

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

DRAFT MEETING MINUTES – WEDNESDAY, DECEMBER 17, 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 Jose Lopez, Commissioner Rick Swig and Commissioner Rebecca Saroyan.

Jesse Mainardi, Deputy City Attorney, Office of the City Attorney (CAT); Corey Teague, Zoning Administrator, Planning Department (PD); Jonathan Vimr, Senior Planner, 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 commissioners were prepared to hear the cases. He noted that there was legislation being proposed which would strip the Board of its jurisdiction and authority over certain tree removal cases. He was surprised that the Board had not been consulted or informed about the legislation as is the standard practice when an agency is affected by proposed legislation. He assured the public that the Board would be discussing this matter in the future.

PUBLIC COMMENT: None.

(3) **ADOPTION OF MINUTES**

Discussion and possible adoption of December 10, 2025 minutes.

ACTION: Upon motion by Commissioner Swig, the Board voted 4-0 to adopt the December 10, 2025 minutes.

PUBLIC COMMENT: None.

(4) APPEAL NO. 25-047

<p>PAUL RUETTI, Appellant(s)</p> <p>vs.</p> <p>DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL</p>	<p>839 North Point Street. Appealing the ISSUANCE on October 29, 2025, to Amelia Leland, of an Alteration Permit (horizontal addition at the third level to accommodate new bedroom, office and exterior deck at rear; removal of existing exterior walls and roof at second level to accommodate horizontal addition at third level; removal of existing roof over existing bedroom to accommodate raised head height; removal of existing doors, finishes & fixtures). PERMIT NO. 2025/06/11/8464. FOR HEARING TODAY.</p>
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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.

SPEAKERS: Paul Ruetti, appellant; Chloe Angelis, attorney for permit holders; Stephanie Pappas, permit holder; Robert Li, permit holder; Corey Teague, PD; Joseph Ospital, DBI.

PUBLIC COMMENT: None.

(5) APPEAL NO. 25-048

<p>JOHN GILLIGAN and AUDREY NEUMAN, Appellant(s)</p> <p>vs.</p> <p>ZONING ADMINISTRATOR, Respondent</p>	<p>3929 17th Street. Appealing the ISSUANCE on November 10, 2025, to John Gilligan, of a Variance Decision (The proposal is to construct a rear exterior stair connecting the existing second floor roof deck to the rear yard. Planning Code Section 134 requires the subject lot to maintain a rear yard equal to 30% of the total lot depth. The rear portion of the existing building extends six feet four inches into the required rear yard and the proposed rear exterior stair would be located entirely within the required rear yard. Therefore, a variance is required. The Zoning Administrator DENIED the rear yard variance.). CASE NO. 2025-000304VAR. FOR HEARING TODAY.</p>
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ACTION: Upon motion by President Trasviña, the Board voted 4-0 to continue this Item to January 14, 2026, so that the appellants, the Planning Department, and the Executive Director can draft findings which support the issuance of a rear yard variance. The Board indicated that it would like these findings to be drafted in a manner that would curb the potential for creating a negative precedent, and to that end, they directed the findings be limited in scope and framed on the basis that the safety benefits are the primary motivator.

SPEAKERS: Farley Neuman, attorney for appellants; Corey Teague, PD; Joseph Ospital, DBI.

PUBLIC COMMENT: None.

ITEMS (6A) AND (6B) SHALL BE HEARD TOGETHER

(6A) APPEAL NO. 25-041

<p>CPH 564, LP, Appellant(s)</p> <p>vs.</p> <p>PLANNING COMMISSION, Respondent</p>	<p>570 Market Street.</p> <p>Appealing the ISSUANCE on September 11, 2025, to Frontier Group LLC, of Planning Commission Motion No. 21806 (adopting findings to approve a Downtown Project Authorization pursuant to Planning Code Sections 210.2 and 309, to allow the demolition of an existing approximately 16,000 square-foot, two-story commercial building and construction of a new 126,333 gross-square foot, twenty-nine story over basement hotel structure that includes 211 hotel rooms, 3,386 square feet of lower level retail, a 4,211 square foot Privately Operated Public Open Space (POPOS) and eight Class 1 and eight Class 2 bicycle parking spaces). RECORD NO. 2019-017622DNX. FOR HEARING TODAY.</p> <p>Note: On November 19, 2025, President Trasviña rescheduled this matter to December 17, 2025, due to a lack of a quorum (Vice President Lopez was absent and Commissioner Saroyan potentially needed to recuse herself from hearing this case).</p>
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(6B) APPEAL NO. 25-042

<p>BCAL 44 MONTGOMERY PROPERTY LLC, Appellant(s)</p> <p>vs.</p> <p>PLANNING COMMISSION, Respondent</p>	<p>570 Market Street.</p> <p>Appealing the ISSUANCE on September 11, 2025, to Frontier Group LLC, of Planning Commission Motion No. 21806 (adopting findings to approve a Downtown Project Authorization pursuant to Planning Code Sections 210.2 and 309, to allow the demolition of an existing approximately 16,000 square-foot, two-story commercial building and construction of a new 126,333 gross-square foot, twenty-nine story over basement hotel structure that includes 211 hotel rooms, 3,386 square feet of lower level retail, a 4,211 square foot Privately Operated Public Open Space (POPOS) and eight Class 1 and eight Class 2 bicycle parking spaces). RECORD NO. 2019-017622DNX. FOR HEARING TODAY.</p> <p>See Note in (6A), above.</p>
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REGULAR MEETING, BOARD OF APPEALS, DECEMBER 17, 2025 - PAGE 4

ACTION: Upon motion by Vice President Lopez, the Board voted 3-0-1 (Commissioner Saroyan recused) to deny the appeals and uphold the determination with the adoption of the findings in Planning Commission Motion No. 21806. This motion was made on the basis that the Planning Commission did not err or abuse its discretion and the determination was properly issued.

SPEAKERS: Anna Shimko, attorney for appellant (Appeal No. 25-041); Brian Flynn, attorney for appellant (Appeal No. 25-042); Melinda Sarjapur, attorney for determination holder; Corey Teague, PD; Jonathan Vimr, PD.

PUBLIC COMMENT: J'Anthony Menjivar and Cynthia Gomez spoke in support of the determination holder.

(7) SPECIAL ITEM:

Discussion and possible adoption of the Departmental Annual Report for Fiscal year 2024-2025.

ACTION: Upon motion by President Trasviña, the Board voted 3-0-1 (Commissioner Saroyan absent) to adopt the Annual Report as amended to include the updated volume of building permits issued in FY25.

SPEAKERS: Executive Director Lamarre recognized President Trasviña and Deputy City Attorney Mainardi for their valuable contributions to the report. She highlighted various portions of the report and noted that page nine needed to be updated to reflect the volume of DBI permits issued in FY25, since the draft report only had an estimate. Executive Director Lamarre indicated that Commissioner Saroyan previously stated that she had read the report and did not have any comments.

President Trasviña thanked Executive Director Lamarre for the report and stated that he believed it accurately represented the work of the commission and its staff and the partnership with the various agencies.

PUBLIC COMMENT: None.

(8) SPECIAL ITEM:

Recognition of Commissioner Rick Swig for his decades of devotion to public and community service, including serving as President and member of the Board of Appeals, President and member of the former Redevelopment Agency, member of the San Francisco Airport Hotel Citizens Advisory Panel and member of the Fillmore Heritage Center Review Citizens Advisory Panel. Commissioner Swig is leaving City Service.

SPEAKERS: President Trasviña expressed his gratitude to Commissioner Swig for his decades of tremendous service to the City. He stated that it has been an honor and a privilege to serve with him on the Board. He noted that Commissioner Swig had been extraordinarily gracious and patient with him when he first started with the Board. President Trasviña presented Commissioner Swig with a certificate of honor from President Mandelman and the Board of Supervisors, in recognition of his decades of community service.

Vice President Lopez echoed President Trasviña's comments. He stated that he had always appreciated and looked up to Commissioner Swig and valued his guidance which was informed by decades of service. He noted that Commissioner Swig's love for the City was something that no one could ever question. Vice President Lopez stated that he would miss Commissioner Swig.

Executive Director Lamarre read a statement from Commissioner Saroyan: Commissioner Saroyan thanked Commissioner Swig for his dedication, commitment and love of San Francisco. She stated that they would miss him and thanked him for his service.

Commissioner Swig thanked everyone for their recognition of his service. He estimated that he had attended approximately a few hundred hearings in the room as a commissioner for the Board of Appeals and the Redevelopment Agency. He noted that it had been a privilege to serve. He talked about the attributes that make an effective commissioner and emphasized the importance of collaboration. He stated that his experience with his fellow commissioners had been extraordinarily positive and he was appreciative of serving alongside such great people. He further recognized the department representatives for their support and their ability to make the correct decisions at an extremely high ratio while being on the firing line. Commissioner Swig also thanked the hundreds of citizens who trusted him to perform his job. Commissioner Swig expressed concern about state housing legislation, intended to speed housing with a "one size fits all" structure, and stated that it should not apply without alternative or supplemental City restrictions or regulations. He also expressed concern about efforts to limit the voice of the people and to block the right to appeal. He stated that he would forever cherish his experience on the Board of Appeals and with public service in general. He thanked Gavin Newsom and subsequent mayors and supervisors who appointed him to his commissioner positions. He further thanked Executive Director Julie Lamarre, Cynthia Goldstein, the Board's former Executive Director, and Board staff for their support.

PUBLIC COMMENT:

Chris Buck stated that he was appearing in his capacity as a resident of the Bayview, outside of work hours, to thank Commissioner Swig for his service. Mr. Buck stated that he has worked for the Bureau of Urban Forestry for 20 years and has presented cases before the Board for 15 years. He thanked Commissioner Swig for his service to the people of San Francisco, especially those in the southeastern portion of the City.

Corey Teague seconded everything said by Chris Buck. He thanked Commissioner Swig for keeping him on his toes and stated that it had been an interesting and learning experience. He thanked Commissioner Swig for his service and hard work. He wished Commissioner Swig the best.

Executive Director Lamarre read a statement from Cynthia Goldstein, former executive director of the Board of Appeals: Ms. Goldstein stated that during her tenure on the Board, she valued Commissioner Swig's preparedness for meetings, his consistent engagement with the Board's process, and his evident concern for the public interest. She further stated that public institutions like the Board benefit from individuals willing to devote their time and attention to complex issues and that Commissioner Swig's commitment to that responsibility was commendable.

ADJOURNMENT.

There being no further business, President Trasviña adjourned the meeting at 9:47 pm.

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

<https://www.sf.gov/meeting-20251217-board-of-appeals-hearing-december-17-2025>

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

https://sanfrancisco.granicus.com/player/clip/51410?view_id=6&redirect=true

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