

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, SEPTEMBER 10, 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 and Commissioner Darryl Honda.

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); Patrick O'Reardon, Chief Building Inspector, DBI; Lynn Fong, Permit Manager, Department of Public Works Bureau of Street Use and Mapping (DPW); Chris Buck, Urban Forestry Investigator DPW Bureau of Urban Forestry; 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: None.

(2) COMMISSIONER COMMENTS & QUESTIONS

SPEAKERS: President Lazarus announced she will be absent from the September 17, 2014 meeting.

PUBLIC COMMENT: None.

(3) ADOPTION OF MINUTES

Discussion and possible adoption of the August 27, 2014 minutes.

ACTION: Upon motion by Commissioner Honda, the Board voted 4-0 to adopt the August 27, 2014 minutes.

REGULAR MEETING, BOARD OF APPEALS, SEPTEMBER 10, 2014 - PAGE 2

SPEAKERS: None.

PUBLIC COMMENT: None.

(4) APPEAL NO. 14-130

WESTWOOD PARK ASSOCIATION, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	500 and 600 blocks of Miramar Avenue. Appealing the DENIAL on July 02, 2014, of a Tree Removal Permit (denial of request to remove two (2) privately maintained trees in the median). ORDER NO. 182740. FOR HEARING TODAY.
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ACTION: Upon motion by Commissioner Fung, the Board voted 4-0 to grant the appeal, overturn the Department and issue the permit on the condition that the two trees be replace with 24" box trees, with the species to be determined by the Department of Public Works in consultation with the appelland, and on the basis that the trees have reached the end of their normal life spans.

SPEAKERS: Anita Theoharis, agent for appellant; Carol Ito, agent for appellant; Nicholas Crawford, agent for appellant; Chris Buck, DPW.

PUBLIC COMMENT: Miles Liu, Donna Chew and John Goepel spoke in support of appellant.

(5) APPEAL NO. 14-133

3634 - 20TH STREET HOMEOWNERS ASSOCIATION, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	3634 - 20th Street. Appealing the DENIAL on July 03, 2014, of a Tree Removal Permit (denial of request to remove two (2) privately maintained street trees without replacement). ORDER NO. 182731. FOR HEARING TODAY.
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ACTION: Upon motion by Commissioner Fung, the Board voted 3-1 (Commissioner Honda dissented) to grant the appeal, overturn the Department and issue the permit on the basis that the palms and container boxes are fixtures and not planted trees. No tree replacement to be required.

SPEAKERS: Greg Gadwood, agent for appellant; Chris Buck, DPW.

PUBLIC COMMENT: Robert Bailey and Robert Mintz spoke in support of the Department. Rebecca Burgess and Michael Fowler spoke in support of the appellant.

REGULAR MEETING, BOARD OF APPEALS, SEPTEMBER 10, 2014 - PAGE 3

(6) APPEAL NO. 14-135

MATTHEW BRENNAN, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	501 Missouri Street. Protesting the ISSUANCE on July 01, 2014, to SBC - Pacific Bell Engineering, of a UTILITY EXCAVATION PERMIT (install new cabinet). APPLICATION NO. 14EXC-3764. FOR HEARING TODAY.
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ACTION: Upon motion by Commissioner Fung, the Board voted 3-0-1 (President Lazarus recused) to grant the appeal and deny the permit on the basis that the permit does not comply with San Francisco Public Works Code Article 27 (Ordinance No. 76-14).

SPEAKERS: Matthew Brennan, appellant; Foster Johnson, attorney for permit holder; Lynn Fong, DPW.

PUBLIC COMMENT: None.

(7) APPEAL NO. 14-132

JOHN & TERESA VOTRUBA, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	280-284 Union Street. Protesting the ISSUANCE on June 25, 2014, to Clinton Choy, of an Alteration Permit (replace existing roof decking and handrails; scope of work also includes to comply with complaint NOV No. 201049586). APPLICATION NO. 2011/11/17/9101. FOR HEARING TODAY.
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ACTION: Upon motion by Vice President Hurtado, the Board voted 4-0 to deny the appeal and uphold the permit on the basis that it was properly issued and thoroughly vetted by all relevant City departments.

SPEAKERS: Teresa Votruba, appellant; John Votruba, appellant; Melinda Sajapur, attorney for permit holder; Joseph Duffy, DBI; Patrick O'Reardon, DBI; Scott Sanchez, ZA.

PUBLIC COMMENT: None.

(8) APPEAL NO. 14-134

JOSEPH FOSTER, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	132 Corbett Avenue. Protesting the GRANTING on July 10, 2014, to Jane Miu, of a Variance (construct a second dwelling within the required rear yard of the subject property). VARIANCE CASE NO. 2014.0016V. FOR HEARING TODAY.
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REGULAR MEETING, BOARD OF APPEALS, SEPTEMBER 10, 2014 - PAGE 4

ACTION: Upon motion by Commissioner Fung, the Board voted 4-0 to deny the appeal and uphold the Variance on the basis that the criteria set out in the Zoning Administrator's findings were appropriate for this site and therefore the Zoning Administrator did not err or abuse his discretion.

SPEAKERS: Joseph Foster, appellant; Jeff Burris, agent for variance holder; Scott Sanchez, ZA; Jane Miu, variance holder.

PUBLIC COMMENT: None.

ADJOURNMENT.

There being no further business, President Lazarus adjourned the meeting at 8:20 p.m.

DRAFT