



August 23, 2013

Reza Khoshnevisan
@ SIA Consulting Corp., Motion Holder
1256 Howard Street
San Francisco, CA 94103

Appeal No.: 13-109
Appeal Title: M.U.N.A. vs. Planning Commission
Subject Property: 480 Potrero Avenue
Type: PC §329 Adoption of Findings – Large Project Authorization
Case No.: 2011.0430XE
Motion No.: 18945

Dear Motion Holder(s):

This is to notify you that an appeal has been filed with this department protesting the approval of the **PLANNING COMMISSION MOTION** referenced above regarding a large project authorization. Pursuant to Article I, § 8(i)(5) of the San Francisco Business & Tax Regulations Code, the said **PLANNING COMMISSION MOTION** is hereby **SUSPENDED** until the Board of Appeals decides this matter and releases a notice of decision and order.

We are enclosing a copy of the Preliminary Statement of Appeal for your information.

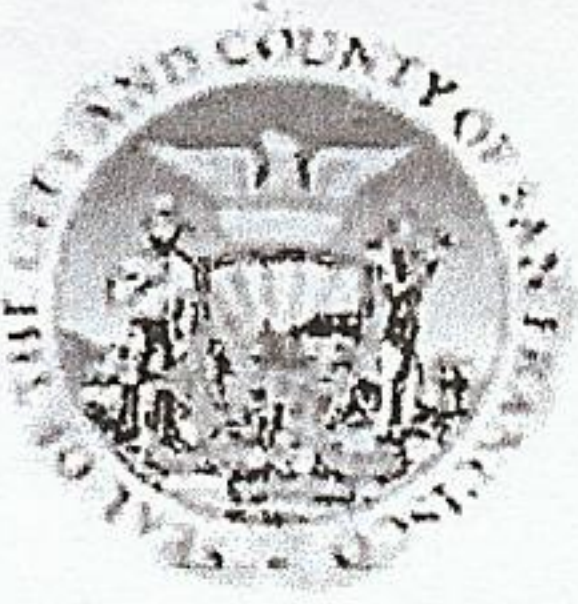
The hearing regarding this matter has been scheduled for **Oct. 23, 2013, at 5:00 p.m., City Hall, Room 416**, One Dr. Carlton B. Goodlett Place. If you have any further questions, you may call this office at 415.575.6880.

Sincerely,

BOARD STAFF

cc: Planning Dept. c/o ZA Scott Sanchez, Dept. of Building Inspection,
and appellant(s) w/o enclosures

Mariposa Utah Neighborhood Association, Appellant
c/o Juan Jayo, Attorney for Appellant
530 Utah Street
San Francisco, CA 94110



Date Filed:

BOARD OF APPEALS

AUG 23 2013

APPEAL # 13-109

CITY & COUNTY OF SAN FRANCISCO
BOARD OF APPEALS

PRELIMINARY STATEMENT OF APPEAL

I / We, Mariposa Utah Neighborhood Association, hereby appeal the following departmental action: **ISSUANCE** of ~~Planning Commission~~ Adoption of Findings - Large Project Auth. Code Section 329, Case #2011.0430XE by Planning Commission which was issued or became effective on: August 08, 2013, to: Reza Khoshnevisan, for the property located at: 480 Potrero Avenue. Motion # 18945

BRIEFING SCHEDULE:

The Appellant may, but is not required to, submit a one page (double-spaced) supplementary statement with this Preliminary Statement of Appeal. No exhibits or other submissions are allowed at this time.

Appellant's Brief is due on or before: **October 03, 2013, (no later than three (3) Thursdays prior to the hearing date)**, up to 12 pages in length, double-spaced, with unlimited exhibits, with an original and 10 copies delivered to the Board office by 4:30 p.m., and with additional copies delivered to the other parties the same day.

P.C. Commission - Motion Holder
Respondent's and Other Parties' Briefs are due on or before: **October 17, 2013, (no later than one (1) Thursday prior to hearing date)**, up to 12 pages in length, doubled-spaced, with unlimited exhibits, with an original and 10 copies delivered to the Board office by 4:30 p.m., and with additional copies delivered to the other parties the same day.

Only photographs and drawings may be submitted by the parties at hearing.

Hearing Date: **Wednesday, October 23, 2013, 5:00 p.m., City Hall, Room 416, One Dr. Carlton B. Goodlett Place.**

All parties to this appeal must adhere to the briefing schedule above, however if the hearing date is changed, the briefing schedule MAY also be changed. Written notice will be provided of any change to the briefing schedule.

In order to have their documents sent to the Board members prior to hearing, **members of the public** should submit an original and 10 copies of all documents of support/opposition no later than one (1) Thursday prior to hearing date by 4:30 p.m. Please note that names and contact information included in submittals from members of the public will become part of the public record. Submittals from members of the public may be made anonymously.

Please note that in addition to the parties' briefs, any materials that the Board receives relevant to this appeal, including letters of support/opposition from members of the public, are distributed to Board members prior to hearing. All such materials are available for inspection at the Board's office. You may also request a copy of the packet of materials that are provided to Board members at a cost of 10 cents per page, per S.F. Admin. Code Ch. 67.28.

If you have any questions please call the Board of Appeals at 415-575-6880

The reasons for this appeal are as follows:

See attachment to the Preliminary Statement of Appeal

Appellant or Agent (Circle One):

Signature: Jean M Bogiages (MUNA)

Print Name: MUNA Jean M Bogiages

BOARD OF APPEALS

AUG 23 2013

APPEAL # 13-109

Appeal of Planning Department Decision on Large Project Authorization Application
No. 2011.0430XE Planning Commission Motion No. 18945

The Mariposa-Utah Streets Neighborhood Association (MUNA) hereby appeals the Approval of the project proposed for 480 Potrero on the above-referenced motion as adopted August 8, 2013, on the following grounds:

- The approval was based on an inaccurate initial site condition description. (The Planning Department listed the project site as a vacant lot when it was a significant parking lot, ignoring the significant impacts of the proposed change in use.)
- The project violates Planning Code Section 134 (required back yards) and there is no reasonable basis of the approved exception.
- The project does not comply with Planning Code Section 140. (48% of the units do not meet code requirements for light and air exposure.)
- The project violates Planning Code Section 147 and 295 (The Planning Department ignored shadow study showing violation.)
- The project violates Planning Code Section 260, Section 329(c)(A), Section 135 (required open space), Section 101.1(b) (The building will be at least 4 stories taller than any building between 10th and Mission Streets and the new General Hospital and is completely out of character with any structures on the entire length of Potrero.), Section 101.1(b) (The project threatens the structure and viability of the Verdi Club, a recognized historical resource. It is not sufficient to note as the Planning Department did that the site itself has no historical building located on it.), Section 101(b) (It would destroy the character of the neighborhood and not be a beneficial development.).
- The project sponsor and Planning Department failed to provide notice of the proposed development to Down Town High School. (California Code of Regulations – CCR Title 14: Guidelines §15186). The Planning Dept. staff admits no such notice was undertaken and provided no legal justification for the failure to provide notice.
- No health risk assessment was required to review the potential exposures to asbestos by the children attending classes at the Verdi Club and to the environmental justice community at the Mariposa Gardens housing project located just across the street from the proposed project.
- There was no geotechnical report for the current project, rather the Planning Department relied on a retitled report from 2004 prepared for a different and much smaller project.
- No licensed architect or engineer has signed off as approving the project plans as meeting required standards.

MUNA requests that the project be sent back to the Planning Department with directions to correct these deficiencies, with additional direction to redesign the building to be no more than four stories in height, to provide for the rear yard and open space as required by code and to provide satisfactory protection for the structural integrity and viability of the Verdi Club.

AUG 23 2013

APPEAL # 13-109



CONTACT INFORMATION FOR PARTIES

Appeal No(s): _____

Docs send to

APPELLANT(S)

Name: MUNA (Mariposa Utah Neighborhood Assn)

Phone Number: 415 863 5109 Fax Number: _____

Email Address: jeanewoodwinds.net

Mailing Address: 550 Utah St SF CA 94110
Street City State Zip

Names of Other Appellants: _____

Attorney Agent for Appellant

Name: Juan Jayo

Phone Number: 415 626 6229 Fax Number: _____

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Mailing Address: 530 Utah St SF CA 94110
Street City State Zip

Motion OTHER PARTY (PERMIT HOLDER, VARIANCE HOLDER, ETC.)

Name: Reza Khoshnevisan

Phone Number: 922-0200 Fax Number: _____

Email Address: _____

Mailing Address: 1256 Howard St. SF, CA 94103
Street City State Zip

Names of Other Parties: _____

Agent for Other Party

Name: _____

Phone Number: _____ Fax Number: _____

Email Address: _____

Mailing Address: _____
Street City State Zip