

**BOARD OF APPEALS**

**CITY & COUNTY OF SAN FRANCISCO**

**AGENDA FOR REGULAR MEETING - WEDNESDAY, MAY 18, 2022**

**5:00 P.M., HYBRID MEETING (IN-PERSON AND REMOTE ACCESS)**

**CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE**

**THE PUBLIC MAY JOIN THE MEETING IN-PERSON, BY COMPUTER (ZOOM) OR  
TELEPHONE:**

**Access by Computer:**

**<https://us02web.zoom.us/j/83826604034>**

**Access by Telephone:**

**Call: 16699006833,**

**Webinar ID: 838 2660 4034**

**(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 May 11, 2022 minutes.

**REGULAR MEETING, BOARD OF APPEALS, MAY 18, 2022 - PAGE 2**

**(4) APPEAL NO. 22-033**

<p>LIQUID EXPERIENCE INC., Appellant(s)</p> <p>vs.</p> <p>DEPT. OF PUBLIC HEALTH, Respondent</p>	<p>1589 Haight Street.</p> <p>Appealing the DENIAL on April 12, 2022, of a Retail Tobacco Sales Permit (The permit is denied for the following reasons: (1) Per SF Health Code Sections 19H.4(f) and 19H.5(a), no new permit shall be issued in any supervisorial district that has 45 or more Establishments with Tobacco Sales Permits; the Business is located in Supervisorial District 5 which currently has 69 valid Retail Tobacco Sales Permits, (2) Per SF Health Code Section 19H.4(f), no new permit shall be issued if the Applicant will be located within 500 feet of an existing Establishment (selling tobacco) or School; the Business is located within 500 feet of two other Establishments (Ashbury Tobacco Center and Puff Puff Pass) that have valid Retail Tobacco Sales Permits and one School (Mark’s Family Home School), (3) Per SF Health Code Section 19H.2, a change of 50 percent or more of the ownership of the business within a 12-month period is deemed a “Change of Ownership”; provided, however, that if the Permittee is a corporation, transferee of 25 percent of the stock ownership of the permittee shall be deemed to be a “Change of Ownership”; the Permittee, Liquid Experience Inc., is not able to amend the permit to the ownership percentages specified in the application since this would be considered a Change of Ownership).</p> <p>DPH CASE NO.: EHD ID 115224. FOR HEARING TODAY.</p>
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**(5) APPEAL NO. 22-022**

<p>PROVIDENCE SENIOR HOUSING, Appellant(s)</p> <p>vs.</p> <p>SAN FRANCISCO PUBLIC WORKS, BUREAU OF STREET USE &amp; MAPPING, Respondent</p>	<p>4601 3rd Street.</p> <p>Appealing the ISSUANCE on March 15, 2022, to GTE Mobilnet of California, LP, of a Wireless Box Permit (installation of a Personal Wireless Service Facility in a Zoning Protected Location). PERMIT NO. 21WR-00108. FOR HEARING TODAY.</p>
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**REGULAR MEETING, BOARD OF APPEALS, MAY 18, 2022 - PAGE 3**

**(6) APPEAL NO. 22-024**

<p>MONICA ORTEGA, Appellant(s)</p> <p>vs.</p> <p>DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL</p>	<p>1024 Capp Street. Appealing the ISSUANCE on March 17, 2022, to 1026 Capp LLC, of an Alteration Permit (Construction of a new accessory dwelling unit building in the rear to the west of the property). PERMIT NO. 2021/0224/5270. FOR HEARING TODAY.</p>
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**(7) APPEAL NO. 22-021**

<p>COURTNEY LUI, Appellant(s)</p> <p>vs.</p> <p>DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL</p>	<p>217 15th Avenue. Appealing the ISSUANCE on March 7, 2022, to Lawrence Woo, of an Alteration Permit (reconfigure existing kitchen, convert existing kitchen into a study room, in kind to remodel existing bathroom, replace two windows located at living room and existing bedroom). PERMIT NO. 2021/12/08/3982. FOR HEARING TODAY.</p>
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**ITEMS (8A) AND (8B) SHALL BE HEARD TOGETHER**

**(8A) APPEAL NO. 22-025**

<p>DAN FELDMAN, Appellant(s)</p> <p>vs.</p> <p>SAN FRANCISCO PUBLIC WORKS, BUREAU OF URBAN FORESTRY, Respondent</p>	<p>695 Rhode Island Street. Appealing the ISSUANCE on March 18, 2022, to Charles Quach, of a Public Works Order (APPROVAL to remove one street tree with replacement per the detailed procedures outlined in the email of October 25, 2021 from Dr. Matteo Garbelotto to Inspector Marcus Dotson. If the existing tree is transplanted, the project must ensure its survival. If the transplanted tree dies, the replacement shall be a 36" box size tree and the maintenance period will restart. The tree must be retained in perpetuity as a condition of the building permit approval). ORDER NO. 206241. FOR HEARING TODAY.</p>
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**REGULAR MEETING, BOARD OF APPEALS, MAY 18, 2022 - PAGE 4**

**(8B) APPEAL NO. 22-026**

JOSHUA KLIPP, Appellant(s)  vs.  SAN FRANCISCO PUBLIC WORKS, BUREAU OF URBAN FORESTRY, Respondent	695 Rhode Island Street. Appealing the ISSUANCE on March 18, 2022, to Charles Quach, of a Public Works Order (APPROVAL to remove one street tree with replacement per the detailed procedures outlined in the email of October 25, 2021 from Dr. Matteo Garbelotto to Inspector Marcus Dotson. If the existing tree is transplanted, the project must ensure its survival. If the transplanted tree dies, the replacement shall be a 36" box size tree and the maintenance period will restart. The tree must be retained in perpetuity as a condition of the building permit approval). ORDER NO. 206241. 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 upon request by emailing the Board Office [boardofappeals@sfgov.org](mailto:boardofappeals@sfgov.org). Please call 628-652-1150 if you have any questions concerning this agenda.

Date posted: **May 13, 2022**

**MEMBERS OF THE BOARD OF APPEALS**

<b>RICK SWIG</b>	<b>PRESIDENT</b>
<b>ANN LAZARUS</b>	<b>VICE PRESIDENT</b>
<b>TINA CHANG</b>	<b>COMMISSIONER</b>
<b>JOSE LOPEZ</b>	<b>COMMISSIONER</b>
<b>(VACANT)</b>	<b>COMMISSIONER</b>

**HYBRID MEETINGS**

This meeting will be held in person at the location listed above. As authorized by California Government Code Section 54953(e) and Mayor Breed's 45th Supplement to her February 25, 2020 emergency proclamation, it is possible that some members of the Board of Appeals may attend this meeting remotely. In that event, those members will participate and vote by video. Members of the public may attend the meeting to observe and provide public comment at the physical meeting location or by telephone/online (access information listed above).

**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 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**

The Board reserves the right to not start an item on the agenda after 10:00 p.m.

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 (628) 652-1150 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 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 [boardofappeals@sfgov.org](mailto:boardofappeals@sfgov.org), 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 [boardofappeals@sfgov.org](mailto:boardofappeals@sfgov.org). 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. 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

## **REGULAR MEETING, BOARD OF APPEALS, MAY 18, 2022 - PAGE 6**

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 at the hearing 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**

If you need technical assistance or would like to receive instruction on how to access the meeting via Zoom, please email or call the Board Office: [boardofappeals@sfgov.org](mailto:boardofappeals@sfgov.org) or (628) 652-1150.

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 [boardofappeals@sfgov.org](mailto:boardofappeals@sfgov.org) or (628) 652-1150.

American sign language interpreters, translation services and/or sound enhancement will be available upon request by contacting Board staff at (628) 652-1150 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 (628) 652-1150 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652-1150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 (628) 652-1150 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.

## **REGULAR MEETING, BOARD OF APPEALS, MAY 18, 2022 - PAGE 7**

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 [sotf@sfgov.org](mailto:sotf@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/CAMPAIGN CONTRIBUTIONS**

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).

Under Campaign and Governmental Conduct Code Section 1.127, no person or entity with a financial interest in a land use matter pending before the Board of Appeals, Board of Supervisors, Building Inspection Commission, Commission on Community Investment and Infrastructure, Historic Preservation Commission, Planning Commission, Port Commission, or the Treasure Island Development Authority Board of Directors, may make a campaign contribution to a member of the Board of Supervisors, the Mayor, the City Attorney, or a candidate for any of those offices, from the date the land use matter commenced until 12 months after the board or commission has made a final decision or any appeal to another City agency from that decision has been resolved. For more information about this restriction, visit [sfethics.org](http://sfethics.org).

### **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 [boardofappeals@sfgov.org](mailto:boardofappeals@sfgov.org) or (628) 652-1150. 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).

**BOARD OF APPEALS  
CITY & COUNTY OF SAN FRANCISCO**  
49 South Van Ness Avenue, Suite 1475  
San Francisco, California 94103

The Board's physical office is open to the public by appointment only. Please email [boardofappeals@sfgov.org](mailto:boardofappeals@sfgov.org) or call 628-652-1150 if you would like to meet with a staff member.

