

BOARD OF APPEALS, CITY & COUNTY OF SAN FRANCISCO

Appeal of
HOUSING RIGHTS COMMITTEE OF SAN FRANCISCO,)
Appellant(s))
vs.)
DEPARTMENT OF BUILDING INSPECTION,)
PLANNING DEPARTMENT APPROVAL Respondent)

Appeal No. **22-017**

NOTICE OF APPEAL

NOTICE IS HEREBY GIVEN THAT on March 11, 2022, the above named appellant(s) filed an appeal with the Board of Appeals of the City and County of San Francisco from the decision or order of the above named department(s), commission, or officer.

The substance or effect of the decision or order appealed from is the ISSUANCE on March 10, 2022 to 3201 23rd 17 LP, of an Alteration Permit (convert three covered parking spaces and storage rooms into four accessory dwelling units per Ordinance No. 162-16, for a building total of 28 units) at 3201 23rd Street.

APPLICATION NO. 2020/0903/3416

FOR HEARING ON April 20, 2022

Address of Appellant(s):

Address of Other Parties:

Housing Rights Committee of San Francisco, Appellant(s) c/o Brad Hirn, Agent for Appellant(s) Housing Rights Committee of San Francisco 1663 Mission Street, Suite 504 San Francisco, CA 94103	3201 23rd 17 LP, Permit Holder(s) c/o Serina Calhoun, Agent for Permit Holder(s) Syncopated Architecture 657 Fillmore Street San Francisco, CA 94117
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PRELIMINARY STATEMENT FOR APPEAL NO. 22-017

Date Filed: March 11, 2022

I / We, **Housing Rights Committee of San Francisco**, hereby appeal the following departmental action:

ISSUANCE of Alteration Permit No. 2020/0903/3416 by the **Department of Building Inspection** which was issued or became effective on: **March 10, 2022**, to: **3201 23rd 17 LP**, for the property located at: **3201 23rd Street**.

BRIEFING SCHEDULE:

The Appellant may, but is not required to, submit a one page (double-spaced) supplementary statement with this Preliminary Statement of Appeal. No exhibits or other submissions are allowed at this time.

Appellant's Brief is due on or before: 4:30 p.m. on **March 31, 2022, (no later than three Thursdays prior to the hearing date)**. The brief may be up to 12 pages in length with unlimited exhibits. It shall be double-spaced with a minimum 12-point font. An electronic copy shall be emailed to: boardofappeals@sfgov.org, julie.rosenberg@sfgov.org, corey.teague@sfgov.org, tina.tam@sfgov.org and serina@sync-arch.com.

Respondent's and Other Parties' Briefs are due on or before: 4:30 p.m. on **April 14, 2022, (no later than one Thursday prior to hearing date)**. The brief may be up to 12 pages in length with unlimited exhibits. It shall be double-spaced with a minimum 12-point font. An electronic copy shall be emailed to: boardofappeals@sfgov.org, julie.rosenberg@sfgov.org, corey.teague@sfgov.org, tina.tam@sfgov.org and brad@hrccsf.org.

Hard copies of the briefs do NOT need to be submitted to the Board Office or to the other parties.

Hearing Date: **Wednesday, April 20, 2022, 5:00 p.m., Room 416 of SF City Hall 1. Dr. Carlton B. Goodlett Place**. The parties have the option of appearing remotely via Zoom.

All parties to this appeal must adhere to the briefing schedule above, however if the hearing date is changed, the briefing schedule MAY also be changed. Written notice will be provided of any changes to the briefing schedule.

In order to have their documents sent to the Board members prior to hearing, **members of the public** should email all documents of support/opposition no later than one Thursday prior to hearing date by 4:30 p.m. to boardofappeals@sfgov.org. Please note that names and contact information included in submittals from members of the public will become part of the public record. Submittals from members of the public may be made anonymously.

Please note that in addition to the parties' briefs, any materials that the Board receives relevant to this appeal, including letters of support/opposition from members of the public, are distributed to Board members prior to hearing. All such materials are available for inspection on the Board's website at www.sfgov.org/boa. You may also request a hard copy of the hearing materials that are provided to Board members at a cost of 10 cents per page, per S.F. Admin. Code Ch. 67.28.

The reasons for this appeal are as follows: statement not provided

Appellant or Agent:

Signature: Brad Hirn, Agent for Appellant, filed by email

Permit Details Report

Report Date: 3/11/2022 1:43:08 PM

Application Number: 202009033416
 Form Number: 3
 Address(es): 3642 / 001 / 1 3201 23RD ST
 Description: CONVERT 3 COVERED PARKING SPACES & STORAGE ROOMS INTO (4) ACCESSORY DWELLING UNIT PER ORDINANCE 162-16, FOR A BUILDING TOTAL OF 28 UNITS.
 Cost: \$356,000.00
 Occupancy Code: R-2
 Building Use: 24 - APARTMENTS

Disposition / Stage:

Action Date	Stage	Comments
9/3/2020	TRIAGE	
9/3/2020	FILING	
9/3/2020	FILED	
3/10/2022	APPROVED	
3/10/2022	ISSUED	

Contact Details:

Contractor Details:

License Number: 674707
 Name: FRANCES ANN DOHERTY
 Company Name: DOHERTY RESTORATION, INC.
 Address: P.O. BOX 885473 * SAN FRANCISCO CA 94188-0000
 Phone: 4156951494

Addenda Details:

Description:

Step	Station	Arrive	Start	In Hold	Out Hold	Finish	Checked By	Hold Description
1	HIS	3/10/22	3/10/22			3/10/22	CHAN CHENG	
2	CPB	9/14/20	9/14/20			10/21/20	GUTIERREZ NANCY	10/21/2020:PAYMENT RECEIVED, SUBMITTED TO PPC. NG 9/29/2020:WAITING FOR PAYMENT. NG
3	PRE-PLN	11/11/20	11/13/20	11/13/20	1/4/21	1/4/21	WEISSGLASS DAVID	Pre-Screening - accepted for intake.
4	PRE-FIRE	11/11/20	11/11/20			11/11/20	WOO JASON	pre-screening reviewed and approved
5	CP-ZOC	1/15/21	7/8/21	3/16/21	7/8/21	7/8/21	BOTN KURT	Approved:Convert 3 covered parking spaces & storage rooms into (4) accessory dwelling unit per ordinance 162-16, for a building total of 2 units. Enclose garage door openings with new windows on façade. KB 7/8/21 In-hold comments issued in BB Session. Applicant notified. KB 3/16/21 1/28/21: assign to planner - NK. 1/16/21: eviction history research - NK.
6	BLDG	8/10/21	9/20/21	9/20/21		11/24/21	LAU (NELSON) CHI CHIU	commented 9-20-21. commented 10-20-21. commented 11-15-21. approval stamped 11-23 21.
6	BLDG	8/10/21	9/7/21			9/7/21	NG JOE	9/7/21: Reassign to Nelson lau
7	PAD-STR	9/13/21	11/2/21	11/2/21	11/24/21	11/24/21	KABOODANIAN HAMID	11/24/21: Approved
9	MECH	8/10/21	8/25/21	8/25/21	9/27/21	9/27/21	TAN (PETER) JIA JIAN	9/27/2021: Approved 8/25/2021: Placed in Hold pending comments
10	SFFD	8/10/21	11/16/21			11/16/21	G. Chris Gauer	reviewed Rev 4 in Blue Beam -Approved-cg gerald.gauer@sfgov.org
11	DPW-BSM	8/10/21	8/17/21			8/17/21	CHOY CLINTON	Approved. 8/17/21: Approval of the ADU does not relieve the owner from complying with local code requirements concerning the right-of-way. -CC
12	DPW-BSM	9/30/21	9/30/21			9/30/21	CHOY CLINTON	Approved *revision*. 9/30/21: Approval of th ADU does not relieve the owner from complying with local code requirements concerning the right-of-way. -CC
12	DPW-BUF	8/10/21	8/22/21			11/30/21	KELLER STEPHEN	Okay to release. Two trees required to be protected during construction. three (3) in-lieu fees assessed. SWL credit 228 sq.

								feet.Skeller
13	SFPUC	8/10/21	9/9/21			9/9/21	IMSON GRACE	Capacity Charge not applicable. No change in meter size, not enough fixtures added to warrant a larger meter. Route to EPR - 09/09/2021
14	SFPUC	9/27/21	9/27/21			9/27/21	IMSON GRACE	RESTAMP REV2- 09/27/2021
15	SFPUC	11/15/21	11/15/21			11/15/21	IMSON GRACE	RESTAMP REV4 - 11/15/2021
16	CP-ZOC	10/14/21	10/14/21			10/14/21	BOTN KURT	Prior to permit issuance, route back to Planning for final review of receipt of recorded documents (Costa Hawkins/Regulatory agreement and Notice of Special Restrictions) per PC Sec 207(c)(4). Project sponsor has been notified. CHA and NSR recorded 10/8/21 KB
17	DPW-BSM	11/24/21	12/13/21			12/13/21	CHOY CLINTON	Approved *revision*. 12/13/21: Approval of the ADU does not relieve the owner from complying with local code requirements concerning the right-of-way. -CC
18	DFCU	12/16/21	12/16/21			12/16/21	BLACKSHEAR JOHN	12/16/21: Planning entered a Child Care impact fee on this permit. The DPW-Bureau of Urban Forestry entered a Street Tree in lieu fee. These fees will be collected at permit issuance. DPW-Bureau of Urban Forestry has entered a note to check the status of (2) existing trees at the end of the project. The project sponsor must contact DPW-BUF at urbanforestry@sfdpw.org or 628-652-8733 to have the trees inspected and signed off. This requirement must be completed before a final inspection can be scheduled with DBL.
19	PPC	10/21/20	11/11/20			12/16/21	PHAM ANH HAI	12/16/21: Invite sent to CPB to close out permit; HP 12/16/21: Email sent to DFCU; H 11/24/21: Invite sent to BSM & BUF to review and stamp REV4 drawing. Email BLDG to update the PTS, DCP to stamp application form, and PAD-STR to stamp application form and update the PTS; HP 8/10/21: Invite sent to BLDG, MECH, SFFD, BSM & PUC to start electronic plan review; HP 1/15/21: Invite sent to DCP to start electronic plan review; HP 11/11/20: Invite sent to applicant to join BB session; HP 11/11/20: Bluebeam session created, invite sent to PRE-PLN & PRE-FIRE to start electronic plan review; HP
20	CPB	12/16/21	12/16/21			3/10/22	CHAN CHENG	03/10/22: ISSUED. APPLICANT RECEIVED APPROVED PLANS AND PERMIT VIA BLUEBEAM LINKS. -CC 03/03/22: CONTRACTOR'S STATEMENT RECEIVED. PAYOR'S INFO REQUESTED. -CC 02/03/21 & 01/19/22: NO RESPONSE FROM APPLICANT. SENT EMAIL TO FOLLOW UP -CC 12/17/2021: School fees posted.ay 12/17/2021: School fees sent.ay 12/16/21: EMAILED APPLICANT FOR CONTRACTOR & SFUSD FORMS. -CC

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

Appointments:

Appointment Date	Appointment AM/PM	Appointment Code	Appointment Type	Description	Time Slots
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Inspections:

Activity Date	Inspector	Inspection Description	Inspection Status
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Special Inspections:

Addenda No.	Completed Date	Inspected By	Inspection Code	Description	Remarks
o			IB35	NRCI-ENV-01-E - ENVELOPE CERTIFICATE OF INSTALLATION	
o			IB36	NRCI-MCH-01-E - MECHANICAL CERTIFICATE OF INSTALLATION	
o			AB1	NRCA-ENV-02-F - FENESTRATION ACCEPTANCE	
o			VB63	NRCV-MCH-032-H HERS LOCAL MECHANICAL EXHAUST	
o			AB3	NRCA-MCH-03-A - CONSTANT VOLUME, SINGLE ZONE, UNITARY AIR CONDITIONER	

				VENTILATION AIR CONDITIONER AND HEAT PUMP SYSTEMS
o			VB61	NRCV-MCH-024-H HERS ENCLOSURE AIR LEAKAGE WORKSHEET
o			VB62	NRCV-MCH-027-H HERS IAQ
o			AB2	NRCA-MCH-02-A - OUTDOOR AIR ACCEPTANCE

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

If you need help or have a question about this service, please visit our [FAQ](#) area.

APPELLANT(S) DID NOT SUBMIT A BRIEF

BRIEF SUBMITTED BY THE PERMIT HOLDER(S)

RESPONSE TO APPEAL NO. 22-017

3201 23rd Street - (Permit No. 202009033416)

This response briefing is being filed in an abundance of caution, as we believe that appellants have surrendered their right to appeal due the non-attorney representative failing to submit a brief by the required deadline, and ultimately failing to advise both the appellee and the Planning Department as to any actual substance behind his appeal.

Brad Hirn represented he had authority to submit an appeal on behalf of the appellant as to DBI permit no. 202009033416, however, there has been no written or other authorization provided to show that Mr. Hirn actually has such authority. Additionally, although Mr. Hirn indicated that he wanted to appeal (a non-mandatory process) he did not file a timely brief in accordance with the prescribed deadlines. Mr. Hirn acknowledged that he missed the deadline and requested permission to submit material late—yet as of the date of this submission Mr. Hirn has not informally nor through any channel whatsoever transmitted any information regarding the nature of his appeal to the appellee. The appellee is thus left incapable of formulating a response, having not been informed either formally or even informally as to the nature of the argument behind appellant’s purported appeal. Appellee can only deduce that the purpose of this appeal is to cause delay and expenditure of resources on the appellee.

Having no actual notice as to what appellee could possibly appealing, appellant posits that the Planning Department has reviewed all information pertinent to this matter and reached a proper and well-supported decision.

Appellant requests first that, out of respect for judicial economy and allocation of resources, **this matter be taken off calendar and off the agenda entirely.**

In the event the Board is unable to remove this matter from the agenda, the Board should still deny the appeal and affirm the Planning Department's approval of DBI permit no. 202009033416.