

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 14, 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 12:12 P.M.

STAFF IN ATTENDANCE: John Rahaim – Planning Director, 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. 2013.1762D (MICHAEL SMITH: (415) 558-6322)
372 SUSSEX STREET - north side between Diamond Heights Boulevard and Swiss Avenue; Lot 010 in Assessor's Block 7555 - **Staff Initiated Request for Discretionary Review** of Building Permit Application No. 2012.11.26.4748 proposing to construct a rear addition at the first story, a new second story and a roof deck with stair penthouse access above the existing single-family dwelling. This project is being brought back before the Commission

for Discretionary Review because the revised project does not comply with their decision in DRA-0359. The property is located within a RH-1 (Residential, House One-Family) District and 40-X Height and Bulk District.

Staff Analysis: Full Discretionary Review Analysis

Preliminary Recommendation: Do Not Take Discretionary Review and Approve
(Proposed for Continuance to May 28, 2015)

SPEAKERS: None

ACTION: Continued to May 28, 2015

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

- 2a. 2013.1521DDV (T. CHANG: (415) 575-9197)
22 ORD COURT - north side of Ord Court; Lot 067 in Assessor's Block 2619 - Request for **Discretionary Review** of 1) Building Permit Application 2013.1021.9832 proposing the vertical addition of an existing 3-story single-family-home, adding a 4th story and, 2) of Building Permit Application 2013.1021.9817 proposing the new construction of a 4-story single-family home in the required rear yard. The project is located within a RH-2 (Residential, Home, two-Family) Zoning District and 40-X Height and Bulk District. This action constitutes the Approval Action for the project for purposes of CEQA, pursuant to Section 31.04(h) of the San Francisco Administrative Code.
Preliminary Recommendation: Do Not Take Discretionary Review and Approve
(Continued from Regular Meeting of March 12, 2015)
(Proposed for Continuance to June 18, 2015)

SPEAKERS: None

ACTION: Continued to June 25, 2015

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

- 2b. 2013.1521DDV (T. CHANG: (415) 575-9197)
22 ORD COURT - north side of Ord Court; Lot 067 in Assessor's Block 2619 - Request for **Variance** from Planning Code Section 134 for the new construction of the single-family home in the required rear yard. The project is located within a RH-2 (Residential, Home, two-Family) Zoning District and 40-X Height and Bulk District.
(Continued from Regular Meeting of March 12, 2015)
(Proposed for Continuance to June 18, 2015)

SPEAKERS: None

ACTION: Assistant ZA Continued to June 25, 2015

- 3a. 2013.1522DDV (T. CHANG: (415) 575-9197)
24 ORD COURT - north side of Ord Court; Lot 066 in Assessor's Block 2619 - Request for **Discretionary Review** of Building Permit Application 2013.1021.9830 proposing the new construction of a 3-story single-family home in the required rear yard. The project is located within a RH-2 (Residential, Home, two-Family) Zoning District and 40-X Height and Bulk District. This action constitutes the Approval Action for the project for purposes of CEQA, pursuant to Section 31.04(h) of the San Francisco Administrative Code.
Preliminary Recommendation: Do Not Take Discretionary Review and Approve
(Continued from Regular Meeting of March 12, 2015)
(Proposed for Continuance to June 18, 2015)

SPEAKERS: None
 ACTION: Continued to June 25, 2015
 AYES: Wu, Fong, Antonini, Hillis, Johnson, Moore, Richards

- 3b. 2013.1522DDV (T. CHANG: (415) 575-9197)
24 ORD COURT - north side of Ord Court; Lot 066 in Assessor's Block 2619 - Request for **Variance** from Planning Code Section 134 for the new construction of the single-family home in the required rear yard. The project is located within a RH-2 (Residential, Home, two-Family) Zoning District and 40-X Height and Bulk District.
 (Continued from Regular Meeting of March 12, 2015)
(Proposed for Continuance to June 18, 2015)

SPEAKERS: None
 ACTION: Assistant ZA Continued to June 25, 2015

B. COMMISSION MATTERS

4. Consideration of Adoption:
 • [Draft Minutes for April 30, 2015](#)

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

5. 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'd like to report that the Sub-Committee on Rules met for the fifth time today, its last time, and the findings will be forwarded in written form to the full Commission. It was a very productive and good time and we had good participation and good discussions. The other point I'd like to make is I'd like to add to our action list an item that I am very interested in it and I have become increasingly concerned as we see many large projects changing owners, we would like to have a discussion or hear from the Department, what are the obligations that retain, are retained when a project just takes its entitlements, but needs to also consider or potentially consider obligations about particular concerns this Commission is fighting for? That is attitude towards the public realm, attitude about lightwells and specific building elements. I'd like just to throw those few to make, have the Director considering putting – giving us a report on that particular item.

Commissioner Antonini:

Just a couple of questions and comments on the whole drought situation, I am kind of curious what's really going on here because if you look in the paper everyday it tells all the different districts and what their normal for the day is as far as the reservoirs and where they are today. Well San Francisco predominate reservoir is Hetch Hetchy and normally it's at 60, today is 76, so it means we are considerably above what we normally would be for the year. So there are places particularly East Bay MUD and others in dire conditions, actually Marin is ahead of normal too, most of their water is from lakes out there. But, just - you know, I know that we supply another 1.5 or 1.6 million customers that are not the City of San Francisco, but even then, we are apparently 76%. So, I am just curious what - it seems to be this global policy that's statewide, but each district only gets the water that they have themselves, unless you know, there is some kind of trading of water. I think it's a little curious why we have parks and mediums that have been part of San Francisco for over a hundred years and we're letting them dry up. Careful management, you can take care of those things with small amounts of water and not lose. Once they are gone, it is going to cost a lot to replace them again. So, I would hope we can figure out how to do this in a reasonable way, without over reacting and trying to look like we are conserving even we don't have to. I hate to say that, but it certainly looks like that from the figures I am seeing here.

Commissioner Johnson:

Thank you very much, we definitely need to conserve and on a future date I will be asking about greywater infrastructure, but that is not my comment today. Last week when we were talking about a project that was happening in the Dogpatch, 901 Tennessee, I was again concerned about how we are encouraging neighborhood development and our streetscaping, specially our storefronts, active uses, I am not going to say retail, because you can have active uses that are not necessarily a retail business. I come from, you know, I came to the Planning Commission with a history in redevelopment and the successor to redevelopment, which were much more, had much more universal and global planning about how to create neighborhoods from scratch and so, this is my real question, because the master plan for the redevelopment area determined what the streetscapes would be, where the parks be, where would the storefronts be, how much square footage for commercial versus residential, so, it is major change to come over to the Planning Commission where now we are looking project by project and I am highly concerned that the incentives are not aligning to create livable neighborhoods particularly in the eastern neighborhoods, where we have a lot of development coming up. These neighborhoods are changing. They are no longer sort of out the way, back waters, where sort of our residential and services are more in city centers where people are maybe biking or transit, or walking or even driving, to get to them. There needs to be neighborhood serving retail. There need to be active uses on the streetscapes of these neighborhoods and I feel that incentives are not aligning for developers to do that on a project by project basis. So, I'd love to hear from the Department, once again we are looking at the action list, about how we can incentivize that sort of development? I am starting to believe that it is not enough to just encourage developers to do that in their own spaces, because if there is not enough of a (inaudible) of developers, who are planning their spaces all at the same time, like we have actually seen a couple projects sort of join forces, but for the most part that is not the case, we're never going to see it, we are going to come, we are going to look up the eastern neighborhoods, particularly focusing on the Dogpatch is going to be build out and all of those buildings are going to have ground floor residential, ground floor units, because no one wanted to build

commercial space on the ground floor, so high horse, I am getting on it today and I just want to say that I'd like to hear from the Department about ways that we can incentivize that development in the future.

Commissioner Richards:

Interestingly enough, today before I came into the Commission, I received my first political mailer on a land use ballot initiative. I think it is going to be long election season. This is for I guess the Giant's project, it's called Mission Rock, this is on May 17, May 14, May 17, the 14th, sorry. I understand, I was approach yesterday by folks of the Farmers Market for a ballot initiative for the Flower Mart so that makes two. I sat in a meeting last night with Commissioner Wu in the Mission hearing a lot of the issues that a lot of the folks in that neighborhood are faced with. So I imagine if the Board of Supervisors doesn't pass the Mission housing pause, also known as the moratorium, we probably be looking at three. And then I am also imaging there will be a fourth one for short term rentals. So, it looks like it is going to be an election season chock-full of land use ballot planning. On the short term rentals piece, I wanted to make a couple comments. First, the budget analyst this morning came out to report on the impact of short term rentals on the housing stock for the City, and I think, somewhere between what the one side is saying on the upper end, we were talking about 5,000 units and folks on the lower end saying it is just a couple hundred, and actually he came out with a range between 125 and 1,960 units being taken out of the market. These are total – these are units not bedrooms in homes, these are units. In some other neighborhoods that represents 30% of the actual vacant rental unit stock, some of the hardest neighborhoods that are hit have the highest of these units taken off the market: the Mission, the Castro being two of them. Another thing I read last night, while I was going to bed, and it kind of made me not able to sleep, I read an article, I think it was in the Sacramento Bee. Senator Mike McGwire from Healdsburg sponsored a Senate Bill 593 to regulate short term rental statewide. One of the things that came up in the discussion, I guess, with the committee when they were hearing it and we didn't know it and we were sitting here, discussing the short term rental bill was around enforcement, and in fact, there are already two municipalities that require short term rental registration numbers to be provided, Seal Beach and Sausalito, yet nobody from either side mentioned that while we were talking about it, certainly Mr. Owen didn't do it as well. And we thought it was going to be something brand new, and was going to be hard to do, but at least Airbnb and the other platforms are already doing it and that really disappoints me that we didn't have that piece of information when we were debating that, item #6 that day.

C. DEPARTMENT MATTERS

6. Director's Announcements

Director Rahaim:

Good Afternoon Commissioners, couple of items today. Today is Bike to Work Day. There was a lot people biking today, and I just want to thank all the Planning staff who really got out there and made it a big event, and encourage the entire Department. We must've had have a very high percentage rate of participation, I don't know how many, but I think it was well in excess of 50% of the Department who probably biked to work today, so I am very of that. I also I just want to thank my colleagues at MTA and DPW and Rec/Park who really have gone into this in a big way. The City now has over well 400 miles of bike lanes in the City and bike facilities and we are adding a rate of 40 to 50 miles a year. So it is great

testament to how we can make this work. Secondly, per Commissioner Moore's point out, that very issue of projects that change hands after entitlement is become an interesting issue, that I have had many inquiries from Commissioners and from Supervisors – one the issues that keeps coming up, is that new owners want to change the design and we struggle and so staff is actually having to repeat all of our work with developers on the same project over and over again and negotiate some of this work. So, I think it would be helpful for us to have a hearing on specifically to talk about the conditions of approval and what they do and don't say with respect to the design and the specificity of the design project, so, I would like to suggest that we do have a hearing in the future about that. Thirdly, Commissioner Richard's mention of the ballot measures reminds me, to remind all of us, about restrictions on when items are on the ballot and how we can or cannot be involved. I will resurrect the memo from the City Attorney's Office to send to Commissioners and to staff. It is obviously going to be an important election season that actually impacts the work of the Department, so it is important for us to also remind ourselves what we can and can't do with respect to the ballot measures so I'll pull that out as well. That concludes my report.

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

LAND USE COMMITTEE:

- **150017 Require CU For Certain Uses In Castro, 24 St/Noe, and Upper Market NCDs. Sponsor: Wiener. Staff: D. Sanchez.** This ordinance requires Conditional Use authorization for Business or Professional Services, Medical Services and Limited Financial Service uses located on at the first story within the Castro Street NCD, the 24th Street – Noe Valley NCD, the Upper Market Street NCD and parcels zoned NCT-3 along Market Street, West of Octavia Blvd. The Planning Commission heard the proposed Ordinance on April 23, 2015 and recommendation of approval with modification, which include:

To further study principally permitting Business or Professional Service uses on the third story and above in the subject NCDs.

At the Land Use Committee, Supervisor Wiener introduced the Ordinance, its goals, the community outreach conducted and the community support received to date. Public comment was supportive of the Ordinance, and expressed a desire to spread these controls across the City. Supervisor Wiener made a motion to move the Ordinance, without the recommended Planning Commission modification, with a favorable recommendation to the full BOS. This motion passed unanimously.

- **150148 Designation of 149-155 9th Street (Western Manufacturing). Sponsor: Planning. Staff: Lammers.** This ordinance amends the Planning Code to change the designation of 149-155 9th Street (aka the Western Manufacturing Company Building), from Category V (Unrated) to Category III (Contributory) under Article 11 of the Planning Code. On January 21, 2015 the San Francisco Historic Preservation Commission unanimously voted to recommend approval to the Board of Supervisors. At the land use hearing, Supervisor Kim moved to amend the Ordinance to include language that would allow the property to be included in

this year's round of Mills Act contracts. That amended was accepted by the Committee and the item was then unanimously recommended as amended to the Full Board.

- **150415 Hearing—Disposition of 30 Van Ness Avenue.** Sponsor: Campos, Kim & Mar. Staff: Rahaim. This was a hearing to review the disposition of 30 Van Ness Avenue. Supervisors Campos, Kim and Mar sponsored the hearing, and Supervisor Campos was sitting with the committee during the hearing. The issue at hand was weather 30 Van Ness, which is owned by the City and currently used for City offices, should be considered surplus property and sold to an affordable housing developer. City law requires surplus property to be offered to affordable housing developers first. 30 Van Ness is not deemed surplus because the building is fully occupied by city agencies, so the City's requirement that it be sold for affordable housing does not apply. The current plan for the property is to sell it and use the proceeds to build new city offices at the Goodwill site located at South Van Ness and Mission, which will also be the future home of the Planning Department. During the hearing Director Rahaim, John Updike, the Director of the Real Estate Division, and Olson Lee, the Director of the Mayor's Office of Housing and Community Development presented information and answered questions raised by the Committee. As this was a hearing and not an action item, the committee voted to file the item.

FULL BOARD OF SUPERVISORS:

- **141298 Various Codes - Noise Regulations Relating to Residential Uses Near Places of Entertainment.** Sponsor: Breed, Wiener. Staff: D. Sanchez. Passed its Second Read
- **150002 Planning Code - Landmark Designation - 182-198 Gough Street (aka the R.L. Goldberg Building).** Sponsor: Breed. Staff: Lammers. Passed its second read.
- **141303 Planning Code - Massage Establishments.** Sponsor: Tang. Staff: D. Sanchez. Passed its First Read

INTRODUCTIONS:

- **150503 Committee of the Whole - Urgency Ordinance - Zoning - Interim Moratorium on New Residential Uses and Elimination of Production, Distribution, and Repair Uses in a Portion of the Mission Area Plan of the General Plan - June 2, 2015.** Sponsor: Campos. Motion scheduling the Board of Supervisors to sit as a Committee of the Whole on June 2, 2015, at 3:00 p.m., to hold a public hearing to consider the proposed Urgency Ordinance for an Interim Moratorium on New Residential Uses and Elimination of Production, Distribution and Repair Uses in a Portion of the Mission Area Plan of the General Plan.
- **150496 Planning Code - Inclusionary Housing Requirements in the Eastern Neighborhoods.** Sponsor: Kim. Ordinance amending the Planning Code to eliminate the Rental Incentive from the Eastern Neighborhood Urban Mixed Use districts that permits project sponsors to lower their Inclusionary Affordable Housing requirements and applicable Eastern Neighborhood Public Benefit fee by

agreeing to maintain the units in their market rate development as rental units for 30 years.

- **150494 Planning Code - Residential Mergers; Permeable Surfaces and Landscaping Requirements.** Sponsor: Avalos Ordinance amending the Planning Code to require conditional use authorization for all residential mergers and to require compliance with landscaping and permeable surfaces requirements for building additions and residential mergers.
- **150461 REINTRODUCTION Zoning - Interim Moratorium on New Residential Uses and Elimination of Production, Distribution, and Repair Uses in a Portion of the Mission Area Plan of the General Plan.** Sponsor: Campos. 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, 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.

BOARD OF APPEALS:

Good Afternoon Commissioners, Corey Teague, Assistant Zoning Administrator, sitting for Scott Sanchez, Zoning Administrator, I was not at the Board of Appeals hearing last night, but he was and he did provide me with a report. There were three items heard by the Board of Appeals last night that would be of interest to this Commission. First was 1055 Ashbury Street. This item was previously heard by the Planning Commission as a joint DR and variance case. At a previous hearing on the appeal, the Board of Appeals continued the item with a request to the sponsor to reduce the massing at the rear, the sponsor submitted a revision with a three foot setback at the rear of the top level and the Board voted unanimously accept that revision. Second item was 300 Wawona Street. That item was previously heard at the Planning Commission as a DR, at that hearing the Commission voted unanimously to not take DR and approve the project. After the Commission hearing, a CEQA appeal was filed but withdrawn prior to the hearing, but last night the Board heard an appeal on the building permit. The appellant argued that the project did not comply with the rear yard requirement. Staff confirmed that the project was Code-compliant and the Board unanimously upheld that permit. Lastly, 3378 Sacramento Street, was a revocation request and that item was an appeal of a revocation request for a permit that was improperly issued for the subject property. The permit sought to establish a medical use in the Sacramento Neighborhood Commercial District, such uses are only permitted if the last legal use was a business and professional service use, which itself requires a conditional use authorization. In this case, the last known user of the property was a retail use as an art gallery that has been in place approximately 10 years; however, the permit stated that the existing use was a professional service use, the permit holder could not demonstrate that the permit was properly issued and the Board unanimously upheld the revocation request. And that is all I heard that was of interest to this Commission.

HISTORIC PRESERVATION COMMISSION:

No Report

D. 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: Rose Hillson – Rules Committee – Case reports vs packets
 Justin Allen Ryan – Illegal office conversions in the Mission, 351 Alabama
 Sue Hestor – EN-CAC communicating Com. Johnson’s request. Public’s suggestions for Rules consideration.

E. 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.

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

HOUSING POLICY INFORMATIONAL PRESENTATION - **Informational Item** - The Citywide Division’s work program is organized around 4 key challenges and aspirations, including Remaining an Equitable & Inclusive City. Staff will relate this challenge to ongoing and future housing policy work, with a particular focus on the Planning Commission’s role.
 Preliminary Recommendation: None - Informational

SPEAKERS: = Ted Egan, SF Controller’s Office – Housing Market
 + Dino Adelfio – Most informative presentation this year
 = Sue Hestor – AAU student housing and STR – impact to housing inventory
 = Peter Cohen – Workshop style conversation supply argument “Jobs-Housing fit”
 = Elizabeth DeYoung – Rent controlled apartment, absentee owners, international investments
 = Justin Allen Ryan – Data science
 = (M) Speaker – Rent Control Board – response to questions
ACTION: None – Informational

9. [2015-003697PCA](#) (D. SÁNCHEZ: (415) 575-9082)
REQUIRED STREET TREES [BOARD FILE NO. 150221] – **Code Amendments** introduced by Supervisor Wiener amending the Planning Code and the Public Works Code to shift the authority to require street trees in the case of certain types of development projects from the Planning Department to Public Works; to require a permit to perform major maintenance on street trees within a specified distance of general advertising signs, adopt a fee for such permit, and impose penalties for violations; to require a tree protection plan in advance of construction and adopt a fee for review and approval of the plan; to give specified Public Works staff enforcement authority; and affirming the Planning Department’s determination under the California Environmental Quality Act and making

other findings, including findings of consistency with the General Plan, Planning Code Section 302 and the eight priority policies of Planning Code Section 101.1.

Preliminary Recommendation: Adopt a Recommendation for Approval with Modifications

SPEAKERS: + Andres Power – Introduction to the legislation
 ACTION: Adopted a Recommendation for Approval with Modifications
 AYES: Wu, Fong, Antonini, Hillis, Johnson, Moore, Richards
 RESOLUTION: 19372

10. [2014.1019C](#) (E. JACKSON: (415) 558-6363)
1000 MISSISSIPPI STREET - west side of Mississippi Street, through lot to Texas Street, near 25th Street; Block 4224, Lots 015-016, and 037-040 - Request for **Conditional Use Authorization** for a Planned Unit Development (PUD) to construct four 4-story residential buildings on a single podium containing 28 dwelling units and 28 off-street parking spaces in an underground garage in a RH-3 (Residential, House Districts, Three-Family) Zoning District and 40-X Height and Bulk designation pursuant to Planning Code Section 304. Modifications, including density (Planning Code Section 209.1), rear yard (Planning Code Section 134), open space (Planning Code Section 135), exposure (Planning Code Section 140), and method of measurement for height (Planning Code Section 260) are being requested under the PUD provisions of the Planning Code. This proposal is to modify the previously approved project – Case No. 2006.0810CEK under Motion No. 17583 approved on April 17, 2008. 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
 (Continued from Regular Meeting of April 30, 2015)

SPEAKERS: + Melinda Sarjapur – Project presentation
 + Ian Virchil – Design presentation
 + Brian Reed – with modifications neighbor support
 ACTION: Approved with Conditions
 AYES: Wu, Fong, Antonini, Hillis, Johnson, Moore, Richards
 MOTION: 19373

11. [2004.0093C](#) (M. SMITH: (415) 558-6322)
SAN FRANCISCO OVERLOOK - (A.K.A 599 CRESTMONT DRIVE) located at the northern terminus of Crestmont Drive; Lots 025 and 028 in Assessor's Block 2636 - Request for **Conditional Use Authorization**, pursuant to Planning Code Sections 303 and 304, to amend Motion No. 18820 to modify a Planned Unit Development (PUD) to construct 29 dwelling units with 58 off-street parking spaces instead of the 34 dwelling units and 68 spaces that were originally approved. The subject property consists of two vacant lots totaling approximately 63,890 square-feet in size. Most other aspects of the project remain the same including the construction of an approximately 20-foot-wide, 700-foot-long private street. The project includes five single-family dwellings, seven duplexes, and the remaining 10 dwellings would be constructed as townhomes within a single building, resulting in a total of 13 structures on the site. The proposed buildings would measure between approximately 16 to 40 feet in height above the new street grade. The Project was granted variances from the landscaping and permeability requirement (Section 132), and requires PUD modifications for rear yard (Section 134), dwelling unit exposure (Section 140), and off-street parking exceeding accessory amounts (Section 157). The property is

located within a RM-1 (Residential, Mixed, Low-Density) Zoning District and 40-X Height and Bulk District. The Commission must also adopt CEQA Findings as part of the project approval. Department staff has prepared a note to file indicating that the revised project is covered under the March 7, 2013 Final EIR pursuant to Motion No. 18819. 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: + Gary Tesla – Project presentation
 + Adam Phillips – Project modifications
 ACTION: Approved with Conditions; as amended to include the findings read into the record by staff.
 AYES: Wu, Fong, Antonini, Hillis, Johnson, Moore, Richards
 MOTION: 19374

F. 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. [2014.1077D](#) (M. BOUDREAUX: (415) 575-9140)
1948 OCEAN AVENUE - The Request is for **Mandatory Discretionary Review** to modify the conditions of approval of Discretionary Review Action 0250 (Case No. 2011.0945D) which restricts alcohol sales. The project sponsor is requesting to remove the condition restricting alcohol sales. Through building permit application no. 2015.0127.6830 the project sponsor is making a request to add a Bar use at an existing Other Entertainment use, d.b.a. Legends Billiards Hall. The request is only to add the Bar use, which would allow the owner to obtain a Type 40 ABC license (beer only). Minors would be allowed on the premises. Full meals are not required; however, sandwiches or snacks must be available. The Other Entertainment use, billiards hall, has been permitted since 2011. This is within a Ocean Avenue NCT Zoning District and 45-X Height and Bulk District, and within the Balboa Park Station Plan Area. 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: Take Discretionary Review and Approve Project with Conditions

SPEAKERS: + Marsha Garland – Project presentation
 + Johnston Yao – Legends Billiards
 + Stephan Costallano – Venue
 + Blake Yee – Ingleside Terrace Neighborhood Association – letter
 + Dan Weaver – Support
 + Ronald Chei – Entertainment uses
 + Mike Yip – Destination points
 + Marilyn Harvey – Project presentation
 ACTION: Took DR and Approved with Conditions as Amended to include two six month written updates.

AYES: Wu, Fong, Antonini, Hillis, Johnson, Moore, Richards
 DRA No: 0418

13. [2013.1775DRM](#) (N. TRAN: (415) 575-9174)
 470 EDINBURGH STREET - west side between Persia and Brazil Avenues; Lot 6079 in Assessor's Block 012 - **Mandatory Discretionary Review**, pursuant to Planning Code Section 317(d), of Demolition Permit Application No. 2013.10.30.3162, proposing to construct a two-story over garage single-family dwelling within a RH-1 (Residential, House, One-Family) Zoning District and 40-X Height and Bulk District. This action constitutes the Approval Action for the project for the purposes of CEQA, pursuant to Section 31.04(h) of the San Francisco Administrative Code.
 Staff Analysis: Full Discretionary Review
 Preliminary Recommendation: Do Not Take Discretionary Review and Approve

SPEAKERS: None
 ACTION: No DR, Approved as proposed
 AYES: Wu, Fong, Antonini, Hillis, Johnson, Moore, Richards
 DRA No: 0419

G. PUBLIC COMMENT

At this time, members of the public may address the Commission on items of interest to the public that are within the subject matter jurisdiction of the Commission except agenda items. With respect to agenda items, your opportunity to address the Commission will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Commission has closed the public hearing, your opportunity to address the Commission must be exercised during the Public Comment portion of the Calendar. Each member of the public may address the Commission for up to three minutes.

The Brown Act forbids a commission from taking action or discussing any item not appearing on the posted agenda, including those items raised at public comment. In response to public comment, the commission is limited to:

- (1) responding to statements made or questions posed by members of the public; or
- (2) requesting staff to report back on a matter at a subsequent meeting; or
- (3) directing staff to place the item on a future agenda. (Government Code Section 54954.2(a))

ADJOURNMENT – 4:07 P.M.

Hearing Procedures

The Planning Commission holds public hearings regularly, on most Thursdays. The full hearing schedule for the calendar year and the Commission Rules & Regulations may be found online at: www.sfplanning.org.

Public Comments: Persons attending a hearing may comment on any scheduled item.

- ❖ When speaking before the Commission in City Hall, Room 400, please note the timer indicating how much time remains. Speakers will hear two alarms. The first soft sound indicates the speaker has 30 seconds remaining. The second louder sound indicates that the speaker's opportunity to address the Commission has ended.

Sound-Producing Devices Prohibited: The ringing of and use of mobile phones and other sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal of any person(s) responsible for the ringing or use of a mobile phone, pager, or other similar sound-producing electronic devices (*67A.1 Sunshine Ordinance: Prohibiting the use of cell phones, pagers and similar sound-producing electronic devices at and during public meetings*).

For most cases (CU's, PUD's, 309's, etc...) that are considered by the Planning Commission, after being introduced by the Commission Secretary, shall be considered by the Commission in the following order:

1. A thorough description of the issue(s) by the Director or a member of the staff.
2. A presentation of the proposal by the Project Sponsor(s) team (includes sponsor or their designee, lawyers, architects, engineers, expeditors, and/or other advisors) would be for a period not to exceed 10 minutes, unless a written request for extension not to exceed a total presentation time of 15 minutes is received at least 72 hours in advance of the hearing, through the Commission Secretary, and granted by the President or Chair.
3. A presentation of opposition to the proposal by organized opposition for a period not to exceed 10 minutes (or a period equal to that provided to the project sponsor team) with a minimum of three (3) speakers. The intent of the 10 min block of time provided to organized opposition is to reduce the number of overall speakers who are part of the organized opposition. The requestor should advise the group that the Commission would expect the organized presentation to represent their testimony, if granted. Organized opposition will be recognized only upon written application at least 72 hours in advance of the hearing, through the Commission Secretary, the President or Chair. Such application should identify the organization(s) and speakers.
4. **Public testimony from proponents of the proposal:** An individual may speak for a period not to exceed three (3) minutes.
5. **Public testimony from opponents of the proposal:** An individual may speak for a period not to exceed three (3) minutes.
6. Director's preliminary recommendation must be prepared in writing.
7. Action by the Commission on the matter before it.
8. In public hearings on Draft Environmental Impact Reports, all speakers will be limited to a period not to exceed three (3) minutes.
9. The President (or Acting Chair) may impose time limits on appearances by members of the public and may otherwise exercise his or her discretion on procedures for the conduct of public hearings.
10. Public comment portion of the hearing shall be closed and deliberation amongst the Commissioners shall be opened by the Chair;
11. A motion to approve; approve with conditions; approve with amendments and/or modifications; disapprove; or continue to another hearing date, if seconded, shall be voted on by the Commission.

Every Official Act taken by the Commission must be adopted by a majority vote of all members of the Commission, a minimum of four (4) votes. A failed motion results in the disapproval of the requested action, unless a subsequent motion is adopted. Any Procedural Matter, such as a continuance, may be adopted by a majority vote of members present, as long as the members present constitute a quorum (four (4) members of the Commission).

For Discretionary Review cases that are considered by the Planning Commission, after being introduced by the Commission Secretary, shall be considered by the Commission in the following order:

1. A thorough description of the issue by the Director or a member of the staff.
2. A presentation by the DR Requestor(s) team (includes Requestor(s) or their designee, lawyers, architects, engineers, expeditors, and/or other advisors) would be for a period not to exceed five (5) minutes for each requestor.
3. Testimony by members of the public in support of the DR would be up to three (3) minutes each.
4. A presentation by the Project Sponsor(s) team (includes Sponsor(s) or their designee, lawyers, architects, engineers, expeditors, and/or other advisors) would be for a period up to five (5) minutes, but could be extended for a period not to exceed 10 minutes if there are multiple DR requestors.

5. Testimony by members of the public in support of the project would be up to three (3) minutes each.
6. DR requestor(s) or their designees are given two (2) minutes for rebuttal.
7. Project sponsor(s) or their designees are given two (2) minutes for rebuttal.
8. The President (or Acting Chair) may impose time limits on appearances by members of the public and may otherwise exercise his or her discretion on procedures for the conduct of public hearings.

The Commission must Take DR in order to disapprove or modify a building permit application that is before them under Discretionary Review. A failed motion to Take DR results in a Project that is approved as proposed.

Hearing Materials

Advance Submissions: To allow Commissioners the opportunity to review material in advance of a hearing, materials must be received by the Planning Department eight (8) days prior to the scheduled public hearing. All submission packages must be delivered to 1650 Mission Street, Suite 400, by 5:00 p.m. and should include fifteen (15) hardcopies and a .pdf copy must be provided to the staff planner. Correspondence submitted to the Planning Commission after eight days in advance of a hearing must be received by the Commission Secretary no later than the close of business the day before a hearing for it to become a part of the public record for any public hearing.

Correspondence submitted to the Planning Commission on the same day, must be submitted at the hearing directly to the Planning Commission Secretary. Please provide ten (10) copies for distribution. Correspondence submitted in any other fashion on the same day may not become a part of the public record until the following hearing.

Correspondence sent directly to all members of the Commission, must include a copy to the Commission Secretary (commissions.secretary@sfgov.org) for it to become a part of the public record.

These submittal rules and deadlines shall be strictly enforced and no exceptions shall be made without a vote of the Commission.

Persons unable to attend a hearing may submit written comments regarding a scheduled item to: Planning Commission, 1650 Mission Street, Suite 400, San Francisco, CA 94103-2414. Written comments received by the close of the business day prior to the hearing will be brought to the attention of the Planning Commission and made part of the official record.

Appeals

The following is a summary of appeal rights associated with the various actions that may be taken at a Planning Commission hearing.

Case Type	Case Suffix	Appeal Period*	Appeal Body
Office Allocation	B	15 calendar days	Board of Appeals**
Conditional Use Authorization and Planned Unit Development	C	30 calendar days	Board of Supervisors
Building Permit Application (Discretionary Review)	D	15 calendar days	Board of Appeals
EIR Certification	E	30 calendar days	Board of Supervisors
Coastal Zone Permit	P	15 calendar days	Board of Appeals
Planning Code Amendments by Application	T	30 calendar days	Board of Supervisors
Variance (Zoning Administrator action)	V	10 calendar days	Board of Appeals
Permit Review in C-3 Districts, Downtown Residential Districts and Large Project Authorization in Eastern Neighborhoods	X	15 calendar days	Board of Appeals
Zoning Map Change by Application	Z	30 calendar days	Board of Supervisors

* Appeals of Planning Commission decisions on Building Permit Applications (Discretionary Review) must be made within 15 days of the date the building permit is issued/denied by the Department of Building Inspection (not from the date of the Planning Commission hearing). Appeals of Zoning Administrator decisions on Variances must be made within 10 days from the issuance of the decision letter.

**An appeal of a Certificate of Appropriateness or Permit to Alter/Demolish may be made to the Board of Supervisors if the project requires Board of Supervisors approval or if the project is associated with a Conditional Use Authorization appeal. An appeal of an Office Allocation may be made to the Board of Supervisors if the project requires a Conditional Use Authorization.

For more information regarding the Board of Appeals process, please contact the Board of Appeals at (415) 575-6880. For more information regarding the Board of Supervisors process, please contact the Clerk of the Board of Supervisors at (415) 554-5184 or board.of.supervisors@sfgov.org.

Challenges

Pursuant to Government Code Section 65009, if you challenge, in court, (1) the adoption or amendment of a general plan, (2) the adoption or amendment of a zoning ordinance, (3) the adoption or amendment of any regulation attached to a specific plan, (4) the adoption, amendment or modification of a development agreement, or (5) the approval of a variance, conditional-use authorization, or any permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Planning Commission, at, or prior to, the public hearing.

CEQA Appeal Rights under Chapter 31 of the San Francisco Administrative Code

If the Commission's action on a project constitutes the Approval Action for that project (as defined in S.F. Administrative Code Chapter 31, as amended, Board of Supervisors Ordinance Number 161-13), then the CEQA determination prepared in support of that Approval Action is thereafter subject to appeal within the time frame specified in S.F. Administrative Code Section 31.16. This appeal is separate from and in addition to an appeal of an action on a project. Typically, an appeal must be filed within 30 calendar days of the Approval Action for a project that has received an exemption or negative declaration pursuant to CEQA. For information on filing an appeal under Chapter 31, contact the Clerk of the Board of Supervisors at City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102, or call (415) 554-5184. If the Department's Environmental Review Officer has deemed a project to be exempt from further environmental review, an exemption determination has been prepared and can be obtained on-line at <http://www.sf-planning.org/index.aspx?page=3447>. Under CEQA, in a later court challenge, a litigant may be limited to raising only those issues previously raised at a hearing on the project or in written correspondence delivered to the Board of Supervisors, Planning Commission, Planning Department or other City board, commission or department at, or prior to, such hearing, or as part of the appeal hearing process on the CEQA decision.

Protest of Fee or Exaction

You may protest any fee or exaction subject to Government Code Section 66000 imposed as a condition of approval in accordance with Government Code Section 66020. The protest must satisfy the requirements of Government Code Section 66020(a) and must be filed within 90 days of the date of the first approval or conditional approval of the development referencing the challenged fee or exaction. For purposes of Government Code Section 66020, the date of imposition of the fee shall be the date of the earliest discretionary approval by the City of the subject development.

The Planning Commission's approval or conditional approval of the development subject to the challenged fee or exaction as expressed in its Motion, Resolution, or Discretionary Review Action or the Zoning Administrator's Variance Decision Letter will serve as Notice that the 90-day protest period under Government Code Section 66020 has begun.

[SF Housing Policy Part1 CPC FINAL.pdf](#)