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8 CITY AND COUNTY OF SAN FRANCISCO and  
PEOPLE OF THE STATE OF CALIFORNIA  
9

10 SUPERIOR COURT OF THE STATE OF CALIFORNIA

11 COUNTY OF SAN FRANCISCO

12 UNLIMITED JURISDICTION

13 CITY AND COUNTY OF SAN  
FRANCISCO, a Municipal Corporation; and  
14 the PEOPLE OF THE STATE OF  
CALIFORNIA, by and through David Chiu,  
15 City Attorney for the City and County of San  
Francisco,

16 Plaintiffs,

17 vs.

18 RAFAEL GARCIA SANCHEZ, an individual;  
19 and DOE ONE through DOE FIVE,

20 Defendants.  
21  
22  
23  
24

Case No.

**COMPLAINT FOR INJUNCTIVE AND  
OTHER RELIEF**

**(1) VIOLATION OF THE STATE HOUSING  
LAW (CAL. HEALTH AND SAFETY CODE §§  
17910-17980.9)**  
**(2) PUBLIC NUISANCE**  
**(3) VIOLATION OF THE SAN FRANCISCO  
BUILDING, ELECTRICAL, PLUMBING,  
PLANNING, HOUSING, AND HEALTH  
CODES**  
**(4) VIOLATION OF THE STATE UNFAIR  
COMPETITION LAW (CAL. BUSINESS AND  
PROFESSIONS CODE §§ 17200-17210)**

Type of Case:  
Other Complaint (42)

25 The City and County of San Francisco, a municipal corporation (“CITY”), and the People of  
26 the State of California, acting by and through San Francisco City Attorney David Chiu (“PEOPLE”),  
27 (collectively, “PLAINTIFFS”) file their Complaint against RAFAEL GARCIA SANCHEZ and Doe  
28 One through Doe Five (collectively, “DEFENDANTS”). PLAINTIFFS hereby allege as follows:

1 **INTRODUCTION**

2 1. This action arises out of DEFENDANTS’ ownership, maintenance, operation,  
3 management and use of the property located at 1465 Oakdale Ave, San Francisco, California, Block  
4 5324, Lot 017 (the “PROPERTY”) in violation of state and local health and safety codes, and as a  
5 public nuisance that substantially endangers the health, welfare, and safety of the PROPERTY’s  
6 occupants, tenants, neighbors, the neighborhood, and the City and County of San Francisco.

7 2. There are currently thirteen outstanding citations issued against DEFENDANTS by  
8 three CITY agencies. These include: (1) two citations from the Planning Department (“Planning”) for  
9 unauthorized group housing (an inspection revealed four unlawful dwelling units and unlawful group  
10 housing, among other violations); (2) three citations from the Department of Public Health (“DPH”)   
11 concerning pest infestations and mold growth; and (3) eight outstanding citations from the Department  
12 of Building Inspection (“DBI”) for the PROPERTY’s illegal group housing, failure to provide smoke  
13 and carbon monoxide detectors, pest infestations, mold growth, faulty electrical wiring, and work  
14 without permits, among other serious code violations.

15 3. DEFENDANTS have persistently failed to correct their cited violations, even in the  
16 face of CITY enforcement. At the time DEFENDANTS purchased the property, there was an  
17 outstanding Notice of Violation (“NOV”) for unlawful dwelling units and Health Code violations.  
18 DEFENDANTS failed to abate the violations. In July 2023, DBI, DPH, and Planning staff conducted  
19 a joint Task Force Inspection at the Property, and thereafter issued twelve NOVs, eleven of which  
20 remain outstanding. DBI declared the PROPERTY a public nuisance after holding two duly noticed  
21 public hearings in connection with the NOVs.

22 4. Further, DEFENDANTS continue to collect rent from at least fifteen tenants living in  
23 substandard housing rife with health and safety violations. On information and belief,  
24 DEFENDANTS collect rent from tenants knowing full well that these tenants are renting unpermitted  
25 and substandard units at the PROPERTY.

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1 **PARTIES AND SUBJECT PROPERTY**

2 5. Plaintiff City and County of San Francisco (“CITY”) is a consolidated charter city and  
3 county under the laws of the State of California.

4 6. The CITY brings this action under the State Housing Law (California Health and  
5 Safety Code sections 17910-17998.3); the San Francisco Municipal Codes, including the San  
6 Francisco Planning, Housing, Building, Plumbing, Electrical, and Health Codes; and California Civil  
7 Code section 3494.

8 7. Plaintiff the People of the State of California, by and through San Francisco City  
9 Attorney David Chiu (“PEOPLE”), bring this action pursuant to California Civil Code section 3494,  
10 California Code of Civil Procedure section 731, and California Business and Professions Code section  
11 17204.

12 8. The subject property in this action is located at 1465 Oakdale Ave, San Francisco,  
13 California, Block 5324, Lot 017 (“PROPERTY”). The 2,400 square-foot PROPERTY is a single-  
14 family residential building. It is authorized to contain one dwelling unit. The PROPERTY is more  
15 particularly described in **Exhibits 1 and 2**, which are attached hereto and incorporated as part of this  
16 Complaint.

17 9. Defendant RAFAEL GARCIA SANCHEZ, an individual, is a resident of San  
18 Francisco County, and is sued in his individual capacity.

19 10. Defendants Doe One through Doe Five are sued herein under fictitious names.  
20 Plaintiffs do not at this time know the true names or capacities of said defendants but pray that the  
21 same may be alleged herein when ascertained.

22 11. Since on or about May 14, 2015, DEFENDANTS have owned, operated, managed,  
23 leased, and/or maintained the PROPERTY and all buildings and other improvements located on the  
24 PROPERTY.

25 12. At all times herein mentioned, each DEFENDANT was an agent, servant, employee,  
26 and/or partner of the other DEFENDANTS, and at all times was acting within the course and scope of  
27 this agency, service, employment, and/or partnership. Whenever reference is made in this Complaint  
28 to any act or omission of DEFENDANT(s), such allegation shall mean that DEFENDANT(s) did or

1 authorized the act or omission, or failed and omitted to supervise or control other persons who  
2 engaged in the act or omission.

### 3 **JURISDICTION AND VENUE**

4 13. The Superior Court has jurisdiction over this action.

5 14. Venue is proper because the subject property is located in San Francisco and all the acts  
6 complained of, including those giving rise to penalties, occurred in this venue. Code of Civ. Proc. §§  
7 392, 393 and 395.

### 8 **FACTUAL BACKGROUND**

9 15. During all relevant time periods in the Complaint, DEFENDANTS allowed others to  
10 reside at the PROPERTY while maintaining the PROPERTY in a substandard and unsafe condition,  
11 and as a public nuisance. DEFENDANTS collected rent from residents residing at the PROPERTY.

#### 12 **I. VIOLATIONS OF LAW CITED BY CITY AGENCIES AGAINST DEFENDANTS**

##### 13 **A. San Francisco DBI Notice of Violation (No. 201342991)**

14 16. On January 6, 2014, the San Francisco Department of Building Inspection (“DBI”)  
15 issued Notice of Violation No. 201342991 to then-property owner Cynthia Moten, citing illegal  
16 dwelling units, unapproved wiring, unapproved plumbing, lack of required smoke detectors, egress  
17 obstruction, lack of required light and ventilation in sleeping room, no approved emergency egress in  
18 sleeping room, and other code violations. The NOV directed the property owner to submit plans to  
19 legalize the unpermitted work or to revert to the last legal use. The NOV required the owner to file a  
20 permit within 30 days, obtain the permit within 60 days, and complete work within 90 days. A true  
21 and correct copy of the NOV is attached hereto as **Exhibit 3** and is incorporated as part of this  
22 Complaint.

23 17. On or about May 14, 2015, RAFAEL GARCIA SANCHEZ purchased the  
24 PROPERTY. At the time of purchase, the violations documented in NOV No. 201342991 had not  
25 been abated and the NOV was outstanding.

26 18. On September 30, 2015, DBI issued Building Permit No. 201509298355 to  
27 DEFENDANTS. Upon information and belief, the work was never completed, and the permit expired  
28

1 on September 24, 2016. DEFENDANTS have not abated the violations documented in this NOV and  
2 the NOV remains outstanding.

3 **B. San Francisco DBI Notice of Violation (No. 202308487)**

4 19. On or about May 22, 2023, DBI received a complaint of black mold in a bedroom, a  
5 rotten floor, and an infestation of spiders and cockroaches at the PROPERTY. On May 23, 2023, DBI  
6 inspected the PROPERTY. This inspection revealed significant Code violations, including the lack of  
7 any smoke or carbon monoxide detectors, an infestation of cockroaches and termites, and mold in the  
8 sleeping room of a tenant at the PROPERTY. On May 24, 2023, the Housing Inspection Services  
9 Division of DBI issued NOV No. 202308487 to RAFAEL GARCIA SANCHEZ, informing him of  
10 these Code violations and directing him to resolve the violations within 30 days. A true and correct  
11 copy of the NOV is attached hereto as **Exhibit 4** and is incorporated as part of this Complaint.

12 DEFENDANTS abated these violations on or about August 24, 2023.

13 **C. San Francisco DBI Notice of Violation (No. 202301885)**

14 20. On July 11, 2023, DBI conducted a Task Force Inspection of the PROPERTY in  
15 conjunction with the Office of the City Attorney, the Planning Department (“Planning”), the  
16 Department of Public Health (“DPH”), and the San Francisco Fire Department (“Task Force  
17 Inspection”). The CITY Task Force was given access to much of the PROPERTY by its tenants.

18 21. On July 17, 2023, DBI issued NOV No. 202301885 to DEFENDANTS. The NOV  
19 cited the following violations: electrical work performed without a permit and hazardous electrical  
20 wiring systems. Defendant RAFAEL GARCIA SANCHEZ was directed by DBI to obtain a permit  
21 within 10 days and complete all corrective electrical work within 30 days. A true and correct copy of  
22 the NOV is attached hereto as **Exhibit 5** and is incorporated as part of this Complaint.

23 DEFENDANTS have yet to abate the violations documented in the DBI NOV and the NOV remains  
24 outstanding.

25 **D. San Francisco DBI Notice of Violation (No. 202310009)**

26 22. Following the Task Force Inspection, on July 18, 2023, DBI issued NOV No.  
27 202310009 to DEFENDANTS citing the following violations: multiple unapproved kitchens and  
28 bathrooms added; unapproved furnace installation and improper flue venting; improperly installed

1 water heaters; leaking water line; and other plumbing issues. Defendant RAFAEL GARCIA  
2 SANCHEZ was directed by DBI to obtain a permit within 30 days, complete all work within 60 days,  
3 and correct all violations within 90 days. A true and correct copy of the NOV is attached hereto as  
4 **Exhibit 6** and is incorporated as part of this Complaint. DEFENDANTS have not abated the  
5 violations documented in the DBI NOV, and the NOV remains outstanding.

6 **E. San Francisco DBI Notice of Violation (No. 202310506)**

7 23. Following the Task Force Inspection, on August 4, 2023, the Housing Inspection  
8 Services Division of DBI issued NOV No. 202310506 to DEFENDANTS citing numerous violations  
9 of the San Francisco Housing Code, including: lack of smoke detectors in sleeping rooms; insufficient  
10 heat; debris and pest droppings; damaged paint; missing handrails and guards on stairway; damaged  
11 ceilings, windows, walls, flooring, and sink; insufficient room separations; cord wiring; and general  
12 dilapidation or improper maintenance. The NOV directed Defendant to complete work to correct all  
13 violations within 30 days. A true and correct copy of the NOV is attached hereto as **Exhibit 7** and is  
14 incorporated as part of this Complaint. On January 12, 2024, DBI issued a Final Warning Letter to  
15 Defendant RAFAEL GARCIA SANCHEZ. After providing notice of the hearing, a Director's  
16 Hearing was held on March 28, 2024, at which Defendant RAFAEL GARCIA SANCHEZ was  
17 represented. On March 28, 2024, an Order of Abatement ("OOA") issued. The OOA ordered  
18 Defendant RAFAEL GARCIA SANCHEZ to abate all violations cited in the NOV. A true and correct  
19 copy of the Notice of Director's Hearing and the Order of Abatement are attached hereto as **Exhibits 8**  
20 **and 9**, respectively, and are incorporated as part of this Complaint. DEFENDANTS have not abated  
21 all of the violations documented in the DBI NOV, and the NOV and OOA remain outstanding.

22 **F. San Francisco DBI Notice of Violation (No. 202310833)**

23 24. Following the Task Force Inspection, on August 10, 2023, the Housing Inspection  
24 Services Division of DBI issued NOV No. 202310833 to DEFENDANTS citing violations of the San  
25 Francisco Building Code and Housing Code, including: improper occupancy; dwelling units installed  
26 without a permit; work without a permit; change of occupancy; unapproved wiring and plumbing; lack  
27 of smoke and carbon monoxide detectors; lack of proper one-hour fire construction materials; lack of  
28 proper weather protection; lack of proper light and ventilation; lack of proper heat; lack of proper

1 escape window; and lack of proper bathroom and kitchen fixtures. The NOV notified Defendant  
2 RAFAEL GARCIA SANCHEZ to complete work to correct all violations within 90 days. A true and  
3 correct copy of the NOV is attached hereto as **Exhibit 10** and is incorporated as part of this  
4 Complaint. DEFENDANTS have not abated the violations documented in the DBI NOV, and the  
5 NOV remains outstanding.

6 **G. San Francisco DBI Notice of Violation (No. 202310462)**

7 25. Following the Task Force Inspection, on August 15, 2023, DBI issued NOV No.  
8 202310462 to DEFENDANTS citing work without a Building Permit or City Planning approval,  
9 specifically a new metal gate/fence at the front of the property. The NOV directed Defendant  
10 RAFAEL GARCIA SANCHEZ to stop all work and to obtain proper permits within 30 days, complete  
11 all work within 60 days, and correct all outstanding violations within 90 days. A true and correct copy  
12 of the NOV is attached hereto as **Exhibit 11** and is incorporated as part of this Complaint. On  
13 December 29, 2023, DBI issued a Final Warning Letter to Defendant RAFAEL GARCIA SANCHEZ.  
14 After providing notice of the hearing, a Director's Hearing was held on March 5, 2024, at which  
15 Defendant RAFAEL GARCIA SANCHEZ was represented. On March 12, 2024, an OOA issued.  
16 The OOA ordered Defendant RAFAEL GARCIA SANCHEZ to obtain a permit and complete work,  
17 including final sign-off, to abate the NOV within 30 days. A true and correct copy of the Notice of  
18 Director's Hearing and the Order of Abatement are attached hereto as **Exhibits 12 and 13**,  
19 respectively, and are incorporated as part of this Complaint. DEFENDANTS have not abated the  
20 violations documented in the DBI NOV, and the NOV and OOA remain outstanding.

21 **H. San Francisco DBI Notice of Violation (No. 202419744)**

22 26. On March 18, 2024, DBI issued NOV No. 202419744 to DEFENDANTS citing  
23 violations of the San Francisco Building Code and Housing Code: cockroach infestation; mold and  
24 mildew in the bedroom and bathroom; peeling paint; damaged ceilings and walls; and excess spray  
25 foam insulation around perimeter of bedroom. In addition, there was a report that the refrigerator and  
26 range were not working properly, and the NOV directed DEFENDANTS to check the appliances for  
27 proper operation. The NOV directed Defendant RAFAEL GARCIA SANCHEZ to complete all work  
28 within 30 days. On April 26, 2024, DBI issued a Final Warning Letter to Defendant RAFAEL

1 GARCIA SANCHEZ. A true and correct copy of the NOV is attached hereto as **Exhibit 14** and is  
2 incorporated as part of this Complaint. DEFENDANTS have not abated the violations documented in  
3 the DBI NOV, and the NOV remains outstanding.

4 **I. San Francisco DBI Notice of Violation (No. 202420898)**

5 27. On March 18, 2024, DBI issued NOV No. 202420898 to DEFENDANTS citing  
6 violations of the San Francisco Housing Code: rodent infestation; damaged ceiling at furnace room;  
7 collapsed heating duct in furnace closet; and hazardous mechanical equipment. The NOV directed  
8 Defendant RAFAEL GARCIA SANCHEZ to complete all work within 30 days. DBI issued a Final  
9 Warning Letter on April 18, 2024. A true and correct copy of the NOV is attached hereto as **Exhibit**  
10 **15** and incorporated as part of this Complaint. DEFENDANTS have not abated the violations  
11 documented in the DBI NOV and the NOV remains outstanding.

12 **J. San Francisco Department of Public Health July 11, 2023 Notice of Violation**

13 28. Following the Task Force Inspection, on July 11, 2023, the San Francisco Department  
14 of Public Health (“DPH”) issued an NOV to DEFENDANTS citing cockroach infestation; rodent  
15 droppings throughout the property, including the central ventilation system; and demonstrable mold  
16 growth. The NOV directed Defendant RAFAEL GARCIA SANCHEZ to abate these health issues. A  
17 true and correct copy of the NOV is attached hereto as **Exhibit 16** and is incorporated as part of this  
18 Complaint. DEFENDANTS have yet to abate the violations documented in the NOV, and the NOV  
19 remains outstanding.

20 **K. San Francisco Department of Public Health May 2, 2024 and May 3, 2023 Notices**  
21 **of Violation**

22 29. Following inspections on May 2, 2024 and May 3, 2024, DPH issued NOVs to  
23 DEFENDANTS citing cockroaches in the kitchen; rodent droppings inside the common area heater  
24 closet; and mold present throughout unit in the bedrooms. The NOVs directed Defendant RAFAEL  
25 GARCIA SANCHEZ to abate these health issues. True and correct copies of the NOVs are attached  
26 hereto as **Exhibits 17 and 18** and incorporated as part of this Complaint. DEFENDANTS have yet to  
27 abate the violations documented in the NOVs, and the NOVs remains outstanding.

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1           **L.     San Francisco Planning Department Notices of Enforcement and Violation**

2           30.     Following the Task Force Inspection, on August 8, 2023, the San Francisco Planning  
3 Department issued a Notice of Enforcement (“NOE”) to DEFENDANTS citing the following  
4 violations of the San Francisco Planning Code: unauthorized group housing use; creation of four  
5 Unauthorized Dwelling Units; parking at the front setback and required open space; and unauthorized  
6 construction work including the paving of the front setback, installation of new metal fences and gates,  
7 and the building of a shed within the front setback without permit or approval from the Planning  
8 Department. The NOE directed Defendant RAFAEL GARCIA SANCHEZ to abate the violations,  
9 including by discontinuing the group housing use, discontinuing parking in the front setback, filing a  
10 building permit application, and filing a new project application. The NOE directed Defendant  
11 RAFAEL GARCIA SANCHEZ to respond within 15 days and take corrective action as early as  
12 possible. A true and correct copy of the NOE is attached hereto as **Exhibit 19**, and is incorporated as  
13 part of this Complaint. On July 12, 2024, Planning issued an NOV to DEFENDANTS citing the same  
14 or similar violations, and directing DEFENDANTS to abate the violations. A true and correct copy of  
15 the NOV is attached hereto as **Exhibit 20**, and is incorporated as part of this Complaint.  
16 DEFENDANTS have yet to abate the violations documented in the NOE or NOV.

17           **II.     DEFENDANTS’ RENTAL BUSINESS**

18           31.     On information and belief, DEFENDANTS continue to collect rent from approximately  
19 fifteen tenants (twelve adults and three minors), who live in five residential units at the PROPERTY.  
20 The PROPERTY appears to contain five separate residential units. DEFENDANTS are renting four  
21 units. RAFAEL GARCIA SANCHEZ lives in the fifth unit, and DEFENDANTS rent out individual  
22 room(s) within that residential unit. On information and belief, DEFENDANTS collect between \$800  
23 and \$2,000 for each rental room, for a total rental income of approximately \$9,300 per month.

24           32.     On information and belief, DEFENDANTS knew that the PROPERTY was not being  
25 used as a single-family home, and knew that these tenants are renting unpermitted and substandard  
26 units at the PROPERTY.

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**FIRST CAUSE OF ACTION  
FOR VIOLATION OF THE STATE HOUSING LAW BROUGHT BY PLAINTIFF  
CITY AGAINST DEFENDANTS  
(CA Health and Safety Code sections 17910-17980.9)**

33. Plaintiff CITY hereby incorporates by reference all of the foregoing paragraphs, as though fully set forth herein.

34. DEFENDANTS are now, and for a considerable period of time and at all times herein mentioned, have been maintaining the PROPERTY as a substandard building, as defined by Health and Safety Code section 17920.3, which substantially endangers the health and safety of residents.

35. At all times herein mentioned, DEFENDANTS had notice and knowledge that said premises constituted a substandard building because DEFENDANTS were served with administrative Notices and Orders issued by DBI, DPH, and Planning. On information and belief, Defendant RAFAEL GARCIA SANCHEZ resided at the PROPERTY at all times herein mentioned.

36. Plaintiff CITY has no adequate remedy at law in that damages are insufficient to protect the public from the harm caused by the conditions described herein.

37. Unless injunctive relief is granted, the residents of the PROPERTY and the residents of the City and County of San Francisco will suffer irreparable injury and damage, in that said conditions will continue to substantially endanger them and otherwise be injurious to their enjoyment of life and free use of property.

**SECOND CAUSE OF ACTION  
FOR PUBLIC NUISANCE BY PLAINTIFFS CITY AND PEOPLE AGAINST DEFENDANTS  
(San Francisco Planning, Building, Health, Housing, Plumbing, and Electrical  
Codes; California Civil Code sections 3479, 3480, and 3494; and California Code of  
Civil Procedure section 731)**

38. Plaintiff CITY and PEOPLE hereby incorporate by reference all of the foregoing paragraphs, as though fully set forth herein.

39. Plaintiff CITY brings this Count pursuant to San Francisco Housing Code sections 401 and 1001, San Francisco Building Code sections 102A and 103A, San Francisco Planning Code section 176, San Francisco Health Code section 581, San Francisco Plumbing Code section 216.0, and San Francisco Electrical Code section 89.126.

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1           40. Plaintiff PEOPLE bring this cause of action pursuant to California Code of Civil  
2 Procedure section 731 and California Civil Code sections 3479, 3480, and 3494.

3           41. Pursuant to San Francisco Planning Code section 176, any non-code compliant use,  
4 structure, lot, feature, or condition is a public nuisance. DEFENDANTS are now, and for a  
5 considerable period of time, and at all times herein mentioned, have been maintaining the PROPERTY  
6 as a public nuisance and in violation of San Francisco Planning Code sections 132, 135, 172, 175, 176,  
7 209.1, and 317. The conditions constituting the continuing public nuisance and violations of the San  
8 Francisco Planning Code are more fully described above, and in the Exhibits attached hereto.

9           42. Pursuant to San Francisco Housing Code sections 401 and 1001, any condition that is  
10 dangerous to human life or is detrimental to health, including fire hazards, improper occupancy,  
11 inadequate exits, mold and mildew, and infestation of rodents or insects is a per se public nuisance.  
12 DEFENDANTS are now, and for a considerable period of time, and all times pertinent to the  
13 allegations in this Complaint, have been maintaining the PROPERTY as a public nuisance and in  
14 violation of San Francisco Housing Code sections 301, 401, 503, 504, 505, 581, 601, 701, 706, 801,  
15 802, 909, 911, 1001, 1301, and 1306. The conditions constituting the continuing public nuisance and  
16 violations of the San Francisco Housing Code are more fully described above, and in the Exhibits  
17 attached hereto.

18           43. Pursuant to San Francisco Health Code section 581, any building or portion thereof  
19 found to be unsanitary, any material contaminated by animal excrement, any visible mold or mildew  
20 in the interior of any building, any infestation of pests or insects, or any accumulation of garbage,  
21 unsanitary debris, or litter constitutes a per se public nuisance. DEFENDANTS are now, and for a  
22 considerable period of time, and all times pertinent to the allegations in this Complaint, have been  
23 maintaining the PROPERTY as a public nuisance and in violation of San Francisco Health Code  
24 section 581. The conditions constituting the continuing public nuisance and violations of the San  
25 Francisco Health Code are more fully described above, and in the Exhibits attached hereto.

26           44. Pursuant to San Francisco Plumbing Code section 216.0, any building or structure  
27 containing non-code compliant or unpermitted plumbing fixtures, gas appliances, or piping, or  
28 defective sewer, gas, or water lines, or inadequately maintained, dilapidated, or damaged plumbing

1 systems is a public nuisance. DEFENDANTS are now, and for a considerable period of time, and at  
2 all times herein mentioned, have been maintaining the PROPERTY in violation of San Francisco  
3 Plumbing Code sections 104 and 216.0. The conditions constituting the continuing public nuisance  
4 and the violations of the San Francisco Plumbing Code are more fully described above, and in the  
5 Exhibits attached hereto.

6 45. Pursuant to San Francisco Building Code section 102A, any building, structure,  
7 property, or part thereof, that is structurally unsafe or not provided with adequate egress, or is  
8 otherwise dangerous to human life, safety, or health of the occupants or the occupants of adjacent  
9 properties or the public by reason of inadequate maintenance, dilapidation, or by reason of occupancy  
10 or use in violation of law or ordinance, or was erected, moved, altered, constructed, or maintained in  
11 violation of law or ordinance, is unsafe and a public nuisance. DEFENDANTS are now, and for a  
12 considerable period of time, and at all times herein mentioned, have been maintaining the PROPERTY  
13 as a public nuisance and in violation of San Francisco Building Code sections 102A, 103A, 106A,  
14 907.2.11, 1006.3.3, 1030, and 1001(b). The conditions constituting the continuing public nuisance  
15 and violations of the San Francisco Building Code are more fully described above, and in the Exhibits  
16 attached hereto.

17 46. Pursuant to San Francisco Electrical Code section 89.126, any building, structure, or  
18 part thereof with hazardous, unpermitted, or non-code compliant electrical equipment, wiring, or  
19 systems, including non-code compliant change in occupancy is unsafe. In addition, pursuant to  
20 Building Code section 102A, any building, structure, property, or part thereof, that is altered,  
21 constructed, or maintained in violation of law or ordinance is unsafe and a public nuisance.

22 DEFENDANTS are now, and for a considerable period of time, and at all times herein mentioned,  
23 have been maintaining the PROPERTY in violation of the San Francisco Electrical Code sections  
24 89.120 and 89.126. The conditions constituting the continuing public nuisance and violations of the  
25 San Francisco Electrical Code are more fully described above, and in the Exhibits attached hereto.

26 47. As described above, DEFENDANTS are now, and for a considerable period of time,  
27 and at all times pertinent to the allegations in this COMPLAINT, have been maintaining the  
28 PROPERTY in such a manner as to constitute a continuing public nuisance within the meaning of

1 California Civil Code sections 3479 and 3480. The practices described above are injurious to the  
2 health and safety of the residents and the community, are offensive to the senses, and interfere with the  
3 comfortable enjoyment of life and property. The practices described above also affect a considerable  
4 number of people and an entire community and neighborhood.

5 48. At all times herein mentioned, DEFENDANTS have had notice and knowledge that the  
6 PROPERTY constituted a public nuisance and an unsafe building because they were served with  
7 administrative Notices and Orders, but DEFENDANTS failed and refused to take reasonable steps to  
8 abate the public nuisance. On information and belief, Defendant RAFAEL GARCIA SANCHEZ  
9 resided at the PROPERTY at all times herein mentioned.

10 49. Plaintiffs CITY and PEOPLE have no adequate remedy at law in that damages are  
11 insufficient to protect the public from the present danger and harm caused by the conditions described  
12 herein.

13 50. Unless these nuisance conditions are abated, the occupants and neighbors of the subject  
14 PROPERTY, and the residents of the City and County of San Francisco, will suffer irreparable injury  
15 and damage because the nuisance conditions will continue to be injurious to the continuous enjoyment  
16 of life and the free use of PROPERTY of the occupants, neighbors, and residents.

17 **THIRD CAUSE OF ACTION**  
18 **FOR NON-COMPLIANCE WITH THE SAN FRANCISCO PLANNING, HOUSING,**  
19 **HEALTH, PLUMBING, BUILDING, AND ELECTRICAL CODES BROUGHT BY**  
20 **PLAINTIFF CITY AGAINST DEFENDANTS**  
21 **(San Francisco Planning Code section 176,**  
22 **Housing Code section 204, Health Code section 600, Building Code sections 102A and 103A,**  
23 **Plumbing Code section 106.3, and Electrical Code section 89.125)**

24 51. Plaintiff CITY hereby incorporates by reference all of the foregoing paragraphs, as  
25 though fully set forth herein.

26 52. As described above, and as set forth in the incorporated Exhibits to this COMPLAINT,  
27 DBI, DPH, and Planning issued Notices of Violation to DEFENDANTS, pursuant to the San  
28 Francisco Planning, Building, Housing, Health, Plumbing, and Electrical Codes for code violations at  
the PROPERTY. Twelve of the NOVs described above remain outstanding.

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1           53.     DEFENDANTS failed to comply with and disobeyed the Notices of Violation by  
2 continuing to allow the PROPERTY to remain in a substandard, unsafe, and illegal condition for a  
3 substantial period of time.

4           54.     As described above, and as set forth in the incorporated Exhibits to this COMPLAINT,  
5 the Director of DBI issued three Orders of Abatement to DEFENDANTS for violations at the  
6 PROPERTY. Each of the Orders of Abatement described above remain outstanding.

7           55.     DEFENDANTS failed to comply with and disobeyed the Orders of Abatement by  
8 continuing to allow the PROPERTY to remain in a substandard, unsafe, and illegal condition for a  
9 substantial period of time.

10          56.     By maintaining the PROPERTY in a manner that violates the San Francisco Planning  
11 Code, DEFENDANTS violated, disobeyed, omitted, neglected, and refused to comply with the San  
12 Francisco Planning Code and the Notice of Enforcement and Notice of Violation issued by Planning.  
13 DEFENDANTS are subject to mandatory civil penalties of not less than \$200 per day, and up to  
14 \$1,000 per day, for each day that the violations existed and were permitted to continue, as set forth in  
15 San Francisco Planning Code section 176.

16          57.     By maintaining the PROPERTY in a manner that violates the San Francisco Housing  
17 Code, DEFENDANTS violated, disobeyed, omitted, neglected, resisted, opposed and refused to  
18 comply with the San Francisco Housing Code and the Housing Code Notices of Violation issued by  
19 DBI. DEFENDANTS are subject to mandatory civil penalties of up to \$1,000 per day for each day  
20 that the violations existed and were permitted to continue, as set forth in San Francisco Housing Code  
21 section 204(c)(2).

22          58.     By maintaining the PROPERTY in a manner that violates the San Francisco Health  
23 Code, DEFENDANTS violated, disobeyed, omitted, neglected, resisted, opposed and refused to  
24 comply with the San Francisco Health Code and the Health Code Notices of Violation issued by DPH.  
25 DEFENDANTS are subject to mandatory civil penalties of up to \$1,000 per day for each day that the  
26 violations existed and were permitted to continue, as set forth in San Francisco Housing Code section  
27 600.

28           ///

1 59. By maintaining the PROPERTY in a manner that violates the San Francisco Plumbing  
2 Code, Defendants violated, disobeyed, omitted, neglected, and refused to comply with the San  
3 Francisco Plumbing Code and the Plumbing Code Notice of Violation issued by DBI. Accordingly,  
4 DEFENDANTS are subject to mandatory civil penalties of up to \$500 per day for each day that the  
5 violations existed and were permitted to continue, as set forth in San Francisco Plumbing Code section  
6 106.3.

7 60. By maintaining the PROPERTY in a manner that violates the San Francisco Building  
8 Code, DEFENDANTS violated, disobeyed, omitted, neglected, and refused to comply with the San  
9 Francisco Building Code, and the Building Code Notices of Violation issued by DBI. DEFENDANTS  
10 are subject to mandatory civil penalties of not less than \$200 per day, and up to \$1,000 per day, for  
11 each day that the violations existed and were permitted to continue, as set forth in San Francisco  
12 Building Code section 103A.

13 61. By maintaining the PROPERTY in a manner that violates the San Francisco Electrical  
14 Code, DEFENDANTS violated, disobeyed, omitted, neglected, and refused to comply with the San  
15 Francisco Electrical Code and the Electrical Code Notice of Violation issued by DBI. Accordingly,  
16 DEFENDANTS are subject to mandatory civil penalties of up to \$500 per day for each day that the  
17 violations existed and were permitted to continue, as set forth in San Francisco Electrical Code section  
18 89.125.

19 **FOURTH CAUSE OF ACTION**  
20 **FOR UNFAIR AND UNLAWFUL BUSINESS PRACTICES BROUGHT BY PLAINTIFF**  
21 **PEOPLE AGAINST DEFENDANTS**  
**(California Business and Professions Code sections 17200-17210)**

22 62. Plaintiff PEOPLE hereby incorporate by reference all of the foregoing paragraphs, as  
23 though fully set forth herein.

24 63. Plaintiff PEOPLE bring this cause of action pursuant to Business and Professions Code  
25 sections 17000-17210 in order to protect the public as consumers and competitors from unlawful and  
26 unfair practices committed by DEFENDANTS in the maintenance, management, and ownership of the  
27 PROPERTY as a public nuisance and in violation of the laws within the City and County of San  
28 Francisco and State of California.

1           64.     DEFENDANTS transact business, or have transacted business, by owning, operating,  
2 managing, and collecting rental income from the PROPERTY within the City and County of San  
3 Francisco, State of California. DEFENDANTS' actions are in violation of the laws and public  
4 policies of the City and County of San Francisco and the State of California and are injurious to the  
5 rights and interest of the general public.

6           65.     DEFENDANTS are now engaging in, and, for a considerable period of time, and at all  
7 times pertinent to the allegations of this COMPLAINT have engaged in, unlawful and unfair business  
8 practices prohibited by California's Unfair Competition Law, Business and Professions Code sections  
9 17000-17210, by maintaining and managing the PROPERTY in the following ways, in violation of the  
10 following laws:

- 11           a. Maintaining and renting substandard housing in violation of the State Housing Law  
12                 (California Health and Safety Code sections 17910-17980.9);
- 13           b. Violating the San Francisco Planning, Building, Housing, Health, Plumbing, and  
14                 Electrical Codes; and
- 15           c. Creating and maintaining a public nuisance in violation of California Civil Codes  
16                 sections 3479 and 3480, and California Code of Civil Procedure section 731.

17           66.     DEFENDANTS are now engaging in and, for a considerable period of time and at all  
18 times pertinent to the allegations of this Complaint, have engaged in unfair business practices  
19 prohibited by California's Unfair Competition Law as follows:

- 20           a. By maintaining the PROPERTY as a public nuisance, DEFENDANTS endangered, and  
21                 continue to endanger, the health and safety of the PROPERTIES' tenants, neighbors,  
22                 and the general public, and to offend public policy; and
- 23           b. By creating illegal, unsafe, and substandard housing, and collecting rent from tenants  
24                 living in the illegal housing that should not have been collected, DEFENDANTS  
25                 benefitted financially and flouted public policy requiring permits and certifications of  
26                 occupancy before renting units.

27           67.     DEFENDANTS are now engaging in, and, for a considerable period of time and at all  
28 times pertinent to the allegations of this Complaint, have engaged in unlawful, unfair, and fraudulent



1 business practices prohibited by California’s Unfair Competition Law by renting unpermitted dwelling  
2 units and rooms to members of the public.

3 68. As described above, DEFENDANTS in the course of their business as the owner,  
4 operator, lessor, and manager of the PROPERTY, have engaged, and are engaging, in unlawful acts  
5 and courses of conduct constituting unlawful business practices, unfair, and fraudulent competition as  
6 prohibited by Business and Professions Code sections 17000-17210.

7 69. Plaintiff PEOPLE are informed and believe that as a direct and proximate result of the  
8 foregoing acts and practices, DEFENDANTS have received and will receive income and other  
9 benefits, which they would not have received if they had not engaged in the violations described in  
10 this COMPLAINT.

11 70. As a direct and proximate result of the foregoing acts and practices, DEFENDANTS  
12 have obtained an unfair competitive advantage over similar property owners who have not engaged in  
13 such practices.

14 71. Plaintiff PEOPLE have no adequate remedy at law in that damages are insufficient to  
15 protect the public from the present harm caused by the conditions described in this COMPLAINT.  
16 Unless injunctive relief is granted to enjoin DEFENDANTS’ unlawful business practices,  
17 DEFENDANTS will continue to engage in violations of the law.

18 72. By engaging in unfair, unlawful, and fraudulent business practices described herein,  
19 DEFENDANTS are subject to civil penalties in the amount of up to \$2,500 per violation, pursuant to  
20 California Business and Professions Code sections 17206 and 17206.1.

21 **PRAYER**

22 WHEREFORE, Plaintiffs CITY and PEOPLE pray that:

23 **Declaratory Relief**

24 1. DEFENDANTS be declared to have violated the San Francisco Municipal Codes,  
25 including the Planning, Building, Housing, Health, Plumbing, and Electrical Codes, California Civil  
26 Code sections 3479 and 3480, and California Health and Safety Code sections 17910-17995.5;

27 2. The PROPERTY be declared a public nuisance;

28 ///

1           3.       The PROPERTY be declared to be in a condition that substantially endangers the  
2 health and safety of the occupants of the PROPERTY and the general public;

3           **Injunctive Relief**

4           4.       The Court issue a permanent injunction, ordering DEFENDANTS to permanently abate  
5 all code violations and other public nuisances on the PROPERTY, in accordance with the San  
6 Francisco Municipal Codes, including the San Francisco Planning, Housing, Building, Plumbing,  
7 Health, and Electrical Codes, the California Civil Code, the California Health and Safety Code, and  
8 the California Business and Professions Code;

9           5.       The Court issue whatever orders may be useful or necessary to cause the abatement of  
10 the nuisance;

11           6.       The Court require DEFENDANTS to bear the expenses of abating the nuisance,  
12 including but not limited to reimbursing PLAINTIFFS for expenses PLAINTIFFS may incur to abate  
13 the nuisance;

14           7.       DEFENDANTS and their agents, officers, managers, representatives, employees, and  
15 anyone acting on their behalf, be preliminarily and permanently enjoined from maintaining, operating,  
16 and using the PROPERTY in violation of the law;

17           8.       DEFENDANTS and their agents, officers, managers, representatives, employees, and  
18 anyone acting on their behalf, be preliminarily and permanently ordered to cause the PROPERTY to  
19 conform to law, and to maintain it in such conformity at all times;

20           9.       Pursuant to Health and Safety Code section 17980.7, DEFENDANTS be ordered to not  
21 claim any deduction with respect to state taxes for interest, expenses, depreciation, or amortization  
22 paid or incurred with respect to the cited structure, and to file an amended tax return for any years in  
23 which they have already claimed such deduction;

24           10.      DEFENDANTS pay relocation benefits to each lawful tenant for repairs or  
25 rehabilitation that significantly affect the safe and sanitary use of the PROPERTY by any lawful  
26 tenant so that the tenant cannot safely reside at the PROPERTY if the Court does not find that the  
27 tenant was substantially responsible for causing or substantially contributing to the substandard  
28 conditions;

1 11. DEFENDANTS shall offer the first right of occupancy of the PROPERTY to each  
2 tenant who received relocation benefits;

3 12. PLAINTIFFS be authorized to record an Abstract of Judgment that constitutes a prior  
4 lien over any lien that any DEFENDANTS in this case may hold on the PROPERTY;

5 13. That a receiver be appointed to take control of the PROPERTY, abate the violations,  
6 and to carry the judgment into effect pursuant to Health and Safety Code section 17980.7(c) and  
7 California Code of Civil Procedure section 564;

8 14. If a receiver is appointed, DEFENDANTS be prohibited from collecting rents from  
9 tenants, interfering with the receiver in the operation of the PROPERTY, and encumbering or  
10 transferring the PROPERTY, pursuant to Health and Safety Code section 17980.7(c)(3);

11 **Penalties**

12 15. Pursuant to San Francisco Planning Code section 176(c)(2), DEFENDANTS be  
13 ordered to pay a civil penalty of \$1,000, with a minimum of \$200, for each day that the Planning Code  
14 violations alleged in the Complaint existed or were permitted to occur in the amount of at least  
15 \$2,000,000, plus \$1,000 per day thereafter that the violations continue to occur through entry of  
16 judgment, or a greater amount as may be shown by the evidence for violations of Planning Code  
17 sections 132, 135, 172, 175, 209.1, and 317;

18 16. Pursuant to San Francisco Housing Code section 204(c)(2), DEFENDANTS be ordered  
19 to pay a civil penalty of \$1,000 for each day that the Housing Code violations alleged in the Complaint  
20 existed or were permitted to occur in the amount of at least \$1,095,000, plus \$1,000 per day thereafter  
21 that the violations continue to occur through entry of judgment, or a greater amount as may be shown  
22 by the evidence for violations of Housing Code sections 301, 401, 503, 504, 505, 581, 601, 701, 706,  
23 801, 802, 909, 911, 1001, 1301, and 1306;

24 17. Pursuant to San Francisco Building Code section 103A, DEFENDANTS be ordered to  
25 pay a civil penalty of \$1,000, with a minimum of \$200, for each day that the Building Code violations  
26 alleged in the Complaint existed or were permitted to occur in the amount of at least \$2,000,000, plus  
27 \$1,000 per day per violation thereafter that the violations continue to occur through entry of judgment,  
28

1 or a greater amount as may be shown by the evidence for violations of Building Code sections 102A,  
2 103A, 106A, 100.6.2, 1006.3.3, 108, 109A, and 1030;

3 18. Pursuant to San Francisco Health Code section 600, DEFENDANTS be ordered to pay  
4 a civil penalty of \$1,000 for each day that the Health Code violations alleged in the Complaint existed  
5 or were permitted to occur in the amount of at least \$365,000, plus \$1,000 per day thereafter that the  
6 violations continue to occur through entry of judgment, or a greater amount as may be shown by the  
7 evidence for violations of Health Code sections 581 and 600;

8 19. Pursuant to San Francisco Electrical Code section 89.125, DEFENDANTS be ordered  
9 to pay a civil penalty of \$500 for each day that the Electrical Code violations alleged in the Complaint  
10 existed or were permitted to occur in the amount of at least \$182,500, plus \$500 per day thereafter that  
11 the violations continue to occur through entry of judgment, or a greater amount as may be shown by  
12 the evidence for violations of Electrical Code sections 89.120, 89.123, 89.125, and 89.126;

13 20. Pursuant to San Francisco Plumbing Code section 106.3, DEFENDANTS be ordered to  
14 pay a civil penalty of \$500 for each day that the Plumbing Code violations alleged in the Complaint  
15 existed or were permitted to occur in the amount of at least \$182,500, plus \$500 per day thereafter that  
16 the violations continue to occur through entry of judgment, or a greater amount as may be shown by  
17 the evidence for violations of Plumbing Code section 216.0 and Chapters 1-12;

18 21. Pursuant to Business and Professions Code Section 17206, DEFENDANTS be ordered  
19 to pay a civil penalty of up to \$2,500 for each violation alleged in the Complaint for a total of at least  
20 \$840,000, plus \$2,500 per violation thereafter that the violations continue to occur through entry of  
21 judgment, or a greater amount as be shown by the evidence;

22 **Fees and Costs**

23 22. DEFENDANTS be ordered to pay all assessment and abatement costs pursuant to  
24 Building Code section 102;

25 23. DEFENDANTS be ordered to pay all of the City's attorney's fees and costs, including  
26 expert witness fees, incurred in bringing this lawsuit pursuant to San Francisco Building Code section  
27 102A.8, San Francisco Health Code section 600, San Francisco Housing Code section 204, San  
28

1 Francisco Planning Code section 176(c)(2), San Francisco Plumbing Code section 108.0, and  
2 California Health and Safety Code section 17980.7; and

3 24. Other and further relief be ordered as this Court should find just and proper.

4 Dated: August 7, 2024

5 DAVID CHIU  
6 City Attorney  
7 WADE CHOW  
8 Chief Attorney  
9 Neighborhood and Residential Safety Division  
10 RENÉE E. ROSENBLIT  
11 Deputy City Attorney

12 By:   
13 RENÉE E. ROSENBLIT

14 Attorneys for Plaintiffs  
15 CITY AND COUNTY OF SAN FRANCISCO and  
16 THE PEOPLE OF THE STATE OF CALIFORNIA  
17  
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**INDEX TO EXHIBITS**

<b><u>Exhibit</u></b>	<b><u>Description</u></b>
1	Grant Deed for 1465 Oakdale dated April 8, 2015, and recorded as Documents 2015-K061760-00, on May 18, 2015
2	Grant Deed for 1465 Oakdale dated March 8, 2018, and recorded as Documents 2018-K586827-00, on March 9, 2018
3	San Francisco Department of Building Inspection Notice of Violation Number 201342991 dated January 6, 2014
4	San Francisco Department of Building Inspection Notice of Violation Number 202308487 dated May 24, 2023
5	San Francisco Department of Building Inspection Notice of Violation Number 202301885 dated July 17, 2023
6	San Francisco Department of Building Inspection Notice of Violation Number 202310009 dated July 18, 2023
7	San Francisco Department of Building Inspection Notice of Violation Number 202310506 dated August 4, 2023
8	San Francisco Department of Building Inspection Notice of Director’s Hearing re 202310506, dated March 5, 2024
9	San Francisco Department of Building Inspection Order of Abatement 202310506 dated March 28, 2024
10	San Francisco Department of Building Inspection Notice of Violation Number 202310833 dated August 10, 2023
11	San Francisco Department of Building Inspection Notice of Violation Number 202310462 dated August 15, 2023
12	San Francisco Department of Building Inspection Notice of Director’s Hearing re 202310462, dated February 21, 2024
13	San Francisco Department of Building Inspection Order of Abatement 202310462 dated March 12, 2024
14	San Francisco Department of Building Inspection Notice of Violation Number 202419744 dated March 18, 2024
15	San Francisco Department of Building Inspection Notice of Violation Number 202420898 dated March 18, 2024
16	San Francisco Department of Public Health Notice of Violation dated July 11, 2023

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**Exhibit**    **Description**

- 17    San Francisco Department of Public Health Notice of Violation dated May 2, 2024
- 18    San Francisco Department of Public Health Notice of Violation Number 106482 dated May 3, 2024
- 19    San Francisco Planning Department Notice of Enforcement Number 2023-005472ENF dated August 8, 2023
- 20    San Francisco Planning Department Notice of Violation 2023-005472ENF dated July 12, 2024.

# **EXHIBIT 1**



20159K06176000003  
San Francisco Assessor-Recorder  
Carmen Chu, Assessor-Recorder  
DOC 2015-K061760-00  
Acct 6003-Fidelity National Title - San Francisco  
Monday, MAY 18, 2015 12:49:04  
Ttl Pd \$4,104.20 Nbr-0005150892  
odm/RE/1-3

RECORDING REQUESTED BY:  
Fidelity National Title Company  
Order No.: FFSM-3031500246

When Recorded Mail Document To:  
Rafael Garcia  
1968 Powell Street  
San Pablo, CA 94806

Property Address: 1465 Oakdale Avenue,  
San Francisco, CA 94124  
APN/Parcel ID(s): Lot 017, Block 5324

SPACE ABOVE THIS LINE FOR RECORDER'S USE

## GRANT DEED

### The undersigned grantor(s) declare(s)

- This transfer is exempt from the documentary transfer tax.  
 The documentary transfer tax is \$4,073.20 and is computed on:  
 the full value of the interest or property conveyed.  
 the full value less the liens or encumbrances remaining thereon at the time of sale.  
The property is located in  the City of San Francisco.

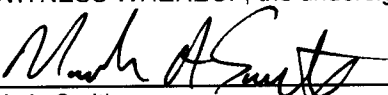
FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, Mark A. Smith, a single man  
hereby GRANT(S) to Rafael Garcia, a single man

the following described real property in the City of San Francisco, County of San Francisco, State of California:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

Dated: April 8, 2015

IN WITNESS WHEREOF, the undersigned have executed this document on the date(s) set forth below.

  
\_\_\_\_\_  
Mark A. Smith

## MAIL TAX STATEMENTS AS DIRECTED ABOVE

**GRANT DEED**  
(continued)

APN/Parcel ID(s): Lot 017, Block 5324

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of CALIFORNIA

County of SAN FRANCISCO

On 5/15/2015 before me, IRENE OGUS, Notary Public,  
14 (here insert name and title of the officer)

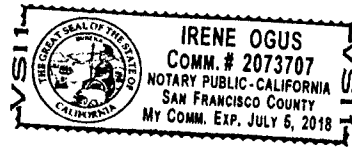
personally appeared MARK A. SMITH,  
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

IRENE OGUS, Notary Public  
Signature

(Seal)



**EXHIBIT "A"**  
Legal Description

**For APN/Parcel ID(s): Lot 017, Block 5324**

---

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF SAN FRANCISCO, COUNTY OF SAN FRANCISCO, STATE OF CALIFORNIA AND IS DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTHWESTERLY LINE OF OAKDALE AVENUE, DISTANT THEREON 185 FEET SOUTHEASTERLY FROM THE SOUTHEASTERLY LINE OF LANE STREET; RUNNING THENCE SOUTHEASTERLY ALONG THE SAID LINE OF OAKDALE AVENUE 40 FEET; THENCE AT A RIGHT ANGLE SOUTHWESTERLY 100 FEET; THENCE AT A RIGHT ANGLE NORTHWESTERLY 40 FEET; AND THENCE AT A RIGHT ANGLE NORTHEASTERLY 100 FEET TO THE SOUTHWESTERLY LINE OF OAKDALE AVENUE AND THE POINT OF BEGINNING.

BEING A PORTION OF LOT NO. 6, IN BLOCK NO. 309, SOUTH SAN FRANCISCO HOMESTEAD AND RAILROAD ASSOCIATION, ACCORDING TO MAP THEREOF FILED JUNE 6, 1865 AND RECORDED IN BOOK "C" AND "B" OF MAPS, AT PAGES 76 TO 77, IN THE OFFICE OF THE COUNTY RECORDER OF THE CITY AND COUNTY OF SAN FRANCISCO, STATE OF CALIFORNIA.

# **EXHIBIT 2**

RECORDING REQUESTED BY:  
USA National Title Company

AND WHEN RECORDED MAIL TO:

Rafael Garcia Sanchez  
1465 Oakdale Avenue  
San Francisco, CA 94124

Order No.: 071830749  
Escrow No.: 181800403-JG  
A.P.N.: Block 5324; Lot 017

20189K58682700002  
San Francisco Assessor-Recorder  
Carmen Chu, Assessor-Recorder  
DOC 2018-K586827-00  
Acct 5006-USA National Title Company - HB  
Friday, MAR 09, 2018 09:44:45  
Ttl Pd \$92.00 Nbr-0005771605  
ofa/RE/1-2

SPACE ABOVE THIS LINE IS FOR RECORDER'S USE

**GRANT DEED**

THE UNDERSIGNED GRANTOR(S) DECLARE(S)  
DOCUMENTARY TRANSFER TAX IS \$0.00

- computed on full value of property conveyed, or
- computed on full value less value of liens or encumbrances remaining at time of sale.
- unincorporated area     City of San Francisco

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,  
**Rafael Garcia Sanchez, a single man who acquired title as Rafael Garcia, a single man**

hereby GRANT(S) to **Rafael Garcia Sanchez, a single man**

the following described real property in the County of San Francisco, State of California

**Legal description attached hereto as Exhibit "A" and made a part hereof**

<sup>5.165</sup> The property more commonly known as: 1465 Oakdale Avenue, San Francisco, CA 94124

Dated: March 8, 2018

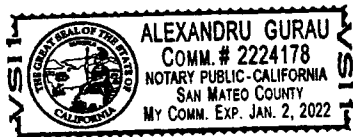
RAFAEL GARCIA SANCHEZ  
Rafael Garcia Sanchez

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA )  
COUNTY OF San Mateo )

On March 8, 2018 before me,  
Alexandra Gurau, a notary public,  
personally appeared Rafael Garcia Sanchez

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

(Seal)

WITNESS my hand and official seal:  
Alexandra Gurau  
Signature

(This area for official notary seal)

## **EXHIBIT 'A'**

The land referred to herein below is situated in the City of San Francisco, County of San Francisco, State of California and is described as follows:

Beginning at a point on the Southwesterly line of Oakdale Avenue, distant thereon 185 feet southeasterly from the Southeasterly line of Lane Street; running thence Southeasterly along the said line of Oakdale Avenue 40 feet; thence at a right angle Southwesterly 100 feet; thence at a right angle northwesterly 40 feet; and thence at a right angle northeasterly 100 feet to the Southwesterly line of Oakdale Avenue and the point of beginning.

Being a portion of Lot No. 6, in Block No. 309, South San Francisco Homestead and Railroad Association, according to map thereof filed Jun 6, 1865 and recorded in Book "C" and "B" of maps, at Pages 76 to 77, in the office of the County Recorder of the City and County of San Francisco, State of California.

APN: 31-5324-017-01

# **EXHIBIT 3**



# NOTICE OF VIOLATION

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

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

NUMBER: 201342991  
 DATE: 06-JAN-14

ADDRESS: 1465 OAKDALE AV

OCCUPANCY/USE: R-3 (RESIDENTIAL- 1 & 2 UNIT DWELLINGS,TOWNHOUSES)    BLOCK: 5324    LOT: 017

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

OWNER/AGENT: MOTEN CYNTHIA  
 MAILING            MOTEN CYNTHIA  
 ADDRESS            1231 FITZGERALD AVE  
                           SAN FRANCISCO CA

PHONE #: --

94124

PERSON CONTACTED @ SITE: MOTEN CYNTHIA

PHONE #: --

## VIOLATION DESCRIPTION:

	CODE/SECTION#
<input checked="" type="checkbox"/> WORK WITHOUT PERMIT	103A
<input type="checkbox"/> ADDITIONAL WORK-PERMIT REQUIRED	106A.4.7
<input type="checkbox"/> EXPIRED OR <input type="checkbox"/> CANCELLED PERMIT PA#:	106A.4.4; 106A.3.7
<input checked="" type="checkbox"/> UNSAFE BUILDING <input type="checkbox"/> SEE ATTACHMENTS	102A.1

THE LEGAL USE OF THIS BUILDING IS R-3, SINGLE FAMILY DWELLING ON ONE FLOOR OF OCCUPANCY. There are currently at least four separate units on at least three floors of occupancy, including an illegal dwelling unit with kitchen & bath in the basement level, and two illegal dwelling units with kitchens and bathrooms within a separate structure.

THE FOLLOWING CODE VIOLATIONS EXIST AT THIS PROPERTY:

- \* WORK WITHOUT PERMIT (301 SFHC; 106A, 108.4 SFBC)
- \* UNAPPROVED WIRING (SFHC 1001-e)
- \* UNAPPROVED PLUMBING (SFHC 1001-f)
- \* LACK OF REQUIRED SMOKE DETECTORS (SFHC-909)
- \* IMPROPER EXITING THROUGH GARAGE AND DOWN AN UNAPPROVED AND DRY ROTTED STAIRCASE (SFHC 801, 802, 1001-m)
- \* NO EVIDENCE THAT THE REQUIRED ONE HOUR FIRE RESISTANT MATERIALS WERE CORRECTLY INSTALLED BETWEEN ADDED DWELLING UNITS AND AT PROPERTY LINE (601 SFHC)
- \* ROOM USED FOR SLEEPING IS LESS THAN 7 FEET WIDE (503-c SFHC)
- \* EGRESS OBSTRUCTION (801, 1001-l SFHC)
- \* NO APPROVED PERMANENT SOURCE OF HEAT IN AT LEAST ONE OF THE LIVING SPACES (701 SFHC)
- \* NO APPROVED EMERGENCY EGRESS AT SLEEPING ROOM (801 SFHC)
- \* LACK OF REQUIRED LIGHT AND VENTILATION IN A HABITABLE ROOM (504 SFHC)
- \* CHANGE OF USE (3406 CBC)

## CORRECTIVE ACTION:

STOP ALL WORK SFBC 104.2.4

FILE BUILDING PERMIT WITHIN 30 DAYS     (WITH PLANS) A copy of This Notice Must Accompany the Permit Application

OBTAIN PERMIT WITHIN 60 DAYS AND COMPLETE ALL WORK WITHIN 90 DAYS, INCLUDING FINAL INSPECTION AND SHUT OFF.

CORRECT VIOLATIONS WITHIN DAYS.     NO PERMIT REQUIRED

YOU FAILED TO COMPLY WITH THE NOTICE(S) DATED , THEREFORE THIS DEPT. HAS INITIATED ABATEMENT PROCEEDINGS.

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





# NOTICE OF VIOLATION

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

SUBMIT A COPY OF THIS NOTICE AND TWO SETS OF PLANS WITH THE BUILDING PERMIT APPLICATION TO LEGALIZE UNPERMITTED WORK OR TO REVERT BACK TO THE LAST LEGAL USE. AFTER THE BUILDING PERMIT IS ISSUED, PLUMBING AND ELECTRICAL INSPECTIONS MUST ALSO BE OBTAINED AND BUILDING PERMIT MUST RECEIVE A FINAL SIGN-OFF. TO ABATE THIS NOTICE OF VIOLATION YOU MUST CONTACT A HOUSING INSPECTOR FOR A FINAL INSPECTION AND PRODUCE ALL APPROVED PLANS AND PERMITS.

**INVESTIGATION FEE OR OTHER FEE WILL APPLY**

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

**APPROX. DATE OF WORK W/O PERMIT** 01-JAN-90      **VALUE OF WORK PERFORMED W/O PERMITS** \$20000

**BY ORDER OF THE DIRECTOR, DEPARTMENT OF BUILDING INSPECTION**

CONTACT INSPECTOR: Matthew W Luton

PHONE # 628-652-3373

DIVISION: HIS

DISTRICT : 15

By:(Inspectors's Signature) \_\_\_\_\_



# NOTICE OF VIOLATION

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

Pursuant to SFBC 107A.5 and 106A.4.7 investigation fees are charged for work begun or performed without permits or for Work exceeding the scope of permits. Such fees may be appealed to the Board of Permit Appeals within 15 days of permit issuance, at 49 South Van Ness Ave., Suite 1475 (14th Floor), (628) 652-1150.

**WARNING:** Failure to take immediate action as required to correct the above violations will result in abatement proceedings by the Department of Building Inspection. If an Order of Abatement is recorded against this property, the owner will be billed or the property will be liened for all costs incurred in the code enforcement process from the posting of the first "Notice of Violation" until all costs are paid, SFBC 102A.2 & 110A.

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

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

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

De acuerdo a las Secciones 107A.5 y 106A.4.7 de el Código de Construcción de Edificios de San Francisco, gastos de investigación serán cobrados por trabajo empezado o realizado sin los debidos permisos o por trabajo que exceda el limite estipulado en los permisos. Dichos cobros pueden ser apelados ante la Junta de Apelaciones de Permisos (Board of Permit Appeals) dentro de los primeros quince días de haberse obtenido el permiso. Las apelaciones se hacen en el 49 South Van Ness Ave., Suite 1475 (14th Floor), telefono (628) 652-1150.

**ADVERTENCIA:** Si no cumple con las acciones inmediatas requeridas para corregir las infracciones, el Departamento de Inspección de Edificios tendrá el derecho de iniciar el proceso de mitigación. Si una Orden de Mitigación es registrada contra dicha propiedad, los gastos incurridos durante el proceso de aplicación del código, desde la primera puesta del Aviso de Infracción hasta que todos los gastos estén pagados, se le cobrarán al dueño del edificio o la propiedad sera embargada para recuperar dichos gastos. Referencia a la Sección 102A.2 y 110A de el Código de Construcción de Edificios.

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

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

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

Sang-ayon sa SFBC 107A.5 at 106A.4.7 ang bayad sa pagsusuri ay sisingilin sa mga gusaling naumpisahan na o ginawa na walang permit o sa mga gawaing labis sa sakop ng permit. Ang gayong singil ay maaring iapela sa Board of Permit Appeals sa loob ng 15 na araw mula sa pag-isyu ng permit sa 49 South Van Ness Ave., suite 1475 (14th palapag). (628)652-1150.

**BABALA:** Ang kabiguan na gumawa ng aksiyon tulad ng kinakailangan upang iwasto ang mga nasabing paglabag ay magreresulta sa paglilitis ng abatement ng Kagawaran ng Inspeksyon ng Gusali. Kung meron Order of Abatement ang naitala laban sa isang ari-arian, ang may-ari ay sisingilin o di kaya ang ari-arian ay gagamitin na lien sa lahat ng mga gastos na natamo sa proseso ng pagpapatupad mula sa unang "Paunawa sa Paglabag" hanggang sa lahat ng gastos ay mabayaran, SFBC 102A.2 & 110A.

**BABALA:** Ang Seksyon 204 ng Housing Code ng San Francisco ay nagtatakda ng agad-agad na multa na \$100 sa bawat halimbawa ng unang hindi pagsunod, at susundan ng multa na \$200 sa bawat paglabag sa pangalawang hindi pagsunod, hanggang sa sukdulan na \$7,500 sa bawat gusali. Ang seksyon na ito ay itinatakda na magsasampa rin ng kasong kriminal bilang isang misdemeanor sa bawat paglabag at magreresulta sa multa na hindi bababa ng \$1,000 sa bawat araw o di kaya sa anim na buwan na pagkabilanggo o parehong ipapataw.

**BABALA:** Sinumang kumikita sa pag-upa ng pabahay na tinukoy ng Kagawaran ng Inspeksyon ng Gusali na substandard, ay hindi maaring ibawas ang ganoong kita sa buwis sa estado ng kitang personal, at gayundin sa buwis na kita sa interes sa bangko at korporasyon, at sa depresasyon o mga buwis na malilugnay sa gusaling substandard. Kung ang Gawain sa pagwawasto ay hindi nakumpleto o hindi masigasig, mabilis at tuloy-tuloy ang paggawa matapos ang anim (6) na buwan mula sa petsa nitong paunawa, ay magpapadala ng abiso sa Franchise Tax Board na itinakda sa Seksyon 17264(6) ng Revenue and Taxation code.

**BABALA:** Ang Seksyon 103A ng Building Code ng San Francisco ay nagtatakda ng mga multang sibil hanggang sa \$500 sa bawat araw sa sinumang lumabag, sumuway, magtanggali, magpapabaya o tumangging sumunod o di kaya sumalungat sa pagpapatupad ng mga pribisyon nitong code. Nagpapataw din itong seksyon ng multang misdemeanor kapag nahatulan, ng hanggang sa \$500 at o di kaya anim na buwan na pagkabilanggo sa bawat magkahiwalay na pagkasala para sa bawat araw na nangyari ang ganoong pagkasala.

根據《三藩市建築物條例》第107.5條款和第106.4.7條款，對未經許可的建築工程或者工程超過許可証範圍的檢查，將會收取檢查費用。對該費用可以作出上訴，可以在許可證發出的15天之內，向「上訴委員會」(Board of Appeals) 作出上訴。上訴委員會地址：49 South Van Ness Ave., Suite 1475 (14th Floor)，電話：(628) 652-1150。

警告：如果沒有立即採取行動更正以上的違例情況，可能會引致樓宇檢查局展開執法行動。如果執法命令正式紀錄於該物業，業主可能會收到賬單，或者該物業會被抵押，用於支付從張貼第一張「違例通知」開始，在執法過程當中所產生的所有費用，直至所有費用付清為止。

《三藩市建築物條例》第102.2條款和第110條款。

警告：三藩市房屋條例第204條對最初的違例會立即處以每項100元的罰款，接下來會對第二次的違例處以每項200元的罰款，最高可以對每座建築物處以7,500元的罰款。該條例還可以對每項違例處以輕微罪行的刑事檢控，可處以每日最多1,000元的罰款或6個月的監禁，或兩者並罰。

警告：任何從樓宇檢查局認定為低於標準的房屋中獲取租金收入的個人，對於該低於標準的建築結構，將不能用於減免州的個人所得稅和銀行以及企業的所得稅利息、折舊或適用於該房屋的稅項。如果在該通知日期的6個月之後，更正工程尚未完成，或者沒有努力、快速和繼續進行有關工程，有關通知將會根據《收入及稅務條例》第17264 (6) 條款寄給加州平稅委員會。

警告：三藩市建築物條例第103條款可給予每天最高可至500元的行政罰款，對任何違反、不遵從、遺漏、疏忽或拒絕遵守或反對執行該條例的任何條款。該條款可給予輕微罪行的罰款，一經定罪，可以對每一項單獨的違例，違例期間的每一日，處於最高500元和/或最高6個月的監禁。

# **EXHIBIT 4**



# DEPARTMENT OF BUILDING INSPECTION

Housing Inspection Services Division  
City and County of San Francisco  
49 South Van Ness Avenue, San Francisco, California 94103-1226  
(628) 652-3700 Fax: (628) 652-3709 Email: DBIHIDComplaints@sfgov.org Website: www.sfdbi.org

## NOTICE OF VIOLATION

**COMPLAINT: 202308487**

**OWNER/AGENT:** SANCHEZ RAFAEL GARCIA

**DATE:** 24-MAY-23

**MAILING**

**ADDRESS:** SANCHEZ RAFAEL GARCIA  
1465 OAKDALE AVE APT 2  
SAN FRANCISCO CA

**LOCATION: 1465 OAKDALE AV**

**BLOCK:** 5324 **LOT :** 017

**NOTICE TYPE:** COMPLAINT

94124

**BUILDING TYPE:** APT

**USE TYPE:** R3

### YOU ARE HEREBY ORDERED TO COMPLY WITH THE FOLLOWING REQUIREMENTS:

**ITEM**

**DESCRIPTION**

- |   |  |   |
|---|--|---|
| 1 | THIS NOTICE INCLUDES VIOLATIONS FOR THE AREAS NOTED.   | This Notice includes violations of the San Francisco Housing Code. Unless noted otherwise, all violations were observed on the date of inspection at 1465 Oakdale Ave, ground floor.  |
| 2 | PROVIDE MANUAL RELEASE AT SLEEPING ROOM SECURITY BARS OR REMOVE TO PROVIDE EMERGENCY EGRESS TO AT LEAST ONE WINDOW (706b (7)(i))   | Provide manual release for security bars or remove to provide emergency egress at all rooms used for sleeping. All means of egress, windows, doors, including security gates, must be equipped with an approved manual release mechanism that shall be operable from the inside without the use of a key, tool or any special knowledge or effort.  |
| 3 | PROVIDE SMOKE AND CARBON MONOXIDE DETECTORS. SMOKE DETECTORS ARE REQUIRE AT EACH SLEEPING ROOM AND ADJACENT HALLWAYS. CARBON MONOXIDE DETECTORS ARE REQUIRE AT EACH UNIT AND/OR FLOOR. (911 SFHC, 907.2.11 SFBC) | <p>At the time of inspection, no smoke or carbon monoxide alarms were present.</p> <p>Ensure a working smoke detector is at each sleeping room and adjacent hallways. Install according to manufacturer's specifications.</p> <p>Ensure a working carbon monoxide detector is at each unit and/or floor. Install according to manufacturer's specifications.</p> <p>Note: Look for smoke and CO alarms with 10 year batteries, combination carbon monoxide detector-alarms and smoke detector-alarms can be used in areas that require both type detector-alarms.</p> |
| 4 | PROVIDE PEST CONTROL SERVICES TO ELIMINATE ROACHES, SPIDERS AND TERMITES WITHIN STRUCTURE. 1001(b), 1306 SFHC, ELIMINATE INSECT INFESTATION 1001(b) & 1306 SFHC  | At time of inspection, roaches were observed in kitchen and evidence of termites were noted at bathroom window exterior wall. Have a licensed pest control contractor inspect and implement the required measures to eliminate the infestation, provide a maintenance schedule and provide a copy of the pest control invoice to the Housing Inspector at the time of reinspection.   |
| 5 | ELIMINATE MOLD/MILDEW ON WALLS 1301, 1001 (b) 11, (d), 1306 SFHC   | Eliminate the mold and mildew currently existing on the base of the sleeping room walls facing the courtyard. Areas should be cleaned, sanitized and repainted with a mold resistant paint.   |



# DEPARTMENT OF BUILDING INSPECTION

Housing Inspection Services Division

City and County of San Francisco

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

(628) 652-3700 Fax: (628) 652-3709 Email: DBIHIDComplaints@sfgov.org Website: www.sfdbi.org

## NOTICE OF VIOLATION

**COMPLAINT: 202308487**

6 INSPECTOR COMMENTS

IMPORTANT NOTE: Due to the nature of this violation, this property has been defined as a Nuisance per section 1001-d of the San Francisco Housing Code.

It is the property owner's responsibility to be present or direct his/her representative to attend the re-inspection as scheduled on this Notice of Violation for the purpose of providing entry to the Inspector of those areas not accessed during the initial inspection as specified, and/or to provide access to all areas cited within this Notice.

If the property owner cannot attend the scheduled re-inspection (as specified on this Notice) it is his/her responsibility to secure a different inspection date and time with the Inspector. Provide all tenants with notification as required by California Civil Code Section 1954 (San Francisco Housing Code Section 303(b), if any dwellings, apartment units or guest rooms are to be accessed during the re-inspection. You can reach Inspector Chierici @ 628.652.3439 or by email at paul.chierici@sfgov.org.

**ALL ITEMS MUST BE COMPLETED WITHIN 30 DAYS.**

**REINSPECTION DATE : 29 June 2023 10:00 AM**

**IT IS RECOMMENDED THAT THE OWNER/OWNERS REPRESENTATIVE CONFIRM REINSPECTION DATE/TIME.**

**CONTACT HOUSING INSPECTOR : Paul Chierici AT 628-652-3439**

FOR EVERY INSPECTION AFTER THE INITIAL RE-INSPECTION, A \$170.00 FEE WILL BE CHARGED UNTIL THE VIOLATIONS ARE ABATED. SFBC 108.8



# DEPARTMENT OF BUILDING INSPECTION

Housing Inspection Services Division  
City and County of San Francisco

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

(628) 652-3700 Fax: (628) 652-3709 Email: DBIHIDComplaints@sfgov.org Website: www.sfdbi.org

## NOTICE OF VIOLATION WARNINGS!

**TO THE PROPERTY OWNER(S), THEIR SUCCESSORS, AND ALL OTHER PERSONS HAVING ANY INTEREST IN THE ABOVE DESCRIBED PROPERTY LOCATED IN THE CITY AND COUNTY OF SAN FRANCISCO PLEASE TAKE NOTICE:**

**COMPLIANCE WITHIN SPECIFIED TIME FRAME REQUIRED:** The described premises were inspected by inspector(s) of the Department of Building Inspection. As a result of the inspection(s), violations were found to exist and were listed in the Notice of Violation mailed to the property owner(s). ACCORDINGLY, the owner(s) of the above described property are required, within the time frame set forth in this Notice, to make application (if required) for the necessary permits, to correct the conditions diligently and expeditiously, and to complete the work within the specified time on the attached NOTICE(S), to be verified by the appropriate Inspector through site inspection.

**COST OF CODE ENFORCEMENT WILL BE BORNE BY THE PROPERTY OWNER:** Section 102A.3 of the San Francisco Building Code provides that in addition to the civil penalties described therein, the property owner shall be assessed all attendant, administrative, and inspection's costs incurred by the Department of Building Inspection for the property owner's failure to comply with this Notice. These costs arise from department time accrued pertaining but not limited to: (1) monthly violation monitoring, (2) case inquiries (phone calls, counter visits, response to correspondence, etc.), (3) case management, (4) permit history research, (5) notice/hearing preparation, (6) inspections, (7) staff appearances/reports at hearings, and (8) case referrals.

Assessment of Costs will accrue when the property owner fails to comply with this Notice through: (1) a monthly violation monitoring fee of \$52.00, and (2) an hourly rate of \$104.00 for case management/administration, and \$170.00 for inspections, as provided for in Sections 102A.3, 102A.17, and Section 110A, Tables IA-D, and IA-K of the San Francisco Building Code. The property owner will be notified by letter of the accrued Assessment of Costs following failure to comply with this Notice. Failure to pay the Assessment of Costs shall result in: (1) the case not being legally abated until all assessments are paid, and (2) tax lien proceedings against the property owner pursuant to Sections 102A.3, 102A.16, 102A.17, 102A.18 et seq., 102A.19 et seq., and 102A.20 of the San Francisco Building Code.

**REFERRAL TO STATE FRANCHISE TAX BOARD:** Section 17274 and 24436.5 of the Revenue and Taxation Code provide, inter alia, that a taxpayer who derives rental income from housing determined by the local regulatory agency to be substandard by reason of violation of state or local codes dealing with housing, building, health and/or safety, cannot deduct from state personal income tax and bank and corporate income tax, deductions for interest, depreciation of taxes attributable to such substandard structure where substandard conditions are not corrected within six (6) months after Notice of Violation by the regulatory agency. If corrections are not completed or being diligently and expeditiously and continuously performed after six (6) months from the date of this Notice of Violation, notification will be sent to the Franchise Tax Board as provided in Section 17274(c) of the Revenue and Taxation Code.

**PUBLIC NUISANCES & MISDEMEANORS:** Section 102A of the San Francisco Building Code and Sections 204, 401 and 1001(d) of the San Francisco Housing Code provide that structures maintained in violation of the Municipal Code are public nuisances and as such are subject to the code enforcement action delineated therein. Section 204 of the Housing Code provides that any person, the owner(s) or his authorized agent who violates, disobeys, omits, neglects or refuses to comply with the Housing Code, or any order of the Director, made pursuant to this Code, shall be guilty of a misdemeanor, upon conviction thereof punishable by a fine not exceeding \$1,000.00, or by imprisonment not exceeding six (6) months, or by both fine and imprisonment, and shall be deemed guilty of a separate offense for every day such violations continue.

**PERMIT REQUIREMENTS:** Any required permit application must be applied for within the time limit set forth in the attached Notice(s). Permit applications are to be filed with the requisite plans, drawings, and specifications at the Central Permit Bureau, Department of Building Inspection, at 1660 Mission Street, 1st Floor. A post card will be mailed to you by the Central Permit Bureau when the building permit is ready to be picked up. Pursuant to Sections 107A.5, and 110A, Table 1A-K of the San Francisco Building Code investigation fees, are charged for work begun or performed without permits or for work exceeding the scope of permits. Such fees may be appealed to the Board of Permit Appeals within 15 days of permit issuance at 1660 Mission Street, 3rd floor, Room 3036 at (415) 575-6880.

**NOTIFICATION TO BUILDING TENANTS:** Pursuant to Sections 17980.1 and 17980.6 of the California Health & Safety Code, and Section 102A.3 of the San Francisco Building Code, when issuing a Notice of Violation the local jurisdiction shall post a copy of the Notice in a conspicuous place on the property and make available a copy to each tenant thereof.

**PROPERTY OWNER/LESSOR MAY NOT RETALIATE AGAINST TENANT/LESSEE FOR MAKING A COMPLAINT:** Pursuant to Section 17980.6 of the California Health & Safety Code, the property owner may not retaliate against the tenant/lessee for exercising rights under the Section 1942.5 of the California Civil Code.

**REINSPECTION FEES:** For every inspection, after the initial re-inspection, a \$170.00 fee will be charged until the violations are abated pursuant to Sections 108A.8 and 110A, Table IA-G of the San Francisco Building Code.

**VIOLATIONS OF WORK PRACTICES FOR LEAD-BASED PAINT DISTURBANCE:** Section 3423 of the San Francisco Building Code regulates work that disturbs or removes lead paint. Failure to comply with these requirements may result in a penalty not to exceed \$500.00 per day plus administrative costs as provided by Section 3423.8 of this Code.

Upon completion of all required work, you must contact the designated Housing Inspector for a final inspection, unless otherwise specified. Please contact the Housing Inspection Services Division if you have any questions. If you want more information on the overall code enforcement process you may request a copy of the Department brochure entitled What You Should Know About the Department of Building Inspection Code Enforcement Process or download the document from the Department website.

NCTS\_NOV.rdf revised 6/22/2011

# **EXHIBIT 5**





# NOTICE OF VIOLATION

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

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

NUMBER: 202301885  
 DATE: 17-JUL-23

ADDRESS: 1465 OAKDALE AV

OCCUPANCY/USE: ()

BLOCK: 5324 LOT: 017

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

OWNER/AGENT: SANCHEZ RAFAEL GARCIA  
 MAILING SANCHEZ RAFAEL GARCIA  
 ADDRESS 1465 OAKDALE AVE APT 2  
 SAN FRANCISCO CA

PHONE #: --

94124

PERSON CONTACTED @ SITE: SANCHEZ RAFAEL GARCIA

PHONE #: --

## VIOLATION DESCRIPTION:

	CODE/SECTION#
<input checked="" type="checkbox"/> WORK WITHOUT PERMIT	103A
<input type="checkbox"/> ADDITIONAL WORK-PERMIT REQUIRED	106A.4.7
<input type="checkbox"/> EXPIRED OR <input type="checkbox"/> CANCELLED PERMIT PA#:	106A.4.4; 106A.3.7
<input checked="" type="checkbox"/> UNSAFE BUILDING <input type="checkbox"/> SEE ATTACHMENTS	102A.1

- 1)Electrical work performed without benefit of electrical permit.
- 2)Hazardous Wiring Systems
- Code/Section: SFEC 89.120, SFEC 89.126
- Monthly monitoring fee applies.
- Code/Section: SFBC 110A, Table 1A-K

## CORRECTIVE ACTION:

STOP ALL WORK SFBC 104.2.4

- FILE BUILDING PERMIT WITHIN DAYS       (WITH PLANS) A copy of This Notice Must Accompany the Permit Application
- OBTAIN PERMIT WITHIN 10 DAYS AND COMPLETE ALL WORK WITHIN 30 DAYS, INCLUDING FINAL INSPECTION SIGNOFF.
- CORRECT VIOLATIONS WITHIN DAYS.       NO PERMIT REQUIRED
- YOU FAILED TO COMPLY WITH THE NOTICE(S) DATED , THEREFORE THIS DEPT. HAS INITIATED ABATEMENT PROCEEDINGS.

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

Have a licensed California state electrical contractor (C-10) apply for an electrical permit. Include in the fee a 9x (nine\_times) investigation fee of \$3,515.40 plus a permit fee of \$390.60 for a total fee of \$3,906.00 prior to the commencement of work and completion of the inspection process.

**INVESTIGATION FEE OR OTHER FEE WILL APPLY**

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

APPROX. DATE OF WORK W/O PERMIT

VALUE OF WORK PERFORMED W/O PERMITS \$

**BY ORDER OF THE DIRECTOR, DEPARTMENT OF BUILDING INSPECTION**

CONTACT INSPECTOR: Gary D Clifton

PHONE # 628-652-3656

DIVISION: EID

DISTRICT : 26

By:(Inspectors's Signature) \_\_\_\_\_



# NOTICE OF VIOLATION

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

Pursuant to SFBC 107A.5 and 106A.4.7 investigation fees are charged for work begun or performed without permits or for work exceeding the scope of permits. Such fees may be appealed to the Board of Permit Appeals within 15 days of permit issuance, at 49 South Van Ness Ave., Suite 1475 (14th Floor), (628) 652-1150.

**WARNING:** Failure to take immediate action as required to correct the above violations will result in abatement proceedings by the Department of Building Inspection. If an Order of Abatement is recorded against this property, the owner will be billed or the property will be lited for all costs incurred in the code enforcement process from the posting of the first "Notice of Violation" until all costs are paid, SFBC 102A.2 & 110A.

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

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

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

De acuerdo a las Secciones 107A.5 y 106A.4.7 de el Código de Construcción, de Edificios de San Francisco, gastos de investigación serán cobrados por trabajo empezado o realizado sin los debidos permisos o por trabajo que exceda el limite estipulado en los permisos. Dichos cobros pueden ser apelados ante la Junta de Apelaciones de Permisos (Board of Permit Appeals) dentro de los primeros quince dias de haberse obtenido el permiso. Las apelaciones se hacen en el 49 South Van Ness Ave., Suite 1475 (14th Floor), telefono (628) 652-1150.

**ADVERTENCIA:** Si no cumple con las acciones inmediatas requeridas para corregir las infracciones, el Departamento de Inspección de Edificios tendrá el derecho de iniciar el proceso de mitigación. Si una Orden de Mitigación es registrada contra dicha propiedad, los gastos incurridos durante el proceso de aplicación del código, desde la primera puesta del Aviso de Infracción hasta que todos los gastos estén pagados, se le cobrarán al dueño del edificio o la propiedad será embargada para recuperar dichos gastos. Referencia a la Sección 102A.2 y 110A de el Código de Construcción de Edificios.

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

**ADVERTENCIA:** Cualquier persona que reciba renta por una vivienda que haya sido declarada que no satisface las normas requeridas por el Departamento de Inspección de Edificios, no puede deducir del estado intereses personales, de banco o empresa, depreciación o taxes atribuidos sobre dicha estructura. Si el trabajo de reparación no se termina o esta diligentemente, rápidamente y contuamente acusado despues de seis(6) meses de la fecha de este aviso, se le enviara una notificación a la Junta de Concesion de Impuestos (Franchise Tax Board) de acuerdo a la Sección 1264(c) del Código de Ingresos e Impuestos (Revenue and Taxation Code).

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

Sang-ayon sa SFBC 107A.5 at 106A.4.7 ang bayad sa pagsusun ay siingilin sa mga gusaling nauimpisahan na o ginawa na walang permit o sa mga gawaing labis sa sakong permit. Ang gayong singil ay maaring iapela sa Board of Permit Appeals sa loob ng 15 na araw mula sa pag-isyu ng permit sa 49 South Van Ness Ave., suite 1475 (14th palapag), (628)652-1150.

**BABALA:** Ang kabiguan na gumawa ng aksiyon tulad ng kinakailangan upang iwasto ang mga nasabing paglabag ay magresulta sa paglilitis ng abatement ng Kagawaran ng Inspeksyon ng Gusali. Kung meron Order of Abatement ang naitala laban sa isang ari-arian, ang may-ari ay siingilin o di kaya ang ari-arian ay gagamitin na lien sa lahat ng mga gastos na natamo sa proseso ng pagpapatupad mula sa unang "Paunawa sa Paglabag" hanggang sa lahat ng gastos ay mabayaran. SFBC 102A.2 & 110A.

**BABALA:** Ang Seksyon 204 ng Housing Code ng San Francisco ay nagtatakda ng agad-agad na multa na \$100 sa bawat halimbawa ng unang hindi pagsunod, at susundan ng multa na \$200 sa bawat paglabag sa pangalangawing hindi pagsunod, hanggang sa sukuian na \$7,500 sa bawat gusali. Ang seksyon na ito ay itinatakda na magsasampalin ng kasong kriminal bilang isang misdemeanor sa bawat paglabag at magresulta sa multa na hindi bababa ng \$1,000 sa bawat araw o di kaya sa anim na buwan na pagkabilanggo o parehong ipataw.

**BABALA:** Sinumang mukikita sa pag-upa ng pabahay na tinukoy ng Kagawaran ng Inspeksyon ng Gusali na substandard, ay hindi maaring ibawas ang ganoong kita sa buwis sa estado ng kitang personal, at gayundin sa buwis na kita sa interes sa bangko at korporasyon, at sa depresasyon o mga buwis na mailugnay sa gusaling substandard. Kung ang Gawain sa pagwawasto ay hindi nakumpleto o hindi masigasig, mabilis at tuloy-tuloy ang paggawa matapos ang anim (6) na buwan mula sa petsa nitong paunawa, ay magpapatada ng abiso sa Franchise Tax Board na itinakda sa Seksyon 17264(6) ng Revenue and Taxation code.

**BABALA:** Ang Seksyon 103A ng Building Code ng San Francisco ay nagtatakda ng mga multang sibil hanggang sa \$500 sa bawat araw sa sinumang lumabag, sumuway, maglanggal, magpabaya o tumangging sumunod o di kaya sumalungat sa pagpapatupad ng mga probisyon nitong code. Nagpapataw din itong seksyon ng multang misdemeanor kapag nahatulan, ng hanggang sa \$500 at o di kaya anim na buwan na pagkabilanggo sa bawat magkahlwalay na pagkasala para sa bawat araw na nangyari ang ganoong pagkasala.

根據《三藩市建築物條例》第107.5條款和第106.4.7條款，對未經許可的建築工程或者工程超過許可証範圍的檢查，將會收取檢查費用。對該費用可以作出上訴，可以在許可證發出的15天之內，向“上訴委員會”(Board of Appeals)作出上訴。上訴委員會地址：49 South Van Ness Ave., Suite 1475 (14th Floor)，電話：(628) 652-1150。

警告：如乘沒有立即採取行動更正以上的違規情況，可能會引致樓宇檢查局展開執法行動。如果執法命令正式記錄於該物業，業主可能會收到賬單，或者該物業會被冻结，用於支付從賬貼第一張“違例通知”開始，在執法過程中所產生的所有費用，直至所有費用付清為止。  
《三藩市建築物條例》第102.2條款和第110條款。

警告：三藩市房屋條例第204條對最初的違例會立即處以每項100元的罰款，接下來會對第二次的違例處以每項200元的罰款，最高可以對每座建築物處以7,500元的罰款。該條例還可以對每項違例處以輕微罪行的刑事檢控，可處以每日最少1,000元的罰款或6個月的監禁，或兩者並罰。

警告：任何從樓宇檢查局認定為低於標準的房屋中獲取租金收入的個人，對於該低於標準的建築結構，將不能用於減免州的個人所得稅和銀行以及企業的所得稅利息、折舊或適用於該房屋的稅項。如果在該通知日期的6個月之後，更正工程尚未完成，或者沒有努力、快速和繼續進行有關工程，有關通知將會根據《收入及稅務條例》第17264 (6) 條款寄給加州平稅委員會。

警告：三藩市建築物條例 第103條款可給予每天最高可至500元的行政罰款，對任何違反、不遵從、違漏、疏忽或拒絕遵守或反對執行該條例的任何條款。該條款可給予輕微罪行的罰款，一經定罪，可以對每一項單獨的違例，違例期間的每一天，處於最高500元和/或最高6個月的監禁。

# **EXHIBIT 6**



# NOTICE OF VIOLATION

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

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

NUMBER: 202310009  
DATE: 18-JUL-23

ADDRESS: 1465 OAKDALE AV

OCCUPANCY/USE: ()

BLOCK: 5324 LOT: 017

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

OWNER/AGENT: SANCHEZ RAFAEL GARCIA  
MAILING SANCHEZ RAFAEL GARCIA  
ADDRESS 1465 OAKDALE AVE APT 2  
SAN FRANCISCO CA

PHONE #: --

94124

PERSON CONTACTED @ SITE: SANCHEZ RAFAEL GARCIA

PHONE #: --

## VIOLATION DESCRIPTION:

CODE/SECTION#  
CPC 103.1

WORK WITHOUT PERMIT

ADDITIONAL WORK-PERMIT REQUIRED

EXPIRED OR  CANCELLED PERMIT PA#:

UNSAFE BUILDING  SEE ATTACHMENTS

OBSERVED VIOLATIONS DURING MULTI-DEPT SITE INSPECTION: WWOP - ITEMS THROUGHOUT PROPERTY: A) MULTIPLE UNAPPROVED KITCHENS & BATHROOMS ADDED: ONE - FRONT SHED BLDG. ONE - EACH - FRONT TOP LEFT & ONE BOTTOM LEFT UNITS OF MAIN BLDG: PROVIDE DOCUMENTATION OR OBTAIN APPROVAL. B) MAIN BLDG: BACK TOP & BOTTOM UNITS; UNAPPROVED FAU'S INSTALLATION & IMPROPER FLUE VENTING. C) MAIN BLDG - SIDE: THREE TANK WH'S - IMPROPERLY INSTALLED: 2 OFF/LEAKING & IMPROPER FLUE PIPING & TERMINATION. D) ROOF MAIN BLDG. RWL: ALL - IMPROPERLY TERMINATE TO GRND - ARE RQRD TO CONNECT TO DRAINS BY GRAVITY & DWNSTREAM OF S/S DWV WHERE POSSIBLE. E) RQRD MISS REPAIRS: LEAKING WATER LINE, OPEN DWV OUTLETS & IMPROPER VENT TERMINATIONS.

CODE/SECTION: CPC CHAPTERS: 1-12, CMC 1-8  
MONTHLY MONITORING FEE APPLIES.  
CODE/SECTION: SFBC 110A, TABLE 1A-K

## CORRECTIVE ACTION:

STOP ALL WORK SFBC 104.2.4

FILE BUILDING PERMIT WITHIN DAYS  (WITH PLANS) A copy of This Notice Must Accompany the Permit Application

OBTAIN PERMIT WITHIN 30 DAYS AND COMPLETE ALL WORK WITHIN 60 DAYS, INCLUDING FINAL INSPECTION SIGNOFF.

CORRECT VIOLATIONS WITHIN 90 DAYS.  NO PERMIT REQUIRED

YOU FAILED TO COMPLY WITH THE NOTICE(S) DATED , THEREFORE THIS DEPT. HAS INITIATED ABATEMENT PROCEEDINGS.

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

HIRE STATE LICENSE CONTRACTOR, OBTAIN REQUIRED PERMITS, MAKE REQUIRED REPAIRS, CALL FOR INSPECTIONS.

INVESTIGATION FEE OR OTHER FEE WILL APPLY

9x FEE (WORK W/O PERMIT AFTER 9/1/60)  2x FEE (WORK EXCEEDING SCOPE OF PERMIT)

OTHER:  REINSPECTION FEE \$  NO PENALTY  
(WORK W/O PERMIT PRIOR TO 9/1/60)

APPROX. DATE OF WORK W/O PERMIT

VALUE OF WORK PERFORMED W/O PERMITS \$

BY ORDER OF THE DIRECTOR, DEPARTMENT OF BUILDING INSPECTION

CONTACT INSPECTOR: Michael J Allen



# NOTICE OF VIOLATION

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

PHONE # (628) 652-3400  
By: (Inspector's Signature)

DIVISION: PID

DISTRICT :



# NOTICE OF VIOLATION

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

Pursuant to SFBC 107A.5 and 106A.4.7 investigation fees are charged for work begun or performed without permits or for Work exceeding the scope of permits. Such fees may be appealed to the Board of Permit Appeals within 15 days of permit issuance, at 49 South Van Ness Ave., Suite 1475 (14th Floor), (628) 652-1150.

**WARNING:** Failure to take immediate action as required to correct the above violations will result in abatement proceedings by the Department of Building Inspection. If an Order of Abatement is recorded against this property, the owner will be billed or the property will be lited for all costs incurred in the code enforcement process from the posting of the first "Notice of Violation" until all costs are paid, SFBC 102A.2 & 110A.

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

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

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

De acuerdo a las Secciones 107A.5 y 106A.4.7 de el Codiglo de Construcción de Edificios de San Francisco, gastos de Investigación serán cobrados por trabajo empezado o realizado sin los debidos permisos o por trabajo que exceda el limite estipulado en los permisos. Dichos cobros pueden ser apelados ante la Junta de Apelaciones de Permisos (Board of Permit Appeals) dentro de los primeros quince días de haberse obtenido el permiso. Las apelaciones se hacen en el 49 South Van Ness Ave., Suite 1475 (14th Floor), telefono (628) 652-1150.

**ADVERTENCIA:** Si no cumple con las acciones inmediatas requeridas para corregir las infracciones, el Departamento de Inspección de Edificios tendra el derecho de iniciar el proceso de mitigación. Si una Orden de Mitigación es registrada contra dicha propiedad, los gastos incurridos durante el proceso de aplicación del código, desde la primera puesta del Aviso de Infracción hasta que todos los gastos esten pagados, se le cobrarán al dueno del edificio o la propiedad sera embargada para recuperar dichos gastos. Referencia a la Sección 102A.2 y 110A de el Código de Construcción de Edificios.

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

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

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

Sang-ayon sa SFBC 107A.5 at 106A.4.7 ang bayad sa pagsusuri ay sisingilin sa mga gusaling naumpisahan na o ginawa na walang permit o sa mga gawaing labis sa sakop ng permit. Ang gayong singil ay maaring iapela sa Board of Permit Appeals sa loob ng 15 na araw mula sa pag-isyu ng permit sa 49 South Van Ness Ave., suite 1475 (14th palapag). (628)652-1150.

**BABALA:** Ang kabiguan na gumawa ng aksiyon tulad ng kinakailangan upang iwasto ang mga nasabing paglabag ay magreresulta sa paglilitis ng abatement ng Kagawaran ng Inspeksyon ng Gusali. Kung meron Order of Abatement ang naitala laban sa isang ari-arian, ang may-ari ay sisingilin o di kaya ang ari-arian ay gagamitin na lien sa lahat ng mga gastos na natamo sa proseso ng pagpapatupad mula sa unang "Paunawa sa Paglabag" hanggang sa lahat ng gastos ay mabayaran, SFBC 102A.2 & 110A.

**BABALA:** Ang Seksyon 204 ng Housing Code ng San Francisco ay nagtatakda ng agad-agad na multa na \$100 sa bawat halimbawa ng unang hindi pagsunod, at susundan ng multa na \$200 sa bawat paglabag sa pangalawang hindi pagsunod, hanggang sa sukduhan na \$7,500 sa bawat gusali. Ang seksyon na ito ay itinatakda na magsasampa rin ng kasong kriminal bilang isang misdemeanor o sa bawat paglabag at magreresulta sa multa na hindi bababa ng \$1,000 sa bawat araw o di kaya sa anim na buwan na pagkabilanggo o parehong ipapataw.

**BABALA:** Sinumang kumikita sa pag-upa ng pabahay na tinukoy ng Kagawaran ng Inspeksyon ng Gusali na substandard, ay hindi maaring ibawas ang ganooing kita sa buwis sa estado ng kitang personal, at gayundin sa buwis na kita sa interes sa bangko at korporasyon, at sa depreasyon o mga buwis na malugnay sa gusaling substandard. Kung ang Gawain sa pagwawasto ay hindi nakumpleto o hindi masigasig, mabilis at tuloy-tuloy ang paggawa matapos ang anim (6) na buwan mula sa petsa nitong paunawa, ay magpapadala ng abiso sa Franchise Tax Board na itinakda sa Seksyon 17264(6) ng Revenue and Taxation code.

**BABALA:** Ang Seksyon 103A ng Building Code ng San Francisco ay nagtatakda ng mga multang sibil hanggang sa \$500 sa bawat araw sa sinumang lumabag, sumuway, magtanggag, magpabaya o tumangging sumunod o di kaya sumalungat sa pagpapatupad ng mga probisyon nitong code. Nagpapataw din itong seksyon ng multang misdemeanor kapag nahatulan, ng hanggang sa \$500 at o di kaya anim na buwan na pagkabilanggo sa bawat magkahiwalay na pagkasala para sa bawat araw na nangyari ang ganooing pagkasala.

根據《三藩市建築物條例》第107.5條款和第106.4.7條款，對未經許可的建築工程或者工程超過許可證範圍的檢查，將會收取檢查費用。對該費用可以作出上訴，可以在許可證發出的15天之內，向“上訴委員會”（Board of Appeals）作出上訴。上訴委員會地址：49 South Van Ness Ave., Suite 1475 (14th Floor)，電話：(628) 652-1150。

**警告：**如果沒有立即採取行動更正以上的違例情況，可能會引致樓宇檢查局展開執法行動。如果執法命令正式紀錄於該物業，業主可能會收到賬單，或者該物業會被抵押，用於支付從張貼第一張“違例通知”開始，在執法過程當中所產生的所有費用，直至所有費用付清為止。

《三藩市建築物條例》第102.2條款和第110條款。

**警告：**三藩市房屋條例第204條對最初的違例會立即處以每項100元的罰款，接下來會對第二次的違例處以每項200元的罰款，最高可以對每座建築物處以7,500元的罰款。該條例還可以對每項違例處以輕微罪行的刑事檢控，可處以每日最少1,000元的罰款或6個月的監禁，或兩者並罰。

**警告：**任何從樓宇檢查局認定為低於標準的房屋中獲取租金收入的個人，對於該低於標準的建築結構，將不能用於減免州的個人所得稅和銀行以及企業的所得稅利息、折舊或適用於該房屋的稅項。如果在該通知日期的6個月之後，更正工程尚未完成，或者沒有努力、快速和繼續進行有關工程，有關通知將會根據《收入及稅務條例》第17264 (6) 條款寄給加州平稅委員會。

**警告：**三藩市建築物條例第103條款可給予每天最高可至500元的行政罰款，對任何違反、不遵從、遺漏、疏忽或拒絕遵守或反對執行該條例的任何條款。該條款可給予輕微罪行的罰款，一經定罪，可以對每一項單獨的違例，違例期間的每一天，處於最高500元和/或最高6個月的監禁。

# **EXHIBIT 7**



# DEPARTMENT OF BUILDING INSPECTION

Housing Inspection Services Division  
City and County of San Francisco  
49 South Van Ness Avenue, San Francisco, California 94103-1226  
(628) 652-3700 Fax: (628) 652-3709 Email: DBIHIDComplaints@sfgov.org Website: www.sfdbi.org

## NOTICE OF VIOLATION

COMPLAINT: 202310506

OWNER/AGENT: SANCHEZ RAFAEL GARCIA

DATE: 04-AUG-23

**MAILING**

ADDRESS: SANCHEZ RAFAEL GARCIA  
1465 OAKDALE AVE APT 2  
SAN FRANCISCO CA

LOCATION: 1465 OAKDALE AV

BLOCK: 5324 LOT: 017

NOTICE TYPE: CA TASK FORCE

94124

BUILDING TYPE: NA USE TYPE: R3

### YOU ARE HEREBY ORDERED TO COMPLY WITH THE FOLLOWING REQUIREMENTS:

ITEM	DESCRIPTION
1 THIS NOTICE INCLUDES VIOLATIONS FOR THE AREAS NOTED.	1465 Oakdale Av. There are multiple units which will be referred to as Units 1 and 4 on the ground floor, Units 2 and 3 on the second floor, and storage as drawn on the 201509298355 plan set.
2 DAMAGED PAINT (1301)SFHC WORK PRACTICE FOR LEAD-BASED PAINT (327)CEBC	THIS STATEMENT APPLIES TO ALL WORK AREAS, EXTERIOR AND INTERIOR, WHERE PAINTED SURFACES ARE AFFECTED.  REMOVE OR COVER DAMAGED PAINT IN AN APPROVED MANNER TO PREVENT A LEAD HAZARD. SEE ATTACHED LEAD HAZARD WARNING.  Disturbing lead based paint can be EXTREMELY DANGEROUS to dwelling occupants and visitors, particularly to young children, pregnant women, pets, and to people performing work on the premises. If you are unsure whether the paint is leaded, you should test it prior to performing any work. If the paint is found to contain lead, you should consult with an expert about appropriate procedures. Proper containment and 3-day notification is required for exterior jobs of more than 10 sq.ft. (Sec 327 CEBC). Informational packets are available at (415) 558-6088.  You can contact the San Francisco Childhood Lead Poisoning Prevention Program at: (415) 554-8930 for free advice. IF YOU CAUSE LEAD DUST TO BE CREATED, YOU COULD BE LIABLE FOR ANY ILLNESS CAUSED BY THE DUST. Ordinance #446-97.
3 HANDRAILS (802(c), (1001(b)(d)(13)HC	Provide handrail at stairs to Unit 2. Minimum one approved handrail is required at either side of the stairs. Comply with Section 1012 of the California Building Code; Copy available upon request.





# DEPARTMENT OF BUILDING INSPECTION

Housing Inspection Services Division

City and County of San Francisco

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

(628) 652-3700 Fax: (628) 652-3709 Email: DBIHIDComplaints@sfgov.org Website: www.sfdbi.org

## NOTICE OF VIOLATION

**COMPLAINT: 202310506**

- 4 GUARDS 1015 CBC  
Provide approved guards at the front walkway and stairway. Guards shall be 36-42 inches above the landing and stair tread nose. Open guards shall have balusters such that a 4 inch diameter sphere cannot pass through any opening. A permit is required.
- 5 SMOKE DETECTOR (911)HC, (310.9.1.2)CBC  
Provide smoke detectors in every sleeping room and connecting hallway. Smoke detectors must be installed on the ceiling or wall within 12 inches of the ceiling.
- 6 REPAIR DAMAGED CEILINGS (1001 (b)(13)(d)(h)(1) HC  
PAINT CEILINGS/WALLS (1001(b)(13) (1301)HC  
Unit #1.  
A. Repair the damaged ceiling in the studio unit.  
B. Paint all new work areas.
- 7 ROOM SEPARATIONS (505(f)(2) HC  
Unit #1. Provide a fully operational door and wall partition between the studio and the gas cooking appliance or replace gas appliance with an electric cooking appliance. Permits are required.
- 8 ROOM SEPARATIONS (505(f)(2) HC  
Unit #2. Provide a fully operational door and wall partition between the studio and the gas cooking appliance or replace gas appliance with an electric cooking appliance. Permits are required.
- 9 PROVIDE HEAT (701(c)(1) 1001(b)(6)(d) HC  
Unit #2. Dwelling unit(s) must be provided heat capable of reaching 70 degrees farenheit at a point midway between the heating unit and the furthest wall in the habitable room. Heat shall be available 24 hours daily.  
  
There was no permanent heat source identified in the dwelling (unit). Provide heat as required. If a new permanent heat source is installed, building, plumbing and electric permits may be required.
- 10 REPLACE BROKEN GLASS WINDOW PANE 708, 1001(d)(h) SFHC  
Unit #2. Replace the broken glass at the window in the bathroom.
- 11 REPAIR DAMAGED WALLS (1001 (b)(13)(d)(h)(1) HC  
WORK PRACTICE FOR LEAD-BASED PAINT (327) CEBC  
PAINT WALLS (1001(b)(13) (1301)HC  
Unit #4. Repair the damaged walls at the following locations.  
A. Shower walls in the bathroom.  
B. Walls at the large front bedroom.  
C. Plumbing wall underneath the kitchen sink counter.
- 12 REPAIR FLOOR COVERING (1001(b)(13)(d)(j) HC  
Unit #4. Repair the damaged flooring at the following locations.  
A. In the bedroom on the front left side.  
B. In the large front bedroom on the right side.
- 13 REPAIR SINK (1001(b)(13)(d)(f)(1306) HC  
Unit #4. Repair the faulty plumbing at the kitchen sink.
- 14 GENERAL DILAPIDATION OR IMPROPER MAINTENANCE 1001(b)(d)(13) HC  
Unit #4.  
A. Repair the damaged door frame and sill at the exterior door on the left side of the facade of the rear building.  
B. Repair or repalce the damaged kitchen sink cabinet.



# DEPARTMENT OF BUILDING INSPECTION

Housing Inspection Services Division  
City and County of San Francisco  
49 South Van Ness Avenue, San Francisco, California 94103-1226  
(628) 652-3700 Fax: (628) 652-3709 Email: DBIHIDComplaints@sfgov.org Website: www.sfdbi.org

## NOTICE OF VIOLATION

**COMPLAINT: 202310506**

- 15 REMOVE CORD WIRING (1001(e)HC  
Unit #4. Remove the cord wire in the left side hallway by the furnace closet.
- 16 REMOVE RUBBISH OR TRASH (1001(d)(k)(1306)(1307) HC  
Unit #4. Remove the debris and pest dropping from inside the subpanel recess cabinet.
- 17 INSPECTOR COMMENTS  
There were no code violations noted in the Unit #3 at the time of inspection.
- 18 INSPECTOR COMMENTS  
Repairs cited in this Notice may require Building, Plumbing and/or Electrical permits. It is the responsibility of the owner to obtain (or have others obtain) any required permits before beginning work that requires permit(s). Specify in the permit description of work the complaint number and the items that need a permit. This case can not be abated until the housing inspector makes a final inspection to verify that all violations have been corrected and all required permits have been obtained and finalized. On the reinspection day, present to the housing inspector the Job Card, Permit Application and Permits indicating that all the required work under permit is complete. Prior to the reinspection by the housing inspector, call building, electrical and/or plumbing inspector(s) for the required inspection(s).
- 19 INSPECTOR COMMENTS  
The storage structure as shown on the 201509298355 is being used as a dwelling unit. This ADU will be addressed in a separate complaint. See Complaint 202310833 for code enforcement action.
- 20 INSPECTOR COMMENTS  
(NUISANCE (401(2) (1001(d) HC) This property has been deemed a nuisance.  
It is the property owner's responsibility to be present or to direct his/her representative to attend the reinspections scheduled on this Notice of Violation, for the purpose of providing entry to the inspector of those areas not accessed during the initial inspection as specified, and/or to provide access to all areas cited within this notice.  
  
If the property owner cannot attend the scheduled reinspection (as specified on this notice) it is his/her responsibility to secure a different inspection date and time with the inspector, and provide all tenants with notification as required by CALIFORNIA CIVIL CODE SECTION 1954. SAN FRANCISCO HOUSING CODE SECTION 303.(b), If any dwelling, apartment units or guest rooms are to be accessed during the reinspection.

ALL ITEMS MUST BE COMPLETED WITHIN 30 DAYS. REINSPECTION DATE : 12 September 2023 01:30 PM  
IT IS RECOMMENDED THAT THE OWNER/OWNERS REPRESENTATIVE CONFIRM REINSPECTION DATE/TIME.  
CONTACT HOUSING INSPECTOR : Anthony Lepe AT 628-652-3377

FOR EVERY INSPECTION AFTER THE INITIAL RE-INSPECTION, A \$181.82 FEE WILL BE CHARGED UNTIL THE VIOLATIONS ARE ABATED. SFBC 108.8

# **EXHIBIT 8**



March 5, 2024

Owner: **SANCHEZ RAFAEL GARCIA**  
**1465 OAKDALE AVE APT 2**  
**SAN FRANCISCO CA**  
**94124**

Address: **1465 OAKDALE AV,**  
**Block: 5324 Lot: 017 Seq: 00**  
**Tract: 231 Case: XF0**  
**Inspector: Lepe**  
**Hearing Number : 202310506**

## NOTICE OF DIRECTOR'S HEARING

**Date and Time of Hearing: March 28, 2024 at 9:30 a.m.**  
**At 49 South Van Ness Ave, first floor, Rm 196 San Francisco, CA 94103**

TO OWNER(S), LESSEE(S), TENANT(S) AND OTHER PERSONS OF INTEREST:

In accordance with provisions of the San Francisco Building Code, the described premises were inspected and violation(s) were found to exist. The Notice of Violations (NOV) has been mailed to the Owner(s) of Record or agent(s) and compliance has not occurred. Therefore, the Director of the Department of Building Inspection has probable cause to believe the building, structure or a portion thereof is an unsafe building or property.

Failure to comply with the decision of the Director may result in the revocation of the Permit of Occupancy and/or Certificate of Occupancy of the subject premises.

The Owner(s) of Record or the duly authorized representative is notified to appear at the Hearing to be held on the date shown above, at which time the Director of the Department of Building Inspection will consider the violation(s) and that the building is unsafe and a public nuisance.

### WARNING

Failure to comply with this request will result in further abatement proceedings. If an Order of Abatement is issued from the Director's Hearing, you will be billed for the entire cost incurred in the code enforcement process, from the posting of the first "Warning of Violation" until the matter is resolved per San Francisco Building Code Sections 102A.3, 102A.17, 110A, Table 1A-D, 1A-G, and 1A-K.

The Owner(s) of Record is instructed to notify the holder(s) of any Mortgage(s) or Deed(s) of Trust secured by this property of these proceedings. Also, the Department of Building Inspection shall be advised of the name(s) of holder(s) of any Mortgage(s) or Deed(s) of Trust on this property. Please call Inspector **Lepe** at (628) 652-3700 if you have questions regarding this code enforcement case.

BY ORDER OF THE DIRECTOR OF DEPARTMENT OF BUILDING INSPECTION.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Patrick O'Riordan".

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



**HOUSING INSPECTION SERVICES  
IN PERSON DIRECTOR HEARINGS**

**HOUSING INSPECTION SERVICES WILL NOW BE HOLDING DIRECTOR'S HEARINGS  
IN-PERSON**

**THEY WILL NO LONGER BE REMOTE (CALL-IN)**

The Director Hearings will begin:

**START TIME: 9:30AM**  
**DATE: March 28, 2024**  
**LOCATION: 49 South Van Ness Av, Room 0196, 1<sup>st</sup> Floor**

**YOU MUST BE PRESENT IN ORDER TO PARTICIPATE**

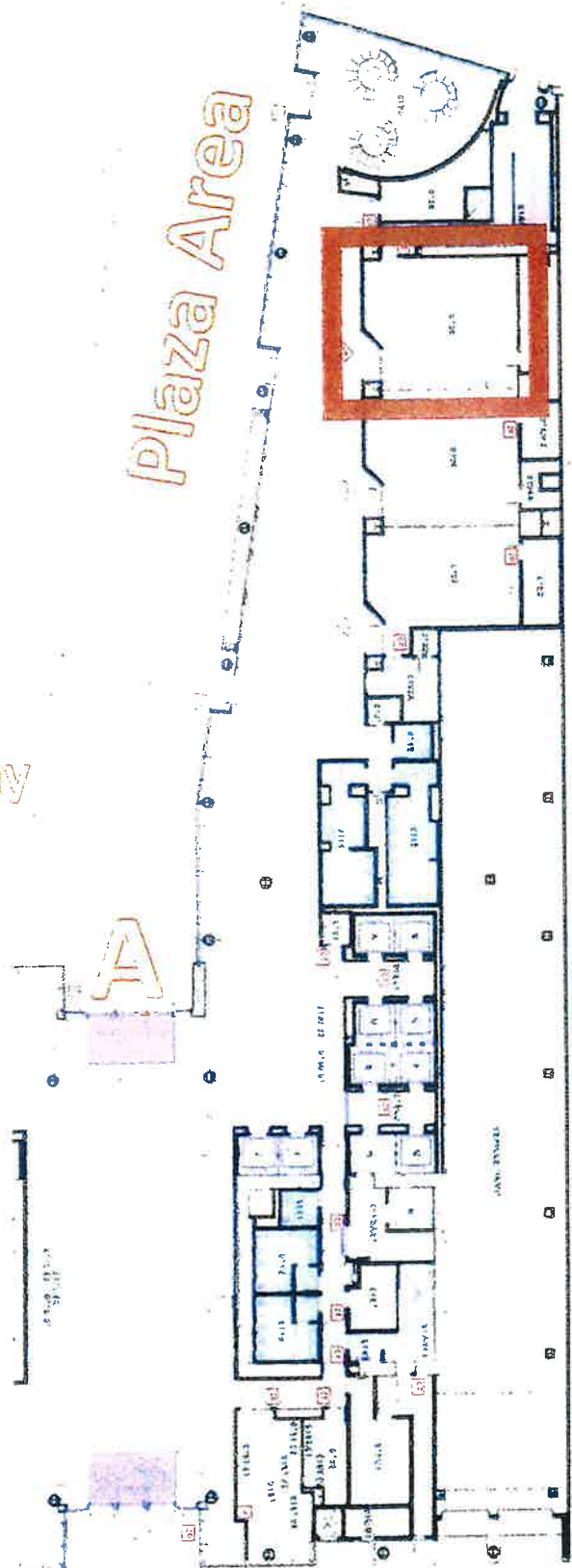


Our new offices are located at 49 South Van Ness in San Francisco. The entrance, labeled 'A' on the map, is accessible from either the walkway leading from Mission Street, or the plaza area leading to South Van Ness.

Mission Street Walkway

The large red square on the map is the location of the hearing room. Please check the signage when you arrive to 1) Be sure your case is being heard today, and 2) ensure that the meeting location wasn't changed at the last minute. If it **HAS** been changed, there should be signage erected to direct you to the new location.

*Please see other side for more meeting information and requirements.*





## Coronavirus (COVID-19) Safety Protocols

Please note the following updates to our Health and Safety plan as of 10/21/21:

The San Francisco Department of Public Health's safety plan states that all city employees and members of the public are required to wear a mask while in the building at 49 South Van Ness, regardless of their vaccination status. We are no longer requiring social distancing or limiting occupancy for Code Enforcement Director's Hearings.

Please do not visit if you have:

- Any COVID symptoms, including: Fever, Dry cough, Sore throat, Diarrhea, Headache, Loss of taste or smell, Difficulty breathing or shortness of breath, Chest pain or pressure, Loss of speech or movement
- Tested positive for the virus in the past 10 days
- Been in close contact with someone who has tested positive in the past 10 to 14 days

If any of the above listed items are true, please arrange to have an agent or representative appear in your place.

## List of Owners/Interested Parties

**Address:** 1465 Oakdale Av

Complainant:  
N/A

1.  
Sanchez Rafael Garcia  
1465 Oakdale Ave Apt 2  
San Francisco, CA 94124

2.  
United Wholesale Mortgage, LLC  
585 South Boulevard E  
Pontiac, MI 48341

Deed of Trust dated 9/28/2023, loan# 1223535821 U\$708,000.00  
Recorded DOC 203071620, 10/3/2023

Created: 03/11/2024 / MAC

Tract: 231/ Source: XF0



# **EXHIBIT 9**



## ORDER OF ABATEMENT - ORDER NO. 202310506

Owner: SANCHEZ RAFAEL GARCIA  
1465 OAKDALE AVE APT 2  
SAN FRANCISCO CA  
94124

Address: 1465 OAKDALE AV,  
Block: 5324 Lot: 017 Seq: 00  
Census Tract: 231 Source: XF0  
Complaint: 202310506  
Date Order of Abatement Issued: March 28, 2024  
Inspector/Division: Lepe\HIS  
Housing Division Representative: James Lawrie  
Hearing Officer: Kenneth Burk

A Hearing on the complaint of the Director of the Department of Building Inspection against the property referenced above was held on **March 28, 2024** in accordance with the San Francisco Building Code Section 102A. The hearing was conducted by a representative of the Director. The property owner received notification of the hearing as required by Section 102A.4 of the San Francisco Building Code. The property owner/representative **DID** attend the hearing.

After a full and fair consideration of the evidence and testimony received at the hearing, **THE DIRECTOR FINDS AND DETERMINES THE FOLLOWING:**

1. That Notice has been duly given as required by law 10 days prior to the hearing.
2. That the conditions are as stated in the complaint of the Director of the Department of Building Inspection attached as the Notice(s) of Violation (NOV) dated: **August 4, 2023**
3. That the Conditions of said structure(s) constitutes an unsafe building or a public nuisance pursuant to Section 102A of the San Francisco Building Code and Section 1001(d) of the San Francisco Housing Code.

Based on the findings set forth above, **THE DIRECTOR OF THE DEPARTMENT OF BUILDING INSPECTION HEREBY ORDERS THE PROPERTY OWNER OF SAID BUILDING TO ABATE ALL VIOLATIONS CITED IN THE ATTACHED NOTICES(S) OF VIOLATION AND COMPLY WITH THE FOLLOWING DIRECTIVES COMMENCING FROM THE DATE THIS ORDER IS POSTED & SERVED:**

15 **Days to complete all work - as noted in the above referenced NOV**

The Department of Building Inspection **SHALL BE REIMBURSED** by the property owner for the ASSESSMENT OF COSTS incurred in clearing this case pursuant to Section 102A.3 and 102A.17 of the San Francisco Building Code. For information contact the inspector indicated above within Housing Inspection Services at (628) 652-3700. Fax (628) 652-3709. This Order may be appealed to the Abatement Appeals Board within fifteen (15) days of the posting and service of said Order. Appeal forms and filing fee information can be obtained from the Board's Secretary at 49 South Van Ness Avenue, 4th Floor, (628) 652-3700.

Very truly yours,

Handwritten signature of Patrick O'Riordan in black ink.

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

Handwritten signature of James Sanbonmatsu in black ink.

Approved for Distribution on March 29, 2024  
by James Sanbonmatsu, Chief Housing Inspector

# **EXHIBIT 10**



# DEPARTMENT OF BUILDING INSPECTION

Housing Inspection Services Division  
City and County of San Francisco  
49 South Van Ness Avenue, San Francisco, California 94103-1226  
(628) 652-3700 Fax: (628) 652-3709 Email: DBIHIDComplaints@sfgov.org Website: www.sfdbi.org

## NOTICE OF VIOLATION

COMPLAINT: 202310833

OWNER/AGENT: SANCHEZ RAFAEL GARCIA

DATE: 10-AUG-23

MAILING

ADDRESS: SANCHEZ RAFAEL GARCIA  
1465 OAKDALE AVE APT 2  
SAN FRANCISCO CA  
94124

LOCATION: 1465 OAKDALE AV

BLOCK: 5324 LOT : 017

NOTICE TYPE: CA TASK FORCE

BUILDING TYPE: NA

USE TYPE: R3

### YOU ARE HEREBY ORDERED TO COMPLY WITH THE FOLLOWING REQUIREMENTS:

ITEM	DESCRIPTION
1 THIS NOTICE INCLUDES VIOLATIONS FOR THE AREAS NOTED.	1465 Oakdale Av.
2 WORK WITHOUT PERMIT (106A, 108A SFBC) BUILDING PERMIT REQUIRED (301 HC) IMPROPER OCCUPANCY (1001(d)(o)SFHC DWELLING UNIT WITHOUT PERMIT (106A.3.1.3 SFBC)(207.3 PC) CHANGE OF OCCUPANCY 3408 CBC	See DBI NOV issued.
3 INSPECTOR COMMENTS	(NUISANCE (401(2) (1001(d) HC) This property has been deemed a nuisance. It is the property owner's responsibility to be present or to direct his/her representative to attend the reinspections scheduled on this Notice of Violation, for the purpose of providing entry to the inspector of those areas not accessed during the initial inspection as specified, and/or to provide access to all areas cited within this notice.  If the property owner cannot attend the scheduled reinspection (as specified on this notice) it is his/her responsibility to secure a different inspection date and time with the inspector, and provide all tenants with notification as required by CALIFORNIA CIVIL CODE SECTION 1954. SAN FRANCISCO HOUSING CODE SECTION 303.(b), If any dwelling, apartment units or guest rooms are to be accessed during the reinspection.

ALL ITEMS MUST BE COMPLETED WITHIN 90 DAYS. REINSPECTION DATE : 08 November 2023 01:30 PM

IT IS RECOMMENDED THAT THE OWNER/OWNERS REPRESENTATIVE CONFIRM REINSPECTION DATE/TIME.

CONTACT HOUSING INSPECTOR : Anthony Lepe AT 628-652-3377

FOR EVERY INSPECTION AFTER THE INITIAL RE-INSPECTION, A \$170.00 FEE WILL BE CHARGED UNTIL THE VIOLATIONS ARE ABATED. SFBC 108.8



# NOTICE OF VIOLATION

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

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

**NOTICE: 1**

**NUMBER: 202310833**

**DATE: 10-AUG-23**

**ADDRESS: 1465 OAKDALE AV**

**OCCUPANCY/USE: R-3 (RESIDENTIAL- 1 & 2 UNIT DWELLINGS, TOWNHOUSES) BLOCK: 5324 LOT: 017**

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

**OWNER/AGENT: SANCHEZ RAFAEL GARCIA**  
**MAILING SANCHEZ RAFAEL GARCIA**  
**ADDRESS 1465 OAKDALE AVE APT 2**  
**SAN FRANCISCO CA**

**PHONE #: --**

94124

**PERSON CONTACTED @ SITE: SANCHEZ RAFAEL GARCIA**

**PHONE #: --**

## VIOLATION DESCRIPTION:

	CODE/SECTION#
<input checked="" type="checkbox"/> <b>WORK WITHOUT PERMIT</b>	103A
<input type="checkbox"/> <b>ADDITIONAL WORK-PERMIT REQUIRED</b>	106A.4.7
<input type="checkbox"/> <b>EXPIRED OR</b> <input type="checkbox"/> <b>CANCELLED PERMIT PA#:</b>	106A.4.4; 106A.3.7
<input checked="" type="checkbox"/> <b>UNSAFE BUILDING</b> <input type="checkbox"/> <b>SEE ATTACHMENTS</b>	102A.1

THE LEGAL USE OF THIS BUILDING IS A R-3 ONE UNIT DWELLING. A COTTAGE AT THE REAR OF THE LOT WITH LIVING OVER THE GROUND FLOOR. CURRENTLY THERE ARE 3 ADDITIONAL UNITS ADDED TO THE ORIGINAL REAR STRUCTURE. THESE UNITS HAVE BEEN CITED IN COMPLAINT 201342991. AT THE TIME OF INSPECTION THERE WAS AN ADDITIONAL DWELLING UNIT IDENTIFIED IN THE STORAGE BUILDING AT THE FRONT OF THE LOT WHICH ABUTS THE SIDEWALK. PERMIT RESEARCH REVEALED THAT NO PERMITS HAVE BEEN TAKEN TO PERFORM THIS WORK.

**VIOLATIONS ARE AS FOLLOWS:**

- DWELLING UNIT CONSTRUCTED OR INSTALLED WITHOUT REQUIRED PERMIT(S) (106A.3.1.3 SFBC)(207.3 PC)
- WORK WITHOUT PERMIT (301 HC), (106A, 106A.4.1 SFHC)
- IMPROPER OCCUPANCY (1001(d)SFHC) (1001(o)SFHC) (3403, 3406.4 SFBC)
- UNAPPROVED WIRING AND PLUMBING (1001(e) & (1001(f) SFHC)
- NUISANCE (1001(d) SFHC)
- INADEQUATE EXIT (1001(m) SFHC)
- LACK OF PROPER 1 HOUR FIRE CONSTRUCTION MATERIALS (1001(n)SFHC), (602.5, 708.1 SFBC)
- LACK OF PROPER WEATHER PROTECTION (703 SFHC)
- LACK OF PROPER LIGHT AND VENTILATION (504 SFHC)
- LACK OF PROPER HEAT/ HEAT SOURCE (701 SFHC)
- LACK OF PROPER ESCAPE WINDOW (801(5) SFHC), (1030 CBC)
- LACK OF PROPER/INSTALLED WITHOUT PROPER PERMITS BATHROOM AND KITCHEN FIXTURE/APPLIANCES (709 SFHC)
- LACK OF PROPER SMOKE DETECTORS (904, 909, 911 SFHC)
- LACK OF REQUIRED CARBON MONOXIDE ALARM(S) (1001(b)(13) SFHC), (420 SFBC)

## CORRECTIVE ACTION:

**STOP ALL WORK SFBC 104.2.4**

**FILE BUILDING PERMIT WITHIN 30 DAYS**

**(WITH PLANS)** A copy of This Notice Must Accompany the Permit Application

**OBTAIN PERMIT WITHIN 60 DAYS AND COMPLETE ALL WORK WITHIN 90 DAYS, INCLUDING FINAL INSPECTION AND OFF.**

**CORRECT VIOLATIONS WITHIN DAYS.**

**NO PERMIT REQUIRED**



# NOTICE OF VIOLATION

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

YOU FAILED TO COMPLY WITH THE NOTICE(S) DATED , THEREFORE THIS DEPT. HAS INITIATED ABATEMENT PROCEEDINGS.

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

\*SUBMIT A COPY OF THIS NOTICE OF VIOLATION AND TWO SETS OF PLANS WITH THE BUILDING PERMIT APPLICATION TO LEGALIZE THE EXISTING FLOOR PLAN AND CONDITIONS OR RESTORE TO ITS LAST LEGAL USE. ELECTRIC AND PLUMBING PERMITS ARE ALSO REQUIRED. AFTER THE PERMITS ARE ISSUED CALL FOR ALL REQUIRED INSPECTIONS. TO ABATE THIS NOTICE YOU MUST CONTACT HOUSING INSPECTION SERVICES FOR AN INSPECTION AND PRODUCE ALL PERMITS, PLANS, AND SIGNED JOBCARDS WITH THE APPROPRIATE SIGN OFFS AS REQUIRED.

\*Because of the above cited alterations without permit, you are required to comply with the following ordinance: NOTICE per Ordinance 33-16: SFBC Section 102A.3.1. Dwelling units constructed or installed without required permit(s). In case of an unauthorized dwelling unit constructed or installed in an existing building without the required permit or permits, in addition to the above requirements the written Notice of Violation shall order the property owner to file an application for a building and other permits required to legalize the unit pursuant to Building Code Section 106A.3.1.3 and Planning Code 207.3.

Exceptions:

\*Removal of the unit has been approved by the Planning Commission pursuant to Planning Code Section 317; or \*After performing a screening under Section 106A.3.1.3(a) of this Code, the Department has determined that the unauthorized dwelling unit is not able to be legalized under Section 106A.3.1.3 of this Code; or

\*The Building Official has determined that a serious and imminent hazard under Section 102A.16 of this Code exists on the subject property.

If none of the three exceptions listed above are met, submit a copy of this Notice and two sets of plans with a Building Permit Application to legalize the conversion of the garage/basement into a dwelling unit and for the construction of a bathroom. After the Building Permit is issued, Plumbing and Electrical Permits must be obtained. If any of the above 3 exceptions are met, the owner shall revert the areas of violation back to their last legal use or legalize the unit pursuant to Ordinance 33-16. To revert back to previous legal use, obtain Building Permits to remove unpermitted bathroom and sleeping room walls, obtain Plumbing Permits to remove unpermitted bathroom supply and waste lines, obtain Electrical Permits to remove unpermitted electrical work, and then perform work and complete all work in 90 days.

To abate this Notice of Violation, you must obtain all permits and complete all work as specified above. Then, when work is completed and all Building and Plumbing Permits are signed off and completed, you must contact the district Housing Inspector for a



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

final inspection. At final inspection, all finalized Building, Plumbing and Electrical Permits must be produced, and access must be provided to all areas of the building.

**INVESTIGATION FEE OR OTHER FEE WILL APPLY**

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

**APPROX. DATE OF WORK W/O PERMIT**

**VALUE OF WORK PERFORMED W/O PERMITS \$12000**

**BY ORDER OF THE DIRECTOR, DEPARTMENT OF BUILDING INSPECTION**

CONTACT INSPECTOR: Anthony M Lepe

PHONE # 628-652-3377

DIVISION: HIS

DISTRICT :

By:(Inspector's Signature)

Anthony M Lepe



# DEPARTMENT OF BUILDING INSPECTION

Housing Inspection Services Division

City and County of San Francisco

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

(628) 652-3700 Fax: (628) 652-3709 Email: DBIHIDComplaints@sfgov.org Website: www.sfdbi.org

## NOTICE OF VIOLATION WARNINGS!

**TO THE PROPERTY OWNER(S), THEIR SUCCESSORS, AND ALL OTHER PERSONS HAVING ANY INTEREST IN THE ABOVE DESCRIBED PROPERTY LOCATED IN THE CITY AND COUNTY OF SAN FRANCISCO PLEASE TAKE NOTICE:**

**COMPLIANCE WITHIN SPECIFIED TIME FRAME REQUIRED:** The described premises were inspected by inspector(s) of the Department of Building Inspection. As a result of the inspection(s), violations were found to exist and were listed in the Notice of Violation mailed to the property owner(s). ACCORDINGLY, the owner(s) of the above described property are required, within the time frame set forth in this Notice, to make application (if required) for the necessary permits, to correct the conditions diligently and expeditiously, and to complete the work within the specified time on the attached NOTICE(S), to be verified by the appropriate Inspector through site inspection.

**COST OF CODE ENFORCEMENT WILL BE BORNE BY THE PROPERTY OWNER:** Section 102A.3 of the San Francisco Building Code provides that in addition to the civil penalties described therein, the property owner shall be assessed all attendant, administrative, and inspection's costs incurred by the Department of Building Inspection for the property owner's failure to comply with this Notice. These costs arise from department time accrued pertaining but not limited to: (1) monthly violation monitoring, (2) case inquiries (phone calls, counter visits, response to correspondence, etc.), (3) case management, (4) permit history research, (5) notice/hearing preparation, (6) inspections, (7) staff appearances/reports at hearings, and (8) case referrals.

Assessment of Costs will accrue when the property owner fails to comply with this Notice through: (1) a monthly violation monitoring fee of \$52.00, and (2) an hourly rate of \$104.00 for case management/administration, and \$170.00 for inspections, as provided for in Sections 102A.3, 102A.17, and Section 110A, Tables IA-D, and IA-K of the San Francisco Building Code. The property owner will be notified by letter of the accrued Assessment of Costs following failure to comply with this Notice. Failure to pay the Assessment of Costs shall result in: (1) the case not being legally abated until all assessments are paid, and (2) tax lien proceedings against the property owner pursuant to Sections 102A.3, 102A.16, 102A.17, 102A.18 et seq., 102A.19 et seq., and 102A.20 of the San Francisco Building Code.

**REFERRAL TO STATE FRANCHISE TAX BOARD:** Section 17274 and 24436.5 of the Revenue and Taxation Code provide, inter alia, that a taxpayer who derives rental income from housing determined by the local regulatory agency to be substandard by reason of violation of state or local codes dealing with housing, building, health and/or safety, cannot deduct from state personal income tax and bank and corporate income tax, deductions for interest, depreciation of taxes attributable to such substandard structure where substandard conditions are not corrected within six (6) months after Notice of Violation by the regulatory agency. If corrections are not completed or being diligently and expeditiously and continuously performed after six (6) months from the date of this Notice of Violation, notification will be sent to the Franchise Tax Board as provided in Section 17274(c) of the Revenue and Taxation Code.



**NOTICE OF VIOLATION WARNINGS! (Continued from page 1)**

**PUBLIC NUISANCES & MISDEMEANORS:** Section 102A of the San Francisco Building Code and Sections 204, 401 and 1001(d) of the San Francisco Housing Code provide that structures maintained in violation of the Municipal Code are public nuisances and as such are subject to the code enforcement action delineated therein. Section 204 of the Housing Code provides that any person, the owner(s) or his authorized agent who violates, disobeys, omits, neglects or refuses to comply with the Housing Code, or any order of the Director, made pursuant to this Code, shall be guilty of a misdemeanor, upon conviction thereof punishable by a fine not exceeding \$1,000.00, or by imprisonment not exceeding six (6) months, or by both fine and imprisonment, and shall be deemed guilty of a separate offense for every day such violations continue.

**PERMIT REQUIREMENTS:** Any required permit application must be applied for within the time limit set forth in the attached Notice(s). Permit applications are to be filed with the requisite plans, drawings, and specifications at the Central Permit Bureau, Department of Building Inspection, at 1660 Mission Street, 1st Floor. A post card will be mailed to you by the Central Permit Bureau when the building permit is ready to be picked up. Pursuant to Sections 107A.5, and 110A, Table 1A-K of the San Francisco Building Code investigation fees, are charged for work begun or performed without permits or for work exceeding the scope of permits. Such fees may be appealed to the Board of Permit Appeals within 15 days of permit issuance at 1660 Mission Street, 3rd floor, Room 3036 at (415) 575-6880.

**NOTIFICATION TO BUILDING TENANTS:** Pursuant to Sections 17980.1 and 17980.6 of the California Health & Safety Code, and Section 102A.3 of the San Francisco Building Code, when issuing a Notice of Violation the local jurisdiction shall post a copy of the Notice in a conspicuous place on the property and make available a copy to each tenant thereof.

**PROPERTY OWNER/LESSOR MAY NOT RETALIATE AGAINST TENANT/LESSEE FOR MAKING**

**A COMPLAINT:** Pursuant to Section 17980.6 of the California Health & Safety Code, the property owner may not retaliate against the tenant/lessee for exercising rights under the Section 1942.5 of the California Civil Code.

**REINSPECTION FEES:** For every inspection, after the initial re-inspection, a \$170.00 fee will be charged until the violations are abated pursuant to Sections 108A.8 and 110A, Table IA-G of the San Francisco Building Code.

**VIOLATIONS OF WORK PRACTICES FOR LEAD-BASED PAINT DISTURBANCE:**

Section 3423 of the San Francisco Building Code regulates work that disturbs or removes lead paint. Failure to comply with these requirements may result in a penalty not to exceed \$500.00 per day plus administrative costs as provided by Section 3423.8 of this Code.

Upon completion of all required work, you must contact the designated Housing Inspector for a final inspection, unless otherwise specified. Please contact the Housing Inspection Services Division if you have any questions. If you want more information on the overall code enforcement process you may request a copy of the Department brochure entitled What You Should Know About the Department of Building Inspection Code Enforcement Process or download the document from the Department website.

NCTS\_NOV.rdf revised 6/22/2011

# **EXHIBIT 11**



# NOTICE OF VIOLATION

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

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

NUMBER: 202310462  
DATE: 15-AUG-23

ADDRESS: 1465 OAKDALE AV

OCCUPANCY/USE: R-3 (RESIDENTIAL- 1 & 2 UNIT DWELLINGS,TOWNHOUSES) BLOCK: 5324 LOT: 017

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

OWNER/AGENT: SANCHEZ RAFAEL GARCIA  
MAILING SANCHEZ RAFAEL GARCIA  
ADDRESS 1465 OAKDALE AVE APT 2  
SAN FRANCISCO CA

PHONE #: --

94124

PERSON CONTACTED @ SITE: Sanchez Rafael Garcia

PHONE #: --

## VIOLATION DESCRIPTION:

	CODE/SECTION#
<input checked="" type="checkbox"/> WORK WITHOUT PERMIT	103A
<input type="checkbox"/> ADDITIONAL WORK-PERMIT REQUIRED	106A.4.7
<input type="checkbox"/> EXPIRED OR <input type="checkbox"/> CANCELLED PERMIT PA#:	106A.4.4; 106A.3.7
<input type="checkbox"/> UNSAFE BUILDING <input type="checkbox"/> SEE ATTACHMENTS	102A.1

A Taskforce Inspection was performed on 7/11/23. Inspection has revealed that a new metal gate/fence approximately 20' wide along the sidewalk at the front of the property has been built without a Building Permit and City Planning Approval. Reference NOV#201342991 & #202310833 for additional violations observed.

## CORRECTIVE ACTION:

- STOP ALL WORK SFBC 104.2.4
- FILE BUILDING PERMIT WITHIN 30 DAYS  (WITH PLANS) A copy of This Notice Must Accompany the Permit Application
- OBTAIN PERMIT WITHIN 60 DAYS AND COMPLETE ALL WORK WITHIN 90 DAYS, INCLUDING FINAL INSPECTION SIGNOFF.
- CORRECT VIOLATIONS WITHIN DAYS.  NO PERMIT REQUIRED
- YOU FAILED TO COMPLY WITH THE NOTICE(S) DATED , THEREFORE THIS DEPT. HAS INITIATED ABATEMENT PROCEEDINGS.
- FAILURE TO COMPLY WITH THIS NOTICE WILL CAUSE ABATEMENT PROCEEDINGS TO BEGIN.  
SEE ATTACHMENT FOR ADDITIONAL WARNINGS.

File for and obtain a building permit with plans and City Planning approval for the new gate/fence described above OR to remove and revert to the last known legal condition. Permit Application must state to comply with NOV. Obtain all required inspections to abate this NOV.

### INVESTIGATION FEE OR OTHER FEE WILL APPLY

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

APPROX. DATE OF WORK W/O PERMIT

VALUE OF WORK PERFORMED W/O PERMITS \$8000

**BY ORDER OF THE DIRECTOR, DEPARTMENT OF BUILDING INSPECTION**

CONTACT INSPECTOR: Gilbert W Lam

PHONE # 628-652-3418

DIVISION: CES

DISTRICT :

By:(Inspectors's Signature) \_\_\_\_\_



# NOTICE OF VIOLATION

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

Pursuant to SFBC 107A.5 and 106A.4.7 investigation fees are charged for work begun or performed without permits or for Work exceeding the scope of permits. Such fees may be appealed to the Board of Permit Appeals within 15 days of permit issuance, at 49 South Van Ness Ave., Suite 1475 (14th Floor), (628) 652-1150.

**WARNING:** Failure to take immediate action as required to correct the above violations will result in abatement proceedings by the Department of Building Inspection. If an Order of Abatement is recorded against this property, the owner will be billed or the property will be liened for all costs incurred in the code enforcement process from the posting of the first "Notice of Violation" until all costs are paid, SFBC 102A.2 & 110A.

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

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

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

De acuerdo a las Secciones 107A.5 y 106A.4.7 de el Código de Construcción de Edificios de San Francisco, gastos de investigación serán cobrados por trabajo empezado o realizado sin los debidos permisos o por trabajo que exceda el limite estipulado en los permisos. Dichos cobros pueden ser apelados ante la Junta de Apelaciones de Permisos (Board of Permit Appeals) dentro de los primeros quince días de haberse obtenido el permiso. Las apelaciones se hacen en el 49 South Van Ness Ave., Suite 1475 (14th Floor), telefono (628) 652-1150.

**ADVERTENCIA:** Si no cumple con las acciones inmediatas requeridas para corregir las infracciones, el Departamento de Inspección de Edificios tendrá el derecho de iniciar el proceso de mitigación. Si una Orden de Mitigación es registrada contra dicha propiedad, los gastos incurridos durante el proceso de aplicación del código, desde la primera puesta del Aviso de Infracción hasta que todos los gastos estén pagados, se le cobrarán al dueño del edificio o la propiedad sera embargada para recuperar dichos gastos. Referencia a la Sección 102A.2 y 110A de el Código de Construcción de Edificios.

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

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

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

Sang-ayon sa SFBC 107A.5 at 106A.4.7 ang bayad sa pagsusuri ay sisingilin sa mga gusaling naumpisahan na o ginawa na walang permit o sa mga gawaing labis sa sakop ng permit. Ang gayong singil ay maaring iapela sa Board of Permit Appeals sa loob ng 15 na araw mula sa pag-isyu ng permit sa 49 South Van Ness Ave., suite 1475 (14th palapag), (628)652-1150.

**BABALA:** Ang kabiguan na gumawa ng aksiyon tulad ng kinakailangan upang iwasto ang mga nasabing paglabag ay magreresulta sa paglilitis ng abatement ng Kagawaran ng Inspeksyon ng Gusali. Kung meron Order of Abatement ang naitala laban sa isang ari-arian, ang may-ari ay sisingilin o di kaya ang ari-arian ay gagamitin na lien sa lahat ng mga gastos na natamo sa proseso ng pagpapatupad mula sa unang "Paunawa sa Paglabag" hanggang sa lahat ng gastos ay mabayaran, SFBC 102A.2 & 110A.

**BABALA:** Ang Seksyon 204 ng Housing Code ng San Francisco ay nagtatakda ng agad-agad na multa na \$100 sa bawat halimbawa ng unang hindi pagsunod, at susundan ng multa na \$200 sa bawat paglabag sa pangalawang hindi pagsunod, hanggang sa sukdulan na \$7,500 sa bawat gusali. Ang seksyon na ito ay itinatakda na magsasampay rin ng kasong kriminal bilang isang misdemeanor sa bawat paglabag at magreresulta sa multa na hindi bababa ng \$1,000 sa bawat araw o di kaya sa anim na buwan na pagkabilanggo o parehong ipapataw.

**BABALA:** Sinumang kumikita sa pag-upa ng pabahay na tinukoy ng Kagawaran ng Inspeksyon ng Gusali na substandard, ay hindi maaring ibawas ang ganooing kita sa buwis sa estado ng kitang personal, at gayundin sa buwis na kita sa interes sa bangko at korporasyon, at sa depreasyon o mga buwis na malilugnay sa gusaling substandard. Kung ang Gawain sa pagwawasto ay hindi nakumpleto o hindi masigasig, mabilis at tuloy-tuloy ang paggawa matapos ang anim (6) na buwan mula sa petsa nitong paunawa, ay magpapadala ng abiso sa Franchise Tax Board na itinakda sa Seksyon 17264(6) ng Revenue and Taxation code.

**BABALA:** Ang Seksyon 103A ng Building Code ng San Francisco ay nagtatakda ng mga multang sibil hanggang sa \$500 sa bawat araw sa sinumang lumabag, sumuway, magtanggap, magpabaya o tumangging sumunod o di kaya sumalungat sa pagpapatupad ng mga probisyon nitong code. Nagpapataw din itong seksyon ng multang misdemeanor kapag nahatulan, ng hanggang sa \$500 at o di kaya anim na buwan na pagkabilanggo sa bawat magkahiwalay na pagkasala para sa bawat araw na nangyari ang ganooing pagkasala.

根據《三藩市建築物條例》第107.5條款和第106.4.7條款，對未經許可的建築工程或者工程超過許可證範圍的檢查，將會收取檢查費用。對該費用可以作出上訴，可以在許可證發出的15天之內，向“上訴委員會”（Board of Appeals）作出上訴。上訴委員會地址：49 South Van Ness Ave., Suite 1475 (14th Floor)，電話：(628) 652-1150。

**警告：**如果沒有立即採取行動更正以上的違例情況，可能會引致樓宇檢查局展開執法行動。如果執法命令正式紀錄於該物業，業主可能會收到賬單，或者該物業會被抵押，用於支付從張貼第一張“違例通知”開始，在執法過程當中所產生的所有費用，直至所有費用付清為止。

《三藩市建築物條例》第102.2條款和第110條款。

**警告：**三藩市房屋條例第204條對最初的違例會立即處以每項100元的罰款，接下來會對第二次的違例處以每項200元的罰款，最高可以對每座建築物處以7,500元的罰款。該條例還可以對每項違例處以輕微罪行的刑事檢控，可處以每日最少1,000元的罰款或6個月的監禁，或兩者並罰。

**警告：**任何從樓宇檢查局認定為低於標準的房屋中獲取租金收入的個人，對於該低於標準的建築結構，將不能用於減免州的個人所得稅和銀行以及企業的所得稅利息、折舊或適用於該房屋的稅項。如果在該通知日期的6個月之後，更正工程尚未完成，或者沒有努力、快速和繼續進行有關工程，有關通知將會根據《收入及稅務條例》第17264 (6) 條款寄給加州平稅委員會。

**警告：**三藩市建築物條例第103條款可給予每天最高可至500元的行政罰款，對任何違反、不遵從、遺漏、疏忽或拒絕遵守或反對執行該條例的任何條款。該條款可給予輕微罪行的罰款，一經定罪，可以對每一項單獨的違例，違例期間的每一日，處於最高500元和/或最高6個月的監禁。

# **EXHIBIT 12**



February 21, 2024

Owner: SANCHEZ RAFAEL GARCIA  
1465 OAKDALE AVE APT 2  
SAN FRANCISCO CA  
94124

Address: 1465 OAKDALE AV,  
Block: 5324 Lot: 017 Seq: 00  
Tract: Case: BW0  
Hearing Number : 202310462  
Inspector: Lam  
Phone: (628) 652-3418

## NOTICE OF DIRECTOR'S HEARING

**Date and Time of Hearing: March 5, 2024, 9:30:AM**  
**49 South Van Ness Av., San Francisco, CA 94103-1226, Room 0194**

TO OWNER(S), LESSEE(S), TENANT(S) AND OTHER PERSONS OF INTEREST:

In accordance with provisions of the San Francisco Building Code, the described premises were inspected and violation(s) were found to exist. The list of Violation(s) have been mailed to the Owner(s) of Record or agent(s) and compliance has not occurred. Therefore, the Director of the Department of Building Inspection has probable cause to believe the building, structure or a portion thereof is an unsafe building or property.

Failure to comply with the decision of the Director may result in the revocation of the Permit of Occupancy and/or Certificate of Occupancy of the subject premises.

The Owner(s) of Record or the duly authorized representative is notified to appear at the Hearing to be held on the date shown above, at which time the Director of the Department of Building Inspection will consider the violation(s) and that the building is unsafe and a public nuisance.

### WARNING

Failure to comply with this request will result in further abatement proceedings. If an Order of Abatement is issued from the Director's Hearing, you will be billed for the entire cost incurred in the code enforcement process, from the posting of the first "Warning of Violation" until the matter is resolved per San Francisco Building Code Sections 102A.3, 110A, Table 1A-G & 110A Table 1A-K.

The Owner(s) of Record is instructed to notify the holder(s) of any Mortgage(s) or Deed(s) of Trust secured by this property of these proceedings. Also, the Department of Building Inspection shall be advised of the name(s) of holder(s) of any Mortgage(s) or Deed(s) of Trust on this property.

BY ORDER OF THE DIRECTOR OF DEPARTMENT OF BUILDING INSPECTION.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Patrick O'Riordan".

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

Code Enforcement Division  
49 South Van Ness Ave, Suite 400 San Francisco, CA 94103-1226  
Office (628) 652-3430 - [www.sfdbi.org](http://www.sfdbi.org)

# **EXHIBIT 13**



## ORDER OF ABATEMENT

March 12, 2024

Owner:

SANCHEZ RAFAEL GARCIA  
1465 OAKDALE AVE APT 2  
SAN FRANCISCO CA 94124

Property Address: 1465 OAKDALE AV,

Block: 5324      Lot: 017      Seq: 00  
Tract: 231      Case: BW0  
Complaint: 202310462A

Inspector/Division: Lam

ORDER OF ABATEMENT UNDER SAN FRANCISCO BUILDING CODE SECTION 102A.6 & 102A.7 ORDER NO. **202310462A**

HEARING OF THE COMPLAINT OF THE DIRECTOR OF THE DEPARTMENT OF BUILDING INSPECTION AGAINST THE PROPERTY AT THE LOCATION SHOWN ABOVE WAS HELD ON **March 5, 2024** IN ACCORDANCE WITH THE SAN FRANCISCO BUILDING CODE SECTION 102A5. THE HEARING WAS CONDUCTED BY A REPRESENTATIVE OF THE DIRECTOR. **THE OWNER WAS REPRESENTED**

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

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

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

30 Days to Obtain Permit and Complete including Final Signoff to Comply with NOV# 202310462 and Pay All CES Fees.

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

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

A handwritten signature in blue ink, appearing to read "JH".

John Hinchion, Chief Building Inspector  
Department of Building Inspection

Very truly yours

A handwritten signature in blue ink, appearing to read "Patrick O'Riordan".

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



# **EXHIBIT 14**



# DEPARTMENT OF BUILDING INSPECTION

Housing Inspection Services Division  
City and County of San Francisco

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

(628) 652-3700 Fax: (628) 652-3709 Email: DBIHIDComplaints@sfgov.org Website: www.sfdbi.org

## NOTICE OF VIOLATION

**COMPLAINT:** 202419744

**OWNER/AGENT:** SANCHEZ RAFAEL GARCIA

**MAILING**

**ADDRESS:** SANCHEZ RAFAEL GARCIA  
1465 OAKDALE AVE APT 2  
SAN FRANCISCO CA

**DATE:** 18-MAR-24

**LOCATION:** 1465 OAKDALE AV

**BLOCK:** 5324 **LOT :** 017

**NOTICE TYPE:** COMPLAINT

94124

**BUILDING TYPE:** NA

**USE TYPE:** R3

### YOU ARE HEREBY ORDERED TO COMPLY WITH THE FOLLOWING REQUIREMENTS:

ITEM	DESCRIPTION
1 THIS NOTICE INCLUDES VIOLATIONS FOR THE AREAS NOTED.	1464 Oakdale Av., ground floor at rear building.
2 REPAIR WEATHER PROOFING ON SIDING (1001(h),703 HC)	There was peeling paint noted at window wood frames on the front of the rear building. Obtain the services of a Lead Abatement Contractor to remove damaged paint and apply new weather proofing as required. Remove or cover damaged paint in an approved manner to prevent a lead hazard. Apply these repairs wherever else these conditions may be present on other exterior walls not visible at the time of inspection. THIS STATEMENT APPLIES TO ALL WORK AREAS, EXTERIOR AND INTERIOR, WHERE PAINTED SURFACES ARE AFFECTED.
3 WORK PRACTICE FOR LEAD-BASED PAINT (327) CEBC	Disturbing lead based paint can be EXTREMELY DANGEROUS to dwelling occupants and visitors, particularly to young children, pregnant women, pets, and to people performing work on the premises.  For interior or exterior paint removal contain and properly dispose of lead paint debris. If you are unsure whether the paint is leaded, you should test it prior to performing any work. If the paint is found to contain lead, you should consult with an expert about appropriate procedures. Proper containment and 3-day notification is required for exterior jobs of more than 10 sq.ft. (Sec.3604, SFBC)  Informational packets are available at 628-652-3700.  You can contact the San Francisco Childhood Lead Poisoning Prevention Program at: 415-252-3956 for free advice. IF YOU CAUSE LEAD DUST TO BE CREATED, YOU COULD BE LIABLE FOR ANY ILLNESS CAUSED BY THE DUST. Ordinance #446-97.
4 REPAIR WINDOW SASH FRAME (1001(h),708 HC)	Provide proper operation to the vinyl windows in the bedroom next to the kitchen. If the window is replaced a building permit is required.



# DEPARTMENT OF BUILDING INSPECTION

Housing Inspection Services Division  
City and County of San Francisco

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

(628) 652-3700 Fax: (628) 652-3709 Email: DBIHIDComplaints@sfgov.org Website: www.sfdbi.org

## NOTICE OF VIOLATION

**COMPLAINT: 202419744**

- |    |   |   |
|----|---|---|
| 5  | CLEAN OR SANITIZE (1306 HC)   | Remove the excess spray foam insulation around the perimeter of the bedroom at the wall floor junction. Provide a smooth and cleanable surface.   |
| 6  | ELIMINATE COCKROACH INFESTATION (1001b, 1306 HC)                    | Eliminate cockroach infestation at the ground floor apartment. Pest control should be performed in all rooms. Provide Housing Inspector all pest control reports at the time of reinspection.   |
| 7  | ELIMINATE MOLD/MILDEW ON CEILING AND WALLS (1301,1001b(13),1306 HC) | There was mold/mildew noted at various locations. Eliminate all mold.<br>a. Bedroom baseboard, walls and window frame next to the kitchen.<br>b. Bathroom and shower compartment.   |
| 8  | REPAIR DAMAGED WALLS (1001b,h,o HC)                                 | There was damage noted to the bedroom baseboard molding. Repair the damaged wood molding.   |
| 9  | PAINT CEILINGS AND WALLS (1001b,1301 HC)                            | At all work areas.  |
| 10 | SANITATION 505(c) HC  | It was reported at the time of inspection that the refrigerator and range were not properly operating. Check the appliances for proper operation and repair or replace as required.   |
| 11 | INSPECTOR COMMENTS  | Repairs cited in this Notice may require Building, Plumbing and/or Electrical permits. It is the responsibility of the owner to obtain (or have others obtain) any required permits before beginning work that requires permit(s). Specify in the permit description of work the complaint number and the items that need a permit. This case can not be abated until the housing inspector makes a final inspection to verify that all violations have been corrected and all required permits have been obtained and finalized. On the reinspection day, present to the housing inspector the Job Card, Permit Application and Permits indicating that all the required work under permit is complete. Prior to the reinspection by the housing inspector, call building, electrical and/or plumbing inspector(s) for the required inspection(s). |



# DEPARTMENT OF BUILDING INSPECTION

Housing Inspection Services Division  
City and County of San Francisco

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

(628) 652-3700 Fax: (628) 652-3709 Email: DBIHIDComplaints@sfgov.org Website: www.sfdbi.org

## NOTICE OF VIOLATION

**COMPLAINT: 202419744**

12 INSPECTOR COMMENTS

(NUISANCE (401(2) (1001(d) HC) This property has been deemed a nuisance.

It is the property owner's responsibility to be present or to direct his/her representative to attend the reinspections scheduled on this Notice of Violation, for the purpose of providing entry to the inspector of those areas not accessed during the initial inspection as specified, and/or to provide access to all areas cited within this notice.

If the property owner cannot attend the scheduled reinspection (as specified on this notice) it is his/her responsibility to secure a different inspection date and time with the inspector, and provide all tenants with notification as required by CALIFORNIA CIVIL CODE SECTION 1954. SAN FRANCISCO HOUSING CODE SECTION 303.(b), If any dwelling, apartment units or guest rooms are to be accessed during the reinspection.

**ALL ITEMS MUST BE COMPLETED WITHIN 30 DAYS. REINSPECTION DATE : 17 April 2024 01:30 PM**

**IT IS RECOMMENDED THAT THE OWNER/OWNERS REPRESENTATIVE CONFIRM REINSPECTION DATE/TIME.**

**CONTACT HOUSING INSPECTOR : Anthony Lepe AT 628-652-3377**

FOR EVERY INSPECTION AFTER THE INITIAL RE-INSPECTION, A \$181.82 FEE WILL BE CHARGED UNTIL THE VIOLATIONS ARE ABATED. SFBC 108.8



## DEPARTMENT OF BUILDING INSPECTION

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Housing Inspection Services Division

City and County of San Francisco

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

(628) 652-3700 Fax: (628) 652-3709 Email: DBIHIDComplaints@sfgov.org Website: www.sfdbi.org

### NOTICE OF VIOLATION WARNINGS!

**TO THE PROPERTY OWNER(S), THEIR SUCCESSORS, AND ALL OTHER PERSONS HAVING ANY INTEREST IN THE ABOVE DESCRIBED PROPERTY LOCATED IN THE CITY AND COUNTY OF SAN FRANCISCO PLEASE TAKE NOTICE:**

**COMPLIANCE WITHIN SPECIFIED TIME FRAME REQUIRED:** The described premises were inspected by inspector(s) of the Department of Building Inspection. As a result of the inspection(s), violations were found to exist and were listed in the Notice of Violation mailed to the property owner(s). ACCORDINGLY, the owner(s) of the above described property are required, within the time frame set forth in this Notice, to make application (if required) for the necessary permits, to correct the conditions diligently and expeditiously, and to complete the work within the specified time on the attached NOTICE(S), to be verified by the appropriate Inspector through site inspection.

**COST OF CODE ENFORCEMENT WILL BE BORNE BY THE PROPERTY OWNER:** Section 102A.3 of the San Francisco Building Code provides that in addition to the civil penalties described therein, the property owner shall be assessed all attendant, administrative, and inspection's costs incurred by the Department of Building Inspection for the property owner's failure to comply with this Notice. These costs arise from department time accrued pertaining but not limited to: (1) monthly violation monitoring, (2) case inquiries (phone calls, counter visits, response to correspondence, etc.), (3) case management, (4) permit history research, (5) notice/hearing preparation, (6) inspections, (7) staff appearances/reports at hearings, and (8) case referrals.

Assessment of Costs will accrue when the property owner fails to comply with this Notice through: (1) a monthly violation monitoring fee of \$111.23, and (2) an hourly rate of \$111.23 for case management/administration, and \$181.82 for inspections, as provided for in Sections 102A.3, 102A.17, and Section 110A, Tables IA-D, and IA-K of the San Francisco Building Code. The property owner will be notified by letter of the accrued Assessment of Costs following failure to comply with this Notice. Failure to pay the Assessment of Costs shall result in: (1) the case not being legally abated until all assessments are paid, and (2) tax lien proceedings against the property owner pursuant to Sections 102A.3, 102A.16, 102A.17, 102A.18 et seq., 102A.19 et seq., and 102A.20 of the San Francisco Building Code.

**REFERRAL TO STATE FRANCHISE TAX BOARD:** Section 17274 and 24436.5 of the Revenue and Taxation Code provide, inter alia, that a taxpayer who derives rental income from housing determined by the local regulatory agency to be substandard by reason of violation of state or local codes dealing with housing, building, health and/or safety, cannot deduct from state personal income tax and bank and corporate income tax, deductions for interest, depreciation of taxes attributable to such substandard structure where substandard conditions are not corrected within six (6) months after Notice of Violation by the regulatory agency. If corrections are not completed or being diligently and expeditiously and continuously performed after six (6) months from the date of this Notice of Violation, notification will be sent to the Franchise Tax Board as provided in Section 17274(c) of the Revenue and Taxation Code.

**NOTICE OF VIOLATION WARNINGS! (Continued from page 1)**

**PUBLIC NUISANCES & MISDEMEANORS:** Section 102A of the San Francisco Building Code and Sections 204, 401 and 1001(d) of the San Francisco Housing Code provide that structures maintained in violation of the Municipal Code are public nuisances and as such are subject to the code enforcement action delineated therein. Section 204 of the Housing Code provides that any person, the owner(s) or his authorized agent who violates, disobeys, omits, neglects or refuses to comply with the Housing Code, or any order of the Director, made pursuant to this Code, shall be guilty of a misdemeanor, upon conviction thereof punishable by a fine not exceeding \$1,000.00, or by imprisonment not exceeding six (6) months, or by both fine and imprisonment, and shall be deemed guilty of a separate offense for every day such violations continue.

**PERMIT REQUIREMENTS:** Any required permit application must be applied for within the time limit set forth in the attached Notice(s). Permit applications are to be filed with the requisite plans, drawings, and specifications at the Central Permit Bureau, Department of Building Inspection, at 49 South Van Ness Ave, 2nd Floor. A post card will be mailed to you by the Central Permit Bureau when the building permit is ready to be picked up. Pursuant to Sections 107A.5, and 110A, Table 1A-K of the San Francisco Building Code investigation fees, are charged for work begun or performed without permits or for work exceeding the scope of permits. Such fees may be appealed to the Board of Permit Appeals within 15 days of permit issuance at 49 South Van Ness Ave, Room 1475 at (628) 652-1150.

**NOTIFICATION TO BUILDING TENANTS:** Pursuant to Sections 17980.1 and 17980.6 of the California Health & Safety Code, and Section 102A.3 of the San Francisco Building Code, when issuing a Notice of Violation the local jurisdiction shall post a copy of the Notice in a conspicuous place on the property and make available a copy to each tenant thereof.

**PROPERTY OWNER/LESSOR MAY NOT RETALIATE AGAINST TENANT/LESSEE FOR MAKING A COMPLAINT** Pursuant to Section 17980.6 of the California Health & Safety Code, the property owner may not retaliate against the tenant/lessee for exercising rights under the Section 1942.5 of the California Civil Code.

**REINSPECTION FEES:** For every inspection, after the initial re-inspection, a \$181.82 fee will be charged until the violations are abated pursuant to Sections 108A.8 and 110A, Table IA-G of the San Francisco Building Code.

**VIOLATIONS OF WORK PRACTICES FOR LEAD-BASED PAINT DISTURBANCE:** Section 327 of the San Francisco Existing Building Code regulates work that disturbs or removes lead paint. Failure to comply with these requirements may result in a penalty not to exceed \$500.00 per day plus administrative costs as provided by Section 327.8.1 of this Code.

Upon completion of all required work, you must contact the designated Housing Inspector for a final inspection, unless otherwise specified. Please contact the Housing Inspection Services Division if you have any questions. If you want more information on the overall code enforcement process you may request a copy of the Department brochure entitled What You Should Know About the Department of Building Inspection Code Enforcement Process or download the document from the Department website.

P:\Notice of Violation Warnings\NOV Warning Sheet.docx (updated 09/20/2023)

# **EXHIBIT 15**



# DEPARTMENT OF BUILDING INSPECTION

Housing Inspection Services Division  
City and County of San Francisco  
49 South Van Ness Avenue, San Francisco, California 94103-1226  
(628) 652-3700 Fax: (628) 652-3709 Email: DBIHIDComplaints@sfgov.org Website: www.sfdbi.org

## NOTICE OF VIOLATION

**COMPLAINT: 202420898**

**OWNER/AGENT:** SANCHEZ RAFAEL GARCIA

**DATE:** 18-MAR-24

**MAILING**

**ADDRESS:** SANCHEZ RAFAEL GARCIA  
1465 OAKDALE AVE APT 2  
SAN FRANCISCO CA

**LOCATION: 1465 OAKDALE AV**

**BLOCK:** 5324 **LOT :** 017

**NOTICE TYPE:** COMPLAINT

94124

**BUILDING TYPE:** APT

**USE TYPE:** R3

### YOU ARE HEREBY ORDERED TO COMPLY WITH THE FOLLOWING REQUIREMENTS:

**ITEM**

**DESCRIPTION**

1 THIS NOTICE INCLUDES VIOLATIONS FOR THE AREAS NOTED.

This Notice includes violations of the San Francisco Housing Code. Unless noted otherwise, all violations were observed on the date of inspection at 1465 Oakdale Av, unit 1.

2 REPAIR FIRE PROOFING WITH APPROVED MATERIALS (HC 1001 (n), 809)

Repair the damaged ceiling at the furnace room closet, with approved materials: lath and 3/4" plaster or type-X drywall.

**YOU ARE REQUIRED TO OBTAIN A BUILDING PERMIT TO CORRECT THIS VIOLATION.**  
When all work is complete the Building Inspector must inspect and sign the final inspection JOB CARD before the Housing Inspector can abate this violation. Please present the signed job card indicating that work is complete to the housing inspector at Reinspection Day.

3 REPAIR HEATING DUCTS (701 (a) (2) HC)

Repair collapsed heating duct in furnace closet to bedroom across the hall, using approved materials and methods.

Provide tenant with manufactures operating paperwork for programable thermostat located in hallway adjacent to furnace closet.

4 HAZARDOUS MECHANICAL EQUIPMENT (1001.(g) HC)

Furnace lacked HI Low combustion air ducting. Furnace gas line piping was modified from a floor mounted shut-off valve with a long flex line to hard pipe, without the benefit of a permit.

**YOU ARE REQUIRED TO OBTAIN A PLUMBING AND MECHANICAL PERMIT TO CORRECT THIS VIOLATION.**  
When all work is complete the Plumbing Inspector must inspect and sign the final inspection JOB CARD before the Housing Inspector can abate this violation. Please present the signed job card indicating that work is complete to the housing inspector at Reinspection Day.





# DEPARTMENT OF BUILDING INSPECTION

Housing Inspection Services Division

City and County of San Francisco

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## NOTICE OF VIOLATION

**COMPLAINT: 202420898**

5 ELIMINATE RODENT INFESTATION IN UNIT 1 (1001b, 1306 HC)

Mice droppings were evident in the furnace closet of this unit. Eliminate the rodent infestation and habitat in this area. Initiate or increase frequency of professional pest control services to obtain more immediate results in the elimination of mice infestation. Show proof of services at time of reinspection.

6 INSPECTOR COMMENTS

IMPORTANT NOTE: Due to the nature of this violation, this property has been defined as a Nuisance per section 1001-d of the San Francisco Housing Code.

Repairs cited in this Notice will require Building, Plumbing and/or Electrical permits. When you apply for a Permit, reference the complaint number from this Notice of Violation.

It is the responsibility of the owner to obtain (or have others obtain) any required permits before beginning work that requires permit(s). THIS CASE CAN NOT BE ABATED UNTIL THE HOUSING INSPECTOR MAKES A FINAL INSPECTION TO VERIFY THAT ALL VIOLATIONS HAVE BEEN CORRECTED AND ALL REQUIRED PERMITS HAVE BEEN OBTAINED AND FINALIZED. ON REINSPECTION DAY, PRESENT TO THE HOUSING INSPECTOR THE JOB CARD, PERMIT APPLICATION AND PERMITS INDICATING THAT ALL REQUIRED WORK UNDER PERMIT IS COMPLETE. PRIOR TO REINSPECTION BY HOUSING INSPECTOR, CALL BUILDING, ELECTRICAL AND/OR PLUMBING INSPECTOR(S) FOR REQUIRED INSPECTION(S).

It is the property owner's responsibility to be present or direct his/her representative to attend the re-inspection as scheduled on this Notice of Violation for the purpose of providing entry to the Inspector of those areas not accessed during the initial inspection as specified, and/or to provide access to all areas cited within this Notice.

If the property owner cannot attend the scheduled re-inspection (as specified on this Notice) it is his/her responsibility to secure a different inspection date and time with the Inspector. Provide all tenants with notification as required by California Civil Code Section 1954 (San Francisco Housing Code Section 303(b), if any dwellings, apartment units or guest rooms are to be accessed during the re-inspection. You can reach Inspector Chierici @ 628.652.3439 or by email at paul.chierici@sfgov.org.

**ALL ITEMS MUST BE COMPLETED WITHIN 30 DAYS. REINSPECTION DATE : 18 April 2024 10:30 AM**

**IT IS RECOMMENDED THAT THE OWNER/OWNERS REPRESENTATIVE CONFIRM REINSPECTION DATE/TIME .**

**CONTACT HOUSING INSPECTOR :** Paul Chierici AT 628-652-3439

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P:\Notice of Violation Warningss\NOV Warning Sheet.docx (updated 09/20/2023)

# **EXHIBIT 16**



**HEALTHY HOUSING & VECTOR CONTROL INSPECTION REPORT/NOTICE OF VIOLATION**  
 SAN FRANCISCO DEPARTMENT OF PUBLIC HEALTH ENVIRONMENTAL HEALTH BRANCH  
 49 SOUTH VAN NESS AVENUE, SUITE 600, SAN FRANCISCO, CA 94103  
 OFFICE: (415) 252-3800 FAX: (415) 252-3930 WWW.SFDPH.ORG/DPH/EH

Date: 7/11/23  
 Time in w/ travel: 12:30  
 Time out: 3:00

Location Address: <b>1465 Oakdale</b>	Contact Phone(s):	Location ID: <b>119167</b>
DBA:		Complaint ID:
Management Name:	Contact Email(s):	Re-inspection On/After: <b>8/11/23</b>
Owner's Name: SANCHEZ RAFAEL GARCIA 1465 OAKDALE AVE APT 2 SAN FRANCISCO, CA 94124		

**Vector Control and Healthy Housing Inspection Program Fee**  Yes\*  No\*\*

Type of Facility		Number of Units	Building Details			
<input type="checkbox"/> Tourist Hotel	<input type="checkbox"/> Apartments	<input type="checkbox"/> Apts:	<input type="checkbox"/> Basement	<input type="checkbox"/> Garage	<input type="checkbox"/> Roof access	<input type="checkbox"/> Other:
<input type="checkbox"/> Residential Hotel	<input type="checkbox"/> House	<input type="checkbox"/> Rooms:	<input type="checkbox"/> Backyard	<input type="checkbox"/> Hallways	<input type="checkbox"/> Secondary egress	

Type of Inspection			Inspection Rating	Vector Survey
<input type="checkbox"/> Routine	<input type="checkbox"/> Routine Re-inspection	<input type="checkbox"/> Citation to Hearing Issued	<input type="checkbox"/> Satisfactory	<input type="checkbox"/> Field Survey
<input checked="" type="checkbox"/> Complaint	<input type="checkbox"/> Complaint Re-inspection	<input type="checkbox"/> Field Consultation/Survey	<input type="checkbox"/> Unsatisfactory	

Areas Inspected	Violation Category (Article 11)			
<input type="checkbox"/> Alleyway/Easement	<b>Pests, Vermin, Animals</b>		<input type="checkbox"/> Unsanitary Bathroom/Toilet	
<input type="checkbox"/> Basement	<input type="checkbox"/> Bed Bugs	Sec 581(b)(8)	<input type="checkbox"/> Unsanitary/Floor, Walls, & Ceiling	Sec 581(b)(4)
<input type="checkbox"/> Front/Backyard	<input checked="" type="checkbox"/> Cockroaches		<input type="checkbox"/> Unsanitary Hallways	
<input type="checkbox"/> Garage/Driveway	<input type="checkbox"/> Flies		<input type="checkbox"/> Unsanitary Common Kitchen	Sec 581(b)(3)
<input type="checkbox"/> Garage Area	<input type="checkbox"/> Mosquitoes		<input type="checkbox"/> Accumulation of Paper Materials	Sec 581(b)(6)
<input type="checkbox"/> Hallways	<input type="checkbox"/> Pigeons	Sec 581(b)(7)	<input checked="" type="checkbox"/> Mold Growth	Sec 609
<input type="checkbox"/> Laundry Room	<input type="checkbox"/> Poison Oak	Sec 581(b)(11)	<input type="checkbox"/> Unpaid Fees	Sec 581(b)(18)
<input type="checkbox"/> Lightwells	<input checked="" type="checkbox"/> Rodents	Sec 581(b)(13)	<input type="checkbox"/> Excessive Materials	
<input type="checkbox"/> Lobby	<input type="checkbox"/> Other:		<input type="checkbox"/> Other:	
<input type="checkbox"/> Roof	<b>Sanitation</b>		<b>Garbage Area</b>	
<input type="checkbox"/> Staircase	<input type="checkbox"/> Garbage/Refuse/Waste/Debris	Sec 581(b)(1)	<input type="checkbox"/> Inadequate Garbage Containers/Lids	Sec 581(b)(1)
<input type="checkbox"/> Bathroom	<input checked="" type="checkbox"/> Human/Animal Waste	Sec 581(b)(1)(5)	<input type="checkbox"/> Uncontainerized Garbage	
<input type="checkbox"/> Other:	<input type="checkbox"/> Overgrown Vegetation	Sec 581(b)(2)	<input type="checkbox"/> Referral to:	

**Observations, Corrective Actions, and Correction Date:**

Task Force Inspection conducted with City Attorney. Inspected all accessible areas on property.

**Observations:**

Large unit at bottom floor of back main building: Rodent droppings observed in area with electrical meter at front right entrance door. Area also has entry points where rodents can enter living area. Demonstrable mold observed in lowest elevation room with the child clothing near left entrance door. Rodent droppings in the main central ventilation system.

Large upstairs unit of back main building: Middle room facing street upstairs has live cockroaches around the refrigerator.

Upstairs unit on the side of property lot: Observed minor cockroach infestation in small gap area in between shelving near kitchen entrance.

Area with 2 water heaters in back of main building: Rodent droppings observed around water heaters

**Corrective Actions on page 2**

\*Re-inspection fee of \$\_\_\_\_\_ will be charged on the 2<sup>nd</sup> re-inspection and on subsequent re-inspections until violations are corrected. Failure to cooperate with a re-inspection, or to pay authorized re-inspection fees pursuant to SFHC Art. 11, Sec. 609.1, will result in a finding that the violations are not abated.

\*\*Up to \$1000 fine per day may be charged after Director's Hearing if violations are not corrected, per SFHC Art. 11, Sec 600.

Inspector/Investigator Name: <b>Kevin Eng</b>	Office Phone Number: <b>415-252-3968</b>
Inspector/Investigator Signature: <b>KE</b>	Received by: <b>Mailed to property Owner on CCSF Database</b>

**SAN FRANCISCO HEALTH CODE ARTICLE 11 CODE SECTIONS**

**PROHIBITED PUBLIC HEALTH NUISANCES**

- Sec. 581 (a) No Person shall have upon any premises or real property owned, occupied or controlled by him, or her, or it any public nuisance.
- Sec. 581 (b)(1) Any accumulation of filth, garbage, decayed or spoiled food, unsanitary debris or waste material or decaying animal or vegetable matter unless such materials are set out for collection in compliance with Section 283 of this Code;
- Sec. 581 (b)(2) Any accumulation of hay, grass, straw, weeds, or vegetation overgrowth;
- Sec. 581 (b)(3) Any accumulation of waste paper, litter or combustible trash unless such materials are set out for collection in compliance with Section 283 of this Code;
- Sec. 581 (b)(4) Any buildings, structures, or portion thereof found to be unsanitary;
- Sec. 581 (b)(5) Any matter or material which constitutes, or is contaminated by, animal or human excrement, urine or other biological fluids;
- Sec. 581 (b)(6) Any visible or otherwise demonstrable mold or mildew in the interiors of any buildings or facilities;
- Sec. 581 (b)(7) Any pest harborage or infestation including but not limited to pigeons, skunks, raccoons, opossums, and snakes, except for pigeon harborages that comply with Section 37(e) of this Code;
- Sec. 581 (b)(8) Any noxious insect harborage or infestation including, but not limited to cockroaches, bed bugs, fleas, scabies, lice, spiders or other arachnids, houseflies, wasps and mosquitoes, except for harborages for honey-producing bees of the genus Apis regulated by the California Food and Agriculture Code Sections 29000 et seq. which are not otherwise determined to be a nuisance under State law.
- Sec. 581 (b)(9) Any article of food or drink in the possession or under the control of any person which is tainted, decayed, spoiled or otherwise unwholesome or unfit to be eaten or drunk. The term "food" as used in this subparagraph includes all articles used for food and drink by humans, whether simple, mixed or compound.
- Sec. 581 (b)(11) Any vacant lots, open spaces, and other properties in the City and County of San Francisco, which become infested with poison oak (Toxicodendron diversilobum) or poison ivy shrub (Rhus toxicodendron) hereafter referred to as poisonous growth;
- Sec. 581 (b)(12) Any violation of Section 37 of this Code; [Article 1]
- Sec. 581 (b)(13) Any violation of Section 92 of this Code; [Article 2]
- Sec. 581 (b)(14) Any violation of Section 590 of this Article;
- Sec. 581 (b)(17) Any violations of rules or regulations the Director adopts to implement the provisions of this Article or applicable provisions of State law.
- Sec. 581 (b)(18) Anything else that the Director deems to be a threat to public health and safety.

Sec. 609 (a) et seq. Vector Control And Healthy Housing Inspection Program Fee. Payment of Fee. Every owner of an apartment house or hotel, as these terms are defined by Section 401 of the San Francisco Building Code, shall pay an annual fee to the Department as required by this Section. This fee shall be known as the "Vector Control and Healthy Housing Inspection Program Fee." The amount of the fee shall be determined by the number of rental units in the building. For purposes of this section, "rental unit" shall mean a dwelling unit, as that term is defined by Section 401 of the San Francisco Building Code, which is rented or offered for rental at any time during the year for which the fee is billed, whether rent is paid in money, goods, or services...

**NOTICE OF VIOLATION & CONSEQUENCES OF FAILURE TO TIMELY ABATE**

- Sec. 596 (b). Whenever the Director determines that a nuisance, as defined by Section 581 of this Article, exists in a building or structure or on a property, the Director shall within 15 days of that determination cause a Notice of Violation to be served either personally or by first class mailing to the Responsible Parties. The Notice of Violation shall be served on the Owner by mail to the address that appears on the last assessment rolls of the City and County of San Francisco. If the Notice of Violation is served on the Manager by mail, it shall be mailed to the Manager's principal place of business or to the address of the building, structure or property. If the Notice of Violation is served on any other Person who created a condition that constitutes a nuisance, it shall be mailed to the Person's last known address at which such Person receives mail if ascertainable. Thereafter, the Director may cause a copy thereof to be posted in a conspicuous place on the building, structure or property. The failure of the Responsible Parties to receive such notice when sent in the manner set forth in this Subsection shall not affect in any manner the validity of any proceeding against that party under this Article. The Notice of violation shall be a public record subject to disclosure pursuant to Administrative Code Chapter 67.
- Sec. 596 (e)(1). ...The Director shall specify in the Notice of Violation the time period within which the Responsible Party must abate the nuisance. Such time period shall not exceed 30 days, unless extended by the Director if reasonably necessary to abate the nuisance.
- Sec. 596 (e)(3). If the Owner/Responsible Parties fail to comply with this Notice of Violation, the Director of Health may (A) hold a Director's Hearing to consider whether it would be appropriate to issue a Director's Order to abate the nuisance and other appropriate orders as provided for in Article 11 or (B) cause the abatement and removal of the nuisance and the Owner shall be indebted to the City and County of San Francisco for all costs, charges and fees incurred by the City and County of San Francisco by reason of the abatement and removal of the nuisance.
- Sec. 596 (e)(4). Owner/Responsible Parties may be liable for other charges, costs, including administrative costs, expenses incurred by the Department, fines, attorneys' fees, and penalties as provided for in Article 11.

**LEGAL AUTHORITY**

- Sec. 595. Inspection of Premises. It shall be the duty of the Department of Public Health upon application from any person, firm, or corporation operating a hotel, before issuing the certificate specified in Section 594, to cause the premises to be inspected for purpose of ascertaining whether said premises are free of nuisances and are in a sanitary condition for human habitation.
- Sec. 596 (a). Complaints. Whenever a written or oral complaint is made to the Department that a nuisance as defined by Section 581 exists in a building or structure or on a property, or the Director otherwise has reasonable cause to believe that such a nuisance exists, the Director shall inspect the building, structure or property to verify the existence of a nuisance thereon.

**DEFINITIONS**

- Sec. 580 (a) "City" shall mean the City and County of San Francisco.
- Sec. 580 (b) "Department" shall mean the San Francisco Department of Public Health.
- Sec. 580 (c) "Director" shall mean the Director of Public Health or his or her designee.
- Sec. 580 (d) "Manager" shall mean the authorized agent for the Owner of a building, structure or property, who is responsible for the day-to-day operation of said building, structure or property.
- Sec. 580 (e) "Owner" shall mean any Person who possesses, has title to or an interest in, harbors or has control, custody or possession of any building, property, real estate, personality or chattel.
- Sec. 580 (f) "Person" shall mean and include corporations, estates, associations, partnerships and trusts, one or more individual human beings, any department, Board or Commission of the City and County of San Francisco, and any agencies or instrumentalities of the State of California or the United States to the extent allowable by law.
- Sec. 580 (h) "Responsible Party" shall include the Owner, Manager, tenant, or any Person having control over a property or who creates or allows or contributes to or fails to correct a condition that constitutes a nuisance as defined by this Article.



**SAN FRANCISCO DEPARTMENT OF PUBLIC HEALTH  
 ENVIRONMENTAL HEALTH BRANCH  
 49 South Van Ness Avenue, Suite 600  
 San Francisco, CA 94103**

**HEALTHY HOUSING & VECTOR CONTROL PROGRAM INSPECTION REPORT**

Facility Address: 1465 Oakdale	Inspection Date: 7/11/23
Business Name:	Reinspection Date: 8/11/23
Owner Name(s): SANCHEZ RAFAEL GARCIA 1465 OAKDALE AVE APT 2 SAN FRANCISCO, CA 94124	Inspection Type:
Facility Type:	Phone Number:
	Location ID: 119167

**The following items represent health code violations and must be corrected by the indicated date(s):**

**Corrective Actions:**

**Cockroaches:** 1. Tenants in units noted above with cockroach activity to organize and prepare unit for cockroach treatments. This included providing access to areas where cockroaches were observed.  
 2. Owner to have a licensed pest control operator treat those rooms and any other area where cockroach activity may be. Tenants to cooperate with owner to grant access to affected areas.

**Rodent Activity:** 1. Owner to have rodent evidence cleaned up and sanitized in the area noted above areas and have areas serviced by licensed pest control operator. Any openings in the electrical reading box area shall be rodent proofed with metal materials like steel wool or 1/4 inch wire mesh.

**Mold:** 1. Owner to clean mold with soap water and paint area with mold resistant paint in areas noted above. Tenant to make areas with mold accessible for mold to be abated.

Inspector: Kevin Eng	Inspector Signature: KE
Phone: 415-252-3968	Received By: Mailed to Owner on CCSF Database

# **EXHIBIT 17**





**HEALTHY HOUSING & VECTOR CONTROL INSPECTION REPORT/NOTICE OF VIOLATION**  
 SAN FRANCISCO DEPARTMENT OF PUBLIC HEALTH ENVIRONMENTAL HEALTH BRANCH  
 49 SOUTH VAN NESS AVENUE, SUITE 600, SAN FRANCISCO, CA 94103  
 OFFICE: (415) 252-3800 FAX: (415) 252-3930 WWW.SFDPH.ORG/DPH/EH

Date: 5/2/24  
 Time in w/ travel: 9:30  
 Time out: 10:30

Location Address: <b>1465 Oakdale</b>	Contact Phone(s):	Location ID: <b>119167</b>
DBA:		Complaint ID:
Management Name:	Contact Email(s):	Re-inspection On/After: <b>6/2/24</b>
Owner's Name: <b>SANCHEZ RAFAEL GARCIA</b>		

**Vector Control and Healthy Housing Inspection Program Fee**  Yes\*  No\*\*

Type of Facility		Number of Units	Building Details			
<input type="checkbox"/> Tourist Hotel	<input type="checkbox"/> Apartments	<input type="checkbox"/> Apts:	<input type="checkbox"/> Basement	<input type="checkbox"/> Garage	<input type="checkbox"/> Roof access	<input type="checkbox"/> Other:
<input type="checkbox"/> Residential Hotel	<input type="checkbox"/> House	<input type="checkbox"/> Rooms:	<input type="checkbox"/> Backyard	<input type="checkbox"/> Hallways	<input type="checkbox"/> Secondary egress	

Type of Inspection			Inspection Rating	Vector Survey
<input type="checkbox"/> Routine	<input type="checkbox"/> Routine Re-inspection	<input type="checkbox"/> Citation to Hearing Issued	<input type="checkbox"/> Satisfactory	<input type="checkbox"/> Field Survey
<input type="checkbox"/> Complaint	<input checked="" type="checkbox"/> Complaint Re-inspection	<input type="checkbox"/> Field Consultation/Survey	<input type="checkbox"/> Unsatisfactory	

Areas Inspected	Violation Category (Article 11)			
<input type="checkbox"/> Alleyway/Easement	<b>Pests, Vermin, Animals</b>		<input type="checkbox"/> Unsanitary Bathroom/Toilet	
<input type="checkbox"/> Basement	<input type="checkbox"/> Bed Bugs	Sec 581(b)(8)	<input type="checkbox"/> Unsanitary/Floor, Walls, & Ceiling	
<input type="checkbox"/> Front/Backyard	<input type="checkbox"/> Cockroaches		<input type="checkbox"/> Unsanitary Hallways	
<input type="checkbox"/> Garage/Driveway	<input type="checkbox"/> Flies		<input type="checkbox"/> Unsanitary Common Kitchen	
<input type="checkbox"/> Garage/Driveway	<input type="checkbox"/> Mosquitoes		<input type="checkbox"/> Accumulation of Paper Materials	
<input type="checkbox"/> Garbage Area	<input type="checkbox"/> Pigeons	Sec 581(b)(7)	<input checked="" type="checkbox"/> Mold Growth	
<input type="checkbox"/> Hallways	<input type="checkbox"/> Poison Oak	Sec 581(b)(11)	<input type="checkbox"/> Unpaid Fees	
<input type="checkbox"/> Laundry Room	<input checked="" type="checkbox"/> Rodents	Sec 581(b)(13)	<input type="checkbox"/> Excessive Materials	
<input type="checkbox"/> Lightwells	<input type="checkbox"/> Other:		<input type="checkbox"/> Other:	
<input type="checkbox"/> Lobby	<b>Sanitation</b>		<b>Garbage Area</b>	
<input type="checkbox"/> Roof	<input type="checkbox"/> Garbage/Refuse/Waste/Debris	Sec 581(b)(1)	<input type="checkbox"/> Inadequate Garbage Containers/Lids	Sec 581(b)(1)
<input type="checkbox"/> Staircase	<input checked="" type="checkbox"/> Human/Animal Waste	Sec 581(b)(1)(5)	<input type="checkbox"/> Uncontainerized Garbage	
<input type="checkbox"/> Bathroom	<input type="checkbox"/> Overgrown Vegetation	Sec 581(b)(2)	<input type="checkbox"/> Referral to:	
<input type="checkbox"/> Other:				

**Observations, Corrective Actions, and Correction Date:**

Re-inspection conducted at 1465 Oakdale Ave. Agent of Owner present. Some tenants present and granted access for inspection. Cockroach violations corrected in middle room that faces Oakdale of upstairs unit. Rodent proofing and clean up done in water boiler area. Cockroach activity abated in upstairs unit of side property on lot.

Violations that still require DPH follow up is rodent proofing in the central heating system room in the downstairs unit of the back main building. Mold violations in previous report in lowest elevation room of downstairs unit was mostly abated. Small section of baseboard still needed cleaning and/ or painting and/ or repairs.

Corrective Actions: Ownership: Rodent proof central heating system room and clean existing droppings. Exclusion should be done with metal materials such as steel wool, metal flashing or 1/4 steel wire mesh (chicken wire). Continue to have pest control service area. Continue to work on remaining baseboard area with mold presence.

Tenants: If mold is cleanable, tenant to clean mold areas with soap and water. If mold is not cleanable with soap and water, tenant to cooperate with ownership to have areas painted/ repaired.

\*Re-inspection fee of \$\_\_\_\_\_ will be charged on the 2<sup>nd</sup> re-inspection and on subsequent re-inspections until violations are corrected. Failure to cooperate with a re-inspection, or to pay authorized re-inspection fees pursuant to SFHC Art. 11, Sec. 609.1, will result in a finding that the violations are not abated.  
 \*\*Up to \$1000 fine per day may be charged after Director's Hearing if violations are not corrected, per SFHC Art. 11, Sec 600.

Inspector/Investigator Name: <b>Kevin Eng</b>	Office Phone Number: <b>415-252-3968</b>
Inspector/Investigator Signature: <b>KE</b>	Received by: <b>Emailed to Agent of Owner</b>

**SAN FRANCISCO HEALTH CODE ARTICLE 11 CODE SECTIONS****PROHIBITED PUBLIC HEALTH NUISANCES**

**Sec. 581 (a)** No Person shall have upon any premises or real property owned, occupied or controlled by him, or her, or it any public nuisance.

**Sec. 581 (b)(1)** Any accumulation of filth, garbage, decayed or spoiled food, unsanitary debris or waste material or decaying animal or vegetable matter unless such materials are set out for collection in compliance with Section [283](#) of this Code;

**Sec. 581 (b)(2)** Any accumulation of hay, grass, straw, weeds, or vegetation overgrowth;

**Sec. 581 (b)(3)** Any accumulation of waste paper, litter or combustible trash unless such materials are set out for collection in compliance with Section [283](#) of this Code;

**Sec. 581 (b)(4)** Any buildings, structures, or portion thereof found to be unsanitary;

**Sec. 581 (b)(5)** Any matter or material which constitutes, or is contaminated by, animal or human excrement, urine or other biological fluids;

**Sec. 581 (b)(6)** Any visible or otherwise demonstrable mold or mildew in the interiors of any buildings or facilities;

**Sec. 581 (b)(7)** Any pest harborage or infestation including but not limited to pigeons, skunks, raccoons, opossums, and snakes, except for pigeon harborages that comply with Section [37](#)(e) of this Code;

**Sec. 581 (b)(8)** Any noxious insect harborage or infestation including, but not limited to cockroaches, bed bugs, fleas, scabies, lice, spiders or other arachnids, houseflies, wasps and mosquitoes, except for harborages for honey-producing bees of the genus *Apis* regulated by the California Food and Agriculture Code Sections 29000 et seq. which are not otherwise determined to be a nuisance under State law.

**Sec. 581 (b)(9)** Any article of food or drink in the possession or under the control of any person which is tainted, decayed, spoiled or otherwise unwholesome or unfit to be eaten or drunk. The term "food" as used in this subparagraph includes all articles used for food and drink by humans, whether simple, mixed or compound.

**Sec. 581 (b)(11)** Any vacant lots, open spaces, and other properties in the City and County of San Francisco, which become infested with poison oak (*Toxicodendron diversilobum*) or poison ivy shrub (*Rhus toxicodendron*) hereafter referred to as poisonous growth;

**Sec. 581 (b)(12)** Any violation of Section [37](#) of this Code; [Article 1]

**Sec. 581 (b)(13)** Any violation of Section [92](#) of this Code; [Article 2]

**Sec. 581 (b)(14)** Any violation of Section [590](#) of this Article;

**Sec. 581 (b)(17)** Any violations of rules or regulations the Director adopts to implement the provisions of this Article or applicable provisions of State law.

**Sec. 581 (b)(18)** Anything else that the Director deems to be a threat to public health and safety.

**Sec. 609 (a) et seq.** Vector Control And Healthy Housing Inspection Program Fee. Payment of Fee. Every owner of an apartment house or hotel, as these terms are defined by Section 401 of the San Francisco Building Code, shall pay an annual fee to the Department as required by this Section. This fee shall be known as the "Vector Control and Healthy Housing Inspection Program Fee." The amount of the fee shall be determined by the number of rental units in the building. For purposes of this section, "rental unit" shall mean a dwelling unit, as that term is defined by Section 401 of the San Francisco Building Code, which is rented or offered for rental at any time during the year for which the fee is billed, whether rent is paid in money, goods, or services...

**NOTICE OF VIOLATION & CONSEQUENCES OF FAILURE TO TIMELY ABATE**

**Sec. 596 (b).** Whenever the Director determines that a nuisance, as defined by Section [581](#) of this Article, exists in a building or structure or on a property, the Director shall within 15 days of that determination cause a Notice of Violation to be served either personally or by first class mailing to the Responsible Parties. The Notice of Violation shall be served on the Owner by mail to the address that appears on the last assessment rolls of the City and County of San Francisco. If the Notice of Violation is served on the Manager by mail, it shall be mailed to the Manager's principal place of business or to the address of the building, structure or property. If the Notice of Violation is served on any other Person who created a condition that constitutes a nuisance, it shall be mailed to the Person's last known address at which such Person receives mail if ascertainable. Thereafter, the Director may cause a copy thereof to be posted in a conspicuous place on the building, structure or property. The failure of the Responsible Parties to receive such notice when sent in the manner set forth in this Subsection shall not affect in any manner the validity of any proceeding against that party under this Article. The Notice of violation shall be a public record subject to disclosure pursuant to Administrative Code Chapter 67.

**Sec. 596 (e)(1).** ...The Director shall specify in the Notice of Violation the time period within which the Responsible Party must abate the nuisance. Such time period shall not exceed 30 days, unless extended by the Director if reasonably necessary to abate the nuisance.

**Sec. 596 (e)(3).** If the Owner/Responsible Parties fail to comply with this Notice of Violation, the Director of Health may (A) hold a Director's Hearing to consider whether it would be appropriate to issue a Director's Order to abate the nuisance and other appropriate orders as provided for in Article 11 or (B) cause the abatement and removal of the nuisance and the Owner shall be indebted to the City and County of San Francisco for all costs, charges and fees incurred by the City and County of San Francisco by reason of the abatement and removal of the nuisance.

**Sec. 596 (e)(4).** Owner/Responsible Parties may be liable for other charges, costs, including administrative costs, expenses incurred by the Department, fines, attorneys' fees, and penalties as provided for in Article 11.

**LEGAL AUTHORITY**

**Sec. 595.** Inspection of Premises. It shall be the duty of the Department of Public Health upon application from any person, firm, or corporation operating a hotel, before issuing the certificate specified in Section [594](#), to cause the premises to be inspected for purpose of ascertaining whether said premises are free of nuisances and are in a sanitary condition for human habitation.

**Sec. 596 (a).** Complaints. Whenever a written or oral complaint is made to the Department that a nuisance as defined by Section [581](#) exists in a building or structure or on a property, or the Director otherwise has reasonable cause to believe that such a nuisance exists, the Director shall inspect the building, structure or property to verify the existence of a nuisance thereon.

**DEFINITIONS**

**Sec. 580 (a)** "City" shall mean the City and County of San Francisco.

**Sec. 580 (b)** "Department" shall mean the San Francisco Department of Public Health.

**Sec. 580 (c)** "Director" shall mean the Director of Public Health or his or her designee.

**Sec. 580 (d)** "Manager" shall mean the authorized agent for the Owner of a building, structure or property, who is responsible for the day-to-day operation of said building, structure or property.

**Sec. 580 (e)** "Owner" shall mean any Person who possesses, has title to or an interest in, harbors or has control, custody or possession of any building, property, real estate, personality or chattel.

**Sec. 580 (f)** "Person" shall mean and include corporations, estates, associations, partnerships and trusts, one or more individual human beings, any department, Board or Commission of the City and County of San Francisco, and any agencies or instrumentalities of the State of California or the United States to the extent allowable by law.

**Sec. 580 (h)** "Responsible Party" shall include the Owner, Manager, tenant, or any Person having control over a property or who creates or allows or contributes to or fails to correct a condition that constitutes a nuisance as defined by this Article.

# **EXHIBIT 18**



HEALTHY HOUSING & VECTOR CONTROL INSPECTION REPORT/NOTICE OF VIOLATION

SAN FRANCISCO DEPARTMENT OF PUBLIC HEALTH ENVIRONMENTAL HEALTH BRANCH
49 SOUTH VAN NESS AVENUE, SUITE 600, SAN FRANCISCO, CA 94103
OFFICE: (415) 252-3800 FAX: (415) 252-3930 WWW.SFDPH.ORG/DPH/EH

Date: 5/3/24
Time in w/ travel: 730A
Time out: 930A

Location Address: 1465 Oakdale Ave
Contact Phone(s):
Location ID: 119167
DBA:
Complaint ID: 106482
Management Name:
Contact Email(s):
Re-inspection On/After: N/A
Owner's Name: SANCHEZ RAFAEL GARCIA 1465 OAKDALE AVE APT 2

Vector Control and Healthy Housing Inspection Program Fee [ ] Yes\* [ ] No\*\*

Type of Facility: [ ] Tourist Hotel, [ ] Residential Hotel, [ ] Apartments, [ ] Residential
Number of Units: [ ] Apts, [ ] Rooms
Building Details: [ ] Basement, [ ] Backyard, [ ] Garage, [ ] Hallways, [ ] Roof access, [ ] Secondary egress, [ ] Other

Type of Inspection: [ ] Routine, [ ] Complaint, [ ] Routine Re-inspection, [ ] Complaint Re-inspection, [ ] Citation to Hearing Issued, [ ] Field Consultation/Survey
Inspection Rating: [ ] Satisfactory, [ ] Unsatisfactory
Vector Survey: [ ] Field Survey

Areas Inspected: [ ] Alleyway/Easement, [ ] Basement, [ ] Front/Backyard, [ ] Garage/Driveway, [x] Garbage Area, [ ] Hallways, [ ] Laundry Room, [ ] Lightwells, [ ] Lobby, [ ] Roof, [ ] Staircase, [ ] Bathroom, [x] Other

Violation Category (Article 11):
Pests, Vermin, Animals: [x] Cockroaches (Sec 581(b)(8)), [ ] Mosquitoes, [ ] Pigeons (Sec 581(b)(7)), [ ] Poison Oak (Sec 581(b)(11)), [ ] Rodents (Sec 581(b)(13)), [ ] Other
Sanitation: [x] Garbage/Refuse/Waste/Debris (Sec 581(b)(1)), [x] Human/Animal Waste (Sec 581(b)(1)(5)), [ ] Overgrown Vegetation (Sec 581(b)(2))
Unsanitary Bathroom/Toilet, Unsanitary/Floor, Walls, & Ceiling, Unsanitary Hallways, Unsanitary Common Kitchen, Accumulation of Paper Materials, Mold Growth (Sec 581(b)(6)), Unpaid Fees (Sec 609), Excessive Materials (Sec 581(b)(18)), Other
Garbage Area: [ ] Inadequate Garbage Containers/Lids (Sec 581(b)(1)), [ ] Uncontainerized Garbage
Referral to: Hazardous Waste

Observations, Corrective Actions, and Correction Date:

This investigation was made in response to a complaint filed on 4/17/24 regarding a rat infestation. Upon investigation, the following conditions were observed. Previous task force for this property with Kevin Eng completed. Tenant, Gloria Lemus, and others present at time of inspection.

Observations:
Mold present throughout unit in the bedrooms.
Rat droppings present inside the common area heater closet.
Cockroach frass inside kitchen .

Corrective Actions:
1. Tenant shall cooperate with the Responsible Party to abate mold, cockroaches, and rodent droppings.
2. Tenant shall allow access to the Responsible Party to abate violations.
3. Responsible Party shall continue to work with Senior Health Inspector Kevin Eng to abate violations per 5/2/24 re-inspection.
4. Referral made to Hazardous Waste for inspection inside heater closet of common area.

\*Re-inspection fee of \_\_\_ will be charged on the 2nd re-inspection and on subsequent re-inspections until violations are corrected. Failure to cooperate with a re-inspection, or to pay authorized re-inspection fees pursuant to SFHC Art. 11, Sec. 609.1, will result in a finding that the violations are not abated.
Sixty five per day may be charged after Director's Hearing if violations are not corrected, per SFHC Art. 11, Sec 600.

Inspector/Investigator Name: Celina Ayala
Office Phone Number: 415-252-3941
Inspector/Investigator Signature: CA
Received by: mailed to Responsible Party and Gloria Lemus

<b>SAN FRANCISCO HEALTH CODE ARTICLE 11 CODE SECTIONS</b>
<b>PROHIBITED PUBLIC HEALTH NUISANCES</b>
<b>Sec. 581 (a)</b> No Person shall have upon any premises or real property owned, occupied or controlled by him, or her, or it any public nuisance.
<b>Sec. 581 (b)(1)</b> Any accumulation of filth, garbage, decayed or spoiled food, unsanitary debris or waste material or decaying animal or vegetable matter unless such materials are set out for collection in compliance with Section 283 of this Code;
<b>Sec. 581 (b)(2)</b> Any accumulation of hay, grass, straw, weeds, or vegetation overgrowth;
<b>Sec. 581 (b)(3)</b> Any accumulation of waste paper, litter or combustible trash unless such materials are set out for collection in compliance with Section 283 of this Code;
<b>Sec. 581 (b)(4)</b> Any buildings, structures, or portion thereof found to be unsanitary;
<b>Sec. 581 (b)(5)</b> Any matter or material which constitutes, or is contaminated by, animal or human excrement, urine or other biological fluids;
<b>Sec. 581 (b)(6)</b> Any visible or otherwise demonstrable mold or mildew in the interiors of any buildings or facilities;
<b>Sec. 581 (b)(7)</b> Any pest harborage or infestation including but not limited to pigeons, skunks, raccoons, opossums, and snakes, except for pigeon harborages that comply with Section 37(e) of this Code;
<b>Sec. 581 (b)(8)</b> Any noxious insect harborage or infestation including, but not limited to cockroaches, bed bugs, fleas, scabies, lice, spiders or other arachnids, houseflies, wasps and mosquitoes, except for harborages for honey-producing bees of the genus Apis regulated by the California Food and Agriculture Code Sections 29000 et seq. which are not otherwise determined to be a nuisance under State law.
<b>Sec. 581 (b)(9)</b> Any article of food or drink in the possession or under the control of any person which is tainted, decayed, spoiled or otherwise unwholesome or unfit to be eaten or drunk. The term "food" as used in this subparagraph includes all articles used for food and drink by humans, whether simple, mixed or compound.
<b>Sec. 581 (b)(11)</b> Any vacant lots, open spaces, and other properties in the City and County of San Francisco, which become infested with poison oak ( <i>Toxicodendron diversilobum</i> ) or poison ivy shrub ( <i>Rhus toxicodendron</i> ) hereafter referred to as poisonous growth;
<b>Sec. 581 (b)(12)</b> Any violation of Section 37 of this Code; [Article 1]
<b>Sec. 581 (b)(13)</b> Any violation of Section 92 of this Code; [Article 2]
<b>Sec. 581 (b)(14)</b> Any violation of Section 590 of this Article;
<b>Sec. 581 (b)(17)</b> Any violations of rules or regulations the Director adopts to implement the provisions of this Article or applicable provisions of State law.
<b>Sec. 581 (b)(18)</b> Anything else that the Director deems to be a threat to public health and safety.
<b>Sec. 609 (a) et seq.</b> Vector Control And Healthy Housing Inspection Program Fee. Payment of Fee. Every owner of an apartment house or hotel, as these terms are defined by Section 401 of the San Francisco Building Code, shall pay an annual fee to the Department as required by this Section. This fee shall be known as the "Vector Control and Healthy Housing Inspection Program Fee." The amount of the fee shall be determined by the number of rental units in the building. For purposes of this section, "rental unit" shall mean a dwelling unit, as that term is defined by Section 401 of the San Francisco Building Code, which is rented or offered for rental at any time during the year for which the fee is billed, whether rent is paid in money, goods, or services...
<b>NOTICE OF VIOLATION &amp; CONSEQUENCES OF FAILURE TO TIMELY ABATE</b>
<b>Sec. 596 (b).</b> Whenever the Director determines that a nuisance, as defined by Section 581 of this Article, exists in a building or structure or on a property, the Director shall within 15 days of that determination cause a Notice of Violation to be served either personally or by first class mailing to the Responsible Parties. The Notice of Violation shall be served on the Owner by mail to the address that appears on the last assessment rolls of the City and County of San Francisco. If the Notice of Violation is served on the Manager by mail, it shall be mailed to the Manager's principal place of business or to the address of the building, structure or property. If the Notice of Violation is served on any other Person who created a condition that constitutes a nuisance, it shall be mailed to the Person's last known address at which such Person receives mail if ascertainable. Thereafter, the Director may cause a copy thereof to be posted in a conspicuous place on the building, structure or property. The failure of the Responsible Parties to receive such notice when sent in the manner set forth in this Subsection shall not affect in any manner the validity of any proceeding against that party under this Article. The Notice of violation shall be a public record subject to disclosure pursuant to Administrative Code Chapter 67.
<b>Sec. 596 (e)(1).</b> ...The Director shall specify in the Notice of Violation the time period within which the Responsible Party must abate the nuisance. Such time period shall not exceed 30 days, unless extended by the Director if reasonably necessary to abate the nuisance.
<b>Sec. 596 (e)(3).</b> If the Owner/Responsible Parties fail to comply with this Notice of Violation, the Director of Health may (A) hold a Director's Hearing to consider whether it would be appropriate to issue a Director's Order to abate the nuisance and other appropriate orders as provided for in Article 11 or (B) cause the abatement and removal of the nuisance and the Owner shall be indebted to the City and County of San Francisco for all costs, charges and fees incurred by the City and County of San Francisco by reason of the abatement and removal of the nuisance.
<b>Sec. 596 (e)(4).</b> Owner/Responsible Parties may be liable for other charges, costs, including administrative costs, expenses incurred by the Department, fines, attorneys' fees, and penalties as provided for in Article 11.
<b>LEGAL AUTHORITY</b>
<b>Sec. 595.</b> Inspection of Premises. It shall be the duty of the Department of Public Health upon application from any person, firm, or corporation operating a hotel, before issuing the certificate specified in Section 594, to cause the premises to be inspected for purpose of ascertaining whether said premises are free of nuisances and are in a sanitary condition for human habitation.
<b>Sec. 596 (a).</b> Complaints. Whenever a written or oral complaint is made to the Department that a nuisance as defined by Section 581 exists in a building or structure or on a property, or the Director otherwise has reasonable cause to believe that such a nuisance exists, the Director shall inspect the building, structure or property to verify the existence of a nuisance thereon.
<b>DEFINITIONS</b>
<b>Sec. 580 (a)</b> "City" shall mean the City and County of San Francisco.
<b>Sec. 580 (b)</b> "Department" shall mean the San Francisco Department of Public Health.
<b>Sec. 580 (c)</b> "Director" shall mean the Director of Public Health or his or her designee.
<b>Sec. 580 (d)</b> "Manager" shall mean the authorized agent for the Owner of a building, structure or property, who is responsible for the day-to-day operation of said building, structure or property.
<b>Sec. 580 (e)</b> "Owner" shall mean any Person who possesses, has title to or an interest in, harbors or has control, custody or possession of any building, property, real estate, personality or chattel.
<b>Sec. 580 (f)</b> "Person" shall mean and include corporations, estates, associations, partnerships and trusts, one or more individual human beings, any department, Board or Commission of the City and County of San Francisco, and any agencies or instrumentalities of the State of California or the United States to the extent allowable by law.
<b>Sec. 580 (h)</b> "Responsible Party" shall include the Owner, Manager, tenant, or any Person having control over a property or who creates or allows or contributes to or fails to correct a condition that constitutes a nuisance as defined by this Article.

# **EXHIBIT 19**



# NOTICE OF ENFORCEMENT

August 8, 2023

**Property Owner**

Sanchez Rafael Garcia  
1465 Oakdale Ave Apt 2  
San Francisco, CA 94124

- Site Address:** 1465 Oakdale Ave
- Assessor’s Block/Lot:** 5324/017
- Zoning District:** RH-1, Residential- House, One Family
- Complaint Number:** 2023-005472ENF
- Code Violation:** Sec. 132: Unpermitted Parking, Front Yard Paving Permeability and Planted Materials  
Sec. 135. Required Useable Open Space  
Sec. 172: Unpermitted Shed in the Required Front Setback  
Sec. 175: Unauthorized Construction  
Sec. 209.1: Unpermitted Group Housing in RH-1 Zoning  
Sec. 317: Unauthorized Dwelling Unit
- Administrative Penalty:** Up to \$1,000 per Day for Each Violation
- Additional Penalty:** Up to \$250,000 for Each Dwelling Unit Removed or Added (if four or more units added)
- Enforcement T & M Fee:** \$3,632 (Current Fee for confirmed violations, Additional charges may apply)
- Response Due:** Within 15 days from the date of this Notice
- Staff Contact:** Jia Hong Situ, (628) 652-7384, jiahong.situ@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 a single-family dwelling use. The violation pertains to the unauthorized group housing use, the creation of four Unauthorized Dwelling Units (UDU), parking at the front setback and required open space, as well as unauthorized construction work including paving of the front setback, installation of new metal fences and gates, and the building of a shed within the front setback of the subject property without benefit of permit and approval from the Planning Department.

Pursuant to Planning Code Section 102, Group Housing is defined as:

“A Residential Use that provides lodging or both meals and lodging, without individual or limited cooking facilities or kitchens, by prearrangement for 30 days or more at a time and intended as Long-Term Housing, in a space not defined by this Code as a Dwelling Unit. Group Housing shall include, but not necessarily be limited to, a Residential Hotel, boardinghouse, guesthouse, rooming house, lodging house, residence club, commune, fraternity or sorority house, monastery, nunnery, convent, or ashram.”

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

On September 30, 2015, Building Permit (BP) No. 201509298355 was issued by the Department of Building Inspection (DBI) for the following scope of work: “To address complaint #201342991 for illegal units: 2 units will have/be eliminated, by removing kitchens and restrooms from the units electrical and lighting will remain. Plumbing will be capped off.” However, this permit was never completed. According to DBI, this permit expired on September 24, 2016.

On July 11, 2023, during a City Attorney Task Force Inspection, Planning Department staff confirmed that physical alterations to the subject properties were undertaken without the benefit of a building permit, which resulted in the creation of four UDUs and group housing use. Staff observed the following:

- The original two-story single-family dwelling unit (two-story main building), located at the rear of the lot, had been subdivided into two separate dwelling units, one at the first floor and one at the second floor. One of these is an Unauthorized Dwelling Unit. Both units were used for group housing, and each contained a shared kitchen and full bathroom. The first-floor unit had an additional half-bath with toilet and sink. Each group housing room contained a mini-refrigerator and typically one bed. Additionally, an unauthorized porch had been constructed at the entryway of the first-floor unit. Exterior stairs provided access to the second-floor unit.
- Located southwest of the main building is a two-story annex building attached to, but currently physically separated from, the main building that contained two UDUs, one at the first floor and one at the second floor. Each unit contained a full kitchen and a full bathroom.
- Located adjacent to the front property line facing the street is an unauthorized one-story shed that had been modified and converted into one UDU. The unit contained a full kitchen and a full bathroom. A Sanborn map shows that this shed did not exist from the mid-1990's, however, it shows up in satellite imagery in 2002.

Staff also observed that the entire front setback and open space had been paved without permit and was converted into a play area, garden, and currently used for parking. Moreover, new fences and gates at the front and middle of the lot were also constructed without permits. Satellite images between March 2010 and April 2011 show that this open space was completely repaved, and fences were installed during that time.



Pursuant to a Zoning Administrator interpretation of the Planning Code for the rear yard requirement where there is a noncomplying structure in the rear yard dated March 2010, open space to be provided elsewhere on the site. The requirement would be equivalent to the area that would otherwise be provided by a rear yard equal to 25% of lot depth or 15 feet times rear lot width, whichever is greater. The space must meet the minimum dimension requirements for open space of Section 135(f). The main building on the subject property exists at the rear of the lot and the parcel is 40 feet wide and 100 feet deep, and thus, requires an open space area equal to 25 feet in depth and 40 feet in width.

On July 20, 2023, the Planning Department sent you a Notice of Complaint to inform you about the complaint.

Pursuant to Planning Code Section 132(g), subsections (g) and (h) of Section 132 shall be met when paving or repaving more than 200 square feet of the front setback where all front setback areas shall be appropriately landscaped, meet any applicable water use requirements of Administrative Code Chapter 63, and in every case, not less than 20 percent of the required front setback area shall be and remain unpaved and devoted to plant material, including the use of climate appropriate plant materials as defined in Public Works Code Section 802.1.

Pursuant to Planning Code Section 132(h), the front setback area shall be at least 50 percent permeable so as to increase storm water filtration. The Permeable Surface may be inclusive of the area counted towards the landscaping requirement; provided, however, that turf pavers or similar planted hardscapes shall be counted only toward the Permeable Surface requirement and not the landscape requirement.

Pursuant to Planning Code Section 135(b), useable open space shall be provided for each dwelling and each group housing structure in the Residential zoning districts, which can either be either private or common.

Pursuant to Planning Code Section 209.1, Group Housing is Not Permitted in the RH-1 zoning district.

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

Pursuant to Planning Code Section 172, no structure shall be constructed, reconstructed, enlarged, altered, or relocated in a manner that is not permissible under the limitations set forth in the Planning Code that would result in a greater height, bulk, or Floor Area Ratio, less Required Open Space, or less off-street loading space 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 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:

1. **Discontinue the following uses:**
  - a. Group Housing use, which is Not Permitted in the RH-1 zoning district.
  - b. Parking in the required open space and front setback.
2. **Building Permit Application.** File a new Building Permit Application to abate the violations at this property including the removal of unauthorized structures and site elements such as fences, restoration of the front yard, and reinstate the above property to its last authorized use or seek authorization for a use permitted under the Planning Code. The application should include a full set of architectural drawings and include all scopes of work undertaken without authorization and meet the Plan Submittal Guidelines. All scopes of work proposed will be reviewed for compliance with the Planning Codes and current Department requirements.
  - a. **Permit Drawings.** Submit a revised set of drawings including:
    - i. (3) Conditions for all site plans, floor plans, exterior elevations, and sections including:
      1. Existing (Last legal condition, as found on prior permits approved by the Planning Department);
      2. As-Built (As the property exists today); and
      3. Proposed (Any new work required to bring this property back into compliance)
    - ii. Cover sheet must include:
      1. Revised scope of work statement to include, "Comply with Planning Enforcement Case No. 2023-005472ENF."
    - iii. A sheet with photos showing as-built conditions labeled with dates.
    - iv. An elevation sheet showing fencing in compliance with Planning Code Section 136(c)(17).
    - v. Permeability and planted materials calculations for the front setback.
3. **Project Application.** File a new Project Application to seek Planning Department approval for your project here: <https://sfplanning.org/resource/prj-application>. This form is required for any project requiring Planning review. Please clarify in your application whether the UDUs will be removed or legalized. There are multiple ways to legalize a UDU and they may all be utilized together.
  - a. If you wish to legalize up to four dwelling units on this lot pursuant to Planning Code Section

207(c)(8), please see: <https://sfplanning.org/resource/fourplex-supplemental>

- b. By utilizing an Accessory Dwelling Unit (ADU) program. See a comparison of the available ADU programs here: <https://sfplanning.org/resource/adu-programs-comparison-handout>. If you wish to add an accessory dwelling unit (ADU), please see: <https://sfplanning.org/accessory-dwelling-units#info>. Only one of the three available ADU programs may be selected.
- c. If the UDU existed and was occupied prior to January 1, 2013, one UDU could be eligible for legalization under the Unit Legalization Program: <https://sfplanning.org/resource/dwelling-unit-legalization-program-faq>.

If you instead elect to remove an Unauthorized Unit, you will need to file for a Conditional Use Authorization and file a Dwelling Unit Removal supplemental: <https://sfplanning.org/resource/cua-supplemental> A conditional use approval is not guaranteed.  
[https://sfplanning.org/sites/default/files/forms/DURemoval\\_SupplementalApplication.pdf](https://sfplanning.org/sites/default/files/forms/DURemoval_SupplementalApplication.pdf)

4. **Variance.** If you wish to seek an exception from the Planning Code such as the front setback permeability and planted materials requirements, fence height, and/or retain the shed in the front setback, submit a Variance application form here: <https://sfplanning.org/resource/var-supplemental>. A variance approval is not guaranteed.
5. **Leases.** Provide a copy of leases for the tenants and title showing ownership of the subject property.

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.

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 **\$3,632** 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: Alejandra Garcia, Owner representative, [agarcia.987@yahoo.com](mailto:agarcia.987@yahoo.com)  
Helen Castillo, Deputy City Attorney, Office of San Francisco City Attorney David Chiu, [helen.castillo@sfcityatty.org](mailto:helen.castillo@sfcityatty.org)  
Renee Rosenblit, Deputy City Attorney, Office of San Francisco City Attorney David Chiu, [renee.rosenblit@sfcityatty.org](mailto:renee.rosenblit@sfcityatty.org)  
Gilbert Lam, Department of Building Inspection, Code Enforcement Building Inspector, [gilbert.lam@sfgov.org](mailto:gilbert.lam@sfgov.org)

# **EXHIBIT 20**



# NOTICE OF VIOLATION

July 12, 2024

**Property Owner**

Sanchez Rafael Garcia  
1465 Oakdale Ave Apt 2  
San Francisco, CA 94124

- Site Address:** 1465 Oakdale Ave
- Assessor’s Block/Lot:** 5324/017
- Zoning District:** RH-1, Residential- House, One Family
- Complaint Number:** 2023-005472ENF
- Code Violation:**
  - Sec. 132: Unpermitted Parking, Front Yard Paving Permeability and Planted Materials
  - Sec. 135. Required Useable Open Space
  - Sec. 136(c)(17): Fences Above Permitted Height in the Front Setback
  - Sec. 136(c)(18): Fences Above Permitted Height in Open Space
  - Sec. 171: Unpermitted Use
  - Sec. 172: Unpermitted Shed in the Required Front Setback
  - Sec. 175: Unauthorized Construction
  - Sec. 209.1: Unpermitted Group Housing in RH-1 Zoning
  - Sec. 317: Unauthorized Units
- Administrative Penalty:** Up to \$1,000 per Day for Each Violation
- Enforcement T & M Fee:** \$9,858.96 (Current Fee for confirmed violations, Additional charges may apply)
- Response Due:** Within 15 days from the date of this Notice
- Staff Contact:** Jia Hong Situ, (628) 652-7384, jiahong.situ@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 Single-Family Dwelling use. The violations pertain to the unauthorized Group Housing use, the creation of four Unauthorized Dwelling Units (UDU), parking in the required open space, as well as unauthorized construction work including paving of the required open space, installation of new metal fences and gates, and the building of a shed at the front of the subject property without benefit of permit and approval from the Planning Department.

Pursuant to Planning Code Section 102, Group Housing is defined as:

“A Residential Use that provides lodging or both meals and lodging, without individual or limited cooking facilities or kitchens, by prearrangement for 30 days or more at a time and intended as Long-Term Housing, in a space not defined by this Code as a Dwelling Unit. Except for Group Housing that also qualifies as Student Housing as defined in this Section [102](#), 100% Affordable Housing as defined in Planning Code Section [315](#), or housing operated by an organization with tax-exempt status under 26 United States Code Section 501(c)(3) providing access to the unit in furtherance of its primary mission to provide housing, the residential square footage devoted to Group Housing shall include both common and private space in the following amounts: for every gross square foot of private space (including bedrooms and individual bathrooms), 0.5 gross square feet of common space shall be provided, with at least 15% of the common space devoted to communal kitchens with a minimum of one kitchen for every 15 Group Housing units. Group Housing shall include, but not necessarily be limited to, a Residential Hotel, boardinghouse, guesthouse, rooming house, lodging house, residence club, commune, fraternity or sorority house, monastery, nunnery, convent, or ashram. It shall also include group housing affiliated with and operated by a medical or educational institution, when not located on the same lot as such institution, which shall meet the applicable provisions of Section [304.5](#) of this Code concerning institutional master plans.”

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

Pursuant to a Zoning Administrator interpretation of the Planning Code dated March 2010, the rear yard requirement when there is a noncomplying structure is to provide open space elsewhere on the site. The requirement would be equivalent to the area that would otherwise be provided by a rear yard equal to 25% of lot depth or 15 feet times rear lot width, whichever is greater. The space must meet the minimum dimension requirements for open space of Section 135(f). The main building on the subject property exists at the rear of the lot and the parcel is 40 feet wide and 100 feet deep, and thus, requires an open space area equal to 25 feet in depth and 40 feet in width.

Pursuant to Planning Code Section 132(g), all front setback areas shall be appropriately landscaped, meet any applicable water use requirements of Administrative Code Chapter 63, and in every case, not less than 20 percent of the required front setback area shall be and remain unpaved and devoted to plant material, including the use of climate appropriate plant materials as defined in Public Works Code Section 802.1.

Pursuant to Planning Code Section 132(h), the front setback area shall be at least 50 percent (50%) permeable to increase storm water filtration. The required landscaped area can count towards the permeable surface area requirement; provided, however, that turf pavers or similar planted hardscapes shall be counted only toward the Permeable Surface requirement and not the landscape requirement. Permeable surfaces are defined in Section 102.



Pursuant to Planning Code Section 135(b), usable open space shall be provided for each dwelling and each Group Housing structure in the Residential zoning districts, which can either be private or common.

Pursuant to Planning Code Section 136(c)(17), fences in the front setback are allowed no more than three feet in height above grade. Additionally, pursuant to Planning Code Section 136(c)(18), fences and wind screens in usable open space are allowed no more than six feet in height above grade.

Pursuant to Planning Code Section 209.1, Group Housing is Not Permitted in the RH-1 zoning district.

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

Pursuant to Planning Code Section 172, no structure shall be constructed, reconstructed, enlarged, altered, or relocated in a manner that is not permissible under the limitations set forth in the Planning Code that would result in a greater height, bulk, or Floor Area Ratio, less Required Open Space, or less off-street loading space 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 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 6, 2014, Department of Building Inspection (DBI) Inspector Luton issued Notice of Violation (NOV) no. 201342991 for unauthorized units, kitchen and baths, plumbing, insufficient bedroom sizes, and lack of exposure.

On September 30, 2015, Building Permit (BP) No. 201509298355 was issued by DBI for the following scope of work: "To address complaint #201342991 for illegal units: 2 units will have/be eliminated, by removing kitchens and restrooms from the units electrical and lighting will remain. Plumbing will be capped off." However, this permit was never completed. According to DBI, this permit expired on September 24, 2016.

On July 11, 2023, during a City Attorney Task Force Inspection, Planning Department staff (Jia Hong Situ and Kelly Wong) confirmed that physical alterations to the subject property were undertaken without the benefit of a building permit, which resulted in the creation of four UDUs and Group Housing use. Staff observed the following:

- **Two-Story Main Building.** The original two-story single-family dwelling unit (two-story main building), located at the rear of the lot, had been subdivided into two separate Group Housing uses, one on the first floor and one on the second floor. One of these is an Unauthorized Unit. Each contained a shared kitchen and full bathroom. The first floor Group Housing use has an additional half-bath with toilet and

sink. Each Group Housing room contained a refrigerator and typically one bed.

- **Two-Story Annex Building.** Located southwest of the main building is a two-story annex building attached to, but currently physically separated from the main building, with one Unauthorized Unit on the first floor and one on the second floor. The second-floor unit contained a full kitchen and a full bathroom whereas the second-floor unit contained a half kitchen and full bathroom.
- **One-Story Shed.** Located adjacent to the front property line facing into the property is an unauthorized one-story shed that had been modified and converted into one Unauthorized Unit. The unit contained a full kitchen and a full bathroom. A Sanborn map suggests that this shed did not exist in the mid-1990's, however, it shows up in satellite imagery in 1938.

Staff also observed that the entire front setback and open space had been paved without a permit and was converted into a play area, garden, and car parking. Moreover, new fences and gates at the front and middle of the lot were also constructed without permits. Satellite images between March 2010 and April 2011 show that this open space was completely repaved, and fences were installed during that time.

Between July 17, 2023, and August 13, 2023, DBI Inspectors issued four (4) Notices of Violation regarding hazardous electrical wiring, plumbing, dwelling units, multiple kitchens and bathrooms, front shed building, and fences, without permits.

On July 20, 2023, the Planning Department sent you a Notice of Complaint (NOC) to inform you about the complaint.

On August 8, 2023, the Planning Department sent you a Notice of Enforcement (NOE) outlining the Planning Code Violations and the steps to abatement. (See Enclosed)

Between October 5, 2023, and January 5, 2024, Planning Department staff (Jia Hong Situ) communicated seven (7) times with your general contractor (Perry Mayorga). No plans were produced, and no applications were filed. After this, Perry was no longer involved in the project.

On January 8, 2024, your representative (Alejandra Garcia) called and informed Department staff (Jia Hong Situ) that you were actively looking for a new architect and that Alejandra would contact the Planning Department regarding the new architect. On February 27, 2024, you informed Jia that your new architect was Brenda Munoz.

Between February 27, 2024, and April 30, 2024, Planning Department staff (Jia Hong Situ) worked with your newly hired architect (Brenda Munoz) on plans for project application submittal.

On April 30, 2024, a deadline was provided to file application forms with a new set of revised plans by May 10, 2024. The deadline has passed, and no application nor revised plans have been submitted.

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. **Leases.** Provide a copy of leases for all tenants and title showing ownership of the subject property.
2. **Discontinue the following uses:**
  - a. Group Housing use, which is Not Permitted in the RH-1 zoning district.  
  
Submit evidence including a list of those who reside at the subject property as well as copies of their lease agreements. A site visit may be required to verify compliance.
  - b. Parking in the required open space.  
  
Submit evidence showing that vehicles are no longer parked in the required open space. A site visit may be required to verify compliance.
3. **Obtain a Planning Approval Letter.** Since the property contains four Unauthorized Units, they may be 1) removed by obtaining a Conditional Use Authorization (CUA) or, 2) legalized with one of the many legalization programs available, listed below. Submit the following applications to the staff Planner (listed above) for review. Once you officially submit all required applications and drawings, send an email to the Planning staff to notify them.
  - a. **Project Application (PRJ) form** (This form is required for all projects requiring Planning review): <https://sfplanning.org/resource/prj-application>.
  - b. **For Removal** of any number of Unauthorized Units. Complete both supplemental forms:
    - i. Conditional Use Authorization (CUA) supplemental: <https://sfplanning.org/resource/cua-supplemental>. Conditional Use Authorization approval is not guaranteed.
    - ii. Dwelling Unit Removal (DUR) supplemental: <https://sfplanning.org/resource/DURemoval-supplemental>.
  - c. **For Legalization** of any Unauthorized Units. Choose a legalization pathway:
    - i. If you propose a total of four units on this lot pursuant to Planning Code Section 207(c)(8), please include in your submission the Fourplex supplemental: <https://sfplanning.org/resource/fourplex-supplemental>.
    - ii. By utilizing an Accessory Dwelling Unit (ADU) program. See a comparison of the available ADU programs here: <https://sfplanning.org/resource/adu-programs-comparison-handout>. If you propose to add an accessory dwelling unit (ADU), please see: <https://sfplanning.org/accessory-dwelling-units>. Only one of the available ADU

programs may be selected in addition to other legalization pathways.

- iii. If an Unauthorized Unit existed and was occupied prior to January 1, 2013, one Unauthorized Unit could be eligible for legalization under the Unit Legalization Program: <https://sfplanning.org/resource/dwelling-unit-legalization-program-faq>.

You must provide evidence of eligibility for the Unit Legalization Program

- d. **Drawings.** Submit a full set of drawings prepared by a licensed architect or engineer as required by the PRJ form for all enforcement cases where legalization and/or removal of authorized work is required. The drawings must include all scopes of work to address all Planning Code violations and meet the Plan Submittal Guidelines: <https://sfplanning.org/resource/plan-submittal-guidelines>. Drawings must be properly and accurately dimensioned to show code compliance. The drawings shall also include the following:
    - i. **Three (3) conditions.** The following conditions are required for site plans, floor plans, roof plans, exterior elevations, and building sections:
      - 1. **Existing** (Last legal condition, as approved by the Planning Department);
      - 2. **As-Built** (As the property exists today); and
      - 3. **Proposed** (Any work to bring the property back into compliance).
    - ii. **Permeability and Landscaping Requirement.** Include calculations for the front setback per Planning Codes Section 132(g) and 132(h).
    - iii. **Unit Sizes.** Include a table showing the units proposed, the unit number, and the square footage of each proposed dwelling unit. The unit number must be labeled on all floor plans and be consistent throughout the plan set.
    - iv. **Scope of Work statement.** The Cover sheet must include the following scope of work statement, "Comply with Planning Enforcement case no. 2023-005472ENF." It must also clearly state the number of units proposed for legalization and/or removal.
    - v. **Photos.** Your drawings must include one sheet with photos showing as-built conditions labeled with dates.
  - e. **File a Variance.** If the project proposal requires an exception from the Planning Code such as the front setback permeability and planted materials requirements, fence height, and car parking, include in your submittal a Variance application form here: <https://sfplanning.org/resource/var-supplemental>. Variance approval is not guaranteed.
4. **Obtain Issuance of a Building Permit Application.** Once you receive a Planning Approval Letter, you must submit an electronic Building Permit Application with the Department of Building Inspection (DBI) to vest the Planning Approval Letter and to abate all violations at the subject property. This includes the

removal or legalization of Unauthorized Units. The submittal should include a full set of architectural drawings and include all scopes of work undertaken without authorization. This permit set must also include the above three (3) required conditions include: 1) Existing, 2) As-Built, and 3) Proposed. All scopes of work proposed will be reviewed for compliance with the Planning Approval Letter. Any additional scope of work proposed may require a new Planning Approval Letter. **Apply** for a Building Permit on DBI's website at: <https://www.sf.gov/apply-building-permit/form>

5. **Monitoring of Abatement and Completing the Issued Building Permit.** After issuance of the building permit to abate all violations at the subject property, you will need to complete the project, obtain all necessary inspections, and provide updates to the staff planner (contact on the first page of this notice).
  - a. **Job Card.** Upon permit issuance, send the staff planner a photo of the issued job card including the building permit number.
  - b. **Construction Schedule.** Send the staff planner a proposed construction schedule within fifteen (15) days of the issuance of the job card.
  - c. **Monthly Updates via Email.** If construction is projected to take more than 30 days, send monthly updates via email with photos and description of completed work. Photos must show substantial work to abate the code violations.
  - d. **Send Completed Photos.** Upon completion of construction, send the staff planner photos of the completed work. A site visit may be required to verify work done and compliance.
  - e. **DBI Permit Sign off.** Once the work is deemed sufficient to abate Planning Code violations, contact the Department of Building Inspection on the job card, schedule a final inspection with a building inspector, and send a photo of the permit sign off to the staff planner.
  - f. **Outstanding fees/penalties.** Any outstanding amount must be paid before the enforcement case can be closed.

Failure to adhere to any step may be grounds to begin daily penalty assessment until sufficient evidence is provided to prove that steps are diligently and meaningfully taken to abate code violations.

Please be advised that upon review of the 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 permits and plans. A site visit may also be required to verify compliance. You may also need to obtain a building permit for any other alterations made to 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 **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 **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 **\$9,858.96** 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 August 21, 2023.

cc: Alejandra Garcia, Owner representative, [agarcia.987@yahoo.com](mailto:agarcia.987@yahoo.com)  
Brenda Munoz, Architect, BM Blueprints & Drawings, [bmbblueprints@gmail.com](mailto:bmbblueprints@gmail.com)

Helen Castillo, Deputy City Attorney, Office of San Francisco City Attorney David Chiu,  
[helen.castillo@sfcityatty.org](mailto:helen.castillo@sfcityatty.org)

Renee Rosenblit, Deputy City Attorney, Office of San Francisco City Attorney David Chiu,  
[renee.rosenblit@sfcityatty.org](mailto:renee.rosenblit@sfcityatty.org)

Gilbert Lam, Code Enforcement Building Inspector, Department of Building Inspection,  
[gilbert.lam@sfgov.org](mailto:gilbert.lam@sfgov.org)

Matthew Luton, Senior Housing Inspector, Department of Building Inspection, [matthew.luton@sfgov.org](mailto:matthew.luton@sfgov.org)

Joe Ng, Senior Building Inspector, Department of Building Inspection, [joe.ng@sfgov.org](mailto:joe.ng@sfgov.org)

Anthony Lepe, Housing Inspector, Department of Building Inspection, [anthony.lepe@sfgov.org](mailto:anthony.lepe@sfgov.org)

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