

# **BOARD OF APPEALS**

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

### **DRAFT MEETING MINUTES - WEDNESDAY, MARCH 24, 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); Chris Buck, Urban Forester, San Francisco Public Works, Bureau of Urban Forestry (SFPW-BUF); 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 apologized for losing internet connectivity during the last Board meeting.

PUBLIC COMMENT: None.

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

Discussion and possible adoption of the March 10, 2021 minutes.

ACTION: Upon motion by Commissioner Swig, the Board voted 5-0 to adopt the March 10, 2021 minutes.

PUBLIC COMMENT: None.

**(4) APPEAL NO. 21-004**

EDWARD RIGGINS, Appellant(s)  vs.  ZONING ADMINISTRATOR, Respondent	135 3rd Avenue. Appealing the DENIAL of a Rear Yard Variance (Variance Decision issued to Edward Riggins on January 6, 2021) (the proposal is to demolish an existing second story deck and spiral staircase within the required rear yard of the 3-story, single-family house and replace them with a new horizontal expansion with spiral staircase and a roof deck; the subject property has a required rear yard of 54 feet; the existing building is noncomplying, as a portion of the building and the existing deck encroach approximately 17 feet into the required rear yard; the proposed project would be within the required yard and needs a rear yard variance; the Zoning Administrator denied the variance on a determination that the project does not meet any of the five findings required by Planning Section 305(c)). CASE NO. 2020-006556VAR. FOR HEARING TODAY.
---	--

**ACTION:** Upon motion by Commissioner Lazarus, the Board voted 5-0 to grant the appeal, overturn the Zoning Administrator's denial of the variance, and issue the variance on the condition that it be revised to require: (1) the adoption of the Draft Findings submitted by the Deputy Zoning Administrator, and (2) the adoption of the revised plans, dated February 25, 2021, on the basis that this makes the project code compliant and the Findings support the granting of a variance under Planning Code section 305(c).

**SPEAKERS:** Scott Sanchez, PD; William Pashelinsky, agent for appellant.

**PUBLIC COMMENT:** None.

**(5) APPEAL NO. 21-008**

LANCE CARNES, Appellant(s)  vs.  SAN FRANCISCO PUBLIC WORKS, BUREAU OF URBAN FORESTRY, Respondent	46 Cragmont Avenue and 80 Junipero Serra Blvd. (nearest address location). Appealing the ISSUANCE on January 28, 2021, to the Bureau of Urban Forestry, of a Public Works Order (Approval to remove four hazardous street trees at two different locations: (1) 46 Cragmont Avenue: Tree # 1 for removal; BUF needs to look into the feasibility of replacement at other locations nearby on the block or within the district; the Eucalyptus tree has dead branches within the canopy and there is a concern that the tree could fail at its roots; the tree basin takes up half the sidewalk and would not allow for four feet minimum clearance for ADA; (2) 80 Junipero Serra Blvd: three trees for removal with replacement; Tree # 6 (large stem failure), Tree # 8 (branch failure from old pruning cuts), and Tree # 10 (similar condition as other two trees)). ORDER NO. 204218. FOR HEARING TODAY.
--	--

ACTION: Upon motion by Commissioner Lazarus, the Board voted 5-0 to deny the appeal and uphold the order on the basis that the order already addresses the appellant's concerns, and it was properly issued.

SPEAKERS: Lance Carnes, appellant; Chris Buck, SFPW-BUF.

PUBLIC COMMENT: Joshua Klipp, John Nulty and Michael Nulty spoke in support of the appellant.

**(6) APPEAL NO. 21-013**

VIVIAN PADUA and IVONNE VASQUEZ, Appellant(s)  vs.  DEPT. OF BUILDING INSPECTION, Respondent	4840 Mission Street. Appealing the ISSUANCE on February 8, 2021, to Bridge Housing Corporation, of a Demolition Permit (to demolish a type five, three-story mortuary). PERMIT NO. 2020/08/19/2106. FOR HEARING TODAY.
---	--

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

SPEAKERS: Vivian Padua, appellant; Ivonne Vasquez, appellant; Sara White, agent for permit holder; Scott Sanchez, PD; Joseph Duffy, DBI.

PUBLIC COMMENT: Michael Nulty stated that he was glad the neighbors were trying to mitigate the issues they see happening in the Mission but believed the housing should be built on schedule because of the financing.

## **REGULAR MEETING, BOARD OF APPEALS, MARCH 24, 2021 - PAGE 4**

Steven Marzo, Cindy Heavens (MOHCD), Marcus Isamel, Julio Buendia, Sara Ogilvie, Chris Heriot, Kenneth Russell, Theo, Colleen Ma and Scott Breudecheck spoke in support of the permit holder.

Susan Marcellais, Josephine Asciutto, Joanna V. and Jonelle spoke in support of the appellants.

### **(7) APPEAL NO. 21-009**

BECKER BOARDS LLC, Appellant(s)	530 Howard Street.
vs.	Appealing the DISAPPROVAL on January 28, 2021, of a building permit (applicant Becker Boards LLC) (permit is to remove existing 25'x40' billboard and replace with new 25'x40' billboard at the same location on building; the Planning Dept. did not approve this permit because the proposed scope of work constitutes the removal and replacement of a general advertising sign in violation of Planning Code Section 604(h)).
PLANNING DEPT., Respondent	PERMIT NO. 2020/10/19/6882. FOR HEARING TODAY.

**ACTION:** Upon motion by President Honda, the Board voted 5-0 to deny the appeal and uphold the disapproval of the permit on the basis that the proposed scope of work constitutes the removal and replacement of a general advertising sign in violation of Planning Code Section 604(h).

**SPEAKERS:** Anthony Leones, agent for Outfront Media, LLC (owner of the sign at the subject property) made a request to participate in the hearing as an Interested Party; Brett Gladstone, attorney for appellant; Scott Sanchez, PD.

**PUBLIC COMMENT:** Eduardo Zepeda, agent for the property owner (One Timberlake), stated that the owner wants to retain a billboard on the property and only authorizes the removal of the current billboard upon the successful issuance of a sign permit for the new billboard to replace it. Anthony Leones, on behalf of Outfront Media, LLC, and Michael Nulty spoke in support of the Planning Department.

### **ADJOURNMENT.**

There being no further business, President Honda adjourned the meeting at 8:31 p.m.

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

<https://sfgov.org/bdappeal//meeting/board-appeals-march-24-2021-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=38134](https://sanfrancisco.granicus.com/MediaPlayer.php?view_id=6&clip_id=38134)