

## **BOARD OF APPEALS**

### **CITY & COUNTY OF SAN FRANCISCO**

#### **DRAFT MEETING MINUTES – WEDNESDAY, MARCH 19, 2025**

#### **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, Vice President J.R. Eppler, Commissioner Rick Swig, and Commissioner Jose Lopez.

Jesse Mainardi, Deputy City Attorney, Office of the City Attorney (CAT); Natalia Fossi, Deputy Zoning Administrator, Planning Department (PD); Joseph Ospital, Senior Building Inspector, Department of Building Inspection (DBI); Julie Lamarre, 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 Trasviña welcomed everyone to the hearing and stated that the Board was always pleased to see people in attendance. He stated that it was the Board's goal to not only achieve the right legal decision but also attempt to make sure that: (1) people feel heard, (2) the public understands the legal process and outcome, and (3) neighborly relations can go back to as normal as possible, as they were prior to the proceeding.

PUBLIC COMMENT: None.

**(3) ADOPTION OF MINUTES**

Discussion and possible adoption of March 5, 2025 minutes.

ACTION: Upon motion by Commissioner Eppler, the Board voted 4-0 to adopt the March 5, 2025 minutes.

PUBLIC COMMENT: None.

**(4) APPEAL NO. 24-068**

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| JONAH YEE, Appellant(s)<br><br>vs.<br><br>DEPT. OF BUILDING INSPECTION, Respondent<br>PLANNING DEPT. APPROVAL | 407 35th Avenue.<br>Appealing the ISSUANCE on December 12, 2024, to Linda Quan, of an Alteration Permit (violation correction for Notice of Violation No. 2024429869 and legalize roof over existing lightwell).<br>PERMIT NO. 2024/12/11/6584.<br>FOR FURTHER CONSIDERATION.<br><b>Note: On February 12, 2025, upon motion by Commissioner Swig, the Board voted 4-0 to continue this matter to March 19, 2025, so that the permit holder can work with DBI on options to make the roof code compliant.</b> |
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ACTION: Upon motion by President Trasviña, the Board voted 4-0 to grant the appeal and uphold the permit on the condition it be revised to adopt the revised plans that were submitted at the hearing, on the basis that they make the project Code compliant.

SPEAKERS: Samuel Kwong, agent for appellant; Natalia Fossi, PD; Joseph Ospital, DBI; Jonah Yee, appellant.

PUBLIC COMMENT: None.

**(5) APPEAL NO. 25-004**

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| LANA ADAIR and JOHN ADAIR, Appellant(s)<br><br>vs.<br><br>DEPT. OF BUILDING INSPECTION, Respondent<br>PLANNING DEPT. APPROVAL | 3160 Jackson Street.<br>Appealing the ISSUANCE on January 3, 2025, to Justine Van Buren, of a Site Permit (excavating a garage; renovating the existing structure; a west side yard addition to the property line at basement, Level 1, Level 2 and Level 3 (within 3 foot partial setback); west side yard addition at Level 4 with 3 foot setback).<br>PERMIT NO. 2022/03/22/0486.<br>FOR HEARING TODAY. |
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ACTION: Upon motion by Commissioner Swig, the Board voted 4-0 to deny the appeal and uphold the permit on the basis that it was properly issued and code compliant. The Board further indicated that it expects the permit holder to follow through on her statement, communicated by her attorney, that she would share the documents and plans related to the project with the appellants.

SPEAKERS: John Adair, appellant; Darrel Harris, agent for appellants; Stephen Sutro, agent for permit holder; Denny Kwan, agent for permit holder; Jason Powers, agent for permit holder; Tom Tunny, attorney for permit holder; Natalia Fossi, PD; Joseph Ospital, DBI.

PUBLIC COMMENT: None.

**(6) APPEAL NO. 25-005**

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| MARC ZUSSMAN, Appellant(s)<br><br>vs.<br><br>DEPT. OF BUILDING INSPECTION, Respondent<br>PLANNING DEPT. APPROVAL | 42 Woodland Avenue.<br>Appealing the ISSUANCE on January 17, 2025, to Van Hart, of an Alteration Permit (Unit 3: 60 square foot addition on 3rd floor at rear of existing multifamily building with an enclosed exiting balcony at Unit 3).<br>PERMIT NO. 2025/01/10/8119.<br>FOR HEARING TODAY. |
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ACTION: Upon motion by Commissioner Swig, the Board voted 4-0 to grant the appeal and issue the permit on the condition it be revised: (1) to require a three-foot setback of the proposed addition from the property line shared with the appellants, and (2) to require that the plans be revised to accurately reflect the site conditions on the appellant's property. This motion was made based on the Planning Department's recommendation that these conditions will make the project Code compliant.

SPEAKERS: Marc Zussman, appellant; Van Hart, permit holder; Jeri Hart, permit holder; Natalia Fossi, PD; Joseph Ospital, DBI.

PUBLIC COMMENT: None.

**(7) APPEAL NO. 24-060**

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| JEANNE DARRAH, Appellant(s)<br><br>vs.<br><br>DEPT. OF BUILDING INSPECTION, Respondent<br>PLANNING DEPT. APPROVAL | 1477 9th Avenue.<br>Appealing the ISSUANCE on October 18, 2024, to Michael Edelstein, of an Alteration Permit (to comply with Notice of Violation No. 202314238: 168 square foot room addition at rear, legalize rear fence replacement; convert existing bedroom on first floor to office).<br>PERMIT NO. 2024/09/25/1555.<br>FOR HEARING TODAY. |
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ACTION: Upon motion by Vice President Eppler, the Board voted 4-0 to continue this Item to May 7, 2025, so that the departments and parties will have time to work on a mutually acceptable and Code compliant plan for the deck and the stairs.

SPEAKERS: Jeanne Darrah, appellant; Laura Strazzo, attorney for permit holder; Michael Edelstein, permit holder; Rachel Styne, permit holder; Natalia Fossi, PD; Joseph Ospital, DBI.

PUBLIC COMMENT: Carrie Kreitman and Louis Kreitman spoke in support of the permit holders.

**ADJOURNMENT.**

There being no further business, President Trasviña adjourned the meeting 9:14 p.m.

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

<https://www.sf.gov/board-of-appeals-hearing-march-19-2025>

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

[https://sanfrancisco.granicus.com/player/clip/49197?view\\_id=6&redirect=true](https://sanfrancisco.granicus.com/player/clip/49197?view_id=6&redirect=true)

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