BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES – WEDNESDAY, OCTOBER 28, 2026

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 John Trasviña, Commissioner Jose Lopez, Commissioner Robin Abad Ocubillo and Commissioner Lily Wong.

Taylor Jaszewski, Deputy City Attorney, Office of the City Attorney (CAT); Marc Shapp, Deputy City Attorney (CAT); Corey Teague, Zoning Administrator, Planning Department (PD); Richard Soenksen, Senior Building Inspector, Department of Building Inspection (DBI); Julie Lamarre, Executive Director; Alec Longaway, Legal Assistant.

ABSENT: Vice President Rebecca Saroyan.

(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: Pamela Fine stated that she appeared before the Board in February 2024 when she appealed a permit for her neighbor's accessory, all-glass structure. She stated that there was a ruling by the Board that tinted glass was going to be used, however, some random person within DBI allowed for transparent glass. She asked how this was allowed to happen. She also stated that the architect used a different set of plans than those reviewed by the Board and that the structure was entirely different than the one approved by the Board. She stated that the architect did not tell anyone about these changes and the structure did not comply with the Board's order.

(2) COMMISSIONER COMMENTS & QUESTIONS

SPEAKERS: President Trasviña advised Ms. Fine that the commissioners could not discuss the matters she raised given that they were not on the agenda. He encouraged Ms. Fine to reach out to Executive Director Lamarre during office hours so that the Board could get a better understanding of her concerns. President Trasviña welcomed everyone to the hearing and stated that the Board was prepared to review the cases. He acknowledged the passing of civil rights icon Dolores Huerta. He noted that she had been a leader for the nation on women's rights, labor rights, civil rights and immigrant rights. He stated that she was a personal inspiration and that he first worked with her in 1986 and many times subsequently over the years. He expressed appreciation for the fact that Mayor Lurie lowered the City Hall flags in her honor.

PUBLIC COMMENT: None.

(3) **ADOPTION OF MINUTES**

Discussion and possible adoption of the October 14, 2026 minutes.

ACTION: Upon motion by President Trasviña, the Board voted 4-0-1 (Vice President Saroyan absent) to adopt the October 14, 2026 meeting minutes.

PUBLIC COMMENT: None.

(4) **JURISDICTION REQUEST NO. 26-3**

Subject property at 376 Castro Street. Letter from Gerald Lee, requestor, asking that the Board take jurisdiction over the Department of Health's Director's hearing order, issued August 11, 2026, which revokes Tobacco Sales Permit No. T-76915. The appeal period ended on August 26, 2026, and the jurisdiction request was filed at the Board office on October 6, 2026. **Determination Holder**: Gerald Lee. **Determination Description**: Tobacco Sales Permit revoked for a repeat violation of SF Health Code Article 19 that occurred within 24 months of the prior violation.

ACTION: Upon motion by President Trasviña, the Board voted 4-0-1 (Vice President Saroyan absent) to grant the request on the basis that the City inadvertently caused the requestor to be late in filing the appeal.

SPEAKERS: Cristine, agent for requestor; Marc Shapp (CAT) representing DPH;

PUBLIC COMMENT: None.

(5) **APPEAL NO. 26-039**

NINA SALTMAN, Appellant(s) vs. SAN FRANCISCO PUBLIC WORKS, BUREAU OF URBAN FORESTRY, Respondent	4227 26th Street. Appealing the ISSUANCE on July 24, 2026, to Nina Saltman, of a Public Works Order (Denial of application to remove one significant tree, a Mexican Fan Palm, with replacement. The tree is 35 feet in height and went decades of growth to reach its current size, and should be maintained). ORDER NO. 300186 (Permit No. 795261). FOR FURTHER CONSIDERATION. **Note: On September 2, 2026, upon motion by Vice President Saroyan, the Board voted 4-0-1 (Commissioner Abad absent) to continue this matter to October 14, 2026, so that: (1) BUF can determine if it is feasible for a DPW engineer to evaluate the safety of the retaining wall, and if so, the engineer will perform a safety analysis, and (2) BUF can submit the notes from the arborist who provided information to the hearing officer at the underlying DPW hearing. This motion was made on the basis that the commissioners did not have enough information to decide the appeal. On October 14, 2026, upon motion by Commissioner Abad, the Board voted 3-0-2 (Vice President Saroyan and Commissioner Wong absent) to continue this matter to October 28, 2026 so that the absent commissioners could participate in the deliberation and vote. The commissioners expressed an intention to grant the appeal and issue the order on the condition it be revised to allow for the removal of the tree without replacement on the basis of public safety and to mitigate potential harm to life and property.**

ACTION: Upon motion by Commissioner Abad, the Board voted 4-0-1 (Vice President Saroyan absent) to grant the appeal and issue the order on the condition it be revised to allow for the removal of the tree without replacement on the basis of public safety and to mitigate potential harm to life and property.

SPEAKERS: None.

PUBLIC COMMENT: None.

(6) **APPEAL NO. 26-047**

JASON O'CONNOR and LEANNE O'CONNOR, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	678 Vermont Street. Appealing the ISSUANCE on July 29, 2026, to Jason O'Connor, of a Notice of Violation (The Planning Department's records reflect that the subject property is developed with a two-story building authorized for residential use with one dwelling unit. The Planning Department finds that an Unauthorized Unit was located on the ground floor of the subject building and removed without a required Conditional Use Authorization). RECORD NO. 2026-001954ENF. FOR FURTHER CONSIDERATION. **On October 14, 2026, upon a motion by Commissioner Lopez, the Board voted 2-1-2 (Commissioner Abad dissented and Vice President Saroyan and Commissioner Wong absent) to grant the appeal and overturn the Notice of Violation on the basis that the Zoning Administrator abused his discretion in issuing the Notice of Violation given the existence of Rent Board records supporting the potential existence of a rental in the lower unit; given these facts, the Planning Department should have conducted a further investigation into the history of the lower unit. There were insufficient votes for the motion to pass. Upon a motion by President Trasviña, the Board voted 3-0-2 (Vice President Saroyan and Commissioner Wong absent) to continue this Item to October 28, 2026 so that the absent commissioners could participate in the deliberation and vote.**

ACTION: Upon motion by President Trasviña, the Board voted 4-0-1 (Vice President Saroyan absent) to continue this matter to November 4, 2026, so that all commissioners could participate in the vote.

SPEAKERS: Commissioner Wong disclosed that she sits on the Planning Department's Community Equity Advisory Council which advises the Department's staff on strategies to engage diverse communities. She stated that this work had not involved the appellants, and she did not accept any payment or honorarium for her service on the Council. She further stated that she did not believe sitting on the Council would have an impact on her ability to be fair and impartial for the case.

PUBLIC COMMENT: None.

(7) **APPEAL NO. 26-052**

JAY MARTIN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	957 Treat Avenue. Appealing the ISSUANCE on August 14, 2026, to 17th and Peralta LLC, of an Alteration Permit (replace damaged gate in kind, north of lot; approximately 18 linear feet wide and 8 feet tall). PERMIT NO. 2026/08/13/6521. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Lopez, the Board voted 4-0-1 (Vice President Saroyan absent) to deny the appeal and uphold the permit on the basis that it was properly issued.

SPEAKERS: Commissioner Wong disclosed that she sits on the Planning Department's Community Equity Advisory Council which advises the Department's staff on strategies to engage diverse communities. She stated that this work had not involved the permit holder or appellant, and she did not accept any payment or honorarium for her service on the Council. She further stated that she did not believe sitting on the Council would have an impact on her ability to be fair and impartial for the case. Commissioner Wong also stated that, out of an abundance of caution, she was disclosing for the record that she knows Kevin Ortiz and Alex Menendez, representatives for the permit holder, through occasional interactions at community events. She stated that she has had several conversations with them but did not have a personal relationship outside of their shared work in the community. She further stated that this familiarity would not affect her ability to consider the matter impartially and to make a fair decision based on the information presented.

Jay Martin, appellant; Alex Menendez, agent for permit holder; Rudy Rucker, agent for permit holder; Kevin Ortiz, agent for permit holder; Corey Teague, PD; Richard Soenksen, DBI.

PUBLIC COMMENT: Abigail S. spoke in support of the appellant.

Mason Carroll and Wilda Batin spoke in support of the permit holder.

ADJOURNMENT.

There being no further business, President Trasviña adjourned the meeting at 6:58 p.m.

The supporting documents for this meeting can be found at the following link:
https://www.sf.gov/meeting-20261028-board-of-appeals-hearing-october-28-2026

A video of this meeting, can be found at the following link:
https://sanfrancisco.granicus.com/player/clip/53458?view_id=6&redirect=true