

# SAN FRANCISCO PLANNING COMMISSION



## DRAFT-Notice of Hearing & Agenda

Commission Chambers, Room 400  
City Hall, 1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4689

**Thursday, January 21, 2016**  
**12:00 p.m.**  
**Regular Meeting**

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

**THE MEETING WAS CALLED TO ORDER BY PRESIDENT FONG AT 12:11 P.M.**

**STAFF IN ATTENDANCE:** John Rahaim – Planning Director, Aaron Starr, Marcelle Boudreaux, David Winslow, 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.

**None**

**B. COMMISSION MATTERS**

## 1. Consideration of Adoption:

- [Draft Minutes for January 7, 2016](#)

SPEAKERS: None

ACTION: Adopted

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

ABSENT: Johnson

## 2. 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 Fong:**

I'd like to first make a note of congratulations to Christine Johnson and her family and welcome Caleb Bryant Lanstein who was born yesterday at 6 pound 9 ounces, and appears by the photo that is going to be on the phone with technology, to be very bright, cute, and just as sharp as his mother. So, congratulations to the family and hopefully Christine is not watching this but hope you're doing well. Baby and mother are fine.

**Commissioner Antonini:**

I know we've continued the last item on the inclusionary housing changes to offsite, but one statistic that I thought was pretty stark came out of the staff report is that the inclusionary housing that's been built since the inception of inclusionary housing, 94 percent of it has been low or very low income housing, only 6 percent is in the moderate category. And actually, in terms of ABAG's Bay Area goals for San Francisco, we are only at 16 percent for moderate housing. That maybe be one of the reasons why we seem to have a shrinkage or disappearance of many of our middle income citizens in San Francisco. There are many other factors, off-course too, but certainly this isn't helpful so we have to find ways to build both market-rate and inclusionary housing that is in the price range that can be afforded by people of this income level.

**Commissioner Richards:**

Three things quickly, I had the occasion to have drinks last night, with a very pro-housing member of a group called SF BARF. I wanted to kind of pick their brain and kind of see what make them tick. What was interesting was, as we started the conversation there were several things that they brought up that actually, I think really hit home with me with on some of the things I've been on the bandwagon and on the bully pulpit on. One was health issues caused by insecurity of housing, social justice, and income inequality it made me kind of ponder and think, wow, there is a lot of social policy objectives that a lot of us share as citizens of San Francisco, however; some of the ways that we are advocating to achieve those differ and I think when I told people to take a step, dial it back, dial back the emotion, there is really some common ground that I think that can be found on some of the issues among a lot diverse groups of San Franciscans, both on the progressive side and what is perceived as the neo-liberal side, there is a lot goals that we all share in common. I

just want to bring that up. On my way from meeting with Sarah Jones yesterday, down to see the 160 Folsom site, the Jeanne Gang site, which we voted to initiate a height increase on yesterday, I walked through SOMA and I noticed – in context with the design guidelines that we are going to hear today, I was trying to pay attention to what some the buildings looked like, and I zig-zagged through SOMA and there were a lot of buildings that were built in the 90s that were absolutely not withstanding the test of time. They looked terrible, they are aging terrible, they looked like they are falling apart, and there's one building specifically at the corner of 8th Street and Howard that it is aging very badly. It's got a market underneath and I don't know if it is affordable housing site or whatever, but it just looks like it's been thrown together in the weekend and it's falling apart. There are a lot of interesting buildings that withstood the test of time, some of them were a David Baker building in an alley that I saw and there were built much earlier in the century. So I got down to the 160 Folsom site, a big black Darth Vader looking headquarter project hit me as I entered the waterfront area, it is called Lumina and a couple of things I noticed and again I am a layman and I went back and looked at the design guidelines, the building as it meets the street, especially on the Folsom Street side and I guess the 2<sup>nd</sup> Street site is terrible. It looks like a canister of cleanser that was dropped down in the block and it is brutal. The color is terrible, it's black, it looks like something that belongs on another planet and I actually looked at the design guidelines that we are going to be hearing and one of the recommendations is don't have buildings that are black and I hope we don't ever have other building that is black. But then as a I walked further, I saw the Infinity site, which I don't know what you of it, but I think it is a great building. I think it was the same developer, maybe designed by a different architect, it is a delightful building even though one the towers is 400 feet, which is what we are going to be considering in the height increase for the parcel across the street, it kind of works for me. It has open space, it's setback a little bit, the public realms is engaging, it's the first of a couple of stories, it is not the can of cleanser dropped down on the street like the Lumina Building. So, I wanted to just let you know that I am trying to pay attention more to this as a layman and try to understand what looks at good and what doesn't, and that's what we're going to be hearing today. The last point is in today's Chronicle, it talks about 2015 was the hottest year on record, last 15 years were the hottest years in recorded history, since the temperatures were recorded and then I came to the back of the paper and saw an open forum on Smart Growth, our own Sarah Jones had an editorial in today's paper about the way we're going to be calculating the effect of transportation in EIRs and we are going to go from level of service, which is a 50s kind of, whether an intersection functions well for cars, to vehicle miles traveled, which really gets at the point of environmental impact and it doesn't penalize urban infill development as much as encouraging sprawl. My recommendation on that is, the sooner we get that implemented the better, because I think, that will be a good change that the State is making. So, if you haven't read it, please take a look at it loophole read that, it is a great opinion piece that Ms. Jones wrote. Thank you.

**Commissioner Moore:**

I wanted to report to the Commission that we had a meeting on Pennsylvania and 22<sup>nd</sup> Street building that this Department approved an intent yet, asked to redesign of certain elements and I think in the end that meeting turned to be constructive and forward-looking, so we'll continue to tend to it and sit and observe how the discussion goes, but overall, I'll report it as a positive meeting.

**Commissioner Antonini:**

Just a point of information, correct me if I am wrong, I walk a lot of the same places where Commissioner Richards walked, both Infinity and Lumina were designed by Arquitectonica, Bernardo Fort-Brescia was the same architect and they are next to each other, so, I'm not sure if the Darth Vader building on 2<sup>nd</sup> Street is a different building, because that is more in the area, it's not even up to first yet.

**Commissioner Richards:**

It is right next to each other.

**Commissioner Antonini:**

But, anyway it was the same architect.

**C. DEPARTMENT MATTERS****3. [Director's Announcements](#)****Director Rahaim:**

Good afternoon, Commissioners a couple of items today, I chaired the first meeting of the housing working group, this mid-week related to the Mayor's Task Force. The charge of this particular group is to look at potential process improvements as well as effects of any changes on pipeline projects. We had a very good turnout, I think there were about 35 people in the room, Commissioner Richards attended, we appreciate that very much. We will be having a series of very quickly follow-up - - quickly scheduled follow-up meetings, in order for us to try to make some recommendations within about 4 weeks in that process. Secondly, as you may know there were several potential ballot measures that were put forth this week, two of them related to housing, one proposed by the Mayor, which would require the Department and the Controller's Office to do a study on the feasibility of increasing the affordable housing inclusionary fees and subsequently will require us to do a similar study every two years. The measure put forth by Supervisor Kim and other Board members would change the current provisions in the charter to require that there be a base of a 25 percent inclusionary rate and would allow the Board to increase that rate, but never below 25 percent for projects, I believe, for more than 25 units. So, we are looking at both of those, these are not -- they're still changes that could be made to these ballot measures, as this point in time, there are not officially on the ballot, I believe they have to the first week in March to actually make changes or remove them from the ballot. If I may, I would to ask, in that light, I'd like to ask Deputy City Attorney Kate Stacy to remind us what we can and cannot do in terms of ballot measures at this point in the process because it does change once officially on the ballot.

**City Attorney, Kate Stacy:**

As you all probably remember, the commission could certainly always have an objective and impartial presentation of the facts for measures, but for the measures that are, while they're pending before the Board and the Mayor's measure and any measures submitted by 4 supervisors has a hearing at the full board, so until that hearing occurs or the, in the case the charter amendment, until the Board votes to put the Charter Amendment on the ballot, city resources may be used to advocate to the Board and the Mayor to either pass or not pass the charter amendments or amend the Charter Amendment to the 4 members of the Board of Supervisors who signed a measure or Mayor to withdraw their signatures or

to withdraw their measure. Once the measure is on the ballot, then city officials and employees cannot advocate to the Board and city officials may not advocate at any time to the voters to vote for or against it, but may advocate to the Board or to the Mayor to withdraw the measure and this is all set forth in a memo that our office regularly provides to you. The last one was dated September 8, 2015 on political activity and I'm happy to get you copies of that if you need that at today's hearing.

**Commissioner Antonini:**

Yes, so until such time that it's on the ballot, we can comment on these issues. I have a procedural question as far as Charter Amendments; I know that when the amendments are placed by petition it requires a significantly higher number of signatures. What is the bottom line as far as the Board of Supervisors placing a Charter Amendment, how many Supervisors do they need to put it on the ballot and then what sort of percentage of the public has to vote in favor for it to be passed?

**City Attorney, Kate Stacy:**

I believe it's a majority vote in both cases, but I will need to check that and circle back with you about that.

**Commissioner Richards:**

A point of clarification, if I show up Monday at a Land Use Committee hearing on a, not a charter amendment, I believe, but just an amendment or ordinance by the voters or by 4 Supervisors not a charter amendment as an individual, that's okay? I just want, I can show up and say I'm showing up as an individual.

**City Attorney, Kate Stacy:**

I would need to talk to our political activity attorneys about that. I'm not sure. I think you can probably can but I need to talk to the political activity attorneys about that and I'll get back with you.

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

**BOARD OF SUPERVISORS:**

No Report

**BOARD OF APPEALS:**

The Zoning Administrator requested that I read into the record a report from him regarding the Board of Appeals. The Board heard 35 appeals last night related to the denial of sign permits for Contest Promotion, LLC. The appellants business signed permit for 35 locations, however, the Department found the permits did not meet the definition of a business sign, which had been amended through interim controls in 2014 and permanent controls in 2015. The Department provided notices of the requirements, but the appellant did not modify the permits as required, so the permits were denied. The appellant, which have entered into a settlement with the City to resolve general advertising sign enforcement, argued that they shouldn't be subject to the current business sign definition. The settlement agreement specifically states that the permit will be subject to the controls in effect at the time of review. The Board unanimously denied the appeal.

**HISTORIC PRESERVATION COMMISSION:**

The Historic Preservation Commission did meet yesterday and one item of interest is the legacy business legislation that the Historic Preservation Commission discussed and review the process within Office of Small Business Commission, representatives from Supervisor Campos and Supervisor Peskins' Office. The goal to device a process that allows Small Business Commission and the Historic Preservation Commission to review applications in a timely manner with minimum burden on applicants. The only other item that was that Commission President Wolfram and Commissioner Vice-President Hyland were re-elected for a second term.

**D. GENERAL PUBLIC COMMENT – 15 MINUTES**

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

**SPEAKERS:** Georgia Schuttish – Paris analogy for Affordable Housing Bonus Program  
 Tony Kelly – Outreach notification equity, specifically the Bayview  
 Peter Cohen – Housing data – production

**E. REGULAR CALENDAR**

The Commission Hearing Procedures provide for presentations by staff; followed by the project sponsor team; followed by public comment for and against the proposal. Please be advised that the project sponsor team includes: the sponsor(s) or their designee, lawyers, architects, engineers, expeditors, and/or other advisors.

5. [2015-011449PCA](#) (A. STARR: (415) 558-6362)  
**RE-DEFINE FORMULA RETAIL TO INCLUDE SUBSIDIARIES - Planning Code Amendment** to revise the definition of formula retail to include subsidiaries or affiliates of formula retail meeting certain criteria; affirming the Planning Department's determination under the California Environmental Quality Act; 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.  
*Preliminary Recommendation: Adopt a Recommendation for Disapproval*  
 (Continued from Regular Meeting of November 19, 2015)

**SPEAKERS:** + Supervisor Mar – Proposed amendment introduction  
 = Aaron Starr – Staff presentation  
 + Suzanne Markell-Fox – Polk Merchants  
 - Dee Dee Workman, SF Chamber of Commerce – Supervisor Mar working group  
 + Stan Hayes – THD support  
 + Kathleen Dooley – Times have changed  
 + Paul Webber – Support  
 - Andrew Rush – Super Duper  
 - Samantha Higgins, Golden Gate Restaurant Association - Opposition

+ Peter Cohen – Regulation subsidiaries

ACTION: A motion to adopt a Recommendation for Disapproval failed; with no subsequent motion, by default, the proposed legislation is forwarded to the Board of Supervisor's with a Recommendation for Disapproval with Commission comments.

AYES: Fong, Antonini, Hillis

NAYES: Richards, Moore, Wu

ABSENT: Johnson

RESOLUTION: 19551

6. [2014-000437CUA](#) (M. BOUDREAUX: (415) 575-9143)  
4171 24<sup>TH</sup> STREET - south side of 24<sup>th</sup> Street between Castro and Diamond Streets; Lot 032 in Assessor's Block 6506 - Request for **Conditional Use Authorization** pursuant to Planning Code Section 303, 317 and 728.37, to allow demolition of an existing two-story single-family dwelling. The proposed new construction includes a four-story-over-basement, five-unit residential with ground-floor commercial building, with five bicycle parking spaces. The building will be approximately 45 feet in height, pursuant to Planning Code Section 263.20. The property is within the 24th Street- Noe Valley NCD (Neighborhood Commercial) Zoning District, and 40-X Height and Bulk District. This action constitutes the Approval Action for the project for the purposes of CEQA, pursuant to Section 31.04(h) of the San Francisco Administrative Code.

*Preliminary Recommendation: Approve with Conditions*

SPEAKERS: = Marcelle Boudreaux – Staff presentation  
 + John Kevlin – Project presentation  
 + Amir Afifi – Design presentation  
 - Barbara Laub - Too large, parking  
 - Steven Bronstein – Quality of life in the neighborhood  
 - Janet Fowler – Negative impact  
 = Danny Yiu – Roof deck parties  
 = Georgia Schuttish – Rental or condo?

ACTION: Approved with Conditions as amended to continue working with staff on the following design related issues:

1. 15 foot front setback;
2. Roofdeck setback from building edges;
3. 14 foot rear setback on third floor;
4. Ground floor retail (door separation);
5. Stair reduction (efficiency);
6. Rear window size; and
7. Compatibility with the neighborhood

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

ABSENT: Johnson

MOTION: 19552

## F. DISCRETIONARY REVIEW CALENDAR

The Commission Discretionary Review Hearing Procedures provide for presentations by staff; followed by the DR requestor team; followed by public comment opposed to the project; followed by the project sponsor team; followed by public comment in support of the project. Please be

advised that the DR requestor and project sponsor teams include: the DR requestor and sponsor or their designee, lawyers, architects, engineers, expeditors, and/or other advisors.

7. [2015-003768DRP](#) (B. BENDIX: (415)575-9114)  
2462 FILBERT STREET - north side between Scott and Pierce Streets; Lot 009B in Assessor's Block 0513 - Request for **Discretionary Review** of Building Permit Application No. 2015.03.25.1848, proposing a three-story addition, interior alterations, and the addition of a rooftop elevator penthouse, within an RH-1 (Residential, House, Single-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 San Francisco Administrative Code Section 31.04(h).

Staff Analysis: Abbreviated Discretionary Review

*Preliminary Recommendation: Do Not Take Discretionary Review and Approve*

SPEAKERS: - Paul Richle – Last minute continuance  
 - Dick Oppenheimer – Similar DR  
 + Tom Tunney – Continue to resolve

ACTION: Continued Indefinitely

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

ABSENT: Johnson

**G. 2:00 P.M.**

Items listed here may not be considered prior to the time indicated above. It is provided as a courtesy to limit unnecessary wait times. Generally, the Commission adheres to the order of the Agenda. Therefore, the following item(s) will be considered after the time indicated.

8. [2016-000162CWP](#) (D. WINSLOW: (415) 575-9159)  
DESIGN REVIEW AND GUIDELINES - The Planning Commission will be presented with an overview of the Department's proposed modifications to its comprehensive design review system. Modifications include creation of new guidelines as well as reorganizing, updating, and consolidating existing design guidelines into a usable system along with establishment of a coordinated design review process.

*Preliminary Recommendation: Review and Comment*

SPEAKERS: + Jeff Joslin – Design Review Introduction  
 + Maya Small – Urban Design Presentation  
 = Georgia Schuttish – Rear yards  
 = John Elberling – Translation to results roles of local communities  
 + Jennifer Jones – Local Chapter of AIA is in support  
 + Neil Schwartz – Support  
 + Lisa Yumamoto – Need and content  
 + Brett Gladstone – Caution the use of CAC's  
 = Sue Hestor – Current process, insular  
 = David Winslow

ACTION: Reviewed and Commented

9. [2015-012722PCA](#) (D. SANCHEZ: (415) 575-9082)



**INCLUSIONARY AFFORDABLE HOUSING PROGRAM - [BOARD FILE NO. 150911] - Planning Code Amendment**, introduced by Mayor Lee and Supervisors Farrell and Tang to provide revised geographic, timing, pricing and other requirements for the off-site alternative to the Inclusionary Affordable Housing Fee; create a new option for off-site projects that qualify as Nonprofit Provider Partner Projects; create a new alternative for project sponsors of smaller market-rate projects to direct the Affordable Housing fee to small sites projects; create an option for project sponsors of on- and off-site housing to provide higher amounts of affordable housing at higher levels of affordability termed "dialing up"; revise certain definitions and operating procedures related to the Inclusionary Housing Program and make conforming changes; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan , Planning Code Section 302 and the eight priority policies of Planning Code Section 101.1.

*Preliminary Recommendation: Adopt a Recommendation for Approval with Modifications*

SPEAKERS: None  
ACTION: Continued to March 24, 2016  
AYES: Fong, Richards, Antonini, Hillis, Moore, Wu  
ABSENT: Johnson

## 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))

SPEAKERS: Tim Colen – Inclusionary Housing off-site reform.

ADJOURNMENT - 4:19 P.M.