

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

DRAFT MEETING MINUTES – WEDNESDAY, SEPTEMBER 28, 2022

HYBRID MEETING (IN-PERSON AND REMOTE ACCESS VIA ZOOM)

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Rick Swig, Vice President Jose Lopez, 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, Acting 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.

ABSENT: Commissioner Alex Lemberg.

(1) **SPECIAL ITEM**

Consideration and possible adoption of a resolution which makes findings to allow teleconferenced meetings under California Government Code Section 54953(e).

ACTION: Upon motion by Vice President Lopez, the Board voted 4-0-1 (Commissioner Lemberg absent) to adopt the resolution.

PUBLIC COMMENT: None.

(2) **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.

(3) COMMISSIONER COMMENTS & QUESTIONS

SPEAKERS:

Commissioner Trasviña welcomed Commissioner Eppler. He further stated that he believed it was useful for the Board to have virtual meetings, and that he hoped they would continue even after the COVID Emergency was over. He noted that virtual meetings enable the public to see what the Board is doing and gives the public access to the hearings. He expressed hope that the City Attorney's Office or the Board would take a position that, after the COVID rules were over, the Board could continue with virtual meetings. He stated that if it takes a rule by the Board or the Board of Supervisors to this end, the Board should encourage such a rule as it would increase public participation.

President Swig welcomed Commissioner Eppler and Deputy City Attorney Jon Givner and stated that he looked forward to working with them.

Commissioner Eppler thanked the Commissioners for their warm welcome. He further stated that he was honored to be on that Board and privileged to have the trust of City government to do the work of the Board.

Vice President Lopez echoed the statements made by his fellow commissioners in welcoming Commissioner Eppler. He stated that he looked forward to working alongside him in performing the Board's important work. He further stated that he thought it was positive that the Board now had a consistent quorum of attorneys.

PUBLIC COMMENT: None.

(4) ADOPTION OF MINUTES

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

ACTION: Upon motion by President Swig, the Board voted 4-0-1 (Commissioner Lemberg absent) to adopt the September 14, 2022 meeting minutes.

PUBLIC COMMENT: None.

(5) JURISDICTION REQUEST NO. 22-6

Subject property at 730 Pine Street. Letter from Victoria Cashman and Ryan Carroll, requestors, asking that the Board take jurisdiction over Public Works Order No. 206780, which was issued on July 6, 2022. The appeal period ended on July 21, 2022, and the jurisdiction request was filed at the Board office on September 8, 2022. **Determination Holder:** William Gerhardt. **Determination Description:** The recommendation is to approve Tree Site # 2 for removal and replacement. Tree Site # 1 cannot be replaced because of utility conflicts marked by Underground Service Alert, and therefore the request for removal of Tree Site # 1 is denied.

ACTION: Upon motion by Commissioner Trasviña, the Board voted 4-0-1 (Commissioner Lemberg absent) to deny the request on the basis that the City did not intentionally or inadvertently cause the requestors to be late in filing an appeal.

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SPEAKERS: William Gerhardt, determination holder; Chris Buck, SFPW. The requestors did not appear at the hearing.

PUBLIC COMMENT: None.

(6) APPEAL NO. 22-050

<p>SPENCER GOSCH, Appellant(s)</p> <p>vs.</p> <p>DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL</p>	<p>945-947 Minnesota Street. Appealing the ISSUANCE on June 24, 2022, to Parthesh Kumer, of an Alteration Permit (replace damaged front stair entry doors, all windows; modify width of center windows at front bay; wood windows with ogee lugs at front and exposed north façade; all other windows shall be wood; Marvin integrity; replace all clapboard to rustic siding to match majority of existing siding; create new deck at rear 3rd floor roof level). PERMIT NO. 2019/10/03/3468. FOR FURTHER CONSIDERATION. Note: On August 17, 2022, upon motion by President Swig, the Board voted 5-0 to continue this appeal to September 28, 2022, so that the Planning Department could have more time to review the project.</p>
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ACTION: Upon motion by Vice President Lopez, the Board voted 4-0-1 (Commissioner Lemberg absent) to grant the appeal and revoke the permit on the basis that it is not Code compliant and not properly issued.

SPEAKERS: Tina Tam, PD; Matthew Greene, DBI; Suheil Shatara, agent for permit holder; Spencer Gosch, appellant.

PUBLIC COMMENT: Annette Carrier spoke in support of the appellant.

ADJOURNMENT.

There being no further business, President Swig adjourned the meeting at 6:02 p.m.

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

<https://sfgov.org/bdappeal/meeting/board-appeals-september-28-2022-supporting-documents>

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

https://sanfrancisco.granicus.com/player/clip/42128?view_id=6&redirect=true&h=3561a62dc7b2d6b0c59664f86d06b873