

**BOARD OF APPEALS**

**CITY & COUNTY OF SAN FRANCISCO**

**AGENDA FOR REGULAR MEETING - WEDNESDAY, DECEMBER 5, 2018**

**5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE**

(1) **PUBLIC COMMENT**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. At the discretion of the Board President, public comment may be limited to two minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

(2) **COMMISSIONER COMMENTS & QUESTIONS**

(3) **ADOPTION OF MINUTES**

Discussion and possible adoption of the November 14, 2018 minutes.

(4) **APPEAL NO. 18-090**

JASON HUGHES & KELLY IURA, Appellant(s)  
vs.  
ZONING ADMINISTRATOR, Respondent

1715 Alabama Street.  
Appealing the DENIAL on June 13, 2018, of a Mass Reduction Variance (for a proposal to construct a vertical and horizontal addition with stairs to an existing two-story single-family dwelling, with a reduction of only 82 square feet of usable floor area to be deleted from the exterior of the maximum building area, whereas Planning Code Section 242 requires a reduction of 650 square feet).  
CASE NO. 2016-012810VAR.  
FOR FURTHER CONSIDERATION TODAY.  
**Note: On October 10, 2018, the Board voted 4-0 to continue the appeal to November 14, 2018 to give the parties the opportunity to meet and confer before November 12, 2018. On November 14, 2018, the Board voted 5-0 to continue this matter to December 5, 2018 to allow time for the appellants to prepare written findings, in consultation with the Zoning Administrator, to support the granting of a variance based on the amended plans, dated November 7, 2018, that were submitted for the hearing.**

**(5) APPEAL NO. 18-075**

<p>CHRISTINA SABER, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent</p>	<p>2230 Turk Boulevard. Appealing the Variance Decision on May 23, 2018 issued to Pegasus VI Investments LLC. (Proposal is to infill a portion of the existing building at the rear and to add five Accessory Dwelling Units (ADUs) at the first and second floor of an existing three-story, eight-unit residential building undergoing seismic retrofitting. Three of the proposed units require variances.) The Variance Decision: (1) DENIES an Exposure Variance to construct two ADUs on the second floor that will face the existing rear yard which is less than the minimum 15-foot by 15-foot open area required for exposure, and (2) GRANTS a Rear Yard Variance to construct one ADU on the second floor that will require infill of the building in the driveway taller than 10 feet in the required rear yard setback. CASE NO. 2017-008412VAR. FOR HEARING TODAY.</p>
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**(6) APPEAL NO. 18-133**

<p>2351-2353-2355 BUSH ST. HOMEOWNERS ASSOCIATION, Appellant(s) vs. SAN FRANCISCO PUBLIC WORKS BUREAU OF STREET USE AND MAPPING, Respondent</p>	<p>2390 Bush Street. Protesting the ISSUANCE on September 20, 2018, to Mobilitie, LLC, of a Personal Wireless Service Facility Site Permit (construction of a personal wireless service facility in a Zoning Protected Location). PERMIT NO. 18WR-0121. FOR HEARING TODAY.</p>
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**(7) APPEAL NO. 18-137**

<p>CLAYTON STREET NEIGHBORS, Appellant(s) vs. SAN FRANCISCO PUBLIC WORKS BUREAU OF STREET USE AND MAPPING, Respondent</p>	<p>1576-1584 Haight Street. Appealing the ISSUANCE on October 04, 2018, to Mobilitie, LLC, of a Personal Wireless Service Facility Site Permit (construction of a personal wireless service facility in a Zoning Protected Location). PERMIT NO. 18WR-0063. FOR HEARING TODAY.</p>
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**ITEMS (8A), (8B) AND (8C) SHALL BE HEARD TOGETHER**

**(8A) APPEAL NO. 18-113**

<p>SAS C-STORES, INC., Appellant(s) vs. DEPT. OF PUBLIC HEALTH, Respondent</p>	<p>2301 19<sup>th</sup> Avenue. Appealing the DENIAL on August 09, 2018, of a Retail Tobacco Sales Permit (pursuant to Article 19H of the San Francisco Health Code: The establishment is located within 500 feet of a retailer with a valid SFDPH tobacco permit, and this facility does not meet any of the exceptions for certain new permits). EHD ID NO. 95409. FOR HEARING TODAY.</p>
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**(8B) APPEAL NO. 18-114**

<p>SAS C-STORES, INC., Appellant(s) vs. DEPT. OF PUBLIC HEALTH, Respondent</p>	<p>2000 19<sup>th</sup> Avenue. Appealing the DENIAL on August 09, 2018, of a Retail Tobacco Sales Permit (pursuant to Article 19H of the San Francisco Health Code: The establishment is located within 500 feet of a school, and this facility does not meet any of the exceptions for certain new permits). EHD ID NO. 95411. FOR HEARING TODAY.</p>
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**(8C) APPEAL NO. 18-115**

<p>SAS C-STORES, INC., Appellant(s) vs. DEPT. OF PUBLIC HEALTH, Respondent</p>	<p>3300 Cesar Chavez Street. Appealing the DENIAL on August 09, 2018, of a Retail Tobacco Sales Permit (pursuant to Article 19H of the San Francisco Health Code: The establishment is located within 500 feet of a school; the establishment is located within 500 feet of two other retailers with a valid SFDPH tobacco permit; the establishment is located within a supervisorial district at or above the 45 tobacco permit density cap; and the this facility does not meet any of the exceptions for certain new permits). EHD ID NO. 95412 FOR HEARING TODAY.</p>
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**(9) APPEAL NO. 18-134**

MARC BRUNO, Appellant(s) vs.  DEPT. OF BUILDING INSPECTION, Respondent	15 Nobles Alley & 472 Union Street. Protesting the ISSUANCE on September 21, 2018, to Paul Boschetti, of an Alteration Permit (renovation of existing bath and kitchen in Unit 2 on the second floor and in the studio unit on the first floor; to comply with NOV No. 201840721). APPLICATION NO. 2018/08/27/8441. FOR HEARING TODAY.
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**ADJOURNMENT.**

**Note:** The materials for each item on this agenda may include some or all of the following documents: Preliminary Statement of Appeal; Departmental determination being appealed; briefs submitted by Appellants, Permit Holders, Respondent Departments or Other Parties; submittals by members of the public; and correspondence. These items, and any materials related to an item on this agenda that are distributed to the Board members at the hearing, are available for public inspection at the Board's website (<http://www.sfgov.org/boa>) and at the Board's office during normal office hours (Monday to Friday, 8:00 a.m. to 5:00 p.m., 1650 Mission Street, Room 304) and in the hearing room on the date the matter is scheduled to be heard. Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: **November 30, 2018**

**MEMBERS OF THE BOARD OF APPEALS**

<b>FRANK FUNG</b>	<b>PRESIDENT</b>
<b>RICK SWIG</b>	<b>VICE PRESIDENT</b>
<b>DARRYL HONDA</b>	<b>COMMISSIONER</b>
<b>ANN LAZARUS</b>	<b>COMMISSIONER</b>
<b>RACHAEL TANNER</b>	<b>COMMISSIONER</b>

**PROCEDURE AT HEARINGS**

Except when the Presiding Officer finds good cause to order the presentations otherwise, the order of presentation of an appeal shall be as follows: (a) the appellant shall speak first and shall be allowed seven minutes to present relevant testimony and evidence. Then the permit holder, representatives of the department, board, commission or person from whose order the appeal is taken, and/or other parties, shall be allowed seven minutes for presentation of relevant testimony and evidence. Three minutes for rebuttal shall be provided to all parties in this same order; (b) the

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Board may request a departmental response at its own discretion. For rehearing requests and jurisdiction requests, each party shall be allowed three minutes to present testimony and evidence, with no rebuttal.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes, unless the presiding officer further limits time uniformly.

Those members of the public who intend to testify about a particular appeal and wish to have the Board give their testimony evidentiary weight for purposes of deciding the appeal are asked to take an oath. Please note that any member of the public may speak without being sworn-in pursuant to their rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code).

### **SPECIAL NOTES**

If the Board continues a matter to a specific date that is announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 415-575-6880 for scheduling or other information during regular business hours or visit our website at [www.sfgov.org/boa](http://www.sfgov.org/boa).

The complete Rules of the Board are available for review at the Board office, and on our website.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to the Board President, and be received at the Board office, 1650 Mission Street, Room 304, no later than 4:30 p.m. one Thursday prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and ten copies. Please note that names and addresses included in these submittals will become part of the public record. Submittals may be made anonymously.

Pursuant to Government Code § 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled the day of hearing or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:00 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

### **PROHIBITION OF SOUND-PRODUCING ELECTRONIC DEVICES**

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

**ACCESSIBILITY INFORMATION**

Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at (415) 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals. To obtain a disability-related modification or accommodation, including auxiliary aids or services to participate in the meeting, please contact the Board office at least 48 hours before the meeting at (415) 575-6880.

The closest accessible BART station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible curbside parking has been designated at points along McAllister Street. Accessible MUNI lines serving City Hall are the 42 Downtown Loop, 9 San Bruno and 71 Haight/Noriega and the F line. Accessible MUNI Metro lines are the J, K, L, M, and N. For more information regarding MUNI accessible services, call (415) 923-6142.

American sign language interpreters, translation services and/or sound enhancement will be available upon request by contacting Board staff at (415) 575-6880 at least 48 hours prior to the hearing.

Intérpretes de lenguaje de señas americano, servicio de traducción y/o mejoramiento del sonido estará disponible a petición contactando con personal de la Junta al 415-575-6880 por lo menos 48 horas antes de la audiencia.

美国手语翻译, 翻译服务和/或声音增强将可在聆讯前48小时通过联系575-6880局人员要求.

Ang mga tagapagsalin sa lenggwaheng pasenyas, mga serbisyong pagsasalin at/o mga gamit upang pabutihin ang pakikinig ay maaaring hilingin sa Board Staff sa 575-6880 sa hindi bababa na 48 oras bago mag hearing.

**KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE**

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force: by mail to Administrator, Sunshine Ordinance Task Force, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4689; by phone at (415) 554-7724; by fax at (415) 554-5163; or by e-mail at [soft@sfgov.org](mailto:soft@sfgov.org). Citizens interested in obtaining a free copy of the Sunshine Ordinance may request a copy from the Sunshine Ordinance Task Force Administrator or by printing Chapter 67 of the San Francisco Administrative Code on the internet at [www.sfgov.org/sunshine](http://www.sfgov.org/sunshine).

**LOBBYING ACTIVITY**

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign and Governmental Conduct Code § 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 25 Van Ness Ave., Suite 220, San Francisco, CA 94102; telephone: (415) 252-3100; email [ethics.commission@sfgov.org](mailto:ethics.commission@sfgov.org); web site [www.sfgov.org/ethics](http://www.sfgov.org/ethics).

**SUGGESTIONS TO IMPROVE EFFICIENCY**

The Board welcomes suggestions from the public regarding improvement of the efficiency of its operations. Please direct your comments and suggestions to Board staff, at 415-575-6880 or fax 415-575-6885. A customer satisfaction survey form is available at the meetings, the Board office, and on the Board's web site, [www.sfgov.org/boa](http://www.sfgov.org/boa).

**ONLINE VIDEO STREAMING OF MEETINGS**

Online video streaming and audio and video file downloads of Board meetings are available at: [https://sanfrancisco.granicus.com/ViewPublisher.php?view\\_id=6](https://sanfrancisco.granicus.com/ViewPublisher.php?view_id=6).

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CITY & COUNTY OF SAN FRANCISCO**  
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San Francisco, California 94103