

BOARD OF APPEALS, CITY & COUNTY OF SAN FRANCISCO

Appeal of

Appeal No. **24-041**

ALEX PLAUM and CYNTHIA SMUZYNSKA,)
Appellant(s))

vs.)

DEPARTMENT OF BUILDING INSPECTION,)
Respondent)

NOTICE OF APPEAL

NOTICE IS HEREBY GIVEN THAT on July 3, 2024, 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 June 20, 2024 to Daniel Buza, of an Alteration Permit (add one AC unit at flat roof at middle of roof; AC unit weighs approximately 300 pounds; Permit Application No. 2016/0826/6097 shows 2x10 roof joist sistered to existing roof joist) at 575 Belvedere Street.

APPLICATION NO. 2024/06/18/4755

FOR HEARING ON August 14, 2024

Address of Appellant(s):

Address of Other Parties:

Alex Plaum and Cynthia Smuzynska, Appellant(s)
579 Belvedere Street
San Francisco, CA 94117

Daniel Buza, Permit Holder(s)
c/o Andrias O'Bradaigh, Agent for Permit Holder(s)

City and County of San Francisco



London Breed
Mayor

Board of Appeals

Julie Rosenberg
Executive Director

July 3, 2024

Daniel Buza, Permit Holder
c/o Andrias O'Bradaigh, agent for Permit Holder
andy@akbradyconstruction.com
danielbuza@gmail.com

Appeal No.: 24-041
Appeal Title: Plaum & Smuzynska vs. DBI
Subject Property: 575 Belvedere Street
Permit Type: Alteration Permit
Permit No.: 2024/06/18/4755

Dear Andrias O'Bradaigh:

This is to notify you that an appeal has been filed with this office protesting the **ISSUANCE** of the above-referenced permit. Pursuant to Article I, §8 of the San Francisco Business & Tax Regulations Code, the permit is hereby **SUSPENDED** until the Board of Appeals decides this matter and releases a notice of decision and order.

We are enclosing a copy of the **Preliminary Statement of Appeal** for your information.

The hearing regarding this matter has been scheduled for **August 14, 2024, at 5:00 p.m., and will be held in Room 416 of San Francisco City Hall, 1 Dr. Carlton B. Goodlett Place.** The parties may also attend remotely via the Zoom video platform.

If you have any further questions, you may email this office at boardofappeals@sfgov.org or call (628) 652-1150.

Sincerely,

BOARD STAFF

cc: Department of Building Inspection
c/o Matthew Greene, Deputy Director of Inspection Services
matthew.greene@sfgov.org

Alex Plaum and Cynthia Smuzynska, Appellant(s)
579 Belvedere Street
San Francisco, CA, 94117





Date Filed: July 3, 2024

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

PRELIMINARY STATEMENT FOR APPEAL NO. 24-041

I / We, **Alex Plaum and Cynthia Smuzynska**, hereby appeal the following departmental action: **ISSUANCE of Alteration Permit No. 2024/06/18/4755** by the **Department of Building Inspection** which was issued or became effective on: **June 20, 2024**, to: **Daniel Buza**, for the property located at: **575 Belvedere Street**.

BRIEFING SCHEDULE:

Appellants' Brief is due on or before: 4:30 p.m. on **July 25, 2024**, (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, matthew.greene@sfgov.org, kevin.birmingham@sfgov.org, danielbuza@gmail.com and andy@akbradyconstruction.com

Respondent's and Other Parties' Briefs are due on or before: 4:30 p.m. on **August 8, 2024**, (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 doubled-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, matthew.greene@sfgov.org, kevin.birmingham@sfgov.org, [REDACTED] and [REDACTED]

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

Hearing Date: **Wednesday, August 14, 2024, 5:00 p.m., Room 416 San Francisco City Hall, 1 Dr. Carlton B. Goodlett Place**. The parties may also attend remotely 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 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:

See attachment to the Preliminary Statement of Appeal.

Appellants:

Signature: Via Email

Print Name: Alex Plaum, appellant

Dear San Francisco Board of Appeals,

My wife (**Cynthia Smuzynska**) and I (**Alexander Plaum**) are the owners and permanent residents of 579 Belvedere. My phone number is [REDACTED] and my email is [REDACTED]

[REDACTED] We are requesting an appeal of permit number **202406184755** issued on 6/20/2024. This permit relates to the installation of a large A/C unit on our next door neighbor's roof at 575 Belvedere. We have a patio in our condo which opens to our neighbor's roof and the proposed location of the A/C unit is directly in front of this patio. We have significant concerns that the A/C unit will adversely impact our living situation at 579 Belvedere. Our condo is small (~900 sq/ft) and on a near daily basis we leave this patio door open for light and to let out hot air, as we are 3 stories up. We are also concerned about the noise generated by the A/C unit, the hot air, gasses and other pollution that the A/C unit will directly exhaust into our condo. The A/C unit also blocks a significant portion of the view from our patio. The installation location of the A/C unit is the worst possible location for our condo. We attempted to amicably resolve this matter with the owner of 575 Belvedere, Daniel Buza, in 2021 by requesting that he relocate the A/C unit to a different location--either his backyard or the front of his roof. We also have another patio at the back of our home, which would raise similar concerns for us. He refused to accommodate this request. In 2021, we filed a complaint with DBI (#**202181428**) as the previous attempt to install this unit was unpermitted. The complaint was resolved in our favor. Due to the adverse impacts on our living situation, we request that the Board of Appeals revoke this permit and require the owner of 575 Belvedere to refile for a permit with an A/C unit installation location that is preferably in his backyard or alternatively on the front portion of his roof.

Thank you,

Alex Plaum [REDACTED]

Permit Details Report

Report Date: 7/3/2024 12:40:23 PM

Application Number: 202406184755
Form Number: 8
Address(es): 1286 / 006 / 0 575 BELVEDERE ST
Description: ADD ONE AC UNIT AT FLAT ROOF AT MIDDLE OF ROOF. AC UNIT WEIGHTS APPROX 300LBS. PA#2016/0826/6097 SHOWS 2X10 ROOF JOIST SISTERED TO (E) ROOF JOIST.
Cost: \$2,500.00
Occupancy Code: R-3
Building Use: 27 - 1 FAMILY DWELLING

Disposition / Stage:

Action Date	Stage	Comments
6/18/2024	TRIAGE	
6/18/2024	FILING	
6/18/2024	FILED	
6/20/2024	APPROVED	
6/20/2024	ISSUED	

Contact Details:

Contractor Details:

License Number: 974624
Name: KJERSTIE UTTING
Company Name: AK BRADY CONSTRUCTION
Address: 35 ALVARADO ST * SAN FRANCISCO CA 94110-0000
Phone:

Addenda Details:

Description:

Station	Rev#	Arrive	Start	In Hold	Out Hold	Finish	Checked By	Review Result	Hold Description
INTAKE		6/18/24	6/18/24			6/18/24	BROWN JANA E	Administrative	
CP-ZOC		6/20/24	6/20/24			6/20/24	GRETEL GUNTHER	Administrative	06/20/24 - N/A. Work not visible. Agent(s) for this building permit NOT on ECC. -G.G.
BLDG		6/18/24	6/18/24			6/18/24	CHEUNG JIMMY	Approved	APPROVED.
MECH		6/20/24	6/20/24			6/20/24	TAN (PETER) JIA JIAN	Approved	
CPB		6/20/24	6/20/24			6/20/24	LEE ERIC	Administrative	

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
0			IB57	CF2R-MCH-01-E - SPACE CONDITIONING SYSTEMS DUCTS AND FANS	
0			IB58	CF2R-MCH-20-H - DUCT LEAKAGE DIAGNOSTIC TEST	
0			IB60	CF2R-MCH-23-H - SPACE CONDITIONING SYSTEM AIRFLOW RATE	
0			VB53	CF3R-MCH-25-H - REFRIGERANT CHARGE	

				VERIFICATION	
o			VB49	CF3R-MCH-20-H - DUCT LEAKAGE DIAGNOSTIC TEST	
o			VB51	CF3R-MCH-23-H - SPACE CONDITIONING SYSTEM AIRFLOW RATE	
o			IB62	CF2R-MCH-25-H - REFRIGERANT CHARGE VERIFICATION	

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.

APPEAL NO. 24-041

JOINT STATEMENT SUBMITTED BY THE
APPELLANTS AND PERMIT HOLDER

Appeal No 24-041 - 579 Belvedere Street Brief

Alex and Cynthia (579) and Daniel and his contractor Andy (575) have discussed and come to an agreement on mitigation measures for 575's A/C unit to address 579's concerns. We jointly ask the Board to revise the permit to incorporate the proposed solution.

In order to reduce noise and vibration, 575 proposes installing an insulated barrier on the side of the A/C unit that faces 579's patio with an approximately 9-12 inch return on both sides (east and west), to be painted a mutually acceptable color. The barrier will consist of 1.5" insulation which would be protected by waterproofing and encased with half inch exterior grade plywood on either side and attached to the roof via 4 galvali steel posts. The barrier would be the length of the A/C unit plus 6 inches on either side and will not exceed then the height of the unit.

575 additionally proposes installing rubber padding where the A/C unit is attached to the roof to further assist in helping any potential noise. 575 has agreed to bear the costs of this work. 579 agrees to this solution and is willing to drop the appeal, assuming that these changes can be incorporated into the permit.

We thank the San Francisco Board of Appeals for your time and consideration.

Sincerely,

Alex Plaum and Cynthia Smuzynska

From: [Daniel Buza](#)
To: [Rosenberg, Julie \(BOA\)](#)
Cc: [Alex Plaum](#); [BoardofAppeals \(PAB\)](#); [Teague, Corey \(CPC\)](#); [Tam, Tina \(CPC\)](#); [Greene, Matthew \(DBI\)](#); [Birmingham, Kevin \(DBI\)](#); [Andy Brady](#); [Cynthia Smuzynska](#)
Subject: Re: Appellant Brief (579 Belvedere) Appeal No. 24-041
Date: Thursday, August 8, 2024 2:47:36 PM

Hi Julie -

Yes I'm in agreement.

Thanks,

Daniel

On Aug 8, 2024, at 2:40 PM, Rosenberg, Julie (BOA) <julie.rosenberg@sfgov.org> wrote:

Thank you.

Daniel: Please confirm that you agree: (1) with the terms set forth on the attachment, and (2) to put this Item on the 8/14/24 calendar. I need to know today since we publish the agenda tomorrow morning for the hearing on 8/14.

Kevin: Are the conditions in the attachment code compliant?

Thank you,
Julie

Julie Rosenberg
Executive Director
San Francisco Board of Appeals
49 South Van Ness Avenue, Suite 1475
San Francisco, CA 94103
Phone: 628-652-1151
Email: julie.rosenberg@sfgov.org

From: Alex Plaum [REDACTED]
Sent: Thursday, August 8, 2024 2:29 PM
To: BoardofAppeals (PAB) <boardofappeals@sfgov.org>; Rosenberg, Julie (BOA) <julie.rosenberg@sfgov.org>; Teague, Corey (CPC) <corey.teague@sfgov.org>; Tam, Tina (CPC) <tina.tam@sfgov.org>; Greene, Matthew (DBI) <matthew.greene@sfgov.org>; Birmingham, Kevin (DBI) <kevin.birmingham@sfgov.org>; Andy Brady <andy@akbradyconstruction.com>; Daniel Buza <danielbuza@gmail.com>
Cc: [REDACTED]
Subject: Appellant Brief (579 Belvedere) Appeal No. 24-041

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Hello,

Please see attached our brief summarizing the agreement between 579 Belvedere and 575 Belvedere and our requested revisions to the permit. We also agree to the expedited hearing date on 8/14/24.

Best,

Alex

<Appeal No 24-041 - 579 Belvedere Street Brief.pdf>