

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, MARCH 19, 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, Urban Forester, Department of Public Works, Bureau of Urban Forestry (DPW BUF); Chris Buck, Urban Forestry Investigator DPW BUF; John Kwong, Manager, Department of Public Works Bureau of Street Use and Mapping (DPW BSM); Cynthia Goldstein, Executive Director; Victor Pacheco, Legal Assistant; Alec Longaway, Legal Process Clerk.

(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: Commissioner Honda wished Joseph Duffy a happy birthday.

PUBLIC COMMENT: None.

(3) ADOPTION OF MINUTES:

Discussion and possible adoption of the March 12, 2014 minutes.

ACTION: Upon motion by Commissioner Fung, the Board voted 4-0-1 (Vice President Hurtado absent) to adopt the March 12, 2014 minutes.

SPEAKERS: None.

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PUBLIC COMMENT: None.

(4) **ADDENDUM ITEMS:**

(4a) **JURISDICTION REQUEST:**

Subject property at 2051 3rd Street aka 650 Illinois Street. Letter from Christopher Delaney, Rockne Boger, Lorie Maak-Ingram, Jim Mager and Victoria Zacksorn, requestors, asking that the Board take jurisdiction over a Tree Removal Permit, which was issued on Jan. 14, 2014. The appeal period ended on Jan. 29, 2014, and the jurisdiction request was filed at the Board office on March 3, 2014. Permit holder: Richard Price. Project: approval to remove six (6) existing trees and plant nine (9) new trees.

ACTION: Upon motion by Commissioner Hwang, the Board voted 4-0-1 (Vice President Hurtado absent) to grant the request.

SPEAKERS: Christopher Delaney, requestor; Rick Price, permit holder; Chris Buck, DPW BSM.

PUBLIC COMMENT: Steven Perham, John Rheinfrank, Maria Topacio and Stephen Williams spoke in support of the requestors.

(5) **APPEAL NO. 13-171**

DARREN GOLDMAN, Appellant(s)	2460 Larkin Street.
vs.	Protesting the ISSUANCE on December 6, 2013, to New Cingular Wireless PCS LLC, Wireless Box Permit.
DEPT. OF PUBLIC WORKS	PERMIT NO. 13WR-0164
BUREAU OF STREET-USE & MAPPING,	FOR HEARING TODAY.
Respondent	

ACTION: This permit was cancelled prior to the hearing and the appeal was administratively dismissed.

(6) **APPEAL NO. 13-172**

KEVIN RUDICH, MICHAEL CRUZ, AND STEVE & DIANE LEONOUKAKIS, Appellant(s)	4848 - 17th Street.
vs.	Protesting the ISSUANCE on December 9, 2013, to New Cingular Wireless PCS LLC, Wireless Site Permit.
DEPT. OF PUBLIC WORKS	PERMIT NO. 13WR-0172
BUREAU OF STREET-USE & MAPPING,	FOR HEARING TODAY.
Respondent	

ACTION: Upon motion by Commissioner Hwang, the Board voted 4-0-1 (Vice President Hurtado absent) to grant the appeal and issue the permit on the condition that the battery box be removed

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from the scope of the permit and on the basis that this reflects the permit holder's proposed resolution.

SPEAKERS: Kevin Rudich, appellant; Steve Leonoudakis, appellant; Tedi Vriheas, agent for permit holder; Judy Rowland, agent for permit holder; John Kwong, DPW BSM; Scott Sanchez, ZA.

PUBLIC COMMENT: None.

(7) APPEAL NO. 14-022

CHARLES HANSON, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	116 Franconia Street. Appealing the ISSUANCE on February 4, 2014, of Penalty (imposition of penalty for construction work done without a permit). APPLICATION NO. 2014/02/04/7787. FOR HEARING TODAY.
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ACTION: Upon motion by Commissioner Honda, the Board voted 4-1 (Commissioner Hwang dissented) to grant the appeal and reduce the penalty to two times the permit fee.

SPEAKERS: Charles Hanson, appellant; Joseph Duffy, DBI.

PUBLIC COMMENT: None.

(8) APPEAL NO. 13-177

MICHAEL VALMONTE, SHINTA HALIM & ERICK KURNIAWAN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1626 - 12th Avenue. Protesting the ISSUANCE on December 19, 2013, to Tam Woot Kwong, Alteration Permit (add one bedroom, one bathroom, family room; add great room on 1st floor per plan; add one powder room; remodel bathrooms and kitchen on 2nd floor; add deck at rear of 2nd floor per plan). APPLICATION NO. 2013/12/18/4535. FOR HEARING TODAY.
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ACTION: Upon motion by Vice President Hurtado, the Board voted 5-0 to deny the appeal and uphold the permit on the basis that it was properly issued.

SPEAKERS: Michael Valmonte, appellant; Shinta Halim, appellant; Ada Tam, agent for permit holder; Woot Kwong Tam, permit holder; Scott Sanchez, ZA; Joseph Duffy, DBI.

PUBLIC COMMENT: None.

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(9) APPEAL NO. 14-019

STEPHEN WILLIAMS, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2427 Green Street. Protesting the ISSUANCE on February 3, 2014, to Marco Annunziata & Sonal Desai, Alteration Permit (revision to permit #2013/03/05/1482; to modify shape/layout of roof deck and guardrail material from wood to glass; no increase in area). FOR HEARING TODAY.
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ACTION: This matter was withdrawn prior to hearing.

(10) APPEAL NO. 14-020

SUNHEE MOON, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	47 Prospect Avenue. Protesting the ISSUANCE on January 23, 2014, to J&L Development / Jeffrey Beltramo, Alteration Permit (clear abatement on existing deck and retaining wall; comply with NOV No. 201306912; this retaining wall is to replace old retaining wall; and grade is to remain the same). APPLICATION NO. 2013/12/05/3439. FOR HEARING TODAY.
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ACTION: Upon motion by Commissioner Hwang, the Board voted 5-0 to grant the appeal and deny the permit on the basis of the misrepresentations made by the permit holder with respect to the prior existence of the deck.

SPEAKERS: Sunhee Moon, appellant; Henry Karnilowicz, agent for permit holder; Philip Whitehead, agent for permit holder; Joseph Duffy, DBI; Scott Sanchez, ZA.

PUBLIC COMMENT: Matthew Kaminski, Kevin Lenzen, Duncan Paterson and Nicky Paterson spoke in support of the appellant.

(11) APPEAL NO. 14-021

AIDS HEALTHCARE FOUNDATION, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	518 Castro Street. Appealing the ISSUANCE on January 23, 2014, of a Request for Suspension (requesting that BPA No. 2013/11/12/1689 -tenant improvement of existing vacant retail space for new medical office and pharmacy- be suspended for the reason that the Planning Department's over-the-counter approval was erroneous). FOR HEARING TODAY.
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ACTION: Upon motion by Commissioner Fung, the Board voted 5-0 to uphold the Suspension Request with respect to the issue of formula retail and overturn the Suspension Request with respect to the issue of change of use on the basis that the Zoning Administrator erred in determining that the medical office use exceeded the 2,000 square foot threshold by inaccurately including the bathrooms in the calculations.

SPEAKERS: Dale Gluth, agent for appellant; Zachary Nathan, agent for appellant; Scott Sanchez, ZA.

PUBLIC COMMENT: None.

ADJOURNMENT.

There being no further business, President Lazarus adjourned the meeting at 8:50 p.m.