

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, JUNE 11, 2014

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

PRESENT: Vice President Arcelia Hurtado, Commissioner Frank Fung, Commissioner Darryl Honda and Commissioner Chris Hwang.

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); John Kwong, Manager, Department of Public Works Bureau of Street Use and Mapping (DPW BSM); Cynthia Goldstein, Executive Director; Victor Pacheco, Legal Assistant.

ABSENT: President Ann Lazarus.

(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.

PUBLIC COMMENT: None.

(3) **ADOPTION OF MINUTES**

Discussion and possible adoption of the June 4, 2014 minutes.

ACTION: Upon motion by Vice President Hurtado, the Board voted 4-0-1 (President Lazarus absent) to adopt the June 4, 2014 minutes.

SPEAKERS: None.

PUBLIC COMMENT: None.

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(4) JURISDICTION REQUEST

Subject property at 1149 Prague Street. Letter from Steven Currier, requestor, asking that the Board take jurisdiction over Utility Excavation Permit No. 14EXC-1815, which was issued by the Dept. of Public Works on April 04, 2014. The appeal period ended on April 21, 2014, and this jurisdiction request was filed at the Board office on May 20, 2014. Permit Holder: SBC - Pacific Bell Engineering. Project: install new cabinet.

ACTION: Upon motion by Vice President Hurtado, the Board voted 4-0-1 (President Lazarus absent) to grant the request based on the City's inadvertent failure to provide notice to the requestor as offered.

SPEAKERS: Steven Currier, requestor; Foster Johnson, attorney for permit holder; John Kwong, DPW.

PUBLIC COMMENT: Nancy Barsotti spoke in support of the requestor.

(5) JURISDICTION REQUESTS

Subject property at 248-252 – 9th Street. Letter from Jakkee Bryson, requestor, asking that the Board take jurisdiction over Building Permit Application Nos. 2013/03/12/2047 and 2013/03/12/2049, which were both issued by the Dept. of Building Inspection on March 18, 2014. The appeal periods ended on April 02, 2014, and these jurisdiction requests were filed at the Board office on May 23, 2014. Permit Holder: Stanley Chia. **Project, 1st permit:** demolish one-story warehouse. **Project, 2nd permit:** erect 5 story, 15-unit multi-family residential building with one commercial unit.

ACTION: Upon motion by Commissioner Fung, the Board voted 3-0-2 (President Lazarus absent and Commissioner Honda recused) to deny the requests.

SPEAKERS: Jakkee Bryson, requestor; Reza Khoshnevisan, agent for permit holder; Scott Sanchez, ZA; Joseph Duffy, DBI.

PUBLIC COMMENT: Aja Monet spoke in support of the requestor.

(6) APPEAL NO. 14-071

VIVIAN LEE, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	3688 Cesar Chavez Street. Protesting the ISSUANCE on April 15, 2014, to SBC-Pacific Bell Engineering, UTILITY EXCAVATION PERMIT (install new cabinet). APPLICATION NO. 14EXC-2149. FOR HEARING TODAY.
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ACTION: Upon motion by Commissioner Fung, the Board voted 4-0-1 (President Lazarus absent) to continue the appeal to June 25, 2014 to allow the permit holder and the Department to provide

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additional exhibits that demonstrate the infeasibility of alternate sites within 300 feet of the permit location.

SPEAKERS: Eric Fain, agent for appellant; Foster Johnson, attorney for permit holder; Marc Blakeman, agent for permit holder; John Kwong, DPW; Scott Sanchez, ZA.

PUBLIC COMMENT: None.

(7) APPEAL NO. 13-175

FRANKLIN BOWLES, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	30 Edith Street. Protesting the ISSUANCE on December 09, 2013, to Telegraph Hill Housing, LLC, Alteration Permit (alter/remodel existing building; add one new story; make a single-family dwelling; add new stair and elevator connecting 1st to 3rd floor; provide light well at 3rd floor to match existing light well at adjacent building; roof deck at 3rd floor). APPLICATION NO. 2008/12/31/9407S. FOR HEARING TODAY.
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ACTION: Withdrawn prior to hearing.

(8) APPEAL NO. 14-070

ROBERT THORPE, JOHN M. COOK, DOUGLAS LUNA, PAUL HOEBER, JEFF PATCH & JAMES CLAUSEN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	740 Bay Street. Protesting the ISSUANCE on April 21, 2014, to 740 Bay Street LLC, Alteration Permit (revision to BPA No. 2012/05/14/0388; add seating, counter top, movable planter & furniture at roof deck; add small bump out above third floor patio doors for water proofing; add lights). APPLICATION NO. 2014/02/19/8843. FOR HEARING TODAY.
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ACTION: Upon motion by Commissioner Hwang, the Board voted 3-1-1 (Commissioner Fung dissented and President Lazarus absent) to deny the appeal and uphold the permit on the basis that it is Code compliant.

SPEAKERS: Robert Thorpe, appellant; Augustín Piña, attorney for permit holder; Patrick Doherty, agent for permit holder; Joseph Duffy, DBI.

PUBLIC COMMENT: Michael Tyler, Xenophon Davidis, Amy Schustack, Scott Kramer and Laurie Kaufman spoke in support of the appellants.

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(9) APPEAL NO. 14-076

MELANIE SCARDINA & CAROL CYPERT, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	2179 - 41 st Avenue. Protesting the ISSUANCE on April 29, 2014, to John Thoelecke, Alteration Permit (remove any possible encroachments over property line along right side of building grid line C per plan; move wall to south ¾ inch; to comply with NOV No. 201455691). APPLICATION NO. 2014/04/29/4408. FOR HEARING TODAY.
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ACTION: Upon motion by Vice President Hurtado, the Board voted 4-0-1 (President Lazarus absent) to continue this matter to the Call of the Chair to allow the litigation between the parties to be resolved.

SPEAKERS: Carol Cypert, appellant; Melanie Scardina, appellant; John Thoelecke, permit holder; Joseph Duffy, DBI; Scott Sanchez, ZA.

PUBLIC COMMENT: Joyce Cho spoke in support of the appellant.

(10) APPEAL NO. 14-077

LAURA THOMAS, CASTRO/UPPER MARKET COMMUNITY BENEFIT DISTRICT & DUBOCE TRIANGLE NEIGHBORHOOD ASSOCIATION, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent Subject Property Owner: BASSEM SIRHED Project Sponsor: AIDS HEALTHCARE FOUNDATION	518 Castro Street. Protesting a Release of Suspension Request dated April 18, 2014, addressed to Dept. of Building Inspection Director Tom Hui, asking that the suspension against BPA No. 2013/11/12/1689 be lifted for the reason that the project sponsor has informed the Planning Department that the proposed pharmacy would be changed to a non-Formula Retail Use which would not require Conditional Use Authorization for the project (change the use of a portion of the ground floor commercial space from a retail use to a medical office and pharmacy). FOR HEARING TODAY.
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ACTION: Upon motion by Vice President Hurtado, the Board voted 3-1-1 (Commissioner Fung dissented and President Lazarus absent) to continue this matter to August 20, 2014 to allow the permit holder to submit evidence as to why the proposed project is not a Formula Retail Use under the Planning Code, with additional response briefing allowed by the appellants and Zoning Administrator.

SPEAKERS: Andrea Aiello, agent for appellant (Castro/Upper Market Community Benefit District); Dennis Richards, agent for appellant (Duboce Triangle Neighborhood Association); Laura Thomas,

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appellant; Laura Boudreau, attorney for permit holder; Lisha Wilson, agent for permit holder; Cynthia Davis, agent for permit holder; Scott Sanchez, ZA.

PUBLIC COMMENT: Sara Smith, Aaron Baldwin, Christopher Berini, James Loduca, Race Bannon, Alex Walker, Alan Guttirez, Kyle Smeallie, Christin Evans, Keith Folger and Mike Shriver spoke in support of the appellants. Jesse Brooks and Tracy Jones spoke in support of the permit holder.

ADJOURNMENT.

There being no further business, Vice President Hurtado adjourned the meeting at 10:35 p.m.