

# **BOARD OF APPEALS**

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

### **MEETING MINUTES - WEDNESDAY, MAY 5, 2021**

#### **REMOTE MEETING VIA ZOOM**

PRESENT: President Darryl Honda, Vice President Rick Swig, Commissioner Ann Lazarus 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); Chris Buck, Urban Forester, San Francisco Public Works, Bureau of Urban Forestry (SFPW-BUF); 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: Vice President Swig offered his congratulations to Willie Mays and wished him a happy 90<sup>th</sup> birthday. He described him as San Francisco's number one baseball treasure and thanked him for his contributions to the community.

PUBLIC COMMENT: None.

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

Discussion and possible adoption of the April 21, 2021 minutes.

ACTION: Upon motion by Vice President Swig, the Board voted 4-0 to adopt the April 21, 2021 minutes.

PUBLIC COMMENT: None.

**(4) JURISDICTION REQUEST NO. JR-21-3**

**Subject property at 282 Urbano Drive.** Letter from David and Doris Yee, requestors, asking that the Board take jurisdiction over the Planning Department's Request for the Suspension of Building Permit No. 2017/0928/9834. The Suspension Request was issued on March 22, 2021. The appeal period ended on April 6, 2021, and the jurisdiction request was filed at the Board office on April 13, 2021. **Determination Description:** There is an active Notice of Violation (Case No. 2017-001555ENF) issued on the property pertaining to unauthorized exterior alterations; the subject property is a historic resource located within the Ingleside Terrace Historic District; BP No. 2017/0522/7307 was issued to abate the violation, but the work has not been completed and additional work has commenced beyond the scope of approvals, including the installation of unauthorized windows; the Planning Dept. requires that any pending violations be resolved prior to the issuance of any separate permits. **Permit that is the subject of the Suspension Request (2017/0928/9834):** Basement: add one bedroom, media room, entertainment room, one full bathroom and wine cellar per plans; add interior staircase between basement and first floor to create interior connection per plans.

**ACTION:** Upon motion by Commissioner Lazarus, the Board voted 4-0 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:** Derek Vinh, agent for requestors; Scott Sanchez, PD.

**PUBLIC COMMENT:** None.

**(5) APPEAL NO. 21-015**

<p>NOEL FRELICOT, Appellant(s)</p> <p>vs.</p> <p>DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL</p>	<p>2472 Vallejo Street. Appealing the ISSUANCE on February 22, 2021, to Evelyn Hu, of an Alteration Permit (kitchen and bath remodel; remove one set of convenience stairs; fully infill small remainder of lightwell by connecting preexisting firewalls). PERMIT NO. 2020/12/30/1935. FOR FURTHER CONSIDERATION. <b>Note: On April 21, 2021, upon motion by President Honda, the Board voted 4-0 to continue this matter to May 5, 2021 so that the parties can work together on a solution and address the concerns raised by Acting Deputy Director Duffy and Deputy Zoning Administrator Sanchez.</b></p>
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**ACTION:** Upon motion by Commissioner Lazarus, the Board voted 4-0 to continue this matter to May 19, 2021 so that the permit holder can finalize the revised plans.

**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); Tom Tunny, attorney for permit holder; Christina Berglund, attorney for appellant; Scott Sanchez, PD; Joseph Duffy, DBI.

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PUBLIC COMMENT: None.

**(6) APPEAL NO. 21-019**

CYNTHIA YEE, Appellant(s)  vs.  DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2019 23rd Avenue. Appealing the ISSUANCE on March 8, 2021, to Ricky Dung and Carolyn Zhen, of a Site Permit (horizontal & vertical addition; addition to the rear of existing 2-story building). PERMIT NO. 2018/08/30/8786. FOR HEARING TODAY.
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**ACTION:** Upon motion by Commissioner Lazarus, the Board voted 4-0 to grant the appeal and issue the permit on condition that it be revised to require the adoption of the revised plans, dated April 28, 2021, which are found in Exhibit 6 of the permit holders' brief, on the basis that these plans are consistent with the original agreement between the parties.

**SPEAKERS:** Cynthia Yee, appellant; Jenny Yee, appellant; Monica, interpreter for Jenny Yee; Ronald Yu, agent for permit holders; Ricky Dung, permit holder; Carolyn Zhen, permit holder; Scott Sanchez, PD; Joseph Duffy, DBI.

PUBLIC COMMENT: None.

**(7) APPEAL NO. 21-025**

RENEE YATES, Appellant(s)  vs.  SAN FRANCISCO PUBLIC WORKS, BUREAU OF URBAN FORESTRY, Respondent	603-607 Congo Street. Appealing the ISSUANCE on March 18, 2021, to Renee Yates, of a Public Works Order (denial of the request to remove the significant deodar cedar tree on the property and a recommendation that the property owner continue to follow the guidance of a Certified Arborist and submit the required restructuring plan, as required by Order No. 201971). ORDER NO. 204492. FOR HEARING TODAY.
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**ACTION:** Upon motion by President Honda, the Board voted 4-0 to grant the appeal and issue the order on the condition it be revised: (1) to allow for the removal of the tree at 603-607 Congo Street, and (2) to require the replacement of that tree with a 24-inch box size tree, species to be determined by the Bureau of Urban Forestry in consultation with the appellant. This motion was made on the basis that the existing tree creates a risk to public safety.

**SPEAKERS:** Kevin Greggans, agent for appellant; Renee Yates, appellant; Chris Buck, BUF.

**PUBLIC COMMENT:** An anonymous caller spoke in support of the appellant. Jeremy Paul spoke as a housing advocate and noted that the subject tree was on an undeveloped lot that could support housing if it were removed.

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**(8) APPEAL NO. 21-018**

<p>AMY YU, Appellant(s)</p> <p>vs.</p> <p>DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL</p>	<p>530 Stockton Street. Appealing the ISSUANCE on March 2, 2021, to 530 Stockton Street LP, of an Alteration Permit (Ground floor ADUs Per Ordinance No. 162-16; convert existing garage and storage into three dwelling units within existing envelope; five new bathrooms, three new dishwashers, three new washers/dryers and new windows facing the street). PERMIT NO. 2019/1231/1128. FOR HEARING TODAY.</p>
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**ACTION:** Upon motion by Vice President Swig, the Board voted 3-1 (President Honda dissented) to deny the appeal and uphold the permit on the basis that it was properly issued.

**SPEAKERS:** Brad Hirn, agent for appellant; Amy Yu, appellant; Jeremy Paul, agent for permit holder; Alex Zhao, agent for permit holder; Scott Sanchez, PD; Joseph Duffy, DBI.

**PUBLIC COMMENT:** Sabella Moreno, Shane Tepper, Dave Massen and Ru spoke in support of the appellant. Jesse Feldman clarified that Brick and Timber Collective, LLC did not have any relationship with Brick and Timber, Incorporated (the company that manages the subject property).

**(9) APPEAL NO. 21-010**

<p>ROBERT KORMAN, Appellant(s)</p> <p>vs.</p> <p>ZONING ADMINISTRATOR, Respondent</p>	<p>2455 Jackson Street. Appealing the ISSUANCE on January 27, 2021, to Robert Korman, of a Notice of Violation &amp; Penalty Decision (the property is in violation of the Planning Code due to non-compliance with Planning Code Sections 171, 172, 175, and 317; the subject property is authorized as five dwelling units and the violation pertains to the unauthorized construction and possible removal of a dwelling unit; extensive work at roof level has taken place and a new story has been built at the back of the property without benefit of permits; DBI has also confirmed that the work has been done on the top floor/roof including extensive reframing of roof structure; in-fill of west light well on east 2nd, 3rd, and 4th floors; addition of skylights and creation of a roof deck and living space). COMPLAINT NO. 2018-015640ENF. FOR HEARING TODAY.</p>
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**ACTION:** Upon motion by Commissioner Lazarus, the Board voted 4-0 to deny the appeal and uphold the Notice of Violation and Penalty Decision, on the basis that the Zoning Administrator did not err or abuse his discretion and the determination was properly issued.

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SPEAKERS: Chris Cannon, attorney for appellant; Robert Korman, appellant; Scott Sanchez, PD; Joseph Duffy, DBI.

PUBLIC COMMENT: None.

### **ADJOURNMENT.**

There being no further business, President Honda adjourned the meeting at 9:05 p.m.

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

<https://sfgov.org/bdappeal//meeting/board-appeals-may-5-2021-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=38480](https://sanfrancisco.granicus.com/MediaPlayer.php?view_id=6&clip_id=38480)