

# 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, October 15, 2015**  
**3:00 p.m.**  
**Regular Meeting**

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

THE MEETING WAS CALLED TO ORDER BY PRESIDENT FONG AT 3:06 P.M.

STAFF IN ATTENDANCE: John Rahaim – Planning Director, Wayne Farrens, Maia Small, Menaka Mohan, 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. 2011.0671X (R. SUCRE: (415) 575-9108)  
1395 11ND STREET/790 PENNSYLVANIA AVENUE - located on the north side of 22<sup>nd</sup> Street at Texas Street and on the west side of Pennsylvania Avenue between 22<sup>nd</sup> and 25<sup>th</sup> Streets, LotS 011 & 013 in Assessor's Block 4167 – Request for a **Large Project Authorization**

**(LPA)**, pursuant to Planning Code Section 329, for the new construction of a three-story industrial building (measuring approximately 47,575 gross square feet) on Pennsylvania Avenue, and a four-to-eight-story (respectively measuring 40-ft from existing grade on Pennsylvania Avenue, and 33-ft above curb height along Missouri Street) residential building (approximately 297,159 gross square feet) on 22nd Street with 250 dwelling units, 213 off-street parking spaces, four car-share parking spaces, 138 Class 1 bicycle parking spaces, and 15 Class 2 bicycle parking spaces. The project includes private and common open space, as well as a publically-accessible open space via a new stairway and landscaping along 22nd Street between Missouri and Texas Streets. Under the Large Project Authorization, the project is seeking exceptions to the requirements for: rear yard (Planning Code Section 134), dwelling unit exposure (Planning Code Section 140), and off-street parking (Planning Code Section 151.1). The subject property is located within the UMU (Urban Mixed-Use) Zoning District, PDR-1-G (Production, Distribution and Repair-General) Zoning Districts, 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.

**(Proposed for Continuance to November 12, 2015)**

SPEAKERS: None  
 ACTION: Continued to November 12, 2015  
 AYES: Fong, Wu, Antonini, Johnson, Richards  
 ABSENT: Hillis, Moore

2. 2015-006712PCA (K. HADDADAN: (415) 575-9068)  
CU REQUIREMENT FOR RESIDENTIAL MERGERS - 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, and affirming the Planning Department's California Environmental Quality Act determination; and making Planning Code, Section 302, findings, and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1

**(Proposed for Continuance to December 10, 2015)**

SPEAKERS: None  
 ACTION: Continued to December 10, 2015  
 AYES: Fong, Wu, Antonini, Johnson, Richards  
 ABSENT: Hillis, 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. [2015-008251CUA](#) (W. FARRENS: (415) 575-9172)  
2120 GREENWICH STREET - north side of Greenwich Street between Fillmore and Webster Streets; Lot 005 in Assessor's Block 0509 - Request for **Conditional Use Authorization**

pursuant to Planning Code Sections 303 and 725.44 to allow the transfer of a State Department of Alcoholic Beverage Control (ABC) Type 47 License from 1919 Union Street (a restaurant dba "American Cupcake") to 2120 Greenwich Street (a restaurant dba "Mina Test Kitchen"), within the Union Street NCD (Neighborhood Commercial District) and 40-X Height and Bulk District. This action constitutes the Approval Action for the project for the purposes of CEQA, pursuant to Section 31.04(h) of the San Francisco Administrative Code.  
Preliminary Recommendation: Approve with Conditions

SPEAKERS: None  
ACTION: Approved with Conditions  
AYES: Fong, Wu, Antonini, Johnson, Richards  
ABSENT: Hillis, Moore

## C. COMMISSION MATTERS

4. Consideration of Adoption:
- [Draft Minutes for September 3, 2015](#)
  - [Draft Minutes for October 1, 2015](#)

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

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 Antonini:

Thank you. I thought that presentation by the member of the Rent Board was extremely informative last week, I have some comments, but first I have a question, they mentioned that the owners are allowed to raise residential rates, an amount not to exceed 60% of the CPI of the San Francisco Bay Area per year. Is that cumulative or is it use it or loses it?

### Commissioner Richards:

You could bank it.

### Commissioner Antonini:

You can you bank it, OK. Because that is important that it be done, because I have a commercial building, is not a residential building, and we stayed with that kind of a formula and it's kept the market rates very -- no quite exactly that formula is closer than the CPI. The other thing that was really interesting is, when you look at the chart of the evictions and we're hearing a lot about it now, I don't remember quite as much comment during the period in 1999-2000, but actually there are a lot more during that period per

year, in the range of 2,700 to 2,800, still a lot this year, at the 2200 range. Although, if you look at the chart for the long period of time, almost every year there are 1,400 on average or more than that, probably. So what also was very interesting to me is find out that 75% of the evictions were for fault such as non-payment of rent, which is probably something that is going to happen no matter what conditions we have, because if you don't pay the rent, you are going to get evicted. There might be a tendency for owners to try to evict people a little quicker, when there are a lot more renters around to take the spot. Anyway, it's really good to put things in perspective and see historical perspective on an issue that is really hot right now, but you have to kind of take it into the context of 20 years to realize what the situation is. I thought it was extremely good and very informative.

#### D. DEPARTMENT MATTERS

##### 6. Director's Announcements

###### **Director Rahaim:**

Thank you, Jonas. Commissioners, I just wanted to let you know that I spent this last weekend in Cambridge, a meeting that I attend every year with my counterparts in the 30 largest cities in the country. There were several -- well, several points of discussion, but I will say that the most common theme that all cities are addressing, are issues of equity and affordable housing, in ways that were surprising to me and in places that were surprising to me. Even in my hometown of Detroit, which has experienced severe economic distress, and where it just came out of bankruptcy, the concerns concurrently in the city is, as areas are being improved, the equity issues that the city's current residents are facing and the type of rent reinvestment that is happening, so it was pretty interesting for me to hear that all of us are dealing with this issue, in cities across the economic spectrum and it was a theme that came up repeatedly in the three days' of meetings that we had. That concludes my comments.

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

###### **BOARD OF SUPRVISORS:**

No Report

###### **BOARD OF APPEALS:**

No 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: (M) Speaker – UDAT, public hearing re: Urban design

## 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.

(M. SMALL: (415) 575-9160)

8. MARKET STREET HUB - Informational Presentation - related to the opportunity to study a portion of the *Market Octavia Area Plan*, known as the *Market Street Hub*.  
Preliminary Recommendation: None – Informational

SPEAKERS: None  
ACTION: None - Informational

9. 2014-001503GPA (M. MOHAN: (415) 575-9141)  
AFFORDABLE HOUSING BONUS - General Plan Amendment to make conforming changes in association with legislation creating the Affordable Housing Bonus Program by amending the Housing Element, Urban Design Element, Van Ness Avenue Area Plan, Chinatown Area Plan, Downtown Area Plan, and Northeastern Waterfront Area Plan; making findings, including findings of consistency with the General Plan and the eight priority policies of Planning Code Section 101.1 and affirming the Planning Department's determination under the California Environmental Quality Act.  
Preliminary Recommendation: Adopt a Resolution to Initiate

SPEAKERS: + Jeff Buckley, MOH – Introduction  
= (M) Speaker – Rushed process without public hearing  
= Tess Welburn – 240 sites, other questions, developer incentives needed/  
= Jean Barrish – More affordable housing, slow the process down  
= Barbara Graham – Lack of public outreach  
+ Kristy Wong – Move the project along  
= Paul Werner – More granular analysis  
ACTION: Adopted a Resolution to Initiate, and directed staff to provide an information presentation on November 5<sup>th</sup>, scheduling potential adoption hearing for December 3<sup>rd</sup>  
AYES: Fong, Wu, Antonini, Hillis, Johnson, Richards  
ABSENT: Moore  
RESOLUTION: 19494

10. 2015-009771PCA (M. MOHAN: (415) 575-9141)  
CHILD CARE IN LIEU FEE INCREASE AND APPLICATION - Planning Code Amendment to increase the Child Care In Lieu Fee for office and hotel development projects of up to \$1.57 per gross square foot and apply the Fee to projects of 25,000 or more gross square feet; to impose a tiered Child Care Fee for residential development projects of up to \$1.83 per gross square feet; to allow developers the option to provide onsite Small Family Daycare Homes in lieu of the fee; and 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 Recommendation for Approval with Modifications

SPEAKERS: + Supervisor Yee – Ordinance introduction  
 - Sally Johnson – Poor response  
 + Rosie Kennedy – Young parent on one concern is childcare

ACTION: Adopted a Resolution recommending approval with modifications as amended to split the DCCU section into a separate piece of legislation

AYES: Fong, Wu, Antonini, Johnson, Richards

ABSENT: Hillis, Moore

RESOLUTION: 19495

11. [2015-005741CUA](#) (W. FARRENS: (415) 575-9172)  
2453-2455 FILLMORE STREET (AKA 2401 JACKSON STREET) - southwest corner of Fillmore and Jackson Streets; Lots 038 and 039 in Assessor's Block 0606 - Request for **Conditional Use Authorization** pursuant to Planning Code Sections 186.1, 303 and 303.1 to allow a change of operator (from "Tully's Coffee" to "Blue Bottle Coffee") and physical expansion of a nonconforming Formula Retail Limited Restaurant use (into the adjacent retail space currently dba "Juicy News") within the Upper Fillmore NCD (Neighborhood Commercial District) and 40-X Height and Bulk District. This action constitutes the Approval Action for the project for the purposes of CEQA, pursuant to Section 31.04(h) of the San Francisco Administrative Code.

Preliminary Recommendation: Approve with Conditions

SPEAKERS: + Jim Abrams – Project presentation  
 = Sally Johnson –  
 - Paul Werner – Precedence setting decision

ACTION: Approved with Conditions

AYES: Fong, Antonini, Johnson, Richards

ABSENT: Wu, Hillis, Moore

MOTION: 19496

## 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- 6:10 P.M.