

## **BOARD OF APPEALS**

### **CITY & COUNTY OF SAN FRANCISCO**

#### **AGENDA FOR REGULAR MEETING - WEDNESDAY, NOVEMBER 13, 2013**

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

(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.

(2) **COMMISSIONER COMMENTS & QUESTIONS:**

(3) **ADOPTION OF MINUTES:**

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

(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.

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

<p>MICHAEL LEAVITT, Appellant(s) vs.  DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL</p>	<p>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. <b>Note: matter was continued to allow time for the permit holder to submit revised plans; no additional briefing is allowed.</b></p>
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**(6) APPEAL NO. 13-113**

<p>STEVEN GREENWALD &amp; 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. <b>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.</b></p>
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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**

<p>CITIZENS AGAINST PANG, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent</p>	<p>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.</p>
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**(8) APPEAL NO. 13-114**

<p>SUE HESTOR, Appellant(s) vs. PLANNING COMMISSION, Respondent  Motion Holder: KR 350 MISSION LLC</p>	<p>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.</p>
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**(9) APPEAL NO. 13-119**

<p>KAREN LEWIS, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL</p>	<p>174 Brighton Avenue. Protesting the ISSUANCE on August 29, 2013, to John &amp; 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.</p>
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**(10) APPEAL NO. 13-122**

<p>ANTHONY BYRNE, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL</p>	<p>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.</p>
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**(11) APPEAL NO. 13-127**

<p>THOMAS &amp; 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 &amp; 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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**ADJOURNMENT.**

**Note A:** Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellant's Brief; 2) Permit Holder's, Respondent's or Other Parties' Brief; 3) Departmental decision, order, permit, determination, resolution, or notice of violation; 4) submittals by members of the public; and 5) correspondence. These items are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304) and in the hearing room on the date the matter is scheduled to be heard. **Note B:** If any materials related to an item on this agenda have been distributed to the Board members after distribution of the agenda packet, those materials are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304) and in the hearing room on the date the matter is scheduled to be heard. Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: **November 08, 2013**

**MEMBERS OF THE BOARD OF APPEALS**

<b>CHRIS HWANG</b>	<b>PRESIDENT</b>
<b>ANN LAZARUS</b>	<b>VICE PRESIDENT</b>
<b>FRANK FUNG</b>	<b>COMMISSIONER</b>
<b>DARRYL HONDA</b>	<b>COMMISSIONER</b>
<b>ARCELIA HURTADO</b>	<b>COMMISSIONER</b>

**PROCEDURE AT HEARINGS**

Except when the Presiding Officer finds good cause to order the presentations otherwise, the order of presentation of an appeal shall be as follows: (a) the appellant shall speak first and shall be allowed seven (7) minutes to present relevant testimony and evidence. Then the permit holder, representatives of the department, board, commission or person from whose order the appeal is taken, and/or other parties, shall be allowed seven (7) minutes for presentation of relevant testimony and evidence. Three minutes for rebuttal shall be provided to all parties in this same order; (b) the Board may request a departmental response at its own discretion. For rehearing requests and jurisdiction requests, each party shall be allowed three (3) minutes to present testimony and evidence, with no rebuttal.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes, unless the presiding officer further limits time uniformly.

Those members of the public who intend to testify about a particular appeal and wish to have the Board give their testimony evidentiary weight for purposes of deciding the appeal are asked to take an oath. Please note that any member of the public may speak without being sworn-in pursuant to their rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code).

**SPECIAL NOTES**

If the Board continues a matter to a specific date that is announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 415-575-6880 for scheduling or other information during regular business hours, or visit our website at [www.sfgov.org/boa](http://www.sfgov.org/boa).

The complete Rules of the Board are available for review at the Board office, and on our website.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to the Board President, and be received at the Board office, 1650 Mission Street, Room 304, no later than 4:30 p.m. one (1) Thursday prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the

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official record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and ten copies. Please note that names and addresses included in these submittals will become part of the public record. Submittals may be made anonymously.

Pursuant to Government Code § 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled the day of hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:00 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

### **PROHIBITION OF SOUND-PRODUCING ELECTRONIC DEVICES**

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

### **ACCESSIBILITY INFORMATION**

American sign language interpreters and/or sound enhancement system will be available upon request by contacting Board staff at 575-6880 at least 48 hours prior to the hearing. Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals. The closest accessible BART station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible curbside parking has been designated at points along McAllister Street. Accessible MUNI lines serving City Hall are the 42 Downtown Loop, 9 San Bruno and 71 Haight/Noriega and the F line. Accessible MUNI Metro lines are the J, K, L, M, and N. For more information regarding MUNI accessible services, call (415) 923-6142.

### **KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE**

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force: by mail to Administrator, Sunshine Ordinance Task Force, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4689; by phone at (415) 554-7724; by fax at (415) 554-7854;

or by e-mail at [sof@sfgov.org](mailto:sof@sfgov.org). Citizens interested in obtaining a free copy of the Sunshine Ordinance may request a copy from the Sunshine Ordinance Task Force Administrator or by printing Chapter 67 of the San Francisco Administrative Code on the internet at [www.sfgov.org/sunshine](http://www.sfgov.org/sunshine).

**LOBBYING ACTIVITY**

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign and Governmental Conduct Code § 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site [www.sfgov.org/ethics](http://www.sfgov.org/ethics).

**SUGGESTIONS TO IMPROVE EFFICIENCY**

The Board welcomes suggestions from the public regarding improvement of the efficiency of its operations. Please direct your comments and suggestions to Board staff, at 415-575-6880 or fax 415-575-6885. A customer satisfaction survey form is available at the meetings, the Board office, and on the Board's web site, [www.sfgov.org/boa](http://www.sfgov.org/boa).

**DVD'S OF MEETINGS**

DVD's of meetings may be obtained from SFGOVTV, Channels 26 & 78. Please telephone 415-554-4188 for information.

**BOARD OF APPEALS  
CITY & COUNTY OF SAN FRANCISCO**  
1650 Mission Street, Room 304  
San Francisco, California 94103