

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, NOVEMBER 13, 2013

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

PRESENT: President Chris Hwang, Vice President Ann Lazarus, Commissioner Darryl Honda and Commissioner Arcelia Hurtado.

Robert Bryan, Deputy City Attorney, Office of the City Attorney (OCA); Corey Teague, Acting Zoning Administrator (ZA); Joseph Duffy, Senior Building Inspector, Department of Building Inspection (DBI); Cynthia Goldstein, Executive Director; Victor Pacheco, Legal Assistant.

ABSENT: Commissioner Frank Fung.

(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.

SPEAKERS: None.

PUBLIC COMMENT: None.

(2) COMMISSIONER COMMENTS & QUESTIONS:

SPEAKERS: Commissioner Honda extended the Board's congratulations to Zoning Administrator Scott Sanchez and his wife on the arrival of their son Milo.

PUBLIC COMMENT: None.

(3) ADOPTION OF MINUTES:

Discussion and possible adoption of the October 23, 2013 minutes.

ACTION: Upon motion by President Hwang, the Board voted 4-0-1 (Commissioner Fung absent) to adopt the October 23, 2013 minutes.

SPEAKERS: None.

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PUBLIC COMMENT: None.

(4) **ADDENDUM ITEMS:**

(4a) **REHEARING REQUEST:**

Subject property at 23 Topaz Way. Letter from Stephen Williams, attorney for Robert D'Hondt, appellant, requesting rehearing of Appeal No. 13-100, D'Hondt vs. DBI, decided Oct. 09, 2013. At that time, the Board voted 5-0 to uphold the permit on condition that the scope of work be limited to the 23 Topaz Way side, with references to 160sf of siding to be amended to 80sf, and with references to "both sides" in permit description to be struck. Permit Holders: Jim & Elaine Kohn. Project: obtain building permit to make repairs to front porch tile stairs and shingle siding on both sides; approx. 160sf of water damaged siding; to tile front porch in kind; less than 50% repair; comply with NOV No. 201314541; BPA No. 2013/07/31/3225.

ACTION: This matter was withdrawn prior to hearing.

SPEAKERS: None.

PUBLIC COMMENT: None.

(5) **APPEAL NO. 13-102**

MICHAEL LEAVITT, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1815-1827 Stockton Street. Protesting the ISSUANCE on July 29, 2013, to 1815-1827 Stockton Street HOA, Alteration Permit (replace existing rear stairs with new ones). APPLICATION NO. 2013/07/18/2141. PUBLIC HEARING HELD ON OCT. 09, 2013. FOR FURTHER CONSIDERATION TODAY. Note: matter was continued to allow time for the permit holder to submit revised plans; no additional briefing is allowed.
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ACTION: Upon motion by Vice President Lazarus, the Board voted 4-0-1 (Commissioner Fung absent) to grant the appeal and issue the permit on the basis that it be revised as indicated on the October 17, 2013 plans submitted by the permit holder and upon the agreement of the parties.

SPEAKERS: Marilynne Albers, agent for permit holder.

PUBLIC COMMENT: None.

(6) APPEAL NO. 13-113

<p>STEVEN GREENWALD & ROCHELLE ALPERT, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL</p>	<p>68 Presidio Avenue. Protesting the ISSUANCE on August 15, 2013, to Steve Minisini, Alteration Permit (expand existing roof deck; new metal guardrail at deck; relocate door to deck; new windows at family room; repair or replace existing fire escape; new fire pit and one-hour wall; this is a res-submittal of permit no. 2012/10/11/1876 due to +/- 13" high non-code compliant parapet and 10-day neighborhood notice not sent out by City Planning). APPLICATION NO. 2013/03/01/1348. PUBLIC HEARING HELD OCT. 09, 2013; FOR FURTHER CONSIDERATION TODAY. Note: matter was continued to allow time for DBI to re-review the issue of the property line and required exit way; no additional briefing is allowed.</p>
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ACTION: Upon motion by President Hwang, the Board voted 1-3-1 (Vice President Lazarus, Commissioner Honda and Commissioner Hurtado dissented; Commissioner Fung absent) to continue this matter to November 20, 2013 to allow time for the appellant and the Planning Department to review the proposed revisions to the plans. Lacking the three votes needed to pass, the motion failed. Upon further motion by Commissioner Hurtado, the Board voted 3-1-1 (President Hwang dissented; Commissioner Fung absent) to grant the appeal and issue the permit on the basis that the permit be revised as indicated on the plans dated November 8, 2013. Lacking the four votes needed to pass, the motion failed. Upon further motion by Commissioner Hurtado, the Board voted 4-0-1 (Commissioner Fung absent) to continue this matter to November 20, 2013 to allow time for the appellant and the Planning Department to review the proposed revisions to the plans, with no additional briefing allowed.

SPEAKERS: Scott Emblidge, attorney for appellants; Brian Soriano, attorney for permit holder; Dan Phipps, agent for permit holder; Joseph Duffy, DBI; Corey Teague, ZA.

PUBLIC COMMENT: None.

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ITEMS (7A), (7B), (7C), AND (7D) SHALL BE HEARD TOGETHER:

(7A) APPEAL NO. 13-125

<p>CITIZENS AGAINST PANG, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent</p>	<p>1148 Montgomery Street. Protesting the ISSUANCE on September 12, 2013, to Montgomery St. Partners LLC, Alteration Permit (dry rot repair at unit A and unit D; not visible from street; dry rot repair around windows and front doors; replace window sills and studs as needed). APPLICATION NO. 2013/09/12/6706. FOR HEARING TODAY.</p>
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(7B) APPEAL NO. 13-126

<p>CITIZENS AGAINST PANG, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent</p>	<p>1540-1568 Jones Street. Protesting the ISSUANCE on September 12, 2013, to Nob Hill Vistas LLC, Alteration Permit (kitchen and bath remodel; living room and bedroom remodel; install new kitchen appliance and washer/dryer; install new lights/outlets; install new forced air; add new bathroom; add a level down with min. 7'6" height on unit 1556 and 1546 between ground floor and first floor with spiral stair connection; match window height). APPLICATION NO. 2013/08/27/5409. FOR HEARING TODAY.</p>
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(7C) APPEAL NO. 13-128

<p>CITIZENS AGAINST PANG, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent</p>	<p>3673A - 20th Street. Protesting the ISSUANCE on September 18, 2013, to Veritas LLC, Alteration Permit (remodel Unit 3673A; add new closets; add laundry outlet; remove non-bearing partition walls; relocate kitchen fixtures and cabinets; bathroom remodel; upgrade electrical and plumbing fixtures; re-routing of electrical wires and plumbing as necessary; add new gas heater in bedroom). APPLICATION NO. 2013/09/13/6771. FOR HEARING TODAY.</p>
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(7D) APPEAL NO. 13-129

CITIZENS AGAINST PANG, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	3659-3677 - 20th Street. Protesting the ISSUANCE on September 16, 2013, to Veritas LLC, Alteration Permit (remodel Units 3675 and 3675A; add new closets; add laundry outlets; remove non-bearing walls; relocate kitchen fixtures and cabinets; bathroom remodel; upgrade electrical and plumbing fixtures; re-routing of electrical wires and plumbing as needed). APPLICATION NO. 2013/08/30/5666. FOR HEARING TODAY.
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ACTION: Upon motion by President Hwang, the Board voted 4-0-1 (Commissioner Fung absent) to deny the appeals on the basis that the permits are Code compliant.

SPEAKERS: John Kevlin, attorney for permit holder; Oren Rubinstein, agent for permit holder. The appellant in these matters did not appear.

PUBLIC COMMENT: None.

(8) APPEAL NO. 13-114

SUE HESTOR, Appellant(s) vs. PLANNING COMMISSION, Respondent Motion Holder: KR 350 MISSION LLC	350 Mission Street. Protesting the ADOPTION OF FINDINGS on August 15, 2013, related to Planning Code §§320-325 OFFICE ALLOCATION (grant an additional allocation of 80,000sf of office uses related to construction of up to 6 additional stories atop a previously approved, 24-story tower, resulting in a new building of up to 30 stories with a roof height of up to approx. 424 feet). MOTION NO. 18956. FOR HEARING TODAY.
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ACTION: Upon motion by Commissioner Hurtado, the Board voted 4-0-1 (Commissioner Fung absent) to deny the appeal and uphold the Planning Commission Motion based on the findings stated in the Motion and with the adoption of California Environmental Quality Act (CEQA) findings as read into the record and displayed at the hearing.

SPEAKERS: Sue Hestor, appellant; Dan Frattin, attorney for motion holder; Corey Teague, ZA.

PUBLIC COMMENT: None.

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(9) APPEAL NO. 13-119

KAREN LEWIS, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	174 Brighton Avenue. Protesting the ISSUANCE on August 29, 2013, to John & Leigh Escobedo, Alteration Permit (removal of existing deck and stair; construction of new deck and stair; comply with complaint no. 201317661). APPLICATION NO. 2013/08/27/5371. FOR HEARING TODAY.
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ACTION: Upon motion by President Hwang, the Board voted 4-0-1 (Commissioner Fung absent) to grant the appeal and issue the permit on the condition that the permit holder erect a temporary privacy screen of at least six (6) feet in height along the full length of the deck on the appellant's side of the property until bamboo planted in the ground along the property line shared with the appellant reaches an equivalent height, based on the agreement of the parties.

SPEAKERS: Karen Lewis, appellant; Miles Escobedo, agent for permit holder; Corey Teague, ZA; Joseph Duffy, DBI.

PUBLIC COMMENT: Arti Denterlein spoke about the need for the parties to work together to reach a resolution.

(10) APPEAL NO. 13-122

ANTHONY BYRNE, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	6720 Fulton Street. Protesting the ISSUANCE on September 09, 2013, to 6720-30 Fulton Street LLC, Alteration Permit (removal of stucco; dry-rot repairs; 37 windows replacement - same rough opening-aluminum metal casing; new waterproofing; new stucco; new paint - exterior improvement). APPLICATION NO. 2013/09/09/6289. FOR HEARING TODAY.
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ACTION: Upon motion by Commissioner Hurtado, the Board voted 4-0-1 (Commissioner Fung absent) to grant the appeal and issue the permit on the condition that: (1) the hours of construction be limited to 9:00 a.m. to 5:00 p.m., Monday through Friday; (2) there be continued testing for asbestos and lead-based paint during demolition when new material is disturbed; and (3) that Dave Thompkins from Trinity Property be assigned as a liaison for the tenants.

SPEAKERS: Anthony Byrne, appellant; Andrea Ramirez, agent for appellant; David Silverman, attorney for permit holder; Dave Thompkins, agent for permit holder; Corey Teague, ZA; Joseph Duffy, DBI.

PUBLIC COMMENT: Linsey Patton, Hemgky Surjadi, YuPan Chen and Rev. Elizabeth Ellinger spoke in support of the appellant.

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(11) APPEAL NO. 13-127

<p>THOMAS & ARTI DENTERLEIN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL</p>	<p>555 Rockdale Drive. Protesting the ISSUANCE on September 19, 2013, to Schubert & Shannon Chu, Alteration Permit (excavate down and extend toward rear yard to develop first floor rooms which include bedroom, family room, laundry room and bathroom; at second floor, enlarge and remodel kitchen, remodel bathroom, and extend rear bedrooms toward rear yard; add new third floor which includes master bedroom suite, office, and roof deck). APPLICATION NO. 2012/10/11/1797"S". FOR HEARING TODAY.</p>
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ACTION: Upon motion by Commissioner Honda, the Board voted 4-0-1 (Commissioner Fung absent) to deny the appeal and issue the permit on the basis that is Code Compliant.

SPEAKERS: Arti Denterlein, appellant; Schubert Chu, permit holder; Corey Teague, ZA; Joseph Duffy, DBI.

PUBLIC COMMENT: None.

ADJOURNMENT.

There being no further business, President Hwang adjourned the meeting at 9:10 p.m.