



**DEPARTMENT OF BUILDING INSPECTION**  
**Housing Inspection Services**  
**City & County of San Francisco**  
**1660 Mission Street San Francisco, 6<sup>th</sup> Floor, California 94103-2414**

**HOUSING INSPECTION SERVICES DIVISION**  
**ABATEMENT APPEALS BOARD**  
**STAFF REPORT**

Appeal Number: **6778**  
Date of Abatement Appeals Board Hearing: **August 21, 2013**  
Property Address: **326-330 Presidio Avenue**  
Block/Lot: **1007/019**  
Complaint Tracking Number(s): **200924048**

**PROPERTY OWNER INFORMATION**

Property Owner(s) Name: **Brendon A. and Elizabeth Quinlan**  
Property Owner(s) Mailing Address: **63 Wawona Street, San Francisco, CA 94127**

**PROPERTY DESCRIPTION/OCCUPANCY INFORMATION**

**PROPERTY DESCRIPTION:**

The subject property is a six unit apartment building, on three floors of occupancy over garage (R-2 occupancy). The building is currently occupied.

**CASE DESCRIPTION**

**This case was originally scheduled to be heard by the Abatement Appeals Board on June 15<sup>th</sup>, 2013 and was continued to August 21<sup>st</sup> 2013 at the request of the applicant.**

**OCTOBER 8, 2009 – CASE RECEIVED:** The Department of Building Inspection received a complaint from unit #5 of damaged walls, ceilings, in bathroom, hall and bedroom. The complaint further stated that there was missing tiles in bathroom wall and deteriorated shower floor, exhibiting mold and mildew in unit #5 of the subject property.

**OCTOBER 08, 2009 – INSPECTION OF PREMESIS MADE NOTICE OF VIOLATION ISSUED:** Housing Inspector Ron Dicks performed an inspection and observed violations of Sec 1301, 1001b,h,j,o of the San Francisco Housing Code. A Notice of Violation was issued requiring the owner to repair damaged ceiling, at eastern living room, bathroom, bedroom and hall (2 locations). To repair walls at eastern living room, bathroom bedroom and hall (2 locations). To replace missing/cracked tiles in bathroom, to repair deteriorated shower floor and prevent water seepage from shower area.

**Abatement Appeals Board Staff Report  
Housing Inspection Services  
326-330 Presidio Avenue, Appeal Number: 6778  
August 21, 2013 AAB Hearing  
Page Two**

To provide adequate water pressure for shower room, to eliminate mold/mildew from wall and window of eastern bedroom and to remove peeling paint from western bedroom ceiling. The Notice as posted on the subject building and mailed to the property owner at the address on file with the Office of the Assessor as required by Code.

**DECEMBER 14, 2012 – 1st REINSPECTION- PROPERTY OWNER FAILED TO COMPLY WITH NOTICE AND REMOVE PEELING PAINT:** Housing Inspector Dicks performed a re-inspection and determined the violation was still outstanding. The case was referred to Director's Hearing to facilitate compliance.

**DECEMBER 21, 2012 – DIRECTOR'S HEARING/ NOTICE HEARING POSTED/RE-INSPECTION PERFORMED.** The inspector observed the violation remained outstanding.

**JANUARY 3, 2013-DIRECTOR'S HEARING-** The property owner attended. The hearing officer issued a 30 day continuance.

**JANUARY 31, 2013 DIRECTOR'S HEARING-** The property owner attended. The hearing officer issued 25 day advisement with 7 day order of abatement.

**FEBRUARY 25, 2013 –CASE CONTINUED-** Advisement period exhausted, order of abatement issued on this date.

**MARCH 4, 2013– ORDER OF ABATEMENT POSTED:** The Order of Abatement was issued and mailed to property owner by Certified mail on March 2, 2013. The property was posted with the Order on March 4, 2013.

**MARCH 15, 2013 – AAB APPEAL FILED:** The property owner filed an appeal from the imposition of the Assessment of Costs to the Abatement Appeal Board (AAB).

**JUNE 7, 2013 – NOTICE OF ABATEMENT APPEALS BOARD HEARING POSTED AND MAILED**

**REASON FOR APPEAL:** The Appellant claimed that tenant refused him entry to unit.

**HEARING CONTINUED TO:** August 21, 2013

**REMEDIES REQUIRED TO ABATE VIOLATION:** Make repairs and payment of the Assessment of Costs.

**DIVISION INSPECTORS ASSOCIATED WITH THIS CASE:** Housing Inspectors Dicks and Senior Inspector Gogna.

## **STAFF FINDINGS & RECOMMENDATION**

### **DIVISION FINDINGS:**

1. The property owner has had over 24 months since the issuance of the Notice of Violation on October 8, 2009 to complete necessary work.
2. The property owner was properly notified of the Notice of Violation and both Director's Hearings. Each were sent to the address the property owner has on file with the Office of the Assessor and posted at the subject property.
3. The property owner had more than sufficient time to comply with the October 8, 2009 Notice.
4. The property owner's failure to comply with the Notice of Violation has created hazardous conditions for the tenant.
5. The Department should be reimbursed for the time spent addressing the extended code enforcement efforts delineated in this report.

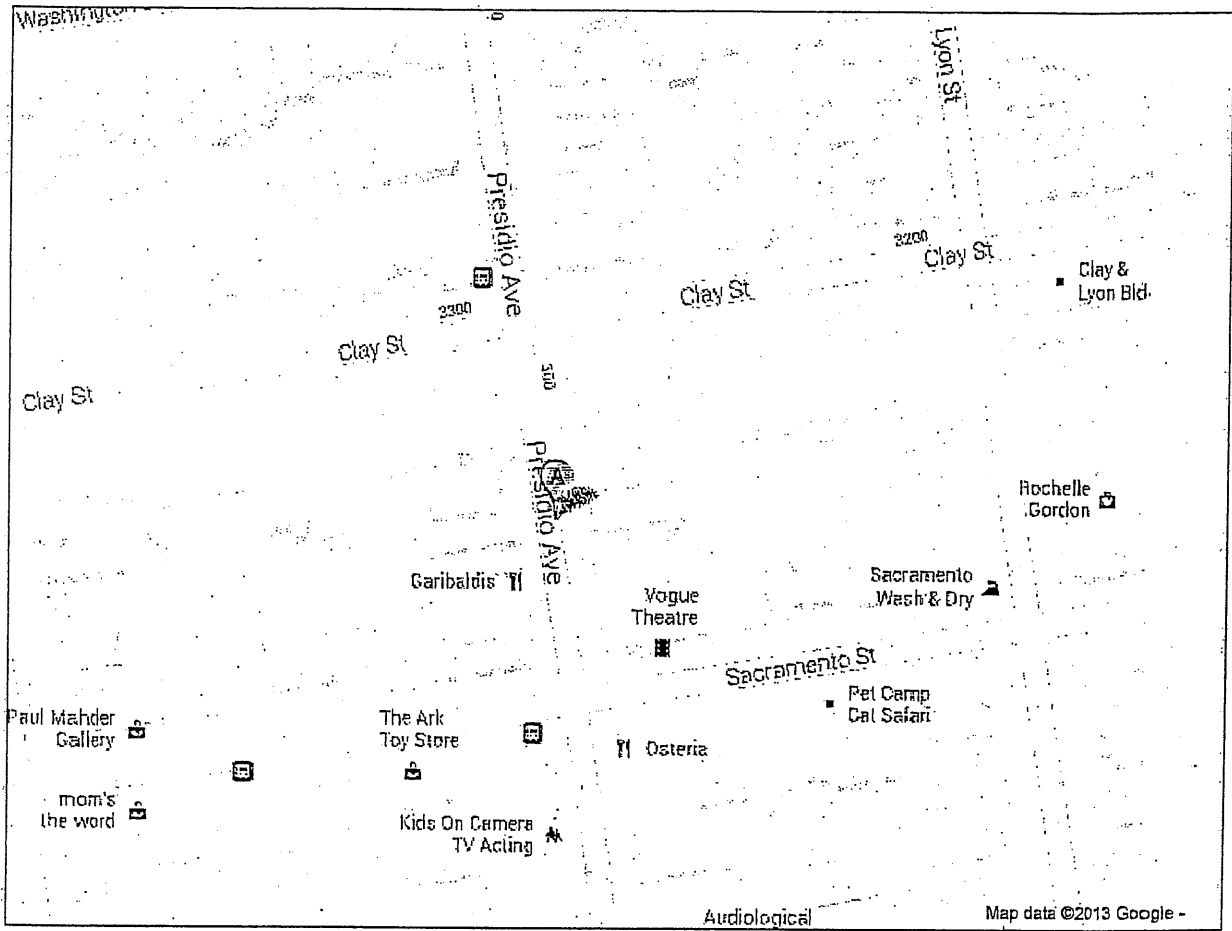
**DIVISION RECOMMENDATION REGARDING APPEAL:** Uphold the Hearing Officer's decision to issue the Order of Abatement and impose Assessment of Costs.

## **LIST OF ATTACHED EXHIBITS**

1. Area Map
2. Sanborn Map
3. Aerial Photo
4. Site Photographs
5. Assessor's Property Profile
6. Notice of Violation Warnings
5. Notice(s) of Violation
5. Complaint Data Sheets
6. Order of Abatement
7. Appellant's Appeal Package
8. Notice of AAB Hearing

Google

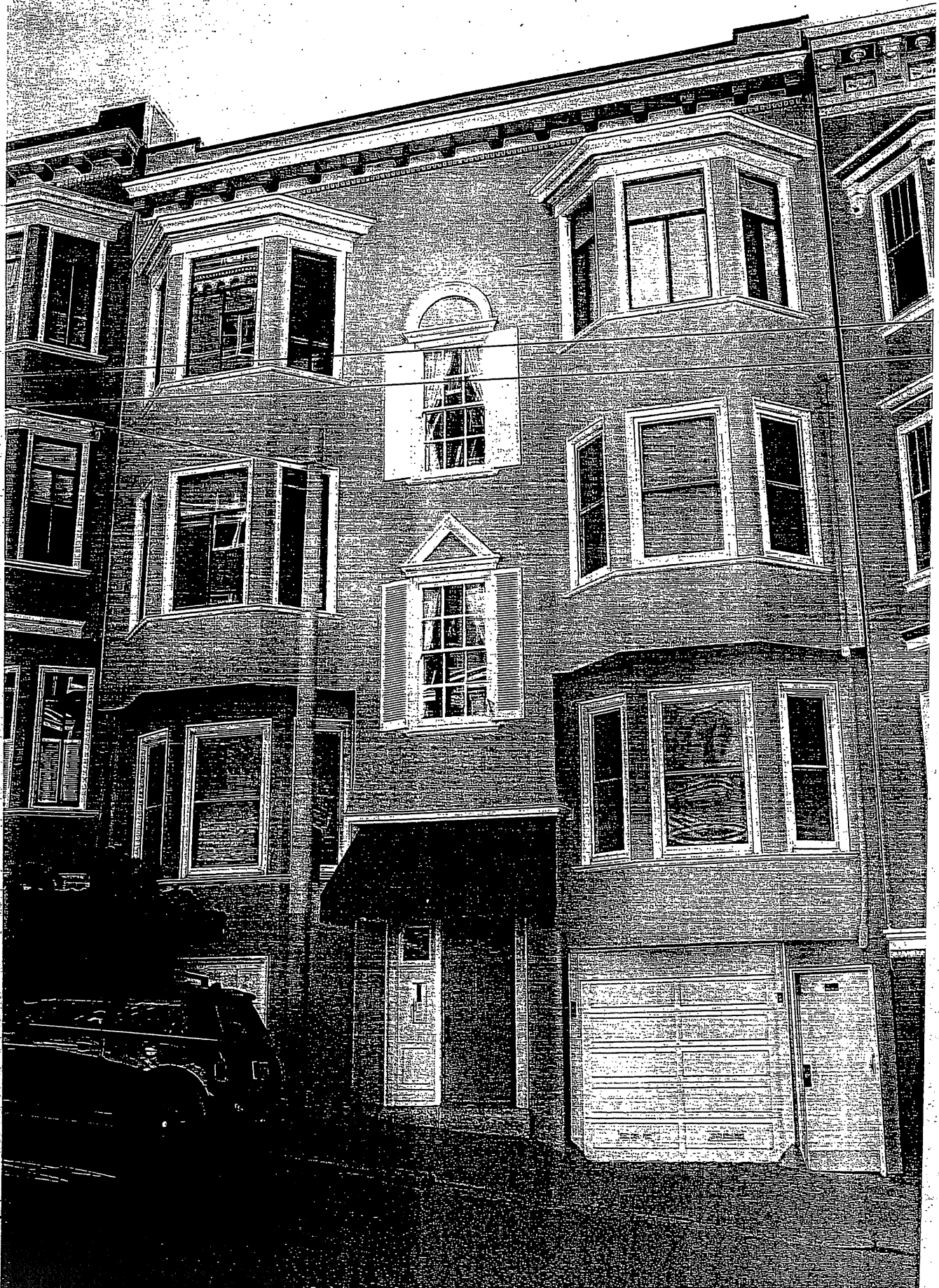
To see all the details that are visible on the screen, use the "Print" link next to the map.



Google

To see all the details that are visible on the screen, use the "Print" link next to the map.







UNIT A5



Unit #5



Assessor: 326 PRESIDIO AV 0

Address	Streetname	Sfx	Unit	Block	Lot #	Address Id	PRIMARY
326	PRESIDIO	AV	0	1007	019 0	413360	ASSESSOR

Values & Prices					
Land	\$1,523,194	Other	\$0	Exempt Type	Wk Status/Yr
Structure	\$924,796	Home Exempt	\$0		2013
Fixtures	\$0	Other Exempt	\$0	Prior/Curr	Base Co/Yr
Prior Price	\$0	Current Price	\$2,250,000	Source	2006
Prior Sale		Curr Sale	08/15/2005	S	

Construction	Appliances	Base Lot	Assr Zone	Appraiser	Lot Chg	Date/Shape	Use Type
D	0000	000	RM1	639	08/20/1999	R	A
Lot Frontage/Area/Depth	Units	Stories	Sublevels	Volume	Roll Yr/Status		
0 320,000 0	6	3		7	2012		
Rooms	Bedrooms	Baths	Bldg Sq Ft	Bsmt Sq Ft	Year Built	DBI Form Yr	Tax Area
30	0	6	7,023	0	1907		1000

**Owner Information**

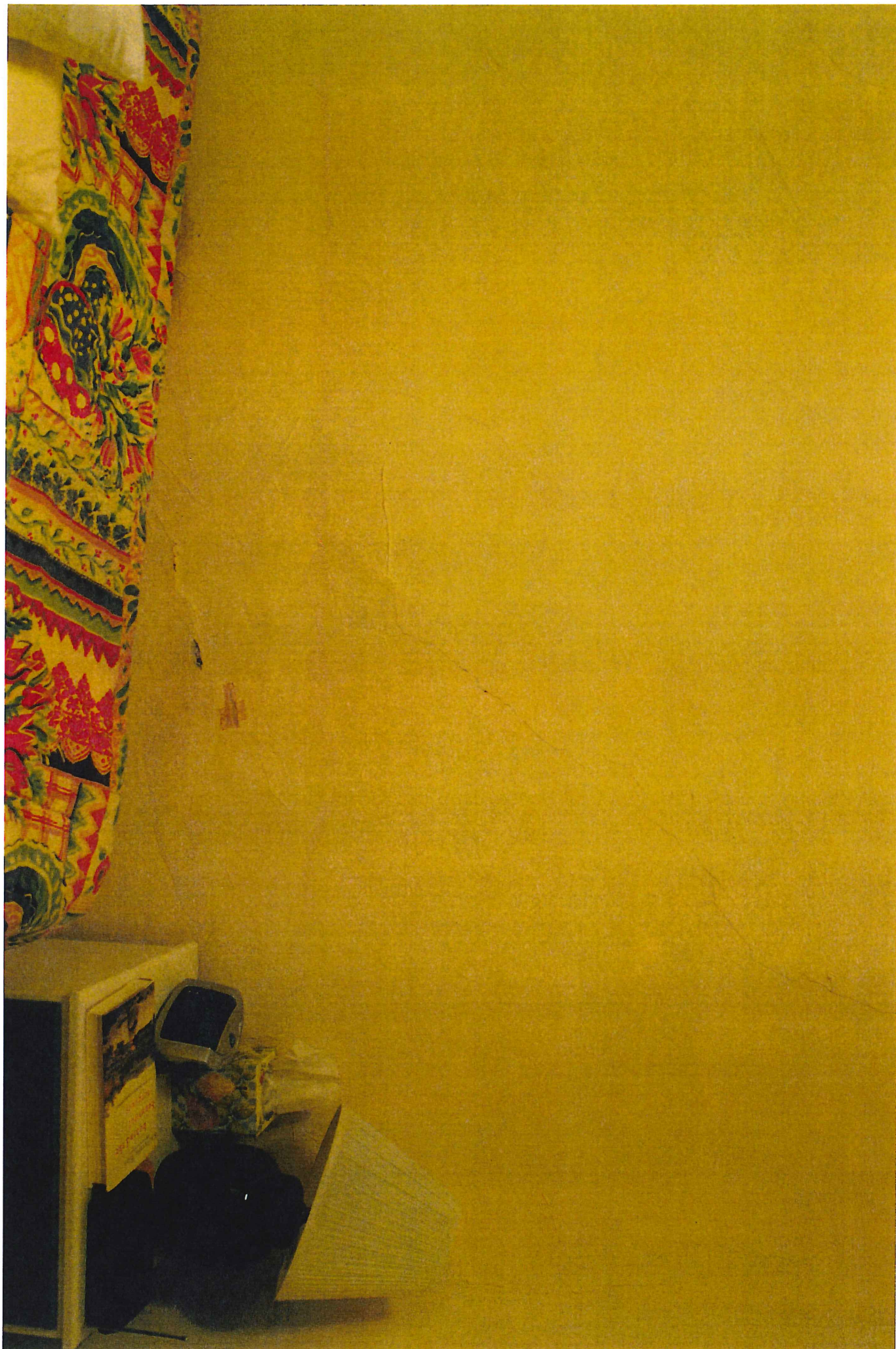
Name	Address	City	State	Zip	Owner Date
QUINIAN ELIZABETH	63 WAWONA ST	SAN FRANCISCO	CA	94127	08/15/2005
QUINIAN BRENDAN A	63 WAWONA ST	SAN FRANCISCO	CA	94127	08/15/2005















DEPARTMENT OF BUILDING INSPECTION

Housing Inspection Services Division
City and County of San Francisco
1660 Mission Street 6th Floor, San Francisco, California 94103-2414
(415) 558-6220 Fax: (415) 558-6249 Email: DBIHIDComplaints@sfgov.org Website: www.sfdbi.org

NOTICE OF VIOLATION

COMPLAINT: 201281795

OWNER/AGENT: QUINIAN BRENDAN A

DATE: 13-DEC-12

MAILING

LOCATION: 330 PRESIDIO AV

ADDRESS: QUINIAN BRENDAN A
63 WAWONA ST
SAN FRANCISCO CA

BLOCK: 1007 LOT: 019

NOTICE TYPE: ROUTINE

94127

BUILDING TYPE: APT

USE TYPE: R2

YOU ARE HEREBY ORDERED TO COMPLY WITH THE FOLLOWING REQUIREMENTS:

ITEM

DESCRIPTION

- 1 THIS NOTICE INCLUDES VIOLATIONS FOR THE AREAS NOTED. 330 Presidio
2 REPAIR DAMAGED WALLS (1001b,h,o HC) Repair damaged walls and ceilings unit #3 livingroom, bathroom, rear room.
3 PAINT WALLS (1001b,1301 HC) Paint walls and ceilings after repair work completed.
4 LOCATE SOURCE OF WATER SEEPAGE (1001 HC) Locate source of water seepage into unit and repair.
5 INSPECTOR COMMENTS It is the property owner's responsibility to be present or direct his/her representative to attend the reinspection 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 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 dwellings, apartment units or guest rooms are to be accessed during the reinspection.

ALL ITEMS MUST BE COMPLETED WITHIN 30 DAYS. REINSPECTION DATE: 15 January 2013 02:00 PM

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

CONTACT HOUSING INSPECTOR : Ronald Dicks AT 415-558-6632

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

1660 Mission Street 6th Floor, San Francisco, California 94103-2414

(415) 558-6220 Fax: (415) 558-6249 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 1A-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



City and County of San Francisco  
 Department of Building Inspection  
 1660 Mission Street  
 San Francisco, CA 94103

### COMPLAINT DATA SHEET

COMPLAINT NUMBER : 201281795

OWNER/AGENT: QUINIAN BRENDAN A  
 QUINIAN BRENDAN A  
 63 WAWONA ST  
 SAN FRANCISCO CA

DATE FILED: 13-DEC-12  
 LOCATION: 330 PRESIDIO AV  
 BLOCK: 1007 LOT: 019  
 SITE:

94127

OWNER'S PHONE --  
 CONTACT NAME  
 CONTACT PHONE --

RATING: 2-3 Years OCCUPANCY CODE R-2  
 RECEIVED BY: Ronald Dicks DIVISION: HIS  
 COMPLAINT SOURCE: TELEPHONE

COMPLAINANT: Tenant #3

ASSIGNED TO DIVISION: HIS

SAN FRANCISCO

COMPLAINANT'S PHONE --

DESCRIPTION: maint. items  
 INSTRUCTIONS:

#### INSPECTOR INFORMATION

DIVISION	INSPECTOR	ID	DISTRICT	PRIORITY
HIS	DICKS	1029	7	

#### REFERRAL INFORMATION

DATE	REFERRED BY	TO	COMMENT
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#### COMPLAINT STATUS AND COMMENTS

DATE	TYPE	DIVISION	INSPECTOR	STATUS	COMMENT
2-DEC-12	CASE OPENED	HIS	R DICKS	CASE RECEIVED	
2-DEC-12	GENERAL MAINTENANCE	HIS	R DICKS	FIRST NOV SENT	
2-DEC-12	GENERAL MAINTENANCE	HIS	R DICKS	INSPECTION OF PREMISES MADE	Inspector Ronald Dicks investigated the complaint at unit #3 and the common area of the subject property and observed violations of the San Francisco Housing Code which are delineated within the Notice of Violation issued on 12/12/2012 identified by Complaint Tracking #201281795.
3-DEC-12	GENERAL MAINTENANCE	HIS	R DICKS	BLDG POSTED & TENANTS NOTIFIED AS PER NOTIFICATION REQMENTS	



City and County of San Francisco  
Department of Building Inspection  
1660 Mission Street  
San Francisco, CA 94103

## COMPLAINT DATA SHEET

COMPLAINT NUMBER: 201281795

### COMPLAINT ACTION BY DIVISION

<u>DIVISION</u>	<u>DATE</u>	<u>DESCRIPTION</u>	<u>ACTION COMMENT</u>
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<u>NOV (HIS)</u>	<u>NOV (BID)</u>		
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13-DEC-12



COMPLAINT DATA SHEET

COMPLAINT NUMBER : 200924048

OWNER/AGENT: QUINIAN BRENDAN A  
 QUINIAN BRENDAN A  
 63 WAWONA ST  
 SAN FRANCISCO CA

DATE FILED: 09-OCT-09  
 LOCATION: 330 PRESIDIO AV  
 BLOCK: 1007 LOT: 019  
 SITE:

94127

RATING: 2-3 Years OCCUPANCY CODE R-2

OWNER'S PHONE --  
 CONTACT NAME QUINIAN BRENDAN A  
 CONTACT PHONE --

RECEIVED BY: Ronald Dicks DIVISION: HIS  
 COMPLAINT SOURCE: TELEPHONE

COMPLAINANT: Tenant #5

ASSIGNED TO DIVISION: HIS

SAN FRANCISCO

COMPLAINANT'S PHONE --

DESCRIPTION: maintenance items.  
 INSTRUCTIONS:

INSPECTOR INFORMATION

DIVISION	INSPECTOR	ID	DISTRICT	PRIORITY
HIS	DICKS	1029	7	

REFERRAL INFORMATION

DATE	REFERRED BY	TO	COMMENT
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COMPLAINT STATUS AND COMMENTS

DATE	TYPE	DIVISION	INSPECTOR	STATUS	COMMENT
08-OCT-09	CASE OPENED	HIS	R DICKS	CASE RECEIVED	
08-OCT-09	GENERAL MAINTENANCE	HIS	R DICKS	FIRST NOV SENT	
08-OCT-09	GENERAL MAINTENANCE	HIS	R DICKS	INSPECTION OF PREMISES MADE	Inspector Ronald Dicks investigated the complaint at unit the common area of the subject property and observed violations of the San Francisco Housing Code which are delineated within the Notice of Violation issued on 10/08/2009 identified by Complaint Tracking # 200924048.
09-OCT-09	GENERAL MAINTENANCE	HIS	R DICKS	BLDG POSTED & TENANTS NOTIFIED AS PER NOTIFICATION REQMENTS	
4-DEC-12	GENERAL MAINTENANCE	HIS	R DICKS	REFER TO DIRECTOR'S HEARING	



City and County of San Francisco  
 Department of Building Inspection  
 1660 Mission Street  
 San Francisco, CA 94103

## COMPLAINT DATA SHEET

COMPLAINT NUMBER : 200924048

### COMPLAINT STATUS AND COMMENTS

DATE	TYPE	DIVISION	INSPECTOR	STATUS	COMMENT
21-DEC-12	GENERAL MAINTENANCE	HIS	H MANSUR	DIRECTOR HEARING NOTICE POSTED	Director's Hearing notice posted by Housing Inspector Tim Mansur, Photos taken of posting.
03-JAN-13	GENERAL MAINTENANCE	HIS	A DAVISON	CASE UPDATE	Directors Hearing Decision: Yes owner/rep appeared, 30 day cont.
31-JAN-13	GENERAL MAINTENANCE	HIS	R DICKS	CASE UPDATE	Directors Hearing 01/31/13 25 day advisement with 7 day order of abatement.
25-FEB-13	GENERAL MAINTENANCE	HIS	R DICKS	CASE CONTINUED	Advisement period exhausted, order of abatement to be issued on this date 2/25.
04-MAR-13	GENERAL MAINTENANCE	HIS	R DICKS	ORDER OF ABATEMENT POSTED	
15-MAR-13	GENERAL MAINTENANCE	HIS	R DICKS	OFFICE/COUNTER VISIT	Owner files appeal of order.

### COMPLAINT ACTION BY DIVISION

DIVISION	DATE	DESCRIPTION	ACTION COMMENT
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<u>NOV (HIS)</u>	<u>NOV (BD)</u>
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08-OCT-09



DATE AFFIDAVIT PREPARED January 14, 2013

ADDRESS: 326 330 PRESIDIO AV, 0000  
INSPECTOR: Dicks  
OWNER: QUINIAN BRENDAN A  
63 WAWONA ST  
SAN FRANCISCO CA  
94127

Directors' Hearing Date: January 31, 2013  
Hearing Number: 200924048  
Block: 1007 Lot: 019 Seq: 1  
Tract: 133 Case: DC1

**Declaration of Service Of Notice Of Violation(s) and Notice Of Directors' Hearing by Mail**

I, the undersigned, declare that I am employed by the City and County of San Francisco and at all times herein mentioned was over the age of 18 years; that pursuant to the provisions of the San Francisco Building Code Section 102A.3, I did on this date place a true copy of the Notice of Hearing of the Director of Building Inspection, City and County of San Francisco which informed the owner(s) and duly authorized agent of the time and place of hearing, in an envelope addressed to the above named person(s); and then sealed and deposited said envelope in the United States Mail at San Francisco, California, with postage thereon and registered mail delivery service charges fully prepaid for delivery by registered mail; that there is delivery service by United States Mail at the place so addressed or regular communication by United States Mail between the place of mailing and the place so addressed.

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

Date Mailed: 1/16/2013 San Francisco, California. By: \_\_\_\_\_

(signature)

**Declaration Of Posting Of Notice Of Violations(s) And Notice Of Directors' Hearing**

I, the undersigned, declare that I am employed the City and County of San Francisco and at all times herein mentioned am over the age of 18 years; that pursuant to the provisions of the San Francisco Building Code Section 102A.3, I did on this date place a true copy of the Notice of Hearing of the Director of Building Inspection, City and County of San Francisco, in a conspicuous place on the building, structure or part thereof described in the Notice of Hearing. to wit:

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

Date Posted: 1/14/2013 at San Francisco, California.

By: Rowan Dicks  
(Print name)

(Date)

Signature: \_\_\_\_\_



**NOTICE OF CONTINUED DIRECTOR'S HEARING**

**DIRECTOR'S HEARING NO: 200924048**

Owner: QUINIAN BRENDAN A  
63 WAWONA ST  
SAN FRANCISCO CA  
94127

Date: January 14, 2013  
Address: 326 330 PRESIDIO AV, 000  
Block: 1007 Lot: 019 Seq: 1  
Tract: 133 Case: DC1  
Inspector: Dicks

Hearing of the Complaint of the Director of Department of Building Inspection against the property at the location shown above has been continued until January 31, 2013

at 9:30 A.M. in Room 2001, 1660 Mission Street, San Francisco, California.

The Owner of Record, designated above, is hereby notified to appear.

Very truly yours,

A handwritten signature in cursive script that reads "Tom C. Hui".

Tom C. Hui, S.E., Acting Director  
Department of Building Inspection



List of Owners/Interested Parties

Address: 330 Presidio Ave

Complainant:

N/A

1.  
Quinian Brendan & Elizabeth  
63 Wawona St  
San Francisco, CA 94127

2.  
Fiona Ryle  
P.O. Box 320446  
San Francisco, CA 94132

3.  
First Republic Bank  
101 Pine Street  
San Francisco, CA 94111

Deed of Trust dated 8/9/2005, Loan#23-078464-5  
Recorded Doc-2005-I009535-00, 8/15/2005, Reel I953, Image 0626

4.  
Roza Real Estate Loans, Inc.  
22 Fourth Street, Suite 1110  
San Francisco, CA 94103

Deed of Trust dated 9/5/2007, Loan#Hartfo2N  
Recorded Doc-2007-I451881-00, 9/12/2007, Reel J474, Image 0179

Deed of Trust dated 4/4/2007, Loan#Presi330  
Recorded Doc-2007-I366994-00, 4/10/2007, Reel J366, Image 0275

Deed of Trust dated 9/5/2007, Loan#Hartfo2N  
Recorded Doc-2007-I453398-00, 9/17/2007, Reel J477, Image 0088

Deed of Trust dated 4/4/2007, Loan#Presi330  
Recorded Doc-2007-I376664-00, 4/26/2007, Reel J378, Image 0371

Deed of Trust dated 4/4/2007, Loan#Presi330  
Recorded Doc-2007-I374089-00, 4/20/2007, Reel J374, Image 0506

01/11/2013: No new docs recorded.

Tract: 133/Source: DC1

Updated: 1/11/2013 1:09 PM

OLD REPUBLIC TITLE CO.

0222007178340

WHEN RECORDED, RETURN TO:

Roza Real Estate Loans, Inc.  
22 Fourth Street, Suite 1110  
San Francisco, CA 94103

San Francisco Assessor-Recorder  
Phil Ting, Assessor-Recorder  
DOC-2007-1366994-00  
Acct 4-OLD REPUBLIC Title Company  
Tuesday, APR 10, 2007 08:00:00  
Ttl Pd \$84.00 Nbr-0003209379  
REEL J366 IMAGE 0275  
ced/ER/4-19

Loan No: Presi330

APN: Lot 019; Block 1007

326-330 Presidio Ave

DEED OF TRUST, SECURITY AGREEMENT, ASSIGNMENT OF  
LEASES AND RENTS AND FIXTURE FINANCING STATEMENT

THIS DOCUMENT CONSTITUTES A FIXTURE FILING IN ACCORDANCE WITH SECTION 9402 OF  
THE CALIFORNIA COMMERCIAL CODE (THE "California Commercial Code")

THIS DEED OF TRUST, SECURITY AGREEMENT, ASSIGNMENT OF LEASES AND RENTS AND  
FIXTURE FINANCING STATEMENT ("Deed of Trust"), made effective as of April 4, 2007 by Brendan A.  
Quinlan and Elizabeth Quinlan, husband and wife as joint tenants ("Trustor") whose address for purposes of  
this Deed of Trust is 63 Wawona Street, San Francisco, CA 94127 (the State of California is hereinafter  
sometimes referred to as the "State"); TO AND IN FAVOR OF Roza Real Estate Loans, Inc. a California  
Corporation ("Trustee"); FOR THE BENEFIT OF Roza Real Estate Loans, Inc. a California Corporation, as to  
an undivided \$415,000.00 interest (collectively, the "Beneficiary"), whose address is 22 Fourth Street, Suite  
1110, San Francisco, CA 94103.

WITNESSETH:

To secure the payment of a debt described below (the "Debt"), Trustor hereby grants, bargains, conveys,  
transfers, and assigns to Trustee, in trust, WITH POWER OF SALE, all of the real property located at 326-330  
Presidio Avenue, San Francisco, CA 94115, APN: Lot 019; Block 1007 in the County of San Francisco, State of  
California, described in Exhibit "A" Page 19 attached hereto (the "Premises") and the buildings, structures,  
additions, enlargements, lot line adjustment additions, extensions, modifications, repairs and improvements  
now or hereafter located thereon (the "Improvements");

TOGETHER WITH: All right, title, interest and estate of Trustor now owned or hereafter acquired in the  
following property, rights, interests, and estates (collectively called the "Trust Property"):

(a) All easements, rights-of-way, strips of land, streets, alleys, passages, sewer rights, mineral rights,  
water rights and powers, and all estates, rights, titles, interests, privileges, tenements, hereditaments and  
appurtenances of any nature, in any way belonging, relating or pertaining to the Premises and the reversion and  
reversions, remainder and remainders, and all land laying in the bed of any street, road or avenue, opened or  
proposed, in front of or adjoining the Premises to the center line thereof and all the estates, rights, titles,  
interests, dower and rights of dower, courtesy and rights of courtesy, property, possession, claim and demand,  
both in law and in equity, of Trustor in the Premises and every part thereof and all appurtenances thereto;

(b) All machinery, furniture, equipment, fixtures, material, appliances and other articles of personal  
property of every kind owned by Trustor, or in which Trustor has an interest, located upon the Premises, and  
appurtenances thereto, and usable for the generation and distribution of air, water, heat, electricity, light, fuel or  
refrigeration, or for ventilating or air conditioning purposes, or for sanitary or drainage purposes, or for the  
exclusion of vermin or insects, or for removal of dust, refuse or garbage, and such machinery, furniture,  
equipment, fixtures and other articles of personal property which consist of all appliances, awnings, window  
shades, drapery rods, brackets, screens, floor coverings, incinerators and carpeting used in the operation of the  
Premises and Improvements (and all other personal property, either similar or dissimilar to the foregoing usable

RECORDING REQUESTED BY

Name: Roza Real Estate Loans, Inc.  
Address: 22 Fourth Street, Suite 1110  
City, State Zip: San Francisco, CA 94103

WHEN RECORDED MAIL TO

Name: Roza Real Estate Loans, Inc.  
Address: 22 Fourth Street, Suite 1110  
City State Zip: San Francisco, CA 94103

Loan ID: HARTFO2N



San Francisco Assessor-Recorder  
Phil Ting, Assessor-Recorder  
DOC- 2007-1453398-00

Check Number 3563  
Monday, SEP 17, 2007 08:45:29  
Tel Pd \$12.00 Nbr-0003308552  
REEL J477 IMAGE 0088  
dkc/KC/1-2

\*\* 326-330 Presidio Ave., S.F., CA

SPACE ABOVE THIS LINE FOR RECORDER'S USE

NOTE - This Assignment should be kept with the Note and Deed of Trust hereby assigned.

ASSIGNMENT DEED OF TRUST

FOR VALUABLE CONSIDERATION, the undersigned hereby grants, assigns, and transfers to  
R&R Mortgage Fund, LLC as to an undivided \$100,000.00 interest

Under that certain Deed of Trust dated September 5, 2007 by

Brendan A. Quinlan and Elizabeth Quinlan, husband and wife  
as joint tenants

To Roza Real Estate Loans, Inc., a California Corporation as Trustee, and recorded on 09/12/2007, in  
Book/Reel \_\_\_\_\_ at Page/Image \_\_\_\_\_, Series Number 2007-1451883 of Official  
Records of San Francisco County, California, together with the Promissory Note secured by said  
Deed of Trust and also all rights accrued or to accrue under said Deed of Trust. The property covered by said  
Deed of Trust is briefly described as follows:

See Exhibit ' A ' attached herewith and made a legal part hereof.

MULTIPLE LENDER LOANS: Pursuant to Civil Code Section 2941.9, this assignment of deed of trust is subject to a signed agreement  
between all of the beneficiaries to be governed by the beneficiaries holding more than 50% of the record beneficial interest.

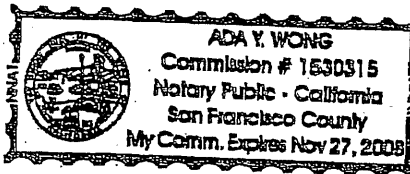
Roza Real Estate Loans, Inc.:

Eva Roza, President

Dated: September 14, 2007

STATE OF CALIFORNIA  
COUNTY OF San Francisco

On 09/14/2007 before me, ADA Y. WONG  
a Notary Public, personally appeared  
Eva Roza



personally known to me (or 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.

WITNESS my hand and official seal.

Signature

(This area for official notarial seal)

RECORDING REQUESTED BY

Name: Roza Real Estate Loans, Inc.  
Address: 22 Fourth Street, Suite 1110  
City, State Zip: San Francisco, CA 94103

WHEN RECORDED MAIL TO

Name: Roza Real Estate Loans, Inc.  
Address: 22 Fourth Street, Suite 1110  
City State Zip: San Francisco, CA 94103

Loan ID: PRESI330



San Francisco Assessor-Recorder  
Phil Ting, Assessor-Recorder  
DOC- 2007-1376664-00

Check Number 6385  
Thursday, APR 26, 2007 12:05:51  
Ttl Pd \$12.00 Nbr-0003220384  
REEL J378 IMAGE 0371  
ofa/AB/1-2

203

SPACE ABOVE THIS LINE FOR RECORDER'S USE

NOTE - This Assignment should be kept with the Note and Deed of Trust hereby assigned.

### ASSIGNMENT DEED OF TRUST

FOR VALUABLE CONSIDERATION, the undersigned hereby grants, assigns, and transfers to Herbert Donaldson, Trustee for the Margaret Mary Pettigrew Trust as to an undivided \$70,000.00 interest and R & R Mortgage Fund, LLC as to an undivided \$145,000.00 interest

Under that certain Deed of Trust dated April 4, 2007 by Brendan A. Quinlan and Elizabeth Quinlan, husband and wife as joint tenants

To Roza Real Estate Loans, Inc., a California Corporation as Trustee, and recorded on April 10, 2007, in Book/Reel at Page/Image, Series Number 1-366994 of Official Records of SAN FRANCISCO County, California, together with the Promissory Note secured by said Deed of Trust and also all rights accrued or to accrue under said Deed of Trust. The property covered by said Deed of Trust is briefly described as follows:

See Exhibit 'A' attached herewith and made a legal part hereof.

MULTIPLE LENDER LOANS: Pursuant to Civil Code Section 2941.9, this assignment of deed of trust is subject to a signed agreement between all of the beneficiaries to be governed by the beneficiaries holding more than 50% of the record beneficial interest.

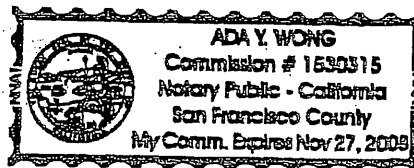
Roza Real Estate Loans, Inc.:

Eva Roza, President

Dated: April 23, 2007

STATE OF CALIFORNIA  
COUNTY OF San Francisco

On April 23, 2007 before me, ADA Y. WONG, a Notary Public, personally appeared  
Eva Roza



personally known to me (or 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.

WITNESS my hand and official seal.

Signature

(This area for official notarial seal)

RECORDING REQUESTED BY

Name: Roza Real Estate Loans, Inc.  
Address: 22 Fourth Street, Suite 1110  
City, State Zip: San Francisco, CA 94103

WHEN RECORDED MAIL TO

Name: Roza Real Estate Loans, Inc.  
Address: 22 Fourth Street, Suite 1110  
City State Zip: San Francisco, CA 94103

Loan ID: PRES1330



San Francisco Assessor-Recorder  
Phil Ting, Assessor-Recorder  
DOC- 2007-1374089-00

Check Number 8356  
Friday, APR 20, 2007 11:39:21  
Tel Pd \$12.00 Nbr-0003217323  
REEL J374 IMAGE 0506  
eJ1/JL/1-2

SPACE ABOVE THIS LINE FOR RECORDER'S USE

NOTE - This Assignment should be kept with the Note and Deed of Trust hereby assigned.

ASSIGNMENT DEED OF TRUST

FOR VALUABLE CONSIDERATION, the undersigned hereby grants, assigns, and transfers to R & R Mortgage Fund, LLC as to an undivided \$200,000.00 interest

Under that certain Deed of Trust dated April 4, 2007 by Brendan A. Quinlan and Elizabeth Quinlan, husband and wife as joint tenants

To Roza Real Estate Loans, Inc., a California Corporation as Trustee, and recorded on April 10, 2007, in Book/Reel at Page/Image , Series Number 1-366994 of Official Records of SAN FRANCISCO County, California, together with the Promissory Note secured by said Deed of Trust and also all rights accrued or to accrue under said Deed of Trust. The property covered by said Deed of Trust is briefly described as follows:

See Exhibit 'A' attached herewith and made a legal part hereof.

MULTIPLE LENDER LOANS: Pursuant to Civil Code Section 2941.9, this assignment of deed of trust is subject to a signed agreement between all of the beneficiaries to be governed by the beneficiaries holding more than 50% of the record beneficial interest.

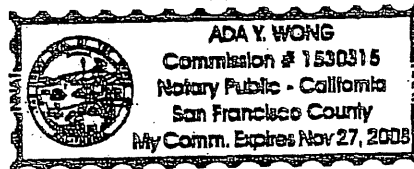
Roza Real Estate Loans, Inc.:

*Eva Roza*  
Eva Roza, President

Date: April 18, 2007

STATE OF CALIFORNIA  
COUNTY OF San Francisco

On April 18, 2007 before me, ADA Y. WONG, a Notary Public, personally appeared Eva Roza



personally known to me (or 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.

WITNESS my hand and official seal.

Signature *Ada Wong*

(This area for official notarial seal)



NOTICE OF CONTINUED DIRECTOR'S HEARING

DIRECTOR'S HEARING NO: 200924048

Owner: QUINIAN BRENDAN A  
63 WAWONA ST  
SAN FRANCISCO CA  
94127

Date: January 14, 2013  
Address: 326 330 PRESIDIO AV, 000  
Block: 1007 Lot: 019 Seq: 1  
Tract: 133 Case: DC1  
Inspector: Dicks

Hearing of the Complaint of the Director of Department of Building Inspection against the property at the location shown above has been continued until January 31, 2013

at 9:30 A.M. in Room 2001, 1660 Mission Street, San Francisco, California.

The Owner of Record, designated above, is hereby notified to appear.

Very truly yours,

A handwritten signature in cursive script that reads "Tom C. Hui".

Tom C. Hui, S.E., Acting Director  
Department of Building Inspection



DATE AFFIDAVIT PREPARED January 14, 2013

ADDRESS: 326 330 PRESIDIO AV, 0000  
INSPECTOR: Dicks  
OWNER: QUINIAN BRENDAN A  
63 WAWONA ST  
SAN FRANCISCO CA  
94127

Directors' Hearing Date: January 31, 2013  
Hearing Number: 200924048  
Block: 1007 Lot: 019 Seq: 1  
Tract: 133 Case: DC1

Declaration of Service Of Notice Of Violation(s) and Notice Of Directors' Hearing by Mail

I, the undersigned, declare that I am employed by the City and County of San Francisco and at all times herein mentioned was over the age of 18 years; that pursuant to the provisions of the San Francisco Building Code Section 102A.3, I did on this date place a true copy of the Notice of Hearing of the Director of Building Inspection, City and County of San Francisco which informed the owner(s) and duly authorized agent of the time and place of hearing, in an envelope addressed to the above named person(s); and then sealed and deposited said envelope in the United States Mail at San Francisco, California, with postage thereon and registered mail delivery service charges fully prepaid for delivery by registered mail; that there is delivery service by United States Mail at the place so addressed or regular communication by United States Mail between the place of mailing and the place so addressed.

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

Date Mailed: 1/16/2013 San Francisco, California. By: [Signature]  
(signature)

Declaration Of Posting Of Notice Of Violations(s) And Notice Of Directors' Hearing

I, the undersigned, declare that I am employed the City and County of San Francisco and at all times herein mentioned am over the age of 18 years; that pursuant to the provisions of the San Francisco Building Code Section 102A.3, I did on this date place a true copy of the Notice of Hearing of the Director of Building Inspection, City and County of San Francisco, in a conspicuous place on the building, structure or part thereof described in the Notice of Hearing. to wit:

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

Date Posted: 1/14/2013 at San Francisco, California.  
By: ROD DICKS Signature: [Signature]  
(Print name) (Date)



**ORDER OF ABATEMENT - ORDER NO. 200924048**

Owner: QUINIAN BRENDAN A  
63 WAWONA ST  
SAN FRANCISCO CA  
94127

Address: 326 330 PRESIDIO AV, 0000  
Block: 1007 Lot: 019 Seq: 1  
Census Tract: 133 Source: DC1  
Complaint: 200924048  
Date Order of Abatement Issued: February 25, 2013  
Inspector/Division: Dicks\HIS  
Housing Division Representative: DAVID GOGNA  
Hearing Officer: Matt Greene

A Hearing on the complaint of the Director of the Department of Building Inspection against the property referenced above was held on **January 31, 2013** 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: **October 8, 2009**
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:**

**7** 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 (415) 558-6220. Fax (415) 558-6249. 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 1660 Mission Street, 6th floor, (415) 558-6220.

Very truly yours,

Handwritten signature of Tom C. Hui in black ink.

Tom C. Hui, S.E., Acting Director  
Department of Building Inspection

Handwritten signature of Rosemary Bosque in black ink.

Approved for Distribution on February 25, 2013  
by Rosemary Bosque, Chief Housing Inspector





DEPARTMENT OF BUILDING INSPECTION

Housing Inspection Services Division
City and County of San Francisco
1660 Mission Street 6th Floor, San Francisco, California 94103-2414
(415) 558-6220 Fax: (415) 558-6249 Email: DBIHIDComplaints@sfgov.org Website: www.sfdbi.org

NOTICE OF VIOLATION

COMPLAINT: 200924048

OWNER/AGENT: QUINIAN BRENDAN A

DATE: 08-OCT-09

MAILING

LOCATION: 330 PRESIDIO AV

ADDRESS:

QUINIAN BRENDAN A
63 WAWONA ST
SAN FRANCISCO CA

BLOCK: 1007 LOT: 019

NOTICE TYPE: COMPLAINT

94127

BUILDING TYPE: APT

USE TYPE: R2

YOU ARE HEREBY ORDERED TO COMPLY WITH THE FOLLOWING REQUIREMENTS:

ITEM

DESCRIPTION

- 1 THIS NOTICE INCLUDES VIOLATIONS FOR THE AREAS NOTED.
2 PROVIDE ADEQUATE WATER PRESSURE (1001 HC)
3 REPAIR DAMAGED CEILINGS (1001b,h,o HC)
4 REPAIR DAMAGED WALLS (1001b,h,o HC)
5 REPLACE FLOOR COVERING (1001b,j,o HC)
5 REPAIR FLOOR COVERING (1001b,j,o HC)
7 ELIMINATE MOLD/MILDEW ON WALLS (1301,1001B(13),1306 HC)
8 REMOVE OR COVER DAMAGED PAINT IN AN APPROVED MANNER TO PREVENT A LEAD HAZARD. SEE ATTACHED LEAD HAZARD WARNING. (1301 HC)
9 CLEAN HEATER VENT SYSTEM SEC 1001 SFHC.
10 INSPECTOR COMMENTS.

330 Presidio Av #5
Provide adequate water pressure shower room.
Repair damaged ceilings eastern livingroom, bathroom, bedroom, and hall (2 locations).
Repair damaged walls eastern livingroom, bathroom, bedroom, and hall (2 locations).
Replace missing/cracked tiles tubroom.
Repair/Replace deteriorated shower floor and prevent water seepage from shower area.
Eliminate mold/mildew from wall and windows of eastern bedroom.
Remove peeling paint ceiling (western bedroom).
Clean heater vent system to ensure vents operating properly. It is the property owner's responsibility to be present or direct his/her representative to attend the reinspection 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 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 dwellings, apartment units or guest rooms are to be accessed during the reinspection.

ALL ITEMS MUST BE COMPLETED WITHIN 30 DAYS. REINSPECTION DATE: 11 November 2009 02:00 PM

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

CONTACT HOUSING INSPECTOR : Ronald Dicks AT 415-558-6632

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

1660 Mission Street, 6<sup>th</sup> Floor, San Francisco, California 94103-2414

(415) 558-6220, Fax No. (415) 558-6249, 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, 1<sup>st</sup> 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, 3<sup>rd</sup> 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.



**ORDER OF ABATEMENT - ORDER NO. 200924048**

Owner: **QUINIAN BRENDAN A**  
**63 WAWONA ST**  
**SAN FRANCISCO CA**  
**94127**

Address: **326 330 PRESIDIO AV, 0000**  
Block: **1007** Lot: **019** Seq: **1**  
Census Tract: **133** Source: **DC1**  
Complaint: **200924048**  
Date Order of Abatement Issued: **February 25, 2013**  
Inspector/Division: **Dicks\HIS**  
Housing Division Representative: **DAVID GOGNA**  
Hearing Officer: **Matt Greene**

A Hearing on the complaint of the Director of the Department of Building Inspection against the property referenced above was held on **January 31, 2013** 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: **October 8, 2009**
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:**

**7** 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 (415) 558-6220. Fax (415) 558-6249. 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 1660 Mission Street, 6th floor, (415) 558-6220.

Very truly yours,

Tom C. Hui, S.E., Acting Director  
Department of Building Inspection

Approved for Distribution on February 25, 2013  
by Rosemary Bosque, Chief Housing Inspector

RECORDING REQUESTED BY:  
DEPT. OF BUILDING INSPECTION

WHEN RECORDED RETURN TO:  
DEPT. OF BUILDING INSPECTION  
HOUSING INSPECTION SERVICES  
1660 MISSION STREET, 6<sup>TH</sup> FLOOR  
SAN FRANCISCO, CA 94103

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## ORDER OF ABATEMENT

330 Presidio Av.,  
a.k.a. 326-330 Presidio Av

Block/Lot/Seq. - 1007 / 019 / 01

NO. 200924048 - A  
(DC1 - DH January 31, 2013)



**ORDER OF ABATEMENT - ORDER NO. 200924048**

Owner: QUINIAN BRENDAN A  
63 WAWONA ST  
SAN FRANCISCO CA  
94127

Address: 326 330 PRESIDIO AV, 0000  
Block: 1007 Lot: 019 Seq: 1  
Census Tract: 133 Source: DC1  
Complaint: 200924048  
Date Order of Abatement Issued: February 25, 2013  
Inspector/Division: Dicks\HIS  
Housing Division Representative: DAVID GOGNA  
Hearing Officer: Matt Greene

A Hearing on the complaint of the Director of the Department of Building Inspection against the property referenced above was held on **January 31, 2013** 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: **October 8, 2009**
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:**

7. **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 (415) 558-6220. Fax (415) 558-6249. 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 1660 Mission Street, 6th floor, (415) 558-6220.

Very truly yours,

Handwritten signature of Tom C. Hui in black ink.

Tom C. Hui, S.E., Acting Director  
Department of Building Inspection

Handwritten signature of Rosemary Bosque in black ink.

Approved for Distribution on February 25, 2013  
by Rosemary Bosque, Chief Housing Inspector



DEPARTMENT OF BUILDING INSPECTION

Housing Inspection Services Division
City and County of San Francisco
1660 Mission Street 6th Floor, San Francisco, California 94103-2414
(415) 558-6220 Fax: (415) 558-6249 Email: DBIHIDComplaints@sfgov.org Website: www.sfdbi.org

NOTICE OF VIOLATION

COMPLAINT: 200924048

OWNER/AGENT: QUINIAN BRENDAN A

DATE: 08-OCT-09

MAILING

ADDRESS: QUINIAN BRENDAN A
63 WAWONA ST
SAN FRANCISCO CA
94127

LOCATION: 330 PRESIDIO AV

BLOCK: 1007 LOT: 019

NOTICE TYPE: COMPLAINT

BUILDING TYPE: APT

USE TYPE: R2

YOU ARE HEREBY ORDERED TO COMPLY WITH THE FOLLOWING REQUIREMENTS:

ITEM

DESCRIPTION

- 1 THIS NOTICE INCLUDES VIOLATIONS FOR THE AREAS NOTED. 330 Presidio Av #5
2 PROVIDE ADEQUATE WATER PRESSURE (1001 HC) Provide adequate water pressure shower room.
3 REPAIR DAMAGED CEILINGS (1001b,h,o HC) Repair damaged ceilings eastern livingroom, bathroom, bedroom, and hall (2 locations).
4 REPAIR DAMAGED WALLS (1001b,h,o HC) Repair damaged walls eastern livingroom, bathroom, bedroom, and hall (2 locations).
5 REPLACE FLOOR COVERING (1001b,j,o HC) Replace missing/cracked tiles tubroom.
6 REPAIR FLOOR COVERING (1001b,j,o HC) Repair/Replace deteriorated shower floor and prevent water seepage from shower area.
7 ELIMINATE MOLD/MILDEW ON WALLS (1301,1001B(13),1306 HC) Eliminate mold/mildew from wall and windows of eastern bedroom.
8 REMOVE OR COVER DAMAGED PAINT IN AN APPROVED MANNER TO PREVENT A LEAD HAZARD. SEE ATTACHED LEAD HAZARD WARNING. (1301 HC) Remove peeling paint ceiling (western bedroom).
9 CLEAN HEATER VENT SYSTEM SEC 1001 SFHC. Clean heater vent system to ensure vents operating properly.
10 INSPECTOR COMMENTS It is the property owner's responsibility to be present or direct his/her representative to attend the reinspection 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 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 dwellings, apartment units or guest rooms are to be accessed during the reinspection.

ALL ITEMS MUST BE COMPLETED WITHIN 30 DAYS. REINSPECTION DATE: 11 November 2009 02:00 PM

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

CONTACT HOUSING INSPECTOR : Ronald Dicks AT 415-558-6632

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

1660 Mission Street, 6<sup>th</sup> Floor, San Francisco, California 94103-2414

(415) 558-6220, Fax No. (415) 558-6249, 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, 1<sup>st</sup> 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, 3<sup>rd</sup> 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.

Inspector Dicks/HIS:

Please POST AND RETURN DECLARATION TO AAB SECRETARY.

**DECLARATION OF POSTING FOR ABATEMENT APPEALS BOARD**


**NOTICE OF HEARING**

I, Hafem Mansour declare that I am employed by the City and County of San Francisco and at all times herein mentioned was over the age of 18 years; that pursuant to the provisions of Section (105A.2.6) of the San Francisco Building Code), I did on the 7<sup>th</sup> day of June 2013 2013, post a copy of Notice of Hearing of the Abatement appeals Board, in a conspicuous place on the building, structure or part thereof described in said Complaint, to wit:

Appeal No. 6778  
Complaint No. 200924048  
326-330 Presidio Ave.  
San Francisco, California

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

Executed on 06/07/2013 at San Francisco, California.

 /HIS





**ABATEMENT APPEALS BOARD**  
 City & County of San Francisco  
 1660 Mission Street, San Francisco, California 94103-2414

COPY

**NOTICE OF AAB HEARING**

Date: June 7, 2013

Nature of Appeal:

Director's Order

Appellant's Name & Mailing Address:

Other

Quinlan, Brendan A.  
 63 Wawona Street  
 San Francisco, CA 94127

PROPERTY ADDRESS: 326-330 Presidio Ave.

BLOCK: 1007 LOT: 019

APPEAL NO. 6778 Source Code DC1

COMPLAINT #200924048

INSPECTOR Dicks/HIS

Dear Appellant:

This is to serve notice that your appeal filed with the Abatement Appeals Board on March 15, 2013 will be heard by the Board at 9:00 a.m. on June 19, 2013, Wednesday, in Room 416, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA.

If further information is desired, please inquire with the Abatement Appeals Board staff of the Department of Building Inspection. The Abatement Appeals Board staff is located at 1660 Mission Street, 6<sup>th</sup> Floor or call (415) 558-6267. You may submit additional documents and information that may support your appeal by June 13, 2013 to the Abatement Appeals Board Staff.

You are required to appear personally. Failure to be represented may constitute a denial of this appeal. If you wish, you may be represented by counsel of your choice and/or bring witnesses to provide testimony.

Very truly yours,

Edward Sweeney, Secretary  
 Abatement Appeals Board

ES:ts

cc: Owner  
 Elizabeth Quinlan, 63 Wawona Street, San Francisco, CA 94127  
 Building Occupants  
 Commission Secretary  
 AAB file



ABATEMENT APPEALS BOARD

City & County of San Francisco

1660 Mission Street, San Francisco, California 94103-2414

COPY

NOTICE OF AAB HEARING

Date: June 7, 2013

Nature of Appeal:

Director's Order

Appellant's Name & Mailing Address:

Other

Quinlan, Brendan A.  
63 Wawona Street  
San Francisco, CA 94127

PROPERTY ADDRESS: 326-330 Presidio Ave.

BLOCK: 1007 LOT: 019

APPEAL NO. 6778 Source Code DCI

COMPLAINT #200924048

INSPECTOR Dicks/HIS

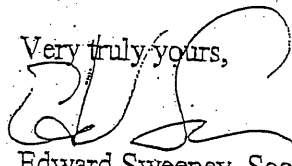
Dear Appellant:

This is to serve notice that your appeal filed with the Abatement Appeals Board on March 15, 2013 will be heard by the Board at 9:00 a.m. on June 19, 2013, Wednesday, in Room 416, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA.

If further information is desired, please inquire with the Abatement Appeals Board staff of the Department of Building Inspection. The Abatement Appeals Board staff is located at 1660 Mission Street, 6<sup>th</sup> Floor or call (415) 558-6267. You may submit additional documents and information that may support your appeal by June 13, 2013 to the Abatement Appeals Board Staff.

You are required to appear personally. Failure to be represented may constitute a denial of this appeal. If you wish, you may be represented by counsel of your choice and/or bring witnesses to provide testimony.

Very truly yours,

  
Edward Sweeney, Secretary  
Abatement Appeals Board

ES:ts

cc: Owner

Elizabeth Quinlan, 63 Wawona Street, San Francisco, CA 94127

Building Occupants

Commission Secretary

AAB file

(415) 558-6272

1660 Mission Street, 2<sup>nd</sup> Floor, San Francisco, CA 94103

APPEAL TO THE ABATEMENT APPEALS BOARD  
OF THE CITY AND COUNTY OF SAN FRANCISCO  
FROM THE BUILDING INSPECTION DEPARTMENT DIRECTOR'S ORDER

Check Type of Appeal:  Appeal of Director's Order

Request for Jurisdiction

Appellant Name: BRENDAN QUINNAN

Appeal Number 6778

Date Appeal Filed: 3-15-2013

Director's Order No \_\_\_\_\_

Complaint Tracking No(s) \_\_\_\_\_

Filing Fee: \$170.00

**Instructions:** Please (1) answer all the questions on pages 1 and 2 for appeals of Director's Orders, and complete pages 1 through 3 for Requests for Jurisdiction, (2) sign the bottom of page 2 (and 3 if applicable), and (3) include the requisite filing fee of \$170.00 (checks are payable to the San Francisco Department of Building Inspection). Please attach additional pages as necessary and print legibly.

**Jurisdiction of the Abatement Appeals Board (AAB):** Under Section 105A.2 of the San Francisco Building Code (SFBC), and Chapter 77 of the San Francisco Administrative Code, the AAB has the power to hear and decide appeals from Orders of Abatement and hear direct appeals pursuant to SFBC Section 102A.. The Board may "uphold, modify, or reverse such orders, provided that the public health, safety and public welfare are secured most nearly in accordance with the intent and purpose of this code and the San Francisco Housing Code." (SFBC 105A.2.3).

**Appellant Questionnaire & Declaration:** The undersigned appellant hereby appeals to the AAB and makes the following allegations in connection therewith:

- (1) The Order appealed from was made at a public hearing by the Director of Building Inspection, of the City and County of San Francisco, on JANUARY 31 2013.
- (2) The affected premises are located at 326-330 PRESIDIO AVE San Francisco. They contain 6 dwelling units and \_\_\_\_\_ guest rooms.
- (3) State in ordinary and concise language the specific nature of the action appealed from, together with any material facts relating thereto.  
REPAIRS: PLUMBING WALL + CEILING + FLOOR COVERINGS REPAIR
- (4) State the relief you seek and reasons why you claim the appealed action should be modified or reversed by board. (Attach additional sheet(s) if necessary).  
TENANT HAS REFUSED ENTRY TO MAKE REQUIRED REPAIRS
- (5) Please state /check appellant's relationship to the property:  property owner  
 owner's agent  attorney  architect.  engineer  contractor  other \_\_\_\_\_  
If the appellant is an agent of the owner(s) of record please attach documentation delineating representation.
- (6) **Appellant's Information:**  
Print Appellant's Name: BRENDAN QUINNAN Daytime Phone Number: 415-412-0920  
Appellant's Mailing Address: 63 WAWONA ST SAN FRANCISCO CA 94103

Abatement Appeals Board (AAB)  
Tel. (415) 558-6267  
1660 Mission Street, 3<sup>rd</sup> Floor, San Francisco, CA 94103

MAR 15 2013  
DEPARTMENT OF BUILDING INSPECTION  
HOUSING INSPECTION DIVISION

**Instructions:** If you are requesting that the AAB take jurisdiction of an appeal after the requisite appeal period has expired please complete the following questionnaire:

**Jurisdiction of the Abatement Appeals Board & Filing Time Periods:** Pursuant to Chapter 77.5 of the San Francisco Administrative Code, the AAB has the power to grant jurisdiction after the appeal period has expired only upon a showing by the appellant that the delay in filing the appeal was due to misrepresentation, mistake, or other error on the part of the City. (Admin. Code Chp. 77.5(b)(2)). A Request for Jurisdiction shall be filled within fifteen (15) days from the date the Board Secretary has rejected an appeal, or fifteen (15) days after the appellant has actual or constructive knowledge of the right to appeal.

- (1) Date of Request: \_\_\_\_\_
- (2) Date AAB Secretary rejected appeal or date appellant made aware of right to appeal \_\_\_\_\_
- (3) Please explain why there was a delay in filing the appeal:  
\_\_\_\_\_  
\_\_\_\_\_
- (4) Please describe the alleged misrepresentation, mistake, or other error on the part of the City that caused the delay (attach additional sheet(s) if necessary):  
\_\_\_\_\_  
\_\_\_\_\_
- (5) What other facts do you want the Board to consider regarding the request for jurisdiction?  
\_\_\_\_\_  
\_\_\_\_\_

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

Print Name: \_\_\_\_\_ Signature: \_\_\_\_\_

Date Signed: \_\_\_\_\_ Signatory is  property owner  agent  other \_\_\_\_\_

Inspector Dicks/HIS:

Please POST AND RETURN DECLARATION TO AAB SECRETARY.

**DECLARATION OF POSTING FOR ABATEMENT APPEALS BOARD**

**NOTICE OF HEARING**

I, \_\_\_\_\_ declare that I am employed by the City and County of San Francisco and at all times herein mentioned was over the age of 18 years; that pursuant to the provisions of Section (105A.2.6) of the San Francisco Building Code), I did on the \_\_\_\_\_ day of \_\_\_\_\_ 2013, post a copy of Notice of Hearing of the Abatement appeals Board, in a conspicuous place on the building, structure or part thereof described in said Complaint, to wit:

Appeal No. 6778  
Complaint No. 200924048  
4326-330 Presidio Ave.  
San Francisco, California

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

Executed on \_\_\_\_\_ at San Francisco, California.

\_\_\_\_\_

COPY



ABATEMENT APPEALS BOARD

City & County of San Francisco

1660 Mission Street, San Francisco, California 94103-2414

NOTICE OF AAB HEARING

Date: June 7, 2013

Nature of Appeal:

Director's Order

Appellant's Name & Mailing Address:

Other

PROPERTY ADDRESS: 326-330 Presidio Ave.

Quinlan, Brendan A.  
63 Wawona Street  
San Leandro, CA 94127

BLOCK: 1007 LOT: 019

APPEAL NO. 6778 Source Code DC1

COMPLAINT #200924048

INSPECTOR Dicks/HIS

Dear Appellant:

This is to serve notice that your appeal filed with the Abatement Appeals Board on March 15, 2013 will be heard by the Board at 9:00 a.m. on June 19, 2013, Wednesday, in Room 416, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA.

If further information is desired, please inquire with the Abatement Appeals Board staff of the Department of Building Inspection. The Abatement Appeals Board staff is located at 1660 Mission Street, 6<sup>th</sup> Floor or call (415) 558-6267. You may submit additional documents and information that may support your appeal by June 13, 2013 to the Abatement Appeals Board Staff.

You are required to appear personally. Failure to be represented may constitute a denial of this appeal. If you wish, you may be represented by counsel of your choice and/or bring witnesses to provide testimony.

Very truly yours,

Edward Sweeney, Secretary  
Abatement Appeals Board

ES:ts

cc: Owner  
Elizabeth Quinlan, 63 Wawona Street, San Francisco, CA 94127  
Building Occupants  
Commission Secretary  
AAB file

TO: Inspector Ronald Dicks

March 12, 2012

RE: 330 Presidio Avenue

You cited the property on October 8, 2009, complaint # 2009-24048. The owners have taken no action to correct the problems you cited.

Other problems exist, however, and I would appreciate your citing the following, since they represent violations of the Housing Code:

These owners (and the prior owners) have done a lot of work on the plumbing without permits. As a result, there are dangerously severe fluctuations in water temperature in the shower. I would like you to please issue the following violation:

Correct severe swings of water temperatures in the shower.

The 40 year-old terrazzo shower pan is cracked, and it needs to be replaced. The three panels of shower glass are not tempered / safety glass, and represent safety concerns. I would like you to please issue the following violation:

Replace cracked shower pan and non-tempered glass in shower with approved materials

Mold: With the missing shower tiles, there is extensive mold/mildew (and bugs) inside the wall, behind the shower. Water has permeated the walls in other place. As a result, there is mold in the sheetrock in the western bedroom. I would like you to issue the following violation:

Eliminate mold and insects in the walls of the shower, and in eastern bedroom. Correct source of water intrusion. Investigate extent of mold in the interior of the walls in the northern shower wall, the eastern wall of the eastern bedroom and the western wall of the western-most room.

There is severe flaking of old, lead-based paint on the walls in the (eastern) living room. I would like you to please issue the following violation:

Inspector Ron Dicks

March 12, 2012

page 2

Remove damaged paint in eastern living room in an approved manner.

The two western bedrooms do not get adequate heat. Furthermore, there is excessive dust which comes out whenever the heater is turned on. I suspect this is because the ducts have become separated; the owners' own contractors have agreed with my assessment. This is a problem which can not be solved by "cleaning." I would like you to please issue the following violation:

With regards to the heating system, have an independent, licensed contractor (1) investigate the condition of the heating ducts in the apartment; correct in accordance with current standards. (2) Identify source of excessive dust; correct in accordance with current standards. (3) Identify and resolve the problem of inadequate heat reaching the two western bedrooms.

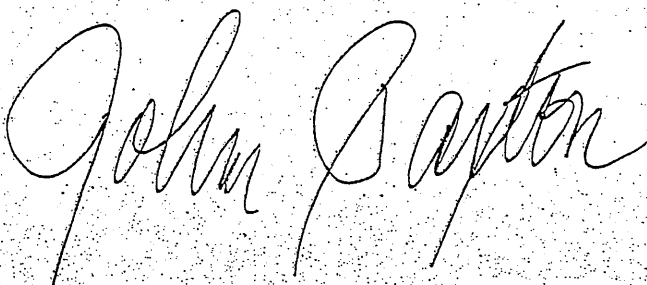
The building has had deterioration of its structural wood, resulting from years of water seepage. Wood rot is a significant problem. For over 4 years, water has seeped from our top floor shower, through the structure all the way into the garage. There are other sources of water leaks, including the cracked plaster on the exterior (front) of the building, which allows water to penetrate during rains, seeping into the lobby and dripping through the ceiling of the second floor. I would like you to please issue the following violation:

Engage an independent, licensed structural pest control operator to inspect the entire structure; perform recommended corrective action.

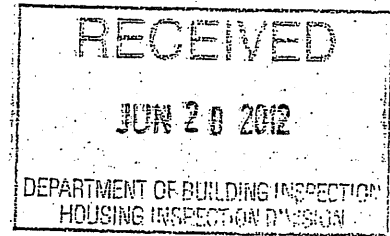
The window frames in the kitchen and western bathroom are broken and /or are badly deteriorated. The windows on the front, western side of the building were installed poorly (or no longer fit because of structural shifting), and water passes through the frames into the walls. I would like you to issue the following violation:

Replaced damaged windows. Perform maintenance to assure that window frames are properly sealed to prevent water intrusion.

Thanks,







Brendan Quinlan  
63 Wawona Street  
San Francisco, CA 94127

Mr. Ronald Dicks  
Housing Inspection Services  
Dept. of Building Inspection  
1660 Mission Street  
San Francisco, CA 94103-2414

June 19<sup>th</sup>, 2012

RE: Complaint 200924048

Mr. Dicks,

I am following up on a phone conversation we had on June 13<sup>th</sup> regarding the situation with the complaint on my property at 330 Presidio Ave.

I regret to inform you that despite our best efforts to comply with the NOV the tenant, Mr. Paxton, continues to refuse us entry into the apartment.

Please see attached "scope of work" which we provided to the tenant, which details and spells out every step we intended to take in order to make the necessary repairs.

Please also see attached letters from tenant dated 3-08-12 and 4-04-12 in which he denies us access to make the repairs.

I believe that we have made every effort to have this work completed, but the tenant's complete lack of cooperation has prevented us from doing so. I don't know where to turn and am concerned that the physical condition of the building is deteriorating, and also that there is an outstanding NOV attached to my property.

I eagerly await your advice on what steps are available to me to abate this complaint.

Sincerely

A handwritten signature in black ink, appearing to read "Brendan Quinlan". The signature is fluid and cursive.

Brendan Quinlan

## PROPOSED WORK AT 330 PRESIDIO AVE, #5

### SCOPE OF WORK AND MATERIALS TO BE USED

The scope of work is to carry out repairs necessary to comply with requirements ordered by Notice of Violation 200924048, a copy of which is attached. The work relating to individual items of Notice of Violation is further described as follows,

#### ITEM 2. Provide adequate water pressure (1001 HC)

The existing shower valve will be removed and replaced with a new, pressure balanced valve with adjustable volume and temperature. (see Exhibit 1)

#### ITEM 3. Repair damaged ceilings. (1001b,h,o HC)

The ceilings in eastern living room, bathroom, bedroom, and hall (2 locations) will be repaired using drywall and plaster as necessary. New surfaces will be painted to match existing. See enclosed paint color chart for your review. (see Exhibit 2)

#### ITEM 4. Repair damaged walls. (1001b,j,o, HC)

The damaged walls in eastern living room, bedroom and hall (2 locations) will be repaired using drywall and plaster as necessary. New surfaces will be painted to match existing. See enclosed color chart for your review (see Exhibit 2)

The damaged walls in bathroom will be repaired as follows. Remove all damaged wall covering in damaged area. Remove damaged wood framing and any other damaged material. Replace wood framing, install fiberglass insulation where required, install new drywall over framing and tape to a smooth finish. Apply waterproof membrane over drywall. Install new ceramic wall tile. See enclosed sample of ceramic tile which you requested and indicated that you liked. (see Exhibit 3)

#### ITEM 5. Replace floor covering. (1001b, j, o HC)

The missing/cracked tiles in the tubroom will be replaced with new tiles. See enclosed

sample of ceramic tile which you requested and indicated that you liked. (see Exhibit 4)

**ITEM 6. Repair floor covering. (1001b, j, o HC)**

The deteriorated shower floor will be repaired/replaced as follows. The existing terrazzo shower base will be tested for water tightness. If found to be leaking the shower base will be replaced with a new shower base using the same tiles as on walls, which you requested and indicated that you liked. ~~(see Exhibit 4)~~ EXHIBIT 3

If water seepage is found to be coming from glass shower enclosure, the existing enclosure will be replaced with a new enclosure. (see Exhibit 5)

**ITEM 7. Eliminate mold/mildew on walls (1301, 1001 B(13), 1306 HC)**

The walls and windows of eastern bedroom will be repaired and repainted using standard procedures. New surfaces will be repainted to match existing. See enclosed color chart for your review (see Exhibit 2)

**ITEM 8. Remove or cover damaged paint in an approved manner to prevent a lead hazard.**

Peeling paint will be removed from western bedroom. New area will be repainted to match existing. See enclosed color chart for your review. (see Exhibit 2). Paint contractor will have current certification in lead abatement.

**ITEM 9. Clean heater vent system (1001 SFHC)**

The heat vents were cleaned per your request in December 2010. See attached report from vendor (see Exhibit 6)

## TIMETABLE

In your letter of March 8th, 2012, you proposed a start date for repairs to be April 9th, 2012.

You also stated that you believed it would be necessary for your family to move out of the unit for the duration of construction repairs. You identified The Laurel Inn as the hotel you wished to stay in during this time. As a result of this request accomodation has been reserved at The Laurel Inn beginning on April 9th, 2012.

## DURATION OF WORK

We believe that the entire scope of work will be completed within 4 weeks. Please make the various rooms accessible to enable repairs to be made.

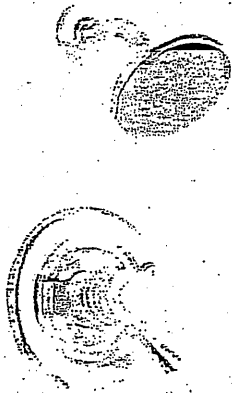
see what Delta can do™

**LELAND**

Monitor® 17 Series Shower Trim

Model #: T17278

What does this model number mean?



**Functional Options**

Most of our showers allow you to choose the shower function type to suit your needs (This will affect the Trim Model List price on the left):

- Monitor® 14 Series Shower Trim Less Handle (T14278-LHP)
- Monitor® 17 Series Shower Trim (T17278)**
- Monitor® 17 Series Shower Trim (T17278-H2O)
- TempAssure® 17T Series Shower Trim (T171278)

**Product Features and Benefits**

- A charming teapot-inspired series of faucets for the entire home.
- Timeless design is a perfect marriage of both form and function.
- Separate volume and temperature controls for maximum comfort. Handle adjusts volume; dial on handle controls temperature.
- Monitor® Scald-Guard® valve keeps water temperature within +/-3°F.
- For use with MultiChoice Universal rough valve body. Solid brass construction ensures quality and reliability.
- Lifetime Faucet and Finish Warranty
- Smart Features:

ADA Compliant

MultiChoice® Universal Valve

With Volume Control

Monitor

Touch Clean

EXHIBIT 1

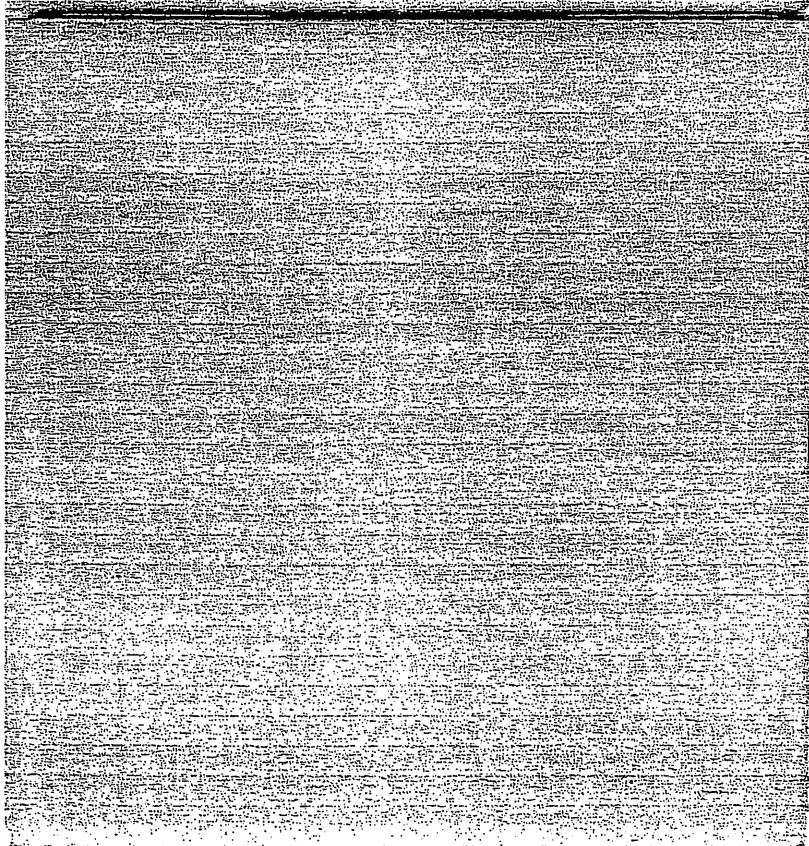
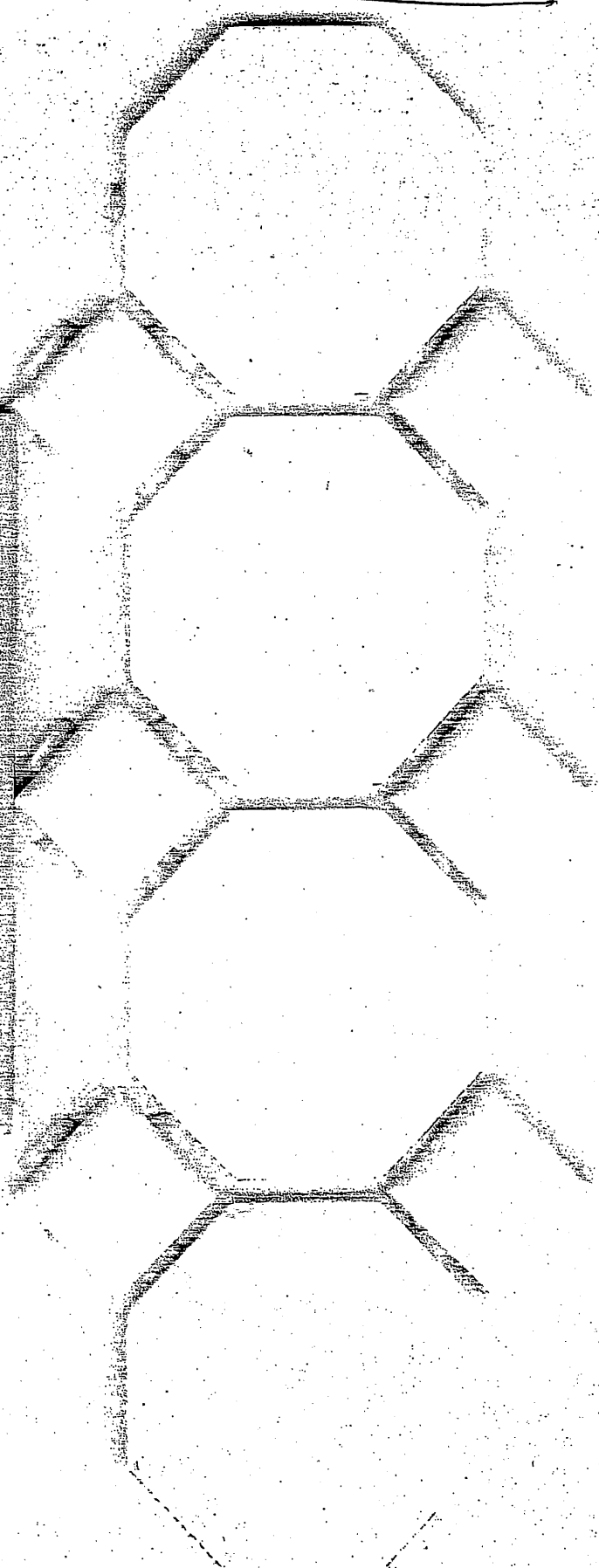
EXHIBIT 2

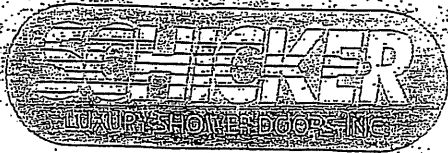


EXHIBIT 4



EXHIBIT 3



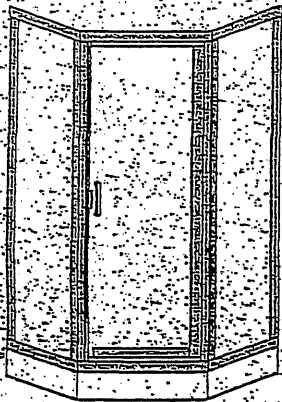


PRICE LIST  
2010

CUSTOM SHOWER DOORS & PANELS (FRAMED OR FRAMELESS)

EXHIBIT 5

SWING DOOR WITH NEO-ANGLE PANELS



394

W: 30" X 28" X 30"

H: 68 1/2"

394D  
Deluxe

W: 30" X 28" X 30"

H: 72"

DELUXE INCLUDES "EURO" STYLE ROUNDED HEADER AND DRILLED THROUGH METAL HANDLE.

LEAD TIME 2 WEEKS, EXCEPT:

SATIN SILVER & DARK BRONZE 3 WEEKS, DESIGNER COLORS 6 WEEKS



# CITY MECHANICAL, Inc.

HVAC/Refrigeration/Boilers C-20, C-4 # 622065  
724 Alfred Nobel Drive Hercules, California 94547 Office 510-724-9088 Fax 510-724-8240

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## Report

December 16, 2010

**Submitted to:**

Property Management One  
2101 Scott Street  
San Francisco, CA 94115

**Location:**

330 Presidio Avenue  
San Francisco, CA

**Attention:** Ammala Block

**E-mail:** ammala@pmoneonline.com

**Scope of work:** Furnace cleaning report as described below

City mechanical incorporated performed a furnace cleaning service on the Rheem Furnace that serves apartment # 5. Model # 3204-100HD - Serial # F4671 CCN3D008 001924 - 100, 000 BTU input on December 14, 2010.

This consisted of removing the gas train, burner and pilot assembly, brush and vacuum cleaning and video inspection of the heating chambers for cracks and or abnormalities. None were found.

The technician further removed the indoor blower motor and fan assembly for thorough cleaning.

The return air compartment and combustion burners, pilot assembly and combustion housing were also cleaned.

The filter was clean and appeared to be recently replaced. Proper filter changing should be performed every 90 days. The unit was reassembled and tested for proper operation with no evidence of any abnormalities.

Best regards,

*Vic Fernandez*  
Service / Sales  
City Mechanical, Inc.

EXHIBIT 6

John C. Paxton  
330 Presidio Avenue, No. 5  
San Francisco, California 94115  
(415) 563-0886  
421-3700

Ms. Karen Katz  
Property Management One  
2101 Scott Street  
San Francisco, CA 94115

March 8, 2012

Dear Karen,

I am responding to your Notice to Enter Dwelling Unit, which you posted on our door last night. Your Notice states that the purpose of your entry is to have your contractors make repairs.

Your letter of September 2010 correctly acknowledges that you must obtain my consent before entering our unit.

I do **not** consent to your contractors entering our unit to make repairs to the ceilings, walls and floor coverings on March 12 - 14 as demanded in the Notice. My reasons are as follows:

- o We have not discussed the scope of work. I have had no opportunity to review the proposed work; nor have I given my consent for materials, style or color, as is required under the Lease.
- o You had told me that the owners would not make any repairs other than repairs to the two bathrooms. Your Notice of Intent to Enter was the first indication I had of any interest in their making other repairs. When we spoke briefly this morning, you told me that it was driven by the owners' desire to clear the Notices of Violation. The Notices of Violation have existed for more than two years, and now our family is in the middle of the school year. "Poor planning on your part does not constitute an emergency on my part."
- o We briefly discussed this matter this morning, and you said that the contractors would repair items discussed in the Notice of

John C. Paxton  
330 Presidio Avenue, No. 5  
San Francisco, California 94115  
(415) 563-0886  
421-3700

Ms. Karen Katz  
Property Management One  
2101 Scott Street  
San Francisco, CA  
94115

April 4, 2012

Dear Karen,

I have left several phone messages, and I have not heard back from you.

I provided guidelines regarding how the work can proceed on our unit, consistent with the contractual rights under the lease. We had discussed that if we were in agreement, work could start on April 9. Since we have no agreement, work can not commence on the 9<sup>th</sup>.

There are now two outstanding Notices of Violations, one of which has persisted for over 26 months. The work needs to get done, and I have provided you with guidelines on how that can happen. Please get back to me so we can move forward.

Very truly yours,

