

SAN FRANCISCO PLANNING COMMISSION



Meeting Minutes

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

Thursday, October 17, 2019
1:00 p.m.
Regular Meeting

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

THE MEETING WAS CALLED TO ORDER BY PRESIDENT MELGAR AT 1:10 PM

STAFF IN ATTENDANCE: Aaron Starr, Veronica Flores, Diego Sanchez, Nick Foster, Carly Grob, Andi Nelson, Svetha Ambati, Claudia Flores, James Pappas, Xinyu Liang, Rich Sucre, AnMarie Rodgers, 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. 2018-016625DNX (A. PERRY: (415) 575-9017)
50 POST STREET – through-lot on the north side of Post Street and the south side of Sutter Street between Kearny and Montgomery Streets; Lots 015 and 016 in Assessor's Block 0292 (District 3) – Request for a **Downtown Project Authorization**, pursuant to Planning Code Sections 309 and 137, to modify the existing Privately-Owned Public Open Space (POPOS) and renovate the existing structure located within a C-3-O (Downtown – Office) Zoning

District and 250-S Height and Bulk District. The project proposes a minor relocation and design modifications of the rooftop open space but does not propose any reduction in usable area. Additionally, the project proposes interior and exterior alterations to the Crocker Galleria that would reduce the amount of retail space from 45,833 square feet (sf) to 24,544 sf, add 12,780 sf of office space at the third floor, and create a new two-level stair and interior public seating area that helps enhance the connection to the modified rooftop open space. 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 August 22, 2019)

(Proposed Continuance to December 5, 2019)

SPEAKERS: None
 ACTION: Continued to December 5, 2019
 AYES: Fung, Johnson, Melgar, Moore, Richards
 ABSENT: Koppel

2. 2019-004451CUA (M. CHRISTENSEN: (415) 575-8742)
2075 MISSION STREET – on a through lot between Mission and Capp Streets; Lot 048 in Assessor’s Block 3570 (District 9) – Request for **Conditional Use Authorization**, pursuant to Planning Code Sections 202.2, 303, and 754 for the establishment a Cannabis Retail Use measuring 3,590 square feet at the ground and mezzanine levels of an existing three-story commercial building. The proposal will involve interior tenant improvements with no expansion of the existing tenant space or building envelope. The project includes a request for authorization of on-site consumption, including smoking and vaporizing cannabis products. The site is located within the Mission Street NCT (Neighborhood Commercial Transit) Zoning District, a Mission Alcoholic Beverage Special Use District, and 40-X and 80-B 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
 (Continued from Regular hearing on July 25, 2019)
Note: On July 25, 2019, after hearing and closing public comment, continued to October 17, 2019 by a vote of +5 -0 (Richards absent).
(Proposed Continuance to December 5, 2019)

SPEAKERS: None
 ACTION: Continued to December 5, 2019
 AYES: Fung, Johnson, Melgar, Moore, Richards
 ABSENT: Koppel

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. [2019-006948CUA](#) (A. LINDSAY: (415) 575-9178)

650 JACKSON STREET – on north side of Jackson Street between Becker Street and Cooper Alley, Lot 008 of Assessor’s Block 0177 (District 3) – Request for a **Conditional Use Authorization**, pursuant to Planning Code Sections 303, 811 and 812, for the existing limited restaurant use (d.b.a. Pot & Noodle) to operate as a restaurant with a Type-41 On-Sale Beer and Wine for Bona fide Public Eating Place license. This project was reviewed under the Community Business Priority Processing Program (CB3P). The subject property is located within the CVR (Chinatown-Visitor Retail), CRNC (Chinatown-Residential-Neighborhood Commercial), and 50-N 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

SPEAKERS: None
 ACTION: Approved with Conditions
 AYES: Fung, Johnson, Melgar, Moore, Richards
 ABSENT: Koppel
 MOTION: [20544](#)

C. COMMISSION MATTERS

5. Consideration of Adoption:

- [Draft Minutes for October 3, 2019 – Joint with Health](#)
- [Draft Minutes for October 3, 2019 – Regular](#)

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

6. Commission Comments/Questions

Commissioner Richards:

Interesting enough, as I was looking through my old files for the Fulton Street item on today’s calendar. I know on our action item list, we have an open action item and Commissioner Fung walked right into what I was going to say. I remember when we had the NC20 project, which is in 2007. And I remember 2017 saying maybe we need an NC30, look at the commercial districts and what’s allowed, what’s not allowed. So maybe we do an NC33 or an NC34 and we take a look at beer and wine and all these other things that think we need CUs for and actually, take a look at the new retail landscape and see what today probably should not be CUs that are CUs, etcetera.

President Melgar:

Ok, so I did have a request for staff. For the last three years that I've been on this commission, we have consistently applied a policy of trying to get more housing units whenever folks wanted to expand space and we've applied it in different ways. Sometimes by requesting an ADU when folks were doing expansion when there were tenants in buildings that were wanting to expand. We've been very mindful of tenant protections and hopeful to, and wanting to get more units out of any expansion. Especially when it affects tenants rather than just space, that will result in you know essentially rent evictions

of tenants. And so, I wanted us to formalize that policy, you know, past this commission and also to give a guidance to staff because right now, the way we do it is oftentimes it comes to us as a Discretionary Review request and we address it that way. But it doesn't address all of the projects that don't get DR'd or that are approved as of right. So, I wanted us to formalize and I'm requesting that staff work with the City Attorney to draft a resolution for us to vote on so that we can formalize this policy going forward.

Commissioner Richards:

So, I think this harks back to our budget discussion two years ago where we kind of start acting like a de facto Rent Board because we are getting lots of emails commenting on ADU abuse, where tenants are getting evicted, their services are being taken away from them. I talked to Robert Collins on the Rent Board and he said, "well our job only is to determine what level of services or what amenities are taken away and adjust the rent", which I don't think is the right answer. So, I come back and I'm going to ask again in this next budget cycle that we have a dedicated tenant advocate on staff to look at every project through the tenant's eyes to understand how they're impacted. Thank you.

D. DEPARTMENT MATTERS

7. Director's Announcements

John Rahaim, Planning Director:

Thanks Jonas. No new announcements except to say that I'm happy to work on that policy and maybe we can run a draft by you in the meantime so that we can make sure we're capturing the right issues for your attention.

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

Aaron Starr:

Land Use Committee

Land Use Committee was canceled last week and this week.

Full Board

This week's Board hearing was also canceled.

Results of Last Week's hearing:

- **190644** Planning Code - Landmark Designation - 2031 Bush Street (aka the Kinmon Gakuen Building). Sponsors: Brown. Staff: D. Smith. Passed First Read
- **181215** Administrative, Planning Codes - South of Market Community Advisory Committee. Sponsor: Haney. Staff: Starr for Snyder. Passed First Read
- **190890** Hearing - Appeal of Determination of Community Plan Evaluation - 344-14th Street. Staff: Range and George. Appeal Denied/CEQA Upheld

Finally, the Board considered the CEQA appeal for 344-14th Street. The project is a 7-story, mixed-use building and would include 60 residential units and approximately 6000 sf of ground floor retail. The planning commission approved the project on July 25, 2019 with conditions, prohibiting corporate housing (+5-1; Melgar against; Hills absent).

The appellant's primary concerns contend the department's environmental analysis for the project did not adequately account for different soils conditions. The appellant contends construction of the proposed project would substantially alter existing drainage patterns for the area that would result in significant impacts on the adjacent buildings located within the Woodward Street Historic District. The appellant also contended that the project was approved under an inadequate Eastern Neighborhoods Plan EIR and that the cumulative impacts of changes since the plan was adopted were not adequately studied through a Community Plan Evaluation (CPE).

During the hearing, Public comment to uphold the appeal spoke against the project due to its impact on residents and businesses as a result of gentrification and displacement in the Mission. Public comments also opposed the project due to changes in groundwater, hydrology and sewer capacity resulting in potential flooding impacts within the site vicinity.

Supervisors asked the Planning Department to elaborate on the adequacy of the Eastern Neighborhoods EIR and what would trigger the need for a new PEIR. In the end, Supervisors unanimously affirmed the community plan evaluation and denied the appeal.

Introductions

Lastly, The City Administrator's Office introduced an ordinance to change the name of the Office of Cannabis to the Office of Cannabis Regulation. As this is only name change with no other substantive changes, staff was not planning on bringing this ordinance to you for a public hearing, unless I hear differently from you now.

Commissioner Richards:

Just one comment on -- I know the Eastern Neighborhoods Planning EIR was taken to court and it went through a lot of iterations. Does anybody have the status on what the ruling was?

John Rahaim, Planning Director:

Well, it was used -- it was questioned in a court case on a specific project.

Commissioner Richards:

Yeah 901 16th ...

John Rahaim, Planning Director:

Yes, that case. That was resolved and the court ruled in favor of the project.

Commissioner Richards:

Okay. Thanks.

President Melgar:

So, I'm sorry, I'm going to ask Director Rahaim about that, as well. Not about the legality of it, but I watched the hearing at the Board of Supervisors and, you know, while there's no expiration date on the EIR, the community's contention has been that things have really changed in the last 20 years. Particularly in the eastern neighborhoods and transportation patterns have changed, as we now have Uber and Lyft and all sorts of things. Just at what point are assumptions outdated? I realize that there's no expiration date but at what point

do we say, hey, it's worth investing, in doing some more environmental analysis going forward?

John Rahaim, Planning Director:

I mean, there's not a clean answer to that question and I'm happy to have a further discussion with the Environmental staff and kind of talk about maybe a memo to talk about how, where that trigger might be and how we might approach that. I mean, you know, the EIR for eastern neighborhoods for example made assumptions that a good amount -- a certain amount of housing and a certain amount of office would happen. A lot of the housing has happened. The office has not happened in that part of the city, to nearly the extent that the EIR covered. So, there's differences in the assumptions that have been made. And you're right, the transportation patterns have changed dramatically. You know, I can't tell you right here and now whether there is a trigger to require us to move into more environmental analysis, but we can give you some guidance on that.

President Melgar:

Yeah and you know I wasn't expecting a clean-cut answer. I was more wanting to raise the issue as a point of discussion because, I mean aside from Uber and Lyft. And I remember being involved in these discussions around the Eastern Neighborhoods. We did not quite foresee what would happen to PDR in the Mission or in SoMa. You know, like we could imagine but, so I think from the community's perspective, every project that's being built is being built with assumptions that we had 20 years ago. And so, like it would behoove us to perhaps, you know, think about it. Thank you.

Commissioner Richards:

One other comment, maybe in the memo, you could pull out the Hub EIR and compare it to the Eastern Neighborhoods EIR and see if there's any different assumptions now that we're doing one here in 2019 versus 2005 or 2007 or whatever it was. I would love to see what the differences actually are. Thanks.

E. GENERAL PUBLIC COMMENT

SPEAKERS: Georgia Schuttish – Section 317
 Kevin Chang – 18th Street
 Tom Radulovich – CEQA amendments
 Speaker – 65 Ocean
 Speaker – 65 Ocean
 Speaker – 65 Ocean

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.

4. [2018-004545CRV](#) (V. FLORES: (415) 575-9173)
[351 12TH STREET](#) – between Folsom and Harrison Streets, Lot 055 in Assessor's Block 3521 (District 6) – Request for **Waivers from Development Standards** pursuant to Planning Code

Section 206.6 and California Government Code Section 65915 to pursue the State Density Bonus Law. The project includes the removal of an existing automobile parking lot to and new construction of a six-story residential building (measuring approximately 15,559 gross floor area) with 48 group housing rooms. The proposal includes a community room on the ground story and a roof deck. The Project Site is located within the Western SoMa Mixed Use-General (WMUG), Eastern Neighborhoods (Western SoMa) Area Plan, and 55-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: Adopt Findings for Requested Waivers

SPEAKERS: = Veronica Flores – Staff report
 + Speaker – Project presentation
 + Speaker – Design presentation
 - Paul Dally – Negative impacts
 - David Hyman – Negative impacts
 = Carly Grob – Response to questions
 ACTION: After being pulled off of Consent; Adopted Findings
 AYES: Fung, Johnson, Melgar, Moore
 NAYS: Richards
 ABSENT: Koppel
 RESOLUTION: [20545](#)

10. [2019-014960PCA](#) (V. FLORES: (415) 575-9173)
FULTON STREET GROCERY STORE SPECIAL USE DISTRICT [BF 190839] – Planning Code Amendment to allow a grocery store use that is a formula retail use in the Fulton Street Grocery Store Special Use District (“District”), on Fulton Street between Laguna and Octavia Streets, subject to conditional use authorization, and adding criteria for such authorization; clarify the definition of a grocery store use within the District; eliminate square footage requirements for commercial uses in the District other than a grocery store and for subsequent uses in a location previously approved for a grocery store; extend the time period for effectiveness of controls for the District to five years from the effective date of the Ordinance; and making environmental findings, 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.
Preliminary Recommendation: Approve with Modifications

SPEAKERS: = Veronica Flores – Staff report
 + Shakira Simley, Aide to Sup. Brown – Grocery Legislation
 + Stephanie – Trader Joe’s
 = Bob Anderson – Trader Joe’s
 = Tess Welborn – Agreements
 ACTION: Approved with Modifications
 AYES: Fung, Johnson, Melgar, Moore, Richards
 ABSENT: Koppel
 RESOLUTION: [20546](#)

9. [2019-014525PCA](#) (D. SANCHEZ: (415) 575-9082)
PARKING REQUIREMENTS – Planning Code Amendment introduced by Supervisor Mandelman to modify maximum amounts of parking permitted in certain Neighborhood

Commercial, Residential-Mixed, Community Commercial, and Mission Bay zoning districts, to require that above-grade parking in all districts be designed for conversion to other uses, and to update outdated references, clarify existing requirements, and improve the organization of the Code; amending the Environment Code to update a Planning Code cross-reference; 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
 + Kyle Smeallie, Aide to Sup. Mandelman – Parking legislation
 Tom Radulovich – Climate crisis

ACTION: Approved with Modifications, except No. 3

AYES: Fung, Johnson, Melgar, Richards

NAYS: Moore

ABSENT: Koppel

RESOLUTION: [20547](#)

11. [2016-013312GPA](#) (N. FOSTER: (415) 575-9167)
542-550 HOWARD STREET (TRANSBAY PARCEL F) MIXED-USE PROJECT – located on the north side of Howard Street between 1st and 2nd Streets; Assessor's Block 3721, Lots 016,135, 136, and 138 (District 6) – **General Plan Amendment Initiation** to revise Figure 1 of the Transit Center District Subarea Plan and revise Maps 1 and 5 of the Downtown Area Plan in association with the Parcel F Mixed-Use Project ("Project"). The Project would construct a 750-foot-tall (800 feet inclusive of rooftop mechanical features), 61-story, mixed-use tower with a total of approximately 947,000 gross square feet of floor area. The Project would include 165 dwelling units, 189 hotel rooms, approximately 274,000 square feet of office use floor area, approximately 79,000 square feet of floor area devoted to shared amenity space, approximately 9,000 square feet of retail space, approximately 20,000 square feet of open space, four below-grade levels that would accommodate up to 183 vehicle parking spaces, and 177 Class 1 and 39 Class 2 bicycle parking spaces. The Project also would construct a pedestrian bridge providing public access to Salesforce Park located on the roof of the Salesforce Transit Center.
- Preliminary Recommendation: Initiate and Schedule a hearing on or after November 21, 2019*

SPEAKERS: = Nick Foster – Staff report
 + CJ Higley - Project presentation
 - Speaker – SRO conditions
 - Gordon Chin – Opposition, shadow impact
 - Phil Chin – Opposition, shadow impact
 - Amanda Rupp – Opposition, shadow impact
 = Tom Radulovich – Parking

ACTION: After hearing and closing public comment; Continued to December 5, 2019

AYES: Fung, Johnson, Melgar, Moore, Richards

ABSENT: Koppel

12. [2017-000565CWP](#) (A. NELSON: (415) 575-8723)

COMMUNITY STABILIZATION: POLICY AND PROGRAM INVENTORY AND PRIORITIES – Informational Presentation on the Community Stabilization initiative is a multi-agency effort to assess the City’s existing portfolio of tools, unify efforts into one comprehensive inventory, and identify priorities. The initiative seeks to mitigate the impacts of ongoing displacement and help vulnerable populations thrive and contribute to the City’s economy and culture. It enables decision-makers to make strategic choices and support interagency coordination to help stabilize our communities most impacted by displacement.

Preliminary Recommendation: None – Informational

SPEAKERS: = Andi Nelson - Staff presentation
 + Alexandra Goldman – Support
 + Jennifer Fieber – Tenants
 = Georgia Schuttish – Demolitions
 + Peter Cohen – Support
 = Tess Welborn – Job-housing balance

ACTION: Reviewed and Commented

13. [2018-014774CUA](#) (X. LIANG: (415) 575-9182)
360 SPEAR STREET – south side of Spear Street between Folsom Street and Harrison Street; Lot 009 in Assessor’s Block 3745 (District 6) – Request for a **Conditional Use Authorization**, pursuant to Planning Code Sections 303 and 827.21, to establish a new non-residential use greater than 25,000 square feet at the site, involving a change of use of a portion of the Internet Services Exchange (ISE) use and its accessory vehicular parking area to Laboratory Use, within a RH-DTR (Rincon Hill Downtown Residential District) Zoning District and 105-X Height and Bulk District. The project would result in approximately 51,000 square feet of Laboratory and 58,500 square feet of Internet Services Exchange (ISE) uses. No change is proposed to the existing 49,909 square feet of Office use. The building is also undergoing various tenant and streetscape improvements under separate permits. 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: = Xinyu Liang – Staff report
 + Mark Loper – Project presentation
 = Rich Sucre – Response to questions
 + Charles Bloszies – Response to questions

ACTION: After hearing and closing public comment; a motion to approve with conditions as amended to include future tenants provide proof of laboratory use through a LoD failed +3 -2 (Fung, Moore against); Continued to December 5, 2019.

AYES: Fung, Johnson, Melgar, Richards
NAYS: Moore
ABSENT: Koppel

G. DISCRETIONARY REVIEW CALENDAR

The Commission Discretionary Review Hearing Procedures provide for presentations by staff; followed by the DR requestor team; followed by public comment opposed to the project; followed by the project sponsor team; followed by public comment in support of the project. Please be

advised that the DR requestor and project sponsor teams include: the DR requestor and sponsor or their designee, lawyers, architects, engineers, expeditors, and/or other advisors.

14. [2018-016955DRP](#) (D. WINSLOW: (415) 575-9159)
[220 SAN JOSE AVENUE](#) – near 24th Street; Lot 004 in Assessor’s Block 6513 (District 8) – Request for **Discretionary Review** of Building Permit Application No. 2018.1214.8349 for construction of a two-story, rear horizontal addition to an existing two-story one-family house 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: Take Discretionary Review and Approve with Modifications
 (Continued from Regular hearing on August 22, 2019)

SPEAKERS: = David Winslow – Staff report
 - Vanessa Ginzton – DR presentation
 - Mike Garavalli – Sunlight
 - Pat Buscovich – DR presentation
 - Victoria Kardum – Opposition
 + Speaker – Project presentation
 ACTION: Took DR and Approved with Staff modifications
 AYES: Fung, Johnson, Melgar, Moore, Richards
 ABSENT: Koppel
 DRA: [0668](#)

15. [2017-012939DRP](#) (D. WINSLOW: (415) 575-9159)
[2758 23RD STREET](#) – near Hampshire Street; Lot 019 in Assessor’s Block 4152 (District 9) – Request for **Discretionary Review** of Building Permit Application No. 2017.0928.9889, proposing excavation of a basement to create habitable space; a one-story vertical addition; a two-story horizontal rear addition; and façade alterations to an existing 1,372 sf. two-story, two-family house 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: Take Discretionary Review and Approve with Modifications

SPEAKERS: = David Winslow – Staff report
 - Jennifer Fieber – DR presentation
 - Raquel Fox – DR presentation
 - Marivel Sanchez – DR presentation
 - Steven Booth – Opposition
 + Greg Smith – Project presentation
 + Neil Eaton – Project presentation
 ACTION: Took DR and Disapproved
 AYES: Fung, Johnson, Melgar, Moore, Richards
 ABSENT: Koppel
 DRA: [0669](#)

ADJOURNMENT 5:47 PM
 ADOPTED NOVEMBER 7, 2019

