

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, JUNE 21, 2017

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 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); Amanda Higgins, San Francisco Public Works, Bureau of Street Use and Mapping (SFPW-BSM); Cynthia Goldstein, Executive Director; Gary Cantara, Legal Assistant.

ABSENT: Commissioner Rick Swig.

(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: Ann Treboux spoke about the retirement of the Street Artist Program Manager, her concerns about how the work of that position will be handled and her prospects of obtaining a Street Artist Certificate.

(2) **COMMISSIONER COMMENTS & QUESTIONS**

SPEAKERS: None.

(3) **ADOPTION OF MINUTES**

Discussion and possible adoption of the May 31, 2017 minutes.

ACTION: Upon motion by Vice President Fung, the Board voted 4-0-1 (Commissioner Swig absent) to adopt the May 31, 2017 minutes.

SPEAKERS: None.

PUBLIC COMMENT: None.

(4) REHEARING REQUEST

Subject property at 875 California Street. Valentino Fazzari, appellant, is requesting a rehearing of Appeal No. 17-034, Fazarri vs. SFPW-BUF, decided May 17, 2017. At that time, the Board voted 4-0-1 (Commissioner Swig recused) to grant the appeal and condition the permit to require 36" box replacement trees unless San Francisco Public Works determines that size tree is not feasible, on the basis that it will improve the canopy on a historic street. **Project:** approval of request to remove five street trees on the sidewalk adjacent to the subject property. Permit No. 778828.

ACTION: Upon motion by Commissioner Lazarus, the Board voted 4-0-1 (Commissioner Swig absent) to reschedule this matter to July 26, 2017 at the request of the parties.

SPEAKERS: None.

PUBLIC COMMENT: None.

(5) APPEAL NO. 17-027

<p>PHILLIP & KRISTIN SPRINCIN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL Section 14 Party: TRACEY LUKE</p>	<p>60 Russell Street. Protesting the ISSUANCE on February 06, 2017, to Phillip & Kristin Sprincin of a Site Permit (add two stories to an existing one-story single family residence; add new balcony to rear; infill tradesman's path on west side and infill three small lightwells; replace foundation; extensive interior remodel; add new garage with two car mechanized stacked parking; add new drive way with curb cut; raise rear yard; replace deck; add solar panels). APPLICATION NO. 2014/11/07/1023S. PUBLIC HEARING HELD ON APRIL 19, 2017. FOR FURTHER CONSIDERATION TODAY. Note: this matter was continued to allow the parties to submit additional documents as specified by the Board.</p>
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ACTION: Upon motion by Vice President Fung, the Board voted 4-0-1 (Commissioner Swig absent) to deny the appeal and uphold the permit on the basis that it was properly issued.

SPEAKERS: Phillip Sprincin, appellant; Tracey Luke, Section 14 party; Scott Sanchez, ZA.

PUBLIC COMMENT: Amanda Davison and Adam Chethowski spoke in support of the appellants; Lillian Chow, John Borrusso, Notaro Lum, Chris Bigelow, Lawrence Fan and Matt Borruso spoke in support of the Department.

(6) APPEAL NO. 17-056

BARBARA TRAUB, Appellant(s) vs. SAN FRANCISCO PUBLIC WORKS BUREAU OF STREET USE AND MAPPING, Respondent	627 Taylor Street. Appealing the ISSUANCE on March 27, 2017, to ExteNet Systems, Inc., of a Personal Wireless Service Facility Site Permit (construction of a personal wireless service facility in a Planning Protected Location). PERMIT NO. 16WR-0212. FOR HEARING TODAY.
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ACTION: Upon motion by Commissioner Lazarus, the Board voted 4-0-1 (Commissioner Swig absent) to deny the appeal and uphold the permit on the basis that it was properly issued.

SPEAKERS: Barbara Traub, appellant; Paul Albritton, attorney for permit holder; Rajat Mathur, agent for permit holder; Amanda Higgins, SFPW-BSM.

PUBLIC COMMENT: Jackie Barshak asked about ExteNet's relationship to Verizon.

(7) APPEAL NO. 17-057

JACKIE BARSHAK, Appellant(s) vs. SAN FRANCISCO PUBLIC WORKS BUREAU OF STREET USE AND MAPPING, Respondent	3089 22 nd Street. Appealing the ISSUANCE on April 14, 2017, to ExteNet Systems, Inc., of a Personal Wireless Service Facility Site Permit (construction of a personal wireless service facility in a Zoning Protected Location). PERMIT NO. 16WR-0312. FOR HEARING TODAY.
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ACTION: Upon motion by Commissioner Lazarus, the Board voted 4-0-1 (Commissioner Swig absent) to deny the appeal and uphold the permit on the basis that it was properly issued.

SPEAKERS: Jackie Barshak, appellant; Joe Camicia, agent for permit holder; Rajat Mathur, agent for permit holder; Amanda Higgins, SFPW-BSM.

PUBLIC COMMENT: Siri Wolf, Pat Hendricks, Maya Cain and Sudi Scull spoke in support of the appellant.

(8) APPEAL NO. 17-062

KATIE HUMPHRIES, Appellant(s) vs. SAN FRANCISCO PUBLIC WORKS BUREAU OF STREET USE AND MAPPING, Respondent	3560 Divisadero Street. Appealing the ISSUANCE on April 19, 2017, to Verizon Wireless, of a Personal Wireless Service Facility Site Permit (construction of a personal wireless service facility in a Zoning Protected Location). PERMIT NO. 16WR-0017. FOR HEARING TODAY.
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ACTION: Upon motion by Vice President Fung, the Board voted 4-0-1 (Commissioner Swig absent) to deny the appeal and uphold the permit on the basis that it was properly issued.

SPEAKERS: The appellant did not appear. Paul Albritton, attorney for permit holder; Amanda Higgins, SFPW-BSM.

PUBLIC COMMENT: None.

(9) APPEAL NO. 17-040

SILVIA GONZALEZ, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	785 Colby Street. Protesting the ISSUANCE on March 14, 2017 to Grant Thompson, of an Alteration Permit (revision of approved BPA No. 2016/11/23/3475; changing new window size from 18" wide X 36" high to 30" wide X 36" high, to clear up Complaint No. 201767233). APPLICATION NO. 2017/03/14/1418. FOR HEARING TODAY.
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ACTION: Upon motion by Vice President Fung, the Board voted 2-2-1 (President Honda and Commissioner Lazarus dissented; Commissioner Swig absent) to grant the appeal and condition the permit to remove the north side large picture window, on the basis that the extension into the rear yard is not common and the window creates an unusual situation. Lacking the four votes needed to pass, the motion failed. Upon further motion by Vice President Fung, the Board voted 4-0-1 (Commissioner Swig absent) to grant the appeal and condition the permit to reduce the north side large picture window to its previous height and location on the basis that the extension into the rear yard is not common and the window creates an unusual situation.

SPEAKERS: Silvia Gonzalez, appellant; Grant Thompson, permit holder; Joseph Duffy, DBI; Scott Sanchez, ZA.

PUBLIC COMMENT: Esther Lamken and Ruth Wallace spoke in support of the appellant.

(10) APPEAL NO. 17-058

KNUT AKSETH, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	240 Chenery Street. Appealing the GRANTING on April 12, 2017, to Edward Gama, of a Rear Yard Variance (for the repair and horizontal addition of an existing non-complying three-story, single-family residence at the rear of the lot within the required rear yard). CASE NO. 2015-003919VAR. FOR HEARING TODAY.
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ACTION: Upon motion by Commissioner Lazarus, the Board voted 4-0-1 (Commissioner Swig absent) to reschedule this matter to July 26, 2017 at the request of the parties.

SPEAKERS: None.

PUBLIC COMMENT: None.

ITEMS (11A) THROUGH (11D) SHALL BE HEARD TOGETHER

(11A) APPEAL NO. 17-063

MELISSA SHAW, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	965 Powhattan Avenue. Protesting the ISSUANCE on April 17, 2017, to Patrick Harty, of a Site Permit (to erect a two-story over basement, Type 5, single family residence). APPLICATION NO. 2014/05/21/6382S. FOR HEARING TODAY.
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(11B) APPEAL NO. 17-064

MELISSA SHAW, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	985 Powhattan Avenue. Protesting the ISSUANCE on April 17, 2017, to Patrick Harty, of a Site Permit (to erect a two-story over basement, Type 5, single family residence). APPLICATION NO. 2014/05/21/6395S. FOR HEARING TODAY.
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(11C) APPEAL NO. 17-065

MELISSA SHAW, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	40 Bernal Heights Boulevard. Protesting the ISSUANCE on April 17, 2017, to Patrick Harty, of a Site Permit (to erect a two-story over basement, Type 5, single family residence). APPLICATION NO. 2014/05/21/6394S. FOR HEARING TODAY.
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(11D) APPEAL NO. 17-066

MELISSA SHAW, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1025 Powhattan Avenue. Protesting the ISSUANCE on April 17, 2017, to Patrick Harty, of a Site Permit (to erect a two-story over basement, Type 5, single family residence). APPLICATION NO. 2014/05/21/6396S. FOR HEARING TODAY.
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ACTION: Upon motion by Vice President Fung, the Board voted 4-0-1 (Commissioner Swig absent) to deny the appeals and uphold the permits on the basis that they were properly issued.

SPEAKERS: Betsy Brown, agent for appellant; Melissa Shaw, appellant; Dan Frattin, attorney for permit holder; Amir Afifi, agent for permit holder; Scott Sanchez, ZA; Joseph Duffy, DBI.

PUBLIC COMMENT: Terry Milne, Rafael Vranizan, Barbara Underberg, Herbert Felsenfeld and Linda Bettencourt spoke in support of the appellant. Michael Snead asked whether the City will take responsibly for the Carver Street improvements.

ADJOURNMENT.

There being no further business, President Honda adjourned the meeting at 9:00 p.m.