BOARD OF APPEAL MEETING MINUTES YEAR 1996
MINUTES OF THE
MEETING OF THE BOARD OF PERMIT APPEALS
WEDNESDAY, JANUARY 3, 1996
5:15 P.M., VETERANS WAR MEMORIAL BUILDING
401 VAN NESS AVENUE, ROOM 428

PRESENT: President Wayne Alba, Vice President Mary Murphy, Commissioners Angela Bradstreet, Douglas Chan and Ike Felzer.

Robert Passmore, Zoning Administrator for the Planning Department; Kate Stacy, Deputy City Attorney; James Hutchinson, Senior Building Inspector for the Department of Building Inspection; and Robert Feldman, Executive Director for the Board.

Doris Levine, Official Court Reporter.

Doris Levine, the Official Court Reporter, swore in all those who intended to testify during the meeting.

(1) EXECUTIVE SESSION: The Board of Permit Appeals met in an Executive Session (closed to public) at 5:15 p.m. in Room 428, 401 Van Ness Avenue, to discuss with counsel the pending litigation below under California Government Code §54956.9(a).

Harsch Investment Corp. vs. CCSF
Superior Court No. 962445

ACTION: Discussion and no action.

SPEAKERS: Kate Stacy, Claire Silvia and Andrew Schwartz, Deputy City Attorneys.

The regular meeting began at 6:00 p.m.

(2) PUBLIC COMMENT: Presentation is limited to three (3) minutes for each speaker.

SPEAKERS: Sue Hestor complained about the quality of the tape recording of the November 29, 1995 hearing.

Patricia Vaughey asked that the Muni toilet appeals be continued.

President Alba thanked the Board members for their service.

Commissioner Felzer said he hoped the Board would be retained by the new mayor.
MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:

REQUESTS FOR REHEARING:

ITEM A: Letter from Richard Harrington, attorney for appellant, Anchor Brewery Company, requesting rehearing of Appeal No. 95-149, 370 De Haro Street. Hearing November 29, 1995. Upon motion by Commissioner Felzer, the Board voted 5-0 to UPHOLD the department and GRANT the permit with the CONDITION that the Notice of Special Restrictions be amended with an insertion of language to assure that prospective occupants acknowledge and agree that the zoning of the property is for industrial use and the uses permitted there generate industrial noise, odors, dust, glare and traffic accordingly 24 hours a day and such uses are subject to alterations and intensifications in the future. Final language of the Notice to be approved by the Zoning Administrator.

ACTION: After discussion, upon motion by Commissioner Bradstreet, the Board voted 5-0 to DENY the request for rehearing.

SPEAKERS: Richard Harrington, attorney for appellant; and David Cincotta, attorney for permit holder.

ITEM B: Letter from Jean Warmbold, appellant, requesting rehearing of Appeal No. 95-147, 3943 - 19th Street. Hearing November 29, 1995. Upon motion by Commissioner Felzer, the Board voted 3-2 (Vice President Murphy and Commissioner Bradstreet dissented) to UPHOLD the department and GRANT the permit with plans modified to comply with Planning Code.

ACTION: After discussion, upon motion by Commissioner Bradstreet, the Board voted 4-1 (Commissioner Felzer dissented) to CONTINUE the matter to January 10, 1996 to allow the court reporter to prepare a partial transcript of the November 29, 1995 hearing for use by appellant.

SPEAKERS: Jean Warmbold, appellant; and Gary Gee, architect for permit holder.

ITEM C: Letter from Sue C. Hestor, attorney for appellants, requesting rehearing of Appeal Nos. 95-125, 171, 2000 Ulloa Street. Hearing December 6, 1995. Upon motion by Commissioner Felzer and findings by Vice President Murphy, the Board voted 4-0 (Commissioner Bradstreet absent) to UPHOLD the department and GRANT the permits with CONDITIONS: (1) guardrail to be reduced in height to 44 inches as set forth in Director Chiu's letter of December 15, 1995; (2) pole ladder is approved; (3) DBI must be satisfied that the three-foot side yard setback and any lot line windows are in compliance with the standards of the S.F. Building Code; (4) any variances required under the Planning Code must be obtained as determined by the Planning Department.

ACTION: After discussion, upon motion by Vice President Murphy, the Board voted 5-0 to DENY the request for rehearing.

SPEAKERS: Sue Hestor, attorney for appellants; Alice Barkley for permit holder; James Hutchinson, Senior Building Inspector for Department of Building Inspection; and Kate Stacy, Deputy City Attorney.
After the matter was concluded Ms. Barkley addressed the Board and said she had mistakenly spoken on behalf of the permit holder in the belief it was the following case.

**ITEM D:** Letter from Sue C. Hestor, attorney for appellant’s estate, requesting rehearing of Appeal Nos. 95-145, 146, 39-41 Boardman Place. Hearing December 6, 1995. Upon motion by Commissioner Felzer, the Board voted 4-0 (Commissioner Bradstreet absent) to **UPHOLD** the department and **GRANT** the permits.

**ACTION:** After discussion, upon motion by Commissioner Felzer, the Board voted 4-0 (Commissioner Bradstreet excused) to **DENY** the request for rehearing.

**SPEAKER:** Robert Passmore, Zoning Administrator for the Planning Department.

**ITEM E:** Letter from The Committee to Save Hancock Street, appellant, requesting rehearing of Appeal Nos. 95-156, 157, 160, 31-43 Hancock Street. Hearing December 13, 1995. Upon motion by Vice President Murphy, the Board voted 3-2 (President Alba and Commissioner Felzer dissented) to **UPHOLD** the department and grant the permit with conditions. Four votes are needed to impose conditions. Then upon motion by Commissioner Felzer, the Board voted 5-0 to **UPHOLD** the departments and **GRANT** the permits with **CONDITIONS** requiring (1) cornices on the four houses shall be varied as shown on Alternative A of the sheet submitted by appellants' attorney Randy Block; (2) entryways and bay windows shall be of as varied designs as possible; and (3) the four houses shall be painted four different colors.

**ACTION:** After discussion, upon motion by Commissioner Felzer, the Board voted 4-1 (Commissioner Chan dissented) to **DENY** the request for rehearing.

**SPEAKERS:** Nicholas Palter, appellant; and Alice Barkley, attorney for permit holder.

**MOTION AGAINST RESCOPING EIR FOR 959 POWELL AND 8 WETMORE STREETS:**

**ITEM F:** Letter from Herbert Yanowitz requesting that Board reconsider the Board’s decisions of November 29 and December 1995 to hold a hearing for the purpose of correcting the Board’s decision of June 5, 1991 recommending to the Planning Department the scope of an Environmental Impact Review (EIR) for the subject property.

**ACTION:** After discussion, upon motion by Commissioner Chan, the Board voted 3-2 (Vice President Murphy and Commissioner Bradstreet dissented) to **DENY** the request by Mr. Yanowitz to continue consideration. Then upon motion by Commissioner Chan, the Board voted 4-1 (Commissioner Bradstreet dissented) to **DENY** the request for rehearing.

**SPEAKERS:** Herbert Yanowitz, attorney for neighbors; Kate Stacy, Deputy City Attorney; and Michael Burke, attorney for project sponsor.

The Board recessed from 7:49 to 8:05 p.m.
Items (4A) and (4B) were heard together

**APPEAL NO. 95-187**

CITY CENTRAL HOMEOWNERS ASSN., Appellant

(4A) vs.

DEPT. BUILDING INSPECTION, Respondent

REDEVELOPMENT AGENCY APPROVAL

[Protesting issuance on November 20, 1995, to Progress Foundation, permit to Erect a Building (21 residential apartments) at 1096 Eddy Street. APPLICATION NO. 9511897. FOR HEARING TODAY.]

**APPEAL NO. 95-188**

CATHEDRAL HILL VISTAS HOMEOWNERS ASSOCIATION, Appellant

(4B) vs.

DEPT. BUILDING INSPECTION, Respondent

REDEVELOPMENT AGENCY APPROVAL

[Protesting issuance on November 20, 1995, to Progress Foundation, permit to Erect a Building (21 residential apartments) at 1096 Eddy Street. APPLICATION NO. 9511897. FOR HEARING TODAY.]

**SPEAKERS:** Steven Fields for permit holder; and Robert Passmore, Zoning Administrator for the Planning Department.

Items (5) and (6) were heard together

**APPEAL NO. 95-153**

MICHAEL TIEU, dba "OROCCO", Appellant

(5) vs.

POLICE DEPARTMENT, Respondent

[Denial on October 10, 1995, of Dance Hall Keeper permit and appeal of conditions of Place of Entertainment permit at 3565 Geary Blvd. FOR HEARING TODAY.]

**APPEAL NO. 95-190**

JORDAN PARK IMPROVEMENT ASSN., Appellant

(6) vs.

POLICE DEPARTMENT, Respondent

[Protesting issuance on November 21, 1995, to Michael Tieu, Place of Entertainment permit at 3565 Geary Blvd. FOR HEARING TODAY.]

**ACTION:**

Before any testimony or discussion, upon motion by Commissioner Bradstreet, the Board voted 4-0 to EXCUSE Commissioner Chan, who left the dais. Then after testimony and discussion, upon motion by Commissioner Bradstreet, the Board voted 4-0 to UPHOLD the department and GRANT the
permits with CONDITIONS: (1) The operations of the Orocco being carried on without the proper Police Department permits shall cease immediately. (2) No dance hall keeper permit may be applied for by appellant Mr. Tieu for the subject site. (3) Orocco must pass sound testing by the S.F.P.D. Noise Abatement Unit and meet all required sound ordinances including Section 49 of the Police Code and sound produced may not exceed the decibel level set as a maximum by the S.F.P.D. (4) The conditions set forth in the Amended Decision by the S.F.P.D. dated November 21, 1995 (pages 3 & 4) regarding parking, valet service, white zone, hours, prohibition of line of customers in front are hereby upheld. (5) Appellant Michael Tieu shall procure a white curb zone for a minimum of two car spaces at the curb in front of 3565 Geary Boulevard and/or other acceptable curb space to facilitate valet parking. (6) The hours of live music shall cease at 12:00 midnight with no exceptions. (7) Appellant Michael Tieu shall not allow a line of patrons to gather in front of Orocco. A detailed patron management plan shall be submitted to the S.F.P.D. Permit Bureau prior to the granting of this permit. (8) Appellant Michael Tieu shall communicate the name and telephone number of the site manager to the Jordan Park Improvement Association so that any complaints can be responded to quickly. (9) The Orocco shall never play rock and roll music, with no exceptions. (10) The roof ventilation fan shall be repaired and made quieter to the satisfaction of the Department of Public Health. (11) Orocco may not operate with music under the S.F.P.D. place of entertainment permit until all the above conditions have been met.

SPEAKERS: Kate Stacy, Deputy City Attorney; Steven Vettel, attorney for permit holder; Phil Gunning, in support of permit holder; Sergeant William Coggan and Officer Dan Gallagher, S.F.P.D.; Tina Bartlett and William Knudsen, appellants; Malcolm McAfee and Ken Passamaneck, in support of appellant.

Commissioner Chan returned to dais at 9:40 p.m.

HARSCH INVESTMENT CORP., dba "ALLISON HOTEL", Appellant vs. DEPT. BUILDING INSPECTION, Respondent

APPEAL NO. 95-075 [Denial on May 11, 1995, of permit to convert rooms from residential to tourist use under Hotel Conversion Ordinance Section 41.13(d) for failure to pay one-for-one replacement fee for hotel at 417 Stockton Street. FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Chan, the Board voted 2-1 (Vice President Murphy excused, Commissioner Felzer dissented) to EXCUSE President Alba because of conflict of interest. Then upon motion by Commissioner Bradstreet, the Board voted 2-1 (Commissioner Felzer dissented) to CONTINUE the matter to January 31, 1996.

SPEAKERS: Kate Stacy, Deputy City Attorney; Andrew Zacks, attorney for appellant; and Sue Hestor, in support of the department.
MINUTES OF THE BOARD OF PERMIT APPEALS, JANUARY 3, 1996 (cont'd.)

APPEAL NO. 95-167

JAMES SANGIACOMO, Appellant

vs.

DEPT. BUILDING INSPECTION, Respondent

PLANNING DEPARTMENT DISAPPROVAL

[Denial on November 13, 1995, of permit to Alter a Building [(raise existing roof line) at 44 Edgehill Way.

APPLICATION NO. 9517655.

FOR HEARING TODAY.

ACTION: RESCHEDULED prior to hearing to January 17, 1996 for review by the Planning Department.

Items (9A), (9B), (9C), (9D) and (9E) were heard together

APPEAL NO. 95-177

ALEXANDER R. SHAPIRO, et al., Appellants

vs.

DEPT. BUILDING INSPECTION, Respondent

PLANNING DEPARTMENT APPROVAL

[Protesting issuance on November 9, 1995, to McGee Construction, permit to Demolish a Building at 3701 - 21st Street.

APPLICATION NO. 9504442.

FOR HEARING TODAY.

APPEAL NO. 95-178

ALEXANDER R. SHAPIRO, et al., Appellants

vs.

DEPT. BUILDING INSPECTION, Respondent

PLANNING DEPARTMENT APPROVAL

[Protesting issuance on November 9, 1995, to McGee Construction, permit to Erect a Building [(single-family dwelling) at 818 Sanchez Street.

APPLICATION NO. 9502435.

FOR HEARING TODAY.

APPEAL NO. 95-179

ALEXANDER R. SHAPIRO, et al., Appellants

vs.

DEPT. BUILDING INSPECTION, Respondent

PLANNING DEPARTMENT APPROVAL

[Protesting issuance on November 9, 1995, to McGee Construction, permit to Erect a Building [(single-family dwelling) at 3701 - 21st Street.

APPLICATION NO. 9504443s.

FOR HEARING TODAY.

APPEAL NO. 95-180

ALEXANDER R. SHAPIRO, et al., Appellants

vs.

DEPT. BUILDING INSPECTION, Respondent

PLANNING DEPARTMENT APPROVAL

[Protesting issuance on November 9, 1995, to McGee Construction, permit to Erect a Building [(single-family dwelling) at 3707 - 21st Street.

APPLICATION NO. 9504444s.

FOR HEARING TODAY.
APPEAL NO. 95-181

ALEXANDER R. SHAPIRO, et al., Appellants vs. DEPT. BUILDING INSPECTION, Respondent PLANNING DEPARTMENT APPROVAL

ACTION: The Board was polled as to whether the E.R. has been reviewed and considered. After discussion, upon motion by Commissioner Felzer, the Board voted 2-2 (Commissioner Bradstreet excused, Vice President Murphy and Commissioner Chan dissented) to continue the hearing. This motion failed and the Board heard the appeals.

Then upon motion by Commissioner Felzer, the Board voted 1-3 (Commissioner Bradstreet excused, President Alba, Vice President Murphy, Commissioner Chan dissented) to uphold the permits. Four votes being necessary to overrule a permit, the permits were UPHeld.

SPEAKERS: Alexander Shapiro, Monika Henschke, Sylvia Saunders, Donald Wilson, appellants; Robert Passmore, Zoning Administrator for the Planning Department; James Reuben, attorney for permit holder; Anthony Martorana, Henry Karnilowicz, Amy Powell, Charles Freeman Stamper, Eleanor Gerhardt, Haide Seraph, Wade Laughter, in support of appellants; Steve Roake and Shawn Gorman, architects for permit holder; and Alice Barkley, for Joe O'Donohue for RBA, Eileen Casey, in support of project.

APPEAL NO. 95-170

G.S. ASSOCIATES, dba "GHIRARDELLI SQUARE", Appellant vs. DEPT. PUBLIC WORKS, Respondent

ACTION: After discussion, upon motion by Vice President Murphy, the Board voted 4-1 (Commissioner Felzer dissented) to DENY the permit with findings.

SPEAKERS: Louis Ligouri and Pamela Mendolson for appellant; David Reese and Colin Gife in support of appellant; Jacob Szeto, Department of Public Works; and Harry O'Brien, attorney for permit holder.

The Board recessed from 10:08 to 10:20 p.m.
MINUTES OF THE BOARD OF PERMIT APPEALS, JANUARY 3, 1996

APPEAL NO. 95-186

ZELKO & RENEE SIMONI, Appellants

vs.

DEPT. BUILDING INSPECTION, Respondent

[Protesting issuance on November 17, 1995, to Gene Lam, permit to Erect a Building (single-family dwelling) at 15 Graystone Terrace. APPLICATION NO. 9507214S. FOR HEARING TODAY.]

ACTION: RESCHEDULED prior to hearing to January 17, 1996 for review by the Planning Department.

APPEAL NO. V95-196

MA ESTATES, Appellant

vs.

ZONING ADMINISTRATOR, Respondent

[Protesting granting on November 22, 1995, to Robert and Beatrice Wood, Rear Yard and Front Setback Variances (to install a three-car garage and to repair a dilapidated patio at the rear of an existing three story over basement, single-family dwelling) for property at 2099 Pacific Avenue. VARIANCE CASE NO. 95.547V. FOR HEARING TODAY.]

ACTION: RESCHEDULED prior to hearing to February 7, 1996 to allow it to heard with a companion appeal.

(13) PUBLIC COMMENT: Presentation is limited to three (3) minutes for each speaker.

SPEAKERS: None.

There being no further business, President Alba adjourned the meeting at 1:00 a.m.

Robert H. Feldman
Executive Director

Transcripts of these hearings can be obtained directly from Doris Levine, the Official Court Reporter, (415) 456-9899.
MINUTES OF THE
MEETING OF THE BOARD OF PERMIT APPEALS
WEDNESDAY, JANUARY 24, 1996
5:30 P.M., VETERANS WAR MEMORIAL BUILDING
401 VAN NESS AVENUE, ROOM 428

(1) ELECTION OF OFFICERS. Motion by Commissioner McInerney seconded by Commissioner Cullum to elect Commissioner Hu as President and Commissioner Schwartz as Vice President. Unanimously adopted. Thereafter President Hu presided.

(2) PUBLIC COMMENT: None.

(3) PRESENTATIONS BY DEPARTMENT REPRESENTATIVES:
(a) Robert Passmore, Zoning Administrator and Assistant Director-Implementation for the Planning Department. Presented Commissioners with copies of Master Plan and Residential Design Guidelines.

(b) James Hutchinson, Senior Building Inspector. Joan MacQuarrie, Chief Building Inspector in attendance and introduced to Board.

(c) Sergeant Terence Collins for the San Francisco Police Department. Officers Barbara Campagnoli and Paul Makeveckas in attendance and introduced to Board.

(d) Judith Boyajian, Deputy City Attorney.

(4) PUBLIC COMMENT: Wade Laughter for neighborhood groups on Dolores Heights welcomed the new Commissioners.

(5) President Hu welcomed the new Commissioners and looked forward to a rotating presidency.

(6) Executive Director went over procedures of the Board.

There being no further business, President Hu adjourned the meeting at 7:09 p.m.

Robert H. Feldman
Executive Director
MINUTES OF THE
MEETING OF THE BOARD OF PERMIT APPEALS
WEDNESDAY, JANUARY 31, 1996
5:00 P.M., VETERANS WAR MEMORIAL BUILDING
401 VAN NESS AVENUE, ROOM 428

PRESENT: President Wayne Hu, Vice President Mauri Schwartz, Commissioners Carole Cullum, John McInerney and Mario Salgado.

Robert Passmore, Zoning Administrator for the Planning Department; Judith Boyajian, Deputy City Attorney; James Hutchinson, Senior Building Inspector for the Department of Building Inspection; and Robert Feldman, Executive Director for the Board.

Doris Levine, Official Court Reporter.

Doris Levine, the Official Court Reporter, swore in all those who intended to testify during the meeting.

(1) EXECUTIVE SESSION: The Board of Permit Appeals met in an Executive Session (closed to public) at 5:00 p.m. in Room 428, 401 Van Ness Avenue, to discuss with counsel the pending litigation below under California Government Code §54956.9(a).

Harsch Investment Corp. vs. CCSF
Superior Court No. 962445

ACTION: Upon motion by Vice President Schwartz, the Board voted 4-0 (Commissioner Salgado absent) to DISCLOSE matters discussed during Executive Session. Upon motion by Commissioner McInerney, the Board voted 4-0 (Commissioner Salgado absent) to rescind the previous motion. Then upon motion by Commissioner McInerney, the Board voted 4-0 (Commissioner Salgado absent) to NOT DISCLOSE matters discussed during Executive Session.

Regular meeting began at 5:50 p.m.

(2) PUBLIC COMMENT: This period is limited to 15 minutes at the beginning of the calendar and can be continued to the end of the calendar by the chair to complete the presentations in order to minimize delay to those in attendance for appeals.

SPEAKERS: Nicholas Palter requested another rehearing in the Hancock Street appeals and was advised by the Board to discuss the matter with the Executive Director.

Patricia Vaughey welcomed the Board and offered her assistance.
MINUTES OF THE BOARD OF PERMIT APPEALS, JANUARY 31, 1996 (cont d.)

Commissioner Salgado arrived at 5:59 p.m.

(3) MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:

REQUEST FOR JURISDICTION BEYOND TEN-DAY APPEAL PERIOD:

ITEM A: Letter from Marcia and Lawrence Lusk, requesting that the Board take jurisdiction over Variance Case No. 94.507V granting a rear yard variance to fill in the northeast and southeast corners of the second floor over the existing first floor at 2310 Steiner Street. Requestors are the variance applicants and seek an amendment to the Zoning Administrator's condition imposed requiring the angling off of the proposed addition. Appeal No. V95-185 involving same variance is Item 9 below.

Date granted
November 21, 1995

Appeal period ended
December 1, 1995

Request for jurisdiction
January 3, 1996

ACTION: After discussion, upon motion by Commissioner Cullum, the Board voted 5-0 to GRANT jurisdiction and to schedule it with the companion appeal on a later date. Mr. Lusk has ten days to file an appeal.

SPEAKERS: Lawrence Lusk, requestor; Dan Phipps, architect for requestor; and Robert Passmore, Zoning Administrator for the Planning Department.

REQUEST FOR REHEARING:

ITEM B: Letter from Steven L. Vettel, attorney for appellant, requesting rehearing of Appeal No. 95-190, 3565 Geary Blvd. Hearing January 3, 1996. Before any testimony or discussion, upon motion by Commissioner Bradstreet, the Board voted 4-0 to EXCUSE Commissioner Chan, who left the dais. Then after testimony and discussion, upon motion by Commissioner Bradstreet, the Board voted 4-0 to UPHOLD the department and GRANT the permits with CONDITIONS: (1) The operations of the Orocco being carried on without the proper Police Department permits shall cease immediately. (2) No dance hall keeper permit may be applied for by appellant Mr. Tieu for the subject site. (3) Orocco must pass sound testing by the S.F.P.D. Noise Abatement Unit and meet all required sound ordinances including Section 49 of the Police Code and sound produced may not exceed the decibel level set as a maximum by the S.F.P.D. (4) The conditions set forth in the Amended Decision by the S.F.P.D. dated November 21, 1995 (pages 3 & 4) regarding parking, valet service, white zone, hours, prohibition of line of customers in front are hereby upheld. (5) Appellant Michael Tieu shall procure a white curb zone for a minimum of two car spaces at the curb in front of 3565 Geary Boulevard and/or other acceptable curb space to facilitate valet parking. (6) The hours of live music shall cease at 12:00 midnight with no exceptions. (7) Appellant Michael Tieu shall not allow a line of patrons to gather in front of Orocco. A detailed patron management plan shall be submitted to the S.F.P.D. Permit Bureau prior to the granting of this permit. (8) Appellant Michael Tieu shall communicate the name and telephone number of the site manager to the Jordan Park Improvement Association so that any complaints can be responded to quickly. (9) The Orocco shall never play rock and roll music, with no exceptions. (10) The roof ventilation fan shall be repaired and made quieter to the satisfaction of the Department of Public Health. (11) Orocco may not operate with music under the S.F.P.D. place of entertainment permit until all the above conditions have been met. The appellant seeks to have Condition No. 2 deleted.
ACTION: RESCHEDULED prior to hearing to February 28, 1996 at request of Steven L. Vettel, attorney for Michael Tieu.

APPEAL NO. 95-194

MICHAEL O'CONNOR, dba "JUSTICE LEAGUE", Appellant vs. POLICE DEPARTMENT, Respondent

(4)

ACTION: After discussion, upon motion by Commissioner Cullum, the Board voted 3-2 (Vice President Schwartz and Commissioner McInerney dissented) to overrule the department and grant the permit with conditions. Four votes are needed to overrule a department or impose conditions and the motion failed. The denial is UPHELD.


The Board recessed from 8:31 to 8:45 p.m.

APPEAL NO. 95-075

HARSCH INVESTMENT CORP., dba "ALLISON HOTEL", Appellant vs. DEPT. BUILDING INSPECTION, Respondent

(5)

ACTION: After discussion, upon motion by Commissioner Cullum, the Board voted 5-0 to CONTINUE the matter to June 26, 1996 to await Judge Cahill's decision in the civil case. Then upon motion by Commissioner Cullum, the Board voted 5-0 to schedule Appeal Nos. 93-036 and 93-176 for April 17, 1996 to consider rescinding the decisions of the previous Board and rehearing both cases.

SPEAKERS: Andrew Zacks, attorney for appellant; and Judith Boyajian, Deputy Attorney.
Items (6A) and (6B) were heard together

APPEAL NO. 95-193

CITIZENS FEDERAL SAVINGS BANK, Appellant

(6A) vs.

DEPT. BUILDING INSPECTION, Respondent

PLANING DEPARTMENT DISAPPROVAL

[Denial on December 7, 1995, of permit to Alter a Building (to restore building to last legal use, remove illegal work through-out) at 258-260 18th Avenue.

APPLICATION NO. 9510975.

FOR HEARING TODAY.]

ACTION: After discussion, upon motion by Commissioner Salgado, the Board voted 5-0 to OVERRULE the department and GRANT the permit with CONDITIONS of the City Planning Commission and Board of Permit Appeals decisions in 1988 in so far as these conditions are consistent with this decision.

APPEAL NO. 95-192

CITIZENS FEDERAL SAVINGS BANK, Appellant

(6B) vs.

ZONING ADMINISTRATOR, Respondent

[Denial on December 6, 1995, of Rear Yard Variance (legalize construction of a two-family dwelling with a rear deck which were not built according to the building permit issued for construction of the dwelling and extension into the required rear yard) at 258-260 18th Avenue.

VARIANCE CASE NO. 95.470V.

FOR HEARING TODAY.]

ACTION: After discussion, upon motion by Commissioner Salgado, the Board voted 5-0 to OVERRULE the department and GRANT the variance with findings as stated in David Cincotta's letter dated January 25, 1996 beginning on page 3 and with CONDITIONS by the City Planning Commission and Board of Permit Appeals decisions in 1988 in so far as these conditions are consistent with this decision.

SPEAKERS: David Cincotta, attorney for appellant; Robert Passmore, Zoning Administrator for the Planning Department; James Hutchinson, Senior Building Inspector for the Department of Building Inspection; James Holmes, in support of the departments and Judith Boyajian, Deputy City Attorney.

Items (7A) and (7B) were heard together

APPEAL NO. 95-187

CITY CENTRAL HOMEOWNERS ASSN., Appellant

(7A) vs.

DEPT. BUILDING INSPECTION, Respondent

REDEVELOPMENT AGENCY APPROVAL

[Protesting issuance on November 20, 1995, to Progress Foundation, permit to Erect a Building (21 residential apartments) at 1096 Eddy Street.

APPLICATION NO. 9511897.

FOR HEARING TODAY.]
APPEAL NO. 95-188

CATHEDRAL HILL VISTAS HOMEOWNERS ASSOCIATION, Appellant
(7B)
vs.
DEPT. BUILDING INSPECTION, Respondent
REDEVELOPMENT AGENCY APPROVAL

[Protesting issuance on November 20, 1995, to Progress Foundation, permit to Erect a Building (21 residential apartments) at 1096 Eddy Street. APPLICATION NO. 9511897. FOR HEARING TODAY.]

ACTION: After discussion, upon motion by Commissioner McInerney, the Board voted 5-0 to UPHOLD the department and GRANT the permit.

SPEAKERS: David Friedman and Ken Potter, appellants; Fred Decker, Mary Helen Bricoe, Jan Bolaffi, Howard Schuman, Nancy Gin, Lynn Whittier, Patricia Vaughan, in support of appellants; Steven Fields, permit holder; George Williams, Carla Javits, in support of permit holder; Robert Passmore, Zoning Administrator for the Planning Department; Judith Boyajian, Deputy City Attorney; Jo Ruffin, Deputy Director for Mental Health for the Department of Public Health, in support of Progress Foundation.

APPEAL NO. 95-197

LAUREN & MARY MARGARET WARD, Appellants
(8)
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on December 14, 1995, to Progress Foundation, permit to Alter a Building (disabled accessible entrance, concrete pad at entry, repair footings, steel pipe, chair lift, disabled accessible bathrooms, bedrooms, remodel kitchen, install automatic fire sprinkler and fire alarm panel and remove fourth floor equipment) at 2210 Clay Street. APPLICATION NO. 9515531. FOR HEARING TODAY.]

ACTION: After discussion, upon motion by Commissioner Salgado, the Board voted 5-0 to UPHOLD the department and GRANT the permit.

SPEAKERS: Claire Pilcher, attorney for appellants; Mary Margaret and Lauren Ward, appellants; Howard Schuman, Patricia Okuji, Jan Bolaffi, Mary Helen Briscoe, Nancy Gin, Patricia Vaughan, Celeste Friedman, Dr. Oscar Lerner, Charlotte Maeck, Steve Newstadt, in support of appellants; Steven Fields, permit holder; and Judith Boyajian, Deputy City Attorney.

Commissioner Salgado left dais at 10:44 and returned at 10:46 p.m.
MINUTES OF THE BOARD OF PERMIT APPEALS, JANUARY 31, 1996 (cont'd.)

APPEAL NO. V95-185

DONALD WILSON & EDWARD KIEREN, Appellants

vs.

ZONING ADMINISTRATOR, Respondent

[Protesting granting on November 21, 1995, to Dan Phipps, Rear Yard Variance (to fill in the northeast and southeast corners of the second floor over the existing first floor) for property at 2310 Steiner Street. VARIANCE CASE NO. 94.507V. FOR HEARING TODAY.

ACTION: RESCHEDULED to date to be set when Lawrence Lusk files his appeal of the conditions of the variance.

SPEAKERS: Donald Wilson was present but did not speak.

(10) COMMISSIONERS COMMENTS AND QUESTIONS.

SPEAKERS: None.

There being no further business, President Hu adjourned the meeting at 11:15 p.m.

Robert H. Feldman
Executive Director

Transcripts of these hearings can be obtained directly from Doris Levine, the Official Court Reporter, (415) 456-9899.
PRESENT: President Wayne Hu, Vice President Mauri Schwartz, Commissioners Carole Cullum, John McInerney and Mario Salgado.

Mary Gallagher, Planner for the Planning Department; Judith Boyajian, Deputy City Attorney; James Hutchinson, Senior Building Inspector for the Department of Building Inspection; and Robert Feldman, Executive Director for the Board.

Doris Levine, Official Court Reporter.

Doris Levine, the Official Court Reporter, swore in all those who intended to testify during the meeting.

(1) PUBLIC COMMENT: This period is limited to 15 minutes at the beginning of the calendar and can be continued to the end of the calendar by the chair to complete the presentations in order to minimize delay to those in attendance for appeals.

SPEAKERS: Robert Feldman, Executive Director for the Board introduced Mary Gallagher, Planner for the Planning Department, who will be replacing Robert Passmore while he is recovering from an injury.

James Hutchinson, Senior Building Inspector for the Department of Building Inspection announced his promotion to Deputy Director of DBI and that Joan MacQuarrie will represent DBI in the future.

President Hu welcomed Ms. Gallagher and congratulated Mr. Hutchinson.

(2) COMMISSIONERS COMMENTS AND QUESTIONS.

SPEAKERS: None.

(3) MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:

REQUEST FOR REHEARING:

ITEM A: Letter from Alexander Shapiro, appellant, requesting rehearing of Appeal Nos. 95-177 - 95-181, 21st and Sanchez Streets. Hearing January 3, 1996. The Board was polled to as to whether the negative declaration had been reviewed and considered and all answered AYE. After discussion, upon motion by Commissioner Felzer, the Board voted 2-2 (Commissioner Bradstreet excused, Vice President Murphy and Commissioner Chan dissented) to continue the hearing. This motion failed and the Board heard the appeals. Then upon motion by Commissioner Felzer, the Board voted 1-3 (Commissioner Bradstreet excused, President Alba, Vice President Murphy, Commissioner Chan dissented) to uphold the permits. Four votes being necessary to overrule a permit, the permits were UPHELD.
MINUTES OF THE BOARD OF PERMIT APPEALS, FEBRUARY 7, 1996 (cont'd.)

ACTION: After discussion, upon motion by Commissioner McInerney, the Board voted 3-2 (Vice President Schwartz and Commissioner Cullum dissented) to DENY the request for rehearing.

SPEAKERS: Alexander Shapiro, appellant; James Reuben, attorney for permit holder; Charles Freeman Sampler, Paul Kantus, Eleanor Gerhardt, in support of appellant; Joe O'Donoghue, in support of permit holder; Mary Gallagher, Planner for the Planning Department; and James Hutchinson, Senior Building Inspector for the Department of Building Inspection.

The Board recessed from 6:45 to 6:53 p.m.

REQUEST FOR JURISDICTION BEYOND FIFTEEN-DAY APPEAL PERIOD:

ITEM B: Letter from Betty A. Harrison-Place, requesting that the Board take jurisdiction over Building Permit Application No. 9301389 issued to Nicolaus R. Harkins to remodel kitchen; replace window with sliding glass door; replace siding; add metal balcony; replace garage door; replace forced air heater and ducting; resupport landing; replace floor covering and wall paneling in downstairs room; and remove existing awning over rear stair at 1155 Vallejo Street, a one-family house.

<table>
<thead>
<tr>
<th>Date issued</th>
<th>November 20, 1995</th>
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<tr>
<td>Appeal period ended</td>
<td>December 5, 1995</td>
</tr>
<tr>
<td>Request for Jurisdiction</td>
<td>January 2, 1996</td>
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</table>

ACTION: After discussion, upon motion by Commissioner McInerney, the Board voted 5-0 to DENY the request for jurisdiction.

SPEAKERS: Betty A. Harrison-Place, requestor; and Mary Gallagher, Planner for the Planning Department. The permit holder did not appear.

APPEAL NO. 96-005

FRANCISCO CASTANO, et al., Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Imposition of Penalty on January 8, 1996, for work done at 882 - 884 York Street. APPLICATION NO. 9503262. FOR HEARING TODAY.]

ACTION: After discussion, upon motion by Commissioner McInerney, the Board voted 5-0 to OVERRULE the department with the CONDITION that the penalty be reduced to two times the regular fee of $183.30 for a total of $366.60.

SPEAKERS: Judith Romanenkov, agent for appellants; and James Hutchinson, Senior Building Inspector for the Department of Building Inspection.

-2-
MINUTES OF THE BOARD OF PERMIT APPEALS, FEBRUARY 7, 1996 (cont'd.)

APPEAL NO. 95-195

EDWARD & HELEN FLYNN, Appellants

vs.

DEPT. BUILDING INSPECTION, Respondent

PLANNING DEPARTMENT DISAPPROVAL

[Denial on December 12, 1995
[Denial on December 12, 1995
of permit to Alter a Building
(of permit to Alter a Building
(remove a third unit and legalize
[(remove a third unit and legalize
[a second unit in a building whose
[a second unit in a building whose
[legal use is one unit) at 1301-
[legal use is one unit) at 1301-
[1301A Bosworth Street.
[1301A Bosworth Street.
[APPLICATION NO. 9123985.
[APPLICATION NO. 9123985.
[FOR HEARING TODAY.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner McInerney, the Board voted
5-0 to OVERRULE the department and GRANT the permit with findings as
prepared by attorney for appellants and amended by Vice President
Schwartz and Commissioner Salgado.

SPEAKERS: Mary Gallagher, Planner for the Planning Department; John Wiley, attorney
for appellants; James Hutchinson, Senior Building Inspector for the De­
partment of Building Inspection; and Judith Boyajian, Deputy City Attor­
ney.

The Board recessed from 7:46 to 7:52 p.m.

APPEAL NO. 96-001

THOMAS J. CONNOLLY, Appellant

vs.

DEPT. BUILDING INSPECTION, Respondent

PLANNING DEPARTMENT APPROVAL

[Protesting issuance on December
[Protesting issuance on December
15, 1995, to William Nelson, permit
[15, 1995, to William Nelson, permit
to Erect a Building (automobile
[to Erect a Building (automobile
[lubrication business within a
[lubrication business within a
[one-story building with basement)
[one-story building with basement)
at 1799 - 19th Avenue.
at 1799 - 19th Avenue.
[APPLICATION NO. 9506479S.
[APPLICATION NO. 9506479S.
[FOR HEARING TODAY.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by President Hu, the Board voted 5-0 to
UPHOLD the department and GRANT the permit.

SPEAKERS: Thomas Connolly, appellant; William Nelson, permit holder; Bob Meyers,
planning consultant for permit holder; and Brett Gladstone, attorney
for permit holder.

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

[Signature]
Robert H. Feldman
Executive Director

Transcripts of these hearings can be obtained directly from Doris Levine, the Official
Court Reporter, (415) 456-9899.
MINUTES OF THE
MEETING OF THE BOARD OF PERMIT APPEALS
WEDNESDAY, FEBRUARY 21, 1996
5:30 P.M., VETERANS WAR MEMORIAL BUILDING
401 VAN NESS AVENUE, ROOM 428

PRESENT: President Wayne Hu, Vice President Mauri Schwartz, Commissioners Carole Cullum and Mario Salgado.

Robert Passmore, Zoning Administrator and Alec Bash, Deputy Zoning Administrator for the Planning Department; Judith Boyajian, Deputy City Attorney; Joan MacQuarrie, Chief Building Inspector for the Department of Building Inspection; and Robert Feldman, Executive Director for the Board.

Doris Levine, Official Court Reporter.

ABSENT: Commissioner John McInerney.

Doris Levine, the Official Court Reporter, swore in all those who intended to testify during the meeting.

(1) PUBLIC COMMENT: This period is limited to 15 minutes at the beginning of the calendar and can be continued to the end of the calendar by the chair to complete the presentations in order to minimize delay to those in attendance for appeals.

SPEAKERS: Philip Carleton commented on the poor quality of the tapes recorded from the public microphone in Room 428.

Ramona Albright reported on electromagnetic radiation emissions from Sutro Tower.

Margaret Verges reported on a FCC workshop on standards of exposure to electromagnetic radiation.

(2) COMMISSIONERS COMMENTS AND QUESTIONS.

SPEAKER: President Hu asked the Executive Director in the future to distribute copies of any correspondence addressed to him to the other Commissioners.
(3) MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:

REQUESTS FOR REHEARING:

ITEM A: Letter from Jean Warmbold, appellant, requesting rehearing of Appeal No. 95-147, 3943 - 19th Street. Hearing November 29, 1995. Upon motion by Commissioner Felzer, the Board voted 3-2 (Vice President Murphy and Commissioner Bradstreet dis­sented) to UPHOLD the department and GRANT the permit with plans modified to comply with Planning Code.

ACTION: After discussion, upon motion by Commissioner Cullum, the Board voted 1-3 (President Hu, Vice President Schwartz and Commissioner Salgado dis­sented) to grant rehearing. Four votes are needed and the motion failed. The request is DENIED.

SPEAKERS: Jean Warmbold, appellant; Alice Barkley, attorney for permit holder; and Gary Gee, architect for permit holder.

ITEM B: Letter from Cathedral Hill Vistas Homeowners Association, appellant, request­ing rehearing of Appeal No. 95-188, 1096 Eddy Street. Hearing January 31, 1996. Upon motion by Commissioner Mcinerney, the Board voted 5-0 to UPHOLD the department and grant the permit.

ACTION: After discussion, upon motion by Commissioner Salgado, the Board voted 4-0 to DENY the request for rehearing.

SPEAKERS: Ken Potter, appellant; Celeste Friedman, in support of appellant; and Steven Fields, permit holder.

ITEM C: Letter from Claire Pilcher, attorney for appellants, requesting rehearing of Appeal No. 95-197, 2210 Clay Street. Hearing January 31, 1996. Upon motion by Commissioner Salgado, the Board voted 5-0 to UPHOLD the department and GRANT the permit.

ACTION: After discussion, upon motion by Commissioner Salgado, the Board voted 4-0 to DENY the request for rehearing.

SPEAKERS: Claire Pilcher, attorney for appellants; Steven Fields, permit holder and Judith Boyajian, Deputy City Attorney.

REQUEST FOR JURISDICTION BEYOND FIFTEEN-DAY APPEAL PERIOD:

ITEM D: Letter from Ann Winblad requesting that the Board take jurisdiction over Building Permit Application No. 9600513 issued to Janis Platt for reinforcing plywood and beams of existing garden room at 2614 Buchanan Street.

Date issued January 10, 1996
Appeal period ended January 25, 1996
Request for jurisdiction January 29, 1996
ACTION: WITHDRAWN prior to hearing (reported to Executive Director by Janis Platt, permit holder).

APPEAL NO. 95-151

1300 - 26TH AVE. TENANTS ASSN., Appellant vs. ZONING ADMINISTRATOR, Respondent

[ Determination dated October 13, 1995 that no action would be taken by the Planning Department on Building Permit Application No. 9505781 issued April 20, 1995 for installation of GTE Mobilnet cellular telephone antennas on the roof elevator penthouse of the apartment house at 1300 - 26th Avenue for the reason that the policy of the Department at that time was to approve such permits as accessory and minor uses to the principal use of the building as multi-family residential. FOR FURTHER HEARING TODAY. ]

ACTION: After discussion, the Board voted 4-0 to OVERRULE the Zoning Administrator with the CONDITION that the permit be SUSPENDED until the conditional use process has concluded.

SPEAKERS: Robert Passmore, Zoning Administrator for the Planning Department; Judith Boyajian, Deputy City Attorney; Barbara Cowell, appellant; Margaret Verges, Mary Ann Miller, Mary Irene Zemanek, Patricia Vaughey, Ramona Albright, Joe O'Donoghue, Howard Strassner, Steve Yearwood, Mary Ellen Silcox, Eric Albronda, Philip Carleton, in support of appellant; Peggy O'Laughlin, attorney for GTE Mobilnet; Mike Wilbanks, GTE Mobilnet; Bob Weller, engineer for GTE Mobilnet; and Walter Wong, consultant for GTE Mobilnet.

The Board recessed from 8:13 to 8:30 p.m.

APPEAL NO. 95-189

AMY & STONEY LAI, Appellants vs. DEPT. BUILDING INSPECTION, Respondent

[ Appeal for Refund of Penalty imposed on December 6, 1995, for work done at 254 Nueva Avenue. APPLICATION NO. 9506654. FOR HEARING TODAY. ]

ACTION: After discussion, upon motion by Commissioner Salgado, the Board voted 4-0 to OVERRULE the department with the CONDITION that the penalty be reduced to two times the regular fee of $199.55 for a total of $399.10 and a recommendation to DBI to waive whole penalty.
MINUTES OF THE BOARD OF PERMIT APPEALS, FEBRUARY 21, 1996 (cont'd.)

SPEAKERS: Amy Lai, appellant; Joan MacQuarrie, Chief Building Inspector for the Department of Building Inspection; Judith Boyajian, Deputy City Attorney; Robert Passmore, Zoning Administrator for the Planning; and Joe O'Donoghue, in support of appellant.

APPEAL NO. 95-182

BOSTON CAFE #3, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Denial on November 9, 1995, of Tables and Chairs on Sidewalk permit (two tables and four chairs) at 28 Van Ness Avenue. FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Salgado, the Board voted 4-0 to OVERRULE the department and GRANT the permit with the following CONDITIONS: (1) the diverters must be attractive and complement street face and storefront. (2) keep all litter off streets generated by the business.

SPEAKERS: Amir Kazemi, for Department of Public Works; Rita Mak and Walter Wong, consultants for appellant; and Vince Farina, appellant.

APPEAL NO. 95-167

JAMES SANGIACOMO, Appellant vs. DEPT. BUILDING INSPECTION, Respondent

Denial on November 13, 1995, of permit to Alter a Building (raise existing roof line) at 44 Edgehill Way. APPLICATION NO. 9517655. FOR HEARING TODAY.

ACTION: CONTINUED to April 17, 1996 at request of appellant.

SPEAKERS: Kathy Darby, in support of the department; Barry Kane, in support of appellant; and James Sangiacomo, appellant.

APPEAL NO. 95-186

ZELKO & RENEE SIMONI, Appellants vs. DEPT. BUILDING INSPECTION, Respondent

Protesting issuance on November 17, 1995, to Gene Lam, permit to Erect a Building (single-family dwelling) at 15 Graystone Terrace. APPLICATION NO. 95072145. FOR HEARING TODAY.

ACTION: RESCHEDULED prior to hearing to February 28, 1996 at request of attorney for permit holder with agreement of attorney for appellants.
MINUTES OF THE BOARD OF PERMIT APPEALS, FEBRUARY 21, 1996 (cont'd.)

APPEAL NO. 96-004

DOLPH ANDREWS, Appellant vs. DEPT. BUILDING INSPECTION, Respondent

PLANNING DEPARTMENT APPROVAL

REVOCATION on December 15, 1995, of permit to Alter a Building
(new foundations, horizontal and vertical extensions to the front and rear of building) at
2710 Broadway Street.
APPLICATION NO. 9413384S.
FOR HEARING TODAY.

ACTION: After discussion, upon motion by President Hu, the Board voted 4-0 to UPHOLD the department decision to REVOKE the alteration permit, and require the owners apply for demolition and new construction permits with no imposition of Section 318.1 Building Code penalty which would prohibit any permit for five years except for replacement of the demolished house.

SPEAKERS: Joan MacQuarrie, Chief Building Inspector for the Department of Building Inspection; Lynn Axelrod, attorney for appellant; Joe O’Donoghue, Ian Burke, Courtney Clarkson, in support of appellant; Alice Barkley and Howard Wexler, attorneys for permit holder; Howard Milstein, in support of permit holder; and Judith Boyajian, Deputy City Attorney.

There being no further business, President Hu adjourned the meeting at 10:00 p.m.

Robert H. Feldman
Executive Director

Transcripts of these hearings can be obtained directly from Doris Levine, the Official Court Reporter, (415) 456-9899.
MINUTES OF THE
MEETING OF THE BOARD OF PERMIT APPEALS
WEDNESDAY, FEBRUARY 28, 1996
5:00 P.M., VETERANS WAR MEMORIAL BUILDING
401 VAN NESS AVENUE, ROOM 428

PRESENT: President Wayne Hu, Vice President Mauri Schwartz, Commissioners Carole Cullum and John McInerney.

Alec Bash, Deputy Zoning Administrator for the Planning Department; Judith Boyajian, Deputy City Attorney; Joan MacQuarrie, Chief Building Inspector for the Department of Building Inspection; and Robert Feldman, Executive Director for the Board.

Doris Levine, Official Court Reporter.

ABSENT: Commissioner Mario Salgado.

EXECUTIVE SESSION: At the request of the City Attorney, the Board of Permit Appeals convened in Executive Session (closed to public) in Room 428 at 5:00 p.m. to discuss the litigation below with Linda Ross, deputy city attorney pursuant to Government Code Section 54956.9(a)(1).

Elizabeth Furnelli, dba Solid Gold, Inc. vs. CCSF, et al.
U.S. District Court, N.D. of California
No. C-95-3517SAW
Appeal No. 95-120
650 Howard Street

ACTION: After the regular meeting was convened at 5:47 p.m., upon motion by Commissioner McInerney, the Board voted 4-0 to NOT DISCLOSE matters discussed during the Executive Session.

The regular meeting began at 5:47 p.m.

Doris Levine, the Official Court Reporter, swore in all those who intended to testify during the meeting.

(1) PUBLIC COMMENT: This period is limited to 15 minutes at the beginning of the calendar and can be continued to the end of the calendar by the chair to complete the presentations in order to minimize delay to those in attendance for appeals.

SPEAKERS: Ramona Albright thanked the Board for its recent decision concerning cellular telephone antennas.

Timothy Gillespie of the Public Access Project explained closed session laws.
MINUTES OF THE BOARD OF PERM11 APPEALS, FEBRUARY 28, 1996 (cont'd.)

(2) COMMISSIONERS COMMENTS AND QUESTIONS.

SPEAKER: President Hu responded to Ramona Albright's comments.

APPEAL NO. 96-007

CITIZEN REVIEW, Appellant

DEPT. BUILDING INSPECTION, Respondent

Determination on January 24, 1996, by the Department of Building Inspection that the owners did not demolish a single family dwelling at 667 Chenery Street and thereby did not violate Section 318.1 of the S.F. Building Code because all work was done either with the benefit of a permit or at the direction of an inspector.

APPLICATION NO. 93211893.

FOR HEARING TODAY.

ACTION: After discussion, upon motion by President Hu, the Board voted 4-0 to UPHOLD the department.

SPEAKERS: Joan MacQuarrie, Chief Building Inspector for the Department of Building Inspection; Alec Bash, Deputy Zoning Administrator for the Planning Department; Roberta Garavelli, appellant; Valborg Tietz and Timothy Gillespie, in support of appellant; Alice Barkley, attorney for permit holder; and Joe O'Donoghue, contractor for permit holder.

The Board recessed from 7:31 to 7:45 p.m.

APPEAL NO. 95-095

JIM LIGHTSEY, Appellant

FIRE DEPARTMENT, Respondent

Protesting issuance on June 21, 1995, to Mission Vocational & Language School, Public Assembly permit (dining: 595 persons, dancing: 1,000 persons) at 2929 - 19th Street.

PERMIT NO. 951557.

FOR HEARING TODAY.

ACTION: RESCHEDULED prior to hearing to May 1, 1996 at the request of parties to allow time for settlement.

APPEAL NO. 95-172

PATRICIA SHEAN, Appellant

DEPT. BUILDING INSPECTION, Respondent

Protesting issuance on November 16, 1995, to Ed Callan, permit to Alter a Building (reduce scope of work to add a new elevator) at 1441 Montgomery Street.

APPLICATION NO. 9519545.

FOR HEARING TODAY.

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ACTION: After discussion, upon motion by Commissioner McInerney, the Board voted 4-0 to UPHOLD the department and GRANT the permit.

SPEAKERS: Brett Gladstone, attorney for appellant; Joan MacQuarrie, Chief Building Inspector for the Department of Building Inspection; Alec Bash, Deputy Zoning Administrator for the Planning Department; Clint Callan, attorney for permit holder; Steven House, architect for permit holder; Ed Callan, permit holder; and Patricia Shean, appellant.

### APPEAL NO. 95-184

MARILYN LUCIA, Appellant vs. DEPT. BUILDING INSPECTION, Respondent

PLANNING DEPARTMENT APPROVAL

Protesting issuance on November 16, 1995, to Beverlee Goldbrener, permit to Alter a Building (three-foot high retaining wall extension at rear of existing garage) at 142 Cerritos Avenue. APPLICATION NO. 9518214.

ACTION: After discussion, upon motion by Commissioner McInerney, the Board voted 4-0 to rescind the Certification of Final Completion and Occupancy to allow the Department of Building Inspection to work out an equitable solution.

SPEAKERS: Marilyn Lucia, appellant; Albert Hassid, for permit holder; and Joan MacQuarrie, Chief Building Inspector.

### APPEAL NO. 95-186

ZELKO & RENEE SIMONI, Appellants vs. DEPT. BUILDING INSPECTION, Respondent

PLANNING DEPARTMENT APPROVAL

Protesting issuance on November 17, 1995, to Gene Lam, permit to Erect a Building (single-family dwelling) at 15 Graystone Terrace. APPLICATION NO. 9507214S.

ACTION: After testimony and discussion, on motion by Commissioner Cullum, the Board voted 4-0 to CONTINUE to March 27, 1996 to allow time for the parties to reach a compromise design that meets the Residential Design Guidelines.

SPEAKERS: Sue Hestor, attorney for appellants; Zelko Simoni, appellant; Ramona Albright, Abdol Adjari, Rise Loos, Joseph Micksak, Michael Breckridge, John Fisella, Alice Parcher, in support of appellants; Brett Gladstone, attorney for permit holder; Gene Lam, permit holder; Arnold Lerner, architect for appellant; and Alec Bash, Deputy Zoning Administrator for the Planning Department.

The Board recessed from 9:40 to 9:47 p.m.
MINUTES OF THE BOARD OF PERMIT APPEALS, FEBRUARY 28, 1996 (cont’d.)

Items (8A) and (8B) were heard together

DONALD WILSON & EDWARD KIEREN, Appealing Protest, Appeal No. V95-185
Appellants

(8A)

ZONING ADMINISTRATOR, Respondent

[Protesting granting on November
[21, 1995, to Dan Phipps, Rear
Yard Variance (to fill in the
northeast and southeast corners
of the second floor over the
existing first floor) for property
at 2310 Steiner Street.
VARIANCE CASE NO. 94.507V.
FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner McInerney, the Board voted
4-0 to UPHOLD the Zoning Administrator and his findings and GRANT the variance.

APPEAL NO. V96-009

LAWRENCE & MARCIA LUSK, Appellants

(8B)

vs.

ZONING ADMINISTRATOR, Respondent

[Appeal of condition of Rear Yard
Variance (the addition to the
northeast corner of the building
shall be revised limiting the
extension to be within a triangular
area created by connecting the
points of the two furthermost
northeast corners of the subject
property) granted on November
21, 1995 for property at 2310
Steiner Street.
VARIANCE CASE NO. 94.507V.
FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner McInerney, the Board voted
4-0 to UPHOLD the Zoning Administrator and CONDITIONS.

SPEAKERS: Ed Kieren and Donald Wilson, appellants; Lawrence Lusk, variance holder;
and Alec Bash, Deputy Zoning Administrator for the Planning Department.

(9) CONSIDERATION OF DEPARTMENT BUDGET FOR FISCAL YEAR 1996-1997.

ACTION: After discussion, upon motion by Vice President Schwartz, the Board voted
4-0 to ADOPT the budget.

There being no further business, President Hu adjourned the meeting at 10:04 p.m.

Robert H. Feldman
Executive Director

Transcripts of these hearings can be obtained directly from Doris Levine, the Official
Court Reporter, (415) 456-9899.
MINUTES OF THE SPECIAL
MEETING OF THE BOARD OF PERMIT APPEALS
WEDNESDAY, MARCH 13, 1996
5:00 P.M., VETERANS WAR MEMORIAL BUILDING
401 VAN NESS AVENUE, ROOM 428

PRESENT: President Wayne Hu, Vice President Mauri Schwartz, Commissioners Carole Cullum, John McInerney and Mario Salgado.

Judith Boyajian, Deputy City Attorney and Robert Feldman, Executive Director for the Board.

(1) PUBLIC COMMENT: This period is limited to 15 minutes at the beginning of the calendar and can be continued to the end of the calendar by the chair to complete the presentations in order to minimize delay to those in attendance for appeals.

SPEAKERS: None.

(2) EXECUTIVE SESSION (closed to public):
At the request of the City Attorney the Board convened in executive session to discuss the litigation below pursuant to Government Code Section 54956.9(a)(1).

(a) Harsch Investment Corp. vs. CCSF, et al.
Superior Court No. 962445
Appeal Nos. 93-036 and 93-176
417 Stockton Street, Allison Hotel (formerly All Seasons Hotel)

(b) Elizabeth Furnelli, dba Solid Gold, Inc. vs. CCSF, et al.
U.S. District Court, N.D. of California
No. C-95-3517SAW
Appeal No. 95-120
650 Howard Street

Deputy City Attorneys Andrew Schartz (a) and Linda Ross (b) represented the City Attorney.

Upon completion of the closed session, the Board reconvened the special meeting and, voted not to disclose the information discussed.

President Hu adjourned the Special Meeting at 5:44 p.m. and immediately convened the regular meeting.
MINUTES OF THE
MEETING OF THE BOARD OF PERMIT APPEALS
WEDNESDAY, MARCH 13, 1996
5:30 P.M., VETERANS WAR MEMORIAL BUILDING
401 VAN NESS AVENUE, ROOM 428

PRESENT: President Wayne Hu, Vice President Mauri Schwartz, Commissioners Carole Cullum, John McInerney and Mario Salgado.

Robert Passmore, Administrator for the Planning Department; Judith Boyajian, Deputy City Attorney; Joan MacQuarrie, Chief Building Inspector for the Department of Building Inspection; and Robert Feldman, Executive Director for the Board.

Carol Mardeusz, Court Reporter.

Carol Mardeusz, the Official Court Reporter, swore in all those who intended to testify during the meeting.

(1) PUBLIC COMMENT: This period is limited to 15 minutes at the beginning of the calendar and can be continued to the end of the calendar by the chair to complete the presentations in order to minimize delay to those in attendance for appeals.

SPEAKERS: None.

(2) COMMISSIONERS COMMENTS AND QUESTIONS.

SPEAKERS: None.

(3) MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:

REQUESTS FOR REHEARING:

ITEM A: Letter from Michael O'Connor, appellant requesting rehearing of Appeal No. 95-194, 628 Divisadero Street. Hearing January 31, 1996. Upon motion by Commissioner Cullum, the Board voted 3-2 (Vice President Schwartz and Commissioner McInerney dissented) to overrule the department and grant the permit with conditions. Four votes are needed to overrule a department or impose conditions and the motion failed. Denial is UPHELD.

ACTION: After discussion, upon motion by Commissioner Salgado, the Board voted 5-0 to GRANT rehearing and scheduled it for April 17, 1996 with agreement of the appellant and the S.F.P.D.

SPEAKERS: Michael Proctor, attorney for appellant; and Sergeant William Coggan, S.F.P.D.
ITEM B: Letter from Lynn L. Axelrod, attorney for Dolph Andrews, appellant requesting rehearing of Appeal No. 96-004, 2710 Broadway Street. Hearing February 21, 1996. Upon motion by President Hu, the Board voted 4-0 (Commissioner McInerney absent) to UPHOLD the department decision to REVOKE the alteration permit, and require the owners apply for demolition and new construction permits with no imposition of Section 318.1 Building Code penalty which would prohibit any permit for five years except for replacement of the demolished house.

ACTION: Upon motion by Commissioner Cullum, the Board voted 4-0 to RECUSE Commissioner McInerney because of conflict of interest; his firm has represented the permit holder. Then after discussion, upon motion by Commissioner Salgado, the Board voted 3-1 to DENY the request for rehearing.

SPEAKERS: Lynn Axelrod, attorney for appellant; and Alice Barkley, attorney for permit holder.

REQUEST FOR JURISDICTION BEYOND TEN-DAY APPEAL PERIOD:

ITEM C: Letter from Cathedral Hill Vistas and City Central Homeowners Associations requesting that the Board take jurisdiction over City Planning Commission Resolution No. 13641 approving parking, separation, land coverage and side setback variances for 1096 Eddy Street (Redevelopment Plan Variance No. 94.001V).

Date approved: February 3, 1994
Appeal period ended: February 14, 1994
Request for Jurisdiction: February 23, 1996

ACTION: After discussion, upon motion by Vice President Schwartz, the Board voted 5-0 to DENY the request for jurisdiction.

SPEAKERS: Ken Potter, requestor; Irma Salinas, in support of request; and Steven Fields, project sponsor.

APPEAL NO. V95-191

BRUCE S. MILIN, Appellant

ZONING ADMINISTRATOR, Respondent

Denial on December 4, 1995, of Parking Variance (legalize an existing ground floor bedroom and full bathroom and allow for installation of a kitchen so that these rooms could operate independently as a second unit in the existing single-family dwelling) at 255 Jersey Street.

VARIANCE CASE NO. 95.417V.
FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Salgado, the Board voted 3-2 (Vice President Schwartz and Commissioner McInerney dissented) to overrule the Zoning Administrator and grant the variance. Four votes are needed and the motion failed. The denial is UPHELD.
SPEAKERS: Robert Passmore, Zoning Administrator for the Planning Department; Bruce Milin and Zoe Grusky, appellants; Jerry Klein, agent for appellants; Ron Olsen, Eleanor Gearhardt (read statement from Yvonne Ward), Robert Antolak (read statement from Rita Kossuth), Irene Kossuth (read statement from Kathy Simon), Paul Kempis, Peggy Lenowicz, in support of the department; and Dean Farwood, in support of the appellants.

The Board recessed from 7:34 to 7:45 p.m.

APPEAL NO. 96-012

STANLEY G. HILTON, Appellant  
vs.  
DEPT. BUILDING INSPECTION, Respondent

Suspension on February 9, 1996, by the Department of Building Inspection of permit to Alter a Building at 3589 - 21st Street for the reason that a lack of clear permit history does not reveal that the subject building was ever converted with a building permit from its original construction in about 1885 to a two-family dwelling.  
APPLICATION NO. 9518833.  
FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Salgado, the Board voted 5-0 to OVERRULE the department with findings by Commissioner McInerney.

SPEAKERS: Robert Passmore, Zoning Administrator for the Planning Department; John Mendelson and Chloe Heinbach, in support of department; Stanley Hilton, appellant; and Richard Johns, attorney for appellant.

APPEAL NO. 96-008

JOSEPHINE Y. LEUNG, Appellant  
vs.  
DEPT. BUILDING INSPECTION, Respondent  
PLANNING DEPARTMENT APPROVAL

Protesting issuance on January 20, 1996, to Donald and Twila Parker, permit to Alter a Building (construct 7' rear deck, handicapped bathroom and bedroom at the ground floor) at 2066 - 36th Avenue.  
APPLICATION NO. 9515861.  
FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Cullum, the Board voted 5-0 to UPHOLD the department and GRANT the permit.

SPEAKERS: Glen Leung, for appellant; Twila and Donald Parker, permit holders; and Dorothy Johnson, in support of permit holder.
MINUTES OF THE BOARD OF PERMIT APPEALS, MARCH 13, 1996 (cont'd.)

JOHN HERRELL, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

APPEAL NO. 96-010

Appeal of Zoning Administrator's determination dated January 30, 1996 that he cannot require retention of off-street parking spaces on Lot 7 of Assessor's Block 1745 (1241 - 5th Avenue) for use by occupants of the apartment building on Lot 8 (408 - 418 Hugo Street) for the reason that these spaces were created without a building permit and are in probable violation of the Planning Code.

FOR HEARING TODAY.

ACTION:
The court reporter swore in those who arrived after the first swearing in. Upon a request by Ms. Hestor, and after discussion, upon motion by Commissioner McInerney, the Board voted 5-0 to GRANT jurisdiction over the January 30, 1995 Zoning Administrator determination. Then after testimony, upon motion by Commissioner McInerney, the Board voted 4-1 (Commissioner Cullum dissented) to UPHOLD the Zoning Administrator.

SPEAKERS:
Sue Hestor, attorney for appellant; John Herrell, appellant; Robert Passmore, Zoning Administrator for the Planning Department; Alice Barkley and James Byrne, attorneys for permit holder, Tom McGrath; Robert Amore, property manager for permit holder; and Judith Boyajian, Deputy City Attorney.

The Board recessed from 9:32 to 9:44 p.m.

RAYMOND S. BREGANTE, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

APPEAL NO. 96-011

Interpretation dated January 30, 1996 by the Zoning Administrator that garment manufacturing is not a permitted use under the Planning Code at 134 Golden Gate Avenue which is zoned RC-4 (Residential-Commercial Combined-High Density) and is in the North of Market Residential Special Use District.

FOR HEARING TODAY.

ACTION:
After discussion, upon motion by Commissioner McInerney, the Board voted 5-0 to OVERRULE the Zoning Administrator with findings and allow manufacturing use on the premises of 134 Golden Gate Avenue as a non-conforming use.

SPEAKERS:
Robert Passmore, Zoning Administrator for the Planning Department; Ray Bregante, appellant; Mark Kaplan, real estate broker for the property; and Joan MacQuarrie, Chief Building Inspector for the Department of Building Inspection.
MINUTES OF THE BOARD OF PERMIT APPEALS, MARCH 13, 1996 (cont'd.)

APPEAL NO. V95-196

MA ESTATES, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

(9) Protesting granting on November 22, 1995, to Robert and Beatrice Wood, Rear Yard and Front Setback Variances (to install a three-car garage and to repair a dilapidated patio at the rear of an existing three story over basement, single-family dwelling) for property at 2099 Pacific Avenue. VARIANCE CASE NO. 95.547V. FOR HEARING TODAY.

ACTION: WITHDRAWN by letter prior to meeting.

APPEAL NO. V96-002

ROBERT & BEATRICE WOOD, Appellants
vs.
ZONING ADMINISTRATOR, Respondent

(10) Protesting granting on December 22, 1995, to Ma Estates, Rear Yard Variance (construct swimming pool enclosure and deck at rear-most of the lot adjacent to the existing rear cottage) at 2090 Jackson Street. VARIANCE CASE NO. 95.009V. FOR HEARING TODAY.

ACTION: WITHDRAWN by letter prior to meeting.

There being no further business, President Hu adjourned the meeting at 10:02 p.m.

Robert H. Feldman
Executive Director

Transcripts of these hearings can be obtained directly from Doris Levine, the Official Court Reporter, (415) 456-9899.
PRESENT: President Wayne Hu, Vice President Mauri Schwartz, Commissioners Carole Cullum, John McInerney and Mario Salgado.

Robert Passmore, Administrator for the Planning Department; Judith Boyajian, Deputy City Attorney; Joan MacQuarrie, Chief Building Inspector for the Department of Building Inspection; and Robert Feldman, Executive Director for the Board.

Doris Levine, Official Court Reporter.

Doris Levine, the Official Court Reporter, swore in all those who intended to testify during the meeting.

(1) PUBLIC COMMENT: This period is limited to 15 minutes at the beginning of the calendar and can be continued to the end of the calendar by the chair to complete the presentations in order to minimize delay to those in attendance for appeals.

SPEAKERS: None.

(2) COMMISSIONERS COMMENTS AND QUESTIONS.

SPEAKERS: None.

APPEAL NO. 96-014

NAZAN SHAFIZADEH, Appellant vs. DEPT. BUILDING INSPECTION, Respondent

PLANNING DEPARTMENT APPROVAL

[Imposition of Penalty on February 22, 1996, for work [done at 1135 Monterey Blvd. APPLICATION NO. 9519993. FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Cullum, the Board voted 4-0 (Commissioner Salgado absent) to OVERRULE the department with the CONDITION that the penalty be reduced to three times the regular fee of $378.30 for a total of $1,134.90.
MINUTES OF THE REGULAR MEETING OF THE BOARD OF PERMIT APPEALS, MARCH 20, 1996 (cont'd.)

SPEAKERS: Nazan Shafizadeh, appellant; and Joan McQuarrie, Chief Building Inspector for the Department of Building Inspection.

APPEAL NO. 96-019

CHAUNG P. KUNG, Appellant vs. DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Imposition of Penalty on March 4, 1996, for work done at 508 Madrid Street. APPLICATION NO. 9513045. FOR HEARING TODAY.]

ACTION: After discussion, upon motion by Vice President Schwartz, the Board voted 4-0 to OVERRULE the department with the CONDITION that the penalty be reduced to three times the regular fee. The Department of Building Inspection will recalculate a reduced fee.

SPEAKERS: Chaung Kung, appellant; and Joan MacQuarrie, Chief Building Inspector for the Department of Building Inspection.

The Board recessed from 6:05 to 6:18 p.m. and Commissioner Salgado arrived at 6:18 p.m. The court reporter swore in those who arrived after the first swearing in.

APPEAL NO. 96-016

TRACY KIRKHAM & JOSEF COOPER, Appellants vs. DEPT. BUILDING INSPECTION, Respondent

[Protesting issuance on February 8, 1996, to Nathan and Nan Roth, permit to Alter a Building (replace siding on garage damaged by demolition next door and add fire-rated sheetrock, waterproofing, exterior siding and flashing as needed; similar repairs to sundeck attached to house) at 1436 Kearny Street. APPLICATION NO. 9602158. FOR HEARING TODAY.]

ACTION: After discussion, upon motion by Commissioner Salgado, the Board voted 5-0 to UPHOLD the department and GRANT the permit with CONDITIONS: if dry rot is discovered, a separate permit is needed; if drainage is needed, a plumbing permit is needed; for any work done on house, obtain a separate permit. If work is needed beyond the scope of any permit, the permit holder or an agent will contact the District Building Inspector to determine if any additional permit is needed.

SPEAKERS: Robert McCarthy, attorney for appellants; Nan Roth, permit holder; Roger Boyer, architect for permit holders; Joan MacQuarrie, Chief Building Inspector for the Department of Building Inspection; and Robert Passmore, Zoning Administrator for the Planning Department.
Item 6 was taken after Item 4 and before Commissioner Salgado arrived.

APPEAL NO. 96-018

DAVID MILAZZO & MARILYN WILDER, Appellants

DEPT. BUILDING INSPECTION, Respondent

PLANNING DEPARTMENT APPROVAL

Protesting issuance on February 14, 1996, to Marilyn L. Oberti, permit to Alter a Building (remove sectional overhead garage door at restaurant) at 3998 Cesar Chavez Street.

APPLICATION NO. 9600522.

FOR HEARING TODAY.

THE EXECUTIVE DIRECTOR announced that Al Sanchez, agent for the permit holder, had telephoned and said the permit was being abandoned. After discussion, upon motion by Commissioner Cullum, the Board voted 4-0 (Commissioner Salgado absent) to OVERRULE the department and DISAPPROVE the permit.

SPEAKER: Claire Pilcher, attorney for appellants. Neither permit holder nor her agent appeared.

APPEAL NO. V96-015

HOLLINSHEAD & ANN KNIGHT, Appellants

ZONING ADMINISTRATOR, Respondent

Denial on February 13, 1996, of Rear Yard Variance (enclose and convert to a greenhouse a 140 s.f. area on the second floor deck of the three-story over garage, two unit building) at 1232 - 1234 Chestnut Street.

VARIANCE CASE NO. 95.669V.

FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President Schwartz, the Board voted 4-1 (Commissioner Salgado dissented) to UPHOLD the Zoning Administrator and DENY the variance.

SPEAKERS: Robert Passmore, Zoning Administrator for the Planning Department; Claire Pilcher, attorney for appellants; Hollinshead and Ann Knight, appellants; Glen Jarvis, architect for appellants; F. Joseph Butler, John Sullivan, Judith MacMillan, in support of the Zoning Administrator; and David Parry and Donald Sambucci, in support of appellants.

There being no further business, President Hu adjourned the meeting at 7:46 p.m.

Robert H. Feldman
Executive Director

Transcripts of these hearings can be obtained directly from Doris Levine, the Official Court Reporter, (415) 456-9899.
MINUTES OF THE
REGULAR MEETING OF THE BOARD OF PERMIT APPEALS
WEDNESDAY, MARCH 27, 1996
5:30 P.M., VETERANS WAR MEMORIAL BUILDING
401 VAN NESS AVENUE, ROOM 428

PRESENT: President Wayne Hu, Vice President Mauri Schwartz, Commissioners Carole Cullum, John McInerney and Mario Salgado.

Robert Passmore, Zoning Administrator for the Planning Department; Judith Boyajian, Deputy City Attorney; Joan MacQuarrie, Chief Building Inspector for the Department of Building Inspection; and Robert Feldman, Executive Director for the Board.

Doris Levine, Official Court Reporter.

Doris Levine, the Official Court Reporter, swore in all those who intended to testify during the meeting.

(1) PUBLIC COMMENT: This period is limited to 15 minutes at the beginning of the calendar and can be continued to the end of the calendar by the chair to complete the presentations in order to minimize delay to those in attendance for appeals.

SPEAKERS: Thomas Steel and Walter Wong requested that the Board amend the conditions regarding signage and handing out fliers for their client, Solid Gold at 650 Howard Street which is involved in negotiation of a settlement of litigation with the City.

ACTION: Upon motion by Commissioner Cullum, the Board voted 5-0 to schedule an Executive Session for April 17, 1996 at 5:00 p.m. to discuss the matter with the City Attorney's deputy handling the case.

(2) COMMISSIONERS COMMENTS AND QUESTIONS.

SPEAKERS: None.

(3) MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:

REQUEST FOR JURISDICTION BEYOND FIFTEEN-DAY APPEAL PERIOD:

ITEM A: Letter from James S. Glowner, requesting that the Board take jurisdiction over deletion of a mobile caterer stop at 1 Post Street by the Police Department.

Date of decision February 28, 1996
Appeal period ended March 14, 1996
Request for jurisdiction March 18, 1996
MINUTES OF THE REGULAR MEETING OF THE BOARD OF PERMIT APPEALS, MARCH 27, 1996 (cont'd.)

ACTION: After discussion, upon motion by Vice President Schwartz, the Board voted 5-0 to GRANT jurisdiction. Mr. Glowner has fifteen days to file an appeal.

SPEAKERS: James Glowner, requestor; and Lieutenant Bruce Lorin, S.F.P.D. Permit Bureau.

APPEAL NO. 96-020
EMERIC KALMAN, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL
RECREATION/PARK COMMISSION APPROVAL

(4) [Protesting issuance on February 23, 1996, to City and County of San Francisco, permit to Demolish a Building (sewage treatment plant) at 4800 Lincoln Way in Golden Gate Park. APPLICATION NO. 9602114. FOR HEARING TODAY.]

The Executive Director polled the Board on whether each had reviewed and considered the environmental review materials for the project. The five Commissioners each answered "aye" when polled.

ACTION: After discussion, upon motion by Commissioner McInerney, the Board voted 5-0 to UPHOLD the department and GRANT the permit with findings by President Hu.

SPEAKERS: Emeric Kalman, appellant; Jean Girardo, in support of appellant; Deborah Learner, Recreation and Park Department; James Chia, Department of Public Works; John Crawford, contractor for permit holder; Joan MacQuarrie, Chief Building Inspector for the Department of Building Inspection; and Judith Boyajian, Deputy City Attorney.

Item 5 was taken last on the calendar after Item 8 to allow time for the parties to reach a settlement.

APPEAL NO. 95-186
ZELKO & RENEE SIMONI, Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

(5) [Protesting issuance on November 17, 1995, to Gene Lam, permit to Erect a Building (single-family dwelling) at 15 Graystone Terrace. APPLICATION NO. 9507214S. FOR FURTHER HEARING TODAY.]

ACTION: After discussion, upon motion by Commissioner McInerney, the Board voted 5-0 to UPHOLD the department and GRANT the permit with revised plans as submitted and agreed to by parties.

SPEAKERS: Sue Hestor, attorney for appellants; Brett Gladstone, attorney for permit holder; Arnold Lerner, architect for appellants; Jay Adjari, opposed to the project; and Robert Passmore, Zoning Administrator for the Planning Department.
MINUTES OF THE REGULAR MEETING OF THE BOARD OF PERMIT APPEALS, MARCH 27, 1996 (cont'd.)

APPEAL NO. 95-167
JAMES SANGIACOMO, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

Denial on November 13, 1995, of permit to Alter a Building [(raise existing roof line) at 44 Edgehill Way.]
APPLICATION NO. 9517655.
FOR HEARING TODAY.

ACTION:
After discussion, upon motion by Commissioner McInerney, the Board voted 3-2 (Commissioners Cullum and Salgado dissented) to overrule the department and grant the permit. Four votes are needed and the motion failed. The denial is UPHELD.

SPEAKERS:
Robert Passmore, Zoning Administrator for the Planning Department; Kathy Darby, Howard Strassner and Bud Wilson, in support of the department; Bill Holland, architect for appellant; Clara Giannini, Jerri Sangiacomo and Barry Kane, in support of the appellant; James Sangiacomo, appellant; and Judith Boyajian, Deputy City Attorney.

APPEAL NO. 96-022
ROGER D. MILES, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

Denial on March 12, 1996, of permit to Alter a Building [(convert the legal use from 20 to 22 units) at 59 Lupine Avenue.]
APPLICATION NO. 9416483.
FOR HEARING TODAY.

ACTION:
After discussion, upon motion by President Hu, the Board voted 5-0 to OVERRULE the department and GRANT the permit with findings by Commissioner Cullum.

SPEAKERS:
Robert Passmore, Zoning Administrator for the Planning Department; William Abend, architect for appellant; Joan MacQuarrie, Chief Building Inspector for the Department of Building Inspection; and Judith Boyajian, Deputy City Attorney.

The Board recessed from 7:25 to 7:40 p.m.

APPEAL NO. 96-021
DAVID G. COUR, et al., Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

Protesting issuance on February 26, 1996, to James Sagin, permit to Erect a Building (33 residential condominiums) at 1444 Green Street.
APPLICATION NO. 92146265.
FOR HEARING TODAY.
The Executive Director polled the Board on whether each had reviewed and considered the environmental review materials for the project. The five Commissioners each answered "aye" when polled.

**ACTION:** After discussion, upon motion by Commissioner McInerney, the Board voted 5-0 to **UPHOLD** the department and **GRANT** the permit.

**SPEAKERS:** David Cour, M. Candace Hamilton and Richard Weiss, appellants; Milt Edelin, in support of appellants; Robert Passmore, Zoning Administrator for the Planning Department; and Harry O'Brien, attorney for permit holder.

There being no further business, President Hu adjourned the meeting at 9:19 p.m.

Transcripts of these hearings can be obtained directly from Doris Levine, the Official Court Reporter, (415) 456-9899.
PRESENT: President Wayne Hu, Vice President Mauri Schwartz, Commissioners Carole Cullum, John McInerney and Mario Salgado.

Judith Boyajian, Deputy City Attorney and Robert Feldman, Executive Director for the Board.

Doris Levine, Official Court Reporter, swore in all those who intended to testify.

(1) PUBLIC COMMENT: This period is limited to 15 minutes at the beginning of the calendar and can be continued to the end of the calendar by the chair to complete the presentations in order to minimize delay to those in attendance for appeals.

SPEAKERS: Shirley Bierly, Jim West, Maxwell Myers, Anita Hill, John Buss, opposed to Solid Gold; Thomas Steel, attorney for Solid Gold; and Walter Wong, consultant for Solid Gold.

(2) EXECUTIVE SESSION (closed to public):
At the request of the City Attorney the Board convened in executive session to discuss the litigation below pursuant to Government Code Section 54956.9(a)(1).

Elizabeth Furnelli, dba Solid Gold, Inc. vs. CCSF, et al.
U.S. District Court, N.D. of California
No. C-95-3517SAW
Appeal No. 95-120
650 Howard Street

Deputy City Attorney Linda Ross represented the City Attorney.

Upon completion of the closed session, the Board reconvened the special meeting and voted not to disclose the information discussed.

President Hu adjourned the Special Meeting at 5:45 p.m. and immediately convened the regular meeting.
PRESENT: President Wayne Hu, Vice President Mauri Schwartz, Commissioners Carole Cullum, John McInerney and Mario Salgado.

Robert Passmore, Zoning Administrator for the Planning Department; Judith Boyajian, Deputy City Attorney; Joan MacQuarrie, Chief Building Inspector for the Department of Building Inspection; and Robert Feldman, Executive Director for the Board.

Doris Levine, Official Court Reporter.

Doris Levine, the Official Court Reporter, swore in all those who intended to testify during the meeting.

(1) PUBLIC COMMENT: This period is limited to 15 minutes at the beginning of the calendar and can be continued to the end of the calendar by the chair to complete the presentations in order to minimize delay to those in attendance for appeals.

SPEAKERS: None.

(2) COMMISSIONERS COMMENTS AND QUESTIONS.

SPEAKER: President Hu announced he had received a letter by fax which requesting that the eight protests of demolitions at Hayes Valley North be rescheduled to May 1 and he requested staff to reschedule them if possible.

(3) MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:

REQUEST FOR JURISDICTION:

ITEM A: Letter from Charles Princeton of Limousine 2000, requesting that the Board take jurisdiction over termination of Agreement No. 94-0172 by the Airports Commission for operation of a limousine service.

ACTION: After discussion, upon motion by Vice President Schwartz, the Board voted 4-1 (Commissioner Salgado dissented) to DENY the request for jurisdiction.
MINUTES OF THE REGULAR MEETING OF THE BOARD OF PERMIT APPEALS, APRIL 17, 1996 (cont'd.)

SPEAKERS: Charles Princeton, Alan Tienturier, V. Marie Davis, Gino El-Bakri, and Hasan El-Banna of Limousine 2000; Arlo Smith, attorney for Limousine 2000; Eddie Angeles, attorney for Airports Commission; and Judith Boyajian, Deputy City Attorney.

REQUEST FOR REHEARING:

ITEM B: Letter from Sue Hestor, attorney for John and Connie Herrell, appellants, requesting rehearing of Appeal No. 96-010, 1241 - 5th Avenue. Hearing March 13, 1996. Upon a request by Ms. Hestor, and after discussion, upon motion by Commissioner McInerney, the Board voted 5-0 to GRANT Jurisdiction over the January 30, 1995 Zoning Administrator determination. Then after testimony, upon motion by Commissioner McInerney, the Board voted 4-1 (Commissioner Cullum dissented) to UPHOLD the Zoning Administrator.

ACTION: After discussion, upon motion by Commissioner Cullum, the Board voted 1-4 (President Hu, Vice President Schwartz, Commissioners McInerney and Salgado dissented) to continue consideration to May 15, 1996. Three votes are needed and the motion failed. The request for continuance is DENIED. Then upon motion by Commissioner Cullum, the Board voted 1-4 (President Hu, Vice President Schwartz, Commissioners McInerney and Salgado dissented) to grant rehearing. Four votes are needed and the motion failed. The request for rehearing is DENIED.

SPEAKERS: Sue Hestor, attorney for appellants; Alice Barkley, attorney for permit holder; and Robert Amore, property manager for permit holder.

MICHAEL O’CONNOR, dba "JUSTICE LEAGUE", Appellant vs. POLICE DEPARTMENT, Respondent (4) APPEAL NO. 95-194

ACTION: After discussion, upon motion by Commissioner Salgado, the Board voted 5-0 to OVERRULE the department and GRANT the permit with an amended stipulated agreement.


The Board recessed from 8:10 to 8:25 p.m.
MINUTES OF THE REGULAR MEETING OF THE BOARD OF PERMIT APPEALS, APRIL 17, 1996 (cont'd.)

APPEAL NO. 96-023

MIRIAM MALDONADO, Appellant

vs.

DEPT. BUILDING INSPECTION, Respondent

PLANNING DEPARTMENT DISAPPROVAL

Denial on February 29, 1996, of permit to Alter a Building 
[(legalize existing in-law apartment; install new kitchen cabinets 
and new bathroom fixtures; repair 
walls and ceiling by placing 
(new overlay of ½" gypsum board) 
at 60 Vienna Street. 
APPLICATION NO. 9514150S. 
FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Salgado, the Board voted 5-0 to CONTINUE the matter to April 16, 1997 to allow time for legislation to be enacted that would provide a process of legalization of illegal units in RH-1 districts.

SPEAKERS: Robert Passmore, Zoning Administrator for the Planning Department; Jaimie Maldonado for Miriam Maldonado, appellant; and Joan MacQuarrie, Chief Building Inspector for the Department of Building Inspection.

APPEAL NO. 96-006

MICHAEL TATUM & MATTHEW LEFFERS, 
Appellants

vs.

ZONING ADMINISTRATOR, Respondent

Determination dated January 10, 1996 by the Zoning Administrator 
that the former use of the property 
at 650-656 Fourth Street as a 
tourist hotel is considered discon-
tinued or abandoned under Section 
183 of the Planning Code and that 
restoration of tourist hotel use 
would not be permitted under SS0 
zoning and the nonconforming use 
provisions of the Planning Code. 
FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Salgado, the Board voted 2-3 (President Hu, Vice President Schwartz and Commissioner Mcinerney dissented) to overrule the Zoning Administrator and allow the property to be used as a tourist hotel. Four votes are needed to overrule. The motion fails and the Zoning Administrator is UPHELD.

SPEAKERS: Robert Passmore, Zoning Administrator for the Planning Department; Matthew Leffers and Michael Tatum, appellants; Carylon Tyler, architect for appellants; and Robert Formichi, in support of appellants.
MINUTES OF THE REGULAR MEETING OF THE BOARD OF PERMIT APPEALS, APRIL 17, 1996 (cont'd.)

There being no further business, President Hu adjourned the meeting at 9:25 p.m.

Robert H. Feldman
Executive Director

Transcripts of these hearings can be obtained directly from Doris Levine, the Official Court Reporter, (415) 456-9899.
PRESENT: President Wayne Hu, Vice President Mauri Schwartz, Commissioners John McInerney and Mario Salgado.

Robert Passmore, Zoning Administrator for the Planning Department; Judith Boyajian, Deputy City Attorney; Rafael Torres-Gil, Senior Building Inspector for the Department of Building Inspection; and Robert Feldman, Executive Director for the Board.

Doris Levine, Official Court Reporter.

ABSENT: Commissioner Carole Cullum.

Doris Levine, the Official Court Reporter, swore in all those who intended to testify during the meeting.

(1) PUBLIC COMMENT: This period is limited to 15 minutes at the beginning of the calendar and can be continued to the end of the calendar by the chair to complete the presentations in order to minimize delay to those in attendance for appeals.

SPEAKERS: None.

(2) COMMISSIONERS COMMENTS AND QUESTIONS.

SPEAKERS: None.

APPEAL NO. 95-003

CLAUDE LAMBERT & MICHELINE LAMBERT, Appellants

(3) vs.

DEPT. OF PUBLIC WORKS, Respondent
BUILDING INSPECTION DISAPPROVAL

Denial on December 30, 1994, by the Bureau of Building Inspection of a hotel conversion application for failure to meet requirement of the Hotel Conversion Ordinance Section 41.13(d) necessary to allow conversion of the Cornell Hotel at 715 Bush Street to full tourist use.

FOR CONSIDERATION TODAY.
TO SET ASIDE BOARD'S DECISION OF MAY 3, 1995 AND TO ENTER A NEW DECISION OVERRULING THE DEPT. OF BLDG. INSPECTION'S ORDER OF DENIAL AND GRANTING THE PERMIT TO CONVERT SEVEN ROOMS FROM RESIDENTIAL TO TOURIST USE AS REQUIRED BY THE PEREMPTORY WRIT OF MANDAMUS ISSUED BY THE SUPERIOR COURT JANUARY 26, 1996.

CASE NO. 971 227.
Upon motion by Vice President Schwartz, the Board voted 4-0 to SET ASIDE the Board's decision of May 3, 1995 and OVERRULE the department and GRANT the permit to convert seven rooms from residential to tourist use as required by the peremptory writ of mandamus.

APPEAL NOS. 96-033 through 96-040

L. JAMIE JAMERSON, Appellant vs. DEPT. BUILDING INSPECTION, Respondent

[Protesting issuance on March 29, 1996, to Housing Authority of City & County of San Francisco, permit to Demolish Buildings at 665A-685C Buchanan Street, APPLICATION NO. 9602966; 701A-723C Hayes Street, APPLICATION NO. 9602971; 727A-749C Hayes Street, APPLICATION NO. 9602970; 660A-678C Fell Street, APPLICATION NO. 9602969; 751A-779C Hayes Street, APPLICATION NO. 9602968; 781B-795C Hayes Street, APPLICATION NO. 9602967; 640A-658C Fell Street, APPLICATION NO. 9602965; and 680-698C Fell Street, APPLICATION NO. 9602964. FOR HEARING TODAY.]

The Executive Director polled the Board on whether each had reviewed and considered the negative declaration for the project. The four Commissioners each answered "aye" when polled.

After discussion, upon motion by Commissioner Salgado, the Board voted 1-3 (President Hu, Vice President Schwartz and Commissioner McInerney dissented) to continue the matter for one month for a report on relocation from the Housing Authority. Four votes are needed and the motion fails. Then upon motion by Vice President Schwartz, the Board voted 3-1 (Commissioner Salgado dissented) to UPHOLD the department and GRANT the permits.

SPEAKERS:
Lafayette Jamerson, appellant; Judith Boyajian, Deputy City Attorney; Peter Berg, Karen Huggins, Chester Meadows, Juan Dimagio, John Wright, Dimitri Tyler, Louise Bond, Ame Patton, Tena Meneffe, Kay Griffin, Peter Samson, Constance Kurus, Judith McCulloch, Charles Jamerson, Jeremy Graham, James Trace, Robert Mason, Jeffrey Brown, Malik Rahim, Doctor Icky, in support of appellant; Joanne Insky, Fran DeNotto, Barbara Wenger, in support of the permit holder; Tony Salazar, permit holder; John Gresly for the Housing Authority and Marie Swanson in support of the Housing Authority.

The Board recessed from 7:50 to 8:05 and 9:14 to 9:25 p.m.
MINUTES OF THE REGULAR MEETING OF THE BOARD OF PERMIT APPEALS, MAY 1, 1996

APPEAL NO. 96-028

ROBERT D. NACHTIGALL, et al., Appellants

(5) vs.

DEPT. BUILDING INSPECTION, Respondent

PLANNING DEPARTMENT APPROVAL

[Protesting issuance on March 29, 1996, to Elvira Nishkian, permit to Erect a Building (three-story single family dwelling) at 140 Palo Alto Avenue.

APPLICATION NO. 9306140S.

FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner McInerney, the Board voted 4-0 to UPHOLD the department and GRANT the permit.

SPEAKERS: Robert Nachtigall and Patricia Reynolds, appellants; Robert Passmore, Zoning Administrator for the Planning Department; Steven Swig, attorney for permit holder; Miriam Bernstein, in favor of the project; Steven Vettel, attorney for Beverly Gregory, a neutral party; Richard Hannum, architect for permit holder; and Elvira Nishkian, permit holder.

APPEAL NO. 96-030

ANTHONY D. LYONS & LARK E. BERRY, Appellants vs.

DEPT. BUILDING INSPECTION, Respondent

[Protesting issuance on March 27, 1996, to Neal and Margaret Ruxton, permit to Alter a Building (remodel units 6 and 7 on fourth level; build new one-hour wall and exterior door to close off open stairwell; remove entry doors to units on fourth level; open wall between units in utility area; remodel kitchen for laundry use) at 1370 Washington Street.

APPLICATION NO. 9601562.

FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner McInerney, the Board voted 4-0 to UPHOLD the department and GRANT the permit with the CONDITION that the permit holders pay actual moving expenses up to $1,500 for re-location to each of the appellants.

SPEAKERS: Anthony Lyons and Lark Berry, appellants; Margaret and Neal Ruxton, permit holder; Jeremy Paul, consultant for permit holder; Robert Passmore, Zoning Administrator for the Planning Department; and Rafael Torres-Gil, Senior Building Inspector for the Department of Building Inspection.

The Board recessed from 10:35 to 10:39 p.m.

APPEAL NO. 96-032

IVAN GUBLER & GREGOR FREUND, Appellants

(7) vs.

DEPT. BUILDING INSPECTION, Respondent

PLANNING DEPARTMENT APPROVAL

[Protesting issuance on March 26, 1996, to Marcia Smythe, site permit to Erect a Building (three-story single-family dwelling) at 60 Lower Terrace.

APPLICATION NO. 9506089S.

FOR HEARING TODAY.
ACTION: After discussion, upon motion by Vice President Schwartz, the Board voted 4-0 to UPHOLD the department and GRANT the permit.

SPEAKERS: Ivan Gubler and Gregor Freund, appellants; Lucia Bogatay, Bob Herman, Jim Beckett, Quint Follmer, Bill Cooper, Elizabeth Lara, in support of the appellants; Robert Passmore, Zoning Administrator for the Planning Department; and Alice Barkley, attorney for permit holder.

There being no further business, President Hu adjourned the meeting at 11:23 p.m.

Transcripts of these hearings can be obtained directly from Doris Levine, the Official Court Reporter, (415) 456-9899.
PRESENT: President Wayne Hu, Vice President Mauri Schwartz, Commissioners Carole Cullum, John McInerney and Mario Salgado.

Robert Passmore, Zoning Administrator for the Planning Department; Judith Boyajian, Deputy City Attorney; Joan MacQuarrie, Chief Building Inspector for the Department of Building Inspection; and Robert Feldman, Executive Director for the Board.

Doris Levine, Official Court Reporter.

Doris Levine, the Official Court Reporter, swore in all those who intended to testify during the meeting.

(1) PUBLIC COMMENT: This period is limited to 15 minutes at the beginning of the calendar and can be continued to the end of the calendar by the chair to complete the presentations in order to minimize delay to those in attendance for appeals.

SPEAKERS: Patricia Vaughey gave narrative of the Muni operator restroom cases that were administratively withdrawn due to lack of a valid building permits and warned the Board it would be at fault if someone is hurt or killed behind the restroom on Lyon Street because it is dark in the space between it and the Presidio wall.

Sue Hestor discussed the site permit issued for 2185 Market Street and the errors made by the Department of Building Inspection in approving plans that do not comply with the Building Code for exits and revisions that enlarged the building envelope.

(2) COMMISSIONERS COMMENTS AND QUESTIONS.

SPEAKERS: Commissioner McInerney requested of the staff that short matters be calendared before longer ones, that sign-up sheets be provided for major matters and that the Board enforce the rule against accepting written materials at hearings.

Vice President Schwartz reinterated that the Board should not accept written materials at hearings because it is a disservice to the public, dividing Commissioners' attention between reading and listening to testimony.

President Hu directed the Executive Director to look at ways to streamline the Board's procedures.
(3) REQUEST FOR CLARIFICATION: Letter from the Building Inspection Commission dated April 26, 1996 requesting clarification from the Board as to whether the revisions made to the plans for the alterations to the one-family house at 2000 Ulloa Street, upheld by the Board on December 6, 1995 (request for rehearing denied January 3, 1996), Appeals 95-125 and 95-171, comply with Condition No. 3 of the Board's decision, or is the attorney for the appellants correct that the Board's decision did not require nor allow plan revisions; and did the Board intend to refer these revisions to the Department of Building Inspection.

ACTION: After discussion, upon motion by Commissioner McInerney, the Board voted 5-0 to CONTINUE the matter to May 29, 1996 for review of the record. President Hu said that no more testimony would be taken.

SPEAKERS: James Hutchinson, Building Inspection Commission; Robert Passmore, Zoning Administrator for the Planning Department; Sue Hestor, attorney for appellants; Andrew Zacks, attorney for permit holders; Peter Bogatsky, permit holder; Joe O'Donoghue, in support of appellants; and Judith Boyajian, Deputy City Attorney.

(4) S.F. BEAUTIFUL, THE WESTIN ST. FRANCIS HOTEL, et al., Appellants vs. DEPT. BLDG. INSPECTION, Respondent

APPEAL NO. 95-013

PLANNING DEPARTMENT APPROVAL

[Protesting issuance on January 29, 1995, to Patrick Media Group, permit to Erect a Sign (replacement of electric single faced roof sign) at 200-212 Stockton Street.]

RESOLUTION 373-96 (SIGNED BY MAYOR MAY 8, 1996) PROHIBITS APPROVAL OF ROOFTOP BILLBOARDS NEAR UNION SQUARE FOR ONE YEAR, WITH CERTAIN EXCEPTIONS. PROHIBITION EXPIRES MAY 28, 1997. APPLICATION NO. 9415698. FOR FURTHER HEARING TODAY.

ACTION: Upon motion by Commissioner Cullum, the Board voted 5-0 to CONTINUE the matter to May 21, 1997 due to the interim controls prohibiting rooftop signs in the Union Square area.

(5) S.F. BEAUTIFUL, FOUNDATION FOR S.F. ARCHITECTURAL HERITAGE, S.F. TOMORROW, Appellants vs. DEPT. BUILDING INSPECTION, Respondent

APPEAL NO. 95-012

PLANNING DEPARTMENT APPROVAL

[Protesting reissuance on January 17, 1995, to Louis F. Snyder, permit to Erect a Sign (rooftop Sony Videotron) at 216 Stockton Street.]

RESOLUTION 373-96 (SIGNED BY MAYOR MAY 8, 1996) PROHIBITS APPROVAL OF ROOFTOP BILLBOARDS NEAR UNION SQUARE FOR ONE YEAR, WITH CERTAIN EXCEPTIONS. PROHIBITION EXPIRES MAY 28, 1997. APPLICATION NO. 9413943. FOR REHEARING TODAY.
MINUTES OF THE REGULAR MEETING OF THE BOARD OF PERMIT APPEALS, MAY 15, 1996 (cont'd.)

ACTION: Upon motion by Commissioner Cullum, the Board voted 5-0 to CONTINUE the matter to May 21, 1997 due to the interim controls prohibiting rooftop signs in the Union Square area.

APPEAL NO. 95-095

JIM LIGHTSEY, Appellant
(6) vs.
FIRE DEPARTMENT, Respondent

PERMIT NO. 951557.
FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President Schwartz, the Board voted 5-0 to UPHOLD the department and GRANT the permit with findings by Commissioner Cullum and the following CONDITIONS:

(1) Music levels within the premises shall be controlled so that exterior noise levels conform with the requirements of the S.F. Police Code.
(2) A schedule of the date and time of each such event will be provided to the 728 Alabama Street Homeowners Association at least one week in advance.
(3) Security must be employed by the operator.
(4) No in-and-out privileges for patrons.
(5) No windows or doors (other than the main first floor entrance/exit door) may be open during events or rehearsals.
(6) Liquor sales must cease by 1:45 a.m.

SPEAKERS: Jim Lightsey, appellant; Judith Boyajian, Deputy City Attorney; Toni King, in support of appellant; Hector Chinchilla, pro bono attorney for permit holder; Rosario Anaya, Roberto Alba and Eduardo Lopez for MLVS; and Robert Passmore, Zoning Administrator for the Planning Department.

The Board recessed from 7:30 to 7:47 p.m.

Items (7A) and (7B) were heard together

APPEAL NO. 96-041

KELLY ELLIS, GILBERT KLIMAN,
JOHN SHAECHER, Appellants
(7A) vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on April 3, 1996, to Al Clifford, permit to Demolish a Building (commercial) at 2050 Divisadero Street.
APPLICATION NO. 9516129.
FOR HEARING TODAY.

APPEAL NO. 96-042

KELLY ELLIS, GILBERT KLIMAN,
JOHN SHAECHER, Appellants
(7B) vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on April 3, 1996, to Al Clifford, permit to Erect a Building (four stories, three units) at 2050 Divisadero Street.
APPLICATION NO. 9516128.
FOR HEARING TODAY.]
ACTION: After discussion upon motion by Commissioner Mcinerney, the Board voted 5-0 to **UPHOLD** the department and **GRANT** the demolition permit. Then upon motion by Commissioner Mcinerney, the Board voted 3-2 (Commissioners Cullum and Salgado dissented) to uphold with no conditions. Then upon a substitute motion by Commissioner Cullum, the Board voted 5-0 to **UPHOLD** the department and **GRANT** the building permit with the **CONDITIONS** that the plans shall be revised to show railings on three sides of the rear deck to be open, and the height of the last nine feet of the rear deck shall be lowered to nine feet above grade.

SPEAKERS: Sue Hestor, attorney for appellants; Gilbert Kliman and John Shaecher, appellants; David Tutor, Ian Berke, Richard Ng, Harriet Wolf, Rebecca Daly, opposed to the project; Arnold Lerner, architect for neighbors; Robert Passmore, Zoning Administrator for the Planning Department; James Reuben, attorney for permit holder; and Al Clifford, permit holder.

APPEAL NO. V96-031

**JEREMY PAUL, Appellant**

**vs.**

**ZONING ADMINISTRATOR, Respondent**

[Appeal of Conditions 1 and 2 of Lot Size and Rear Yard Variance (subdivide lot into two) granted for property at 594-598 Vermont Street. Conditions prohibit use of the property for commercial purposes and allow use as two residential units in corner building. VARIANCE CASE NO. 96.051V. FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Cullum, the Board voted 5-0 to **OVERRULE** the Zoning Administrator and **DELETE** the Conditions 1 and 2 and allow the owner to use the ground floor space in the building for commercial purposes, including as a coffee shop.

SPEAKERS: Robert Passmore, Zoning Administrator for the Planning Department; Christopher Thompson and Darcy Provo, variance holders; Bob Bybee, Joe and Antoinette Rezak, Regina Plut, Ron Green, in support of variance holders; Graves Cretis, architect for variance holders; Jeremy Paul, agent for variance holders; George Vantages, Doug Baird, Vincent Palacios, Babette Drefke, in support of the Zoning Administrator; Joan MacQuarrie, Chief Building Inspector for the Department of Building Inspection; and Judith Boyajian, Deputy City Attorney.

There being no further business, President Hu adjourned the meeting at 9:49 p.m.

Robert H. Feldman
Executive Director

Transcripts of these hearings can be obtained directly from Doris Levine, the Official Court Reporter, (415) 456-9899.
MINUTES OF THE
REGULAR MEETING OF THE BOARD OF PERMIT APPEALS
WEDNESDAY, MAY 29, 1996
5:30 P.M., VETERANS WAR MEMORIAL BUILDING
401 VAN NESS AVENUE, ROOM 428

PRESENT: President Wayne Hu, Vice President Mauri Schwartz, Commissioners Carole Cullum, John McInerney and Mario Salgado.

Robert Passmore, Zoning Administrator for the Planning Department; Judith Boyajian, Deputy City Attorney; Rafael Torres-Gil, Senior Building Inspector for the Department of Building Inspection; and Robert Feldman, Executive Director for the Board.

Doris Levine, Official Court Reporter.

Doris Levine, the Official Court Reporter, swore in all those who intended to testify during the meeting.

(1) PUBLIC COMMENT: This period is limited to 15 minutes at the beginning of the calendar and can be continued to the end of the calendar by the chair to complete the presentations in order to minimize delay to those in attendance for appeals.

SPEAKERS: None.

(2) COMMISSIONERS COMMENTS AND QUESTIONS.

SPEAKERS: None.

(3) REQUEST FOR CLARIFICATION: Letter from the Building Inspection Commission dated April 26, 1996 requesting clarification from the Board as to whether the revisions made to the plans for the alterations to the one-family house at 2000 Ulloa Street, upheld by the Board on December 6, 1995 (request for rehearing denied January 3, 1996), Appeals 95-125 and 95-171, comply with Condition No. 3 of the Board's decision, or is the attorney for the appellants correct that the Board's decision did not require nor allow plan revisions; and did the Board intend to refer these revisions to the Department of Building Inspection. (Testimony was taken at the meeting May 15, 1996 and consideration and decision were scheduled for May 29, 1996.)

ACTION: After discussion, upon motion by Commissioner McInerney, the Board voted 5-0 to CONTINUE to June 5, 1996 for review of the transcript of the Board decision on December 6, 1995.

SPEAKERS: Katerina Bogatsky, permit holder; and Sue Hestor, attorney for appellants.
(4) REQUEST FOR REHEARING: Letter from Ivan Gubler and Gregor Freund, appellants, requesting rehearing of Appeal No. 96-032, 60 Lower Terrace. Hearing May 1, 1996. Upon motion by Vice President Schwartz, the Board voted 4-0 (Commissioner Cullum absent) to **UPHOLD** the department and **GRANT** the permit.

**ACTION:** After discussion, upon motion by Vice President Schwartz, the Board voted 4-1 (Commissioner Cullum dissented) to **DENY** the request for rehearing.

**SPEAKER:** Gregor Freund, appellant.

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**APPEAL NO. 96-024**

JAMES S. GLOWNER, dba "VARNEY'S INC.", Appellant vs. POLICE DEPARTMENT, Respondent

**ACTION:** After discussion, upon motion by Vice President Schwartz, the Board voted 3-2 (President Hu and Commissioner McInerney dissented) to overrule the department and allow the two stops. Four votes are needed to overrule a department and the motion fails and the department is **UPHELD**.

**SPEAKERS:** Officers Fred Crisp and Barbara Campagnoli, S.F.P.D., Dan Ater, in support of the department; Roberta Caravelli, neutral party; James Glowner, appellant; Patrick Dillman, Michael Smith, Bruce Feldhammer, in support of appellant; and Judith Boyajian, Deputy City Attorney.

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The Board recessed from 7:11 to 7:27 p.m.

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**APPEAL NO. 96-013**

GEORGE TU, Appellant vs. DEPT. BUILDING INSPECTION, Respondent

**ACTION:** After discussion, upon motion by Commissioner McInerney, the Board voted 5-0 to **OVERRULE** the department with the **CONDITION** that the penalty be reduced to two times the regular fee of $102.05 for a total of $204.10.

**SPEAKERS:** George Tu, appellant; and Rafael Torres-Gil, Senior Building Inspector for the Department of Building Inspection.

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**APPEAL NO. 96-045**

MARIA R. PADILLA, Appellant vs. DEPT. BUILDING INSPECTION, Respondent

**ACTION:** After discussion, upon motion by Commissioner McInerney, the Board voted 5-0 to **OVERRULE** the department with the **CONDITION** that the penalty be reduced to two times the regular fee of $102.05 for a total of $204.10.

**SPEAKERS:** George Tu, appellant; and Rafael Torres-Gil, Senior Building Inspector for the Department of Building Inspection.
ACTION: After discussion, upon motion by Commissioner Salgado, the Board voted 5-0 to OVERRULE the department with the CONDITION that the penalty be reduced to two times the regular fee of $102.05 for a total of $204.10.

SPEAKERS: Dimas Moncada, appellant's son; and Rafael Torres-Gil, Senior Building Inspector for the Department of Building Inspection.

APPEAL NO. 96-029

GREGORY D. BATLIN, Appellant vs. ZONING ADMINISTRATOR, Respondent

[By the Zoning Administrator that a coffee cart outside the Tower Records store at 2525 Jones Street, at southwest corner of Columbus Avenue, is not permitted in the C-2 (Community Business) zoning district under Planning Code Section 212(a) since all uses in this district must be conducted within an enclosed building.

ACTION: After discussion, upon motion by Commissioner Salgado, the Board voted 2-3 (President Hu, Vice President Schwartz and Commissioner Mcinerney dissented) to overrule the Zoning Administrator and allow the coffee cart outside of the store. Four votes are needed and the motion fails. The Zoning Administrator is UPHELD.

SPEAKERS: Robert Passmore, Zoning Administrator for the Planning Department; and Greg Batlin, appellant and partner, Tim Bentley.

APPEAL NO. 96-047

CITIZEN REVIEW, Appellant vs. ZONING ADMINISTRATOR, Respondent

[By the Zoning Administrator rescinding his determination letter dated February 28, 1996 which requested suspension of the demolition and building permits for the property at 667 Chenery Street. This new determination allows the suspension to be lifted and work to proceed under any and all permits, including Building Permit Application No. 9513780, for the partially completed replacement building to contain two dwelling units and three commercial units.

ACTION: After discussion, upon motion Commissioner Mcinerney, the Board voted 4-1 (Commissioner Cullum dissented) to UPHOLD the Zoning Administrator.
MINUTES OF THE REGULAR MEETING of the Board of Permit Appeals, May 29, 1996 (cont'd.)

SPEAKERS: Robert Passmore, Zoning Administrator for the Planning Department; Alice Barkley, attorney for permit holder; Roberta Caravelli, appellant; Valborg C. Tietz, in support of appellant.

APPEAL NO. 96-050

FARZANEH SOHRABPOUR, Appellant (10) vs. ZONING ADMINISTRATOR, Respondent

Determination dated April 26, 1996, by the Zoning Administrator that restaurant or bar uses are not permitted in the presently vacant ground floor commercial space of 2263 Union Street, located in the Union Street Neighborhood Commercial Zoning District, and that former use as accessory take-out food up to 100 square feet does not give property status as a restaurant.

FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Mcinerney, the Board voted 5-0 to UPHOLD the Zoning Administrator and not allow a restaurant on the site.

SPEAKERS: Robert Passmore, Zoning Administrator for the Planning Department; Farzaneh Sohrabpour, appellant; Lesley Leonhardt, Union Street Association and Puneh Sohrabpour, in support of appellant.

(11) REQUEST FOR REHEARING: Letter from L. Jamie Jamerson, appellant, requesting rehearing of Appeal Nos. 96-033 through 96-040, demolition of eight buildings at Hayes Valley North Public Housing. Hearing May 1, 1996. Upon motion by Commissioner Salgado, the Board voted 1-3 (President Hu, Vice President Schwartz and Commissioner Mcinerney dissented, Commissioner Cullam absent) to continue the matter for one month for a report on relocation from the Housing Authority. Four votes are needed and the motion fails. Then upon motion by Vice President Schwartz, the Board voted 3-1 Commissioner Salgado dissented) to UPHOLD the department and GRANT the eight demolition permits.

ACTION: After discussion, upon motion by Commissioner Mcinerney, the Board voted 5-0 to DENY the requests for rehearing.

SPEAKERS: L. Jamie Jamerson, appellant; Robert Jones, Peter Byrne, Rufus Carr and Laurie Jones, in support of appellant.

(12) AMENDMENTS TO THE RULES OF THE BOARD: To conform Rules to recent changes in Section 8 of Part III of the Municipal Code and to codify certain practices of the Board regarding public interest hearings at end of calendar and prohibition against submission of written materials at hearing.

-4-
ACTION: CONTINUED to June 12, 1996 to give additional notice to interested parties and to allow for written comments from the public.

There being no further business, President Hu adjourned the meeting at 9:03 p.m.

Robert H. Feldman
Executive Director

Transcripts of these hearings can be obtained directly from Doris Levine, the Official Court Reporter, (415) 456-9899.
MINUTES OF THE
REGULAR MEETING OF THE BOARD OF PERMIT APPEALS
WEDNESDAY, JUNE 5, 1996
5:30 P.M., VETERANS WAR MEMORIAL BUILDING
401 VAN NESS AVENUE, ROOM 428

PRESENT: President Wayne Hu, Vice President Mauri Schwartz, Commissioners Carole Cullum, John McInerney and Mario Salgado.

Robert Passmore, Zoning Administrator for the Planning Department; Judith Boyajian, Deputy City Attorney; Joan MacQuarrie, Chief Building Inspector for the Department of Building Inspection; and Robert Feldman, Executive Director for the Board.

Doris Levine, Official Court Reporter.

Doris Levine, the Official Court Reporter, swore in all those who intended to testify during the meeting.

(1) PUBLIC COMMENT: This period is limited to 15 minutes at the beginning of the calendar and can be continued to the end of the calendar by the chair to complete the presentations in order to minimize delay to those in attendance for appeals.

SPEAKER: James Hutchinson of the Building Inspection Commission apologized for delay of the Board hearing by the Building Inspection Commission whose hearing ran overtime until 5:45 p.m. in Room 428.

(2) COMMISSIONERS COMMENTS AND QUESTIONS.

SPEAKERS: The Executive Director announced that a hearing on amendments to the Board's Rules is scheduled for June 12, 1996. After discussion, President Hu asked that the item be scheduled first and that he would cut off the hearing at 6:00 p.m. and continue the matter to the end of the meeting to accommodate appellants.

(3) MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:

REQUEST FOR CLARIFICATION:

ITEM A: Letter from the Building Inspection Commission dated April 26, 1996 requesting clarification from the Board as to whether the revisions made to the plans for the alterations to the one-family house at 2000 Ulloa Street, upheld by the Board on December 6, 1995 (request for rehearing denied January 3, 1996), Appeals 95-125
and 95-171, comply with Condition No. 3 of the Board's decision, or is the attorney for the appellants correct that the Board's decision did not require nor allow plan revisions; and did the Board intend to refer these revisions to the Department of Building Inspection. (Testimony was taken at the meeting May 15, 1996 and consideration and decision was scheduled on May 29, 1996. On May 29 the Board again rescheduled to June 5, 1996 so that the transcript of the December 6, 1995 hearing can be included with the record.)

ACTION: After discussion, Commissioner Cullum moved that no permits should be required for the north and east wall windows but might be required for the other three alterations if required by the Department of Building Inspection. The motion failed on a 2-3 vote (President Hu, Vice President Schwartz and Commissioner Mcinerney dissented). On whether all five changes may need a new permit at the discretion of the Department of Building Inspection, the vote was 3-2, with Commissioners Cullum and Salgado dissenting. Motion passes and Executive Director to write to the Building Inspection Commission to clarify the Board decision of December 6, 1995.

SPEAKERS: Sue Hestor, attorney for appellants; Andrew Zacks, attorney for permit holders; James Hutchinson, Deputy Director for the Department of Building Inspection for the Building Inspection Commission; and Robert Passmore, Zoning Administrator for the Planning Department.

REQUEST FOR JURISDICTION:

ITEM B: Letter from Drake Gardner, agent for the owner of 2247 Turk Street, requesting that the Board take jurisdiction over the request by the Zoning Administrator dated April 26, 1996 to the Department of Building Inspection that a Final Certificate of Occupancy not be issued until the owner installs wood double hung windows within the three-sided bay in the historic facade and reinstalls the wood entry door Building Permit Application Nos. 9419783S and 9419784).

ACTION: After discussion, upon motion by Commissioner Cullum, the Board voted 5-0 to GRANT the request for jurisdiction. Mr. Gardner has 10 days to file an appeal.

SPEAKERS: Drake Gardner, requestor; Robert Passmore, Zoning Administrator; and Judith Boyajian, Deputy City Attorney.

Items (4A) and (4B) were heard together

APPEAL NO. 96-048

EDWARD WALDORPH, Appellant

(4A) vs.

DEPT. BUILDING INSPECTION, Respondent

PLANNING DEPARTMENT APPROVAL

[Protesting issuance on April 11, 1996, to Regan Carroll, permit to Demolish a Building (single-family dwelling) at 723 San Bruno Avenue.]

APPLICATION NO. 9509088.

[FOR HEARING TODAY.]
MINUTES OF THE REGULAR MEETING OF THE BOARD OF PERMIT APPEALS, JUNE 5, 1996 (cont'd.)

EDWARD WALDORPH, Appellant
(4B) vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

APPEAL NO. 96-049

[Protesting issuance on April 11, 1996, to Regan Carroll, permit to Erect a Building (two-unit, three-story dwelling) at 723 San Bruno Avenue. APPLICATION NO. 9509087S. FOR HEARING TODAY.]

ACTION: After discussion, upon motion by Commissioner McInerney, the Board voted 2-3 (Vice President Schwartz, Commissioners Cullum and Salgado dissented) to overrule the department and suspend the demolition permit until new plans are approved. Four votes are needed and the motion fails. The demolition permit is UPHELD. Then upon motion by Vice President Schwartz, the Board voted 3-2 (President Hu and Commissioners McInerney dissented) to overrule the department and revoke the permit for the new building. Four votes are needed to overrule and the permit is UPHELD.


The Board recessed from 7:15 to 7:25 p.m.

LOURDES SAINES, Appellant
(5) vs.
ZONING ADMINISTRATOR, Respondent

VARIANCE CASE NO. 96.128V.

APPEAL NO. V96-051

[Denial on April 16, 1996, of Rear Yard and Open Space Variances (allow retention of an existing addition at the rear of a two-story over garage four-unit apartment building; the rear addition was constructed by current owner's contractor without permit) for property at 2461 Bryant Street. VARIANCE CASE NO. 96.128V. FOR HEARING TODAY.]

ACTION: After discussion, upon motion by Commissioner McInerney, the Board voted 5-0 to UPHOLD the Zoning Administrator and DENY the variance.

SPEAKERS: Robert Passmore, Zoning Administrator for Planning Department; and Bill Lax, agent for appellant.

There being no further business, President Hu adjourned the meeting at 8:31 p.m.

Robert H. Feldman
Executive Director

Transcripts of these hearings can be obtained directly from Doris Levine, the Official Court Reporter, (415) 456-9899.
MINUTES OF
REGULAR MEETING OF THE BOARD OF PERMIT APPEALS
WEDNESDAY, JUNE 12, 1996
5:30 P.M., VETERANS WAR MEMORIAL BUILDING
401 VAN NESS AVENUE, ROOM 428

PRESENT: President Wayne Hu, Vice President Mauri Schwartz, Commissioners Carole Cullum, John McInerney and Mario Salgado.

Robert Passmore, Zoning Administrator for the Planning Department; Judith Boyajian, Deputy City Attorney; Joan MacQuarrie, Chief Building Inspector for the Department of Building Inspection; and Robert Feldman, Executive Director for the Board.

Doris Levine, Official Court Reporter.

Doris Levine, the Official Court Reporter, swore in all those who intended to testify during the meeting.

(1) PUBLIC COMMENT: This period is limited to 15 minutes at the beginning of the calendar and can be continued to the end of the calendar by the chair to complete the presentations in order to minimize delay to those in attendance for appeals.

SPEAKERS: None.

(2) COMMISSIONERS COMMENTS AND QUESTIONS.

SPEAKERS: None.

(3) AMENDMENTS TO THE RULES OF THE BOARD: To conform Rules to recent changes in Section 8 of Part III of the Municipal Code and to codify certain practices of the Board regarding public interest hearings and prohibition against submittal of written material at hearing.

If this matter was not concluded by 6:00 p.m. the Board intended to continue it to the end of the calendar.

ACTION: After discussion President Hu CONTINUED this item to June 26, 1996 for further consideration and adoption. Staff was directed to use the language submitted by Andrew Junius concerning rehearings.
REQUEST FOR REHEARING: Letter from Peggy M. O'Laughlin, attorney for GTE Mobilnet, requesting rehearing of Appeal No. 95-151, 1300 - 26th Avenue. Hearing February 21, 1996. Upon motion by Commissioner Cullum, the Board voted 4-0 (Commissioner McInerney absent) to OVERRULE the Zoning Administrator with the CONDITION that the permit be SUSPENDED until the conditional use process has concluded.

ACTION: After discussion, upon motion by Vice President Schwartz, the Board voted 3-2 (President Hu and Commissioner McInerney dissented) to DENY the request for rehearing.

SPEAKERS: Bart Hechtman, GTE Mobilnet; Philip Carleton, appellant; Judith Boyajian, Deputy City Attorney; and Robert Passmore, Zoning Administrator for the Planning Department.

APPEAL NO. 96-059
HECTOR & MARIA VILLANUEVA, Appellants vs. DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Imposition of Penalty on [May 13, 1996, for work done [at 2947-2929 Folsom Street. [APPLICATION NO. 9603926. [FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner McInerney, the Board voted 5-0 to OVERRULE the department with the CONDITION that the penalty be reduced to two times the regular fee of $459.55 for a total of $919.10.

SPEAKERS: Malcolm Morrison, architect for appellants; and Joan MacQuarrie, Chief Building Inspector for the Department of Building Inspection.

Items (6A) and (6B) were heard together

APPEAL NO. 96-056
TOM RUCKER, Appellant vs. DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on April 18, [1996, to Alfred Lee, permit to [Erect a Building (three-story [two family dwelling) at [at 647 - 44th Avenue. [APPLICATION NO. 9508843S. [FOR HEARING TODAY.

APPEAL NO. 96-057
LONNIE MAGNUSEN, Appellant vs. DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on April 18, [1996, to Alfred Lee, permit to [Erect a Building (three-story [two family dwelling) at [at 647 - 44th Avenue. [APPLICATION NO. 9508843S. [FOR HEARING TODAY.
ACTION: After discussion, upon motion by Commissioner McInerney, the Board voted 5-0 to **UPHOLD** the department and **GRANT** the permit with the **CONDITION** that the permit holder make a good faith effort to reduce the height of the parapet.

SPEAKERS: Tom Rucker, appellant; Barbara DeLong, in support of appellants; Dan Sullivan, agent for permit holder; and Robert Passmore, Zoning Administrator for the Planning Department.

Appellant Lonnie Magnusen did not appear.

The Board recessed from 6:48 to 7:00 p.m.

APPEAL NO. V96-043

SHERMUND MO, Appellant vs.

ZONING ADMINISTRATOR, Respondent

DENIAL on April 8, 1996, of Minimum Lot Area, Rear Yard and Usable Open Space Variances (subdivide the existing lot into two separate lots) sought for property at 2348-50 Greenwich and 49 Service Streets.

VARIANCE CASE NO. 96.043VE.

FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Cullum, the Board voted 5-0 to **OVERRULE** the Zoning Administrator and **GRANT** the variance incorporating the findings by Jeremy Paul, with the **CONDITIONS** that there be no further development or expansion of the buildings and no fence erected between the two new lots.

SPEAKERS: Robert Passmore, Zoning Administrator for the Planning Department; Jeremy Paul, agent for appellant; Shermund Mo, appellant; and Don David and Steve Shafer, co-owners of 2348-50 Greenwich Street.

APPEAL NO. V96-058

JOSE R. MEDINA, Appellant vs.

ZONING ADMINISTRATOR, Respondent

DENIAL on April 23, 1996, of Rear Yard Variance (allow retention of a two-story addition and ground floor garage constructed without building permit, at the rear of an existing two-story, single family dwelling) for property at 450 Rolph Street.

VARIANCE CASE NO. 96.100V.

FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Salgado, the Board voted 4-1 (Commissioner McInerney dissented) to **OVERRULE** the Zoning Administrator and **GRANT** the variance with the **CONDITION** that the unlawful garage be removed and that the parking space in the building shall be restored.
MINUTES OF THE REGULAR MEETING OF THE BOARD OF PERMIT APPEALS, JUNE 12, 1996 (cont'd.)

SPEAKERS: Robert Passmore, Zoning Administrator for the Planning Department; and Javier Solozano, agent for appellant.

There being no further business, President Hu adjourned the meeting at 7:34 p.m.

Transcripts of these hearings can be obtained directly from Doris Levine, the Official Court Reporter, (415) 456-9899.
PRESENT: President Wayne Hu, Vice President Mauri Schwartz, Commissioners Carole Cullum, John McInerney.

Robert Passmore, Zoning Administrator for the Planning Department; Judith Boyajian, Deputy City Attorney; Joan MacQuarrie, Chief Building Inspector for the Department of Building Inspection; and Robert Feldman, Executive Director for the Board.

Doris Levine, Official Court Reporter.

ABSENT: Commissioner Mario Salgado.

Doris Levine, the Official Court Reporter, swore in all those who intended to testify during the meeting.

(1) PUBLIC COMMENT: This period is limited to 15 minutes at the beginning of the calendar and can be continued to the end of the calendar by the chair to complete the presentations in order to minimize delay to those in attendance for appeals.

SPEAKERS: None.

(2) COMMISSIONERS COMMENTS AND QUESTIONS.

SPEAKERS: None.

(3) AMENDMENTS TO THE RULES OF THE BOARD: To conform Rules to recent changes in Section 8 of Part III of the Municipal Code and to codify certain practices of the Board regarding public interest hearings and prohibition against submittal of written material at hearing. FOR CONSIDERATION AND ADOPTION.

ACTION: CONTINUED to July 10, 1996 so that Commissioner Salgado can be present.
(4) REQUESTS FOR REHEARING:

ITEM A: Letter from James S. Glowner, dba "Varney's Catering" requesting rehearing of Appeal No. 96-024, One Post Street. Hearing May 29, 1996. Upon motion by Vice President Schwartz, the Board voted 3-2 (President Hu and Commissioner McInerney dissented) to overrule the department and allow the two stops. Four votes are needed to overrule a department and the motion fails and the department is UPHELD.

ACTION: After discussion, upon motion by Commissioner Cullum, the Board voted 2-2 (President Hu and Commissioner McInerney dissented) to grant rehearing. Four votes are needed and the motion fails. The request is DENIED.

SPEAKERS: James Glowner, appellant; and Sergeant William Coggan, S.F.P.D.

ITEM B: Letter from Edward Waldorph, appellant, requesting rehearing of Appeal Nos. 96-048, 96-049, 723 San Bruno Avenue. Hearing June 5, 1996. Upon motion by Commissioner McInerney, the Board voted 2-3 (Vice President Schwartz, Commissioners Cullum and Salgado dissented) to overrule the department and suspend the demolition permit until new plans are approved. Four votes are needed and the motion fails. The demolition permit is UPHELD. Then upon motion by Vice President Schwartz, the Board voted 3-2 (President Hu and Commissioner McInerney dissented) to overrule the department and revoke the permit for the new building. Four votes are needed to overrule and the permit is UPHELD.

ACTION: After discussion, upon motion by Commissioner McInerney, the Board voted 2-2 (Commissioner Cullum and Vice President Schwartz dissented) to DENY the request for rehearing.

SPEAKERS: Edward Waldorph, appellant; Regan Carroll, permit holder; Shawn Gorman, architect for permit; and Robert Passmore, Zoning Administrator for the Planning Department.

(5) CONSENT CALENDAR:

With the consent of the Department of Building Inspection the Board will proceed to a vote without testimony to reduce the penalty (investigation fee) to two times the regular fee as provided for in the Building Code.

APPEAL NO. 96-060

BURL WALKER, Appellant vs. DEPT. BUILDING INSPECTION, Respondent

[Imposition of Penalty on May 13, 1996, for work done at 840 Niagara Avenue. APPLICATION NO. 9517224. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner McInerney, the Board voted 4-0 to OVERRULE the department with the CONDITION that the penalty be reduced to two times the regular fee of $167.05 for a total of $334.10.
MINUTES OF THE REGULAR MEETING OF THE BOARD OF PERMIT APPEALS, JUNE 26, 1996 (cont'd.)

SPEAKERS: The appellant was present but did not speak.

APPEAL NO. 95-075

HARSCH INVESTMENT CORP., dba "ALLISON HOTEL", Appellant vs. DEPT. BUILDING INSPECTION, Respondent

[Denial on May 11, 1995, of permit to convert rooms from residential to tourist use under Hotel Conversion Ordinance Section 41.13(d) for failure to pay one-for-one replacement fee for hotel at 417 Stockton Street. FOR HEARING TODAY.]

ACTION: After discussion, upon motion by Commissioner McInerney, the Board voted 1-3 (President Hu, Vice President Schwartz and Commissioner Cullum dissented) to overrule the department and grant the permit. Four votes are needed to overrule and the DENIAL is UPHELD.

SPEAKERS: Rosemary Bosque, Housing Inspection Division; Andrew Zacks, attorney for appellant; and Ilene Dick, Deputy City Attorney.

APPEAL NO. 96-067

JAMES B. TYLER, Appellant vs. DEPT. BUILDING INSPECTION, Respondent

[Protesting issuance on May 24, 1996, to Mission Housing Development Corp., permit to Erect a Building (five stories, 30 units) at 1010 South Van Ness Avenue. APPLICATION NO. 9604392S. FOR HEARING TODAY.]

ACTION: After discussion, upon motion by Commissioner McInerney, the Board voted 4-0 to UPHOLD the department and GRANT the permit.

SPEAKERS: James B. Tyler, appellant; Laurel Stanley, attorney for appellant; Robert Passmore, Zoning Administrator for the Planning Department; John Belmer, in support of appellant; Harry Turner, attorney for permit holder; and Daniel Hernandez, permit holder.

The Board recessed from 7:21 to 7:31 p.m.

APPEAL NO. 96-055

GILBERT WONG, Appellant vs. DEPT. BUILDING INSPECTION, Respondent

[Denial on April 30, 1996, of permit to Alter a Building (horizontal rear addition) at 40 Sunview Drive. APPLICATION NO. 9600070. FOR HEARING TODAY.]

-3-
MINUTES OF THE REGULAR MEETING OF THE BOARD OF PERMIT APPEALS, JUNE 26, 1996 (cont'd.)

ACTION: After discussion, upon motion by Commissioner McInerney, the Board voted 4-0 to **UPHOLD** the department and **DENY** the permit.


**APPEAL NO. 96-076**

ARCHDIOCESE OF SAN FRANCISCO, Appellant

vs.

ZONING ADMINISTRATOR, Respondent

(Determination on June 5, 1996 by the Zoning Administrator that use of the vacant lot at 1639 Oak Street for parking for St. Agnes Church at 1025 Masonic Avenue is in violation of Planning Code Section 178(c) which requires conditional use authorization for parking lots and modification of church use and that the parking use must cease until necessary permits have been approved by the City. FOR HEARING TODAY.

ACTION: Upon motion by Vice President Schwartz, the Board voted 3-0 (Commissioner Salgado absent and Commissioner McInerney recused) to reschedule. **RESCHEDULED** to August 14, 1996.

(10) Upon motion by President Hu the Board voted 4-0 to thank Doris Levine for her 19 years of service as Official Court Reporter. President Hu invited those who remained in the room to stay for cake and sparkling apple juice in honor of Ms. Levine.

There being no further business, President Hu adjourned the meeting at 8:10 p.m.

Transcripts of these hearings can be obtained directly from Doris Levine, the Official Court Reporter, (415) 456-9899.
MINUTES OF THE
REGULAR MEETING OF THE BOARD OF APPEALS
WEDNESDAY, JULY 10, 1996
5:30 P.M., VETERANS WAR MEMORIAL BUILDING
401 VAN NESS AVENUE, ROOM 428

PRESENT: President Wayne Hu, Vice President Mauri Schwartz, Commissioners Carole Cullum and Mario Salgado.

Robert Passmore, Zoning Administrator for the Planning Department; Judith Boyajian, Deputy City Attorney; Joan MacQuarrie, Chief Building Inspector for the Department of Building Inspection; and Robert Feldman, Executive Director for the Board.

Mae J. Chu, Official Court Reporter.

ABSENT: Commissioner John McInerney.

Mae J. Chu, the Official Court Reporter, swore in all those who intended to testify during the meeting.

(1) CONSENT ITEM: With the consent of the Department of Building Inspection the Board will proceed to a vote without testimony to reduce the penalty (investigation fee) to two times the regular fee as provided for in the Building Code.

APPEAL NO. 96-063

PARADISO MECHANICAL, Appellant [Appeal for Refund of Penalty

VS.

DEPT. BUILDING INSPECTION, Respondent [imposed on May 30, 1996, for

[work done at 388 Potrero Avenue.

[PERMIT NO. E152763.

[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Salgado, the Board voted 4-0 to OVERRULE the department with the CONDITION that the penalty be reduced to two times the regular fee of $226.00 for a total of $452.00.

SPEAKERS: The appellant was present but did not speak.

(2) REQUEST FOR CLARIFICATION: Appeal Nos. 88-293, 294, 295. Letter from attorney Sue C. Hestor on behalf of four organizations dated February 27, 1996 requesting a clarification of the issue of whether the Board's decision on November 29, 1995 to hold a hearing to correct its June 5, 1991 decision on the scoping of an EIR for the project at 959 Powell and 8 Wetmore Streets did legally set aside the 1991 action, or whether the resolution on November 29 failed because it lacked the necessary four
votes required for the granting of a rehearing under Section 16 of Part III of the Municipal Code (Project Sponsor: Adiuvana-Invest and Mardikian Enterprises; multi-family residential project approved as conditional use by Planning Commission in 1987; disapproved by Board of Permit Appeals in 1989; subject of litigation and under jurisdiction of Superior Court for sixty days after Board’s final action).

**ACTION:** After discussion, upon motion by Vice President Schwartz, the Board voted 4-0 to **RESCHEDULE** the matter to **August 14, 1996** with the **CONDITION** that the project sponsor pay for bus transportation of the neighbors and tenants of 959 Powell Street.

**SPEAKERS:** Michael Burke, attorney for the project sponsor; and Sue Hestor, attorney for the neighbors.

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**AMY J. POWELL, Appellant vs. ZONING ADMINISTRATOR, Respondent**

| Determination on June 14, 1996 by the Zoning Administrator that the permit holder's current proposal to build one or more of the three 21st Street dwellings before construction of the Sanchez Street dwelling is permitted and would not be considered by the Planning Department to be a violation of conditions of approval imposed by the Planning Commission. (Discretionary Decision Case 95.1230 for four one family houses and one demolition at 3701, 3707, 3717 21st and 818 Sanchez Streets.) ([BPA upheld the demolition permit and four building permits on January 3, 1996 and denied the request for rehearing on February 7, 1996.]) FOR HEARING TODAY. |

**ACTION:** After discussion, upon motion by Commissioner Cullum, the Board voted 3-1 (President Hu dissented) to overrule the Zoning Administrator. Four votes are needed and the motion fails. The Zoning Administrator is **UPHELD.**

**SPEAKERS:** Robert Passmore, Zoning Administrator for the Planning Department; Sue Hestor, attorney for appellant; Amy Powell, appellant; Wade Laughter, Alexander Shapiro, Monica Henschke, in support of appellant; Andrew Junius, attorney for permit holder; and Judith Boyajian, Deputy City Attorney.

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**PUBLIC COMMENT:** This period is limited to 15 minutes at the beginning of the calendar and can be continued to the end of the calendar by the chair to complete the presentations in order to minimize delay to those in attendance for appeals.
MINUTES OF THE REGULAR MEETING OF THE BOARD OF APPEALS, JULY 16, 1996 (cont'd.)

SPEAKERS: None.

(5) COMMISSIONERS COMMENTS AND QUESTIONS.

SPEAKERS: None.

(6) AMENDMENTS TO THE RULES OF THE BOARD: To conform Rules to recent changes in Section 8 of Part III of the Municipal Code and to codify certain practices of the Board regarding public interest hearings and prohibition against submittal of written material at hearing. FOR CONSIDERATION AND ADOPTION.

ACTION: Upon motion by Commissioner Salgado, the Board voted 4-0 to ADOPT the amendments.

SPEAKERS: None.

(7) REQUESTS FOR REHEARING:

ITEM A: Letter from Matthew Leffers and Michael Tatum, appellants, requesting rehearing of Appeal No. 96-006, 650-656 Fourth Street. Hearing April 17, 1996. Upon motion by Commissioner Salgado, the Board voted 2-3 (President Hu, Vice President Schwartz and Commissioner McInerney dissented) to overrule the Zoning Administrator and allow the property to be used as a tourist hotel. Four votes are needed to overrule and the motion fails and the Zoning Administrator is UPHELD.

ACTION: RESCHEDULED to August 14, 1996 prior to hearing at request of Andrew Zacks, attorney for appellants with agreement of Board. Motion by Commissioner Cullum approved unanimously.

ITEM B: Letter from Lynn L. Axelrod, attorney for Tom Rucker, appellant, requesting rehearing of Appeal No. 96-056, 647 - 44th Avenue. Hearing June 12, 1996. Upon motion by Commissioner McInerney, the Board voted 5-0 to UPHOLD the department and GRANT the permit with the CONDITION that the permit holder make a good faith effort to reduce the height of the parapet.

ACTION: CONTINUED to August 14, 1996 for the parties to clarify the safety issues raised by the appellant concerning the retaining wall along the property line.

SPEAKERS: Lynn Axelrod, attorney for appellant; Joan MacQuarrie, Chief Building Inspector for the Department of Building Inspection; Dan Sullivan and Walter Wong, agents for permit holder; and Judith Boyajian, Deputy City Attorney.
DEAN MENIKTAS, Appellant

DEPT. BUILDING INSPECTION, Respondent

PLANNING DEPARTMENT DISAPPROVAL

APPEAL NO. 96-065

Denial on May 29, 1996, of
[permit to Alter a Building (re­
locate two garage doors and widen
another garage door; repair two
front bay windows; install French
doors at rear exit stair landing)
at 2990 Jackson Street.
APPLICATION NO. 9600703.
FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Cullum, the Board voted 4-0 to OVERRULE the department and GRANT the permit with the CONDITION the westerly curb cut be allowed to remain as it is in front of the two side-by-side garage doors, and the curb cut on the easterly side nearest the front door of the building shall be moved two feet to the east, creating a 16-foot wide curb space.

SPEAKERS: Jerry Klein, agent for appellant; Robert Passmore, Zoning Administrator for the Planning Department; and Dean Meniktas, appellant.

The Board recessed from 7:19 to 7:29 p.m.

DAVID COUR, RICHARD WEISS, MOREVA
NEWHOUSE, Appellants

APPEAL NO. 96-069

Protesting issuance on May 23,
1996, to James Sagin, permit to
Demolish a Building (garage) at
1444 Green Street.
APPLICATION NO. 9603133.
FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Salgado, the Board voted 4-0 to UPHOLD the department and GRANT the permit.

SPEAKERS: Judith Boyajian, Deputy City Attorney; Robert Passmore, Zoning Administrator for the Planning Department; David Cour, appellant; and Harry O'Brien, attorney for permit holder.

CHI WING WU, Appellant

APPEAL NO. V96-044

Protesting granting on April 9,
1996, to James Stavoy, agent
for William McGrane, Rear Yard
and Side Yard Variances (legalize
existing 11.5 x 12.5 foot rear
deck of an existing two-story
over basement, single-family
dwelling) for property at
91 - 25th Avenue.
VARIANCE CASE NO. 94.660V.
FOR HEARING TODAY.
ACTION: After discussion, upon motion by Vice President Schwartz, the Board voted 4-0 to CONTINUE the hearing to August 28, 1996 to allow time for the parties to consider revisions to plans that could mitigate project's effect on the appellant's property.

SPEAKERS: Chi Wing Wu, appellant; Robert Passmore, Zoning Administrator for the Planning Department; William McGrane, variance holder; James Stavoy, architect for variance holder; and Cho Wu, appellant's son as interpreter for his mother Mrs. Wu.

There being no further business, President Hu adjourned the meeting at 8:35 p.m.

Transcripts of these hearings can be obtained directly from Mae J. Chu, the Official Court Reporter, (415) 386-9018.
PRESENT: President Wayne Hu, Vice President Mauri Schwartz, Commissioners Carole Cullum, John McInerney and Mario Salgado.

Robert Passmore, Zoning Administrator for the Planning Department; Judith Boyajian, Deputy City Attorney; Joan MacQuarrie, Chief Building Inspector for the Department of Building Inspection; and Robert Feldman, Executive Director for the Board.

Mae J. Chu, Official Court Reporter.

Mae J. Chu, the Official Court Reporter, swore in all those who intended to testify during the meeting.

(1) PUBLIC COMMENT: This period is limited to 15 minutes at the beginning of the calendar and can be continued to the end of the calendar by the chair to complete the presentations in order to minimize delay to those in attendance for appeals.

SPEAKERS: None.

(2) COMMISSIONERS COMMENTS AND QUESTIONS.

SPEAKERS: None.

(3) MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:

REQUESTS FOR REHEARING:

ITEM A: Letter from Lynn L. Axelrod, attorney for Tom Rucker, appellant, requesting rehearing of Appeal No. 96-056, 647 - 44th Avenue. Hearing June 12, 1996. Upon motion by Commissioner McInerney, the Board voted 5-0 to UPHOLD the department and GRANT the permit with the CONDITION that the permit holder make a good faith effort to reduce the height of the parapet.

ACTION: WITHDRAWN prior to hearing by appellant August 13, 1996.

ITEM B: Letter from Matthew Leffers and Michael Tatum, appellants, requesting rehearing of Appeal No. 96-006, 650-656 Fourth Street. Hearing April 17, 1996. Upon motion by Commissioner Salgado, the Board voted 2-3 (President Hu, Vice President Schwartz
and Commissioner McInerney dissented) to overrule the Zoning Administrator and allow the property to be used as a tourist hotel. Four votes are needed to overrule and the motion fails and the Zoning Administrator is **UPHELD**.

**ACTION:** After discussion, upon motion by Commissioner Salgado, the Board voted 5-0 to **GRANT** rehearing and scheduled it for **October 2, 1996**.

**SPEAKER:** Andrew Zacks, attorney for appellants.

**ITEM C:** Letter from Andrew Zacks, attorney for appellant, requesting rehearing of Appeal No. 95-075, Allison Hotel. Hearing June 26, 1996. Upon motion by Commissioner McInerney, the Board voted 1-3 (President Hu, Vice President Schwartz and Commissioner Cullum dissented, Commissioner Salgado absent) to overrule the department and grant the permit. Four votes are needed to overrule and the **DENIAL** is **UPHELD**.

**ACTION:** After discussion, upon motion by Vice President Schwartz, the Board voted 5-0 to **DENY** the request for rehearing.

**SPEAKER:** Paul Utrecht, attorney for appellant.

**ITEM D:** Letter from Amy Powell of Save Sanchez Hilltop, appellant, requesting rehearing of Appeal No. 96-079, 21st and Sanchez Streets. Hearing July 10, 1996. Upon motion by Commissioner Cullum, the Board voted 3-1 (President Hu dissented and Commissioner McInerney absent) to overrule the Zoning Administrator. Four votes are needed and the motion fails. The Zoning Administrator is **UPHELD**.

**ACTION:** After discussion, upon motion by Commissioner Cullum, the Board voted 5-0 to **CONTINUE** the matter to **August 28, 1996** to allow time for the court reporter to prepare a transcript of the July 10, 1996 hearing. The cost of the transcript is to be shared by the parties.

**SPEAKERS:** Sue Hestor, attorney for appellant; Andrew Junius, attorney for permit holder; Robert Passmore, Zoning Administrator for the Planning Department; and Amy Powell, appellant.

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**APPEAL NO. 96-072**

**FRANCISCO MARQUEZ DE LA PLATA**

**AND FREDERICK KING,** Appellants

**vs.**

**DEPT. BUILDING INSPECTION,** Respondent

**PLANNING DEPARTMENT APPROVAL**

**ACTION:** After discussion, upon motion by Vice President Schwartz, the Board voted 5-0 to **UPHOLD** the department and **SUSTAIN** the penalty.

**SPEAKERS:** Jace Levinson, architect for appellants; and Joan MacQuarrie, Chief Building Inspector for the Department of Building Inspection.
MINUTES OF THE REGULAR MEETING OF THE BOARD OF APPEALS, AUGUST 14, 1996 (cont'd.)

APPEAL NO. 96-017

SHELDON MILSTEIN, Appellant

(5)

vs.

DEPT. BUILDING INSPECTION, Respondent

PLANNING DEPARTMENT DISAPPROVAL

[DENIAL on February 14, 1996, of permit to Alter a Building [(re-establish legal use as six units) at 471-475 Union Street.

APPLICATION NO. 9516984.

FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner McInerney, the Board voted 5-0 to UPHOLD the department and DENY the permit.

SPEAKERS: Robert Passmore, Zoning Administrator for the Planning Department; and Roslyn Gardner, appellant's daughter.

APPEAL NO. 96-071

FRANCES LUNG, ESSIE COLLINS AND

NOLAN FRANK, Appellants

(6)

vs.

DEPT. BUILDING INSPECTION, Respondent

REDEVELOPMENT AGENCY APPROVAL

[Protesting issuance on May 28, 1996, to Michael O'Mahoney and Jeremiah F. O'Sullivan, permit to Erect a Building (six condominiums on four stories) at 1850 Turk Street.

APPLICATION NO. 96021235.

FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner McInerney, the Board voted 5-0 to UPHOLD the department and GRANT the permit.

SPEAKERS: Essie Collins, Nolan Frank and Frances Lum, appellants; and Shawn Gorman, architect for permit holder.

The Board recessed from 7:25 to 7:40 p.m.

Items (7A) and (7B) shall be heard together

APPEAL NO. 96-074

LAURA F. FRANK, Appellant

(7A)

vs.

DEPT. BUILDING INSPECTION, Respondent

PLANNING DEPARTMENT APPROVAL


APPLICATION NO. 9521102.

FOR HEARING TODAY.

APPEAL NO. 96-075

LAURA F. FRANK, Appellant

(7B)

vs.

DEPT. BUILDING INSPECTION, Respondent

PLANNING DEPARTMENT APPROVAL

[Protesting issuance on June 7, 1996, to Mark Nelson, permit to Erect a Building (three story, single family dwelling) at 507 - 35th Avenue.

APPLICATION NO. 95211035.

FOR HEARING TODAY.
ACTION: WITHDRAWN prior to hearing by appellant August 14, 1996.

APPEAL NO. 96-066
CASTRO YOGURT PARTNERS, dba "ULTIMATE YOGURT & MORE", Appellants vs. ZONING ADMINISTRATOR, Respondent

Interpretation dated May 23, 1996 from the Zoning Administrator that the existing full service restaurant at 495 Castro Street is not permitted in the Castro Street N.C. District and that the Dept. of Public Health permit issued for this use was issued in error after being disapproved by the Planning Department on November 30, 1995; and that to continue this use, conditional use authorization from the Planning Commission is necessary.

FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Cullum, the Board voted 2-3 (President Hu, Vice President Schwartz, Commissioner Mclnerney dissented) to overrule the Zoning Administrator. Four votes are needed and the motion fails. The Zoning Administrator is UPHELD.

SPEAKER: Robert Passmore, Zoning Administrator for the Planning Department. The appellant did not appear.

APPEAL NO. V96-073
PABLO VIGIL, Appellant vs. ZONING ADMINISTRATOR, Respondent

Denial on June 3, 1996, of Off-Street Parking Variance (allow retention of second dwelling unit constructed without record of permit, on the top floor of the existing two-story over ground-floor commercial building; legal occupancy is one dwelling unit over commercial) for property at 2341 Folsom Street.

VARIANCE CASE NO. 96.147V.

FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Salgado with findings, the Board voted 5-0 to OVERRULE the department and GRANT the variance.

SPEAKERS: Robert Passmore, Zoning Administrator for the Planning Department; Hashim Al-Yassin, architect for appellant; and Pablo Vigil, appellant.
MINUTES OF THE REGULAR MEETING OF THE BOARD OF PERMIT APPEALS, AUGUST 14, 1996 (cont'd.)

There being no further business, President Hu adjourned the meeting at 8:24 p.m.

Robert H. Feldman
Executive Secretary

Transcripts of these hearings can be obtained directly from Mae J. Chu, the Official Court Reporter, (415) 386-9018.
PRESENT: President Wayne Hu, Vice President Mauri Schwartz, Commissioners Carole Cullum, John McInerney and Mario Salgado.

Robert Passmore, Zoning Administrator for the Planning Department; Judith Boyajian, Deputy City Attorney; James Hutchinson, Deputy Director for Permit Services for the Department of Building Inspection; and Robert Feldman, Executive Secretary for the Board.

Mae J. Chu, Official Court Reporter.

Mae J. Chu, the Official Court Reporter, swore in all those who intended to testify during the meeting.

(1) PUBLIC COMMENT: This period is limited to 15 minutes at the beginning of the calendar and can be continued to the end of the calendar by the chair to complete the presentations in order to minimize delay to those in attendance for appeals.

SPEAKERS: None.

(2) COMMISSIONERS COMMENTS AND QUESTIONS.

SPEAKERS: None.

(3) REQUEST FOR JURISDICTION BEYOND FIFTEEN-DAY APPEAL PERIOD: Letter from Shirley Dawn Davis requesting that the Board take jurisdiction over Building Permit Application No. 9609181 issued to Vincent Walsh to clarify the use of the building at 878 Wisconsin Street as a two unit building; to correct problems under previous permits; increase size of lightwells to comply with Building Code; remove peaked roof and replace with flat roof; and increase headroom to comply with Building Code.

Date issued: June 5, 1996
Appeal period ended: June 20, 1996
Request for jurisdiction: July 17, 1996

ACTION: After discussion, upon motion by Commissioner Cullum, the Board voted 4-1 (Commissioner McInerney dissented) to GRANT jurisdiction. Ms. Davis has fifteen days to file an appeal.
SPEAKERS: Shirley Dawn Davis, requestor; Vincent Walsh, permit holder; Roberta Caravelli and Andrew Mead, in support of requestor; James Hutchinson for the Department of Building Inspection; and Robert Passmore, Zoning Administrator for the Planning Department.

APPEAL NO. 96-064

ABDUL ABDUL, dba "CINNABAR", Appellant

POLICE DEPARTMENT, Respondent

ACTION: After discussion, upon motion by Vice President Schwartz, the Board voted 5-0 to UPHOLD the department and REVOKE the permit.

SPEAKERS: Sergeant William Coggan, S.F.P.D.; and Jeffrey Neustadt, attorney for appellant.

CONSENT ITEMS: With the consent of the Department of Building Inspection the Board proceeded to a vote without testimony to reduce the penalty (investigation fee) to two times the regular fee as provided for in the Building Code. Without consent the Board would take testimony and then decide the appeal individually.

APPEAL NO. 96-077

NORMA R. MATUS, Appellant

DEPT. BUILDING INSPECTION, Respondent

ACTION: Upon motion by Commissioner McInerney, the Board voted 5-0 to OVERRULE the department with the CONDITION that the penalty be reduced to two times the regular fee of $280.80 for a total of $561.60.

SPEAKERS: The appellant was present but did not speak.

APPEAL NO. 96-080

JENNIFER LI, Appellant

DEPT. BUILDING INSPECTION, Respondent

ACTION: Upon motion by Commissioner McInerney, the Board voted 5-0 to OVERRULE the department with the CONDITION that the penalty be reduced to two times the regular fee of $427.05 for a total of $854.10.
SPEAKERS: The appellant was present but did not speak.

APPEAL NO. 96-081

DENNIS LEE, Appellant

(C) vs.

DEPT. BUILDING INSPECTION, Respondent

APPLICATION NO. 9600925.

FOR HEARING TODAY.

ACTION: Upon motion by Commissioner McInerney, the Board voted 5-0 to OVERRULE the department with the CONDITION that the penalty be reduced to two times the regular fee of $345.80 for a total of $691.60.

SPEAKERS: The appellant was present but did not speak.

APPEAL NO. 96-082

ROGER KWAN, Appellant

(D) vs.

DEPT. BUILDING INSPECTION, Respondent

APPLICATION NO. 9608347.

FOR HEARING TODAY.

ACTION: Upon motion by Commissioner McInerney, the Board voted 5-0 to OVERRULE the department with the CONDITION that the penalty be reduced to two times the regular fee of $85.15 for a total of $170.30.

SPEAKERS: The appellant was present but did not speak.

Items (6A) and (6B) were heard together

APPEAL NO. 96-083

WILHELM & VALBORG TIEZ, Appellants

(6A) vs.

DEPT. BUILDING INSPECTION, Respondent

APPLICATION NO. 9513780.

FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner McInerney, the Board voted 5-0 to UPHOLD the department and GRANT the permit.
APPEAL NO. 96-084

WILHELM & VALBORG TIETZ, Appellants

DEPT. BUILDING INSPECTION, Respondent

PLANNING DEPARTMENT APPROVAL


行动计划: 会议后经讨论，按照McInerney委员的动议，委员会投票5-0支持部门并授予许可，条件是要求建筑物下层的错误抹去的墙壁被重新绘制。

发言人: Robert Passmore，规划部门的分区管理员；Valborg Tietz，上诉人；Roberta Caravelli，支持上诉人；Alice Barkley，持有许可人的律师。

APPEAL NO. 96-094

GERRIE A. SCOTT, Appellant

DEPT. BUILDING INSPECTION, Respondent

PLANNING DEPARTMENT APPROVAL

[Protesting issuance on July 9, 1996, to Seymour Jaron, permit to Demolish a Building (office/warehouse) at 727-729 Brannan Street.

行动计划: 会议中休会期间，委员会从7:53到8:01 p.m.重新审查了否定声明。

发言人: Gerrie Scott，上诉人；James Reuben，持有许可人的律师；Robert Passmore，规划部门的分区管理员；James Hutchinson，建筑部门的负责人。

APPEAL NO. 96-061

ROYAL PACIFIC MOTEL, Appellant

ZONING ADMINISTRATOR, Respondent

[ Determination on May 13, 1996 by the Zoning Administrator that the current parking operation at 661 Broadway and 728 Pacific Avenue appears to be in violation of Planning Code Sections 810.59, }
ACTION: After discussion, upon motion by Vice President Schwartz, the Board voted 5-0 to CONTINUE TO CALL OF THE CHAIR with the CONDITION that the appellant apply for conditional use authorization within 90 days.

SPEAKERS: Robert Passmore, Zoning Administrator for the Planning Department; Edward Vincent King, attorney for appellant; John Hwang and Marsha Garland, in support of appellant; and Alice Barkley, attorney for Mirawa Center Investment.

There being no further business, President Hu adjourned the meeting at 8:51 p.m.

Robert H. Feldman
Executive Secretary

Transcripts of these hearings can be obtained directly from Mae J. Chu, the Official Court Reporter, (415) 386-9018.
MINUTES OF THE
REGULAR MEETING OF THE BOARD OF APPEALS
WEDNESDAY, AUGUST 28, 1996
5:30 P.M., VETERANS WAR MEMORIAL BUILDING
401 VAN NESS AVENUE, ROOM 428

PRESENT: President Wayne Hu, Vice President Mauri Schwartz, Commissioners Carole Cullum, John McInerney and Mario Salgado.

Robert Passmore, Zoning Administrator for the Planning Department; Judith Boyajian, Deputy City Attorney; Rafael Torres-Gil, Senior Inspector for the Department of Building Inspection; and Robert Feldman, Executive Secretary for the Board.

Mae J. Chu, Official Court Reporter.

Mae J. Chu, the Official Court Reporter, swore in all those who intended to testify during the meeting.

(1) PUBLIC COMMENT: This period is limited to 15 minutes at the beginning of the calendar and can be continued to the end of the calendar by the chair to complete the presentations in order to minimize delay to those in attendance for appeals.

SPEAKERS: None.

(2) COMMISSIONERS COMMENTS AND QUESTIONS.

SPEAKERS: None.

(3) REQUEST FOR REHEARING: Letter from Amy Powell of Save Sanchez Hilltop, appellant, requesting rehearing of Appeal No. 96-079, 21st and Sanchez Streets. Hearing July 10, 1996. Upon motion by Commissioner Cullum, the Board voted 3-1 (President Hu dissented and Commissioner McInerney absent) to overrule the Zoning Administrator. Four votes are needed and the motion fails. The Zoning Administrator is UPHELD. Request continued from August 14, 1996 for review by Board of transcript of July 10, 1996 hearing.

ACTION: After discussion, upon motion by Commissioner McInerney, the Board voted 5-0 to DENY the request for rehearing.

SPEAKERS: None.
MINUTES OF THE REGULAR MEETING OF THE BOARD OF APPEALS, AUGUST 28, 1996 (cont'd.)

APPEAL NO. V96-044

CHI WING WU, Appellant vs. ZONING ADMINISTRATOR, Respondent

(4)

Protesting granting on April 9, 1996, to James Stavoy, agent for William McGrane, Rear Yard and Side Yard Variances (legalize existing 11.5 x 12.5 foot rear deck of an existing two-story over basement, single-family dwelling) for property at 91 - 25th Avenue.

VARIANCE CASE NO. 94.660V.

FOR FURTHER HEARING TODAY.

ACTION: After discussion, upon motion by Vice President Schwartz, the Board voted 4-1 (Commissioner Mcinerney dissented) to UPHOLD the Zoning Administrator with the CONDITION that the deck be screened for the full length of the deck and can be modified after the Wu's building is completed.

SPEAKERS: William McGrane, variance holder; Edward Ajlouny, attorney for appellant; Robert Passmore, Zoning Administrator for the Planning Department; James Stavoy, architect for variance holder; and Chi Wing Wu, appellant.

(5) CONSENT ITEMS: With the consent of the Department of Building Inspection the Board proceeded to a vote without testimony to reduce the penalty (investigation fee) to two times the regular fee as provided for in the Building Code. Without consent the Board would take testimony and then decide the appeal individually.

APPEAL NO. 96-085

JIAN QIANG LI, Appellant vs. DEPT. BUILDING INSPECTION, Respondent

(A) PLANNING DEPARTMENT APPROVAL

Imposition of Penalty on June 28, 1996, for work done at 359 Leland Avenue.

APPLICATION NO. 9604945.

FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Salgado, the Board voted 5-0 to OVERRULE the department with the CONDITION that the penalty be reduced to two times the regular fee of $482.95 for a total of $965.90.

SPEAKERS: The appellant was present but did not speak.

APPEAL NO. 96-086

KARL A. ZIMMERMAN, Appellant vs. DEPT. BUILDING INSPECTION, Respondent

(B) PLANNING DEPARTMENT APPROVAL

Appeal for Refund of Penalty imposed on July 2, 1996, for work done at 715-717 Baker Street.

APPLICATION NO. 9610702.

FOR HEARING TODAY.
ACTION: Upon motion by Commissioner Salgado, the Board voted 5-0 to OVERRULE the department with the CONDITION that the penalty be reduced to two times the regular fee of $215.80 for a total of $431.60.

SPEAKERS: The appellant was not present.

APPEAL NO. 96-087
YAO QUAN LU, Appellant
(C) vs. DEPT. BUILDING INSPECTION, Respondent
APPEAL FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Salgado, the Board voted 5-0 to OVERRULE the department with the CONDITION that the penalty be reduced to two times the regular fee of $150.80 for a total of $301.60.

SPEAKERS: The appellant was present but did not speak.

APPEAL NO. 96-089
POLLY CHAN, Appellant
(D) vs. DEPT. BUILDING INSPECTION, Respondent
APPEAL FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Salgado, the Board voted 5-0 to OVERRULE the department with the CONDITION that the penalty be reduced to two times the regular fee of $183.30 for a total of $366.60.

SPEAKERS: The appellant was present but did not speak.

The Board recessed from 6:43 to 6:58 p.m.

APPEAL NOS. 96-101 - 109
MICHAEL ANDERSON, Appellant
(6) vs. DEPT. BUILDING INSPECTION, Respondent
APPEAL FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Salgado, the Board voted 5-0 to OVERRULE the department with the CONDITION that the penalty be reduced to two times the regular fee of $183.30 for a total of $366.60.

SPEAKERS: The appellant was present but did not speak.
ACTION: After discussion, upon motion by Commissioner Cullum, the Board voted 5-0 to **UPHOLD** the department and **GRANT** the permits.

SPEAKERS: Michael Anderson, appellant; John Lum, Marie Grant; Beverly Daniels, Ola Chakeris, in support of appellant; Dik Behm, manager for co-op; and Quentin Baker, Dugal Mitchell, in support of the permit holder.

**AMINTA MOSS, Appellant**

vs.

**ZONING ADMINISTRATOR, Respondent**

**APPEAL NO. V96-052**

Denial on April 17, 1996, of Rear Yard Variance (allow reconstruction of an existing storage/bathroom addition on the east side of the one story building at the rear of the lot; the existing storage/bathroom addition was reconstructed by the current owner's contractor (without permit) for property at 1325 Lake Street.

VARIANCE CASE NO. 96.081V.

FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner McInerney, the Board voted 5-0 to **UPHOLD** the Zoning Administrator and **DENY** the variance.

SPEAKERS: Robert Passmore, Zoning Administrator for the Planning Department; Steven Eng, in support of the Zoning Administrator; Rinard Ford, contractor for appellant; and Aminta Moss, appellant.

There being no further business, President Hu adjourned the meeting at 8:23 p.m.

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Transcripts of these hearings can be obtained directly from Mae J. Chu, the Official Court Reporter, (415) 386-9018.
PRESENT: President Wayne Hu, Vice President Mauri Schwartz, Commissioners Carole Cullum, John McInerney and Mario Salgado.

Robert Passmore, Zoning Administrator for the Planning Department; Judith Boyajian, Deputy City Attorney; Joan MacQuarrie, Chief Building Inspector for the Department of Building Inspection; and Robert Feldman, Executive Secretary for the Board.

Mae J. Chu, Official Court Reporter.

Mae J. Chu, the Official Court Reporter, swore in all those who intended to testify during the meeting.

(1) PUBLIC COMMENT: This period is limited to 15 minutes at the beginning of the calendar and can be continued to the end of the calendar by the chair to complete the presentations in order to minimize delay to those in attendance for appeals.

SPEAKERS: None.

(2) COMMISSIONERS COMMENTS AND QUESTIONS.

SPEAKERS: Commissioner McInerney requested that penalties be placed on a consent calendar once a month.

(3) REQUEST FOR REHEARING: Letter from Gary Bell & Associates, agent for Ultimate Yogurt & More, requesting rehearing of Appeal No. 96-066, 695 Castro Street. Hearing August 14, 1996. Upon motion by Commissioner Cullum, the Board voted 2-3 (President Hu, Vice President Schwartz, Commissioner McInerney dissented) to overrule the Zoning Administrator. Four votes are needed and the motion failed. The Zoning Administrator is UPHELD.

ACTION: Upon motion by Commissioner Cullum, the Board voted 5-0 to GRANT rehearing.

SPEAKERS: The appellant was present but did not speak.
MINUTES OF THE REGULAR MEETING OF THE BOARD OF APPEALS, SEPTEMBER 4, 1996 (cont'd.)

APPEAL NO. 96-078

ROGER DODGE, Appellant [Disapproval on June 10, 1996, of permit to Alter a Building]
vs.
DEPT. BUILDING INSPECTION, Respondent [(legalize building and split lot into two equal parcels]
[with building easement]
at 57 Bradford Street.
APPLICATION NO. 9414405S.
FOR HEARING TODAY.

ACTION: After discussion, the Board voted 5-0 to CONTINUE the matter to December 4, 1996 to allow the appellant to apply for a variance.

SPEAKERS: Robert Passmore, Zoning Administrator for the Planning Department; Joan MacQuarrie, Chief Building Inspector for the Department; and Robert Mittelstadt, architect for appellant.

APPEAL NO. 96-091

LAW OFFICES OF 629 BRYANT STREET, Appellant [Protesting issuance on June 27, 1996, to Central City Body]
vs.
DEPT. BUILDING INSPECTION, Respondent [Shop/Delta Detailing, permit to Alter a Building (convert warehouse to body shop and spray booth) at 629A Bryant Street.
APPLICATION NO. 9608943.
FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Cullum, the Board voted 4-0 (Commissioner Salgado absent) to UPHOLD the department and GRANT the permit with the stipulated agreement by the parties.

SPEAKERS: The parties were present but did not speak.

APPEAL NO. 96-093

STEVEN G. HAYDEN, Appellant [Protesting issuance on July 3, 1996, to John King, permit to Alter a Building (remove illegal unit) at 1890 - 22nd Avenue.
vs.
DEPT. BUILDING INSPECTION, Respondent APPLICATION NO. 9611945.
FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner McInerney, the Board voted 4-1 (Commissioner Cullum dissented) to UPHOLD the department and GRANT the permit.
MINUTES OF THE REGULAR MEETING OF THE BOARD OF APPEALS, SEPTEMBER 4, 1996 (cont'd.)

SPEAKERS: Marc Janowitz, attorney for appellant; Michael Rossoff, attorney for permit holders; Marilyn Young, attorney for previous owner; John and Anisa King, permit holders; Robert Passmore, Zoning Administrator for the Planning Department; and Joan MacQuarrie, Chief Building Inspector for the Department of Building Inspection.

The Board recessed from 6:55 to 7:08 p.m.

FOUR SEYMOUR STREET PROPERTIES, Appellant
(7) vs. ZONING ADMINISTRATOR, Respondent

APPEAL NO. V96-068

[Appeal of conditions of Front Setback and Rear Yard Variance]
[(eliminate loft and reduce the overall height of the proposed buildings by 5', limiting the height of one building to 40' and the height of the eaves to 30'9" and the height of the ridge of the building setback 2' from the front property line to a ridge height of 38'9" and the height of its eaves to 28') for property at 4 Seymour Street.
[VARIANCE CASE NO. 96.217V.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner McInerney, the Board voted 5-0 to OVERRUDE the Zoning Administrator and ADOPT the findings prepared by the appellant and to allow approval of two one-family dwellings each three stories high with a loft and dormer with the height of the building reduced by five feet to the dimension contained in the grant clause of the variance decision.

SPEAKERS: Robert Passmore, Zoning Administrator for the Planning Department; Winston Montgomery, Gary Koutz, Peggy Nelson, in support of the Zoning Administrator; Daniel Sullivan, appellant; and Kelly McCray, in support of appellant.

There being no further business, President Hu adjourned the meeting at 7:29 p.m.

Transcripts of these hearings can be obtained directly from Mae J. Chu, the Official Court Reporter, (415) 386-9018.
MINUTES OF THE
REGULAR MEETING OF THE BOARD OF APPEALS
WEDNESDAY, SEPTEMBER 11, 1996
5:30 P.M., VETERANS WAR MEMORIAL BUILDING
401 VAN NESS AVENUE, ROOM 428

PRESENT: President Wayne Hu, Vice President Mauri Schwartz, Commissioners Carole Cullum, John McInerney and Mario Salgado.

Alec Bash, Deputy Zoning Administrator for the Planning Department; Judith Boyajian, Deputy City Attorney; Joan MacQuarrie, Chief Building Inspector for the Department of Building Inspection; and Robert Feldman, Executive Secretary for the Board.

Mae J. Chu, Official Court Reporter.

Mae J. Chu, the Official Court Reporter, swore in all those who intended to testify during the meeting.

(1) PUBLIC COMMENT: This period is limited to 15 minutes at the beginning of the calendar and can be continued to the end of the calendar by the chair to complete the presentations in order to minimize delay to those in attendance for appeals.

SPEAKERS: Timothy Gillespie and Roberta Caravelli complained of violations of the Brown Act and Sunshine Ordinance.

(2) COMMISSIONERS COMMENTS AND QUESTIONS.

SPEAKER: President Hu requested that the Executive Secretary and City Attorney look into the allegations by Mr. Gillespie and Ms. Caravelli.

(3) MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:

REQUEST FOR REHEARING:

ITEM A: Letter from Wilhelm and Valborg Tietz, appellants, requesting rehearing of Appeal Nos. 96-083, 96-084, 667 Chenery Street. Hearing August 21, 1996. Upon motion by Commissioner McInerney, the Board voted 4-0 (Commissioner Salgado absent) to UPHOLD the department and GRANT the permits with the CONDITION that the walls wrongly erased from the plans on the lower level be redrawn as required by the Department of Building Inspection.

ACTION: After discussion, upon motion by Commissioner Schwartz, the Board voted 4-0 to DENY the request for rehearing of the demolition permit. Then on a separate motion by Commissioner Schwartz, the Board voted 4-0 to DENY the request for rehearing of the building permit. Commissioner Salgado had not yet arrived.
MINUTES OF THE REGULAR MEETING OF THE BOARD OF APPEALS, SEPTEMBER 11, 1996 (cont'd.)

SPEAKERS: Valborg Tietz, appellant; and Robert McCarthy, attorney for permit holder.

REQUEST FOR JURISDICTION BEYOND TEN-DAY APPEAL PERIOD:

ITEM B: Letter from F. Joseph Butler, architect for Bruce and Carol Mitchell, adjacent property owners to 49-53 Telegraph Place, requesting that the Board take jurisdiction over the Zoning Administrator's determination that the alleged inconsistencies with the approved set of plans for the subject property are in general conformity with the plans approved by the Planning Department under Variance Case No. 94.259V.

Date of determination: August 19, 1996
Appeal period ended: August 29, 1996
Request for jurisdiction: August 30, 1996

ACTION: WITHDRAWN prior to hearing by phone with letter to follow.

(4) CONSENT ITEM: With the consent of the Department of Building Inspection the Board will proceed to a vote without testimony to reduce the penalty (investigation fee) to two times the regular fee as provided for in the Building Code.

APPEAL NO. 96-097
IRENE HAROLD, Appellant
(A) vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

ACTION: Upon motion by Commissioner McInerney, the Board voted 4-0 (Commissioner Salgado not yet arrived) to OVERRULE the department with the CONDITION that the penalty be reduced to two times the regular fee of $362.05 for a total of $724.10.

SPEAKERS: The appellant was present but did not speak.

APPEAL NO. 96-113
ALL STAR DONUTS, Appellant
(B) vs.
DEPT. BUILDING INSPECTION, Respondent

ACTION: Upon motion by Commissioner McInerney, the Board voted 4-0 (Commissioner Salgado not yet arrived) to OVERRULE the department with the CONDITION that the penalty be reduced to two times the regular fee of $236.17 for a total of $472.34.
SPEAKERS: The appellant was present but did not speak.

Item 5 was passed until the arrival of Commissioner Salgado at 7:18 p.m.

ARCHDIOCESE OF SAN FRANCISCO, (5) Appellant

vs.

ZONING ADMINISTRATOR, Respondent

Determination on June 5, 1996 [by the Zoning Administrator that use of the vacant lot at 1639 Oak Street for parking for St. Agnes Church at 1025 Masonic Avenue is in violation of Planning Code Section 178(c) which requires conditional use authorization for parking lots and modification of church use and that the parking use must cease until necessary permits have been approved by the City. FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Cullum, the Board voted 5-0 to RECUSE Commissioner McInerney because of conflict of interest, who left the dais at 7:39 p.m. Then after testimony and discussion, upon motion by Commissioner Cullum, the Board voted 4-0 to OVERRULE the Zoning Administrator and allow the parking lot as an automatic Conditional Use as described by the representative of the Planning Department, on condition that the church works with Planning on landscaping and screening, and the church shall seek the appropriate City permits for the parking lot.

SPEAKERS: Douglas Sands, attorney for appellant; Alec Bash, Deputy Zoning Administrator for the Planning Department; and Joan MacQuarrie, Chief Building Inspector for the Department of Building Inspection.

Commissioner McInerney returned to the dais at 7:54 p.m.

Items 6, 7 and 8 were heard before Item 5.

JC DECAUX UNITED STREET FURNITURE, (6) Appellant

vs.

DEPT. PUBLIC WORKS, Respondent

Appeal of the condition of exception imposed on August 20, 1996 requiring that the public service kiosk at the SW corner of Geary and Powell Streets be rotated 110° to face SE. FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner McInerney, the Board voted 4-0 (Commissioner Salgado not yet arrived) to OVERRULE the department and GRANT the exception with no conditions.
SPEAKERS: Jacob Szeto, Department of Public Works; Harry O'Brien, attorney for appellant; and Francois Nion, appellant.

APPEAL NO. 96-117

JC DECAUX UNITED STREET FURNITURE, (7)
Appellant vs.
DEPT. PUBLIC WORKS, Respondent

Denial on August 20, 1996, of exception (15" from the curb as opposed to 18" and sidewalk is 11'4½" wide as opposed to 12' ) requirement for the public service kiosk at the SE corner of Battery and Bush Streets.

FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President Schwartz, the Board voted 4-0 (Commissioner Salgado not yet arrived) to OVERRULE the department and GRANT the exception.

SPEAKERS: Jacob Szeto, Department of Public Works; and Harry O'Brien, attorney for appellant.

APPEAL NO. 96-054

DAN & REGINA WALDMAN, Appellants (8) vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

Denial on April 22, 1996, of permit to Alter a Building (legalize rear structure) at 780 Joost Avenue.

APPLICATION NO. 9418609.

FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner McInerney, the Board voted 4-0 (Commissioner Salgado not yet arrived) to OVERRULE the department and GRANT the permit with findings and the following CONDITIONS: that the kitchen be removed from the cottage, that the gas lines be capped before reaching the cottage; the full bath and the walkway can remain as is; appellants shall record a Notice of Special Restrictions indicating that the house will be used as a one-family house so long as zoning remains RH-1.

SPEAKERS: Claire Pilcher, attorney for appellants; Dan Waldman, appellant; Barry and Ellen Fishman, Chris Capriotti, in support of appellants; Alec Bash, Deputy Zoning Administrator for the Planning Department; and Joan MacQuarrie, Chief Building Inspector for the Department of Building Inspection.

The Board recessed from 7:23 to 7:37 p.m. and then called Item 5.
APPEAL NO. V96-111

JOHN & GRETCHEN BERGGREUEN, CHARLOTTE THOMPSON, JOAN TAYLOR, et al., Appellants

(9) vs.

ZONING ADMINISTRATOR, Respondent

[Protesting granting on August 9, 1996, to John Parker Willis, Front Setback and Rear Yard Variance (to allow construction of a two family dwelling with underground garages) for property at 1035-1045 Vallejo Street. VARIANCE CASE NO. 96.098V. FOR HEARING TODAY.]

The executive secretary polled the Commissioners as to whether they had each reviewed and considered the environmental review documents and they all answered that they had.

ACTION: After discussion, upon motion by Commissioner Cullum, the Board voted 5-0 to UPHOLD the Zoning Administrator and GRANT the variance with findings and the CONDITION that the nine spaces under the abutting properties shall be restricted to use by the occupants of 1013, 1019 and 1023 Vallejo unless the spaces are not wanted by the occupants, and any tree on the southerly property line that is destroyed by the variance holder shall be replaced at his expense with a tree of similar kind and size.

SPEAKERS: Alec Bash, Deputy Zoning Administrator for the Planning Department; Harry O'Brien attorney for appellants; Charlotte Thompson, Jonathon Rice, Gretchen Berggruen; Jo Policastro, in support of appellants; Steven Vettel, attorney for project sponsor; Ed McEachron, architect for project sponsor; John Willis, project sponsor; and Caroline and Nielson Rogers, Len Wo-hadlo, Mitch Menaged, Don Luce, Putnam and Pari Livermore, Mariette Richards, Steve Kendrick, in support of the variance.

There being no further business, President Hu adjourned the meeting at 9:37 p.m.

Robert H. Feldman
Executive Secretary

Transcripts of these hearings can be obtained directly from Mae J. Chu, the Official Court Reporter, (415) 386-9018.
PRESENT:
President Wayne Hu, Vice President Mauri Schwartz, Commissioners Carole Cullum, John McInerney and Mario Salgado.

Robert Passmore, Zoning Administrator for the Planning Department; Judith Boyajian, Deputy City Attorney; Joan MacQuarrie, Chief Building Inspector for the Department of Building Inspection; and Robert Feldman, Executive Secretary for the Board.

Mae J. Chu, Official Court Reporter.

Mae J. Chu, the Official Court Reporter, swore in all those who intended to testify during the meeting.

(1) PUBLIC COMMENT: This period is limited to 15 minutes at the beginning of the calendar and can be continued to the end of the calendar by the chair to complete the presentations in order to minimize delay to those in attendance for appeals.

SPEAKERS: None.

(2) COMMISSIONERS COMMENTS AND QUESTIONS.

SPEAKERS: Commissioner McInerney requested that the executive secretary draft a letter to the Mayor asking him to look into the problem of people in illegal units losing their homes and the need for legalization of illegal units, an important source of affordable housing in the City. President Hu asked that once drafted in consultation with Commissioner McInerney, that it be calendared for discussion by the Board.

(3) REQUEST FOR CLARIFICATION: Appeal Nos. 88-293, 294, 295. Letter from attorney Sue C. Hestor on behalf of four organizations dated February 27, 1996 requesting a clarification of the issue of whether the Board's decision on November 29, 1995 to hold a hearing to correct its June 5, 1991 decision on the scoping of an EIR for the project at 959 Powell and 8 Wetmore Streets did legally set aside the 1991 action, or whether the resolution on November 29 failed because it lacked the necessary four votes required for the granting of a rehearing under Section 16 Part III of the Municipal Code (Project Sponsor: Adiuvana-Invest and Mardikian Enterprises; multi-family residential project approved as conditional use by Planning Commission in 1987; disapproved by Board of Permit Appeals in 1989; subject of litigation and under jurisdiction of Superior Court for sixty days after Board's final action).
ACTION: After discussion, upon motion by Commissioner Salgado, the Board voted 5-0 that the decision of November 29, 1995 by a 3-2 vote was a motion for reconsideration and required four votes for passage and therefore it failed and that motion is now declared null and void. The executive secretary announced that the project sponsor may do the E.I.R. and once certified as final by the Planning Commission, the motion would be back before the Board.

SPEAKERS: Gen Fujioka, Sue Hestor and Rev. Norman Fong, representing neighborhood organizations; Michael Burke, attorney for project sponsor; and Herbert Yanowitz, attorney for intervenors.

CHERYL CHEN, Appellant vs. ARTS COMMISSION, Respondent

APPEAL NO. 96-095

(Suspension on July 17, 1996, of Street Artist permit for three weeks at Hyde Street, east side between Beach and Jefferson Streets and Beach Street, south side between Hyde and Larkin Streets. STREET ARTIST CERTIFICATE 3744. FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Mcinerney, the Board voted 4-1 (Commissioner Salgado dissented) to UPHOLD the department and SUSPEND the permit for three weeks.

SPEAKERS: Howard Lazar, Director of the Street Artists Program and Richard Newirth, Director of the Arts Commission; Cheryl Chen, appellant; Mark Cassius, in support of the appellant; and Zhong Chen, appellant's husband.

ZHONG CHEN, Appellant vs. ARTS COMMISSION, Respondent

APPEAL NO. 96-096

(Suspension July 17, 1996, of Street Artist permit for three weeks at Hyde Street, east side between Beach and Jefferson Streets and Jefferson Street, north side at Leavenworth Street. STREET ARTIST CERTIFICATE 4017. FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Salgado, the Board voted 5-0 to OVERRULE the department and SUSPEND the permit for one week.

SPEAKERS: Howard Lazar, Director of the Street Artists Program and Richard Newirth, Director of the Arts Commission; Zhong Chen, appellant; and Joven Kerekes and Mark Cassius in support of appellant.
CONSENT ITEM: With the consent of the Department of Building Inspection the Board proceeded to a vote without testimony to reduce the penalty (investigation fee) to two times the regular fee as provided for in the Building Code.

APPEAL NO. 96-114
FORD CONSUMER FINANCE, Appellant vs.
DEPT. BUILDING INSPECTION, Respondent
APPEAL NO. 96-114
FORD CONSUMER FINANCE, Appellant [Imposition of Penalty on August vs.
DEPT. BUILDING INSPECTION, Respondent [23, 1996, for work done at PLANNING DEPARTMENT APPROVAL [119 Tioga Avenue.
APPLICATION NO. 9611341.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Salgado, the Board voted 5-0 to OVERRULE the department with the CONDITION that the penalty be reduced to two times the regular fee of $443.30 for a total of $886.60.

SPEAKERS: The appellant was present but did not speak.

The Board recessed from 7:19 to 7:30 p.m.

APPEAL NO. 96-099
TOM McGRATH, Appellant vs.
DEPT. BUILDING INSPECTION, Respondent
APPEAL NO. 96-099
TOM McGRATH, Appellant [Denial on July 30, 1996, vs.
DEPT. BUILDING INSPECTION, Respondent [(two family dwelling) at PLANNING DEPARTMENT DISAPPROVAL [1241 - 5th Avenue.
APPLICATION NO. 9517407S.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner McInerney, the Board voted 5-0 to CONTINUE the matter to October 2, 1996 to allow Sue Hestor and Robert Passmore to review revised plans. Testimony shall be limited to reactions to revisions by Sue Hestor, Robert Passmore and Alice Barkley. Commissioner McInerney suggested several specific revisions to the appellant.

SPEAKERS: Robert Passmore, Zoning Administrator for the Planning Department; Alice Barkley, attorney for appellant; Diane Marksman, Kiernan Buckley, Noel Boggins, Ray Graham, Martin Coyne, in support of appellant; and Sue Hestor attorney for John and Connie Herrell, John and Connie Herrell, Allen Toski, Regina Mowbray, David Elbridge, Raymond Maurret, Kenneth Edlin, Robert Amore, in support of the department.

Items (8A) and (8B) were heard together.

APPEAL NO. 96-118
JOHN HUMMER, Appellant vs.
DEPT. BUILDING INSPECTION, Respondent
APPEAL NO. 96-118
JOHN HUMMER, Appellant [Suspension on August 21, 1996, vs.
DEPT. BUILDING INSPECTION, Respondent [by the Department of Building PLANNING DEPARTMENT SUSPENSION [Inspection at the request of [alteration permit for work [application No. 9518855.
[FOR HEARING TODAY.
APPEAL NO. 96-119

JOHN HUMMER, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent

[Suspension on August 21, 1996, by the Department of Building Inspection of the alteration permit for work at 2640 Baker Street.
APPLICATION NO. 9609789.
FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner McInerney, the Board voted 5-0 to OVERRULE the department with findings by Commissioners McInerney and Cullum and REINSTATE the permits.

SPEAKERS: Robert Passmore, Zoning Administrator for the Planning Department; John Hummer, appellant; John Sanger, attorney for appellant; Josephine Macchelli, in support of appellant, and Alice Barkley, attorney for Sydney Unobskey.

There being no further business, President Hu adjourned the meeting at 9:19 p.m.

Transcripts of these hearings can be obtained directly from Mae J. Chu, the Official Court Reporter, (415) 386-9018.
MINUTES OF THE
REGULAR MEETING OF THE BOARD OF APPEALS
WEDNESDAY, OCTOBER 2, 1996
5:30 P.M., VETERANS WAR MEMORIAL BUILDING
401 VAN NESS AVENUE, ROOM 428

PRESENT: President Wayne Hu, Vice President Mauri Schwartz, Commissioners Carole Cullum, John McInerney and Mario Salgado.

Robert Passmore, Zoning Administrator for the Planning Department; Judith Boyajian, Deputy City Attorney; Rafael Torres-Gil, Senior Inspector for the Department of Building Inspection; and Robert Feldman, Executive Secretary for the Board.

Mae J. Chu, Official Court Reporter.

Mae J. Chu, the Official Court Reporter, swore in all those who intended to testify during the meeting.

(1) PUBLIC COMMENT: This period is limited to 15 minutes at the beginning of the calendar and can be continued to the end of the calendar by the chair to complete the presentations in order to minimize delay to those in attendance for appeals.

SPEAKERS: None.

(2) COMMISSIONERS COMMENTS AND QUESTIONS.

SPEAKER: The Executive Secretary announced that the letter requested by Commissioner McInerney regarding need for protection of tenants of illegal units will be calendared for October 9, 1996 for public hearing.

(3) REQUEST FOR JURISDICTION: Letter from James L. Lazarus, attorney for Neil Chaitin, requesting that the Board take jurisdiction over Building Permit Application No. 9310717S issued to Farah Champsin to build a horizontal rear addition (first floor-enlarge family room, second floor-enlarge bedroom, third floor-add deck) at 2740 Divisadero Street.

Date issued August 8, 1996
Appeal period ended August 23, 1996
Request for jurisdiction September 6, 1996

ACTION: After discussion, upon motion by Vice President Schwartz, the Board voted 5-0 to GRANT jurisdiction. Mr. Chaitin has fifteen days to file an appeal.
MINUTES OF THE REGULAR MEETING OF THE BOARD OF APPEALS, OCTOBER 2, 1996 (cont'd.)

SPEAKERS: James Lazarus, attorney for requestor; Dolly Champsi, for permit holder; and Rafael Torres-Gil, Senior Building Inspector for the Department of Building Inspection.

(4) CONSENT ITEMS: With the consent of the Department of Building Inspection the Board proceeded to a vote without testimony to reduce the penalty (investigation fee) to two times the regular fee as provided for in the Building Code.

APPEAL NO. 96-098

JESUS & JULIA PARRA, Appellants vs. DEPT. BUILDING INSPECTION, Respondent

APPLICATION NO. 9518512.

FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Cullum, the Board voted 5-0 to OVERRULE the department with the CONDITION that the penalty be reduced to two times the regular fee of $345.80 for a total of $691.60.

SPEAKERS: The appellants were present but did not speak.

APPEAL NO. 96-115

KWONG PAIN CHAN, Appellant vs. DEPT. BUILDING INSPECTION, Respondent

APPLICATION NO. 9606398.

FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Cullum, the Board voted 5-0 to OVERRULE the department with the CONDITION that the penalty be reduced to two times the regular fee of $215.80 for a total of $431.60.

SPEAKERS: The appellant was present but did not speak.

APPEAL NO. 96-123

CEFERINA BALUYUT, Appellant vs. DEPT. BUILDING INSPECTION, Respondent

APPLICATION NO. 9607747.

FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Cullum, the Board voted 5-0 to OVERRULE the department with the CONDITION that the penalty be reduced to two times the regular fee of $118.30 for a total of $236.60.

SPEAKERS: The appellant was present but did not speak.
Items (5A) and (5B) were heard together

APPEAL NO. 96-120
HARTMUT FISCHER & ANNE T. HARVEY, Appellants
(5A) DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on August 21, 1996, to L. Scott Hoopes, permit to Alter a Building
(third story addition at rear, addition includes bedroom at
ground floor, family room at
first floor and expanding existing bedrooms at second floor) at 2850 Union Street.
APPLICATION NO. 9601896S.
FOR HEARING TODAY.

JOHN PASQUESI, Appellant
(5B) DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on August 21, 1996, to L. Scott Hoopes, permit to Alter a Building
(third story addition at rear, addition includes bedroom at
ground floor, family room at
first floor and expanding existing bedrooms at second floor) at 2850 Union Street.
APPLICATION NO. 9601896S.
FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner McInerney, the Board voted
5-0 to UPHOLD the department and GRANT the permit with the CONDITIONS:
(1) project sponsor shall remove the planter along the deck at the westerly property line; (2) project sponsor shall replace the fire rated glass railing with open metal deck railing on both the east and west property lines; (3) project sponsor shall not be required to move the railing off the property line.

SPEAKERS: Sue Hestor, attorney for Hartmut Fischer and Anne Harvey; Arnold Lerner, architect for appellants; Robert Passmore, Zoning Administrator for the Planning Department; Anne Harvey and John Pasquesi, appellants; John Stephen, in support of appellants; Dan Phipps, architect for permit holder; Jim Mattox, in support of permit holder; and Scott Hoopes, permit holder.

The Board recessed from 7:08 to 7:18 p.m.
MINUTES OF THE REGULAR MEETING OF THE BOARD OF APPEALS, OCTOBER 2, 1996 (cont'd.)

APPEAL NO. 96-121
SHIRLEY DAWN DAVIS, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL
[Protesting issuance on June 5, 1996, to Vincent P. Walsh, permit to Alter a Building
[clarify use as a two unit building; to correct problems under previous permits; increase size
of lightwells to comply with Building Code; remove peaked roof and replace with flat roof; and
increase headroom to comply with Building Code) at 878 Wisconsin Street.
APPLICATION NO. 9609181.
FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner McInerney, the Board voted 5-0 to UPHOLD the department and GRANT the permit.

SPEAKERS: Shirley Dawn Davis, appellant; Robert Passmore, Zoning Administrator for the Planning Department; Courtney Brown and Caroline Paul, in support of appellant; Daniel Conrad, attorney for permit holder; Vincent Walsh, permit holder; and Pete Naughton, in support of permit holder.

There being no further business, President Hu adjourned the meeting at 8:06 p.m.

Transcripts of these hearings can be obtained directly from Mae J. Chu, the Official Court Reporter, (415) 386-9018.
PRESENT: President Wayne Hu, Vice President Mauri Schwartz, Commissioners Carole Cullum, and Mario Salgado.

Judith Boyajian, Deputy City Attorney; Laurence Kornfield, Chief Building Inspector for the Department of Building Inspection; and Robert Feldman, Executive Secretary for the Board.

Mae J. Chu, Official Court Reporter.

ABSENT: Commissioner John McInerney.

Mae J. Chu, the Official Court Reporter, swore in all those who intended to testify during the meeting.

(1) PUBLIC COMMENT: This period is limited to 15 minutes at the beginning of the calendar and can be continued to the end of the calendar by the chair to complete the presentations in order to minimize delay to those in attendance for appeals.

SPEAKERS: None.

(2) COMMISSIONERS COMMENTS AND QUESTIONS.

SPEAKERS: None.

(3) MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:

ADOPTION OF FINDINGS:

ITEM A: Appeal Nos. 96-118 and 96-119, 2640 Baker Street. Hearing September 18, 1996. Upon motion by Commissioner McInerney, the Board voted 5-0 to OVERRULE the department and REINSTATE the permits.

ACTION: Upon motion by Vice President Schwartz, the Board voted 4-0 to ADOPT findings.
REQUEST FOR JURISDICTION BEYOND TEN-DAY APPEAL PERIOD:

ITEM B: Letter from John Sanger, attorney for Jerald Roberts and Linda Kiefer, requesting that the Board take jurisdiction over the Zoning Administrator's determination that the Planning Commission properly considered and approved a lot split for 2150 - 10th Avenue under Planning Code Sections 121(f) and 303 and that the plans for a house on the new lot under Application No. 9501843S were not consistent with the rear yard standards of the Planning Code applicable to the lot relative to the particular way the lot was created. A protest appeal of Application 9501843S for construction of a new house at 2168 - 10th Avenue has been filed by Mr. Sanger on behalf of Mr. Roberts and Ms. Kiefer and is scheduled for hearing on November 13, 1996.

<table>
<thead>
<tr>
<th>Date of determination</th>
<th>September 9, 1996</th>
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<tr>
<td>Last day to appeal</td>
<td>September 19, 1996</td>
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<tr>
<td>Request for jurisdiction</td>
<td>September 24, 1996</td>
</tr>
</tbody>
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ACTION: After discussion, upon motion by Commissioner Salgado, the Board voted 4-0 to GRANT jurisdiction. Mr. Sanger has ten days to file an appeal.

SPEAKER: John Sanger, attorney for requestor.

CONSIDERATION OF DRAFT LETTER TO MAYOR:

ITEM C: Consideration of draft letter from Board to Mayor recommending legislative relief to protect long-term tenants evicted from affordable illegal apartments after City abatement action.

CONSENT ITEMS: With the consent of the Department of Building Inspection the Board proceeded to a vote without testimony to reduce the penalty (investigation fee) to two times the regular fee as provided for in the Building Code.

APPEAL NO. 96-124

BRIGIDO ALVAREZ, Appellant

vs.

DEPT. BUILDING INSPECTION, Respondent

PLANNING DEPARTMENT APPROVAL

(A)

[Imposition of Penalty on September 11, 1996, for work done at 1136 Florida Street.]

APPLICATION NO. 9613122.

FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Salgado, the Board voted 4-0 to OVERRULE the department with the CONDITION that the penalty be reduced to two times the regular fee of $297.05 for a total of $594.10.

SPEAKERS: The appellant was present but did not speak.
APPEAL NO. 96-125

REMEDIOS ARENAS, Appellant

(B) vs.

DEPT. BUILDING INSPECTION, Respondent

PLANNING DEPARTMENT APPROVAL

APPLICATION NO. 9521224.

FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Salgado, the Board voted 4-0 to OVERRULE the department with the CONDITION that the penalty be reduced to two times the regular fee of $183.30 for a total of $366.60.

SPEAKERS: The appellant was present but did not speak.

APPEAL NO. 96-126

LUCIANA GALLINA, Appellant

(5) vs.

DEPT. BUILDING INSPECTION, Respondent

PLANNING DEPARTMENT APPROVAL

APPLICATION NO. 9611802.

FOR HEARING TODAY.

ACTION: WITHDRAWN by appellant on October 9, 1996 prior to hearing.

APPEAL NO. 96-129

CHARLES S. HOLDEN, Appellant

(6) vs.

DEPT. BUILDING INSPECTION, Respondent

PLANNING DEPARTMENT APPROVAL

APPLICATION NO. 9617102.

FOR HEARING TODAY.

ACTION: WITHDRAWN by appellant on October 3, 1996.
IRENE MORECI, Appellant

vs.

ZONING ADMINISTRATOR, Respondent

APPEAL NO. V96-128

Protesting granting on September 13, 1996, to Moulton St. Properties Minimum Lot Width and Area Variance (subdivide an existing through-lot fronting both Greenwich and Pixley Streets into two lots; subject lot contains a two-story over garage, single-family dwelling facing Greenwich and a one story garage facing Pixley; the existing buildings are scheduled for demolition and a new three-story over garage single-family dwelling is proposed for each of the newly subdivided lots) at 2263 Greenwich Street.

VARIANCE CASE NO. 96.200V.
FOR HEARING TODAY.

ACTION: WITHDRAWN by appellant on October 8, 1996.

There being no further business, President Hu adjourned the meeting at 5:55 p.m.

Robert H. Feldman
Executive Secretary

Transcripts of these hearings can be obtained directly from Mae J. Chu, the Official Court Reporter, (415) 386-9018.
MINUTES OF THE
REGULAR MEETING OF THE BOARD OF APPEALS
WEDNESDAY, OCTOBER 30, 1996
5:30 P.M., VETERANS WAR MEMORIAL BUILDING
401 VAN NESS AVENUE, ROOM 428

PRESENT: President Wayne Hu, Vice President Mauri Schwartz, Commissioners Carole Cullum, John McInerney.

Robert Passmore, Zoning Administrator for the Planning Department; Judith Boyajian, Deputy City Attorney; Rafael Torres-Gil, Senior Inspector for the Department of Building Inspection; and Robert Feldman, Executive Secretary for the Board.

Vickie Walker, Official Court Reporter.

ABSENT: Commissioner Mario Salgado.

Vickie Walker, substituting for Mae J. Chu, the Official Court Reporter, swore in all those who intended to testify during the meeting.

(1) PUBLIC COMMENT: This period is limited to 15 minutes at the beginning of the calendar and can be continued to the end of the calendar by the chair to complete the presentations in order to minimize delay to those in attendance for appeals.

SPEAKERS: None.

(2) COMMISSIONERS COMMENTS AND QUESTIONS.

SPEAKERS: None.

(3) CONSENT ITEMS: With the consent of the Department of Building Inspection the Board proceeded to a vote without testimony to reduce the penalty (investigation fee) to two times the regular fee as provided for in the Building Code. Without consent the Board will take testimony and then decide the appeal individually.

APPEAL NO. 96-132

CARIDAD R. PEREA, Appellant

vs.

DEPT. BUILDING INSPECTION, Respondent

PLANNING DEPARTMENT APPROVAL

[Appeal for Refund of Penalty
imposed on October 7, 1996, for
work done at 20 Girard Street.
APPLICATION NO. 9606583.
FOR HEARING TODAY.]
ACTION: Upon motion by Commissioner Cullum, the Board voted 4-0 to OVERRULE the department with the CONDITION that the penalty be reduced to two times the regular fee of $183.30 for a total of $366.60.

SPEAKERS: The appellant was present but did not speak.

APPEAL NO. 96-133

KENNETH GARDELS, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Appeal for Refund of Penalty
imposed on October 8, 1996, for
work done at 204 Eureka Street.
APPLICATION NO. 9419132S.
FOR HEARING TODAY.]

ACTION: Upon motion by Commissioner Cullum, the Board voted 4-0 to OVERRULE the department with the CONDITION that the penalty be reduced to two times the regular fee of $183.30 for a total of $366.60.

SPEAKERS: The appellant was not present.

APPEAL NO. 96-136

ALEXANDER TAKAHASHI, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Appeal for Refund of Penalty
imposed on October 15, 1996,
for work done at 4690 - 18th St.
APPLICATION NO. 9615162S.
FOR HEARING TODAY.]

ACTION: Upon motion by Commissioner Cullum, the Board voted 4-0 to OVERRULE the department with the CONDITION that the penalty be reduced to two times the regular fee of $134.55 for a total of $269.10.

SPEAKERS: The appellant was present but did not speak.

APPEAL NO. 96-099

TOM McGRATH, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[Denial on July 30, 1996,
of permit to Erect a Building
(two family dwelling) at
1241 - 5th Avenue.
APPLICATION NO. 9517407S.
FOR FURTHER HEARING TODAY.]

ACTION: After discussion, upon motion by Commissioner Cullum, the Board voted 4-0 to OVERRULE the departments and to GRANT the permit on CONDITION that the plans be revised in conformity with the preliminary plans initialed by the parties and submitted to the Board at the hearing, and that the permit holder shall record a Notice of Special Restrictions on the land records indicating that the building shall be for two-family use only.
MINUTES OF THE REGULAR MEETING OF THE BOARD OF APPEALS, OCTOBER 30, 1996 (cont'd.)

SPEAKERS: Alice Barkley, attorney for appellant; Sue Hestor, attorney for John Herrell; and Robert Passmore, Zoning Administrator.

APPEAL NO. 96-006

MICHAEL TATUM & MATTHEW LEFFERS,
Appellants

vs.

ZONING ADMINISTRATOR, Respondent

Determination dated January 10, 1996 by the Zoning Administrator that the former use of the property at 650-656 Fourth Street as a tourist hotel is considered discontinued or abandoned under Section 183 of the Planning Code and that restoration of tourist hotel use would not be permitted under SSO zoning and the nonconforming use provisions of the Planning Code. FOR REHEARING TODAY.

ACTION: After discussion, upon motion and findings by Commissioner McInerney, the Board voted 4-0 to OVERRULE the Zoning Administrator and allow the property to be used as a tourist hotel, a Non-Conforming Use in the SSO District.

SPEAKERS: Andrew Zacks, attorney for appellants; Matthew Leffers, appellant; Anna C. Yee, Judith Baker, Robert Formichi and Ernesto Rivas, in support of appellant; Robert Passmore, Zoning Administrator for the Planning Department; Sue Hestor, in support of the Zoning Administrator; and Judith Boyajian, Deputy City Attorney.

APPEAL NO. 96-134

DONALD J. TOAN, Appellant

vs.

DEPARTMENT OF BUILDING INSPECTION, Respondent

APPLICATION NO. 9506538S.

FOR HEARING TODAY.

Protesting issuance on August 7, 1996 (suspended September 25, 1996 to allow appeal) to Mark Casagranda, permit to Alter a Building (install roof deck and stair to roof; including new stair penthouse) at 47 Telegraph Place.

ACTION: After discussion, upon motion by Commissioner McInerney, the Board voted 4-0 to UPHOLD the department and GRANT the permit.

SPEAKERS: Donald Toan, appellant; Jim Valenti, architect for appellant; Ron Wallace, architect for permit holder; Mark Casagranda, permit holder; Lawrence Higa, in support of the project; James Hutchinson, Deputy Director of Building Inspection; and Robert Passmore, Zoning Administrator for the Planning Department.
MINUTES OF THE REGULAR MEETING OF THE BOARD OF APPEALS, OCTOBER 30, 1996 (cont'd.)

There being no further business, President Hu adjourned the meeting at 7:25 p.m.

[Signature]
Robert H. Feldman
Executive Secretary

Transcripts of these hearings can be obtained directly from Mae J. Chu, the Official Court Reporter, (415) 386-9018.
PRESENT: President Wayne Hu, Vice President Mauri Schwartz, Commissioners Carole Cullum, John McInerney and Mario Salgado.

Robert Passmore, Zoning Administrator for the Planning Department; Judith Boyajian, Deputy City Attorney; Laurence Kornfield, Chief Building Inspector for the Department of Building Inspection; and Robert Feldman, Executive Secretary for the Board.

Mae J. Chu, Official Court Reporter.

Mae J. Chu, the Official Court Reporter, swore in all those who intended to testify during the meeting.

(1) PUBLIC COMMENT: This period is limited to 15 minutes at the beginning of the calendar and can be continued to the end of the calendar by the chair to complete the presentations in order to minimize delay to those in attendance for appeals.

SPEAKERS: None.

(2) COMMISSIONERS COMMENTS AND QUESTIONS.

SPEAKERS: President Hu commented on copies of correspondence between neighbors and Planning staff, Executive Secretary explained they are transmitted as information but not calendared for any action.

(3) REQUEST FOR JURISDICTION BEYOND FIFTEEN-DAY APPEAL PERIOD:

Letter from Suleiman Zeidan requesting that the Board take jurisdiction over health permit issued to Ben's Shell Service Station at 1898 Van Ness Avenue to sell candy and soft drinks.

<table>
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<th>Date issued</th>
<th>September 24, 1996</th>
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<tr>
<td>Appeal period ended</td>
<td>October 9, 1996</td>
</tr>
<tr>
<td>Request for jurisdiction</td>
<td>October 24, 1996</td>
</tr>
</tbody>
</table>

ACTION: After discussion, upon motion by Vice President Schwartz, the Board voted 4-0 (Commissioner Salgado absent) to GRANT jurisdiction. Mr. Zeidan has 15 days to file an appeal.
The Board recessed from 5:59 to 6:12 p.m.

(4) **CONSENT ITEMS:** With the consent of the Department of Building Inspection the Board proceeded to a vote without testimony to reduce the penalty (investigation fee) to two times the regular fee as provided for in the Building Code. Without consent the Board will take testimony and then decide the appeal individually.

**APPEAL NO. 96-139**

**WILSON WONG, Appellant**

(A) **vs.**

**DEPT. BUILDING INSPECTION**

**PLANNING DEPARTMENT APPROVAL**

**ACTION:** Upon motion by Commissioner McInerney, the Board voted 4-0 (Commissioner Salgado absent) to **OVERRULE** the department with the **CONDITION** that the penalty be reduced to two times the regular fee of $297.05 for $594.10.

**SPEAKER:** The appellant was present but did not speak.

**APPEAL NO. 96-141**

**KIN NANG YAN, Appellant**

(B) **vs.**

**DEPT. BUILDING INSPECTION, Respondent**

**PLANNING DEPARTMENT APPROVAL**

**ACTION:** Upon motion by Commissioner McInerney, the Board voted 4-0 (Commissioner Salgado absent) to **OVERRULE** the department with the **CONDITION** that the penalty be reduced to two times the regular fee of $248.30 for $496.60.

**SPEAKER:** The appellant was present but did not speak.

**APPEAL NO. 96-142**

**FLORDELINO MATEO, Appellant**

(C) **vs.**

**DEPT. BUILDING INSPECTION, Respondent**

**PLANNING DEPARTMENT APPROVAL**

**ACTION:** Upon motion by Commissioner McInerney, the Board voted 4-0 (Commissioner Salgado absent) to **OVERRULE** the department with the **CONDITION** that the penalty be reduced to two times the regular fee of $248.30 for $496.60.
SPEAKER: The appellant was present but did not speak.

Commissioner Salgado arrived at 6:19 p.m.

APPEAL NO. 96-066
CASTRO YOGURT PARTNERS, dba "ULTIMATE YOGURT & MORE", Appellants vs. ZONING ADMINISTRATOR, Respondent

[Interpretation dated May 23, 1996 from the Zoning Administrator that an existing full service restaurant at 495 Castro Street is permitted in the Castro Street Neighborhood Commercial District and that the Dept. of Public Health permit issued for this use was issued in error after being disapproved by the Planning Department on November 30, 1995; and that to continue this use, conditional use authorization from the Planning Commission is necessary. FOR REHEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Salgado, the Board voted 3-2 (President Hu and Commissioner McInerney dissented) to overrule the Zoning Administrator and allow the fast food restaurant. Four votes are needed and the motion fails. The Zoning Administrator is UPHeld.

SPEAKERS: David Gellman, attorney for appellant; Robert Passmore, Zoning Administrator for the Planning Department; Lion Barnett, Barry Hermanson, in support of the Zoning Administrator; Judith Boyajian, Deputy City Attorney; David Gross, appellant; and Gary Bell, agent for appellant.

The Board recessed from 7:33 to 7:39 p.m.

APPEAL NO. 96-137
MARY CHENG, Appellant vs. ZONING ADMINISTRATOR, Respondent

[Interpretation by the Zoning Administrator dated October 9, 1996 that the Police Permit Application referral for cabaret/24-hour operation of an existing restaurant (since May 1983) at 737 Washington Street requires conditional use authorization by the Planning Commission for approval under Planning Code Sections 811.27 and 890.48 for operation 11:00 a.m. to 2:00 a.m., and that operation after 2:00 a.m. is prohibited in the Chinatown Visitor Retail District. FOR HEARING TODAY.
ACTION: After discussion, upon motion by Commissioner Salgado, the Board voted 5-0 to CONTINUE the matter six months for the purpose of sending a letter to Planning Commission recommending review of Chinatown Visitor Retail District standards as they apply to 24-hour restaurants.

SPEAKERS: Robert Passmore, Zoning Administrator for the Planning Department; Gordon Lau, attorney for appellant; Chester Chin, contractor for appellant; and Helen Canton, in support of appellant.

There being no further business, President Hu adjourned the meeting at 8:11 p.m.

Transcripts of these hearings can be obtained directly from Mae J. Chu, the Official Court Reporter, (415) 386-9018.
MINUTES OF THE
REGULAR MEETING OF THE BOARD OF APPEALS
WEDNESDAY, NOVEMBER 13, 1996
5:30 P.M., VETERANS WAR MEMORIAL BUILDING
401 VAN NESS AVENUE, ROOM 428

PRESENT: President Wayne Hu, Commissioners Carole Cullum, John McInerney and Mario Salgado.

Judith Boyajian, Deputy City Attorney; Laurence Kornfield, Chief Building Inspector for the Department of Building Inspection; and Robert Feldman, Executive Secretary for the Board.

Mae J. Chu, Official Court Reporter.

ABSENT: Vice President Mauri Schwartz.

Mae J. Chu, the Official Court Reporter, swore in all those who intended to testify during the meeting.

(1) PUBLIC COMMENT: This period is limited to 15 minutes at the beginning of the calendar and can be continued to the end of the calendar by the chair to complete the presentations in order to minimize delay to those in attendance for appeals.

SPEAKERS: None.

(2) COMMISSIONERS COMMENTS AND QUESTIONS.

SPEAKERS: None.

(3) CONSENT ITEMS: With the consent of the Police Department after the submittal of acceptable proof of the appellant having paid the appropriate annual fee, the Board proceeded to a single vote on all Police revocation items, without testimony, to overrule the Police Department's revocations, and to reinstate the permits.

APPEAL NO. 96-144

DINH TAN BUI, Appellant

vs.

POLICE DEPARTMENT, Respondent

[Revocation on October 17, 1996, of Driver Public Passenger Vehicle permit, PERMIT NO. 36476, for hearing today.]
MINUTES OF THE REGULAR MEETING OF THE BOARD OF APPEALS, NOVEMBER 13, 1996 (cont'd.)

ACTION: Upon motion by Commissioner Cullum, the Board voted 4-0 to **OVERRULE** the department and **REINSTATE** the permit with the **CONDITION** that evidence of having paid the annual fee is submitted to the Sergeant Coggan within 10 days.

SPEAKERS: Sergeant William Coggan, S.F.P.D. The appellant was present but did not speak.

**APPEAL NO. 96-146**

ALVA COSEY, dba "COSEY'S INN", Appellant

Sergeant William Coggan, S.F.P.D. The appellant was present but did not speak.

**APPEAL NO. 96-147**

HARRY AU-YEUNG, Appellant

Sergeant William Coggan, S.F.P.D. The appellant was present but did not speak.

**APPEAL NO. 96-148**

HEATHER HINDMARSH, Appellant

Sergeant William Coggan, S.F.P.D. The appellant was present but did not speak.
(4) CONSENT ITEMS: With the consent of the Department of Building Inspection the Board proceeded to a vote without testimony to reduce the penalty (investigation fee) to two times the regular fee as provided for in the Building Code.

**APPEAL NO. 96-143**

PETER WARING, Appellant
(A) vs.
DEPT. BUILDING INSPECTION, Respondent

PLANNING DEPARTMENT APPROVAL

ACTION: Upon motion by Commissioner Salgado, the Board voted 4-0 to OVERRULE the department with the CONDITION that the penalty be reduced to two times the regular fee of $102.05 for a total of $204.10.

SPEAKERS: The appellant was present but did not speak.

**APPEAL NO. 96-145**

FRED R. WINN, Appellant
(B) vs.
DEPT. BUILDING INSPECTION, Respondent

PLANNING DEPARTMENT APPROVAL

ACTION: Upon motion by Commissioner Salgado, the Board voted 4-0 to OVERRULE the department with the CONDITION that the penalty be reduced to two times the regular fee of $102.05 for a total of $204.10.

SPEAKERS: The appellant was present but did not speak.

**APPEAL NO. 96-130**

PATRICK CONLEY, Appellant
(5) vs.
DEPT. BUILDING INSPECTION, Respondent

ACTION: RESCHEDULED to December 11, 1996 for further review by Department of Building Inspection and possible settlement.
MINUTES OF THE REGULAR MEETING OF THE BOARD OF APPEALS, NOVEMBER 13, 1996 (cont'd.)

Items (6A) and (6B) were heard together.

APPEAL NO. 96-046

JERALD ROBERTS & LINDA KIEFER, Appellants vs.
DEPT. BUILDING INSPECTION, Respondent

PLANNING DEPARTMENT APPROVAL

APPEAL NO. 96-140

JERALD ROBERTS & LINDA KIEFER, Appellants vs.
ZONING ADMINISTRATOR, Respondent

ACTION: RESCHEDULED to December 4, 1996 at the request of the Board.

There being no further business; President Hu adjourned the meeting at 5:47 p.m.

Robert H. Feldman
Executive Secretary

Transcripts of these hearings can be obtained directly from Mae J. Chu, the Official Court Reporter, (415) 386-9018.
PRESENT: President Wayne Hu, Vice President Mauri Schwartz, Commissioners Carole Cullum, John McInerney and Mario Salgado.

Robert Passmore, Zoning Administrator for the Planning Department; Judith Boyajian, Deputy City Attorney; Rafael Torres-Gil, Senior Inspector for the Department of Building Inspection; and Robert Feldman, Executive Secretary for the Board.

Vickie Walker, Official Court Reporter.

Vickie Walker, substituting for Mae J. Chu, the Official Court Reporter, swore in all those who intended to testify during the meeting.

(1) PUBLIC COMMENT: This period is limited to 15 minutes at the beginning of the calendar and can be continued to the end of the calendar by the chair to complete the presentations in order to minimize delay to those in attendance for appeals.

SPEAKERS: None.

(2) COMMISSIONERS COMMENTS AND QUESTIONS.

SPEAKERS: None.

(3) MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:

REQUEST FOR JURISDICTION BEYOND THE FIFTEEN-DAY APPEAL PERIOD:

ITEM A: Letter from Mario V. Martinez, dba "La Fuente Club" at 3187 Mission Street requesting that the Board take jurisdiction over revocation of Billiard Parlor, Dance Hall Keeper and Place of Entertainment permits for failure to pay license fees.

Date of revocation: October 17, 1996
Last day to appeal: November 1, 1996
Request for jurisdiction: November 8, 1996

ACTION: After discussion, upon motion by Commissioner Salgado, the Board voted 5-0 to GRANT the request for jurisdiction. Mr. Martinez has fifteen days to file an appeal.
SPEAKERS: Sergeant William Coggan, S.F.P.D. The requestor was present but did not speak.

REQUEST FOR REHEARING:

ITEM B: Letter from Donald J. Toan, appellant requesting rehearing of Appeal No. 96-134, 47 Telegraph Place. Hearing October 30, 1996. Upon motion by Commissioner Mcinerney, the Board voted 4-0 (Commissioner Salgado absent) to UPHOLD the department and GRANT the permit.

ACTION: After discussion, upon motion by Commissioner Mcinerney, the Board voted 5-0 to DENY the request for rehearing.

SPEAKERS: Donald Toan, appellant; and Mark Casagrande, permit holder.

CONSENT ITEMS: With the consent of the Department of Building Inspection the Board will proceed to a vote without testimony to reduce the penalty (investigation fee) to two times the regular fee as provided for in the Building Code. Without consent the Board will take testimony and then decide the appeal individually.

APPEAL NO. 96-112

IVAN MRSIC, Appellant
(A) vs.
DEPT. BUILDING INSPECTION, Respondent

PLANNING DEPARTMENT APPROVAL

Imposition of Penalty on August 8, 1996, for work done at 660 Myra Way.
APPLICATION NO. 9514367.
FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Cullum, the Board voted 4-1 (Commissioner Mcinerney dissented) to OVERRULE the department with the CONDITION that the penalty be reduced to four times the regular fee of $172.90 for a total of $691.60.

SPEAKERS: Ivan Mrsic, appellant; and Rafael Torres-Gil, Senior Building Inspector for the Department of Building Inspection, who did not consent to reduction of penalty.

APPEAL NO. 96-149

FUNG LOON NG, Appellant
(B) vs.
DEPT. BUILDING INSPECTION, Respondent

PLANNING DEPARTMENT APPROVAL

Imposition of Penalty on October 31, 1996, for work done at 44 DeLong Street.
APPLICATION NO. 9616345.
FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Salgado, the Board voted 5-0 to OVERRULE the department with the CONDITION that the penalty be reduced to two times the regular fee of $297.05 for a total of $594.10.

SPEAKERS: Rafael Torres-Gil, Senior Building Inspector for the Department of Building Inspection. The appellant was present but did not speak.
ROXANNE WORTHINGTON & THOMAS SHIOSAKA, Appellants vs. DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

APPEAL NO. 96-152

Protesting issuance on October 25, 1996, to Stephen and Judith Gorski, permit to Alter a Building (install third story window) at 2366 - 48th Avenue. APPLICATION NO. 9620722. FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Cullum, the Board voted 4-1 (Commissioner McInerney dissented) to UPHOLD the department and GRANT the permit with the CONDITION that the lower half of the window be made of translucent glass.

SPEAKERS: Roxanne Worthington and Thomas Shiosaka, appellants; Stephen Gorski, permit holder; and Robert Passmore, Zoning Administrator for the Planning Department.

JOHN AND EILEEN MORRISSEY, Appellants vs. DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

APPEAL NO. 96-135

Protesting issuance on September 27, 1996, to John Roth, permit to Alter a Building (rear deck extension over existing recreation room; maximum vertical extension 4'6" including 3'0" railing) at 2020 Jackson Street. APPLICATION NO. 9613267S. FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Cullum, the Board voted 5-0 to CONTINUE the matter to December 4, 1996 for further review of the project.

SPEAKERS: Robert Passmore, Zoning Administrator for the Planning Department; Alice Barkley, attorney for appellants; and Jeremy Paul, agent for permit holder. Continuance was requested by appellant's attorney and opposed by permit holder's representative.

There being no further business, President Hu adjourned the meeting at 6:43 p.m.

Robert H. Feldman
Executive Secretary

Transcripts of these hearings can be obtained directly from Mae J. Chu, the Official Court Reporter, (415) 386-9018.
MINUTES OF THE
REGULAR MEETING OF THE BOARD OF APPEALS
WEDNESDAY, DECEMBER 4, 1996
5:30 P.M., VETERANS WAR MEMORIAL BUILDING
401 VAN NESS AVENUE, ROOM 428

PRESENT: President Wayne Hu, Vice President Mauri Schwartz, Commissioners Carole Cullum, John McInerney and Mario Salgado.

Robert Passmore, Zoning Administrator for the Planning Department; Judith Boyajian, Deputy City Attorney; Laurence Kornfield, Chief Building Inspector for the Department of Building Inspection; and Robert Feldman, Executive Secretary for the Board.

Mae J. Chu, Official Court Reporter.

Mae J. Chu, the Official Court Reporter, swore in all those who intended to testify during the meeting.

(1) PUBLIC COMMENT: This period is limited to 15 minutes at the beginning of the calendar and can be continued to the end of the calendar by the chair to complete the presentations in order to minimize delay to those in attendance for appeals.

SPEAKERS: None.

(2) COMMISSIONERS COMMENTS AND QUESTIONS.

SPEAKERS: None.

(3) Public hearing and consideration of draft letter from Board of Appeals to Planning Commission recommending review of Chinatown Visitor Retail District standards as they apply to 24-hour restaurants.

ACTION: Letter signed by Commissioners.

SPEAKERS: None.

APPEAL NO. 96-155

SULEIMAN ZEIDAN, Appellant vs. DEPT. PUBLIC HEALTH, Respondent [Protesting issuance on September 24, 1996, to Canadian American Oil Co., permit for Food Product Marketing Establishment (sale of candy and soft drinks) at 1898 Van Ness Avenue. PERMIT NO. B 18602. FOR HEARING TODAY.]
MINUTES OF THE REGULAR MEETING OF THE BOARD OF APPEALS, DECEMBER 4, 1996 (cont'd.)

ACTION: After discussion, upon motion by Commissioner Mcinerney, the Board voted 5-0 to **UPHOLD** the department and **GRANT** the permit.

SPEAKERS: Suleiman Zeidan, appellant; Aung Aung Taik, in support of appellant; Michael Meenan, representing permit holder; and Jack Breslin, Assistant Director of Environmental Health.

Items (5A) and (5B) were heard together

**APPEAL NO. 96-046**

**JERALD ROBERTS & LINDA KIEFER, Appellants** vs. **DEPT. BUILDING INSPECTION, Respondent**

**PLANNING DEPARTMENT APPROVAL**

[Protesting issuance on April 9, 1996, to Anthony and Susan Chan, permit to Erect a Building (three-story single family dwelling) at 2168 - 10th Avenue. APPLICATION NO. 9501843S. FOR HEARING TODAY.]

**APPEAL NO. 96-140**

**JERALD ROBERTS & LINDA KIEFER, Appellants** vs. **ZONING ADMINISTRATOR, Respondent**

[Amended determination by the Zoning Administrator dated September 9, 1996 partially granting and partially refusing determinations requested of him by the appellants that the plans approved for the one-family house proposed for 2168 - 10th Avenue are in violation of eight sections of the Planning Code, and that he refused to determine that inadequate and incorrect facts were available to support the conditional use authorization for the lot split and the applicant misrepresented facts on which the Planning Commission relied in allowing the lot split for the property at 2150 - 10th Avenue. FOR HEARING TODAY.]

ACTION: After discussion, upon motion by Commissioner Cullum, the Board voted 5-0 to **CONTINUE** the matter to January 22, 1997 for plan revisions reducing the size of the project to be approved by Planning and Building Inspection Departments and shown to neighbors.

SPEAKERS: John Sanger, attorney for appellants; Linda Kiefer, appellant; William Wara, John Craig, Felicia Leong, Harold Wright, opposed to the project; Alice Barkley and Jack Wholey, attorneys for permit holder; Robert Passmore, Zoning Administrator for the Planning Department, Gary Gee, architect for permit holder; and Judith Boyajian, Deputy City Attorney.
MINUTES OF THE REGULAR MEETING OF THE BOARD OF APPEALS, DECEMBER 4, 1996 (cont'd.)

The Board recessed from 7:43 to 7:48 p.m.

APPEAL NO. 96-135

JOHN AND EILEEN MORRISSEY, Appellants vs. DEPT. BUILDING INSPECTION, Respondent

PLANNING DEPARTMENT APPROVAL

(6) [Protesting issuance on September 27, 1996, to John Roth, permit to Alter a Building (rear deck extension over existing recreation room; maximum vertical extension 4'6" including 3'0" railing) at 2020 Jackson Street. APPLICATION NO. 9613267S. FOR HEARING TODAY.]

ACTION: After discussion, upon motion by Commissioner Cullum, the Board voted 4-1 (Commissioner McInerney dissented) to UPHOLD the department and GRANT the permit with the CONDITION that the plans be revised as outlined by Commissioner Cullum or as approved by the appellants.

SPEAKERS: Alice Barkley, attorney for appellants; Eileen Morrissey, appellant; Jeremy Paul, representing permit holder; Irene Roth, permit holder; Rosemary Brito, designer for project; Tammy Mehmed and Dina Collins, in support of permit holder; and Robert Passmore, Zoning Administrator for the Planning Department.

The Board recessed from 9:04 to 9:14 p.m.

Items (7A) and (7B) were heard together

APPEAL NO. 96-150

MEGAN G. SMITH, Appellant vs. DEPT. BUILDING INSPECTION, Respondent

PLANNING DEPARTMENT APPROVAL

(7A) [Protesting issuance on October 18, 1996, to George Goodwin, permit to Demolish a Building at 1025-1027 Diamond Street. APPLICATION NO. 9506308. FOR HEARING TODAY.]

ACTION: After discussion, upon motion by Commissioner McInerney, the Board voted 5-0 to UPHOLD the department and GRANT the permit.

SPEAKERS: Megan Smith, appellant; Doug Patterson, opposed to project; James Goodwin, permit holder; Brett Gladstone, attorney for permit holder; Robert Passmore, Zoning Administrator for the Planning Department; and Louis Robles, architect for permit holder.

APPEAL NO. 96-151

MEGAN G. SMITH, Appellant vs. DEPT. BUILDING INSPECTION, Respondent

PLANNING DEPARTMENT APPROVAL

(7B) [Protesting issuance on October 18, 1996, to George Goodwin, permit to Erect a Building (four stories, two residential units) at 1025-1027 Diamond St. APPLICATION NO. 9506307. FOR HEARING TODAY.]

ACTION: After discussion, upon motion by Commissioner McInerney, the Board voted 5-0 to UPHOLD the department and GRANT the permit.

SPEAKERS: Megan Smith, appellant; Doug Patterson, opposed to project; James Goodwin, permit holder; Brett Gladstone, attorney for permit holder; Robert Passmore, Zoning Administrator for the Planning Department; and Louis Robles, architect for permit holder.
MINUTES OF THE REGULAR MEETING OF THE BOARD OF APPEALS, DECEMBER 4, 1996 (cont’d.)

APPEAL NO. 96-153

WILLIAM CHAN, dba "STARDUST LOUNGE",
Appellant

(Determination dated October 28, 1996 by the Zoning Administrator)

ZONING ADMINISTRATOR, Respondent

(8)

ACTION: After discussion, upon motion by Commissioner McInerney, the Board voted 4-1 (Commissioner Cullum dissented) to UPHOLD the Zoning Administrator.

SPEAKERS: Robert Passmore, Zoning Administrator for Planning Department; Mark Rennie, attorney for Glen Scantlebury and Greg Jones, John O'Rourke, in support of the Zoning Administrator; and Bruce Quan, attorney for appellant.

APPEAL NO. 96-162

MAJESTIC HOTEL, Appellant

(9)

vs.

DEPT. BUILDING INSPECTION, Respondent

(Protesting issuance on November 8, 1996, to Arthur Evans, permit to Demolish a Building at 1550 Sutter Street.

APPLICATION NO. 9619955.

FOR HEARING TODAY.

ACTION: Upon motion by Vice President Schwartz, the Board voted 5-0 to UPHOLD the department and GRANT the permit with the four conditions outlined in the letter from Larry Telford, attorney for the appellant and David Cincotta, attorney for the permit holder.

SPEAKERS: The attorneys and parties were present but did not speak.

There being no further business, President Hu adjourned the meeting at 10:15 p.m.

Robert H. Feldman
Executive Secretary

Transcripts of these hearings can be obtained directly from Mae J. Chu, the Official Court Reporter, (415) 386-9018.
MINUTES OF THE
REGULAR MEETING OF THE BOARD OF APPEALS
WEDNESDAY, DECEMBER 11, 1996
5:30 P.M., VETERANS WAR MEMORIAL BUILDING
401 VAN NESS AVENUE, ROOM 428

PRESENT: President Wayne Hu, Vice President Mauri Schwartz, Commissioners Carole Cullum, John McInerney and Mario Salgado.

Robert Passmore, Zoning Administrator for the Planning Department; Rafael Torres-Gil, Senior Building Inspector for the Department of Building Inspection; and Robert Feldman, Executive Secretary for the Board.

Mae J. Chu, Official Court Reporter.

Mae J. Chu, the Official Court Reporter, swore in all those who intended to testify during the meeting.

(1) PUBLIC COMMENT: This period is limited to 15 minutes at the beginning of the calendar and can be continued to the end of the calendar by the chair to complete the presentations in order to minimize delay to those in attendance for appeals.

SPEAKER: Philip Carleton stated that the Building Department's permit notice procedure needs improvement.

(2) COMMISSIONERS COMMENTS AND QUESTIONS.

SPEAKERS: Commissioner McInerney requested that a tour of the Building Inspection and Planning Departments be scheduled in January 1997 to show the commissioners how building permits are processed.

The other commissioners agreed and the executive secretary said he would arrange it.

(3) REQUEST FOR JURISDICTION: Letter from Claire Pilcher, attorney for The Sunset Action Committee, requesting that the Board take jurisdiction over Building Permit Application No. 9616715 issued to Eddie Szeto to alter a building (proposed Burger King) at 1325 - 9th Avenue.

Date issued: October 11, 1996
Last day to appeal: October 28, 1996
Request for jurisdiction: December 2, 1996

ACTION: After discussion, upon motion by Commissioner Cullum, the Board voted 2-3 (Vice President Schwartz, Commissioners McInerney and Salgado dissented) to grant jurisdiction. Four votes are needed and the motion failed. The request is DENIED.
SPEAKERS: Lee Clinch for The Sunset Action Committee, requestor; Robert McCarthy, attorney for permit holder; Robert Passmore, Zoning Administrator for the Planning Department; and Rafael Torres-Gil, Senior Building Inspector for the Department of Building Inspection.

(4) CONSENT ITEMS: With the consent of the Department of Building Inspection the Board proceeded to a vote without testimony to reduce the penalty (investigation fee) to two times the regular fee as provided for in the Building Code.

APPEAL NO. 96-157

NATIVIDAD C. MATEO, Appellant

DEPT. BUILDING INSPECTION, Respondent

ACTION: Upon motion by Vice President Schwartz, the Board voted 4-0 (Commissioner Salgado absent) to OVERRULE the department with the CONDITION that the penalty be reduced to two times the regular fee of $183.30 for a total of $366.60.

SPEAKERS: The appellant was present but did not speak.

APPEAL NO. 96-163

SUSHIL KALRA, Appellant

DEPT. BUILDING INSPECTION, Respondent

ACTION: Upon motion by Vice President Schwartz, the Board voted 4-0 (Commissioner Salgado absent) to OVERRULE the department with the CONDITION that the penalty be reduced to two times the regular fee.

SPEAKERS: The appellant was present but did not speak.

The Board recessed from 6:24 to 6:28 p.m.

APPEAL NO. 96-130

PATRICK CONLEY, Appellant

DEPT. BUILDING INSPECTION, Respondent

[Denial on September 16, 1996, of permit to Alter a Building [(legalize existing ground floor unit built during the 1890's) at 38 Lyon Street.]

[APPLICATION NO. 9419077S. FOR HEARING TODAY.]
MINUTES OF THE REGULAR MEETING OF THE BOARD OF APPEALS, DECEMBER 11, 1996 (cont'd.)

ACTION: After discussion, upon motion by Commissioner McInerney, the Board voted 5-0 to OVERRULE the department with findings to be adopted at the next meeting and GRANT the permit; the house's use is clarified as two units on CONDITION that smoke detectors are installed as required by the Building Code.

SPEAKERS: Robert Passmore, Zoning Administrator for the Planning Department; Rafael Torres-Gil, Senior Building Inspector for the Building Department; Jeremy Paul, representing the appellant; Cheshire Boone, reading statement from tenant in ground floor unit; Megan Conley, appellant's daughter; and Patrick Conley, appellant.

The Board recessed from 7:12 to 7:19 p.m.

APPEAL NO. 96-156
CHRISTINE B. CORDARO, Appellant vs. DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

ACTION: After discussion, upon motion by Commissioner McInerney, the Board voted 5-0 to CONTINUE the matter to January 15, 1997 for written conditions and to check work with the Planning Department.

SPEAKERS: Christine Cordaro, appellant; Robert Passmore, Zoning Administrator for the Planning Department; Emilio Moran, permit holder; Rafael Torres-Gil, Senior Building Inspector for the Department of Building Inspection; Marilene Moran, permit holder's sister; Pastor Luningning M. Laylay, in support of permit holder.

Items (7A), (7B), (7C) were heard together

APPEAL NO. 96-158
JOHN & GRETCHEN BERGGRUEN, Appellants vs. DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on November 13, 1996, to John Parker Willis, permit to Erect a Building (two-unit dwelling over garage) at 1039 Vallejo Street.
APPLICATION NO. 9606099S.
FOR HEARING TODAY.

APPEAL NO. 96-159
JOHN & GRETCHEN BERGGRUEN, Appellants vs. DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on November 1, 1996, to John Parker Willis, permit to Erect a Building (two-unit dwelling over garage) at 1039 Vallejo Street.
APPLICATION NO. 9606099S.
FOR HEARING TODAY.

-3-
APPEAL NO. 96-160

JOHN & GRETCHEN BERGGRIEN, Appellants vs.
DEPT. BUILDING INSPECTION, Respondent

PLANNING DEPARTMENT APPROVAL

Protesting issuance on November 1, 1996, to John Parker Willis, permit to Erect a Building (two-unit dwelling over garage) at 1045 Vallejo Street.
APPLICATION NO. 9606100S.
FOR HEARING TODAY.

ACTION: WITHDRAWN prior to hearing by letter from Harry O'Brien, attorney for appellants.

APPEAL NO. 96-161

LORNA HERNANDEZ, Appellant vs.
DEPT. BUILDING INSPECTION, Respondent

Protesting issuance on November 4, 1996, to Joseph Imbelloni, permit to Alter a Building (remodel all kitchens and bathrooms, install 50 new fire rated front doors, paint interior) at 839 Leavenworth Street.
APPLICATION NO. 9621404.
FOR HEARING TODAY.

ACTION: After a request by Commissioner Mcinerney, upon motion by Commissioner Cullum, the Board voted 5-0 to RECUSE Commissioner Mcinerney because of conflict of interest; he left the dais at 8:15 p.m. Then after testimony and discussion, upon motion by Commissioner Cullum, the Board voted 4-0 to UPHOLD the department and GRANT the permit with the following CONDITIONS: The permit holder shall pay $2,500 to each tenant that vacates an apartment by January 5, 1997, if by January 15th, $2,000, and if vacated after January 15th, $1,000 as required by ordinance. If the building is not ready to be occupied within 90 days, then the permit holder shall pay each tenant $100 per month, due the first of each month, as a rent subsidy until such time as the building is again habitable and the tenant has refused an offer to move back in. The 90 days shall begin at the time the last tenant vacates the building.

SPEAKERS: Steven Collins and Ashley Ilangwa, attorneys for appellant; Ali Ragati, in support of appellant; Robert Imbelloni and Joseph Imbelloni, permit holder; Rafael Torres-Gil, Senior Building Inspector for the Department of Building Inspection; and Robert McCarthy, attorney for permit holder.

There being no further business, President Hu adjourned the meeting at 9:14 p.m.

Robert H. Feldman
Executive Secretary

Transcripts of these hearings can be obtained directly from Mae J. Chu, the Official Court Reporter, (415) 386-9018.