

SAN FRANCISCO PLANNING COMMISSION



Meeting Minutes

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

Thursday, May 9, 2019

1:00 p.m.

Regular Meeting

COMMISSIONERS PRESENT: Fung, Hillis, Koppel, Melgar, Moore
COMMISSIONERS ABSENT: Johnson, Richards

THE MEETING WAS CALLED TO ORDER BY PRESIDENT MELGAR AT 1:08 PM

STAFF IN ATTENDANCE: Aaron Starr, Diego Sanchez, Maia Small, Rich Sucre, Jeffery Horn, David Winslow, 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 18TH STREET (BOARD FILE NO. 190165) – Planning Code Amendment to establish a legitimization program for certain Non-Residential Uses at 3150 18th 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 Regular hearing on April 18, 2019)

(Proposed Continuance to May 23, 2019)

SPEAKERS: None
 ACTION: Continued to May 23, 2019
 AYES: Fung, Hillis, Koppel, Melgar, Moore
 ABSENT: Johnson, Richards

2. 2017-007582CUA (J. HORN: (415) 575-6925)
225 VASQUEZ AVENUE – east side between Kensington Way and Garcia Avenue, Lot 030 in Assessor’s Block 2923 (District 7) – Request for a **Conditional Use Authorization** pursuant to Planning Code Sections 303 and 317 to demolish an existing 1,240 square-foot one-story-over-garage single-family home and construct a new 3,715 gross-square-foot two-story-over-garage single-family home within a RH-1(D) (Residential-House, One Family-Detached) Zoning 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 hearing on March 7, 2019)
Note: On March 7, 2019, after hearing and closing public comment, continued to May 9, 2019 by a vote of +6 -0.
(Proposed Continuance to May 23, 2019)

SPEAKERS: None
 ACTION: Continued to May 23, 2019
 AYES: Fung, Hillis, Koppel, Melgar, Moore
 ABSENT: Johnson, Richards

3. 2018-013230CUA (M. CHRISTENSEN: (415) 575-8742)
2215 QUESADA AVENUE – south side of Quesada Avenue between Industrial Street and Interstate 280; Lot 033 in Assessor’s Block 5333 (District 10) – Request for **Conditional Use Authorization**, pursuant to Planning Code Sections 210.3 and 303, to establish a 5,364 square foot Industrial Agriculture use in an existing one-story Industrial building to allow the cultivation of cannabis. The project is in a PDR-2 (Production, Distribution & Repair 2) Zoning District and 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\(h\)](#).
Preliminary Recommendation: Approve with Conditions
 (Continued from Regular hearing on April 4, 2019)
(Proposed Continuance to June 13, 2019)
WITHDRAWN

SPEAKERS: None
 ACTION: Withdrawn

4. 2017-013537CUA (K. DURANDET: (415) 575-6816)
233 SAN CARLOS STREET – between 19th and 20th Streets; Lot 032 of Assessor’s Block 3596 (District 9) – Request for **Conditional Use Authorization**, pursuant to Planning Code Sections 209.4, 303 and 317, to demolish an existing single-family residence (measuring 1,302 square feet) and construct a new four-story, two-unit residence (measuring 3,689 square feet) with two off-street parking spaces. The subject property is located in the RTO-M (Residential Transit Oriented-Mission) Zoning District and 45-X Height & 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 April 25, 2019)
Note: On February 21, 2019, after hearing and closing public comment, continued to March 21, 2019 by a vote of +7 -0).
On April 25, 2019, without hearing, continued to May 9, 2019 by a vote of +6 -0.
(Proposed Continuance to June 27, 2019)
- SPEAKERS: None
 ACTION: Continued to June 27, 2019
 AYES: Fung, Hillis, Koppel, Melgar, Moore
 ABSENT: Johnson, Richards
5. 2018-013861PCAMAP (D. SANCHEZ: (415) 575-9082)
LARGE RESIDENCE SPECIAL USE DISTRICT – **Planning Code and Zoning Map Amendment** introduced by Supervisor Safai to create the District 11 Large Residence Special Use District (the area within a perimeter established by Brotherhood Way, Junipero Serra Boulevard, Holloway Avenue, Ashton Avenue, Holloway Avenue, Harold Avenue, Ocean Avenue, Geneva Avenue, Interstate 280, Tingley Street, Alemany Boulevard, Mission Street, Interstate 280, Stoneybrook Avenue, Cambridge Street, Stoneyford Avenue, Gladstone Drive, Sunglow Lane, Silver Avenue, Madison Street, Valmar Terrace, Peru Avenue, Burrows Street, western boundary of John McLaren Park, La Grande Avenue, western boundary of John McLaren Park, Brazil Avenue, Mansell Street, Persia Avenue, western boundary of John McLaren Park, La Grande Avenue, western boundary of John McLaren Park, Geneva Avenue, Carter Street, southeastern boundary of Census Tract 0263.02, Block 3005, and the southern boundary of San Francisco, Saint Charles Avenue, Interstate 280, straight-line extension northerly to Orizaba Avenue, Alemany Boulevard, and Brotherhood Way), to promote and enhance neighborhood character and affordability by requiring Conditional Use authorization for large residential developments in the district; 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 with Modifications
 (Continued from Regular hearing on April 25, 2019)
Note: On March 7, 2019, after hearing and closing public comment, continued to April 11, 2019 by a vote of +6 -0.
On April 11, 2019, without hearing, continued to April 25, 2019 by a vote of +5 -1 (Richards absent).
On April 25, 2019, without hearing, continued to May 9, 2019 by a vote of +6 -0.
(Proposed Indefinite Continuance)

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

- 15a. [2016-010589ENX](#) (L. HOAGLAND: (415) 575-6823)
2300 HARRISON STREET – west side of Harrison Street between 19th and Mistral Streets; Lot 001 in Assessor’s Block 3593 (District 9) – Request for **Large Project Authorization**, pursuant to Planning Code Section 329, to demolish an existing surface parking lot and construct a six-story over basement garage, 75-foot tall, 78,096 square foot vertical addition to an existing 3-story, 42-foot tall, 68,538 square foot office building. The addition will result in a mixed-use building with 24 dwelling units, 27,152 square feet of additional office space, 3,242 square feet of ground floor retail, 1,158 square feet of ground floor arts activities/retail space, 31 additional Class 1 bicycle parking spaces, 8 Class 2 bicycle parking spaces and a total of 41 off-street parking spaces. The dwelling-unit mix includes 14 one-bedroom and 10 two-bedroom units. The Project includes 4,922 square feet of usable open space through a combination of private and common open space. The proposed project would utilize the State Density Bonus Law (California Government Code Sections 65915-65918), and proposes waivers for building height, ground floor active uses and narrow street height limit, and a concession for rear yard in an UMU (Urban Mixed-Use) District and 68-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 April 25, 2019)

SPEAKERS: Tuija Catalano – Request for continuance
 ACTION: Continued to June 6, 2019
 AYES: Fung, Hillis, Koppel, Melgar, Moore
 ABSENT: Johnson, Richards

- 15b. [2016-010589OFA](#) (L. HOAGLAND: (415) 575-6823)
2300 HARRISON STREET – west side of Harrison Street between 19th and Mistral Streets; Lot 001 in Assessor’s Block 3593 (District 9) - Request for **Office Development Authorization**, pursuant to Planning Code Sections 321 and 322, to authorize 27,185 gross square feet of office space from the Office Development Annual Limit. The subject property is located within an UMU (Urban Mixed-Use) District and 68-X Height and Bulk District.

Preliminary Recommendation: Approve with Conditions
 (Continued from Regular hearing on April 25, 2019)

SPEAKERS: Same as item 15a.
 ACTION: Continued to June 6, 2019
 AYES: Fung, Hillis, Koppel, Melgar, Moore
 ABSENT: Johnson, Richards

B. COMMISSION MATTERS

6. Consideration of Adoption:
- [Draft Minutes for April 25, 2019](#)

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

7. Commission Comments/Questions

Commissioner Moore:

I have a question for the Director. You discussed with us the other week Central SoMa and what projects are being considered for passing under the limitations of the annual limited budget. The one project, which we did not mention is, indeed, 5M, which is two office buildings. Since that lawsuit was settled, or overturned actually, wouldn't that become automatically a project that would be considered?

John Rahaim, Planning Director:

Commissioner, you approved that project. That project already has its Prop M allocations.

Commissioner Moore:

It has? Oh, it has. Okay good to know. I was concerned that in the legal battles it disappeared in 2015 and hadn't heard much about it. So, I'm glad to hear that.

John Rahaim, Planning Director:

It's been three years since you approved it, but yes.

Commissioner Moore:

Great, thank you so much.

C. DEPARTMENT MATTERS

8. Director's Announcements

John Rahaim, Planning Director:

Thank you, Jonas. Just wanted to briefly call your attention Commissioners to the memo that I put in your packet regarding Central SoMa and the Prop M allocation. Really, just summarizes some of the discussion you had at your hearing in April and some further information based on the questions that you raised at that hearing. So, I just wanted to make sure you caught that and if you have any further questions on that, I'd be happy to answer them at a later date. Thank you.

Commissioner Fung:

Question on that. The excerpt you did on what the code mandates in terms of the criteria, the briefing that we received as an example on Harrison did not specifically address those criteria.

John Rahaim, Planning Director:

I'm sorry the briefing you received on?

Commissioner Fung:

Harrison Street.

John Rahaim, Planning Director:
Harrison Street?

Commissioner Fung:
For the small project allocation.

John Rahaim, Planning Director:
Oh, I see. Well we – these – yeah I can't remember the briefings, so I apologize Commissioner. We can certainly look at that - -

Commissioner Fung:
The question raises, you know, on most of your other instruments like CU's, you know, you have the five criteria.

John Rahaim, Planning Director:
Right.

Commissioner Fung:
Your General Plan Referrals, you have a way of dealing with that so the question is whether it would be good to have a specific response to those criteria from staff as we track through because I believe the allocations of many projects will be coming forth.

John Rahaim, Planning Director:
Right. Okay, that's a good catch and we can certainly look at that more specifically, thank you.

Commissioner Moore:
Director Rahaim, do you have that memo in front of you by any chance? I may be not properly reading it. In the first paragraph, first line, you were saying that Prop M, approved by voters in 1986 give the Planning Commission the sole authority to allocate office space. And then, in Public Benefits under the point three, you're determining, though, that which office development best promotes public welfare would be up to Board of Supervisors, Board of Appeals, and Planning Commission. Are those two things inclusive or exclusive of each other?

John Rahaim, Planning Director:
Let's see, item 3, I'm sorry.

Commissioner Moore:
It's in the second – under Public Benefits the first paragraph with number 3 in front of it in parenthesis. In determining which office development best promotes the public welfare, convenience and necessities of the Board of Supervisors, Board of Appeals and Planning Commission shall consider.

John Rahaim, Planning Director:
I think that was just simply meant to the actual code language. Its still, the Commission still has the authority to approve or not approve.

Commissioner Moore:

But the sole authority

John Rahaim, Planning Director:

The sole authority. With of course the appeal to the Board of Appeals. But yes.

Commissioner Moore:

Okay. That wasn't clear to me. Thank you.

John Rahaim, Planning Director:

Okay, thank you.

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

Aaron Starr:

Land Use Committee

- No Planning Department items

Full Board

- 190249 Development Agreement - SYTS Investments, LLC - 915 Cayuga Avenue. Sponsor: Safai. Staff: Flores. PASSED Second Read
- 190250 Planning Code, Zoning Map - Cayuga/Alemany Special Use District. Sponsor: Safai. Staff: Flores. PASSED Second Read
- 190251 Planning Code - Zoning Map Amendment. Sponsor: Safai. Staff: Flores. PASSED Second Read

Introductions

- 181216 REINTRODUCTION Planning, Building Codes - Controls on Residential Demolition, Merger, Conversion, and Alteration. Sponsor: Peskin. Staff: Butkus

President Melgar:

I'm sorry, Mr. Starr. Will you please send it out to us as soon as you can?

Aaron Starr:

Sure.

President Melgar:

Thank you.

Jonas P. Ionin, Commission Secretary:

On behalf of Mr. Sanchez, the Board of Appeals met last night and held their first hearing without Commissioner Fung. Vice president Rick Swig assumed the position of President at the Board. And the Board considered one item that may be of interest to the commission. The Board adopted resolution encouraging the Board of Supervisors to establish notice requirements to all tenants of residential buildings when permits are issued to add ADUs.

President Melgar:

Thank you, their loss is our gain.

Commissioner Fung:

Thank you.

D. GENERAL PUBLIC COMMENT

SPEAKERS: Barry Pearl – 345 Louisburg St. DR, 2007 BPA
 Kevin Cheng – Illegal unit mergers
 Tess Welborn – Central SoMa Prop M Memo – Presentation
 Georgia Schuttish – Inventory report, demo calculations, residential
 Occupancy
 Sue Hestor – Illegal unit mergers

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. [2019-006143CWP](#) (S. EXLINE: (415) 558-6332)
YOUTH ENGAGEMENT IN PLANNING – Informational Presentation - Planning staff has been working with the Center for Cities and Schools to engage San Francisco youth at three schools: Balboa High school, Monroe Elementary, and Malcom X Academy over the past year. Staff and students from the Monroe Elementary 4th grade class will share the result of that work. Staff will also discuss ways to continue to engage youth in the City's critical planning issues.

Preliminary Recommendation: None – Informational

SPEAKERS: = Sue Exline – Staff presentation
 + Monroe School 4th graders

ACTION: None – Informational

11. [2017-016416PCA](#) (A. STARR: (415) 558-6362)
CODE REORG. PHASE 3: CHINATOWN [BOARD FILE TBD] – Planning Code Amendment, initiated by the Planning Commission, to revise the zoning control tables of the Chinatown Mixed Use Districts to make them consistent with those in Articles 2 and 7, to apply the use definitions in Section 102, to set an abandonment period for use size maximums, and to allow General Entertainment and Nighttime Entertainment Uses with conditional use authorization; 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 adopting findings of public necessity, convenience, and welfare under Planning Code, Section 302.

Preliminary Recommendation: Approve with Modification

SPEAKERS: = Aaron Starr – Staff report
 + Roy Chan – Support

+ Tom Radulovich – Support
 Sue Hestor – Low income communities
 ACTION: Approved with Modifications
 AYES: Fung, Hillis, Koppel, Melgar, Moore
 ABSENT: Johnson, Richards
 RESOLUTION: [20449](#)

12. [2019-003581PCA](#) (D. SANCHEZ: (415) 575-9082)
UPPER MARKET NCT AND NCT-3 ZONING DISTRICTS (BOARD FILE NO. 190248) – **Planning Code Amendment** introduced by Supervisor Mandelman amending the Planning Code to allow Arts Activities, Philanthropic Administrative Services, and Public Facilities as a principal use on all stories, revise the Upper Market Neighborhood Commercial Transit (NCT) District controls to allow Arts Activities and Institutional Uses as a principal use on the first and second stories and as a conditional use on the third story and above and to allow General Entertainment as principal use on the first and second stories, modify the requirements for liquor stores and bars in the NCT-3 and Upper Market Street NCT Districts, add additional conditional use criteria for liquor stores and require liquor stores to comply with standard location and operating conditions, and add additional uses to the definition of Open Air Sales; 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 general welfare under Planning Code, Section 302.

Preliminary Recommendation: Approve with Modifications

SPEAKERS: = Diego Sanchez – Staff report
 + Tom Temprano, Aide to Sup. Mandelman – Proposed amendments
 + Tom Radulovich – Support
 + Ozzie Rohm – Densification policies
 + Brooke Ray Rivera – Non-profit challenges
 ACTION: Approved with Modifications including a recommendation that the Board consider:
 1. Including Health Services within the definition of Formula Retail; and
 2. Eliminating the Philanthropic Administrative Services use category.
 AYES: Fung, Hillis, Koppel, Melgar, Moore
 ABSENT: Johnson, Richards
 RESOLUTION: [20450](#)

13. 2011.1356 (M. SMALL: (415) 575-9160)
CENTRAL SOMA OPEN SPACE – **Informational Presentation** to introduce the open space, streetscape, and implementation process for the adopted Central SoMa Plan. This framework describes proposed parks, privately-owned public open space (POPOS) and mid-block alleys requirements, and pedestrian improvements across the neighborhood.

Preliminary Recommendation: None - Informational

SPEAKERS: = Maia Small – Staff presentation
 = Andrew – Open space in Central SoMa
 = David Woo – Open space
 ACTION: None – Informational

14. 2012.0640 (R. SUCRE: (415) 575-9108)
598 BRANNAN STREET – located on the northeast intersection of 5th and Brannan Streets, Lots 045, 050, 051 & 052 on Assessor’s Block 3777 (District 6) – **Informational Presentation** on the proposed project, which includes demolition of the existing four buildings on the project site and new construction of three new mixed-use/office buildings with a total of 922,737 square feet of office use, 11,890 square feet of PDR/retail use, 5,546 square feet of child care use, and approximately 200 off-street below-grade parking spaces. The project also entails a land dedication to the Mayor’s Office of Housing and Community Development, and development of a new public park (measuring approximately 39,661 square feet) and approximately 19,336 square feet of privately-owned public open space (POPOS). The project site was identified as a “key site” in the Central SoMa Plan. The project site is located in the CMUO Zoning District, Central SoMa Special Use District and a 45-X, 50-X, 130-CS and 160-CS Height and Bulk Districts.
Preliminary Recommendation: None - Informational

SPEAKERS: = Rich Sucre – Staff presentation
 + Carl Shannon – Sponsor presentation
 + Michael Maltzan – Design presentation
 + Brook Ray Rivera – Park
 + Tom Leader – Open space
 = Sue Hestor – Recommendations

ACTION: None – Informational

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.

- 16a. [2018-009551DRP](#) (D. WINSLOW: (415) 575-9159)
3847-3849 18TH STREET – between Church and Sanchez Streets; Lot 077 in Assessor’s Block 3585 (District 8) – Request for **Discretionary Review** of Building Permit Application No. 2018.06.22.2714 proposing to legalize horizontal and -infill additions, the expansion of the garage with unpermitted property line walls, legalize an enlarged dormer, replacement of the front gable window to original size and legalize other unpermitted alterations to bring the building into compliance with Planning Enforcement case no. 2018-002303ENF. The parcel is located within a RH-3 (Residential-House, Three 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

SPEAKERS: = Jeff Horn – Staff report
 - Kevin Cheng – DR Presentation
 - Georgia Schuttish – Opposition
 - Ozzie Rohm – Opposition
 + Tim Clinton – Project presentation

+ Speaker – Support
 ACTION: After hearing and closing public comment; Continued to July 18, 2019
 AYES: Fung, Hillis, Koppel, Melgar, Moore
 ABSENT: Johnson, Richards

- 16b. [2018-009551VAR](#) (D. WINSLOW: (415) 575-9159)
3847-3849 18TH STREET – between Church and Sanchez Streets; Lot 077 in Assessor’s Block 3585 (District 8) – Request for a **Variance** from the Planning Code for front setback requirements, pursuant to Planning Code Section 132 and rear yard requirements, pursuant to Planning Code Section 134. The subject property is located within a RH-3 (Residential – House, Three Family) Zoning District and 40-X Height and Bulk District.

SPEAKERS: Same as item 16a.
 ACTION: After hearing and closing public comment; ZA Continued to July 18, 2019

17. [2017-013328DRP-02](#) (D. WINSLOW: (415) 575-9159)
2758 FILBERT STREET – between Baker and Broderick; Lot 013 in Assessor’s Block 0942 (District 2) – Request for **Discretionary Review** of Building Permit Application No. 2017.1013.1247 for removal of the 1st and 2nd story front portions of the existing dwelling, construction of a 1-story horizontal rear addition with a roof deck above, 3- and 4-story horizontal west side and rear additions, a 4th floor vertical addition and roof decks above the 3rd floor at the front and rear of an existing 2-story single family house 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 DR and Approve with Modifications

SPEAKERS: = David Winslow – Staff report
 - Stephen William – DR No. 1
 - Speaker – DR No. 2
 - Irene Holmes – DR No. 3
 - David Bancroft – DR. No. 4
 - Cynthia Gissler – Compromise
 + Bill Higgins – Project presentation
 + Speaker – Design presentation
 + Ryan Patterson – Project presentation
 ACTION: Took DR and Approved with Staff modifications
 AYES: Fung, Hillis, Koppel, Melgar
 NAYS: Moore
 ABSENT: Johnson, Richards
 DRA: [0652](#)

ADJOURNMENT 5:47 PM
 ADOPTED MAY 23, 2019