BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, DECEMBER 18, 2013

5:00 P.M., CITY HALL, ROOM 400, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Chris Hwang, Vice President Ann Lazarus, Commissioner Frank Fung, 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); Carla Short, Urban Forester, Department of Public Works, Bureau of Urban Forestry (DPW BUF); Cynthia Goldstein, Executive Director; Victor Pacheco, 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: None.

(2) COMMISSIONER COMMENTS & QUESTIONS:

SPEAKERS: None.

(3) ADOPTION OF MINUTES:

Discussion and possible adoption of the December 11, 2013 minutes.

ACTION: Upon motion by President Hwang, the Board voted 5-0 to adopt the December 11, 2013 minutes.

SPEAKERS: None.

PUBLIC COMMENT: None.

(4) **ADDENDUM ITEMS:**

(4a) **JURISDICTION REQUEST:**

Subject property at 530 Day Street. Letter from Sulpicio Mariano, requestor, asking that the Board take jurisdiction over BPA No. 2013/10/03/8437, which was issued on Oct. 16, 2013. The appeal period ended on Oct. 31, 2013, and the jurisdiction request was filed at the Board office on Dec. 02, 2013. Permit Holder: Martin Slattery. Project: new retaining wall at rear; interior remodel; new roof deck with 30" high parapet; new skylight; revision to BPA Nos. 2011/10/17/6930 and 2013/07/26/2916.

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

SPEAKERS: Sulpicio Mariano, requestor; Rodrigo Santos, agent for permit holder; Corey Teague, ZA; Joseph Duffy, DBI.

PUBLIC COMMENT: None.

(4b) **REHEARING REQUESTS:**

Subject property at 605, 811 and 840 Gonzalez Drive. Letter from Julian Lagos, appellant, requesting rehearing of Appeal Nos. 13-130/131/132, Lagos vs. DPW BUF, decided Nov. 20, 2013. At that time, the Board voted 5-0 to uphold all three permits on the basis they are Code compliant. Permit Holder: Parkmerced LLC. **Project, 1st permit**: removal of one (1) tree with re-planting of three (3) trees of similar canopy and of largest size available; Order No. 181658. **Project, 2nd permit:** removal of one (1) tree with re-planting of three (3) trees of similar canopy and of largest size available; Order No. 181659. **Project, 3rd permit:** removal of one (1) tree with re-planting of three (3) trees of similar canopy and of largest size available; Order No. 181660.

ACTION: Upon motion by Vice President Lazarus, the Board voted 5-0 to deny the requests.

SPEAKERS: Julian Lagos, requestor; Jade Scileppi, agent for requestor; Carla Short, DPW BUF. The permit holder did not appear.

PUBLIC COMMENT: Cathy Lentz spoke in support of the requestor.

(5) **APPEAL NO. 13-139**

JULIO CASTILLO dba "JULIE'S HOT DOGS", Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	4111 - 18th Street. Appealing the DENIAL on October 16, 2013, of Mobile Food Facility Permit (denial of permit application due to non-response by applicant; for sale of hot dogs, chips, sodas and energy drinks). APPLICATION NO. 12MFF-0030. FOR HEARING TODAY.

ACTION: Upon motion by President Hwang, the Board voted 5-0 to reschedule this matter to January 29, 2014 and to reset the briefing schedule.

SPEAKERS: None.

PUBLIC COMMENT: None.

(6) **APPEAL NO. 13-140**

DAVID POLATNICK, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1532 Cole Street. Protesting the ISSUANCE on October 22, 2013, to Andrea Higgins & Peter Chung, Alteration Permit (addition of new office space in rear yard below associated patio at natural grade; demo exterior rear wall). APPLICATION NO. 2013/04/26/5579S. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Fung, the Board voted 5-0 to deny the appeal and issue the permit on the basis that the Planning Department determination on height is accurate and the project is Code compliant.

SPEAKERS: David Polatnick, appellant; Jace Levinson, agent for appellant; Laurence Costello, agent for appellant; Anne Fougeron, agent for permit holder; Rodrigo Santos, agent for permit holder; Corey Teague, ZA; Joseph Duffy, DBI.

PUBLIC COMMENT: Michael Braverman spoke in support of the appellant.

(7) **APPEAL NO. 13-141**

PATRICIA CALDERHEAD, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	3032-3034 Jackson Street. Protesting the ISSUANCE on October 18, 2013, to Nancy Wong, Alteration Permit (response to NOV No. 201317501; shoring plan and sequence of excavation up to 20' at perimeter walls; revision to BPA No. 2007/07/12/6583; reference to BPA Nos. 2009/09/24/7633, 2011/09/21/5155 and 2007/07/12/6583). APPLICATION NO. 2013/09/19/7252. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Honda, the Board voted 5-0 to deny the appeal and issue the permit on the basis that the permit was properly issued.

SPEAKERS: Michael Bowen, agent for appellant; Michael O'Connor, agent for appellant; Anoush Zebarjadian, agent for appellant; Rodrigo Santos, agent for permit holder; Joseph Duffy, DBI.

PUBLIC COMMENT: None.

(8) **APPEAL NO. 13-142**

GREG BLEDNYH & MARIA MAZZEI, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	181 Edgehill Way. Protesting the ISSUANCE on October 23, 2013, to Steven Fujii, Alteration Permit (drainage of property at rear; revision to BPA Nos. 2001/04/04/6019 and 2012/12/28/6978). APPLICATION NO. 2013/09/19/7262. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Fung, the Board voted 5-0 to continue this matter to April 9, 2014 to allow the Department of Building Inspection to formulate what emergency work needs to be done and what process needs to be followed.

SPEAKERS: Pat Buscovich, agent for appellants; Bernd Koepke, agent for permit holder; Joseph Duffy, DBI; Corey Teague, ZA.

PUBLIC COMMENT: Nancy Koch spoke in support of the appellant.

ADJOURNMENT.

There being no further business, President Hwang adjourned the meeting at 8:00 p.m.