

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, SEPTEMBER 23, 2020 **REMOTE MEETING VIA ZOOM**

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

Brad Russi, Deputy City Attorney, Office of the City Attorney (CAT); Scott Sanchez, Deputy Zoning Administrator, Planning Department (PD); Julie Rosenberg, Executive Director; Alec Longaway, Legal Process Clerk; Katy Sullivan, 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:

Scott Sanchez reported, with great sadness, that Bob Passmore passed-away on September 15, 2020. He stated that Bob worked for the Planning Department from 1960 until 1999 and was the Zoning Administrator for more than twenty-one years. Mr. Sanchez expressed his condolences to Mr. Passmore's family and his appreciation for his nearly forty years of service to the City and County of San Francisco. Mr. Sanchez noted that Mr. Passmore guided the City through a time of unprecedented growth and development and that he did so with professionalism and integrity. Mr. Sanchez further stated that Mr. Passmore's knowledge of the Planning Code was legendary and that he was known as the oracle.

David Cincotta acknowledged the recent loss of Robert Passmore. He stated that Mr. Passmore was brilliant in his job as Zoning Administrator and that it made him sad to hear of his passing.

(2) COMMISSIONER COMMENTS & QUESTIONS

SPEAKERS: President Lazarus thanked Scott Sanchez for the testimonial to Bob Passmore. She stated that Mr. Passmore was legendary and would be remembered for his many contributions.

Vice President Darryl Honda congratulated Commissioner Tanner on her nomination to the Planning Commission by Mayor London Breed.

Commissioner Tanner thanked Vice President Honda for congratulating her on her nomination to the Planning Commission.

PUBLIC COMMENT: None.

(3) ADOPTION OF MINUTES

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Discussion and possible adoption of the September 2, 2020 minutes.

ACTION: Upon motion by President Lazarus, the Board voted 5-0 to adopt the September 2, 2020 minutes.

PUBLIC COMMENT: None

(4) APPEAL NO. 20-010

<p>JOSHUA RISKIN and SUSAN LEE, Appellant(s)</p> <p>vs.</p> <p>ZONING ADMINISTRATOR, Respondent</p>	<p>150 Morningside Drive. Appealing the ISSUANCE on January 9, 2020, to Joshua Riskin, of a Letter of Determination (determination that only one garden shed or similar structure is permitted within a required rear yard pursuant to Planning Code Sections 134(d) and 136(c)(23); additionally, prefabricated and/or assembled buildings not having a foundation are considered Structures as defined by Planning Code section 102, and thus subject to the controls of Section 136(c)(23); the subject property contains two such structures within its required rear yard and therefore a rear yard variance pursuant to Planning Code Section 305 is required to legalize the second garden shed). RECORD NO. 2019-021208ZAD. FOR HEARING TODAY.</p>
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ACTION: Upon motion by Commissioner Swig, the Board voted 2-3 (Commissioner Santacana, Vice President Honda and Commissioner Tanner dissented) 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; with a further recommendation that the Planning Department and Department of Building Inspection hold in abeyance any enforcement action, for the removal of a shed, for a period of 36 months. Lacking the three votes needed to pass, the motion failed. Upon motion by Commissioner Tanner, the Board voted 5-0 to grant the appeal and issue the Letter of Determination on the condition that it be revised to allow more than one structure, provided the structures are contiguous and a maximum of 100 square feet, on the basis that the Zoning Administrator erred in his interpretation of the Planning Code because the Code does not specify the number of structures that are allowed.

SPEAKERS: David Cincotta, attorney for appellant; Joshua Riskin, appellant, Scott Sanchez, PD.

PUBLIC COMMENT: None.

ADJOURNMENT: There being no further business, President Lazarus adjourned the meeting at 6:59 p.m. in memory of Robert Passmore.

The supporting documents for this meeting can be found at the following link:
<https://sfgov.org/bdappeal/meeting/board-appeals-september-23-2020-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=36696