

# **BOARD OF APPEALS**

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

### **DRAFT MEETING MINUTES - WEDNESDAY, FEBRUARY 10, 2021** **REMOTE MEETING VIA ZOOM**

PRESENT: President Darryl Honda, Vice President Eduardo Santacana, Commissioner Ann Lazarus, Commissioner Rick Swig 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); Julie Rosenberg, Executive Director; Alec Longaway, Legal Process Clerk.

#### **(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: President Honda gave his condolences to the Shultz family on the passing of George Shultz. He further wished everyone a Happy Chinese and Lunar New Year.

PUBLIC COMMENT: None.

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

Discussion and possible adoption of the January 27, 2021 minutes.

ACTION: Upon motion by Commissioner Swig, the Board voted 5-0 to adopt the January 27, 2021 minutes.

PUBLIC COMMENT: None.

**(4) APPEAL NO. 20-087**

<p>EDMUND LOUIE and MARY PARKS, Appellant(s)</p> <p>vs.</p> <p>ZONING ADMINISTRATOR, Respondent</p>	<p>482 16th Avenue.</p> <p>Appealing the ISSUANCE on December 9, 2020, to Mark Sole, of a Variance Decision (the proposal is to legalize the construction of a rear deck and stairs; the demolition of the previously existing deck was approved by the Planning Department in May 2012, however, the deck was reconstructed to be larger than previously existed and the stairs were shifted from the middle of the lot to the northern property line; therefore both the deck and stairs require legalization; the subject property has a required rear yard of approximately 39 feet and the deck and stairs proposed for legalization are entirely located within the required rear yard; the Zoning Administrator granted the rear yard variance). CASE NO. 2019-005619VAR. FOR FURTHER CONSIDERATION</p> <p><b>Note: On January 27, 2021, upon motion by President Honda, the Board voted 3-1-1 (Commissioner Lazarus dissented and President Santacana absent) to continue this matter to February 10, 2021 so that: (1) the determination holder can correct the errors in the plans including the location of the appellants' bathroom windows (relative to the firewall and staircase), the location of the 45% rear yard lot line, and the height and measurements of the staircase, (2) the parties can discuss measures that will mitigate the impacts of the staircase and firewall if they remain in the current location, and (3) the determination holder can provide a statement explaining the cost and requirements for relocating the staircase.</b></p>
---	---

**ACTION:** Upon motion by President Honda, the Board voted 5-0 to continue this matter to March 3, 2021, at the request of the parties.

**SPEAKERS:** Mark Sole, determination holder.

**PUBLIC COMMENT:** None.

**(5) APPEAL NO. 20-086**

THIERRY CASTRO, Appellant(s)  vs.  DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	819 Hampshire Street. Appealing the ISSUANCE on December 3, 2020, to Hampshire Flats LLC, of an Alteration Permit (replacement of old windows street facing (front); existing and proposed aluminum windows). PERMIT NO. 2020/12/03/0127. FOR HEARING TODAY.
--	---

**ACTION:** Upon motion by Commissioner Lazarus, the Board voted 5-0 to deny the appeal and uphold the permit on the basis that it was properly issued.

**SPEAKERS:** Michael Zitani, attorney for appellant; Thierry Castro, appellant; Manny Alaniz, agent for permit holder; Scott Sanchez, PD; Joseph Duffy, DBI.

**PUBLIC COMMENT:** None.

**(6) APPEAL NO. 20-072**

LADY BENJAMIN PD CANNON, Appellant(s)  vs.  ZONING ADMINISTRATOR, Respondent	5024 & 5030 3rd Street. Appealing the ISSUANCE on September 30, 2020, to Charles Jadallah, of a Notice of Violation & Penalty Decision (subject lot is improved with a building containing ground floor and basement commercial space and 4 dwelling units (5030 3rd St.) that fronts on 3rd Street, and a detached 3-car garage that fronts Revere Ave.; it also contains a one-story, detached, 700 sq. ft. structure (5024 3rd St) located at its interior corner; subject property is in violation of the Planning Code for noncompliance with section 171; including the establishment of an unpermitted internet service exchange within the basement and ground floor of 5030 3rd Street; and Section 317 for having an unauthorized dwelling unit within 5024 3rd Street). COMPLAINT NO. 2018-016696ENF. FOR HEARING TODAY.
--	--

**ACTION:** Upon motion by Commissioner Lazarus, the Board voted 5-0 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.

**SPEAKERS:** Charles Jadallah, property owner; Scott Sanchez, PD; Joseph Duffy (DBI).  
[The Appellant did not appear at the hearing].

**PUBLIC COMMENT:** None.

**ADJOURNMENT**

There being no further business, President Honda adjourned the meeting at 6:15p.m.

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

<https://sfgov.org/bdappeal/meeting/board-appeals-february-10-2021-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=37774](https://sanfrancisco.granicus.com/MediaPlayer.php?view_id=6&clip_id=37774)

DRAFT