

SAN FRANCISCO PLANNING COMMISSION

Meeting Minutes

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

Thursday, September 7, 2023
1:00 p.m.
Regular Meeting

COMMISSIONERS PRESENT: TANNER, MOORE, BRAUN, DIAMOND, IMPERIAL, KOPPEL, RUIZ
COMMISSIONERS ABSENT: NONE

THE MEETING WAS CALLED TO ORDER BY PRESIDENT TANNER AT 1:06 PM

STAFF IN ATTENDANCE: Aaron Starr, Ryan Balba, Dakota Spycher, Veronica Flores, Lisa Gibson, Kate Conner, Corey Teague – Zoning Administrator, Rich Hillis – Planning Director, Liz Watty – Director Of Current Planning, 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 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. 2023-005549PCA (A. MERLONE: (628) 652-7534)
ELIMINATING PUBLIC ART REQUIREMENT FOR 100% AFFORDABLE HOUSING PROJECTS – Ordinance, introduced by Supervisor Dorsey, amending the Planning Code to eliminate the public art requirement for 100% affordable housing projects and provide for the relocation or removal of existing artwork at such projects subject to certain conditions; affirming the Planning Commission's determination under the California Environmental Quality Act; and making findings, including findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.
Preliminary Recommendation: Approve with Modifications
(Proposed for Continuance to November 2, 2023)

SPEAKERS: None
 ACTION: Continued to November 2, 2023
 AYES: Braun, Diamond, Imperial, Koppel, Moore, Tanner
 ABSENT: None
 RECUSED: Ruiz

2. 2023-005567PCA (J. DELUMO (628) 652-7568)
PARCEL DELIVERY SERVICES DEFINITION [BF 230704] – **Planning Code Amendment** – Ordinance, introduced by Supervisor Chan, amending the Planning Code to revise the definition of Parcel Delivery Services to include Fleet Charging for freight or Autonomous Vehicles, as defined, that are primarily engaged in or preparing to deliver parcels or goods, and Parking Garages for use by employees of a Parcel Delivery Service use; affirming the Planning Department's determination under the California Environmental Quality Act; and making public necessity, convenience, and welfare findings under Planning Code, Section 302, and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.
Preliminary Recommendation: Approve with Modifications
(Proposed for Indefinite Continuance)

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

3. 2022-011807CUA (M. DITO: (628) 652-7358)
51 PROSPER STREET – east side between 16th and 17th Streets; Lot 031 in Assessor's Block 3564 (District 8) – Request for **Conditional Use Authorization** pursuant to Planning Code Sections 209.1, 303, and 317 to merge units #2 and #5 at the subject property. The merger would result in the elimination of unit #2. The subject property is located within a RH-2 (Residential, House – Two-Family) Zoning District, 40-X Height & Bulk District, and the Central Neighborhoods Large Residence Special Use District.
Note: On June 29, 2023, after hearing and closing public comment, continued to September 7, 2023, by a vote of +6 -0 (Ruiz absent).
WITHDRAWN

SPEAKERS: None
 ACTION: Withdrawn

B. CONSENT CALENDAR

All matters listed hereunder constitute a Consent Calendar, are considered to be routine by the 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.

4. [2022-008162CUA](#) (K. BOTN: (628) 652-7311)
3995 ALEMANY BOULEVARD – north side between St. Charles and Worcester Avenues; Lot 012 in Assessor's Block 7126A (District 7) – Request for **Conditional Use Authorization** pursuant to Planning Code Section 303, 303.1 and 713 to expand an existing Formula Retail Use (d.b.a. H-Mart grocery store) approximately 47,878 square feet to the adjacent existing vacant commercial space approximately 22,984 square feet that was previously occupied by a Retail Gym (d.b.a 24-Hour Fitness) for a total of 70,862 square feet. There will be no expansion of the existing building envelope. The subject property is located within a NC-S (Neighborhood Commercial, Shopping Center) 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: Approve with Conditions

SPEAKERS: None
 ACTION: Approved with Conditions

AYES: Braun, Ruiz, Diamond, Imperial, Koppel, Moore, Tanner
NAYS: None
MOTION : [21379](#)

5. [2023-004249CUA](#) (A. LINDSAY: (628) 652-7360)
225 GOUGH STREET – southwest corner of Hickory Street; Lot 002 in Assessor's Block 0832 (District 5) – Request for **Conditional Use Authorization** pursuant to Planning Code Section 761.102 to establish an interior design office. Services will be provided by appointment only between 8:30AM -5:30PM. Scope of work includes ground level interior improvements consisting of new finishes, new non-structural partitions, new doors, and glazing, new electrical on first floor of the subject property. The project site is located within the Hayes NCT (Neighborhood Commercial Transit) Zoning District and 40X-50X 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: Approve with Conditions

SPEAKERS: None
ACTION: Approved with Conditions
AYES: Braun, Ruiz, Diamond, Koppel, Moore, Tanner
NAYS: None
RECUSED: Imperial
MOTION : [21380](#)

6. [2022-006017CUA](#) R. BAEZA: (628) 652-7369
11 FRANKLIN STREET, # 602 – northwest corner of Page Street; Lot 123 in Assessor's Block 0837 (District 6) – Request for **Conditional Use Authorization** pursuant to Planning Code Sections 202.10, 303 and 752 to the subject property as an Intermediate Length Occupancy (ILO) unit. Classification as an ILO unit allows a dwelling unit to be offered for occupancy for an initial stay with a duration of greater than 30 days but less than one year (365 days). ILO units are a use characteristic. The unit(s) proposed for ILO classification will remain dwelling units. The subject property is located within a NCT-3 (Neighborhood Commercial Transit, Moderate-Scale) Zoning District and 50-X/85-X Height and Bulk District.
Preliminary Recommendation: Approve with Modifications

SPEAKERS: None
ACTION: Approved with Conditions
AYES: Braun, Ruiz, Diamond, Koppel, Moore, Tanner
NAYS: None
RECUSED : Imperial
MOTION : [21381](#)

7. [2020-006371CUA](#) (M. CHANDLER: (628) 652-7340)
2900 FRANKLIN STREET – northeast corner of Lombard Street; Lot 017 in Assessor's Block 0498 (District 2) – Request for **Conditional Use Authorization** pursuant to Planning Code Sections 303 and 712, to install a new Verizon Wireless Macro Wireless Telecommunication Services (WTS) Facility, consisting of 12 new antennas and ancillary equipment screened within fiber-reinforced polymer (FRP) enclosures. The project is located within a NC-3 (Neighborhood Commercial, Moderate Scale) 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: Approve with Conditions

SPEAKERS: None
ACTION: Approved with Conditions
AYES: Braun, Ruiz, Imperial, Koppel, Moore, Tanner
NAYS: None

RECUSED: Diamond
 MOTION : [21382](#)

8. [2023-002723CUA](#) (R. BALBA: (628) 652-7331)
255 10TH AVENUE – west side between California and Clement Streets; Lot 014 in Assessor's Block 1423 (District 1) – Request for **Conditional Use Authorization** pursuant to Planning Code Sections 202.13, 209.2, and 303 for the change of use from a Residential Care Facility to a Single-Family Dwelling (Residential Use) on the subject property within a RM-1 (Residential – Mixed, Low Density) 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: Approve with Conditions

SPEAKERS: = Ryan Balba – Staff report
 + Jeffrey Eade – Project sponsor presentation
 + Robin Burke, legislative aide of Sup. Chan
 ACTION: After being pulled off of Consent; Approved with Conditions
 AYES: Braun, Ruiz, Diamond, Koppel, Tanner
 NAYS : Imperial, Moore
 ABSENT: None
 MOTION : [21383](#)

9. [2023-004014CUA](#) (D. SPYCHER: (628) 652-7588)
815 POWELL STREET – block bounded by Sacramento Street to the north, Powell Street to the east, California Street to the South and Mason Street to the west; Lot 001 in Assessor's Block 0244 (District 3) – Request for **Conditional Use Authorization** pursuant to Planning Code Sections 209.2, 238, and 303 to establish an Automotive Use, Automotive Rental (dba SIXT) in an existing vacant ground floor retail space and in the existing garage for a total of 10 parking spaces, incidental to an existing Hotel Use (dba the Fairmont Hotel) within a RM-4 (Residential- Mixed, High Density) Zoning District, Nob Hill SUD (Special Use District), and 200-E-2, 300-E-2, and 320-E Height and Bulk Districts. No exterior alterations or expansions of the building envelope are proposed. No business signage is proposed. 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: Approve with Conditions

SPEAKERS: = Dakota Spycher – Staff report
 + Kaitlin Sheber – Project sponsor presentation
 + Tiffany Calderon – Response to comments and questions
 + Tara Sullivan – Response to comments and questions
 + Rudy Gonzales – Working class community
 ACTION: After being pulled off of Consent; Approved with Conditions
 AYES: Braun, Ruiz, Diamond, Imperial, Koppel, Tanner
 NAYS: Moore
 NAYS: None
 MOTION : [21384](#)

C. COMMISSION MATTERS

10. 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.

11. CONSIDERATION OF ADOPTION:

- [Draft Minutes for July 20, 2023](#)
- [Draft Minutes for July 27, 2023](#)

SPEAKERS: None

ACTION: Adopted

AYES: Braun, Ruiz, Diamond, Imperial, Koppel, Moore, Tanner

ABSENT: None

12. COMMISSION COMMENTS/QUESTIONS

President Tanner:

Well, I just want to start by saying welcome back Commissioners. It's been a few weeks. Hopefully you all enjoyed our recess. I think that is a new experiment for the Planning Commission having a whole month off. Credit to the Board of Supervisors for inspiring us to do that. So, hopefully you are all refreshed and excited to get back to work here on the business of the Commission again. Very good to see you and I thank you, Commission Secretary, for helping us get started. We had a lot of procedural matters in our first, just 30 minutes. So, I think we're back in the saddle as they say. I just want to note that we do have some HVAC upgrades that are happening on the 4th floor during this time. It seems like right now our AC is on. I feel it but in incoming hearings there could be some, either noise or limited AC. So, hopefully those days miss us somehow on Thursdays. That will be great if that could somehow work. But if that does happen in the coming weeks to just be aware of that. So, ventilation could be a challenge or be different than normal but at least for today, it seems to be working fine. Hopefully that continues to the duration of the hearing.

Commissioner Imperial:

Yeah, I would like to welcome back everyone from the hiatus, summer hiatus. I just would like to comment on around, during this weekend I went to the IKEA store downtown and it was great to see or to have IKEA in the city. I think that kind of retail is really important to have in the Downtown as part of Downtown Recovery. I think we've had these kind of discussions of like how to recover downtown. And having those kind of retails that is, IKEA is one of those affordable retail spaces. And you can see that there are people coming into those spaces. And I think, you know, IKEA is or, you know, that kind of retail that, you know, open to the public in a way that what is needed in terms of furniture. Because usually we don't have that kind of need here in San Francisco. You have to apply online or order online for that. So, it's great to have that kind of space here in downtown. So, we'll be back there definitely. Okay, that's all.

President Tanner:

Awesome. Did you put anything together when you got home?

Commissioner Imperial:

Yeah, I will be. I will be. I was just taking pictures and I will be ordering more.

President Tanner:

Okay, got it.

Commissioner Moore:

I just wanted to welcome everybody back from a long hiatus and I want to give a shout out to San Francisco as being a beautiful place to return to. I was in Europe for 5 weeks where every day in different cities, in different countries, was a learning experience. A positive learning experience of how people can deal with the aftermath of Covid, and a general sense that we need to hold together to continue making cities work. But what was disturbing to me, and I do not want to kind of like, in my own good spirits about what happened is, to read international news about an increasing negative reporting on San Francisco. I was very disturbed by that because

I think it is completely uncalled for. I think it is made up because coming back, I see the City as being beautiful, vibrant with lots of tourist who are curious to experience just how beautiful the city is. And I believe that it is our weekly, daily conversation of how we live in the city and how we want to work together, and how we want to live together to protect the more positive message. I can go into more details and I would do that with my respective Commissioners, share experiences about particular initiatives, about particular innovations. And European cities, just like San Francisco, like Grant Street or others, have stores which are papered up and are empty. However, there is no doomed feeling to the contrary. The rest of the street, the rest of the piazza, plaza, or whatever you want to call it, picks up the spirit about what isn't. And it's not just about staring above empty stores and complaining about it, but it's time to forge ways how to continue to use working cities in the most positive way. And that is up to each and all of us. That includes—I'll save that comment for later, I think Director Hillis already know what I was going to say. I think it's up to all of us and I want to kind of, create that the basis to our weekly discussions on what we are doing today. Thank you.

President Tanner:

Thank you, Commissioner Moore.

Commissioner Ruiz:

Thank you, Vice President Moore, for those comments. I feel like that really resonates with me. While we were on break, I was reading about the proposed changes at UN Plaza and I also noticed that the Commission and the Department received a letter on those changes, and I was just curious if the Planning staff could explain what is the Planning Department's jurisdiction in regards to that. Is that going to be coming before the Planning Commission?

Rich Hillis, Director of Planning:

No, I mean, is the short answer. There could be some action if there are larger, more substantive and permanent changes. I mean, we did an environmental review on the skate park and the changes being made at skate park. But the shifting of the Farmer's Market and the relatively modest, physical improvement to UN Plaza, we don't have a role. I mean, it's a quirky space and, that it's not Rec Park, it's actually DPW property but Rec Park has been taking a lead. And, as you know, we've got a Civic Center Public Realm plan that, you know, is, got them to use around on how to pay for it. So, it's been a little bit stuck because of that but we, you know, engage the community on that and would like to see elements of that implemented and some of them have like the dog run that's there now. So, we'll continue to work with the community around UN Plaza on those efforts.

President Tanner:

Maybe just a follow up, could you share if the public do have comments, should they direct those to DPW or Rec Park --

Rich Hillis, Director of Planning:

I think Rec Park at this time is the best.

President Tanner:

Okay, great. Thank you.

Commissioner Moore:

One follow up question for Director Hillis. We've received a very thoughtful letter from a citizen inquiring about bird safe buildings. There was a concern and very thoughtfully deliberated by the Department and by the Commission a number of years ago. I would like, for that particular discussion, to come forward again, bring to the attention of our current Commission, including the public as we're building more and more buildings. I thought that particular letter hits the spot and we really should be continuing to actually make it a legislative requirement. So, if that's possible, I would like to see a presentation, and for that subject to be brought forward again. Thank you.

Rich Hillis, Director of Planning:

Sure. And there are elements that are already in the code. I mean, I think that happened when I was on the Commission but it's been a long time since we've talked about it here so we can do that.

Commissioner Moore:

Right. And if you can [inaudible] that letter, I can forward it --

Rich Hillis, Director of Planning:

Yeah. It will be great—I don't think I've seen it.

Commissioner Moore:

It's an extremely thoughtful letter and we should follow up on it.

Rich Hillis, Director of Planning:

Great. Thank you.

D. DEPARTMENT MATTERS

13. DIRECTOR'S ANNOUNCEMENTS

Rich Hillis, Director of Planning:

1) Welcome back. Thank you for the positive words and news, 2) I was at IKEA, I think our staff has been going to IKEA too and it's been crowded and energetic. So, it's great. Just to plug on our Housing Element rezoning efforts, there is an online forum open house coming up next Thursday so it's a week from today at noon to supplement the work we're already doing out in the community and the open houses we've held in the past couple of months. A couple of you have asked just broadly about the timeline for our Housing Element work and the rezoning, you know, as you know, January is the date we hope to be before you with the package that you could approve, to put forward then to the Board of Supervisors but before that, we'll go back to the community with a more specific proposal in November. We're going to come back to you also to get your comments and direction and feedback on that. There will be, probably meetings in between November and January to get further comments and refinements from you but that's the general schedule as we move forward on Housing Element rezoning.

Commissioner Imperial:

I just have a question, Director, regarding the Affordable Housing Leadership Council, are they going to make a report back to the Planning Commission? And when will --

Rich Hillis, Director of Planning:

Yes. I'll get back on timing. I think it's early next year, probably about the same time. We didn't meet over the summer. We've kind of been in our research due diligence phase but I think we've got a meeting on the books coming, coming back in September. So, I think, work to you later this year or early next year. But I'll get more details on the timing.

Commissioner Imperial:

Okay, thank you.

Commissioner Moore:

Director Hillis, we have been away for quite some time, the ULI panel that we had was very important including speaking about housing in particular parts of the city, will we be able to get updates for the Commission?

Rich Hillis, Director of Planning:

Yes.

Commissioner Moore:

In particular I think that discussion folds into also the Housing Element and [inaudible]

Rich Hillis, Director of Planning:

Yeah, we have an item scheduled in October --

Commissioner Moore:

Okay, thank you.

Rich Hillis, Director of Planning:

--to hear their final report after I think, it's close to complete, as well as we'll bring in Economic Development to talk about the broader city plan and how the ULI proposal feeds into that and elements of that that have been adopted into the city's plan. So, we'll have a presentation to you with OEWD and ULI in October.

14. REVIEW OF PAST EVENTS AT THE BOARD OF SUPERVISORS, BOARD OF APPEALS AND HISTORIC PRESERVATION COMMISSION

Aaron Starr, Manager of Legislative Affairs:

Land Use

Canceled for Labor Day

Full Board

[230026](#) Planning, Subdivision, and Administrative Codes and Zoning Map - Family Housing Opportunity Special Use District] Sponsors: Melgar; Engardio. Staff: V. Flores. PASSED Second Read

[230559](#) Planning, Building, Fire Codes - Small Business Month Fee Waivers Including for Awning Installation and Business Signs. Sponsors: Engardio; Stefani. Staff: A. Butkus. PASSED Second Read

[230764](#) Planning, Building Codes - Development Impact Fee Indexing, Deferral, and Waivers; Adoption of Nexus Study. Sponsors: Mayor; Peskin, Mandelman, Dorsey, Stefani and Safai. Staff: Sider. PASSED Second Read

[230769](#) Planning, Administrative Codes - Development Impact Fee Reductions. Sponsors: Peskin; Safai, Mandelman, Dorsey and Stefani. Staff: Grob. PASSED Second Read

Corey Teague, Zoning Administrator:

Good afternoon, President Tanner, Commissioners, Corey Teague, Zoning Administrator. It's great to see you all again after the break. There were a few Board of Appeals hearings over the last month. A few items of note, first, the project at 2861-2865 San Bruno Avenue, a case you are all very familiar with. Just FYI, they had some outstanding appeals that were kind of waiting on the Commission to act so. One was the appeal for suspension request for permit, they withdrew that appeal. Another one was one of the notices of violation that had been issued to that project and we essentially all agree to amend that notice of violation so that the abatement requirements match the conditions of approval of the conditional use. So, I just want to let you know that was all cleaned up and that project is, you know, moving forward to comply with the Conditional Use Authorization that you all approved. We did have a project that was a bit in the news, 931 Treat Avenue, a dispute over an unusual parcel that was a former railroad spur and that was an appeal of interior work in a warehouse that was being used for the company Monkey Brains. The real dispute is the issue over parcel 36 in terms of determining ownership and what the permitted uses are. The appeals were denied but that issue is outstanding and it's something we're continuing to work with in our Department and the Supervisor's office. On August 16th, there was an appeal of a notice of violation issued for 5400 Geary Boulevard and this is for the Alexandria Theatre and that NOV was issued because it had required Conditions of Approval from a motion that the Planning Commission had granted prior to allow, basically the renovation and reuse of the theatre and also the construction of a primarily residential building on the same property that's previously a parking lot. As some of you may know, that project went forward for the residential component. The theatre renovation did not. There were Conditions of Approval there that essentially require the property owner to maintain the building and protect it and especially the architectural elements over time until that renovation occurred and it had not occurred. And that essentially hasn't happened and it got to the point where the blade sign over the street had to be removed for safety purposes because there was concerns from DBI it was going to fall onto the sidewalk. We've been working with them to try to get that replaced and making sure they maintain the building appropriately. This appeal went to the board but the board ultimately determined that the notice of violation was issued correctly and they unanimously upheld the NOV and we are actively working with those property owners on that issue. And then last but not least, we have reported back a few months ago about an appeal of

the demolition permit for 2550 Irving Street and this is 100% affordable housing SB35 project. That appeal was eventually denied but the new construction permit was also appealed. That was heard on August 16th. That ultimately also was denied. It was a, there was one member absent, it was a 2-2 vote, you need 4 to overturn. So that appeal was denied. There was a re-hearing request filed for that which is scheduled to be heard next week and where the appellants are requesting for a new hearing based on new information. But that appeal on August 16th for a new construction permit was denied. And that's it for the Board of Appeals. Thank you.

Jonas P. Ionin, Commission Secretary:

Commissioners, the Historic Preservation Commission met yesterday and the only noteworthy item was actually on their Continuance Calendar for the Fillmore Street property. The Clay Theatre was continued. They are proposing interior and exterior alterations to modify from a single screen theatre to a retail sales establishment but, again, it was continued and will be considered at a later date.

Commissioner Ruiz:

Yeah. Just following the information on 2550 Irving, I'm just thinking about how we as a city have very ambitious goals to produce affordable housing and how much of a detriment it is to the community, to affordable housers, when we have folks appealing much needed affordable housing projects. And is there anything that we as a Planning Department have learned from that, in terms of what we can do as a city, as a Department, as a Commission, and as a community to prevent hopefully those things from happening in the future. Because before the appeal process, I mean, we all heard what the commotion was with that project and that's a well-resourced neighborhood right? We're going to hope that we see more affordable housing projects in those areas. So, what can we do?

Rich Hillis, Director of Planning:

It's a good question alright. This is a bit of an unusual case but hopefully we will see more projects similar to this where in well-resourced neighborhoods along commercial corridors adjacent to transit. We're able to purchase lands and finance affordable housing projects. And I think TNDC and the City, MOCD, they did a great job in kind of talking about this project and engaging with the community. Hopefully some of the work we're doing around the Housing Element will get residents to understand like these projects can and hopefully will be coming especially to commercial corridors in well-resourced neighborhoods. So, that's the hope. Certainly these projects, there were issues around conditions of soil and DTSC was involved. There are issues in that neighborhood. I don't think this is the right forum to address those right? DTSC I think has been extremely cooperative and the board or DPH could ask for hearings to talk about this issue but holding up this project in response to that, I just think was the wrong place and a bit of an abuse of the process. You know, we're there yet again to talk about a re-hearing request. I don't think this should even be before the Board of Appeals. There are ministerial approvals but they are and you know, there's not much the Board of Appeals can actually even do when they're before them. So, the outcome was right but it obviously took, it was costly for TNDC to go to these projects. It's processed took a lot of time and money. Hopefully some of our housing element work and the rezoning work will talk about what's going to happen so we don't get these appeals.

President Tanner:

Yeah. I was going to say maybe we can be part of a procedural changes as well as rezoning to think about how do we streamline things and do just what both of you were talking about. Thanks for the question, Commissioner Ruiz.

E. GENERAL PUBLIC COMMENT

SPEAKER: Georgia Schuttish - Regarding 3932-3934 26th Street. Original speculator sold entitlement. Project unfinished. Unoccupied since 2017. HRE omitted 60 year tenancy of Carl Jensen, Jr. Original scope of project under 317 (b) (7) would have been de facto unit merger as has occurred throughout the City, with original Flat absorbed by the mega mansion, marketed as a SFH priced at \$5 to \$7 million or more, given the market at that time. The history of this project shows the need to codify the Residential Flat Policy preserving Flats **in their original configuration** as a damper on speculation, protecting tenants. And preserving financially

accessible housing. *Commission wants to protect tenants and said so as recently as July 27th at the hearing on the Rezoning.* Codifying policy, keeping Flats in **original configuration** is tool preventing tenant displacement in this housing typology. Tenant-occupied Residential Flat found throughout SF in both Well-Resourced Neighborhoods and Priority Equity Geographies.

Toby Morris – Keep an eye for the city and the residents, Housing for All

Tom Radilovich – Review of large projects, Planning code

Eileen Boken – Different narratives

Speaker – Streamlining permits, Planning codes

Sue Hestor – Transferring into the Planning Code guidelines administered by staff, 2-week staff reports

F. 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.

15. [2023-005354PCA](#) (V. FLORES: (628) 652-7525)
CITYWIDE EXPANSION OF ALLOWABLE COMMERCIAL, RESTAURANT, AND RETAIL USES – Planning Code Amendment – Ordinance, sponsored by Mayor Breed, to 1) permit additional commercial, retail, and restaurant uses on the ground floor in certain neighborhood commercial districts (NCDs) and residential districts; 2) principally permit Flexible Retail on the ground floor in NCDs and Chinatown mixed use districts; 3) create Professional Services as a use category that may provide services to the public and businesses and delete Non-Retail Professional Service and Retail Professional Service use subcategories; 4) create regulations for music entertainment venues and non-profit theaters distinct from regulations for Bars; 5) allow Limited Corner Commercial Uses in certain residential districts; 6) conditionally permit Formula Retail and Restaurant uses in certain commercial and residential districts; 7) amend Section 311 to remove neighborhood notice requirements for changes of use in the Eastern Neighborhoods mixed use districts; 8) expand business types that qualify for the Planning Department priority review program; 9) clarify that multiple allowable uses may co-locate on one site; 10) clarify and modify various other use regulations and processes; 11) establish a process to legalize certain unpermitted outdoor activity areas including restaurant patios; 12) permit additional retail and non-retail uses in specified NCDs; and 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 pursuant to Planning Code, Section 302.

Preliminary Recommendation: Approve with Modifications

SPEAKER: = Veronica Flores – Staff report
 + Katy Tang – Office of Small Business presentation
 + Kevin Thomas – Keeping Polk and Lower Van Ness reactivated
 + Sharky Laguana - Foot traffic, high vacancy rates
 - Eric Wu – Remove Chinatown mixed-use district
 + Tom Radulovich – Non-retail businesses, allowing corner stores
 - Ozzy Rohm – Residential in the commercial corridor
 + Naz – Conditions to restaurant and bar
 = Aaron Starr – Response to comments and questions
 = Corey Teague – Response to comments and questions
 = Rich Hillis – Response to comments and questions
 + Ben Van Hauten, OEWD - Response to comments and questions

ACTION: Approved with staff modifications and passing along Commissioner comments

AYES: Braun, Diamond, Imperial, Koppel, Moore, Tanner

NAYS: None

RECUSED: Ruiz

RESOLUTION: [21385](#)

16. [2015-012491ENV](#)

(J. RANGE: (628) 652-7564)

SAN FRANCISCO GATEWAY PROJECT (749 TOLAND STREET AND 2000 MCKINNON AVENUE – the approximately 17.1 acre site is bounded by Kirkwood Avenue to the north, Rankin Street to the east, McKinnon Avenue to the south, and Toland Street to the west; lot 008 in Assessor's block 5284A, , and lot 002 in Assessor's block 5287, (District 10) as well as portions of the surrounding streets and Selby Street; an elevated portion of Interstate 280 bisects the site – Public Hearing on the **Draft Environmental Impact Report**. The proposed project would demolish the four existing single-story buildings and construct two new multi-story buildings that would provide new production, distribution, and repair (PDR) space in the city. Each building would be approximately 97 feet tall and would have a maximum height of 115 feet, including rooftop appurtenances. The two new buildings would total 2,160,000 gross square feet. The proposed project would convert Kirkwood Avenue (along the northern side of the project site, between Toland and Rankin streets) to a single-lane, eastbound one-way street; and convert a portion of McKinnon Avenue (along the southern side of the project site, between Toland and Selby streets) to a single-lane, westbound one-way street. Streetscape improvements would be implemented surrounding the project site. The project site is within a PDR-2 (Core Production, Distribution, and Repair) Zoning District and 65-J Height and Bulk District. The proposed project would require approval of a height and bulk district map amendment, a development agreement, and establish a new special use district designation modifying the PDR-2 zoning.

The Environmental Review Officer has extended the public comment period. Written comments will now be accepted at CPC.SFGatewayProject@sfgov.org or at the Planning Department until 5:00 p.m. on October 16, 2023.

Preliminary Recommendation: Review and Comment

SPEAKER:

- = Jessica Range – Staff report
- + Courtney Bell – Project sponsor presentation
- Kamilla Ealom – Include community in plans, review lacks consideration of community knowledge
- + Armi Morgan – Local 3, opportunity for the working class
- Leodes Martin - Toxics
- Ozzy Rohm – Bayview Hunter's Point deserves better, need a more thorough EIR
- Sandra Dratler – Impacts to health concerns to residents
- Ann Colichidas – Engage the community experts and address their concerns
- + Rudy Gonzales – Adequacy and accuracy
- + Dan Torres – Report is adequate and accurate
- + Greg Hardeman – Findings are solid
- + Alex Lansberg – Thorough assessment, important first step
- + Josh - Thorough assessment
- + RJ Ferrari – Local 38
- Sue Hestor – Huge building, parcel delivery service workers
- = Lisa Gibson – Response to comments and questions
- = Rich Hillis – Response to comments and questions

ACTION:

Reviewed and commented

17. [2022-012051CUA](#)

(T. ATOYEBI: (628) 652-7363)

79 28TH STREET – south side between Dolores and Guerrero Streets; Lot 034 in Assessor's Block 6616 (District 8) – Request for **Conditional Use Authorization** pursuant to Planning Code Sections 249.92 and 303, to construct a three-story, rear and horizontal addition to an existing 2,578 square foot, single-family dwelling with an unauthorized unit, resulting in a 3,351 square foot primary dwelling and a 1,495 square foot secondary dwelling unit within a RH-2 (Residential-House, Two-Family) Zoning District, Central Neighborhoods Large Residence SUD (Special Use 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: Approve with Conditions

(Continued from Regular hearing on June 29, 2023)

SPEAKER: = Tolu Atoyebi – Staff report
+ Maryam Nassajian – Project sponsor presentation
- Georgia Schuttish – Ellis Act issue
- Sandra Dratler – Racial and Social Equity action plan, eviction under Ellis Act
- Ozzy Rohm – Evicted tenant
- Anastasia Yovanopoulos – Doesn't add any units and replaces 2 rent-controlled units
- Roisin Isner – Should not move forward
= Kate Conner – Response to comments and questions
- Speaker – Response to comments and questions
= Liz Watty– Response to comments and questions
= Austin Yang, CAT– Response to comments and questions
ACTION: = Rich Hillis– Response to comments and questions
AYES: Approved with Conditions
NAYS: Braun, Diamond, Imperial, Koppel, Moore, Tanner
RECUSED: None
MOTION: Ruiz

[21386](#)

ADJOURNMENT 6:05 PM

ADOPTED SEPTEMBER 28, 2023