



# SAN FRANCISCO PLANNING DEPARTMENT

## NOTICE OF ENFORCEMENT

January 29, 2019

### Property Owner

3927 Twenty-Fourth Street LLC  
30 Heron Drive  
Mill Valley, CA 94941

**Site Address:** 3927 24th Street  
**Assessor's Block/Lot:** 6508/036  
**Zoning District:** NCD, 24th Street- Noe Valley Neighborhood Commercial  
**Complaint Number:** 2018-016674ENF  
**Code Violation:** **Sections 728 and 303** (Unpermitted Use, i.e. Kennel and Unpermitted use of Outdoor Activity Area)  
**Sections 728 and 305** (Required Usable Open Space per dwelling unit)  
**Administrative Penalty:** Up to \$250 Each Day of Violation  
**Response Due:** Within 15 days from the date of this Notice  
**Staff Contact:** Chaska Berger, (415) 575-9188, chaska.berger@sfgov.org

The Planning Department has received a complaint that a Planning Code violation exists on the above referenced property that needs to be resolved. As the owner of the subject property, you are a responsible party. The purpose of this notice is to inform you about the Planning Code Enforcement process so you can take appropriate action to bring your property into compliance with the Planning Code. Details of the violation are discussed below:

### DESCRIPTION OF VIOLATION

Our records indicate that the subject property is currently authorized for One-Family Dwelling above a ground floor Retail Use. It has been reported that the above property is will be the site of a new business (DBA Doggy Style, Inc) with an anticipated opening date in February 2019. It is understood that the new business will be utilizing the rear yard as an Outdoor Activity Area without such authorization. Pursuant to Planning Code Section 728, a Conditional Use Authorization is required for the use of an Outdoor Activity Area<sup>1</sup> in the Noe Valley Neighborhood Commercial Zoning District where the subject property is located.

Furthermore, pursuant to Planning Code Section 728, one hundred (100) square feet of open space is required per unit if private open space, or one hundred thirty-three (133) square feet per unit if the area is common open space. It has been reported that access and use of the required residential open space

<sup>1</sup> Planning Code Section 201 defines Outdoor Activity Area as a, "Commercial Use characteristic defined as an area associated with a legally established use, not including primary circulation space or any public street, located outside of a building or in a courtyard, which is provided for the use or convenience of patrons of a commercial establishment including, but not limited to, sitting, eating, drinking, dancing, and food-service activities."

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is being encroached upon by the unpermitted Outdoor Activity Area for use by Doggy Style, Inc. A Variance approval is required to legalize the reduction of required residential open space.

A building permit, which was filed and issued on December 31, 2018 to “remodel bath and wet bar sink, new toilet, sink, tile approx 8x10,” did not receive Planning Department review. An SFGate<sup>2</sup> article published on December 31, 2018 shows renderings of the interior work to be completed. The business, Doggy Style, Inc, has been described in the SFGate article as a, “doggy day-care, retail shop, gallery, community event space, private day club, and co-working space.” It was also mentioned in this article that Doggy Style, Inc. plans to host adoption events and open the space to nonprofit groups, with the goal that pet owners will leave their pets for the day. As described in the article, members will also have access to a workspace and exclusive events such as movie nights and speaker series served with alcoholic beverages. A member of Doggy Style, Inc., could potentially receive one grooming session per month and a private birthday party for their pet, depending upon the membership type and dues paid. As described on the business’ website, [www.doggystyle.com](http://www.doggystyle.com), services offered include the opportunity to participate in outdoor movie nights, grooming, and adoption services. In addition to the potential violations cited above for Outdoor Activity Area and residential open space, the Planning Department has concerns regarding the proposed use classification of Doggy Style, Inc. and requires additional information to determine the appropriate land use category. For example, if the use is consistent with the definition of Kennel<sup>3</sup>, such use would also require a Conditional Use Authorization.

Pursuant to Planning Code Section 171, structures and land in any zoning district shall be used only for the purposes listed in this Code as permitted in that district, and in accordance with the regulations established for that district. Further, pursuant to Planning Code Section 174, every condition, stipulation, special restriction, and other limitation under the Planning Code shall be complied with in the development and use of land and structures. Failure to comply with any Planning Code provisions constitutes a violation of the Planning Code and is subject to the enforcement process under Code Section 176.

## HOW TO CORRECT THE VIOLATION

The Planning Department requires that you immediately proceed to abate the violation by ceasing the proposed operation of Doggy Style, Inc. until such time that additional information has been provided to the Planning Department and all appropriate permits and entitlements have been obtained.

Please provide a business plan that clearly articulates all aspects of the proposed business. Please include the number of employees, hours of operation, details on various services provided, proposed use of outdoor area, membership fees, etc. A Letter of Determination may be requested to the Planning Department to obtain clarification regarding the Use Category of the proposed operation of Doggy Style, Inc.

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<sup>2</sup> <https://www.sfgate.com/business/article/doggy-style-pet-daycare-members-only-club-13496116.php>

<sup>3</sup> Per Planning Code Section 102, a Kennel is “A Retail Sales and Services Use where dogs are boarded for compensation, or are cared for or trained for hire, or are kept for sale or bred for sale, where the care, breeding or sale of the dogs is the principal means of livelihood of the occupants of the premises.”

The responsible party will need to provide adequate evidence to demonstrate that either no violation exists or that the violation has been abated. Please provide evidence including such as dimensioned plans, photos, business licenses, lease copies, etc. A site visit may also be required to verify compliance.

You may also need to obtain a building permit for change of use and any alterations done at the property. Please contact the Department of Building Inspection (DBI), 1660 Mission Street, San Francisco, CA 94103, telephone: (415) 558-6088, website: [www.sfgov.org/dbi](http://www.sfgov.org/dbi), regarding the Building Permit Application process. Please visit the Planning Information Counter located at the first floor of 1660 Mission Street or website: [www.sf-planning.org](http://www.sf-planning.org) for any questions regarding the planning process.

## **TIMELINE TO RESPOND**

The responsible party has **fifteen (15) days from the date of this notice** to contact the staff planner noted at the top of this notice and submit evidence to demonstrate that the corrective actions have been taken to bring the subject property into compliance with the Planning Code. A site visit may also be required to verify the authorized use at the above property. The corrective actions shall be taken as early as possible. Any unreasonable delays in abatement of the violation may result in further enforcement action by the Planning Department.

## **PENALTIES AND APPEAL RIGHTS**

Failure to respond to this notice by abating the violation or demonstrating compliance with the Planning Code **within fifteen (15) days from the date of this notice** will result in issuance of a **Notice of Violation** by the Zoning Administrator. Administrative penalties of up to **\$250 per day** will also be assessed to the responsible party for each day the violation continues thereafter. The Notice of Violation provides appeal processes noted below.

- 1) Request for Zoning Administrator Hearing. The Zoning Administrator's decision is appealable to the Board of Appeals.
- 2) Appeal of the Notice of Violation to the Board of Appeals. The Board of Appeals may not reduce the amount of penalty below \$100 per day for each day the violation exists, excluding the period of time the matter has been pending either before the Zoning Administrator or before the Board of Appeals.

## **ENFORCEMENT TIME AND MATERIALS FEE**

Pursuant to Planning Code Section 350(g)(1), the Planning Department shall charge for 'Time and Materials' to recover the cost of correcting Planning Code violations and violations of Planning Commission and Planning Department's Conditions of Approval. Accordingly, the responsible party may be subject to an amount of **\$1,395.00** plus any additional accrued time and materials cost for Code Enforcement investigation and abatement of violation. This fee is separate from the administrative penalties as noted above and is not appealable.

## **OTHER APPLICATIONS UNDER CONSIDERATION**

The Planning Department requires that any pending violations be resolved prior to the approval and issuance of any new applications that you may wish to pursue in the future. Therefore, any applications not related to abatement of the violation on the subject property will be placed on hold until the violation is corrected. We want to assist you in ensuring that the subject property is in full compliance with the Planning Code. You may contact the enforcement planner as noted above for any questions.

cc: Doggy Style, Inc, 3927 24th Street, San Francisco, CA 94114