

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES – WEDNESDAY, NOVEMBER 1, 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); Matthew Greene, Acting Deputy Director Inspection Services, 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 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: Marc Bruno spoke about his appeal of a plumbing permit, which was heard by the Board on September 27, 2023. He stated that, at the hearing, the Board asked DBI to inspect all the units at the subject property to determine if there was illegal work being performed. He indicated that, contrary to the report sent to the Board by DBI, DBI did not actually inspect all the units.

(2) COMMISSIONER COMMENTS & QUESTIONS

SPEAKERS: Commissioner Lemberg addressed the comments they made at the October 25, 2023, hearing in conjunction with Item 7 on that calendar. They stated that their statement that the Board of Appeals does not have the authority to interpret state law was overbroad and too categorical. They stated that they welcomed discussion at the Board level when the case resumes.

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Commissioner Trasviña referenced Mr. Bruno's public comments and noted that this was the second time or more that the Board had thought they resolved something in a certain way, and one of the parties or witnesses said it was not resolved that way. He stated that he hoped one of the departments present at the hearing, without the necessity of the Board taking any action, would follow up and resolve any discrepancies or questions. He further asked President Swig if there was anything else the Board could do to make sure that the public's concerns, about a matter the Board addressed, could be dealt with.

President Swig asked Matthew Greene to provide a written response to the Board regarding the concerns expressed by Mr. Bruno.

PUBLIC COMMENT: Marc Bruno stated that his apartment was never visited by the department even though the Board asked DBI to visit all six units. He stated that illegal work was done in his unit in January and that there was constant harassment.

(3) ADOPTION OF MINUTES

Discussion and possible adoption of the October 25, 2023 minutes.

ACTION: Upon motion by Commissioner Lemberg, the Board voted 5-0 to adopt the October 25, 2023, hearing minutes.

PUBLIC COMMENT: None.

(4) APPEAL NO. 23-043

<p>JOHN WONG, Appellant(s)</p> <p>vs.</p> <p>DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL</p>	<p>1334 12th Avenue. Appealing the ISSUANCE on September 7, 2023, to Eric Hall, of a Site Permit (horizontal addition to the rear on three levels and a 12-foot pop-out). PERMIT NO. 2021/05/06/9906. FOR HEARING TODAY. Note: On October 25, 2023, upon a motion by Commissioner Trasviña, the Board voted 4-1 (President Swig dissented) to continue this Item to November 1, 2023, so that the appellant could review the approved site plans and to allow the inclusion into the record of the appellant's brief, which had formerly been rejected for being untimely.</p>
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ACTION: Upon motion by Commissioner Lemberg, the Board voted 5-0 to deny the appeal and uphold the permit on the basis that it was properly issued.

SPEAKERS: John Wong, appellant; Tim Lorenz, agent for permit holder; Eric Hall, permit holder; Corey Teague, PD; Matthew Greene, DBI.

PUBLIC COMMENT: Mark Benjamin spoke in support of the appellant.

(5) APPEAL NO. 23-044

MARY JANE GALVISO, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	223 Anderson Street. Appealing the ISSUANCE on September 18, 2023, to Elyzabeth Dehapiot and David Coulombe, of a Site Permit (vertical addition to add new suite with bedroom, bath and closet; new connecting stair, new windows at rear, new window at existing front facade; resurface existing entry stair and replace guardrails; remove existing bathroom at existing primary suite and convert into a family room). PERMIT NO. 2022/1027/5336. FOR HEARING TODAY.
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ACTION: Upon motion by Vice President Lopez, the Board voted 5-0 to deny the appeal and uphold the permit on the basis that it was properly issued.

SPEAKERS: Mary Jane Galviso, appellant; David Coulombe, permit holder; Corey Teague, PD; Matthew Greene, DBI.

PUBLIC COMMENT: None.

(6) APPEAL NO. 23-045

EILEEN RODDY, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2169 26th Avenue. Appealing the ISSUANCE on September 12, 2023, to Cindy Chan, of a Site Permit (renovation of single-family home into two single-family houses; horizontal and vertical addition and interior renovation with bath and kitchen alteration). PERMIT NO. 2018/07/03/3738. FOR HEARING TODAY.
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ACTION: Upon motion by Commissioner Trasviña, the Board voted 5-0 to continue this matter to November 15, 2023, so that the parties, with input from the departments, can work on resolving the following issues: (1) the cornice at the front, (2) the pop-out on the side, and (3) the pop-out at the rear. Further, the parties will report back to the Board on the progress of their discussions on these three items.

SPEAKERS: Eileen Roddy, appellant; Kai Chan, agent for permit holder; Corey Teague, PD; Matthew Greene, DBI.

PUBLIC COMMENT: Ellen Callies and Loretta Roddy spoke in support of the appellant.

(7) SPECIAL ITEM: DISCUSSION AND POSSIBLE ADOPTION OF THE DEPARTMENTAL ANNUAL REPORT FOR FISCAL YEAR 2022-2023.

ACTION: Upon motion by Commissioner Lemberg, the Board voted 5-0 to adopt the Annual Report as amended by Commissioner Lemberg, Commissioner Trasviña, and Deputy City Attorney Jen Huber.

PUBLIC COMMENT: None.

ADJOURNMENT.

There being no further business, President Swig adjourned the meeting at 9:26 p.m.

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

<https://sf.gov/meeting/november-1-2023/board-appeals-hearing-november-1-2023>

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

https://sanfrancisco.granicus.com/player/clip/44806?view_id=6&redirect=true&h=9e01d9d6d4ad9eb7901a680a3b7c403f