

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, MARCH 6, 2013

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

PRESENT: President Chris Hwang, Vice President Ann Lazarus, Commissioner Arcelia Hurtado 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, Department of Building Inspection (DBI); Janine Young, Environmental Health Section, Department of Public Health (DPH); Cynthia Goldstein, Executive Director; Victor Pacheco, Legal Assistant.

ABSENT: Commissioner Frank Fung.

(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: Vice President Lazarus announced that she will leave the April 24, 2013 meeting at 6:30 p.m.

PUBLIC COMMENT: None.

(3) ADOPTION OF MINUTES

Discussion and possible adoption of the February 20, 2013 minutes.

ACTION: Upon motion by President Hwang, the Board voted 4-0-1 (Commissioner Fung absent) to adopt the February 20, 2013 minutes.

SPEAKERS: None.

PUBLIC COMMENT: None.

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(4) APPEAL NO. 12-150

ALLA BENHAMIMI dba "ALCATRAZ MARKET", Appellant(s) vs. DEPT. OF PUBLIC HEALTH, Respondent	757 Beach Street. Appealing a twenty-five (25) day suspension of a Tobacco Product Sales Permit, imposed on Nov. 14, 2012. Reason(s) for suspension: selling tobacco products to minors. DIRECTOR'S CASE NO. SMK-1238. FOR HEARING TODAY.
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ACTION: Upon motion by Commissioner Hurtado, the Board voted 2-2-1 (Vice President Lazarus and Commissioner Honda dissented and Commissioner Fung absent) to deny the appeal and uphold the twenty five (25) day suspension. Lacking the three votes needed to pass, the motion failed. With no further motion made, the suspension is upheld by operation of law.

SPEAKERS: Alla Benhamimi, appellant; Janine Young, DPH.

PUBLIC COMMENT: None.

(5) APPEAL NO. 12-109

RICHARD WINER & MARY MARZOTTO, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	483 Guerrero Street. Protesting the issuance on August 28, 2012, to Kamal Barbhuya, Permit to Alter a Building (add hood to approved coffee shop/limited restaurant; maximum 15 seats). APPLICATION NO. 2012/05/24/1175. FOR FURTHER CONSIDERATION TODAY. Note: Matter continued to allow time for the permit holder to prepare Code-complying plans and for DBI and Planning to conduct research on change of use.
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ACTION: Upon motion by Commissioner Hurtado, the Board voted 4-0-1 (Commissioner Fung absent) to grant the appeal and revoke the permit on the basis that there are no Code compliant plans.

SPEAKERS: Ahmad Larizadeh, agent for permit holder; Ryan Patterson, attorney for appellants; Richard Winer, appellant; Joseph Duffy, DBI.

PUBLIC COMMENT: Shirley Johnson and Charles Cagnon spoke in support of the appellants. Bruce Lyons spoke in support of the permit holder.

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

(6a) APPEAL NO. 12-169

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TERENCE MALLEY, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1244 Treat Avenue. Protesting the issuance on Dec. 12, 2012, to Peggy Mangot, Permit to Alter a Building (replace foundations; create internal stair from 1 st story to basement; add bedrooms, bath and living space to lower level; remodel kitchen and create new bath at upper level of bottom unit). APPLICATION NO. 2012/09/12/9516. FOR HEARING TODAY.
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(6b) APPEAL NO. 12-170

DONG HUA SU, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1244 Treat Avenue. Protesting the issuance on Dec. 12, 2012, to Peggy Mangot, Permit to Alter a Building (replace foundations; create internal stair from 1 st story to basement; add bedrooms, bath and living space to lower level; remodel kitchen and create new bath at upper level of bottom unit). APPLICATION NO. 2012/09/12/9516. FOR HEARING TODAY.
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ACTION: Upon motion by Commissioner Hurtado, the Board voted 4-0-1 (Commissioner Fung absent) to deny the appeals uphold the permit on the basis that the permit was properly issued.

SPEAKERS: Terence Malley, appellant; Doug Hua Su, appellant; Edmond Sum, agent for appellant; Peggy Mangot, permit holder; Troy Kashanipour, agent for permit holder; Eugene Brolly, agent for permit holder; Joe Igber, agent for permit holder; Joseph Duffy, DBI.

PUBLIC COMMENT: Paul Tyree-Francis spoke in support of the appellants.

(7) APPEAL NO. 12-171

MATTHEW & KRISTINE LEFFERS, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	611 Buena Vista West Avenue. Protesting the issuance on Dec. 13, 2012, to Martin Roscheisen, Permit to Alter a Building (one-story vertical addition to existing two-story residence; roof of 3 rd story addition will include green roof; project will have a basement addition). APPLICATION NO. 2011/05/04/5332S. FOR HEARING TODAY.
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ACTION: Upon motion by President Hwang, the Board voted 4-0-1 (Commissioner Fung absent) to reschedule the hearing to May 8, 2013, and to allow both parties to submit briefs in conformance with the regular briefing schedule.

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SPEAKERS: Susan Brandt-Hawley, attorney for appellants; Tracy Boxer Zill, attorney for permit holder.

PUBLIC COMMENT: None.

(8) APPEAL NO. 13-001

GERALDINE ROSEN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1041 Shrader Street. Protesting the issuance on Dec. 20, 2012, to Laura & Dave Brown, Permit to Alter a Building (add crickets to rear of house for proper roof drainage). APPLICATION NO. 2012/12/20/6664. FOR HEARING TODAY.
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ACTION: Upon motion by Commissioner Honda, the Board voted 4-0-1 (Commissioner Fung absent) to continue the hearing to March 20, 2013, to allow time for the permit holder to submit the approve plans.

SPEAKERS: Ryan Patterson, attorney for appellant; Bonnie Bridges, agent for permit holders.

PUBLIC COMMENT: None.

(9) APPEAL NO. 13-002

TSE FAMILY TRUST, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. DISAPPROVAL	2015 Stockton Street. Appealing the denial on Dec. 27, 2012, of Permit to Alter a Building (comply with NOV No. 200907902; install total of 38 vinyl double-hung windows to front and rear of building). APPLICATION NO. 2012/06/22/3228. FOR HEARING TODAY.
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ACTION: Upon motion by Vice President Lazarus, the Board voted 4-0-1 (Commissioner Fung absent) to grant the appeal, overrule the denial and issue the permit on condition that the scope of work be modified to strike the replacement of all windows visible from the public right-of-way.

SPEAKERS: Eric Tse, agent for appellant; Scott Sanchez, ZA; Joseph Duffy, DBI.

PUBLIC COMMENT: None.

ADJOURNMENT.

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