

BOARD OF APPEALS, CITY & COUNTY OF SAN FRANCISCO

Appeal of
CHRISTOPHER SEGUINE,)
Appellant(s))
vs.)
DEPARTMENT OF BUILDING INSPECTION,)
Respondent)

Appeal No. **21-005**

NOTICE OF APPEAL

NOTICE IS HEREBY GIVEN THAT on January 19, 2021, 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 January 5, 2021 to Department of Public Health, of an Alteration Permit (structure support for HVAC units on roof; install HVAC units on roof under separate permit) at 2789 25th Street.

APPLICATION NO. 2020/08/11/1587

FOR HEARING ON March 3, 2021

Address of Appellant(s):

Address of Other Parties:

Christopher Seguire, Appellant(s)
P.O. Box 882011
San Francisco, CA 94118

Department of Public Health, Determination Holder(s)
c/o Maxwell Bunuan, Agent for Determination
Holder(s)
101 Grove Street
San Francisco, CA 94102



Date Filed: **January 19, 2021**

**CITY & COUNTY OF SAN FRANCISCO
BOARD OF APPEALS**

PRELIMINARY STATEMENT FOR APPEAL NO. 21-005

I / We, **Christopher Seguire**, hereby appeal the following departmental action: **ISSUANCE** of **Alteration Permit No. 2020/08/11/1587** by the **Department of Building Inspection** which was issued or became effective on: **January 5, 2021**, to: **The Department of Public Health**, for the property located at: **2789 25th 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 **February 11, 2021, (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 should be emailed to: boardofappeals@sfgov.org, julie.rosenberg@sfgov.org, scott.sanchez@sfov.org, and max.bunuan@sfdph.org.

Respondent's and Other Parties' Briefs are due on or before: 4:30 p.m. on **February 25, 2021, (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 should be emailed to: boardofappeals@sfgov.org, julie.rosenberg@sfgov.org, scott.sanchez@sfov.org and chris@sublime.com.

The Board's physical office is closed to the public and hard copies of the brief do NOT need to be submitted.

Only photographs and drawings may be submitted by the parties at the hearing.

Hearing Date: **Wednesday, March 3, 2021, 5:00 p.m.**, via Zoom. Information for access to the hearing will be provided before the hearing date.

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 change 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 copy of the packet of 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:

Not Submitted

Appellant or Agent (Circle One):

Signature: Via Email

Print Name: Christopher Seguire

APPROVED FOR ISSUANCE

HIS - 201725551, 202036472

CES - 201941049, 202026435, 202033041

APPLICATION FOR BUILDING PERMIT
ADDITIONS, ALTERATIONS OR REPAIRSCITY AND COUNTY OF SAN FRANCISCO
DEPARTMENT OF BUILDING INSPECTIONAPPLICATION IS HEREBY MADE TO THE DEPARTMENT OF
BUILDING INSPECTION OF SAN FRANCISCO FOR
PERMISSION TO BUILD IN ACCORDANCE WITH THE PLANS
AND SPECIFICATIONS SUBMITTED HERewith AND
ACCORDING TO THE DESCRIPTION AND FOR THE PURPOSE
HEREINAFTER SET FORTH.FORM 3 ☐ OTHER AGENCIES REVIEW REQUIREDFORM 8 ☒ OVER-THE-COUNTER ISSUANCE

2 NUMBER OF PLAN SETS

▼ DO NOT WRITE ABOVE THIS LINE ▼

DATE FILED 8-10-20	FILING FEE RECEIPT NO.	(1) STREET ADDRESS OF JOB 2789 25th St.	BLOCK & LOT 4277 / 13
PERMIT NO.	ISSUED	(2A) ESTIMATED COST OF JOB 120,000	(2B) REVISED COST 120,000 BY: 10/20/20

INFORMATION TO BE FURNISHED BY ALL APPLICANTS

LEGAL DESCRIPTION OF EXISTING BUILDING

(4A) TYPE OF CONSTR. 1B	(5A) NO. OF STORIES OF OCCUPANCY 3	(6A) NO. OF BASEMENTS AND CELLARS 1	(7A) PRESENT USE B - office building	(8A) OCCUP. CLASS B	(9A) NO. OF DWELLING UNITS 0
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DESCRIPTION OF BUILDING AFTER PROPOSED ALTERATION

(4) TYPE OF CONSTR. 1B	(5) NO. OF STORIES OF OCCUPANCY 3	(6) NO. OF BASEMENTS AND CELLARS 1	(7) PROPOSED USE (LEGAL USE) B - office building	(8) OCCUP. CLASS B	(9) NO. OF DWELLING UNITS 0
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(10) IS AUTO RUNWAY TO BE CONSTRUCTED OR ALTERED? NO <input checked="" type="checkbox"/>	(11) WILL STREET SPACE BE USED DURING CONSTRUCTION? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	(12) ELECTRICAL WORK TO BE PERFORMED? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	(13) PLUMBING WORK TO BE PERFORMED? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
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(14) GENERAL CONTRACTOR Rubicon Builders	ADDRESS 3450 3rd St	ZIP 94124	PHONE	CALIF. LIC. NO. 734031	EXPIRATION DATE 3-31-21
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(15) OWNER - LESSEE (CROSS OUT ONE) 3FDPH	ADDRESS 101 Grove St.	ZIP	BTRC#	PHONE (FOR CONTACT BY DEPT.) 415 601-1087
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(16) WRITE IN DESCRIPTION OF ALL WORK TO BE PERFORMED UNDER THIS APPLICATION (REFERENCE TO PLANS IS NOT SUFFICIENT)

Install HVAC units on roof & new pad

ADDITIONAL INFORMATION

(17) DOES THIS ALTERATION CREATE ADDITIONAL HEIGHT OR STORY TO BUILDING? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	(18) IF (17) IS YES, STATE NEW HEIGHT AT CENTER LINE OF FRONT	(19) DOES THIS ALTERATION CREATE DECK OR HORIZ. EXTENSION TO BUILDING? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	(20) IF (19) IS YES, STATE NEW GROUND FLOOR AREA SQ. FT.
(21) WILL SIDEWALK OVER SUB-SIDEWALK SPACE BE REPAIRED OR ALTERED? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	(22) WILL BUILDING EXTEND BEYOND PROPERTY LINE? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	(23) ANY OTHER EXISTING BLDG. ON LOT? (IF YES, SHOW ON PLOT PLAN) YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	(24) DOES THIS ALTERATION CONSTITUTE A CHANGE OF OCCUPANCY? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>

(25) ARCHITECT OR ENGINEER (DESIGN <input type="checkbox"/> CONSTRUCTION <input type="checkbox"/> ADDRESS	CALIF. CERTIFICATE NO.
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(26) CONSTRUCTION LENDER (ENTER NAME AND BRANCH DESIGNATION IF ANY. IF THERE IS NO KNOWN CONSTRUCTION LENDER, ENTER "UNKNOWN") ADDRESS

IMPORTANT NOTICES

No change shall be made in the character of the occupancy or use without first obtaining a Building Permit authorizing such change. See San Francisco Building Code and San Francisco Housing Code.

No portion of building or structure or scaffolding used during construction is to be closer than 6'0" to any wire containing more than 750 volts. See Sec 385, California Penal Code.

Pursuant to San Francisco Building Code, the building permit shall be posted on the job. The owner is responsible for approved plans and application being kept at building site.

Grade lines as shown on drawings accompanying this application are assumed to be correct. If actual grade lines are not the same as shown, revised drawings showing correct grade lines, cuts and fills, and complete details of retaining walls and wall footings must be submitted to this department for approval.

ANY STIPULATION REQUIRED HEREIN OR BY CODE MAY BE APPEALED.

BUILDING NOT TO BE OCCUPIED UNTIL CERTIFICATE OF FINAL COMPLETION IS POSTED ON THE BUILDING OR PERMIT OF OCCUPANCY GRANTED, WHEN REQUIRED.

APPROVAL OF THIS APPLICATION DOES NOT CONSTITUTE AN APPROVAL FOR THE ELECTRICAL WIRING OR PLUMBING INSTALLATIONS. A SEPARATE PERMIT FOR THE WIRING AND PLUMBING MUST BE OBTAINED. SEPARATE PERMITS ARE REQUIRED IF ANSWER IS "YES" TO ANY OF ABOVE QUESTIONS (10) (11) (12) (13) (22) OR (24).

THIS IS NOT A BUILDING PERMIT. NO WORK SHALL BE STARTED UNTIL A BUILDING PERMIT IS ISSUED.

In dwellings, all insulating materials must have a clearance of not less than two inches from all electrical wires or equipment.

CHECK APPROPRIATE BOX

- | | |
|-------------------------------------|------------------------------------|
| <input type="checkbox"/> OWNER | <input type="checkbox"/> ARCHITECT |
| <input type="checkbox"/> LESSEE | <input type="checkbox"/> AGENT |
| <input type="checkbox"/> CONTRACTOR | <input type="checkbox"/> ENGINEER |

APPLICANT'S CERTIFICATION

I HEREBY CERTIFY AND AGREE THAT IF A PERMIT IS ISSUED FOR THE CONSTRUCTION DESCRIBED IN THIS APPLICATION, ALL THE PROVISIONS OF THE PERMIT AND ALL LAWS AND ORDINANCES THERETO WILL BE COMPLIED WITH.

NOTICE TO APPLICANT

HOLD HARMLESS CLAUSE. The permittee(s) by acceptance of the permit, agree(s) to indemnify and hold harmless the City and County of San Francisco from and against any and all claims, demands and actions for damages resulting from operations under this permit, regardless of negligence of the City and County of San Francisco, and to assume the defense of the City and County of San Francisco against all such claims, demands or actions.

In conformity with the provisions of Section 3800 of the Labor Code of the State of California, the applicant shall have worker's compensation coverage under (I) or (II) designated below, or shall indicate item (III), (IV), or (V), whichever is applicable. If however item (V) is checked, item (IV) must be checked as well. Mark the appropriate method of compliance below.

I hereby affirm under penalty of perjury one of the following declarations:

- () I. I have and will maintain a certificate of consent to self-insure for worker's compensation, as provided by Section 3700 of the Labor Code, for the performance of the work for which this permit is issued.
- () II. I have and will maintain worker's compensation insurance, as required by Section 3700 of the Labor Code, for the performance of the work for which this permit is issued. My worker's compensation insurance carrier and policy number are:
Carrier _____
Policy Number _____
- () III. The cost of the work to be done is \$100 or less.
- () IV. I certify that in the performance of the work for which this permit is issued, I shall not employ any person in any manner so as to become subject to the worker's compensation laws of California. I further acknowledge that I understand that in the event that I should become subject to the worker's compensation provisions of the Labor Code of California and fail to comply forthwith with the provisions of Section 3800 of the Labor Code, that the permit herein applied for shall be deemed revoked.
- () V. I certify as the owner (or the agent for the owner) that in the performance of the work for which this permit is issued, I will employ a contractor who complies with the worker's compensation laws of California and who, prior to the commencement of any work, will file a completed copy of this form with the Central Permit Bureau.

CONDITIONS AND STIPULATIONS

REFER TO:	APPROVED: <u>Howard Zee, DBI</u> OCT 20 2020 BUILDING INSPECTOR, DEPT. OF BLDG. INSP.	DATE: _____ REASON: _____ NOTIFIED MR. _____
<input type="checkbox"/>	APPROVED: _____ DEPARTMENT OF CITY PLANNING	DATE: _____ REASON: _____ NOTIFIED MR. _____
<input type="checkbox"/>	APPROVED: _____ BUREAU OF FIRE PREVENTION & PUBLIC SAFETY	DATE: _____ REASON: _____ NOTIFIED MR. _____
<input type="checkbox"/>	APPROVED: _____ MECHANICAL ENGINEER, DEPT. OF BLDG. INSPECTION	DATE: _____ REASON: _____ NOTIFIED MR. _____
<input type="checkbox"/>	APPROVED: <u>Howard Zee, DBI</u> OCT 20 2020 CIVIL ENGINEER, DEPT. OF BLDG. INSPECTION	DATE: _____ REASON: _____ NOTIFIED MR. _____
<input type="checkbox"/>	APPROVED: _____ BUREAU OF ENGINEERING	DATE: _____ REASON: _____ NOTIFIED MR. _____
<input type="checkbox"/>	APPROVED: _____ DEPARTMENT OF PUBLIC HEALTH	DATE: _____ REASON: _____ NOTIFIED MR. _____
<input type="checkbox"/>	APPROVED: _____ REDEVELOPMENT AGENCY	DATE: _____ REASON: _____ NOTIFIED MR. _____
<input type="checkbox"/>	APPROVED: _____ HOUSING INSPECTION DIVISION	DATE: _____ REASON: _____ NOTIFIED MR. _____

HOLD SECTION - NOTE DATES AND NAMES OF ALL PERSONS NOTIFIED DURING PROCESSING

I agree to comply with all conditions or stipulations of the various bureaus or departments noted on this application, and attached statements of conditions or stipulations, which are hereby made a part of this application.

Number of attachments ☐

OWNER'S AUTHORIZED AGENT

Permit Details Report**Report Date:** 1/19/2021 12:22:26 PM

Application Number: 202008111587
 Form Number: 8
 Address(es): 4277 / 013 / 0 2789 25TH ST
 Description: STRUCTURE SUPPORT FOR HVAC UNITS ON ROOF. INSTALL HVAC UNITS ON ROOF SEPARATE PERMIT.
 Cost: \$120,000.00
 Occupancy Code: B
 Building Use: 10 - OFFICE

Disposition / Stage:

Action Date	Stage	Comments
8/11/2020	TRIAGE	
8/11/2020	FILING	
8/11/2020	FILED	
1/5/2021	APPROVED	
1/5/2021	ISSUED	

Contact Details:**Contractor Details:**

License Number: 734031
 Name: CELIA UMBERTO
 Company Name: RUBECON GENERAL CONTRACTING INC
 Address: 3450 -3RD ST, BLDG 1-B * SAN FRANCISCO CA 94124-0000
 Phone: 4152394741

Addenda Details:**Description:**

Step	Station	Arrive	Start	In Hold	Out Hold	Finish	Checked By	Hold Description
1	INTAKE	8/11/20	8/11/20			8/11/20	SHAWL HAREGGEWAIN	
2	BLDG	8/13/20	8/13/20			8/13/20	ZEE HOWARD	not approved; comments OTC.
3	BLDG	10/20/20	10/20/20			10/20/20	ZEE HOWARD	recheck approved OTC.
4	BLDG	12/22/20	12/22/20			12/22/20	FINNEGAN JOHN	(WKP999) Approved Plans. Routed To CPB 12/22/20
5	MECH	8/13/20	8/13/20			8/13/20	SHAIKH MOHSIN	Comments issued OTC.
6	MECH	10/22/20	10/22/20			10/22/20	SHAIKH MOHSIN	Comments not fully addressed. Plans routed to Permit Center comments box.
7	MECH	11/25/20	11/25/20			11/25/20	SHAIKH MOHSIN	Comments not addressed, plans routed to Permit Center comments box. Scope of work is HVAC units on 2nd floor. Plans submitted are for the work on the 2nd floor.
8	MECH	12/22/20	12/22/20			12/22/20	SHAIKH MOHSIN	N/A- HVAC install under separate permit. Plan BLDG for recheck.
9	PERMIT-CTR	10/22/20	10/22/20			11/19/20	SILVA WINDSOR	10/22/2020 Comments have been issued by Plan Review. Plan set has been routed to Permit Center hold for review. Project agent must collect the plan set to resume review. pick-up hours are 10:00 am - 3:00 pm at the forum entrance of 49 South Van Ness Avenue. You do not need an appointment to collect your plan set. To submit for review, applicant or project agent must return the original plan set. All revisions must be done on the original plan set. Administrative Bulletin-031: https://www.sfdbi.org/ftp/uploadedfiles/dbi/dc031.pdf . Revision drop-off hours are 10:00 am - 3:00 pm at the forum entrance of 49 South Van Ness Avenue. You do not need an appointment to submit your revision. permitcenter@sfgov.org 11/19/20- Revisions received set routed to DBI-OTC MECH Intake for re-check.
10	PERMIT-CTR	8/13/20	8/13/20			10/13/20	GREALISH MARIA	COMMENTS ISSUED BY PLAN REVIEW STAT. PROJECT AGENT MUST PICK-UP PLANS TO ADDRESS COMMENTS. PICK-UP HOURS ARE 9:30 AM - 3:00 PM AT 49 SOUTH VAN NESS AVE. APPOINTMENT NECESSARY TO COLLECT PLANS WITH COMMENTS. TO RESPOND TO PLAN CHECK COMMENTS, PROJECT AGENT MUST RETURN BOTH THE ORIGINAL PLAN SET AND THE SUPPLEMENTAL SHEETS SEPARATELY. ANY

							THE SUPERSEDED SHEETS SEPARATED AND REVISED SHEETS COLLATED INTO THE ORIGINAL SET. ALL REVISIONS MUST BE DONE PER AER 10/13/2020 Resubmission received. Fwd'd to DBI routing to BLDG.
11	PERMIT-CTR	11/25/20	11/25/20			12/18/20	YAMAMURA WENDY Comments have been issued by plan review staff agent must collect the plan set. Pick-up hours are 3:00pm at 49 South Van Ness Avenue. You do not have an appointment to collect your plan set. Applicant contact agent must return the original plan set and permit with superseded sheets collated into the original revisions must be done per Administrative Bulletin https://www.sfdbi.org/ftp/uploadedfiles/dbi/dc031.pdf 12/18/20 Revisions received. Plan set ready for OTC Intake MECH for re-check
12	CPB	12/22/20	1/5/21			1/5/21	BUFKA SUSAN INVOICED

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
1/13/2021	AM	VS	IVR Scheduled	ROUGH FRAME, PARTIAL

Inspections:

Activity Date	Inspector	Inspection Description	Inspection Status
1/13/2021	Philip Saunders	ROUGH FRAME, PARTIAL	REINSPECT REQUIRED

Special Inspections:

Addenda No.	Completed Date	Inspected By	Inspection Code	Description	Remarks
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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 DID NOT SUBMIT A BRIEF

PERMIT HOLDER'S BRIEF

February 19, 2021

Appeal No.: 21-005

To Whom It May Concern,

As a representative of the Department of Public Health Capital Project and Facility Services Department,

I would be more than willing to answer any questions regarding the mechanical work represented by

Alteration Permit No. 2020/08/11/1587. The permit for the improvement work to 2789 25th St, a City

owned building, is to install mechanical heating and cooling system for an interior space on the 2nd floor.

The existing structure is approximately 60 years old and many of the existing infrastructure systems

need to be upgraded over time. The new system will replace an antiquated existing system that no

longer meets current building standards. The project will install two new HVAC condensing units on an

existing mechanical platform minimizing overall scope of work.

Maxwell Bunuan

Project Manager II