

SAN FRANCISCO PLANNING COMMISSION



Meeting Minutes

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

Thursday, January 18, 2018
1:00 p.m.
Regular Meeting

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

THE MEETING WAS CALLED TO ORDER BY PRESIDENT HILLIS AT 1:11 PM

STAFF IN ATTENDANCE: John Rahaim – Director of Planning, Audrey Butkus, Jenny Delumo, Esmeralda Jardines, Elizabeth Gordon-Jonckheer, Richard Sucre, 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. 2016-005617DRP (M. CHRISTENSEN: (415) 575-8742)
1439-1441 SOUTH VAN NESS AVENUE – east side of South Van Ness Avenue, between 25th and 26th Streets; lot 021 of Assessor's Block 6526 (District 9) - Request for **Discretionary Review** of building permit application No. 2016.0809.4577 that proposes to legalize and alter the existing ground floor dwelling unit, construct vertical and rear additions to expand all units within the structure, and alter the façade of the structure within a RM-1 (Residential-Mixed, Low Density) District and 50-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: Take Discretionary Review and Approve with Conditions

(Continued from Regular hearing of December 21, 2017)

(Proposed Continuance to February 1, 2018)

SPEAKERS: None
 ACTION: Continued to February 1, 2018
 AYES: Hillis, Moore, Richards, Fong, Koppel, Melgar
 ABSENT: Johnson

2. 2014-003160CUA (D. VU: (415) 575-9120)
3314 CESAR CHAVEZ STREET – north side between Mission Street and South Van Ness Avenue - Lot 012 in Assessor's Block 6571 (District 9) - Request for **Conditional Use Authorization**, pursuant to Planning Code Sections 121.1 and 303 for the demolition of an existing 13,000 sq. ft. light industrial building and construction of a 65-ft. tall, six-story and 49,475 sq. ft. mixed-use building that includes approximately 11,430 sq. ft. of ground floor commercial retail and 48,365 sq. ft. of residential use for 58 dwelling units. The proposed project would also include a total 9,020 sq. ft. of private and common residential open space, 62 Class 1 bicycle parking spaces, and an approximately 6,300 sq. ft. basement-level garage for 27 accessory automobile and 1 car-share parking spaces. The subject properties are located within the Mission Street Neighborhood Commercial Transit (NCT) Zoning District and 65-X Height and Bulk District. This action constitutes the Approval Action for the project for the purposes of CEQA, pursuant to San Francisco Administrative Code Section [31.04\(h\)](#).
Preliminary Recommendation: Approve with Conditions
 (Continued from Regular Meeting of December 7, 2017)
(Proposed Continuance to February 8, 2018)

SPEAKERS: None
 ACTION: Continued to February 8, 2018
 AYES: Hillis, Moore, Richards, Fong, Koppel, Melgar
 ABSENT: Johnson

3. 2016-011486CUA (M. CHRISTENSEN: (415) 575-8742)
1713 YOSEMITE AVENUE – south side of Yosemite Avenue, at Lane Street; Lot 010 of Assessor's Block 5418 (District 10): Request for **Conditional Use Authorization**, pursuant to Planning Code Sections 210.4 and 303, to construct a 58-foot tall, five-story residential structure containing six dwelling units and four automobile parking spaces within the M-1 Zoning District at a 65-J 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\(h\)](#).
(Proposed Continuance to March 1, 2018)

SPEAKERS: None
 ACTION: Continued to March 1, 2018
 AYES: Hillis, Moore, Richards, Fong, Koppel, Melgar
 ABSENT: Johnson

4. 2016-012872CUA (N. TRAN: (415) 575-9174)
479 28TH STREET – south side of 28th Street Avenue, between Castro and Noe Streets, Lot 032 in Assessor’s Block 6612 (District 8) – Request for **Conditional Use Authorization** pursuant to Planning Code Sections 303 and 317, for a project proposing to demolish an existing one-story over basement single-family residence and construct a new three-story structure with two basement levels and two dwelling units. The project includes excavation, a new curb cut and associated landscaping. The subject property is located within a RH-2 (Residential-House, Two-Family) Zoning District with 40-X Height and Bulk designation. This action constitutes the Approval Action for the project for the purposes of CEQA, pursuant to San Francisco Administrative Code Section [31.04](#)(h).
(Proposed Continuance to March 1, 2018)

SPEAKERS: Brett Gladstone – Request for continuance
 ACTION: Continued to March 1, 2018
 AYES: Hillis, Moore, Richards, Fong, Koppel, Melgar
 ABSENT: Johnson

5. 2009.1011ENX (L. HOAGLAND: (415) 575-6823)
1863 MISSION STREET – east side of Mission Street, between 14th and 15th Streets; Lot 033 in Assessor’s Block 3548 (District 9) – Request for **Large Project Authorization**, pursuant to Planning Code Section 329 and the Mission 2016 Interim Controls (Planning Commission Resolution No. 19865), to construct a four-to-seven story (measuring approximately 39-foot, 7-inches to 66-foot tall), 37,441 sq. ft. mixed-use building with 37 dwelling units, approximately 1,425 sq. ft. of ground floor retail use, and 16 off-street parking spaces. The project is seeking exceptions to the Planning Code requirements for the rear yard (Planning Code Section 134) and street frontage (Planning Code Section 145.1). The project site is located within a Mission Street NCT (Mission Street Neighborhood Commercial Transit) Zoning District, and 40-X/65-X Height and Bulk Districts. 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
WITHDRAWN

SPEAKERS: None
 ACTION: Withdrawn
 AYES: Hillis, Moore, Richards, Fong, Koppel, Melgar
 ABSENT: Johnson

B. COMMISSION MATTERS

6. Commission Comments/Questions

None

7. Election of Officers: In accordance with the Rules and Regulations of the San Francisco Historic Preservation Commission, the President and Vice President of the Commission shall be elected at the first Regular Meeting of the Historic Preservation Commission held after the first day of January each year; or at a subsequent Meeting, the date of which is

fixed by the Historic Preservation Commission at the first Regular Meeting after the First day of January each year or at a subsequent meeting.

SPEAKERS: None
ACTION: Hillis – President; Melgar – Vice-President
AYES: Hillis, Moore, Richards, Fong, Koppel, Melgar, Johnson

C. DEPARTMENT MATTERS

8. Director's Announcements

Director John Rahaim:

I wanted to make a few comments related to the condo conversion rules in light of the hearing last week and kind of talk to you a little bit about what we do and don't do with respect to condo conversion analysis, if you will. In general, when we do the analysis with Public Works and know of an eviction or buy-out, that can, in itself, cause the project not to move forward before it even gets to you; as a reminder, you review only a five or six-unit condominium conversions. So, and it depends on the type of tenant evicted when the tenant was evicted and so on and so forth. We just, as a reminder, we are, what's called the referral agency, DPW is the lead. So DPW accepts the application and we receive that referral from the Department of Public Works when they determine that they -- that the application is -- the project is eligible for conversion. Now under current procedures, the referral does not include the eviction history per se but it does include an affidavit from the owner stating that there have been no evictions. This is similar to any application where the applicant signs that everything is correct and true and all that good stuff. So, as you know, per the subdivision code, the commission "shall deny the application if there is elderly or permanent disabled tenants displaced or discriminated against in leasing the units or evictions have occurred for the purpose of preparing the building for a conversion." The challenge is that the ordinance doesn't define what an eviction is; it's pretty clear that it goes beyond what the Rent Board sees, but as you learned last week, the definition of when an eviction actually occurs can be a little bit of an undefined. So, we are working with Public Works to try to see if what we can do to correct this, to prevent the kind of situation we had last week from even getting to you to begin with and what we're going to do is, first of all, work with Public Works to see if we can dig -- dig deeper into the actual eviction history rather than only relying on the affidavit. Number two, we will include a copy of the actual application affidavit in your report so that you can see the actual information that's submitted because that was the crux of the issue last week where there was a concern that the -- that there was a discrepancy in the application from what had actually happened. So, I'll continue to report to this -- on this issue as we move forward. The good news is that this hasn't come up very often with the condo conversion process, but I don't think any of us want a repeat of what happened last week. So, we'll do our best to prevent that from happening. Thank you.

Commissioner Richards:

I guess at some point, Director Rahaim, if you can give us the background on why we approve those and not 3 and 4 unit buildings, why just 5 and 6; is it just some type of holdover from some prior law. Really, I'm not understanding why it's just that very specific five and six-unit building.

Director John Rahaim:

I can get you that information. It had to do with the condo conversion ordinance that was passed I think about three years ago and it specified that number. I can't remember the rationale behind it, but I will get that for you.

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

BOARD OF SUPERVISORS:

None

BOARD OF APPEALS:

None

HISTORIC PRESERVATION COMMISSION:**Tim Frye, Preservation Officer:**

Here to share with you a couple of items from yesterday's Historic Preservation Commission hearing. Notably the Commission provided review and comment on three national register nominations. One was to amend the Coit Tower national register nomination to clarify its national significance, primarily under Criterion C for art as the largest -- or the single largest public works art project in the country, aspects of life in California from 1934. The Commission also provided a positive recommendation for the national register nomination of the 3543 18th Street, also known as the Women's Building. The Women's Building is being listed to the National Register specifically as for its association of with second wave feminism in one of the late 20th century's most consequential social movements and as a location for the struggle for women's rights was linked to additional community struggles including those of marginalized, racial and ethnic communities, LGBTQ people, immigrants and others. Then finally the Commission provided a positive recommendation for the national register nomination of 220 Golden Gate Avenue, also known as the Historic YMCA. This is in completion of a 2012 tax credit project where the national register listing is a final requirement of that project. The YMCA is significant as the area of education for its association with the Golden Gate University, one of the few universities to grow out of the educational programs offered by the YMCA and as a fine example of renaissance revival-style architecture. Other than that, the commission decided to continue its election of officers to its February 7th hearing. That concludes my comments unless you have any questions.

Commissioner Richards:

One quick question, Mr. Frye, national register nomination, or actually on the register versus local landmark, if you can very briefly, what is the difference in terms of level of protection that the resource has.

Tim Frye, Preservation Officer:

Great question; the national register doesn't provide any sort of local binding protection other than through the CEQA process. However, as a certified local government, our Historic Preservation Commission provides review and comment to changes to those buildings or to list those buildings on the national register. We send our comments to the State Commission for review and comment.

Commissioner Richards:

So, is one of these buildings, the Women's Building, eligible for the state register now because it is on the national register?

Tim Frye, Preservation Officer:

That is correct. Well, once a building is listed on the national register, it is automatically listed on the California register.

Commissioner Richards:

Okay and those are protected --

Tim Frye, Preservation Officer:

Well, through CEQA and through the Federal and State regulatory processes. A local entitlement would not be required such as a Certificate of Appropriateness until they're designated at the local level.

Commissioner Richards:

Okay and that was like housing accountability, density, all of those kinds of laws exempt California register properties.

Tim Frye, Preservation Officer:

Correct.

Director John Rahaim:

If I could, just to follow up, there are controls that would come into play if there were Federal or State dollars used for the project, right? Not that often. For example, if it is a public building, we might have Federal or State dollars attached then there is a level of review that would kick in.

Tim Frye, Preservation Officer:

Correct.

Commissioner Melgar:

I was going to just -- correct me if I'm wrong, doesn't this -- being on the federal register also make them eligible for certain types of funding?

Tim Frye, Preservation Officer:

Absolutely.

D. GENERAL 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. Each member of the public may address the Commission for up to three minutes.

SPEAKERS: J. Dratler – Code enforcement

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.

10. [2017-013096MAP](#) (A. BUTKUS: (415) 575-9129)
BURNETT AVENUE AND BURNETT AVENUE NORTH – **Zoning Map Amendment** revising Sheet ZN06 to rezone Assessor’s Parcel Block No. (AB) 2719C, Lot No. 023, located at Burnett Avenue and Burnett Avenue North, from Public (P) to Residential, Mixed Districts, Low Density (RM-1); rezoning a portion of Burnett Avenue North generally bounded by AB 2745, Lot No. 036, and AB 2719C, Lot No. 023, to RM-1; 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 adopting findings of public necessity, convenience, and welfare under Planning Code, Section 302.

Preliminary Recommendation: Approve

(Continued from Regular hearing on December 21, 2017)

Note: On December 21, 2017, after hearing and closing public comment, the Commission Continued the matter to January 18, 2018, by a vote of +4 -3 (Fong, Johnson, Koppel against).

SPEAKERS: = Audrey Butkus – Staff report

ACTION: Approved

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

RESOLUTION: 20092

11. [2015-011274ENV](#) (J. DELUMO: (415) 575-9146)
150 EUREKA STREET – on the block bounded by 18th Street to the north, Eureka Street to the east, 19th Street to the south, and Douglass Street to the west (Assessor’s Block 2692, Lot 007) – Public Hearing on the **Draft Environmental Impact Report**. The project site is currently developed with a two-story approximately 29-foot-tall wood-frame building, which most recently housed the Metropolitan Community Church of San Francisco. The proposed project would demolish the existing church building and construct two four-story buildings each with a total of two residential units, for a total of four residential units on the site. The two buildings would total approximately 14,441 gross square feet in size and would not exceed 40 feet in height. Each building would include a four-car garage and two class 1 bicycle parking spaces, for a total of eight vehicle parking spaces and four class I bicycle parking spaces. The project site is located in a Residential House-Two-Family (RH-2) District and 40-X Height and Bulk District.

Note: Written comments will be accepted at the Planning Department until 5:00 p.m. on January 23, 2018.

Preliminary Recommendation: Review and Comment

SPEAKERS: = Jenny Delumo – Staff report

= Glen Jordan – LGBTQ

= Kristine Poggioli – Yellow brick road

= Marc Minardi – Bricks

= Barbara Buckley – History and significance
 - Dennis Edelman – LGBTQ community

ACTION: Reviewed and Commented

12. [2016-001557IMP](#) (E. JARDINES: (415) 575-9144)
188 HOOPER STREET; 1140 7TH STREET; AND 1111 8TH STREET AS WELL AS MULTIPLE PROPERTIES OWNED OR LEASED BY THE CALIFORNIA COLLEGE OF THE ARTS (CCA) LOCATED IN THE CITY AND COUNTY OF SAN FRANCISCO – Notification by the Zoning Administrator of the filing of an **Institutional Master Plan (IMP)** for California College of the Arts (CCA). Pursuant to Planning Code Section 304.5, the Planning Commission must hold a public hearing upon receiving a current IMP. This public hearing is for receipt of public testimony only. Receipt of this IMP does not constitute approval or disapproval of any proposed projects contained in the IMP by the Planning Commission. The IMP contains information on the nature and history of the institution, the location and use of affiliated buildings, and institutions’ development plans. The IMP is available for viewing on the Planning Department’s website at: <http://www.sfplanning.org>, click on “Resource Center”, then “Department Publications A-Z”, then scroll to “I” for Institutional Master Plans. The IMP is also available for public viewing at the Planning Department’s Public Information Center located at 1660 Mission Street, 1st Floor, and at the Planning Department’s reception area located at 1650 Mission Street, 4th Floor.
Preliminary Recommendation: None – Informational

SPEAKERS: = Esmeralda Jardines – Staff report
 + David Meckel – IMP presentation
 + Steve Wiesenthal – Campus
 + Stanley Saitowitz – Design
 + J.R. Eppler – History of the relationship
 + Sue Hestor – Support

ACTION: Closed Public Hearing

- 13a. [2016-004823ENX](#) (E. JARDINES: (415) 575-9144)
744 HARRISON STREET – northwest corner of Harrison and Lapu Lapu Streets, on Lots: 028 and 054 in Assessor’s Block 3751 (District 6) – Request for a **Large Project Authorization**, pursuant to Planning Code Section 329, to construct a new 85-foot tall eight-story mixed-use building with a ground floor 1,234-square foot restaurant and an outdoor activity area, a 22,148- square foot tourist hotel (50 rooms), and 5,246 square feet of group housing (9 rooms with a common kitchen, dining, and living area) on the upper floors. Under the LPA, the Project is seeking exceptions to the Planning Code requirements for rear yard (Planning Code Section 134), usable open space (Planning Code Section 135) and street frontage active use (Planning Code 145.1). The proposed project is located within a Mixed Use Office (MUO) Zoning District, a SOMA Youth and Family Special Use District and 85-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 hearing on November 16, 2017)

SPEAKERS: = Esmeralda Jardines – Staff report
 + Tom Tunney – Project presentation
 + Speaker – Design presentation

- + Paul Berrera – Support
- + John Elberling – Welcomed project
- + Speaker – Union support
- + Bernadet Pea – Support

ACTION: Approved with Conditions
 AYES: Hillis, Moore, Richards, Fong, Koppel, Melgar
 ABSENT: Johnson
 MOTION: 20093

- 13b. [2016-004823CUA](#) (E. JARDINES: (415) 575-9144)
744 HARRISON STREET – northwest corner of Harrison and Lapu Lapu Streets, on Lots: 028 and 054 in Assessor’s Block 3751 (District 6) – Request for a **Conditional Use Authorization**, pursuant to Planning Code Sections 202.2, 249.40A, 303 and 842, to establish a hotel in the MUO Zoning District and a restaurant within the SOMA Youth and Family Special Use District. The proposed project includes demolition of the existing two-story office building and new construction of a new 85-foot tall eight-story mixed-use building with a ground floor 1,234-square foot restaurant and an outdoor activity area, a 22,148 square foot tourist hotel (50 rooms), and 5,246 square feet of group housing (9 rooms with a common kitchen, dining, and living area) on the second and third floors within a Mixed Use Office (MUO) Zoning District, a SOMA Youth and Family Special Use District and 85-X Height and Bulk District.
Preliminary Recommendation: Approve with Conditions
 (Continued from Regular hearing on November 16, 2017)

SPEAKERS: Same as Item 13a.
 ACTION: Approve with Conditions as amended to include that if there were to be significant design changes, the project would be reviewed by the Planning Commission.
 AYES: Hillis, Moore, Richards, Fong, Koppel, Melgar
 ABSENT: Johnson
 MOTION: 20094

14. [2015-002825CUA](#) (E. JONCKHEER: (415) 575-8728)
1965 MARKET STREET – southern side of Duboce Avenue at the corner of Duboce Avenue and Market Street, between Guerrero Street and Clinton Park; Lots 58, 59, 61, and 62 in Assessor's Block 3534 (District 8) – Request for a **Conditional Use Authorization**, pursuant to Planning Code Sections 121.1, 121.7 and 303, for the Development of a Large Lot in a Neighborhood Commercial Zoning District, and for the Merger of Lots creating a lot greater than 5,000 square feet, in the Residential Transit Oriented Zoning District, for the proposed project consisting of demolition of a portion of the existing 13,500 square foot building at 1965 Market Street (Lot 058), removal of the approximately 9,000 square foot surface parking lot (Lots 059, 061, and 062) along Duboce Avenue, and construction of a 102,744 square foot 75- to 85-foot high mixed-use building containing 96 dwelling units and including retention of approximately 3,760 square foot of the existing ground-floor retail within a Moderate Scale Neighborhood Commercial Transit (NCT-3), Residential Transit Oriented District (RTO) Zoning Districts, and 40-X, 50-X and 85-X Height and Bulk Districts, and the Market and Octavia Area Plan. The proposed project would utilize the State Density Bonus Law (California Government Code Sections 65915-65918), and proposes a waiver from the 50-foot height limit applicable to that portion of the lot within

the 50-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

SPEAKERS: = Elizabeth Gordon-Jonckheer – Staff report
 + David Crowler – Project presentation
 = Robert Ludden – Re-design the project
 - Erevan O’Neil – 35’ setback, de-watering, bedrock asbestos
 + Corey Smith – Support
 - Speaker – Neighborhood character, parking
 + David Baker – Response to questions
 ACTION: Approved with Conditions as amended by Staff
 AYES: Hillis, Moore, Johnson, Fong, Koppel, Melgar
 ABSENT: Richards
 MOTION: 20095

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.

15. [2014.0936DRP](#) (E. JARDINES: (415) 575-9144)
590 LELAND AVENUE – located on the north side of Leland Avenue and west of Hahn Street; Lots: 061, 062, 063, 064, 065 in Assessor’s Block 6243 (District 10) - Request for **Discretionary Review** of Building Permit Application No. 2014.06.06.7762, proposing the demolition of an existing church and construction of five new three-story, single-family homes (addressed as 579, 583, and 589 Raymond Avenue, and 586 and 596 Leland Avenue). The Project is located 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 San Francisco Administrative Code Section [31.04\(h\)](#).
 Staff Analysis: Full Discretionary Review
Preliminary Recommendation: Do Not Take Discretionary Review and Approve
Note: On January 12, 2017, after hearing and closing public comment, Continued to March 2, 2017 by a vote of +4 -2 (Johnson, Koppel against; Fong absent). On March 2, 2017, without hearing, Continued Indefinitely by a vote of +6 -0 (Johnson absent). On November 2, 2017, without hearing, Continued to January 18, 2018 by a vote of +5 -1 (Moore against; Richards absent).

SPEAKERS: = Esmeralda Jardines – Staff report
 - Fran Martin – DR presentation
 - Chris Barnett – Opposition
 - Speaker – Connectivity
 - Herman Yee – Opposition
 - Linda Liteniser – Community garden

- Adrienne Bolseggt – Gardens, neighborhood children
- Charlotte Hill – Opposition
- + Gary Gee – Project presentation
- + Corey Smith – Private property not park owned
- + David Rubenstein – Response to questions

ACTION: Took DR and Approved with the condition that the 598 Leland site maintain the 25' module for consistency.

AYES: Hillis, Moore, Fong, Koppel, Melgar

ABSENT: Richards, Johnson

DRA: 0574

ADJOURNMENT – 4:39 PM
ADOPTED FEBRUARY 1, 2018