

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, SEPTEMBER 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 September 10, 2014 minutes.

(4) **APPEAL NO. 14-116**

YONG HEON AHN dba
"WESTERN SUNSET MARKET", Appellant(s)
vs.
DEPT. OF PUBLIC HEALTH, Respondent

4099 Judah Street.
Appealing the SUSPENSION on June 11, 2014, of a Tobacco Sales Establishment Permit (15-day suspension for selling tobacco products to minors).
DIRECTOR'S CASE NO. SMK-1410.
FOR HEARING TODAY.

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(5) APPEAL NO. 14-136

MICHAEL KLESTOFF, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	1812 Noriega Street. Appealing the DENIAL on July 09, 2014, of a Tree Removal Permit (denial of request to remove and replace one (1) privately maintained street tree). ORDER NO. 182750. FOR HEARING TODAY.
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(6) JURISDICTION REQUEST

Subject property at 301 – 26th Avenue. Letter from George Choppelas, requestor, asking that the Board take jurisdiction over Utility Excavation Permit No. 14EXC-2144, which was issued by the Dept. of Public Works on April 14, 2014. The appeal period ended on April 29, 2014, and this jurisdiction request was filed at the Board office on June 12, 2014. Permit Holder: SBC - Pacific Bell Engineering. Project: install new cabinet. Note: public hearing held June 25, 2014; matter continued to allow Vice President Hurtado to participate in the final vote.
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(7) APPEAL NO. 14-079

GEORGE CHOPPELAS, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	301 - 26 th Avenue. Protesting the ISSUANCE on May 02, 2014, to SBC-Pacific Bell Engineering, of a UTILITY EXCAVATION PERMIT (install new cabinet). APPLICATION NO. 14EXC-2144. FOR HEARING TODAY.
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(8) APPEAL NO. 14-117

VIOLA YEE, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	699 Page Street. Protesting the ISSUANCE on June 09, 2014, to SBC - Pacific Bell Engineering, of a UTILITY EXCAVATION PERMIT (install new cabinet). APPLICATION NO. 14EXC-3360. FOR HEARING TODAY.
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(9) REHEARING REQUEST:

Subject property at 70 Crestline Drive. Letter from Kenda McIntosh, attorney for Shamus Naughten / Dolmen Property Group LLC, permit holder, requesting rehearing of Appeal No. 13-062, T.P.E.N.A vs. DBI, PDA, decided July 17, 2013. At that time, the Board voted 4-1 (Commissioner Fung dissented) to grant the appeal and overturn the permit on the following basis: (1) the project does create exceptional and extraordinary circumstances because it will not preserve and protect the character and stability of the Vista Francisco Development and it will not be an orderly and beneficial in-fill project in the Vista Francisco Development; (2) the project, if approved, will result in an inappropriate precedent or expectation for a similar in-fill project elsewhere in the Vista Francisco Development; and (3) the Board's authority pursuant to Article 1, Section 26 of the San Francisco Business and Tax Regulations Code to consider the project's effect on surrounding properties and residents. Appellant: Twin Peaks Eastside Neighborhood Alliance. Project: Permit to Erect a Building (4-story, 4-unit residential building with 1,420sf of ground floor area; BPA No. 2009/08/25/5545S. **Note: On Aug. 14, 2013, the Board held a public hearing on this rehearing request, and voted 5-0 to continue the matter to Call of Chair to await the outcome of the subdivision issue at DPW with possible appeal to the Board of Supervisors. Then, on Nov. 20, 2013, the Board voted to return the matter to Call of Chair pending further review of the subdivision issue by DPW and the Planning Dept.; additional briefing is allowed.**

(10) JURISDICTION REQUEST

Subject property at 157 Randall Street. Letter from John Clifford & Charlene Attard, requestors, asking that the Board take jurisdiction over BPA No. 2013/06/25/0447, which was issued by the Department of Building Inspection on April 25, 2014. The appeal period ended on May 12, 2014, and this jurisdiction request was filed at the Board office on August 26, 2014. Project: 28sf horizontal addition to 3rd floor; raise roof 8'10"; interior remodel of kitchen and miscellaneous improvements; construct deck on top of garage at 2nd floor; 3rd floor rear deck. Permit Holders: Maneesh Jain & Nadia Ramsaroop.

(11) APPEAL NO. 05-002

<p>GARY RAUGH, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. DISAPPROVAL</p>	<p>2220-2222 Sacramento Street. Appealing the DENIAL on January 4, 2005, of an Alteration Permit (application associated with Variance Case No. 2004.0061V to reflect as-built conditions of garage door; to resolve NOV No. 200341797). APPLICATION NO. 2004/10/18/7116S. FOR HEARING TODAY. Note: On June 8, 2005, the Board voted 4-1 (Commissioner Sugaya dissented) to reschedule this matter to Call of Chair so that the Certificate of Appropriateness process can take place at the LPAB and Planning Commission.</p>
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ITEMS (12A), (12B) & (12C) SHALL BE HEARD TOGETHER:

(12A) APPEAL NO. 14-098

MARIA MARANGHI, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1020 Filbert Street. Protesting the ISSUANCE on March 20, 2014, to Xelan Prop 1 LLC, of an Alteration Permit (remove illegal unit and convert back to legal use as single family home; connect both floors with new stair case interior). APPLICATION NO. 2014/03/20/1296. FOR HEARING TODAY.
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(12B) APPEAL NO. 14-101

MARIA MARANGHI, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	1000 Filbert Street. Protesting the ISSUANCE on May 08, 2014, to Xelan Prop 1 LLC, of an Alteration Permit (three kitchen and four bathroom remodel; units 1008, 1002, 1006 and 1000; no structural work). APPLICATION NO. 2014/05/07/5172. FOR HEARING TODAY.
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(12C) APPEAL NO. 14-104

MARIA MARANGHI, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	1000 Filbert Street. Protesting the ISSUANCE on May 19, 2014, to Xelan Prop 1 LLC, of a Plumbing Permit (install forced air furnace). APPLICATION NO. PM2014/05/19/847. FOR HEARING TODAY.
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(13) APPEAL NO. 14-118

DON TOY & ANDY CREAGER, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	1957-1959 Beach Street. Appealing the ISSUANCE on June 17, 2014, of a Letter of Determination (regarding whether a deck deeded for exclusive use by one unit can be enclosed and converted into habitable space to be divided equally between two units). FOR HEARING TODAY.
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(14) APPEAL NO. 14-126

CAROLE BROWN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	179 Hamerton Avenue. Protesting the ISSUANCE on June 26, 2014, to Scott Dylewski, of an Alteration Permit (new deck at rear of main level of existing house with exterior stair to the rear yard; new doors at the rear main level; replace windows "in-kind"; new lower living level; alter lower level to remodel existing bedroom and incorporate new hallway). APPLICATION NO. 2014/06/04/7453. FOR HEARING TODAY.
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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: **Sept. 12, 2014**

MEMBERS OF THE BOARD OF APPEALS

ANN LAZARUS	PRESIDENT
ARCELIA HURTADO	VICE PRESIDENT
FRANK FUNG	COMMISSIONER
DARRYL HONDA	COMMISSIONER
*** VACANCY ***	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 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. 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