

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, DECEMBER 13, 2017

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 6, 2017 minutes.

(4) **SPECIAL ITEM**

Discussion and possible action to approve procedures for selecting an Executive Director of the Board of Appeals.

ITEMS (5A) and (5B) SHALL BE HEARD TOGETHER:

(5A) **REHEARING REQUEST**

Board-initiated possible reconsideration of Denial of Mobile Food Facility Permit for 401 Divisadero Street location. Appeal No. 17-117, Anyarin & Castro vs. SFPW, decided November 8, 2017. At that time, the Board voted 3-1-1 (President Honda dissented and Commissioner Swig recused) to grant the appeal and overturn the denial of the 401 Divisadero Street location on the basis that the impact on parking in that area would be minimal and on the condition that the Mobile Food Facility would comply with the parking restrictions that are in effect on Fridays between 4 p.m. and 6 p.m. Lacking the four votes needed to pass, that motion failed. With no further motion made, the denial of the 401 Divisadero Street location was upheld by operation of law. Mobile Food Facility Permit No. 16MFF-0137.

(5B) **POSSIBLE REHEARING OF APPEAL NO. 17-117, IF REQUEST FOR REHEARING IN ITEM (5A) IS GRANTED**

JUAN ANYARIN & INGRID CASTRO DBA "LOS 2 CUATES," Appellant(s)
vs.

SAN FRANCISCO PUBLIC WORKS
BUREAU OF STREET USE AND MAPPING,
Respondent

490 2nd Street and 401 Divisadero Street.
Protesting the ISSUANCE of DPW Order No. 186070 on June 28, 2017, to Los 2 Cuates, GRANTING IN PART and DENYING IN PART Mobile Food Facility Permit No. 16MFF-0137. DPW ORDER NO. 186070.
FOR HEARING TODAY.

(6) APPEAL NO. 17-141

<p>MICHAEL CHISEK, Appellant(s) vs. SAN FRANCISCO PUBLIC WORKS BUREAU OF STREET USE AND MAPPING, Respondent</p>	<p>Leavenworth Street, between Greenwich Street and Lurmont Terrace. Appealing the ISSUANCE on August 17, 2017, to ExteNet Systems, Inc., of a Personal Wireless Service Facility Site Permit (construction of a personal wireless service facility in a Zoning Protected Location). PERMIT NO. 16WR-0423. FOR HEARING TODAY.</p>
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ITEMS (7A) THROUGH (7D) SHALL BE HEARD TOGETHER

(7A) APPEAL NO. 17-144

<p>TERRANCE & MARLENE MARSEILLE, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL</p>	<p>255 Sea Cliff Avenue. Protesting the ISSUANCE on August 11, 2017, to Ann Mao, of a Site Permit (to erect three stories, one basement, type V-B, single family residential building). APPLICATION NO. 2014/08/01/2761S. PUBLIC HEARINGS HELD NOV. 8, 2017 AND NOV. 15, 2017. FOR FURTHER CONSIDERATION TODAY. Note: on November 8, 2017, the Board voted 2-3 (President Honda, Commissioner Lazarus and Commissioner Wilson dissented) to grant Appeal Nos. 17-144, 17-145, 17-148 and 17-150 and issue the site permit on the condition that the penthouse and roof deck be removed, on the basis that these features are out of context with the surrounding neighborhood. Lacking the four votes needed to pass, the motion failed. Upon motion by Commissioner Lazarus, the Board voted 5-0 to continue Appeal Nos. 17-144, 17-145, 17-148 and 17-150 to November 15, 2017 to allow time for the permit holder to work with the appellants on a design that removes the penthouse and includes a roof deck no larger than 500 square feet. On November 15, 2017, the Board voted 5-0 to continue the matter to December 13, 2017 to allow more time for the parties to discuss an alternate design for a roof deck.</p>
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(7B) APPEAL NO. 17-145

<p>BRUCE & NICK LEPPLA, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL</p>	<p>255 Sea Cliff Avenue. Protesting the ISSUANCE on August 11, 2017, to Ann Mao, of a Site Permit (to erect three stories, one basement, type V-B, single family residential building). APPLICATION NO. 2014/08/01/2761S. PUBLIC HEARINGS HELD ON NOV. 8, 2017 AND NOV. 15, 2017. FOR FURTHER CONSIDERATION TODAY. See note above in Appeal No. 17-144.</p>
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(7C) APPEAL NO. 17-148

<p>RICHARD YANOWITCH, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL</p>	<p>255 Sea Cliff Avenue. Protesting the ISSUANCE on August 11, 2017, to Ann Mao, of a Site Permit (to erect three stories, one basement, type V-B, single family residential building). APPLICATION NO. 2014/08/01/2761S. PUBLIC HEARINGS HELD ON NOV. 8, 2017 AND NOV. 15, 2017. FOR FURTHER CONSIDERATION TODAY. See note above in Appeal No. 17-144.</p>
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(7D) APPEAL NO. 17-150

<p>TIMOTHY & DENISE CURRY, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL</p>	<p>255 Sea Cliff Avenue. Protesting the ISSUANCE on August 11, 2017, to Ann Mao, of a Site Permit (to erect three stories, one basement, type V-B, single family residential building). APPLICATION NO. 2014/08/01/2761S. PUBLIC HEARINGS HELD ON NOV. 8, 2017 AND NOV. 15, 2017. FOR FURTHER CONSIDERATION TODAY. See note above in Appeal No. 17-144.</p>
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(8) REHEARING REQUEST

Subject property at 259 Avila Street. Patrick Mulligan, appellant, is requesting a rehearing of Appeal No. 17-156, Mulligan vs. DBI, PDA, decided November 15, 2017. At that time, the Board voted 5-0 to deny the appeal on the basis that the permit was properly issued. **Project:** third story residential addition and structural work; addition includes two new restrooms and three new bedrooms. Application No. 2015/05/13/6187S.

(9) REHEARING REQUEST

Subject property at 3400 Washington Street. Presidio Heights Association of Neighbors, appellant, is requesting a rehearing of Appeal No. 17-157, Presidio Heights Association of Neighbors vs. SFPW, decided November 15, 2017. At that time, the Board voted 2-3 (President Honda, Commissioner Lazarus and Commissioner Wilson dissented) to continue this appeal to January 17 2018, with the intent to grant the appeal on the basis that the Planning Department's assessment of no impact was incorrect. Lacking the four votes needed to pass, the motion failed. With no further motion made, the issuance of the permit was upheld by operation of law. **Project:** construction of a personal wireless service facility in a Zoning Protected Location. Permit No. 16WR-0113.

(10) APPEAL NO. 17-161

<p>TODD ESKER, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL</p>	<p>21 Rosemont Place. Protesting the ISSUANCE on September 08, 2017, to Rosemont Place LLC, of an Alteration Permit (revision to BPA No. 2017/02/13/9269; alter exterior windows and siding; remove second staircase). APPLICATION NO. 2017/05/16/6690. FOR HEARING TODAY. Note: on December 6, 2017, the Board voted 4-0-1 (Commissioner Wilson absent) to reschedule this matter to December 13, 2017 at the request of the parties.</p>
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(11) APPEAL NO. 17-158

<p>PATRICIA HAYES, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent</p>	<p>21 Brompton Avenue. Appealing the ISSUANCE on September 01, 2017, of a Letter of Determination regarding whether the vacant lot at the subject property currently being used for parking could be considered a legal nonconforming use, and whether the lot could be developed with a surface paid public parking lot. RECORD NO. 2017-009091ZAD FOR HEARING TODAY.</p>
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(12) APPEAL NO. 17-166

STEVEN FAIG & ARCEIL JURANTY, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	100 & 122 Rivoli Street. Appealing the ISSUANCE on September 22, 2017, to Roya & Hamid Rassai, of a Letter of Determination regarding whether a 1992 Variance Decision is invalid because no building permit was issued within three years of its effective date; a side yard fence may be constructed to separate the two properties at issue in the Variance Decision; the existing sloped roof may be replaced with an elevated flat roof no taller than the current permitted height of the existing structure, and if so, whether this proposed vertical expansion could be approved administratively. RECORD NO. 2017-009243ZAD 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 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: **December 8, 2017**

MEMBERS OF THE BOARD OF APPEALS

DARRYL HONDA	PRESIDENT
FRANK FUNG	VICE PRESIDENT
ANN LAZARUS	COMMISSIONER
RICK SWIG	COMMISSIONER
BOBBIE WILSON	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

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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.

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 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.

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 soff@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. Please telephone 415-554-4188 or go to <http://sfgovtv.org> for information.

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