

SAN FRANCISCO PLANNING COMMISSION



DRAFT – Meeting Minutes

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

Thursday, October 12, 2017
1:00 p.m.
Regular Meeting

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

THE MEETING WAS CALLED TO ORDER BY COMMISSIONER JOHNSON AT 1:00 P.M.

STAFF IN ATTENDANCE: John Rahaim – Planning Director, Brittany Bendix, Michael Christensen, Erica Jackson, Nancy Tran, 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. 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
(Proposed for Continuance to December 7, 2017)

SPEAKERS: None
 ACTION: Continued to December 7, 2017
 AYES: Hillis, Richards, Johnson, Koppel
 ABSENT: Fong, Melgar, Moore

2. 2014-000150DRP (D. VU: (415) 575-9120)
1959-1961 OAKDALE AVENUE - south side between Rankin and Quint Streets, Lots 034 & 035 in Assessor's Block 5319 (District 10) - Request for **Discretionary Review** of Building Permit Application No. 2016.0919.8063, proposing to construct an approximately 2,040 gross sq. ft., 30-ft. tall, three-story, two-family dwelling with an attached two-car garage on a vacant lot in 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\(h\)](#).

Preliminary Recommendation: Do Not Take Discretionary Review and Approve
WITHDRAWN

SPEAKERS: None
 ACTION: Continued to December 7, 2017
 AYES: Hillis, Richards, Johnson, Koppel
 ABSENT: Fong, Melgar, Moore

B. COMMISSION MATTERS

3. Consideration of Adoption:
- [Draft Minutes for September 14, 2017](#)

SPEAKERS: None
 ACTION: Adopted
 AYES: Hillis, Richards, Johnson, Koppel
 ABSENT: Fong, Melgar, Moore
 - [Draft Minutes for September 14, 2017 \(Addendum\)](#)

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

ABSENT: Fong, Melgar, Moore

- [Draft Minutes for September 28, 2017](#)

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

- [Draft Minutes for September 28, 2017 \(Joint w/Health\)](#)

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

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.

President Richards:

Just one quick one, in yesterday's Chronicle, Uber and Lyft reduce the use of public transit study finds. I think we've been talking about the effective TMCs on clogging the streets and public transit at another data point that we have in our discussion regarding TMCs, an interesting article is you want read it, is on page C-1. Thank you.

C. 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

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: Andrew Yio
 Jennifer Fieber – Rent ordinance, eviction by construction
 Chirag Bhakta – Plaza 16 Coalition
 Debroa Scales – Bayview new construction height view obstruction
 Deepa Varma
 Anastasia Yovanapolous

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.

7. (B. BENDIX: (415) 575-9114)
[REMOVAL OF RESIDENTIAL FLATS POLICY](#) - Discussion and possible action on a proposed **Planning Commission Policy** that would require Mandatory Discretionary Review for projects proposing the removal of a Residential Flat.
Preliminary Recommendation: Adoption

SPEAKERS: = Brittany Bendix – Staff Report
 - Jonathan Pearlman –
 - Bora Osterk – Opposition, affordable housing

ACTION: Adopted the Policy as amended:
 1. Exempting projects that increase density; and
 2. Sun-setting upon adoption of the Residential Expansion Threshold

AYES: Hillis, Fong, Richards, Koppel, Melgar

NAYES: Johnson

ABSENT: Moore

RESOLUTION: 20024

8. [2016-003258CUA](#) (L. AJELLO: (415) 575-9142)
[218 27TH AVENUE](#) - east side of 27th Avenue, between California and Lake Streets, Lot 038 in Assessor's Block 1386 (District 2) - Request for **Conditional Use Authorization** pursuant to Planning Code Sections 303 and 317 to demolish a two-story, single-family dwelling and construct a new four-story, 3-unit residential building within a RM-1 (Residential, Mixed, Low Density) 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: = Laura Ajello – Staff Report
 + Michael Levitt – Project presentation
 - Speaker – Organized opposition
 - Speaker – Organized opposition
 - Daniel Amir – Privacy
 + Michael Murphy – Support

- Marianne Shell – Out of scale
- Don Skiles – Construction noise, parking
- John Mulligan – Richmond special
- Sal Ballistery – Light
- Dan Newman – Quality of life
- Pat Mulligan – Oppostion
- Speaker – Opposition
- Speaker – Shadows and light
- + Sonja Transs – Housing Accountability Act
- + Milo Transs - Support
- Steve Vance – Not opposed to a project
- Speaker – Responsible building
- + Rich Carnero – More density on the west side
- Carol Severt

ACTION: Approved with Conditions as amended to include:

1. Eliminate the roof deck;
2. Limit roof access to the minimal requirement for access;
3. Install inoperable frosted windows at side elevations;
4. Require an arborist observe construction and recommend measures to ensure the health of adjacent trees; and
5. Provide opaque screening for the entry stair and deck.

AYES: Hillis, Richards, Johnson, Koppel, Melgar

ABSENT: Fong, Moore

RESOLUTION: 20025

9. [2017-001283CUA](#) (M. CHRISTENSEN: (415) 575-8742)
792 CAPP STREET - west side of Capp Street, between 22nd and 23rd Streets; lot 019B of Assessor's Block 3637 (District 9) - Request for **Conditional Use Authorization** pursuant to Planning Code Sections 209.4, 303, and 317, proposing to demolish the existing two-story single-family home and construct a new four-story (40 foot tall) residential structure containing four dwelling units within the Residential Transit Oriented - Mission (RTO-M) Zoning District, Calle 24 Special Use 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
 + Jeff Gibson – Project presentation

- Speaker – Preserve the Mission and its classic homes
- Andrea Contreras – Opposition
- Nicol Andrati – Opposition
- Robin Suheil – Opposition
- Arnira Herrera – Opposition
- + Sonja Transs - Support

ACTION: After hearing and closing public comment; Continued to December 21, 2017

AYES: Hillis, Fong, Richards, Koppel

ABSENT: Johnson, Melgar, Moore

10. [2017-008533CUA](#) (E. JACKSON: (415) 558-6363)
1354 CASTRO STREET - west side of Castro Street, corner of Jersey Street, Lot 007 in Assessor's Block 6506 (District 8) - Request for **Conditional Use Authorization** pursuant to Planning Code Sections 303 and 728 to establish a formula retail financial services use (d.b.a. First Republic Bank) in an existing approximately 850 square foot tenant space within the 24th Mission Street - Noe Valley NCD (Neighborhood Commercial District) and 40-X Height and Bulk District. This action constitutes the Approval Action for the project for the purposes of CEQA, pursuant to San Francisco Administrative Code Section [31.04\(h\)](#).
Preliminary Recommendation: Approve with Conditions
- SPEAKERS: = Erika Jackson – Staff Report
 + Steven Chong – Project presentation
 + Charlize Spiegel – Formula retail
- ACTION: Approved with Conditions
- AYES: Hillis, Fong, Johnson, Koppel, Melgar
- ABSENT: Moore, Richards
- MOTION: 20026
- 11a. [2017-004562CUA](#) (N. TRAN: (415) 575-9174)
799 CASTRO STREET & 3878-3880 21ST STREET - northeast corner of Castro and 21st Streets; lot 024 of Assessor's Block 3603, located within a RH-2 (Residential-House, Two Family) and 40-X Height and Bulk District (District 8) - Request for **Conditional Use Authorization** pursuant to Planning Code Sections 303 and 317, to demolish an existing mixed-use structure (commercial office/single-family) and construct a three-story over basement single-family residence. The subject property contains three dwelling units, two units in a building at the rear of the property, and one unit with office in a building at the front. Under a separate building permit, 2017.04.04.3134, one new accessory dwelling unit is proposed in the rear building (3878-3880 21st St). 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: = Speaker – Support for Continuance
 = Erika Jackson – Staff Report
 + Brett Gladstone – Project presentation
 + Kobe Wagner – Support
 Volter Volnabe - Light
- ACTION: Continued to December 14, 2017
- AYES: Hillis, Richards, Johnson, Koppel
- ABSENT: Fong, Melgar, Moore
- 11b. [2008.0410V](#) (N. TRAN: (415) 575-9174)
799 CASTRO STREET & 3878-3880 21ST STREET - northeast corner of Castro and 21st Streets; lot 024 of Assessor's Block 3603, located within the Irving Street Neighborhood Commercial District ("NCD") and the 65-A Height and Bulk District (District 8) - Request for **Variiances** from the Zoning Administrator to construct within the required front setback and rear yard. Planning Code Section 132 requires a front setback of 4 feet - 5 inches and construction is proposed to the front property line. Section 134 requires a rear yard of 25%

of the total lot depth or 15 feet between the two buildings on the lot and the proposal provides only a 10 foot separation. The property is legally non-complying in regards to the rear yard requirement because there is a two-story over basement with two dwelling units located entirely within rear yard.

SPEAKERS: Same as Item 11a.

ACTION: ZA continued to December 14, 2017

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.

- 12a. [2015-018019DRM](#) (E. JACKSON: (415) 558-6363)
247 NEY STREET - north side of Ney Street, between Congdon and Trumbull Streets, Lot 046 in Assessor's Block 5871 (District 11) - Request for a **Discretionary Review** of Building Permit Application No. 2015.0106.5038 proposing construction of a 2-story vertical addition to an existing 1-story structure 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: Take DR and Approve with Modifications

SPEAKERS: None

ACTION: Took DR and approved with Staff modifications as amended that the second floor terrace be non-occupiable

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

ABSENT: Moore

DRA No: 0556

- 12b. [2015-018019VAR](#) (E. JACKSON: (415) 558-6363)
247 NEY STREET - north side of Ney Street, between Congdon and Trumbull Streets, Lot 046 in Assessor's Block 5871 (District 11) - Request for **Variances** from the Zoning Administrator for the construction of a 2-story vertical addition on an existing 1-story structure within a RH-1 (Residential House, Single-Family) Zoning District and 40-X Height and Bulk District. The existing single story structure extends into the front setback and required rear yard. The proposed second story will be setback 1 foot from the front property line and 4.5 feet from the rear property line; therefore, the project requires variances from the Planning Code for front setback, rear yard, and noncomplying structures, pursuant to Sections 132, 134 and 188.

SPEAKERS: None

ACTION: ZA closed the public hearing and took the matter under advisement

3:00 p.m.

Items listed below may not be considered prior to the time indicated above. It is provided as a courtesy to limit unnecessary wait times. Generally, the Commission adheres to the order of the Agenda. Therefore, the following item(s) will be considered at or after the time indicated.

13. [2016-002424CUA](#) (N. TRAN: (415) 575-9174)
2161-2165 IRVING STREET - south side of Irving Street, between 22nd and 23rd Avenues; lot 037 of Assessor's Block 1777 (District 4) - Request is for **Conditional Use Authorization** pursuant to Planning Code Sections 303 and 732, proposing to establish a new Medical Cannabis Dispensary (MCD) (d.b.a. Barbary Coast Dispensary) in vacant ground commercial spaces of the subject property located within the Irving Street Neighborhood Commercial Zoning District and 65-A Height and Bulk District. The MCD would not allow for on-site medication of medical cannabis (e.g. smoking, vaporizing, and consumption of medical cannabis edibles), nor would the MCD permit on-site cultivation of plants for harvesting medical product. The MCD would permit on-site sales of medical cannabis. 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:
- = Nancy Tran – Staff Report
 - + Brendan Hallinan – Project presentation
 - + Jesse – Project presentation
 - + Speaker – Project presentation
 - Richard Lau – Opposed
 - Tommy Tang – Opposed
 - Speaker
 - Wanna
 - Sharifa Ahmad
 - Alexander
 - Sunset Golden Age Club –
 - Katy Chan –
 - Speaker – No MCD
 - Speaker – No MCD
 - Speaker – No MCD
 - Sunset Concerned Parents
 - Cynthia –
 - Ming –
 - Ben Kwong –
 - Stella Cahill –
 - Speaker -
 - Speaker –
 - Valerie Schmaltz –
 - Speaker –
 - Becky –
 - + David Goldman – Support
 - + Michael Cohen –
 - Parent group -
 - Speaker –
 - Environmentally Friendly –

- Jenny –
- Liang Dang –
- Kathy –
- = Flo Kimmerling – Condition of approval
- + Susan Tibbin – Support
- Rose Haw – Traffic
- Chi – Feel unsafe
- Shirley Chan –
- Speaker –
- Patrick Tam – Sober living home
- Weng Fong – Other pain medication choices
- Speaker –
- + Speaker – Support
- + Angela Tickler – Diversity in types of businesses
- Kwai Ng -
- Eunice – Sustainable profit
- Ma Ling Young –
- + Speaker – Equal access
- + Speaker – Belongs in every neighborhood
- Theresa – Not a candy store
- + Speaker – Safe regulation
- + Michael MClusky – Access
- Speaker – No MCD
- Speaker – No MCD
- Quan Chin – No MCD
- + Colin O’Toole – Support
- + Kelvin – Access to Medical marijuana in the Sunset
- + Alex Nelson – Support
- + Anne Henry – Support
- + Ms. Walsh – Support
- + Speaker – Support
- + Kip Paul – Support, safe access
- Ian Fung – No MCD
- + Eric Masters - Support
- Wilson – No MCD
- + Speaker – Support for better access
- + Paul Hansbury – Support
- +Elmar Seck – Support
- + Andrew Silva – Support
- Sal Allio – No MC in a shopping district
- Speaker – Urination
- + Greg Lawmaker – Support
- + Richard Huckstop – Support
- + Chris Schulman – Barbary Coast, equity throughout the City
- + Joe Dugan – Standards, safe access
- + Erick Newman – Support
- + Douglass Loathman – Alternative pain reliever
- + Martha Gonzalez – Support

- + Molly Jack – Support
- + Verinica Simms – Support
- + Megan – Support
- Linda – Incompatible w/location
- Speaker – Opposition
- Speaker – Not appropriate
- Amy – Don't need a MCD in the Sunset
- Hannah Cheng –
- + Brick Hansen – Support
- Speaker –
- Herman – No MCD
- Christy – Opposition
- Sunset Volunteers
- Wendy
- Speaker –
- Sonja Transs – Opposition
- Theresa Dukey – Opposition
- Audrey Lan –
- Speaker –
- Billy – What is all of this?

ACTION: Approved with Conditions
 AYES: Hillis, Richards, Fong, Johnson, Koppel, Melgar
 ABSENT: Moore
 MOTION: 20027

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 – 8:56 P.M.