350 O'Shaughnessy Boulevard • San Francisco, California 94127
Telephone: (415) 281-0892

Miraloma Park Improvement Club

April 13, 2016

Daniel Lowrey, Deputy Director
Department of Building Inspection
1660 Mission Street, 2nd Floor
San Francisco, CA 94103

Re: 571 Myra Way, San Francisco
Lot: 005, Block: 2962A
Building Permit Applications #201601257911 and 201602038760

Dear Mr. Lowery:

On behalf of the Miraloma Park Improvement Club (MPIC) with our 2,200 home constituency on the slopes of Mt. Davidson, I am writing to request your prompt attention to a matter of deep concern to our community: the serious and potentially hazardous permit-related infractions at 571 Myra Way. We draw your attention to this problem for the following reasons:

1. Construction not permitted by the Department of Building Inspection could pose dangers to the building inhabitants and adjacent neighbors.
2. The slope of the lot, amount of excavation, depth of excavation, and extent of facade changes may trigger Environmental Evaluation with the Planning Department, which ensures responsible work in relation to the environmental impact of such changes pursuant to the California Environmental Quality Act (CEQA).
3. The Planning Department evaluates such ground floor remodeling for designs that could easily be converted into illegal dwelling units.
4. The Planning Department reviews such facade changes to ensure quality design. Since the 1949 building is over 50 years old, a Historic Preservation Technical Specialist (preservation planner) would also review the design to ensure that features of potential historic value are maintained.
5. If the building envelope is expanded, the Planning Department would require neighborhood notification so that the neighbors and the MPIC provide feedback.

In addition to the above problems, there are the following issues that Building Inspector Raymond Berrios has noted on the Department of Building Inspection's Complaints Tracking System (https://dbiweb.sfgov.org/dbipts/default.aspx?page=AddressComplaint&ComplaintNo=201696401, copy attached):

1. Contractor refusal to present the Job Card.
2. Work beyond the scope noted on the Building Permit.
3. Falsification of the Foundation Plan.
4. Approval by a Senior Building Inspector of a concrete retaining wall pour without a permit and prior to a soils engineer inspecting and reporting on the stability of the hillside to determine if any undermining of the adjacent structures had occurred.
5. Front stucco and windows removed prior to permits or historical review.

The MPIC takes particular note of Item 4 (immediately above) and appreciates the responsiveness and professionalism of Building Inspector Berrios in determining the infractions and in issuing the Notices of

Violation (NOV), and we request that the NOV corrections be reviewed with careful scrutiny to ensure that the appropriate permit review processes by the Planning Department and the Department of Building Inspection are completed *prior* to construction resuming.

The Miraloma Park Improvement Club has a publicly stated policy of zero-tolerance of illegal activity.

Please feel free to contact me for any additional information that you might require in expediting investigation of this matter. I can be reached at 415.902.9058 and at this email address. Thank you for your assistance.

Sincerely,

Robert Gee
President

Attachments:
Copy of DBI complaints page re: 571 Myra Way with Inspector comments

cc: City Attorney Dennis Herrera
Victoria Weatherford, Deputy City Attorney
Tina Tam, Senior Preservation Planner, Planning Department
Mr. Angus McCarthy, President, Building Inspection Commission
Supervisor Norman Yee

Welcome to our Permit / Complaint Tracking System!

COMPLAINT DATA SHEET

Complaint Number:	**201696401**		
Owner/Agent:	OWNER DATA SUPPRESSED	Date Filed:	
Owner's Phone:	--	Location:	571 MYRA WY
Contact Name:		Block:	2962A
Contact Phone:	--	Lot:	005
Complainant:	COMPLAINANT DATA SUPPRESSED	Site:	
		Rating:	
		Occupancy Code:	
		Received By:	Alvina Lei
Complainant's Phone:		Division:	INS
Complaint Source:	TELEPHONE		
Assigned to Division:	BID		
Description:	Work exceeding scope of permit 201511303660.		
Instructions:			

INSPECTOR INFORMATION

DIVISION	INSPECTOR	ID	DISTRICT	PRIORITY
BID	BERRIOS	1155	7	

REFFERAL INFORMATION

COMPLAINT STATUS AND COMMENTS

DATE	TYPE	DIV	INSPECTOR	STATUS	COMMENT
02/01/16	OTHER BLDG/HOUSING VIOLATION	BID	Berrios	FIRST NOV SENT	1st nov sent by RB
02/01/16	CASE OPENED	BID	Berrios	CASE RECEIVED	
02/02/16	OTHER BLDG/HOUSING VIOLATION	BID	Berrios	CASE UPDATE	copy of 1st nov mailed by jj
03/25/16	OTHER BLDG/HOUSING VIOLATION	BID	Berrios	ADDENDUM TO NOV	2nd NOV issued for Falsification of Foundation plan, work proceeding without inspection and work beyond scope of permit.
03/25/16	OTHER BLDG/HOUSING VIOLATION	BID	Berrios	INSPECTION OF PREMISES MADE	Upon arrival requested to see plans and job card, contractor refused to present job card stating that he had left it at home in San Mateo, he presented the plans, review of the plans indicates that the foundation plan has been falsified, at time of issuance of 1st NOV observed contractor painting property line foundations on both sides, directed contractor to stop painting, however painting continued. Upon review of plans observed that the foundations newly poured at prop lines were shown as existing. Foundations painted may have undermined neighboring property. The remainding foundations were completed without inspection. Furhter informed contractor that he did not submit plans with NOV attached as noted and stated on the Notice of Violation. Directed contractor to stop all work. Issued 2nd NOV for work wihtout inspection and submitted plans were falsified. Directed contractor to proceed with directives issued under 1st NOV and to stop all work
	OTHER BLDG/HOUSING			TELEPHONE	received phone call from complainant informing me that the work at complaint address as been ongoing and that the front exterior is in process of being removed, he further stated that he could not find permits online indicating that

03/25/16	VIOLATION	BID	Berrios	CALLS	permits has been issued for removal of the front facade. He futher stated that it appears that the planning process has be bypassed in issuance of the permit for compliance with the rear addition. Informed complainant that i will stop by and followup on his complaint.
03/25/16	OTHER BLDG/HOUSING VIOLATION	BID	Berrios	ADDENDUM TO NOV	
03/25/16	OTHER BLDG/HOUSING VIOLATION	BID	Berrios	CASE UPDATE	reviewed inspection history and observed that Senior Inspector Bernie Curran has issued ok to pour on retaining wall installed without permit. Conversation with Senior Inspector Curran prior to issuance of permit was that he to observed newly pour foundations at prop lines being painted. Inspectionn history show Senior Curran signing off on ok to pour retaining wall prior to soils engineer inspecting and reporting on Stability of Hillside to determine if hillside had been undermined. Further Senior Curran should have issued a 2nd NOV for falsification of foundation plans Knowing that the plans if present at the time did not show the newly poured foundation at Prop lIne walls. He furthers should have noted that the foundation plan which was part of a horizontal addition did not go through nor get approval from the planning department for encroachment into established set back requirements into the back yard. Review of Permit details report indicate the Permit Application # 201601257911 printed on the approved foundation plan submitted to comply with the 1st NOV had already been issued under the original base permit to reflect that the NOV work had gone thourgh and received planning approval and that the horizontal addition had not occurred. As PA 201602038760 is the permit application that should have been noted on the approved foundation plan which did not receive plan approval, Horizontal addition require 311 notification and base on the time line of the approval process would not have taken 1 day to approve. It appears that the plan check process as been falsified as well. Note Approval of a retaining wall with ok to pour and waiting for the forthcoming soils report of a potentially undermined hillside is not standard practice and potemtially undermines the hillside supporting properties above 571 Myra Wy.
04/04/16	OTHER BLDG/HOUSING VIOLATION	INS	Berrios	ADDENDUM TO NOV	Amended NOV issued by Kevin McHugh.
04/05/16	OTHER BLDG/HOUSING VIOLATION	INS	Berrios	ADDENDUM TO NOV	Copy of Amended NOV mailed certified. TF.

COMPLAINT ACTION BY DIVISION

NOV (HIS):

NOV (BID): 04/04/16
02/01/16

Inspector Contact Information

Online Permit and Complaint Tracking home page.

Technical Support for Online Services

If you need help or have a question about this service, please visit our FAQ area.