

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, April 3, 2014
12:00 p.m.
Regular Meeting

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

THE MEETING WAS CALLED TO ORDER BY PRESIDENT WU AT 12:07 P.M.

STAFF IN ATTENDANCE: John Rahaim – Planning Director, Scott Sanchez – Zoning Administrator, Keith DeMartini, Casey Noel, Tina Chang, Susan Exline, Aaron Starr, Jessica Look, Britany Bendix and Jonas P. Ionin – Commission Secretary

SPEAKER KEY:

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

A. CONSIDERATION OF ITEMS PROPOSED FOR CONTINUANCE

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

1. 2014.0252C (L. AJELLO: (415) 575-9142)
3571 SACRAMENTO STREET - south side between Locust and Laurel Streets; Lot 023 of Assessor's Block 1019 - **Request for Conditional Use Authorization**, pursuant to Planning Code Sections 303 and 724.52, to convert vacant commercial space previously occupied by

a retail store (d.b.a. Philanthropist) into a hair salon (personal service use d.b.a. Cherry Blow Dry Bar) on the ground floor of a two-story commercial building within the Sacramento Street Neighborhood Commercial 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
(Proposed for Continuance to April 10, 2014)

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

- 2a. 2013.0627BC (R. SUCRE: (415) 575-9108)
660 3RD STREET - located between Brannan and Townsend Streets, Lot 008 in Assessor's Block 3788 - **Request for an Office Development Authorization** under Planning Code Section 321 to establish up to 80,000 gsf of office space within the South End Landmark District, SLI (Service/Light Industrial) Zoning District and 65-X Height and Bulk District. 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 March 27, 2014)
(Proposed for Continuance to May 1, 2014)

SPEAKERS: None
 ACTION: Continued to May 1, 2014
 AYES: Wu, Fong, Antonini, Hillis, Moore, Sugaya
 ABSENT: Borden

- 2b. 2013.0627BC (R. SUCRE: (415) 575-9108)
660 3RD STREET - located between Brannan and Townsend Streets, Lot 008 in Assessor's Block 3788 – **Request for a Conditional Use Authorization**, pursuant to Planning Code Sections 303, 803.9(a), and 817.48, for a change in use of 80,000 gsf from PDR (Production, Distribution and Repair) to office use. The subject property is located within the South End Landmark District, SLI (Service/Light Industrial) Zoning District and 65-X Height and Bulk District.
 Preliminary Recommendation: Approval with Conditions
 (Continued from Regular Meeting of March 27, 2014)
(Proposed for Continuance to May 1, 2014)

SPEAKERS: None
 ACTION: Continued to May 1, 2014
 AYES: Wu, Fong, Antonini, Hillis, Moore, Sugaya
 ABSENT: Borden

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. [2014.0442T](#) (K. DEMARTINI: (415) 575-9118)
INTENTION TO INITIATE DEPARTMENT-SPONSORED PLANNING CODE AMENDMENTS RELATED TO ELIMINATING FEES - Pursuant to Planning Code Section 302, the Planning Commission will consider a **Resolution of Intention to initiate amendments to the Planning Code**. The amendments are intended to eliminate the Installment Agreement Processing Fee, Refund Processing Fee, Information Analysis Requests for Information Technology (IT) Fee, and Reactivation Fee. Planning Code sections proposed for amendment include Sections 350b, 350d, 351d, and 351i.

Preliminary Recommendation: Approve a Resolution of Intention to initiate amendments to the Planning Code and schedule a public hearing to consider the amendments.

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

4. [2014.0239Q](#) (C. NOEL: (415) 575-9125)
3258 MARKET STREET - at the west side of Market Street between Clayton and 19th Streets on Assessor's Block 2704, Lot 037 - **Request for Condominium Conversion Subdivision** to convert a two-story-over-garage, six-unit building 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 the purposes of CEQA, pursuant to Section 31.04(h) of the San Francisco Administrative Code.

Preliminary Recommendation: Approve

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

5. [2013.1585Q](#) (C. NOEL: (415) 575-9125)
718 CHURCH STREET - at the west side of Church Street between Cumberland and 19th Streets on Assessor's Block 3600, Lot 001C - **Request for Condominium Conversion Subdivision** to convert a three-story-over-basement, six-unit building 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

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

6. [2014.0066C](#) (T. CHANG: (415) 575-9197)
3985 17th STREET - The project site is located at the south side of 17th Street between Castro and Hartford Streets, Lot 074 in Assessor's Block 3582 - **Request for Conditional Use**

Authorization pursuant to Planning Code Sections 715.1, 715.44 and 303 of the Planning Code to establish a restaurant (d.b.a. "Hearth Coffee Roasters") in the 1,494 square-foot tenant space occupied by a tanning salon in the Castro Street Neighborhood Commercial District (NCD) and 65-B 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: None
 ACTION: Approved with Conditions
 AYES: Wu, Fong, Antonini, Hillis, Moore, Sugaya
 ABSENT: Borden

C. COMMISSION MATTERS

7. Consideration of Adoption:
- [Draft Minutes for March 6, 2014](#)

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

Adoption of Commission Minutes – Charter Section 4.104 requires all commissioners to vote yes or no on all matters unless that commissioner is excused by a vote of the Commission. Commissioners may not be automatically excluded from a vote on the minutes because they did not attend the meeting.

8. 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:

I wanted to ask the Commission again, to support that the submittal requirements for all cases, DR, CU, or whatever it is are made consistently and in a timely manner. We have a project today on our calendar and I intentionally did not ask for it to be pulled, where there was no submittal, no new submittals made and the one's which came in, came by electronic notification, which prompted me to ask Secretary Ionin to please forward a printed copy because the drawings are larger than what a typical desktop printer produces. And rightfully, I think, Mr. Ionin wrote me back and said it would really incur significant costs to not only print these drawings on their own dime, including messengering them, which is even more expensive. Given that we are seven Commissioners, we would all need to receive the package and all would be printed I am, I fully agree with him and his guarding, basically the gatekeeper for us that that is an unreasonable request. When we have an item continued, for example, today we have one where there were last minute revisions and we got a full new set of drawings to compare the old and the new one. In the case that I am addressing

we were not sent a package, although I think the architect for the applicant was notified, nor did we have any ability to review it with the eight days notice that we are entitled to see these drawings. And I am asking, the Department and Mr. Ionin, obviously as the gatekeeper caught in the middle, and all of the Commissioners, to really insist and support that applications and submittals create a level playing field for everybody and in this particular case I felt that there was a gross negligent omission of giving us a drawings or even yesterday at the architect's own costs submitting them to us and that is for me a very important issue. Thank you.

Commissioner Antonini:

Thank you, I wanted to comment on an item that we have already passed, it's an initiation of the elements to eliminate or reduce fees is very refreshing to see. Something before us that actually is reducing fees. I know it's only an initiation and I think it's to the Planning Code so I would assume it would only go through the Planning Commission or does it have to go through the Supervisors too?

Director Rahaim:

No it is a Code change and the Board has to approve it, but only you can initiate a change, which we're asking you to do.

D. DEPARTMENT MATTERS

9. [Director's Announcements](#)

Director Rahaim:

Commissioners, I just wanted to give you a brief update on some personnel changes with some folks that are in the room. I think last week I made mention that Diego Sanchez has moved into a legislative role. I think I neglected to mention AnMarie Rodgers has become the new Senior Policy Advisor for the Department, will be a member of the Senior Management Team, will continue to oversee legislative work, but in a different capacity and Aaron Starr who you'll hear from shortly is taking over AnMarie's role as Manager of Legislative Affairs in an acting capacity. So we do have more changes in the Department, so I just wanted to make you aware of those. That concludes my report.

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

Board of Supervisors Report:

LAND USE COMMITTEE:

- **Supervisor Wiener's Ordinance: Accessory Dwelling Unit Legislation.** This Ordinance would allow adding in-law or Accessory Dwelling units in the Castro within the existing building envelope. The Planning Commission heard this item on March 6th, and unanimously recommended approval with modifications.
- The Planning Commission's modifications included establishing a monitoring process that would allow the Planning Department to inquire the rental rates of these units and would require the Department to report on the affordability of these units within a year.
- Supervisor Weiner incorporated these amendments into the legislation with a caveat that the information of individual property owners would be secured and this rental rates would only be published in aggregate form.
- The Planning Commission made additional recommendations which were not adopted by Supervisor. 1) The Commission recommended using the term Accessory Dwelling Units instead of

In-Law Units (partially accepted it my placing a also known as in the Code; 2) to remove the 750 sq. ft. size limit cap for these types of units. Supervisor Kim expressed support for these recommendations, but there was no motion to amend the legislation to incorporate them. **With that the Committee forwarded this Ordinance to the Board with a recommendation of support.**

- **Supervisor Tang's Ordinance: Recognizing Small Business Month.** The Ordinance recognizes May as Small Business Month and amends the San Francisco Planning Code and the San Francisco Building Code to waive various local permit fees for the month of May 2014 for the replacement of awnings and signs on awnings and the installation of pedestrian level lighting.
- The Planning Commission heard this Ordinance at last week's Commission hearing and voted unanimously to recommend approval with modifications.
- The modifications included making this fee waiver permanent every May. Supervisor Tang did incorporate the Commission's recommendations, but split the file at the Land Use hearing so that the fee waiver for this May could move forward without further delay. The replicated copy of the Ordinance will be heard at a future land use hearing, pending the 10-day hold. The Land Use Committee voted to recommend approval to the Full Board. This item will be heard at next Week's Board hearing.

FULL BOARD OF SUPERVISORS:

- **Supervisor Chiu's Ordinance: Granting Legal Status to Illegal Units.** This Ordinance would allow legalization of existing illegal units. At that hearing the Commission voted 6-1 to recommend approval. Supervisor Chiu incorporated all Planning Commission recommendation except for one. The recommendation which would allow two units to be legalized in buildings with more than 10 units was not included in the revised ordinance.
- The Board of Supervisors heard this item as first read on Tuesday. Since the land use committee other supervisors has signed as co-sponsors of the legislation including; Supervisors Weiner, Avalos, Breed, and Mar.
- There was a long discussion with two suggested amendments by Supervisor Yee. These amendments included: 1) excluding RH-1 (D) zoned parcels from this program; and 2) wish to revisit the Ordinance once 50 units are legalized. Neither of the amendments were passed at the Board. But Supervisor Chiu recommended adding language to have a hearing at the Board one year and two years after the effective date of this Ordinance. This amendments was passed.
- Supervisor Tang had two concerns: 1) she would like the legalization costs to be passed through to tenants; and 2) to allow merging of these units once legalized through an administrative process. Supervisor Chiu reaffirmed that the program is voluntary and therefore property owners do not have to pursue if the costs seem infeasible. Supervisor Farrell shared the same thoughts but believed there is a value to run this voluntary program. Supervisor Kim expressed concern that there may not enough incentive or enforcement embedded in this program and believed that the City may not receive many applications for this program. Yet she supported giving the opportunity of legalization. **With that the Board approved this Ordinance 8 to 2 with Supervisor Tang and Yee voting against.**
- **CEQA Appeal: SFMTA's Commuter Shuttles Policy and Pilot Program.** The Board of Supervisors heard an appeal of the Planning Department's determination that SFMTA's Commuter Shuttles Policy and Pilot Program was categorically exempt from environmental review.
- The Planning Department determined that the pilot project was exempt under Class 6 which applies to information gathering, data collection, and experimental management activities. The activities can be part of a program or action that has not yet been adopted or approved. The Department also found that there were no unusual circumstances that would create significant impact from the experimental regulations.

- In the case of the Shuttle Pilot Project, SFMTA proposed to require commuter shuttle providers serving intra-city and regional destinations to apply for permits for shared use of MUNI bus stops. Permitted shuttles would be subject to certain operational requirements and would carry GPS tracking devices. SFMTA would evaluate the effectiveness of the program in terms of conflicts and MUNI delays, in an effort to formulate a long-term program for shared use of bus stops. Permitted shuttles would be subject to a fee of \$1 per stop event, intended to cover MTA's cost for the pilot program.
- The appellants contended that the shuttle buses create displacement by causing rents around shuttle stop locations to rise; have air quality, noise, and pedestrian and bicycle safety impacts; could not legally be allowed to use bus zones; and should pay more than \$1 per stop to cover their fair share of impacts.
- The Board's hearing lasted 6.5 hours. Primary topics for Board members were the baseline used for environmental review, the legal issues surrounding the California Vehicle Code, the evidence submitted by the appellants, and the parameters of the Class 6 exemption. Board members also critiqued certain aspects of the program itself, particularly the \$1 per stop fee, and encouraged SFMTA to enforce bus zone requirements and charge for all aspects of shuttle bus activity.
- Supervisor Farrell made a motion to uphold the Planning Department's determination and deny the appeal. Supervisor Wiener seconded. The final vote was 8-2, with Supervisors Campos and Avalos in dissent, and Supervisor Mar absent.
- (The appellant was Richard T. Drury and Christina M. Caro, of Lozeau Drury LLP, representing Sara Shortt, the Harvey Milk Lesbian, Gay, Bisexual, Transgender Democratic Club; Service Employees International Union Local Union 1021; and the San Francisco League of Pissed Off Voters.)

INTRODUCTIONS:

140319 **Supervisor Wiener: Public Works Code – Surface Mounted Facilities.** Ordinance amending the Public Works Code to establish the requirements for Surface-Mounted Facility Site Permits; to set fees for obtaining such permits; to make the provisions of the Ordinance retroactive.

Board of Appeals Report:

None

Historic Preservation Commission Report:

Good afternoon Commissioners, Tim Frye Department staff here to share with you a couple of items from yesterday's Historic Preservation Commission hearing. The HPC unanimously forwarded a recommendation to the Board of Supervisors to reclassify 1007 Market Street, the Contributory Category 3 under Article 11 of the Planning Code. The building was constructed in 1911 and is already a contributor to National Register listed Market Street Theater and Loft District. The Board of Supervisors will take that item up at a future date and we'll keep you posted on the Board's final determination on that property. One other item to share with you was the Planning Department presented along with the SPUR/Heritage Task Force a discussion around their report that they published last summer regarding the City's historic preservation program. There were three main areas of interest or topics of interest among the HPC. One was the initiation of a city wide survey of historic resources. Second, is the design guidelines based on the Secretary of Interior Standards, and third, is updating Preservation Bulletin 16, which you know outlines the Department's evaluation process for historic resources under CEQA. The Department shared information and on each three of these topics we're already pursuing or developing information on each of these issues. One in particular, the city wide survey we've included scoping what that survey would really look like in our next fiscal year budget and it's anticipated that it could take anywhere from four to ten years to complete, but we'll have a much better idea of the overall scope and costs associated with that this fall and winter. And then we concluded the hearing with the Department's agreement that we will prepare a schedule for

both the development of design guidelines and updating Preservation Bulletin 16 by this fall. And we will share that schedule with this Commission as well as the HPC once it is ready. That concludes my comments, unless you have any questions.

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.

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.

11. [2010.0641M](#) (S. EXLINE: (415) 558-6332)
CONSIDERATION OF ADOPTION OF AMENDMENTS TO THE GENERAL PLAN RELATED TO THE UPDATE OF THE RECREATION AND OPEN SPACE ELEMENT - Pursuant to San Francisco Charter Section 4.105, Planning Code § 340(d) and § 306.3, adopt **amendments to the General Plan**, related to the Recreation and Open Space Element (ROSE). The Planning Commission will consider adoption of a Negative Declaration prepared under the California Environmental Quality Act (CEQA) for the ROSE; adoption of amendments to the General Plan to update the ROSE; and making environmental findings, and findings of consistency with the General Plan and priority policies of Planning Code Section 101.1. On January 9, 2014 the Planning Commission passed Resolution 19055 to initiate amendments to the General Plan.
 (Continued from Regular Meeting of March 27, 2014)

SPEAKERS: None
 ACTION: Adopted Amendments, with the correction to "Historical" on page 30
 AYES: Wu, Fong, Antonini, Hillis, Moore, Sugaya
 ABSENT: Borden

12. [2014.0306T](#) (A. STARR: (415) 558-6362)
AMENDMENTS TO THE PLANNING CODE REGARDING MEDICAL CANNABIS DISPENSARIES IN THE OCEAN AVENUE NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT [BOARD FILE NO. 140097] - **Ordinance amending the Planning Code** to require that, in the Ocean Avenue Neighborhood Commercial Transit District, a Medical Cannabis Dispensary (MCD) may be allowed within 500 feet of another MCD as a conditional use, provided that no other Citywide regulation governing the proximity of MCDs to each other becomes law; affirming the Planning Department's California Environmental Quality Act determination; and making Planning Code, Section 302, findings, and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1
 Preliminary Recommendation: Approve
 (Continued from Regular Meeting of March 27, 2014)

SPEAKERS: None
 ACTION: Adopted a Recommendation for Approval
 AYES: Wu, Fong, Antonini, Borden, Hillis, Moore, Sugaya

G. DISCRETIONARY REVIEW CALENDAR

The Commission Discretionary Review Hearing Procedures provide for presentations by staff; followed by the DR requestor team; followed by public comment opposed to the project; followed by the project sponsor team; followed by public comment in support of the project. Please be advised that the DR requestor and project sponsor teams include: the DR requestor and sponsor or their designee, lawyers, architects, engineers, expeditors, and/or other advisors.

13. [2013.0314D](#) (J. LOOK: (415) 575-6812)
1110 ASHBURY - east side between Clayton Street and Downey Street; Lot 021 in Assessor's Block 2629 - **Request for Discretionary Review** of Building Permit Application No. 2013.04.05.3911, proposing to construct a new horizontal addition at front, a vertical addition with roof deck on an existing single-family dwelling structure within a RH-2 (Residential, House – Two-Family) Zoning District and 40-X Height and Bulk District. This action constitutes the Approval Action for the project for purposes of CEQA, pursuant to Section 31.04(h) of the San Francisco Administrative Code.
 Staff Analysis: Full Discretionary Review
 Preliminary Recommendation: Do Not Take Discretionary Review and Approve
 (Continued from Regular Meeting of March 27, 2014)

SPEAKERS: None
 ACTION: Continued to May 1, 2014
 AYES: Wu, Fong, Antonini, Borden, Hillis, Moore, Sugaya

- 14a. [2012.0747DV](#) (B. BENDIX: (415) 575-9114)
882 CAROLINA STREET - west side, between Southern Heights Avenue and 22nd Street; Lot 030 in Assessor's Block 4096 – **Request for Discretionary Review** of Building Permit Application No. 2012.06.14.2648 proposing vertical and horizontal additions to the existing building and the establishment of a second dwelling unit. The project requires variances from the Planning Code for massing in the front setback area, massing in the rear yard area, and dwelling unit exposure. The subject property is located within a RH-2 (Residential, House, Two-Family) Zoning District and 40-X Height and Bulk District. This action constitutes the Approval Action for the project for 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: None
 ACTION: Withdrawn
 AYES: Wu, Fong, Antonini, Borden, Hillis, Moore, Sugaya

- 14b. [2012.0747DV](#) (B. BENDIX: (415) 575-9114)
882 CAROLINA STREET - west side, between Southern Heights Avenue and 22nd Street; Lot 030 in Assessor's Block 4096 – **Request for Front Setback, Rear Yard and Exposure Variances**, pursuant to Planning Code Sections 132, 134 and 140 to construct vertical and

horizontal additions to the existing building and to establish a second dwelling unit. The subject property is located within a RH-2 (Residential, House, Two-Family) District and 40-X Height and Bulk District.

(Continued from the March 26, 2014, Variance Hearing)

SPEAKERS: None

ACTION: After the Commission adjourned its meeting; the ZA opened a variance hearing, closed the public hearing, and granted the variance.

H. PUBLIC COMMENT

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

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

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

ADJOURNMENT – 2:52 PM