

# SAN FRANCISCO PLANNING COMMISSION



## DRAFT – Meeting Minutes

Commission Chambers, Room 400  
City Hall, 1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4689

**Thursday, October 23, 2014**  
**12:00 p.m.**  
**Regular Meeting**

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

THE MEETING WAS CALLED TO ORDER BY PRESIDENT WU AT 12: 10 P.M.

STAFF IN ATTENDANCE: John Rahaim – Planning Director, Marcelle Boudreaux, Timothy Johnston, Diego Sanchez, Aaron Starr, Mary Woods, Carly Grob, Kate Conner, Michael E. Smith, 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. 2013.1653C (S. YOUNG: (415) 558-6346)  
1814 - 1816 ANZA STREET - north side, between 9<sup>th</sup> and 10<sup>th</sup> Avenue; Lot 018 in Assessor's Block 1535 - **Request for Conditional Use Authorization** pursuant to Planning Code Sections 209.3(j) and 303 to convert the ground floor of a three-story, two-family dwelling

into meeting space with approximately 1,500 square feet of floor area to be utilized by a religious institution (Canaan Lutheran Church) for bible studies, fellowships, Sunday school, and other church-related activities. Canaan Lutheran Church currently holds its worship services in the church located directly east of the subject property at 479 - 495 9th Avenue, in partnership with Zion Lutheran Church. The project site 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 the purposes of CEQA, pursuant to Section 31.04(h) of the San Francisco Administrative Code.

Preliminary Recommendation: Pending

**(Proposed for Continuance to December 11, 2014)**

SPEAKERS: None  
 ACTION: Continued to December 11, 2014  
 AYES: Wu, Fong, Antonini, Johnson, Richards  
 ABSENT: Hillis, Moore

2. 2014.0977C (M. BOUDREAUX: (415) 575-9140)  
2312 MARKET STREET - southwest corner 16<sup>th</sup> Street; Lot 001 in Assessor's Block 3562 - **Request for Conditional Use Authorization**, pursuant to Planning Code Section 303 to modify existing conditions of Motion No. 14434 (case no. 1997.366C) to remove conditions #2 and #4, to operate during the same business hours as the rest of the zoning district and to serve any cuisine type. No other work is proposed. The site is within the Upper Market Neighborhood Commercial Transit (NCT) Zoning District, and 50-X Height and Bulk District. The issuance of the building permit by the Department of Building Inspection or the Planning Commission project approval at a discretionary review hearing would constitute as the Approval Action for the project for the purposes of CEQA, pursuant to Section 31.04(h) of the San Francisco Administrative Code.  
 Preliminary Recommendation: Approve  
**(Proposed for Continuance to November 13, 2014)**

SPEAKERS: None  
 ACTION: Continued to November 13, 2014  
 AYES: Wu, Fong, Antonini, Hillis, Johnson  
 RECUSED: Richards  
 ABSENT: Moore

## 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. [2014.1353Q](#) (M. BOUDREAUX: (415) 575-9140)  
158 LAIDLEY STREET - cross streets Fairmount and Harper; Lot 056 in Assessor's Block 6665 - **Request for Condominium Conversion Subdivision** to convert a three-story-over-garage, five-unit building into five residential condominiums within a RH-1 (Residential-House, 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.

Preliminary Recommendation: Approve

SPEAKERS: None  
 ACTION: Approved  
 AYES: Wu, Fong, Antonini, Hillis, Johnson, Richards  
 ABSENT: Moore  
 MOTION: 19264

## C. COMMISSION MATTERS

### 4. Consideration of Adoption:

- [Draft Minutes for October 9, 2014](#)

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

### 5. 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 Wu:**

I wanted to update the other Commissioners, Commissioner Johnson and I attended the Mayor's Housing Task Force meeting on Tuesday and we will be getting a briefing here at the Commission, either late November or early December.

#### **Commissioner Antonini:**

I have a couple of items, the first of which, is a quote from a book that I'm reading, I think is fantastic. It is called Supreme City and the subject matter is how Jazz Aged Manhattan; Manhattan of the 20s changed America for good, in so many ways, and the quote from this particular chapter says: "Talented people want to be near other talented people and the miracle of New York is that it has the physical compactness to make that possible," and we could use that same quotation today, substituting San Francisco, because that is one of the things that's leading to the growth, both commercially and residentially in San Francisco, because there is a desire on the parts of lots of people to be close to each other, even though we have all these electronic means of communication they physically want to be around other people that they can share thing with and work together. So anyway, a couple of other items without commenting on the case itself, because it is under appeal, the decision by US District Judge Charles Breyer regarding the fee that is charged on cases where a tenant is evicted and actually, the justice had ruled that was unconstitutional, but his arguments without going into those, are very similar to what we are always

admonished to take into consideration on land use issues, making sure that there's a nexus between of what the impact of a project is and the fee that is charged. It should be responsible for mitigating it's part of the impact on a problem on the types of things that the new project does, but not to remediate existing problems or be responsible in full for what has many other causes, most of high percentage of whether, from other reasons, so I'm not commenting on the decision itself, but I do find an interesting parallel, and it would remain to be seen on appeal whether this parallel is upheld or overturned. Oh my third item is in regards to an article in the Chronicle regarding 181 Fremont, which we passed last week and I think properly and I believe it's now before the Board of Supervisors for their approval, and the article was written, not without too much mention of what we had done in our actions, but kind of talked about the proposal before the Supervisors, which I think is a win-win and almost everybody is in support of it, because it allows the building of many more units than would be the case if only a small number of units are - people are lucky enough to get some very expensive units and they have to be built in the Transbay, the funds have to be use for affordable units within the Transbay project and then a day later there's an editorial in the paper, which it sounded like the writer didn't understand the issues, because it was entitled "Transit Maybe" and it was somewhat critical of this legislation, which is proposed by Supervisor Jane Kim and it implied that we were trading these units or units of this type for displacing the inclusionary housing far from the center of transit, which is not the case. They are obliged to have it within the area, so all it would do is to move the residents possibly a little over a block away because the border of Transbay is Folsom and 181 Fremont is right near Howard, just separated by Town Hall from Howard Street, and so that's as far away from transit that it could be moved and whether or not, they also sort made it sound like this legislation would apply to other projects, I don't know whether it could or not. I think it is focused on just this project so I hate to be critical, but it sounds like the writer or the editorial didn't understand what the project is and what the legislation is. The article on the project itself was a little bit more comprehensive and I think more accurate.

**Commissioner Fong:**

Thank you. I want to bring up something that's maybe a little bit of a long-range thought and oftentimes at commissioner comments like this, where we're talking about and making request for either further information, more data, a report back on something and I know those kinds of requests are very time intensive for staff and I want to talk about, maybe, in the future, we are able to prioritize some of those items on that list and whether there's may be through a subcommittee or maybe even an agendized item, we can talk a little bit about what's the highest priority, if we are going to have staff spend some time, significant time on some of these requests for data to help us make better decisions down the road, what those top three items are, whether they are transit related or housing related, etc. I don't think it's something we can really get into that today, but I wanted to throw the idea out, obviously talk to the staff about it and what the rational way to go about that is, clearly with my intent of collecting data, building more information to help us all make better decisions for the long range.

**Commissioner Richards:**

I'd love to participate in any one of those conversations. I think we should probably say within 30-60 days we get something going. Also, what the process would be for prioritizing for whatever it is we are asking for, so I'd love to participate. Thank you.

**D. DEPARTMENT MATTERS**

## 6. Director's Announcements

**Director Rahaim:**

Good afternoon Commissioners, if I may just on Commissioner Antonini's point on 181 Fremont, what the Board is acting on is an amendment to the Development Agreement and that only applies to that site, so it cannot be used more broadly in the Transbay District. Secondly, on Commissioner Fong's request, I appreciate that very much. I think, what I have talked to Jonas about is organizing your requests in a way that we can look at them collectively and look at how we can prioritize some of those requests. There are very legitimate requests coming in. Just by their nature they're an addition to our existing work plan, so I appreciate your acknowledgment of that and we are happy to talk through with you, how much they'll take and how we can prioritize those, so we can have that discussion in the next few weeks. And thirdly, I just also wanted to thank Commissioners Wu and Johnson for their involvement in the Mayor's Office Housing Task Force. I think there've been an interesting series of discussions there. We are working on scheduling an item I think in early December at this point to go over the full range of housing initiatives that are underway in the City right now so that we can have a more robust discussion with the Commission about those efforts in the coming months. That concludes my report. Thank you.

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

**LAND USE COMMITTEE:**

- 141006. Interim Zoning Controls - New Ground Floor Office Uses Facing 2nd Street, from King and Folsom Street. Sponsor Kim. This is a Resolution imposing interim zoning controls requiring conditional use authorization for new office uses facing 2nd Street, from King to Folsom Streets, for eighteen months. This item was not staffed and because it is an interim Ordinance it will not come before this Commission. However, should Supervisor Kim pursue permanent controls, those will come before this commission for your review and recommendation. The Land Use Committee unanimously sent this item to the full board with a positive recommendation.
- 120796. Planning Code, Zoning Map - Establishing the Divisadero Street Neighborhood Commercial District and Deleting the Divisadero Street Restricted Use District. Sponsor Breed
- 120814. Planning Code, Zoning Map - Establishing the Fillmore Street Neighborhood Commercial District. Sponsor Breed.

These Ordinances would create the Divisadero and Fillmore NCDs. They were originally heard by the Planning Commission in Nov 2012, where the Commission voted to recommend approval of the proposed Ordinances with modifications. The Ordinances were reintroduced by the district Supervisor in Feb 2013, incorporating the Commissions modifications along with a proposed ban on

formula retail. In June 2013 the Commission heard the reintroduced Ordinances and voted to recommend approval with modification to the BOS. The principle modification was to remove the proposed formula retail ban and other language regarding formula retail applications.

Supervisor Breed did remove the additional Formal Retail controls from these Ordinances prior to bringing them to the Land Use Committee.

At the Land Use Committee public comment was overwhelmingly in support of the proposed Ordinances, citing the changes in the Ordinances as positive for the small business community in the two commercial corridors. Supervisor Weiner made a motion to forward the Ordinances to the Full Board; the Land Use Committee voted 3-0 with no additional comment.

- 120881. Planning Code, Zoning Map - Uses, Conformity of Uses, Parking Requirements for Uses, and Special Use Districts. Sponsor Chiu. Otherwise known as the NE Ordinance, or Mega Leg, this Ordinance made a number of changes to parking, use, and sign controls primarily in the NE area of the city. Portions of this Ordinance have already been adopted by the Board and integrated into the Planning Code, which some parts, such as sign controls and issues dealing with Port Property, have not been to the Land Use Committee yet. The Ordinance that was before the Committee this week addressed the following issues:
  1. Facilitate the conversion of historic buildings and nonconforming uses in existing buildings to housing.
  2. Update the requirements for accessory uses in Commercial and Residential Commercial districts.
  3. Rationalize changes of use in NC districts.
  4. Make parking requirements consistent in transit-rich certain districts of the city.
  5. Allowing parking lots in the C-3 to obtain a 5-year temporary use permit instead of a 2-year temporary use permit.
  6. Add a grandfathering clause that allows projects that have already been approved by the Planning Commission but not yet vested to be exempt from any parking requirement changes on Van Ness Avenue.

This Commission held multiple hearings on this Ordinance, eventually splitting up the 540 page Ordinance into 3 different phases. The Commission heard the issues taken up by the LU Committee this week in May 2012 as part of Phases 2 and 3. For both Ordinances, the Planning Commission voted to recommend approval of the ordinances with modification. All of the Commission's recommended modifications were incorporated in the revised Ordinance that was before the LU Committee this Monday.

At that hearing, there was no public comment on the items. Prior to any discussion between the presiding Supervisors, the sponsoring Supervisor's aide requested (1) an amendment to the whole to correct a formatting error in the proposed Ordinance and (2) a continuance of the item for one week (to Oct

27). Sup Wiener moved both requests and both were approved 3-0. With any luck these items will finally move on to the full board next week.

- 141023. Development Agreement - 181 Fremont Street, LLC - 181 Fremont Street - Transbay Redevelopment Project Area. Sponsor Mayor and Kim. This item was a Development Agreement between the City and the project sponsor of 181 Fremont Street to exempt the project from the on-site affordable housing requirements, and to enable an in-lieu fee payment (\$13.85m) for the development of affordable housing in the Transbay Redevelopment Project Area. Planning Commission heard the item last Thursday (10/16), and voted unanimously to recommend approval to the BOS. No amendments were made. The Development Agreement would require that the Sponsor contribute \$13.85 million dollars. By comparison, if the Sponsor were to pay the in-lieu fee established by Section 415, the fee amount would be approximately \$5.4 million dollars. The process created by the Development Agreement could create up to 69 affordable units, compared to the 11 affordable units that would be provided within the Project under current requirements. Sup. Kim also expressed that our current in-lieu fee for a typical project (subject to Section 415) may be set too low. The Committee voted unanimously to send this item to the full Board with a positive recommendation.

#### **FULL BOARD OF SUPERVISORS:**

This past Tuesday, the Giants had their first win over the Kansas City Royals during the first game of the World Series and the Board of Supervisors had its second read of the Short-term Rental Ordinance.

- Short-Term Rentals. Commissioners, you may recall that you heard this item on August 7. At that time you recommended approval with 16 amendments to be made to the legislation after a 6 hour hearing. The Board's Land Use Committee held two 7 hour hearings on the ordinance and made multiple amendments. This week the full board has its second reading. Typically Second readings are merely procedural; however this week some Supervisors attempted one last time to amend the Ordinance.

Supervisor Avalos proposed an amendment to limit both hosted and non-hosted rentals to 90-days; this was seconded by Supervisor Campos. Supervisor Campos proposed an amendment to require that they city collect back taxes prior to the new rules taking affect; this amendment was seconded by Supervisor Avalos. And, Supervisor Yee proposed an Amendment to limit both no hosted and hosted short-term rentals in RH-1 D districts to 90 days; this amendment was seconded by Supervisor Mar. All of these amendments failed by a 6 to 5 vote. Several Supervisors spoke for and against the amendments, some very passionately. Many of those who spoke in favor of the amendments cited Senator Feinstein's recent Op Ed in the Chronicle, which voiced opposition to the new law. At the end of a 45 minute hearing, the Ordinance passed its second read on a 7 to 4 vote. This item is now awaiting the Mayor's signature.

**INTRODUCTIONS:** There were no introductions this week. However, we had a request to go over an Ordinance that was introduced on October 7 of this year by Supervisors Campos and Farrell to establish a legacy business program.

- 141038 Administrative Code - Legacy Business Registry, Rebate Program, and Establishing Fees. Sponsor Campos. The Ordinance would amend the Administrative Code to direct the Small Business Commission to establish and maintain a registry of Legacy Businesses in San Francisco. A “Legacy Business” is a business that meets four criteria:
  1. It is a bar, restaurant, retail store, arts space, performance venue, or a business primarily engaged in Production, Distribution, and Repair activities.
  2. It has operated in San Francisco for 30 or more years, with no break in San Francisco operations exceeding two years.
  3. It has contributed to the neighborhood’s history and/or the identity of a particular neighborhood or community; and,
  4. It is committed to maintaining the physical features or traditions that define the business, including craft, culinary or art forms.

The ordinance would require the Small Business Commission to survey San Francisco’s Legacy Businesses and, no later than June 30, 2015, make substantive recommendations to the Board of Supervisors for programs for Legacy Businesses. Such programs could include business and technical assistance, lease renewal and acquisition assistance, public education and commendation initiatives to recognize and honor the contributions of Legacy Businesses to San Francisco, financial incentives to encourage the stability of Legacy Businesses, and additional business stabilization and neighborhood continuity initiatives.

The proposal would establish a rebate program for Legacy Businesses that purchase the real property from which they operate their businesses. The program would also provide rebates to “Qualified Landlords,” meaning persons that purchase real property from which Legacy Businesses operate their businesses and that extend the term of the Legacy Businesses’ leases by at least an additional ten years. The total combined rebates paid to all Qualified Legacy Businesses and Qualified Landlords in any one year would not exceed \$400,000. The rebate program would expire by operation of law at midnight on December 31, 2019, unless extended by ordinance.

Commissioners, as this item does not amend the Planning Code it will not be coming to you for a hearing unless you should request one.

**BOARD OF APPEALS:**

No Report

**HISTORIC PRESERVATION COMMISSION:**

No Report

**E. GENERAL PUBLIC COMMENT – 15 MINUTES**



At this time, members of the public may address the Commission on items of interest to the public that are within the subject matter jurisdiction of the Commission except agenda items. With respect to agenda items, your opportunity to address the Commission will be afforded when the item is reached in the meeting. Each member of the public may address the Commission for up to three minutes.

SPEAKERS:     Dino Adelfio – Various  
                   Charlotte Meck – Diane Feinstein AirBnB comments  
                   Sue Hestor – Conflicting housing policies request for hearing

## 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.

8.     [2013.1220E](#) (T. JOHNSTON: (415) 575-9035)  
PACIFIC ROD AND GUN CLUB UPLAND SOIL REMEDIAL ACTION PROJECT - The project site is located at 520 John Muir Drive in San Francisco - **Appeal of Preliminary Mitigated Negative Declaration** for The San Francisco Public Utilities Commission (SFPUC) proposal to implement the Pacific Rod and Gun Club Upland Soil Remedial Action Plan (the “project”), which would clean up soil contamination at the Pacific Rod and Gun Club (PRGC), located on the southwest side of Lake Merced in San Francisco, California. Soil contamination is the result of the former use of lead shot and clay targets made with asphaltic materials at the skeet and trap shooting ranges. The SFPUC prepared the PRGC Remedial Action Plan (RAP) in response to a Cleanup Order issued by the California Regional Water Quality Control Board, San Francisco Bay Region (RWQCB). The project consists of excavation and appropriate off-site disposal of up to 46,500 cubic yards of soils containing elevated concentrations of lead and polycyclic aromatic hydrocarbons (PAHs) and backfilling of excavated areas with clean fill material.  
 Preliminary Recommendation: Uphold Preliminary Mitigated Negative Declaration  
 (Continued from Regular Meeting of August 14, 2014)

SPEAKERS:     - David Cincotta – Appellant presentation  
                   + Charles Canepa – Issues not addressed in the study  
                   - Michael Emery – Site clean-up  
                   - Frank Swan – Incomplete report  
                   + Ob Zaret – PUC presentation  
                   + Brad Brewester – Response to questions

ACTION:       Upheld the PMND  
 AYES:         Wu, Fong, Antonini, Hillis, Johnson, Richards  
 ABSENT:       Moore  
 MOTION:       19265

9.     [2014.1414T](#) (D SÁNCHEZ: (415) 575-9082)  
AMENDING THE THIRD STREET ALCOHOL RESTRICTED USE DISTRICT [BOARD FILE NO. 140875] - **Planning Code Amendment** introduced by Supervisor Cohen to allow Alcoholic

Beverage Control Type 23, "Small Beer Manufacturer", Licenses in the Third Street Alcohol Restricted Use District; and 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.

Preliminary Recommendation: Adopt a Recommendation for Approval

SPEAKERS: + Mawuli Tugbenyoh, Aide to Supervisor Cohen – Comments regarding the amendment  
+ Brian Stuckcholte – Craft brewer industry  
+ Andrew Castille – Bayview area

ACTION: Adopted a Recommendation for Approval, and recommending the BoS consider the CU process for Type 23 license types.

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

ABSENT: Moore

RESOLUTION: 19266

10. [2013.0647T](#) (A. STARR: (415) 558-6362)  
PLANNING CODE AMENDMENTS RELATED TO CONSOLIDATEING DEFINITIONS, REORGANIZE ARTICLE 2, AND MAKE OTHER NONSUBSTANTIVE CHANGES TO UPDATE, CLARIFY, AND SIMPLIFY CODE LANGUAGE - Planning Code Amendment to consolidate definitions into Section 102, reorganize Article 2 to create Zoning Control Tables, and make non-substantive changes to various sections in Articles 1, 2, 3, 4, 6, 7 and 8 in order to update, clarify, and simplify Code language; affirming the Planning Department's California Environmental Quality Act determination and making findings of consistency with the General Plan and the eight priority policies of Planning Code Section 101.1.  
Preliminary Recommendation: Adopt a Recommendation for Approval with Modifications (Continued from Regular Meeting of October 16, 2014)

SPEAKERS: = Charlotte Meck – Process and procedure  
- Jeff Wood – Changing definitions  
- Hiroshi Fukuda – Magnitude of changes, request for continuance  
- Richard Lee – Process  
- Greg Scott – Substantive changes  
- Paul Webber – More neighborhood input  
+ Tom Radulovich – Staff has done a great job  
- George Wooding – Process, notice  
- Eileen Bogan – Vague language  
- Rose Hilson – Confusing, continuance  
- Doug Engman – Confusing, continuance  
- Sue Hestor – Floating definition, move meetings  
- Mary Waiza – Continuance request  
- Judy Berkowitz – 6 week continuance  
- John Bartus – Continuance, segmented submittal

ACTION: After hearing and closing public comment; Continued to November 20, 2014

AYES: Wu, Antonini, Hillis, Richards

NAYES: Fong, Johnson

ABSENT: Moore

11. [2014.0362C](#) (M. WOODS: (415) 558-6315)  
536 CENTRAL AVENUE - east side between Grove and Hayes Streets; Lot 024 in Assessor's Block 1198 - **Request for Conditional Use Authorization** pursuant to Planning Code Sections 209.2(d) and 303 to extend the hours of operation for an existing overnight youth shelter (The Diamond Youth Shelter) operated by the Larkin Street Youth Services. The hours would be changed from an overnight (8 pm to 8 am) shelter to a 24-hour shelter. This proposal would modify Planning Commission Motion No. 17463 for Case No. 2007.0219C. The existing program, providing up to 20 shelter beds for homeless youths ranging from 13 to 17 years old would not change. Neither exterior expansion nor interior renovation is proposed. The project site is located in a RH-3 (Residential, House, Three-Family) 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: = Vallie Brown, Aide to Supervisor Breed – Support  
 + Sharilyn Adams, Project Sponsor – Presentation  
 + Denise Menes – Presentation continued  
 + Bevan Duffy – HOPE SF  
 + Ben Francis – Homeless youth  
 + Kosno Norstad – Larkin street youth  
 + Phil Estes – Positive addition  
 + Laura Powell – Operated for 21 years  
 + Lizzy – Value of the services provided  
 + Christian Castillo – America's future is its youth  
 - Dan Reynolds – Transfer of operation, hours of operation  
 - Amy Abdula – Agreement to not extend the hours of operation  
 - John Runfola – Does not support everything Larkin Street does  
 - Allen Lu – Youth Commission support  
 - Pete Glickshtein – Support

ACTION: Approved with Conditions as amended to reference the operating procedures as a finding in the motion and require a written update in six months

AYES: Wu, Antonini, Johnson, Richards

RECUSED: Hillis

ABSENT: Fong, Moore

MOTION: 19267

12. [2013.0255C](#) (C. GROB: (415) 575-9138)  
620 JONES STREET - east side, between Geary Street and Post Street; Lot 036 in Assessor's Block 0305 - **Request for Conditional Use Authorization** to amend an existing condition of approval associated with the bar and restaurant doing business as Jones, which would extend the permitted hours of operation of the existing outdoor activity area from 12:00 a.m. to 2:00 a.m. No exterior or interior alterations are proposed. A Planning Commission approval at the public hearing would constitute the Approval Action for the project for the purposes of CEQA, pursuant to San Francisco Administrative Code Section 31.04(h).  
 Preliminary Recommendation: Approve with Conditions

SPEAKERS: + Peter Glickshtein – Project sponsor presentation

- ACTION:** After hearing and closing public comment; Continued to November 6, 2014 and Adopted a Motion of Intent to Approve with Conditions including:
1. Outdoor Activity hours limited to 2 am Fridays, Saturday, NY's eve, and Gay Pride Sunday;
  2. Outdoor Activity hours limited to 12 am Sundays through Thursdays;
  3. Outdoor live entertainment up to 7 pm; and
  4. Limiting the level(s) of noise to the Entertainment Commission's decibel level(s).
- AYES:** Wu, Fong, Antonini, Hillis, Johnson, Richards  
**ABSENT:** Moore

## 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.

- 13a. [2013.1652DV](#) (K. CONNER: (415) 575-6914)  
312 GREEN STREET - north side between Castle and Montgomery Streets, Lot 016 in Assessor's Block 0114 - **Request for Discretionary Review** of Building Permit Application No. 2013.11.13.1794, proposing to construct a third floor and fourth floor addition to a two-story single family residence. The third story addition encroaches 10'-6" into the 15'-0" required rear yard. Included in the proposal are exterior stairs from the third story to the fourth story which also encroach into the required rear yard. The subject dwelling is currently noncomplying and occupies the full lot. This proposal requires a variance application for construction within the required rear yard, pursuant to Section 134 of the Planning Code, which will also be considered at this hearing by the Zoning Administrator, and was continued from the August 27, 2014 Variance hearing. The property is located within a RM-1 (Residential Mixed, Low Density) District, the Telegraph Hill North Beach Residential Special Use 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:**
- Andrew Peterson – DR presentation
  - (M) Speaker - Obstruction of views, foundation damage liability
  - James Kirk – Negative impacts
  - Tom Latour – Mid-block space impacts
  - Jack Oswald – Negative impacts
  - + Bruno Kantner – Project Sponsor presentation
  - + Arny Lerner – Consistent with Residential Design Guidelines
  - + Peter Zapony – Complies with Residential Design Guidelines
  - + Ron Soper – Unreasonable opposition
  - + Bryce Sears – 50 letters of support
  - + Bridgette Kantner – Neighbor comments

- + Brent Lower – Names of supporters
- + Denise Shanye – Bruno is a man of integrity
- + Marsha Garland – Allegation, Oswald property
- + Susanne Kantner – Please let us move forward

ACTION: No DR Approved as Proposed  
 AYES: Wu, Fong, Antonini, Hillis, Johnson, Richards  
 ABSENT: Moore  
 DRA No: 0387

- 13b. [2013.1652DV](#) (K. CONNER: (415) 575-6914)  
312 GREEN STREET - north side between Castle and Montgomery Streets, Lot 016 in Assessor's Block 0114 - **Request for a rear yard variance** pursuant to Section 134 of the Planning Code for Building Permit Application No. 2013.11.13.1794, proposing to construct a third floor and fourth floor addition to a two-story single family residence. The third story addition encroaches 10'-6" into the 15'-0" required rear yard. Included in the proposal are exterior stairs from the third story to the fourth story which also encroach into the required rear yard. The subject dwelling is currently noncomplying and occupies the full lot. The property is located within a RM-1 (Residential Mixed, Low Density) District, the Telegraph Hill North Beach Residential Special Use District, and 40-X Height and Bulk District.

SPEAKERS: Same as Item 13a.  
 ACTION: ZA Closed the PH and Granted the Variance with Conditions

14. [2014.1139D](#) (C. GROB: (415) 575-9138)  
2809-2811 POLK STREET - east side between Chestnut Street and Francisco Street; Lot 004 in Assessor's Block 0478 - **Request for Discretionary Review** of Building Permit Application No. 2014.0228.9613, proposing a one-story vertical addition, rear infill at the basement, garage, and first levels, and a 4 foot decrease in the front setback on an existing two-story, two-unit residential building on 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.

Staff Analysis: Abbreviated Discretionary Review  
 Preliminary Recommendation: Do Not Take Discretionary Review and Approve

SPEAKERS: - Gus Fallay – DR presentation  
 - Phillip Reidy – Privacy, light, and air  
 + Virginia Manichon – Project sponsor presentation  
 ACTION: No DR Approved as Proposed  
 AYES: Wu, Fong, Antonini, Hillis, Johnson, Richards  
 ABSENT: Moore  
 DRA No: 0388

15. [2014.0958D](#) (M. SMITH: (415) 558-6322)  
3826-3828 CESAR CHAVEZ STREET - north side between Church and Dolores Streets, Lot 011 in Assessor's Block 6566 - **Request for Discretionary Review** of Building Permit Application, proposing to remove an illegal dwelling unit from the rear cottage by removing its kitchen. The 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: + Alfonso Bezerto – Project Sponsor presentation

+ Norman De la Fuente - Support

ACTION: After a motion to Continue failed +2 -4 (Hillis, Johnson, Richards, Wu against); Took DR and Disapproved the BPA; Finding that the disapproval would:

1. Preserve affordable housing;
2. The illegal unit is without a complaint and/or violation;
3. The illegal unit does not prohibit the trustee's ability to sell the property or take any other land use action; and
4. It would be consistent with the spirit and intent of the Mayor's Directive to preserve housing.

AYES: Wu, Antonini, Hillis, Johnson, Richards

NAYES: Fong

ABSENT: Moore

DRA No: 0389

## 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 – 7:07 P.M.