

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES – WEDNESDAY, MARCH 23, 2022

REMOTE MEETING VIA ZOOM

PRESENT: President Rick Swig, Vice President Ann Lazarus, Commissioner Darryl Honda, Commissioner Tina Chang and Commissioner Jose Lopez.

Brad Russi, Deputy City Attorney, Office of the City Attorney (CAT); Corey Teague, Zoning Administrator, Planning Department (PD); Tina Tam, Deputy Zoning Administrator, PD; Chaska Berger, Senior Planner, PD; Matthew Greene, Senior Building Inspector, Department of Building Inspection (DBI); Kevin Birmingham, Senior Building Inspector, DBI; Julie Rosenberg, Executive Director; Alec Longaway, Legal Assistant.

(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 Commissioner Honda, the Board voted 3-0-2 (Commissioner Lopez Commissioner Chang 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.
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SPEAKERS:

Charles Rathbone stated that taxi medallions are valuable assets, and he advised the Board to be mindful of that fact when being asked to take these medallions away from the elderly and disabled medallion holders.

Marcelo Fonseca stated that social justice requires that the medallion holders be allowed to keep their permits. He further stated that it was unfair what the City had done to the taxi industry for the past ten years.

Carl Macmurdo discussed the 9th Circuit *Sloan* appeal and SFMTA Resolution No. 09-138 and how the Resolution impacts Prop. K medallion holders. He further talked about Transportation Code Section 1118 which he believes enables the SFMTA to take back medallions in violation of the ADA.

Robert Cesana spoke about the medallion sales program that was implemented by the SFMTA for disabled drivers and drivers over 60 years of age.

Evelyn Poquez, President and Owner of Alliance Cab, spoke about the revocation of taxi medallions belonging to elderly and disabled taxi drivers.

(3) COMMISSIONER COMMENTS & QUESTIONS

SPEAKERS: None.

(4) ADOPTION OF MINUTES

Discussion and possible adoption of the March 2, 2022 minutes.
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ACTION: Upon motion by Commissioner Honda, the Board voted 5-0 to adopt the March 2, 2022 meeting minutes.

PUBLIC COMMENT: None.

(5) JURISDICTION REQUEST NO. JR-22-2

Subject property at 401 Main Street. Letter from Portside Master Homeowner Association, requestor, asking that the Board take jurisdiction over Alteration Permit No. 2018/09/28/1770, which was issued on July 7, 2021. The appeal period ended on July 22, 2021, and the jurisdiction request was filed at the Board office on February 25, 2022. Permit Holder: SF Oakland Bay LLC. Permit Description: Administrative permit for planning review and verification of existing parking counts; re-striping and signage work according to drawings.
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ACTION: None. The Jurisdiction Request was withdrawn prior to the hearing.

(6) APPEAL NO. 22-003

DR. KRISTOFFER CHANG, Appellant(s)	65 Normandie Terrace.
vs.	Appealing the ISSUANCE on January 24, 2022, to Randy and Heidi Wenokur, of an Alteration Permit (revision to Permit Application No. 2017/07/13/1813 to comply with a Notice of Violation No. 202067441 and Planning Enforcement No. 2020-010614ENF).
DEPT. OF BUILDING INSPECTION, Respondent	PERMIT NO. 2021/09/01/7599.
PLANNING DEPT. APPROVAL	FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Chang, the Board voted 5-0 to deny the appeal and uphold the permit on the basis that it was properly issued.

SPEAKERS: Commissioner Honda (disclosed that he is a partner in a project that is represented by the law firm of Reuben, Junius & Rose and that the firm's appearance before the Board of Appeals would have no effect on his decision); Dr. Kristoffer Chang, appellant; Stephen Williams, attorney for appellant; Scott Emblidge, attorney for permit holders (Randy & Heidi Wenokur); Corey Teague, PD; Matthew Greene, DBI.

PUBLIC COMMENT: Vickie Leow and Steven Chong spoke in support of the appellant. Scott Hoopes stated that it is important for the parties to continue talking and to work things out. He further stated that the Cow Hollow Guidelines should be followed.

(7) APPEAL NO. 22-005

YVONNE SIMONSEN and MIKE AND TAMAR ROSATI, Appellant(s)	120 Eastwood Drive.
vs.	Appealing the ISSUANCE on January 21, 2022, to William Hoskins, of an Alteration Permit (extend the deck from 48" to 105" so that it can be supported by a load bearing wall at garage; revision to Building Permit No. 2017/09/25/9421).
DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	PERMIT NO. 2019/08/20/9309. FOR HEARING TODAY.

ACTION: Upon motion by Vice President Lazarus, the Board voted 5-0 to deny the appeal and uphold the permit on the basis that it was properly issued.

SPEAKERS: Yvonne Simonsen, appellant; Mike Rosati, appellant; William Hoskins, permit holder; Albert Urrutia, agent for permit holder; Tina Tam, PD; Matthew Greene, DBI.

PUBLIC COMMENT: None.

ADJOURNMENT.

There being no further business, President Swig adjourned the meeting at 6:45 p.m.

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

<https://sfgov.org/bdappeal/meeting/board-appeals-march-23-2022-supporting-documents>

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

https://sanfrancisco.granicus.com/player/clip/40860?view_id=6&redirect=true