

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, April 23, 2015
12:00 p.m.
Regular Meeting

COMMISSIONERS PRESENT: Fong, Wu, Antonini, Hillis, Johnson, Moore, Richards
COMMISSIONER ABSENT: None

THE MEETING WAS CALLED TO ORDER BY PRESIDENT FONG AT 12:15 p.m.

STAFF IN ATTENDANCE: John Rahaim – Planning Director, Kate Conner, Laura Ajello, Marcelle Boudreaux, Elizabeth Watty, Timothy Johnston, Diego Sanchez, Michael E. Smith, Aaron Starr, and Jonas P. Ionin – Commission Secretary

SPEAKER KEY:

- + indicates a speaker in support of an item;
- indicates a speaker in opposition to an item; and
- = indicates a neutral speaker or a speaker who did not indicate support or opposition.

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. 2014.0653E (P. MALTZER: (415) 575-9038)
AGREEMENT FOR DISPOSAL OF SAN FRANCISCO MUNICIPAL WASTE AT RECOLOGY HAY ROAD LANDFILL IN SOLANO COUNTY - Appeal of Preliminary Negative Declaration for the proposed Agreement between the City of San Francisco and Recology to change the

disposal site for San Francisco's municipal solid waste (MSW). Currently, San Francisco's MSW is transported to the Altamont Landfill, located in eastern Alameda County, for disposal. The proposed project consists of an Agreement to authorize the transportation of MSW from San Francisco to the existing Recology Hay Road Landfill located in unincorporated Solano County, at 6426 Hay Road, near State Route 113, southeast of Vacaville, where it would be disposed. San Francisco and Recology would enter into an Agreement for the transportation and disposal of five million tons of San Francisco's MSW at the Recology Hay Road Landfill, beginning in 2016. At current rates of disposal, it is estimated that the Agreement would have a term of approximately 13 – 15 years. No new construction or changes in current Recology operations within San Francisco are proposed. No new construction or change in existing permits would be required at the Recology Hay Road Landfill in Solano County. The Agreement between San Francisco and Recology to authorize the proposed change in disposal sites would need to be approved by the San Francisco Board of Supervisors.

(Proposed for Continuance to May 21, 2015)

SPEAKERS: None
 ACTION: Continued to May 21, 2015
 AYES: Wu, Fong, Antonini, Hillis, Moore, Richards
 ABSENT: Johnson

- 2a. 2013.1179CV (T. CHANG: (415) 575-9197)
1700 MARKET STREET - north side of Market Street at the intersection of Haight Street and Gough Street, Lots 016 in Assessor's Block 0855 - Request for **Conditional Use Authorization** pursuant to Planning Code Sections 207.6 and 303 to modify the required unit mix, as less than 40% of the total number of proposed dwelling units on site contains at least two bedrooms. The proposal is to demolish the existing two-story commercial building and construct an eight-story 31,673 square foot mixed-use building with 48 dwelling units, 1,549 square feet of ground floor commercial space and 50 bicycle parking spaces, within a Moderate Scale Neighborhood Commercial Transit (NCT-3) District and 85-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.

Preliminary Recommendation: Approve with Conditions

(Continued from Regular Meeting of March 26, 2015)

(Proposed for Continuance to May 21, 2015)

SPEAKERS: None
 ACTION: Continued to May 21, 2015
 AYES: Wu, Fong, Antonini, Hillis, Moore, Richards
 ABSENT: Johnson

- 2b. 2013.1179CV (T. CHANG: (415) 575-9197)
1700 MARKET STREET - north side of Market Street at the intersection of Haight Street and Gough Street, Lots 016 in Assessor's Block 0855 - Request for a **Variance** from Planning Code Section 136 (permitted obstructions) and a modification of the rear yard requirements (Planning Code Section 134), which the Zoning Administrator will consider following the Planning Commission's consideration of the request for Conditional Use

Authorization. This project is located within a Moderate Scale Neighborhood Commercial Transit (NCT-3) District and 85-X Height and Bulk District.
 (Continued from Regular Meeting of March 26, 2015)
(Proposed for Continuance to May 21, 2015)

SPEAKERS: None
 ACTION: ZA Continued to May 21, 2015

B. CONSENT CALENDAR

All matters listed hereunder constitute a Consent Calendar, are considered to be routine by the Planning Commission, and may be acted upon by a single roll call vote of the Commission. There will be no separate discussion of these items unless a member of the Commission, the public, or staff so requests, in which event the matter shall be removed from the Consent Calendar and considered as a separate item at this or a future hearing

3. [2015-002664CUA](#) (K. CONNER: (415) 575-6914)
1150 SCOTT STREET - between Turk Street to the south and Eddy Street to the north; Lot 001 in Assessor's Block 0752 and Lot 001 in Assessor's Block 1128 - Request for **Conditional Use Authorization**, pursuant to Planning Code Sections 303 and 304, to expand two buildings and construct a new laundry room, a mail room, a trash compactor room, and several new garbage and maintenance enclosures totaling approximately 2,027 square feet in area on an existing Planned Unit Development (PUD) (Case No. 87.509EC) which authorized the construction of 203 affordable dwelling units with exceptions from parking and rear yard requirements. This project includes modifications to the rear yard (Section 134) requirements of the Planning Code. The project site is located within the RM-3 (Residential, Mixed, Medium Density) Zoning District and 40-X Height and Bulk District. 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: None
 ACTION: Approved with Conditions
 AYES: Wu, Fong, Antonini, Hillis, Moore, Richards
 ABSENT: Johnson
 MOTION: 19356

4. [2014.1408C](#) (M. BOUDREAUX: (415) 575-9140)
3822 24TH STREET - north side of 24th Street between Church and Vicksburg Streets; Lot 018 in Assessor's Block 3651 - Request for **Conditional Use Authorization** pursuant to Planning Code Section 303, 317 and 728.37, to allow demolition of an existing two-story single-family dwelling. The proposed new construction includes a five-story-over-basement, five-unit residential with ground-floor commercial building, with five bicycle parking spaces. The building will be approximately 45 feet in height, pursuant to Planning Code Section 263.20. The property is within the 24th Street- Noe Valley NCD (Neighborhood Commercial) 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.
 Preliminary Recommendation: Approve with Conditions

(Continued from Regular Meeting of April 2, 2015)

SPEAKERS: + Ryan Peterson – Project presentation
 + Brad Terrel – Design presentation
 + Alan Maloney – Sponsor
 + Owen Lindsaymyer – Sponsor
 - Jim Morrell – Out of character and out of scale
 - Gerogia Schuttish – Changing 24th Street

ACTION: After being pulled off of Consent; Approved with Conditions as amended to require the Sponsor to continue working with staff on roof and façade treatments.

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

MOTION: 19358

5. [2014-001722CUA](#) (L. AJELLO: (415) 575-9142)
798 HAIGHT STREET - northeast corner of Haight and Scott Streets; Lot 021 in Assessor's Block 0846 - Request for **Conditional Use Authorization**, pursuant to Planning Code Sections 303 and 784 to allow the transfer of an off-sale general alcoholic beverage license from a grocery store (d.b.a. New Santa Clara Market) located across the street at 799 Haight Street to a grocery store at the subject site (d.b.a. Santa Clara Natural Organic Market) within the NC-1 (Neighborhood Commercial Cluster) Zoning District, the Lower Haight Alcohol Restricted Use 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.
 Preliminary Recommendation: Approve with Conditions

SPEAKERS: None

ACTION: Approved with Conditions

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

ABSENT: Johnson

MOTION: 19357

C. COMMISSION MATTERS

6. 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:

Most importantly beat LA, beat LA and beat New Orleans too, I was at a Giant's game a couple of nights ago, very exciting. Anyway, on another matter I have been in receipt of an excellent piece from the Bay Area Council and I've sent it to all the other commissioners, director and it's about California's high housing costs from the California Legislative Analyst Office dated 3/17/2015. It makes some very good points and I would strongly

recommended it, but the key points in it, briefly are, you know building less housing than is demanded is a big factor in driving up costs and it says this isn't something that happened with the dot com boom or the tech boom, it's been California, has been negligent in building enough houses for many, many years, especially in the coastal regions and of course we all know that it hurts the state economy, makes home ownership more difficult, longer commutes, more crowding, talented people leave the state. And another recommendation they are in favor, with all the different things they are trying to do to build affordable housing, but they also think we got to start targeting individual people specifically, rather than, you know, and helping assisting them to find housing, particularly people who are critical, the operation of cities, which we always said public safety and others. And the final comment, in summation, they said we need to build about 100,000 more units in coastal areas of California in addition to what we have planned already. A very good piece and answers a lot of the questions that are raised and sort of points us in the right direction, so I'll see that we may have it available for the public. I received it from Matt Reagan from the Bay Area Council and I've sent it to Mr. Ionin. We can probably get in the public record.

Commissioner Richards:

Three things interestingly enough, on Monday there was an article, probably relates to the first item we are going to hear, in the Chronicle, Noe Valley Corridor, cashes in on growth, talking about where growth is appropriate because the neighborhood commercial district is actually kind of growing up, there is going to be a lot of development and I think this is the first time we're going to hear the public fits into that. Second one, in today's Chronicle, in the City Insider, an item of concern to me, David Leigh a Political Science instructor at San Francisco State University, is circulating a ballot initiative, that is going to - - supposedly allow public comment to be streamed live as public comment to be offered online as well as to have any item on an agenda with 50 people signing a petition to make the agenda item time certain, and I think is something we need to think about it, given the fact that not every item that we hear can be squeezed into a small box. It is something concerning, probably has wide appeal. I've seen telephone pole signs for the last six months on this issue, if you can believe it, all over town, and probably has a good chance of passing, but we need to consider how we would implement something of this nature. I'll pass it around. And the last item is in our last hearing on the DEIR for the AAU, I forgot to mention, I wanted at least to continue to have discussion how the 30 properties forwards need to be legalized.

Commissioner Moore:

I'd like to first report to the President, and the Commission as a whole, that we had our fourth subcommittee meeting on rules today. It was a very good meeting; however, the issues which there are five are quite complex and we need to put a little bit more meat on the bone in order to bring it forward with our recommendations to you. We will meet again on May 14th and hope - - hope that by the time we have accomplished what we set out to do. The second thing I would like to talk about for a long time I've been interested in the issue of the institutional master plans, as a process that helps us with understanding the existing and future plans of major institutions in the City. I've talked about that probably nine years and have supported many good institutional master plans, however; there is certain amount of vagueness about the amount of thing, I'd like to put on our action agenda, that we have a recap on what led to the original legislation of an institutional master plan, which was quite a few years ago, from what I understand,

although, there is still some people around to be actively involved in this. So I ask to put it on an agenda item. The next thing I'd like to talk about is, and this would be under Commission comments for future meetings following up on what Commissioner Richards said, I also, I've forgotten when in the heat of the battle last week, forgot to mention that we should please set meeting dates for hearing the 38 projects or part of the 38 projects that will come before this Commission as CUs or DRs. The hearing of these items is not tied to the DEIR and out of courtesy; I assume one could wait until after the closing of Commission Comments -- after the closing of the DEIR comments and then start scheduling them. I look to the Department to give us guidance and how to schedule them, we could start sometime in May to undertake this rather large task. I see Zoning Administrator Sanchez, noticeably wrinkling his forehead, may I ask, is this in reaction to what I am saying?

Scott Sanchez, Zoning Administrator:

So in terms of calendaring items for a hearing of the various applications, it's always been our intent to wait until the completion of the environmental review process to bring those before you and we can certainly discuss the possibility to bringing them to you sooner, but I believe we can only calendar for disapproval prior to completion of environmental review.

Director Rahaim:

That's correct, Commissioner, if we don't wait until the EIR is complete for certification the only two options the Commission has is denial or continuance. We can't approve a project that is the intent, that's one thing, but I think what we're hoping to do and bring the informational basis our strategy for how to bring those 38 projects -- I can't remember the right number -- how to bring them to you in groups because there are so many projects.

Commissioner Moore:

I know we're not to have a discussion, can we ask that the Department instruct us to what they think the issues are, because I'm completely, totally unaware that is the course particularly, because it will involve a significant amount of additional time and perhaps we could, together with the city attorney, have a more robust discussion about that in the next week or two.

D. DEPARTMENT MATTERS

7. Director's Announcements

Director Rahaim:

Good afternoon Commissioners, since I have nothing urgent today, in the interest of time I'll defer my report until next week.

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

LAND USE COMMITTEE:

- **141303 Planning Code - Massage Establishments.** Sponsor: Tang. Staff: D. Sanchez. The Planning Commission heard Supervisor Tangs proposed Massage

Establishment ordinance on March 26, 2015. This item was continued to the May 4 Land Use Committee hearing to continue working on refining a proposed grandfathering clause.

- **141298 Various Codes - Noise Regulations Relating to Residential Uses Near Places of Entertainment.** Sponsor: Breed, Wiener. Staff: D. Sanchez. The Ordinance proposes to amend the Building, Administrative, Planning and Police Codes. For the purposes of Planning Department, the Ordinance would, among other things, require the Planning Department to notice the Entertainment Commission of proposed residential projects located within 300 feet of a POE. The Planning Commission heard Supervisor Breed's proposed Ordinance on March 19, 2015. The Planning Commission recommended approval with modifications. The modifications were to (1) Refine the type of residential projects subject to the new Entertainment Commission outreach process in order to exclude those projects that are adding dwelling units to existing residential buildings, and which are likely to be approved over the counter; (2) Require sponsors of residential projects subject to the new Entertainment Commission outreach process to conduct the outreach prior to submitting a development application to the Planning Department; and (3) Reduce the timeframe for the Planning Department to receive comments or recommendations from the Entertainment Commission from 45 days to 30 days, in most cases. All of the Commission's recommendations were integrated into a revised ordinance.

At the Land Use Committee, all of the public comment was in support of the ordinance, citing the need to account for the POEs in the City's residential development process. Land Use Committee members spoke of the need to balance the City's need for new housing with the need for nighttime entertainment. They noted that the City's nighttime entertainment industry is central to the City's character and allure. The Land Use Committee then voted unanimously in favor of recommending the Ordinance to the Full Board.

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- **150002 Planning Code - Landmark Designation - 182-198 Gough Street (aka the R.L. Goldberg Building).** Sponsor: Breed. Staff: Lammers. The Historic Preservation Commission heard this proposed landmark designation on December 17 of last year and unanimously recommended approval to the Board of Supervisors. At the Land Use committee there was only public comment from the tenant in favor of the landmark designation, the property owner was not present. Without significant comment, the Land Use Committee voted unanimously to recommend landmark designation to the Full Board.
 - **150246 Planning Code - Landmark Designation - 2178-2174 Market Street (aka Swedish American Hall Building).** Sponsor: Wiener. Staff: Lammers. The HPC heard this item on March 4 of this year and voted unanimously to recommend landmark designation to the Board of Supervisors. At that hearing, both the owner of the property and the Commissioners very supportive of the designation. At the Land Use Committee hearing both the building owner and commercial tenant gave testimony in favor of designation. Without significant comment, the Land Use Committee voted unanimously to recommend landmark designation to the Full Board.
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FULL BOARD OF SUPERVISORS:

- **141266 Off-Street Parking Exceptions.** Sponsor: Breed. Staff: D. Sanchez. PASSED Second Read
 - **150029 Planning Code - City Housing Balance Monitoring and Reporting.** Sponsor: Kim. Staff: Haddadan. PASSED Second Read
 - **150316 Approving the Nominations of Five Priority Conservation Areas.** Sponsors: Mar, Cohen. Staff: Dito. Adopted
 - **150246 Planning Code - Landmark Designation - 2178-2174 Market Street (aka Swedish American Hall Building).** Sponsor: Wiener. Staff: Lammers, Frye. Passed First Read
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INTRODUCTIONS:

- **150412 Interim Zoning Controls - Conditional Use Authorization for Medical Cannabis Dispensaries in Irving, Judah, Noriega, and Taraval Neighborhood Commercial Districts.** Sponsor: Tang. Staff: Starr
- **150357 Planning Code - Rincon Hill Streetscape Master Plan.** Sponsor: Planning. Staff: Chasan

BOARD OF APPEALS:

No Report

HISTORIC PRESERVATION COMMISSION:

No Report

E. 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.

SPEAKERS: Patrick Mulligan – Monster homes
 Georgia Schuttish – De facto demo alterations
 Donald Green – Gas station conversions
 John Elberling – 5th and Brannan SUB M.P. AAU student’s housing
 Joel Koppel, First Source Hiring – Electrical union contracts workers
 (M) Speaker – Social inequity, AAU street traffic

F. 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.

9. [2012.0641C](#) (E. WATTY: (415) 558-6620)
933-949 STOCKTON STREET - southwest corner of Stockton and Washington Streets; Lot 001 in Assessor's Block 0211 - **Informational Presentation** on the community outreach process for, and final design of, the Chinatown Transit Station Open Space and Plaza, as required through the Conditions of Approval for Motion No. 18699, which authorized the Chinatown Transit Station Head House, within the Chinatown Residential Neighborhood Commercial Zoning District, and 65-85-N Height and Bulk District.
 Preliminary Recommendation: None - Informational
- SPEAKERS: John Funghi – Chinatown station design
 ACTION: None – Informational
 RECUSED: Wu
10. [2008.0091E](#) (T. JOHNSTON: (415) 575-9035)
SAN FRANCISCO WESTSIDE RECYCLED WATER PROJECT - **Public Hearing on the Draft Environmental Impact Report**. The proposed project, which is a component of the San Francisco Public Utilities Commission (SFPUC) Water System Improvement Program, involves the construction and operation of a recycled water treatment plant within the SFPUC's Oceanside Water Pollution Control Plant (WPCP) located near the intersection of Great Highway and Skyline Boulevard. The plant would have an operational capacity to serve peak-day demands of up to 5 million gallons per day (mgd) (or 2 mgd annual average) to provide recycled water to be used primarily for irrigation of Golden Gate Park, Lincoln Park, and portions of the Presidio. Other project components include new and upgraded pump stations in Golden Gate Park at the existing Central Reservoir site, sub-surface storage facilities at the Oceanside WPCP and Central Reservoir, and approximately 8 miles of in-street pipelines located within Skyline Boulevard, Sloat Boulevard, 37th Avenue, Vicente Street, 36th Avenue, Lawton Street, 34th Avenue, Middle West Drive, Overlook Drive, John F. Kennedy Drive, Transverse Drive, Crossover Drive, 25th Avenue, Cabrillo Street, Clement Street, 24th Avenue, Anza Street, 16th Avenue, Lake Street, Oak Street, and 14th Avenue. These pipelines would connect the recycled water treatment plant to Golden Gate Park, Lincoln Park and the Presidio.
NOTE: Written comments will be accepted at the Planning Department until 5:00 p.m. on Monday, May 4th, 2015.
- SPEAKERS: Katherine Howard – Section 1.5
 Richard Fong – Impacts to the zoo
 ACTION: Reviewed and Commented
11. [2015-000673PCA](#) (D. SÁNCHEZ: (415) 575-9082)
AMENDMENTS TO THE PLANNING CODE: CONDITIONAL USE REQUIRED FOR CERTAIN USES IN THE CASTRO STREET NEIGHBORHOOD COMMERCIAL DISTRICT, THE 24TH STREET-NOE VALLEY NEIGHBORHOOD COMMERCIAL DISTRICT, THE UPPER MARKET STREET NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT, AND PARCELS ZONED NCT-3 ON MARKET STREET WEST OF OCTAVIA BOULEVARD [BOARD FILE NO. 150017] - Ordinance introduced by Supervisor Wiener amending the Planning Code to require that certain uses obtain Conditional Use Authorization in the Castro Street Neighborhood Commercial District, the 24th Street-Noe Valley Neighborhood Commercial District, the Upper Market Street Neighborhood Commercial Transit District and in the Moderate-Scale Neighborhood

Commercial Transit (NCT-3) District for parcels on Market Street west of Octavia Boulevard; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, Planning Code Section 302 and the eight priority policies of Planning Code Section 101.1.

(Continued from Regular Meeting of April 2, 2015)

Preliminary Recommendation: Adopt a Recommendation for Approval

(Continued from Regular Meeting of April 2, 2015)

SPEAKERS: + Andres Powers, Aide to Supervisor Wiener – Proposed amendments

= George Schuttish – Why encourage offices on 24th Street

= (M) Speaker – No to more government regulations

ACTION: Adopted a Recommendation for Approval with a recommendation to further study Business & Professional Services principally permitted on the 3rd level.

AYES: Wu, Antonini, Hillis, Johnson, Moore

ABSENT: Fong

RECUSED: Richards

RESOLUTION: 19359

12a. [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 ground floor commercial space beyond the 2,499 gross square-foot use size limitation for the District and establish a restaurant with a type 47 ABC license (d.b.a. Tom Rai) that would retain the existing place of entertainment use but amend the conditions of approval contained in Motion 8778 that pertain to the use to expand the hours and permit amplified entertainment. 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

(Continued from Regular Meeting of March 26, 2015)

SPEAKERS: + Jeremy Paul – Hours of operation for entertainment

- (F) Speaker – Opposition

- (M) Speaker – Opposition

- Bruce Castleman – Not the right project for the neighborhood

- Sandra McIntyre – Quite street environment

- Richard Anderson – Variances clear warning

- Georgia Scuttish – Residential area

- Jenny Lee – Noise

- Amy Kennedy – Family friendly character

- (F) Speaker – Opposition

- Jean Amos – Small backyards
- (F) Speaker – Green space

ACTION: After hearing and closing public comment; Continued to June 11, 2015 with direction to redesign rear area with open space and green space; and for the Sponsor to scale back the project to fit the character of the neighborhood.

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

ABSENT: Fong

- 12b. [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 **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 dwelling units to the property. 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. (Continued from Regular Meeting of March 26, 2015)

SPEAKERS: Same as Item 12a.

ACTION: After hearing and closing public comment; ZA Continued to June 11, 2015 with direction to redesign rear area with open space and green space; and for the Sponsor to scale back the project to fit the character of the neighborhood.

13. [2013.1407C](#) (S. LAI: (415) 575-9087)
[2501 CALIFORNIA STREET](#) - southwest corner of California and Steiner Streets; Lots 001,002, and 034 in Assessor's Block 0655 - Request for **Conditional Use Authorization** pursuant to Planning Code Sections 102, 121.1, 121.2, 186.1, 303, 303.1, 703.3, 718.11, and 718.21 for the demolition of the convenience store, the non-conforming automotive service use, and the non-conforming automotive gas station (d.b.a. Shell); and to allow the lot merger and reconstruction of the non-conforming automotive gas station (d.b.a. Shell), and the establishment of a formula retail convenience store (d.b.a. Loop), within the Upper Fillmore Street Neighborhood Commercial 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 March 26, 2015)
 Preliminary Recommendation: Approve with Conditions

SPEAKERS: None

ACTION: Continued to April 30, 2015

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

G. 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.

- 14a. [2013.0883DV](#) (K. GUY: (415) 558-6163)
1364 PACIFIC AVE - north side of Pacific Avenue; Lot 020 in Assessor's Block 0155 – Request for **Discretionary Review** of Building Permit Application 2014.0812.3674 proposing to demolish the existing one-story commercial building and construct a new four-story building, reaching a height of 40 feet, containing one dwelling unit and ground-floor retail space. The project is located within the Pacific Avenue Neighborhood Commercial District and 40-X Height and Bulk District. 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: Do Not Take DR and Approve

SPEAKERS: + Melinda Sarjapur – Continuance
 - Robyn Tucker – Continuance consent
 ACTION: Continued to May 7, 2015
 AYES: Wu, Fong, Antonini, Hillis, Moore, Richards
 ABSENT: Johnson

- 14b. [2013.0883DV](#) (K. GUY: (415) 558-6163)
1364 PACIFIC AVE - north side of Pacific Avenue; Lot 020 in Assessor's Block 0155 - Request for 1) **Rear Yard Modification** from Planning Code Section 134 to allow the first and second stories of the proposed building to encroach into the required rear yard, and 2) **Variance** to allow the proposed curb cut and driveway along Lynch Street to exceed the maximum parking entry width limitations of Planning Code Section 145.1. The project proposes to demolish the existing one-story commercial building and construct a new four-story building, reaching a height of 40 feet, containing one dwelling unit and ground-floor retail space, located within the Pacific Avenue Neighborhood Commercial District and 40-X Height and Bulk District.

SPEAKERS: Same as Item 14a.
 ACTION: ZA Continued to May 7, 2015

- 15a. [2013.0884DV](#) (K. GUY: (415) 558-6163)
1370 PACIFIC AVE - north side of Pacific Avenue; Lot 021 in Assessor's Block 0155 - Request for **Discretionary Review** of Building Permit Application 2014.0812.3679 proposing to demolish the existing one-story commercial building and construct a new four-story building, reaching a height of 40 feet, containing one dwelling unit and ground-floor retail space. The project is located within the Pacific Avenue Neighborhood Commercial District and 40-X Height and Bulk District. 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: Do Not Take DR and Approve

SPEAKERS: Same as Item 14a.
 ACTION: Continued to May 7, 2015
 AYES: Wu, Fong, Antonini, Hillis, Moore, Richards
 ABSENT: Johnson

- 15b. [2013.0884DV](#) (K. GUY: (415) 558-6163)
 1370 PACIFIC AVE - north side of Pacific Avenue; Lot 021 in Assessor's Block 0155 - Request for 1) **Rear Yard Modification** from Planning Code Section 134 to allow the first and second stories of the proposed building to encroach into the required rear yard, and 2) **Variance** to allow the proposed curb cut and driveway along Lynch Street to exceed the maximum parking entry width limitations of Planning Code Section 145.1. The project proposes to demolish the existing one-story commercial building and construct a new four-story building, reaching a height of 40 feet, containing one dwelling unit and ground-floor retail space, located within the Pacific Avenue Neighborhood Commercial District and 40-X Height and Bulk District.

SPEAKERS: Same as Item 14a.
 ACTION: ZA Continued to May 7, 2015

H. 3:00 P.M.

Items listed here may not be considered prior to the time indicated above. It is provided as a courtesy to limit unnecessary wait times. Generally, the Commission adheres to the order of the Agenda. Therefore, the following item(s) will be considered after the time indicated.

- 16a. [2014-001033PCA](#) (A. STARR: (415) 558-6362)
 AMENDING REGULATION OF SHORT-TERM RESIDENTIAL RENTALS [BOARD FILE 141036] - Ordinance amend the Administrative Code, Chapter 41A, to prohibit certain residential units that have been the subject of an Ellis Act eviction from use as short-term residential rentals and provide for private rights of action to enforce the requirements of this Chapter; and affirming the Planning Department's determination under the California Environmental Quality Act.
 Preliminary Recommendation: Adopt a Recommendation for Approval with Modifications (Continued from Regular Meeting of April 2, 2015)

SPEAKERS:

- + Supervisor Jane Kim – Short Term rental Legislation. Private right of action
- + Supervisor David Campos – Short Term Rental Legislation
- + Supervisor Mark Farrell – Short Term Rental Legislation
- = Alex Marquese – STR threats to housing supply
- = Doug Engman – Recommendations and issues surrounding enforcement
- = Sarah Short – Displacement, evictions
- = Ian Lewis – Impact to hotel workers
- Bob Planthood – Private right of action, delay and start from the beginning
- = Mira Ingram – Strong enforceable regulations
- + (M) Speaker – Helps pay the rent
- Katherine Howard – Unoccupied units in residential neighborhoods
- (F) Speaker – Sharing
- Bill Doyle – Airbnb listings
- Trasa Flandrick – Enforcement
- Marla Knight – Negative impacts

- + Lorraine Fetty – Support for Campos legislation
- + Tony Robles – Support for Campos legislation
- Chita Bottah – Sharing economy, we need to regulate
- Shundar Halas – Hosted platforms
- Veel Kwan – Reject proposed amendments
- Keith Freedman – Housing issues
- Jim Collins – Support
- Chris – Homesharing helps sustain, streamline process
- + Karen Conchino – Legal STR
- + Kevin Crachey – Legal STR
- + Allorca Conchino – Support for mayor proposal
- + Judith Davis – Give the law a chance
- + Josephine Zhao – Support for STR
- + John Ballesteros – Responsible, enforceable path to legal STR
- + Peter Cohen – Support for Campos legislation
- + Nick Dimas – Support STR as is
- + Roger Ritter – Support for a CUP
- + Amy Farweiss – Work together
- Tess Welbourn – Airbnb hiding behind Mom and Pops
- Monique Colvesso – Ellis Act
- Jim Lazarus – Hotel occupancy level
- Robert Callahan – Broader issues
- Eric – Sharin enables us to stay in our home
- = Adrian Covert – Economic considerations
- + Tony Brooks – Support for STR
- + Walker Bass – Support for STR
- Mark Ronshman – Illegal listing, stop continued conversion of housing in SF
- Edwin Acosta – Tools for enforcement
- (F) Speaker – Evictions, support for Campos legislation
- + David Owner, Airbnb – Support for regulations
- Michael Rupe – Accountability
- Dustin Babbin – Data collection, reject proposed regulations
- + Alex Pool – Kept property empty
- + Henry Karmlowicz – Tax contributions
- + Gwyn McCellan – Forced out of rent controlled home
Support
- + (M) Speaker – Staff recommendations
- Arroyo Ojeda – Opposed to mayoral legislation
- Eric Arguello – Impact on businesses
- + Lee Anderson – Home sharing makes living in SF affordable
- + Michael Winehouse – Support for Campos legislation
- + Marie Swordson – Support for Campos legislation
- + (M) Speaker – Support for STR
- Barbara – Give the existing legislation a chance
- + (F) Speaker – Support the STR
- + (M) Speaker – Support the STR
- + Brad Harvin

- + Greg Zip
+ (F) Speaker –
- ACTION: Adopted Recommendations for Approval with Modifications and consideration for:
1. No PRA against platforms;
 2. Sup. Farrell's PRA timeline;
 3. No Civil penalties, except for the City; and
 4. Hosted vs Non-hosted number of days.

Voting on the individual recommendations as follows:

- Recommendation No. 1: +5 -2 (Antonini, Hillis against)
 Recommendation No. 2: +6 -1 (Antonini against)
 Recommendation No. 3: + 7 -0
 Recommendation No. 4: +6 -1 (Antonini against)
 Recommendation No. 5: +6 -0 (Richards absent)
 Recommendation No. 6: +3 -4 (Antonini, Hillis, Johnson, Fong against)
 Recommendation No. 7: +4 -3 (Moore, Richards, Wu against)
 Recommendation No. 8: +4 -3 (Moore, Richards, Wu against)
 Recommendation No. 9: + 7 -0
 Recommendation No. 10: + 7 -0
 Recommendation No. 11: +4 -3 (Moore, Richards, Wu against)
 Recommendation No. 12: +6 -1 (Wu against)
 Recommendation No. 13: +4 -3 (Moore, Richards, Wu against)
 Recommendation No. 14: + 7 -0
 Recommendation No. 15: + 7 -0

- 16b. [2015-003861PCA](#) (A. STARR: (415) 558-6362)
AMENDMENTS TO THE ADMINISTRATIVE CODE - AMENDING REGULATION OF SHORT-TERM RESIDENTIAL RENTALS [BOARD FILE NO. 150364] - Ordinance amending the Administrative Code to revise the Residential Unit Conversion Ordinance to: limit short-term rental of a Residential Unit to no more than 60 days per calendar year; require Hosting Platforms to verify that a Residential Unit is on the City Registry prior to listing, remove a listing once a Residential Unit has been rented for Tourist or Transient Use for more than 60 days in a calendar year, and provide certain useage data to the Planning Department; prohibit short-term rental of certain "in-law" units; revise the definition of Interested Parties who may enforce the provision of Chapter 41A through a private right of action to include Permanent Residents residing within 100 feet; amend the private right of action provisions to allow for a private right of action against Hosting Platforms and create an additional private right of action against Owners, Business Entities, and Hosting Platforms under certain circumstances; and provide for criminal penalties against Hosting Platforms in violation of this Chapter 41A; and affirming the Planning Department's determination under the California Environmental Quality Act.
 Preliminary Recommendation: Adopt a Recommendation for Approval with Modifications

- SPEAKERS: Same as Item 16a.
 ACTION: Same as Item 16a.

- 16c. [2015-004765PCA](#) (A. STARR: (415) 558-6362)
AMENDMENTS TO THE ADMINISTRATIVE CODE - AMENDING REGULATION OF SHORT-TERM RESIDENTIAL RENTALS [BOARD FILE NO. 150363] Ordinance amending the Administrative Code to revise the Residential Unit Conversion Ordinance to limit short-term rental of a Residential Unit to no more than 120 days per calendar year, revise the definition of Interested Parties who may enforce the provisions of Chapter 41A through a private right of action to include Permanent Residents residing within 100 feet of the Residential Unit, create an additional private right of action under certain circumstances, and direct the Mayor to create an Office of Short-Term Residential Rental Administration and Enforcement staffed by the Planning Department, Department of Building Inspection, and Tax Collector's Office; and affirming the Planning Department's determination under the California Environmental Quality Act.
 Preliminary Recommendation: Adopt a Recommendation for Approval with Modifications

SPEAKERS: Same as Item 16a.
 ACTION: Same as Item 16a.

I. 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 – 10:22 P.M.

