

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, December 4, 2014
12:00 p.m.
Regular Meeting

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

THE MEETING WAS CALLED TO ORDER BY PRESIDENT WU AT 1:21 p.m.

STAFF IN ATTENDANCE: John Rahaim – Planning Director, Carly Grob, Rachel Schuett, Debra Dwyer, Kearstin Dischinger, Diego Sanchez, Thomas Wang, Tina Chang, 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.

- 2014.1176Q (L. AJELLO: (415) 575-9142)
2438 LAKE STREET - north side of Lake Street between 25th and 26th Avenues; Lot 020 in Assessor's Block 1333 - Request for **Condominium Conversion Subdivision** to convert a three-story-over-garage, six-unit building into residential 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
(Proposed for Continuance to December 11, 2014)

SPEAKERS: None

ACTION: Continued to December 11, 2014

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

2. 2014.0756D (J. SPEIRS: (415) 575-9106)
1912 20th STREET - on the north side between De Haro and Carolina Streets; Lot 014 in Assessor's Block 4071 - Request for **Discretionary Review** of Building Permit Application No. 2013.02.11.9939, proposing to construct a new 6-story, two family dwelling on a down-sloping vacant lot 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 purposes of CEQA, pursuant to Section 31.04(h) of the San Francisco Administrative Code.
 Staff Analysis: Full Discretionary Review
 Preliminary Recommendation: Pending
 (Continued from Regular Meeting of October 9, 2014)
(Proposed for Continuance to January 15, 2015)

SPEAKERS: None

ACTION: Continued to January 15, 2015

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

B. COMMISSION MATTERS

3. Consideration of Adoption:

- Draft Minutes for November 13, 2014
- Draft Minutes for November 20, 2014

SPEAKERS: None

ACTION: Adopted

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

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.

President Wu:

I did want to let the Commission know that I met with Vice-President Fong and Secretary Ionin and we followed-up on the request to talk about the action item list, and so, the action item list is comprised of requests that Commission members may make and Secretary Ionin will send it out on weekly basis, but there were some items that we discussed that had more to do with a larger policy item and I think there will be a number of informational hearings next year, which will help guide that discussion for us.

Commissioner Moore:

I ask the Director today, whether or not he or the Department would be prepared to make an update on our parklet study. I see many parklets thrive, I see many parklets being inappropriately used and others not being used at all, what is the overriding policy? How

do we monitor their success and what is the Department thinking as parklets grow? Is there a network of parklets or whatever all those questions might be? So the Director, I think, indicated that they would be willing, but I would like to add that to our action list.

Commissioner Richards:

One of the things I wanted to bring up and this has been in the news a lot lately and I actually saw it first-hand on States Street for one of the DRs coming up later, is the subject of fines. Every day it seems I pick up the paper, I see somebody is tangled in a fine situation where they are told they can't do something, they go ahead and they do it. Here is another one, it's like the third or fourth time, I guess this was a tech commune, they were told not to do it and they went back and did it. And I just started asking around some developer friends of mine, and I said, you know, if I don't put a quarter in the meter I pay \$71, if I park in a bus zone it's \$371, if I demolish a house in Cole Valley, we fine the person who demolished the house \$1,000, if I cut a significant tree down it's \$2,000 and I actually had drinks last night with a prominent real estate attorney from a prominent firm last night, and he said, you know these fines that we charge, they are becoming rounding errors in the development game here. I think it's something we really need to look at. We have this kind of carrot approach and we are sending bad behavior by having some miniscule fines. They are part of the cost of doing business and people are doing things that we don't want them to do. It is hurting some policy objectives that we have, specifically around cutting trees down and some other things, and I really think that that's something that perhaps we as a Commission should look at in the future.

C. 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:

- **141190 Authorizing the Nullification of the Current Four Priority Conservation Areas.** A Priority Conservation Area, or PCA, is a locally identified location in urgent need of preservation, designated by the Association of Bay Area Governments (ABAG). The purpose of designating Priority Conservation Areas is to protect key natural lands in the San Francisco Bay Area through purchase or conservation easements with willing property owners. Currently, San Francisco has four PCAs: 1) Sutro Tower, 2) Aquavista/Twin Peaks, 3) Palou/Phelps Open Space, and 4) Bayview Radio Property. Nullification of the current four PCAs will allow the City the opportunity to select new areas for designation and would allow the Planning Department to coordinate with other interested parties when determining the factors that should go into the selection. PCAs may be chosen due to the land's importance as a natural landscape, agricultural land, regional recreation significance or opportunity for urban greening. Supervisor Cohen asked two clarifying questions at the hearing, and then committee voted to recommend the item to the Full Board.

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- **141096 Planning Code - Height Exemptions for Hospitals.** This Ordinance would amend the Planning Code to allow exemptions above the height limit for hospital mechanical equipment in hospitals that are legal non-compliant structures with regard to height. This Commission heard this item on November 13 of this year and voted unanimously to recommended approval. With no comment from the Committee or the public, this item was recommended to the Full Board.

FULL BOARD OF SUPERVISORS:

- **141102 Mills Act Historical Property Contract - 68 Pierce Street. Sponsor: Wiener (Fry, Tuffy) Adopted 9-1**
- **141103 Mills Act Historical Property Contract - 563-567 Waller Street. Sponsor: Wiener (Fry, Tuffy) Adopted 9-1**
- **141104 Mills Act Historical Property Contract - 621 Waller Street. Sponsor: Wiener (Fry, Tuffy) Adopted 9-1**
Three Mills Act Contracts were approved by the Board of Supervisors last week, including 68 Pierce, 563 Waller and 621 Waller. The Vote was 9-1 with Supervisor Avalos dissenting and Supervisor Cohen excused.
- **140875 Planning Code - Amending the Third Street Alcohol Restricted Use District. Sponsor: Kim and Cohen. Passed its First Read**
- **141047 Public Hearing - Appeal of Conditional Use Authorization (Rodgers/Lamorena) - 395-26th Avenue.** This item was an appeal of a CU to demolish 2 rent-controlled units and produced 6 family-sized units, for a net gain of 15 bedrooms. The Board unanimously rejected the CU and sided with the appellant. Supervisor Mar, whose district the project is in, commented that the City loses over 1000 affordable units every year and that the Board has an obligation to look at the larger policy issues underlying this CU. He also commented that the City has multiple policies supporting existing affordable housing, and that it's time to act in line with these policies. Supe Breed commented that she was OK demolishing existing housing if it is dilapidated, but not sound existing housing. Supe Kim said that she was one of a number of the members of this Board who have committed to the Tenants Union to ban the demolition of existing housing and therefore she would be voting with the appellant. Supe Tang commented that deciding when new housing produced is more valuable than existing, affordable housing is critical. And that she would like to work with the Planning Department to figure this out.

In taking their vote, the Board referenced the following findings from Section 317 to support their action:

1. Whether the project converts rental housing to other forms of tenure or occupancy;
2. Whether the project removes rental units subject to the Rent Stabilization and Arbitration Ordinance or affordable housing;
3. Whether the project conserves existing housing to preserve cultural and economic diversity;

4. Whether the project conserves neighborhood character to preserve neighborhood;
5. Whether the project protects the relative affordability of existing housing; and
6. Whether the project increases the number of permanently affordable units as governed by Section 415.

Our Department will be working with this Commission and the Board to understand the implications of this decision and to evaluate our implementation of Section 317 in the coming weeks.

- **141083 Public Hearing - Appeal of Exemption from Environmental Review - 2853-2857 Broderick Street.** Continued to December 9th.
 - **141088 Public Hearing - Appeal of Exemption from Environmental Review - 300 Wawona Street Special Order 3:00 PM.** This appeal was withdrawn but because it was already calendared and noticed the Board still had to vote on the item, and did vote to uphold the Department's Environmental decision.
 - **141096 Planning Code - Height Exemptions for Hospitals. Sponsor: Chiu.** Passed its first read
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INTRODUCTIONS:

- **141231 Interim Zoning Controls - New Massage Establishments. Sponsor: Tang.** Resolution imposing interim zoning controls requiring conditional use authorization for any new massage establishments, for eighteen months.
- **141210 Planning and Administrative Codes - Definition and Controls for Homeless Shelters to Comply with State Law. Sponsor: Mayor.** Ordinance amending the Planning Code to define Homeless Shelter and to establish zoning, open space, and parking policies for this use in compliance with California Government Code requirements. It also amends the Administrative Code to require contracts between the City and shelter operators to contain operational standards.

BOARD OF APPEALS:

No Report

HISTORIC PRESERVATION COMMISSION (Commission Secretary, Jonas Ionin):

Historic Preservation Coordinator, Tim Frye requested that I update you on the Historic Preservation Commission yesterday, where they took up a Certificate of Appropriateness for the Mission Theatre, 2550 Mission Street, which was approved with conditions. They also reviewed and commented The Potrero Hope San Francisco Project Draft EIR and EIS, which will be coming to you next week, but maybe most importantly the Cultural Heritage Assets Committee held their first meeting before the regular meeting of the Historic Preservation Commission and heard from SF Heritage, as well as others including an aide from Supervisors Campos' office regarding the legacy business legislation.

D. 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: Lin Kim – Rezoning 700 8th Avenue property, Safeway
Sue Hestor – 5M comment period reversal
Patrick Batt – Castro NCD controls

E. 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. 2011.0312CEKUVX (C. GROB: (415) 575-9138)
1321 MISSION STREET - **Informational Presentation** of the 1% Public Art Requirement for a newly constructed mixed-use building. The hotel was approved on January 23, 2013.
Preliminary Recommendation: None - Informational

SPEAKERS: + Ken Calman – Artist concept and vision
ACTION: None – Informational

8. 2011.1374E (R. SCHUETT: (415) 575-9030)
800 INDIANA STREET– West side of Indiana Street between 20th and 22nd Streets; Assessor’s Block 4105, Lot 009 - **Certification of the Final Environmental Impact Report**. The proposed project includes demolition of the existing 78,240 gross-square-foot (gsf), steel frame industrial warehouse that is owned by the San Francisco Opera, and used for set building and storage. The proposed demolition is necessary to construct a five-story, approximately 58-foot-tall, multi-family residential development, composed of three separate buildings, totaling 273,743 gsf of residential uses. The proposed project would include a maximum of 338 residential units, ground-floor residential amenities, and a one-level 11-foot-tall underground parking garage, for a total of approximately 441,183 gsf of development on the project site. The project site is located in the Urban Mixed Use (UMU) Zoning District, and 58-X Height and Bulk District, within the Central Waterfront Subarea of the Eastern Neighborhoods Rezoning and Area Plan. The proposed project also includes two streetscape improvement variants, the Hybrid and Linear Park Streetscape Plans and a third variant that includes a plaza/dog park. The Final EIR concluded that implementation of the 800 Indiana Street project would result in a significant unavoidable environmental impact related to historic resources since the proposed project would involve the demolition of the existing industrial warehouse building, which is individually eligible for listing in the California Register of Historical Resources as noted in the Central Waterfront Historic Resource Survey and the Historic Resource Evaluation Response (HRER) for the project. The project site is located close to, but not within the Dogpatch Landmark District

and the eligible Central Waterfront/3rd Street Industrial Historic District. However, construction of the proposed residential development would not impair the integrity of the adjacent districts since the new construction is designed to address the massing and scale of the surrounding context.

Preliminary Recommendation: Certify the Final Environmental Impact Report.

NOTE: The public hearing on the Draft EIR is closed. The public comment period for the Draft EIR ended on September 29, 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: + Danny Campbell – Sheet Metal Workers support
+ Rob Poole – Adequate thorough and complete
+ Joel Koppel – Carpenter’s Union support
= Karen Lau – Traffic and parking impacts

ACTION: Certified

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

MOTION: 19284

9. 2007.0347E (D. DWYER: (415) 575-9031)

SAN FRANCISCO BICYCLE PLAN EIR – UPDATE ON SECOND STREET IMPROVEMENT PROJECT
- Second Street right-of way between Market and King Streets. **Informational Presentation** by Planning Department and Public Works Department staff to provide an update on project progress for the Second Street Improvement Project, including the environmental review process for the project and its relationship to the San Francisco Bicycle Plan EIR. In addition, Public Works Staff will provide a brief overview of the project and public outreach to date.

Preliminary Recommendation: None - Informational

SPEAKERS: + Christina Caldron-Olleja – DPW presentation
= Sue Hestor – Distribution of the project information

ACTION: None - Informational

10. 2014.0966T (K. DISCHINGER: (415) 558-6284)

2013 CITYWIDE NEXUS STUDY – Informational Presentation related to 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.

Preliminary Recommendation: None - Informational

(Continued from Regular Meeting of November 6, 2014)

SPEAKERS: = Sue Hestor – Outdated data assumption

ACTION: None - Informational

11. 2014.1237Z (D. SÁNCHEZ: (415) 575-9082)

1600 CORTLAND AVENUE - Zoning Map Amendment (Sectional Maps ZN11 and SU11) to re-zone the property located at 1600 Cortland Avenue (Assessor’s Block No. 5691, Lot No. 040) from C-M (Heavy Commercial) and IPZ SUD (Industrial Protection Zone Special Use

District) to PDR-1-G (Production, Distribution and Repair: General); and making environmental findings, 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: Adopt a Recommendation of Approval

SPEAKERS: + Sue Hestor – Eastern Neighborhood orphan connection
ACTION: Adopted a Recommendation for Approval
AYES: Wu, Fong, Antonini, Johnson, Moore, Richards
ABSENT: Hillis
RESOLUTION: 19285

12. 2014.0417C (T. WANG: (415) 558-6335)

531 CASTRO STREET - - between 18th & 19th Streets; Lot 093 in Assessor's Block 3583 - Request for **Conditional Use Authorization** pursuant to Planning Code Sections 703.3, 703.4, 790.38, 303(c), and 303(i) to allow the conversion of an existing vacant restaurant (d.b.a. the Patio Restaurant and Café) into a formula retail restaurant (d.b.a. Hamburger Mary's), including an other entertainment use, within the Castro Street Neighborhood Commercial 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: Approve with Conditions

SPEAKERS: + John Kevlin – Sponsor presentation
- Gary Weiss – Giant dead zone, burgers availability in surrounding restaurants
+ Jeff Church – Tired of a big hole in the middle of the block
+ Alan Beach-Nelson – Support
+ Steve Clark Hall - Support
ACTION: Approved with Conditions as amended
AYES: Wu, Fong, Antonini, Johnson, Moore, Richards
ABSENT: Hillis
MOTION: 19288

13. 2014.0985C (T. CHANG: (415) 575-9197)

400 CASTRO STREET - west side of Castro Street at Market Street; Lot 035 in Assessor's Block 2647 - Request for **Conditional Use Authorization** to establish a personal service establishment (d.b.a. Soulcycle) in the 3,042 square-foot tenant space previously occupied by a clothing store. The project sponsor proposes to add a 592 square-foot mezzanine, bringing the total use size of the project to 3,634 square-feet. The project is located in the Castro Neighborhood Commercial District (NCD) 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: Approve with Conditions

SPEAKERS: + Lu Blazej – Sponsor presentation
+ Alan Beach-Nelson - Support
ACTION: Approved with Conditions
AYES: Wu, Fong, Antonini, Hillis, Johnson, Moore, Richards
MOTION: 19286

14. 2014.1190C (T. CHANG: (415) 575-9197)
549 CASTRO STREET - east side of Castro Street; Lot 065 in Assessor's Block 3583 - Request for **Conditional Use Authorization** pursuant to Planning Code Sections 303 and 703.4 to establish a formula retail, limited restaurant (d.b.a. Philz Coffee) in the 1,310 square-foot tenant space occupied by a campaign office. The project is located in the Castro Neighborhood Commercial District (NCD) 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: Approve with Conditions

SPEAKERS: + Jody Knight – Project presentation
- Patrick Batt – Taking away potential retail
- Austin Miller – Spikes delay this project until the dust settles
- John Singleton – Inundation of coffee shops in the Castro
+ Alan Beach-Nelson – Appropriate for location
+ Steve Clark Hall - Support

ACTION: Approved with Conditions

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

MOTION: 19287

F. 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.

- 15a. 2013.1521DDV (T. CHANG: (415) 575-9197)
22 ORD COURT - north side of Ord Court; Lot 067 in Assessor's Block 2619 - Request for **Discretionary Review** of 1.) Building Permit Application 2013.1021.9832 proposing the vertical addition of an existing 3-story single-family-home, adding a 4th story and, 2.) of Building Permit Application 2013.1021.9817 proposing the new construction of a 4-story single-family home in the required rear yard. The project is located 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

SPEAKERS: - Chris Parkes – DR presentation
- Alexis Shlo – Design issues
- Gary Weiss – Opposition
- Henry Eisner – Opposition
- Nicholas Crawford – Monterey cypress trees
- Rich Goldman – Greenery and open space
- Dirk Aguillar – Opposition
- David Cannon – Variance
- (M) Speaker – Opposition

- Marianne Dresner – Opposition
- Chris Wilson – Neighborhood character
- Hector Martinez – Overbearing
- Judith Hoyem – Opposition
- + John Kevlin – Sponsor presentation
- Steve Clark Hall – State street

ACTION: After Hearing and Closing Public Comment; Continued to February 5, 2015
 AYES: Wu, Fong, Antonini, Johnson, Moore, Richards
 ABSENT: Hillis

- 15b. 2013.1521DDV (T. CHANG: (415) 575-9197)
22 ORD COURT - north side of Ord Court; Lot 067 in Assessor's Block 2619 - Request for **Variance** from Planning Code Section 134 for the new construction of the single-family home in the required rear yard. The project is located within a RH-2 (Residential, Home, two-Family) Zoning District and 40-X Height and Bulk District.

SPEAKERS: Same as Item 15a.
 ACTION: ZA After Hearing and Closing Public Comment; Continued to February 5, 2015

- 16a. 2013.1522DDV (T. CHANG: (415) 575-9197)
24 ORD COURT - north side of Ord Court; Lot 066 in Assessor's Block 2619 - Request for **Discretionary Review** of Building Permit Application 2013.1021.9830 proposing the new construction of a 3-story single-family home in the required rear yard. The project is located 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

SPEAKERS: Same as Item 15a.
 ACTION: After Hearing and Closing Public Comment; Continued to February 5, 2015
 AYES: Wu, Fong, Antonini, Johnson, Moore, Richards
 ABSENT: Hillis

- 16b. 2013.1522DDV (T. CHANG: (415) 575-9197)
24 ORD COURT - north side of Ord Court; Lot 066 in Assessor's Block 2619 - Request for **Variance** from Planning Code Section 134 for the new construction of the single-family home in the required rear yard. The project is located within a RH-2 (Residential, Home, two-Family) Zoning District and 40-X Height and Bulk District.

SPEAKERS: Same as Item 15a.
 ACTION: ZA After Hearing and Closing Public Comment; Continued to February 5, 2015

G. PUBLIC COMMENT

At this time, members of the public may address the Commission on items of interest to the public that are within the subject matter jurisdiction of the Commission except agenda items. With respect to agenda items, your opportunity to address the Commission will be afforded when the

item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Commission has closed the public hearing, your opportunity to address the Commission must be exercised during the Public Comment portion of the Calendar. Each member of the public may address the Commission for up to three minutes.

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

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

ADJOURNMENT - 7:00 P.M.