

# BOARD OF APPEALS

## CITY & COUNTY OF SAN FRANCISCO

### AGENDA FOR REGULAR MEETING - WEDNESDAY, DECEMBER 17, 2014

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. 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 December 10, 2014 minutes.

(4) **APPEAL NO. 14-172**

KEVIN McELROY, Appellant(s) vs.  DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	2707 - 21st Street. Appealing the DENIAL on September 26, 2014, of a Tree Removal Permit (denial of request to remove four (4) privately maintained street trees with one (1) replacement tree). ORDER NO. 182947. FOR HEARING TODAY.
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(5) **APPEAL NO. 14-173**

JULIAN P. LAGOS, Appellant(s) vs.  DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	131 Grijalva Drive. Protesting the ISSUANCE on September 26, 2014, to Arborwell, of a Tree Removal Permit (removal with replacement of two (2) privately maintained street trees). ORDER NO. 182941. FOR HEARING TODAY.
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**(6) APPEAL NO. 14-154**

<p>TAM CHUN SHAN, YUK YU CHUNG &amp; CERISE CHENG, Appellant(s) vs.  DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL</p>	<p>834 - 44th Avenue. Protesting the ISSUANCE on August 22, 2014, to 834 - 44th Avenue LLC, of an Alteration Permit (convert two-story, single-family home into a three-story, two-unit building with two off-street parking spaces). APPLICATION NO. 2011/10/04/6071S. PUBLIC HEARING HELD ON NOV. 19, 2014. FOR FURTHER CONSIDERATION TODAY. <b>Note: matter was continued to allow time for DBI to conduct a site inspection, and for the permit holder to submit revised plans; no additional briefing is allowed.</b></p>
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**(7) REHEARING REQUEST**

**Subject property at 958 Geary Street.** Letter from Charles Pappas, appellant, requesting rehearing of Appeal No. 14-149, Pappas vs. ZA, decided November 19, 2014. At that time, upon motion by Commissioner Fung, the Board voted 3-1-1 (Commissioner Honda dissented, one vacancy) to uphold the Letter of Determination on the basis that the Zoning Administrator did not err or abuse his discretion. LOD: regarding whether a Medical Cannabis Dispensary (MCD) may be re-established at the retail space located at the subject property.

**(8) REHEARING REQUEST**

**Subject property at 1264 – 6<sup>th</sup> Avenue.** Letter from Ken Miller & Julie McKenzie, appellants, requesting rehearing of Appeal No. 14-162, Miller & McKenzie vs. DBI, PDA, decided November 19, 2014. At that time, upon motion by Commissioner Fung, the Board voted 4-0-1 (one vacancy) to uphold the subject permit on the basis that it is Code compliant. Permit Holders: Clay Leighton & Andrea Sello. Project: new three-story rear addition with 3rd floor 72sf deck; BPA No. 2013/06/26/0594S.

**(9) JURISDICTION REQUEST**

**Subject property at 1784 Sanchez Street.** Letter from Anthony Grumbach, Katherine Poole and Isabel Talusen Escalada, requestors, asking that the Board take jurisdiction over Variance Case No. 2013.0831V, which was granted on October 08, 2014 by the Zoning Administrator. The appeal period ended on October 20, 2014, and the jurisdiction request was filed at the Board office on November 25, 2014. Variance Holders: James Monschke & Anastasia Micheals. Project: construct a two-story horizontal addition at the rear of the building.

**(10) JURISDICTION REQUEST**

**Subject property at 614 Noe Street.** Letter from Jeremy Paul, agent for Steve Gerard, requestor, asking that the Board take jurisdiction over BPA No. 2014/08/18/4036, which was issued on August 26, 2014 by the Dept. of Building Inspection. The appeal period ended on September 10, 2014, and the jurisdiction request was filed at the Board office on December 01, 2014. Permit Holder: Stephan Fawler. Project: revision to BPA No. 2012/09/05/8924; new roof deck with retractable skylight for stair access.

**(11) APPEAL NO. 14-146**

<p>GEORGE &amp; MYRTA MATULA, Appellant(s) vs.  DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE &amp; MAPPING, Respondent</p>	<p>1410 Stanyan Street. Protesting the ISSUANCE on August 07, 2014, to KM 26th Street Properties LLC, of a STREET IMPROVEMENT PERMIT (construct new 15' wide concrete sidewalk and concrete curb per City standards to provide a walking path from Clarendon Avenue to access the subject property). PERMIT NO. 14IE-0730. FOR HEARING TODAY.</p>
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**(12) APPEAL NO. 14-175**

<p>PHILLIP ACHILLES, Appellant(s) vs.  ZONING ADMINISTRATOR, Respondent</p>	<p>819 Ellis Street. Protesting the ISSUANCE on October 01, 2014, of a Notice of Violation &amp; Penalty (regarding the operation of an unauthorized tourist hotel at the third floor of the parking garage). FOR HEARING TODAY.</p>
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**(13) APPEAL NO. 14-176**

<p>JASON BLEY, Appellant(s) vs.  DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL</p>	<p>731 Commercial Street. Protesting the ISSUANCE on October 03, 2014, to Charity Cultural Services Center, of an Alteration Permit (add 4 risers stair between 731 and 731 and provide improved entrance accessibility to 731; new doors to match wood existing and to include power door assist). APPLICATION NO. 2014/09/30/7675. FOR HEARING TODAY.</p>
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**(14) APPEAL NO. 14-188**

<p>CRIS &amp; TINA IBARRA, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent</p>	<p>41 Lake Street. Protesting the ISSUANCE on November 10, 2014, to Kyle Patterson, of an Alteration Permit (remove existing foundation at west property line and construct new compliant foundation - install new anchor bolts &amp; plywood (voluntary) at new foundation and wall above). APPLICATION NO. 2014/08/29/5065. FOR HEARING TODAY.</p>
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**ADJOURNMENT.**

**\*\*\* The Board will adjourn to Soluna Café & Lounge at 272 McAllister Street after the meeting for a holiday gathering.**

**Note A:** Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellant’s Brief; 2) Permit Holder’s, Respondent’s or Other Parties’ Brief; 3) Departmental decision, order, permit, determination, resolution, or notice of violation; 4) submittals by members of the public; and 5) correspondence. These items are available for public inspection at the Board’s office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304) and in the hearing room on the date the matter is scheduled to be heard. **Note B:** If any materials related to an item on this agenda have been distributed to the Board members after distribution of the agenda packet, those materials are available for public inspection at the Board’s office during normal office hours (Monday to Friday, 8am to 5pm, 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: **December 12, 2014**

**MEMBERS OF THE BOARD OF APPEALS**

<b>ANN LAZARUS</b>	<b>PRESIDENT</b>
<b>FRANK FUNG</b>	<b>COMMISSIONER</b>
<b>DARRYL HONDA</b>	<b>COMMISSIONER</b>
<b>BOBBIE WILSON</b>	<b>COMMISSIONER</b>
<b>*** VACANCY ***</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 (7) 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 (7) 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 (3) 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 (1) 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.

**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) 554-7854; 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, Channels 26 & 78. Please telephone 415-554-4188 for information.

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