

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 27, 2014
12:00 p.m.
Regular Meeting

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

THE MEETING WAS CALLED TO ORDER BY VICE PRESIDENT FONG AT 12:06 P.M.

STAFF IN ATTENDANCE: John Rahaim – Planning Director, Scott Sanchez – Zoning Administrator, Alexandra Kirby, Christine Lamorena, Kanishka Burns, Mary Woods, Jessica Look, Kevin Guy, Glenn Cabrerros, 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. [2010.0641M](#) (S.EXLINE: (415) 558-6332)
CONSIDERATION OF ADOPTION-OF AMENDMENTS TO THE GENERAL PLAN RELATED TO THE UPDATE OF THE RECREATION AND OPEN SPACE ELEMENT - Pursuant to San Francisco Charter Section 4.105, Planning Code § 340(d) and § 306.3, **adopt amendments to the General Plan**, related to the Recreation and Open Space Element (ROSE). The Planning Commission will consider adoption of a Mitigated Negative Declaration prepared under the California Environmental Quality Act (CEQA) for the ROSE, including a Mitigation Monitoring and Reporting Plan (MMRP); adoption of amendments to the General Plan to update the ROSE; and making environmental findings, and findings of consistency with the

General Plan and priority policies of Planning Code Section 101.1. On January 9, 2014 the Planning Commission passed Resolution 19055 to initiate amendments to the General Plan.

(Continued from Regular Meeting of January 9, 2014)

(Proposed for continuance to March 27, 2014)

SPEAKERS: None
 ACTION: Continued to March 27, 2014
 AYES: Fong, Antonini, Hillis, Moore, Sugaya
 ABSENT: Wu, Borden

2. [2013.1166T](#) (A. RODGERS: (415) 558-6395)
AMENDMENT TO THE PLANNING CODE SECTIONS 303(I) (FORMULA RETAIL USES) 703.3 (NEIGHBORHOOD COMMERCIAL DISTRICTS: FORMULA RETAIL USES) [BOARD FILE NO. 130788] - **Ordinance introduced by Supervisor Mar** to expand the definition of formula retail to include businesses that have eleven or more other outlets worldwide, and to included businesses 50% or more owned by formula retail businesses; expand the notification procedures for formula retail applications; require an economic impact report as part of the formula retail conditional use application; and 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.
 Preliminary Recommendation: Pending
 (Continued from Regular Meeting of January 23, 2014)
(Proposed for continuance to April 24, 2014)

SPEAKERS: None
 ACTION: Continued to May 1, 2014
 AYES: Fong, Antonini, Hillis, Moore, Sugaya
 ABSENT: Wu, Borden

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. [2013.1649Q](#) (A. KIRBY: (415) 575-9133)
457 OAK STREET - south side of Oak Street between Buchanan and Laguna Streets; Lot 037 in Assessor's Block 0840 - **Request for Condominium Conversion Subdivision** to convert a two-story-over-basement, five-unit building into residential condominiums within a RTO (Residential, Transit-Oriented) Zoning District and 40-X Height and Bulk District. This action constitutes the Approval Action for the project for the purposes of CEQA, pursuant to Section 31.04(h) of the San Francisco Administrative Code.
 Preliminary Recommendation: Approve

SPEAKERS: None
 ACTION: Approved
 AYES: Fong, Antonini, Hillis, Moore, Sugaya

ABSENT: Wu, Borden
MOTION: 19092

4. [2014.0074Q](#) (A. KIRBY: (415) 575-9133)
135 BUENA VISTA AVENUE EAST - east side of Buena Vista Avenue between Duboce Avenue and the Waller Street Stairs; Lot 019 in Assessor's Block 1258 - **Request for Condominium Conversion Subdivision** to convert a two-story-over-garage, five-unit building into residential condominiums 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 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, Antonini, Hillis, Moore, Sugaya
ABSENT: Wu, Borden
MOTION: 19093

5. [2013.1650Q](#) (C. LAMORENA: (415) 575-9085)
601-605 BAKER STREET & 1518 FULTON STREET - northwest corner of Baker and Fulton Streets; Lot 010 in Assessor's Block 1177 - **Request for Condominium Conversion Subdivision** to convert a four-story, mixed-use building into six residential and two commercial condominiums within a RM-1 (Residential, Mixed, Low Density) Zoning District and 40-X Height and Bulk District. This action constitutes the Approval Action for the project for the purposes of CEQA, pursuant to Section 31.04(h) of the San Francisco Administrative Code.
Preliminary Recommendation: Approve

SPEAKERS: None
ACTION: Approved
AYES: Fong, Antonini, Hillis, Moore, Sugaya
ABSENT: Wu, Borden
MOTION: 19094

6. [2013.1192Q](#) (K. BURNS: (415) 575-9112)
1541 FILBERT STREET - south side between Van Ness Avenue and Franklin Street; Lot 022 in Assessor's Block 0527 - **Request for Condominium Conversion Subdivision** to convert a three-story over garage, six-unit building into residential condominiums within a RM-2 (Residential-Mixed, Moderate Density) Zoning District and 40-X Height and Bulk District. This action constitutes the Approval Action for the project for the purposes of CEQA, pursuant to Section 31.04(h) of the San Francisco Administrative Code.
Preliminary Recommendation: Approve
(Continued from Regular Meeting of February 13, 2014)

SPEAKERS: None
ACTION: Approved
AYES: Fong, Antonini, Hillis, Moore, Sugaya
ABSENT: Wu, Borden
MOTION: 19095

- 7a. [2012.0990CEUV](#) (M. WOODS: (415) 558-6315)
3032 - 3038 CLEMENT STREET – north side between 31st and 32nd Avenues, Lots 022 and 023 in Assessor's Block 1402 – **Request for Conditional Use Authorization** pursuant to Planning Code Sections 121.1, 303 and 710.11 to allow the demolition of an existing one-story retail grocery store and the construction of a four-story, mixed use building on a development lot containing 5,000 square feet. The new building will contain six dwelling units in the upper floors, commercial space and six residential parking spaces on the ground floor, in a NC-1 (Neighborhood Commercial Cluster) District and 40-X Height and Bulk District. This action constitutes the Approval Action for the project for the purposes of CEQA, pursuant to Section 31.04(h) of the San Francisco Administrative Code.
 Preliminary Recommendation: Approve with Conditions

SPEAKERS: None
 ACTION: Approved
 AYES: Fong, Antonini, Hillis, Moore, Sugaya
 ABSENT: Wu, Borden
 MOTION: 19096

- 7b. [2012.0990CEUV](#) (M. WOODS: (415) 558-6315)
3032 - 3038 CLEMENT STREET – north side between 31st and 32nd Avenues, Lots 022 and 023 in Assessor's Block 1402 – **Request for Rear Yard Modification** from Planning Code Section 134(e), which requires a 25 percent rear yard at all levels. The project proposes new construction of a four-story, mixed use building, which would not provide the required rear yard depth on the ground floor. The property is located in a NC-1 (Neighborhood Commercial Cluster) District and 40-X Height and Bulk District.

SPEAKERS: None
 ACTION: After Closing the Public Hearing, the ZA indicated an intent to Grant

C. COMMISSION MATTERS

8. Consideration of Adoption:
 • [Draft Minutes for February 13, 2014](#)

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:

A few items that have come up this week, that I think some are good news, first of which is not a planning issue, but I'm happy to hear that there's now a dress code in Superior Court, it is a step on the right direction, in my opinion. I don't really understand the objections, because most people kind of know what business attire is and what business casual is, might be some area of confusion, but it certainly is a step towards a more department, and better appearance in our public facilities. The other thing, that, along those same lines, I read in the Chronicle, that San Francisco School District has decided to implement discipline after two hundred years, they are giving it a different name, it was an article in the Chronicle yesterday, and they have all these terms that basically are behavioral things that they want to implement in the classroom, which apparently weren't being done before, and it seems like this is a step on the right direction, long overdue, that they are making it a little more complicated than it has to be by giving them a bunch of acronyms, but if you read it carefully, that's basically what it's all about and it sounds like that is a good start for them, they may attract a few more families to move their students and to keep their students in public schools, if they continue along those lines. Finally, I have a question, I don't need an answer today, on proposed State legislation with the Ellis Act, although it's a State issue it would affect us locally, and the thing that confuses me is, I'm hearing that this is targeted for only one jurisdiction, which seems odd, because if you're passing legislation for the entire State of California it seems odd, that you can target for one area only, which seems, does not make any sense, because these same issues could exist in other parts of the State that might be applicable to this legislation. The other thing, and I haven't read the legislation, but my understanding is there's no means test, there is no, you know, those who would be tenants who would be subject to this legislation would have to be elderly or disabled and my fear is many people know, if you paint with a broad brush, there are many people who've taken advantage of our grant stabilization ordinance and pay very low rents, own pied-a-terres outside of San Francisco and theoretically don't spend over 50 percent of their time there, but it is almost impossible to police this, so I think you really have to differentiate between the people's whose lives will be disrupted and couldn't afford to move or people who are just benefiting from the system, so anyway, I hope that as this legislation moves forward, if it does, these things are taken into consideration, because sometimes, things we do have unintended consequences and I think a lot of our problems with rising rents have a lot to do with people who keep units off of the market, and the more restrictions are passed, the more people are going to keep their property off the market, rather than have to put up with the rules and find other ways to pass them into ownership status by maybe waiting until all the tenant move out and then sell them, so, it's hard to say which way this is going to end up going, but I found that interesting and I'll try to do more research on my own to find out.

Commissioner Sugaya:

Yes. Yesterday morning I attended the ribbon cutting and opening of the Center for Youth Wellness out in the Bayview, this was before the Commission a number of years ago, I believe it's at 3450 Third Street, the Mayor was there, and the Kamala Harris, the State Attorney General was in attendance as well as Supervisor Cohen. It was a well-attended event and I think everyone is happy that it's opened, as you remember we had a little bit of controversy over it from some neighborhood people, but seems like an excellent facility.

Commissioner Moore:

I read an article yesterday, which I'd like to bring to the Commission's attention, we all know Geary and Post Street particularly in the upper floors of those older buildings, you primarily have art galleries, small jewelry repair and other specialty services, and apparently on 77 Geary, which had at least five or six art galleries all of them have been terminated in order to make room for tech office. I find that very unfortunate, because many of these galleries have been there between 30 and 15 years, so they're part of that network of culture and maintaining arts in the City that is definitely being displaced and threatened by these most. Sometimes these art galleries among others sponsor local artistry exhibits, that's almost the only way,

how you can see the larger paintings and sculptures, of what is been done, and I am very concerned that this is just the beginning and I hope that we will find a way to address that more constructively.

D. DEPARTMENT MATTERS

10. Director's Announcements

Director Rahaim:

Thank you. Good afternoon, Commissioners. Just wanted to keep you, you updated on the activities of the Mayor's Office of Housing Task Force, that group had the first meeting, today. President Wu, went to that meeting this week. There was a very large group, probably 75 people in the room. It was a very open ended meeting. There was a very broad discussion, but more specifically the Mayor's staff has asked that – is asked to break down the group into three topic areas for further discussion over the next few months. One will be process improvements at the City department level, obviously including the Planning Department, second will be legislative changes that might be put forward and the third will be financing and revenue considerations. Again with the goal of improving funding for affordable and middle income housing, the goal is that these three subcommittees will meet over the next few months and by midsummer, make recommendations to the Mayor and the Board about potential changes in all three of those categories. So the Department will certainly be involved in at least 2 of those committees and we'll keep you informed as we move forward, that concludes my report.

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

BOARD OF SUPERVISORS:

LAND USE COMMITTEE:

Zoning Map change for St. Boniface. This property is located in the Tenderloin. Supervisor Kim sponsored the rezoning. The rezoning from RC-4 to C-3-G will enable the existing landmark building to be eligible for transferable development rights. In January of this year both the Historic Preservation Commission and the Planning Commission recommended approval. **This week the Land Use Committee made the same recommendation to the Full Board on Monday.** **Planning Code Text Change.** This change would allow certain nonconforming structures to be rebuilt. The Planning Commission considered this ordinance most recently on Feb 6, 2014. At that hearing the Commission voted 3-3 to recommend approval. As there were not four affirmative votes, this constituted a failed motion. After the hearing, the 90-day limit for a Commission recommendation expired—this resulted in a defacto recommendation of disapproval. At the Board's committee hearing on Monday there were no speakers in opposition and a handful of supporters. Supervisor Kim referenced the commission discussion from February and moved to amend the ordinance to specific that the text change only apply to the block and lot with the proposed Apple Store. **With that amendments and associated supporting findings, the Committee recommended approval.**

FULL BOARD OF SUPERVISORS:

- **Landmark Designation for 660 California Street.** This property is commonly known as Old St. Mary's Rectory. The designation will change from an "unrated" building to a "contributory" building. The HPC recommended making this change on Nov. 20, 2013. **This week the Full Board approved the ordinance on first reading.**
- **Supervisor Wiener's technical amendments to the Transit Impact Development Fee was approved on first reading.** 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. **Passed on final reading.**

- **Resolution calling for a Departmental Study of the Waterfront Ballot Initiative.** This resolution would refer the initiative measure known as the “Waterfront Height Limit Right to Vote Initiative,” to the Port of San Francisco, Planning Department, City Administrator, Controller, Office of Economic and Workforce Development, Municipal Transportation Agency, and Mayor’s Office of Housing and Community Development. All of these agencies would then report by March 6th on the measure’s potential impacts, if passed, on the City’s future housing (including affordable housing), infrastructure, transportation, and open space needs, as well as the City’s tax base. Timing was a factor as the resolution asked for the report to be completed by March 6. Due to this timing concern, the resolution was sent to the full board for consideration w/o a hearing before a Committee. Items—considered without a committee hearing need a unanimous vote and receive public comment at the Full Board. Also, resolutions w/o a committee hearing need a second vote of the Full Board (instead of the typical single vote for resolutions) and at least 8 votes would be needed at this second hearing to waive the committee hearing. At this week’s hearing, Supervisor Wiener asked to send the Resolution to the Land Use Committee—as the item is land use related and as he is the committee chair and could ensure a timely hearing. The City Attorney stated that the other equally appropriate committee is the Rules Committee. The Chair of this committee could not confirm when the item would be scheduled, but stated that perhaps March 20 could be arranged. Supervisor Wiener, seconded by Supervisor Breed, moved that this Resolution be referred to the Land Use and Economic Development Committee. This motion failed 4-7.¹ Supervisor Campos, seconded by Supervisor Farrell, then moved that this Resolution be referred to the Rules Committee. **The motion carried by a 8-3 vote².**

INTRODUCTIONS:

- **Supervisor Farrell** introduced a number of hearing requests concerning people experiencing homelessness including: LGBT, Transition-Aged Youth, Veterans & Seniors, those evicted from publicly funded housing, the housing ladder and on cost effective strategies.
- **140151 Supervisor Avaols & 7 other Supervisors (John Avalos, London Breed, David Campos, David Chiu, Jane Kim, Eric Mar, Scott Wiener, Norman Yee)** introduced an amendment to the Administrative Code to provide that the City’s Local Hiring Policy and Payment of Prevailing Wages apply to construction projects on property owned by the City and County of San Francisco.
- **140150 Supervisor Avaols & 7 other Supervisors (John Avalos, London Breed, David Campos, David Chiu, Jane Kim, Eric Mar, Scott Wiener, Norman Yee)** introduced an a second ordinance to the Administrative Code that would add First Source Hiring requirements for developers applying for permits for commercial or residential projects to disclose to the City anticipated entry and apprentice level positions for development projects, anticipated local hires, and anticipated wages; and agree to hiring and retention goals for apprentice level positions.
- **140157 Supervisor Chiu introduced** a resolution supporting Senate Bill 391, authored by Senator Mark DeSaulnier, to establish a permanent funding source for affordable housing development in California.

None of these items are Planning Code amendments so pls note that these items will only be scheduled for hearing before this body if requested.

¹ Ayes: 4 - Breed, Farrell, Tang, Wiener Noes: 7 - Avalos, Campos, Chiu, Cohen, Kim, Mar, Yee.

² Ayes: 8 - Avalos, Campos, Chiu, Cohen, Farrell, Kim, Mar, Yee Noes: 3 - Breed, Tang, Wiener.

BOARD OF APPEALS:

No Report

HISTORIC PRESERVATION COMMISSION:

No Report

E. GENERAL PUBLIC COMMENT – 15 MINUTES

At this time, members of the public may address the Commission on items of interest to the public that are within the subject matter jurisdiction of the Commission except agenda items. 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: Julian Lagos – Appellant before the Board of Appeals re: tree removal on Brotherhood Way
Linda Chapman – 1601 Larkin precedent
Karl Nacamurra – 3032-3028 Clement

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.

12. [2013.0936U](#) (K. BURNS: (415) 575-9112)
FORMULA RETAIL CONTROLS TODAY AND TOMORROW - **Informational Presentation** - an update to the Commission on the economic study commissioned by the Planning Department focused on analyzing economic and land use impacts of formula retail establishments and controls on San Francisco's neighborhoods. This item was first heard by the Commission on July 25, 2013. On January 23, 2014 staff presented preliminary citywide analysis and a draft timeline of project deliverables, opportunities for public participation, and Planning Commission hearings to report results. At today's hearing, staff will 1) present the draft Phase 1 report with revisions based upon the last hearing; 2) present four preliminary issue briefs; and 3) discuss the framework for choosing neighborhoods for future case studies.
Preliminary Recommendation: None – Informational

SPEAKERS: = Dee Dee Workman, SF Chamber of Commerce – Commercial mixed use districts with controls vs. without controls
= Paul Wermer – NCD critical, not all formula retail is the same highest quality data.
= Pamela – Small stores and benefits
= Tom Vy – Car ownership in Chinatown, traveling to big box stores

ACTION: None - Informational

13. [2014.0180T](#) (A. STARR: (415) 558-6362)
AMENDMENTS TO THE PLANNING CODE, PROVISION FOR PUBLIC USE ZONING DISTRICTS [BOARD FILE NO. 140062] - Ordinance amending the Planning Code by amending Sections 234, 234.1, and 234.2, in order to modify and make technical amendments to the provisions of Public Use Zoning Districts, affirming the Planning Department's determination under the California Environmental Quality Act, and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.
 Preliminary Recommendation: Adopt a Recommendation for Approval with Modifications

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

14. [2007.0392CV](#) (K. GUY: (415) 558-6163)
832 SUTTER STREET - north side between Jones and Leavenworth Streets, Lot 003 of Assessor's Block 0281 - **Request for Conditional Use Authorization** to allow construction exceeding 50 feet in height within an RC District, pursuant to Planning Code Section ("Section") 253. The project proposes to demolish an existing surface parking lot, and construct a six-story building containing 20 dwelling units, 400 square feet of ground-floor retail space, and no off-street parking spaces, within a RC-4 District, and 80-A 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: + John Kevlin – Project description
 + Ian Burchel – Project design
 + Christopher Ward – Security of adjacent buildings with parking lot vs. new building, noise reduction, parking (Zipcar)
 - Robert Garcia – No supermarket, no parks, no parking, in most densely population area west of NY
 = Donald Whitten – Loss of parking
 = Linda Chapman – Opposed to adding parking, BMR – bad in general
 ACTION: Approved with Conditions, Recommending that the Sponsor continued working with Staff on design
 AYES: Fong, Antonini, Hillis, Moore, Sugaya
 ABSENT: Wu, Borden
 MOTION: 19097

15. [2013.0638C](#) (J. LOOK: (415) 575-6812)
4871 - 4873 MISSION STREET - east side between Onondaga Ave. and France Ave.; Lot 6272 in Assessor's Block 015 - **Request for Conditional Use Authorization**, pursuant to Planning Code Sections 186.1(e) and 303, to legalize the relocation of a nonconforming Fringe Financial Service use (d.b.a. Lucky Money Check Cashing) within the Excelsior Outer Mission Street NCD (Neighborhood Commercial District), Fringe Financial Service Restricted Use District, and 40-X Height and Bulk District. The previous use of the subject property was an office space (d.b.a. Optimum Realty). 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: Continued to March 27, 2014
 AYES: Fong, Antonini, Hillis, Moore, Sugaya
 ABSENT: Wu, Borden

G. DISCRETIONARY REVIEW CALENDAR

The Commission Discretionary Review Hearing Procedures provide for presentations by staff; followed by the DR requestor team; followed by public comment opposed to the project; followed by the project sponsor team; followed by public comment in support of the project. Please be advised that the DR requestor and project sponsor teams include: the DR requestor and sponsor or their designee, lawyers, architects, engineers, expeditors, and/or other advisors.

16a. [2013.0075DV](#) (G. CABREROS: (415) 558-6169)
209 GRATTAN STREET - south side between Shrader and Stanyan Streets; Lot 029 in Assessor's Block 1282 - **Request for Discretionary Review** of Building Permit Application No. 20132.05.01.5870, proposing to construct a new four-story, single-family residence within a RH-3 (Residential, House, Three-Family) Zoning District and 40-X Height and Bulk District. The project proposes demolition of the existing two-story, single-family residence under Demolition Permit Application No. 2013.05.01.5857. The existing building was found to be an unsound structure; therefore the demolition permit application has been exempted from a Mandatory Discretionary Review hearing pursuant to Planning Code Section 317. 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. Staff Analysis: Full Discretionary Review
 Preliminary Recommendation: Do not take Discretionary Review and Approve

SPEAKERS: - Pierce Serrano – Representing DR requestors – Height of the building is not in scale with surrounding development
 - Bob Passmore – Opposition to the variance, does not meet criteria
 - Richard Taylor – Representing neighbors by a raise of hands height and mass are neighbors primary concern
 - Karen Cromey – Opposed to the height of the building
 - Russell Garrin – Small ½ lot, 120 neighbors oppose the height of the proposed development
 - (M) Speaker – No public benefit
 + Jonathan Pearlman – Project description
 + David Aimes – A welcome addition to the neighborhood
 + Robert Roudine – In support of the height, scale and architecture
 ACTION: Took DR, eliminating the closet on the 4th FL, thereby reducing the mass and bulk
 AYES: Fong, Antonini, Hillis, Moore, Sugaya
 ABSENT: Wu, Borden
 DRA No: 0352

16b. [2013.0075DV](#) (G. CABREROS: (415) 558-6169)
209 GRATTAN STREET - south side between Shrader and Stanyan Streets; Lot 029 in Assessor's Block 1282 - **Request for Variances**, pursuant to Planning Code Sections 132 and 134, from the front setback and rear yard requirements of the Planning Code. The project

proposes to construct a new four-story, single-family residence within a RH-3 (Residential, House, three-Family) Zoning District and 40-X Height and Bulk District. The required front setback for the project is 1'-3", and the project proposes a front building wall at the front property line for a portion of the lot's width, providing no front setback. Approximately 34 square feet of permeable area (equivalent to 50 percent of the front setback area) is required within the front setback area, and the project proposes approximately 20 square feet of the required front setback to be permeable surface. A 15-foot rear yard depth measured from the rear property line is required, and the project proposes new construction to the rear property line for a portion of the lot's width, providing no rear yard. Thus the project requires variances from the front setback and rear yard requirements.

- SPEAKERS:**
- Pierce Serrano – Representing DR requestors – Height of the building is not in scale with surrounding development
 - Bob Passmore – Opposition to the variance, does not meet criteria
 - Richard Taylor – Representing neighbors by a raise of hands height and mass are neighbors primary concern
 - Karen Cromey – Opposed to the height of the building
 - Russell Garrin – Small ½ lot, 120 neighbors oppose the height of the proposed development
 - (M) Speakr – No public benefit
 - + Jonathan Pearlman – Project description
 - + David Aimes – A welcome addition to the neighborhood
 - + Roberty Roudine – In support of the height, scale and architecture
- ACTION:** After Closing the Public Hearing, the ZA indicated an intent to Grant with the condition imposed by the CPC

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 – 3:25 P.M.