

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, MAY 31, 2023 5:00 P.M.

CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

**THE PUBLIC MAY JOIN THE MEETING IN-PERSON, BY COMPUTER (ZOOM) OR
TELEPHONE:**

Access by Computer:

<https://us02web.zoom.us/j/89690179087>

Access by Telephone:

Call: 1-669-900-6833

Webinar ID: 896 9017 9087

(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.

(2) COMMISSIONER COMMENTS & QUESTIONS

(3) ADOPTION OF MINUTES

Discussion and possible adoption of the May 17, 2023 minutes.

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(4) APPEAL NO. 23-015

<p>JAMES LIPSET, Appellant(s)</p> <p>vs.</p> <p>DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL</p>	<p>2507 Pacific Avenue. Appealing the ISSUANCE on March 15, 2023, to Jaime and Rory Weinstein, of an Alteration Permit (Remove existing, non-complying fire escape). PERMIT NO. 2023/0314/3618. FOR FURTHER CONSIDERATION. Note: On May 17, 2023, upon a motion by President Swig, the Board voted 3-0-2 (Vice President Lopez and Commissioner Trasviña absent) to continue this matter to May 31, 2023, so that the absent commissioners could participate in the vote. The three commissioners that were present were inclined to find that the permit was improperly issued, but a motion to grant the appeal would require four votes.</p>
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(5) APPEAL NO. 23-007

<p>TAKESHI MORO, Appellant(s)</p> <p>vs.</p> <p>DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL</p>	<p>1468 Van Dyke Avenue. Appealing the ISSUANCE on January 23, 2023, to Chau Chung, of an Alteration Permit (comply with Notice of Violation No. 2022291235; legalize one-level rear deck at rear yard with one-hour fire wall; legalize metal gate at front; remove patio cover: gazebo-canopy; new bathroom and home office; remove ladder to attic). PERMIT NO. 2022/07/12/8311. FOR FURTHER CONSIDERATION. On March 15, 2023: Upon motion by President Swig, the Board voted 5-0 to continue this matter to May 17, 2023, so that the permit holder can submit revised plans to reflect the following changes: (1) The two windows at the attic level shall be removed and the attic restored to the original condition of the house; the attic shall be used for maintenance purposes only and not for habitation or storage; (2) the deck shall be lowered to grade or made no higher than 30 inches as measured from the grade; the deck shall be set back five feet from the appellant's property line; these changes will remove the requirement for a firewall at the deck; (3) the dining room shall not be allowed to be converted to a home office, consequently the plans must be revised to remove the walls at this location and the 12-inch window that is located in the 13-inch space. This motion was made on the basis that these changes will rectify the illegal work performed by the permit holder and address some of the concerns of the appellant. On May 17, 2023 upon a motion by President Swig, the Board voted 3-0-2 (Vice President Lopez and Commissioner Trasviña absent) to continue this Item to May 31, 2023 because the Board had contemplated adopting revised plans which requires four votes. The parties agreed to have the matter continued.</p>
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(6) APPEAL NO. 23-017

<p>1281-1283 GREENWICH STREET PROPERTY LLC, Appellant(s)</p> <p>vs.</p> <p>ZONING ADMINISTRATOR, Respondent</p>	<p>1281-1283 Greenwich Street. Appealing the ISSUANCE on April 6, 2023 of a Violation & Penalty Decision (Planning Department records indicate that the subject property is currently authorized for two-family dwelling unit use and the violation pertains to the unauthorized merger of the dwelling units in violation of Planning Code Section 317. Additionally, work was conducted without the required permits in violation of Planning Code Section 175). COMPLAINT NO. 2022-007739ENF. FOR HEARING TODAY.</p>
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ITEMS (7A) AND (7B) SHALL BE HEARD TOGETHER

(7A) APPEAL NO. 19-139

<p>YIN KWAN TAM FAMILY TRUST, Appellant(s)</p> <p>vs.</p> <p>ZONING ADMINISTRATOR, Respondent</p>	<p>2861-2865 San Bruno Avenue. Appealing the ISSUANCE on November 26, 2019, of a Request for Suspension of building permits (building expansion without Planning Department review or approval and substantial construction work being done without permits; plumbing and electric work along with tile and cabinet work was done for what appears to be six kitchens and the property is allowed to have two units; the Planning Department requires that the project on the subject property be combined with the project at the adjacent property, 2867-2899 San Bruno Avenue, which is owned by the same owners, and authorized as a single project as both properties meet the definition of a single Lot per Planning Code Sec. 102; the Planning Department requests suspension of these permits so that the permit holder can submit a Conditional Use Authorization with a correct and updated scope of work and accurate plans; demolition calculations will also be required). PERMIT NOS. 2013/12/30/5201, 2017/04/03/3064, 2017/08/28/6129. FOR HEARING TODAY.</p>
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(7B) APPEAL NO. 20-036

<p>YIN KWAN TAM FAMILY TRUST, Appellant(s)</p> <p>vs.</p> <p>ZONING ADMINISTRATOR, Respondent</p>	<p>2861-2865 San Bruno Avenue.</p> <p>Appealing the ISSUANCE on April 30, 2020 of a Notice of Violation (the violations pertain to excessive demolition of an existing mixed use (two dwelling units over ground floor commercial) building and unpermitted deviations to the approved architectural design; the property is authorized for two dwelling units on the second floor and commercial use on the ground floor; four additional unpermitted dwelling units were created by splitting each of the two authorized dwelling units into two separated dwelling units on the second, third, and fourth floor resulting in a total of six dwelling units at the property; additionally, substantial demolition and interior and exterior alterations were done without permits and approval by the Planning Department).</p> <p>COMPLAINT NO. 2019-020031ENF. FOR HEARING TODAY.</p>
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ITEMS (8A), (8B), (8C) & (8D) SHALL BE HEARD TOGETHER

(8A) 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 Items 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. On April 12, 2023, upon motion by Commissioner Lemberg, the Board voted 4-0-1 (Vice President Lopez absent) to continue these Items to May 31, 2023, so that the parties would have more time to work on a settlement agreement.</p>
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(8B) 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 (8A), above.</p>
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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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ADJOURNMENT.

Note: The materials for each item on this agenda may include some or all of the following documents: Preliminary Statement of Appeal; Departmental determination being appealed; briefs submitted by Appellants, Permit Holders, Respondent Departments or Other Parties; submittals by members of the public; and correspondence. These items, and any materials related to an item on this agenda that are distributed to the Board members at the hearing, are available for public inspection at the Board's website <https://sf.gov/departments/board-appeals> and upon request by emailing the Board Office boardofappeals@sfgov.org. Please call 628-652-1150 if you have any questions concerning this agenda.

Date posted: **May 26, 2023**

MEMBERS OF THE BOARD OF APPEALS

RICK SWIG	PRESIDENT
JOSE LOPEZ	VICE PRESIDENT
ALEX LEMBERG	COMMISSIONER
JOHN TRASVIÑA	COMMISSIONER
J.R. EPPLER	COMMISSIONER

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Members of the Board will attend the meeting in-person, and members of the public are invited to attend in-person, by computer, or by telephone as described above. To ensure full public participation in the Board's adjudicatory hearings, the Board will not impose a time limit on the total amount of remote public comment for any agenda items at this meeting.

PROCEDURE AT HEARINGS

Except when the Presiding Officer finds good cause to order the presentations otherwise, the order of presentation of an appeal shall be as follows: (a) the appellant shall speak first and shall be allowed seven minutes to present relevant testimony and evidence. Then the permit holder, representatives of the department, board, commission or person from whose order the appeal is taken, and/or other parties, shall be allowed seven minutes for presentation of relevant testimony and evidence. Three minutes for rebuttal shall be provided to all parties in this same order; (b) the Board may request a departmental response at its own discretion. For rehearing requests and jurisdiction requests, each party shall be allowed three minutes to present testimony and evidence, with no rebuttal.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes, unless the presiding officer further limits time uniformly.

Those members of the public who intend to testify about a particular appeal and wish to have the Board give their testimony evidentiary weight for purposes of deciding the appeal are asked to take an oath. Please note that any member of the public may speak without being sworn-in pursuant to their rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code).

SPECIAL NOTES

The Board reserves the right to not start an item on the agenda after 10:00 p.m.

If the Board continues a matter to a specific date that is announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at (628) 652-1150 for scheduling or other information during regular business hours or visit our website at www.sfgov.org/boa.

The complete Rules of the Board are available for review on our website.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to the Board President, and be received at boardofappeals@sfgov.org, no later than 4:30 p.m. one Thursday prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to boardofappeals@sfgov.org. Comments received before noon on the day of the hearing will be made a part of the official record and will be brought to the attention of the Board at the public hearing. Please note that names and addresses included in these submittals will become part of the public record. Submittals may be made anonymously.

Pursuant to Government Code § 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

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Calendared items are sometimes withdrawn or rescheduled the day of hearing or are taken out of order to accommodate special needs. The Board urges all parties to be present at the hearing from 5:00 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

PROHIBITION OF SOUND-PRODUCING ELECTRONIC DEVICES

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

ACCESSIBILITY INFORMATION

If you need technical assistance or would like to receive instruction on how to access the meeting via Zoom, please email or call the Board Office: boardofappeals@sfgov.org or (628) 652-1150.

To obtain a disability-related modification or accommodation, including auxiliary aids or services to participate in the meeting, please contact the Board office at least 48 hours before the meeting at boardofappeals@sfgov.org or (628) 652-1150.

American sign language interpreters, translation services and/or sound enhancement will be available upon request by contacting Board staff at (628) 652-1150 at least 48 hours prior to the hearing.

Intérpretes de lenguaje de señas americano, servicio de traducción y/o mejoramiento del sonido estará disponible a petición contactando con personal de la Junta al (628) 652-1150 por lo menos 48 horas antes de la audiencia.

美国手语翻译, 翻译服务和/或声音增强将可在聆讯前48小时通过联系652-1150局人员要求.

Ang mga tagapagsalin sa lenggwaheng pasenyas, mga serbisyong pagsasalin at/o mga gamit upang pabutihin ang pakikinig ay maaaring hilingin sa Board Staff sa (628) 652-1150 sa hindi bababa na 48 oras bago mag hearing.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force: by mail to Administrator, Sunshine Ordinance Task Force, City Hall, Room 244, 1 Dr. Carlton

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B. Goodlett Place, San Francisco, CA 94102-4689; by phone at (415) 554-7724; by fax at (415) 554-5163; or by e-mail at sotf@sfgov.org. Citizens interested in obtaining a free copy of the Sunshine Ordinance may request a copy from the Sunshine Ordinance Task Force Administrator or by printing Chapter 67 of the San Francisco Administrative Code on the internet at www.sfgov.org/sunshine.

LOBBYING ACTIVITY/CAMPAIGN CONTRIBUTIONS

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign and Governmental Conduct Code § 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 25 Van Ness Ave., Suite 220, San Francisco, CA 94102; telephone: (415) 252-3100; email ethics.commission@sfgov.org; web site www.sfgov.org/ethics.

Under Campaign and Governmental Conduct Code Section 1.127, no person or entity with a financial interest in a land use matter pending before the Board of Appeals, Board of Supervisors, Building Inspection Commission, Commission on Community Investment and Infrastructure, Historic Preservation Commission, Planning Commission, Port Commission, or the Treasure Island Development Authority Board of Directors, may make a campaign contribution to a member of the Board of Supervisors, the Mayor, the City Attorney, or a candidate for any of those offices, from the date the land use matter commenced until 12 months after the board or commission has made a final decision or any appeal to another City agency from that decision has been resolved. For more information about this restriction, visit sfethics.org.

SUGGESTIONS TO IMPROVE EFFICIENCY

The Board welcomes suggestions from the public regarding improvement of the efficiency of its operations. Please direct your comments and suggestions to Board staff, at boardofappeals@sfgov.org or (628) 652-1150. A customer satisfaction survey form is available at the meetings, the Board office, and on the Board's web site, www.sfgov.org/boa.

ONLINE VIDEO STREAMING OF MEETINGS

Online video streaming and audio and video file downloads of Board meetings are available at: https://sanfrancisco.granicus.com/ViewPublisher.php?view_id=6.

**BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO**
49 South Van Ness Avenue, Suite 1475
San Francisco, California 94103

The Board's physical office is open to the public by appointment only. Please email boardofappeals@sfgov.org or call 628-652-1150 if you would like to meet with a staff member.