

# **BOARD OF APPEALS**

## **CITY & COUNTY OF SAN FRANCISCO**

### **MEETING MINUTES - WEDNESDAY, AUGUST 27, 2014**

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

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

Robert Bryan, Deputy City Attorney, Office of the City Attorney (OCA); Carla Short, Deputy Bureau Manager, Department of Public Works Bureau of Street Use and Mapping (DPW); Janine Young, Senior Health Inspector, Department of Public Health Environmental Health Section (DPH); Joseph Duffy, Senior Building Inspector, Department of Building Inspection (DBI); 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 noted that a memo from Mayor Lee had been distributed reminding Board members of the importance of their attendance at Board meetings.

PUBLIC COMMENT: None.

#### **(3) ADOPTION OF MINUTES**

Discussion and possible adoption of the August 20, 2014 minutes.

ACTION: Upon motion by Commissioner Fung, the Board voted 4-0 to adopt the August 20, 2014 minutes.

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SPEAKERS: None.

PUBLIC COMMENT: None.

**(4) 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. 2013/01/31/9224S. PUBLIC HEARING HELD ON AUGUST 20, 2014. FOR FURTHER CONSIDERATION TODAY. <b>Note: matter was continued to allow time for the DBI to conduct a site visit.</b>
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ACTION: Upon motion by Commissioner Fung, the Board voted 4-0 to deny the appeal and uphold the permit with a finding that the Department of Building Inspection will pursue enforcement of the existing Notice of Violation.

SPEAKERS: Nick Skinas, agent for appellants; Fiona Wen, agent for permit holder; Joseph Duffy, DBI.

PUBLIC COMMENT: None.

**(5) APPEAL NO. 14-123**

RAOUF NASSER dba "26TH & GUERRERO MARKET", Appellant(s) vs.  DEPT. OF PUBLIC HEALTH, Respondent	1400 Guerrero Street. Appealing the SUSPENSION on June 11, 2014, of Tobacco Sales Establishment Permit (25-day suspension for selling tobacco products to minors). DIRECTOR'S CASE NO. SMK-1408. FOR HEARING TODAY.
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ACTION: Upon motion by Vice President Hurtado, the Board voted 4-0 to deny the appeal and uphold the suspension on the basis that it is reasonable under the circumstances presented.

SPEAKERS: Raouf Nasser, appellant; Janine Young, DPH.

PUBLIC COMMENT: None.

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**(6) APPEAL NO. 14-128**

SHORENSTEIN PROPERTIES LLC, Appellant(s) vs.  DEPT. OF BUILDING INSPECTION, Respondent	875 Stevenson Street. Appealing the DENIAL on June 24, 2014, of Alteration Permit (new street address for this existing building; requesting 1 - 10th Street). APPLICATION NO. 2014/07/03/0435. FOR HEARING TODAY.
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ACTION: Upon motion by Vice President Hurtado, the Board voted 3-1 (President Lazarus dissented) to deny the appeal and uphold the denial of the permit on the basis that the denial was reasonable under Department of Building Inspection Administrative Bulletin No. AB- 035 and Policy G-03 (dated April 11, 2014).

SPEAKERS: Patrick Buscovich, agent for appellant; Jean Rainer, agent for appellant; Joseph Duffy, DBI.

PUBLIC COMMENT: None.

**(7) APPEAL NO. 14-065**

GOLDEN GATE HEIGHTS NEIGHBORHOOD ASSOCIATION, Appellant(s) vs.  DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	203 Quintara Street. Protesting the ISSUANCE on March 19, 2014, to SBC- Pacific Bell Engineering, EXCAVATION PERMIT (install new cabinet; telephone purpose). APPLICATION NO. 14EXC-1497. PUBLIC HEARINGS HELD ON JUNE 04 AND JULY 02, 2014. FOR FURTHER CONSIDERATION TODAY. <b>Note: matter was continued to allow time for the DPW to conclude its analysis of the new SMF ordinance.</b>
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ACTION: Upon motion by Vice President Hurtado, the Board voted 3-0-1 (President Lazarus recused) to grant the appeal and deny the permit on the basis that the permit does not comply with San Francisco Public Works Code Article 27 (Ordinance No. 76-14).

SPEAKERS: Carla Short, DPW; Marina Moreno, agent for appellant; Foster Johnson, attorney for permit holder.

PUBLIC COMMENT: None.

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**(8) APPEAL NO. 14-127**

JOHN MITCHELL, MADELINE COLLINS, GRAHAM CARBERRY & TAMIRA COLLINS, Appellant(s) vs.  DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	110 Burrows Street. Protesting the ISSUANCE on June 19, 2014, to SBC-Pacific Bell Engineering, Excavation Permit (install new cabinet). APPLICATION NO. 14EXC-3454. FOR HEARING TODAY.
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**ACTION:** Upon motion by Commissioner Fung, the Board voted 3-0-1 (President Lazarus recused) to grant the appeal and deny the permit on the basis that permit does not comply with San Francisco Public Works Code Article 27 (Ordinance No. 76-14).

**SPEAKERS:** John Mitchell, appellant; Foster Johnson, attorney for permit holder; Marc Blakeman, agent for permit holder; Carla Short, DPW.

**PUBLIC COMMENT:** Ruth Wallace and Irene Crescio spoke in support of the appellants.

**ITEMS 9A & 9B MAY BE HEARD TOGETHER:**

**(9A) APPEAL NO. 14-111**

AT&T CALIFORNIA, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	326 Craut Street. Appealing the DENIAL on May 23, 2014, of UTILITY EXCAVATION PERMIT (excavation in public right-of-way related to installation of surface mounted facility). APPLICATION NO. 14EXC-3134. FOR HEARING TODAY.
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**(9B) APPEAL NO. 14-113**

AT&T CALIFORNIA, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	996 Cayuga Avenue. Appealing the DENIAL on May 28, 2014, of UTILITY EXCAVATION PERMIT (excavation in public right-of-way related to installation of surface mounted facility). APPLICATION NO. 14EXC-3185. FOR HEARING TODAY.
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**ACTION:** Upon motion by Vice President Hurtado, the Board voted 3-0-1 (President Lazarus recused) to deny the appeals and uphold the permit denials on the basis that the permits do not comply with San Francisco Public Works Code Article 27 (Ordinance No. 76-14).

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SPEAKERS: Foster Johnson, attorney for permit holder; Carla Short, DPW.

PUBLIC COMMENT: David Hooper spoke in support of the Department.

**ADJOURNMENT.**

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

DRAFT