

# **BOARD OF APPEALS**

## **CITY & COUNTY OF SAN FRANCISCO**

### **MEETING MINUTES - WEDNESDAY, FEBRUARY 17, 2021** **REMOTE MEETING VIA ZOOM**

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

Brad Russi, Deputy City Attorney, Office of the City Attorney (CAT); Scott Sanchez, Deputy Zoning Administrator, Planning Department (PD); Joseph Duffy, Acting Deputy Director, Department of Building Inspection (DBI); Julie Rosenberg, Executive Director; Alec Longaway, Legal Process Clerk.

#### **(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: None.

PUBLIC COMMENT: None.

#### **(3) ADOPTION OF MINUTES**

Discussion and possible adoption of the February 10, 2021 minutes.

ACTION: Upon motion by Commissioner Swig, the Board voted 5-0 to adopt the February 10, 2021 minutes.

PUBLIC COMMENT: None.

**(4) APPEAL NO. 20-064**

<p>JOEL TOMEI, Appellant(s)</p> <p>vs.</p> <p>ZONING ADMINISTRATOR, Respondent</p>	<p>172 21st Avenue.</p> <p>Appealing the ISSUANCE on September 16, 2020, to Ralph Chapin, of a Variance Decision (the proposal is to demolish the existing rear deck and stairs and construct a landing and stairs with a reduced footprint; the proposed landing and stairs will extend 6 feet 11 inches from the rear building wall; the subject property is required to maintain a rear yard of approximately 28 feet, which is the average depth of the rear building walls of the two adjacent buildings; the existing deck and stairs are located entirely within the required rear yard; the proposed landing and stairs would result in a smaller footprint, but also would be located entirely in the required rear yard and therefore, a rear yard variance is required; the Zoning Administrator granted the rear yard variance).</p> <p>CASE NO. 2018-007914VAR.</p> <p>FOR FURTHER CONSIDERATION.</p> <p><b>Note: On January 13, 2021, upon motion by Vice President Honda, the Board voted 5-0 to continue this matter to February 17, 2021 so that: (1) the determination holder can share the revised plans with the neighbor at 178 21st Street (to the south of subject property) given that the revised plans impact this neighbor's property, and (2) the Board's Executive Director and the Deputy Zoning Administrator can modify the five findings of the variance, as needed, if the revised plans are adopted by the Board.</b></p>
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**ACTION:** Upon motion by Commissioner Chang, the Board voted 5-0 to grant the appeal and issue the Variance on the condition that it be revised to require: (1) the adoption of the revised plans, dated January 6, 2021, that were submitted by the determination holder, and (2) the adoption of the revised Draft Findings submitted by the Deputy Zoning Administrator, on the basis that these findings are sufficient to grant the Variance as required under Planning Code Section 305(c).

**SPEAKERS:** Joel Tomei, appellant; Chris Sullivan, agent for determination holder; Scott Sanchez, PD.

**PUBLIC COMMENT:** None.

**(5) APPEAL NO. 21-001**

<p>PATRICIA CANNON, Appellant(s)</p> <p>vs.</p> <p>DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL</p>	<p>2634 Octavia Street. Appealing the ISSUANCE on December 18, 2020, to 2634 Octavia Homeowners Association, of an Alteration Permit (replace existing fire egress stairs in kind due to significant deterioration and dry rot; no firewall construction; demolish existing illegal deck at third story). PERMIT NO. 2020/09/03/3412. FOR HEARING TODAY.</p>
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**ACTION:** Upon motion by Commissioner Lazarus, the Board voted 5-0 to continue this matter to March 3, 2021 so that: (1) the Department of Building Inspection can conduct a site visit and report back to the Board on the viability of an emergency permit, and (2) the permit holder's engineer can address the Board regarding the condition of the deck.

**SPEAKERS:** Stephen Williams attorney for appellant; Paul Guermonprez, agent for permit holder; Scott Sanchez, PD; Joseph Duffy, DBI.

**PUBLIC COMMENT:** A neighbor spoke in support of the permit holder.

**(6) APPEAL NO. 20-040**

<p>1900 BRYANT STREET INVESTORS, LLC, Appellant(s)</p> <p>vs.</p> <p>ZONING ADMINISTRATOR, Respondent</p>	<p>535 Florida Street. Appealing the ISSUANCE on May 29, 2020, to 1900 Bryant Street Investors, LLC, of a Letter of Determination (determination that Building Permit No. 201210193467 changed the previous Restaurant use to two separate principal uses: Catering and Other Retail Sales and Services (Planning Code Section 890.102); the Catering use has a total of 6,408 square feet; despite being on separate properties, the Catering and Retail use on Lot 002 could be converted to an accessory cafeteria for a Laboratory use on Lot 005 pursuant to Planning Code Section 803.3(b)(1)(C), however, such a project would result in the conversion of 5,000 square feet or more of PDR use (i.e., Catering) on a property that was zoned UMU as of July 1, 2016; as such, the project would be required to replace 0.75 square feet of PDR space for every one square foot of PDR space converted, pursuant to Planning Code Section 202.8). RECORD NO. 2020-001656ZAD. FOR HEARING TODAY.</p>
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**ACTION:** Upon motion by President Honda, the Board voted 5-0 to deny the appeal and uphold the Letter of Determination on the basis that the Zoning Administrator did not err or abuse his discretion, and the Determination was properly issued.

SPEAKERS: Commissioner Chang (disclosed that she is a Director at a firm that has hired Jim Abrams' law firm to represent it and that this fact would not have any bearing on her decision); Jim Abrams, attorney for appellant; Scott Sanchez, PD.

PUBLIC COMMENT: None.

(7) **ADOPTION OF BUDGET:**

Discussion and possible adoption of the departmental budget for fiscal years 2021-22 and 2022-23.

ACTION: Upon motion by Commissioner Swig, the Board voted 5-0 to adopt the budget for Fiscal Year 2022 and Fiscal Year 2023 on the condition that the budget presentation is amended to remove the parentheses on pages seven and eight, as indicated by the Executive Director; with the further recommendation that surcharges be increased to cover the Board's operating costs.

SPEAKERS: Julie Rosenberg, Executive Director.

PUBLIC COMMENT: None.

**ADJOURNMENT**

There being no further business, President Honda adjourned the meeting at 7:12 p.m.

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

<https://sfgov.org/bdappeal/meeting/board-appeals-february-17-2021-supporting-documents>

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

[https://sanfrancisco.granicus.com/MediaPlayer.php?view\\_id=6&clip\\_id=37821](https://sanfrancisco.granicus.com/MediaPlayer.php?view_id=6&clip_id=37821)