

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

DRAFT MEETING MINUTES – WEDNESDAY, JANUARY 10, 2024

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 work being done without a permit at 15 Nobles Alley and 472 Union Street. He stated that DBI issued a Notice of Violation because work had exceeded the scope of a permit. He stated that he asked DBI twice for the photographs that were taken of his apartment when DBI inspected it in December, and the photographs have disappeared.

(2) **COMMISSIONER COMMENTS & QUESTIONS**

SPEAKERS: President Swig welcomed the commissioners back and wished them a Happy New Year.

PUBLIC COMMENT: None.

(3) **ADOPTION OF MINUTES**

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

ACTION: Upon motion by Vice President Lopez, the Board voted 5-0 to adopt the December 13, 2023, hearing minutes.

PUBLIC COMMENT: None.

(4) APPEAL NO. 23-047

<p>TOM METZ, Appellant(s)</p> <p>vs.</p> <p>ZONING ADMINISTRATOR, Respondent</p>	<p>51 Prosper Street.</p> <p>Appealing the ISSUANCE on September 25, 2023, to Tom Metz, of a Reasonable Modification Decision (The proposal is to merge two dwelling units (Units 2 and 5) at the subject property by constructing an internal staircase connecting the units and removing the kitchen in Unit 5; the kitchen in Unit 5 would be converted to a bedroom; the Zoning Administrator allowed for the construction of an interior staircase connecting Units 2 & 5 but did not authorize the merger of the two units or the removal of the kitchen; the Reasonable Modification is valid only for the period that there is a qualifying disabled occupant).</p> <p>CASE NO. 2022-011807VAR.</p> <p>FOR FURTHER CONSIDERATION</p> <p>Note: On December 13, 2023 upon a motion by Commissioner Lemberg, the Board voted 4-0-1 (Commissioner Trasviña absent) to continue this Item to January 10, 2024 so that the Zoning Administrator can work with the appellant on modifying the Reasonable Modification Decision to allow for the merger of the two units. The motion was made based on the Board's intent to grant the appeal to allow for the merger.</p>
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ACTION: Upon motion by President Swig, the Board voted 5-0 to grant the appeal on the condition that the Revised Reasonable Modification Decision, submitted by the parties, be adopted. This motion was made on the basis that the Revised Reasonable Modification Decision: (1) allows for a merger of the Units which meets the special needs of the applicant, and (2) meets the criteria outlined in Planning Code Section 305.1(f)(2).

SPEAKERS: Tom Metz, appellant; Corey Teague, PD.

PUBLIC COMMENT: None.

(5) APPEAL NO. 23-046

<p>ANIL KAVIPURAPU, Appellant(s)</p> <p>vs.</p> <p>DEPT. OF BUILDING INSPECTION, Respondent</p>	<p>1331-1333 Church Street. Appealing the ISSUANCE on September 19, 2023, to Ken Chin, of an Alteration Permit (repair the damaged framing in-kind in the fire egress stairs in the lightwell; structural repair only, no change in size; new guardrail, less than 50% repair). PERMIT NO. 2023/06/29/1194. FOR FURTHER CONSIDERATION. Note: On November 15, 2023, upon motion by President Swig, the Board voted 5-0 to continue this Item to January 10, 2024, so that: (1) the Board can get an opinion from DBI on whether two permits are required to repair the staircase (one permit from each property), and (2) the parties can work together on resolving their issues.</p>
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ACTION: Upon motion by Commissioner Trasviña, the Board voted 4-1 (Vice President Lopez dissented) to grant the appeal and revoke the permit on the basis it was not properly issued because it failed to consider the interests of the appellant and two permits are required to perform the work since it impacts the appellant's property.

SPEAKERS: Matthew Greene, DBI; Anil Kavipurapu, appellant; Ken Chin, permit holder.

PUBLIC COMMENT: Justyna Wrobel spoke in support of the appellant.

(6) APPEAL NO. 23-059

<p>JAY MARTIN, Appellant(s)</p> <p>vs.</p> <p>DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL</p>	<p>957 Treat Avenue. Appealing the ISSUANCE on November 3, 2023, to 17th and Peralta LLC, of an Alteration Permit (chain link material to be replaced for 70' of 75' total length; existing fence is 10' high and has been repeatedly vandalized by trespassers; replace chain link material; this is for 957 Treat Avenue under Block 3639 and Lots 036A, 036B and 036 as recorded by the CCSF Assessor's Office on 10/20/2023). PERMIT NO. 2023/11/01/9926. FOR HEARING TODAY.</p>
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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: Jay Martin, appellant; Joshua Ridless, attorney for permit holder; Corey Teague, PD; Matthew Greene, DBI.

PUBLIC COMMENT: Edward Hasbrouck, Andy Gillis and Tarin spoke in support of the appellant.

Kevin Ortiz spoke in support of the permit holder.

(7) APPEAL NO. 23-056

<p>CHRISTOPHER OERTEL, Appellant(s)</p> <p>vs.</p> <p>DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL</p>	<p>54 Sunview Drive. Appealing the ISSUANCE on October 31, 2023, to Sunny Au Yeung, of an Alteration Permit (attached Accessory Dwelling Unit (ADU) addition in the rear per Ordinance #162-16; roof deck/open space for ADU, new windows and new garage doors). PERMIT NO. 2020/08/27/2793. FOR HEARING TODAY.</p>
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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: Chris Oertel, appellant; Sunny Au Yeung, permit holder; Corey Teague, PD; Matthew Greene, DBI.

PUBLIC COMMENT: Phil Aclan spoke in support of the appellant.

ADJOURNMENT.

There being no further business, President Swig adjourned the meeting at 8:22 p.m.

The supporting documents for this meeting can be found at the following link:
<https://www.sf.gov/meeting/january-10-2024/board-appeals-hearing-january-10-2024>

A video of this meeting, can be found at the following link:
https://sanfrancisco.granicus.com/player/clip/45176?view_id=6&redirect=true&h=f2acf424285f8216856fd8051c2e3dcc