

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, MAY 15, 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, Commissioner Darryl Honda and Commissioner Arcelia Hurtado.

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.

(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.

PUBLIC COMMENT: None.

(2) COMMISSIONER COMMENTS & QUESTIONS

SPEAKERS: None.

(3) ADOPTION OF MINUTES

Discussion and possible adoption of the May 8, 2013 minutes.

ACTION: Upon motion by President Hwang, the Board voted 5-0 to adopt the May 8, 2013 minutes.

SPEAKERS: None.

PUBLIC COMMENT: None.

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ITEMS (4A), (4B), (4C) and (4D) SHALL BE HEARD TOGETHER

(4A) APPEAL NO. 12-158

<p>STEPHEN WILLIAMS, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent</p>	<p>2395 - 26th 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. PUBLIC HEARINGS HELD ON FEB. 20, 2013 & MAY 08, 2013. FOR FURTHER CONSIDERATION TODAY. Note: Matters were continued to May 15, 2013 to allow time for parties to clarify the scope of their settlement agreement.</p>
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(4B) APPEAL NO. 12-166

<p>STEPHEN WILLIAMS, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent</p>	<p>2395 - 26th 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. SEE NOTE IN ITEM 4A.</p>
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(4C) APPEAL NO. 12-167

<p>STEPHEN WILLIAMS, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent</p>	<p>2395 - 26th 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. SEE NOTE IN ITEM 4A.</p>
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(4D) APPEAL NO. 12-168

<p>STEPHEN WILLIAMS, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent</p>	<p>2395 - 26th 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. SEE NOTE IN ITEM 4A.</p>
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ACTION: Upon motion by Commissioner Fung, the Board voted 5-0 to: (1) grant Appeal No. 12-158 and uphold the permit on the condition that the scope of work be to revert the space to its preexisting condition prior to issuance of the subject permit, with the exception of allowing the construction of the ADA-compliant bathroom; (2) grant Appeal No. 12-166 and uphold the permit on the condition that the scope of work that allows construction of a sink in the break room be removed; (3) deny Appeal No. 12-167 and uphold the permit; and (4) grant Appeal No. 12-168 and uphold the permit on the condition that the scope of work be revised to allow only that work necessary for construction of the ADA-compliant bathroom.

SPEAKERS: Brett Gladstone, attorney for permit holder; Stephen Williams, appellant; Joseph Duffy, DBI; Scott Sanchez, ZA.

PUBLIC COMMENT: None.

(5) 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 Commissioner Fung, the Board voted 3-2 (Vice President Lazarus and Commissioner Hurtado dissented) to grant the appeal and uphold the permit on the condition that additional setbacks be added to the front and rear. Lacking the three votes needed to pass, the motion failed. With no further motion made, the permit was upheld by operation of law.

SPEAKERS: Susan Brandt-Hawley, attorney for appellants; Matthew Leffers, appellant; Anna Shimko, attorney for permit holder; Cass Smith, agent for permit holder; Stephanie Kiriakopolos, agent for permit holder; Scott Sanchez, ZA.

PUBLIC COMMENT: Tim Stewart and Susan Rughtiv spoke in support of the appellants. Robin deGrasse, Lucia Wallace, Reid Gershbein, and Wendy Botwick spoke in support of the permit holder.

(6) APPEAL NO. 13-018

VASSILIKI MOULAS, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	669 San Jose Avenue. Protesting the issuance on Aug. 30, 2012, to Vassiliki Moulas, Permit to Alter a Building (comply with NOV No. 201077532; remove illegal unit at ground floor rear garage). APPLICATION NO. 2012/08/30/8686. JURISDICTION GRANTED FEB. 13, 2013. FOR HEARING TODAY.
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ACTION: Upon motion by Commissioner Fung, the Board voted 5-0 to continue the appeal to the Call of the Chair calendar to prevent displacement of the current tenant, and to have the matter return to the Board's active calendar in two years.

SPEAKERS: Vassiliki Moulas, appellant; Dean Moulas, agent for appellant; Jerry Brown, agent for appellant; Joseph Duffy, DBI; Scott Sanchez, ZA.

PUBLIC COMMENT: None.

(7) APPEAL NO. 13-030

<p>MIYO OTA dba "MIO INC.", Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent</p>	<p>2130 Fillmore Street aka 2118-2128 Fillmore Street. Protesting the issuance on March 04, 2013, to Monique Ramos, Permit to Alter a Building (tenant improvement remodel of existing retail space within existing mixed-use, multi-tenant building; renovation of ground level storefront façade for new retail establishment; no structural work). APPLICATION NO. 2013/03/01/1323. FOR HEARING TODAY.</p>
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ACTION: Upon motion by Commissioner Hurtado, the Board voted 4-1 (Vice President Lazarus dissented) to grant the appeal and overturn the permit with written findings to be adopted at a later time.

SPEAKERS: Miyo Ota, appellant; John Kevlin, attorney for permit holder; Monique Ramos, permit holder; Scott Sanchez, ZA.

PUBLIC COMMENT: Penny Nakatsu, Paul Wermer, Thomas Reynolds and Audrey Moy spoke in support of the appellant.

(8) APPEAL NO. 13-025

<p>LAURA MILLER, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL</p>	<p>312 Avila Street. Protesting the issuance on March 07, 2013, to Theodore & Cynthia Heyermann, Permit to Alter a Building (garage alteration as per plan; remove non-conforming construction; remove living room, kitchen and toilet; remove space from housing use that is currently being used as a dwelling by a tenant). APPLICATION NO. 2013/03/07/1690. FOR HEARING TODAY.</p>
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ACTION: Upon motion by Commissioner Hurtado, the Board voted 5-0 to deny the appeal and uphold the permit on the basis that it was properly issued.

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SPEAKERS: Rebecca Sales, agent for permit holder; James Coy Driscoll, attorney for appellant; Scott Sanchez, ZA; Joseph Duffy, DBI.

PUBLIC COMMENT: Eyal Fishler spoke in support of the permit holder.

(9) APPEAL NO. 13-026

JULES ROSCOM & HOBART McK. BIRMINGHAM, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	79 – 26 th Avenue. Protesting the issuance on Feb. 27, 2013, to Drago Herman, Permit to Alter a Building (addition to back at all levels; addition of one floor level <500sf; remodel structure). APPLICATION NO. 2006/10/27/6264S. FOR HEARING TODAY.
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ACTION: Upon motion by President Hwang, the Board voted 5-0 to grant the appeal and uphold the permit on the condition that page A6 of the approved plan set be stricken from the scope of the permit and on the basis that this action reflects the agreement of the parties.

SPEAKERS: Brett Gladstone, attorney for permit holder; John Hurabiell, attorney for appellant; Scott Sanchez, ZA.

PUBLIC COMMENT: None.

(10) APPEAL NO. 13-029

EDMUND KRIMEN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1324-1326 Francisco Street. Protesting the issuance on March 05, 2013, to Barbara Presta, Permit to Alter a Building (site permit; rear ground floor addition to accommodate new ground floor unit; renovation of 2 nd and 3 rd floor units; new stairs to roof from 3 rd floor unit only; new roof deck). APPLICATION NO. 2012/03/26/6873S. FOR HEARING TODAY.
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ACTION: Upon motion by President Hwang, the Board voted 5-0 to deny the appeal and uphold the permit on the basis that it is Code compliant.

SPEAKERS: Edmun Krimen, appellant; John Kevlin, attorney for permit holder; Barbara Presta, permit holder; David Presta, agent for permit holder; Scott Sanchez, ZA; Joseph Duffy, DBI.

PUBLIC COMMENT: Joseph Schatz and Mark Nelson spoke in support of the permit holder.

ADJOURNMENT.

There being no further business, President Hwang adjourned the meeting at 10:15 p.m.