

SAN FRANCISCO PLANNING COMMISSION



DRAFT – Meeting Minutes

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

Thursday, May 19, 2016
12:00 p.m.
Regular Meeting

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

THE MEETING WAS CALLED TO ORDER BY PRESIDENT FONG AT 12:38 P.M.

STAFF IN ATTENDANCE: John Rahaim – Planning Director, Rich Sucre, Seema Adina, Menaka Mohan, Tina Chang, Chelsea Fordham, and Jonas P. Ionin – Commission Secretary

SPEAKER KEY:

- + indicates a speaker in support of an item;
- indicates a speaker in opposition to an item; and
- = indicates a neutral speaker or a speaker who did not indicate support or opposition

A. CONSIDERATION OF ITEMS PROPOSED FOR CONTINUANCE

The Commission will consider a request for continuance to a later date. The Commission may choose to continue the item to the date proposed below, to continue the item to another date, or to hear the item on this calendar.

1. 2013.0517X (K. DURANDET: (415) 575-6816)
98 PENNSYLVANIA STREET - located on the north side of 17th Street bounded by Pennsylvania Avenue to the east, Mississippi Street to the west and 7th Street to the north, Lot 002 in Assessor's Block 3948 (District 10) - Request for **Large Project Authorization**, pursuant to Planning Code Section 329, for the construction of a five-story (48-ft. tall) over basement residential buildings (measuring approximately 48,000 gross square feet) with

46 dwelling units, 31 below-grade off-street parking spaces, 46 Class 1 bicycle parking spaces, and approximately 2 Class 2 bicycle parking spaces. The project includes private and common open space. The subject property is located within the UMU (Urban Mixed Use) Zoning District, and 48-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
(Proposed for Continuance to September 22, 2016)

SPEAKERS: None
 ACTION: Continued to September 22, 2016
 AYES: Fong, Richards, Antonini, Hillis, Johnson, Moore, Wu

2. 2013.1711CUA (C. TOWNES: (415) 575-9195)
495 CAMBRIDGE STREET - located on the east side of Cambridge Street between Felton and Bacon Streets, Lot 060 in Assessor's Block 5992A (District 9) - Request for a **Conditional Use Authorization-Planned Unit Development (PUD)**, pursuant to Planning Code Sections 303 and 304, to demolish four vacant school buildings and construct 28 residential buildings for a total of 54 dwelling units with 82 off-street parking spaces and 72 bicycle parking spaces. The new dwelling units would be constructed around a central driveway and shared open area, and would vary in size from 1,625 square feet to 2,260 square feet. The new dwelling units would vary in height from two-stories at street level (or 22-feet tall) to three-stories-over-basement (or 32-feet tall). Per Planning Code Section 304(d)(4), the Project is permitted a maximum residential density of 55 dwelling units for the lot area (85,191 square feet). Under the PUD, the project is seeking exceptions to the Planning Code requirements for rear yard (Planning Code Section 134) and the location of off-street parking (Planning Code Sections 135 and 155). The subject property is located within a RH-1 (Residential-House, One Family) Zoning District, and 40-X Height and Bulk District. This action constitutes the Approval Action for the project for purposes of CEQA, pursuant to Section 31.04(h) of the San Francisco Administrative Code.

Preliminary Recommendation: Approve with Conditions
(Proposed for Indefinite Continuance)

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

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. [2015-011424CUA](#) (S. ADINA: (415) 575-8722)
601 VAN NESS AVENUE - located on the west side of Van Ness Avenue between Golden Gate and Turk Streets, Lots 026-479 in Assessor's Block 0762 (District 5) - Request for a **Conditional Use Authorization**, pursuant to Planning Code Sections 303(c) and 712.83, to

develop a T-Mobile Macro Wireless Telecommunications Services Facility consisting of up to nine (9) screened rooftop mounted panel antennas, one (1) screened microwave dish, and one (1) GPS antenna and an associated rooftop equipment area as part of the T-Mobile Telecommunications Network. The subject property is located within a RC-4 (Residential-Commercial, High Density) Zoning District, and 130-V 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: None
 ACTION: Approved with Conditions
 AYES: Fong, Richards, Antonini, Hillis, Johnson, Moore, Wu
 MOTION: 19651

C. COMMISSION MATTERS

4. Consideration of Adoption:

- [Draft Minutes for May 5, 2016 – Joint Hearing](#)

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

- [Draft Minutes for May 5, 2016](#)

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

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 Richards: I just wanted to let the public know that in our packet this week we have the 2014-2015 Annual Report that the Department produced. It is chock-full of everything and anything that you want to know about planning, building and historic preservation and I urge you to get a copy or go online and take a look at it. It is really informative. Thanks.

Commissioner Antonini:

Also in our packet this week was some information on possible legislation proposed for short-term rentals and I would assume that will come before us for future hearing or would not.

Director Rahaim:

I was going to talk about during my comments.

Commissioner Johnson:

Thank you very much. New topic, so my understanding we're moving forward on the joint hearing with SFMTA that I've been talking about for two years, so I'm very happy about that. I wanted to start on a new topic. Lately, I have been talking to a number of developers and particularly who are doing commercial spaces, so I've been asking them why are you paying the childcare facility fee rather than potentially providing those services on site and a lot of the time, the answers that I get is because that there is no physical ability to have childcare facilities in a lot of these sites because of the rules around how much open space you have to have, how much internal enclosure and separation from other public uses that you have to have, etc. What I'd love is to request for either a memo or even potentially hearing date to talk about the childcare facilities and how the Planning Code and maybe even the Building Code helps us or doesn't help us in getting more childcare facilities in San Francisco. Thanks.

D. DEPARTMENT MATTERS6. [Director's Announcements](#)**Director Rahaim:**

Good afternoon Commissioners. Commissioners, if I may just quickly, Commissioner Johnson we will happy to do that. One of the things that we've learned over the years is that many of those requirements are actually in State law, but we'll be happy to do a memo to summarize those, and separate what kind of controls State versus what the City can control.

Commissioner Johnson:

I am just asking because, maybe I don't know, I haven't seen a developer that has a clear, concise understanding of all those restrictions, and it will be great to have it in place.

Director Rahaim:

Secondly, with respect to the Short-Term Rentals Legislation, of course, you spent a lot of time on this last year. The proposed legislation is an amendment to the Short-Term Rentals Legislation which lives in the Administrative Code not in the Planning Code. So, technically doesn't require your hearing. They have a very short-time frame, and we have not recommended a hearing because it covers many of the issues that the Commission discussed last year and the Commission weighed in on these issues last year -- and many -- in fact, all the substance of this current legislation were issues that you reviewed last year. So, our thought was that we would prepare the memo outlining the details of this legislation to you, but then the Board would take this legislation, I believe is coming pretty quickly into the Board for hearing in the next couple weeks, and just to summarize that legislation very quickly, it would modify -- it would hold -- one of the things that will do, that the Commission have discussed, would be to hold the platforms responsible for when units were listed without a registration number, something that we've discussed a lot in this hearing last year. It would also grant citation authority to the Planning Department for short-term rentals and provide for penalties and so on. These were issues that were discussed last year at the this Commission, so the thinking was in speaking to the Commission President and Vice President, that a hearing wasn't necessary needed here,

because was part of Admin Code, and it would move just right onto the Board. That concludes my comments.

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

LAND USE COMMITTEE:

- **160293 Planning Code - Landmark Designation - 35-45 Onondaga Avenue (aka Alemany Emergency Hospital and Health Center).** Sponsor: Avalos. Staff: Ferguson/Frye.
At this week's Land Use hearing, the Committee heard the proposed Landmark designation of the former Alemany Emergency Hospital and Health Center. The center is located at 35 Onondaga Avenue in the Excelsior/Outer Mission neighborhood.

This is a community sponsored landmark designation application. The HPC voted to recommend the landmark designation to the Board on March 16, 2016.

The Alemany Center was part of a citywide system of emergency hospitals that became known as one of the most comprehensive and elaborate of its kind in the United States. Constructed in 1933, the Alemany Center was the final piece in the system.

Rendered in Spanish Baroque and Spanish Colonial styles, both buildings were designed by master City Architect Charles H. Sawyer, who oversaw the design and construction of numerous school and hospital in the City. Of further note, the interior of the Health Center features two frescoes painted in 1934 by noted muralist Bernard Zakheim, who also painted the Library mural at Coit Tower.

After Department staff's presentation and supportive opening remarks by Supervisor Avalos, several community members also spoke in support. The committee then voted to forward a positive recommendation to the full BOS.

FULL BOARD:

- **151280 Planning Code - Permitting Accessory Massage Uses, with a Conditional Use Permit, in the North of Market Residential Special Use District.** Sponsor: Kim. Staff: D. Sanchez. PASSED Second Read
- **160400 Public Hearing - Appeal of Conditional Use Authorization - 1066 Market Street.** Staff: Rodgers. CONTINUED to the June 28, 2016 Board of Supervisors meeting.

INTRODUCTIONS:

- **160553 Planning Code – Signs.** Sponsor: Peskin. Staff: TBD. Ordinance amending the Planning Code to clarify that all noncommercial Signs are exempt from regulation pursuant to Article 6; it increase penalties for repeat violations for the display of illegal General Advertising Signs; it shortens the time before penalties for General Advertising Sign violations begin to accrue; and it allows property liens for such penalties that go unpaid.

- **160550 Planning Code - Waiving Inclusionary Housing Requirements, Exempting Certain Floor Area from the Calculation of Gross Floor Area and Transferable Development Rights Requirements, and Authorizing Land Dedication at No Cost - 1066 Market Street.** Sponsor: Kim. Staff: TBD

BOARD OF APPEALS:

The Board of Appeals did meet last night, two items that maybe of interest, and the first is 88 Arkansas. You heard this as a Large Project Authorization on March 3rd. One of the components of this was a unit mix exception. They actually provided the correct number of units, but they had the nested bedrooms that don't meet with the current Zoning Administrator interpretation. The appeal last night was in regards to the appropriate standards for review. Up until last year, Section 329 actually references variance findings, that the Commission must make the same findings to grant this exception that we do for variances. That was inadvertently removed last year as part of a code clean up and we actually - that was removed so those standards don't apply, that's how you reviewed it. Under the current law we will be bringing up this kind of correction to put back in those finding back to and related to similar legislation that is schedule for hearing on June 16th, so, we'll have further discussion about that. At the hearing, the Board unanimously upheld the Commission's decision; finding that the project was appropriately reviewed and approved and did not err or abuse your discretion. The other item is 660 3rd Street. This was a notice of violation penalty issued last year. This was in relation to an action you took in 2014. There was a legalization proposal to legalize the conversion of the entire building from warehouse to office. The Commission approved it, but limited the office allocation and the conditional use approval to the upper two stories of the building. During appeal process, the appellant argued that the building has always been used as office historically. We found applications from 1987 – it's been the same owner since 1962 – and the applications from 1987 were they had stated the existing use of the building is warehouse. There had been a permit granted for conversion from warehouse to retail. There were notices of a special restriction. There was no permit to actually establish office use of this building, then again a couple of years ago, they come in for the actual process to legalize it and you made your decision. There was no appeal of that decision, that decision is final, so we pursued enforcement insuring that your decision was perfected and last night at the appeal hearing, the appellant argued that were treated differently from other applicants who had similar projects, including one across the street at 665 3rd Street that had been approved. The Board had questions, why this was different from that the project. I noted that some changes in our policies in terms of preserving PDR, also concerns with office allocation, and the dwindling resource that that is and that informed your decision. You still did approve a project there, but it was then a small cap authorization in your approval. The Board last night continued the item for six months, to December 7th. They didn't state the exact reason why, I think, part of the two-fold, one to give the property owner time to perhaps address the violation to remove those illegal office uses from the first two stories of the building and also to see what may be in store for the property under the proposed corridor - Central Soma Corridor rezoning efforts. I pointed out they're unlikely to change much, still needs an office allocation, even if it is a permitted use rather than a conditional use. It's still going to needs to come back before you, but we will update you in December on that item. Thanks.

HISTORIC PRESERVATION COMMISSION:

Good afternoon Tim Frye, here to share a few items from yesterday's Historic Preservation Commission hearing. It was a fairly short hearing. The day began with the Architectural Review Committee reviewing two projects, one a second Living Innovation Zone and installation across from the Asian Art Museum. It is a temporary installation. The Commissioners that are part of the committee were very supportive of the design, which is being prepared by a not-for-profit that works with high school students and they are developing a design that incorporates a Chinese Dragon with some reoccurring, rotating art from the Asian Art Museum. The second item the ARC provided review and comment on was a revised pedestrian shelter for the Van Ness BRT in front of City Hall. As you recall the Commission asked MTA to review and restudy a more streamlined canopy and pedestrian structure within the median to better reflect the architectural characteristics of Civic Center. MTA provided a revised design, which the ARC was very supportive of, and believes they met the goals and direction that the full commission gave the MTA. That item will then be back before the full Commission for a CofA in June. Then, the full hearing commenced with a fairly short calendar. There was one Certificate of Appropriateness for a new elevator structure at Landmark #41 Saint Mark's Lutheran Church, up on 1135 O'Farrell Street, and the Commission reviewed the Academy of Art existing sites technical memorandum, which I believe you'll also be reviewing today. The Commission was supportive of the Department's work to date and felt that the schedule and the outstanding items that we will be bringing to the HPC was sufficient and particularly that was related to the 10 sites that require Certificate of Appropriateness or Permits to Alter under Article 10 and 11 of the Planning Code. That concludes my comments unless you have any questions.

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.

None

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.

8. [2015-016599PCA](#) (M. MOHAN: (415) 575-9141)
AFFORDABLE HOUSING IN DIVISADERO AND FILLMORE NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICTS - Planning Code Amendment to require payment of a higher affordable housing fee or provide additional affordable housing for certain sites that obtained higher residential development potential as a result of the rezoning of the Divisadero Street Neighborhood Commercial Transit District and the Fillmore Street Neighborhood Commercial Transit District; 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

SPEAKERS: = Menaka Mohan – Staff presentation
 + Connor Johnston, Aid to Supervisor Breed –
 = Tess Wellborn – Request for community input
 = Dean Preston – Community consultation, increased density
 = Calvin Welch – Density program
 = Peter Cohen – On-site percentage vs. in-lieu fee
 + David Grazier – 400 Divisadero
 + Steve Vettel – Density limits
 = (M) Speaker – 400 Divisadero
 Tim Colen – Economic feasibility study

ACTION: After hearing and closing public comment; Continued to June 30, 2016 with requests for an NCD vs NCT feasibility study and a community meeting

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

9a.

(T. CHANG: (415) 575-9197)

[ACADEMY OF ART UNIVERSITY](#) - **Informational update** to the Planning Commission to provide preliminary processing approaches and policy recommendations; staff will also provide a preliminary assessment of the projects that will be recommended for Commission approval or disapproval.

Preliminary Recommendation: None - Informational

SPEAKERS: = Tina Chang – Informational presentation
 = Chelsea Fordham – ESTM presentation
 = Shelley Caltagirone – HPC Survey
 + Zane Gresham – AAU presentation
 = Sue Hestor – IMP
 = Chris Schafer – University Terrace, dormitories
 Spike Khan – Violations
 - Rose Hilson – 150 submittal
 - Magic – Wrong
 - (F) Speaker – Enforcement, public dissatisfaction
 - Marie Sorenson – Hold their fact to the fire
 - John Bardis – Missing information, who are the owners of these properties?
 - Chris Martin – Conversion of retail to institutional uses
 - Paul Werner – Illegal conversion
 - Joan Holden - Artists

ACTION: None – Informational

9b.

[2008.0586E](#)

(C. FORDHAM: (415) 575-9071)

[ACADEMY OF ART UNIVERSITY](#) - Public review and comment on the Draft **Existing Sites Technical Memorandum (ESTM)**, published by the Planning Department on May 4, 2016. The ESTM examines the environmental impacts of past non-permitted work at 34 Academy of Art (AAU) properties and recommends conditions of approval to remedy those

impacts. The 30-day public comment period for the Draft ESTM document begins May 4, 2016 and extends through June 3, 2016. After the close of the public review period on the ESTM the Planning Department will consider all comments received on the ESTM, incorporate changes as necessary, and finalize the ESTM. The Final ESTM will be used by the Commission for information in all AAU approvals in regards to understanding the environmental impacts of the past unauthorized changes and AAU's ongoing operations. The Draft ESTM, including a detailed project description, is available for review on the Planning Department's website at <http://www.sf-planning.org/sfceqadocs>.

Preliminary Recommendation: Review and Comment

SPEAKERS: Same as Item 9a.

ACTION: None - Informational

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

- 10a. [2013.0677CUA](#) (R. SUCRE: (415) 575-9108)
2000-2070 BRYANT STREET - located along the west side of Bryant Street at 18th Street, Lots 001, 002, and 021 in Assessor's Block 4022 (District 9) - Request for a **Conditional Use Authorization**, pursuant to Planning Code Sections 303 and 317, for the demolition of three existing dwelling units. The subject property is located within the UMU (Urban Mixed-Use) Zoning District, and 68-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: + Jordan Davis – Support continuance
 + David Gibson – Support continuance
 + Michael Therault – Support continuance
 + Spike Khan – Support for continuance beyond June 2nd
 + Steve Vettel – Support for 2 weeks continuance
 + Rick Hall – Support for 2 weeks continuance

ACTION: Continued to June 2, 2016

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

- 10b. [2013.0677X](#) (R. SUCRE: (415) 575-9108)
2000-2070 BRYANT STREET - located along the west side of Bryant Street at 18th Street, Lots 001, 002, and 021 in Assessor's Block 4022 (District 9) - Request for a **Large Project Authorization**, pursuant to Planning Code Section 329, for the demolition of the existing buildings on the project site, and the new construction of a six-story mixed-use building (measuring approximately 203,656 gross square feet; approximately 68-ft tall) with up to 199 dwelling units, approximately 7,007 square feet of ground floor retail, 3,938 square feet of ground floor PDR space, up to 84 off-street parking spaces, 128 Class 1 bicycle parking spaces, 18 Class 2 bicycle parking spaces, and private and common open spaces. Under the LPA, the project is seeking a modification to certain Planning Code requirements, including: 1) rear yard (Planning Code Section 134); 2) ground floor ceiling height for non-residential uses (Planning Code Section 145.1); 3) off-street freight loading (Planning Code Section 152.1); 4) horizontal mass reduction (Planning Code Section 270.1); and, 5) flexible units-modification of the accessory use provisions of Planning Code 803.3(b)(1)(c) (Planning Code Sections 329(d)(10)). The subject property is located within the UMU (Urban Mixed-Use) Zoning District, and 68-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: Same as Item 10a.
 ACTION: Continued to June 2, 2016
 AYES: Fong, Richards, Antonini, Hillis, Johnson, Moore, Wu

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))

SPEAKERS: Magick – Soul of our City
 David Gibson – 2000 Bryant, stop
 Mari Eliza – Housing affordability
 Tracy Rosenberg – Holistic review of project
 Jonathan Ute – Anita Theoharis
 Spike Khan – Investment return
 Andrew Pollack – Government perception, communicate with the people
 Eric Arguello – Cumulative effects
 Kim Waldrom
 Walter Ewing – Housing options in the Bay Area
 Peter Papadapolous – Luxury unit count in the Mission pipeline
 Rich Hall

ADJOURNMENT - 4:27 P.M.