

# BOARD OF APPEALS

## CITY & COUNTY OF SAN FRANCISCO

### AGENDA FOR REGULAR MEETING - WEDNESDAY, NOVEMBER 7, 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 October 24, 2018 minutes.

(4) REHEARING REQUEST

**Subject property at 2722-2724 Folsom Street.** Michael Turon, Appellant, is requesting a rehearing of Appeal No. 18-093, Turon vs Department of Building Inspection, Planning Department Disapproval, decided October 10, 2018. At that time, the Board voted 3-1 (President Fung dissented) to deny the appeal and uphold the denial of the permit on the basis that the department did not err in its decision. **Appellant:** Michael Turon. **Permit Description:** permit for administrative purposes only, no work on permit; applicant is trying to document the legal use and occupancy of the subject building as a three-story building with two residential dwelling units based on a review of city records including Sanborn Maps, Assessor's records, building permits and housing records; correcting previously issued CFCs showing the building as a three-unit building **Application No.:** 2018/03/23/4544.

**REGULAR MEETING, BOARD OF APPEALS, NOVEMBER 7, 2018 - PAGE 2**

**(5) APPEAL NO. 18-103**

<p>PAUL LANZI, Appellant(s) vs.  SAN FRANCISCO PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent</p>	<p>317 Dorado Terrace. Appealing the ISSUANCE on July 23, 2018, to Lydia Chan, of a Public Works Order (approval of request to remove three street trees without replacement adjacent to the subject property). ORDER NO. 188150. FOR FURTHER CONSIDERATION TODAY. <b>Note: On October 17, 2018, the Board voted 4-0 to continue the matter to November 7, 2018 so that the permit holder has the opportunity to discuss the potential outcomes, including replacement of the trees, with the Bureau of Urban Forestry.</b></p>
--	---

**(6) APPEAL NO. 18-120**

<p>YAHYA ALDABYANI DBA "7-ELEVEN STORE," Appellant(s) vs.  DEPT. OF PUBLIC HEALTH, Respondent</p>	<p>4850 Geary Boulevard. Appealing the 7-day SUSPENSION on September 05, 2018, of a Retail Tobacco Sales Permit (based on conduct violating San Francisco Health Code Article 19H prohibiting the sale of tobacco products to person aged 18, 19, or 20, as observed and recorded on the Notice of Violation dated May 25, 2018, and the June 21, 2018 Environmental Health Notice of Initial Determination). DPH HEARING CASE NO. SMK 18-01. PERMIT NO. T-64960. FOR HEARING TODAY.</p>
---	--

**(7) APPEAL NO. 18-122**

<p>POTRERO LAUNCH AFFORDABLE, LP, Appellant(s) vs.  DEPT. OF PUBLIC HEALTH, Respondent</p>	<p>2235 3<sup>rd</sup> Street. Appealing the 30-day SUSPENSION on September 12, 2018, of a Swimming Pool/Spa Permit to Operate (for failure to maintain maintenance records and logs, maintain adequate disinfectant and maintain pH levels for the spa, in violation of the San Francisco Health Code Article 15, Sec. 951 and CCR Title 22, Sections 65523, 65529 and 65545). DPH HEARING CASE NO. WTR 18-01. PERMIT NO. C-18088. FOR HEARING TODAY.</p>
--	--

**(8) APPEAL NO. 18-118**

<p>PATRICK BUSCOVICH, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent</p>	<p>1042 Minna Street. Protesting the ISSUANCE on August 17, 2018, to 1042 Minna Street LLC, of an Alteration Permit (response to correction notice dated September 06, 2017 to show as-built conditions; obtain geotechnical letters based on the original structural drawings for BPA No. 2004/02/10/6098). APPLICATION NO. 2017/09/22/9277. FOR HEARING TODAY.</p>
---	--

**(9) APPEAL NO. 18-119**

<p>OUR MISSION NO EVICTION Appellant(s) vs. PLANNING COMMISSION, Respondent</p>	<p>2750 19<sup>th</sup> Street. Protesting the ISSUANCE on August 23, 2018, to Willin Properties LLC, of a Planning Code Section 329, Large Project Authorization (to allow construction of new six-story, 68-foot tall residential building with 60 dwelling units, approx. 10,000 sq. ft. of ground floor Production, Distribution and Repair (PDR) space, and 24 off-street parking spaces; requires exceptions to the Planning Code for Rear Yard size requirements set forth in Section 134 and Dwelling Unit Exposure requirements in Section 140). CASE NO. 2014-001400ENX. MOTION NO. 20264 FOR HEARING TODAY.</p>
---	--

**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 2, 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 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

## **REGULAR MEETING, BOARD OF APPEALS, NOVEMBER 7, 2018 - PAGE 5**

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.

## **REGULAR MEETING, BOARD OF APPEALS, NOVEMBER 7, 2018 - PAGE 6**

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 [sof@sfgov.org](mailto:sof@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.commissioin@sfgov.org](mailto:ethics.commissioin@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).

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