

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES – WEDNESDAY, APRIL 17, 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); Maggie Weiland, Executive Director, Entertainment Commission (EC); Nick Chapman, Manager for Temporary Street Closures and Special Events, San Francisco Municipal Transportation Agency (SFMTA); 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 welcomed everyone in attendance in the hearing room and noted that the Board did not usually have a sold-out house. He followed up on the Executive Director's earlier offer to the parties for Items 7, 8 and 9 to reschedule their matters to a later date given that the agenda was very long and there was a high volume of participants. President Lopez stated that the Board had an unofficial policy of reserving the right to continue an Item, if it was scheduled to start after 10:00 p.m. He clarified that a party who did not reschedule and who waited until 10:00 p.m. ran the risk of the Item being continued and that there was no guarantee that an Item would be heard. President Lopez further encouraged his fellow commissioners to hold questions until the rebuttal portion given the long agenda and high volume of participants.

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Commissioner Trasviña welcomed all the people in the room, particularly the young people. He further stated that he was happy that they could see a part of city government at work. Separately, with respect to rescheduling matters due to the long agenda, he stated that it might be advisable for someone to reach out to the SFPUC representative who was not present in the hearing room when an offer to reschedule his agency's Item was made.

PUBLIC COMMENT: None.

(3) ADOPTION OF MINUTES

Discussion and possible adoption of the April 3, 2024 minutes.

ACTION: Upon motion by Commissioner Trasviña, the Board voted 5-0 to adopt the April 3, 2024, hearing minutes.

PUBLIC COMMENT: None.

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

(4A) REHEARING REQUEST FOR APPEAL NO. 24-005

Subject property at 939 Lombard Street. Martin Eng, Appellant, is requesting a rehearing of Appeal No. 24-005, Martin Eng vs. Dept. of Building Inspection, Planning Dept. approval, decided March 27, 2024. At that time, 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. **Permit Holder:** Byrnes Special Works LLC. **Permit Description:** Demolition of Type V, one-story carport. **Permit No.:** 2021/07/09/4044.

(4B) REHEARING REQUEST FOR APPEAL NO. 24-006

Subject property at 939 Lombard Street. Martin Eng, Appellant, is requesting a rehearing of Appeal No. 24-006, Martin Eng vs. Dept. of Building Inspection, Planning Dept. approval, decided March 27, 2024. At that time, 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. **Permit Holder:** Byrnes Special Works LLC. **Permit Description:** erect four stories, no basement, Type V-B, single-family dwelling unit. **Permit No.:** 2021/07/09/4046.

ACTION: Upon motion by Commissioner Swig, the Board voted 5-0 to deny the rehearing requests on the basis that there was neither new evidence nor manifest injustice.

SPEAKERS: Martin Eng, requestor; Tara Sullivan, attorney for permit holder; Corey Teague, PD; Kevin Birmingham, DBI.

PUBLIC COMMENT: None.

(5) APPEAL NO. 24-027

<p>BEN MARCUS-WILLERS and DAVID AU and JENNIFER KWA and ALICE LUONG, Appellant(s)</p> <p>vs.</p> <p>ENTERTAINMENT COMMISSION, Respondent</p>	<p>Grant Avenue (between California Street & Washington Street). Appealing the ISSUANCE on March 20, 2024, to LionDanceME, of a One Time Outdoor Entertainment Event Permit (Entertainment and/or amplified sound will occur on the following dates and times: Saturdays and Sundays, 4/6/24-3/30/25, from 10:00 a.m. to 7:00 p.m.). PERMIT NO. ECOTE24-046. FOR HEARING TODAY.</p>
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ACTION: Upon motion by President Lopez, the Board voted 4-1 (Commissioner Trasviña dissented) to grant the appeal and issue the permit on the condition it be revised as follows: (1) the entertainment and amplified sound shall only occur on Saturdays between 12:00 p.m. and 5:00 p.m. on the 700 block of Grant Avenue, (2) the permit shall expire on June 30, 2024, and (3) any outdoor pre-recorded amplified sound shall be measured at a distance of 25-feet from the event periphery, and such sound shall not exceed the ambient sound levels at that measurement. This motion was made on the basis that these limitations to the permit address some of the appellants' concerns and cover some of the areas that have received expressions of agreement among the parties, and further that the permit should otherwise be allowed to continue.

SPEAKERS: Jennifer Kwa, appellant; Alice Luong, appellant; Ben Marcus-Willers, appellant; David Au, appellant; Norman Lau, agent for permit holder; Julie Mei, agent for permit holder; Larry Lee, agent for permit holder; the following people shared the permit holder's time: a young girl, Cameron Wong, dancer, Winston, dancer, and Jordan Costa Lee, singer for Lion DanceMe; Maggie Weiland, EC; Nick Chapman, SFMTA.

PUBLIC COMMENT: Shannon Kuan, Jennifer Cheung, Ruby Lai, Jeff Lee, George Louie, David Lowe, Susie, Laura Li, Steven Lee; Ashley Cheng, My Linh Chan, and Vanita Louie spoke in support of the permit holder.

Chuck spoke in support of the appellants.

Cindy Kim supported a compromise between the parties.

(6) APPEAL NO. 24-028

<p>BRAD SAYLOR, Appellant(s)</p> <p>vs.</p> <p>ENTERTAINMENT COMMISSION, Respondent</p>	<p>2032 Union Street. Appealing the ISSUANCE on March 21, 2024, to Blue Plantain LLC, of a Limited Live Performance Permit (Indoor entertainment, outdoor entertainment and amplified sound in patio; date and time: indoor entertainment allowed until 11 p.m. daily; outdoor amplified sound allowed 10 a.m.-10 p.m. daily; outdoor entertainment allowed 10 a.m.-10 p.m. daily but shall not exceed four hours up to ten times per calendar year). PERMIT NO. EC-1743 LLP. FOR HEARING TODAY.</p>
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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: Andrew Grindstaff, attorney for appellant, Tony Nash, agent for appellant; Jeff Davis, agent for permit holder; Benson Wang, agent for permit holder; Maggie Weiland, EC.

PUBLIC COMMENT: Thayer Mullins, Jessica Ann, Regan and Linda Kha spoke in support of the permit holder.

Stacey spoke in support of the appellant.

(7) APPEAL NO. 24-025

<p>SPENCER GOSCH, Appellant(s)</p> <p>vs.</p> <p>HISTORIC PRESERVATION COMMISSION, Respondent</p>	<p>945-947 Minnesota Street. Appealing the ISSUANCE on February 21, 2024, to Wilmington Savings Fund Society, of a Certificate of Appropriateness (COA) (adopting findings for a COA for major alterations determined to be appropriate for and consistent with the Planning Code and to meet the Secretary of the Interior's Standards for Rehabilitation; the proposed project abates Planning Enforcement Case No. 2022-005853ENF for work completed beyond the scope of work that was previously approved under Historic Preservation Commission Motion No. 0422 (2019-005728COA); the project includes reconstruction of the rear portion of the building and construction of a two-story, approximately eight-foot-deep addition within the required rear yard meeting the requirements for permitted obstructions in required open areas; the project would also modify some window openings on non-primary facades and add a roof deck accessible by a three-story spiral stair and another deck above the rear addition). RECORD NO. 2023-001148COA. FOR HEARING TODAY.</p>
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ACTION: None. At 10:26 p.m., President Lopez recessed the meeting and rescheduled this Item to the May 8, 2024, calendar, given the late hour.

APPEALS (8A), (8B) & (8C) SHALL BE HEARD TOGETHER

(8A) APPEAL NO. 23-050

JOERG RATHENBERG, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	617 Sanchez Street. Appealing the ISSUANCE on October 6, 2023, to JW Sanchez LLC, of a Demolition Permit (to demolish a 2-story, single-family dwelling). PERMIT NO. 2019/01/15/0390. FOR HEARING TODAY.
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(8B) APPEAL NO. 23-057

JOERG RATHENBERG, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	617 Sanchez Street. Appealing the ISSUANCE on November 2, 2023, to JW Sanchez LLC, of a Demolition Permit (to demolish a one-story, Type 5, detached garage structure; existing single family home to remain the same). PERMIT NO. 2022/05/20/4730. FOR HEARING TODAY.
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(8C) APPEAL NO. 23-051

JOERG RATHENBERG, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	617 Sanchez Street. Appealing the ISSUANCE on October 6, 2023, to JW Sanchez LLC, of a Site Permit (to erect four stories, no basement, Type V-A, single-family residence). PERMIT NO. 2019/01/15/0391. FOR HEARING TODAY.
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ACTION: None. At 10:26 p.m., President Lopez recessed the meeting and rescheduled these Items to the May 8, 2024, calendar, given the late hour.

(9) APPEAL NO. 24-013

<p>SUNSET PARKSIDE EDUCATION AND ACTION COMMITTEE (SPEAK), Appellant(s)</p> <p>vs.</p> <p>PLANNING COMMISSION, Respondent</p>	<p>520 John Muir Drive. Appealing the ISSUANCE on January 25, 2024, to the San Francisco Public Utilities Commission (SFPUC), of a Coastal Zone Permit (the SFPUC project is for the demolition of seven, one-story recreational structures and soil remediation around four existing skeet shooting fields on an approximately 11-acre site that was previously operated by the Pacific Rod and Gun Club as a skeet and trap shooting facilities from 1934 to 2015 and Gun Club; the Coastal Zone Authorization is being sought to allow for soil remediation around the existing skeet field for anticipated soil decontamination and the demolition of seven existing recreational structures; the buildings that would be demolished include a club house, rifle range building, caretaker's house, shell house, a trap house and the ancillary structures include a restroom building, garage and a barbeque shed that were previously used by Pacific Rod and Gun Club as a shooting facility for skeet and trap shooting; the project does not propose any new structures or change of use at the Project Site). RECORD NO. 2019-014146CTZ. FOR HEARING TODAY.</p>
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ACTION: None. At 10:26 p.m., President Lopez recessed the meeting and rescheduled this Item to the May 8, 2024, calendar, given the late hour.

ADJOURNMENT.

There being no further business, President Lopez adjourned the meeting at 10:35 p.m.

The supporting documents for this meeting can be found at the following link:
<https://www.sf.gov/meeting/april-17-2024/board-appeals-hearing-april-17-2024>

A video of this meeting, can be found at the following link:
https://sanfrancisco.granicus.com/player/clip/45906?view_id=6&redirect=true