

# **BOARD OF APPEALS**

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

### **MEETING MINUTES - WEDNESDAY, OCTOBER 6, 2021** **REMOTE MEETING VIA ZOOM**

PRESENT: President Darryl Honda, Vice President Rick Swig, Commissioner Tina Chang and Commissioner Jose Lopez.

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); Leoncio Palacios, SFPW-BSM; Susan Nawbary, Acting Urban Forester, SFPW-BUF; Julie Rosenberg, Executive Director; Alec Longaway, Legal Assistant.

ABSENT: Commissioner Ann Lazarus.

#### (1) **SPECIAL ITEM**

Consideration and possible adoption of a resolution which makes findings to allow teleconferenced meetings under California Government Code Section 54953(e).

ACTION: Upon motion by President Honda, the Board voted 4-0-1 (Commissioner Lazarus absent) to adopt the resolution.

PUBLIC COMMENT: None.

#### (2) **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: Ellen Zhou stated that the Board should be back at City Hall so that there would be a government. She stated that the government is supposed to be in-person.

#### (3) **COMMISSIONER COMMENTS & QUESTIONS**

SPEAKERS: None.

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**(4) ADOPTION OF MINUTES**

Discussion and possible adoption of the September 22, 2021, minutes.

ACTION: Upon motion by President Honda, the Board voted 4-0-1 (Commissioner Lazarus absent) to adopt the September 22, 2021 minutes.

PUBLIC COMMENT: None.

**(5) APPEAL NO. 21-070**

<p>TIM LOUIE, Appellant(s)</p> <p>vs.</p> <p>DEPT. OF BUILDING INSPECTION, Respondent</p>	<p>120 Dorcas Way. Appealing the ISSUANCE on July 19, 2021, to Richard Ruhland and Rhonda Cartwright, of an Alteration Permit (roof gutter siding sidewalk to comply with Complaint Nos. 202179383 and 202179572; replace gutter downspout penetrating roof and replace roofing in lightwell). PERMIT NO. 2021/0719/4604. FOR FURTHER CONSIDERATION. <b>Note: On September 22, 2021, upon motion by Commissioner Lazarus, the Board voted 5-0 to continue this Item to October 6, 2021 with the expectation that the parties meet and confer and attempt to resolve any remaining issues.</b></p>
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ACTION: Upon motion by President Honda, the Board voted 4-0-1 (Commissioner Lazarus absent) to continue this matter to October 20, 2021 at the request of the parties.

SPEAKERS: None.

PUBLIC COMMENT: None.

**(6) APPEAL NO. 21-072**

<p>KEMPTON DUNN and MEREDITH DUNN, Appellant(s)</p> <p>vs.</p> <p>DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL</p>	<p>152 28th Avenue. Appealing the ISSUANCE on July 20, 2021, to Patrick Gordon, of an Alteration Permit (Scope of work: (1) Basement: partial replacement of foundation and slab, add front lightwell, infill under deck; add two bedrooms and 1 ½ baths, office and storage, (2) First floor: remodel kitchen, half bath replacing full bath and expand deck with new stairs, (3) Second floor: remodel bath and add hallway). PERMIT NO. 2021/0623/3067. FOR HEARING TODAY.</p>
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ACTION: Upon motion by President Honda, the Board voted 4-0-1 (Commissioner Lazarus absent) to continue this matter to October 20, 2021, at the request of the parties, to allow them time to finalize a settlement.

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SPEAKERS: President Honda (disclosed that he is a partner in a project that is represented by the law firm of Reuben, Junius & Rose and that the firm's appearance before the Board of Appeals would have no effect on his decision); Steve Williams, attorney for appellants; Tom Tunny, attorney for permit holder.

PUBLIC COMMENT: None.

**(7) APPEAL NO. 21-071**

SAN FRANCISCO COMMUNITY EMPOWER CENTER, Appellant(s)  vs.  SAN FRANCISCO PUBLIC WORKS, BUREAU OF STREET USE & MAPPING, Respondent	500 Felton Street. Appealing the ISSUANCE on July 15, 2021, to GTE Mobilnet of California LP, of a Wireless Box Permit (Installation of a Personal Wireless Service Facility in a Zoning Protected Location). PERMIT NO. 21WR-00002. FOR HEARING TODAY.
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ACTION: Upon motion by Commissioner Chang, the Board voted 4-0-1 (Commissioner Lazarus absent) to deny the appeal and uphold the permit on the basis that it was properly issued.

SPEAKERS: Teresa Duque, agent for appellant; Ellen Zhou, agent for appellant; Melanie Sengupta, attorney for permit holder; Paul Albritton, attorney for permit holder; Bill Hammett, agent for permit holder; Leo Palacios, SFPW-BSM; Scott Sanchez, PD.

PUBLIC COMMENT: None.

**(8) APPEAL NO. 21-060**

11 ARGENT ALLEY HOA, Appellant(s)  vs.  SAN FRANCISCO PUBLIC WORKS, BUREAU OF URBAN FORESTRY, Respondent	4512 23rd Street. Appealing the ISSUANCE on June 17, 2021, to Paramount Estate LLC, of a Public Works Order (approval to remove one street tree with replacement of at least three trees approved by the Bureau of Urban Forestry; the tree is unhealthy, has poor structure, and is hazardous). Order No. 204945. FOR HEARING TODAY.
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ACTION: Upon motion by Commissioner Chang, the Board voted 3-0-2 (President Honda recused and Commissioner Lazarus absent) to deny the appeal and uphold the order on the basis that it was properly issued.

SPEAKERS: President Honda (recused himself from hearing this matter since he has a financial conflict due to his relationship with one of the permit holder's agents); Michal Habdank-Kolaczowski, agent for appellant; Anders Fung, agent for determination holder; Ryan Patterson, attorney for determination holder; Patrick Kobernus, agent for determination holder; Stephen Howard, agent for determination holder; Susan Nawbary, SFPW-BUF.

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### **PUBLIC COMMENT:**

Warren spoke in support of the appellant.

Ali Moss, Margaret Ng, Corey Smith (on behalf of the Housing Action Coalition), Dan Federman, Benjamin Golvin, Louis Magarshack, Victor Baccetti, David Salem, Michael Chen, Jaycee McHugh, Conor J. and Milo spoke in support of the determination holder.

### **ADJOURNMENT.**

There being no further business, Vice President Swig adjourned the meeting at 6:50 p.m.

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

<https://sfgov.org/bdappeal/meeting/board-appeals-october-6-2021-supporting-documents>

A video of this meeting, can be found at the following link:

[https://sanfrancisco.granicus.com/player/clip/39529?view\\_id=6&redirect=true](https://sanfrancisco.granicus.com/player/clip/39529?view_id=6&redirect=true)