

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, OCTOBER 27, 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); Corey Teague, Zoning Administrator, Planning Department (PD); Scott Sanchez, Deputy Zoning Administrator, PD; Joseph Duffy, Acting Deputy Director, Department of Building Inspection (DBI); Matthew Greene, Senior Building Inspector, DBI; 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: None.

(3) ADOPTION OF MINUTES

Discussion and possible adoption of the October 20, 2021, minutes.

ACTION: Upon motion by Commissioner Lazarus the Board voted 4-0-1 (President Honda absent) to adopt the October 20, 2021 minutes.

PUBLIC COMMENT: None.

(4) REHEARING REQUEST FOR APPEAL NO. 21-035

Subject property at 2722-2724 Folsom Street. Michael Turon, Appellant, is requesting a rehearing of Appeal No. 21-035, MICHAEL TURON vs. PLANNING DEPT. decided July 7, 2021. At that time, upon motion by Vice President Swig, the Board voted 3-0-1 (Commissioner Chang absent) to deny the appeal and uphold the Request for Suspension on the basis that the Zoning Administrator did not err or abuse his discretion and the determination was properly issued. **Determination Holder: Michael Turon. Determination Description:** The ISSUANCE on April 8, 2021, of a Suspension Request (requesting suspension of two building permits: (1) No. 2020/0611/8414 was approved with the following scope of work: repair fire, smoke and water damage; no exterior work; adding small 39 sq. ft. bathroom near existing bedroom; convert living room to family room, office to living and dining to study; all work is in Unit 2724; plans on file with this application show one existing kitchen on the ground floor and one existing laundry room towards the front of the ground floor; this layout is inconsistent with previous plans on file for this property which indicate two existing kitchens on the ground floor and therefore it appears that the plans on file for 2020/0611/8414 misrepresent the existing conditions of the subject property, (2) No. 2020/1005/5941 has the following scope of work: Revision to 2020/0611/8414; revised floor plan; not adding previously proposed new full bathroom; performing voluntary seismic retrofit; the plans on file for BPA 2020/1005/5941 show the same inconsistency with respect to the ground floor existing conditions. Suspension is requested to allow the permit holder time to address the inconsistencies between the existing conditions shown on the subject permits and on prior permits and to correct any misrepresentations of these conditions) at 2722-2724 Folsom Street. **Permit Nos.:** 2020/0611/8414 and 2020/1005/5941.

ACTION: Upon motion by Vice President Swig, the Board voted 4-0-1 (President Honda absent) to deny the request on the basis that there is no new evidence or manifest injustice.

SPEAKERS: Ryan Patterson, attorney for requestor; Matt Coelho, agent for requestor; Scott Sanchez, PD; Joseph Duffy, DBI.

PUBLIC COMMENT: Tammie Presser, Badoui Minaise, Beverly Yep and Jim Warshell spoke in support of the requestor.

(5) APPEAL NO. 21-087

<p>JEAN MONT-ETON, Appellant(s)</p> <p>vs.</p> <p>DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL</p>	<p>4341 Ulloa Street. Appealing the ISSUANCE on August 19, 2021, to Prem Singh, of an Alteration Permit (Amendment to Permit Application No. 2016/1121/3200: change rear stair deck location per plans). PERMIT NO. 2019/1104/6312. FOR HEARING TODAY.</p>
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ACTION: Upon motion by Commissioner Lazarus, the Board voted 4-0-1 (President Honda absent) to continue this matter to November 10, 2021 so that the parties can discuss their options and, if a resolution is achieved, plans can be submitted to the Board for review.

SPEAKERS: Jean Mont-Eton appellant; Elaine Mont-Eton, agent for appellant; Chris Erchick, agent for permit holder; Scott Sanchez, PD; Matthew Greene, DBI.

PUBLIC COMMENT: None.

(6) APPEAL NO. 21-050

<p>DR. MAHER MEMARZADEH, Appellant(s)</p> <p>vs.</p> <p>ZONING ADMINISTRATOR, Respondent</p>	<p>408-412 Cortland Avenue.</p> <p>Appealing the issuance on August 26, 2021 of a Revised Variance Decision (DENIAL of an application for a Rear Yard Variance: The project proposes to construct a one-story vertical addition to the rear building that will include a roof deck and increase the height, as measured above the basement story, from 16 feet 2 inches at the roof peak to over 32 feet. The new story is proposed to be used as a neighborhood-serving commercial use. The project also proposes a stairway and firewall along the eastern property line to provide access from the second story of the front building to the new roof deck on the rear building. Planning Code section 134 requires the subject property to maintain a rear yard equal to 25% of the lot depth at the second story and above and at the first story if it contains a Dwelling Unit. The existing building at the rear of the lot occupies the entirety of the required rear yard and the proposed addition will increase the rear building envelope within the required rear yard, therefore a rear yard variance is needed. The Zoning Administrator denied the rear yard variance on the basis that the five findings required under Planning Code section 305(c) have not been met.)</p> <p>CASE NO. 2015-008499VAR. FOR HEARING TODAY.</p>
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ACTION: Upon motion by Vice President Swig, the Board voted 4-0-1 (President Honda absent) to deny the appellant's request to continue this Item so that the commissioners could conduct a site visit. Upon motion by Commissioner Lazarus, the Board voted 4-0-1 (President Honda absent) to deny the appeal and uphold the determination on the basis that the five findings required under Planning Code Section 305(c) have not been met.

SPEAKERS: Thomas Havel, agent for appellant; Peter Bekey, agent for appellant; Rodrigo Santos, agent for appellant; Corey Teague, ZA.

PUBLIC COMMENT: Sue Hestor, Karen Ceilia Heil, Marie Alicia-Mead and Mary Young spoke in support of the department.

ITEMS (7A), (7B), (7C) & (7D) SHALL BE HEARD TOGETHER

(7A) APPEAL NO. 21-076

<p>JOSHUA KLIPP, Appellant(s)</p> <p>vs.</p> <p>SAN FRANCISCO PUBLIC WORKS, BUREAU OF URBAN FORESTRY, Respondent</p>	<p>333, 380-388, 540-550, 553-575, 595, 643, 801-825, 865, 901 and 1145-1155 Market Street.</p> <p>Appealing the ISSUANCE on July 30, 2021, to BART, of a Public Works Order (approval to remove 32 trees at various locations on Market Street for the construction of canopy structures over the BART/MUNI entrances; if the trees/basins cannot be replaced due to not meeting the minimum planting requirements, then an in-lieu fee or the appraised value shall be assessed, whichever is greater; tree replacement is required wherever feasible and shall be planted with at least 36-inch box size trees).</p> <p>ORDER NO. 205249. FOR HEARING TODAY.</p>
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(7B) APPEAL NO. 21-077

<p>LANCE CARNES, Appellant(s)</p> <p>vs.</p> <p>SAN FRANCISCO PUBLIC WORKS, BUREAU OF URBAN FORESTRY, Respondent</p>	<p>333, 380-388, 540-550, 553-575, 595, 643, 801-825, 865, 901 and 1145-1155 Market Street.</p> <p>Appealing the ISSUANCE on July 30, 2021, to BART, of a Public Works Order (approval to remove 32 trees at various locations on Market Street for the construction of canopy structures over the BART/MUNI entrances; if the trees/basins cannot be replaced due to not meeting the minimum planting requirements, then an in-lieu fee or the appraised value shall be assessed, whichever is greater; tree replacement is required wherever feasible and shall be planted with at least 36-inch box size trees).</p> <p>ORDER NO. 205249. FOR HEARING TODAY.</p>
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(7C) APPEAL NO. 21-078

<p>PARKMERCED ACTION COALITION, Appellant(s)</p> <p>vs.</p> <p>SAN FRANCISCO PUBLIC WORKS, BUREAU OF URBAN FORESTRY, Respondent</p>	<p>333, 380-388, 540-550, 553-575, 595, 643, 801-825, 865, 901 and 1145-1155 Market Street.</p> <p>Appealing the ISSUANCE on July 30, 2021, to BART, of a Public Works Order (approval to remove 32 trees at various locations on Market Street for the construction of canopy structures over the BART/MUNI entrances; if the trees/basins cannot be replaced due to not meeting the minimum planting requirements, then an in-lieu fee or the appraised value shall be assessed, whichever is greater; tree replacement is required wherever feasible and shall be planted with at least 36-inch box size trees).</p> <p>ORDER NO. 205249. FOR HEARING TODAY.</p>
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(7D) APPEAL NO. 21-079

<p>DAVID ROMANO and DEANNE DELBRIDGE, Appellant(s)</p> <p>vs.</p> <p>SAN FRANCISCO PUBLIC WORKS, BUREAU OF URBAN FORESTRY, Respondent</p>	<p>333, 380-388, 540-550, 553-575, 595, 643, 801-825, 865, 901 and 1145-1155 Market Street.</p> <p>Appealing the ISSUANCE on July 30, 2021, to BART, of a Public Works Order (approval to remove 32 trees at various locations on Market Street for the construction of canopy structures over the BART/MUNI entrances; if the trees/basins cannot be replaced due to not meeting the minimum planting requirements, then an in-lieu fee or the appraised value shall be assessed, whichever is greater; tree replacement is required wherever feasible and shall be planted with at least 36-inch box size trees).</p> <p>ORDER NO. 205249. FOR HEARING TODAY.</p>
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ACTION: Upon motion by Commissioner Lazarus, the Board voted 4-0-1 (President Honda absent) to continue these Items to December 15, 2021, because the determination holder did not timely provide its brief to the appellants and the parties agreed to this later date.

PUBLIC COMMENT: None.

ADJOURNMENT.

There being no further business, Vice President Swig adjourned the meeting at 6:56 p.m.

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

<https://sfgov.org/bdappeal/meeting/board-appeals-october-27-2021-supporting-documents>

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

https://sanfrancisco.granicus.com/player/clip/39732?view_id=6&redirect=true