

BOARD OF APPEALS, CITY & COUNTY OF SAN FRANCISCO

Appeal of
KATHLEEN MARTIN-MCKEON, _____)
Appellant(s))
vs.)
DEPARTMENT OF BUILDING INSPECTION, _____)
PLANNING DEPARTMENT APPROVAL Respondent

Appeal No. **23-009**

NOTICE OF APPEAL

NOTICE IS HEREBY GIVEN THAT on March 15, 2023, the above named appellant(s) filed an appeal with the Board of Appeals of the City and County of San Francisco from the decision or order of the above named department(s), commission, or officer.

The substance or effect of the decision or order appealed from is the ISSUANCE on March 1, 2023 to Bridgeway Vista LP, of a Demolition Permit (demolish one-story office building) at 1870 Market Street.

APPLICATION NO. 2015/05/01/5157

FOR HEARING ON April 26, 2023

Address of Appellant(s):

Address of Other Parties:

Kathleen Martin-Mckeon, Appellant(s) 133 Colby Street San Francisco, CA 94134	Bridgeway Vista LP, Permit Holder(s) c/o Victor Quan, Agent for Permit Holder(s) 2300 Bridgeway Sausalito, CA 94965
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Date Filed: March 15, 2023

**CITY & COUNTY OF SAN FRANCISCO
BOARD OF APPEALS**

PRELIMINARY STATEMENT FOR APPEAL NO. 23-009

I / We, **Kathleen Martin-Mckeeon**, hereby appeal the following departmental action: **ISSUANCE of Demolition Permit No. 2015/05/01/5157** by the **Department of Building Inspection** which was issued or became effective on: **March 1, 2023**, to: **Bridgeway Vista LP**, for the property located at: **1870 Market Street**.

BRIEFING SCHEDULE:

The Appellant may, but is not required to, submit a one page (double-spaced) supplementary statement with this Preliminary Statement of Appeal. No exhibits or other submissions are allowed at this time.

Appellant's Brief is due on or before: 4:30 p.m. on **April 6, 2023, (no later than three Thursdays prior to the hearing date)**. The brief may be up to 12 pages in length with unlimited exhibits. It shall be double-spaced with a minimum 12-point font. An electronic copy shall be emailed to: boardofappeals@sfgov.org, julie.rosenberg@sfgov.org, tina.tam@sfgov.org, corey.teague@sfgov.org, matthew.greene@sfgov.org and vguan.sf@gmail.com.

Respondent's and Other Parties' Briefs are due on or before: 4:30 p.m. on **April 20, 2023, (no later than one Thursday prior to hearing date)**. The brief may be up to 12 pages in length with unlimited exhibits. It shall be double-spaced with a minimum 12-point font. An electronic copy shall be emailed to: boardofappeals@sfgov.org, julie.rosenberg@sfgov.org, tina.tam@sfgov.org, corey.teague@sfgov.org, matthew.greene@sfgov.org and kandbmckeeon@gmail.com.

Hard copies of the briefs do NOT need to be submitted to the Board Office or to the other parties.

Hearing Date: **Wednesday, April 26, 2023, 5:00 p.m., Room 416 San Francisco City Hall, 1 Dr. Carlton B. Goodlett Place**. The parties may also attend remotely via Zoom. Information for access to the hearing will be provided before the hearing date.

All parties to this appeal must adhere to the briefing schedule above, however if the hearing date is changed, the briefing schedule MAY also be changed. Written notice will be provided of any changes to the briefing schedule.

In order to have their documents sent to the Board members prior to hearing, **members of the public** should email all documents of support/opposition no later than one Thursday prior to hearing date by 4:30 p.m. to boardofappeals@sfgov.org. Please note that names and contact information included in submittals from members of the public will become part of the public record. Submittals from members of the public may be made anonymously.

Please note that in addition to the parties' briefs, any materials that the Board receives relevant to this appeal, including letters of support/opposition from members of the public, are distributed to Board members prior to hearing. All such materials are available for inspection on the Board's website at www.sfgov.org/boa. You may also request a hard copy of the hearing materials that are provided to Board members at a cost of 10 cents per page, per S.F. Admin. Code Ch. 67.28.

The reasons for this appeal are as follows:

Not Submitted

Appellant or Agent:

Signature: Via Email

Print Name: Kathleen Martin-Mckeeon, appellant

Permit Details Report

Report Date: 3/15/2023 10:29:54 AM

Application Number: 201505015157
 Form Number: 6
 Address(es): 0871/004/0 1870 MARKET ST
 Description: DEMOLISHED ONE STORY OFFICE BUILDING.
 Cost: \$10,000.00
 Occupancy Code:
 Building Use: -

Disposition / Stage:

Action Date	Stage	Comments
5/1/2015	TRIAGE	
5/1/2015	FILING	
5/1/2015	FILED	
1/7/2019	APPROVED	
3/1/2023	ISSUED	

Contact Details:

Contractor Details:

License Number: 609169
 Name: JOSEPH PATRICK CASSIDY
 Company Name: GRANITE EXCAVATION & DEMOLITION INC
 Address: 1300 EL CAMINO REAL STE 100 * COLMA CA 94014-0000
 Phone: 6507378700

Addenda Details:

Description:

Step	Station	Arrive	Start	In Hold	Out Hold	Finish	Checked By	Hold Description
1	CPB	5/11/15	5/11/15			5/11/15	SECONDEZ GRACE	
2	CP-ZOC	5/12/15	12/13/18	7/9/15		12/13/18	ASBAGH CLAUDINE	12/13/2018: approved with site permit no. 201505015151 3/9/2018: routing to other agencies for review prior to planning. CMA
2	SFFD	11/29/18	11/29/18			11/29/18	DEBELLA AL	na- no sprinklers or underground in existing building
3	BLDG	3/12/18	4/3/18			10/29/18	OSPITAL JOSEPH	
4	DPW-BSM	10/19/18	10/19/18			10/19/18	DENNIS RASSENDYLL	
5	PPC	12/14/18	12/14/18			12/14/18	USER GSA	1/4/19: Travel w/5151; HP 12/28/18: Travel w/5151; HP 12/24/18: Travel w/5151; HP 12/19/18: Travel w/5151; HP 12/14/18: Travel w/5151; HP 11/29/18: To DCP (w/5151); HP 10/29/18: To HOLD bin #51 pending DCP approval (w/5151); HP 10/19/18: To HOLD bin #51 pending BLDG & DCP approval (w/5151); HP 7/31/18: To HOLD bin #51 (w/ 5151); HP 3/12/18: to BLDG w/5151;cp
6	CPB	1/7/19	1/7/19			3/1/23	YU ANNE	3/1/23: ISSUED; 3/1/2023: Per Willy Yau last extension.ay 3/1/2023: ASBESTOS REMOVAL PA#202302272678; 02/28/2023: Extension fee required. 5th extension fee \$148.80. When pay fee, new cancel date: 02/09/2024.ay 6/30/2022: Return to bin57. 06/01/2022: Extension Paid. New cancel date: 02/14/2023.ay 05/26/2022: Extension fees required. 1st, 2nd, 3rd, and 4th extension total \$595.20. 4/11/2022: CERTIFIED MAIL SENT CANCELLATION OF APPROVED PERMIT APPLICATION LETTER; 1/7/2019:NEW MAILING LABELS, "J"NUMBER, DEBRI FORM NEEDED. NEED CONTRACTOR'S INFO. APPROVED BY NG

This permit has been issued. For information pertaining to this permit, please call 628-652-3450.

Appointments:

Appointment Date	Appointment AM/PM	Appointment Code	Appointment Type	Description	Time Slots
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Inspections:

Activity Date	Inspector	Inspection Description	Inspection Status
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Special Inspections:

Addenda No.	Completed Date	Inspected By	Inspection Code	Description	Remarks
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For information, or to schedule an inspection, call 628-652-3400 between 8:30 am and 3:00 pm.

[Station Code Descriptions and Phone Numbers](#)

[Online Permit and Complaint Tracking](#) home page.

Technical Support for Online Services

If you need help or have a question about this service, please visit our FAQ area.

APPELLANT(S) DID NOT SUBMIT A BRIEF

BRIEF SUBMITTED BY THE PERMIT HOLDER(S)

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8 Attorneys for Permit Holder,
9 Bridgeway Vista LP

10 **SAN FRANCISCO BOARD OF APPEALS**

11 KATHLEEN MARTIN-MCKEON,

12 Appellant,

13 v.

14 SAN FRANCISCO DEPARTMENT OF
15 BUILDING INSPECTION

16 Respondent.

17 BRIDGEWAY VISTA LP,

18 Permit Holder.

BPA No. 2015/05/01/5157

Appeal No. 23-009

PERMIT HOLDER'S BRIEF

Date: April 26, 2023

Time: 5:00 p.m.

19 **I. INTRODUCTION**

20 Our office represents Bridgeway Vista LP, owner of 1870 Market Street and the Permit
21 Holder in this appeal. The permit at issue is solely for the demolition of an existing one-story office
22 building. A separate site permit for the construction of a new mixed-use building (BPA No.
23 201505015151) was approved and issued on February 27, 2020. That site permit is not part of this
24 appeal and not under review by this Board.

25 **II. ARGUMENT**

26 The demolition permit was validly issued, and the Permit Holder is completely perplexed by
27 this appeal. The appellant did not bother to submit a brief in support of the appeal and failed to even
28 list the reasons why the appeal was filed. Article 4, Section 1(b) of the Rules of the Board of
Appeals states that an appellant "shall complete a Preliminary Statement of Appeal form provided

1 by the Board *setting forth the reasons or grounds for the appeal and what action is being requested*
2 *of the Board.*” The appellant failed to meet the bare minimum requirements for submitting a valid
3 appeal, and on this basis alone the appeal should have been rejected. Holding a hearing on an appeal
4 with no appeal contentions and no brief is a waste of this Board’s time.

5 The Permit Holder cannot provide any response to the appeal because the appellant has not
6 raised any objections to the permit. Moreover, the appellant should be barred from raising any new
7 issues at the hearing, because it is well established that failing to raise an issue in a party’s brief
8 constitutes a waiver of the issue. (*See Balboa Ins. Co. v. Aguirre* (1983) 149 Cal. App. 3d 1002,
9 1010.) Further, raising new issues at the hearing would not allow the Permit Holder to prepare a
10 response or submit evidence to rebut the contentions. In short, waiting until the hearing to explain
11 why the appeal was filed would deprive the Permit Holder of a fair hearing.

12 **III. CONCLUSION**

13 This permit was validly issued, and the appellant failed to even state the reasons for this
14 appeal. We therefore respectfully request the Board of Appeals reject the appeal and uphold the
15 issuance of the permit.

16
17 Dated: April 20, 2023

Respectfully submitted,

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21 _____
By: Brian O’Neill
ZACKS & FREEDMAN, PC
Attorneys for Permit Holder,
Bridgeway Vista LP