

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, June 11, 2015
12:00 p.m.
Regular Meeting

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

THE MEETING WAS CALLED TO ORDER BY PRESIDENT FONG AT 12:10 P.M.

STAFF IN ATTENDANCE: John Rahaim – Planning Director, Carly Grob, Nicholas Foster, Kate Conner, Rich Sucre, 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. 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 April 23, 2015)

(Proposed for Continuance to June 25, 2015)

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

- 1b. 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 **rear yard 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 April 23, 2015)

(Proposed for Continuance to June 25, 2015)

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

2. 2015-000060CUA (A. PERRY: (415) 575-9017)
327 CAPITOL AVENUE - west side of Capitol Ave. between Broad and Farallones Streets; Lot 052 in Assessor's Block 7106 - Request for **Conditional Use Authorization**, pursuant to Planning Code Sections 303, 209.3(f), 710.81, and 790.50 to establish a Large Institution Child Care Facility (d.b.a. Little Bear School) for a maximum of 90 pre-school age children at the first and second floors of a former religious facility that will be vacating the building. The project is located within a Neighborhood Commercial Cluster Zoning District (NC-1), a Residential House, One-Family District (RH-1), 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.

(Continued from Regular Meeting of March 19, 2015)

(Proposed for Continuance to July 9, 2015)

SPEAKERS: None
 ACTION: Continued to July 9, 2015
 AYES: Fong, Antonini, Hillis, Richards
 ABSENT: Wu, Johnson, Moore

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. 2015-003838CND (C. GROB: (415) 575-9138)
1230 MASON STREET - east side of Mason Street between Jackson Street and Washington Street, Lot 017 in Assessor's Block 0191 - Request for **Condominium Conversion Subdivision** to convert a three-story-over-garage, six unit building into residential condominiums within an RC-3 (Residential-Commercial, Medium Density) Zoning District and 65-A 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, Antonini, Hillis, Richards
 ABSENT: Wu, Johnson, Moore
 MOTION: 19387

4. 2014-000914CUA (N. FOSTER: (415) 575-9167)
809 SACRAMENTO STREET - south side of the street between Grant Avenue and Stockton Street; Lot 029 in Assessor's Block 0242 - Request for **Conditional Use Authorization**, pursuant to Planning Code Sections 811.82 and 303, to establish a Public Use (Museum) (DBA "WWII Pacific War Museum") within the Chinatown Visitor Retail Mixed Use District and 50-N Height and Bulk District. This project has been reviewed under the Community Business Priority Processing Program ("CB3P") that was adopted by the Planning Commission on February 12, 2015 under Resolution Number 19323. 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: None
 ACTION: Approved with Conditions
 AYES: Fong, Antonini, Hillis, Richards
 ABSENT: Wu, Johnson, Moore
 MOTION: 19388

C. COMMISSION MATTERS

5. Consideration of Adoption:

- Draft Minutes for May 14, 2015 – Rules Committee
- Draft Minutes for May 28, 2015

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

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:

I grew up out in the Pleasanton/Livermore area. I happened to be out there the other day, driving along Bernal Avenue on my way to 680 and noticed that some land was under construction with the appearance that it might be developed; probably housing, couldn't really say what it was going to be, but the land is owned by the City of San Francisco, San Francisco PUC and we own a huge amount of land there to the south of Bernal Avenue, and part of that land was developed some years ago for residences and for a small shopping area, really well done. And my understanding was the City sold that land and some else developed it, I don't really know for sure, but I'm kind of curious as to what is going on with this parcel of land because I don't think it's wise to sell land. I mean, we should continue to hold that land, it is worth a lot, and when you hold it you get the revenue from the rental and you also get the appreciation, just like privately, it is wise to hold onto your land, particularly in very desirable areas and we should consider some of that land to be self-developed. We could build housing there. We could build affordable housing. We could build supportive housing. We could put a lot of mid-income housing out there and I'm not sure we would get the credit for the RHNA goals, because technically it's in Alameda County, even though it's our land, but the whole concept of dividing these RHNA goals up by counties, is kind of a fallacy because the whole Bay Area, is very behind on its housing needs and to kind of arbitrarily draw lines to certain point, particularly in the case of San Francisco, it doesn't make a lot sense. We should collectively as a region be able to meet these goals, and we should have shared RHNA objectives that go throughout the entire Bay Area. Anyway, that was also the subject of a meeting I attended yesterday, I was a guest at the Bay Area Council and one the subjects that was discussed was an assessment of our performance in providing housing units over the last 15 years and it is pretty abominable. This is not so much San Francisco; actually we are one of the better ones in comparison to a lot of the rest of the Bay Area, particularly the coastal regions. California as a whole has been really bad compared to the rest of the country, but particularly coastal California, for a variety of reasons, has been poor in providing additional housing, and all you have to do is look outside of the borders of San Francisco

and see very little being built in adjoining counties in most instances, it is a big problem but that was a very interesting hearing.

Commissioner Richards:

I received an e-mail from a citizen in, I think in District 2, who Supervisor Farrell's office had referred to me regarding what I call the stay of execution of a potentially landmarked tree. I read the process that was attached to it and I sent the nomination into the Department of Public Works or the Department of Forestry, thinking that was kind going to get the landmark tree designation process going. Unbeknownst to me, I realized that in the process it actually, since I was the nominator and I was allowed to nominate it; it should come before the Planning Commission and I asked to send all the paper work to the Secretary, to the President and Vice President of the Commission. I'd like to have that scheduled, if that process still holds true. It would be interesting process and it has not happened and didn't know it existed before.

Jonas Ionin, Commission Secretary:

In order to be nominated it would have to be by the Planning Commission or Director or the Historic Preservation Commission. That same person reached out to everyone, so if you wish through the direction of the Commission President, we could certainly calendar that for next week.

Commissioner Richards:

I'd love it.

D. DEPARTMENT MATTERS

7. Director's Announcements

Director Rahaim:

Good afternoon Commissioners, just one quick announcement, just a change of date of one item. You had continued this item 525 Harrison to, I think the middle of July and there was also a proposal to bring back a kind of design discussion with you at an earlier date to talk about the design of that building we talked later in June for that meeting, but we have moved that up to next week, to June 18th, so the design review discussion of that project will happen next week on June 18th. That's all I have for today. Thank you.

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

LAND USE COMMITTEE:

No Planning Department items

FULL BOARD OF SUPERVISORS:

- 150295 Administrative Code - Short-Term Residential Rentals. Sponsor: Campos, Mar, Avalos. Staff: Starr, Rodgers. Continued to July 14, 2015
- 150363 Administrative Code - Short-Term Residential Rentals. Sponsor: Mayor, Farrell. Staff: Starr, Rodgers. Continued to July 14, 2015

On Tuesday the Full Board considered the two competing Short-term Rental ordinances, one sponsored by Supervisor's Campos, Mar and Avalos, and one Sponsored by the Mayor and Supervisor Farrell. The Planning Commission heard these items at their April 23 hearing and took 15 separate votes on various motions. At the Full Board hearing, the Planning Department was represented by Director Rahaim, AnMarie Rodgers, Scott Sanchez and myself; however we were not called on during the hearing to answer any questions. Supervisor Farrell used his speaking time to make a motion to continue the two items one month to July 14. This motion was seconded by Supervisor Tang. Supervisor Campos asked that his ordinance be removed from the motion because he wanted a yes or no vote on his proposal that day. Supervisor Avalos used his opportunity to speak to make a motion to terminate debate and move the items to a vote, which requires a 2/3 vote. That motion was seconded by Supervisors Campos and Mar, but it ultimately failed on a 5 to 6 vote with Supervisors Breed, Christensen, Cohen, Farrell, Tang, and Wiener voting against the motion. When Supervisor Farrell's motion for continuance came up for a vote it passed 7 to 4 with Supervisors Avalos, Campos, Kim and Mar voting against the motion. In general, those supervisors that voted in favor of the continuance did so because they wanted more time to come up with an ordinance that the majority of the Board could vote for. In general, those that did not vote for the continuance were skeptical that a compromise could be reached in one month, **Summary of Board Activities Week June 8-12, 2015** Planning Commission Report: June 11, 2015 when the Board had already had 8 months to come up with a compromise ordinance.

INTRODUCTIONS:

- **150082 REINTRODUCTION Planning Code, Zoning Map - Establishing the Divisadero Street Neighborhood Commercial Transit District.** Sponsor: Breed. Staff: Starr. Ordinance amending the Planning Code to establish the Divisadero Street Neighborhood Commercial Transit District along Divisadero Street between Haight and O'Farrell Streets in place of the Divisadero Street Neighborhood Commercial District and make conforming and other technical changes to various other sections; amending the Zoning Map to make changes that conform with the Code amendments. Incorporate Commission's recommendations
- **150081 REINTRODUCTION Planning Code, Zoning Map - Establishing the Fillmore Street Neighborhood Commercial Transit District.** Sponsor: Breed. Staff: Starr. Ordinance amending the Planning Code to establish the Fillmore Street Neighborhood Commercial Transit District along Fillmore Street between Bush and McAllister Streets in place of the Fillmore Street Neighborhood Commercial District, amending various other sections to make conforming and other technical changes, amending the Zoning Map to make changes that conform with the Code amendments
- **150635 Hearing - Status Report on Legalization of Existing Dwelling Units Installed Without a Permit.** Sponsor: Breed(?). Staff: Connor. Committee: Land Use. Hearing on the status report prepared by the Department of Building Inspection and Planning Department on the legalization of dwelling units installed without a permit per Ordinance No. 43-14 after one year of implementation pursuant to Planning Code, Section 207.3.

BOARD OF APPEALS:

Zoning Administrator, Scott Sanchez: I do have the Board of Appeals report from last night, three items that the Commission may be interested in, the first was an appeal to Section 309 Authorization for 150 Van Ness that you approved earlier this year. There were multiple entitlements that were authorized for this project including a variance, conditional use. This was the only appeal, was on the Section 309 Authorization. As part of that I had determined that in your deliberations you could consider an exception from the

lot coverage requirement, which is 80 percent at floors at which not all of the units face a street and as the project was before you, there were units at every level that did not face onto the street, so it would have been subject to grade the 80 percent lot coverage requirement. The appeal challenged a couple items; first, that the Zoning Administrator had the authority to determine that you could hear that as a Section 309 Authorization. They also had concerns about the project itself and the impacts on the LePort School. The appeal was made by parents of the students of the LePort School and their concerns about the impacts on the property line windows of that property which is at 50 Fell. The Board considered these concerns and also during the appeal process, the appellants raised concerns about the calculations that were provided by the project sponsor. We did review those calculations and determined they were not completely accurate, before you was authorization for an exception for 83.4 percent, the calculation at the ground floor was more accurately 89 percent, which we found is not in conformance with the Commission's decision. At the second level it was 83.9 percent, a half percent off, which is about 200 sq. ft., which we said was in conformance, substantial conformance, with the Commission's decision, and above that the project was compliant. At the hearing, the Board did grant the appeal to make changes to the project to eliminate the need for an exception at the ground story and this was proposed by the project sponsor, they had three hotel rooms that were part of the project, hotel rooms that were meant to be for the tenants of the building, that they could have visitors to stay in short-term rental and those were moved to the spaces that were previously occupied by the dwelling units on the interior with that change there were no dwelling units that were facing, all dwelling units at the ground floor were facing the street, so there was no need for an exception at that level, and they upheld the rest of the project, so that was ultimately their decision and that vote was unanimous. Two other items, 2744 Steiner Street which was a discretionary review that you heard on December 18, there were concerns related to impacts of light and air to the adjacent property at 2748 Steiner which is to the north and downhill because this is a down slopping hill portion of Steiner, and with that there were -- the Commission did take DR on this and had a two foot six reduction and the extension of the project, something that the project sponsor had at one point proposed to the neighbor, but the neighbor rejected. There was still an appeal filed on it and the Board unanimously upheld the decision of the Planning Commission here. Last item, 435 10th Avenue, this was a DR that you heard on January 2nd, was a horizontal addition and the main concern stand from impacts on privacy. This had a deck that was set back about eight feet from the property line. There were stairs that were setback five feet and then further on additional three feet. The deck was set back and the Board unanimously upheld the Commission's decision not to take DR in that case as well and that's all I have to report.

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: Michael Nulty – SFGovTV broadcast
 David Welsh – Housing affordability in the Tenderloin
 John Nulty – Last names – speaker cards

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. 2012.0086EVX (K. CONNER: (415) 575-6914)
101 HYDE STREET - northwest corner of the intersection with Golden Gate Avenue; Lot 003A in Assessor's Block 0346 - Request for **Determination of Compliance** pursuant to Planning Code Section 309, with exceptions to the requirements for Rear Yard pursuant to Planning Code Section 134 and Reduction of Ground-Level Wind Currents in C-3 Districts pursuant to Planning Code Section 148. The proposed project is to construct an eight-story 85-unit housing project with approximately 4,923 square feet of ground floor retail space, and 15 off-street parking spaces at a property currently developed with a one-story United States Postal Service Facility. The Project Site is located within the C-3-G (Downtown General) Zoning District and 80-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: Approve with Conditions

SPEAKERS: + Paul Erickson – Project presentation
 + Albert Costa – Design presentation
 - David Welsh – Postal delivery
 - Paul Loring – Request for continuance
 - Alice Winstrom – Post office closure
 - Nick Pasquariello – Request for continuance, box holder notification
 - Vee Huen – General mail delivery
 - John Nulty – P.O. Boxes, continuance
 + David Sewer – Strong support
 - William Porter – Address change issue
 - Michael Nulty - Continuance

ACTION: Approved with Conditions
 AYES: Fong, Antonini, Hillis, Johnson, Richards
 ABSENT: Wu, Moore

- 9b. 2012.0086EVX (K. CONNER: (415) 575-6914)
101 HYDE STREET - northwest corner of the intersection with Golden Gate Avenue; Lot 003A in Assessor's Block 0346 - Request for **Variations** pursuant to Planning Code Sections 305, 136, and 140 to include a corner bay element that does not meet dimensional requirements and to provide 28 units in the subject building that do not meet exposure requirements. The proposed project is to construct an eight-story 85-unit housing project with approximately 4,923 square feet of ground floor retail space, and 15 off-street parking spaces at a property currently developed with a one-story United States Postal Service

Facility. The Project Site is located within the C-3-G (Downtown General) Zoning District and 80-X Height and Bulk District.

SPEAKERS: Same as Item 9a.

ACTION: Zoning Administrator 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. 2015-000207DRP (A. KIRBY: (415) 575-9133)
290 MAPLE STREET - northeast corner of Maple and Clay Streets; Lot 014 in Assessor's Block 0993 - Request for **Discretionary Review** of Building Permit Application No. 2014.08.29.5116, proposing to construct a 3'-2" horizontal expansion on the east wall at all levels of the three-story over garage, single-family residence located within a RH-1 (Residential – Housing, Single Family) District and 40-X Height and Bulk District. This action constitutes the Approval Action for the project for the purposes of CEQA, pursuant to Section 31.04(h) of the San Francisco Administrative Code.

Staff Analysis: Abbreviated Discretionary Review

Preliminary Recommendation: Do Not Take Discretionary Review and Approve

WITHDRAWN

11. 2014.1021DRP, -DRP 2, and -DRP 3 (R. SUCRE: (415) 575-9108)
530, 542 and 548 BRANNAN STREETS - north side of Brannan Street between 4th and 5th Streets, Lots 073-106, 107-138, and 139-174 in Assessor's Block 3777 - Request for **Discretionary Review** of Building Permit Application Nos. 2014.09.10.6016 (Alteration), 2014.09.10.6021 (Alteration), and 2014.09.10.6022 (Alteration) proposing a change in use from live/work to residential in an existing four-story building. At 530 Brannan Street, the proposal includes legalization of ten dwelling units, thus resulting in 32 live/work units and 10 dwelling units. At 542 Brannan Street, the proposal includes legalization of nine dwelling units, thus resulting in 36 live/work units and 9 dwelling units. At 548 Brannan Street, the proposal includes legalization of seven dwelling units, thus resulting in 34 live/work units and 7 dwelling units. None of the proposals include any exterior alterations to the subject property. The subject properties are located in the RED (Residential Enclave) 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: - Sue Hestor – DR presentation
 + Alan Murphy – Project presentation
 + Jose Cassano – Support
 = Joan Huen – Unanswered questions
 (M) Speaker – Response to questions

+ Anne Morrison – Response to questions
 ACTION: No DR
 AYES: Fong, Antonini, Hillis, Johnson, Richards
 ABSENT: Wu, Moore
 DRA No: 0421

12. 2014-1022DRP (R. SUCRE: (415) 575-9108)
208 PENNSYLVANIA STREET - east side of Pennsylvania Avenue between 18th and Mariposa Streets, Lots 053-074 in Assessor's Block 4000 - Request for **Discretionary Review** of Building Permit Application No. 2014.09.10.6023 (Alteration) proposing a change in use from live/work to residential in an existing two-story building. At 208 Pennsylvania Street, the proposal includes legalization of four dwelling units, thus resulting in 22 live/work units and 4 dwelling units. The proposal does not include any exterior alterations to the subject property. The subject properties are located in the UMU (Urban Mixed Use) 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: Same as Item 11.
 ACTION: No DR
 AYES: Fong, Antonini, Hillis, Johnson, Richards
 ABSENT: Wu, Moore
 DRA No: 0422

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 – 3:17 P.M.