

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, FEBRUARY 5, 2014

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); Carla Short, Urban Forester, Department of Public Works, Bureau of Urban Forestry (DPW BUF); John Kwong, Manager, Department of Public Works Bureau of Street Use and Mapping (DPW BSM); 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.

PUBLIC COMMENT: None.

(2) **COMMISSIONER COMMENTS & QUESTIONS:**

SPEAKERS: None.

(3) **ADOPTION OF MINUTES:**

Discussion and possible adoption of the January 29, 2014 minutes.

ACTION: Upon motion by President Hwang, the Board voted 4-0-1 (Vice President Lazarus absent) to adopt the January 29, 2014 minutes.

SPEAKERS: None.

PUBLIC COMMENT: None.

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(4) APPEAL NO. 13-135

<p>MICHAEL SHAFFER & RICHARD TSAI, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL</p>	<p>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.</p>
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ACTION: Upon motion by Commissioner Hurtado, the Board voted 4-0-1 (Vice President Lazarus absent) to grant the appeal and issue the permit with the adoption of revised plans dated January 30, 2014.

SPEAKERS: Michael Shaffer, appellant; Chris Cobb, permit holder; Dwayne Pauletich, agent for permit holder; Scott Sanchez, ZA.

PUBLIC COMMENT: None.

(5) APPEAL NO. 13-173

<p>IRVING ZARETSKY, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent</p>	<p>2853 Broderick Street. Protesting the ISSUANCE on December 10, 2013, to Pamela Whitehead Family Trust, Minor Sidewalk Encroachment Permit (construct new warped driveway for new garage entrance that will encroach 3'-9" into the 15' public right of way; maintain existing planters fronting the subject property). PERMIT NO. 13MSE-0158. FOR HEARING TODAY.</p>
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ACTION: Upon motion by President Hwang, the Board voted 4-0-1 (Vice President Lazarus absent) to continue this matter to the Call of the Chair until the suspensions of the underlying building permits are resolved.

SPEAKERS: Irving Zaretsky, appellant; Stephen Antonaros, agent for permit holder; Pamela Whitehead, permit holder; John Kwong, DPW BSM; Scott Sanchez, ZA; Joseph Duffy, DBI.

PUBLIC COMMENT: Nancy Leavens and Don Morehead spoke in support of the appellant; Dieter Tede spoke in support of the permit holder.

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(6) APPEAL NO. 13-176

PANORAMIC INTERESTS, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	1321 Mission Street. Appealing the DENIAL on December 18, 2013, of Tree Removal Permit (denial of request to remove three [3] trees, and approval of request to remove one [1] tree). ORDER NO. 182021. FOR HEARING TODAY.
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ACTION: Upon motion by Commissioner Fung, the Board voted 4-0-1 (Vice President Lazarus absent) to grant the appeal, overturn the department and allow the removal of four trees on the condition that they be replaced by five 60" box size trees.

SPEAKERS: Patrick Kennedy, agent for appellant; Carla Short, DPW BUF.

PUBLIC COMMENT: None.

(7) APPEAL NO. V13-174

JERRY WEISS, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	272 Upper Terrace. Protesting the GRANTING on December 16, 2013, to Neil Pernick, Rear Yard Obstruction Variance (legalize a fence at the rear property line). CASE NO. 2013.0923V. FOR HEARING TODAY.
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ACTION: Upon motion by President Hwang, the Board voted 2-2-1 (Commissioners Hurtado and Honda dissented, Vice President Lazarus absent) to grant the appeal and overturn the Zoning Administrator on the basis that he abused his discretion with adoption of findings at a later time. Lacking the four votes needed to overturn a departmental action and with no further motion made, the variance was upheld by operation of law.

SPEAKERS: Jerry Weiss, appellant; Susan Bobulsky, variance holder; Neil Pernick, variance holder; Scott Sanchez, ZA.

PUBLIC COMMENT: Marcia Weisbrot, Shirley Golub and Stephen Schwichow spoke in support of the appellant. Tagan Blake spoke in support of variance holders.

ADJOURNMENT.

There being no further business, President Hwang adjourned the meeting at 7:30 p.m.