

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES – WEDNESDAY, FEBRUARY 28, 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, Commissioner John Trasviña 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, Deputy Director Inspection Services, Department of Building Inspection (DBI); James Zhan, Housing Coordinator Manager, 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: Richard Rothmann stated that he understood the commissioners would be hearing the Upper Great Highway appeals again. He suggested that the commissioners take a trip to JFK and the Chain of Lakes on Friday afternoon so that they could see the effects of closing the Upper Great Highway in Golden Gate Park.

(2) COMMISSIONER COMMENTS & QUESTIONS

SPEAKERS: None.

(3) ADOPTION OF MINUTES

Discussion and possible adoption of the February 21, 2024 minutes.

ACTION: Upon motion by Commissioner Trasviña, the Board voted 5-0 to adopt the February 21, 2024, hearing minutes as amended by Deputy Zoning Administrator Tina Tam and communicated to Executive Director Rosenberg prior to the hearing.

PUBLIC COMMENT: None.

(4) SPECIAL ITEM:

The Department of Building Inspection will discuss the Solar Photovoltaic (PV) permit process in San Francisco.

SPEAKERS: James Zhan, DBI.

PUBLIC COMMENT: None.

(5) APPEAL NO. 23-069

FREDERICK LEWIS III, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	46 Homestead Street. Appealing the ISSUANCE on December 8, 2023, to Kathleen Bomze, of a Site Permit (horizontal and vertical addition to three-story, single family residence). PERMIT NO. 2017/10/17/1386. FOR HEARING TODAY.
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ACTION: None. The appeal was withdrawn prior to the hearing.

(6) APPEAL NO. 24-002

MARK MALOUF, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	140 14th Street. Appealing the ISSUANCE on December 29, 2023, to Deca Holdings LLC, of an Alteration Permit (install 20 electric vehicle chargers for 40 vehicles; convert from vehicle storage lot to fleet charging use). PERMIT NO. 2022/10/19/4657. FOR HEARING TODAY.
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ACTION: Upon motion by President Lopez, the Board voted 5-0 to deny the appeal and uphold the permit on the basis that it was properly issued.

SPEAKERS: Mark Malouf, appellant; Peter Ziblatt, attorney for appellant; John Kevlin, attorney for permit holder; Corey Teague, PD; Matthew Greene, DBI.

PUBLIC COMMENT: Alex Lantsberg (representing the San Francisco Electrical Construction Industry) and Jackson Nutt-Beers (representing the San Francisco Chamber of Commerce) spoke in support of the permit holder.

(7) SPECIAL ITEM

Discussion and possible action. The Board shall consider adopting a Resolution which allows for remote public participation at Board Hearings. The Resolution further encourages parties and their representatives to attend hearings in-person but allows for their remote participation. History: On October 17, 2023, the Board of Supervisors (“BOS”) discontinued remote public comment by members of the public, except as necessary for disability accommodations (See Section 1.3.3 of the BOS Rules of Order and BOS File Number 231020). The Mayor’s Office instructed that all commissions shall also adopt the BOS’s new rule and not allow remote public comment except when necessary to accommodate a disability. The Mayor’s Office further directed that all presenters from departments attend commission meetings in-person. On December 6, 2023, the Board considered the Mayor’s directive. The consensus of the commissioners at the hearing was that: (1) the Board should not take a position on departmental representatives’ attendance given that they are City employees subject to the Mayor’s direction, and (2) the Board should allow remote public participation. With respect to attendance by parties and their representatives, the Board would strongly encourage the parties to attend hearings in-person as it enhances the hearing process but allow for remote participation. At the hearing on December 6, 2023, Commissioner Swig (President of the Board at that time) asked the Executive Director to draft language reflecting this general policy to be considered by the Board at a future meeting.

ACTION: Upon motion by President Lopez, the Board voted 5-0 to adopt the Resolution.

PUBLIC COMMENT: Corey Teague stated that the Planning Commission stopped taking remote public comment except when accommodations are requested. He noted, however, that remote public comment and access were still permitted for the Zoning Administrator hearings which are conducted for variances and enforcement matters.

Sue Hestor encouraged the Board to hold fast with its position supporting remote participation. She noted that a lot of people cannot take the time to attend hearings at City Hall and that maximum participation was helpful.

ADJOURNMENT.

There being no further business, President Lopez adjourned the meeting at 6:17 p.m.

The supporting documents for this meeting can be found at the following link:
<https://www.sf.gov/meeting/february-28-2024/board-appeals-hearing-february-28-2024>

A video of this meeting, can be found at the following link:
https://sanfrancisco.granicus.com/player/clip/45545?view_id=6&redirect=true