

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES – WEDNESDAY, MAY 17, 2023

REGULAR MEETING (IN-PERSON AND REMOTE ACCESS VIA ZOOM)

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Rick Swig, Commissioner Alex Lemberg and Commissioner J.R. Eppler.

Jen Huber, Deputy City Attorney, Office of the City Attorney (CAT); Corey Teague, Zoning Administrator, Planning Department (PD); Tina Tam, Deputy Zoning Administrator (PD); Matthew Greene, Chief Building Inspector, Department of Building Inspection (DBI); Julie Rosenberg, Executive Director; Alec Longaway, Legal Assistant.

ABSENT: Vice President Jose Lopez and Commissioner John Trasviña.

(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 May 10, 2023 minutes.

ACTION: Upon motion by Commissioner Lemberg, the Board voted 3-0-2 (Vice President Lopez and Commissioner Trasviña absent) to adopt the May 10, 2023, meeting minutes as amended by Commissioner Trasviña. Although not present, Commissioner Trasviña reached out to the Executive Director prior to the hearing and stated that for Item 5, the Special Item related to Appeal Nos. 22-076 & 22-077 at 146 23rd Avenue, he would like to include President Swig's comments to Chief Inspector Matthew Greene, more specifically, that he would like the matter reviewed by the Director of DBI to ensure that the work was done properly, and the appellant's concerns were resolved.

PUBLIC COMMENT: None.

(4) APPEAL NO. 23-007

<p>TAKESHI MORO, Appellant(s)</p> <p>vs.</p> <p>DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL</p>	<p>1468 Van Dyke Avenue. Appealing the ISSUANCE on January 23, 2023, to Chau Chung, of an Alteration Permit (comply with Notice of Violation No. 2022291235; legalize one-level rear deck at rear yard with one-hour fire wall; legalize metal gate at front; remove patio cover: gazebo-canopy; new bathroom and home office; remove ladder to attic). PERMIT NO. 2022/07/12/8311. FOR FURTHER CONSIDERATION. Note: On March 15, 2023, upon motion by President Swig, the Board voted 5-0 to continue this matter to May 17, 2023, so that the permit holder can submit revised plans to reflect the following changes: (1) The two windows at the attic level shall be removed and the attic restored to the original condition of the house; the attic shall be used for maintenance purposes only and not for habitation or storage; (2) the deck shall be lowered to grade or made no higher than 30 inches as measured from the grade; the deck shall be set back five feet from the appellant's property line; these changes will remove the requirement for a firewall at the deck; (3) the dining room shall not be allowed to be converted to a home office, consequently the plans must be revised to remove the walls at this location and the 12-inch window that is located in the 13-inch space. This motion was made on the basis that these changes will rectify the illegal work performed by the permit holder and address some of the concerns of the appellant.</p>
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ACTION: Upon motion by President Swig, the Board voted 3-0-2 (Vice President Lopez and Commissioner Trasviña absent) to continue this matter to May 31, 2023, so that the commissioners that were absent could participate in the vote. Prior to the hearing, the parties agreed to have this matter continued since the Board had considered adopting the revised plans which would require at least four votes by the commissioners.

SPEAKERS: None.

PUBLIC COMMENT: None.

(5) APPEAL NO. 23-015

JAMES LIPSET, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2507 Pacific Avenue. Appealing the ISSUANCE on March 15, 2023, to Jaime and Rory Weinstein, of an Alteration Permit (remove existing, non-complying fire escape). PERMIT NO. 2023/0314/3618. FOR HEARING TODAY.
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ACTION: Upon motion by President Swig, the Board voted 3-0-2 (Vice President Lopez and Commissioner Trasviña absent) to continue this matter to May 31, 2023, so that the commissioners that were absent could participate in the vote. The three commissioners that were present were inclined to find that the permit was improperly issued, but a motion to grant the appeal would require four votes.

SPEAKERS: James Lipset, appellant; Laura Strazzo, attorney for appellant; Louis Lipset, agent for appellant; Steve Williams, attorney for permit holder; Tina Tam, PD; Matthew Greene, DBI.

PUBLIC COMMENT: None.

(6) APPEAL NO. 23-013

ABENET TEKIE, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	1435 26th Avenue. Appealing the ISSUANCE on March 27, 2023, to Abenet Tekie, of a Letter of Determination (Applicability of State Law and the Planning Code to the subject property; there is no Planning Code regulation applicable to the subject property that would specifically limit the number of bedrooms in a Dwelling Unit, however a Dwelling Unit may only be used for a single family as defined in the Planning Code). RECORD NO. 2023-000425ZAD. FOR HEARING TODAY.
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ACTION: Upon motion by Commissioner Lemberg, the Board voted 3-0-2 (Vice President Lopez and Commissioner Trasviña absent) to deny the appeal and uphold the Letter of Determination (“LOD”) on the basis that the Zoning Administrator did not err or abuse his discretion, and the LOD was properly issued.

SPEAKERS: Isaac Tolila, agent for appellant; Corey Teague, PD.

PUBLIC COMMENT: None.

(7) APPEAL NO. 23-016

<p>2700 SLOAT HOLDINGS LLC, Appellant(s)</p> <p>vs.</p> <p>ZONING ADMINISTRATOR, Respondent</p>	<p>Appealing the ISSUANCE on March 28, 2023 of the Zoning Administrator’s Interpretation of Planning Code Sections 102 and 270 regarding Measurement of Bulk and Plan Dimensions (Unless specified elsewhere in the Planning Code, the maximum Plan Dimensions per specific bulk limits apply within the exterior walls of each individual building or structure, such that a single building may not have multiple vertical elements (i.e. towers, etc.) that collectively exceed the maximum permitted Plan Dimensions. However, separate buildings on the same lot will have separate Plan Dimensions for the purpose of measuring bulk limits.).</p> <p>FOR HEARING TODAY.</p>
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ACTION: Upon motion by President Swig, the Board voted 3-0-2 (Vice President Lopez and Commissioner Trasviña absent) to continue this Item to June 21, 2023, so that the matter could be heard by the full Board. The appellant requested a continuance at the hearing, and the Zoning Administrator agreed to this request.

SPEAKERS: Melinda Sarjapur, attorney for appellant; Corey Teague, PD.

PUBLIC COMMENT: None.

ADJOURNMENT.

There being no further business, President Swig adjourned the meeting at 6:59 p.m.

The supporting documents for this meeting can be found at the following link:
<https://sf.gov/meeting/may-17-2023/board-appeals-hearing-may-17-2023>

A video of this meeting, can be found at the following link:
https://sanfrancisco.granicus.com/player/clip/43694?view_id=6&redirect=true&h=1126d871daa4264a62166ab95df9864d