

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, SEPTEMBER 11, 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); Jocelyn Kane, Executive Director, Entertainment Commission (EC); 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: Vice President Lazarus announced that she will be absent from the September 18, 2013 meeting.

PUBLIC COMMENT: None.

(3) ADOPTION OF MINUTES

Discussion and possible adoption of the August 21, 2013 minutes.

ACTION: Upon motion by President Hwang, the Board voted 5-0 to adopt the August 21, 2013 minutes.

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SPEAKERS: None.

PUBLIC COMMENT: None.

(4) **ADDENDUM ITEMS:**

(4a) **JURISDICTION REQUEST:**

Subject property at 1521-1531 Jones Street. Letter from Stephen Williams, attorney for Lindbergh Low & Eva Chan Low, requestors, asking that the Board take jurisdiction over BPA No. 2013/06/06/8900, which was issued on June 10, 2013; the appeal period ended on June 25, 2013 and the jurisdiction request was filed at the Board office on Aug. 26, 2013. Permit Holder: Matthew Wren. Project: shoring plan and foundation replacement.

ACTION: Upon motion by President Hwang, the Board voted 5-0 to deny the Jurisdiction Request.

SPEAKERS: Stephen Williams, attorney for requestor; Matthew Wren, permit holder; Joseph Duffy, DBI; Scott Sanchez, ZA.

PUBLIC COMMENT: None.

(5) **APPEAL NO. 13-085**

SHASHA LEWIS dba "OLA'S EXOTIC COFFEE & TEA & OAK & BBQ", Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	2801 Leavenworth Street. Appealing the DENIAL on June 27, 2013, of a Mobile Food Facility Permit (sale of coffee, tea, and sweets). APPLICATION NO. 13MFF-0082 FOR HEARING TODAY.
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ACTION: Upon motion by President Hwang, the Board voted 5-0 to continue this appeal to October 23, 2013, to allow the Department of Public Health (DPH) to provide information to the Board on the status of the permit holder's sanitation certification and the chronology of the appellant's interactions with DPH, as well as to allow the appellant to submit a declaration and exhibits regarding sales activity at the site. DPW is allowed up to five pages of briefing in response to the appellant's submittal.

SPEAKERS: Anne-Marie Dao, attorney for appellant; Shasha Lewis, appellant; John Kwong, DPW BSM.

PUBLIC COMMENT: Douglas Robbins, Troy Campbell and Leyla Pasic spoke in support of the Department.

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(6) APPEAL NO. 13-112

<p>LORAE LAURITCH & COURTNEY UTT, Appellant(s)</p> <p>vs.</p> <p>ENTERTAINMENT COMMISSION, Respondent</p>	<p>620 Jones Street. Protesting the ISSUANCE on August 20, 2013, to Peter Glikshtern, AMENDMENT TO LIMITED LIVE PERFORMANCE PERMIT (amendments to existing permit to allow live entertainment Tuesdays through Saturdays until 10pm indoors only; and to allow live entertainment indoors and outdoors on Sundays from 11am to 4pm for 90-day trial period). APPLICATION NO. EC-1172LLP FOR HEARING TODAY.</p>
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ACTION: Upon motion by Vice President Lazarus, the Board voted 3-2 (Commissioner Fung and Commissioner Honda dissented) to deny the appeal and uphold the permit amendments on the basis that the amendments are Code compliant.

SPEAKERS: Courtney Utt, appellant; Lorae Lauritch, appellant; Peter Glikshtern, permit holder; Jordan Langer, agent for permit holder; Jocelyn Kane, EC.

PUBLIC COMMENT: Michael Pace spoke in support of the appellant. Lanie Eichler, Melissa Lee and Kemp Remillard spoke in support of the permit holder.

(7) APPEAL NO. 13-057

<p>DAVID & NILOUFER KING, Appellant(s)</p> <p>vs.</p> <p>DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL</p>	<p>4162 & 4164 – 26th Street. Protesting the ISSUANCE on May 08, 2013, to Tony Szeto & Annie Kong, Permit to Alter a Building (3rd story vertical addition and one-story horizontal addition, interior remodel, structural upgrade, plumbing and electrical work). APPLICATION NO. 2012/06/19/2903S. PUBLIC HEARING HELD ON AUGUST 21, 2013. FOR FURTHER CONSIDERATION TODAY. Note: matter was continued to allow time for the permit holder to submit the approved plans; no additional briefing allowed.</p>
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ACTION: Upon motion by Commissioner Fung, the Board voted 5-0 to deny the appeal and uphold the permit on the basis that it is Code compliant and that the residential design was confirmed by the Planning Department.

SPEAKERS: David King, appellant; Ross Levy, agent for permit holder; Scott Sanchez, ZA.

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PUBLIC COMMENT: None.

(8) APPEAL NO. 13-091

<p>FRANCIS DEROSA & JANICE ROUDEBUSH, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL</p>	<p>333 El Camino Del Mar. Protesting the ISSUANCE on July 10, 2013, to Michelle Guest Carter, Alteration Permit (remodel and addition to existing single-family residence; project scope includes conversion of basement into habitable space, interior remodel, and horizontal addition at first and second floors; scope also includes new roof penthouse, 500sf roof deck, kitchen remodel and one new bathroom). APPLICATION NO. 2013/02/19/0440S FOR HEARING TODAY.</p>
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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 it be revised to conform to the plans dated August 21, 2013 and on the basis of the agreement of the parties and that the revised plans were reviewed by the Planning Department.

SPEAKERS: Francis DeRosa, appellant; Mark English, agent for permit holder; Scott Sanchez, ZA.

PUBLIC COMMENT: None.

ADJOURNMENT.

There being no further business, President Hwang adjourned the meeting at 7:40 p.m.