

BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
MEETING MINUTES – WEDNESDAY, JANUARY 4, 2023
REMOTE MEETING VIA ZOOM AT 5:00PM

PRESENT: President Rick Swig, Vice President Jose Lopez, Commissioner Alex Lemberg, Commissioner John Trasviña, and Commissioner J.R. Eppler.

Jon Givner, Deputy City Attorney, Office of the City Attorney (CAT); Tina Tam, Deputy Zoning Administrator, Planning Department (PD); Matthew Greene, Chief Building Inspector, Department of Building Inspection (DBI); Chris Buck, Urban Forester, San Francisco Public Works, Bureau of Urban Forestry (SFPW-BUF); 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 may be limited to two minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: None.

(2) **COMMISSIONER COMMENTS & QUESTIONS**

SPEAKERS: President Swig wished everyone a safe and Happy New Year. He further apologized to any member of the public who was inconvenienced by the change in the format of the meeting from in-person to virtual. He stated that this change was made because the weather was a public health crisis.

Commissioner Lemberg echoed President Swig's statement and wished everyone a Happy New Year. They acknowledged that they learned something new after the recent completion of the City's Harassment Prevention Training program. They said it was their responsibility, as a person with a non-traditional gender identity, to announce their pronouns. They stated that they used "they/them" pronouns and that they identified as non-binary. They stated that they use the title "Mx." (pronounced like "mix") rather than "Mr."

PUBLIC COMMENT: None.

(3) ADOPTION OF MINUTES

Discussion and possible adoption of the December 14, 2022 minutes.

ACTION: Upon motion by Commissioner Trasviña, the Board voted 5-0 to adopt the December 14, 2022, meeting minutes.

PUBLIC COMMENT: None.

(4) SPECIAL ITEM: PRESENTATION BY THE PLANNING DEPARTMENT

Kate Conner, Housing Implementation Program Manager with the Planning Department, will give a review of State Housing Legislation, including the State Density Bonus, SB-35, AB-2011, and SB-330.

SPEAKERS: Kate Conner, PD.

PUBLIC COMMENT: None.

(5) APPEAL NO. 22-083

<p>GINA WHITE, Appellant(s)</p> <p>vs.</p> <p>DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL</p>	<p>272 Eureka Street. Appealing the ISSUANCE on November 1, 2022, to Matthew Manteuffel, of a Site Permit (addition at first and second floors; extend by approximately 9'-7 1/2"; adding 224 square feet to each level; relocate powder room, replace existing wood deck, new sliding door and window at rear, add new bathroom, laundry, office and skylight; renovate kitchen). PERMIT NO. 2021/08/10/6180. FOR HEARING TODAY.</p>
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ACTION: Upon motion by President Swig, the Board voted 5-0 to grant the appeal and issue the permit on the condition it be revised to require the revision to the plans found in Exhibit L of the permit holder's brief: more specifically, the removal of the south facing bedroom windows. This motion was made on the basis that it addresses the privacy concerns of the appellant, and the permit was properly issued.

SPEAKERS: Gina White, appellant; Brian O'Neill, attorney for appellant; Matthew Manteuffel, permit holder; Jack Backus, agent for permit holder; Tina Tam, PD; Matthew Greene, DBI.

PUBLIC COMMENT: None.

(6) APPEAL NO. 22-081

<p>JONAS PILKAUSKAS, Appellant(s)</p> <p>vs.</p> <p>SAN FRANCISCO PUBLIC WORKS, BUREAU OF URBAN FORESTRY, Respondent</p>	<p>3312 Clay Street. Appealing the ISSUANCE on November 4, 2022, to Jonas Pilkauskas, of a Public Works Order (denial of an application to remove a street tree without replacement; the tree is in good condition with minor structural concerns and a wound). ORDER NO. 207275. FOR HEARING TODAY.</p>
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ACTION: Upon motion by Commissioner Trasviña, the Board voted 5-0 to grant the appeal and issue the order on the condition it be revised: (1) to allow for the removal of the western tree, (2) to require the determination holder to pay an \$11,200 appraisal fee to the City's Adopt-A-Tree Fund, and (3) if the east tree requires removal within five years of the issuance of the Certificate of Final Completion of the building permit for the project, then the determination holder shall remove the tree and replace it in a tree well to the west, as set forth in Exhibit B of the determination holder's brief, in a location without utility conflicts. This motion was made on the basis that the department erred in not fully taking into account alternatives to non-removal and the public interest in the underlying project.

SPEAKERS: Jonas Pilkauskas, appellant; Justin Zucker, attorney for appellant; Tony Wolcott, agent for appellant; Chris Buck, BUF.

PUBLIC COMMENT: None.

(7) SPECIAL ITEM: DISCUSSION AND POSSIBLE ACTION

On September 8, 2022, the San Francisco Municipal Transportation Agency ("SFMTA") advised the Board of Appeals (BOA) that it would discontinue the practice of having the BOA hear appeals related to taxi permit decisions. On November 16, 2022, the commissioners considered the possibility of sending a letter to the SFMTA which explained the factors considered by the Board when deciding these types of cases, and (2) discussed whether other agencies have the authority to add to or take away the types of matters that fall within the jurisdiction of the Board of Appeals. The commissioners agreed, without a vote, to place an Item on the December 7, 2022, agenda which expanded on the discussion. On December 5, 2022 (after the agenda for the BOA Hearing on December 7, 2022, had been published), the SFMTA rescinded the discontinuation of the consent to allow taxi permit decisions to be heard by the BOA. The purpose of the rescission was to allow the SFMTA and BOA time to engage in further consultation on the matter at the Board level. On December 7, 2022, upon motion by President Swig, the Board voted 5-0 to direct the Executive Director and Vice President Lopez to draft a letter to the SFMTA covering the issues identified by the Vice President at the hearing, more specifically: (1) whether it was appropriate for the SFMTA to discontinue the practice of allowing taxi permit appeals to be heard by the BOA, and (2) If the BOA would no longer hear taxi permit appeals, the factors considered by the BOA when making decisions on these cases. The draft letter will be considered by the Board at the hearing on January 4, 2023.

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ACTION: Upon motion by Vice President Lopez, the Board voted 5-0 to: (1) adopt the letter on the condition that it be revised to incorporate the input voiced by the commissioners, and (2) direct the Executive Director to send the letter to Director Tumlin with a cc to Mayor Breed and the Board of Supervisors.

PUBLIC COMMENT: Mary McGuire, Marcelo Fonseca and Carl Macmurdo thanked the commissioners for their support of taxi permit holders and spoke in favor of submitting the letter to the SFMTA.

ADJOURNMENT.

There being no further business, President Swig adjourned the meeting at 8:32 p.m.

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

<https://sf.gov/meeting/january-4-2023/board-appeals-hearing-january-4-2023-please-note-board-hearing-will-only-be>

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

https://sanfrancisco.granicus.com/player/clip/42713?view_id=6&redirect=true&h=c65c4eb7b425dba8f42e53f3e4c1316d