

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, JULY 21, 2010

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

PRESENT: President Tanya Peterson, Vice President Kendall Goh, Commissioner Frank Fung, Commissioner Michael Garcia and Commissioner Chris Hwang.

Francesca Gessner, Deputy City Attorney, Office of the City Attorney (OCA); Laurence Kornfield, Deputy Director, Department of Building Inspection (DBI); Scott Sanchez, Acting Zoning Administrator (ZA); Ben Fu, Planning Department (PD); Carla Short, Urban Forester, Department of Public Works, Bureau of Urban Forestry (DPW); 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: Ellen Tsang and a male speaker spoke regarding alleged inequities in the City's permit approval process associated with the properties at 2646-52 Hyde Street and other properties.

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

SPEAKERS: None.

(3) **ADOPTION OF MINUTES:**

Discussion and possible adoption of the July 14, 2010 minutes.

ACTION: Upon motion by President Peterson, the Board voted 5-0 to adopt the July 14, 2010 minutes.

SPEAKERS: None.

PUBLIC COMMENT: None.

MEETING MINUTES, JULY 21, 2010 - PAGE 2

(4) **ADDENDUM ITEMS:**

(4a) **JURISDICTION REQUEST:**

No specific subject property. Letter from Clary Sage Organics, requestor, asking that the Board take jurisdiction over a Letter of Determination by the Zoning Administrator regarding the "Athleta" brand of clothing and the formula use classification under the Planning Code. Determination Holder: Jim Abrams c/o GAP Inc. / Athleta Retail.

ACTION: Upon motion by Vice President Goh, the Board voted 3-2 (President Peterson and Commissioner Garcia dissented) to grant the request for jurisdiction. The motion failed due to a lack of four votes and jurisdiction was denied.

SPEAKERS: Karen Siegel, agent for requestor; Jim Abrams, attorney for determination holder; Scott Sanchez, ZA.

PUBLIC COMMENT: None.

(5) **APPEAL NO. 10-056**

ELIZABETH KANTOR, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	835 Wisconsin Street. Appealing the denial on May 10, 2010, of Tree Removal Permit. ORDER NO. 178,654. FOR HEARING TODAY.
--	---

ACTION: Upon motion by Vice President Goh, the Board voted 2-3 (President Peterson, Commissioners Fung and Garcia dissented) to deny the appeal and uphold the department. Lacking the three votes needed, the motion failed. Upon further motion by Commissioner Fung, the Board voted 4-1 (Vice President Goh dissented) to grant the appeal and overrule the department on the condition that the appellant's offer be accepted to plant two 24" box replacement trees, with the species selected in consultation with DPW BUF, and to repair the sewer leaks as required by DPW.

SPEAKERS: Carla Short, DPW BUF; Elizabeth Kantor, appellant; Laurence Kornfield, DBI.

PUBLIC COMMENT: None.

(6) **APPEAL NO. 10-058**

CHINATOWN RESTAURANT, Appellant(s) vs. DEPT. OF PUBLIC HEALTH, Respondent	744 Washington Street. Appealing the revocation on May 17, 2010, of Permit to Operate. DIRECTOR'S CASE NO. FD-25. FOR HEARING TODAY.
---	--

ACTION: Matter rescheduled to September 8, 2010 at the request of the appellant with the agreement of DPH. No motion needed; letter notices mailed.

MEETING MINUTES, JULY 21, 2010 - PAGE 3

(7) APPEAL NO. 10-047

DAVID MALTZ & ANTJE KANN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. DISAPPROVAL	4209 – 24 th Street. Appealing the denial on April 28, 2010, of Permit to Alter a Building (3 rd story vertical addition; one-story horizontal addition to the front; two-story horizontal addition to the rear; add 2 nd unit to existing single-family house). APPLICATION NO. 2009/10/20/9401S. FOR HEARING TODAY.
---	---

ACTION: Upon motion by Commissioner Garcia, the Board voted 4-1 (Vice President Goh dissented) to grant the appeal and overturn the department, on the condition that there be no side set back on the west side of the property, except for a 3' X 10' light well, as reflected in the project sponsor's originally submitted plans (dated October 21, 2009), and that the rear stairs that descend from the second story rear deck on the east side be within the volume of the rear extension, as approved by the Planning Commission on March 25, 2010 and as reflected in the revised plans dated May 7, 2010. The Board's decision is based on the best interests of the neighborhood, and the fact that the permit is compliant with the Planning Code and the Residential Design Guidelines.

SPEAKERS: Scott Sanchez, ZA; David Maltz, appellant; Bonnie Bridges, agent for appellants; Antje Kann, appellant.

PUBLIC COMMENT: None.

(8) APPEAL NO. 10-057

PAUL WERMER, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	2311 California Street. Protesting the issuance on May 24, 2010, to Sally Unterberger, Permit to Alter a Building (comply with NOV No. 201040879). APPLICATION NO. 2010/05/24/3123. FOR HEARING TODAY.
--	---

ACTION: Upon motion by Commissioner Garcia, the Board voted 5-0 to deny the appeal and uphold the permit.

SPEAKERS: Ilene Dick, attorney for appellant; Paul Wermer, appellant; Jeremy Paul, agent for permit holder; Laurence Kornfield, DBI; Bruce Bonacker, agent for appellant.

PUBLIC COMMENT: None.

MEETING MINUTES, JULY 21, 2010 - PAGE 4

(9) APPEAL NO. 10-059

NANCY WUERFEL, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2514 – 23 rd Avenue. Protesting the issuance on May 18, 2010, to Mary Galvin, Permit to Alter a Building (comply with NOV Nos. 201030664, 200608930 and 200906761; convert crawl space to storage; cap existing foundation; roof framing; add three dormers; stairs from basement to attic; replace windows and trim in-kind; remodel kitchen and bathrooms). APPLICATION NO. 2010/05/05/1781. FOR HEARING TODAY.
---	---

ACTION: Upon motion by Commissioner Fung, the Board voted 3-2 (Commissioners Garcia and Hwang dissented) to continue the matter to August 18, 2010 to allow the Department of Building Inspection and the Planning Department to submit a complete permit history.

SPEAKERS: Nancy Wuerfel, appellant; Mary Galvin, permit holder; Scott Sanchez, ZA; Damian Quinn, agent for permit holder; Ben Fu, PD.

PUBLIC COMMENT: Joe Butler, Linda Yacobucci and Elizabeth Sze spoke in support of the appellant.

ADJOURNMENT.

There being no further business, President Peterson adjourned the meeting at 10:25 p.m.