

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES – WEDNESDAY, MAY 29, 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: William Sorenson spoke about a Notice of Violation he received from DBI wherein he was cited for peeling paint on his house. He noted several previous complaints that were made about his house, which were ultimately dismissed. He believed he was being targeted and asked for DBI to back off.

(2) **COMMISSIONER COMMENTS & QUESTIONS**

SPEAKERS: None.

(3) **ADOPTION OF MINUTES**

Discussion and possible adoption of the May 15, 2024 minutes.

ACTION: Upon motion by Vice President Lemberg, the Board 5-0 to adopt the May 15, 2024 hearing minutes.

PUBLIC COMMENT: None.

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

(4A) APPEAL NO. 24-011

<p>JENNIFER MEI and HANMIN LIU, Appellant(s)</p> <p>vs.</p> <p>DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL</p>	<p>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 FURTHER CONSIDERATION. Note: On April 3, 2024, 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 to comply with changes to the Planning Code, and which remove 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.</p>
---	---

(4B) APPEAL NO. 24-010

<p>TINA HUSTON and LINDSEY HUSTON, Appellant(s)</p> <p>vs.</p> <p>DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL</p>	<p>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 FURTHER CONSIDERATION. See note in (4A) above.</p>
--	---

ACTION: Upon motion by Commissioner Swig, the Board voted 5-0 to grant the appeals and issue the permit on the condition it be revised to require the adoption of the revised plans, dated May 22, 2024, submitted by the permit holder. This motion was made on the basis that the Planning Department and DBI see these plans as complying with the wishes of the Board and the plans are Code compliant.

SPEAKERS: Tina Huston, permit holder; Corey Teague, PD; Kevin Birmingham, DBI; Scott Emblidge, attorney for appellants (Appeal No. 24-011).

PUBLIC COMMENT: Moe Jamil, Sui Cheung, Theresa Flandrich, Kathy Wolfe and Robyn Tucker spoke in support of the appellants for Appeal No. 24-011.

(5) APPEAL NO. 24-021

<p>FELIX WAI, Appellant(s)</p> <p>vs.</p> <p>ZONING ADMINISTRATOR, Respondent</p>	<p>1618-1620 McAllister Street. Appealing the ISSUANCE on February 16, 2024, to Felix Wai, of a Notice of Violation & Penalty Decision (The subject property is in violation of the Planning Code for unauthorized Group Housing Use and for work undertaken without Planning Dept. review and approval. The property is authorized for Residential use with two dwelling units. Under the code, each dwelling unit may be occupied by one family. At least 15 people, unrelated by blood, marriage or adoption are residing in the two units. The unauthorized construction work pertains to six dormer windows that do not retain setbacks of three feet from each other and exceed 20% of the subject roof's horizontal area in violation of the requirements set forth in Zoning Administrator Bulletin No. 3). COMPLAINT NO. 2022-011112ENF. FOR HEARING TODAY.</p>
---	--

ACTION: None. The appeal was withdrawn prior to the hearing.

(6) SPECIAL ITEM

Discussion and Possible Action: The Board will consider proposed changes to various provisions of the Board's Rules with possible adoption of these changes. Although a draft of proposed changes has been posted, any of the Rules may be discussed and/or amended at the hearing on May 29, 2024.

ACTION: Upon motion by Commissioner Swig, the Board voted 5-0 to adopt the revisions to the Board's Rules on the basis that they satisfy the needs of the Board of Appeals and the public.

Commissioner Swig stated that if additional revisions to the Rules were submitted by the public or commissioners, then the Executive Director is directed to agendize a Special Item to review the proposed changes no later than six months from receipt of the proposed revisions.

PUBLIC COMMENT: None.

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/may-29-2024/board-appeals-hearing-may-29-2024>

A video of this meeting, can be found at the following link:
https://sanfrancisco.granicus.com/player/clip/46254?view_id=6&redirect=true