

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES – WEDNESDAY, DECEMBER 15, 2021

REMOTE MEETING VIA ZOOM

PRESENT: President Darryl Honda, Vice President Rick Swig, Commissioner Ann Lazarus, Commissioner Tina Chang and Commissioner Jose Lopez.

Brad Russi, Deputy City Attorney, Office of the City Attorney (CAT); Tina Tam, Deputy Zoning Administrator, PD; Matthew Greene, Senior Building Inspector, Department of Building Inspection (DBI); Chris Buck, Urban Forester, San Francisco Public Works, Bureau of Urban Forestry (SFPW-BUF); Julie Rosenberg, Executive Director; Alec Longaway, 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. At the discretion of the Board President, public comment may be limited to two 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: None.

(2) COMMISSIONER COMMENTS & QUESTIONS

SPEAKERS: None.

(3) ADOPTION OF MINUTES

Discussion and possible adoption of the December 8, 2021 minutes.

ACTION: Upon motion by Vice President Swig, the Board voted 5-0 to adopt the December 8, 2021 minutes.

PUBLIC COMMENT: None.

(4) APPEAL NO. 21-101

<p>KEIKO TSUYUKI and VLADIMIR YAFASOV, Appellant(s)</p> <p>vs.</p> <p>DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL</p>	<p>355 Oak Park Drive. Appealing the ISSUANCE on October 22, 2021, to Matt Bailey, of an Alteration Permit (new 230 square foot deck, two new windows and two new doors at rear, Warren Drive side of lot; 78 square foot addition at level one under existing cantilever at rear of residence; new bathroom and new half bathroom at level one; plumbing and electrical as required). PERMIT NO. 2021/10/14/0495. FOR HEARING TODAY.</p>
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ACTION: Upon motion by President Honda, the Board voted 5-0 to grant the appeal and issue the permit on the condition it be revised to require that the depth of the deck be reduced to nine feet, on the basis that this change makes the project Code compliant.

SPEAKERS: Laura Strazzo, attorney for appellants; Vladimir Yafasov, appellant; Matt Bailey, permit holder; Cindy Chen, agent for permit holder; Tina Tam, PD; Matthew Greene, DBI.

PUBLIC COMMENT: Walter Caplan spoke in support of the permit holder.

(5) APPEAL NO. 21-100

<p>LEAVENWORTH AND REED HOA, Appellant(s)</p> <p>vs.</p> <p>DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL</p>	<p>17 Reed Street. Appealing the ISSUANCE on October 21, 2021, to Zhu Tianshi, of a Site Permit (add 505 square feet additional floor on existing two-story single family house, including two new bedrooms and one new bathroom; interior remodel at existing first floor and basement, add one existing powder room; install new NFPA 13 fire sprinkler system throughout entire building). PERMIT NO. 2020/01/17/2255. FOR HEARING TODAY.</p>
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ACTION: Upon motion by Commissioner Lazarus, the Board voted 5-0 to deny the appeal and uphold the permit on the basis that it is Code compliant.

SPEAKERS: Clinton Cheung, agent for appellant; Carl Romm, agent for appellant; Aaron Girard, agent for appellant; Sunny Gao, agent for permit holder; Zhu Tianshi, permit holder; Tina Tam, PD; Matthew Greene, DBI.

PUBLIC COMMENT: Kevin Fox and Taylor Nevares spoke in support of the appellant.

(6A) APPEAL NO. 21-076

<p>JOSHUA KLIPP, Appellant(s)</p> <p>vs.</p> <p>SAN FRANCISCO PUBLIC WORKS, BUREAU OF URBAN FORESTRY, Respondent</p>	<p>333, 380-388, 540-550, 553-575, 595, 643, 801-825, 865, 901 and 1145-1155 Market Street.</p> <p>Appealing the ISSUANCE on July 30, 2021, to Bay Area Rapid Transit (BART), of a Public Works Order (APPROVAL to remove 32 street trees at various locations on Market Street for the construction of canopy structures over the BART/MUNI entrances; if the trees/basins cannot be replaced due to not meeting the minimum planting requirements, then an in-lieu fee or the appraised value shall be assessed, whichever is greater in value; tree replacement is required wherever feasible and shall be planted with at least 36-inch box trees).</p> <p>ORDER NO. 205249. FOR HEARING TODAY.</p> <p>Note: On October 27, 2021, upon motion by Commissioner Lazarus, the Board voted 4-0-1 (President Honda absent) to continue these Items to December 15, 2021, because the determination holder did not timely provide its brief to the appellants and the parties agreed to this later date.</p>
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(6B) APPEAL NO. 21-077

<p>LANCE CARNES, Appellant(s)</p> <p>vs.</p> <p>SAN FRANCISCO PUBLIC WORKS, BUREAU OF URBAN FORESTRY, Respondent</p>	<p>333, 380-388, 540-550, 553-575, 595, 643, 801-825, 865, 901 and 1145-1155 Market Street.</p> <p>Appealing the ISSUANCE on July 30, 2021, to Bay Area Rapid Transit (BART), of a Public Works Order (APPROVAL to remove 32 street trees at various locations on Market Street for the construction of canopy structures over the BART/MUNI entrances; if the trees/basins cannot be replaced due to not meeting the minimum planting requirements, then an in-lieu fee or the appraised value shall be assessed, whichever is greater in value; tree replacement is required wherever feasible and shall be planted with at least 36-inch box trees).</p> <p>ORDER NO. 205249. FOR HEARING TODAY.</p> <p>See Note in (6A), above.</p>
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(6C) APPEAL NO. 21-078

<p>PARKMERCED ACTION COALITION, Appellant(s)</p> <p>vs.</p> <p>SAN FRANCISCO PUBLIC WORKS, BUREAU OF URBAN FORESTRY, Respondent</p>	<p>333, 380-388, 540-550, 553-575, 595, 643, 801-825, 865, 901 and 1145-1155 Market Street.</p> <p>Appealing the ISSUANCE on July 30, 2021, to Bay Area Rapid Transit (BART), of a Public Works Order (APPROVAL to remove 32 street trees at various locations on Market Street for the construction of canopy structures over the BART/MUNI entrances; if the trees/basins cannot be replaced due to not meeting the minimum planting requirements, then an in-lieu fee or the appraised value shall be assessed, whichever is greater in value; tree replacement is required wherever feasible and shall be planted with at least 36-inch box trees). ORDER NO. 205249. FOR HEARING TODAY. See Note in (6A), above.</p>
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(6D) APPEAL NO. 21-079

<p>DAVID ROMANO and DEANNE DELBRIDGE, Appellant(s)</p> <p>vs.</p> <p>SAN FRANCISCO PUBLIC WORKS, BUREAU OF URBAN FORESTRY, Respondent</p>	<p>333, 380-388, 540-550, 553-575, 595, 643, 801-825, 865, 901 and 1145-1155 Market Street.</p> <p>Appealing the ISSUANCE on July 30, 2021, to Bay Area Rapid Transit (BART), of a Public Works Order (APPROVAL to remove 32 street trees at various locations on Market Street for the construction of canopy structures over the BART/MUNI entrances; if the trees/basins cannot be replaced due to not meeting the minimum planting requirements, then an in-lieu fee or the appraised value shall be assessed, whichever is greater in value; tree replacement is required wherever feasible and shall be planted with at least 36-inch box trees). ORDER NO. 205249. FOR HEARING TODAY. See Note in (6A), above.</p>
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ACTION: Upon motion by President Honda, the Board voted 5-0 to continue these appeals to January 26, 2022, to allow time for the parties to negotiate and come to an agreement.

SPEAKERS: Joshua Klipp, appellant (Appeal No. 21-076); Lance Carnes, appellant (Appeal No. 21-077); Glenn Rogers, agent for appellant (Parkmerced Action Coalition, Appeal No. 21-078); Deanne Delbridge, appellant (Appeal No. 21-079); Sterling Routson-Thomas, attorney for determination holder; Mark Dana, agent for determination holder; Carl Holmes, agent for determination holder; Chris Buck, BUF.

PUBLIC COMMENT: Kathy Howard, Roz Arbel, Linda Schafer, Deetje Boler, Michael Nulty and John Nulty spoke in support of the appellants.

(7) SPECIAL ITEM: DISCUSSION AND POSSIBLE ADOPTION OF THE DEPARTMENTAL ANNUAL REPORT FOR FISCAL YEAR 2020-2021.

ACTION: Upon motion by President Honda, the Board voted 5-0 to adopt the Annual Report for Fiscal Year 2020-2021.

SPEAKERS: Julie Rosenberg, Executive Director.

PUBLIC COMMENT: None.

(8) APPEAL NO. 21-063

<p>GTE MOBILNET OF CALIFORNIA LP, Appellant(s)</p> <p>vs.</p> <p>SAN FRANCISCO PUBLIC WORKS, BUREAU OF STREET USE & MAPPING, Respondent</p>	<p>1301 Revere Ave., 2797 Bryant St., 289 Hamilton St., 1500 Silliman St., 300 Madison St., 1900 Union St., 10 Augusta St., 18 Ceres St., 2231 22nd St., San Bruno Ave. between 3rd St/Girard St. to Campbell Ave-East Side.</p> <p>Appealing the DENIAL on June 30, 2021, to GTE Mobilnet of California LP, of a Personal Wireless Service Facility Site Permit (Public Works denied these applications for Personal Wireless Service Facility Site Permits for the following reasons: Under Article 25 of the Public Works Code, Public Works may only issue a Personal Wireless Service Facility Site Permit for installation on an existing utility pole, not on a stand-alone pole; these applications are for stand-alone poles).</p> <p>PERMIT NO. 20WR-00055, 20WR-00057, 20WR-00058, 20WR-00059, 20WR-00060, 21WR-00005, 21WR-00006, 21WR-00007, 21WR-00012, 21WR-00060.</p> <p>FOR HEARING TODAY.</p> <p>Note: On September 1, 2021, upon motion by Commissioner Lazarus, the Board voted 4-0-1 (President Honda recused) to continue this Item to October 6, 2021 at the request of the parties. The matter was thereafter rescheduled to December 15, 2021 at the request of the parties.</p>
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ACTION: Upon motion by Commissioner Lazarus, the Board voted 4-0-1 (President Honda recused) to continue this matter to March 23, 2022, at the request of the parties.

SPEAKERS: President Honda (disclosed that his wife owns property within 500 feet of one of the properties that is the subject of the appeal).

PUBLIC COMMENT: None.

ADJOURNMENT.

There being no further business, President Honda adjourned the meeting at 9:13 p.m.

The supporting documents for this meeting can be found at the following link:

<https://sfgov.org/bdappeal/meeting/board-appeals-december-15-2021-supporting-documents>

A video of this meeting, can be found at the following link:

https://sanfrancisco.granicus.com/player/clip/40116?view_id=6&redirect=true