

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

DRAFT MEETING MINUTES – WEDNESDAY, FEBRUARY 1, 2023

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, Chief Building Inspector, Department of Building Inspection (DBI); Chris Buck, Urban Forester, San Francisco Public Works, Bureau of Urban Forestry (SFPW-BUF); Julie Rosenberg, Executive Director; Alec Longaway, Legal Assistant.

(1) SPECIAL ITEM

Board of Appeals Budget Priorities for Fiscal Years 23-24 and 24-25. This is an opportunity for members of the public to provide the Board input on budget priorities pursuant to Section 3.3(b)(1) of the Administrative Code in advance of the Board's consideration of the FY 23-24 and FY 24-25 budget.

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: Lance Carnes stated that at the January 18, 2023 Board meeting, he heard BUF quote an inaccurate statistic, namely that 50% of Ficus trees are on the verge of failing. Mr. Carnes stated that he believes the number is closer to 10% based on information from the City's survey of street trees that was conducted in 2017.

(3) COMMISSIONER COMMENTS & QUESTIONS

SPEAKERS: President Swig expressed his sadness that the 49ers lost in the NFC Championship game.

PUBLIC COMMENT: None.

(4) ADOPTION OF MINUTES

Discussion and possible adoption of the January 18, 2023 minutes.

ACTION: Upon motion by Commissioner Trasviña, the Board voted 5-0 to adopt the January 18, 2023 hearing minutes as amended by Commissioner Lemberg. The amendment changed the words "power ball" to "power wall" in the public comment made by Josh Klipp under Item 3.

PUBLIC COMMENT: None.

(5) APPEAL NO. 22-086

<p>737 BUENA VISTA LLC, Appellant(s)</p> <p>vs.</p> <p>SAN FRANCISCO PUBLIC WORKS, BUREAU OF URBAN FORESTRY, Respondent</p>	<p>737 Buena Vista Avenue West. Appealing the ISSUANCE on November 14, 2022, to 737 Buena Vista LLC, of a Public Works Order (DENIAL of an application to remove two street trees with replacement; Tree # 1 is 45 feet high with a 15-foot spread; the tree is in fair condition and not an immediate threat to safety; Tree # 2 is 45 feet high with a 25-foot spread; the tree is in poor to fair condition but not an urgent or immediate threat to safety). ORDER NO. 207311. FOR HEARING TODAY.</p>
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ACTION: Upon motion by Commissioner Trasviña, the Board voted 5-0 to grant the appeal and issue the order on the condition it be revised as follows: (1) to allow for removal of the two subject trees, (2) to require the determination holder to plant two 48"-box replacement trees, (3) plant three consistent 48"-box trees in the three empty tree wells in front of the property to partially satisfy Department of Public Works Permit No. 781189, (4) pay the current in-lieu fee (\$2,302) for the inability to plant a fourth tree due to PG&E's placement of a utility vault on the sidewalk to fully satisfy Department of Public Works Permit No. 781189; (5) remove and replace the recently vandalized magnolia tree in front of the property to the north, 755 Buena Vista Avenue West, with a consistent 48" box tree; and (6) the determination holder shall maintain and water the replacement trees for three years. This motion was made on the basis that the department erred in not fully taking into account the condition of the trees and the public interest in the underlying project.

SPEAKERS: Danny Turner, attorney for appellant; Joby, agent for appellant; Chris Buck, SFPW-BUF.

REGULAR MEETING, BOARD OF APPEALS, FEBRUARY 1, 2023 - PAGE 3

PUBLIC COMMENT: Lance Carnes, John Nulty and Michael Nulty spoke in support of continuing this Item so that there would be time for the public to review the agreement that was made between BUF and the property owner.

(6) APPEAL NO. 22-090

WILLIAM WEIL and IOANNA TZIRI, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	244 Hartford Street. Appealing the ISSUANCE on December 2, 2022, to Margaret Kishibe, of an Alteration Permit (revision to permit application 2020/0921/4636 of 3rd floor remodel; minor layout change and add shear wall detail and correct existing joist span direction). PERMIT NO. 2022/11/16/6647. FOR HEARING TODAY.
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ACTION: Upon motion by President Swig, the Board voted 5-0 to continue this matter to February 8, 2023, so that the permit holder can have revised plans that are acceptable to DBI and the appellants.

SPEAKERS: William Weil, appellant; Andrew Catterall, attorney for appellants; David Strandberg, agent for appellants; Ryan Patterson, attorney for appellants; Tom Tunny, attorney for permit holder; Allen Bur, agent for permit holder; Matt Greene, DBI.

PUBLIC COMMENT: None.

(7) APPEAL NO. 22-093

DERRICK SCOCCHERA, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	379-399 Chestnut Street. Appealing the ISSUANCE on November 23, 2022, to Wilson Chew, of an Alteration Permit (comply with Notice of Violation No. 202175327; replace in kind wood framed utility platform on existing roof with existing bur roofing). PERMIT NO. 2022/0614/6293. FOR HEARING TODAY.
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ACTION: Upon motion by Commissioner Eppler, the Board voted 4-1 (Commissioner Lemberg dissented) to grant the appeal and issue the permit on the condition it be revised to require: (1) that the railing be set back four feet from the property line at the light well, (2) that there be a solid wood railing at the light well, and (3) the height of the railing at the lightwell shall be 60 inches high. This motion was made on the basis that it addresses some of the privacy concerns of the appellant.

SPEAKERS: Derrick Scocchera, appellant; Matt Owens, agent for permit holder; Tina Tam, PD; Matthew Greene, DBI.

PUBLIC COMMENT: None.

ITEMS (8A), (8B), (8C) & (8D) SHALL BE HEARD TOGETHER

(8A) 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. Note: On November 30, 2022, upon motion by Commissioner Lemberg, the Board voted 5-0 to continue the appeal to February 1, 2023, at the request of the parties.
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(8B) 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. See Note in (8A) above.
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(8C) 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. See Note in (8A) above.
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(8D) APPEAL NO. 22-075

HUNTER LEIGH and MARIA LEIGH, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	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 in the kitchen). PERMIT NO. 2022/06/06/5684. FOR HEARING TODAY. See Note in (8A) above.
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ACTION: Upon motion by President Swig, the Board voted 5-0 to continue these Items to February 22, 2023, at the request of the parties.

SPEAKERS: None.

PUBLIC COMMENT: None.

ADJOURNMENT.

There being no further business, President Swig adjourned the meeting at 7:06 p.m.

The supporting documents for this meeting can be found at the following link:
<https://sf.gov/meeting/february-1-2023/board-appeals-hearing-february-1-2023>

A video of this meeting, can be found at the following link:
https://sanfrancisco.granicus.com/player/clip/42912?view_id=6&redirect=true&h=0aada3d2fbc9ff30ae84dfbc69652361