

The San Francisco

INVESTIGATOR

The newsletter for people who do not trust City Hall

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I CANNOT ACCEPT
YOUR CANON THAT
WE ARE TO JUDGE
POPE AND KING
UNLIKE OTHER MEN.
WITH A FAVORABLE
PRESUMPTION THAT
THEY DID NO WRONG.
IF THERE IS ANY
PRESUMPTION IT IS
THE OTHER WAY
AGAINST HOLDERS
OF POWER.
INCREASING AS THE
POWER INCREASES.
HISTORIC
RESPONSIBILITY HAS
TO MAKE WAY FOR
THE WANT OF LEGAL
RESPONSIBILITY.
POWER TENDS TO
CORRUPT AND
ABSOLUTE POWER
CORRUPTS
ABSOLUTELY. GREAT
MEN ARE ALMOST
ALWAYS BAD MEN.
EVEN WHEN THEY
EXERCISE INFLUENCE
AND NOT AUTHORITY.
STILL MORE WHEN
YOU SUPERADD THE
TENDENCY OR
CERTAINTY OF
CORRUPTION BY
AUTHORITY. THERE
IS NO WORSE HERESY
THAN THAT THE
OFFICE SANCTIFIES
THE HOLDER OF IT...
AND THAT THE END
JUSTIFIES THE MEANS.
HERE ARE THE
GREATER NAMES
COUPLED WITH THE
GREATER CRIMES.
YOU WOULD SPARE
THESE CRIMINALS,
FOR SOME
MYSTERIOUS REASON.
I WOULD HANG THEM
HIGH... FOR REASONS
OF OBVIOUS JUSTICE:
STILL MORE,
STILL HIGHER, FOR
THE SAKE OF
HISTORICAL SCIENCE.

Lord Acton.
The History of Liberty

Kafka Lives!

AT THE BOARD OF PERMIT APPEALS

"It was like being in Kafka's bizarre novel *The Trial*," says San Francisco neighbor Steve Williams. "The very people we were fighting were professional associates and friends of the people who were in charge of refereeing the fight. The bureaucrats made up the rules as they went along."*

Williams speaks of the little-known, but powerful, Board of Permit Appeals. The Board is the court of last resort for neighbors protesting neighborhood-destroying development projects. Like most City Boards and Commissions, the Board of Permit Appeals is run by Mayoral appointees drawn from the ranks of the very professions that the quasi-judicial body is mandated to oversee—in this case, realtors and developers. Normally, an appeal to the Board of Permit Appeals is an exercise in futility, the cause of heartache and bleeding ulcers.

In the case of *Stephen M. Williams vs. Ashbourne Construction and San Francisco Department of City Planning et al*, the ulcers ended up being enjoyed by City bureaucrats and their mendacious developer pals. For once, the shoe was on the other foot.

In the Fall of 1997, Steve Williams, an attorney, and his Western Addition neighbors, accomplished the seemingly impossible. They fought City Hall and won. The "people's victory" holds consider-

able implications for the future of residential development in San Francisco. In essence, Superior Court Judge Raymond D. Williamson has ruled that the Planning Commission and the Board of Permit Appeals** must obey the laws of the land.

The story began in 1995, when Ms. Lillie Mae Bryant was forced to sell her Western Addition home at 2617 Sutter Street. Bryant had raised a family in the Victorian cottage (built in 1894) which she had owned and lived in since the 1950s. Like many elderly folks, Bryant tried to make ends meet by taking out a high-interest loan on the value of her house. The loan-sharks ended up with Lillie Mae Bryant's possessions; she ended up in public housing. Small-time developers Tom and Steve McInerney and Rory Moore—doing business as Ashbourne Construction—bought the house for \$180,000.

Steve Williams purchased the run-down Victorian next door to Bryant's house in 1993. In the Spring of 1995, Williams was presented with a nasty surprise. Ashbourne Construction noticed the neighbors that they planned to tear down 2617 Sutter, and build a four-story condominium in its place.

Williams learned that the proposed building would loom 25 feet over the adjoining houses, cutting

off light and air to neighboring lots. In a more massive urban setting, the size of the Ashbourne building might have been innocuous. But, Steve Williams' block of Sutter Street was adorned with small Victorians, built between 1875 and 1894. The only modern structure in the 'hood was an apartment dwelling built in 1978; nearly a decade before San Franciscans voted to codify residential design guidelines intended to protect and conserve the unique characters of San Francisco's socially and architecturally diverse neighborhoods—and to curb unbridled development.

Neither Williams, nor his middle-class neighbors, met the San Francisco Planning Commission's fifteen day deadline to protest the design of the Ashbourne condos by filing a request for a Discretionary Review. Permit protest procedures are stuck together with reams of with red-tape that normal people are not equipped to unravel. In any event, the naive residents of the 2600 block of Sutter Street could not believe that permits to construct the towering condominium building would get past public servants at the Planning Department and Department of Building Inspection. Building codes task these officials with prohibiting obvious sore thumbs from sticking out in the cityscape. One neighbor likened Ashbourne's condo complex to "a corn silo."

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