

Date Filed: September 15, 2023

City & County of San Francisco BOARD OF APPEALS

JURISDICTION REQUEST NO. 23-2

Date of request: September 15, 2023.

Great Highway, LLC hereby seeks a new appeal period for the following departmental action: ISSUANCE of Alteration Permit, 2022/01/18/6097 by Department of Building Inspection, issued to: Stora Highway LLC, for property at 2442 Great Highway, that was issued or became effective on May 2, 2022, and for which the appeal period ended at close of business on May 17, 2022.

Your Jurisdiction Request will be considered by the Board of Appeals on Wednesday, October 11, 2023 at 5:00 p.m. in Room 416 of SF City Hall. You may also attend via the Zoom video platform.

Pursuant to Article V, § 10 of the Board Rules, the **RESPONSE** to the written request for jurisdiction must be submitted by the permit, variance, or determination holder(s) and/or department(s) no later than **10 days from the date of filing, on or before 4:30 p.m. September 25, 2023**, and must not exceed 6 pages in length (double-spaced), with unlimited exhibits. An electronic copy shall be submitted to the Board office via email to: boardofappeals@sfgov.org with additional copies delivered to corey.teague@sfgov.org, tina.tam@sfgov.org, <a href="mailto:mailto

You or your representative **MUST** be present at the hearing. It is the general practice of the Board that only up to three minutes of testimony from the requestor, the permit holder, and the department(s) will be allowed. Your testimony should focus on the reason(s) you did not file on time, and why the Board should allow a late filing in your situation.

Based upon the evidence submitted and the testimony, the Board will make a decision to either grant or deny your Jurisdiction Request. Four votes are necessary to grant jurisdiction. If your request is denied, an appeal may not be filed and the decision of the department(s) is final. If your request is granted, a new five (5) day appeal period shall be created which ends on the following Monday, and an appeal may be filed during this time.

Name:	Great High	way, LLC	

Address: PO Box 491099 Los Angeles, CA 90049

Phone: 310-454-8777

Email: tonybral6@gmail.com Via Email

Signature of Requestor or Agent

Permit Details Report

Report Date: 9/14/2023 10:56:39 AM

Application Number: 202201186097

Form Number: 3

Address(es): 2378 / 037 / 0 2442 GREAT HY

Description: INTERIOR REMODEL OF 2 RESIDENTIAL UNITS (#1 & #3). FRONT FACADE

Cost: ALTERATIONS. S350,000.00

Occupancy Code: R-2

Building Use: 24 - APARTMENTS

Disposition / Stage:

Action Date	Stage	Comments
1/18/2022	TRIAGE	
1/18/2022	FILING	
1/18/2022	FILED	
4/28/2022	APPROVED	
5/2/2022	ISSUED	

Contact Details:

Contractor Details:

License Number: 910730

Name: ALEKSANDAR JURETIC

Company Name: CITIDEV INC.

Address: 1431A CASTRO STREET * SAN FRANCISCO CA 94114-0000

Phone:

Addenda Details:

Description:

	ription: Station	Rev#	Arrive	Start	In Hold	Out Hold	Finish	Checked By	Review Result	Hold Description
1	HIS		1/18/22	1/18/22			1/18/22	HANKINS ETHAN		
2	INTAKE		1/18/22	1/18/22			1/18/22	CHAN CHENG		OTC PAPER PLAN.
3	CP-ZOC		1/18/22	1/18/22			1/18/22	OROPEZA EDGAR		Approved - no change to unit count, location or existing square footages - changes tot he front facade as noted on the plans. No BBNs or planning code complaints.
4	СРВ		1/26/22	1/26/22			1/26/22	ROBINSON CHARLES		converted to Form 3. To PPC
5	BLDG		1/26/22	2/4/22	2/4/22	2/16/22	2/16/22	BARNES JEFF		re-check in Lobby approved to PPC route to next station. Note AB- 009 to be updated
6	PAD- STR		3/15/22	3/28/22	3/28/22	4/20/22	.,	CHAN PHILIP		Approved. Sent to PPC. 4/20/2022 Comments emailed to applicant.
7	MECH		1/18/22	1/18/22			1/18/22	ZHAN JAMES		OTC approval
8	SFFD		1/18/22	1/18/22			1/18/22	MCCORMACK MARCELLA		NOT APPROVED, ROUTED TO BUILDING PRIOR TO SFFD REVIEW. AB 009 NEEDS SIGNED
9	SFFD		3/2/22	3/2/22			3/14/22	MCCORMACK MARCELLA		approved PER PRE-APP MEETING, routed to ppc
10	DPW- BSM			1/18/22				DAVID		APPROVED 2/17/22: No alteration or reconstruction of City Right-of-Way under this permitTD On hold. 1/18/22: Waiting for BLDG to sign off first. (REF: No Alt) -CC
11	SFPUC		1/18/22	1/18/22	1/18/22	2/18/22	1/18/22	ARRIOLA LAURA		Off HOLD, 02/18/22 LA On HOLD pending BLDG sign-off. OTC - Capacity

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							Charge not applicable. Not enough additional fixtures/GPM/meter(s). Based on the proposed fixture count for domestic use, a larger domestic/fire combo meter may be required. Or depending on your actual sprinkler demand, you may need separate domestic and fire services. Please check with a sprinkler engineer to determine your sprinkler needs and if any changes to your domestic and fire service is necessary.
12	PERMIT- CTR	1/24/22	1/24/22		1/24/22	ESPINO HENRY	01/24/2022: Project has been received by Permit Center Team and transferred to the Central Permit Bureau (CPB). Applicants may contact dbi.cpbrequest@sfgov.org or for further project updatesHE
13	CP-ZOC	4/21/22	4/25/22		4/25/22	OROPEZA EDGAR	Restamp only - no changes form previous approval in this case. E.O 4/25/2022
14	PPC	4/21/22	4/21/22		4/27/22	EAKIN MIGUEL	04/27/22: TO CPB;me 04/21/22: TO PLANNINGto stamp page Ao.70;me 04/06/22: TO hold bin pending pad-str approval;me 3/16/22: To Philip Chan; ST 3/15/22: To PAD-STR; ST 3/15/22: PAD-STR added per Matt Ralls; ST 03/02/22: Marcella Mccormack self checkout; 2/18/22: To hold bin pending SFFD approval; ST 02/16/22: TO BSM for sign off after bldg;me 1/26/22: To BLDG; ST
15	СРВ	4/27/22	4/28/22		5/2/22	VICTORIO CHRISTOPHER	5/2/2022 Issued, to Permit Center.

This permit has been issued. For information pertaining to this permit, please call 628-652-3450.

Appointments:

Appointment Date		Appointment Code	Appointment Type	Description	Time Slots
8/4/2023	AM	CS	Clerk Scheduled	ROUGH FRAME	1
5/25/2023	PM	CS	Clerk Scheduled	SHEAR WALL	1
5/3/2023	AM	CS	Clerk Scheduled	OK TO COVER	1
<u>123</u>	•				, and the second

Inspections:

Activity Date	Inspector	Inspection Description	Inspection Status
8/4/2023	Enrique Argumedo	ROUGH FRAME	CANCELLATION FOR INSPECTION SCHEDULE
5/25/2023	David Lara Araiza	SHEAR WALL	SHEETROCK NAILING
5/8/2023	Van Zeng	SHEETROCK NAILING	SHEAR WALL
1234	•	•	•

Special Inspections:

Addenda No.	Completed Date	pleted Inspected By Cod		Description	Remarks
О				CONCRETE (PLACEMENT & SAMPLING)	
О			0	BOLTS INSTALLED IN CONCRETE	
О			4	REINFORCING STEEL AND PRETRESSING TENDONS	reinforcing steel

Department of Building Inspection

О	5A1	SINGLE PASS FILLET WELDS < 5/16"
0	5A3	WELDED STUDS
О	5B5	MOMENT-RESISTING FRAMES
0	24E	WOOD FRAMING
О	18A	BOLTS INSTALLED IN EXISTING CONCRETE
О	18C	PULL/TORQUE TESTS PER SFBC SEC.1607C & 1615C
o	19	SHEAR WALLS AND FLOOR SYSTEMS USED AS SHEAR DIAPHRAGMS
12	<u> </u>	

For information, or to schedule an inspection, call 628-652-3400 between 8:30 am and 3:00 pm.

Station Code Descriptions and Phone Numbers

Online Permit and Complaint Tracking home page.

Technical Support for Online Services

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Great Highway, LLC

PO Box 491099

Los Angeles, CA 90049

September 14th, 2023

Board of Appeals

Permit Center

49 South Van Ness Suite 1475 (14th Floor)

San Francisco, CA 94103

Subject: Explanation for Late Appeal Filing - Lack of Notification Regarding Work Details

Jurisdiction Request: Permit #: 202201186097

Dear Board of Appeals,

I hope this letter finds you well. I am writing to formally explain the reason for the delayed filing

of our appeal concerning the work being done at 2442 Great Highway, San Francisco, CA

94116.

Our appeal was not filed within the stipulated time frame due to circumstances beyond our

control. Regrettably we didn't receive any notification regarding the work being conducted,

including the time and type of work or approval. Without this crucial information, we were

unable to prepare our appeal effectively, leading to an unfortunate lapse in our submission. We

allowed them to put scaffolding for the first time to be good neighbors, and when they reached

out the second time, they told us that they wanted to finish some work to the walls as well as

putting some windows that looks directly into our 20 unit building and thats the first time we

found out about this. As soon as we found out, we filed complaint, now we see that they are

going ahead with the work, they have approved plans with installing the windows regardless of

our opposition, and the Tenants opposition. We understand that they started the work from the

inside, so there was no sign of them wanting to put windows on the side of the building which

never existed before. We have been very clear about the concern that we have with the

windows they are putting in the side, as well as now we understand that there are other plans

to build a stairway, as well as a roof deck that could affect out tenants. We want to get a fair

chance to voice our concern as we never did, as we never had the chance. We feel that it was

intentional to hide the facts from us all the way to try to do the work from the inside, and try to

get permission from us for scaffolding. We understand that there is not a permit pulled for this

work that they have already started. Looking forward to be able to express our concerns and

more importantly our Tenants concerns.

If you require any further information or have questions regarding our appeal, please do not

hesitate to contact me at Tony Bral (310) 454 - 8777.

Thank you for your understanding and cooperation in this matter.

Sincerely,

Tony Bral Great Highway, LLC Owner of 2448 Great Highway, LLC (310) 454-8777

















BRIEF SUBMITTED BY THE PERMIT HOLDER(S)

REUBEN, JUNIUS & ROSE, LLP

Thomas Tunny

ttunny@reubenlaw.com

September 25, 2023

President Rick Swig and Members of the San Francisco Board of Appeals 49 South Van Ness Suite 1475 (14th Floor)

Suite 14/3 (14th F1001) San Francisco, CA 0/11

San Francisco, CA 94103

Re: Jurisdiction Request

Subject Property: 2442 Great Highway

Subject Permit: Alteration Permit No. 2022/01/18/6097

Permit Holder's Brief

Dear President Swig and Board Members:

We represent Michael Horvath, the permit holder of Alteration Permit No.

2022/01/18/6097 (the "Permit"). The Permit authorizes alterations to the front and side façades

and an interior remodel of two units in an existing four-unit building (the "Project"). The subject

property is 2442 Great Highway (the "Property"). The Permit was issued on May 2, 2022. The

deadline to file an appeal was on or about May 17, 2022, over 16 months ago. Construction has

been ongoing since that time without interruption.

The Permit was properly issued. The Project is a minor scope that was reviewed and

approved by the Planning Department and all other relevant City departments as required. The

front and side façades in particular were expressly reviewed and approved. The Permit Tracking

System notes entered by the planner (Edgar Oropeza) are as follows:

Approved - no change to unit count, location or existing square footages -

changes tot he [sic] front facade as noted on the plans. No BBNs or planning

code complaints. (Exhibit A.)

Mr. Oropeza's sign-off of the front façade and windows at issue here is attached as Exhibit B.

The Board's Rules provide that the Board is authorized to grant a Jurisdiction Request only "in extraordinary cases where the Board finds that the City intentionally or inadvertently caused the requestor to be late in filing the appeal. (Rules of the Board, Art. V, § 10(a).) The Jurisdiction Requester, Tony Bral, does not allege that the City intentionally or inadvertently caused him to be late in filing the appeal, because no such facts exist. Mr. Bral states, "Our appeal was not filed within the stipulated time frame due to circumstances beyond our control. Regrettably we didn't receive any notification regarding the work being conducted, including the time and type of work or approval." (Jurisdiction Request, p. 1.)

It's not clear what circumstances were beyond Mr. Bral's control. Mr. Bral did not receive notification of the work to be performed because no notification is required. The Planning Code and the City's neighborhood notification procedures are very liberal in providing notice to neighbors. However, even those liberal policies have a limit. In cases like this, where the Project is so minor in scope and will have no impacts on neighbors, no such notification is required. Planning Department review and approval of the permit and drawings is required to ensure that no unexpected or unusual impacts exist, and that review and approval occurred here.

Finally, because these are property line windows, the property owner is required to record a Declaration acknowledging that if the neighbor constructs his or her building to the property line, the windows will have to be removed or fire-rated. This Declaration was recorded as required. (Exhibit C.)

Although it is not a factor in considering whether a Jurisdiction Request should be granted,

Mr. Bral expresses concern about potential privacy impacts caused by two new windows in the

Project. However, as shown in Exhibit D, because of the way the two buildings are configured,

the windows that concern Mr. Bral do not have any privacy impact on Mr. Bral's property. The

images show that it is nearly impossible for someone to see into Mr. Bral's property from the

windows in question. Nor do the windows allow the residents of Mr. Bral's building see into the

subject units. The purpose of the windows is to provide light into the subject dwelling units and

to provide some limited views that look beyond Mr. Bral's building toward Ocean Beach.

Under these circumstances, where Mr. Bral has not met the legal standard required for a

Jurisdiction Request, and the Project has no privacy impact on Mr. Bral's property (though this

isn't a consideration under the Board's Rules), we respectfully request that the Board deny the

Jurisdiction Request.

Very truly yours,

REUBEN, JUNIUS & ROSE, LLP

Thomas Tunny

Enclosures

cc: Julie Rosenberg, Executive Director

Michael Horvath Eric Dumican

Tony Bral

EXHIBIT A

Permit Details Report

Report Date: 9/21/2023 11:27:33 AM

Application Number: 202201186097

Form Number: 3

Address(es): 2378 / 037 / 0 2442 GREAT HY

Description: INTERIOR REMODEL OF 2 RESIDENTIAL UNITS (#1 & #3). FRONT FACADE

ALTERATIONS.

Cost: \$350,000.00

Occupancy Code: R-2

Building Use: 24 - APARTMENTS

Disposition / Stage:

Action Date	Stage	Comments
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1/18/2022	FILING	
1/18/2022	FILED	
4/28/2022	APPROVED	
5/2/2022	ISSUED	

Contact Details:

Contractor Details:

License Number: 910730

Name: ALEKSANDAR JURETIC

Company Name: CITIDEV INC.

Address: 1431A CASTRO STREET * SAN FRANCISCO CA 94114-0000

Phone:

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							Permit Bureau (CPB). Applicants may contact dbi.cpbrequest@sfgov.org or for further project updatesHE Restamp only - no
13	CP-ZOC	4/2	21/22	4/25/22	4/25/2:	OROPEZA EDGAR	changes form previous approval in this case. E.O 4/25/2022
14	PPC	4/2	21/22	4/21/22	4/27/2:	EAKIN MIGUEL	04/27/22: TO CPB;me 04/21/22: TO PLANNINGto stamp page A0.70;me 04/06/22: TO hold bin pending pad-str approval;me 3/16/22: To Philip Chan; ST 3/15/22: To PAD-STR; ST 3/15/22: PAD-STR added per Matt Ralls; ST 03/02/22: Marcella Mccormack self checkout; 2/18/22: To hold bin pending SFFD approval; ST 02/16/22: TO BSM for sign off after bldg;me 1/26/22: To BLDG; ST
15	СРВ		27/22	4/28/22	5/2/22	VICTORIO CHRISTOPHER	5/2/2022 Issued, to Permit Center.

This permit has been issued. For information pertaining to this permit, please call 628-652-3450.

Appointments:

Appointment Date		Appointment Code	Appointment Type	Description	Time Slots
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5/25/2023	PM	CS	Clerk Scheduled	SHEAR WALL	1
5/3/2023	AM	CS	Clerk Scheduled	OK TO COVER	1
123					

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Activity Date	Inspector	Inspection Description	Inspection Status
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5/25/2023	David Lara Araiza	SHEAR WALL	SHEETROCK NAILING
5/8/2023	Van Zeng	SHEETROCK NAILING	SHEAR WALL
<u>1234</u>			

Special Inspections:

Addenda No.	Completed Date	Inspected By	Inspection Code	Description	Remarks
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0			2	BOLTS INSTALLED IN CONCRETE	
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0			5A1	SINGLE PASS FILLET WELDS < 5/16"	
0			5A3	WELDED STUDS	
0			5B5	MOMENT-RESISTING FRAMES	
0			24E	WOOD FRAMING	
0			18A	BOLTS INSTALLED IN EXISTING CONCRETE	
0			18C	PULL/TORQUE TESTS PER SFBC SEC.1607C & 1615C	
0			19	SHEAR WALLS AND FLOOR SYSTEMS USED AS SHEAR DIAPHRAGMS	
12		-			•

For information, or to schedule an inspection, call 628-652-3400 between 8:30 am and 3:00 pm.

Station Code Descriptions and Phone Numbers

Online Permit and Complaint Tracking home page.

Technical Support for Online Services

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Contact SFGov Accessibility Policies
City and County of San Francisco ⊚ 2023

EXHIBIT B

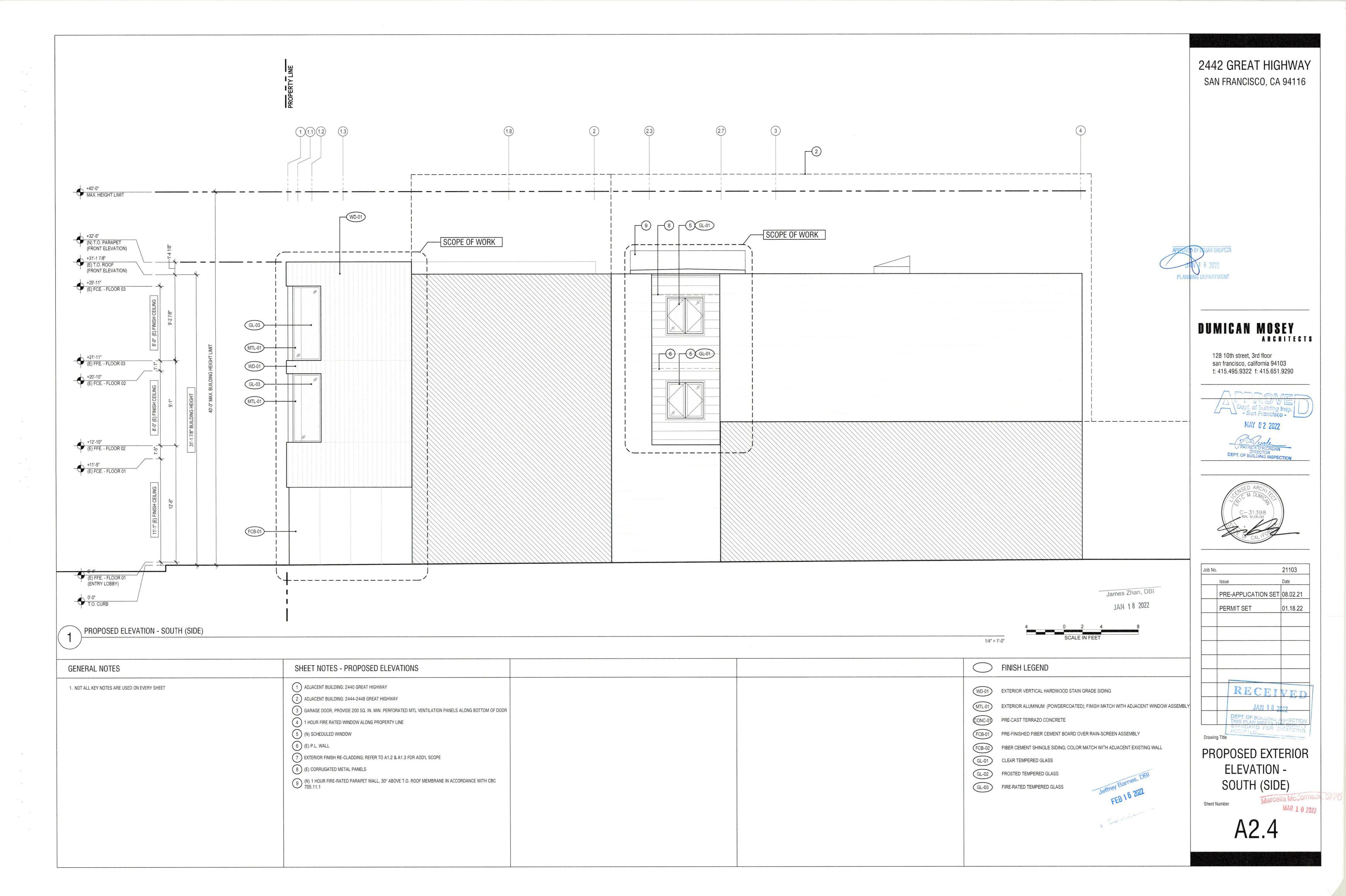


EXHIBIT C

2019 SAN FRANCISCO BUILDING CODE

SAN FRANCISCO, CA 94116

2442 GREAT HIGHWAY

ATTACHMENT A



DEPARTMENT OF BUILDING INSPECTION City & County of San Francisco 49 South Van Ness Ave, San Francisco, California 94103

REQUEST FOR APPROVAL OF LOCAL EQUIVALENCY FOR MODIFICATION OR ALTERNATE MATERIALS, DESIGN OR METHODS OF CONSTRUCTION

DATE SUBMITTED

If no permit application has been filed, a Preapplication Review Fee is required for review of a request for local equivalency or modification, per SFBC Table 1A-B, Item 5. Additional fees may be required by Fire Department and other City review agencies.

If a permit application has been filed, no additional fees are required for this review.

Under the authority of the 2019 San Francisco Building Code, Sections 104A.2.7 and 104A.2.8; the 2019 San Francisco Mechanical Code, Section 302.2; the 2019 San Francisco Electrical Code, Section 89.117; and the 2019 San Francisco Plumbing Code, Section 301.3; the undersigned requests modifications of the provisions of these codes and/or approval of alternate materials, designs or methods of construction. Two copies of supporting documents, including plans

distance 0-less than 3 feet for Group R-2 occupancies.

4/1/2021 (S-5)

Doc # 2022024851

\$14.00

\$0.00

\$0.00

\$75.00

\$89.00

REC

DUMICAN MOSEY

128 10th street, 3rd floor

san francisco, california 94103

t: 415.495.9322 f: 415.651.9290

ARCHITECTS

Job No.		21103	
	Issue	Date	
	PRE-APPLICATION SET	08.02.21	
	PERMIT SET	01.18.22	
	85% CONSTRUCTION DOCUMENTS SET	02.07.22	
$\sqrt{1}$	BUILDING PERMIT COMMENTS	02.16.22	
$\sqrt{2}$	BUILDING PERMIT COMMENTS	03.10.22	
	DB		
	Barnas ML		
Jeffre	NR 15 W		

Sheet Number



SFBC AB-009

[Note: This form shall be recorded as part of the permanent construction records of the property]

Permit Application # 2022 0118 6097

Property Address: 2442 Great Highway, San Francisco, CA 94116

Block and Lot: 2378, 037 Occupancy Group: R-2 Type of Construction: V-B No. of Stories: 3

Describe Use of Building Residential-Mixed, Low Density

showing the proposed modifications or alternate materials, design or methods of construction, are attached.

Regular Code Requirement (specify Code and Sections) CBC 2019, Section 705 Exterior Walls. Table 705.8 Maximum Area of Exterior Wall Openings Based on Fire Separation Distance and Degree of Opening Protection.

No allowable area is permitted for protected openings in exterior wall in a story with fire separation

2019 SAN FRANCISCO BUILDING CODE

Recording Requested by and when Recorded Ma

Director, San Francisco Department of Building Inspection 49 South Van Ness Avenue San Francisco, CA 94103-2414

3/10/2022 9:02:56 AM

DECLARATION OF USE LIMITATION

, owner/s of the herein described property Commonly known as I/We Stora Highway LLC in San Francisco, Assessor's Block No. 2378 , Lot No. 037 / 2442 Great Highway hereby consent to the within described limitations that:

In the event that the property located at 2444-2448 Great Highway commonly known as Block No. 2378 Lot No. 035 is improved in such a matter that the openings in the building located at 2442 Great Highway no longer comply with the San Francisco Building Code, then said openings shall be closed off or protected as required by the Director of the Department of Building Inspection.

City and County of San Francisco

Joaquin Torres. Assessor - Recorder

The herein limitations shall be binding on me/us until amended by conforming to the San Francisco Building Code OWNER/S

NOTARY ACKNOWLEDGMENT

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

STATE OF CALIFORNIA County of San Francisco

3.19/2022

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within

instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument. Leertify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true

WITNESS my hand and official seal.

4/1/2021 (S-5)

Page 9-6

4/1/2021 (\$-5)

ALAN LEONG Notary Public - California

(insert name and title of the officer)

EXHIBIT D

