BOARD OF APPEAL MEETING MINUTES YEAR 1998
MINUTES OF THE
REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS
WEDNESDAY, JANUARY 14, 1998
6:00 P.M., VETERANS WAR MEMORIAL BUILDING
401 VAN NESS AVENUE, ROOM 428

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

Judith Boyajian, Deputy City Attorney; 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.

**SPEAKERS:** None.

(2) **COMMISSIONERS COMMENTS AND QUESTIONS.**

**SPEAKERS:** None.

(3) **REQUESTS FOR REHEARING:**

**ITEM A:** Letter from Carol Brooks and Mary Joy Thomas, appellants requesting rehearing of Appeal No. 97-145, 1969 California Street, Hearing December 10, 1997. Upon motion by Commissioner Salgado, the Board voted 4-1 (Commissioner Chin dissented) to **UPHOLD** the department and **GRANT** the permit.

**ACTION:** Upon motion by Commissioner Salgado, the Board voted 4-0 to **RECEIVE** Vice President McInerney at the request of the appellants. Then after testimony and discussion, the Board voted 4-0 to **DENY** the request for rehearing.

**SPEAKERS:** Mary Joy Thomas, appellant; Alice Barkley, attorney for permit holder; and Judith Boyajian, Deputy City Attorney.

Vice President McInerney left the dais at 6:15 p.m. and returned at 6:22 p.m. after the vote above.
JAMES TOWAN, JR., Appellant      APPEAL NO. 97-156  
DEPT. BUILDING INSPECTION, Respondent [Appeal for Refund of Penalty  
PLANNING DEPARTMENT APPROVAL [imposed on November 19, 1997,  
ACTION: Upon motion by Commissioner Chin, the Board voted 5-0 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.  
SPEAKERS: The appellant was present but did not speak.  

ARSENIO X. LOPEZ, Appellant      APPEAL NO. 97-157  
DEPT. BUILDING INSPECTION, Respondent [Imposition of Penalty on  
PLANNING DEPARTMENT APPROVAL [November 18, 1997, for work  
ACTION: Upon motion by Commissioner Chin, the Board voted 5-0 to OVERRULE the  
department with the CONDITION that the penalty be reduced to two times  
the regular fee of $539.83 for a total of $1,079.66.  
SPEAKERS: The appellant was present but did not speak.  

JOSE R. MEDINA, Appellant      APPEAL NO. 97-159  
DEPT. BUILDING INSPECTION, Respondent [Imposition of Penalty on  
PLANNING DEPARTMENT APPROVAL [November 10, 1997, for work  
ACTION: Upon motion by Commissioner Chin, 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: The appellant was present but did not speak.  

MITCH FINE, JOHN GARCIA AND      APPEAL NO. 97-158  
VICTOR ESCLAMADO, Appellants [Protesting issuance on November  
DEPT. BUILDING INSPECTION, Respondent [4, 1997, to the S.F. Redevelop-  
REDEVELOPMENT AGENCY APPROVAL [ment Agency, permit to Erect a  
ACTION: Upon motion by Commissioner Chin, 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: The appellant was present but did not speak.  

-3-
ITEM B: Letter from John Sanger, appellant requesting rehearing of Appeal No. 97-139, 406-410 Lombard Street. Hearing December 17, 1997. Upon motion by President Cullum, the Board voted 5-0 to **UPHOLD** the department with the revised plans submitted by the permit holder and marked Exhibit A received by the Board December 16, 1997 and **GRANT** the permit with the following **CONDITIONS:**

1. move the penthouse front wall back from the street by 4 feet;
2. reduce the size of the windscreen assembly which included 8" posts and casement windows with a 1½ foot clear glass frameless screen;
3. drop existing penthouse height by 2½ feet;
4. move 15 square feet of decking in front of the penthouse;
5. move 3 feet of the front west parapet back 2 feet from the property line;
6. reduce the front west parapet by 3 feet.

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

**SPEAKERS:** John Sanger, appellant; Charles Thomas, permit holder; Judith Boyajian, Deputy City Attorney; 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. 97-143**

SHAO HUA SITU, Appellant  
vs.  
DEPT. BUILDING INSPECTION, Respondent  

PLANNING DEPARTMENT APPROVAL  

(A)  

Imposition of Penalty on  
October 31, 1997, for work  
done at 4036 Mission Street.  
APPLICATION NO. 9720196.  
FOR HEARING TODAY.

**ACTION:** Upon motion by Commissioner Chin, the Board voted 5-0 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. 97-144**

KEVIN FREST, Appellant  
vs.  
DEPT. BUILDING INSPECTION, Respondent  

PLANNING DEPARTMENT APPROVAL  

(B)  

Appeal for Refund of Penalty  
imposed on November 4, 1997,  
for work done at 1920 - 16th Ave.  
APPLICATION NO. 9722301.  
FOR HEARING TODAY.

**ACTION:** Upon motion by Commissioner Chin, 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.
CONTINUED to January 21, 1998 at request of appellants.

Martin Eber, attorney for appellants; Les Hausrath, attorney for permit holders; Jennifer Bell, attorney for Redevelopment Agency; Ken Pressberg, permit holder; and Judith Boyajian, Deputy City Attorney.

HUGO WILDMAN, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on November 19, 1997, to Helene and Wolfgang Schulz, permit to Erect a Building (private garage) at 2027 Pacific Avenue. APPLICATION NO. 96072615. FOR HEARING TODAY.]

After discussion, upon motion and findings by Vice President Mcinerney, the Board voted 5-0 to UPHOLD the department and GRANT the permit.

Hugo Wildman, appellant; Wolfgang Schulz, permit holder; and Susan Kridler and Paul Steigerwald, in support of permit holder.

SPEAKERS:

SNARLED TRAFFIC OBSTRUCTS PROGRESS (STOP), Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Protesting granting on December 10, 1997, to the City and County of San Francisco, Modification of Rear Yard Requirements Variance to construct a garage with 330 parking spaces, up to 65 feet in height and with 10,000 square feet of ground floor retail space at 741 Vallejo Street. VARIANCE CASE NO. 97.614V. FOR HEARING TODAY.]

RESCHEDULED prior to February 4, 1998 at request of appellant with agreement of permit holder.

There being no further business, President Cullum adjourned the meeting at 7:30 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 SAN FRANCISCO BOARD OF APPEALS
WEDNESDAY, FEBRUARY 4, 1998
5:30 P.M., VETERANS WAR MEMORIAL BUILDING
401 VAN NESS AVENUE, ROOM 428

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

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 Secretary for the Board.

Jo Dillingham Brewer, Court Reporter, substituted for Mae J. Chu, Official Court Reporter.

(1) EXECUTIVE SESSION

(A) Public comment on all matters pertaining to the closed session.

SPEAKERS: None.

(B) Voted on whether to hold a closed session to confer with legal counsel (S.F. Administrative Code Section 67.11(a)).

ACTION: Upon motion by Commissioner Schwartz, the Board voted 5-0 to hold closed session.

(C) Closed session pursuant to Government Code Section 54956.9 and S.F. Administrative Code Section 67.11(b).

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

George Hauser and Rene Peinado, petitioners and plaintiffs vs.
Board of Appeals, CCSF, et al., respondents and defendants
Superior Court No. 992-078
Appeal No. 97-114
1275 Lombard Street

SPEAKER: Judith Boyajian, Deputy City Attorney, advised the Board.

(D) Reconvened in open session. Voted to elect whether to disclose any or all discussions held in closed session (S.F. Administrative Code Section 67.14(a)).
ACTION: Upon motion by President Cullum, the Board voted 5-0 to not disclose any or all discussions held in closed session.

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

Jo Dillingham Brewer, substituting for Mae J. Chu, swore in all those who intended to testify during the meeting.

(2) ANNUAL ELECTION OF BOARD OFFICERS.

ACTION: Upon motion by Commissioner Schwartz, the Board voted 5-0 to re-elect Commissioner Carole Cullum as President and Commissioner John Mcinerney as Vice President.

(3) PUBLIC COMMENT: Speakers may testify for up to three minutes. 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 calendared appeals.

SPEAKERS: None.

(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. 98-006**

MING QING CHU, Appellant

vs.

DEPT. BUILDING INSPECTION, Respondent

PLANNING DEPARTMENT APPROVAL 98-006

Appeal for Refund of Penalty

imposed on January 13, 1998,

for work done at 1519 - 46th Ave.

APPLICATION NO. 9725950.

FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Chin, the Board voted 5-0 to OVERRULE the department with the CONDITION that the penalty be reduced to two times the regular fee of $378.30 for a total of $756.60.

SPEAKERS: The appellant was present but did not speak.

**APPEAL NO. 98-007**

NANCY WOO PAN, Appellant

vs.

DEPT. BUILDING INSPECTION, Respondent

PLANNING DEPARTMENT APPROVAL 98-007

Appeal for Refund of Penalty

imposed on January 15, 1998,

for work done at 4114 California Street.

APPLICATION NO. 9723262.

FOR HEARING TODAY.
ACTION: Upon motion by Commissioner Chin, the Board voted 5-0 to OVERRULE the department with the CONDITION that the penalty be reduced to two times the regular fee of $248.30 for a total of $496.60.

SPEAKERS: The appellant was present but did not speak.

APPEAL NO. 97-158

MITCH FINE, JOHN GARCIA AND VICTOR ESCLAMADO, Appellants vs. DEPT. BUILDING INSPECTION, Respondent REDEVELOPMENT AGENCY APPROVAL

[Protesting issuance on November 4, 1997, to the S.F. Redevelopment Agency, permit to Erect a Building (eight-stories with 158 apartments, retail space and garages) at 399 Fourth Street. APPLICATION NO. 9711446S. FOR HEARING TODAY.]

ACTION: The Board was polled as to whether the environmental documents had been reviewed and considered. All answered "Aye". After discussion, upon motion by President Cullum, the Board voted 4-1 (Commissioner Salgado dissented) to UPHOLD the department and GRANT the permit.

SPEAKERS: Martin Eber, attorney for appellants; Jim Burkim, in support of appellants; Howard Wexler, attorney for permit holder; Judy Eng and Jennifer Bell for the Redevelopment Agency; Rafael Torres-Gil, Senior Building Inspector for the Department of Building Inspection; and Judith Boyajian, Deputy City Attorney.

APPEAL NO. V97-173

SNARLED TRAFFIC OBSTRUCTS PROGRESS (STOP), Appellant vs. ZONING ADMINISTRATOR, Respondent

[Protesting granting on December 12, 1997, to the City and County of San Francisco, Modification of Rear Yard Requirements Variance to construct a garage with 330 parking spaces, up to 65 feet in height and with 10,000 square feet of ground floor retail space at 741 Vallejo Street. VARIANCE CASE NO. 97.614V. FOR HEARING TODAY.]

ACTION: Upon motion by President Cullum, the Board voted 4-0 to RECUSE Commissioner Chin because of a conflict of interest. Then after testimony and discussion, upon motion by Vice President McInerney, the Board voted 4-0 to UPHOLD the Zoning Administrator and GRANT the variance with findings.

SPEAKERS: Kelly Drumm, attorney for appellant; Robert Tibbits, Jonelle Levy, James Norwood Pratt, Andy Katz, Arthur Chang, Joan Wood, Norman Rolfe, June Osterberg, Patricia Cady, Peter Overmire, in opposition to the project;
Rose Pak, Jasmine Kaw, Enid Ng Lim, Roger Boschetti, Harding Leong, Tiger Wong, Mel Lee, Alice Barkley, Marsha Garland, Mark J. Romero, Ray Woo, Hanna Suleiman, Ray P. Siotto, Michael Garavaglia, Rev. Norman Fong, Wil Dun, Graviamo Lucchesi, Michael Mah, Sherman Yu, in support of project; Bill Maher, Director and Donald Alangida, Project Manager, Department of Parking and Traffic and Robert Passmore, Zoning Administrator for the Planning Department.

The Board recessed from 7:24 to 7:26 p.m. and 8:30 to 8:40 pm.

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

**APPEAL NO. 97-155**

WILLIAM BUERSTER, PATRICIA CALDER, JAMES ELLINGSEN, WILLIAM CLARK AND SCOTT MILLER, Appellants vs. DEPT. BUILDING INSPECTION, Respondent

PLANNING DEPARTMENT APPROVAL

[Protesting issuance on November 3, 1997 to Noe Vista LLC, permit to Demolish a Building (two-story single family dwelling) at 1344 Noe Street. APPLICATION NO. 9619625. FOR HEARING TODAY.]

**APPEAL NO. 97-167**

WILLIAM BUERSTER & PATRICIA CALDER, Appellants vs. DEPT. BUILDING INSPECTION, Respondent

PLANNING DEPARTMENT APPROVAL

[Protesting issuance on November 25, 1997, to Noe Vista LLC, permit to Erect a Building (three-story two family dwelling) at 1346-1348 Noe Street. APPLICATION NO. 9619617S. FOR HEARING TODAY.]

**APPEAL NO. 97-168**

JAMES H. ELLINGSEN, Appellant vs. DEPT. BUILDING INSPECTION, Respondent

PLANNING DEPARTMENT APPROVAL

[Protesting issuance on November 25, 1997, to Noe Vista LLC, permit to Erect a Building (three-story two family dwelling) at 1346-1348 Noe Street. APPLICATION NO. 9619617S. FOR HEARING TODAY.]

**ACTION:** Upon motion by President Cullum, the Board voted 5-0 to UPHOLD the department and GRANT the permits with the revisions to the plans as agreed to by all parties. The Honorable Susan Leal brought the parties together and mediated the settlement and plan revisions before the hearing.

**SPEAKERS:** Andrew Zacks, attorney for appellants; and Alice Barkley, attorney for permit holder.

The Board recessed from 9:31 to 9:32 p.m.
MINUTES OF THE REGULAR MEETING OF THE BOARD OF APPEALS, FEBRUARY 4, 1998 (cont'd.)

APPEAL NO. 97-166

PLANNING AROUND DIVISADERO STREET,
Appellant

vs.

ZONING ADMINISTRATOR, Respondent

[Zoning Administrator's determination dated November 24, 1997 to Patricia Vaughey that the plans for the proposed Burger King restaurant at 500 Divisadero Street are in compliance with applicable conditions of Planning Commission Motion No. 10864 authorizing a fast food restaurant at that site under Conditional Use Case No. 86.446C decided December 6, 1986. FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Salgado, the Board voted 4-1 (Vice President McInerney dissented) to OVERRULE the Zoning Administrator.

SPEAKERS: Cynthia Marcucci and Patricia Vaughey, appellants; Mark Lorenzen, Valerie Hartwell, Richard Kay, Martha Goman, Greg Hansen, Steven Haigh, Deborah Glenn, Robin Endres, Lee Clinch, Gloria Tulansowski, Rick Osmon, Matthew Eber, Charles Brigolin, Robb Perry, Harry Pariser, Michelle Marzullo, David Meader, Jerry Wilder, Michael Smithwick, Tim Seufert, Gloriamarie Araneda, in support of appellants; Robert Passmore, Zoning Administrator for the Planning Department; Alice Barkley, attorney for permit holder.

(9) COMMISSIONERS COMMENTS AND QUESTIONS.

SPEAKERS: None.

There being no further business, President Cullum adjourned the meeting at 10:41 p.m.

Transcripts of these hearings can be obtained directly from Jo Dillingham Brewer, the Court Reporter, (415) 386-9018.
MINUTES OF THE
REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS
WEDNESDAY, FEBRUARY 11, 1998
6:00 P.M., VETERANS WAR MEMORIAL BUILDING
401 VAN NESS AVENUE, ROOM 428

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

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.

Commissioner Schwartz welcomed Laurence Kornfield back from sick leave and requested that copies of the pending calendars be included in the Commissioners' packets.

President Cullum thanked Susan Leal for mediating a difficult case last week and asked the executive secretary to draft a thank you letter for President Cullum's signature.

GEORGE HAUSER, Appellant

vs.

DEPT. BUILDING INSPECTION, Respondent

PLANNING DEPARTMENT DISAPPROVAL

APPEAL NO. 97-114

[Denial on August 25, 1997, of permit to Alter a Building
[(merger of four dwelling units to two dwelling units) at
1275 Lombard Street.
APPLICATION NO. 9714635.
SUPERIOR COURT NO. 992-078.
FOR REHEARING ON REMAND TODAY.

ACTION: Upon motion by Commissioner Chin, the Board voted 4-0 to RECUSE Vice President McInerney because of a conflict interest. Then after testi-
mony and discussion, upon motion by Commissioner Salgado, the Board voted 4-0 to OVERRULE department and GRANT the permit with findings by the attorney for appellant to be adopted at a later date.

SPEAKERS: Carlos Alvarez, attorney for appellant; F. Joseph Butler, Francisco Centurion, Tim Covington, in support of the Zoning Administrator; Robert Passmore, Zoning Administrator; and Judith Boyajian, Deputy City Attorney.

Vice President McInerney left the dais at 6:15 p.m. and returned after item was concluded at 6:59 p.m. The Board recessed from 6:50 to 6:54 p.m.

**APPEAL NO. 97-175**

JIM CHEW, dba "TLC SPA", Appellant vs. POLICE DEPARTMENT, Respondent

**APPEAL NO. 97-174**

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

ACTION: RESCHEDULED to March 18, 1998 at the request of the attorney for the appellant, with the agreement of the Police Department.
APPEAL NO. 97-172

TERRANCE LEE, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

Protesting issuance on December 12, 1997, to Reina Lopez, permit to Alter a Building (replace existing wood fence with eight foot cinder block fence on side and rear of property) at 130 - 27th Street.
APPLICATION NO. 9723036.
FOR HEARING TODAY.

ACTION: RESCHEDULED to April 1, 1998 at the request of the permit holder.

APPEAL NO. 97-176

FAITH RAIDER, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

Determination by the Zoning Administrator dated December 8, 1997, addressed to McDonald's Corp., Opus National LLC, and Marriott, International, Inc., project sponsors, that the proposed clinic and retail uses fail to comply with Planning Commission Motion No. 13790 which authorized the mixed-use project at 600 Van Ness Avenue, and the lack of an item in the determination on the changes to the project's open space plan leaves the public without an opportunity to appeal the changes.
FOR HEARING TODAY.

ACTION: WITHDRAWN by fax at 5:00 p.m. by appellant.

Report by Executive Secretary on management goals' progress. The Board recommended ways questionnaire can be distributed for greater response.

Mr. Feldman thanked Mr. Kornfield for repairing Commissioner Chin's microphone stand before the hearing.
There being no further business, President Cullum adjourned the meeting at 7:21 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.
MINUTES OF THE
REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS
WEDNESDAY, FEBRUARY 18, 1998
6:00 P.M., VETERANS WAR MEMORIAL BUILDING
401 VAN NESS AVENUE, ROOM 428

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

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) ADOPTION OF FINDINGS: Appeal No. 97-114, 1275 Lombard Street. Hearing February 11, 1998. Upon motion by Commissioner Chin, the Board voted 4-0 to RECUSE Vice President McInerney because of a conflict of interest. Then after testimony and discussion, upon motion by Commissioner Salgado, the Board voted 4-0 to OVERRULE the department and GRANT the permit with findings to be prepared by the appellant's attorney.

ACTION: Upon motion by Vice President McInerney, the Board voted 4-0 to RECUSE Vice President McInerney because of a conflict of interest. Then upon motion by Commissioner Salgado, the Board voted 4-0 to ADOPT findings.

Vice President McInerney left the dais at 6:10 p.m. and returned at 6:11 p.m. before item 4 was called.
SAVERNE PROPERTIES, Appellant vs.
DEPT. PUBLIC WORKS, Respondent

APPEAL NO. 97-171

[Denial on December 2, 1997, [of permit to remove and [replace four trees in front [of 490 Pacific Avenue. [ORDER NO. 170,757. [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 findings and the CONDITION that the appellant use 48" boxes for the replacement trees.

SPEAKERS: John Fournet for Department of Public Works, Street Use & Mapping; and Mark Cavagnero, project architect and Roy Leggitt, certified arborist for appellants.

ROSALIND SCOTT, Appellant vs.
DEPT. BUILDING INSPECTION, Respondent

PLANNING DEPARTMENT APPROVAL

APPEAL NO. 98-002

[Protesting issuance on December [24, 1997, to Denis McMahon, [permit to Erect a Building [(six live/work units) at [21 Stillman Street. [APPLICATION NO. 9707495. [FOR HEARING TODAY.

ACTION: Upon motion by President Cullum, the Board voted 4-0 to RECUSE Vice President McInerney because of a conflict of interest, and he left the dais at 6:34 p.m. Then after testimony and discussion, upon motion by Commissioner Salgado, the Board voted 2-2 (President Cullum and Commissioner Chin dissented) to overrule the department and deny the permit. Four votes are needed and the motion failed. The permit is UPHELD.

SPEAKERS: Rosalind Scott, appellant; Alice Barkley, attorney for permit holder; Brian Bach, in support of permit holder; David Sternberg, architect for permit holder; Robert Passmore, Zoning Administrator for the Planning Department; and Laurence Kornfield, Chief Building Inspector for the Department of Building Inspection.

The Board recessed from 7:16 to 7:30 p.m. Vice President McInerney returned to the dais at 7:30 p.m.

LUIS FELLER, ROLAND FELLER, MARK JANSEN & BARBARA KIBBY, Appellants vs.
ZONING ADMINISTRATOR, Respondent

APPEAL NO. V98-001

[Denial on December 23, 1997, [of Rear Yard Variance (to allow the retention of a deck at the rear of the subject property built without permit) at 3825-3827 25th Street. [VARIANCE CASE NO. 97.791V. [FOR HEARING TODAY.

-2-
ACTION: After discussion, upon motion by Vice President McInerney, the Board voted 2-3 (President Cullum, Commissioners Chin and Salgado dissented) to uphold the department and deny the variance. Then upon motion by President Cullum, the Board voted 4-1 (Vice President McInerney dissented) to OVERRULE the Zoning Administrator and GRANT the variance with findings submitted by the appellants.

SPEAKERS: Robert Passmore, Zoning Administrator for the Planning Department; and John Peterson, architect for appellants.

BHAZUBHAI C. PATEL, Appellant vs. ZONING ADMINISTRATOR, Respondent

APPEAL NO. 97-165

Determinations addressed to Timothy J. Lee of the Tenderloin Housing Clinic dated November 19, 1997 by the Zoning Administrator that the Beach Motel at 4201 Judah Street owned by Bhaubhai C. Patel is not a legal non-conforming commercial use and is classified as a 100% residential hotel and cannot be operated as a tourist motel.

FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Salgado, the Board voted 1-4 (President Cullum, Vice President McInerney, Commissioners Chin and Schwartz dissented) to uphold the Zoning Administrator. Two votes are needed and the motion fails. Then upon motion by Commissioner Schwartz, the Board voted 3-2 (President Cullum and Commissioner Salgado 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; Andrew Schwartz and Judith Boyajian, Deputy City Attorneys; Andrew Zacks, attorney for appellant; Randy Shaw, R.G. Goudy, Ana B. Arguello, Bill Soro, Allen Steele, Wai Ching Kwan, Diane Payne, Prince Bush, Eden Felt, James Murray, Garth Ferguson, Timothy Lee, Alvin Sered, in support of Zoning Administrator; Bhaubhai Patel, appellant; and B.J. Patel, Rose Tsai, Wai Ming Wong, Jim Scully, Peter Chung, Jay Parks, Malcolm Perkins, Vivian Goodwin, Jeff Curtis, Jeni Fong, Jim Holeman, Louis Chan, Ritva Kaje, Ilya Kaushledt, Hanna An, John Keating, Sammy Au, Precios Agoshin, Sue Wong, John Goodwin, Danny Good, John Maguire, Sally Yu, Patty Sing, Lorraine Lucas, Sam Patel, Patrick Maguire, Dan Maguire, Frank Sher, Philip McDonald, Joe Poon, Marion Aires, Judy Lee, in support of the appellant.

The Board recessed from 8:32 to 8:43 p.m. and 9:59 to 10:11 p.m.
MINUTES OF THE REGULAR MEETING OF THE BOARD OF APPEALS, FEBRUARY 18, 1998 (cont'd.)

There being no further business, President Cullum adjourned the meeting at 11:26 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.
MINUTES OF THE
REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS
WEDNESDAY, MARCH 4, 1998
6:00 P.M., VETERANS WAR MEMORIAL BUILDING
401 VAN NESS AVENUE, ROOM 428

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

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) REQUESTS FOR REHEARING:

ITEM A: Letter from Neil D. Eisenberg, attorney for Mitch Fine and Armstrong Painting and Roofing, appellants, requesting rehearing of Appeal No. 97-158, 399 Fourth Street. Hearing February 4, 1998. The Board was polled as to whether the environmental documents had been reviewed and considered. All answered "Aye". After discussion, upon motion by President Cullum, the Board voted 4-1 (Commissioner Salgado dissented) to UPHOLD the department and GRANT the permit.

ACTION: WITHDRAWN at hearing by attorney for appellants.

for transfers and redemptions when the cumulative transfer of stock ownership or assets of a corporate permittee equals or exceeds 10% of total of stock ownership or assets, then a prorated number of corporately owned permits shall be revoked by the Police Department according to the following formula: the number of permits to be revoked equals the cumulative transfer percentage times the total number of corporate permits (rounded).

**ACTION:** After discussion, upon motion by Commissioner Schwartz, the Board voted 5-0 to CONTINUE the matter one week to allow parties to submit briefs, due Monday, March 9, 1998 by fax.

**SPEAKERS:** Norman Lew, attorney for K.K.L. and Huey, Inc.; Judith Boyajian and Thomas Owen, Deputy City Attorneys; Robert McCarthy, attorney for Veterans Taxi-cab, Luxor Cabs and Twin Peaks Transportation, opposed to rehearing; Julie Sims, read a letter from Senator Quentin Kopp; and Mark Gruberg, United Taxicab Workers.

(4) **CONSENT ITEMS:** With the consent of the Department of Building Inspection the Board proceeded to a vote on items 4A and 4C 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 took testimony on items 4B and 4D and decided the appeals individually.

**APPEAL NO. 98-013**

**KIT TANG, Appellant**

**vs.**

**DEPT. BUILDING INSPECTION, Respondent**

PLANNING DEPARTMENT APPROVAL

**APPLICATION NO. 9800483.**

[Imposition of Penalty on February 4, 1998, for work done at 259 Brussels Street.]

**ACTION:** Upon motion by Commissioner Schwartz, 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. 98-014**

**JAMES GRIMES, Appellant**

**vs.**

**DEPT. BUILDING INSPECTION, Respondent**

PLANNING DEPARTMENT APPROVAL

**APPLICATION NO. 9712382.**

[Imposition of Penalty on February 6, 1998, for work done at 1919 Oakdale Avenue.]

**ACTION:** After testimony and discussion, upon motion by Commissioner Chin, the Board voted 3-2 (President Cullum and Vice President McInerney dissented) 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. Four votes are needed and the motion fails. Then upon motion by President Cullum, the Board voted 5-0 to OVERRULE the department with the CONDITION that the penalty be reduced to three times the regular fee of $183.30 for a total of $549.90.
MINUTES OF THE REGULAR MEETING OF THE BOARD OF APPEALS, MARCH 4, 1998 (cont'd.)

SPEAKERS: James Grimes, appellant; Herb Bergans, in support of appellant; and Laurence Kornfield, Chief Building Inspector for the Department of Building Inspection.

APPEAL NO. 98-018
CHOI HA LAI, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

ACTION: Upon motion by Commissioner Schwartz, the Board voted 5-0 to OVERRULE the department with the CONDITION that the penalty be reduced to two times the regular fee of $225.51 for a total of $451.02.

SPEAKERS: The appellant was present but did not speak.

APPEAL NO. 98-019
WARREN McKAY, JR., Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent

ACTION: After testimony and discussion, upon motion by Vice President McInerney, the Board voted 3-2 (Commissioners Schwartz and Salgado dissented) to overrule the department with the condition that the penalty be reduced to three times the regular fee of $236.17 for a total of $708.51. Four votes are needed and the motion fails. Then upon motion by Commissioner Salgado, the Board voted 2-3 (Vice President McInerney, Commissioners Chin and Salgado dissented) to overrule the department and reduce the penalty to five times the regular fee of $236.17 for a total of $1,180.85. Four votes are needed and the motion fails. Then upon motion by Commissioner Chin, the Board voted 5-0 to OVERRULE the department with the CONDITION that the penalty be reduced to six times the regular fee of $236.17 for a total of $1,417.02.

SPEAKERS: Warren McKay, appellant; Sarkis Khanzadian, in support of appellant; and Laurence Kornfield, Chief Building Inspector for the Department of Building Inspection.

APPEAL NO. 98-003
DENNIS & CAROL HAMBY, Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

ACTION: RESCHEDULED prior to hearing to May 6, 1998 at request of appellants.
MINUTES OF THE REGULAR MEETING OF THE BOARD OF APPEALS, MARCH 4, 1998 (cont'd.)

APPEAL NO. 96-138

NEIL CHAITIN, Appellant  
vs.  
DEPT. BUILDING INSPECTION, Respondent  
PLANNING DEPARTMENT APPROVAL

Protesting issuance on August 8, 1996, to Farah Champsi, permit to Alter a Building (horizontal rear addition to enlarge family room at first floor, enlarge bedroom at second floor and add deck at third floor) at 2740 Divisadero Street.  
APPLICATION NO. 9310717S.  
FOR HEARING TODAY.

ACTION: RESCHEDULED at hearing to April 22, 1998 with agreement of the parties.

SPEAKER: Farah Champsi, permit holder.

APPEAL NO. 98-005

PRESERVE OUR NEIGHBORHOODS, Appellant  
vs.  
DEPT. BUILDING INSPECTION, Respondent

Protesting issuance on December 24, 1997, to The Good Guys!, permit to Alter a Building (tenant improvement at lower and main floors; new retaining wall at lower level; new passenger elevator to serve all levels; interior remodel) at 3201 - 20th Avenue.  
APPLICATION NO. 9724916.  
FOR HEARING TODAY.

ACTION: WITHDRAWN prior to hearing by appellant.


ACTION: After discussion, upon motion by Commissioner Schwartz, the Board voted 5-0 to ADOPT the budget.

There being no further business, President Cullum adjourned the meeting at 7:21 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 SAN FRANCISCO BOARD OF APPEALS
WEDNESDAY, MARCH 11, 1998
6:00 P.M., VETERANS WAR MEMORIAL BUILDING
401 VAN NESS AVENUE, ROOM 428

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

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: Sue Hestor stated that Vice President McInerney should not participate in live/work cases.

Jeff Sheely, Michael Spain, Robert McCarthy, Julie Sims, Mark Gruberg, Thomas Owen, and Jane Bollig, spoke regarding the request for rehearing for the taxicab stock transfers.

(2) COMMISSIONERS COMMENTS AND QUESTIONS.

SPEAKER: Commissioner Schwartz remarked that she cannot read material submitted at the hearing and listen to testimony at the same time.

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

REQUEST FOR REHEARING:

by Commissioner Schwartz, the Board voted 4-1 (Commissioner Salgado dissented) to **OVERRULE** the Police Commission with findings and **CONDITIONALLY GRANTS** the requests for transfers and redemptions when the cumulative transfer of stock ownership or assets of a corporate permittee equals or exceeds 10% of total of stock ownership or assets, then a prorated number of corporately owned permits shall be revoked by the Police Department according to the following formula: the number of permits to be revoked equals the cumulative transfer percentage times the total number of corporate permits (rounded).

**ACTION:** After discussion, upon motion by Commissioner Salgado, the Board voted 5-0 to **GRANT** rehearing and scheduled it for **April 1, 1998.**

**SPEAKERS:** None. (Speakers spoke under Public Comment, Item 1.)

**ITEM B:** Letter from Andrew M. Zacks, attorney for Harsch Investment Corp., appellant, requesting rehearing of Appeal No. 97-174, The Allison Hotel at 417 Stockton Street. Hearing February 11, 1998. Upon motion by President Cullum, the Board voted 4-1 (Vice President McInerney dissented) to **UPHOLD** the department **DENIAL** of the permit with findings prepared by the City Attorney.

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

**SPEAKER:** Andrew M. Zacks, attorney for appellant.

**REQUEST FOR JURISDICTION BEYOND FIFTEEN-DAY APPEAL PERIOD:**

**ITEM C:** Letter from Thomas Clothier requesting that the Board take jurisdiction over Building Permit Application No. 9801980 issued to Maria Wilcosky for foundation work at 3310 Baker Street.

<table>
<thead>
<tr>
<th>Date issued</th>
<th>February 5, 1998</th>
</tr>
</thead>
<tbody>
<tr>
<td>Last day to appeal</td>
<td>February 20, 1998</td>
</tr>
<tr>
<td>Request for jurisdiction</td>
<td>February 24, 1998</td>
</tr>
</tbody>
</table>

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

**SPEAKERS:** Allan E. Low, attorney for permit holder; Brian Hunter, attorney for Thomas Clothier; and Laurence Kornfield, Chief Building Inspector for the Department of Building Inspection.
Items (4A) and (4B) were heard together

**APPEAL NO. 97-079**

MICHEL LE FEBVRIER & JENNIFER RICHARDSON, Appellants

(4A) vs.

DEPT. BUILDING INSPECTION, Respondent

PLANNING DEPARTMENT APPROVAL

Protesting issuance on June 10, 1997, to Ravi and Carol Anand, permit to Alter a Building (demolition of existing units; additional plans for record keeping to illustrate extent of demolition required to complete remodeling approved under PA #9709005) at 1386-88 10th Avenue.

APPLICATION NO. 9710604.

FOR FURTHER HEARING TODAY.

**APPEAL NO. 97-080**

MICHEL LE FEBVRIER & JENNIFER RICHARDSON, Appellant

(4B) vs.

DEPT. BUILDING INSPECTION, Respondent

PLANNING DEPARTMENT APPROVAL

Protesting issuance on May 30, 1997, Ravi and Carol Anand, permit to Alter a Building (renovate, add garage and finish existing basement into family room) at 1386-88 10th Avenue.

APPLICATION NO. 9709905.

FOR FURTHER HEARING TODAY.

**ACTION:** After discussion, upon motion by Vice President McInerney, the Board voted 5-0 to **UPHOLD** the department and **GRANT** the permits with the CONDITION that (1) work proceed and tenants not be displaced from building; (2) DBI to review and charge any additional fees if scope of work requires it; (3) permit holder not precluded from passing along costs after work is completed under the Rent Ordinance.

**SPEAKERS:** Chanler Sparler, attorney for appellants; Edward Printz, attorney for permit holder; and Laurence Kornfield, Chief Building Inspector for the Department of Building Inspection.

The Board recessed from 7:15 to 7:29 p.m.

**APPEAL NO. 97-170**

ALBERT & FRANCES BRUNDAGE, Appellants

(5) vs.

DEPT. BUILDING INSPECTION, Respondent

PLANNING DEPARTMENT DISAPPROVAL

Denial on December 15, 1997, of permit to Alter a Building (new roof over existing patio with skylights) at 15 Montclair Terrace.

APPLICATION NO. 9719397.

FOR HEARING TODAY.

**ACTION:** After discussion, upon motion by Commissioner Schwartz, the Board voted 5-0 to **OVERRULE** the department with findings and **GRANT** the permit.
MINUTES OF THE REGULAR MEETING OF THE BOARD OF APPEALS, MARCH 11, 1998 (cont'd.)

SPEAKERS: Robert Passmore, Zoning Administrator for the Planning Department; Frances Brundage, appellant; and Gary Kerns, contractor for appellants.

APPEAL NO. 98-009

CITIZENS FOR HONEST LIVE/WORK, Appellant

DEPT. BUILDING INSPECTION, Respondent

PLANNING DEPARTMENT APPROVAL

[Protesting issuance on January 17, 1998, to ELH LLC, permit to Erect a Building (15 live/work units) at 1488 Harrison Street. APPLICATION NO. 9716562.

FOR HEARING TODAY.

ACTION:

The Board was polled as to whether the Negative Declaration and environmental documents had been reviewed and considered. All answered "Aye". After discussion, upon motion by President Cullum, the Board voted 4-1 (Commissioner Schwartz dissented) to UPHOLD the department and GRANT the permit with the following CONDITIONS: (1) That the permit holder shall follow the soundproofing recommendations of the sound consultant Charles M. Salter Associates, Inc. after tests at 10 p.m. and 3 a.m. on a Friday night. (2) That the permit holder shall record on the land records a revised Notice of Special Restrictions with a Section 6(F) which shall specifically warn buyers of units that there are numerous nightclubs and restaurants in the area and that there is a nightclub located next door to the subject site which is open until 6 a.m. (3) Item 2 of said revised Notice of Special Restrictions submitted by the permit holder shall be modified to replace the word "to" with "must" after "activities" and shall add "and" in line 2 after "units" and before "shall". (4) In addition, the revised Notice of Special Restrictions language shall be included in the Supplementary Disclosures form given to prospective buyers to be signed by prospective buyers to insure their actual knowledge of the uses in the area of the site.

SPEAKERS: Sue Hestor, attorney for appellant; Robin Reichert, Alex Carlin, Byron Schostag, Ann Cohen, Jim Billings, in support of appellant; Robert Passmore, Zoning Administrator for the Planning Department; Steven Vettel, attorney for permit holder; Eric Bradhurst, Theresa Sabella, in support of permit holder; and Paul Chow, permit holder.

The Board recessed from 8:48 to 9:01 p.m.

APPEAL NO. 98-016

MARCIA LIEBERMAN, Appellant

DEPT. BUILDING INSPECTION, Respondent

PLANNING DEPARTMENT APPROVAL

[Protesting issuance on January 26, 1998, to Bertha Flores, permit to Alter a Building (waterproof and underpin foundation wall at south property line; replace 1/2 slab; add perforated drain below slab; relocate existing hot water and heater) at 307 Bocana Street. APPLICATION NO. 9722650.

FOR HEARING TODAY.
MINUTES OF THE REGULAR MEETING OF BOARD OF APPEALS, MARCH 11, 1998 (cont'd.)

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

SPEAKERS: Marcia Lieberman, appellant; Laurence Kornfield, Chief Building Inspector for the Department of Building Inspection; Judith Boyajian, Deputy City Attorney; and Bertha Flores, permit holder.

APPEAL NO. 98-012

CURTIS & NANCY DAVIES, Appellants
vs.
ZONING ADMINISTRATOR, Respondent

[ Determination addressed to Owners [and Residents of 1220 Jones Street [dated January 21, 1998, that the [rooftop structures that existed [at 73-75 Pleasant Street prior [to alterations recently commenced [under BPA No. 9708689 comply with [the conditional use authorized [by the Planning Commission on [January 7, 1982 (Resolution No. [9270); replacing the glass roof [of the penthouse "greenhouse" [room at the top of the building [with opaque non-glass material [does not constitute a significant [modification of the conditional [use; and that Resolution No. 9270 [did not preclude the penthouse ["greenhouse" room from being used [as occupied floor space (by plants [or people). [FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Salgado, the Board voted 4-0 to RECUSE Vice President McInerney because of a conflict of interest. Mr. McInerney left the meeting. Then upon motion by Commissioner Salgado, the Board voted 4-0 to DENY the request to continue the matter. Then after discussion, upon by Commissioner Salgado, the Board voted 4-0 to UPHOLD the Zoning Administrator determination.

SPEAKERS: Lynn Axelrod, attorney for appellants; Howard Wexler, attorney for permit holder; Robert Passmore, Zoning Administrator for the Planning Department; and Jane Tsang, in support of appellants.

There being no further business, President Cullum adjourned the meeting at 10:25 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 SAN FRANCISCO BOARD OF APPEALS
WEDNESDAY, MARCH 18, 1998
6:00 P.M., VETERANS WAR MEMORIAL BUILDING
401 VAN NESS AVENUE, ROOM 428

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

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: At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: None.

(2) COMMISSIONERS COMMENTS AND QUESTIONS.

SPEAKERS: None.

(3) APPEAL NO. 97-175

JIM CHEW, dba "TLC SPA", Appellant

vs.

POLICE DEPARTMENT, Respondent

PLANNING DEPARTMENT DISAPPROVAL

[Denial on August 5, 1997,
[(jurisdiction granted by Board of Appeals on December 10,
[1997) of massage establishment
[permit at 1785 Bancroft Avenue.
[FOR HEARING TODAY.}
I

MINUTES OF THE REGULAR MEETING OF THE BOARD OF APPEALS, MARCH 18, 1998 (cont'd.)

ACTION: After discussion, upon motion by Commissioner Salgado, the Board voted 4-1 (Vice President McInerney dissented) to UPHOLD the department and DENY the permit with the CONDITION that the department return as much of the fees that is legally allowed.

SPEAKERS: Sergeant William Coggan and Captain Sylvia Harper, S.F.P.D.; Robert Passmore, Zoning Administrator and Susana Montana, for the Planning Department; Donald McNab, agent for appellant; Jim Chew, appellant; and Leon Hugo, Espanola Jackson, Anna Aguirre, Pauline Peel, Sophie Maxwell, Amelia Ashley Ward, Paul Gloss, Yolanda Harris, in support of the department.

APPEAL NO. 98-017

JOHN J. SHOOTER, INC., Appellant vs. DEPT. PUBLIC WORKS, Respondent

[Denial on January 30, 1998, of permit to remove and replace 17 trees at the Sansome Street frontage of 1155 Battery and 1265 Battery Street. ORDER NO. 170,871. FOR HEARING TODAY.]

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

SPEAKERS: John Fournet, DPW; Peter Callender, appellant; Michael Franklin, in support of appellant; Robert Passmore, Zoning Administrator for the Planning Department.

The Board recessed from 7:34 to 7:40 p.m.

APPEAL NO. 97-169

PAUL Y. YUNG & SONIA Y. CHAN, Appellants vs. DEPT. BUILDING INSPECTION, Respondent

[Denial on October 14, 1997, of permit to Alter a Building (conversion of limited commercial use to a residential dwelling unit) at 1090 Montgomery Street. APPLICATION NO. 9711157. FOR HEARING TODAY.]

ACTION: Upon motion by Commissioner Schwartz, the Board voted 4-0 to RECUSE Commissioner Chin because of a conflict of interest. Then after testimony and discussion, upon motion by Commissioner Salgado, the Board voted 4-0 to OVERRULE the department and GRANT the permit with CONDITIONS: (1) unit to remain an affordable unit; (2) permit holder to bring unit up to Building Code standards; (3) rent to be limited by Rent Ordinance and not raised to market rate when becomes vacant.
MINUTES OF THE REGULAR MEETING OF THE BOARD OF APPEALS, MARCH 18, 1998 (cont'd.)

SPEAKERS: Robert Passmore, Zoning Administrator for the Planning Department; Laurence Kornfield, Chief Building Inspector for the Department of Building Inspection; Wendy Hill, Deborah Loutsch, Vanessa Bergland, Margaret Selgren, in support of appellants; and Sonia Chan, appellant.

Commissioner Chin left the dais at 7:50 p.m. and returned at 8:15 p.m.

APPEAL NO. 97-146

MARTIN ENG, Appellant

(6)

DEPT. BUILDING INSPECTION, Respondent

PLANNING DEPARTMENT APPROVAL

[Protesting issuance on October 29, 1997, to Anthony DiGenova, permit to Alter a Building (combine penthouse and apt. 1003 by constructing a stairway and upgrade penthouse bathroom) at 665 Pine Street. APPLICATION NO. 9715114. FOR HEARING TODAY.]

ACTION: After discussion, upon motion by President Cullum, the Board voted 5-0 to OVERRULE the department and DISAPPROVE the permit.

SPEAKERS: Adam Slate, attorney for appellant; Laurence Kornfield, Chief Building Inspector for the Department of Building Inspection; Joseph Sacramento, attorney for permit holder; and Doug Grabinsky, building manager for permit holder.

The Board recessed from 8:58 to 9:03 p.m.

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

APPEAL NO. 98-021

ROBERT KUZMAN & WILLIAM HUNT, Appellant

(7A)

DEPT. BUILDING INSPECTION, Respondent

PLANNING DEPARTMENT APPROVAL

[Protesting issuance on February 1998, to Michael Finney, permit to Alter a Building (internal remodelling and new addition to existing residence; demolish existing rear stair and shed structure; new fire escape, deck and front stairs and entry; new kitchens and baths) at 489 Douglass Street. APPLICATION NO. 9712445. FOR HEARING TODAY.]
APPEAL NO. 98-022

LISA CHUN, Appellant
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

(7B) [Protesting issuance on February 1998, to Michael Finney, permit to Alter a Building (Internal remodelling and new addition to existing residence; demolish existing rear stair and shed structure; new fire escape, deck and front stairs and entry; new kitchens (and baths) at 489 Douglass Street.
APPLICATION NO. 9712445.
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 the CONDITIONS that the second floor deck is deleted and be covered by a new permit and that the 10 days to request a rehearing be waived so that work can commence.

SPEAKERS: Michael Finney, permit holder; Lisa Chun and Rick Kuzman, appellants; Mark Brand, architect for permit holder; and Judith Boyajian, Deputy City Attorney.

There being no further business, President Cullum adjourned the meeting at 9:24 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.
MINUTES OF THE
REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS
WEDNESDAY, APRIL 1, 1998
6:00 P.M., VETERANS WAR MEMORIAL BUILDING
401 VAN NESS AVENUE, ROOM 428

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

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: At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: F. Joseph Butler and Patricia Vaughey reported that the project sponsors for 1271-1279 Lombard Street are not following the conditions imposed by the Board.

Patricia Vaughey reported that developers are seeking permits piecemeal to avoid Code provisions for major projects.

(2) COMMISSIONERS COMMENTS AND QUESTIONS.

SPEAKERS: Commissioner Schwartz requested that the parties submit plans that can be read easily.

President Cullum dedicated the meeting to the memory of Bella Abzug, who passed away during the past week.
(3) REQUEST FOR REHEARING:

ITEM A: Letter from Andrew M. Zacks, attorney for Bhazubhai C. Patel, appellant requesting rehearing of Appeal No. 97-165, The Beach Motel at 4201-4211 Judah Street. Hearing February 18, 1998. Upon motion by Commissioner Salgado, the Board voted 1-4 (President Cullum, Vice President McInerney, Commissioners Chin and Schwartz dissented) to uphold the Zoning Administrator. Two votes are needed and the motion fails. Then upon motion by Commissioner Schwartz, the Board voted 3-2 (President Cullum and Commissioner Salgado dissented) 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 Salgado, the Board voted 2-3 (Vice President McInerney, Commissioners Chin and Schwartz dissented) to DENY the request for rehearing. Then upon motion by Vice President McInerney, the Board vote 3-2 to CONTINUE consideration to August 19, 1998 to await the Superior Court decision.

SPEAKER: Andrew Zacks, attorney for appellant.

ITEM B: Letter from Lynn L. Axelrod, attorney for Curtis Davies, requesting rehearing of Appeal No. 98-012, 73-75 Pleasant Street. Hearing March 11, 1998. Upon motion by Commissioner Salgado, the Board voted 4-0 to RECUSE Vice President McInerney because of a conflict of interest. Mr. McInerney left the meeting. Then upon motion by Commissioner Salgado, the Board voted 4-0 to DENY the request for continuance. Then after discussion, upon motion by Commissioner Salgado, the Board voted 4-0 to UPHELD the Zoning Administrator determination.

ACTION: Upon motion by Commissioner Salgado, the Board voted 4-0 to RECUSE Vice President McInerney because of a conflict of interest. Then after testimony, and discussion the Board voted 4-0 to DENY the request for rehearing.

SPEAKERS: Lynn Axelrod, attorney for appellant; and Howard Wexler, attorney for property owners.

Vice President McInerney left the dais at 6:29 p.m. and returned at 6:40 p.m.

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

SAL SALMA, Appellant

(4A) VS.

DEPT. BUILDING INSPECTION, Respondent

PLANNING DEPARTMENT APPROVAL

APPEAL NO. 98-040

Protesting issuance on March 3, 1998, to Gorilla Sports, permit to Alter a Building (demolish existing second floor walls and walk-in coolers to create aerobic room and storage; remove first floor to provide locker rooms, toilets, aerobic room and front desk; seismic retrofit due to change of use) at 2324 Chestnut Street. [APPLICATION NO. 9801614. FOR HEARING TODAY.]
APPEAL NO. 98-024

Determination on February 19, 1998 concerning Conditions 3, 6 and 10 of an off-street parking variance granted to Gene Campbell of Gorilla Sports for the property at 2324 Chestnut Street; appellant requests that the variance be stayed until said conditions are met; conditions require that 10 parking spaces be leased at 2524 Lombard Street, that all conditions and Codes be met and that a notice of special restrictions be recorded containing all conditions of the variance decision.

VARIANCE CASE NO. 97.833V.

FOR HEARING TODAY.

SAL SALMA, Appellant vs.
ZONING ADMINISTRATOR, Respondent

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

SPEAKERS: Sal Salma, appellant; Robert Myers, agent for appellant; Robert Passmore, Zoning Administrator; Eric Messersmith, attorney for project sponsor; Dave Fox, project sponsor; Ken Zankel and Patricia Vaughey, in support of the project.

The Board recessed from 7:30 to 7:39 p.m.

Items (5A) through (5D) were heard together

APPEAL NO. 98-026

Protesting issuance on November 4, 1997 (issued in error and suspended on February 11, 1998 to allow 15-day appeal period), to Maria P. Wilcosky, permit to Alter a Building (vertical addition) at 3310 Baker Street.
APPLICATION NO. 9722323.
FOR HEARING TODAY.

BETRAM J. RODGERS, JR., Appellant vs.
DEPT. BUILDING INSPECTION, Respondent

APPEAL NO. 98-027

Protesting issuance on November 4, 1997 (issued in error and suspended on February 11, 1998 to allow 15-day appeal period), to Maria P. Wilcosky, permit to Alter a Building (vertical addition) at 3310 Baker Street.
APPLICATION NO. 9722323.
FOR HEARING TODAY.

JAMES T. REA, Appellant vs.
DEPT. BUILDING INSPECTION, Respondent
APPEAL NO. 98-028
THOMAS CLOTHIER, Appellant
(5C) vs.
DEPT. BUILDING INSPECTION, Respondent

Protesting issuance on November 4, 1997 (issued in error and suspended on February 11, 1998 to allow 15-day appeal period), to Maria P. Wilcosky, permit to Alter a Building (vertical addition) at 3310 Baker Street.
APPLICATION NO. 9722323.
FOR HEARING TODAY.

APPEAL NO. 98-029
THOMAS CLOTHIER, Appellant
(5D) vs.
DEPT. BUILDING INSPECTION, Respondent

Protesting issuance on February 12, 1998, Maria Wilcosky, permit to Alter a Building (replace load bearing beams next to garage with steel beams) at 3310 Baker Street.
APPLICATION NO. 9802438.
FOR HEARING TODAY.

ACTION:
After discussion, upon motion by Commissioner Schwartz, the Board voted 2-3 (President Cullum, Vice President McInerney and Commissioner Chin dissented) to overrule the department and revoke the permit. Four votes are needed and the motion failed. Then upon motion by Vice President McInerney, the Board voted 3-2 (Commissioners Salgado and Schwartz dissented) to UPHOLD the department and GRANT the permit with findings from permit holder's attorney.

SPEAKERS:
Betram Rodgers and Thomas Clothier, appellants; Harry Sutcliffe, in support of Thomas Clothier; Laurence Kornfield, Chief Building Inspector for the Department of Building Inspection; Robert Passmore, Zoning Administrator for the Planning Department; Judith Boyajian, Deputy City Attorney; Brian Connors, attorney for James Rea; Allan Low, attorney for permit holder.

The Board recessed from 8:29 to 8:38 p.m.

Items (6A) through (6E) were heard together

APPEAL NO. 97-092
YELLOW CAB COOPERATIVE, INC., Appellant
(6A) vs.
POLICE COMMISSION, Respondent

Denial of Taxicab Stock Transfer Request from Yellow Cab Cooperative, Inc. by the Police Commission dated May 29, 1997.
RESOLUTION NO. 73-97.
FOR REHEARING TODAY.

APPEAL NO. 97-093
CHANGS INC., K.K.L. CAB COMPANY, STATE CAB COMPANY & HUEY, INC., Appellants
(6B) vs.
POLICE COMMISSION, Respondent

RESOLUTION NO. 55-97.
FOR REHEARING TODAY.
MINUTES OF THE REGULAR MEETING OF THE BOARD OF APPEALS, APRIL 1, 1998 (cont'd.)

**APPEAL NO. 97-094**

TWIN PEAKS TRANSPORTATION COMPANY, Appellant vs. POLICE COMMISSION, Respondent

(6C) Denial of Taxicab Stock Transfer Request from Twin Peaks Transportation Company by the Police Commission dated May 1, 1997.

RESOLUTION NO. 55-97.

FOR REHEARING TODAY.

**APPEAL NO. 97-095**

VETERANS CAB COMPANY, Appellant vs. POLICE COMMISSION, Respondent

(6D) Denial of Taxicab Stock Transfer Request from Veterans Cab Company by the Police Commission dated May 1, 1997.

RESOLUTION NO. 55-97.

FOR REHEARING TODAY.

**APPEAL NO. 97-096**

LUXOR CABS, INC., Appellant vs. POLICE COMMISSION, Respondent

(6E) Denial of Taxicab Stock Transfer Request from Luxor Cabs, Inc. by the Police Commission dated May 1, 1997.

RESOLUTION NO. 55-97.

FOR HEARING TODAY.

**ACTION:**

After discussion, upon motion by Commissioner Schwartz, the Board voted 2-3 (President Cullum, Commissioners Salgado and Chin dissented) to overrule the Police Commission. Motion failed and Police Commission was UPHELD.

**SPEAKERS:**

Thomas Owen, Deputy City Attorney; Maragaret Zaragos, Sophie Pomerantz, Jane Boardman, Julie Simms read statement from Senator Quentin Kopp, Stan Heinz, Tara Housman, Ada Stone, Dale Fuller, Heresh Shah, Michael Kelly, Jean-Michel Norman, Michael Kelly, Ron Walter, Michael Koshera, Keith Raskin, James Chan read letter from David Quong, Fidel Benes, William Qutami, Ruth Graffis, Peter Lipp, Mark Gruberg, Jane Bolig, Herman Trinidad, Christopher Collings, attorney for some cab drivers, Nathan Dwiri, in support of the Police Commission; Wayne Canterbury and Robert McCarthy, attorneys for Veterans, Luxor and Twin Peaks Transportation; Philip Ward, attorney for Yellow Cab; Norman Lew, attorney for KKL and Huey, Inc.; and Arthur Limpe; Tom Diesso, Doug Engmann, Jose Labrado, Alex Poshiagan, Rosemary Kingsley, Mae Tong, Mara Diamond, Jim Gray, Jerry Smith, Jim Margolis, Ken Tong, Manuel Herrera, Steven Ramers, Chuck Walker, Michael Spain, in support of appellants.

The Board recessed from 10:18 to 10:28 p.m.
There being no further business, President Cullum adjourned the meeting at 11:34 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 SAN FRANCISCO BOARD OF APPEALS
WEDNESDAY, APRIL 8, 1998
6:00 P.M., VETERANS WAR MEMORIAL BUILDING
401 VAN NESS AVENUE, ROOM 428

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

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 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) Informational presentation by Director of Planning Gerald Green on Planning Commission Policies and Procedures for Live/Work Projects (approximately 15 minutes).

SPEAKERS: Gerald Green gave a presentation on live/work projects.

Rafael Torres-Gil briefly presented Laurence Kornfield's matrices of the Building Code regulations regarding live/work buildings.

(2) PUBLIC COMMENT: At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: Judy West, Joan Holden, Ann Cohn, Julia Rosenblatt, Michael Singsen, Charlotte Tanaka, Brad Paul, Alice Barkley, Jim Billings, Terry Hutchinson, Joe O'Donoghue, Susan Shindler, Michael Lutd, live/work development, and the club scene.
(3) COMMISSIONERS COMMENTS AND QUESTIONS.

SPEAKERS: President Cullum described the jurisdiction of the Board and directed those who want changes in the zoning concerning the preservation of nightclubs to speak to the Planning Commission and the Board of Supervisors.

(4) REQUEST FOR REHEARING: Letter from Sue Hestor, attorney for Citizens for Honest Live/Work, appellant, requesting rehearing of Appeal No. 98-009, 1488 Harrison Street. Hearing March 11, 1998. The Board was polled as to whether the Negative Declaration and environmental documents had been reviewed and considered. All answered "Aye". Upon motion by President Cullum, the Board voted 4-1 (Commissioner Schwartz dissented) to UPHOLD the department and GRANT the permit with CONDITIONS.

ACTION: After discussion, upon motion by President Cullum, the Board voted 3-2 (Vice President McInerney and Commissioner Chin dissented) to grant re-hearing. Four votes are necessary and the request is DENIED.

SPEAKERS: Sue Hestor, attorney for appellant; Steven Vettel, attorney for permit holder; and Jim Billings, Robin Sweikert, Brad Paul, Alex Carlin, Dow Tunis, Judy West, Paul Chow, in support of the appellant.

There being no further business, President Cullum adjourned the meeting at 7:50 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 Carole Cullum, Vice President John McInerney, Commissioners Arnold Chin, Mario Salgado and Mauri Schwartz.

Judith Boyajian, Deputy City Attorney; 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: At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKER: John Bardis thanked the Board for keeping Sima Kushnirsky's appeal on the May 6, 1998 calendar.

(2) COMMISSIONERS COMMENTS AND QUESTIONS.

SPEAKER: President Cullum presented a Resolution of Appreciation to Commissioner Salgado. The Board then voted 4-0 to adopt the Resolution of Appreciation. Commissioner Salgado has resigned effective at the end of this meeting. He is moving to Los Angeles for professional reasons.

(3) REQUEST FOR REHEARING: Letter from Thomas J. Clothier requesting rehearing of Appeal Nos. 98-026, 98-027, 98-028 and 98-029, 3310 Baker Street. Hearing April 1, 1998. Upon motion by Commissioner Schwartz, the Board voted 2-3 to overrule the department
and deny the permits. Four votes are needed to overrule and the motion failed. Then upon motion by Vice President McInerney, the Board voted 3-2 to **UPHOLD** the departments and **GRANT** the permits.

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

**SPEAKERS:** Brian Connors, attorney for appellant; and Allan Low, attorney for permit holder.

**APPEAL NO. 96-138**

Neil Chaitin, Appellant vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on August 8, 1996, to Farah Champsi, permit to Alter a Building (horizontal rear addition to enlarge family room at first floor, enlarge bedroom at second floor and add deck at third floor) at 2740 Divisadero Street.
APPLICATION NO. 9310717S.
FOR HEARING TODAY.]

**ACTION:** **RESCHEDULED** prior to hearing at the request of the parties to July 8, 1998.

**APPEAL NO. 97-172**

Terrance Lee, Appellant vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on December 12, 1997, to Reyna Lopez, permit to Alter a Building (replace existing wood fence with eight foot cinder block fence on side and rear of property) at 130 - 27th Street.
APPLICATION NO. 9723036.
FOR HEARING TODAY.]

**ACTION:** **CONTINUED** to May 6, 1998 at request of permit holder.

**APPEAL NO. 98-038**

Evelyn Jurow & Mary Lou Myers, Appellants vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on February 23, 1998, to Michael Blakeman, permit to Alter a Building (legalize existing rear deck of lower unit and replace roof deck of upper unit) at 2869 Union Street.
APPLICATION NO. 9802644.
FOR HEARING TODAY.]
ACTION: WITHDRAWN at hearing by appellants after her withdrawal letter was read into the record.

SPEAKER: Evelyn Jurow, appellant.

There being no further business, President Cullum adjourned the meeting at 6:18 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 SAN FRANCISCO BOARD OF APPEALS
WEDNESDAY, MAY 6, 1998
6:00 P.M., VETERANS WAR MEMORIAL BUILDING
401 VAN NESS AVENUE, ROOM 428

PRESENT: Vice President John McInerney, Commissioners Arnold Chin and Mauri Schwartz.
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 Secretary for the Board.
Mae J. Chu, Official Court Reporter.

ABSENT: President Carole Cullum.

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

(1) PUBLIC COMMENT: At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: Michael Tomars requested that Vice President McInerney recuse himself since he is being investigated by the attorney general.

(2) COMMISSIONERS COMMENTS AND QUESTIONS.

SPEAKERS: None.

(3) REQUEST FOR JURISDICTION BEYOND FIFTEEN-DAY APPEAL PERIOD: Letter from Forrest Faulknor Enterprises requesting that the Board take jurisdiction over the Zoning Administrator determination that automotive sales or rentals are not permitted at 1101 Sutter Street because it is located in the Polk Street Neighborhood Commercial District.
MINUTES OF THE REGULAR MEETING OF THE BOARD OF APPEALS, MAY 6, 1998 (cont'd.)

Date of determination: April 6, 1998
Last day to file an appeal: April 21, 1998
Request for jurisdiction: April 23, 1998

ACTION: After discussion, upon motion by Commissioner Chin, the Board voted 3-0 to GRANT jurisdiction. The requestor has 15 days to file an appeal.

SPEAKERS: James Faulknor for Forrest Faulknor Enterprises.

(4) CONSENT ITEMS: With the consent of the Department of Building Inspection the Board proceeded to a vote on items 4A through 4D 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 took testimony on items 4E and 4F and decided the appeals individually.

APPEAL NO. 98-025

TEODORO & MARISSA GONZALES, Appellants

vs.

DEPT. BUILDING INSPECTION, Respondent

APPLICATION NO. 9505165

FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Schwartz, the Board voted 3-0 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 appellants were present but did not speak.

APPEAL NO. 98-030

CHARLES E. HAYES, Appellant

vs.

DEPT. BUILDING INSPECTION, Respondent

APPLICATION NO. 9724904.

FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Schwartz, the Board voted 3-0 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. 98-036

RICHARD A. MILLER, Appellant

vs.

DEPT. BUILDING INSPECTION, Respondent

APPLICATION NO. 9725201S.

FOR HEARING TODAY.
ACTION: Upon motion by Commissioner Schwartz, the Board voted 3-0 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. 98-037**

GERALD & ROSE CASSIDY, Appellants vs. DEPT. BUILDING INSPECTION, Respondent

**PLANNING DEPARTMENT APPROVAL**

Imposition of Penalty on March 4, 1998, for work done at 33 Cuvier Street. APPLICATION NO. 9701983. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Schwartz, the Board voted 3-0 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. 98-039**

PACIFIC EQUITIES, Appellant vs. DEPT. BUILDING INSPECTION, Respondent

**PLANNING DEPARTMENT DISAPPROVAL**

Imposition of Penalty on March 4, 1998, for work done at 861A Hayes Street. APPLICATION NO. 9802436. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Schwartz, the Board voted 3-0 to **SUSTAIN** the penalty.

SPEAKERS: The appellant did not appear.

**APPEAL NO. 98-069**

GERARDO PINTO & MARIANNE RUDDY, Appellants vs. DEPT. BUILDING INSPECTION, Respondent

**PLANNING DEPARTMENT DISAPPROVAL**

Imposition of Penalty on April 13, 1998, for work done at 1506-08 Alabama St. APPLICATION NO. 9802518S. FOR HEARING TODAY.

ACTION: **ADMINISTRATIVELY WITHDRAWN**, Department of Building Inspection reviewed the case and dropped its penalty. No action needed by Board.

SPEAKERS: The appellant was present but did not speak.
MINUTES OF THE REGULAR MEETING OF THE BOARD OF APPEALS, MAY 6, 1998 (cont'd.)

Items (5A) and (5B) were heard together

APPEAL NO. 98-050

FOUNDATION FOR S.F. ARCHITECTURAL HERITAGE, Appellant

(5A)

vs.

PLANNING COMMISSION, Respondent

APPEAL NO. 98-051

FOUNDATION FOR S.F. ARCHITECTURAL HERITAGE, Appellant

(5B)

vs.

PLANNING COMMISSION, Respondent

Approval and granting of certain exceptions regarding Open Space, Pedestrian Streetscape Improvements, Freight Loading/Service Vehicle Space, Shadows on Streets, Shadows on Public or Publicly Accessible Open Space, Artwork, Demolition of Contributory Buildings in Cons. District, and New Construction in Cons. District for a proposed office and retail project at 244-256 Front Street under Planning Code Section 3098, to Patson Development Company on March 12, 1998.

PLANNING COMMISSION MOTION NO. [14600, PLANNING DEPT. APPLICATIONS 96.159X and 96.643B.

[FOR HEARING TODAY.

Project authorization approval by the Planning Commission on March 12, 1998 for proposed office and retail project at 244-256 Front Street under Planning Code Secs. 321 and 322 with 62,745 s.f. of office space, 16,014 s.f. of retail space, 10,795 s.f. of basement parking, 1,591 s.f. of open space and 1,110 s.f. of storage space.

PLANNING COMMISSION MOTION NO. [14601, PLANNING DEPT. APPLICATIONS 96.159X and 96.643B.

[FOR HEARING TODAY.

ACTION: The Board was polled as to whether the environmental documents had been reviewed and considered. All answered "Aye". After discussion and testimony, upon motion by Commissioner Chin, the Board voted 3-0 to UPHOLD the Planning Commission with findings prepared by attorney for project sponsor.

SPEAKERS: Jim Nixon, Planner and Robert Passmore, Zoning Administrator for Planning Department; Susan Brandt-Hawley, attorney for appellant; Harry O'Brien, attorney for project sponsor; Jeffrey Heller, project architect; and Mrs. G. Bland Platt, for appellant.

The Board recessed 7:34 to 7:48 p.m.
Items (6A) and (6B) were heard together

**APPEAL NO. 98-010**

CHARLES & LUCINDA CROCKER, Appellants (6A) vs. DEPT. BUILDING INSPECTION, Respondent

- Denial on January 9, 1998, of permit to Alter a Building
- (replace gable roof with flat roof deck; remove bath and stairs at upper level; interior renovation; renovate facade; remove interior partition walls and renovate garage level; reuse facade at rear structure; construct pool in courtyard; join openings with 1405 Montgomery Street) at 1403 Montgomery Street.

**APPLICATION NO. 9707006S.**

**FOR HEARING TODAY.**

**APPEAL NO. 98-011**

CHARLES & LUCINDA CROCKER, Appellant (6B) vs. DEPT. BUILDING INSPECTION, Respondent

- Denial on January 9, 1998, of permit to Alter a Building
- (replace doors and windows at front facade; renovate facade of rear structure; remove stair penthouse at roof deck; minor interior alterations; join openings with 1403 Montgomery Street at 1405 Montgomery St.

**APPLICATION NO. 9707007S.**

**FOR HEARING TODAY.**

**ACTION:** Upon motion by Commissioner Schwartz, the Board voted 2-0 to RECUSE Commissioner Chin because of a conflict of interest. Then upon motion by Vice President McInerney, the Board voted 2-0 to CONTINUE the matter of June 10, 1998.

**SPEAKERS:** None. Appellants and David Cincotta, their attorney were present.

**APPEAL NO. 98-046**

GERARDO PINTO & MARIANNE RUDDY, Appellants (7) vs. DEPT. BUILDING INSPECTION, Respondent

- Denial on March 6, 1998, of permit to Alter a Building
- (legalize flat on ground floor; add windows in kitchen and living room; add fan and light in bathroom; provide fire wall and door between garage and flat) at 1506-08 Alabama Street.

**APPLICATION NO. 9802518S.**

**FOR HEARING TODAY.**

**ACTION:** Upon motion by Commissioner Chin, the Board voted 3-0 to CONTINUE the matter to November 18, 1998.
MINUTES OF THE REGULAR MEETING OF THE BOARD OF APPEALS, MAY 6, 1998 (cont'd.)

SPEAKERS: Rafael Torres-Gil, Senior Building Inspector for the Department of Building Inspection. Appellants were present and did not speak.

APPEAL NO. 98-042

DONNA STACK, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

PROTESTING ISSUANCE ON FEBRUARY 20, 1998, TO COLEMAN KAO, PERMIT TO ALTER A BUILDING (FOURTH FLOOR ADDITION TO EXISTING BUILDING, TO ENLARGE TWO OF THE DWELLING UNITS; RECONFIGURATION OF OTHER UNITS AS REQUIRED; ADD FOUR OFF-STREET PARKING SPACES; SMALL REAR ADDITION AT ALL FLOORS) AT 2048 GREEN STREET.
APPLICATION NO. 9113103S.
FOR HEARING TODAY.

ACTION: WITHDRAWN at hearing by Jeremy Paul, agent for appellant, with written agreement of the parties submitted for the record.

SPEAKERS: None.

APPEAL NO. 98-043

MICHAEL TOMARS, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

PROTESTING ISSUANCE ON FEBRUARY 26, 1998, TO VILLAGE PROPERTIES, PERMIT TO ERECT A BUILDING (14 LIVE/WORK UNITS) AT 1100 HOWARD STREET.
APPLICATION NO. 9714756.
FOR HEARING TODAY.

ACTION: The Board was polled as to whether the Negative Declaration had been reviewed and considered. All answered "Aye". After discussion and testimony, the Board voted 2-1 (Commissioner Schwartz dissented) to UPHOLD the department and GRANT the permit.

SPEAKERS: Michael Tomars, appellant; Sue Hestor and Micheli Welch, in support of the appellant; Robert Passmore, Zoning Administrator for the Planning Department; Alice Barkley, attorney for permit holder; and Joe Cassidy and Joe O'Donoghue, in support of the project.

The Board recessed from 8:31 to 8:52 p.m.
MINUTES OF THE REGULAR MEETING OF THE BOARD OF APPEALS, MAY 6, 1998 (cont'd.)

APPEAL NO. 98-044

SIMA KUSHNIRSKY, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

(10)

[Protesting issuance on February 25, 1998, to Vlad Shubov, permit to Alter a Building (plans are revisions to plans under BPA 9800553 required after discretionary review by Planning Commission on December 18, 1997 for removal of rear extension built without permit; permit holder seeks reinstatement of extension disallowed by Commission and appellant seeks removal of all of rear extension built in violation of Codes) at 1234-33rd Ave. APPLICATION NO. 9803117. FOR HEARING TODAY.]

ACTION: Upon motion by Commissioner Schwartz, the Board voted 3-0 to CONTINUE the matter to June 3, 1998.

SPEAKERS: Nellya Pierce, appellant's daughter; John Bardis, in support of appellant; and Jeremy Paul, agent for permit holder; and Karen Gershaw, appellant's nurse.

CLOSED SESSION: Matter continued one week on motion by Vice President McInerney and vote of 3-0.

(11A) PUBLIC COMMENT ON ALL MATTERS PERTAINING TO THE CLOSED SESSION.

SPEAKERS: None.

(11B) CLOSED SESSION PURSUANT TO GOVERNMENT CODE SECTION 54957 AND SAN FRANCISCO ADMINISTRATIVE CODE SECTION 67.10(b).

PUBLIC EMPLOYEE EVALUATION: Robert Feldman, Executive Secretary

(11C) RECONVENE IN OPEN SESSION TO VOTE WHETHER TO DISCLOSE ANY OR ALL DISCUSSIONS HELD IN CLOSED SESSION (San Francisco Administrative Code Section 67.10(b)).

There being no further business, Vice President McInerney adjourned the meeting at 9:05 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 SAN FRANCISCO BOARD OF APPEALS
WEDNESDAY, MAY 13, 1998
6:00 P.M., VETERANS WAR MEMORIAL BUILDING
401 VAN NESS AVENUE, ROOM 404

(Room 404 used instead of usual Room 428 because of large crowd attending for Item 6)

PRESENT: President Carole Cullum, Vice President John McInerney, Commissioners Arnold Chin and Mauri Schwartz.

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 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: At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: Jeremy Paul asked for clarification on Appeal 98-042 withdrawn last week by him; he asked that the parties’ agreement be attached to the permit.

Rafael Torres-Gil, Senior Building Inspector for the Department of Building Inspection, assured the Board it would be done.

(2) COMMISSIONERS COMMENTS AND QUESTIONS.

SPEAKERS: Vice President McInerney said that the Board accepted the withdrawal with the understanding the agreement would be attached to the permit and President Cullum agreed.
MINUTES OF THE REGULAR MEETINGS OF THE BOARD OF APPEALS, MAY 13, 1998 (cont'd.)

(3) REQUEST FOR REHEARING: Letter from Donald W. McNabb on behalf of Jim Chew, requesting hearing of Appeal No. 97-175, 1785 Bancroft Avenue. Hearing March 18, 1998. Upon motion by Commissioner Salgado, the Board voted 4-1 (Vice President McNerney dissented) to UPHOLD the department and DENY the permit.

ACTION: After discussion, upon by Commissioner Schwartz, the Board voted 3-1 (Commissioner Chin dissented) to DENY the request for rehearing.

SPEAKERS: Don McNabb, agent for appellant; and Sergeant William Coggan, attorney for S.F.P.D.

APPEAL NO. 97-177

MAOE & LILA TJOE, Appellants vs.
DEPT. BUILDING INSPECTION, Respondent

| Determination by the Director of Building Inspection dated December 16, 1997 addressed to the appellants that the work performed on the property at 524 - 28th Avenue on August 6, 7, and 8, 1997 constituted an unlawful demolition under S.F. Building Code Section 103.3 and that Building Permits 824810 and 828090 are therefore revoked. FOR HEARING TODAY. |

ACTION: After discussion, upon motion by President Cullum, the Board voted 4-0 to OVERRULE the department with CONDITIONS that the Departments of Building Inspection and Planning will reconfirm the 1990 permit and plans based on the illegal removal of a portion of the building, with a two times investigation fee imposed for work done without permit based on the cost of the permit issued in 1997.

SPEAKERS: James Hutchinson, Deputy Director of Permit Services for Department of Building Inspection; Robert Passmore, Zoning Administrator for the Planning Department; Roberta Caravelli and Edith McMillan, in support of the department; Frank Chu and Walter Wong, agents for appellants; Thomas Carroll and Jeremy Paul, in support of appellants; and Judith Boyajian, Deputy City Attorney.

The Board recessed from 7:44 to 8:02 p.m.

Items (5A), (5B) and (5C) were heard together

APPEAL NO. 98-032

FRANKLIN S. HOLLEY, Appellant vs.
DEPT. BUILDING INSPECTION, Respondent

| Protesting issuance on February 13, 1998, to Margaret Rogerson, permit to Alter a Building (roof top addition-add an apartment at third floor and garage space at basement) at 3516-18 Sacramento Street. APPLICATION NO. 9712688S. FOR HEARING TODAY. |

-2-
MINUTES OF THE REGULAR MEETING OF THE BOARD OF APPEALS, MAY 13, 1998 (cont'd.)

APPEAL NO. 98-033
JOHN S. AGER, Appellant
(5B) vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

Protesting issuance on February 13, 1998, to Margaret Rogerson, permit to Alter a Building (roof top addition-add an apartment at third floor and garage space at basement) at 3516-18 Sacramento Street.
APPLICATION NO. 9712688S.
FOR HEARING TODAY.

APPEAL NO. 98-034
JOHN B. LOWRY, Appellant
(5C) vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

Protesting issuance on February 13, 1998, to Margaret Rogerson, permit to Alter a Building (roof top addition-add an apartment at third floor and garage space at basement) at 3516-18 Sacramento Street.
APPLICATION NO. 9712688S.
FOR HEARING TODAY.

ACTION: RESCHEDULED to July 15, 1998 at request of permit holder.

Item 6 was taken up at the end of the calendar because of the large audience for it.

APPEAL NO. 98-041
SIMONE JANSSEN, Appellant
(6) vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

Protesting issuance on February 19, 1998, to Rita Murphy, permit to Erect a Building (10 live/work units) at 1025 – 17th Street.
APPLICATION NO. 9711584S.
FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President McInerney, the Board voted 4-0 to UPHOLD the department with findings as proposed and with additional findings by himself on truck data and the CONDITION that the appellant will donate $20,000 for the benefit of minority artists.

SPEAKERS: Zach Georgopoulos and Kenneth Brunetti, attorneys for appellant; Alice Barkley, attorney for permit holder; Simone Janssen, appellant; Julie Ray, Judy West, Jerry Jones, Camilla Agua, Fred Lewis, Sue Hestor, in support of appellant; Robert Passmore, Zoning Administrator for the Planning Department; Sean Keating, Jerry Kellerer, Margaret Verges, Gail Anderson, Joe Cassidy, Manny Flores, Fred Lankin, Mack Burton, Jeff Harberger, Brian Bock, Joe O'Donoghue, in support of permit holder; Mr. Lattimore, general contractor for permit holder; Gary Gee and Shawn Gorman, architects for permit holder; and Ciaran Harty, husband of permit holder.

The Board recessed from 9:39 to 9:53 p.m.
MINUTES OF THE REGULAR MEETING OF THE BOARD OF APPEALS, MAY 13, 1998 (cont'd.)

APPEAL NO. 98-052

WILFREDO MENDOZA, Appellant

DEPT. BUILDING INSPECTION, Respondent

[Protesting issuance on March 11, 1998, to Wai-Ming Luk, permit to Alter a Building (upgrade electrical wiring, replace window, install skylight, remodel kitchen, insulate walls where accessible) at 3641 - 23rd Street. APPLICATION NO. 9804149. FOR HEARING TODAY.]

ACTION: RESCHEDULED TO CALL OF THE CHAIR at the request by fax and mail of Ranjani Ramakrishna, attorney for permit holder-landlord.

APPEAL NO. 98-049

PASCAL RIGO, dba "BAY BREADS", Appellant

ZONING ADMINISTRATOR, Respondent

[Determination by the Zoning Administrator to Tecta Associates, dated March 11, 1998, that the proposed bakery at 2325 Pine Street is not permitted in the Upper Fillmore Neighborhood Commercial District under Planning Code Section 790.102 as a retail use; and that it is not an accessory use under Section 703.2(b)(1)(B)(iii) because the bakery area is well over 100 s.f. and Section 790.102 does not apply. FOR HEARING TODAY.]

ACTION: After discussion, upon motion by Vice President Mcinerney, the Board voted 3-1 (Commissioner Schwartz dissented) to OVERRULE the Zoning Administrator with findings as stated by Vice President Mcinerney.

SPEAKERS: Robert Passmore, Zoning Administrator for the Planning Department; Patricia Vaughney, in support of the department; and Ahmad Mohazed, agent for appellant; Pascal Rigo, appellant.

APPEAL NO. 98-054

VERBA BUENA PIZZA CORP. & WILLOW STREET WOOD-FIRED PIZZA, Appellants

PLANNING COMMISSION, Respondent

[Planning Commission Section 309 exceptions granted on March 12, 1998 for the Moscone Center Expansion Project at 800-860 Howard Street from the bulk and wind speed standards of the Planning Code. Project is the construction of 680,000 s.f., three-story over basement, approximately 115-foot tall convention facility on a]
MINUTES OF THE REGULAR MEETING OF THE BOARD OF APPEALS, MAY 13, 1998 (cont'd.)

[189,000 s.f. site currently occupied by a six-story office-retail building, a two-story office-retail building and parking lot.

PLANNING COMMISSION MOTION NO. 14458.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by President Cullum, the Board voted 4-0 to OVERRULE the Zoning Administrator with findings as submitted by the permit holder. A second vote was made to incorporate additional findings.

SPEAKERS: David Silverman, attorney for appellant; Robert Passmore, Zoning Administrator for the Planning Department; and Ray Fong, project manager for Department of Public Works.

CLOSED SESSION:

(10A) PUBLIC COMMENT ON ALL MATTERS PERTAINING TO THE CLOSED SESSION.

SPEAKERS: None.

(10B) CLOSED SESSION PURSUANT TO GOVERNMENT CODE SECTION 54957 AND SAN FRANCISCO ADMINISTRATIVE CODE SECTION 67.10(b).

PUBLIC EMPLOYEE EVALUATION: Robert Feldman, Executive Secretary

(10C) RECONVENE IN OPEN SESSION TO VOTE WHETHER TO DISCLOSE ANY OR ALL DISCUSSIONS HELD IN CLOSED SESSION (San Francisco Administrative Code Section 67.10(b).

ACTION: Upon motion by Commissioner Chin, the Board voted 4-0 NOT TO DISCLOSE any or all discussions held in closed session.

There being no further business, President Cullum adjourned the meeting at 11:15 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 SAN FRANCISCO BOARD OF APPEALS
WEDNESDAY, JUNE 3, 1998
5:30 P.M., VETERANS WAR MEMORIAL BUILDING
401 VAN NESS AVENUE, ROOM 428

PRESENT: President Carole Cullum, Vice President John McInerney, Commissioners Arnold Chin and Mauri Schwartz.

Robert Passmore, Zoning Administrator for the Planning Department; Judith Boyajian, Deputy City Attorney; Laurence Kornfield, Chief Building Inspector and 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.

(1) EXECUTIVE SESSION

(A) Public comment on all matters pertaining to the closed session.

SPEAKERS: None.

(B) Vote on whether to hold a closed session to confer with legal counsel (S.F. Administrative Code Section 67.11(a)).

ACTION: Upon motion by Commissioner Chin, the Board voted 4-0 to hold closed session.

(C) Closed session pursuant to Government Code Section 54956.9 and S.F. Administrative Code Section 67.11(b).

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Susan and Dale Weidmer, et al., plaintiffs vs. CCSF, Board of Appeals, et al., defendants Superior Court No. 994-443 Appeal No. 97-139 406-410 Lombard Street

SPEAKER: Judith Boyajian, Deputy City Attorney, discussed litigation.

(D) Reconvene in open session. Vote to elect whether to disclose any or all discussions held in closed session (S.F. Administrative Code Section 67.14(a)).

ACTION: Upon motion by Commissioner Chin, the Board voted 4-0 not to discuss any and all discussions held in closed session.
MINUTES OF THE REGULAR MEETING OF THE BOARD OF APPEALS, JUNE 3, 1998 (cont'd.)

Regular meeting calendar began at 6:00 p.m.

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

(2) **PUBLIC COMMENT:** At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

**SPEAKERS:** None.

(3) **COMMISSIONERS COMMENTS AND QUESTIONS.**

**SPEAKER:** Commissioner Chin requested that a rule amendment on starting time for meetings be calendared for next week.

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

**REQUESTS FOR REHEARING:**

**ITEM A:** Letter from Michael Tomars, appellant, requesting rehearing of Appeal No. 98-043, 1100 Howard Street. Hearing May 6, 1998. The Board was polled as to whether the Negative Declaration had been reviewed and considered. All answered "Aye". After discussion and testimony, the Board voted 2-1 (Commissioner Schwartz dissented) to **UPHOLD** the department and **GRANT** the permit.

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

**SPEAKERS:** Michael Tomars, appellant; and Alice Barkley, attorney for permit holder.

**ITEM B:** Letter from David Silverman, attorney for Wood-Fired Pizza and Yerba Buena Pizza Corporation at 800-860 Howard Street, requesting rehearing of Appeal No. 98-054. Hearing May 13, 1998. Upon motion by President Cullum, the Board voted 4-0 to **UPHOLD** the Planning Commission with findings as submitted by the permit holder. A second vote was made to incorporate additional findings.
ACTION: After discussion, upon motion by Vice President McInerney, the Board voted 4-0 to DENY the request for rehearing.

SPEAKERS: David Silverman, attorney for appellants; and Ray Fong, project manager.

(5) CONSENT ITEMS: With the consent of the Department of Building Inspection the Board proceeded to a vote on items 5B through 5E and 5G 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 took testimony on items 5A and 5G and decided the appeals individually.

APPEAL NO. 98-063
JOHN VOLLAND, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent

ACTION: After discussion, upon motion by Vice President McInerney, the Board voted 4-0 to OVERRULE the department with the CONDITION that the penalty be reduced to three times the regular fee of $215.80 for a total of $647.40.

SPEAKERS: John Volland, appellant; and Laurence Kornfield, Chief Building Inspector for the Department of Building Inspection.

APPEAL NO. 98-064
YUAN ZUO HUANG, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent

ACTION: After discussion, upon motion by Vice President 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 $297.05 for a total of $594.10.

SPEAKERS: The appellant was present but did not speak.

APPEAL NO. 98-067
PRANA INCOME FUND 4, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent

ACTION: After discussion, upon motion by Vice President 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 $215.80 for a total of $431.60.
SPEAKERS: The appellant was present but did not speak.

APPEAL NO. 98-068

JAIME A. LAZO, Appellant

vs.

DEPT. BUILDING INSPECTION, Respondent

PLANNING DEPARTMENT APPROVAL

APPEAL FOR REFUND OF PENALTY

APPEAL FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President 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 $297.05 for a total of $594.10.

SPEAKERS: The appellant was present but did not speak.

APPEAL NO. 98-079

ORACE McGHEE, Appellant

vs.

DEPT. BUILDING INSPECTION, Respondent

PLANNING DEPARTMENT APPROVAL

APPEAL FOR REFUND OF PENALTY

APPEAL FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President 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 $102.05 for a total of $204.10.

SPEAKERS: The appellant was present but did not speak.

APPEAL NO. 98-080

JOEL GOLEBURN, Appellant

vs.

DEPT. BUILDING INSPECTION, Respondent

PLANNING DEPARTMENT APPROVAL

APPEAL FOR REFUND OF PENALTY

APPEAL FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President Mcinerney, the Board voted 4-0 to OVERRULE the department with the CONDITION that the penalty be reduced to four times the regular fee of $378.30 for a total of $1,513.20.

SPEAKERS: Joel Goleburn, appellant; and Laurence Kornfield, Chief Building Inspector for the Department of Building Inspection.

APPEAL NO. 98-089

LORI HIGA, Appellant

vs.

DEPT. BUILDING INSPECTION, Respondent

PLANNING DEPARTMENT APPROVAL

APPEAL FOR REFUND OF PENALTY

APPEAL FOR HEARING TODAY.

APPEAL FOR HEARING TODAY.
MINUTES OF THE REGULAR MEETING OF THE BOARD OF APPEALS, JUNE 3, 1998 (cont'd.)

ACTION: After discussion, upon motion by Vice President 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 $215.80 for a total of $431.60.

SPEAKERS: The appellant was present but did not speak.

APPEAL NO. 98-035

VICTOR TWAL dba "BUDDIES", Appellant

Denial on February 13, 1998, of permit to Alter a Building ([legalize 3' x 4' x 12'6" awning and sign installed without permit) at 498 Sanchez Street.

APPLICATION NO. 9723854.

FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President McInerney, the Board voted 4-0 to CONTINUE the matter to September 9, 1998.

SPEAKERS: Tim Cronin, attorney for appellant; and Robert Passmore, Zoning Administrator for the Planning Department.

APPEAL NO. 98-044

SIMA KUSHNIRSKY, Appellant

Protesting issuance on February 25, 1998, to Vlad Shubov, permit to Alter a Building (plans are revisions to plans under BPA 9800553 required after discretionary review by Planning Commission on December 18, 1997 for removal of rear extension built without permit; permit holder seeks reinstatement of extension disallowed by Commission and appellant seeks removal of all of rear extension built in violation of Codes) at 1234-33rd Ave.

APPLICATION NO. 9803117.

FOR HEARING TODAY.

ACTION: After discussion, upon motion by President Cullum, the Board voted 1-3 (Vice President McInerney, Commissioners Chin and Schwartz dissented) to overrule the department and deny the permit. Four votes are needed and the motion failed. Then upon motion by Vice President McInerney, the Board voted 4-0 to UPHOLD the department and GRANT the permit with CONDITIONS: The permit is upheld as to the first and second floor additions; the plans shall be revised to cut back the third floor to what had been recommended by the Planning Department. The Board adopts as its Section 311 Findings the Planning Department Design Review Checklist and Comments for case 97.7800 as attached to the staff analysis and said findings are incorporated by reference.
SPEAKERS: Laurel Stanley, attorney for appellant; Sima Kushnirsky, appellant; Bob Hamilton, Dolores Daher, Penelope Jackmakidis, Keith R. Wilson, Hiroshi Fukuda, John Bardis, Giampaolo Curreri, Sofia Elman, Jeffrey Litvak, in support of appellant; Robert Passmore, Zoning Administrator for the Planning Department; Jeremy Paul, agent for permit holder; Scott Sarran, Boris Gribanovsky, Michael Khodorkovsky, Dora Dizitser, Tatiana Gluklaya, Leonard Kanishsky, Frank Arndt, in support of permit holder; and Rafael Torres-Gil, Senior Building Inspector for the Department of Building Inspection.

The Board recessed from 8:32 to 8:44 p.m. Vice President McInerney left the meeting at 8:40 p.m.

APPEAL NO. 98-047

BERTHA McHENRY, Appellant

vs.

DEPT. BUILDING INSPECTION, Respondent

APPLN. NO. 98-03377

APPLICATION NO. 9803377

PLANNING DEPARTMENT APPROVAL

Protesting issuance on February 27, 1998, to Mark Hayes, permit to Alter a Building (add deck to rear of house) at 339 Ralston Street.

FOR HEARING TODAY.

ACTION: After discussion, upon motion by President Cullum, the Board voted 3-0 to UPHOLD the department and GRANT the permit with CONDITIONS: The permit holder shall build a privacy screen on the north end of the subject deck.

SPEAKERS: Bertha McHenry, appellant; Angela Addison, in support of appellant; Robert Passmore, Zoning Administrator for the Planning Department; Mark Hayes, permit holder; and Laurence Kornfield, Chief Building Inspector for the Department of Building Inspection.

APPEAL NO. 98-066

DAVID & DIONE KING, Appellants

vs.

ZONING ADMINISTRATOR, Respondent

[Protesting granting on April 7, 1998, to Simon Hallgarten, Front Yard Variance (remodel and extend the first and second stories of an existing two-story dwelling [to the front property line) for property at 1258 Clayton Street.

VARIANCE CASE NO. 97.479V.

FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Schwartz, the Board voted 3-0 to UPHOLD the Zoning Administrator and his findings.

SPEAKERS: David King, appellant; Joseph Butler, architect for appellants; Laurence Kornfield, Chief Building Inspector for the Department of Building Inspection.
tion; Simon and Rosemary Hallgarten, variance holders; Jeff Moroso, general contractor for variance holder; Judy West, in support of variance holder; Jeremy Paul, agent for variance holder; Robert Passmore, Zoning Administrator for the Planning Department.

APPEAL NO. 98-045

NIMAN-SCHELL MEATS, Appellant

vs.

DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

PROTESTING ISSUANCE ON FEBRUARY [25, 1998, TO LANGTON STREET LLC, PERMIT TO ERECT A BUILDING (16 LIVE/WORK UNITS) AT 321 LANGTON STREET. APPLICATION NO. 9505915S. FOR HEARING TODAY.

ACTION: CONTINUED TO JUNE 10, 1998 AT 5:00 P.M. FOR LACK OF QUORUM. VICE PRESIDENT McINERNEY RECUSED AND COMMISSIONER SCHWARTZ ILL AND UNABLE TO STAY LATE ENOUGH TO HEAR THE CASE.

SPEAKERS: Alice Barkley, attorney for permit holder; and Sue Hestor, attorney for appellant.

There being no further business, President Cullum adjourned the meeting at 9:55 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 SAN FRANCISCO BOARD OF APPEALS
WEDNESDAY, JUNE 10, 1998
5:00 P.M., VETERANS WAR MEMORIAL BUILDING
401 VAN NESS AVENUE, ROOM 428

PRESENT: President Carole Cullum, Vice President John McInerney, Commissioners Arnold Chin, and Mauri Schwartz.

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.

SPECIAL ORDER AT 5:00 P.M.

APPEAL NO. 98-045

NIMAN-SCHELL MEATS, Appellant

DEPT. BUILDING INSPECTION, Respondent

PLANNING DEPARTMENT APPROVAL

Protesting issuance on February 25, 1998, to Langton Street LLC, permit to Erect a Building (16 live/work units) at 321 Langton Street.

APPLICATION NO. 9505915S.

FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Schwartz, the Board voted 1-2 (President Cullum and Commissioner Chin dissented, Vice President McInerney absent) to overrule the department and deny the permit. Three votes are needed. The department is UPHELD and the permit GRANTED.

SPEAKERS: Sue Hestor, attorney for appellant; Michael McConnell, appellant; Brad Paul, Cheryl Parker, Dan Greening, Ted Wildenradt, David Siegel, Bert Lutz, Joel Vanderwerf, Judy West, Susan Schelling, Eric Wildenradt, Storm Large, Martha Branagan, in support of the appellant; Robert Passmore, Zoning Administrator for the Planning Department; Alice Barkley, attorney for permit holder; Gary Gee, Sean Keighran, Charles Breidinger, Louie Ravad, John O'Connor, Joe Cassidy, Michael Spaer, James Nunemacher, Richard Hart, Joe O'Donoghue, Mack Burton, Joe Herron, Eamon Murphy, in support of the permit holder.

The Board recessed from 6:38 to 6:47 p.m.

Regular calendar began at 6:47 p.m.
(2) **PUBLIC COMMENT:** At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

**SPEAKERS:** None.

(3) **COMMISSIONERS COMMENTS AND QUESTIONS.**

**SPEAKERS:** None.

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

**REQUEST FOR REHEARING:**

**ITEM A:** Letter from Robert Passmore, Zoning Administrator for the Planning Department, requesting rehearing of Appeal No. 98-049, 2325 Pine Street. Hearing May 13, 1998. Upon motion by Vice President McInerney, the Board voted 3-1 (Commissioner Schwartz dissented) to **OVERRULE** the Zoning Administrator with findings as stated by Vice President McInerney.

**ACTION:** After discussion, upon motion by President Cullum, the Board voted 4-0 to **GRANT** rehearing and scheduled it for **July 8, 1998**.

**SPEAKERS:** Robert Passmore, Zoning Administrator for the Planning Department; and Ahmad Mohazab, architect for project sponsor.

**REQUEST FOR JURISDICTION BEYOND FIFTEEN-DAY APPEAL PERIOD:**

**ITEM B:** Letter from Kinry C. Louie requesting jurisdiction over Building Permit Application No. 9804978 issued to Jack H. Zhang for alterations to an existing restaurant at 1662 - 34th Avenue.

<table>
<thead>
<tr>
<th>Date issued</th>
<th>April 20, 1998</th>
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<tr>
<td>Last day to appeal</td>
<td>May 5, 1998</td>
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<tr>
<td>Request for jurisdiction</td>
<td>May 22, 1998</td>
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**ACTION:** **WITHDRAWN** prior to hearing by requestor.
MINUTES OF THE REGULAR MEETING OF THE BOARD OF APPEALS, JUNE 10, 1998 (cont'd.)

APPEAL NO. 97-043

(5)

OUTDOOR SYSTEMS, Appellant

vs.

DEPT. BUILDING INSPECTION, Respondent

[Denial on March 11, 1997, of permit to Alter a Building (replace rooftop general advertising sign) at 275 Post Street. APPLICATION NO. 9613693. FOR REHEARING TODAY.]

ACTION: After discussion, upon motion President Cullum, the Board voted 4-0 to GRANT the permit with the CONDITION that the recommendations of the peer review engineers be followed as to bracing.

SPEAKERS: Laurence Kornfield, Chief Building Inspector for the Department of Building Inspection; and Harry O'Brien, attorney for appellant.

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

APPEAL NO. 98-010

(6A)

CHARLES & LUCINDA CROCKER, Appellants

vs.

DEPT. BUILDING INSPECTION, Respondent

PLANNING DEPARTMENT DISAPPROVAL

[Denial on January 9, 1998, of permit to Alter a Building (replace gable roof with flat roof deck; remove bath and stairs at upper level; interior renovation; renovate facade; remove interior partition walls and renovate garage level; reuse facade at rear structure; construct pool in courtyard; join openings with 1405 Montgomery Street) at 1403 Montgomery Street. APPLICATION NO. 9707006S. FOR HEARING TODAY.]

APPEAL NO. 98-011

(6B)

CHARLES & LUCINDA CROCKER, Appellant

vs.

DEPT. BUILDING INSPECTION, Respondent

PLANNING DEPARTMENT DISAPPROVAL

[Denial on January 9, 1998, of permit to Alter a Building (replace doors and windows at front facade; renovate facade of rear structure; remove stair penthouse at roof deck; minor interior alterations; join openings with 1403 Montgomery Street) at 1405 Montgomery St. APPLICATION NO. 9707007S. FOR HEARING TODAY.]

ACTION: RESCHEDULED to CALL OF THE CHAIR at request of appellants.
MINUTES OF THE REGULAR MEETING OF THE BOARD OF APPEALS, JUNE 10, 1998 (cont'd.)

APPEAL NO. 98-085
LEVEL 3 COMMUNICATIONS, Appellant vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

ACTION: After discussion, upon motion by Vice President McInerney, the Board voted 4-0 to OVERRULExorule the department and GRANT the permit with findings.

SPEAKERS: Robert Passmore, Zoning Administrator for the Planning Department; Tony Sanchez-Corea, agent for appellant; and Glen Edgeworth, architect for appellant.

APPEAL NO. 97-172
TERRANCE LEE, Appellant vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

ACTION: After discussion, upon motion by Commissioner Chin, the Board voted 4-0 to CONTINUE the matter to August 12, 1998 to allow the appellant to obtain adequate representation.

SPEAKERS: Denise Leadbetter, attorney for appellant; Reyna Lopez, permit holder; Yacub Totah, Amy Ellinger and Phil Shinman, in support of appellant; Terrance Lee, appellant.

APPEAL NO. 98-060
MICHAEL A. KELLY, Appellant vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

ACTION: Further discussion, upon motion by Commissioner Chin, the Board voted 4-0 to GRANT the permit with findings.

SPEAKERS: Robert Passmore, Zoning Administrator for the Planning Department; Tony Sanchez-Corea, agent for appellant; and Glen Edgeworth, architect for appellant.
MINUTES OF THE REGULAR MEETING OF THE BOARD OF APPEALS, JUNE 10, 1998 (cont'd.)

ACTION: WITHDRAWN by appellant prior to hearing.

(10) AMENDMENT TO RULES OF BOARD OF APPEALS: Public hearing and consideration of adoption of amendment to Section 1 of Article I of the Board's Rules changing the starting time of Wednesday night meetings from 6:00 p.m. to an earlier time.

This hearing has been scheduled at the request of the Board president. The place of meetings will remain in Room 428 in the interim City Hall, the Veterans War Memorial Building at 401 Van Ness Avenue, corner McAllister Street.

Copies of the Board's Rules are available at the Board office at 875 Stevenson, Room 440, off Tenth Street.

ACTION: After discussion, upon motion by Vice President McInerney, the Board voted 2-2 (President Cullum and Commissioner Schwartz dissented) to change the start of the hearing from 6:00 to 5:15 p.m. Three votes needed and the motion failed. Then upon motion by President Cullum, the Board voted 4-0 to CHANGE the start of the hearing from 6:00 to 5:30 p.m.

SPEAKERS: None.

There being no further business, President Cullum adjourned the meeting at 7:52 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 SAN FRANCISCO BOARD OF APPEALS
WEDNESDAY, JUNE 17, 1998
6:00 P.M., VETERANS WAR MEMORIAL BUILDING
401 VAN NESS AVENUE, ROOM 428

PRESENT: President Carole Cullum, Vice President John McInerney and Commissioner Mauri Schwartz.

Robert Passmore, Zoning Administrator for the Planning Department; 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 Arnold Chin.

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

(1) PUBLIC COMMENT: At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKER: Jeremy Paul urged Board to look at the Shubov appeal in terms of the individual facts presented and not as a matter of public policy.

(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 George G. Walker, attorney for Insook Ha, dba "Lee's Massage" requesting that the Board take jurisdiction over revocation of massage establishment permit at 1284 Mission Street.
MINUTES OF THE REGULAR MEETING OF THE BOARD OF APPEALS, JUNE 17, 1998 (cont'd.)

Date of decision: May 18, 1998
Last day to appeal: June 2, 1998
Request for jurisdiction: June 5, 1998

ACTION: After discussion, upon motion by President Cullum, the Board voted 3-0 to GRANT jurisdiction. Mr. Walker has fifteen days to file an appeal.

SPEAKERS: George Walker, attorney for requestor; and Sergeant William Coggan, attorney for S.F.P.D.

REQUEST FOR REHEARING:

ITEM B: Letter on behalf on Sima Kushnirsky, appellant, requesting rehearing of Appeal No. 98-044, 1234 - 33rd Avenue. Permit holder, Vlad Shubov. Hearing was held on June 3, 1998. Upon motion of Vice President McInerney, the Board voted 4-0 to UPHOLD the department with CONDITIONS.

ACTION: RESCHEDULED to July 1, 1998 for lack of quorum.

APPEAL NO. 98-048

DAVID AND ELAINE SAUERS, Appellants vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

ACTION: After discussion, upon motion by Commissioner Schwartz, the Board voted 3-0 to UPHOLD the department and GRANT the permit with the written agreement prepared by the parties.

SPEAKERS: Lynn Axelrod, attorney for appellants.

APPEAL NO. 98-065

ANNE NOVAK, Appellant vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

ACTION: After discussion, upon motion by President Cullum, the Board voted 3-0 to OVERRULE the department and DENY the permit with findings by President Cullum.
MINUTES OF THE REGULAR MEETING OF THE BOARD OF APPEALS, JUNE 17, 1998 (cont'd.)

SPEAKERS: Brent Kernan, attorney for appellant; Anne Novak, appellant; Juan Diego Perez-Vargas, in support of appellant; Clifford Field, attorney for permit holder; Brad Polvorosa, permit holder; Laurence Kornfield, Chief Building Inspector for the Department of Building Inspection; and Robert Passmore, Zoning Administrator for the Planning Department.

APPEAL NO. 98-077

JOCELYN GILBERT BENATOUIL, Appellant [Protesting issuance on April 15, 1998, to Comac Investments, to Demolish a Building at 788 - 8th Avenue. [APPLICATION NO. 9801583. FOR HEARING TODAY.]

DEPT. BUILDING INSPECTION, Respondent

PLANNING DEPARTMENT APPROVAL

ACTION: After discussion, upon motion by Vice President McInerney, the Board voted 3-0 to UPHOLD the department and GRANT the permit.

SPEAKERS: Jocelyn Gilbert Benatouil, appellant; Jay Rosenthal, attorney for permit holder; Brian McEvoy, permit holder; Laurence Kornfield, Chief Building Inspector for the Department of Building Inspection.

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

APPEAL NO. 98-059

MARIA A. KAU DE LOO, Appellant [Protesting issuance on April 14, 1998, to K.C. Wong, permit to Alter a Building (extend ground floor; expand the upper unit; add third floor with three bedrooms and three bathrooms) 311 - 4th Avenue. [APPLICATION NO. 9725571S. FOR HEARING TODAY.]

vs.

DEPT. BUILDING INSPECTION, Respondent

PLANNING DEPARTMENT APPROVAL

APPEAL NO. 98-061

ROSE MARIE O'CONNOR, Appellant [Protesting issuance on April 14, 1998, to K.C. Wong, permit to Alter a Building (extend ground floor; expand the upper unit; add third floor with three bedrooms and three bathrooms) 311 - 4th Avenue. [APPLICATION NO. 9725571S. FOR HEARING TODAY.]

vs.

DEPT. BUILDING INSPECTION, Respondent

PLANNING DEPARTMENT APPROVAL

ACTION: After discussion, upon motion by Vice President McInerney, the Board voted 3-0 to UPHOLD the department and GRANT the permit with the CONDITION that the boiler room shall be vented by a shaft through to the roof, to direct noise and odors away from the neighbors' buildings.
MINUTES OF THE REGULAR MEETING OF THE BOARD OF APPEALS, JUNE 11, 1998 (cont'd.)

SPEAKERS: Rose Marie O'Connor, appellant; Douglas O'Connor, George Kau and Andre Armand, in support of appellant; Jack Wholey, attorney for permit holder; Mike Bernick, in support of permit; Fu-Him Yim, engineer for permit holder; Laurence Kornfield, Chief Building Inspector for the Department of Building Inspection; and Robert Passmore, Zoning Administrator for the Planning Department.

APPEAL NO. 98-031

CUONG SI PHUNG & SIE KOOK LOW, Appellants

vs.

DEPT. BUILDING INSPECTION, Respondent

[Determination by the Director of Building Inspection dated February 11, 1998 addressed to the appellants that the work performed on the property at 719 London Street constituted an unlawful demolition under S.F. Building Code Section 103.3 and that Building Permit Application No. 9508509S is therefore revoked.

FOR HEARING TODAY.

ACTION: RESCHEDULED to July 29, 1998 at request of Walter Wong, agent for appellants.

There being no further business, President Cullum adjourned the meeting at 8:05 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 SAN FRANCISCO BOARD OF APPEALS
WEDNESDAY, JULY 1, 1998
5:00 P.M., VETERANS WAR MEMORIAL BUILDING
401 VAN NESS AVENUE, ROOM 428

PRESENT: President Carole Cullum, Vice President John McInerney, Commissioners Arnold Chin and Mauri Schwartz.

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 Secretary for the Board.

Helen Chin, Official Court Reporter.

This hearing was set at 5:00 p.m. by Special Order of the President of the Board.

(1) PUBLIC COMMENT: At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: None.

(2) COMMISSIONERS COMMENTS AND QUESTIONS.

SPEAKER: President Cullum apologized for delay in starting the hearing; Commissioner Chin was due to arrive from San Diego.

(3) REQUESTS FOR REHEARING:

ITEM A: Letter from Lawrence W. Fasano, Jr., attorney for Sima Kushnirsky, appellant requesting rehearing of Appeal No. 98-044, 1234 - 33rd Avenue. Hearing June 3, 1998. Upon motion by President Cullum, the Board voted 1-3 (Vice President McInerney, Commissioners Chin and Schwartz dissented) to overrule the department and deny the permit. Four votes are needed and the motion failed. Then upon motion by Vice President...
McInerney, the Board voted 4-0 to **UPHOLD** the department and **GRANT** the permit with **CONDITIONS**: The permit is upheld as to the first and second floor additions; the plans shall be revised to cut back the third floor to what had been recommended by the Planning Department. The Board adopts as its Section 311 Findings the Planning Department Design Review Checklist and Comments for case 97.780D as attached to the staff analysis and said findings are incorporated by reference.

**ACTION:** After discussion, upon motion by President Cullum, the Board voted 3-1 (Commissioner Chin dissented) to **DENY** the request for rehearing.

**SPEAKERS:** Lawrence Fasano, attorney for appellant; Jeremy Paul, agent for permit holder; Rafael Torres-Gil, Senior Building Inspector for the Department of Building Inspection; and Robert Passmore, Zoning Administrator for the Planning Department.

**ITEM B:** Letter from Sue Hestor, attorney for Niman-Schell Meats, appellant, requesting rehearing of Appeal No. 98-045, 321 Langton Street. Hearing June 10, 1998. Upon motion by Commissioner Schwartz, the Board voted 1-2 (President Cullum and Commissioner Chin dissented, Vice President McInerney absent) to overrule the department and deny the permit. Three votes are needed to overrule a department. The department is **UPHELD** and the permit **GRANTED**.

**ACTION:** After discussion, upon motion by President Cullum, the Board voted 2-0 (Vice President McInerney recused) to **CONTINUE** the matter for one week for advice of counsel on the issue of a quorum, since one member will be recused and four votes are needed to grant a rehearing.

The Board recessed from 6:23 to 7:07 p.m.
MINUTES OF THE REGULAR MEETING OF THE BOARD OF APPEALS, JULY 1, 1998 (cont'd.)

There being no further business, President Cullum adjourned the meeting at 8:34 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.
MINUTES OF THE
REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS
WEDNESDAY, JULY 8, 1998
5:30 P.M., VETERANS WAR MEMORIAL BUILDING
401 VAN NESS AVENUE, ROOM 428

PRESENT: Vice President John McInerney, Commissioners Arnold Chin and Mauri Schwartz.
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.
Helen Chin, Official Court Reporter.

ABSENT: President Carole Cullum.

(1) PUBLIC COMMENT: At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: None.

(2) COMMISSIONERS COMMENTS AND QUESTIONS.

SPEAKERS: None.

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

REQUESTS FOR REHEARING:

ITEM A: Letter from Sue Hestor, attorney for Niman-Schell Meats, appellant, requesting rehearing of Appeal No. 98-045, 321 Langton Street. Hearing June 10, 1998. Upon motion by Commissioner Schwartz, the Board voted 1-2 (President Cullum and Commissioner Chin dissented, Vice President McInerney absent) to overrule the department and deny the permit. Three votes are needed. The department is UPHELD and the permit GRANTED.
ACTION: CONTINUED to July 15, 1998 at request of parties.

ITEM B: Letter from Jocelyn Gilbert, Benatouil, requesting rehearing of Appeal No. 98-077, 788 - 8th Avenue. Hearing June 17, 1998. Upon motion by Vice President McInerney, the Board voted 3-0 to UPHOLD the department and GRANT the permit.

ACTION: After discussion, upon motion by Commissioner Chin, the Board voted 3-0 to DENY the request for rehearing.

SPEAKERS: Jocelyn Gilbert, Benatouil, appellant; Brian McEvoy, permit holder; and Jeffrey Goodrich, attorney for court-appointed receiver of property.

The Board recessed from 6:16 to 6:23 p.m.

ADOPTION OF FINDINGS:

ITEM C: Appeal No. 97-139, 406-410 Lombard Street. Hearing July 1, 1998. Upon motion by President Cullum, the Board voted 4-0 to UPHOLD the department and GRANT the permit with CONDITIONS, and findings to be adopted July 8, 1998.

ACTION: CONTINUED to July 15, 1998 for adoption.

(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. 98-086

LISA A. DELLA-SATINA, Appellant [Appeal for Refund of Penalty] vs. DEPT. BUILDING INSPECTION, Respondent [imposed on May 14, 1998, for] [work done at 1250 Clay Street.]

ELECTRICAL PERMIT NO. E180761. [FOR HEARING TODAY.]

ACTION: Upon motion by Commissioner Schwartz, the Board voted 3-0 to OVERRULE the department with the CONDITION that the penalty be reduced to two times the regular fee of $225.54 for a total of $451.08.

SPEAKERS: The appellant was present but did not speak.

APPEAL NO. 98-096

AUTOMATIC CONTROLS ENGINEERING, Appellant [Appeal for Refund of Penalty] vs. DEPT. BUILDING INSPECTION, Respondent [imposed on May 29, 1998, for] [work done at 375 Newhall Street.]

ELECTRICAL PERMIT NO. E181240. [FOR HEARING TODAY.]
MINUTES OF THE REGULAR MEETING OF THE BOARD OF APPEALS, JULY 8, 1998 (cont'd.)

ACTION: Upon motion by Commissioner Schwartz, the Board voted 3-0 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.

**APPEAL NO. 98-105**

JAMES L. HIGGS, Appellant

vs.

DEPT. BUILDING INSPECTION, Respondent

PLANNING DEPARTMENT APPROVAL

APPEAL FOR REFUND OF PENALTY

[imposed June 16, 1998, for

work done at 270 Juanita Way.

APPLICATION NO. 9810736.

FOR HEARING TODAY.]

ACTION: Upon motion by Commissioner Schwartz, the Board voted 3-0 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 $269.20.

SPEAKERS: The appellant was present but did not speak.

**APPEAL NO. 98-106**

FRANCISCO CASTANO, Appellant

vs.

DEPT. BUILDING INSPECTION, Respondent

PLANNING DEPARTMENT APPROVAL

APPEAL FOR REFUND OF PENALTY

[imposed on June 16, 1998, for

work done at 1164-66 Florida St.

APPLICATION NO. 9809161.

FOR HEARING TODAY.]

ACTION: Upon motion by Commissioner Schwartz, the Board voted 3-0 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. 98-112**

LIZA LAU, Appellant

vs.

DEPT. BUILDING INSPECTION, Respondent

PLANNING DEPARTMENT APPROVAL

APPEAL FOR REFUND OF PENALTY

[imposed on June 18, 1998, for

work done at 420 Dewey Blvd.

APPLICATION NO. 9725020.

FOR HEARING TODAY.]

ACTION: Upon motion by Commissioner Schwartz, the Board voted 3-0 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.
I

MINUTES OF THE REGULAR MEETING OF THE BOARD OF APPEALS, JULY 8, 1998 (cont'd.)

APPEAL NO. 98-114

NICOLA H. MICHAEL, Appellant  
vs.  
DEPT. BUILDING INSPECTION, Respondent  
PLANNING DEPARTMENT APPROVAL

Action: Upon motion by Commissioner Schwartz, the Board voted 3-0 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. 98-118

WARREN FOSTER, Appellant  
vs.  
DEPT. BUILDING INSPECTION, Respondent  
PLANNING DEPARTMENT APPROVAL

Action: Upon motion by Commissioner Schwartz, the Board voted 3-0 to OVERRULE the department with the CONDITION that the penalty be reduced to two times the regular fee of total $248.30 for a total of $496.60.

Speakers: The appellant was present but did not speak.

APPEAL NO. 98-049

PASCAL RIGO, dba "BAY BREADS",  
Appellant  
vs.  
ZONING ADMINISTRATOR, Respondent

Action: After discussion, upon motion by Commissioner Schwartz, the Board voted 3-0 to OVERRULE the Zoning Administrator and allow the bakery to operate with the CONDITION that a Notice of Special Restrictions be recorded to insure minimum disruption to the neighborhood with language agreed to by the Western Addition Neighborhood Association (WANA).
MINUTES OF THE REGULAR MEETING OF THE BOARD OF APPEALS, JULY 8, 1998 (cont'd.)

SPEAKERS: James Robert Dennis, attorney for appellant; Robert Passmore, Zoning Administrator for the Planning Department; and Janice Bolaffi, of WANA in support of the department.

**APPEAL NO. 98-076**

CARL W. YOUNGERT, dba "GIRAFFE LOUNGE", Appellant vs.

DEPT. BUILDING INSPECTION, Respondent

HEALTH DEPT. DISAPPROVAL

ACTION: After discussion, upon motion by Commissioner Schwartz, the Board voted 3-0 to UPHOLD the department and DENY the permit.

SPEAKERS: Thomas Rivard, Senior Inspector for the Health Department; Judith Boyajian, Deputy City Attorney; Ken Allison, agent for appellant; and Leonard Chetelat, general contractor for appellant.

**APPEAL NO. 98-071**

ORESTE TORRANO, Appellant vs.

ZONING ADMINISTRATOR, Respondent

ACTION: After discussion, upon motion by Commissioner Schwartz, the Board voted 3-0 to CONTINUE the matter to July 29, 1998 to allow the appellant to prepare revised design of a room covering the northerly half of the garage with a toilet and sink only on the ground level.

SPEAKERS: Robert Passmore, Zoning Administrator for the Planning Department; Oreste Torrano, appellant; and Laurence Kornfield, Chief Building Inspector for the Department of Building Inspection.
MINUTES OF THE REGULAR MEETING OF THE BOARD OF APPEALS, JULY 8, 1998 (cont'd.)

APPEAL NO. 98-075
HANS THOMAS, LISA REHANEK, JENNIFER & DAVID MILLER, Appellants
(8) VS.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on April 17, 1998, to Lourdes Sainez, permit
to Alter a Building (remove second unit on second floor; remove par-
tition walls at first floor; provide handrails at stairs;
provide smoke detectors; remove storage room; remove redwood
decking pad at roof) at 816 Guerrero Street.
APPLICATION NO. 9805407.
FOR HEARING TODAY.]

ACTION: After discussion, upon motion by Commissioner Chin, the Board voted 3-0 to UPHOLD the department and GRANT the permit.

SPEAKERS: Cathy Mosbrucker, attorney for appellant; Brenda Cruz Keith, attorney for permit holder; Laurence Kornfield, Chief Building Inspector for the Department of Building Inspection; Lourdes Sainez, permit holder; Erica Sainez, appellant's daughter; and Judith Boyajian, Deputy City Attorney.

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

APPEAL NO. 98-072
COALITION FOR JOBS/ARTS/HOUSING,
(9A) Appellant

[Protesting issuance on April 8, 1998, to RAM Development, permit
to Demolish a Building at 696 Pennsylvania Street.
APPLICATION NO. 9721413.
FOR HEARING TODAY.]

APPEAL NO. 98-073
COALITION FOR JOBS/ARTS/HOUSING,
(9B) Appellant

[Protesting issuance on April 8, 1998, to RAM Development, permit
to Demolish a Building at 699 Mississippi Street.
APPLICATION NO. 9721414.
FOR HEARING TODAY.]

APPEAL NO. 98-074
COALITION FOR JOBS/ARTS/HOUSING,
(9C) Appellant

[Protesting issuance on April 8, 1998, to RAM Development, permit
to Erect a Building (48 live/work units) at 696 Pennsylvania Street.
APPLICATION NO. 9721406.
FOR HEARING TODAY.]

ACTION: CONTINUED to July 15, 1998 due to lack of quorum.
MINUTES OF THE REGULAR MEETING OF THE BOARD OF APPEALS, JULY 8, 1998 (cont'd.)

There being no further business, President Cullum adjourned the meeting at 7:27 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.
CORRECTED
MINUTES OF THE
REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS
WEDNESDAY, JULY 15, 1998
5:30 P.M., VETERANS WAR MEMORIAL BUILDING
401 VAN NESS AVENUE, ROOM 428
(See Page 3, Item 7, line 5)

PRESENT: President Carole Cullum, Vice President John McInerney, Commissioners Arnold Chin, and Mauri Schwartz.

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.

Helen Chin, Official Court Reporter.

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

(1) PUBLIC COMMENT: At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: None.

(2) COMMISSIONERS COMMENTS AND QUESTIONS.

SPEAKERS: None.

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

REQUEST FOR REHEARING:

ITEM A: Letter from Sue Hestor, attorney for Niman-Schell Meats, appellant, requesting rehearing of Appeal No. 98-045, 321 Langton Street. Hearing June 10, 1998. Upon motion by Commissioner Schwartz, the Board voted 1-2 (President Cullum and Commissioner Chin dissented, Vice President McInerney absent) to overrule the department and deny the permit. Three votes are needed. The department is UPHELD and the permit GRANTED.
ACTION: CONTINUED until a fifth Commissioner is appointed to the Board.

ADOPTION OF FINDINGS:

ITEM B: Appeal No. 97-139, 406-410 Lombard Street. Hearing July 1, 1998. Upon motion by President Cullum, the Board voted 4-0 to UPHOLD the department and GRANT the permit with CONDITIONS, and findings to be adopted July 8, 1998.

ACTION: After discussion, upon motion by President Cullum, the Board voted 4-0 to ADOPT findings.

SPEAKER: Richard Harris, attorney for permit holder.

APPEAL NO. 98-003

DENNIS & CAROL HAMBY, Appellants vs.
DEPT. BUILDING INSPECTION, Respondent

PLANNING DEPARTMENT DISAPPROVAL

ACTION: CONTINUED the matter to September 16, 1998 at request of appellant. President Cullum requested that this matter be placed first on the calendar on September 16, 1998.

APPEAL NO. 98-078

WENDY & RICHARD BINGHAM, Appellants vs.
DEPT. BUILDING INSPECTION, Respondent

PLANNING DEPARTMENT APPROVAL

ACTION: After discussion, upon motion by Commissioner Chin, the Board voted 4-0 to UPHOLD the department and GRANT the permit with CONDITIONS agreed to by the parties.

SPEAKERS: Howard Wexler, attorney for appellant; and Judith Boyajian, Deputy City Attorney. Board requested that staff issue Notice of Decision immediately since appellants were not going to request a rehearing.

APPEAL NO. 98-081

ALAN TOM, Appellant vs.
DEPT. BUILDING INSPECTION, Respondent

PLANNING DEPARTMENT APPROVAL

[Protesting issuance on April 22, 1998, to Christopher Hougie, permit to Alter a Building (remodel master bedroom suite, addition at rear and side kitchen remodel, relocate powder room) at 2360 Broadway Street. APPLICATION NO. 98212795. FOR HEARING TODAY.]
ACTION: After discussion, upon motion by Vice President McInerney, the Board voted 4-0 to UPHOLD the department with Prop M findings.

SPEAKERS: William Quan, for Alan Tom; Lorraine Lucas, Jim Kindregan, Sandy Risse, Gunter Risse, Herbert Fung, Tajalli Spencer, in support of appellant; Robert Passmore, Zoning Administrator for the Planning Department; Lawrence Kornfield, Chief Building Inspector for the Department of Building Inspection; William Dietsch, permit holder; and Patricia Farrell, George Becker, Garrett Graham, in support of permit holder.

APPEAL NO. 98-070

SUZANNE D. CAUTHEN, Appellant vs. ZONING ADMINISTRATOR, Respondent

[Determination dated April 7, 1998 by the Zoning Administrator addressed to James Reuben that] [dalla Torre Restaurant at 1349 Montgomery Street may not keep its kitchen open to patrons after 10:30 p.m.; that patrons are to leave premises by 11:00 p.m. give or take one half hour; and that no patrons should remain after 11:30 p.m., except those waiting for cabs; and related matters under Section 186(b)(3) of the Planning Code. FOR HEARING TODAY.

ACTION: After discussion, upon motion by President Cullum, the Board voted 4-0 to UPHOLD the Zoning Administrator.

SPEAKERS: Robert Passmore, Zoning Administrator for the Planning Department; Norman Rolfe and Christian Lindgreth, in support of the appellant; James Reuben, attorney for restaurant owner; Patricia Breslin, Madeline Shields, Ramona Albright, Elisio Anderlini, in support of the Zoning Administrator; Stephen Williams, attorney for appellant; and Jeffrey Pollack, owner of dalla Torre Restaurant.

The Board recessed from 6:42 to 6:50 p.m.

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

APPEAL NO. 98-072

COALITION FOR JOBS/ARTS/HOUSING, Appellant vs. DEPT. BUILDING INSPECTION, Respondent

[Protesting issuance on April 8, 1998, to RAM Development, permit to Demolish a Building at 696 Pennsylvania Street. APPLICATION NO. 9721413. FOR HEARING TODAY.]

[PLANNING DEPARTMENT APPROVAL]
MINUTES OF THE REGULAR MEETING OF THE BOARD OF APPEALS, JULY 15, 1998 (cont'd.)

APPEAL NO. 98-073
COALITION FOR JOBS/ARTS/HOUSING, Appellant (88) vs. DEPT. BUILDING INSPECTION, Respondent PLANNING DEPARTMENT APPROVAL

Protesting issuance on April 8, 1998, to RAM Development, permit to Demolish a Building at 699 Mississippi Street.
APPLICATION NO. 9721414.
FOR HEARING TODAY.

APPEAL NO. 98-074
COALITION FOR JOBS/ARTS/HOUSING, Appellant (8C) vs. DEPT. BUILDING INSPECTION, Respondent PLANNING DEPARTMENT APPROVAL

Protesting issuance on April 8, 1998, to RAM Development, permit to Erect a Building (48 live/work units) at 696 Pennsylvania Street.
APPLICATION NO. 9721406.
FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Schwartz, the Board voted 3-0 to RECUSE Vice President McInerney. After discussion, upon motion by President Cullum, the Board voted 3-0 to UPHOLD the department and GRANT the permits with findings and CONDITIONS.

SPEAKERS: Sue Hestor, attorney for appellant; Walton Chang, Norman Rolph, Janet Carpinelli, Robert Anderson, in support of appellant; Robert Passmore, Zoning Administrator for the Zoning Administrator; James Reuben, attorney for permit holder; Michael Spaer, permit holder; Ben Geffen, Charles Reidinger, Rebecca Ford, Mike Burton, Joe O'Donoghue, Gail Anderson, Darrel Reed, Albert Camerino, Eamon Herlihy, Alice Barkley, in support of permit holder; and Judith Boyajian, Deputy City Attorney.

Vice President McInerney left the room at 8:12 p.m. The Board recessed from 8:12 to 8:25 p.m. and the hearing on Appeal No. 98-074 began at 8:26 p.m.

There being no further business, President Cullum adjourned the meeting at 9:35 p.m.

Transcripts of these hearings can be obtained directly from Helen Chin, the Official Court Reporter, (415) 362-4440.
MINUTES OF THE
REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS
WEDNESDAY, JULY 29, 1998
5:30 P.M., VETERANS WAR MEMORIAL BUILDING
401 VAN NESS AVENUE, ROOM 428

PRESENT: President Carole Cullum, Vice President John McInerney, Commissioners Arnold Chin, and Mauri Schwartz.

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.

Patty Wilson, Official Court Reporter.

Patty Wilson, substituting for Helen Chin, the Official Court Reporter, swore in all those who intended to testify during the meeting.

(1) PUBLIC COMMENT: At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: None.

(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 Frank A. D'Alfonzi, attorney for Bilen T. Nguyen, requesting that the Board take jurisdiction over revocation of masseuse permit at the Fuji Oriental Massage, 585 Eddy Street.
Date of decision June 26, 1998
Last day to appeal July 13, 1998
Request for jurisdiction July 20, 1998

**ACTION:** After discussion, upon motion by Vice President McInerney, the Board voted 4-0 to **GRANT** jurisdiction. Mr. D'Alfonzi has fifteen days to file an appeal.

**SPEAKERS:** Frank D'Alfonzi, attorney for requestor.

**REQUESTS FOR REHEARING:**

**ITEM B:** Letter from the 727-729 Moraga Neighbors, appellant requesting rehearing of Appeal No. 98-001, 727-729 Moraga Street. Hearing July 15, 1998. Upon motion by Vice President McInerney, the Board voted 4-0 to **UPHOLD** the department and **GRANT** the permit.

**ACTION:** After discussion, upon motion by Vice President McInerney, the Board voted 4-0 to **DENY** the request for rehearing.

**SPEAKERS:** Don Jorgenson for Moraga Street Neighbors; Robert Passmore, Zoning Administrator for the Planning Department; Laurence Kornfield, Chief Building Inspector for the Department of Building Inspection; and William Dietsch, permit holder.

**ITEM C:** Letter on behalf of Suzanne D. Cauthen, appellant, requesting rehearing of Appeal No. 98-070, 1349 Montgomery Street. Hearing July 15, 1998. Upon motion by President Cullum, the Board voted 4-0 to **UPHOLD** the Zoning Administrator.

**ACTION:** **RESCHEDULED** to August 19, 1998 prior to hearing.
ACTION: After discussion, upon motion by Vice President McInerney, the Board voted 4-0 to CONTINUE the matter to August 12, 1998 for more plan revisions.

SPEAKERS: Robert Passmore, Zoning Administrator for the Planning Department; and Oreste Torrano, appellant.

APPEAL NO. 98-087

THE S.F. TREE COUNCIL AND NORTH-POINT RESIDENTS & NEIGHBORS, Appellants

(5) vs.

DEPT. PUBLIC WORKS, Respondent

[Protesting issuance on May 1, 1998, to Northpoint Land LLC, permit to Remove and Replace four trees on the Bay Street frontage of 2211 Stockton and 2310 Powell Streets.

ORDER NO. 171,009.

FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President McInerney, the Board voted 4-0 to CONTINUE the matter to September 16, 1998 to allow appellants to excavate around biggest reet to check state of roots.

SPEAKERS: Arthur Chang and Caroline Blair, appellants; Ted Kipping, arborist for appellants; Joanie Levy, Aaron Peskin, Lawrence Matta; John Rizzo, in support of appellants; John Fournet for the Department of Public Works; and Robin Ziegler, permit holder.

The Board recessed from 7:00 to 7:10 p.m.

APPEAL NO. 98-031

CUONG SI PHUNG & SIE KOOK LOW, Appellants

vs.

DEPT. BUILDING INSPECTION, Respondent

Determination by the Director of Building Inspection dated February 11, 1998 addressed to the appellants that the work performed on the property at 719 London Street constituted an unlawful demolition under S.F. Building Code Section 103.3 and that Building Permit Application No. 9508509S is therefore revoked.

[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President McInerney, the Board voted 4-0 to OVERRULE the department with findings.

SPEAKERS: Laurence Kornfield, Chief Building Inspector for the Department of Building Inspection; and Walter Wong, agent for appellant.
MINUTES OF THE REGULAR MEETING OF THE BOARD OF APPEALS, JULY 29, 1998 (cont'd.)

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

APPEAL NO. 98-057
RATHNEW CORPORATION, Appellant vs. DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[Denial on March 20, 1998, of permit to Demolish a Building at 1725 Lake Street. APPLICATION NO. 9721774. FOR HEARING TODAY.]

APPEAL NO. 98-058
RATHNEW CORPORATION, Appellant vs. DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[Denial on March 20, 1998, of permit to Erect a Building (three-stories, two units) at 1723-1725 Lake Street. APPLICATION NO. 9721775S. FOR HEARING TODAY.]

ACTION: RESCHEDULED to August 12, 1998 prior to hearing at request of appellant.

APPEAL NO. 98-082
THOMAS LILE, Appellant vs. DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Suspension on April 27, 1998, of permit to Alter a Building ((reframe sunporch, replace windows and siding to conform to original height and volume of 1912 without any change in exterior appearance) at 285 Cumberland Street. APPLICATION NO. 9723011. FOR HEARING TODAY.]

ACTION: After discussion, upon motion by Commissioner Schwartz, the Board voted 4-0 to OVERRULE the department with CONDITIONS as stated in the appellant's letter and revised plans.

SPEAKERS: Thomas Lile, appellant; and Elaine Westlake and Shelly Halpin, neighbors.

APPEAL NO. 98-088
FORREST FAULKNER ENTERPRISES, Appellant vs. ZONING ADMINISTRATOR, Respondent

[Zoning Administrator determination addressed to appellant dated April 6, 1998 that the ground floor of the building at 1101 Sutter Street cannot be used for the sale or rental of automobiles under Planning Code Section 723.61 and that under Section 186.1 (c)(5) of the Code if the present tenant were to vacate, auto sales or rentals could be relocated from the basement to the ground floor with conditional use authorization from the Planning Commission. FOR HEARING TODAY.]
ACTION: After discussion, upon motion by Vice President McInerney, the Board voted 4-0 to **OVERRULE** the Zoning Administrator with findings.

SPEAKERS: Robert Passmore, Zoning Administrator for the Planning Department; David Gellman, attorney for appellant; and James Faulknor, appellant.

(10) **PROPOSED AMENDMENT TO MUNICIPAL CODE SECTION 16 (VOTES FOR REHEARING):**

Public hearing and consideration of a proposed amendment to Section 16 of Part III of the Municipal Code to conform Section 16 to the language of Charter Section 4.106(d). The amendment would reduce the number of votes required to grant a rehearing at the Board of Appeals from four to three when there is a vacant seat on the Board.

Copies of the proposed amendment are available at the Board's office.

This legislation will be transmitted to the Board of Supervisors for enactment and approval.

**ACTION:** Board urged that amendment be enacted as soon as possible.

**SPEAKERS:** None.

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

Robert H. Feldman
Executive Secretary

Transcripts of these hearings can be obtained directly from Helen Chin, the Official Court Reporter, (415) 362-4440.
MINUTES OF THE
REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS
WEDNESDAY, AUGUST 5, 1998
5:30 P.M., VETERANS WAR MEMORIAL BUILDING
401 VAN NESS AVENUE, ROOM 428

PRESENT: President Carole Cullum, Vice President John McInerney and Commissioner Arnold Chin.

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 Secretary for the Board.

Helen Chin, Official Court Reporter.

ABSENT: Commissioner Mauri Schwartz.

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

(1) PUBLIC COMMENT: At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKER: Christine Linnenbach requested that the Board investigate the Sutro Tower situation because of her fear for the safety of those living below it.

(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 on items 3A, 3B and 3D 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 took testimony on item 3C decided the appeal individually.
APPEAL NO. 98-101

BETTY J. WONG, Appellant vs.
DEPT. BUILDING INSPECTION, Respondent

ACTION: Upon motion by Vice President McInerney, the Board voted 3-0 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.

APPEAL NO. 98-124

KELVIN CHUEN, Appellant vs.
DEPT. BUILDING INSPECTION, Respondent

ACTION: Upon motion by Vice President McInerney, the Board voted 3-0 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.

SPEAKERS: The appellant was present but did not speak.

APPEAL NO. 98-128

CESAR ABAUNZA, Appellant vs.
DEPT. BUILDING INSPECTION, Respondent

ACTION: After discussion, upon motion by President Cullum, the Board voted 3-0 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.

SPEAKER: Mrs. Cesar Abanunza, for appellant.

APPEAL NO. 98-133

MANUEL ALVAREZ, Appellant vs.
DEPT. BUILDING INSPECTION, Respondent

ACTION: Upon motion by Vice President McInerney, the Board voted 3-0 to OVERRULE the department with the CONDITION that the penalty be reduced to two times the regular fee of $471.58 for a total of $943.16.
SPEAKERS: The appellant was present but did not speak.

APPEAL NO. 98-100

725 PROJECT, Appellant

vs.

PLANNING DEPARTMENT, Respondent

PLANNING COMMISSION DISAPPROVAL

[Denial on May 26, 1998, of permit to Alter a Building
add four live/work units to top of existing building) at
723-725 Tehama Street.
APPLICATION NO. 9801230.
FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President McInerney, the Board voted 3-0 to OVERRULE the department and GRANT the permit with findings by the attorney for appellant.

SPEAKERS: Andrew Zacks and Paul Utrecht, attorneys for appellant; Ed Bertling and Gillian Ellenby, appellants; Diane Fafoutis, in support of the Department; Robert Passmore, Zoning Administrator for the Planning Department; and Judith Boyajian, Deputy City Attorney.

APPEAL NO. 98-092

LOWER POTRERO HILL NEIGHBORHOOD ASSOCIATION, Appellant

vs.

DEPT. BUILDING INSPECTION, Respondent

PLANNING DEPARTMENT APPROVAL

Protesting issuance on May 6, 1998, to Nibbi Investments, permit to Erect a Building
(10 live/work units) at
835 Minnesota Street.
APPLICATION NO. 9703704.
FOR HEARING TODAY.

ACTION: RESCHEDULED to August 19, 1998 prior to hearing.

APPEAL NO. 98-094

1550 BAY STREET TENANTS ASSN., Appellant

vs.

DEPT. BUILDING INSPECTION, Respondent

PLANNING DEPARTMENT APPROVAL

Protesting issuance on May 11, 1998, to Trinity Properties, permit to Alter a Building
(remodel ground floor lobbies, swimming pool, exterior store front system on North Point Street, and main entry; new fence and courtyard) at 1550 Bay Street.
APPLICATION NO. 9803397.
FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President McInerney, the Board voted 3-0 to UPHOLD the department and GRANT the permit with CONDITIONS agreed to by the parties.
SPEAKERS: Ann Doherty, Robert Hendrickson and Peter Kagel, appellants; David Cincotta, attorney for permit holder; Nancy Lenvin, David Balahue and Leslie Taylor, Trinity Properties employees; Rafael Torres-Gil, Senior Building Inspector for the Department of Building Inspection; Judith Boyajian, Deputy City Attorney.

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

APPEAL NO. 98-099
EDITH CRICHTON, ELIZABETH STEPHENS, CHRISTINE & CRUZ SANTIAGO, JOSEPH FIGUERAS, Appellants
(7A) vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

APPEAL NO. 98-102
MARIA VERDUZCO-PALAMINO, et al., Appellants
(7B) vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

ACTION: After discussion, upon motion by President Cullum, the Board voted 1-2 (Vice President McInerney and Commissioner Chin dissented) to overrule the department and deny the permit. Four votes are needed and the motion fails. The permit is UPHOLD.

SPEAKERS: Edith Crichton, appellant; Raquel Fox, attorney for Maria Verduzco-Palamino, appellant; Ed Sakir, architect for permit holder; Gloria Guadamuz, permit holder; Terry Milne, David Born, Paul Essier, Katie Gough, Paul Stein, in support of appellants; Rene Acosta, in support of 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 7:07 to 7:15 p.m.

APPEAL NO. V98-093
SOFIA PROPERTIES, Appellant
(8) vs.
ZONING ADMINISTRATOR, Respondent

Denial on May 19, 1998, of Permitted Obstruction Variance [(install awning with width of more than ten feet along the street and a horizontal projection of six feet from the face of the building) at 141 Columbus Avenue. VARIANCE CASE NO. 98.154V. FOR HEARING TODAY.
ACTION: After discussion, upon motion by President Cullum, the Board voted 3-0 to **OVERRULE** the department and **GRANT** the permit with findings by John Fordice.

SPEAKERS: Robert Passmore, Zoning Administrator for the Planning Department; John Fordice, architect for project; Francis Ford Coppola, property owner; and Dick Clark, in support of the department.

There being no further business, President Cullum adjourned the meeting at 8:59 p.m.

Transcripts of these hearings can be obtained directly from Helen Chin, the Official Court Reporter, (415) 362-4440.
MINUTES OF THE REGULAR
REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS
WEDNESDAY, AUGUST 12, 1998
5:30 P.M., VETERANS WAR MEMORIAL BUILDING
401 VAN NESS AVENUE, ROOM 428

PRESENT: President Carole Cullum, Vice President John McInerney and Commissioner Arnold Chin.

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.

Helen Chin, Official Court Reporter.

ABSENT: Commissioner Mauri Schwartz.

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

(1) PUBLIC COMMENT: At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKER: Christine Linnenbach asked questions about Planning's determination concerning Sutro Tower and the issuance of permits recently.

(2) COMMISSIONERS COMMENTS AND QUESTIONS.

SPEAKERS: None.
MINUTES OF THE REGULAR MEETING OF THE BOARD OF APPEALS, AUGUST 12, 1998 (cont’d.)

APPEAL NO. 97-172

TERRANCE LEE, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent

PLANNING DEPARTMENT APPROVAL

[Protesting issuance on December 12, 1997, to Reyna Lopez, permit to Alter a Building (replace existing wood fence with eight foot cinder block fence on side and rear of property) at 130 - 27th Street.]

APPLICATION NO. 9723036.
FOR FURTHER HEARING TODAY.

ACTION: After discussion, upon motion by President Cullum, the Board voted 3-0 to UPHOLD the department and GRANT the permit with the CONDITION that the fence be a maximum of 6'5" high, made of split block and capped on top.

SPEAKERS: Denise Leadbetter, attorney for appellant; and Laurence Kornfield, Chief Building Inspector for the Department of Building Inspection.

APPEAL NO. 98-071

ORESTE TORRANO, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Appeal of Rear Yard Variance granted on April 14, 1998, to Oreste Torrano, to reconstruct an existing noncomplying detached rear garage at the rearmost of the subject through lot at 2010 Filbert Street with condition that proposal to construct a new story with a workshop and office over the reconstructed garage be denied.]

VARIANCE CASE NO. 98.075V.
FOR FURTHER HEARING TODAY.

ACTION: RESCHEDULED to September 2, 1998 prior to hearing.

Items (5A) and (5B) were heard together

APPEAL NO. 98-052

WILFREDO MENDOZA, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent

[Protesting issuance on March 11, 1998, to Wai-Ming Luk, permit to Alter a Building (upgrade electrical wiring, replace window, install skylight, remodel kitchen, insulate walls where accessible) at 3641 - 23rd Street.]

APPLICATION NO. 9804149.
FOR HEARING TODAY.
MINUTES OF THE REGULAR MEETING OF THE BOARD OF APPEALS, AUGUST 12, 1998 (cont'd.)

APPEAL NO. 98-127

WILFREDO MENDOZA, et al., Appellants

(PROTESTING ISSUANCE ON JULY 1, 1998, TO WAI MING LUK, PERMIT TO ALTER A BUILDING (REMOVE INTERIOR WALLS TO CONVERT TWO UNIT BUILDING TO SINGLE FAMILY DWELLING) AT 3647 - 23rd STREET.

APPLICATION NO. 9810383.

FOR HEARING TODAY.

ACTION: RESCHEDULED to September 2, 1998 prior to hearing.

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

APPEAL NO. 98-057

RATHNEW CORPORATION, Appellant

(DENIAL ON MARCH 20, 1998, OF PERMIT TO DEMOLISH A BUILDING AT 1725 LAKE STREET.

APPLICATION NO. 9721774.

FOR HEARING TODAY.

APPEAL NO. 98-058

RATHNEW CORPORATION, Appellant

(DENIAL ON MARCH 20, 1998, OF PERMIT TO ERECT A BUILDING (THREE-STORIES, TWO UNITS) AT 1723-1725 LAKE STREET.

APPLICATION NO. 9721775.

FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President McInerney, the Board voted 2-1 (President Cullum dissented) to overrule the denial and grant the permit. Three votes are needed and the motion fails. The permit is DENIED.

SPEAKERS: Robert Passmore, Zoning Administrator for the Planning Department; Alice Barkley, attorney for appellant; Sean Keighran, Mack Burton, Donna Crowder, Jerry Agosta, Gary Gee, Joe Cassidy, Joe O'Donoghue, in support of appellant; Stephen Williams, Yasuko Morimoto, George Woo, Donna Aarons, Phillip Stone, Mike Uyeno, Hiroshi Fukuda, Garner Morimoto, Carl Marshall, Gina Hayes, John Baird, Jake McGoldrick, Al Gordon, Larry Minnich, Stephanie Orr, Ken Uyeda, Christine Linnenbach, Warren Doo, F. Joseph Butler, in support of the Planning Commission; and Ernie McNabb, appellant.

The Board recessed from 7:39 to 7:53 p.m.
Items (7A), (7B) and (7C) were heard together

APPEAL NO. 98-032
FRANKLIN S. HOLLEY, Appellant
(7A)
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on February 13, 1998, to Margaret Rogerson, permit to Alter a Building (roof top addition-add an apartment at third floor and garage space at basement) at 3516-18 Sacramento Street.
APPLICATION NO. 9712688S.
FOR HEARING TODAY.]

APPEAL NO. 98-033
JOHN S. AGER, Appellant
(7B)
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on February 13, 1998, to Margaret Rogerson, permit to Alter a Building (roof top addition-add an apartment at third floor and garage space at basement) at 3516-18 Sacramento Street.
APPLICATION NO. 9712688S.
FOR HEARING TODAY.]

APPEAL NO. 98-034
JOHN B. LOWRY, Appellant
(7C)
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on February 13, 1998, to Margaret Rogerson, permit to Alter a Building (roof top addition-add an apartment at third floor and garage space at basement) at 3516-18 Sacramento Street.
APPLICATION NO. 9712688S.
FOR HEARING TODAY.]

ACTION: After discussion, upon motion by Vice President McInerney with findings, the Board voted 2-1 (President Cullum dissented) to overrule the department and deny the permit with findings. Three votes are needed and the motion fails. The permit is UPHELD.

SPEAKERS: Howard Wexler, attorney for Franklin Holley and John Lowry, appellants; John Ager, appellant; Robert Passmore, Zoning Administrator for the Planning Department; Jonas Ionin, Planner for the Planning Department; Carolyn Gold, Steve Schroeder, Jim Gault, Barbara Baer, Peter Trendell, in support of appellant; Martin Eber, attorney for permit holder; Louis Robles, architect for permit holder; Simon Brown, John Tan, Carmilla Duran, in support of permit holder; Judith Boyajian, Deputy City attorney; and Laurence Kornfield, Chief Building Inspector for the Department of Building Inspection.

The Board recessed from 9:29 to 9:31 p.m.
MINUTES OF THE REGULAR MEETING OF THE BOARD OF APPEALS, AUGUST 12, 1998 (cont'd.)

APPEAL NO. 98-111

PATRICIA ANGLIM, S. FELIPE CRESPO & OLINDA ALDRICH, Appellants

DEPT. BUILDING INSPECTION, Respondent

APPEAL NO. 98-104

SHAKER SAHUD, Appellant

ZONING ADMINISTRATOR, Respondent

(8) [Protesting issuance on June 3, 1998, to Bing Juan Cao, permit to Alter a Building (construct back yard deck) at 19 Paulding Street. APPLICATION NO. 9810115. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Chin, the Board voted 3-0 to UPHOLD the department and GRANT the permit with the CONDITIONS requiring revised plans as agreed to by the parties.

SPEAKERS: The parties were present but did not speak.

(9) [Zoning Administrator determination dated June 2, 1998 that the Conditional Use Application to allow relocation of a Nonconforming liquor store within a retail grocery story within the Mission Alcohol Beverage Special Use Subdistrict at 445 Valencia Street was received by the Planning Department in error, and that the NCU liquor store use at 424 Valencia Street is deemed abandoned under Planning Code Section 781.8 (b)(1) and may not be reestablished. FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President McInerney and findings by President Cullum, the Board voted 3-0 to OVERRULE the Zoning Administrator and allow the appellant to apply for conditional use authorization at the Planning Commission.

SPEAKERS: Robert Passmore, Zoning Administrator for the Planning Department; and Arlo Smith, attorney for appellant.

There being no further business, President Cullum adjourned the meeting at 9:45 p.m.

Robert H. Feldman
Executive Secretary

Transcripts of these hearings can be obtained directly from Helen Chin, the Official Court Reporter, (415) 362-4440.
MINUTES OF THE
REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS
WEDNESDAY, AUGUST 19, 1998
5:30 P.M., VETERANS WAR MEMORIAL BUILDING
401 VAN NESS AVENUE, ROOM 428

PRESENT: President Carole Cullum, Vice President John McInerney, Commissioners Alicia Becerril, Arnold Chin, and Mauri Schwartz.

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.

Patty Wilson, Official Court Reporter.

Patty Wilson, substituting for Helen Chin, the Official Court Reporter, swore in all those who intended to testify during the meeting.

(1) PUBLIC COMMENT: At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: None.

(2) COMMISSIONERS COMMENTS AND QUESTIONS.

SPEAKER: President Cullum welcomed Commissioner Becerril to the Board.

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

REQUEST FOR REHEARING:

ITEM A: Letter on behalf of Suzanne D. Cauthen, appellant, requesting rehearing of Appeal No. 98-070, an appeal of Zoning Administrator determination regarding hours of operation of Non-Conforming Restaurants, 1349 Montgomery Street. Hearing July 15, 1998. Upon motion by President Cullum, the Board voted 4-0 to UPHOLD the Zoning Administrator.
ACTION: Upon motion by Commissioner Schwartz, the Board voted 3-1 (Commissioner Chin dissented) to REJECT Vice President McInerney. After discussion, upon motion by President Cullum, the Board voted 2-2 (Commissioner Chin and Schwartz dissented) to grant rehearing. Four votes are needed and the motion fails. The request is DENIED.

SPEAKERS: Stephen Williams, attorney for appellant; Suzanne Cauthen, appellant; and James Reuben, attorney for dalla Torre Restaurant.

Vice President McInerney left the dais at 5:47 and returned at 5:58 p.m. after the item above.

REQUEST FOR JURISDICTION BEYOND FIFTEEN-DAY APPEAL PERIOD:

ITEM B: Letter from 128 Wood Street Homeowners Association requesting that the Board take jurisdiction over Building Permit Application No. 9720392 issued to the 2745 Geary Association LLC, to erect a 22-unit, four story residential and commercial building at 2751-2761 Geary Blvd.

Date permit issued: June 22, 1998
Last day to appeal: July 7, 1998
Request for Jurisdiction: August 12, 1998

ACTION: Upon motion by Commissioner Chin, the Board voted 4-0 to REJECT Vice President McInerney because of conflict of interest. After discussion, upon motion by President Cullum, the Board voted 4-0 to DENY the request for jurisdiction because the permit was issued pursuant to conditional use authorization.

SPEAKERS: John Ryan, requestor; Bruce Baumann, architect for permit holder; and Robert Passmore, Zoning Administrator for the Planning Department.

Vice President McInerney left the dais at 6:00 p.m. and returned at 6:09 p.m after the item above.

APPEAL NO. 97-154

MARIA DEL CARMEN RAMIREZ, dba "NUEVO RAMIREZ FLORES", Appellant

vs.

ZONING ADMINISTRATOR, Respondent

[Order to cease violation of the Planning Code issued November 3, 1997 by the Zoning Administrator ordering that the retail open-air flower shop at 3136-23rd Street cease operation by November 21, 1997 because it is located in a RH-3 zoning district which does not permit commercial uses.

FOR HEARING TODAY.
MINUTES OF THE REGULAR MEETING OF THE BOARD OF APPEALS, AUGUST 19, 1998 (cont’d.)

ACTION: After discussion, upon motion by Vice President McInerney, the Board voted 5-0 to CONTINUE the matter to October 28, 1998 to allow the appellant to find a new location for her business.

The Board requested that the court reporter provide a transcript of this item for the appellant to insure she understands what is required.

SPEAKERS: Romy Ibarra-Klein, translator for appellant; Maria Del Carmen Ramirez, appellant; and Robert Passmore, Zoning Administrator for the Planning Department.

APPEAL NO. 98-092

LOWER POTRERO HILL NEIGHBORHOOD ASSOCIATION, Appellant vs. DEPT. BUILDING INSPECTION, Respondent

PLANNING DEPARTMENT APPROVAL

Protesting issuance on May 6, 1998, to Nibbi Investments, permit to Erect a Building [(10 live/work units) at 835 Minnesota Street. APPLICATION NO. 9703704. FOR HEARING TODAY.

PROTEST: Upon motion by President Cullum, the Board voted 3-1 (Commissioner Chin dissented) to RECRUSE Vice President McInerney. After discussion, upon motion by Commissioner Chin, the Board voted 4-0 to UPHELD the department and GRANTED the permit with CONDITIONS: The height of the roof to reduced to 41 feet; the stair penthouse shall be reduced in height to seven feet and have a sloping roof following the stairs down; at the front of the stairs will be no more than two feet above the roof; curbing will be done as low as possible. The appellant agreed to donate $1,500 per unit to the City's housing fund.

SPEAKERS: Stephen Williams, attorney for appellant; Christopher Ver Planck, Richard Millet; Kevin Mathieu, Lynn Brown, Tony Dominski, Mariuccia Iaconi, Steve Griffith read letter from Timm Crull, Surma Mauro, Joe Boss, Sally Seymour, Dave Siegel, Bill Hannapple, Philip Schwartz, Walton Chang, Anna Budinger read letter from Christopher Irion, Peter McCandless, Janet Carpinelli, in support of appellant; Robert Passmore, Zoning Administrator for the Planning Department; James Reuben, attorney for permit holder; Anthony Pantaleoni, architect for permit holder; and Laurence Kornfield, Chief Building Inspector for the Department of Building Inspection.

Vice President McInerney left the dais at 6:26 p.m. and returned at 8:10 p.m. The Board recessed from 7:44 to 7:52 p.m.

APPEAL NO. 98-116

ALAN L. EVANS, Appellant vs. DEPT. BUILDING INSPECTION, Respondent

PLANNING DEPARTMENT APPROVAL

Protesting issuance on June 8, 1998, to Perry Hoffman, permit to Alter a Building (remove and replace existing rear stairs and fire exit) at 336 Scott Street. APPLICATION NO. 9810439. FOR HEARING TODAY.
ACTION: After discussion, upon motion by Vice President McInerney, the Board voted 5-0 to **UPHOLD** the department and **GRANT** the permit with no **CONDITIONS**.

SPEAKERS: David Gellman, attorney for appellant; Jeremy Paul, consultant for permit holder; Perry Hoffman, permit holder; Robert Passmore, Zoning Administrator for the Planning Department; and Laurence Kornfield, Chief Building Inspector for the Department of Building Inspection.

The Board recessed from 8:30 to 8:43 p.m.

**APPEAL NO. 98-107**

TWIN PEAKS IMPROVEMENT ASSN. & MIDTOWN TERRACE HOMEOWNERS ASSN., Appellants

Zoning Administrator's determination dated June 2, 1998 that digital TV (DTV) broadcasting does not constitute a new use that would require amendment to the 1966 conditional use permit and that the exterior concrete pads and rooftop enclosures covered by Building Application No. 9805770 do not constitute a significant alteration to the existing structure requiring an amendment to the 1966 conditional use authorization.

FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President McInerney, the Board voted 5-0 to **UPHOLD** the Zoning Administrator.

SPEAKERS: Stephen Williams, attorney for appellants; Shab lin Chin, in support of appellants; Robert McCarthy, attorney for project sponsor; Christine Linnenbach, appellant; Judith Boyajian, Deputy City Attorney; and Gene Zastrow, manager of Sutro Tower.

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

Transcripts of these hearings can be obtained directly from Helen Chin, the Official Court Reporter, (415) 362-4440.
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MINUTES OF THE REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS

WEDNESDAY, SEPTEMBER 2, 1998

5:30 P.M., VETERANS WAR MEMORIAL BUILDING

401 VAN NESS AVENUE, ROOM 428

PRESENT: President Carole Cullum, Vice President John McInerney, Commissioners Alicia Becerril, Arnold Chin, and Mauri Schwartz.

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.

Helen Chin, Official Court Reporter.

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

(1) PUBLIC COMMENT: At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: None.

(2) COMMISSIONERS COMMENTS AND QUESTIONS.

SPEAKERS: None.

(3) REQUESTS FOR REHEARING:

ITEM A: Letter from Raquel Fox, attorney for Maria Verduzco-Palomino, appellant, requesting rehearing of Appeal No. 98-102, 312 Andover Street. Hearing August 5, 1998. Upon motion by President Cullum, the Board voted 1-2 (Vice President McInerney and Commissioner Chin dissented) to overrule the department and deny the permit. Four votes are needed and the motion fails. The permit is UPHeld.
ACTION: After discussion, upon motion by Vice President McInerney, the Board voted 5-0 to GRANT rehearing and scheduled it for September 16, 1998.

 SPEAKERS: Randall Shaw, attorney for appellant; and Gloria Guadamuz, permit holder.

ITEM B: Letter from Alice Barkley, attorney for Rathnew Corporation, appellant, requesting rehearing of Appeal Nos. 98-057 and 98-058, 1725 Lake Street. Hearing August 12, 1998. Upon motion by Vice President McInerney, the Board voted 2-1 (President Cullum dissented) to overrule the Planning Commission with findings and grant the permits. Three votes are needed and the motion failed. The denials were UPHeld.

ACTION: After discussion, upon motion by President Cullum, the Board voted 5-0 to GRANT rehearing and scheduled it for October 21, 1998.

 SPEAKERS: Alice Barkley, attorney for permit holder; and Stephen Williams, attorney for neighbors.

ITEM C: Letter from Reyna Lopez, permit holder, requesting rehearing of Appeal No. 97-172, 130-27th Street. Hearing August 12, 1998. Upon motion by President Cullum, the Board voted 3-0 to UPHold the department and GRANT the permit with the CONDITION that the fence be a maximum of 6'5" high, made of split block and capped on the top.

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

 SPEAKERS: Denise Leadbetter, attorney for appellant. The permit holder did not appear.

(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. 98-129

PAUL HOM, Appellant

(A) vs.

DEPT. BUILDING INSPECTION, Respondent

PLANNING DEPARTMENT APPROVAL

[Imposition of Penalty on
[JULY 15, 1998, FOR WORK
[DONE AT 579-39TH AVENUE.
[APPLICATION NO. 9806778.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Chin, 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: The appellant was present but did not speak.
MINUTES OF THE REGULAR MEETING OF THE BOARD OF APPEALS, SEPTEMBER 2, 1998 (cont'd.)

APPEAL NO. 98-147

B) CHRISTINA MELENDEZ, Appellant [Imposition of Penalty on

[August 11, 1998, for work

[done at 1159 Oak Street.

[APPLICATION NO. 9801139.

[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Chin, the Board voted 5-0 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. 98-148

C) ANNIE BERTHIAUME, Appellant [Imposition of Penalty on

[August 13, 1998, for work

[done at 1514 - 25th Street.

[APPLICATION NO. 9805593.

[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Chin, the Board voted 5-0 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. V98-071

5) ORESTE TORRANO, Appellant [Appeal of Rear Yard Variance

[granted on April 14, 1998, to

[Oreste Torrano, to reconstruct

[a new existing noncomplying detached

[rear garage at the rearmost of

[the subject through lot at 2010

[Filbert Street with condition

[that proposal to construct a

[new story with a workshop and

[office over the reconstructed

[garage be denied.

[VARIANCE CASE NO. 98.075V.

[FOR FURTHER HEARING TODAY.

ACTION: Upon motion by Commissioner Chin, the Board voted 4-0 to RECUSE Commis-

sioner Becerril because she did not participate in the previous hearing. After

discussion, upon motion by Vice President Mcinerney, the Board

voted 4-0 to OVERRULE the Zoning Administrator and allow the new story

with a workshop and office over the reconstructed garage with findings

to be adopted at a later date.

SPEAKER: Kristina Raupah, architect for appellant.
Items (6A) and (6B) were heard together

**APPEAL NO. 98-052**

WILFREDO MENDOZA, Appellant

(6A) vs.

DEPT. BUILDING INSPECTION, Respondent

[Protesting issuance on March 11, 1998, to Wai-Ming Luk, permit to Alter a Building (upgrade electrical wiring, replace window, install skylight, remodel kitchen, insulate walls where accessible) at 3647 - 23rd Street.

APPLICATION NO. 9804149.

FOR HEaring TODAY.]

**APPEAL NO. 98-127**

WILFREDO MENDOZA, et al., Appellants

(6B) vs.

DEPT. BUILDING INSPECTION, Respondent

PLANNING DEPARTMENT APPROVAL

[Protesting issuance on July 1, 1998, to Wai Ming Luk, permit to Alter a Building (remove interior walls to convert two unit building to single family dwelling) at 3647 - 23rd Street.

APPLICATION NO. 9810383.

FOR HEaring TODAY.]

**ACTION:**

After discussion, upon motion by President Cullum, the Board voted 5-0 to **CONTINUE** the matter to **November 4, 1998** for review of evidence submitted by Laurence Kornfield, Chief Building Inspector.

**SPEAKERS:**

Raquel Fox, attorney for appellants; Alex Weyand and Ranjani Ramakrishna, attorneys for permit holder; Carmen Mendoza and her son, appellants; Laurence Kornfield, Chief Building Inspector for the Department of Building Department; and Robert Passmore, Zoning Administrator for the Planning Department.

The Board recessed from 6:44 to 6:59 p.m.

**APPEAL NO. 98-125**

SHARON & MARK DOLEV, Appellants

(7) vs.

DEPT. BUILDING INSPECTION, Respondent

PLANNING DEPARTMENT APPROVAL

[Protesting issuance on June 23, 1998, to Carmen Castro, permit to Alter a Building (construct exterior second floor deck) at 2370 Broadway Street.

APPLICATION NO. 9709611S.

FOR HEaring TODAY.]

**ACTION:**

Upon motion by Commissioner Chin, the Board voted 4-0 to **RECUse** Vice President McInerney. After discussion, upon motion by Commissioner Schwartz, the Board voted 4-0 to **UPHOLD** the department and **GRANT** the permit.
MINUTES OF THE REGULAR MEETING OF THE BOARD OF APPEALS, SEPTEMBER 2, 1998 (cont’d.)

SPEAKERS: Mark Dolev, appellant; Joel Yodowitz, attorney for permit holder; Patrick Buscovich, structural engineer for permit holder; Laurence Kornfield, Chief Building Inspector for the Department of Building Inspection; Greg Franceschi, permit holder; and Shelly Dolev, in support of appellants.

APPEAL NO. 98-130
COMMITTEE TO PRESERVE NORTH BEACH, Appellant
(8) vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on July 7, 1998, to Fuzio, permit to Erect a Sign at 1548 Stockton Street.
APPLICATION NO. 9812765.
FOR HEARING TODAY.

ACTION: WITHDRAWN by appellant prior to hearing.

The Board recessed from 8:41 to 8:48 p.m.

APPEAL NO. 98-132
DERRICK M. CHAN, SCOTT McBIRNIE, & CARL WELLS, Appellants
(9) vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on July 9, 1998, to 138 Wood Street Associates, permit to Erect a Building (single family dwelling) at 451 Day Street. APPLICATION NO. 9711707S.
FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Chin, the Board voted 4-0 to RECUSE Vice McInerney. After discussion, the Board voted 4-0 to UPHOLD the department and GRANT the permit with CONDITIONS and findings.

SPEAKERS: Scott McBirnie and Derrick Chan, appellants; Anna Grabstein, Richard Grabstein, Harriette Unger read a letter from Bill Derrough, Judy Mozesson, Lawrence Goldyn, Jane Phillips, in support of appellants; and Kevin O'Keefe, in support of permit holder.

There being no further business, President Cullum adjourned the meeting at 9:06 p.m.

Robert H. Feldman
Executive Secretary

Transcripts of these hearings can be obtained directly from Helen Chin, the Official Court Reporter, (415) 362-4440.
MINUTES OF THE
REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS
WEDNESDAY, SEPTEMBER 9, 1998
5:30 P.M., VETERANS WAR MEMORIAL BUILDING
401 VAN NESS AVENUE, ROOM 428

PRESENT: President Carole Cullum, Vice President John McInerney, Commissioners Alicia Becerril, Arnold Chin, and Mauri Schwartz.

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.

Helen Chin, Official Court Reporter.

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

(1) PUBLIC COMMENT: At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: None.

(2) COMMISSIONERS COMMENTS AND QUESTIONS.

SPEAKERS: None.

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

REQUEST FOR JURISDICTION:

ITEM A: Letter from Scott Chandler, requesting that the Board take jurisdiction over Building Permit Application No. 9714747S issued to Bruce Colton for alterations at 1769 Noe Street (new rear horizontal addition with rear deck; new off-street parking space in front yard with new driveway and curb cut).
Date issued: August 3, 1998
Last day to appeal: August 18, 1998
Request for jurisdiction: August 19, 1998

ACTION: After discussion, upon motion by Commissioner Schwartz, the Board voted 4-1 (Vice President McInerney dissented) to GRANT jurisdiction and scheduled the matter for November 4, 1998.

SPEAKERS: Scott Chandler, requestor; and Bruce Colton, permit holder.

REQUESTS FOR REHEARING:

ITEM B: Letter from Sue Hestor, attorney for Niman-Schell Meats, appellant, requesting rehearing of Appeal No. 98-045, 321 Langton Street. Hearing June 10, 1998. Upon motion by Commissioner Schwartz, the Board voted 1-2 (President Cullum and Commissioner Chin dissented, Vice President McInerney absent) to overrule the department and deny the permit. Three votes are needed. The department is UPHELD and the permit GRANTED.

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

SPEAKERS: Sue Hestor, attorney for appellant; Alice Barkley, attorney for permit holder; and Laurence Kornfield, Chief Building Inspector for the Department of Building Inspection.

Vice President McInerney arrived at 6:15 p.m.

ITEM C: Letter from John Ager, appellant, requesting rehearing of Appeal No. 98-033, 3516-3518 Sacramento Street. Upon motion by Vice President McInerney with findings, the Board voted 2-1 (President Cullum dissented) to overrule the department and deny the permit with findings. Three votes are needed and the motion failed. The permit was UPHELD.

ACTION: After discussion, upon motion by Vice President McInerney, the Board voted 4-1 (Commissioner Chin dissented) to GRANT rehearing and scheduled the matter for November 18, 1998.

SPEAKERS: John Ager, appellant; and Marty Eber, attorney for permit holder.

ITEM D: Letter from Howard Wexler, attorney for Franklin Holley and John Lowry, appellants, requesting rehearing of Appeal Nos. 98-032 and 98-034, 3516-3518 Sacramento Street. Upon motion by Vice President McInerney with findings, the Board voted 2-1 (President Cullum dissented) to overrule the department and deny the permit with findings. Three votes are needed and the motion failed. The permit was UPHELD.
ACTION: After discussion, upon motion by Vice President McInerney, the Board voted 4-1 (Commissioner Chin dissented) to **GRANT** rehearing and scheduled it for **November 18, 1998**.

**SPEAKERS:** Howard Wexler, attorney for appellants; and Marty Eber, attorney for permit holder.

**APPEAL NO. 98-121**

SANDRA RUSSELL, Appellant  
vs.  
DEPT. BUILDING INSPECTION, Respondent  
PLANNING DEPARTMENT APPROVAL

(4)  
[Protesting issuance on June 19, 1998, to Raymond Spruance, permit to Erect a Building (two-story single-family dwelling) at 376 Highland Avenue.  
APPLICATION NO. 9720200S.  
FOR HEARING TODAY.]

**ACTION:** After discussion, upon motion by Commissioner Chin, the Board voted 5-0 to **UPHOLD** the department and **GRANT** the permit with **CONDITIONS** as stated in stipulated agreement submitted by the parties dated August 28, 1998.

**SPEAKERS:** Parties were present and did not testify.

**APPEAL NO. 98-035**

VICTOR TWAL dba "BUDDIES",  
Appellant  
vs.  
DEPT. BUILDING INSPECTION, Respondent  
PLANNING DEPARTMENT DISAPPROVAL

(5)  
[Denial on February 13, 1998, of permit to Alter a Building (legalize 3' x 4' x 12'6" awning and sign installed without permit) at 498 Sanchez Street.  
APPLICATION NO. 9723854.  
FOR HEARING TODAY.]

**ACTION:** RESCHEDULED to December 9, 1998 prior to hearing.

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

**APPEAL NO. 98-122**

CHRISTINE PIELENZ, Appellant  
vs.  
DEPT. BUILDING INSPECTION, Respondent  
PLANNING DEPARTMENT APPROVAL

(6A)  
[Protesting issuance on June 22, 1998, to Jimmy Chow, permit to Demolish a Building at 1903-23rd Street.  
APPLICATION NO. 9725014.  
FOR HEARING TODAY.]

Items (6A) and (6B) were heard together.
MINUTES OF THE REGULAR MEETING OF THE BOARD OF APPEALS, SEPTEMBER 9, 1998

APPEAL NO. 98-123

CHRISTINE PIELENZ, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent

PLANNING DEPARTMENT APPROVAL

(6B)

[Protesting issuance on June 22, 1998, to Jimmy Chow, permit to Erect a Building (three dwelling units on three levels) at 1903 - 23rd Street. APPLICATION NO. 9725015. FOR HEARING TODAY.]

ACTION: After discussion, upon motion by Commissioner Chin, the Board voted 5-0 to UPHOLD the department and GRANT the permit with CONDITIONS: Garage door to be set back ten feet; building to be reduced in length three feet; windows to be of obscure glass on right side elevation.

SPEAKERS: Christine Pielenz, appellant; William Laven, Kelly Shoonmaker, Beth Kohn, Robbin Frey, Pat Yorck, Daniel Bernstein, James Yorck, Ted Puslinksy, Dominick Piscione, in support of appellant; Charles Stuh, attorney for permit holder; Delvin Washington, Planner for the Planning Department; Renan Dominguez, engineer for permit holder; Laurence Kornfield, Chief Building Inspector for the Department of Building Inspection; and Jennifer Chow, permit holder.

The Board recessed from 7:44 to 7:55 p.m.

APPEAL NO. 98-134

EVA MAE THOMAS, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent

PLANNING DEPARTMENT APPROVAL

(7)

[Protesting issuance on July 13, 1998, to Bonnie Spindler, permit to Alter a Building (remove two illegal units) at 348-350 Scott Street. APPLICATION NO. 9810814. FOR HEARING TODAY.]

ACTION: After discussion, upon motion by Vice President McInerney, the Board voted 2-3 (President Cullum, Commissioners Chin and Schwartz dissented) to uphold the department and grant the permit with a 60 day stay. Four votes are needed and the motion failed. Then upon motion by President Cullum, the Board voted 4-1 (Vice President McInerney dissented) to CONTINUE the matter to December 9, 1998.

SPEAKERS: Anastasia Yovanopoulos, agent for appellant; Eva Thomas, appellant; Andrew Wiegel, attorney for permit holder; Bonnie Spindler, permit holder; and Laurence Kornfield, Chief Building Inspector for the Department of Building Inspection.

-4-
MINUTES OF THE REGULAR MEETING OF THE BOARD OF APPEALS, SEPTEMBER 9, 1998
(cont'd.)

APPEAL NO. 98-139

CHRISTOPHER SABRE & JEAN LOURA, Appellants

vs.

DEPT. BUILDING INSPECTION, Respondent

PLANNING DEPARTMENT APPROVAL

Case: (8)

Protesting issuance on July 15, 1998, to William Martorana, permit to Alter a Building ([vertical addition and remodel basement to living space; interior remodeling existing two floors; new stairs and deck at rear of building) at 545 - 547 Wisconsin Street. APPLICATION NO. 9710909S. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Chin, the Board voted 4-0 to RESCUSE Commissioner Schwartz, who left the room at 8:53 p.m. After discussion, upon motion by Vice President McInerney, the Board voted 4-0 to UPHOLD the department and GRANT the permit with CONDITIONS: The roof of the second bath shall be no higher than the sill of the appellant's window, and the front fence shall be no more than three feet in height.

SPEAKERS: Joe Butler, architect for appellants; Delvin Washington, Planner for the Planning Department; William Martorana, permit holder; Ronald Wallace, architect for permit holder.

Commissioner Schwartz left the dais at 8:43 and returned at 9:26 p.m. The Board recessed from 9:20 to 9:26 p.m.

APPEAL NO. 98-140

TOM WHELAN & JEANINE YEOMANS, Appellants

vs.

DEPT. BUILDING INSPECTION, Respondent

PLANNING DEPARTMENT APPROVAL

Case: (9)

Protesting issuance on July 16, 1998, to Jean Steyaert and Peter Andresen, permit to Alter a Building (combine units 7 & 8; interior remodelling; replace structural wall with steel frame; relocate existing shearwall) at 303 Greenwich Street. APPLICATION NO. 9809529. FOR HEARING TODAY.

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

SPEAKERS: Tom Whelan, appellant; Peter Andresen and Jean Steyaert permit holders; and Andrew Blyholder, architect for permit holder.

Commissioner Chin left the dais at 9:29 and returned at 9:50 p.m.

-5-
SAN FRANCISCANS FOR REASONABLE GROWTH, Appellant

(10) 

ZONING ADMINISTRATOR, Respondent

APPEAL NO. W98-113

[Appeal of Off-Street Parking Waiver (convert existing structure from 40,000 s.f. of manufacturing use to 24,999 s.f. of office use and 15,001 s.f. of business service/multimedia use pursuant to Planning Code Section 803.5(c) without providing any new off-street parking) granted on June 9, 1998 for property at 180 Townsend Street. CASE NO. 97.832V.

FOR HEARING TODAY.

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

SPEAKERS: Michael Kometani, Planner for the Planning Department; Sue Hestor, attorney for appellant; and Warner Schmalz, architect for project sponsor.

EDWARD R. NUNES, Appellant

(11)

ZONING ADMINISTRATOR, Respondent

APPEAL NO. 98-117

[Health Permit Referral determination by the Zoning Administrator dated June 10, 1998 that the Non-Conforming Commercial Food Warehouse/Wholesale Sales use proposed for 1780 Oakdale, zoned RH-1, will terminate at the current five-year lease expiration on April 30, 2003. FOR HEARING TODAY.

ACTION: After discussion, upon motion by President Cullum, the Board voted 5-0 to CONTINUE the matter to CALL OF THE CHAIR.

SPEAKERS: Judy Martin, Planner for the Planning Department; and William Abend, agent for appellant.

(12A) PUBLIC COMMENT ON ALL MATTERS PERTAINING TO THE CLOSED SESSION.


(12B) CLOSED SESSION PURSUANT TO GOVERNMENT CODE SECTION 54957 AND SAN FRANCISCO ADMINISTRATIVE CODE SECTION 67.10(b).

PUBLIC EMPLOYEE EVALUATION: Robert Feldman, Executive Secretary

MINUTES OF THE REGULAR MEETING OF THE BOARD OF APPEALS, SEPTEMBER 9, 1998 (cont'd.)

(12C) RECONVENE IN OPEN SESSION TO VOTE WHETHER TO DISCLOSE ANY OR ALL DISCUSSIONS HELD IN CLOSED SESSION (San Francisco Administrative Code Section 67.10(b).


There being no further business, President Cullum adjourned the meeting at 10:37 p.m.

Robert H. Feldman
Executive Secretary

Transcripts of these hearings can be obtained directly from Helen Chin, the Official Court Reporter, (415) 362-4440.
MINUTES OF THE
REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS
WEDNESDAY, SEPTEMBER 16, 1998
5:30 P.M., VETERANS WAR MEMORIAL BUILDING
401 VAN NESS AVENUE, ROOM 428

PRESENT: President Carole Cullum, Vice President John McInerney, Commissioners Alicia Becerril, Arnold Chin, and Mauri Schwartz.

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.

Helen Chin, Official Court Reporter.

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

(1) PUBLIC COMMENT: At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: Sue Hestor spoke in support of the request for rehearing for Appeal No. 98-100, item 3 below and read from the transcript of the Planning Commission hearing on the same permit.

Jeremy Paul spoke on the three appeals on 560 Haight Street scheduled for October 14, 1998.

(2) COMMISSIONERS COMMENTS AND QUESTIONS.

SPEAKER: Commissioner Chin announced that he would be able to stay for only the first item because of a commitment at the Chinese Consulate.

(3) REQUEST FOR REHEARING: Letter from Robert Passmore, Zoning Administrator for the Planning Department, requesting rehearing of Appeal No. 98-100, 723-725 Tehama Street.
Hearing August 5, 1998. Upon motion by Vice President McInerney, the Board voted 3-0 to **OVERRULE** the department and **GRANT** the permit with findings by the attorney for appellant.

**ACTION:** After discussion, upon motion by Commissioner Schwartz, the Board voted 3-2 (Vice President McInerney and Commissioner Chin dissented) to grant rehearing. Four votes are needed and the motion fails. The request is **DENIED**.

**SPEAKERS:** Robert Passmore, Zoning Administrator for the Planning Department; and Andrew Zacks, attorney for appellant.

Commissioner Chin left the meeting at 5:53 p.m.

**APPEAL NO. 98-003**

DENNIS & CAROL HAMBY, Appellants vs. DEPT. BUILDING INSPECTION, Respondent

PLANNING DEPARTMENT DISAPPROVAL [of permit to Alter a Building (extend garage and add new door) at 1334 Masonic Avenue. APPLICATION NO. 9704152. FOR HEARING TODAY.]

**ACTION:** After discussion, upon motion by Vice President McInerney, the Board voted 4-0 to **OVERRULE** the department and **GRANT** the permit with **CONDITIONS**: 1. The garage door is approved as is. 2. The curb cut is to be reduced by one full downhill sidewalk square (three feet) on the north side. 3. The driveway portion that would be east of the property line, shall have a planter restored in a form consistent with the other planters on the block, allowing for an eleven foot wide driveway, measured from the existing retaining wall on the south side, to the north eleven feet.

**SPEAKERS:** Sean Ellis, attorney for appellants; Jeff Litke, Arthur McKay, in support of appellants; Robert Passmore, Zoning Administrator for the Planning Department; Laurence Kornfield, Chief Building Inspector for the Department of Building Inspection; Richard Feliciano, Richard Harris, Harry Kwong; Deada Mally, Carl Zlatchin, Bernard Foston, in support of the department; and Dennis and Carol Hamby, appellants.

The Board recessed from 7:15 to 7:23 p.m.

**APPEAL NO. 98-087**

THE S.F. TREE COUNCIL AND NORTHPOINT RESIDENTS & NEIGHBORS, Appellants vs. DEPT. PUBLIC WORKS, Respondent

PROTESTING ISSUANCE ON MAY 1, 1998, TO NORTHPOINT LAND LLC, [ORDER NO. 171,009. FOR FURTHER HEARING TODAY.]
ACTION: RESCHEDULED to November 4, 1998 prior to hearing.

APPEAL NO. 98-102

MARIA VERDUZCO-PALAMINO, et al., Appellants

(6) vs.

DEPT. BUILDING INSPECTION, Respondent

APPEAL NO. 98-102

Protesting issuance on May 26, 1998, to Gloria C. Guadamuz, permit to Demolish a Building [(two dwelling units) at 312 Andover Street.

APPLICATION NO. 9706718.

FOR REHEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Becerril, the Board voted 4-0 to OVERRULE the department and REVOKE the permit with findings.

SPEAKERS: Randall M. Shaw, attorney for appellants; Doug Schuemaker, Christine Santiago, Matt Brown, Terry Milne, Edith McMillan, in support of appellants; Robert Passmore, Zoning Administrator for the Planning Department; Gloria Allen, permit holder; Austin Harkin, architect for permit holder; Laurence Kornfield, Chief Building Inspector for the Department of Building Inspection; and Judith Boyajian, Deputy City Attorney.

ARNOLD LAUB, Appellant

(7) vs.

DEPT. BUILDING INSPECTION, Respondent

APPEAL NO. 98-126

Protesting issuance on June 26, 1998, to Eugene Ellis, permit to Alter a Building (replace wall, open doors, add fireplace and replace window) at 1964 Pacific Avenue #4.

APPLICATION NO. 9811994.

FOR HEARING TODAY.

ACTION: RESCHEDULED to October 14, 1998 prior to hearing.

LORETTA EMERZIAN, Appellant

(8) vs.

DEPT. BUILDING INSPECTION, Respondent

APPEAL NO. 98-143

Protesting issuance on July 22, 1998, to Larry Cook, permit to Alter a Building (add deck off kitchen at rear of building) at 3059 Washington Street.

APPLICATION NO. 9813967.

FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President McInerney, the Board voted 1-3 (President Cullum, Commissioners Becerril and Schwartz dissented) to uphold the department and grant the permit with the proposed plans dated September 1, 1998. Four votes are needed and the motion fails. The permit is UPHELD with no conditions.
SPEAKERS: Loretta Emerzian, appellant; W. Davis Larsen, architect for permit holder; and Larry Cook, permit holder.

APPEAL NO. 98-154

ROBERT COULY, Appellant vs. ZONING ADMINISTRATOR, Respondent

Determination by the Zoning Administrator dated August 7, 1998 that the tenant/operator/bar licensee of 853 Valencia Street abandoned her beer and wine license the day she was evicted June 17, 1998 and that under Planning Code Section 781.8(b)(1) this non-conforming use is deemed abandoned and may not be reestablished on the site which is in the Mission Alcoholic Beverage Special Use Subdistrict which places a moratorium on new alcoholic beverage establishments.

FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President McInerney, the Board voted 4-0 to OVERRULE the Zoning Administrator with CONDITIONS: The Planning Department staff shall attach Good Neighbor Policy conditions to any permit or ABC license reviewed for new operators.

SPEAKERS: Robert Passmore, Zoning Administrator for the Planning Department; Suzanne Brown, in support of the Zoning Administrator; Robert Couly, appellant; and Shaw-na Lee, in support of the appellant.

CLOSED SESSION:

PUBLIC COMMENT ON ALL MATTERS PERTAINING TO THE CLOSED SESSION.

CLOSED SESSION PURSUANT TO GOVERNMENT CODE SECTION 54957 AND SAN FRANCISCO ADMINISTRATIVE CODE SECTION 67.10(b).

PUBLIC EMPLOYEE EVALUATION: Robert Feldman, Executive Secretary

RECONVENE IN OPEN SESSION TO VOTE WHETHER TO DISCLOSE ANY OR ALL DISCUSSIONS HELD IN CLOSED SESSION (San Francisco Administrative Code Section 67.10(b).
There being no further business, President Cullum adjourned the meeting at 9:15 p.m.

Transcripts of these hearings can be obtained directly from Helen Chin, the Official Court Reporter, (415) 362-4440.
PRESENT: Vice President John McInerney, Commissioners Alicia Becerril, Arnold Chin, and Mauri Schwartz.

Gerald Green, Director of 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.

Helen Chin, Official Court Reporter.

ABSENT: President Carole Cullum.

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

(1) PUBLIC COMMENT: At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: None.

(2) COMMISSIONERS COMMENTS AND QUESTIONS.

SPEAKERS: None.

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

ADOPTION OF FINDINGS ORDERED BY SUPERIOR COURT:

ITEM A: Appeal No. 97-092, denial of taxicab stock transfer request from Yellow Cab Cooperative, Inc. by the Police Commission dated May 29, 1997 (Resolution No. 73-97. Hearing April 1, 1998. Upon motion by Commissioner Schwartz, the Board voted 2-3 (President Cullum, Commissioners Salgado and Chin dissented) to overrule the Police Commission. The motion failed and the Police Commission was UPHELD.
ACTION: Upon motion by Commissioner Schwartz, the Board voted 3-0 to RECUSE Commissioner Becerril because she did not participate in the April 1, 1998 hearing. Then after discussion, upon motion by Commissioner Schwartz, the Board voted 3-0 to ADOPT amended findings.

SPEAKERS: Thomas Owen, Deputy City Attorney; and Philip Ward, attorney for Yellow Cab.

REQUESTS FOR REHEARING:

ITEM B: Letter from Sharon and Mark Dolev, appellants, requesting rehearing of Appeal No. 98-125, 2370 Broadway Street. Hearing September 2, 1998. Upon motion by Commissioner Chin, the Board voted 4-0 to RECUSE Vice President McInerney. After discussion, upon motion by Commissioner Schwartz, the Board voted 4-0 to UPHOLD the department and GRANT the permit.

ACTION: RESCHEDULED to October 21, 1998 prior to hearing because of lack of four voting members.

ITEM C: Letter from Tom Whelan and Jeannine Yeomans, appellants, requesting rehearing of Appeal No. 98-140, 303 Greenwich Street. Hearing September 9, 1998. Upon motion by Commissioner Schwartz, the Board voted 4-0 to RECUSE Commissioner Chin. After discussion, upon motion by Commissioner Schwartz, the Board voted 4-0 to UPHOLD the department and GRANT the permit.

ACTION: RESCHEDULED to October 21, 1998 because of lack of four voting members.

ITEM D: Letter from Loretta Emerzian, appellant, requesting rehearing of Appeal No. 98-143, 3059 Washington Street. Hearing September 16, 1998. Upon motion by Vice President McInerney, the Board voted 1-3 (President Cullum and Commissioners Schwartz and Becerril dissented, Commissioner Chin absent) to uphold the department and grant the permit.

ACTION: After discussion, upon motion by Commissioner Schwartz, the Board voted 4-0 to GRANT rehearing and scheduled it for October 28, 1998.

SPEAKERS: Loretta Emerzian, appellant; and W. Davis Larsen, architect for permit holder.

(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. 98-159

HERBERT CHANG, Appellant vs. DEPT. BUILDING INSPECTION, Respondent

PLANNING DEPARTMENT APPROVAL

[Appeal for Refund of Penalty imposed on September 2, 1998, for work done at 3250 Market Street. APPLICATION NO. 9816052. FOR HEARING TODAY.]
ACTION: Upon motion by Commissioner Becerril, the Board voted 4-0 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.

APPEAL NO. 98-167
CECILIA CHAN, Appellant [Appeal for Refund of Penalty] vs. [imposed on September 11, 1998, for work done at 301 Toland Street.]
DEPT. BUILDING INSPECTION, Respondent [APPLICATION NO. 9705444.]
PLANNING DEPARTMENT APPROVAL

ACTION: Upon motion by Commissioner Becerril, the Board voted 4-0 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: The appellant was present but did not speak.

APPEAL NO. 98-175
JAIME CARRIAN, Appellant [Imposition of Penalty on September 28, 1998, for work done at 1996 - 25th Street.]
vs. [APPLICATION NO. 9622349.]
DEPT. BUILDING INSPECTION, Respondent [FOR HEARING TODAY.]
PLANNING DEPARTMENT APPROVAL

ACTION: Upon motion by Commissioner Becerril, the Board voted 4-0 to OVERRULE the department with the CONDITION that the penalty be reduced to two times the regular fee of $248.30 for a total of $496.60.

SPEAKERS: The appellant was present but did not speak.

APPEAL NO. 98-169
GARRY NICHOL, Appellant [Protesting issuance on August 31, 1998, to Raymond del Pitollo, site permit to Erect a Building (three-story single family dwelling) at 51 Arbor Street.]
vs. [APPLICATION NO. 9801484S.]
DEPT. BUILDING INSPECTION, Respondent [FOR HEARING TODAY.]
PLANNING DEPARTMENT APPROVAL

ACTION: Upon motion by Commissioner Becerril, the Board voted 4-0 to UPHOLD the department and GRANT the permit with CONDITIONS agreed to by the parties.

SPEAKERS: The parties were present but did not speak.
MINUTES OF THE REGULAR MEETING OF THE BOARD OF APPEALS, OCTOBER 14, 1998 (cont’d.)

APPEAL NO. 98-098

AI L. ZENG, dba "MAI'S MASSAGE", Appellant

6 vs. POLICE DEPARTMENT, Respondent

ACTION: RESCHEDULED to November 4, 1998 prior to hearing.

APPEAL NO. 98-109

DO VAN DANG, dba "SU SU SPA", Appellant

7 vs. POLICE DEPARTMENT, Respondent

ACTION: WITHDRAWN prior to hearing.

APPEAL NO. 98-119

IN SOOK HA, dba "LEE'S MASSAGE", Appellant

8 vs. POLICE DEPARTMENT, Respondent

ACTION: RESCHEDULED to November 4, 1998 prior to hearing.

APPEAL NO. 98-126

ARNOLD LAUB, Appellant

9 vs. DEPT. BUILDING INSPECTION, Respondent

ACTION: Upon motion by Commissioner Chin, the Board voted 4-0 to UPHOLD the department and GRANT the permit with CONDITIONS as agreed to by the parties.

SPEAKERS: The parties were present but did not speak.

Items (10A), (10B) and (10C) were heard together

APPEAL NO. 98-146

JAMES M. HOULLION & JOE McCUNE, Appellants

10A vs. DEPT. BUILDING INSPECTION, Respondent

ACTION: Upon motion by Commissioner Chin, the Board voted 4-0 to UPHOLD the department and GRANT the permit with CONDITIONS as agreed to by the parties.

SPEAKERS: The parties were present but did not speak.
MINUTES OF THE REGULAR MEETING OF THE BOARD OF APPEALS, OCTOBER 14, 1998 (cont'd.)

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

APPEAL NO. V98-161
560 HAIGHT STREET GROUP, Appellant
(10B) vs.
ZONING ADMINISTRATOR, Respondent

**Appeal of Condition #3 of Rear Yard and Dwelling Unit Exposure Variances (allow conversion of church to residential use with 18 dwelling units and 18 parking spaces) granted on September 4, 1998 for property at 560 Haight Street.**

**VARIANCE CASE NO. 98.007V FOR HEARING TODAY.**

ACTION: After discussion, upon motion by Commissioner Schwartz, the Board voted 4-0 to **OVERRULE** the Zoning Administrator and **AMEND** Condition 3 to change the window height from floor to 45 inches.

APPEAL NO. V98-168
CECILIA ANN SHEPARD, Appellant
(10C) vs.
ZONING ADMINISTRATOR, Respondent

**Appeal of Rear Yard and Dwelling Unit Exposure Variances (allow conversion of church to residential use with 18 dwelling units and 18 parking spaces) granted to The Vahdani Group, on September 4, 1998 for property at 560 Haight Street.**

**VARIANCE CASE NO. 98.007V FOR HEARING TODAY.**

ACTION: The Board was polled as to whether the Negative Declaration had been reviewed and considered. All answered and replied "aye". After discussion and testimony, upon motion by Commissioner Chin, the Board voted 4-0 to **UPHOLD** the Zoning Administrator and **GRANT** the variance.

SPEAKERS: Joel McCune, Cecilia Shepard, James Houllion, appellants; Lynn Elman, Lisa Cardone, Edmond Moore, Arlene Sen, William Cordone, Lestor Horton, Patricia Miller, Donald Hinckley, Lynne Provancha, Lesia Thornton, Larry Acherman, Eric Baldwin, Erin Fisher, Beau Alexander, Michele Walsh, Zachary Hatch, Sharon McGowan, Michael Welborn, Mark Sheldon, Roy Hundley, Jeff Hirsch, Toni Beeson, Marc Vogel, Natalie Price, David Woods, Anthony Masucci, Stanley Lamontagne, James Washburn, in support of appellants; Gerald Green, Director of Planning Department; Jeremy Paul, agent for permit holder; Rochelle McCune, Hilda Senity, Otis Maxwell, Jean Russ, Jerry Goode, Russell Ware, Carol Huddle, in support of the project; Dan Paris, architect for permit holder; and Laurence Kornfield, Chief Building Inspector for the Department of Building Inspection.

-5-
The Board recessed from 6:17 to 6:33 p.m. and 7:45 to 7:58 p.m.

There being no further business, Vice President McInerney adjourned the meeting at 9:21 p.m.

Robert H. Feldman  
Executive Secretary

Transcripts of these hearings can be obtained directly from Helen Chin, the Official Court Reporter, (415) 362-4440.
MINUTES OF THE
REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS
WEDNESDAY, OCTOBER 21, 1998
5:30 P.M., VETERANS WAR MEMORIAL BUILDING
401 VAN NESS AVENUE, ROOM 428

PRESENT: President Carole Cullum, Vice President John McInerney, Commissioners Alicia Becerril, Arnold Chin, and Mauri Schwartz.

Gerald Green, Director of 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.

Helen Chin, Official Court Reporter.

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

(1) PUBLIC COMMENT: At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: None.

(2) COMMISSIONERS COMMENTS AND QUESTIONS.

SPEAKERS: None.

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

REQUESTS FOR REHEARING:

ITEM A: Letter from Sharon and Mark Dolev, appellants, requesting rehearing of Appeal No. 98-125, 2370 Broadway Street. Hearing September 2, 1998. Upon motion by Commissioner Chin, the Board voted 4-0 to RECURSE Vice President McInerney. After discussion, upon motion by Commissioner Schwartz, the Board voted 4-0 to UPHOLD the department and GRANT the permit.
MINUTES OF THE REGULAR MEETING OF THE BOARD OF APPEALS, OCTOBER 21, 1998 (cont'd.)

ACTION: Upon motion by Commissioner Chin, the Board voted 4-0 to RECUSE Vice President McInerney, who left the room before testimony. After discussion, upon motion by Commissioner Becerril, the Board voted 3-1 (Commissioner Schwartz dissented) to DENY the request for rehearing.

SPEAKERS: Shelly Dolev, for appellants; Joel Yodowitz, attorney for permit holder; Laurence Kornfield, Chief Building Inspector for the Department of Building Inspection; and Judith Boyajian, Deputy City Attorney.

ITEM B: Letter from Tom Whelan and Jeannine Yeomans, appellants, requesting rehearing of Appeal No. 98-140, 303 Greenwich Street. Hearing September 9, 1998. Upon motion by Commissioner Schwartz, the Board voted 4-0 to RECUSE Commissioner Chin. After discussion, upon motion by Commissioner Schwartz, the Board voted 4-0 to UPHOLD the department and GRANT the permit.

ACTION: Upon motion by President Cullum, the Board voted 4-0 to RECUSE Commissioner Chin, who left the room before testimony. After discussion, upon motion by Vice President McInerney, the Board voted 4-0 to DENY the request for rehearing.

SPEAKERS: Jeannine Yeomans, appellant; Peter Andresen and Jean Steyaert, permit holders; and Andrew Blyholder, architect for permit holders.

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

APPEAL NO. 98-057
RATHNEW CORPORATION, Appellant
(4A) vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

APPEAL NO. 98-058
RATHNEW CORPORATION, Appellant
(4B) vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

Denial on March 20, 1998, of [permit to Demolish a Building
at 1725 Lake Street.
APPLICATION NO. 9721774.
FOR REHEARING TODAY.

Denial on March 20, 1998, of
[permit to Erect a Building
[(three-stories, two units)
at 1723-1725 Lake Street.
APPLICATION NO. 9721775S.
FOR REHEARING TODAY.

ACTION: After discussion, upon motion by President Cullum, the Board voted 5-0 to CONTINUE the matter to December 2, 1998 due to illness of appellant's attorney.

SPEAKERS: Alice Barkley, attorney for appellant; Gerald Green, Director of the Planning Department; and Stephen Williams, attorney for neighbors.
MINUTES OF THE REGULAR MEETING OF THE BOARD APPEALS, OCTOBER 21, 1998 (cont'd.)

APPEAL NO. 98-141

JANET RAE-DUPREE, Appellant
(5) vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on July 17, 1998, to Liz Welsh, permit to Alter a Building (extension of dining and family rooms; add new deck on main floor; add two upstairs bedrooms) at 2646 Broderick Street.
APPLICATION NO. 9806740S.
FOR HEARING TODAY.]

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

SPEAKERS: Stephen Williams, attorney for appellant; James Hunt, Brooke Sampson, Austin Williams, Justin Cohen, in support of appellant; David Cincotta, attorney for permit holder; Marty Zwick, architect for permit holder; Gerald Green, Director of the Planning Department; Liz and Bill Welsh, permit holders; and Jim Maddox, contractor for the permit holders.

APPEAL NO. 98-151

NEAL SIEGEL, Appellant
(6) vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on August 3, 1998, to Steve Roseman, permit to Alter a Building (add kitchen cabinetry and third story addition) at 4444 - 24th Street.
APPLICATION NO. 9714306S.
FOR HEARING TODAY.]

ACTION: After discussion, upon motion by President Cullum, the Board voted 5-0 to UPHOLD the department and GRANT the permit with modification as approved by Planning Commission for reduced-profile deck.

SPEAKERS: Neal Siegel, appellant; Gerald Green, Director of the Planning Department; Steve Roseman, permit holder; and Cyrus Frank, attorney for appellant.

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

APPEAL NO. 98-149

COALITION FOR JOBS, ARTS & HOUSING, Appellant
(7A) vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on July 31, 1998, to 1001 - 23rd Street LLC, permit to Erect a Building (20 live/work units) at 1099 - 23rd Street.
APPLICATION NO. 9715551.
FOR HEARING TODAY.]
MINUTES OF THE REGULAR MEETING OF THE BOARD OF APPEALS, OCTOBER 21, 1998 (con't.)

APPEAL NO. 98-150

COALITION FOR JOBS, ARTS & HOUSING, Appellant

(7B) vs.

DEPT. BUILDING INSPECTION, Respondent

APPEAL NO. 98-162

COALITION FOR JOBS, ARTS & HOUSING, Appellant

(7C) vs.

DEPT. BUILDING INSPECTION, Respondent

APPEAL NO. 98-162

COALITION FOR JOBS, ARTS & HOUSING, Appellant

(7C) vs.

DEPT. BUILDING INSPECTION, Respondent

ACTION: Upon motion by Commissioner Chin, the Board voted 4-0 to RECUSE Vice President McInerney. Then upon motion by Commissioner Chin, the Board voted 4-0 to CONTINUE the matter to December 2, 1998 due to illness of permit holder's attorney.

SPEAKERS: Alice Barkley, attorney for permit holder.

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

Transcripts of these hearings can be obtained directly from Helen Chin, the Official Court Reporter, (415) 362-4440.
PRESENT: President Carole Cullum, Vice President John McInerney, Commissioners Alicia Becerril, Arnold Chin, and Mauri Schwartz.

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.

Helen Chin, Official Court Reporter.

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

(1) PUBLIC COMMENT: At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: Supervisor Gavin Newsom spoke on behalf of the Taxicab Task Force on Appeal Nos. 98-158 and 98-160 (Items 9A and 9B).

(2) COMMISSIONERS COMMENTS AND QUESTIONS.

SPEAKERS: None.
MINUTES OF THE REGULAR MEETING OF THE BOARD OF APPEALS, OCTOBER 28, 1998 (cont'd.)

APPEAL NO. 97-154

MARIA DEL CARMEN RAMIREZ, dba "NUEVO RAMIREZ FLORES", Appellant

(3) vs.

ZONING ADMINISTRATOR, Respondent

[Order to cease violation of the Planning Code issued November 3, 1997 by the Zoning Administrator ordering that the retail open-air flower shop at 3136 - 23rd Street cease operation by November 21, 1997 because it is located in a RH-3 zoning district which does not permit commercial uses. FOR FURTHER HEARING TODAY.]

ACTION: CONTINUED to December 2, 1998 to allow Zoning Administrator to determine whether a conditional use can be applied for.

SPEAKERS: Stanley Hilton, attorney for appellant; and Robert Passmore, Zoning Administrator for the Planning Department.

APPEAL NO. 98-143

LORETTA EMERZIAN, Appellant vs.

DEPT. BUILDING INSPECTION, Respondent

[Protesting issuance on July 22, 1998, to Larry Cook, permit to Alter a Building (add deck off kitchen at rear of building) at 3059 Washington Street. APPLICATION NO. 9813967. FOR REHEARING TODAY.]

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

SPEAKERS: Loretta Emerzian, appellant; Sidney Gerkin, in support of appellant; David Larkin, architect for permit holder; and Julie Cook, appellant.

APPEAL NO. 98-090

DIANA TRINH, dba "SOPHIA'S SPA", Appellant vs.

POLICE DEPARTMENT, Respondent

[Revocation on May 8, 1998, of massage establishment permit at 1020 Geary Street. FOR HEARING TODAY.]

ACTION: After discussion, upon motion by Commissioner Becerril, the Board voted 4-1 (Commissioner Chin dissented) to UPHOLD the department and REVOKE the permit.

SPEAKERS: Sergeant William Coggan, attorney and Inspector Bob Davis, for S.F.P.D.; Judith Boyajian, Deputy City Attorney; Robert Selvidge, attorney for appellant; and Jeremy Paul, in support of appellant.
MINUTES OF THE REGULAR MEETING OF THE BOARD OF APPEALS, OCTOBER 28, 1998 (cont'd.)

APPEAL NO. 98-097

MOO JIN YI, dba "EMPIRE SPA", Appellant

Revocation on May 26, 1998, of massage establishment permit at 428 O'Farrell Street.

POLICE DEPARTMENT, Respondent

FOR HEARING TODAY.

ACTION: RESCHEDULED prior to hearing to November 18, 1998 at request of appellant.

APPEAL NO. 98-156

YANCE O. KING, Appellant

Protesting issuance on August 17, 1998, to Morgan Rauh, permit to Alter a Building (400 s.f. horizontal and vertical addition including bedroom and bath upstairs) at 138 Shake-speare Street.

DEPT. BUILDING INSPECTION, Respondent

APPLICATION NO. 9801790.

FOR HEARING TODAY.

PLANNING DEPARTMENT APPROVAL

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

SPEAKERS: Yance King, appellant; Mona King, support of appellant; Morgan Rauh, permit holder; Robert Passmore, Zoning Administrator for the Planning Department; and Laurence Kornfield, Chief Building Inspector for the Department of Building Inspection.

APPEAL NO. V98-152

JANICE MCKEVITT, Appellant

Denial of Rear Yard and Off-Street Parking Variances

vs.

ZONING ADMINISTRATOR, Respondent

(V-contrect an addition to the front of the existing vacant accessory building at the rear of the property, and convert the building into a third dwelling unit) at 1852-1854 Golden Gate Avenue.

VARIANCE CASE NO. 98.373V.

FOR HEARING TODAY.

ACTION: After discussion, upon motion by President Cullum, the Board voted 2-3 (Vice President McInerney, Commissioners Becerra and Schwartz dissented) to overrule the Zoning Administrator and grant the variance. Four votes are needed to overrule and the motion fails. The denial is UPHELD.

SPEAKERS: Robert Passmore, Zoning Administrator for Planning Department; Janice McKevitt, appellant; Colleen Boyd, architect for appellant; Diedra Booker, in support of appellant.
Minories of Regular Meeting of the Board of Appeals, October 28, 1998 (cont'd.)

Items (9A) and (9B) were heard together

**APPEAL NO. 98-158**

**LOUIE LADOW & PETER WITT, Appellants**

vs.

**POLICE COMMISSION, Respondent**

Police Commission's Public Convenience and Necessity Findings issued August 18, 1998 that 400 new taxicab medallions are authorized and that the initial 25 be unrestricted, 50 be ramped, 100 be subject to peak-time operating conditions and the remaining 225 be issued at such times and with conditions as the Police Commission deems appropriate.

FOR HEARING TODAY.

**APPEAL NO. 98-160**

**JACK TRAD, Appellant**

vs.

**POLICE COMMISSION, Respondent**

Police Commission's Public Convenience and Necessity Findings issued August 18, 1998 that 400 new taxicab medallions are authorized and that the initial 25 be unrestricted, 50 be ramped, 100 be subject to peak-time operating conditions and the remaining 225 be issued at such times and with conditions as the Police Commission deems appropriate.

FOR HEARING TODAY.

**ACTION:**

After discussion, upon motion by President Cullum, the Board voted 5-0 to **UPHOLD** the Police Commission with the following **CONDITIONS** requiring the Police to take steps to issue 300 medallions immediately, with 250 unrestricted medallions issued by February 27, 1999, at 75 per month, with 20 in both November and December and 10 in January for ramped cabs, and related conditions.

**SPEAKERS:**

There being no further business, President Cullum adjourned the meeting at 11:56 p.m.

Robert H. Feldman
Executive Secretary

Transcripts of these hearings can be obtained directly from Helen Chin, the Official Court Reporter, (415) 362-4440.
MINUTES OF THE
REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS
WEDNESDAY, NOVEMBER 4, 1998
5:30 P.M., VETERANS WAR MEMORIAL BUILDING
401 VAN NESS AVENUE, ROOM 428

PRESENT: President Carole Cullum, Vice President John McInerney, Commissioners Alicia Becerril and Mauro Schwartz.

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.

Helen Chin, Official Court Reporter.

ABSENT: Commissioner Arnold Chin.

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

(1) PUBLIC COMMENT: At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: None.

(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 R. Reardon, requesting that the Board take jurisdiction over Building Permit Application No. 9721029S issued to Deborah Hohenberg to replace
and upgrade foundation; rebuild rear porch additions; raise roof pitch; add dormers for master bedroom; and seismic upgrade of entire building at 226 Ellsworth Street.

Date permit issued  September 30, 1998
Last day to appeal  October 15, 1998
Request for jurisdiction  October 19, 1998

**ACTION:** After discussion, upon motion by Vice President McInerney, the Board voted 4-0 to **DENY** the request for jurisdiction.

**SPEAKERS:** James Reardon, requestor; Deborah Hohenberg and John Carpenter, permit holders; and Darrien Jelling, architect for permit holder.

**REQUEST FOR REHEARING:**

**ITEM B:** Letter from Joe McCune and James Houillion, appellants, requesting rehearing of Appeal No. 98-146, protest of alteration permit issued on August 6, 1998, to Vahdan Group, for removal of fixtures and finishes at 560 Haight Street. Hearing October 14, 1998. Upon motion by Commissioner Chin, the Board voted 4-0 to **UPHOLD** the department and **GRANT** the permit.

**ACTION:** After discussion, upon motion by Vice President McInerney, the Board voted 4-0 to **DENY** the request for rehearing.

**SPEAKERS:** James Houillion, appellant; Jeremy Paul, agent for permit holder; Lynn Ellman, in support of appellants.

**APPEAL NO. 98-191**

RICHARD TSE, Appellant  
(4) vs.  
DEPT. BUILDING INSPECTION, Respondent

**APPEAL FOR REFUND OF PENALTY IMPOSED ON OCTOBER 22, 1998, FOR WORK DONE AT 274 SILVER AVENUE.**

**APPLICATION NO. 9820584. FOR HEARING TODAY.**

**ACTION:** Upon motion by Vice President 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 $459.55 for a total of $919.10.

**SPEAKER:** The appellant was present but did not speak.

**Items (5A) and (5B) were heard together**

**APPEAL NO. 98-052**

WILFREDO MENDOZA, Appellant  
(5A) vs.  
DEPT. BUILDING INSPECTION, Respondent

Protesting issuance on March 11, 1998, to Wai-Ming Luk, permit to Alter a Building (upgrade electrical wiring, replace window, install skylight, remodel kitchen, insulate walls where accessible) at 3647 - 23rd Street.  
APPLI CATION NO. 9804149.  FOR FURTHER HEARING TODAY.
APPEAL NO. 98-127

WILFREDO MENDOZA, et al., Appellants vs.
DEPT. BUILDING INSPECTION, Respondent

[Protesting issuance on July 1, 1998, to Wai Ming Luk, permit to Alter a Building (remove interior walls to convert two unit building to single family dwelling) at 3647 - 23rd Street.
APPLICATION NO. 9810383.
FOR FURTHER HEARING TODAY.

ACTION: RESCHEDULED prior to hearing to December 9, 1998.

APPEAL NO. 98-087

THE S.F. TREE COUNCIL AND NORTH-POINT RESIDENTS & NEIGHBORS, Appellants vs.
DEPT. PUBLIC WORKS, Respondent

[Protesting issuance on May 1, 1998, to Northpoint Land LLC, permit to Remove and Replace four trees on the Bay Street frontage of 2211 Stockton and 2310 Powell Streets.
ORDER NO. 171,009.
FOR FURTHER HEARING TODAY.

ACTION: RESCHEDULED prior to hearing to January 20, 1999.

APPEAL NO. 98-165

SCOTT CHANDLER & JUDITH BONHIVER, Appellants vs.
DEPT. BUILDING INSPECTION, Respondent

[Protesting issuance on August 3, 1998, to Bruce L. Colton, permit to Alter a Building (new three floor horizontal rear addition with deck; new off street parking space in front yard with new driveway and curb cut) at 1769 Noe Street.
APPLICATION NO. 9714747S.
FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President McInerney, the Board voted 3-1 (Commissioner Schwartz dissented) to uphold the department and grant the permit with conditions. Four votes are needed to impose conditions. The permit is UPHOLD with no conditions.

SPEAKERS: Scott Chandler, appellant; Darla Radcliffe and Annamarie Faro, in support of appellant; Robert Passmore, Zoning Administrator for the Planning Department; Laurence Kornfield, Chief Building Inspector for the Building Department; Denise Leadbetter, attorney for permit holder; Bruce Colton, permit holder; and Debbie Stansbury, Melanie Mandry, Leslie O'Brien, in support of permit holder.

-3-
The Board recessed from 7:09 to 7:19 p.m.

APPEAL NO. V98-166

ALBERT Y. YU, et al., Appellants

vs.

ZONING ADMINISTRATOR, Respondent

(8)


VARIANCE CASE NO. 97.491V.

FOR HEARING TODAY.

ACTION: After discussion, upon motion by President Cullum, the Board voted 4-0 to UPHOLD the Zoning Administrator and to GRANT the variance with CONDITIONS: The parapet shall be reduced from 3'x16' to 3'10' as agreed to by the variance holder.

SPEAKERS: Robert Passmore, Zoning Administrator for the Planning Department; Albert Yu and Nancy McEvers Anderson, appellants; Bill Washauer, attorney for variance holder; and Richard Hannum, architect for variance holder.

There being no further business, President Cullum adjourned the meeting at 7:42 p.m.

Robert H. Feldman
Executive Secretary

Transcripts of these hearings can be obtained directly from Helen Chin, the Official Court Reporter, (415) 362-4440.
MINUTES OF THE
REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS
WEDNESDAY, NOVEMBER 18, 1998
5:30 P.M., VETERANS WAR MEMORIAL BUILDING
401 VAN NESS AVENUE, ROOM 428

(1) PUBLIC COMMENT: At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKER: Emeric Kalman on Board procedures for submittal and review of plans.

(2) COMMISSIONERS COMMENTS AND QUESTIONS.

SPEAKERS: Vice President McInerney apologized for being late to the meeting and Commissioner Becerril commented on difficulty of finding parking.

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

REQUESTS FOR REHEARING:

ITEM A: Letter from Robert Selvidge, attorney for Diana Trinh, appellant, requesting rehearing of Appeal No. 98-090, Sophia's Spa at 1020 Geary Street. Hearing October 28, 1998. Upon motion by Commissioner Becerril, the Board voted 4-1 (Commissioner Chin dissented) to UPHOLD the department and REVOKE the massage establishment permit.

ACTION: WITHDRAWN by attorney for appellant prior to hearing.

ITEM B: Letter from Jack Trad, appellant, requesting rehearing of Appeal No. 98-160, Police Commission's Public Convenience and Necessity Findings that 400 new taxicab medallions are authorized and that the initial 25 be unrestricted, 50 be ramped, 100 be subject to peak-time operating conditions and the remaining 225 be issued at such times and with conditions as the Police Commission deems appropriate. Hearing October 28, 1998. Upon motion by President Cullum, the Board voted 5-0 to UPHOLD the Police Commission with CONDITIONS requiring the Police to take steps to issue 300 medallions immediately, with 250 unrestricted medallions issued by February 27, 1999, at 75 per month, with 20 in both November and December and 10 in January for ramped cabs, and related conditions.
MINUTES OF THE REGULAR MEETING OF THE BOARD OF APPEALS, NOVEMBER 18, 1998 (cont'd.)

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

SPEAKERS: Jack Trad, appellant; and Thomas Owen, Deputy City Attorney.

APPEAL NO. 98-119

**IN SOOK HA, dba "LEE'S MASSAGE", Appellant**

**vs.**

**POLICE DEPARTMENT, Respondent**

**Revocation on May 18, 1998, of massage establishment permit at 1284 Mission Street. [PERMIT NO. 084416. FOR HEARING TODAY.]**

**RESCHEDULED prior to hearing to December 9, 1998 at request of attorney for appellant with agreement of SFPD (Sergeant Coggan).**

APPEAL NO. 98-164

**33 POWELL STREET CORP., Appellant**

**vs.**

**DEPT. BUILDING INSPECTION, Respondent**

**Denial on September 4, 1998, of permit to Alter a Building (record floor plans; written summary of room counts and classifications) at 28 Cyril Magnin and 17-33 Powell Streets. [APPLICATION NO. 9704921. FOR HEARING TODAY.]**

**ACTION:** After discussion, upon motion by President Cullum, the Board voted 5-0 to **OVERRULE** the department and **GRANT** the permit with the **CONDITION** that the total room count be 151, 49 of which must be residential.

**SPEAKERS:** Rosemary Bosque, Housing Inspector for the Department of Building Inspection; Robert Passmore, Zoning Administrator for the Planning Department; John Sanger, attorney for appellant; and Judith Boyajian, Deputy City Attorney.

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

APPEAL NO. 98-032

**FRANKLIN S. HOLLEY, Appellant**

**vs.**

**DEPT. BUILDING INSPECTION, Respondent**

**PLANNING DEPARTMENT APPROVAL**

**Protesting issuance on February 13, 1998, to Margaret Rogerson, permit to Alter a Building (roof top addition-add an apartment at third floor and garage space at basement) at 3516-18 Sacramento Street. [APPLICATION NO. 9712688S. FOR REHEARING TODAY.]**
MINUTES OF THE REGULAR MEETING OF THE BOARD OF APPEALS, NOVEMBER 18, 1998 (cont'd.)

APPEAL NO. 98-033

JOHN S. AGER, Appellant
(6B) vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on February 13, 1998, to Margaret Rogerson, permit to Alter a Building (roof top addition-add an apartment at third floor and garage space at basement) at 3516-18 Sacramento Street.]

APPLICATION NO. 9712688S.
[FOR REHEARING TODAY.]

ACTION: Permit abandoned prior to hearing and appeals are ADMINISTRATIVELY WITHDRAWN.

APPEAL NO. 98-034

JOHN B. LOWRY, Appellant
(6C) vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on February 13, 1998, to Margaret Rogerson, permit to Alter a Building (roof top addition-add an apartment at third floor and garage space at basement) at 3516-18 Sacramento Street.]

APPLICATION NO. 9712688S.
[FOR REHEARING TODAY.]

ACTION: Permit abandoned prior to hearing and appeals are ADMINISTRATIVELY WITHDRAWN.

APPEAL NO. 98-046

GERARDO PINTO & MARIANNE RUDDY, Appellants
(7) vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[Denial on March 6, 1998, of permit to Alter a Building (legalize flat on ground floor; add windows in kitchen and living room; add fan and light in bathroom; provide fire wall and door between garage and flat) at 1506-08 Alabama Street.]

APPLICATION NO. 9802518S.
[FOR HEARING TODAY.]

ACTION: After discussion, upon motion by President Cullum, the Board voted 5-0 to CONTINUE the matter to January 13, 1999 to allow the Department of Building Inspection to inspect the subject property and prepare a report for the Board.

SPEAKERS: Laurence Kornfield, Chief Building Inspector for the Department of Building Inspection; Robert Passmore, Zoning Administrator for the Planning Department; and Gerardo Pinto, appellant.

The Board recessed from 7:33 to 7:49 p.m.
APPEAL NO. 98-187

EMERIC KALMAN, Appellant  
vs.  
DEPT. BUILDING INSPECTION, Respondent  
PLANNING DEPARTMENT APPROVAL

Protesting issuance on October 5, 1998, to Tom Hlavenka, permit to Alter a Building (500 s.f. second story addition at rear to include bedroom, closet and bathroom; new appliances in kitchen; reconfigure bathroom; new French doors to new rear deck less than 18" above grade; structural upgrading in garage) at 214 Granville Way.  
APPLICATION NO. 9811484.  
FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Becerril, the Board voted 5-0 to UPHELD the department with Section 311 Findings by the Planning Commission.

SPEAKERS: Emeric Kalman, appellant; Roy Doyle and Joan Gerardo, in support of appellant; Robert Passmore, Zoning Administrator for the Planning Department; Laurence Kornfield, Chief Building Inspector for the Department of Building Inspection; Tom Hlavenka, permit holder; and Louise Ogden and Debra Lopez, in support of permit holder.

APPEAL NO. 98-157

MARY RISLEY, Appellant  
vs.  
ZONING ADMINISTRATOR, Respondent

Order dated August 14, 1998 by the Zoning Administrator addressed to the appellant to cease all cooking classes to groups of people and holding events for fees and any other non-residential activities at 1734 Broderick Street that do not comply fully with provisions of Planning Code Sections 204 and 204.1 which regulate accessory non-residential use of property in RH-2 districts.  
FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President McInerney, the Board voted 2-3 (Commissioners Becerril, Chin and Schwartz dissented) to overrule the Zoning Administrator with CONDITIONS. Four votes are needed and the motion failed. The cease order is UPHELD.

SPEAKERS: Robert Passmore, Zoning Administrator for the Planning Department; Warren and Carla Hashagen, David Natcher, Paul and Janet Warren; Nadine Bagel, John Markert, Andre and Janice Bolaffi, Mary Margaret Ward, Courtney
Clarkson, Peter Kocks, Allan Knudson, Patricia Vaughey, in support of Zoning Administrator; David Cincotta, attorney for appellant; Mary Risley, appellant; and Cab Caplan, Mary Brower, Doug Troyer, Cherie Scricca, Doris Lee Love, Rhonda Robinson, Richard Johnson, Matt Field, Jeff Pearl, Loretta Keller, in support of appellant.

There being no further business, President Cullum adjourned the meeting at 10:37 p.m.

Robert H. Feldman
Executive Secretary

Transcripts of these hearings can be obtained directly from Helen Chin, the Official Court Reporter, (415) 362-4440.
MINUTES OF THE
REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS
WEDNESDAY, DECEMBER 9, 1998
5:30 P.M., VETERANS WAR MEMORIAL BUILDING
401 VAN NESS AVENUE, ROOM 428

PRESENT: President Carole Cullum, Vice President John McInerney, Commissioners Alicia Becerril, Arnold Chin, and Sabrina Saunders.

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.

Helen Chin, Official Court Reporter.

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

(1) COMMISSIONERS COMMENTS AND QUESTIONS.

(A) Resolution of thanks to Mauri Schwartz. For adoption.

ACTION: President Cullum read the resolution and proclamation by the Mayor declaring December 9, 1998 as "Mauri Schwartz Day" in the City.

(B) Welcome to Commissioner Sabrina N. Saunders.

ACTION: President Cullum welcomed Sabrina Saunders as a commissioner of the Board of Appeals.

(2) PUBLIC COMMENT: At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: Emeric Kalman requested the Board to require the certification of all plans submitted to the Board.

Jack Trad commented that the public microphone does not pick up testimony on tape of hearings.
REQUEST FOR REHEARING: Letter from Emeric Kalman, appellant, requesting rehearing of Appeal No. 98-187, 214 Granville Way. Hearing November 18, 1998. Upon motion by Commissioner Becerril, the Board voted 5-0 to UPHOLD the department and GRANT the permit with Section 311 Findings by the Planning Commission.

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

SPEAKERS: Emeric Kalman, appellant; and Tom Hlavenka, permit holder.

IN SOOK HA, dba "LEE'S MASSAGE", Appellant

POLICE DEPARTMENT, Respondent

ACTION: WITHDRAWN by appellant prior to hearing.

Items (5A) and (5B) were heard together

JOTE KEJELA, dba "TAXI TAXI", Appellant

POLICE DEPARTMENT, Respondent

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

JOTE KEJELA, dba "TAXI TAXI", Appellant

POLICE COMMISSION, Respondent

ACTION: After discussion, upon motion by Commissioner Chin, the Board voted 3-2 to overrule the department and reinstate the permit. Four votes are needed and the motion failed. The revocation is UPHELD.

SPEAKERS: Sergeant William Coggan, attorney, Officer Farrell Suslow, Lieutenant Bruce Lorin and Sergeant Vincent Simpson, for S.F.P.D.; Margaret Baumgartner, Deputy City Attorney; Jote Kejela, appellant; Christopher Collins, attorney for appellant; and Jack Trad, in support of appellant.
Items (6A) and (6B) were heard together

**APPEAL NO. 98-052**

WILFREDO MENDOZA, Appellant

(6A)

DEPT. BUILDING INSPECTION, Respondent

[Protesting issuance on March 11, 1998, to Wai-Ming Luk, permit to Alter a Building (upgrade electrical wiring, replace window, install skylight, remodel kitchen, insulate walls where accessible) at 3647 - 23rd Street. APPLICATION NO. 9804149. FOR FURTHER HEARING TODAY.]

**APPEAL NO. 98-127**

WILFREDO MENDOZA, et al., Appellants

(6B)

DEPT. BUILDING INSPECTION, Respondent

PLANNING DEPARTMENT APPROVAL

[Protesting issuance on July 1, 1998, to Wai Ming Luk, permit to Alter a Building (remove interior walls to convert two unit building to single family dwelling) at 3647 - 23rd Street. APPLICATION NO. 9810383. FOR FURTHER HEARING TODAY.]

**ACTION:** RESCHEDULED prior to hearing to CALL OF THE CHAIR.

The Board recessed from 7:25 to 7:36 p.m.

**APPEAL NO. 98-134**

EVA MAE THOMAS, Appellant

(7)

DEPT. BUILDING INSPECTION, Respondent

PLANNING DEPARTMENT APPROVAL

[Protesting issuance on July 13, 1998, to Bonnie Spindler, permit to Alter a Building (remove two illegal units) at 348-350 Scott Street. APPLICATION NO. 9810814. FOR FURTHER HEARING TODAY.]

**ACTION:** After discussion, upon motion by Commissioner Chin, the Board voted 4-1 (Vice President McInerney dissented) to OVERRULE the department and DISAPPROVE the permit.

**SPEAKERS:** Eva Mae Thomas, appellant; Anastasia Yovanopoulos, in support of appellant; and Laurence Kornfield, Chief Building Inspector for the Department of Building Inspection. The permit holder did not appear.
MINUTES OF THE REGULAR MEETING OF THE BOARD OF APPEALS, DECEMBER 9, 1998 (cont’d.)

APPEAL NO. 98-176

KATHERINE HIJAR & CARLOS WILLINGHAM, Appellants

(8) vs.

DEPT. BUILDING INSPECTION, Respondent

PLANNING DEPARTMENT APPROVAL

[Protesting issuance on September 16, 1998, to Ivan Rainer and Ruth Rainero, permit to Alter a Building (merge units at second and third floors into one unit; interior partition walls; replace some existing doors and railings; replace some deck railings) at 1249 - 17th Avenue.
APPLICATION NO. 9811035S.
FOR HEARING TODAY.

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

SPEAKERS: Carlos Willingham, appellant; Ruth Rainero, permit holder; David Amituanai, Lori Drinkwater, Margaret Mori, Patricia Arian, in support of permit holder; Robert Passmore, Zoning Administrator for the Planning Department; and Scott Emblidge, attorney for permit holder.

APPEAL NO. 98-178

HANNA BAQAIN, Appellant

(9) vs.

ZONING ADMINISTRATOR, Respondent

[Disapproval on September 17, 1998 by the Zoning Administrator of a Health Permit Application Zoning Referral for a Small Self-Service Restaurant with tables and chairs at 1192 Guerrero Street under the NC-1 zoning district controls of Planning Code Section 710.44.
FOR HEARING TODAY.

ACTION: After discussion, upon motion by President Cullum, the Board voted 5-0 to CONTINUE the matter to January 13, 1999.

SPEAKERS: Robert Passmore, Zoning Administrator for the Planning Department; and A. Nick Shamiyeh, attorney for appellant.

There being no further business, President Cullum adjourned the meeting at 8:26 p.m.

Robert H. Feldman
Executive Secretary

Transcripts of these hearings can be obtained directly from Helen Chin, the Official Court Reporter, (415) 362-4440.
MINUTES OF THE
REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS
WEDNESDAY, DECEMBER 16, 1998
5:30 P.M., VETERANS WAR MEMORIAL BUILDING
401 VAN NESS AVENUE, ROOM 428

PRESENT: President Carole Cullum, Vice President John McInerney, Commissioners Alicia Becerril and Arnold Chin.

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.

Helen Chin, Official Court Reporter.

ABSENT: Commissioner Sabrina Saunders.

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

(1) PUBLIC COMMENT: At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: Robert Passmore reported that Planning was unable to accept a conditional use application for the business at 1192 Guerrero which is before the Board as Appeal No. 98-178 and is scheduled for January 13, 1999.

(2) COMMISSIONERS COMMENTS AND QUESTIONS.

SPEAKERS: Vice President McInerney asked that sign-in cards be placed on seats to speed up the public hearing process.

Commissioner Chin complimented the staff on the 1997-1998 Annual Report.
MINUTES OF THE REGULAR MEETING OF THE BOARD OF APPEALS, DECEMBER 16, 1998 (cont’d.)

APPEAL NO. 98-097
MOO JIN YI, dba "EMPIRE SPA", Appellant
(3) vs.
POLICE DEPARTMENT, Respondent
[Revocation on May 26, 1998,
of massage establishment
permit at 428 O'Farrell Street.
FOR HEARING TODAY.

ACTION: WITHDRAWN prior to hearing by attorney for appellant.

APPEAL NO. 98-174
HARLAN & JUDITH KOCH, Appellants
(4) vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL
[Protesting issuance on September
11, 1998, to Donald Goodkin,
permit to Erect a Building (double
garage) at 2522 Octavia Street.
APPLICATION NO. 9811605.
FOR HEARING TODAY.

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

SPEAKERS: Harlan Koch, appellant; Robert Shafton and Shari Mitzer, in support of
appellants; Robert Passmore, Zoning Administrator for the Planning Depart­
ment; Steven Vettel, attorney for permit holder; Jack Wholey, attorney
for appellants.

APPEAL NO. 98-180
BARRY ROBINS, Appellant
(5) vs.
DEPT. BUILDING INSPECTION, Respondent
[Protesting issuance on September
18, 1998, to Gordon Reynolds,
permit to Alter a Building
(convert second floor back to
[legal industrial use from ille­
gal residential use; remove
(shower and sink installed with­
out permit) at 743 Clementina
Street.
APPLICATION NO. 9818827.
FOR HEARING TODAY.

ACTION: After discussion, upon motion by President Cullum, the Board voted 1-3
(Vice President Mcinerney, Commissioners Becerril and Chin dissented)
to overrule the department and deny the permit. Four votes are needed
and the permit is UPHELD.

SPEAKERS: Barry Robins, appellant; and Brenda Cruz Keith, attorney for permit
holder.
WILLIAM B. SHEKTER, Appellant vs. DEPT. BUILDING INSPECTION, Respondent

PLANNING DEPARTMENT APPROVAL

(6)

[Protesting issuance on September 23, 1998, to Anthony Nash, permit to Alter a Building (install sky-light on existing roof curb) at 3861-63 - 19th Street. APPLICATION NO. 9815762. FOR HEARING TODAY.]

ACTION: After discussion, upon motion by President Cullum, the Board voted 4-0 to UPHOLD the department and GRANT the permit with CONDITIONS as agreed to by the parties.

SPEAKERS: The parties were present but did not speak.

The Board recessed from 7:15 to 7:28 p.m.

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

NATHAN & NAN G. ROTH, Appellants vs. ZONING ADMINISTRATOR, Respondent

APPEAL NO. 98-015

[Determination by the Zoning Administrator dated January 22, 1998, that Demolition Permit No. 837057 and Building Permit No. 837537 were issued pursuant to Conditional Use Authorization granted by the Planning Commission on November 17, 1994 (Motion No. 13782, File 93.180C) for the property at 115 Telegraph Hill Blvd. and 363 Filbert Street (demolition), and that these permits and their plans are in compliance with the conditions attached to Motion No. 13782. FOR HEARING TODAY.]

NANCY SHANAHAN & AARON PESKIN, Appellants vs. ZONING ADMINISTRATOR, Respondent

APPEAL NO. 98-095

[Letter dated May 13, 1998 by the Administrator addressed to the appellants describing the approval process of permits for construction of a three dwelling unit building at 115 Telegraph Hill Blvd. and demolition permit for the building at 363 Filbert Street under Plan-]
ACTION: After discussion, upon motion by Vice President McInerney, the Board voted 4-0 to UPHOLD the Zoning Administrator.

SPEAKERS: Charles Olson, attorney for appellants; Aaron Peskin, appellant; Arthur Chang, Jim Atwood, Nadya Williams, Cass Smith, in support of appellants; Robert Passmore, Zoning Administrator for the Planning Department; Robert McCarthy, attorney for permit holder; and Tracy Cooper, permit holder.

WHITNEY RYAN, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

APPEAL NO. 98-183

Determination by the Zoning Administrator dated September 28, 1998 that the existing garage at 50 Pixley Street does not meet the provisions of Planning Code Section 154A for two off-street parking spaces, and that an off-street parking variance would be necessary for approval of a second unit on the side with only the existing garage. FOR HEARING TODAY.

ACTION: WITHDRAWN by appellant prior to hearing.

MARK MIRAVALLE, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

APPEAL NO. V98-179

Denial on September 25, 1998 of Rear Yard Variance (construct a one-story, two-car garage with roof deck above, 12-foot wide door and new staircase from the third floor to the garage at the rear of an existing four-story, four unit building) at 2096-2098 Pine Street. VARIANCE CASE NO. 98.461V. FOR HEARING TODAY.
ACTION: WITHDRAWN by appellant prior to hearing.

**APPEAL NO. V98-186**

**VALERIE HANCOCK & DIMITRI DESMONS,**
(Appellants)

**vs.**

**ZONING ADMINISTRATOR, Respondent**

[Protesting the granting on October 8, 1998, to Sara Alexander, Rear Yard Variance]

[(expand the ground floor to incorporate the space beneath the existing first floor deck, to laterally expand the existing first floor porch with a roof deck above, and to legalize an existing first floor deck with a stairway connecting to the ground, constructed without a building permit, all at the rear of the existing one-story over garage, single-family dwelling) at 50 Alma Street.]

[VARIANCE CASE NO. 98.295V.]

[FOR HEARING TODAY.]

ACTION: After discussion, upon motion by Vice President McInerney, the Board voted 4-0 to **UPHOLD** the Zoning Administrator and his findings.

SPEAKERS: F. Joseph Butler, representative for appellants; Robert Passmore, Zoning Administrator for the Planning Department; Allan Ridley, Diana Bray, in support of appellant; James Zack, architect for variance holder; Sara Alexander, variance holder; and Alice Micklewright and Larry Abel, in support of variance holder.

There being no further business, President Cullum adjourned the meeting at 9:24 p.m.

Transcripts of these hearings can be obtained directly from Helen Chin, the Official Court Reporter, (415) 362-4440.
MINUTES OF THE
REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS
WEDNESDAY, DECEMBER 23, 1998
5:30 P.M., VETERANS WAR MEMORIAL BUILDING
401 VAN NESS AVENUE, ROOM 428

[Note: After January 15, 1999 the Board will meet in Room 416, City Hall, 1 Dr. Carlton B. Goodlett Place.]

PRESENT: President Carole Cullum, Commissioners Alicia Becerril, Arnold Chin and Sabrina Saunders.

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.

Helen Chin, Official Court Reporter.

ABSENT: Vice President John McInerney.

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

(1) PUBLIC COMMENT: At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKER: Mark Gruberg, UTW, on concerns about violations of Police regulations.

(2) COMMISSIONERS COMMENTS AND QUESTIONS.

SPEAKER: Commissioner Saunders apologized for missing last week's meeting.
(3) **CONSENT ITEMS:** With the consent of the Department of Building Inspection the Board proceeded to a vote on items 3A and 3C 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 took testimony on item 3B and decided the appeal individually.

**APPEAL NO. 98-193**

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<tr>
<th>LEE BOK WANG, Appellant</th>
<th>DEPT. BUILDING INSPECTION, Respondent</th>
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<tr>
<td>APPEAL NO. 98-193</td>
<td>PLANNING DEPARTMENT APPROVAL</td>
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**ACTION:** Upon motion by Commissioner Becerril, the Board voted 4-0 to **OVERRULE** the department and reduce the penalty to two times the regular fee of $118.30 for a total of $236.60.

**SPEAKERS:** The appellant was present but did not speak.

**APPEAL NO. 98-199**

<table>
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<tr>
<th>DINO SANDOVAL, Appellant</th>
<th>DEPT. BUILDING INSPECTION, Respondent</th>
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<tr>
<td>APPEAL NO. 98-199</td>
<td>PLANNING DEPARTMENT APPROVAL</td>
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**ACTION:** After discussion, upon motion by Commissioner Chin, the Board voted 4-0 to **OVERRULE** the department and reduce the penalty to three times the regular fee of $297.05 for a total of $891.15.

**SPEAKERS:** Dino Sandoval, appellant; and Laurence Kornfield, Chief Building Inspector for the Department of Building Inspection.

**APPEAL NO. 98-201**

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<tr>
<th>MARY WONG, Appellant</th>
<th>DEPT. BUILDING INSPECTION, Respondent</th>
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<tr>
<td>APPEAL NO. 98-201</td>
<td>PLANNING DEPARTMENT APPROVAL</td>
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</table>

**ACTION:** Upon motion by Commissioner Becerril, the Board voted 4-0 to **OVERRULE** the department and reduce the penalty to two times the regular fee of $297.05 for a total of $594.10.

**SPEAKERS:** The appellant was present but did not speak.
Items (4A), (4B) and (4C) were heard together

**APPEAL NO. 98-149**

COALITION FOR JOBS, ARTS & HOUSING,  
Appellant  

(4A)  
vs.  
DEPT. BUILDING INSPECTION, Respondent  
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on July 31, 1998, to 1001 - 23rd Street LLC, permit to Erect a Building (20 live/work units) at 1099 - 23rd Street.  
APPLICATION NO. 9715551.  
FOR HEARING TODAY.]

**APPEAL NO. 98-150**

COALITION FOR JOBS, ARTS & HOUSING,  
Appellant  

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

[Protesting issuance on July 31, 1998, to 1001 - 23rd Street LLC, permit to Erect a Building (20 live/work units) at 1011 - 23rd Street.  
APPLICATION NO. 9715550.  
FOR HEARING TODAY.]

**APPEAL NO. 98-162**

COALITION FOR JOBS, ARTS & HOUSING,  
Appellant  

(4C)  
vs.  
DEPT. BUILDING INSPECTION, Respondent  
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on August 21, 1998, to 1001 - 23rd Street LLC, permit to Erect a Building (20 live/work units) at 1207 Indiana Street.  
APPLICATION NO. 9715552.  
FOR HEARING TODAY.]

**ACTION:** RESCHEDULED to February 3, 1999 prior to hearing.

**APPEAL NO. 98-170**

KATHERINE B. CONGDON, Appellant  

(5)  
vs.  
DEPT. BUILDING INSPECTION, Respondent  
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on September 8, 1998, to Charles R. Colety, permit to Alter a Building (add garage, remodel grade level storage to crafts and work rooms, remodel upper unit kitchen, add room and terrace at roof) at 167 Delmar Street.  
APPLICATION NO. 97253755.  
FOR HEARING TODAY.]

**ACTION:** After discussion, upon motion by Commissioner Chin, the Board voted 4-0 to UPHOLD the department and GRANT the permit with Section 311 findings by the Planning department.

**SPEAKERS:** Bruce Bonacker, architect for permit holder; and Robert Passmore, Zoning Administrator for the Planning Department. The appellant did not appear.
APPEAL NO. 98-172

PROTESTING ISSUANCE ON SEPTEMBER 11, 1998, TO AI-REN LEI, PERMIT TO ALTER A BUILDING (REBUILD ROOF DECK) AT 39 ARBOR STREET. APPLICATION NO. 9818271. FOR HEARING TODAY.

ACTION: WITHDRAWN by appellant prior to hearing.

APPEAL NO. 98-173

PROTESTING ISSUANCE ON SEPTEMBER 11, 1998, TO PETER WILSON, PERMIT TO ERECT A BUILDING (THREE STORIES WITH TWO DWELLING UNITS) AT 1224 - 1226 KEARNY STREET. APPLICATION NO. 9709731S. FOR HEARING TODAY.

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

SPEAKERS: Peter Wilson, permit holder; and Robert Passmore, Zoning Administrator for the Planning Department. The appellant did not appear.

APPEAL NO. V98-171

APPEAL OF RENT RESTRICTION CONDITION OF DWELLING UNIT EXPOSURE VARIANCE/USABLE OPEN SPACE AND PARKING EXCEPTIONS (CHANGE OCCUPANCY OF THE SUBJECT BUILDING TO FOUR DWELLING UNITS BY LEGALIZING THE EXISTING BASEMENT LEVEL DWELLING UNIT, AND CONVERTING THE EXISTING SECOND STORY DWELLING UNIT INTO TWO DWELLING UNITS) AT 746-48 COMMERCIAL STREET. VARIANCE CASE NO. 98.621V. FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Chin, the Board voted 4-0 to OVERRULE the Zoning Administrator with new CONDITIONS requiring that two of the one-bedroom units be reserved for use by Section 8 or similar proposed tenants.

SPEAKERS: Robert Passmore, Zoning Administrator for the Planning Department; and Rodney Chew, appellant.
MINUTES OF THE REGULAR MEETING OF THE BOARD OF APPEALS, DECEMBER 23, 1998 (cont'd.)

Items (9A) and (9B) shall be heard together

APPEAL NO. 98-057
RATHNEW CORPORATION, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[Denial on March 20, 1998, of
permit to Demolish a Building
at 1725 Lake Street.
APPLICATION NO. 9721774.
FOR REHEARING TODAY.

APPEAL NO. 98-058
RATHNEW CORPORATION, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[Denial on March 20, 1998, of
permit to Erect a Building
(three-stories, two units)
at 1723-1725 Lake Street.
APPLICATION NO. 9721775S.
FOR REHEARING TODAY.

ACTION: RESCHEDULED to February 10, 1999 prior to hearing.

There being no further business, President Cullum adjourned the meeting at 6:15 p.m.

Robert H. Feldman
Executive Secretary

Transcripts of these hearings can be obtained directly from Helen Chin, the Official Court Reporter, (415) 362-4440.