

**BOARD OF APPEALS**

**CITY & COUNTY OF SAN FRANCISCO**

**MEETING MINUTES – WEDNESDAY, APRIL 3, 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.

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.

ABSENT: President Jose Lopez.

(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: None.

(3) **ADOPTION OF MINUTES**

Discussion and possible adoption of the March 27, 2024 minutes.

ACTION: Upon motion by Vice President Lemberg, the Board voted 4-0-1 (President Lopez absent) to adopt the March 27, 2024, hearing minutes, as amended by Commissioner Trasviña.

PUBLIC COMMENT: None.

**(4) APPEAL NO. 24-009**

<p>SAN FRANCISCO CARTS &amp; CONCESSIONS, INC., Appellant(s)</p> <p>vs.</p> <p>SAN FRANCISCO PUBLIC WORKS, BUREAU OF STREET USE &amp; MAPPING, Respondent</p>	<p>100 Geary St., 233 Geary Street, 251 Geary Street, and 345 Stockton Street</p> <p>Appealing the REVOCATION on January 31, 2024 of four Mobile Food Facility Permits belonging to San Francisco Carts &amp; Concessions, Inc. (These permits expired on 11/15/23 and cannot be renewed because San Francisco Carts and Concessions Inc. has not submitted updated Public Health permits i.e. Certificate of Sanitation, as required by law).</p> <p>PERMIT NOS. 22MFF-00039, 22MFF-00040, 22MFF-00041 &amp; 22MFF-00042.</p> <p>FOR HEARING TODAY.</p>
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ACTION: None. The appeal was withdrawn prior to the hearing.

**(5) APPEAL NO. 24-008**

<p>EDUARD GOTOVSKIY and ALLA FELDMAN, Appellant(s)</p> <p>vs.</p> <p>DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL</p>	<p>39 Santa Rosa Avenue.</p> <p>Appealing the ISSUANCE on January 23, 2024, to Ruo Wu Chen, of a Site Permit (erect a 3-story, Type 5B, single-family building with an Accessory Dwelling Unit).</p> <p>PERMIT NO. 2021/10/29/1497.</p> <p>FOR HEARING TODAY.</p>
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ACTION: Upon motion by Commissioner Swig, the Board voted 4-0-1 (President Lopez absent) to grant the appeal and issue the permit on the condition that it be revised to require: (1) that the property line wall abutting the appellants' property be raised to six feet and be one-hour, fire-rated, and, (2) the permit holder work with DBI on correcting the street number for the property. This motion was made on the basis that although the permit was properly issued, these conditions will address the privacy and safety concerns of the appellants and the need to have a proper order of addresses on the street.

SPEAKERS: Eduard Gotovskiy, appellant; Andrew Tang, agent for permit holder; Corey Teague, PD; Kevin Birmingham, DBI.

PUBLIC COMMENT: YS Kim spoke in support of the appellant.

**ITEMS (6A) & (6B) SHALL BE HEARD TOGETHER**

**(6A) APPEAL NO. 24-011**

JENNIFER MEI and HANMIN LIU, Appellant(s)  vs.  DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	45, 47 & 49 Bernard Street. Appealing the ISSUANCE on January 24, 2024, to Tina and Lindsey Huston, of a Site Permit (upgrade three-story, four-unit apartment consisting of brick foundation, wood frame structure, combination siding, etc.; project work consists of seismic/soft-story foundation upgrade (with nine-foot, rear-yard addition) and includes bringing front bedroom windows to fire exit code size with finish to match existing). PERMIT NO. 2020/08/22/2415. FOR HEARING TODAY.
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**(6B) APPEAL NO. 24-010**

TINA HUSTON and LINDSEY HUSTON, Appellant(s)  vs.  DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	45, 47 and 49 Bernard Street. Appealing the ISSUANCE on January 24, 2024, to Tina and Lindsey Huston, of a Site Permit (Upgrade three-story, four-unit apartment consisting of brick foundation, wood frame structure, combination siding, etc.; project work consists of seismic/soft-story foundation upgrade (with nine-foot, rear-yard addition) and includes bringing front bedroom windows to fire exit code size with finish to match existing). PERMIT NO. 2020/08/22/2415. FOR HEARING TODAY.
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**ACTION:** Upon motion by Commissioner Swig, the Board voted 4-0-1 (President Lopez absent) to continue this matter to May 29, 2024 so that the permit holders can submit revised plans: (1) to comply with changes to the Planning Code, and (2) which are not subject to the conditions imposed by the Planning Commission, namely the requirement to eliminate the roof deck and spiral stair, and to configure the third floor to be identical to the second floor.

**SPEAKERS:** Evan Rosenbaum, attorney for appellants (Appeal No. 24-011); Hanmin Liu, appellant (Appeal No. 24-011); John Lum, agent for appellants (Appeal No. 24-011); Lindsey Huston, permit holder for both appeals and appellant for Appeal No. 24-010. Tina Huston, permit holder for both appeals and appellant for Appeal No. 24-010; Corey Teague, PD; Kevin Birmingham, DBI.

**PUBLIC COMMENT:** Kelvin Lee, Frank Sam, Bob Colton, Theresa Flandrich, Jennifer Mei, John Lum, Sam Emblidge, Hanmin Liu, Ozzie Rohm, Anastasia Yovanopoulos, and Angela Fong spoke in opposition to the project.

Sarah Hoffman, Tim Hoffman, Lisa McClue, Taylor Huston, Cosey McClue, Vik Ghai, Lynn Ballai, Jenna Sciarrino, Jayson Morris, Robert Fleck, Sam Bradshaw, Joanne Diver, Stella Lew, and Anthony Oh spoke in support of the permit holders.

**ADJOURNMENT.**

There being no further business, Vice President Lemberg adjourned the meeting at 9:21p.m.

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

<https://www.sf.gov/meeting/april-3-2024/board-appeals-hearing-april-3-2024>

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

[https://sanfrancisco.granicus.com/player/clip/45819?view\\_id=6&redirect=true](https://sanfrancisco.granicus.com/player/clip/45819?view_id=6&redirect=true)