San Francisco Planning

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

# NOTICE OF ENFORCEMENT

March 9, 2022

**Property Owner**
Holloway-Ramirez Revoc. Tr.
524 Vallejo Street
San Francisco, CA 94133

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| **Site Address:** | 524-526 Vallejo Street |
| **Assessor's Block/Lot:** | 0132 / 009 |
| **Complaint Number:** | 2022-000583ENF |
| **Zoning:** | RM-1 (Residential – Mixed, Low Density) Zoning District<br>40-X Height and Bulk District |
| **Code Violation:** | Section 317, Dwelling Unit Removal by Unauthorized Residential Merger |
| **Time and Materials Fee:** | $1,542 (Minimum Fee for Confirmed Violation, Additional Charges May Apply) |
| **Administrative Penalty:** | Up to $250 per Day of Violation |
| **Response Due:** | Within 15 Days from the Date of This Notice |
| **Enforcement Planner:** | Vincent W. Page II, (628) 652-7396, vincent.w.page.ii@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

The subject property is authorized for residential use with four dwelling units. The street addresses of the subject dwelling units are 524-526 Vallejo Street and 4-4A San Antonio Place. The violation pertains to the Removal of three dwelling units by means of Residential Conversion and Merger.[1,2] As confirmed during a site visit on March 7, 2022, the cooking facilities of units 524 Vallejo Street, 4 San Antonio Place, and 4A San Antonio Place were removed, and internal connections were established between all four units. Pursuant to Planning Code Section

[1] Pursuant to Planning Code Section 317(b)(1), "Residential Conversion" shall mean the removal of cooking facilities, change of occupancy (as defined and regulated by the Building Code), or change of use (as defined and regulated by the Planning Code), of any Residential Unit or Unauthorized Unit to a Non-Residential or Student Housing use.

[2] Pursuant to Planning Code Section 317(b)(7), "Residential Merger" shall mean the combining of two or more Residential or Unauthorized Units, resulting in a decrease in the number of Residential Units and Unauthorized Units within a building, or the enlargement of one or more existing units while substantially reducing the size of others by more than 25% of their original floor area, even if the number of units is not reduced. The Planning Commission may reduce the numerical element of this criterion by up to 20% of its value should it deem that adjustment is necessary to implement the intent of Section 317, to conserve existing housing and preserve affordable housing.

317(c)(1), any application for a permit that would result in the Removal of one or more Residential Units or Unauthorized Units is required to obtain Conditional Use Authorization. The subject units were removed by means of Residential Conversion and Merger without the benefit of a Building Permit or Conditional Use Authorization.

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

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

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

## How to Correct the Violation

The Planning Department requires that you immediately proceed to abate the violation by obtaining a Building Permit to either restore the unit or legalize its removal. This will require that you submit the following:

(1) **Plans.** New plan drawings are required to document the subject property in its as-built condition. If any work not shown in the approved plans for BP No. 2011.02.04.9686 occurred, it will need to be legalized or removed. For every relevant architectural view, three conditions must be shown: (1) prior to any construction ("as approved per BP No. 2011.02.04.9686"), (2) as it exists today ("as-built"), and (3) proposed. For architectural views where no unpermitted work took place, only one condition ("approved – no change") is needed. The plans must be prepared in accordance with the Planning Department's Plan Submittal Guidelines (sfplanning.org/resource/plan-submittal-guidelines) and should include the following drawings and details:

(a) **Site Plan.** Show the subject property, adjacent properties, the locations of all structures, the Required Rear Yard, sidewalk widths, planted areas, street trees, and curb cuts.

(b) **Floor and Roof Plans.** Show all rooms, walls, stairs, doors, and windows. Annotate the use of all rooms. Floor plans must show the three required conditions (approved, as-built, and proposed) for every floor level.

(c) **Exterior Elevations.** For the front (south) and left (west) building faces, show relationship between the building and grade. Indicate the type of building materials on all wall surfaces and for windows and doors. Show the grade plane as it relates to the building height. All significant measurements must be dimensioned. Elevations must show the three required conditions (approved, as-built, and proposed).

If you choose to restore the units by establishing physical independency and installing kitchens, no additional Planning Department applications would be required. A Building Permit to restore the dwelling units could likely

be approved over-the-counter. However, if you choose to legalize the units' Removal, the following materials will also be required:

(2) **Project Application (PRJ).** This form must be submitted for any work requiring Planning Department review. Please write under box 4b: "To comply with Planning Complaint No. 2022-000583ENF." Additional information and a link to the PDF form can be found here: sfplanning.org/resource/prj-application.

(3) **Conditional Use Authorization Supplemental (CUA).** Additional information and a link to the PDF form can be found here: sfplanning.org/resource/cua-supplemental.

(4) **Dwelling Unit Removal Supplemental (DUR).** Additional information and a link to the PDF form can be found here: sfplanning.org/resource/DURemoval-supplemental.

**Prior to formal submittal, you must send the prepared plan drawings to the Enforcement Planner noted above to confirm that they would address the violation. The Enforcement Planner will provide you with instructions to submit your Building Permit to the Planning Department.**

You will be responsible to comply with any requests for additional information, revisions, or additional applications. You will be required to pursue the corrective Building Permit Application such that it is approved, issued, and completed. The Planning Department reserves the right to determine whether you are demonstrating good faith toward addressing the violation. Your failure to demonstrate good faith, or to successfully abate the violation through the obtention of a Building Permit as noted above, will result in further enforcement action.

If you believe that the complaint was made in error, you will need to provide sufficient evidence. Evidence sufficient to demonstrate compliance may include, but is not limited to, dimensioned plans approved by the Planning Department and time-stamped photographs. A site visit will be required to verify compliance.

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

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

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: permitcenter@sfgov.org
Website: www.sfgov.org/dbi

For questions regarding the Planning process, please contact the Planning counter at the Permit Center at:

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

## 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 the issuance of a Notice of Violation by the Zoning Administrator. Administrative penalties of up to $250 per day will be assessed to the responsible party for each day beyond the timeline to respond provided for the Notice of Violation if the violation is not abated. The Notice of Violation 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 the Notice of Violation to the Board of Appeals. The Board of Appeals may not reduce the amount of penalty below $100 per day for each day the violation exists, excluding the period of time the matter was pending either before the Zoning Administrator or Board of Appeals.

## 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 **$1,542** for "Time and Materials" cost associated with the Code Enforcement investigation. **Please submit a check payable to "Planning Department Code Enforcement Fund" within fifteen (15) days from the date of this notice.** Additional fees may continue to accrue until the violation is abated. This fee is separate from the administrative penalties as noted above and is not appealable.

## Other Applications Under Planning Department Consideration

The Planning Department requires that 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 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.