

**BOARD OF APPEALS**

**CITY & COUNTY OF SAN FRANCISCO**

**DRAFT MEETING MINUTES – WEDNESDAY, SEPTEMBER 6, 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); Tina Tam, Deputy Zoning Administrator, Planning Department (PD); Matthew Greene, Acting Deputy Director, Inspection Services, Department of Building Inspection (DBI); Chris Buck, Urban Forester, San Francisco Public Works, Bureau of Urban Forestry (SFPW-BUF); 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: Mike Nohr stated that he thought it might be beneficial if the Board could do something to help the people that live next to construction projects. He talked about the difficulty of enduring noise and disruption for three years because of construction projects adjacent to his house.

(2) **COMMISSIONER COMMENTS & QUESTIONS**

SPEAKERS: None.

(3) **ADOPTION OF MINUTES**

Discussion and possible adoption of the August 16, 2023 minutes.

ACTION: Upon motion by Commissioner Lemberg, the Board voted 5-0 to adopt the August 16, 2023, meeting minutes as amended by Commissioner Trasviña and Commissioner Lemberg.

PUBLIC COMMENT: None.

**ITEMS (4A), (4B), (4C) & (4D) SHALL BE HEARD TOGETHER**

**(4A) APPEAL NO. 23-020**

<p>DAVID OSGOOD, Appellant(s)</p> <p>vs.</p> <p>DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL</p>	<p>101 Spear Street. Appealing the ISSUANCE on May 11, 2023, to HUDSON RINCON CENTER LLC, of an Alteration Permit (Sign C: Install two illuminated double-faced projecting blade signs for "Tenant XYZ Rincon Center"). PERMIT NO. 2021/0525/1018. FOR FURTHER CONSIDERATION. <b>Note: On July 12, 2023, upon motion by Commissioner Trasviña, the Board voted 4-0-1 (Vice President Lopez absent) to continue these Items to September 6, 2023 so that the parties can provide supplemental briefs which address the following: (1) How the Planning Department arrived at its decision to approve the permits, including the determinations it made; and whether the Planning Department could, in the future, provide written findings of a determination under Planning Code Section 1006.6, including any resource implications that would have for the Department; (2) the applicability and conformity of these permits with Article 11 of the Planning Code; and (3) whether the issuance of the permits complies with the 2018 legislation (Planning Code Section 1005(e)(6)). Further, the City Attorney will provide an opinion to the Board on the legal issues raised by these topics. This motion was made on the basis that the commissioners need to have additional information to make a good decision.</b></p>
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**(4B) APPEAL NO. 23-021**

<p>DAVID OSGOOD, Appellant(s)</p> <p>vs.</p> <p>DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL</p>	<p>101 Spear Street. Appealing the ISSUANCE on May 11, 2023, to HUDSON RINCON CENTER LLC, of an Alteration Permit (Sign D: Install One, Non-Illuminated single-face canopy sign for "Tenant XYZ"). PERMIT NO. 2021/0525/1021. FOR FURTHER CONSIDERATION. <b>See Note in (4A) above.</b></p>
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**(4C) APPEAL NO. 23-022**

DAVID OSGOOD, Appellant(s)  vs.  DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	101 Spear Street. Appealing the ISSUANCE on May 12, 2023, to HUDSON RINCON CENTER LLC, of an Alteration Permit (Erect an electric, single-faced wall sign "Rincon"; four total). PERMIT NO. 2021/0525/1015. FOR FURTHER CONSIDERATION <b>See Note in (4A) above.</b>
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**(4D) APPEAL NO. 23-023**

DAVID OSGOOD, Appellant(s)  vs.  DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	101 Spear Street. Appealing the ISSUANCE on May 12, 2023, to HUDSON RINCON CENTER LLC, of an Alteration Permit (Erect a non-electric single wall-faced sign permit "Rincon Center"). PERMIT NO. 2021/0525/1011. FOR FURTHER CONSIDERATION <b>See Note in (4A) above.</b>
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ACTION: Upon motion by Commissioner Lemberg, the Board voted 5-0 to continue these Items to October 11, 2023, and to unsuspend the permits so that they can be canceled by the permit holder. After the permits are canceled, the appeals shall be administratively dismissed as moot. The parties requested that the Board take this action.

SPEAKERS: David Osgood, appellant; Tara Sullivan, attorney for the permit holder.

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. <b>Note: On August 2, 2023, upon motion by Commissioner Lemberg, the Board voted 5-0 to continue this matter to September 6, 2023. The appellant requested the continuance and the other parties agreed to it.</b>
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## **REGULAR MEETING, BOARD OF APPEALS, SEPTEMBER 6, 2023 - PAGE 4**

ACTION: Upon motion by President Swig, the Board voted 5-0 to continue this Item to September 27, 2023 so that: (1) All parties can submit a brief, (2) the Board office can send new notice of the hearing with the correct addresses for the subject property (Public Works had incorrect addresses on its order). This motion was made for the reasons specified by Commissioner Lemberg: The initial notice provided by Public Works for the underlying hearing was incorrect; the notice of the hearing sent out by the Board Office was flawed since it relied on the incorrect address in the Public Works order; the permit holder submitted a brief at the hearing and the appellant did not have an opportunity to review it; Commissioner Lemberg was not convinced, based on the testimony at the hearing, that the trees needed to be removed; the permit holder's rationale was not good; and there are environmental concerns if the trees are removed. The Board further requested that the appellant, determination holder and BUF meet and attempt to collaborate on a resolution.

SPEAKERS: Deetje Boler, appellant; Conny Ford, agent for determination holder; Linda Walsh, agent for determination holder; Lorraine Luna, agent for determination holder; Chris Buck, BUF.

PUBLIC COMMENT: Lance Carnes, John Nulty, Michael Nulty and Megan Boler spoke in support of the appellant.

Courtney Hight spoke in support of the determination holder.

### **ADJOURNMENT.**

There being no further business, President Swig adjourned the meeting at 7:35 p.m.

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

<https://sf.gov/meeting/september-6-2023/board-appeals-hearing-september-6-2023>

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

[https://sanfrancisco.granicus.com/player/clip/44369?view\\_id=6&redirect=true&h=9be89f7fd08bdcb76ff37c1477d58879](https://sanfrancisco.granicus.com/player/clip/44369?view_id=6&redirect=true&h=9be89f7fd08bdcb76ff37c1477d58879)