

# **SPEAK** SUNSET PARKSIDE EDUCATION AND ACTION COMMITTEE

1329 7th Avenue, San Francisco, CA 94122-2507

## **Board of Appeals – Continuance/Rescheduling Request**

July 12, 2024

Appeal No.: 23-035, 2700 45<sup>th</sup> Ave.

Appellant SPEAK requests that this matter scheduled as agenda item 8 on July 17, 2024 be continued until November 13, 2024 for GOOD CAUSE SHOWN below. Neither permit holder nor Planning has agreed to SPEAK's request for a continuance.

1) Planning has requested and been granted three multi-month rescheduling requests in this matter (see attached **Exhibit A: Planning's 3 continuance requests**). This is Appellant's first request.

2) Yesterday, the California Coastal Commission considered an amendment to the San Francisco Local Coastal Program implementation plan. Accordingly, it will take Appellants some time to consult with the Coastal Commission staff to understand how the LCP amendment would potentially impact this project. Also, there is confusion over the Coastal Commission's action in that the Motion was to "reject" the Local Coastal Program amendment and there was a majority of "NO" votes. Yet per the CCC staff report, the motion may pass only by an affirmative vote of a majority of commissioners present. Accordingly, Appellants also need time to ascertain exactly what action the Coastal Commission actually took, whether the action complies with the Coastal Act, and the action's potential impact on this matter.

3) The Planning Commission has not yet considered the new Coastal Zone Permit draft with newly-added language that Planning attached as Exhibit B to its response brief herein. Rescheduling the Board of Appeals hearing will give Planning an opportunity to present its new Coastal Zone Permit draft to the Planning Commission, to go through the proper process and presumably avoid any potential legal challenges.

For all of these reasons and for GOOD CAUSE SHOWN, Appellant SPEAK respectfully requests that the Board of Appeals grant a continuance/rescheduling of this matter until November 13, 2024.

Respectfully submitted, Eileen Boken, President, SPEAK, Appellant

# EXHIBIT A

- 1) Planning's continuance request dated 9-6-2023
- 2) Planning's continuance request dated 10-6-2023
- 3) Planning's continuance request dated 3-1-2024



# BOARD OF APPEALS – CONTINUANCE REQUEST

**HEARING DATE: September 13, 2023**

September 6, 2023

**Appeal No.:** 23-035  
**Project Address:** 2700 45<sup>th</sup> Avenue  
**Block/Lot:** 2513/026  
**Zoning District:** NC-2 (Small-Scale Neighborhood Commercial District)  
**Height District:** 100-A  
**Staff Contact:** Corey Teague, Zoning Administrator – (628) 652-7328  
[corey.teague@sfgov.org](mailto:corey.teague@sfgov.org)

The Planning Department requests that this case be continued to the November 1, 2023 hearing. The Appellant does not agree to the proposed continuance. The primary reason for the request is to allow the Planning Department more time to consult directly with the California Coastal Commission (CCC) regarding issues raised by the Appellant. Appeals of Coastal Zone Permits are rare, and as discussed in previous cases, it is not the Board's role to interpret State Law. As such, the Department thinks it would be prudent for all parties if more time is allowed for additional consultation with the CCC on the issues raised for the subject project, which may also impact other actions in the future within the Coastal Zone.

Regarding timing, the subject project also requires associated legislation be approved by the Board of Supervisors, signed by the Mayor, and then held for 30 days before becoming effective. The absolute quickest that all could be completed is by late October. Additionally, the project cannot move forward while the Coastal Zone Permit is under appeal. Therefore, granting the continuance does not represent substantial harm to any of the parties and will only help ensure that the Board is provided with the most complete information relevant to the case. As such, the Department respectfully requests a continuance of this case to November 1, 2023. Thank you.



## BOARD OF APPEALS – CONTINUANCE REQUEST

**HEARING DATE: October 25, 2023**

October 6, 2023

**Appeal Nos.:** 23-035  
**Project Address:** 2700 45<sup>th</sup> Avenue  
**Block/Lot:** 2513/026  
**Zoning District:** NC-2 Neighborhood Commercial, Small Scale  
**Height District:** 100-A  
**Staff Contact:** Tina Tam, Deputy Zoning Administrator – (628) 652-7385  
[tina.tam@sfgov.org](mailto:tina.tam@sfgov.org)

The Planning Department requests that this case be continued to the March 13, 2024 hearing. The Irish Cultural Center’s Coastal Zone Permit (Planning Record #2022-001407CTZ) is scheduled to be before the Board of Appeals on October 25, 2023. I am writing to let you know that following the Board of Supervisor’s consideration of the Special Use District (SUD), the City intends to ask the Coastal Commission to certify the Project’s SUD as a Local Coastal Program (LCP) Amendment prior to the City taking final action on the Coastal Zone Permit. Given the time it will take to have the SUD heard by the Board of Supervisors and then the Coastal Commission, we are requesting that the Board of Appeals continue the appeal of the Coastal Zone Permit out to March 13, 2024.

Thank you.



# BOARD OF APPEALS – CONTINUANCE REQUEST

**HEARING DATE: March 13, 2024**

March 1, 2024

**Appeal No.:** 23-035  
**Project Address:** 2700 45<sup>th</sup> Avenue  
**Block/Lot:** 2513/026  
**Zoning District:** NC-2 (Small-Scale Neighborhood Commercial District)  
**Height District:** 100-A  
**Staff Contact:** Corey Teague, Zoning Administrator – (628) 652-7328  
[corey.teague@sfgov.org](mailto:corey.teague@sfgov.org)

The Planning Department requests that this case be continued to the July 17, 2024 hearing. The Appellant does not agree to the proposed continuance. The primary reason for the request is to allow the California Coastal Commission (CCC) more time to review and certify the associated Local Coastal Program (LCP) associated with the subject Coastal Zone Permit, which is necessary to establish the Wawona Street and 45<sup>th</sup> Avenue Cultural Center Special Use District. The appeal hearing for Appeal No. 23-035 was continued once before in September of 2023 on similar grounds.

Consistent with that September request, it's important to note that the underlying project cannot move forward until the CCC certifies the LCP amendment and the appeal for the Coastal Zone Permit is fully adjudicated. Therefore, granting the continuance does not represent substantial harm to any of the parties and will only help ensure that the most complete and current information is available once this case comes before the Board.

As such, the Department respectfully requests a continuance of this case to July 17, 2024. Thank you.

**Delivered Via E-Mail:** [boardofappeals@sfgov.org](mailto:boardofappeals@sfgov.org) / [julie.rosenberg@sfgov.org](mailto:julie.rosenberg@sfgov.org)

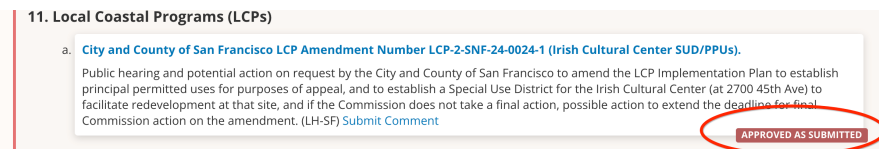
Mr. Jose Lopez, President, San Francisco Board of Appeals  
49 South Van Ness Avenue, Suite 1475, San Francisco, CA 94103

**Re: Appeal No. 23-35  
Permit Holder’s Brief in Opposition of Continuance Request  
2700 45th Avenue (a.k.a. United Irish Cultural Center)**

Dear President Lopez and Commissioners:

The Permit on appeal is for the development of a new six-story Irish Cultural Center on the site of the existing Irish Cultural Center (“**Project**”), and it was approved by the Planning Commission on July 27, 2023. Subsequently, the Planning Department and California Coastal Commission (“CCC”) entered into discussions regarding the San Francisco Planning Code’s overall compliance with the Coastal Act, dating back to the 1980s. Despite being a much broader issue than just the Project, the Irish Center constructively and patiently worked with the various jurisdiction’s staffs to resolve this issue. The result is that, despite broad community support, the Project has been delayed by a year.

The Planning Department, Board of Supervisors, Supervisor Scott Weiner, and the CCC have collaborated on the process to resolve this issue, which concluded last Thursday with the approval of the amendments to San Francisco’s Local Coastal Program, as evidenced by the CCC’s website already showing the Local Coastal Program “approved as submitted.” (Source: <https://www.coastal.ca.gov/meetings/agenda/#/2024/7>)



There is nothing that will transpire or change in the next four months that would impact the merits of the Appeal. The Irish Center has been very patient and collaborative throughout this process, and is ready to move forward with its plans for construction of the Project. We respectfully request that the Board of Appeals deny the Appellant’s continuance request, and we look forward to presenting our opposition to the Appeal at this Wednesday’s hearing.

John Kevlin, Attorney for the Irish Center



# BOARD OF APPEALS – RESCHEDULING REQUEST

**HEARING DATE: July 17, 2024**

July 15, 2024

**Appeal No.:** 23-035  
**Project Address:** 2700 45<sup>th</sup> Avenue  
**Block/Lot:** 2513/026  
**Zoning District:** NC-2 (Small-Scale Neighborhood Commercial District)  
**Height District:** 100-A  
**Staff Contact:** Corey Teague, Zoning Administrator – (628) 652-7328  
[corey.teague@sfgov.org](mailto:corey.teague@sfgov.org)

The Planning Department does not support the Appellant’s request for this case to be rescheduled. Prior rescheduling requests from the Planning Department and Permit Holder were for the specific purpose of allowing the California Coastal Commission (CCC) more time to review and certify the associated Local Coastal Program (LCP) amendment. That process concluded on July 11, 2024. While the wording related to the CCC’s action is technical in nature, the Department confirmed with the CCC that the result of the action is the certification of the LCP amendment. As such, this appeal is now ripe to be heard.

Considering that the City has worked in good faith with the CCC over the last year to ensure full compliance, it would be unfair to the Permit Holder at this point to not hold the hearing as scheduled. This is especially true because the rehearing request would delay the hearing another three months. The Appellant will be able to express their concerns at that hearing, and the Board will have discretion to take action on the appeal or continue the case if deemed necessary.

As such, the Department respectfully asks that the rescheduling request be denied. Thank you.