

**BOARD OF APPEALS**

**CITY & COUNTY OF SAN FRANCISCO**

**DRAFT MEETING MINUTES – WEDNESDAY, AUGUST 16, 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: Vice President Jose Lopez, Commissioner John Trasviña, Commissioner Alex Lemberg, and Commissioner J.R. Eppler.

Jon Givner, Deputy City Attorney, Office of the City Attorney (CAT); Rich Hillis, Planning Director, Planning Department (PD); Tina Tam, Deputy Zoning Administrator, PD; Kelly Wong, Code Enforcement Manager, PD; Matthew Greene, Deputy Director, Inspection Services, Department of Building Inspection (DBI); Ryan Casey, Case Worker, Site Mitigation Program, Department of Public Health (DPH); Julie Rosenberg, Executive Director; Alec Longaway, Legal Assistant.

ABSENT: President Rick Swig.

(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: Commissioner Trasviña noted that, at the last meeting, Commissioner Lemberg spoke about the importance of avoiding the reduction of time for public comment. Commissioner Trasviña stated that he appreciated and concurred with this viewpoint. Commissioner Trasviña further noted that the increasing frequency of voluminous and sometimes repetitive exhibits attached to briefs lengthened the hearing record in some cases to over 1000 pages. He cautioned that this development sends a strong message to members of the public that perhaps a high-priced lawyer is needed to get in front of the Board and may discourage community participation when the Board is supposed to be accessible to the people.

Commissioner Eppler thanked Commissioner Trasviña for his comments and noted that when paper submissions were required, there was a certain discipline in the printing and carrying of the material. He suggested that electronic submissions made it easy. Commissioner Eppler also acknowledged that it was the first day of classes for the SFUSD, and he wanted to recognize all the teachers and school staff for their hard work in making the schools nice for the return of the students and their parents.

Vice President Lopez echoed the comments made by Commissioner Trasviña and Commissioner Eppler. He welcomed members of the public in attendance at the hearing and stressed the importance of public comment. He noted, however, that the meeting might be long, and that public comment might have to be limited, in the interest of time, if there were a lot of speakers.

PUBLIC COMMENT: None.

**(3) ADOPTION OF MINUTES**

Discussion and possible adoption of the August 2, 2023 minutes.

ACTION: Upon motion by Commissioner Trasviña, the Board voted 4-0-1 (President Swig absent) to adopt the August 2, 2023, meeting minutes as amended by Commissioner Lemberg.

PUBLIC COMMENT: None.

**(4) APPEAL NO. 23-032**

CHIUNG HUNG (JULIE) SIEH, Appellant(s)  vs.  ZONING ADMINISTRATOR, Respondent	354 Head Street. Appealing the ISSUANCE on June 2, 2023, to Chiu Hung (Julie) Sieh, of a Notice of Violation (The subject property is authorized for residential use with a single dwelling unit. The violation pertains to an Unauthorized Unit on the ground floor behind the garage). COMPLAINT NO. 2018-012881ENF. FOR HEARING TODAY.
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ACTION: Upon motion by Commissioner Eppler, the Board voted 4-0-1 (President Swig absent) to deny the appeal and uphold the Notice of Violation on the basis that the Acting Zoning Administrator did not err or abuse her discretion and the determination was properly issued.

SPEAKERS: Andrew Catterall, attorney for appellant; Chiu Hung Sieh, appellant; Tina Tam, PD; Matthew Greene, DBI.

PUBLIC COMMENT: None.

**(5) APPEAL NO. 23-033**

<p>TIMESPACE ALEXANDRIA LLC, Appellant(s)</p> <p>vs.</p> <p>ZONING ADMINISTRATOR, Respondent</p>	<p>5400 Geary Blvd. Appealing the ISSUANCE on June 15, 2023, to Timespace Alexandria LLC, of an Amended Notice of Violation (The subject property is currently authorized for movie theater use and is a Category A historic resource constructed in 1923 and identified in the eligible San Francisco Neighborhood Movie Theatre Historic District on the California Register of Historical Resources and the National Register of Historic Places. On 4/25/13, the Planning Commission approved Conditional Use Authorization (Motion No. 18853) for a project consisting of the renovation of the existing historic Alexandria Theater building and the construction of a new mixed-use building. The violation pertains to the general negligence of maintaining and upkeeping the subject historic property as required by the Conditions of Approval in Motion No. 18853. To date none of the permits filed and issued for the repair and restoration of the historic theater building have been pursued or completed). COMPLAINT NO. 2022-012075ENF. FOR HEARING TODAY.</p>
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**ACTION:** Upon motion by Vice President Lopez, the Board voted 4-0-1 (President Swig absent) to deny the appeal and uphold the Amended Notice of Violation on the basis that the Acting Zoning Administrator did not err or abuse her discretion and the determination was properly issued.

**SPEAKERS:** Nick Colla, attorney for appellant; Yorke Lee, agent for appellant; Tina Tam, PD; Kelly Wong, PD; Matthew Greene, DBI.

**PUBLIC COMMENT:** Woody LaBounty spoke in support of the Planning Department.

**(6) APPEAL NO. 23-034**

<p>MID-SUNSET NEIGHBORHOOD ASSOCIATION, INC, Appellant(s)</p> <p>vs.</p> <p>DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL</p>	<p>2550 Irving Street. Appealing the ISSUANCE on June 26, 2023, to the Tenderloin Neighborhood Development Corporation, of a Site Permit (Erect 7-story, type I-B, 90 dwelling unit building with zero basements; to include residential support service office, property management office, bike parking, service space, and residential parking with puzzle lift and pit stacker system (100% affordable housing) Mayor Dir. 13-01). PERMIT NO. 2022/0505/3630. FOR HEARING TODAY.</p>
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**ACTION:** Upon motion by Vice President Lopez, the Board voted 2-2-1 (Commissioner Trasviña and Commissioner Lemberg dissented and President Swig absent) to deny the appeal and uphold the permit on the basis that it was properly issued. Lacking the three votes needed to pass, the motion failed. Upon motion by Commissioner Trasviña, the Board voted 2-2-1 (Vice President Lopez and Commissioner Eppler dissented and President Swig absent) to continue this Item to September 6, 2023, so that President Swig could participate in the decision. Lacking the three votes needed to pass, the motion failed. No further motions were made by the commissioners, so the permit was upheld by operation of law.

**SPEAKERS:** Enoch Wang, attorney for appellant; Timur Durrani, agent for appellant; Daniel Grasmick, agent for appellant; Lenny Siegel, agent for appellant; David Grunat, agent for permit holder; CJ Higley, attorney for permit holder; Shreya Shah, agent for permit holder; Rich Hillis, PD; Tina Tam, PD; Matthew Greene, DBI; Whitney Smith, Department of Toxic Substances Control (DTSC); Kimberly Walsh, DTSC; Vivek Mathrani, DTSC; Parag Shah, DTSC; Ryan Casey, DPH.

**PUBLIC COMMENT:** Mike Nohr, John Barkan, Robert Ho, Isadore Rosenthal, Kathleen Kelley, Joan Klau, Thomas Soper, Renee, Eileen Boken (SPEAK), Nida Degesys, Adam Michels, Richard Chui, Nancy Lee, Jean Barish, Tiffany, Sunset Mom, Christy Tam, Lee and Deborah Murphy spoke in support of the appellant.

Ralph Lane, Mike Chen (YIMBY), Bobak Esfandiari (YIMBY), Jane Natoli (YIMBY), Jonathan Teremia (Nor Cal Carpenters Union, Local 22), Jake Price (Housing Action Coalition), Tyler Haas, Elizabeth Madrigal (Mission Housing), Dennis Russell, Jessica Perla, Joe Dimento (YIMBY), Manson Leung, Armand Domalewski, Sunset Resident (name inaudible), Andrew, Finn Smith, Dan Federman, Alex Wong, Shannon Dodge, Audrey Liu, unknown woman (name inaudible), Louie Warner, Hesham, Joel Kohn, Laura Foote (YIMBY), Rafa Sonnenfeld, Yo, Anastasia Yovanopoulos (SF Tenants Union), Frank, Charlie Natoli, Donna (Housing Action Coalition), and Tag spoke in support of the permit holder.

**ADJOURNMENT.**

There being no further business, President Swig adjourned the meeting at 11:03 p.m.

The supporting documents for this meeting can be found at the following link:  
<https://sf.gov/meeting/august-16-2023/board-appeals-hearing-august-16-2023>

A video of this meeting, can be found at the following link:  
[https://sanfrancisco.granicus.com/player/clip/44259?view\\_id=6&redirect=true&h=16983743cba4d121d8ffde1b6fd7bf9c](https://sanfrancisco.granicus.com/player/clip/44259?view_id=6&redirect=true&h=16983743cba4d121d8ffde1b6fd7bf9c)

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