#### **BOARD OF APPEALS, CITY & COUNTY OF SAN FRANCISCO**

Appeal of <u>JACQUELINE MATHERN,</u>

Appellant(s)

Appeal No. 23-070

vs.

DEPARTMENT OF BUILDING INSPECTION, PLANNING DEPARTMENT APPROVAL Respondent

### NOTICE OF APPEAL

**NOTICE IS HEREBY GIVEN THAT** on December 8, 2023, the above named appellant(s) filed an appeal with the Board of Appeals of the City and County of San Francisco from the decision or order of the above named department(s), commission, or officer.

The substance or effect of the decision or order appealed from is the ISSUANCE on December 8, 2023 to Luan-Vu Le, of a Site Permit (new single family residential Type VB, two-story building) at 1230 Goettingen Street.

#### APPLICATION NO. 2021/09/23/8995

#### FOR HEARING ON February 21, 2024

Address of Appellant(s):	Address of Other Parties:		
Jacqueline Mathern, Appellant(s) 308 Wilde Avenue San Francisco, CA 94134	Luan-Vu Le, Permit Holder(s) c/o Bill Guan, Agent for Permit Holder(s) Xie Associates, Inc. 26 Farview Court San Francisco, CA 94131		



#### CITY & COUNTY OF SAN FRANCISCO BOARD OF APPEALS

## PRELIMINARY STATEMENT FOR APPEAL NO. 23-070

I / We, Jacqueline Mathern, hereby appeal the following departmental action: ISSUANCE of Site Permit No.

2021/09/23/8995 by the Department of Building Inspection which was issued or became effective on:

December 8, 2023, to: Luan-Vu Le, for the property located at: 1230 Goettingen Street.

### **BRIEFING SCHEDULE:**

Appellant's Brief is due on or before: 4:30 p.m. on **February 1, 2024**, **(no later than three Thursdays prior to the hearing date)**. The brief may be up to 12 pages in length with unlimited exhibits. It shall be double-spaced with a minimum 12-point font. An electronic copy shall be emailed to: <u>boardofappeals@sfgov.org</u>, julie.rosenberg@sfgov.org, corey.teague@sfgov.org, tina.tam@sfgov.org, matthew.greene@sfgov.org, bill@xiearchdesign.com and suoitu312@gmail.com

Respondent's and Other Parties' Briefs are due on or before: 4:30 p.m. on **February 15, 2024**, (no later than one Thursday prior to hearing date). The brief may be up to 12 pages in length with unlimited exhibits. It shall be doubled-spaced with a minimum 12-point font. An electronic copy shall be emailed to: <u>boardofappeals@sfgov.org</u>, julie.rosenberg@sfgov.org, corey.teague@sfgov.org, tina.tam@sfgov.org, matthew.greene@sfgov.org and mathernjacqueline@icloud.com

Hard copies of the briefs do NOT need to be submitted to the Board Office or to the other parties.

Hearing Date: Wednesday, February 21, 2024, 5:00 p.m., Room 416 San Francisco City Hall, 1 Dr. Carlton B. Goodlett **Place.** The parties may also attend remotely via Zoom. Information for access to the hearing will be provided before the hearing date.

All parties to this appeal must adhere to the briefing schedule above, however if the hearing date is changed, the briefing schedule MAY also be changed. Written notice will be provided of any changes to the briefing schedule.

In order to have their documents sent to the Board members prior to hearing, **members of the public** should email all documents of support/opposition no later than one Thursday prior to hearing date by 4:30 p.m. to <u>boardofappeals@sfgov.org</u>. Please note that names and contact information included in submittals from members of the public will become part of the public record. Submittals from members of the public may be made anonymously.

**Please note** that in addition to the parties' briefs, any materials that the Board receives relevant to this appeal, including letters of support/opposition from members of the public, are distributed to Board members prior to hearing. All such materials are available for inspection on the Board's website at <u>www.sfgov.org/boa</u>. You may also request a hard copy of the hearing materials that are provided to Board members at a cost of 10 cents per page, per S.F. Admin. Code Ch. 67.28.

#### The reasons for this appeal are as follows:

See attachment to the Preliminary Statement of Appeal.

Print Name: Jacqueline Mathern, appellant

Board of Appeals December 15, 2023 49 South Van Ness Avenue 14<sup>th</sup> Floor, Suite 1475

Re: Application 20210923-8995 Permit Issued to Le Luan-Vu

To Whom it May Concern,

I am the 96 yr. old owner of the lot and property directly behind the said property at 1230 Göttingen St. I have appealed the possibilities of this proposed tiny property on this undersized lot for many reasons, including virtually no open space except for a roof top deck accessed by a retreating stair amounting tp 162 sq ft., located within 20 feet from my porch.

This is not an ADU unit, but a tiny stand alone lot. Comparisons to a building, the former Five Mile House, are false as that is a historic structure built between three streets.

Has anyone from the Building Department actually visited the site, other than their employee, Le, who is also listed as owner and contractor? The lot, the size an RV cannot even be parked in,

has a utility pole in the middle of it and is required to include 2 street trees for sign off, that are under two window abutments over an "official" sidewalk that is wider than much of the house.

I object to the construction site using my property for their work and during that time leaving my yard open to the street in the neighborhood that has seen many videotaped break-ins.

The aforementioned utility pole may have to be moved and a new sewer lateral connected. This will also create quite a disruption to the neighborhood.

This is not an ADU, (despite Mr Le having an adjoining separate parcel) or is it is a single family two story house. Different rules apply

Sincerely,

Ms. Jaqueline Mathern 308 Wilde Street San Francisco

Jacquetine Mathorn

### Permit Details Report

Report Date:	12/19/2023 9:40:59 AM							
Application Number:	202109238995							
Form Number:	2							
Address(es):	6177 / 002 / 0 1230 GOETTINGEN S	ST						
Description:	NEW SINGLE FAMILY RESIDENTIAL TYPE VB, 2-STORY BUIL	LDING.						
Cost:	\$300,000.00							
Occupancy Code:	R-3							
Building Use:	27 - 1 FAMILY DWELLING							

#### Disposition / Stage:

Action Date	Stage	Comments
9/23/2021	TRIAGE	
9/23/2021	FILING	
9/23/2021	FILED	
9/7/2023	APPROVED	
12/8/2023	ISSUED	

#### Contact Details:

#### Contractor Details:

License Number:	OWNER
Name:	OWNER
Company Name:	OWNER
Address:	OWNER * OWNER CA 00000-0000
Phone:	

#### Addenda Details:

Description:SITE

Station	Rev#	Arrive	Start	In Hold	Out Hold	Finish	Checked By	Review Result	Hold Description
СРВ		9/23/21	9/23/21			9/24/21	CHAN CHENG		9/24/21: FILING FEE RECEIVED. TO PPCCC 9/23/21: BLUEBEAM FILES RECEIVED. BB# 427-460-934. FILING FEE INVOICE SENT TO OWNERCC
CP-ZOC		9/24/21	10/6/21			1/27/22	DURANDET KIMBERLY		Approved EPR in accordance with Nodice of Deccision and Order Appeal No 21-053. Fee calculated 9/1/22
BLDG		1/28/22	2/11/22	2/14/22		9/29/22	Hom Calvin		9/29/22 Approved on BB R5 8/2/22 - recheck of R2. Remaining comments sent to Architect
BLDG		3/27/23	3/27/23			3/27/23	HOM CALVIN		restamp Rev7
SFFD		1/28/22	3/10/22	3/10/22	3/8/23	3/8/23	ESTRELLA JERRY		Approved EPR 03/08/2023 On hold, comments on bluebeam
DPW-BSM		1/28/22	4/18/22			4/18/22	DENNIS RASSENDYLL		4.18.22 Approved EPR SITE Permit only. ADDENDA requirement(s) for sign off: Street Improvement (final inspection) . All sidewalk applications and plans MUST be applied online.

SFPUC	1/28/22	2/17/22		2/17/22	IMSON GRACE		Download sidewalk applications at http://www.sfpublicworks.org/services/permits. Your application will be ON-HOLD until all necessary PUBLIC WORKS-BSM permits are completed or plan checker(s) could recommend sign off to the satellite office via email RD 02/17/2022 - Permit has been assessed a Capacity Charge. DBI will collect. See Invoice attached to application. Route EPR - 02/17/2022 02/17/2022 - Owner reply:Only 2 floors, 1full & 1/2 bath 02/17/2022 - RFI, reply to Gimson@sfwater.org   (415)940-5373
DPW-BUF	2/23/20	2/23/22	2/23/22		NAWBARY SUSAN	Approved	Contact urbanforestry@sfdpw.org and submit tree planting permit at https://bsm.sfdpw.org/buftrees2/application.aspx
CP-ZOC	8/29/23	8/29/23		8/29/23	DURANDET KIMBERLY	Approved	Approved EPR R7
DPW-BSM	8/29/23	8/30/23		8/30/23	DENNIS RASSENDYLL		Restamped EPR SITE Permit only. ADDENDA requirement(s) for sign off: Street Improvement (final inspection) . All sidewalk applications and plans MUST be applied online. Download sidewalk applications at http://www.sfpublicworks.org/services/permits. Your application will be ON-HOLD until all necessary PUBLIC WORKS-BSM permits are completed or plan checker(s) could recommend sign off to the satellite office via email RD
SFPUC	8/29/23	9/6/23		9/6/23	IMSON GRACE	Approved	09/06/2023 - APPROVED DRWG-Rev#7. ASSESSED CAPACITY CHARGES. DBI WILL COLLECT FEES.
DFCU	9/6/23	9/6/23		9/6/23	BLACKSHEAR JOHN	Administrative	9/6/23: Planning entered a Child Care impact fee on this permit. The fee will be collected at addenda 1 issuance. The DPW-Bureau of Urban Forestry entered a requirement to plant (2) trees. The project sponsor must contact DPW-BUF at urbanforestry@sfdpw.org or 628- 652-8733 to have the planting inspected and signed off. This requirement must be completed before a final inspection can be scheduled with DBI.
PPC	9/24/21	9/24/21		9/6/23	PHAM ANH HAI		09/06/23 02:58 PM Invite sent to CPB to close out permit; HP 9/6/23: Email sent to DFCU for fee assessment; HP 8/29/23: Invite sent to CP- ZOC, BSM, BUF & PUC to review and stamp REV7 drawing. Email sent to applicant to update sheet index on REV7 drawing; HP 4/18/22: Invite resent to BSM to start electronic plan review; HP 1/28/22: Invite sent to BLDG, SFFD, BSM & PUC to start electronic plan review; HP 9/24/21: Invite sent to applicant to join BB session; HP 9/24/21: Bluebeam session created, invite sent to DCP to start electronic plan review; HP
СРВ	 9/6/23	11/28/23		12/8/23	LEI ALVINA	Administrative	12/8/2023: Site Issued. BB links sent to applicant. Placard picked up by owner.

				12/6/2023: Received green halo. Invoice sent.
				12/5/2023: Received OBR form and ID. Pending
				green halo. al 12/4/2023: Still pending Property
				owner's package and ID for verification, and
				green halo tracking. al 11/30/2023: Per Acting
				Manager of Plan Review Services Willy Yau no
				extension fee waiver: work started within
				reasonable time. Give 1st extension. Expiration
				date 49 dys extra to 03/07/2024.ay 11/29/2023:
				Extension fee required. 1st extension fee
				\$720.43. When pay fee, New Cancel Date:
				01/18/2024.ay 11/27/2023: Emailed applicant
				Permit Application Extension required per SFBC
				106A.3.7, need green halo, LCS or OBR form.
				09/12/2023: SFUSD fee included to issuance
				fee.ay 09/08/2023: SFUSD form sent for
				calculation, permit not ready to be issued.ay
				9/7/2023: Approved. Pending SFUSD fee calcs.

# APPELLANT(S) DID NOT SUBMIT A BRIEF

# **BRIEF SUBMITTED BY THE PERMIT HOLDER(S)**

Hello Board of Appeals,

1. The Board of Appeals approved the plans from the last hearing. The plans continue to remain the same as approved by the Board of Appeals.

2. All the departments involved in checking all of my plans from DBI, CPC, SFFD, PUC, and DPW have all approved and made sure all my plans are up to code.

3. Two trees will installed on the sidewalk as required by DPW's Friends of the Urban Forest to help the environment.

4. The home will be structurally strong for its design.

5. Ms. Mathern was concerned about her safety if we removed the fence. We are not asking her to remove her fence but to move her fence within her property line.

6. Ms. Mathern has stated in May 2022 after she lost the appeal that she will move her fence. (Look at Exhibit 1 and 2.) We respected her request and allowed her more time. She has not moved the fence to her property line since.

7. My hope is to inspire other land owners or companies to try building new smaller sized homes to help battle our housing crisis in San Francisco. There are plenty of smaller size land that can be a potential to build to help bring the middle working class back to the city to help boost the city's economy.

SATURDAY 5/29/2022

LUIS, I HAVE AN APOINTMENT EARLY NEXT WEEK, TO INSTALL A New Fence IN My BACK YARD AND THE REMOVAL OF THE FENCE ATTHE SAME time.

THE FENCE, THIS IS TO NOTIFY YOU.

JACKIE

FIRST THE ESTIMATE Next THE WORK,

JACQUELINE MATHERN

PLEASE DO NOT REMOVE

THANKS.

6/08/2022

Hi, Louis,

I HAD CONTACTED FENCE PRO CO, TO DO THE WORK, THEY CAME FOR THE APOINTMENT ON 5/31/2022 SAID THEY LOUL SEND THE ESTIMATE, BUT NONE CAME, THE COMPANY PROBABLY DID NOT WANT THAT JOB.

PLEASE GIVE A DELAY IT WILL be DONE.

DO NOT REMOVE THE FERICES, IT DOILL'BE VERY DANGEROUS, THANK IJOU,

## JACHie

ther ME POSTED, THANKS

# **PUBLIC COMMENT**

To: San Francisco Board of Appeals

Date: Feb 5<sup>th</sup>, 2024

Appeal No. 23-070 – Subject property: 1230 Goettingen Street

Dear Board Commissioners,

We are homeowners and residents directly adjacent to this proposed building location. We have various concerns as the proposed structure at 1230 Goettingen Street do not conform to the building standards, features, and appearance of existing single-family homes on our street and immediate neighborhood. We write this letter of support for the appellant, Jacqueline Mathern, as we strongly oppose the construction of this building and do not believe the building permit was issued in accordance with current laws, regulations, and the California building codes. Thank you for taking to time to review our list of concerns below:

- 1) <u>Building location and height relative to existing homes</u> the proposed building's second story can look directly into 2 of our bedrooms, a bathroom, and a home office via 4 of our existing windows. We have strong privacy concerns about this, the project sponsor has committed at previous board meeting to revise their plans and not have windows on the south and southeast side of the building facing our home. How will this be enforced?
- 2) <u>Construction of roof garden</u> We have the same privacy concerns as above, as occupants on the roof top will look directly into windows of our 2 bedrooms, a bathroom, and home office at very close proximity. (This level of proximity is atypical in our neighborhood). At the proposed building's rooftop, which the project sponsor states will be substitute for a rear-yard or open space, although it has not been proven lawful, occupants will be able to look directly down into our homes through our windows. This is extremely unfair, given for many years property taxes has not been paid on this empty lot, and even now the property tax paid is only a fraction of what other homeowners pay on this street due to its low land-only value. Yet, our privacy and enjoyment of our own home will be violated. We believe this is materially injurious to the property and improvements in this vicinity, including our home and neighboring homes. The significant reduction in privacy in our two primary bedrooms, will significantly reduce our home's property value. We strongly oppose the construction of this roof garden.
- 3) <u>Ventilation</u> we have concerns about ventilation of various types of residential exhaust and ventilation of air and fumes due to the proximity of the proposed building to various existing windows we actively use in our homes. Our home is at the top of a hill in a high-wind area. We have two elderly residents with chronic health conditions and post-Covid respiratory issues and are highly concerned about health and safety impact.
- 4) <u>Construction of bay window</u> The proposed building includes a bay window that seems to have an overhang, we are unsure whether this is lawful. We strongly oppose any bay window overhanging that can breach into the overhead airspace or vertical space above our existing property lines. An overhang bay window will block our airflow, sunlight, and is an intrusion of privacy and it allows another angle for to look into our two bedrooms and bathroom at extreme close proximity that is atypical for single family homes on our street.

- 5) <u>Blockage of sunlight</u> the proposed two building's location and angle relative to the street and location of existing homes will block sunlight into our existing windows for 3 different rooms and to our backyard where various decades-old trees and plants currently thrive. Our existing roof-top solar panels will also be impacted and power generation reduced. This is very unfair and we have strong concerns about diminishing sunlight and new shadows into our homes and our backyard after the 2-story building is constructed. How will this be mitigated?
- 6) Lack of open space or yard nearly all single-family homes in our neighborhood have adequate yards and opens spaces. The proposed building will lack lawful adequate open space. We have seen on other streets where there is a lack of open space, children are forced to play on the sidewalks and streets. The sponsor have voiced they are constructing this for themselves to raise family there. However, the proposed site will have no rear yard. If children in the future are forced to play sports and riding bicycles in the streets this creates a hazardous road condition for residents and motorists.
- 7) <u>Concerns about parking</u> many of the homes on our street houses multiple generations of family members, large families, and homes with multiple adult roommates. There are already more cars than available street parking spaces. The proposed home lacks a garage or driveway for off-street parking. This adds to the parking problem which already exists with the current vehicle-to-homes ratio on Goettingen St, and the adjacent Harkness St. and Wilde Ave. This not only creates a problem for residents, lack of parking is an issue for visitors, delivery drivers, and mobile healthcare providers. We have many aging residents of the street who have in-home care and healthcare providers who visit them, having lack of parking for these providers with wheelchair-accessible vehicles is a safety issue.
- 8) <u>Concerns about construction's damage to existing underground infrastructure</u> we have not had ground-up construction on this street for many decades. The underground water pipes, sewage, drainage, utility cables, and infrastructures are aging and prone to unintentional damage underground from the proposed construction, when they will have to trench and dig underground when connecting gas lines. Other structural and foundation work involving underground digging can also cause potential damage. How will this be mitigated?
- 9) <u>Construction on the ground and damage to underground root structure of nearby trees</u> we have fruit trees which are over 20-years and over 60-years old. Another adjacent neighbor also has various matured trees and plants which will be impacted. These trees can have root structures that can be damaged by the proposed construction. If roots are damaged and the integrity of the tree is compromised, a fallen tree can damage existing home, fences, cars parked on the street and be a hazard for pedestrians. How will this be mitigated? If any tree's roots are damaged and later leading a fallen tree, who will be responsible?

- 10) <u>Concerns about construction noise</u> the proposed location is very close in proximity to our home and other existing homes with windows that each home's residents actively use. Many residents are elderly, there are families with children, and most importantly there is an adult-care group home for residents with special needs next to the proposed location. The construction will impact us and the residents and healthcare providers there. We are especially concerned about constructing from the ground-up, as the noise is much less contained versus contractors doing in-home renovation. The foundation work, digging, trenching, dump-trucks, large equipments will all cause significant noise for existing residents.
- 11) <u>Concerns about construction dust and debris</u> the proposed location is very close in proximity to our home and other existing homes with windows and yards we all actively use. We are very concern about dust and debris from the construction travelling into our windows and yards. This is ground-up construction and atypical in our area, this type of construction will generate much more dust and debris, and much more lengthy in construction time. Most of the dust created from ground-up construction cannot be contained the same way versus renovation of an existing house. The dust from construction and construction materials is a hazard to residents, especially aging residents with respiratory issues, existing chronic health issues, or post-Covid health issues.
- 12) <u>Concerns about storge of trash, recycle and compost bins</u> the project sponsor have said they lack storage space for these items and have not suggested any viable solution. We have seen on other streets where residents with lack of space store these bins in makeshift boxes on the sidewalks or directly outside on the sidewalk, which contributes to a rodent and pest problem. How will this be sanitary concern mitigated?
- 13) <u>Concerns about conversion to short-term rentals</u> The project sponsor have pledged that they are constructing this building for their own primary residential use within their family. However, many neighbors view this type of construction as designed towards a short-term rental unit, since the building will be a micro-home with a micro-footprint, no yard or open space, and no off-street parking. How can neighbors be assured that unit will not be converted to short-term rental and not family-use after construction? Can site sponsor make this pledge on paper in the form of a signed agreement?
- 14) <u>Future additions or expansions</u> if this building in ultimately constructed, how will future interior or exterior additions be prevented? For example, how can future room additions, or construction of balconies and decks be prevented?

Sincerely,

Yun Chiu Pun, Kit Yee Ng-Pun, Cynthia Pun, Samuel Pun

Homeowners and residents since 1999 at 306 Wild Avenue, San Francisco, CA 94134

## +10 2/21/24

February 5, 2024

City and County Board of appeals 49 South Van ness, Suite 1475 San Francisco, CA 94103 1...3 0.5 2024 AP-220 23-070

Subject: Appeal No. 23-070; 1230 Goettingen Street Case no. 202109/23/8995-(New single family residential type VB, 2-story building) at the subject property

To Whom It May Concern:

This should not be permitted at all. The proposal to construct a single family home two story building does not meet the planning and zoning code requirements for the city and county, and therefore this should not be granted.

The proposed has no rear yard variance. It is the city and country requirements to have 30% rear backyard of the lot depth. Therefore this property proposal construction should not be approved. This is a fire hazard and blocking our views to the neighborhoods and the lot is not according to code.

The vacant lot is not enough space to accommodate the city zoning requirements.

Thank you,

Te tember pust

The Lemley Family Trust

HD 2/21/24

February 5, 2024

**City and County** Board of appeals 49 South Van ness, Suite 1475 San Francisco, CA 94103

FB 0.5 2024 23-070

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Thank you,

Robert Bindeman 1228 Everlingen St. S.T. CA 94134

HO 2/21/24

February 5, 2024

FEB 0.5 2024

City and County Board of appeals 49 South Van ness, Suite 1475 San Francisco, CA 94103

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[hank you, ender

Jamiel Lemley 1220 Goettingen Street San Francisco, CA 94134

### HD 2/21/24

23-070

February 5, 2024

City and County Board of appeals 49 South Van ness, Suite 1475 San Francisco, CA 94103

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Thank you,

Breder Kemley **Brenda** Lemley

1226 Goettingen Street San Francisco, CA 94134

HO 2 21 24

Dear Occupant or Property Owner: You are receiving this notice because you reside in or own property within 150 feet of the subject property mentioned below.

Hearing Date: February 21, 2024 at 5:00 p.m. The meeting is currently scheduled to be held in Room 416 of SF City Hall, 1 Dr. Carlton B. Goodlett Place. It will be broadcast live on SFGOV TV. The public may attend in-person or access the meeting remotely via Zoom or telephone. If you would like to watch the hearing or provide public comment remotely, go to the Board's website at <u>www.sfgov.org/boa</u> on the day of the hearing to find how to access the hearing by phone or computer.

Appeal No. 23-070; 1230 Goettingen Street. Appealing the issuance on December 8, 2023, of Site Permit No. 2021/09/23/8995 (new single family residential type VB, 2-story building) at the subject property.

Public Comment: Letters of support or opposition can be submitted to the Board Office by email <u>boardofappeals@sfaov org</u>. It is recommended that you submit a letter by 4:30 p.m. on Thursday, February 15, 2024, so it will be included with the materials given to Board members. Any written public comment submitted after this date will be provided to the Board members at the hearing. Letters to the Board are subject to public review unless redaction is requested. You may also provide public comment by telephone or attend the online meeting as indicated above. <u>If you would</u> like more information or to receive notice of any changes to the hearing date, please email boardofappeals@sfgov.org or call the Board office at 628-652-1150.

名 311 (Outside SF 415 701 2311, TTY 415 701 2323) Free language assistance / 免費語言協助 / Ayuda gratis con el idjoma / Бесплатная помош Miễn phí / Assistance linguistique gratuite / 海科の産語支援 / 무료 언어 지원 / Libreng tulong para sa wikang Filipino / การปวยเหลือทางคำนภาษ এ ഫിഫിയം കേട്ട്രം പ്രത്യം പ്രത്യം

23-070

To Whom it may concern:

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This vacant lot is not enough space to accomodate a single dwelling residential zone.

This should not be permitted to build a single dwelling residential home. This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Good morning,

Thank you for encouraging local feedback on this project's appeal. The proposed construction would be entirely inappropriate for this tiny site. The location could be best served by a community garden, perhaps as a remote extension of the nearby Visitacion Greenway. A weirdly proportioned building would be an eyesore. Thank you for listening, Jan Markels 1171 Goettingen St

Sent from my iPad



February 7, 2024



FEB 1 3 2024

City and County Board of appeals 49 South Van ness, Suite 1475 San Francisco, CA 94103

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Thank you, > and 1228 Goettingen Street San Francisco, CA 94134