

# **BOARD OF APPEALS**

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

### **MEETING MINUTES - WEDNESDAY, MARCH 3, 2021** **REMOTE MEETING VIA ZOOM**

PRESENT: President Darryl Honda, 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.

ABSENT: Vice President Eduardo Santacana.

#### **(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.

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

Discussion and possible adoption of the February 17, 2021 minutes.

ACTION: Upon motion by Commissioner Swig, the Board voted 4-0-1 (Vice President Santacana absent) to adopt the February 17, 2021 minutes.

PUBLIC COMMENT: None.

**(4) JURISDICTION REQUEST NO. 21-1**

**Subject property at 1812-1816 Green Street.** Letter from Adrian and Anne Dollard, requestors, asking that the Board take jurisdiction over a Notice of Violation (Complaint Nos. 7402\_ENF and 2020-005902ENF) which was issued on January 26, 2021. The appeal period ended on February 10, 2021, and the jurisdiction request was filed at the Board office on February 16, 2021. **Determination Holders:** Adrian and Anne Dollard. **Determination Description:** the subject property is authorized as a two-family dwelling unit; the violations pertain to the illegal merger and/or conversion to a single-family use, unauthorized building alterations and the illegal construction of a roof deck.

**ACTION:** Upon motion by Commissioner Swig, the Board voted 4-0-1 (Vice President Santacana absent) to deny the request on the basis that the City did not intentionally or inadvertently cause the requestors to be late in filing an appeal.

**SPEAKERS:** President Honda (disclosed that he is a partner in a project that is represented by the law firm of Reuben, Junius & Rose and that the firm's appearance before the Board of Appeals would have no effect on his decision); Adrian Dollard, requestor; Scott Sanchez, PD; Joseph Duffy, DBI.

**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 FURTHER CONSIDERATION. <b>Note: On February 17, 2021, 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 could conduct a site visit and report back to the Board on the viability of an emergency permit, and (2) the permit holder's engineer could address the Board regarding the condition of the deck.</b></p>
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**ACTION:** Upon motion by Commissioner Chang, the Board voted 4-0-1 (Vice President Santacana absent) to grant the appeal and uphold the permit on the condition it be revised to require that the appellant's deck be repaired as specified by Deputy Director Duffy (remove the portion of the 3<sup>rd</sup> level deck that protrudes past the north property line wall so that the deck will align with the northern edge of the building; repair existing deck (less than 50% repair); install new mechanical fasteners as required; install new 42-inch guardrails at the deck and install handrails as required). This motion was made on the basis that it will enable the appellant to enjoy her outdoor space and preserves her right to use the deck.

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

PUBLIC COMMENT: None.

**(6) APPEAL NO. 20-087**

<p>EDMUND LOUIE and MARY PARKS, Appellant(s)</p> <p>vs.</p> <p>ZONING ADMINISTRATOR, Respondent</p>	<p>482 16th Avenue. Appealing the ISSUANCE on December 9, 2020, to Mark Sole, of a Variance Decision (the proposal is to legalize the construction of a rear deck and stairs; the demolition of the previously existing deck was approved by the Planning Dept. in May 2012, however, the deck was reconstructed to be larger than previously existed and the stairs were shifted from the middle of the lot to the northern property line; therefore both the deck and stairs require legalization; the subject property has a required rear yard of approximately 39 feet and the deck and stairs proposed for legalization are entirely located within the required rear yard; the Zoning Administrator granted the rear yard variance). CASE NO. 2019-005619VAR. FOR FURTHER CONSIDERATION. <b>Note: On January 27, 2021, upon motion by President Honda, the Board voted 3-1-1 (Commissioner Lazarus dissented and Vice President Santacana absent) to continue this Item to February 10, 2021 so that: (1) the determination holder can correct the errors in the plans including the location of the appellants' bathroom windows (relative to the firewall and staircase), the location of the 45% rear yard lot line, and the height and measurements of the staircase, (2) the parties can discuss measures that will mitigate the impacts of the staircase and firewall if they remain in the current location, and (3) the project sponsor can prepare a statement explaining what it would take to move the stairs from the current location. On February 10, 2021, upon motion from President Honda, the Board voted 5-0 to continue this Item to March 3, 2021, at the request of the parties.</b></p>
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ACTION: Upon motion by President Honda, the Board voted 4-0-1 (Vice President Santacana absent) to continue this Item to March 10, 2021 so that the parties can come to an agreement on the materials to be used for the proposed riser.

SPEAKERS: Mary Parks, appellant; Mark Sole, determination holder; Scott Sanchez, PD.

PUBLIC COMMENT: None.

**(7) APPEAL NO. 21-005**

CHRISTOPHER SEGUINE, Appellant(s)  vs.  DEPT. OF BUILDING INSPECTION, Respondent	2789 25th Street. Appealing the ISSUANCE on January 5, 2021, to the Department of Public Health, of an Alteration Permit (structure support for HVAC units on roof; install HVAC units on roof under separate permit). PERMIT NO. 2020/08/11/1587. FOR HEARING TODAY.
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ACTION: Upon motion by Commissioner Swig, the Board voted 4-0-1 (Vice President Santacana absent) to deny the appeal and uphold the permit on the basis it was properly issued. The Board further recommended that the Executive Director draft a letter to DPH to let them know what transpired at the hearing (with respect to the appellant's allegations regarding dangerous lead paint chips at the subject property caused by the decaying wall mural) and to strongly recommend that they abate these violations.

SPEAKERS: Christopher Seguine, appellant; Max Bunuan, agent for permit holder (DPH); Scott Sanchez, PD; Joseph Duffy, DBI.

PUBLIC COMMENT: None.

**(8) APPEAL NO. 21-006**

JERRY DRATLER, Appellant(s)  vs.  DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	27 17th Avenue. Appealing the ISSUANCE on January 12, 2021, to 27 17th Avenue LLC, of an Alteration Permit (comply with NOV # 201623795 & 201757399, Planning Enforcement #2016.0096 & Planning Commission DR 2017-000987 DRP to restore the three-story bay from 25 17th Ave.; scope of work and cost included under permit # 2017/0707/1206; permit for administrative purposes only). PERMIT NO. 2020/09/22/4726. FOR HEARING TODAY.
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ACTION: Upon motion by Commissioner Lazarus, the Board voted 4-0-1 (Vice President Santacana absent) to deny the appeal and uphold the permit on the basis that it was properly issued.

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SPEAKERS: President Honda (disclosed that he is a partner in a project that is represented by the law firm of Reuben, Junius & Rose and that the firm's appearance before the Board of Appeals would have no effect on his decision); Jerry Dratler, appellant; John Kevlin, attorney for permit holder; Scott Sanchez, PD; Joseph Duffy, DBI.

PUBLIC COMMENT: Stephanie Peek, Suz Taylor MacCormack, Alan Greinetz, Jim Riley, Nancy Clark and Deirdre Hawkins spoke in support of the appellant. An anonymous caller spoke in support of the permit holder.

### **ADJOURNMENT.**

There being no further business, President Honda adjourned the meeting at 7:40 p.m.

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

<https://sfgov.org/bdappeal//meeting/board-appeals-march-3-2021-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=37951](https://sanfrancisco.granicus.com/MediaPlayer.php?view_id=6&clip_id=37951)