

**BOARD OF APPEALS**

**CITY & COUNTY OF SAN FRANCISCO**

**MEETING MINUTES - WEDNESDAY, JUNE 4, 2014**

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

PRESENT: President Ann Lazarus, 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); Carla Short, Deputy Bureau Manager, Department of Public Works Bureau of Street Use and Mapping (DPW); John Kwong, Manager (DPW); 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: Paula Datesh spoke about difficulties she has had with the City's Street Artist permitting process and with the staff of the program.

(2) **COMMISSIONER COMMENTS & QUESTIONS**

SPEAKERS: President Lazarus reminded the Board that she will be absent on June 11, 2014.

PUBLIC COMMENT: None.

(3) **ADOPTION OF MINUTES**

Discussion and possible adoption of the May 14, 2014 minutes.

ACTION: Upon motion by Vice President Hurtado, the Board voted 5-0 to adopt the May 14, 2014 minutes.

SPEAKERS: None.

PUBLIC COMMENT: None.

(4) **SPECIAL ITEM**

Consideration and possible action to enter into a Memorandum of Understanding with the Port of San Francisco to facilitate the transfer of permit appeal-related duties for Port Entertainment Permits from the Port Commission to the Board of Appeals.

ACTION: Upon motion by Commissioner Honda, the Board voted 5-0 to enter into the Memorandum of Understanding with the Port Commission.

SPEAKERS: Monique Moyer, Director, Port of San Francisco.

PUBLIC COMMENT: None.

(5) **JURISDICTION REQUESTS**

**Subject property at 56 Presidio Avenue.** Letter from Brian Soriano, attorney for Steven Minisini, requestor, asking that the Board take jurisdiction over Electrical Permit E2014/02/26/7657 and BPA No. 2014/03/13/0693, which was issued on February 26, 2014 and March 13, 2014, respectively. The appeal periods ended on March 13, 2014 and March 28, 2014 respectively, and both jurisdiction requests were filed at the Board office on May 06, 2014. Permit Holder: Steven Greenwald & Rochelle Alpert. Project #1: 27 roof mounted solar PV modules, 250 watts per module; 1 interactive inverter, 250W power rating, TTL No. of rating 6.75KW905039, meter main electrical service will also be upgraded/replaced with new. Project #2: remove existing roofing down to workable surface; install new 3-ply BUR consisting of 1-ply 371 lb. base, 1 layer black diamond and 1-ply G&A mineral cap sheet, asphalt applied.

ACTION: Upon motion by Commissioner Hwang, the Board voted 5-0 to deny the requests.

SPEAKERS: Brian Soriano, attorney for requestors; Scott Emblidge, attorney for permit holders; Scott Sanchez, ZA; Joseph Duffy, DBI.

PUBLIC COMMENT: None.

**(6) REHEARING REQUEST**

**Subject property at 2051 – 3<sup>rd</sup> Street aka 650 Illinois Street.** Letter from Stephen Williams, attorney for Christopher Delaney et al., appellants, requesting rehearing of Appeal No. 14-058, Delaney et al. vs. DPW BUF, decided May 07, 2014. At that time, upon motion by Commissioner Hwang, the Board voted 3-1-1 (Commissioner Fung dissented and Vice President Hurtado absent) to grant the appeal and uphold the permit on the basis that the trees are large and present some safety concerns, and on the condition that (1) the trees not be removed until after a site permit has been issued for the construction project proposed for this site; and (2) that the replacement trees be at least of a 48" box size and if possible of a 60" box size. Lacking the four votes needed to pass, the motion failed. Upon further motion by Commissioner Hwang the Board voted 4-0-1 (Vice President Hurtado absent) to grant the appeal and uphold the permit on the basis that the trees are large and present some safety concerns, and on the condition that (1) the trees not be removed until after the June 5, 2014 hearing before the Planning Commission on the Large Project Authorization for the construction project proposed for this site; and (2) that the replacement trees be at least of a 48" box size and if possible of a 60" box size. Permit Holder: Richard Price. Project: approval to remove six (6) existing trees and plant nine (9) new trees.

**ACTION:** Upon motion by Vice President Hurtado, the Board voted 5-0 to grant the request and rehear the case on July 2, 2014.

**SPEAKERS:** Christopher Delaney, requestor; Melinda Sarjapur, attorney for permit holder.

**PUBLIC COMMENT:** None.

**(7) APPEAL NO. 14-063**

<p>RICHARD HILLEGAS, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE &amp; MAPPING, Respondent</p>	<p>102 Virginia Avenue. Protesting the ISSUANCE on March 27, 2014, to SBC- Pacific Bell Engineering, EXCAVATION PERMIT (install new cabinet; telephone purpose). APPLICATION NO. 14EXC-1666. FOR HEARING TODAY.</p>
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**ACTION:** Upon motion by President Lazarus, the Board voted 4-1 (Commissioner Honda dissented) to deny the appeal and uphold the permit on the basis that it is Code compliant.

**SPEAKERS:** Richard Hillegas, appellant; Foster Johnson, attorney for AT&T; John Kwong, DPW.

**PUBLIC COMMENT:** None.

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**(8) APPEAL NO. 14-065**

GOLDEN GATE HEIGHTS NEIGHBORHOOD ASSOCIATION, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	203 Quintara Street. Protesting the ISSUANCE on March 19, 2014, to SBC- Pacific Bell Engineering, EXCAVATION PERMIT (install new cabinet; telephone purpose). APPLICATION NO. 14EXC-1497. FOR HEARING TODAY.
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**ACTION:** Upon motion by Commissioner Honda, the Board voted 3-2 (President Lazarus and Commissioner Fung dissented) to continue the appeal to July 2, 2014 in order to allow the permit holder and Department to provide additional information on the safety of the alternate permit location at 2096 12<sup>th</sup> Avenue.

**SPEAKERS:** Sally Stephens, agent for appellant; Marina Moreno, agent for appellant; Foster Johnson, attorney for AT&T; Teddy Virheas, agent for permit holder; Marc Blakeman, agent for permit holder; John Kwong, DPW BSM.

**PUBLIC COMMENT:** Thomas McGivern spoke in support of appellant.

**(9) APPEAL NO. 14-067**

WILLIAM GOULD & MARGARET BANDA, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	260 Laussat Street. Appealing the ISSUANCE on March 28, 2014, to Jeremy Paul / Quickdraw Permit Consulting, Letter of Determination (regarding a request to allow a two-year extension of Variance Case No. 2010.0588V dated 1/25/11, which granted variances to minimum lot area, rear yard and non-complying structure provisions of the Planning Code). FOR HEARING TODAY.
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**ACTION:** Upon motion by Commissioner Honda, the Board voted 5-0 to reschedule this appeal to June 11, 2014 at the request of the parties.

**SPEAKERS:** None.

**PUBLIC COMMENT:** None.

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**(10) APPEAL NO. 14-068**

<p>PATRICIA VAUGHEY, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent</p>	<p>2145 Market St., 2141 Chestnut St., 2050 Irving St., 1301 Franklin St., 498 &amp; 1333 Castro St., 3201 Divisadero St., 1344 Stockton St., 33 Drumm St., 670 – 4th St., and 1524 &amp; 2120 Polk St. Appealing the ISSUANCE on March 26, 2014, to Walgreens, Letter of Determination (regarding a request for the current zoning designation of various properties and whether a conditional use (CU) permit would be required to sell beer, wine and spirits). FOR HEARING TODAY.</p>
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**ACTION:** Upon motion by Vice President Hurtado, the Board voted 3-1-1 (Commissioner Honda dissented and President Lazarus recused) to deny the appeal and uphold Letter of Determination on the basis that the Zoning Administrator did not err or abuse his discretion.

**SPEAKERS:** Patricia Vaughey, appellant; Dan Kramer, attorney for determination holder; Scott Sanchez, ZA.

**PUBLIC COMMENT:** Ed Lane, Greg O’Flynn, Dawn Trennert and Marlayne Morgan spoke in support of the appellant.

**ADJOURNMENT.**

There being no further business, Vice President Hurtado adjourned the meeting at 8:15 p.m.