

**BOARD OF APPEALS**

**CITY & COUNTY OF SAN FRANCISCO**

**AGENDA FOR REGULAR MEETING - WEDNESDAY, JUNE 7, 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/85632736739>**

**Access by Telephone:**

**Call: 1-669-900-6833**

**Webinar ID: 856 3273 6739**

**(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 31, 2023 minutes.

**(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. <b>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. On April 12, 2023, 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.</b></p>
--	---

**(5) APPEAL NO. 23-018**

<p>JENNIFER DESIMONE, Appellant(s)</p> <p>vs.</p> <p>DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL</p>	<p>485-485A Day Street. Appealing the ISSUANCE on April 13, 2023, to John Ford and Wynn Taylor Ford, of a Site Permit (horizontal expansion to rear vertical expansion, add one floor; remodel interior including kitchen and general layout; add three bedrooms and two bathrooms at the new 3rd floor; add an ADU behind the existing garage at the 1st floor; new windows and cement plaster at front; new roof deck above 3rd floor). PERMIT NO. 2020/11/17/9094. FOR HEARING TODAY.</p>
---	--

**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.</p> <p>Appealing the ISSUANCE on September 30, 2022, to Surinder Sandhu, of an Electrical Permit (rewire all three remodel floors with new 200-amp service).</p> <p>PERMIT NO. E202209302726.</p> <p>FOR HEARING TODAY.</p> <p><b>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. On May 31, 2023, upon motion by Commissioner Eppler, the Board voted 5-0 to continue these Items to June 7, 2023, at the request of the parties.</b></p>
--	--

## **REGULAR MEETING, BOARD OF APPEALS, JUNE 7, 2023 - PAGE 4**

### **(6B) 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. <b>See Note in (6A), above.</b>
---	---

### **(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, and six fans and one kitchen hood). PERMIT NO. PM20220930337. FOR HEARING TODAY. <b>See Note in (6A), above.</b>
---	--

### **(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. <b>See Note in (6A), above.</b>
---	---

### **(7) SPECIAL ITEM: DISCUSSION AND POSSIBLE ACTION**

On April 26, 2023, the Board of Appeals (“BOA”) heard Appeal No. 23-008, an appeal by Friends of the Mission Greenway of a building permit issued to 17<sup>th</sup> and Peralta LLC to replace a fence at 957 Treat Avenue (popularly known as “Parcel 36”). The BOA granted the appeal unanimously, with the support of both the Planning Department and the Department of Building Inspection because 17th and Peralta LLC, was not the owner of record for 957 Treat Avenue. Parcel 36 has no apparent owner of record and multiple parties seek to utilize the space, including both parties to the appeal. The Commissioners will consider a draft letter to be sent on behalf of the BOA to Mayor Breed, Supervisor Ronen, President Peskin and relevant City departments requesting that they intervene in the dispute between the public and property owners adjacent to Parcel 36, and take a proactive role in resolving the ambiguous ownership status of Parcel 36.

**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](mailto:boardofappeals@sfgov.org). Please call 628-652-1150 if you have any questions concerning this agenda.

Date posted: **June 2, 2023**

<b>MEMBERS OF THE BOARD OF APPEALS</b>
--

<b>RICK SWIG</b>	<b>PRESIDENT</b>
<b>JOSE LOPEZ</b>	<b>VICE PRESIDENT</b>
<b>ALEX LEMBERG</b>	<b>COMMISSIONER</b>
<b>JOHN TRASVIÑA</b>	<b>COMMISSIONER</b>
<b>J.R. EPPLER</b>	<b>COMMISSIONER</b>

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

## **REGULAR MEETING, BOARD OF APPEALS, JUNE 7, 2023 - PAGE 6**

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](http://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](mailto: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](mailto: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.

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](mailto:boardofappeals@sfgov.org) or (628) 652-1150.

To obtain a disability-related modification or accommodation, including auxiliary aids or services to

## **REGULAR MEETING, BOARD OF APPEALS, JUNE 7, 2023 - PAGE 7**

participate in the meeting, please contact the Board office at least 48 hours before the meeting at [boardofappeals@sfgov.org](mailto: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 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](mailto: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](http://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](mailto:ethics.commission@sfgov.org); web site [www.sfgov.org/ethics](http://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

## **REGULAR MEETING, BOARD OF APPEALS, JUNE 7, 2023 - PAGE 8**

decision or any appeal to another City agency from that decision has been resolved. For more information about this restriction, visit [sfethics.org](http://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](mailto: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](http://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](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](mailto:boardofappeals@sfgov.org) or call 628-652-1150 if you would like to meet with a staff member.