

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 12, 2013
12:00 p.m.
Regular Meeting

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

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

STAFF IN ATTENDANCE: John Rahaim – Planning Director, Danielle Harris, Kanishka Burns, Christine Lamorena, Kearstin Dischinger, Lisa Chen, Michael E. Smith, Casey Noel, 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. 2012.1427E (K. ZUSHI: (415) 575-9036)
SHARP PARK SAFETY, INFRASTRUCTURE IMPROVEMENT, AND HABITAT ENHANCEMENT PROJECT - The project site is located within Sharp Park in the City of Pacifica, San Mateo County - **Appeal of Preliminary Mitigated Negative Declaration** for: 1) the construction of a perennial pond, approximately 1,600 sf in size, located approximately 400 to 500 feet southeast of Horse Stable Pond (HSP); 2) realignment of a portion of an existing golf cart path located west of the fairway for golf course hole number 14 and east of the tee box for golf course hole number 15; 3) removal of sediment and emergent vegetation within HSP

and the connecting channel that links HSP with Laguna Salada (LS); 4) construction of steps and a maintenance walkway approximately 4.6 feet in width at the existing HSP pumphouse; and 5) replacement of a wooden retaining wall near the pumphouse with a concrete retaining wall at the existing HSP pumphouse. The proposed project is being constructed in accordance with a Biological Opinion issued by the U.S. Fish and Wildlife Service (USFWS) and is separate and independent from the proposed Significant Natural Resource Areas Management Plan (SNRAMP), which is currently undergoing separate environmental review.

Preliminary Recommendation: Uphold Preliminary Mitigated Negative Declaration
(Continued from Regular Meeting of December 12, 2013)
(Proposed for Continuance to January 9, 2014)

SPEAKERS: None
ACTION: Continued to January 9, 2014
AYES: Wu, Antonini, Borden, Hillis, Moore, Sugaya
ABSENT: Fong

2. 2013.1529Z (A. STARR: (415) 558-6362)
904 22ND STREET - **Zoning Map Amendment** - Ordinance amending the Zoning Map, to re-zone the property located at 904-22nd Street (Assessor's Block No. 4106, Lot No. 015) from RH-3 (Residential, Housing, Three Family) to UMU (Urban Mixed Use); 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
(Proposed for Continuance to February 13, 2014)

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

B. CONSENT CALENDAR

All matters listed hereunder constitute a Consent Calendar, are considered to be routine by the Planning Commission, and may be acted upon by a single roll call vote of the Commission. There will be no separate discussion of these items unless a member of the Commission, the public, or staff so requests, in which event the matter shall be removed from the Consent Calendar and considered as a separate item at this or a future hearing

3. [2013.1328C](#) (D. HARRIS: (415) 575-9102)
1650 MISSION STREET - located on the west side between South Van Ness Avenue and Plum Streets; Lot 008 in Assessor's Block 3512 - **Request for Conditional Use Authorization**, pursuant to Planning Code Sections 731.83 and 303 to convert 1,003 square feet of existing Limited-Restaurant use at the ground floor to Public Use for City offices at the subject property. The remaining 1,305 square feet will remain Limited-Restaurant use, which will not be Formula-Retail. Subject property is located within a NCT-3 (Moderate-Scale Neighborhood Commercial Transit District) Zoning District and 85-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

(Continued from Regular Meeting of November 21, 2013)

SPEAKERS: None
 ACTION: Approved with Conditions
 AYES: Wu, Antonini, Borden, Hillis , Moore, Sugaya
 ABSENT: Fong
 MOTION: 19035

4. [2013.1393Q](#) (K. BURNS: (415) 575-9112)
75 LILY STREET - south side of Lily Street between Gough Street and Franklin Street; Lot 009 in Assessor's Block 0837 – **Request for Condominium Conversion Subdivision** to convert a three-story, five-unit building into residential condominiums within a NCT-3 (Moderate Scale Neighborhood Commercial Transit) 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: Approve

SPEAKERS: None
 ACTION: Approved
 AYES: Wu, Antonini, Borden, Hillis , Moore, Sugaya
 ABSENT: Fong
 MOTION: 19036

5. [2013.1348Q](#) (K. BURNS: (415) 575-9112)
124 5TH AVENUE - east side of 5th Avenue between Lake Street and California Street; Lot 034 in Assessor's Block 1364 –**Request for Condominium Conversion Subdivision** to convert a two-story over garage, six-unit building into residential condominiums 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: Approve

SPEAKERS: None
 ACTION: Approved with Conditions
 AYES: Wu, Antonini, Borden, Hillis , Moore, Sugaya
 ABSENT: Fong
 MOTION: 19037

6. [2013.1414Q](#) (C. LAMORENA: (415) 575-9085)
3171-3181 CALIFORNIA STREET - south side of California Street between Presidio Avenue and Lyon Street; Lot 025 in Assessor's Block 1030 - **Request for Condominium Conversion Subdivision** to convert a three-story over garage, six-unit building into residential condominiums within a RH-3 (Residential, House, Three-Family) Zoning District and a 40-X Height and Bulk District. This action constitutes the Approval Action for the project for the purposes of CEQA, pursuant to Section 31.04(h) of the San Francisco Administrative Code.
 Preliminary Recommendation: Approve

SPEAKERS: Boyd McSperrin
 ACTION: After being pulled off of Consent; Approved as Corrected
 AYES: Wu, Antonini, Borden, Hillis , Moore, Sugaya

ABSENT: Fong
MOTION: 19038

C. COMMISSION MATTERS

7. 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:

We are hearing a lot of discussion about affordability and housing, while we believe that is an issue, the rest of the Country is concerned about it as well. I am very happy to read in the paper that on Tuesday, the San Francisco Unified School District authorized a swap of parcels of an underutilized property on 6 -- on 1950 Mission Street, not 1650 Mission Street, that the Mayor's Office of Housing would be able to consider a 115 affordable units on that lot. I thought it was a great idea, and I couldn't be happier that we are starting to look very, very closely of what properties are underutilized and for what purpose that can be re-adapted. The second thing, which is also addressing that very same issue, is what's happened at the Board of Supervisors. I do not want to jump ahead of Ms. Rogers who will probably report on it, but I'm delighted to see that there were three items, which, again address issues of affordability in San Francisco and tenant protection under the Ellis Act Evictions. So, I couldn't be more pleased hearing that during this time of year.

Commissioner Antonini:

Article in today's Chronicle by James Temple and the title of it is very good "Affordability must be tackled by the entire region." Unfortunately the article, while it is thoughtfully written, the solutions that he proposes, at least, in part, are not really in my estimation a solution. He sort of talks about other parts of the Bay Area becoming more dense and attracting some of the people who want to come to San Francisco because we've asked them to densify, we asked them to come here to live in less space, to take public transit to locate businesses close to transit where people live and he's saying that other parts of the Bay Area should be do those things too. I'm not against that. But, that's not the problem. It's actually, we asked people to do this. They came here, it's been successful and as a result prices are going up for housing and for everything else, but land values are increasing. And so, you can't have it both ways. Unfortunately I think, but the important thing that he brings up is all the counties in the Bay Area have to address affordability equally and they have to consider at least the five immediate bay area counties as an entity rather than singling out individual areas; particularly San Francisco which is kind of an odd situation. Second densest city in United States, almost completely built out with the exception of a few areas that are – that have some promise for additional housing and by nature it has to grow with density. There is a lot of space in Marin and San Mateo County, and even Alameda and Contra Costa Counties, I think there needs to be some sort of ability to work as a region a little bit more. New York has the advantage of the five boroughs, that are actually five separate counties and they make up the City of New York, and I am sure, a lot of decisions are made collectively by the entire City rather than saying we have to solve the problem just in Manhattan or just in the Bronx. The standards are the same for all the boroughs, one would expect. So, I think he makes a good point. But, I think San Francisco had done more than other regions have in fact I believe all the housing in Transbay, is now going to be, at least 27% affordable maybe higher than that, I forget what the percentage is demanded. There are thousands of units going to be built there and I'm wondering maybe staff can give us a report. I know they annually do, about what's happening in other counties around San Francisco as far

as their inclusionary housing requirements, and each city is different, of course and what they are providing in terms of affordable units relative to what San Francisco is doing, so, I think that would be an interesting thing to learn about.

D. DEPARTMENT MATTERS

8. Director's Announcements

Director Rahaim:

Good afternoon Commissioners, if my voice holds up, I just wanted to let you know that we are starting budget season. And the packet that you will receive today for next week you will be seeing a memo giving you an outline of a current status of this Department's budget and revenues and expenditures and then in mid-January we will start meeting with you and the Historic Preservation Commission on the Work Plan and upcoming budget items. We look forward to having that discussion with you in the next few weeks. Thank you.

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

BOARD OF SUPERVISORS:

LAND USE COMMITTEE:

- On Monday, the Land Use Committee considered two draft Ordinances introduced by Supervisor Avalos, the Residential Demolition, Merger, and Conversion Ordinance¹ and Enlargement of Nonconforming Units². The Planning Commission has considered both files – which were originally a single large Ordinance – a number of times since July of this year. On Sept 19³ & Oct 24⁴, the Commission made recommendations. Your recommended modifications for residential demolition ordinance, included:

1. That the ten year prohibition on approving the loss of units that had been the subject of no fault evictions begin with evictions filed after October 24, 2013;
2. That the Ordinance consider Owner Move-In and other "no-fault" evictions differently than Ellis Evictions.

At Monday's Committee hearing, Supervisor Avalos made several amendments, and discussed additional amendments, but language was not finalized. On Tuesday the full Board considered both Ordinances, and passed them both on their first reading with the following amendments:

1. The prohibition on approving the loss of dwellings that have been the subject of no-fault evictions applies only to mergers, not to demos or conversions;
2. The prohibition is triggered by evictions that occurred after 12/10/13;
3. Clarifying language was added that excludes group housing that is subject to the Residential Hotel Conversion Ordinance from the controls of Section 317;
4. In units that used the Owner Move-In eviction process, the prohibition on approving mergers lasts for five years rather than ten years.

The vote at Tuesday's Board hearing was 11-0. The Cottage Food Ordinance was heard at this week's land use committee hearing. This ordinance would amend the Planning Code to allow Cottage Food operations as an accessory use to residential units. It would also increase the allowable floor

¹ Board File 130041

² Board File 130783

³ related to expanding nonconforming units

⁴ Resolution 19009 – related to demolitions, mergers, and conversions.

area for accessory uses from ¼ to 1/3 of the floor area, and standardized accessory use controls for residential units in all zoning districts. A cottage food operation, unlike other types of commercial food facilities, can be operated out of a home kitchen⁵. This commission voted on November 21 to recommend approval to the Board. At the hearing Supervisor Chiu mentioned sponsoring an Ordinance that would create a 1-year waiver for the 1- time \$133 Cottage Food Operations referral fee to the Planning Department. The Department expressed support for such an idea, as it would allow the Department to evaluate the impact the waiver would have on our budget. So far this year, the Department reviewed 21 Cottage Food Operation referrals, for a total amount of \$2,793. Should the number of applications next year be similar to this year, the Department believes that the impact on our budget will be minimal and can be covered by our existing revenue. After that discussion, the committee sent the ordinance to the full board as a committee report with a recommendation for approval. The ordinance passed at the full board the following day on its first reading. The second reading of this ordinance will be this coming Tuesday.

FULL BOARD OF SUPERVISORS:

- On Tuesday, the Board of Supervisors passed for its final read Board File 13-0968, legislation sponsored by Supervisor Chiu to create the Ellis-Act Displaced Tenants Emergency Assistance Program. The Planning Commission recommended approval on November 21st. The Board incorporated the recommendation of the Commission, which was to include a requirement for a hearing at the Board after three years that includes demographic and income levels of beneficiaries of the preference. In addition, the legislation was amended to extend the new preference to disabled tenants who have lived in a unit for at least five years, rather than the generally required ten years.
- Interim Zoning Controls - Building Permits for Commercial Buildings in an Area Bounded by Market, Second, Brannan, Division, and South Van Ness Streets. This resolution would imposing interim zoning controls to require that for a 12-month period in the area that is generally Market Street and most of SoMa⁶: 1) certain building permits for commercial buildings shall require the posting of a notice and a 15-day delay in starting the work; and 2) the re-establishment of a commercial use that has been converted to residential use shall require Planning Commission approval through CU authorization and, if needed Prop M. As an interim control, this was not considered by this Commission but the Planning Director had spoke in support at an early committee hearing. This week the Board made a technical amendment and approved the resolution. It will be sent to the Mayor for approval this week.

INTRODUCTIONS:

- 131189 Mother Brown's Memorial Emergency Shelter SUD. This ordinance was introduced by the Mayor and would create an SUD to allow for emergency shelter and congregate meals for the needy.
- 131202 Hearing Request. Hearing, directed to AT&T, the Department of Public Works, and the Planning Department to discuss the roll-out of the AT&T U-verse telecommunications upgrade, focusing on the permitting and site installation of the sidewalk cabinets, and to discuss the current community outreach and permitting process and suggest improvements. Wiener, Kim, Farrell, Avalos.

⁵ The types of foods that a cottage food operation can sell are limited to "non-potentially hazardous foods," which are foods that are unlikely to grow harmful bacteria or other toxic microorganisms at room temperature.

⁶ bounded by Market Street from Van Ness Street east to 5th Street on the north side and east to 2nd Street on the south side, 2nd Street south to Brannan Street, Brannan Street west to Division Street, and South Van Ness Street north to Market Street

- Extension in the time for this Commissions' review of Mar's Formula Retail Ordinance until March.
Extension in the time for this Commissions' review of Cohen's Ordinance to rezone 904 22nd Street until March.

BOARD OF APPEALS:

Good afternoon Commissioners, Corey Teague, for Planning Department staff. The Board of Appeals did meet last night and there was one case of interest, and that was for the appeal of the building permit for 1050 Valencia Street, which is located at the corner of Valencia and Hill Streets. This is a five-story, 55-foot tall proposal with 12 dwelling units and ground floor retail space. Just to remind you a little bit of the history. This project was a code-compliant project that did not require any entitlements from the Planning Commission, or any variances from the Zoning Administrator. However, Discretionary Review was requested by the neighboring property owner at The Marsh Theatre and also by the Liberty Hill Neighborhood Association. The Planning Commission heard that DR in 2012 and on September 6, 2012, took DR and approved the project with some -- no modifications to the project itself, but adding some conditions regarding refinement of the bay windows, establishing a community liaison, additional noise control features and limited construction hours and then it also encouraged the Project Sponsor to work with the Marsh Theater on the sound issues and other issues, and also encouraged the Project Sponsor to work with staff and the community, to provide some kind of stepping down Hill Street, but not reduce the number of dwelling units in the proposal. The Mitigated Negative Declaration for the project was also appealed to both the Planning Commission and the Board of Supervisors. Planning Commission upheld the Mitigated Negative Declaration on September 30th, 2010, and the Board of Supervisors also upheld it just recently on November 5th of this year. So, the Board of Appeals hearing last night was quite long. As you can imagine there was a good bit of public comment. In the end, the Board did vote unanimously to adopt the motion to grant all of the appeals and approve the permit with very specific conditions. Those conditions were to remove the entire top floor of the project, also to upgrade the party wall with The Marsh to 50 dba value for sound rating; The Marsh had also worked with the project sponsor to jointly agree on other certain conditions. Those conditions included, beyond a community liaison, having a more construction related person on-site to be a point of contact to deal specifically with construction issues. Also, to allow the Marsh to request up to 20 times per year, with two weeks advance notice, of specific times of specific shows or events that they would like no construction to be happening and causing specific noise, to not allow trucks to be idling for more than five minutes on the street unless they are performing a specific construction purpose, like a concrete truck pouring concrete, also to add a disclosure requirement similar to what we used to do in the past informing any potential buyer of a unit in this development that they would be moving next to a theatre that has performances and creates certain amount of noise. And then there were several other conditions proposed by the Marsh that the project sponsor had not agreed to, that the Board of Appeals also included in the conditions. One was to limit the construction hours even further, and I can detail that if you like. Also, to require a Notice of Special Restrictions be recorded basically to codify all of these conditions. And then, finally the project was actually then continued to January 15th, so that detailed findings could be drafted because there was a lot here to digest. Parties involved will have an opportunity to rebut the findings. They are also invited to submit their own draft findings. The matter is not completely finalized at this point, but they did take the motion to grant the appeals and take those actions last night and the next Board hearing for this project is January 15th, to discuss the adoption of findings. Available for questions, which I assume you may have.

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: Linda Chapman – “Love Ghetto” article.

F. REGULAR CALENDAR

10. (K. DISCHINGER: (415) 558-6284)
[AREA PLAN IMPLEMENTATION AND INTER-DEPARTMENT PLAN IMPLEMENTATION COMMITTEE \(IPIC\) REPORT](#) - **Informational presentation** on the activities of the Department's Plan Implementation Group, including overview of progress toward funding infrastructure projects called for in adopted area plans (Rincon Hill, Market and Octavia, Balboa Park, Eastern Neighborhoods, Vis. Valley and Transit Center District Plan) and coordination with CACs. Presentation of 2013 Inter-Department Plan Implementation Committee (IPIC) Report, which includes capital planning accomplishments and recommendations for each plan area.

SPEAKERS: = Sue Hestor – EN, SOMA, Mission; more information

ACTION: None - Informational

11. [2013.1465T](#) (L. CHEN: (415) 575-9124)
[AMENDMENTS TO THE PLANNING CODE, TRANSIT IMPACT DEVELOPMENT FEE EXEMPTIONS \[BOARD FILE NO. 130938\]](#) - **Ordinance amending the Planning Code** to revise deadlines for certain Transit Impact Development Fee (TIDF) exemptions; eliminate project-specific references in exemptions applicable to redevelopment areas, and make such exemptions dependent on the terms of the controlling development agreement, redevelopment plan, interagency agreement or other contract entered into by the City; require that the TIDF be calculated based on the rate in effect and the time of issuance of the first construction document; 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
 (Continued from Regular Meeting of November 21, 2013)

SPEAKERS: = Calvin Welch – TIDF Exemption, proposed text amendment;
 = Sue Hestor – Transit Fee triggers.

ACTION: Adopted a Recommendation for Approval as amended to include a finding that if the legislation is ever amended to include housing in the future, that it be referred to the Planning Commission

AYES: Wu, Antonini, Borden, Hillis, Moore, Sugaya

ABSENT: Fong

RESOLUTION: 19039

12. [2013.1284C](#) (K. BURNS: (415) 575-9112)
[1040 HYDE STREET](#) - - east side between California and Pine Streets; Lot 046 in Assessor's Block 0251 – **Request for Conditional Use Authorization**, pursuant to Planning Code Sections 303, 723.41 and 790.22 to establish a Bar use (d.b.a. Liquid Gold). The property is

located within the Polk Street Neighborhood Commercial District, and 65-A 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: + Tim Lee – Project Sponsor presentation;
 - Linda Chapman – no more alcohol licenses, Pour House;
 - Robert Garcia – too many liquor licenses, misleading posting;
 + David Villabos – extensive outreach to neighborhood groups, merchant associations – resulted in no opposition;
 - Jill Cajney – Hideout Bar is against the new establishment;

ACTION: Approved with Conditions as amended to include a report back to the Commission in one year

AYES: Wu, Antonini, Borden, Hillis, Moore, Sugaya

ABSENT: Fong

MOTION: 19040

13. [2013.0663C](#) (M. SMITH: (415) 558-6322)
333 DOLORES STREET - east side between 16th and 17th Streets; Lot 057 in Assessor's Block 3567 - **Request for Conditional Use Authorization**, pursuant to Planning Code Sections 303, to amend Motion No. 16683 which authorized Children's Day School to install three temporary classroom structures on the property. The conditions of approval contained in the motion stated that the structures must be removed within 10 years from the date of occupancy (2014). Children's Day School is requesting to retain the structures on the site for an additional 10.5 years (2024). The property is located within a RM-1 (Residential, Mixed, Low-Density) 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: + Vallerie Verona – Project Description;
 + Molly – financial constraints;
 - Mark Tanner – use of space as a dumping ground, between buildings;

ACTION: Approved with Conditions as amended to include that the blight between buildings be removed and maintained free and clear

AYES: Wu, Antonini, Borden, Hillis, Moore, Sugaya

ABSENT: Fong

MOTION: 19041

14a. [2011.1385CEV](#) (M. SMITH: (415) 558-6322)
651 DOLORES STREET - southeast corner at Cumberland Street; Lot 028 in Assessor's Block 3598 - **Request for Conditional Use Authorization**, pursuant to Planning Code Sections 303 and 209.1(h) to construct dwellings at a density ratio up to one dwelling unit for each 1,000 square feet of lot area, for a project proposing to convert a vacant church into four dwellings units. The project also requires a rear yard variance pursuant to Section 134 of the Planning Code for the construction of a stair penthouse on the southeast corner of the roof. The property is located within a RH-3 (Residential, House, Three-Family) District, and 40-X Height and Bulk District. The Commission will also adopt CEQA Findings as part of the project approval.

Preliminary Recommendation: Approve with Conditions

SPEAKERS: + Sai Mackakavan – Project Description
 ACTION: Approved with Conditions
 AYES: Wu, Antonini, Borden, Hillis, Moore, Sugaya
 ABSENT: Fong
 MOTION: 19042

14b. [2011.1385CEV](#) (M. SMITH: (415) 558-6322)
651 DOLORES STREET - southeast corner at Cumberland Street; Lot 028 in Assessor's Block 3598 - **Request for a Rear Yard Variance**, pursuant to Planning Code Sections 134 to construct a stair penthouse on the southeast corner of the roof of a vacant church that is proposed for conversion to a residential building containing four dwelling units. The property is located within a RH-3 (Residential, House, Three-Family) District, and 40-X Height and Bulk District.

SPEAKERS: + Sai Mackakavan – Project Description
 ACTION: Zoning Administrator Closed the PH and indicated an intent to Grant

15. [2013.0894C](#) (C. NOEL: (415) 575-9125)
2016 MARKET STREET - northwest side between Church and Dolores Streets; Lot 001 in Assessor's Block 3536 - **Request for Conditional Use Authorization**, pursuant to Planning Code Section 303 to allow a formula retail use operating as a specialty grocery (d.b.a. See's Candies, Inc.) within the Upper Market Neighborhood Commercial Transit District, and 40-X Height and Bulk District. If approved, this action would constitute the Approval Action for the project for purposes of CEQA, pursuant to Section 31.04(h) of the San Francisco Administrative Code.
 Preliminary Recommendation: Disapprove

SPEAKERS: + Ahmad Mohazeb – Project Description;
 + Ken Waldeck – 20% Formula Retail Policy;
 + Christina Waldeck – Formula Retail Policy should be re-visited;
 +Walter Caplan – Appropriate use
 ACTION: Approved with Conditions
 AYES: Wu, Antonini, Borden, Hillis, Moore, Sugaya
 ABSENT: Fong
 MOTION: 19043

16a. [2013.1001DV](#) (C. NOEL: (415) 575-9125)
1072-74 SANCHEZ STREET - west side of Sanchez Street between 24th and Elizabeth streets; Lot 004 in Assessor's Block 3654 - **Mandatory Discretionary Review**, pursuant to Planning Code Section 317, of Building Permit Application No. 2013.1021.9769, proposing to reconfigure the existing three-unit building to a two-unit building. The property is located within a RH-3 (Residential, House Three-Family) Zoning District and 40-X Height and Bulk District. This action constitutes the Approval Action for the project for purposes of CEQA, pursuant to Section 31.04(h) of the San Francisco Administrative Code.
 Preliminary Recommendation: Do Not Take Discretionary Review and Approve

SPEAKERS: + Bonnie Bridges – Project Description;
 + Tom Tobiason – Response to Commission questions
 ACTION: After closing public comment, Continued to February 6, 2014

AYES: Wu, Antonini, Borden, Hillis, Moore, Sugaya
ABSENT: Fong

16b. [2013.1001DV](#) (C. NOEL: (415) 575-9125)
1072-74 SANCHEZ STREET - west side of Sanchez Street between 24th and Elizabeth streets; Lot 004 in Assessor's Block 3654 - **Request for a Rear Yard Variance**, pursuant to Planning Code Sections 134 to replace a rear staircase with a third floor balcony and second floor landing at the rear of the dwelling, as well as, a horizontal addition/infill at the rear of the dwelling on the first and second floors at the southwest elevation. The property is located within a RH-3 (Residential, House Three-Family) Zoning District and 40-X Height and Bulk District.

SPEAKERS: + Bonnie Bridges – Project Description;
+ Tom Tobiason – Response to Commission questions
ACTION: ZA closed public comment, Continued to February 6, 2014

G. PUBLIC COMMENT

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

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

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

ADJOURNMENT – 4:07 P.M.