

# **BOARD OF APPEALS**

## **CITY & COUNTY OF SAN FRANCISCO**

### **DRAFT MEETING MINUTES – WEDNESDAY, MARCH 13, 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); Kevin Birmingham, Acting Chief Building Inspector, 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: None.

#### **(2) COMMISSIONER COMMENTS & QUESTIONS**

SPEAKERS: President Lopez noted that he was absent a few meetings ago, and he thanked Commissioner Swig for his comments made during the Commissioner Comments and Questions portion of the agenda. He noted that it was rare in public life to hear public apologies and thanked Commissioner Swig for his leadership. President Lopez noted that the Recreation and Parks Department would not be present for the hearing due to issues that arose in prior meetings. He stated that he was sorry and disappointed about their absence as he believed it hurt the Board's decision-making process. He noted that information from the parties was integral to successfully performing the Board's duties, and consequently it was important to have good relationships with the parties, the departments, and the public. He further stated that he was hopeful that the Board could rebuild a relationship of trust and mutual respect with the Recreation and Parks Department. He stated that the prior events gave the Board an opportunity to reflect on the importance of the City's Equitable, Fair and Respectful Workplace Policy, which was a roadmap for relationships with the parties and departments. He asked the Executive Director to reach out to Human Resources for training opportunities on the City's policy.

Commissioner Trasviña stated that he was astonished the Recreation and Parks Department was not attending the hearing. He stated that he hoped they would reflect on the situation and get some training, because he found it unacceptable for a city agency not to send someone to a hearing on a rehearing matter. He acknowledged that words were exchanged in the heat of one Item for which Commissioner Swig apologized but stated that the intentional failure of the Recreation and Parks Department to attend the hearing was not fair to the Board of Appeals, the other litigants, the appellants, and the public. He noted that these cases were very important, and 3,000 pages of hearing records had been presented. He hoped that whoever was running Recreation and Parks would reconsider their actions and look introspectively at fulfilling their responsibility to the people of San Francisco.

PUBLIC COMMENT: Kathy stated she was astonished that Recreation and Parks was not present at the hearing, and she hoped it would be held against them.

Martin Muñoz stated that it was reasonable for Recreation and Parks not to be in the room, especially given the dozens of public meetings that they have gone through for this project.

An unidentified caller stated that Recreation and Park's nonappearance reinforced the public opinion that they were acting without any community input, and they did not care about safety.

**(3) ADOPTION OF MINUTES**

Discussion and possible adoption of the February 28, 2024 minutes.

ACTION: Upon motion by Commissioner Eppler, the Board voted 5-0 to adopt the February 28, 2024, hearing minutes as amended by Vice President Lemberg.

PUBLIC COMMENT: None.

**ITEMS (4A) AND (4B) SHALL BE HEARD TOGETHER**

**(4A) JURISDICTION REQUEST NO. 24-1**

**Subject property at 1920 Pacific Avenue.** Letter from Vishal Lall and Dee Datta, requestors, asking that the Board take jurisdiction over Alteration Permit No. 2020/09/16/4264, which was issued on September 16, 2020. The appeal period ended on October 1, 2020, and the jurisdiction request was filed at the Board office on February 20, 2024. **Permit Holder:** 1920 Pacific G1 LP . **Permit Description:** remove dry rotted wood enclosure around garbage area and replace in kind, not visible from street.

**(4B) JURISDICTION REQUEST NO. 24-3**

**Subject property at 1920 Pacific Avenue.** Letter from Vishal Lall and Dee Datta, requestors, asking that the Board take jurisdiction over Alteration Permit No. 2021/02/22/5095, which was issued on November 10, 2022. The appeal period ended on November 28, 2022, and the jurisdiction request was filed at the Board office on February 27, 2024. **Permit Holder:** 1920 Pacific G1 LP . **Permit Description:** Add four Accessory Dwelling Units at ground floor parking per Ordinance No. 162-16 to existing 12 residential units. Provide sprinklers at the ground floor per NFPA 13.

## **REGULAR MEETING, BOARD OF APPEALS, MARCH 13, 2024 - PAGE 3**

ACTION: Upon motion by Commissioner Eppler, the Board voted 5-0 to deny these requests on the basis that the City did not intentionally or inadvertently cause the requestors to be late in filing appeals.

SPEAKERS: Vishal Lall, requestor; Justin Zucker, attorney for permit holder; Corey Teague, PD; Kevin Birmingham, DBI.

PUBLIC COMMENT: None.

### **ITEMS (5A), (5B) AND (5C) SHALL BE HEARD TOGETHER**

#### **(5A) REHEARING REQUEST FOR APPEAL NO. 23-062**

**Subject property at Upper Great Highway between Lincoln Way and Sloat Blvd. plus surrounding streets.** Sunset Parkside Education and Action Committee (SPEAK), Appellant, is requesting a rehearing of Appeal No. 23-062, SUNSET PARKSIDE EDUCATION AND ACTION COMMITTEE (SPEAK) vs. PLANNING COMMISSION, decided February 7, 2024. At that time, upon motion by Commissioner Swig, the Board voted 3-1-0 (Commissioner Trasviña dissented and Commissioner Eppler absent) to deny the appeal 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. **Permit Holder:** San Francisco Recreation and Parks Department. **Permit Description:** 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 various traffic calming measures on surrounding streets. **Permit No.:** 2022-007356CTZ (Motion No. 21437).

#### **(5B) REHEARING REQUEST FOR APPEAL NO. 23-064**

**Subject property at Upper Great Highway between Lincoln Way and Sloat Blvd. plus surrounding streets.** Geoffrey Moore, Appellant, is requesting a rehearing of Appeal No. 23-064, GEOFFREY MOORE vs. PLANNING COMMISSION, decided February 7, 2024. At that time, upon motion by Commissioner Swig, the Board voted 3-1-0 (Commissioner Trasviña dissented and Commissioner Eppler absent) to deny the appeal 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. **Permit Holder:** San Francisco Recreation and Parks Department. **Permit Description:** 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 various traffic calming measures on surrounding streets. **Permit No.:** 2022-007356CTZ (Motion No. 21437).

**(5C) REHEARING REQUEST FOR APPEAL NO. 23-065**

**Subject property at Upper Great Highway between Lincoln Way and Sloat Blvd. plus surrounding streets.** Charles Perkins, Appellant, is requesting a rehearing of Appeal No. 23-065, CHARLES PERKINS vs. PLANNING COMMISSION, decided February 7, 2024. At that time, upon motion by Commissioner Swig, the Board voted 3-1-0 (Commissioner Trasviña dissented and Commissioner Eppler absent) to deny the appeal 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. **Permit Holder:** San Francisco Recreation and Parks Department. **Permit Description:** 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 various traffic calming measures on surrounding streets. **Permit No.:** 2022-007356CTZ (Motion No. 21437).

**ACTION:** Upon motion by Commissioner Trasviña, the Board voted 3-2 (President Lopez and Commissioner Eppler dissented) to grant the requests on the basis that there was new material information, the San Francisco Estuary Institute Report, that was not presented at the hearing, which could have affected the outcome of the hearing. Lacking the four votes required to pass, the motion failed. The rehearing requests were denied by operation of law.

**SPEAKERS:** Evan Rosen, agent for SPEAK, requestor (Appeal No. 23-062); Geoffrey Moore, requestor (Appeal No. 23-064); Charles Perkins, requestor (Appeal No. 23-065); Corey Teague, PD.

**PUBLIC COMMENT:** Kathy, Judy, Patricia, unidentified caller, Peter Pirolli, Tony Villa, Richard Rothman, Jen D., RL, unidentified caller, Stephen Gorski, Jean Barish, and Lisa spoke in support of the requestors.

Zach Lipton, John Elliott, Martin Muñoz, Lisa Church, Lucas Lux, Cyrus Hall, Joshua Kelly, and Parker Day spoke in support of the permit holder.

**ADJOURNMENT.**

There being no further business, President Lopez adjourned the meeting at 8:24 p.m.

The supporting documents for this meeting can be found at the following link:  
<https://www.sf.gov/meeting/march-13-2024/board-appeals-hearing-march-13-2024>

A video of this meeting, can be found at the following link:  
[https://sanfrancisco.granicus.com/player/clip/45644?view\\_id=6&redirect=true](https://sanfrancisco.granicus.com/player/clip/45644?view_id=6&redirect=true)