

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, AUGUST 18, 2010

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

PRESENT: President Tanya Peterson, Vice President Kendall Goh, Commissioner Frank Fung, Commissioner Michael Garcia and Commissioner Chris Hwang.

Francesca Gessner, Deputy City Attorney, Office of the City Attorney (OCA); Patrick O' Riordan, Senior Building Inspector, Department of Building Inspection (DBI); Scott Sanchez, Acting Zoning Administrator (ZA); Sgt. William Coggan, Commanding Officer, San Francisco Police Department Permits Section (SFPD); Jarvis Murray, San Francisco Municipal Transportation Agency, Division of Taxis and Accessible Services (SFMTA); Dr. Johnson Ojo, 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.

SPEAKERS: Ray Hartz spoke about taking the oath and those who did not, and about allegations of abuse of power by City agencies and about a Rehearing Request regarding 2642-2644 Hyde Street that appeared on a prior Board calendar. A male speaker spoke about the qualifications of Board members and false statements made to the Board; Ellen Tsang spoke about allegations of misconduct by various permit expeditors; David Silverman spoke about his perception that the Board is fair in its actions; Linda Yacobucci and a female speaker spoke about the right of the public to speak at Board meetings.

(2) COMMISSIONER COMMENTS & QUESTIONS:

SPEAKERS: Commissioner Garcia asked that an item be placed on the agenda regarding the qualifications required of Board members.

PUBLIC COMMENT: None.

(3) ADOPTION OF MINUTES:

Discussion and possible adoption of the August 11, 2010 minutes.

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ACTION: Upon motion by President Peterson, the Board voted 5-0 to adopt the August 11, 2010 minutes.

SPEAKERS: None.

PUBLIC COMMENT: None.

(4) **ADDENDUM ITEMS:**

(4a) **ADOPTION OF FINDINGS:**

Subject property at 2082 Pine Street. Appeal No. 09-142, Hunt vs. DBI, PDD, decided May 19, 2010. At that time, upon motion by President Peterson, the Board voted 4-1 (Commissioner Fung dissented) to overrule the denial and grant the permit, with adoption of findings at a later time. Project: building originally contained three-dwelling units; one unit was abandoned; restore this living unit to make a three-unit residential building; BPA No. 2009/08/21/5311.

ACTION: Upon motion by President Peterson, the Board voted 5-0 to adopt the findings.

SPEAKERS: None.

PUBLIC COMMENT: None.

(4b) **ADOPTION OF FINDINGS:**

Subject property at 220 Rankin Avenue. Appeal No. 10-025, Koehler dba "P & S Towing" vs. SFPD, decided April 14, 2010. At that time, upon motion by Commissioner Fung, the Board voted 4-0-1 (Vice President Goh absent) to uphold the denial of the Tow Firm Permit with adoption of findings at a later time.

ACTION: Upon motion by Commissioner Garcia, the Board voted 5-0 to continue the matter to September 15, 2010 to allow the parties to respond in writing to the proposed findings. There is a four page limit for these submittals, with the appellants brief due September 2, 2010 and the (optional) SFPD brief due September 9, 2010.

SPEAKERS: Ann Felldin, agent for appellant; Sgt. William Coggan, SFPD; Peter Koehler, appellant.

PUBLIC COMMENT: None.

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(4c) **ADOPTION OF FINDINGS:**

<p>Revocation of taxi medallion and color scheme permit. Appeal No. 09-144, <u>Hollis vs. MTA DTAS</u>, decided July 14, 2010. At that time, upon motion by Vice President Goh, the Board voted 4-1 (Commissioner Hwang dissented) to uphold the revocation of color scheme permit, and overrule the revocation of medallion on condition that said medallion be suspended for one (1) year, with adoption of findings at a later time.</p>
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ACTION: Upon motion by Commissioner Garcia, the Board voted 5-0 to adopt the findings.

SPEAKERS: None.

PUBLIC COMMENT: None.

(5) **APPEAL NO. 10-060**

<p>MUKULLA GODWIN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL</p>	<p>182 Sagamore Street. Protesting the issuance on May 26, 2010, to Huang Huan Hui, Permit to Alter a Building (rear wood deck and stair to be constructed at 2nd floor; add new window and door). APPLICATION NO. 2010/05/26/3258. PUBLIC HEARING HELD AND CLOSED ON AUG. 11, 2010. FOR FURTHER CONSIDERATION TODAY. Note: matter continued to allow time for parties to continue settlement negotiations.</p>
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ACTION: This appeal was withdrawn by the appellant and was not heard.

(6) **APPEAL NO. 10-067**

<p>LUCKY ONE MINI MART, Appellant(s) vs. DEPT. OF PUBLIC HEALTH, Respondent</p>	<p>1010 Market Street. Appealing a twenty-five (25) - day suspension of a Tobacco Product Sales Establishment Permit, imposed on June 09, 2010. Reason(s) for suspension: selling tobacco products to minors. DIRECTOR'S CASE NO. FD-10-28. FOR HEARING TODAY.</p>
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ACTION: Upon motion by Commissioner Fung, the Board voted 4-1 (Vice President Goh dissented) to grant the appeal, overrule the department and reduce the suspension to 20 days.

SPEAKERS: Dr. Johnson Ojo, DPH; William Park, appellant.

PUBLIC COMMENT: None.

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(7) APPEAL NO. 10-035

<p>TRUDY MAURER & PETER LINN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL</p>	<p>1325 Portola Drive. Protesting the issuance on March 29, 2010, to Joseph & Sofia New, Permit to Erect a Building (three-story, single-family house with 1,325sf of ground floor area). APPLICATION NO. 2006/09/06/1483S. PUBLIC HEARING HELD AND CLOSED ON JUNE 16, 2010. FOR FURTHER CONSIDERATION TODAY. Note: additional briefing is allowed; matter continued to allow permit holder to submit additional documents pursuant to the Board's comments.</p>
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ACTION: Upon motion by Commissioner Fung, the Board voted 5-0 to continue the matter to September 22, 2010 so that the appellant may submit a topographic survey of the site and the calculated finished floor elevations of the different floor levels in relation to the site survey and so that the approved permit set may be submitted by the City.

SPEAKERS: Mitchell Benjamin, agent for appellants; Trudy Maurer, appellant; Angel Lim, agent for permit holder; Sofia New, permit holder; Scott Sanchez, ZA; Patrick O'Riordan, DBI.

PUBLIC COMMENT: None.

(8) APPEAL NO. 10-059

<p>NANCY WUERFEL, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL</p>	<p>2514 – 23rd Avenue. Protesting the issuance on May 18, 2010, to Mary Galvin, Permit to Alter a Building (comply with NOV Nos. 201030664, 200608930 and 200906761; convert crawl space to storage; cap existing foundation; roof framing; add three dormers; stairs from basement to attic; replace windows and trim in-kind; remodel kitchen and bathrooms). APPLICATION NO. 2010/05/05/1781. PUBLIC HEARING HELD AND CLOSED ON JULY 21, 2010. FOR FURTHER CONSIDERATION TODAY. Note: Matter continued to allow time for DBI and Planning staff to submit additional documents pursuant to the Board's comments, and with no additional briefing allowed from appellant or permit holder.</p>
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ACTION: Upon motion by Vice President Goh, the Board voted 4-1 (President Peterson dissented) to continue the matter to September 22, 2010.

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SPEAKERS: Damien Quinn, agent for permit holder; Nancy Wuerfel, appellant; Scott Sanchez, ZA; Patrick O’Riordan, DBI.

PUBLIC COMMENT: Patrick Buscovich spoke in support of the permit holder.

(9) APPEAL NO. 10-065

HONG ZHENG, GALINA YUSUPOV & MICHAEL LEVINSON, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	154 Miraloma Drive. Protesting the issuance on June 02, 2010, to John & Bertha Gaehwiler, Permit to Erect a Building (three-story, single-family house with 1,230sf of ground floor area). APPLICATION NO. 2009/02/04/1396S. FOR HEARING TODAY.
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ACTION: Upon motion by Commissioner Garcia, the Board voted 5-0 to deny the appeal and uphold the permit on the basis that the project complies with the Planning Code and the Residential Design Guidelines.

SPEAKERS: Hong Zheng, appellant; Michael Levinson, appellant; David Silverman, attorney for permit holder; Marilyn Dobbis, agent for permit holder; Scott Sanchez, ZA; Nora Frei, agent for permit holder.

PUBLIC COMMENT: Peter Rockwell spoke in support of the permit holder.

(10) APPEAL NO. 10-066

PAUL HASSON, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	270 Roosevelt Way. Protesting the issuance on Oct. 20, 2009, to Roxanne Gould, Permit to Alter a Building (comply with NOV No. 200904374; frame in property line window at north side with 1 hour assembly). APPLICATION NO. 2009/10/16/9171. JURISDICTION GRANTED JUNE 09, 2010. FOR HEARING TODAY.
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ACTION: Upon motion by Commissioner Fung, the Board voted 4-1 (President Peterson dissented) to grant the appeal, overrule the department and condition the permit to require that the existing window be placed with a new window assembly that conforms to Administrative Bulletin 19 of the 2007 San Francisco Building Code, with fire-rated glass that can’t be seen through.

SPEAKERS: Paul Hasson, appellant; Daniel Stern, attorney for permit holder; Patrick O’Riordan, DBI.

PUBLIC COMMENT: Patrick Buscovich spoke on behalf of an adjoining property owner; Victoria Giannini and her husband Nick spoke about the impact of the subject window on their adjoining property.

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(11) APPEAL NO. 10-068

JASON BLEY, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent Subject Property Owner: U-LIKE CORPORATION	605 Kearny Street. Protesting a Request for Release of Suspension, dated June 17, 2010, addressed to DBI Director Vivian Day, which requests that the suspension / stop work order for BPA No. 2002/02/11/8951 be released because the property is now in compliance with the conditions in the Notice of Special Restrictions. FOR HEARING TODAY.
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ACTION: Upon motion by Commissioner Fung, the Board voted 4-1 (Vice President Goh dissented) to deny the appeal and uphold the Request for Release of Suspension on the basis that there was no error or abuse of discretion on the part of the Zoning Administrator.

SPEAKERS: Jason Bley, appellant; Scott Sanchez, ZA; Edward Hung, agent for permit holder; Mike Hung, agent for permit holder.

PUBLIC COMMENT: Tom Brown, Sonia Tien, Annie Mori, Julie Ng and Linda Li spoke in support of the permit holder; Howard Wong spoke in the support of the appellant.

ITEMS (12A) AND (12B) SHALL BE HEARD TOGETHER:

(12A) APPEAL NO. 10-069

PETER OSBORNE, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	750 – 2 nd Street. Protesting the issuance on June 10, 2010, to Seventy Second LLC, Permit to Erect a Building (8-story, 14-unit residential / commercial building with 4,928sf of ground floor area). APPLICATION NO. 2008/07/31/8072S. FOR HEARING TODAY.
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(12B) APPEAL NO. 10-070

PETER OSBORNE, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	750 – 2 nd Street. Protesting the issuance on June 10, 2010, to Seventy Second LLC, Permit to Demolish a Building (1.5-story, office / retail building with 7,655sf of ground floor area). APPLICATION NO. 2008/07/31/8077. FOR HEARING TODAY.
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ACTION: These appeals were withdrawn by the appellant and were not heard.

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ADJOURNMENT.

There being no further business, President Peterson adjourned the meeting at 10:54 p.m.