

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

DRAFT MEETING MINUTES – WEDNESDAY, SEPTEMBER 27, 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.

Jon Givner, Deputy City Attorney, Office of the City Attorney (CAT); Andrew Perry, Planner, 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 and remote public participation may be limited to two minutes per person. If it is demonstrated that public comment and remote public participation will cumulatively exceed 15 minutes, the President may continue Public Comment and/or remote public participation to another time during the meeting.

SPEAKERS: David Osgood discussed the Rincon Annex matters that were previously heard by the Board. He stated that the Planning Department was using the wrong Secretary of Interior Standards, more specifically they were using the Rehabilitation Standards when they should have been using the Preservation Standards.

(2) COMMISSIONER COMMENTS & QUESTIONS

SPEAKERS: Commissioner Trasviña stated that after the last meeting he followed up with the City Attorney's Office regarding the issue of the allegations and complaints of any retaliation for people who come before the Board. He stated that he thought the issue was important and wanted to let the public know that the Board listens to public comment. He hoped that Mr. Givner could give an update on the status of his inquiry after he arrived at the hearing.

With regard to the comments given by Mr. Osgood in Item 1, Commissioner Trasviña stated that Mr. Osgood made interesting points, and he hoped that he would contact the department as well as Supervisors or others regarding this matter.

PUBLIC COMMENT: None.

(3) ADOPTION OF MINUTES

Discussion and possible adoption of the September 13, 2023 minutes.

ACTION: Upon motion by Vice President Lopez, the Board voted 5-0 to adopt the September 13, 2023, meeting minutes as amended by Commissioner Trasviña.

PUBLIC COMMENT: None.

(4) APPEAL NO. 23-030

<p>BRUCE MACLEOD and DEBORAH MACLEOD, Appellant(s)</p> <p>vs.</p> <p>DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL</p>	<p>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 FURTHER CONSIDERATION. Note: On August 2, 2023, 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. On August 24, 2023, the matter was rescheduled to September 13, 2023 at the request of the parties. On September 7, 2023, the matter was rescheduled to September 27, 2023, at the request of the parties.</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 to require the adoption of the revised plans, dated 9/27/2023, which were submitted by the permit holder as Exhibit G to his one-page statement, with the requirement that the permit holder add the structural detail for the ten-foot fence. This motion was made on the basis that the revised plans are Code compliant and take into account the privacy concerns of the appellant.

SPEAKERS: Bruce MacLeod, appellant; Allison Bellizzi, permit holder; Frank Bellizzi, permit holder; Renato Jose, agent for permit holder; Andrew Perry, PD; Matthew Greene, DBI.

PUBLIC COMMENT: None.

(5) APPEAL NO. 23-031

<p>DEETJE BOLER, Appellant(s)</p> <p>vs.</p> <p>SAN FRANCISCO PUBLIC WORKS, BUREAU OF URBAN FORESTRY, Respondent</p>	<p>1320-1324 Ellis Street & 1335 Laguna Street.</p> <p>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 (Ellis St.) and approval to remove one street tree with replacement (Laguna St.)).</p> <p>ORDER NO. 208224.</p> <p>FOR FURTHER CONSIDERATION.</p> <p>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. On September 6, 2023, 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, and (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 following 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 on the Public Works order, and the permit holder submitted a brief at the hearing and the appellant did not have an opportunity to review it. The Board further requested that the appellant, determination holder and BUF meet and attempt to collaborate on a resolution.</p>
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ACTION: Upon motion by Commissioner Trasviña, the Board voted 5-0 to grant the appeal and issue the order on the condition it be revised to require: (1) the correct addresses on the order, more specifically 1320-1324 Ellis Street, (2) the replacement of six significant trees on Ellis Street, (3) the deletion of the street tree located at 1335 Laguna Street, and (4) the planting of one significant tree in the area adjacent to 1335 Laguna Street. This motion was made based on: (1) public safety concerns, and (2) the entire record that came before the Board on this matter.

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

PUBLIC COMMENT: Lance Carnes and Megan Boler spoke in support of the appellant.

Karen Kai spoke in support of the permit holder.

ITEMS (6A) AND (6B) SHALL BE HEARD TOGETHER

(6A) APPEAL NO. 23-036

MARC ANTHONY BRUNO, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	472-474-476 Union Street and 15 Nobles Alley. Appealing the ISSUANCE on August 4, 2023, to Paul Boschetti, of an Administrative Permit (to document "house-keeping" unit; correct record to show existing housekeeping unit as legal; comply with Notice of Violation under separate permit (202200496); no work to be performed under this permit). PERMIT NO. 2023/07/18/2373. FOR HEARING TODAY.
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ACTION: Upon motion by Commissioner Lemberg, the Board voted 5-0 to grant the appeal and revoke the permit on the basis that it was not properly issued.

SPEAKERS: Marc Bruno, appellant; Jeremy Paul, agent for permit holder; Andrew Perry, PD; Matthew Greene, DBI.

PUBLIC COMMENT: None.

(6B) APPEAL NO. 23-037

MARC ANTHONY BRUNO, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	472 Union Street. Appealing the ISSUANCE on August 22, 2023, to Paul Boschetti, of a Plumbing Permit (Work category: 2PA; re-gas 3 units; re-copper 3 units; relocate 3 water heaters; new flue for same water heaters). PERMIT NO. PW20230822584. FOR HEARING TODAY.
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ACTION: Upon motion by Commissioner Lemberg, the Board voted 5-0 to grant the appeal and issue the permit on the condition it be revised to require that the three units in which work is to be performed have their unit addresses listed on the permit. This motion was made on the basis that the permit was not properly issued initially because it did not list the units. The Board further recommended that DBI inspect the three units, and, with the consent of the property owner, DBI inspect the remainder of the building.

SPEAKERS: Marc Bruno, appellant; Jeremy Paul, agent for permit holder; Morgan Thomas, agent for permit holder; Paul Boschetti, permit holder; Matthew Greene, DBI.

PUBLIC COMMENT: Mary Bugarin spoke in support of the appellant.

ADJOURNMENT.

There being no further business, President Swig adjourned the meeting at 9:39 p.m.

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

<https://sf.gov/meeting/september-27-2023/board-appeals-hearing-september-27-2023>

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

https://sanfrancisco.granicus.com/player/clip/44542?view_id=6&redirect=true&h=3b345c4e7620b72eb6e6ad78ced9df9f

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