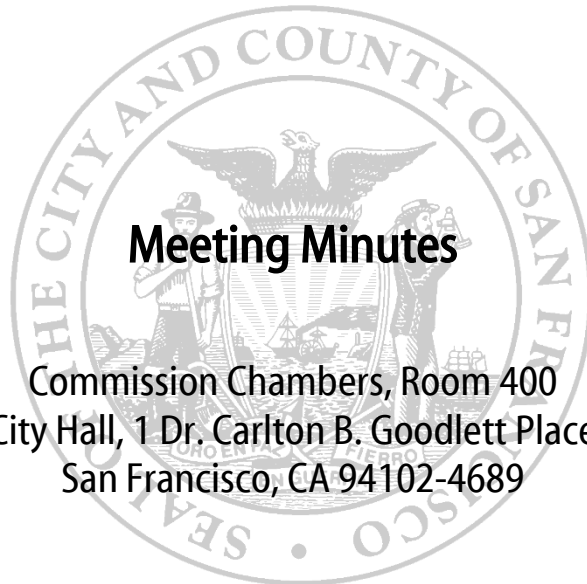


# SAN FRANCISCO PLANNING COMMISSION



## Meeting Minutes

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

**Thursday, April 18, 2019**

**1:00 p.m.**

**Regular Meeting**

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

**THE MEETING WAS CALLED TO ORDER BY PRESIDENT MELGAR AT 1:07 PM**

**STAFF IN ATTENDANCE:** Svetha Ambati, Teresa Ojeda, Miriam Chion, David Weissglass, Michael Christensen, John Rahaim – Planning Director, 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. 2019-002217PCA (A. BUTKUS: (415) 575-9129)  
LEGITIMIZATION PROGRAM FOR CERTAIN NON-RESIDENTIAL USES AT 3150 18<sup>TH</sup> STREET (BOARD FILE NO. 190165) – **Planning Code Amendment** to establish a legitimization program for certain Non-Residential Uses at 3150 18<sup>th</sup> Street (Assessor's Parcel Block No. 3573, Lot No. 106); affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General

Plan, and the eight priority policies of Planning Code, Section 101.1, and findings of public necessity, convenience, and welfare under Planning Code, Section 302.

(Continued from canceled hearing on March 21, 2019)

**(Proposed Continuance to May 9, 2019)**

SPEAKERS: None  
 ACTION: Continued to May 9, 2019  
 AYES: Hillis, Johnson, Koppel, Melgar, Moore, Richards

2. [2017-009224CUA](#) (M. WOODS: (415) 558-6315)  
601 VAN NESS AVENUE – west side of Van Ness Avenue; Lot 027 in Assessor’s Block 0762 (District 5) – Request for **Conditional Use Authorization** pursuant to Planning Code Sections 202.4 and 303(j) to discontinue a Movie Theatre use (Opera Plaza Cinema) of approximately 6,380 square feet and propose a Retail Sales and Service use within a RC-4 (Residential-Commercial High Density) Zoning District, the Van Ness Avenue Special Use District, and 130-V 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 February 21, 2019)

**(Proposed for Indefinite Continuance)**

SPEAKERS: None  
 ACTION: Continued Indefinitely  
 AYES: Hillis, Johnson, Koppel, Melgar, Moore, Richards

13. [2017-013841DRP](#) (D. WINSLOW: (415) 575-9159)  
295 COSO AVENUE – at Bonview; Lot 025 in Assessor’s Block 5521 (District 9) – Request for **Discretionary Review** of Building Permit Application No. 2017.1020.1854 for a 3<sup>rd</sup> story vertical addition to a two-story one-family house 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).

*Preliminary Recommendation: Do Not Take Discretionary Review and Approve*

**WITHDRAWN**

SPEAKERS: None  
 ACTION: Withdrawn

## B. CONSENT CALENDAR

All matters listed hereunder constitute a Consent Calendar, are considered to be routine by the Planning Commission, and may be acted upon by a single roll call vote of the Commission. There will be no separate discussion of these items unless a member of the Commission, the public, or staff so requests, in which event the matter shall be removed from the Consent Calendar and considered as a separate item at this or a future hearing

3. [2019-000475CND](#) (K. WILBORN: (415) 575-9114)

863 HAIGHT STREET – north side of Haight Street, between Divisadero and Scott Streets; Lot 029 in Assessor’s Block 1239 (District 5) – Request for **Condominium Conversion Subdivision** to convert a three-story, five-unit building into residential condominiums within a RH-3 (Residential-House, Three Family) District and 40-X Height and Bulk District. This action constitutes the Approval Action for the project for the purposes of CEQA, pursuant to San Francisco Administrative Code Section [31.04\(h\)](#).

*Preliminary Recommendation: Approve*

SPEAKERS: None  
 ACTION: Approved  
 AYES: Hillis, Johnson, Koppel, Melgar, Moore, Richards  
 MOTION: [20428](#)

## C. COMMISSION MATTERS

4. Consideration of Adoption:
- [Draft Minutes for April 4, 2019](#)

SPEAKERS: None  
 ACTION: Adopted  
 AYES: Hillis, Johnson, Koppel, Melgar, Moore, Richards

5. Commission Comments/Questions

### **Commissioner Moore:**

I'd like to do a shout out to the Planning Department for an incredible performance at the National APA Conference that started last Friday and ended on Tuesday. Just to test basics, I actually chose two mobile workshops to anchor myself really in the discussion and see how we together really do. What are the on-ground results of what we do, and I chose the Mission District Displacement and Stabilization Workshop and the San Francisco Accessory Dwelling Units. Those were excellent workshops and I can remove myself from having a stake in this discussion but look at it in terms of what are we communicating to others who do look for us as a learning laboratory. And I thought the presentations were excellent. And I wish in a certain way that some of us sometimes have to benefit to look at the results of what we're doing, not to participate just in the process. And I'm seeing that particularly with respect to Accessory Dwelling Units, where I was able, being myself quite critical of that process, saw three or four real success stories of how it should be done. We mostly hear in DR, hear the things of how it should not be done, but I think the Department as it set themselves have learned a lot and I wish sometimes Director Rahaim, that the Department would make a presentation of what has really worked; what has really created results of livable, attractive accessory dwelling units and where do we still have problems because we still have not eliminated problems. So, all in all, I was very, very impressed. I also participated in a seminar on the SF Cultural District, strategically intercepting gentrification. Something which everybody across the country is concerned about, and here again, really well presented and a lot to learn and I'm very, very happy to send my thank you to the Department in everything they did.

**Commissioner Richards:**

Couple of news worthy item. The Los Angeles City Council 12-0 this week; 12-0 last week and this week against SB50, 12-0. I know we voted 9-2 and I guess my question is do we know whether the mayor signed it, vetoed it, or pocket vetoed it?

**Director Rahaim:**

I'm sorry. I don't know at this point. I've been tied up with the conference. I haven't heard the latest news. I can certainly find out.

**Commissioner Richards:**

Okay great. And interesting enough there was an opinion piece in the Examiner last Thursday, that's why I didn't bring it up on Thursday, by Cindy Wu and Norma Garcia. Cindy was a former Planning Commissioner. Apparently, she has, they drew a map of the Mission and talked about the sensitive communities and how the process works under SB50 and it looks like it's by census tracking. Literally, you can have somebody across the street from the census track, in a sensitive community or outside of the sensitive community. So when - - and it talks about displacement and how neighborhoods should be looked at in their entirety. When we have an update on SB50, if we can at least try to understand how this does work, I would really appreciate it. I know there were amendments made to the bill, March 11<sup>th</sup> as well, which weren't in our March 14<sup>th</sup> review. So that would be nice to understand too. One other thing, "As the economy grows, the wealth gap widens racially". San Francisco ranks a miserable 84<sup>th</sup> out of 100 in US metropolitan areas on wealth between races. White folks on average earn \$70,200 and African-Americans and minorities earn an average of \$41,500 and that gap is widening. And lastly, I know everybody read this but "Building costs soar to the top" in the Chronicle. We're the most expensive place to build -- I believe in the world, even surpassing New York's. So perhaps, all those units that we have sitting in the pipeline are not getting built because construction costs are so high at this point.

**Commissioner Johnson:**

Thanks. I just wanted to name that this week we got an e-mail stating that the Planning Department had 100 percent of existing staff have gone through basic Racial and Social Equity training. Which is very exciting and there was an invitation for us as commissioners to get trained as well. So, I'm really excited about that being completed and really excited for the opportunity of myself and my fellow commissioners to take that basic training as we continue to expand our Racial and Social Equity frame works.

**D. DEPARTMENT MATTERS****6. Director's Announcements****John Rahaim, Planning Director:**

Thank you, good afternoon everyone. I was also going to make a comment of the conference. It turns out we learned on Wednesday at the close of the conference that the Planning conference attracted a record number of attendees, about 60,500 came to the conference. And, I heard nothing but great reviews of the City and the conference from my colleagues. It was, it is often gratifying, you know, we are -- on our day-to-day work we sort of take our city for granted and only focus on the challenges, and I think it was

gratifying to hear other folks come from other places say what a great place this is. So, I was very gratified and very pleased at the results.

Secondly, Commissioners, I'm not sure, you may be aware of this housing legislative working group that ABAG and MTC has convened. The Mayor has asked me and Ken Rich to represent the City on that task force. It is meeting weekly for seven weeks. It's a fairly big-time commitment. We've had two meetings. I attended the first, was not able to attend the second and the purpose of this working group that was convened fairly quickly at the request of several ABAG and MTC board members to analyze the huge number of bills that are pending in Sacramento, of which I believe there are 240. So that group is a group of representatives from all nine counties. The staff of ABAG and MTC are kind of doing analysis of the most pertinent of the bills. They've identified 36 that they think are will have the most impact and they're going through a fairly rigorous analysis process of the -- you know, the impacts of those bills. Obviously, it's not just San Francisco focus, but regionally focused and statewide focused. So, these meetings are open to the public. The next one is this evening at 7:00 PM at the Metro Center on Beale Street. They are weekly meetings; however, they are not all at the same time. Just because this happened so quickly, they have been juggling schedules. So, I will just say for the members of the Commission and the public to check the website at bayareametro.gov and the schedule is posted. And I'll certainly bring back any of the results from that staff analysis to the Commission and staff as it comes forward. So hopefully we'll be able to -- I guess there is five more meetings left, including this evening, and I'll be able to report to you as we go. Thank you, that concludes my presentation.

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

**Aaron Starr:**  
**Land Use Committee**

- 190364 Bi-Annual Housing Balance Report No. 8. Sponsor: Mar. Staff: Ojeda.

At Monday's Land Use hearing, Planning Department presented the bi-annual housing balance report. Briefly, the report found that between Q1 of 2009 and Q4 of 2018, about 25% of net new housing produced as affordable. By comparison, the expanded Citywide Cumulative Housing Balance is also 25%, although this varies by districts. The Projected Housing Balance Citywide is 20%. Three major development projects were excluded from the projected housing balance calculations until site permits are obtained. When included in the calculations, these three projects would increase the projected housing balance to 22%.

During Staff's presentation, Supervisor Peskin interjected that there needs to be a way to track units that were lost due to tenant buyouts, stating that knew of examples that were not included in the report. After Staff's presentation, Supervisor Safai wanted to know about the owner move-in data and the information the Department uses to calculate this in the report, and Supervisor Haney wanted to know more about how we could track different forms of housing for specific populations, such as formally homeless housing and child-friendly housing. The committee then accepted the report and closed the hearing.

**Full Board**

- 190188 Planning Code - Amending Landmark Designation - 906 Broadway (Iglesia de Nuestra Señora de Guadalupe/Our Lady of Guadalupe Church. Sponsor: Peskin. Staff: Smith. PASSED Second Read
- 190230 Interim Zoning Controls - Conditional Use Authorization for Conversion of Child Care Facilities to Other Uses. Sponsor: Yee. Staff: Flores. Adopted
- 190275 Hearing - Appeal of Determination of Exemption From Environmental Review - 3620 Buchanan Street. Staff: Navarrete, Horner.

Lastly, the Board heard the CEQA Appeal for 3620 Buchanan Street. This project proposed to construct an eight-unit 4-story building on the same lot as a historic resource. Commissioners, you heard this item on January 22, 2019, and voted to approve the Conditional Use Authorization for the proposed project.

The main CEQA appeal issues discussed at the Board were related to the potential for public exposure to hazardous materials, impacts to historic resources and consistency with existing zoning regulations, including the project sponsor's request for a rear yard modification.

Public comment mainly focused on hazardous materials in soils, historic resource impacts, loss of light and air from adjacent new building at 1598 Bay Street. Supervisors Peskin and Stefani had concerns related to historic resource impacts; however, staff was able to alleviate those concerns. Stefani also asked for confirmation that the site would be cleaned up properly under State oversight like the cleanup process at 1598 Bay Street.

The CEQA appeal was subsequently denied and the Catex was unanimously upheld unanimously.

**Jonas P. Ionin, Commission Secretary:**

I have no reports from the Board of Appeals. Historic Preservation Commission did meet yesterday, but nothing of interest to the Planning Commission.

**E. GENERAL PUBLIC COMMENT**

SPEAKERS:      Kevn Cheng – 3847-3849 18<sup>th</sup> St.  
                      Georgia Schuttish – Excavations  
                      Carolyn Kenady – SB50  
                      Corey Smith – SB50 flyer  
                      Pat Buscovich – Demolition legislation

**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. [1996.0013CWP](#) (S. AMBATI: (415) 575-9183)  
2018 HOUSING INVENTORY REPORT – Informational Presentation - announcing the publication of the 2018 Housing Inventory. This report is the 49<sup>th</sup> in the series and describes San Francisco's housing supply. Housing Inventory data accounts for new housing construction, demolitions, and alterations in a consistent format for the analysis of housing production trends. Net housing unit gains are reported citywide, by zoning classification, and by planning district. Other areas covered include affordable housing production, condominium conversions, and changes to the residential hotel stock. In addition, a list of major housing projects completed and approved for construction in 2018 is provided. Report is available for the public at the Planning Department and on the website.

*Preliminary Recommendation: None – Informational*  
 (Continued from canceled hearing on March 21, 2019)

SPEAKERS: = Svetha Ambati – Staff presentation  
 = Teresa Ojeda – Staff presentation  
 = Cole Brennan – Housing goals  
 = Corey Smith – Where are we going  
 + Sue Hestor – Move to do  
 + Peter Cohen – Entitled vs Developed  
 = Georgia Schuttish – Speculative housing development  
 = Miriam Chion – Response to questions

ACTION: None - Informational

9. [2018-006127CUA](#) (D. WEISSGLASS: (415) 575-9177)  
201 19<sup>TH</sup> AVENUE – southwest corner of the California Street and 19<sup>th</sup> Avenue, Lot 001 of Assessor's Block 1414 (District 1) - Request for a **Conditional Use Authorization**, pursuant to Planning Code sections 186, 209.2, 303, and 710 to allow a change of use from an existing grocery store to a restaurant in a Limited Commercial Use space within a RM-1 (Residential – Mixed, Low Density) Zoning District and 40-X Height and Bulk District. The Project also includes the removal of the white signage band obscuring the second-story windows, and the removal of all paint and other features obscuring the transparency of the second-story windows. This project was reviewed under the Community Business Priority Processing Program (CB3P). 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: Disapprove*  
 (Continued from canceled hearing on March 21, 2019)

**Note: On November 29, 2018, adopted a Motion of Intent to Deny, continued to December 13, 2018 by a vote of +4 -2 (Fong and Koppel against; Richards absent).**

**On December 13, 2018, after hearing and closing public comment, continued to February 14, 2019 by a vote of +6 -0 (Johnson absent).**

**On February 14, 2019, without hearing, continued to March 14, 2019 by a vote of +5 -0 (Johnson, Richards absent).**

**On March 14, 2019, without hearing, continued to March 21, 2019 by a vote of +5 -0 (Richards absent).**

**On March 21, 2019, without hearing, continued to April 18, 2019.**

SPEAKERS: = David Weissglass – Staff report

- + Speaker – Project presentation
- Speaker – Parking
- Margaret Rafferty – Opposition
- Alex – Opposition, neighborhood dynamic
- Nadine May – Opposition to a new restaurant
- Speaker – Support local businesses
- Bianca Lee – Opposed, neighborhood needs and character
- Victor Cobo – Opposition, support small business
- Catherine Robins – Opposition
- Nasser – Market rent/lease
- Speaker – Russian Orthodox Church opposition
- Speaker – Rendering, outdoor seating
- = Ian Fergossi, Aide to Sup. Fewer – Mediation

ACTION: Disapproved  
 AYES: Hillis, Johnson, Koppel, Melgar, Moore, Richards  
 MOTION: [20429](#)

10. [2018-016549CUA](#) (D. WEISSGLASS: (415) 575-9177)  
40 WEST PORTAL AVENUE – northwest side of West Portal Avenue between Ulloa and Vicente Streets; Lot 004A in Assessor’s Block 2931 (District 7) - Request for **Conditional Use Authorization**, pursuant to Planning Code Sections 303 and 729 to establish a 1,423 square-foot Limited Restaurant (d.b.a. “Kale-fornia”) in a vacant retail space within the West Portal Avenue NCD (Neighborhood Commercial) Zoning District and 26-X Height and Bulk District. The space was most recently occupied by a salon, a Personal Services use. This project was reviewed under the Community Business Priority Processing Program (CB3P). 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 canceled hearing on March 21, 2019)

SPEAKERS: = David Weissglass – Staff report  
 + Cheryl Brady – Project presentation  
 + Speaker – Project presentation  
 - Grace Cheung – Opposition to another juice bar  
 - Sandra Aishack – Opposition

ACTION: Approved with Conditions  
 AYES: Hillis, Johnson, Koppel, Melgar, Moore, Richards  
 MOTION: [20430](#)

11. [2018-012416CUA](#) (M. CHRISTENSEN: (415) 575-8742)  
1345 UNDERWOOD AVENUE – southwest side of Underwood Avenue between Jennings and Ingalls Streets; Lot 006 in Assessor’s Block 4811 (District 10) - Request for **Conditional Use Authorization**, pursuant to Planning Code Sections 210.3 and 303 to establish a 9,383 square-foot industrial agriculture (cannabis cultivation) use in an existing warehouse space within a PDR-2 (Core Production, Distribution & Repair) 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*



SPEAKERS: = Michael Christensen – Staff report  
 + Speaker – Project presentation  
 + Jim Freedman – Support  
 = Ray Law, Office of Cannabis – Response to question, equity

ACTION: Approved with Conditions

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

MOTION: [20431](#)

12. [2018-013332CUA](#) (M. CHRISTENSEN: (415) 575-8742)  
1555 YOSEMITE AVENUE – southwest side of Yosemite Avenue between Keith and Jennings Streets; Lot 017 in Assessor’s Block 4848 (District 10) - Request for **Conditional Use Authorization**, pursuant to Planning Code Sections 210.3 and 303 to establish a 1,343 square-foot cannabis microbusiness including industrial agriculture (cannabis cultivation), wholesale sales, light manufacturing, and parcel delivery service uses (d.b.a. “Black Pepper”) in an existing warehouse space within a PDR-2 (Core Production, Distribution & Repair) 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 canceled hearing on March 21, 2019)

SPEAKERS: = Michael Christensen – Staff report  
 + Melvin Simmons – Project presentation  
 + George Trousch – Support  
 + Lisa Schin – Support  
 + Tyree Mandell – Support  
 + Nathaniel Rankee – Support  
 + Speaker – Support  
 + Rev. Amos Brown – Support

ACTION: Approved with Conditions

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

MOTION: [20432](#)

ADJOURNMENT – 3:45 PM  
 ADOPTED MAY 2, 2019