

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, JUNE 25, 2014

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

PRESENT: President Ann Lazarus, Commissioner Frank Fung, Commissioner Darryl Honda and Commissioner Chris Hwang.

Robert Bryan, Deputy City Attorney, Office of the City Attorney (OCA); Corey Teague, Assistant 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); Cynthia Goldstein, Executive Director; Victor Pacheco, Legal Assistant.

ABSENT: Vice President Arcelia Hurtado.

(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 11, 2014 minutes.

ACTION: Upon motion by Commissioner Honda, the Board voted 4-0-1 (Vice President Hurtado absent) to adopt the June 11, 2014 minutes.

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SPEAKERS: None.

PUBLIC COMMENT: None.

(4) JURISDICTION REQUEST

Subject property at 1442-1444-1446-1448 Cabrillo Street. Letter from Tuan Ma, requestor, asking that the Board take jurisdiction over BPA No. 2013/12/30/5194, which was issued on January 06, 2014 by the Dept. of Building Inspection. The appeal period ended on January 21, 2014, and the jurisdiction request was filed at the Board office on May 28, 2014. Permit Holder: Benjamin Schein. Project: replace 43 windows visible from street with Fibrex windows; no structural change; like for like.

ACTION: This matter was withdrawn prior to hearing.

(5) APPEAL NO. 14-080

<p>MARIE MORALES, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL</p>	<p>2386 - 30th Avenue. Protesting the ISSUANCE on May 01, 2014, to Nhi Hoang, Alteration Permit (remove unpermitted kitchen (installed by previous owner) on the legal habitable ground floor per plans and disconnect utilities; touch up paint and finish; revert this area back to last legal use). APPLICATION NO. 2014/04/30/4598. FOR HEARING TODAY.</p>
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ACTION: Upon motion by President Lazarus, the Board voted 4-0-1 (Vice President Hurtado absent) to deny the appeal and uphold the permit on the basis that it was properly issued.

SPEAKERS: Marie Morales, appellant; Jesse Ralph, attorney for permit holder; Joseph Duffy, DBI; Corey Teague, ZA.

PUBLIC COMMENT: None.

(6) APPEAL NO. 14-078

<p>JASON FISHER, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL</p>	<p>1515 - 11th Avenue. Protesting the ISSUANCE on May 02, 2014, to Fred Santiago, Alteration Permit (to comply with NOV No. 201282055 and to legalize storage & laundry rooms and bath on 1st floor). APPLICATION NO. 2014/03/07/0197. FOR HEARING TODAY.</p>
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ACTION: Upon motion by Commissioner Honda, the Board voted 4-0-1 (Vice President Hurtado absent) to deny the appeal and uphold the permit on the basis that it was properly issued.

SPEAKERS: Alex Merchant, attorney for appellant; Jason Fisher, appellant; Fred Santiago, permit holder; Joseph Duffy, DBI, Corey Teague, ZA.

PUBLIC COMMENT: None.

(7) JURISDICTION REQUEST

Subject property at 1301 Stanyan Street. Letter from Alicia & Benito Noyola, Daniel & Leah Santi, Kevin Yeaman & Rachel Swain, and Paul & Neff Rotter, requestors, asking that the Board take jurisdiction over Utility Excavation Permit No. 14EXC-2360, which was issued on April 23, 2014 by the Dept. of Public Works. The appeal period ended on May 08, 2014, and the jurisdiction request was filed at the Board office on June 03, 2014. Permit Holder: SBC - Pacific Bell Engineering. Project: install new cabinet.

ACTION: Upon motion by Commissioner Hwang, the Board voted 3-0-2 (Vice President Hurtado absent and President Lazarus recused) to deny the request.

SPEAKERS: David Strain, agent for requestors; Foster Johnson, attorney for permit holder; Carla Short, DPW.

PUBLIC COMMENT: Hilda Falkenstein spoke in support of the requestor.

(8) APPEAL NO. 14-071

<p>VIVIAN LEE, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent</p>	<p>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. PUBLIC HEARING HELD ON JUNE 11, 2014. FOR FURTHER CONSIDERATION TODAY. Note: matter was continued to allow time for the permit holder or DPW to submit exhibits showing the technical infeasibility of the alternate sites.</p>
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ACTION: Upon motion by Commissioner Fung, the Board voted 3-0-2 (Vice President Hurtado absent and President Lazarus recused) to continue the appeal to July 23, 2014 to allow time for the Department to meet with the permit holder to develop an exhibit that clearly depicts the lack of any viable alternative sites for this Surface Mounted Facility.

SPEAKERS: Foster Johnson, attorney for permit holder; Linda Schussel, agent for permit holder; Eric Fain, agent for appellant; Carla Short, DPW.

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PUBLIC COMMENT: None.

(9) JURISDICTION REQUEST

Subject property at 301 – 26th Avenue. Letter from George Choppelas, requestor, asking that the Board take jurisdiction over Utility Excavation Permit No. 14EXC-2144, which was issued by the Dept. of Public Works on April 14, 2014. The appeal period ended on April 29, 2014, and this jurisdiction request was filed at the Board office on June 12, 2014. Permit Holder: SBC - Pacific Bell Engineering. Project: install new cabinet.

ACTION: Upon motion by Commissioner Hwang, the Board voted 3-0-2 (Vice President Hurtado absent and President Lazarus recused) to continue the Request to July 2, 2014 to allow the missing Board member to participate in the final vote.

SPEAKERS: Steven MacDonald, attorney for requestor; Foster Johnson, attorney for permit holder; Carla Short, DPW.

PUBLIC COMMENT: Hilda Falkenstein spoke in support of the requestor.

(10) APPEAL NO. 14-079

GEORGE CHOPPELAS, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	301 - 26 th Avenue. Protesting the ISSUANCE on May 02, 2014, to SBC-Pacific Bell Engineering, UTILITY EXCAVATION PERMIT (install new cabinet). APPLICATION NO. 14EXC-2144. FOR HEARING TODAY.
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ACTION: Upon motion by Commissioner Hwang, the Board voted 3-0-2 (Vice President Hurtado absent and President Lazarus recused) to continue this matter to July 2, 2014.

SPEAKERS: Steven MacDonald, attorney for requestor; Foster Johnson, attorney for permit holder; Carla Short, DPW.

PUBLIC COMMENT: None.

(11) APPEAL NO. 14-081

AT&T CALIFORNIA, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	982 Rhode Island Street. Appealing the DENIAL on April 23, 2014, of UTILITY EXCAVATION PERMIT (excavation in public right-of-way related to installation of surface mounted facility). APPLICATION NO. 14EXC-2385. FOR HEARING TODAY.
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ACTION: This matter was withdrawn prior to hearing.

ITEMS 12- 20 MAY BE HEARD TOGETHER:

(12) APPEAL NO. 14-082

AT&T CALIFORNIA, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	2852 - 25th Street. Appealing the DENIAL on April 23, 2014, of UTILITY EXCAVATION PERMIT (excavation in public right-of-way related to installation of surface mounted facility). APPLICATION NO. 14EXC-2388. FOR HEARING TODAY.
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(13) APPEAL NO. 14-083

AT&T CALIFORNIA, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	1305 - 17th Street. Appealing the DENIAL on April 23, 2014, of UTILITY EXCAVATION PERMIT (excavation in public right-of-way related to installation of surface mounted facility). APPLICATION NO. 14EXC-2390. FOR HEARING TODAY.
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(14) APPEAL NO. 14-084

AT&T CALIFORNIA, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	3 Mirabel Avenue. Appealing the DENIAL on April 23, 2014, of UTILITY EXCAVATION PERMIT (excavation in public right-of-way related to installation of surface mounted facility). APPLICATION NO. 14EXC-2391. FOR HEARING TODAY.
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(15) APPEAL NO. 14-085

AT&T CALIFORNIA, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	6202 California Street. Appealing the DENIAL on April 23, 2014, of UTILITY EXCAVATION PERMIT (excavation in public right-of-way related to installation of surface mounted facility). APPLICATION NO. 14EXC-2392. FOR HEARING TODAY.
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(16) APPEAL NO. 14-086

AT&T CALIFORNIA, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	392 - 5th Avenue. Appealing the DENIAL on April 23, 2014, of UTILITY EXCAVATION PERMIT (excavation in public right-of-way related to installation of surface mounted facility). APPLICATION NO. 14EXC-2393. FOR HEARING TODAY.
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(17) APPEAL NO. 14-087

AT&T CALIFORNIA, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	588 Brunswick Street. Appealing the DENIAL on May 01, 2014, of UTILITY EXCAVATION PERMIT (excavation in public right-of-way related to installation of surface mounted facility). APPLICATION NO. 14EXC-2599. FOR HEARING TODAY.
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(18) APPEAL NO. 14-088

AT&T CALIFORNIA, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	201 - 12 th Avenue. Appealing the DENIAL on May 01, 2014, of UTILITY EXCAVATION PERMIT (excavation in public right-of-way related to installation of surface mounted facility). APPLICATION NO. 14EXC-2602. FOR HEARING TODAY.
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(19) APPEAL NO. 14-089

AT&T CALIFORNIA, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	60 - 30 th Street. Appealing the DENIAL on May 01, 2014, of UTILITY EXCAVATION PERMIT (excavation in public right-of-way related to installation of surface mounted facility). APPLICATION NO. 14EXC-2603. FOR HEARING TODAY.
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(20) APPEAL NO. 14-090

AT&T CALIFORNIA, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	1 Eugenia Avenue. Appealing the DENIAL on May 01, 2014, of UTILITY EXCAVATION PERMIT (excavation in public right-of-way related to installation of surface mounted facility). APPLICATION NO. 14EXC-2594. FOR HEARING TODAY.
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ACTION: Upon motion by Commissioner Hwang, the Board voted 3-0-2 (Vice President Hurtado absent and President Lazarus recused) to deny the appeals and uphold the Department on the basis that the permits were properly denied.

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SPEAKERS: Foster Johnson, attorney for permit holder; Carla Short, DPW.

PUBLIC COMMENT: Appeal No. 14-082: None. Appeal No. 14-083: Sarah Pasquinelli and Gary Pasquinelli spoke in support of the Department. Appeal No. 14-084: Anita Kline and Deborah Porter spoke in support of the Department. Appeal No. 14-085: None. Appeal No. 14-086: None. Appeal No, 14-087: None. Appeal No. 14-088: None. Appeal No.14-089: Nancy Barrett and Frank Beneduci spoke in support of the Department.

ADJOURNMENT.

There being no further business, Commissioner Hwang acting as Chair *pro tem*. adjourned the meeting at 9:30 p.m.

DRAFT