

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES – WEDNESDAY JANUARY 31, 2018

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

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

Brad Russi, Deputy City Attorney, Office of the City Attorney (OCA); Scott Sanchez, Zoning Administrator (ZA); Heather Johnson, Senior HR Consultant, Department of Human Resources (DHR); 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.

SPEAKERS: None.

(2) ELECTION OF OFFICERS

ACTION: Upon motion by President Honda, the Board voted 5-0 to elevate Vice President Fung to the office of President of the Board. Upon motion by Commissioner Honda, the Board voted 5-0 to elevate Commissioner Swig to the office of Vice President of the Board.

SPEAKERS: None.

PUBLIC COMMENT: None.

(3) COMMISSIONER COMMENTS & QUESTIONS

ACTION: President Fung thanked Commissioner Honda for his service as Board President and Commissioner Swig for accepting the office of Vice President. Commissioner Honda thanked Executive Director Goldstein and fellow Board members for their service.

PUBLIC COMMENT: None.

(4) ADOPTION OF MINUTES

Discussion and possible adoption of the January 17, 2018 minutes.

ACTION: Upon motion by Commissioner Lazarus, the Board voted 5-0 to adopt the January 17, 2018 minutes.

SPEAKERS: None.

PUBLIC COMMENT: None.

(5) JURISDICTION REQUEST

Subject property at 2101 Mission Street. Jonathan Scott Weaver, requestor, is asking that the Board take jurisdiction over Alteration Permit No. 2017/07/28/3290, which was issued on August 22, 2017 by the Department of Building Inspection. The appeal period ended on September 06, 2017, and the jurisdiction request was filed at the Board office on January 09, 2018. Permit Holder: Mission Street SF LLC. Project: relocation of coffee counter as accessory use.

ACTION: Withdrawn.

(6) APPEAL NO. 17-158

<p>PATRICIA HAYES, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent</p>	<p>21 Brompton Avenue. Appealing the ISSUANCE on September 01, 2017, of a Letter of Determination regarding whether the vacant lot at the subject property currently being used for parking could be considered a legal nonconforming use, and whether the lot could be developed with a surface paid public parking lot. RECORD NO. 2017-009091ZAD PUBLIC HEARING HELD ON DEC. 13, 2017. FOR FURTHER CONSIDERATION TODAY. Note: On December 13, 2017, the Board voted 3-2 (Commissioner Lazarus and Commissioner Wilson dissented) to grant the appeal and overturn the Letter of Determination on the basis that the Zoning Administrator erred because a legal nonconforming use was established at the property based on the City's authorized use of the property for parking and the use of the property as a paid public parking lot after it was sold by the City to the appellants. Lacking four votes needed to pass the motion failed. Upon further motion, the Board voted 5-0 to continue this matter to January 31, 2017 to allow the parties to submit additional information to the Board related to the City's authorized use of the subject property.</p>
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ACTION: Upon motion by Commissioner Lazarus, the Board voted 2-3 (President Fung, Vice President Swig and Commissioner Honda dissented) to deny the appeal and uphold the Letter of Determination on the basis that the Zoning Administrator did not err or abuse his authority. Lacking the three votes needed to pass, the motion failed. With no further motion made, the Letter of Determination was upheld by operation of law.

SPEAKERS: Patricia Hayes, appellant; Scott Sanchez, ZA.

PUBLIC COMMENT: Bill Barnes from the Office of the City Administrator described documents from the City's files relating to the sale of the subject property.

(7) CLOSED SESSION

PUBLIC EMPLOYEE APPOINTMENT – Executive Director, Board of Appeals – ACTION

Open Session:

Public Comment (on all matters pertaining to the closed session item).

Vote on whether to hold closed session pursuant to CA Gov't Code § 54957(b)(1) and San Francisco Administrative Code § 67.10(b).

Closed Session:

Evaluate written job applications.

Reconvene to Open Session:

- a) Vote whether to disclose any or all discussions held in closed session pursuant to San Francisco Administrative Code § 67.12(a).
- b) Disclosure of action taken in closed session.

START TIME: 5:40 p.m.

END TIME: 6:35 p.m.

IN ATTENDANCE: President Frank Fung, Vice President Rick Swig, Commissioner Darryl Honda, Commissioner Ann Lazarus, Commissioner Bobbie Wilson, Brad Russi, OCA, Heather Johnson, DHR, Executive Director Cynthia Goldstein and Legal Assistant Gary Cantara.

ACTION: Upon motion by Commissioner Lazarus, the Board voted 5-0 to hold a closed session. Upon motion by Commissioner Lazarus, the Board voted 5-0 to not disclose what was discussed during the closed session.

PUBLIC COMMENT: None.

ADJOURNMENT.

There being no further business, President Fung adjourned the meeting at 6:40 p.m.