

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

DRAFT MEETING MINUTES – WEDNESDAY, SEPTEMBER 14, 2022

HYBRID MEETING (IN-PERSON AND REMOTE ACCESS VIA ZOOM)

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

PRESENT: President Rick Swig, Vice President Jose Lopez, Commissioner Alex Lemberg and Commissioner John Trasviña.

Jon Givner, Deputy City Attorney, Office of the City Attorney (CAT); Brad Russi, CAT; Corey Teague, Zoning Administrator, Planning Department (PD); Tina Tam, Deputy Zoning Administrator, PD; Kevin Birmingham, Senior Building Inspector, Department of Building Inspection (DBI); 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.

SPEAKERS: None.

(2) **COMMISSIONER COMMENTS & QUESTIONS**

SPEAKERS: President Swig welcomed the Board's new legal advisor, Deputy City Attorney Jon Givner.

PUBLIC COMMENT: None.

(3) **ADOPTION OF MINUTES**

Discussion and possible adoption of the September 7, 2022 minutes.

ACTION: Upon motion by Commissioner Trasviña, the Board voted 4-0 to adopt the September 7, 2022 meeting minutes.

PUBLIC COMMENT: None.

(4) **REHEARING REQUEST FOR APPEAL NO. 22-051**

Subject property at 118-120 15th Avenue. George Tedeschi, Appellant, is requesting a rehearing of Appeal No. 22-051, GEORGE TEDESCHI vs. ZONING ADMINISTRATOR, decided August 17, 2022. At that time, upon motion by Vice President Lopez, the Board voted 5-0 to deny the appeal and uphold the NOVPD on the basis that the Zoning Administrator did not err or abuse his discretion and the determination was properly issued. **Determination Holder: George Tedeschi. Determination Description:** The Zoning Administrator has determined that the subject property is in violation of Planning Code Sections 174 and 175 due to the failure to complete the abatement work in compliance with Building Permit No. 2016/0406/4103. This permit was issued for the legalization and modification of unauthorized construction work including alterations to the roof form and front facade; interior alterations; removal of a dwelling unit on the second floor; and construction of a firewall in the rear yard without authorization. The subject property is authorized for two-family dwelling units. **Complaint No.:** 2016-014117ENF.

ACTION: Upon motion by President Swig, the Board voted 4-0 to deny the request on the basis that there was neither new evidence nor manifest injustice.

SPEAKERS: George Tedeschi, Requestor; Tina Tam, PD; Kevin Birmingham, DBI.

PUBLIC COMMENT: None.

(5) APPEAL NO. 22-059

<p>MIHAELA PUCKO, Appellant(s)</p> <p>vs.</p> <p>DEPT. OF BUILDING INSPECTION, Respondent</p>	<p>3621 Divisadero Street. Appealing the ISSUANCE on August 5, 2022, to Shelli Meneghetti, of an Alteration Permit (Revision to Permit Application No. 2022/0608/5840; legalize existing one-hour rated window at lightwell and infill interior window frame with wood framing and 5/8 inch Type X Gypsum Board to comply with NOV 202289028). PERMIT NO. 2022/0726/9306. FOR HEARING TODAY.</p>
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ACTION: Upon motion by Vice President Lopez, the Board voted 4-0 to deny the appeal and uphold the permit on the basis that it was properly issued.

SPEAKERS: Mickey Pucko, appellant; Robin May, agent for permit holder; Tina Tam, PD; Kevin Birmingham, DBI.

PUBLIC COMMENT: None.

(6) APPEAL NO. 22-060

<p>LISA GAUTIER, Appellant(s)</p> <p>vs.</p> <p>DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL</p>	<p>95 Saint Germain Avenue. Appealing the ISSUANCE on July 28, 2022, to Victoria Yee, of a Site Permit (Add elevator to front of house; add car lift necessitating bump up of garage; add decking (stone) to top of garage roof). PERMIT NO. 2015/0903/6048. FOR HEARING TODAY.</p>
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ACTION: Upon motion by Commissioner Trasviña, the Board voted 4-0 to grant the appeal and revoke the permit on the basis that it was not properly issued because: (1) the project encroaches 2.75" into the shared easement, and (2) the plans are not compliant because they contain a roof deck which was not permitted by the Board's Order for Appeal No. 16-018 (the Board's decision on the permit holder's appeal of a variance denial wherein the Board granted the appeal and allowed for a variance with conditions, including the adoption of the revised plans dated September 8, 2017).

SPEAKERS: Brian Russell, attorney for appellant; Emily Charley, attorney for appellant; Sybil Renick, attorney for permit holder; Michael Garavaglia, agent for permit holder; Tina Tam, PD; Kevin Birmingham, DBI.

PUBLIC COMMENT: None.

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(7) APPEAL NO. 22-061

<p>MICHELLE HUNTER, Appellant(s)</p> <p>vs.</p> <p>PLANNING COMMISSION, Respondent</p>	<p>925 Bryant Street. Appealing the ISSUANCE on July 28, 2022, to Carmel Partners, of Planning Commission Motion No. M-21158 (adopting findings relating to an Eastern Neighborhoods Large Project Authorization, pursuant to Planning Code Sections 206.6, 329, and 843, to allow demolition of an existing 36-foot tall warehouse and parking lot and construction of a seven-story, 75-foot tall residential building containing 218 group housing dwelling units with 26 parking spaces, 218 class 1 bicycle parking spaces, 8 class 2 bicycle parking spaces, 851 square feet of private usable open space, 7,570 square feet of common usable open space, utilizing the individually requested state density bonus program (California Government Code Section 65915) and receiving waivers from Dwelling Unit Exposure (Sec. 140), Rear Yard Setback (Sec. 134), Ground Floor Ceiling Height (Sec. 145.1(C)(4)), Off-Street Freight Loading Spaces (Sec. 152.1), Height Limit (Sec. 260), Narrow Street Controls (Sec. 261.1), and Horizontal Mass Reduction (Sec. 270.1) and requesting one concession/incentive for Active Street Frontages (Sec. 145.1(B)(2)), located at 925 Bryant street, within the Urban Mixed Use Zoning District and 48-X Height and Bulk district, and adopting findings under the California Environmental Quality Act). RECORD NO. 2021-005342ENX. FOR HEARING TODAY.</p>
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ACTION: Upon motion by Commissioner Lemberg, the Board voted 3-0-1 (President Swig recused) to deny the appeal and uphold the Large Project Authorization on the basis that the Planning Commission did not err or abuse its discretion and the determination was properly issued.

SPEAKERS: President Swig recused himself from hearing this appeal since he has an interest in real property within 500 feet of the property that is the subject of the appeal; Laura Campbell, attorney for appellant; John Kevlin, attorney for determination holder; Corey Teague, PD.

PUBLIC COMMENT: Jake Price spoke in support of the determination holder. Sanya Khanna and Adam Graff spoke in support of the appellant.

ADJOURNMENT.

There being no further business, Vice President Lopez adjourned the meeting at 8:29 p.m.

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

<https://sfgov.org/bdappeal/meeting/board-appeals-september-14-2022-supporting-documents>

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

https://sanfrancisco.granicus.com/player/clip/42030?view_id=6&redirect=true&h=eed8bcd758ea4ca304a2ffe8ed9a3a61

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