



Date Filed: May 12, 2025

**City & County of San Francisco  
BOARD OF APPEALS**

**JURISDICTION REQUEST NO. 25-5**

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Date of request: **May 12, 2025.**

**Eric Roussel** hereby seeks a new appeal period for the following departmental action: **ISSUANCE of Violation & Penalty Decision (Complaint No. 2024-000871ENF)** by the **Zoning Administrator**, for the property located at **874 Fell Street**, that was issued or became effective on **December 2, 2024**, and for which the appeal period ended at close of business on **January 2, 2025**.

Your **Jurisdiction Request** will be considered by the Board of Appeals on Wednesday, **June 18, 2025 at 5:00 p.m. and will be held in Room 416 of San Francisco City Hall. The parties may also attend via the Zoom video platform.**

Pursuant to Article V, § 10 of the Board Rules, the **RESPONSE** to the written request for jurisdiction must be submitted by the permit, variance, or determination holder(s) and/or department(s) no later than **10 days from the date of filing, on or before May 22, 2025**, and must not exceed 6 pages in length (double-spaced), with unlimited exhibits. An electronic copy shall be submitted to the Board office via email to: [boardofappeals@sfgov.org](mailto:boardofappeals@sfgov.org) and [julie.lamarre@sfgov.org](mailto:julie.lamarre@sfgov.org) with additional copies delivered to the opposing parties the same day.

You or your representative **MUST** be present at the hearing. It is the general practice of the Board that only up to three minutes of testimony from the requestor, the permit holder, and the department(s) will be allowed. Your testimony should focus on the reason(s) you did not file on time, and why the Board should allow a late filing in your situation.

Based upon the evidence submitted and the testimony, the Board will make a decision to either grant or deny your Jurisdiction Request. Four votes are necessary to grant jurisdiction. If your request is denied, an appeal may not be filed and the decision of the department(s) is final. If your request is granted, **a new five (5) day appeal period shall be created which ends on the following Monday**, and an appeal may be filed during this time.

Name: Eric Roussel

Address: 1344 Clayton Street, San Francisco, CA 94114

Phone: 415-528-0227

Email: [ericsfca@gmail.com](mailto:ericsfca@gmail.com)

**Via Email**

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Signature of Requestor or Agent



## **VIOLATION AND PENALTY DECISION**

December 2, 2024

**Property Owner**

Roussel Eric  
874 Fell Street  
San Francisco, CA 94117

**Site Address:** 874 Fell Street  
**Assessor's Block/Lot:** 0822/019  
**Zoning District:** RM-1, Residential- Mixed, Low Density  
Family and Senior Housing Opportunity Special Use District  
**Complaint Number:** 2024-000871ENF  
**Code Violation:** Section 317, Development of an Unauthorized Unit  
Section 175, Work Undertaken without Benefit of Permit  
**Administrative Penalty:** Up to \$1,000 per Day for Each Violation  
**Enforcement T & M Fee:** \$5,659.75 (Current Fee, Additional charges may apply)  
**Response Due:** Within 30 days from the date of this Notice  
**Staff Contact:** Rogelio Baeza, (628) 652-7369, [Rogelio.baeza@sfgov.org](mailto:Rogelio.baeza@sfgov.org)

The Planning Department finds the above referenced property to be in violation of the Planning Code. As the owner of the subject property, you are a “responsible” party to bring the above property into compliance with the Planning Code. Details of the violation are discussed below:

### **Background**

On July 22, 2024, the Planning Department issued you a Notice of Violation (NOV) finding the subject property in violation of the Planning Code. The NOV outlined the violation, how to correct the violation, administrative penalties, and the available appeal processes.

On August 21, 2024, the Planning Department received a request for a Zoning Administrator (ZA) hearing to appeal the NOV from Brett Gladstone (owner counsel) and Eric Roussel (owner). The scheduled hearing was for September 30, 2024.

On September 30, 2024, Brett Gladstone (owner counsel) requested for the ZA hearing to be rescheduled.

On October 16, 2024, the ZA held a public hearing to consider the Notice of Violation virtually online. Details of the violation and hearing are discussed below.

## Evidence Presented at the Zoning Administrator Hearing

The ZA hearing to consider the Notice of Violation, dated July 22, 2024, was held on October 16, 2024. The hearing was attended by you Eric Roussel, your counsel Brett Gladstone, and your architect Janet Campbell. Those in attendance included Code Enforcement Manager Kelly Wong, Enforcement Planner Rogelio Baeza, and one member of the public who did not identify themselves was present.

During the hearing, your counsel Brett Gladstone acknowledged that a violation exists.

He conveyed that the NOV was unclear in the paths towards abating the violation, specifically the option for removing an Unauthorized Unit and the steps required if a project qualified for the Conditional Use Authorization exemption. He also shared that the Permit Streamlining Act is meant to expedite the review of all projects and that the current project has already had a long and lengthy permit review process.

The ZA confirmed that this hearing was to determine if a violation exists at the subject property and not to determine the various paths towards abatement.

Brett acknowledged that a violation, the creation of an Unauthorized Unit, exists at the subject property. He requested that the decision letter be clear in conveying the steps in how to abate the violation including the option where a project is exempt from obtaining a Conditional Use Authorization.

The ZA took the matter under advisement after hearing from all concerned parties.

## Submittals and Consideration After the Hearing

To date, no new information has been submitted. The ZA has reviewed all submittals to date and considered statements made at the October 16, 2024, hearing.

## Decision

**NOTICE OF VIOLATION UPHELD.** Pursuant to Planning Code Section 176, the Zoning Administrator has a duty in administration and enforcement of the Planning Code. Accordingly, the ZA upholds the Notice of Violation issued on July 22, 2024, as the property owner has failed to demonstrate compliance with the Planning Code as described above.

The subject property owner shall abate the violation as follows:

- 1) **Legalization of the Unauthorized Unit.** Obtain permit issuance of Building Permit Application No.

201901220927 to legalize the Unauthorized Unit.

OR

- 2) **Remove the Unauthorized Unit.** If you intend to remove the Unauthorized Unit, you are required to obtain a Conditional Use Authorization (CUA) from the Planning Commission, unless your property is eligible for an exemption.
  - a. **Option 1:** You may update the Project Application (2024-007197PRJ) form by submitting the below supplemental CUA application. If the CUA is granted by the Planning Commission, the Department will issue a Planning Approval Letter (PAL).
    - i. **Conditional Use Authorization (CUA) supplemental:**  
<https://sfplanning.org/resource/cua-supplemental>
  - b. **Option 2:** If your project is eligible for any applicable exemptions to the Conditional Use Authorization requirement pursuant to Planning Code Section 317(c), move forward with Project Application (2024-007197PRJ) and obtain a PAL. You are required to submit any requested information required to demonstrate that you meet any exemptions.

Please review Planning Code Section 317(c) for any applicable exemptions:

[https://codelibrary.amlegal.com/codes/san\\_francisco/latest/sf\\_planning/0-0-0-22516](https://codelibrary.amlegal.com/codes/san_francisco/latest/sf_planning/0-0-0-22516)

If your project is eligible for this exemption, you are not required to submit a CUA application. You only need to submit a new Project Application (PRJ) form.

- 3) **Building Permit Application.** After obtaining a PAL for the removal of the Unauthorized Unit, you are required to obtain a Building Permit for the approved scope of work to abate Planning Code violations. Permit drawings should include accurate existing (last legal), as-built (as it currently exists today), and proposed plans.

Please visit DBI website, <https://sf.gov/apply-building-permit> for information on the permit application process.

- 4) **Upon permit issuance, you are required to:**
  - a. **Submit a construction schedule to the Planning Department.** In addition to a detailed construction timeline, the schedule must include the name(s) and contact information of the contractor(s) responsible for completing the work. Submit this within fifteen (15) days after permit issuance.
  - b. **Provide monthly updates until the project is completed.** If construction cannot be completed within thirty (30) days from the date of this notice, you must provide monthly updates to the Planning Department staff noted at the top of this notice. Each update must include photos and a short narrative description of the work completed that month. You will be responsible to notify the assigned enforcement staff of any delays. Failure to provide such notification will result in



the assessment of administrative penalties, as noted below.

- c. **Final Planning Inspection.** Once all work is completed, you are required to send photos showing all final work and schedule a final inspection with the enforcement planner.
- d. **Permit Completion.** Once the enforcement planner determines all completed work is consistent with Planning Department approvals, you are required to schedule an inspection with the Department of Building Inspection for a final sign off to complete this permit. Notify the enforcement planner when this occurs.

Please be advised that upon review of above applications and plan submittals, if it is determined that additional planning applications and processes are required, the Planning Department will notify you to make such submittals.

As referenced above, the responsible party must provide adequate evidence to demonstrate that the violation has been abated. A site visit may also be required to verify compliance. The work approved under any permits to abate a violation must commence promptly and be continued diligently to completion.

For questions regarding the building permit 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: [dbicustomerservice@sfgov.org](mailto:dbicustomerservice@sfgov.org)  
Website: [www.sfdbi.org](http://www.sfdbi.org)

For questions regarding the planning permit review process, please contact the **Planning Department** at:

49 South Van Ness Avenue, 2nd Floor  
San Francisco, CA 94103  
Phone: 628.652.7300  
Email: [pic@sfgov.org](mailto:pic@sfgov.org)  
Website: [www.sfplanning.org](http://www.sfplanning.org)

For questions about this enforcement case, please email the assigned enforcement planner as noted above.

## Timeline to Respond

The responsible party has thirty (30) days from the date of this notice to either;

- 1) Take steps to correct the violation as noted above; or
- 2) Appeal this Violation and Penalty Decision notice as noted below.

The corrective actions shall be taken as early as possible. Any unreasonable delays in abatement of the violation will result in assessment of administrative penalties of up to \$1,000 per day. Should you need additional time to respond to and/or abate the violation, please discuss this with the assigned Enforcement Planner, who will assist you in developing a reasonable timeline.

## Administrative Penalties

If a Responsible Party does not request any appeal process and does not take corrective action to abate the violation **within 30 days**, this Notice of Violation will become final. However, **administrative penalties will not begin to accrue until the 30-day period to respond expires**, as detailed above. Beginning on the following day, administrative penalties of up to **\$1,000 per day for each violation** will start to accrue for each day the violation continues unabated. If such penalties are assessed, the Planning Department will issue a Notice of Penalty and Fee, and the penalty amount shall be paid **within 30 days** from the issuance date of that notice. Please be advised that payment of penalty 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 **\$5,659.75** for “Time and Materials” cost associated with the Code Enforcement investigation for confirmed violation. Additional fees will continue to accrue until the violation is abated. **This fee is separate from the administrative penalties described above and is not appealable.**

## 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 30 days of the issuance of Notice of Penalty and Fee, the Zoning Administrator may take such actions 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 Collection 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.

## Recordation of Order of Abatement

Upon the expiration of 90 days following the finality of this Notice of Violation and Penalty Decision, 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 as set forth in the Order of Abatement shall be Planning Code conditions pursuant to Planning Code Section 174 that 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 of an Order of Abatement will be assessed to the Responsible Party and added to the “Time and Materials” fee discussed above.

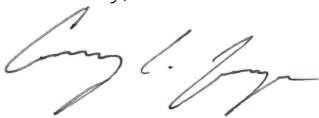
## Appeal

This Violation and Penalty Decision and any assessed penalties may be appealed to the **Board of Appeals** **within thirty (30) days** from the date of this Violation and Penalty Decision at:

49 South Van Ness Avenue, Suite 1475  
San Francisco, CA 94103  
Phone: (628) 652-1150  
Email: [boardofappeals@sfgov.org](mailto:boardofappeals@sfgov.org)  
Website: [sf.gov/departments/board-appeals](https://sf.gov/departments/board-appeals)

The Board of Appeals may not reduce the amount of penalty below \$200 per day for each day that the violation exists, excluding the period of time that the matter has been pending either before the Zoning Administrator or before the Board of Appeals.

Sincerely,



Corey A. Teague, AICP  
Zoning Administrator

Enc.: Notice of Violation dated July 22, 2024.

cc: Trevor Deng (Owner's Representative), [trevordeng@gmail.com](mailto:trevordeng@gmail.com)  
Janet Campbell (Architect), [campbellarchitect@aol.com](mailto:campbellarchitect@aol.com)



## NOTICE OF VIOLATION

July 22, 2024

**Property Owner**

Roussel Eric  
874 Fell St  
San Francisco, CA 94117

**Site Address:** 874 Fell St  
**Assessor's Block/Lot:** 0822/019  
**Zoning District:** RM-1, Residential- Mixed, Low Density  
Within ¼ Mile of an Existing Fringe Financial Service Special Use District  
Family and Senior Housing Opportunity Special Use District  
**Complaint Number:** 2024-000871ENF  
**Code Violation:** Section 317, Development of an Unauthorized Unit  
Section 175, Work Undertaken without Benefit of Permit  
**Administrative Penalty:** Up to \$1,000 per Day for Each Violation  
**Enforcement T & M Fee:** \$7,079.43 (Current Fee for confirmed violations, Additional charges may apply)  
**Response Due:** Within 15 days from the date of this Notice  
**Staff Contact:** Rogelio Baeza, (628) 652-7369, [rogelio.baeza@sfgov.org](mailto:rogelio.baeza@sfgov.org)

The Planning Department finds the above referenced property to be in violation of the Planning Code. As the owner of the subject property, you are a responsible-party to bring the above property into compliance with the Planning Code. Details of the violation are discussed below:

### Description of Violation

Our records indicate that the subject property is currently authorized for 9-unit residential building use. The violation pertains to the Unauthorized Dwelling Unit located at the basement level of the subject property. Pursuant to Planning Code Section 317(b)(13), "Unauthorized Unit" is defined as:

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.

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 175, a Building Permit is required for the construction, reconstruction, enlargement, alteration, relocation, or occupancy of any structure in compliance with the Planning Code.

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

## Timeline of Investigation

On January 22, 2019, Building Permit Application (BPA) No. 201901220927 was filed for “Unit Legalization Ord. 43-14. Comply with NOV 201722542. Legalize an illegal unit.” This permit was approved by the Planning Department on September 16, 2019, however the permit has not yet been approved by other City agencies, nor issued.

On February 22, 2024, the Planning Department sent you a Notice of Complaint. In that notice, you were advised to contact the Planning Department to resolve the complaint.

On March 21, 2024, Planning staff (Rogelio Baeza and Wesley Wong) conducted a site visit at the subject property. Staff had access to only one (1) unit in this building, Apt 1A, which was vacant. You relayed that the tenant of Apt 1A had moved out after two (2) months. Additionally, staff observed an Unauthorized Dwelling Unit at the basement level that was occupied by you and your partner at the time of the site visit.

On April 3, 2024, Planning staff (Rogelio Baeza and Wesley Wong) conducted a second site visit to review all units on the property, however were only able to access seven (7) of nine (9) units including 1, 1A, 1B, 2, 3, 4, 5. The units observed matched the existing plan layout as approved under Building Permit No. 202205254981. During this site visit, staff requested that you provide the missing rental lease agreement for Apt 1A. To date, this rental lease agreement has not been submitted.

On April 16, 2024, the Planning Department sent you a Notice of Enforcement informing you about the violation and the abatement process. In that notice, you were advised to take corrective actions and provide evidence of compliance to the Planning Department within fifteen (15) days.

Between April 16, 2024 and June 17, 2024, Planning staff (Rogelio Baeza) sent you multiple emails to you, your representative (Trevor Deng), your architect (Janet Campbell) with instructions to abate the existing violation including obtaining issuance of BPA No. 201901220927 to legalize the Unauthorized Dwelling Unit.

To date, the Planning Department has not received any evidence to demonstrate that the above violation has been abated or a corrective action has been taken to bring the subject property into compliance with the Planning Code.

## How to Correct the Violation

The Planning Department requires that you immediately proceed to abate the violation as follows:

- 1) **Legalization of UDU.** Obtain permit issuance of Building Permit Application No. 201901220927 to legalize the Unauthorized Dwelling Unit.

OR

- 2) **Removal of UDU.** If you intend to remove the Unauthorized Dwelling Unit, you are required to obtain a Conditional Use Authorization (CUA) from the Planning Commission by submitting the below required applications. Conditional Use Authorization approval is not guaranteed. If a CUA is granted, the Planning Department will issue a Planning Approval Letter. You will then be required to file a building permit application to vest this approval. You may review [Planning Code Section 317\(c\)](#) for any applicable exemptions.

- a. Project Application (PRJ) form:  
<https://sfplanning.org/resource/prj-application>
- b. Conditional Use Authorization (CUA) supplemental:  
<https://sfplanning.org/resource/cua-supplemental>
- c. Dwelling Unit Removal (DUR) supplemental:  
<https://sfplanning.org/resource/DURemoval-supplemental>

- 3) Upon permit issuance, you are required to:

- a. **Submit a construction schedule to the Planning Department.** In addition to a detailed construction timeline, the schedule must include the name(s) and contact information of the contractor(s) responsible for completing the work. Submit this within fifteen (15) days after permit issuance.
- b. **Provide monthly updates until the project is completed.** If construction cannot be completed within thirty (30) days from the date of this notice, you must provide monthly updates to the Planning Department staff noted at the top of this notice. Each update must include photos and a short narrative description of the work completed that month. You will be responsible to notify the assigned enforcement staff of any delays. Failure to provide such notification will result in the assessment of administrative penalties, as noted below.
- c. **Final Planning Inspection.** Once all work is completed, you are required to send photos showing all final work and schedule a final inspection with the enforcement planner.
- d. **Permit Completion.** Once the enforcement planner determines all completed work is consistent with Planning Department approvals, you are required to schedule an inspection with the Department of Building Inspection for a final sign off to complete this permit. Notify the enforcement planner when this occurs.

Please be advised that upon review of above applications and plan submittals, if it is determined that additional planning applications and processes are required, the Planning Department will notify you to make such submittals.

The responsible party will need to provide adequate evidence to demonstrate that either no violation exists or that the violation has been abated. Please provide evidence including (such as dimensioned plans, photos, licenses, lease copies, etc.). A site visit may also be required to verify compliance. You may also need to obtain a building permit for any other alterations undertaken at the property. The work approved under any permits to abate violation must commence promptly and be continued diligently to completion with a final inspection and/or issuance of certificate of final completion.

For questions regarding the building permit 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: [dbicustomerservice@sfgov.org](mailto:dbicustomerservice@sfgov.org)  
Website: [www.sfdbi.org](http://www.sfdbi.org)

For questions regarding the planning permit review process, please contact the **Planning Department** at:

49 South Van Ness Avenue, 2nd Floor  
San Francisco, CA 94103  
Phone: 628.652.7300  
Email: [pic@sfgov.org](mailto:pic@sfgov.org)  
Website: [www.sfplanning.org](http://www.sfplanning.org)

For questions about this enforcement case, please email the assigned enforcement planner as noted above. For questions about the Building Code or building permit process, please email DBI at the email address noted above.

## Timeline to Respond

The responsible party has **fifteen (15) days from the date of this notice** to either:

- (1) Take steps to correct the violation as noted above; or
- (2) Appeal this Notice of Violation as noted below.

The corrective actions shall be taken as early as possible. Any unreasonable delays in abatement of the violation will result in assessment of administrative penalties at \$1,000 per day for each violation. The Department may also report any licensed professional responsible for the violation(s) to the appropriate local, state, or federal licensing boards.

Please contact the assigned Enforcement Planner noted above with any questions, to submit evidence of correction, and discuss the corrective steps to abate the violation. Should you need additional time to respond to and/or abate the violation, please discuss this with the assigned Enforcement Planner, who will assist you in developing a reasonable timeline.

## Appeal Processes

If the responsible party believes that this order to remove a violation of the Planning Code is an abuse of discretion by the Zoning Administrator, the following appeal processes are available:

- (1) The responsible party may request a Zoning Administrator Hearing under Planning Code Section 176 within **thirty (30) days** from the date of this notice to show cause why this Notice of Violation is issued in error and should be rescinded by submitting the Request for Zoning Administrator Hearing Form and supporting evidence to the Planning Department. The Zoning Administrator shall render a decision on the Notice of Violation within 30 days of such a hearing. The responsible party may then appeal the Zoning Administrator's written decision to the Board of Appeals within 15 days from the date of the decision.
- (2) 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 **fifteen (15) days** from the date of this notice to the Board of Appeals located at:

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

If Board of Appeals upholds the Notice of Violation, it may not reduce the amount of penalty below \$200 per day for each day the violation continues unabated, excluding the period the matter was pending either before the Zoning Administrator or before the Board of Appeals.

No penalties are 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.

## Administrative Penalties

If a Responsible Party does not request any appeal process and does not take corrective action to abate the violation **within 30 days**, this Notice of Violation will become final. However, **administrative penalties will not begin to accrue until the 30-day period to respond expires**, as detailed above. Beginning on the following day, administrative penalties of up to **\$1,000 per day for each violation** to the Responsible Party will start to accrue for each day the violation continues unabated. If such penalties are assessed, the Planning Department will issue a Notice of Penalty and Fee, and the penalty amount shall be paid **within 30 days** from the issuance date of that notice. Please be advised that payment of penalty 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 **\$7,079.43** for “Time and Materials” cost associated with the Code Enforcement investigation for confirmed violation. Additional fees will continue to accrue until the violation is abated. **This fee is separate from the administrative penalties described above and is not appealable.**

## 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 30 days of the issuance of Notice of Penalty and Fee, the Zoning Administrator may take such actions 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 Collection 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.

## Recordation of Order of Abatement

Upon the expiration of 90 days following the finality of this Notice of Violation, 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 as set forth in the Order of Abatement shall be Planning Code conditions pursuant to Planning Code Section 174 that 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 of an Order of Abatement will be assessed to the Responsible Party and added to the “Time and Materials” fee discussed above.

## 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 in bringing the subject property into full compliance with the Planning Code. You may contact the enforcement planner noted above for any questions on the enforcement and appeal process.

Sincerely,



Kelly Wong  
Acting Zoning Administrator

Enc.: Notice of Enforcement dated April 16, 2024.

cc: Trevor Deng (Owner's Representative), [trevordeng@gmail.com](mailto:trevordeng@gmail.com)  
Janet Campbell (Architect), [campbellarchitec@aol.com](mailto:campbellarchitec@aol.com)  
Mathew Chandler (Planner), [mathew.chandler@sfgov.org](mailto:mathew.chandler@sfgov.org)



## NOTICE OF ENFORCEMENT

April 16, 2024

**Property Owner**

Roussel Eric  
874 Fell St  
San Francisco, CA 94117

**Site Address:** 874 Fell St  
**Assessor's Block/Lot:** 0822/019  
**Zoning District:** RM-1, Residential- Mixed, Low Density  
**Complaint Number:** 2024-000871ENF  
**Code Violation:** Planning Code Section 317(b)(13)(Unauthorized Dwelling Unit)  
**Administrative Penalty:** Up to \$1,000 per Day of Each Violation  
**Enforcement T & M Fee:** \$4,752.29 (Current Fee for confirmed violations, Additional charges may apply)  
**Response Due:** Within 15 days from the date of this Notice  
**Staff Contact:** Rogelio Baeza, (628) 652-7369, [rogelio.baeza@sfgov.org](mailto:rogelio.baeza@sfgov.org)

The Planning Department received a complaint that a Planning Code violation exists on the above referenced property that must be resolved. As the owner of the subject property, 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 your property into compliance with the Planning Code. Details of the violation are discussed below:

### Description of Violation

Our records indicate that the subject property is currently authorized for 9-unit residential use. The violation pertains to the Unauthorized Dwelling Unit (UDU) on the subject property and potential Intermediate Length Occupancy (ILO) use.

Pursuant to Planning Code Section 202.10 (B), Dwelling Units that are subject to the rent increase limitations in Administrative Code Section 37.3 shall not be eligible to be Intermediate Length Occupancy units.

On February 22, 2024, the Planning Department sent you a Notice of Complaint to inform you about the complaint.

On March 12, 2024, Planning Staff Rogelio Baeza requested rental lease agreements from Eric Roussel (owner) of all the units at the subject property and to schedule a site visit to confirm the current conditions of the property.

On March 14, 2024, Eric Roussel (owner) emailed rental lease agreements for most of the units (Apt 1A was missing) at the subject property.

On March 21, 2024, Planning Staff Rogelio Baeza and Wesley Wong conducted a site visit at the subject property. Staff had access to one unit: Apt 1A. The owner mentioned the tenant had moved out after residing for about 2 months. Additionally, an Unauthorized Dwelling Unit at the basement level was inhabited by Eric Roussel (owner) and his partner at the time of the site visit. Staff requested to provide the missing lease agreement for Apt 1A and provide a building permit allowing the interior renovation of the basement level, where the Unauthorized Dwelling Unit was observed.

On April 3, 2024, Planning Staff Rogelio Baeza and Wesley Wong conducted a second site visit to access all other units and were only able to access total 7 units; 1, 1A, 1B, 2, 3, 4, 5. The units observed matched the existing plan layout. Staff requested the owner provide the missing rental lease agreement for Apt 1A at the site visit. To date, the rental lease agreement has not been provided for Apt 1A.

On April 9, 2024, Planning Staff Rogelio Baeza requested the following clarification:

- 1) Intended scope of work along with permit the owner wishes to pursue
- 2) Confirm if all tenants still reside at units for which the rental lease agreements were provided.
- 3) Provide the missing rental lease agreement for Apt 1A.

To date, Eric Roussel (owner) has not confirmed the above nor provided the requested information.

Pursuant to Planning Code Section 175, a Building Permit is required for the construction, reconstruction, enlargement, alteration, relocation, or occupancy of any structure in compliance with the Planning Code.

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

## How to Correct the Violation

The Planning Department requires that you immediately proceed to abate the violation as follows:

Discontinue any unauthorized intermediate Length Occupancy (ILO) use characteristic that is not allowed in dwelling units subject to rent increase limitations.

Continue to pursue filed Building Permit Application # 201901220927 to seek legalization of the Unauthorized Dwelling Unit (UDU) with accurate pre-existing, currently existing/as-built, and proposed plans. Please visit DBI website, <https://sf.gov/apply-building-permit> for information on the permit application process. **This permit must be diligently pursued and completed.**

If you intend to remove the Unauthorized Dwelling Unit, you may file a Project Application with a supplemental Conditional Use Authorization Application to seek legalization of such use. These applications are available from the Planning Department's website at <https://sfplanning.org/resources>. If the Conditional Use Authorization is

granted, you will also need to obtain a Building Permit. **This application must be diligently pursued and completed.**

Please be advised that upon review of above applications and plan submittals, if it is determined that additional planning applications and processes are required, the Planning Department will notify you to make such submittals.

The responsible party will need to provide adequate evidence to demonstrate that either no violation exists or that the violation has been abated. Please provide evidence including (such as dimensioned plans, photos, licenses, lease copies, etc.). A site visit may also be required to verify compliance. You may also need to obtain a building permit for any other alterations done at the property. The work approved under any permits to abate violation must commence promptly and be continued diligently to completion with a final inspection and/or issuance of certificate of final completion.

For questions regarding the building permit 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: [dbicustomerservice@sfgov.org](mailto:dbicustomerservice@sfgov.org)  
Website: [www.sfdbi.org](http://www.sfdbi.org)

For questions regarding the planning permit review process, please contact the **Planning Department** at:

49 South Van Ness Avenue, 2nd Floor  
San Francisco, CA 94103  
Phone: 628.652.7300  
Email: [pic@sfgov.org](mailto:pic@sfgov.org)  
Website: [www.sfplanning.org](http://www.sfplanning.org)

For questions about this enforcement case, please email the assigned enforcement planner as noted above. For questions about the Building Code or building permit process, please email DBI at the email address noted above.

## Timeline to Respond

The timeline to respond to this Notice of Enforcement is **fifteen (15) days from the date of this notice**. The corrective actions shall be taken as early as possible. Any unreasonable delays in abatement of the violation will result in assessment of administrative penalties at **\$1,000 per day for each violation**. The Department may also report any licensed professional responsible for the violation(s) to the appropriate local, state, or federal licensing boards.

Please contact the assigned Enforcement Planner with any questions, to submit evidence of correction, and discuss the corrective steps to abate the violation. Should you need additional time to respond to and/or abate

the violation, please discuss this with the assigned Enforcement Planner, who will assist you in developing a reasonable timeline.

## Penalties and Appeal Rights

Failure to respond to this notice by abating the violation or demonstrating compliance with the Planning Code within **fifteen (15) days from the date of this notice** will result in issuance of a **Notice of Violation (NOV)** by the Zoning Administrator. Administrative penalties of up to **\$1,000 per day for each violation, along with any applicable additional penalties referenced above**, will also be assessed to the Responsible Party for each day beyond the timeline to respond provided for the NOV if the violation is not abated. The NOV provides the following appeal options.

1. Request for Zoning Administrator Hearing. The Zoning Administrator's final decision is then appealable to the Board of Appeals.
2. Appeal of the Notice of Violation to the Board of Appeals. The Board of Appeals may not reduce the amount of penalty below \$200 per day for each day the violation exists, excluding the period of time the matter was pending either before the Zoning Administrator or before the Board of Appeals.

Upon the expiration of 90 days after the finality of the NOV, 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. Any fees associated with recordation of an Order of Abatement will be assessed to the Responsible Party and added to the "Time and Materials" fee discussed below.

## 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 \$4,752.29 for "Time and Materials" cost associated with the Code Enforcement investigation for confirmed violations. Additional fees will continue to accrue until the violation is abated. **This fee is separate from the administrative penalties described above and is not appealable.**

## 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. You may contact the enforcement planner noted above for any questions on the enforcement and appeal process.

cc: Mathew Chandler (Planner), [mathew.chandler@sfgov.org](mailto:mathew.chandler@sfgov.org)  
Sean Birmingham (DBI), [sean.birmingham@sfgov.org](mailto:sean.birmingham@sfgov.org)

**Jurisdiction Request Statement Submitted by:** Eric Roussel  
**Subject Property:** 874 Fell Street, San Francisco, CA 94117  
**Agency Action Appealed:** Violation and Penalty Decision dated December 2, 2024  
**Department:** San Francisco Planning Department  
**Planning Enforcement Case No.:** 2024-000871ENF  
**Jurisdiction Request Filing Date:** 05/09/2025

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## **I. Request for Late Appeal Acceptance**

I respectfully request that the San Francisco Board of Appeals exercise its discretion under Article V, Section 10 of its Rules to accept a late appeal of the Violation and Penalty Decision issued by the San Francisco Planning Department on December 2, 2024 (Case No. 2024-000871ENF).

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## **II. Grounds for Jurisdiction Request**

### **A. City Error: Improper Notice of Penalty Decision**

The Planning Department mailed the December 2, 2024 Penalty Decision to 874 Fell Street, an address I no longer resided at as of August 2024. I vacated the unit, which I had owner-occupied, after being informed by the City that it was under Code Enforcement as an unauthorized dwelling unit. In response, I moved out promptly and began pursuing legalization. Prior to December 2024, I informed Planning staff, including Planner Rogelio Baeza, that my girlfriend and I had moved out. While I did not initially provide my new address, I made clear in conversation and correspondence that we were no longer living at the property, and that the unit was vacant and not in use as a residence.

Importantly, my current mailing address—1344 Clayton Street, San Francisco, CA 94114—was listed in permit application forms submitted to DBI as early as August 2024, including electrical and plumbing permit filings. Although those permits may not have involved Planning review, the address was formally submitted to the City, and this information was available to other departments.

Moreover, Planning staff including Rogelio Baeza, Kat Yi, and Elizabeth Gordon personally inspected the unit on January 14, 2025, and documented that it was being used only for storage. Photographs taken during this visit confirm the unit was vacant and not occupied. This visit conclusively established that I no longer lived at the address, and that any further service to 874 Fell would constitute improper notice.

In addition, my Planning permit application for legalization of the UDU, submitted on February 7, 2025, also listed 1344 Clayton as my mailing address. This further confirms that the Planning Department itself had notice of my correct contact information prior to sending the penalty notice.

While I do visit 874 Fell from time to time to check on the building as the landlord of a nine-unit property, that does not make it my legal mailing address or justify continued use of it for official service. The Department had multiple indications that I had moved out and had submitted updated contact information, and their continued use of the 874 Fell address denied me timely notice of the penalty letter and undermined my ability to appeal it. This lack of proper notice not only harmed my due process rights but also allowed the false premises in that letter to improperly influence subsequent enforcement, including the Order of Abatement recorded April 9, 2025. Moreover, the fact that the Planning Department waited six full days after recording the Order to mail the notice (on April 15, 2025) further underscores the lack of procedural fairness and raises serious concerns about the City's intent to provide timely and effective notice.

Additionally, I emailed Zoning Administrator Corey Teague on May 5, 2025 with a complete appeal package and a clear explanation that the abatement notice for the Penalty Decision had been sent to an outdated address. At that time, I believed I was appealing the most recent enforcement action. Despite this outreach, I received no response or clarification from Planning indicating that the Penalty Decision was the appealable determination, nor was I redirected to the proper procedure. This lack of communication from Planning further compounded the confusion caused by the defective service and left me unaware that I needed to appeal the earlier penalty notice instead.

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## **B. Demonstrable Compliance Undermining the Penalty's Factual Basis**

The December 2, 2024 Penalty Decision contains a materially false statement that I submitted "no new information" or compliance materials since October 16, 2024. In fact, Planning Record No. 2024-007197PRJ shows multiple documented submissions in November 2024, including:

- Planning Approval Letter materials
- Architectural plans
- Legalization pathway documentation

Additionally, I received a formal Complete Application Notice from the Planning Department on December 6, 2024, which clearly acknowledges that my application was complete and actively being routed for review. This document, issued by Planning itself, is direct evidence that I was in active compliance with the legalization process during the period Planning claims there was no activity.

This false premise directly taints the validity of the Penalty Decision and its legal consequences.

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### **III. Relief Requested**

I respectfully request that the Board grant this Jurisdiction Request and allow me to file a formal appeal of the Planning Department's December 2, 2024 Violation and Penalty Decision on the following grounds:

- Improper notice at a known-bad address;
- Demonstrated failure of the City to acknowledge known contact information;
- Reliance on a factually flawed penalty narrative;
- Documented efforts toward compliance during the relevant enforcement period.

---

**Respectfully submitted,**

Eric Roussel

1344 Clayton Street

San Francisco, CA 94114

ericsfca@gmail.com

415-528-0227

**From:** [Eric Roussel](#)  
**To:** [Longaway, Alec \(BOA\)](#)  
**Cc:** [Lamarre, Julie \(BOA\)](#); [Teague, Corey \(CPC\)](#); [Fossi, Natalia \(CPC\)](#)  
**Subject:** Re: Request for Briefing Deadline Extension – Appeal No. 25-020 & Jurisdiction Request No. 25-5 – 874 Fell Street  
Re: New Briefing Dates for Appeal No. 25-020 and JR No. 25-5 @ 874 Fell Street  
**Date:** Thursday, July 31, 2025 4:32:02 PM  
**Attachments:** [!##### ROGELIO avoids responding about the April meeting to not implicate himself in the Audrey email issue he is part of fully.pdf](#)  
[!##### ROGELIO NOT ANSWERING MY RECAP OF THE MEETING APRIL 16 wd Re 30 day Limit. Complain...Demo Code section 317 and other rules \(2\).pdf](#)  
[! PLN 6721e PAGE 5 CASE 25039.pdf](#)  
[!#####1 ROGELIO contacts DBI to sabotage my permit application.pdf](#)  
[!##### ROGELIO avoids helping with the permit process but he is ready to fine.pdf](#)  
[!#CUSHNER money to Rogelio Cushner offers his refund to Rogelio for his work on my ENF case that he triggered.pdf](#)  
[!#####Evidence of tampering and of missing emails on the Audre Merlone Thread.pdf](#)  
[!#####1 ROGELIO issues faulty notice and NOVDP.pdf](#)  
[!#####DEC 2 NOVDP Faulty NOTICE Faulty.pdf](#)  
[IN AUDREYROGELIOSL2IMY.pdf](#)  
[ISROGELIO KNOWS CUSHNER JANUARY 14 COMPLAINT IS FALSE BUT DOESNT WANT TO2 HELP.pdf](#)

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Supplemental Brief in Support of Jurisdiction Request for Appeal of December 2, 2024 NOVDP (Case No. 2024-008871ENF) - 874 Fell Street

Dear Board Members:

I submit this brief letter in support of my May 9, 2025 Jurisdiction Request to appeal the Planning Department's December 2, 2024 Notice of Violation and Penalty Decision (NOVPD). As detailed in Exhibit A (Jurisdiction Request Statement), the Board should accept this late appeal under Article V, Section 10 of its Rules due to improper notice and demonstrable compliance undermining the NOVDP's basis.

**Improper Notice (City Error):** The NOVDP was mailed to 874 Fell Street, an address I vacated in August 2024 after Planning deemed the unit unauthorized. Planning staff, including Rogelio Baeza, were informed of this via correspondence and a January 14, 2025 site visit confirming vacancy. My updated address (1344 Clayton Street) appeared in DBI filings from August 2024 and my February 7, 2025 permit application. The "notice" was buried in a December 9, 2024 email about an unrelated matter failing due process standards. This pattern of deficient notice is systemic, as evidenced by withheld records ruled upon by the Sunshine Ordinance Task Force (SOTF) on July 2, 2025 SOTF Order of Determination, File No. 25039).

**Factual Errors and Compliance Evidence:** The NOVDP falsely claims "no new information" was submitted post-October 16, 2024, ignoring my November 2024 submissions (plans, legalization documents) and December 6, 2024 Complete Application Notice. These prove active compliance, rendering the NOVDP's \$5,659.75 fee and penalties invalid. Internal emails (e.g., Audrey Merlone to Baeza, Exhibit G) suggest bias, further tainting enforcement.

**Relief Requested:** Grant jurisdiction, vacate the NOVDP, and rescind related penalties. To aid resolution, I suggest a continuance until Planning complies with SOTF-mandated record production, allowing full briefing. This would promote transparency and efficiency.

Respectfully submitted,  
Eric Roussel  
1344 Clayton Street  
San Francisco, CA 94114  
[ericsfca@gmail.com](mailto:ericsfca@gmail.com)  
415-528-0227  
Date: July 31, 2025

Attachments: Exhibits



Eric Roussel <ericsfca@gmail.com>

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## Actions Taken - 7/2/2025 Sunshine Ordinance Task Force Regular Meeting

1 message

**SOTF (BOS)** <sotf@sfgov.org>

Fri, Jul 4, 2025 at 1:01 PM

Cc: "Somera, Alisa (BOS)" <alisa.somera@sfgov.org>, "Young, Victor (BOS)" <victor.young@sfgov.org>

Hello, Parties –

The following actions were taken at the 7/2/2025 Regular Meeting of the Sunshine Ordinance Task Force:

### Orders of Determination

**File No. 23092:** Complaint filed by Zach Karnazes against the Mayor's Office on Disability for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.12, 67.15, and 67.25, by failing to provide an opportunity for members of the public to directly address a body on items of interest on the agenda.

**File No. 24022:** Complaint filed by Paul Kniha against the Municipal Transportation Agency for allegedly violating the Administrative Code (Sunshine Ordinance), Section(s) 67.25, by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner.

**File No. 24030:** Complaint filed by Paul Kniha against the Municipal Transportation Agency for allegedly violating the Administrative Code (Sunshine Ordinance), Section(s) 67.25, by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner.

**File No. 24036:** Complaint filed by Paul Kniha against the Municipal Transportation Agency for allegedly violating the Administrative Code (Sunshine Ordinance), Section(s) 67.25, by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner.

**File No. 24060:** Complaint filed by Lou Barberini against Jesus Yanez, Police Commissioner, for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.7(d), by discussing a matter not appearing on the posted agenda.

**File No. 24064:** Complaint filed by Matt Joseph against the Department of Building Inspection for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.21(k) by failing to release documentary public information, 67.26 by failing to disclose records in their entirety, and 67.27 by failing to provide justification for the withholding of information in writing.

**File No. 25029:** Complaint filed by Madison Alvarado against the San Francisco Police Department for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.21 by failing to respond to a public records request in a timely and/or complete manner.

**Action: Moved by Member Pilpel, seconded by Member Sugarman, to approve the Orders of Determination.**

The action **PASSED** by the following vote:

Ayes: 7 – Pilpel, Sugarman, Schmidt, LaHood, Kumar, Hyland, Yankee

Noes: 0 – None

Absent: 3 – Anderson, Wolfe, Stein

### **Consent Agenda**

**File No. 25021:** Complaint filed by Stacy Smith against the San Francisco Public Library, San Francisco Police Department, and 911 Communications for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.21 by failing to respond to a public records request in a timely and/or complete manner.

*(On 6/17/2025, the Complaint Committee found that the Task Force has jurisdiction, that the requested records are public, and referred the matter to the Task Force Consent Agenda with a finding of no violation by the San Francisco Public Library, and a finding that the San Francisco Police Department violated Administrative Code (Sunshine Ordinance) Section 67.21 by failing to respond to a public records request received in December 2024 and responded to in April 2025. The Committee finds no violation by 911 Communications/DEM and further recommends that Petitioner follow up with the Police Department and DEM regarding records requests.)*

**File No. 25041:** Complaint filed by Anmarie against Paria Dea and the Fine Arts Museums of San Francisco for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.5, for failing to hold open and public meetings, 67.10(b) for meeting in closed session on a non-permitted topic, and 67.11 for failing to state the statutory authority for the closed session.

*(On 6/17/2025, the Complaint Committee voted to place File 25041 on the Task Force Consent Calendar by stipulation of the parties that the Task Force consider finding that Respondents violated Administrative Code (Sunshine Ordinance), Section(s) 67.5 for failure to hold open and public meetings, 67.10(b) for meeting in closed session on a non-permitted topic, and 67.11 for failing to state the statutory authority for the closed session.)*

**Action: Moved by Member Pilpel, seconded by Schmidt, to approve the Consent Agenda.**

The action **PASSED** by the following vote:

Ayes: 8 – Pilpel, Schmidt, LaHood, Sugarman, Kumar, Hyland, Wolfe, Yankee

Noes: 0 – None

Absent: 2 – Anderson, Stein

### **Complaint Hearing Agenda**

**File No. 24004:** Complaint filed by Zach Karnazes against the Mayor's Office on Disability for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.7(b) for failing to provide a description that is sufficiently clear and specific to alert a person of average intelligence and education whose interests are affected by the item that he or she may have reason to attend the meeting or seek more information on that item.

**Action: Moved by Member Pilpel, seconded by Chair Yankee, to find no violation of the Sunshine Ordinance, and that the Task Force encourages the Office on Disability and Accessibility to clarify in its meeting notices and agendas opportunities for public comment and ways to engage with the Mayor's Disability Council, and ensure that the meeting notices are posted where they are easy to find and accessible.**

The action **PASSED** by the following vote:

Ayes: 7 – Pilpel, Yankee, Schmidt, LaHood, Sugarman, Hyland, Wolfe

Noes: 1 – Kumar

Absent: 2 – Anderson, Stein

**File No. 23020:** Complaint filed by Paul Kniha against the San Francisco Municipal Transportation Agency for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.25, by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner

**File No. 23036:** Complaint filed by Paul Kniha against the San Francisco Municipal Transportation Agency for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.21 by failing to respond to a request for records in a timely and/or complete manner.

**Action: Moved by Chair Yankee, seconded by Member Pilpel, to close File No. 23020 and File No. 23036 for non-attendance by Petitioner. The Administrator is to notify Petitioner and Respondent that the cases have been closed.**

The action **PASSED** by the following vote:

Ayes: 7 – Yankee, Pilpel, Schmidt, LaHood, Sugarman, Kumar, Hyland

Noes: 0 – None

Absent: 3 – Anderson, Wolfe, Stein

**File No. 25028:** Complaint filed Anmarie against the Fine Arts Museums of San Francisco for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.5 by failing to hold open meetings, 67.7 by failing to post an agenda, 67.15 by failing to allow public testimony, and 67.16 by failing to record and post minutes of regular and special meetings of the board or commission.

**Action: Moved by Member LaHood, seconded by Member Hyland, to continue Item 13, File No. 25028, to the call of the Chair.**

The action **PASSED** by the following vote:

Ayes: 7 - LaHood, Hyland, Schmidt, Sugarman, Kumar, Pilpel, Yankee

Noes: 0 – None

Absent: 3 – Anderson, Wolfe, Stein

**File No. 25034:** Complaint filed by Joe Fitzgerald Rodriguez against the Office of the Mayor for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.21 by failing to respond to a public records request in a timely and/or complete manner.

**Action: Moved by Chair Yankee, seconded by Member Sugarman, to find the Office of the Mayor violated Administrative Code (Sunshine Ordinance) Section(s) 67.21(b) for failing to respond to a public records request in a timely manner, and 67.25(d) for failing to produce responsive records on an incremental or rolling basis.**

The action **PASSED** by the following vote:

Ayes: 7 – Yankee, Sugarman, Schmidt, LaHood, Kumar, Pilpel, Wolfe

Noes: 0 – None

Absent: 3 – Anderson, Hyland, Stein

**File No. 25039:** Complaint filed by Eric Roussel against San Francisco Planning Department for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.21 by failing to respond to a public records request in a timely and/or complete manner.

**Action: Moved by Member Schmidt, seconded by Member Wolfe, to find that the San Francisco Planning Department violated Administrative Code (Sunshine Ordinance), Section 67.21(b) for failure to respond to a public records request in a timely and/or complete manner, and ordered the production of all identifiable documents requested that have not been produced be produced per the ordinance, and further that the Respondent has failed to have**

**an authorized representative in attendance in violation of 67.21(e), and to refer the matter to a committee for follow-up.**

The action **PASSED** by the following vote:

Ayes: 7 – Schmidt, Wolfe, LaHood, Sugarman, Kumar, Pilpel, Yankee

Noes: 0 – None

Absent: 3 – Anderson, Hyland, Stein

Thank you.

*Patricia Petersen* (she/her)

Assistant Clerk

Board of Supervisors

1 Dr. Carlton B. Goodlett Place, Room 244

Telephone 415-554-7719 | Fax 415-554-5163

[sotf@sfgov.org](mailto:sotf@sfgov.org) | [www.sfbos.org](http://www.sfbos.org)



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Eric Roussel <ericsfca@gmail.com>

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## Fwd: Re: 30 day Limit, Complaint with Tom. Meeting for Clarification on DeFacto Demo Code section 317 and other rules.

1 message

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Eric Roussel <ericsfca@gmail.com>  
To: Eric Email <ericsfca@gmail.com>

Tue, Jun 3, 2025 at 12:35 PM

Get [BlueMail for Android](#)

On May 1, 2025, at 13:30, Eric Roussel <ericsfca@gmail.com> wrote:

Dear Rogelio,

Thank you again for your time during our recent meetings. I've reached out a few times in the past week and wanted to ensure these key issues are clearly documented and addressed:

---

### 1. Enforcement Status – Structural Plans & Permits

Can you confirm whether your 30-day request for structural plans is part of a formal enforcement process, or simply a coordination matter with DBI? I want to clarify whether BPA 202401174149 is under violation or simply being updated to reflect field conditions. As discussed, the revised permit supersedes prior versions and shows no demolition. I got the April 23 DBI Correction Notice (Inspector David Lara) As noted in DBI's **April 23, 2025 Correction Notice**, the issue is that the architectural plans reflect "existing" conditions based on the previous approved revision (as is standard in a revision submission), whereas DBI wants those "existing" conditions to reflect actual field conditions. I understand and accept this. I will provide revised architectural drawings that reflect actual site conditions, and submit them to resolve this issue.

---

### 2. Past NOVs & DBI Approvals

All NOVs from 2010–2013 were cleared under the supervision of Chief DBI Inspector Neil Friedman, and the case was closed in 2013. No new violations have been issued since. Does Planning consider any of that prior enforcement still unresolved?

---

### 3. Ongoing Complaint – ENF 2025-000389

Field Inspector David Lara found no violation on January 29, 2025, and noted this in DBI records. However, records still show the complaint as "Under Review." Is closure of the case pending the architectural correction described above, or is there another reason for delay?

---

### 4. Brett Howard's 2023 Site Visit

Inspector Howard inspected the barn in 2023, upon the same repeated complaints by Mr. Cushner year after year, and found no issues — he noted no excavation or undermining, no plan "falsification", and confirmed the structure is legal and could be remodeled per approved plans. The site condition has not changed since. I am attaching his report for reference. Can you confirm this history is being taken into account?

---

### 5. Internal Planning Memo – No De Facto Demo

Planning issued a memo dated February 19, 2025, concluding that BPA #202401174149 does **not** constitute a de facto demolition. This determination was based on internal analysis and plan review that assumed a total demo of vertical walls. Since your enforcement guidance should follow that memo, please confirm whether that remains the current position of the Department. If for any reason that memo is **not** being followed, I would appreciate clarification — especially if any new facts, policy changes, or internal decisions have superseded it. (I obtained this memo thanks to one of the many PRRs my neighbor keeps ordering.)

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## 6. Audrey Merlone's March 2024 Email & Complaint Reference

You mentioned you didn't really pay attention to Audrey Merlone's 3/28/24 email. It contains serious personal remarks and references a complaint filed with "Tom." I would like to formally request confirmation of whether that complaint exists. If so, please advise how I can access it. Additionally, I want to confirm whether anyone responded to or internally acted upon that email, particularly in light of its later citation by the complainant.

---

## 7. Public Records Review and Disclosure

As you may know, I've submitted a Public Records Request concerning communications about my properties. If there are any emails or notes by you or other staff referencing that email thread, or enforcement decisions tied to those communications, I trust they will be disclosed. If you are aware of anything that should be included, please ensure it is flagged.

---

I understand you are managing several cases, but a brief response to the above would be greatly appreciated.

Sincerely,

**Eric Roussel**

ericsfca@gmail.com | 415-528-0227

On Fri, Apr 25, 2025 at 5:11 PM Eric Roussel <[ericsfca@gmail.com](mailto:ericsfca@gmail.com)> wrote:

Hello Rogelio,

I think the Team meeting we had 3 hours ago with Kat and Elizabeth was very good. It helped clear things.

I would love to clarify more things. For the backbuilding situation and 2025-000389ENF.

For example, I got a notice dated 2 days ago from DBI about getting a revision to make sure "E" and "N" is clearly labelled specifically for the Noth Exterior wall. I will work on that.

Is this "correction" notice considered a violation with enforcement and time limit? I know it's DBI, not PLN, but maybe you know.

How about with PLN, do I have code violations on the backbuilding? A correction notice too?

If you could, please, reply to the last email I sent you, below. That would be really helpful to sort things out.

Additionally,

Does PLN recognize/accept the permitted work done to correct all the NOVs before 2025, and that there are no remaining NOVs. It was definitely taken into account for the Demo Calculation research PLN did before issuing the Letter of Suspension

Also 2025-000389ENF still shows active. Why is that? Multiple inspectors came for site visits for different reasons since January 14th and all have concluded that there was no violation for what is alleged in the complaint. "construction activity" "no active permit" This alleged unpermitted construction work is the basis/reason for the complaint. It was determined as false by field Inspector David Lara on a site visit specifically for that, on 1/29/25. He observed and reported "No Violation" "Fence construction permitted under 6'" in the Complaint records. Today, almost 3 months later, the complaint is still active.

Have a great weekend,

Eric

On Wed, Apr 23, 2025 at 6:23 PM Eric Roussel <[ericsfca@gmail.com](mailto:ericsfca@gmail.com)> wrote:

Hello Rogelio,

To make sure, is there an Enforcement order in place for the structural plans that you are requesting? Am I under a violation or is there a code section that obligates me to submit structural plans within 30 days? It's what you told me on Wednesday. I need to make sure.

Building permits 201311252814 and 202011309847 are superseded by the revision permit that was accepted January 2024 BPA 202401174149, right? What does it do for the current revision if the previous permitted versions are suspended?

For BPA202401174149, the current architectural plans that you saw keep everything in place and everything is label (E) for existing/staying. I'll send a copy with the walls and E highlighted.

Same with the structural plans I will submit. It keeps everything in place with no demo at all. I talked to my Structural Engineer again yesterday, and he confirmed.

All existing walls stay in place, the roof/deck on the 2nd floor above the garage stays, the barn/roof rafters all stay. Pictures attached. T

As far as the permit history with the work done 10-15 years ago, it all got permitted, approved, and passed.

I have an email from Chief Inspector Neil Freidman about this. I was doing the work under his guidance and supervision. The case was closed in June 2013. Email attached.

DBI cleared all the NOVs and it was all settled 12 years ago with no action from DBI, since.

Doing the research, I came upon an email sent to the neighbor in 2023, for the same thing he is doing now.

Upon another similar complaint, inspector Brett Howard performed a site visit March 27 2023, and certified like other inspectors before and after his visit that: "As far as item number one is concerned there is no need nor cause to add to the complaint since there has been no excavation and consequently no undermining. In regards to item number two, while the building is certainly in great disrepair and most certainly not habitable in its current condition, the owner has a right to remodel it as he sees fit ( in terms of the interior layout, kitchen and bath, etc.. ) and in accordance with the approved plans. I have looked at both sets of plans for PA# 201311252814 and PA# 202011309847 and fail to understand how they might be 'falsified'.

I would point out that Inspector Howard came to investigate the barn for the same repeated, dismissed, complaints by my neighbor over the years. What Inspector Howard concluded is in the attached email. The Barn situation has remained exactly the same since then in 2023. But, somehow, in 2025, the neighbor convinced the city to spend more time and city resources on this again..

I wanted to bring him up our meeting on Wednesday. You mentioned the reason you took my barn plans under review was because of a need for a ZA review for the variance for minor changes. I was a bit surprised and argued right away that no Za Review was required, especially since no ZA review happened for the previous revision, and because this current revision is simply reverting to the original no-basement condition for which the variance was originally granted. Anyway, I'm glad that you removed the ZA review requirement from the PTS system — Thank you.

I wasn't sure whether the hold was based on internal policy, or whether external context — like the Audrey Merlone email, or the complainant forwarding that email again for everyone to see, several months later — may have played a role in how that Barn permit was handled. I imagine the complainant was likely pleased that the barn permit didn't move forward during that period, though I don't know whether that factored into the process. Either way, I'm glad it's now resolved. I still would like to know if Audrey Merlone actually filed a complaint, and what was said if so.

Sorry to ask again, is BPA #202401174149 enforcement-related?

I assume not. Unless of course you now consider the barn permit in violation and subject to enforcement — in which case, I'd appreciate that being stated clearly so I can respond accordingly.

I will be sending more documents about the barn condition. I'm sending a preliminary set with coloring (In blue) to show what stays so you get a better idea. I used the PLN DemoCalc Memo (The 2/19/2025 memo that concludes that even with all the removal it wrongly assumed, the permit/project is not DeFacto Demo) to be sure we are talking about the same set of plans.

Thank you for your time,

Eric

On Tue, Apr 22, 2025 at 9:56 AM Baeza, Rogelio (CPC) <[rogelio.baeza@sfgov.org](mailto:rogelio.baeza@sfgov.org)> wrote:

Hi Eric,

For any future emails, I will be addressing enforcement related matters only. That is why I will be requesting that you please refrain from discussing about any other non-enforcement related topics, such as item #2.

With that said, Planning has requested that you provide an updated set of plans that consolidate the structural changes outlined in building permits # 201311252814 and 202011309847. The updated set of plans should be consistent with the architectural plans and all structural modifications should be clouded and labeled with the appropriate building permit number in which the clouded work was authorized.

Please let me know if you would like to discuss the request of updated plans in further detail.

Thank you,

**Rogelio Baeza, Planner**

**Team 9 & 10/Code Enforcement, Current Planning**

San Francisco Planning

49 South Van Ness Avenue, Suite 1400, San Francisco, CA 94103

Direct: 628.652.7369 | [www.sfplanning.org](http://www.sfplanning.org)

[San Francisco Property Information Map](#)

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**From:** Eric Roussel <[ericsfca@gmail.com](mailto:ericsfca@gmail.com)>

**Sent:** Monday, April 21, 2025 3:51 PM

**To:** Baeza, Rogelio (CPC) <[rogelio.baeza@sfgov.org](mailto:rogelio.baeza@sfgov.org)>

**Subject:** 30 day Limit, Complaint with Tom. Meeting for Clarification on DeFacto Demo Code section 317 and other rules.

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

Hello Rogelio,

Thanks for making time to meet with me on Wednesday 16th.

To recap Wednesday's meeting. I want to be sure whether I am in violation or not, and comply right away if so.

1) You told me that I have 30 days to submit structural plans or face further enforcement. Because I have discrepancies with my plans, you said. Is that right? Because if so, I will comply and submit structural plans next week NP. Maybe even Friday.

2) Another thing I'd like to make sure I am not violating. It's about Audrey Marlone's email in my case that I recently came across in a PRR. Wednesday, you said you barely noticed or paid attention to the email. But again, for the record I want to categorically deny her characterization of what happened when she came to inspect my property in 2014. She mentioned that I was so slimy she "actually had to file a complaint with Tom". I'd like to know if there is a complaint against me that Audrey filed. Because if so, I want to address it.

Let me know where to find that complaint if so.

And if I have only 30 days to submit structural plans.

Thank you,

Eric

AGAIN, ROGELIO AVOIDING TO HELP, BUT HAPPY TO ESCALATE. HE WOULD NOT DO ONE THING TO HELP WITH GETTING MY PERMIT FORWARD.

ericsfca@gmail.com

---

**From:** Baeza, Rogelio (CPC) <rogelio.baeza@sfgov.org>  
**Sent:** Wednesday, February 5, 2025 5:07 PM  
**To:** Yi, Kat (CPC); Eric Roussel  
**Subject:** RE: Planning Approval Letter - 874 Fell St - 2024-007197PRJ  
**Attachments:** Notice of Violation and Penalty Decision (NOVPD) - 12.02.24 - 874 Fell St (ID 1484622).pdf

**Flag Status:** Flagged

Hi Eric,

I am following up on your question regarding the types of permits that would need to be filed after receiving the Planning Approval Letter. Since the building permit process belongs to DBI, they can provide the adequate guidance on which form you will need to fill out for the approved scope of work found on the Planning Approval Letter. It may be that a demolition permit application will need to be filed or an alteration permit. However, please check in with DBI regarding this information.

Moreover, see the next steps below:

- 1) File the required building permit **within 7 days of this email** (by **COB Wednesday, February 12**).
- 2) Please make sure to provide the outstanding time and materials reflected on the NOVPD **within 7 days of this email** (by **COB Wednesday, February 12**).
  - a. Please note that it has now been 65 days since the issued NOVPD. To date, the time and materials have not been paid.

If the above deadlines are not met, then **daily administrative penalties will begin to accrue immediately on Thursday, February 13**. As a reminder, the goal of enforcement is to bring the property back into compliance as quickly as possible.

Thank you,

**Rogelio Baeza, Planner**  
**Team 9 & 10/Code Enforcement, Current Planning**  
San Francisco Planning  
49 South Van Ness Avenue, Suite 1400, San Francisco, CA 94103  
Direct: 628.652.7369 | [www.sfplanning.org](http://www.sfplanning.org)  
[San Francisco Property Information Map](#)

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**From:** Yi, Kat (CPC) <kathryn.yi@sfgov.org>  
**Sent:** Wednesday, February 5, 2025 2:02 PM  
**To:** Eric Roussel <ericsfca@gmail.com>; Baeza, Rogelio (CPC) <rogelio.baeza@sfgov.org>  
**Cc:** CPC.closeout <CPC.closeout@sfgov.org>  
**Subject:** RE: Planning Approval Letter - 874 Fell St - 2024-007197PRJ

Hi Eric,  
Of those choice, my recommendation would be demolition.  
With care,  
Kat

**Kat Yi (she/her), Assistant Planner**

Districts 5 & 8 - Current Planning Division

San Francisco Planning

49 South Van Ness Avenue, Suite 1400, San Francisco, CA 94103

Direct: 628-652-7367 | [kathryn.yi@sfgov.org](mailto:kathryn.yi@sfgov.org) | [www.sfplanning.org](http://www.sfplanning.org)

[San Francisco Property Information Map](#)

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**From:** Eric Roussel <[ericsfca@gmail.com](mailto:ericsfca@gmail.com)>

**Sent:** Wednesday, February 5, 2025 1:36 PM

**To:** Yi, Kat (CPC) <[kathryn.yi@sfgov.org](mailto:kathryn.yi@sfgov.org)>; Baeza, Rogelio (CPC) <[rogelio.baeza@sfgov.org](mailto:rogelio.baeza@sfgov.org)>

**Cc:** CPC.closeout <[CPC.closeout@sfgov.org](mailto:CPC.closeout@sfgov.org)>

**Subject:** Re: Planning Approval Letter - 874 Fell St - 2024-007197PRJ

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Hello Kat and Rogelio,

I am trying to file the permit online.

I am at a page where it asks what type of Permit to file and I am not sure what to pick for the DUR.

Alteration, Demolition, New Construction?

Please let me know.

Thanks,

Eric

Form 3/8 (application for alterations)

Fill out the [application for alterations](#) (form 3,8).

• **File Name**

**Size**

• [Press to open](#) [PAL\\_874 Fell St\\_2024-007197PRJ \(ID 1491195\) With Approved Plans.pdf](#)

3.07 MB

Form 1/2 (application for new construction)

Fill out the [application for new construction](#) (form 1,2).

- **File Name**

- **Size**

Drop files to attach, or [browse](#)

Form 6 (application for demolition)

Fill out the [application for demolition](#) (form 6).

- 

On Tue, Jan 21, 2025 at 5:13 PM Yi, Kat (CPC) <[kathryn.yi@sfgov.org](mailto:kathryn.yi@sfgov.org)> wrote:

Hi Eric,

This email includes information about next steps for your project. Attached to this email are the following:

1. Planning Approval Letter (PAL) with accompanying attachments

After you have received a Planning Approval Letter (also known as a Zoning Approval Letter), if your project requires a building permit, you will [submit your building permit application and plans](#) online to the Department of Building Inspection (DBI). In your submission, you must upload the Planning Approval Letter and any required attachments. Once you submit your building permit, it will be routed to the Planning Department to confirm the permit submission matches what was previously approved by the Planning Department.

Some projects may qualify for an in-person, over-the-counter (OTC) review. Please review DBI's [list](#) of qualifying projects for OTC review. If your project qualifies, feel free and contact me to arrange a time to receive Planning's approval of your building permit at the counter.

Please let me know if you have any questions.

With care,

Kat

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[San Francisco Property Information Map](#)



**ericsfca@gmail.com**

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**From:** Baeza, Rogelio (CPC) <rogelio.baeza@sfgov.org>  
**Sent:** Wednesday, February 5, 2025 5:37 PM  
**To:** Eric Roussel  
**Cc:** Yi, Kat (CPC)  
**Subject:** RE: Planning Approval Letter - 874 Fell St - 2024-007197PRJ

**Flag Status:** Flagged

Hi Eric,

You should be able to speak to anyone in DBI for general information and guidance on the proposed scope of work and the proper building permit application that will need to be filled out. Please work diligently to obtain the building permit issuance to start the work and abate the existing violation as quickly as possible.

Thank you,

**Rogelio Baeza, Planner**  
**Team 9 & 10/Code Enforcement, Current Planning**  
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**From:** Eric Roussel <ericsfca@gmail.com>  
**Sent:** Wednesday, February 5, 2025 4:31 PM  
**To:** Baeza, Rogelio (CPC) <rogelio.baeza@sfgov.org>  
**Cc:** Yi, Kat (CPC) <kathryn.yi@sfgov.org>  
**Subject:** Re: Planning Approval Letter - 874 Fell St - 2024-007197PRJ

Hello Rogelio,

Thanks for your email.

Could you please direct me to who or where at DBI I should go to inquire about the type of permit to get?

I'll catch up on payments on the NOV. Sorry I had forgotten about that.

Thanks,

Eric

On Wed, Feb 5, 2025 at 4:09 PM Baeza, Rogelio (CPC) <[rogelio.baeza@sfgov.org](mailto:rogelio.baeza@sfgov.org)> wrote:

Hi Eric,

I am following up on your question regarding the types of permits that would need to be filed after receiving the Planning Approval Letter. Since the building permit process belongs to DBI, they can provide the adequate guidance on which form you will need to fill out for the approved scope of work found on the Planning Approval Letter. It may be that a demolition permit application will need to be filed or an alteration permit. However, please check in with DBI regarding this information.

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If the above deadlines are not met, then **daily administrative penalties** will begin to accrue immediately on **Thursday, February 13**. As a reminder, the goal of enforcement is to bring the property back into compliance as quickly as possible.

Thank you,

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**Team 9 & 10/Code Enforcement, Current Planning**

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**From:** Yi, Kat (CPC) <[kathryn.yi@sfgov.org](mailto:kathryn.yi@sfgov.org)>

**Sent:** Wednesday, February 5, 2025 2:02 PM

**To:** Eric Roussel <[ericsfca@gmail.com](mailto:ericsfca@gmail.com)>; Baeza, Rogelio (CPC) <[rogelio.baeza@sfgov.org](mailto:rogelio.baeza@sfgov.org)>

**Cc:** CPC.closeout <[CPC.closeout@sfgov.org](mailto:CPC.closeout@sfgov.org)>

**Subject:** RE: Planning Approval Letter - 874 Fell St - 2024-007197PRJ

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Please let me know if you have any questions.

With care,

Kat

**Kat Yi (she/her), Assistant Planner**

Districts 5 & 8 - Current Planning Division

# ROGELIO BAEZA ENGAGED IN MULTIPLE EMAILS WITH AUDREY FOLLOWING HER INITIAL EMAIL DISPARAGING AND ATTACKING ME. THEY HAVEN'T BEEN PRODUCED.

**From:** [Eric Roussel](#)  
**To:** [Baeza, Rogelio \(CPC\)](#)  
**Subject:** Re: 30 day Limit, Complaint with Tom. Meeting for Clarification on DeFacto Demo Code section 317 and other rules.  
**Date:** Thursday, May 01, 2025 1:31:11 PM  
**Attachments:** [Howard.docx](#)

---

Dear Rogelio,

Thank you again for your time during our recent meetings. I've reached out a few times in the past week and wanted to ensure these key issues are clearly documented and addressed:

---

## 1. Enforcement Status – Structural Plans & Permits

Can you confirm whether your 30-day request for structural plans is part of a formal enforcement process, or simply a coordination matter with DBI? I want to clarify whether BPA 202401174149 is under violation or simply being updated to reflect field conditions. As discussed, the revised permit supersedes prior versions and shows no demolition. I got the April 23 DBI Correction Notice (Inspector David Lara) As noted in DBI's **April 23, 2025 Correction Notice**, the issue is that the architectural plans reflect "existing" conditions based on the previous approved revision (as is standard in a revision submission), whereas DBI wants those "existing" conditions to reflect actual field conditions. I understand and accept this. I will provide revised architectural drawings that reflect actual site conditions, and submit them to resolve this issue.

---

## 2. Past NOVs & DBI Approvals

All NOVs from 2010–2013 were cleared under the supervision of Chief DBI Inspector Neil Friedman, and the case was closed in 2013. No new violations have been issued since. Does Planning consider any of that prior enforcement still unresolved?

---

## 3. Ongoing Complaint – ENF 2025-000389

Field Inspector David Lara found no violation on January 29, 2025, and noted this in DBI records. However, records still show the complaint as "Under Review." Is closure of the case pending the architectural correction described above, or is there another reason for delay?

---

## 4. Brett Howard's 2023 Site Visit

Inspector Howard inspected the barn in 2023, upon the same repeated complaints by Mr. Cushner year after year, and found no issues — he noted no excavation or undermining, no plan "falsification", and confirmed the structure is legal and could be remodeled per approved plans. The site condition has not changed since. I am attaching his report for reference. Can you confirm this history is being taken into account?

---

## 5. Internal Planning Memo – No De Facto Demo

Planning issued a memo dated February 19, 2025, concluding that BPA #202401174149 does **not** constitute a de facto demolition. This determination was based on internal analysis and plan review that assumed a total demo of vertical walls. Since your enforcement guidance should follow that memo, please confirm whether that remains the current position of the Department. If for any reason that memo is **not** being followed, I would appreciate clarification — especially if any new facts, policy changes, or internal decisions have superseded it. (I obtained this memo thanks to one of the many PRRs my neighbor keeps ordering.)

---

## 6. Audrey Merlone's March 2024 Email & Complaint Reference

You mentioned you didn't really pay attention to Audrey Merlone's 3/28/24 email. It contains serious personal remarks and references a complaint filed with "Tom." I would like to formally request confirmation of whether that complaint exists. If so, please advise how I can access it. Additionally, I want to confirm whether anyone responded

to or internally acted upon that email, particularly in light of its later citation by the complainant.

---

## 7. Public Records Review and Disclosure

As you may know, I've submitted a Public Records Request concerning communications about my properties. If there are any emails or notes by you or other staff referencing that email thread, or enforcement decisions tied to those communications, I trust they will be disclosed. If you are aware of anything that should be included, please ensure it is flagged.

---

I understand you are managing several cases, but a brief response to the above would be greatly appreciated.

Sincerely,

**Eric Roussel**

ericsfca@gmail.com | 415-528-0227

On Fri, Apr 25, 2025 at 5:11 PM Eric Roussel <[ericsfca@gmail.com](mailto:ericsfca@gmail.com)> wrote:

Hello Rogelio,

I think the Team meeting we had 3 hours ago with Kat and Elizabeth was very good. It helped clear things.

I would love to clarify more things. For the backbuilding situation and 2025-000389ENF.

For example, I got a notice dated 2 days ago from DBI about getting a revision to make sure "E" and "N" is clearly labelled specifically for the Noth Exterior wall. I will work on that.

Is this "correction" notice considered a violation with enforcement and time limit? I know it's DBI, not PLN, but maybe you know.

How about with PLN, do I have code violations on the backbuilding? A correction notice too?

If you could, please, reply to the last email I sent you, below. That would be really helpful to sort things out.

Additionally,

Does PLN recognize/accept the permitted work done to correct all the NOV's before 2025, and that there are no remaining NOV's. It was definitely taken into account for the Demo Calculation research PLN did before issuing the Letter of Suspension

Also 2025-000389ENF still shows active. Why is that? Multiple inspectors came for site visits for different reasons since January 14th and all have concluded that there was no violation for what is alleged in the complaint. "construction activity" "no active permit" This alleged unpermitted construction work is the basis/reason for the complaint. It was determined as false by field Inspector David Lara on a site visit specifically for that, on 1/29/25. He observed and reported "No Violation" "Fence construction permitted under 6'" in the Complaint records. Today, almost 3 months later, the complaint is still active.

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Sorry to ask again, is BPA #202401174149 enforcement-related?

I assume not. Unless of course you now consider the barn permit in violation and subject to enforcement — in which case, I'd appreciate that being stated clearly so I can respond accordingly.

I will be sending more documents about the barn condition. I'm sending a preliminary set with coloring (In blue) to show what stays so you get a better idea. I used the PLN DemoCalc Memo (The 2/19/2025 memo that concludes that even with all the removal it wrongly assumed, the permit/project is not DeFacto Demo) to be sure we are talking about the same set of plans.

Thank you for your time,

Eric

On Tue, Apr 22, 2025 at 9:56 AM Baeza, Rogelio (CPC) <[rogelio.baeza@sfgov.org](mailto:rogelio.baeza@sfgov.org)> wrote:

Hi Eric,

For any future emails, I will be addressing enforcement related matters only. That is why I will be requesting that you please refrain from discussing about any other non-enforcement related topics, such as item #2.

With that said, Planning has requested that you provide an updated set of plans that consolidate the structural changes outlined in building permits # 201311252814 and 202011309847. The updated set of plans should be consistent with the architectural plans and all structural modifications should be clouded and labeled with the appropriate building permit

number in which the clouded work was authorized.

Please let me know if you would like to discuss the request of updated plans in further detail.

Thank you,

**Rogelio Baeza, Planner**

**Team 9 & 10/Code Enforcement, Current Planning**

San Francisco Planning

49 South Van Ness Avenue, Suite 1400, San Francisco, CA 94103

Direct: 628.652.7369 | [www.sfplanning.org](http://www.sfplanning.org)

[San Francisco Property Information Map](#)

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**From:** Eric Roussel <[ericsfca@gmail.com](mailto:ericsfca@gmail.com)>

**Sent:** Monday, April 21, 2025 3:51 PM

**To:** Baeza, Rogelio (CPC) <[rogelio.baeza@sfgov.org](mailto:rogelio.baeza@sfgov.org)>

**Subject:** 30 day Limit, Complaint with Tom. Meeting for Clarification on DeFacto Demo Code section 317 and other rules.

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

Hello Rogelio,

Thanks for making time to meet with me on Wednesday 16th.

To recap Wednesday's meeting. I want to be sure whether I am in violation or not, and comply right away if so.

1) You told me that I have 30 days to submit structural plans or face further enforcement. Because I have discrepancies with my plans, you said. Is that right? Because if so, I will comply and submit structural plans next week NP. Maybe even Friday.

2) Another thing I'd like to make sure I am not violating. It's about Audrey Marlene's email in my case that I recently came across in a PRR. Wednesday, you said you barely noticed or paid attention to the email. But again, for the record I want to categorically deny her characterization of what happened when she came to inspect my property in 2014. She mentioned that I was so slimy she "actually had to file a complaint with Tom". I'd like to know if there is a complaint against me that Audrey filed. Because if so, I want to address it.

Let me know where to find that complaint if so.

And if I have only 30 days to submit structural plans.

Thank you,

Eric

4/30/25 PLN emails that plans prepared by a designer would be accepted, instead of plans from a certified architect.  
Rogelio is Cc about it and asked to work with me on the new set of plans.

---

**RE: 311 Notification Requirement for UDU Removal - 874 Fell St - 2024-007197PRJ**

---

From Yi, Kat (CPC) <kathryn.yi@sfgov.org>

Date Wed 4/30/2025 8:46 AM

To Eric Roussel <ericsfca@gmail.com>

Cc Gordon-Jonckheer, Elizabeth (CPC) <elizabeth.gordon-jonckheer@sfgov.org>; Baeza, Rogelio (CPC) <rogelio.baeza@sfgov.org>; Teague, Corey (CPC) <corey.teague@sfgov.org>

Hi Eric,

Thank you for your patience. We met with the ZA yesterday and received confirmation that we do not have the authorization to use Janet's plans as she has revoked the use of her plans on this project (2024-007197PRJ) in writing.

**In order to proceed with Planning's review and 311 Notification requirement, you will need to submit a new set of plans.**

**Next Steps:**

It is advised to contact DBI to understand the minimum level of certification the person who prepares the plans must have to move forward with the building permit process for this project's scope of work. For Planning's purposes, we would accept plans prepared by a designer, not necessarily a certified architect. However, DBI may require more certification for their review.

Once you receive clarification from DBI on their plan requirements, please work with Rogelio on the timing for submitting a new set of plans to abate enforcement case: 2024-000871ENF and proceed with Planning's review.

Thanks and let us know if you have any further questions about next steps!  
-Kat

**Kat Yi (she/her), Assistant Planner**

Districts 5 & 8 - Current Planning Division

San Francisco Planning

49 South Van Ness Avenue, Suite 1400, San Francisco, CA 94103

Direct: 628-652-7367 | [kathryn.yi@sfgov.org](mailto:kathryn.yi@sfgov.org) | [www.sfplanning.org](http://www.sfplanning.org)

[San Francisco Property Information Map](#)

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**From:** Eric Roussel <ericsfca@gmail.com>

**Sent:** Tuesday, April 29, 2025 11:38 AM

**To:** Yi, Kat (CPC) <kathryn.yi@sfgov.org>

**Cc:** Gordon-Jonckheer, Elizabeth (CPC) <elizabeth.gordon-jonckheer@sfgov.org>; Baeza, Rogelio (CPC) <rogelio.baeza@sfgov.org>; Teague, Corey (CPC) <corey.teague@sfgov.org>

**Subject:** Re: 311 Notification Requirement for UDU Removal - 874 Fell St - 2024-007197PRJ

Hello Kat,

Sounds good to me. I am happy to help PLN, and make things happen the right way.

✓ Instead of working with me,  
Rogelio contacts DBI to sabotage my permit application.  
He tells DBI that a licensed architect requirement.

**From:** [Baeza, Rogelio \(CPC\)](#)  
**To:** [Walls, Mark \(DBI\)](#); [Gordon-Jonckheer, Elizabeth \(CPC\)](#); [Yi, Kat \(CPC\)](#); [Wong, Kelly \(CPC\)](#)  
**Subject:** RE: Permit #202502100052 (874 Fell St) Request to Apply SFBC § 106A.3.2.1 Waiver –  
**Date:** Thursday, May 01, 2025 6:08:35 PM  
**Attachments:** [image001.png](#)

---

Hi Mark,

Thank you for clarifying to the owner that a licensed architect is required for the scope of work that will be legalized/proposed. I will follow up with the applicant with next steps for the active Planning enforcement case.

Much appreciated,

**Rogelio Baeza, Planner**

**Team 9 & 10/Code Enforcement, Current Planning**

San Francisco Planning

49 South Van Ness Avenue, Suite 1400, San Francisco, CA 94103

Direct: 628.652.7369 | [www.sfplanning.org](http://www.sfplanning.org)

[San Francisco Property Information Map](#)

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**From:** Walls, Mark (DBI) <mark.walls@sfgov.org>

**Sent:** Thursday, May 1, 2025 5:35 PM

**To:** Baeza, Rogelio (CPC) <rogelio.baeza@sfgov.org>; Gordon-Jonckheer, Elizabeth (CPC) <elizabeth.gordon-jonckheer@sfgov.org>; Yi, Kat (CPC) <kathryn.yi@sfgov.org>; Wong, Kelly (CPC) <kelly.wong@sfgov.org>

**Subject:** FW: Permit #202502100052 (874 Fell St) Request to Apply SFBC § 106A.3.2.1 Waiver –

Afternoon All,

FYI

Thank you,

**Mark G. Walls**

Chief Building Inspector

Permit Services - Department of Building Inspection

(628) 652-3752

[SFDBI.org](http://SFDBI.org)

[Sign up for our customer email list](#)

---

**From:** Walls, Mark (DBI)

**Sent:** Thursday, May 1, 2025 5:33 PM

**To:** Eric Roussel <[ericfca@gmail.com](mailto:ericfca@gmail.com)>

**Subject:** RE: Permit #202502100052 (874 Fell St) Request to Apply SFBC § 106A.3.2.1 Waiver –

Afternoon Eric,



## COMPLETE APPLICATION NOTICE

December 6, 2024

(By Email: [ericsfca@gmail.com](mailto:ericsfca@gmail.com))

Eric Roussel  
874 Fell Street, Unit F10  
San Francisco, CA 94117

**Project Address:** 874 FELL ST  
**Assessor's Block/Lot:** 0822 / 019  
**Planning Record Numbers:** 2024-007197PRJ & 2024-000871ENF

**The Project Application for 2024-007197PRJ is complete and has been accepted. Please note, this is not an approval document.**

The project will now be routed to the District Manager for planner assignment. You will receive a Plan Check Letter or Planning Approval Letter within 30 days (**January 5, 2025**).

Based on the Application materials Submitted and preliminary review from our Environmental team, the project as proposed does not require an Environmental fee at this time. Applicants will be notified if further Environmental review is required during the Plan Check Letter review.

You may check the status of the project and assigned planner(s) via the "Planning Applications" tab in the [San Francisco Property Information Map \(PIM\)](#).

Cc: Elizabeth Gordon-Jonckheer, Principal Planner, Districts 5 & 8 and Historic Preservation

I was definitely complying on December 2nd when Rogelio issued a NOVPD for "not complying". Emails from PLN to him made him aware of that too.



## **VIOLATION AND PENALTY DECISION**

December 2, 2024

**Property Owner**

Roussel Eric  
874 Fell Street  
San Francisco, CA 94117

**Site Address:** 874 Fell Street  
**Assessor's Block/Lot:** 0822/019  
**Zoning District:** RM-1, Residential- Mixed, Low Density  
Family and Senior Housing Opportunity Special Use District  
**Complaint Number:** 2024-000871ENF  
**Code Violation:** Section 317, Development of an Unauthorized Unit  
Section 175, Work Undertaken without Benefit of Permit  
**Administrative Penalty:** Up to \$1,000 per Day for Each Violation  
**Enforcement T & M Fee:** \$5,659.75 (Current Fee, Additional charges may apply)  
**Response Due:** Within 30 days from the date of this Notice  
**Staff Contact:** Rogelio Baeza, (628) 652-7369, Rogelio.baeza@sfgov.org

The Planning Department finds the above referenced property to be in violation of the Planning Code. As the owner of the subject property, you are a “responsible” party to bring the above property into compliance with the Planning Code. Details of the violation are discussed below:

### **Background**

On July 22, 2024, the Planning Department issued you a Notice of Violation (NOV) finding the subject property in violation of the Planning Code. The NOV outlined the violation, how to correct the violation, administrative penalties, and the available appeal processes.

On August 21, 2024, the Planning Department received a request for a Zoning Administrator (ZA) hearing to appeal the NOV from Brett Gladstone (owner counsel) and Eric Roussel (owner). The scheduled hearing was for September 30, 2024.

On September 30, 2024, Brett Gladstone (owner counsel) requested for the ZA hearing to be rescheduled.

On October 16, 2024, the ZA held a public hearing to consider the Notice of Violation virtually online. Details of the violation and hearing are discussed below.

## Evidence Presented at the Zoning Administrator Hearing

The ZA hearing to consider the Notice of Violation, dated July 22, 2024, was held on October 16, 2024. The hearing was attended by you Eric Roussel, your counsel Brett Gladstone, and your architect Janet Campbell. Those in attendance included Code Enforcement Manager Kelly Wong, Enforcement Planner Rogelio Baeza, and one member of the public who did not identify themselves was present.

During the hearing, your counsel Brett Gladstone acknowledged that a violation exists.

He conveyed that the NOV was unclear in the paths towards abating the violation, specifically the option for removing an Unauthorized Unit and the steps required if a project qualified for the Conditional Use Authorization exemption. He also shared that the Permit Streamlining Act is meant to expedite the review of all projects and that the current project has already had a long and lengthy permit review process.

The ZA confirmed that this hearing was to determine if a violation exists at the subject property and not to determine the various paths towards abatement.

Brett acknowledged that a violation, the creation of an Unauthorized Unit, exists at the subject property. He requested that the decision letter be clear in conveying the steps in how to abate the violation including the option where a project is exempt from obtaining a Conditional Use Authorization.

The ZA took the matter under advisement after hearing from all concerned parties.

## Submittals and Consideration After the Hearing

To date, no new information has been submitted. The ZA has reviewed all submittals to date and considered statements made at the October 16, 2024, hearing.

## Decision

**NOTICE OF VIOLATION UPHELD.** Pursuant to Planning Code Section 176, the Zoning Administrator has a duty in administration and enforcement of the Planning Code. Accordingly, the ZA upholds the Notice of Violation issued on July 22, 2024, as the property owner has failed to demonstrate compliance with the Planning Code as described above.

The subject property owner shall abate the violation as follows:

- 1) **Legalization of the Unauthorized Unit.** Obtain permit issuance of Building Permit Application No.

I was definitely showing compliance as I spent the month of November filling and preparing an application with PLN staff. I received a letter of "Complete Application Notice" on December 6th. PLN had records of all that activity. Rogelio was aware of the active application process as he was Cc November 8 and 22 about it. Rogelio knew I was actively complying, yet he still he issued an NOVDP for failing "to demonstrate compliance with the Planning Code"





## VIOLATION AND PENALTY DECISION

December 2, 2024

**Property Owner**

Roussel Eric  
874 Fell Street  
San Francisco, CA 94117

**Site Address:** 874 Fell Street  
**Assessor's Block/Lot:** 0822/019  
**Zoning District:** RM-1, Residential- Mixed, Low Density  
Family and Senior Housing Opportunity Special Use District

**Complaint Number:** 2024-000871ENF

**Code Violation:** Section 317, Development of an Unauthorized Unit  
Section 175, Work Undertaken without Benefit of Permit

**Administrative Penalty:** Up to \$1,000 per Day for Each Violation  
**Enforcement T & M Fee:** \$5,659.75 (Current Fee, Additional charges may apply)  
**Response Due:** Within 30 days from the date of this Notice  
**Staff Contact:** Rogelio Baeza, (628) 652-7369, Rogelio.baeza@sfgov.org

The Planning Department finds the above referenced property to be in violation of the Planning Code. As the owner of the subject property, you are a “responsible” party to bring the above property into compliance with the Planning Code. Details of the violation are discussed below:

### Background

On July 22, 2024, the Planning Department issued you a Notice of Violation (NOV) finding the subject property in violation of the Planning Code. The NOV outlined the violation, how to correct the violation, administrative penalties, and the available appeal processes.

On August 21, 2024, the Planning Department received a request for a Zoning Administrator (ZA) hearing to appeal the NOV from Brett Gladstone (owner counsel) and Eric Roussel (owner). The scheduled hearing was for September 30, 2024.

On September 30, 2024, Brett Gladstone (owner counsel) requested for the ZA hearing to be rescheduled.

On October 16, 2024, the ZA held a public hearing to consider the Notice of Violation virtually online. Details of the violation and hearing are discussed below.



## INCOMPLETE APPLICATION NOTICE II

November 22, 2024

(By Email: [ericsfca@gmail.com](mailto:ericsfca@gmail.com))

Eric Roussel  
874 Fell Street, Unit F10  
San Francisco, CA 94117

Rogelio knew I was almost done as he saw this notice on November 22, 2024.  
Just a signature was needed and adding photo already submitted to the plan set was left to do.

**Project Address:** 874 FELL ST  
**Assessor's Block/Lot:** 0822 / 019  
**Planning Record Numbers:** 2024-007197PRJ & 2024-000871ENF

The Project Application for 2024-007197PRJ is incomplete because the items identified below are required to commence Planning Department review. **This project will not be assigned to a planner until the items listed below are submitted to the Planning Department.** Once this information is received and verified, the application will be accepted. You will receive a Plan Check Letter within 30 days for projects with less than 150 units and in 60 days for projects with more than 150 units.

1. A signed letter of authorization from the owner(s) designating M. Brett Gladstone as an authorized agent to communicate with the Planning Department on their behalf.
2. Design Review has conducted a preliminary review of the plans and requires the update listed below.
  - Please add photographs to the plan set.

Type text here

**Please submit a written response to this letter that discusses how you have addressed the items outlined above within 30 days to [Jennifer.Lung@sfgov.org](mailto:Jennifer.Lung@sfgov.org).** If the Department has not received the requested information within 30 days, the application may be canceled.

**Please direct any questions concerning this notice to [Jennifer.Lung@sfgov.org](mailto:Jennifer.Lung@sfgov.org). Please do not come to the Planning Department to discuss this notice without an appointment.** A prompt and complete response on your part will help expedite our review of the project.

If you disagree with the determination in this letter, you may contest this Incomplete Application Notice by submitting a request for an appeal to the Director of Current Planning, by contacting [CPC.Intake@sfgov.org](mailto:CPC.Intake@sfgov.org), pursuant to Government Code Section 65943(c).

Cc (By Email): [bgladstone@g3mh.com](mailto:bgladstone@g3mh.com), [bdelossantos@g3mh.com](mailto:bdelossantos@g3mh.com), [Rogelio.Baeza@sfgov.org](mailto:Rogelio.Baeza@sfgov.org)

The NOVP "notice" was not mentioned in the title of the email and was addressed to PLN Staff intake first, and me 2nd.. The body of the email starts with "Hi All" and refers to the email thread about an incomplete Application Notice we were working on. I didn't even realize this was "the notice" until Corey Teague told me in May 2025 that I had been given notice by email with my lawyer. I had to go look back to see if it was true. It is, but this was really a deceptive notice.

**ericsfca@gmail.com**

---

**From:** Baeza, Rogelio (CPC) <rogelio.baeza@sfgov.org>  
**Sent:** Monday, December 9, 2024 3:40 PM  
**To:** CPC Intake; Eric Roussel  
**Cc:** M. Brett Gladstone; Brian de los Santos  
**Subject:** RE: [SF Planning Information Counter] Re: Incomplete Application Notice - 874 Fell Street - 2024-007197PRJ & 2024-000871ENF  
**Attachments:** Notice of Violation and Penalty Decision (NOVPD) - 12.02.24 - 874 Fell St (ID 1484622).pdf

Hi All,

As a reminder, the expectation of submitting the missing materials are 15 days from the date of request. In this case, intake staff noted that the missing material is the Letter of Authorization on December 4 and should be responded and submitted no later than COB Thursday, December 19.

I have also attached the NOVPD (issued on 12/2) for your reference. [This one little line is the notice?](#)

Thank you,

**Rogelio Baeza, Planner**

**Team 9 & 10/Code Enforcement, Current Planning**

San Francisco Planning

Direct: 628.652.7369 | [www.sfplanning.org](http://www.sfplanning.org)

49 South Van Ness Avenue, Suite 1400, San Francisco, CA 94103

[San Francisco Property Information Map](#)

At this point I already had been approved with complete application.  
Rogelio could/should have rescinded the novpd.

---

**From:** (CPC) Russell, Erica (CPC Intake) <cpc.intake@sfpic.zendesk.com>  
**Sent:** Wednesday, December 4, 2024 3:58 PM  
**To:** Eric Roussel <ericsfca@gmail.com>  
**Cc:** M. Brett Gladstone <bgladstone@g3mh.com>; Baeza, Rogelio (CPC) <rogelio.baeza@sfgov.org>; Brian de los Santos <bdelossantos@g3mh.com>  
**Subject:** [SF Planning Information Counter] Re: Incomplete Application Notice - 874 Fell Street - 2024-007197PRJ & 2024-000871ENF

Your request (87262) has been updated. To add additional comments, reply to this email.

Hello All,

The updated plans will suffice. Once the Letter of Authorization for Agent has been received, I will be able to move forward and complete the intake.

Best,

Erica Russell, Planning Technician III

I only had to combine the pictures to the plans and sign an authorization paper.

**[SF Planning Information Counter] Re: Incomplete Application Notice II - 874 Fell Street - 2024-007197PRJ & 2024-000871ENF**

(CPC) Lung, Jennifer (CPC Intake) <cpc.intake@sfpic.zendesk.com>

Fri, Nov 22, 2024 at 10:44 AM

Reply-To: CPC Intake <cpc.intake+id1ZKGDG-REPZD@sfpic.zendesk.com>

To: Eric Roussel <ericsfca@gmail.com>

Cc: "M. Brett Gladstone" <bgladstone@g3mh.com>, "Baeza, Rogelio (CPC)" <rogelio.baeza@sfgov.org>, Brian de los Santos <bdelossantos@g3mh.com>

Your request (87262) has been updated. To add additional comments, reply to this email.

Hello all,

Attached is the Incomplete Application Notice II for 874 Fell Street. Please submit the requested information within 30 days.

Best,

Jennifer

Rogelio knew I was complying that in Nov22 I was almost done with the Application.

Jennifer Lung

Planning Technician II | Current Planning Division

San Francisco Planning

49 South Van Ness Avenue, Suite 1400, San Francisco, CA 94103

Direct: 628.652.7351 | [www.sfplanning.org](http://www.sfplanning.org)

This email is a service from SF Planning Information Counter.

On November 8, 2024 at 1:10:36 AM UTC, (CPC) Lung, Jennifer [cpc.intake@sfpic.zendesk.com](mailto:cpc.intake@sfpic.zendesk.com) wrote:

Your request (87262) has been updated. To add additional comments, reply to this email.

Hello all,

The Planning Department is in receipt of the Project Application and associated materials for 874 Fell Street and we are in the process of reviewing the submittal with our Design Review team and Environmental division. Please note that we aim to issue a Letter of Completeness or, alternatively, a Letter of Incompleteness outlining any missing materials and/or required revisions within 30 days. Please let me know if you have questions in the interim.

Best,

Jennifer

Jennifer Lung

Planning Technician II | Current Planning Division

San Francisco Planning

49 South Van Ness Avenue, Suite 1400, San Francisco, CA 94103

Direct: 628.652.7351 | [www.sfplanning.org](http://www.sfplanning.org)



## NOTICE OF VIOLATION

July 22, 2024

**Property Owner**

Roussel Eric  
874 Fell St  
San Francisco, CA 94117

**Site Address:** 874 Fell St  
**Assessor's Block/Lot:** 0822/019  
**Zoning District:** RM-1, Residential- Mixed, Low Density  
Within ¼ Mile of an Existing Fringe Financial Service Special Use District  
Family and Senior Housing Opportunity Special Use District  
**Complaint Number:** 2024-000871ENF

**Code Violation:** Section 317, Development of an Unauthorized Unit  
Section 175, Work Undertaken without Benefit of Permit

**Administrative Penalty:** Up to \$1,000 per Day for Each Violation  
**Enforcement T & M Fee:** \$7,079.43 (Current Fee for confirmed violations, Additional charges may apply)  
**Response Due:** Within 15 days from the date of this Notice  
**Staff Contact:** Rogelio Baeza, (628) 652-7369, rogelio.baeza@sfgov.org

The Planning Department finds the above referenced property to be in violation of the Planning Code. As the owner of the subject property, you are a responsible-party to bring the above property into compliance with the Planning Code. Details of the violation are discussed below:

### Description of Violation

Our records indicate that the subject property is currently authorized for 9-unit residential building use. The violation pertains to the Unauthorized Dwelling Unit located at the basement level of the subject property. Pursuant to Planning Code Section 317(b)(13), "Unauthorized Unit" is defined as:

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.

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.



## NOTICE OF ENFORCEMENT

April 16, 2024

**Property Owner**

Roussel Eric  
874 Fell St  
San Francisco, CA 94117

The NOE doesn't mention a code section 175. Yet it appears 3 months later in the July 22 NOV.

**Site Address:** 874 Fell St  
**Assessor's Block/Lot:** 0822/019  
**Zoning District:** RM-1, Residential- Mixed, Low Density  
**Complaint Number:** 2024-000871ENF  
**Code Violation:** Planning Code Section 317(b)(13)(Unauthorized Dwelling Unit)  
**Administrative Penalty:** Up to \$1,000 per Day of Each Violation  
**Enforcement T & M Fee:** \$4,752.29 (Current Fee for confirmed violations, Additional charges may apply)  
**Response Due:** Within 15 days from the date of this Notice  
**Staff Contact:** Rogelio Baeza, (628) 652-7369, [rogelio.baeza@sfgov.org](mailto:rogelio.baeza@sfgov.org)

The Planning Department received a complaint that a Planning Code violation exists on the above referenced property that must be resolved. As the owner of the subject property, 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 your property into compliance with the Planning Code. Details of the violation are discussed below:

### Description of Violation

Our records indicate that the subject property is currently authorized for 9-unit residential use. The violation pertains to the Unauthorized Dwelling Unit (UDU) on the subject property and potential Intermediate Length Occupancy (ILO) use.

Pursuant to Planning Code Section 202.10 (B), Dwelling Units that are subject to the rent increase limitations in Administrative Code Section 37.3 shall not be eligible to be Intermediate Length Occupancy units.

On February 22, 2024, the Planning Department sent you a Notice of Complaint to inform you about the complaint.

On March 12, 2024, Planning Staff Rogelio Baeza requested rental lease agreements from Eric Roussel (owner) of all the units at the subject property and to schedule a site visit to confirm the current conditions of the property.



## COMPLETE APPLICATION NOTICE

December 6, 2024

(By Email: [ericsfca@gmail.com](mailto:ericsfca@gmail.com))

Eric Roussel  
874 Fell Street, Unit F10  
San Francisco, CA 94117

**Project Address:** 874 FELL ST  
**Assessor's Block/Lot:** 0822 / 019  
**Planning Record Numbers:** 2024-007197PRJ & 2024-000871ENF

**The Project Application for 2024-007197PRJ is complete and has been accepted. Please note, this is not an approval document.**

The project will now be routed to the District Manager for planner assignment. You will receive a Plan Check Letter or Planning Approval Letter within 30 days (**January 5, 2025**).

Based on the Application materials Submitted and preliminary review from our Environmental team, the project as proposed does not require an Environmental fee at this time. Applicants will be notified if further Environmental review is required during the Plan Check Letter review.

You may check the status of the project and assigned planner(s) via the "Planning Applications" tab in the [San Francisco Property Information Map \(PIM\)](#).

Cc: Elizabeth Gordon-Jonckheer, Principal Planner, Districts 5 & 8 and Historic Preservation

I was definitely complying on December 2nd when Rogelio issued a NOVPD for "not complying". Emails from PLN to him made him aware of that too.



## **VIOLATION AND PENALTY DECISION**

December 2, 2024

**Property Owner**

Roussel Eric  
874 Fell Street  
San Francisco, CA 94117

**Site Address:** 874 Fell Street  
**Assessor's Block/Lot:** 0822/019  
**Zoning District:** RM-1, Residential- Mixed, Low Density  
Family and Senior Housing Opportunity Special Use District  
**Complaint Number:** 2024-000871ENF  
**Code Violation:** Section 317, Development of an Unauthorized Unit  
Section 175, Work Undertaken without Benefit of Permit  
**Administrative Penalty:** Up to \$1,000 per Day for Each Violation  
**Enforcement T & M Fee:** \$5,659.75 (Current Fee, Additional charges may apply)  
**Response Due:** Within 30 days from the date of this Notice  
**Staff Contact:** Rogelio Baeza, (628) 652-7369, Rogelio.baeza@sfgov.org

The Planning Department finds the above referenced property to be in violation of the Planning Code. As the owner of the subject property, you are a “responsible” party to bring the above property into compliance with the Planning Code. Details of the violation are discussed below:

### **Background**

On July 22, 2024, the Planning Department issued you a Notice of Violation (NOV) finding the subject property in violation of the Planning Code. The NOV outlined the violation, how to correct the violation, administrative penalties, and the available appeal processes.

On August 21, 2024, the Planning Department received a request for a Zoning Administrator (ZA) hearing to appeal the NOV from Brett Gladstone (owner counsel) and Eric Roussel (owner). The scheduled hearing was for September 30, 2024.

On September 30, 2024, Brett Gladstone (owner counsel) requested for the ZA hearing to be rescheduled.

On October 16, 2024, the ZA held a public hearing to consider the Notice of Violation virtually online. Details of the violation and hearing are discussed below.



## Evidence Presented at the Zoning Administrator Hearing

The ZA hearing to consider the Notice of Violation, dated July 22, 2024, was held on October 16, 2024. The hearing was attended by you Eric Roussel, your counsel Brett Gladstone, and your architect Janet Campbell. Those in attendance included Code Enforcement Manager Kelly Wong, Enforcement Planner Rogelio Baeza, and one member of the public who did not identify themselves was present.

During the hearing, your counsel Brett Gladstone acknowledged that a violation exists.

He conveyed that the NOV was unclear in the paths towards abating the violation, specifically the option for removing an Unauthorized Unit and the steps required if a project qualified for the Conditional Use Authorization exemption. He also shared that the Permit Streamlining Act is meant to expedite the review of all projects and that the current project has already had a long and lengthy permit review process.

The ZA confirmed that this hearing was to determine if a violation exists at the subject property and not to determine the various paths towards abatement.

Brett acknowledged that a violation, the creation of an Unauthorized Unit, exists at the subject property. He requested that the decision letter be clear in conveying the steps in how to abate the violation including the option where a project is exempt from obtaining a Conditional Use Authorization.

The ZA took the matter under advisement after hearing from all concerned parties.

## Submittals and Consideration After the Hearing

To date, no new information has been submitted. The ZA has reviewed all submittals to date and considered statements made at the October 16, 2024, hearing.

## Decision

**NOTICE OF VIOLATION UPHELD.** Pursuant to Planning Code Section 176, the Zoning Administrator has a duty in administration and enforcement of the Planning Code. Accordingly, the ZA upholds the Notice of Violation issued on July 22, 2024, as the property owner has failed to demonstrate compliance with the Planning Code as described above.

The subject property owner shall abate the violation as follows:

- 1) **Legalization of the Unauthorized Unit.** Obtain permit issuance of Building Permit Application No.

I was definitely showing compliance as I spent the month of November filling and preparing an application with PLN staff. I received a letter of "Complete Application Notice" on December 6th. PLN had records of all that activity. Rogelio was aware of the active application process as he was Cc November 8 and 22 about it. Rogelio knew I was actively complying, yet he still he issued an NOVDP for failing "to demonstrate compliance with the Planning Code"



## **VIOLATION AND PENALTY DECISION**

December 2, 2024

**Property Owner**

Roussel Eric  
874 Fell Street  
San Francisco, CA 94117

**Site Address:** 874 Fell Street  
**Assessor's Block/Lot:** 0822/019  
**Zoning District:** RM-1, Residential- Mixed, Low Density  
Family and Senior Housing Opportunity Special Use District

**Complaint Number:** 2024-000871ENF

**Code Violation:** Section 317, Development of an Unauthorized Unit  
Section 175, Work Undertaken without Benefit of Permit

**Administrative Penalty:** Up to \$1,000 per Day for Each Violation  
**Enforcement T & M Fee:** \$5,659.75 (Current Fee, Additional charges may apply)  
**Response Due:** Within 30 days from the date of this Notice  
**Staff Contact:** Rogelio Baeza, (628) 652-7369, Rogelio.baeza@sfgov.org

The Planning Department finds the above referenced property to be in violation of the Planning Code. As the owner of the subject property, you are a “responsible” party to bring the above property into compliance with the Planning Code. Details of the violation are discussed below:

### **Background**

On July 22, 2024, the Planning Department issued you a Notice of Violation (NOV) finding the subject property in violation of the Planning Code. The NOV outlined the violation, how to correct the violation, administrative penalties, and the available appeal processes.

On August 21, 2024, the Planning Department received a request for a Zoning Administrator (ZA) hearing to appeal the NOV from Brett Gladstone (owner counsel) and Eric Roussel (owner). The scheduled hearing was for September 30, 2024.

On September 30, 2024, Brett Gladstone (owner counsel) requested for the ZA hearing to be rescheduled.

On October 16, 2024, the ZA held a public hearing to consider the Notice of Violation virtually online. Details of the violation and hearing are discussed below.



## INCOMPLETE APPLICATION NOTICE II

November 22, 2024

(By Email: [ericsfca@gmail.com](mailto:ericsfca@gmail.com))

Eric Roussel  
874 Fell Street, Unit F10  
San Francisco, CA 94117

Rogelio knew I was almost done as he saw this notice on November 22, 2024.  
Just a signature was needed and adding photo already submitted to the plan set was left to do.

**Project Address:** 874 FELL ST  
**Assessor's Block/Lot:** 0822 / 019  
**Planning Record Numbers:** 2024-007197PRJ & 2024-000871ENF

The Project Application for 2024-007197PRJ is incomplete because the items identified below are required to commence Planning Department review. **This project will not be assigned to a planner until the items listed below are submitted to the Planning Department.** Once this information is received and verified, the application will be accepted. You will receive a Plan Check Letter within 30 days for projects with less than 150 units and in 60 days for projects with more than 150 units.

1. A signed letter of authorization from the owner(s) designating M. Brett Gladstone as an authorized agent to communicate with the Planning Department on their behalf.
2. Design Review has conducted a preliminary review of the plans and requires the update listed below.
  - Please add photographs to the plan set.

Type text here

**Please submit a written response to this letter that discusses how you have addressed the items outlined above within 30 days to [Jennifer.Lung@sfgov.org](mailto:Jennifer.Lung@sfgov.org).** If the Department has not received the requested information within 30 days, the application may be canceled.

**Please direct any questions concerning this notice to [Jennifer.Lung@sfgov.org](mailto:Jennifer.Lung@sfgov.org). Please do not come to the Planning Department to discuss this notice without an appointment.** A prompt and complete response on your part will help expedite our review of the project.

If you disagree with the determination in this letter, you may contest this Incomplete Application Notice by submitting a request for an appeal to the Director of Current Planning, by contacting [CPC.Intake@sfgov.org](mailto:CPC.Intake@sfgov.org), pursuant to Government Code Section 65943(c).

Cc (By Email): [bgladstone@g3mh.com](mailto:bgladstone@g3mh.com), [bdelossantos@g3mh.com](mailto:bdelossantos@g3mh.com), [Rogelio.Baeza@sfgov.org](mailto:Rogelio.Baeza@sfgov.org)

The NOVP "notice" was not mentioned in the title of the email and was addressed to PLN Staff intake first, and me 2nd.. The body of the email starts with "Hi All" and refers to the email thread about an incomplete Application Notice we were working on. I didn't even realize this was "the notice" until Corey Teague told me in May 2025 that I had been given notice by email with my lawyer. I had to go look back to see if it was true. It is, but this was really a deceptive notice.

**ericsfca@gmail.com**

---

**From:** Baeza, Rogelio (CPC) <rogelio.baeza@sfgov.org>  
**Sent:** Monday, December 9, 2024 3:40 PM  
**To:** CPC Intake; Eric Roussel  
**Cc:** M. Brett Gladstone; Brian de los Santos  
**Subject:** RE: [SF Planning Information Counter] Re: Incomplete Application Notice - 874 Fell Street - 2024-007197PRJ & 2024-000871ENF  
**Attachments:** Notice of Violation and Penalty Decision (NOVPD) - 12.02.24 - 874 Fell St (ID 1484622).pdf

Hi All,

As a reminder, the expectation of submitting the missing materials are 15 days from the date of request. In this case, intake staff noted that the missing material is the Letter of Authorization on December 4 and should be responded and submitted no later than COB Thursday, December 19.

I have also attached the NOVPD (issued on 12/2) for your reference.

Thank you,

**Rogelio Baeza, Planner**

**Team 9 & 10/Code Enforcement, Current Planning**

San Francisco Planning

Direct: 628.652.7369 | [www.sfplanning.org](http://www.sfplanning.org)

49 South Van Ness Avenue, Suite 1400, San Francisco, CA 94103

[San Francisco Property Information Map](#)

At this point I already had been approved with complete application.  
Rogelio could/should have rescinded the novpd.

---

**From:** (CPC) Russell, Erica (CPC Intake) <cpc.intake@sfpic.zendesk.com>  
**Sent:** Wednesday, December 4, 2024 3:58 PM  
**To:** Eric Roussel <ericsfca@gmail.com>  
**Cc:** M. Brett Gladstone <bgladstone@g3mh.com>; Baeza, Rogelio (CPC) <rogelio.baeza@sfgov.org>; Brian de los Santos <bdelossantos@g3mh.com>  
**Subject:** [SF Planning Information Counter] Re: Incomplete Application Notice - 874 Fell Street - 2024-007197PRJ & 2024-000871ENF

Your request (87262) has been updated. To add additional comments, reply to this email.

Hello All,

The updated plans will suffice. Once the Letter of Authorization for Agent has been received, I will be able to move forward and complete the intake.

Best,

Erica Russell, Planning Technician III

Rogelio knew that in Nov22 I was almost done with the Application. Eric Roussel <ericsfca@gmail.com>  
I only had to combine the pictures to the plans and sign an authorization paper.

[SF Planning Information Counter] Re: Incomplete Application Notice II - 874 Fell Street -  
2024-007197PRJ & 2024-000871ENF

(CPC) Lung, Jennifer (CPC Intake) <cpc.intake@sfpic.zendesk.com> Fri, Nov 22, 2024 at 10:44 AM  
Reply-To: CPC Intake <cpc.intake+id1ZKGDG-REPZD@sfpic.zendesk.com>  
To: Eric Roussel <ericsfca@gmail.com>  
Cc: "M. Brett Gladstone" <bgladstone@g3mh.com>, "Baeza, Rogelio (CPC)" <rogelio.baeza@sfgov.org>, Brian de los Santos <bdelossantos@g3mh.com>

Your request (87262) has been updated. To add additional comments, reply to this email.

Hello all,

Attached is the Incomplete Application Notice II for 874 Fell Street. Please submit the requested information within 30 days.

Best,  
Jennifer

Jennifer Lung  
Planning Technician II | Current Planning Division  
San Francisco Planning  
49 South Van Ness Avenue, Suite 1400, San Francisco, CA 94103  
Direct: 628.652.7351 | [www.sfplanning.org](http://www.sfplanning.org)

There was no development.

Why is Section 175 added? No new site visit was done since April 16th when the NOE was issued for section 317 only.

This email is a service from SF Planning Information Counter.

On November 8, 2024 at 1:10:36 AM UTC, (CPC) Lung, Jennifer [cpc.intake@sfpic.zendesk.com](mailto:cpc.intake@sfpic.zendesk.com) wrote:

Your request (87262) has been updated. To add additional comments, reply to this email.

Hello all,

The Planning Department is in receipt of the Project Application and associated materials for 874 Fell Street and we are in the process of reviewing the submittal with our Design Review team and Environmental division. Please note that we aim to issue a Letter of Completeness or, alternatively, a Letter of Incompleteness outlining any missing materials and/or required revisions within 30 days. Please let me know if you have questions in the interim.

Best,  
Jennifer

Jennifer Lung  
Planning Technician II | Current Planning Division  
San Francisco Planning  
49 South Van Ness Avenue, Suite 1400, San Francisco, CA 94103  
Direct: 628.652.7351 | [www.sfplanning.org](http://www.sfplanning.org)



## NOTICE OF VIOLATION

July 22, 2024

**Property Owner**

Roussel Eric  
874 Fell St  
San Francisco, CA 94117

**Site Address:** 874 Fell St  
**Assessor's Block/Lot:** 0822/019  
**Zoning District:** RM-1, Residential- Mixed, Low Density  
Within ¼ Mile of an Existing Fringe Financial Service Special Use District  
Family and Senior Housing Opportunity Special Use District

**Complaint Number:** 2024-000871ENF **There was no development.**

**Code Violation:** Section 317, Development of an Unauthorized Unit  
Section 175, Work Undertaken without Benefit of Permit

**Why is Section 175 added? No new site visit was done since April 16th when the NOE was issued for section 317 only.**

**Administrative Penalty:** Up to \$1,000 per Day for Each Violation

**Enforcement T & M Fee:** \$7,079.43 (Current Fee for confirmed violations, Additional charges may apply)

**Response Due:** Within 15 days from the date of this Notice

**Staff Contact:** Rogelio Baeza, (628) 652-7369, rogelio.baeza@sfgov.org

The Planning Department finds the above referenced property to be in violation of the Planning Code. As the owner of the subject property, you are a responsible-party to bring the above property into compliance with the Planning Code. Details of the violation are discussed below:

### Description of Violation

Our records indicate that the subject property is currently authorized for 9-unit residential building use. The violation pertains to the Unauthorized Dwelling Unit located at the basement level of the subject property. Pursuant to Planning Code Section 317(b)(13), "Unauthorized Unit" is defined as:

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.

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.



## NOTICE OF ENFORCEMENT

April 16, 2024

**Property Owner**

Roussel Eric  
874 Fell St  
San Francisco, CA 94117

The NOE doesn't mention a code section 175. Yet it appears 3 months later in the July 22 NOV.

**Site Address:** 874 Fell St  
**Assessor's Block/Lot:** 0822/019  
**Zoning District:** RM-1, Residential- Mixed, Low Density  
**Complaint Number:** 2024-000871ENF  
**Code Violation:** Planning Code Section 317(b)(13)(Unauthorized Dwelling Unit)  
**Administrative Penalty:** Up to \$1,000 per Day of Each Violation  
**Enforcement T & M Fee:** \$4,752.29 (Current Fee for confirmed violations, Additional charges may apply)  
**Response Due:** Within 15 days from the date of this Notice  
**Staff Contact:** Rogelio Baeza, (628) 652-7369, [rogelio.baeza@sfgov.org](mailto:rogelio.baeza@sfgov.org)

The Planning Department received a complaint that a Planning Code violation exists on the above referenced property that must be resolved. As the owner of the subject property, 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 your property into compliance with the Planning Code. Details of the violation are discussed below:

### Description of Violation

Our records indicate that the subject property is currently authorized for 9-unit residential use. The violation pertains to the Unauthorized Dwelling Unit (UDU) on the subject property and potential Intermediate Length Occupancy (ILO) use.

Pursuant to Planning Code Section 202.10 (B), Dwelling Units that are subject to the rent increase limitations in Administrative Code Section 37.3 shall not be eligible to be Intermediate Length Occupancy units.

On February 22, 2024, the Planning Department sent you a Notice of Complaint to inform you about the complaint.

On March 12, 2024, Planning Staff Rogelio Baeza requested rental lease agreements from Eric Roussel (owner) of all the units at the subject property and to schedule a site visit to confirm the current conditions of the property.

**From:** [Merlone, Audrey \(CPC\)](#)  
**To:** [Wong, Kelly \(CPC\)](#); [Baeza, Rogelio \(CPC\)](#)  
**Date:** Thursday, March 28, 2024 9:40:05 AM

---

Morning Kelly and Rogelio! The EDiscovery email about 1344 Clayton triggered my memory from back when I was in CE/STR because it was a pretty egregious STR/group housing case by a guy named Eric Roussel. He also is the owner/operator of 905 Ashbury and 874 Fell, where you have two active complaints. I thought I'd let you know that although there isn't currently an active CE complaint on 1344 Clayton, if he's back to his old ways of illegal rentals in subpar conditions at Ashbury and Fell, he's probably also back at it at Clayton. This guy is pretty slimy. I actually had to file a complaint with Tom after Chris's and my site visit because he tried to intimidate us with lewd photos. It was a whole thing. Anyway, I wanted to give you a heads up that he's a larger operator and the conditions at these properties last time I was at them were pretty bad, especially at Ashbury. I googled him and his linkedin has his airbnb profile if that helps: <https://www.airbnb.com/users/show/374909>

Let me know if I can help with anything else on this case, too.

ONLY 3 EMAILS TOTAL HAVE BEEN PRODUCED BY PLN  
AND WITHOUT

SUBJECT LINE:  
CC LINE:  
ATTACHMENT LINE:



**From:** [Baeza, Rogelio \(CPC\)](#)  
**To:** [Merlone, Audrey \(CPC\)](#); [Wong, Kelly \(CPC\)](#)  
**Date:** Thursday, March 28, 2024 11:26:26 AM

---

As a follow up, would you happen to have any photos of your site visit to 905 Ashbury sT?

Rogelio is responding to a different email from Audrey as he learned that Audrey's site visit was at 905 Ashbury.  
Kelly is kept in the thread.

Shows there is 1 missing email from Audrey to Rogelio.  
Not produced.

**From:** [Merlone, Audrey \(CPC\)](#)  
**To:** [Wong, Kelly \(CPC\)](#); [Baeza, Rogelio \(CPC\)](#)  
**Date:** Thursday, March 28, 2024 12:32:31 PM

---

Happy to help where I can! He previously had a variance app for 874 Fell for I believe the carriage house which some of the emails I sent Rogelio mention if that's useful

Audrey sent other emails to Rogelio (Some mention the carriage house).

Audrey is responding to an email as she starts with "Happy to help!".  
It has to be from Kelly Wong as she refers to Rogelio by name.

Missing email from Kelly to Audrey  
Missing emails from Audrey to Rogelio.  
Not produced.

His attachment mentions "March 2024 Emails" They haven't been produced.

**From:** [Ari Cushner](#)  
**To:** [Merlone, Audrey \(CPC\)](#)  
**Cc:** [Wong, Kelly \(CPC\)](#); [Baeza, Rogelio \(CPC\)](#)  
**Subject:** Eric Roussel  
**Date:** Wednesday, October 02, 2024 12:30:09 PM  
**Attachments:** [March 2024 Emails Re 874 Fell.pdf](#)

---

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

Dear Audrey,

I've read part of an exchange between you and your colleagues regarding the active enforcements at 874 Fell and 905 Ashbury, owned by Eric Roussel. I am the complainant who initiated those cases, 2024-000871 ENF and 2024-000877 ENF, and they are just the tip of a very large and disturbing iceberg concerning my serious, ongoing concerns about Mr. Roussel's habitual dishonesty and misconduct in dealing with the Planning and Building Departments. Your characterization of his behavior and demeanor matches my impression based on having to work with him regarding his "carriage house" construction project on our shared property line, related to the variance you mention (I live at 606-610 Steiner, around the corner from 874 Fell).

Thank you very much for reaching out and sharing information about your personal experience with Mr. Roussel. I'm sure your colleagues appreciate the input and have found your assistance helpful.

Best regards,  
Ari

HOW MANY EMAILS ARE IN THE  
"MARCH 2024 EMAILS RE 874 FELL" ?

**From:** [Parinas, Suzette \(CPC\)](#)  
**To:** [Jiang, Biling \(CPC\)](#)  
**Cc:** [Baeza, Rogelio \(CPC\)](#)  
**Subject:** FW: Re 2024-010994ZAD: Please Rescind Refund Request  
**Date:** Friday, March 28, 2025 12:45:00 PM

---

Hi Biling,

The applicant requested to rescind her request for a refund. Please find below the applicant's email request.

Thanks,  
**Suzette E. Parinas**  
**Zoning Administrator's Office/Current Planning Division**  
San Francisco Planning  
49 South Van Ness Avenue, Suite 1400, San Francisco, CA 94103  
Direct: 628.652.7398 | | [www.sfplanning.org](http://www.sfplanning.org)  
[San Francisco Property Information Map](#)

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**From:** Teague, Corey (CPC) <[corey.teague@sfgov.org](mailto:corey.teague@sfgov.org)>  
**Sent:** Wednesday, March 26, 2025 2:25 PM  
**To:** Parinas, Suzette (CPC) <[Suzette.Parinas@sfgov.org](mailto:Suzette.Parinas@sfgov.org)>  
**Subject:** FW: Re 2024-010994ZAD: Please Rescind Refund Request

FYI, related to the request for refund. Thanks.

**Corey A. Teague, AICP, LEED AP**  
**Zoning Administrator**

**Current Planning Division**  
San Francisco Planning  
49 South Van Ness Avenue, Suite 1400, San Francisco, CA 94103  
Direct: 628-652-7328 | [sfplanning.org](http://sfplanning.org)  
[San Francisco Property Information Map](#)

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**From:** Ari Cushner <[aricush@gmail.com](mailto:aricush@gmail.com)>  
**Sent:** Wednesday, March 26, 2025 2:14 PM  
**To:** Teague, Corey (CPC) <[corey.teague@sfgov.org](mailto:corey.teague@sfgov.org)>  
**Cc:** Baeza, Rogelio (CPC) <[rogelio.baeza@sfgov.org](mailto:rogelio.baeza@sfgov.org)>; Rachna, Rachna (CPC) <[rachna.rachna@sfgov.org](mailto:rachna.rachna@sfgov.org)>; Wong, Kelly (CPC) <[kelly.wong@sfgov.org](mailto:kelly.wong@sfgov.org)>; Gordon-Jonckheer, Elizabeth (CPC) <[elizabeth.gordon-jonckheer@sfgov.org](mailto:elizabeth.gordon-jonckheer@sfgov.org)>  
**Subject:** Re: Re 2024-010994ZAD: Please Rescind Refund Request

Thanks for letting me know, Corey - I suspected as much. I would still like to rescind my refund request. Further, I appreciate the swift reply. Going forward I will endeavor to

avoid unnecessary additions to the Department's workload.

Ari

On Wed, Mar 26, 2025 at 1:58 PM Teague, Corey (CPC) <[corey.teague@sfgov.org](mailto:corey.teague@sfgov.org)> wrote:

Ari,

Thank you for your sentiments and the offer. However, the Department is not authorized to transfer application fees to individual staff members. So the only two options available are to either request the refund or rescind the request. Thanks.

**Corey A. Teague, AICP, LEED AP**  
**Zoning Administrator**

**Current Planning Division**

San Francisco Planning  
49 South Van Ness Avenue, Suite 1400, San Francisco, CA 94103  
Direct: 628-652-7328 | [sfplanning.org](http://sfplanning.org)  
[San Francisco Property Information Map](#)

---

**From:** Ari Cushner <[aricush@gmail.com](mailto:aricush@gmail.com)>

**Sent:** Wednesday, March 26, 2025 10:57 AM

**To:** Teague, Corey (CPC) <[corey.teague@sfgov.org](mailto:corey.teague@sfgov.org)>

**Cc:** Baeza, Rogelio (CPC) <[rogelio.baeza@sfgov.org](mailto:rogelio.baeza@sfgov.org)>; Rachna, Rachna (CPC) <[rachna.rachna@sfgov.org](mailto:rachna.rachna@sfgov.org)>; Wong, Kelly (CPC) <[kelly.wong@sfgov.org](mailto:kelly.wong@sfgov.org)>; Gordon-Jonckheer, Elizabeth (CPC) <[elizabeth.gordon-jonckheer@sfgov.org](mailto:elizabeth.gordon-jonckheer@sfgov.org)>

**Subject:** Re 2024-010994ZAD: Please Rescind Refund Request

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

Hi Corey et al.,

I've changed my mind about wanting a partial refund per the withdrawal of 2024-010994ZAD.

If there happens to be money that might be refunded, I would appreciate it if you could find a way to channel it to Rogelio as well-deserved compensation in lieu of T&M that could not be billed as part of his work on 2024-000871ENF.

Also, to reiterate a point I raised with you over the phone, and with others in various emails: I'm tremendously grateful for the Planning Department's work on all issues related to 874 Fell. I know it's laborious and emotionally taxing to be in the middle of a

dispute between neighbors and receive a barrage of dueling communications from both parties. To the extent that I've made your jobs more difficult since I began raising concerns in Dec. 2021, I truly apologize.

Thanks,  
Ari

**From:** [Merlone, Audrey \(CPC\)](#)  
**To:** [Wong, Kelly \(CPC\)](#); [Baeza, Rogelio \(CPC\)](#)  
**Date:** Thursday, March 28, 2024 9:40:05 AM

---

Morning Kelly and Rogelio! The EDiscovery email about 1344 Clayton triggered my memory from back when I was in CE/STR because it was a pretty egregious STR/group housing case by a guy named Eric Roussel. He also is the owner/operator of 905 Ashbury and 874 Fell, where you have two active complaints. I thought I'd let you know that although there isn't currently an active CE complaint on 1344 Clayton, if he's back to his old ways of illegal rentals in subpar conditions at Ashbury and Fell, he's probably also back at it at Clayton. This guy is pretty slimy. I actually had to file a complaint with Tom after Chris's and my site visit because he tried to intimidate us with lewd photos. It was a whole thing. Anyway, I wanted to give you a heads up that he's a larger operator and the conditions at these properties last time I was at them were pretty bad, especially at Ashbury. I googled him and his linkedin has his airbnb profile if that helps: <https://www.airbnb.com/users/show/374909>

Let me know if I can help with anything else on this case, too.

**From:** [Baeza, Rogelio \(CPC\)](#)  
**To:** [Merlone, Audrey \(CPC\)](#); [Wong, Kelly \(CPC\)](#)  
**Date:** Thursday, March 28, 2024 11:26:26 AM

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As a follow up, would you happen to have any photos of your site visit to 905 Ashbury sT?

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Shows there is 1 missing email from Audrey to Rogelio.  
Not produced.



## MISSING SUBJECT, ATTACHMENT LINES

**From:** [Merlone, Audrey \(CPC\)](#)  
**To:** [Wong, Kelly \(CPC\)](#); [Baeza, Rogelio \(CPC\)](#)  
**Date:** Thursday, March 28, 2024 12:32:31 PM

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Missing email from Kelly to Audrey  
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**From:** [Ari Cushner](#)  
**To:** [Merlone, Audrey \(CPC\)](#)  
**Cc:** [Wong, Kelly \(CPC\)](#); [Baeza, Rogelio \(CPC\)](#)  
**Subject:** Eric Roussel  
**Date:** Wednesday, October 02, 2024 12:30:09 PM  
**Attachments:** [March 2024 Emails Re 874 Fell.pdf](#)

---

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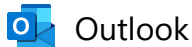
Dear Audrey,

I've read part of an exchange between you and your colleagues regarding the active enforcements at 874 Fell and 905 Ashbury, owned by Eric Roussel. I am the complainant who initiated those cases, 2024-000871 ENF and 2024-000877 ENF, and they are just the tip of a very large and disturbing iceberg concerning my serious, ongoing concerns about Mr. Roussel's habitual dishonesty and misconduct in dealing with the Planning and Building Departments. Your characterization of his behavior and demeanor matches my impression based on having to work with him regarding his "carriage house" construction project on our shared property line, related to the variance you mention (I live at 606-610 Steiner, around the corner from 874 Fell).

Thank you very much for reaching out and sharing information about your personal experience with Mr. Roussel. I'm sure your colleagues appreciate the input and have found your assistance helpful.

Best regards,  
[Ari](#)

ASKING FOR HELP BUT GOT NO HELP. HE KNEW THE COMPLAINT WAS FALSE AS HE WAS ON SITE 1 DAY AFTER THE COMPLAINT GOT FILED, BY CUSHNER.



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RE: Complaint 202289742

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From Baeza, Rogelio (CPC) <rogelio.baeza@sfgov.org>

Date Wed 1/15/2025 3:27 PM

To Eric Roussel <ericsfca@gmail.com>; Birmingham, Kevin (DBI) <kevin.birmingham@sfgov.org>

Cc Gordon-Jonckheer, Elizabeth (CPC) <elizabeth.gordon-jonckheer@sfgov.org>

Hi Eric,

Thank you for your email. Please address these concerns with the appropriate agency, which would be DBI. I have added the DBI Inspector associated with the complaint you mentioned.

[@Birmingham, Kevin \(DBI\)](#) – Would you kindly assist Mr. Roussel with his concerns about the DBI complaint 202289742? This complaint is not within Planning's purview.

Thank you,

HE COULD HAVE TOLD AND ASKED DBI TO CLOSE IT ,AS HE KNEW IT WAS FALSE.  
INSTEAD HE DID IS BEST TO AVOID THAT.

**Rogelio Baeza, Planner**

**Team 9 & 10/Code Enforcement, Current Planning**

San Francisco Planning

49 South Van Ness Avenue, Suite 1400, San Francisco, CA 94103

Direct: 628.652.7369 | [www.sfplanning.org](http://www.sfplanning.org)

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**From:** Eric Roussel <ericsfca@gmail.com>

**Sent:** Wednesday, January 15, 2025 10:54 AM

**To:** Baeza, Rogelio (CPC) <rogelio.baeza@sfgov.org>

**Cc:** Gordon-Jonckheer, Elizabeth (CPC) <elizabeth.gordon-jonckheer@sfgov.org>

**Subject:** Complaint 202289742

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

Hello Rogelio,

This is a new thread about another issue/complaint I told you about yesterday.

202289742 "possibly undermining foundation at 606-610 Steiner" (It shows still "active")

Senior Inspector Chui at DBI told me 3 months ago that I need a final site verification visit from an inspector to close that.

I emailed my building inspector "David Lara Araiza" but got no response, and I kind of forgot about it. It wasn't really important as the complaint was again false, and staying dormant.

When you came yesterday for another matter, and you could see the neighbor's foundation 15' away by just looking right, I thought of asking you to look to verify that still no work/"undermining" had been done (2.5 years later). You looked, and took pictures to verify that. Hopefully, you can have that complaint closed, now.

As you can read in the data sheet below.

Inspector McHugh did the site visit and reported that "no undermining" was going on. He saw that we were just doing shoring work.

Inspector McHugh confirmed " Call for start work after shoring and monitoring points are in place " as the data sheet shows.

I did contact the neighbor to do the necessary visit/inspection of his place to take pictures for existing cracks, etc... and to talk about putting monitoring points on his house.

After initially getting back to me angrily about my shoring work, he stopped responding when I asked for a date to do the inspection.

To get rid of the problem, and avoid a possible lawsuit and headaches, I decided to reduce the size of the basement so it is not next to his foundations.

So, I applied for a scope reduction... No work has been done since. His foundations are still safe.

That's the story about complaint 202289742.

I never really met the guy except for talking twice very briefly at a distance between our 2 buildings. One of the first and only things he told me was that he was "Dr Cushner". because he had a PhD in Mccarthyism. I found it odd but interesting that he'd want to start to introduce himself like that. But, I like smart and unusual people.

Anyway, the point I want to make is that he is intelligent and pays attention to details. As such, he is also very good at bending the truth and twisting things around. Something he has done constantly in his obsession with me over the last 10 years.

Like he did 2 days ago when he falsely reported me for a "violation" at the barn. Bending the truth, by using the fact that I was doing construction work on my property.

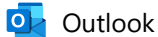
From his apt windows he can see my yard, and my side path where I built a new fence. He can also see inside the barn, vertically through holes in the roof, and from his deck. (As demonstrated by the photos he took inside the barn and submitted to DBI. As in the last ZAD he filed.) He clearly knew he was falsely reporting. Something he has done consistently.

Please confirm to DBI that Complaint 202289742 is still false "No foundation undermining" and have it closed.

Have a good day.

Thanks,

Eric



RE: Plan Check Letter - 2024-007197PRJ - 874 Fell St.

From Baeza, Rogelio (CPC) <rogelio.baeza@sfgov.org>  
Date Wed 1/15/2025 3:20 PM  
To Eric Roussel <ericsfca@gmail.com>; Yi, Kat (CPC) <kathryn.yi@sfgov.org>  
Cc Gordon-Jonckheer, Elizabeth (CPC) <elizabeth.gordon-jonckheer@sfgov.org>

Hi Eric,

Thank you for your email. I will kindly ask that email threads containing Kat (assigned planner), Elizabeth (Team leader), and myself only be about the scope of work proposed in this project record (2024-007197PRJ):

Scope of work: "The project proposes the removal of the lower level UDU and to restore it to its original use. Accessed by a separate entrance at the side and rear of the house, the UDU houses a kitchen equipped with a stove and a sink and a small bathroom with basic amenities."

Any other topic not related to this scope of work or the enforcement case (relating to abating the UDU at the basement level), I will respectfully ask that you refrain from including in this email thread.

Thank you for your understanding,

**Rogelio Baeza, Planner**  
**Team 9 & 10/Code Enforcement, Current Planning**  
San Francisco Planning  
49 South Van Ness Avenue, Suite 1400, San Francisco, CA 94103  
Direct: 628.652.7369 | [www.sfplanning.org](http://www.sfplanning.org)  
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**From:** Eric Roussel <ericsfca@gmail.com>  
**Sent:** Tuesday, January 14, 2025 9:03 PM  
**To:** Yi, Kat (CPC) <kathryn.yi@sfgov.org>  
**Cc:** Gordon-Jonckheer, Elizabeth (CPC) <elizabeth.gordon-jonckheer@sfgov.org>; Baeza, Rogelio (CPC) <rogelio.baeza@sfgov.org>  
**Subject:** Re: Plan Check Letter - 2024-007197PRJ - 874 Fell St.

Hello Kat,

Sounds great.  
Let me know when it's done and will move things forward.

The complaint that was made yesterday, I told you about, is this one below:  
(Talk about bending the truth)

01/13/2025                      **25TMP-000896**                      Enforcement (ENF)

Ongoing construction activity observed inside the carriage house at 874 Fell Street, which is a violation because no work is currently allowed in that structure (no active permit).

Regards,

Eric

Ongoing construction activity observed inside the carriage house at

874 Fell Street, which is a violation because no work is currently allowed in that structure (no active permit).

On Tue, Jan 14, 2025, 13:51 Yi, Kat (CPC) <[kathryn.yi@sfgov.org](mailto:kathryn.yi@sfgov.org)> wrote:

Hi Eric,

It was nice to meet you as well. Thank you for the site visit where we measured and confirmed that the ceiling height of the UDU is below 7'6" (measurements captured between 7'2"-7'3" throughout the unit). This information confirms that the UDU removal for 2024-007197PRJ qualifies for 317(c)(7)(B) since the minimum legal floor-to-ceiling height requirement of 7'6" in Housing Code Section 503(a) is not met.

I will work on processing the Planning Approval Letter for this project this week and will be in touch with next steps.

Thanks,  
Kat

**Kat Yi (she/her), Assistant Planner**

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Direct: 628-652-7367 | [kathryn.yi@sfgov.org](mailto:kathryn.yi@sfgov.org) | [www.sfplanning.org](http://www.sfplanning.org)

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**From:** Eric Roussel <[ericsfca@gmail.com](mailto:ericsfca@gmail.com)>

**Sent:** Tuesday, January 14, 2025 1:38 PM

**To:** Yi, Kat (CPC) <[kathryn.yi@sfgov.org](mailto:kathryn.yi@sfgov.org)>

**Cc:** Gordon-Jonckheer, Elizabeth (CPC) <[elizabeth.gordon-jonckheer@sfgov.org](mailto:elizabeth.gordon-jonckheer@sfgov.org)>; Baeza, Rogelio (CPC) <[rogelio.baeza@sfgov.org](mailto:rogelio.baeza@sfgov.org)>

**Subject:** Re: Plan Check Letter - 2024-007197PRJ - [874 Fell St.](#)

Hello,

It was nice to meet you Elizabeth and Kat to put faces to the emails.

Rogelio, I'm glad you came too, to check on me and verify that no work was done on the barn foundations and I'm not undermining neighbor's foundation.

Additionally,

The work that was done in the last few days was building a new fence with my neighbor on the left separating our two houses.

A friend (Also a tenant at 874Fell helped. (He is the one drilling in the attached pics. That was a tough hole to drill that he got!)

(Btw Rogelio, you meet him last year. Again, I don't do less than a year rentals (Used to rent by the month years ago and by the week many more years ago. No more))

So anyway, we took lumber that was in the barn. We'd cut it to size there. Not doing new construction on the barn, or doing foundation "undermining".

Sorry for being a bit speed/hyper active, I had just seen that the back neighbor again filed a bogus complaint on me. I wanted to vent and make my case quickly while you were there.

Take a look at the photos. I'm lucky to have nice friends to help. It was a lot of work digging these holes.

Have a great day!

Eric

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

Hello Kat!

I am doing well. Happy new year too :)

Sorry for taking so long. Was busy with kids and family. Things are back to "normal" now.

I'd love to get this moving and resolved.

Here is the list of the required actions you sent me:

**-1. Site visit.**

I'd love to show you the UDU so you can check and verify everything. Especially that it qualifies for section 317(c) for ceiling heights under 7'6".

I could show you the unit starting Friday 10th, or any day after that!

If you could get Rogelio to come with you, that would be great. I want to make it clear that I am (still) only renting by the year, and that I don't have 30-40 people ILO-renting in the building, and don't have 6 people in the UDU as my neighbor filed/claimed in his complaint. Where does he come up with that? Even crazier, he also complained that 874 Fell is only legal for 5 units and that I thus added 4-5 illegal units... ;)

**-2. Permit History associated with the building floor of the UDU.**

I compiled a spreadsheet for the permit history of 874 Fell for the UDU with the 3 columns you asked for.

There isn't much permit history associated with the floor where the UDU is. Only the Soft Story Permit is associated with that floor. All the other permits that were issued were for the back building (Carriage house) or other parts of the main building for sheet rock, plugs, backyard stairs, railing, etc... None of them involved plans with the UDU floor.

I had an application in 2020 to add 2 ADUs on that floor and legalize the UDU, but it was cancelled. (Covid happened and it was too expensive in the end)

To make it complete and easier for you, I compiled a list of all the permits (Associated or not with the UDU) that were issued for 874 Fell as far as records show on the DBI site. (!1986 to now).

Btw, I bought the building in October 2005. See attached Excel Table please.

**-3. Written Response.**

Well, that's this email.

**-4. Submit Requested Information.**

Below is the requested info.

- Let's start with the Permit History, also attached:

201005253204		Cottage House	Reroofing			Complete
200901059520		Cottage House	Renovate (e) dwelling unit at rear of property, 874 1/2 with new bathrooms,			
			kitchens and 2 new bedrooms. No change to (e) building envelope.			Closed
200606083570	Driveway	Main Building	Redo handrailing to stairs in driveway.			Complete
200503117322		Main Building	Replace drywall in entry hallway & kitchen walls, existing electrical outlets			Complete
200304253102	Outside	Main Building	Install vinyl siding to the front & right sides of the house only. No other work.			Complete
200010032186	Roof	Main Building	Reroofing			Expired
9820791	Driveway	Main Building	Horizontal addition			Complete
8602350		Main Building	To bring into code			Complete

#### APPENDIX A: PLANNING CODE REVIEW info needed:

For the code section info you requested, a site visit would be ideal for you to access and visualize the situation. A picture/visit is worth a thousand words. I'll attach some pics in this email to make it easier.

**-135 Open Space.** The backyard is 16' deep x 45' wide. So, 720 sqFt total. If each unit needs 133SqFt, that would be 1197SF needed for 9 units, 1330 needed for 10 units with the UDU.

**-136 Permitted Obstructions:** Stairs are right in front of the corner room window. Not sure what the code is for that. Maybe 136c14 applies: "Stairs can't rise above the lowest occupied floor" Assuming F10 is a unit.

**-140 Dwelling Unit Exposure:** Is that for natural light requirement? If so, here is the info.

Kitchen window is 3'x3' for a 257SF area.

Bathroom Window is 2'x3' for a 38SF area.

Corner room Window is 3'x3' (Obstructed) for a 96SF area.

The Entrance Room Window is 3'x3' (Facing the driveway unopened to the sky) for a 129SF area.



## FLOOR AND ROOF PLANS:

-[Last Legal Existing First Floor Plan A4](#). I guess the "last" existing first floor plan is what you got in my application with plans attached to it.

-[List of Permits with a change on the UDU floor](#): The only permit with a change on that floor is the Soft Story Permit 202205254981. However, it only changed the foundations. Nothing changed in the layout of the walls or windows or anything else. I could show you these plans when you come for a site visit. I have them at 874 Fell.

Well, that's all I could gather for now. Let me know if I forgot anything or what else you would need, I'll get it to you asap.

Have a great day!

Eric

415 528-0227

On Thu, Jan 2, 2025 at 1:42 PM Cuiffo, Kat (CPC) <[kathryn.cuiffo@sfgov.org](mailto:kathryn.cuiffo@sfgov.org)> wrote:

Hi Eric,

I hope you're doing well and having a Happy New Year! I am the planner assigned to the project at [874 Fell St](#), and I have completed my initial review. To proceed with the next steps, I have attached the plan check materials that outline specific comments and required revisions for the review process. Please carefully review these documents and provide a written response addressing each comment along with updated plans and materials that reflect the necessary revisions needed to best support your project.

If you have any questions or require any clarification regarding the plan check letter, please do not hesitate to reach out.

With care,  
Kat

Kat Cuiffo (she/her), Assistant Planner

Districts 5 & 8 - Current Planning Division

San Francisco Planning

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Direct: 628-652-7367 | [Kathryn.cuiffo@sfgov.org](mailto:Kathryn.cuiffo@sfgov.org) | [www.sfplanning.org](http://www.sfplanning.org)

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RE: New thread for 2025-000389ENF

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From Baeza, Rogelio (CPC) <rogelio.baeza@sfgov.org>

Date Thu 1/16/2025 3:05 PM

To Eric Roussel <ericsfca@gmail.com>

Hi Eric,

Thank you for your email and bringing this to our attention. Please allow some time for the assigned enforcement planner to contact you (once the case is assigned).

Thank you,

NO HELP. EVEN WORSE.

**Rogelio Baeza, Planner**

**Team 9 & 10/Code Enforcement, Current Planning**

San Francisco Planning

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HE BECAME THE ASSIGNED PLANNER AND  
STARTED A WHOLE NEW SET OF INVESTIGATIONS  
THAT EVENTUALLY LED TO A SUSPENSION...

---

**From:** Eric Roussel <ericsfca@gmail.com>

**Sent:** Thursday, January 16, 2025 1:35 PM

**To:** Baeza, Rogelio (CPC) <rogelio.baeza@sfgov.org>

**Subject:** New thread for 2025-000389ENF

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

Hello Rogelio,

I need your help.

Look at what else ACushner filed.

Claiming new construction at the carriage house from Jan 12 to Jan 14.

Good thing you guys came on Jan 14 and checked it out.

Again, I am not doing construction work on the carriage house, why would I?

Just like I didn't add an extra illegal unit to a 4apt building at 905 Ashbury or had 30 people staying there.

Or had 40 people staying at 874 Fell in a building only legal for 5 units but now has 9 or 10.

He actually said and claimed these things as violations. That shows the guy has a mind problem right there...

Now, he's saying I'm building the Barn. wow

You might be assigned to that case. 2025-000389ENF

You are welcome to come back and come check any time.

I'll go there soon to do the fence work with my nice neighbor on the left till it gets dark.

Have a good rest of the day,

Eric

showing 1-10 of 32 | Download results

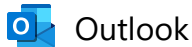
[ ]	Date	Record Number	Record Type	Project Name	Description	Status	Action
[ ]	01/14/2025	<a href="#">2025-000389ENF</a>	Enforcement (ENF)	874 FELL ST	Construction activity including the movement of 2x4s, planks, and ladders; sawing, drilling, and hammering were observed inside the carriage house on Jan. 12-14 2025, yet there is no active permit for this work: PA # 2013-1125-2814 expired for the 5th time on 4/7/2024; PA #2020-1130-9847 (revision to 2013-1125-2814) is subject to a "stop all work" order issued by DBI on 4/11/2022 (see Complaint #2022-89742); and PA #2024-	Open	

0117-4149  
(revision to  
2020-1130-  
9847) has  
not yet been  
issued and is  
currently  
under  
Planning  
Department  
review.

Ongoing  
construction activity  
observed inside the  
carriage house at  
874 Fell Street,  
which is a violation  
because no work is  
currently allowed in  
that structure (no  
active permit).

[ ] 01/13/2025 **25TMP-000896** Enforcement (ENF)

# NO HELP AS USUAL



RE: Planning Approval Letter - 874 Fell St - 2024-007197PRJ

From Baeza, Rogelio (CPC) <rogelio.baeza@sfgov.org>

Date Wed 2/5/2025 4:37 PM

To Eric Roussel <ericsfca@gmail.com>

Cc Yi, Kat (CPC) <kathryn.yi@sfgov.org>

Hi Eric,

You should be able to speak to anyone in DBI for general information and guidance on the proposed scope of work and the proper building permit application that will need to be filled out. Please work diligently to obtain the building permit issuance to start the work and abate the existing violation as quickly as possible.

Thank you,

**Rogelio Baeza, Planner**

**Team 9 & 10/Code Enforcement, Current Planning**

San Francisco Planning

49 South Van Ness Avenue, Suite 1400, San Francisco, CA 94103

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**From:** Eric Roussel <ericsfca@gmail.com>

**Sent:** Wednesday, February 5, 2025 4:31 PM

**To:** Baeza, Rogelio (CPC) <rogelio.baeza@sfgov.org>

**Cc:** Yi, Kat (CPC) <kathryn.yi@sfgov.org>

**Subject:** Re: Planning Approval Letter - 874 Fell St - 2024-007197PRJ

Hello Rogelio,

Thanks for your email.

Could you please direct me to who or where at DBI I should go to inquire about the type of permit to get?

I'll catch up on payments on the NOV. Sorry I had forgotten about that.

Thanks,

Eric

On Wed, Feb 5, 2025 at 4:09 PM Baeza, Rogelio (CPC) <[rogelio.baeza@sfgov.org](mailto:rogelio.baeza@sfgov.org)> wrote:

Hi Eric,

I am following up on your question regarding the types of permits that would need to be filed after receiving the Planning Approval Letter. Since the building permit process belongs to DBI, they can

provide the adequate guidance on which form you will need to fill out for the approved scope of work found on the Planning Approval Letter. It may be that a demolition permit application will need to be filed or an alteration permit. However, please check in with DBI regarding this information.

Moreover, see the next steps below:

1. File the required building permit **within 7 days of this email** (by **COB Wednesday, February 12**).
2. Please make sure to provide the outstanding time and materials reflected on the NOVPD **within 7 days of this email** (by **COB Wednesday, February 12**).
  - a. Please note that it has now been 65 days since the issued NOVPD. To date, the time and materials have not been paid.

If the above deadlines are not met, then **daily administrative penalties** will begin to accrue immediately on **Thursday, February 13**. As a reminder, the goal of enforcement is to bring the property back into compliance as quickly as possible.

Thank you,

**Rogelio Baeza, Planner**  
**Team 9 & 10/Code Enforcement, Current Planning**

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**From:** Yi, Kat (CPC) <[kathryn.yi@sfgov.org](mailto:kathryn.yi@sfgov.org)>  
**Sent:** Wednesday, February 5, 2025 2:02 PM  
**To:** Eric Roussel <[ericsfca@gmail.com](mailto:ericsfca@gmail.com)>; Baeza, Rogelio (CPC) <[rogelio.baeza@sfgov.org](mailto:rogelio.baeza@sfgov.org)>  
**Cc:** CPC.closeout <[CPC.closeout@sfgov.org](mailto:CPC.closeout@sfgov.org)>  
**Subject:** RE: Planning Approval Letter - 874 Fell St - 2024-007197PRJ

Hi Eric,  
Of those choice, my recommendation would be demolition.  
With care,  
Kat

**Kat Yi (she/her), Assistant Planner**  
Districts 5 & 8 - Current Planning Division  
San Francisco Planning  
49 South Van Ness Avenue, Suite 1400, San Francisco, CA 94103  
Direct: 628-652-7367 | [kathryn.yi@sfgov.org](mailto:kathryn.yi@sfgov.org) | [www.sfplanning.org](http://www.sfplanning.org)  
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**From:** Eric Roussel <[ericsfca@gmail.com](mailto:ericsfca@gmail.com)>  
**Sent:** Wednesday, February 5, 2025 1:36 PM  
**To:** Yi, Kat (CPC) <[kathryn.yi@sfgov.org](mailto:kathryn.yi@sfgov.org)>; Baeza, Rogelio (CPC) <[rogelio.baeza@sfgov.org](mailto:rogelio.baeza@sfgov.org)>  
**Cc:** CPC.closeout <[CPC.closeout@sfgov.org](mailto:CPC.closeout@sfgov.org)>  
**Subject:** Re: Planning Approval Letter - 874 Fell St - 2024-007197PRJ

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

Hello Kat and Rogelio,

I am trying to file the permit online.  
I am at a page where it asks what type of Permit to file and I am not sure what to pick for the DUR.

Alteration, Demolition, New Construction?

Please let me know.

Thanks,

Eric

Form 3/8 (application for alterations)

Fill out the <a href="#">application for alterations</a> (form 3,8).		
<ul style="list-style-type: none"><li>File Name</li></ul>	<div>Siz e</div>	
<ul style="list-style-type: none"><li><a href="#">Press to openPAL_874 Fell St_2024-007197PRJ (ID 1491195) With Approved Plans.pdf</a></li></ul>		3.07 MB

Form 1/2 (application for new construction)		
Fill out the <a href="#">application for new construction</a> (form 1,2).		
<ul style="list-style-type: none"><li>File Name</li></ul>	<div>Siz e</div>	
Drop files to attach, or <a href="#">browse</a>		

Form 6 (application for demolition)		
Fill out the <a href="#">application for demolition</a> (form 6).		

.

On Tue, Jan 21, 2025 at 5:13 PM Yi, Kat (CPC) <[kathryn.yi@sfgov.org](mailto:kathryn.yi@sfgov.org)> wrote:

Hi Eric,

This email includes information about next steps for your project. Attached to this email are the following:

1. Planning Approval Letter (PAL) with accompanying attachments

After you have received a Planning Approval Letter (also known as a Zoning Approval Letter), if your project requires a building permit, you will [submit your building permit application and plans](#) online to the Department of Building Inspection (DBI). In your submission, you must upload the Planning Approval Letter and any required attachments. Once you submit your building permit, it will be routed to the Planning Department to confirm the permit submission matches what was previously approved by the Planning Department.

Some projects may qualify for an in-person, over-the-counter (OTC) review. Please review DBI's [list](#) of qualifying projects for OTC review. If your project qualifies, feel free and contact me to arrange a time to receive Planning's approval of your building permit at the counter.

Please let me know if you have any questions.

With care,  
Kat

**Kat Yi (she/her), Assistant Planner**

Districts 5 & 8 - Current Planning Division

San Francisco Planning

49 South Van Ness Avenue, Suite 1400, San Francisco, CA 94103

Direct: 628-652-7367 | [kathryn.yi@sfgov.org](mailto:kathryn.yi@sfgov.org) | [www.sfplanning.org](http://www.sfplanning.org)

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**RE: Planning Approval Letter - 874 Fell St - 2024-007197PRJ**

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**From** Baeza, Rogelio (CPC) <rogelio.baeza@sfgov.org>

**Date** Wed 2/5/2025 4:09 PM

**To** Yi, Kat (CPC) <kathryn.yi@sfgov.org>; Eric Roussel <ericsfca@gmail.com>

 1 attachment (368 KB)

Notice of Violation and Penalty Decision (NOVPD) - 12.02.24 - 874 Fell St (ID 1484622).pdf;

Hi Eric,

I am following up on your question regarding the types of permits that would need to be filed after receiving the Planning Approval Letter. Since the building permit process belongs to DBI, they can provide the adequate guidance on which form you will need to fill out for the approved scope of work found on the Planning Approval Letter. It may be that a demolition permit application will need to be filed or an alteration permit. However, please check in with DBI regarding this information.

Moreover, see the next steps below:

1. File the required building permit **within 7 days of this email** (by **COB Wednesday, February 12**).
2. Please make sure to provide the outstanding time and materials reflected on the NOVPD **within 7 days of this email** (by **COB Wednesday, February 12**).
  - a. Please note that it has now been 65 days since the issued NOVPD. To date, the time and materials have not been paid.

If the above deadlines are not met, then **daily administrative penalties** will begin to accrue immediately on **Thursday, February 13**. As a reminder, the goal of enforcement is to bring the property back into compliance as quickly as possible.

Thank you,

**Rogelio Baeza, Planner**

**Team 9 & 10/Code Enforcement, Current Planning**

San Francisco Planning

49 South Van Ness Avenue, Suite 1400, San Francisco, CA 94103

Direct: 628.652.7369 | [www.sfplanning.org](http://www.sfplanning.org)

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**From:** Yi, Kat (CPC) <kathryn.yi@sfgov.org>

**Sent:** Wednesday, February 5, 2025 2:02 PM

**To:** Eric Roussel <ericsfca@gmail.com>; Baeza, Rogelio (CPC) <rogelio.baeza@sfgov.org>

**Cc:** CPC.closeout <CPC.closeout@sfgov.org>

**Subject:** RE: Planning Approval Letter - 874 Fell St - 2024-007197PRJ

Hi Eric,

Of those choice, my recommendation would be demolition.

With care,  
Kat

**Kat Yi (she/her), Assistant Planner**

Districts 5 & 8 - Current Planning Division

San Francisco Planning

49 South Van Ness Avenue, Suite 1400, San Francisco, CA 94103

Direct: 628-652-7367 | [kathryn.yi@sfgov.org](mailto:kathryn.yi@sfgov.org) | [www.sfplanning.org](http://www.sfplanning.org)

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**From:** Eric Roussel <[ericsfca@gmail.com](mailto:ericsfca@gmail.com)>

**Sent:** Wednesday, February 5, 2025 1:36 PM

**To:** Yi, Kat (CPC) <[kathryn.yi@sfgov.org](mailto:kathryn.yi@sfgov.org)>; Baeza, Rogelio (CPC) <[rogelio.baeza@sfgov.org](mailto:rogelio.baeza@sfgov.org)>

**Cc:** CPC.closeout <[CPC.closeout@sfgov.org](mailto:CPC.closeout@sfgov.org)>

**Subject:** Re: Planning Approval Letter - 874 Fell St - 2024-007197PRJ

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

Hello Kat and Rogelio,

I am trying to file the permit online.

I am at a page where it asks what type of Permit to file and I am not sure what to pick for the DUR.

Alteration, Demolition, New Construction?

Please let me know.

Thanks,

Eric

Form 3/8 (application for alterations)

Fill out the <a href="#">application for alterations</a> (form 3,8).			
• <b>File Name</b>	<b>Siz</b> <b>e</b>		
• <a href="#">Press to open PAL_874 Fell St_2024-007197PRJ (ID 1491195) With Approved Plans.pdf</a>		3.0 7 MB	

Form 1/2 (application for new construction)		
Fill out the <a href="#">application for new construction</a> (form 1,2).		
• <b>File Name</b>	<b>Size</b>	
Drop files to attach, or <a href="#">browse</a>		

Form 6 (application for demolition)	
Fill out the <a href="#">application for demolition</a> (form 6).	
•	

On Tue, Jan 21, 2025 at 5:13 PM Yi, Kat (CPC) <[kathryn.yi@sfgov.org](mailto:kathryn.yi@sfgov.org)> wrote:

Hi Eric,

This email includes information about next steps for your project. Attached to this email are the following:

1. Planning Approval Letter (PAL) with accompanying attachments

After you have received a Planning Approval Letter (also known as a Zoning Approval Letter), if your project requires a building permit, you will [submit your building permit application and plans](#) online to the Department of Building Inspection (DBI). In your submission, you must upload the Planning Approval Letter and any required attachments. Once you submit your building permit, it will be routed to the Planning Department to confirm the permit submission matches what was previously approved by the Planning Department.

Some projects may qualify for an in-person, over-the-counter (OTC) review. Please review DBI's [list](#) of qualifying projects for OTC review. If your project qualifies, feel free and contact me to arrange a time to receive Planning's approval of your building permit at the counter.

Please let me know if you have any questions.

With care,  
Kat

**Kat Yi (she/her), Assistant Planner**

Districts 5 & 8 - Current Planning Division

San Francisco Planning

49 South Van Ness Avenue, Suite 1400, San Francisco, CA 94103

Direct: 628-652-7367 | [kathryn.yi@sfgov.org](mailto:kathryn.yi@sfgov.org) | [www.sfplanning.org](http://www.sfplanning.org)

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**FW: Corrected Suspension Request for 874 Fell St - BPNs 201311252814 and 202011309847**


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**From** Baeza, Rogelio (CPC) <rogelio.baeza@sfgov.org>

**Date** Fri 4/11/2025 11:10 AM

**To** M. Brett Gladstone <BGladstone@g3mh.com>

**Cc** Eric Roussel <ericsfca@gmail.com>; Wong, Kelly (CPC) <kelly.wong@sfgov.org>

 1 attachment (265 KB)

Corrected Suspension Request for 874 Fell St (Rear Structure).pdf;

Hi All,

I hope this email finds you well. Please find the Amended Suspension Request. We have updated the Suspension Request to include the updated appeal period to be 30 days. If you have any questions, feel free to reach out.

Thank you,

**Rogelio Baeza, Planner**

**Team 9 & 10/Code Enforcement, Current Planning**

San Francisco Planning

49 South Van Ness Avenue, Suite 1400, San Francisco, CA 94103

Direct: 628.652.7369 | [www.sfplanning.org](http://www.sfplanning.org)

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**From:** Parinas, Suzette (CPC) <Suzette.Parinas@sfgov.org>

**Sent:** Tuesday, April 1, 2025 9:14 AM

**To:** O'Riordan, Patrick (DBI) <patrick.oriordan@sfgov.org>

**Cc:** Greene, Matthew (DBI) <matthew.greene@sfgov.org>; Wong, Kelly (CPC) <kelly.wong@sfgov.org>; Baeza, Rogelio (CPC) <rogelio.baeza@sfgov.org>; Lara Araiza, David (DBI) <David.LaraAraiza@sfgov.org>; 'BGladstone@g3mh.com' <BGladstone@g3mh.com>; Birmingham, Kevin (DBI) <kevin.birmingham@sfgov.org>

**Subject:** Corrected Suspension Request for 874 Fell St - BPNs 201311252814 and 202011309847

Good Morning,

Sending you the corrected Suspension Request for 874 Fell St. We have removed the photos from the previous Suspension Request that were included on the letter since these are from another property.

Thank you,

**Suzette E. Parinas**

**Zoning Administrator's Office/Current Planning Division**

San Francisco Planning

49 South Van Ness Avenue, Suite 1400, San Francisco, CA 94103

Direct: 628.652.7398 | | [www.sfplanning.org](http://www.sfplanning.org)

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**From:** Parinas, Suzette (CPC)  
**Sent:** Friday, March 28, 2025 11:26 AM  
**To:** Birmingham, Kevin (DBI) <[kevin.birmingham@sfgov.org](mailto:kevin.birmingham@sfgov.org)>  
**Subject:** RE: Suspension Request for 874 Fell St - BPNs 201311252814 and 202011309847

Thank you, Kevin.

Have a nice weekend.

Best,

**Suzette E. Parinas**

**Zoning Administrator's Office/Current Planning Division**

San Francisco Planning

49 South Van Ness Avenue, Suite 1400, San Francisco, CA 94103

Direct: 628.652.7398 | | [www.sfplanning.org](http://www.sfplanning.org)

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**From:** Birmingham, Kevin (DBI) <[kevin.birmingham@sfgov.org](mailto:kevin.birmingham@sfgov.org)>  
**Sent:** Friday, March 28, 2025 11:24 AM  
**To:** Parinas, Suzette (CPC) <[Suzette.Parinas@sfgov.org](mailto:Suzette.Parinas@sfgov.org)>; O'Riordan, Patrick (DBI) <[patrick.oriordan@sfgov.org](mailto:patrick.oriordan@sfgov.org)>  
**Cc:** Greene, Matthew (DBI) <[matthew.greene@sfgov.org](mailto:matthew.greene@sfgov.org)>; Wong, Kelly (CPC) <[kelly.wong@sfgov.org](mailto:kelly.wong@sfgov.org)>; Baeza, Rogelio (CPC) <[rogelio.baeza@sfgov.org](mailto:rogelio.baeza@sfgov.org)>; Lara Araiza, David (DBI) <[David.LaraAraiza@sfgov.org](mailto:David.LaraAraiza@sfgov.org)>; [BGladstone@g3mh.com](mailto:BGladstone@g3mh.com)  
**Subject:** RE: Suspension Request for 874 Fell St - BPNs 201311252814 and 202011309847

Hi Suzette

I have suspended these permits as requested.

Kevin Birmingham  
Chief Building Inspector  
Department of Building Inspection  
49 S Van Ness Ave, 4<sup>th</sup> Fl  
San Francisco, CA, 94103  
628-652-3606  
[[sf.gov/dbi](http://sf.gov/dbi)][SF.gov/DBI](http://SF.gov/DBI)  
[Sign up](#) for customer updates

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**From:** Parinas, Suzette (CPC) <[Suzette.Parinas@sfgov.org](mailto:Suzette.Parinas@sfgov.org)>  
**Sent:** Friday, March 28, 2025 8:43 AM  
**To:** O'Riordan, Patrick (DBI) <[patrick.oriordan@sfgov.org](mailto:patrick.oriordan@sfgov.org)>  
**Cc:** Birmingham, Kevin (DBI) <[kevin.birmingham@sfgov.org](mailto:kevin.birmingham@sfgov.org)>; Greene, Matthew (DBI)

<[matthew.greene@sfgov.org](mailto:matthew.greene@sfgov.org)>; Wong, Kelly (CPC) <[kelly.wong@sfgov.org](mailto:kelly.wong@sfgov.org)>; Baeza, Rogelio (CPC) <[rogelio.baeza@sfgov.org](mailto:rogelio.baeza@sfgov.org)>; Lara Araiza, David (DBI) <[David.LaraAraiza@sfgov.org](mailto:David.LaraAraiza@sfgov.org)>; [BGladstone@g3mh.com](mailto:BGladstone@g3mh.com)  
**Subject:** Suspension Request for 874 Fell St - BPNs 201311252814 and 202011309847

Good Morning Patrick,

Please reference to the attached Suspension Request for **874 Fell St, Building Permit Nos. 201311252814 and 202011309847**. Let us know if additional information is needed.

Thank you,

**Suzette E. Parinas**

**Zoning Administrator's Office/Current Planning Division**

San Francisco Planning

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**RE: 311 Notification Requirement for UDU Removal - 874 Fell St - 2024-007197PRJ**

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**From** Baeza, Rogelio (CPC) <rogelio.baeza@sfgov.org>

**Date** Mon 5/5/2025 9:43 AM

**To** Yi, Kat (CPC) <kathryn.yi@sfgov.org>; Eric Roussel <ericsfca@gmail.com>

**Cc** Gordon-Jonckheer, Elizabeth (CPC) <elizabeth.gordon-jonckheer@sfgov.org>; Teague, Corey (CPC) <corey.teague@sfgov.org>

Hi All,

Eric – I am following up regarding the requested materials from Planning for the 311 Notice. After confirming with DBI that a licensed designer/architect will be required for this scope of work, we highly recommend that you obtain a licensed designer/architect to draw the necessary plans for Planning to review. These same plans can be submitted for the building permit process. I believe that Mark Walls (DBI) sent an email to you on 5/1/2025 notifying you that stamped/sealed drawings would be required for the building permit review process.

I can provide you **30 days from today (Wednesday, June 4<sup>th</sup>)** to obtain a new licensed architect/designer and **another 33 days after (Monday, July 7)** for submitting the requested plans for Planning review. As mentioned, we highly recommend that the same drawings be used for the Planning review/building permit process. If you need additional time for the above deadlines, please let me know no later than **Tuesday, May 20**.

Thank you,

**Rogelio Baeza, Planner**

**Team 9 & 10/Code Enforcement, Current Planning**

San Francisco Planning

49 South Van Ness Avenue, Suite 1400, San Francisco, CA 94103

Direct: 628.652.7369 | [www.sfplanning.org](http://www.sfplanning.org)

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**From:** Yi, Kat (CPC) <kathryn.yi@sfgov.org>

**Sent:** Wednesday, April 30, 2025 8:47 AM

**To:** Eric Roussel <ericsfca@gmail.com>

**Cc:** Gordon-Jonckheer, Elizabeth (CPC) <elizabeth.gordon-jonckheer@sfgov.org>; Baeza, Rogelio (CPC) <rogelio.baeza@sfgov.org>; Teague, Corey (CPC) <corey.teague@sfgov.org>

**Subject:** RE: 311 Notification Requirement for UDU Removal - 874 Fell St - 2024-007197PRJ

Hi Eric,

Thank you for your patience. We met with the ZA yesterday and received confirmation that we do not have the authorization to use Janet's plans as she has revoked the use of her plans on this project (2024-007197PRJ) in writing.

**In order to proceed with Planning's review and 311 Notification requirement, you will need to submit a new set of plans.**

**Next Steps:**

It is advised to contact DBI to understand the minimum level of certification the person who prepares the plans must have to move forward with the building permit process for this project's scope of work. For Planning's purposes, we would accept plans prepared by a designer, not necessarily a certified architect. However, DBI may require more certification for their review.

Once you receive clarification from DBI on their plan requirements, please work with Rogelio on the timing for submitting a new set of plans to abate enforcement case: 2024-000871ENF and proceed with Planning's review.

Thanks and let us know if you have any further questions about next steps!

-Kat

**Kat Yi (she/her), Assistant Planner**

Districts 5 & 8 - Current Planning Division

San Francisco Planning

49 South Van Ness Avenue, Suite 1400, San Francisco, CA 94103

Direct: 628-652-7367 | [kathryn.yi@sfgov.org](mailto:kathryn.yi@sfgov.org) | [www.sfplanning.org](http://www.sfplanning.org)

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**From:** Eric Roussel <[ericsfca@gmail.com](mailto:ericsfca@gmail.com)>

**Sent:** Tuesday, April 29, 2025 11:38 AM

**To:** Yi, Kat (CPC) <[kathryn.yi@sfgov.org](mailto:kathryn.yi@sfgov.org)>

**Cc:** Gordon-Jonckheer, Elizabeth (CPC) <[elizabeth.gordon-jonckheer@sfgov.org](mailto:elizabeth.gordon-jonckheer@sfgov.org)>; Baeza, Rogelio (CPC) <[rogelio.baeza@sfgov.org](mailto:rogelio.baeza@sfgov.org)>; Teague, Corey (CPC) <[corey.teague@sfgov.org](mailto:corey.teague@sfgov.org)>

**Subject:** Re: 311 Notification Requirement for UDU Removal - 874 Fell St - 2024-007197PRJ

Hello Kat,

Sounds good to me. I am happy to help PLN, and make things happen the right way.

I would like to know a little bit more. Would it be possible to have a meeting later this afternoon after 2:30?

If not, tomorrow anytime after 1pm.

If others can join, even better.

Kind regards,

Eric

415 528-0227

On Mon, Apr 28, 2025 at 4:23 PM Yi, Kat (CPC) <[kathryn.yi@sfgov.org](mailto:kathryn.yi@sfgov.org)> wrote:

Hi Eric,

Thank you for your commitment to working on this project and for your efforts to kick off the 311-Notification process. I'm happy to help prepare the 311 materials, however, I need a set of plans to prepare the notification packet for distribution. From our conversation last Friday, I understand that it still needs to be determined whether Planning can utilize the plans that were reviewed as part of the PAL issued on 1/21/25 or if a new set of plans needs to be submitted.

We are trying to coordinate a time to connect with the ZA to discuss next steps and I will let you know once I receive more clarity.



Lastly, we do not have a formal PAL rescission notice. To clarify, the PAL was rescinded because the proposed project of removing a UDU did not undergo the Planning Code required 311 Neighborhood Notification.

I hope this helps,  
Kat

**Kat Yi (she/her), Assistant Planner**

Districts 5 & 8 - Current Planning Division

San Francisco Planning

49 South Van Ness Avenue, Suite 1400, San Francisco, CA 94103

Direct: 628-652-7367 | [kathryn.yi@sfgov.org](mailto:kathryn.yi@sfgov.org) | [www.sfplanning.org](http://www.sfplanning.org)

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**From:** Eric Roussel <[ericssfca@gmail.com](mailto:ericssfca@gmail.com)>

**Sent:** Friday, April 25, 2025 3:28 PM

**To:** Yi, Kat (CPC) <[kathryn.yi@sfgov.org](mailto:kathryn.yi@sfgov.org)>

**Cc:** Gordon-Jonckheer, Elizabeth (CPC) <[elizabeth.gordon-jonckheer@sfgov.org](mailto:elizabeth.gordon-jonckheer@sfgov.org)>; Baeza, Rogelio (CPC) <[rogelio.baeza@sfgov.org](mailto:rogelio.baeza@sfgov.org)>; Teague, Corey (CPC) <[corey.teague@sfgov.org](mailto:corey.teague@sfgov.org)>

**Subject:** Re: 311 Notification Requirement for UDU Removal - 874 Fell St - 2024-007197PRJ

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Dear Kat,

I reviewed the sections and I am sorry for my premature objection. The code is clear: 311 is required under Planning Code § 311(c)(2)

I want to help proceed with the 311 Notification process starting Monday if possible. Please let me know the next steps to initiate the notification, and I will cooperate fully to complete it.

Regarding the rescission of the January 21, 2025 PAL, I respectfully request a formal written rescission notice, including the applicable Planning Code citations, the specific factual findings supporting the rescission, and the appeal procedures available.

As part of this process, could you please confirm whether I am currently considered to be in any violation of Planning Code or permit conditions?

I have continued to act in good faith and consistently within the scope of the approved PAL. While some unforeseen circumstances outside of my control have impacted the process, I remain committed to completing the project in full compliance with Planning Code requirements. I want to keep working with PLN to figure out the best way to resolve this the fastest.

I will await receipt of the formal PAL rescission notice, and I respectfully reserve all rights to respond appropriately upon review.

If possible, I would appreciate your assistance in facilitating contact with Zoning Administrator Corey Teague regarding next steps.

Again, have a great weekend. I am glad we talked today.

Eric

On Fri, Apr 25, 2025 at 2:11 PM Yi, Kat (CPC) <[kathryn.yi@sfgov.org](mailto:kathryn.yi@sfgov.org)> wrote:

Hi Eric,

Thank you for meeting with us to discuss your project. We discussed the requirement of 311 Notification for this UDU Removal, even though it qualifies for an exemption from 317 Conditional Use Authorization.

Please find the relevant Planning Code Sections below:

[Planning Code Section 311\(C\)\(2\):](#)

**(2) Removal of Residential Units.** When removal or elimination of an authorized or unauthorized residential unit is proposed, the Applicant shall provide notice as required in this Section 311, and shall include contact information for the appropriate City agency or resource for assistance in securing tenant counseling or legal services, as applicable. The Applicant shall post a notice of the application at least 30 inches by 30 inches in a conspicuous common area of the subject property, and such sign shall be posted no later than the start date of the notification period required by this Section 311 and shall remain posted until the conclusion of any hearings on the permit before the Planning Commission, the Zoning Administrator, the Board of Supervisors or the Board of Appeals. The Zoning Administrator shall determine any additional notification procedures to be applied in such a case.

[Planning Code Section 317\(c\)\(7\):](#)

**(7) Exemptions for Unauthorized Dwelling Units.** The Removal of an Unauthorized Unit does not require a Conditional Use authorization pursuant to subsections (c)(1) or (c)(2) if:

(A) the Unauthorized Unit requires a waiver of open space or dwelling unit exposure requirements, and the Unauthorized Unit is ineligible for a waiver or exemption from those standards pursuant to Section [307](#), Section [207.1](#) (Accessory Dwelling Units - Local Program), Section [207.2](#) (Accessory Dwelling Units - State Mandated Program), or Section [207.3](#) (Dwelling Unit Legalization Program); or

(B) the Unauthorized Unit has no contiguous area that meets both the required minimum superficial floor area in Housing Code Section 503(b) and the minimum legal floor-to-ceiling height requirement in Housing Code Section 503(a).

Let me know if you still have further questions about the 311 Notice requirement.

As discussed on our call, I will be rescinding the PAL issued on January 21, 2025 so that we can complete this notice.

Thanks,  
Kat

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**brief**


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**From** Eric Roussel <ericsfca@gmail.com>

**Date** Fri 6/20/2025 5:00 PM

**To** Teague, Corey (CPC) <corey.teague@sfgov.org>

**Cc** Yi, Kat (CPC) <kathryn.yi@sfgov.org>

 12 attachments (2 MB)

Supplemental\_Jurisdiction\_Letter\_Eric\_Roussel.docx; SOTF JULY 2ND HEARING.pdf; ROGELIO FLAT OUT LIED ABOUT THE APRIL 16 MEETING WE HAD.pdf; ROGELIO AUDREY.pdf; Revised\_Appeal\_Letter\_Suspension\_874\_Fell.pdf.pdf; OCR\_ROGELIO EMAIL TO AUDREY Emails Jan-Mar 2024\_Redacted.pdf; MAY 12 ### TeagueSaidIwasEmailedTheNotice.pdf; Jurisdiction\_Request\_874\_Fell\_Eric\_Roussel\_050925\_December2\_Penalty\_Violation.pdf; June 5 Withdrawal mention.pdf; AudreyMarlone to Rogelio.pdf; ### SOTF\_BOA\_Complaint\_Eric\_Roussel.pdf; ### NOVPD notice.pdf;

## **PRELIMINARY BRIEF OF APPELLANT ERIC ROUSSEL IN RE: JURISDICTIONAL APPEAL OF NOTICE OF VIOLATION AND PENALTY DECISION (NOVPD)**

**Appeal No.:** [Enter the appeal number for the Jurisdiction Request if different from 25-020]

**Property:** 874 Fell Street

### **I. INTRODUCTION & PROCEDURAL POSTURE**

This preliminary brief is submitted to meet the filing deadline of June 20, 2025, and challenges the Planning Department's jurisdiction to issue and enforce the Notice of Violation and Penalty Decision (NOVPD) dated December 2, 2024.

A comprehensive supplemental brief will be filed upon the resolution of Appellant's concurrently filed Motion for a Continuance. This motion is based on the recent finding by the Sunshine Ordinance Task Force that the Planning Department has failed to comply with its legal obligation to produce public records essential to this appeal, and the Zoning Administrator's failure to respond to a request for a continuance.

### **II. SUMMARY OF ARGUMENT**

The Planning Department failed to establish jurisdiction to enforce the NOVPD because it failed to provide legally sufficient notice to the Appellant. This failure is not an isolated incident but is part of a documented, systemic pattern of the Department violating the Appellant's fundamental due process rights by failing to provide notice of formal actions taken against his property. Because notice was legally deficient, the NOVPD is void, and this Board should grant the appeal.

### **III. ARGUMENT**

#### **A. The Purported Notice of the NOVPD was Legally Deficient and Did Not Constitute Proper Service.**

Due process requires that notice must be "reasonably calculated to apprise interested parties of the pendency of the action." The Department failed to meet this standard. The NOVPD was not served

directly but was included as an afterthought—an attachment to a December 9, 2024 email whose primary subject was an entirely different administrative matter (a missing Letter of Authorization).

Burying a significant penalty decision as a "for your reference" attachment in an unrelated email chain does not constitute the clear, direct, and unambiguous service required to establish jurisdiction for imposing penalties.

#### **B. The Department Has Engaged in a Repeated Pattern of Failing to Provide Notice, Demonstrating a Systemic Violation of Due Process.**

The deficient notice for this NOVPD is consistent with the Department's established pattern of conduct regarding the Appellant's property.

- **Instance 1:** In late 2024, a third party filed a Letter of Determination (ZAD) request to have Appellant's Carriage House variance declared expired. The Department failed to notify Appellant of this action. He discovered it by chance, submitted a rebuttal, and was never formally notified of the favorable determination made on December 31, 2024.
- **Instance 2:** In early 2025, the same third party filed another ZAD, this time challenging the "demolition" status of the Carriage House. Again, the Department failed to notify Appellant. He discovered it himself, submitted a rebuttal, and was never notified when the ZAD was subsequently withdrawn.

This proves that the failure to properly serve the NOVPD was not an oversight, but part of a systemic disregard for the Appellant's fundamental right to be notified of actions affecting his property.

#### **IV. CONCLUSION**

The Planning Department's jurisdiction to enforce penalties is predicated on proper notice. The notice provided for the December 2, 2024 NOVPD was legally deficient and part of a larger pattern of due process violations. Therefore, the Department never established jurisdiction, and the NOVPD is void.

Appellant respectfully requests that the Board of Appeals grant this jurisdictional appeal and dismiss the NOVPD in its entirety.

Respectfully submitted, Eric Roussel

---

**From:** Teague, Corey (CPC) <corey.teague@sfgov.org>

**Sent:** Friday, June 20, 2025 4:52 PM

**To:** Eric Roussel <ericsfca@gmail.com>

**Cc:** Yi, Kat (CPC) <kathryn.yi@sfgov.org>

**Subject:** RE: Finalize Permit via PAL, 311, and DBI Waiver Based on Confirmed Unit Removal. Carriage House update.

Eric,

Thanks for the extra information, and I'm glad to hear that you are motivated to move forward. We are happy to discuss any such proposal with DBI, but I cannot guarantee the outcome of that process. Our standard procedure is to clearly document the substandard ceiling height in the plans. Thanks.

**Corey A. Teague, AICP, LEED AP**  
**Zoning Administrator**

## Current Planning Division

San Francisco Planning

49 South Van Ness Avenue, Suite 1400, San Francisco, CA 94103

Direct: 628-652-7328 | [sfplanning.org](https://sfplanning.org)

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**From:** Eric Roussel <ericsfca@gmail.com>

**Sent:** Monday, June 16, 2025 12:59 PM

**To:** Teague, Corey (CPC) <corey.teague@sfgov.org>

**Subject:** Finalize Permit via PAL, 311, and DBI Waiver Based on Confirmed Unit Removal. Carriage House update.

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Dear Corey,

After reviewing the enforcement history and conducting further research, I've located the 1986 permit (BPA #8602350), DAHI inspection report, and Certificate of Final Completion, confirming the UDU at 874 Fell was officially and lawfully removed. Grandfathering is not an option. Let's not waste time on that.

While I had initially considered enforcing my contractual rights regarding the architectural plans, it's clear that doing so could require months of legal effort and procedural delay. Rather than pursue that cumbersome path, I'd prefer to work constructively with Planning to resolve this matter through an alternative approach. Fortunately, Kat Yi previously suggested a path that could work well for all parties when she mentioned PLN would accept designer plans.

To finalize the permit, I propose:

- Submitting designer plans by next week, per Kat's recommendation;
- Requesting a waiver from DBI under SFBC §106A.3.2, Exception 1, which allows the Building Official to waive plan requirements where *"the nature and extent of the proposed construction can be clearly described in writing."* This permit involves no construction, no physical changes, and no change of use or occupancy, as already recognized in DBI's February 26, 2025 administrative completeness review. Given the well-documented prior permitted removal BPA #8602350, DBI should be comfortable granting this waiver;

A clear written description could follow the current permit scope:

*"1) Dwelling unit removal of the UDU on the first floor at north side of the main structure. 2) Existing structure has 7'-2" high rooms from concrete slab on grade to ceiling at underside of the floor joists above. Removal of unit per SF Planning Code section 317(c) (7)(B), exemption for UDUs. 3) Existing toilet and sink to remain. 4) Existing doors and windows to remain. Pursuant to Planning Enforcement Case 2024-000871ENF and NOV: 201722542."*

I'm ready to proceed with the PAL and 311 Notification and would appreciate Planning's support in coordinating with DBI on the waiver and next steps.

I also talked with my structural engineer for the Carriage House. He told me that he would be happy to add notes to the structural plans to mark precisely what takes place as far as replacing, keeping, strengthening, adding to the existing Carriage House. Again, almost nothing

is demoed; there are additions and strengthening. I will provide revised Architectural drawings that reflect the current situation, not the last revision, by next week.

Lastly, I'd welcome a short meeting before the June 19 briefing deadline — to confirm alignment and ideally close some matters without the need for further filings or hearings.

Best regards,  
Eric Roussel

PS: I filed the UDU permit with the PAL as the sole applicant. Janet was not part of it. In February 2025, she asked to be removed from a permit application she was not part of. She was involved with the UDU project since August 2024 till November 2024. Rogelio got her first UDU plan set in August 2024, she attended the UDU appeal Hearing, she worked on it till the submission in November and then disappeared. Because I would not agree to a new contract to get the permit application if the PAL is granted. She was claiming a lot of additional work was needed...

---

**From:** Teague, Corey (CPC) <[corey.teague@sfgov.org](mailto:corey.teague@sfgov.org)>  
**Sent:** Thursday, June 5, 2025 7:14 AM  
**To:** Eric Roussel <[ericssfca@gmail.com](mailto:ericssfca@gmail.com)>  
**Cc:** Lamarre, Julie (BOA) <[julie.lamarre@sfgov.org](mailto:julie.lamarre@sfgov.org)>; Longaway, Alec (BOA) <[alec.longaway@sfgov.org](mailto:alec.longaway@sfgov.org)>  
**Subject:** RE: APPEAL FILED NO. 25-020 @ 874 FELL STREET

Eric,

I'm following up on our meeting on Tuesday. You indicated that you were open to withdrawing the appeal of the Suspension Request and the Jurisdiction Request for the NoV. Will you please, at your earliest convenience, let me and the BoA staff know if/when you plan to request those withdrawals? If the appeals move forward, then my briefs are due next week. However, I'm out of town next week, and so any work I do on those briefs will have to be completed by tomorrow. Thanks.

**Corey A. Teague, AICP, LEED AP**  
**Zoning Administrator**

**Current Planning Division**

San Francisco Planning  
49 South Van Ness Avenue, Suite 1400, San Francisco, CA 94103  
Direct: 628-652-7328 | [sfplanning.org](http://sfplanning.org)  
[San Francisco Property Information Map](#)

---

**From:** Longaway, Alec (BOA) <[alec.longaway@sfgov.org](mailto:alec.longaway@sfgov.org)>  
**Sent:** Monday, May 12, 2025 11:52 AM  
**To:** [ericssfca@gmail.com](mailto:ericssfca@gmail.com); Teague, Corey (CPC) <[corey.teague@sfgov.org](mailto:corey.teague@sfgov.org)>  
**Cc:** Birmingham, Kevin (DBI) <[kevin.birmingham@sfgov.org](mailto:kevin.birmingham@sfgov.org)>; Blackshear, Czarina (DBI) <[czarina.blackshear@sfgov.org](mailto:czarina.blackshear@sfgov.org)>; CROSSMAN, BRIAN (CAT) <[Brian.Crossman@sfcityatty.org](mailto:Brian.Crossman@sfcityatty.org)>; Fossi, Natalia (CPC) <[Natalia.Fossi@sfgov.org](mailto:Natalia.Fossi@sfgov.org)>; Greene, Matthew (DBI) <[matthew.greene@sfgov.org](mailto:matthew.greene@sfgov.org)>; Hannan, Patrick (DBI) <[patrick.j.hannan@sfgov.org](mailto:patrick.j.hannan@sfgov.org)>; Hasbun, Carmen (DBI) <[carmen.hasbun@sfgov.org](mailto:carmen.hasbun@sfgov.org)>; Lamarre, Julie (BOA) <[julie.lamarre@sfgov.org](mailto:julie.lamarre@sfgov.org)>; Longaway, Alec (BOA) <[alec.longaway@sfgov.org](mailto:alec.longaway@sfgov.org)>; MAINARDI, JESSE (CAT)

<[Jesse.Mainardi@sfcityatty.org](mailto:Jesse.Mainardi@sfcityatty.org)>; Mejia, Xiomara (BOA) <[xiomara.mejia@sfgov.org](mailto:xiomara.mejia@sfgov.org)>; Ospital, Joseph (DBI) <[joseph.ospital@sfgov.org](mailto:joseph.ospital@sfgov.org)>; Parinas, Suzette (CPC) <[Suzette.Parinas@sfgov.org](mailto:Suzette.Parinas@sfgov.org)>; CPC.Intake <[CPC.Intake@sfgov.org](mailto:CPC.Intake@sfgov.org)>; Samarasinghe, Giles (DBI) <[giles.samarasinghe@sfgov.org](mailto:giles.samarasinghe@sfgov.org)>; Sider, Dan (CPC) <[dan.sider@sfgov.org](mailto:dan.sider@sfgov.org)>; Tam, Tina (CPC) <[tina.tam@sfgov.org](mailto:tina.tam@sfgov.org)>; Watty, Elizabeth (CPC) <[elizabeth.watty@sfgov.org](mailto:elizabeth.watty@sfgov.org)>

**Subject:** APPEAL FILED NO. 25-020 @ 874 FELL STREET

Alec Longaway  
Legal Assistant, San Francisco Board of Appeals  
49 South Van Ness, Suite 1475  
San Francisco, CA 94103  
Work PH: 1-628-652-1152  
Cell: 1-415-746-0119

The Board's physical office is open to the public by appointment only. Please email [boardofappeals@sfgov.org](mailto:boardofappeals@sfgov.org) or call 628-652-1150 if you would like to meet with a staff member.

All documents and emails submitted to the Board Office are public records. You are advised to redact information if you want it to remain confidential. Please contact the Board Office if you need assistance.

## **Last complaint made with DBI and Planning.**

### **DBI Complaint 202533007 and Record 2025-000389ENF:**

Just last week, Mr. Cushner filed a complaint alleging a violation of ongoing construction work in the carriage house at 874 Fell Street. He claimed and filed to have last observed construction activities on January 14th 12:20pm 2025. On that day and time of the alleged violation, three city inspectors/planners, Elizabeth Gordon, Kat Yi, Rogelio Baeza were on-site for the UDU process. They verified that no construction was or had occurred on the carriage house. Specifically, I sought to address and close an active false complaint (202289742) that Mr. Cushner had filed 2 years ago, falsely claiming I was "undermining the foundation at 606-610 Steiner." Inspector Rogelio Baeza kindly agreed to inspect the carriage house at the property line, confirmed that no foundation undermining had occurred as alleged, and took photographs to verify that no construction work was ongoing or had been conducted.

Mr. Cushner appears to have used the construction of a new fence with my left neighbor as a claim of unauthorized construction on the carriage house, twisting the situation to support his unfounded complaint. From his apt windows and deck, he could see us working on a new fence on my left property line, and not doing construction work at the carriage house. He can see inside the carriage house as pictures included in his ZADs demonstrate. Yet, he decided to manipulate circumstances into false allegations, thereby again misusing city resources and unjustly targeting me and my properties.

Inspector David Lara Araiza will have to come for a site inspection to see that the complaint is false, as did the Elizabeth Gordon, Kat Yi, and Rogelio Baeza on the Jan 14<sup>th</sup> site visit, and then close the complaint. This is another example that shows Mr. Cushner is wasting City resources and has no credibility.

### **Impact on City Resources:**

Each baseless complaint necessitates administrative processing, site inspections, and report generation, diverting city resources from addressing legitimate concerns.

Same with his constant record requests, applications/demands for reviews of matters that have been settled already.

I have provided indisputable proof that Mr. Cushner has a history of providing false information, misrepresenting, twisting facts, and flat out not telling the truth.

He has been proven not credible.

I urge SF Planning and DBI to take this into account from now on.

Thank you for your consideration.

Sincerely,

Eric Roussel



## **Desperate Attempts to Obstruct the carriage house.**

Mr. Cushner's pattern of filing complaints appears to escalate in January 2024. Mr. Cushner filed two serious false complaints on Jan 24 2024, right after being notified that I had applied for and received approval for the revision on the carriage house on January 18, 2024. The approval, CP-ZOC 1/18/24, involved removing the proposed basement from the scope of work in revision 202011309847.

This timing further supports the assertion that Mr. Cushner's actions are deliberately aimed at obstructing the carriage house project. It only took six days for Mr. Cushner to file a series of very serious, though demonstrably false, complaints on not just 874 Fell Street, but also at 905 Ashbury Street. He seems to have been counting on serious outrageous complaints to provoke a swift reaction and investigation from the city, effectively delaying or halting my project while the city investigated his claims.

This clearly demonstrates a desperate attempt to obstruct.

## **Suspicious Sudden Filing of 2 Complaints on 2 properties.**

On January 24, 2024, just 6 days after approval of the carriage house revision, Mr. Cushner filed two very serious consecutive complaints for two different buildings. He had to get a quick and sure reaction from the city to investigate, so he deliberately filed false huge violations:

### **1. Complaint 2024-000871ENF for 874 Fell Street:**

- Alleged illegal division of the building into 10 units, claiming it should have no more than 5 units plus one Accessory Dwelling Unit (ADU).
- Asserted that approximately 30 people were residing in the building.
- Accused me of renting the UDU as a two-bedroom apartment for six people.
- **Reality:** The property is legally a 9-unit building, not 5; it houses 10 tenants, not 30, on annual leases, as confirmed by city records and subsequent inspections. The UDU was occupied by me and my wife, not 6 people.
- Everything he reported as a violation was false. (The UDU was a well know issue already)

### **2. Complaint 2024-000877ENF for 905 Ashbury Street:**

- Claimed that in a building zoned for only 4 units, I had illegally added a 5th unit by installing a refrigerator and sink in a bedroom closet.
- Alleged that the property was accommodating at least 21 guests/renters in a home zoned for no more than three families (RH-3).
- **Reality:** The property is legally a 5-unit building, not just 4; it houses 11 tenants, not 21, on annual leases, as verified by official records and inspections. Everything he reported as a violation was false.

## **Was he admonished for such blatant falsehoods? Is he still considered credible?**

Note: It is particularly suspicious and telling that Mr. Cushner filed complaints against 874 Fell, and 905 Ashbury almost 2 miles away, at the same time.

On Tue, Jan 21, 2025 at 12:45 PM Eric Roussel <[ericsfca@gmail.com](mailto:ericsfca@gmail.com)> wrote:

To The SF Planning Department, and SF DBI.

I am writing to formally address a troubling pattern of behavior exhibited by my neighbor, Mr. Ari Cushner of 606 Steiner Street. Mr. Cushner has been persistently emailing twisted facts, filing unfounded and misleading complaints against my properties at 874 Fell Street, 905 Ashbury Street, and 1344 Clayton Street. His actions not only lack merit but also suggest an unhealthy obsession with my affairs, specifically with obstructing the rebuilding of the carriage house at 874 Fell Street, leading to unnecessary strain on city resources.

### **Obsessive Fixation on Obstructing the Carriage House:**

Mr. Cushner's actions demonstrate a clear and disturbing fixation on preventing the reconstruction of the carriage house at 874 Fell Street. This obsession manifests in a pattern of relentless and unfounded claims and complaints, seemingly designed to impede progress at every turn. It is important to understand that the scope reduction I chose in 2024, eliminating the proposed basement, was a direct result of his vocal opposition and concerns for damaging or undermining his building foundation. In an attempt to address his concerns, avoid potential legal action, and get the carriage house project going... I offered to abandon the basement plan entirely (I had already reduced the size of the basement before once, but that didn't seem to appease him) and communicated this decision to him directly via email. Despite this revision, his campaign of harassment continued.

### **Pattern of Obsessive and Malicious Behavior:**

1. **Limited Personal Interaction:** Despite our minimal interaction, a brief two-minute encounter, Mr. Cushner has demonstrated an unusual and intrusive interest in me and my properties. He has independently identified and targeted two other properties I own, almost 2 miles away, without any disclosure from me. This suggests an abnormal preoccupation with my affairs that go beyond normal neighborly concern. Btw, he claims I am a licensed contractor. I am not.
2. **Extensive Knowledge of City Planning Codes:** Mr. Cushner exhibits a comprehensive understanding of city planning codes, records, and processes. His application of this knowledge appears to be solely directed toward trying to obstruct my carriage house project. It also gives no doubt that Mr Cushner is aware that his complaints are fabricated/false when they are. Especially when he files violations such as 874 Fell has been illegally converted from 5 legal units to 10... He knows it's not true, yet he filed that.
3. **Hiding Behind Anonymity:** Mr. Cushner's conduct is characterized by a lack of transparency and a disturbing tendency to operate in the shadows. This was evident when he attended my appeal hearing regarding the UDU at 874 Fell Street and had to give a name reluctantly under the alias "Good Citizen," rather than identifying himself openly. This behavior raises serious concerns about his motives and his willingness to engage in subterfuge to achieve his objectives. He seems to prefer covert manipulation to open and honest communication.

My supervisor, Jonathan Chui, along with Kelly from City Planning and her team, will be participating in this inspection.

Could you please provide your availability for the following dates? March 17, 18, 19, 20, 21, and March 24, 25, 26, 27, 28.

Thank you for your assistance.

Best regards,  
David Lara Araiza  
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---

**From:** Eric Roussel <[ericsfca@gmail.com](mailto:ericsfca@gmail.com)>  
**Sent:** Monday, March 10, 2025 2:36:27 PM  
**To:** Lara Araiza, David (DBI) <[David.LaraAraiza@sfgov.org](mailto:David.LaraAraiza@sfgov.org)>  
**Subject:** Re: Carriage house at 874 Fell.

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

Hello David,

Please have Elizabeth be the one to judge if it's a remodeling or new construction. She is the current Planning Team manager for my district. So, she is definitely qualified.

Report for: **874 FELL ST**

Parcel (Block/Lot)	Parcel History	Address(es) for this Parcel	Reports
0822/019	874 fell st, San Francisco, CA 94117	Assessor Summary <a href="#">Assessor Recorded Documents</a> Secured Property Tax Rolls	

**Current Planning Team**

Team Manager: [elizabeth.gordon-jonckheer@sfgov.org](mailto:elizabeth.gordon-jonckheer@sfgov.org)

She was CCed in this email as [elizabeth.gordon-jonckheer@sfgov.org](mailto:elizabeth.gordon-jonckheer@sfgov.org)

Funny thing. She was at 874 Fell st with Rogelio and Kat (For my UDU permit situation) on the exact day and time the neighbor claimed I was doing construction work in the carriage house. Rogelio took pictures then. Like yours, it will show that no construction work happened and that nothing has changed since last time you guys came on the site.

Let me know when you have a tentative date for everybody to come. I'll try to get my fence neighbor and a tenant of mine to join too. I'll be able to make it work for me. I work for myself...

Thanks,

Eric

---

**From:** Lara Araiza, David (DBI) <[David.LaraAraiza@sfgov.org](mailto:David.LaraAraiza@sfgov.org)>  
**Sent:** Wednesday, March 12, 2025 1:08 PM  
**To:** Eric Roussel <[ericsfca@gmail.com](mailto:ericsfca@gmail.com)>  
**Cc:** Chiu, Jonathan (DBI) <[jonathan.chiu@sfgov.org](mailto:jonathan.chiu@sfgov.org)>; Wong, Kelly (CPC) <[kelly.wong@sfgov.org](mailto:kelly.wong@sfgov.org)>; Baeza, Rogelio (CPC) <[rogelio.baeza@sfgov.org](mailto:rogelio.baeza@sfgov.org)>  
**Subject:** Re: Scheduling Combined Field Inspection

Hi all,

I would appreciate it if we could all confirm our availability for the proposed meeting on the 20th?

This will allow us to make the necessary arrangements in our schedules to accommodate the time required for the visit.

Regards,

David Lara Araiza

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**From:** Eric Roussel <[ericsfca@gmail.com](mailto:ericsfca@gmail.com)>  
**Sent:** Wednesday, March 12, 2025 12:39:59 PM  
**To:** Lara Araiza, David (DBI) <[David.LaraAraiza@sfgov.org](mailto:David.LaraAraiza@sfgov.org)>  
**Cc:** Chiu, Jonathan (DBI) <[jonathan.chiu@sfgov.org](mailto:jonathan.chiu@sfgov.org)>; Wong, Kelly (CPC) <[kelly.wong@sfgov.org](mailto:kelly.wong@sfgov.org)>; Baeza, Rogelio (CPC) <[rogelio.baeza@sfgov.org](mailto:rogelio.baeza@sfgov.org)>  
**Subject:** Re: Scheduling Combined Field Inspection

Hello David,

I agree, it would be best to have everyone at the same time.

Let's do March 20th.

What permit # or/and official request/purpose would be involved for that inspection?

Thanks,

Eric

On Tue, Mar 11, 2025 at 4:33 PM Lara Araiza, David (DBI) <[David.LaraAraiza@sfgov.org](mailto:David.LaraAraiza@sfgov.org)> wrote:

Dear Erick,

Following our recent phone conversation, I would like to inform you that the City Planning and Building Inspection departments are planning to conduct a combined field inspection to assess the carriage house at the rear of your property. Having representatives from both agencies present simultaneously will be advantageous.

---

## RE: Scheduling Combined Field Inspection

---

**From** Baeza, Rogelio (CPC) <rogelio.baeza@sfgov.org>

**Date** Wed 3/12/2025 3:02 PM

**To** Lara Araiza, David (DBI) <David.LaraAraiza@sfgov.org>; Chiu, Jonathan (DBI) <jonathan.chiu@sfgov.org>; Eric Roussel <ericsfca@gmail.com>

**Cc** Wong, Kelly (CPC) <kelly.wong@sfgov.org>

Hi All,

We can schedule the site visit for 11 AM on March 20. Please confirm that this time works for everyone.

Thank you,

**Rogelio Baeza, Planner**

**Team 9 & 10/Code Enforcement, Current Planning**

San Francisco Planning

49 South Van Ness Avenue, Suite 1400, San Francisco, CA 94103

Direct: 628.652.7369 | [www.sfplanning.org](http://www.sfplanning.org)

[San Francisco Property Information Map](#)

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**From:** Lara Araiza, David (DBI) <David.LaraAraiza@sfgov.org>

**Sent:** Wednesday, March 12, 2025 1:52 PM

**To:** Chiu, Jonathan (DBI) <jonathan.chiu@sfgov.org>; Eric Roussel <ericsfca@gmail.com>

**Cc:** Wong, Kelly (CPC) <kelly.wong@sfgov.org>; Baeza, Rogelio (CPC) <rogelio.baeza@sfgov.org>

**Subject:** Re: Scheduling Combined Field Inspection

@ Jonathan. Correct, it's for 874 Fell st.

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**From:** Chiu, Jonathan (DBI) <[jonathan.chiu@sfgov.org](mailto:jonathan.chiu@sfgov.org)>

**Sent:** Wednesday, March 12, 2025 1:50:23 PM

**To:** Lara Araiza, David (DBI) <[David.LaraAraiza@sfgov.org](mailto:David.LaraAraiza@sfgov.org)>; Eric Roussel <[ericsfca@gmail.com](mailto:ericsfca@gmail.com)>

**Cc:** Wong, Kelly (CPC) <[kelly.wong@sfgov.org](mailto:kelly.wong@sfgov.org)>; Baeza, Rogelio (CPC) <[rogelio.baeza@sfgov.org](mailto:rogelio.baeza@sfgov.org)>

**Subject:** RE: Scheduling Combined Field Inspection

Hi all,

The date 3/20 works for me. Just to confirm, this is for 874 Fell St?

Jonathan Chiu

Senior Building Inspector

(628) 652-3646

[jonathan.chiu@sfgov.org](mailto:jonathan.chiu@sfgov.org)

*Department of Building Inspection*

*49 South Van Ness Ave, 4<sup>th</sup> fl*

## **BRIEF SUBMITTED BY PLANNING DEPARTMENT**



# BOARD OF APPEALS BRIEF

**HEARING DATE: September 24, 2025**

September 18, 2025

**Appeal Nos.:** 25-5  
**Project Address:** 874 Fell Street  
**Block/Lot:** 0822/019  
**Zoning District:** RM-1 (Residential-Mixed, Low Density)  
Family and Senior Housing Opportunity Special Use District  
**Height District:** 40-X  
**Staff Contact:** Corey Teague, Zoning Administrator – (628) 652-7328  
[corey.teague@sfgov.org](mailto:corey.teague@sfgov.org)

## Introduction

The City did not intentionally or inadvertently caused the requestor to be late in filing the appeal for the Notice of Violation and Penalty Decision (NoVPD) issued on December 2, 2024, per Case No. 2024-000871ENF. The NoV itself, provided as part of the appeal filing, provides the background and details of the actual violation.

## Timeline of Events

The following timeline is provided to communicate key events and actions in sequential order:

1. 1/24/24: Enforcement case opened for the subject property.
2. 4/16/24: Notice of Enforcement issued to the property owner at the 874 Fell Street address.
3. 7/22/24: Notice of Violation issued to the property owner at the 874 Fell Street address.
4. 8/21/24: The Appellant filed a request for a Zoning Administrator (ZA) appeal hearing.
5. 10/16/24: ZA appeal hearing held. The Appellant's representative (Brett Gladstone) was informed that a final NoVPD would be issued in approximately 30 days.
6. 12/2/24: The final NoVPD was issued to the property owner at the 874 Fell Street address. Such notices are sent through the US Post Office as certified mail. While there is no printed name on the certified mail receipt, it does show that the notice was accepted at 874 Fell Street on December 4, 2025, and that someone signed for it (Exhibit A).
7. 12/9/24: The assigned planner emailed the Appellant and both representatives to follow up on the required next steps and provided a digital copy of the 12/2/24 NoVPD. Brian de los Santos replied to this email on the same day, confirming receipt (Exhibit B).
8. 2/7-10/25: The Appellant emailed the assigned planner asking how to pay the outstanding enforcement fees, and the planner responded, including specific deadlines and the fact that administrative fees would be assessed if those deadlines were missed (Exhibit C).

The Appellant states they informed the Planning Department that they no longer lived at the subject property (as of August 2024) prior to the issuance of the NoVPD. However, the Appellant also states that they did not provide a new mailing address. Additionally, the Department was in contact with the



Appellant and their representatives continuously through the process, including the December 9<sup>th</sup> email that provided a copy of the issued NoVPD.

After the appeal deadline passed, the Appellant was heavily engaged with the Department without ever questioning the timing of its issuance or his desire to appeal, including a Planning Department site visit on January 14, 2025, and the email exchange with the assigned planner in February 2025. Finally, the Planning Department relies on property owner information and addresses provided by the Assessor-Recorder's office, which is updated approximately every 6 months. As of the date of this brief, that data continues to list the Appellant's mailing address as 874 Fell Street.

## **Conclusion**

The Planning Department followed all standard procedures for issuing the final NoVPD, the Appellant never provided the Department with a different mailing address or specifically requested that mailings go to a new address. Additionally, the Appellant and their representatives were clearly aware of the issuance of the NoVPD both during and after the appeal period, and the Appellant sought guidance on paying the enforcement fees established in the NoVPD. Yet this Jurisdiction Request was not filed until May 12, 2025.

Therefore, the City did not intentionally or inadvertently cause the requestor to be late in filing the appeal for the NoVPD and the Department respectfully requests that the Jurisdiction Request be denied.

cc: Eric Roussel (Appellant – Property Owner)

Enclosures: Exhibit A – NoVPD Certified Mail Receipt  
Exhibit B – Emails from December 2024  
Exhibit C – Emails from February 2025

## EXHIBIT A

**SENDER: COMPLETE THIS SECTION**

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

1. Article Addressed to:

**Property Owner**  
Roussel Eric  
874 Fell Street  
San Francisco, CA 94117



9590 9402 5711 9346 5790 74

2. Article Number (Transfer from service label)

7019 2970 0001 5184 2093

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

X

- ☐ Agent
- ☐ Addressee

B. Received by (Printed Name)

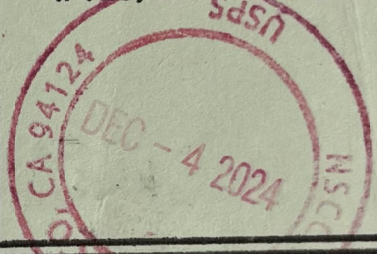
C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes  
If YES, enter delivery address below: ☐ No

3. Service Type

- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☒ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery
- ☐ Insured Mail
- ☐ Registered Mail Restricted Delivery (\$500)

- ☐ Priority Mail Express®
- ☐ Registered Mail™
- ☐ Registered Mail Restricted Delivery
- ☐ Return Receipt for Merchandise
- ☒ Signature Confirmation™
- ☐ Signature Confirmation Restricted Delivery



## **EXHIBIT B**

**From:** [Baeza, Rogelio \(CPC\)](#)  
**To:** [Teague, Corey \(CPC\)](#)  
**Subject:** FW: [SF Planning Information Counter] Re: Incomplete Application Notice II - 874 Fell Street - 2024-007197PRJ & 2024-000871ENF  
**Date:** Monday, May 12, 2025 11:29:04 AM  
**Attachments:** [Ltr Authorization for PRJ 874 Fell- SIGNED.pdf](#)

---

Hi Corey,

Please see the below response after the NOVPD was issued and attached to the email sent owner (Eric Roussel) and, at the time, owner counsel (Brett Gladstone and Brian De Los Santos).

Thank you,

**Rogelio Baeza, Planner**  
**Team 9 & 10/Code Enforcement, Current Planning**  
San Francisco Planning  
49 South Van Ness Avenue, Suite 1400, San Francisco, CA 94103  
Direct: 628.652.7369 | [www.sfplanning.org](http://www.sfplanning.org)  
[San Francisco Property Information Map](#)

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**From:** Brian de los Santos <[bdelossantos@g3mh.com](mailto:bdelossantos@g3mh.com)>  
**Sent:** Monday, December 9, 2024 3:15 PM  
**To:** Baeza, Rogelio (CPC) <[rogelio.baeza@sfgov.org](mailto:rogelio.baeza@sfgov.org)>  
**Cc:** M. Brett Gladstone <[BGladstone@g3mh.com](mailto:BGladstone@g3mh.com)>; Eric Roussel <[ericssfca@gmail.com](mailto:ericssfca@gmail.com)>  
**Subject:** Fw: [SF Planning Information Counter] Re: Incomplete Application Notice II - 874 Fell Street - 2024-007197PRJ & 2024-000871ENF

Rogelio - I sent the required authorization letter to Jennifer Lung's attention at the CPC intake email last week. See the attached above and my email to Jennifer below your request email sent today.

Brian Hession de los Santos, Paralegal

Goldstein, Gellman, Melbostad, Harris & McSparran, llp

1388 Sutter Street, #1000 (10th Flr.)

San Francisco, CA 94109-5494

Tel: 415/673-5600, ext. 245

Fax: 415/673-5606

Email: [bdelossantos@g3mh.com](mailto:bdelossantos@g3mh.com)

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**From:** Baeza, Rogelio (CPC) <[rogelio.baeza@sfgov.org](mailto:rogelio.baeza@sfgov.org)>

**Sent:** Monday, December 9, 2024 2:39 PM

**To:** CPC Intake <[cpc.intake+id1ZKGDG-REPZD@sfpic.zendesk.com](mailto:cpc.intake+id1ZKGDG-REPZD@sfpic.zendesk.com)>; Eric Roussel <[ericsfca@gmail.com](mailto:ericsfca@gmail.com)>

**Cc:** M. Brett Gladstone <[BGladstone@g3mh.com](mailto:BGladstone@g3mh.com)>; Brian de los Santos <[bdelossantos@g3mh.com](mailto:bdelossantos@g3mh.com)>

**Subject:** RE: [SF Planning Information Counter] Re: Incomplete Application Notice - 874 Fell Street - 2024-007197PRJ & 2024-000871ENF

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi All,

As a reminder, the expectation of submitting the missing materials are 15 days from the date of request. In this case, intake staff noted that the missing material is the Letter of Authorization on December 4 and should be responded and submitted no later than COB Thursday, December 19.

I have also attached the NOVPD (issued on 12/2) for your reference.

Thank you,

**Rogelio Baeza, Planner**

**Team 9 & 10/Code Enforcement, Current Planning**

San Francisco Planning

49 South Van Ness Avenue, Suite 1400, San Francisco, CA 94103

Direct: 628.652.7369 | [www.sfplanning.org](http://www.sfplanning.org)

[San Francisco Property Information Map](#)

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**From:** Brian de los Santos <[bdelossantos@g3mh.com](mailto:bdelossantos@g3mh.com)>

**Sent:** Thursday, December 5, 2024 11:22 AM

**To:** CPC Intake <[cpc.intake+id1ZKGDG-REPZD@sfpic.zendesk.com](mailto:cpc.intake+id1ZKGDG-REPZD@sfpic.zendesk.com)>

**Subject:** Re: [SF Planning Information Counter] Re: Incomplete Application Notice II - 874 Fell Street - 2024-007197PRJ & 2024-000871ENF

Hi Jennifer:

Here is the signed Authorization letter for the project's file.

Brian Hession de los Santos, Paralegal

Goldstein, Gellman, Melbostad, Harris & McSparran, llp

1388 Sutter Street, #1000 (10th Flr.)

San Francisco, CA 94109-5494

Tel: 415/673-5600, ext. 245

Fax: 415/673-5606

Email: [bdelossantos@g3mh.com](mailto:bdelossantos@g3mh.com)

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**From:** (CPC) Lung, Jennifer (CPC Intake) <[cpc.intake@sfpic.zendesk.com](mailto:cpc.intake@sfpic.zendesk.com)>

**Sent:** Friday, November 22, 2024 9:44 AM

**To:** Eric Roussel <[ericsfca@gmail.com](mailto:ericsfca@gmail.com)>

**Cc:** M. Brett Gladstone <[BGladstone@g3mh.com](mailto:BGladstone@g3mh.com)>; Baeza, Rogelio (CPC) <[rogelio.baeza@sfgov.org](mailto:rogelio.baeza@sfgov.org)>;

## EXHIBIT C



**From:** [Baeza, Rogelio \(CPC\)](#)  
**To:** [Teague, Corey \(CPC\)](#)  
**Subject:** FW: Planning Approval Letter - 874 Fell St - 2024-007197PRJ  
**Date:** Monday, May 12, 2025 11:32:48 AM

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Hi Corey,

See below for the owner acknowledgement.

Thank you,

**Rogelio Baeza, Planner**  
**Team 9 & 10/Code Enforcement, Current Planning**  
San Francisco Planning  
49 South Van Ness Avenue, Suite 1400, San Francisco, CA 94103  
Direct: 628.652.7369 | [www.sfplanning.org](http://www.sfplanning.org)  
[San Francisco Property Information Map](#)

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**From:** Eric Roussel <ericsfca@gmail.com>  
**Sent:** Tuesday, February 11, 2025 2:10 PM  
**To:** Baeza, Rogelio (CPC) <rogelio.baeza@sfgov.org>  
**Subject:** Re: Planning Approval Letter - 874 Fell St - 2024-007197PRJ

Hello Rogelio,

I just went to the Accela site. Couldn't find any bill to pay anywhere. Please help.  
Thank you!

Eric

On Mon, Feb 10, 2025 at 11:10 AM Baeza, Rogelio (CPC) <[rogelio.baeza@sfgov.org](mailto:rogelio.baeza@sfgov.org)> wrote:

Moving Kat to BCC.

Hi Eric,

Thank you for your email. I am adding the deadlines provided in the other email chain for your reference.

1. File the required building permit **within 7 days of this email** (by **COB Wednesday, February 12**).
2. Please make sure to provide the outstanding time and materials reflected on the NOVPD **within 7 days of this email** (by **COB Wednesday, February 12**).

- a. Please note that it has now been 65 days since the issued NOVPD. To date, the time and materials have not been paid.

If the above deadlines are not met, then **daily administrative penalties** will begin to accrue immediately on **Thursday, February 13**. As a reminder, the goal of enforcement is to bring the property back into compliance as quickly as possible.

Moreover, confirm a payment option below, the payment should be made by **COB Wednesday, February 12**:

## **PAYMENT OPTIONS**

Below are the current methods to pay the enforcement fee. **Kindly confirm which method works best for you.**

1. **Check.**

- a. Please make the check payable to "San Francisco Planning Department - Code Enforcement" and include on the memo field Enforcement Case No. 2024-000871ENF (874 Fell Street).

- b. Mail the check to:

San Francisco Planning Department  
49 South Van Ness Avenue, Suite 1400  
San Francisco, CA 94103.

Please email me an email confirmation when you mail the check.

2. **Credit Card.** You can pay by credit card online on our SF Planning Public Portal. If you already have an existing account, please let me know (and the email linked to that account) so we can link the fee to your existing account. If you do not have an account, follow the instructions below. See item (e) below regarding additional service fees.

- a. Please log on to: <https://aca-ccsf.accela.com/ccsf>

- b. Register an account using your email.

- c. **Send me the email you used. Staff will coordinate internally to link the invoice to your account.**

- d. Log back on and your balance will appear in My Records. This may take a couple of hours to register.

- e. Note there is no fee for Electronic Check (eCheck) payments and a 2.25% service fee for Credit Card payments.

3. **Kiosk (on 2<sup>nd</sup> Floor – next to the Permit Center Help Desk).** You have the option to pay by credit card and check (no cash) at one of the kiosks located on the 2<sup>nd</sup> floor of the Permit Center, 49 South Van Ness Avenue, San Francisco, CA 94103. **However, you must provide the assigned enforcement planner at least 48 hours advance notice prior to attempting to pay at the kiosk. We need to create an invoice and attach this to the enforcement record number, so that you can pay. Be sure to enter in the “dash” in the Enforcement record number when using the kiosk.**

Please make sure that the account has already been made prior to confirming the online payment option.

Thank you,

**Rogelio Baeza, Planner**  
**Team 9 & 10/Code Enforcement, Current Planning**  
San Francisco Planning  
49 South Van Ness Avenue, Suite 1400, San Francisco, CA 94103  
Direct: 628.652.7369 | [www.sfplanning.org](http://www.sfplanning.org)  
[San Francisco Property Information Map](#)

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**From:** Eric Roussel <[ericsfca@gmail.com](mailto:ericsfca@gmail.com)>  
**Sent:** Friday, February 7, 2025 2:58 PM  
**To:** Baeza, Rogelio (CPC) <[rogelio.baeza@sfgov.org](mailto:rogelio.baeza@sfgov.org)>  
**Cc:** Yi, Kat (CPC) <[kathryn.yi@sfgov.org](mailto:kathryn.yi@sfgov.org)>  
**Subject:** Re: Planning Approval Letter - 874 Fell St - 2024-007197PRJ

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

Hello Rogelio,

I submitted the application for F10 DUR permit using the PAL. Should be all good. At least I hope.

I'd like to pay my outstanding bill on the accelera site to keep track of things. How do I find a way to pay for it there? Couldn't find a "fee" option anywhere.

I suppose you need to add it manually. Please do; my email used there is [ericsfca@gmail.com](mailto:ericsfca@gmail.com).

Thanks,

Eric

# PUBLIC COMMENT

**From:** [Ari Cushner](#)  
**To:** [Eric Roussel](#)  
**Cc:** [SOTF \(BOS\)](#); [BoardofAppeals \(PAB\)](#); [Baeza, Rogelio \(CPC\)](#); [Wong, Kelly \(CPC\)](#); [Teague, Corey \(CPC\)](#); [Lara Araiza, David \(DBI\)](#); [Chiu, Jonathan \(DBI\)](#); [Birmingham, Kevin \(DBI\)](#); [Maher, Derek \(DBI\)](#); [Barahona, Luis \(DBI\)](#); [Sanbonmatsu, Jamie \(DBI\)](#); [Greene, Matthew \(DBI\)](#); [Somera, Alisa \(BOS\)](#); [Ionin, Jonas \(CPC\)](#)  
**Subject:** Re: Official Statement for SOTF (25039) and BOA (JD 25-5 / Appeal 25-020)  
**Date:** Thursday, June 26, 2025 7:33:00 AM  
**Attachments:** [image001.png](#)

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Dear SOTF, BOA, et al.,

I'm glad Mr. Roussel has my statement, which is meant to clarify - for all interested parties - that I have filed 10 complaints involving properties owned by him since 2022: 8 at 874 Fell, where I am an adjacent neighbor (3 PLN and 5 BLD), plus two at 905 Ashbury (1 PLN and 1 BLD). I offer this information because it is, or could be, germane to matters currently pending before the SOTF (25039) and BOA (JD 25-5 / Appeal 25-020). I aim to correct factual errors in reference to my complaints, to help the SOTF determine if PLN is withholding records related to me and help the BOA consider whether concerns about me are pertinent to the substance of Mr. Roussel's cases. As eager as I am to discuss the merits of my complaints and provide essential context, I recognize that doing so would not be relevant to these proceedings.

Thanks again,

On Wed, Jun 25, 2025 at 5:00 PM Eric Roussel <[ericsfca@gmail.com](mailto:ericsfca@gmail.com)> wrote:

**To Whom It May Concern,**

I am submitting this letter to highlight the extraordinary and troubling pattern of enforcement complaints initiated by Mr. Ari Cushner against me and my properties. The conduct in question does not align with any reasonable standard of neighbor concern, but instead reflects a strategic campaign of obstruction with no clear justification rooted in proximity, safety, or good-faith civic engagement.

Mr. Cushner has filed complaints about properties located **1.5 and even 1.7 miles from his residence**—far beyond any plausible zone of personal impact. These are not adjacent neighbors; these are targeted filings against properties he has no interaction with, except for his opposition to lawful development projects.

Even more telling is the timing of two major complaints—each covering a separate property—filed within **24 hours of each other**, just **five days after he learned** that I had received a revised permit for a carriage house project he has been aggressively trying to stop. This shows a clear retaliatory motive, not a genuine concern for zoning compliance or neighborhood quality of life.

The language used in these filings further underscores this intent: **exaggerated, implausible claims** such as “five units turned into ten” and “forty people living in the building illegally.” These assertions were not only false—they were constructed to provoke

maximum reaction from enforcement officials, drawing city resources into unnecessary investigations based on fabrications.

In sum, this is not civic oversight. It is weaponized enforcement—misusing Planning and Building Inspection channels to block development through volume, repetition, and manipulation.

I respectfully request that this pattern be considered when evaluating the credibility and purpose behind Mr. Cushner's complaints.

Sincerely,

**Eric Roussel**

---

**From:** SOTF (BOS) <[sotf@sfgov.org](mailto:sotf@sfgov.org)>

**Sent:** Tuesday, June 24, 2025 2:46 PM

**To:** Ari Cushner <[aricush@gmail.com](mailto:aricush@gmail.com)>; SOTF (BOS) <[sotf@sfgov.org](mailto:sotf@sfgov.org)>; BoardofAppeals (PAB) <[boardofappeals@sfgov.org](mailto:boardofappeals@sfgov.org)>

**Cc:** Baeza, Rogelio (CPC) <[rogelio.baeza@sfgov.org](mailto:rogelio.baeza@sfgov.org)>; Wong, Kelly (CPC) <[kelly.wong@sfgov.org](mailto:kelly.wong@sfgov.org)>; Teague, Corey (CPC) <[corey.teague@sfgov.org](mailto:corey.teague@sfgov.org)>; Lara Araiza, David (DBI) <[David.LaraAraiza@sfgov.org](mailto:David.LaraAraiza@sfgov.org)>; Chiu, Jonathan (DBI) <[jonathan.chiu@sfgov.org](mailto:jonathan.chiu@sfgov.org)>; Birmingham, Kevin (DBI) <[kevin.birmingham@sfgov.org](mailto:kevin.birmingham@sfgov.org)>; Maher, Derek (DBI) <[derek.maher@sfgov.org](mailto:derek.maher@sfgov.org)>; Barahona, Luis (DBI) <[luis.barahona@sfgov.org](mailto:luis.barahona@sfgov.org)>; Sanbonmatsu, Jamie (DBI) <[jamie.sanbonmatsu@sfgov.org](mailto:jamie.sanbonmatsu@sfgov.org)>; Greene, Matthew (DBI) <[matthew.greene@sfgov.org](mailto:matthew.greene@sfgov.org)>; Somera, Alisa (BOS) <[alisa.somera@sfgov.org](mailto:alisa.somera@sfgov.org)>; Ionin, Jonas (CPC) <[jonas.ionin@sfgov.org](mailto:jonas.ionin@sfgov.org)>; [ericssfca@gmail.com](mailto:ericssfca@gmail.com) <[ericssfca@gmail.com](mailto:ericssfca@gmail.com)>

**Subject:** RE: Official Statement for SOTF (25039) and BOA (JD 25-5 / Appeal 25-020)

Hello, Dr. Cushner –

The updated public comment [below] will be added to **File 25039**.

Thank you.

*Patricia Petersen* (she/her)

Assistant Clerk

Board of Supervisors

1 Dr. Carlton B. Goodlett Place, Room 244

Telephone 415-554-7719 | Fax 415-554-5163

[sotf@sfgov.org](mailto:sotf@sfgov.org) | [www.sfbos.org](http://www.sfbos.org)



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**From:** Ari Cushner <[aricush@gmail.com](mailto:aricush@gmail.com)>

**Sent:** Tuesday, June 24, 2025 12:15 PM

**To:** SOTF (BOS) <[sotf@sfgov.org](mailto:sotf@sfgov.org)>; BoardofAppeals (PAB) <[boardofappeals@sfgov.org](mailto:boardofappeals@sfgov.org)>

**Cc:** Baeza, Rogelio (CPC) <[rogelio.baeza@sfgov.org](mailto:rogelio.baeza@sfgov.org)>; Wong, Kelly (CPC) <[kelly.wong@sfgov.org](mailto:kelly.wong@sfgov.org)>;

Teague, Corey (CPC) <[corey.teague@sfgov.org](mailto:corey.teague@sfgov.org)>; Lara Araiza, David (DBI)

<[David.LaraAraiza@sfgov.org](mailto:David.LaraAraiza@sfgov.org)>; Chiu, Jonathan (DBI) <[jonathan.chiu@sfgov.org](mailto:jonathan.chiu@sfgov.org)>; Birmingham,

Kevin (DBI) <[kevin.birmingham@sfgov.org](mailto:kevin.birmingham@sfgov.org)>; Maher, Derek (DBI) <[derek.maher@sfgov.org](mailto:derek.maher@sfgov.org)>;

Barahona, Luis (DBI) <[luis.barahona@sfgov.org](mailto:luis.barahona@sfgov.org)>; Sanbonmatsu, Jamie (DBI)

<[jamie.sanbonmatsu@sfgov.org](mailto:jamie.sanbonmatsu@sfgov.org)>; Greene, Matthew (DBI) <[matthew.greene@sfgov.org](mailto:matthew.greene@sfgov.org)>

**Subject:** Re: Official Statement for SOTF (25039) and BOA (JD 25-5 / Appeal 25-020)

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Hello again,

I inadvertently omitted an item from my public comment (statement) emailed on 6/20/25. Below is an updated statement, with the previously omitted item highlighted in yellow:

I have initiated three SF Planning Department complaints regarding unpermitted construction, unauthorized ILO rentals, and life-safety hazards at 874 Fell Street, owned by Eric Roussel:

- **2022-000580ENF** - Opened in January 2022 and closed in July 2022
- **2024-000871ENF** - Opened January 2024 and tied to an **NOV** and **Abatement Order**
- **2025-000389ENF** - Opened in January 2025 and closed in May 2025

\* Please note that **2024-001479 ENF**, which was opened and closed by the Planning Department on 2/20/2024, was not initiated by me; I made no STR allegation in 2024-000871ENF.

I have initiated one SF Planning Department complaint regarding unauthorized ILO rentals at 905 Ashbury Street, owned by Mr. Roussel:

- **2024-000877ENF** - Opened in January 2024 and closed in January 2025

I have initiated five complaints with the San Francisco Department of Building Inspection regarding unpermitted construction, unauthorized ILO rentals, and life-safety hazards at 874 Fell Street, owned by Mr. Roussel:

- **202288770** - Opened in March 2022 and closed in June 2022
- **202289742** - Opened in April 2022 - **Correction Notice** issued on 4/15/2022
- **202418595** - Opened in January 2024 - **NOV** issued on 2/14/2024
- **202418522** - Opened in January 2024 and closed in March 2024
- **202533007** - Opened in January 2025 - **Correction Notice** issued on 4/24/2025

I have initiated one complaint with the San Francisco Department of Building Inspection regarding unauthorized ILO rentals at 905 Ashbury Street, owned by Mr. Roussel: • • • **202418460** - Opened in January 2024 and closed in January 2025

\* Please note that my father, John Cushner, has initiated two DBI complaints regarding unpermitted construction at 874 Fell Street, owned by Mr. Roussel:

- **201058035** - Opened and closed in July 2010
- **201061072** - Opened in August 2010 - **NOV #1**, 8/05/10; **NOV #2**, 8/21/12, **Abatement Order** issued 6/21/2013

I have neither initiated nor had involvement in any other Planning or DBI complaints regarding property owned by Mr. Roussel, besides those listed above. If requested, I would be more than happy to provide further details and answer any questions about these complaints, or related issues.

Thanks,

On Fri, Jun 20, 2025 at 5:59 PM Ari Cushner <[aricush@gmail.com](mailto:aricush@gmail.com)> wrote:

To whom it may concern,

I have important information relevant to issues pending before both the San Francisco Sunshine Ordinance Task Force and the San Francisco Board of Appeals. Please enter the following statement into the official records for SOTF File No. 25039, as well as BOA Jurisdiction Request No. 25-5 and Appeal No. 25-020:

I have initiated three SF Planning Department complaints regarding unpermitted construction, unauthorized ILO rentals, and life-safety hazards at 874 Fell Street, owned by Eric Roussel:

- **2022-000580ENF** - Opened in January 2022 and closed in July 2022
- **2024-000871ENF** - Opened January 2024 and tied to an **NOV** and **Abatement Order**
- **2025-000389ENF** - Opened in January 2025 and closed in May 2025

\* Please note that **2024-001479ENF**, which was opened and closed by the Planning Department on 2/20/2024, was not initiated by me; I made no STR allegation in 2024-000871ENF.



I have initiated one SF Planning Department complaint regarding unauthorized ILO rentals at 905 Ashbury Street, owned by Mr. Roussel:

- **2024-000877ENF** - Opened in January 2024 and closed in January 2025

I have initiated five complaints with the San Francisco Department of Building Inspection regarding unpermitted construction, unauthorized ILO rentals, and life-safety hazards at 874 Fell Street, owned by Mr. Roussel:

- **202288770** - Opened in March 2022 and closed in June 2022
- **202289742** - Opened in April 2022 - **Correction Notice** issued on 4/15/2022
- **202418595** - Opened in January 2024 - **NOV** issued on 2/14/2024
- **202418522** - Opened in January 2024 and closed in March 2024
- **202533007** – Opened in January 2025 - **Correction Notice** issued on 4/24/2025

\* Please note that my father, John Cushner, has initiated two DBI complaints regarding unpermitted construction at 874 Fell Street, owned by Mr. Roussel:

- **201058035** – Opened and closed in July 2010
- **201061072** - Opened in August 2010 - **NOV #1**, 8/05/10; **NOV #2**, 8/21/12, **Abatement Order** issued 6/21/2013

I have neither initiated nor had involvement in any other Planning or DBI complaints regarding property owned by Mr. Roussel, besides those listed above. If requested, I would be more than happy to provide further details and answer any questions about these complaints, or related issues.

Thanks kindly,

Ari

--

Ari Nathan Cushner, PhD

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Ari

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Ari