

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, June 9, 2016
12:00 p.m.
Regular Meeting

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

THE MEETING WAS CALLED TO ORDER BY PRESIDENT FONG AT 12:19 P.M.

STAFF IN ATTENDANCE: John Rahaim – Planning Director, Nicholas Foster, Brittany Bendix, Kimia Haddadan, Christopher May, Debra Dwyer, 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. 2014.0254C (L. AJELLO: (415) 575-9142)
1003-1009 PAGE STREET/295-297 DIVISADERO STREET - southwest corner of Page and Divisadero Streets; Lot 001 in Assessor's Block 1237 (District 5) - Request for **Conditional Use Authorization**, pursuant to Planning Code Sections 303 and 746.55 to convert one first-story commercial unit and one third-story dwelling unit to tourist hotel units, and to establish one non-rent controlled dwelling unit as subject to rent control within the

Divisadero Street NCT (Neighborhood Commercial Transit District) Zoning District and 40-X Height and Bulk District.

WITHDRAWN

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

2. [2016-000455CUA](#) (N. FOSTER: (415) 575-9167)
1327 POLK STREET - west side of Polk Street, between Austin and Bush Streets; Lot 003 in Assessor's Block 0667 (District 3) - Request for **Conditional Use Authorization**, pursuant to Planning Code Sections 723.27 and 303, to allow an existing wine store, tasting room and bar (Bar and Liquor Store) (d.b.a. "The Pour House") to extend the permitted hours of operation to 6:00 a.m. - 2:00 a.m., no expansion of the existing establishment or other physical changes are proposed. The project is located within the Polk Street NCD (Neighborhood Commercial District) and 65-A Height and Bulk District. The project was determined not to be a project under CEQA Guidelines Sections 15060(c) and 15378 because there is no direct or indirect physical change in the environment.

Preliminary Recommendation: Approve with Conditions

SPEAKERS: = Nick Foster – Staff presentation
 + William Bigelow – Project presentation
 - Ling Tom – Opposed to extension of hours
 + Moe Geneal – Support
 + ___ Castro – Expensive rents, quite location
 + Christian Martin – Support
 + Ryan Young – Support
 + Christian Sutton – Support
 + Jeremy Netterland – Support

ACTION After being pulled off of Consent, hearing and closing public comment;
 Approved with Conditions

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

MOTION: 19659

C. COMMISSION MATTERS

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 Richards:

Just want to note in this morning's Chronicle, Wednesday, June 8th, in the Datebook Section, there is something that I want to call people's attention to because we theoretically talk about people in lower income brackets and we don't fully understand exactly what their life is like or what they go through. There is an article, In Land of Startups, New Lens on Hunger, there is a housing nonprofit in the South of Market that actually houses youth and they gave the youth cameras to talk about what it's like, what they eat every day, because some of them have to skip meals in order to make the rent or buy medicine. It is a really interesting article and I think that really frames for me, when it says someone makes 30 percent of AMI or 20 percent AMI, this is what we're talking about, people would have to buy ramen noodles for a dime a packet and survive on that every day and it is an interesting thing. Take look at it. I think I mentioned this before; my husband is in public health. He works for a non-profit. I actually went to an event probably six months ago we're talking with people who actually work in the City, who work at nonprofits, and actually they attest the same things. They talk about their need either to make a choice between eating or paying rent or eating and buying medicine. This is really sad, giving how they have so little. Thank you.

D. DEPARTMENT MATTERS**4. Director's Announcements****Director Rahaim:**

Good afternoon, Commissioners. The one thing I want to talk briefly about today is the Governor's proposed legislation. We will be putting an informational item on the calendar next week for this. We are sifting through this legislation. There have been multiply drafts and revisions that have already occurred. The bottom line of this legislation is that would allow, it would define any housing development with certain perimeters as as-of-right anywhere in California, meaning the housing development that is just housing, with only first floor of other uses, such as retail would be considered as-of-right if it met certain requirements including 10 percent affordable housing below 80 percent AMI near transit stations or 20 percent in other areas. It does require that the housing be code compliant with what are called objective standards in local ordinances. So the thresholds are minimums, in other words the 10 percent is minimum, certainly local communities can require more as we do now. But this obviously is a very substantial piece of legislation that would affect what you do and what the Department does. So, we're trying to understand the details, trying to understand the intent, and developing some analysis of this. We would like to put this on your calendar for next week for an informational discussion. You'll also hear a little bit in Diego's report today, the Board also considered a resolution about this issue this week at their Board hearing on Tuesday he'll report on that as well, but since this is not on the calendar today, it is difficult to have a discussion about it, but I just want report to you that we're sifting through it very careful as it moves forward and will have a discussion next week.

5. Review of Past Events at the Board of Supervisors, Board of Appeals and Historic Preservation Commission**LAND USE COMMITTEE:**

There were no Planning Code or Planning Department items under consideration at the Land Use Committee.

FULL BOARD:

- **160346 Planning Code - Mid-Block Alley and Rooftop Screening and Enclosure Controls.** Sponsor: Planning. This is a Planning Department initiated Ordinance. You approved this on March 24, 2016. Passed its First Read. Item 31.
- **160387 Resolution of Intent - Street Vacation - Portions of Jessie Street and Elim Alley – Oceanwide Project.** Sponsor: Mayor. Item 32. This action was associated with the 526 Mission Street Oceanwide Center Project. The Resolution was adopted with one dissenting vote. Supervisor Peskin explained that he needed to vote “No” as he believes giving up a public right of way is terrible planning and inconsistent with Jane Jacobs work.
- **160528 - 160530 Approving/Disapproving Conditional Use Authorization; Preparation of Findings Related to Conditional Use Authorization Appeal – 313-323 Cumberland Street.** Items 39 – 41. Supervisor Wiener moved to continue the item one week to June 14, 2016.
- **160423 Short-Term Residential Rentals and Hosting Platforms.** Sponsors: Campos; Peskin, Avalos and Mar. Passed its First Read. Item 42.

This Ordinance does not amend the Planning Code and as such the Planning Commission was not required to hear it. You requested a memo in lieu of a hearing earlier this year.

The aim of the Ordinance is to require hosting platforms to support and not hinder the enforcement of the City’s Short Term Rental laws. The Ordinance mandates that hosting platforms verify that a host has registered with the City before advertising on a website. It allows the Office of Short Term Rentals to request host data from hosting platforms for enforcement purposes and require hosting platforms to respond within one business day. It requires the Office of Short Term Rentals to prepare a monthly inventory report of listings on hosting platforms, identifying registered and unregistered listings. This inventory is to be sent to hosting platforms for verification. Failure to remove an unregistered listing is subject to daily penalties per unregistered listing. The ordinance codifies reporting procedures and requires the Office on Short Term Rentals to provide the BOS with a quarterly report of its activities.

Supervisor Wiener amended the Ordinance to require the Office to provide the BOS with a presentation about how it is implementing process improvements and describe other potential improvements requiring legislative change. This must be done within 45 days of the Ordinance being effective.

On a related note, the Office of Short Term Rentals is scheduled to provide you with an informational presentation on July 14 about this Ordinance and the Office’s other activities.

- **160660 Resolution Urging the San Francisco Legislative Delegation to Amend or Oppose the Proposed “By Right Housing Approvals” Budget Trailer Bill.**

Sponsors: Peskin; Mar, Kim, Yee, Avalos, Campos. Resolution Adopted for one week continuance to June 14, 2016.

This resolution urges the San Francisco Legislative Delegation to offer amendments to Governor Brown's By-Right Housing Bill. These include (1) exempting jurisdictions whose housing production for very-low, low- and moderate-income residents constitutes at least 25% of its housing production; (2) prohibiting demolition of housing; (3) requiring the local Inclusionary Housing standard plus a premium as a threshold for enjoyment of the By-Right Approvals; and (4) to require approved projects to start construction in 180 days from approval. Without these amendments, the resolution urges the Legislative Delegation to oppose the Bill.

Supervisor Wiener asked to pull the Resolution. He appreciated the Governor's effort in light of the statewide housing crisis and noted that improvements could be made. Supervisor Wiener expressed concern that the Governor's Bill loosens demolition controls, doesn't allow for sufficient design review, and short circuits important labor and environmental standards.

Supervisor Wiener noted that the heart of the City's housing problem is the imbalance between the City's population growth and its anemic housing production. He stated that the solution includes producing subsidized affordable housing and other forms of housing.

Supervisor Wiener stated the problem with blanket opposition to the Bill, and the exemption for SF was that it doesn't account for the need for more housing production. Supervisor Wiener noted that the recitals in his proposed amendments recognize the gravity of the housing shortage and its effect on communities; commend the Governor for raising the issue but it also recognizes the Bill's flaws; asks the State Delegation to amend the legislation to assure that communities are not arbitrarily reducing allowed number of units in their project approvals; and keep intact local controls over design, affordability, historic preservation, preservation of rent controlled units, labor standards and environmental standards. Instead of opposing the Governor's Bill or requesting exemptions, the amendments focus on stopping local efforts that reduce housing production.

Supervisor Peskin responded that he could not accept a complete rewrite of what he considers a solid position for SF. The Governor's "one-size fits all" doesn't work for SF, he noted, and went on to state that we've use land use tools to increase affordable housing production, whereas By-Right Approvals are a disadvantage for SF.

Supervisor Tang noted that instead of asking for an exemption it is preferable to amend the Bill to maintain local control, including on design, preservation of historic and rent controlled buildings, and environmental standards. She noted that if SF asks for an exemption other jurisdictions will too. Supervisor Tang noted that some neighborhoods in SF could use a By-Right approval process. She preferred Supervisor Wiener's amendments as she believes they allow SF to continue to work with the Governor's office.

Supervisor Breed asked Supervisor Peskin if he thought SF could receive an exemption. Supervisor Peskin answered yes. The SF Legislative Delegation is uniquely positioned, with members seated as chairs of the senate appropriations committee and the assembly budget committee.

Supervisor Peskin mentioned that he and Supervisor Wiener had reached an agreement to continue this item one week. This will allow Supervisor Wiener to introduce a separate, alternative Resolution.

Both Resolutions will be before the BOS next week (June 14, 2016)

INTRODUCTIONS:

- **160668 Planning Code – Density Done Right; Development without Displacement Program.** Sponsors: Peskin, Mar. Staff: TBD. An Ordinance to provide for development bonuses and zoning modifications for development projects that include 100% affordable housing; and amends the Planning Code to allow heights above the height limits specified in the Planning Code and the Zoning Maps.

BOARD OF APPEALS:

The Board of Appeals hearing from last night was cancelled due to lack of quorum. The next hearing will be June 22nd. They'll have the appeals of the notices of violation of penalty sent to the Academy of Art University, as well as an appeal of the medical cannabis dispensary that you approved on Lombard Street. I'll report back after that hearing.

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: Georgia Schuttish – Excavations
Dino Adelfio – Para trooping, income and traffic incidents

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.

6. [2016-006360PCA](#) (K. HADDADAN: (415) 575-9068)
CONDITIONAL USE REQUIREMENTS FOR REMOVING UNAUTHORIZED UNITS [BOARD FILE NO. 160185] - Planning Code Amendment to require Conditional Use authorization for the removal of any residential unit (whether authorized or unauthorized) and to exempt from

the Conditional Use application requirement unauthorized units where there is no legal path for legalization, residential units that have received prior Planning approval, and single-family homes that are demonstrably unaffordable or unsound; amending the Building Code to require that notices of violation order the filing of an application to legalize an unauthorized unit unless infeasible under the Building Code, the Planning Commission approves its removal, or a serious and imminent hazard exists on the property; 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. The sponsoring Supervisor may modify this Ordinance, to among other things, require Discretionary Review for removal of unauthorized units in single-family dwellings; and change the time period within which an unauthorized unit may be legalized, from one year to three years.

Preliminary Recommendation: Adopt a Recommendation for Approval with Modification

- SPEAKERS:
- = Kimia Haddadan – Staff report
 - + Anne Fryman, Aide to Supervisor Weiner – Appeal process
 - = (M) Speaker – Process, fees
 - Jenanne New – DR for small property owners
 - = Tommy Avecola Mecca – Take out the incentive to demolish
 - + Latisia Apsay - Support
 - Georgia Schuttish – This is a problem loss of affordable housing
 1. Please remove the modification proposed by the Department to extend administrative approval for demolition to all single family homes based on appraisal numbers and MOH numbers
 2. Also see my email to Commission Secretary sent June 8, 2016 at 9:21 p.m. with subject line "Find Section 317(d)(3) at Commission tomorrow June 9, 2016 – Item No.6", which was originally sent to Ms. Rodgers and Ms. Haddadan
 3. This modification to the proposed legislative change to Section 317 should either be removed or considered at a later time when any new standards for demolition may be before this Commission
 4. This proposal neuters the recent CU legislation

ACTION Adopted a Recommendation for Approval with staff modifications, except item four; and encouraging the BoS to consider an enforcement mechanism for no fault evictions

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

NAYES: Antonini

RESOLUTION: 19660

- 7a. [2015-009279CUA](#) (C. MAY: (415) 575-9087)
1433 BUSH STREET - south side of Bush Street, between Van Ness Avenue and Polk Street; Lot 024 in Assessor's Block 0670 (District 3) - Request for **Conditional Use Authorization**, pursuant to Planning Code Sections 253, 253.2, 271 and 303, to modify a previously-approved project (Case No. 2009.1074C, Planning Commission Motion No. 19159 approved May 22, 2014) to construct an 11-story building with 47 dwelling units above two ground floor retail spaces totaling 1,106 square feet. The project would include a rooftop deck, five vehicular parking spaces in a below grade garage, accessed via Fern Street, and 52 bicycle parking spaces. The project is located within a RC-4 (Residential-Commercial, High

Density) District, the Van Ness Avenue Special Use District and 130-V Height and Bulk District. This action constitutes the Approval Action for the project for the purposes of CEQA, pursuant to San Francisco Administrative Code Section 31.04(h).

Preliminary Recommendation: Approve with Conditions

SPEAKERS: = Chris May – Staff presentation
 + Nick Cranner – Project presentation
 + Alan – Design presentation
 = Chris Schulman – Request for continuance
 = Kim Hartley – Request for continuance
 = Moe Jameel – Request for continuance
 + Rob Poole – Design improvements post entitlement

ACTION After hearing and closing public comment; Continued to July 14, 2016

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

ABSENT: Fong

- 7b. [2015-009279VAR](#) (C. MAY: (415) 575-9087)
1433 BUSH STREET - south side of Bush Street, between Van Ness Avenue and Polk Street; Lot 024 in Assessor's Block 0670 (District 3) - Request for **Variance** pursuant to Planning Code Section 145.1 for an active street frontage that does not meet the minimum 25-foot ground floor depth and **Modification** of rear yard requirements pursuant to Planning Code Section 134 to provide a rear yard less than 25 percent of lot depth. The Project proposes to construct an 11-story building with 47 dwelling units above two ground floor retail spaces totaling 1,106 square feet. The project would include a rooftop deck, five vehicular parking spaces in a below grade garage, accessed via Fern Street, and 52 bicycle parking spaces within a RC-4 (Residential-Commercial, High Density) District, the Van Ness Avenue Special Use District and 130-V Height and Bulk District.

SPEAKERS: Same as Item 7a.

ACTION After hearing and closing public comment; ZA Continued to July 14, 2016

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.

8. [2015-002761DRP](#) (B. BENDIX: (415) 575-9114)
2328 NORTH POINT STREET - north side of North Point Street between Broderick and Baker Streets; Lot 002E in Assessor's Block 0918 (District 2) - Request for **Discretionary Review** of Building Permit Application No. 2015.02.26.9477, proposing the construction of a one-story horizontal rear extension, a 4th floor vertical addition, and interior renovations that will relocate one of the existing two units to a lower level, within a RH-3 (Residential, House, Three-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 San Francisco Administrative Code Section 31.04(h).
 Staff Analysis: Abbreviated Discretionary Review

Preliminary Recommendation: Do Not Take Discretionary Review and Approve

SPEAKERS: = Brittany Bendix – Staff presentation
 - DR Requestor – DR1 presentation
 - Scott Quin – DR2 presentation
 - (F) Speaker – Opposition, negative impacts
 - (F) Speaker – Opposition, negative impacts
 + (M) Speaker – Project presentation
 + (Kelly Condon – Design presentation)

ACTION Took DR and Approved with modifications:
 1. Set back the second level terrace five feet from each side;
 2. Eliminate the fourth floor terrace;
 3. Reduce the depth of the fourth floor addition, ten feet from the front;
 and
 4. Set back the ground level addition approximately three feet from each side (preserving 75% of the original dwelling unit floor area)

AYES: Richards, Antonini, Hillis, Moore, Wu
 NAYES: Johnson
 ABSENT: Fong
 DRA No: 0463

H. 12:30 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 at or after the time indicated.

9. [2013.1543E](#) (D. DWYER: (415) 575-9031)
1979 MISSION STREET – MIXED USE PROJECT - east side of Mission Street between 15th and 16th Streets; Lot 052 in Assessor's Block 3553 - Public Hearing on the **Draft Environmental Impact Report** - The proposed project would demolish two existing one- and two-story commercial buildings and a surface parking lot, and would construct a 388,912 gsf residential building with ground-floor retail uses on a 1.3-acre site. The proposed building would be up to 105 feet tall along Mission and 16th Streets and up to 55 feet tall along Capp Street. Approximately 331 residential units and 34,198 square feet of ground floor commercial space would be developed. A below-grade parking garage accessed from Capp Street would contain up to 162 vehicle parking spaces and 158 Class 1 bicycle parking spaces. Three freight loading spaces, a van space, and four Class 1 bicycle spaces would be located on the ground floor and accessed from Capp Street. Approximately 41,150 gsf of publicly accessible and private open space would be provided. The project site is located in the Mission Street Neighborhood Commercial Transit (Mission NCT) District and a 105-E/55-X Height and Bulk District and is subject to the Mission District Interim Controls.
Preliminary Recommendation: None
NOTE: Written comments will be accepted at the Planning Department until 5:00 p.m. on Tuesday, July 5, 2016.

SPEAKERS: + Owen O'Donnell
 + Bob Tillman

- + Scott Feeney
- + Chenley Goss
- + Gwen Kaplan
- + Brook Turner
- + Jonathan Bonato
- + Larry DelCarlo
- + Rob Poole
- Marilyn Duran
- David A. Gibson
- Julien Ball
- Maria Zamudio
- Sharon York
- Gregory Leobette
- Marie Sorensen
- Dyan Ruiz
- Christie Hakim
- Jordan Davis
- Alyssa Tello
- Sofia Esteva
- Katrina Sices
- Daphne Monroy
- Jairo Perez
- Mampu Lona
- Yvonne Thomas
- Margarita Ortiz
- Guillermo Hernandez
- Jose Hernandez
- Karla Lopez
- Sean Norris
- Peter Papadopoulos
- Vi Huynh
- Duane Fassett
- Scott Weaver
- Gary Gregerson
- Mary Mendoza
- Nayanci Lopez
- = Chinag Bhakta
- = Laura Guzman
- = Faustino Valenzuela
- = Graciela Gaitan
- = Hermelinda Gaitan
- = Terry Haggerty
- = Mariana Flores

ACTION: Received public comment

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))

None

ADJOURNMENT – 7:16 P.M.