously.

Please note that in addition to the parties' briefs, any materials that the Board receives relevant to this appeal, including letters of support/opposition from members of the public, are distributed to Board members prior to hearing. All such materials are available for inspection on the Board's website at www.sfgov.org/boa. You may also request a hard copy of the hearing materials that are provided to Board members at a cost of 10 cents per page, per S.F. Admin. Code Ch. 67.28.

The reasons for this appeal are as follows:

See attachment to the Preliminary Statement of Appeal.

Appellant or Agent:

Signature: Via Email

Print Name: Thomas Tunny, attorney for appellants

REUBEN, JUNIUS & ROSE LLP

August 21, 2026

San Francisco Board of Appeals
49 South Van Ness Avenue, Suite 1475
San Francisco, CA 94103
boardofappeals@sfgov.org

Thomas Tunny
ttunny@reubenlaw.com
Lauren Ashley Week
lweek@reubenlaw.com

Re: 678 Vermont Street
Preliminary Statement of Appeal
Notice of Violation 2026-001954ENF dated July 29, 2026

Dear Board of Appeals:

We submit this Preliminary Statement of Appeal on behalf of Jason and LeAnne O'Connor ("Appellants") to respectfully request that the Board of Appeals ("BOA") overturn the Notice of Violation No. 2026-001954ENF ("NOV") issued by the Planning Department ("Planning") on July 29, 2026, for alleged violations at 678 Vermont Street ("Property"). Per Planning Code § 176(c)(1)(D), Appellants waive their right to a Zoning Administrator hearing and submit this request to the BOA. For reasons we shall more thoroughly describe in our appeal briefing, we request the BOA overturn the NOV because the Planning Department has improperly determined that an Unauthorized Dwelling Unit ("UDU") exists at the Property.

Very truly yours,

REUBEN, JUNIUS & ROSE, LLP

Thomas Tunny

Enclosures: Notice of Violation No. 2026-001954ENF

San Francisco Planning

49 South Van Ness Avenue, Suite 1400
San Francisco, CA 94103
628.652.7600
www.sfplanning.org

NOTICE OF VIOLATION

RESPOND WITHIN 30 DAYS OF THIS NOTICE

Date:	July 29, 2026
Property Owner/s:	Jason & LeAnne O'Connor 678 Vermont Street San Francisco, CA 94107
Record No.:	2026-001954ENF
Site Address:	678 Vermont Street
Block/Lot:	4028 / 001G
Zoning District:	RH-3 (Residential – House, Three-Family)
Special Use District/s:	Fringe Financial Services Restricted
Height and Bulk District:	40-X
Cultural District:	N/A
Planning Code Violation/s:	Section 317, Unauthorized Unit
Enforcement Fee:	$2,047 – Current Fee If the Cost of Reviewing a Confirmed Violation Exceeds the Fee Above, Additional Billing for Staff Time and Materials Will Be Charged
Administrative Penalty:	Up to $1,000 per Day for Each Violation
Enforcement Planner:	Vincent W. Page II | (628) 652-7396 | vincent.w.page.ii@sfgov.org

The Planning Department verified that a Planning Code violation exists on the subject property that must be resolved. As the property owner, you are a Responsible Party. The purpose of this notice is to inform you about the Planning Code enforcement process so you can take appropriate action to bring this property into compliance with the Planning Code.

PROPERTY INFORMATION

The Planning Department's records reflect that the subject property is developed with a two-story building authorized for residential use with one dwelling unit.

DESCRIPTION OF VIOLATION

The Planning Department finds that an Unauthorized Unit is located on the ground floor of the subject building. Pursuant to Planning Code Section 317(b)(13), "Unauthorized Unit" shall mean:

> [O]ne or more rooms within a building that have been used, without the benefit of a building permit, as a separate and distinct living or sleeping space independent from Residential Units on the same property. "Independent" shall mean that (i) the space has independent access that does not require entering a Residential Unit on the property and (ii) there is no open, visual connection to a Residential Unit on the property.

Pursuant to Planning Code Section 171, structures and land in any zoning district shall be used only for the purposes listed in the Planning Code as permitted in that district, and in accordance with the regulations established for that district.

Pursuant to Planning Code Section 172, no structure shall be constructed, reconstructed, enlarged, altered, or relocated in a manner that is not permissible under the limitations set forth in the Planning Code for the district in which such structure is located.

Failure to comply with any Planning Code provision constitutes a violation of the Planning Code and is subject to an enforcement process, pursuant to Planning Code Section 176.

PROPERTY HISTORY

On February 14, 2023, the current property owner took ownership of the subject lot property.

On June 3, 2025, the Department began an Unauthorized Unit screening for the subject property. As part of that screening, the property owner submitted a signed affidavit stating that, to the best of their knowledge, the existing property did not contain an Unauthorized Unit.

On June 6, 2025, the Department received documentation from the Residential Rent Stabilization and Arbitration Board related to the subject property[1]. These records included multiple documents filed and signed by either the current property owners or their attorney, which distinctly reference an Upper Unit and a Lower Unit. However, the Lower Unit is consistently listed as "not in use."

On June 18, 2025, the Planning Department determined that no Unauthorized Unit existed at the subject property because no documentation was found to confirm the physically separate and independent space on the ground floor had ever been occupied.

Building Permit No. 202506309746 was issued on July 11, 2025, to renovate the existing building. This scope of work included adding an internal stairway between the ground and second floors that would result in the ground floor space no longer meeting the "independent" criteria of an Unauthorized Unit. The work for this permit was completed on July 13, 2026.

[1] Because these records include personal information of the former tenant, they are not enclosed in this notice. However, redacted versions of these documents may be provided upon request.

TIMELINE OF INVESTIGATION

On March 5, 2026, Planning Enforcement Case No. 2026-001954ENF was opened in response to a public-initiated complaint alleging that an Unauthorized Unit had been located on the subject property and was removed without authorization. Specifically, the complaint alleged that a person had used rooms on the first floor as a living space separate from the primary dwelling unit on the second floor without authorization, creating an Unauthorized Unit, and that such Unauthorized Unit had been removed without a required Conditional Use Authorization.

The complaint included information about the Unauthorized Unit and its tenancy that was not available to the Department when an Unauthorized Unit screening was conducted in 2025. It also included a copy of the signed move-out agreement between the previous property owner and the previous tenant of the "Lower Unit," which was executed in July 2022.

On March 20, 2026, the Planning Department sent a Notice of Complaint to inform you that a complaint has been filed.

On May 28, 2026, the Planning Department spoke to the property owner's attorney, John Kevlin, and requested a copy of the real estate disclosures the current property owners received from the prior property owner as part of their purchase of the property, with any sensitive information redacted.

On June 25, 2026, John Kevlin informed the Planning Department that the property owner would not provide the requested real estate disclosures.

On July 12, 2026, the Department received an email from a person matching the name of the prior tenant of the Upper Unit. This person stated they had rented and occupied the Upper Unit since 1991 until they were required to vacate due to an Ellis Act eviction.

On July 13, 2026, the Department received an email from a person matching the name on the move-out agreement. This person stated they rented and occupied the Lower Unit from 2018 to 2022, and that an acquaintance of theirs had rented and occupied the unit for the 2-3 years prior.

Based on the information provided in the Property History and Investigation Timeline above, the Zoning Administrator determined that the ground floor space met the full definition of an Unauthorized Unit. Additionally, the affidavit provided by the property owner for the 2025 Unauthorized Unit screening was very likely not accurate. The current property owner either knew, or should have known, that the Lower Unit had been occupied at some point in the recent past. The property owner was afforded the option of providing redacted real estate disclosures they received during the purchase of the property to support a claim that such information had not been provided. However, they declined to do so with no explanation.

COMPLIANCE ACTIONS

I. Site Visit

Pursuant to Planning Code Section 307(c), a site visit is required as part of the enforcement process to verify the condition of the area/s where the violation is alleged to exist. Please contact the assigned Enforcement Planner to arrange and schedule the required site visit.

II. Obtain a Planning Approval

The Planning Department requires that you abate the violation by obtaining Planning Approval for Project Application (sfplanning.org/resource/PRJ-application) to legalize or remove the Unauthorized Unit. Please note that a Conditional Use Authorization (sfplanning.org/resource/CUA-supplemental) approved by the Planning Commission may be required if you propose to remove the Unauthorized Unit.

III. Obtain a Building Permit

You will be required to obtain a Building Permit for the approved scope of work to abate Planning Code violations. Please visit DBI's website (sf.gov/topics/building-permits) for information on the permit application process.

IV. Complete the Project

Any authorizations or permits required to abate the violation, and the associated actions, must be fully completed before the violation is deemed abated. Additionally, the enforcement case can only be closed after the violation is abated and any assessed fees and penalties are paid in full.

For questions regarding the Planning Code or any Planning Department review processes, you should first contact the staff noted on the cover page of this letter. If staff is not available, you may contact the Planning Information Center at:

49 South Van Ness Avenue, 2nd Floor
San Francisco, CA 94103
Phone: (628) 652-7300
Email: pic@sfgov.org
Website: www.sfplanning.org

To obtain copies of approved building permit applications or plans, please contact the Department of Building Inspection ("DBI") – Records Management Division at:

49 South Van Ness Avenue, 4th Floor
San Francisco, CA 94103
Phone: (628) 652-3420
Email: dbi.records3r@sfgov.org
Website: sf.gov/requestbuildingrecords

For questions regarding the building permit application process, please contact the Department of Building

Inspection ("DBI") at:

49 South Van Ness Avenue, 2nd/5th Floor
San Francisco, CA 94103
Phone: (628) 652-3200
Email: permitcenter@sfgov.org
Website: sf.gov/departments/department-building-inspection

TIMELINE TO RESPOND AND ADMINISTRATIVE PENALTIES

If the Responsible Party does not request an appeal process and does not take corrective action to abate the violation within thirty (30) days, this Notice of Violation will become final. Beginning on the following day, administrative penalties of up to $1,000 per day for each violation may be assessed to the Responsible Party and may continue to accrue for each day the violation continues without corrective action.

If penalties are assessed and begin to accrue, the Planning Department will issue a Notice of Penalty and Fee. The accrued penalty amount shall be paid within thirty (30) days from the issuance date of that Notice. Please be advised that payment of accrued penalties does not excuse failure to correct the violation or bar further enforcement action. Additional penalties will continue to accrue until corrective action is taken to abate the violation.

ENFORCEMENT TIME AND MATERIALS FEE

Pursuant to Planning Code Section 350(g)(1), the Planning Department shall charge for "Time and Materials" to recover the cost of correcting the Planning Code violations. **Accordingly, the Responsible Party is currently subject to a fee of $2,047 for "Time and Materials" cost associated with the Code Enforcement investigation to date for the confirmed violation/s.** Additional fees continue to accrue until the violation is abated. The fee is separate from the administrative penalties described above and is not appealable. For information on how to pay, contact the Enforcement Planner listed above.

FAILURE TO PAY PENALTIES AND FEES

If the Responsible Party fails to pay the "Administrative Penalties" and "Time and Materials" fee to the Planning Department within thirty (30) days of the issuance of Notice of Penalty and Fee, the Zoning Administrator may take action to collect the "Penalties" and any unpaid "Time and Materials" fee owed to the Department, including:

1) Referral of the matter to the Bureau of Delinquent Revenue (BDR) under Chapter 10, Article V, Section 10.39 of the San Francisco Administrative Code. The BDR may apply a 25% surcharge for their collection services. Please note that such surcharge will be considered part of the cost of correcting the violation, and the Responsible Party will be responsible for such charges.

2) Initiation of lien proceedings under Chapter 10, Article XX, Section 10.230 et seq. of the San Francisco Administrative Code; and

3) Requesting the San Francisco Office of City Attorney to pursue collection of the "Administrative Penalties" and "Time and Materials" imposed against the Responsible Party in a civil action.

OTHER APPLICATIONS UNDER CONSIDERATION

The Planning Department requires that any pending violations be resolved prior to the approval and issuance of any separate applications for work proposed on the same property. Therefore, any applications not related to abatement of the violation on the subject property will be placed on hold until a corrective action is taken to abate the violation.

We want to assist you to bring the subject property into full compliance with the Planning Code. If you have any questions on the enforcement and appeal processes, or if you need additional time to correct the violation/s please contact the Enforcement Planner noted above and we will assist you in developing a reasonable timeline.

RECORDATION OF ORDER OF ABATEMENT

Ninety (90) days following the finalization of this Notice of Violation as described under the Administrative Penalties of this Notice, an Order of Abatement may be recorded against the property's records in the Office of the Recorder of the City and County of San Francisco.

The obligation to correct the violation/s as set forth in the Notice of Violation, Notice of Violation and Penalty Decision, or Notice of Penalty and Fee shall be Planning Code conditions pursuant to Planning Code Section 174 and shall run with title to the property. Further, such recordation shall provide notice to each Responsible Party and any subsequent "successor" or "assign of title" to the property that the failure to perform such obligations is a violation of the Planning Code and may be enforced pursuant to Planning Code Section 176.

Any fees associated with recordation and/or revocation of an Order of Abatement will be assessed to the Responsible Party and added to the "Time and Materials" fee discussed above. All daily penalties assessed and/or Time and Materials incurred is required to be paid prior to the revocation of the Order of Abatement.

APPEAL RIGHTS

If the Responsible Party believes that this Notice of Violation to correct a violation of the Planning Code is an abuse of discretion by the Zoning Administrator, the following appeal processes are available:

1) **Zoning Administrator Hearing.** The Responsible Party may request a Zoning Administrator Hearing under Planning Code Section 176 within **thirty (30) days** from the date of this Notice of Violation by submitting to the Enforcement Planner the Request for Zoning Administrator Hearing Form (sfplanning.org/resource/request-zoning-administrator-za-hearing) with supporting evidence to the Planning Department. The request will need to show cause as to why this Notice of Violation has been issued in error and should be rescinded. Provide the emails for all parties interested in attending this hearing. The Zoning Administrator shall render a decision on the Notice of Violation within thirty (30) days of such hearing. If the Responsible Party disagrees with the Zoning Administrator's decision, they

may then appeal the Zoning Administrator's written decision to the Board of Appeals within **thirty (30) days** from the date of the decision.

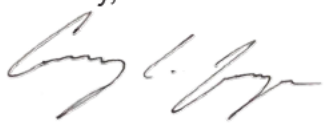
2) **Board of Appeals.** The Responsible Party or any interested party may waive the right to a Zoning Administrator Hearing and proceed directly to appeal the Notice of Violation within **thirty (30) days** from the date of the Notice of Violation to the Board of Appeals located at:

49 South Van Ness Avenue, Suite 1475
San Francisco, CA 94103
Phone: (628) 652-1150
Email: boardofappeals@sfgov.org
Website: www.sfgov.org/bdappeal

If Board of Appeals upholds the Notice of Violation the Board may not reduce the amount of penalty below $200 per day for each day the violation continues unabated.

Penalties are not assessed during the period when the matter is pending either before the Zoning Administrator or before the Board of Appeals**.** However, if the Responsible Party requests continuance of the appeal without a reasonable cause with the Board of Appeals, the penalties may still be assessed during the continuation period.

Sincerely,



Corey A. Teague, AICP
Zoning Administrator

CC: John Kevlin, Attorney for Property Owners, via email at: jkevlin@reubenlaw.com

BRIEF SUBMITTED BY THE APPELLANT(S)

REUBEN, JUNIUS & ROSE LLP

Thomas Tunny
ttunny@reubenlaw.com

September 24, 2026

Delivered Via Email

President John Trasviña
San Francisco Board of Appeals
49 South Van Ness Avenue
Suite 1475 (14th Floor)
San Francisco, CA 94103

Re: 678 Vermont Street
Appeal No. 26-047; *O'Connor v. ZA*
Planning Department Notice of Violation
Case No.: 2026-001954ENF
Appellant's Brief
Our File No: 13859.01

Dear President Trasviña and Members of the Board:

This firm is working with LeAnne and Jason O'Connor, owners of 678 Vermont Street (the "Property"). The O'Connors have appealed the issuance of a Planning Department Notice of Violation (Exhibit A) on the grounds that it incorrectly and unfairly concludes that an unauthorized dwelling unit ("UDU") exists at the Property. The NOV, issued on July 29, 2026, came to this conclusion after the Planning Department previously had concluded over a year before, on June 18, 2025, that no UDU existed at the Property. In reliance on the Planning Department's original conclusion, the O'Connors moved forward with a full renovation of the Property to create their family home, at a cost of at least $800,000.

The Planning Department's explanation for changing its conclusion about the space in question is that it discovered the space had been occupied by a tenant from 2018-2022 and for 2-

3 years prior to that. The NOV also implies the O'Connors knew about the tenancy and withheld this information. This is not the case. The O'Connors considered the space to be unoccupied because it was unoccupied when they bought the Property and had been for three years.

Regardless of the occupancy question, the space does not qualify as a UDU under Planning Code controls. A UDU is defined in part as a "space [that] has independent access that does not require entering a Residential Unit on the property." In this case the space in question does not have independent access from the main dwelling unit. The space in question was located in the garage, which was part of the main unit and accessible from the main unit. The main unit had its washer and dryer in the garage and used the garage for parking.

For this reason the O'Connors reasonably concluded the space didn't meet the definition of a UDU and submitted the Department's sworn affidavit to that effect. The Planning Department reviewed comprehensive materials concerning the space and agreed, concluding in writing that no UDU existed. The O'Connors invited Department staff to visit the space but staff declined. The Department approved the O'Connors building permit seeking to renovate the existing home to serve as their family home.

In reliance of the Planning Department approval, the O'Connors completed the renovation at a very significant expense. It was only after the project was completed that the Planning Department issued the NOV. If the NOV is upheld, it is very likely that the project would have to be completely undone. The NOV not only is incorrect about the UDU rules, but also violates the doctrine of equitable estoppel and the O'Connor's vested right to complete their project as approved.

I. Factual Background

The O'Connors purchased the Property in February 2023. The Property was marketed as a single-family home. Their intention in purchasing the Property was for it to be their family home, with children in the future. Upon closing on the purchase, they began planning the renovation.

The O'Connors were aware of the space in the garage having been used as a rental unit. Their designer and engineer advised them they needed to file an unauthorized unit screening form and affidavit with the Planning Department. The O'Connors didn't want to proceed with the project until the Planning Department confirmed whether the space qualified as a UDU. They included numerous photos of the space in question, the renovation project plans, and the Property's 3R report from the purchase with the screening form and affidavit. (The UDU screening form and affidavit and supporting materials are attached as Exhibit B.) They offered to have the Planning Department come inspect the space, but the Department declined. The Planning Department also obtained the Property's Rent Board records (Exhibit C). The Planning Department reviewed and considered all of these materials before concluding that no UDU existed at the Property. (The Planning Department's conclusion that no UDU existed is attached as Exhibit D.)

Based on the Planning Department's conclusion that no UDU existed at the Property, the O'Connors submitted Building Permit Application ("BPA") No. 202506309746 on June 30, 2025 for a full remodel of the single-family home, including the space in question on the ground floor. (Exhibit E.)

BPA No. 202506309746 was issued on July 11, 2025. The work was completed one year later and the permit closed and a Certificate of Final Completion and Occupancy ("CFC" No.

6386604; Exhibit F) was issued on July 13, 2026. (The Board may recall that a revision permit to BPA No. 202506309746 addressing a reconstruction of the rear deck was appealed to and reviewed by the Board.)

The Rent Board records (Exhibit C) refer to an "Upper Unit" and a "Lower Unit" at the Property. The Planning Department was aware of the references to the two units when it concluded that no UDU existed at the Property. However, according to the NOV, after concluding that no UDU existed at the property, the Planning Department received an email from a person who "stated they rented and occupied the Lower Unit from 2018 to 2022, and that an acquaintance of theirs had rented and occupied the unit for the 2-3 years prior." (NOV at p. 3.) Based on this information, the Planning Department reversed its conclusion about the UDU and determined that a UDU did in fact exist at the Property.

II. The NOV Was Issued In Error

A. The Space In Question Does Not Have Independent Access

Planning Code Section 317(b)(13) defines a UDU as follows:

> (13) "Unauthorized Unit" shall mean one or more rooms within a building that have been used, without the benefit of a building permit, as a separate and distinct living or sleeping space independent from Residential Units on the same property. "Independent" shall mean that (i) the space has independent access that does not require entering a Residential Unit on the property and (ii) there is no open, visual connection to a Residential Unit on the property.

The Planning Department provides no further guidance as to the meaning of Section 317(b)(13), so homeowners are left to interpret it on their own.

The UDU screening affidavit submitted by the O'Connors is below:

UNAUTHORIZED UNIT AFFIDAVIT

Project Address: 678 Vermont Street

Block/Lot (APN): 4028/001G

"Unauthorized Unit" shall mean one or more rooms within a building that have been used, without the benefit of a building permit, as a separate and distinct living or sleeping space independent from Residential Units on the same property.

"Independent" shall mean that (i) the space has independent access that does not require entering a Residential Unit on the property and (ii) there is no open, visual connection to a Residential Unit on the property.

I, Jason O'Connor, do hereby declare as follows:

To the best of my knowledge:

☐ There is an Unauthorized Unit, as defined above, located on the subject property.

☑ There is not an Unauthorized Unit, as defined above, located on the subject property.

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

EXECUTED ON THIS DAY, 28 May, 20 25, IN San Francisco, CA.

Jason O'Connor — Signature

Jason O'Connor — Name (Printed)

Mr. O'Connor concluded in the UDU screening affidavit that no UDU existed at the property because the space in question did not have "independent access that does not require entering a Residential Unit on the property." The space was located in the garage, which was part of the main unit and accessible from the main unit. The main unit had its washer and dryer in the garage and used the garage for parking. The photos of the garage and the ground floor area show this (Exhibit B), as do the project plans (Exhibit B).

As stated, the Planning Department initially agreed with the O'Connors and found that no UDU existed. But the Department changed its mind when it learned that a tenant occupied the space in question from 2015 or 2016 to 2022. We fail to see how that new information changes the space into a UDU. Neither the Planning Code definition nor the affidavit even address the question of how recently the space in question has been occupied.

The NOV also points to the fact that the Rent Board records indicated the space was described as "Not In Use", as though the conclusion was misleading. But that was true – the space was not in use when the filings were made. Moreover, other filings in the Rent Board describe the space as "In Use". The records explain that the upper unit was using the space for storage. (See Status Report filed January 2024; Rent Board records p. 10.) In other areas of the Rent Board records, the space was identified as a Vacant Unit. (See Rent Board records p. 31, *e.g.*)

The O'Connors did not attempt to mislead the Planning Department and the Department had all of the information needed to make a determination about the UDU. The space in question does not meet the Planning Code definition for a UDU. The Department made its determination, and the O'Connors relied on that determination in undertaking a significant and expensive remodel of the home, investing at least $800,000. If the NOV is upheld, it is very likely that the project would have to be completely undone.

B. The NOV Violates The O'Connor's Vested Rights and the Doctrine of Equitable Estoppel

In *Avco Community Developers, Inc. v. South Coast Regional Com.* (1976) 17 Cal.3d 785, 791, the California Supreme Court established the common law vested rights doctrine that still governs today: "if a property owner has performed substantial work and incurred substantial

liabilities in good faith reliance upon a permit issued by the government, he acquires a vested right to complete construction in accordance with the terms of the permit."

Here, the O'Connors acquired a vested right to construct their project pursuant to BPA No. 202506309746 and the Planning Department's UDU determination when they performed substantial work and incurred substantial liabilities in good faith reliance upon the permit and the determination. DBI issued the permit on July 11, 2025. The O'Connors performed substantial work and incurred substantial liabilities in the amount of at least $800,000. As such, any attempt by the Planning Department to now undo the work approved by BPA No. 202506309746 is a violation of the O'Connors' vested rights.

The doctrine of equitable estoppel derives from a fundamental rule of fairness. The California Supreme Court defines the doctrine as follows: "'Whenever a party has, by his own statement or conduct, intentionally and deliberately led another to believe a particular thing true and to act upon such belief, he is not, in any litigation arising out of such statement or conduct, permitted to contradict it.'" (*City of Long Beach v. Mansell* (1970) 3 Cal.3d 462, 488 ("Mansell") [citations omitted].) The government is not immune from the doctrine, and it may be applied "where justice and right require it." (*Mansell*, 3 Cal. 3d at p. 493.)

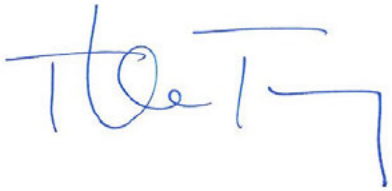
Four elements must be present in order to apply the doctrine of equitable estoppel: "(1) the party to be estopped must be apprised of the facts; (2) he must intend that his conduct shall be acted upon, or must so act that the party asserting the estoppel had a right to believe it was so intended; (3) the other party must be ignorant of the true state of facts; and (4) he must rely upon the conduct to his injury." (*Driscoll v. City of Los Angeles* (1967) 67 Cal.2d 297, 305 [citations omitted].)

Here, the four elements are met: (1) the Planning Department was apprised of the facts – it reviewed the UDU affidavit and issued the original UDU determination; (2) the Planning Department knew that the O'Connors could use its UDU determination in a project application; (3) the O'Connors were not aware that a UDU actually existed (or that the Planning Department would change its position); and (4) the O'Connors relied on the Planning Department's original determination to their injury. Because all four elements are met, the Planning Department is equitably estopped from changing its determination concerning the UDU.

For all of these reasons, we respectfully request the Board overturn the NOV. Thank you for your consideration.

Very truly yours,

REUBEN, JUNIUS & ROSE, LLP



Thomas Tunny

Enclosures: Exhibits as stated

cc: Corey Teague, Zoning Administrator
Andrew Perry, Senior Planner
Carey McElroy, DBI Senior Inspector

EXHIBIT A

San Francisco Planning

49 South Van Ness Avenue, Suite 1400
San Francisco, CA 94103
628.652.7600
www.sfplanning.org

NOTICE OF VIOLATION

RESPOND WITHIN 30 DAYS OF THIS NOTICE

Date:	July 29, 2026
Property Owner/s:	Jason & LeAnne O'Connor 678 Vermont Street San Francisco, CA 94107
Record No.:	2026-001954ENF
Site Address:	678 Vermont Street
Block/Lot:	4028 / 001G
Zoning District:	RH-3 (Residential – House, Three-Family)
Special Use District/s:	Fringe Financial Services Restricted
Height and Bulk District:	40-X
Cultural District:	N/A
Planning Code Violation/s:	Section 317, Unauthorized Unit
Enforcement Fee:	$2,047 – Current Fee If the Cost of Reviewing a Confirmed Violation Exceeds the Fee Above, Additional Billing for Staff Time and Materials Will Be Charged
Administrative Penalty:	Up to $1,000 per Day for Each Violation
Enforcement Planner:	Vincent W. Page II | (628) 652-7396 | vincent.w.page.ii@sfgov.org

The Planning Department verified that a Planning Code violation exists on the subject property that must be resolved. As the property owner, you are a Responsible Party. The purpose of this notice is to inform you about the Planning Code enforcement process so you can take appropriate action to bring this property into compliance with the Planning Code.

PROPERTY INFORMATION

The Planning Department's records reflect that the subject property is developed with a two-story building authorized for residential use with one dwelling unit.

DESCRIPTION OF VIOLATION

The Planning Department finds that an Unauthorized Unit is located on the ground floor of the subject building. Pursuant to Planning Code Section 317(b)(13), "Unauthorized Unit" shall mean:

> [O]ne or more rooms within a building that have been used, without the benefit of a building permit, as a separate and distinct living or sleeping space independent from Residential Units on the same property. "Independent" shall mean that (i) the space has independent access that does not require entering a Residential Unit on the property and (ii) there is no open, visual connection to a Residential Unit on the property.

Pursuant to Planning Code Section 171, structures and land in any zoning district shall be used only for the purposes listed in the Planning Code as permitted in that district, and in accordance with the regulations established for that district.

Pursuant to Planning Code Section 172, no structure shall be constructed, reconstructed, enlarged, altered, or relocated in a manner that is not permissible under the limitations set forth in the Planning Code for the district in which such structure is located.

Failure to comply with any Planning Code provision constitutes a violation of the Planning Code and is subject to an enforcement process, pursuant to Planning Code Section 176.

PROPERTY HISTORY

On February 14, 2023, the current property owner took ownership of the subject lot property.

On June 3, 2025, the Department began an Unauthorized Unit screening for the subject property. As part of that screening, the property owner submitted a signed affidavit stating that, to the best of their knowledge, the existing property did not contain an Unauthorized Unit.

On June 6, 2025, the Department received documentation from the Residential Rent Stabilization and Arbitration Board related to the subject property[1]. These records included multiple documents filed and signed by either the current property owners or their attorney, which distinctly reference an Upper Unit and a Lower Unit. However, the Lower Unit is consistently listed as "not in use."

On June 18, 2025, the Planning Department determined that no Unauthorized Unit existed at the subject property because no documentation was found to confirm the physically separate and independent space on the ground floor had ever been occupied.

Building Permit No. 202506309746 was issued on July 11, 2025, to renovate the existing building. This scope of work included adding an internal stairway between the ground and second floors that would result in the ground floor space no longer meeting the "independent" criteria of an Unauthorized Unit. The work for this permit was completed on July 13, 2026.

[1] Because these records include personal information of the former tenant, they are not enclosed in this notice. However, redacted versions of these documents may be provided upon request.

TIMELINE OF INVESTIGATION

On March 5, 2026, Planning Enforcement Case No. 2026-001954ENF was opened in response to a public-initiated complaint alleging that an Unauthorized Unit had been located on the subject property and was removed without authorization. Specifically, the complaint alleged that a person had used rooms on the first floor as a living space separate from the primary dwelling unit on the second floor without authorization, creating an Unauthorized Unit, and that such Unauthorized Unit had been removed without a required Conditional Use Authorization.

The complaint included information about the Unauthorized Unit and its tenancy that was not available to the Department when an Unauthorized Unit screening was conducted in 2025. It also included a copy of the signed move-out agreement between the previous property owner and the previous tenant of the "Lower Unit," which was executed in July 2022.

On March 20, 2026, the Planning Department sent a Notice of Complaint to inform you that a complaint has been filed.

On May 28, 2026, the Planning Department spoke to the property owner's attorney, John Kevlin, and requested a copy of the real estate disclosures the current property owners received from the prior property owner as part of their purchase of the property, with any sensitive information redacted.

On June 25, 2026, John Kevlin informed the Planning Department that the property owner would not provide the requested real estate disclosures.

On July 12, 2026, the Department received an email from a person matching the name of the prior tenant of the Upper Unit. This person stated they had rented and occupied the Upper Unit since 1991 until they were required to vacate due to an Ellis Act eviction.

On July 13, 2026, the Department received an email from a person matching the name on the move-out agreement. This person stated they rented and occupied the Lower Unit from 2018 to 2022, and that an acquaintance of theirs had rented and occupied the unit for the 2-3 years prior.

Based on the information provided in the Property History and Investigation Timeline above, the Zoning Administrator determined that the ground floor space met the full definition of an Unauthorized Unit. Additionally, the affidavit provided by the property owner for the 2025 Unauthorized Unit screening was very likely not accurate. The current property owner either knew, or should have known, that the Lower Unit had been occupied at some point in the recent past. The property owner was afforded the option of providing redacted real estate disclosures they received during the purchase of the property to support a claim that such information had not been provided. However, they declined to do so with no explanation.

COMPLIANCE ACTIONS

I. Site Visit

Pursuant to Planning Code Section 307(c), a site visit is required as part of the enforcement process to verify the condition of the area/s where the violation is alleged to exist. Please contact the assigned Enforcement Planner to arrange and schedule the required site visit.

II. Obtain a Planning Approval

The Planning Department requires that you abate the violation by obtaining Planning Approval for Project Application (sfplanning.org/resource/PRJ-application) to legalize or remove the Unauthorized Unit. Please note that a Conditional Use Authorization (sfplanning.org/resource/CUA-supplemental) approved by the Planning Commission may be required if you propose to remove the Unauthorized Unit.

III. Obtain a Building Permit

You will be required to obtain a Building Permit for the approved scope of work to abate Planning Code violations. Please visit DBI's website (sf.gov/topics/building-permits) for information on the permit application process.

IV. Complete the Project

Any authorizations or permits required to abate the violation, and the associated actions, must be fully completed before the violation is deemed abated. Additionally, the enforcement case can only be closed after the violation is abated and any assessed fees and penalties are paid in full.

For questions regarding the Planning Code or any Planning Department review processes, you should first contact the staff noted on the cover page of this letter. If staff is not available, you may contact the Planning Information Center at:

49 South Van Ness Avenue, 2nd Floor
San Francisco, CA 94103
Phone: (628) 652-7300
Email: pic@sfgov.org
Website: www.sfplanning.org

To obtain copies of approved building permit applications or plans, please contact the Department of Building Inspection ("DBI") – Records Management Division at:

49 South Van Ness Avenue, 4th Floor
San Francisco, CA 94103
Phone: (628) 652-3420
Email: dbi.records3r@sfgov.org
Website: sf.gov/requestbuildingrecords

For questions regarding the building permit application process, please contact the Department of Building

Inspection ("DBI") at:

49 South Van Ness Avenue, 2nd/5th Floor
San Francisco, CA 94103
Phone: (628) 652-3200
Email: permitcenter@sfgov.org
Website: sf.gov/departments/department-building-inspection

TIMELINE TO RESPOND AND ADMINISTRATIVE PENALTIES

If the Responsible Party does not request an appeal process and does not take corrective action to abate the violation within thirty (30) days, this Notice of Violation will become final. Beginning on the following day, administrative penalties of up to $1,000 per day for each violation may be assessed to the Responsible Party and may continue to accrue for each day the violation continues without corrective action.

If penalties are assessed and begin to accrue, the Planning Department will issue a Notice of Penalty and Fee. The accrued penalty amount shall be paid within thirty (30) days from the issuance date of that Notice. Please be advised that payment of accrued penalties does not excuse failure to correct the violation or bar further enforcement action. Additional penalties will continue to accrue until corrective action is taken to abate the violation.

ENFORCEMENT TIME AND MATERIALS FEE

Pursuant to Planning Code Section 350(g)(1), the Planning Department shall charge for "Time and Materials" to recover the cost of correcting the Planning Code violations. **Accordingly, the Responsible Party is currently subject to a fee of $2,047 for "Time and Materials" cost associated with the Code Enforcement investigation to date for the confirmed violation/s.** Additional fees continue to accrue until the violation is abated. The fee is separate from the administrative penalties described above and is not appealable. For information on how to pay, contact the Enforcement Planner listed above.

FAILURE TO PAY PENALTIES AND FEES

If the Responsible Party fails to pay the "Administrative Penalties" and "Time and Materials" fee to the Planning Department within thirty (30) days of the issuance of Notice of Penalty and Fee, the Zoning Administrator may take action to collect the "Penalties" and any unpaid "Time and Materials" fee owed to the Department, including:

1) Referral of the matter to the Bureau of Delinquent Revenue (BDR) under Chapter 10, Article V, Section 10.39 of the San Francisco Administrative Code. The BDR may apply a 25% surcharge for their collection services. Please note that such surcharge will be considered part of the cost of correcting the violation, and the Responsible Party will be responsible for such charges.

2) Initiation of lien proceedings under Chapter 10, Article XX, Section 10.230 et seq. of the San Francisco Administrative Code; and

3) Requesting the San Francisco Office of City Attorney to pursue collection of the "Administrative Penalties" and "Time and Materials" imposed against the Responsible Party in a civil action.

OTHER APPLICATIONS UNDER CONSIDERATION

The Planning Department requires that any pending violations be resolved prior to the approval and issuance of any separate applications for work proposed on the same property. Therefore, any applications not related to abatement of the violation on the subject property will be placed on hold until a corrective action is taken to abate the violation.

We want to assist you to bring the subject property into full compliance with the Planning Code. If you have any questions on the enforcement and appeal processes, or if you need additional time to correct the violation/s please contact the Enforcement Planner noted above and we will assist you in developing a reasonable timeline.

RECORDATION OF ORDER OF ABATEMENT

Ninety (90) days following the finalization of this Notice of Violation as described under the Administrative Penalties of this Notice, an Order of Abatement may be recorded against the property's records in the Office of the Recorder of the City and County of San Francisco.

The obligation to correct the violation/s as set forth in the Notice of Violation, Notice of Violation and Penalty Decision, or Notice of Penalty and Fee shall be Planning Code conditions pursuant to Planning Code Section 174 and shall run with title to the property. Further, such recordation shall provide notice to each Responsible Party and any subsequent "successor" or "assign of title" to the property that the failure to perform such obligations is a violation of the Planning Code and may be enforced pursuant to Planning Code Section 176.

Any fees associated with recordation and/or revocation of an Order of Abatement will be assessed to the Responsible Party and added to the "Time and Materials" fee discussed above. All daily penalties assessed and/or Time and Materials incurred is required to be paid prior to the revocation of the Order of Abatement.

APPEAL RIGHTS

If the Responsible Party believes that this Notice of Violation to correct a violation of the Planning Code is an abuse of discretion by the Zoning Administrator, the following appeal processes are available:

1) **Zoning Administrator Hearing.** The Responsible Party may request a Zoning Administrator Hearing under Planning Code Section 176 within **thirty (30) days** from the date of this Notice of Violation by submitting to the Enforcement Planner the Request for Zoning Administrator Hearing Form (sfplanning.org/resource/request-zoning-administrator-za-hearing) with supporting evidence to the Planning Department. The request will need to show cause as to why this Notice of Violation has been issued in error and should be rescinded. Provide the emails for all parties interested in attending this hearing. The Zoning Administrator shall render a decision on the Notice of Violation within thirty (30) days of such hearing. If the Responsible Party disagrees with the Zoning Administrator's decision, they

may then appeal the Zoning Administrator's written decision to the Board of Appeals within **thirty (30) days** from the date of the decision.

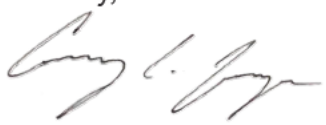
2) **Board of Appeals.** The Responsible Party or any interested party may waive the right to a Zoning Administrator Hearing and proceed directly to appeal the Notice of Violation within **thirty (30) days** from the date of the Notice of Violation to the Board of Appeals located at:

49 South Van Ness Avenue, Suite 1475
San Francisco, CA 94103
Phone: (628) 652-1150
Email: boardofappeals@sfgov.org
Website: www.sfgov.org/bdappeal

If Board of Appeals upholds the Notice of Violation the Board may not reduce the amount of penalty below $200 per day for each day the violation continues unabated.

Penalties are not assessed during the period when the matter is pending either before the Zoning Administrator or before the Board of Appeals**.** However, if the Responsible Party requests continuance of the appeal without a reasonable cause with the Board of Appeals, the penalties may still be assessed during the continuation period.

Sincerely,



Corey A. Teague, AICP
Zoning Administrator

CC: John Kevlin, Attorney for Property Owners, via email at: jkevlin@reubenlaw.com

EXHIBIT B

San Francisco Planning

49 South Van Ness Avenue, Suite 1400
San Francisco, CA 94103
www.sfplanning.org

UNAUTHORIZED UNIT SCREENING REQUEST FORM AND AFFIDAVIT

An Unauthorized Unit, or UDU, is defined in Planning Code Section 317(b)(13) as one or more rooms within a building that have been used, without the benefit of a permit, as a separate and distinct living or sleeping space independent from other Residential Units on the property.

For questions, you can call the Planning counter at 628.652.7300 or email pic@sfgov.org where planners are able to assist you.

Español: Si desea ayuda sobre cómo llenar esta solicitud en español, por favor llame al 628.652.7550. Tenga en cuenta que el Departamento de Planificación requerirá al menos un día hábil para responder.

中文：如果您希望獲得使用中文填寫這份申請表的幫助，請致電628.652.7550。請注意，規劃部門需要至少一個工作日來回應。

Filipino: Kung gusto mo ng tulong sa pagkumpleto ng application na ito sa Filipino, paki tawagan ang 628.652.7550. Paki tandaan na mangangailangan ang Planning Department ng hindi kukulangin sa isang araw na pantrabaho para makasagot.

CRITERIA FOR AN UNAUTHORIZED UNIT (UDU)

A UDU must meet two criteria:

1. An UDU must be independent from other Residential Units on the property, which means that the space has independent access, and there is no open, visual connection to a Residential Unit on the property.
2. Use as Independent dwelling Space. A UDU must have been used as a separate and distinct living or sleeping space.

Please note that the definition of a UDU does not rely on the existence of any cooking facilities, so a space may still be considered a UDU even if it doesn't have a kitchen; however a full bathroom is required to be considered a UDU.

Planning Staff may request a UDU screening for permits for interior work to determine if a project removes certain features that allow the space to operate as a separate unit. Scopes of work that may require UDU screening include but are not limited to:

- Removal of direct or indirect access doors
- Removal of a full bathroom
- Removal of a kitchen
- Removal of a wet bar
- Addition of a staircase to create an interior connection between floors

SUBMITTAL INSTRUCTIONS

Please complete the form below and submit it to CPC.UDU@sfgov.org with the following materials:

1. A completed Unauthorized Unit Affidavit (attached);
2. A digital set of existing and proposed plans (.pdf or .jpeg); and
3. Photographs of the space that may be a UDU.

Planning Staff will contact you with a determination if the space in question is considered a UDU.

Please note that if the Planning Department determines that a UDU is present at the site, the property owner will be required to legalize the unit, which can usually be completed administratively, or seek a Conditional Use Authorization from the Planning Commission to remove the unit. If a UDU is not present at the site, Planning Staff will review the plans for any unpermitted work on the premises. Staff may provide comments to bring the work into compliance with the Planning Code, which may include removal of the unpermitted work. If Planning Code violations persist, Staff may refer the property to the Code Enforcement Division.

PLANNING APPLICATION RECORD NUMBER

San Francisco Planning

UNAUTHORIZED UNIT SCREENING REQUEST FORM AND AFFIDAVIT

Property Information

Project Address: 678 Vermont Street

Block/Lot(s): 4028/001G

Related Building Permits Applications

☑ N/A

Building Permit Applications No(s):

Applicant Information

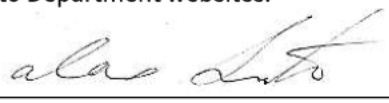
Name: Alex Santos, Altos Engineering ☐ Owner ☑ Authorized Agent

Primary Phone Number: 415-497-2668

APPLICANT'S AFFIDAVIT

Under penalty of perjury the following declarations are made:

a) The undersigned is the owner or authorized agent of the owner of this property.
b) The information presented is true and correct to the best of my knowledge.
c) Other information or applications may be required.
d) I hereby authorize City and County of San Francisco Planning staff to conduct a site visit of this property as part of the City's review of this application, making all portions of the interior and exterior accessible through completion of construction and in response to the monitoring of any condition of approval.
e) I attest that personally identifiable information (PII) - i.e. social security numbers, driver's license numbers, bank accounts - have not been provided as part of this application. Furthermore, where supplemental information is required by this application, PII has been redacted prior to submittal to the Planning Department. I understand that any information provided to the Planning Department becomes part of the public record and can be made available to the public for review and/or posted to Department websites.



Signature

Alex Santos

Name (Printed)

05/28/25

Date

Agent, Designer, Engineer

Relationship to Project
(i.e. Owner, Architect, etc.)

415-497-2668

Phone

alex@altosengineer.com

Email

AFFIDAVIT

COMPLIANCE WITH ORDINANCE 208-15

San Francisco Planning
49 South Van Ness Avenue, Suite 1400
San Francisco, CA 94103
www.sfplanning.org

UNAUTHORIZED UNIT AFFIDAVIT

Project Address: 678 Vermont Street

Block/Lot (APN): 4028/001G

"Unauthorized Unit" shall mean one or more rooms within a building that have been used, without the benefit of a building permit, as a separate and distinct living or sleeping space independent from Residential Units on the same property.

"Independent" shall mean that (i) the space has independent access that does not require entering a Residential Unit on the property and (ii) there is no open, visual connection to a Residential Unit on the property.

I, Jason O'Connor, do hereby declare as follows:

To the best of my knowledge:

- ☐ There is an Unauthorized Unit, as defined above, located on the subject property.
- ☑ There is not an Unauthorized Unit, as defined above, located on the subject property.

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

EXECUTED ON THIS DAY, 28 May, 20 25, IN San Francisco, CA.

Signature	Name (Printed)
Jason O'Connor	Jason O'Connor

Relationship to Project (i.e. Owner, Architect, etc.)	Phone	Email
Owner	415-812-9506	jocinspect@gmail.com

Submit completed Affidavit upon request by Planning Staff or in conjunction with a UDU Screening Request form.

FOR DEPARTMENT USE ONLY

1. Does the space meet the criteria for Physical Independence as described in Planning Code Section 317(b)(13)? ☐ YES ☐ NO

   If you've checked no, the space is **not** considered a UDU.

   Plans Dated: _____

   Photographs Provided on (date): _____

2. Has the space been used as a separate and distinct living space? ☐ YES ☐ NO

   Did the Rent Board provide records for this property? ☐ YES ☐ NO
   If yes, is there evidence of a UDU? ☐ YES ☐ NO
   Is there more than one unit accounted for in the Voter Rolls? ☐ YES ☐ NO
   Does the Unauthorized Unit Affidavit indicate that the project would remove a UDU? ☐ YES ☐ NO
   Is there any other documentation that indicates that the space has been occupied? ☐ YES ☐ NO

If yes has been checked above, describe the information further below:

_____
_____
_____
_____
_____

☐ An Unauthorized Unit is present at the Subject Property

☐ There are no Unauthorized Units present at the Subject Property

Planning counter Research Number: _____

_____
Signature

_____ _____
Name(Printed) Date

City and County of San Francisco
Department of Building Inspection

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

Report of Residential Building Record (3R)

(Housing Code Section 351(a))

COPY

BEWARE: This report describes the current legal use of this property as compiled from records of City Departments. There has been no physical examination of the property itself. This record contains no history of any plumbing or electrical permits. The report makes no representation that the property is in compliance with the law. Any occupancy or use of the property other than that listed as authorized in this report may be illegal and subject to removal or abatement, and should be reviewed with the Planning Department and the Department of Building Inspection. Errors or omissions in this report shall not bind or stop the City from enforcing any and all building and zoning codes against the seller, buyer and any subsequent owner. The preparation or delivery of this report shall not impose any liability on the City for any errors or omissions contained in said report, nor shall the City bear any liability not otherwise imposed by law.

Address of Building *678 VERMONT ST* **Block** *4028* **Lot** *001G*

Other Addresses

1. A. Present authorized Occupancy or use: ONE FAMILY DWELLING
   B. Is this building classified as a residential condominium? Yes No ✓
   C. Does this building contain any Residential Hotel Guest Rooms as defined in Chap. 41, S.F. Admin. Code? Yes No ✓
2. Zoning district in which located: RH-3
3. Building Code Occupancy Classification: R-3
4. Do Records of the Planning Department reveal an expiration date for any non-conforming use of this property? Yes No ✓
   If Yes, what date? **The zoning for this property may have changed. Call Planning Department, (628) 652-7300, for the current status.**
5. Building Construction Date (Completed Date): 1924
6. Original Occupancy or Use: ONE FAMILY DWELLING
7. Construction, conversion or alteration permits issued, if any:

Application #	Issue Date	Type of Work Done	Status
125482	Mar 22, 1924	NEW CONSTRUCTION.	NO INFO
95437	Feb 28, 1947	REMOVE PRESENT GARAGE DOORS AND INSTALL OVERHEAD DOOR. LOWER CURB. - CFC 1FD	COMPLETED
244463	Jan 05, 1961	REPAIR FIRE DAMAGE TO INCLUDE REPLACEMENT OF DAMAGED JOISTS, SHEATHING, RUSTIC AND STUDS. FIREPLACE TO BE SET ON ASBESTOS STRIPS AND PLATE. MISCELLANEOUS PAINTING, ROOFING, HARDWOOD AND TRIM.	COMPLETED
304020	Aug 25, 1964	INSTALL CABINETS AND PLASTIC TOPS TO ACCOMODATE AN ELECTRIC SINGLE OVEN, BURNER AND HOOD.	COMPLETED

8. A. Is there an active Franchise Tax Board Referral on file? Yes No ✓
   B. Is this property currently under abatement proceedings for code violations? Yes No ✓
9. Number of residential structures on property? 1
10. A. Has an energy inspection been completed? Yes No ✓ B. If yes, has a proof of compliance been issued? Yes No ✓
11. A. Is the building in the Mandatory Earthquake Retrofit of Wood-Frame Building Program? Yes No ✓
    B. If yes, has the required upgrade work been completed? Yes No
12. Is the building located within the flood risk zone boundaries delineated on the San Francisco Public Utilities Commission's 100-Year Storm Flood Risk Map dated July 01, 2019? Yes No ✓

Records Management Division
49 South Van Ness Avenue, Suite 400 - San Francisco CA 94103
Office (628) 652-3420 - dbi.records3R@sfgov.org - www.sfdbi.org/rmd

COPY

Address of Building *678 VERMONT ST* **Block** *4028* **Lot** *001G*

Other Addresses

Date of Issuance: 12 JAN 2023

Date of Expiration: 12 JAN 2024

By: SHIRLEY TORRES

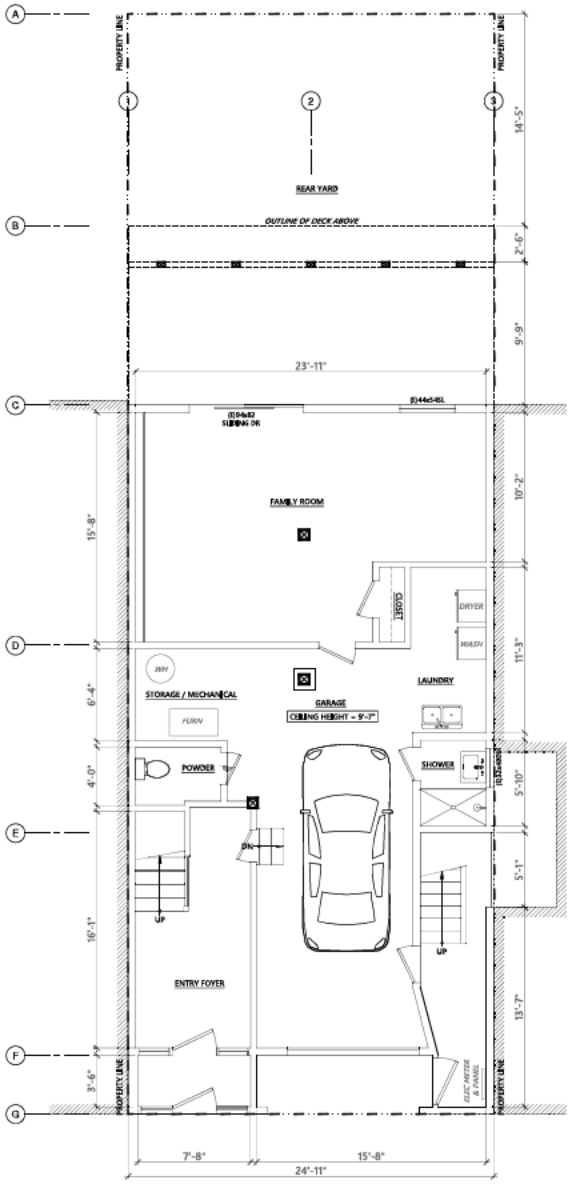
Report No: *202301097516*

Patty Herrera, Manager
Records Management Division

THIS REPORT IS VALID FOR ONE YEAR ONLY.

The law requires that, prior to the consummation of the sale or exchange of this property, the seller must deliver this report to the buyer and the buyer must sign it.

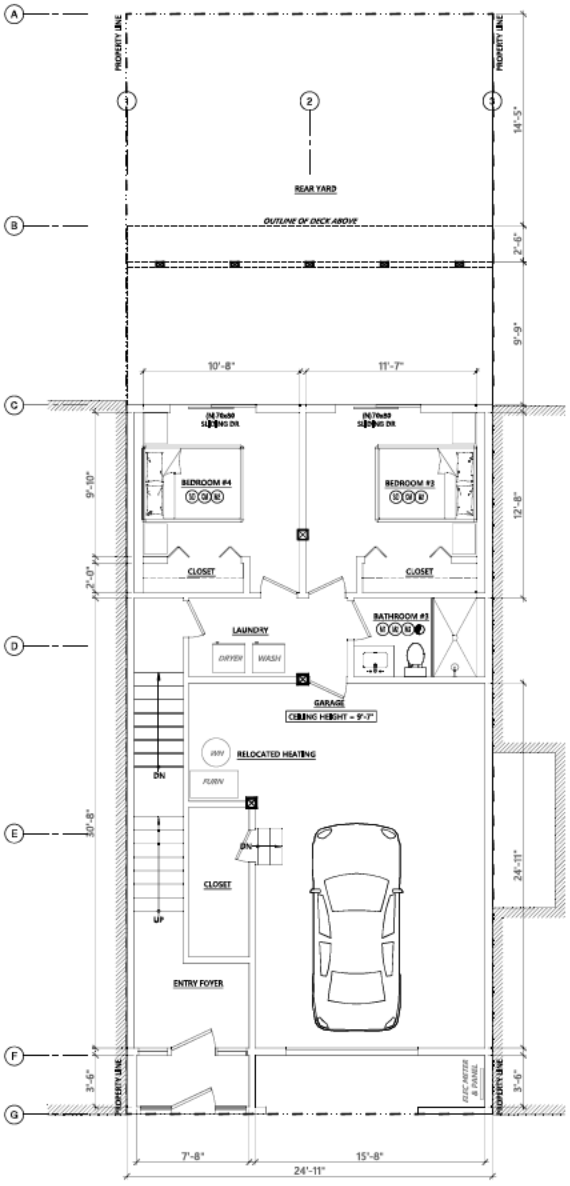
(For Explanation of terminology, see attached)



VERMONT STREET

EXISTING/DEMO FIRST FLOOR PLAN

SCALE: 1/4"=1'-0"



VERMONT STREET

PROPOSED FIRST FLOOR PLAN

SCALE: 1/4"=1'-0"

WALL LEGEND:

(E) WALL TO REMAIN

(E) WALL TO BE REMOVED

(N) WALL

UPGRADE (E) EXTERIOR WALL TO 1 HR RATED, SEE DETAIL 7A&B/A3.1

UPGRADE (N) INTERIOR WALL TO 1 HR RATED, SEE DETAIL 7C/A3.1

ELECTRICAL / MECHANICAL LEGEND

SYMBOL	DESCRIPTION
	VENTILATING FAN MUST HAVE A SEPARATE SWITCH FROM THE BATHROOM LIGHT PER CEMC 150.0(G)2.(B)
SD	110V HEAT / SMOKE DETECTOR • HARDWIRE w/ BATTERY BACKUP
CM	CARBON MONOXIDE DETECTOR (ALARM SHALL RECEIVE THEIR PRIMARY POWER FROM BUILDING WIRING FROM A COMMERCIAL SOURCE AND SHALL BE EQUIPPED WITH A BATTERY BACK-UP (CRC R315.1.1)

MECHANICAL NOTES

MARK	DESCRIPTION
M	TERMINATE VENTS 3'-0" MIN. AWAY FROM PROPERTY LINE AND WALL OPENINGS
M	LIGHTING TO BE HIGH EFFICACY WITH VACANCY SENSOR.
M	(N) TAN-FL. LIGHT CAPABLE OF 5 ABH CHANGES PER HR, w/ BACKDRAFT DAMPER AND HUMIDISTAT
M	HIGH EFFICACY LIGHTING TO SAVE 100% WATTAGE IN KITCHEN
M	PROVIDE 100 SQ. IN. OPENING OR MAKE-UP AIR SHALL BE PROVIDED
M	EXHAUST PER CMC TABLE 403.7. CONNECT EXHAUST TO (E) DUCT WORK
FR	20 MIN. FIRE-RATED DOOR w/ SELF-CLOSER, SMOKE-SEALING & SMOKE GASKETS TO MAINTAIN 1-HR FIRE RATED SEPARATION

EMERGENCY ESCAPE (EGRESS) WINDOW REQUIREMENTS:

AT LEAST ONE WINDOW PER BEDROOM SHALL MEET EGRESS THE FOLLOWING REQUIREMENTS:

1. MINIMUM CLEAR OPENING WIDTH = 20"
2. MINIMUM CLEAR OPENING HEIGHT = 24"
3. MINIMUM OPERABLE AREA = 5.7 SQ. FT.
4. BOTTOM OF CLR. OPENING TO FINISHED FLOOR NOT TO EXCEED 44"

LIGHT / AIR REQUIRED BY CBC SEC 1205.2 & 1203.3
FOR FIRST FLOOR ROOMS OF 678 VERMONT STREET

ROOM	TOTAL AREA	LIGHT (8.0% REQ'D/EXIST)	AIR / VENTILATION (5% REQ'D/EXIST)
BEDROOM #1	141 SQ. FT.	11.28 SQ. FT REQUIRED 12.80 SQ. FT. PROVIDED	5.64 SQ. FT REQUIRED 6.64 SQ. FT. PROVIDED
BEDROOM #2	154 SQ. FT.	12.32 SQ. FT REQUIRED 24.9 SQ. FT. PROVIDED	6.16 SQ. FT REQUIRED 12.8 SQ. FT. PROVIDED
KITCHEN & DINING ROOM	529 SQ. FT.	41.84 SQ. FT REQUIRED 189.5 SQ. FT. PROVIDED	26.50 SQ. FT REQUIRED 54.7 SQ. FT. PROVIDED

DEMOLITION CALCULATIONS PER SF PLANNING CODE SEC. 317:

1ST FLOOR INTERIOR WALLS:

TOTAL LINEAR FT OF (E) INTERIOR WALLS	= 35'-0"
TOTAL LINEAR FT OF (E) INTERIOR WALLS TO BE REMOVED	= 26'-0"
% (E) INTERIOR WALL DEMOLITION	= 74%

1ST FLOOR EXTERIOR WALLS:

TOTAL LINEAR FT OF (E) EXTERIOR WALLS	= 160-0"
TOTAL LINEAR FT OF (E) EXTERIOR WALLS TO BE REMOVED	= 64'-0"
% (E) EXTERIOR WALL DEMOLITION	= 40%

ELECTRICAL / MECHANICAL / ENERGY NOTES:

1. TERMINATION OF ALL ENVIRONMENTAL AIR DUCTS SHALL BE A MINIMUM OF 3'-0" FROM ANY OPENING INTO THE BUILDING (IE. DRYERS, BATH & UTILITY FANS, ETC.) MUST BE 3'-0" AWAY FROM DOORS, WINDOWS, OPENING SKYLIGHTS OR ATTIC VENTS (CMC 502.2.1). PROVIDE BACK-DRAFT DAMPERS PER CMC 504.5.1. EXHAUST SHALL NOT DISCHARGE ONTO PUBLIC RIGHT-OF-WAY.
2. DOMESTIC RANGE HOOD VENTS SHALL MEET THE REQUIREMENTS OF CMC 504.3 & COMPLY WITH CMC TABLE 4-B1.7 & CEC.
3. ALL INTERIOR SPACES INTENDED FOR HUMAN OCCUPANCY SHALL BE PROVIDED WITH SPACE HEATING PER CBC CBC 1208.1.
4. CLOTHES DRYER EXHAUST SHALL BE A MINIMUM 4 INCHES, TERMINATE TO THE OUTSIDE OF THE BUILDING, SHALL BE EQUIPPED WITH A BACK-DRAFT DAMPER, AND MEET THE REQUIREMENTS OF CMC 504.4. PROVIDE 100 SQ. INCH MINIMUM MAKE-UP AIR OPENING FOR DOMESTIC DRYERS.
5. STEEL DUCTS NOT LESS THAN 0.019 IN. DUCT IN THICKNESS AND NO OPENINGS IN GARAGE PER CRC 406.3.2.2
6. ALL ELECTRICAL CONDUCTOR MATERIAL SHALL BE COPPER
7. ALL 15 AND 20 AMP RECEPTACLES IN BATHROOMS, GARAGE, KITCHENS, OUTLETS INSTALLED WITHIN 6'-0" OF BATHTUBS OR SHOWERS AND LAUNDRY AREAS SHALL BE PROTECTED BY A GROUND FAULT CIRCUIT INTERRUPTER (GFCI).
8. ALL 15 AND 20 AMP BRANCH CIRCUITS SUPPLYING ALL OUTLETS OR DEVICES IN NEW HABITABLE AND NON-HABITABLE ROOMS SHALL BE PROTECTED BY AN ARC-FAULT CIRCUIT INTERRUPTER (AFCI).
9. ALL 15 AND 20 AMP RECEPTACLES INSTALLED IN NEW CONSTRUCTION AND ALTERATION SHALL BE TAMPER RESISTANCE RECEPTACLES.
10. PROVIDE ONE DEDICATED 20 AMP BRANCH CIRCUIT FOR BATHROOM RECEPTACLE OUTLETS.
11. PROVIDE DEDICATED 20 AMP GFCI BRANCH CIRCUIT FOR LAUNDRY RECEPTACLE OUTLETS.
12. PROVIDE 2 COPIES OF A COMPLETED PRESCRIPTIVE ADHERENCE FORM (2016-CF-ENV-ADH-04) AT "FINAL INSPECTION" PREPARED BY CONTRACTOR CERTIFYING THE INSTALLATION OF MANDATORY BUILDING COMPONENTS ARE IN ACCORDANCE WITH CALIFORNIA ENERGY REGULATION.
13. TEMPORARY NFRC LABELS ON NEW WINDOWS AND EXTERIOR DOORS SHALL NOT BE REMOVED BEFORE INSPECTION BY ENFORCEMENT AUTHORITY.
14. THE FOLLOWING OPENINGS SHALL BE CAULKED, GASKETED, WEATHER STRIPPED OR OTHERWISE SEALED:
    - 14.1. EXTERIOR JOINTS AROUND WINDOWS AND DOOR FRAMES, (INCLUDING DOORS BETWEEN HOUSE AND GARAGE, BETWEEN INTERIOR HVAC CLOSET AND CONDITIONED SPACE, BETWEEN ALL SOLE PLATES AND THE FLOOR, EXTERIOR PANELS AND ALL SIDING MATERIALS.
15. OPENINGS FOR PLUMBING, ELECTRICITY AND GAS LINES IN INTERIOR WALLS, CEILINGS AND FLOORS.

PLUMBING NOTES:

1. PLASTIC PLUMBING PIPE SHALL NOT BE USED FOR THE DOMESTIC WATER SUPPLY OR SANITARY WASTE WITHIN THE BUILDING.
2. SHOWER AND TUB-SHOWER COMBINATIONS SHALL BE PROVIDED WITH PRESSURE BALANCED OR THERMOSTATIC MIXING TYPE CONTROL VALVES.
3. CONTROL VALVES AND SHOWER HEADS SHALL BE LOCATED ON THE SIDEWALL OF SHOWER COMPARTMENTS.
4. PROVIDE INSULATION ON ALL NEW DOMESTIC HOT WATER PIPING. INSULATION SHALL BE THE SAME THICKNESS OF THE WATER PIPING UP TO 2" WATER PIPING SIZE.
5. MAX. 1.8 GALL/MIN. FOR SHOWER HEAD.
6. MAX. 1.2 GALL/MIN. FOR BATHROOM FAUCETS (LAVATORY)
7. MAX. 1.28 GALL/MIN. PER FLUSH FOR NEW TOILETS.
8. MAX. WATER FACTOR EQUAL TO OR LESS THAT 6.0 FOR CLOTHES WASHERS.
9. 1" INSULATION SHALL BE INSTALLED ON FIRST 5'-0" OF HOT AND COLD WATER PIPES AT WATER HEATER
10. SHOWER DOORS SHALL MAINTAIN NOT LESS THAN A 22" UNOBSTRUCTED OPENING FOR EGRESS (CPC 408.5)
11. 1.8 GALLONS PER MINUTE FOR KITCHEN FAUCETS, MAXIMUM (CGBC 4.303.1.4.4)

LIGHTING NOTES:

1. ALL LIGHTING SHALL BE HIGH-EFFICACY AND COMPLY WITH CEC 150.0(k).
2. ALL INSTALLED LUMINAIRES SHALL MEET THE REQUIREMENTS IN TABLE 150.0-A.
    - 2.1. LIGHTING INTEGRAL TO EXHAUST FANS.
    - 2.2. LIGHTING INTEGRAL TO EXHAUST FANS SHALL MEET THE APPLICABLE REQUIREMENTS OF SECTION 150.0(k).
    - 2.3. EXCEPTION TO SECTION 150.0(k)1F: LIGHTING INSTALLED BY THE MANUFACTURER IN KITCHEN EXHAUST HOODS.
3. INTERIOR LIGHTING CONTROLS DEVICES AND CONTROLS.
    - 3.1. ALL FORWARD PHASE CUT DIMMERS USED WITH LED LIGHT SOURCES SHALL COMPLY WITH NEMA SSL 7A.
    - 3.2. EXHAUST FANS SHALL BE CONTROLLED SEPARATELY FROM LIGHTING SYSTEMS.
    - 3.3. EXCEPTION TO SECTION 150.0(k)2B: LIGHTING INTEGRAL TO AN EXHAUST FAN MAY BE ON THE SAME CONTROL AS THE FAN PROVIDED THE LIGHTING CAN BE TURNED OFF IN ACCORDANCE WITH THE APPLICABLE PROVISIONS IN SECTION 150.0(k)2 WHILE ALLOWING THE FAN TO CONTINUE TO OPERATE.
    - 3.4. LIGHTING SHALL HAVE READILY ACCESSIBLE WALL-MOUNTED CONTROLS THAT ALLOW THE LIGHTING TO BE MANUALLY TURNED ON AND OFF.
    - 3.5. EXCEPTION TO SECTION 150.0(k)2C: CEILING FANS MAY PROVIDE CONTROL OF INTEGRATED LIGHTING VIA A REMOTE CONTROL.
    - 3.6. LIGHTING CONTROLS AND EQUIPMENT SHALL BE INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S INSTRUCTIONS.
    - 3.7. NO CONTROLS SHALL BYPASS A DIMMER, OCCUPANT SENSOR OR VACANCY SENSOR FUNCTION WHERE THAT DIMMER OR SENSOR HAS BEEN INSTALLED TO COMPLY WITH SECTION 150.0(k).
    - 3.8. LIGHTING CONTROLS SHALL COMPLY WITH THE APPLICABLE REQUIREMENTS OF SECTION 110.9.
    - 3.9. AN ENERGY MANAGEMENT CONTROL SYSTEM (EMCS) MAY BE USED TO COMPLY WITH CONTROL REQUIREMENTS IN SECTION 150.0(k) IF AT A MINIMUM IT PROVIDES THE FUNCTIONALITY OF THE SPECIFIED CONTROLS IN ACCORDANCE WITH SECTION 110.9, MEETS THE INSTALLATION CERTIFICATE REQUIREMENTS IN SECTION 130.4 MEETS THE EMCS REQUIREMENTS IN SECTION 130.5(D), AND COMPLIES WITH ALL OTHER APPLICABLE REQUIREMENTS IN SECTION 150.0(K)2.
    - 3.10. A MULTI-SCENE PROGRAMMABLE CONTROLLER MAY BE USED TO COMPLY WITH DIMMER REQUIREMENTS IN SECTION 150.0(k) IF AT A MINIMUM IT PROVIDES THE FUNCTIONALITY OF A DIMMER IN ACCORDANCE WITH SECTION 110.9, AND COMPLIES WITH ALL OTHER APPLICABLE REQUIREMENTS IN SECTION 150.0(K)2.
    - 3.11. IN BATHROOMS, GARAGES, LAUNDRY ROOMS, AND UTILITY ROOMS, AT LEAST ONE LUMINAIRE IN EACH OF THESE SPACES SHALL BE CONTROLLED BY AN OCCUPANT OR VACANCY SENSOR PROVIDING AUTOMATIC-OFF FUNCTIONALITY. IF AN OCCUPANT SENSOR IS INSTALLED, IT SHALL BE INITIALLY CONFIGURED TO MANUAL-ON OPERATION USING THE MANUAL CONTROL REQUIRED UNDER SECTION 150.0(K)2C.
    - 3.12. LUMINAIRES THAT ARE OR CONTAIN LIGHT SOURCES THAT MEET REFERENCE JOINT APPENDIX JA8 REQUIREMENTS FOR DIMMING, AND THAT ARE NOT CONTROLLED BY OCCUPANCY OR VACANCY SENSORS, SHALL HAVE DIMMING CONTROLS.
        - 3.12.1. EXCEPTION 1 TO SECTION 150.0(K)2.2: LUMINAIRES IN CLOSETS LESS THAN 70 SQUARE FEET.
        - 3.12.2. EXCEPTION 2 TO SECTION 150.0(K)2.2: LUMINAIRES IN HALLWAYS.

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RESIDENTIAL RENOVATION & INFILL

#	DATE	ISSUES & REVISIONS	BY
D	04/23/25	FOR REVIEW	AS

DRAWN BY: A.S.

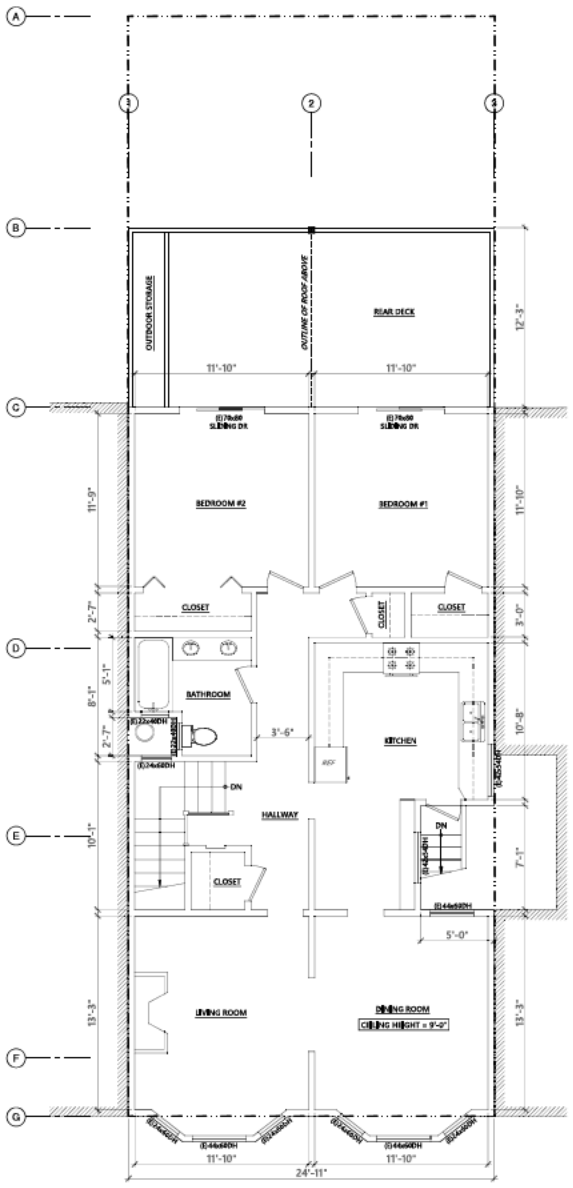
SHEET TITLE:

EXISTING / DEMO & PROPOSED FIRST FLOOR PLAN

SHEET NUMBER

A1.1

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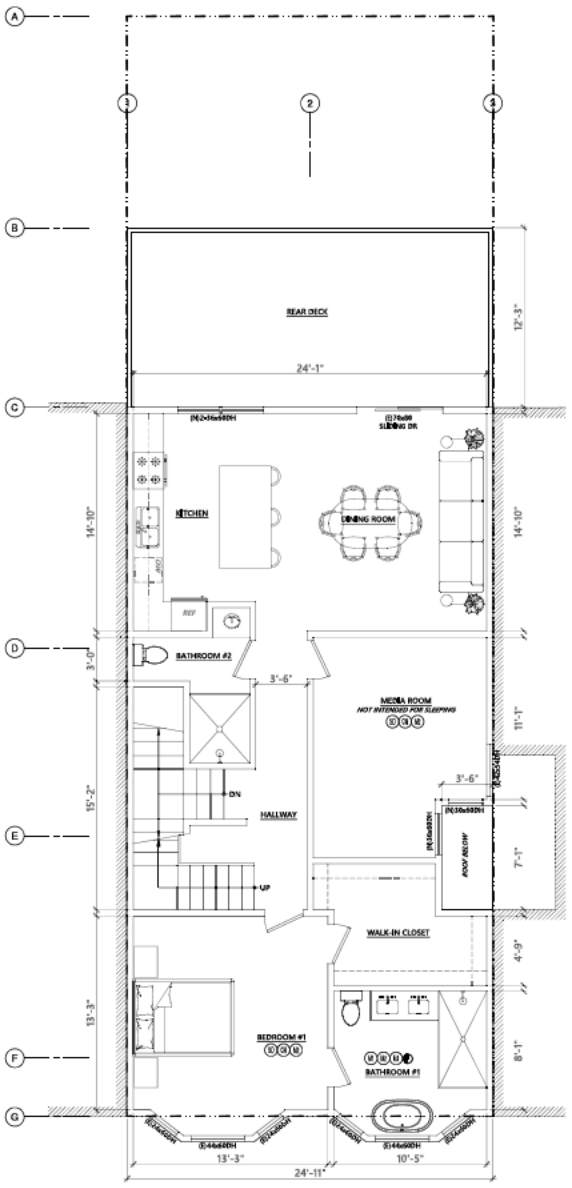


VERMONT STREET

EXISTING/DEMO SECOND FLOOR PLAN

SCALE: 1/4" =1'-0"

N



VERMONT STREET

PROPOSED SECOND FLOOR PLAN

SCALE: 1/4" =1'-0"

N

WALL LEGEND:

(E) WALL TO REMAIN	
(E) WALL TO BE REMOVED	
(N) WALL	
UPGRADE (E) EXTERIOR WALL TO 1 HR RATED, SEE DETAIL 7A/A9.1	
UPGRADE (N) INTERIOR WALL TO 1 HR RATED, SEE DETAIL 7C/A9.1	

ELECTRICAL / MECHANICAL LEGEND

SYMBOL	DESCRIPTION
	VENTILATING FAN MUST HAVE A SEPARATE SWITCH FROM THE BATHROOM LIGHT PER CENC 150.0(J)1(B)
SD	110V HEAT / SMOKE DETECTOR w/ BATTERY BACK-UP
CM	CARBON MONOXIDE DETECTOR (ALARM SHALL RECEIVE THEIR PRIMARY POWER FROM BUILDING WIRING FROM A COMMERCIAL SOURCE AND SHALL BE EQUIPPED WITH A BATTERY BACK-UP (CRC R315.1.1)

MECHANICAL NOTES

MARK	DESCRIPTION
(F)	TERMINATE VENTS 3'-0" MIN. AWAY FROM PROPERTY LINE AND WALL OPENINGS
(K)	LIGHTING TO BE HIGH EFFICACY WITH VACANCY SENSOR
(R)	(N) FAN=FL, LIGHT CAPABLE OF 5 AIR CHANGES PER HR, w/ BACKDRAFT DAMPER AND HUMIDISTAT
(B)	HIGH EFFICACY LIGHTING TO HAVE 100% WATTAGE IN KITCHEN
(E)	PROVIDE 100 SQ. IN. OPENING OR MAKE-UP AIR SHALL BE PROVIDED
(M)	EXHAUST PER CMC TABLE 403.7. CONNECT EXHAUST TO (E) DUCT WORK
FR	20 MIN. FIRE-RATED DOOR w/ SELF-CLOSER, TIGHT-FITTING & SMOKE GASKETS TO MAINTAIN 1HR FIRE RATED SEPARATION

EMERGENCY ESCAPE (EGR) WINDOW REQUIREMENTS: (RES)

AT LEAST ONE WINDOW PER BEDROOM SHALL MEET EGRESS THE FOLLOWING REQUIREMENTS:

1. MINIMUM CLEAR OPENING WIDTH = 20"
2. MINIMUM CLEAR OPENING HEIGHT = 24"
3. MINIMUM OPERABLE AREA = 5.7 SQ. FT.
4. BOTTOM OF CLR. OPENING TO FINISHED FLOOR NOT TO EXCEED 44"

LIGHT / AIR: REQUIRED BY CBC SEC 1203.2 & 1203.3 FOR SECOND FLOOR ROOMS OF 678 VERMONT STREET

ROOM	TOTAL AREA	LIGHT (8.0% REQUIRED)	AIR / VENTILATION (4% REQUIRED)
BEDROOM #1	141 SQ. FT.	11.28 SQ. FT. REQUIRED 12.88 SQ. FT. PROVIDED	5.64 SQ. FT REQUIRED 6.64 SQ. FT. PROVIDED
BEDROOM #2	154 SQ. FT.	12.32 SQ. FT REQUIRED 24.8 SQ. FT. PROVIDED	6.16 SQ. FT REQUIRED 12.6 SQ. FT. PROVIDED
KITCHEN & DINING ROOM	528 SQ. FT.	45.84 SQ. FT REQUIRED 169.5 SQ. FT. PROVIDED	28.92 SQ. FT REQUIRED 147 SQ. FT. PROVIDED

DEMOLITION CALCULATIONS PER SF PLANNING CODE SEC. 311:

1ST FLOOR INTERIOR WALLS:

TOTAL LINEAR FT OF (E) INTERIOR WALLS	= 35'-0"
TOTAL LINEAR FT OF (E) INTERIOR WALLS TO BE REMOVED	= 26'-0"
% (E) INTERIOR WALL DEMOLITION	= 74%

1ST FLOOR EXTERIOR WALLS:

TOTAL LINEAR FT OF (E) EXTERIOR WALLS	= 158'-0"
TOTAL LINEAR FT OF (E) EXTERIOR WALLS TO BE REMOVED	= 64'-0"
% (E) EXTERIOR WALL DEMOLITION	= 40%

ELECTRICAL / MECHANICAL / ENERGY NOTES:

1. TERMINATION OF ALL ENVIRONMENTAL AIR DUCTS SHALL BE A MINIMUM OF 3'-0" FROM ANY OPENINGS INTO THE BUILDING (I.E. DRYERS, BATH & UTILITY FANS, ETC.) MUST BE 3'-0" AWAY FROM DOORS, WINDOWS, OPENING SKYLIGHTS OR ATTIC VENTS. (CMC 502.3.1). PROVIDE BACKDRAFT DAMPERS PER CMC 504.1.1. EXHAUST SHALL NOT DISCHARGE ONTO PUBLIC RIGHT-OF-WAY.
2. DOMESTIC RANGE HOOD VENTS SHALL MEET THE REQUIREMENTS OF CMC 504.3 & COMPLY WITH CMC TABLE 4-B.1.7 & CEC.
3. ALL INTERIOR SPACES INTENDED FOR HUMAN OCCUPANCY SHALL BE PROVIDED WITH SPACE HEATING PER CBC CBC 1205.1.
4. CLOTHES DRYER EXHAUST SHALL BE A MINIMUM 4 INCHES, TERMINATE TO THE OUTSIDE OF THE BUILDING, SHALL BE EQUIPPED WITH A BACK-DRAFT DAMPER, AND MEET THE REQUIREMENTS OF CMC 504.4. PROVIDE 100 SQ. INCH MINIMUM MAKE-UP AIR OPENING FOR DOMESTIC DRYERS.
5. STEEL DUCTS NOT LESS THAN 0.019IN. DUCT IN THICKNESS AND NO OPENINGS IN GARAGE PER CBC 488.1.2.2
6. ALL ELECTRICAL CONDUCTOR MATERIAL SHALL BE COPPER
7. ALL 15 AND 20 AMP RECEPTACLES IN BATHROOMS, GARAGE, KITCHENS, OUTLETS INSTALLED WITHIN 6'-0" OF BATHTUBS OR SHOWERS AND LAUNDRY AREAS SHALL BE PROTECTED BY A GROUND FAULT CIRCUIT INTERRUPTER (GFCI).
8. ALL 15 AND 20 AMP BRANCH CIRCUITS SUPPLYING ALL OUTLETS OR DEVICES IN NEW HABITABLE AND NON-HABITABLE ROOMS SHALL BE PROTECTED BY AN ARC-FAULT CIRCUIT INTERRUPTER (AFCI).
9. ALL 15 AND 20 AMP RECEPTACLES INSTALLED IN NEW CONSTRUCTION AND ALTERATION SHALL BE TAMPER RESISTANCE RECEPTACLES.
10. PROVIDE ONE DEDICATED 20 AMP BRANCH CIRCUIT FOR BATHROOM RECEPTACLE OUTLETS.
11. PROVIDE DEDICATED 20 AMP GFCI BRANCH CIRCUIT FOR LAUNDRY RECEPTACLE OUTLETS.
12. PROVIDE 2 COPIES OF A COMPLETED PRESCRIPTIVE ADDENDA FORM 2019-C+2016-ADD-6.2ed AT "FINAL INSPECTION" PREPARED BY CONTRACTOR CERTIFYING THE INSTALLATION OF MANDATORY BUILDING COMPONENTS ARE IN ACCORDANCE WITH CALIFORNIA ENERGY REGULATION.
13. TEMPORARY NFRC LABELS ON NEW WINDOWS AND EXTERIOR DOORS SHALL NOT BE REMOVED BEFORE INSPECTION BY ENFORCEMENT AUTHORITY.
14. THE FOLLOWING OPENINGS SHALL BE CAULKED, GASKETED, WEATHER STRIPPED OR OTHERWISE SEALED:
    14.1. EXTERIOR JOINTS AROUND WINDOWS AND DOOR FRAMES, INCLUDING DOORS BETWEEN HOUSE AND GARAGE, BETWEEN INTERIOR HVAC CLOSET AND CONDITIONED SPACES, BETWEEN ALL SOLE PLATES AND THE FLOOR, EXTERIOR PANELS AND ALL SIDING MATERIALS.
15. OPENINGS FOR PLUMBING, ELECTRICITY AND GAS LINES IN INTERIOR WALLS, CEILINGS AND FLOORS.

PLUMBING NOTES:

1. PLASTIC PLUMBING PIPE SHALL NOT BE USED FOR THE DOMESTIC WATER SUPPLY OR SANITARY WASTE WITHIN THE BUILDING.
2. SHOWER AND TUB-SHOWER COMBINATIONS SHALL BE PROVIDED WITH PRESSURE BALANCED OR THERMOSTATIC MIXING TYPE CONTROL VALVES.
3. CONTROL VALVES AND SHOWER HEADS SHALL BE LOCATED ON THE SIDEWALL OF SHOWER COMPARTMENTS.
4. PROVIDE INSULATION ON ALL NEW DOMESTIC HOT WATER PIPING. INSULATION SHALL BE THE SAME THICKNESS OF THE WATER PIPING UP TO 2" WATER PIPING SIZE.
5. MAX 1.8 GALL/MIN. FOR SHOWER HEAD.
6. MAX 1.2 GALL/MIN. FOR BATHROOM FAUCETS (LAVATORY)
7. MAX. 1.28 GALL/MIN. PER FLUSH FOR NEW TOILETS.
8. MAX WATER FACTOR EQUAL TO OR LESS THAT 6.0 FOR CLOTHES WASHERS.
9. 1" INSULATION SHALL BE INSTALLED ON FIRST 5'-0" OF HOT AND COLD WATER PIPES AT WATER HEATER.
10. SHOWER DOORS SHALL MAINTAIN NOT LESS THAN A 22" UNOBSTRUCTED OPENING FOR EGRESS (CPC 408.5)
11. 1.8 GALLONS PER MINUTE FOR KITCHEN FAUCETS, MAXIMUM (CGBC 4.303.1.4.4)

LIGHTING NOTES:

1. ALL LIGHTING SHALL BE HIGH-EFFICACY AND COMPLY WITH CEC 150.0(K).
2. ALL INSTALLED LUMINAIRES SHALL MEET THE REQUIREMENTS IN TABLE 150.0-A.
   2.1. LIGHTING INTEGRAL TO EXHAUST FANS.
   2.2. LIGHTING INTEGRAL TO EXHAUST FANS SHALL MEET THE APPLICABLE REQUIREMENTS OF SECTION 150.0(K).
   2.3. EXCEPTION TO SECTION 150.0(K)1F: LIGHTING INSTALLED BY THE MANUFACTURER IN KITCHEN EXHAUST HOODS.
3. INTERIOR LIGHTING SWITCHING DEVICES AND CONTROLS.
   3.1. ALL FORWARD PHASE CUT DIMMERS USED WITH LED LIGHT SOURCES SHALL COMPLY WITH NEMA SSL 7A.
   3.2. EXHAUST FANS SHALL BE CONTROLLED SEPARATELY FROM LIGHTING SYSTEMS.
   3.3. EXCEPTION TO SECTION 150.0(K)2A: LIGHTING INTEGRAL TO AN EXHAUST FAN MAY BE ON THE SAME CONTROL AS THE FAN PROVIDED THE LIGHTING CAN BE TURNED OFF IN ACCORDANCE WITH THE APPLICABLE PROVISIONS IN SECTION 150.0(K)2 WHILE ALLOWING THE FAN TO CONTINUE TO OPERATE.
   3.4. LIGHTING SHALL HAVE READILY ACCESSIBLE WALL-MOUNTED CONTROLS THAT ALLOW THE LIGHTING TO BE MANUALLY TURNED ON AND OFF.
   3.5. EXCEPTION TO SECTION 150.0(K)2C: CEILING FANS MAY PROVIDE CONTROL OF INTEGRATED LIGHTING VIA A REMOTE CONTROL.
   3.6. LIGHTING CONTROLS AND EQUIPMENT SHALL BE INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S INSTRUCTIONS.
   3.7. NO CONTROLS SHALL BYPASS A DIMMER, OCCUPANT SENSOR OR VACANCY SENSOR FUNCTION WHERE THAT DIMMER OR SENSOR HAS BEEN INSTALLED TO COMPLY WITH SECTION 150.0(K).
   3.8. LIGHTING CONTROLS SHALL COMPLY WITH THE APPLICABLE REQUIREMENTS OF SECTION 110.9.
   3.9. AN ENERGY MANAGEMENT CONTROL SYSTEM (EMCS) MAY BE USED TO COMPLY WITH CONTROL REQUIREMENTS IN SECTION 150.0(K). IF AT A MINIMUM IT PROVIDES THE FUNCTIONALITY OF THE SPECIFIED CONTROLS IN ACCORDANCE WITH SECTION 110.9, MEETS THE INSTALLATION CERTIFICATE REQUIREMENTS IN SECTION 130.4 MEETS THE EMCS REQUIREMENTS IN SECTION 130.5(D), AND COMPLIES WITH ALL OTHER APPLICABLE REQUIREMENTS IN SECTION 150.0(K)2.
   3.10. A MULTI-ZONE PROGRAMMABLE CONTROLLER MAY BE USED TO COMPLY WITH DIMMER REQUIREMENTS IN SECTION 150.0(K) IF AT A MINIMUM IT PROVIDES THE FUNCTIONALITY OF A DIMMER IN ACCORDANCE WITH SECTION 110.9, AND COMPLIES WITH ALL OTHER APPLICABLE REQUIREMENTS IN SECTION 150.0(K)2.
   3.11. IN BATHROOMS, GARAGES, LAUNDRY ROOMS, AND UTILITY ROOMS, AT LEAST ONE LUMINAIRE IN EACH OF THESE SPACES SHALL BE CONTROLLED BY AN OCCUPANT OR VACANCY SENSOR PROVIDING AUTOMATIC-OFF FUNCTIONALITY. IF AN OCCUPANT SENSOR IS INSTALLED, IT SHALL BE INITIALLY CONFIGURED TO MANUAL-ON OPERATION USING THE MANUAL CONTROL REQUIRED UNDER SECTION 150.0(K)1C.
   3.12. LUMINAIRES THAT ARE OR CONTAIN LIGHT SOURCES THAT MEET REFERENCE JOINT APPENDIX JA8 REQUIREMENTS FOR DIMMING, AND THAT ARE NOT CONTROLLED BY OCCUPANCY OR VACANCY SENSORS, SHALL HAVE DIMMING CONTROLS.
      3.12.1. EXCEPTION 1 TO SECTION 150.0(K)2.2: LUMINAIRES IN CLOSETS LESS THAN 70 SQUARE FEET.
      3.12.2. EXCEPTION 2 TO SECTION 150.0(K)2.2: LUMINAIRES IN HALLWAYS.

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SAN FRANCISCO, CALIFORNIA 94107

RESIDENTIAL RENOVATION & INFILL

#	DATE	ISSUES & REVISIONS	BY
D	04/23/25	FOR REVIEW	AS

DRAWN BY: A.S.

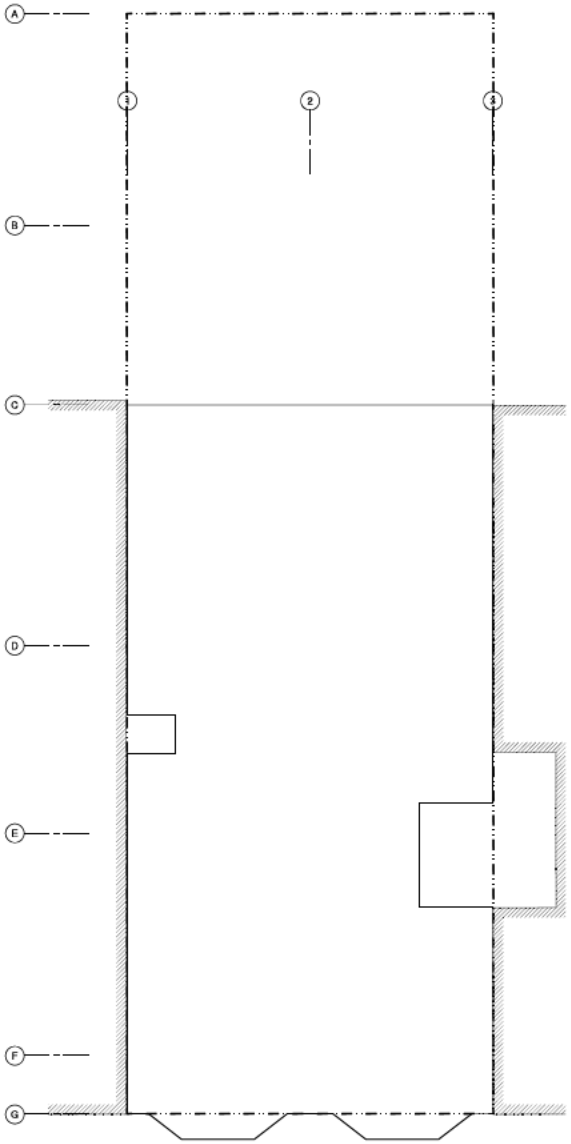
SHEET TITLE:

EXISTING / DEMO & PROPOSED SECOND FLOOR PLAN

SHEET NUMBER

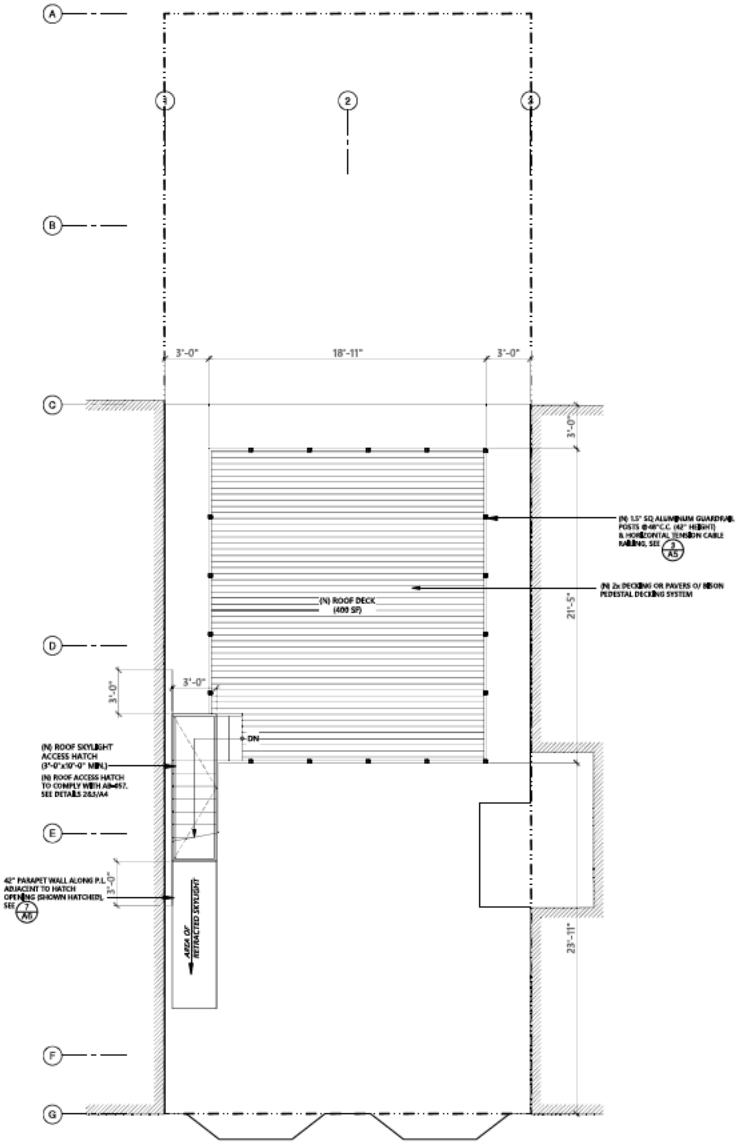
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VERMONT STREET

EXISTING/DEMO ROOF FLOOR PLAN
SCALE: 1/4" =1'-0"



VERMONT STREET

PROPOSED ROOF / ROOF DECK PLAN
SCALE: 1/4" =1'-0"

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RESIDENTIAL RENOVATION & INFILL

#	DATE	ISSUES & REVISIONS	BY
0	04/23/25	FOR REVIEW	AS

DRAWN BY: A.S.

SHEET TITLE:

EXISTING / DEMO & PROPOSED ROOF / ROOF DECK PLAN

SHEET NUMBER

A1.3

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EXHIBIT C

Residential Rent Stabilization and Arbitration Board
City & County Of San Francisco

Action Log

Petition # L230904
678 Vermont Street

Date	Action	By
12/30/24	Status Report Filed by email	Cathy Helton
2/ 6/25	Duplication request received from Freddie Hannah on 2/5. Request forwarded to Kyle D for fulfillment 2/6	Ashly Sowell
2/11/25	Duplication request forwarded to Cathy	Kyle Dang
2/11/25	Non-confidential side of file copied and certified for Freddie Hannah of Nixon Peabody, pursuant to duplication request.	Cathy Helton
5/ 7/25	Duplication request received from Alexander Santos on 5/5. Request forwarded to Cathy H. 5/7.	Ashly Sowell
5/12/25	Non-confidential side of file copied for Alexander Santos pursuant to duplication request.	Cathy Helton

Residential Rent Stabilization and Arbitration Board
City & County Of San Francisco

Action Log

Petition # L230904
678 Vermont Street

Date	Action	By
7/26/23	Ellis Notice Filed	Cathy Helton
7/26/23	Notice to Quit Filed - to Upper unit	Cathy Helton
7/27/23	Ellis Tenant Packets mailed	Cathy Helton
7/27/23	L Notice to T of Filing of NOI Filed - to Upper unit	Cathy Helton
8/23/23	Tenant Extension Claim Filed by email (as to Upper unit based on age & disability).	Cathy Helton
8/31/23	L Notice re Extension Claim Filed (as to Upper unit)	Cathy Helton
10/10/23	L Response to 1-Year Extension Filed (granting to Upper unit)	Cathy Helton
10/25/23	Status Report Filed by email	Cathy Helton
1/31/24	Status Report Filed by email	Cathy Helton
6/ 6/24	Non-confidential side of file copied for Braxton Haake, LAE, pursuant to duplication request.	Cathy Helton
8/14/24	Constraints Recorded - recorded with a one-year effective date of 7/26/24	Cathy Helton
8/22/24	NOC Returned by Recorder - recorded on 8/15/24 as Document # 2024063903	Cathy Helton

Outlook

678 Vermont Street / Ellis Act Status Report

From Bombard, Jaimie <jbombard@nixonpeabody.com>
Date Mon 12/30/2024 2:36 PM
To Board, Rent (RNT) <rentboard@sfgov.org>

RECEIVED
DEC 30 2024
S.F. RESIDENTIAL RENT STABILIZATION AND ARBITRATION BOARD

1 attachment (178 KB)
Ellis Act Status Report (First Annual Report-December 2024).pdf;

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Hello – Attached for filing is an Ellis Act Status Report for 678 Vermont Street.

Nixon Peabody Logo

Jaimie Bombard
Partner
jbombard@nixonpeabody.com
T/ +1 415.984.8388 F/ +1 415.948.2107

Nixon Peabody LLP
One Embarcadero Center, 32nd Floor, San Francisco, CA 94111
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Docusign Envelope ID: AD851710-E1D1-4960-A-8149DD3847CF

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DEC 30 2024

S.F. RESIDENTIAL RENT STABILIZATION AND ARBITRATION BOARD

STATUS REPORT PURSUANT TO SECTION 37.9A(h) OF THE SAN FRANCISCO RENT ORDINANCE

(First Annual Report – December 2024)

TO: San Francisco Residential Rent Stabilization and Arbitration Board
25 Van Ness Avenue
#320
San Francisco, CA 94102

NOTICE IS HEREBY GIVEN that Jason O'Connor and Leanne O'Connor, the owners of the real property located at 678 Vermont Street, San Francisco, CA 94107 ("Owners"), hereby provide the following information pursuant to San Francisco Administrative Code, Chapter 37, Section 37.9A(h)(1) as follows:

For the rental unit located at 678 Vermont Street (Upper Unit), San Francisco, CA 94107:

(A) The unit has not been demolished;
(B) The unit is in use;
(C) The use is residential; and
(D) The tenancy of David B. Spahn that began on June 15, 1991 was terminated pursuant to the Ellis Act. However, David B. Spahn failed to vacate the unit by the end of the withdrawal period of the unit from the rental market and the termination of the tenancy based thereon and held over and continued in possession of the unit without the owners' permission or consent. The owners filed an unlawful detainer action against David B. Spahn and that matter is currently being litigated in San Francisco Superior Court Case No. CUD-24-675857. Prior to the termination of the tenancy, the amount of rent charged for the unit was $1,585.00 per month.[1]

For the rental unit located at 678 Vermont Street (Lower Unit), San Francisco, CA 94107:

(A) The unit has not been demolished;
(B) The unit is not in use;[2]
(C) Not Applicable – The unit is not in use;[2]
(D) Not Applicable – The unit is not in use.[2]

[1] An agreement between the previous owner and the tenant provides that the tenant is only responsible for the payment of the monthly rent for eleven (11) months out of the year for the period of January 1 through November 30 of each year, and that no rent is due in the month of December of each year because the tenant is responsible for minor repairs and upkeep of the unit. As stated herein, the current monthly rent for the unit is $1,585.00 per month due and payable for eleven (11) months out of the year or, if calculated using a twelve (12) month period, an annualized amount of $1,452.91667 per month.

[2] This unit is supposed to be vacant and not in use but David B. Spahn may be trespassing into the unit and using it. As of the date of this report, the owners have not been able to confirm whether the unit is vacant or not because David B. Spahn has physically prevented the owners from accessing the unit.

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

Dated: 12/28/2024

DocuSigned by:
Jason O' Connor
D88043304A343F...
Jason O'Connor

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

Dated: 12/28/2024

DocuSigned by:
Leanne O'Connor
8327C55BC076476...
Leanne O'Connor

RECORDING REQUESTED BY:
City and County of San Francisco
Residential Rent Stabilization & Arbitration Board
25 Van Ness Avenue, Suite 320
San Francisco, CA 94102
(415) 252-4600

WHEN RECORDED MAIL TO:
City and County of San Francisco
Residential Rent Stabilization & Arbitration Board
25 Van Ness Avenue, Suite 320
San Francisco, CA 94102
(415) 252-4600

Doc # **2024063903**

City and County of San Francisco
Joaquin Torres, Assessor – Recorder

8/15/2024	11:38:08 AM	Fees	$0.00
Pages 1	Title 233 ES	Taxes	$0.00
Customer	037	Other	$0.00
		SB2 Fees	$0.00
		Paid	$0.00

NOTICE OF CONSTRAINTS ON REAL PROPERTY

(to be recorded by the Rent Board)

Pursuant to Government Code Section 7060.2 and San Francisco Administrative Code Chapter 37, Section 37.9A, the City of San Francisco has determined to apply constraints to successors in interest to an owner(s) who has withdrawn residential accommodations from rent or lease.

The real property where the accommodations are located is specifically described as:

Block: 4028 Lot: 001G

Address: 678 Vermont Street, San Francisco, CA 94107

Name of Owner(s): Jason O'Connor and Leanne O'Connor

Pursuant to Government Code Section 7060.4(b)(6), the date on which the accommodations as a whole are to be withdrawn from rent or lease is **July 26, 2024.**

The constraints set forth in the following sections apply to the units until the dates indicated:

- Government Code Section 7060.2(a)&(d) and San Francisco Administrative Code Section 37.9A(a)&(b): **July 26, 2029**. (Five years from date of withdrawal)
- Government Code Section 7060.2(c) and San Francisco Administrative Code Section 37.9A(c): **July 26, 2034**. (Ten years from date of withdrawal)

ALL OF THE TERMS AND OBLIGATIONS AS NAMED IN THIS DOCUMENT WILL TERMINATE AUTOMATICALLY, WITHOUT THE NECESSITY OF ANY RECORDED TERMINATION, AFTER JULY 26, 2034.

Dated: July 29, 2024

Christina Varner, Executive Director
San Francisco Rent Board

RECORDING REQUESTED BY:
City and County of San Francisco
Residential Rent Stabilization & Arbitration Board
25 Van Ness Avenue, Suite 320
San Francisco, CA 94102
(415) 252-4600

WHEN RECORDED MAIL TO:
City and County of San Francisco
Residential Rent Stabilization & Arbitration Board
25 Van Ness Avenue, Suite 320
San Francisco, CA 94102
(415) 252-4600

NOTICE OF CONSTRAINTS ON REAL PROPERTY

(to be recorded by the Rent Board)

Pursuant to Government Code Section 7060.2 and San Francisco Administrative Code Chapter 37, Section 37.9A, the City of San Francisco has determined to apply constraints to successors in interest to an owner(s) who has withdrawn residential accommodations from rent or lease.

The real property where the accommodations are located is specifically described as:

Block: 4028 Lot: 001G

Address: 678 Vermont Street, San Francisco, CA 94107

Name of Owner(s): Jason O'Connor and Leanne O'Connor

Pursuant to Government Code Section 7060.4(b)(6), the date on which the accommodations as a whole are to be withdrawn from rent or lease is **July 26, 2024.**

The constraints set forth in the following sections apply to the units until the dates indicated:

- Government Code Section 7060.2(a)&(d) and San Francisco Administrative Code Section 37.9A(a)&(b): **July 26, 2029**. (Five years from date of withdrawal)
- Government Code Section 7060.2(c) and San Francisco Administrative Code Section 37.9A(c): **July 26, 2034**. (Ten years from date of withdrawal)

ALL OF THE TERMS AND OBLIGATIONS AS NAMED IN THIS DOCUMENT WILL TERMINATE AUTOMATICALLY, WITHOUT THE NECESSITY OF ANY RECORDED TERMINATION, AFTER JULY 26, 2034.

Dated: July 29, 2024

Christina Varner, Executive Director
San Francisco Rent Board

San Francisco Planning

Report for: **678 VERMONT ST**

Assessor

Parcel	4028/001G
Address	678 VERMONT ST
Mailing Address	678 VERMONT ST SAN FRANCISCO, CA 94107

Assessed Values		**Construction Type**	Wood or steel frame
Land	$117,121.00	**Use Type**	Dwelling
Structure	$117,121.00	**Units**	1
Fixtures	-	**Stories**	1
Personal Property	-	**Rooms**	5
Last Sale	-	**Bedrooms**	-
Last Sale Price	-	**Bathrooms**	1
Year Built	1924	**Basement**	-
Building Area	1,125 sq ft		
Parcel Area	1,875 sq ft	**Parcel Shape**	Rectangular
Parcel Frontage	-	**Parcel Depth**	75 ft

Owner OCONNOR JASON & LEANNE
678 VERMONT ST
SAN FRANCISCO, CA 94107

Owner Date 2/14/2023

Wednesday, January 31, 2024 at 15:17:23 Pacific Standard Time

Subject: 678 Vermont Street / Ellis Act Status Report
Date: Wednesday, January 31, 2024 at 1:59:14 PM Pacific Standard Time
From: Bombard, Jaimie
To: Board, Rent (RNT)
Attachments: Ellis Act Status Report (6 Month-678 Vermont Street).pdf

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Hello – Attached for filing is an Ellis Act Status Report for 678 Vermont Street.

Jaimie Bombard
Partner
jbombard@nixonpeabody.com
T/ +1 415.984.8388 F/ +1 415.948.2107

Nixon Peabody LLP
One Embarcadero Center, 32nd Floor, San Francisco, CA 94111
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JAN 31 2024

S.F. RESIDENTIAL RENT STABILIZATION AND ARBITRATION BOARD

STATUS REPORT PURSUANT TO SECTION 37.9A(h) OF THE SAN FRANCISCO RENT ORDINANCE

(January 2024)

TO: San Francisco Residential Rent Stabilization and Arbitration Board
25 Van Ness Avenue
#320
San Francisco, CA 94102

NOTICE IS HEREBY GIVEN that Jason O'Connor and Leanne O'Connor, the owners of the real property located at 678 Vermont Street, San Francisco, CA 94107, hereby provide the following information pursuant to San Francisco Administrative Code, Chapter 37, Section 37.9A(h)(1) as follows:

For the rental unit located at 678 Vermont Street (Upper Unit), San Francisco, CA 94107:

(A) The unit has not been demolished;
(B) The unit is in use;
(C) The use is residential; and
(D) The date the tenancy began is June 15, 1991, the name of the tenant(s) is David B. Spahn, and the amount of rent charged is $1,585.00 per month.[1]

For the rental unit located at 678 Vermont Street (Lower Unit), San Francisco, CA 94107:

(A) The unit has not been demolished;
(B) The unit is in use;
(C) The use is residential;
(D) The unit is being used as a storage space by David B. Spahn. No additional rent is charged for the service.

///

///

[1] An agreement between the previous owner and the tenant provides that the tenant is only responsible for the payment of the monthly rent for eleven (11) months out of the year for the period of January 1 through November 30 of each year, and that no rent is due in the month of December of each year because the tenant is responsible for minor repairs and upkeep of the unit. As stated herein, the current monthly rent for the unit is $1,585.00 per month due and payable for eleven (11) months out of the year or, if calculated using a twelve (12) month period, an annualized amount of $1,452.91667 per month.

DocuSign Envelope ID: D48613D8-6846-4B68-87D8-28500821F613

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

Dated: 1/31/2024

DocuSigned by:
Jason O' Connor
D88D433064A343E...

Jason O'Connor

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

Dated: 1/31/2024

DocuSigned by:
Leanne O'Connor
8327C558CC76476...

Leanne O'Connor

Subject: 678 Vermont Street / Ellis Act Status Report
Date: Wednesday, October 25, 2023 at 10:36:51 AM Pacific Daylight Time
From: Bombard, Jaimie
To: Board, Rent (RNT)
Attachments: Ellis Act Status Report (3 Month-678 Vermont Street) 4866-7183-7322 v.1.pdf

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Hello – Attached for filing is an Ellis Act Status Report for 678 Vermont Street.

Jaimie Bombard
Partner
jbombard@nixonpeabody.com
T/ 415.984.8388 F/ 415.948.2107

Nixon Peabody LLP
One Embarcadero Center, 32nd Floor, San Francisco, CA 94111
nixonpeabody.com @NixonPeabodyLLP

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S.F. RESIDENTIAL RENT STABILIZATION AND ARBITRATION BOARD

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OCT 25 2023
S.F. RESIDENTIAL RENT STABILIZATION AND ARBITRATION BOARD

STATUS REPORT PURSUANT TO SECTION 37.9A(h) OF THE SAN FRANCISCO RENT ORDINANCE

(October 2023)

TO: San Francisco Residential Rent Stabilization and Arbitration Board
25 Van Ness Avenue
#320
San Francisco, CA 94102

NOTICE IS HEREBY GIVEN that Jason O'Connor and Leanne O'Connor, the owners of the real property located at 678 Vermont Street, San Francisco, CA 94107, hereby provide the following information pursuant to San Francisco Administrative Code, Chapter 37, Section 37.9A(h)(1) as follows:

For the rental unit located at 678 Vermont Street (Upper Unit), San Francisco, CA 94107

(A) The unit has not been demolished;
(B) The unit is in use;
(C) The use is residential; and
(D) The date the tenancy began is June 15, 1991, the name of the tenant(s) is David B. Spahn, and the amount of rent charged is $1,585.00 per month.[1]

For the rental unit located at 678 Vermont Street (Lower Unit), San Francisco, CA 94107

(A) The unit has not been demolished;
(B) The unit is not in use;
(C) Not Applicable – The unit is not in use; and
(D) Not Applicable – The unit is not in use.

///

///

///

[1] An agreement between the previous owner and the tenant provides that the tenant is only responsible for the payment of the monthly rent for eleven (11) months out of the year for the period of January 1 through November 30 of each year, and that no rent is due in the month of December of each year because the tenant is responsible for minor repairs and upkeep of the unit. As stated herein, the current monthly rent for the unit is $1,585.00 per month due and payable for eleven (11) months out of the year or, if calculated using a twelve (12) month period, an annualized amount of $1,452.91667 per month.

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

DocuSigned by:

Dated: 10/24/2023

Jason O'Connor

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

DocuSigned by:
Leanne O'Connor

Dated: 10/24/2023

Leanne O'Connor

NOTICE PURSUANT TO SECTION 37.9A(f)(3)(E)
OF THE SAN FRANCISCO RENT ORDINANCE

TO: San Francisco Residential Rent Stabilization and Arbitration Board
25 Van Ness Avenue
#320
San Francisco, CA 94102

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OCT 10 2023
S.F. RESIDENTIAL RENT STABILIZATION AND ARBITRATION BOARD

David B. Spahn
678 Vermont Street (Upper Unit)
San Francisco, CA 94107

All Other Occupants claiming a right to possession of
678 Vermont Street (Upper Unit)
San Francisco, CA 94107

RE: **678 Vermont Street (Upper Unit), San Francisco, CA 94107**

NOTICE IS HEREBY GIVEN that Jason O'Connor and Leanne O'Connor, the owners of 678 Vermont Street (Upper Unit), San Francisco, CA 94107 hereby provide the following information pursuant to San Francisco Administrative Code, Chapter 37, Section 37.9A(f)(3)(E) as follows:

(i) Owners do not dispute the claim of extension made by David B. Spahn;

(ii) The new date of withdrawal under San Francisco Administrative Code, Chapter 37, Section 37.9A(f)(3)(C) is July 26, 2024; and

(iii) Owners do not elect to extend the date of withdrawal to the other unit on the property.

DATED: October 10, 2023

NIXON PEABODY, LLP

By: _____

Jaimie Bombard, Esq.
One Embarcadero Center
32nd Floor
San Francisco, CA 94111
(415) 984-8388
Attorney and Authorized Agent for Owners/Landlords
Jason O'Connor and Leanne O'Connor

cc: Braxton Haake, Esq.

PROOF OF SERVICE BY FIRST CLASS AND CERTIFIED MAIL

I, Gina Caspersen, declare that:

I am over 18 years of age and not a party to this action. I am employed in the City and County of San Francisco, State of California. My business address is Nixon Peabody LLP, One Embarcadero Center, 32nd Floor, San Francisco, CA 94111.

On October 10, 2023, I served the following document(s):

1. **NOTICE PURSUANT TO SECTION 37.9A(f)(3)(E) OF THE SAN FRANCISCO RENT ORDINANCE.**

By enclosing the documents in sealed first-class mail and certified mail envelopes addressed to:

David B. Spahn 678 Vermont Street (Upper Unit) San Francisco, CA 94107	Braxton Haake, Esq. Legal Assistance to the Elderly 1663 Mission Street Suite 225 San Francisco, CA 94103
All Other Occupants Claiming a right to possession of 678 Vermont Street (Upper Unit) San Francisco, CA 94107	

and depositing the sealed envelopes for first-class and certified mail with the United States Postal Service in San Francisco, CA, with postage fully prepaid.

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

DATED: October 10, 2023

Gina Caspersen

RECEIVED

AUG 31 2023

S.F. RESIDENTIAL RENT STABILIZATION AND ARBITRATION BOARD

NOTICE OF RECEIPT OF CLAIM OF ENTITLEMENT TO AN EXTENSION OF THE DATE OF WITHDRAWAL

TO: San Francisco Residential Rent Stabilization and Arbitration Board
25 Van Ness Avenue
#320
San Francisco, CA 94102

RE: David B. Spahn
678 Vermont Street (Upper Unit)
San Francisco, CA 94107

NOTICE IS HEREBY GIVEN that on August 22, 2023 the owners of the real property located at 678 Vermont Street, San Francisco, CA 94107 received written notification of a claim that David B. Spahn is entitled to stay in 678 Vermont Street (Upper Unit), San Francisco, CA 94107 for one year after the date of delivery to the San Francisco Residential Rent Stabilization and Arbitration Board of the Notice of Intent to Withdraw Residential Units From the Rental Market.

DATED: August 31, 2023

NIXON PEABODY, LLP

By: _____

Jaimie Bombard, Esq.
One Embarcadero Center
32nd Floor
San Francisco, CA 94111
(415) 984-8388
Attorney and Authorized Agent for Owners/Landlords
Jason O'Connor and Leanne O'Connor

Subject: David B. Spahn's Claims of Entitlement and Extension Letter, 678 Vermont Street (Upper Unit), San Francisco, CA 94111
Date: Tuesday, August 22, 2023 at 5:45:27 PM Pacific Daylight Time
From: Braxton Haake
To: jbombard@nixonpeabody.com
CC: Barbara Lam, Board, Rent (RNT)
Attachments: Notice of entitlement and extension letter, David B. Spahn.pdf

RECEIVED
AUG 23 2023
S.F. RESIDENTIAL RENT STABILIZATION AND ARBITRATION BOARD

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Hi Jaimie,

Please see attached letter giving timely written notice of Mr. Spahn's entitlement to extension of date of withdrawal of the premises and additional payment. Do not hesitate to reach out if you have any questions.

Best,
Braxton

Braxton Haake
Staff Attorney
Legal Assistance to the Elderly
1663 Mission Street, Ste 225|San Francisco, CA 94103
Direct: 415.757.4524
Main: 415.538.3333 extension 324
Fax: 415.538.3316
bhaake@laesf.org | www.laesf.org

RECEIVED
AUG 23 2023
S.F. RESIDENTIAL RENT STABILIZATION AND ARBITRATION BOARD

August 22, 2023

Sent via Courier and Email on August 22, 2023, to
jbombard@nixonpeabody.com

Jaimie Bombard, Esq.
One Embarcadero Center
32nd Floor
San Francisco, CA 94111

Re: Tenant David B. Spahn
678 Vermont Street (Upper Unit), San Francisco, CA 94107
Notice of Protected Status and Entitlement at Additional Relocation Payment

Dear Ms. Bombard,

This office represents tenant David Spahn. I write on my client's behalf regarding the purported Notice of Termination of Tenancy, dated July 26, 2023 (the "Notice").

This letter constitutes Mr. Spahn's timely written notice of entitlement to an extension of date of withdrawal of the Premises from rent or lease. Please note that Mr. Spahn, the tenant of the premises, is over the age of sixty-two (62) and has resided at the premises for longer than one year prior to the purported date of delivery of your client's purported Notice of Termination of Tenancy. As such, this letter serves as notice pursuant to San Francisco Rent Ordinance Section 37.9A(f)(3) to extend the date of withdrawal for the Premises. As verification of Mr. Spahn's age, we enclose a copy of his California Driver License. Mr. Spahn is also disabled. Mr. Spahn is also entitled to additional relocation payments pursuant to San Francisco Rent Ordinance Section 37.9A(e)(3).

Please note this extension letter in no way waives any rights Mr. Spahn has to dispute the validity of the notice and/or any ensuing unlawful detainer action or

enforce any other rights provided for in Ellis Act evictions. Additionally, please be further advised that my client may deposit any Ellis Act relocation payments into our client trust account and by doing so, he is not conceding that the Notice of Intent to Withdraw Residential Units from Rental Market, nor any other notices or filings, are in any way valid, or that my client is waiving any claims to contest the validity of the Notice, the payment, or any other actions or conduct of the landlord regarding this matter.

If you need further information, please do not hesitate to contact me by phone at 415-757-4524 or by email at bhaake@laesf.org.

Sincerely,

Braxton Haake
Attorney for David B. Spahn
Legal Assistance to the Elderly
415-757-4524
bhaake@laesf.org

Enclosed: Copy of California Driver License for tenant David B. Spahn

Cc via email: San Francisco Rent Board, rentboard@sfgov.org


California
USA DRIVER LICENSE
FEDERAL LIMITS APPLY
DL [redacted]
EXP 06/10/2027
LN SPAHN
FN DAVID BRYANT
678 VERMONT ST
SAN FRANCISCO, CA 94107
DOB 06/10/1943
RSTR CORR LENS
CLASS CM1
END NONE
06/10/1943
SEX [redacted]
HGT [redacted]
HAIR
WGT [redacted]
EYES
ISS 04/08/2022

RECEIVED

JUL 27 2023

S.F. RESIDENTIAL RENT STABILIZATION AND ARBITRATION BOARD

NOTICE OF DELIVERY TO RENT BOARD OF OWNERS' NOTICE OF INTENT TO WITHDRAW

TO: David B. Spahn
All Other Occupants Claiming a right to possession of
678 Vermont Street (Upper Unit)
San Francisco, CA 94107

NOTICE IS HEREBY GIVEN that on July 26, 2023 Jason O'Connor and Leanne O'Connor, the owners of the real property located at 678 Vermont Street (Upper Unit), San Francisco, CA 94107 ("Rental Unit"), delivered a Notice of Intent to Withdraw Residential Units from the Rental Market ("Notice of Intent to Withdraw") to the San Francisco Residential Rent Stabilization and Arbitration Board ("Rent Board") pursuant to San Francisco Administrative Code, Chapter 37 ("Rent Ordinance"), section 37.9A(f)(1). A copy of the Notice of Intent to Withdraw that was delivered to the Rent Board is attached hereto and incorporated by reference herein.

NOTICE IS FURTHER GIVEN that the Notice of Intent to Withdraw specified the name and the amount of rent paid by the tenant or lessee as an occupant of the Rental Unit.

NOTICE IS FURTHER GIVEN that the amount of rent the owners specified in the Notice of Intent to Withdraw was $1,585.00 per month.[1]

NOTICE IS FURTHER GIVEN that you have rights to reoccupancy under Rent Ordinance Section 37.9A(c) if the Rental Unit is again offered for rent or lease by a current or future owner and to relocation assistance under Rent Ordinance section 37.9A(e).

NOTICE IS FURTHER GIVEN that Rent Ordinance Sections 37.9A(a)-(e) provide as follows:

(a) Rent Allowed.

(1) Except as provided in Section 37.9A(a)(2) below, for all tenancies commenced during the time periods specified in Subsection (a)(1)(A), the rental units, if again offered for rent or lease, must be offered and rented or leased at a rent not greater than the lawful rent in effect at the time the notice of intent to withdraw rental units is filed with the Board, plus annual rent increases available under this Chapter 37.

---

[1] As stated in the Notice of Intent to Withdraw, an agreement between the previous owner and the tenant provides that the tenant is only responsible for the payment of the monthly rent for eleven (11) months out of the year for the period of January 1 through November 30 of each year, and that no rent is due in the month of December of each year because the tenant is responsible for minor repairs and upkeep of the unit. As also stated in the stated in the Notice of Intent to Withdraw, the current monthly rent for the unit is $1,585.00 per month due and payable for eleven (11) months out of the year or, if calculated using a twelve (12) month period, an annualized amount of $1,452.91667 per month.

(A) The provisions of Section 37.9A(a)(1) apply to all tenancies commenced during either of the following time periods:

(i) The five-year period after a notice of intent to withdraw the rental units is filed with the Board, whether or not the notice of intent is rescinded or the withdrawal of the units is completed pursuant to that notice;

(ii) The five-year period after the rental units are withdrawn.

(B) This Section 37.9A(a)(1) shall prevail over any conflicting provision of law authorizing the landlord to establish the rental rate upon the initial hiring of the unit.

(C) If it is asserted that the rent could have been increased based on capital improvements, rehabilitation or substantial rehabilitation, the owner must petition the Rent Board pursuant to the procedures of Section 37.7 of this Chapter. No increase shall be allowed on account of any expense incurred in connection with withdrawing any unit from rent or lease.

(2) If a new tenancy was lawfully created in a unit before January 1, 2003, following a lawful withdrawal of the unit from rent or lease under Section 37.9(a)(13), any subsequent new tenancies for that rental unit are not subject to the rent limitations in Section 37.9A(a)(1).

(b) **Treatment of Replacement Units.** If one or more of the units is demolished, and one or more new units qualifying as newly constructed units are constructed on the same property, and offered for rent or lease within five years of the date the accommodations were withdrawn from rent or lease, the newly constructed units shall be offered at rents not greater than those reasonably calculated to produce a fair and reasonable return on the newly constructed units, notwithstanding Section 37.3(g) or any other provision of this Chapter 37 to the contrary. The provisions of this Chapter 37 shall thereafter apply. The Board shall adopt rules for determining the rents necessary to provide a fair and reasonable return.

(c) **Rights to Re-Rent.** Any owner who again offers for rent or lease any unit after service of a notice to quit under Section 37.9(a)(13) shall offer units within the accommodations for rent or lease as follows:

(1) If any tenant or lessee has advised the owner in writing within 30 days of displacement of his or her desire to consider an offer to renew the tenancy and has furnished the owner with an address to which that offer is to be directed, the owner must make such an offer whenever the unit is again offered for rent or lease within two years of withdrawal. That tenant, lessee, or former tenant or lessee may advise the owner at any time of a change of address to which an offer is to be directed.

(2) Notwithstanding Subsection (c)(1), if the unit is offered for rent or lease within 10 years of withdrawal, the owner shall notify the Rent Board in writing of the intention to re-rent the unit and make an offer to the tenant or lessee whenever the tenant or lessee requests the offer in writing within 30 days after the owner has notified the City of an intention to re-rent the unit. If the unit is offered for rent or lease more than two years after the date the unit was withdrawn

from rent or lease, the owner shall be liable to any tenant or lessee who was displaced for failure to comply with this Subsection (c)(2) for punitive damages in an amount which does not exceed the contract rent for six months, and the payment of these damages shall not be construed to extinguish the owner's obligation to comply with this Subsection (c)(2).

(3) If any former tenant or lessee has requested an offer to renew the tenancy, either directly to the landlord or after notice from the Rent Board, then the owner shall offer to reinstitute a rental agreement or lease at rents permitted under Subsection (a). This offer shall be deposited in the United States mail, by registered or certified mail with postage prepaid, addressed to the displaced tenant or lessee at the address furnished to the owner as provided by the tenant and shall describe the terms of the offer. The displaced tenant or lessee shall have 30 days from the deposit of the offer in the mail to accept the offer by personal delivery of that acceptance or by deposit of the acceptance in the United States mail by registered or certified mail with postage prepaid.

(4) If more than one tenant or lessee attempts to accept the offer for a given unit, the landlord shall notify each tenant or lessee so accepting that other acceptances have been received, and shall further advise each such tenant or lessee of the names and addresses of the others. If all such tenants or lessees do not within 30 days thereafter agree and notify the landlord of which tenant(s) or lessee(s) will reoccupy the unit, the tenant(s) or lessee(s) who first occupied the unit previously shall be entitled to accept the landlord's offer. If more than one eligible tenant or lessee initially occupied the unit on the same date, then the first such tenant or lessee to have originally sent notice accepting the landlord's offer shall be entitled to occupy the unit.

(5) Commencing July 1, 2022, or on the effective date of the ordinance in Board of Supervisors File No. 220341 enacting this Subsection (c)(5), whichever is later, an owner who re-rents a unit within an accommodations during the time period specified in Subsection (c)(2) must offer all the units within the accommodations for rent, and may not decline to make a written re-rental offer to any tenant or lessee who occupied a unit when the owner gave the Rent Board notice of its intent to withdraw the accommodations in the manner and within the time frame specified in Section 37.9A(c). But the requirements of this Subsection (c)(5) shall not apply to: (i) a unit that was the principal place of residence of any owner or owner's family member at the time of withdrawal, provided that it continues to be that person's or those persons' principal place of residence when accommodations are returned to the rental market as provided in this Subsection (c)(5); or (ii) a unit that is the principal place of residence of an owner when the accommodations are returned to the rental market, if it is the owner's principal place of residence, at the time of return to the rental market, as provided in this Subsection (c)(5). If the owner vacates the unit within 10 years from the date of withdrawal, the owner shall, within 30 days of vacating the unit, offer to re-rent if required under this Subsection (c)(5).

(d) **Re-Rental Within Two Years.** If a unit covered by Subsection (a) is offered for rent or lease within two years of the date of withdrawal:

(1) The owner shall be liable to any tenant or lessee who was displaced from the property for actual and exemplary damages. Any action by a tenant or lessee pursuant to this paragraph shall

be brought within three years of withdrawal of the unit from rent or lease. However, nothing in this paragraph precludes a tenant from pursuing any alternative remedy available under the law. (2) The City may institute a civil proceeding against the owner who has again offered the unit for rent or lease, for exemplary damages for displacement of tenants or lessees. Any action by the City pursuant to this paragraph shall be brought within three years of the withdrawal of the unit from rent or lease.

(e) **Relocation Payments to Tenants.**

(1) **On February 20, 2005 and Until August 31, 2022.** Where a landlord seeks eviction based upon Section 37.9(a)(13), and the notice of intent to withdraw rental units is filed with the Board between February 20, 2005 and August 31, 2022, inclusive, relocation payments shall be paid to the tenants as follows:

(A) Subject to Subsections 37.9A(e)(1)(B), (C), and (D) below, the landlord shall be required to pay a relocation benefit on behalf of each authorized occupant of the rental unit regardless of the occupant's age ("Eligible Tenant"). The amount of the relocation benefit shall be $4,500 per Eligible Tenant, one-half of which shall be paid at the time of the service of the notice of termination of tenancy, and one-half of which shall be paid when the Eligible Tenant vacates the unit;

(B) In the event there are more than three Eligible Tenants in a unit, the total relocation payment shall be $13,500, which shall be allocated proportionally among the Eligible Tenants based on the total number of Eligible Tenants in the unit; and

(C) Notwithstanding Subsections 37.9A(e)(1)(A) and (B), any Eligible Tenant who, at the time the notice of intent to withdraw rental units is filed with the Board, is 62 years of age or older, or who is disabled within the meaning of Section 12955.3 of the California Government Code, shall be entitled to receive an additional payment of $3,000, $1,500 of which shall be paid within 15 calendar days of the landlord's receipt of written notice from the tenant of entitlement to the relocation payment, and $1,500 of which shall be paid when the Eligible Tenant vacates the unit.

(D) Commencing March 1, 2005, the relocation payments specified in Subsections 37.9A(e)(1)(A), (B), and (C) shall increase annually at the rate of increase in the "rent of primary residence" expenditure category of the Consumer Price Index (CPI) for All Urban Consumers in the San Francisco-Oakland-San Jose Region for the preceding calendar year, as that data is made available by the United States Department of Labor and published by the Board.

(2) **On or After September 1, 2022.** Where a landlord seeks eviction based upon Section 37.9(a)(13), and the notice of intent to withdraw rental units is filed with the Rent Board on or after September 1, 2022, the landlord shall pay relocation payments in the manner described in Subsection 37.9A(e)(1)(A) and (B), except that the specific amount of the relocation benefit shall be $10,000 per Eligible Tenant, and the total relocation payment shall be $30,000 in the event there are more than three Eligible Tenants in the unit; and further, an Eligible Tenant who meets any of the criteria listed in Subsection 37.9A(e)(1)(C) shall be entitled to receive an additional payment of $6,700, in two payments of $3,350 each, the timing of which is set forth in that

subsection. The Rent Board shall adjust these amounts annually as set forth in Subsection 37.9A(e)(1)(D).[2]

(3) Any notice to quit pursuant to Section 37.9(a)(13) shall notify the tenant or tenants concerned of the right to receive payment under Subsections 37.9A(e)(1) or (2) and the amount of payment which the landlord believes to be due.

NOTICE IS FURTHER GIVEN that qualified elderly or disabled tenants as described under Rent Ordinance section 37.9A(f)(3) have the right to extend their tenancy to one year after the date of delivery to the Rent Board of the Notice of Intent to Withdraw.

NOTICE IS FURTHER GIVEN that Rent Ordinance section 37.9A(f)(3) provides as follows:

(3) For a notice of intent to withdraw rental units filed with the Rent Board on or after January 1, 2000, the date on which the units are withdrawn from rent or lease for purposes of this Chapter 37 and the Ellis Act is 120 days from the delivery in person or by first-class mail of the Subsection (f)(1) notice of intent to the Rent Board. Except that, if the tenant or lessee is at least 62 years of age or disabled as defined in Government Code § 12955.3, and has lived in their unit for at least one year prior to the date of delivery to the Rent Board of the Subsection (f)(1) notice of intent to withdraw, then the date of withdrawal shall be extended to one year after the date of delivery of that notice to the Rent Board, provided that the tenant or lessee gives written notice of their entitlement to an extension of the date of withdrawal to the owner within 60 days of the date of delivery to the Rent Board of the Subsection (f)(1) notice of intent to withdraw. In that situation, the following provisions shall apply:

(A) The tenancy shall be continued on the same terms and conditions as existed on the date of delivery to the Rent Board of the notice of intent to withdraw, subject to any adjustments otherwise available under this Chapter 37.

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[2] Beginning March 1, 2023, the landlord shall be required to pay a relocation benefit on behalf of each authorized occupant of the rental unit regardless of the occupant's age ("Eligible Tenant") in the amount of $10,160.00 per Eligible Tenant, one-half of which shall be paid at the time of the service of the notice of termination of tenancy, and one-half of which shall be paid when the Eligible Tenant vacates the unit. Beginning March 1, 2023, in the event there are more than three Eligible Tenants in a unit, the total relocation payment shall be $30,480.00, which shall be allocated proportionally among the Eligible Tenants based on the total number of Eligible Tenants in the unit. Beginning March 1, 2023, any Eligible Tenant who, at the time the notice of intent to withdraw rental units is filed with the Rent Board, is 62 years of age or older, or who is disabled within the meaning of section 12955.3 of the California Government Code, shall be entitled to receive an additional payment of $6,807.20, one-half of which shall be paid within 15 calendar days of the landlord's receipt of written notice from the tenant of entitlement to the relocation payment, and one-half of which shall be paid when the Eligible Tenant vacates the unit.

(B) No party shall be relieved of the duty to perform any obligation under the lease or rental agreement.

(C) The owner may elect to extend the tenancy on any other unit within the accommodations up to one year after date of delivery to the Rent Board of the Subsection (f)(1) notice of intent to withdraw, subject to Subsections (f)(3)(A) and (B).

(D) Within 30 days of the notification by the tenant or lessee to the owner of their entitlement to an extension of the date of withdrawal, the owner shall give written notice to the Rent Board of the claim that the tenant or lessee is entitled to stay in their accommodations or unit within the accommodations for one year after the date of delivery to the Rent Board of the Subsection (f)(1) notice of intent to withdraw.

(E) Within 90 days of the date of delivery to the Rent Board of the notice of intent to withdraw, the owner shall give written notice to the Rent Board and the affected tenant or lessee of the following:

(i) Whether or not the owner disputes the tenant's claim of extension;

(ii) The new date of withdrawal under Section 37.9A(f)(3)(C), if the owner does not dispute the tenant's claim of extension; and,

(iii) Whether or not the owner elects to extend the date of withdrawal to other units on the property.

(F) The date of withdrawal for the accommodations as a whole, for purposes of calculating the time periods described in Sections 37.9A, shall be the latest termination date among all tenants within the accommodations, as stated in the notices required by Section 37.9A(f)(3), subsections (D) and (E). An owner's further voluntary extension of a tenancy beyond the date stated in the notices required by subsections (D) and (E) shall not extend the date of withdrawal.

DATED: July 26, 2023

NIXON PEABODY, LLP

By: _____

Jaimie Bombard, Esq.
One Embarcadero Center
32nd Floor
San Francisco, CA 94111
(415) 984-8388
Attorney and Authorized Agent for Owners/Landlords
Jason O'Connor and Leanne O'Connor

cc: San Francisco Rent Board

San Francisco Residential Rent Stabilization and Arbitration Board

RECEIVED

JUL 26 2023

S.F. RESIDENTIAL RENT STABILIZATION AND ARBITRATION BOARD

Notice of Intent to Withdraw Residential Units from the Rental Market

[RENT ORDINANCE SECTION 37.9A]

NOTE: Owners seeking to withdraw from the rental market their units which are subject to the San Francisco Rent Ordinance must submit this completed form to the Rent Board's office. Submittal may be by personal delivery, registered mail, or certified mail. Please refer to the specific procedures pursuant to Section 37.9A of the San Francisco Rent Ordinance.

I. **OWNER INFORMATION** (All owners of the property must be listed. If additional space is needed, attach a separate sheet using the same format.)

Name: Jason O'Connor and Leanne O'Connor

Address: c/o Jaimie Bombard, Esq., Nixon Peabody LLP, One Embarcadero Center, 32nd Floor, San Francisco, CA 94111

Phone Number: (415) 984-8388 (primary) _____ (other)

II. **PROPERTY INFORMATION**

Address: 678 Vermont Street (street number and name) San Francisco, CA 941 07 (zip code)

Block: 4028 Lot: 001G

Number of Residential Units: Two (2)

III. **UNIT INFORMATION** (All units, including owner-occupied, commercial and vacant units, and all occupants of the property must be listed. If additional space is needed, attach a separate sheet using the same format.)

UNIT #	DATE TENANCY COMMENCED	NAME OF EACH CURRENT OCCUPANT	CURRENT RENT
See Attached	See Attached	See Attached	See Attached

25 Van Ness Avenue #320
San Francisco, CA 94102-6033

www.sf.gov/rentboard

Phone 415.252.4600
rentboard@sfgov.org

San Francisco Residential Rent Stabilization and Arbitration Board

Notice of Intent to Withdraw Residential Units from the Rental Market

[RENT ORDINANCE SECTION 37.9A]

IV. OWNER'S DECLARATION

Do you certify that actions have been initiated as required by law to terminate all existing tenancies on the property by service of a written notice of termination of tenancy?

☒ Yes ☐ No

I declare under penalty of perjury, under the laws of the State of California, that the information provided on this Notice of Intent to Withdraw Form, including any attachments, is true and correct to the best of my knowledge and belief.

Executed on July 26, 2023 (date) in San Francisco (city), California.

Jason O'Connor (print name) _____ (signature)

ALL OWNERS MUST SIGN. Attach an additional declaration and signature for each owner of record. Attorneys and/or non-attorney representatives may not sign the owner's declaration on behalf of an owner.

25 Van Ness Avenue #320
San Francisco, CA 94102-6033

www.sf.gov/rentboard

Phone 415.252.4600
rentboard@sfgov.org

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San Francisco Residential Rent Stabilization and Arbitration Board

Notice of Intent to Withdraw Residential Units from the Rental Market

[RENT ORDINANCE SECTION 37.9A]

IV. OWNER'S DECLARATION

Do you certify that actions have been initiated as required by law to terminate all existing tenancies on the property by service of a written notice of termination of tenancy?

☒ Yes ☐ No

I declare under penalty of perjury, under the laws of the State of California, that the information provided on this Notice of Intent to Withdraw Form, including any attachments, is true and correct to the best of my knowledge and belief.

Executed on July 26, 2023 (date) in San Francisco (city), California.

Leanne O'Connor (print name) _____ (signature)

ALL OWNERS MUST SIGN. Attach an additional declaration and signature for each owner of record. Attorneys and/or non-attorney representatives may not sign the owner's declaration on behalf of an owner.

25 Van Ness Avenue #320
San Francisco, CA 94102-6033

www.sf.gov/rentboard

Phone 415.252.4600
rentboard@sfgov.org

Scanned with CamScanner

Attachment To Notice of Intent to Withdraw Residential Rental Units From The Rental Market

III. **Unit Information**

Unit #	Date Tenancy Commenced	Name of Each Current Occupant	Current Rent Per Month
678 Vermont Street (Upper Unit)	June 15, 1991	David B. Spahn	$1,585.00[1]
678 Vermont Street (Lower Unit)	Not Applicable – Vacant Unit	Not Applicable – Vacant Unit	Not Applicable – Vacant Unit

[1] An agreement between the previous owner and the tenant provides that the tenant is only responsible for the payment of the monthly rent for eleven (11) months out of the year for the period of January 1 through November 30 of each year, and that no rent is due in the month of December of each year because the tenant is responsible for minor repairs and upkeep of the unit. As stated herein, the current monthly rent for the unit is $1,585.00 per month due and payable for eleven (11) months out of the year or, if calculated using a twelve (12) month period, an annualized amount of $1,452.91667 per month.

PROOF OF SERVICE BY FIRST CLASS AND CERTIFIED MAIL

I, Ivey Becker, declare that:

I am over 18 years of age and not a party to this action. I am employed in the City and County of San Francisco, State of California. My business address is Nixon Peabody LLP, One Embarcadero Center, 32nd Floor, San Francisco, CA 94111.

On July 26, 2023, I served the following document(s):

1. **NOTICE OF DELIVERY TO RENT BOARD OF OWNERS' NOTICE OF INTENT TO WITHDRAW; and**
2. **NOTICE OF INTENT TO WITHDRAW;**

By enclosing the documents in sealed first-class mail and certified mail envelopes addressed to:

David B. Spahn 678 Vermont Street (Upper Unit) San Francisco, CA 94107	All Other Occupants Claiming a right to possession of 678 Vermont Street (Upper Unit) San Francisco, CA 94107

and depositing the sealed envelopes for first-class and certified mail with the United States Postal Service in San Francisco, CA, with postage fully prepaid.

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

DATED: July 26, 2023

Ivey Becker

Ivey Becker

RECEIVED

JUL 26 2023

S.F. RESIDENTIAL RENT STABILIZATION AND ARBITRATION BOARD

NOTICE OF TERMINATION OF TENANCY

TO: David B. Spahn
All Other Occupants Claiming a right to possession of
678 Vermont Street (Upper Unit)
San Francisco, CA 94107

NOTICE IS HEREBY GIVEN that your tenancy at the real property located at 678 Vermont Street (Upper Unit), San Francisco, CA 94107 ("Premises") is terminated one hundred twenty (120) days from the date of delivery of the Owners' Notice of Intent to Withdraw Residential Units from the Rental Market ("Notice of Intent to Withdraw") to the San Francisco Residential Rent Stabilization and Arbitration Board ("Rent Board"). You must vacate and deliver possession of the Premises by the date of termination, or you will be guilty of an unlawful detainer of the Premises. If you fail to vacate and deliver up possession of the Premises by the date of termination, legal proceedings will be commenced against you to recover possession of the Premises and to recover a judgment for damages and costs for your unlawful detention of the Premises.

NOTICE IS FURTHER GIVEN that you will be served with a Notice of Delivery to Rent Board of Owners' Notice of Intent to Withdraw within fifteen (15) days of the date of delivery to the Rent Board of the Owners' Notice of Intent to Withdraw.

NOTICE IS FURTHER GIVEN that this Notice is issued by and on behalf of Jason O'Connor and Leanne O'Connor, the owners of the Premises ("Owners"), and that your tenancy is being terminated pursuant to Government Code section 7060, et seq. ("Ellis Act"), and San Francisco Administrative Code, Chapter 37 ("Rent Ordinance"), section 37.9(a)(13) which states in pertinent part that, "The landlord wishes to withdraw from rent or lease all rental units within any detached physical structure and, in addition, in the case of any detached physical structure containing three or fewer rental units, any other rental units on the same lot, and complies in full with Section 37.9A with respect to each such unit..." Further, the ground enumerated in Rent Ordinance section 37.9(a)(13) is the Owners' dominant motive for recovering possession of the Premises.

NOTICE IS FURTHER GIVEN that Rent Ordinance section 37.9A(e) provides as follows:

(e) Relocation Payments to Tenants.

(1) **On February 20, 2005 and Until August 31, 2022.** Where a landlord seeks eviction based upon Section 37.9(a)(13), and the notice of intent to withdraw rental units is filed with the Board between February 20, 2005 and August 31, 2022, inclusive, relocation payments shall be paid to the tenants as follows:

(A) Subject to Subsections 37.9A(e)(1)(B), (C), and (D) below, the landlord shall be required to pay a relocation benefit on behalf of each authorized occupant of the rental unit regardless of the occupant's age ("Eligible Tenant"). The amount of the relocation benefit shall be $4,500 per Eligible Tenant, one-half of which shall be paid at the time of the service of the notice of

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termination of tenancy, and one-half of which shall be paid when the Eligible Tenant vacates the unit;

(B) In the event there are more than three Eligible Tenants in a unit, the total relocation payment shall be $13,500, which shall be allocated proportionally among the Eligible Tenants based on the total number of Eligible Tenants in the unit; and

(C) Notwithstanding Subsections 37.9A(e)(1)(A) and (B), any Eligible Tenant who, at the time the notice of intent to withdraw rental units is filed with the Board, is 62 years of age or older, or who is disabled within the meaning of Section 12955.3 of the California Government Code, shall be entitled to receive an additional payment of $3,000, $1,500 of which shall be paid within 15 calendar days of the landlord's receipt of written notice from the tenant of entitlement to the relocation payment, and $1,500 of which shall be paid when the Eligible Tenant vacates the unit.

(D) Commencing March 1, 2005, the relocation payments specified in Subsections 37.9A(e)(1)(A), (B), and (C) shall increase annually at the rate of increase in the "rent of primary residence" expenditure category of the Consumer Price Index (CPI) for All Urban Consumers in the San Francisco-Oakland-San Jose Region for the preceding calendar year, as that data is made available by the United States Department of Labor and published by the Board.

(2) **On or After September 1, 2022.** Where a landlord seeks eviction based upon Section 37.9(a)(13), and the notice of intent to withdraw rental units is filed with the Rent Board on or after September 1, 2022, the landlord shall pay relocation payments in the manner described in Subsection 37.9A(e)(1)(A) and (B), except that the specific amount of the relocation benefit shall be $10,000 per Eligible Tenant, and the total relocation payment shall be $30,000 in the event there are more than three Eligible Tenants in the unit; and further, an Eligible Tenant who meets any of the criteria listed in Subsection 37.9A(e)(1)(C) shall be entitled to receive an additional payment of $6,700, in two payments of $3,350 each, the timing of which is set forth in that subsection. The Rent Board shall adjust these amounts annually as set forth in Subsection 37.9A(e)(1)(D).[1]

---

[1] Beginning March 1, 2023, the landlord shall be required to pay a relocation benefit on behalf of each authorized occupant of the rental unit regardless of the occupant's age ("Eligible Tenant") in the amount of $10,160.00 per Eligible Tenant, one-half of which shall be paid at the time of the service of the notice of termination of tenancy, and one-half of which shall be paid when the Eligible Tenant vacates the unit. Beginning March 1, 2023, in the event there are more than three Eligible Tenants in a unit, the total relocation payment shall be $30,480.00, which shall be allocated proportionally among the Eligible Tenants based on the total number of Eligible Tenants in the unit. Beginning March 1, 2023, any Eligible Tenant who, at the time the notice of intent to withdraw rental units is filed with the Rent Board, is 62 years of age or older, or who is disabled within the meaning of section 12955.3 of the California Government Code, shall be entitled to receive an additional payment of $6,807.20, one-half of which shall be paid within 15 calendar days of the landlord's receipt of written notice from the tenant of entitlement to the relocation payment, and one-half of which shall be paid when the Eligible Tenant vacates the unit.

(3) Any notice to quit pursuant to Section 37.9(a)(13) shall notify the tenant or tenants concerned of the right to receive payment under Subsections 37.9A(e)(1) or (2) and the amount of payment which the landlord believes to be due.

NOTICE IS FURTHER GIVEN that this Notice is being served on you by certified mail and that a copy of this Notice is also being sent to you by first-class mail. Enclosed with this Notice served by certified mail on David B. Spahn is a check in the amount of $5,080.00 made payable to David B. Spahn representing the first installment of the relocation payment due pursuant to Rent Ordinance section 37.9A(e)(2).

NOTICE IS FURTHER GIVEN 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.

NOTICE IS FURTHER GIVEN that the Notice to Tenant Required by San Francisco Administrative Code, Chapter 37, section 37.9(c) is attached hereto.

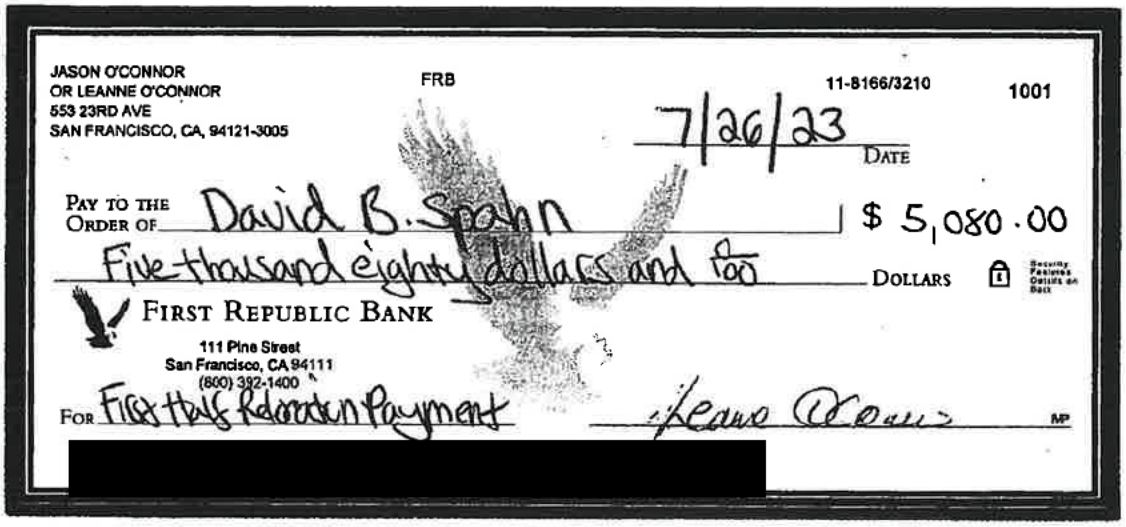
DATED: July 26, 2023

NIXON PEABODY, LLP

By: _____

Jaimie Bombard, Esq.
One Embarcadero Center
32nd Floor
San Francisco, CA 94111
(415) 984-8388
Attorney and Authorized Agent for Owners/Landlords
Jason O'Connor and Leanne O'Connor

cc: San Francisco Rent Board



JASON O'CONNOR
OR LEANNE O'CONNOR
553 23RD AVE
SAN FRANCISCO, CA, 94121-3005

FRB

11-8166/3210

1001

7/26/23
DATE

PAY TO THE ORDER OF David B. Spahn $ 5,080.00

Five thousand eighty dollars and 00 DOLLARS

FIRST REPUBLIC BANK
111 Pine Street
San Francisco, CA 94111
(800) 392-1400

FOR First Half Reinstatement Payment

/Leanne O'Connor/

MP

[redacted]

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, 8:00 am - 5:00 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.sfrb.org.

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 8:00 am a 5:00 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.sfrb.org.

Puede ser que usted reúna los requisitos para programas de vivienda y apartamentos a precios asequibles. Visite el sitio web de la Oficina de Desarrollo de Vivienda y la Comunidad del Alcalde (Mayor's Office of Housing and Community Development o MOHCD) en www.sfmohcd.org para obtener información sobre viviendas disponibles, listas de espera y requisitos para el programa. Si está siendo desalojado porque un familiar del propietario del inmueble se está mudando a su unidad o debido a la Ley Ellis, se le podría dar preferencia en el sorteo de viviendas a precios asequibles. Para información sobre recursos de vivienda local, la *Guía de Recursos para Vivienda de San Francisco* está disponible en http://sfmohcd.org/san-francisco-housing-resource-guide.

THÔNG BÁO CHO NGƯỜI THUÊ NHÀ (Vietnamese)

Chủ nhà đã tống 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, 8:00 giờ sáng - 5:00 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.sfrb.org.

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 Trưởng (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.

25 Van Ness Avenue #320
San Francisco, CA 94102-6033
www.sfrb.org
Phone 415.252.4600
rentboard@sfgov.org

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.

租客通知 (Chinese)

您的房東已向您发出終止租約通知。如租客未能及時採取行動回應該通知，可能導致房東提出訴訟驅逐租客。如果您需要獲得有關終止租約通知的建議，請洽詢三藩市租務委員會。地址：25 Van Ness Avenue, Suite 320, San Francisco, CA 94102。辦公時間：週一至週五，上午 8:00 - 下午 5:00（節假日除外）。您也可以致電諮詢員，電話：(415) 252-4600 上午 9:00 - 下午 12:00 及下午 1:00 - 4:00。相關資訊可參閱網站：www.sfrb.org 。

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 8:00 до 17:00 (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.sfrb.org.

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 («MOHCD»), 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, 8:00 am - 5:00 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.sfrb.org.

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.

25 Van Ness Avenue #320
San Francisco, CA 94102-6033
www.sfrb.org
Phone 415.252.4600
rentboard@sfgov.org

PROOF OF SERVICE BY FIRST CLASS AND CERTIFIED MAIL

I, Ivey Becker, declare that:

I am over 18 years of age and not a party to this action. I am employed in the City and County of San Francisco, State of California. My business address is Nixon Peabody LLP, One Embarcadero Center, 32nd Floor, San Francisco, CA 94111.

On July 26, 2023, I served the following document(s):

1. **NOTICE OF TERMINATION OF TENANCY;**
2. **FIRST HALF RELOCATION PAYMENT CHECK (CHECK INCLUDED IN THE CERTIFIED MAILING ONLY WITH A COPY OF THE CHECK INCLUDED IN THE FIRST-CLASS MAILING); and**
3. **NOTICE TO TENANT REQUIRED BY SAN FRANCISCO ADMINISTRATIVE CODE, CHAPTER 37, SECTION 37.9(c);**

By enclosing the documents in sealed first-class mail and certified mail envelopes addressed to:

David B. Spahn 678 Vermont Street (Upper Unit) San Francisco, CA 94107	
All Other Occupants Claiming a right to possession of 678 Vermont Street (Upper Unit) San Francisco, CA 94107	

and depositing the sealed envelopes for first-class and certified mail with the United States Postal Service in San Francisco, CA, with postage fully prepaid.

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

DATED: July 26, 2023

Ivey Becker

Ivey Becker

San Francisco Residential Rent Stabilization and Arbitration Board

RECEIVED

JUL 26 2023

S.F. RESIDENTIAL RENT STABILIZATION AND ARBITRATION BOARD

Notice of Intent to Withdraw Residential Units from the Rental Market

[RENT ORDINANCE SECTION 37.9A]

NOTE: Owners seeking to withdraw from the rental market their units which are subject to the San Francisco Rent Ordinance must submit this completed form to the Rent Board's office. Submittal may be by personal delivery, registered mail, or certified mail. Please refer to the specific procedures pursuant to Section 37.9A of the San Francisco Rent Ordinance.

I. **OWNER INFORMATION** (All owners of the property must be listed. If additional space is needed, attach a separate sheet using the same format.)

Name: **Jason O'Connor and Leanne O'Connor**

Address: c/o Jaimie Bombard, Esq., Nixon Peabody LLP, One Embarcadero Center, 32nd Floor, San Francisco, **CA 94111**

Phone Number: **(415) 984-8388** (primary) _____ (other)

II. **PROPERTY INFORMATION**

Address: **678 Vermont Street** (street number and name) San Francisco, CA 941**07** (zip code)

Block: **4028** Lot: **001G**

Number of Residential Units: [redacted]

III. **UNIT INFORMATION** (All units, including owner-occupied, commercial and vacant units, and all occupants of the property must be listed. If additional space is needed, attach a separate sheet using the same format.)

UNIT #	DATE TENANCY COMMENCED	NAME OF EACH CURRENT OCCUPANT	CURRENT RENT
See Attached	See Attached	See Attached	See Attached

25 Van Ness Avenue #320
San Francisco, CA 94102-6033

www.sf.gov/rentboard

Phone 415.252.4600
rentboard@sfgov.org

San Francisco Residential Rent Stabilization and Arbitration Board

Notice of Intent to Withdraw Residential Units from the Rental Market

[RENT ORDINANCE SECTION 37.9A]

IV. OWNER'S DECLARATION

Do you certify that actions have been initiated as required by law to terminate all existing tenancies on the property by service of a written notice of termination of tenancy?

☒ Yes ☐ No

I declare under penalty of perjury, under the laws of the State of California, that the information provided on this Notice of Intent to Withdraw Form, including any attachments, is true and correct to the best of my knowledge and belief.

Executed on July 26, 2023 (date) in San Francisco (city), California.

Jason O'Connor (print name)

(signature)

ALL OWNERS MUST SIGN. Attach an additional declaration and signature for each owner of record. Attorneys and/or non-attorney representatives may not sign the owner's declaration on behalf of an owner.

25 Van Ness Avenue #320
San Francisco, CA 94102-6033

www.sf.gov/rentboard

Phone 415.252.4600
rentboard@sfgov.org

Scanned with CamScanner

San Francisco Residential Rent Stabilization and Arbitration Board

Notice of Intent to Withdraw
Residential Units from the Rental Market

[RENT ORDINANCE SECTION 37.9A]

IV. OWNER'S DECLARATION

Do you certify that actions have been initiated as required by law to terminate all existing tenancies on the property by service of a written notice of termination of tenancy?

☒ Yes ☐ No

I declare under penalty of perjury, under the laws of the State of California, that the information provided on this Notice of Intent to Withdraw Form, including any attachments, is true and correct to the best of my knowledge and belief.

Executed on July 26, 2023 (date) in San Francisco (city), California.

Leanne O'Connor (print name) _____ (signature)

ALL OWNERS MUST SIGN. Attach an additional declaration and signature for each owner of record. Attorneys and/or non-attorney representatives may not sign the owner's declaration on behalf of an owner.

25 Van Ness Avenue #320
San Francisco, CA 94102-6033

www.sf.gov/rentboard

Phone 415.252.4600
rentboard@sfgov.org

Scanned with CamScanner

Attachment To Notice of Intent to Withdraw Residential Rental Units From The Rental Market

III. Unit Information

Unit #	Date Tenancy Commenced	Name of Each Current Occupant	Current Rent Per Month
678 Vermont Street (Upper Unit)	June 15, 1991	[redacted]	$[redacted][1]
678 Vermont Street (Lower Unit)	Not Applicable – Vacant Unit	Not Applicable – Vacant Unit	Not Applicable – Vacant Unit

[1] An agreement between the previous owner and the tenant provides that the tenant is only responsible for the payment of the monthly rent for eleven (11) months out of the year for the period of January 1 through November 30 of each year, and that no rent is due in the month of December of each year because the tenant is responsible for minor repairs and upkeep of the unit. As stated herein, the current monthly rent for the unit is $[redacted] per month due and payable for eleven (11) months out of the year or, if calculated using a twelve (12) month period, an annualized amount of $[redacted] per month.

EXHIBIT D

FOR DEPARTMENT USE ONLY

1. Does the space meet the criteria for Physical Independence as described in Planning Code Section 317(b)(13)? ☑ YES ☐ NO

   If you've checked no, the space is **not** considered a UDU.

   Plans Dated: 4/23/25

   Photographs Provided on (date): 6/6/25

2. Has the space been used as a separate and distinct living space? ☑ YES ☐ NO

   Did the Rent Board provide records for this property? ☑ YES ☐ NO
   If yes, is there evidence of a UDU? ☑ YES ☐ NO
   Is there more than one unit accounted for in the Voter Rolls? ☐ YES ☑ NO
   Does the Unauthorized Unit Affidavit indicate that the project would remove a UDU? ☐ YES ☑ NO
   Is there any other documentation that indicates that the space has been occupied? ☐ YES ☑ NO

If yes has been checked above, describe the information further below:

Voter rolls did not indicate more than one unit on the subject property; the plans do not indicate the space being used as a contiguous living space.

☐ An Unauthorized Unit is present at the Subject Property

☑ There are no Unauthorized Units present at the Subject Property

Planning Information Center (PIC) Research Number: 2025-004903PIC

Signature

Kalyani Agnihotri
Name(Printed)

6/18/25
Date

EXHIBIT E

OFFICIAL COPY

SAN FRANCISCO DEPT. OF BUILDING INSPECTION ISSUED JUL 11 2025

REVIEWED BY FIRE DEPT.

FIRE DEPT. INSPECTIONS NOT REQUIRED

Green Halo Tracking Number Required #1837-803-678

FIRE

Capacity Charges
Water:
Wastewater:
08 JUL 2025

DCP FEE

APPROVED FOR ISSUANCE

BUILDING ENLARGEMENT DESCRIPTION
☐ VERTICAL
☐ HORIZONTAL

BLDG. FORM 3/8

APPLICATION NUMBER 250636874

OSHA APPROVAL REQ'D ☐
APPROVAL NUMBER

APPLICATION FOR BUILDING PERMIT ADDITIONS, ALTERATIONS OR REPAIRS

FORM 3 ☐ OTHER AGENCIES REVIEW REQUIRED

FORM 8 ☒ OVER-THE-COUNTER ISSUANCE

2 NUMBER OF PLAN SETS

CITY AND COUNTY OF SAN FRANCISCO DEPARTMENT OF BUILDING INSPECTION

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

▼ DO NOT WRITE ABOVE THIS LINE ▼

DATE FILED	FILING FEE RECEIPT NO.	(1) STREET ADDRESS OF JOB	BLOCK & LOT
5/5/25		678 VERMONT STREET	4028/001G
RECEIPT NO.	**ISSUED**	**(2A) ESTIMATED COST OF JOB**	**(2B) REVISED COST:**
25077316	7/11/2025	$176,000.00	$325,000.00 BY: Ming Ge DATE: 7/8/2025

INFORMATION TO BE FURNISHED BY ALL APPLICANTS

LEGAL DESCRIPTION OF EXISTING BUILDING

(4A) TYPE OF CONSTR.	(5A) NO. OF STORIES OF OCCUPANCY:	(6A) NO. OF BASEMENTS AND CELLARS:	(7A) PRESENT USE:	(8A) OCCUP. CLASS	(9A) NO. OF DWELLING UNITS:
V-B	2	0	SINGLE FAMILY DWELLING	R-3	1

DESCRIPTION OF BUILDING AFTER PROPOSED ALTERATION

(4) TYPE OF CONSTR.	(5) NO. OF STORIES OF OCCUPANCY:	(6) NO. OF BASEMENTS AND CELLARS:	(7) PROPOSED USE (LEGAL USE)	(8) OCCUP. CLASS	(9) NO. OF DWELLING UNITS:
V-B	2	0	SINGLE FAMILY DWELLING	R-3	1

(10) IS AUTO RUNWAY TO BE CONSTRUCTED OR ALTERED?	(11) WILL STREET SPACE BE USED DURING CONSTRUCTION?	(12) ELECTRICAL WORK TO BE PERFORMED?	(13) PLUMBING WORK TO BE PERFORMED?
YES ☐ NO ☒	YES ☐ NO ☒	YES ☒ NO ☐	YES ☒ NO ☐

(14) CONTRACTOR	E-MAIL	PHONE	CSLB NO.	EXPIRATION DATE
OWNER				

(15) PROPERTY OWNER	ADDRESS	ZIP	E-MAIL	PHONE (FOR CONTACT BY DEPT.)
JASON O'CONNOR	678 VERMONT ST SF CA	94107		415-812-9506

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

RELOCATE 2ND FLOOR KITCHEN TO REAR. MOVE BEDROOMS TO FRONT.
~~SOUTH~~ LIGHTWELL INFILL. 1ST FLOOR ~~SOUTH~~ NORTH LIGHTWELL INFILL & PARTIAL 2ND FLOOR INFILL.
REAR DECK REPAIR (NOT TO EXCEED 50%).
ADD 1ST FLR BATH & ~~BEDROOMS~~ OFFICE & MEDIA ROOM. (540 SQ. FT CONDITIONED).
NEW INTERNAL STAIR TO 1ST FLR. REMOVE (E) UTILITY STAIR.

ADDITIONAL INFORMATION

(17) DOES THIS ALTERATION CREATE ADDITIONAL HEIGHT OR STORY TO BUILDING?	(18) IF (17) IS YES, STATE NEW HEIGHT AT CENTER LINE OF FRONT	(19) DOES THIS ALTERATION CREATE DECK OR HORIZ. EXTENSION TO BUILDING?	(20) IF (19) IS YES, STATE NEW GROUND FLOOR AREA
YES ☐ NO ☒	N/A	YES ☐ NO ☒	N/A SQ. FT.

(21) WILL SIDEWALK OVER SUB-SIDEWALK SPACE BE REPAIRED OR ALTERED?	(22) WILL BUILDING EXTEND BEYOND PROPERTY LINE?	(23) ANY OTHER EXISTING BLDG. ON LOT? (IF YES, SHOW ON PLOT PLAN)	(24) DOES THIS ALTERATION CONSTITUTE A CHANGE OF OCCUPANCY?
YES ☐ NO ☒	YES ☐ NO ☒	YES ☐ NO ☒	YES ☐ NO ☒

(25) ARCHITECT OR ENGINEER (DESIGN ☒ CONSTRUCTION ☐)	ADDRESS	CALIF. CERTIFICATE NO.
ALTOS ENGINEERING	1865 GOLDEN GATE AVE 2 SF CA 94115	C84144

(26) CONSTRUCTION LENDER (ENTER NAME AND BRANCH DESIGNATION IF ANY. IF THERE IS NO KNOWN CONSTRUCTION LENDER, ENTER "UNKNOWN")

IMPORTANT NOTICES

No change shall be made in the character of the occupancy or use without first obtaining a Building Permit authorizing such change. See San Francisco Building Code and San Francisco Housing Code.

No portion of building or structure or scaffolding used during construction is to be closer than 6'0" to any wire containing more than 750 volts. See Sec 385, California Penal Code.

Pursuant to San Francisco Building Code, the building permit shall be posted on the job. The owner is responsible for approved plans and application being kept at building site.

Grade lines as shown on drawings accompanying this application are assumed to be correct. If actual grade lines are not the same as shown, revised drawings showing correct grade lines, cuts and fills, and complete details of retaining walls and wall footings must be submitted to this department for approval.

ANY STIPULATION REQUIRED HEREIN OR BY CODE MAY BE APPEALED.

BUILDING NOT TO BE OCCUPIED UNTIL CERTIFICATE OF FINAL COMPLETION IS POSTED ON THE BUILDING OR PERMIT OF OCCUPANCY GRANTED, WHEN REQUIRED.

APPROVAL OF THIS APPLICATION DOES NOT CONSTITUTE AN APPROVAL FOR THE ELECTRICAL WIRING OR PLUMBING INSTALLATIONS. A SEPARATE PERMIT FOR THE WIRING AND PLUMBING MUST BE OBTAINED. SEPARATE PERMITS ARE REQUIRED IF ANSWER IS "YES" TO ANY OF ABOVE QUESTIONS (10) (11) (12) (13) (22) OR (24).

THIS IS NOT A BUILDING PERMIT. NO WORK SHALL BE STARTED UNTIL A BUILDING PERMIT IS ISSUED.

In dwellings, all insulating materials must have a clearance of not less than two inches from all electrical wires or equipment.

CHECK APPROPRIATE BOX

☐ OWNER ☐ ARCHITECT
☐ CONTRACTOR ☒ AGENT
☒ ENGINEER

APPLICANT'S CERTIFICATION

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

NOTICE TO APPLICANT

HOLD HARMLESS CLAUSE. The permittee(s) by acceptance of the permit, agree(s) to indemnify and hold harmless the City and County of San Francisco from and against any and all claims, demands and actions for damages resulting from operations under this permit, regardless of negligence of the City and County of San Francisco, and to assume the defense of the City and County of San Francisco against all such claims, demands or actions.

In conformity with the provisions of Section 3800 of the Labor Code of the State of California, the applicant shall have worker's compensation coverage under (I) or (II) designated below, or shall indicate Item (III), (IV), or (V), whichever is applicable. If however Item (V) is checked, Item (IV) must be checked as well. Mark the appropriate method of compliance below.

I hereby affirm under penalty of perjury one of the following declarations:

( ) I. I have and will maintain a certificate of consent to self-insure for worker's compensation, as provided by Section 3700 of the Labor Code, for the performance of the work for which this permit is issued.

( ) II. I have and will maintain worker's compensation insurance, as required by Section 3700 of the Labor Code, for the performance of the work for which this permit is issued. My worker's compensation insurance carrier and policy number are:

Carrier _____
Policy Number _____

( ) III. The cost of the work to be done is $100 or less.

(X) IV. I certify that in the performance of the work for which this permit is issued, I shall not employ any person in any manner so as to become subject to the worker's compensation laws of California. I further acknowledge that I understand that in the event that I should become subject to the worker's compensation provisions of the Labor Code of California and fail to comply forthwith with the provisions of Section 3800 of the Labor Code, that the permit herein applied for shall be deemed revoked.

(X) V. I certify as the owner (or the agent for the owner) that in the performance of the work for which this permit is issued, I will employ a contractor who complies with the worker's compensation laws of California and who, prior to the commencement of any work, will file a completed copy of this form with the Central Permit Bureau.

_____ 5/5/25
Signature of Applicant or Agent — Date

REV 03/22

OFFICE COPY

SAN FRANCISCO DEPARTMENT OF BUILDING INSPECTION
OFFICIAL COPY

CONDITIONS AND STIPULATIONS

REFER TO:	APPROVED:	DATE: / INSPECTOR:
☐	HOUSING INSPECTION DIVISION, DEPT. OF BLDG. INSPECTION	BUILDING INSPECTION DIVISION
☐	APPROVED: Maggie Dong JUN 3 0 2025 SF Planning Department. Infill first floor lightwell to property line, infill second floor lightwell (south side), infill second floor lightwell (north side) retaining 3 feet. Repair existing deck at rear, not to exceed 5x5. DEPARTMENT OF CITY PLANNING	~~APPROVED BY DAKOTA SPOONER~~ DATE: INSPECTOR: JUL 0 7 2025 PLANNING DEPARTMENT ELECTRICAL INSPECTION DIVISION
☐	APPROVED: Ming Ge, DBI JUL 0 8 2025 PLAN REVIEW SERVICES, DEPT. OF BLDG. INSPECTION	DATE: INSPECTOR: PLUMBING INSPECTION DIVISION
☐	APPROVED: Ming Ge, DBI JUL 0 8 2025 CIVIL ENGINEER, DEPT. OF BLDG. INSPECTION	DATE: INSPECTOR: CODE ENFORCEMENT SERVICES
☒	APPROVED: Joji Lapuz JUL 0 8 2025 MECHANICAL ENGINEER, DEPT. OF BLDG. INSPECTION	DATE: INSPECTOR:
☐	APPROVED: Edwin Marsullo, SFFD JUL 11 2025 SAN FRANCISCO FIRE DEPARTMENT	DATE: INSPECTOR:
☐	APPROVED: SF DEPARTMENT OF PUBLIC WORKS / MAYOR'S OFFICE OF DISABILITY (CROSS ONE OUT)	DATE: INSPECTOR:
☐	APPROVED: SFPUC Laura Wong 08 JUL 2025 SF PUBLIC UTILITIES COMMISSION	DATE: INSPECTOR:
☐	APPROVED: DEPT. OF PUBLIC HEALTH / OCII (CROSS ONE OUT)	DATE: INSPECTOR:

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

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

OWNER'S AUTHORIZED AGENT

EXHIBIT F

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SAN FRANCISCO DEPARTMENT OF BUILDING INSPECTION

City and County of San Francisco

Department of Building Inspection

CERTIFICATE OF FINAL COMPLETION AND OCCUPANCY

LOCATION: 678 (number) VERMONT ST (street) 4028/001 (block and lot)

Permit Application No: 202508309746 **Type of Construction:** 5 **Stories:** 2 **Dwelling Units:** 1

Basements: Ø **Occupancy Classification:** R-3 **No. of Guestrooms:** Ø **with cooking facilities:** Ø

Description of Construction: RELOCATE 2ND FLR KITCHEN TO REAR. MOVE BEDROOMS TO FRONT. SOUTH LIGHTWELL INFILL. REAR DECK REPAIR (NOT TO EXCEED 50%). ADD 1ST FLR BATH; OFFICE & MEDIA RM (540 SQFT CONDITIONED). NEW INTERNAL STAIR TO 1ST FLR. REMOVE (E) UTILITY STAIR.

To the best of our knowledge, the construction described above has been completed and, effective as of the date the building permit application was filed, conforms both to the Ordinances of the City and County of San Francisco and to the Laws of the State of California. The above referenced occupancy classification is approved pursuant to Section 109A of the *San Francisco Building Code.*

Any change in the use or occupancy of these premises--or any change to the building or premises--could cause the property to be in violation of the *Municipal Codes* of the City and County of Sn Francisco and, thereby, would invalidate this *Certificate of Final Completion and Occupancy.* A copy of this *Certificate* shall be maintained on the premises and shall be available at all times. Another copy of this *Certificate* should be kept with your important property documents.

Before making any changes to the structure in the future, please contact the Department of Building Inspection, which will provide advice regarding any change that you wish to make and will assist you in making the change in accordance with the *Municipal Codes* of the City and County of San Francisco.

This certificate issued on: JULY 13, 2026

by: _____ (Signature) **Building Inspector**

BRAULIO CIENDA **Printed Name**

David Kane, S.E., Building Official

Copies: White (original to microfilm), Blue (to property owner); Yellow (to Building Inspector); Pink (to Housing Inspector)

9003-M-36 (Rev, 3/26)

BRIEF SUBMITTED BY THE PLANNING DEPARTMENT

San Francisco Planning

49 South Van Ness Avenue, Suite 1400
San Francisco, CA 94103
628.652.7600
www.sfplanning.org

BOARD OF APPEALS BRIEF

HEARING DATE: October 14, 2026

October 8, 2026

Appeal No.:	26-047
Project Address:	678 Vermont Street
Subject:	Notice of Violation No. 2026-001954ENF
Block/Lot:	4028/001G
Zoning District:	RH-3 (Residential-House, Three Family) Fringe Financial Services RUD
Height/Bulk:	40-X
Staff Contact:	Corey A. Teague, AICP, Zoning Administrator – (628) 652-7328 corey.teague@sfgov.org

Background & Analysis

The Notice of Violation (NoV) under appeal contains a detailed project history and timeline that provides the basis for the determination. This brief does not restate that history and timeline, but instead directly responds to the Appellants' arguments. It is strongly recommended that the NoV is reviewed in detail before reviewing this brief.

For background, Planning Code Section 317(b)(13) defines an Unauthorized Unit (UDU) as follows: *"Unauthorized Unit shall mean one or more rooms within a building that have been used, without the benefit of a building permit, as a separate and distinct living or sleeping space independent from Residential Units on the same property. "Independent" shall mean that (i) the space has independent access that does not require entering a Residential Unit on the property and (ii) there is no open, visual connection to a Residential Unit on the property."*

It's important to note that the UDU definition includes two parts: 1) a physical independence requirement, including no open connection to another Residential Unit and its own independent access, and 2) an operational requirement that such physical space has actually been used as a separate and distinct living space. More specifically, the phrase "have been" is backward-looking and not restricted to only mean "currently." As such, the use of such space in the past qualifies for this part of the UDU definition even when such space is not currently occupied in such a manner.

This intent was clear in the original UDU legislative process in 2016 and has been interpreted and implemented consistently since the creation of the UDU program. Additionally, the Planning Code includes certain exemptions from a Conditional Use Authorization if a UDU in a single-family building if the UDU has not been occupied in more than 10 years. This exemption was specifically added after several such cases went before the Planning Commission to remove a UDU that was discovered after a new purchase, but where the UDU had not been occupied in some time. If a UDU determination required current occupancy, this exemption would not be needed.

The following responses are intended to address the Appellants' specific claims:

1. Original Approval. The Appellants claim that the NoV is invalid because the Planning Department previously determined that no UDU existed on the subject property. While this claim is accurate, it is due to the fact that a) no documentation was available at the time to determine the subject space on the ground floor was ever occupied as a separate living area (e.g., Rent Board records, leases, rent receipts, voter rolls, etc.), and b) the Appellants' UDU affidavit stated that they were not aware that the space had been used as a "separate and distinct living or sleeping space independent from

Residential Units on the same property."

The Appellants acknowledge in their brief that they were aware the ground floor space had been leased out separately in the past, but that they interpreted the affidavit language to mean that it only applied if the space was occupied at that time. However, as noted above, the occupancy portion of the UDU definition is not restricted to only include existing occupancy. Additionally, the first page of the UDU Screening Form states that in order for a space to be considered a UDU it must "have been" used as a separate and distinct living space. If the UDU definition were limited to only apply if it was currently occupied, then property owners would merely have to remove such tenants before filing an application in order to de facto remove the UDU, which is clearly not the intent of the UDU program.

Regarding the Rent Board records reviewed by Planning as part of the UDU screening, they do reference a "Lower Unit." However, none of the rent board records reference or document any occupancy or tenancy of such Lower Unit. It's also important to note that the Residential Rent Stabilization and Arbitration Ordinance defines a "Rental Unit" differently (i.e., much more liberally) than the Planning Code. As such, a simple reference to a separate unit in Rent Board documents does not necessarily mean that such a unit will meet the requirements of a UDU under the Planning Code.

2. Physical Qualifications. The Appellants claim that the subject space on the ground floor does not meet the physical independence criteria of the UDU definition, primarily because the space was accessed through a common garage. This claim is incorrect. UDU access through common areas (e.g., garages, storage rooms, vestibules, etc.) have consistently been considered independent access since the UDU program was adopted. This also was intentional in the original legislation, as many UDUs in the City are located behind garages or otherwise accessed through common areas that fall outside of

the primary unit's living space, and it is common for multi-unit buildings to provide common access to such spaces within a building.

3. Vested Rights. The Appellants claim that upholding the NoV would infringe on a vested right to construct their project consistent with the issued building permit. However, this argument is premature because upholding the NoV would not require a change to the approved and constructed layout. Instead, if the violation is upheld, the Appellants will have options to either legalize the UDU or seek approval to legally remove the UDU. While it is likely that removing the UDU would require a Conditional Use Authorization from the Planning Commission, the Appellants would be free to make a vested rights argument at that time to support approval.

4. No Intent to Mislead. The Appellants claim that there was no intent to mislead the Planning Department regarding the potential existence of a UDU, and the Planning Department has not claimed such intent. However, regardless of intent, the information provided by the Appellants in the UDU affidavit was incorrect because they were aware that the subject space had been separately leased out in the past. Additionally, while not addressed in the Appellants' brief, the NoV specifically notes that the Planning Department requested a copy of the disclosure materials they received when purchasing the property (will any sensitive or personal information redacted) to better understand what information the previous owner had provided regarding the subject space. However, the Appellants declined to provide any portion of such disclosure without any explanation.

Conclusion

To conclude, this is an extremely unfortunate situation, and the facts of the case created a challenging determination for the Zoning Administrator. While the Planning Department made a borderline determination of no UDU for the remodel permit based on the available information at that

time, there is now clear documentation that the ground floor space was physically independent from the upstairs space, it was leased and occupied as a separate and distinct living space for at least 4 years (2018-2022), and the Appellants were aware of such occupancy at the time they submitted the UDU affidavit. As such, the remodel permit was issued in error and the UDU must be either legalized or approved for removal. Therefore, the Department respectfully requests that the Board deny the appeal and uphold the NoV on the basis that the Zoning Administrator did not err or abuse their discretion.

cc: Thomas Tunny (Attorney for Appellant)
Carey McElroy (Department of Building Inspection)

PUBLIC COMMENT

Dear Members of the Board of Appeals:

Our names are Matthew Geis and Sandra Groom. We live at 674 Vermont Street, next door to the property named in Appeal #26-047. We appreciate this opportunity to give public comment.

We neighbors are a tight-knit group that looks out for and supports each other. We supported any changes that these new owners wished to make to their property, as long as they adhered to all Planning and building requirements.

We have owned and lived in our home since July 2003. We have undertaken many permitted home renovations in that time, while working and raising our family here. One of those renovations was a near-total rebuild after an entirely different neighbor's fire did extensive damage to us. Remodels of that scope can be a complicated and stressful process to navigate, as anyone who has been through it can relate to. Our experiences working within planning and building codes has given us the perspective that most design goals can be accomplished within those requirements, while others — with good reason — are too much to ask.

For the majority of our time at this address, from 2003-2022, the next door property at 678 had been rented as two fully separate units. We knew the previous owners of 678 (Don & Carol Nurisso) over the years, talking in person on phone or email, as needed. It is common knowledge to nearby neighbors that there were two dwelling units, each

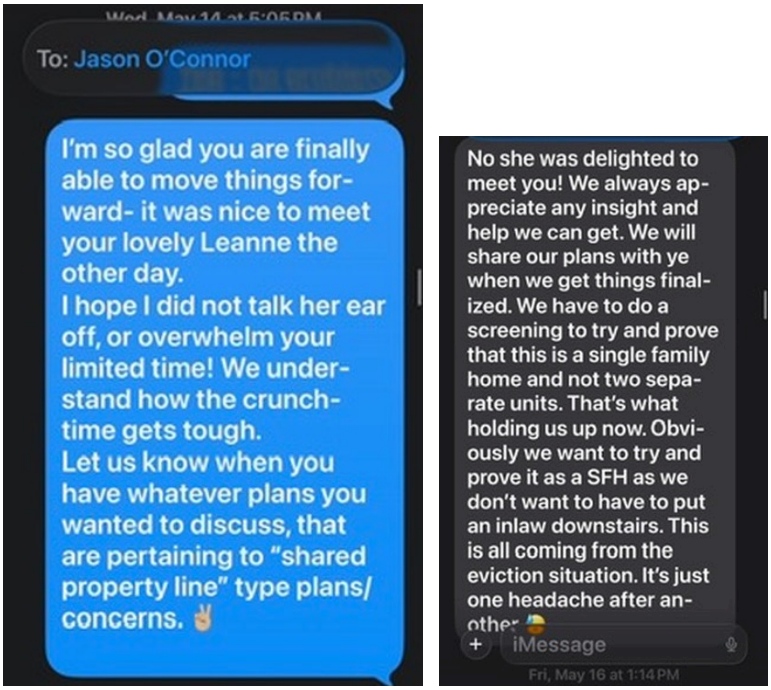
with its own dedicated kitchen and entrance. The upper unit was occupied the entire time by the same senior citizen tenant, D.B., and the downstairs unit by a series of tenants, all of whom we knew and were friendly with over the two decades (Peter, John, Malie, Diem, among others). We had been inside both units, at one time or another when a neighbor needed our help over the years. We spoke in person, coming and going in our driveways, and from our adjacent backyards. The downstairs unit was still occupied as recently as July of 2022.

In 2022, we heard that the owner, Don Nurisso, sadly had passed away. The downstairs tenant at the time, John Cole, lamented to us that he was having to suddenly uproot after hearing that Malie had been asked to leave (he had been subletting from Malie, with permission from Carol). The understanding was that Carol intended to sell the building.

Much later, we had a conversation with Malie who confirmed that story to us - and added that sometime in 2022, she had received a “threatening phone call from someone who claimed to be a lawyer” advising her to "get out before the police drag you out". She was scared, and asked John to leave as soon as possible.

In May 2025, we asked the new owners if we might see some of the plans they had for their rebuild (concerned that some aspects of the plan could affect us and our 75 feet of shared property line). On May 14th, 2025 Mr. O’Connor replied by text “We will share our plans with ye when we get things finalized. We have to do a screening to try and

prove that this is a single family home and not two separate units. That's what holding us up now. Obviously we want to try and prove it as a SFH as we don't want to have to put an in-law downstairs. This is all coming from the eviction situation. It's just one headache after another."



We knew he was a home inspector in San Francisco. We knew they had purchased the property off-market. We knew that they were in an eviction process with the elderly, disabled veteran in the upstairs unit. We knew that he was going to act as his own GC. We assumed, based on his assurances to us of professional experience as both an inspector and general contractor, that he was properly navigating and working with the city in good faith on his project. Both owners assured us over email and in person that everything would be done properly, saying what a neighbor would want to hear, "We

trust that our plans fully comply with all applicable safety regulations and building codes, ensuring the well-being of both our household and our neighbours."

Over the following months we experienced a sequence of instances where the owners said one thing then did the opposite, urgently moving things forward with no regard for safety, neighbor impact, or privacy issues, and rejecting accountability for problems caused by these shortcuts. The subject of the appeal before you is one part of a pattern of behavior.

We learned much later, that while being aware of the their two units, the owners submitted an affidavit stating only one dwelling unit existed on the property. Moreover, the accompanying building plans representing "existing" left out the existing kitchen in the downstairs. We also noticed that the photos were all taken to position the kitchen behind the photographer (and thereby omit it from view in the photos). We had been in that space, and we recognized this as an inaccurate representation of the unit, and a calculated one at that.

On the topic of expanding a two-unit building, we get that people can feel frustrated or annoyed about building rules and city codes and laws that sometimes feel excessive and silly and cumbersome and annoying to patiently navigate. We have been through that familiar wringer of waiting, following codes, compromising….having to accept "no" for an answer sometimes and having to bear the costs of abiding by rules. But - the "adults in the room" can attest that often rules, codes and laws exist for very good

reason - to protect the vulnerable - and are not (as some feel) roadblocks to be ignored by the well-connected. We do not support displacement of tenants and reduction of housing inventory in a time of exploding cost of living. We do not support some people breaking the rules and laws that they deem inconvenient, cutting corners or harming neighbors in the pursuit of personal gain. We do not support allowing special tolerance for people who choose to exploit “blind spots” in Planning and building oversight, knowing they can just ask for forgiveness later and will be treated with leniency on the off chance they are caught.

It is often harder to do the right thing, in order to *not* do harm to others. As watchdogs - what you permit, you promote.

Very Respectfully,

Matthew W. Geis

Sandra Groom

674 Vermont Street

Lawrence Ames
2212 19th Street
San Francisco, CA 94107

October 13, 2026

San Francisco Board of Appeals
49 South Van Ness Avenue, Suite 1475
San Francisco, CA 94103
boardofappeals@sfgov.org

Re: Appeal No. 26-047, 678 Vermont Street (Notice of Violation 2026-001954ENF), Hearing October 14, 2026

Dear President Trasviña and Members of the Board:

Thank you for giving me a chance to weigh in on this matter and I do apologize that my letter is coming in at the final moment. I am writing in support of Jason and LeAnne O'Connor. I live in the building located directly next door to 678 Vermont and have lived there since we purchased the building in 1996.

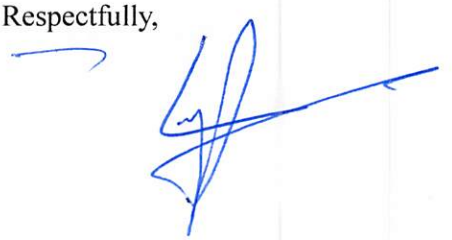
Since the O'Connors bought the home in 2023, we have found them to be wonderful people – responsive to any issues that have come up and reasonable in all areas. They have freely shared plans and answered questions and are generally great people to work with and live next door to.

I know that the O'Connors have already been through one difficult process with the City on this project, for which I also submitted a letter of support. While we were disappointed that the Board of Appeals required Jason and Leanne to reduce the size of their deck and I know that they were as well, I want to commend them for receiving the news and executing the work that needed to be done without complaint or anger. They have had to absorb thousands of dollars in extra costs as a result of the fact that DBI made the error and yet have continued to persevere throughout with a smile and much good will.

As a neighbor, I ask the Board to take into account that the O'Connors sought the City's review before building, received a written determination and an issued permit, completed a substantial renovation, and received a Certificate of Final Completion and Occupancy. I respectfully ask the Board to give fair weight to their good-faith reliance on those City approvals and to remove the violation.

Thank you for your time and service to the city.

Respectfully,



From:	Thomas Schuttish
To:	Lamarre, Julie (BOA); Longaway, Alec (BOA); Mejia, Xiomara (BOA)
Cc:	Teague, Corey (CPC)
Subject:	Appeal No. 26-047 at 678 Vermont Street
Date:	Wednesday, October 28, 2026 12:44:15 PM
Attachments:	Vermont Compass Ad.pdf

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Julie, Alec and Xiomara,

Good afternoon and hope you are all well and fine.

This is a very interesting and fraught Appeal based on my viewing the earlier hearing on SFGOVTV.

However, please see the attached pdf below.

I just looked at all the web ads available on the internet for 678 Vermont Street when it was sold (off market) over 3.5 years ago.

Most of the web ads had no information other than the sales price, except for this one from Compass which I made a screenshot of and then turned into a pdf. Please see below.

The description seems accurate based on the former tenants testimony at the earlier hearing.

I would assume this web ad has been on the internet for years and was certainly part of the info at the time of the sale…somewhere, in some documents? Idk? Maybe, maybe not?

I do know that the ad seems to be true to the testimony of the former tenants of what was at 678 Vermont Street prior to and at the time of the 2023 sale…two units, one *"an unwarranted in-law apartment that was recently vacated"* and the other, *"occupied by a protected tenant"*.

I would also note that from the photo it appears the house had a Tradesman's Entrance alongside the garage.

I also included the web ad link.

https://www.compass.com/homedetails/678-Vermont-St-San-Francisco-CA-94107/1QSLM2_pid/

Thank you.

Georgia



Sold Off Mls

Last Sold Price

$810,000

2 beds **2 baths** **1,125 sqft**

678 Vermont St, San Francisco, CA 94107



Inquire About Property

Get preapproved with Rocket Mortgage[1]

Single Family Property Type	**0.04 acres** Lot Size
1924 Year Built	**$720/sq ft** Price per sq ft
1 car Parking Spaces	

Description

Charming Single-Family Home built in 1924 which is currently occupied by a protected tenant. This home at this price offers a wonderful opportunity for a seasoned savvy investor! Perfectly situated on the Northern slope of Potrero Hill this home offers incredible downtown skyline views from both the front and back of the house. Traditional two-bedroom one bath floorplan measuring approximately 1125 square feet per tax records. At the rear of the property there is an expansive rear deck accessed by both bedrooms offering nice downtown views. Spacious one car garage along with plenty of room for additional storage. At the rear of the garage level is an unwarranted in-law apartment that was recently vacated which may offer several development possibilities for a new owner. Both home and structural pest inspections were recently performed, inspection reports along with the property disclosure package are available upon request. Property needs work.