

# **BOARD OF APPEALS**

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

### **DRAFT MEETING MINUTES - WEDNESDAY, APRIL 14, 2021** **REMOTE MEETING VIA ZOOM**

PRESENT: President Darryl Honda, Commissioner Ann Lazarus, Commissioner Rick Swig and Commissioner Tina Chang.

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 Process Clerk.

#### **(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: Bob Feinbaum asked the Board to order the Department (Public Works, Bureau of Urban Forestry) to replace a tree that was cut down in front of 23 Orben Place. Mr. Feinbaum stated that the Board's decision for a previous appeal (No. 20-079) required that the Department replace the tree. Mr. Feinbaum stated that the Department has not been responsive to his repeated requests. Lance Carnes stated that he was the appellant for Appeal No. 20-079, and the Board ordered replacement of the tree, if feasible, with input from the appellant and property owner. Mr. Carnes stated that he has not heard from the Department and would appreciate the Board following up on this condition. (In response to the public comment, Commissioner Swig requested that Executive Director Rosenberg follow up with the Bureau of Urban Forestry).

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

SPEAKERS: President Honda and Commissioner Swig thanked Vice President Santacana for his service on this Board. President Honda further requested that an election for the Vice President position be put on the Board's next agenda.

PUBLIC COMMENT: None.

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

Discussion and possible adoption of the March 24, 2021 minutes.

ACTION: Upon motion by Commissioner Swig, the Board voted 4-0 to adopt the March 24, 2021 minutes.

PUBLIC COMMENT: None.

**(4) REHEARING REQUEST FOR APPEAL NO. 21-013**

**Subject property at 4840 Mission Street.** Vivian Padua and Ivonne Vasquez, Appellants, are requesting a rehearing of Appeal No. 21-013, VIVIAN PADUA and IVONNE VASQUEZ vs. DEPT. OF BUILDING INSPECTION, decided March 24, 2021. At that time, upon a motion by Commissioner Swig, the Board voted 5-0 to deny the appeal and uphold the permit on the basis that it was properly issued. **Permit Holder:** Bridge Housing Corporation. **Permit Description:** to demolish a type five, three-story mortuary. **Permit No.:** 2020/08/19/2106.

**ACTION:** Upon motion by Commissioner Lazarus, the Board voted 4-0 to deny the request on the basis that there was no new evidence or manifest injustice.

**SPEAKERS:** Commissioner Swig (disclosed that he previously worked with the Farella, Braun & Martel firm, but that this fact would not influence his decision on the matter before the Board); David Chapman, attorney for requestors; Steven Vettel, attorney for permit holder; Scott Sanchez, PD; Joseph Duffy, DBI.

**PUBLIC COMMENT:** None.

**(5) APPEAL NO. 21-014**

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| JIM WILLIAMSON and CATHY KOSLEY,<br>Appellant(s)<br><br>vs.<br><br>DEPT. OF BUILDING INSPECTION, Respondent | 443 Cole Street.<br>Appealing the ISSUANCE on February 9, 2021, to Azah Borham, of an Alteration Permit (remodel hallway bathroom, legalize laundry room, add car charger outlet in garage).<br>PERMIT NO. 2021/02/09/4313.<br>FOR HEARING TODAY. |
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**ACTION:** Upon motion by Commissioner Chang, the Board voted 4-0 to deny the appeal and uphold the permit on the basis that it was properly issued.

**SPEAKERS:** Jonathan Kathrein, attorney for appellants; Kevin Kearney, agent for appellants; Azah Borham, permit holder; Casey Belway, agent for permit holder; Fai Wong, agent for permit holder; Scott Sanchez, PD; Joseph Duffy, DBI.

**PUBLIC COMMENT:** None.

**(6) APPEAL NO. 21-011**

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| RICHARD MILLER and SHELLI MENEGHETTI,<br>Appellant(s)<br><br>vs.<br><br>DEPT. OF BUILDING INSPECTION, Respondent<br>PLANNING DEPT. APPROVAL | 3627 Divisadero Street.<br>Appealing the ISSUANCE on February 2, 2021, to Mickey Pucko, of a Site Permit (adding additional levels to a two-story single family residence to accommodate additional bedrooms and view deck (2 bedrooms to 5 bedrooms) (2 bathrooms to 5 bathrooms); adding a 4th level penthouse).<br>PERMIT NO. 2018/12/27/9267.<br>FOR HEARING TODAY. |
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**ACTION:** Upon motion by Commissioner Swig, the Board voted 4-0 to deny the appeal and uphold the permit on the basis that it was properly issued.

**SPEAKERS:** Mickey Pucko, permit holder; Scott Sanchez, PD; Joseph Duffy, DBI. (Appellants did not appear at the hearing.)

**PUBLIC COMMENT:** Two anonymous callers and Lisa Congdon spoke in support of the permit holder.

**(7) APPEAL NO. 21-012**

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| ANN HEDGES, Appellant(s)<br><br>vs.<br><br>DEPT. OF BUILDING INSPECTION, Respondent<br>PLANNING DEPT. APPROVAL | 41 Kronquist Court.<br>Appealing the ISSUANCE on February 8, 2021, to Scott and Paige Olson, of a Site Permit (remodel existing deck at basement level with new tile at patio; replace & enlarge existing deck at first floor with new stair to patio below; new deck at second floor with new doors from dining room).<br>PERMIT NO. 2019/06/18/3764.<br>FOR HEARING TODAY. |
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**ACTION:** Upon motion by President Honda, the Board voted 4-0 to deny the appeal and uphold the permit on the basis that it was properly issued.

**SPEAKERS:** Michael Mazzocone, attorney for appellant; Ann Hedges, appellant; Scott Olson, permit holder; James Stavoy, agent for permit holder; Scott Sanchez, PD; Joe Duffy, DBI.

**PUBLIC COMMENT:** None.

**(8) APPEAL NO. 20-090**

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| JOELLE CALTON, Appellant(s)<br><br>vs.<br><br>ZONING ADMINISTRATOR, Respondent | 1462 San Bruno Avenue.<br>Appealing the ISSUANCE on December 18, 2020, to Joelle Calton, of a Notice of Violation & Penalty Decision (the subject property is currently authorized for industrial uses and is in violation of the Planning Code because of unauthorized residential use).<br>COMPLAINT NO. 2019-017863ENF.<br>FOR HEARING TODAY. |
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**ACTION:** Upon motion by President Honda, the Board voted 4-0 to continue this matter to June 23, 2021 and to reset the briefing schedule, at the request of the parties.

**SPEAKERS:** David Keenan, agent for appellant; Scott Sanchez, PD.

**PUBLIC COMMENT:** None.

**ADJOURNMENT.**

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There being no further business, President Honda adjourned the meeting at 7:17 p.m.

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

<https://sfgov.org/bdappeal//meeting/board-appeals-april-14-2021-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=38258](https://sanfrancisco.granicus.com/MediaPlayer.php?view_id=6&clip_id=38258)

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