

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, FEBRUARY 19, 2014

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

PRESENT: President Chris Hwang, Vice President Ann Lazarus, Commissioner Frank Fung and Commissioner Arcelia Hurtado.

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); Hanson Tom, Principal Engineer, DBI; Jarvis Murray, Enforcement and Legal Affairs Manager, Municipal Transportation Agency Division of Taxis and Accessible Services (SFMTA); Brian Dusseault, Senior Engineer, SFMTA, Division of Sustainable Streets; Norman Wong, Associate Engineer, SFMTA; Cynthia Goldstein, Executive Director; Victor Pacheco, Legal Assistant.

ABSENT: Commissioner Darryl Honda

(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 February 5, 2014 minutes.

ACTION: Upon motion by President Hwang, the Board voted 4-0-1 (Commissioner Honda absent) to adopt the February 5, 2014 minutes.

SPEAKERS: None.

PUBLIC COMMENT: None.

(4) REHEARING REQUEST:

Letter from Heidi Machen, attorney for Linus Oha, appellant, requesting rehearing of Appeal No. 13-158, <u>Oha vs. MTA</u> , decided Jan. 15, 2014. At that time, the Board voted 5-0 to uphold both revocations of Ramp Taxi Medallion No. 9060 and Color Scheme Permit for "Best Cab".
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ACTION: Upon motion by Vice President Lazarus, the Board voted 4-0-1 (Commissioner Honda absent) to deny the request.

SPEAKERS: Heidi Machen, attorney for requestor; Linus Oha, requestor; Jarvis Murray, SFMTA.

PUBLIC COMMENT: None.

(5) APPEAL NO. 14-004

JULIAN LAGOS, Appellant(s) vs. MUNICIPAL TRANSPORTATION AGENCY, Respondent	Brotherhood Way between Thomas More Drive and Lake Merced Blvd. Appealing the ISSUANCE on January 07, 2014, to Arborwell, Special Traffic Permit (authorization to depart from regulations of obstructions to traffic to perform tree removal for the period between Jan. 14, 2014 to Jan. 30, 2014, Monday - Friday, 9am - 3pm). APPLICATION NO. 14-3659. FOR HEARING TODAY.
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ACTION: Upon motion by President Hwang, the Board voted 4-0-1 (Commissioner Honda absent) to deny the appeal and uphold the permit on the basis that it was properly issued and with the recommendation that SFMTA recalculate the effective dates of the permit.

SPEAKERS: Julian Lagos, appellant; Neil Woolner, agent for permit holder; Roy Leggitt, agent for permit holder; Ramon Godinez, agent for permit holder; Norman Wong, SFMTA; Brian Dusseault, SFMTA.

PUBLIC COMMENT: Nick Pasquariello, Stuart Flashman, Cathy Lentz and Jade Scleppi spoke in support of the appellant.

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(6) APPEAL NO. 13-144

JOHN GALL, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	1049-1051 Market Street. Appealing the ISSUANCE on October 28, 2013, of a REQUEST FOR SUSPENSION (requesting that BPA No. 2013/07/26/2890 [comply with NOV No. 200711850; demolition of office walls on 1 st through 5 th floors; live/work only on 6 th floor] be suspended so that the Planning Department may review the matter in regards to the existing and proposed uses of the subject building).
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ACTION: This matter was withdrawn by the appellant prior to hearing.

ITEMS (7A), (7B), AND (7C) SHALL BE HEARD TOGETHER:

(7A) APPEAL NO. 13-163

THE HOA FOR THE METROPOLITAN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	340 Fremont Street. Protesting the ISSUANCE on November 08, 2013, to Equity Residential, Permit to Erect a Building (42-story, 348 unit residential condo building with 23,634sf of ground floor area). APPLICATION NO. 2005/09/19/3271S. FOR HEARING TODAY.
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(7B) APPEAL NO. 14-001

THE HOA FOR THE METROPOLITAN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	340 Fremont Street. Protesting the ISSUANCE on January 06, 2014, to Archstone/Jackson, Demolition Permit (demolish two-story office/parking structure with 9,487sf of ground floor area). APPLICATION NO. 2005/09/19/3264. FOR HEARING TODAY.
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(7C) APPEAL NO. 14-002

THE HOA FOR THE METROPOLITAN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	360 Fremont Street. Protesting the ISSUANCE on January 06, 2014, to Archstone/Jackson, Demolition Permit (demolish four-story B/M building with 9,487sf of ground floor area). APPLICATION NO. 2005/09/19/3267. FOR HEARING TODAY.
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ACTION: Upon motion by President Hwang, the Board voted 4-0-1 (Commissioner Honda absent) to deny the appeals and uphold the permits on the basis that they are Code compliant.

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SPEAKERS: Dennis Martinez-Galarce, agent for appellant; Mark White, attorney for appellant; Denis Shanagher, attorney for permit holder; Donald Davies, agent for permit holder; Scott Sanchez, ZA; Joseph Duffy, DBI; Hanson Tom, DBI.

PUBLIC COMMENT: Tim Colen, Timothy Reyff, David De La Torre, Joy Lam and Peter Garza spoke in support of the permit holder.

(8) ADOPTION OF BUDGET:

Discussion and possible adoption of the departmental budget for fiscal years 2014-2015-2016.
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ACTION: Upon motion by Vice President Lazarus, the Board voted 4-0-1 (Commissioner Honda absent) to adopt the budget proposal.

SPEAKERS: Executive Director Goldstein provided the Board with an update on the current year budget and presented budget proposals for the next two fiscal years.

PUBLIC COMMENT: None.

ADJOURNMENT.

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

This summary statement is provided by the speaker. Its content is neither generated by, nor subject to approval or verification of accuracy by, the San Francisco Board of Appeals.

Comments submitted under Item 5: Appeal No. 14-004

From Cathy Lentz: On January 24, 2014 we wrote letters to the Urban Forest Council, Supervisor Yee, and Congresswoman Jackie Speier about the logging of Brotherhood Way being a blatant violation of the Parkmerced EIR of May 2010. Our concerns are at Code Enforcement where they have been since November 25, 2013. To date we have heard nothing from Code Enforcement. Mr. Logos' appeal on unpermitted lane closures is a narrow issue. The larger issue is the deforestation on Brotherhood Way by Parkmerced. You cannot turn your back on this. It is a travesty to the environment. We ask you uphold Mr. Logos' unpermitted lane closure appeal. Stop the deforestation of Brotherhood Way. Have Parkmerced replant the hillside. We request this letter be posted as you would minutes or other explanatory documents. We want the public to have immediate access to it. Parkmerced Action Coalition