



Date Filed: October 21, 2024

City & County of San Francisco
BOARD OF APPEALS

JURISDICTION REQUEST NO. 24-7

Date of request: **October 21, 2024.**

Helene Cohen hereby seeks a new appeal period for the following departmental action: **ISSUANCE of Plumbing Permit, PW20210105587** by **Department of Building Inspection**, issued to: **Virginia Daws**, for property at **85 Homestead Street**, that was issued or became effective on **January 5, 2021**, and for which the appeal period ended at close of business on **January 20, 2021**.

Your **Jurisdiction Request** will be considered by the Board of Appeals on Wednesday, **November 13, 2024** at **5:00 p.m. will be held in Room 416 of San Francisco City Hall, 1 Dr. Carlton B. Goodlett Place**. **The parties 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 October 31, 2024**, 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 kevin.birmingham@sfgov.org and cohenhelene@msn.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. Given that the Board currently has a vacancy, three 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: Helene Cohen

Address: 79-81 Homestead, San Francisco, CA 94114

Phone: 415-370-6694

Email: cohenhelene@msn.com

Via Email

Signature of Requestor or Agent

Plumbing Permit Details Report**Report Date:** 10/21/2024 10:14:00 AM

Application Number: PW20210105587
 Address(es): 6504 / 023 : 85 HOMESTEAD ST
 Description: WORK CATEGORY: 1P; REPLACE SEWER LINE FROM FOUNDATION TO HOUSETRAP

Stage:

Action Date	Stage	Comments
1/26/2021	COMPLETE	Final Inspection/Approved
1/5/2021	ISSUED	

Contractor Details:

License Number: 868994
 Name: CARLOS J LEDESMA
 Company Name: ATLAS PLUMBING AND ROOTER
 Address: 3311 MISSION ST SAN FRANCISCO CA, 94110-0000
 Phone: 6505885788

Appointment Details:

Appointment Date	Appointment AM/PM	Appointment Code	Appointment Type	Description	Time Slots
1/26/2021	AM	CS	Clerk Scheduled	FINAL HOUSE TRAP/BLDG SEWER/STORM SEWER	1

Inspection Details:

Activity Date	Inspector	Inspection Description	Inspection Status
1/26/2021	David Ledda	FINAL HOUSE TRAP/BLDG SEWER/STORM SEWER	FINAL HOUSE TRAP/BLDG SEWER/STORM SEWER APPROVED

For information, or to schedule an inspection, call 558-6570 between 8:30 am and 3:00 pm.

[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](#).

Hello, my name is Helene Cohen and I own a duplex at 79-81 Homestead Street San Francisco Ca. 94114 for 44 years since 1980. When I first bought the house there were two sewer fresh air vents Infront of my house. Since 1980 the owner of 85 Homestead passed away and a new owner purchased 85 Homestead 20 years ago.

In January 2021 the sewer at 85 Homestead St and the fresh air vent broke and became a health and safety hazard on the sidewalk directly in front of my house. I put in a written complaint to DBI stating this is a health and safety hazard in front of my house, the owner of the sewer is not doing anything to correct it and I would like their sewer to be moved when corrected to in front of their house which is the correct code for PUC and the city sewers, complaint # 202071702. Atlas plumbing put in for a full sewer replacement from house foundation to fresh air vent more that 25 feet across my entire front sidewalk to replace as is. Permit # PW20210105587

DBI Inspector David Ledda came out to address my complaint and said to me “ Lady, you do not own the sidewalk and we are not moving this sewer”. I informed David Ledda that it was my understanding from PUC that once a sewer is replaced it needs to be made right and I do not want the neighbors sewer draped across my entire sidewalk with their fresh air vent in front of my house making noises and letting out toxic gases in front of my house. David Ledda refused my request even when I said NO to having it replaced the same way.

I spent days writing and calling Joe Duffy the director at the time, Steve Panelli David Ledda's supervisor and no one would correct the sewer placement and no one informed me that I had any recourse.. They just said no and I don't own the sidewalk.

I have since spoken with Kevin Cole a field inspector with SFPUC who informed me that I own and I am responsible for my upper and lower sewer lateral and the sidewalk in front of my property, and when 85 Homestead St. sewer was replaced in 2021 and I did not agree to allow that sewer to stay in front of my property and said no, that it should have been made correct.

I was never made aware from Dave Ledda, Steve Panelli, Joe Duffy, my online complaint or from anyone that I could appeal this action. I was only told by all that I don't own the sidewalk, and they have the right to replace the neighbors sewer as is even if I said No.

I would like to file a late Appeal due to actions that were taken that did not allow me my rights.

Thank you , Helene Cohen owner of 79-81 homestead Street since 1980.





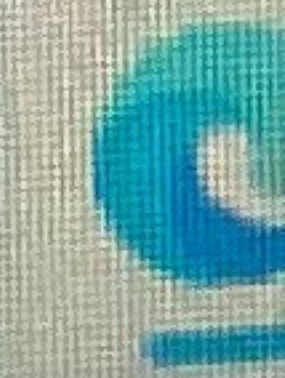
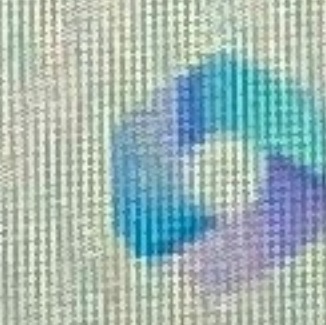
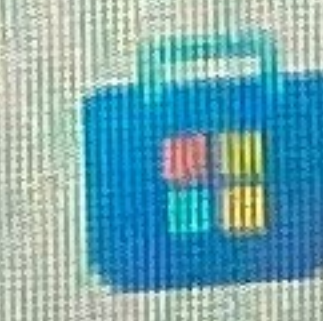
NO PARKING
12 NOON TO 2 P.M.
2nd and 4th WEDNESDAY
STREET CLEANING

ATLAS
PLUMBING & ROOTER

Ask a



Q Search



BRIEF SUBMITTED BY THE PERMIT HOLDER(S)

Ms. Ginny Daws, the owner of 85 Homestead St. hereby objects and responds to Ms. Helene Cohen's request to file an untimely appeal. The jurisdiction request should be denied because it comes 33 months after the deadline. No attempt has been made in the jurisdiction request to justify 33 months tardiness.

An appeal was due on January 20, 2021. The request for jurisdiction was not filed until October 21, 2024. The request says that Ms. Cohen was told she would lose an appeal. That does not in any way negate the written notice that she received of the deadline for filing an appeal. Most appeals lose. It is never an excuse for filing a late appeal that someone said you would lose. The City did not intentionally or inadvertently cause Ms. Cohen not to file an appeal. She was and is well-aware of filing deadlines due to her current desire to build a driveway over the laterals to my house and her house, put in a garage and lift the house above it. She is trying to shift the expense for moving the laterals and negate her responsibility. She did not file an appeal 33 months ago. She did not file an appeal from November 2023 when she was told by the hearing officer that she could make the driveway but would remain responsible for anything that will need to be done to the sewer laterals.

In the time that Ms. Cohen has owned this property, she has had at least two opportunities to appeal permits and has had to give notice of the opportunity to appeal the permit issued to her in spring 2023. Substantial work was done next at 65 Homestead in 2006-07, while she lived owned 79/81 Homestead. She had the opportunity to appeal the permit for \$280,000 work

done at 65 Homestead St. We are informed and believe that the City gave her notice of the opportunity to appeal the permit for 65 Homestead. She did not file an appeal. She does not deny having received written notice of her right to appeal the permit issued for 65 Homestead St.

The permit sought to be appealed was issued to Atlas Plumbing on January 5, 2021. We are informed and believe that proper written notice was given to Ms. Cohen to trigger her 15 day deadline for filing an appeal. She does not deny receiving notice that the permit issued. The permit notice specified the deadline for appeal, whether or not Ms. Cohen read the notice.

Ms. Cohen's architect, on her behalf, caused the City to send a notice to Ms. Daws in Spring, 2023, that specified a deadline for appealing the building permit issued to Ms. Cohen. The permit was issued after a discretionary review hearing before the Planning Commission.

Ms. Cohen's architect caused the Planning Department to send out a notice to neighbors of that specified a deadline for appealing the DR decision. We have no doubt that the architect advised Ms. Cohen of the time period for neighbors to file appeals against her. In all four instances, Ms. Cohen had notice that an appeal was due within a short number of days after issuance of the permit or refusal of the DR.

It is implausible that Ms. Cohen has not been informed multiple times of the opportunity to appeal a building permit and of the short deadline for filing the appeal. Moreover, the request for jurisdiction does not even suggest that Ms. Cohen was unaware that building permits issue subject to a right of appeal.

This jurisdiction request is retaliatory. It retaliates for objection to Ms. Cohen's request for a minor encroachment permit, 23MSE-00080, in November, 2023. Ms. Daws objected to Ms. Cohen's request to permit a sloped driveway on the grounds that no drawings had been provided that would protect the existing lateral sewer connection under the sidewalk from a driveway cut. Ms. Daws submitted her objection to the minor encroachment on November 2, 2023. Ms. Cohen's architect responded with structural plans for a retaining wall that would protect the lateral sewer connection during and after construction. The hearing took place on January 24, 2024. The hearing officer took the plans under consideration, required further mapping of the lateral connection, granted the minor encroachment permit, and cautioned that Ms. Cohen and her contractors would be responsible for any damage to the lateral sewer connection. The hearing officer's decision was mailed months ago.

The present jurisdiction request gives no explanation for why an untimely appeal should be considered ten months after the encroachment hearing, 18 months after Ms. Cohen's permit was issued, 28 months after the DR was denied, and 33 months after the appeal was due.

Neither the City nor Ms. Daws has done anything that prevented Ms. Cohen from filing a timely appeal.

The argument made in the jurisdiction request is that someone told Ms. Cohen she would lose an appeal, that her position is meritless. No matter how many times someone says you will lose your appeal, however meritless, that does not interfere with your right to file an appeal.

We caution the Board of Appeal to be wary of factual errors in Ms. Cohen's request, which lacks supporting exhibits. The jurisdiction request says that there was a problem with the iron sidewalk plate (which is simply her own lateral air vent) for the fresh air vent in January 2021. However, it cites a complaint that was made based on an observation dated December 16, 2020, that was closed on December 31 2020, five days before the permit issued to Atlas Plumbing for work on the lateral sewer connection. The work was completed before the end of January 2021.

The jurisdiction request admits that Ms. Cohen argued, before January 26, 2021, in a conversation with DBI inspector David Ledda that the SFPUC had informed her that once the sewer needs to be “replaced it needs to be made right”. This makes it clear that Ms. Cohen had the same information from the SFPUC during the window for filing an appeal that she says she later confirmed with Kevin Cole. The name of the first SFPUC official that she spoke to, before

January 26, 2021, is not given. The date on which Ms. Cohen talked to Mr. Cole is not given. At the very latest, the information now relied on by Ms. Cohen admittedly was in her possession by January 26, 2021, before Inspector Ledda closed out the permit as complete.

Retaliation is no basis for granting a jurisdiction request. Neither the City, Atlas Plumbing, nor Ms. Daws did anything wrong. The jurisdiction request does not offer a plausible legal basis for the extraordinary measure of allowing an appeal to be filed 33 months too late, 33 months after the work was completed and the final inspection closed out.

Sincerely,

A handwritten signature in cursive script that reads "Ginny Daws".

Ginny Daws

85 Homestead Street

Cc: Ernie Beffel, 70 Homestead Street

Julie Rosenberg, Executive Director, Board of Appeals, boardofappeals@sfgove.org

Atlas Plumbing, atlas.audra@yahoo.com

Department of Building Inspection, c/o Matthew Greene, matthew.greene@sfgoveorg