

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, DECEMBER 10, 2014

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

PRESENT: President Ann Lazarus, Commissioner Frank Fung, Commissioner Darryl Honda and Commissioner Bobbie Wilson.

Robert Bryan, Deputy City Attorney, Office of the City Attorney (OCA); Corey Teague, Assistant Zoning Administrator (ZA); Joseph Duffy, Senior Building Inspector, Department of Building Inspection (DBI); Sherri Sokeland Kaiser, Deputy City Attorney for the Department of Public Health (DPH); Cynthia Goldstein, Executive Director; Victor Pacheco, Legal Assistant.

(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.

PUBLIC COMMENT: None.

(2) COMMISSIONER COMMENTS & QUESTIONS

SPEAKERS: President Lazarus announced that Commissioner Honda will leave the Board meeting at 7:00 p.m.

PUBLIC COMMENT: None.

(3) ADOPTION OF MINUTES

Discussion and possible adoption of the November 19, 2014 minutes.

ACTION: Upon motion by Commissioner Fung, the Board voted 3-0-1 (Commissioner Wilson absent) to adopt the November 19, 2014 minutes.

SPEAKERS: None.

REGULAR MEETING, BOARD OF APPEALS, DECEMBER 10, 2014 - PAGE 2

PUBLIC COMMENT: None.

ITEMS (4A) AND (4B) SHALL BE HEARD TOGETHER:

(4A) APPEAL NO. 11-142

SANJAY DANI, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. DISAPPROVAL	45 Priest Street. Appealing the denial on Dec. 02, 2011, of Permit to Erect a Building (garage structure with 440sf of ground floor area). APPLICATION NO. 2006/12/05/9210. FOR HEARING TODAY.
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(4B) APPEAL NO. 11-143

SANJAY DANI, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. DISAPPROVAL	45 Priest Street. Appealing the denial on Dec. 02, 2011, of Permit to Alter a Building (construct stairs to second level of existing building in backyard; based on Planning variance approval 2005.0607V). APPLICATION NO. 2007/04/05/8127. FOR HEARING TODAY.
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ACTION: These matters were withdrawn at the hearing.

(5) JURISDICTION REQUEST

Subject property at 2250 – 34th Avenue. Letter from David & Jennifer Nicholson, requestors, asking that the Board take jurisdiction over BPA No. 2014/08/21/4454, which was issued on October 03, 2014 by the Dept. of Building Inspection. The appeal period ended on October 20, 2014, and the jurisdiction request was filed at the Board office on November 21, 2014. Permit Holder: Growth Equity Partners. Project: comply with NOV No. 201489971; media room; add two bedrooms, one bath room, and laundry at 1st floor per plan; add deck at rear at 2nd floor
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ACTION: Upon motion by Commissioner Fung, the Board voted 3-0-1 (Commissioner Wilson absent) to grant the request on the basis that the requestors did not received the required notice.

SPEAKERS: David Nicholson, requestor; Mark Loper, attorney for permit holder; Joseph Duffy, DBI.

PUBLIC COMMENT: Rhonda Racine spoke in support of the requestors.

(6) APPEAL NO. 14-141

MICHIKO YAMADA, Appellant(s) vs. DEPT. OF PUBLIC HEALTH, Respondent	1963 Sutter Street. Protesting the ISSUANCE on July 23, 2014, to Roostertail Restaurant, of a Noise Variance (regarding rooftop fan noise from mechanical exhaust system/equipment). FOR ADOPTION OF FINDINGS TODAY. Note: On Nov. 19, 2014, the Board voted 4-0 to overrule the noise variance on the basis that the existing sound levels do not conform to the noise ordinance, and with adoption of findings on December 10, 2014.
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ACTION: Upon motion by Commissioner Fung, the Board voted 4-0 to adopt the findings.

SPEAKERS: Michiko Yamada, appellant; David Silverman, attorney for variance holder; Sherri Sokeland Kaiser, DPH.

PUBLIC COMMENT: Matthew Barto, Katrina Forck and Kevin Chin spoke in support of the appellant. Gwyneth Borden spoke in support of the variance holder.

(7) APPEAL NO. 14-164

IRVING ZARETSKY, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	2655 Broderick Street. Protesting the ISSUANCE on September 17, 2014, to Mark Casey, of an Alteration Permit (response to NOV No. 201168794; retrofit of existing planter box only). APPLICATION NO. 2012/04/06/7781. FOR HEARING TODAY.
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ACTION: Upon motion by President Lazarus, the Board voted 4-0 to deny the appeal and uphold the permit on the basis that it was properly issued.

SPEAKERS: Irving Zaretsky, appellant (Mr. Zaretsky did not participate in the hearing on the merits); Craig Nikitas, permit holder; Joseph Duffy, DBI; Corey Teague, ZA.

PUBLIC COMMENT: None.

(8) APPEAL NO. 14-170

LORNA MURDOCK, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	456 - 27th Street. Protesting the ISSUANCE on September 15, 2014, to Robert Edmonds, of a Permit to Erect a Building (construct a three-story, two-unit residential building with 1,750sf of ground floor area). APPLICATION NO. 2013/03/11/1903S. FOR HEARING TODAY.
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ACTION: Upon motion by Commissioner Fung, the Board voted 4-0 to deny the appeal and uphold the permit on the basis that it conforms with the Residential Design Guidelines.

SPEAKERS: Lorna Murdock, appellant; David Silverman, attorney for permit holders; Robert Edmonds, permit holder; Vivian Lee, permit holder; Corey Teague, ZA.

PUBLIC COMMENT: Mitchelle Piazza and Wendy Bertrand spoke in support of the appellant. Daniel Weiss, Brenda Weiss and Jan Gersonde spoke in support of the permit holder.

(9) APPEAL NO. 14-171

LISA KRIM, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	3636 Webster Street. Protesting the ISSUANCE on October 01, 2014, to Frank & Ann Hardenbergh, of an Alteration Permit (comply with NOV No. 201493443; add two new rear windows, a skylight, a door, and replace railing at existing pop-out and existing deck; repair roof and deck as required). APPLICATION NO. 2014/09/30/7684. FOR HEARING TODAY.
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ACTION: Upon motion by Commissioner Fung, the Board voted 3-0-1 (Commissioner Honda absent) to grant the appeal and deny the permit on the basis that it does not conform to the existing variance.

SPEAKERS: Lisa Krim, appellant; Frank Hardenbergh, permit holder; Joseph Duffy, DBI; Corey Teague, ZA.

PUBLIC COMMENT: David Parry spoke in support of the permit holder.

ADJOURNMENT.

There being no further business, President Lazarus adjourned the meeting at 7:50 p.m.