

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 8, 2022
1:00 p.m.
Regular Meeting

COMMISSIONERS PRESENT: Moore, Diamond, Imperial, Koppel, Ruiz
COMMISSIONERS ABSENT: None

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

STAFF IN ATTENDANCE: Veronica Flores, Christopher May, David Winslow, Elizabeth 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.

C. COMMISSION MATTERS

- Reinstatement of September 29, 2022 Hybrid Hearing.

SPEAKERS: None
ACTION: Reinstated
AYES: Ruiz, Diamond, Imperial, Koppel, Moore

A. CONSIDERATION OF ITEMS PROPOSED FOR CONTINUANCE

The Commission will consider a request for continuance to a later date. The Commission may choose to continue the item to the date proposed below, to continue the item to another date, or to hear the item on this calendar.

1. 2016-010626CUA (E. SAMONSKY: (628) 652-7417)
6227 3RD STREET – east side between Hollister and Gilman Avenues; Lot 022 in Assessor's Block 4941 (District 10) – Request for **Conditional Use Authorization** pursuant to Planning Code Sections 303, 317 and 712 to remove an unauthorized dwelling unit at the ground floor of a two-story single-family residence within a NC-3 (Neighborhood Commercial, Moderate Scale) Zoning District and 40-X Height and Bulk District. This action constitutes the Approval Action for the project for the purposes of CEQA, pursuant to San Francisco Administrative Code Section [31.04\(h\)](#).
(Continued from a Regular hearing on August 25, 2022)
Preliminary Recommendation: Approve with Conditions
(Proposed for Continuance to September 29, 2022)

SPEAKERS: None
ACTION: Continued to September 29, 2022
AYES: Ruiz, Diamond, Imperial, Koppel, Moore

2. 2021-011698CUA (E. SAMONSKY: (628) 652-7417)
424 TEXAS STREET – west side between 19th and 20th Streets; Lot 005 in Assessor's Block 4066 (District 10) – Request for **Conditional Use Authorization** pursuant to Planning Code Section 209.1, 303 and 317 to demolish a two-story, 1,625-square-foot single-family residence and construct a four-story, 3,638-square-foot residential building containing a dwelling unit and an accessory dwelling unit (ADU),) within a RH-2 (Residential-House, Two Family) Zoning District and 40-X Height and Bulk District. This action constitutes the Approval Action for the project for the purposes of CEQA, pursuant to San Francisco Administrative Code Section [31.04\(h\)](#).
Preliminary Recommendation: Approve with Conditions
(Proposed for Continuance to September 29, 2022)

SPEAKERS: None
ACTION: Continued to September 29, 2022
AYES: Ruiz, Diamond, Imperial, Koppel, Moore

- 3a. 2019-000499PRJ (J. HORN: (628) 652-7366)
1 LA AVANZADA STREET – Sutro Tower; Lot 003 in Assessor's Block 2724 (District 8) – Staff will provide an **Informational Presentation** on the design alternatives and procedures related to the legalization of work completed without benefit of a permit at Sutro Tower.
Preliminary Recommendation: None – Informational
(Continued from a Regular hearing on August 25, 2022)
(Proposed for Continuance to October 13, 2022)

SPEAKERS: None
ACTION: Continued to October 13, 2022
AYES: Ruiz, Diamond, Imperial, Koppel, Moore

- 3b. 2021-012569DRM (J. HORN: (628) 652-7366)
1 LA AVANZADA STREET – Sutro Tower; Lot 003 in Assessor's Block 2724 (District 8) – Request for **Mandatory Discretionary Review**, pursuant to Planning Code Section 306.9, of Building Permit Application No. 2021.1123.3043 proposing the replacement of existing metal panels located on the lower three horizontal trusses of Sutro Tower within a RH-1(D) (Residential-House, One Family-Detached) Zoning District and 40-X Height and Bulk District. The Project has undergone environmental review pursuant to CEQA and Chapter 31 of the San Francisco Administrative Code. On October 23, 2008, the Final Environmental Impact Report (EIR) was certified by the Planning Commission through approval of Motion No. 20635. On May 18, 2022, the Planning Department published an Addendum to the Final EIR for the re-phase plan, finding that the Final EIR remains valid and no additional environmental review is required.
Preliminary Recommendation: Do Not Take Discretionary Review and Approve with Conditions (Continued from a Regular hearing on August 25, 2022)
(Proposed for Continuance to October 13, 2022)

SPEAKERS: None
ACTION: Continued to October 13, 2022
AYES: Ruiz, Diamond, Imperial, Koppel, Moore

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

4. [2022-001428CUA](#) (S. YOUNG: (628) 652-7349)
2090 UNION STREET – northeast corner of Webster Street; Lot 017 in Assessor's Block 0532 (District 2) – Request for **Conditional Use Authorization** pursuant to Planning Code Sections 303, 303.1, 703.4, and 725 to establish a Formula Retail Use (d.b.a. Vuori, a retail clothing store specializing in active wear and athletic wear) in an approximately 3,300 square foot vacant commercial space which was occupied by another formula retail use (d.b.a. Lorna Jane) within the Union Street NCD (Neighborhood Commercial District) Zoning District and 40-X Height and Bulk District. The Project will involve interior tenant improvements to the ground floor commercial tenant space; the existing utility basement floor will be maintained. Minor storefront modifications are proposed. There will be no expansion of the existing building envelope. The Project will allow the relocation of the existing Vuori store from 2070 Union Street to the project site at 2090 Union Street. This action constitutes the Approval Action for the project for the purposes of CEQA, pursuant to San Francisco Administrative Code Section [31.04\(h\)](#).
Preliminary Recommendation: Approve with Conditions

SPEAKERS: None
ACTION: Approved with Conditions
AYES: Ruiz, Diamond, Imperial, Koppel, Moore
MOTION: [21164](#)

C. COMMISSION MATTERS

Vice President Moore:

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

5. Consideration of Adoption:

- [Draft Minutes for August 25, 2022](#)

SPEAKERS: Sue Hestor – Defer approval for one week
ACTION: Continued to September 15, 2022
AYES: Ruiz, Imperial, Koppel, Moore
NAYS: Diamond

6. Commission Comments/Questions

Commissioner Imperial:

I just want to bring up in terms of, it looks like our items for the rest of the year are getting less and less. I kind of want to have a better, I guess a better picture of what the rest of the year is going to look like for us. And I understand there are some continuances that, you know, I'm worried that we are beyond the 10 cancellation sessions and whether you know, how -- whether is this because of the less items that we're having the continuances? So, I know some of the members of the public have contacted me about what is going on and so, I would like to bring this up in terms of how is the rest of the year, our calendar looks like? And how were we – in terms of the continuances, what are the reasons for those continuances?

Jonas P. Ionin, Commission Secretary:

Well, there's a variety of reasons for continuances. And the advanced calendar provides you an indication of what we know so far about our future calendars. I'm not sure --

Rich Hillis, Planning Director:

I mean, just to jump in. Commissioner, you're right. There's less, we've got less fewer cases in front of the Commission. I mean, you know, our volume is down and that's now translating to less, fewer items before you here at the Commission. So, yes that could lead in -- I think, Jonas works with the chair to figure out how to be most efficient in scheduling these meetings and if we have back-to-back meeting was few items, perhaps we talked about consolidating them but it's ultimately up to the Commission chair to cancel meetings if there just aren't enough items or we want to consolidate items.

Commissioner Imperial:

I guess I'm just trying to see if, are we expecting more cancellation for the rest of the year.

Rich Hillis, Planning Director:

We're definitely seeing less activity. So, again, you could meet and hear one item, a DR if you want to, or we can work with the Commission President to try to consolidate meetings if that's more efficient. So, I think these are way – ultimately, it's up to you.

Commissioner Imperial:

Okay. Yeah. That's good to know.

Vice President Moore:

Perhaps it would make sense for all of us to think about it and calendar it as a discussion item because we cannot go back and forth and opine on what each individually feels about it at the moment. There are definitely from my perspective, a number of big-ticket items. They are from my perspective a number of big-ticket items that people ask repeatedly to hear more about, one of them being the Housing Element. While it is scheduled on a regular schedule, perhaps having informal interim discussions would be helpful because we're still getting challenges from Sacramento left and right, not to get into any of the particular ballots you have been involved in most recently, but for us to be up to speed and really be prepared to take a major step, a consequential step next spring, would make sense to spread a couple of interim working meetings so to say into the calendar.

Rich Hillis, Planning Director:

Sure.

Vice President Moore:

And again, if we would calendar the discussion for everybody to weigh in, think about it, hear what the public says, each of us has a different exposure, I think it would help.

Rich Hillis, Planning Director:

Okay.

Commissioner Imperial:

Also, may I speak. In terms of the, as what Commissioner Moore or Vice-President Commissioner Moore mentioned, like, I know that we are, or the City or the Planning Department, is in discussion with the HCD in terms of – as they are looking into or investigating about entitlement process, perhaps that's something we can have informational session about those discussions as well or update as the Planning Department having those kind of conversation and I think for the Commission, we need to be updated as well in those conversations.

Rich Hillis, Planning Director:

Yeah. And just so you know, we've got that calendared for the 29th of this month. We want – we don't have the answers to HCD yet, but we wanted to come talk about you about what they are asking for, what their comments were to our Housing Element, get your feedback and comments back. So, you know, it will be more an update on where HCD is going in the process, less our response to HCD because we're in the midst of formulating that but we wanted your initial feedback on that.

Commissioner Imperial:

Thank you very much.

Vice President Moore:

Scheduling an informal meeting with the BIC committee may be helpful because as obviously many questions where we continuously run into misunderstandings while transmitting in the night, Historic Preservation which is making major important decisions on cultural district statements etcetera would be helpful, even meeting the new Commissioners, and, and, and –

Rich Hillis, Planning Director:

Sure.

Jonas P. Ionin, Commission Secretary:

So, Commissioners, if I'm hearing you correctly, we should add the advanced calendar as a topic for next week's agenda?

Vice President Moore:

Please.

Jonas P. Ionin, Commission Secretary:

Very Good.

Rich Hillis, Planning Director:

We may want to, I mean, just to, we may want to wait until we have a full complement of Commissioners back because they may have opinions as well on that and --

Vice President Moore:

That doesn't mean we couldn't kickoff a light discussion just to toss out some ideas and you get to think about it.

Rich Hillis, Planning Director:

Sure.

Vice President Moore:

I'd like to make another Commissioner comment. I'm sure you all read it, but since I'm now in my second meeting leading the Land Acknowledgement, it struck me as very moving that Oakland plans to allow an indigenous group the right to exclusive use five acres of city land. The first one in California. The city will grant an easement for Sequoia Point as a land trust at the Confederated Villages of Lisjan Nation which is the east bay Ohlone tribe. This is creating a cultural easement at Sequoia Point. A legal arrangement that allows the city to transfer the right of use for the land for cultural purposes including ceremonial traditions, native habitat restoration and education activities.

D. DEPARTMENT MATTERS

7. Director's Announcements

Rich Hillis, Planning Director:

Commissioners, I just wanted to point out, we sent a, you got an e-mail from Dan Sider earlier today. It's our initial take on AB2011, this passed a week ago so it's not yet signed by the Governor, but we anticipate it will be signed by the Governor and take effect next year. And so, we've had discussions on the many state housing bills that were working its way, that were working their way through the legislature. This is the one that could have the biggest impact on our work in processes. And basically, what it does is allow for ministerial approval. So, no DR, no CU, no CEQA work on code compliant projects that are in certain zoning districts and meet certain criteria. So, I mean, just high level, it has to be five units or more, it has got to meet a minimum of affordability threshold which our inclusionary does but those would be onsite. They have to be in zoning districts that both allow for housing and commercial use, so it can't be an RH district or a PDR district that's either exclusively residential or exclusively commercial. But NC districts, the mixed-use zoning districts in the eastern neighborhoods would apply and it has got to be on a roadway that is greater than 70 feet from property line to property line. So, we're mapping that and we'll get you a map of where that is but it's generally, you know, if you have two kind of typical traffic lanes and 2 parking lanes, it wouldn't apply to a street like 24th street for instance in the Mission. But it would apply to wider streets like Taraval or Geary, Van Ness, most south of Market arterials. You can't demo housing generally on the site so if there's existing housing, that site wouldn't apply. There are some height in density increases but they cap out at 65 feet. Most height district are over 65 feet on the eastern side of the city. You can couple this with state density bonus, and you must meet certain labor standards but it's primarily prevailing wage. So again, we'll provide more information as we further analyze the bill. We'll provide maps some to you but we wanted to get you an initial kind of take on it, so you have that but happy to answer questions or calendar this as an item when we've fully digested it as well.

Commissioner Imperial:

Thank you, Director Hillis. As the Department is preparing for this, I would -- I guess my question and perhaps when there is some sort of an informational session about this because San Francisco has its own inclusionary housing requirements where there are pretty much three types. And so, if a development doesn't have onsite but have offsite fees or land dedication, will that be part of the ministerial approval as well?

Rich Hillis, Planning Director:

They've got to be onsite or at least at the level -- the minimum level that's required under 2011 which I think is 13% but those have to be onsite. So, you couldn't totally fee out and have a project, that subject AB2011.

Commissioner Imperial:

Yeah. I would like, if other Commissioners, but I would like to have informational session about this as well.

Rich Hillis, Planning Director:

Sure.

Commissioner Imperial:

Thank you.

Vice President Moore:

I would also be interested if you're getting calls from Planning directors in other jurisdictions who may potentially be more affected given the fact that streets in those locations are far wider than in San Francisco anyway.

Rich Hillis, Planning Director:

Yeah, we haven't yet. But that, you know, our staff is generally great at interpreting these laws and tends to be in front of others, but we haven't received any inquiries from other agencies. Thanks.

Vice President Moore:

Thank you.

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

Veronica Flores:

Good afternoon. Commissioners. Veronica Flores, filling in for Aaron Starr, the Manager of Legislative Affairs.

There was no Land Use and Transportation Committee hearing this week in honor of the Labor Day Holiday.

The Full Board returned from their summer recess this week and there were four Ordinances that PASSED on their First Read.

- 220036 Planning Code - Electric Vehicle Charging Locations. Sponsors: Mayor; Mandelman, Stefani, Melgar, Mar, Dorsey and Safai. Staff: Starr. Passed First Read
- 220130 Planning Code - Conditional Use Appeals. Sponsors: Melgar; Peskin, Walton, Preston, Ronen and Chan. Staff: Merlone. Passed First Read
- 220757 Planning Code - Landmark Designation - Mother's Building in San Francisco Zoo. Sponsors: Melgar; Mar, Chan and Peskin. Staff: Ferguson. Passed First Read
- 220507 Planning Code - Landmark Designation - 200 Rhode Island Street (aka Takahashi Trading Company). Sponsor: Dorsey, Peskin and Preston. Staff: Westhoff. Passed First Read

Jonas P. Ionin, Commission Secretary:

I did not receive a report from the Zoning Administrator's office related to the Board of Appeals, so I do not have a report from them. But The Historic Preservation Commission did meet yesterday, and they considered preservation alternatives for the property at 3251 20th Avenue, better known as the Stonestown Galleria. And then they also heard some of the internship projects and those presentations that were most related to Historic Preservation, and it was very well received.

E. GENERAL PUBLIC COMMENT

SPEAKERS: Georgia Schuttish – Please see email sent on August 29th to Commission that includes forwarded email from October 2018. Please watch General Public Comment on SFGOVTV for October 4, 2018, and October 11, 2018. Please watch Commissioner’s query to Staff on October 4, 2018 on SFGOVTV starting @ 26 minutes. Submitted “Lists” of projects are not comprehensive, but suggest extent of problem and need for Commission to use Legislative Authority granted in Planning Code Section 317(b) (2) (D). Since 2009, Demo Calcs should have been adjusted at least twice if not thrice. Still imperative to do in light of speculation that could occur post-Pandemic and during proposed rezoning of Residential neighborhoods. Enforcement not a panacea. Since ZA and Enforcement Staff are now folded into Current Planning, this Enforcement’s expertise is available to be implemented on “front-end”, not-post construction when damage is done and policy has been thwarted by developers/speculators.
 Bruce Bowen – AB916
 Michael Petrelis – Castro Theatre, Pasolini Day

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. [2019-022830AHB](#) (C. MAY: (628) 652-7359)
3055 CLEMENT STREET – southeast corner of 32nd Avenue; Lot 043 in Assessor's Block 1463 (District 1) – Request for **HOME-SF Project Authorization**, pursuant to Planning Code Sections 206.3, 328, and 710, to allow the construction of a six-story, 62-foot tall residential building containing nine dwelling units totaling approximately 11,123 square feet above approximately 632 square feet of ground floor commercial space within a NC-1 (Neighborhood Commercial, Cluster) Zoning District and 40-X Height and Bulk District. This action constitutes the Approval Action for the project for the purposes of CEQA, pursuant to San Francisco Administrative Code Section [31.04\(h\)](#).
Preliminary Recommendation: Approve with Conditions
 (Continued from a Canceled hearing on September 1, 2022)

SPEAKERS: = Chris May – Staff report
 + Speaker – Project sponsor presentation
 - Georgia Schuttish – Fenestrations, smaller more traditional windows
 + Mark Macy – High level of affordability
 + Jim Natoli – Move project quickly
 + Jake Price – Implementation of family size units, affordability
 - Carl Nakamura – Design, lack of parking, lack of notice
 + Martin Nunez – Perfectly designed with the neighborhood
 + Jamie Choi – Units on the ground floor
 + Speaker – Off street parking, design

ACTION: Approved with Conditions, and amendments submitted into the record

AYES: Ruiz, Diamond, Imperial, Koppel, Moore
MOTION: [21165](#)

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.

10. [2021-000659DRP](#) (D. WINSLOW: (628) 652-7335)
485 DAY STREET – south side between Castro and Noe Streets; Lot 007E in Assessor's Block 6640 (District 2) – Request for **Discretionary Review** of Building Permit 2020.1117.9094 proposes to construct a third-story vertical and rear horizontal addition and an accessory dwelling unit to a two-story single-family dwelling within a RH-1 (Residential House, One-Family) Zoning District and 40-X Height and Bulk District. This action constitutes the Approval Action for the project for the purposes of CEQA, pursuant to San Francisco Administrative Code Section [31.04\(h\)](#).
Preliminary Recommendation: Do Not Take Discretionary Review and Approve

SPEAKERS: = David Winslow – Staff report
- Ryan Patterson – DR presentation
+ Tom Tunney – Project sponsor
- Georgia Schuttish – Egress in the ADU
ACTION: Took DR and Approved with modifications submitted into the record
AYES: Ruiz, Diamond, Imperial, Koppel, Moore
DRA: [794](#)

11. [2021-007319DRP](#) (D. WINSLOW: (628) 652-7335)
1 CASTENADA AVENUE – east side near Ventura Street; Lot 033 in Assessor's Block 2819 (District 7) – Request for **Discretionary Review** of Building Permit 2021.0701.3600 proposes to construct new three-story residence with accessory dwelling unit on a steep down sloping vacant lot within a RH-1(D) (Residential House, One-Family-Detached) Zoning District and 40-X Height and Bulk District. This action constitutes the Approval Action for the project for the purposes of CEQA, pursuant to San Francisco Administrative Code Section [31.04\(h\)](#).
Preliminary Recommendation: Do Not Take Discretionary Review and Approve

SPEAKERS: = David Winslow – Staff report
+ Strachan Forgan – Project sponsor presentation
= Austin Yang, Deputy City Attorney – Response to comments and questions
ACTION: No DR
AYES: Ruiz, Diamond, Imperial, Koppel, Moore
DRA: [795](#)

ADJOURNMENT 2:35 PM
ADOPTED SEPTEMBER 29, 2022