

# SAN FRANCISCO PLANNING COMMISSION



## Meeting Minutes

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

**Thursday, September 12, 2013**  
**12:00 p.m.**  
**Regular Meeting**

COMMISSIONERS PRESENT: Fong, Wu, Antonini, Borden, Hillis, Moore, Sugaya

THE MEETING WAS CALLED TO ORDER BY PRESIDENT FONG AT 12: 09 PM.

STAFF IN ATTENDANCE: John Rahaim – Planning Director, Kate Conner, Danielle Harris, Diego Sanchez, Sara Vellve, Sara Jones, Don Lewis, Casey Noel, Mary Woods, Glenn Cabreros, Elizabeth Watty, and Jonas P. Ionin - Acting Commission Secretary.

### 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. 2011.0187X (C. TEAGUE: (415) 575-9081)  
1001 17<sup>TH</sup> STREET (AKA 140 PENNSYLVANIA STREET) - southwest corner of 17<sup>th</sup> and Pennsylvania Streets; Lots 009 and 010 in Assessor's Block 3987 - **Request for Large Project Authorization**, pursuant to Planning Code Section 329 to demolish the existing industrial building and construct two adjacent residential buildings. The building at 1001 17<sup>th</sup> Street will be 4-stories, 48-feet tall, and will contain 26 dwelling units and 9 parking spaces in a ground floor parking garage, within the UMU (Urban Mixed Use) Zoning District and 48-X Height and Bulk District. The building at 140 Pennsylvania Street will be 4-stories, 40-feet tall, and will contain 11 dwelling units and 8 parking spaces in a ground floor parking garage, within the UMU (Urban Mixed Use) Zoning District and 40-X Height and Bulk

District. The project requests exceptions for rear yard, open space, and exposure requirements of the Planning Code.

Preliminary Recommendation: Approve with Conditions  
(Proposed for Continuance to September 26, 2013)

SPEAKERS: None  
ACTION: Continued to September 26, 2013  
AYES: Fong, Wu, Antonini, Borden, Hillis, Moore, Sugaya

2. 2013.0617MZ (C. TEAGUE: (415) 575-9081)  
"ADJACENT PARCELS" AND WESTERN SOMA CLEANUP -- AMENDMENTS TO THE GENERAL PLAN AND ZONING MAPS - **Staff will request the Planning Commission consider approving Resolutions to Adopt Amendments to the General Plan and Zoning Maps to implement the rezoning of orphaned parcels adjacent to the Western SoMa Plan Area**, correct the zoning and heights of several parcels within the Western SoMa Plan Area, and amend the boundaries of the East SoMa, Western SoMa, and Market and Octavia Plan Areas to include the "Adjacent Parcels."

Preliminary Recommendation: Approve with Conditions  
(Proposed for Continuance to October 10, 2013)

SPEAKERS: None  
ACTION: Continued to October 10, 2013  
AYES: Fong, Wu, Antonini, Borden, Hillis, Moore, Sugaya

3. 2013.0401C (K. CONNER: (415) 575-6914)  
875 AND 901 CALIFORNIA STREET – south side between Powell and Stockton Streets and at the southwest corner of the intersection of Powell and California Streets; Lot 017 in Assessor's Block 0256 and Lot 001 in Assessor's Block 0255 respectively – **Request for Conditional Use Authorization**, pursuant to Planning Code Sections 178, 303 and 304, to modify conditions of approval of a Planned Unit Development (PUD) located at 901 California Street (d.b.a Stanford Court Hotel) within the RM-4 (Residential, Mixed, High Density) Zoning District, the Nob Hill Special Use District, and 65-A and 320-E Height and Bulk District. Motion 6241 permitted a hotel with incidental commercial uses and professional offices and conditioned that 100 parking spaces be provided within an existing garage located at 875 California Street, converting it entirely to parking for the hotel. The Project Sponsor is asking for a modification under Planning Code Section 304 to reduce the parking provided for the hotel to seven spaces, providing it in the hotel's existing porte cochere. A separate Conditional Use Authorization application, 2013.1130C, is being sought to reclassify the garage at 875 California Street as a community parking garage use.

(Proposed for Continuance to November 7, 2013)

SPEAKERS: None  
ACTION: Continued to November 7, 2013  
AYES: Fong, Wu, Antonini, Borden, Hillis, Moore, Sugaya

4. 2013.1130 C (K. CONNER: (415) 575-6914)  
875 CALIFORNIA STREET – south side between Powell and Stockton Streets; Lot 017 in Assessor's Block 0256 – **Request for Conditional Use Authorization**, pursuant to Planning Code Sections 209.7 (a) and 303, to operate a community garage within the RM-4

(Residential, Mixed, High Density) Zoning District, the Nob Hill Special Use District, and 65-A Height and Bulk District. The current use of the building is a garage associated with the Stanford Court Hotel.

**(Proposed for Continuance to November 7, 2013)**

SPEAKERS: None  
 ACTION: Continued to November 7, 2013  
 AYES: Fong, Wu, Antonini, Borden, Hillis, Moore, Sugaya

## B. CONSENT CALENDAR

All matters listed hereunder constitute a Consent Calendar, are considered to be routine by the Planning Commission, and will 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

5. [2013.0282C](#) (D. HARRIS: (415) 575-9102)  
2701-2703 FOLSOM STREET - southeast corner of 23<sup>rd</sup> and Folsom Streets; Lot 035 in Assessor's Block 3640 - **Request for Conditional Use Authorization**, pursuant to Planning Code Sections 303, 209.3(j), and 186(g) to establish an approximately 2,400 square foot religious institution at 2701 Folsom Street (Buddhist Meditation Center) and to reactivate an approximately 400 square foot retail use at 2703 Folsom Street within a RH-2 (Residential-House, Two Family) Zoning District, the Mission Alcoholic Beverage Special Use Subdistrict and 40-X Height and Bulk District.  
 Preliminary Recommendation: Approve with Conditions

SPEAKERS: None  
 ACTION: Approved with Conditions  
 AYES: Fong, Wu, Antonini, Borden, Hillis, Moore, Sugaya  
 MOTION: 18958

6. [2013.0128C](#) (S. VELLVE: (415) 558-6263)  
2460 LOMBARD STREET (A.K.A. 2444 LOMBARD STREET) - north side, between Divisadero and Scott Streets, Lot 014 in Assessor's Block 0936 - **Request for Conditional Use Authorization** pursuant to Planning Code Sections 703.3 and 303 to allow a Formula Retail Use (d.b.a. Pet Food Express) in a NC-3 (Neighborhood Commercial, Moderate Scale) Zoning District and 40-X Height and Bulk District. The approximately 7,000 square foot pet supply store, which would include a pet wash component, would also include an accessory cat adoption facility, to be operated by Pets Unlimited. The building was previously occupied by a Blockbuster Video Store.  
 Preliminary Recommendation: Approve with Conditions  
 (Continued from Regular Meeting of August 8, 2013)  
**NOTE: On August 8, 2013, the Commission Adopted a Motion of Intent to Disapprove and to Continue the matter to September 12, 2013 by a vote (+6 -1, with Commissioner Antonini voting against).**  
**NOTE: On September 12, 2013, the Commission will consider a Draft Motion to Disapprove, prepared by staff.**

SPEAKERS: None

ACTION: Dissapoved  
 AYES: Fong, Wu, Borden, Hillis, Moore, Sugaya  
 NAYES: Antonini  
 MOTION: 18960

- 7a. [2011.0053CV](#) (D. SÁNCHEZ: (415) 575-9082)  
 25 ELGIN PARK - east side between McCoppin and Duboce Streets; Lot 111 in Assessor's Block 3502 - **Request for Conditional Use Authorization**, pursuant to Planning Code Sections 209.1(l) and 303 to add one dwelling unit to an existing eight unit multifamily dwelling, at a density of one dwelling unit per 357 square feet of lot area on an irregularly shaped 3,210 square foot lot, within a RTO (Residential, Transit Oriented) Zoning District and 40-X Height and Bulk district.  
 Preliminary Recommendation: Approve with Conditions

SPEAKERS: None  
 ACTION: Approved with Conditions  
 AYES: Fong, Wu, Antonini, Borden, Hillis, Moore, Sugaya  
 MOTION: 18959

- 7b. [2011.0053CV](#) (D. SÁNCHEZ: (415) 575-9082)  
 25 ELGIN PARK - east side between McCoppin and Duboce Streets; Lot 111 in Assessor's Block 3502 - **Request for Variances**, pursuant to Planning Code Sections 135, 140 and 305 to not provide useable open space where 100 square feet of private useable open space is required and to not provide dwelling unit exposure, within the RTO (Residential, Transit Oriented) Zoning District and 40-X Height and Bulk district.

***ZONING ADMINISTRATOR CLOSED THE PH AND INDICATED AN INTENT TO GRANT THE VARIANCE***

## C. COMMISSION MATTERS

8. Consideration of Adoption:
- [Draft Minutes for August 8, 2013](#); and
  - [Draft Minutes for August 15, 2013](#)

SPEAKERS: None  
 ACTION: Adopted as Corrected  
 AYES: Fong, Wu, Antonini, Borden, Hillis, Moore, Sugaya

Adoption of Commission Minutes – Charter Section 4.104 requires all commissioners to vote yes or no on all matters unless that commissioner is excused by a vote of the Commission. Commissioners may not be automatically excluded from a vote on the minutes because they did not attend the meeting.

9. 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'm in receipt of a report from the Office of Economic and Work Force Development and am happy to report that there was some good news. And one of the items was that San Francisco is the fastest growing county in private sector job rate growth of 6.1 between 2011-2012, and although the tech industry in and of itself had created 20,000 jobs in San Francisco since 2010. And unemployment rate was down 1.8% from the previous year in July of this year. So, anyway, these are all very good information and there's more in the report, more detail, and it's welcome news. However, there's one discrepancy that I find in that report based upon other sources. That report stated the employment totals, those employed in San Francisco at about 486,000 people. In the San Francisco Business Times, with their source being ABAG, reported the number at 580,000. So, that's a big discrepancy, so, I would ask that, you know, perhaps we can have some research done to find out what, in fact, the total employment in San Francisco is at the date that's referenced in that article and establish a little bit more of an accurate figure. Secondly, I do want to report that the Subcommittee Secretary Search Subcommittee met yesterday and action was taken to recommend a candidate. And the Presidents of the two Commissions have been informed, and they will have to take action to schedule a hearing for the two Commissions to independently vote to accept or reject our recommendations. So, it's been a long process, and I'm happy that it appears that it's headed towards its finish. And I will tell you in more detail about all the things that this subcommittee did over the year plus that we worked on this particular thing and we continue to do more. Thank you.

**Commissioner Borden:**

I don't know if anyone saw in the paper today, San Jose Mercury News there is an article that the California Supreme Court is going to rehear the case that was filed against the City of San Jose's Inclusionary Housing Ordinance. And, I would just like to ask the Director, you know, if the City is going to be doing an amicus brief or anything to get involved in that case because obviously we have a vested interest in the outcome of it. So, maybe we can look into that. And if the City isn't going to take a position, maybe this Commission could send a letter related to the case. The other thing is last week I got to go along -- I actually saw Director Rahaim, from Planning staff Neil Hrushowy, and I went to a launch of the Living Innovation Zone, which is this new project, to kind of create, kind of the innovation in the public space and looking at Market Street, in particular, the sites, kind of in between where that Yerba Buena Alley is, on Market between Fourth and Fifth -- Fourth and Third, actually. And it's actually really interesting, the Exploratorium is there, looking at all the different kinds of unique kind of interactive experiences and activities that we could create and as many people may not be aware they actually launched a campaign Indiegogo to raise money for the Living Innovation Zone so it wouldn't cost the City any money to put some fun, innovative interactive activities in the public space. But, I do encourage people who are interested in that, to learn more about that, it's called liz or living innovation zone. And I think it's lizsf.org if I'm not mistaken. But, I thought it was really fascinating and it's a great way to kind of activate public space. To really bring to fore, the kind of innovation we really talk about in the City is known for, but make it part of the experience that everyday citizens and tourists will embrace.

**Commissioner Moore:**

It was only on the back pages of the Chronicle, but a few days ago I read that Fresh and Easy has been bought by the Yucaipa Companies, which is one of Burkle's supermarket chains in California and I was very unhappy to hear that the 3rd Street, Bayview Hunters Point food store would be closed. I find that a very unfortunate move. All others, except a few stores in Sacramento, will I assume, be retained, but it's just for this City very difficult to see that store be closed. And I'm not sure what recourse we have. I don't have any idea, but it is of great concern to me that the neighborhood, which really needs this type of store, is the first one to be affected.

**Commissioner Sugaya:**

First, on the secretary search, are we -- President, are we thinking of having a joint hearing or no?

**Commissioner Fong:**

Likely to be a joint hearing.

**Commissioner Sugaya:**

Okay. I think that would be important to hear comments back and forth from the other Commissioners. Secondly, a new exhibit has opened up at the California Historical Society, SPUR, the San Francisco Public Library, the College of Environmental Design Archives in Berkeley, maybe one other venue. It's called Unbuilt San Francisco and it's an exhibit of those kinds of visionary or maybe not so visionary projects that have been proposed for San Francisco and the Bay Area. There is a really interesting and gorgeous model at the California Historical Society of a project that was proposed in Marin called the Marin Cello and it was -- if you're driving to Marin from the City and you go through the tunnel, if you can vision everything from that hillside over to the ocean was proposed for development. And I don't know how long -- I don't know who kept the model. It's at least 8 by 8 or some huge dimension like that. But it's been kept all these years since I guess the '50s is maybe when it was proposed, in the '60s. And I think it's now in the possession of GGNRA, but I'm not sure. There wasn't a label on it that said who was in possession of it, but it's really interesting to see. There are other visions for the Ferry Building area. Of course, models of the Jewish Museum that's part of the Jesse Street Substation, a ballet building that was proposed for where the Four Seasons is now. And over at SPUR, there are more planning oriented exhibits. So, it's well worth going and it's free, so, that's all I have.

**D. DEPARTMENT MATTERS****10. Director's Announcements****Director Rahaim:**

Commissioners, welcome back from break, ready for a busy fall. Just two announcements, I wanted to let you know pleased to let you know Corey Teague is the new Assistant Zoning Administrator. You know Corey from having worked in the Department for several years. He will be working directly under Scott Sanchez as the ZA and will fill in for Scott as Scott is away or as other needs arise. And as you know Dan Sider has accepted a different position in the Department as well. So, Corey fills in for Dan or takes over the position that Dan Sider had in that role. Secondly, I think you all got a memo from me yesterday, copy of a memo I sent to the Board regarding some new public outreach that we're doing related to development projects. We're happy to talk about that in more detail, but I did want to let you know that -- and I will give you more details as we -- as they are developed. But on October 2nd and October 5th we will be having a series of meetings in the Potrero Hill and Dogpatch Neighborhoods on development in that part of town. Supervisor Cohen is sponsoring those meetings. That's a Wednesday evening and Saturday morning. We will be talking about development in that area and talking, kind of a refresher, if you will, about Eastern Neighborhoods, which is now five years since it's been adopted. And talking about that plan and how these projects are or are not consistent with that plan and giving more information to the community about how they can get involved in the process. So, those are coming up on the second and the fifth of October. And that concludes my presentation. Thank you.

**11. Review of Past Week's Events at the Board of Supervisors, Board of Appeals and Historic Preservation Commission****BOARD OF SUPERVISORS:****LAND USE COMMITTEE:**

- **3rd St. FR.** At Monday's Land Use hearing the Committee heard Supervisor Cohen's Ordinance that would establish the 3rd Street Formula Retail Restricted Use District. This Commission heard that Ordinance on July 25, 2013 and voted unanimously for approval with modifications. The Supervisor included all of the Commission recommendations<sup>1</sup> but did not expand the RUD to include properties along Lane Street, which the Commission had recommended she look into including (if they ask, the Supervisor's office looked at the properties but decided that since they did not face 3rd Street and did not have store fronts it was not necessary to include them in the RUD). Because some substantive changes were made to the Ordinance the day of the hearing, the Ordinance had to be continued to the following week. There were no questions by members of the Committee and no public comment on the item. **The Ordinance is expected to pass out of next week's Committee hearing with a favorable recommendation to the Board.**

- **The Land Use Committee considered a Planning Commission-initiated ordinance for hotels in certain SoMa districts.** This ordinance would amend Section 842 to allow a tourist hotel of any size, on parcels in the MUO zoning district with a height designation of 105' or higher via CU. Under the existing controls for the MUO zoning district, only hotels with fewer than 75 rooms could be approved with Conditional Use authorization. After a brief presentation by an attorney representing the proposed 137-room hotel project at 144 King Street (which had been approved prior to the adoption of the Eastern Neighborhoods Area Plan), **the Committee forwarded the item to the full Board with a recommendation.**

#### GAO COMMITTEE:

#### FULL BOARD OF SUPERVISORS:

**INTRODUCTIONS:** Resolution recognizing the devastating effect of the foreclosure crisis on local communities, supporting the City of Richmond's strategy of Local Principle Reduction to assist homeowners in risk of foreclosure remain in their homes, and declaring San Francisco's intention to study whether it should embark upon a similar strategy. Sponsors: David Campos, John Avalos, Eric Mar, Malia Cohen

Ordinance amending the Planning Code to transfer proposed child care facility oversight from the Department of Children, Youth and Their Families to the Office of Early Care and Education. Norman Yee

Ordinance amending the Planning Code to allow an existing Tourist Hotel to rent rooms to homeless veterans for a period of time without abandoning the Tourist Hotel use classification. David Campos

#### BOARD OF APPEALS:

The Board of Appeals did meet last night. They had two hearings since the Commission went on recess and last night they met. Nothing of interest to report, but at the hearing on August 21st there were two items. The first being 865 El Camino Del Mar, also known as 132nd Avenue, and it was the DR that the Planning Commission has heard several times over the course of the years. This was -- this item had been heard previously, but continued to allow additional

<sup>1</sup> 1. Revise the proposed District boundaries so that the proposed RUD includes all properties from Williams Avenue to Paul Avenue that face Third Street and are not zoned NC, as show in the attached map, Exhibit A.

2. Revise the Ordinance so that the proposed RUD is subject to the same controls as all other Formula Retail establishments in the City. ((To address the Supe's concern the Commission recommended changing controls citywide to require that a Formula Retail operator would have to seek CU authorization if they purchase an existing Formula Retail business and operate it as a new business, regardless of whether or not the entire business was purchased or only some locations.))

3. Revise Planning Code Section 303(i) to reflect the changes outlined in Exhibit B.

4. Consider including the properties that front on Lane Street between Yosemite Street and Armstrong Avenue.

time to review the heights and ensure compliance with the heights. The Board on that item unanimously upheld the issuance of the permit and the hearing the Planning Commission did not take DR on this item. The second item, 3166 16<sup>th</sup> Street, which is a building permit application to establish a retail use known as Jack Spade, this item had a lengthy hearing. It was a jurisdiction request on a letter of determination. The previous week which the Board had denied on this one, the Board voted 3 to 2 to overturn the permit, to deny the permit. However, four votes are required, a super majority, in order to overturn a permit so the permit was in effect granted. There has been a rehearing request filed on this permit and I believe that's scheduled for hearing on October 9th.

#### 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. However, for items where public comment is closed this is your opportunity to address the Commission. With respect to all other 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: Jamie Whitaker – Warriors Arena

Linda Chapman, Nob Hill Neighbors – 1601 Larkin St. and Nob Hill in general

#### F. REGULAR CALENDAR

12a. (S. JONES: (415) 575-9034)

ADMINISTRATIVE CODE, CHAPTER 31, CEQA LEGISLATION - **Informational presentation** - On July 16, 2013, the Board of Supervisors unanimously passed an ordinance amending Chapter 31 of the San Francisco Administrative Code, which contains the City's **procedures for implementing the California Environmental Quality Act (CEQA)**. This presentation will discuss changes to existing procedures and outline how the Planning Department is implementing these requirements, including changes to the Planning Department's website in order to improve user interface and access to CEQA exemption information. This is an informational item only, no action is necessary.

Preliminary Recommendation: None - Informational

SPEAKERS: - Sue Hestor – Area plan, CEQA review  
- Rose Hillson – Exemption map

ACTION: None – Informational

12b. (S. JONES: (415) 575-9034)

ADMINISTRATIVE CODE, CHAPTER 31, CEQA LEGISLATION - Pursuant to ordinance amending Chapter 31 of the San Francisco Administrative Code, Planning Department will demonstrate to the Planning Commission that it has updated its website to provide up-to-date information to the public about each **CEQA exemption determination** in a format searchable by location, such as through the "Active Permits In My Neighborhood" tool now used by the Planning Department and the Department of Building Inspection.

Preliminary Recommendation: Approve a Motion advising the Clerk of the Board of the Department's compliance.

SPEAKERS: - Sue Hestor – Area plan, CEQA review

- Rose Hillson – Exemption map  
 ACTION: Approved a Motion advising the Clerk of the Board of the Department's compliance  
 AYES: Fong, Wu, Antonini, Borden, Hillis, Moore, Sugaya  
 MOTION: 18963

13. [2011.1122E](#) (D. LEWIS: (415) 575-9095)

**75 HOWARD STREET - Public Hearing on the Draft Environmental Impact Report.** The project site is located on the south side of Howard Street at the southwest intersection of Howard and Steuart Streets, in San Francisco's Financial District, and within the Transit Center District Plan area. The project site consists of three lots and a portion of street right-of-way: Assessor's Block 3741/Lot 31; Block 3742/Lot 12; a portion of Block 3741/Lot 35; and a portion of the Steuart Street right-of-way south of Howard Street. The project sponsor proposes the demolition of the existing 550-space, eight-level, commercial parking structure, and construction, in its place, of an approximately 31-story, 348-foot-tall, 432,253-gross-square-foot (gsf) residential, high-rise tower containing 186 market rate units and approximately 5,658 gsf of retail use. The proposed project would include 175 off-street parking spaces in a two level underground garage accessed from Howard Street and a new 4,780-sq.-ft. landscaped, publicly accessible open space. The proposed project includes two variants: a Public Parking Variant to provide an additional 91 off-street parking spaces and a Residential/Hotel Mixed Use Variant to include 109 residential units and 82 hotel rooms. The project site is located in a C-3-O(SD) – Downtown Office (Special Development) Use District.

**NOTE: Written comments will be accepted at the Planning Department until 5:00 p.m. on September 16, 2013.**

Preliminary Recommendation: None - No Action Required

SPEAKERS: +Tim Collen, SFHAC – Remova of the garage w/the proposed use is an improvement  
 + Michael McKenna – Use of the land, stepping stone  
 - Sue Hestor – Inadequate CEQA review, height rezoning  
 - David Osgow – Heights  
 - Ian Lewis – Hotels non-residential use  
 - Reed Bement – Bad project, height  
 - John Yadigar – Hills plaza, Embarcadero height limit  
 - Keith Bardow – Shadows on open space  
 - David Cincotta – DEIR inadequate and inaccurate  
 - Christopher Butcher – DEIR flawed transportation analysis  
 = Jamie Whitaker – Unit mix and size

ACTION: Accepted public comments on the DEIR

14. [2013.0291C](#) (C. NOEL: (415) 575-9125)

**1233-1239 NORIEGA STREET** - south side between 19th and 20th Avenues; Lot 035 in Assessor's Block 2056 - **Request for Conditional Use Authorization**, pursuant to Planning Code Sections 303 and 703.4 to allow a formula retail use (d.b.a. Sterling Bank and Trust) the existing retail space occupying 1237 & 1239 Noriega Street will be re-divided into two retail spaces; the proposed use will occupy 1239 Noriega Street, within the Noriega Street Neighborhood Commercial District and 40-X Height and Bulk District.

Preliminary Recommendation: Approve with Conditions

SPEAKERS: + Project Sponsor – Project description

+ Jeremy Schawb – Project Architect  
 ACTION: Approved with Conditions  
 AYES: Fong, Wu, Antonini, Borden, Hillis, Moore, Sugaya  
 MOTION: 18961

15. [2013.0535CER](#) (M. WOODS: (415) 558-6315)  
3301-3601 LYON STREET - between Marina Boulevard and Bay Street, Lot 002 in Assessor's Block 0916 - **Request for Conditional Use Authorization** to allow the temporary establishment of a private elementary school (at the site formerly occupied by The Exploratorium at the Palace of Fine Arts) for the Town School for Boys for the 2013 - 2014 academic year while the Town School's permanent campus at 2750 Jackson Street is being renovated. No physical changes would be made to the existing Palace of Fine Arts building within a P (Public) Zoning District, OS (Open Space) Height and Bulk District and the Scenic Special Sign District.  
 Preliminary Recommendation: Approve with Conditions

SPEAKERS: + Mark Miller – Project description  
 + Brendan Duncan – Outside activities, traffic calming measures  
 + Patricia Vaughey – Requested all those in favor to rise  
 + Bruce Healey – Response to parking issue  
 + Flora Magube Matunga – Town School diversity  
 + Jennifer Warren – Safety  
 + Robin May – Parent representative of 280 families  
 + Alan Sternberg – Support  
 + Nancy Dody – Lease negotiations  
 = John Hook – Parking, drop off and pickups  
 ACTION: Approved with Conditions  
 AYES: Fong, Wu, Antonini, Borden, Hillis, Moore, Sugaya  
 MOTION: 18962

- 16a. [2012.1027DD](#) (G. CABREROS: (415) 558-6169)  
3700 BRODERICK STREET - northeast corner of Broderick and Jefferson Streets; Lot 014 in Assessor's Block 0911 - **Requests for Discretionary Review** of Building Permit Application No. 2012.11.15.4294 proposing to construct side and rear horizontal additions, a front horizontal addition to the existing partial fourth floor and facade alterations to the existing four-story, single-family residence within a RH-2 (Residential, House, Two-Family) Zoning District and 40-X Height and Bulk District.  
 Staff Analysis: Abbreviated Discretionary Review  
 Preliminary Recommendation: Do not take Discretionary Review and Approve

SPEAKERS: - Mary Gallagher – DR requestor representative  
 - Darron Rishwain – Petition submittal  
 - Pamela Rishwain – Western windows of their home  
 - Ford Sibley – Architecture and side yards  
 - David Adella – Destructive precedent  
 - Anonymous (M) Speaker – Preserve existing conditions  
 - Miles Westinger – Trend of bigger homes on smaller lots  
 - Anonymous (F) Speaker – Light and air  
 - Alan Silverman – concrete gardens  
 - Pam Able – Marina District attributes

- Jeannett Burocka – Marina District attributes, variance
- Ford Sibley – Large house already
- Joan Smith – Already a beautiful house
- Elaine Gabriel – Side yard vs rear yard
- Bill Gabriel – Character of the neighborhood
- Manuel Burocka – Variance
- Aussie Menuhu – Landscaping and open sideyards
- Flugas Fallisnki – DR process
- Kimberly Crowder – Open spaces
- Darren McArcher – Sun studies
- Patricia Vaughey – Side yard expansion
- + David Armour – Project Architect
- + Angella Grohel – Medical issues
- + Rodrigo Santos – Structural issues
- + John Grohel – Lightwell and shadow

**ACTION:** Took DR and Approved the Project with no additional encroachments into the rear or side yards, allowing some squaring off of the existing floor plan at the first and second levels.

**AYES:** Fong, Antonini, Borden, Hillis, Moore, Sugaya

**NAYES:** Wu

**DRA No:** 0334

- 16b. [2012.1027V](#) (G. CABREROS: (415) 558-6169)  
3700 BRODERICK STREET - northeast corner of Broderick and Jefferson Streets; Lot 014 in Assessor's Block 0911 - **Request for a rear yard variance** to construct side and rear horizontal additions to the existing four-story, single-family residence within the RH-2 (Residential, House, Two-Family) Zoning District and 40-X Height and Bulk District. Planning Code Section 134 requires a 15-foot rear yard for the subject property. A portion of the existing building projects approximately 9 feet into the required rear yard. The rear and side horizontal additions are proposed to align with the existing portion of the rear facade that projects 9 feet into the required rear yard.

***ZONING ADMINISTRATOR CLOSED THE PUBLIC HEARING AND INDICATED AN INTENT TO GRANT A VARIANCE***

17. [2012.0193D](#) (E. WATTY: (415) 558-6620)  
212-214 CALIFORNIA STREET – north side, between Front and Battery Streets; Lot 007 in Assessor's Block 0237 – **Mandatory Discretionary Review** of Building Permit Application No. 2012.08.30.8628, pursuant to Planning Code Section 217(k), to allow a new Medical Cannabis Dispensary (dba "CBD Wellness Solutions") to locate within the rear of the existing ground-floor tenant space. The proposed dispensary would not permit any on-site consumption of cannabis, nor would it permit any on-site cultivation of cannabis. The property is located within a C-3-O (Downtown Office) Zoning District and 75-X Height and Bulk District.

Preliminary Recommendation: Take Discretionary Review and Approve with Conditions

**SPEAKERS:**

- + Brendan Hallinan – Project description
- + Shanon Wright – Owner credibility
- + Michael Taylor – Medicinal needs
- + Kitty Lewis – Medicinal needs
- + Jason Rosenberg – Medicinal needs

+ Justin Terry – Medicinal needs  
+ Tony Kim – Responding to Commissioners questions  
- Mellisa Buich – Clientele  
- Micah Byce – Federal law, conditions  
- Anonymous (F) Speaker – Not compatible w/downtown CBD

ACTION: Took DR and Approved the Project with Conditions as amended to include a Community Liaison.

AYES: Fong, Wu, Borden, Hillis, Moore, Sugaya

NAYES: Antonini

DRA No: 0335

## 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))

None

**ADJOURNMENT – 6:14 P.M.**

**Hearing Materials**

Materials submitted to the Planning Commission prior to a scheduled hearing will become part of the public record only when the materials are also provided to the Commission Secretary and/or Project Planner. Correspondence may be emailed directly to the Commission Secretary at: [commissions.secretary@sfgov.org](mailto:commissions.secretary@sfgov.org).

Persons unable to attend a hearing may submit written comments regarding a scheduled item to: Planning Commission, 1650 Mission Street, Suite 400, San Francisco, CA 94103-2414. Written comments received by the close of the business day prior to the hearing will be brought to the attention of the Planning Commission and made part of the official record.

Advance Submissions: To allow Commissioners the opportunity to review material in advance of a hearing, materials must be received by the Planning Department reception eight (8) days prior to the scheduled public hearing. All submission packages must be delivered to 1650 Mission Street, Suite 400, by 5:00 p.m. and should include fifteen (15) copies.

Day-of Submissions: Material related to a calendared item may be distributed at the hearing. Please provide ten (10) copies for distribution.

**Appeals**

The following is a summary of appeal rights associated with the various actions that may be taken at a Planning Commission hearing.

Case Type	Case Suffix	Appeal Period*	Appeal Body
Office Allocation	B	15 calendar days	Board of Appeals**
Conditional Use Authorization and Planned Unit Development	C	30 calendar days	Board of Supervisors
Building Permit Application (Discretionary Review)	D	15 calendar days	Board of Appeals
CEQA Determination - EIR	E	20 calendar days	Board of Supervisors
Coastal Zone Permit	P	15 calendar days	Board of Appeals
Planning Code Amendments by Application	T	30 calendar days	Board of Supervisors
Variance (Zoning Administrator action)	V	10 calendar days	Board of Appeals
Permit Review in C-3 Districts, Downtown Residential Districts and Large Project Authorization in Eastern Neighborhoods	X	15 calendar days	Board of Appeals
Zoning Map Change by Application	Z	30 calendar days	Board of Supervisors

\* Appeals of Planning Commission decisions on Building Permit Applications (Discretionary Review) must be made within 15 days of the date the building permit is issued/denied by the Department of Building Inspection (not from the date of the Planning Commission hearing). Appeals of Zoning Administrator decisions on Variances must be made within 10 days from the issuance of the decision letter.

\*\*An appeal of a Certificate of Appropriateness or Permit to Alter/Demolish may be made to the Board of Supervisors if the project requires Board of Supervisors approval or if the project is associated with a Conditional Use Authorization appeal. An appeal of an Office Allocation may be made to the Board of Supervisors if the project requires a Conditional Use Authorization.

For more information regarding the Board of Appeals process, please contact the Board of Appeals at (415) 575-6880. For more information regarding the Board of Supervisors process, please contact the Clerk of the Board of Supervisors at (415) 554-5184 or [board.of.supervisors@sfgov.org](mailto:board.of.supervisors@sfgov.org).

Challenges: Pursuant to Government Code Section 65009, if you challenge, in court, (1) the adoption or amendment of a general plan, (2) the adoption or amendment of a zoning ordinance, (3) the adoption or amendment of any regulation attached to a specific plan, (4) the adoption, amendment or modification of a development agreement, or (5) the approval of a variance, conditional-use authorization, or any permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Planning Commission, at, or prior to, the public hearing.