

## **BOARD OF APPEALS**

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

#### **MEETING MINUTES - WEDNESDAY, OCTOBER 20, 2021** **REMOTE MEETING VIA ZOOM**

PRESENT: 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); Zachary Porianda, Deputy City Attorney (CAT); Scott Sanchez, Deputy Zoning Administrator, Planning Department (PD); Joseph Duffy, Acting Deputy Director, Department of Building Inspection (DBI); Matthew Greene, Senior Building Inspector (DBI); Chief Dawn DeWitt, San Francisco Fire Department (SFFD); Julie Rosenberg, Executive Director; Alec Longaway, Legal Assistant.

ABSENT: President Darryl Honda.

#### **(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 saluted the San Francisco Giants for their incredible season, and he noted that they won 109 games. He also recognized and thanked the members of the Giants organization that served the public during the COVID pandemic, including the ushers, concessionaires, grounds keepers and ticket takers. He acknowledged that they made a distressed public feel comfortable and allowed some hint of normalcy to return.

PUBLIC COMMENT: None.

**(3) ADOPTION OF MINUTES**

Discussion and possible adoption of the October 6, 2021, minutes.

**ACTION:** Upon motion by Commissioner Chang the Board voted 4-0-1 (President Honda absent) to adopt the October 6, 2021 minutes.

**PUBLIC COMMENT:** None.

**(4) APPEAL NO. 21-070**

<p>TIM LOUIE, Appellant(s)</p> <p>vs.</p> <p>DEPT. OF BUILDING INSPECTION, Respondent</p>	<p>120 Dorcas Way.</p> <p>Appealing the ISSUANCE on July 19, 2021, to Richard Ruhland and Rhonda Cartwright, of an Alteration Permit (roof gutter siding sidewalk to comply with Complaint Nos. 202179383 &amp; 202179572: replace gutter down spout penetrating roof and replace roofing in lightwell). PERMIT NO. 2021/07/19/4604.</p> <p>FOR FURTHER CONSIDERATION.</p> <p><b>Note: On September 22, 2021, upon motion by Commissioner Lazarus, the Board voted 5-0 to continue this Item to October 6, 2021 with the expectation that the parties meet and confer and attempt to resolve any remaining issues. On October 6, 2021, upon motion by President Honda, the Board voted 4-0-1 (Commissioner Lazarus absent) to continue this Item to October 20, 2021, at the request of the parties.</b></p>
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**ACTION:** Upon motion by Commissioner Lazarus, the Board voted 4-0-1 (President Honda absent) to deny the appeal and uphold the permit on the basis that it was properly issued.

**SPEAKERS:** Madeleine Zacks, attorney for appellant; Ben Coleman, agent for permit holder; Scott Sanchez, PD; Joseph Duffy, DBI.

**PUBLIC COMMENT:** None.

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**(5) APPEAL NO. 21-073**

SFMTA, Appellant(s)  vs.  LEUNG TRANSPORTATION CORPORATION, Respondent	Appealing the ISSUANCE on July 22, 2021, to Leung Transportation Corporation, of SFMTA Hearing Section Statement of Decision: Leung Transportation Corporation (the SFMTA Taxi Services Division has not established that Leung Transportation Corporation holds a pre-K medallion subject to the transfer restrictions of Transportation Code Section 1109(d)(1)(A); therefore the Notice of Nonrenewal for Medallion # 433 is denied and the Medallion is deemed renewable under the condition that Leung Transportation Corp. complies with all renewal requirements, including an affiliation with a Color Scheme). MEDALLION NO. 433 FOR HEARING TODAY.
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**ACTION:** Upon motion by Commissioner Lazarus, the Board voted 2-2-1 (Commissioner Chang and Commissioner Lopez dissented and President Honda absent) to grant the appeal and overturn the Statement of Decision on the basis that the medallion should not be renewed because it was issued prior to the enactment of Proposition K and more than 10% of the stock had been transferred since it was issued. Lacking the four votes needed to pass, the motion failed. With no further motion made, the determination was upheld by operation of law.

**SPEAKERS:** Philip Cranna, agent for appellant, SFMTA; Ken Leung, agent for determination holder.

**PUBLIC COMMENT:** None.

**(6) APPEAL NO. 21-080**

ROSE FENG, Appellant(s)  vs.  DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1224 Funston Avenue. Appealing the ISSUANCE on August 4, 2021, to Woods Family Investments, LP, of a Site Permit (erect new four-story, single family residence, this is a front building). PERMIT NO. 2018/12/11/8001. FOR HEARING TODAY.
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**ACTION:** Upon motion by Commissioner Lazarus, the Board voted 4-0-1 (President Honda absent) to deny the appeal and uphold the permit on the basis that it was properly issued.

**SPEAKERS:** Rose Feng, appellant; Toby Morris, agent for permit holder; Scott Sanchez, PD; Joseph Duffy, DBI.

**PUBLIC COMMENT:** James Iwersen spoke in support of the appellant.

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**(7) APPEAL NO. 21-052**

HOUSING RIGHTS COMMITTEE OF SAN FRANCISCO, Appellant(s)  vs.  DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	390 29th Avenue. Appealing the ISSUANCE on May 28, 2021, to 390 29th I6, LP, of an Alteration Permit (adding four accessory dwelling units to the first level: three one-bedrooms and one studio per Ordinance No. 162-16). PERMIT NO. 2020/06/06/8211. FOR HEARING TODAY.
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ACTION: None (Appeal Withdrawn).

**ITEMS (8A), (8B), (8C) & (8D) SHALL BE HEARD TOGETHER**

**(8A) APPEAL NO. 21-074**

WILAD PROPERTIES LLC, Appellant(s)  vs.  PLANNING COMMISSION, Respondent	530 Sansome Street. Appealing the ISSUANCE on July 29, 2021 to EQX Jackson SQ Holdco LLC of Planning Commission Motion No. 20956 (adopting findings to approve a downtown project authorization pursuant to Planning Code Section 309 to allow a project greater than 50,000 square feet of floor area within the C-3 Zoning District with requests for certain exceptions to Planning Code requirements; the Project would demolish two commercial buildings and the SFFD Station 13 and construct a new mixed-use building). RECORD NO. 2019-017481DNX (Motion No. 20956). FOR HEARING TODAY.
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**(8B) APPEAL NO. 21-075**

447 PARTNERS, LLC, Appellant(s)  vs.  PLANNING COMMISSION, Respondent	530 Sansome Street. Appealing the ISSUANCE on July 29, 2021 to EQX Jackson SQ Holdco LLC of Planning Commission Motion No. 20956 (adopting findings to approve a downtown project authorization pursuant to Planning Code Section 309 to allow a project greater than 50,000 square feet of floor area within the C-3 Zoning District with requests for certain exceptions to Planning Code requirements; the Project would demolish two commercial buildings and the SFFD Station 13 and construct a new mixed-use building). RECORD NO. 2019-017481DNX (Motion No. 20956). FOR HEARING TODAY.
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**(8C) APPEAL NO. 21-089**

<p>447 PARTNERS, LLC, Appellant(s)</p> <p>vs.</p> <p>ZONING ADMINISTRATOR, Respondent</p>	<p>530 Sansome Street.</p> <p>Appealing the ISSUANCE on August 27, 2021, to EQX Jackson SQ Holdco LLC, of a Variance Decision (the Project would demolish three existing buildings, including the SFFD Station 13 and two vacant commercial buildings and construct a new mixed-use building reaching a roof height up to 218 feet tall; the Project would have two distinct land use programs that could be implemented at the site: (1) a 248,000 square foot Commercial Variant (inclusive of SFFD uses) which would establish a 200-room hotel, 37,000 square feet of office uses, a 32,000 square foot gym and 7,900 square feet of restaurant uses contained within a 19-story tower); (2) a 283,000 square foot Residential Variant (inclusive of the SFFD uses) which would construct 247,000 square feet of residential uses (256 dwelling units) in a 21-story tower. Both Variants would include construction of a new, four-story Fire Station 13 as well as a below grade, non-accessory, 18-space parking garage for use by the SFFD. The center of the site devoted to the new SFFD Station 13 is not fully compliant with the Code's strict development standards for commercial street frontages and therefore requires variances. The Zoning Administrator granted variances from the Code requirements for the width of the openings for off-street parking and loading, active use, ground floor ceiling height, and transparency for street frontages in Commercial Districts).</p> <p>CASE NO. 2019-017481VAR. FOR HEARING TODAY.</p>
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**(8D) APPEAL NO. 21-090**

<p>WILAD PROPERTIES LLC, Appellant(s)</p> <p>vs.</p> <p>ZONING ADMINISTRATOR, Respondent</p>	<p>530 Sansome Street.</p> <p>Appealing the ISSUANCE on August 27, 2021, to EQX Jackson SQ Holdco LLC, of a Variance Decision (the Project would demolish three existing buildings, including the SFFD Station 13 and two vacant commercial buildings and construct a new mixed-use building reaching a roof height up to 218 feet tall; the Project would have two distinct land use programs that could be implemented at the site: (1) a 248,000 square foot Commercial Variant (inclusive of SFFD uses) which would establish a 200-room hotel, 37,000 square feet of office uses, a 32,000 square foot gym and 7,900 square feet of restaurant uses contained within a 19-story tower); (2) a 283,000 square foot Residential Variant (inclusive of the SFFD uses) which would construct 247,000 square feet of residential uses (256 dwelling units) in a 21-story tower. Both Variants would include construction of a new, four-story Fire Station 13 as well as a below grade, non-accessory, 18-space parking garage for use by the SFFD. The center of the site devoted to the new SFFD Station 13 is not fully compliant with the Code's strict development standards for commercial street frontages and therefore requires variances. The Zoning Administrator granted variances from the Code requirements for the width of the openings for off-street parking and loading, active use, ground floor ceiling height, and transparency for street frontages in Commercial Districts).</p> <p>CASE NO. 2019-017481VAR. FOR HEARING TODAY.</p>
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**ACTION:** Upon motion by Commissioner Chang, the Board voted 4-0-1 (President Honda absent) to deny Appeal Nos. 21-074 and 21-075 and uphold Planning Commission Motion No. 20956, on the basis that the Planning Commission did not err or abuse its discretion and the determination was properly issued.

Upon motion by Commissioner Chang, the Board voted 4-0-1 (President Honda absent) to deny Appeal Nos. 21-089 and 21-090 and uphold the Variance Decision on the basis that the five findings required under Planning Code Section 305(c) have been met.

**SPEAKERS:** Commissioner Chang (disclosed that she works for a firm that has hired Jim Abrams, the attorney that represents the project sponsor; she stated that her relationship with him would not have an effect on her decision for these cases); Skye Langs, attorney for appellant, Wilad Properties, LLC (Appeal Nos. 21-074 and 21-090); Stuart Corvin, agent for appellant, Wilad Properties, LLC; Ryan Patterson and Brian O'Neill, attorneys for appellant, 447 Partners, LLC (Appeal Nos. 21-075 and 21-089); Jim Abrams, attorney for the project sponsor (EQX Jackson SQ Holdco LLC); Mark

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Schwettmann, agent for the project sponsor; Chief Dawn DeWitt (SFFD), agent for the project sponsor; Scott Sanchez, Planning Department.

PUBLIC COMMENT: Kevin Carroll (President of the Hotel Council of San Francisco) and Alec Bash (on behalf of the Gateway Tenants Association) spoke in support of the project sponsor.

### **ADJOURNMENT.**

There being no further business, Vice President Swig adjourned the meeting at 8:49 p.m.

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

<https://sfgov.org/bdappeal/meeting/board-appeals-october-20-2021-supporting-documents>

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

[https://sanfrancisco.granicus.com/player/clip/39663?view\\_id=6&redirect=true](https://sanfrancisco.granicus.com/player/clip/39663?view_id=6&redirect=true)