

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

DRAFT MEETING MINUTES – WEDNESDAY, MAY 31, 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; 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: None.

(2) COMMISSIONER COMMENTS & QUESTIONS

SPEAKERS: None.

(3) ADOPTION OF MINUTES

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

ACTION: Upon motion by Commissioner Lemberg, the Board voted 5-0 to adopt the May 17, 2023, meeting minutes.

PUBLIC COMMENT: None.

(4) APPEAL NO. 23-015

JAMES LIPSET, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	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.
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ACTION: Upon motion by President Swig, the Board voted 4-1 (Commissioner Trasviña dissented) to grant the appeal and revoke the permit on the basis that it was improperly issued because the fire escape is connected to two properties and its removal would require two permits, one from each property owner.

SPEAKERS: Laura Strazzo, attorney for appellant; Steve Williams, attorney for permit holders; Corey Teague, PD; Matthew Greene, DBI.

PUBLIC COMMENT: None.

(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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ACTION: Upon motion by Vice President Lopez, the Board voted 5-0 to grant the appeal and issue the permit on the condition it be revised as follows: (1) to require the adoption of the revised plans submitted to the Board Office on May 18, 2023, (2) the permit holder shall correct the original conditions on the revised plans to show that that there were only two bedrooms on the first floor,

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and (3) the permit holder shall submit the revised plans for a special conditions permit within 90 days of the release of the Board's Notice of Decision and Order for this appeal. This motion was made on the basis that the revised plans address some of the appellant's concerns.

SPEAKERS: Corey Teague, PD; Matthew Greene, DBI; Cindy Tran, agent for permit holder; Monica, interpreter for Cindy Tran; Takeshi Moro, appellant.

PUBLIC COMMENT: None.

(6) APPEAL NO. 23-017

1281-1283 GREENWICH STREET PROPERTY LLC, Appellant(s)	1281-1283 Greenwich Street.
vs.	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).
ZONING ADMINISTRATOR, Respondent	COMPLAINT NO. 2022-007739ENF. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Trasviña, the Board voted 5-0 to continue this matter to June 21, 2023, at the request of the parties.

SPEAKERS: None.

PUBLIC COMMENT: None.

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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ACTION: Upon motion by Commissioner Lemberg, the Board voted 5-0 to continue these Items to June 21, 2023, at the request of the parties.

SPEAKERS: None.

PUBLIC COMMENT: None.

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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ACTION: Upon motion by Commissioner Eppler, the Board voted 5-0 to continue these Items to June 7, 2023, at the request of the parties.

SPEAKERS: None.

PUBLIC COMMENT: None.

ADJOURNMENT.

There being no further business, President Swig adjourned the meeting at 6:29 p.m.

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

<https://sf.gov/meeting/may-31-2023/board-appeals-hearing-may-31-2023>

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

https://sanfrancisco.granicus.com/player/clip/43797?view_id=6&redirect=true&h=dfbc142dfcf617838ae8ea79223640de