

**BOARD OF APPEALS**

**CITY & COUNTY OF SAN FRANCISCO**

**DRAFT MEETING MINUTES – WEDNESDAY, JULY 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); Kaitlyn Azevedo, Deputy Director, San Francisco Entertainment Commission (EC); 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 the housekeeping matter heard prior to Public Comment (appellant's request to continue Item 8, Appeal No. 23-035) took almost an hour. He stated that the Board had a busy calendar and asked the other commissioners to hold their questions until the rebuttal portion of the cases, so that they would have a chance of getting through the Items on the agenda.

Commissioner Trasviña noted that, although the appellant's request to continue Item 8 was a housekeeping matter, it was critically important. He thanked the other commissioners for the care in which they took into account the various considerations before them. He stated that members of the Board as well as the public deserved a full discussion of the Items so that the Board could make their decisions with the information that is required of them. He indicated that he did not think it was appropriate to expedite the process by cutting back on questions and dialogue.

Public Comment: None.

**(3) ADOPTION OF MINUTES**

Discussion and possible adoption of the July 10, 2024 minutes.

**ACTION:** Upon motion by Commissioner Eppler, the Board voted 5-0 to adopt the July 10, 2024, hearing minutes as amended by Commissioner Eppler.

**PUBLIC COMMENT:** None.

**(4) REHEARING REQUEST FOR APPEAL NO. 24-024**

**Subject property at 870 North Point Street.** Ali Shafie, Appellant, is requesting a rehearing of Appeal No. 24-024, ALI SHAFIE vs. DEPT. OF BUILDING INSPECTION, decided May 15, 2024. At that time, upon motion by Vice President Lopez, the Board voted 4-0-1 (Commissioner Eppler absent) to deny the appeal and uphold the permit on the basis it was properly issued. **Permit Holder:** Sean Olson. **Permit Description:** Legalize mini-split heat pump installation for existing ground floor office space; comply with Notice of Violation No. 202313790. **Permit No.:** 2024/02/20/6193.

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

**SPEAKERS:** Ali Shafie, requestor; Sean Olson, permit holder; Kevin Birmingham, DBI.

**PUBLIC COMMENT:** None.

**(5) JURISDICTION REQUEST NO. 24-4**

**Subject property at 636 Bryant and 160 Freelon Street.** Letter from Marjorie Schwartz-Scott, requestor, asking that the Board take jurisdiction over Site Permit No. 2022/09/28/3327, which was issued on May 13, 2024. The appeal period ended on May 28, 2024, and the Jurisdiction Request was filed at the Board office on June 24, 2024. **Permit Holder:** 160 Freelon Housing Partners L.P. **Permit Description:** Priority processing, 100% affordable housing; construct 9-story, 85 dwelling units, Type 1-B building.

**ACTION:** Upon motion by President Lopez, the Board voted 5-0 to deny the request on the basis that the City did not intentionally or inadvertently cause the requestor to be late in filing an appeal.

**SPEAKERS:** Marjorie Schwartz-Scott, requestor; Carlos Vasquez, agent for permit holder; John Kevlin, attorney for permit holder; Corey Teague, PD; Kevin Birmingham, DBI.

**PUBLIC COMMENT:** Eileen Tillman spoke in support of the requestor.

**(6) APPEAL NO. 24-034**

<p>MARC FREED-FINNEGAN, Appellant(s)</p> <p>vs.</p> <p>PLANNING DEPT., Respondent</p>	<p>363 Jersey Street. Appealing the CANCELLATION on April 26, 2024, of Building Permit No. 2024/03/13/7715 (The proposed scope of work is inconsistent with the prior appeal decisions by the Board of Appeals under 17-191 and 17-192. Building Permit 20180323449 (issued on August 21, 2018) and 20141181848 (issued on November 29, 2017) were approved by the Planning Department to authorize two dwelling units on the subject property. Scope of work for the cancelled permit: permit to revise CFC as a single-family dwelling, rescinding CFC as two dwelling units; no legally qualifying kitchen was installed at lower level; additional unit authorized to be created under Permit No. 201902011902 was not created per Planning Department requirements for a qualifying kitchen, home to retain single family dwelling status). Permit No. 2024/03/13/7715. FOR HEARING TODAY.</p>
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**ACTION:** Upon motion by Commissioner Trasviña, with an amendment by Commissioner Eppler, the Board voted 5-0 to grant the appeal, overturn the cancellation of the permit, and reinstate review of the permit on the basis that the City erred in granting a Certificate of Completion (CFC) showing the residence as a single-family residence, and the appellant relied on the erroneous CFC to his detriment.

**SPEAKERS:** Marc Freed-Finnegan, appellant; Corey Teague, PD; Kevin Birmingham, DBI.

**PUBLIC COMMENT:** Georgia Schuttish stated that the second-unit problem needed to be resolved by the Board. She suggested that the Board work with the BIC and the Planning Department. She noted that there were many other projects with this issue.

**(7) APPEAL NO. 24-039**

<p>NEXT LEVEL SF LLP, DBA 1217 LOUNGE, Appellant(s)</p> <p>vs.</p> <p>ENTERTAINMENT COMMISSION, Respondent</p>	<p>1217 Sutter Street. Appealing the ISSUANCE on June 21, 2024, to Next Level SF LLP, dba 1217 Lounge, of a Place of Entertainment and Extended Hours Premises Permit (Indoor entertainment allowed Friday through Sunday 11:30 p.m. – 2:00 a.m.; no entertainment allowed during the month of Ramadan each year; sound abatement internal limit approved at 88dBA/100dBC maximum, measured from the corner of the bar's nearest the entrance; there shall be a minimum of four security guards working on Friday through Sunday nights during entertainment; at least two guards shall always be outside during entertainment on Friday through Sunday nights; beginning at 11:30pm on Friday through Sunday nights during entertainment, door policies shall include: ID check, bag check, pat-down, and wandng prior to entry; a female guard will be onsite to perform female pat-downs PERMIT NO. EC-1783. FOR HEARING TODAY.</p>
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**ACTION:** Upon motion by President Lopez, the Board voted 4-1 (Commissioner Trasviña dissented) to deny the appeal and uphold the permit, on the basis it was properly issued.

**SPEAKERS:** Mark Rennie, attorney for appellant; Karlo Avassapian, agent for appellant; Kaitlyn Azevedo, EC.

**PUBLIC COMMENT:** Hala Hijazi, Mohammed Alnuzaili, Omar Al-Ejel, Soha Abdon, Sami, Sara Ouchene, Shahin Shaikh, Chris Schulman, Nash Mashrah and Elliott spoke in support of the department.

Kevin Ortiz, Miles Steinberg and Darrell Evans spoke in support of the appellant.

**(8) APPEAL NO. 23-035**

<p>SUNSET PARKSIDE EDUCATION AND ACTION COMMITTEE (SPEAK), Appellant(s)</p> <p>vs.</p> <p>PLANNING COMMISSION, Respondent</p>	<p>2700 45th Avenue. Appealing the ISSUANCE on July 27, 2023, to the United Irish Cultural Center, Inc., of a Coastal Zone Permit (Demolition of a two-story, community facility and new construction of a six-story-over-basement, 91-foot tall, mixed-use building (approximately 129,538 feet) that contains public and private community facilities, restaurant, bar, office, nighttime entertainment and instructional land uses, 54 off-street parking spaces, two car share spaces, 42 Class1 and 44 Class 2 bicycle spaces). RECORD NO. 2022-001407CTZ (Motion No. 21375). FOR HEARING TODAY.</p>
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**ACTION:** Upon motion by Commissioner Swig, the Board voted 5-0 to continue this matter to October 9, 2024, so that the parties can have the opportunity to review any new data and current action by the California Coastal Commission and so that the Board will have adequate and up-to-date information on the topic at hand.

**SPEAKERS:** Evan Rosen, agent for appellant; John Kevlin, attorney for permit holder; Corey Teague, PD.

**PUBLIC COMMENT:** An unidentified person and Susan Wolff spoke in support of the appellant. Jeanne Carey spoke in support of the permit holder.

**ADJOURNMENT.**

There being no further business, President Lopez adjourned the meeting at 9:18 p.m.

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

A video of this meeting, can be found at the following link:  
[https://sanfrancisco.granicus.com/player/clip/46581?view\\_id=6&redirect=true](https://sanfrancisco.granicus.com/player/clip/46581?view_id=6&redirect=true)