

SAN FRANCISCO PLANNING COMMISSION



Meeting Minutes

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

Thursday, December 8, 2022

1:00 p.m.

Regular Meeting

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

THE MEETING WAS CALLED TO ORDER BY PRESIDENT TANNER AT 1:07 PM

STAFF IN ATTENDANCE: Aaron Starr, Audrey Merlone, Miriam Chion, Jenny Delumo, David Winslow, Corey Teague – Zoning Administrator, Rich Sucre – Deputy 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.

- 1a. 2019-022404ENX (E. SAMONSKY: (628) 652-7417)
1458 SAN BRUNO AVENUE – west side at terminus of San Bruno Avenue; Lots 015 and 006A in Assessor's Block 4277 (District 9) – Request for **Large Project Authorization** pursuant to Planning Code Sections 329, and 841 to demolish three light industrial buildings that contained an unauthorized dwelling unit and new construction of more

than 25,000 gross square feet for a seven-story residential building, with a maximum height of approximately 73-feet, containing in total 232 dwelling units (two three-bedroom, 91 two-bedroom, two one-bedroom, and 137 studios) and 134 Class One bicycle parking spaces, under the Individually Requested State Density Bonus Program pursuant to Planning Code Section 206.6 and California Government Code Section 65915. The project seeks waivers from development standards, including Rear Yard (Section 134), Dwelling Unit Exposure (Section 140), Off-Street Loading (section 151.1), and Height Limit (Section 260) requirements of the Planning Code, and concessions from the Open Space (Section 135) and Permitted Obstructions (Section 136), pursuant to State Density Bonus Law. The Project is located in a MUR (Mixed-Use Residential) Zoning District and 40-X Height and Bulk District. 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 a Regular hearing on November 10, 2022)

(Proposed for Continuance to January 19, 2023)

SPEAKERS: Justin Zucker – Continuance date
Dell Grader – Supports the continuance
Eric Arguello – Supports the continuance
David Edwards – Supports the continuance
ACTION: Continued to January 19, 2023
AYES: Braun, Diamond, Imperial, Koppel, Moore, Tanner
ABSENT: Ruiz

- 1b. 2019-022404CUA (E. SAMONSKY: (628) 652-7417)
1458 SAN BRUNO AVENUE – west side at terminus of San Bruno Avenue; Lots 015 and 006A in Assessor's Block 4277 (District 9) – Request for **Conditional Use Authorization** pursuant to Planning Code Sections 303, 317 and 841 to demolish three light industrial buildings that contained an unauthorized dwelling unit and construct a seven-story residential building, with a maximum height of approximately 73-feet, containing in total 232 dwelling units (two three-bedroom, 91 two-bedroom, two one-bedroom, and 137 studios) and 134 Class One bicycle parking spaces, in a MUR (Mixed-Use Residential) Zoning District and 40-X Height and Bulk District.
Preliminary Recommendation: Approve with Conditions
(Continued from a Regular hearing on November 10, 2022)
(Proposed for Continuance to January 19, 2023)

SPEAKERS: Same as item 1a.
ACTION: Continued to January 19, 2023
AYES: Braun, Diamond, Imperial, Koppel, Moore, Tanner
ABSENT: Ruiz

- 1c. 2019-022404SHD (E. SAMONSKY: (628) 652-7417)
1458 SAN BRUNO AVENUE – west side at terminus of San Bruno Avenue; Lots 015 and 006A in Assessor's Block 4277 (District 9) – Request for adoption of **Shadow Findings** pursuant to Planning Code Section 295 that net new shadow from the project would not adversely affect the use of Potrero Del Sol Park and James Rolph Jr. Playground under the

jurisdiction of the Recreation and Park Commission, in a MUR (Mixed-Use Residential) Zoning District and 40-X Height and Bulk District.

Preliminary Recommendation: Approve

(Continued from a Regular hearing on November 10, 2022)

(Proposed for Continuance to January 19, 2023)

SPEAKERS: Same as item 1a.

ACTION: Continued to January 19, 2023

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

ABSENT: Ruiz

2. 2021-006164CUA (V. PAGE: (628) 652-7396)
258 CUMBERLAND STREET – north side between Sanchez and Church Streets; Lot 047 in Assessor's Block 3600 (District 8) – Request for **Conditional Use Authorization** pursuant to Planning Code Sections 209.1, 303 and 317 to legalize the tantamount to demolition of an existing 2,056 gross square-foot, two-story, one-family dwelling and to construct a 3,954 gross square-foot, five-bedroom, one-family dwelling with a 310 square-foot garage, one off-street automobile parking space, and one Class 1 bicycle parking space, 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 a Regular hearing on October 20, 2022)
(Proposed for Continuance to February 2, 2023)

SPEAKERS: None

ACTION: Continued to February 2, 2023

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

ABSENT: Ruiz

B. CONSENT CALENDAR

All matters listed hereunder constitute a Consent Calendar, are considered to be routine by the Planning Commission, and may be acted upon by a single roll call vote of the Commission. There will be no separate discussion of these items unless a member of the Commission, the public, or staff so requests, in which event the matter shall be removed from the Consent Calendar and considered as a separate item at this or a future hearing

3. [2022-000066CUA](#) (J. VIMR: (628) 652-7319)
240 POST STREET – north side between Stockton Street and Grant Avenue, with additional frontage along the south side of Campton Place; Lot 008 in Assessor's Block 0294 (District 3) – Request for **Conditional Use Authorization** pursuant to Planning Code Sections 210.2 and 303 to convert the third and fourth floors of the subject building from retail to 17,020 square feet of Non-Retail Sales & Service use (general office). Associated exterior alterations are also proposed for the rear, Campton Place elevation as well as the rooftop. The subject property is within a C-3-R (Downtown-Retail) Zoning District and 80-130-F 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, Diamond, Imperial, Koppel, Moore, Tanner
ABSENT: Ruiz
MOTION: [21217](#)

C. 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. [2023 Hearing Schedule](#)

SPEAKERS: None
ACTION: Adopted as amended: exchanging the fifth Thursday in June with June 22nd in recognition of Juneteenth; adding July 6th in recognition of Fourth of July; adding August 24th and 31st to the Summer Hiatus; and adding October 12th in recognition of Indigenous People's Day.
AYES: Braun, Diamond, Imperial, Koppel, Moore, Tanner
ABSENT: Ruiz

6. Commission Comments/Questions

President Tanner:

Commissioners, last week we had kind of um, I think it was an unfortunate and somewhat embarrassing incident for all of us where we had a couple of public commenters who didn't have interpretation handy and fortunately one person was able to - the project sponsor, to have, interpretation but not for the other commenters. And I know that was a bit awkward and we were hoping that by their tone they were supportive, but we really quite frankly didn't know. And I think you may have seen the communication with Ms. Hestor about that communication. So, I did talk with the Secretary about what could have been done to prevent that in the future and they have talked about some improvements to process. I don't know if you want to share that, Jonas, of what you have talked about and what happened.

Jonas P. Ionin, Commission Secretary:

Yes. Absolutely. I agree it was unfortunate, but we are taking it as an opportunity, as a learning experience and to improve our practices. So since then, I've directed staff to be a little bit more forward in advising sponsors of the service that we provide at no cost to members of the public. But more importantly, we reached out to the Board of Supervisors and other Commissions to see what their practice is. And I think we are going to implement some things that may include some stand-by service actually. So, I'm actually very encouraged and we just found that out today. And so, I'm very pleased to inform you that we may have some things, I'm not sure how much it will cost the Department, if anything, but it might be minimal enough where we can provide that service. Maybe not necessarily by live people but apparently there is some sort of a program that may be or would be implemented. So, we're, I think this unfortunate occurrence will provide us with benefit moving forward.

President Tanner:

Great. Thank you.

Commissioner Moore:

I would like to remind us also, as you were asking the people who were affected by last week to go over to the other side, they did not understand you. That at least in the moment we find a way to acknowledge that we cannot speak or respond even if we try. Because I think they were really lost at sea.

Jonas P. Ionin, Commission Secretary:

Yes. I mean, we are sort of forced to be a little reactionary in the past. If the public doesn't notify us that they are in need of interpretation, we don't generally schedule it because again, it is a cost, added cost to the Department. But I think like, as I mentioned I think we might have something that will help us move in the future

President Tanner:

Great and thank you. Just keep us abreast of that as that goes under way.

Commissioner Moore:

We were copied on a letter by HCD on the matter of 469 Stevenson and while I'm supportive of them obviously looking over our shoulders this particular letter struck me as somewhat inappropriate as it was insinuating to tell us what to do. We are not State employees, we are not City employees, we are volunteering as Commissioners and for that reason I felt that a state agency even raising an implicit threat was not particularly well sitting with me. I want to just put that to record and the letter that was received is part of public record for anybody who wants to read it. Thank you.

President Tanner:

Thank you, Commissioner Moore.

Commissioner Koppel:

Good afternoon, everybody. I just wanted to ask that we adjourn today's hearing in recognition of fallen labor leader, Mike Hardeman, on behalf of San Francisco Labor Council and the San Francisco Building and Construction Trades Council. I just wanted to

acknowledge his recent passing as he served on San Francisco's Fire Commission and Port Commission as well as being a journeyman and business manager of sign and display local 510. So, if we could it would appease the Commission, we could adjourn in his memory today? Thank you.

President Tanner:

Sorry about that. Thank you, Commissioner Koppel.

D. DEPARTMENT MATTERS

7. Director's Announcements

None.

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

Aaron Starr, Manager of Legislative Affairs:

Good afternoon, commissioners, Aaron Starr Planning Department Staff.

LAND USE COMMITTEE

- 220811 Planning Code - Automotive Uses Residential Density. Sponsor: Mayor. Staff: Starr. Item 2

This week the Land Use and Transportation committee took up the mayor's Automotive Uses/Residential Density ordinance again. As you recall this item has been continued several times, most recently last week when it needed to be continued because of a noticing error.

In previous hearings, both Supervisors Preston and Peskin added amendments that either reduce the scope of the program, which Supervisor Peskin did by removing RM and RC zoning districts from the proposal, or eliminated density decontrol all together, which Supervisor Preston did in a duplicated file. Peskin's amendments ultimately made into the final ordinance.

At this hearing staff gave a brief overview of the ordinance and then presented on the findings of the feasibility analysis that the Committee requested.

The financial feasibility report analyzed 32 prototypes. This included scenarios reflecting: Two site sizes: a 6,000 sq. ft. lot with a 40' height limit and 20,000 sq. ft. lot with 65' height limit; For-rent and for-sale; Two Submarkets for each site size, representing lower and higher rental rate and sale price areas; Existing zoning and density decontrol rezoning; project with and without state density bonus; and project sizes ranging from 4 to 8 stories and 10 to 104 units. The report also assumed prevailing wages for construction.

The resulting analysis found a negative per-unit residual values for all prototype scenarios. This means that the total estimated costs to develop the prototypes exceed the projected net operating income for rental projects or the projected net sale proceeds for sale projects.

In short it found even with density decontrol, under current market conditions housing is not financially feasible to build in the markets and scenarios analyzed. This was true even with an assumed CEQA Cat Ex, limited entitlement time, and no significant costs for remediation, demolition of significant structures, or substantial holding costs.

Supervisors Preston and Peskin used the report to suggest the folly of pursuing such a program, since it didn't make constructing housing financially feasible; however, Supervisor Melgar voiced her support for moving the ordinance forward that day. She also said that while the analysis showed projects would still be infeasible, it also showed that it made projects significantly more financially feasible. By up to 60% in some cases. Ultimately this ordinance was moving the city in the right direction and setting the right priorities by replacing auto oriented developments with housing.

There were only a few people who spoke during public comment, and most were in support of the proposed ordinance. Ultimately the Committee voted unanimously to forward the item as a committee report to the Full Board with a positive recommendation.

- 221165 Planning Code - Landmark Designation - St. James Presbyterian Church. Sponsor: Walton. Staff: LaValley.

Next on the agenda was the landmark designation for St. James Presbyterian Church. This designation was initiated by Supervisor Walton who was also the primary sponsor on the designation ordinance.

St. James Presbyterian Church, constructed in 1922-3, is architecturally and historically significant as one of Visitacion Valley's oldest religious congregations that has contributed to the development of the neighborhood and as an example of the work of renowned architect, Julia Morgan.

At their November 2 hearing, the HPC unanimously recommended approval of the landmark designation.

At this week's committee hearing, SF Heritage and property owner's representative spoke in support of designation. After public comment the committee recommended approval and forwarded the item as a committee report.

FULL BOARD

- 220542 Planning Code - Temporary Safe Overnight Parking and Cannabis Retail Uses. Sponsor: Safai. PASSED Second Read
- 221065 General Plan - Adopting the 2022 Safety & Resilience Element. Sponsor: Planning Commission. Staff: Ngo. Passed First Read
- 220811 Planning Code - Automotive Uses Residential Density. Sponsor: Mayor. Staff: Starr. Passed First Read

- 221165 Planning Code - Landmark Designation - St. James Presbyterian Church. Sponsor: Walton. Staff: LaValley. Passed First Read

Corey Teague, Zoning Administrator:

Good afternoon, Commissioners. Corey Teague, Zoning Administrator. The Board of Appeals did meet last night but they only considered really 2 items and neither were of interest to the Planning Commission. Thank you.

Jonas P. Ionin, Commission Secretary:

Commissioners, we had a fairly lengthy hearing yesterday at the Historic Preservation Commission in these chambers. The community came out in force regarding the Castro Theatre. So, even though it was proposed to be continued they spoke under General Public Comment and then again under the Continuance Calendar. And they made it very loud and clear that their desire is to preserve the sloped seating arrangement in the Castro Theatre and to designate the interior as a character-defining feature. Ultimately because of procedural matters that Commission could not necessarily take action on that matter so they deferred to Supervisor Mandelman's request to continue the matter to February 1st. So, they will be taking up that amendment to the landmark designation on February 1st. Furthermore, under the Regular Calendar, they considered Legacy Business Registry applications for Cafe Grecco on Columbus, Bloomers on Washington Street and Developing Environments on Alabama Street. Finally, they adopted historic context statements for the Duboce Triangle and North Beach which was in the works for about 18 years.

President Tanner:

Congratulations on finishing a 18 year-long project. That's great.

E. GENERAL PUBLIC COMMENT

SPEAKERS: Sue Hestor – Translation service during public comment

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.

9. [2022-009700PCA](#) (A. MERLONE: (628) 652-7534)
GATES, RAILINGS, AND GRILLWORK EXCEPTIONS FOR CANNABIS RETAIL USES AND EXISTING NON-RESIDENTIAL USES (BF 220971) – Planning Code Amendment – Ordinance, introduced by Supervisor Safai, amending the Planning Code to exempt certain existing gates, railings, and grillwork at Non-Residential uses from transparency requirements, subject to the provisions for noncomplying structures, and exempt Cannabis Retail uses from transparency requirements for gates, railings, and grillwork for a three-year period, and require removal of gates, railings, and grillwork installed pursuant to that exemption when a Cannabis Retail use's business permit becomes invalid or the business ceases to operate; 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 public necessity, convenience, and welfare findings pursuant to Planning Code, Section 302.

Preliminary Recommendation: Approve with Modifications

SPEAKERS: = Audrey Merlone – Staff report
 + Supervisor Safai – Introduction to ordinance
 + Connor Johnston – Security of social equity dispensary and small business owners
 + Terrence Allen – Dispensary broken into
 + Sean Richards – Had windows replaced four times
 + Johnny Delaplane – Permit process, amnesty program
 = Corey Teague – Response to comments and questions

ACTION: Approved with Modifications: replacing Mod. No. 1 with an artwork requirement, to deter tagging; amend No. 2 with a three-year period from the date of mailed notice to ground floor retail establishments; leaving No. 3 as is; and adding a fourth modification for objective design standards for gate mechanisms.

AYES: Braun, Diamond, Imperial, Koppel, Tanner
 NAYS: Moore
 ABSENT: Ruiz
 RESOLUTION: [21218](#)

10. [2019-016230GPA](#) (J. PAPPAS: (628) 652-7470)
HOUSING ELEMENT – Informational Presentation – The Housing Element serves as San Francisco's roadmap for meeting the needs of all its residents and is required by the State to be updated every eight years. The Housing Element 2022 Update is San Francisco's first housing plan centered on racial and social equity. It includes policies and programs that express our collective vision and values for the future of housing in San Francisco. The purpose of this hearing is to respond to questions and receive feedback ahead of the Housing Element 2022 Update's adoption hearing on December 15, 2022. Staff will provide an overview of changes made in response to input received from the California Department of Housing and Community Development (HCD), Supervisors, Planning Commissioners, and members of the public since publishing the most recent draft on November 10, 2022. The most recent draft materials can be found at the following link for review and public comment: <https://www.sfhousingelement.org/november-2022-initiation-release>

Preliminary Recommendation: None – Informational

SPEAKERS: = Miriam Chion – Staff report
 - Peter Papadopoulos – Timely housing process, keep opportunities for Bipoc community voices, critical to launch in January
 - Frieda Walker – Undocumented immigrant families vulnerable
 - Joseph Smith – Reducing constraints silence low-income communities
 - David Woo – Compliance with its legal obligation for fair housing, Prop I fund must be recognize and included as a source of funding
 - Tes Welborn – Budget for affordable housing
 - Elliot Hellman – Ellis acted, support people from displacement
 - Eric Arguello – Affordable Housing Production Section 1.2.11 and Cultural District Section 4.4.3

- Robert Fruchthman – Programs that reduce constraints
- Charlie Sciammas – Retain all existing affordable housing funding, prioritize low-income housing
- Janthal – Actions undermine racial and social equity
- Speaker – Prioritize affordable housing
- Milo Trauss – Pipeline, proposals not feasible
- Maria – Community engagement process
- Kevin Burke – Contra Costa Housing Element
- = Speaker – List of process improvement projects
- = Rich Hillis – Response to comments and questions

ACTION: None - Informational

11. [2017-014833ENV](#) (J. DELUMO: (628) 652-7568)

469 STEVENSON STREET – The project site is located on the block bounded by Stevenson Street to the north, Jessie Street to the south, 6th Street to the west, and 5th Street to the east (Assessor's block/lot 3704/045) – Public Hearing on the Partially Recirculated **Draft Environmental Impact Report**. The proposed project would demolish the existing parking lot and construct a new 27-story mixed-use building approximately 274 feet tall with three below-grade parking levels, providing 178 parking spaces and freight/service loading spaces. The approximately 535,000-gross-square-foot building would consist of 495 dwelling units, 4,000 square feet of commercial retail use on the ground floor, and 30,000 square feet of private and common open space. The proposed project would also provide approximately 200 Class 1 bicycle spaces, 27 Class 2 bicycle parking spaces, and passenger loading zones on Stevenson Street and Jessie Street. In addition, the project sponsor would: 1) use the Individually Requested State Density Bonus Program and provide affordable housing units onsite and 2) seek certification of the proposed project as an environmental leadership development project. The Project Site is located within a C-3-G (Downtown General Commercial) Zoning District, Downtown Plan Area, and 160-F Height and Bulk District.

Written comments on the revised chapters or portions included in the partially recirculated draft EIR will be accepted at CPC.469stevenson@sfgov.org or at the Planning Department until 5:00 p.m. on December 19, 2022.

Preliminary Recommendation: Review and Comment

- SPEAKERS:
- = Jenny Delumo – Staff report
 - Milo Trauss – Waste of time
 - + Speaker – Community Benefit Agreement
 - + Rebecca Brown – Supports the project
 - David Woo – Collect study related to race, class and displacements
 - + Eric – Community activities, affordable housing
 - + Jessica – Disappointed of the delays
 - Anastasia Yovanopoulos – There should be more study done

ACTION: Reviewed and Commented

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.

12. [2022-000092DRP](#) (D. WINSLOW: (628) 652-7335)
[1679 35TH AVENUE](#) – west side between Lawton and Moraga Streets; Lot 020 in Assessor's Block 1908 (District 4) – Request for **Discretionary Review** of Building Permit No. 2021.0629.3442 for the construction of a rear deck to a two-story single-family dwelling within a RH-1 (Residential-House, One 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: Take Discretionary Review and Approve with Modifications

SPEAKERS: = David Winslow – Staff report
+ Bachul Koul – Project sponsor
+ Karen Mar – Project sponsor presentation
ACTION: Took DR and Approved with alternative for a glass fire rated railing, if Fire does not permit then the wall shall be set back three feet.
AYES: Braun, Diamond, Imperial, Koppel, Moore, Tanner
ABSENT: Ruiz
DRA: [804](#)

ADJOURNMENT 5:38 PM - IN HONOR OF MIKE HARDEMAN, FORMER SF FIRE AND PORT COMMISSIONER
ADOPTED JANUARY 5, 2023