

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, FEBRUARY 20, 2013

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

PRESENT: President Chris Hwang, Vice President Ann Lazarus, Commissioner Frank Fung and Commissioner Darryl Honda.

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

ABSENT: Commissioner Arcelia Hurtado.

(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) COMMISSIONER COMMENTS & QUESTIONS

SPEAKERS: None.

(3) ADOPTION OF MINUTES

Discussion and possible adoption of the February 13, 2013 minutes.

ACTION: Upon motion by President Hwang, the Board voted 4-0-1 (Commissioner Hurtado absent) to adopt the February 13, 2013 minutes.

SPEAKERS: None.

PUBLIC COMMENT: None.

(4) ADDENDUM ITEMS

(4a) REHEARING REQUEST

Subject property at 2065 Oakdale Avenue. Letter from Daniel Dodt, agent for Bay View Office for Community Planning, appellant, requesting rehearing of Appeal No. 12-130, B.V.O.C.P. vs. DBI, PDA, decided Jan. 09, 2013. At that time, the Board voted 4-0-1 (President Hwang absent) to grant the appeal and uphold the permit on the basis of the permit holder's agreement to send out neighborhood notification on all permit applications submitted during the next five years excluding permits needed to correct existing Notices of Violation against the property; said notification shall conform to the notice requirements imposed by DBI on Form 6 Building Demolition Permits; and lastly, the suspension of this permit shall not be lifted until the permit holder provides the appellant and DBI with soils testing results that have been prepared by a certified professional soils testing laboratory. **Permit Holder:** Jack Tsang. **Project:** remove deteriorated vacant warehouse building; existing main building to remain; BPA No. 2012/10/09/1608.

ACTION: Upon motion by President Hwang, the Board voted 4-0-1 (Commissioner Hurtado absent) to grant the request and rehear the appeal on April 10, 2013, based on new material facts presented.

SPEAKERS: Daniel Dodt, requestor; Patrick Buscovich, agent for permit holder; David Silverman, attorney for permit holder; Joseph Duffy, DBI.

PUBLIC COMMENT: Earl Shaddix, Robert Davis, Michael Hamman, Joe Boss and Clincy Latimer spoke in support of the requestor.

(5) APPEAL NO. 12-155

<p>STEVEN GREENWALD & ROCHELLE ALPERT, Appellants vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL</p>	<p>68 Presidio Avenue. Protesting the issuance on November 20, 2012, to Jennifer Chow and Steve Minisini, Permit to Alter a Building (revision to BPA No. 201201182486; expand existing roof terrace; new window at top floor family room #2; replace existing single glazed windows with new wood double glazed windows; repair stucco with integral colored stucco). APPLICATION NO. 2012/10/11/1876. FOR HEARING TODAY.</p>
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ACTION: Upon motion by Vice President Lazarus, the Board voted 4-0-1 (Commissioner Hurtado absent) to grant the appeal and deny the permit on the basis that (1) it is not Code compliant; and (2) the one year bar to reapplication not apply due to definite existing conditions that may be remedied.

SPEAKERS: Alice Barkley, attorney for appellants; Brian Soriano, attorney for permit holders; Scott Sanchez, ZA; Joseph Duffy, DBI.

PUBLIC COMMENT: None.

ITEMS (6A) AND (6B) SHALL BE HEARD TOGETHER:

(6a) APPEAL NO. 12-121

HON YUK CHEUNG & BIK KWUN LEE, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	28 Meda Avenue. Protesting the issuance on Sept. 13, 2012, to Xiang Si Lei, Permit to Alter a Building (revision to BPA No. 2012/08/13/7241; relocate bathrooms at 3 rd floor; add new dormers and skylight and re-roofing; replace window at 3 rd floor at front in-kind). APPLICATION NO. 2012/09/13/9649. FOR HEARING TODAY.
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(6b) APPEAL NO. 12-165

BIK KWUN LEE, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	28 Meda Avenue. Protesting the issuance on December 06, 2012, to Xiang Si Lei, Permit to Alter a Building (comply with Complaint #201251821 and #201268284; revision to approved BPA #201208137241 and 201208066584; show existing floor plans to reflect existing condition; new windows at front and rear; rebuilt existing rear deck and stair; remove deck at rear of 3 rd floor; remove interior stair at ground floor; replace fence and scupper and rain water leader at rear; infill open storage under existing 2 nd floor habitable area; revised foundation plan to reflect existing site and building condition). APPLICATION NO. 2012/10/25/2814. FOR HEARING TODAY.
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ACTION: Upon motion by Commissioner Fung, the Board voted 4-0-1 (Commissioner Hurtado absent) to uphold the subject permit in Appeal No. 12-121 and revise the subject permit in Appeal No. 12-165 on the basis of the revised drawings submitted at the February 20, 2013 hearing, and with the following conditions: (1) the fence between the permit holder's and appellants' properties will be replaced and will be similar to the prior existing chain link fence; (2) the water leader will tie into the permit holder's sewer line only; (3) the exterior door at the third floor will be replaced with a Code compliant egress window; (4) the structural inspection report will be provided to all parties; and (5) the deck will be set back three feet from appellants' property line.

SPEAKERS: Jennifer Cheung, agent for appellants, Hon Yuk Cheung, appellant; Gabriel Ng, agent for permit holder; Scott Sanchez, ZA; Joseph Duffy, DBI.

PUBLIC COMMENT: John Katz and David Hooper spoke in support of the appellants.

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(7) APPEAL NO. V12-148

ALICE LAM, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	2529-2533 Post Street. Protesting the granting on Nov. 15, 2012, to Kevin Weil & Christopher Dougherty, Rear Yard & Non-Complying Structure Variances (removal and replacement of existing decks and exit stairs at the rear of the three-story, three-family dwelling). VARIANCE CASE NO. 2012.0395V. FOR HEARING TODAY.
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ACTION: Upon motion by President Hwang, the Board voted 3-1-1 (Commissioner Fung dissented and Commissioner Hurado absent) to deny the appeal and uphold the variances on the basis that the Zoning Administrator did not err or abuse his discretion.

SPEAKERS: Steven Williams, attorney for appellant; Andrew Morrall, agent for permit holder; Kevin Weil, variance holder; Scott Sanchez, ZA.

PUBLIC COMMENT: None.

ITEMS (8a) (8b) (8c) and (8d) SHALL BE HEARD TOGETHER:

(8a) APPEAL NO. 12-158

STEPHEN WILLIAMS, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	2395 - 26 th Avenue. Appealing the issuance on December 06, 2012, to Howard Weston, Permit to Alter a Building (tenant improvement (commercial unit #1) new interior partition walls for four new offices, one conference room and break room; upgrade existing bathroom for ADA compliance). APPLICATION NO. 2012/12/04/5434. FOR HEARING TODAY.
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(8b) APPEAL NO. 12-166

STEPHEN WILLIAMS, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	2395 - 26 th Avenue. Appealing the issuance on December 06, 2012, to Howard Weston, Plumbing Permit (commercial unit #1: new ADA bathrooms, sink in break room). APPLICATION NO. PP2012/12/06/634. FOR HEARING TODAY.
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(8c) APPEAL NO. 12-167

STEPHEN WILLIAMS, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	2395 - 26 th Avenue. Appealing the issuance on December 06, 2012, to Howard Weston, Plumbing Permit (commercial unit #1: replace heater/furnace). APPLICATION NO. PM2012/12/06/635. FOR HEARING TODAY.
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(8d) APPEAL NO. 12-168

STEPHEN WILLIAMS, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	2395 - 26 th Avenue. Appealing the issuance on December 06, 2012, to Howard Weston, Electrical Permit (commercial unit #1: replace 24 new lights and 30 switches). APPLICATION NO. E2012/12/06/7110. FOR HEARING TODAY.
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ACTION: Upon motion by Commissioner Fung, the Board voted 4-0-1 (Commissioner Hurado absent) to continue these appeals to April 17, 2013, to allow for additional briefing of up to five pages in length focused on whether the business to be operated by the proposed lessee conforms to the definition of "financial services" in the Planning Code.

SPEAKERS: Steven Williams, attorney for appellant; Brett Gladstone, attorney for permit holder; Howard Weston, permit holder; Melissa Vancrum, attorney for permit holder; Scott Sanchez, ZA; Joseph Duffy, DBI.

PUBLIC COMMENT: None.

ITEMS (9a) (9b) and (9c) SHALL BE HEARD TOGETHER:

(9a) APPEAL NO. 12-161

RALPH HYMAN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	227 Douglass Street. Appealing the issuance on December 07, 2012, to Mehul Tank, Permit to Alter a Building (voluntary removal of kitchens (levels 1 & 3); revert level 1 to utility room permit #8011207 with washer/dryer; level 3 wet bar). APPLICATION NO. 2012/09/06/9064. FOR HEARING TODAY.
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(9b) APPEAL NO. 12-162

RALPH HYMAN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	227 Douglass Street. Appealing the issuance on December 07, 2012, to Mehul Tank, Electrical Permit (remove unapproved kitchens on floors 1 & 3 and restore property to SFD; add laundry to 1 st floor and wet bar to 3 rd floor). APPLICATION NO. E2012/12/07/7118. FOR HEARING TODAY
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(9c) APPEAL NO. 12-163

RALPH HYMAN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	227 Douglass Street. Appealing the issuance on December 07, 2012, to Mehul Tank, Plumbing Permit (remove unapproved kitchens on floors 1 & 3 and restore property to SFD; add laundry to 1 st floor and wet bar to 3 rd floor). APPLICATION NO. PP2012/12/07/644. FOR HEARING TODAY.
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ACTION: Upon motion by Commissioner Fung, the Board voted 2-2-1 (President Hwang and Commissioner Honda dissented and Commissioner Hurado absent) to deny the appeals and uphold the permits on the basis of the 1949 Certificate of Final Completion. Lacking the three votes needed to pass, the motion failed. With no further motion made, the permits are upheld by operation of law.

SPEAKERS: Kavita Sharma, attorney for appellant; Ralph Hyman, appellant; Brett Gladstone, attorney for appellant; Andrew Zacks, attorney for permit holder; Mehul Tank, permit holder; Patrick Buscovich, agent for permit holder; Scott Sanchez, ZA; Joseph Duffy, DBI.

PUBLIC COMMENT: None.

ADJOURNMENT.

There being no further business, President Hwang adjourned the meeting at 11:05 p.m.