BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, JULY 13, 2016

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, Commissioner Rick Swig and Commissioner Bobbie Wilson.

Thomas Owen, 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); Rahul Shah, SFPW; 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.

PUBLIC COMMENT: None.

(2) COMMISSIONER COMMENTS & QUESTIONS

SPEAKERS: None.

(3) ADOPTION OF MINUTES

Discussion and possible adoption of the July 6, 2016 minutes.

ACTION: Upon motion by Commissioner Lazarus, the Board voted 4-0-1 (Commissioner Wilson absent) to adopt the July 6, 2016 minutes.

SPEAKERS: None.

PUBLIC COMMENT: None.
(4) **APPEAL NO. 16-047**

| MARGARET RUTXTON & CHRIS SCHRIEBER, Appellant(s) | 2941 Broderick Street. Protesting the ISSUANCE on March 10, 2016, to Harvey Hacker, of a Rear Yard Variance (to construct a two-story horizontal addition with a deck above at the rear of the four-story, two-unit building). CASE NO. 2015-001849VAR FOR HEARING TODAY. |
| vs. | ZONING ADMINISTRATOR, Respondent |

**ACTION:** Upon motion by Commissioner Lazarus, the Board voted 5-0 to continue the appeal to August 24, 2016, to allow time for the parties to work with the Zoning Administrator to discuss settlement with a focus on expanding the view to the southwest to accommodate the appellant at the north.

**SPEAKERS:** Phoebe Schreiber, agent for appellant; Margaret Ruxton, appellant; Reza Ansari, subject property owner; Harvey Hacker, variance holder; Scott Sanchez, ZA.

**PUBLIC COMMENT:** None.

(5) **APPEAL NO. 16-052**

| EDMUND LOUIE & MARY PARKS, Appellant(s) | 482 16th Avenue. Appealing the ISSUANCE on March 23, 2016, to Mark Sole, of an Alteration Permit (rotate stairs off of second floor rear deck into rear yard by 90 degrees; BPA No. 2012/05/21/0880 shows deck and permitted stair orientation; to comply with NOV 201525661). APPLICATION NO. 2016/01/04/6278 FOR HEARING TODAY. |
| vs. | DEPT. OF BUILDING INSPECTION, Respondent |
| | PLANNING DEPT. APPROVAL |

**ACTION:** Upon motion by Vice President Fung, the Board voted 5-0 to continue the appeal to September 14, 2016, to allow time for the parties to discuss resolution.

**SPEAKERS:** Mary Parks, appellant; Edmund Louie, appellant; Patrick Buscovich, agent for permit holder; Mark Sole, permit holder; Joseph Duffy, DBI; Scott Sanchez, ZA.

**PUBLIC COMMENT:** None.
(6) APPEAL NO. 16-081

| ANGELA LUO AND JOHN BIRMINGHAM, Appellants | 2530 30th Avenue. Protesting the ISSUANCE on April 13, 2016 to Crown Castle NG West LLC, of a Wireless Box Permit (construction of a personal wireless service facility). APPLICATION NO. 15WR-0592. FOR HEARING TODAY. |
| SAN FRANCISCO PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent |

ACTION: Upon motion by Commissioner Lazarus, the Board voted 4-0-1 (Commissioner Wilson absent) to deny the appeal and uphold the permit on the basis that it was properly reviewed and issued.

SPEAKERS: John Birmingham, appellant; Angela Luo, appellant; Ka Tung Ha, agent for appellant; Martin Fineman, attorney for permit holder; Amanda Higgins, SFPW; Rahul Shul, SFPW; Scott Sanchez, ZA.

PUBLIC COMMENT: Jordan Kantor spoke in support of the appellant. Bob Planthold, Andrew Segal, Corey Smith, Jim Wachob, Cliff Waldeck and Leora Tanjuatco spoke in support of the permit holder.

(7) APPEAL NO. 16-082

| LUDWIG CHINCARINI, Appellant vs. 842 37th Avenue. Protesting the ISSUANCE on April 13, 2016 to Crown Castle NG West LLC, of a Wireless Box Permit (construction of a personal wireless service facility). APPLICATION NO. 15WR-0591. FOR HEARING TODAY. |
| SAN FRANCISCO PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent |

ACTION: Upon motion by Commissioner Lazarus, the Board voted 3-1-1 (Vice President Honda dissented and Commissioner Wilson absent) to deny the appeal and uphold the permit on the basis that it was properly issued.

SPEAKERS: Jordan Kantor, agent for appellant; Martin Fineman, attorney for permit holder; Amanda Higgins, SFPW.

PUBLIC COMMENT: Isabel Molloy, Barbara Traub and Damon Louie spoke in support of the appellant. Matt DiGino, Elizabeth Shaffer, Jim Wachob, Cliff Waldeck, Sergio Lopez, Andrew Segal and Leora Tanjuatco spoke in support of the permit holder.
(8) **APPEAL NO. 16-083**

| ELIZABETH & JORDAN KANTOR, Appellants vs. SAN FRANCISCO PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent | 1374 35th Avenue. Protesting the ISSUANCE on April 13, 2016, to Crown Castle NG West LLC, of a Wireless Box Permit (construction of a personal wireless service facility). APPLICATION NO. 15WR-0599. FOR HEARING TODAY. |

**ACTION:** Upon motion by Commissioner Swig, the Board voted 2-2-1 (Vice President Fung and Commissioner Lazarus dissented; Commissioner Wilson absent) to grant the appeal and deny the permit on the basis that the notice was flawed in how it was made available to the public and contained potentially misleading graphics. Lacking the four votes needed to pass, the motion failed. With no further motion made, the permit was upheld by operation of law.

**SPEAKERS:** Jordan Kantor, appellant; Martin Fineman, attorney for permit holder; Amanda Higgins, SFPW; Rahul Shah, SFPW.

**PUBLIC COMMENT:** Damon Louie spoke in support of the appellants.

(9) **APPEAL NO. 16-085**

| JANIS MERCER, Appellant vs. SAN FRANCISCO PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent | 1531 40th Avenue. Protesting the ISSUANCE on April 13, 2016, to Crown Castle NG West LLC, of a Wireless Box Permit (construction of a personal wireless service facility). APPLICATION NO. 15WR-0594. FOR HEARING TODAY. |

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

**SPEAKERS:** Appellant did not appear. Martin Fineman, attorney for the permit holder; Amanda Higgins, SFPW.

**PUBLIC COMMENT:** None.

**ADJOURNMENT.**

There being no further business, President Honda adjourned the meeting at 9:30 p.m.