

# **BOARD OF APPEALS**

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

### **MEETING MINUTES - WEDNESDAY, SEPTEMBER 22, 2021** **REMOTE MEETING VIA ZOOM**

PRESENT: President Darryl Honda, Vice President Rick Swig, Commissioner Ann Lazarus, 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); Julie Rosenberg, Executive Director; Alec Longaway, 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: Georgia Schuttish showed a video of a project that was before the Board in June 2019. She explained that it was an appeal of a site permit, and the Board required it be redesigned to have at least two bedrooms at the basement level. She discussed details of the project and stated that it was a very poor template for gentrification. She encouraged the Board members to visit the site.

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

SPEAKERS: None.

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

Discussion and possible adoption of the September 1, 2021, minutes.

ACTION: Upon motion by Vice President Swig, the Board voted 5-0 to adopt the September 1, 2021 minutes.

PUBLIC COMMENT: None.

**ITEMS (4A), (4B), (4C) AND (4D) SHALL BE HEARD TOGETHER**

**(4A) APPEAL NO. 21-054**

<p>ERIC RABINOWITZ, Appellant(s)</p> <p>vs.</p> <p>DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL</p>	<p>1318 18th Street. Appealing the ISSUANCE on June 14, 2021, to Thomas Frenkel, of an Alteration Permit (construct a wood platform over an existing concrete patio, install automatic door opener and activation switches). PERMIT NO. 2021/0611/2243. FOR FURTHER CONSIDERATION. <b>Note: On July 28, 2021, upon motion by President Honda, the Board voted 5-0 to continue these appeals to September 22, 2021, so that: (1) the Departments can inspect the subject property to determine what action is necessary to bring this project into compliance with the Planning and Building Codes, and (2) the permit holder can submit revised plans that are Code compliant. The Board further recommended that the deck be set back five feet on each side.</b></p>
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**(4B) APPEAL NO. 21-055**

<p>BILL JOHNSTON, Appellant(s)</p> <p>vs.</p> <p>DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL</p>	<p>1318 18th Street. Appealing the ISSUANCE on June 14, 2021, to Thomas Frenkel, of an Alteration Permit (construct a wood platform over an existing concrete patio, install automatic door opener and activation switches). PERMIT NO. 2021/0611/2243. FOR FURTHER CONSIDERATION. <b>See Note in (4A), above.</b></p>
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**(4C) APPEAL NO. 21-057**

<p>MICHAEL MAGNUSON, Appellant(s)</p> <p>vs.</p> <p>DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL</p>	<p>1318 18th Street. Appealing the ISSUANCE on June 14, 2021, to Thomas Frenkel, of an Alteration Permit (construct a wood platform over an existing concrete patio, install automatic door opener and activation switches). PERMIT NO. 2021/0611/2243. FOR FURTHER CONSIDERATION. <b>See Note in (4A), above.</b></p>
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**REGULAR MEETING, BOARD OF APPEALS, SEPTEMBER 22, 2021 - PAGE 3**

**(4D) APPEAL NO. 21-058**

<p>ARTHUR YASUDA and NANCY SATO, Appellant(s)</p> <p>vs.</p> <p>DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL</p>	<p>1318 18th Street. Appealing the ISSUANCE on June 14, 2021, to Thomas Frenkel, of an Alteration Permit (construct a wood platform over an existing concrete patio, install automatic door opener and activation switches). PERMIT NO. 2021/0611/2243. FOR FURTHER CONSIDERATION. <b>See Note in (4A), above.</b></p>
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**ACTION:** Upon motion by Commissioner Lazarus, the Board voted 5-0 to grant these appeals and revoke the permit on the basis that it does not comply with the Building and Planning Codes.

**SPEAKERS:** Joseph Duffy, DBI; Scott Sanchez, PD; Philip Lesser, agent for permit holder; Eric Rabinowitz, appellant (21-054); Bill Johnston, appellant (21-055); Michael Magnuson, appellant (21-057); Arthur Yasuda, appellant (21-058).

**PUBLIC COMMENT:** Sharon Tetlow spoke in support of the appellants.

**(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 HEARING TODAY.</p>
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**ACTION:** Upon motion by Commissioner Lazarus, the Board voted 5-0 to continue this matter to October 6, 2021 with the expectation that the parties meet and confer and attempt to resolve the remaining issues.

**SPEAKERS:** Madeleine Zacks, attorney for appellant; Ben Coleman, agent for permit holders; Scott Sanchez, PD; Joseph Duffy, DBI.

**PUBLIC COMMENT:** None.

**(6) APPEAL NO. 21-068**

<p>JERRY DRATLER, Appellant(s)</p> <p>vs.</p> <p>DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL</p>	<p>1550-1552 Lake Street. Appealing the ISSUANCE on July 13, 2021, to Fu Chan, of an Alteration Permit (comply with NOV #201984482, infill existing lightwell area at second and third floors, revise roof framing only at stairway to fourth floor, relocate bathroom on first floor, add new gym room, reconfigure master bathroom and closet, add one new powder room on second floor, remove proposed skylight on roof plan; reference permit application #2019/0125/1296). PERMIT NO. 2019/11/07/6710. FOR HEARING TODAY.</p>
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**ACTION:** Upon motion by President Honda, the Board voted 5-0 to grant the appeal and revoke the permit on the basis that it does not comply with the Building and Planning Codes.

**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); Scott Sanchez, PD; Jerry Dratler, appellant; Tom Tunny, attorney for permit holder; Joseph Duffy, DBI.

**PUBLIC COMMENT:** Stephanie Peek, Jim Riley, Susan McCormick-Taylor, and Brian Yee spoke in support of the appellant.

**ADJOURNMENT.**

There being no further business, President Honda adjourned the meeting at 7:00 p.m.

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

<https://sfgov.org/bdappeal/meeting/board-appeals-september-22-2021-supporting-documents>

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

[https://sanfrancisco.granicus.com/player/clip/39429?view\\_id=6&redirect=true](https://sanfrancisco.granicus.com/player/clip/39429?view_id=6&redirect=true)