BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, DECEMBER 11, 2013

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); Corey Teague, Acting Zoning Administrator (ZA); Joseph Duffy, Senior Building Inspector, Department of Building Inspection (DBI); 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 November 20, 2013 minutes.

ACTION: Upon motion by President Hwang, the Board voted 5-0 to adopt the November 20, 2013 minutes.

SPEAKERS: None.

PUBLIC COMMENT: None.
ADDENDUM ITEMS:

REHEARING REQUEST:

Subject property at 350 Mission Street. Letter from Sue Hestor, appellant, requesting rehearing of Appeal Nos. 13-114, Hestor vs. Planning Commission, decided Nov. 13, 2013. At that time, the Board voted 4-0-1 (Commissioner Fung absent) to uphold the Planning Commission motion and office allocation with findings as read into the record. Project: grant an additional allocation of 80,000sf of office uses related to construction of up to 6 additional stories atop a previously approved, 24-story tower, resulting in a new building of up to 30 stories with a roof height of up to approx. 424 feet; Motion No. 18956. Motion Holder: KR 350 Mission LLC.

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

SPEAKERS: Sue Hestor, appellant; Dan Frattin, attorney for motion holder; Corey Teague, 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 FOR HEARING TODAY.

(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) | 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. |
| vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL |

(5D) **APPEAL NO. 13-098**

| ALICIA GAMEZ, Appellant(s) | 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. |
| vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL |

**ACTION:** Upon motion by President Hwang, the Board voted 5-0 to grant the appeals and issue the permits with findings and conditions to be considered by the Board on January 15, 2014.

**SPEAKERS:** Stephanie Weisman, agent for appellant The Marsh; Mary Gallagher, agent for appellant The Marsh; Stephen Williams, attorney for appellant Alicia Gamez; Alicia Gamez, appellant; Melinda Sarjapur, attorney for permit holder; Stephen Antonaros, agent for permit holder; Frank Hubach, agent for permit holder; Mark Rutherford, agent for permit holder; Corey Teague,ZA; Joseph Duffy, DBI.

**PUBLIC COMMENT:** Sue Hestor, Ric West, Alice LaRocca, Shari Steiner, Dan Biewener, David Nowlin, Marga Gomez, Rafael Mandelman, Charlie Varon, Julia McNeal, Chip Isaac, Sylvie Simmons, Joy Kent, Gene Gore, Jefferson McCarley, Ady Abbott, Candace Roberts, Blair Moser, John Barbey, Wendy Cosin, Nora Danielson, Karoleen Feng, Diane Ross, Michael Lesser, John Levin, Kenny Yun, Peter Heinecke, Jill Vice, Sue Lebeck, Maria Affinito, Paula Braveman, Howard Petrick. Mark Kenward and Risa Teitelbaum spoke in support of the appellants.

(6) **APPEAL NO. 13-133**

| KAREN GALVES, Appellant(s) | 1150-1152 Geneva Ave. Protesting the ISSUANCE on October 10, 2013, to Christ C. Christ, Alteration Permit (install half-bath in existing light well). APPLICATION NO. 2013/10/09/8899. FOR HEARING TODAY. |
| vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL |
ACTION: Upon motion by Commissioner Honda, the Board voted 5-0 to continue the appeal to January 29, 2014 to allow the Planning Department time to send out the required notice to neighbors, or for the permit holder to obtain the required signatures from the adjacent neighbors.

SPEAKERS: Karen Galves, appellant, Christ C. Christ, permit holder; Christopher Christ, agent for permit holder; Corey Teague, ZA; Joseph Duffy, DBI.

PUBLIC COMMENT: None.

(7) APPEAL NO. 13-135

| MICHAEL SHAFFER & RICHARD TSAI, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL | 801 & 803 Kansas Street. Protesting the ISSUANCE on October 09, 2013, to Chris Cobb, Alteration Permit (repair/replace existing stairway and porch at rear of building; new decking for required means of egress; add firewall; provide new support footings to porch and stairway; comply with NOV No. 200996781 and 200790973). APPLICATION NO. 2012/10/30/3118. FOR HEARING TODAY. |

ACTION: Upon motion by President Hwang, the Board voted 5-0 to continue this matter to January 8, 2014 to allow time for the parties to prepare and submit plans reflecting their settlement.

SPEAKERS: Michael Shaffer, appellant; Chris Cobb, permit holder.

PUBLIC COMMENT: None.

(8) APPEAL NO. 13-136

| ROBERT DAVES, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL | 3547 - 20th Street. Protesting the ISSUANCE on October 18, 2013, to Diamon Horace, Alteration Permit (comply with NOV No. 201397311; remove work done without permit; remove shed storage at rear yard built illegally; add 36" high parapet at west light well; remove any vent located less than 3' away from property line; dry rot repair at front approx. 50sf). APPLICATION NO. 2013/07/25/2815. FOR HEARING TODAY. |

ACTION: Upon motion by Commissioner Fung, the Board voted 5-0 to grant the appeal and issue the permit on the condition that the 36" parapet wall along the lightwell be struck from the scope of the permit, and on the basis that the parapet is not required by Code.
SPEAKERS: The appellant did not appear at the hearing; Diamon Horace, permit holder; Joseph Duffy, DBI; Corey Teague, ZA.

PUBLIC COMMENT: None.

**ADJOURNMENT.**

There being no further business, President Hwang adjourned the meeting at 10:30 p.m.