

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, JANUARY 15, 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, 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); John Kwong, Manager, Department of Public Works Bureau of Street Use and Mapping (DPW BSM); Jarvis Murray, Enforcement and Legal Affairs Manager, Municipal Transportation Agency Division of Taxis and Accessible Services (SFMTA); Scott Leon, Investigator, SFMTA; 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: None.

(3) ADOPTION OF MINUTES:

Discussion and possible adoption of the January 8, 2014 minutes.

ACTION: Upon motion by President Hwang, the Board voted 5-0 to adopt the January 8, 2014 minutes.

SPEAKERS: None.

PUBLIC COMMENT: None.

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(4) REHEARING REQUEST:

Subject property at 1532 Cole Street. Letter from David Polatnick, appellant, requesting rehearing of Appeal No. 13-140, Polatnick vs. DBI, PDA, decided December 18, 2013. At that time, the Board voted 5-0 to uphold the subject permit on the basis that the Planning Department's determination on height is accurate, and on a further basis that the structure is Code compliant. Permit Holders: Andrea Higgins & Peter Chung. Project: addition of new office space in rear yard below associated patio at natural grade; demo exterior rear wall; BPA No. 2013/04/26/5579S.

ACTION: Upon motion by President Hwang, the Board voted 5-0 to deny the request.

SPEAKERS: Jace Levinson, agent for requestor; Todd Erneez, agent for permit holder; Rodrigo Santos, agent for permit holder; Scott Sanchez, ZA.

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. PUBLIC HEARING HELD DEC. 11, 2013. FOR FURTHER CONSIDERATION TODAY AND FOR THE ADOPTION OF TENTATIVE FINDINGS AND CONDITIONS.
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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". PUBLIC HEARING HELD DEC. 11, 2013. FOR FURTHER CONSIDERATION TODAY AND FOR THE ADOPTION OF TENTATIVE FINDINGS AND CONDITIONS.
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(5C) APPEAL NO. 13-097

<p>ALICIA GAMEZ, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL</p>	<p>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. PUBLIC HEARING HELD DEC. 11, 2013. FOR FURTHER CONSIDERATION TODAY AND FOR THE ADOPTION OF TENTATIVE FINDINGS AND CONDITIONS.</p>
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(5D) APPEAL NO. 13-098

<p>ALICIA GAMEZ, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL</p>	<p>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". PUBLIC HEARING HELD DEC. 11, 2013. FOR FURTHER CONSIDERATION TODAY AND FOR THE ADOPTION OF TENTATIVE FINDINGS AND CONDITIONS.</p>
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ACTION: Upon motion by Commissioner Hurtado, the Board voted 5-0 to continue this matter to February 26, 2014 to allow the parties time to submit briefs on the Housing Accountability Act and its application to the project at issue and to these appeals.

SPEAKERS: Mary Gallagher, agent for appellant The Marsh; Steven Williams, attorney for appellant Alicia Gamez; Andrew Junius, attorney for permit holder; Mark Rutherford, permit holder; Scott Sanchez, ZA.

PUBLIC COMMENT: Elizabeth Zitrin, Barbara Gersh, Blair Moser, Candace Roberts, Annette Roman, Dan Biewener, Ady Abbot, Judy Einzig, Sophia Green, Echo Brown, David Nowlin, Josh Kornbluth, Risa Teitelbaum, Kenny Yun, Lynne Lombardo, John Barbey, Kurt Bodden, Judy Kurtz, David Fuchs, Wayne Harris and Gene Gore spoke in support of the appellants. Tim Colen, Jeffrey Yasskin, Manish Champsee and Anthony Ryan spoke in support of the permit holder.

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(6) APPEAL NO. 13-158

LINUS OHA, Appellant(s) vs. MUNICIPAL TRANSPORTATION AGENCY, Respondent	Appealing the REVOCATION on November 01, 2013, of Ramp Taxi Medallion No. 9060 and Color Scheme Permit for "Best Cab". FOR HEARING TODAY.
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ACTION: Upon motion by Vice President Lazarus, the Board voted 5-0 to deny the appeal and uphold the revocations.

SPEAKERS: Heidi Machen, attorney for appellant; Jarvis Murray, SFMTA; Scott Leon, SFMTA.

PUBLIC COMMENT: None.

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

(7A) APPEAL NO. 13-160

AT&T CALIFORNIA, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	194 & 210 Randall Street. Appealing the DENIAL on November 04, 2013, of SURFACE MOUNTED FACILITY PERMIT (installation of two surface mounted facility cabinets). APPLICATION NOS. 13SMF-0021 & 13SMF-0036. FOR HEARING TODAY.
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(7B) APPEAL NO. 13-161

AT&T CALIFORNIA, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	346 Rolph Street. Appealing the DENIAL on November 04, 2013, of SURFACE MOUNTED FACILITY PERMIT (installation of one surface mounted facility cabinet). APPLICATION NO. 13SMF-0086. FOR HEARING TODAY.
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(7C) APPEAL NO. 13-162

AT&T CALIFORNIA, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	620 Buchanan Street. Appealing the DENIAL on November 04, 2013, of SURFACE MOUNTED FACILITY PERMIT (installation of one surface mounted facility cabinet). APPLICATION NO. 13SMF-0112. FOR HEARING TODAY.
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ACTION: Upon motion by President Hwang, the Board voted 4-1 (Commissioner Fung dissented) to reject the appeals and refund the filing fees on the basis of lack of subject matter jurisdiction.
SPEAKERS: Marc Blakeman, agent for appellant; John Kwong, DPW BSM.

PUBLIC COMMENT: Ron Blum and Gail Baugh spoke in support of the Department.

ADJOURNMENT.

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