

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, JUNE 16, 2010

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

PRESENT: 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, Chief Building Inspector and Deputy Director, Department of Building Inspection (DBI); Scott Sanchez, Acting Zoning Administrator (ZA); Cynthia Goldstein, Executive Director; Victor Pacheco, Legal Assistant.

ABSENT: President Tanya Peterson.

(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: None.

(3) **ADOPTION OF MINUTES:**

Discussion and possible adoption of the June 09, 2010 minutes.

ACTION: Upon motion by Commissioner Fung, the Board voted 4-1 (President Peterson absent) to adopt the June 9, 2010 minutes.

SPEAKERS: None.

PUBLIC COMMENT: None.

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(4) **ADDENDUM ITEMS:**

(4a) **JURISDICTION REQUEST:**

Subject property at 3620-3622 – 22nd Street. Letter from Peter Birmingham, requestor, asking that the Board take jurisdiction over BPA Nos. 2009/08/12/4648 and 2010/01/13/4647, which were issued on Aug. 18, 2009 and April 28, 2010, respectively, and for which the appeal periods expired on Sept. 02, 2009 and May 13, 2010, respectively. The Jurisdiction Request was received on May 26, 2010. Permit Holder: Douglas Durkin. Project (2009 Permit): revision to BPA No. 2008/08/07/8645 to document as-built grade conditions and changes to fence layout including actual constructed height and changes to fence construction framing; raised grade at rear yard varies 6" to 36"; install cement block at middle tier of yard; fence no higher than 10' above grade. Project (2010 Permit): revision to BPA No. 2009/08/12/4648; approx. 6' extension to property line fence; adjacent to west property line.

ACTION: Upon motion by Commissioner Fung, the Board voted 4-1 (President Peterson absent) to deny the jurisdiction request.

SPEAKERS: Peter Birmingham, requestor; Scott Sanchez, ZA; Brian Soriano, attorney for permit holder; Laurence Kornfield, DBI.

PUBLIC COMMENT: None.

(5) **APPEAL NO. 07-128**

LINDA ERKELENS, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1801 Turk Street. Protesting the issuance on July 18, 2007, to Clear Channel Outdoor, Permit to Alter a Building (on 21-unit apartment building: voluntary removal, razing and demolition of non-conforming, non-complying general advertising sign per plans). APPLICATION NO. 2007/06/28/5493.
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NOTE: On March 19, 2008, the Board revoked the subject permit with findings. Pursuant to Superior Court Order in Clear Channel Outdoor Inc. v. Board of Appeals (CPF-08-508445), discussion and possible action to vacate as moot the Board's decision in Appeal No. 07-128, Erkelens v. DBI, PDA, as ordered by the Court.

ACTION: Upon motion by Commissioner Fung, the Board voted 4-1 (President Peterson absent) to vacate as moot the Board's decision in this appeal as ordered by the Superior Court in Clear Channel Outdoor Inc. v. Board of Appeals (CPF-08-508455).

SPEAKERS: Francesca Gessner, OCA; Christine Griffith, attorney for Clear Channel Outdoor, Inc.; Laurence Kornfield, DBI.

PUBLIC COMMENT: None.

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(6) APPEAL NO. 10-035

TRUDY MAURER & PETER LINN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1325 Portola Drive. Protesting the issuance on March 29, 2010, to Joseph & Sofia New, Permit to Erect a Building (three-story, single-family house with 1,325sf of ground floor area). APPLICATION NO. 2006/09/06/1483S. FOR HEARING TODAY.
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ACTION: Upon motion by Commissioner Hwang, the Board voted 4-1 (President Peterson absent) to continue this matter to July 21, 2010 to allow all parties and the St. Francis Wood Homeowners Association to receive and review the approved construction drawings and survey associated with the permit approved by the Planning Department.

SPEAKERS: Peter Linn, appellant; Mitchell Benjamin, agent for appellants; Sofia New, permit holder; Scott Sanchez, ZA; Laurence Kornfield, DBI; Trudy Maurer, appellant.

PUBLIC COMMENT: None.

(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.
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ACTION: Upon motion by Vice President Goh, the Board voted 4-1 (President Peterson absent) to continue the matter to July 21, 2010.

SPEAKERS: None.

PUBLIC COMMENT: None.

ADJOURNMENT.

There being no further business, Vice President Goh adjourned the meeting at 6:35 p.m.