

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, AUGUST 18, 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); Corey Teague, Zoning Administrator, Planning Department (PD); Joseph Duffy, Acting Deputy Director, 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: None.

(3) ADOPTION OF MINUTES

Discussion and possible adoption of the August 11, 2021, minutes.

ACTION: Upon motion by Vice President Swig, the Board voted 5-0 to adopt the August 11, 2021 minutes.

PUBLIC COMMENT: None.

(4) APPEAL NO. 21-053

<p>JACQUELINE MATHERN, Appellant(s)</p> <p>vs.</p> <p>ZONING ADMINISTRATOR, Respondent</p>	<p>1230 Goettingen Street.</p> <p>Appealing the ISSUANCE on June 3, 2021, to Luan-Vu Le, of a Variance Decision (the proposal is to construct a single family, three-story building on a vacant, substandard lot; Planning Code section 134 requires the rear yard to be at least 30% of the lot depth; the proposed building will cover the entire lot and provide no rear yard and therefore a rear yard variance is required; Planning Code Section 135 requires 300 square feet of usable open space for each dwelling unit and the project proposes only 93 square feet of usable open space on a 2nd floor deck and therefore a usable open space variance is required; the proposed bay windows do not meet Planning Code requirements for windows projecting over the public right of way and therefore a permitted obstruction variance is required; the Zoning Administrator granted the requested variances).</p> <p>CASE NO. 2020-005122VAR. FOR FURTHER CONSIDERATION.</p> <p>Note: On July 21, 2021, upon motion by President Honda, the Board voted 4-0 to continue this matter to August 18, 2021, so that the determination holder can come back with a revised proposal. The Board recommended that: (1) the third story be removed, (2) if a roof deck is proposed, it be set back at least three feet from each of the adjacent property lines, (3) the determination holder meet with the neighbors to discuss privacy elements that could be incorporated into the project to address impacts, and (4) the project not contain a stair penthouse.</p> <p>Note: Should the permit holder's revised proposal be rejected by the Board, the Board shall consider the adoption of Draft Findings which support the granting of the appeal and denial of the Variance.</p>
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ACTION: Upon motion by Commissioner Lazarus, the Board voted 4-1 (Vice President Swig dissented) to grant the appeal and issue the Variance Decision on the condition it be revised to require the adoption of the revised plans, dated August 11, 2021, which reflect the removal of the third floor and require the roof deck to be set back three feet from the side and rear property lines, on the basis that the five findings required under Planning Code Section 305(c) have been met.

REGULAR MEETING, BOARD OF APPEALS, AUGUST 18, 2021 - PAGE 3

SPEAKERS: Luan-Vu Le, determination holder, Bill Guan, agent for determination holder; Kathy Gower, agent for appellant; Corey Teague, PD.

PUBLIC COMMENT: Joseph Bojanowski and Samuel Pun spoke in support of the appellant.

Jonas Tamano, Denny and two anonymous people spoke in support of the determination holder.

(5) APPEAL NO. 21-062

<p>JULIA WESTERLING and CHRISTINA SIADAT, Appellant(s)</p> <p>vs.</p> <p>DEPT. OF BUILDING INSPECTION, Respondent</p>	<p>1250 Clay Street. Appealing the ISSUANCE on June 21, 2021, to Clay Hill HOA, of an Alteration Permit (revision to PA 2020/0708/9807; reduction of scope for east wall improvements: No change to building envelope; replace redwood siding; repair damaged framing as needed; add 5/8" plywood and hold downs for voluntary seismic improvement; install new windows in existing openings). PERMIT NO. 2021/0621/2867. FOR HEARING TODAY.</p>
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ACTION: Upon motion by Commissioner Chang, the Board voted 5-0 to deny the appeal and uphold the permit on the basis that it was properly issued.

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); Christina Siadat, appellant; Julie Westerling, appellant; Justin Zucker, attorney for permit holder; Corey Teague, PD; Joseph Duffy, DBI.

PUBLIC COMMENT: Michael Lewis, Michael Kaviani and Theresa Kaviani spoke in support of the permit holder.

ITEMS (6A) AND (6B) SHALL BE HEARD TOGETHER

(6A) APPEAL NO. 21-049

<p>JANE FLURRY, Appellant(s)</p> <p>vs.</p> <p>ZONING ADMINISTRATOR, Respondent</p>	<p>265 Oak Street.</p> <p>Appealing the ISSUANCE on June 15, 2020, to Golden Properties LLC, of a Variance Decision (the proposal is to construct a four-story, two-family home at the rear of a through-lot and tenant improvements and reconfiguration of the existing 5-unit building fronting Oak Street; the Planning Code requires a rear yard equivalent to 25% of the total lot depth at grade level and at each succeeding story of the building; the subject property has a required rear yard of 30 feet (the minimum required), the proposed rear yard structure will extend to the rear property line and therefore a rear yard variance is required; the Zoning Administrator granted the rear yard variance).</p> <p>Note: On May 19, 2021, upon motion by Vice President Swig, the Board voted 3-0-1 (Commissioner Lazarus absent) to grant Ms. Flurry's request that the Board take jurisdiction over the Variance Decision, on the basis that the Planning Department inadvertently caused her to be late in filing an appeal, because it did not notify her of the issuance of the Variance Decision after she made a request to have it sent to her. On June 23, 2021, the matter was not heard due to a lack of a quorum. The Executive Director moved this appeal to the Call of the Chair and subsequently put it on the Board's August 18, 2021, calendar.</p> <p>CASE NO. 2017-012887VAR. FOR HEARING TODAY.</p>
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(6B) APPEAL NO. 21-038

<p>JANE FLURRY, Appellant(s)</p> <p>vs.</p> <p>DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL</p>	<p>168/170 Lily Street. Appealing the ISSUANCE on April 8, 2021, to Golden Properties LLC, of a Site Permit (erect a new single family dwelling, four stories, no basement, type 5-B). Note: On June 23, 2021, the matter was not heard due to a lack of a quorum. The Executive Director moved this appeal to the Call of the Chair and subsequently put it on the Board's August 18, 2021, calendar. PERMIT NO. 2019/06/18/3782. FOR HEARING TODAY.</p>
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ACTION: Appeal No. 21-049: Upon motion by Commissioner Chang, the Board voted 3-0-2 (President Honda and Vice President Swig recused) to deny the appeal and uphold the Variance Decision on the basis that the five findings required by Planning Code Section 305(c) have been met.

Appeal No. 21-038: Upon motion by Acting President Lazarus, the Board voted 3-0-2 (President Honda and Vice President Swig recused) to deny the appeal and uphold the permit on the basis that it was properly issued.

SPEAKERS: President Honda disclosed that he has financial dealings with a representative of the permit holder, and therefore he recused himself from hearing these Items; Vice President Swig disclosed that he owns property (less than 5% of a building) that is possibly located within 500 feet of the subject property, and therefore he recused himself from hearing these Items; Jane Flurry, appellant; John Kevlin, attorney for permit holder; Corey Teague, PD; Joseph Duffy, DBI

PUBLIC COMMENT: Bill spoke in support of the appellant.

ADJOURNMENT.

There being no further business, Acting President Lazarus adjourned the meeting at 7:27 p.m.

The supporting documents for this meeting can be found at the following link:
<https://sfgov.org/bdappeal/meeting/board-appeals-august-18-2021-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=39219