

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, January 15, 2015
12:00 P.M.
Regular Meeting

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

THE MEETING WAS CALLED TO ORDER BY PRESIDENT WU AT 12:11 P.M.

STAFF IN ATTENDANCE: John Rahaim – Planning Director, Brittany Bendix, Todd Kennedy, Gil Kelley, Chris Kern, 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.

1. 2014.0703C (D. VU: (415) 575-9120)
400 ALABAMA STREET - located at the southwest corner of Alabama and 17th Streets; Lot 001 in Assessor's Block 3968 - Request for **Conditional Use Authorization** pursuant to Planning Code Sections 218(a), 249.60(b) and 303 for a change of use to establish a 9,945 square foot general grocery store and accessory restaurant (d.b.a. Gus's Community Market) with twenty accessory parking spaces on the ground floor of an existing two-story industrial building located in the PDR-1-G (Production, Distribution, and Repair - General) District and 68-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).
(Proposed for Continuance to February 5, 2015)

SPEAKERS: None
 ACTION: Continued to February 5, 2015
 AYES: Wu, Fong, Antonini, Johnson, Moore, Richards
 ABSENT: Hillis

2. 2014.1253D (E. TUFFY: (415) 575-9191)
276 HARTFORD STREET - west side of Hartford Street between 19th and 20th Streets; Lot 021 in Assessor's Block 6505 - **Mandatory Discretionary Review**, pursuant to Planning Code Section 317, to legalize the present single family use as part of a residential expansion proposal. The proposal includes rehabilitation of the building interior, raising the existing front gable roof structure 1 foot in height, and increasing the overall building depth through a 3-story rear horizontal addition. The existing structure is two-stories over a crawlspace, originally built as a two-family dwelling, located within an RH-3 (Residential, Home, Three-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.
 Preliminary Recommendation: Pending
(Proposed for Continuance to March 5, 2015)

SPEAKERS: None
 ACTION: Continued to March 5, 2015
 AYES: Wu, Fong, Antonini, Johnson, Moore, Richards
 ABSENT: Hillis

3. 2014.0956E (S. SMITH: (415) 558-6373)
LITTLE YOSEMITE FISH PASSAGE PROJECT - The project site is located off of Camp Ohlone Road in unincorporated Alameda County, approximately 2.6 miles downstream of the Alameda Creek Diversion Dam and the Alameda Creek Diversion Tunnel - **Appeal of Preliminary Mitigated Negative Declaration** for: The San Francisco Public Utilities Commission's (SFPUC) Little Yosemite Fish Passage Project. The proposed project would improve upstream passage conditions for adult anadromous steelhead (*Oncorhynchus mykiss*) along a 0.4-mile long reach of Alameda Creek referred to as Little Yosemite. Proposed improvements include constructing concrete weirs shaped like natural boulders or bedrock in three strategically located water features. Project implementation would provide compliance with requirements stipulated by the National Marine Fisheries Service for prior approval of the Calaveras Dam Replacement Project.
 Preliminary Recommendation: Uphold Preliminary Mitigated Negative Declaration
(Proposed for Continuance to April 16, 2015)

SPEAKERS: None
 ACTION: Continued to April 16, 2015
 AYES: Wu, Fong, Antonini, Johnson, Moore, Richards
 ABSENT: Hillis

4. 2014.0454C (O. MASRY: (415) 575-9116)
4093 24th STREET - at the southeast corner of Castro and 24th Streets, Lot 017 in Assessor's Block 6507 - Request for **Conditional Use Authorization** under Planning Code Sections 728.83 and 303 to allow a macro wireless telecommunications services (WTS) facility operated by AT&T Mobility. The proposed macro WTS facility would feature twelve (12)

screened panel antennas; with (9) nine panel antennas placed within a faux rooftop mechanical penthouse, and the remaining (3) three panel antennas placed within individual roof-mounted faux vent pipes. Related electronic equipment would be placed on the roof and in a portion of the first floor. The facility is proposed on a Location Preference 6 Site (Individual Neighborhood Commercial District) within the Castro Street Neighborhood Commercial District, and 40-X Height and Bulk District. This action constitutes the Approval Action for the project for the purposes of CEQA, pursuant to Section 31.04(h) of the San Francisco Administrative Code.

(Continued from Regular Meeting of December 11, 2014)

(Proposed for Indefinite Continuance)

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

5. [2014.0756D](#) (J. SPEIRS: (415) 575-9106)
1912 20th STREET - on the north side between De Haro and Carolina Streets; Lot 014 in Assessor's Block 4071 - Request for **Discretionary Review** of Building Permit Application No. 2013.02.11.9939, proposing to construct a new 6-story, two family dwelling on a down-sloping vacant lot 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 purposes of CEQA, pursuant to Section 31.04(h) of the San Francisco Administrative Code.

Staff Analysis: Full Discretionary Review

Preliminary Recommendation: Pending

(Continued from Regular Meeting of December 4, 2014)

(Proposed for Indefinite Continuance)

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

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. [2014.001537CND](#) (T. KENNEDY: (415) 575-9125)
2152-2154 MARKET STREET – northwest side of Market Street between 14th Street and 15th Street, Lot 012 in Assessor's Block 3542; Request for **Condominium Conversion Subdivision** to convert two three-unit buildings into six residential condominiums in total within the NCT (Upper Market Neighborhood Commercial Transit) Zoning District and 40-X and 50-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: = Sue Hestor – Middle income housing, conditioned to not be short term rentals
 + Kean Paritch – No different from other condo conversion
 ACTION: After being pulled off of Consent; Approved
 AYES: Wu, Fong, Antonini, Hillis, Johnson, Moore, Richards
 MOTION: 19313

7. [2012.1172C](#) (B. BENDIX: (415) 575-9114)
1 NEWHALL STREET - northwest corner of the intersection of Newhall and Jennings Streets, Lot 030 in Assessor's Block 4570 - Request for **Conditional Use Authorization** under Planning Code Sections 227(d) and 303 to establish a public use (d.b.a. Office of the Chief Medical Examiner) of up to 46,080 gross square feet within a PDR-2 (Core Production, Distribution, and Repair) Zoning District and 65-J 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: Approval with Conditions

SPEAKERS: None
 ACTION: Approved with Conditions
 AYES: Wu, Fong, Antonini, Johnson, Moore, Richards
 ABSENT: Hillis
 MOTION: 19312

C. COMMISSION MATTERS

8. (J. IONIN: (415) 558-6309)
ELECTION OF OFFICERS: In accordance with the Rules and Regulations of the San Francisco Planning Commission, the President and Vice President of the Commission shall be elected at the first Regular Meeting of the Commission held on or after the 15th day of January of each year, or at a subsequent meeting, the date which shall be fixed by the Commission at the first Regular Meeting on or after the 15th day of January each year.

SPEAKERS: None
 ACTION: Rodney Fong, President; Cindy Wu, Vice-President
 AYES: Wu, Fong, Antonini, Hillis, Johnson, Moore, Richards

9. 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:

Director Rahaim, in our package we had a very large submittal on an update of Mission Bay, Block 40, do we need to ask for a presentation on that or is just a formal matter?

Director Rahaim:

You approved this project about a year ago. You approved the office allocation. It is really up to you, if you would really like an informational. We wanted to show you the new design, which is consistent with the bulk and mass that you approved, but with a different architect, so we just wanted to give you that information and it's the really the Commission's call if you would like to have a hearing. It is not required.

Commissioner Moore:

I'd be interested since we have two new commissioners, one of them living in Mission Bay, perhaps it is a good idea to have a brief introduction, particularly as we will be spending more time on Mission Bay with the Giants stadium, etc., it will be nice to hear the new thinking about it.

Commissioner Richards:

A couple of items, I'm sure those of you read in the Chronicle or online, there was – I am sure this will be coming our way, Supervisor Kim introduced legislation on defining and measuring affordable housing, something I've been struggling with here as a Commissioner; what do we mean by affordable housing, both for sale and for rent? And her, from what I understand and again, details we have yet to see, in the actual legislation, that she is going to be wanting to measure from extremely low to middle-income and she also wants to further the public policy discussion around Prop K, as we have seen a lot of churning, what I would consider more affordable housing for more luxury housing and I think this is a really good way to monitor the balance between the two and I look forward to single legislation come our way and have us comment on it, but generally I am very positive on it to start. And last one on a more lighter note, John King wrote an article on some architecture on Polk Street. He called it goofy. I actually looked, read the article and looked up the pictures, I have yet to go out to the building, but it's actually a little bit refreshing that there is something different out there, versus the kind of cube-y blocks that we see in pretty much everything we're getting and I encourage any architect that is watching this to maybe go a little bit goofy sometimes and make the City a little bit better place with more variety.

Commissioner Antonini:

On that same subject, I read that article and my office is not far from that location and I think that building and also one on Polk and Pacific, both of which have been built in the last couple of years are very contextual. This does have a lot of embellishments and, you know, some items that cause King to feel it's a little bit goofy, but there was a tendency in the 20s and 30s when buildings were built to put embellishments and ornamentation on them, but the form that these current structures have taken is refreshing after all the cookie cutter kind of glass, contemporary architecture we see everywhere, which I tend to think one big reason is it's probably cheaper to construct that build a building with more elements to, as is in the case there, so that's nice to see, because they both blend in very well with the neighborhood.

Commissioner Moore:

I'm not sure where to ask this question, we were copied on a letter to President Wu, regarding a request for continuance on 435 10th Avenue, do we discuss that, when it comes up in few weeks, I felt a little bit uncomfortable about, that we did not listen to the channels of constraints people asked to put on another date, I don't know what excites you, but I am wondering, what should we do with that letter? It was addressed to you.

Commissioner Wu:

Seeing that this is not the calendar for today, I think that we can only discuss a potential continuance on the date of the calendar, but it seems, like maybe there is someone here to speak, I would suggest we do it during general public comment which will be upcoming.

D. DEPARTMENT MATTERS

10. Director's Announcements

Director Rahaim:

Good Afternoon Commissioners, the only item, that I wanted to mentioned to you, was regarding the demolition of Candlestick Park on the 13TH, which I guess was a couple of days ago. The Department of Building Inspection issued a demolition permit for a mechanical demolition not for an implosion. I have heard -- I just heard this about an hour ago, so, I don't know the details yet about timing or anything, but they did issue permit for a mechanical demolition, which was originally covered in the original Candlestick Point EIR. There's been no announcement yet about the intent of the developer to -- when it will happen, how they will do it, but they did issue that mechanical demolition on the 13th. Thank you.

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

LAND USE COMMITTEE:

- **141231 Interim Zoning Controls - New Massage Establishments.** Sponsor: Tang. These interim controls require CU for all Massage Establishments, whether or not they are classified as a Medical Service Use or as a massage establishment, the difference being that one is certified by the State and one is not. These controls come out of recent changes to state law, which allow local municipalities more control on how they regulate massage uses. Supervisor Tang also introduced permanent controls, which will be heard by this Commission later this year. This item was unanimously recommended to the Full Board.
- **141192 Interim Zoning Controls Six-Month Extension - Upper Market Street Neighborhood Commercial Transit District.** Sponsor: Wiener. This resolution extended for 6 months interim controls that require a CU for Financial services in the Upper Market NCT District. Supervisor Wiener also introduced permanent controls, which this Commission will have a chance to review and comment on later this year. This item was also unanimously recommended to the Full Board.
- **140982 Planning Code - Arcades in the Upper Market Street Neighborhood Commercial Transit District.** Sponsor Wiener. This Ordinance would principally permit Amusement Game Arcades on the 1st and 2nd floor of the Upper Market

NCT. The Planning Commission heard this item on December 18, and unanimously recommended approval of the proposed Ordinance with one modification. That modification is to consider up to 4 mechanical amusement devices an accessory use. At the Land Use Committee, Supervisor Weiner commented that he and Supervisor Breed are working on similar legislation to relax controls on Amusement Game Arcades citywide. There was no public comment on this item. The Land Use Committee voted unanimously to move the item to the Full Board of Supervisors with recommendation.

FULL BOARD OF SUPERVISORS:

- **141244 Public Hearing - Appeal of Exemption from Environmental Review – 312 Green Street.** This was an appeal of a Categorical Exemption for a 2-story addition on an existing 2-story building. This Commission heard this project as a neighbor initiated Discretionary Review in November of last year and voted unanimously to approve the project and not take DR. At the hearing, no one spoke in favor of the appellant, and about four people came out in favor of the project sponsor. Supervisor Christensen expressed regret that the neighbors were not able to settle their differences and that she sympathized with all parties involved, but that the environmental appeal had no merit and that the Department was correct in issuing a Categorical Exemption for this project. With that she made a motion to reject the appeal, which was unanimously passed by the full Board.
- **141291 Public Hearing - Appeal of Conditional Use Authorization - 1963 Ocean Avenue.** This was an appeal for the Conditional Use to establish a TPE on Ocean Avenue. The appellant's case focused mainly on the health related issue surrounding e-cigarettes, but also claimed that the Commission did not properly apply Section 303 findings, General Plan findings, and did not properly evaluate the project against the Balboa Park Station Area Plan. There were several speakers in favor of the appeal; most of which spoke about the need for other businesses on Ocean Avenue and how the proposed use was not appropriate for Ocean Avenue because it was not a family friendly business. Many more individuals came out in favor of the project sponsors, and spoke about the benefits of e-cigarettes. A representative from DPH also spoke about how DPH regulates e-cigarettes and the research on the health impacts of e-cigarettes. After public comment Supervisor Yee talked about how this was a difficult decision for him, because of some much public opposition to the project, but that he was not going to support the appeal. Instead he made a motion to modify the appeal and added three additional criteria, which include:
 - Requiring a security camera at the front door, the footage from which will be made available to the SFPD.
 - Require that the 6-month Planning Commission review include a review of any increased crime within 300 feet of the subject site; and
 - Motion detector lights on the front façade.

Several other Supervisors spoke as well. Most expressed that they would probably support the appeal if this was in their district, but because of deference to the District supervisor they would vote for the Supervisor Yee's motion. The two Supervisors that did not vote for the motion were Supervisor Cohen, who felt that

the use was not appropriate for the neighborhood, and Supervisor Mar who has been a strong critic of tobacco and tobacco related products and e-cigarettes in particular. At the end of a two hour hearing, the motion passed on a 9 to 2 vote modifying the CU and upholding the Commission decision to grant the CU. 8 votes were needed.

- **141231 Interim Zoning Controls Six-Month Extension - Upper Market Street Neighborhood Commercial Transit District.** Sponsor: Wiener. Adopted.
- **141231 Interim Zoning Controls - New Massage Establishments.** Sponsor: Tang. Adopted

INTRODUCTIONS:

1/13/15

- **150028 Administrative, Planning Codes - Suspension of Ordinance No. 218-14 - Regulation of Short-Term Residential Rentals.** Sponsor: Campos. Ordinance amending the Administrative and Planning Codes to suspend the Short-Term Rental Ordinance, until 30 days after the Treasurer/Tax Collector certifies that all short-term residential rental hosting platforms have remitted all Transient Occupancy Taxes that are due and payable.
- **150029 Planning Code - City Housing Balance Monitoring and Reporting.** Sponsor: Kim. Ordinance amending the Planning Code to require the Planning Department to monitor the balance between new market rate housing and new affordable housing, and publish a bi-annual Housing Balance Report; and requiring an annual hearing at the Board of Supervisors on strategies for achieving and maintaining the required housing balance in accordance with San Francisco's housing production goals. This Ordinance came out of negotiations between the Mayor and Supervisor Kim's office regarding last year's Prop K measure, which was passed by SF voters.

1/7/15

- **150017 Planning Code - Castro Street Neighborhood Commercial District, 24th Street-Noe Valley Neighborhood Commercial District, and Upper Market Street Neighborhood Commercial Transit District.** Sponsor: Wiener. Ordinance amending the Planning Code to require that certain uses obtain conditional use authorization in the Castro Street Neighborhood Commercial District, the 24 Street-Noe Valley Neighborhood Commercial District, and the Upper Market Neighborhood Transit District.

Dept. Sponsored Ord. already reviewed by the Commission

- **15003 Planning Code - Zoning Map Amendment - 1600-1612 Cortland Avenue.** Sponsor: Campos. Ordinance amending the Zoning Map to rezone a parcel located at 1600-1612 Cortland Avenue from Heavy Commercial and Industrial Protection Zone Special Use District to Production Distribution and Repair – General.
- **150002 Planning Code - Landmark Designation - 182-198 Gough Street (aka the R. L. Goldberg Building).** Sponsor: Breed. Ordinance designating 182-198 Gough Street (aka the R. L. Goldberg Building), Assessor's Block No. 0837, Lot No. 014, as a Landmark under Planning Code, Article 10.

Reintroductions:**1/13/15**

- **110548 Planning Code - Zoning Map - Signs, Awnings, Canopies, and Marquees.** Sponsor: Wiener. Ordinance amending the Planning Code to consolidate the definitions and controls for awnings, canopies, and marquees into a single section and revise the controls for certain zoning districts; require a Business Sign to be removed or brought into conformity with the Code when the business ceases operation, moves, or a new building is constructed; prohibit the relocation of General Advertising Signs into the Van Ness corridor and specified Neighborhood Commercial Districts; and add The Embarcadero to the list of Scenic Streets where General Advertising Signs are prohibited; amending the Zoning Map to conform with the Code amendments.
- **141253 Planning Code - Consolidate Definitions, Reorganize Article 2, and Make Other Nonsubstantive Changes to Update, Clarify, and Simplify Code Language.** Sponsor: Wiener. Ordinance amending the Planning Code to consolidate definitions into Section 102, reorganize Article 2 to create Zoning Control Tables, and make nonsubstantive changes to various sections in Articles 1, 2, 3, 4, 6, 7, and 8, in order to update, clarify, and simplify Code language.

1/7/15

- **140982 Planning Code - Arcades in the Upper Market Street Neighborhood Commercial Transit District.** Sponsor: Wiener. Ordinance amending the Planning Code to permit arcades in the Upper Market Street Neighborhood Commercial Transit District.

HISTORIC PRESERVATION COMMISSION:

No Report

BOARD OF APPEALS:

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: Gary Weiss – Oversized replacement of small homes
Garrett Colli – Continuance request for 435 10th Avenue
Dino Adelfio – Improving the quality of life thru the reduction of

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.

12. (G. KELLEY: (415) 575-9115)

PROPOSED FIVE YEAR CITYWIDE DIVISION WORK PROGRAM – **Informational Presentation** of the Citywide Division’s proposed five year work program.
Preliminary Recommendation: None - Informational

SPEAKERS: Sue Hestor – Presentation of housing understand what is at stake in order to address it.

Dino Adelfio – Text book maneuvers

ACTION: None – Informational

13. (C. KERN: (415) 575-9037)

SAN FRANCISCO CAPITAL PLANNING COMMITTEE SEA LEVEL RISE GUIDANCE - **Informational Presentation** related to the San Francisco Capital Planning Committee’s Guidance for Incorporating Sea Level Rise into Capital Planning in San Francisco: Assessing Vulnerability and Risk to Support Adaptation.

Preliminary Recommendation: None – Informational

SPEAKERS: Sue Hestor – sea level rise

ACTION: None - Informational

14. [2011.0919C](#) (O. MASRY: (415) 575-9116)

1010 BUSH STREET - at the northwest corner of Bush and Jones Streets, Lot 007 in Assessor’s Block 0276 - Request for **Conditional Use Authorization** under Planning Code Sections 209.6(b) and 303 to allow a wireless telecommunications services (WTS) facility operated by AT&T Mobility. The proposed macro WTS facility would feature nine (9) panel antennas on the roof of the existing four-story tall, mixed-use building. Three (3) of the antennas would be mounted behind two (2) new screening enclosures attached to the east facing wall of an existing rooftop penthouse. The remaining six (6) antennas would be mounted on the roof of the existing rooftop penthouse. Related electronic equipment would be located on the roof and in a basement room. The facility is proposed on a Location Preference 5 Site (Preferred Location; Mixed-Use Buildings in High Density Districts) within a RC-4 (Residential-Commercial, High Density) Zoning District, and 65-A Height and Bulk District. This action constitutes the Approval Action for the project for the purposes of CEQA, pursuant to Section 31.04(h) of the San Francisco Administrative Code. (Continued from Regular Meeting of December 11, 2014)

SPEAKERS: None

ACTION: Continued to February 12, 2015

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

ABSENT: Hillis

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 – 3:01P.M.