

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES – WEDNESDAY, APRIL 12, 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, Commissioner Alex Lemberg, Commissioner John Trasviña and Commissioner J.R. Eppler.

Jen Huber, Deputy City Attorney, Office of the City Attorney (CAT); Tina Tam, Deputy Zoning Administrator, Planning Department (PD); Kevin Birmingham, Senior Building Inspector, Department of Building Inspection (DBI); Julie Rosenberg, Executive Director; Alec Longaway, Legal Assistant.

ABSENT: Vice President Jose Lopez.

(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: None.

(2) COMMISSIONER COMMENTS & QUESTIONS

SPEAKERS: Commissioner Trasviña spoke about the letter submitted by Mr. Emblidge during public comment at the last hearing, regarding cases that were previously heard by the Board. He stated that the Board had received a response letter from the department, and he wanted to know the next steps. He further stated that the public would want to know where the matter stands. Commissioner Trasviña also asked President Swig about the current status of any taxi appeals from the SFMTA.

President Swig stated that he and Ms. Rosenberg attended a meeting with the SFMTA to discuss the letter sent to them by Vice President Lopez regarding taxi issues. He further stated that the letter was constructively received and that the SFMTA would be following up with a formal response. In response to Commissioner Trasviña's inquiry about the status of taxi appeals, President Swig stated that, currently, any appeals would go to the Board of Appeals.

PUBLIC COMMENT: None.

(3) ADOPTION OF MINUTES

Discussion and possible adoption of the March 15, 2023 minutes.

ACTION: Upon motion by Commissioner Eppler, the Board voted 4-0-1 (Vice President Lopez absent) to adopt the March 15, 2023 hearing minutes, as amended by Commissioners Lemberg and Trasviña.

Commissioner Lemberg made two corrections to Item 1, General Public Comment: He added a “d” to Scott Emblidge’s last name in the first sentence and added an “r” to “23d” in the second sentence.

Commissioner Trasviña made two amendments to Item 5 (Appeal No. 23-007 @ 1468 Van Dyke): (1) he clarified the second condition in the Board’s motion by amending the language to state: “the deck shall be lowered to grade or made no higher than 30 inches, as measured from the grade,” and (2) he removed the title “Professor” from the appellant’s name under the “Speakers” section.

PUBLIC COMMENT: None.

(4) APPEAL NO. 23-004

<p>JIM REID, Appellant(s)</p> <p>vs.</p> <p>DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL</p>	<p>3420-3424 16th Street. Appealing the ISSUANCE on January 25, 2023, to Jay Davidson, of an Alteration Permit (Existing 3-unit building: modify lower unit at 3424 16th Street; remove window at rear yard bay and replace with a door to allow access to the rear yard; modify alcove at rear to provide a laundry area at lower level and infill door at lower unit at kitchen area with one hour wall). PERMIT NO. 2023/01/23/0604. FOR FURTHER CONSIDERATION. Note: On March 1, 2023, upon motion by Commissioner Lemberg, the Board voted 4-1 (President Swig dissented) to continue this matter to April 12, 2023, so that the parties can attempt to come to an agreement, with the participation of DBI, on an alternative solution.</p>
--	--

ACTION: Upon motion by Commissioner Lemberg, the Board voted 4-0-1 (Vice President Lopez absent) to continue this matter to June 7, 2023, so that: (1) the permit holder can submit plans that accurately reflect existing conditions at the property, and (2) the parties can attempt to come to an agreement, with the participation of DBI, on an alternative solution.

SPEAKERS: Jim Reid, appellant; Jay Davidson, permit holder; Kevin O’Neill, agent for permit holder; Kevin Birmingham, DBI.

PUBLIC COMMENT: None.

(5) APPEAL NO. 22-004

<p>AMALIA LEZCANO, Appellant(s)</p> <p>vs.</p> <p>DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL</p>	<p>3552-3558 20th Street. Appealing the ISSUANCE on January 14, 2022, to 3552-3558 20th Street, LLC, of an Alteration Permit (revision to Building Permit No. 2019/04/29/9176; add one bathroom to ground floor Unit No. 1; close lightwell at ground floor only; no change to egress or structural; comply with Notice of Violation Nos. 201878063 and 202181498). PERMIT NO. 2021/09/07/7852. FOR HEARING TODAY.</p>
--	--

ACTION: Upon motion by President Swig, the Board voted 4-0-1 (Vice President Lopez absent) to grant the appeal and revoke the permit on the basis that: (1) the structure was built illegally without a permit and should not be authorized, and (2) Building Permit No. 2023/0217/2176 will address the appellant's concerns because it restores the lightwell to its original condition.

SPEAKERS: Amalia Lezcano, appellant; Ernesto Lezcano, agent for appellant; My My Ly, agent for permit holder; Tony Pham, agent for permit holder; Tina Tam, PD; Kevin Birmingham, DBI.

PUBLIC COMMENT: None.

ITEMS (6A), (6B), (6C) & (6D) SHALL BE HEARD TOGETHER

(6A) APPEAL NO. 22-072

<p>HUNTER LEIGH and MARIA LEIGH, Appellant(s)</p> <p>vs.</p> <p>DEPT. OF BUILDING INSPECTION, Respondent</p>	<p>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 these appeals to February 1, 2023, at the request of the parties. On February 1, 2023, upon motion by President Swig, the Board voted 5-0 to continue these appeals to February 22, 2023, at the request of the parties. On February 14, 2023, the appeals were rescheduled, at the initiation of the Board Office and with the agreement of the parties, to March 15, 2023. The Board Office requested that the appeals be rescheduled due to a heavy calendar on February 22, 2023. On March 15, 2023, upon motion by Commissioner Lemberg, the Board voted 5-0 to continue these items to April 12, 2023, at the request of the parties.</p>
--	---

(6B) APPEAL NO. 22-073

<p>HUNTER LEIGH and MARIA LEIGH, Appellant(s)</p> <p>vs.</p> <p>DEPT. OF BUILDING INSPECTION, Respondent</p>	<p>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 (6A) above.</p>
--	---

(6C) 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, six fans and one kitchen hood). PERMIT NO. PM20220930337. FOR HEARING TODAY. See note in (6A) above.
---	---

(6D) 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 (6A) above.
---	---

ACTION: Upon motion by Commissioner Lemberg, the Board voted 4-0-1 (Vice President Lopez absent) to continue these Items to May 31, 2023, at the request of the parties.

SPEAKERS: None.

PUBLIC COMMENT: None.

ADJOURNMENT.

There being no further business, President Swig adjourned the meeting at 6:44 p.m.

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

<https://sf.gov/meeting/april-12-2023/board-appeals-hearing-april-12-2023>

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

https://sanfrancisco.granicus.com/player/clip/43396?view_id=6&redirect=true&h=c5d8d7b276c3a8f11e08f1669bc80562