

# BOARD OF APPEALS

## CITY & COUNTY OF SAN FRANCISCO

### AGENDA FOR REGULAR MEETING - WEDNESDAY, JUNE 20, 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 June 13, 2018 minutes.

#### (4) APPEAL NO. 18-039

MARLENE KRAMER, Appellant(s)

vs.

DEPT. OF BUILDING INSPECTION, Respondent  
PLANNING DEPT. APPROVAL

2242 35<sup>th</sup> Avenue.

Protesting the ISSUANCE on March 06, 2018, to Gene Lau, of an Alteration Permit (revision to BPA No. 2017/10/17/1427; interior room reconfiguration per plans; new deck at rear; replace two front windows in-kind with aluminum clad wood windows).

APPLICATION NO. 2018/03/01/2621.

FOR FURTHER CONSIDERATION TODAY.

**Note: on May 09, 2018, the Board voted 5-0 to continue this matter to allow time for DBI to research the permit history and report back on the status of the project in relation to those permits.**

**(5) APPEAL NO. 18-030**

<p>ABDALLA JOSEPH DBA "SAVE MOR MART," Appellant(s) vs. DEPT. OF PUBLIC HEALTH, Respondent</p>	<p>4522 3<sup>rd</sup> Street. Appealing the DENIAL on March 02, 2018, of a Tobacco Sales Establishment Permit (pursuant to Article 19H of the San Francisco Health Code). EHD ID NO. 76038 FOR FURTHER CONSIDERATION TODAY. <b>Note: on April 25, 2018, the Board voted 5-0 to continue this matter to allow time for the Department of Public Health to provide information regarding their density cap analysis On June 06, 2018, the Board voted 4-0-1 (Commissioner Wilson absent) to continue this matter to allow time for the appellant to get a Letter of Determination from the Department of Building Inspection's Technical Services Division regarding the seismic upgrades at 4500 3<sup>rd</sup> Street.</b></p>
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**ITEMS (6A), (6B), (6C) AND (6D) SHALL BE HEARD TOGETHER**

**(6A) APPEAL NO. 18-025**

<p>PRESIDIO HEIGHTS ASSOCIATION OF NEIGHBORS, Appellant(s) vs. SAN FRANCISCO PUBLIC WORKS BUREAU OF STREET USE AND MAPPING, Respondent</p>	<p>3512 Clay Street. Protesting the ISSUANCE on February 23, 2018, to Verizon Wireless, of a Personal Wireless Service Facility Site Permit (construction of a personal wireless service facility in a Zoning Protected Location). PERMIT NO. 16WR-0139. FOR CONSIDERATION TODAY OF THE ADOPTION OF WRITTEN FINDINGS IN ACCORDANCE WITH SECTION 8 OF THE BOARD'S RULES. <b>Note: On May 09, 2018, the Board voted 5-0 to continue the matter for the preparation of written findings to support a decision to grant the appeal and deny the permit, on the basis that the wireless facility would significantly impair the defining aspects of the neighborhood.</b></p>
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**(6B) APPEAL NO. 18-026**

<p>SCOTT WYCKOFF, Appellant(s) vs. SAN FRANCISCO PUBLIC WORKS BUREAU OF STREET USE AND MAPPING, Respondent</p>	<p>3512 Clay Street. Protesting the ISSUANCE on February 23, 2018, to Verizon Wireless, of a Personal Wireless Service Facility Site Permit (construction of a personal wireless service facility in a Zoning Protected Location). PERMIT NO. 16WR-0139. FOR CONSIDERATION TODAY OF THE ADOPTION OF WRITTEN FINDINGS IN ACCORDANCE WITH SECTION 8 OF THE BOARD'S RULES. <b>See Note in 6A above.</b></p>
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**(6C) APPEAL NO. 18-031**

<p>CORNELIA ELLWEIN, Appellant(s) vs. SAN FRANCISCO PUBLIC WORKS BUREAU OF STREET USE AND MAPPING, Respondent</p>	<p>3512 Clay Street. Protesting the ISSUANCE on February 23, 2018, to Verizon Wireless, of a Personal Wireless Service Facility Site Permit (construction of a personal wireless service facility in a Zoning Protected Location). PERMIT NO. 16WR-0139. FOR CONSIDERATION TODAY OF THE ADOPTION OF WRITTEN FINDINGS IN ACCORDANCE WITH SECTION 8 OF THE BOARD'S RULES. <b>See Note in 6A above.</b></p>
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**(6D) APPEAL NO. 18-032**

<p>MERRILL RANDOL &amp; STEPHEN SHERWIN, Appellant(s) vs. SAN FRANCISCO PUBLIC WORKS BUREAU OF STREET USE AND MAPPING, Respondent</p>	<p>3512 Clay Street. Protesting the ISSUANCE on February 23, 2018, to Verizon Wireless, of a Personal Wireless Service Facility Site Permit (construction of a personal wireless service facility in a Zoning Protected Location). PERMIT NO. 16WR-0139. FOR CONSIDERATION TODAY OF THE ADOPTION OF WRITTEN FINDINGS IN ACCORDANCE WITH SECTION 8 OF THE BOARD'S RULES. <b>See Note in 6A above.</b></p>
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**(7) APPEAL NO. 18-021**

<p>JOSE BADILLO DBA "JOSE'S TOWING LLC," Appellant(s) vs. POLICE DEPT., Respondent</p>	<p>54 Vesta Street. Appealing the REVOCATION on February 14, 2018, of a Tow Car Firm Permit and a Tow Car Operator Permit. FOR FURTHER CONSIDERATION TODAY. <b>Note: on April 18, 2018, the Board voted 5-0 to continue this appeal to allow time for the Police Department to submit additional evidence and to give the appellant an opportunity to receive the new evidence and respond.</b></p>
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**(8) APPEAL NO. 18-058**

<p>CONNIE MAR, Appellant(s) vs. SAN FRANCISCO PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent</p>	<p>2 Garfield Street. Protesting the ISSUANCE on April 18, 2018, of a Public Works Order (DENIAL of request to remove two significant trees with replacement on private property). ORDER NO. 187562. FOR HEARING TODAY.</p>
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**ITEMS (9A) AND (9B) SHALL BE HEARD TOGETHER**

**(9A) APPEAL NO. 18-060**

<p>UNION SQUARE BUSINESS IMPROVEMENT DISTRICT, Appellant(s) vs. SAN FRANCISCO PUBLIC WORKS BUREAU OF STREET USE AND MAPPING, Respondent</p>	<p>281 Geary Street. Protesting the ISSUANCE on April 27, 2018, to San Francisco's Hometown Creamery, of a Mobile Food Facility Permit (conditional approval of the request to operate a mobile food facility at a location 80 linear feet east of the Powell Street and Geary Street intersection, operating Friday and Saturday from 6:00PM to 11:00PM, and Sunday from 11:00AM to 11:00PM). PERMIT NO. 17MFF-0001. FOR HEARING TODAY.</p>
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**(9B) APPEAL NO. 18-061**

STANLEY ROTH, Appellant(s) vs.  SAN FRANCISCO PUBLIC WORKS BUREAU OF STREET USE AND MAPPING, Respondent	281 Geary Street. Protesting the ISSUANCE on April 27, 2018, to San Francisco’s Hometown Creamery, of a Mobile Food Facility Permit (conditional approval of the request to operate a mobile food facility at a location 80 linear feet east of the Powell Street and Geary Street intersection, operating Friday and Saturday from 6:00PM to 11:00PM, and Sunday from 11:00AM to 11:00PM). PERMIT NO. 17MFF-0001. 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 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: **June 15, 2018**

<b>MEMBERS OF THE BOARD OF APPEALS</b>
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<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>BOBBIE WILSON</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

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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 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 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. 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 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 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; 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).

**DVD'S OF MEETINGS**

DVD's of meetings may be obtained from SFGOVTV. Please telephone 415-554-4188 or go to <http://sfgovtv.org> for information.

**BOARD OF APPEALS  
CITY & COUNTY OF SAN FRANCISCO**  
1650 Mission Street, Room 304  
San Francisco, California 94103