

# 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, March 5, 2015**  
**12:00 p.m.**  
**Regular Meeting**

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

**THE MEETING WAS CALLED TO ORDER BY PRESIDENT WU AT 12:08 p.m.**

**STAFF IN ATTENDANCE:** John Rahaim – Planning Director, Nicholas Foster, Paul Chasan, Rich Sucre, Laura Ajello, Marcelle Boudreaux, and Jonas P. Ionin – Commission Secretary

### SPEAKER KEY:

- + indicates a speaker in support of an item;
- indicates a speaker in opposition to an item; and
- = indicates a neutral speaker or a speaker who did not indicate support or opposition.

### A. CONSIDERATION OF ITEMS PROPOSED FOR CONTINUANCE

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

1. 2014-002385OFA (R. SUCRÉ: (415) 575-9108)  
101 TOWNSEND STREET - located at the southeast corner of Townsend and 2<sup>nd</sup> Streets, Lot 015 in Assessor's Block 3794 – Request for an **Office Development Authorization**, pursuant to Planning Code Sections 321, 322 and 842.66 to legalize a change in use from PDR (Production, Distribution and Repair) to office use and authorize 41,206 gross square feet from the Office Development Annual Limit. The project would maintain the existing

ground floor retail space (approximately 1,600 square feet). The subject property is located within the South End Landmark District, and is located within the MUO (Mixed-Use Office) Zoning District, and a 105-F Height and Bulk District.

**(Proposed for Continuance to March 19, 2015)**

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

2. 2014-001033PCA (A. STARR: (415) 558-6362)  
AMENDING REGULATION OF SHORT-TERM RESIDENTIAL RENTALS AND ESTABLISHING FEE [BOARD FILE 141036] - **Amendment to the Administrative Code** to provide an exception for permanent residents to the prohibition on short-term residential rentals under certain conditions; to create procedures, including a registry administered by the Planning Department, for tracking short-term residential rentals and compliance; to establish an application fee for the registry; amending the Planning Code to clarify that short-term residential rentals shall not change a unit's type as residential; affirming the Planning Department's determination under the California Environmental Quality Act; and making 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

(Continued from Regular Meeting of March 5, 2015)

**(Proposed for Continuance to April 2, 2015)**

SPEAKERS: None  
 ACTION: Continued to April 2, 2015  
 AYES: Fong, Hillis, Moore, Richards  
 ABSENT: Antonini, Johnson, Wu

3. 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

(Continued from Regular Meeting of January 15, 2015)

**(Proposed for Continuance to April 16, 2015)**

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

**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

4. [2011.0929CUA-02](#) (R. SUCRÉ: (415) 575-9108)  
1401 HOWARD STREET - located at the southeast corner of Howard and 10<sup>th</sup> Streets, Lot 035 in Assessor's Block 3517 – Request for a **Conditional Use Authorization**, pursuant to Planning Code Sections 121.2, 303, 703.9, 744.21, 744.81 and 790.50 to establish a non-residential use larger than 10,000 square feet and to establish an assembly use in the RCD (Regional Commercial) Zoning District. The project includes construction of an interior mezzanine and a change in use from church (approximately 17,060 sf) to office (18,260 sf), retail (1,300 sf) and assembly (2,500 sf). The subject property is designated as Landmark No. 120, and is located within the RCD (Regional Commercial) Zoning District, and 55/65-X Height and Bulk District.  
 Preliminary Recommendation: Approve with Conditions

SPEAKERS: None  
 ACTION: Approved with Conditions  
 AYES: Fong, Hillis, Moore, Richards  
 ABSENT: Antonini, Johnson, Wu  
 MOTION: 19128

**C. COMMISSION MATTERS**

5. Consideration of Adoption:  
 • [Draft Minutes for Rules Committee February 12, 2015](#)

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

6. 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 read an interesting article which ranks the world cities based on quality of living, and it was very interesting. San Francisco ranked 27. Vienna, Austria ranked 1, Auckland, New

Zealand 3, Munich, Vancouver, Frankfurt, Geneva, Copenhagen, and Sidney filled the first 10. And I was very surprised with the bench marking set was New York that San Francisco only came up as 27.

**Commissioner Richards:**

A couple of things, the first one here is, in this week's Chronicle there was an article on the Airbnb law starts slowly. I actually talked to some folks that I know who knows hosts or are host and are blaming the process for why things are starting slow, and I guess my comment on that is, if there are 8,000 rentals out there right now and we had only 700 calls, not even the majority of people called and actually said there's something wrong with the process. I think there is something wrong with what is going on, we need to have more calls, we need have more people engaged with the Department and if there's a process issue, we can figure that out, but 10 percent of the people calling, that actually have listings is not good enough for me, so that's my comment on that. I'd love to see how this shapes up in the future. A couple of other things, there is not a day goes by that I pick up a paper and there are issues about market-rate housing, affordable housing, there's we should put a moratorium on the Mission, and I sit here and I know we've talked about this in the fall, about the Mayor's housing work streams. I guess I am trying to understand when that going come before us for review. I understand there are three or four different proposals might come, including density bonus of the dial, etc., we've been hearing about it for a while, if anybody knows when that is going to come before us, I'd love to know.

**D. DEPARTMENT MATTERS**

7. [Director's Announcements](#)

**Director of Current Planning Jeff Joslin - (For Director Rahaim):**

While I've got the mic, I thought I take the opportunity to introduce, yet another new member of our planning family, Nick Foster, identify yourself, has joined our Planning Department as a Planner in Northeast quadrant. Nick is an Urban Planner with considerable work experience in both the public and private sectors, sorry, public and nonprofit sectors. His public sector experience includes 10 years with the San Francisco International Airport and the Planning Department of Oakland, Los Angeles and Madison Wisconsin. At the national level Nick served as the Deputy Director of the Mayor Institute in City Design. Nick holds a Master degree in Urban and Regional Planning from UCLA and a Bachelor degree in Geography from the University of Wisconsin. Welcome, Nick's first hearing. You will be hearing from him on Item 9.

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

**BOARD OF SUPERVISORS:**

**LAND USE COMMITTEE:**

- **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, Cohen, Wiener. Recommended
- **140954 Planning Code - Exceptions from Dwelling Unit Density Limits and from Other Specified Code Requirements.** Sponsor: Wiener, Breed. This ordinance

provides for density exceptions for buildings undergoing seismic retrofitting. This item was before this commission on February 12th and was approved unanimously. Supervisor Wiener incorporated all Planning Commission recommendations. Supervisor Kim appreciated that the affordability monitoring recommendation was in place. She also expressed interest in banning Accessory Dwelling Units from short term rentals but acknowledged that this needs to happen in a different setting where it applies to all ADUs rather than just the ones in seismic retrofit buildings. The committee recommended this item to the full board.

- **150122 Agreement to Rent Units - Raintree 2051 Third Street, LLC – Eastern Neighborhoods Rental Incentive Option - 2051 Third Street. Sponsor: Cohen. Recommended**
- **150121 Agreement to Rent Units - AGI-TMG Housing Partners I, LLC – Eastern Neighborhoods Rental Incentive Option - 1201-1225 Tennessee Street. Sponsor: Cohen.**
- The Land Use Committee also heard two Rental Incentive Agreements, which are agreements between the property owner and the City to deed-restrict new dwelling units as rental units for 30 years. These agreements are for the properties located at [2051 Third Street](#) and [1201 Tennessee Street](#).
- 1201 Tennessee includes the demolition of the existing two-story commercial/warehouse and automotive service buildings and construction of a six-story building with 259 dwelling units. This project was approved by the Planning Commission unanimously on May 1, 2014.
- [2051 Third Street](#) includes the demolition of the existing structures on three separate lots, and construction of a six-story building with 93 dwelling units. This project was approved by the Planning Commission unanimously on June 5, 2014.
- Within the UMU Zoning District, if the developer enters into an agreement with the City to restrict the units as rental for at least 30 years, they can reduce the inclusionary housing percentage by 3% and the amount of Eastern Neighborhoods Impact Fee by \$1.00 per gross square foot. There has only been one project, located at [2121 3rd Street](#), that utilized the rental incentive alternative to date.
- The Land Use committee approved both agreements unanimously. Supervisor Kim suggested that when the Department re-examines Eastern Neighborhoods plan that we re-examines this incentive within the UMU District given the prevalence of rental housing development currently in that district.

#### **Budget Committee:**

- **On Wednesday the Budget Committee held a hearing at the request of Supervisors Farrell and Christensen on the Planning Department's capabilities to enforce the Short-Term Rentals Ordinance, and the financial resources necessary for effective enforcement.** Department staff presented an overview of the new law; the process for registration; some of the stats on how registration is progressing; and then provided our assessment of what's working and what could work better.
- Staff emphasized that the Commission felt that if housing and neighborhood character could be preserved, it would be reasonable to allow short-term rentals. So while the Commission felt comfortable with permitting the use in a way that did not reduce our housing; this use is predicated on *if* those limits could be enforced.

- While some potential applicants complained about the burden of registering, staff stated that appointments save both applicants and planners from a chaotic intake situation. The face-to-face meetings allow for applicants to ask important questions and learn about the program in greater detail. Staff believes the face-to-face, scheduled appointments also help to reduce the occurrence of fraudulent applications being filed.
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- The members of this Committee are typically Chair Farrell, Tang, and Mar. Yesterday, Supervisors Christensen, Campos, and Kim joined in for the hearing. Supervisor Farrell restated his commitment to ensuring sufficient resources to enforce this law. Supervisor Campos stated that he has asked the Board's Budget Analyst to report on the issue and that the City may need to subpoena some hosting platforms to increase our understanding. Supervisor Christensen wanted to increase motivation for registry and thought the City should get clear about our goals and develop a timeline for hosts to register. Supervisor Mar stated that he felt it was hypocritical for a home-grown billion dollar firm to not cooperate better. He said he liked the idea of adding a cap to the registry. Supervisor Kim again stated that the law has put the Planning Department in a difficult position of enforcing a law that is inherently difficult to enforce. She noted that she had a proposed bill that would be before this Commission [on April 2](#) and that a separate set of amendments was pending before the Board's Land Use and Transportation Committee. **The hearing was filed at the end of the meeting.**
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#### FULL BOARD OF SUPERVISORS:

- **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, Cohen, Wiener. Adopted.

#### BOARD OF APPEALS:

No Report

#### HISTORIC PRESERVATION COMMISSION:

Good afternoon Commissioners, Tim Frye, Department staff, here to share a few couples items from the Historic Preservation Commission hearing. The Commission began the hearing by welcoming the reappointment of Commissioners Haaz, Wolfram and Johns. We believe that now they've been reappointed the HPC will take up election of officers at their next hearing on March 18<sup>th</sup>. The Commission also approved a Certificate of Appropriateness for exterior alterations to create a new unit within a contributing building in the Liberty Hill Landmark District. The Commission also approved the restoration of an Italianate single-family home within the Liberty Hill Historic District and both projects were unanimously approved per staff's recommendations. Finally, the HPC unanimously recommended landmark designation to the Board of Supervisor for the Swedish American Hall. The Hall is significant under the events and architecture criterion as an excellent example of the work of Swedish Architecture, August Nordin. The owners of the property, the Swedish Society, were in attendance and gave their enthusiastic support for the proposed designation and we believe this will be before the Board of Supervisors very shortly. I am certainly

happy to forward a copy of the designation reports if you're interested. That concludes my comments, unless you have any questions.

9. [2014-00107IMP](#) (N. FOSTER: (415) 575-9167)  
536 MISSION STREET, GOLDEN GATE UNIVERSITY - Informational presentation on Golden Gate University's **Abbreviated Institutional Master Plan (IMP)**, pursuant to Planning Code Section 304.5. Golden Gate University is located at 536 Mission St. (Block/Lot: 3708/098) and 40 Jessie Street (Block/Lot: 3708/023). The Abbreviated IMP contains information on the nature and history of the institution, the location and use of affiliated buildings, and development plans.  
 Preliminary Recommendation: None - Informational

SPEAKERS: + Mike Koperski – Sponsor presentation  
 ACTION: None - Informational

#### 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 – Potential Code violations

#### 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.

- 10a. [2014.0925T](#) (P. CHASAN: (415) 575-9065)  
INITIATION OF PLANNING CODE AMENDMENTS TO REFLECT ADOPTION OF THE RINCON HILL STREETScape PLAN – Pursuant to Planning Code Sections 302, the Planning Commission will consider a Resolution to **Initiate Planning Code Amendments** to reflect the adoption of the Rincon Hill Streetscape Plan. The amendments are intended to a) acknowledge the completion and adoption of the Rincon Hill Streetscape Plan, and, b) remove outdated language in Planning Code section proposed for amendment is Section 138.1.  
 Preliminary Recommendation: Adopt a Resolution to Initiate; and schedule a hearing

SPEAKERS: + Adam Tarakovsky - Support  
 ACTION: Adopted a Resolution to Initiate and scheduled a hearing for March 26, 2015  
 AYES: Fong, Hillis, Moore, Richards  
 ABSENT: Antonini, Johnson, Wu  
 RESOLUTION: 19239

- 10b. [2014.0925M](#) (P. CHASAN: (415) 575-9065)  
**INITIATION OF GENERAL PLAN AMENDMENTS TO REFLECT ADOPTION OF THE RINCON HILL STREETScape PLAN** – Pursuant to Planning Code Sections 340, the Planning Commission will consider a Resolution to **Initiate General Plan Amendments** to reflect the adoption of the Rincon Hill Streetscape Plan. The amendments are intended to a) acknowledge the completion and adoption of the Rincon Hill Streetscape Plan, and, b) remove outdated language in the Rincon Hill Area Plan of the General Plan.  
 Preliminary Recommendation: Adopt a Resolution to Initiate; and schedule a hearing
- SPEAKERS: Same as Item 10a.  
 ACTION: Adopted a Resolution to Initiate and scheduled a hearing for March 26, 2015  
 AYES: Fong, Hillis, Moore, Richards  
 ABSENT: Antonini, Johnson, Wu  
 RESOLUTION: 19330
11. [2013.0069Z](#) (R. SUCRÉ: (415) 575-9108)  
**241-261 LOOMIS STREET** - east side of Loomis Street between Industrial Street and Oakdale Avenue, Assessor's Block 5583, Lots 010, 014 and 015. Request to **Initiate Zoning Map Amendment**, pursuant to Planning Code Sections 302 and 306, to amend San Francisco Zoning Map Sheet No. SU10 to include Block No. 5583, Lots 010, 014 and 015 (241-261 Loomis Street) in the Bayshore Boulevard Home Improvement Special Use District. Currently, the subject lots are located within a PDR-2 (Core Production, Distribution and Repair) Zoning District, Industrial Protection Zone Special Use District, and 65-J Height and Bulk District.  
 Preliminary Recommendation: Adopt a Resolution to Initiate; and schedule a hearing
- SPEAKERS: + Tom Tunny – Sponsor presentation  
 ACTION: After Hearing and closing public comment; Continued to March 19, 2015  
 AYES: Fong, Hillis, Moore, Richards  
 ABSENT: Antonini, Johnson, Wu

## 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.

12. [2014.1093DRP](#) (L. AJELLO: (415) 575-9142)  
**235 LAUSSAT STREET** – south side between Steiner and Fillmore Streets; Lot 046 in Assessor's Block 0860 - Request for **Discretionary Review** of Building Permit Application No. 2013.09.09.6298 proposing to construct a 22'-4" tall firewall at the rear of a four-story, two-unit building. The proposed firewall will be located at the west property line alongside an existing spiral staircase approved through a separate permit. The project requires a rear yard Variance, Case No. 2014.1093V, for which a separate hearing was conducted by the Zoning Administrator on October 22, 2014. The project is located within a RH-3 (Residential House, Three-Family, Detached) 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: - Thomas Drohan –forgiveness versus permission;

+ Nils Welin – small yards

ACTION: Took DR and Disapproved

AYES: Fong, Hillis, Moore, Richards

ABSENT: Antonini, Johnson, Wu

DRA No: 0407

13. [2014-000977DRP](#) (M. BOUDREAUX: (415) 575-9140)  
360 EUREKA STREET – west side between 20th and 21<sup>st</sup> Streets; Lot 013 in Assessor’s Block 2749 - Request for **Discretionary Review** of Building Permit Application No. 2014.03.07.0226 proposing a two-story rear addition and expansion of the subterranean basement level, modification of the gable roof to a flat roof, and introduction of a roof deck on an existing two-story-over-raised basement single-family dwelling 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 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: - Gabrielle Jenny-Haramoto – DR presentation, more airy approach, privacy

- Robert Dorner – Proximity to window

- Rochelle Gottlieb – Massive intrusion

+ Andy Rodgers – Sponsor presentation

+ Nich Nash – Support, within neighborhood character

+ Peter – City life

+ Debra Rubius – Housing families in SF

+ Catherine Lee – Desire to move to SF

ACTION: After Hearing and closing public comment; a motion to Take DR and modify the project failed +3 -1 (Moore Against); a second motion to Not Take DR and approve the project as proposed failed +1 -3 (Hillis, Moore, Richards against); without a subsequent motion, the project was approved as proposed by default.

AYES: Fong, Hillis, Moore, Richards

ABSENT: Antonini, Johnson, Wu

DRA No: 0408

14. [2013.1799D](#) (M. BOUDREAUX: (415) 575-9140)  
1608-1612 DOLORES STREET – The Request is for a **Mandatory Discretionary Review** of Building Permit Application No. 2013.11.27.3000. The proposal involves moving the front wall of the existing building forward, expanding the side walls to the side property line, adding a rear addition, and increasing the height by two-stories. The work is tantamount to demolition. The work will maintain the existing number of dwelling units (3 units), by reconfiguring floor plans to establish one unit per floor level. A three-car garage will be

introduced at ground level. This is 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 the purposes of CEQA, pursuant to Section 31.04(h) of the San Francisco Administrative Code.

Staff Analysis: Mandatory Discretionary Review

Preliminary Recommendation: Do Not Take Discretionary Review and Approve

(Continued from the Regular Meeting of November 6, 2014)

SPEAKERS: + Tom McElroy – Project presentation;  
+ Thomas Firpo – Owner comments  
- (F) Speaker – alternate plans, negative impacts

ACTION: Took DR and approved the project with a condition for the Project Sponsor to continue working with staff on the design

AYES: Fong, Hillis, Moore, Richards

ABSENT: Antonini, Johnson, Wu

DRA No: 0409

## 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 – 2:27 P.M.**