

# 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 14, 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 12:04 P.M.**

**STAFF IN ATTENDANCE:** Jeff Joslin – Director of Current Planning, Diego Sanchez, Lilly Langlois, Laura Ajello, Todd Kennedy, Kimberly Durandet, Brittany Bendix, Tina Chang, Christopher May, Rich Sucre, Alexandra Kirby, Jeffrey Speirs, Ella Samonsky, and Jonas P. Ionin – Commission Secretary

### **A. CONSIDERATION OF ITEMS PROPOSED FOR CONTINUANCE**

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

- 1a. 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*

(Continued from Regular Meeting of June 9, 2016)

**(Proposed for Continuance to August 4, 2016)**

SPEAKERS: None

ACTION: Continued to August 4, 2016

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

- 1b. 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.  
(Continued from Regular Meeting of June 9, 2016)  
**(Proposed for Continuance to August 4, 2016)**

SPEAKERS: None

ACTION: ZA Continued to August 4, 2016

- 2a. 2012.0726PCA (R.SCHUETT: (415) 575-9030)  
TRANSPORTATION DEMAND MANAGEMENT PROGRAM – **Planning Code Amendment** to establish a citywide Transportation Demand Management (TDM) Program, to require Development Projects to incorporate design features, incentives, and tools that support sustainable forms of transportation; to create a new administrative fee to process TDM Plan applications and compliance reports; and to make conforming amendments to various sections of the Planning Code; affirming the Planning Department's determination under the California Environmental Quality Act, and making findings of public necessity, convenience, and welfare under Planning Code Section 302, and findings of consistency with the General Plan and the eight priority policies of Planning Code Section 101.1.  
*Preliminary Recommendation: Adopt a Recommendation for Approval*  
**(Proposed for Continuance to August 4, 2016)**

SPEAKERS: None

ACTION: Continued to August 4, 2016

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

- 2b. 2012.0726PCA (R.SCHUETT: (415) 575-9030)  
TRANSPORTATION DEMAND MANAGEMENT PROGRAM - Adoption of **Planning Commission Standards** for the Transportation Demand Management (TDM) Program (TDM Program Standards) – to establish the specific requirements necessary for compliance with the Ordinance initiated by the Planning Commission amending the Planning Code to

establish a citywide TDM Program. The adoption of the TDM Program Standards would be conditioned upon approval of the Planning Code amendments by the Board of Supervisors.

*Preliminary Recommendation: Adopt*

**(Proposed for Continuance to August 4, 2016)**

SPEAKERS: None

ACTION: Continued to August 4, 2016

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

3. 2015-012722PCA (D. SANCHEZ: (415) 575-9082)  
**INCLUSIONARY AFFORDABLE HOUSING PROGRAM {BOARD FILE NO. 150911} - Planning Code Amendment**, introduced by Mayor Lee and Supervisors Farrell and Tang to provide revised geographic, timing, pricing and other requirements for the off-site alternative to the Inclusionary Affordable Housing Fee; create a new option for off-site projects that qualify as Nonprofit Provider Partner Projects; create a new alternative for project sponsors of smaller market-rate projects to direct the Affordable Housing fee to small sites projects; create an option for project sponsors of on- and off-site housing to provide higher amounts of affordable housing at higher levels of affordability termed "dialing up"; revise certain definitions and operating procedures related to the Inclusionary Housing Program and make conforming changes; 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.

*Preliminary Recommendation: Pending*

(Continued from Regular Meeting of March 24, 2016)

**(Proposed for Continuance to September 15, 2016)**

SPEAKERS: None

ACTION: Continued to September 15, 2016

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

- 4a. 2012.1409DRP (T. CHANG: (415) 575-9197)  
**799 CASTRO STREET** - east side of Castro Street at 21<sup>st</sup> Street; Lot 024 in Assessor's Block 3603 (District 8) - Request for **Discretionary Review** of Building Permit Application No. 2014.0919.6883 proposing the change of use of an existing one-story commercial structure to a four-story single-family dwelling unit. The project also proposes a lot subdivision, resulting in two separate lots; the front lot containing a single family dwelling unit and the rear lot containing the existing two-unit residential structure. The property is within a RH-2 (Residential, House, Two-Family) Zoning and 40-X Height and Bulk District. This action constitutes the Approval Action for the project for purposes of CEQA, pursuant to Section 31.04(h) of the San Francisco Administrative Code.

Staff Analysis: Full Discretionary Review

*Preliminary Recommendation: Do Not Take Discretionary Review and Approve as Proposed*

(Continued from Regular Meeting of May 12, 2016)

**(Proposed for Continuance to October 6, 2016)**

SPEAKERS: None

ACTION: Continued to October 6, 2016

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

- 4b. 2008.0410V (T. CHANG: (415) 575-9197)  
799 CASTRO STREET - east side of Castro Street at 21<sup>st</sup> Street; Lot 024 in Assessor's Block 3603 (District 8) - Request for **Variance** pursuant to Planning Code Section 121 for establishing a lot smaller than the minimum lot size; 132 for providing a front setback less than required; and 134 for providing a rear yard less than 45 percent of lot depth. The property is within a RH-2 (Residential, House, Two-Family) Zoning and 40-X Height and Bulk District.  
 (Continued from Regular Meeting of May 12, 2016)  
**(Proposed for Continuance to October 6, 2016)**

SPEAKERS: None  
 ACTION: ZA Continued to October 6, 2016

5. 2015-018387CUA (E. SAMONSKY: (415) 575-9112)  
461 VALENCIA STREET - located on the east side of Valencia Street, between Sparrow Street and 16<sup>th</sup> Street; Lot 019 Assessor's Block 3554 (District 8) - Request for **Conditional Use Authorization** pursuant to Planning Code Sections 145.4(e) and 303 to permit a change of use of a 3,153 square foot vacant commercial space (previously occupied by an art gallery) to a Business and Professional Service use, doing business as Keller Williams Realty, at the ground floor of the subject property. The project also includes interior and exterior tenant improvements. The subject property is located in the Valencia Street Neighborhood Commercial Transit (NCT) Zoning District and 55-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).  
*Preliminary Recommendation: Approve with Conditions*  
 (Continued from Regular Meeting of June 16, 2016)  
**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

6. [2016-002251CND](#) (L. AJELLO: (415) 575-9142)  
471 23<sup>RD</sup> AVENUE – west side of 23<sup>rd</sup> Avenue between Geary Boulevard and Anza Street; Lot 013 in Assessor's Block 1524 (District 1) - Request for **Condominium Conversion Subdivision** to convert a three-story, six-unit building into residential condominiums within a RM-1 (Residential, Mixed, Low-Density) 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*

SPEAKERS: None  
 ACTION: Approved

AYES: Fong, Richards, Antonini, Hillis, Johnson, Moore, Wu  
MOTION: 19697

7. [2016-005407CUA](#) (C. CLARKE: (415) 575-9184)  
901 POLK STREET a.k.a. 1000 Van Ness Ave, Suite 10005 - between Alice B. Toklas and O'Farrell Streets, Lot 016 in Assessor's Block 0715 (District 6) - Request for **Conditional Use Authorization** pursuant to Planning Code Sections [303](#) and [303.1](#), to allow a change of operator only from a 1,068 square-foot Formula Retail - Limited Restaurant d.b.a. Quiznos to a Formula Retail - Limited Restaurant d.b.a. [Ike's Love & Sandwiches](#), on the ground floor of the eight-story-over-basement building (AMC Theater building) within a RC-4 (Residential - Commercial, High-Density) District, [Van Ness Corridor](#) planning area, and 130-E Height and Bulk District. This project was reviewed under the Community Business Priority Processing Program ([CB3P](#)). 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: = Colin Clarke – Staff report  
+ Heidi Miller – Project presentation  
+ Paul  
+ Moe Gemeil - Support  
ACTION: After being pulling off of Consent, Approved with Conditions  
AYES: Fong, Richards, Antonini, Hillis, Moore, Wu  
ABSENT: Johnson  
MOTION: 19698

- 8a. [2016-002786CUA](#) (N. TRAN: (415) 575-9174)  
198 CHURCH STREET - western side of Church Street at the northwestern corner of the intersection with 14th Street, Lot 016 in Assessor's Block 3537 (District 8) - Request for **Conditional Use Authorization** pursuant to Planning Code Sections [303](#) and [733.41](#) and [733.21](#) to expand an existing ground floor bar to the second floor of a two-story commercial building and allow a use size greater than 3,000 square feet within a NCT (Upper Market Neighborhood Commercial Transit) Zoning District, 40-X Height and Bulk District and [Market and Octavia](#) planning area. 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: = Nancy Tran – Staff report  
+ Michael Gopal – Project presentation  
ACTION: After being pulling off of Consent, Approved with Conditions  
AYES: Fong, Richards, Antonini, Hillis, Moore, Wu  
ABSENT: Johnson  
MOTION: 19699

- 8b. [2016-002786VAR](#) (N. TRAN: (415) 575-9174)  
198 CHURCH STREET - western side of Church Street at the northwestern corner of the intersection with 14th Street, Lot 016 in Assessor's Block 3537 (District 8). - Request for **Variance** from the Zoning Administrator to address the requirement for bicycle parking

(Planning Code Section [155.2](#)). The project proposes to expand an existing ground floor bar to the second floor of a two-story commercial building. The property is located within a NCT (Upper Market Neighborhood Commercial Transit) Zoning District, 40-X Height and Bulk District and [Market and Octavia](#) planning area.

SPEAKERS: Same as Item 8a.

ACTION: After being pulling off of Consent, ZA closed the public hearing and indicated an intent to Grant

## C. COMMISSION MATTERS

### 9. Consideration of Adoption:

- [Draft Minutes for June 30, 2016](#)

SPEAKERS: Georgia Schuttish – 437 Hoffman

ACTION: Adopted as Corrected

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

### 10. 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 Moore:

I want to acknowledge the update of the Institutional Master Plan for the Academy -- for the Art Institute -- the San Francisco Arts Institute. The update is indeed answering the questions at least putting to record -- to record a more complete description of the institution, what they do and which facilities are they doing it? How their housing supports their operation? I appreciate the update, which was added to our last week's Commission package.

#### Commissioner Antonini:

Mr. Ionin, if you can start putting up some those pictures. I am going to speak a little bit about the Erie Alley. I spoke about this in the past, and this is a classic example of the broken windows problems that occur when criminal activities are not taken care of early, and they morph into more and more bad things. It started with graffiti on this alley, which is an alley off of South Van Ness and near 14<sup>th</sup> Street and originally I was called by Larry Matthew, who owns the property at 245 South Van Ness. Interestingly enough most of his clients are PDRs firms. He has drapery, manufacture California doors, ceramic tiles, an art gallery and a sewing institution, the kind of things we're trying to protect. Anyway, what happened early on was the graffiti problem and one of the people involved with this was Architect Ian Birchall who has offices off of this alley. He was attacked by graffiti vandals, trying to clean it up, and instead of doing anything these people eventually were arrested, but they were never getting any significant sentences, so what happened the property owner is just keep getting charged so much money that they ended up leaving the graffiti

alone, and now it's morphed into a very bad situation, as you can see, because you got a lot of possibly homeless or at least people we know they're involved in drug dealing, we know they are involved and a chop shop for bicycle theft, we know there is prostitution, all those things that are going on, also, vicious attacks on not only the owners of these properties, but also on a young family, who is there with two small children, they have thousands of dollars of damage done to their place. Their garage was blocked one day, when they tried to get the people out of there, their car was broken into, and the Christmas presents were stolen out of there, as well as baby strollers. They have to spent \$5,000 on broken windows, a broken front door, the electrical and water services were cut off to their apartment. These are the kinds of things that have happened, because if we been firm to start with on the graffiti problem, that might have ended the problem. The word has got out that this is an alley where you can hang out, do criminal activities, perhaps live illegally as far as I am concerned, and driving -- potentially driving away PDR firms and young families, who are trying to make a living or in that area. I would urge the City to try to look into this particular issue although it's maybe not the only place that is a problem, but it is right in the heart of areas we hear constant cries to save PDRs and save families with children, and we're not doing much in this instance. So I would hope someone can look into the problem on Erie Alley.

**Commissioner Johnson:**

I will switch the subject a little bit and make a little bit of a of mental leap, so coming up in our upcoming calendar we have Potrero and the Sunnydale Hope SF Projects, the design and development agreements, and one of the things about those projects is that they are part of a rental assistance demonstration cluster, which also through a lot of rigmarole include supportive services, which also includes childcare and one of the questions I have since started asking after I ended my seat on getting a MTA hearing, which is also happening, is about how do our building code and zoning requirements support or not support the ability to build childcare facilities in San Francisco. So, I reiterate my call for information about that particularly in light of looking at the development agreements for Potrero and Sunnydale, where there are actual policies and plans in place to provide childcare as part of the suite supportive services for the public housing and future mixed income residents there. So, I think it is really important I think that we should definitely be addressing that, and as a Commission make ourselves knowledgeable about how our Planning Code and Building Code are supporting those types of facilities.

**Commissioner Richards:**

Just one comment I think to Commissioner Antonini, I refer back to the Mission Plan and the fact that some of the bigger issues that are pretty un-trackable as you showed zoning solutions, there is a whole host of solutions, a whole host of approaches to try to solve some of these problems and I completely agree with you, they need to be solved and it's not just something for us. I think that our role would be make sure we can put navigation centers and things like that, once these individuals are able to get places to live in appropriate neighborhoods, and things like, we do whatever we can, your thoughts is on top of everybody's mind in the City about the issue.

**D. DEPARTMENT MATTERS**

**11. Director's Announcements**

**Jeff Joslin, Acting Planning Director:**

No announcements on part of either myself or the other Director. There is no report in your packet today.

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

**LAND USE COMMITTEE:**

- 160492 Hearing - Impacts of the Medical Marijuana Regulation and Safety Act Sponsor: Wiener. Staff: Starr.

At this week's land use committee, I participated in a hearing called by Supervisor Wiener on the impacts of the Medical Marijuana Regulation and Safety Act on the city's various codes and regulations. The health Department was the lead agency and the Department of Building Inspection also presented. During the presentation I went over the various use definitions in the Planning Code that would need to be amended to bring our local land used controls in synch with the proposed new state law on medial cannabis, and I reiterated the recommendations the Planning Commission made as part of its report on MCDs, which was done in 2014.

The supervisors were quite attentive during our presentation. Supervisor Cohen stopping staff's presentation several times to ask questions about our existing controls, and was particularly concerned about the over concentration of MCDs on the eastern part of the city.

Supervisor Weiner spoke about how the proposed State law encompasses more than just retail outlets and thanked staff for providing information as to how other uses related to the Cannabis industry would be regulated.

There was a good amount of public comment on this item. Some speakers were concerned about the new state law, while other spoke of gaps in our current MCD regulations. The time was then filed as it was not an action item.

- 160252 Planning, Administrative Codes - Construction of Accessory Dwelling Units Citywide. Sponsor: Peskin. Staff: Haddadan.

Next, the Land Use Committee heard an Ordinance proposed by Supervisor Peskin to allow ADUs citywide. This Ordinance was considered by this Commission on June 16 of this year and the Commission voted to recommend approval with modifications on a 4 to 1 vote.

Supervisor Peskin took the Commission's recommendation to remove the cap on the number of ADUs per lot in buildings with 5 or more units, while maintaining a cap of one ADU in buildings with 4 or less units. The Supervisor also recommended a unit size minimum of 350 square feet for studios and 550 square feet for one bedroom ADUs.

Supervisor Wiener raised concern that the minimum size could prevent an ADU to be built in situations where there is less than 350 square feet available within a building. Supervisor Peskin expressed interest in allowing ADUs in such circumstances with Zoning Administrator approval.

Another Planning Commission recommendation was to further study the issue of individual sale of ADUs. In response, Supervisor Peskin made amendments that would allow ADUs to be subdivided and sold separately in buildings that are already condominiums with no eviction history. Those ADUs would only be sold to household with income up to 120% of AMI.

Supervisor Wiener also asked for the soft story seismic retrofit program for ADU to remain intact and Supervisor Peskin was open to that.



Lastly, the Planning Commission recommended that the ADUs be allowed to expanded under bay windows, and cantilevered rooms. Supervisor Peskin incorporated that amendment. However, these infills would be subject to neighborhood notification. Expansion into these spaces is currently not subject to notifications. The item was then forwarded to the Full Board with no recommendation on a unanimous vote.

**FULL BOARD:**

- 160360 Zoning Map - Rezoning Potrero HOPE SF Parcels at 25th and Connecticut Streets. Sponsor: Cohen. Staff: Snyder. PASSED Second Read

- 160687 Planning Code - 100% Affordable Housing Bonus Program. Sponsor: Mayor, Tang.

At the Board hearing this week, the Supervisors heard The Mayor & Supervisor Tang's Density Bonus ordinance for 100% affordable projects. Commissioners, you most recently considered General Plan compliance of this program and an alternative program sponsored by Supervisors Peskin and Mar on June 30th. At that hearing, you found both versions to be consistent with General Plan policies.

This week at the full Board the tone was collaborative. Supervisor Peskin thanked supervisor Tang noting that the road was long but that we made the proposal better together. Supervisor Avalos spoke of the importance of this program in helping to revitalized stalled neighborhood commercial districts. He mentioned that in his district he already knew of two projects that could benefit from passage of this ordinance. Notably, Supervisor Avalos also said he supported a mixed-income program and that he looked forward to developing that program further before the fall.

Supervisor Avalos made a motion for two amendments. The first amendment would allow but not require the Commission to sculpt the bonus floors of projects under the standards of Planning Code Section 261.1, when recommended by the Planning Director. This code section protects southern light onto narrow east-west streets. Via Avalos's amendment this Section could be used for setbacks as long as the setbacks did not reduce the number of residential units.

Avalos's second amendment would require the submission of a relocation plan when required by state or federal law. Both of his amendments passed.

Supervisor Yee requested an amendment for clarity. He noted that the program was not available in any RH-1 or RH-2 district but asked that the ordinance include language to specify that this does include the RH-1(D) district. This amendment also passed.

With that, the BOS unanimously adopted the ordinance on first reading. This is a huge accomplishment for our housing team, specifically I'd like to acknowledge the hard work done by Kearstin Dischinger, Menaka Mohan, Paolo Ikezoi who spent countless hours developing and refining this proposal and doing outreach to the public and the Supervisors.

- 160660 Urging the San Francisco Legislative Delegation to Amend or Oppose the Proposed "By Right Housing Approvals" Budget Trailer Bill. Sponsor: Peskin; Mar, Kim, Yee, Avalos, Campos. Staff: Rodgers. Adopted on a 6 to 5 vote with Supervisors Breed, Cohen, Farrell, Tang and Wiener voting against it.

- 160675 Urging the San Francisco Legislative Delegation to Work to Amend the Proposed "By Right Housing Approvals" Budget Trailer Bill. Sponsor: Wiener. Staff: Rodgers. This item was not adopted by the reverse vote of the previous item.

**INTRODUCTIONS:**

- There were not introductions

Summary of Board Activities July 11-15, 2016 Planning Commission Report: July 14, 2016  
Finally, this week I also gave a presentation to the Cannabis Task force on land use considerations for the upcoming vote on Proposition 64, which would legalize Adult Use Cannabis in California. The Task Force is charged with making recommendations to the Board of Supervisors on how the city should respond should this proposition pass in November. Land use is one area that the task force is considering. For your information, I included a copy of the presentation in my email to you earlier today.

**BOARD OF APPEALS:**

No Report

**HISTORIC PRESERVATION COMMISSION:**

No Report

**E. GENERAL PUBLIC COMMENT – 15 MINUTES**

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

**SPEAKERS:** Georgia Schuttish – Section 317 loophole

There is a loophole in Sect 317(b) (7) that allows for the loss of good sized units - housing.

As long as not more than 25% of the second unit is lost (Commissioners have right to make than 20%) this can happen whether the change is in the existing footprint or an expanded footprint.

This loophole should be closed because they are often turned into single family homes. It should be part of Section 317 reform.

Units should not be reduced, or absorbed or illegally merged.

Perhaps this should be done through a variance but not due to a loophole.

Here are some streets where this has occurred:

1. Oakwood
2. Noe
3. Elizabeth
4. Fair Oaks
5. Jersey
6. San Carlos (Originally 4 units)
7. 25<sup>th</sup> St.
8. Dolores Street
9. Sanchez Street
10. Duncan Street
11. 19<sup>th</sup> (Pending!!)
12. 26<sup>th</sup>

## 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.

13. (M.ESPINOSA: (415) 575-8735)

SAN FRANCISCO MUNICIPAL TRANSPORTATION AGENCY (SFMTA) – **Informational Presentation**, as a precursor to the Joint Hearing scheduled for July 21, 2016.

*Preliminary Recommendation: None - Informational*

(Continued from Regular Meeting of July 7, 2016)

SPEAKERS: = Marisa Espinosa – Staff introduction  
 = Tom McGuire – SFMTA presentation  
 = Viktoriya Wise – SFMTA budget  
 + Sue Hestor – SF has mountains

ACTION: None – Informational

14. (K. GUY: (415) 558-6163)

OFFICE OF SHORT-TERM RENTALS - **Informational Presentation** regarding the implementation of the short-term residential rental program (Administrative Code Chapter 41A), which became effective on February 1, 2015. The program allows permanent residents to rent out their residential units to guests for periods of less than 30 days, subject to certain requirements and limitations. The informational presentation will focus on the regulations and eligibility for the program, registration and enforcement processes, and public outreach efforts.

*Preliminary Recommendation: None - Informational*

SPEAKERS: = Kevin Guy – Staff report

ACTION: None - Informational

15a. [2015-009141OFA](#) (C. ASBAGH: 415/575-9165)

875 – 899 HOWARD STREET - south side of Howard Street, at the intersection of Howard and Fifth Streets; lot 079 of Assessor's Block 3733 (District 6) - Request for an **Office Development Authorization** pursuant to Planning Code Sections 321 and 322 for a change of use from institutional and retail uses to office and to authorize up to approximately 70,881 square feet from the Office Development Annual Limit. The proposal would convert 19,578 square feet of institutional use at the ground floor of 875 Howard Street and approximately 46,888 square feet of retail use at 899 Howard Street to office. In addition the proposal would re-skin and construct a new 4,415 square fourth floor penthouse at 899 Howard Street building. The project is located within the Downtown Commercial, Support (C-3-S) Zoning District and 130-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: Approve with Conditions*

SPEAKERS: = Claudine Asbagh – Staff report  
 + Drew Gordon – Project presentation

- + Peter Fan – Design presentation
- + Adrian Simi – Local jobs
- + Robert McCormick – Support
- + Javier Flores – Important for trades and community

ACTION: Approved with Conditions  
 AYES: Fong, Richards, Antonini, Hillis, Johnson, Moore, Wu  
 MOTION: 19700

15b. [2015-009141CUA](#) (C. ASBAGH: 415/575-9165)

875 – 899 HOWARD STREET - south side of Howard Street, at the intersection of Howard and Fifth Streets; lot 079 of Assessor's Block 3733 (District 6) - Request for a **Conditional Use Authorization**, pursuant to Planning Code Sections 210.2 and 303 to establish a Non-Retail Sales and Service Use at the ground floor. The proposal would convert 19,578 square feet of institutional use at the ground floor of 875 Howard Street and approximately 46,888 square feet of retail use at 899 Howard Street to office. In addition the proposal would re-skin and construct a new 4,415 square fourth floor penthouse at 899 Howard Street building. The project site is located in the Downtown Commercial, Support (C-3-S) Zoning District and 130-F Height and Bulk District.

*Preliminary Recommendation: Approve with Conditions*

SPEAKERS: Same as Item 15a.  
 ACTION: Approved with Conditions  
 AYES: Fong, Richards, Antonini, Hillis, Johnson, Moore, Wu  
 MOTION: 19701

15c. [2015-009141VAR](#) (C. ASBAGH: 415/575-9165)

875 – 899 HOWARD STREET - south side of Howard Street, at the intersection of Howard and Fifth Streets; lot 079 of Assessor's Block 3733 (District 6) - Request for a **Variance** from Planning Code Section 136(c)(2) for permitted obstructions. The proposal would convert 19,578 square feet of institutional use at the ground floor of 875 Howard Street and approximately 46,888 square feet of retail use at 899 Howard Street to office. In addition the proposal would re-skin and construct a new 4,415 square fourth floor penthouse at 899 Howard Street building. The project site is located in the Downtown Commercial, Support (C-3-S) Zoning District and 130-F Height and Bulk District.

SPEAKERS: Same as Item 15a.  
 ACTION: ZA, closed the public hearing and indicated an intent to Grant

16. [2014-003173CUA](#) (J. SPEIRS: (415) 575-9106)

2785 SAN BRUNO AVENUE - east side, between Bacon and Wayland Streets, Lot 018 in Assessor's Block 5450 (District 9) - Request for **Conditional Use Authorization** per Planning Code Sections 303 and 317 to demolish a single-family dwelling and an unauthorized unit, and to construct a new mixed-use building of two commercial spaces and three dwelling units within a NC-2 (Neighborhood Commercial – Small Scale) Zoning District and 40-X Height and Bulk District. This action constitutes the Approval Action for the project for purposes of CEQA, pursuant to Section 31.04(h) of the San Francisco Administrative Code.

*Preliminary Recommendation: Approve with Conditions*

SPEAKERS: = Jeff Speirs – Staff report

+ Brian Kaufman – Project presentation  
 = Paul Giamini – Parking, height  
 = Michael Wong – Parking, height  
 - (F) Speaker – Density, character  
 - Theresa Dookee – Traffic, safety, parking  
 - Eugene Tom - Egress

ACTION: Approved with Conditions as amended to require roof hatches and if a fourth unit is to be added in the future, that it comply with all codes and add an elevator

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

NAYES: Antonini

MOTION: 19702

## 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.

- 17a. [2013.0915DRP](#) (C. GROB: (415) 575-9138)  
1469 PACIFIC AVENUE - south side of Pacific Avenue between Larkin Street and McCormick Street; Lot 029 in Assessor's Block 0185 (District 3) - Request for **Discretionary Review** of Building Permit Application No. 2012.10.31.3210, proposing the conversion of a two-story warehouse building and a two-story vertical addition to create a mixed-use building with nine residential units, ten off-street parking spaces, and 1,962 square feet of ground floor commercial space within the Pacific Avenue Neighborhood Commercial Zoning District (NCD) 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: Take DR and Approve with Modifications*  
 (Continued from Regular Meeting of June 30, 2016)
- Note: On February 11, 2016, after hearing and closing public comment; the Commission continued this matter to May 12, 2016 by a vote of +5 -0 (Commissioners Johnson and Wu were absent).**
- On May 12, 2016, after hearing and closing public comment; the Commission continued this matter to June 30, 2016 by a vote of +5 -0 (Commissioners Johnson and Fong were absent).**
- On June 30, 2016, without hearing, the Commission continued this matter to July 14, 2016 by a vote of +5 -0 (Commissioners Johnson and Fong were absent).**

SPEAKERS: = Carly Grob – Staff report  
 = (M) Speaker – Proposed modification  
 = Norman Cho – Rear units  
 - Pierre Zutterburg – Opposition  
 - Kathleen Courtney – 38 units being affected  
 - Patricia Serrano – Opposition

= (M) Speaker – 45% setback  
 + Warner Schmaltz – Changes and revisions  
 + Robin Pryor – Amended plan is a improvement  
 = David Winslow – Design issues  
 + Tuija Catalano – Decks

ACTION: Took DR and approved as modified including:  
 1. Eliminate rear cottages;  
 2. Provide a 45% rear yard at the 3<sup>rd</sup> and 4<sup>th</sup> levels;  
 3. Allow for a 12 foot pop-out at the first level, from side property to side property line;  
 4. Allow for a 12 foot pop-out at the second level with five foot side setbacks;  
 5. Eliminate all full-sized roof penthouse structures, allowing up to four foot tall access structures to the roof;  
 6. Limit perimeter fencing to six feet

AYES: Fong, Richards, Antonini, Hillis, Johnson, Moore, Wu  
 DRA No: 0468

- 17b. [2013.0915VAR](#) (C. GROB: (415) 575-9138)  
1469 PACIFIC AVENUE - south side of Pacific Avenue between Larkin Street and McCormick Street; Lot 029 in Assessor's Block 0185 (District 3) - Request for **Variance** from rear yard requirements (Section 134) - The project proposes the conversion of a two-story warehouse building and a two-story vertical addition to create a mixed-use building with nine residential units, ten off-street parking spaces, and 1,962 square feet of ground floor commercial space within the Pacific Avenue Neighborhood Commercial Zoning District (NCD) and 40-X Height and Bulk District.  
 (Continued from Regular Meeting of June 30, 2016)  
**Note: On February 11, 2016, after hearing and closing public comment; the ZA continued this matter to May 12, 2016.**  
**On May 12, 2016, after hearing and closing public comment; the ZA continued this matter to June 30, 2016.**  
**On June 30, 2016, without hearing, the Acting ZA continued to July 14.**

SPEAKERS: Same as Item 17a.  
 ACTION: ZA Closed the public hearing and indicated an intent to Grant

18. [2014-001259DRP-02](#) (N. FOSTER: (415) 575-9167)  
60 RUSSELL STREET - north side of Russell Street, between Eastman Place and Hyde Street, Lot 009 in Assessor's Block 0123 (District 3) - Request for **Discretionary Review** of Building Permit Application No. 2014.11.07.1023 proposing a two-story vertical addition to an existing one-story (over non-habitable space) structure, currently used as a single-family residence, within a RH-2 (Residential, House, Two-Family) Zoning District and 40-X Height and Bulk District. This action constitutes the Approval Action for the project for 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 June 23, 2016)

**Note: On June 23, 2016, after hearing and closing public comment; the Commission continued this matter to July 14, 2016 by a vote of +4 -1 (Commissioner Antonini against; Commissioners Johnson and Fong were absent).**

**SPEAKERS:**

- + Philip Spencer – Do not continue and hear today
- + Kristen Hagen-Sprencen – Hear and decide today
- + Patrick Hagen – What is the right thing to do?
- + Sabrina Slumberjay – Project is appropriate for the neighborhood
- Matt Baruso – Continue to October 13
- Tracy Luke – Continue
- + George Hume – Do not continue
- + Andrea Cohen – Hear the case today
- Kathleen Courtney – Consistent failure
- + Adam Steinhorn – Do not continue
- + Claire Weiss – In compliance
- + Lindasay Collins – Any further continuances would cause unfair harm
- + Amanda Davison – Opposed to any further continuance

**ACTION:** Continued to August 4, 2016

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

**NAYES:** Johnson

19. [2013.1281DRP-02](#) (D. VU: (415) 575-9120)  
1335 FOLSOM STREET - southeast corner of Folsom and Dore Streets; Lots 063 & 064 in Assessor's Block 3519 (District 6) - Request for **Discretionary Review** of Building Permit Application No. 2014.06.26.9542 proposing demolition of a 5,700 sq. ft. light industrial building and construction of a 65-foot tall, six-story mixed-use building with a gross area of 30,407 sq. ft. that includes one 663 sq. ft. commercial storefront at the corner of Folsom and Dore Streets, 53 Single Room Occupancy (SRO) dwelling units and a total of four tourist hotel rooms at the fourth and fifth floors of the building. The property is within the Folsom Street NCT (Neighborhood Commercial Transit) Zoning and a 65-X Height and Bulk District. This action constitutes the Approval Action for the project for purposes of CEQA, pursuant to Section 31.04(h) of the San Francisco Administrative Code.  
 Staff Analysis: Full Discretionary Review  
*Preliminary Recommendation: Do Not Take Discretionary Review and Approve as Proposed*

**SPEAKERS:**

- = Doug Vu – Staff report
- Sue Hestor – DR presentation
- + Jake Shimano – Project presentation
- + Rudy Ascension – Support
- + Carolyn Collin – Support
- + (M) Speaker – Support
- + (F) Speaker – Support
- + Allison – Support
- + (F) Speaker – Transportation
- + Mark Macey – Response to questions

**ACTION:** No DR, Approved as proposed

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

**ABSENT:** Johnson

**DRA No:** 0469

## H. 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 – 7:05 P.M.