

# **BOARD OF APPEALS**

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

### **MEETING MINUTES - WEDNESDAY, JULY 10, 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); John Kwong, Manager, Department of Public Works Bureau of Street Use and Mapping (DPW BSM); 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: Paula Datesh displayed feathered objects on the overhead projector and stated to the Board that she made them.

#### **(2) COMMISSIONER COMMENTS & QUESTIONS:**

ACTION: President Hwang announced that she will be absent from the July 31, 2013 hearing.

PUBLIC COMMENT: None.

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

Discussion and possible adoption of the June 19, 2013 minutes.

ACTION: Upon motion by President Hwang, the Board voted 5-0 to adopt the June 19, 2013 minutes.

SPEAKERS: None.

PUBLIC COMMENT: None.

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(4) **ADDENDUM ITEMS:**

(4a) **JURISDICTION REQUEST:**

**Subject property at 865 Market Street.** Letter from Mary Murphy, attorney for Westfield LLC, requestor, asking that the Board take jurisdiction over Mobile Food Facility Permit No. 11MFF-0061, which was issued on July 17, 2012; the 15-day appeal period expired on Aug. 01, 2012, and the jurisdiction request was filed at the Board office on May 13, 2013. Permit Holder: Kettle Corn Star. Project: sale of kettle corn, funnel cakes, waffles and lemonade.

**ACTION:** Upon motion by Commissioner Hurtado, the Board voted 4-1 (Commissioner Fung dissented) to deny the jurisdiction request.

**SPEAKERS:** Mary Murphy, attorney for requestor; Nicole DuBee, agent for requestor; Jack Huynh agent for permit holder; John Kwong, DPW BSM.

**PUBLIC COMMENT:** None.

(5) **APPEAL NO. V13-046**

ALLISON PERRY, DOUGLAS KIERNAN, ELLIOTT PETRICKA & ROBERT WARREN, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	639 Peralta Avenue. Protesting the granting on April 05, 2013, to Yakuh Askew, Front Setback, Dwelling Unit Exposure & Rear Yard Variances (construct new two-story, two-family dwelling on vacant lot). VARIANCE CASE NO. 2012.0852V. FOR HEARING TODAY.
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**ACTION:** Upon motion by Commissioner Fung, the Board voted 5-0 to deny the appeal and uphold the variances on the basis that the Zoning Administrator did not err or abuse his discretion.

**SPEAKERS:** Douglas Kiernan, appellant; Elliot Patricka, appellant; Yakuh Askew, variance holder; Scott Sanchez, ZA.

**PUBLIC COMMENT:** Brian Olson spoke in support of the appellants.

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**(6) APPEAL NO. 13-059**

<p>GUILLERMO &amp; GUISELDA GONZALEZ, Appellant(s) vs.  DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL</p>	<p>2366 – 33<sup>rd</sup> Avenue. Protesting the issuance on May 06, 2013, to Peter Sun, Permit to Alter a Building (two new bathrooms, one bedroom, storage room, tool room, and laundry area to be constructed at ground floor per plan; enclose new bedroom below sunroom at ground floor; remodel kitchen, 2 bathrooms, and add laundry/pantry at 2<sup>nd</sup> floor; enclose light well partially at 2<sup>nd</sup> and ground floors). APPLICATION NO. 2013/04/25/5494. FOR HEARING TODAY.</p>
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**ACTION:** Upon motion by Commissioner Fung, the Board voted 5-0 to grant the appeal and uphold the permit on the condition that the plans be revised to conform to the drawings dated July 3, 2013, that were submitted at the hearing, based on the agreement of the parties.

**SPEAKERS:** Guiselda Gonzales, appellant; Guillermo Gonzales, appellant; Peter Sun, permit holder; Scott Sanchez, ZA; Joseph Duffy, DBI.

**PUBLIC COMMENT:** None.

**ADJOURNMENT.**

There being no further business, President Hwang adjourned the meeting at 7:20 p.m.