

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, SEPTEMBER 18, 2013

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

PRESENT: President Chris Hwang, Commissioner Frank Fung, Commissioner Darryl Honda 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); Cynthia Goldstein, Executive Director; Victor Pacheco, Legal Assistant.

ABSENT: Vice President Ann Lazarus.

(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.

SPEAKERS: None.

PUBLIC COMMENT: None.

(2) COMMISSIONER COMMENTS & QUESTIONS

SPEAKERS: None.

(3) ADOPTION OF MINUTES

Discussion and possible adoption of the September 11, 2013 minutes.

ACTION: Upon motion by President Hwang, the Board voted 4-0-1 (Vice President Lazarus absent) to adopt the September 11, 2013 minutes.

SPEAKERS: None.

PUBLIC COMMENT: None.

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(4) APPEAL NO. 13-058

ALI REZA EBRAHIMI & BRYAN FINOKI, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	1094 Bush Street. Protesting the ISSUANCE on May 09, 2013, to Milton O'Brien, Permit to Alter a Building (revision to BPA No. 2013/01/17/8234; to reflect ceiling detail from previous permit BPA No. 2012/12/14/6301). APPLICATION NO. 2013/05/07/6360. FOR HEARING TODAY.
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ACTION: Upon motion by Commissioner Hurtado, the Board voted 4-0-1 (Vice President Lazarus absent) to continue this matter to November 13, 2013 to allow the permit holder to submit the approved plans to the Board and to give both parties the opportunity to conduct acoustical testing and submit the results to the Board. Additional briefing is also allowed.

SPEAKERS: Ali Reza Ebrahimi, appellant; Milton O'Brien, permit holder; Jack McMahon agent for permit holder; Scott Sanchez, ZA; Joseph Duffy, DBI.

PUBLIC COMMENT: None.

ITEMS (5A), (5B), (5C), & (5D) SHALL BE HEARD TOGETHER:

(5A) APPEAL NO. 13-095

THE MARSH, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1050 Valencia Street. Protesting the ISSUANCE on July 17, 2013, to M. Rutherford Trust / Shizuo Holdings, Demolition Permit (demolish one-story restaurant building with 2,000sf of ground floor area). APPLICATION NO. 2010/12/27/7436. FOR HEARING TODAY.
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(5B) APPEAL NO. 13-096

THE MARSH, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1050-1058 Valencia Street. Protesting the ISSUANCE on July 17, 2013, to M. Rutherford Trust / Shizuo Holdings, Permit to Erect a Building (erect a five-story, 12-unit apartment/retail/parking building with 3000sf of ground floor area) APPLICATION NO. 2010/12/27/7437"S". FOR HEARING TODAY.
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(5C) APPEAL NO. 13-097

ALICIA GAMEZ, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1050 Valencia Street. Protesting the ISSUANCE on July 17, 2013, to M. Rutherford Trust / Shizuo Holdings, Demolition Permit (demolish one-story restaurant building with 2,000sf of ground floor area). APPLICATION NO. 2010/12/27/7436. FOR HEARING TODAY.
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(5D) APPEAL NO. 13-098

ALICIA GAMEZ, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1050-1058 Valencia Street. Protesting the ISSUANCE on July 17, 2013, to M. Rutherford Trust / Shizuo Holdings, Permit to Erect a Building (erect a five-story, 12-unit apartment/retail/parking building with 3000sf of ground floor area) APPLICATION NO. 2010/12/27/7437"S". FOR HEARING TODAY.
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ACTION: Upon motion by Commissioner Hurtado, the Board voted 4-0-1 (Vice President Lazarus absent) to continue all four (4) appeals to the Board's Call of the Chair calendar to allow the California Environmental Quality Act (CEQA) appeal filed with the San Francisco Board of Supervisors to be resolved.

SPEAKERS: Stephen Williams, attorney for appellant Alicia Gamez; Stephanie Weisman, agent for appellant The Marsh; Mark Rutherford, agent for permit holder; Scott Sanchez, ZA.

PUBLIC COMMENT: None.

ADJOURNMENT.

There being no further business, President Hwang adjourned the meeting at 6:15 p.m.