

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

DRAFT MEETING MINUTES – WEDNESDAY, JANUARY 14, 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 Rebecca Saroyan and Commissioner Robin Abad Ocubillo.

Jesse Mainardi, Deputy City Attorney, Office of the City Attorney (CAT); Corey Teague, Zoning Administrator, Planning Department (PD); Joseph Ospital, Senior Building Inspector, Department of Building Inspection (DBI); Julie Lamarre, Executive Director; Alec Longaway, Legal Assistant.

ABSENT: Vice President Jose Lopez.

(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 Commissioner Abad to the Board and recognized his tremendous experience in the field as a planner and his extensive background in public service. President Trasviña stated that he was thrilled Commissioner Abad had joined the Board.

Commissioner Abad thanked President Trasviña, Commissioner Saroyan, and members of the public. He stated that it was an honor to be on the Board to serve the City that he loved with all his heart. He acknowledged his background in planning, but noted that he also had a background in community organizing. He stated that he hoped to bring his experience to bear on the Board to serve the public.

Commissioner Saroyan welcomed Commissioner Abad to the Board and stated that she was delighted to have a neighbor.

PUBLIC COMMENT: Kasey Rios stated that she was grateful Commissioner Abad joined the Board of Appeals, and she looked forward to working with him.

(3) ADOPTION OF MINUTES

Discussion and possible adoption of December 17, 2025 minutes.

ACTION: Upon motion by President Trasviña, the Board voted 3-0-1 (Vice President Lopez absent) to adopt the December 17, 2025 minutes.

PUBLIC COMMENT: None.

(4) 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 (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 6 feet 4 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 FURTHER CONSIDERATION Note: On December 17, 2025, upon motion by President Trasviña, the Board voted 4-0 to continue this Item to January 14, 2026 so that the appellant, Planning Department and Executive Director can draft findings which support the issuance of a rear yard variance. The Board further 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 this end, they directed that the findings be limited in scope and framed on the basis that the safety benefits are the primary motivator.</p>
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ACTION: Upon a motion by Commissioner Saroyan, the Board voted 3-0-1 (Vice President Lopez absent) to grant the appeal and overturn the Zoning Administrator's denial of the variance and grant the variance on the condition that the draft findings that were submitted at the hearing by the parties are adopted. This motion was made on the basis that these findings support the granting of the variance under Planning Code Section 305(c).

SPEAKERS: President Trasviña asked the parties if they agreed to the draft findings. The Planning Department, DBI and the appellant nodded in agreement.

PUBLIC COMMENT: None.

(5) APPEAL NO. 25-051

LEE HEIDHUES, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	562 40th Avenue. Appealing the ISSUANCE on November 18, 2025, to Ciara Piron, of an Alteration Permit (40 foot fence: add four feet to existing fence, not to exceed 10 feet in height). PERMIT NO. 2025/11/18/9904. FOR HEARING TODAY.
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ACTION: Upon motion by President Trasviña, the Board voted 3-0-1 (Vice President Lopez absent) to deny the appeal and uphold the permit on the basis that it is Code compliant.

SPEAKERS: Lee Heidhues, appellant; Ciara Piron, permit holder; Corey Teague, PD; Joseph Ospital, DBI.

PUBLIC COMMENT: None.

(6) APPEAL NO. 25-046

LING LA, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	807 44th Avenue. Appealing the ISSUANCE on October 28, 2025, to Ling La, of a Letter of Determination (The request seeks confirmation whether the Unauthorized Dwelling Unit (UDU) at the subject property qualifies for a Conditional Use Authorization (CUA) exemption pursuant to Planning Code Section 317(c)(10). Specifically, the question raised is whether the UDU was “rented for consideration” if it was previously occupied by a caregiver. The Zoning Administrator determined that the UDU was rented for consideration within the last ten years and does not qualify for a CUA exemption pursuant to Planning Code Section 317(c)(10)). RECORD NO. 2025-006107ZAD. FOR HEARING TODAY. Note: On November 20, 2025 this matter was rescheduled from December 10, 2025, to January 14, 2026, at the initiation of the Board Office and with the agreement of the parties, given the Board's busy calendar on December 10, 2025.
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ACTION: Upon motion by Commission Saroyan, the Board voted 3-0-1 (Vice President Lopez absent) to deny the appeal and uphold the Letter of Determination on the basis that the Zoning Administrator did not err or abuse his discretion and the Letter of Determination was properly issued.

SPEAKERS: Ling La, appellant; Corey Teague, PD.

PUBLIC COMMENT: None.

ITEMS (7A) AND (7B) SHALL BE HEARD TOGETHER

(7A) APPEAL NO. 25-049

<p>SOUMYA SASTRY, Appellant(s)</p> <p>vs.</p> <p>DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL</p>	<p>1077 Fell Street.</p> <p>Appealing the ISSUANCE on November 14, 2025, to Steven Huang, of an Alteration Permit (recommencement and completion of work approved under: (1) PA# 202304266513 (work on lower unit-kitchen & bath remodel in kind; replace ceiling cans in kind (maintain one-hour rated ceiling); upgrade one subpanel-plumbing as needed; no changes to floor layout; no changes to wall layout; no structural work), and (2) PA #202306099711 (revision to 202304266513 layout change to existing bathroom & kitchen; replace two windows (like for like and not visible from street); lighting upgrade in Kitchen and dining room) PERMIT NO. 2025/11/14/9676. FOR HEARING TODAY.</p>
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(7B) APPEAL NO. 25-050

<p>SOUMYA SASTRY, Appellant(s)</p> <p>vs.</p> <p>DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL</p>	<p>1077 Fell Street.</p> <p>Appealing the ISSUANCE on November 14, 2025, to Steven Huang, of an Alteration Permit (recommencement and completion of work approved under: (1) PA# 202309267475 (revision to 202306099711; upgrade structural under dining room & bathroom; replace floor joists, new footing), and (2) PA #202405172393 (revision to 202304266513; existing bathroom layout changed; existing kitchen layout changed; addition-lighting upgrade whole unit; replace two windows like to like, not visible from street; refer to PA# 202306099711 & 202309267475 PERMIT NO. 2025/11/14/9677. FOR HEARING TODAY.</p>
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ACTION: Upon motion by Commissioner Saroyan the Board voted 3-0-1 (Vice President Lopez absent) to continue these appeals to February 11, 2026, so that the Department of Building Inspection can provide a factual chart of the permits and the underlying facts and circumstances as specified by Commissioner Abad:

A list for each permit which includes the following information:

- the date the permit application was submitted
- the date the permit was issued
- anticipated date of permit expiration
- the date that the permit was extended and/or recommenced
- an explanation of the timeline impacts for any recommencements or extensions

SPEAKERS: Joseph Ospital, DBI; Soumya Sastry, appellant; Steven Huang, permit holder; Kathleen Gevertz, agent for permit holder.

PUBLIC COMMENT: None.

(8) SPECIAL ITEM

Discussion and Possible Action: The Board will review proposed legislation (File No. 251211) which would eliminate appeals to the Board of Appeals for tree removals undertaken by City departments and commissions. The Board may take a position on the legislation and/or authorize a letter to be sent on its behalf to the Board of Supervisors, the Mayor or applicable departments, setting forth the Board's recommendations and positions on the proposed legislation.

SPEAKERS: President Trasviña stated that the Board did not learn of the proposed legislation from the agencies involved, the Mayor's Office, or the Board of Supervisors, rather, the Board became aware of the legislation by a member of the public who provided public comment at an earlier hearing. He noted that an appeal had previously come before the Board which involved the removal of trees at United Nations Plaza by the Recreation & Parks Department (REC) prior to the expiration of the appeal period. He stated that REC removed the trees with an intentional disregard for the appeal period because the donor of a skate park at the location wanted to have a ceremony on a particular day. President Trasviña noted that in response to that appeal, the Board voted to write the Board of Supervisors, Mayor and involved agencies to suggest that there was a glaring gap in oversight and accountability for REC's disregard of the appeals process and that if the supervisors felt the same way, there was a need to address the situation either by policy or ordinance. In that letter the Board offered to work with the Board of Supervisors, City Attorney or any relevant agencies to address this problem. President Trasviña further talked about the long history and role of the Board of Appeals.

Commissioner Saroyan stated that she believed everyone had a right to due process and, given the low volume of appeals for tree removal by City agencies, she was inclined to oppose the legislation since it takes away appeal rights. Commissioner Saroyan read the poem "Trees" by Joyce Kilmer.

Commissioner Abad noted that the proposed legislation was largely aimed at increasing the tree canopy in the urban forest by making it easier to get a permit to plant street trees so that residents could see greener streets. He indicated that he was a proponent of that aspect of the legislation. He noted that there had been only three appeals of permits issued to city agencies in the last three years and stated that arborists would only make a recommendation to remove a street tree if there was a hazard. He stated that he was very eager to hear from the public on this matter.

[At the conclusion of Public Comment: President Trasviña thanked the public for their comments and stated that it was his recommendation to take this matter under advisement and to continue to have discussions with the agencies and supervisors to learn why they think it is a problem for people to have access to a process prior to a tree being removed. Commissioner Saroyan thanked the public for their comments and recommended that the matter be taken under advisement. Commissioner Abad agreed that the matter should be taken under advisement so that the Board could formulate an opinion and a recommendation that could be communicated on behalf of the Board. He stated that he was very compelled by the public comment and looked forward to more discussion and deliberation about the Board's position.]

PUBLIC COMMENT: Nikhil Gowda stated that he was strongly opposed to the provision in the legislation that eliminated the right to appeal city-initiated tree removals as the appeals process is a safeguard that allows residents to participate in decisions. He also expressed concern about the reliance of an in-lieu fee as a substitute for planting trees.

Daniel stated that he is a long-time resident who recently got trees approved in his neighborhood, SoMa West. He expressed concern that removing the appeal right would be counterproductive to goal of preventing trees from being removed.

Jasmine Gardiner stated that trees are a vital public asset and the right to appeal was crucial for residents, especially in underserved areas. She noted that the environmental equity that San Francisco is striving for depends on oversight, and that appeals allowed for oversight.

Lance Carnes stated that the purpose of legislation was to silence the public and create less work. He stated that a lot of good had come from the public right of appeal and noted that because of the appeal process, the trees in front of Washington Square Park were saved. He also noted that trees were saved from being removed at 69 Green Street.

Joshua Klipp, member of the Urban Forestry Council, noted that the right to appeal city-initiated permits had been around for twenty years. He stated that last year there was only one appeal of a city-initiated permit and noted the Board correctly criticized the Rec. & Parks Dept. for intentionally breaking the law. He stated that the tree canopy is shrinking and the City needed a cohesive strategy for planting and protecting trees. Mr. Klipp was opposed to the proposed legislation taking away the right to appeal.

Roz Arbel stated that San Francisco has the worst urban canopy of any major U.S. city. She stated that she has spent many years in tree appeal removal hearings and it had been heartbreaking that not every appeal had been followed through. She further stated that the public's right of appeal should be preserved.

Kasey Rios stated that more trees needed to be planted and preserved. She noted that the community had won a tree appeal to preserve the trees around the library, but they were cut down anyway. She stated that the hearing process is very valuable and not every city has it. She urged the commissioners to preserve the process so that the tree canopy could be increased.

Michael Nulty noted the high volume of written comments in opposition to the legislation that was submitted to the Board. He stated that he believed the Board of Appeals should take the position that the appeal rights should be maintained and that the Board should send a letter to the Board of Supervisors, the Mayor and other city departments. He stated that the developers were going to turn the City into a cement jungle.

David Osgood urged the Board to oppose the ordinance. He stated that an appeals process is necessary as the trees in the City are being decimated.

Bunny stated that she read the proposed ordinance and did not think it was the right solution. She stated that she thought it seemed to be addressing a pain point for developers rather than the city by removing the right so the public.

Shaun Aukland spoke on behalf of fairtrees.org, a group of San Francisco residents concerned about the tree canopy. He noted that over 800 San Francisco residents signed a petition organized

by Josh Klipp opposing the removal of the appeal rights. He referenced the U.N. Plaza case and stated that city departments are very willing to bypass the law entirely to meet artificial deadlines for special interests.

John Nulty spoke in opposition to the proposed legislation. He stated that he was concerned that the Board of Appeals' surcharge, which funds the department, would be eliminated. He also expressed concern about the in-lieu fee going into the same pot that is used to water the trees. He stated that DPW does not even have enough money to water trees.

ADJOURNMENT.

There being no further business, President Trasviña adjourned the meeting at 8:51pm.

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

<https://www.sf.gov/meeting-20260114-board-of-appeals-hearing-january-14-2026>

Note: A speaker's comments on these minutes do not necessarily represent all the comments made by the speaker. A video of this meeting can be found at the following link:

https://sanfrancisco.granicus.com/player/clip/51569?view_id=6&redirect=true