

**BOARD OF APPEALS**

**CITY & COUNTY OF SAN FRANCISCO**

**MEETING MINUTES – WEDNESDAY, JULY 26, 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, 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); Tina Tam, Deputy Zoning Administrator, PD; Matthew Greene, Acting Deputy Director Inspection Services, 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: None.

(3) **ADOPTION OF MINUTES**

Discussion and possible adoption of the July 12, 2023 minutes.

ACTION: Upon motion by Commissioner Trasviña, the Board voted 4-0-1 (Vice President Lopez absent) to adopt the July 12, 2023, meeting minutes as amended by Commissioner Lemberg, Commissioner Trasviña and David Osgood.

PUBLIC COMMENT: David Osgood, the appellant for Item 4 on the draft minutes, stated that the Planning Code Section referenced in the first line of page four of the draft minutes “1000.6”, should be changed to “1006.6”.

**(4) APPEAL NO. 23-024**

SHUXIAN TAN, Appellant(s)  vs.  DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	807 44th Avenue. Appealing the ISSUANCE on May 12, 2023, to Ling La, of an Alteration Permit (demolition of non-code ADU spaces in garage, two rooms, one bathroom and kitchen; separate plumbing and electrical permits required for this work). PERMIT NO. 2022/01/12/5846. FOR HEARING TODAY.
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ACTION: Upon motion by Commissioner Trasviña, the Board voted 4-0-1 (Vice President Lopez absent) to grant the appeal and revoke the permit on the basis that it was issued in error based on the incomplete information given on the application.

SPEAKERS: Tina Tam, PD; Matthew Greene, DBI; Pamela Kong, attorney for appellant; Shuxian Tan, appellant; Interpreter for appellant; Zhaoying He, agent for appellant; Interpreter for Zhaoying He; Ling La, permit holder; Nelson Wong, agent for permit holder; Tiffany Vuu, agent for permit holder.

PUBLIC COMMENT: Gen Fujioka, as a representative of the Chinatown Community Development Center, spoke in support of the appellant.

**ITEMS (5A) & (5B) SHALL BE HEARD TOGETHER**

**(5A) APPEAL NO. 23-027**

ALBERT URRUTIA and PATRICIA URRUTIA, Appellant(s)  vs.  DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2455 Harrison Street. Appealing the ISSUANCE on May 23, 2023, to Fahman Properties LLC, of a Demolition Permit (demolish an existing auto repair (industrial) building). PERMIT NO. 2019/04/30/9260. FOR HEARING TODAY.
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**(5B) APPEAL NO. 23-026**

ALBERT URRUTIA and PATRICIA URRUTIA, Appellant(s)  vs.  DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2455 Harrison Street. Appealing the ISSUANCE on May 23, 2023, to Fahman Properties LLC, of a Site Permit (erect a four-story, five-dwelling with one basement mixed building Type 3a over 1a). PERMIT NO. 2019/04/30/9262. FOR HEARING TODAY.
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ACTION: Upon motion by Commissioner Eppler, the Board voted 4-0-1 (Vice President Lopez absent) to deny the appeals and uphold the permits on the basis that they were properly issued.

SPEAKERS: Steve Williams, attorney for appellants; Albert Urrutia, appellant; Patricia Urrutia, appellant; Tom Tunny, attorney for permit holder; Toby Morris, agent for permit holder; Tina Tam, PD; Matthew Greene, DBI.

PUBLIC COMMENT: Adam Pavlacka spoke in support of the permit holder.

**(6) 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. Appealing the ISSUANCE on April 30, 2020, to Yin Kwan Tam Family Trust, 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). COMPLAINT NO. 2019-020031ENF. FOR HEARING TODAY. <b>Note: On May 31, 2023, upon motion by Commissioner Lemberg, the Board voted 5-0 to continue this Item to June 21, 2023, at the request of the parties. On June 21, 2023, upon motion by Commissioner Lemberg, the Board voted 5-0 to continue this Item to July 26, 2023, at the request of the parties.</b></p>
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**ACTION:** Upon motion by Commissioner Lemberg, the Board voted 4-0-1 (Vice President Lopez absent) to continue this matter to August 2, 2023, at the request of the parties.

**SPEAKERS:** None.

**PUBLIC COMMENT:** None.

**(7) APPEAL NO. 23-025**

<p>MCF-1964 POST LP, Appellant(s)</p> <p>vs.</p> <p>ZONING ADMINISTRATOR, Respondent</p>	<p>1964 Post Street. Appealing the ISSUANCE on May 31, 2023, to MCF-1964 Post LP, of a Letter of Determination (The request seeks to confirm that the current legal use of the property under the Planning Code is a 12-unit residential building. The Zoning Administrator determined that the Subject Property contains 11 dwelling units). RECORD NO. 2022-011140ZAD. FOR HEARING TODAY.</p>
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**ACTION:** Upon motion by Commissioner Lemberg, the Board voted 4-0-1 (Vice President Lopez absent) to deny the appeal and uphold the Letter of Determination on the basis that the Zoning Administrator did not err or abuse his discretion.

**SPEAKERS:** Justin Zucker, attorney for appellant; Corey Teague, PD; Matthew Greene, DBI.

**PUBLIC COMMENT:** None.

**(8) APPEAL NO. 23-016**

<p>2700 SLOAT HOLDINGS LLC, Appellant(s)</p> <p>vs.</p> <p>ZONING ADMINISTRATOR, Respondent</p>	<p>Appealing the ISSUANCE on March 28, 2023 of the Zoning Administrator's Interpretation of Planning Code Sections 102 and 270 regarding Measurement of Bulk and Plan Dimensions (Unless specified elsewhere in the Planning Code, the maximum Plan Dimensions per specific bulk limits apply within the exterior walls of each individual building or structure, such that a single building may not have multiple vertical elements (i.e. towers, etc.) that collectively exceed the maximum permitted Plan Dimensions. However, separate buildings on the same lot will have separate Plan Dimensions for the purpose of measuring bulk limits).</p> <p>FOR HEARING TODAY.</p> <p><b>Note: On May 17, 2023, upon motion by President Swig, the Board voted 3-0-2 (Vice President Lopez and Commissioner Trasviña absent) to continue this matter to June 21, 2023, so that the full Board could hear the case. The request for the continuance was made by the appellant and agreed to by the Zoning Administrator. On June 1, 2023, the matter was rescheduled to July 26, 2023, at the request of the appellant and with the agreement of the Zoning Administrator.</b></p>
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**ACTION:** Upon motion by Commissioner Lemberg, the Board voted 4-0-1 (Vice President Lopez absent) to deny the appeal and uphold the Zoning Administrator's March 28, 2023, Interpretation of Planning Code Sections 102 and 270, on the basis that the Zoning Administrator did not err or abuse his discretion.

**SPEAKERS:** Melinda Sarjapur, attorney for appellant; Corey Teague, PD.

**PUBLIC COMMENT:** David Miller, Sophia Papageorgiou, Renee Lazear, Eileen Boken, Evan Rosen, Anonymous, Jean Barish, and Galina spoke in support of the Zoning Administrator.

Gianmatteo Costanza had questions about applying the bulk limits.

Ryan Patterson (on behalf of YIMBY), Jane Natoli, Rafa Sonnenfeld, Sonja Trauss (Executive Director of YIMBY), Robert Fruchtman, Mike Chen, and Jessica Perla spoke in support of the appellant.

**ADJOURNMENT.**

There being no further business, President Swig adjourned the meeting at 10:15 p.m.

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

<https://sf.gov/meeting/july-26-2023/board-appeals-hearing-july-26-2023>

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

[https://sanfrancisco.granicus.com/player/clip/44181?view\\_id=6&redirect=true&h=6346d239a26fa7d2430d762c7cb2ae4b](https://sanfrancisco.granicus.com/player/clip/44181?view_id=6&redirect=true&h=6346d239a26fa7d2430d762c7cb2ae4b)