

# **BOARD OF APPEALS**

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

### **MEETING MINUTES – WEDNESDAY, MAY 10, 2023**

#### **REGULAR 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.

Jen Huber, Deputy City Attorney, Office of the City Attorney (CAT); Corey Teague, Zoning Administrator, Planning Department (PD); Matthew Greene, Chief Building Inspector, Department of Building Inspection (DBI); Julie Rosenberg, Executive Director (via Zoom); 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: Lara Hanna stated that she was before the Board two weeks ago when she spoke on behalf of the Friends of the Mission Greenway and the wider Mission community. She stated that since the hearing, Monkeybrains had completely blocked public access to the parcel along 22<sup>nd</sup> Street by adding a \$300 monster lock to the fence. She further stated that on the Treat Avenue side, the Mission Kids Preschool put a lock on the fence preventing public access.

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

SPEAKERS: None.

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

Discussion and possible adoption of the April 26, 2023 minutes.

ACTION: Upon motion by Commissioner Lemberg, the Board voted 5-0 to adopt the April 26, 2023, meeting minutes as amended by Commissioner Trasviña. More specifically, the caption for Item 6 was amended to clarify that Vice President Lopez' letter to the SFMTA was sent on behalf of the Board of Appeals.

PUBLIC COMMENT: None.

**(4) APPEAL NO. 23-012**

|   |   |
|---|---|
| MARK LEVINSON and ANNETTE FARAGLIA,<br>Appellant(s)                 | 1462 Lake Street.<br>Appealing the ISSUANCE on March 10, 2023, to<br>Jon and Paula Paulsen, of an Alteration Permit<br>(Add a 10-foot cable fence). |
| vs.   |   |
| DEPT. OF BUILDING INSPECTION, Respondent<br>PLANNING DEPT. APPROVAL | PERMIT NO. 2023/02/23/2472.<br>FOR HEARING TODAY.   |

ACTION: Upon motion by President Swig, the Board voted 5-0 to grant the appeal and issue the permit on the condition it be revised to require the removal of the entire top horizontal bar of the fence and the cable wires located in front of the appellants' window. This motion was made on the basis that these changes address some of the appellants' concerns about light.

SPEAKERS: Annette Faraglia, appellant; Mark Levinson, appellant; Alexandra Jones, attorney for permit holders; Alice Barkley, attorney for permit holders; Jon Paulsen, permit holder; Paula Paulsen, permit holder; Ive Haugelund, agent for permit holders; Corey Teague, PD; Matthew Greene, DBI.

PUBLIC COMMENT: None.

**(5) SPECIAL ITEM: DISCUSSION AND POSSIBLE ACTION**

On December 14, 2022, the Board of Appeals (BOA) heard Appeal Nos. 22-076 and 22-077 regarding building permits issued for work at 146 23<sup>rd</sup> Avenue. The Board granted the appeals with conditions. At the Board's March 15, 2023 hearing, Scott Emblidge, the attorney for the appellant in those cases, spoke during general public comment and submitted a letter regarding these appeals. Mr. Emblidge indicated that not all of the Board's conditions were satisfied. At the request of President Swig, the Department of Building Inspection (DBI) submitted a response letter to the BOA on April 4, 2023. The commissioners will consider the letters submitted by Mr. Emblidge and DBI and determine the appropriate course of action, if needed.

SPEAKERS: President Swig, Commissioner Trasviña; Matthew Greene, DBI; Commissioner Eppler; Commissioner Lemberg; Scott Emblidge and Vice President Lopez.

President Swig told Inspector Greene that he would like to have the matter reviewed by the Director of DBI to ensure that the work was done properly and the appellant's concerns were resolved.

PUBLIC COMMENT:

Scott Emblidge stated that the Monahan's engineer did not want to do a compaction test because, after the soil was removed, the engineer put in grouting and did more work. He further stated that the Board's authority and the public's confidence had been undermined.

Bradley Solomon stated that he was a neighbor of the Mahers and had previously appeared before the Board when this matter was heard. He asked the Board what the Mahers were supposed to do now that the cement had been poured and a soil compaction test could not be done. He further stated that DBI wrongfully issued permits at least three times to the Monahans. He questioned the Board's authority and stated that there should be an obligation on the part of the Board and DBI to do something for the Mahers.

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Kieran Maher stated that DBI's purpose statement, as listed on their website, was not accomplished for this case. He stated that a compaction test was required by the Board and more excavation was done which was out of scope of the permit.

Ann Maher stated that she was one of the neighbors affected by the unpermitted construction. She stated that she and her family had been let down by San Francisco leaders and inspectors who were supposed to keep her family and neighborhood safe. She stated that she no longer feels safe in her home.

Nina Lysenko stated that she owns the house on the other side at 150 23<sup>rd</sup> Avenue. She stated that the violation was issued to her address and requested that the violation be removed from her record.

Lauren Monahan stated that she notified the neighbors on January 30<sup>th</sup> that she was going to move forward with the BOA decision. She got a permit to remove the soil and the soils engineer said that he was unable to do a compaction test. She stated that DBI did an inspection, and the foundations were looked at by DBI. She stated that she had complete faith in DBI.

### **ADJOURNMENT.**

There being no further business, President Swig adjourned the meeting at 7:09 p.m.

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

<https://sf.gov/meeting/may-10-2023/board-appeals-hearing-may-10-2023>

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

[https://sanfrancisco.granicus.com/player/clip/43633?view\\_id=6&redirect=true&h=1081bcb8e0033f474d5bce9c81d335f2](https://sanfrancisco.granicus.com/player/clip/43633?view_id=6&redirect=true&h=1081bcb8e0033f474d5bce9c81d335f2)