

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, November 10, 2016
12:00 p.m.
Regular Meeting

COMMISSIONERS PRESENT: Fong, Richards, Hillis, Johnson, Koppel, Melgar, Moore

THE MEETING WAS CALLED TO ORDER BY PRESIDENT FONG AT 12:32 P.M.

STAFF IN ATTENDANCE: John Rahaim - Planning Director , Rich Sucre, Natalia Kwiatkowska, Jeffrey Speirs, Mary Woods, 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. 2016-005713CUA (C. ALEXANDER: (415) 575-8724)
224 TOWNSEND ST - northwest side of Townsend Street between Clyde Street and Ritch Street; Lot 013 in Assessor's Block 3787 (District 6) - Request for **Conditional Use Authorization**, pursuant to Planning Code Sections 303 and 817.30, to establish the permanent status of an existing temporary public parking garage use within the SLI (SOMA Service-Light Industrial) Zoning District and 65-X Height and Bulk District.
Preliminary Recommendation: Pending

(Proposed for Continuance to December 8, 2016)

SPEAKERS: None
 ACTION: Continued to December 8, 2016
 AYES: Fong, Richards, Hillis, Johnson, Koppel, Melgar, Moore

2. 2015-007042DRP (B. BENDIX: (415) 575-9114)
463 32ND AVENUE - west side between Geary Boulevard and Clement Street; Lot 006 in Assessor's Block 1464 (District 1) - Request for **Discretionary Review** of Building Permit Application No. 2015.06.02.7757 proposing the establishment of a second dwelling unit and vertical and rear horizontal additions to a two-story over garage, single-family house 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 as Amended
(Proposed for Continuance to January 26, 2017)

SPEAKERS: None
 ACTION: Continued to January 26, 2017
 AYES: Fong, Richards, Hillis, Johnson, Koppel, Melgar, Moore

- 3a. 2012.1409DRP (T. CHANG: (415) 575-9197)
799 CASTRO STREET - east side of Castro Street at 21st Street; Lot 024 in Assessor's Block 3603 (District 8) - Request for **Discretionary Review** of Building Permit Application No. 2014.0919.6883 proposing the change of use of an existing one-story commercial structure to a four-story single-family dwelling unit. The project also proposes a lot subdivision, resulting in two separate lots; the front lot containing a single family dwelling unit and the rear lot containing the existing two-unit residential structure. The property is within a RH-2 (Residential, House, Two-Family) Zoning 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 October 6, 2016)
WITHDRAWN

- 3b. 2008.0410V (T. CHANG: (415) 575-9197)
799 CASTRO STREET - east side of Castro Street at 21st Street; Lot 024 in Assessor's Block 3603 (District 8) - Request for **Variance** pursuant to Planning Code Section 121 for establishing a lot smaller than the minimum lot size; 132 for providing a front setback less than required; and 134 for providing a rear yard less than 45 percent of lot depth. The property is within a RH-2 (Residential, House, Two-Family) Zoning and 40-X Height and Bulk District.
 (Continued from Regular Meeting of October 6, 2016)
WITHDRAWN

B. COMMISSION MATTERS

4. Consideration of Adoption:

- [Draft Minutes for October 27, 2016](#)

SPEAKERS: None

ACTION: Adopted

AYES: Fong, Richards, Hillis, Johnson, Koppel, Melgar, 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 Richards:

In this morning's paper, The Examiner, the headline is Pot Task Force Urges Speed on SF Licenses, looks like the task force of 22 members came up with several items; many of them touching land use now that it appears that Prop 64 passed yesterday with a very good majority. I think we as a Department and a Commission need to look at this and figure this out, and really understand what the impact is, especially given the current regulations we have and I'm looking for, I guess some kind of a presentation by the task force or some type of an informational in the near future. I don't know what the date it's effective is, but I imagine it's in the near future, probably January? So, anyways that's in today's paper and some of the items were kind of eye opening. Additionally, Prop X passed yesterday with a majority that was the -- SOMA and Mission replacement of PDR. I'd love to have an informational on the impact of that, what it does to the pipeline, to the future, and maybe as part of the Central SOMA Plan, but touches it also touches obviously the Mission, maybe we can schedule that too.

Commissioner Moore:

I'd like to ask Director Rahaim perhaps to ask Mr. Albert or other people from transportation speak to us about 45,000 Uber/Lyft licenses and how we integrate that into transit first policies into non-designated parking zones and a pattern that it seems to be more disruptive at the moment than supportive for what is definitely possible, but under the current unregulated ways in how it interferes, that seems to cause more hardship than solutions. I'd like to see, particularly Mr. Albert is very visionary in the way he looks at problems solving; I'd like the Department to help us work through some of those questions.

Commissioner Fong:

Just a couple of items I like to support Commissioner Richards' request to get an update on the Cannabis Task Force. As you recall we've asked from this bench here, that that task force be formed. I think having hopes that some of the results and finding would be delivered to us before November 8th, so I support that if we can get that on the agenda as soon as possible that would be great. Just to inform, Commissioners, I was able to attend last night as a panelist on a forum at NK Think, a local architect Mark Miller, former SOM Architect, held a salon and it was about all the things that we suspect San Francisco

growth to be discussed: transit, housing, etc. One thing that was a little bit different and maybe not, but something for us to consider, is the real question that New York went through, the volume of housing, physical square footage, versus the actual density, number of people, and I think we have the same effect here of large units, in particular for sale condo units, which are not occupied, which are secondary third homes for people globally, which it is great, but the effect on the ground when you don't have occupation, or occupancy rather, at night when we see different areas in town when that is happening. So, I really would encourage this group as they are leaving the area, this office, to look at some of the towers, to see how many lights are on, when we left at 8 o'clock at night and in effect most of them were off. So, I don't necessarily want to start a dialogue, but I think it is interesting. Someone had recently mentioned the City of Vancouver just recently passed a vacancy tax, so if you're not, it's not your full-time residence, there is some sort of tax. I just want to bring that up for further thought.

Commissioner Moore:

I'm very supportive of putting those two issues as well as the ones I'm asking, on our things of work calendar -- action item list and act on them in kind of more expediently, because many of these things affect how we look at larger projects, and how we move forward and be constructive about having some answers to those questions would be great.

Commissioner Richard:

Just a follow up on your comments Commissioner Fong, the density issue is a question, I think, we've been talking about densification, we coupled that with the projects we're approving, the DRs as well as the Section 317 reforms, coupled with the average square foot house in San Francisco, that we -- was published a couple of weeks versus these the massive houses that we are proposing for, one or two individuals, it is something in the study or the informational maybe part as of the Section 317 or separate, we can look at to really get an understanding. My head spins when I hear every single dwelling in the City is a family size house, that can't be.

Commissioner Johnson:

Thank you very much, I also echo those comments, we touched on it briefly when we talked about how rent-controlled is used and all of those things that have to be some sort of other tools, I think Vancouver provides one example and there maybe others. We definitely need to explore those. Adding onto that, some of us were at lunch and we were talking about the same thing in regards to parking. We really need -- we talked about it occasionally, it'll come up in commentary, but I do think we need to make more of a continuous issue, to look at the adapted reuse of our underground and ground floor parking structures. We are starting to see huge upticks in the use of shared ride services and a decrease in car ownership, but yet we continue to approve projects that have one and two floors of underground parking, which is fine because you're developing that space; right? So, it something -- a space rather than nothing, but I think, we need to now be very active in thinking about what will those spaces be when half of the spaces or fewer are used by actual cars? Is it that we need to turn them into entryways for some of these services like Uber and delivery services rather than having loading spaces on the street? Are there other spaces that would be suitable for underground types of spaces, that these spaces be adaptively reused? I think we need to be more active about it because it appears that we're not about to move in the direction right now of abruptly not approving more parking, so we need to be thinking about how we are going to use these spaces in the future.

Commissioner Richards:

Just want to remind the Commission, that's on our action item list, and I think the repurposing could be a thread that we add to that presentation wherever that is going.

C. DEPARTMENT MATTERS**6. Director's Announcements****Director Rahaim:**

I was going to mention the follow-up work particularly those two ballot measures, the State Measure 64, which legalized cannabis. You actually have a memo in your packet today describing the specifics, that you will get today, in your packet for next week, and just one important point, that is that the Mayor yesterday issued an executive directive asking both the Planning Department and the Public Health Department to join develop regulations around this, and to remind you though, the actual – the way the proposition was worded, the sale of cannabis will not be legal until January of 2018. The state has to develop licensing regulations and all sorts of things so we have a year before, we will be working with you over the next month to develop the actual land use controls and locations that can actually sell cannabis, so that is something we will – and the memo also addresses the understanding of the relationship between what passed and MCDs, which I know is going to be of interest to you. The second measure, the local measure Prop X on the PDR replacement, that – we will be happy to have a discussion, we are going to have to have a discussion about that. We are going to quickly gear up to look at the impacts of that and which projects would be affected, how they would be affected, so that will take a bit of time, but probably in the early new year we'll come back to you with specific analysis of that as well. So, we're happy to do that, we are going to have, obviously those regulations go into effect as soon as the election is certified on the PDR replacements, so we are going to have to deal with pretty quickly with respect to existing projects that have PDR space. That concludes my presentation for today. Thank you.

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:

No Report

HISTORIC PRESERVATION COMMISSION:

No Report

D. 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: Tom Gilberti – Roof top gardens
 Moe Jamil – Office development
 Sue Hestor – unoccupied housing units, AAU

E. 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. [2014-001272PRJ](#) (R. SUCRE: 415-575-9108)
PIER 70 MIXED-USE DISTRICT PROJECT - located on the east side of Illinois Street between 20th and 22nd Street, Assessor's Block 4052 Lot 001; Block 4111 Lot 004; Block 4120 Lot 002; Block 4110 Lots 001 and 008A - **Informational Presentation** regarding the proposed project to rehabilitate and redevelop a portion of Pier 70 with new market-rate and affordable residential uses, commercial-office, retail light industrial-arts uses, parking, infrastructure development, including new street improvements, and public open space. The project site is owned by the Port of San Francisco, and is listed in the National Register of Historic Places as the Union Iron Works Historic District. The project site is located within M-2 (Heavy Manufacturing) and P (Public) Zoning Districts with 40-X and 65-X Height and Bulk Limits.

Preliminary Recommendation: None - Informational

SPEAKERS: = Richard Sucre – Staff Report
 + Jack Silvan – Forest City presentation
 + Kelly Pretzer – Development plan
 = Tom Gilberti – Climate change
 = Sue Hestor – MUNI issues

ACTION: None – Informational

9. [2016-008229CUA](#) (C. CLARKE: (415) 575-9184)
6439 CALIFORNIA STREET - between 26th and 27th Avenues, Lot 043 in Assessor's Block 1407 (District 1) - Request for **Conditional Use Authorization** pursuant to Planning Code Sections [303](#), [186](#), [717.44](#), to allow a change of use from an existing 1,540 square-foot Limited-Restaurant use (d.b.a. Tal y Tara Tea & Polo Shop) to a Restaurant (d.b.a. Tal y Tara Tea & Polo Shop) at the ground floor, the existing two-story mixed-use building within a RM-1 (Residential - Mixed, Low Density) Zoning District and 40-X Height and Bulk District, and within one-quarter-mile of the Outer Clement Street Neighborhood Commercial District. This action constitutes 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: = Colin Clarke – Staff Report
 + Sponsor – Project presentation

ACTION: Approved with Conditions

AYES: Fong, Richards, Hillis, Johnson, Koppel, Melgar, Moore

MOTION: 19775

10. [2016-001528CUA](#) (N. KWIATKOWSKA: (415) 575-9185)
2645 OCEAN AVENUE - at 19th Avenue, Lot 023 in Assessor's Block 7226 (District 7) - Request for **Conditional Use Authorization** pursuant to Planning Code Sections 303 and 710.21 to convert the existing individual medical uses into one large medical service of 21,313 gross square feet in an existing three-story structure within a NC-1 (Neighborhood Commercial Cluster) District and 26-X Height and Bulk District. The proposal includes interior alterations and new signage. The proposed use size requires CUA pursuant to Planning Code Section 710.21 since it is greater than 2,999 square feet. This action constitutes 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: = Natalia Kwiatkowska – Staff Report
+ Jody Knight – Project presentation
- Dr. Ziat Hannon – Impact, implementation
- Speaker – Parking, insurance
- Dr. Hope Cegars – Commercial tenant eviction
- Dr. David Chu – Existing leases
- ACTION: After hearing and closing public comment; Adopted a Motion of Intent to Disapprove and Continued to December 1, 2016
- AYES: Fong, Richards, Hillis, Johnson, Koppel, Melgar, Moore
- NAYES: Hillis
11. [2015-002653CUA](#) (J. SPEIRS: (415) 575-9106)
1016 DEHARO STREET - west side of De Haro Street, between 22nd and 23rd Streets, Lot 004 in Assessor's Block 4159 (District 10) - Request for **Conditional Use Authorization** pursuant to Planning Code Sections 303 and 317 to demolish an existing vacant & unsound one-story-over-basement single-family dwelling with a rear accessory structure, and to construct a new four-story over-basement, 40 foot tall, two-family dwelling within a RH-2 (Residential – House, Two Family) District and 40-X Height and Bulk District. The proposed project provides a code-complying rear yard, four off-street parking spaces, and a 17 foot front setback at the 4th floor. This action constitutes 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: = Jeff Speirs – Staff Report
+ Mark Demolata – Project presentation
= Bradford Adams – Shadow
- Speaker -
- ACTION: After hearing and closing public comment; continued to January 26, 2017
- AYES: Richards, Hillis, Johnson, Koppel, Melgar, Moore
- ABSENT: Fong
12. [2015-010069CUA](#) (J. SPEIRS: (415) 575-9106)
2441 MISSION STREET - east side of Mission Street, between 20th and 21st Streets, Lot 026 in Assessor's Block 3610 (District 9); Request for **Conditional Use Authorization** pursuant to Planning Code Section 186.1 and 303 to permit the expansion of an existing noncomplying use within a NCT Zoning District. The Project site is located within the Mission Street NCT (Neighborhood Commercial Transit) Zoning District and 55-X Height and Bulk District. The

project proposes an internal expansion of an existing Medical Cannabis Dispensary (dba Shambala) within the single-story building. The project would expand into the adjacent retail space at 2445 Mission Street. 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 of August 11, 2016)

SPEAKERS: = Jeff Speirs – Staff Report
 + Phillip Lesser – Project presentation
 + Al Shawn – Project presentation
 + Speaker – Project presentation
 - David Blackwell – Expansion of a non-conforming use
 + Leila Berder – Support
 + Mark Devito – Support
 + Nick Blake – Support
 + Andrew Hopkins – Support
 + Lena Gochayan – Support
 + Richard Barella – Support
 + Stell Adleman – Support
 + Speaker – Support
 + J. J. Hanley – Support

ACTION: Approved with Conditions
 AYES: Fong, Richards, Hillis, Johnson, Koppel, Melgar, Moore
 MOTION: 19776

F. 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. [2015-000904DRP](#) (D. VU: (415) 575-9120)
2201 MARKET STREET – southwest corner of Market and Sanchez Streets; Lot 001 in Assessor's Block 3559 – Request for **Discretionary Review**, of Building Permit Application No. 2012.10.07.8312 proposing to demolish an existing 3,788 sq. ft. commercial building and construct a new 15,040 sq. ft., six-story mixed-use building with 2,650 sq. ft. of ground floor commercial space, fourteen dwelling units, 1,955 sq. ft. of common and private open spaces and a 3,236 sq. ft. basement level garage with seven off-street parking spaces within the Upper Market NCT (Neighborhood Commercial Transit) Zoning District and 65-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
WITHDRAWN
14. [2014.1310DRP-02](#) (M. WOODS: (415) 558-6315)

255 SEA CLIFF AVENUE - south side between 27th Avenue and El Camino del Mar; Lot 019 in Assessor's Block 1308 (District 2) - Requests for **Discretionary Review** of Building Permit Application Nos. 2014.08.01.2760 and 2014.08.01.2761 proposing to demolish a two-story over garage, single-family house and construct a three-story-over-garage, single-family house within a RH-1 (D) [Residential, House, One-Family, Detached] 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 as Revised

SPEAKERS: = Mary Woods – Staff Report
 - Marlene Marseille – DR 1 presentation
 - Steve Williams – DR 2 presentation
 - Bad Smith – Negative impacts
 - Bruce Lepla – Opposition
 + Tom Funey – Project presentation
 + Louis Butler – Design presentation
 + Sheila Schroeder – Support
 + Fred Mulpino - Support

ACTION: Took DR and Approved with conditions:
 1. Limit occupiable area on the fourth level to a maximum area of 400 square feet; and
 2. Setback a minimum of five feet from the east and three and half feet from the west.

AYES: Fong, Richards, Johnson, Koppel, Melgar

NAYES: Hillis, Moore

DRA No: 0493

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 - 5:26 P.M.