

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, January 16, 2014
12:00 p.m.
Regular Meeting

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

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

STAFF IN ATTENDANCE: John Rahaim – Planning Director,
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. 2011.1146C (O. MASRY: (415) 575-9116)
1701 HAIGHT STREET - at the southwest corner of Haight and Cole Streets, Lot 001 in Assessor's Block 1248 - **Request for Conditional Use Authorization** under Planning Code Sections 719.83 and 303 to develop a Wireless Telecommunication Services (WTS) Facility for AT&T Mobility. The proposed macro WTS facility would feature (12) roof-mounted panel antennas housed within individual faux vent pipes. Related electronic equipment would be located on the roof and in the basement. The facility is proposed on a Location Preference 6 Site (Limited Preference, Individual Neighborhood Commercial District)

within the Haight Street Neighborhood Commercial District, and 40-X Height and Bulk District.

Preliminary Recommendation: Approve with Conditions
(Proposed for Continuance to January 23, 2014)

SPEAKERS: None
ACTION: Continued to January 23, 2014
AYES: Fong, Wu, Borden, Moore, Sugaya
ABSENT: Antonini, Hillis

2. 2013.1695T (E.WATTY: (415) 558-6620)
REQUEST FOR A PLANNING CODE AMENDMENT - pursuant to Planning Code Section 302, to allow non-conforming secondary structures that exceed a property's maximum floor area ratio limit to be demolished, in whole or in part, and reconstructed, if certain findings can be made by the Planning Commission through the Downtown Authorization process (Section 309). The Ordinance was introduced by Supervisor David Chiu and is identified as **Board of Supervisors File No. 13-1059**. The Planning Commission will consider a resolution recommending this Text Amendment to the Board of Supervisors; adopting findings, including environmental findings, Planning Code Section 302 findings, and findings of consistency with the General Plan and the priority policies of Planning Code Section 101.1. Preliminary Recommendation: Adopt a Recommendation for Approval with Amendments (Continued from Regular Meeting of December 19, 2013)
(Proposed for Continuance to February 6, 2014)

SPEAKERS: + Jason Orniker – To a later date
+ Samuel Cole – Out as far as needed
+ Dan Frattin, Reuben, Junius & Rose – To February 6th
+ Rick Millittelo, Apple – No reason for delay. Continued to 2/6
ACTION: Continued to February 6, 2014
AYES: Fong, Wu, Borden, Moore, Sugaya
ABSENT: Antonini, Hillis

- 3a. 2013.0628EHUVX (E. WATTY: (415) 558-6620)
300 POST STREET – at the northwest corner of Post Street and Stockton Street; Lot 016 in Assessor's Block 0295 – **Request for a Determination of Compliance** under Planning Code Section 309, to allow a major renovation of the existing 37,234 gsf, 63' tall retail structure (currently occupied by Levi Strauss) and adjacent public plaza to accommodate a new retail tenant (Apple, Inc.), within a new 23,470 gsf, 47'-8" tall, retail structure. The Determination of Compliance includes review of the Project's compliance with the findings outlined in Board File No. 13-1059, which would enable the reconstruction of a noncomplying structure, pursuant to Planning Code Section 188. The project site is located within a C-3-R (Downtown Retail) Zoning District and 80-130-F Height and Bulk District. The building is listed as Category V (Unrated) within Article 11 of the Planning Code, and is within the Kearny-Market-Mason-Sutter Conservation District. On February 5, 2014, the Historic Preservation Commission will review a Permit to Alter for Case No. 2013.0628H. 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
(Proposed for Continuance to February 6, 2014)

SPEAKERS: + Jason Orniker – To a later date
 + Samuel Cole – Out as far as needed
 + Dan Frattin, Reuben, Junius & Rose – To February 6th
 + Rick Millittelo , Apple – No reason for delay. Continued to 2/6

ACTION: Continued to February 6, 2014

AYES: Fong, Wu, Borden, Moore, Sugaya

ABSENT: Antonini, Hillis

3b. [2013.0628EHUVX](#) (E. WATTY: (415) 558-6620)
300 POST STREET - at the northwest corner of Post Street and Stockton Street; Lot 016 in Assessor's Block 0295 - **Request for a Variance**, pursuant to Planning Code Sections 145.1 and 305, to modify the ground floor transparency requirement along the building's Stockton Street façade - The project proposes a major renovation of the existing 37,234 gsf, 63' tall retail structure (currently occupied by Levi Strauss) and adjacent public plaza to accommodate a new retail tenant (Apple, Inc.), within a new 23,470 gsf, 47'-8" tall, retail structure. The project site is located within a C-3-R (Downtown Retail) Zoning District and 80-130-F Height and Bulk District.
(Proposed for Continuance to February 6, 2014)

SPEAKERS: + Jason Orniker – To a later date
 + Samuel Cole – Out as far as needed
 + Dan Frattin, Reuben, Junius & Rose – To February 6th
 + Rick Millittelo , Apple – No reason for delay. Continued to 2/6

ACTION: Zoning Administrator Continued the item to February 6, 2014

4. (J. IONIN: (415) 558-6309)
ELECTION OF OFFICERS: In accordance with the Rules and Regulations of the San Francisco Planning Commission, the President and Vice President of the Commission shall be elected at the first Regular Meeting of the Commission held on or after the 15th day of January of each year, or at a subsequent meeting, the date which shall be fixed by the commission at the first Regular Meeting on or after the 15th day of January each year.
(Proposed for Continuance to February 6, 2014)

SPEAKERS: None

ACTION: Continued to February 6, 2014

AYES: Fong, Wu, Borden, Moore, Sugaya

ABSENT: Antonini, Hillis

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

5. [2011.1146C](#) (O. MASRY: (415) 575-9116)
1633 TARAVAL STREET - along the south side of Taraval Street between 26th and 27th Avenues, Lot 041 in Assessor's Block 2399 - **Request for Conditional Use Authorization** under Planning Code Sections 741.83 and 303 to modify an existing wireless

telecommunications services (WTS) facility operated by Sprint. The proposed macro WTS facility would replace (2) panel antennas, with (3) panel antennas; with a single antenna mounted behind a faux parapet extension, and within (2) individual faux vent pipes. Related electronic equipment would be located on the roof and in the parking garage. The facility is proposed on a Location Preference 6 Site (Limited Preference, Individual Neighborhood Commercial District) within the Taraval Street Neighborhood Commercial District, Taraval Street Restaurant Subdistrict, and 65-A Height and Bulk District.

Preliminary Recommendation: Approve with Conditions

SPEAKERS: None
 ACTION: Approved with Conditions
 AYES: Fong, Wu, Borden, Moore, Sugaya
 ABSENT: Antonini, Hillis
 MOTION: 19061

6. [2013.0544B](#) (R. SUCRÉ: (415) 575-9108)
410 TOWNSEND STREET - located between 5th and 6th Streets, Lot 002A in Assessor's Block 3785 - **Request for an Office Development Authorization**, pursuant to Planning Code Sections 321 and 845.66, for approximately 76,000 gsf of office use from the Office Development Annual Limit. The subject property is located within the WMUO (Western SoMa Mixed-Use Office) Zoning District, and 65-X/85-X Height and Bulk District. This action constitutes the Approval Action for the project for purposes of CEQA, pursuant to Section 31.04(h) of the San Francisco Administrative Code.
 Preliminary Recommendation: Approve with Conditions
 (Continued from Regular Meeting of December 19, 2013)

SPEAKERS: None
 ACTION: Approved with Conditions
 AYES: Fong, Wu, Borden, Moore, Sugaya
 ABSENT: Antonini, Hillis
 MOTION: 19062

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.

None

D. DEPARTMENT MATTERS

8. [Director's Announcements](#)

DIRECTOR RAHAIM:

Good Afternoon Commissioners. We will shortly be presenting our first on a series of hearings on the budget, so I'll defer that. Two things to report on, last night we had the public meeting on the release of the first phase of the Urban Forest Master Plan. We had a very good turnout. We probably had 150 people in the room. Supervisor Wiener came. It was a very good meeting. The real focus of this Plan has been on the street tree issue and how to retain that, and grow that over time, and in particular the maintenance of that issue, so part of much of the discussion was on the maintenance of street trees which the City has been of late turning over to private property owners and the goal of this plan is to set the stage to allow that maintenance responsibility to go back to the City. Supervisor Wiener has actually has been a strong supporter of doing so. It was a very good turnout. There is money already in next year's budget for us to continue to work into the next phase and we are working with our partners at DPW, the Park's Alliance and Urban Forest Counsel to kind of move this forward. The second thing, I want to tell you about it, is the Housing Task Force, that was created as a result of the Mayor's Executive Directive, a couple of weeks ago. We had the first meeting of that task force last Friday. That Task Force is being chaired by Tom Hui of DBI and co-chaired by myself. There were about 20 people in the room. We went through a little bit of getting organized meeting, the first meeting. The goal of the Task Force is to, what we concluded was the goal, I should point out that President Fong is on that task force as well. The goal is to kind of develop a series of short-term recommendations that we can implement without legislation that would help housing protection especially for low and moderate income housing recommendations, that secondly would require legislation and thirdly to also develop some longer-term policy recommendations around the production of low- moderate to low income housing. That task force is meeting again tomorrow with some initial thoughts from the staffs of both departments who will go over those. The Mayor has asked that we respond at least to the Directive initially by the end of the month. The task force will continue to meet afterwards to talk about these longer-term policy questions as well. That concludes my report and I'm happy to answer any questions. Thank you.

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

LAND USE COMMITTEE:

- **The Land Use Committee held a hearing for AT&T, the Department of Public Works, and the Planning Department to discuss the roll-out of the at&t u-verse telecommunications upgrade.** "The Land Use Committee held a hearing for AT&T, the Department of Public Works, and the Planning Department to discuss the roll-out of the at&t u-verse telecommunications upgrade. The hearing focused on the permitting and site installation of the sidewalk cabinets (Surface-Mounted Facilities, or SMFs), the current community outreach and permitting process, and suggestions for improvements to the process. Supervisor Wiener opened by providing background on the Categorical Exemption granted to the boxes' installation, and an Appeal to the CATEX which was denied. DPW BSM (Lynn Fong; John Kwong) delivered a presentation on the current process and procedures – based on DPW Order 175,556 (August 2005), the MOU between AT&T and the CCCSF (July 2011) – for box permit application, public outreach, and installation. Of the original (in 2008) 726 proposed SMFs, 185 have been approved and 2000 protests have been lodged. Of this set of approved SMFs, 136 have been installed to date. The Supervisors asked DPW BSM about the status of Planning's involvement in urban design review and placement of the boxes. DPW BSM confirmed that Planning has been folded into the application review process; and that Planning has been actively involved in researching best practices and mitigations for the boxes (greening). DPW BSM confirmed that each application that DPW receives from ATT is also routed to Planning for review and recommendation(s) for the appropriate greening mitigation. ATT (Marc Blakeman, Regional Vice President of External Affairs) then delivered remarks and responded to further

questions from the Supervisors. The ATT representative disagreed with the suggestion that ATT should fund maintenance for the greening mitigation options. Public comments comprised next two hours of the hearing, with members of the public registering various frustrations with the public notifications, outreach and engagement process. DPW BSM (Lynn Fong) was invited by Board Members to close the hearing by providing additional clarification to issues raised in the presentation by ATT, and in public comment. Supervisor Weiner, DPW, and Planning are developing an Ordinance for all SMF facilities (including those proposed by ATT), which will address the issues aired in the hearing.” **Supervisor Weiner, DPW, and Planning are developing a code specifically for the boxes, which will address the issues aired in the hearing.**

- **Two ordinances for the “Adjacent Parcels” were before the Land Use Committee on Monday.** The first item was an ordinance amending the General Plan by amending the boundaries of the East South of Market Area Plan to incorporate 40 nearby parcels on Mission Street. This ordinance also amends the Market and Octavia Area Plan to incorporate nine adjacent parcels along Mission and 10th Streets, and amends the Western South of Market Area Plan to remove one parcel on 10th Street. The second piece of legislation presented was an ordinance amending the Zoning Map to revise use districts and height and bulk districts for parcels adjacent to and within the Western South of Market Area Plan, and to extend the Van Ness and Market Downtown Residential Special Use District. This Commission approved these two ordinances unanimously on October 10th with a minor modification. Since then Supervisor Jane Kim sponsored this legislation and amended the language to reflect this Commission’s recommendation. There was no public comment. Supervisor Weiner asked two questions related to any potential changes to the Western SOMA Plan, specifically whether more restrictive zoning would be imposed as a result of these amendments. Mr. Teague responded that there would be no height changes or new restrictions on zoning; in fact, the zoning change to MUO from SLR along Mission Street would in fact be more permissive, allowing for office uses. **The Land Use Committee moved this legislation forward to the full Board for their approval.**
- **Also at LU was the Fulton Street Grocery SUD. Supe Breed.** This request is associated with a development project located at 555 Fulton Street that would demolish the existing building on the site and construct a new mixed-use project with residential uses and a ground-floor grocery store. The project was originally approved by the Planning Commission in 2010. On October 3, 2013, the Commission recommended extension of the SUD for an additional five years. The Commission also recommended several amendments to the SUD. Last week, Planning Staff described the commission’s recommendations including: 1) working with staff on language to enable formula retail uses at the site, provided that the future grocery store tenant would provide food that is affordable to the neighborhood 2) increasing the allowable size for commercial uses to increase the flexibility in potential tenants; and 3) increased signage controls. **Supervisor Breed noted that she is still considering whether formula retail should be permitted at the site, but that she wanted to enable the other facets of the development. She recommended that the Committee accept the Commission’s recommendation for more strict signage controlsⁱ—and these were approved by the Committee last week. This week the Committee recommended approval to the FB and on Tuesday the Board approved the ordinance as amended on first reading.**

FULL BOARD OF SUPERVISORS:

- **On Tuesday, the Board approved on first reading the ordinance to transfer child care facility oversight to the newly created Office of Early Care and Education.** This ordinance is sponsored by

Supervisor Yee. This commission recommended approval of this ordinance on the consent calendar on Nov. 21, 2013.

INTRODUCTIONS:

- **140047 Implement a VISION ZERO Three Point Plan: Engineering, Education and Enforcement .** Resolution urging the Mayor, the Police Department and the Municipal Transportation Agency to adopt a VISION ZERO Three Point Plan to expedite the goals of San Francisco's Pedestrian and Bicycle Strategies and implement an action plan to reduce traffic fatalities to zero in the next ten years through better engineering, education, and enforcement. (Kim, Avalos, Yee)
- **140037 Creating a Definition for Fractional Ownership of a Building Containing Two or More Dwelling Units.** Draft Ordinance amending the Planning Code by 1) creating a definition for ownership of a building containing two or more dwelling units, under a written contract to purchase or transfer ownership where parties have an exclusive right of occupancy to an individual dwelling unit and where the dwelling unit have not been mapped as a condominium, community apartment or stock cooperative per Subdivision Code, Article 9; 2) creating a requirement for the Planning Department to review the proposed project for compliance with the Planning Code and design guidelines; 3) requiring any application for conversion of an existing building from One Ownership to Fractionalized Ownership to meet all applicable provisions of the City's Housing, Building and City Planning Codes including standards for fire and life safety consistent with new construction, pending Board approval. (Mar, Campos, Avalos & Kim)
- **140035 Administrative Code - Consumer Price Index Increase - Temporary Tenant Household Dislocation Compensation.** Ordinance amending Administrative Code, Chapter 37, "Residential Rent Stabilization and Arbitration Ordinance," to implement California Civil Code, Section 1947.9(a)(1)(A), by requiring the Rent Board to annually adjust the daily compensation rate for tenant household temporary dislocation of less than 20 days, according to the Consumer Price Index (CPI). (Chiu)
- **140036 Planning Code - Dwelling Unit Density.** Ordinance amending the Planning Code to exclude Affordable Housing Units as defined from density calculations for projects that provide at least twenty (20) percent of their units as Affordable Units and amending density calculations under certain scenarios. (Wiener)

BOARD OF APPEALS:

Board of Appeals did meet last night. One item, that I think maybe of interest to the Commission is the project at 1050 Valencia Street. Back on December 12th, the Board of Appeals took action on this item. You heard this in December of 2012 it's at the corner of Hill and Valencia Streets, a five-story mixed use building. The Board of Appeals took action on it on December 11th and added conditions to the permit related to construction activities and that's to address concerns of the adjacent Marsh Theatre, but they also took the 5th floor off of the building, last night they considered written findings related to their decision last week as part of submittals, the appellant submitted arguments that the Board's decision does not comply with the State law for the Housing Accountability Act. The Board had questions on this last night the applicability of the statute and continued the written findings to the end of February to allow additional briefing from the parties to address this matter. That is all the report from the Board of Appeals. I would like to thank Corey Teague for covering while I was out for November and December, and appreciate the tremendous job and it's much appreciated. Thank you.

HISTORIC PRESERVATION COMMISSION:

Good Afternoon, Commissioners, Tim Frye, Department staff, here to share with you a couple items from yesterday, Historic Preservation Commission hearing. The Commission began with Election of Officers, the Commission voted to maintain Commissioners Carl Hasz as President and Commissioner Andrew Wolfram, as Vice-President. At that time Commissioner President Hasz appointed or maintained the appointments

to the Architectural Review Committee of Commissioners Hyland, Pearlman and Wolfram, with Commissioner Hasz remaining as ex-officio member. The HPC also considered a request for hearing for an Administrative Certificate of Appropriateness at 280 Union Street, in the Telegraph Hill Landmark District, the Admin. C of A, which was approved by staff, was to construct a non-visible roof deck on a non-contributing building within the District. The hearing requester contends that the building constructed in 1987 was not built according to Code and was actually constructed taller than the allowable height limit. Planning Department staff presented that along with our Code Enforcement staff and DBI, we did examine the site and found no evidence of any error, and proceeded with processing the Admin. C of A. After testimony by the requester and the property owner, the Commission determined that the Planning Department operated within its jurisdiction on the Administrative C of A delegation and denied the request for hearing. The Commission also initiated Article 10 Landmark Designation for 2 Henry Adams Street. It's currently known as the Design Center, and historically known as the Dunham, Carrigan and Hayden Building. This is the first hearing, out of two hearings where the HPC will weigh the merits of the property as an individual landmark for Article 10 of the Planning Code prior to a vote by the Board of Supervisors. The Commission also gave a positive recommendation to a piece of legislation to authorize and rezone St. Boniface Church, a local landmark at 133-135 Golden Gate Avenue to be rezoned to C-3 and also be able to take advantage of the Transfer Development Rights program. Finally, the War Memorial Complex Certificate of Appropriateness for the Veterans Building, this is a previous Certificate of Appropriateness that the HPC approved. There was a small design modification to some non-visible skyline on the top portion of the roof which required re-review. The Commission supported the modification with an amendment that the veterans be invited to the mockup of the new skylights along with the other mockups that will be presented to Planning Department Preservation staff. That concludes my comments unless you have any questions. Thank you.

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.

None

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.

10. (K. DEMARTINI: (415) 575-9118)
[FY 2014-2016 PROPOSED DEPARTMENT WORK PROGRAM](#) - **Informational presentation** of the high-level work program activities for the department in FY 2014-2015 and FY2015-2016 based on the current staffing levels in FY 2013-2014, performance measures and proposed dates where budget items will be discussed during the budget process.
 Preliminary Recommendation: None - Informational Only

SPEAKERS: None

ACTION: None – Informational

11. [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 January 9, 2014)

SPEAKERS: + Lisa Wayne – Project description
 + Bo Links – Support for the project, opposed to the appeal
 + Teddy Collins – Accessibility and affordability of Sharp Park
 + Nora Bergman – Support of the project
 + Elaine Harris – Diversity
 + Robert Bradley Kanipstein – Support of the project
 + Dan Oaksey – Impartiality, common sense
 + Mike Wallace – Red legged frog not threatened @ Sharp Park
 - Brett Plater, Wild Equity Insititue – Full EIR
 - Stan Zeevan – Study of the sediment, full EIR, Pacifica Beach
 - Margaret Goodell – Advocate for Pacifica beaches
 - Amy Zarrin – Wetlands reduction
 - Laura Burton – Full EIR
 - Christen Steele – Full EIR
 - Neil De Sai – Full EIR, pumpin protocols
 - Tom Bennett – Other golf course protocol for flooding, full EIR
 - Anonymous (M) – Full EIR
 - Lynn Stein – Full EIR, extinction
 - Ronnie Michaels – Full EIR

ACTION: Upheld PMND
 AYES: Fong, Wu, Borden, Moore, Sugaya
 ABSENT: Antonini, Hillis
 MOTION: 19063

12. [2013.1329C](#) (S. LAI: (415) 575-9087)
1320 SUTTER STREET - north side, between Van Ness Avenue and Franklin Street, Lot 002 in Assessor's Block 0671 - **Request for Conditional Use Authorization** under Planning Code Sections 303, 703.3, and 703.4, to establish a new formula retail business (d.b.a. CORT) in a vacant commercial space, within a RC-4 (Residential-Commercial Combined, Medium

Density) district, 130-V Height and Bulk District and the Van Ness SUD (Special Use 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: + David Cincotta – Project description
ACTION: Approved with Conditions
AYES: Fong, Wu, Borden, Moore
ABSENT: Antonini, Hillis, Sugaya
MOTION: 19064

- 13a. [2013.0205CEKV](#) (C. LAMORENA: (415) 575-9085)
395 26th AVENUE - northwest corner of Clement Street and 26th Avenue; Lot 017 in Assessor's Block 1407 - **Request for Conditional Use Authorization** pursuant to Planning Code Sections 303 and 717.39 to allow the demolition of an existing two-story mixed-use building containing two dwelling units with ground floor commercial space and construct two buildings, a 45-foot tall, four-story mixed-use building fronting on Clement Street, containing three dwelling units, four residential parking spaces with ground floor commercial space and a 40-foot tall, four-story building fronting on 26th Avenue, containing three dwelling units and three residential parking spaces within the Outer Clement Street Neighborhood Commercial 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 with Conditions

SPEAKERS: + Gabriel Ng, Architect
- Steve Williams – Support of continuance
- Tony Le – Different plans
+ Gabriel Ng – Why opposed to continuance
= Ben Coleman – Stalling tactics
ACTION: Continued to February 20, 2014
AYES: Wu, Borden, Moore, Sugaya
NAYES: Fong
ABSENT: Antonini, Hillis
MOTION: 19063

- 13b. [2013.0205CEKV](#) (C. LAMORENA: (415) 575-9085)
395 26th AVENUE - northwest corner of Clement Street and 26th Avenue; Lot 017 in Assessor's Block 1407 - **Request for Rear Yard Modification** from Planning Code Section 134(e), which requires a 25-percent rear yard at all levels and a **Variance** from Planning Code Section 145.1, which establishes street frontage requirements in the NC Zoning District, including requirements that parking be set back 25 feet at the ground floor from any street frontage. The project proposes new construction of two buildings, each of which do not provide the required rear yard depth on the ground floor and propose parking that is not set back 25 feet from the street frontage. The property is located within the Outer Clement Street Neighborhood Commercial Zoning District and 40-X Height and Bulk District.

SPEAKERS: + Gabriel Ng, Architect
- Steve Williams – Support of continuance

- Tony Le – Different plans
 - + Gabriel Ng – Why opposed to continuance
 - = Ben Coleman – Stalling tactics
- ACTION: ZONING ADMINISTRATOR CONTINUED TO FEBRUARY 20, 2014

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.

14. [2013.0740D](#) (M. SMITH: (415) 558-6322)
238 EUREKA STREET - west side between 19th and 20th Streets; Lot 009 in Assessor's Block 2699 - **Request for Discretionary Review** of Building Permit Application No. 2012.02.23.4716 proposing to construct a vertical addition that would add habitable space to the attic, construct a multi-story rear horizontal addition, and restore wood siding and Edwardian ornamentation to the front of a single-family dwelling located within a RH-2 (Residential, House, Two-Family) 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.
 Staff Analysis: Abbreviated Discretionary Review
 Preliminary Recommendation: Do Not Take Discretionary Review and Approve
 (Continued from Regular Meeting of November 21, 2013)
NOTE: On November 21, 2013, following public testimony, the Commission continued the matter to January 16, 2014 by a vote of +5 -1. Commissioner Fong voted against. Commissioner Sugaya was absent.

- SPEAKERS: + Rick Brown – Owner
 + Betty Brown – Owner's mother
 + Jack Siu – Read letter into the record
 - (M) Speaker – Neighborhood character
 - James Frost – Preservation of building facades, project not in harmony
 - Michael Zamporini – Loss light, air and privacy

- ACTION: Took DR and Approved with Modifications:
 1. Four foot reduction in 3rd FL deck depth;
 2. 6:12 roof slope; and
 3. Matching overhand and trim finishes

- AYES: Fong, Wu, Moore, Sugaya
 ABSENT: Antonini, Borden, Hillis
 DRA No: 0348

15. [2013.0886D](#) (A. PUTRA: (415) 575-9079)
15 ALLISON STREET - east side between Mission and Pope Streets; Lot 019 in Assessor's Block 6462 - **Request for Discretionary Review** of Building Permit Application No. 2013.01.31.9224 proposing to add a two-story rear addition and a one-story vertical addition setback approximately 16.5 feet away from the front facade of a two-story, single-family dwelling located within a RH-1 (Residential, One-Family) Zoning District and 40-X

Height and Bulk District. This action constitutes the Approval Action for the project for the purposes of CEQA, pursuant to Section 31.04(h) of the San Francisco Administrative Code.
Staff Analysis: Abbreviated Discretionary Review
Preliminary Recommendation: Do Not Take Discretionary Review and Approve

SPEAKERS: - Nick Skinaas – DR requestor’s representative
 - John Skinaas – Lightwell, scale, parking
 + Bill Wan – Project Sponsor representative
ACTION: Took DR and Approved as proposed, conditioning recordation of an NSR limiting the property to a single-family dwelling
AYES: Fong, Wu, Borden, Moore, Sugaya
ABSENT: Antonini, Hillis
DRA No: 0349

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 - 3:52 P.M.
