

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES – WEDNESDAY, NOVEMBER 30, 2022

HYBRID MEETING (IN-PERSON AND REMOTE ACCESS VIA ZOOM)

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Rick Swig, Vice President Jose Lopez, Commissioner Alex Lemberg, Commissioner John Trasviña, and Commissioner J.R. Eppler.

Jon Givner, Deputy City Attorney, Office of the City Attorney (CAT); Tina Tam, Deputy Zoning Administrator, Planning Department (PD); Matthew Greene, Acting Chief Building Inspector, 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:

Carl Macmurdo spoke about the letter that the Board of Appeals (BOA) planned on writing to the SFMTA regarding appeals of taxi permits to the BOA. He suggested that the Board expand on the letter to also include the City's Attorney's office. He stated that the City Attorney's Office made the decision that Prop A supersedes the City Charter with respect to taxi appeals. Mr. Macmurdo suggested that the Board challenge the City Attorney and fight for the right to continue hearing taxi appeals.

Marcelo Fonseca supported Mr. Macmurdo's statements and suggested that the letter to the SFMTA be expanded to copy the Mayor and possibly the Board of Supervisors. He stated that the SFMTA planned on going before the SFMTA Board in January 2023 to continue to try and take away the rights of the taxi drivers to appeal to the BOA. Mr. Fonseca further stated that he has been a medallion holder since 2009 and that he has completely lost faith in system after dealing with the regulators.

(2) COMMISSIONER COMMENTS & QUESTIONS

SPEAKERS: None.

(3) ADOPTION OF MINUTES

Discussion and possible adoption of the November 16, 2022 minutes.
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ACTION: Upon motion by Commissioner Trasviña, the Board voted 5-0 to adopt the November 16, 2022 hearing minutes as amended by Commissioner Trasviña. The amendment added a statement to Item 8 that notes that the commissioners agreed, without a vote, to place an Item on the December 7, 2022 agenda which expands on the discussion from Item 8.

PUBLIC COMMENT: None.

(4) APPEAL NO. 22-071

SFCOV, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1431 San Bruno Avenue. Appealing the ISSUANCE on September 28, 2022, to Crown Castle and Verizon, of an Alteration Permit (remove nine antennas and add 12 antennas; remove 12 radio units and add nine radio units; install mount modifications for antennas). PERMIT NO. 2022/02/28/8869. FOR HEARING TODAY.
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ACTION: Upon motion by President Swig, the Board voted 5-0 to deny the appeal and uphold the permit on the basis that it was properly issued.

SPEAKERS: Chris Lee, agent for appellant; Paul Albritton, attorney for permit holders; Melanie Sengupta, attorney for permit holders; Tina Tam, PD; Matthew Greene, DBI.

PUBLIC COMMENT: None.

ITEMS (5A), (5B), (5C) AND (5D) SHALL BE HEARD TOGETHER

(5A) APPEAL NO. 22-072

HUNTER LEIGH and MARIA LEIGH, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	1863 Pine Street. Appealing the ISSUANCE on September 30, 2022, to Surinder Sandhu, of an Electrical Permit (rewire all three remodel floors with new 200-amp service). PERMIT NO. E202209302726. FOR HEARING TODAY.
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(5B) APPEAL NO. 22-073

HUNTER LEIGH and MARIA LEIGH, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	1863 Pine Street. Appealing the ISSUANCE on September 30, 2022, to Surinder Sandhu, of a Plumbing Permit (all new hot and cold waste and ventilation throughout floors including four bathrooms, six sinks, kitchen sink and washer/dryer, dishwasher, water heater, storm drain, three shower pans, and one tub). PERMIT NO. PP20220930335. FOR HEARING TODAY.
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(5C) APPEAL NO. 22-074

HUNTER LEIGH and MARIA LEIGH, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	1863 Pine Street. Appealing the ISSUANCE on September 30, 2022, to Surinder Sandhu, of a Building Permit (install fan 80,000 BTU, and six fans and one kitchen hood). PERMIT NO. PM20220930337. FOR HEARING TODAY.
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(5D) APPEAL NO. 22-075

HUNTER LEIGH and MARIA LEIGH, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1863 Pine Street. Appealing the ISSUANCE on October 27, 2022, to Surinder Sandhu, of an Alteration Permit (revision to Permit #202102084273; add bathroom on third floor; add shower on first floor; slope ceiling at kitchen). PERMIT NO. 2022/06/06/5684. FOR HEARING TODAY.
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ACTION: Upon motion by Commissioner Lemberg, the Board voted 5-0 to continue these appeals to February 1, 2023, at the request of the parties.

SPEAKERS: None.

PUBLIC COMMENT: None.

ADJOURNMENT.

There being no further business, President Swig adjourned the meeting at 7:01 p.m.

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

<https://sf.gov/meeting/november-30-2022/board-appeals-hearing-november-30-2022>

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

https://sanfrancisco.granicus.com/player/clip/42553?view_id=6&redirect=true&h=3326aa2eef8e1ba0e805ee6d284c386b