

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, October 2, 2014
2:00 p.m.
Regular Meeting

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

THE MEETING WAS CALLED TO ORDER BY PRESIDENT WU AT 3:17 P.M.

STAFF IN ATTENDANCE: John Rahaim – Planning Director, Tina Chang, Omar Masry, Michael Jacinto, Sharon Lai, Rich Sucre, Corey Teague, Steve Wertheim, Kearstin Dischinger, Eiliesh Tuffy, and Jonas P. Ionin – Commission Secretary

SPEAKER KEY:

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

A. CONSIDERATION OF ITEMS PROPOSED FOR CONTINUANCE

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

1. 2014.0668D (T. CHANG: (415) 575-9197)
53 STATES STREET - south side of States Street between Castro and Douglass Streets; Lot 074 in Assessor's Block 6623 - **Mandatory Discretionary Review**, pursuant to Planning Code Section 317, to demolish an existing single-family dwelling unit to construct a new four-story, two-family dwelling within a RH-2 (Residential, Home, 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 DR and Approve as proposed
(Proposed for Continuance to November 20, 2014)

SPEAKERS: None
 ACTION: Continued to November 20, 2014
 AYES: Wu, Fong, Antonini, Hillis, Johnson, Moore, Richards

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. [2014.0633C](#) (O. MASRY: (415) 575-9115)
1098 JACKSON STREET - at the northeast corner of Jackson and Taylor Streets, Lot 022 in Assessor's Block 0181 - **Request for Conditional Use Authorization** under Planning Code Sections 209.6(b) and 303 to allow a macro wireless telecommunications services (WTS) facility operated by AT&T Mobility. The proposed macro WTS facility would feature six (6) panel antennas mounted within individual faux vent pipes, on the roof of an existing three-story mixed-use building. Related electronic equipment would be located on the roof and in the basement. The facility is proposed on a Location Preference 7 Site (Disfavored Location) within a RM-3 (Residential, Mixed Moderate-Density) Zoning District, and 65-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.

NOTE: On September 11, 2014, the Commission adopted a Motion of Intent to Disapprove by a vote of +4 -3 (Antonini, Fong, Wu against); and continued the matter to October 2, 2014 by a vote of +7 -0.

SPEAKERS: + Tedi Vriheas – Approve the application
 - Ari Redstone – AT&T legal counsel submittal
 - Leo Redstone – Design, vent pipes
 - Bill Nothman – Aesthetic issue
 - Kirsty – Adverse impacts
 - (M) Speaker – Adverse impacts, photo sims
 - Kenneth Kaiserman – Equipment location, noise
 - Curtis Chan – Disapprove disfavored site

ACTION: After being pulled off consent; hearing and closing public comment;
 Approved with Conditions including:

1. Equipment moved and painted;
2. Wrapped antennas or faux vents at staff discretion, with an additional foot away from the building edge;
3. Contingent on a Variance being granted; and

4. New findings to be added to the original motion recommending approval, verbalized by the Commission.

AYES: Wu, Fong, Antonini, Johnson
 NAYES: Hillis, Moore, Richards
 MOTION: 19246

C. COMMISSION MATTERS

3. Consideration of Adoption:
- [Draft Minutes for September 11, 2014](#)
 - [Draft Minutes for September 18, 2014](#)

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

4. 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:

There was a tragic accident on the corner of Stockton and Sacramento last Friday or Saturday, again, a woman who was crossing the street being run over and she died. I talked with President Wu and I'd like to remind the Commission, Planning staff and all Departments to look at the Singapore Green Man Plus technology. I know there is an idea of creating what's called a scramble at that intersection. That is not enough to deal with slower moving people who dominate many of these intersections. The scramble itself is still a very fast movement thing. It does not address the issue of people getting across in the time allocated for running in all directions, and so I'd like to remind people to look into the Green Man Plus technology which I described from Singapore. The other thing, just to lighten up the conversation, I had the good fortune of getting a ticket to go to Alcatraz last Sunday, the opening of the Ai Weiwei exhibit. It's an exquisitely, one of a kind experience. In my entire time, having lived in San Francisco, I have never been on Alcatraz (**Laughter**). This was remarkable - this is a Chinese artist who did an installation in four of buildings and it is just absolutely stunning.

Commissioner Johnson:

I second the field trip. Go Giants and I appreciate Commissioner Antonini wearing a Giants tie.

D. DEPARTMENT MATTERS

5. Director's Announcements - None
6. Review of Past Events at the Board of Supervisors, Board of Appeals and Historic Preservation Commission

LAND USE COMMITTEE:

- **Short-Term Rentals.** Commissioners, you heard this item on August 7. At that time you recommended approval with 16 amendments to be made to the legislation¹. This week the LUC held its second hearing on the ordinance. The first hearing lasted 7 hrs and this one also took about 7 hours in total. This week the Board did not seek a presentation from Planning Staff, instead we answered questions. The Board's questions focused on enforcement issues.

As part of the Board discussions, there were Significant amendments were made to the V3 ordinance. Supervisor Chiu introduced 7 amendments which were incorporated into the ordinance. 1) requiring annual reporting on Jan 1 by the individual host the number of days and the duration of each STR, 2) increasing the amount of liability insure to \$500,000 and that such coverage shall indemnify the individual host and tenants, 3) requiring a valid business registration for STR hosts, 4) requirement that when there are multiple violations the unit shall be removed

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1. Place short-term rental controls in the Planning Code so that the Planning Department is the agency responsible for enforcing on short-term rentals.
2. Modify the Ordinance so that the proposed city-run registry tracks the number of nights a unit has been rented.
3. Require any short-term rental platform or company doing business in San Francisco to provide information on the number of nights a property was rented. Information should be reported back to the city on a quarterly basis at a minimum.
4. Identify units that are on the proposed short-term registry in the Department's Property Information Map.
5. Amend the Ordinance so that a posting on a short-term rental site without first registering with the City constitutes a violation that can be assessed a penalty, even if the unit was not rented.
6. Require the registration number from the City-run registry to accompany all short-term rental postings.
7. Grant citation authority to the Planning Department if it is chosen to be the enforcement agency for short-term rentals, and provide for increased penalties for repeat violators.
8. Limit hosted rentals by nights rented, similar to the restrictions placed on non-hosted rentals, or by limiting the number of rooms that can be rented at any one time.
9. Limit single-family homes to the same restrictions as multi-unit buildings.
10. Require the property owner's consent in tenant occupied units and/or a 30-day notification by the Department to the owner prior to listing a unit on the short-term rental registry.
11. Prohibit SROs from being used as short-term rentals.
12. If the Planning Department is chosen as the enforcement agency, provide increased funding to the Planning Department for more enforcement staff to monitor short-term rentals.
13. Consider placing limits on allowing BMR (Below Market Rate) units to be used as short-term rentals.
14. Require the Planning Department to maintain a list of registered hosting platforms.
15. Prohibit units with outstanding Planning or Building Code violations from being listed on the short-term rental registry until those violations have been abated.
16. Conduct further investigation into the insurance requirements for short-term rental hosts.

from the registry for one year, 5) that the effective date shall be Feb 1, 2015, 6) dedicating funding from enforcement to the Planning Department and 7) that an annual Department report to the Board of Supervisors regarding administration and enforcement of the program. This study shall include recommendations about amendments to that law that may be necessary to reduce adverse effects of the program.

Supervisor Kim offered an amendment to prohibit STR in income-restricted units (last week only BMRs were prohibited), this was also included. Supervisor Cohen amended the ordinance to require signage inside the unit locating fire extinguishers, pull alarms and exits and gas shut offs. Supervisor Wiener amended the ordinance to require that within 6 months of the effective date, the Planning Commission hold a hearing prior to any fee adjustments that would result from a determination by the Controller. This effectively provides two avenues for adjustments to fees and penalties. Either the Controller could administratively amend the fees after a Planning Commission hearing or the fees could be adjusted through the regular legislative process, including initiation of an ordinance by this Commission.

At the end of the hearing, Supervisor Kim stated that she would support moving the ordinance to the Full Board for its consideration if the ordinance were sent out without recommendation. Supervisor Chiu stated he wanted to pursue a positive recommendation by the Committee. Supervisor Kim responded that she could not support a positive recommendation, although she appreciates the changes that have been made. The supervisor could not recommend approval because the ordinance does not limit the number of days a hosted unit could be rented; she felt that rentals longer than 90 days amounted to a change of use which should include a CU hearing before this commission. Without this change she felt hosted units could not be enforced and that there could be negative consequences for the rental housing stock. Supervisor Wiener did not want a limit on hosted rentals and felt that enforceability issues would continue but that there would be penalty of perjury to those who were not complying with the law. Supervisor Cohen expressed some concern about the potential for STR to remove rental units from the housing market but she also felt that if you own your own home there should be no 90 day cap on your ST rentals. Cohen further thought that renting multiple rooms in a larger home could have a cumulative impact on the neighborhood. Supervisor Chiu emphasized that the legislation is improving as it goes through the legislative process and that his amendments seek to ensure that sufficient funding for proactive enforcement by our department and that annual reporting will help ensure that both the enforcement and policy implications are known. This would help the City to continue to adjust the law, if needed. Chiu concluded by urging that this approach which allows changes unlike a ballot-driven approach where changes could not be easily made. With those amendments and statements, the Ordinance was moved to the full board with a positive recommendation.

- **Amending the Definition of a Residential Unit (Avalos).** This ordinance would fix an unintentional error and ensure that SRO units would continue to be protected from conversion to student housing. Commissioners you heard this item on 9/18.

At that time you recommended approval. **This week the LU committee also recommended approval.**

- **Interim Moratorium on PDR Conversions in Central SoMa.** This ordinance sponsored by Supervisor Kim was not heard by the Commission as it is an urgency ordinance. This ordinance would be in place for 45 days and would exempt certain projects², including 660 3rd street which this commission approved on 9/11/14.

FULL BOARD OF SUPERVISORS:

- **The moratorium passed on first and final read.**
- **140724 Nighttime Entertainment & uses larger than 25,000 sf in Western Soma.** This ordinance sponsored by Supervisors Kim, Campos and Wiener. It would remove the prohibition on large use sizes in the Regional Commercial district and exempt certain preexisting nighttime entertainment uses from the prohibition on locating within the residential buffer. This commission considered the ordinance on September 5 and recommended approval with a modification that certain schools also be exempted from the use size limits. **Supervisor Kim modified the ordinance to incorporate your recommendations and this week it passed on final reading.**

INTRODUCTIONS:

- **141029 Supervisor Breed** requested a hearing requesting the Mayor's Office of Housing and Community Development, the Office of Economic and Workforce Development, and the Planning Department to report on the efforts of the Mayor's Housing Working Group and evaluate how they will improve the relationship between market rate and affordable housing and track regional housing achievements.
- **141024 Supervisor Mar** introduced an ordinance amending the Police Code to require Formula Retail Establishments to provide employees with two weeks' notice of work schedules, notice of changes to work schedules, and compensation for schedule changes made on less than seven days' notice and unused on-call shifts, and provide part-time employees with the same starting rate of hourly pay, access to time off, and eligibility for promotions as that provided to full-time employees. **This ordinance is not currently scheduled for a PC hearing as it does not amend land use controls nor would it be implemented by the Planning Department. It does, however, rely on the Plannign Code definition of FR and for this reason, I wanted to inform you of the introduction.**

BOARD OF APPEALS:

No Report

² (1) the C-3 zoned districts; (2) proposed projects that are comprised of 100% affordable housing as defined in Planning Code Sections 415.1 et seq.; (3) properties containing any of the following PDR uses: gas stations, parking lots, or self-storage; (4) projects subject to a development agreement under Administrative Code Chapter 56 and California Government Code Sections 65864 et seq.; (5) projects that have submitted an environmental evaluation case to the Planning Department on or before September 1, 2014; and (6) projects that received a Planning Commission approval under Planning Code Section 321 and 803.9 on or before September 11, 2014. But, other than exception (6) identified above, none of the exemptions apply to projects located in the SLI (Service/Light Industrial) District.

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. With respect to agenda items, your opportunity to address the Commission will be afforded when the item is reached in the meeting. Each member of the public may address the Commission for up to three minutes.

SPEAKERS: John Elberling – PDR
 Dr. Raymond Tompkins – Demolition of Candlestick Park
 Joseph Baskin – Asthma rates in children

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.

7. 2006.0383E (M. JACINTO: (415) 575- 9033)
1545 PINE STREET MIXED-USE PROJECT - Certification of Final Environmental Impact Report - The project site comprises five lots on the south side of Pine Street near Van Ness Avenue (Assessor's Block 667, Lots 16, 17, 18, 18A, and 19) that range in height from 20 to 25 feet above street grade. The proposed project would entail demolition of the site's five existing buildings and, in their place, construction of a 137,712-gsf, 12-story (plus two basement levels) mixed-use building. The proposed building would have 101,714 gsf of residential uses, with up to 107 residential units, and 2,844 gsf of ground floor retail/art gallery space along Pine and Austin streets and 33,154 gsf of parking, storage, mechanical, and circulation space on the ground floor and two basement levels. The main entrance to the residential portion of the proposed building would be through a lobby entrance located in the middle of the project site along the Pine Street frontage. Pedestrian access to the residential units would also be available from Austin Street. Retail spaces would be located on Pine Street, to the east and west of the residential entrance on Pine Street, and a space intended for community uses would be located on Austin Street at the southeast corner of the project site. Vehicular access to the subsurface automobile parking spaces would be provided from Austin Street via a 20-foot-wide driveway at the southwest corner of the project site.
NOTE: The public hearing on the Draft EIR is closed. The public comment period for the revised portions of the Draft EIR ended on June 30, 2014. Public comment will be received when the item is called during the hearing. However, comments submitted may not be included in the Final EIR.
 Preliminary Recommendation: Certify the Final EIR

SPEAKERS: None
ACTION: Certified

AYES: Wu, Fong, Antonini, Hillis, Johnson, Moore, Richards
 MOTION: 19247

- 8a. [2006.0383CEKV](#) (S. LAI: (415) 575-9087)
1527-1545 PINE STREET - south side of Pine Street and north side of Austin Street, between Polk Street and Van Ness Avenue; Lots 016,017,018,018A and 019 in Assessor's Block 0667 - **Adoption of CEQA Findings** for Conditional Use request to demolish the existing commercial buildings and construct a 12-story, 130-foot tall, 103-unit mixed-use building with 84 parking spaces and approximately 2,700 square feet of ground-floor commercial space within a RC-4 (Residential-Commercial Combined, High Density) District, the Van Ness Special Use District, and the 130-V Height and Bulk District (lots 016, 017, 018 and 018A) and within the Polk Street Neighborhood Commercial District and 65-A Height and Bulk District (lot 019).
 Preliminary Recommendation: Adopt

SPEAKERS: + Kim Diamond – Project presentation
 + Architect – Project design
 + Andrew Chandler – No resident was displaced, on-site affordable, the alley
 + Kadir Seth – Support
 + Allen Malloslavich – Trumark community outreach
 + Rudy Corpus – Support
 + Joel Coppel – Support
 + Danny Campbell – Support
 + R.J. Ferrari – Support
 + Rob Pool – Support
 + Adrian Simi – Support
 - David Grace - AirBnB

ACTION: Adopted Findings
 AYES: Wu, Fong, Antonini, Hillis, Johnson, Moore, Richards
 MOTION: 19248

- 8b. [2006.0383CEKV](#) (S. LAI: (415) 575-9087)
1527-1545 PINE STREET - south side of Pine Street and north side of Austin Street, between Polk Street and Van Ness Avenue; Lots 016,017,018,018A and 019 in Assessor's Block 0667 - **Request for Conditional Use Authorization** pursuant to Planning Code Sections 243, 253 and 303 to demolish the existing commercial buildings and construct a 12-story, 130-foot tall, 103-unit mixed-use building with 84 parking spaces and approximately 2,700 square feet of ground-floor commercial space within a RC-4 (Residential-Commercial Combined, High Density) District, the Van Ness Special Use District, and the 130-V Height and Bulk District (lots 016, 017, 018 and 018A) and within the Polk Street Neighborhood Commercial District and 65-A Height and Bulk District (lot 019). The project also requires variances from Planning Code Section 134 (rear yard modification), Section 140 (dwelling unit exposure), Section 145.1 (street frontage), and Section 152 (loading space), which the Zoning Administrator will consider following the Planning Commission's consideration of the request for Conditional Use authorization. A Planning Commission approval at the public hearing would constitute the Approval Action for the project for the purposes of CEQA, pursuant to Section 31.04(h) of the San Francisco Administrative Code.
 Preliminary Recommendation: Approve with Conditions

SPEAKERS: Same as Item 8a
 ACTION: Approved with Conditions
 AYES: Wu, Fong, Antonini, Hillis, Johnson, Moore, Richards
 MOTION: 19249

- 8c. [2006.0383CEKV](#) (S. LAI: (415) 575-9087)
1527-1545 PINE STREET - south side of Pine Street and north side of Austin Street, between Polk Street and Van Ness Avenue; Lots 016,017,018,018A and 019 in Assessor's Block 0667 - **Request for Variances** pursuant to Planning Code Sections 134 (rear yard modification), Section 140 (dwelling unit exposure for 11 of the 103 units), Section 145.1 (street frontage for transparency and active uses), and Section 152 (loading space), to demolish the existing commercial buildings and construct a 12-story, 130-foot tall, 103-unit mixed-use building with 84 parking spaces and approximately 2,700 square feet of ground-floor commercial space within a RC-4 (Residential-Commercial Combined, High Density) District, the Van Ness Special Use District, and the 130-V Height and Bulk District (lots 016, 017, 018 and 018A) and within the Polk Street Neighborhood Commercial District and 65-A Height and Bulk District (lot 019).

SPEAKERS: Same as Item 8a
 ACTION: ZA Closed the PH and indicated an intent to Grant

9. (C. TEAGUE: (415) 575-9081)
[OFFICE DEVELOPMENT ANNUAL LIMIT PROGRAM UPDATE](#) – **Informational presentation** to provide a detailed review of the current state of the Office Development Annual Limit Program, projections for 2015, and potential policy considerations.
 Preliminary Recommendation: None – Informational

SPEAKERS: John Elberling – Office development
 David Jones – Office impacts
 Dan Fratin – No immediate need
 Sue Hestor – Look at previous hearings
 Jim Ruben – Prop M
 ACTION: None – Informational

10. [2014.1249T](#) (S. WERTHEIM: (415) 558-6612)
OFFICE CONVERSION CONTROLS IN LANDMARK BUILDINGS - **Planning Code Amendments** related to office conversion controls in landmark buildings [Board File No. 140876]. Ordinance amending the Planning Code to place vertical controls on the conversion of designated landmark buildings to office use in PDR-1-D and PDR-1-G Districts; and making environmental findings, and 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: + Andrea Bruss, Aide to Supervisor Cohen – Legislation presentation
 = Ilene Dick – Timing
 - Sue Hestor – Planning review
 ACTION: Adopt a Recommendation for Approval with Modifications
 AYES: Fong, Antonini, Hillis, Johnson, Moore, Richards

ABSENT: Wu
RESOLUTION: 19251

11. [2014.0966T](#) (K. DISCHINGER: (415) 558-6284)
2013 CITYWIDE NEXUS STUDY - Pursuant to Planning Code Section 302, Planning Commission consideration of a Resolution to **Initiate Planning Code Amendments and schedule a future hearing** to adopt the San Francisco Citywide Nexus Analysis supporting existing development fees, including fees in the Downtown and other Area Plans, to cover impacts of residential and commercial development in the areas of recreation and open space; pedestrian and streetscape improvements; childcare; and bicycle infrastructure; making findings related to all of the fees in Article IV generally and certain development fees supported by the Nexus Analysis specifically; and making environmental findings and findings of consistency with the General Plan and the eight priority policies of Planning Code Section 101.1.
Preliminary Recommendation: Initiate and Schedule a future hearing

SPEAKERS: Sue Hestor – TIDF, housing fees
ACTION: Initiated and Scheduled a hearing to adopt for November 20, 2014
AYES: Fong, Antonini, Hillis, Johnson, Moore, Richards
ABSENT: Wu
RESOLUTION: 19252

12. [2010.0043X](#) (R. SUCRÉ: (415) 575-9108)
490 SOUTH VAN NESS AVENUE - located at the northwest corner of 16th and South Van Ness Avenue, Lot 008 in Assessor's Block 3553 - **Request for a Large Project Authorization**, pursuant to Planning Code Section 329 for the new construction of a seven-story residential building (approximately 91,611 gsf) with 72 dwelling units, ground-floor corner retail (approximately 655 sq ft), 48 off-street parking spaces, 83 Class 1 bicycle parking spaces, and common open space. Under the LPA, the project is seeking a modification of the requirements for: 1) rear yard (Planning Code Section 134); 2) permitted obstructions over streets, alleys, setbacks, yards and useable open space (Planning Code Section 136); 3) dwelling unit exposure (Planning Code Section 140); and, 4) accessory use provisions for dwelling units (Planning Code Sections 329(d)(10) and 803.3(b)(1)(c)). The subject property is located within the UMU (Urban Mixed-Use) Zoning District and 68-X Height and Bulk District. This action constitutes the Approval Action for the project for the purposes of CEQA, pursuant to Section 31.04(h) of the San Francisco Administrative Code.
Preliminary Recommendation: Approve with Conditions
Note: On September 4, 2014, after hearing and closing public comment; the Commission continued the matter to October 2, 2014 by a vote of + 6 -1 (Fong against).
(Continued from Regular Meeting of September 4, 2014)

SPEAKERS: + David Silverman – Project presentation
+ Engineer – Traffic Analysis
+ John Stoll – More housing
+ Gideon Kramer – Support
+ (F) Speaker – More housing
+ Rafael Solari – More housing
+ Victoria Stein – Impact on safety
+ Elizabeth Moore – Safety

- Hector Marrow – Garage on Adair St.
- Beatrice Guttino – Garage on Adair St.
- David Grace – Indian burial ground
- (M) Speaker – Bad project, rolling record request
- + Sean Kiegron – Garage location, affordable housing
- + Jean Pierre-Burtley – Garage location
- + John O’Conner – Eastern Neighborhood
- Sue Hestor – Assumptions made in the EN plan vs. market conditions today
- + Edward Yuen – Making Mission a better neighborhood, more housing, processing delays

ACTION: After being called out of order; Approved with Conditions as amended to include a condition for the Project Sponsor to continue working with staff on design, and to simplify the fenestration, color and materials

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

MOTION: 19250

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.

13. [2014.1018D](#) (E. TUFFY: (415) 575-9191)
1297 DOLORES STREET - east side, at the intersection with 26th Street; Lot 016B in Assessor’s Block 6534 - **Request for Discretionary Review** of Building Permit Application No. 2013.07.11.1648 proposing a partial 4th floor vertical addition with new front and rear roof decks on an existing three-story-over-basement structure. The building is located on a corner lot within a RH-3 (Residential House, Three-Family) District and 40-X Height and Bulk District. The subject property is the top unit in the building, which would be expanded by 551 sq. ft. through the vertical addition. 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: Abbreviated Discretionary Review
 Preliminary Recommendation: Do Not Take DR and Approve as proposed
- SPEAKERS: - Lawrence Lee – DR Requestor presentation
 + Michael Leavitt – Project Sponsor presentation
 + Gregory Kelisky – Purpose of addition
- ACTION: No DR, Approved as proposed
- AYES: Fong, Antonini, Hillis, Johnson, Moore, Richards
- ABSENT: Wu
- DRA No: 0382

14. [2014.1119D](#) (T. CHANG: (415) 575-9197)
135 GLADSTONE DRIVE - south side of Gladstone Drive at Stoneyford Ave.; Lot 022 in Assessor’s Block 5896 - **Request for Discretionary Review** of Building Permit Application

2013.1201.3317 proposing a two-story horizontal side and rear addition. The proposed expansion increases the building's width by 15'-4" and depth by 4'. The project is located within a RH-1 (Residential, Home, 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 DR and Approve as proposed

SPEAKERS: - Ghanna Maan – DR Requestor
+ Jeremy Schaub – Project sponsor presentation

ACTION: Took DR and Approved the project with the proposed amendment provided by the Sponsor in the Commission packet

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

ABSENT: Wu

DRA No: 0383

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))

ADJOURNMENT – 8:43 P.M.

Hearing Procedures

The Planning Commission holds public hearings regularly, on most Thursdays. The full hearing schedule for the calendar year and the Commission Rules & Regulations may be found online at: www.sfplanning.org.

Public Comments: Persons attending a hearing may comment on any scheduled item.

- ❖ When speaking before the Commission in City Hall, Room 400, please note the timer indicating how much time remains. Speakers will hear two alarms. The first soft sound indicates the speaker has 30 seconds remaining. The second louder sound indicates that the speaker's opportunity to address the Commission has ended.

Sound-Producing Devices Prohibited: The ringing of and use of mobile phones and other sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal of any person(s) responsible for the ringing or use of a mobile phone, pager, or other similar sound-producing electronic devices (*67A.1 Sunshine Ordinance: Prohibiting the use of cell phones, pagers and similar sound-producing electronic devices at and during public meetings*).

For most cases (CU's, PUD's, 309's, etc...) that are considered by the Planning Commission, after being introduced by the Commission Secretary, shall be considered by the Commission in the following order:

1. A thorough description of the issue(s) by the Director or a member of the staff.
2. A presentation of the proposal by the Project Sponsor(s) team (includes sponsor or their designee, lawyers, architects, engineers, expeditors, and/or other advisors) would be for a period not to exceed 10 minutes, unless a written request for extension not to exceed a total presentation time of 15 minutes is received at least 72 hours in advance of the hearing, through the Commission Secretary, and granted by the President or Chair.
3. A presentation of opposition to the proposal by organized opposition for a period not to exceed 10 minutes (or a period equal to that provided to the project sponsor team) with a minimum of three (3) speakers. The intent of the 10 min block of time provided to organized opposition is to reduce the number of overall speakers who are part of the organized opposition. The requestor should advise the group that the Commission would expect the organized presentation to represent their testimony, if granted. Organized opposition will be recognized only upon written application at least 72 hours in advance of the hearing, through the Commission Secretary, the President or Chair. Such application should identify the organization(s) and speakers.
4. **Public testimony from proponents of the proposal:** An individual may speak for a period not to exceed three (3) minutes.
5. **Public testimony from opponents of the proposal:** An individual may speak for a period not to exceed three (3) minutes.
6. Director's preliminary recommendation must be prepared in writing.
7. Action by the Commission on the matter before it.
8. In public hearings on Draft Environmental Impact Reports, all speakers will be limited to a period not to exceed three (3) minutes.
9. The President (or Acting Chair) may impose time limits on appearances by members of the public and may otherwise exercise his or her discretion on procedures for the conduct of public hearings.
10. Public comment portion of the hearing shall be closed and deliberation amongst the Commissioners shall be opened by the Chair;
11. A motion to approve; approve with conditions; approve with amendments and/or modifications; disapprove; or continue to another hearing date, if seconded, shall be voted on by the Commission.

Every Official Act taken by the Commission must be adopted by a majority vote of all members of the Commission, a minimum of four (4) votes. A failed motion results in the disapproval of the requested action, unless a subsequent motion is adopted. Any Procedural Matter, such as a continuance, may be adopted by a majority vote of members present, as long as the members present constitute a quorum (four (4) members of the Commission).

For Discretionary Review cases that are considered by the Planning Commission, after being introduced by the Commission Secretary, shall be considered by the Commission in the following order:

1. A thorough description of the issue by the Director or a member of the staff.
2. A presentation by the DR Requestor(s) team (includes Requestor(s) or their designee, lawyers, architects, engineers, expeditors, and/or other advisors) would be for a period not to exceed five (5) minutes for each requestor.
3. Testimony by members of the public in support of the DR would be up to three (3) minutes each.
4. A presentation by the Project Sponsor(s) team (includes Sponsor(s) or their designee, lawyers, architects, engineers, expeditors, and/or other advisors) would be for a period up to five (5) minutes, but could be extended for a period not to exceed 10 minutes if there are multiple DR requestors.

5. Testimony by members of the public in support of the project would be up to three (3) minutes each.
6. DR requestor(s) or their designees are given two (2) minutes for rebuttal.
7. Project sponsor(s) or their designees are given two (2) minutes for rebuttal.
8. The President (or Acting Chair) may impose time limits on appearances by members of the public and may otherwise exercise his or her discretion on procedures for the conduct of public hearings.

The Commission must Take DR in order to disapprove or modify a building permit application that is before them under Discretionary Review. A failed motion to Take DR results in a Project that is approved as proposed.

Hearing Materials

Advance Submissions: To allow Commissioners the opportunity to review material in advance of a hearing, materials must be received by the Planning Department eight (8) days prior to the scheduled public hearing. All submission packages must be delivered to 1650 Mission Street, Suite 400, by 5:00 p.m. and should include fifteen (15) hardcopies and a .pdf copy must be provided to the staff planner. Correspondence submitted to the Planning Commission after eight days in advance of a hearing must be received by the Commission Secretary no later than the close of business the day before a hearing for it to become a part of the public record for any public hearing.

Correspondence submitted to the Planning Commission on the same day, must be submitted at the hearing directly to the Planning Commission Secretary. Please provide ten (10) copies for distribution. Correspondence submitted in any other fashion on the same day may not become a part of the public record until the following hearing.

Correspondence sent directly to all members of the Commission, must include a copy to the Commission Secretary (commissions.secretary@sfgov.org) for it to become a part of the public record.

These submittal rules and deadlines shall be strictly enforced and no exceptions shall be made without a vote of the Commission.

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

Appeals

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

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

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

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

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

Challenges

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

CEQA Appeal Rights under Chapter 31 of the San Francisco Administrative Code

If the Commission's action on a project constitutes the Approval Action for that project (as defined in S.F. Administrative Code Chapter 31, as amended, Board of Supervisors Ordinance Number 161-13), then the CEQA determination prepared in support of that Approval Action is thereafter subject to appeal within the time frame specified in S.F. Administrative Code Section 31.16. This appeal is separate from and in addition to an appeal of an action on a project. Typically, an appeal must be filed within 30 calendar days of the Approval Action for a project that has received an exemption or negative declaration pursuant to CEQA. For information on filing an appeal under Chapter 31, contact the Clerk of the Board of Supervisors at City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102, or call (415) 554-5184. If the Department's Environmental Review Officer has deemed a project to be exempt from further environmental review, an exemption determination has been prepared and can be obtained on-line at <http://www.sf-planning.org/index.aspx?page=3447>. Under CEQA, in a later court challenge, a litigant may be limited to raising only those issues previously raised at a hearing on the project or in written correspondence delivered to the Board of Supervisors, Planning Commission, Planning Department or other City board, commission or department at, or prior to, such hearing, or as part of the appeal hearing process on the CEQA decision.

Protest of Fee or Exaction

You may protest any fee or exaction subject to Government Code Section 66000 imposed as a condition of approval in accordance with Government Code Section 66020. The protest must satisfy the requirements of Government Code Section 66020(a) and must be filed within 90 days of the date of the first approval or conditional approval of the development referencing the challenged fee or exaction. For purposes of Government Code Section 66020, the date of imposition of the fee shall be the date of the earliest discretionary approval by the City of the subject development.

The Planning Commission's approval or conditional approval of the development subject to the challenged fee or exaction as expressed in its Motion, Resolution, or Discretionary Review Action or the Zoning Administrator's Variance Decision Letter will serve as Notice that the 90-day protest period under Government Code Section 66020 has begun.