

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, JULY 26, 2017

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Darryl Honda, Vice President Frank Fung, Commissioner Ann Lazarus, Commissioner Rick Swig and Commissioner Bobble Wilson.

Brad Russi, Deputy City Attorney, Office of the City Attorney (OCA); Scott Sanchez, Zoning Administrator (ZA); Bernie Curran, Senior Building Inspector, Department of Building Inspection (DBI); Maggie Weiland, Deputy Director, Entertainment Commission (EC); Cynthia Goldstein, Executive Director; Gary Cantara, 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. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

PUBLIC COMMENT: Ann Treboux spoke about her efforts to obtain a Street Artist Certificate since her appeal was decided. Marc Bruno spoke about Appeal No. 17-088 regarding 20 Nobles Alley and his efforts to obtain a copy of the plan documents. He also expressed his concern about President Honda's presence at the Department of Building Inspection and possible conflicts with the Board's Statement of Incompatibility and a possible violation of due process.

(2) COMMISSIONER COMMENTS & QUESTIONS

SPEAKERS: None.

(3) ADOPTION OF MINUTES

Discussion and possible adoption of the July 19, 2017 minutes.

ACTION: Upon motion by Vice President Fung, the Board voted 4-0-1 (Commissioner Wilson absent) to adopt the July 19, 2017 minutes.

SPEAKERS: None.

PUBLIC COMMENT: None.

(4) APPEAL NO. 17-093

SID REZIG, Appellant(s) vs. MUNICIPAL TRANSPORTATION AGENCY, Respondent	Protesting the SUMMARY SUSPENSION on May 22, 2017 of a Taxi Driving Permit. A-CARD NO. B-5292. FOR HEARING TODAY.
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ACTION: Withdrawn.

(5) APPEAL NO. 17-039

LOWER HAIGHT ADVOCATES FOR RESPONSIBLE USE OF MARIJUANA, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	473 Haight Street. Protesting the ISSUANCE on March 01, 2017 to Miparc, Inc. dba "SPARC," of an Alteration Permit (remodel medical cannabis dispensary portion of retail store and expand it to 517sf; relocate entry and ATM; mechanical and electrical under separate permits). APPLICATION NO. 2015/11/19/3094. PUBLIC HEARING HELD ON MAY 24, 2017. FOR FURTHER CONSIDERATION TODAY. Note: After public hearing on May 24, 2017, the Board voted 5-0 to continue this matter to July 26, 2017 to allow time for the project sponsor and the Planning Department to submit revised plans and proposed conditions that address the issues raised by the Board, including public access to the retail space and the project sponsor's business plan, with additional submittals allowed as specified by the Board.
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ACTION: Upon motion by Commissioner Lazarus, the Board voted 4-0-1 (Commissioner Wilson absent) to grant the appeal and uphold the permit on the condition that it be revised to reflect the plans dated June 27, 2017, and that a Notice of Special Restrictions be filed on the property documenting that (1) the use must be consistent with the revised floor plans, and (2) the retail space in the front portion of the store must be publicly accessible, on the basis that the changes will result in better adherence to the Planning Code.

SPEAKERS: Tom Tunny, attorney for permit holder; Stephen Williams, attorney for appellant; Scott Sanchez, ZA.

PUBLIC COMMENT: Matt Osbourne and Brian Brooks spoke in support of the appellant. Ryan King, Geoffrey Harris and Robert Rainin spoke in support of the permit holder.

(6) APPEAL NO. 17-103

<p>BENNETT MONTOYA DBA "HUE NIGHTCLUB," Appellant(s) vs. ENTERTAINMENT COMMISSION, Respondent</p>	<p>447 Broadway Street. Protesting the CHANGE IN CONDITIONS placed on June 06, 2017 on a Place of Entertainment Permit issued to Bennett Montoya dba "Hue Nightclub," (to limit hours of entertainment to 12am daily; to inform neighbors of the sound attenuation plan; to add more employees to bottle service area: one manager, two security guard and one host; and to review added conditions in six months). PERMIT NO. EC-953. FOR HEARING TODAY.</p>
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ACTION: Upon motion by Commissioner Lazarus, the Board voted 5-0 to grant the appeal and uphold the Entertainment Commission conditions numbered 1, 3 and 4, and to add a condition that the appellant work with the Entertainment Commission to have a sound test performed to establish the ambient level, and that the appellant perform sound attenuation measures that ensure the sound does not exceed the ambient level.

SPEAKERS: Mark Rennie, attorney for appellant; Bennett Montoya, appellant; Steven Funkhouser, agent for appellant; John Windsor, agent for appellant; Jonathan Ferran, agent for appellant; Maggie Weiland, EC; Officer Steve Matthias, San Francisco Police Department (SFPD), agent for EC; Captain Paul Yep, SFPD, agent for EC; Commander David Lazar, SFPD, agent for EC.

PUBLIC COMMENT: Jordan Pauley, Rudy Corpus, Jamal Trulove, Steven Sherman, Jon Smith, Ben Favaeli, Miquel Zaragoza, Henry Gonzales, Josh Mensah, Amanda Armah, Tre Jenkins, Stacy Chong, Legarne Sangarre, Cory Gray, Eva Lee, Antonio, Christopher Rodriguez, Mustafa Kahn, Dominic Wiltermood, Kwame Wright, Freddie Copeland, Edward James, Dan Swinger, Nanyamka Dallas, Dedria Smith, Jake Williams, Bryon Stanley, January Wells, Helena Lucky, Lloyd Lewis, Cardell Coleman, Mark Diolanto, Kevin Conner, Benito King, Michael Martin and Ivan Rodriguez spoke in support of the appellant.

Supervisor Aaron Peskin; SFPD Officer Whatley, SFPD Officer Francesca Murphy, Kitty Fong, Hui Sang Chao, SFPD Officer Randy Tiffany, Andrew Diamond, SFPD Officer Valentini, Kathleen Dooley, Christine Diamond, Karl Pleskot, Francesca Valdez and Dominic LiMandri spoke in support of the Department.

(7) APPEAL NO. 17-084

<p>MARSANNE WEESE, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL</p>	<p>25 Lusk Street. Protesting the ISSUANCE on May 02, 2017, to Niam 563 Lusk LLC, of an Alteration Permit (improvements to roof level to extend first floor restaurant to proposed roof deck dining area; includes shade structure, lighting and windscreen). APPLICATION NO. 2016/04/11/4406. FOR HEARING TODAY.</p>
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ACTION: Upon motion by Vice President Fung, the Board voted 4-0-1 (Commissioner Wilson absent) to continue the appeal to August 23, 2017 to allow time for the parties to discuss hours of operation and sound mitigation measures that would achieve a sound level that is between what is described in the Salter report and no sound.

SPEAKERS: Marsanne Weese, appellant; Mathew Dolan, agent for permit holder; Tuija Catalano, attorney for permit holder; Scott Sanchez, ZA.

PUBLIC COMMENT: Joel Zimei and Michael Book spoke in support of the appellant.

(8) APPEAL NO. 17-096

<p>DAN RADCLIFFE, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL</p>	<p>469-471-473 14th Avenue. Protesting the ISSUANCE on May 19, 2017 to Ian Wickum, of an Alteration Permit (to comply with Notice of Violation No. 201640431: remove non-conforming portion of existing roof deck; add new one hour fire rated parapet at property line; add new glass guardrail at front setback and reduce side guardrail to a maximum of 42"). APPLICATION NO. 2017/02/16/9523. FOR HEARING TODAY.</p>
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ACTION: Withdrawn.

ADJOURNMENT.

There being no further business, President Honda adjourned the meeting at 9:40 p.m.