



Date Filed: October 5, 2023

City & County of San Francisco
BOARD OF APPEALS

JURISDICTION REQUEST NO. 23-3

Date of request: **October 5, 2023.**

Great Highway, LLC hereby seeks a new appeal period for the following departmental action: **ISSUANCE of Electrical Permit, EW202306262097** by the **Department of Building Inspection**, issued to: **Stora Highway LLC**, for property at **2442 Great Highway**, that was issued or became effective on **June 26, 2023**, and for which the appeal period ended at close of business on **July 11, 2023**.

Your **Jurisdiction Request** will be considered by the Board of Appeals on Wednesday, **October 25, 2023** at **5:00 p.m. and will be held in Room 416 of SF City Hall. The parties may also appear remotely via the Zoom video platform.**

The **RESPONSE** to the written request for jurisdiction must be submitted by the permit holder(s) and/or department(s) **on or before 4:30 p.m. on October 16, 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 and julie.rosenberg@sfgov.org with additional copies delivered to matthew.greene@sfgov.org and tonybral6@gmail.com.

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 Highway, LLC

Address: PO Box 491099, Los Angeles, CA 90049

Phone: [310-454-8777](tel:310-454-8777)

Email: tonybral6@gmail.com

Via Email

Signature of Requestor or Agent

Electrical Permit Details Report

Report Date: 10/4/2023 3:10:21 PM

Application Number: EW202306262097

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

Description: INSTALLATION OF ROOFTOP PV SYSTEM. PV SYSTEM INCLUDES: AC PV MODULES, PV RACKING, ALL NECESSARY STANCHIONS, CONDUIT, CONDUCTORS AND BREAKERS. - 6 ROOF-MOUNTED SOLAR PV MODULES, 425 WATTS PER MODULE, 6 INTERACTIVE INVERTER, TOTAL NO. OF RATING 2.304 KW.

Stage:

Action Date	Stage	Comments
6/26/2023	ISSUED	
6/26/2023	FILED	

Contractor Details:

License Number: 845219

Name: EDWARD NOEL COTTER/ AUGUST EDWARD

Company Name: LUMINALT ENERGY CORPORATION

Address: 10 CAROLINA ST SAN FRANCISCO, CA 94103-0000

Phone: 4156414000

Appointment Details:

Appointment Date	Appointment AM/PM	Appointment Code	Appointment Type	Description	Time Slots
------------------	-------------------	------------------	------------------	-------------	------------

Inspection Details:

Inspector	Activity Date	Activity Code	Activity Code Descr.	Description
-----------	---------------	---------------	----------------------	-------------

For information, or to schedule an inspection, call: 558-6030.

[Online Permit and Complaint Tracking](#) home page.

Technical Support for Online Services

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

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 #: 202306262097

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 but we are not sure if it is required. Our Tenant noticed contractors working on the roof of our neighbor at 2442 Great Highway, and our tenant asked what they would be doing, and they told him they would be installing solar panels. Our Tenant told them it would be blocking his view and if they could lay it flat, they started laughing at him, they told him it will be installed at an angle. This is the first time we found out about this, and we are appealing because our Tenant is very concerned about the work that is starting. We want to get a fair chance to voice our concern as we never did, as we never had the chance. Looking forward to be able to express our concerns and more importantly our Tenants concerns to be able to get a fair resolution to this.

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

October 16, 2023

President Rick Swig
and Members of the San Francisco Board of Appeals
49 South Van Ness
Suite 1475 (14th Floor)
San Francisco, CA 94103

Re: Jurisdiction Request
Subject Property: 2442 Great Highway
Subject Permit: Electrical Permit No. EW202306262097
Permit Holder's Brief

Dear President Swig and Board Members:

We represent Michael Horvath, permit holder of Electrical Permit No. EW202306262097 (the “Permit”). The Permit authorizes the installation of solar panels that will provide solar power to the existing four-unit building at 2442 Great Highway (the “Property”). The Permit was issued on June 26, 2023. The deadline to file an appeal was on July 11, 2023.

This is the second jurisdiction request filed by the requester concerning the subject property in a month. Like the first request, the requester here provides no relevant or reasonable justification for the request. Given the requester’s understanding of the process and the rules, the filing of this request is disrespectful of the process.

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 here does not allege that the City intentionally or inadvertently caused him to be

San Francisco Office
One Bush Street, Suite 600, San Francisco, CA 94104
tel: 415-567-9000 | fax: 415-399-9480

Oakland Office
492 9th Street, Suite 200, Oakland, CA 94607
tel: 510-527-5589

www.reubenlaw.com

late in filing the appeal, because no such facts exist. Mr. Bral states, just as he did with the prior request, that “[o]ur appeal was not filed within the stipulated time frame due to circumstances beyond our control.” (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 use of solar panels is strongly encouraged and, increasingly, even mandated by state and local law. For example, Planning Code Section 149, citing the mandates of the California Green Building Standards Code, requires a portion of the roof area of new buildings be set aside for solar panels. The City has imposed these requirements fully aware that in some cases the solar panels may be visible to neighboring properties.

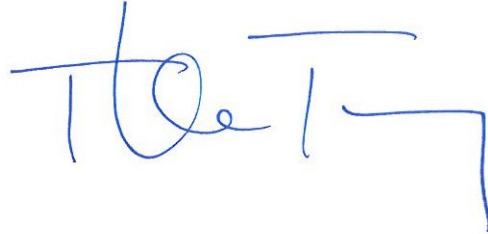
Although it is not a factor in considering whether a jurisdiction request should be granted, Mr. Bral expresses concern about potential impacts caused by the solar panels. However, any such impacts are non-existent because the panels are only 2 feet, 5 inches high at their highest point and are angled down from there. (Please see Exhibit A.) The panels occupy only a portion of the rear of the roof and at their closest are nine feet from one window of Mr. Bral's building. The panels in no way block any light or air to Mr. Bral's windows; at worst they are somewhat visible.

Under these circumstances, where Mr. Bral has not met the legal standard required for a jurisdiction request, where solar panels are so strongly encouraged by the City and State, and the panels have no 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

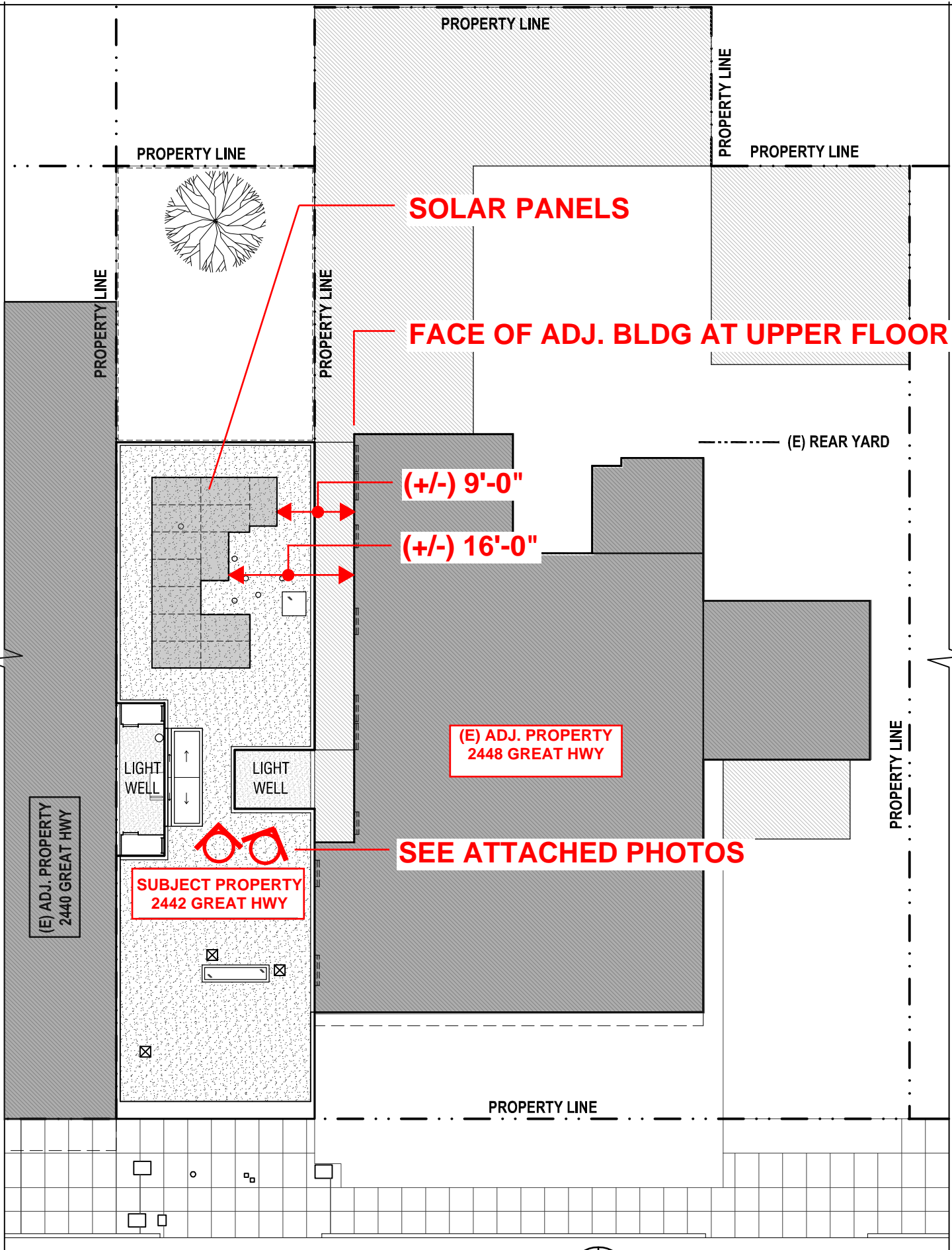
A handwritten signature in blue ink, appearing to read 'T. Tunny', with a horizontal line above the first 'T' and a vertical line extending downwards from the end of the signature.

Thomas Tunny

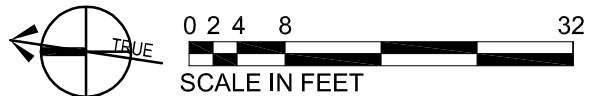
Enclosures

cc: Julie Rosenberg, Executive Director
Michael Horvath
Eric Dumican
Tony Bral

EXHIBIT A



1 SITE/ROOF PLAN



1/16" = 1'-0"

