

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES – WEDNESDAY, FEBRUARY 7, 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 Jose Lopez, Vice President Alex Lemberg, Commissioner Rick Swig and Commissioner John Trasviña.

Jen Huber, Deputy City Attorney, Office of the City Attorney (CAT); Corey Teague, Zoning Administrator, Planning Department (PD); Kevin Birmingham, Acting Chief Building Inspector, Department of Building Inspection (DBI); Javier Rivera, Construction Permits Supervisor, San Francisco Public Works, Bureau of Street Use and Mapping (SFPW-BSM); Sarah Madland, Director of Policy and Public Affairs, San Francisco Recreation and Parks Department, REC; Brian Stokle, Planner, REC; Chava Kronenberg, Project Manager, San Francisco Municipal Transportation Agency (SFMTA); Julie Rosenberg, Executive Director; Alec Longaway, Legal Assistant.

ABSENT: Commissioner J.R. Eppler.

(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: None.

(2) COMMISSIONER COMMENTS & QUESTIONS

SPEAKERS: Commissioner Trasviña noted the presence of a large number of people in the room and on Zoom, and he extended his appreciation to all of the participants. He stated that public participation added to the Board's process, strengthened the Board's work, and strengthened the integrity of its decisions.

PUBLIC COMMENT: None.

(3) ADOPTION OF MINUTES

Discussion and possible adoption of the January 31, 2024 minutes.

ACTION: Upon motion by Commissioner Swig, the Board voted 4-0-1 (Commissioner Eppler absent) to adopt the January 31, 2024, hearing minutes.

PUBLIC COMMENT: None.

(4) APPEAL NO. 23-067

<p>MIHAL EMBERTON, Appellant(s)</p> <p>vs.</p> <p>SAN FRANCISCO PUBLIC WORKS, BUREAU OF STREET USE & MAPPING, Respondent</p>	<p>201 Ashton Avenue. Appealing the ISSUANCE on December 1, 2023, to Mihal Emberton, of a Public Works Order (DENIAL of an application for a Minor Sidewalk Encroachment Permit. All items encroaching the public right-of-way shall be deconstructed and removed from the public right-of-way. The applicant did not provide updated plans with the following conditions and alterations: reduction of the fence height to three feet; three feet of clearance around the streetlight pole and box on Holloway Ave.; three feet path of travel between the trees and fence on Holloway Avenue and the removal of the approximate 10 ft x 10 ft cedar pergola and the propane fire table. The plans also need to show all features in the right-of-way such as the streetlight and box, trees, location of pavers, location of landscaping, and the altered location of the fences). PERMIT NO. 21MSE-00688. FOR HEARING TODAY.</p>
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ACTION: Upon motion by Vice President Lemberg, the Board voted 4-0-1 (Commissioner Eppler absent) to continue this matter to May 15, 2024, so that the appellant can get a survey by a licensed surveyor. The Board further directed that the survey be recorded with the County Surveyor's Office and provided to Public Works by May 2, 2024.

SPEAKERS: Mihal Emberton, appellant; Javier Rivera, SFPW-BSM; Corey Teague, PD; Kevin Birmingham, DBI.

PUBLIC COMMENT: Loretta Jones stated that she was a property owner in the Ingleside Terrace area. She asked about the survey process and wanted to know if the City would pay for the repair of a fence on City property. An unidentified caller spoke in support of the appellant.

ITEMS (5A), (5B) & (5C) SHALL BE HEARD TOGETHER

(5A) APPEAL NO. 23-062

<p>SUNSET PARKSIDE EDUCATION AND ACTION COMMITTEE (SPEAK), Appellant(s)</p> <p>vs.</p> <p>PLANNING COMMISSION, Respondent</p>	<p>Upper Great Highway between Lincoln Way and Sloat Blvd. plus surrounding streets. Appealing the ISSUANCE on November 9, 2023, to San Francisco Recreation and Parks Department, of a Coastal Zone Permit (Approval of a Coastal Zone permit pursuant to Planning Code Section 330 to permit temporary restriction of automobile access to the Upper Great Highway for a car-free bicycle and pedestrian promenade on weekends and holidays through December 25, 2025; as well as the implementation of various traffic calming measures on surrounding streets). RECORD NO. 2022-007356CTZ (Motion No. 21437). FOR HEARING TODAY.</p>
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(5B) APPEAL NO. 23-064

<p>GEOFFREY MOORE, Appellant(s)</p> <p>vs.</p> <p>PLANNING COMMISSION, Respondent</p>	<p>Upper Great Highway between Lincoln Way and Sloat Blvd. plus surrounding streets. Appealing the ISSUANCE on November 9, 2023, to San Francisco Recreation and Parks Department, of a Coastal Zone Permit (Approval of a Coastal Zone permit pursuant to Planning Code Section 330 to permit temporary restriction of automobile access to the Upper Great Highway for a car-free bicycle and pedestrian promenade on weekends and holidays through December 25, 2025; as well as the implementation of various traffic calming measures on surrounding streets). RECORD NO. 2022-007356CTZ (Motion No. 21437). FOR HEARING TODAY.</p>
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(5C) APPEAL NO. 23-065

<p>CHARLES PERKINS, Appellant(s)</p> <p>vs.</p> <p>PLANNING COMMISSION, Respondent</p>	<p>Upper Great Highway between Lincoln Way and Sloat Blvd. plus surrounding streets. Appealing the ISSUANCE on November 9, 2023, to San Francisco Recreation and Parks Department, of a Coastal Zone Permit (Approval of a Coastal Zone permit pursuant to Planning Code Section 330 to permit temporary restriction of automobile access to the Upper Great Highway for a car-free bicycle and pedestrian promenade on weekends and holidays through December 25, 2025; as well as the implementation of various traffic calming measures on surrounding streets). RECORD NO. 2022-007356CTZ (Motion No. 21437). FOR HEARING TODAY.</p>
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ACTION: Upon motion by Commissioner Swig, the Board voted 3-1-1 (Commissioner Trasviña dissented and Commissioner Eppler absent) to deny the appeals and uphold the Coastal Zone permit on the basis that the project conforms to the requirements and objectives of the San Francisco Local Coastal Program, and with the adoption of Findings 1-9 found in Planning Code Motion No. 21437.

SPEAKERS: Eileen Boken, agent for SPEAK (appellant for Appeal No. 23-062); Evan Rosen, agent for SPEAK (appellant for Appeal No. 23-062); Geoffrey Moore, appellant (Appeal No. 23-064); Charles Perkins, appellant (Appeal No. 23-065); Brian Stokle, REC; Joel Engardio, District 4 Supervisor, spoke in support of the project; Corey Teague, PD; Sarah Madland, REC; Chava Kronenberg, SFMTA.

PUBLIC COMMENT: Jeff Daniel, Zach Lipton, Lucas Lux, John Elliott, Carol Brownson, Paul Wermer, Tom Fenwick, Jay Bain, Alex Tavasoli, Dasha Yurkevich, Rachel Clyde, T. Carroll, Justin Fung, Ian H., Apurva K., Stacey Randecker, inaudible name, Martin Muñoz, Parker Day, Sarah Hadley, Cyrus Hall, Eliza, Alice Duesdieker, Florence, Sarah Katz-Hyman, Simon Bertrang, Mike, Michael Howley, Jerry Palarca-Reiva, Jon Pierucci, Brian Reyers, and Boon spoke in support of the departments.

Kathy Hirzel, Maria LoConte, Jessica Kuang, Judy, (Illegible name), Jen Zen, Jimmy Fang, an unidentified caller, Anthony, Patricia Arack, Stephen Gorski, Nate, Renee Lazear, anonymous, Derek, Judy Gorski, Jen Dougherty, Rebecca and Mari Eliza spoke in support of the appellants.

(6) ADOPTION OF BUDGET:

<p>Discussion and possible adoption of the departmental budget for fiscal years 2024-25 and 2025-26.</p>
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ACTION: Upon motion by Vice President Lemberg, the Board voted 4-0-1 (Commissioner Eppler absent) to adopt the budget for fiscal years 2024-2025 and 2025-2026.

PUBLIC COMMENT: Aa anonymous speaker suggested that funding in the budget be allocated to provide professionalism training for the Board on decorum to City staff.

ADJOURNMENT.

There being no further business, President Lopez adjourned the meeting at 11:09 p.m.

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

<https://www.sf.gov/meeting/february-7-2024/board-appeals-hearing-february-7-2024>

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

https://sanfrancisco.granicus.com/player/clip/45370?view_id=6&redirect=true&h=c62c7c581d33c8a22588189df9afe2df