

**BOARD OF APPEALS**

**CITY & COUNTY OF SAN FRANCISCO**

**MEETING MINUTES - WEDNESDAY, AUGUST 20, 2014**

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

PRESENT: President Ann Lazarus, Vice President Arcelia Hurtado and Commissioner Frank Fung.

Robert Bryan, Deputy City Attorney, Office of the City Attorney (OCA); Scott Sanchez, Zoning Administrator (ZA); Joseph Duffy, Senior Building Inspector, Department of Building Inspection (DBI); Cynthia Goldstein, Executive Director; Victor Pacheco, Legal Assistant.

ABSENT: Commissioner Darryl Honda.

(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: Vice President Hurtado apologized for arriving late and explained that a work obligation caused her delay.

PUBLIC COMMENT: None.

(3) **ADOPTION OF MINUTES**

Discussion and possible adoption of the July 23, 2014 minutes.

ACTION: Upon motion by Vice President Hurtado, the Board voted 3-0-1 (Commissioner Honda absent) to adopt the July 23, 2014 minutes.

SPEAKERS: None.

PUBLIC COMMENT: None.

(4) **JURISDICTION REQUEST**

**Subject property at 587 – 29<sup>th</sup> Street.** Letter from Yochai & Orna Konig, requestors, asking that the Board take jurisdiction over BPA No. 2013/11/22/2698”S”, which was issued by the Department of Building Inspection on May 28, 2014. The appeal period ended on June 12, 2014, and this jurisdiction request was filed at the Board office on July 31, 2014. Project: existing two-story residence to be preserved and raised to accommodate new garage with two off-street parking spaces; new three-story addition at rear. Permit Holders: Joerg Schumann & Sara Roberts.

ACTION: Upon motion by Vice President Hurtado, the Board voted 3-0-1 (Commissioner Honda absent) to deny the request.

SPEAKERS: Robert Selna, attorney for requestor; Joerg Schumann, permit holder; Scott Sanchez, ZA.

PUBLIC COMMENT: None.

(5) **JURISDICTION REQUEST**

**Subject property at 1125 Broderick Street.** Letter from Josh Krieger & Jing Liang, and Bruce Robertson & Catherine Grove, requestors, asking that the Board take jurisdiction over BPA No. 2014/04/18/3598, which was issued by the Department of Building Inspection on April 29, 2014. The appeal period ended on May 14, 2014, and this jurisdiction request was filed at the Board office on August 04, 2014. Project: new roof deck; replace existing front concrete steps in kind; new wood railings; comply with NOV No. 201456261 for collapsing deck. Permit Holder: Envisage Properties.

ACTION: Upon motion by Vice President Hurtado, the Board voted 3-0-1 (Commissioner Honda absent) to deny the request.

SPEAKERS: Josh Krieger, requestor; David Cardinal, permit holder; Scott Sanchez, ZA; Joseph Duffy, DBI.

PUBLIC COMMENT: None.

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**(6) APPEAL NO. 14-120**

KOSMAS & STAVROULA SKINAS, Appellant(s) vs.  DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	15 Allison Street. Protesting the ISSUANCE on June 09, 2014, to Xi Wen Pei, Alteration Permit (two-story horizontal rear addition, and one-story vertical addition setback approximately 16.5' from the front building wall). APPLICATION NO. 2013/01/31/9224"S". FOR HEARING TODAY.
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**ACTION:** Upon motion by Commissioner Fung, the Board voted 3-0-1 (Commissioner Honda absent) to continue this matter to August 27, 2014 to allow time for the Department of Building Inspection to inspect the property to investigate outstanding complaints.

**SPEAKERS:** Nick Skinas, agent for appellants; Bill Guan, agent for permit holder; Scott Sanchez, ZA; Joseph Duffy, DBI.

**PUBLIC COMMENT:** None.

**(7) APPEAL NO. 14-077**

LAURA THOMAS, CASTRO/UPPER MARKET COMMUNITY BENEFIT DISTRICT & DUBOCE TRIANGLE NEIGHBORHOOD ASSOCIATION, Appellant(s) vs.  ZONING ADMINISTRATOR, Respondent  Subject Property Owner: BASSEM SIRHED  Project Sponsor: AIDS HEALTHCARE FOUNDATION	518 Castro Street. Protesting a Release of Suspension Request dated April 18, 2014, addressed to Dept. of Building Inspection Director Tom Hui, asking that the suspension against BPA No. 2013/11/12/1689 be lifted for the reason that the project sponsor has informed the Planning Department that the proposed pharmacy would be changed to a non-Formula Retail Use which would not require Conditional Use Authorization for the project (change the use of a portion of the ground floor commercial space from a retail use to a medical office and pharmacy). PUBLIC HEARING HELD ON JUNE 11, 2014. FOR FURTHER CONSIDERATION TODAY. <b>Note: matter was continued to allow time for AIDS Healthcare Foundation to submit additional evidence regarding its status under formula retail regulations.</b>
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**ACTION:** Upon motion by Vice President Hurtado, the Board voted 3-0-1 (Commissioner Honda absent) to dismiss the appeal as moot based on the applicability of the interim zoning controls found in Board of Supervisors Resolution 238-14.

**SPEAKERS:** Scott Sanchez, ZA; Ryan Patterson, attorney for permit holder; Dale Gluth, agent for permit holder; Andrea Aiello, agent for appellants; Laura Thomas, appellant.

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PUBLIC COMMENT: James Loduca and Aaron Baldwin spoke in support of the appellants.

**(8) APPEAL NO. 14-102**

ANGUS PERA, Appellant(s) vs.  ZONING ADMINISTRATOR, Respondent	3660 - 21st Street. Protesting the GRANTING on May 15, 2014, to 3660 - 21st Street LLC, Variance (to construct additions to an existing single- family dwelling and construct a detached garage at the front of the lot). CASE NO. 2013.0179V. FOR HEARING TODAY.
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ACTION: Upon motion by Vice President Hurtado, the Board voted 3-0-1 (Commissioner Honda absent) to deny the appeal and uphold the variance on the basis that the Zoning Administrator did not err or abuse his discretion.

SPEAKERS: Sue Hestor, attorney for appellant; Arnie Lerner, agent for appellant; Arran Pera, agent for appellant; Alice Barkley, attorney for permit holder; Bridgett Shank, agent for permit holder; Scott Sanchez, ZA.

PUBLIC COMMENT: None.

**ADJOURNMENT.**

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