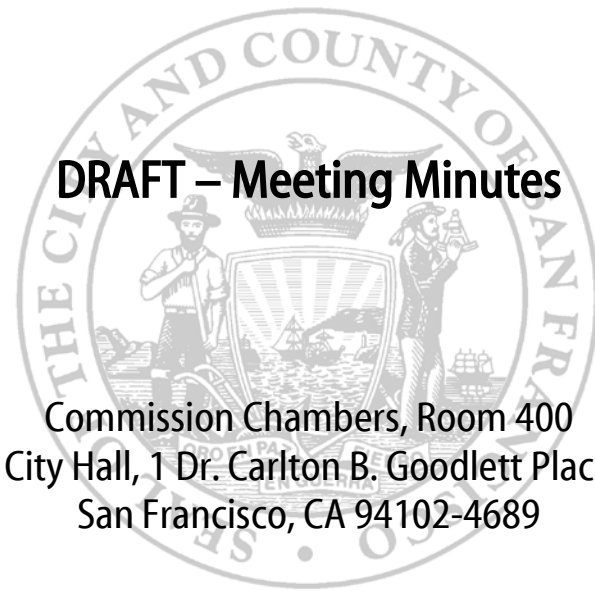


# SAN FRANCISCO PLANNING COMMISSION



## DRAFT – Meeting Minutes

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

**Thursday, February 23, 2017**  
**12:00 p.m.**  
**Regular Meeting**

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

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

**STAFF IN ATTENDANCE:** John Rahaim – Planning Director, Nicholas Foster, Kearstin Dischinger, Christine Haw, Kate Conner, Kimia Haddadan, Tina Chang, Todd Kennedy, Doug Vu, Jeff Horn, Jeffrey Speirs, 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. 2015-002653CUA (J. SPEIRS: (415) 575-9106)  
1016 DE HARO STREET - west side of De Haro Street, between 22<sup>nd</sup> and 23<sup>rd</sup> 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, 40-X Height and Bulk District. The proposed project provides a code-complying rear yard, three off-street parking spaces, and a 17 foot front setback at the 4<sup>th</sup> 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*

(Continued from Regular Meeting of January 26, 2017)

**(Proposed for Continuance to April 27, 2017)**

SPEAKERS: None  
 ACTION: Continued to April 27, 2017  
 AYES: Hillis, Richards, Fong, Koppel, Melgar, Moore  
 ABSENT: Johnson

## 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. [2016-013754CUA](#) (N. FOSTER: (415) 575-9167)  
323 OCTAVIA STREET - west side of Octavia, between Hickory and Oak Streets, Lot 023 in Assessor's Block 0831 (District 5) - Request for **Conditional Use Authorization** pursuant to Planning Code Sections 720.21, 720.44, and 303 to permit a new Restaurant Use (d.b.a. "Local Method") to exceed the use size limitations (3,000 square feet) established within the zoning controls for the Hayes-Gough Neighborhood Commercial Transit (NCT) District. The new restaurant would occupy a vacant, ground-floor tenant space measuring approximately 3,600 square feet, located within a new, mixed-use development located at the northwest corner of Octavia and Oak Streets. This development was previously approved by the Planning Commission in 2012 (Case No. 2011.0744C, Motion No. 18654). The restaurant would utilize the adjacent outdoor seating area/patio (Outdoor Activity Area), measuring approximately 400 square feet, for patrons of the restaurant. The restaurant includes brewery activities; as such, the project would utilize an ABC Type 75 License ("Brewpub"). The ABC Type 75 License authorizes the sale of beer, wine and distilled spirits for consumption on a Bona Fide Eating Place plus a limited amount of brewing of beer. Minor interior tenant improvements are proposed as part of the project, with no expansion of the existing building. 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: None  
 ACTION: Approved with Conditions  
 AYES: Hillis, Richards, Fong, Koppel, Melgar, Moore  
 ABSENT: Johnson

MOTION: 19858

**C. COMMISSION MATTERS**

3. Consideration of Adoption:

- [Draft Minutes for February 9, 2017](#)

SPEAKERS: None

ACTION: Adopted as Corrected

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

ABSENT: Johnson

4. 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:**

A couple, several things, first, I had lunch with the Director yesterday and he reminded us, President Hillis and I are about the pipeline and the number of units. Director if you could maybe state publically the numbers that you told us. They were pretty surprising and I was encouraged.

**Director Rahaim:**

Certainly, currently there are approximately 45,000 units that are fully entitled, that includes the big, what we call the big three projects: Park Merced, the Shipyard and Treasure Island, which are about half of that number. There is about 6,000 under construction, and there is another 3 or 4,000 at DBI for permits, and there are 4 or 5,000 that are kind of, that have had a building permit approved, but have not actually officially started construction.

**Commissioner Richards:**

Just a statement I'd like to make to the viewing public and to the audience, 45,000 units with about 6,000 started. There are other reasons why things don't get started, such as the building permit issuance, maybe financing, some other issues, so the pipeline is full of entitled units, and they should be coming online, hopefully as fast as they can. So, I want to make sure that everybody is aware of that. Secondly, it has come to our attention, specifically – it has come to my attention, specifically through the press that we have a discretionary review on 100 percent affordable housing that actually came before us as a CU. I recalled that when Supervisor Scott Wiener was trying to exempt 100 percent affordable projects by eliminating the CU, he stated here to us in the room that the neighborhood and the community and the individual people with grievances against the project could file a DR. I never in my mind thought we'd be hearing a CU unit having a DR. I think, I'd to put on our list, we already have it on the action item list, that this Commission look at ways we can try to avert these things, having to come back to us twice when we

already looked at as a CU and not a DR. A couple of other things, we talked about the health of the retail environment, we were very much worried about the amount of square footage coming on the market with all the new developments. I was heartened to see from Hoodline that Cole Hardware actually is opening up a store in North Beach. What is that?

**Commissioner Hillis:**

They already have it.

**Commissioner Richards:**

They already have opened a store in North Beach. Actually, in the site of we entitled to be the former Mama's restaurant that had not actually taken flight, so that's a success story, and also, I think, is going to go in Bernal Heights. Retail is not are not quite dead yet. One last thing that will probably come before us that is interesting, in the editorial of the Chronicle, Senator Wiener is proposing having bars to be closed at 4:00 A.M. He is saying local control will dictate whether we want that or not. There is some in the Chronicle came out against it, saying basically San Francisco is not competing with New York, Las Vegas and New Orleans for tourists. People are not coming here because we close our bars at 2:00 A.M. They also talked about having it both ways, that if we're trying to slow people down and not have them drink so they can get home, if we serve them at 4:00 A.M., that really defeats the whole purpose. So, it is something that we may be hearing here, good article in the Chronicle yesterday. In the future, if this bill were to pass and we were to actually determine whether or not we want to have bars open until 4:00 A.M. Thank you.

**D. DEPARTMENT MATTERS**

5. Director's Announcements

None

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

None

**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:** Paul Werner – Record requests, digital age, future access  
Sue Hestor – Google bus stops, housing for Silicon Valley  
Denise Renae – Live nation alcohol use  
Georgia Schuttish – 317

However, it would be fairly simple to delete Section 317 (b) (7) in order to preserve housing. If a Project Sponsor wants to reduced the size of a second unit by 20% to

25%, they could simply file a DR. Here is why it should be removed from the Planning Code:

It is illogical in two unit building, particularly in a pair of stacked flats, that one unit can be reduced in size, marginalized and relocated within a structure and thereby create one very large, expanded unit within the same structure that is really remodeled into a single family home.

It is logical that the Planning Commission should use its Discretionary powers to decide if this makes sense on a case by case basis.

**Please initiate this change and delete Section 317 (b) (7) from the Planning Code.**

Said – 79 Cragmont

Speaker – 79 Cragmont

Donald Dewsup – Housing delayed is housing denied

## 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.

7. [2017-001061PCA](#) (J. BINTLIFF: (415) 575-9170)

**CONTROLLER'S REPORT: ECONOMIC FEASIBILITY STUDY OF INCLUSIONARY HOUSING** - on February 13<sup>th</sup> Controller's Office issued the final report of the economic feasibility of inclusionary housing requirements in San Francisco. The findings and recommendations of the report will be discussed, including Technical Advisory Committee comments.

*Preliminary Recommendation: None – Informational Only*

**SPEAKERS:**

- = John Rahaim – Introduction
- = Jacob Bintliff – Staff report
- = Ted Egan – Controller's report
- + Supervisor Kim – Low and middle income housing needs
- = Ken Rich – Levels of affordability
- = Calvin Welch – How to produce affordable housing
- = Speaker – HAC response to report
- Bob Tillman – In-lieu fee and State density bonus program
- Sonja Transs – Feasibility study
- Laura Clarke – Bad assumptions
- Ramon Quintero – AMI increase
- Curtis Bradford – Real solution for housing
- Laura Sainai – Opposed to increasing AMI
- = Chiak Buhtka – Affordable housing
- = Theresa Imperial – Affordability, AMI
- = Peter Papadapolous – Micro economics
- = Daniel Boyd – Standard of living
- = Marilyn Duran – Low and middle income families
- = Jessie – Housing crisis
- = Chris Dorazo – Housing sustainability in SF
- = Fernando Martis – Prop C
- = Teresita Mval – AMI for affordable requirements

- = Andrew Rogge – Low income
- = Laura Dasse – Affordable housing
- Peter Cohen – AMI, State density bonus, family units
- Miriam – Shelters, housing
- Speaker – Raising AMI levels
- = Paul Werner – BMR housing, services
- = Sue Hestor – Rental housing
- = Donald Dewsnup – Market rate units
- = Rick Hall – Housing balance report
- = Maria Benjamin – Response to questions

ACTION: None – Informational

8. (C. HAW: (415) 558-6618)

CODE ENFORCEMENT PROGRAM - Informational Presentation providing an overview of the Department's Code Enforcement program. Staff will provide data on complaints and penalties.

*Preliminary Recommendation: None – Informational Only*

SPEAKERS: = Chris Haw – Staff Report

ACTION: None – Informational

9. (K. CONNER: (415) 575-6914)

INCLUSIONARY HOUSING MONITORING - Informational Presentation General overview on the Inclusionary Housing Monitoring Program, including annual rental housing income recertification, annual homeowner owner occupancy monitoring, and resale.

*Preliminary Recommendation: None – Informational Only*

SPEAKERS: = Kate Conner – Staff Report

= Maria Benjamin – Inclusionary Housing Monitoring

ACTION: None – Informational

10. [2017-001170PCA](#) (K. HADDADAN: (415) 575-9068)

ACCESSORY DWELLING UNITS AMENDMENTS TO COMPLY WITH STATE LAW - Planning Code Amendment bringing the requirements and procedures for authorizing the construction of Accessory Dwelling Units (ADUs) in single-family homes into conformity with the new mandates of state law; affirming the Planning Department's determination under the California Environmental Quality Act; making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1, and findings of public convenience, necessity, and welfare under Planning Code, Section 302; and directing the Clerk to send a copy of this Ordinance to the California Department of Housing and Community Development after adoption pursuant to state law requirements.

*Preliminary Recommendation: Adopt a Recommendation for Approval with Modification*

SPEAKERS: = Kimia Haddadan – Staff Report

+ Lee Hepner, Aide to Supervisor Peskin – ADU compliance w/State law  
Kanishka Karanaratne – Aide to Supervisor Ferrel – ADU Amendments

ACTION: Adopted a Resolution Recommending Approval with Staff Modifications

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

NAYES: Moore

RESOLUTION: 19859

- 11a. [2009.0159GPA](#) (T. CHANG: (415) 575-9197)  
1540 MARKET STREET (A.K.A. ONE OAK) - north side of Market Street, west of Van Ness Avenue, Lots 001, 002, 003, 004, and 005 in Assessor's Block 0836 (District 5) – Consideration of a Resolution of **Intent to Initiate** Amendments to the General Plan pursuant to Planning Code Section 340 to amend Map 3 (Height Districts) of the Market and Octavia Area Plan and Map 5 (Height and Bulk Districts) of the Downtown Area Plan, for a mixed-use building with approximately 300 dwelling units and ground floor retail. The General Plan Amendments would allow for a height swap between Lots 001 and 005 on Assessor's Block 0836.

*Preliminary Recommendation: Initiate*

SPEAKERS: = Tina Chang – Staff Report

+ Michael Yarne – Ht. swap

ACTION: Initiated with corrections read into the record by Staff

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

RESOLUTION: 19860

- 11b. [2014-000362MAP](#) (T. CHANG: (415) 575-9197)  
1540 MARKET STREET (A.K.A. ONE OAK) - north side of Market Street, west of Van Ness Avenue, Lots 001, 002, 003, 004, and 005 in Assessor's Block 0836 (District 5) – Consideration of a Resolution of **Intent to Initiate** Amendments to Zoning Map HT07 (Height & Bulk Districts) pursuant to Planning Code Section 302, for a mixed-use building with approximately 300 dwelling units and ground floor retail. The Zoning Map Amendment would allow for a height swap between Lots 001 and 005 on Assessor's Block 0836.

*Preliminary Recommendation: Initiate*

SPEAKERS: Same as Item 11a.

ACTION: Initiated with corrections read into the record by Staff

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

RESOLUTION: 19861

12. [2015-007183CUA](#) (T. KENNEDY: (415) 575-9125)  
79 CRAGMONT AVENUE - west side of Cragmont Avenue, located in the Inner Sunset Neighborhood, Lot 012 in Assessor's Block 2131A (District 7) - Request for **Conditional Use Authorization** to authorize the demolition of a 1700 square foot, one-story house and replace it with a 3,756 square foot, two – story house in its place pursuant Planning Code Sections 317, 209.1, and 303. The subject property is within a RH-1 (Residential House-Single 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 San Francisco Administrative Code Section [31.04\(h\)](#).

*Preliminary Recommendation: Approve with Conditions*

(Continued from Regular Meeting of January 26, 2017)

**Note: On January 26, 2017, after hearing and closing public comment the Commission adopted a motion of intent to Disapprove and Continued the matter to February 23, 2017 by a vote of +7 -0.**

SPEAKERS: Speaker – Support for continuance  
 Speaker – Support for continuance  
 ACTION: Continued to June 1, 2017  
 AYES: Hillis, Richards, Fong, Johnson, Koppel, Melgar, 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.

### 13. [2013.1330DRP](#) (D. VU: (415) 575-9120)

1900 MISSION STREET - southwest corner of 15<sup>th</sup> and Mission Streets, Lot 01 in Assessor's Block 3554 (District 9) - Request for **Discretionary Review** of Building Permit Application No. 2015.0708.0963, proposing to demolish the existing 1,690 sq. ft. automotive repair shop (dba Discount Auto Performance) and construct a 16,022 gross sq. ft., seven-story over basement, 75-foot tall mixed-use building that includes 805 sq. ft. of ground-floor commercial space, twelve dwelling units at all floors of the building, 1,370 sq. ft. of combined common and private open space and eighteen Class 1 bicycle parking spaces at the basement level within the Mission Street NCT (Neighborhood Commercial Transit) Zoning District and 80-B Height and Bulk 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: Do Not Take Discretionary Review and Approve*

SPEAKERS: = Doug Vu – Staff Report  
 - Peter Papadopolous – DR presentation  
 - Rick Hall – Cumulative impacts  
 - Speaker – Architecture  
 + Speaker – Project presentation  
 + Speaker - “ ”  
 + Sonja Transs – Support  
 + Doug Elliott - Rebuttal  
 ACTION: After hearing and closing public comment; Continued to April 13, 2017, with direction from the Commission.  
 AYES: Hillis, Richards, Fong, Johnson, Koppel, Melgar, Moore

### 14. [2014.1459DRMDRP-2](#) (J. HORN: (415) 575-6925)

214 STATES STREET - north side of States Street between Levant and Castro Streets, Lot 038 in Assessor's Block 2622 (District 8) - Request for **Discretionary Review** of Building Permit Application No. 2015.04.16.3876, proposing the addition of a ground floor garage and front entrance, a 1-story horizontal rear alteration of the 2<sup>nd</sup> floor, three new roof dormers and the enclosing of two existing front decks to create bay windows to an existing two-story single-family home. The project site 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 San Francisco Administrative Code Section 31.04(h).



Staff Analysis: Full Analysis

*Preliminary Recommendation: Do Not Take DR and Approve with Modifications*

(Continued from Regular Meeting of February 9, 2017)

SPEAKERS: Speaker – Support for continuance  
ACTION: March 9, 2017  
AYES: Hillis, Richards, Fong, Koppel, Melgar, Moore  
ABSENT: Johnson

- 15a. [2013.1705DDDD](#) (J. SPEIRS: (415) 575-9106)  
659 GUERRERO STREET - east side of Guerrero Street, between 18<sup>th</sup> and 19<sup>th</sup> Streets, Lot 56 in Assessor's Block 3588 (District 8) - Request for **Discretionary Review** of Building Permit Application No. 2013.03.26.3083 proposing proposes the addition of two dwelling units, and the construction of a vertical addition with roof deck, a rear exterior stair, and interior renovations to an existing three-story two-family residence within the RTO-M (Residential Transit Oriented - Mission) Zoning District and 45-X Height and Bulk District. This action constitutes the Approval Action for the project for the purposes of CEQA, pursuant to San Francisco Administrative Code Section [31.04\(h\)](#).  
Staff Analysis: Full Discretionary Review  
*Preliminary Recommendation: Do Not Take Discretionary Review and Approve*  
(Continued from Regular Hearing of February 16, 2017)

SPEAKERS: None  
ACTION: Withdrawn

- 15b. [2013.1705VAR](#) (J. SPEIRS: (415) 575-9106)  
659 GUERRERO STREET - east side of Guerrero Street, between 18<sup>th</sup> and 19<sup>th</sup> Streets, Lot 56 in Assessor's Block 3588 (District 8) - Request for **Variances** from Planning Code requirements for rear yard (Sec. 134), and dwelling unit exposure (Sec. 140), of Building Permit Application No. 2013.03.26.3083 proposing proposes the addition of two dwelling units, and the construction of a vertical addition with roof deck, a rear exterior stair, and interior renovations to an existing three-story two-family residence within the RTO-M (Residential Transit Oriented - Mission) Zoning District and 45-X Height and Bulk District.  
(Continued from Regular Hearing of February 16, 2017)

SPEAKERS: None  
ACTION: Acting ZA Continued to March 27, 2017

## 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 - 7:15 P.M.