

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES – WEDNESDAY, APRIL 9, 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, Commissioner Jose Lopez, and Commissioner Rick Swig.

Jesse Mainardi, Deputy City Attorney, Office of the City Attorney (CAT); Adam Ratke, Deputy City Attorney (CAT); Michelle Vega, Principal Environmental Health Inspector, Department of Public Health (DPH); Julie Lamarre, Executive Director; Alec Longaway, Legal Assistant.

ABSENT: Vice President J.R. Eppler.

(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: John Nulty spoke about the reports submitted by the Bureau of Urban Forestry (“BUF”), which provided updates on two appeals previously heard by the Board. The previous appeals involved the removal of trees at 401 Parnassus Avenue and 198 McAllister Street. Mr. Nulty indicated that it was not clear from the reports for both cases where some of the trees were going to be replanted. He noted that for the 401 Parnassus Avenue case, 105 trees were supposed to be planted in Potrero Hill, but the map submitted by BUF showed them being planted all over the City. Mr. Nulty further indicated that the fact that the trees had still not been planted years after these cases had concluded showed how slow BUF was in getting things done.

(2) COMMISSIONER COMMENTS & QUESTIONS

SPEAKERS: President Trasviña welcomed everyone to the meeting. He referenced the two cases identified by Mr. Nulty during Public Comment and stated that he wanted to invite the department and interested members of the public to a future hearing so that questions and concerns about the reports could be addressed.

Commissioner Swig thanked President Trasviña and stated that he was happy the Board would agendize these matters. He asked the Executive Director to publish the findings and decisions of the Board for those appeals so that it would be clear what the Board expected BUF to be held accountable for completing.

PUBLIC COMMENT: None.

(3) ADOPTION OF MINUTES

Discussion and possible adoption of March 19, 2025 minutes.

ACTION: Upon motion by Commissioner Swig, the Board voted 3-0-1 (Vice President Eppler absent) to adopt March 19, 2025 minutes.

PUBLIC COMMENT: None.

(4) APPEAL NO. 25-009

SAN FRANCISCO EAGLE BAR, LLC,
Appellant(s)

vs.

DEPT. OF PUBLIC HEALTH, Respondent

398 12th Street.
Appealing the DENIAL on February 4, 2025, of a Retail Tobacco Sales Permit (application for a Retail Tobacco Sales Permit has been denied for the following reasons: (1) no new permit shall be issued in any supervisorial district that has 45 or more Establishments with Tobacco Sales Permits, the business location is in Supervisorial District 6 which currently has 77 valid Retail Tobacco Sales Permits, (2) no new permit shall be issued if the applicant will be located within 500 feet of an existing Establishment; the business location is located within 500 feet of one other Establishment that has a Retail Tobacco Sales Permit, (3) no new permit shall be issued to any applicant whose main purpose is offering food or alcoholic beverages for sale or consumption on the premises, the business location is permitted as a Bar & Tavern).
EHD ID NO. 110521. FOR
HEARING TODAY.

ACTION: Upon motion by Commissioner Lopez, the Board voted 3-0-1 (Vice President Eppler absent) to deny the appeal and uphold the determination on the basis that it is consistent with the law.

SPEAKERS: Thomas Smurro, attorney for appellant; Jesus Alejandro Monteil, agent for appellant; Adam Ratke, CAT; Michelle Vega, DPH.

PUBLIC COMMENT: None.

ADJOURNMENT.

There being no further business, President Trasviña adjourned the meeting 6:08 p.m.

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

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

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

https://sanfrancisco.granicus.com/player/clip/49487?view_id=6&redirect=true