

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, October 8, 2015
12:00 p.m.
Regular Meeting

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

THE MEETING WAS CALLED TO ORDER BY PRESIDENT FONG AT 12:10 P.M.

STAFF IN ATTENDANCE: John Rahaim – Planning Director, Laura Ajello, Sara Vellve, Rich Sucre, Mary Woods, Omar Masry, 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.

None

B. COMMISSION MATTERS

1. Consideration of Adoption:
 - [Draft Minutes for September 24, 2015](#)

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

2. 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 Richards:

Several things first, you may notice I have little bit of an accent, because I got braces on Tuesday, if you don't understand what I am saying, anybody I won't be offended if you ask me to repeat it, I am learning how to talk again. Second thing is, we have sometimes DRs where there is a – the DR requestor is contesting the building permit application because of a massing issue, and I know our – plan submittal guidelines don't require an abbreviated review, a 3D rendering, however it seems that at the end, we always asking for one. So I strongly urge staff, Mr. Joslin, maybe to get the word out to the current planners that when there is a massing issue, abbreviated DR, that you strongly suggest to the project sponsor to try to include a 3D, we come back and ask them anyway, we normally get it a day before and I think that would just really help out the process a lot more. Third thing is, there's an interesting article on Wednesday by John King about Mid-Market on architecture in light of all the discussion we had on urban design the past several months, is a really good read, it talks about the projects coming before us if you have a chance please try to read it. And the last one is, people talk about displacement here in San Francisco is interesting we all know is a world problem, but there was an article last Friday after last commission, about a cereal cafe in London, so go, you pay for a high price bowl of cereal and talks about of the displacement that people is experiencing in the east end of London as the result the fact there aren't enough units being produced for the people who wants to live there. So, it is interesting read again about, you could say, this could be the Mission, and it is the east of London, interesting read, thank you.

Commissioner Antonini:

Very supportive of Commissioner Richards decision to engage in orthodontic work, but anyway, I have some other things, I wanted to ask in terms of design that in the future wherever possible if we can be looped into projects when they first coming in forward in their design stages, and at least get some kind of preview of them, because we get into the unfortunate situation where we have excellent projects that do all the right things for housing, retail and affordable housing and the design is really bad, it is like sometimes, we sculpt them here, which takes a long time and it is probably very expensive for everyone to

have to rework the project, so it will be good, if whenever possible we get a little preview project, a couple months before we actually saw them, to see if we enjoy the design, appreciate the design or not, all the Commissioners we might not agree, but at least we will be able to get a head start on any concerns we might have. Along those same lines, I did -- go at request of some neighborhood members to go and see a project that is going to be before us next week, I think part of it is on Pennsylvania and part of it is on Texas, this a PDR and housing project, so I just want to disclose that I spent some time listening to concerns, neighbors' concerns on that particular project.

Commissioner Richards:

I guess parlay on what Commissioner Antonini is saying, I actually went and visited the same project this week, 790 Pennsylvania, and I think it's 23rd Street, the other end of it, even though the other portion goes out to Missouri, and when I met with the representative of the project sponsor, I said hey, we had a really good building at 800 Indiana where they broke up into three pieces, this is a 500-foot building, did you ever take a look at that? I am not here to design buildings, but I know we all kind of all fond over that one, for some reason the project sponsor was a little bit -- had the same anxiety around the number of times we redesigned the building, and is coming here next week. I know former Commissioner Miguel is working on it with the project sponsor, and I think they are going to come up with something good, but again, not trying to redesign a building, but with something so big, maybe we get a little peak, we can get you a little bit of a temperature check. Thanks.

C. DEPARTMENT MATTERS

3. Director's Announcements

Jeff Joslin, Current Planning Director:

Commissioners you have you Director's report in your packets. I have no additional announcements.

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

LAND USE COMMITTEE:

- **150871 Planning Code - Technical Amendments and Corrections. Sponsor: Mayor. Staff: Starr.** With little fanfare and no public comment this item was referred to the full board with a positive recommendation.
- **150737 Interim Zoning Controls - Signs in Transit Center District Plan Area. Sponsor: Kim. Staff: Rodgers.** Continued to October 10th so that more outreach could be done.
- **150790 Planning Code - Establishing a New Citywide Transportation Sustainability Fee. Sponsor: Mayor; Wiener, Breed and Christensen. Staff: Chen.** The proposed TSF was first heard at the land use committee on October 5th, and was continued so that the Committee members could get more information on certain aspects of the proposal. At this week's hearing, the Supervisors deliberated on the fee amount, the timing and amount of grandfathering, and the applicability of the fee to hospitals and post-secondary educational institutions, among other topics. The Committee then added several amendments to the ordinance including:

1. Increasing the fee rates for large projects by paying an additional \$1 per square foot, bringing the rate for large residential project to \$8.74 a sq. ft. and large nonresidential project to \$19.04 a sq. ft.
2. Modifying the grandfathering provision so that residential projects that filed a development application after the date of introduction of the ordinance (7/21/2015) would pay 100% of the TSF, rather than 50% as initially proposed.
3. Removing the area plan fee credit for residential uses.
4. Removing the hospital exemption.
5. Adding an exemption for post-secondary educational uses.
6. Increasing the PDR fee trigger from 800 GSF to 1,500 GSF.
7. Requiring an updated financial feasibility study every three years, rather than every five years, and to add the Planning Commission to the list of entities that may request that a study be conducted sooner; and
8. Directing the Planning Department and Controller's office to conduct a study on the feasibility of applying variable impact fees based on the economic feasibility of different city geographies.

This item was then continued to October 19, 2015 so that this ordinance could be voted on with these amendments.

- **Hearing - Status on Legalization of Existing Dwelling Units Installed Without a Permit.** Sponsor: Wiener. Staff: Conner. This hearing was to review the status of the Legalization of Illegal Dwelling Unit program, which was originally sponsored by Supervisor Chiu and became effective in May, 2014. Planning and DBI staff provided the Supervisors with insight regarding some of the potential challenges of the program including the construction cost and potential tax reassessment. There was no public comment on this item. Since 2014, there have been approximately 240 applications submitted, over 3000 inquiries about the program, 62 permits issued, and 9 legalizations completed. The Committee also discussed potential ways to increase the Program's use including allowing multiple units to be legalized and providing additional financial incentives. I would like to note that an ordinance waiving Planning and DBI fees for legalizing unwarranted units recently passed as a financial incentive for this program. Since this was just a hearing with no action, the committee voted to table the item following the hearing.

FULL BOARD OF SUPERVISORS:

- **150496 Planning Code - Inclusionary Housing Requirements in the Eastern Neighborhoods.** Sponsor: Kim. Staff: Starr. **PASSED Second Read**
- **150968 Zoning - Report on Interim Prohibition on Commercial Mergers in the Proposed Calle 24 Special Use District.** Sponsor: Campos. Staff: D. Sanchez.

The report was accepted; however the moratorium has not been extended yet, but it likely will be in the next few weeks.

INTRODUCTIONS

- **None**

ADDITIONAL INFORMATION

- For the TSF, large projects are defined as residential uses greater than 100 units or non-residential uses greater than 100,000 sq. ft. For all gross square feet over this threshold (i.e. after the 100th unit or 100k sq ft), projects would pay an additional \$1/square foot; bringing the rate to \$8.74 for residential and \$19.04 for nonresidential.

BOARD OF APPEALS:**Scott Sanchez, Zoning Administrator:**

The Board of Appeals did meet late night last time, they heard 6 separate appeals on 6 wireless boxes, these are on the public rights-of-way on the public utility poles, Omar Masry very ably defended the Department's determinations on those last night. On 5 of them the appeals were granted and the permits were denied because of noticing issues and the 6th one was continued to a later date to get more information. There was also a jurisdiction request for 437 Duncan Street, this was before you as discretionary review, the permit was issued earlier this year. There were two appeals filled on that, the Board unanimously upheld the permit, there was rehearing request, the rehearing request was denied currently under construction, during the course of the construction, concerns were raised, regarding the stairs penthouse, you may recall that in this you had taken off the top floor of the building, but allowed the penthouse to remain and the language, and the decision letter is to be, I believe minimally visual, and we did determine then, and the Department of Building Inspection also determined, that it was being constructed as per plans, that we actually on appeal earlier this year, but the jurisdiction request, which the findings for the Board to make their decision request, they can do an except -- only on extraordinary cases, where the Board finds that the City intentionally or inadvertently caused the request to be late filling the appeal, in this case the jurisdiction requestor was actually the same party that has filled the appeal previously and the project was being built according to plans, the Board unanimously denied the jurisdiction request, it is, I believe minimally visible and if you have any other questions we're happy to discuss that further. Thank you.

HISTORIC PRESERVATION COMMISSION:**Tim Frye, Preservation Coordinator:**

Good afternoon, Commissioners Tim Frye, Department Staff, here to share with you the results of yesterday's Historic Preservation Commission hearing. The first item the Commission considered was a community sponsored landmark designation for 815-826 Tennessee Street. The commissioners may remember this site as the Commission approved a project for partial demolition of the warehouse building and the construction of 69 residential units in October of 2014. The application from the member of the community suggested there was new information that would warrant local designation status for the building. The Commission reviewed the new information and felt that the building didn't rise to a level to warrant local landmark designation and voted unanimously not to add it to its Landmark Designation Work Program, so as a result; the project will proceed as approved by this Commission. The Commission then provided review and comment on 1126 Howard Street, this a California registered eligible building on Howard Street that would like to use the 809 Planning Code, which allows the conversion of retail to office space, provided a rehabilitation and maintenance plan be develop to ensure the long term preservation of the building. The Commission, again voted unanimously in support of the maintenance and rehabilitation plan and gives a

positive recommendation to this Commission to grant the change of use when this item is before you in a future hearing. The Commission then reviewed and gave a positive recommendation for 3 Mills Act contracts this year. The contracts are for 722 Steiner Street, a contributor to the Alamo Square Landmark District, 761 Post Street, a contributor to the National Register of Lower Nob Hill Apartment Hotel District, and 807 Montgomery Street, a contributor to the Jackson Square Landmark District. All three properties will receive a substantial tax savings for their commitment to a rehabilitation and maintenance plan to preserve those buildings. Finally, the Commission gave a final and positive recommendation to the Board of Supervisors for the local landmark designation of 171 San Marcos Avenue, this is the Cowell House. The Cowell House was designed by Morrow and Morrow, the husband and wife team that designed the architectural components of the Golden Gate Bridge and the building is considered one of the earliest modern structures in San Francisco. The Commission, however did amend the resolution, they would like to extend the period of significance and recognize all of Cowell's -- the mother of the composer, as a significant person because of her associations with the Avant Garde Artists Movements, the commission of the house and also the she of the Department of International Relations at San Francisco State University, so that information will be included in the recommendation to the Board of Supervisors. That concludes my comments unless you have questions. 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.

SPEAKERS: George Schuttish – Rooftop penthouse, minimally visible from the street

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.

5. (J. IONIN: (415) 558-6309)
RENT CONTROL BOARD – **Informational Presentation** from the Rent Control Board staff.

SPEAKERS: Robert Collins, Deputy Director of SF Rent Board – Informational presentation

ACTION: None – Informational

6. [2013.1390CUA](#) (R. SUCRE: (415) 575-9108)
1532 HARRISON STREET - located on the west side of Harrison Street between 12th and Norfolk Streets, Lot 056 in Assessor's Block 3521 - Request for a **Conditional Use Authorization**, pursuant to Planning Code Sections 121.1, 263.29, 303, and 823(c)(11), for major developments requesting height bonuses and off-street parking for the project

involving new construction of a seven-story, 65-ft tall, mixed-use building with 136 dwelling units, 1,463 square feet of ground floor commercial space, and 85 off-street parking spaces. Under the Conditional Use Authorization, the project is seeking modifications to the requirements for rear yard (Planning Code Section 134), open space (Planning Code Sections 135 and 823(c)(2)), off-street freight loading (Planning Code Section 152.1), and parking entrances and curb cuts (Planning Code Section 145.1). The project site is located within the WMUG (Western SoMa Mixed-Use General) Zoning District, Western SoMa Special Use District, and 55/65-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 October 1, 2015)

SPEAKERS: + Michael Yarne – Project presentation
+ Dan Bernstein – Excellent repurposing an underutilized space
+ Stephan Macalinsky – Support
+ Rob Poole – Appropriate use of an underutilized parking lot
+ Jean Long – Transportation and land use solutions
+ Danny Campbell – Union support
+ Joel Koppel – Union support

ACTION: Approved with Conditions as amended to include:
1. One additional car-share space in the building
2. A 29' curb cut to allow for a publicly accessible car-share space;
3. A TDM improvement measure subsidizing the car-share membership for tenants; and
4. Incorporating the Entertainment Commission conditions of approval

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

ABSENT: Moore

MOTION: 19488

7. [2013.1022CE](#) (M. WOODS: (415) 558-6315)
1463 LOMBARD STREET - south side between Franklin Street and Van Ness Avenue; Lots 020, 021 and 095 in Assessor's Block 0503 - Request for **Conditional Use Authorization** pursuant to Planning Code Sections 317 and 712.37 to allow the demolition of an existing two-unit building and construction of a 40-foot tall, mixed use building with retail and a garage on the ground floor, and 13 dwelling units (including two below-market rate units) on the upper floors, totaling approximately 16,000 square feet. The project would provide up to nine parking spaces while a total of 13 spaces are required; thus, the project is seeking to reduce the off-street parking requirement in an NC District pursuant to Planning Code Sections 161(g) and 307(i). The project site is located in a NC-3 (Moderate-Scale 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.
Preliminary Recommendation: Approve with Conditions

SPEAKERS: + Steve Vettel – Project presentation
+ Michael Leavitt – Design presentation

ACTION: Approved with Conditions

AYES: Fong, Wu, Hillis, Johnson, Richards

RECUSED: Antonini
 ABSENT: Moore
 MOTION: 19489

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.

8. [2015-002768DRP](#) (O. MASRY: (415) 575-9116)
1801 FULTON STREET - southwest corner of Fulton Street and Masonic Avenue; Lot 001 in Assessor's Block 1187 - Request for **Discretionary Review** of Building Permit Application No. 2015.02.25.9356 proposing to develop a Verizon Wireless Micro Wireless Telecommunications Services (WTS) Facility. The project is located within a NC-1 (Neighborhood Commercial, Cluster) 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: Discretionary Review

Preliminary Recommendation: Do Not Take Discretionary Review and Approve

SPEAKERS: - Henry Tang – DR Requestor presentation
 - Vladimir – No antennas on our building
 - Eunice Lew – No antennas. Verizon misrepresenting existing conditions
 - Jean Kellogg – Deny the application
 - Joan Wood – Neighborhoods under attack
 - Doug Loranger – Not the best solution
 + Baldwin Deep – Project presentation
 + Peter Porashis - Support

ACTION: NO DR, Approved as proposed

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

ABSENT: Moore

DRA No: 0434

9. [2014.1265DRP](#) (L. AJELLO: (415) 575-9142)
2829-2831 BAKER STREET - west side between Greenwich and Filbert Streets; Lot 005 in Assessor's Block 0941 - Request for **Discretionary Review** of Building Permit Application No. 2014.0218.8666 proposing to construct a new third story and addition at the rear of a two-family dwelling. The project is located within a RH-2 (Residential House, Two-Family) 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

(Continued from Regular Meeting of September 17, 2015)

WITHDRAWN

10. [2014-000595DRP](#) (S. VELLVE: (415) 558-6263)
2720 LYON STREET - east side between Filbert and Union Streets; Lot 031 in Assessor's Block 0948 - Request for **Discretionary Review** of Building Permit Application No. 2014.06.11.8149 proposing to construct a roof deck, penthouse and rear third-floor deck within a RH-1 (Residential, House, One-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:
- DR Requestor presentation
 - Cynthia Gissler – Neighbor concerns
 - Brooke Sampson – Massing issues
 - Malcolm Kauffman – Penthouse, privacy
 - Scott Hoops – Elevator penthouse is too tall
 - Leslie Dickey – Pary deck, massing
 - Jill Worley – What we did
 - (M) Speaker – Privacy
 - (M) Speaker – Privacy
 - Mario Denatti – Reasonable and respectfully compromise
 - Keith Billing Not consistent with Cow Hollow guidelines
 - Gina Simzac – Light, air and privacy
 - Robert Shushard – Not fitting for the neighborhood
 - Anne Harvey – Out of character
 - Marla Worley – RDG’s vs Cow Hollow guidelines
 - + Architect – Project presentation
 - + (F) Catherine Brown, Owner – Project presentation, continued
 - + Sarah McDonald – Good people
 - + Lauren Lewis – Letters from parents
 - + James Burrows – Audio from grandmother
 - + Arnie Lerner – Meets the Secretary of Interior Standards, accessibility
 - + Tuija Cattalano – Rebuttal
- ACTION: After hearing and closing public comment; a motion to Take DR and Approve with modifications was superseded by a motion to continue; Continued to October 22, 2015
- AYES: Fong, Antonini, Hillis, Richards
 NAYES: Wu, Johnson
 ABSENT: Moore
11. [2014.1006DRP-02](#) (S. VELLVE: (415) 558-6263)
2528 UNION STREET - north side between Divisadero and Lawton Streets; Lot 012 in Assessor's Block 0945 – **Discretionary Review** of Building Permit Application No. 2014.01.22.6858 (demolition) and 2014.01.22.6857 (new construction), proposing to construct a new four-story, single-family building within a RH-1 (Residential, House, One-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.
 Preliminary Recommendation: Do Not Take Discretionary Review and Approve

WITHDRAWN**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 - 6:34 P.M.