

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, SEPTEMBER 14, 2016

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Darryl Honda, Vice President Frank Fung, Commissioner Ann Lazarus, Commissioner Rick Swig and Commissioner Bobbie Wilson.

Brad Russi, Deputy City Attorney, Office of the City Attorney (OCA); Scott Sanchez, Zoning Administrator (ZA); Joseph Duffy, Senior Building Inspector, Department of Building Inspection (DBI); Carla Short, Superintendent, San Francisco Public Works Bureau of Urban Forestry (SFPW); Chris Buck, Urban Forester, SFPW; Cynthia Goldstein, Executive Director; Gary Cantara, Legal Assistant.

(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.

PUBLIC COMMENT: Ellen Ching spoke about a case the Board decided on May 11, 2016 and legislation recently introduced that would prevent her from legalizing her business through the Conditional Use Authorization process. Stefano Cassolato also addressed Ms. Ching's efforts to legalize the use of space where her business is located.

(2) COMMISSIONER COMMENTS & QUESTIONS

SPEAKERS: President Honda thanked departing San Francisco Planning Commissioners Michael Antonini and Cindy Wu and congratulated newly appointed Planning Commissioners Joel Koppel and Myrna Melgar.

PUBLIC COMMENT: None.

(3) ADOPTION OF MINUTES

Discussion and possible adoption of the August 24, 2016 minutes.

ACTION: Upon motion by Commissioner Lazarus, the Board voted 5-0 to adopt the August 24, 2016 minutes.

SPEAKERS: None.

PUBLIC COMMENT: None.

(4) REHEARING REQUEST

Subject property at 350 Ellis Street. Petr Shkolnik, appellant, is requesting a rehearing of Appeal No. 16-110, Shkolnik vs. DBI, PDA, decided August 17, 2016. At that time, the Board voted 5-0 to uphold the permit on the basis that it was properly issued. Permit Holder: San Francisco Housing Authority. **Project:** accessibility upgrades; ground floor addition; office/common area and lobby renovation; storefront replacement; elevator modernization; energy and envelope improvements; unit accessibility upgrades; casework, appliances, fixtures, finishes and lighting upgrades; site improvements; north and south façade improvement. Application No. 2015/11/18/2921.

ACTION: Upon motion by Commissioner Fung, the Board voted 5-0 to deny the request.

SPEAKERS: Petr Shkolnik, requestor; Gabriel Speyer, agent for permit holder.

PUBLIC COMMENT: None.

(5) REHEARING REQUEST

Subject property at 95 Nordhoff Street. Judith Tick and Steven Ganz, appellants, are requesting a rehearing of Appeal No. 16-037, Tick & Ganz vs. SFPW-BUF, decided on August 17, 2016. At that time, the Board voted 2-3 (President Honda, Vice President Fung and Commissioner Wilson dissented) to grant the appeal and deny the permit on the basis that moving the tree would significantly change the character of the neighborhood. Lacking the four votes needed to pass, the motion failed. With no further motion made, the permit was upheld by operation of law. Permit Holder: 95 Nordhoff LLC. **Project:** moving a tree from its current location to the rear of the property. Permit No. 777169.

ACTION: Upon motion by Commissioner Lazarus, the Board voted 4-1 (Commissioner Swig dissented) to deny the request.

SPEAKERS: Steven Ganz, requestor; Tom Tunny, attorney for permit holder; David Cox, agent for permit holder; Carla Short, SFPW.

PUBLIC COMMENT: Chris Parkes and Jeanette Woodbury spoke in support of the appellants.

(6) APPEAL NO. 16-052

<p>EDMUND LOUIE & MARY PARKS, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL</p>	<p>482 16th Avenue. Appealing the ISSUANCE on March 23, 2016, to Mark Sole, of an Alteration Permit (rotate stairs off of second floor rear deck into rear yard by 90 degrees; BPA No. 2012/05/21/0880 shows deck and permitted stair orientation; to comply with NOV 201525661). APPLICATION NO. 2016/01/04/6278. PUBLIC HEARING HELD ON JULY 13, 2016. FOR FURTHER CONSIDERATION TODAY. Note: this matter was continued to allow time for the parties to discuss resolution.</p>
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ACTION: Upon motion by Commissioner Lazarus, the Board voted 5-0 to continue this matter to November 9, 2016, to allow time for the Department of Building Inspection to complete its investigation into the appellants' complaint.

SPEAKERS: None.

PUBLIC COMMENT: None.

(7) APPEAL NO. 16-010

JULIE GOOT, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	119 Stillings Avenue. Appealing the ISSUANCE on January 14, 2016, to Xiaoqi Wu, of an Alteration Permit (add bathroom, bedroom, and laundry in the garage; add a deck at second floor in the rear yard per plan). APPLICATION NO. 2016/01/04/6318. FOR HEARING TODAY.
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ACTION: Upon motion by Commissioner Swig, the Board voted 5-0 to deny the appeal and uphold the permit on the basis that the permit was appropriately issued.

SPEAKERS: Julie Goot, appellant; Jorge Mendoza, agent for appellant; Trent Zhu, agent for permit holder; Xiaoqi Wu, permit holder; Joseph Duffy, DBI.

PUBLIC COMMENT: Richard Newman and Jeanette Woodbury spoke in support of the appellant.

(8) APPEAL NO. 16-114

PETER PAPADOPOULOS, Appellant(s) vs. PLANNING COMMISSION, Respondent	2000-2070 Bryant Street. Appealing the ISSUANCE on June 02, 2016, to Nick Podell, of a Planning Code Section 329 Large Project Authorization (to allow the new construction of a six-story, 68ft tall, mixed-use building with 199 dwelling units, up to 7,007sf of retail/trade shop use, and a total of 12,000sf of PDR use, and a modification to the requirements for: rear yard; ground floor ceiling height for non-residential uses; off-street freight loading; horizontal mass reduction; and flexible units-modification to the accessory use provisions of the Planning Code). MOTION NO. 19658. FOR HEARING TODAY.
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ACTION: Upon motion by Commissioner Lazarus, the Board voted 5-0 to deny the appeal and uphold the motion on the basis that the Planning Commission neither erred nor abused its discretion, with the adoption of the California Environmental Quality Act findings provided at the hearing, as amended.

SPEAKERS: Peter Papadopoulos, appellant; Steven Vettel, attorney for motion holder; Scott Sanchez, ZA.

PUBLIC COMMENT: Mari Eliza, Alison Heath, Rick Hall, Magick Altman, Tony Robles, Alicia Sandoval and Raeleen Valle-Brenes spoke in support of the appellant.

(9) APPEAL NO. 16-122

JESSE FOWLER, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1188 Diamond Street. Appealing the ISSUANCE on June 15, 2016, to Farrallon Real Estate 5 LLC, of a Site Permit (excavate 2ft at garage; new floor between existing first and second story; fill in lightwell; new room and bath at new fourth floor; rear addition; remodel interior totally; replace all windows; replace electrical and plumbing, including fixtures; new facade materials; new foundation). APPLICATION NO. 2015/03/23/1599S. FOR HEARING TODAY.
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ACTION: Withdrawn prior to hearing.

(10) APPEAL NO. 16-054

SNYDER TRUST ENTERPRISES, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	450 Alabama Street. Appealing the ISSUANCE on March 24, 2016 of a Notice of Violation & Penalty (alleging violations of the Planning Code regarding a change of use of the subject property from an industrial to an office use). FOR HEARING TODAY.
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ACTION: Withdrawn prior to hearing.

ADJOURNMENT:

There being no further business, President Honda adjourned the meeting at 7:35 p.m.