

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, SEPTEMBER 30, 2020 REMOTE MEETING VIA ZOOM

PRESENT: President Ann Lazarus, Vice President Darryl Honda, Commissioner Rick Swig, Commissioner Eduardo Santacana and Comissioner Rachael Tanner.

Brad Russi, Deputy City Attorney, Office of the City Attorney (CAT); Scott Sanchez, Deputy Zoning Administrator, Planning Department (PD); Joseph Duffy, Acting Chief Building Inspector, Department of Building Inspection (DBI); Julie Rosenberg, Executive Director; Alec Longaway, Legal Process Clerk; Katy Sullivan, Legal Assistant.

(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: Commissioner Tanner expressed her sympathy for the people affected throughout California by the wildfires, but in particular for the people dealing with the Glass Fire. She stated that her thoughts were with the people who are evacuating and who have lost so much and for the people who have lost their lives.

Commissioner Swig stated that the fires were horribly tragic and that he was sad for the people who had lost so much. He noted that winds, high temperatures and low humidity were in the forecast and suggested praying for those who will, unfortunately, suffer.

PUBLIC COMMENT: None.

(3) ADOPTION OF MINUTES

Discussion and possible adoption of the September 23, 2020 minutes.

ACTION: Upon motion by Commissioner Swig, the Board voted 5-0 to adopt the September 23, 2020 minutes.

PUBLIC COMMENT: None.

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ITEMS (4A), (4B) AND (4C) HEARD TOGETHER

(4A) APPEAL NO. 20-055

JAMES PINCOW, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	50 Seward Street. Appealing the ISSUANCE on August 19, 2020, to Kelley Friedgen and Kyle Johnson, of a Site Permit (renovation and addition to single family dwelling: addition of second residential unit, new fourth floor addition, new three story addition to front of the building, convert existing basement and first floor space to habitable space and create new unit with two new bedrooms, one new bathroom and one powder room). PERMIT NO. 2017/04/19/4301. FOR HEARING TODAY.
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(4B) APPEAL NO. 20-058

KENNETH HILLAN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	50 Seward Street. Appealing the ISSUANCE on August 19, 2020, to Kelley Friedgen and Kyle Johnson, of a Site Permit (renovation and addition to single family dwelling: addition of second residential unit, new fourth floor addition, new three story addition to front of the building, convert existing basement and first floor space to habitable space and create new unit with two new bedrooms, one new bathroom and one powder room). PERMIT NO. 2017/04/19/4301. FOR HEARING TODAY.
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(4C) APPEAL NO. 20-059

ALEXANDER MITELMAN and ALISSA FITZGERALD, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	50 Seward Street. Appealing the ISSUANCE on August 19, 2020, to Kelley Friedgen and Kyle Johnson, of a Site Permit (renovation and addition to single family dwelling: addition of second residential unit, new fourth floor addition, new three story addition to front of the building, convert existing basement and first floor space to habitable space and create new unit with two new bedrooms, one new bathroom and one powder room). PERMIT NO. 2017/04/19/4301. FOR HEARING TODAY.
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ACTION: Upon motion by Commissioner Swig, the Board voted 5-0 to grant the appeals and issue the permit on the condition that it be revised to require the adoption of the revised demolition calculations submitted at the hearing by the permit holders, on the basis that the project is code compliant.

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SPEAKERS: Commissioner Honda (disclosed that he is a partner in a company that has retained the law firm of Reuben, Junius and Rose for a project and that the firm's appearance before the Board of Appeals would have no effect on his decision); James Pincow, appellant (Appeal No. 20-055); Kenneth Hillan, appellant (Appeal No. 20-058); Alissa Fitzgerald, appellant (Appeal No. 20-059); Kelly Friedgen and Kyle Johnson, permit holders; Tom Tunny, attorney for permit holders; John Lum, agent for permit holders; Scott Sanchez, PD; Joseph Duffy, DBI.

PUBLIC COMMENT: Anonymous speaker spoke in support of the permit holders. He stated that he was speaking anonymously because he was afraid of making enemies. He stated that he lives on the same block as the proposed project and the neighbors were opposed to this change and targeting the project unfairly. He further stated that he is familiar with the plans and believes the project will be a positive addition to the neighborhood and a big improvement over what is there now.

(5) APPEAL NO. 20-053

MICHAEL MURPHY, Appellant(s) vs. PLANNING COMMISSION, Respondent	3601 Lawton Street. Appealing the ISSUANCE on July 30, 2020, to Kodorski Design Inc., of a Section 328 Home-SF Project Authorization (adopting findings relating to HOME-SF Project Authorization pursuant to Planning Code sections 206.3 and 328 to allow an exception for the conversion of an existing automotive service station, demolition of all, and construction of a new 50-foot tall, five-story-over basement, approximately 46,050 gross square-foot mixed-use building with up to 2,825 square feet of ground floor retail space and 41 dwelling units; the proposal is pursuing a Tier-2 HOME-SF Project Authorization which permits form-based density in exchange for providing 25% on-site Affordable Dwelling Units). CASE NO. 2019-023628AHB (Motion No. 20776). FOR HEARING TODAY.
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ACTION: Upon motion by Commissioner Swig, the Board voted 5-0 to deny the appeal and uphold the Section 328 Home-SF Project Authorization, on the basis that the Planning Commission did not err or abuse its discretion and the determination was properly issued.

SPEAKERS: Michael Murphy, appellant; Khodor Baalbaki, agent for determination holder; Scott Sanchez, PD.

PUBLIC COMMENT: Kayla Barnes, as a representative of the San Francisco Housing Action Coalition, spoke in support of the determination holder. Ms. Barnes stated that the environmental appeal was without merit and urged the commissioners to reject it.

ADJOURNMENT

There being no further business, President Lazarus adjourned the meeting at 8:14 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-september-30-2020-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=36734