

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, February 6, 2014
12:00 p.m.
Regular Meeting

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

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

STAFF IN ATTENDANCE: John Rahaim – Planning Director, Scott Sanchez – Zoning Administrator, Steve Wertheim, Casey Noel, Tina Chang, Keith DeMartini, Susan Gygi, Elizabeth Watty, Kanishka Burns, Kate Conner, and Jonas P. Ionin – 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. 2013.1896T (S. WERTHEIM: (415) 558-6612)
PLANNING CODE AMENDMENTS RELATED TO PRODUCTION, DISTRIBUTION, AND REPAIR USES – proposed **amendments to the Planning Code and Administrative Code** - The amendments are intended to support the development of new space for Production, Distribution, and Repair (PDR) uses, Small Enterprise Workspace Uses, and Integrated PDR uses, as well as make it easier to operate PDR businesses in the city's PDR Districts. The Planning Code is proposed to be amended by deleting Sections 175.8, 249.39, 413.7, 428A, revising Sections 181, 204.3, 226, 227, and 890.49, and adding Section 219.1. The Administrative Code is proposed to be amended by revising Section 10E.d.

Preliminary Recommendation: Pending
(Proposed for Continuance to February 20, 2014)

NOTE: An informational hearing will be presented on this matter, under the Regular Calendar.

SPEAKERS: None
 ACTION: Continued to March 13, 2014
 AYES: Fong, Wu, Borden, Moore, Sugaya
 ABSENT: Antonini, Hillis

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

2. [2013.1373Q](#) (T. CHANG: (415) 575-9197)
4317 21ST STREET – south side of 21st Street between Worth Street and Douglass Street on Assessor's Block 2766, Lot 027. **Request for Condominium Conversion Subdivision** to convert a two-story-over-garage, six-unit building within a RH-2 (Residential, House, Two-Family) Zoning District, 40-X Height and Bulk District. This action constitutes the Approval Action for the project for the purposes of CEQA, pursuant to Section 31.04(h) of the San Francisco Administrative Code.
 Preliminary Recommendation: Approve

SPEAKERS: None
 ACTION: Approved
 AYES: Fong, Wu, Borden, Moore, Sugaya
 ABSENT: Antonini, Hillis
 MOTION: 19068

3. [2013.1687Q](#) (T. CHANG: (415) 575-9197)
188-194 NOE STREET – southwest side of Noe Street between Henry Street and 15th Street on Assessor's Block 3540, Lot 013. **Request for Condominium Conversion Subdivision** to convert a three-story, six-unit building within a RM-1 (Residential, Mixed, Low Density) Zoning District, 40-X Height and Bulk District. This action constitutes the Approval Action for the project for the purposes of CEQA, pursuant to Section 31.04(h) of the San Francisco Administrative Code.
 Preliminary Recommendation: Approve

SPEAKERS: None
 ACTION: Approved
 AYES: Fong, Wu, Borden, Moore, Sugaya
 ABSENT: Antonini, Hillis
 MOTION: 19069

4. [2013.1698Q](#) (C.NOEL: (415) 575-9125)
530-534 CLIPPER STREET – at the northern side of Clipper Street between Douglass and

Diamond Streets on Assessor's Block 6545, Lot 011. **Request for Condominium Conversion Subdivision** to convert a three-story-over-basement, six-unit building within a RH-2 (Residential, House, Two-Family) Zoning District, 40-X Height and Bulk District. This action constitutes the Approval Action for the project for the purposes of CEQA, pursuant to Section 31.04(h) of the San Francisco Administrative Code.

Preliminary Recommendation: Approve

SPEAKERS: None
 ACTION: Approved
 AYES: Fong, Wu, Borden, Moore, Sugaya
 ABSENT: Antonini, Hillis
 MOTION: 19070

5. [2014.0111Q](#) (C.NOEL: (415) 575-9125)
1200 CASTRO STREET - at the southwest corner of Castro and Elizabeth Streets on Assessor's Block 2831, Lot 001 - **Request for Condominium Conversion Subdivision** to convert a three-story-over-garage, five-unit building within a RH-2 (Residential, House, Two-Family) Zoning District, 40-X Height and Bulk District. This action constitutes the Approval Action for the project for the purposes of CEQA, pursuant to Section 31.04(h) of the San Francisco Administrative Code.
 Preliminary Recommendation: Approve

SPEAKERS: None
 ACTION: Approved
 AYES: Fong, Wu, Borden, Moore, Sugaya
 ABSENT: Antonini, Hillis
 MOTION: 19071

6. [2013.1515C](#) (J. SPEIRS: (415) 575-9106)
2283 PALOU AVENUE - south side between Oakdale Avenue and Apparel Way; Lot 001 in Assessor's Block 5585 - **Request for Conditional Use Authorization**, pursuant to Planning Code Sections 226(w) and 303, to allow a non-automated distillery and wholesale use (d.b.a Top Hat Distillery) within a PDR-2 (Core Production, Distribution and Repair) Zoning District and 65-J 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
 AYES: Fong, Wu, Borden, Moore, Sugaya
 ABSENT: Antonini, Hillis
 MOTION: 19072

C. COMMISSION MATTERS

7. Consideration of Adoption:
- [Draft Minutes for January 16, 2014](#)
 - [Draft Minutes for January 23, 2014](#)

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

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.

8. 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 Moore:

I'm sorry to hear about Commissioner Antonini's re-occurrence of whatever. Can we send him another card?

Jonas Ionin, Commission Secretary

We certainly can send him another card. Although just to clarify, it has nothing to do with the original procedure.

Commissioner Moore:

It's just a kind gesture, because I talked to him the other day, he called me and sounded great, he was just getting back to the old routine, and so I did not know the other thing, it's always nice to get a card when you're down.

Commissioner Wu:

I wanted to bring up that the Department has submitted their response to the Mayor's Executive Directive on Housing, so maybe at a later date when the Director is here, we can talk about what the roll of the Commission is in that, and whether there is – a formal presentation to the Commission or a check-in every now and then. I am fairly open to what the structure would be, but would just like some sort of report back to the Commission about of the plans for the Department.

Commissioner Sugaya:

Yes. Last Wednesday there was a presentation on the Geary Boulevard BRT held at the - in Japantown, which I attended and was not great attendance, but there were, I think, a lot of concerns, especially over the consolidation of bus stops along Geary in that stretch, kind of between Laguna and O'Farrell – not O'Farrell, Fillmore. And there were some other concerns that were voiced, but I would hope that MTA would take the comments at least one regarding the Buchanan stop seriously, before they send this document to environmental review. The way it was presented was that this was a staff preferred project and that the staff preferred project would be subject to the EIR, but I hope that they can make some tweaks based on the comments that were voiced at the community and hopefully that will also be presented to them in writing before it goes for environmental review.

Commissioner Moore:

Yesterday there was a comment in the newspapers and again, this morning, that some people are considering filling the tunnel on Geary Street, perhaps indirectly links to that communication, that there was actually a cost figure thrown out, I'd be interested for the Department to wrap that same conversation to what Commissioner Sugaya was just asking, I was just curious to hear a little bit more about it.

Commissioner Sugaya:

Just to elaborate a little bit, that was presented at the hearing in the following way: "the Geary BRT is going to move ahead without filling in the Fillmore underpass," because of the cost factor and they feel they can do the improvements and not jeopardize anything in the future that might take place with respect to filling in that underpass, but it definitely is not a part of the Geary BRT at this time.

9. (J. IONIN: (415) 558-6309)
ELECTION OF OFFICERS: In accordance with the Rules and Regulations of the San Francisco Planning Commission, the President and Vice President of the Commission shall be elected at the first Regular Meeting of the Commission held on or after the 15th day of January of each year, or at a subsequent meeting, the date which shall be fixed by the commission at the first Regular Meeting on or after the 15th day of January each year.
 (Continued from Regular Meeting of January 16, 2014)

SPEAKERS: None
 ACTION: Continued to February 13, 2014
 AYES: Fong, Wu, Borden, Hillis, Moore, Sugaya
 ABSENT: Antonini

D. DEPARTMENT MATTERS

10. [Director's Announcements](#)

Director Rahaim:

Thank you. Excuse my tardiness today. I just wanted to report to you that we have the Director of DBI Tom Hui and I, and other Department heads, have concluded our response to the Mayor's Executive Directive on the housing issues, housing preservation and production. I think that you recall that we have 3 tiers of responses, short-term, mid-term and long-term. The short-term changes were changes that could be made without legislation, without policy changes, that the Departments can implement immediately and we are directing staff this week to make some of those changes. The longer-term changes and mid-term changes we are recommending that they be taken up by the Mayor's new task force, that he is in the process of forming, to talk about housing production, affordable, and middle income housing in particular, and we have packaged those, so to speak, as a separate package that will be transmitted to the Mayor's new Task Force. I am happy to share all the memos and I we'll get them to you in the next day or so, as this process moves forward. I think and I know that Commissioner Wu has expressed interest on this, I think, we certainly, if you desire to have a separate hearing, to talk about this more robustly and more specifics if you like.

11. Review of Past Week's Events at the Board of Supervisors, Board of Appeals and Historic Preservation Commission

LAND USE COMMITTEE:

- **Enforcement hearing.** On Monday, Supervisors Weiner and Cohen requested a hearing the Land Use Committee on the Code Enforcement Policies and Procedures. Various City Departments were

asked to present background information on their programs, including enforcement statistics and examples of problematic cases. City agencies who presented include: DBI, Planning, Fire and Health. The Supervisors expressed concerns about coordination between department's. Suggested improvements included a shared complaint tracking system, consolidating enforcement functions into one agency and legislative solutions to improve enforcement tools. **Ultimately, the Committee continued the item to allow for further review of possible improvements.**

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- **Supervisor Wiener's technical amendments to the Transit Impact Development Fee was also at LU.** On December 12, 2013, this Commission considered and recommended approval of the proposed ordinance. The proposed ordinance clarifies language regarding fee exemptions, by eliminating project-specific references to redevelopment areas. The existing language would expand to cover all projects subject to a development agreement, redevelopment plan, owner participation agreement, interagency cooperation agreement, or similar document. The ordinance also amends the method and timing of calculating the fee to make it consistent with other development impact fees charged by the City. Supervisors Wiener and Kim noted that the legislation would improve administration of the TIDF and were pleased that development projects Citywide would be treated fairly and equally with regard to assessment of TIDF. There were no public comments.
 - **The Land Use Committee moved this legislation forward to the full Board with positive recommendation. Planning staff also presented the Interagency Plan Implementation Committee (IPIC) report.** This report details the capital plan for 6 area plans and over \$110 Million dollars of Impact Fee funds. The same report was presented to the PC in December. Board Committee members expressed support for the work and concern around implementing the planned transportation infrastructure in a timely manner, especially in Eastern Neighborhoods. **Next steps, the capital projects will be approved through the FY2015 budget process.**

FULL BOARD OF SUPERVISORS:

- The Affordable Housing SUD for 1500 Page Street was approved on First Reading this week. This ordinance, initiated by Supervisor Breed, will enable adaptive reuse of a historic building to create 16 affordable housing units & one manager unit. The Commission approved of this Ordinance on 12/19.
- Landmark Designation for Marcus Boos at 1712 Fillmore Street was approved by the Board on final reading this week.
- All of the ordinances associated with the Adjacent Parcels were also adopted on Final Reading.

INTRODUCTIONS:

- **140112 Hearing - Status of Sutter/California Pacific Medical Center Cathedral Hill Development Agreement and Construction Project.** Hearing on the status of Sutter/California Pacific Medical Center (CPMC) Cathedral Hill Development Agreement (DA) and construction project, including updates from Sutter/CPMC and key City departments on DA commitments implemented thus far, and a schedule of future commitments, as well as an update on project construction and hospital planning. **David Campos, Mark Farrell, Eric Mar**
- **140097 Planning Code - Medical Cannabis Dispensaries - Ocean Avenue Neighborhood Commercial Transit District.** Ordinance amending the Planning Code to require that, in the Ocean Avenue Neighborhood Commercial Transit District, a Medical Cannabis Dispensary (MCD) may be allowed within 500 feet of another MCD as a conditional use, provided that no other Citywide regulation governing the proximity of MCDs to each other becomes law. **Norman Yee.**

This ordinance will be scheduled for your consideration within the next three months. Next I'm going to describe three ordinances which do not amend the Planning Code. As such, these ordinances will

not be scheduled before the commission, unless requested by a majority of commissioners or under the direction of the Commission President.

- **140096 Administrative Code - Tenant Relocation Assistance Payment.** Ordinance amending the Administrative Code, to mitigate adverse impacts of tenant evictions to provide that when residential units are withdrawn from the rental market aka Ellis Act evictions. Each relocated tenant would be entitled to the greater of the existing rent relocation payment, or the difference between the tenant's current rent and the prevailing rent for a comparable apartment in San Francisco over a two year period. **David Campos, Jane Kim, John Avalos, Eric Mar.**
- **140094 Housing Code - Housing Access - Extending Protections to All Persons Sharing Housing.** Draft Ordinance amending the Housing Code, Chapter 5, Section 503(d), "Housing Access," to promote affordable housing by extending the protections of that section to all persons sharing housing by deleting the references to "families," and to specify that both prospective and current tenants are protected; and amending Section 503(b), "Superficial Floor Area," to make a technical correction. **John Avalos.**
- **140095 Administrative Code--Residential Rent Stabilization and Arbitration Ordinance: Prohibit Rent Increases and Evictions Based on Additional Occupants.** Draft Ordinance amending Administrative Code, Chapter 37, "Residential Rent Stabilization and Arbitration Ordinance," Sections 37.3 and 37.9, to prohibit rent increases based on the addition of occupants, even where a pre-existing rental agreement or lease otherwise permits a rent increase for additional occupants—this ordinance provides for a number of exceptions to this requirement. **John Avalos.**

BOARD OF APPEALS:

The Board of Appeals met last week and also last night. A couple of items that might of interest, the first is 1601 Larkin Street. There was an appeal of the variance decision letter for that project and the Board ultimately, unanimously upheld the variance decision for that project. A couple of other items from last night, 272 Upper Terrace, which was a variance that we issued for a fence that was built 11 feet tall, we had conditioned it to be 11 feet tall, but 10 feet is what is allowed under the code, but it's up on Mt. Olympus. There was a lot of neighborhood concern about the impacts on view, we had a variance hearing in August with a lot of turnout, we conditioned it, to lower it from what it was, to legalize this fence, but the neighbors weren't satisfied that that condition went far enough, so it was appealed. The Board did not actually have a vote last night, there was a two to two to overturn the variance decision so it failed and there was no subsequent motion. So, by act of law the variance decision was upheld. Finally, 2853 Broderick Street, last night there was an appeal of a DPW sidewalk encroachment permit, but this item had been before you, under DR back in 2012, and you conditioned to limit the addition of the building or increasing the height at the garage, to specifically 36 inches. The permits had been issued and there were allegations raised about the accuracy of the plans. We found that it appears that the plans were inaccurate and it was showing the building going from 34 ft. to 37 ft., for a 3 ft. increase, but in reality it seems that it went from 37 ft., to 40 ft.. It was still an increase of 3 ft. We're working with the project sponsor to get the project back to you with revised plans, they're also, now proposing a dwelling unit merger, but I wanted to make you aware of that. This has been ongoing for about the last year, these allegations for the last 9 months and yesterday, ultimately I suspended all the active permits on the property to get revised plans a little bit more quickly. We also requested that the Board continue the appeal on the sidewalk encroachment permit to the Call of Chair, which they did, so we can hopefully get all the permit issues all wrapped up. So, I am available for any questions.

HISTORIC PRESERVATION COMMISSION:

Good afternoon, Commissioners Tim Frye, Department staff, here to share with you yesterday's - the results of yesterday's Historical Preservation Commission hearing. The Historic Preservation Commission

received an informational presentation on the Recreation and Open Space Element. After some discussion by the Commission and public comment, urging that preservation policies be expanded within the Element, the Commission continued the item to its February 19th hearing to give the Department more time to directly response to the questions raised by the members of the public and also give the Commissioners a little more time to mull over exactly what type of approach they would like to take with the preservation, any proposed preservation policies within that Element. I'll keep you updated on the results of that hearing. The Commission also issued or granted a Major Permit to Alter for 300 Post Street also known as the Apple Store, the vote was 6 to 1. After much discussion about the design, the plaza, the proposed variance and code amendments, the HPC in its approval amended the conditions regarding the care and restoration of the Ruth Asawa Fountain and Pilar LaValley, of preservation staff, will be here with Liz Watty in case you have any specific questions about the HPC's discussion once that item is called on your agenda later today. The Commission also forwarded a positive recommendation for a proposed national register district nomination for the Union Iron Works Historic District, this is located in – along Pier 70, and as you know the Port is using the historic district nomination to leverage Federal Rehabilitation Tax Credits for many of the historic buildings located at that site. It's my understanding that the State Historic Resources Commission is meeting either today or possibly next week, but we'll keep posted on that designation. Finally, the staff -- Planning staff gave an overview of our Certified Local Government Annual Report, this is a requirement of the State, every year to report back on the activities of the Historic Preservation Commission, and our Historic Preservation Program. The Commissioners reviewed the Report and at the end of Report identified several goals for the upcoming year, just in summary, the Commission would like us to update the Historic Preservation portion of the Planning Department's website to make it a little more user friendly and provide more information to the public on the Historic Preservation Program. We're going to continue our outreach and expand participation in the Historic Preservation Program, primarily through our Community Ambassadors Program that you are aware of. Commission would also like us to expand our outreach in coordination with the Assessor Recorders Office regarding to the Mills Acts Program, the property tax savings, applied to historic properties in San Francisco. And then finally, as part of that discussion there was a hearing request for a future hearing to discuss the role of the Historic Preservation Commission and the Department in promoting the Federal and State Rehabilitation Tax Credits as an economic development tool. So we are going to have that discussion, hopefully in the next few months and we will report back to you on the outcome of that item. 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. 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.

None

F. REGULAR CALENDAR

12. (K. DEMARTINI: (415) 575-9118)
[FY 2014-16 PROPOSED DEPARTMENT BUDGET](#) – **Informational presentation** of the department's revenue and expenditure budget in FY 2014-2015 and FY2015-2016, including grants, capital budget requests, and proposed staffing changes.
Preliminary Recommendation: None - Informational Only

SPEAKERS: = Sue Hestor – Why is the Planning Department an Enterprise Department?
 ACTION: None – Informational

13. (S. GYGI: (415) 575-9194)
[RAILYARD ALTERNATIVES AND I-280 BOULEVARD FEASIBILITY STUDY](#) - **Informational presentation** of the department’s current request for proposals related to the area surrounding the 4th & King railyard.
 Preliminary Recommendation: None – Information Only

SPEAKERS: = John Elberling – Complex study - Maximum housing development alternative
 = Jim Meko – Housing
 = Sue Hestor - Big studies – Commitment to expedite market rate housing
 ACTION: None – Informational

14. [2013.1896T](#) (S. WERTHEIM: (415) 558-6612)
PLANNING CODE AMENDMENTS RELATED TO PRODUCTION, DISTRIBUTION, AND REPAIR USES – **Informational presentation** regarding proposed amendments to the Planning Code and Administrative Code. The amendments are intended to support the development of new space for Production, Distribution, and Repair (PDR) uses, Small Enterprise Workspace Uses, and Integrated PDR uses, as well as make it easier to operate PDR businesses in the city’s PDR Districts. The Planning Code is proposed to be amended by deleting Sections 175.8, 249.39, 413.7, 428A, revising Sections 181, 204.3, 226, 227, and 890.49, and adding Section 219.1. The Administrative Code is proposed to be amended by revising Section 10E.d.
 Preliminary Recommendation: None – Informational Only

SPEAKERS: + Jon Lau, OED – Co-Sponsor of the legislation
 +Andrea Bruss, Aide to Sup. Cohen – Co-Sponsor of the legislation, key components
 + Laura Lane, Aide to Sup. Campos – Co-Sponsor, working with the community
 + Kate Sofis – Lack of industrial space
 + John Dannerbeck – Anchor Strauss Brewery largest manufacturer, in support of the legislation
 + Tim Colen – Different conditions, pivot and adopt
 = Peter Cohen – Meaningful public benefit
 - Jim Meko – Offices in the PDR
 ACTION: None - Informational

15. [2013.1695T](#) (E.WATTY: (415) 558-6620)
REQUEST FOR A PLANNING CODE AMENDMENT - pursuant to Planning Code Section 302, to allow noncomplying secondary structures that exceed a property’s maximum floor area ratio limit to be demolished, in whole or in part, and reconstructed, if certain findings can be made by the Planning Commission through the Downtown Authorization process (Section 309). The Ordinance was introduced by Supervisor David Chiu and is identified as Board of Supervisors File No. 13-1059. The Planning Commission will consider a resolution recommending this **Text Amendment** to the Board of Supervisors; adopting findings, including environmental findings, Planning Code Section 302 findings, and findings of consistency with the General Plan and the priority policies of Planning Code Section 101.1.
 Preliminary Recommendation: Adopt a Recommendation for Approval with Modifications

- SPEAKERS:**
- + Rick Millittello, Apple representative – Project description
 - + James MCGrath, Architect – Design presentation
 - + George Broder – Bay Area Council, in support
 - + Karen Flood, Union Square Business Improvement District – Full support
 - + Kevin Carrol, SF Hotel Council – Tourism, shopping
 - + Jay Turnbull – Responding to questions
 - Richard Drury, SEIU– CEQA, Plaza size, CA energy code
 - Jason Oranger – Opposed
 - = Dega Monrier, SEIU – Impact on surrounding businesses
 - = Keith Ward, SEIU – Special deals in SF for Apple, Twitter, etc.
 - = Patricia Vaughey – Design changes, return to Commission
 - = Sue Hestor – Environmental review, no public review, information
- ACTION:** After Hearing, a motion to Adopt a Recommendation for Approval with Modification failed, by a vote of +3 -3 (Moore, Sugaya, Wu against; Antonini absent); without an alternate motion, the matter is forwarded to the BoS with a recommendation for Disapproval from the Planning Commission
- AYES:** Fong, Borden, Hillis
- NAYES:** Moore, Sugaya, Wu
- ABSENT:** Antonini

- 16a. [2013.0628EHUVX](#) (E. WATTY: (415) 558-6620)
300 POST STREET (aka 345 STOCKTON STREET) - at the northwest corner of Post Street and Stockton Street; Lot 016 in Assessor's Block 0295 – **Request for a Determination of Compliance** under Planning Code Section 309, to allow a major renovation of the existing 37,234 gsf, 63' tall retail structure (currently occupied by Levi Strauss) and adjacent public plaza to accommodate a new retail tenant (Apple, Inc.), within a new 23,470 gsf, 47'-8" tall, retail structure. The Determination of Compliance includes review of the Project's compliance with the findings outlined in Board File No. 13-1059, which would enable the reconstruction of a noncomplying structure, pursuant to Planning Code Section 188. The project site is located within the C-3-R (Downtown Retail) Zoning District and 80-130-F Height and Bulk District. The building is listed as Category V (Unrated) within Article 11 of the Planning Code, and is within the Kearny-Market-Mason-Sutter Conservation District. On February 5, 2014, the Historic Preservation Commission will review a Permit to Alter for Case No. 2013.0628H. 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
 (Continued from Regular Meeting of January 16, 2014)

- SPEAKERS:** Same as Item 15 (Items 15, 16a, and 16b were heard together)
- ACTION:** Approved with Conditions as amended to require the Sponsor discuss ADA Accessibility issues with the Mayor's Office of Disability
- AYES:** Fong, Wu, Borden, Hillis, Moore
- NAYES:** Sugaya
- ABSENT:** Antonini
- MOTION:** 19073

- 16b. [2013.0628EHUVX](#) (E. WATTY: (415) 558-6620)
300 POST STREET (aka 345 STOCKTON STREET) – at the northwest corner of Post Street and Stockton Street; Lot 016 in Assessor's Block 0295 – **Request for a Variance**, pursuant to

Planning Code Sections 145.1 and 305, to modify the ground floor transparency requirement along the building's Stockton Street façade - The project proposes a major renovation of the existing 37,234 gsf, 63' tall retail structure (currently occupied by Levi Strauss) and adjacent public plaza to accommodate a new retail tenant (Apple, Inc.), within a new 23,470 gsf, 47'-8" tall, retail structure. The project site is located within the C-3-R (Downtown Retail) Zoning District and 80-130-F Height and Bulk District.
(Continued from Regular Meeting of January 16, 2014)

SPEAKERS: Same as Item 15 (Items 15, 16a, and 16b were heard together)
ACTION: After Closing the public hearing, Zoning Administrator indicated an intent to Grant

17. [2013.1331C](#) (K. BURNS: (415) 575-9112)
435 JACKSON STREET - south side, between Sansome Street and Hotaling Place, Lot 027 in Assessor's Block 0196 - **Request for Conditional Use Authorization** pursuant to Planning Code Sections 249.25 and 303, to allow a change of use from retail use to office use. The subject property is within a C-2 (Community Business) District and 65-A Height and Bulk District, the Jackson Square Special Use District and the Jackson Square Historic 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
(Continued from Regular Meeting of January 23, 2014)
NOTE: After hearing and closing public comment; a Motion to Approve with Conditions failed +3 -2 (Moore, Sugaya against; Antonini, Fong absent); the matter was Continued to February 6, 2014 by a vote of +4 -1 (Moore against; Antonini, Fong absent).

SPEAKERS: None
ACTION: Approved with Conditions
AYES: Fong, Wu, Hillis Borden
NAYES: Moore, Sugaya
ABSENT: Antonini
MOTION: 19074

18. [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 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. 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.
(Continued from Regular Meeting of January 23, 2014)

Preliminary Recommendation: Approve with Conditions

SPEAKERS: Jim Reuben, Reuben, Junius & Rose – Project Description
 ACTION: Approved with Conditions
 AYES: Fong, Wu, Borden, Moore, Sugaya
 ABSENT: Antonini, Hillis
 MOTION: 19075

19. [2013.1130C](#) (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. 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. (Continued from Regular Meeting of January 23, 2014)
 Preliminary Recommendation: Approve with Conditions

SPEAKERS: Same as Item 18 (Items 18 and 19 were heard together)
 ACTION: Approved with Conditions
 AYES: Fong, Wu, Borden, Moore, Sugaya
 ABSENT: Antonini, Hillis
 MOTION: 19076

- 20a. [2013.1001DV](#) (C. NOEL: (415) 575-9125)
1072-1074 SANCHEZ STREET - west side of Sanchez Street between 24th and Elizabeth streets; Lot 004 in Assessor's Block 3654 - **Mandatory Discretionary Review**, pursuant to Planning Code Section 317, of Building Permit Application No. 2013.1021.9769, proposing to reconfigure the existing three-unit building to a two-unit building. The property is located within a RH-3 (Residential, House Three-Family) Zoning District and 40-X Height and Bulk District. This action constitutes the Approval Action for the project for purposes of CEQA, pursuant to Section 31.04(h) of the San Francisco Administrative Code.
 Preliminary Recommendation: Do Not Take Discretionary Review and Approve
NOTE: After hearing and closing public comment, the matter was continued to February 6, 2014 by a vote of +6 -0 (Fong absent).

SPEAKERS: None
 ACTION: Continued to March 6, 2014
 AYES: Fong, Wu, Borden, Moore, Sugaya
 ABSENT: Antonini, Hillis

- 20b. [2013.1001DV](#) (C. NOEL: (415) 575-9125)
1072-1074 SANCHEZ STREET - west side of Sanchez Street between 24th and Elizabeth streets; Lot 004 in Assessor's Block 3654 - **Request for a Rear Yard Variance**, pursuant to Planning Code Sections 134 to replace a rear staircase with a third floor balcony and second floor landing at the rear of the dwelling, as well as, a horizontal addition/infill at the rear of the dwelling on the first and second floors at the southwest elevation. The property is located within a RH-3 (Residential, House Three-Family) Zoning District and 40-X Height and Bulk District.

SPEAKERS: None
ACTION: Zoning Administrator continued to March 6, 2014

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 – 5:18 P.M.