

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, JULY 23, 2014

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

PRESENT: President Ann Lazarus, Commissioner Frank Fung, Commissioner Darryl Honda and Commissioner Chris Hwang.

Robert Bryan, Deputy City Attorney, Office of the City Attorney (OCA); Scott Sanchez, Zoning Administrator (ZA); Joseph Duffy, Senior Building Inspector, Department of Building Inspection (DBI); Aleeta Van Runkle, Deputy City Attorney, OCA; Ryan Clausnitzer, Medical Cannabis Dispensary Program Manager, Department of Public Health (DPH); Cynthia Goldstein, Executive Director; Victor Pacheco, Legal Assistant.

ABSENT: Vice President Arcelia Hurtado.

(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: None.

(2) COMMISSIONER COMMENTS & QUESTIONS

SPEAKERS: Commissioner Honda noted that this would be Commissioner Hwang's last meeting as a member of the Board. He expressed his appreciation for Commissioner Hwang's service and wished her the best with her future activities. President Lazarus expressed her pleasure at having had the opportunity to serve with Commissioner Hwang and conveyed her admiration of how she handled the cases that have come before the Board. Commissioner Fung noted that he would always welcome Commissioner Hwang back to the Board and Director Goldstein expressed her appreciation for Commissioner Hwang's leadership as former Board President and for her support of the work of staff. Commissioner Hwang remarked that it has been an honor, privilege and unexpected pleasure to serve as a Board member. She expressed her appreciation for the work of the staff and her fellow Board members.

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PUBLIC COMMENT: None.

(3) **ADOPTION OF MINUTES**

Discussion and possible adoption of the July 16, 2014 minutes.

ACTION: Upon motion by Commissioner Honda, the Board voted 4-0-1 (Vice President Hurtado absent) to adopt the July 16, 2014 minutes.

SPEAKERS: None.

PUBLIC COMMENT: None.

(4) **APPEAL NO. 14-071**

<p>VIVIAN LEE, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent</p>	<p>3688 Cesar Chavez Street. Protesting the ISSUANCE on April 15, 2014, to SBC-Pacific Bell Engineering, UTILITY EXCAVATION PERMIT (install new cabinet). APPLICATION NO. 14EXC-2149. PUBLIC HEARINGS HELD ON JUNE 11, AND JUNE 25, 2014. FOR FURTHER CONSIDERATION TODAY. Note: this matter was continued to allow time for the Department to meet with the permit holder to develop an exhibit that clearly depicts the lack of any viable alternative sites for this Surface Mounted Facility.</p>
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ACTION: Upon motion by Commissioner Fung, the Board voted 3-0-2 (Vice President Hurtado absent and President Lazarus recused) to (1) continue this matter to October 8, 2014 due to the insufficient number of Board members available to participate at this hearing; and (2) allow the permit holder to submit additional exhibits.

SPEAKERS: None.

PUBLIC COMMENT: None.

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(5) JURISDICTION REQUEST

Subject property at 301 – 26th Avenue. Letter from George Choppelas, requestor, asking that the Board take jurisdiction over Utility Excavation Permit No. 14EXC-2144, which was issued by the Dept. of Public Works on April 14, 2014. The appeal period ended on April 29, 2014, and this jurisdiction request was filed at the Board office on June 12, 2014. Permit Holder: SBC - Pacific Bell Engineering. Project: install new cabinet. **Note: public hearing held June 25, 2014; matter continued to allow Vice President Hurtado to participate in the final vote.**

ACTION: Upon motion by Commissioner Honda, the Board voted 3-0-2 (Vice President Hurtado absent and President Lazarus absent recused) to rescheduled this matter to September 17, 2014 due to the insufficient number of Board members available to participate at this hearing.

SPEAKERS: None.

PUBLIC COMMENT: None.

(6) APPEAL NO. 14-079

GEORGE CHOPPELAS, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	301 - 26 th Avenue. Protesting the ISSUANCE on May 02, 2014, to SBC-Pacific Bell Engineering, UTILITY EXCAVATION PERMIT (install new cabinet). APPLICATION NO. 14EXC-2144. FOR HEARING TODAY.
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ACTION: Upon motion by Commissioner Honda, the Board voted 3-0-2 (Vice President Hurtado absent and President Lazarus recused) to rescheduled this matter to September 17, 2014 due to the insufficient number of Board members available to participate at this hearing.

SPEAKERS: None.

PUBLIC COMMENT: None.

(7) APPEAL NO. 14-105

MICHAEL KLOTSMAN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	2047 Polk Street. Protesting the ISSUANCE on May 30, 2014, to Gary Yeung, Plumbing Permit (remove stove and cap off gas pipe). APPLICATION NO. PP2014/05/30/128. FOR HEARING TODAY.
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ACTION: Upon motion by Commissioner Hwang, the Board voted 3-1-1 (Commissioner Fung dissented and Vice President Hurtado absent) to continue this matter to October 8, 2014 to allow time for the Department of Building Inspection's Housing Inspection Services to complete its

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investigation and for the Department of Building Inspection to further explore whether this permit should have an accompanying building permit. No additional briefing is allowed.

SPEAKERS: Dave Crow, attorney for appellant; Stanley Riddell, attorney for permit holder; Joseph Duffy, DBI; Scott Sanchez, ZA.

PUBLIC COMMENT: None.

(8) APPEAL NO. 14-103

GREG SCHOEPP, Appellant(s) vs. DEPT. OF PUBLIC HEALTH, Respondent	1545 Ocean Avenue. Protesting the ISSUANCE on May 23, 2014, to Waterfall Wellness Health Center, Medical Cannabis Dispensary Permit (provisional permit). FOR HEARING TODAY.
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ACTION: Upon motion by Commissioner Fung, the Board voted 4-0-1 (Vice President Hurtado absent) to continue this matter to October 29, 2014 to allow time for the Department of Public Health to submit the audio recording of the DPH Director's hearing and to allow additional briefing by the parties.

SPEAKERS: Dorji Roberts, attorney for appellant; Greg Schoepp, appellant; Paul Perdue, attorney for permit holder; Aleeta Van Runkle, OCA on behalf of DPH; Ryan Clausnitzer, DPH; Scott Sanchez, ZA.

PUBLIC COMMENT: Dustin Tyssen, Edward Breslin, Shona Gochenaur, Michael Goldman, Mike Hinkle, Heather Marshall, Russell Kyle, Paul Hansbury, Gregory Ledbetter, Susan Tibbon, Brenda Arvee, Robert Rees and Larry Juicy Edmond spoke in support of the appellant.

ADJOURNMENT.

There being no further business, President Lazarus adjourned the meeting at 7:50 p.m.