

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

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

THE MEETING WAS CALLED TO ORDER BY PRESIDENT FONG AT 12: 05 P.M.

STAFF IN ATTENDANCE: John Rahaim – Planning Director, Kevin Guy, Carly Grob, Aaron Starr, Don Lewis, Tina Chang, Alexandra Kirby, Claudia Flores, AnMarie Rodgers and Christine Lamorena – Acting 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. 2015-002210DRM (N. FOSTER: (415) 575-9167)
948-952 MISSION STREET - north side of Mission Street between Mint and 6th Streets; Lot 017 in Assessor's Block 3704 - Request for a **Mandatory Discretionary Review**, pursuant to Planning Code Section 202.2(e) in association with Building Permit Application No.

2015.02.23.9053, proposing to allow for on-site medication of medical cannabis (e.g. smoking, vaporizing, and consumption of medical cannabis edibles) at an existing Medical Cannabis Dispensary (d.b.a. "Barbary Coast Collective"). The application also seeks to add on-site cultivation (e.g. plants to be kept on-site), and to expand the hours of operation to twenty-four (24) hours, pursuant to SF Health Code Section 3308(e). The associated Building Permit Application is for tenant improvements, which include the addition of a storage room and private meeting room, increasing the total ground floor space by 1,284 gsf, from 2,018 gsf to a total of 3,302 gsf. This project lies within the C-3-G (Downtown Commercial, General) Zoning District and 160-F 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: Take Discretionary Review and Approve with Conditions
(Proposed for Continuance to August 13, 2015)

SPEAKERS: None
 ACTION: Continued to August 13, 2015
 AYES: Wu, Fong, Antonini, Moore, Richards
 ABSENT: Hillis, Johnson

B. COMMISSION MATTERS

2. Consideration of Adoption:
 - [Draft Minutes for July 9, 2015](#)

SPEAKERS: None
 ACTION: Adopted
 AYES: Wu, Fong, Antonini, Johnson, Moore, Richards
 ABSENT: Hillis

3. 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:

There have been a lot of articles in the newspaper expressing people's opinions that San Francisco is dirty, which I agree with. The streets are filthy in many instances compared to other cities and there seems to be a more visible presence of people with problems, so one thing I'd like to put forward is some reasons why, you know, we have our problems, under the subject of you get what you ask for. Another article in the paper talked about someone whose car had been broken into or boosted five times in five years, which it doesn't surprise me, I -- there are few people that I know of that have had their cars broken into, there is glass all over the streets all the time from break-ins and my understanding is, boosters probably rarely get any jail time even if they are caught. I know for sure that car thieves only get ten days, and I know for a fact that with personal experience of a break-in

with my wife's car some years ago, where they were on our property, and they were engaging minors in this thing, and the guy got 30 days, so it doesn't seem the laws are very strict. Also, recently I read in the paper about a fellow who's a graffiti vandal who has done over \$50,000 in damage and the judge dropped his charges from felonies to misdemeanors, so he is not going to see any time or any significant fines, so, he'll keep coming back as well others until we get some teeth in the laws, and the same is true with aggressive panhandling, we have – we site on medians that people are not supposed to panhandle, I've never seen any of them being pick up and taken away for panhandling right underneath the sign, which is dangerous, when people try to stop to give them something, so a lot of our problems are self-inflicted, so I think is time for, if we are going to improve the quality of life in the City, we have to start getting realistic about law enforcement and not the police officers, they do what they can, they are subject to what happens in the courts and what kind of penalties there are for these quality of life crimes, and some will point to the fact that violate crime is down, that might be the case, but property crime is way up, and probably anybody who gets arrested or is subject to arrest is fleeing, is always trying to get into San Francisco, because criminals know they much rather have to face the music in San Francisco than in San Mateo County because the laws are a lot more lenient here or they are not enforced.

Commissioner Richards:

Couple of items, in both the Sunday papers, the Examiner, we were talking about health care in the Mission, for the last – I guess several meetings, we proved the 899 Valencia, it was a Sutter Health to serve the community there, interestingly enough on Sunday's newspaper Walden House and Haight-Ashbury Free Clinic, they're combining and opening up a fully integrated robust system for health care at 1735 Mission to serve the other underserved members of the community and I think it's a fantastic article if you get to read it in Sunday's Examiner. Secondly, in Sunday's Chronicle, I was surprised to read, but not terribly surprised, since I was in Healdsburg a few months ago, that actually the workers that served the folks in the restaurants Healdsburg and work in the vineyards can't afford to live in Healdsburg anymore. They are having the same kind of problem that San Francisco is. It is a great article to read. The things we are experiencing here in the City don't just apply here, and then the last article - - the last thing, I understand that the City of Richmond passed rent control, the first entity since 1995 to do so this week and that, I think, is a good step as well for that municipality, thank you.

Commissioner Moore:

There was a message coming through late last night that the City of Richmond has successfully passed a rent control ordinance.

C. DEPARTMENT MATTERS

4. Director's Announcements

Director Rahaim:

Good afternoon. I think in the interest of time, I don't have anything new to report.

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

LAND USE COMMITTEE:

- **150348 Planning Code - Applying Inclusionary Housing Requirements to Group Housing. Sponsors: Avalos, Kim. Staff: Haddadan.**

This Ordinance clarifies that the inclusionary requirements in Section 415 do apply to group housing projects. The Planning Commission heard this item on July 2nd and voted 5-2 for approval modifications. The Commission also included in their motion that they did not have enough information to accept or reject proposed amendments by Supervisor Christensen's and indicated that they wanted the issue to come back to them as a separate ordinance.

This was the second time the Land Use Committee heard this item. Last week the ordinance was continued for one week because the committee added three different amendments. The first amendment incorporated the Planning Commission's recommended modification; the second was to include Supervisor Christensen's proposed amendments; and the third amendment, proposed by Supervisor Wiener, was to change the income qualification for group housing inclusionary units from 55% of AMI to 90% of AMI for rental and from 95% to 120% of AMI for ownership. This last amendment was removed by Supervisor Wiener this week because the City Attorney found this amendment in conflict with Prop C.

There was a lot of public comment, specifically to oppose Supervisor Wiener's proposed amendment to increase the AMI. For his part, Supervisor Wiener defended his amendment by saying the intention was to provide more housing for San Francisco's middle income work force including teacher, lab technicians and the like; a population that the City is not producing enough housing for. After public comment, the Ordinance was then passed unanimously as a Committee Report.

- **150365 Planning, Administrative Codes - Construction of Accessory Dwelling Units. Sponsor: Wiener. Staff: Haddadan.**
- **150585 Planning, Administrative Codes - Construction of Accessory Dwelling Units. Sponsor: Christensen. Staff: Haddadan.**

The proposed ordinance would permit the addition of Accessory Dwelling units, above the permitted density in both Supervisorial District 3 and 8. The Planning Commission heard this item on July 16 and voted 4-2 to approve with modifications.

The recommended modifications include:

1. Modifying the number of ADUs allowed in District 8, to align with proposed District 3's ADU program and the existing seismic retrofit ADU program; District 8 ordinance permits one ADU for buildings with 10 units or less and 2 ADUs for building with 11 or more units, and District 3 and the Seismic retrofit program permits one ADU in buildings with four units or less, and no limit on building with 5 or more units; and
2. Prohibit conversion of ground floor retail to ADUs.

Supervisor Wiener did not incorporate the Commission proposed modifications, stating for the first modification that he supported the concept but that his outreach to that point had focused on the existing ADU limits and not the ones proposed under Supervisor Christensen's ordinance. As for the second modification, Supervisor Wiener stated that it would be unlikely for retail to be converted to residential given that commercial rents are usually significantly higher than residential rents, residential units would be subject to rent control, which commercial units are not, and that

residential units are difficult to remove should the owner ever want to revert the space back to commercial use.

At the Committee, Supervisor Kim introduced three amendments that would apply to both ordinances. The amendments include:

1. Prohibit the construction of ADUs in buildings where tenants have been displaced by the Ellis Act within 10 years. This amendment passed unanimously.
2. Prohibit ADUs from being used as Short Term Rentals. The amendment passed with Wiener voting against; and
3. Prohibit condominium conversion or fractional ownership of ADUs, requiring ADUs to be permanently maintained as rental units if not occupied by the owner, and restricting the conversion of rental units to ownership for individual sale. This amendment passed with Supervisor Weiner voting against it.

The last amendment would require the legislation to be re-referred back to the Planning Commission for their consideration. At Supervisor's Wiener's request, the file was duplicated and the last amendment was added to the duplicated file so the original ordinance could continue on through the Board process.

Public comment was mostly in support of the two pieces of legislation with some opposing District 3's proposal and requesting more outreach. The two pieces of legislation with amendments 1 and 2 were then continued for one week and the duplicated file was sent back to the Planning Commission for review and comment.

- **150681 Planning Code - Allowing an Existing Restaurant and/or Bar to Open a Second Location with a Conditional Use Authorization - North Beach Special Use District.** Sponsor: Christensen Staff: Guy.

This ordinance would amend the North Beach SUD to allow a Restaurant to operate within a space formerly occupied by a "Basic Neighborhood Sale or Service" with Conditional Use Authorization, as long as certain criteria was met. Commission heard item on 6/4/15, and recommended approval to the BOS with a 4-3 vote.

At the Land Use Committee hearing, the ordinance was amended to include recommended modifications from the Small Business Commission including:

1. Require that existing business seeking to establish second location be in operation for a minimum of five years, instead of one year as originally proposed; and
2. Only allow only restaurants to seek approval through this process. The legislation as originally proposed would have allowed Restaurants and Bars to seek this process.

The land use committee then forwarded the item to the Full Board as a committee report with a positive recommendation.

- **150763 Housing Balance Report - FY2014-2015.** Sponsor: Kim. Staff: Chiu, Rodgers, Kelley, Rahaim. Continued one week
- **150748 Hearing - Annual Housing Balance Report – 2015.** Sponsor: Kim. Staff: Chiu, Rodgers, Kelley, Rahaim. Continued one week

FULL BOARD OF SUPERVISORS:

- **150568 Administrative, Planning, Subdivision Codes - Citywide Affordable Housing Fund, Mayor's Housing Programs Fees Fund.** Sponsor: Mayor. Staff: Starr. Planning Commission waived their opportunity to hearing this item. Passed its First Read.
- **150571 Planning, Building Codes - Fee Waiver for Legalization of Secondary Dwelling Units.** Sponsor: Mayor. Staff: Starr. Planning Commission waived their opportunity to hearing this item. Passed First Read.
- **150363 Administrative Code - Short-Term Residential Rentals.** Sponsors: Mayor, Farrell. Staff: Starr, Rodgers, Rahaim. Passed its Second Read
- **150703 Public Hearing - Final Mitigated Negative Declaration - Hall of Justice – 850 Bryant Street - Proposed Project to Replace County Jail No. 3 and County Jail No. 4.** Staff: Navarrette.

At the hearing, the Board of Supervisors affirmed the Planning Commission's approval of the MND for the 850 Bryant Street jail replacement project. The Board had to take this action because they are the first approving body on the project and since they are the elected body there is no appeal of the CEQA determination to them. In essence, the Board heard the CEQA determination since there would be no such opportunity on appeal.

The PMND had been appealed to the Planning Commission and several issues were raised, generally tied to a mischaracterization of the project. The same issues were raised again at the hearing. Supervisor Kim took issue with the timing of the environmental review at such an early stage in the process. Several Supervisors expressed concern over the project itself, since as some of them pointed out nobody is too enthused about spending public money on a jail replacement.

Department Staff was able to convey that the CEQA review was adequate and appropriate. At the end of the hearing, the Board voted 7-3 in our favor of the Department's Determination. Supervisors Mar, Avalos, and Kim voted against the item and Supervisor Campos was absent.

- **150348 Planning Code - Applying Inclusionary Housing Requirements to Group Housing.** Sponsors: Avalos, Kim. Staff: Haddadan. Passed its First Read
- **150681 Planning Code - Allowing an Existing Restaurant and/or Bar to Open a Second Location with a Conditional Use Authorization - North Beach Special Use District.** Sponsor: Christensen Staff: Guy. Passed its First Read

INTRODUCTIONS:

- **150793 Planning Code - Child Care Requirements for Office and Residential Projects and Associated Fees.** Sponsor: Yee. Staff: TBD. Ordinance amending the Planning Code to increase the Child Care In Lieu Fee for office and hotel development projects of up to \$1.57 per gross square foot and apply the Fee to projects of 25,000 or more gross square feet; to impose a tiered Child Care Fee for residential development projects of

up to \$1.83 per gross square foot; and to allow developers the option to provide onsite Small Family Daycare Homes in lieu of the fee.

- **150790 Planning Code - Establishing a New Citywide Transportation Sustainability Fee.** Sponsor: Wiener. Staff: TBD. Ordinance amending the Planning Code by establishing a new citywide Transportation Sustainability Fee and suspending application of the existing Transit Impact Development Fee, with some exceptions.
- **150787 Planning Code, Zoning Map - Fifth and Mission Special Use District.** Sponsor: Mayor. Staff: TBD. Ordinance amending the Planning Code to create the Fifth and Mission Special Use District and amending the Zoning Map to reflect the Fifth and Mission Special Use District.

ADDITIONAL NOTES

Commission's Modifications for Group Housing.

- Apply exposure requirements to group housing and allow a Zoning Administrator partial waiver from the exposure requirements for all group housing bedrooms or the group housing common room.
- Clarify that the inclusionary group housing bedrooms would be priced as 75% of the maximum purchase price for studio units if the bedrooms are less than 350 square feet.
- Allow on-site inclusionary group housing rooms to be exempt from density calculations; and
- Request the Planning Department to conduct a study on group housing definitions and requirements and specifically propose appropriate ratios to require common rooms in group housing projects.

North Beach Ordinance Conditions

(only for spaces larger than 5,000 square feet that have been vacant for over 15 months; must be a second location of an existing business within the SUD; at least 40% of the restaurant must be set aside for "Basic Neighborhood Sale or Service" uses).

BOARD OF APPEALS:

The Board of Appeals did meet last night, two items briefly that may be of interest to the Commission. The first, the project known as 1050 Valencia had a rehearing request at the Board of Appeals. This was brought back to the Board because of the result of a lawsuit and a Superior Court decision. At a previous hearing the Board has amended the findings that they had, and taking their action on this project, there was a rehearing request last night, the appellant was seeking a full additional public hearing on this item, and the Board unanimously denied the hearing request. The second item is 3332 Folsom Street, this was before you as a discretionary review earlier this year related to concerns about a deck that was proposed at the rear, and the concerns of privacy by the adjacent property owner, at the hearing this Commission took discretionary review and added a planter to add additional screening and privacy, it turns out that actually when they went to the Department of Building Inspection, they had proposed a 3 foot setback plus the 2 foot planter that you had required. The Department of Building Inspection required a 5 foot setback and they also maintained the 2 foot planter that you had, so it increased further the separation, this was still appealed by the adjacent property owner, who has concerns about privacy, like at the hearing that we had earlier this year, the Board of Appeals tried to suggest some alternatives that may address the concerns of the appellant was really not

satisfied with anything other than the removal of the deck. The Board found the conditions that have been proposed by this Commission were sufficient and didn't grant the appeal. The Board is not meeting next week but they are meeting on August 5th, when they'll actually have another appeal for 1050 Valencia street related to an encroachment permit, so Department of Public Works permit that will be an appeal for that project as well as a few items, we will report back to you on August 6th the results of that hearing, thank you.

HISTORIC PRESERVATION COMMISSION:

No report

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.

SPEAKERS:

- (F) Speaker – EN Plan, Potrero Hill
- Georgia Jacknkoc – Showplace Square
- JR Nebler, SFMTA – Eastern Neighborhoods
- Tony Kelly – Overbuilding, Easter Neighborhoods, infrastructure
- (F) Speaker – Additional documentation
- Judith – Off-street loading zones, wide sidewalks

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.

6. [2011.0409](#) (K. GUY: (415) 558-6163)
925 MISSION STREET - ("5M PROJECT") - Informational Presentation - Multiple properties generally bounded by Mission Street to the north, Fifth Street to the east, and Howard Street to the south (Assessor Block 3725/Lots: 005, 006, 008, 009, 012, 042, 043, 044, 045, 046, 047, 076, 077, 086, 089, 090, 091, 093, 097, 098; air rights parcels 094, 099, and 100). The 5M Project proposes to demolish surface parking lots and four existing buildings, retain three existing buildings, and construct three new towers on the project site, with occupied building heights ranging from approximately 200 feet to 450 feet. The project includes approximately 821,300 square feet of residential uses (approximately 690 units), 807,600 square feet of office uses, and 68,700 square feet of other active ground floor uses (a mix of retail establishments, recreational and arts facilities, restaurants, workshops, and educational uses). The project would also include vehicular parking, bicycle parking, and loading facilities, private- and publicly-accessible open space, and streetscape and public-realm improvements. The Informational Item will include discussion of the Development Agreement and the "Design for Development" documents associated with the project.
 Preliminary Recommendation: None – Informational

- SPEAKERS:
- + Ken Rich, OEWD – Presentation
 - + (F) Speaker, OEWD – Presentation
 - + Alexa – Project presentation
 - + Donna – Project presentation
 - Allen Low – Resident in opposition
 - ___ Bevyani – Affordable housing
 - Louise Antonio – Building heights
 - Chris Durazo – Mid-level development
 - Caroline Calderon – Zoning and building heights
 - Teresa Imperial – Shadow and wind impacts
 - Aiden Coach – Height and bulk
 - Julia Coach – Traffic and wind impacts
 - Teresa Dulalas – Out of scale
 - + Chip Graham – Supports project, good balance of housing
 - + Nisha Onevas – Outreach
 - + Heather Philips – Outreach, thoughtful approach
 - (M) Speaker – SUD, wind/shadow, transportation
 - Jane While – Spot zoning
 - (M) Speaker – Affordable housing
 - + Bill Wurthen – Supports project
 - + Virginia Grande – Community outreach
 - Tom Redulavich – BART, transportation benefits, alleys, circulation
 - + Arnold Bissep – Livable neighborhood
 - Tuvy Verbeno – SOMA neighborhood, mega development
 - Raymond Castillo – Height, shadow impacts, office space
 - + Sonja Kos – 21st Century SOMA community building
 - = Lovely Castillo – Filipino community, more affordable units
 - + Moy Ng – Securing the arts, partnership
 - + Randy Rawlson – Arts invited first
 - + Alejandro Acosta- Cultural spaces, arts, activate site
 - + Henry Karnilowicz – 33% affordable housing, good project
 - + Margaret Shrand – Affordable housing
 - + Allen Sandler – Jobs plus program, youth
 - Eric – Code - Compliant project
 - + Erica Ropeschar - Housing
 - (M) Speaker – Building height, seniors
 - Emily Lee – Pattern of developments, impacts to health, community concerns
 - Tony Kelly – SUDs, community stability, youth and family zone
 - David Martinez – Traffic, out of scale, breaking codes
 - Lorna Velasco – Fast pace, Filipino arts
 - Miriam – Wind impacts
 - = (M) Speaker – Open streets, traffic flow, smart development
 - Andy Blue – Monster project, doesn't serve existing community
 - Kim Cavalony – SF culture, traffic
 - Charm Consellacion – Reject, affects community
 - Pixty Castillo – Code – Compliant alternative

- Tommy Avicola MEca – Monster in SOMA, affordable housing
- (F) Speaker – Jobs
- Alicia Arrieta – Alternative project, community needs
- Naomi Johnson – Parking, affordable housing
- = Mike Beauler – Preservation alternative
- Sue Hestor – Wind, traffic, pedestrian concerns, documents
- Tony Robles – Consider different points of view
- Scott Weaver – Eastern Neighborhoods Plan, deviation
- Tina Shauf – Prioritization, livelihood of families and neighborhood
- (M) Speaker – Inspecting system, SROs
- Angelica Cabande – Balance and growth, evictions in neighborhood
- Saeed Shaed – Alternative energy, rooftop gardens

ACTION: None – Informational

7. [2015-006753PCA](#) (A. STARR: (415) 558-6362)
MEASUREMENT OF ROOFTOP APPURTENANCES AND INFILL SPACES FOR NONCOMPLYING STRUCTURES IN C-3 ZONING DISTRICTS [BOARD FILE 150456] - **Planning Code Amendment**
 adding a new Subsection 188(g) to modify the measurement methodology for rooftop appurtenances and create a process to authorize certain types of infill floor area in existing structures, located in a C-3 Zoning District, which exceed the current height limit; affirming the Planning Department's California Environmental Quality Act determination, and making findings of consistency with the General Plan, Planning Code, Section 302, and the eight priority policies of Planning Code, Section 101.1.
 Preliminary Recommendation: Adopt a Recommendation for Approval

SPEAKERS: - Sue Hestor – Continue to future date, not enough time, shadow impacts
 + Jim Abrams – Explanation of amendment, HPC review
 + Star Child – Shadows and news not a concern
 ACTION: Adopted a Recommendation for Approval with modifications, including ZA review of both categories of projects
 AYES: Wu, Fong, Antonini, Johnson, Moore, Richards
 ABSENT: Hillis
 RESOLUTION: 19422

- 8a. [2014-001083CUAVAR](#) (C. GROB: (415) 575-9138)
1042-1044 JACKSON STREET - north side of the street between Auburn and Mason Streets; Lot 013 in Assessor's Block 0181 - Request for **Conditional Use Authorization**, pursuant to Planning Code Section 253 to construct an addition which exceeds a height of 40 feet within an RH Zoning District. The project proposes a two-story vertical addition and interior renovation to add one dwelling unit to an existing two-unit, two-story over garage building. The resulting height of the building would be 50 feet. The project also requires a variance from Planning Code Section 134 (rear yard) which the Zoning Administrator will consider following the Planning Commission's consideration of the request for Conditional Use Authorization. The project site is located within a RH-3 (Residential-House, Three-Family) District and 65-A Height and Bulk District. A Planning Commission approval at the public hearing would constitute 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: Continued to September 17, 2015
AYES: Wu, Fong, Antonini, Moore, Richards
ABSENT: Hillis, Johnson

- 8b. [2014-001083CUAVAR](#) (C. GROB: (415) 575-9138)
1042-1044 JACKSON STREET - north side of the street between Auburn and Mason Streets; Lot 013 in Assessor's Block 0181 - Request for **Variance**, pursuant to Planning Code Section 134, as parts of the proposed expansion would extend into the required rear setback. The project proposes a two-story vertical addition and interior renovation to add one dwelling unit to an existing two-unit, two-story over garage building. The resulting height of the building would be 50 feet. The project site is located within a RH-3 (Residential-House, Three-Family) District and 65-A Height and Bulk District.

SPEAKERS: None
ACTION: Continued to September 17, 2015
AYES: Wu, Fong, Antonini, Moore, Richards
ABSENT: Hillis, Johnson

9. [2011.1122E](#) (D. LEWIS: (415) 575-9168)
75 HOWARD STREET - **Certification of the Final Environmental Impact Report**. The project site is located on the south side of Howard Street at the southwest intersection of Howard and Steuart Streets, Assessor's Block 3741, Lots 031 and 035. Since publication of the DEIR, the project sponsor has indicated that the proposed project, as described in the DEIR, is no longer the preferred project. The preferred project, which is similar to the Code Compliant Alternative that was analyzed under the DEIR, involves the demolition of the existing 550-space, eight-level, commercial parking structure, and construction of an approximately 20-story, 220-foot-tall, 333,864-gross-square-foot (gsf) residential, high-rise tower containing 133 units and approximately 5,824 gsf of retail use with 102 off-street parking spaces in a two-level underground garage accessed from Howard Street. The project site is located in a C-3-O(SD) – Downtown Office (Special Development) Use District and 200-S Height and Bulk District.

Note: The public hearing on the Draft EIR is closed. The public comment period for the Draft EIR ended on September 23, 2013. Public comment will be received when the item is called during the hearing. However, comments submitted may not be included in the Final EIR.

Preliminary Recommendation: Certify the Final EIR

SPEAKERS: None
ACTION: Continued to September 3, 2015
AYES: Wu, Fong, Antonini, Moore, Richards
ABSENT: Hillis, Johnson

- 10a. [2011.1122XVCUA](#) (T. CHANG: (415) 575-9197)
75 HOWARD STREET PROJECT - south side of Howard Street at the southwest intersection of Howard and Steuart Streets, Assessor's Block 3741, 035 – Request for **Acceptance of Delegation of Authority** from the Office of Community Investment and Infrastructure (OCII) pursuant to Sections 33128 and 33205 of the California Health and Safety Code, which provides OCII access to Planning Department services and the authority to delegate to the

Planning Department certain of OCII's powers and functions with respect to the redevelopment of the 337 square-foot triangular parcel on the southeast corner of the subject property which currently falls under the Rincon Point – South Beach Redevelopment Plan. The project site is located in a C-3-O(SD) – Downtown Office (Special Development) Use District and 200-S Height and Bulk District.

Preliminary Recommendation: Accept Delegation of Authority

SPEAKERS: None
ACTION: Continued to September 3, 2015
AYES: Wu, Fong, Antonini, Moore, Richards
ABSENT: Hillis, Johnson

- 10b. [2011.1122E](#) (T. CHANG: (415) 575-9197)
75 HOWARD STREET PROJECT - south side of Howard Street at the southwest intersection of Howard and Steuart Streets, Assessor's Block 3741, Lots 031 and 035. Request for **Adoption of Findings** under the California Environmental Quality Act, for a project involving the demolition of the existing 550-space, eight-level, commercial parking structure, and construction of an approximately 20-story, 220-foot-tall, 333,864-gross-square-foot (gsf) residential, high-rise tower containing 133 units and approximately 5,824 gsf of retail use with 102 off-street parking spaces in a two-level underground garage accessed from Howard Street. The project site is located in a C-3-O(SD) – Downtown Office (Special Development) Use District and 200-S Height and Bulk District.
Preliminary Recommendation: Adopt Findings

SPEAKERS: None
ACTION: Continued to September 3, 2015
AYES: Wu, Fong, Antonini, Moore, Richards
ABSENT: Hillis, Johnson

- 10c. [2011.1122XVCUA](#) (T. CHANG: (415) 575-9197)
75 HOWARD STREET PROJECT - south side of Howard Street at the southwest intersection of Howard and Steuart Streets, Assessor's Block 3741, Lots 031 and 035 - Request for **Determination of Compliance** pursuant to Planning Code Section 309, with exceptions to the requirements Floor Area Ratio pursuant to Planning Code Section 124, Rear Yard pursuant to Planning Code Section 134, Ground-Level Wind Currents in C-3 Districts pursuant to Planning Code Section 148, Upper Tower Extensions in S Districts pursuant to Planning Code Section 263.9, and Bulk Limits pursuant to Planning Code Section 270 and 272. The preferred project, which is similar to the Code Compliant Alternative that was analyzed under the DEIR, involves the demolition of the existing 550-space, eight-level, commercial parking structure, and construction of an approximately 20-story, 220-foot-tall, 333,864-gross-square-foot (gsf) residential, high-rise tower containing 133 units and approximately 5,824 gsf of retail use with 102 off-street parking spaces in a two-level underground garage accessed from Howard Street. The project site is located in a C-3-O(SD) – Downtown Office (Special Development) Use District and 200-S 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: Continued to September 3, 2015
AYES: Wu, Fong, Antonini, Moore, Richards
ABSENT: Hillis, Johnson

- 10d. [2011.1122XVCUA](#) (T. CHANG: (415) 575-9197)
75 HOWARD STREET PROJECT - south side of Howard Street at the southwest intersection of Howard and Steuart Streets, Assessor's Block 3741, Lots 031 and 035 - Request for **Conditional Use Authorization** for parking exceeding principally permitted amounts pursuant to Planning Code Section 151.1. The project proposes three parking spaces for each four dwelling units, requiring Conditional Use Authorization. The preferred project, which is similar to the Code Compliant Alternative that was analyzed under the DEIR, involves the demolition of the existing 550-space, eight-level, commercial parking structure, and construction of an approximately 20-story, 220-foot-tall, 333,864-gross-square-foot (gsf) residential, high-rise tower containing 133 units and approximately 5,824 gsf of retail use with 102 off-street parking spaces in a two-level underground garage accessed from Howard Street. The project site is located in a C-3-O(SD) – Downtown Office (Special Development) Use District and 200-S Height and Bulk District.
Preliminary Recommendation: Approve with Conditions

SPEAKERS: None
ACTION: Continued to September 3, 2015
AYES: Wu, Fong, Antonini, Moore, Richards
ABSENT: Hillis, Johnson

- 10e. [2011.1122XVCUA](#) (T. CHANG: (415) 575-9197)
75 HOWARD STREET PROJECT - south side of Howard Street at the southwest intersection of Howard and Steuart Streets, Assessor's Block 3741, Lots 031 and 035 – Request for **Variances** pursuant to Planning Code Sections 140 and 145.1, as the project does not meet Exposure or Active Street Frontage requirements. The preferred project, which is similar to the Code Compliant Alternative that was analyzed under the DEIR, involves the demolition of the existing 550-space, eight-level, commercial parking structure, and construction of an approximately 20-story, 220-foot-tall, 333,864-gross-square-foot (gsf) residential, high-rise tower containing 133 units and approximately 5,824 gsf of retail use with 102 off-street parking spaces in a two-level underground garage accessed from Howard Street. The project site is located in a C-3-O(SD) – Downtown Office (Special Development) Use District and a 200-S Height and Bulk District.

SPEAKERS: None
ACTION: Continued to September 3, 2015
AYES: Wu, Fong, Antonini, Moore, Richards
ABSENT: Hillis, Johnson

11. [2015-004739CUA](#) (A. KIRBY: (415) 575-9133)
2326 FILLMORE STREET - east side between Washington and Clay Streets; Lot 035 in Assessor's Block 0612 - Request for **Conditional Use Authorization**, pursuant to Planning Code Sections 303(c), 303.1, 703.4 and 718.40 to establish a Formula Retail use (a shoe retailer d.b.a. Superga) within the Upper Fillmore NCD (Neighborhood Commercial District) 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

SPEAKERS: + Claudia Woolby – Project description
 + Kate Smith – No competing product in Fillmore corridor
 + Edmund Juicy – Italian shoes importance
 + Star Child – Small business owners, libertarian party support
 ACTION: Approved with Conditions
 AYES: Wu, Fong, Antonini, Johnson, Moore, Richards
 ABSENT: Hillis
 MOTION: 19423

12. [2015-002319CUA](#) (A. KIRBY: (415) 575-9133)
321 DIVISADERO STREET - west side between Page and Oak Streets; Lot 005 in Assessor's Block 1218 - Request for **Conditional Use Authorization**, pursuant to Planning Code Sections 303(c), 303.1, 703.4 and 746.52 to establish a Formula Retail personal service use (a dance studio d.b.a. Arthur Murray Live) within the Divisadero NCD (Neighborhood Commercial District) 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

SPEAKERS: + Daisy Lynam – Project presentation
 + Star Child – Support
 + Ted Hakow – Improve businesses
 + Chris Wrett – Dance, benefits lives
 ACTION: Approved with Conditions
 AYES: Wu, Fong, Antonini, Johnson, Moore, Richards
 ABSENT: Hillis
 MOTION: 19424

F. 3:30 P.M.

The following item(s) will be considered after the time indicated. Items listed here may not be considered prior to the time indicated above. It is provided as a courtesy to limit unnecessary wait times.

13. [2015-000988CWP](#) (C. FLORES; (415) 558-6473)
PROPOSED COMMISSION-SPONSORED INTERIM CONTROLS RELATED TO THE MISSION ACTION PLAN (MAP) 2020 - **Informational Presentation** - Pursuant to Planning Code Section 306.7(e), on July 9, 2015 the Planning Commission initiated interim controls in the Mission District. The interim controls are intended to allow time for analysis of affordable housing needs, assess sites for affordable housing production, and stem the loss of existing income protected units while maintaining production, distribution, and repair (PDR) capacity in PDR zoned lands and preserving vital community resources. The proposed controls would require a Conditional Use authorization for certain projects which result in any of the following: **1)** the loss of more than one rent-controlled dwelling unit; or **2)** the production of five or more dwelling units; or **3)** demolition or conversion of certain

assembly, recreation, arts and entertainment or institutional uses. The area proposed for interim controls is generally defined by the following boundaries: Division Street to Mission Street, to Cesar Chavez Street, to Potrero Avenue, and back to Division Street - except that the Mission Street boundary would include any parcel with a property line on either side of Mission Street. The interim controls would be proposed for a period of six months. This is an informational hearing to provide additional alternatives for Commission consideration and to receive feedback from the public. Any interim controls may be adopted on or after August 6th, 2015.

Preliminary Recommendation: None - Informational

SPEAKERS: = Georgia Scuttish – Building on San Carlos, mergers, small building protection
 + Donald Dussett – Housing crisis, displacement studies
 - Zoe Amy – Controls don't go far enough, affordable housing
 - Star Child – Housing shortage, November expiration, misguided moratorium
 = Steve Vettel – 2000 – 2070 Bryant project update
 + Lou Demintez – Interim controls, grandfathered projects

ACTION: None – Informational

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))

SPEAKERS: Georgia Scuttish – Greater scrutiny at intake
 Star Child – Less scrutiny
 (M) Speaker – Maintain current interim controls

ADJOURNMENT - 7:30 P.M.