

SAN FRANCISCO PLANNING COMMISSION



DRAFT – Meeting Minutes

Commission Chambers, Room 400
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Thursday, February 26, 2015
12:00 p.m.
Regular Meeting

COMMISSIONERS PRESENT: Fong, Wu, Antonini, Hillis, Johnson, Moore, Richards

THE MEETING WAS CALLED TO ORDER BY PRESIDENT WU AT 12:12 p.m.

STAFF IN ATTENDANCE: John Rahaim – Planning Director, David Winslow, Steve Wertheim, Brett Bollinger, Scott Sanchez, Michael Smith, Omar Masry, Eiliesh Tuffy, and Jonas P. Ionin – Commission Secretary

A. CONSIDERATION OF ITEMS PROPOSED FOR CONTINUANCE

The Commission will consider a request for continuance to a later date. The Commission may choose to continue the item to the date proposed below, to continue the item to another date, or to hear the item on this calendar.

1. [2014-000348DRP](#) (A. KIRBY: (415) 575-9133)
981 GROVE STREET – south side between Steiner and Fillmore Streets; Lot 024 in Assessor's Block 0803 – Request for **Discretionary Review** of Building Permit Application No. 2014.05.14.5715 proposing to construct a vertical addition at the rear of a two-story single-family dwelling located within a RH-2 (Residential House, Two-Family) District, 40-X Height and Bulk District, and the Alamo Square Landmark District. A Certificate of Appropriateness for the proposed project was approved by the Historic Preservation Commission on August 6, 2014, and the Zoning Administrator granted a rear yard variance for the project on October 2, 2014, under Case No. 2014.0425AV. This action constitutes

the Approval Action for the project for the purposes of CEQA, pursuant to Section 31.04(h) of the San Francisco Administrative Code.

Staff Analysis: Abbreviated Discretionary Review

Preliminary Recommendation: Do Not Take Discretionary Review and Approve

(Proposed for Continuance to March 19, 2015)

SPEAKERS: None

ACTION: Continued to March 19, 2015

AYES: Fong, Wu, Antonini, Johnson, Moore, Richards

ABSENT: Hillis

2. 2014-002311PCA (A. RODGERS: (415) 558-6395)

FORMULA RETAIL AND LARGE SCALE RETAIL DUPLICATED FILE [BOARD FILE NO. 141131] – **Planning Code Amendments** introduced by Supervisor Weiner amending Formula Retail and Large Scale Retail [Board File No. 140844] to exclude Financial Services, Limited Financial Services and Personal Services above the ground floor from the definition of Formula Retail and require that where there has been a prior determination that a proposed project is a Formula Retail Use and the project sponsor subsequently removes one or more Formula Retail use features, the project will remain subject to a Conditional Use authorization; and adopting findings, including environmental findings, Section 302 finding, and findings of consistency with the General Plan and the eight priority policies of Planning Code, Section 101.1.

Preliminary Recommendation: Adopt a Recommendation for Approval with Modifications

(Proposed for Indefinite Continuance)

SPEAKERS: None

ACTION: Continued Indefinitely

AYES: Fong, Wu, Antonini, Johnson, Moore, Richards

ABSENT: Hillis

- 3a. 2014.1426CV (M. SMITH: (415) 558-6322)

4022 – 4026 24th STREET – north side of the street between Castro and Noe Streets; Lot 010 in Assessor's Block 3656 - Request for **Conditional Use Authorization**, pursuant to Planning Code Sections 728.21, 728.41, and 303 to construct an addition at the rear of the building that would add two dwellings and expand the existing bar use beyond the 2,499 gross square-foot use size limitation for the District. The project includes remodeling the storefront and adding a roof deck with two stair penthouses for access. The project also requires a parking reduction pursuant to Section 161 of the Code and a rear yard variance pursuant to Section 134 of the Code for the ground floor portion that extends into the required rear yard. The project site is located within the 24th Street/ Noe Valley Neighborhood Commercial District and 40-X Height and Bulk Districts. This action constitutes the Approval Action for the project for purposes of CEQA, pursuant to Section 31.04(h) of the San Francisco Administrative Code.

Preliminary Recommendation: Approve with Conditions

(Proposed for Indefinite Continuance)

SPEAKERS: None

ACTION: Continued Indefinitely

AYES: Fong, Wu, Antonini, Johnson, Moore, Richards

ABSENT: Hillis

- 3b. 2014.1426CV (M. SMITH: (415) 558-6322)
 4022 – 4026 24th STREET – north side of the street between Castro and Noe Streets; Lot 010 in Assessor’s Block 3656 - Request for a **Rear Yard Variance** pursuant to Section 134 of the Planning Code to construct a three-story addition at the rear of a mixed-use building. The proposed addition would extend the depth of the building to the rear property line at the ground floor and add two dwellings to the property and extend the bar use currently located on the ground floor. The project also requires a parking reduction pursuant to Section 161 of the Code. The project site is located within the 24th Street/ Noe Valley Neighborhood Commercial District and 40-X Height and Bulk Districts.
(Proposed for Indefinite Continuance)
ZONING ADMINISTRATOR CONTINUED INDEFINITELY

B. COMMISSION MATTERS

4. Consideration of Adoption:
- [Draft Minutes for CPC February 5, 2015](#)
 - [Draft Minutes for Rules Committee February 12, 2015](#)
 - [Draft Minutes for CPC February 12, 2015](#)
- SPEAKERS: None
 ACTION: Adopted
 AYES: Fong, Wu, Antonini, Hillis, Johnson, Moore, Richards
5. Commission Comments/Questions
- Inquiries/Announcements. Without discussion, at this time Commissioners may make announcements or inquiries of staff regarding various matters of interest to the Commissioner(s).
 - Future Meetings/Agendas. At this time, the Commission may discuss and take action to set the date of a Special Meeting and/or determine those items that could be placed on the agenda of the next meeting and other future meetings of the Planning Commission.

Commissioner Antonini:

Some of you may know I was born and grew up in the Livermore Valley and I’ve lived in San Francisco for 45 years, and amazingly enough a lot of those cities, Pleasanton, Livermore, have experienced many of the same challenges that we are experiencing in San Francisco in terms of their popularity, their growth, housing shortages, new jobs being created and land use, and they’ve done some things well and some things not so well, but I’m going to kind of prepare a little report on my experiences because I still I am out there frequently. We have property interest out there, part of my family lives out there. I think there are some things that are instructive about things to do and things not to do, which we could use, particularly as we look at our neighborhoods within San Francisco and architecture questions as well as another questions relating to the neighborhood areas, so I’ll have that within a few weeks, as well as some pictures of some the things they have done architecturally.

Commissioner Wu:

Just wanted to let the Commission know, I will be missing the hearing next week March 5th. I will be out in conference in D.C., called People in Place. It's a group of Asian-America, African-American and Latino groups looking at neighborhood-based planning, so will be happy to report back

Commissioner Richards:

A couple of things, first one, I was, last night, had the chance to attend The Changing Mission, it was a forum put on by the San Francisco Chronicle and I think, there were 500-600 people there and standing room only in the Mission School Annex, I guess, gym or assembly room. A couple of things kind of really stood out for me was actually for the first time I got to hear, just as an audience participant, I wasn't officially participating other than attending it, real people and their real stories about what they're experiencing in terms of their insecurity around housing and their actual displacement stories. It was really interesting. I walked away with a real question around how market rate housing actually can enhance or increase affordable housing and that was one the big strains that kept going through the meeting. I know that Supervisor Campos was there, he mentioned this, and the panelists mentioned this. There were panelists there from the Association of Bay Area Governments, the City, the Mayor's Office, some of the nonprofits in the Mission and kept coming back to that, how do we keep actually keep increasing market rate housing and how that does effects the affordable housing? And couple of things resonated with me was, we sat here a few weeks ago, when we approved Philz Coffee, we approved Umpqua Bank among other businesses, and for every market rate housing that we do approve, they're going to need a bank, they're going to need coffee and the people that are really working on those businesses are the ones that are going to need the affordable housing. They're probably will not been able to afford the market rate housing because is just too expensive so I think for me there's also a good business sense here, that if we increase affordable housing actually helps the economy as well because it's a holistic ecosystem that we are looking at. We've heard from the businesses in Fisherman's Wharf, that they were having a hard time filling positions there because transportation issues, so it is hurting them. I think, we need to start looking at this as well, from this is a good business thing as well to increase not only a good social thing but a good businesses thing, to increase the affordable housing, so if anybody has any concrete, even reasonably, believable relationship on how market rate housing actually can increase affordable housing, I'd be interested in hearing from them. I think the second one is, many folks have seen or heard that Supervisor Wiener has introduced interim controls for Corona Heights. We had 53 States, we 22 and 24 Ord Court that came before us, 22 and 24 are actually being continued. I think this is interesting he actually heard the issues the neighbors have been talking about with all these developments in Corona Heights and he has proposed some interim controls and I am sure we'll be hearing about that from our Supervisors' report.

Commissioner Moore:

One aspect of housing which we're not involved in but housing is not include counting affordable housing the issue of homelessness and someone forwarded an very interesting article, which I will send to the Commission's Secretary. It is John Steinberg in San Francisco Magazine, "Why Can't San Francisco Solve It's Homeless Problem?" I am not sure if you have seen it, it is very moving article, written by Gary Kamiya the author of Cool Gray City and the article really touches on a point which I think will move all of us, so I'll forward

the article to Jonas, Commission Secretary, for all you to read it and you can pass it on to people and staff if they're interested.

C. DEPARTMENT MATTERS

6. Director's Announcements

Director Rahaim:

Good Afternoon, Commissioners, I just want to mention two things today, one is that yesterday we released the Draft Environmental Impact Report for the Academy of Art University. I will say that this report is highly unusual EIR because the nature of the institution and their multiple locations. It is 1,300 pages long, and I just, if you'll allow me, I just want to take a moment to recognize the staff who have worked incredible hard on this to get this thing done, working with a challenging project sponsor to say the least. Chelsea Fordham who is the project manager has worked endless in the last three years, Rick Cooper, Scott Sanchez who helped a lot, looking at enforcement issues with the respect to the EIR, as well as Christine Haw, Jon Purvis and Susan Mickelsen, and also from the City Attorney's Office, Susan Cleveland-Knowles, who has been a huge help on this, I just want to take a moment to recognize staff. We're – the hearing before you on the draft EIR scheduled for April 16th, there is a longer than normal comment period, because of the length, I think 60 days, the close of the comment period is April 27th. So we will be sending those out probably today, if you don't have them already. Secondly, just wanted to briefly comment on short-term rental work that we're doing, we have between 600-700 calls from folks, many of them – most of them asking for appointment to register. There is a bit of misinformation out there, that for the record I want to correct both for your purposes as well as the public, which there's been confusion about requirement whether a business license is required. Some of these short term rental platforms had been under the impression that it is not, it is in fact explicitly required in the legislation that to do short-term rental one must first obtain a business license before coming to the Planning Department to register, so just for purposes of the public, especially who are interested in this, is very important that you have that business license before you come to the Department to register for doing short term rental, and with that, that concludes my comments.

7. Review of Past Events at the Board of Supervisors, Board of Appeals and Historic Preservation Commission

LAND USE COMMITTEE:

150087 Interim Zoning Controls - Building Permits for Commercial Uses in an Area Bounded by Market, 2nd, Brannan, and Division Streets, and South Van Ness Avenue. Sponsor: Kim. This interim ordinance would require a posted notice for certain building permits for commercial buildings. These interim controls extend previous enacted controls that expired on December 13 of last year. This item was amended and the continued to 3/2/15.

FULL BOARD OF SUPERVISORS:

150082 Planning Code - Office Conversion Controls In Landmark Buildings. Sponsor: Cohen. Staff: Wertheim. Item 2, PASSED Second Read
150059 Public Hearing - Appeal of Categorical Exemption from Environmental Review - 2655 Broderick Street. Staff: Jones, Navarrete, Woods, Caltagirone. WITHDRAWN

INTRODUCTIONS:

- **150198 Hearing on the Planning Department's capabilities to enforce the Short-Term Rentals Ordinance, and the financial resources necessary for effective enforcement; and requesting the Planning Department to report.** Sponsors: Farrell, Christensen. Hearing is this coming Wednesday.
- **150192 Interim Zoning Controls - Large Residential Projects in RH-1, RH-2, and RH-3 Zoning Districts.** Sponsor: Wiener. The resolution is intended to address the issue of what are commonly referred to as Monster Homes currently being constructed in the Corona Heights neighborhood.

HISTORIC PRESERVATION COMMISSION:

No Report

BOARD OF APPEALS:

The Board of Appeals did meet last night, two items briefly of note, first is 3828 Cesar Chavez. This had been before you. It has somewhat of a convoluted history, unfortunately the permit was issued in error but we did bring it before you. For your comments, you wanted to deny the permit; we did not have alignment at the Board of Appeals on denying the permit. It was essentially issued administratively after the appeal, last night, so today I issued a revocation request to the Department of Building Inspection to have them revoke that permit, very clearly it was issued in error. The second item is 1784 Sanchez. This was before you as a discretionary review, on September 18th. There was also variance associated with this; it was a horizontal addition in the rear, and a minor vertical addition in the rear yard. Last night was the appeal of the building permit and the variance decision. The board had some serious concerns about the variance matter and there was some alignment about denying the variance application, they ultimately continued it and they want the parties to work together to see if they could come into some resolution on the proposal, so that will be on calendar for March 18th, and they did ask the Department to offer some ability to meet with the parties and hopefully come to a resolution, so we'll offer that. The next hearing the Board actually has is March 18th, so they won't be meeting until then, so there will be no Board reports for the next two weeks. That's all, thank you.

D. GENERAL PUBLIC COMMENT – 15 MINUTES

At this time, members of the public may address the Commission on items of interest to the public that are within the subject matter jurisdiction of the Commission except agenda items. With respect to agenda items, your opportunity to address the Commission will be afforded when the item is reached in the meeting. Each member of the public may address the Commission for up to three minutes.

E. REGULAR CALENDAR

The Commission Hearing Procedures provide for presentations by staff; followed by the project sponsor team; followed by public comment for and against the proposal. Please be advised that the project sponsor team includes: the sponsor(s) or their designee, lawyers, architects, engineers, expeditors, and/or other advisors.

8. (D. WINSLOW: (415) 575-9159)
[MARKET-OCTAVIA LIVING ALLEY NETWORK PROJECT](#) – **Informational Presentation** on the Market Octavia Living Alleys Program. This two year program, funded by Caltrans, enables community members to initiate 'living alley' projects in the Market Octavia Plan Area. The presentation will highlight a design and implementation toolkit and overview of the goals formed by community workshops and criteria to distribute the Market Octavia Impact Fees allocated specially for living alley implementation.
 Preliminary Recommendation: None – Informational
- SPEAKERS: = Alice Knight – TODCO Community visioning and design
 + Tom Radulovich – Share space, reclaiming City spaces
- ACTION: None – Informational
9. (S. WERTHEIM: (415) 558-6612)
[UPDATE TO THE SAN FRANCISCO ECONOMIC STRATEGY](#) – **Informational presentation** related to the Office of Economic and Workforce Development (OEWD) and the Office of Economic Analysis' (OEA) update to the 2007 San Francisco Economic Strategy. OEWD and OEA will present the draft update including an overview of the 2007 strategy, an evaluation of the City's economic performance during the last economic cycle, actions taken on policy goals, and future action areas.
 Preliminary Recommendation: None – Informational
- SPEAKERS: + Tod Ruffo, Director of OEWD – Strategy presentation
 + Laurel, OEWD – City actions as a result of the 2007 strategy
 + Ted Egan, Controller's Office Strategy assumptions and results
 + Tom Radulovich – Transportation impacts, infrastructure investments
- ACTION: None - Informational
10. [2012.0877E](#) (B. BOLLINGER: (415) 575-9024)
[1546-1564 MARKET STREET](#) - north side of Market Street between Van Ness Avenue and Franklin Street; Assessor's Parcel Numbers 0836-006 and 0836-007 – **Public Hearing on the Draft Environmental Impact Report** - The project site is located on two parcels at 1546-1550 Market Street, 1554 Market Street, and 55 Oak Street. The proposed project would involve merging the two lots into a single lot, demolition of the existing three buildings on the site, and construction of a new 12-story, 120-foot-tall, 138,002-square-foot residential building with 109 dwelling units, approximately 4,810 gross square feet of ground-floor commercial space, and a 12,512 gross square foot ground floor garage with 28 car parking spaces and 110 bicycle parking spaces. Two of the three existing buildings that would be demolished have been determined to be historic resources under CEQA.
 Preliminary Recommendation: Review and Comment
 (Continued from Regular Meeting of February 12, 2015)
NOTE: Written comments will be accepted at the Planning Department until 5:00 p.m. on March 2, 2015.
- SPEAKERS: None
- ACTION: Reviewed and Commented

11. [2014-003269PCA](#) (D. SANCHEZ: (415) 575-9082)
OFF-STREET PARKING EXCEPTIONS [BOARD FILE NO. 141266] - Planning Code Amendments introduced by Supervisor Breed amending Planning Code Sections 102.9, 159, 160 and 161 to permit certain exceptions from off-street parking and loading requirements for lots that front on curbside transit lanes or bicycle paths, for lots in Residential Mixed districts, and in order to bring buildings into greater conformity with yard, setback and other building requirements; to include parking in excess of principally permitted amounts and located above ground in the floor area ratio calculation; modifying other floor area ratio provisions; and adopting findings, including environmental findings, Planning Code Section 302 findings, and findings of consistency with the General Plan and the priority policies of Planning Code Section 101.
 Preliminary Recommendation: Adopt a Recommendation for Approval with Modifications
- SPEAKERS: + Conner Johnston – Aide to Sup. Breed – Proposed code amendments
 = Steve Vettel – Grandfathering pipeline projects
- ACTION: Adopted a Recommendation for Approval with Modifications as amended:
 Finding that Sup. Breed’s Office look into a grandfather clause for projects along the Van Ness SUD corridor.
- AYES: Fong, Wu, Antonini, Hillis, Johnson, Moore, Richards
- RESOLUTION: 19325
12. [2014.1204C](#) (M. SMITH: (415) 558-6322)
115 – 117 PLYMOUTH AVENUE – west side of the street between Sagamore and Sadowa Streets; Lot 056 in Assessor’s Block 7138 - Request for **Conditional Use Authorization**, pursuant to Planning Code Sections 303 and 710.37 to demolish the remnants of the existing two family dwelling and construct in its place a three-story, mixed-use building. The proposed building will have three off-street parking spaces and commercial space at the ground floor, and four dwellings on the upper floors. The project site is located within a NC-1 (Neighborhood Commercial Cluster) District and 40-X Height and Bulk Districts. This action constitutes the Approval Action for the project for purposes of CEQA, pursuant to Section 31.04(h) of the San Francisco Administrative Code.
 Preliminary Recommendation: Approve with Conditions
- SPEAKERS: + Project Sponsor – No comment
- ACTION: Approved with Conditions as amended:
 1. Limit the number of off-street parking spaces to two; and
 2. Increase the bicycle storage area.
- AYES: Fong, Wu, Antonini, Hillis, Johnson, Moore, Richards
- MOTION: 19326
13. [2014.1393C](#) (O. MASRY: (415) 575-9116)
1135 EVANS AVENUE - at the southwest corner of Evans Avenue and Middle Point Road, Lot 014 in Assessor’s Block 4602A - Request for **Conditional Use Authorization** under Planning Code Sections 711.83 and 303 to modify an existing wireless telecommunications services (WTS) facility operated by Sprint. The modified macro WTS facility would allow three (3) additional panel antennas adjacent to three (3) existing panel antennas mounted to Pacific Gas & Electric transmission towers. Related electronic equipment would be located on the transmission towers, and an existing ground-mounted equipment area. The facility is proposed on a Location Preference 1 Site (Preferred Location; Co-Location with

Verizon Wireless and T-Mobile) within a NC-2 (Neighborhood Commercial, Small-Scale) Zoning District, and 40-X Height and Bulk District. This action constitutes the Approval Action for the project for the purposes of CEQA, pursuant to Section 31.04(h) of the San Francisco Administrative Code.

(Continued from Regular Meeting of February 5, 2015)

SPEAKERS: + Mat Feze – Concerns with staff report
 ACTION: Approved with Conditions
 AYES: Fong, Wu, Antonini, Hillis, Johnson, Moore, Richards
 MOTION: 19327

F. DISCRETIONARY REVIEW CALENDAR

The Commission Discretionary Review Hearing Procedures provide for presentations by staff; followed by the DR requestor team; followed by public comment opposed to the project; followed by the project sponsor team; followed by public comment in support of the project. Please be advised that the DR requestor and project sponsor teams include: the DR requestor and sponsor or their designee, lawyers, architects, engineers, expeditors, and/or other advisors.

14. [2013.0560DRP](#) (E. TUFFY: (415) 575-9191)
417 30th STREET – south side between Sanchez and Harper Streets; Lot 032 in Assessor's Block 6653 - Request for **Discretionary Review** of Building Permit Application No. 201403070155 proposing reconfiguration of the front entrance, excavation for habitable basement space, a vertical addition with a front roof deck and a horizontal addition with a rear roof deck. Work is proposed on an existing one-story-over-basement single-family dwelling within a RH-2 (Residential, House, Two-Family) Zoning District and 40-X Height and Bulk District. This action constitutes the Approval Action for the project for the purposes of CEQA, pursuant to Section 31.04(h) of the San Francisco Administrative Code.
 Staff Analysis: Abbreviated Discretionary Review
 Preliminary Recommendation: Do Not Take Discretionary Review and Approve

SPEAKERS: - Sara Oki – DR Requestor presentation, planter/railing
 + George Klumb – Project Sponsor presentation
 ACTION: Took DR and approved the project with modifications:
 1. Eliminate the planter box; and
 2. Reduce the deck to 10'x12'
 AYES: Fong, Wu, Antonini, Hillis, Johnson, Moore, Richards
 DRA No: 0406

G. PUBLIC COMMENT

At this time, members of the public may address the Commission on items of interest to the public that are within the subject matter jurisdiction of the Commission except agenda items. With respect to agenda items, your opportunity to address the Commission 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 Commission has closed the public hearing, your opportunity to address the Commission must be exercised during the Public Comment portion of the Calendar. Each member of the public may address the Commission for up to three minutes.

The Brown Act forbids a commission from taking action or discussing any item not appearing on the posted agenda, including those items raised at public comment. In response to public comment, the commission is limited to:

- (1) responding to statements made or questions posed by members of the public; or
- (2) requesting staff to report back on a matter at a subsequent meeting; or
- (3) directing staff to place the item on a future agenda. (Government Code Section 54954.2(a))

ADJOURNMENT – 4:21 P.M.