

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, JUNE 04, 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 May 14, 2014 minutes.

(4) **SPECIAL ITEM:**

Consideration and possible action to enter into a Memorandum of Understanding with the Port of San Francisco to facilitate the transfer of permit appeal-related duties for Port Entertainment Permits from the Port Commission to the Board of Appeals.

(5) **JURISDICTION REQUESTS**

Subject property at 56 Presidio Avenue. Letter from Brian Soriano, attorney for Steven Minisini, requestor, asking that the Board take jurisdiction over Electrical Permit E2014/02/26/7657 and BPA No. 2014/03/13/0693, which was issued on February 26, 2014 and March 13, 2014, respectively. The appeal periods ended on March 13, 2014 and March 28, 2014 respectively, and both jurisdiction requests were filed at the Board office on May 06, 2014. Permit Holder: Steven Greenwald & Rochelle Alpert. Project #1: 27 roof mounted solar PV modules, 250 watts per module; 1 interactive inverter, 250W power rating, TTL No. of rating 6.75KW905039, meter main electrical service will also be upgraded/replaced with new. Project #2: remove existing roofing down to workable surface; install new 3-ply BUR consisting of 1-ply 371 lb. base, 1 layer black diamond and 1-ply G&A mineral cap sheet, asphalt applied.

(6) REHEARING REQUEST:

Subject property at 2051 – 3rd Street aka 650 Illinois Street. Letter from Stephen Williams, attorney for Christopher Delaney et al., appellants, requesting rehearing of Appeal No. 14-058, Delaney et al. vs. DPW BUF, decided May 07, 2014. At that time, upon motion by Commissioner Hwang, the Board voted 3-1-1 (Commissioner Fung dissented and Vice President Hurtado absent) to grant the appeal and uphold the permit on the basis that the trees are large and present some safety concerns, and on the condition that (1) the trees not be removed until after a site permit has been issued for the construction project proposed for this site; and (2) that the replacement trees be at least of a 48” box size and if possible of a 60” box size. Lacking the four votes needed to pass, the motion failed. Upon further motion by Commissioner Hwang the Board voted 4-0-1 (Vice President Hurtado absent) to grant the appeal and uphold the permit on the basis that the trees are large and present some safety concerns, and on the condition that (1) the trees not be removed until after the June 5, 2014 hearing before the Planning Commission on the Large Project Authorization for the construction project proposed for this site; and (2) that the replacement trees be at least of a 48” box size and if possible of a 60” box size. Permit Holder: Richard Price. Project: approval to remove six (6) existing trees and plant nine (9) new trees.

(7) APPEAL NO. 14-063

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| RICHARD HILLEGAS, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent | 102 Virginia Avenue. Protesting the ISSUANCE on March 27, 2014, to SBC- Pacific Bell Engineering, EXCAVATION PERMIT (install new cabinet; telephone purpose). APPLICATION NO. 14EXC-1666. FOR HEARING TODAY. |
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(8) APPEAL NO. 14-065

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| GOLDEN GATE HEIGHTS NEIGHBORHOOD ASSOCIATION, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent | 203 Quintara Street. Protesting the ISSUANCE on March 19, 2014, to SBC- Pacific Bell Engineering, EXCAVATION PERMIT (install new cabinet; telephone purpose). APPLICATION NO. 14EXC-1497. FOR HEARING TODAY. |
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(9) APPEAL NO. 14-067

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| <p>WILLIAM GOULD & MARGARET BANDA, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent</p> | <p>260 Laussat Street. Appealing the ISSUANCE on March 28, 2014, to Jeremy Paul / Quickdraw Permit Consulting, Letter of Determination (regarding a request to allow a two-year extension of Variance Case No. 2010.0588V dated 1/25/11, which granted variances to minimum lot area, rear yard and non-complying structure provisions of the Planning Code). FOR HEARING TODAY.</p> |
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(10) APPEAL NO. 14-068

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| <p>PATRICIA VAUGHEY, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent</p> | <p>2145 Market St., 2141 Chestnut St., 2050 Irving St., 1301 Franklin St., 498 & 1333 Castro St., 3201 Divisadero St., 1344 Stockton St., 33 Drumm St., 670 – 4th St., and 1524 & 2120 Polk St. Appealing the ISSUANCE on March 26, 2014, to Walgreens, Letter of Determination (regarding a request for the current zoning designation of various properties and whether a conditional use (CU) permit would be required to sell beer, wine and spirits). FOR HEARING TODAY.</p> |
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ADJOURNMENT.

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: **May 30, 2014**

MEMBERS OF THE BOARD OF APPEALS

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|------------------------|-----------------------|
| ANN LAZARUS | PRESIDENT |
| ARCELIA HURTADO | VICE PRESIDENT |
| FRANK FUNG | COMMISSIONER |
| DARRYL HONDA | COMMISSIONER |
| CHRIS HWANG | COMMISSIONER |

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.

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

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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

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

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. 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.

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.

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.

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