

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, May 7, 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 12:07p.m.

STAFF IN ATTENDANCE: John Rahaim – Planning Director, Rich Sucre, Chris Townes, Sara Vellve, Adrian Putra, Jeff Speirs, 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.

- 1a. 2013.0883DV (K. GUY: (415) 558-6163)
1364 PACIFIC AVENUE - north side of Pacific Avenue; Lot 020 in Assessor's Block 0155 – Request for **Discretionary Review** of Building Permit Application 2014.0812.3674 proposing to demolish the existing one-story commercial building and construct a new four-story building, reaching a height of 40 feet, containing one dwelling unit and ground-

floor retail space. The project is located within the Pacific Avenue Neighborhood Commercial 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 April 23, 2015)

(Proposed for Continuance to June 4, 2015)

SPEAKERS: + Eric Tang – In favor of continuance date
 - Kathleen Courtney – Continuance to 7/2
 - Robyn Toker – July 2nd
 - Ader Gandhi – table; on July 2nd

ACTION: Continued to July 2, 2015

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

- 1b. 2013.0883DV (K. GUY: (415) 558-6163)
1364 PACIFIC AVENUE - north side of Pacific Avenue; Lot 020 in Assessor's Block 0155 - Request for 1) **Rear Yard Modification** from Planning Code Section 134 to allow the first and second stories of the proposed building to encroach into the required rear yard, and 2) **Variance** to allow the proposed curb cut and driveway along Lynch Street to exceed the maximum parking entry width limitations of Planning Code Section 145.1. The project proposes to demolish the existing one-story commercial building and construct a new four-story building, reaching a height of 40 feet, containing one dwelling unit and ground-floor retail space, located within the Pacific Avenue Neighborhood Commercial District and 40-X Height and Bulk District.
 (Continued from Regular Meeting of April 23, 2015)
(Proposed for Continuance to June 4, 2015)

SPEAKERS: Same as Item 1a.

ACTION: ZA continued to July 2, 2015

- 2a. 2013.0884DV (K. GUY: (415) 558-6163)
1370 PACIFIC AVENUE - north side of Pacific Avenue; Lot 021 in Assessor's Block 0155 - Request for **Discretionary Review** of Building Permit Application 2014.0812.3679 proposing to demolish the existing one-story commercial building and construct a new four-story building, reaching a height of 40 feet, containing one dwelling unit and ground-floor retail space. The project is located within the Pacific Avenue Neighborhood Commercial 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 April 23, 2015)
(Proposed for Continuance to June 4, 2015)

SPEAKERS: Same as Item 1a.

ACTION: Continued to July 2, 2015

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

- 2b. 2013.0884DV (K. GUY: (415) 558-6163)

1370 PACIFIC AVENUE - north side of Pacific Avenue; Lot 021 in Assessor's Block 0155 - Request for 1) **Rear Yard Modification** from Planning Code Section 134 to allow the first and second stories of the proposed building to encroach into the required rear yard, and 2) **Variance** to allow the proposed curb cut and driveway along Lynch Street to exceed the maximum parking entry width limitations of Planning Code Section 145.1. The project proposes to demolish the existing one-story commercial building and construct a new four-story building, reaching a height of 40 feet, containing one dwelling unit and ground-floor retail space, located within the Pacific Avenue Neighborhood Commercial District and 40-X Height and Bulk District.

(Continued from Regular Meeting of April 23, 2015)

(Proposed for Continuance to June 4, 2015)

SPEAKERS: Same as Item 1a.

ACTION: ZA continued to July 2, 2015

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. [2013.0321AX](#) (R. SUCRE: (415) 575-9108)
901 TENNESSEE STREET - southeast corner of 20th and Tennessee Streets; Lot 017 in Assessor's Block 4108 - Request for a **Large Project Authorization (LPA)**, pursuant to Planning Code Sections 329, to demolish the existing building and construct a four-story residential building with up to 44 dwelling units, 33 off-street parking spaces, 88 Class 1 bicycle parking spaces, 2 Class 2 bicycle parking spaces, and private and common open space. The subject property is located within the Dogpatch Landmark District, UMU Zoning District and a 40-X Height and Bulk District. Under the LPA, the project is seeking a modification to certain Planning Code requirements, including: 1) rear yard (Planning Code Section 134); 2) permitted obstructions over the street, setback, yard or useable open space (Planning Code Section 136); 3) dwelling unit exposure (Planning Code Section 140); and, 4) accessory use provisions for dwelling units (Planning Code Sections 329(d)(10) and 803.3(b)(1)(c)). On April 15, 2015, the project was reviewed by the Historic Preservation Commission for a Certificate of Appropriateness (See Case No. 2013.0321A). This action constitutes the Approval Action for the project for purposes of CEQA, pursuant to Section 31.04(h) of the San Francisco Administrative Code.
 Preliminary Recommendation: Approve with Conditions

SPEAKERS: + Will Malar – Project presentation

+ Mike Pitter – Design presentation

- Kyrin Lyle – 5 projects in same vicinity negative impacts to pre-school

- Linda Tosch-Chambers – Mitigating measures for school children

ACTION: After being pulled off of Consent; Hearing and Closing public comment; continued to May 21, 2015

AYES: Wu, Fong, Hillis, Moore, Richards

NAYES: Antonini, Johnson

- 4a. [2013.1853CV](#) (C. TOWNES: (415) 575-9195)
 811 TREAT STREET - east side of Treat Avenue, between 21st and 22nd Streets; Lot 053 in Assessor's Block 3613 - Request for **Conditional Use Authorization**, pursuant to Planning Code Sections 207, 209.1 and 303, to allow residential density up to one dwelling unit per 1,000 square feet of lot area. Currently, the subject lot measures 7,348 square feet and has five dwelling units. The proposed project would construct two additional dwelling units by converting an existing rear storage shed into habitable area, thus resulting in a total of 7 dwelling units. The subject property is located within the 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 with conditions

SPEAKERS: + Tuija Catalano – Project description
 + (M) Speaker – Design presentation
 ACTION: After being pulled off of Consent; Hearing and Closing public comment; Approved with Conditions
 AYES: Wu, Fong, Antonini, Hillis, Johnson, Moore, Richards
 MOTION: 19370

- 4b. [2013.1853CV](#) (C. TOWNES: (415) 575-9195)
 811 TREAT STREET - east side of Treat Avenue, between 21st and 22nd Streets; Lot 053 in Assessor's Block 3613 - Request for a **Variance**, pursuant to Planning Code Section 134 and 305 to allow the proposed rear two-dwelling unit building to be encroach into the required rear yard. The subject property is required to maintain a rear yard of 45% of the lot depth. The subject building abuts the rear property line and is therefore legal non-conforming. The proposed conversion from storage into habitable space is an intensification of use that requires the building meet the current rear yard requirement; therefore, the Project requires a Variance. The subject property is located within the RH-3 (Residential, House-Three Family) Zoning District and 40-X Height and Bulk District. In addition, the project is requesting a Variance from the Zoning Administrator to address the requirements for rear yard (Planning Code Section 134). 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: Same as 4a.
 ACTION: After being pulled off of Consent and hearing; ZA Closed Public comment; and indicated an intent to Grant

C. COMMISSION MATTERS

5. Consideration of Adoption:
- [Draft Minutes for April 23, 2015 – Rules Committee](#)
 - [Draft Minutes for April 23, 2015](#)

SPEAKERS: None
 ACTION: Adopted

AYES: Wu, Fong, 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:

Thank you, I'd like to give in my opinion on something I've been watching, the Board of Supervisors in San Francisco for over 50 years, and unfortunately, there's been some regrettable legislation, that has come out from that particular board, but I think, one of the worst things I've heard is being considered now, which is a moratorium on market rate housing in the Mission. In terms of housing, less is not more, and even the premise is not accurate. We got a report in our recent study on the San Francisco Housing Inventory, which showed that among the districts in San Francisco, the Mission was 10th in units produced from somewhere between 3-75 units. I tried to get hold of staff, but I couldn't get a clarification, because they were two contradictory pages in the report, but obviously the problem might be not what's being built, but what isn't being built. So the idea that there is proliferation of a lot of housing there is not entirely accurate to begin with. And also the Mission is a desirable place, which it is good for us, I think generally, but stopping housing production is not going to slow down the desirability. It will just raise the prices of what is, remains there and everyone will bid it up, because that were they want to be. I'm not alone in these feelings. The Legislative Analyst Office produced a paper that I gave to all the Commissioners this year on California's high housing costs and they said the chief cost of these high housing costs particularly in coastal areas is lack of building enough housing to meet the demand. And also ABAG has produced a paper, that is also quite good about NIMBYs, it says, fighting development and driving up housing costs, and that also is another one. Also, the author of the New Geography of Jobs, Enrico Moretti, who is also a Mission District resident himself, has said, in part of his book that deals with controlling gentrification, "Curtailing new residential development also makes little sense. Moreover it is likely to accelerate the displacement of poor residents, not slow it down. Rationing new housing in a city, inevitably results in even higher real estate prices. It makes intuitive sense if there is a high demand for housing in a city, reducing supply can only raise the price." Additionally, a gentleman named Matt Iglesias, who is very progressive in his philosophy, he favors higher taxes, universal health care and income redistribution, but he is not in favor of less, he wants less housing regulation, and in a book entitled My Rent Is Too Damn High, he says, that the housing production, adding new housing production begets lower rents. So most of the people who have opined on this and most of the experts seem to agree with me and I hope that the Board of Supervisors is wise enough not to take up the measure and certainly, I would hope if it ever comes to the point where the voters of San Francisco are asked the same, I would like them to follow that. The other thing that is disturbing about this is, that there's a lot of talk about, the only ones welcomed in the Mission District, are people from particular ethnic groups. I don't believe in that kind of thing. We fought that thing in America for years, and particularly in San Francisco, where everyone is welcome anywhere in our city, anywhere in our country that

they choose to live and to try to restrict to one particular group is reverse redlining. I think it doesn't make any sense to me, so that's my position.

Commissioner Moore:

I'd like to remind the public this while this Commission acts as one body, the opinions expressed during Commissioners comments reflect those who make them.

Commissioner Richards:

A couple of things I mentioned to a few folks on staff last night, I would hope that at some point we can really make a determination, maybe through the affordable housing nexus process that we're going to be going through I think this year, to try to honestly figure out once and for all, whether new housing actually can cause a displacement, and if it does, and there is conclusive evidence, that we can actually have it now, we can mitigate it when it happens, I think that really would help inform this argument. I mean, I don't know one way or another. I see both sides here, the one thing that I would like to understand as I did see it in the press, that the staff is working with the folks in the Mission on the Mission 20/20 Plan, if potentially in the next couple of weeks, we could have a quick information on what that is, I think would be very informative.

D. DEPARTMENT MATTERS

7. [Director's Announcements](#)

Director Rahaim:

Good Afternoon Commissioners, Commissioner Richards we can certainly update you in the work we are doing with the Mission District on the fundamentals of that plan, which is to strategy how to increase the number of affordable units and protection of existing units. The only other announcement I have is to let the Commission and the public know that we, related to short-term rentals we have created an online scheduling appointment system so that those who want to register with the city to do short-term rentals can now schedule their appointment online at Sf-planning.org/shorttermrentals. This is actually for the scheduling of an appointment not for submitting the application, it is still required that we come in, that applicants come in person to submit the materials. Because we must review the actual materials submitted in order to approve a short term rental. I believe as of this week we are close 600 new applications and close to 300 actual registrations, so the numbers are slowly rising we're continuing to accept appointments, but now the public can do it online rather than calling in to make an appointment. That concludes my report for today unless there are questions. Thank you.

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

LAND USE COMMITTEE:

- **141303 Planning Code - Massage Establishments. Sponsor: Tang. Staff: Sanchez.** This ordinance would (1) eliminate the exception from Conditional Use Authorization for massage establishments that employ California state certified practitioners; (2) prohibit the re-establishment of a massage use for one year in the same location where one was closed because of Planning, Health or other Code violations; and (3) no longer consider

massage establishments that employ California state certified practitioners a Medical Service use.

The Planning Commission heard this item on March 26 of this year and recommended approval with modifications. The Planning Commission's modifications were: (1) Require all new and existing Massage Establishments to secure a permit through the Department of Public Health (DPH); (2) Require a three year review of Massage Establishments for lawful operation and compliance with conditions of approval; (3) Prohibit the re-establishment of a Massage Establishment in the same location that was closed due to Planning, Health or other Code violations for three years; (4) Allow existing Massage Establishments to continue to operate while they secure land use approvals; (5) Exempt Sole Practitioner Massage Establishments with only one Sole Practitioner from the Conditional Use Authorization requirement; (6) Reconcile the proposed Ordinance with recent changes to Article 2; and (7) Add a finding to explore an expedited Conditional Use Authorization process for small businesses. All but two of these recommendation are included in the final ordinance. Those that were not include are the recommendation that only one sole practitioner be allowed per store front, the ordinance allows four which is consistent with DPHs rules, and the three year review for new massage establishments.

At the Land Use Hearing, the committee received testimony from the DPH, Small Business Commission and the Department on the Status of Women. The testimony from DPH focused on the history of San Francisco's regulatory and enforcement efforts and the current number and location of massage establishments in the City. The Small Business Commission's testimony focused on the need to carefully craft legislation that does not overly burden legitimate massages establishment operators or those looking to establish a new massage establishment. The testimony from the Department on the Status of Women focused on the utility of the legislation on addressing the issue of human trafficking in San Francisco.

Public testimony was split between two general themes. One was against applying Conditional Use authorization to massage establishments in light of the costs and time of the process. The other was of the need to apply CU as a tool to help prevent and reduce the incidence of human trafficking.

Supervisor Wiener raised questions and regarding four issues. The first was whether the Planning Code could be amended to allow for an existing massage establishment to relocate to a different location but not need to secure a new land use entitlement. The second was whether the Planning Code name in Section 102 for massage establishments could be changed from "Massage Establishment" to "Health-Massage Service" because the massage community felt it necessary to emphasize that their field is in fact in the health profession field. The third question was whether the Planning Code could be amended to allow a chiropractor or other related licensed health professional to add a massage practitioner to their practice without the need for CU. The fourth was whether the CB3P program could be amended to allow Massage Establishments to participate, because the Supervisor felt that the existing CU process was time intensive and that the CB3P could solve for this problem. Supervisor Wiener asked that the Planning Department look into those four issues and provide a formal response.

After his comments, Supervisor Wiener duplicated the file and moved to continue the duplicated file to the call of the chair. This motion passed unanimously. Supervisor Tang made a technical clarification amendment to the original version of the ordinance. This motion passed unanimously. Supervisor Tang then made a motion to make a positive recommendation to the full BOS of the amended original version. This also passed unanimously.

- **150412 Interim Zoning Controls - Conditional Use Authorization for Medical Cannabis Dispensaries in Irving, Judah, Noriega, and Taraval Neighborhood Commercial Districts.** Sponsor: Tang. Staff: Starr. This interim control resolution would reinstate CU controls for MCDs in the four Sunset NCDs. These controls were inadvertently removed as part of the Article 2 ordinance, which modified the definition of an Active Commercial Use by adding MCDs to the list. Uses not defined as an Active Commercial Use require a CU in the four Sunset NCDs. One member of the public, who has an MCD application pending in one of these districts, came out and spoke in opposition. Supervisor Tang emphasized during the hearing that these controls were intended to reinstate controls that were removed as part of the Article 2 reorganization, a sentiment that was reiterated by Supervisor Wiener. With no other comment from the committee members, the Committee voted unanimously to recommend approval to the Full Board.

(Extra Message Notes: This was raised in light of the current climate of commercial rent increases and the need for existing massage establishments to relocate. This was raised because the Planning Code or the proposed ordinance do not provide an exemption from the CU process.)

FULL BOARD OF SUPERVISORS:

- **141298 Various Codes - Noise Regulations Relating to Residential Uses Near Places of Entertainment.** Sponsor: Breed, Wiener. Staff: D. Sanchez. Passed First Read
 - **150002 Planning Code - Landmark Designation - 182-198 Gough Street (aka the R.L. Goldberg Building).** Sponsor: Breed. Staff: Lammers, Frye. Was continued to May 12, 2015 to allow time the Lowell Robotics team to set up a Rube Goldberg machine in the Chambers foyer, which will be installed on Tues 5/12
 - **150412 Interim Zoning Controls - Conditional Use Authorization for Medical Cannabis Dispensaries in Irving, Judah, Noriega, and Taraval Neighborhood Commercial Districts.** Sponsor: Tang. Staff: Starr. Adopted on a 9-2 vote with Supervisors Avalos and Mar dissenting.
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INTRODUCTIONS:

- **150465 Planning Code - Accessory Use Entertainment in Specified Western South of Market Districts.** Sponsor: Kim. Ordinance amends the Planning Code to allow accessory use entertainment (with limited live performance permits) in the Western South of Market Mixed Use General and Regional Commercial Districts.

- **150461 Zoning - Interim Moratorium on New Residential Uses and Elimination of PDR Uses in a Portion of the Mission Area Plan of the General Plan.** Sponsors: Campos, Mar, Kim, Avalos, and Yee. Urgency Ordinance approving an interim zoning moratorium on the issuance of any permits to demolish, merge, convert, or construct housing projects, as defined, on the issuance of any permits to demolish, convert, or eliminate Production, Distribution and Repair (PDR), and to create an exception from the interim zoning moratorium for the issuance of permits for 100% affordable housing projects, as defined, and to allow the elimination of PDR uses where necessary to permit 100% affordable housing projects, in a portion of the Mission Area Plan of the General Plan (comprising the area bounded by the north side of Cesar Chavez from the east side of Valencia to the west side of Potrero; the west side of Potrero from the north side of Cesar Chavez to the south side of 20th Street; the south side of 20th Street from the west side of Potrero to the west side of Bryant; the west side of Bryant from the south side of 20th Street to the south side of Division; the south side of Division from the west side of Bryant to the east side of Valencia; the east side of Valencia from the south side of Division to the north side of Cesar Chavez).
- **150456 Planning Code - Measurement of Rooftop Appurtenances and Infill Spaces for Noncomplying Structures in C-3 Zoning Districts.** Sponsor: Mayor. Ordinance amending the Planning Code by adding a new Subsection 188(g) to modify the measurement methodology for rooftop appurtenances and create a process to authorize certain types of infill floor area in existing structures, located in a C-3 Zoning District, which exceed the current height limit; affirming the Planning Department's California Environmental Quality Act determination, and making findings of consistency with the General Plan, Planning Code, Section 302, and the eight priority policies of Planning Code, Section 101.1.

BOARD OF APPEALS:

The Board of Appeals did meet last night; a couple of items, 1050 Valencia Street is back, based upon a Superior Court decision last night the Board of Appeals vacated their decision on this project. The project itself is under construction, so today the Department of Building Inspection will be suspending the permits. The Board will have another hearing on this item on June 3rd to reconsider their findings and move on with that item. A couple of other items from last night, we had a rehearing request for 437 Duncan Street, this had been a Discretionary Review before you. The Board of Appeals denied the rehearing request. Also a rehearing request for 1049 Market Street, this was a release of suspension that have issued that the Board of Appeals overturned, requiring the permit to remain suspended because they believed that the permit is inaccurate and improperly issued. The Board denied that rehearing request. Finally, there was an appeal of 910 Carolina Street, which is demolition/new construction that was before this Commission on September 4th and unanimously approved. There were a lot of concerns raised by the appellants last night about the design of the building, and how it complied or did not comply with the Residential Design Guidelines. The Board of Appeals had some pretty serious concerns about the project. There were some very strong feelings about the building that didn't comply with the Residential Design Guidelines. They'd like a series of changes made to the project, removing a roof deck, having a setback at the third level at the front and the rear. It's a down sloping lot, so to the setback at the rear would better integrate with the topography, and maybe looking at some façade revisions, and that was continued to I believe to June 3rd as well, and in the interim we'll be working with the permit holder and the appellants on that matter and that is all.

HISTORIC PRESERVATION COMMISSION:
No Report

E. GENERAL PUBLIC COMMENT – 15 MINUTES

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

SPEAKERS: 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.

- 9a. [2013.1238CV](#) (S. VELLVE: (415) 558-6263)
1238 SUTTER STREET - north side between Polk Street and Van Ness Avenue; Lot 011 in Assessor's block 0670 - Request for **Conditional Use Authorization** pursuant to Planning Code Sections 253.2(a) and 303 to demolish the existing building (except Sutter Street façade) and construct a 9-story building with up to 37 dwelling units, ground-floor commercial spaces (± 5,000 sf) that front Sutter and Fern Streets and bicycle storage within the RC-4 (Residential Commercial Combined, High Density), Van Ness Special Use District and 130-V Height and Bulk District. This action constitutes the Approval Action for the project for the purposes of CEQA, pursuant to San Francisco Administrative Code Section 31.04(h).
 Preliminary Recommendation: Approve with Conditions.

SPEAKERS: Juancho Isadora – Project presentation
 ACTION: Approve with Conditions as amended by staff, incorporating the desing comments from Commissioners; with a minimum 13' setback on Sutter Street
 AYES: Wu, Fong, Antonini, Hillis, Johnson, Moore, Richards
 MOTION: 19371

- 9b. [2013.1238CV](#) (S. VELLVE: (415) 558-6263)
1238 SUTTER STREET - north side between Polk Street and Van Ness Avenue; Lot 011 in Assessor's block 0670 - Request for **Variiances** pursuant to Planning Code Sections 134 (rear yard) and 145.1 (street frontage) to construct a 9-story building with up to 37 dwelling units, ground-floor commercial spaces (± 5,000 sf) that front Sutter and Fern Streets and bicycle storage within the RC-4 (Residential Commercial Combined, High Density), Van Ness Special Use District and 130-V Height and Bulk District.

SPEAKERS: Same as Item 9a.

ACTION: After Hearing and Closing public comment; ZA indicated an intent to Grant

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.

10. [2014.1043D](#) (A. PUTRA: 415) 575-9079)

55 MONTANA STREET - south side of Montana Street between Summit Street and Plymouth Avenue, Lot 27 in Assessor's Block 7067 - Request for **Discretionary Review** of Building Permit Application No. 2013.08.01.3332 proposing to legalize and modify a one-story horizontal addition. The proposed modifications involve removing a section of the as-built addition located directly south of an encroaching "pop-out" belonging to the adjacent dwelling at 59 Montana Street. The property is located 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 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 DR and Approve

SPEAKERS:

- Isabel Paredes – DR Requestor presentation
- Amy Moran – No 311, request for significant revisions
- (M) Speaker – Mold, allergens
- Jennifer Moran – Opposition
- Kathy Lipscom – 311 Notice
- Christy Akim – 311 Notice
- Ian Herrow – City government
- Jackie Wright – Cith government

ACTION: Took DR and required a 7.5' setback from the property line

AYES: Wu, Antonini, Hillis, Moore, Richards

ABSENT: Johnson, Fong

DRA No: 0416

11. [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 a 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
(Continued from Regular Meeting of March 26, 2015)

SPEAKERS: None
ACTION: Took DR and Approved with Conditions as amended to include a six month written update regarding complaints and/or other issues.
AYES: Wu, Hillis, Johnson, Moore, Richards
NAYES: Antonini
ABSENT: Fong
DRA No: 0417

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 – 4:09 P.M.

