

# 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 16, 2019**

**1:00 p.m.**

## Regular Meeting

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

THE MEETING WAS CALLED TO ORDER BY PRESIDENT MELGAR AT 1:04 PM

STAFF IN ATTENDANCE: Aaron Starr, Nick Perry, Christopher May, Katherine Wilborn, AnMarie Rodgers, Elizabeth Jonckheer, 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. 2015-007816CUA (M. WOODS: (415) 558-6315)  
400-444 DIVISADERO STREET AND 1048-1064 OAK STREET – northeast corner at Divisadero and Oak Streets, Lots 004, 005, 017, 018, and 019 in Assessor's Block 1216 (District 5) - Request for **Conditional Use Authorization**, pursuant to Planning Code Sections 303 and 304 to allow a Planned Unit Development (PUD) to demolish an automotive service

station, a car wash, and 3 dwelling units and construct a 3- to 6-story building with 184 dwelling units, approximately 8,100 square feet of commercial/retail use, 57 parking spaces, and 184 bicycle spaces, totaling approximately 150,000 square feet. The existing two-unit building at 1060-62 Oak Street would be retained and relocated 49 feet to the east. The proposal includes PUD modifications for rear yard (Section 134), bay window projections over streets (Section 136), and dwelling unit density increase in the RH-3 Zoning District (Section 209.1); and CU for development lot size (Section 121.1), conversion of a service station (Section 202.5), demolition of residential units (Section 317), and bulk exception (Section 271). The project site is located in a Divisadero Street NCT (Neighborhood Commercial Transit) District, a RH-3 (Residential, House, Three-Family) District, and 65-A and 40-X 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*  
**(Proposed Continuance to May 23, 2019)**

SPEAKERS: None  
 ACTION: Continued to May 23, 2019  
 AYES: Fung, Hillis, 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

2. [2018-016996CUA](#) (M. CHANDLER: (415) 575-9048)  
517 CLEMENT STREET – south side between 6<sup>th</sup> and 7<sup>th</sup> Avenues; Lot 038 of Assessor's Block 1438 (District 1) – Request for **Conditional Use Authorization**, pursuant to Planning Code Sections 303 and 716 to establish a Restaurant Use (d.b.a Mamahuhu) within a currently vacant approximately 1,980 square foot commercial tenant space within the Inner Clement Street NCD (Neighborhood Commercial) Zoning District and 40-X Height and Bulk District. The establishment will operate as a bona fide eating establishment with on-sale beer and wine, pending approval of ABC license application. This project was reviewed under the Community Business Priority Processing Program (CB3P). This action constitutes the Approval Action for the project for the purposes of CEQA, pursuant to San Francisco Administrative Code Section [31.04\(h\)](#).

*Preliminary Recommendation: Approve with Conditions*

SPEAKERS: None  
 ACTION: Approved with Conditions  
 AYES: Fung, Hillis, Johnson, Melgar, Moore, Richards  
 ABSENT: Koppel  
 MOTION: [20451](#)

## C. COMMISSION MATTERS

3. Consideration of Adoption:
- [Draft Minutes for May 2, 2019](#)

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

4. Commission Comments/Questions

**Commissioner Moore:**

Just to the record, Commissioner Fung's name is also incorrectly spelled in our hearing agenda. It's spelled as F-U-N-G rather than F-O-N-G.

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

I believe that is the correct spelling.

**Commissioner Moore:**

Oh, it is the correct spelling?

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

It is.

**Commissioner Fung:**

Usually it is incorrectly done the other way.

**Commissioner Moore:**

I'm so glad you brought that to my attention. I thought that the entire time I know you. Actually, I pressed the button for another matter. I'm extremely pleased to see that the Board of Appeals passed a resolution encouraging the establishment of notice requirements of all tenants of a residential building when permits are issued to add an accessory dwelling unit. This is exactly what we have all been concerned about, and I am very grateful that that has happened.

**Commissioner Fung:**

I was going to ask the Director to provide some further clarification on the intent of the informational presentations, especially on major projects. So, my question is: are they asking -- is the staff asking for initial thoughts from the Commission? And if so, then we have nothing to base it on, other than their presentation that day, which makes it a little difficult to gather your thoughts. If you would take that back to the Director.

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

I will certainly relay that back to the Director. But these are specific to the Central SoMa area plan, and the impact with the Prop M allocation. And there have been a series of presentations leading up to these before the individual projects, but I will certainly relay that back to him.

**Commissioner Fung:**

I know I'm a newbie and trying to catch up.

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

Very good.

**Commissioner Johnson:**

Thank you. I just wanted to commend Supervisors Fewer and Brown for putting together legislation to found an Office of Racial Equity. Here at the Planning Commission, we've had lots of conversations about the intersection of Planning and Land Use and Racial Justice and Equity. And have been undertaking our own efforts in concerts with several city departments. And as we know as when you really want to work on Racial Justice and Equity, there needs to be real leadership, and the power and ability to implement with one voice and with one agenda that throughout the city. And so, just really exciting to see that, and just wanted to continue to encourage us in our own efforts around Racial Justice and Equity.

**Commissioner Richards:**

Just one item to note, I don't know if everybody heard just a few minutes ago, maybe an hour ago. SB 50 did not make it out of the Appropriations Committee in the Senate, but it was made into a two-year bill, which means we'll be seeing it next year.

#### **D. DEPARTMENT MATTERS**

##### **5. Director's Announcements**

None

##### **6. Review of Past Events at the Board of Supervisors, Board of Appeals and Historic Preservation Commission**

**Aaron Starr:**

##### **Land Use Committee**

- [181153](#) Planning Code - Regional Commercial and Folsom Street Neighborhood Commercial Transit Districts, Arts Activities and Nighttime Entertainment Uses. Sponsor: Haney. Staff: D. Sanchez

This week, the Land Use committee heard Supervisor Haney's ordinance that amends Arts and Entertainment use controls in the RCD and Folsom Street NCD. The Ordinance originally proposed to make all Arts Activities and Nighttime Entertainment as principally permitted uses in historic buildings in the RCD zoning district. This Ordinance was heard at the HPC on February 6, and then at Planning Commission on February 21. Both Commissions recommended approval with modification. Those modifications include:

1. Allow Arts Activities throughout the RCD district.
2. Conditionally permit Nighttime Entertainment uses within the RCD in historic buildings, including those that contribute to a historic district.
3. Require a Preservation, Rehabilitation and Maintenance Plan for buildings with those uses within the Folsom Street NCT and RCD districts.

On March 5, Supervisor Haney introduced a substitute version of the Ordinance that included the Commissions' recommended modifications.

At the Land Use hearing, public comment centered around not imposing a CU requirement for nighttime entertainment uses in historic buildings in the RCD district. After public comment, Supervisor Peskin noted that he was in favor of the Commissions' recommendation to require CU, noting the importance of CU for uses like nighttime entertainment near residentially zoned areas. Seeking to do more outreach, Supervisor Haney then moved to continue the hearing until June 3.

### **Full Board**

- No Planning Department Items

### **Introductions**

- BF TBD. Jobs-Housing Linkage Fee Increase. Sponsor: Haney. Staff: TBD

Increase fee from roughly \$28 per square foot to \$38.

- BF TBD. Office of Racial Equity for San Francisco. Sponsors: Fewer and Brown. Staff: Not Staffed.

The new Office will collect data, shape policy, and inform legislation to address San Francisco's growing racial inequities.

### **Commissioner Richards:**

One quick question, Mr. Starr. The impact fees on jobs versus houses, do you have any idea on the upper limit on the Nexus Study was for that?

### **Aaron Starr:**

I don't. We're still looking at it. I think it is in the realm of what it is supposed to be but it will be coming to you for a vote.

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

On behalf of Mr. Sanchez, the Board of Appeals did meet last night and considered three items that may be of interest to the Planning Commission. 1621 Diamond Street and 440 Molimo Drive, both of these projects proposed additions to single family dwellings that were heard as discretionary reviews by this Commission last year. The Commission did not take DR in either case. While separate projects and appeals, both cases focused on building-related concerns about potential impacts on foundations and seismic safety. For 1621 Diamond Street, the Board granted the appeal and conditioned the permit to require a survey and monitoring to ensure that the work would not impact the adjacent property owner. For 440 Molimo Drive, the Board found that the project would not have impacts because it did not propose any foundation work and denied the appeal. The Board also heard an appeal of a notice of violation for the Espetus Restaurant at 1686 Market Street. The notice of violation found that the Espetus violated conditions of approval from a 2009 Conditional Use Authorization that required them to control odors associated with the use. All parties agreed that the property was in violation and that a new exhaust system was required. While it took some time, the property owner has submitted a building permit application to install mechanical equipment to abate the violation. The Department is

processing this application, and it should be ready for issuance shortly. The Board voted unanimously to uphold the notice of violation and they will require the restaurant to complete installation of the mechanical equipment within 12 weeks of permit issuance. If they do not comply with this deadline, they will be assessed accrued penalties of approximately \$21,000.

I don't see our Preservation Coordinator. We did have a Historic Preservation Commission meeting yesterday where they approved the temporary art installation in front of the main public library here on behalf of the Exploratorium. They approved some legacy business applications and heard their Landmark Designation and Cultural Heritage Work Program quarterly reports.

## 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: Charles Ferguson – SB 50  
Georgia Schuttish – Section 317 demo calcs.  
Executive Summary for Planning Commission Hearing May 17, 2007 and Ordinance 69-08 signed by Mayor Newsom April 4, 2008 creating Section 317 require **“Code Implementation Document” (CID)**.

Current **“Code Implementation Document”** dated October 2010 is entitled **“Zoning Controls on the Removal of Dwelling Units”**

Part 7 of **“Code Implementation Document” (CID)** is **“Periodic Adjustment to Criteria”**. Part 7 comprises Administrative Approvals Section 317(d)(3)(A) and Demo Calcs Section 317 (b)(2)(B)(C) and (D) on the very same page.

Part 7 of **CID** has three publicly available updates for the Administrative Approval: March 2014 (\$1.506 million); November 2015 (\$1.63 million) and December 2017 (\$1.9 million) showing adjustments by ZA.

Part 7 of **CID** never adjusted Demo Calcs per intent of Section 317 (b) (2) (D) to ‘further the efficacy’ of Section 317 “to conserve existing sound housing and preserve affordable housing” per the Planning Commission’s responsibility.

## 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.

7. [2015-000937CWP](#) (N. PERRY: (415) 575-9066)  
**CIVIC CENTER PUBLIC REALM PLAN – Informational Presentation** - The Civic Center Public Realm Plan is an interagency project led by the Planning Department that will guide future improvements to Civic Center's public spaces and streets. The Plan area is roughly bounded by Gough Street, Golden Gate Avenue, Market Street, and Fell Street and encompasses the Civic Center Landmark District. This informational presentation will provide an update on the Plan's development and the concept designs created for Civic Center's major public spaces including Civic Center Plaza, United Nations Plaza, and the connecting block of Fulton Street.  
*Preliminary Recommendation: None – Informational*
- SPEAKERS: = Nick Perry – Staff report  
+ Willett Moss – Open space, landscaping  
+ Susan Karasoff – Considerations  
ACTION: Reviewed and Commented
8. [2017-003559PRJ](#) (C. MAY: (415) 575-9087)  
**3700 CALIFORNIA STREET** – the area generally bounded by Sacramento Street to the north, California Street to the south, the properties fronting the west side of Cherry Street to the west, and the area west of the residential lots fronting the west side of Spruce Street on the east; Lots 001, 052 & 053 of Assessor's Block 1015, Lots 001-009 of Assessor's Block 1016, and Lots 027 & 028 of Assessor's Block 1017 (District 1) – **Informational Presentation** on the proposed redevelopment of the former CPMC California campus, to be decommissioned in 2020. The project proposes to preserve and reuse the historic portion of the existing Marshall Hale hospital building at 3698 California Street as residential use; retain and renovate the existing nine-unit residential building at 401 Cherry Street; demolish the remaining institutional buildings and construct 31 new residential buildings with a total of 273 dwelling units, including accessory resident amenity facilities and parking.  
*Preliminary Recommendation: None – Informational*
- SPEAKERS: = Chris May – Staff report  
+ Matt Field – Project presentation  
+ Dan Lobitz – Design presentation  
= Charles Ferguson  
+ Kathy Devancenzi – Collaborative process  
ACTION: Reviewed and Commented
9. [2018-014905CUA](#) (K. WILBORN: (415) 575-9114)  
**1711 HAIGHT STREET** – south side between Cole and Shrader; Lot 001 of Assessor's Block 1248 (District 5) - Request for **Conditional Use Authorization**, pursuant to Planning Code Sections 303 and 719 to establish a Massage Establishment use (d.b.a Iyara Traditional Thai Massage) within a currently vacant approximately 1,025 square foot commercial tenant space located on the ground floor of a three-story mixed-use building within the Haight Street NCD (Neighborhood Commercial) 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:     = Katie Wilborn – Staff report  
                  + Paul Horcher – Project presentation  
                  + Speaker – Project presentation  
                  + Kathryn Kennedy – Support  
                  + William Kennedy – Owner comments  
ACTION:       Approved with Conditions  
AYES:          Fung, Hillis, Johnson, Melgar, Moore, Richards  
ABSENT:       Koppel  
MOTION:       [20452](#)

ADJOURNMENT – 2:38 PM  
ADOPTED JUNE 6, 2019