

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, APRIL 8, 2015

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

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

Robert Bryan, Deputy City Attorney, Office of the City Attorney (OCA); Scott Sanchez, Zoning Administrator (ZA); Joseph Duffy, Senior Building Inspector, Department of Building Inspection (DBI); 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: President Lazarus welcomed and introduced Commissioner Rick Swig as the Board's newest member. Vice President Honda also welcomed Commissioner Swig to the Board.

(3) ADOPTION OF MINUTES

Discussion and possible adoption of the March 25, 2015 minutes.

ACTION: Upon motion by Vice President Honda, the Board voted 5-0 to adopt the March 25, 2015 minutes.

SPEAKERS: None.

PUBLIC COMMENT: None.

REGULAR MEETING, BOARD OF APPEALS, APRIL 8, 2015 - PAGE 2

(4) APPEAL NO. 15-023

KINANI AHMED dba "NILE CAFÉ", Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	544 Jones Street. Appealing the REVOCATION on January 27, 2015, of a Parklet Permit. ORDER NO. 183240. FOR HEARING TODAY.
--	---

ACTION: Upon motion by President Lazarus, the Board voted 5-0 to reschedule this matter to May 13, 2015, as requested by the parties.

SPEAKERS: None.

PUBLIC COMMENT: Thomas Seneca, Rodney Castillo and David Wallace spoke against the rescheduling of this matter and in support of the appeal.

(5) APPEAL NO. 15-015

SAN FRANCISCANS FOR REASONABLE GROWTH, Appellant(s) vs. PLANNING COMMISSION, Respondent	340 Bryant Street. Protesting the ISSUANCE on January 08, 2015, to 140 Partners LP, of an ADOPTION OF FINDINGS FOR OFFICE ALLOCATION PURSUANT TO PLANNING CODE SECTION 321 (to authorize the conversion of 47,536 gross square feet of the existing 62,050 square foot building to office use). MOTION NO. 19311. FOR HEARING TODAY.
--	---

ACTION: Upon motion by Commissioner Fung, the Board voted 4-0-1 (Commissioner Swig recused) to deny the appeal and uphold the Planning Commission Motion on the basis that the office allocation program, with the proposed improvements, satisfies the basic criteria of Planning Code §321, with the adoption of the environmental findings made in Planning Commission Motion 17661 which are incorporated by reference.

SPEAKERS: Sue Hestor, attorney for appellant; John Kevlin, attorney for permit holder; Scott Sanchez, ZA.

PUBLIC COMMENT: Bob Planthold spoke in support of the appellant.

REGULAR MEETING, BOARD OF APPEALS, APRIL 8, 2015 - PAGE 3

ITEMS (6A) AND (6B) SHALL BE HEARD TOGETHER:

(6A) APPEAL NO. 15-020

GEORGIA SCHUTTISH, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	437 Duncan Street. Protesting the ISSUANCE on January 21, 2015, to Ristead O'Sulleabhain, of a Demolition Permit (demolish one-story single-family dwelling with 690sf of ground floor area). APPLICATION NO. 2012/07/16/4978. FOR HEARING TODAY.
---	--

(6B) APPEAL NO. 15-021

GEORGIA SCHUTTISH, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	437 Duncan Street. Protesting the ISSUANCE on January 21, 2015, to 437 Duncan LLC, of a Permit to Erect a Building (construct three-story, single-family dwelling with 1,423sf of ground floor area). APPLICATION NO. 2012/04/18/8570S. FOR HEARING TODAY.
---	---

ACTION: Upon motion by Commissioner Fung, the Board voted 5-0 to deny the appeals and uphold the permits on the basis that the design was appropriately vetted by the Planning Department.

SPEAKERS: Georgia Schuttish, appellant; Jody Knight, attorney for permit holder; Cathlyne Scharetg, agent for permit holder; Scott Sanchez, ZA.

PUBLIC COMMENT: Leticia Gonzalez, Celia Rose and Petra Janopaul spoke in support of the appellant.

(7) APPEAL NO. 15-022

BEN CADY, CHANDRA REDACK, PETER TAYLOR, BRAD ALDER, CHAD BENJAMIN POTTER, MANUEL RODRIGUEZ, ANN COOPER, MELISSA BRACERO, ADAM WOJEWIDKA, CHRIS BAKER, BRENDAN BARTHEL, CARINA ZONA, KARL HASS, JUAN ESCOBEDO, DARREN BROWN, BO MARCOL & CHRISTOPHER FIGUEROA, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	1049-1051 Market Street. Protesting the ISSUANCE on February 02, 2015, to John Gall & Terry Bogart, of a Request for Release of Suspension (asking that the Dept. of Building Inspection release the suspension against BPA No. 2013/07/26/2890 - comply with NOV No. 200711850; demo of office walls on 5th floor through 1st floor). FOR HEARING TODAY.
--	---

REGULAR MEETING, BOARD OF APPEALS, APRIL 8, 2015 - PAGE 4

ACTION: Upon motion by Commissioner Fung, the Board voted 4-1 (President Lazarus dissented) to grant the appeal and overturn the Zoning Administrator on the basis that the Zoning Administrator erred in failing to recognize that the permit is defective.

SPEAKERS: Stephen Collier, attorney for appellants; Naomi Cooper, appellant; Kimo Crossman, agent for appellants; Andrew Zacks, attorney for permit holders; Pat Buscovich, agent for permit holders; Scott Sanchez, ZA.

PUBLIC COMMENT: Cory Birnberg, Jonathan Stoker, Tory Antoni, Tommi Avicolli Mecca, Sara Sherburn-Zimmer, Dennis Zaragoza, Steve Whetstone, Bethany Schwarz, Joe Bender, Ali Woolwich and Bobby Coleman spoke in support of the appellants. Peggy Mullin spoke in support of the permit holders.

(8) APPEAL NO. 15-025

MICHAEL PIERRON, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	137 Elsie Street. Protesting the ISSUANCE on January 30, 2015, to Todd Catalini, of an Alteration Permit (add additional living level consisting of one bedroom, one bathroom, and living space to an existing two-story residence; improve existing lower level with walls, stairs, and bathroom; excavate below existing lower level for garage space; improve existing upper level with staircase to connect living levels; fire flow required). APPLICATION NO. 2014/01/15/6407S. FOR HEARING TODAY.
---	---

ACTION: This matter was withdrawn prior to hearing.

ITEMS (9A) AND (9B) SHALL BE HEARD TOGETHER:

(9A) APPEAL NO. 15-029

MARC ANTHONY BRUNO, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	9 Nobles Alley. Protesting the ISSUANCE on February 12, 2015, to Antonia Sweet Trust, of an Alteration Permit (revision to BPA No. 2015/01/13/3559; layout changes for kitchen and bath remodel). APPLICATION NO. 2015/02/12/8220. FOR HEARING TODAY.
---	--

REGULAR MEETING, BOARD OF APPEALS, APRIL 8, 2015 - PAGE 5

(9B) APPEAL NO. 15-030

MARC ANTHONY BRUNO, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	7 Nobles Alley. Protesting the ISSUANCE on February 12, 2015, to Antonia Sweet Trust, of an Alteration Permit (revision to BPA No. 2015/01/13/5590; layout changes for kitchen and bath remodel). APPLICATION NO. 2015/02/12/8216. FOR HEARING TODAY.
---	---

ACTION: Upon motion by Commissioner Fung, the Board voted 5-0 to deny the appeals and uphold the permits on the basis that the faults alleged were not proven.

SPEAKERS: Marc Bruno, appellant; Daniel Bornstein, attorney for permit holder; Gabe Santos, agent for permit holder; Joseph Duffy, DBI.

PUBLIC COMMENT: None.

ADJOURNMENT.

There being no further business, President Lazarus adjourned the meeting at 9:15 p.m.