

# 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 16, 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: 12 P.M.

STAFF IN ATTENDANCE: John Rahaim – Planning Director, Omar Masry, Esmeralda Jardines, Menaka Mohan, Kevin Guy, Rich Sucre, Sara Vellve, Tina Chang, 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. 2013.0647T (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 - Amendments to the Planning Code 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  
(Proposed for Continuance to October 23, 2014)

SPEAKERS: None  
ACTION: Continued to October 23, 2014  
AYES: Wu, Antonini, Fong, Johnson, Richards  
ABSENT: Hillis, 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

2. [2014.1095C](#) (O. MASRY: (415) 575-9116)  
577 CASTRO STREET - along the east side of Castro Street between 18<sup>th</sup> and 19<sup>th</sup> Streets, Lot 059 in Assessor's Block 3583 - **Request for Conditional Use Authorization** under Planning Code Sections 715.83 and 303 to allow a macro wireless telecommunications services (WTS) facility operated by AT&T Mobility. The proposed macro WTS facility would feature nine (9) partially screened panel antennas, which would be placed on the roof of the four-story building, along the exterior of the existing elevator penthouse. Related electronic equipment would be placed on the roof and in a portion of the first floor garage. The facility is proposed on a Location Preference 6 Site (Individual Neighborhood Commercial District) within the Castro 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  
  
SPEAKERS: + Tedi Vriheas – Project presentation  
ACTION: After being pulled off Consent, Approved with Conditions  
AYES: Wu, Antonini, Fong, Hillis, Johnson, Richards  
ABSENT: Moore  
MOTION: 19259
3. [2014.0536C](#) (E. JARDINES: (415) 575-9144)  
1245 ALABAMA STREET - east side between 24<sup>th</sup> and 25<sup>th</sup> Streets; Lot 027 in Assessor's Block 4269 - **Request for Conditional Use Authorization** under Planning Code Sections 209.3(f) and 303 to allow the establishment of a child-care facility for up to 88 children within a RH-2 (Residential, House, Two-Family) District and 40-X Height and Bulk designation. The proposed operation is a licensed preschool (Head Start) to be operated by Mission Neighborhood Centers. The preschool will be located on the property of St. Peter's Convent. 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: None  
 ACTION: Approve with Conditions  
 AYES: Wu, Antonini, Fong, Johnson, Richards  
 ABSENT: Hillis, Moore  
 MOTION: 19258

## C. COMMISSION MATTERS

### 4. Consideration of Adoption:

- [Draft Minutes for October 2, 2014](#)
- [Draft Minutes Joint Hearing with DBI for October 2, 2014](#)

SPEAKERS: None  
 ACTION: Adopted  
 AYES: Wu, Antonini, Fong, 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 would like to ask today that we adjourn the meeting in honor of Ted Goluckson, a long time tenant advocate and the Director of the San Francisco Tenants Union. Sadly, he passed away earlier this week.

#### Commissioner Antonini:

Most importantly Go Giants! But I do have another comment; there was an insight from the Chronicle this week, a bunch of articles called City on the Edge. One of the most interesting one's was Eviction Crisis Reality Check, and basically and briefly the author points out the fact that there's 372 almost 372,000 units in San Francisco and the number of evictions in a year is approximately one percent for any reason. The question I have for staff and I don't need the answer today, just for my edification, he talks about the number of evictions by the Rent Board and that the number that was in court and the number that was Ellis. I obviously understand what the Ellis ones were, which were only 216 of the total, but I don't quite understand what the difference is. My assumption is if they are with the Rent Board with fault eviction, where somebody doesn't pay the rent, the Rent Board says yes, you prove it then you can evict them, and court would be one's that are challenged or maybe you could give me a better idea what he is talking about in the article, because he lists various numbers.

#### Commissioner Richards:

A couple of things, I guess, parlaying off of what Commissioner Antonini said. I think it's hard to not put a face on those numbers, they may seem small in relation to the overall

number, but each one of those evictions has a person behind it and they have a life situation behind it and it's another piece of the City that I think it ends up being a rotor and goes away, and don't want to discount, even though it seems like an small percent, one percent it is still several thousands of people a year getting displaced. My niece called me up three weeks ago crying because she got evicted. It hits home when you actually see the person, you hear the story, and she's thinking of leaving the City now, so, it hits home and it hurts. The second question I have is on the Commissions process question on interim control legislation that gets referred or at least it gets communicated to, how does this Commission handle that? Do we ever comment on it? I think there was a piece this week on Office Moratorium on 2<sup>nd</sup> Street on Supervisor Kim. Do we ever comment on controls?

**Director Rahaim:**

Commissioners, interim legislation happens in a very quick turn-around, so it does not -- in the way the code reads it, the Board has the ability to propose interim legislation for a period of time, I think it's typically 18 months max and it can become effective in a very short period of time, something in the order of seven or eight days and therefore; typically and not only, it does not require your review, but typically there is not time to review it, given the nature of the legislation. There have been, as you say, three or four pieces of legislation in the last few months.

**D. DEPARTMENT MATTERS**

6. [Director's Announcements](#)
7. Review of Past Events at the Board of Supervisors, Board of Appeals and Historic Preservation Commission

**BOARD OF SUPERVISORS:**

No Report

**BOARD OF APPEALS:**

The Board of Appeals did meet last night and also last week so I wanted to give you a bit of an update. It was the first hearing for Bobbie Wilson, who is a new Commissioner, replacing Commissioner Chris Hwang, who the left the Board earlier this year to pursue other business interests. Last week they also heard 1110 Ashbury, which was a Discretionary Review that you heard, had three hearings on, it was on early this year. At the final of those three hearings, there was no actual action by the Board so the project was approved as a matter of default and I think that was because the Commission had struggled with trying to find the right balance of changes to the project and I think that last week the Board of Appeals also struggled with the project and what changes, if any, would be necessary and they had a split vote of +2 -2, so by default the project was also approved at the Board of Appeals, so that project is finally approved. Last night the Board had on calendar an Appeal of a Notice of Violation of Penalty for the Academy of Art University property at 2295 Taylor. At the hearing the Academy of Art withdrew their appeal on that property. Penalties will begin to accrue. We have discussed with them, that the reason we pursued enforcement on that, is because they not legalize in its current form, and if they can modify that location to something that is approvable under the North Beach Neighborhood Commercial District, then we would treat it as we do with the other enforcement projects and we will hold the penalties and tie those to the status of the EIR.

They also had their annual report last night. I will forward a copy of the final version to the Commissioners. I would note that there has been a 30% increase in the number of appeals overall for the Board. The Board hears a great many appeals, so actually the number of appeals from Planning and Building have actually decreased slightly, so is the increase has been accounted by increase in DPW appeals, and largely the appeals of the AT&T boxes in the public right-of-way and that's all.

#### **HISTORIC PRESERVATION COMMISSION:**

Good afternoon, Commissioners, Tim Frye, Department staff, here to share with you very briefly a couple of items from the October 1<sup>st</sup> and the October 15<sup>th</sup> Historic Preservation Commission hearings. Just two items to share with you, one, the HPC renewed its two year delegation for staff level approval of certain preservation entitlements. We think the HPC further trusts in the Department because approximately 70 percent of all preservation entitlements now can be approved at the staff level rather than going to a full Commission hearing. That delegation again is for two years and significantly reduces our backlog. The last item I want to mention to you is that the HPC unanimously recommended approval of three Mills Act contracts for this year to the Board of Supervisors. All three contracts are located within the Duboce Park Landmark District. They involve both single-family and multiple-family residences and the maintenance and preservation program those owners have agreed to range anywhere from ordinary maintenance and repairs to restoration, to seismic retrofit. So the Board of Supervisors will hear those items before the end of this year in conjunction with Budget Analyst Office. 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. 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:** Roberto Hernandez – 4,000 households evicted  
 Andy Blue – Market rate development in the Mission District  
 Dino Adelfio – Transportation Corridors  
 Eric Arguello – Small businesses are being pushed out of the Mission.  
 Developments that benefit the community  
 Anastasia Glickstein – Natural Area Program DEIR

#### **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. [2014.0156T](#) (M. MOHAN: (415) 575-9141)  
REASONABLE MODIFICATION TO PERSONS WITH DISABILITIES SEEKING FAIR ACCESS TO HOUSING - Amendments to the Planning Code to establish a process for making and acting

upon requests for reasonable modifications for Persons with Disabilities to seek fair housing. The process will be established under Planning Code Section 305 under two procedures. The first procedure will be considered under an administrative variance procedure for ramps, parking without a structure, elevators, and habitable space within the permitted building envelope. All other requests will proceed under the standard variance procedure. Applicants will be required to provide grounds for the modification as well as documentation describing why the modification is necessary.

Preliminary Recommendation: Adopt a Recommendation for Approval

SPEAKERS: None  
 ACTION: Adopted a Resolution of Intent and scheduled a public hearing on November 6, 2014  
 AYES: Wu, Antonini, Fong, Hillis, Johnson, Richards  
 ABSENT: Moore  
 MOTION: 19260

- 9a. [2014.1399WX](#) (K. GUY: (415) 558-6163)  
181 FREMONT STREET - east side between Mission and Howard Streets, Lots 010-011 of Assessor's Block 3719 - **Request for approval of a Development Agreement** in association with a previously-approved project to demolish two existing buildings, and construct a new 52-story building, reaching a roof height of 700 feet, with a spire reaching a height of 800 feet, containing approximately 404,000 square feet of office uses, 74 dwelling units, 2,000 square feet of retail space, and 68,000 square feet of subterranean area with off-street parking, loading, and mechanical areas (Case No. 2007.0456EBKXV). Pursuant to the requirements of Section 249.28, a minimum of 15% of the dwelling units in the project would have been required to be affordable to, and occupied by, qualifying persons and families as defined by the Transbay Redevelopment Plan. The Project Sponsor proposes to enter into a Development Agreement (pursuant to Chapter 56 of the San Francisco Administrative Code) to exempt the Project from the requirements of Section 249.28 to provide the affordable dwelling units on-site, and to enable the payment of an in-lieu Affordable Housing Fee toward the development of affordable housing in the Transbay Redevelopment Project Area.  
 Preliminary Recommendation: Approve

SPEAKERS: + April Veneracion Ang, Aide to Supervisor Kim – Project support  
 + Courtney Pash – OCCl presentation  
 ACTION: Adopted a Recommendation for Approval  
 AYES: Wu, Antonini, Fong, Hillis, Johnson, Richards  
 ABSENT: Moore  
 RESOLUTION: 19261

- 9b. [2014.1399WX](#) (K. GUY: (415) 558-6163)  
181 FREMONT STREET - east side between Mission and Howard Streets, Lots 010-011 of Assessor's Block 3719 - **Request for a Downtown Project Authorization** to amend the conditions of approval for a previously-approved project to demolish two existing buildings, and construct a new 52-story building, reaching a roof height of 700 feet, with a spire reaching a height of 800 feet, containing approximately 404,000 square feet of office uses, 74 dwelling units, 2,000 square feet of retail space, and 68,000 square feet of subterranean area with off-street parking, loading, and mechanical areas (Case No.

2007.0456EBKXV). Pursuant to the requirements of Section 249.28, a minimum of 15% of the dwelling units in the project would have been required to be affordable to, and occupied by, qualifying persons and families as defined by the Transbay Redevelopment Plan. The Project Sponsor proposes to amend the conditions of approval for the previous Downtown Project Authorization to exempt the Project from the requirements of Section 249.28 to provide the affordable dwelling units on-site, and to enable the payment of an in-lieu Affordable Housing Fee toward the development of affordable housing in the Transbay Redevelopment Project Area.

Preliminary Recommendation: Approve with Conditions

SPEAKERS: Same as Item 9a.  
 ACTION: Approved with Conditions  
 AYES: Wu, Antonini, Fong, Hillis, Johnson, Richards  
 ABSENT: Moore  
 MOTION: 19262

10. [2013.0220X](#) (R. SUCRÉ: (415) 575-9108)  
815-825 TENNESSEE STREET - located at the southeast corner of 19<sup>th</sup> and Tennessee Streets, Lots 001A and 001B in Assessor's Block 4059 - **Request for a Large Project Authorization**, pursuant to Planning Code Sections 329 for the new construction of a five-story residential apartment building (measuring approximately 53-feet 10-inches high) with up to 69 dwelling units, 48 off-street parking spaces, 70 Class 1 bicycle parking spaces, 5 Class 2 bicycle parking spaces and common open space. The dwelling unit mix would consist of 26 one-bedroom units, 38 two-bedroom units, and five three-bedroom units. Under the LPA, the project is seeking a modification to certain Planning Code requirements, including: 1) rear yard (Planning Code Section 134); 2) open space (Planning Code Section 135); and 3) permitted obstructions over the street, setback, yard or useable open space (Planning Code Section 136). The subject property is located within the UMU (Urban Mixed-Use) Zoning District and a 58-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 October 9, 2014)

SPEAKERS: + Jonathan Emami – Project presentation  
 + Architect – Design presentation  
 - John Loomis – Not historic preservation, adaptive reuse  
 + Susan Eslick – Responsive developer  
 ACTION: Approved with Conditions as amended to require the Project Sponsor to continue working with staff on:  
 1. Potential retail component;  
 2. Windows in the brick building; and  
 3. 20<sup>th</sup> Street Facade  
 AYES: Wu, Antonini, Fong, Hillis, Johnson, Richards  
 ABSENT: Moore  
 MOTION: 19263

## 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.

- 11a. [2014.0688DV](#) (S. VELLVE: (415) 558-6263)  
240 - 242 ALMA STREET - north side between Shrader and Stanyan Streets; Lot 012 in Assessor's Block 1282- **Mandatory Discretionary Review**, pursuant to Planning Code Section 317(d), of Building Permit Application No. 2014.03.19.1083, proposing to reconstruct a one-unit residential building within the 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: Full Discretionary Review  
 Preliminary Recommendation: Do Not Take Discretionary Review and Approve

SPEAKERS: + John Kevlin – Project presentation  
 + Daniel Raven – Project sponsor presentation  
 - Steve Worthington – Opposed  
 - Dorothy Ponts – Opposed  
 - Carol Randy – Opposed to windows and roof garden  
 ACTION: No DR and Approved as Proposed  
 AYES: Wu, Antonini, Fong, Hillis, Johnson, Richards  
 ABSENT: Moore  
 DRA No: 0386

- 11b. [2014.0688V](#) (S.VELLVE: (415) 558-6263)  
240 - 242 ALMA STREET - north side between Shrader and Stanyan Streets; Lot 012 in Assessor's Block 1282 - **Request for Variances**, pursuant to Planning Code Sections 134 and 140 for rear yard and dwelling unit exposure exceptions - The project proposes to reconstruct a dwelling unit within the required rear yard of the subject property pursuant to Building Permit Application No. 2014.03.19.1083, within the 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.

SPEAKERS: Same as Item 11a.  
 ACTION: ZA Closed the PH and indicated an intent to Grant

12. [2014.0979D](#) (T. CHANG: (415) 575-9197)  
5420 MISSION STREET - north side of Mission Street between Ottawa and Foote Ave.; Lot 001B in Assessor's Block 7044A - **Request for Discretionary Review** of an application to operate a Medicinal Cannabis Dispensary d.b.a. SPARC. The project includes tenant improvements proposed under Building Permit Application 2014.0509.5362. The project is located within the Excelsior Outer Mission NCD (Neighborhood Commercial District) and



40-X Height and Bulk District. This action constitutes the Approval Action for the project for purposes of CEQA, pursuant to Section 31.04(h) of the San Francisco Administrative Code.  
Preliminary Recommendation: Take Discretionary Review and Approve with Conditions.

- SPEAKERS:
- + Robert Jacob – Project presentation
  - = Jeremy Pollack, Aide to Supervisor Avalos
  - (F) Speaker – Opposed
  - + Irwin Rosen – Sleep improvements, autistic son
  - Hugo Parisio – Opposition, change to the neighborhood
  - (F) Speaker – Negative impacts to the neighborhood
  - + Dan Rush – Union workers
  - Brian Webster – 2<sup>nd</sup> dispensary in the Excelsior
  - + Joshua Reisch – Safety team
  - = Captain Jose McFadden – Number of dispensary clubs in proximity with one another
  - Angela Chin – No more MCD's
  - Ed Breslin – Community impacts, organize the workers
  - Raquel Alvarez – Feels threatened
  - Angie Minken – Neighborhood is saturated
  - + Enrique Rodriguez – Access to good clean medicine
  - + Michael Smithwick – Support from SPARC
  - + Alexandra Kubick – Community services offered by SPARC
  - + Shawn Anthony Preskin – What a dispensary should be
  - + (M) Speaker – Support
  - Mi Oy Wong – Opposed
  - Daniel Emerong – Compassion program
  - + Josh Hopkin – Responsibility toward the community
  - + Keith Freeman – Ability to have choice
  - + Jessica – Raise the bar in dispensary behavior
  - + Susan Tibon – Patient and medicine driven
  - + Paul Hansbury – Right and wrong
  - + Anna Colon – A welcome neighbor
  - + Dana Sands – Support
  - + Bill Bowen – Support
  - + Ian McCullough – Acupuncture @ SPARC
  - + Kelsy Schnock – Professionals with the highest standards
  - + Dimitrius Daniels – Services
  - + Michael Karusow – Read letter into the record
  - + (F) Speaker – Read letter into the record
  - + Alexandra Butler – Model dispensary
  - + Zach Newman – Responsible dispensary
  - + Dalton Rooney – Support
  - Mark Jordan – Negative impact
  - + Craig Littman – Support, future legislation
  - Marlene Norman – Saturation
  - Lilliana Tedello – Not appropriate
  - Mauricio Orella – All about money
  - Monica Yonnyard – Opposed

- Joel Kanili – Opposed  
- Thomas Alvarez – Negative neighborhood impacts

ACTION: After hearing, and closing public comment; Continued to December 11, 2014

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

## 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))

SPEAKERS: Harvey Lang – Hunter’s Point safety  
Evny Yvonne McIntosh – Protection  
Mark Lipowitz – 577 Castro

ADJOURNMENT – 5:05 P.M.