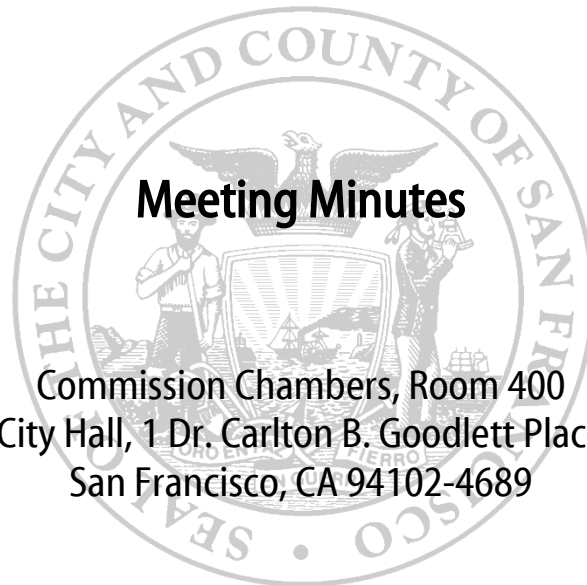


SAN FRANCISCO PLANNING COMMISSION



Meeting Minutes

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

Thursday, December 5, 2019
1:00 p.m.
Regular Meeting

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

THE MEETING WAS CALLED TO ORDER BY PRESIDENT MELGAR AT 1:52 PM

STAFF IN ATTENDANCE: Audrey Merlone, Aaron Starr, Marcelle Boudreaux, Jacob Bintliff, Allison Vanderslice, Maia Small, Luiz Barata, Trent Greenan, Nick Foster, Andrew Perry, Claudine Asbagh, Xinyu Liang, Carolyn Fahey, Michael Christensen, Jonathan Vimr, 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.

- 1a. 2013.0689CUA (M. GIACOMUCCI: (415) 575-8714)
2 HENRY ADAMS – located on the west side of Henry Adams Street between Division and Alameda streets, Lots 001 and 005 in Assessor’s Block 3910 (District 10). Request for a **Conditional Use Authorization** pursuant to Planning Code Sections 303 and 210.3B to allow the conversion of 49,364 square feet of laboratory use to office use on the fourth and fifth floors of the subject property, located in a PDR-1-D (Production, Distribution & Repair-1-

Design) Zoning District and 45-X Height and Bulk District. The subject property is Landmark No. 283, the Dunham, Carrigan, & Hayden Building, designated under Article 10 of the Planning Code. The proposal also includes façade restoration and establishment of a public plaza on the northwest corner of the property. 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 January 9, 2020)

SPEAKERS: John Kevlin – December 19th
 ACTION: Continued to January 9, 2020
 AYES: Diamond, Fung, Johnson, Koppel, Melgar, Moore, Richards

- 1b. 2013.1593B (M. GIACOMUCCI: (415) 575-8714)
2 HENRY ADAMS – located on the west side of Henry Adams Street between Division and Alameda streets, Lots 001 and 005 in Assessor’s Block 3910 (District 10). Request for an **Office Development Authorization** pursuant to Planning Code Sections 321 and 322 to allow the conversion of 49,364 square feet of laboratory use to office use on the fourth and fifth floors of the subject property, located in a PDR-1-D (Production, Distribution & Repair-1-Design) Zoning District and 45-X Height and Bulk District. The subject property is Landmark No. 283, the Dunham, Carrigan, & Hayden Building, designated under Article 10 of the Planning Code. The proposal also includes façade restoration and establishment of a public plaza on the northwest corner of the property. 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 January 9, 2020)

SPEAKERS: Same as item 1a.
 ACTION: Continued to January 9, 2020
 AYES: Diamond, Fung, Johnson, Koppel, Melgar, Moore, Richards

2. 2017-012887DRP (D. WINSLOW: (415) 575-9159)
265 OAK STREET – between Gough and Octavia; Lot 024 in Assessor’s Block 0838 (District 5) – Request for **Discretionary Review** of Building Permit Application Nos. 2019.0618.3775 and 2019.0618.3782, proposing to demolish a one-story garage structure and construct a 4-story two- family home at the rear of a through-lot. The project also includes tenant improvements and reconfiguration of the existing ground floor unit to an existing 5-unit apartment building within a Hayes-NCT (Hayes-Neighborhood Commercial Transit) Zoning District and 40-X Height and Bulk District. Planning Code Section 134 requires a 30’ deep rear yard. The proposed building would encroach entirely into the rear yard; therefore, a variance is required to enable this construction. 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
(Proposed for Continuance to January 16, 2020)

SPEAKERS: None
 ACTION: Continued to January 16, 2020

AYES: Diamond, Fung, Johnson, Koppel, Melgar, Moore, Richards

- 18a. [2018-011430CUA](#) (C. MAY: (415) 575-9087)
1776 GREEN STREET – north side of Green Street between Octavia and Gough Streets, Lot 006 in Assessor’s Block 0544 (District 2) – Request for **Conditional Use Authorization** pursuant to Planning Code Sections 209.1 and 303 to permit a two-story vertical addition and a change of use from an automobile repair garage to a residential building containing five new residential units within a RH-2 (Residential-House, Two-Family) Zoning District and 40-X Height and Bulk District. The Conditional Use Authorization request is to exceed the principally permitted dwelling unit density limit for the respective zoning district. This action constitutes the Approval Action for the project for the purposes of CEQA, pursuant to San Francisco Administrative Code Section [31.04\(h\)](#).
Preliminary Recommendation: Approve with Conditions
 (Continued from Regular hearing on November 7, 2019)
Note: On November 7, 2019, after hearing and closing public comment; Continued to December 5, 2019 by a vote of +6 -0.

SPEAKERS: None
 ACTION: Continued to January 9, 2020
 AYES: Diamond, Fung, Johnson, Koppel, Melgar, Moore, Richards

- 18b. [2018-011430VAR](#) (C. MAY: (415) 575-9087)
1776 GREEN STREET – north side of Green Street between Octavia and Gough Streets, Lot 006 in Assessor’s Block 0544 (District 2) – Request for **Variances** from the front setback and rear yard requirements of Planning Code Sections 132 and 134, respectively, to permit a two-story vertical addition and a change of use from an automobile repair garage to a residential building containing five new residential units within a RH-2 (Residential-House, Two-Family) Zoning District and 40-X Height and Bulk District.
 (Continued from Regular hearing on November 7, 2019)

SPEAKERS: Same as item 18a.
 ACTION: Acting ZA Continued to January 9, 2020

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. [2019-006951CUA](#) (C. CAMPBELL: (415) 575-8732)
1401 19TH AVENUE – west corner of 19th Street between Judah and Kirkham Streets; Lot 037 of Assessor’s Block 1834 (District 4) – Request for **Conditional Use Authorization**, pursuant to Planning Code Sections 186, 187.1, 202.2, 209.1, and 303, to authorize the sale of beer and wine (ABC license Type 20, off-sale beer and wine) with motor vehicle fuel (DBA Chevron) and authorize a previously permitted non-conforming change of use from Automotive Service Station to Gas Station, Convenience Store, and Limited Restaurant (DBA Kal’s) in 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: Approve with Conditions

SPEAKERS: None
 ACTION: Approved with Conditions
 AYES: Diamond, Fung, Johnson, Koppel, Melgar, Moore, Richards
 MOTION: [20583](#)

C. COMMISSION MATTERS

4. Consideration of Adoption:

- [Draft Minutes for November 21, 2019 – Closed Session](#)

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

- [Draft Minutes for November 21, 2019 – Regular](#)

SPEAKERS: None
 ACTION: Adopted as Corrected
 AYES: Diamond, Fung, Johnson, Koppel, Melgar, Moore, Richards

5. Commission Comments/Questions

Commissioner Moore:

I would like to ask the Commission to consider a policy discussion on the following: I see in gas stations where we have small service space which is kind of like a tiny little local repair, that there are more and more being eliminated in making room to the commercial component of retail, expanding into selling liquor and alcohol. Not that the liquor and alcohol are much of the issue but I think we are losing important neighborhood based PDR spaces. As we are continuing to eliminate gas stations across the city, the ability for somebody just to have a quick repair done at their local gas station, including supporting small PDR businesses is being lost. We had a discussion about that a few years ago when we, at the corner of Steiner and California, a similar discussion, where a huge neighborhood support for keeping the service bay, in particular women, said “We don't know anybody else. This is the person who we trust with our small car repairs,” and now we are systematically seeing an erosion of that particular work element in gas stations. I would like the Commission to think about that. I would like us to fold that discussion into a broader look at service stations where they are located in serving the city as a whole.

Commissioner Richards:

To Commissioner Moore's point, I read a few times here about the lack of gas stations in Manhattan in that they have to drive across the island in order to get gas or gas-related products. When we had the Market-Octavia Plan, somebody brought up the fact that, “Oh my God, all the corner gas stations are going to be turned into housing” and I kind of laughed at them like well, that's the whole point. And we started talking about a census of gas stations. At one point there were 100 something and now there are 70 in other. So

maybe we could actually see the changing phase of how we fuel our cars. And maybe, in the policy discussion, look at creative ways like they have in Japan and Europe, where you don't have to have a gas station. You can have a remote filling facility or you can have a right on the curb pump, something like that, so we can still have a good use of the land. But also still -- until carbon-emitting cars are eliminated, we will still be able to service those. I think that's a great idea. And it truly should be in part larger of the retail discussion that we got on our action item list. And I think that is the last big item that we haven't really addressed yet. So just a question, I don't want to regurgitate. So there's an article in the paper yesterday, Ruling may Undercut Law on Housing, judge says "San Mateo can ignore California's statute Housing Accountability Act." I read the article and I got confused because there's rulings the charter cities don't have to follow it and trial courts has gone to some appellate courts. There's some challenges to SB35 out there. I would love to have the city attorney write us a memo on where everything stands, because we get people coming up here and saying I'm going to challenge you on x law or y law because you are going to cut ten feet off my bedroom. I would really love to understand where all this litigation stands.

Austin Yang, Deputy City Attorney:

Sure. We have issued several memos on the Housing Accountability Act. And we are tracking the San Mateo case. Of note, it's at the trial court and we will continue to track it. And we can keep you up to date.

Commissioner Richards:

Okay. And the Huntington Beach case...

Austin Yang, Deputy City Attorney:

Sure.

Commissioner Richards:

I'll call you. There's a lot -- there's several out there.

Austin Yang, Deputy City Attorney:

Okay. Sounds good.

Commissioner Richards:

One other thing. In order to save time for the December 19th hearing, I canvassed a few commissioners and I asked them if they received this memo dated September 10th from the Director Hui on the 3847-3849 project. It's addressed to We, Planning Commissioners. And nobody that I talked to said that they had received this. What I would like to do is hand this into Mr. Ionin along with a set of questions I have so that we can give Mr. O'Riordan time to come and ask -- to answer the questions, so that we are not burning up time here in the commission and to hopefully get this issue resolved on the 19th. But nobody has gotten this memo. I think you need to get it. It's addressed to you. And there's a lot of questions. So I would like you to distribute this for -- and also have Mr. O'Riordan respond to that or bring answers to it. We are giving him two weeks.

D. DEPARTMENT MATTERS

6. Director's Announcements

John Rahaim, Planning Director:

Commissioners, I just have one item to talk to you about. It relates to a project that you heard of on the October 24th. At that hearing you heard an update of approved conditional use allowing a patio use for a restaurant called Birba on 458 Grove Street. As you recall, the patio use had been approved a year ago to operate until 10 pm. At the hearing, the neighbor had filed a complaint with Enforcement and had expressed a concern about the noise level of the restaurant. And he had filed a complaint with the Department as well. We did go out and look at that. At the point we went out, we were unable to verify that there was any violation. So as for context, you had heard this item immediately after the Ocean Avenue item and it was late in the day. And there was a little bit of -- staff wasn't quite clear about the direction that, to be honest, that we were being given. So our intention at this point is to proceed with the complaint, do further enforcement analysis to see if there is a problem there and then get back to you to see if we do find a problem at this point. If you would like further hearing on it, we can do it at that time but our recommendation now is to allow us to do a little bit more analysis to go out there in the evenings to see if there's a problem and then get back to you then. So with that, I have no other announcements today. Thank you.

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

Jonas P. Ionin, Commission Secretary:

There was no Historic Preservation Commission hearing yesterday. And there is no Board of Supervisor's report. So there is, I did receive a report from the Assistant Zoning Administrator Sanchez. The Board of Appeals did meet last night and considered three items that may be of interest to the Planning Commission.

Item 1, 610 El Camino Del Mar, the Board heard the appeal of the Commission's denial of building permit for a deck at the rear at this property. As noted in past summaries the Board continued this item several times to allow the parties additional time to meet to resolve their differences. Unfortunately, the parties were not able to come to a resolution. In the DR Action memo for this project, the Commission based their denial on a previous private agreement between the parties for a similar proposal dating back to 2011. The Board voted unanimously to overturn the denial and approve the project, noting the staff DR analysis found the project to be compliant with the Planning Code and Residential Design Guidelines. The Board also noted that the City does not enforce private agreements and the Planning Commission's decision lacked any other basis for their action.

Item 2, 3426-3432 22nd Street, the Board heard the appeal of DBI's revocation of nine building permits associated with the subject property. The Board found that the project sponsor violated Building and Planning Codes by providing inaccurate plans and exceeding the scope of work on the subject permits, including work that will require a variance to legalize. However, the Board also question whether the permit should have been suspended rather than revoked. The Board continued the item to March 18th to allow time for the project sponsor to work with DBI and Planning to provide complete and correct plans and establish a path forward to bring the property into compliance.

Item 3, annual report, lastly, the Board heard and adopted their annual report and the Department will forward the final version of the report to the Commission when it becomes available.

E. GENERAL PUBLIC COMMENT

At this time, members of the public may address the Commission on items of interest to the public that are within the subject matter jurisdiction of the Commission except agenda items. With respect to agenda items, your opportunity to address the Commission will be afforded when the item is reached in the meeting. Each member of the public may address the Commission for up to three minutes. When the number of speakers exceed the 15-minute limit, General Public Comment may be moved to the end of the Agenda.

SPEAKERS: Christen Evans – 1672 Haight Street
 Georgia Schuttish – Spec projects, kitchen space
 Kitchens in Spec Projects not using space efficiently.
 Creating restaurant-like spaces, Large square footage = expensive homes, loss of Relative Affordability.
 Food delivery trends mean kitchens less for meal preparation and food storage = wasted sq. footage. Could densify either with horizontal expansion and unit/ADU on ground level or a vertical expansion owhich tends to = demolition have a second unit upstairs.
Extreme Alterations like this have same consequence as Demolition. Example shown did not comply with Staff requests for required Demo Calcs even after two NOPDRs...final plan's Calcs look "squishy". Example similar to five samples from 2015 where 40% should have been reviewed as Demolition per Staff.
Very difficult for Enforcement. Must be inspected by Staff at just the right time during construction to get proper assessment.
Much better to have strict assessment at intake with less liberal Demo Calcs or some other Demolition definition to achieve Relative Affordability.
 Corey Smith – Urban in-fill density

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. [2019-014348PCA](#) (A. MERLONE: (415) 575-9129)
EXEMPTION FROM DENSITY LIMITS FOR AFFORDABLE AND UNAUTHORIZED UNITS [BOARD FILE NO. 190757] – Planning Code Amendment to provide an exception from density limit calculations for all affordable units in projects not seeking and receiving a density bonus, permit the legalization of all unauthorized dwelling units notwithstanding a history of no-fault evictions, and principally permit residential care facilities for seven or more persons in all RH (Residential, House) Zoning Districts; 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
(Continued from Regular hearing on November 21, 2019)

SPEAKERS: = Audrey Merlone – Staff report
+ Kyle Smeallie, Aide to Sup. Mandelman – Proposed legislation
+ Tom Radulovich – Support
+ Jeremy Schaub – Support
+ Corey Smith – Support
ACTION: Approved with Staff Modifications
AYES: Diamond, Fung, Johnson, Koppel, Melgar, Moore
ABSENT: Richards
RESOLUTION: [20584](#)

9. [2018-017235CWP](#) (M. SMALL: (415) 575-9160)

RETAINED ELEMENTS SPECIAL TOPIC DESIGN GUIDELINES – **Adoption**: design guidelines that apply at the discretion of the Planning and Historic Preservation Commissions to sites that propose to retain and incorporate existing building elements into new development. They work in concert with the Urban Design Guidelines and consistency with both sets of guidelines is mandatory in the approval process. These guidelines are not considered to meet the Secretary of the Interior’s Standards for the Treatment of Historic Properties by the Planning Department and would not result in a less than significant impact to individual historic resources for the purposes of CEQA review.

Preliminary Recommendation: Adoption

SPEAKERS: = Maia Small – Staff Report
+ HPC Commission President Aaron Hyland – Comments and questions
= Allison Vanderslice – Response to questions
ACTION: Adopted
AYES: Diamond, Fung, Johnson, Koppel, Melgar, Moore, Richards
RESOLUTION: [20585](#)

10. [2019-022159CWP](#) (M. SMALL: (415) 575-9160)

JAPANTOWN SPECIAL AREA DESIGN GUIDELINES – **Informational Presentation** of the community-led Japantown Special Area Design Guidelines process, fulfilling a strategy outlined in the adopted Japantown Cultural Heritage and Economic Sustainability Strategy adopted in 2013. These would apply, in concert with the Urban Design Guidelines, in the Japantown NCD and on R-district parcels within the Japantown Cultural Heritage District for projects with non-residential uses, a frontage of 150 feet or longer, or for residential projects with 25 units or more.

Preliminary Recommendation: None – Informational

SPEAKERS: = Maia Small – Staff presentation
= Luiz Barata – Staff presentation
= Trent Greenan – Staff presentation
ACTION: Reviewed and Commented

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 December 5, 2019
 (Continued from Regular hearing on October 17, 2019)
Note: On October 17, 2019, after hearing and closing public comment, continued to December 5, 2019 by a vote of +5 -0 (Koppel absent).
- SPEAKERS: = Nick Foster Staff report
 + CJ Higley – Project sponsor comments
 + Ted Waechter – Support
- ACTION: Initiated and Scheduled a hearing on or after January 9, 2020
- AYES: Diamond, Fung, Johnson, Koppel, Melgar, Moore
- ABSENT: Richards
- RESOLUTION: [20586](#)
12. [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 design modification 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 49,520 square feet (sf) to 30,098 sf, add 14,158 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 October 17, 2019)
- SPEAKERS: = Andrew Perry – Staff report
 + Sig Anderson – Project presentation
 + Phil Ward – Design presentation
 + Sunny Angulo, Aide to Sup. Peskin – Project delay

+ Richard Lee – Support
 = Sue Hestor – Exterior lighting, POPOS signage
 + Christine Mann – Support
 + Speaker – Support

ACTION: After a motion to continue failed +3 -3 (Diamond, Fung, Koppel against);
 Approved with Conditions, including to continue working with Staff on
 the design.

AYES: Diamond, Fung, Koppel, Melgar

NAYS: Moore, Richards

ABSENT: Johnson

RESOLUTION: [20587](#)

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
 (Continued from Regular hearing on October 17, 2019)
**Note: On October 17, 2019, 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 by a
 vote of +4 -1 (Moore against; Koppel absent).**

SPEAKERS: = Xinyu Liang – Staff report
 + Mark Loper – Project presentation

ACTION: Approved with Conditions as amended to include: DPH must review all
 BPA's for each tenant for local, state and federal regulations prior to
 issuance of a certificate of occupancy.

AYES: Diamond, Koppel, Melgar, Richards

NAYS: Fung, Moore

ABSENT: Johnson

MOTION: [20588](#)

14. [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 October 17, 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). On October 17, 2019, without hearing, continued to December +5 -0 (Koppel absent).

SPEAKERS: = Michael Christensen – Staff report
 + Brendan Hallinan – Project presentation
 + Joseph Hunt – Project presentation
 + Luis Cervantes – Project presentation
 + Rick Hall – Support
 + Rudy Corpus – Support
 + Speaker – Support
 + Brian Webster – Support
 + Roberto Vargas – Support
 + Speaker – Support
 + Nina Parks – Support
 + Sean Richard – Support
 + Monique Sizemore – Support
 + Alejandro Lucas – Support
 + Speaker – Support
 + Miguel Arroyo – Support
 + Speaker – Support

ACTION: Approved with Conditions as amended, eliminating Condition No. 11.

AYES: Diamond, Koppel, Melgar, Moore, Richards

NAYS: Fung

ABSENT: Johnson

MOTION: [20589](#)

15. [2016-012773CUA](#) (C. FAHEY: (415) 575-9139)
146 GEARY STREET – north side of Geary Street between Stockton Street and Grant Avenue; Lot 007 in Assessor’s Block 0309 (District 3) – Request for **Conditional Use Authorization**, pursuant to Planning Code Sections 210.2 and 303 to allow the change of use from retail and to establish office use at the third and fourth floors exceeding 5,000 square feet the within a C-3-R (Downtown-Retail) Zoning District and 80-30-F 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 October 24, 2019)

SPEAKERS: = Carolyn Fahey – Staff report
 = Lee Hepner, Aide to Sup. Peskin – Request for continuance
 + Tuija Catalano – Project presentation
 + Mark Stefan – Project presentation

- + Karen Flood – Support
- = Sue Hestor – Exterior lighting
- + Sharon Spector – Support
- + Richard Lee – Support

ACTION: After hearing and closing public comment; Continued to December 12, 2019

AYES: Diamond, Fung, Koppel, Melgar, Moore, Richards

ABSENT: Johnson

16. [2017-014849CUA](#) (J. VIMR: (415) 575-9109)
220 POST STREET – northern side of Post Street between Stockton Street and Grant Avenue; Lot 007 in Assessor’s Block 0294 (District 3) – Request for **Conditional Use Authorization**, pursuant to Planning Code Sections 210.2 and 303 to establish a change of use from an existing Retail Sales and Service use to General Office use on the third, fourth, and fifth floors of the subject building, within a C-3-R (Downtown-Retail) Zoning District and 80-130-F Height and Bulk District. The overall Project also includes interior tenant improvements, storefront façade changes on Post Street and Compton Place, and the addition of a roof deck. 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 October 24, 2019)

- SPEAKERS: = Jonathan Vimr – Staff report
 + Tuija Catalano – Project presentation
 + Mark Stefan – Project presentation
 + Karen Flood – Support
 + Richard Lee – Support
 = Sue Hestor – Exterior lighting

ACTION: After a motion to approve conversions on the third, fourth and fifth floors with conditions failed +2 -4 (Diamond, Fung, Moore, Melgar against); Approved with Staff recommendation and Conditions

AYES: Diamond, Fung, Melgar, Moore, Richards

NAYS: Koppel

ABSENT: Johnson

MOTION: [20590](#)

17. [2018-007267OFA](#) (J. VIMR: (415) 575-9109)
865 MARKET STREET – south side of Market Street immediately east of its intersection with Fifth Street; Lot 042 in Assessor’s Block 3705 (District 6) – Request for an **Office Development Authorization** pursuant to Planning Code Sections 320 through 325 to authorize up to 49,999 square feet from the Office Development Annual Limit. The proposal would convert existing retail use, accessory office use, and miscellaneous spaces at floors 7-8 of the subject building to General Office use. The subject property is located within a C-3-R (Downtown-Retail) Zoning District, 120-X/160-S Height and Bulk District, and Article 11 Kearny-Market-Mason-Sutter Conservation District. This action constitutes the Approval Action for the project for the purposes of CEQA, pursuant to San Francisco Administrative Code Section [31.04\(h\)](#).
Preliminary Recommendation: Approve with Conditions
 (Continued from Regular hearing on November 7, 2019)

SPEAKERS: = Jonathan Vimr – Staff report
 + Chris Kitchen – Project presentation
 + Jessica Lum – Support
 + Speaker – Support
 + Speaker – Support
 + Alex Lansberg – Support
 = Sue Hestor – TDR’s
 + Michael Nulty – Support
 + Richard Lee – Support
 ACTION: Approved with Conditions
 AYES: Diamond, Fung, Koppel, Melgar, Moore, Richards
 ABSENT: Johnson
 MOTION: [20591](#)

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.

19. [2019-013201DRP](#) (M. CHRISTENSEN: (415) 575-8742)
[500 JONES STREET](#) – northeast corner of Jones and O’Farrell Streets; Lot 010A in Assessor’s Block 0317 (District 6) – Request for **Discretionary Review** of Building Permit Application No. 201906214145 which proposes to change the use of the ground floor of the subject property from retail to Cannabis Retail, within a RC-4 (Residential-Commercial, High Density) Zoning District and 80-T-130-T 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

SPEAKERS: = Michael Christensen – Staff report
 - Ela Strong – DR Presentation
 - Speaker – Opposition
 - Jennifer Plantenberg – Opposition
 = Michael Nulty – Neutral
 - Speaker – Opposition
 - Audrey Ronningen – Opposition
 - Carol Sovoda – Opposition
 - Speaker – Opposition
 + Hakeem Mashal – Project presentation
 + Justin Gray – Project presentation
 + Amos Gregory – Support
 + Amy Fairaway – Support
 + Janelle – Support
 + Fredrick Beasley – Support
 + David Blackwell – Rebuttal

ACTION: No DR, Approved as Proposed
AYES: Diamond, Koppel, Melgar, Moore, Richards
NAYS: Fung
ABSENT: Johnson
DRA: [0673](#)

20. [2019-013559DRP-02](#) (D. WINSLOW: (415) 575-9159)
2517 PACIFIC AVENUE – between Steiner and Pierce Streets; Lot 013 in Assessor’s Block 0586 (District 2) – Request for **Discretionary Review** of Building Permit Application No. 2019.0617.3611, proposing a drilled pier and grade beam retaining wall at the rear property line of an existing 3-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

SPEAKERS: None
ACTION: Withdrawn

ADJOURNMENT 7:22 PM
ADOPTED DECEMBER 19, 2019