

# SAN FRANCISCO PLANNING COMMISSION



## Meeting Minutes

### REMOTE HEARING

via video and teleconferencing

**Thursday, January 5, 2023**

**1:00 p.m.**

### Regular Meeting

COMMISSIONERS PRESENT: Tanner, Moore, Braun, Koppel, Ruiz  
COMMISSIONERS ABSENT: Diamond, Imperial

THE MEETING WAS CALLED TO ORDER BY PRESIDENT TANNER AT 1:00 PM

STAFF IN ATTENDANCE: Lisa Chen, Danielle Ngo, Alex Westhoff, David Winslow, Rich Hillis – 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. 2022-001764CUA (C. FEENEY: (628) 652-7313)  
434 CORTLAND STREET – south side between Andover and Wool Streets; Lot 031 in Assessor's Block 5678 (District 11) – Request for **Conditional Use Authorization** pursuant to Planning Code Sections 303, 317, and 738 to demolish a one-story, mixed-use building with a retail storefront and one dwelling unit and construct a three-story, 6,245 square

foot, four-unit residential building with a ground floor retail storefront and roof decks within the Cortland Avenue NCD (Neighborhood Commercial District) Zoning District and the 40-X Height and Bulk Districts. The Planning Department found that the project is exempt from the California Environmental Quality Act. The Commission's 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 12, 2023)**

SPEAKERS: None

ACTION: Continued to January 12, 2023

AYES: Braun, Ruiz, Koppel, Moore, Tanner

ABSENT: Diamond, Imperial

2. 2022-009366PCA (A. MERLONE: (628) 652-7534)  
PENALTIES FOR CODE ENFORCEMENT [BOARD FILE 220878] – **Planning, Building Codes Amendment** – An ordinance, introduced by Supervisor Ronen, amending the Planning and Building Codes to increase fines and penalties for violations of Planning and Building Code provisions; clarify that violations affecting more than one unit in a building constitute multiple violations for purposes of assessing penalties; adding factors to consider in determining the appropriate amount of civil penalties; establishing penalties for residential units merged, constructed, or divided without required permits or approvals; establishing penalties for violations involving illegal demolition and enhancement of penalty amounts for certain buildings by age or historic status; providing additional notices for Responsible Parties; 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.

*Preliminary Recommendation: Approve with Modifications*

**(Proposed for Continuance to January 19, 2023)**

SPEAKERS: None

ACTION: Continued to January 19, 2023

AYES: Braun, Ruiz, Koppel, Moore, Tanner

ABSENT: Diamond, Imperial

- 3a. 2022-009805PCA (V. FLORES: (628) 652-7525)  
HOME-SF [BOARD FILE 221021] – **Planning Code Amendment** – An ordinance, sponsored by Supervisor Dorsey, to amend the Planning Code to allow projects under Housing Opportunities Mean Equity (HOME-SF) to agree to subject new dwelling units to the rent increase limitations of the Rent Ordinance; 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 making findings of public necessity, convenience, and welfare under Planning Code, Section 302.

*Preliminary Recommendation: Approve with Modifications*

**(Proposed for Continuance to February 16, 2023)**

SPEAKERS: None

ACTION: Continued to February 16, 2023  
AYES: Braun, Ruiz, Koppel, Moore, Tanner  
ABSENT: Diamond, Imperial

- 3b. 2022-011868PCA (V. FLORES: (628) 652-7525)  
HOME-SF [BOARD FILE 221105] – **Planning Code Amendment** – An ordinance, sponsored by Supervisor Peskin, to amend the Planning Code to exclude designated historic districts under Article 10 of the Planning Code from the provisions of the Home Ownership Means Equity - San Francisco (HOME-SF) program; 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.  
*Preliminary Recommendation: Approve with Modifications*  
**(Proposed for Continuance to February 16, 2023)**

SPEAKERS: None  
ACTION: Continued to February 16, 2023  
AYES: Braun, Ruiz, Koppel, Moore, Tanner  
ABSENT: Diamond, Imperial

12. 2020-010275ENX (E. SAMONSKY: (628) 652-7417)  
98 PENNSYLVANIA STREET – northwest corner of 17<sup>th</sup> Street and Pennsylvania Avenue; Lot 002 in Assessor's Block 3948 (District 10) – Request for **Large Project Authorization** pursuant to Planning Code Sections 329 and Adoption of Findings Related to State Density Bonus pursuant to Planning Code Section 206.6 and California Government Code Section 65915 to demolish a surface parking lot and construct a six-story, 60 foot-tall, residential building containing 64 dwelling units (five three-bedroom, 28 two-bedroom, 20 one-bedroom, and 11 studios), 23 vehicle parking spaces and 64 Class One bicycle parking spaces within a UMU (Urban Mixed-Use) Zoning District and 48-X Height and Bulk District. The project seeks waivers from development standards, including Rear Yard (Section 134), Ground Floor Ceiling Height (Section 145.1), and Height Limit (Section 250) requirements of the Planning Code pursuant to State Density Bonus Law. The Planning Department issued a community plan evaluation pursuant to the California Environmental Quality Act (CEQA). The Commission's 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: John Kevlin - Continuance  
ACTION: Continued to February 9, 2023  
AYES: Braun, Ruiz, Koppel, Moore, Tanner  
ABSENT: Diamond, Imperial

## B. COMMISSION MATTERS

4. Land Acknowledgement

**President Tanner:**

The Planning Commission acknowledges that we are on the unceded ancestral homeland of the Ramaytush Ohlone, who are the original inhabitants of the San Francisco Peninsula. As the indigenous stewards of this land and in accordance with their traditions, the Ramaytush Ohlone have never ceded, lost, nor forgotten their responsibilities as the caretakers of this place, as well as for all peoples who reside in their traditional territory. As guests, we recognize that we benefit from living and working on their traditional homeland. We wish to pay our respects by acknowledging the Ancestors, Elders, and Relatives of the Ramaytush Ohlone community and by affirming their sovereign rights as First Peoples.

## 5. Consideration of Adoption:

- [Draft Minutes for December 8, 2022](#)

SPEAKERS: None  
ACTION: Adopted  
AYES: Braun, Ruiz, Koppel, Moore, Tanner  
ABSENT: Diamond, Imperial

- [Draft Minutes for December 15, 2022](#)

SPEAKERS: None  
ACTION: Adopted  
AYES: Braun, Ruiz, Koppel, Moore, Tanner  
ABSENT: Diamond, Imperial

## 6. Commission Comments/Questions

**Commissioner Moore:**

Happy new year to everybody first. And secondly, it came to my attention that on Tuesday, the 3<sup>rd</sup> of January, the Planning Department made a presentation to the Board of Appeals and it included a review of State Housing Legislation including State Density Bonus, SB35, and AB2011 and SB330. Can the Commission get a presentation like it in the ever-changing world of state legislation? It would be helpful to stay on top of what's going on and allow us to hear the same presentation.

**Rich Hillis, Planning Director:**

Commissioner, sure. We can -- I think we have given you elements of that presentation in the past but happy to 1) first, we can send you the presentation that we gave to the Board of Appeals and if you would like the same presentation, happy to do that as well.

**Commissioner Moore:**

The problem for us, Director Hillis, and great to see you again even in the blue lagoon there, is that things are changing so rapidly that we often lose track. This is not our day-to-day conversation and as we have irregularly spaced discussions on it would help a lot. At least it would help me, speaking for myself.

**Rich Hillis, Planning Director:**

Sure. We could do it.

**President Tanner:**

I would support that Commissioner Moore. It is great to get a primer of what we can expect- what laws are in effect now and how things have changed. Never seems to get more simple, so it is good to have that.

I would just second Commissioner Moore and just say happy new year to everyone. Thank you, Commissioners, for meeting online. I think in light of all of the weather that we have been having, it proved very prudent. So hopefully everyone is staying safe. And I just want to thank all of our first responders and other emergency staff who are helping our city and our residents through the storm and just hope that everyone can continue to be mindful, please use 311 for non-emergencies, use 911 for emergencies and just really don't go out when the weather is bad if you don't have to. This can help keep yourself safe and prevent our first responders from having to get out there and rescue you if you need it or deal with any other issues. So, hopefully everyone is staying safe, and I guess we'll see if the drought is over at the end of this. And welcome back everybody.

7. [2021-009977CRV](#) – **Remote Hearings** – Consideration of action to allow teleconferenced meetings and adopting findings under California government code section 54953(e) to allow remote meetings during the COVID-19 emergency; continue remote meetings for the next 30 days; direct the Commission Secretary to schedule a similar resolution [motion] at a commission meeting within 30 days.

SPEAKERS: None  
ACTION: Adopted  
AYES: Braun, Ruiz, Koppel, Moore, Tanner  
ABSENT: Diamond, Imperial  
RESOLUTION: [21223](#)

**C. DEPARTMENT MATTERS**

8. Director's Announcements

**Rich Hillis, Planning Director:**

Good afternoon, Commissioners, and happy new year. Welcome back. Hope you enjoyed your break. Two quick updates. First, on the Citywide Cultural Resources Survey work that we are undertaking. I just want to let you know that we hit a milestone yesterday where we actually started the field survey portion of our work. Obviously, it was not the greatest day to start that work out in the field, but we did start. I think we are taking a break today. We started in Japantown, we will next move to neighborhood commercial districts throughout the city, and we expect this work to take about 3-4 years to complete the entire city, but it is a big milestone. We have talked about this survey for decades so it's good to get underway on the field survey portion of it. And then, second, on the Housing Element, 1) again, thank you for all the work and guidance and direction and all the work you did last year in getting us to an approval. I did want to let you know that the appeal period for the Housing Element EIR expired the Monday before Christmas and we didn't receive an appeal so we will move next to the Board of Supervisor. The schedule remains the same although they won't have the need to take up an appeal. Just to remind you of the schedule, we are expecting to be at Land Use Committee at the board on the 23<sup>rd</sup> and

then to the full board on the 24<sup>th</sup> and 31<sup>st</sup>. Hopefully then signed by the mayor on the 31<sup>st</sup> and approved by HCD that same day if not the next day. So that's the schedule. And that's all I have. Thanks.

**President Tanner:**

Thank you, Director Hillis. I did have a question if we have received any -have received or expect to receive any further feedback from HCD? Our understanding was the changes we made were in response to their last round of comments and have already been vetted with them in collaboration with staff but just curious if we expect to hear anything from them before the board approves, and the mayor signs them, the Housing Element?

**Rich Hillis, Planning Director:**

Yeah, we don't, I mean, they certainly could make additional comments. And you're right, we did, the changes we made were in response to their comments. So, we have set what you all adopted to them for their final comment and review. We hope that's what the board ultimately approves and that they can approve it saying that we believe we've addressed their comments from the last round in that iteration. So, we're not expecting to hear more, but we could.

**President Tanner:**

Okay, great. Thank you.

**Commissioner Moore:**

If there, just in case, there could be changes or additional questions, would you please keep us posted of what direction they are turning.

**Rich Hillis, Planning Director:**

Absolutely. We'll let you know, and we'll send you an email once we get any word from them on schedule changes or their approval.

**Commissioner Moore:**

Okay. Thank you so much.

**Rich Hillis, Planning Director:**

Thanks.

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

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

The Board of Supervisors have not met this week yet and the Board of Appeals had no items of interest to the Planning Commission. The Historic Preservation Commission did meet yesterday, remotely as well. And, after experiencing some technical difficulties and getting a very late start, we were able to have a hearing and they heard informational presentations on the African American Historic Context Statement and on the Mills Act Program. I would also like to advise the Commission that I have received word from Media Services that indeed this is being broadcast in our chambers and that no one is in the chamber. So, I'm glad that our outreach and noticing efforts were heard and no one wasted their time coming down to City Hall.

**D. GENERAL PUBLIC COMMENT**

**SPEAKERS:** Georgia Schuttish – December 29 email regarding roof decks and issue of the roof deck policy and DR policy  
 Sue Hestor – Atmospheric river and necessity of getting brief of the flood plains, request for a presentation of the 100-year flood map

**E. REGULAR CALENDAR**

The Commission Hearing Procedures provide for presentations by staff; when applicable, followed by a presentation of the project sponsor team; followed by public comment. Please be advised that the project sponsor team includes: the sponsor(s) or their designee, lawyers, architects, engineers, expeditors, and/or other advisors.

10. [2018-017026GPA](#) (D. NGO: (628) 652-7591)  
ENVIRONMENTAL JUSTICE FRAMEWORK AND GENERAL PLAN INTRODUCTION – Staff will provide an **Informational Presentation** to the Commission on two related updates to the General Plan, including adoption of a new Environmental Justice Framework (“EJ Framework”) and an update to the General Plan Introduction (“Introduction”). The new EJ Framework would fulfill the City’s obligations under California Senate Bill 1000 and is proposed to be incorporated by reference into the Introduction. This effort represents the first citywide policy focused on advancing environmental justice across all City agencies. Community engagement on the EJ Framework has been ongoing since Fall 2020 and was last presented to the Commission in Fall 2021. The Department also proposes to update the language of the Introduction, last updated in 1996, to reflect current values and themes from public engagement from many recent General Plan and policy efforts, including the EJ Framework, Housing Element, Safety & Resilience Element, ConnectSF and the Department’s and Commission’s commitments and work regarding racial and social equity. An initiation hearing for these General Plan amendments is scheduled for January 26, 2023 and adoption hearing on or after March 2, 2023.  
*Preliminary Recommendation: None – Informational*

**SPEAKERS:** = Lisa Chen – Staff presentation  
 = Danielle Ngo – Staff presentation  
**ACTION:** Reviewed and Commented

11. [2020-005253CRV](#) (A. WESTHOFF: (628) 652-7314)  
3260 26TH STREET – north side between Shotwell and Virgil Streets; Lot 012 of Assessor’s Block 6526 (District 9) – Request for **Adoption of Findings** Related to State Density Bonus pursuant to Planning Code Section 206.6 to allow the demolition of a one-story auto repair shop and construction of a six-story, 65-foot-tall mixed-use building (measuring 33,282 gross square feet) within the Mission Street NCT (Neighborhood Commercial Transit) Zoning District and 40-X Height and Bulk District. The Project seeks waivers from height (Section 260), rear yard (Section 134) and open space (Section 135) pursuant to the State Density Bonus Law. Additionally, the project seeks a concession from the Bay Window Glazing Requirement pursuant to Planning Code Section 136(c)(2)C. The Planning Department issued a community plan evaluation pursuant to the California Environmental Quality Act (CEQA). The Commission’s 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*

SPEAKERS: = Alex Westhoff – Staff report  
 + Justin Marquez - Project sponsor presentation  
 ACTION: Adopted Findings  
 AYES: Braun, Ruiz, Koppel, Moore, Tanner  
 ABSENT: Diamond, Imperial  
 MOTION: [21224](#)

## 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.

13. [2021-002057DRP](#) (D. WINSLOW: (628) 652-7335)  
2011 FILBERT STREET – south side between Buchanan and Webster Streets; Lot 003A in Assessor's Block 0532 (District 2) – Request for **Discretionary Review** of Building Permit No. 2021.0120.2957 for the demolition of a one-story garage and a one-story shed and construction of a new four-story, two-unit residential building with a one car parking garage within a RH-2 (Residential-House, Two Family-) Zoning District and 40-X Height and Bulk District. The Planning Department found that the project is exempt from the California Environmental Quality Act (CEQA). The Commission's 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: = David Winslow – Staff report  
 - Devon Johnson – DR presentation  
 + Tara Sullivan– Project sponsor presentation  
 - Ms. Albericci – Sunlight will be blocked in her yard  
 - Rhonda Miller – Project will disrupt their backyard and living conditions  
 ACTION: No DR  
 AYES: Braun, Ruiz, Koppel, Moore, Tanner  
 ABSENT: Diamond, Imperial  
 DRA: [806](#)

14. [2020-011896DRP](#) (D. WINSLOW: (628) 652-7335)  
1130 CLEMENT STREET – north side between 12<sup>th</sup> and Funston Avenues; Lot 015 in Assessor's Block 1421 (District 1) – Request for **Discretionary Review** of Building Permit No. 2020.1201.9936 for the construction of a vertical and horizontal rear addition to an existing three-story, two-unit residential building to add three residential units within the Inner Clement Street NCD (Neighborhood Commercial District) Zoning District and 40-X Height and Bulk District. The Planning Department found that the project is exempt from the California Environmental Quality Act (CEQA). The Commission's 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 as Modified*

SPEAKERS:       = David Winslow – Staff report  
                      - Brendan Meyer – DR presentation  
                      + My My Ly – Project sponsor presentation  
                      - Mr. Ruda – Will block the air movement and afternoon sunlight  
                      - Meghan Patel – Will obstruct natural light and airflow  
                      - Faye Neren – Construction will impact their health conditions  
                      - Ms. Everdell – Small scale unique block, project will destroy character of the block  
                      - Don Neren – Wife's triggers and flare ups due to construction  
                      = Kirsten Jensen, City Attorney – Response to comments and questions  
ACTION:         Took DR and Approved with Modifications  
AYES:            Braun, Ruiz, Koppel, Moore, Tanner  
ABSENT:         Diamond, Imperial  
DRA:             [807](#)

ADJOURNMENT 3:15 PM  
ADOPTED JANUARY 19, 2023