

# 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, February 5, 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 12:10 p.m.**

**STAFF IN ATTENDANCE:** John Rahaim – Planning Director, Keith DeMartini, Doug Vu, Erika Jackson, Mary Woods, Marcelle Boudreaux, Christine Lamorena, Omar Masry, 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. 2013.1521DDV (T. CHANG: (415) 575-9197)  
22 ORD COURT - north side of Ord Court; Lot 067 in Assessor's Block 2619 - Request for **Discretionary Review** of 1) Building Permit Application 2013.1021.9832 proposing the vertical addition of an existing 3-story single-family-home, adding a 4<sup>th</sup> story and, 2) of Building Permit Application 2013.1021.9817 proposing the new construction of a 4-story single-family home in the required rear yard. The project is located within a RH-2 (Residential, Home, 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.  
Preliminary Recommendation: Do Not Take DR and Approve  
(Continued from Regular Meeting of December 4, 2014)

**(Proposed for Continuance to February 12, 2015)**

SPEAKERS: None  
 ACTION: Continued to February 12, 2015  
 AYES: Wu, Fong, Antonini, Johnson, Moore, Richards  
 ABSENT: Hillis

- 1b. 2013.1521DDV (T. CHANG: (415) 575-9197)  
22 ORD COURT - north side of Ord Court; Lot 067 in Assessor's Block 2619 - Request for **Variance** from Planning Code Section 134 for the new construction of the single-family home in the required rear yard. The project is located within a RH-2 (Residential, Home, two-Family) Zoning District and 40-X Height and Bulk District.  
 (Continued from Regular Meeting of December 4, 2014)  
**(Proposed for Continuance to February 12, 2015)**

SPEAKERS: None  
 ACTION: Continued to February 12, 2015  
 AYES: Wu, Fong, Antonini, Johnson, Moore, Richards  
 ABSENT: Hillis

- 2a. 2013.1522DDV (T. CHANG: (415) 575-9197)  
24 ORD COURT - north side of Ord Court; Lot 066 in Assessor's Block 2619 - Request for **Discretionary Review** of Building Permit Application 2013.1021.9830 proposing the new construction of a 3-story single-family home in the required rear yard. The project is located within a RH-2 (Residential, Home, 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.  
 Preliminary Recommendation: Do Not Take DR and Approve  
 (Continued from Regular Meeting of December 4, 2014)  
**(Proposed for Continuance to February 12, 2015)**

SPEAKERS: None  
 ACTION: Continued to February 12, 2015  
 AYES: Wu, Fong, Antonini, Johnson, Moore, Richards  
 ABSENT: Hillis

- 2b. 2013.1522DDV (T. CHANG: (415) 575-9197)  
24 ORD COURT - north side of Ord Court; Lot 066 in Assessor's Block 2619 - Request for **Variance** from Planning Code Section 134 for the new construction of the single-family home in the required rear yard. The project is located within a RH-2 (Residential, Home, two-Family) Zoning District and 40-X Height and Bulk District.  
 (Continued from Regular Meeting of December 4, 2014)  
**(Proposed for Continuance to February 12, 2015)**

SPEAKERS: None  
 ACTION: ZA Continued to February 12, 2015

3. 2014.1393C (O. MASRY: (415) 575-9116)

1135 EVANS AVENUE - at the southwest corner of Evans Avenue and Middle Point Road, Lot 014 in Assessor's Block 4602A - Request for **Conditional Use Authorization** under Planning Code Sections 711.83 and 303 to modify an existing wireless telecommunications services (WTS) facility operated by Sprint. The modified macro WTS facility would allow three (3) additional panel antennas adjacent to three (3) existing panel antennas mounted to Pacific Gas & Electric transmission towers. Related electronic equipment would be located on the transmission towers, and an existing ground-mounted equipment area. The facility is proposed on a Location Preference 1 Site (Preferred Location; Co-Location with Verizon Wireless and T-Mobile) 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 the purposes of CEQA, pursuant to Section 31.04(h) of the San Francisco Administrative Code.

(Continued from Regular Meeting of January 8, 2015)

**(Proposed for Continuance to February 26, 2015)**

SPEAKERS: None  
 ACTION: Continued to February 26, 2015  
 AYES: Wu, Fong, Antonini, Johnson, Moore, Richards  
 ABSENT: Hillis

4. 2013.1340D (J. LOOK: (415) 575-6812)  
1423 OCEAN AVENUE - south side between Granada Avenue and Miramar Avenue; Lot 063 in Assessor's Block 6941 - Request for a **Mandatory Discretionary Review**, pursuant to Planning Code Section 737.84 and 790.141 in association with Building Permit Application No. 2013.04.23.5179, proposing to establish a Medical Cannabis Dispensary (d.b.a. "Bay Area Compassionate Health Center") on the ground floor of an existing building, this project lies within the Ocean Avenue NCT (Neighborhood Commercial Transit ) Zoning District and 45-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: Take Discretionary Review and Approve the MCD with Conditions  
 (Continued from Regular Meeting of November 20, 2014)  
 NOTE: On May 22, 2014, following public testimony, the Commission continued the matter to July 17, 2014 by a vote of +6 -0 (Commissioner Antonini was recused).  
 (Continued from Regular Meeting of July 17, 2014)

**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

5. [2013.0862CE](#) (M. WOODS: (415) 558-6315)  
1631-1639 OAK STREET AND 1520-1530 PAGE STREET - through lots between Masonic Avenue and Ashbury Street; Lots 002, 003, 008, 022, 023 and 024 in Assessor's Block 1223 -

Request for **Conditional Use Authorization** for a Planned Unit Development (PUD) pursuant to Planning Code Sections 124, 134, 209.3(h), 303 and 304 to allow a two-phase expansion of the Urban School of San Francisco. Phase 1 proposes relocation of an existing single-family house and construction of a 40-foot tall, approximately 53,800 square foot athletic building (to contain a gymnasium, classrooms, offices and a ground floor and subterranean parking garage) on the Oak Street portion of the site. Phase 2 proposes the conversion of the two-story former St. Agnes gymnasium to a 315-seat theater for the Urban School on the Page Street portion of the site. The proposed project would increase the school's enrollment by 40 for a total enrollment of up to 420 students. The project seeks modifications from the Planning Code's floor area ratio and rear yard requirements via the CU/PUD process. The project site is located in a RM-1 (Residential, Mixed, Low Density) 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).

Preliminary Recommendation: Approve with Conditions  
(Continued from Regular Meeting of January 22, 2015)

SPEAKERS: + Mark Salean – Project presentation  
+ Dwight Long – Project design  
+ Fr. Ray Allender Good partnership between two non-profits  
+ Kira Waldman – Urban learning and growing  
+ Harry Bendegky – Overcrowded conditions  
+ Jackson Plut – Small and strong, growth and expand  
+ Nicole Kimpsey – Expanding enrollment  
+ Abigail Lim-Kimberg – Music and academics  
+ Sam Mastro – Opportunity, more space for more students

ACTION: After being pulled off of Consent; Approved with Conditions

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

MOTION: 19316

## C. COMMISSION MATTERS

### 6. Consideration of Adoption:

- [Draft Minutes for January 8, 2015](#)  
(Continued from Regular Meeting of January 22, 2015)
- [Draft Minutes for January 15, 2015](#)
- [Draft Minutes for January 22, 2015](#)

SPEAKERS: None

ACTION: Adopted

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

ABSENT: Hillis

### 7. Commission Comments/Questions

- Inquiries/Announcements. Without discussion, at this time Commissioners may make announcements or inquiries of staff regarding various matters of interest to the Commissioner(s).
- Future Meetings/Agendas. At this time, the Commission may discuss and take action to set the date of a Special Meeting and/or determine those items that

could be placed on the agenda of the next meeting and other future meetings of the Planning Commission.

**Commissioner Antonini:**

I have a few items. First of all, I noticed in the paper today or yesterday, actually there was an article about the Jeanne Gang building, she is the architect for a building on Folsom Street and also there's another one that is supposed to be also interesting designed by Reem Koolhaus it's about two blocks away, because these are part of Transbay and were part of the formerly Redevelopment Agency, now the successor agency, we would normally hear these, but it would be nice if could have some sort of a presentation on those and other buildings that are going to be coming, going to be built and being approved for construction in the Transbay area, just because the public is always asking questions and we don't really know the answers until we see the construction beginning, so that will be really helpful. Also, I would like to ask that we have some comments, not necessarily today about the problem on Rincon Hill, which has been in the papers, where there was a fraudulent situation that development and trying to understand that - - I can understand a little bit about the creation of a fictitious agency that was supposedly going to be the depository for funds that were in-lieu funds for the developer, but I never heard anything about the improvements, so I would think that we need to know about the process, like who checks these things off and how does it work, because if there are improvements, one we would think you would have to see the improvements before you allow the money to be dispersed, and I'm not aware of any improvements that have happened for this project, and then the other thing I noticed also in the same paper, I believe, is the good news on Transbay in my opinion that's seems as though, some of the project sponsors who were opposed to the Mello-Roos District have decided not to pursue further action against that and that's extremely good news because we all need Transbay center to be there, we need the downtown extension and in reality all the properties surrounding does value a greatly increased by the fact - especially the downtown extension so it's important we get as much funding as we can for this. And finally there was an article in today's Chronicle about the unintended consequences of some legislation regarding conversion of TICs to condos, which was passed a couple years ago, unfortunately started out to be a simple legislation that turned out to have a lot of things attached to it and one of them was that if anybody was evicted from a building in the past 10 years, I believe, then you were not allowed to condo convert. It deals with a couple owners, married gentlemen, middle-aged that owned one of the TICs think it's three units, and making a long story short one of them got a job in Australia for a brief period of time, they decided to rent the thing and now unfortunately, the renter don't - won't agree to leave except for a huge amount of money, and if they displace them against their will then they won't able to take part in the condo conversion, so unfortunately, sometimes our policies end up having unintended consequences and this may explain one of the reasons why we have so many vacant units because had they been a little more prudent, the owners would have said, "Oh forget about the rent, we're afraid of what might happen if we put renters in there," now the consequences have come back to haunt them, so a lot of people are really reticent to rent because they know these laws are getting more and more onerous about the ability to do - what you want with your property, always in the past if you were moving back to your own property, obviously you could occupy it and it was not considered a displacement If you move back into your property. In this instance it is, but that's a little bit troubling. And finally, my final comment is what's up with the garage? There's hardly any parking in there today, I was lucky to get a place. I think that

Commissioner Moore had to circle around for quite a while or I don't know where she ended up parking, but they said only valet, it seems like PUC has a huge number of parking places in there now and I don't need an answer today, but with City Hall, with the courts it seems like we need as many parking places as we can get for that garage, so I am not sure was is going on, thank you.

**Commissioner Johnson:**

Thank you very much. I don't normally have a lot of things under Commission's Comments and questions, but today I have one item, so recently asked the District Court of California dismiss the claim of Home Away Inc. and HomeAway.com against the City and County of San Francisco. Basically, they were alleging that the new legislation for short-term rentals violates the commerce clause of the Constitution by discriminating against residents who are non-local to San Francisco, so people who own homes in San Francisco, but don't necessarily live here and it is also discriminating against the commerce clause for the transient occupancy tax, so basically they are saying it is unlawful to say that an out of state company or resident has to pay transient occupancy tax in San Francisco. Basically, that was dismissed and I didn't think too much of it, and then a week ago I was watching Bloomberg West and the CEO of Home Away was on this program and stated, basically he agreed, he didn't disagree when the host of the program said that this ruling basically says Home Away is not a hosting platform, which is completely not the case, so I thought I would bring it to everything everyone's attention because this goes to one of the comments that the Commission made that wasn't adopted at the Board of Supervisors level to have a list of hosting platforms, to both allow for enforcement, better enforcement and to provide a better snapshot of where listings are in San Francisco, so I thought I would highlight that. No action necessarily, I mean the court decision stands and our legislation stands as well, and so we'll see how things play out in the future, but I thought that was an interesting take that both the editors of Bloomberg and also the CEO of Home Away would take away from that decision.

**Commissioner Richards:**

I have four things here, excuse me, I'm fighting a cold. I'll start with the light-hearted. Last week in The Examiner, a columnist named Nato Green, his column caught my eye, said, "Stop being bullied San Francisco, let's sue Mountain View," and I read further on, he talks and it actually, tongue-in-cheek brings up some points about Mountain View and Palo Alto are approving office space in the millions and millions and millions of square feet, San Francisco's being the butt of where those workers have to be housed and it's impacting our housing supply and our prices, and I understand from this article that actually somebody did sue the City of Pleasanton for doing the same thing and not meeting their housing goals. It is something I think, I know it's tongue-in-cheek when we do have a review of whether we are meeting our Housing Element goals per the State mandate, and I'd love to see how the rest of the Bay Area is doing as well so I can also put it in context. A little bit more serious – I was in Portland last weekend and I woke up and read the paper that came in the mail and I thought I was back in San Francisco because it said, "Buyers pay \$665,000 for a house they don't want." They bought a historic house, they want to demolish it and build something that looks like we've been approving here, we're looking at when we have DRs, and it was interesting because the people that are building the house, it's for two people and I think it's 6,000 square feet, their rationale around why they want to build that is because they could've built bigger on the envelope, so this is a little more tongue-in-check, we are seeing this all over the place, including of all places,

Portland. The third thing is Supervisor Wiener it is going to introduce interim controls in Corona Heights and his office asked me to at least make the comment that is coming, and I know they have signaled to some folks on staff they'll need a little bit of assistance I know that Mr. Starr is working on that so, I want to let folks know that there are stuff being done behind the scenes, and I think the most serious one for me is the Airbnb law is now in effect. I think that it's great, but for what I understand the number of people have gone through the process or scheduled go through the process is the very low hundreds, yet the number of rentals out there is in high thousands, so what that tells me is that we're starting from a big deficit point of view on enforcement, so how are we going to make the all these others 8,000 or 7,000 or 6,000 folks to register with perhaps not enough staff and I think we can talk about that when we have our budget discussion. Thank you.

**Commissioner Moore:**

On the lighter note, for the Airbnbbers who are looking for Airbnb, there is a new portal called "Can I stay with you while I rent my place on Airbnb." This is not a joke; I actually read it in the foreign paper. It is already being ready used in Miami, New York and Philadelphia; however we never hear about it, but I'd like everybody to think about it. I thought was a good joke and again we are in a very entrepreneurial-sharing economy, I am sure this will contribute.

8. [Commission Rules & Regulations](#) - Consideration of Amendments and Adoption.  
(Continued from Regular Meeting of January 8, 2015)

SPEAKERS: None  
ACTION: Established a Rules Committee; and Continued to April 16, 2015  
AYES: Wu, Fong, Antonini, Johnson, Moore, Richards  
ABSENT: Hillis

**D. DEPARTMENT MATTERS**

9. [Director's Announcements](#)

**Director Rahaim:**

Good Afternoon Commissioners, just a couple of announcements of public meetings coming up, both on our Public Realm planning work, one on Ocean Avenue, 6:30 next Wednesday, the February 11<sup>th</sup> from 6:30- 8:00 P.M. at Lick Wilmerding High School that will be the final open house on the Ocean Avenue Public Realm Improvement Planning, and the also the final on open house in Haight-Ashbury, next, that's February 25<sup>th</sup> , two weeks later at the park branch library on Page Street, 6:00-7:30 P.M. on the 25<sup>th</sup>. Secondly, I just wanted to, in response to Commissioner Antonini's request about perhaps a hearing on Transbay projects, this issue also came up in Mission Bay in a recent project there, so I've been talking to OCII, the successor agency, about organizing an informational hearing at the Planning Commission on each the project areas to give you an update of what is going on both Transbay and Mission Bay, perhaps on different hearing dates, but there is a lot happening on both districts, so it is probably a good time for you see, to get an update on those activities and we'll get it on the calendar as soon as possible. Thank you.

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

**LAND USE COMMITTEE:**

1/26/15

- **141210 Emergency Shelters Sponsor: Mayor. Staff: Haddadan/Starr.** This Ordinance creates a definition for Homeless Shelters in the Planning Code and implements controls identical to those for Group Housing. This Commission heard this item on December 18 and voted unanimously to recommend approval. This item received some favorable public comments at the Land Use hearing and was unanimously recommended to the Full Board.
- **141253 Article Two. Sponsor: Wiener. Staff: Starr.** The Article 2 Ordinance was also heard. As you probably recall this Ordinance consolidates use and other definitions into one Section of the Planning Code and creates Zoning Control Tables for Article 2 zoning districts. This is phase 1 of a 3 phase process. At the Land Use Committee Supervisor Wiener spoke to the importance of bring consistency to the Planning Code and making it easier to use for everyone. There were some minor technical amendments that were made, and one person from the public spoke in support of the Ordinance. The Committee voted unanimously to recommend approval to the Full Board.
- **141237 Reasonable Accommodations. Sponsor: Wiener. Staff: Mohan/Dischinger.** This ordinance would allow the zoning administrator to waive certain planning code requirements to accommodate the needs of persons with disabilities. This commission heard the item on November 20 voted unanimously for approval. At the land use hearing, Supervisor Wiener's spoke of the need to allow for greater flexibility in our land use controls to accommodate for people disabilities and a representative from the Mayor's office on Disabilities spoke in favor of the proposed Ordinance. There was no other public comment. The Committee voted unanimously to recommend approval to the full board.
- **141264 GP Urban Forest Plan. Sponsor: Department. Staff: Swae/Varat** The Planning Commission recommended approval of this on November 20, 2014. Several people came out and spoke in favor of this plan. And while this Plan does not address additional funding sources for the City's urban forest, a significant number of comments focused on the need for more and consistent funding for this program. The land use committee voted unanimously to recommend approval to the Full Board.
- **110548 Signs, Awnings, Canopies & Marquees. Sponsor: Wiener. Staff: Starr.** This is the last portion of the NE Ordinance that was heard by this Commission back in 2012. This ordinance amends the Planning Code's sign controls by consolidating some definitions, modifies the Business Sign definition, requires Business Signs to be removed or brought into conformity with the Code when the business ceases operation, and prohibits the relocation of General Advertising Signs into the Van Ness corridor and other specified Neighborhood Commercial Districts. The ordinance also reduced the allowable height of signs in the C-3 District from 100 feet to 60 feet. At the Land Use hearing Supervisor Wiener made an amendment to remove the C3 Sign height change, based on the Commission 2012 recommendation. That amendment passed. There was public comment that spoke out against removing the C-3 sign height amendment made by Supervisor



Wiener, but the Committee voted to recommend the amended ordinance to the Full Board.

- **140876 Office Conversions In Landmark Buildings. Sponsor: Cohen. Staff: Wertheim.** This Ordinance would place vertical controls on the conversion of designated landmark buildings to office use in PDR-1-D and Production PDR-1-G Districts; to require that projects seeking office space in landmark buildings in PDR-1-D and PDR-1-G Districts receive a conditional use authorization from the Planning Commission. At the land use committee Supervisor Cohen amended the ordinance to include all of the Commission and HPCs recommended modifications and then moved to continue the item one week.
- **150003 Zoning Map 1600 Cortland. Sponsor: Campos. Staff: Sanchez.** This commission heard this rezoning on December 4 2015 and voted unanimously to recommend approval. This property was zoned CM and the ordinance proposes to rezone the property to PDG-1-G. As you may recall this property is the last property in the City to be zoned CM. It was originally supposed to be rezoned as part of the Bay Shore Boulevard Home Improvement SUD, but due to a clerical error was left out of the Ordinance adopted by the Board. With the passage of the Article 2 ordinance, which deleted the CM zoning district from the Code, it was imperative that this error be corrected. With no public comment, the Committee voted unanimously to recommend approval to the full board.

2/2/15

- **150037 Interim Zoning Controls - Moderate Scale Neighborhood Commercial Transit (NCT-3) District - Parcels along Market Street West of Octavia Boulevard. Sponsor: Wiener. Staff: Not Staffed.** This item would extend the interim controls that require a CU for Financial Service Uses, which are currently in place in the Upper Market NCT all the way from church street, where they currently stop, to Octavia Bld. The Committee voted to recommend this to the full Board
- **140876 Planning Code - Office Conversion Controls In Landmark Buildings. Sponsor: Wiener. Staff: Wertheim. Item 3**
- **150042 Hearing - Pavement to Parks Program. Sponsor: Wiener. Staff: Abad.** Staff from the Department's Pavement to Parks program provided an update to the Land Use Committee on the current status of the program and its projects. Projects completed this year include 8 parklets, 2 pedestrian plazas, and 2 mobile prototypes. Program staff also presented the Pavement to Parks two-year strategic plan which calls for further formalization of the program; including 1) staff and capital allocations at DPW and MTA, 2) the creation of an interagency MOU, 3) creation of better, more appropriate permits, and 4) exploring the potential for program legislation. Supervisor Wiener requested follow-up information regarding the specific amounts for staff and capital allocation at DPW and MTA required for the Program to deliver on the Mayor's 2013 Pedestrian Strategy Goals for parklets and plazas. As this was a hearing, no action was taken.

---

#### FULL BOARD OF SUPERVISORS:

1/27/15

- **140982 Planning Code - Arcades in the Upper Market Street Neighborhood Commercial Transit District. Sponsor: Wiener. Staff: D. Sanchez.** This ordinance

would amend the Upper Market Street Neighborhood Commercial Transit District to principally permit Amusement Game Arcades on the first and second story. This Commission heard this Ordinance on December 18 and voted unanimously to recommend approval. This item passed 1st Reading at the Board.

- **3PM CEQA Appeal 110 Embarcadero. Staff: Jones, Cooper, Uchida.** This was an appeal of a FMND for a 1-story addition to a vacant 2-story building, and renovation of the building for use by the Commonwealth Club of California. The building is located on a through lot with frontages on both The Embarcadero and Steuart Street. The MND identified the building as potentially eligible for listing on the California Register of Historic Resources due to its association with the longshore strike events of 1934. Though the project would remove the Embarcadero façade, the Planning Department determined that the project would not materially impair the building's ability to convey its historic significance because it would not impact the historic Steuart Street façade. The appellant contended that the alterations would, in fact, cause significant historic resource impacts, and that an EIR should be prepared. Several members of the public spoke in favor of the appeal, and many also spoke against the appeal. Several leaders of the ILWU (the union involved in the 1934 strike) spoke in support of the project and the Commonwealth Club's efforts to preserve the building. Former Planning Commission President Ron Miguel and Former Santa Clara County Supervisor Rod Diridon Sr. also spoke in favor of upholding the MND. Supervisors Avalos and Campos asked numerous questions related to the historic resource findings. Supervisor Kim also asked questions about the historic resource findings as well as street trees. Several supervisors spoke in favor of the project, and recognized that the Planning Commission upheld the PMND unanimously in September 2014. Supervisor Kim then made a motion to reject the appeal and uphold the MND, which was unanimously passed by the full Board.

2/3/15

- **140982 Planning Code - Arcades in the Upper Market Street Neighborhood Commercial Transit District. Sponsor: Wiener. Staff: D. Sanchez.** Passed its final read.
- **141210 Emergency Shelters. Sponsor: Mayor. Staff: Haddadan.** Also passed its final read.
- **110548 Signs, Awnings, Canopies & Marquees. Sponsor: Wiener. Staff: Starr.**  
**141237 Reasonable Accommodations. Sponsor: Wiener. Staff: Mohan/Dischinger.**  
**141253 Article Two. Sponsor: Wiener. Staff: Starr.**  
**141264 GP Urban Forest Plan Sponsor: Wiener. Staff: Swae/Varat.**  
**150003 Zoning Map 1600 Cortland. Sponsor: Campos. Staff: D. Sanchez.**  
 All passed first read and will have their second read next week.

#### INTRODUCTIONS:

1/13/15

- **150087 Interim Zoning Controls - Building Permits for Commercial Uses in an Area Bounded by Market, 2nd, Brannan, and Division Streets, and South Van Ness Avenue Sponsor: Kim.** This interim ordinance would require certain building permits for any building with some commercial use to post a notice and have a 15-day delay in starting the work, and it requires Section 309 review or conditional

use approval to re-establishment a commercial use that has been converted to a residential use.

- **150082 Planning Code, Zoning Map - Establishing the Divisadero Street Neighborhood Commercial Transit District. Sponsor: Breed**
- **150081 Planning Code, Zoning Map - Establishing the Fillmore Street Neighborhood Commercial Transit District. Sponsor: Breed**

#### **BOARD OF APPEALS:**

The Board of Appeals did not meet last night, but they did have a hearing last week, I just want briefly update you on. They had the Election of Officers, and President Lazarus was re-elected to another one year term as President of the Board of Appeals, Commissioner Honda was elevated to the office of Vice President of the Board of Appeals. There were two items, I think were worth noting, one was 1055 Ashbury, was an appeal of a variance that we've heard previously here, as a DR and a Variance, back in September, and we had conditions that reduced the size of building at the rear. At this point, only the variance was ripe for appeal, so that was appealed by the neighbor and the Board unanimously upheld the variance decision. The building permit itself will be separately appealable once that is issued. Another item was 3828 Cesar Chavez, this was before you as a Discretionary Review, this is somewhat unique in that the building permit had actually been issued in error prior to this Commission ever taking an action on the DR. We suspended that building permit application; also the tenant filed an appeal on that building permit application. So, what they heard last week was that the tenant's appeal. We noted the decision of this Commission on the Discretionary Review and it is somewhat unusual that a permit that has already been issued, we brought back to you to get your input on the project. The Board voted last week 2-2 to deny the permit, which would have the same effect as this Commission's decision, that essentially is not an action because you need 4 votes to overturn, to deny the permit, so the permit was deemed issued. I know that the appellant in that case would be looking filling a rehearing request, which they can do within ten days and we're also looking another avenues, which we can pursue to insure that the Commission's decision is implemented, so that is all and I'm available for questions.

#### **HISTORIC PRESERVATION COMMISSION:**

Good Afternoon Commissioners, Tim Frye, Department staff, here to share with you several items from yesterday's Historical Preservation Commission hearing. Before the full Commission, the second meeting of the Cultural Heritage Assets Committee met with a presentation from the Mayor's Office on the Invest in Neighborhoods program. The Mayor's Office primarily focused on their work in the Japantown and the Mission neighborhoods. At the next Cultural Heritage Assets Committee meeting on March 18<sup>th</sup>, the Office of Small Business will be present and they are going to present some ideas on how the office will be administering the legacy businesses registry that is being proposed currently by Supervisor Campos' Office, certainly keep you up to date on their continued meetings and as I mentioned before, by the summer they intend on preparing a list of recommendations to the Department on how the City and the Historic Preservation Commission can better achieve some of the ideas and recommendations outlined in San Francisco Architectural Heritage's report on cultural heritage and legacy businesses. When the full Commission convened, the first action before them was to continue their election of officers to their March 18<sup>th</sup> hearing. They decided to do that as President Hasz, Vice-President Wolfram and Commissioner Johns are all up for reappointment. Our

understanding is that their names have been forward to the Rules Committee and they believe, they will be able to vote on officers at their March 18<sup>th</sup> hearing. The Commission also unanimously recommended approval of the Department's proposed budget and work program, which I believe is on your calendar today. The Commission issued a letter that will be shared with you later this afternoon. The Commission also provided review and comment only 1546–1564 Market Street's Draft EIR. This item I believe is before you in the next several weeks the Commission comments focused primarily on their determination that the preservation alternatives are not fully – do not fully address reducing any potential impacts to the historic resources on the site and asked the project sponsor and staff to develop more robust historical alternatives to consider either one or both the buildings located at that project site. The Commission also approved – unanimously approved a Certificate of Appropriateness to rehabilitate a contributing building within the Telegraph Hill Landmark District. Finally, most of the remainder of the hearing was primarily dedicated to conversations around some amendments the Building Code that I wanted to bring to your attention. Mayor Lee has introduced legislation to amend the Building Code to require a façade inspection and maintenance plan for any building over five stories in height or over. The Commission is very supportive of the legislation; however, they did have some additional comments for the Board to consider before adopting the amendments. One was to include a definition of historical resources within the ordinance and the would like historic resources to be defined for any buildings designated pursue Article 10 or 11 of the Planning Code, as well as any building listed or determined eligible for the California or National Registers. The remaining items have more to do with how the program is administered and the qualifications of those conducting the inspections. They would like all professionals responsible for inspections on historical resources to have experience working on historic resources, that the California Historic Building Code and Preservation Best Practices be used when conducting those inspections and developing maintenance recommendations that work for historic resources comply to the Secretary of Interior standards, and then finally the Commission would like to be involved along with the Planning Department in the drafting of an administrative bulletin that the Department of Building Inspection would be preparing on how this program will be administered. So, those comments will be forwarded to the Board of Supervisors and to the Mayor's Office for consideration and certainly happy to keep you updated as that legislation progresses. That concludes any comments, unless you have questions.

**Commissioner Moore:**

Mr. Frye, may I ask, what set the five story datum line for the Mayor's Office? I find it very interesting, why five stories?

**Tim Frye:**

That's a great question. I'm not entirely clear on why five stories was selected. I know previous versions of the legislation suggested starting the inspections once the High Rise Code kicks in, which I believe is 80 feet or eight stories, but then it sounds like at the DBI Commission, that was reduced to five. I can certainly look into that if you'd like me to.

**Commissioner Moore:**

It would be interesting to see whether or not there is a pattern of neglect when you go what is normally eye-height, two to three stories. It would be interesting to hear and update the public on it.

**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.

None

**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.

11. [2015-000747CRV](#) (K. DEMARTINI: (415) 575-9118)  
FY 2015-2017 PROPOSED DEPARTMENT BUDGET & WORK PROGRAM - Review the balanced Fiscal Year 2015-2017 department budget and work program  
 Preliminary Recommendation: None - Informational

SPEAKERS: Peter Cohen – Short term rental enforcement, data and information analysis

ACTION: Reviewed and Commented

12. [2014-001503GPA](#) (M. MOHAN: (415) 575-9141)  
 (Also referenced as: 2014-001503CWP; 2014.1327EM; 2007.1275EM)  
2014 HOUSING ELEMENT UPDATE – Consideration to Adopt a Resolution for a **General Plan Amendment** - Pursuant to Planning Code Section 340 (c), the Commission will consider a resolution adopting amendments to the General Plan by repealing the existing Housing Element of the General Plan (the 2009 Housing Element) and adopting the 2014 Housing Element update, making environmental and Planning Code Section 101.1 findings, and recommending that the Board of Supervisors adopt an Ordinance approving the General Plan amendment. The 2014 Housing Element update is required by State Law, and includes Part 1: Data and Needs Analysis, which contains a description and analysis of San Francisco's population, household and employment trends, existing housing characteristics, and housing needs; and Part 2: Objectives and Policies. It also includes Appendices, including a list of Implementing Programs to help address the City's housing needs.  
 Preliminary Recommendation: Adopt

SPEAKERS: - Kathy Devincenzi – Opposed to the new Housing Element \_\_\_ on the EIR  
 - Bernice Choden – Affordable housing  
 - Kristy Wong – Support adoption  
 - Rose Hillson – Citywide survey  
 - Hiroshi Fukuda – Policies and implementation. Element needs to be re-written

+ Michael Blume – Maximize new units in the City  
 + Tim Collen – State funding  
 + Peter Cohen – Support for policies and implementation measures  
 ACTION: Adopted as amended to include TEP implementation annual updates  
 AYES: Wu, Fong, Antonini, Hillis, Johnson, Moore, Richards  
 RESOLUTION: 19317

13. [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).

Preliminary Recommendation: Approve with Conditions  
 (Continued from Regular Meeting of January 15, 2015)

SPEAKERS: None  
 ACTION: Approved with Conditions  
 AYES: Wu, Fong, Antonini, Hillis, Johnson, Moore, Richards  
 MOTION: 19318

- 14a. [2014.1321C](#) (E. JACKSON: (415) 558-6363)  
415 DE HARO STREET - east side between 17<sup>th</sup> and Mariposa Streets; Lot 008 in Assessor's Block 3980 - Request for **Conditional Use Authorization**, pursuant to Planning Code Sections 303.1 and 843.46 to allow the establishment of a Formula Retail financial services use (d.b.a Umpqua Bank) within a UMU (Urban Mixed Use) Zoning District and 48-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

SPEAKERS: + Mark Loper – Project presentation  
 + Lindsay – Umpqua Bank representative presentation  
 + Jody Knight – Project presentation  
 + Phil Gaffe – Presentation  
 + Ron Miguel – Support for both formula retailers  
 + Sean Kiegran – Community driven bank, local institution  
 ACTION: Approved with Conditions as amended to include a "Whereas" clause read into the record by the Deputy City Attorney regarding the community facility.  
 AYES: Wu, Fong, Antonini, Hillis, Johnson, Moore, Richards  
 MOTION: 19319

- 14b. [2014.1212C](#) (E. JACKSON: (415) 558-6363)  
415 DE HARO STREET - east side between 17<sup>th</sup> and Mariposa Streets; Lot 008 in Assessor's Block 3980 - Request for **Conditional Use Authorization**, pursuant to Planning Code

Sections 303.1 and 843.46 to allow the establishment of a Formula Retail use (d.b.a Philz Coffee) within a UMU (Urban Mixed Use) Zoning District and 48-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

SPEAKERS: Same as Item 14a.  
 ACTION: Approved with Conditions  
 AYES: Wu, Fong, Antonini, Hillis, Johnson, Moore, Richards  
 MOTION: 19320

## 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.

15. [2014.1583D](#) (M. BOUDREAUX: (415) 575-9140)  
1762 12<sup>TH</sup> STREET - east side between Noriega and Moraga Streets; Lot 018 in Assessor's Block 2038A - Request for **Discretionary Review** of Building Permit Application No. 2013.07.15.1824 proposing a three-story new single-family dwelling, 27 feet in height with a roof deck, on a vacant lot within a RH-1 (Residential, House, One-Family) Zoning District and 40-X Height and Bulk District. This action constitutes the Approval Action for the project for the purposes of CEQA, pursuant to Section 31.04(h) of the San Francisco Administrative Code.  
 Staff Analysis: Full Discretionary Review  
 Preliminary Recommendation: Do Not Take Discretionary Review and Approve
- SPEAKERS: - Tim Morshead – DR Requestor presentation  
 - Eve Gordell – Sunlight and privacy  
 - Tom Hope – Neighborhood character  
 - Roberta Blockman – Strange anomaly for the neighborhood  
 - Katrina Morshead – Opposition  
 - Steve Gordell – Height, depth, architecture  
 + Troy Kashinapour – Project presentation
- ACTION: Took DR, Approved as Modified reducing the roof deck three feet on the north and east sides; and seven feet on the south side.
- AYES: Wu, Fong, Antonini, Hillis, Johnson, Moore, Richards  
 DRA No: 0403
- 16a. [2014.002064DRP](#) (C. LAMORENA: (415) 575-9085)  
2570 JACKSON STREET – north side between Pierce and Steiner Streets, Lot 008 in Assessor's Block 0586 – Request for **Discretionary Review** of Building Permit Application No. 2014.04.08.2705 proposing to replace approximately 5-foot tall windscreens around a deck above the one-story garage at the front of the property as well as around a side terrace at the northwest corner towards the rear of the property and to construct a new one-story high, three-foot deep cantilevered deck with spiral stairs at the rear of the three-

story-over-garage, single-family dwelling within a RH-1 (Residential, House, One-Family) Zoning District and 40-X Height and Bulk District. This action constitutes the Approval Action for the project for the purposes of CEQA, pursuant to Section 31.04(h) of the San Francisco Administrative Code.

Staff Analysis: Abbreviated Discretionary Review

Preliminary Recommendation: Do Not Take Discretionary Review and Approve

SPEAKERS:        - Rick Scott – DR Requestor presentation  
                       - Michael Kuraja – Privacy  
                       - Judith Duffy – Opposition  
                       - Bob Duffy – Opposition  
                       - Haze Kuraja – Opposition  
                       + Dan Frattan – Project presentation  
                       + Lewis Buttler – Architect rebuttal

ACTION:            No DR, Approved as Proposed  
 AYES:              Wu, Fong, Antonini, Hillis, Moore, Richards  
 ABSENT:           Johnson  
 DRA No:           0404

- 16b.    [2013.1361V](#) (C. LAMORENA: (415) 575-9085)  
2570 JACKSON STREET – north side between Pierce and Steiner Streets, Lot 008 in Assessor’s Block 0586 – Request for **Front Setback and Rear Yard Variances** from Planning Code Sections 132 and 134, which require a 15-foot front setback and approximately 32-foot deep rear yard, respectively. The project proposes to replace approximately 5-foot tall windscreens around a deck above the one-story garage at the front of the property as well as around a side terrace at the northwest corner towards the rear of the property and to construct a new one-story high, three-foot deep cantilevered deck with spiral stairs at the rear of the three-story-over-garage, single-family dwelling within a RH-1 (Residential, House, One-Family) Zoning District and 40-X Height and Bulk District.  
***ZA CLOSED THE PH AND INDICATED AN INTENT TO GRANT***

**3:00 PM**

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 after the time indicated.

17.    [2014.1377D](#) (O. MASRY: (415) 575-9116)  
1 LA AVANZADA STREET - Sutro Tower, Lot 003 in Assessor’s Block 2724 - **Mandatory Discretionary Review**, pursuant to Planning Code Section 306.9, of Building Permit Application Nos. 2013.04.12.4453 and 2013.04.12.44522, proposing the installation of 51 broadcast and reception antennas, microwave dishes and camera mounts at various levels on the tower; replacement and relocation of one existing auxiliary radio antenna to a higher level on the tower; addition of one ground-level approximately 30-foot wide satellite dish; and road, retaining wall, stairway, driveway, and erosion control improvements; within a RH-1 (D) (Residential - House, One Family) Zoning District and 40-X Height and Bulk District. This action constitutes the Approval Action for the project for the purposes of CEQA, pursuant to San Francisco Administrative Code Section 31.04(h).  
 Staff Analysis: Full Discretionary Review  
 Preliminary Recommendation: Do Not Take Discretionary Review and Approve



SPEAKERS: None  
ACTION: Continued to March 19, 2015  
AYES: Wu, Fong, Antonini, Johnson, Moore, Richards  
ABSENT: Hillis

## 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 – 5:27 P.M.