

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

DRAFT MEETING MINUTES – WEDNESDAY, FEBRUARY 21, 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: Vice President Alex Lemberg, Commissioner Rick Swig, Commissioner John Trasviña and Commissioner J.R. Eppler.

Brad Russi, Deputy City Attorney, Office of the City Attorney (CAT); Tina Tam, Deputy Zoning Administrator, Planning Department (PD); Kevin Birmingham, Acting Chief Building Inspector, Department of Building Inspection (DBI); Julie Rosenberg, Executive Director; Alec Longaway, Legal Assistant.

ABSENT: President Jose Lopez.

(1) COMMISSIONER COMMENTS & QUESTIONS

SPEAKERS: Vice President Lemberg thanked the Board for entrusting them with holding the gavel for the first time. They further thanked the members of the public for attending the hearing and participating in the public process.

Commissioner Swig stated that several City staff members complained that he breached the City's Equitable, Fair, and Respectful Workplace Policy by speaking aggressively and rudely to them when they were previously before the Board. Commissioner Swig apologized to those employees by name and to members of the public who were offended. He stated that he respected City employees and recognized their hard work on behalf of the City.

Commissioner Swig further stated that it was the commissioners' responsibility to serve the public by ensuring that their appeals and defenses of those appeals were fully heard. It was his view that the testimony from the City representatives may not have been fully transparent or supported by metrics or other findings and this caused him to become frustrated and resulted in his behavior. He acknowledged that he asked tough questions in order to develop information that would lead to fair and just resolutions of cases, but that he did not control his emotions. He asked that his behavior not act as a distraction to the critical issues presented in the cases before the Board.

Commissioner Trasviña thanked Commissioner Swig for his comments and stated that he would take time to review and consider them. He stated that he appreciated the recitation of the bullet points of the City's policy as it was a good education and reminder. He noted that the commissioners and City employees were not that different in that they both served only one boss, the people. He stated that if commissioners or city staff fail, then we both fail the people of San Francisco. Commissioner Trasviña stated that he would do his part to fulfill his responsibility.

PUBLIC COMMENT: None.

(2) 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.

(3) ADOPTION OF MINUTES

Discussion and possible adoption of the February 7, 2024 minutes.

ACTION: Upon motion by Commissioner Trasviña, the Board 4-0-1 (President Lopez absent) to adopt the February 7, 2024 hearing minutes as amended by Commissioner Trasviña.

PUBLIC COMMENT: None.

(4) REHEARING REQUEST FOR APPEAL NO. 23-068

Subject property at 3516-3518 Sacramento Street. Ed Van Roden, Appellant, is requesting a rehearing of Appeal No. 23-068, Ed Van Roden vs. Dept. of Building Inspection, Planning Dept. approval, decided January 31, 2024. At that time, upon motion by Commissioner Swig, the Board voted 5-0 to deny the appeal and uphold the permit on the basis that it was properly issued. **Permit Holder:** Margaret Rogerson. **Permit Description:** Revision to Building Permit Application No. 2000/0614/2628; response to Planning Enforcement Case No. 2020-001795ENF to correct proposed building height to comply with required zoning height limit; remove approved ground level garage and expand retail space. **Permit No.:** 2021/08/02/5569.

ACTION: Upon motion by Commissioner Swig, the Board voted 4-0-1 (President Lopez absent) to deny the rehearing request on the basis that there was neither new evidence nor manifest injustice.

SPEAKERS: Ed Van Roden, requestor; Luis Robles, agent for permit holder; Kevin Birmingham, DBI.

PUBLIC COMMENT: None.

(5) APPEAL NO. 23-070

JACQUELINE MATHERN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1230 Goettingen Street. Appealing the ISSUANCE on December 8, 2023, to Luan-Vu Le, of a Site Permit (new single-family residential Type VB, two-story building). PERMIT NO. 2021/09/23/8995. FOR HEARING TODAY.
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ACTION: Upon motion by Commissioner Eppler, the Board voted 4-0-1 (President Lopez absent) to deny the appeal and uphold the permit on the basis that it was properly issued.

SPEAKERS: Kathy Gower, agent for appellant; Luan-Vu Le, permit holder; Doug Mok, agent for permit holder; Tina Tam, PD; Kevin Birmingham, DBI.

PUBLIC COMMENT: Samuel Pun, Kaiija Clark and Jan spoke in support of the appellant. Stefan, Jonas, Terry, Justin I, and Al all spoke in support of the permit holder.

(6) APPEAL NO. 24-003

CHRISTIAN ARD, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	347 Howth Street. Appealing the ISSUANCE on January 4, 2024, to Bicka Barlow and Scott Kauffman, of an Alteration Permit (to obtain final inspection for work approved under Permit Application No. 201708084227; all work is complete). PERMIT NO. 2024/01/04/3435. FOR HEARING TODAY.
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ACTION: Upon motion by Commissioner Swig, the Board voted 4-0-1 (President Lopez absent) to deny the appeal and uphold the permit on the basis that it was properly issued.

SPEAKERS: Christian Ard, appellant; Bicka Barlow, permit holder; Tina Tam, PD; Kevin Birmingham, DBI.

PUBLIC COMMENT: None.

(7) APPEAL NO. 24-001

PAMELA FINE, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	681 12th Avenue. Appealing the ISSUANCE on December 18, 2023, to Jennie Chien, of a Site Permit (erect a one- story, Type 5 greenhouse/ceramic studio in rear yard; erect two-story Type 5 building single- family home with basement consisting of greenhouse ceramic studio). PERMIT NO. 2022/02/11/7855. FOR HEARING TODAY.
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ACTION: Upon motion by Vice President Lemberg, the Board voted 4-0-1 (President Lopez absent) to grant the appeal and issue the permit on the condition that the plans be revised so that the roof is solid as reflected on the plans dated September 1, 2022, that were considered by the Planning

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Commission. This motion was made on the basis that a translucent roof would cause light pollution and negatively impact the privacy concerns of the neighbors.

SPEAKERS: Pamela Fine, appellant; Brent Martin, agent for permit holder; Jennie Chien, permit holder; Tina Tam, PD; Kevin Birmingham, DBI.

PUBLIC COMMENT: Stella Aguinaga Bialous spoke in support of the appellant.

ADJOURNMENT.

There being no further business, Vice President Lemberg adjourned the meeting at 8:47 p.m.

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

<https://www.sf.gov/meeting/february-21-2024/board-appeals-hearing-february-21-2024>

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

https://sanfrancisco.granicus.com/player/clip/45498?view_id=6&redirect=true