

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES – WEDNESDAY, AUGUST 2, 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 John Trasviña, Commissioner Alex Lemberg, and Commissioner J.R. Eppler.

Jen Huber, Deputy City Attorney, Office of the City Attorney (CAT); Corey Teague, Zoning Administrator, Planning Department (PD); Kevin Birmingham, Acting 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: Eileen Boken spoke about an appeal heard on the Board's previous agenda involving the project on Sloat Blvd across from the zoo. She stated that the Zoning Administrator said that the lot size was too small for a four-tower design. Ms. Boken also talked about the proposed project at 2700 45th Avenue, the site of the United Irish Cultural Center, which was approved by the Planning Commission on July 27th. Ms. Boken noted that one of the main concerns was the designation of it as a Special Use District. She questioned the precedential impact this would have on the 2700 Sloat Avenue project.

President Swig noted that Joshua Klipp submitted public comment for the July 12, 2023, hearing regarding his concern that the Department of Public Works did not follow up on a couple of mandates imposed by the Board for two previous appeals. President Swig noted that the Board had received a written response from Public Works which was available as public comment for the hearing. He thanked Public Works for their swift and thorough response to Mr. Klipp's letter.

Commissioner Trasviña thanked President Swig for the update. He further asked if the Board ever received a response to the letter it sent to Supervisor Ronen and various city agencies regarding the matter on Treat Avenue. President Swig stated that the letter did not ask for a response and that they were leaving it to the Supervisor's Office to coordinate an effort with their constituency to follow up on the Item.

(2) COMMISSIONER COMMENTS & QUESTIONS

SPEAKERS: Commissioner Lemberg stated that they noticed an uptick in attendance by the public at the Board hearings. They thanked the public for its attendance and noted that it contributed to the decision-making process as it gave the Board an opportunity to learn what was really at stake. Commissioner Lemberg further stated that they were not supportive of limiting public comment to one minute as it was not enough time. They were generally okay with two minutes if it would prevent a nine-hour hearing.

PUBLIC COMMENT: None.

(3) ADOPTION OF MINUTES

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

ACTION: Upon motion by Commissioner Trasviña, the Board voted 5-0 to adopt the July 26, 2023, meeting minutes as amended by Commissioner Lemberg and Commissioner Trasviña.

PUBLIC COMMENT: None.

(4) 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. 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. On July 26, 2023, 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. On July 26, 2023, 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.</p>
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ACTION: Upon motion by Commissioner Lemberg, the Board voted 5-0 to grant the appeal and issue the Notice of Violation (NOV) on the condition it be revised to require the adoption of the proposed language submitted by the parties regarding the timeline to respond.

SPEAKERS: Ryan Patterson, attorney for appellant; Corey Teague, PD.

PUBLIC COMMENT: None.

(5) APPEAL NO. 23-031

DEETJE BOLER, Appellant(s) vs. SAN FRANCISCO PUBLIC WORKS, BUREAU OF URBAN FORESTRY, Respondent	1345 Ellis Street. Appealing the ISSUANCE on June 16, 2023, to Saint Francis Square Cooperative, of a Public Works Order (approval to remove ten Significant Trees on private property with replacement of four and approval to remove one street tree with replacement). ORDER NO. 208224. FOR HEARING TODAY.
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ACTION: Upon motion by Commissioner Lemberg, the Board voted 5-0 to continue this matter to September 6, 2023. The appellant made the request to continue this Item prior to the hearing, and the other parties agreed to the later date.

SPEAKERS: None.

PUBLIC COMMENT: None.

(6) APPEAL NO. 23-030

BRUCE MACLEOD and DEBORAH MACLEOD, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	144 25th Avenue. Appealing the ISSUANCE on June 9, 2023, to Frank Bellizzi, of an Alteration Permit (the project generally consists of replacement of the existing first floor deck and expanding the deck to the rear-yard setback line; addition of a roof deck above the second bedroom office floor, accessed via four new doors from the third floor office). PERMIT NO. 2023/02/02/1229. FOR HEARING TODAY.
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ACTION: Upon motion by Commissioner Eppler, the Board voted 5-0 to continue this Item to September 27, 2023, in order to give the parties an opportunity to confer and seek a resolution to the matter with input from the Planning Department. The Board further encouraged the project sponsor to reach out to members of the public who expressed concerns about the project at the hearing.

SPEAKERS: Deborah Macleod, appellant; Bruce Macleod, appellant; Renato Jose, agent for permit holder; Brett Gladstone, attorney for permit holder; Corey Teague, PD; Kevin Birmingham, DBI.

PUBLIC COMMENT: Michael Kardos, Ron Lissak and Lexi Bisbee spoke in support of the appellants.

ITEMS (7A) & (7B) SHALL BE HEARD TOGETHER

(7A) APPEAL NO. 23-028

FRIENDS OF THE MISSION GREENWAY, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	931 Treat Avenue. Appealing the ISSUANCE on June 2, 2023, to 17th and Peralta LLC, of an Alteration Permit (demolish interior non-structural partitions; create new exit passageway and entry hall). PERMIT NO. 2023/04/13/5665. FOR HEARING TODAY.
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(7B) APPEAL NO. 23-029

FRIENDS OF THE MISSION GREENWAY, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	933 Treat Avenue. Appealing the ISSUANCE on June 2, 2023, to 17th and Peralta LLC, of an Alteration Permit (demolish interior non-structural partitions; remodel two existing restrooms, add two new restrooms, remodel existing kitchenette, create new interior entry hall). PERMIT NO. 2023/04/13/5668. FOR HEARING TODAY.
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ACTION: Upon motion by President Swig, the Board voted 5-0 to deny the appeals and uphold the permits on the basis that they were properly issued.

SPEAKERS: Lara Hanna, agent for appellant; Alex Menendez, agent for permit holder; Rudy Rucker, agent for permit holder; Corey Teague, PD; Kevin Birmingham, DBI.

PUBLIC COMMENT: Paul Lavermer, Linh, Charlotte Cushman, Michael Hawes, Jay Martin, Oumar Yaida, Edward Hasbrouck, Valentina Ramos and Jorge Romero-Lozano spoke in support of the appellant.

Miguel Lopez-Saenl stated that the work under the permits should go forward, but the labeling on Parcel 36 should be corrected.

Sophia Chumley stated that she appreciated that Monkey Brains provided free internet service. She also supported Mission Greenway for their gardens and urban farming. She expressed hope that the parties could come together to share the space.

Kevin Mogg stated that he hoped the parties could work it out and a good use for the land could be supported.

Devin Osband, Lawrence Bito, Heather Lubeck, Mason Carroll, Carlos Roldan, Daniel Woodbury, Tiffany Zerna, Linda Lagunas and Kellie Menendez spoke in support of the permit holder.

ADJOURNMENT.

There being no further business, President Swig adjourned the meeting at 9:04 p.m.

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

<https://sf.gov/meeting/august-2-2023/board-appeals-hearing-august-2-2023>

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

https://sanfrancisco.granicus.com/player/clip/44206?view_id=6&redirect=true&h=eb7c2358784cd357f3554ee4b5a337ca