

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, July 16, 2015
12:00 p.m.
Regular Meeting

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

THE MEETING WAS CALLED TO ORDER BY PRESIDENT FONG AT 12:05 P.M.

STAFF IN ATTENDANCE: John Rahaim – Planning Director, Wayne Farrens, Nicholas Foster, Paolo Ikezoe, Doug Vu, Diego Sanchez, Kimia Haddadan, Aarton Starr, Jonathan DiSalvo, Andrew Perry, Tina Chang, Sharon Young, 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. 2013.0159TZ (R. SUCRE: (415) 575-9108)
525 HARRISON STREET - The proposed **General Plan Amendment** would add text to Policies 3.3 and 3.4 of the Rincon Hill Area Plan to address modification of the tower spacing and tower bulk requirements of the San Francisco Planning Code. The proposed **Planning Code**

Amendment would add criteria to Planning Code Section 270(e) to allow for exceptions to the tower bulk, upper tower sculpting, and tower spacing requirements on Block 3764. The proposed **Zoning Map Amendment** would amend Height and Bulk District Map No. 01 (HT01) to decrease the height limit for Block/Lot 3764/063 from 65/400-R to 65/200-R. The Planning Commission hearing will be advisory to the Board of Supervisors who has final approval authority for the proposed amendment to the General Plan, Planning Code and Zoning Map.

Preliminary Recommendation: Adopt a Recommendation for Approval
(Proposed for Continuance to August 13, 2015)

SPEAKERS: = Sue Hestor – Two week case report
 ACTION: Continued to August 13, 2015
 AYES: Wu, Fong, Antonini, Moore, Richards
 ABSENT: Hillis, Johnson

- 1b. 2013.0159X (R. SUCRE: (415) 575-9108)
525 HARRISON STREET – located at the south side of Harrison Street between Essex and 1st Streets, Lot 063 in Assessor’s Block 3764 – Request for a **Downtown Project Authorization (DPA)**, pursuant to Planning Code Section 309.1, for the new construction of an 17-story residential tower with 179 dwelling units, 97 off-street parking spaces, 790 square feet of ground floor café, 120 Class 1 bicycle parking spaces, and 20 Class 2 bicycle parking spaces. Under the DPA, the project is seeking exceptions to the requirements for dwelling unit exposure (Planning Code Section 140) and tower bulk, upper tower sculpting, and tower spacing (Planning Code Section 270(e)(5)-Pending Legislation, See Case No. 2013.0159TZ). The subject property is located within the RH-DTR (Rincon Hill-Downtown Residential) Zoning District, and 65-X and 65/400-R Height and Bulk District.
 Preliminary Recommendation: Approve with Conditions
(Proposed for Continuance to August 13, 2015)

SPEAKERS: Same as Item 1a.
 ACTION: Continued to August 13, 2015
 AYES: Wu, Fong, Antonini, Moore, Richards
 ABSENT: Hillis, Johnson

- 2a. 2011.0586K (R. SUCRÉ: (415) 575-9108)
363 6TH STREET/GENE FRIEND RECREATION CENTER – Request to Jointly Consider with the Recreation and Park Commission **Raising the Cumulative Shadow Limit** for Gene Friend Recreation Center, pursuant to the jointly-approved Planning Code Section 295 Implementation Memo, adopted in 1989. Gene Friend Recreation Center is located on the west side of Folsom Street between 6th and Harriet Streets on Lots 010, 011, 012 and 111 in Assessor’s Block 3731. At 363 6th Street, the proposed project includes new construction of a nine-story, 85-ft tall, residential building with up to 104 dwelling units within the MUR (Mixed-Use Residential) Zoning District and 85-X Height and Bulk District. The subject park is located within a P (Public) Zoning District and 45-X/65-X/OS (Open Space) Height and Bulk District.
(Proposed for Continuance to September 17, 2015)

SPEAKERS: = Sue Hestor – Two week case report
 ACTION: Continued to September 17, 2015

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

- 2b. 2011.0586KX (R. SUCRÉ: (415) 575-9108)
363 6th STREET – located on the northwest corner of 6th and Clara Streets, Lot 079 in Assessor’s Block 3753 – Request for **Adoption of Findings**, pursuant to Planning Code Section 295, regarding the shadow study that concluded the new construction of a nine-story, 85-ft tall, residential building with up to 104 dwelling units would not be adverse to the use of Gene Friend Recreation Center, which is under the jurisdiction of the San Francisco Recreation and Park Commission. The subject property is located within the MUR (Mixed-Use Residential) Zoning District and 85-X Height and Bulk District.
(Proposed for Continuance to September 17, 2015)

SPEAKERS: Same as Item 2a.
 ACTION: Continued to September 17, 2015
 AYES: Wu, Fong, Antonini, Moore, Richards
 ABSENT: Hillis, Johnson

- 2c. 2011.0586KX (R. SUCRÉ: (415) 575-9108)
363 6th STREET – located on the northwest corner of 6th and Clara Streets, Lot 079 in Assessor’s Block 3753 – Request for a **Large Project Authorization (LPA)**, pursuant to Planning Code Section 329, for the new construction of a nine-story, residential building (measuring approximately 85-feet high and approximately 85,571 gsf) with up to 104 dwelling units, 45 off-street parking spaces, 700 square feet of ground floor commercial space, 102 Class 1 bicycle parking spaces, 7 Class 2 bicycle parking spaces, and private and common open space. 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) off-street parking (Planning Code Section 151.1). The subject property is located within the MUR (Mixed-Use Residential) Zoning District and 85-X 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).
(Proposed for Continuance to September 17, 2015)

SPEAKERS: Same as Item 2a.
 ACTION: Continued to September 17, 2015
 AYES: Wu, Fong, Antonini, Moore, Richards
 ABSENT: Hillis, Johnson

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. [2015-004580CND](#) (W. FARRENS: (415) 575-9172)

620-622 BAKER STREET – east side of Baker Street between Fulton and McAllister Streets, Lot 016 in Assessor's Block 1178; Request for **Condominium Conversion Subdivision** to convert a three-story, five-unit building into residential condominiums within a RH-3 (Residential, House, Three-Family) Zoning District and 40-X Height and Bulk District. This action constitutes the Approval Action for the project for the purposes of CEQA, pursuant to Section 31.04(h) of the San Francisco Administrative Code.

Preliminary Recommendation: Approve

SPEAKERS: None
 ACTION: Approved
 AYES: Wu, Fong, Antonini, Moore, Richards
 ABSENT: Hillis, Johnson
 MOTION: 19414

4. 2015-006073CND (W. FARRENS: (415) 575-9172)
2466-2472 BUSH STREET – north side of Bush Street between Scott and Pierce Streets, Lot 012 in Assessor's Block 0657; Request for **Condominium Conversion Subdivision** to convert a three-story, six-unit building into residential condominiums within a RH-3 (Residential, House, Three-Family) Zoning District and 40-X Height and Bulk District. This action constitutes the Approval Action for the project for the purposes of CEQA, pursuant to Section 31.04(h) of the San Francisco Administrative Code.
 Preliminary Recommendation: Approve

SPEAKERS: None
 ACTION: Approved
 AYES: Wu, Fong, Antonini, Moore, Richards
 ABSENT: Hillis, Johnson
 MOTION: 19415

- 5a. 2014.1186C (D. VU: (415) 575-9120)
25 ELGIN PARK - west side between Market Street and Duboce Avenue; Lot 111 in Assessor's Block 3502 – Request for **Conditional Use Authorization** pursuant to Planning Code Sections 209.4 and 303, to construct a fourth story that includes three new dwelling units above the existing three-story, nine unit multi-family dwelling located in the RTO (Residential Transit Oriented) District and 40-X 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: + Tony Pantaleoni – Project presentation
 + Ron Duddum – Sponsor comments
 - Charles Luge – Opposition
 ? Sue Hestor – STR or new housing
 = (M) Speaker – Construction nuisances
 ACTION: Approved with Conditions
 AYES: Wu, Fong, Antonini, Johnson, Moore, Richards
 ABSENT: Hillis
 MOTION: 19416

- 5b. [2014.1186V](#) (D. VU: (415) 575-9120)
 25 ELGIN PARK - west side between Market Street and Duboce Avenue; Lot 111 in Assessor's Block 3502 – Request for a **Variance** to allow construction of a fourth story with three new dwelling units above the existing three-story, nine unit multi-family dwelling pursuant to Planning Code Section 134, to use the existing building footprint to construct the addition and not reduce the noncomplying 6-foot 3-inch rear yard, Planning Code Section 135, to not add any usable open space for the new units to the existing nonconforming 873 square feet total, and Planning Code Section 140, to add one dwelling unit that does not face directly onto a public street, public alley at least 20 feet in width, side yard at least 25 feet in width or Code complying rear yard, located in the RTO (Residential Transit Oriented) District and 40-X Height and Bulk District.

SPEAKERS: Same as 5a.

ACTION: ZA closed the public hearing and indicated an intent to Grant

C. COMMISSION MATTERS

6. Consideration of Adoption:
- [Draft Minutes for July 2, 2015](#)

SPEAKERS: + Rose Hillson – Amending the minutes

ACTION: Adopted with Corrections

AYES: Wu, Fong, Antonini, Moore, Richards

ABSENT: Hillis, Johnson

7. 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 wanted to note, although it was on consent we had an item today with a couple of condo conversions and 11 out the 12 units involved, two separate projects, were owner occupied. This provides an avenue for homeownership for a lot of people, but unfortunately that won't be able to happen except for the ones that are now in the queue because I think, there is a ten year halt on any conversions of existing TICs after the ones we finished in. In the case of owner occupied units it is provided - - it is providing an avenue for people who might not otherwise be able to afford homeownership and allows them to separate themselves from other five owners or four owners, which is a difficult situation when you have to deal with a number of different parties and financial issues, but that's what the law is for now, maybe it can be improved in the future. The other thing I want to do is shout out for Ron Owens, those who listen to KGO know that Ron has been doing this since the mid 70's, probably almost around 40 years, and I think he's extremely well-spoken and very reasonable and unlike many talk show hosts, he doesn't have an axe to grind in either way, he seems to be very fair, but the reason I am giving a shout out, he's undergoing

surgery in the next week or two, he has Parkinson's disease, and he is going to have some serious surgery, but I hope does well. I don't get to listen to him that often, because is usually in the middle of the work day, but on the way to Planning Commission on Thursdays that is one the things I am able to do, is turn on KGO and hear Ron and he rarely disappoints me with his commentary and his ability to work with callers.

Commissioner Moore:

I'd like to ask we close today in memory of Evan Rose, a former colleague, urban designer, who many of us knew for quite few years, decades that is. He passed away unexpectedly last Sunday.

Commissioner Richards:

A question back for the staff on the two week report, do you think we'll be able to do that for these two projects?

Rich Sucre, Planning staff:

I think for 6th Street we can certainly accommodate the two weeks report, but the Harrison Street project, maybe a little more difficult given vacation timing and other factors.

Commissioner Richards:

Then I'd ask Ms. Hester to ask to work with you, whether that is going to happen or not. Thank you. A couple of things, first J.K. Dineen on Monday wrote a front page article on the housing balance monitoring report, which we got a copy of last week. It is a really good read for those or you, who were watching or for those of you in the audience. It actually talks how many affordable units we've built, over the past, I think, nearly ten years, how many were removed from protected rent control status. We produced 6,559 affordable units and we've removed 5,470. Those units are still being inhabited by people, but that really shows, we are kind of treading water on the affordability issue and that concerns me. Second item, I wanted to call your attention to, is in the Chronicle on Saturday, talks about livability issues, noise in san Francisco is growing, the noise complaints growing, I know the Commission here has received several noise complaints related, that we had to refer to the Zoning Administrator and I think subsequently to the Police Department. I keep wanting to remind people around housing housing housing, building housing, housing, housing, if there is a livability factor here, when we do we approve projects we need to try understand all balances, including how livable the projects are, including adding housing units to the City's housing stock. Thanks.

Commissioner Wu:

On the question of the two week reports, I wanted to ask even - - I think we should try to make an effort to have the two week report, but if not, the downtown project authorization, does that require a 10-day report anyways?

Scott Sanchez, Zoning Administrator:

In terms of getting the staff materials to the Commission I will double check.

Commissioner Moore:

I want to don't want to beat a dead horse, but completeness of packages and quality control, I think is extremely difficult for us, since we have a lot to do these days, to receive addendums, additional stuff, literally in the last hour, and then there are sometimes things

missing. So, I'd just believe that the essential infrastructure for looking at a report and all the things that are required needs to be pretty much in the package on the Thursday evening when we leave here. Because we all have different reasons how we study our stuff and just have to ask that this is more quality control and more attention to detailing.

D. DEPARTMENT MATTERS

8. [Director's Announcements](#)

Director Rahaim:

Commissioners, I was also going to ask as Commissioner Moore did that, that we adjourned the meeting in honor of Evan Rose today. Evan, if I just may spend a couple minutes, he was with the Department for eight years in the 90s and developed some the first urban design plans for the City. He developed the Urban Design Access Plan for the Waterfront in the 90s, he initiated and implemented San Francisco's Downtown Streetscape Planning, I think was the first plan of that type that we have done. He worked on the early Transbay plans as well, after leaving here he went onto the SMWM, he lead an urban design practice for eleven years, and created the New York office of that firm, worked on projects all over the country and other countries as well. He was also a professor of design at Columbia, where he also received an award for distinguished teaching by members of that faculty. He was -- while he lived in New York in the recent years, he was active in San Francisco still in a number of projects and is well known to the architecture and the urban design community in San Francisco. I think that would be a great honor to close the meeting in his honor today. Thank you.

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

LAND USE COMMITTEE:

- **150584 Zoning** - Interim Prohibition on Commercial Mergers in the Proposed Calle 24 Special Use District. Sponsors: Mayor, Campos. Staff: D. Sanchez. On June 2, 2015 Supervisor Campos introduced an Urgency Ordinance (BF 150584) for an interim prohibition on commercial storefront mergers of greater than 799 gross square feet in the proposed Calle 24 Special Use District, which generally includes all lots bounded by 22nd street, Potrero Avenue, Cesar Chavez and Capp Street, and includes both sides of 24th Street from Capp Street to Bartlett Street. The Urgency Ordinance would be in effect initially for 45 days from the date of enactment, with an option to extend for up to two years.

Calle 24 is a community planning process involving community stakeholders in collaboration with The Mayor's Office of Economic and Workforce Development and Supervisor Campos's office. The Planning Department has also been involved. While community stakeholders have been meeting independently for some time, the process with the City began in 2014. The aim of the planning process is to formulate land use and economic development policies that serve to preserve and enhance the continued vitality and community in 24th Street area.

According to Supervisor Campos, one of the main goals of the Urgency Ordinance is to maintain smaller and affordable commercial spaces within the 24th Street commercial

corridor. The Mayor's Office of Economic and Workforce Development noted that other goals of the Urgency Ordinance are to retain existing businesses and provide time to develop permanent strategies, including land use regulations and economic development strategies, for smaller commercial spaces in the corridor.

During the hearing, Supervisor Wiener expressed understanding of the issue, but argued that a prohibition would have unintended consequences in both the short and long-term. Supervisor Wiener argued that a Conditional Use authorization was a preferred control, and one that has been implemented on various occasions for similar commercial corridor concerns.

Supervisor Kim commented that she has witnessed a number of changes in the 24th Street corridor and was in support of an interim control that would provide the community and the City the time to formulate nuanced permanent controls to address concerns about the loss of smaller, local businesses and the ownership and employment opportunities they provide. Supervisor Cohen commented that she was in support of the interim controls, but that she would watch to confirm if the process was inclusive of all community members. Public comment was divided into two camps. Those in support believed the interim controls were necessary to formulate permanent controls to address the changes in the 24th Street corridor. Those in opposition believed that the interim controls were too restrictive, that they were formulated from a closed process and that a CU process could provide the necessary pause to formulate improved commercial controls. At the end of public comment, Supervisor Cohen moved to forward the Urgency Ordinance to the Full Board's July 28 hearing with a positive recommendation. Supervisors Cohen and Kim voted in favor and Supervisor Wiener was opposed.

• **150348 Planning Code - Applying Inclusionary Housing Requirements to Group Housing.** Sponsors: Avalos, Kim. Staff: Haddadan. The Land Use Committee also heard an Ordinance sponsored by Supervisors Avalos and Kim that clarifies that the inclusionary requirements in Section 415 do apply to group housing projects. The Planning Commission heard this item on July 2nd and voted 5-2 for approval with modifications. The modifications were as follows:

1. Apply exposure requirements to group housing and allow a Zoning Administrator partial waiver from the exposure requirements for all group housing bedrooms or the group housing common room.
2. Clarify that the inclusionary group housing bedrooms would be priced as 75% of the maximum purchase price for studio units if the bedrooms are less than 350 square feet.
3. Allow on-site inclusionary group housing rooms to be exempt from density calculations; and
4. Request the Planning Department to conduct a study on group housing definitions and requirements and specifically propose appropriate ratios to require common rooms in group housing projects.

This item also included some amendments proposed by Supervisor Christensen regarding the existing provisions for affordable bonus units in certain C-3 Districts. While this proposed amendment was discussed in the case report, the Planning Commission found that they did not have enough information to recommend approval or disapproval of

these amendments and indicated that they would like the amendments to come back to the Commission as a separate ordinance.

At the Land Use Committee the Committee, Supervisor Wiener proposed to amend the ordinance to include Supervisor Christensen's proposed amendments. This amendment was added by a unanimous vote. Supervisor Wiener then proposed an amendment to include the Planning Commission's proposed modifications. This was also approved unanimously. Then Supervisor Wiener proposed one final modification to the Ordinance that would change the income qualification for inclusionary units from 55% of AMI to 90% of AMI. This amendment was passed by a 2-1 vote with Supervisor Kim voting against it. The item was then continued for one week so that the Committee could consider the amended ordinance at the next land use committee hearing.

FULL BOARD OF SUPERVISORS:

- **150357 Planning Code - Rincon Hill Streetscape Master Plan. Sponsor: Kim. Staff: Chasan.** Passed its second and final read
- **150401 General Plan Amendments - Rincon Hill Streetscape Master Plan. Sponsor: Kim. Staff: Chasan.** Passed its second and final read
- **150081 Planning Code, Zoning Map - Establishing the Fillmore Street Neighborhood Commercial Transit District. Sponsor: Breed. Staff: Starr.** Passed its second and final read
- **150082 Planning Code, Zoning Map - Establishing the Divisadero Street Neighborhood Commercial Transit District. Sponsor: Breed. Staff: Starr.** Passed its second and final read
- **150295 Administrative Code - Short-Term Residential Rentals. Sponsors: Camos, Mar, and Avalos. Staff: Starr, Rodgers, Rahaim.** First Read, Item 6
- **150363 Administrative Code - Short-Term Residential Rentals. Sponsors: Mayor, Farrell. Staff: Starr, Rodgers, Rahaim.** First Read.

The two short-term rental ordinances came back to the Board after being continued from the last hearing. At the start of the hearing, Supervisor Campos offered amendments to his proposed ordinance that would prohibit units that had been subject to an Ellis Act eviction from being used as short-term rentals, a provision that the other STR ordinances contained and one that he stated was always his intention to include. The amendment was accepted by the Board on a unanimous vote.

Then Supervisor Farrell offered two amendments to his ordinance that would incorporate two of the Planning Commission's proposed recommendations, one that would amend the ordinance so that the administrative hearing would be optional and one that removed the provision for cross examination during the administrative hearing. These two amendments were also unanimously accepted.

Supervisor Yee then proposed an amendment that would require notification to neighbors within 100' of the subject property and neighborhood groups in RH-1 and RH-2 Districts. Supervisor Farrell spoke in opposition to the proposed amendments because they were too broad, but asked if adding these amendments to his ordinance would compel Supervisor Yee to vote for it. Supervisor Yee said it would not but that he anticipated

Supervisor Farrell's would pass and that he wanted to improve it with this amendment. Supervisor Wiener also spoke in opposition to Yee's amendment also stating that it was too broad. Yee's amendment eventually failed on a 5 to 6 vote.

Supervisor Christensen then offered an amendment to Supervisor Farrell's ordinance that would require quarterly reporting by hosts on the number of nights they rent out their units, and the removal of the 120-day hard cap in Supervisor Farrell's ordinance. She also proposed duplicating Supervisor Farrell's ordinance so that it could be sent back to the Land Use Committee to further discuss the appropriate number of days a unit could be rented out as a short-term rental. This amendment was supported by Farrell and was added to the ordinance by a unanimous vote.

Supervisor Yee then proposed another amendment this time only requiring notification to neighbors within 100 feet of a subject property in RH-1(D) Districts. This more limited noticing requirement was added to the ordinance by a unanimous vote.

Supervisor Campos made one final amendment to his ordinance, changing the number or days a unit could be rented out as a Short-term rental from 60 days to 75 days for both hosted and non-hosted rentals. This amendment was accepted by a unanimous vote. Finally the two ordinances came up for a vote. Supervisor's Campos's ordinance was voted on first, which failed to pass on a 5 to 6 vote with Supervisors Campos, Mar, Kim, Avalos and Yee voting for the ordinance. Supervisor Farrell's ordinance came up next with the proposed amendments by Supervisor Christensen and Yee. This ordinance ultimately passed on a 6 to 5 vote with Supervisor's Wiener, Farrell, Christensen, Cohen, Breed, and Tang voting in favor. The duplicated file was then sent back to the Land Use Committee for further consideration on adjusting the number of nights that a unit could be rented out as a short-term rental.

Should Farrell's ordinance become effective, the number of nights allowed for hosted rentals will remain, for now, unlimited, and the number of nights for un-hosted rentals will also remain, for now, at 90 days. However host will be required to report quarterly to the department on the number of nights their unit has been rented, and there will be a new office of Short-Term Rentals.

INTRODUCTIONS:

- **150766 Hearing - Student Housing Needs and Production. Sponsor: Wiener.** Staff: TBD. Hearing to review student housing need and production, including number of full-time students in the City, and projections for future enrollment, number of student housing units currently available, catalogue of new student housing projects in the pipeline, challenges that affect the production of student housing, and recommendations on process and legislative improvements; and requesting the Planning Department to report.
- **150752 DUPLICATED FILE Administrative Code - Short-Term Residential Rentals. Sponsor: Mayor, Farrell.** Staff: Starr. Ordinance amending the Administrative Code to revise the Residential Unit Conversion Ordinance to: limit short-term rental of a residential unit to no more than 120 days per calendar year; revise the definition of interested parties who may enforce the provisions of Chapter 41A, through a private right of action to include permanent residents residing within 100 feet of the residential unit; create an additional private right of action under certain circumstances; change the administrative hearing process from mandatory to at the

request of any party found in violation of this Chapter; create an Office of Short-Term Residential Rental Administration and Enforcement staffed by the Planning Department, Department of Building Inspection, and Tax Collector's Office; and affirming the Planning Department's determination under the California Environmental Quality Act.

• **150365 REINTRODUCTION Planning, Administrative Codes - Construction of Accessory Dwelling Units. Sponsor: Wiener. Staff: Haddadan.** Ordinance amending the Planning Code to allow the construction of Accessory Dwelling Units (also known as Secondary or In-Law Units) within the boundaries of Board of Supervisors District 8; amending the Administrative Code to correct section references; affirming the Planning Department's determination under the California Environmental Quality Act; making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and directing the Clerk of the Board of Supervisors to send a copy of this ordinance to the California Department of Housing and Community Development after adoption.

BOARD OF APPEALS:

Board of Appeals did meet last night, but I think there wasn't really anything of interest to the Commission.

HISTORIC PRESERVATION COMMISSION:

Good Afternoon Commissioners, Tim Frye, Department staff, here to share with you a couple items from yesterday's Historic Preservation Commission. The Historic Preservation Commission Architectural Review Committee met yesterday to review 72 Ellis, which is also on your calendar today. Mr. Foster will pass out the ARC memo to you at the time of that item, but the Commission wanted me to convey to the Planning Commission how much they appreciate working in a collaborative way especially in regards to design review very supportive of this Commission referring the item back to them for review. When the full Commission convened one of the first items on their calendar was President Wolfram's appointment of Commissioner Aaron Hyland to either be part of the Working Group or the Advisory Group for the Port of San Francisco's Waterfront Plan Update. The Port was in attendance and was supportive of that appointment, and most certainly will keep you posted, as well Commissioner Hyland will keep the full Commission posted of any developments as part of those working groups. The Commission then moved on its only entitlement at yesterday's hearing, which was 855 Stevenson, this is the sky-bridge connecting the San Francisco at 1355 Market, which is a Category I building under Article 11 on Planning Code to 875 Stevenson. The Architecture Review Committee also reviewed the design for this project at a previous hearing and was very supportive of the design. The Commission voted unanimously in support of the project along with staff's recommendation and conditions of approval. The item will be before this Commission at your August 6th hearing. The Commission then initiated landmark designation on the Cowell House, in the Forest Hill neighborhood, at 170-171 Marcos - - San Marcos Avenue, the building - - the residential building is significant for primarily two reasons, one, it was the location of Henry Cowell's innovative salon, he was an ultra-modern-experimental musician during the 1920s and 1930s. He performed there on a regular basis. The property was owned by his father and stepmother, the second is the building was designed by a notable architect Morrow & Morrow, the husband and wife team that designed the Golden Gate Bridge, are also responsible for this residential structure constructed in 1938. Finally, the Commission reviewed a request by a community member to initiate landmark designation for 2215 Leavenworth Street, this is a single family home near the Lombard's steps, and the property owner was requesting initiation of landmark designation based on

the information that the property owner provided, the Commission thinks there may be a larger district, which this building will be contributed to, however, did not feel the building was individually eligible for a local landmark designation, so, while supportive, the HPC asked the property owner to explore creating a larger district with their surrounding neighbors and reapplying at a future date. That concludes my comments, unless you have any questions.

10. [2015-003740IMP](#) (N. FOSTER: (415) 575-9167)
50-70 OAK STREET – north side of Oak between Franklin Street and Van Ness Avenue, Lot 027 in Assessor’s Block 0834; Informational presentation on San Francisco Conservatory of Music’s **Abbreviated Institutional Master Plan (IMP)**, pursuant to Planning Code Section 304.5. The Abbreviated IMP contains information on the nature and history of the institution, the location and use of affiliated buildings, and development plans.
 Preliminary Recommendation: None – Informational
- SPEAKERS: + Larry Badiner – AIMP presentation
 + Sue Hestor – Good AIMP that addresses its impacts
 + Paul Werner – Good AIMP
 + Christopher Martin – Excellent AIMP, exposes the AAU
- ACTION: None - Informational
11. [2013.0180CX](#) (N. FOSTER: (415) 575-9167)
72 ELLIS STREET – north side of Ellis between Stockton and Powell Streets, Lot 011 in Assessor’s Block 0327; **Informational Presentation** on the final design of previously-approved 11-story, 130-foot tall, 66,227 gsf hotel with 156 guest rooms and approximately 9,583 gsf of ground- and second-floor retail. The project was approved on November 15, 2001 by Motion Nos. 16283 and 16284 in Case No. 2000.383CX.
 Preliminary Recommendation: None – Informational
- SPEAKERS: + Tuija Catalano – Project presentation
 + Architect – Design presentation
 + John LaFortune – Sponsor comments
 = Marelen Morgan – Design comments
 = Sue Hestor – Changing conditions
 = Paul Werner – Concern over length of project authorization
- ACTION: None - Informational
12. (P. IKEZOE: (415) 575-9137)
[DOWNTOWN PLAN MONITORING REPORT 2014 \(5 YEAR UPDATE\)](#) – **Informational Presentation** Chapter 10E of the San Francisco Administrative Code requires the Planning Department to complete annual reports as well as a detailed update every 5 years to measure development trends in the Downtown against the goals of the Downtown Plan of the San Francisco General Plan. The report discusses employment and development trends, transportation, housing, fiscal revenues and other topics pertaining to the Downtown C-3 district for the period covering 2008-2014. This is an informational item only, no action is necessary. The report is available for the public at the Planning Department and can be downloaded from the website at: http://www.sf-planning.org/ftp/files/Citywide/Downtown_Plan_Monitoring_Report_2014.pdf.
 Preliminary Recommendation: None – Informational

SPEAKERS: = Sue Hestor – Office evolution, fee adaption
 ACTION: None - Informational

E. GENERAL PUBLIC COMMENT – 15 MINUTES

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

SPEAKERS: Rose Hillson - Please amend proposed "Hearing Submittal Guidelines" timeline for submission/mailling documents to the public. The **flawed 14-day process period** for Planning/Repromail does not give public requested 2 weeks advance notice per the Executive Summary. Planning has case information months in advance for report. Planning's rush to adopt this schedule knowing first-class snail mail is frequently delayed up to 4 days from postmark in SF creates an **avoidable** deliberate delay to public when electronic and regular mail receipt being unequal. With vital case reports not due until **after** Commission packets are posted on the website, these Guidelines cause the **public to be blind** of critical time-sensitive information essentially rendering them unable to provide input at the hearing. Planning and Commission - - who serve the public - - should adopt CSFN's "21, 19, 18, 16 days prior to" timeline (May 28, 2015 letter) to allow fair process.
 Larry Badiner – Evan Rose
 Jim Meko – WSOMA Community plan
 Jake McGoldrick – Teachers union, living in SF, IMP's, AAU

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.

13. [2015-005859PCA](#) (A. STARR: (415) 558-6362)
INITIATION OF THE 2015 CODE CORRECTIONS ORDINANCE [BOARD FILE NO. TBD] - Planning Code Amendment to correct errors, update the Code, and make non-substantive language revisions to simplify and clarify text; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan and the eight priority policies of Planning Code Section 101.1.
 Preliminary Recommendation: Adopt a Resolution to Initiate and Schedule a hearing on or after August 13, 2015

SPEAKERS: - Rose Hillson – Substantive amendments
 = Paul Weber – Article 2 amendments
 = Marlene Morgan – Additional dialogue
 ACTION: Adopted a Resolution to Initiate and Scheduled a hearing for August 13, 2015

AYES: Wu, Fong, Antonini, Johnson, Moore, Richards
 ABSENT: Hillis
 MOTION: 19420

14. [2015-006759PCA](#) (D. SANCHEZ: (415) 575-9082)
ACCESSORY USE ENTERTAINMENT IN SPECIFIED WSOMA DISTRICTS [BOARD FILE NO. 150465] - **Planning Code Amendment** introduced by Supervisor Kim to allow accessory use entertainment (with Limited Live Performance permits) in the Western South of Market Mixed Use General and Regional Commercial Districts; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code Section 101.1.
 (Continued from Regular Meeting of July 9, 2015)
 Preliminary Recommendation: Approve

SPEAKERS: + Danny Yaegar – Aide to Supervisor Kim – Project legislation
 + Jocelyn Kane – Small venues for entertainment
 + Case Lewis – Support
 + Patrick Navarrete – Support
 + John Oneaga – Support

ACTION: After being called out of order, Adopted a Recommendation for Approval
 AYES: Wu, Fong, Antonini, Johnson, Moore, Richards
 ABSENT: Hillis
 RESOLUTION: 19417

- 15a. [2015-005464PCA](#) (K. HADDADAN: (415) 575-9068)
PLANNING CODE AMENDMENTS TO ALLOW ACCESSORY DWELLING UNITS IN DISTRICT 8 [BOARD FILE NO. 150365] - **Planning Code Amendment** to allow the construction of Accessory Dwelling Units (also known as Secondary or In-Law Units) within the boundaries of Board of Supervisors District 8; amending the Administrative Code to correct section references; affirming the Planning Department's determination under the California Environmental Quality Act; making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and directing the Clerk of the Board of Supervisors to send a copy of this ordinance to the California Department of Housing and Community Development after adoption.
 Preliminary Recommendation: Adopt a Recommendation for Approval with Modification

SPEAKERS: + Supervisor Wiener – Introduction to legislation
 + Supervisor Christensen – Impacts to District 3
 + Madeline Sowdet – Support for ADU
 = Paul Weber – Request for continuance, outreach to community
 + Rob Poole – Momentum for ADU's
 - Edward Mason – Housing is a citywide issue, not the responsibility of individual districts
 = Lisa Fromer – No notice of proposed legislation
 + Richard Ow – Support
 + Tracy Ow – Tenant issues, support ADU
 + (F) Speaker – Support
 + Alex Koo – Support

- + Laura Clark – Strongly urges ADU citywide
- + Jessie – Tenant issues with illegal in-law units
- + Lee Hue Long – There are good landlords
- + (F) Speaker – Solution to housing crisis
- = Rose Hillson – process, notification
- + Jay Chang – Realtor support for rent controlled units
- + (M) Speaker – Vacant storage rooms that can be converted into two dwelling units
- + Josephine Chow – Support for ADU, combat housing shortage
- = Sue Hestor – Need more information property assessment?

ACTION: After being called out of order, Adopted a Recommendation for Approval with modifications, including a prohibition on conversion of retail spaces.

AYES: Fong, Antonini, Johnson, Richards

NAYES: Wu, Moore

ABSENT: Hillis

MOTION: 19418

- 15b. [2015-007459PCA](#) (K. HADDADAN: (415) 575-9068)
CONSTRUCTION OF ACCESSORY DWELLING UNITS IN DISTRICT 3 [BOARD FILE NO. 150585] - **Planning Code Amendment** to allow the construction of Accessory Dwelling Units (also known as Secondary or In-Law Units) within the boundaries of Board of Supervisors District 3; amending the Administrative Code to correct section references; affirming the Planning Department's determination under the California Environmental Quality Act; making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and directing the Clerk of the Board of Supervisors to send a copy of this Ordinance to the California Department of Housing and Community Development after adoption.
 Preliminary Recommendation: Adopt a Recommendation for Approval with Modification

SPEAKERS: Same as 15a.

ACTION: Adopted a Recommendation for Approval with modifications, including a prohibition on conversion of retail spaces

AYES: Fong, Antonini, Johnson, Richards

NAYES: Wu, Moore

ABSENT: Hillis

MOTION: 19419

16. [2015-001201CUA](#) (J. DISALVO: (415) 575-9182)
899 VALENCIA STREET - east side of the street between 19th and 20th Streets; Lot 113 in Assessor's Block 3596 - Request for **Conditional Use Authorization**, pursuant to Planning Code Sections 121.2, 145.4, 726.21, and 303, to establish a new approximately 7,100 square foot medical services use (dba Sutter Pacific Medical Foundation) within the existing vacant ground floor commercial space located in the Valencia Street NCT and 55-X Height and Bulk District. The project exceeds the non-residential use size limitation of 2,999 square feet in the Valencia Street NCT Zoning District. Additionally, the project exceeds more than 75 contiguous linear feet of ground floor commercial frontage along Valencia Street. No building expansion is proposed. 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

(Continued from Regular Meeting of May 21, 2015 & July 2, 2015)

Please Note: On May 21, 2015, after Hearing and closing Public Comment; the Commission directed the Sponsor to consider independently accessible retail spaces and Continued to July 2, 2015 by a vote of +7 -0.

On July 2, 2015, after Hearing and closing Public Comment; the Commission approved a motion of Intent to Disapprove, with the option for the Sponsor to revise the Valencia Street frontage to incorporate the Commission's concern for retail activation on the ground floor, and Continued the matter to July 16, 2015.

SPEAKERS: + (F) Speaker – Project modifications

- (F) Speaker – Opposition

- Steven Shula – Opposition

- David Averback – Strongly opposed

- Nick Paquieiello – Opposed

- Lisa Fromer – Retail not enough

- Marlene Morgan – Parking

- Jefferson McArley – Not a very active

ACTION: Approved with Conditions as modified, including:

1. A six month update on marketing of retail space; and

2. Business door to remain open and operable during normal hours

AYES: Fong, Antonini, Johnson, Richards

NAYES: Wu, Moore

ABSENT: Hillis

MOTION: 19421

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.

17. [2011.1083DRP](#) (T. CHANG: (415) 575-9197)
 1434 45TH AVENUE - east side of 45th Avenue; Lot 024A in Assessor's Block 1809 - Request for **Discretionary Review** of Building Permit Application 2014.0520.6208 proposing the vertical and horizontal expansion of an existing one-story-over-garage single-family dwelling unit, adding two bedrooms and three bathrooms. The project is located within a RH-1 (Residential, Home, One-Family) Zoning District and 40-X Height and Bulk District. The issuance of the building permit by the Department of Building Inspection or the Planning Commission project approval at a discretionary review hearing would constitute as the Approval Action for the project for the purposes of CEQA, pursuant to Section 31.04(h) of the San Francisco Administrative Code.
 (Continued from Regular Meeting of June 25, 2015)
 Staff Analysis: Abbreviated Discretionary Review
 Preliminary Recommendation: Do Not Take Discretionary Review and Approve

SPEAKERS: - Linda Hinkle – DR presentation
 - Anna Berado – Big monster coming
 + Alex Gordon – Project presentation
 - Thera- Parking and size
 Verna Maniput
 ACTION: Took DR and Approved as modified
 AYES: Wu, Antonini, Johnson, Moore, Richards
 ABSENT: Fong, Hillis
 DRA No: 0427

18. [2014-002214DRP](#) (A. PERRY: (415) 575-9017)
134 ATHENS STREET - northwest side of Athens Street between Valmar Terrace and Peru Avenue; Lot 006 in Assessor's Block 5959 - Request for **Discretionary Review** of Building Permit Application No. 2014.03.21.1426 proposing the construction of a new, three-story, single-family dwelling to replace a home that was demolished by fire, within a RH-1 (Residential House, One-Family) Zoning District and 40-X Height and Bulk District. The new home would be slightly larger than the previous structure, with approximately 1850 square feet, and with new building mass at the rear second story, and third story.
 Staff Analysis: Abbreviated Discretionary Review
 Preliminary Recommendation: Do Not Take Discretionary Review and Approve

SPEAKERS: - Mary Wong – DR presentation
 + Jason Shields – Project presentation
 ACTION: After being called out of order, No DR
 AYES: Wu, Fong, Antonini, Johnson, Moore, Richards
 ABSENT: Hillis
 DRA No: 0426

19. [2014.0395D](#) (S. YOUNG: (415) 558-6346)
735-737 CLAYTON STREET - west side between Waller and Frederick Streets; Lot 009 in Assessor's Block 1253 - Request for **Discretionary Review** of Building Permit Application No. 2013.08.22.5028 proposing to convert storage space to a dwelling unit on the fourth floor of an existing two-unit residential building within a RH-3 (Residential, House, Three-Family) Zoning District and 40-X Height and Bulk District. The project would not expand the existing building envelope. 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: Abbreviated Discretionary Review
 Preliminary Recommendation: Do Not Take Discretionary Review and Approve

SPEAKERS: - Brian Mickey – DR presentation
 - David McFarland – Opposed
 - Mike Brothers – Opposed
 + Tuija Catalano – Project presentation
 - Norv Vervil – Character of the neighborhood
 ACTION: No DR
 AYES: Fong, Antonini, Johnson, Moore, Richards
 NAYES: Wu
 ABSENT: Hillis

DRA No: 0428

H. PUBLIC COMMENT

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

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

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

ADJOURNMENT – 6:43 P.M.