BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, OCTOBER 28, 2026
5:00 P.M. CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

THE PUBLIC MAY JOIN THE MEETING IN-PERSON, BY COMPUTER (ZOOM) OR TELEPHONE [ACCESS INSTRUCTIONS CAN BE FOUND AFTER THE AGENDA ITEMS]:

Access by Computer: https://zoom.us/j/97264587392
Access by Telephone:
Call: 1-669-900-9128
Webinar ID: 972 6458 7392

(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.

(2) **COMMISSIONER COMMENTS & QUESTIONS**

(3) **ADOPTION OF MINUTES**

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

(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.

(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.**

(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.**

(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.

ADJOURNMENT.

Note: The materials for each item on this agenda may include some or all of the following documents: Preliminary Statement of Appeal; Departmental determination being appealed; briefs submitted by Appellants, Permit Holders, Respondent Departments or Other Parties; submittals by members of the public; and correspondence. These items, and any materials related to an item on this agenda that are distributed to the Board members at the hearing, are available for public inspection at the Board's website https://sf.gov/departments/board-appeals and upon request by emailing the Board Office boardofappeals@sfgov.org. Please call 628-652-1150 if you have any questions concerning this agenda.

Date posted: **October 23, 2026**

MEMBERS OF THE BOARD OF APPEALS

JOHN TRASVIÑA	**PRESIDENT**
REBECCA SAROYAN	**VICE PRESIDENT**
JOSE LOPEZ	**COMMISSIONER**
ROBIN ABAD OCUBILLO	**COMMISSIONER**
LILY WONG	**COMMISSIONER**

Members of the Board will attend the meeting in-person, and members of the public are invited to attend in-person, by computer, or by telephone as described above. There will be an opportunity for public comment on each agenda item. To ensure full public participation in the Board's adjudicatory hearings, the Board will not impose a time limit on the total amount of remote public participation for any agenda items at this meeting. Each member of the public participating remotely will be subject to the three-minute, or if applicable two-minute, time limit noted above.

INSTRUCTIONS FOR REMOTE PUBLIC ACCESS VIA TELEPHONE OR ZOOM

By Telephone: Call the phone number and enter the webinar ID listed at the top of the agenda. When you are ready to speak, please dial *9 and this will show a raised hand. Staff will allow you to speak when it is your turn. You may have to dial *6 to unmute yourself.

By Zoom: After you join the Zoom meeting, go to the bottom of the screen and click the tab that says "Reactions". You can then click on the option that says, "Raise Hand". When you are done speaking, you can select "Lower Hand" from the "Reactions" tab.

PROCEDURE AT HEARINGS

Except when the Presiding Officer finds good cause to order the presentations otherwise, the order of presentation of an appeal shall be as follows: (a) the appellant shall speak first and shall be allowed seven minutes to present relevant testimony and evidence. Then the permit holder, representatives of the department, board, commission or person from whose order the appeal is taken, and/or other parties, shall be allowed seven minutes for presentation of relevant testimony and evidence. Three minutes for rebuttal shall be provided to all parties in this same order; (b) the Board may request a departmental response at its own discretion. For rehearing requests and jurisdiction requests, each party shall be allowed three minutes to present testimony and evidence, with no rebuttal.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes, unless the presiding officer further limits time uniformly.

Those members of the public who intend to testify about a particular appeal and wish to have the Board give their testimony evidentiary weight for purposes of deciding the appeal are asked to take an oath. Please note that any member of the public may speak without being sworn-in pursuant to their rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code).

SPECIAL NOTES

If a meeting's duration extends beyond 9:30 p.m. or for good cause, the Presiding Officer may, in their discretion, recess the meeting and continue any remaining matter(s) to a future date.

It is possible that the Board may experience technical challenges that interfere with the ability of members of the public to participate in the meeting remotely. If that happens, the Board will attempt to correct the problem but may continue with the hearing as long as the parties to an appeal are able to participate in the meeting, and members of the public attending in-person, as well as anyone who received a disability accommodation to offer remote public comment, are able to observe and offer public comment.

If the Board continues a matter to a specific date that is announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at (628) 652-1150 for scheduling or other information during regular business hours or visit our website at www.sfgov.org/boa.

The complete Rules of the Board are available for review on our website.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to the Board President, and be received at boardofappeals@sfgov.org , no later than 4:30 p.m. one Thursday prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to boardofappeals@sfgov.org. Comments received before noon on the day of the hearing will be made a part of the official record and will be brought to the attention of the Board at the public hearing. Please note that names and addresses included in these submittals will become part of the public record. Submittals may be made anonymously.

Pursuant to Government Code § 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of

Appeals at, or prior to, the public hearing.

The supporting documents submitted in connection with the agenda items will be posted online or available for public inspection and copying at the Board Office, 49 South Van Ness Avenue, Suite 1475, San Francisco, CA 94103. You may also request a copy of the documents from the Board Office via email boardofappeals@sfgov.org.

Calendared items are sometimes withdrawn or rescheduled the day of hearing or are taken out of order to accommodate special needs. The Board urges all parties to be present at the hearing from 5:00 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

PROHIBITION OF SOUND-PRODUCING ELECTRONIC DEVICES

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

ACCESSIBILITY INFORMATION

If you need technical assistance or would like to receive instruction on how to access the meeting via Zoom, please email or call the Board Office: boardofappeals@sfgov.org or (628) 652-1150.

To obtain a disability-related modification or accommodation, including auxiliary aids or services to participate in the meeting, please contact the Board office at least 48 hours before the meeting at boardofappeals@sfgov.org or (628) 652-1150. The more advance notice you can provide for your request, the more like the Board of Appeals can arrange the requested modification or accommodation. In particular, arranging in-person or video sign language interpretation within 48 hours may not always be possible, due in part to a shortage of available interpreters, but the City will make all reasonable efforts to do so upon request. The City will make all reasonable efforts to meeting modification and accommodation requests, even if made less than 48 hours in advance.

American sign language interpreters, translation services and/or sound enhancement will be available upon request by contacting Board staff at boardofappeals@sfgov.org or (628) 652-1150 at least 48 hours prior to the hearing but ideally with more advance notice to ensure that an interpreter is available.

Se ofrecerán servicios de interpretación en lengua de señas americana, servicios de traducción y/o sistemas de amplificación de sonido previa solicitud; para ello, comuníquese con el personal de la Junta a través de boardofappeals@sfgov.org o llamando al (628) 652-1150 con al menos 48 horas de antelación a la audiencia, aunque se recomienda hacerlo con mayor antelación para garantizar la disponibilidad de un intérprete.

如需美國手語（ASL）傳譯、翻譯服務和/或擴音設備，請至少在聽證會前48小時聯繫上訴委員會（Board of Appeals）工作人員（郵箱：boardofappeals@sfgov.org；電話：(628) 652-1150）提出申請；建議儘早通知，以確保能安排到傳譯。

Magiging available ang mga interpreter ng American Sign Language, mga serbisyo sa pagsasalin, at/o kagamitan sa pagpapalakas ng tunog kung hihilingin sa pamamagitan ng pakikipag-ugnayan sa mga kawani ng Board sa

boardofappeals@sfgov.org o (628) 652-1150 nang hindi bababa sa 48 oras bago ang pagdinig; gayunpaman, mas mainam kung mas maaga ang abiso upang matiyak na mayroong available na interpreter.

Dịch vụ phiên dịch Ngôn ngữ Ký hiệu Mỹ (ASL), dịch vụ biên/phiên dịch và/hoặc thiết bị hỗ trợ âm thanh sẽ được cung cấp nếu có yêu cầu. Quý vị vui lòng liên hệ với nhân viên của Hội đồng qua địa chỉ email boardofappeals@sfgov.org hoặc số điện thoại (628) 652-1150 ít nhất 48 giờ trước phiên điều trần; tuy nhiên, quý vị nên thông báo sớm hơn nữa để đảm bảo có sẵn phiên dịch viên.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force: by mail to Administrator, Sunshine Ordinance Task Force, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4689; by phone at (415) 554-7724; by fax at (415) 554-5784; or by e-mail at sotf@sfgov.org. Citizens interested in obtaining a free copy of the Sunshine Ordinance may request a copy from the Clerk of the Sunshine Ordinance Task Force, at the San Francisco Public Library, and on the City's website at www.sfgov.org/sunshine.

LOBBYING ACTIVITY/CAMPAIGN CONTRIBUTIONS

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign and Governmental Conduct Code § 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 25 Van Ness Ave., Suite 220, San Francisco, CA 94102; telephone: (415) 252-3100; email: ethics.commission@sfgov.org web site sfethics.org

Under Campaign and Governmental Conduct Code Section 1.127, no person or entity with a financial interest in a land use matter pending before the Board of Appeals, Board of Supervisors, Building Inspection Commission, Commission on Community Investment and Infrastructure, Historic Preservation Commission, Planning Commission, Port Commission, or the Treasure Island Development Authority Board of Directors, may make a campaign contribution to a member of the Board of Supervisors, the Mayor, the City Attorney, or a candidate for any of those offices, from the date the land use matter commenced until 12 months after the board or commission has made a final decision or any appeal to another City agency from that decision has been resolved. For more information about this restriction, visit sfethics.org.

SENSITIVITY TO CHEMICAL-BASED PRODUCTS

In order to assist the City's efforts to accommodate persons with severe allergies, environmental illnesses, multiple chemical sensitivity, or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City accommodate these individuals.

SUGGESTIONS TO IMPROVE EFFICIENCY

The Board welcomes suggestions from the public regarding improvement of the efficiency of its operations. Please direct your comments and suggestions to Board staff, at boardofappeals@sfgov.org or (628) 652-1150.

ONLINE VIDEO STREAMING OF MEETINGS

Online video streaming and audio and video file downloads of Board meetings are available at: https://sanfrancisco.granicus.com/ViewPublisher.php?view_id=6.

BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
49 South Van Ness Avenue, Suite 1475
San Francisco, California 94103

Board staff are available Monday through Friday, 8:00 a.m. until 5:00 p.m. (except holidays) to accept appeals or answer questions. Appeals may be filed by email, telephone, or in-person.

If you want to visit the office in person, please make an appointment. Appointments are necessary for two reasons: (1) The Board office is located in a secured area of the Permit Center (14th Floor); access by the public needs to be arranged in advance, and (2) the Board's office staff is limited to an executive director, a legal assistant, and a clerk; we want to ensure that a staff member with the appropriate expertise is available to address your specific needs.

The Board Office can be reached by email boardofappeals@sfgov.org or phone 628-652-1150.