

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, JULY 31, 2013

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

PRESENT: 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); Thomas Owen, Deputy City Attorney (OCA); Scott Sanchez, Zoning Administrator (ZA); Kevin Guy, Planner, Planning Department (PD); Anthony Grieco, Chief Building Inspector, Department of Building Inspection (DBI); Cynthia Goldstein, Executive Director; Victor Pacheco, Legal Assistant.

ABSENT: President Chris Hwang.

(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 July 17, 2013 minutes.

ACTION: Upon motion by Commissioner Hurtado, the Board voted 4-0-1 (President Hwang absent) to adopt the July 17, 2013 minutes.

SPEAKERS: None.

PUBLIC COMMENT: None.

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(4) **ADDENDUM ITEMS:**

(4a) **JURISDICTION REQUEST:**

Subject property at 706 Mission Street. Letter from Thomas Lippe, attorney for Friends of Yerba Buena, 765 Market Street Residential Owners Association et al., requestors, asking that the Board invoke subject matter jurisdiction over Planning Commission Motion No. 18877 (adoption of findings under PC §295, in consultation with the Recreation & Park Commission, that the net new shadow from the proposed project at 706 Mission Street will not have an adverse impact on Union Square) and Planning Commission Resolution No. 18876 (resolution to amend the PC §295 implementation memorandum adopted in 1989). Both Planning Commission actions under PC §295 are dated May 23, 2013; requestors attempted to appeal both actions and the companion PC §309 downtown high-rise authorization, but the Board office only accepted an appeal of the PC §309 motion, which is calendared for tonight as Appeal No. 13-070.

ACTION: Upon motion by Commissioner Fung, the Board voted 4-0-1 (President Hwang absent) to deny the request.

SPEAKERS: Thomas Lippe, attorney for requestors; Margo Bradish, attorney for motion holder; Scott Sanchez, ZA.

PUBLIC COMMENT: Enrique Ramirez, Mercedes Moreno, Gladys Soto, Arturo Carrillo and Pete Gollegos spoke in support of the motion holder.

(4b) **JURISDICTION REQUEST:**

Subject property at 2508 – 19th Avenue. Letter from Eva Tang, requestor, asking that the Board take jurisdiction over BPA No. 2013/06/21/0186, which was issued on June 21, 2013; the appeal period ended on July 08, 2013 and the jurisdiction request was filed at the Board office on July 11, 2013. Permit Holder: Hui Cory Yu. Project: recommencement and completion of work approved under BPA No. 2002/03/13/1301 (to erect a three-story single-family dwelling).

ACTION: Upon motion by Commissioner Fung, the Board voted 4-0-1 (President Hwang absent) to reschedule this matter to August 14, 2013 at the request of the parties.

SPEAKERS: None.

PUBLIC COMMENT: None.

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(4c) JURISDICTION REQUEST:

Subject property at 1980 Golden Gate Avenue. Letter from Raquel Fox, attorney for John Tynan, Kurt Mueller & Jason Thrupp, requestors, asking that the Board take jurisdiction over BPA No. 2013/05/16/7130, which was issued on June 24, 2013; the appeal period ended on July 09, 2013 and the jurisdiction request was filed at the Board office on July 15, 2013. Permit Holder: Urban Green Investments LLC. Project: revision to BPA No. 2012/10/29/2977; cost revision; unit 1998 need to replace entire slab and replace with structural slab; units 800-1, 802A, 804, 806A, 808 will need to replace floor joists under kitchens; all as per original plans.

ACTION: Upon motion by Commissioner Fung, the Board voted 4-0-1 (President Hwang absent) to deny the request.

SPEAKERS: Deylin Thrift-Viveros, agent for requestors; Ryan Patterson, attorney for permit holder; Patrick Buscovich, agent for permit holder; Peter Comavoto, agent for permit holder; Scott Sanchez, ZA; Anthony Grieco, DBI.

PUBLIC COMMENT: None.

(5) APPEAL NO. 13-066

<p>GREGORY PETERS, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL</p>	<p>1360 Dolores Street. Protesting the issuance on May 16, 2013, to Emily & Aaron Quinn, Permit to Alter a Building (new one-story addition at front of building with new terrace at 2nd floor; renovation of 1st floor bathroom; renovation of exterior landscaping, stairs and entry; no changes to north and west elevations). APPLICATION NO. 2012/02/23/4735. FOR HEARING TODAY.</p>
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ACTION: Upon motion by Commissioner Fung, the Board voted 4-0-1 (President Hwang absent) to deny the appeal and uphold the permit on the basis that it is Code compliant.

SPEAKERS: Sangeetha Rao, attorney for appellant; Robert Noelke, agent for appellant; Gregory Peters, appellant; Denis Shanagher, attorney for permit holder; Michael Hom, agent for permit holder; Scott Sanchez, ZA; Anthony Grieco, DBI.

PUBLIC COMMENT: None.

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(6) APPEAL NO. 13-067

<p>PATRICK BUSCOVICH, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent</p>	<p>1045 Minna Street & 35-41 Lafayette Street. Appealing a Suspension Request dated May 16, 2013, addressed to Dept. of Building Inspection Acting Director Tom Hui, asking that BPA Nos. 2013/02/08/9771, 2012/11/19/4467, 2013/02/08/9775 and 2012/11/19/4468 be suspended because the Planning Department believes these permits (replace existing brick perimeter footing for both buildings) have exceeded the approved scope of work. FOR HEARING TODAY.</p>
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ACTION: Upon motion by Commissioner Fung, the Board voted 4-0-1 (President Hwang absent) to reschedule this matter to August 14, 2013 at the request of the parties.

SPEAKERS: None.

PUBLIC COMMENT: None.

(7) APPEAL NO. 13-070

<p>FRIENDS OF YERBA BUENA, 765 MARKET STREET RESIDENTIAL OWNERS ASSOCIATION, MATTHEW SCHOENBERG, JOE FANG, MARGARET COLLINS, PAUL SEDWAY & RON WORNICK, Appellant(s) vs. PLANNING COMMISSION, Respondent Motion Holder: 706 MISSION STREET LLC</p>	<p>706 Mission Street. Protesting the adoption of findings for a Planning Code §309 Determination of Compliance (rehabilitate existing 10-story, 144-foot tall building and construct a new, adjacent 43-story tower, reaching a roof height of 480 feet with a 30-foot tall mechanical penthouse). MOTION NO. 18894. FOR HEARING TODAY.</p>
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ACTION: Upon motion by Commissioner Fung, the Board voted 4-0-1 (President Hwang absent) to deny the appeal and uphold the Planning Commission determination on the basis that there was no error in interpretation of the Planning Code or abuse of discretion, and with the adoption of California Environmental Quality Act (CEQA) findings as read into the record.

SPEAKERS: Thomas Lippe, attorney for appellants; Margo Bradich, attorney for motion holder; Kevin Guy, PD.

PUBLIC COMMENT: Roberto Hernández and Rick Smith spoke in support of the motion holder.

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(8) APPEAL NO. 13-089

JEFF & TRACEY SCHLARB, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	2823-2827 Greenwich Street. Appealing a REVOCATION REQUEST dated July 15, 2013, requesting that ALTERATION PERMIT NOS. 2012/01/24/2796, 2012/04/18/8561, and 2013/06/18/9812 at the subject property be revoked because they were improperly issued and resulted in the removal of one dwelling unit without proper review under the Planning Code. FOR HEARING TODAY.
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ACTION: Upon motion by Commissioner Hurtado, the Board voted 4-0-1 (President Hwang absent) to grant the appeal, overrule the Zoning Administrator's Revocation Request and reinstate all three permits based on a finding that the Zoning Administrator erred in relying on the 1970 Certificate of Final Completion and Occupancy.

SPEAKERS: Brian Soriano, attorney for appellants; Jeff Schlarb, appellant; Scott Sanchez, ZA; Anthony Grieco, DBI.

PUBLIC COMMENT: Trent Jackson, Evan Kletter and J.P. Guittard spoke in support of the appellants. Greg Hanson spoke in support of the Zoning Administrator.

ADJOURNMENT.

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