

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 26, 2015
12:00 p.m.
Regular Meeting

COMMISSIONERS PRESENT: Fong, Wu, Antonini, Hillis, Johnson, Moore, Richards
COMMISSIONER ABSENT: None

THE MEETING WAS CALLED TO ORDER BY PRESIDENT FONG AT 12:09 p.m.

STAFF IN ATTENDANCE: John Rahaim – Planning Director, Laura Ajello, Paul Chasan, Diego Sanchez, Tina Chang, Carly Grob, Kevin Guy, Rich Sucre, Jeff Speirs, Chris Townes, Michael E. Smith, 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. 2013.1407C (S. LAI: (415) 575-9087)
2501 CALIFORNIA STREET - southwest corner at Steiner Street; Lots 001,002, and 034 in Assessor's Block 0655 - Request for **Conditional Use Authorization** pursuant to Planning Code Sections 121.1, 121.2, 703.3, 718.11, 718.21, 718.27, 186.1, 303 and 303.1 for the demolition of the convenience store, the non-conforming automotive service use, and the

non-conforming automotive gas station (d.b.a. Shell); and to allow the reconstruction of the non-conforming automotive gas station (d.b.a. Shell), and the establishment of a formula retail convenience store (d.b.a. Loop), both proposing 24 hours operation, within the Upper Fillmore 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.

Preliminary Recommendation: Pending

(Proposed for Continuance to April 23, 2015)

SPEAKERS: None

ACTION: Continued to April 23, 2015

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

2. [2012.0978_2DRP](#) (C.TOWNES: (415) 575-9195)
896 DE HARO STREET - northwest corner of De Haro Street and Southern Heights Avenue, Lot 018 in Assessor's Block 4095 - Request for **Discretionary Review** of Building Permit Application No. 2012.04.24.9018 (New Construction) proposing a new four-level (three story over basement), two-unit residential townhome building with two off-street parking spaces 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: Full Discretionary Review

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

3. [2015-001475CND](#) (L. AJELLO: (415) 575-9142)
140 DIVISADERO STREET - east side of Divisadero Street between Waller Street and Duboce Avenue; Lot 056 in Assessor's Block 1260 - Request for **Condominium Conversion Subdivision** to convert a two-story-over-basement, six-unit building into residential condominiums within a RH-3 (Residential, House, Three-Family) Zoning District and 40-X Height and Bulk District. This action constitutes the Approval Action for the project for the purposes of CEQA, pursuant to Section 31.04(h) of the San Francisco Administrative Code.
 Preliminary Recommendation: Approve

SPEAKERS: None

ACTION: Approved

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

MOTION: 19340

4. [2014.1029Q](#) (L. AJELLO: (415) 575-9142)
1580 LOMBARD STREET - north side of Lombard Street between Gough and Franklin Streets; Lot 007A in Assessor's Block 0497 - Request for **Condominium Conversion**

Subdivision to convert a two-story-over-garage, six-unit building into residential condominiums within a NC-3 (Neighborhood Commercial, Moderate 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.

Preliminary Recommendation: Approve

SPEAKERS: None
 ACTION: Approved
 AYES: Fong, Wu, Hillis, Johnson, Moore, Richards
 RECUSED: Antonini
 MOTION: 19341

C. COMMISSION MATTERS

5. Consideration of Adoption:

- [Draft Minutes for March 12, 2015 – Rules Committee](#)
- [Draft Minutes for March 12, 2015](#)

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

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 Antonini:

A couple of items, I just wanted to ask about, I noticed our advanced calendar the short-term rentals for next week is being continued indefinitely. I just wanted to know, I know there are some bills before the Board of Supervisors, but I'm wondering if we'll get a chance to express our opinions on this before there is a Supervisor's vote, I'd assume. The other item I wanted to bring up, I think we'll hear about this a little bit more when we hear about the Permit Appeals, but there was a reversal of a position that we took at the Board of Permit Appeals last night, I think, on 1784 Sanchez and it was sort of shocking to me. We'll get more details, because we approved it 6 to 1 and it sounds like the couple struggled for many years with this project, but I want to hear more about that one.

D. DEPARTMENT MATTERS

7. Director's Announcements

Director Rahaim:

Good afternoon, Commissioners, just one announcement. I want to give you an update on the short-term rental activity, you'll hear from Mr. Starr today about the proposed

legislation that was introduced this week, but as of yesterday there - we have had almost 400 applications for registration, we've granted registration for about 120 and we have scheduled appointments for another 360 applications. We're getting about 30 phone calls a day for applications. We are also, for the public's benefit we're scheduling more time slots. We are getting more efficient on our timing being able to squeeze in more applications in our timeframe, so that the public knows if you call for an application you should be able to get an application appointment within about a month or so, and that concludes my presentation for today.

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

LAND USE COMMITTEE:

Canceled

FULL BOARD OF SUPERVISORS:

- 150155 General Plan - Repealing Ordinance No. 97-14 - Adoption of 2014 Housing Element. Sponsors: Mayor, Wiener. Staff: Dischinger, Mohan. The Housing Element passed its second read (10-1, Farrell No).
- 150167 Public Hearing - Appeal of Categorical Exemption from Environmental Review - 53 States Street. This item was continued to April 7th.
- 150171 Public Hearing - Appeal of Community Plan Exemption from Environmental Review - 340 Bryant Street. This item was continued to March 31st.
- 150247 Administrative Code - Establishing Balboa Reservoir Community Advisory Committee. Sponsor: Yee. This CAC is being set up in response to the potential development of the Balboa Reservoir site adjacent to City College. This item passed its first read First Read
- 150273 Approval of a 30-Day Extension for Planning Commission Review of an Ordinance (File No. 141036) Amending the Regulation of Short-Term Residential Rentals. Sponsors: Kim, Campos. Amended to make it a Motion instead of a Resolution and Approved.

INTRODUCTIONS:

- 150324 Hearing on the state of neighborhood livability and services; and requesting Public Works, the Planning Department, and the Mayor's Office of Housing to report. Sponsor: Farrell
- 150317 Resolution authorizing the nomination of four new Priority Conservation Areas (Palou Phelps Natural Area, Bayview Hill Natural Area, Green Connections-McLaren Park Pivot, and Crosstown Trail-Connecting Twin Peaks Bio-Region/Glen Canyon) Sponsor Mar (Department)
- 150295 Draft Ordinance amending the Administrative Code to limit short-term rental of a Residential Unit to no more than 90 days per calendar year; to permit Hosting Platforms to advertise only those Residential Units that remain in good standing on the Short Term Rental Registry; to require Hosting Platforms to provide monthly data to the Planning Department on the number of nights Residential Units were occupied as Short-Term Residential Rentals; and to prohibit all Short-Term rentals in RH-1(D) Districts. Sponsor: Campos, Mar, and Avalos. We plan to have this item heard at the April 23 hearing with the other STR Ordinance.

HISTORIC PRESERVATION COMMISSION:

No Report

BOARD OF APPEALS:

The Board of Appeals did meet last night, three items that I'd like to report on. First, 340 Bryant which was an office allocation that this Commission had granted was appealed to the Board of Appeals, as you heard there is also a CEQA appeal on that matter. The CEQA appeal has been continue, so the Board continued the appeal on the office allocation to April 8th. The next item is 1784 Sanchez, which this was actually the third hearing on this item at the Board of Appeals. I reported after the previous two hearings that the Board had serious concerns about the project, its impact on the adjacent property, which is the property of the appellants. They did not find that the full extent of the variance was justified. There was a variance for a rear yard encroachment at two levels, at the ground level and the second story. They had given us direction to work with the parties to look at alternatives that would include shifting that second story further forward, getting it more out of the rear yard and having less of an impact on the neighbors. There was ultimately a resolution after we had two meetings, we met the first time for about an hour and half with the parties and the second time this week, for about two hours with the parties trying to look at different alternatives and there was something that was proposed by the appellants which the permit holder accepted and it was not their preference, but it does allow for similar amount of development, it just shifts that second story further forward. There had been concerns expressed by the permit holder, that it would not be something they could afford, both parties, the appellants and the permit holder have engineers that were advising on this, both gave maybe conflicting argument about the costs, but in the proposal that was put forwarded by the appellant, it does shift it forward and it builds over existing bearing wall, and it said, it was thought by the appellants engineer to be somewhat more affordable than what was previously proposed, and the Board accepted this agreement last night, granted the appeal and accepted the revised plans. The other item that was heard last night was 2825 Lake Street, which was also a variance and a discretionary review that we heard back in June. You had taken DR on the addition at the rear above a garage and have left others matters to me to decide as part of the variance, so I did grant the rear yard variance for encroachment in the rear yard at the first, second, third levels of the main building. It was reduced from what this commission had seen, but it did not fully address the concerns of the neighbors and they filed an appeal on the variance, so last night was just an appeal on the variance. One of the findings that we had in granting the variance was that the building was a historic resource, it was in a potential historical district, The Seacliff, the potential historic district, and the Board had trouble, I think they had concerns, about using that as a finding for justifying the variance. There was a motion to deny and to grant the appeal and deny the variance, that failed and there was not subsequent motion so the variance was uphold by matter of law, so that was the result on that. I am available for any questions.

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.

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.

- 9a. [2014.0925T](#) (P. CHASAN: (415) 575-9065)
ADOPTION 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 Adopt **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 Recommendation for Approval

SPEAKERS: None
 ACTION: Adopted a Recommendation for Approval
 AYES: Fong, Wu, Antonini, Hillis, Johnson, Moore, Richards
 RESOLUTION: 19342

- 9b. [2014.0925M](#) (P. CHASAN: (415) 575-9065)
ADOPTION 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 Adopt **General Plan Amendments** to the Rincon Hill Area Plan of the 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 Recommendation for Approval

SPEAKERS: None
 ACTION: Adopted a Recommendation for Approval
 AYES: Fong, Wu, Antonini, Hillis, Johnson, Moore, Richards
 RESOLUTION: 19343

10. [2015-000709PCA](#) (D. SÁNCHEZ: (415) 575-9082)
MESSAGE ESTABLISHMENTS ORDINANCE [Board File No. 141303] - **Planning Code Amendment** to require that massage establishments, as defined, obtain a Conditional Use permit; listing exceptions to that requirement; and making findings of public necessity, convenience, and welfare under Planning Code, Section 302, and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.
 Preliminary Recommendation: Adopt a Recommendation for Approval

SPEAKERS: + Cindy Comeford – Regulatory requirements for massage establishments
 + Supervisor Katy Tang – Proposed legislation
 + Wendell Anders – Human trafficking
 - Adam Gordon – Fair and balanced enforcement
 - Gary Witt – Certification, educational process

- Lena Louise – CU process
 - Candice Caines – CU process, successful massage establishment
 - Kathy Cheek – Sole proprietor exemption
 - (F) Speaker – Massage practitioner
 - + Regina Dick-Endrezzi - Small Business Commission recommendation
- ACTION: Adopted a Recommendation for Approval with the following:
1. CU for all new massage uses;
 2. New and existing massage establishments must obtain a publicly noticed permit from DPH;
 3. Three year review of establishments for lawful operation and compliance with conditions of approval;
 4. No re-establishment of a massage establishment at locations closed for code violations for a three year period;
 5. Remove massage from “Medical Service” definition for establishments that employ CAMTC certified therapists;
 6. Allow establishments to continue to operate as they move through the process;
 7. Sole practitioners are exempt from the CU process;
 8. Reconcile Article 2 changes; and
 9. Add a finding to include expedited review for small businesses.
- AYES: Fong, Wu, Antonini, Hillis, Johnson, Moore, Richards
- RESOLUTION: 19344

11. [2015-001077CUA](#) (K. GUY: (415) 558-6163)
168-186 EDDY STREET - northeast corner at Taylor Street; Lots 010 and 011 is Assessor’s Block 0331 - Request for **Conditional Use Authorization** of a building exceeding 50 feet in height within an RC District, pursuant to Planning Code Section 253, and of a Planned Unit Development, pursuant to Section 304, with specific modifications to Planning Code regulations related to rear yard, bulk, active street frontages, usable open space, and street-wall setbacks. The proposal is to construct a new 8-story, 88-foot tall mixed-use building containing approximately 103 affordable dwelling units, 5,300 gross square feet of ground-floor commercial space, community rooms, and no off-street parking. On March 26, 2009, the Planning Commission approved entitlements for a project at the site to construct a new 14-story, 130-foot tall mixed-use building containing approximately 153 affordable dwelling units, 14,250 gross square feet of ground-floor commercial space (Case No. 2007.1342CK). The term of these entitlements was extended by the Planning Commission on July 19, 2012. The actions currently being requested would extend the term of the previous approvals, and would amend the entitlements to reflect the reduced scale and revised design of the project. The subject property is located within the RC-4 Zoning District, the 80-130-T Height and Bulk District, and the North of Market Residential Special Use 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 with Conditions
- SPEAKERS: + Katie Lamont – Project presentation
 + David Baker – Design presentation
 + Rob Poole - Support
- ACTION: Approved with Conditions
- AYES: Fong, Wu, Antonini, Hillis, Johnson, Moore, Richards

MOTION: 19345

- 12a. [2013.1179CV](#) (T. CHANG: (415) 575-9197)
1700 MARKET STREET - north side of Market Street at the intersection of Haight Street and Gough Street, Lots 016 in Assessor's Block 0855 - Request for **Conditional Use Authorization** pursuant to Planning Code Sections 207.6 and 303 to modify the required unit mix, as less than 40% of the total number of proposed dwelling units on site contains at least two bedrooms. The proposal is to demolish the existing two-story commercial building and construct an eight-story 31,673 square foot mixed-use building with 48 dwelling units, 1,549 square feet of ground floor commercial space and 50 bicycle parking spaces, within a Moderate Scale Neighborhood Commercial Transit (NCT-3) District and 85-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 with Conditions

SPEAKERS: + Jim Reuben – Project presentation
 + Warner Shmaltz – Design presentation
 - April Veneracion, Aide to Supervisor Kim – CU precedence, negative impacts
 + Rob Poole – Challenging site, well designed
 - Jason Henderson – Deny CU request
 - Teresa Imperial – Units too small for families, no affordability component
 + Mike Roach – Difficult lot, good floor plan
 - Peter Cohen – Policy implications
 - Tim Collen – Support, uncertainty of housing development
 - Sue Hestor – Do not approve without conforming to the plan
 - Tess Welbourne – Conform to the 40% requirement
 + (M) Speaker – Support, important class of housing
 + Thomas Janik – Support

ACTION: After hearing and Closing public Comment, Continued to April 23, 2015
 AYES: Wu, Johnson, Moore, Richards
 NAYES: Antonini, Hillis, Fong

- 12b. [2013.1179CV](#) (T. CHANG: (415) 575-9197)
1700 MARKET STREET - north side of Market Street at the intersection of Haight Street and Gough Street, Lots 016 in Assessor's Block 0855 - Request for a **Variance** from Planning Code Section 136 (permitted obstructions) and a modification of the rear yard requirements (Planning Code Section 134), which the Zoning Administrator will consider following the Planning Commission's consideration of the request for Conditional Use Authorization. This project is located within a Moderate Scale Neighborhood Commercial Transit (NCT-3) District and 85-X Height and Bulk District.

SPEAKERS: Same as Item 12a.
 ACTION: After hearing and Closing public Comment, ZA Continued to April 23, 2015

- 13a. [2014.0965CV](#) (C. GROB: (415) 575-9138)
126-130 LAGUNA STREET - east side of the street between Haight and Waller Streets; Lot 013 in Assessor's Block 0856 - The project proposes to add two dwelling units into an existing five-unit multifamily building. The proposed units would be located within the existing basement, thereby not expanding the overall depth or width of the existing building. The project proposes to fill in the recesses between bay windows at the basement level. No work is proposed on the 1st, 2nd, and 3rd floor. Request for **Conditional Use Authorization**, pursuant to Planning Code Section 209.1(k)(209.4) to establish a dwelling unit density not exceeding one unit per 400 square feet of lot area. The project also requires a variance from Planning Code Section 135 (residential open space) and a modification of the rear yard requirements (Planning Code Section 134), which the Zoning Administrator will consider following the Planning Commission's consideration of the request for Conditional Use Authorization. The project site is located within a RTO (Residential Transit-Oriented) District and 40-X Height and Bulk Districts. 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.
Note: On 03/20/15 the Article Two Reorganization Ordinance (Board File 141253) will become effective. This Ordinance will change several references in the Planning Code, which may impact what sections of the Planning Code apply to this project. During this transition period, both the old and the new references are listed in this notice (motion/resolution) to avoid any confusion.
Preliminary Recommendation: Approve with Conditions
- SPEAKERS: + Robert Gillson – Project presentation
ACTION: Approved with Conditions
AYES: Wu, Antonini, Hillis, Johnson, Richards
ABSENT: Moore, Fong
MOTION: 19346
- 13b. [2014.0965CV](#) (C. GROB: (415) 575-9138)
126-130 LAGUNA STREET - east side of the street between Haight and Waller Streets; Lot 013 in Assessor's Block 0856 – Request for **Variance** pursuant to Planning Code Sections 134 and 135 to fill in a bay within the required rear yard, to provide less residential open space than required by the Planning Code and for said open space to be covered. The project proposes to add two dwelling units into an existing five-unit multifamily building. The proposed units would be located within the existing basement, thereby not expanding the overall depth or width of the existing building. The project proposes to fill in the recesses between bay windows at the basement level. No work is proposed on the 1st, 2nd, and 3rd floor. The project site is located within a RTO (Residential Transit-Oriented) District and 40-X Height and Bulk Districts.
- SPEAKERS: Same as Item 13a.
ACTION: After hearing and Closing Public Comment; ZA indicated an intent to Grant
- 14a. [2012.1553CV](#) (R. SUCRE: 415/575-9108)
1174-1178 FOLSOM STREET - located at the west side of Folsom between 8th and Rausch Streets, Lots 023 and 024 in Assessor's Block 3730 – Request for a **Conditional Use Authorization**, pursuant to Planning Code Sections 121.1, 303, 743.21 and 743.86, to

establish a non-residential use (office) larger than 4,000 square feet in the Folsom St Neighborhood Commercial Transit (NCT) Zoning District. The proposed project includes demolition of the two existing industrial buildings and the new construction of a six-story, mixed-use building with two ground floor retail spaces (collectively measuring 3,990 square feet), a second floor office space (approximately 5,988 square feet), and 42 single-room occupancy units on the third, fourth, fifth and sixth floors. The project site is located within the Folsom St NCT, Western SoMa Special Use District, and 65-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 with Conditions

SPEAKERS: + Erik Lin – Project presentation
 + David Baker – Design presentation
 + Tim Colen – Support
 + Thomas Janik – Support
 + Mike Roach – Support
 = Jamie Whitaker – Concern over micro units
 + Jake Shimano – Solo living
 = Jim Meko – Garage entrance location
 = Sue Hestor – SRO’s, short-term rentals, Planning Code amendment

ACTION: Approved with Conditions as amended to include a finding that encourages consideration for one way traffic through the alley.

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

ABSENT: Fong

MOTION: 19347

- 14b. [2012.1553CV](#) (R. SUCRE: 415/575-9108)
1174-1178 FOLSOM STREET - located at the west side of Folsom between 8th and Rausch Streets, Lots 023 and 024 in Assessor’s Block 3730 – Request for a **Variance** from the Zoning Administrator to address the requirements for open space (Planning Code Section 135) and exposure (Planning Code Section 140) for the proposed single-room occupancy (SRO) units. The proposed project includes demolition of the two existing industrial buildings and the new construction of a six-story, mixed-use building with two ground floor retail spaces (collectively measuring 3,990 square feet), a second floor office space (approximately 5,988 square feet), and 42 SRO units on the third, fourth, fifth and sixth floors. The project site is located within the Folsom St NCT, Western SoMa Special Use District, and 65-X Height and Bulk District.

SPEAKERS: Same as Item 14a.
 ACTION: After hearing and Closing Public Comment; ZA indicated an intent to Grant

- 15a. [2014.1426CV](#) (M. SMITH: (415) 558-6322)
4022 – 4026 24th STREET - north side of the street between Castro and Noe Streets; Lot 010 in Assessor’s Block 3656 - Request for **Conditional Use Authorization**, pursuant to Planning Code Sections 728.21, 728.41, and 303 to construct an addition at the rear of the building that would add two dwellings and expand the existing ground floor commercial space beyond the 2,499 gross square-foot use size limitation for the District and establish a restaurant with a type 47 ABC license (d.b.a. Tom Rai) that would retain the existing place

of entertainment use but amend the conditions of approval contained in Motion 8778 that pertain to the use to expand the hours and permit amplified entertainment. The project includes remodeling the storefront and adding a roof deck with two stair penthouses for access. The project also requires a parking reduction pursuant to Section 161 of the Code and a rear yard variance pursuant to Section 134 of the Code for the ground floor portion that extends into the required rear yard. The project site is located within the 24th Street/ Noe Valley Neighborhood Commercial District and 40-X Height and Bulk Districts. This action constitutes the Approval Action for the project for purposes of CEQA, pursuant to Section 31.04(h) of the San Francisco Administrative Code.

Preliminary Recommendation: Approve with Conditions
(Continued from Regular Meeting of March 19, 2015)

SPEAKERS: + Jeremy Paul – Project presentation
+ Ross Levy – Design presentation
- (F) Speaker – Amplified sound and extended hours
- Bruce Castlemon – Notice of hearing lack of information
- Amy Kennedy – Strong opposition
= (F) Speaker – Noise
+ Pedro Inny – Construction hours
+ Charles Salter – Sound
+ Terrance Allen – Willing owners and capable designers

ACTION: After hearing and Closed Public Comment; Continued to April 23, 2015

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

ABSENT: Antonini

- 15b. [2014.1426CV](#) (M. SMITH: (415) 558-6322)
4022 - 4026 24th STREET - north side of the street between Castro and Noe Streets; Lot 010 in Assessor's Block 3656 - Request for a **Variance** pursuant to Section 134 of the Planning Code to construct a three-story addition at the rear of a mixed-use building. The proposed addition would extend the depth of the building to the rear property line at the ground floor and add two dwelling units to the property. The project also requires a parking reduction pursuant to Section 161 of the Code. The project site is located within the 24th Street/ Noe Valley Neighborhood Commercial District and 40-X Height and Bulk Districts.
(Continued from Regular Meeting of March 19, 2015)

SPEAKERS: None

ACTION: After hearing and Closing Public Comment; ZA Continued to April 23, 2015

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.

16. [2014.1544D](#) (J. SPEIRS: (415) 575-9106)
2544 3RD STREET - west side between 22nd Street and 23rd Street; Lot 007 in Assessor's Block 4172 - Request for a **Mandatory Discretionary Review**, pursuant to Planning Code

Section 790.141 in association with Building Permit Application No. 2014.06.23.9115, proposing to establish a Medical Cannabis Dispensary (d.b.a.) "Dogpatch Collective" on the ground floor of an existing building, this project lies within the NCT-2 (Small Scale 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 with Conditions

SPEAKERS: None

ACTION: Continued to May 7, 2015

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

17. [2012.0978DRP](#) (C. TOWNES: (415) 575-9195)
896 DE HARO STREET - northwest corner of De Haro Street and Southern Heights Avenue, Lot 018 in Assessor's Block 4095 - Request for **Discretionary Review** of Building Permit Application No. 2012.04.24.9018 (New Construction) proposing a new four-level (three story over basement), two-unit residential townhome building with two off-street parking spaces within the Potrero Hill Neighborhood, RH-2 (Residential House, Two-Family) Zoning District and 40-X Height and Bulk District. This action constitutes the Approval Action for the project for purposes of CEQA, pursuant to Section 31.04(h) of the San Francisco Administrative Code.
 Staff Analysis: Full Discretionary Review
 Preliminary Recommendation: Take Discretionary Review and Approve as Modified
WITHDRAWN

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 - 6:28 P.M.