

# 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, March 27, 2014**  
**12:00 p.m.**  
**Regular Meeting**

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

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

STAFF IN ATTENDANCE: John Rahaim – Planning Director, Scott Sanchez – Zoning Administrator, Omar Masry, Debra Dwyer, Aaron Starr, Menaka Mohan, Jessica Look, Michael E. Smith, 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 February 27, 2014)

**(Proposed for Continuance to April 3, 2014)**

SPEAKERS: None  
 ACTION: Continued to April 3, 2014  
 AYES: Wu, Fong, Antonini, Borden, Hillis, Moore, Sugaya

2. 2014.0306T (A. STARR; (415) 558-6362)  
AMENDMENTS TO THE PLANNING CODE REGARDING MEDICAL CANNABIS DISPENSARIES IN THE OCEAN AVENUE NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT [BOARD FILE NO. 140097] - 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; affirming the Planning Department's California Environmental Quality Act determination; and making Planning Code, Section 302, findings, and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1  
 Preliminary Recommendation: Approve  
**(Proposed for Continuance to April 3, 2014)**

SPEAKERS: None  
 ACTION: Continued to April 3, 2014  
 AYES: Wu, Fong, Antonini, Borden, Hillis, Moore, Sugaya

- 3a. 2013.0627BC (R. SUCRE: (415) 575-9108)  
660 3<sup>RD</sup> STREET - located between Brannan and Townsend Streets, Lot 008 in Assessor's Block 3788 - **Request for an Office Development Authorization** under Planning Code Section 321 to establish up to 80,000 gsf of office space within the South End Landmark District, SLI (Service/Light Industrial) Zoning District and 65-X Height and Bulk District.  
 Preliminary Recommendation: Approve with Conditions  
**(Proposed for Continuance to April 3, 2014)**

SPEAKERS: None  
 ACTION: Continued to April 3, 2014  
 AYES: Wu, Fong, Antonini, Borden, Hillis, Moore, Sugaya

- 3b. 2013.0627BC (R. SUCRE: (415) 575-9108)  
660 3<sup>RD</sup> STREET - located between Brannan and Townsend Streets, Lot 008 in Assessor's Block 3788 - **Request for a Conditional Use Authorization**, pursuant to Planning Code Sections 303, 803.9(a), and 817.48, for a change in use of 80,000 gsf from PDR (Production, Distribution and Repair) to office use. The subject property is located within the South End Landmark District, SLI (Service/Light Industrial) Zoning District, and 65-X Height and Bulk District.

Preliminary Recommendation: Approve with Conditions  
**(Proposed for Continuance to April 3, 2014)**

SPEAKERS: None  
 ACTION: Continued to April 3, 2014  
 AYES: Wu, Fong, 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 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

4. [2013.0880C](#) (O. MASRY: (415) 575-9116)  
2288 BROADWAY – at the northeast corner of Broadway and Fillmore Streets, Lot 025 in Assessor's Block 0564C – Request for Conditional Use Authorization under Planning Code Sections 209.6(b) and 303 to allow a wireless telecommunications services (WTS) facility operated by AT&T Mobility. The proposed macro WTS facility would feature five (5) panel antennas, facade-mounted to the rooftop penthouse. Related electronic equipment would be located on the roof and at the first floor. The facility is proposed on a Location Preference 2 Site (Co-Location with Verizon Wireless and Sprint [Nextel]) within a RM-1 (Residential – Mixed, Low Density) Zoning District, and 40-X Height and Bulk District.  
 Preliminary Recommendation: Approve with Conditions

SPEAKERS: None  
 ACTION: Approved with Conditions  
 AYES: Wu, Fong, Antonini, Borden, Hillis, Moore, Sugaya  
 MOTION: 19104

**C. COMMISSION MATTERS**

5. Consideration of Adoption:
- [Draft Minutes for March 13, 2014](#)

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

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.

6. 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:**

Just a couple of things, I had coffee with the President of a university in California in another city. This particular city has some serious economic problems and, you know, she asked me the question: why is there opposition to the things that are going on in San Francisco as far as job creation, people wanting to live here, increase in property values and neighborhoods becoming more vibrant? And, I was very hard-pressed to give her a reason why, because in this particular city where she is, they'd love to have any one of those things happening, and so anyway – that is just an opinion, but I do have a question. The question is in regards to last week's legislation regarding in-law units and I'm not entirely clear yet, I don't need an answer today, however, if there is one, it would be great, but there was some confusion when I asked a question to President Chiu, as to whether the legislation took place retroactively in terms of no fault evictions within the last ten years or owner move ins within five years. We were assured that it takes place after the passage of the law, but what is confusing to me is how does this apply. Let's assume you have a single-family residence with an illegal unit in it and you have evicted someone from that unit -- and you know that unit is not a legal unit until it is legalized, so, therefore, I mean, I don't understand how it can be considered an eviction or if you had a family member move in there in the last five years, I mean, that needs a little clarification and it also seems a little odd to me that even if that were to happen, if someone moved a relative in you still would want them to improve the condition of the unit, it might be a situation he is talking about with a building with multiple units, where one of the other units someone had been evicted from it, for a family member to move into, but it's confusing, so we may get a clarification when Ms. Rodgers either answers now or part of her report.

**AnMarie Rodgers:**

If it pleases the Commission, I could provide a short answer right now. In this case the rent control ordinance does apply to renters, whether or not the unit is legal or illegal, the Planning Code is separate law from the Rent Ordinance and in this case, the protections for, or the requirements that would apply to people about what you can do after you evicted someone, will only apply after the law takes effect. So if somebody has previously evicted someone from an illegal unit, they would not be constrained by this law if they did that eviction prior to the effective date of the law.

**Commissioner Antonini:**

So, you are saying, I've also heard someone who lives in an illegal unit doesn't have the protection under the law, but they do for rent control protections and things along those lines.

**AnMarie Rodgers:**

I believe they do, I'm not a Rent Ordinance expert, but that is what I have heard.

**Commissioner Antonini:**

Thank you for your clarification.

**Commissioner Wu:**

I wanted to let the Commission know that I was able to take part in a shift at the Planning Information Counter, let me clarify, I did not actually give any information out I just observed, but it was actually quite illuminating. I learned lot about windows and decks, but more importantly, I think I learned about the public interface at the Planning Department to people that just come to the counter, so I just wanted to let the Commissioners know that the opportunity is available.

**D. DEPARTMENT MATTERS****7. Director's Announcements****Director Rahaim:**

Commissioners, two announcements today, I did want, in my second part, I'll report on the fire damage in the building in Mission Bay, but before I do that I wanted to, since his item was continued I just wanted to recognize Ben Fu, who's last day with the Department will be tomorrow. Mr. Fu, would have been presented the 3<sup>rd</sup> Street project to you today, that item was continued to May 1<sup>st</sup>. Ben has been with the Department for nearly 14 years. He is stepping out into another position in the town of -- remind me, I am sorry Ben, why don't you come up and I just wanted to wish him well and have the Commission have an opportunity to wish him well on his new position.

**Ben Fu:**

Thank you Sir, I appreciated. I won't take much of your time I know you have a long Calendar today; I have accepted a position to manage the Planning Division in the City of Rocklin, a small town up in the Sacramento area, tomorrow will be my last day. So I am taking this opportunity to thank you all, it's been a pleasure working with you, I kind of grew up with the Department a long time ago, so it's been a pleasure I learned a lot and I look forward to crossing paths with you all in the future. So thank you very much.

**Commissioner Wu:**

Congratulation you will be missed.

**Director Rahaim:**

Thank you Ben, secondly, I did want to report to you on the building in Mission Bay, that was -- caught fire a couple weeks ago. It was a building, on what is called Block 5 in Mission Bay. It was a hundred -- it was proposed for a 172 units apartment project by BRE Properties, that same developer has another project under construction, what is called Block 11, that project is about a half a block away from this project, and that project was not affected by the fire. Block 5, that was the subject of the fire contains about 172 units, about 16,000 sq. ft. of retail, was a building that stepped down from about 80 to about 54 feet from around 8 floors to about 5 floors. The developer is still assessing the damage, and they are hopeful that they will be able to salvage the two story concrete podium, they don't know that yet, DBI is looking at it, they first have to clear up all the debris from the fire. They have started that demolition. DBI issued a permit for that clearance, and they think that will take about 4-6 weeks to complete, at that point DBI will be able to assess whether the concrete podium is salvageable or not. DBI does think the foundations are salvageable, but the concrete podium is under consideration. There were -- there are a couple of buildings across the street that had some damage from the fire, one of which, has just opened and been occupied. One is Block 3, which is still in a lease phase with 147 market rates units. In that building 54 of the units will require some repair, as I understand the fire was so intense that the radiant heat caused the sprinklers to go off and there were some broken windows and doors. The adjacent building, however, because these buildings are so near, they have units that are open so they were able to relocate the tenants temporarily into the adjacent building, so folks will be able to temporarily relocate right next door. The adjacent block is owned by the same developer, which is called Summer Hill Development. There were a couple of embers that landed on one of the UCSF's buildings, fortunately that was caught right away, and that did not cause any major damage to that building. I think the intent of the developer and OCII the successor agency to Redevelopment is to rebuild the building as proposed, also it's important to remind you that -- I should point out there's a building across the street that is a Mercy Housing Building that also had some damage, it is also under development, it is not -- it is still under construction and about 150 units. So that, Mercy is still assessing the damage, but are able to continue construction on a part of the building, while they are

assessing damages on this building. To remind you, the plan for Mission Bay has the BMR units, they are not within each building, but they are separate buildings within the complex so this Mercy Housing building is one of those buildings that helps fulfill the affordable housing requirements for Mission Bay so there were not affordable housing units planned for this particular building, where the fire took place. I am certainly happy to keep you informed on this project, especially to see how much the construction they can salvage. Thank you.

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

#### LAND USE COMMITTEE:

- **Supervisor Chiu's Ord: Granting Legal Status to Illegal Units.** This Ordinance would allow legalization of existing illegal units. The Planning Commission considered this ordinance on March 13, 2014. At that hearing the Commission voted 6-1 to recommend approval. Supervisor Chiu incorporated all Planning Commission recommendation except for one. The recommendation which would allow two units to be legalized in buildings with more than 10 units was not included in the revised ordinance. Unlike the Planning Commission hearing, the Land Use Committee head many comments from the public. Comments both in support, opposition, and also recommending some amendments. Most of the critical comments came from neighborhood organizations West of Twin Peaks). There was concern about the legalization costs to be passed through tenants, allowing this units to be merged back administratively, ensuring the security of applicants names and addresses during the pre-screening process, and protecting the agreements governed by Homeowners Associations. The Committee adopted amendments which clarified that property owners' names and addresses will be protected during the prescreening process. Another amendment was also approved which established that this Ordinance would not supersede private agreements of Home Ownership Associations. Supervisor Kim questioned the general benefit of this Ordinance and if there were enough incentives to legalize units. Supervisor Kim and Cohen did not feel comfortable recommending support for this Ordinance at Monday's hearing and asked for more time to understand this Ordinance but they did support moving the discussion to the Full Board. **With that the Committee moved this Ordinance to the Board without a recommendation of support.**
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#### FULL BOARD OF SUPERVISORS:

- **Sharp Park Safety, Infrastructure Improvement, and Habitat Enhancement Project.** The Board considered an appeal of the Final Mitigated Negative Declaration (Mit. Neg. Dec.) for this project in Pacifica. Many people attend the hearing to speak both for and against the project and CEQA decision. Supervisors Campos, Kim, and Mar articulated their concerns generally in two areas
  1. the project's impacts on the speed and amount of water flowing into the wetland; and
  2. the enforceability of a Mitigation Measure intended to reduce the potential impacts to special-status species. In particular, the California red-legged frog and San Francisco garter snake may be sensitive to acid sulfate soils.

Supervisors Campos and Mar requested clarification regarding disagreements among experts, fair arguments, and substantial evidence in the context of CEQA. Supervisors Campos and Kim asked if any changes were previously made to the pumps at Horse Stable Pond. While there was a great deal of discussion about the use of Sharp Park as a golf course, Supervisor Wiener agreed w/ the CEQA decision that by implementing the very limited project that was the subject of the appeal, Rec Park will not preclude any decisions the city might make in the future about the long term use and operations of Sharp Park. With that, Supervisor Wiener moved to uphold the Mit. Neg. Dec.,

and the motion was seconded by Supervisor Chiu. **The Board upheld the Mit. Neg. Dec. in 7-4 vote, with Supervisors Campos, Kim, Mar, and Avalos in opposition.**

#### INTRODUCTIONS:

- **140284 Supervisor Tang: Building Code - Vacant or Abandoned Commercial Storefronts** Ordinance amending the Building Code to establish a procedure for maintaining and registering vacant or abandoned commercial storefronts, including imposition of a registration fee.
- **140283 Supe Kim: Planning Code - Rezoning McCoppin Plaza to Public Use/Open Space Zoning** Ordinance amending the Planning Code to rezone McCoppin Street from Valencia Street to its terminus on Market Street from NC3-T/85-X, and 40-X, to P (Public)/Open Space as part of the establishment of McCoppin Hub Plaza.

#### 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: Joe O'Donahue – Procedural protocol  
David Pilpel – EIR Public comment

#### 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.

9. 2011.0558E ([Part 1](#), [Part 2](#), [Part 3](#)) (D. DWYER: (415) 575-9031)  
**TRANSIT EFFECTIVENESS PROJECT (TEP, SFMTA) - Citywide, within the public right-of-way – Certification of the Final Environmental Impact Report.** The San Francisco Municipal Transportation Agency (SFMTA) and the San Francisco Office of the Controller have launched the Transit Effectiveness Project (TEP), a comprehensive review and analysis of existing travel patterns and service options to make Muni service more convenient, reliable and attractive to existing and potential customers. The TEP is comprised of individual projects for the Muni System and includes transit service improvements, service-related capital projects, and transit travel time reduction proposals (TTRPs). The TTRPs are designed to improve safety and service reliability, and to reduce travel time. The SFMTA has also developed a Service Policy Framework, which establishes transit service delivery

objectives and identifies actions that will be taken to fulfill these objectives throughout the City.

**NOTE: The public hearing on the Draft EIR is closed. The public comment period for the Draft EIR ended on September 17, 2013. The Planning Commission does not conduct public review of Final EIRs. Comments on the certification may be presented to the Commission during the General Public Comment portion of the Agenda.**

Preliminary Recommendation: Certify the Final EIR

- SPEAKERS: - David Pilpel – Motion text, substantial changes weren't additional analysis and recirculation  
 - Owen O'Donnell – SFMTA crazy scientists  
 - Joe O'Donahue – Poor outreachy, recirculated  
 - Susan Van Kyden – MUNI stop changes  
 - Todessa – Coffee shop owner, changing the bus stop will effect his business  
 - Sherry Madsa – EIR needs to consider impacts to the nieghborhood  
 SFMTA staff – response to questions
- ACTION: Certified  
 AYES: Wu, Fong, Borden, Hillis, Moore, Sugaya  
 NAYES: Antonini  
 MOTION: 19105

10. [2014.0290T](#) (D. SANCHEZ: (415) 575-9082)  
SMALL BUSINESS MONTH MAY 2014 – FEE WAIVER PROGRAM -The Planning Commission will consider a proposed Ordinance recognizing Small Business Month in May 2014 sponsored by Supervisor Katy Tang. The proposed Ordinance would amend the San Francisco Planning Code and the San Francisco Building Code to retroactively waive fees for the month of May for certain façade improvements , affirm the Planning Department's determination under the California Environmental Quality Act, and make findings of consistency with the General Plan and priority policies of Planning Code Section 101.1.  
 Preliminary Recommendation: Approve with Modifications

- SPEAKERS: Ashley Sommers, Aide to Supervisor Tang – Project description  
 ACTION: Adopted a Recommendation for Approval  
 AYES: Wu, Fong, Antonini, Borden, Hillis, Moore, Sugaya  
 MOTION: 19106

11. [2013.0936U](#) (K. BURNS (415) 575-9112)  
FORMULA RETAIL CONTROLS TODAY AND TOMORROW - Informational Presentation – Ted Egan, Ph.D Chief Economist of the Office of Economic Analysis at the City and County of San Francisco's Office of the Controller will present his report "Expanding Formula Retail Controls: Economic Impact Report" which was released on February 12, 2014. This report was prepared in response to a proposed ordinance (Board File No.130788), introduced by Supervisor Mar, which would expand formula retail controls in San Francisco.  
 Preliminary Recommendation: None – Informational

Called under the Continuance Calendar:

- SPEAKERS: None  
 ACTION: Continued to April 10, 2014  
 AYES: Wu, Fong, Antonini, Borden, Hillis, Moore, Sugaya

12. [2013.1255U](#) (A. STARR (415) 558-6362)  
MEDICAL CANNABIS DISPENSARIES REPORT - Section 2A.54 of the Administration Code directs the Planning Commission to prepare and submit a report to the Board of Supervisors evaluating the provisions of the Planning Code related to the location of medical cannabis dispensaries. Staff will present the Draft Report "Evaluating the Planning Code's Medical Cannabis Dispensaries Locational Requirements" and its recommendations to the Planning Commission for their consideration and adoption.  
 Preliminary Recommendation: Adopt Report and Forward to the Board of Supervisors

- SPEAKERS: - Chris Armetrod, SFUSD – 1,000 ft buffer around schools  
 +Jeremy Pollock, Aide to Supervisor Avalos – Addressing distance issues and other recommendations supported by Sup. Avalos  
 + Kathy Smith, Hope Net – Proximity to schools  
 + Eugene Patterson – Living in pain, medicine between patient and doctor  
 + Steven Crane – District 6 dispensaries are no longer available  
 + Shona – Compassionate care programs  
 + Hernandez – Muscle spasms  
 + (F) Speaker – Marijuana – undecided of the future  
 + Sandra Bacon – Amend legislation to allow people who need it, use it  
 + James – MCD Veteran's program  
 + John Martinelli – School restrictions  
 + Rasan Dean – School and diversion  
 + Kevin Brown – Adopt the recommendation  
 + Berkhart Modern – Adopt the recommendation  
 +Joelle Kneely – Double parking, proliferation of MCD in Ingleside zip code analysis  
 + Stephanie Tucker – Excellent report, thoughtful process  
 - Robert Paris – Opposed to softening legislation  
 = Mark Damneron – Amend and adopt the report
- ACTION: Adopted with Modifications to Department Recommendations:  
 1. Add DR findings of Existing MCD's;  
 2. Conduct further study into allowing MCD's in more zoning districts; and;  
 3. Require CU for new locations within 500' of another MCD
- AYES: Wu, Fong, Borden, Hillis, Moore, Sugaya  
 NAYES: Antonini  
 MOTION: 19107

13. [2007.1275EM](#) (M. MOHAN (415) 575-9141)  
2009 HOUSING ELEMENT UPDATE- Consideration of a Resolution to Initiate amendments to the San Francisco General Plan. Pursuant to San Francisco Charter Section 4.105, Planning Code § 340(c) and § 306.3, consideration of a Resolution of intention to initiate an amendment to the San Francisco General Plan, a proposed revision of the Housing Element. The Housing Element is a policy document that consists of goals and policies to guide the City and private and non-profit developers in providing housing for existing and future residents to meet projected housing demand. At the hearing, the Planning Commission may consider adopting a **Resolution of Intention to initiate amendments to the General Plan, and schedule a public hearing** to consider adopting the proposed General Plan amendment. The Planning Department will recommend the adoption of the 2009 Housing Element, including certification of the Revised EIR under CEQA, in accordance with the Court's orders and State Housing Element law.

Preliminary Recommendation: Adopt a Resolution to Initiate and schedule a public hearing.

SPEAKERS: = Rose Hillson – Concerns over housing  
 = Kathy Devencenzi – Set asides before considering the EIR  
 ACTION: Adopted a Resolution to Initiate an scheduled for Hearing on April 24, 2014  
 AYES: Wu, Borden, Hillis, Moore, Sugaya  
 NAYES: Antonini  
 ABSENT: Fong  
 MOTION: 19108

14. [2010.0726X](#) (B. FU: (415) 558-6613)  
2051 3<sup>RD</sup> STREET - east side between Mariposa and 18<sup>th</sup> Streets, Lots 001B, 001C, and 006 in Assessor's Block 3994 - **Request for Large Project Authorization** under Planning Code Section 329 and exceptions including rear yard per Planning Code Section 134, open space per Planning Code Section 135, and street frontage per Planning Code Section 145.1 for the proposed construction of a new six-story, 68-foot building consisting of up to 94 dwelling units, approximately 800 square feet of retail space, and parking for up to 77 spaces. The subject property is located within the UMU (Urban Mixed Use) District and 68-X Height and Bulk District. This action constitutes the Approval Action for the project for purposes of CEQA, pursuant to Section 31.04(h) of the San Francisco Administrative Code.  
 Preliminary Recommendation: Approve with Conditions  
 (Continued from Regular Meeting of March 6, 2014)

Called under the Continuance Calendar:

SPEAKERS: + Rockne Boger – Push the continuance out further  
 + Lorie Maak-Ingram – Longer continuance  
 + Victoria Zackheim – Extend continuance  
 + Sharon Sato – Support for continuance  
 + (M) Speaker – Support for continuance  
 + Steve Williams – Support for continuance, more time  
 + Jason Check – May 1<sup>st</sup>  
 + Andrew Junius – Appeal should not impact  
 ACTION: Continued to May 1, 2014  
 AYES: Wu, Fong, Antonini, Borden, Hillis, Moore, Sugaya

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  
 (Continued from Regular Meeting of February 27, 2014)

SPEAKERS: + Jeremy Shaub – Project sponsor presentation

+ Remelyn DeBerry - continued  
 ACTION: Approved with Conditions  
 AYES: Fong, Antonini, Borden, Hillis, Sugaya  
 NAYES: Wu, Moore  
 MOTION: 19109

## 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.

16. [2013.0314D](#) (J. LOOK: (415) 575-6812)  
1110 ASHBURY - east side between Clayton Street and Downey Street; Lot 021 in Assessor's Block 2629 - **Request for Discretionary Review** of Building Permit Application No. 2013.04.05.3911, proposing to construct a new horizontal addition at front, a vertical addition with roof deck on an existing single-family dwelling structure within a RH-2 (Residential, House – Two-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.  
 Staff Analysis: Full Discretionary Review  
 Preliminary Recommendation: Do Not Take Discretionary Review and Approve

SPEAKERS: None  
 ACTION: Continued to April 3, 2014  
 AYES: Wu, Fong, Antonini, Borden, Hillis, Moore, Sugaya

17. [2012.1552D](#) (M. SMITH: (415) 558-6322)  
18 VICKSBURG STREET - west side between 22<sup>nd</sup> and 23<sup>rd</sup> Streets; Lot 007 in Assessor's Block 3627 - **Request for Discretionary Review** of Building Permit Application No. 2012.06.21.3128, proposing to construct a garage and basement level beneath the existing building, construct a multi-story addition at the south side of the building to house an elevator, and construct a one-story vertical addition on a single-family dwelling located within a RH-2 (Residential, House, Two-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.  
 Staff Analysis: Abbreviated Discretionary Review  
 Preliminary Recommendation: Do Not Take Discretionary Review and Approve

SPEAKERS: - Richard Fowler – DR Requestor presentation  
 - Ron Spritznu – Elevator shaft, deck  
 - Alissa Mantross – Unique historic look  
 - Brian Patterson – DR representative  
 - Pat Buskcovitch – Illegal deck  
 + Mark English – Project Architect  
 + David Silverman – List of conditions from DR requestor  
 + Annisth Arthur – Disabled equal opportunities accessibility  
 + Andre Borse – Support

+ Mary Amberg – Good process  
 +Bonnie Whittler – Support  
 ACTION: Took DR; conditioning a reduced depth of the third floor deck to 10 feet  
 AYES: Fong, Antonini, Borden, Hillis, Sugaya  
 NAYES: Wu, Moore  
 DRA No: 0357

18a. [2013.0094D](#) (M. SMITH: (415) 558-6322)  
439 ALVARADO STREET - south side between Noe and Sanchez Streets; Lot 036 in Assessor's Block 3625 - **Mandatory Discretionary Review**, pursuant to Planning Code Section 317, for Demolition Permit Application No. 2013.09.20.7323, proposing to demolish an existing two-story, single-family dwelling. The property is located within a RH-2 (Residential, House, Two-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

SPEAKERS: + David Armour – Project Architect  
 ACTION: No DR, Approved as proposed  
 AYES: Wu, Fong, Antonini, Borden, Hillis, Moore, Sugaya  
 DRA No: 0358

18b. [2014.0393D](#) (M. SMITH: (415) 558-6322)  
439 ALVARADO STREET - south side between Noe and Sanchez Streets; Lot 036 in Assessor's Block 3625 - **Mandatory Discretionary Review**, pursuant to Planning Code Section 317, for Building Permit Application No. 2013.09.20.7325, proposing to construct a three-story over garage, single-family dwelling associated with the demolition of an existing two-story, single-family dwelling. The property is located within a RH-2 (Residential, House, Two-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

SPEAKERS: + David Armour – Project Architect  
 ACTION: Took DR; conditioning a reduced depth of the third floor deck to 10 feet  
 AYES: Fong, Antonini, Borden, Hillis, Sugaya  
 NAYES: Wu, Moore  
 DRA No: 0358

19. [2013.1762D](#) (D. VU: (415) 575-9120)  
372 SUSSEX STREET - north side between Diamond Heights Boulevard and Swiss Avenue; Lot 010 in Assessor's Block 7555 - **Request for Discretionary Review** of Building Permit Application No. 2012.11.26.4748, proposing to construct a rear addition at the first story, a new second story and roof deck above the existing single-family dwelling structure within a RH-1 (Residential, House – One-Family) Zoning District and 40-X Height and Bulk District. This action constitutes the Approval Action for the project for purposes of CEQA, pursuant to Section 31.04(h) of the San Francisco Administrative Code.  
 Staff Analysis: Abbreviated Discretionary Review  
 Preliminary Recommendation: Do Not Take Discretionary Review and Approve

**SPEAKERS:** - Katherine Yonsefi – DR Requestor presentation  
- Daniel Wright – Opposed  
- Zorana Bosnic – Opposed  
+ Mari Kawaguchi – Project sponsor presentation  
+ Kevin Anderson – The right for people to enjoy their own homes  
+ Mark Barnes - Process

**ACTION:** Took DR and approved with modifications, conditioning; modified rear stair to circular or interior; internal access to the roof deck; no east deck off master bedroom.

**AYES:** Fong, Antonini, Borden, Hillis, Moore, Sugaya  
**NAYES:** Wu  
**DRA No:** 0359

## **H. PUBLIC COMMENT**

At this time, members of the public may address the Commission on items of interest to the public that are within the subject matter jurisdiction of the Commission except agenda items. With respect to agenda items, your opportunity to address the Commission will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Commission has closed the public hearing, your opportunity to address the Commission must be exercised during the Public Comment portion of the Calendar. Each member of the public may address the Commission for up to three minutes.

The Brown Act forbids a commission from taking action or discussing any item not appearing on the posted agenda, including those items raised at public comment. In response to public comment, the commission is limited to:

- (1) responding to statements made or questions posed by members of the public; or
- (2) requesting staff to report back on a matter at a subsequent meeting; or
- (3) directing staff to place the item on a future agenda. (Government Code Section 54954.2(a))

**SPEAKERS:** Joe O'Donohue – SFMTA – MUNI notification

**ADJOURNMENT – 6:25 P.M.**