

SAN FRANCISCO PLANNING COMMISSION



Meeting Minutes

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

Thursday, January 26, 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 1:52 PM

STAFF IN ATTENDANCE: Aaron Starr, Deborah Landis, AnMarie Rodgers, Miriam Chion, Lisa Chen, Danielle Ngo, Amnon Ben-Pazi, Jeff Horn, Xinyu Liang, David Winslow, Liz Watty – Director of Current Planning, 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.

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.

1. [2020-001314CUA](#) (N. FOSTER: (628) 652-7330)
110 FRANKLIN STREET – east side between Oak and Hickory Streets; Lot 008 in Assessor's Block 0834 (District 6) – Request for **Conditional Use Authorization**, pursuant to Planning Code Sections 156(f), 184, 210.2 and 303, to permit a five-year extension of an existing, temporary Public Parking Lot. The Project Site is located within a C-3-G (Downtown-General) Zoning District, 85-X Height and Bulk District, and the Van Ness and Market Residential Special Use District.
Preliminary Recommendation: Approve with Conditions

SPEAKERS: None
ACTION: Approved with Conditions
AYES: Braun, Ruiz, Diamond, Imperial, Koppel, Moore, Tanner
MOTION : [21235](#)

C. COMMISSION MATTERS

2. Land Acknowledgement

Commissioner Ruiz:

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.

3. Consideration of Adoption:
 - [Draft Minutes for January 12, 2023](#)

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

4. Commission Comments/Questions

Commissioner Moore:

I have a question. We are executing the Housing Element. We will have to look for sites that are opportunity sites for land banking. Today and on February 23rd, we have parking lots by where we are extending the use of parking for another five years. Is the department able to

look at these sites prior to asking the Commission to guarantee these extensions and what criteria are we using to do so?

Rich Hillis, Planning Director:

So, do you want us to, excuse me, include that on our analysis when talk about this --

Commissioner Moore:

Yeah. I think it would be interesting for the Commission to understand because we are here to support Consent but without having really your metrics to understand why you're doing it and what is the background, including extending it to for more than five years would be of interest.

Rich Hillis, Planning Director:

Okay.

Commissioner Moore:

Thanks.

President Tanner:

Thank you, Commissioner Moore. Commissioners, I just want to first, start on two kind of not necessarily Planning related notes. First, Happy Lunar New Year to everyone and hopefully folks are out celebrating the Year of the Rabbit and enjoying themselves. And Perhaps on a more serious note, I myself was in Monterey Park actually on Saturday, in the daytime enjoying the Lunar New Year festival, and then that evening there was this shooting at the dance hall there. So, I just want us to take a moment to recognize the victims of the shooting in Monterey Park, in San Mateo County, in Half Moon Bay and also in Oakland. Not the way we want to start out the year but certainly something that's present in our community, in our society. So, I just want us to pause and to take a few moments of silence in honor of the victims as well as the survivors, their families and their friends and really our entire community that is suffering at this time. So if we could just pause for a moment, I'll appreciate it. Thank you all for taking that time.

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, Manager of Legislative Affairs:

Land Use Committee

221104 Planning Code - SoMa Nighttime Entertainment Uses; Leather and LGBTQ Cultural District. Sponsors: Dorsey; Mandelman. Staff: Starr.

At the land use committee hearing this week, the Supervisors considered Supervisor Dorsey's ordinance that would principally permit Nighttime Entertainment on properties fronting Folsom Street between 7th Street and Division Street and properties fronting 11th Street between Howard Street and Division Street.

Commissioners you've heard this concept twice, the most recent was on January 12 when you voted to recommend approval with some clarifying amendments.

At this week's hearing, Supervisor Dorsey made the requested clarifying amendments; however, the City Attorney's office deemed them to be substantive and required the ordinance to be continued one week.

221023 Planning Code - Grocery Stores in Polk Street Neighborhood Commercial District.
Sponsor: Peskin. Staff: Flores.

Next the Committee heard Supervisor Peskin's ordinance that would facilitate the opening of Bi-Rite within the Polk Street NCD. The Ordinance would essentially allow three things:

- Allow the expansion of an existing General Grocery Use replacing a Legacy Business General Grocery to exceed 4,000 sf
- Allow a storefront merger of a General Grocery if it is related to replacing a Legacy Business General Grocery, only if the expansion is into a building on the same Lot; and
- Remove the CU requirement if replacing a Legacy Business General Grocery with a General Grocery use, only if the existing General Grocery is expanded into a building on the same Lot

Planning Commission heard this item on December 1, 2022, and unanimously recommended approval with the following modifications:

- Principally permit General Grocery uses up to 5,000 square feet in all Neighborhood Commercial Districts.
- Allow storefront mergers for all proposed General Grocery uses up to 5,000 square feet.
- Eliminate the CUA requirement for removing a Legacy Business General Grocery if it is to be replaced by another General Grocery.
- Additionally, staff read into the record that the draft Ordinance would be amended to include the Section 302 findings that were missing from the Ordinance.

Our understanding was that Supervisor Peskin's office was open to making these recommended amendments that would have made this ordinance more widely applicable; however, during the hearing, President Peskin noted that he did not have the resources to conduct outreach to the rest of the city and would not be taking any of the Commission's recommended modifications. He also emphasized the desire to move this item quickly so that Bi-Rite could open at this location as soon as possible.

There was one caller in support. After public comments, President Peskin moved to 1) amend the Ordinance to adopt the Section 302 findings and 2) send the item with recommendation as a Committee report. Both motions passed unanimously.

230001 General Plan Amendments - Housing Element 2022 Update.

Last but certainly not least, the Committee took up the Housing Element update. Commissioners, you approved the housing element update on December 15. As you know, the Board does not have the ability to amend the housing element once it has been transmitted to them. They can only accept or reject it with an or down vote on it.

During the hearing, Planning Staff gave a presentation on the update and was available to answer questions. The Supervisors often praised planning's work, specifically highlighting the community outreach that was done and the willingness to listen to community concerns throughout the process.

The Supervisors reserved most of their questions for the Director of the Mayor's Office of Housing and Community Development, Eric Shaw. Vice-Chair Preston directed questions to Director Shaw about whether the City has a land acquisition strategy and whether we were keeping track of stalled affordable housing projects. There were also conversations about resource constraints and where additional funding could come from. Peskin generally aligned is sentiment with Preston's comments.

Chair Melgar's comments focused on the need to utilize high resource areas and that we needed to invest in infrastructure, especially on the west side. She specifically mentioned the need to improve our electrical infrastructure as we electrify our homes and economy to address climate change. She also commented that she has heard from her constituents that they see the need for housing at all income levels on the west side. Stating that "There are very, very few apartments on the west side." And she wants to make room for the next gen of nurses and teachers.

Public comment was robust, however, I believe most people were calling in and few were in the chambers. Many praised the plan, but noted it was only the first step and that the city must take the implementation phase seriously. Others said the plan was lacking, especially with regards to affordable housing, but that we must pass it so that we have complaint housing element. A rare case in San Francisco when both sides of the issue wanted the same outcome.

Once public comment was over, the Committee excused President Peskin from the vote. He had been calling in from home due to illness. The Committee then voted to recommend the housing element to the Full Board on a 2-0 vote with Peskin excused.

Full Board**221141 Hearing - Appeal of Conditional Use Authorization Approval - 4835 Mission Street. Staff: Jimenez.**

At the Full Board this week, the Board heard the Conditional Use appeal for 4835 Mission Street to establish a Cannabis Retail Use with no on-site consumption. Commissioners, you heard this item on September 29 and voted unanimously approve.

The Appellant appealed the Commission's decision on the grounds that the project violated the Sunshine Ordinance's public notice requirements; the project is within proximity of

Balboa High School and thus not in accordance with the required 600' buffer requirement; and that there is an oversaturation of similar businesses in the area.

Public comment was like what was said at the Planning Commission hearing and typical for Cannabis Retail uses. After public comment, Supervisor Safai asked that the sponsor commit to the Good Neighbor Policy and recommended that the BOS look at a future city-wide cap on cannabis retail. Supervisor Stefani mentioned that she is looking at legislation to do just that.

After that the Board voted unanimously to uphold the Planning Commission's decision.

221023 Planning Code - Grocery Stores in Polk Street Neighborhood Commercial District.
Sponsor: Peskin. Staff: Flores. Passed First Read

230001 General Plan Amendments - Housing Element 2022 Update. Passed First Read without any comment.

President Tanner:

Thank you, Mr. Starr. And also I just want to say thank you to staff for shepherding the Housing Element through and I think that we are almost at our last approval next week. So, we're very much looking forward to that.

Rich Hillis, Planning Director:

Yeah, and I should just note on that, we are expecting HCD's certification soon after approval. We did get a pre-certification letter from them that basically said that if the Housing Element remains as you approved it, they could certify it. So we expect that to happen hopefully the next day.

President Tanner:

Alright. Well done everyone. Thank you.

E. GENERAL PUBLIC COMMENT

SPEAKERS: Georgia Schuttish – Illegal demolition on 21st Street
Francisco DaCosta – Letter from the First People of San Francisco

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.

7. [2022-011950CRV](#) (D. LANDIS: (628) 652-7526)
FY 2023-2025 PROPOSED DEPARTMENT BUDGET and WORK PROGRAM – An Informational Presentation of the Department's proposed revenue and expenditure budget in FY 2023-2024 and FY2024-2025, including high-level work program activities for the department; and proposed dates when budget items will be discussed during the budget process.
Preliminary Recommendation: None – Informational

SPEAKERS: = Rich Hillis – Introduction
 = Deborah Landis – Staff presentation
 = AnMarie Rodgers – Response to comments and questions
 = Liz Watty – Response to comments and questions
 = Miriam Chion – Response to comments and questions
 ACTION: Reviewed and Commented

- 10a. [2021-007313PCAMAP](#) (A. WESTHOFF: (628) 652-7314)
THE VILLAGE SPECIAL USE DISTRICT [BOARD FILE 221261] – **Planning Code and Zoning Map Amendment** – An ordinance, sponsored by Mayor Breed, amending the Planning Code and the Zoning Map to add The Village Special Use District, located adjacent to 56 Julian Avenue, at 80 Julian Avenue, and constituting Assessor's Parcel Block No. 3547, Lot No. 52; and making findings under the California Environmental Quality Act; 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

SPEAKERS: + Andrea Bruss, Mayor's Breed's office – Introduction of the ordinance
 = Alex Westhoff – Staff presentation
 + Peter Brett – Project sponsor presentation
 + Janey Madamba – Project sponsor presentation
 + Sharaya Souza – Think about justice and visibility
 + Natalie Aguillera – Health care services provided to community
 + Katherine Collins – Recovery program
 + Paloma Flores – Create a change in the lives of the American Indian community
 + Berna Garcia – Will bring more extended family and resource to help the community
 + Karen Waukazoo – Services that The Village will provide
 + Sequoia Nakai – Grew up in the Youth Center of the Friendship House
 + Speaker – Will build a stronger community
 + Gabriel Pimentel – Reach the community as a whole
 + Roberto Hernandez – Long time overdue village, go back to indigenous ways
 + Francisco DaCosta – Conference in Berkeley
 + Suzanne Brown – Response to comments and questions
 ACTION: Approved
 AYES: Braun, Ruiz, Diamond, Imperial, Koppel, Moore, Tanner
 RESOLUTION: [21236](#)

- 10b. [2021-007313CUA](#) (A. WESTHOFF: (628) 652-7314)
80 JULIAN AVENUE – west side between 14th and 15th Streets; Lot 052 of Assessor's Block 3547 (District 9) – Request for **Conditional Use Authorization**, pursuant to Planning Code Sections 249.2 (pending), 303 and Board File No. 221261, to allow exceptions to non-residential use size limits (Planning Code Section 121.2), floor area ratio (Planning Code Section 124), rear yard (Planning Code Section 134), dwelling unit exposure (Planning Code Section 140), active use (Planning Code Section 145.1), setbacks on narrow streets and alleys (Planning Code Section 261.1), and certain development impact fee requirements (Planning Code Sections 411A, 414A, 415, and 423) for the Project consisting of a six-story, 79-foot tall,

41,608 square foot mixed-use building, also known as “The Village”, which would support San Francisco’s Native American population with community services including youth programming, elder services, dental and medical operations, and approximately 21 group housing units within the Valencia Street NCT (Neighborhood Commercial Transit) Zoning District and 45-X Height and Bulk District. The Planning Department issued a mitigated negative declaration 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: Same as item 10a.
 ACTION: Approved with Conditions
 AYES: Braun, Ruiz, Diamond, Imperial, Koppel, Moore, Tanner
 MOTION : [21237](#)

8. [2018-017026GPA](#) (D. NGO: (628) 652-7591)
SAN FRANCISCO ENVIRONMENTAL JUSTICE FRAMEWORK AND GENERAL PLAN INTRODUCTION – Consideration of a **Resolution to Initiate** amendments to the San Francisco General Plan – Pursuant to San Francisco Charter Section 4.105, Planning Code Section 340(c) and Section 306.3, the Planning Commission may consider adopting a Resolution to Initiate amendments to the General Plan, including adoption of the San Francisco Environmental Justice Framework and amendments to the Introduction to the General Plan, and schedule a public hearing to consider adopting the proposed General Plan amendments. This initiation hearing is to consider when the adoption hearing will be held. If the Planning Commission passes the initiation resolution, the Commission will consider the content at the adoption hearing date of their choosing. The Department staff propose the adoption hearing to be scheduled on or after March 2, 2023.

Preliminary Recommendation: Adopt a Resolution to Initiate

SPEAKERS: = Lisa Chen – Staff presentation
 = Danielle Ngo – Staff presentation
 = Amnon Ben-Pazi – Staff presentation
 = Maia Small – SFMTA report
 = Taylor Emerson – Rec and Park report
 = Diane Oshima – SF Port report
 = Sraddha Mehta – SF Environment report
 = Karen Pierce – DPH report
 + Sharaya Souza – Good example of working with the community
 + Speaker – Institutionalize
 + Angelique Tompkins –Within the EJ Framework draft it states: Government should foster environmental justice through processes that address, mitigate, and amend past injustices...With reference to 'past injustices', it is essential that reparations context is included in the EJ Framework. The draft references interagency partners responsible for implementation of the policies and priorities. SF Human Rights Commission is not explicitly noted as a resource although it is an essential body to ensure environmental justice accountability. SF African American Reparations Committee convened by SFHRC released their Reparations Plan to which the Bayview Alliance contributed recommendations that

align with EJ Framework priorities. The Bayview Alliance proposed objectives and actions were adopted verbatim into the Reparations Plan – Health – Objective 4 / Actions 4.2 & 4.3. We propose these recommendations are integrated into the EJ Framework with implementation responsibility to include SFHRC as a key resource as environmental justice is a human right matter.

+ Michael Nulty – Framework to go by

ACTION: Adopted a Resolution to Initiate with a recommendation to consider reparations.

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

MOTION : [21238](#)

9. [2020-005491ENV](#) (J. NAVARRETE: (628) 652-7561)
2022 HOTEL CONVERSION ORDINANCE AMENDMENTS – 2022 Hotel Conversion Ordinance Amendments (HCO) Definition of Tourist or Transient Use; Amortization Period; San Francisco Board of Supervisors File No. 220815. **Preliminary Negative Declaration Appeal.** The 2022 HCO Amendments project is an ordinance amending Chapter 41 of the Administrative Code to add a definition of Tourist or Transient Use under the Residential Hotel Unit Conversion Ordinance; to set the term of tenancy for such use at less than seven days for a period of two years after the effective date of this ordinance, and at no less than 30 days following that two-year period; to provide an amortization period applicable to hotels currently regulated under the ordinance; to provide a process by which the owners or operators of regulated hotels can apply for an extension of the amortization period, on a case-by-case basis; and, to amend the definition of Permanent Resident from a person who occupies a room for 32 days to a person who occupies a room for 30 days.
Preliminary Recommendation: Uphold
 (Continued from Regular hearing on December 1, 2022)

SPEAKERS: = Lisa Gibson – Introduction
 = Michael Li – Staff presentation
 - Brian O’Neil – Appellant
 - Speaker – Enough evidence
 + Sunny Angulo – Response to comments and questions
 = Kirsten Jensen, City Attorney – Response to comments and questions

ACTION: Upheld the PND with the amendment submitted by Staff.

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

MOTION : [21239](#)

11. [2022-000404CUA](#) (J. HORN: (628) 652-7366)
345 RIVERA STREET – south side between 14th Avenue and Funston Avenue; Lot 026A in Assessor’s Block 2336 (District 7) – Request for **Conditional Use Authorization** pursuant to Planning Code Sections 209.1, 303 and 317 to legalize the tantamount to demolition that occurred during the construction of alterations and additions to a 2,962 gross square-foot, two-story, single-family dwelling with a legalized unauthorized dwelling unit to create a 4,154 gross square-foot, three-story, two-family dwelling. The property is located within a RH-1 (Residential House, One-Family) Zoning District and 40-X Height and Bulk Districts. 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: = Jeff Horn – Staff report
 + Brett Gladstone – Project sponsor presentation
 = Georgia Schuttish – Demo calcs
 = Anastasia Yovanopoulos – Unit should be deed restricted
 = Liz Watty – Response to comments and questions
 = Rich Hillis – Response to comments and questions

ACTION: Approved with Conditions as amended to include the standard Community Liaison condition of approval.

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

MOTION : [21240](#)

12. [2016-011827ENX](#) (X. LIANG: (628) 652-7316)
1500 15TH STREET – northwest corner of South Van Ness Avenue; Lots 016 and 018 in Assessor's Block 3548 (District 9) – Request for **Large Project Authorization**, pursuant to Planning Code (PC) Sections 329 and 843, to permit a project greater than 25,000 square feet of floor area and 75 feet in height within a UMU (Urban Mixed Use) Zoning District and 58-X Height and Bulk District, to construct an eleven-story, 120-foot tall, 72,289 square foot, mixed-use building with approximately 2,871 square feet of ground-floor commercial uses, 189 residential group housing units (189 beds), and 64 Class 1 and 6 Class 2 bicycle parking spaces, under the Individually Requested State Density Bonus Program (PC Section 206.6 and California Government Code Section 65915). The Project seeks waivers from development standards for Rear Yard (PC Section 134) and Building Height (PC Section 260) to achieve a 50% density bonus, and a concession or incentive for Open Space (Section 135) to reduce housing costs. 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
 (Continued from Regular hearing on November 17, 2022)

SPEAKERS: = Xinyu Liang – Staff presentation
 + Chris Elsey – Project sponsor presentation
 + John Kevlin – Project sponsor presentation
 + Guillermo – Job opportunity for carpenters
 + Christian – Job opportunity and training for carpenters
 + Tameeka Johnson – All women's apprentice program, job opportunity
 + Dan – NorCal Carpenter's Union

ACTION: Approved with Conditions

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

MOTION : [21241](#)

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.

13. [2022-003961DRP](#) (D. WINSLOW: (628) 652-7335)
1564 GREEN STREET – north side between Franklin Street and Van Ness Avenue; Lot 012 in Assessor’s Block 0546 (District 2) – Request for **Discretionary Review** of Building Permit No. 2022. 0315.0056 for the construction of a fourth-story horizontal addition to a four-story, two-family building within a RM-2 (Residential-Mixed Moderate 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: Do Not Take Discretionary Review and Approve

SPEAKERS: = David Winslow – Staff report
 - Stan Miskie – DR’s presentation
 - Sharish Malekar – DR presentation
 + Alex - Project sponsor presentation
 + Joaquin Quilez-Marin – Project sponsor presentation
ACTION: No DR
AYES: Braun, Ruiz, Diamond, Imperial, Koppel, Moore, Tanner
DRA : [810](#)

ADJOURNMENT 6:30 PM
ADOPTED FEBRUARY 9, 2023