

# SAN FRANCISCO PLANNING COMMISSION

## Meeting Minutes

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

**Thursday, March 16, 2023**  
**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 1:03 PM

STAFF IN ATTENDANCE: Joshua Switzky, Aaron Starr, Kimberley Durand, Sherie George, Joy Navarrete, Lauren Bihl, Lisa Gibson, Laura Ajello, Kalyani Agnihotri, 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.

1. 2022-005693PCA (A. MERLONE: (628) 652-7534)  
NIGHTTIME ENTERTAINMENT CASTRO STREET NEIGHBORHOOD COMMERCIAL DISTRICT – Planning Code Amendment – Ordinance, to change the zoning controls in the Castro Street Neighborhood Commercial District to allow Nighttime Entertainment with a Conditional Use Authorization on the second floor; and affirming the Planning Department's determination under the California Environmental Quality Act; and making

findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1, and findings of public necessity, convenience, and welfare under Planning Code, Section 302.

*Preliminary Recommendation: Approve with Modifications*

(Continued from Regular hearing on October 6, 2022)

**(Proposed for Continuance to April 13, 2023 for Joint Hearing with Historic Preservation Commission at 10:00 am)**

SPEAKERS: None

ACTION: Continued to April 13, 2023

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

ABSENT: Ruiz

2. 2022-005675CUA (A. WESTHOFF: (628) 652-7314)  
429 CASTRO STREET – east side between 17<sup>th</sup> and 18<sup>th</sup> Streets; Assessor's Block 3582, Lot 085 (District 8) – Request for **Conditional Use Authorization** pursuant to Planning Code Sections 182(b), 303, and 715, to establish Nighttime Entertainment and a Bar Use on the first and second stories, alongside the existing Movie Theater Use within the existing multi-story Article 10 Landmark theater building, located in the Castro LGBTQ Cultural District. This Conditional Use Authorization requires a legislative amendment to the Planning Code to require a Conditional Use Authorization to establish a Nighttime Entertainment use on the second floor within the Castro Street NCD Zoning District (Board of Supervisors File Nos. 220709 and 220862). The subject property falls within the Castro NCD (Neighborhood Commercial District) Zoning District, Castro LGBTQ Cultural District, and 65-B Height and Bulk District.

*Preliminary Recommendation: Approve with Conditions*

(Continued from Regular hearing on October 6, 2022)

**(Proposed for Continuance to April 13, 2023 for Joint Hearing with Historic Preservation Commission at 10:00 am)**

SPEAKERS: None

ACTION: Continued to April 13, 2023

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

ABSENT: Ruiz

16. 2021-004066DRP (D. WINSLOW: (628) 652-7335)  
372 DOLORES STREET – west side between Chula and 17<sup>th</sup> Streets; Lot 008 in Assessor's Block 3566 (District 8) – Request for **Discretionary Review** of Building Permit No. 2021.0820.6824 to convert existing first floor storage and basement of four-story multi-family residential building to one ADU using the Local ADU Program within a RH-3 (Residential House- Three Family) Zoning District and 40-X Height and Bulk District. The Planning Department found that the project is exempt from the California Environmental Quality Act (CEQA). The Commission's action constitutes the Approval Action for the project for the purposes of CEQA, pursuant to San Francisco Administrative Code section 31.04(h).

*Preliminary Recommendation: Do Not Take Discretionary Review and Approve*

(Continued from Regular hearing on February 16, 2023)

SPEAKERS: None

ACTION: Continued to June 15, 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.

5. [2022-004869CUA](#) (H. SAMUELS: (628) 652-7545)  
3352 STEINER STREET – east side between Chestnut and Lombard Streets; Lot 022 in Assessor's Block 0491 (District 2) – Request for **Conditional Use Authorization** pursuant to Planning Code Section 202.2, 303, 303.1, and 711 to establish an approximately 2,300 square-foot Formula Retail Use (d.b.a Bluestone Lane) within the vacant commercial ground floor of an existing three story mixed-use building within a NC-2 (Small Scale Neighborhood Commercial) Zoning District, and 40-X Height and Bulk District. There will be no expansion of the building envelope. 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 March 2, 2023)

SPEAKERS: None  
ACTION: Approved with Conditions  
AYES: Braun, Diamond, Imperial, Koppel, Moore, Tanner  
ABSENT: Ruiz  
MOTION : [21275](#)

6. [2022-007251CUA](#) (K. AGNIHOTRI: (628) 652-7454)  
300 PAGE STREET – northwest corner of Laguna Street; Lot 002 in Assessor's Block 0840 (District 5) – Request for **Conditional Use Authorization** pursuant to Planning Code Sections 209.4 and 303, to establish a Hotel use, of five guest rooms, within a three-story building containing a residential Religious Institutional use, within a RTO (Residential Transit Oriented District) Zoning District and 40-X Height and Bulk District. The Planning Department found that the project is exempt from the California Environmental Quality Act (CEQA). The Commission's action constitutes the Approval Action for the project for the purposes of CEQA, pursuant to San Francisco Administrative Code Section [31.04\(h\)](#).  
*Preliminary Recommendation: Approve with Conditions*

SPEAKERS: None  
ACTION: Approved with Conditions  
AYES: Braun, Diamond, Imperial, Koppel, Moore, Tanner  
ABSENT: Ruiz  
MOTION : [21276](#)

8. [2022-006186DRP](#) (D. WINSLOW: (628) 652-7335)  
 1550-1552 LAKE STREET – northeast corner of 17<sup>th</sup> Avenue; Lot 012 in Assessor's Block 1342 (District 1) – Request for **Discretionary Review** of Building Permit No. 2022.0404.1725 to legalize the demolition of more than 75% of existing interior walls (that exceeded the scope of work under BPA No. 2019.0125.1296) the removal of a chimney from the property's northeast corner, and the construction of a new stair penthouse not visible from the street to a three-story, two-family building 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: Do Not Take Discretionary Review and Approve*  
 (Continued from Regular hearing on March 9, 2023)  
**Note: On March 9, 2023, after hearing and closing public comment, continued to March 16, 2023 by a vote of +5 -0 (Koppel and Ruiz absent).**

SPEAKERS: None  
 ACTION: No DR  
 AYES: Braun, Diamond, Imperial, Koppel, Moore, Tanner  
 ABSENT: Ruiz  
 DRA : [818](#)

## C. COMMISSION MATTERS

9. Land Acknowledgement

### Commissioner Imperial:

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.

19. Consideration of Adoption:  
 • [Draft Minutes for March 2, 2023](#)

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

## 11. Commission Comments/Questions

**Commissioner Diamond:**

On February 18<sup>th</sup> earlier this year there was a very interesting and worrisome article in the Chron describing non-ductile concrete buildings and the large number of them that we have in San Francisco, similar to some of the buildings that collapsed in Turkey and Syria. It went on to describe a small working group that has been formed and mentioned Brian Strong, who's the Chief Resilience Officer, indicated that SPUR was looking at this, incited David Friedman, who's a retired extremely well-respected seismic engineer. And so, you know, one might say, "Okay, the City's working on this". What is the interest of the Planning Commission in this?", and I believe that our interest is twofold, which is why I am hoping, Director Hillis, that we could have a presentation at the Commission about the work of this working committee. And so, the reason I think that it's important to us is, on every project we approve, we have to make section 101.1(b) findings that essentially say that, you know, in an earthquake we'll preserve life. So, essentially the life safety standard - can people get out of the buildings. And we tend to do it [inaudible] but I think we ought to step back and be thinking about whether in fact, the building code allows us, you know, compliance with the building code is enough for us to say that. And secondly, and more importantly, when those 101.1(b) findings were initially promulgated, I think they might have been part of Prop M in the 1980's. The focus was on "life safety, getting out of buildings". And I think all the work that we've been doing, especially recently about resiliency and recovery, I think raises the question about "is getting out enough?". Are we, you know, are we building to a standard that allows people to quickly move back into the buildings and re- occupy. If we've learned anything from the pandemic, it is that we can't simply isolate problems and say they are someone else's issue. I mean, we could have said Covid or that's a DPH issue and look at the extraordinary impact it's having on us downtown and raises questions about how we approach this as a Planning Department and Planning Commission. So I feel like it would be appropriate for us to just be updated as to what the work is of this working committee and wondered if we could get a presentation.

**President Tanner:**

Thank you for bringing this item up, Commissioner Diamond.

**Rich Hillis, Planning Director:**

Yeah, I mean, we'll definitely work with the officers to schedule a hearing. We are participating in the working group. Ms. Watty is a participant as well as Kelly Wong from our Enforcement Division. It's mostly being driven by DBI but happy to ask Brian Strong and others to do a presentation. Maybe we do it at the Joint DBI hearing that we're having. So we can, we can work with President Tanner on that.

**President Tanner:**

Yeah, I think that'd be a great time.

**Commissioner Diamond:**

Very much appreciate it, thank you.

**President Tanner:**

Thank you.

**Commissioner Moore:**

If I may add one comment without making it a discussion, San Francisco is at the cutting edge of seismic engineering, always has been. Obviously, Japan is, the leader in world technology. However, we are just right there and throughout the many, many years that San Francisco has pursued high-rise buildings and being ahead of the seismic code including creating it, this article I think is somewhat untimely because it catches people off guard at the time when fearmongering and somewhat misleading information is creating anxiety in people's minds. Throughout the time that I have practiced in San Francisco, which is 1970 and through today, including everything that went into seismic retrofit etc., the idea of concrete pre-1979, I think buildings has always been on the expert's mind. And it isn't the time. It is not just buildings; it is also bridges and other structures which fall into that category of very careful evaluation. So, while I strongly believe an update would be necessary, I want to just assure this Commission and whoever else listens to our presentation here, that there is nothing to be worried about only to the extent that we need to stay ahead of the subject matter, and that is what the city has been doing since the early 70's when these buildings for the first time came on the radar. So I just want to put some kind of quietness to how we go about listening to it.

**President Tanner:**

Thank you, Commissioner Moore.

**Commissioner Imperial:**

I just want to bring up about what happened I think in the last few days about the collapse of Silicon Valley Banks. And perhaps there are some, well, we don't know yet, but I don't want to create fear at the same time but you know. But there was an article about how the collapse of Silicon Valley Bank also affected the upcoming projects for 100% affordable housing itself. And I, and it seems like there are, of course still going to be part of negotiations. So, as the week of this kind of like what's happening in terms of the banking system, I'm also worried about what's, how it affects our housing element goals in terms of, of course, the 100% affordable housing, the 46,000. Of course we cannot predict yet of what's really going to happen. These are in the regional level but I'm wondering if, as we are looking to financial feasibilities of course also of inclusionary housings, how are we -- maybe too early to describe yet, of what's really happening, but I also, I just want the Planning Department to be on radar when it comes to the financial feasibility of the inclusionary as well as the 100% affordable housing and also other market rate developments. And how will that affect the housing element and how will that, also the state, react in this kind of what's going on in the banking system itself. So, I don't know if, Director Hillis, if that's something being, trying to just think about right now or, you know, I think again, we don't know yet how's it going to ripple, but yeah.

**Rich Hillis, Planning Director:**

And definitely the most direct impact was to some affordable housing projects that had the bank as the lender. So, we can get an update from MOHCD to the extent there's something important to bring here to the Commission, we can do that as well.

**President Tanner:**

Yeah. I think just even just knowing because I think we're just even though it's not our job, we were, we're hopeful every time we see affordable housing and there's so many projects

that are happening. And so we'll be just curious to follow that as it kind of makes its way through the solution I guess at the bank and resolving of those assets.

**Commissioner Moore:**

Director Hillis, there were one, two, three, four, five project mentioned, all of which has been in front of this Commission. That is at 360 43<sup>rd</sup> Avenue, 180 Jones, 78 Haight, 55 Cravath which I don't remember that's actually Treasure Island, which is not in front of this Commission, and 234 Van Ness. Could you at some point, not at this very moment, give us an update what the direct implications are on any of these. Some of them are apparently already in construction and waiting for tenant improvements. So we are very close on some, we are a little bit further away on others. But for us to get a bearing in what is really quite a few units here, would be very important.

**Rich Hillis, Planning Director:**

And definitely MOHCD is working with those project sponsors to figure out if there's an impact on the project if there's a delay. So, we can get that information from them and --

**Commissioner Moore:**

It's close to 500 units. Well I just kind of like quickly do the math here and that's a lot.

**Rich Hillis, Planning Director:**

We'll give you an update.

**President Tanner:**

Thank you.

**D. DEPARTMENT MATTERS**

**12. Director's Announcements:**

**Rich Hillis, Planning Director:**

I just wanted to remind you Commissioners that we have a housing element implementation hearing coming up in April on the 27<sup>th</sup>. We've been working obviously since the adoption and even before the adoption on implementation of the housing element, specifically you know, those items that were laid out in the mayor's executive directive. I just wanted to highlight two items that were recently in the news or publicized, but we'll talk more about them on the 27<sup>th</sup> as well. The first was the establishment of the Affordable Housing Leadership Council that was called for, in the Housing Element. We've been working with MOHCD and the Mayor's Office to both greet the group and to staff it and to figure out kind of what the agenda is going forward. As a reminder, the goal of the group was to advise the city on how we're going to meet our affordable housing goals, which are 45,000 of the 82,000 units. They're primarily going to be focused on financing and funding local, state, regional and federal as well as the costs to build affordable housing. We do have commitments from seven leaders to participate on that Executive Council - Fred Blackwell from the San Francisco Foundation, Rebecca Foster from the Housing Accelerator Fund, Carol Galante from the -- who's a housing researcher, Luis Granados from MEDA, Ann Silverberg from Related, Malcolm Yeung from CCDC, and Jim Wunderman from The Bay Area Council. That will obviously be expanded as we form technical advisory groups to the, to the executive committee. But I just wanted to make

you aware of that and we'll certainly have more updates on the 27<sup>th</sup>. You might have also read, and Liz has been leading this effort for Planning, that Mayor Breed and Supervisor Safai are moving forward with legislation to reform the site permit process, and that was specifically called out in our housing element as an item to reform. Goal is to speed up process and allow for concurrent review. So, we may have more information, I mean, that may be also the topic of the joint DBI-Planning Commission hearing. We may also talk to you briefly about it during the April 27<sup>th</sup> hearing. So more to come on both those issues.

**President Tanner:**

Thank you.

13. Priority Development Area (PDA) - Planning Grant Application to Support Housing Element Implementation Zoning in Well-Resourced Neighborhood PDAs

**Joshua Switzky:**

Good afternoon again. So, we wanted to let the Commission know that we submitted an application for grant from MTC ABAG under their priority Development Area Planning Grant program in late February, and this would support the housing element implementation rezoning efforts across the well resource neighborhoods that overlap with the priority development areas. As a reminder, the priority development areas are locally nominated areas by jurisdictions that are recognized in Plan Bay Area as areas appropriate for housing and job growth because they are approximate to transit and other amenities, are urban infill locations that help meet the region meet its goals for reducing VMT, building housing where it's appropriate and improving mobility. And the designation of PDAs is sort of foundational to Plan Bay Area and they dole out much of their, or almost all of their planning support and increasingly so infrastructure money based on PDAs. Until 2020, if you remember, most of our PDAs were located almost exclusively on the eastern half of the city. And for those of you who are on the Commission in the late 2019 early 2020, if you remember the Commission and the Board of Supervisors substantially expanded the PDAs to include a substantial portions of what we now call the well-resourced neighborhoods. And so several new PDAs were created at that time including what's called Lombard Street, which covers much of Marina and adjacent areas, an area called Central City Neighborhoods which covers sort of Lower Pac Heights through the Divisadero and the Haight through the Inner Sunset, the Richmond District, substantial parts of the Sunset called the Sunset Corridors, Forest Hill and West Portal. And then there were substantial expansions to other PDAs, including the J-Church corridor and some of the other streetcar lines in the southwest part of the city. So not surprisingly, these overlaps substantially with what we now call the well-resourced neighborhoods. The PDA designation came before we launched the new housing element update and so it sort of was a good precision for what was to come in the housing element. And so there is substantial overlap between these PDAs and the well-researched neighborhoods. The area in blue are well-researched neighborhoods that aren't covered by the PDAs, but these purple areas are all of the overlapped areas. So you can see there's substantial overlap. So, the grant application was submitted to help us support the rezoning effort and related efforts that are identified in the housing element that we're mandated to do and that are on the work program that the Commission has approved for the Department to proceed on. As you know, this is a very resource intensive effort and so any additional funding we can get from the region will really help us support not just our own staff costs, but our other expenses for consultants and CBO support. And of course, the Department is



prepared to, to put whatever resources necessary to carry out this effort, but certainly this additional funding would be, would be really welcomed, especially to help us meet the timelines that the mayor has laid out. The maximum grant amount that we're eligible for is 1.2 million and we submitted for \$800,000. We do have some other residual grant funds from the state that we're hoping, that we're planning to use as well. I'll just note, we're, hopeful we'll get the money. We did submit a PDA grant application in 2020 after we designated these PDAs and we were all -- thought we would get some, we got nothing. That last time around, at the time MTC ABAG decided to essentially fund much more long standing PDAs that hadn't had any planning done for them for many years, and so that was their priority at the time. And now they're looking to fund newer PDAs. So we're hopeful that we will get something from the region. Typically MTC ABAG actually requires a resolution from the Planning Commission or a city council in support of their application to show that the city is aligned on supporting this. But in the case that the effort is called out in a certified housing element or is on an adopted work program that's already been approved that they don't require a resolution, so this fits that bill. Though they do require us to put it on an agenda calendar to make sure you have been formally made aware that this is happening and in case there are any questions. So that's why we're here today as an FYI. So I'm happy to take any questions, but hopefully it's pretty straightforward. Thank you,

**President Tanner:**

Thank you for the presentation and we look forward to receiving those grants.

**Commissioner Braun:**

Yes, I was just curious what's the, maybe you said this, and I didn't catch it, but what's the kind of the timeline for grant selection and awarding?

**Joshua Switzky:**

I believe it's relatively quick. I think within a couple of months or probably certainly by early to mid-summer we would know, and the grant funding would be available by the fall.

**Commissioner Braun:**

Okay, and also, this is something that could happen in a more formal hearing on this item, but what would it be possible to circulate the grant application itself? Just out of curiosity.

**Joshua Switzky:**

Yes, we'd be happy to.

**Commissioner Braun:**

Okay, thank you.

**Commissioner Moore:**

What is the expected product Mr. Switzky if I may ask.

**Joshua Switzky:**

Well, the deliverables for the grant are similar to what we would be delivering as part of the overall effort. It would be rezoning in and of itself is one of the key final deliverables, but the, the different tasks include a feasibility analysis, the whole engagement effort and

workshops and outreach materials, as well as the hearing processes themselves would be funded. It would also help fund some of the urban design support we're seeking from consultants to help do visualizations, which I remember were part of the discussion during the housing element process, as well as some additional modeling that HCD is requiring us to do.

**Commissioner Moore:**

But there are no strings attached, like review or approval or disapproval on their part.

**Joshua Switzky:**

No, I mean we promised to deliver a package for, submit a package to the Commission and Board for approval whether the board actually approves it. I don't think is a condition of the grant. I would hope not.

**Commissioner Moore:**

Good, thank you so much. Good luck, thank you.

**President Tanner:**

Thank you.

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 Committee**

**210585 Planning Code - State-Mandated Accessory Dwelling Unit Controls. Sponsor: Mayor. Staff: V. Flores. Item 1**

This week the Committee considered the State-Mandated Accessory Dwelling Unit Controls, sponsored by the mayor. The goal of this Ordinance is to align our ADU program with recent changes to state law, which primarily clarified the ministerial review process for ADUs.

The Historic Preservation Commission and Planning Commission heard this item way back in September, 2021. Both Commissions recommended approval with a modification to allow a detached ADU within the required rear yard following the State law parameters. The goal was to incentivize our Local Program so that property owners could add a detached ADU in addition to the ADUs in the main building, instead of pursuing State ADU.

The mayor incorporated this modification into the Ordinance.

During the hearing there was one 1 public comment in support of the Ordinance

Chair Melgar had a clarification question on the required notice. And

President Peskin asked staff to confirm that only ADUs under the Local Program were subject to Rent Control. He also had a clarification question on the ratio of programs under Local Program (~85%) vs. State Program (~15%).

Final action: Amended and continued to March 20<sup>th</sup>.

**221021** Planning, Administrative Codes - HOME-SF. Sponsors: Dorsey; Peskin. Staff: V. Flores. Item 2

**221105** Planning Code - HOME-SF. Sponsor: Peskin. Staff: V. Flores. Item 3

**220340** Planning Code - Neighborhood Commercial and Mixed-Use Zoning Districts. Sponsor: Dorsey. Item 4

Continued to the Call of the Chair.

### **Full Board**

**221261** Planning Code, Zoning Map - The Village Special Use District. Sponsor: Mayor. Staff: Westhoff. PASSED Second Read

**220878** Planning, Building Codes - Penalties for Code Enforcement. Sponsors: Ronen; Peskin and Chan. Staff: Merlone. Passed First Read

**230266** Initiating Landmark Designation - Alexandria Theatre. Sponsor: Chan. Staff: TBD.

Adopted

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

Apologies Commissioners. There was one item that the board heard that may be of interest to the Commission for the property at 264 Diamond Street, an appeal of an alteration and permit to demolish a portion of the building at the rear and constructed two- and three-story horizontal addition. The appellant, the neighbor to the north had previously filed a DR and the permit and the Commission heard the DR on November 10<sup>th</sup> 2022. While the Department had initially recommended providing a 3-ft side setback at the 2nd floor to reciprocate the DR requestor side setback, the Department did present an alternative perspective at the hearing and explained how a 3-ft setback may also be needed. The Planning Commission voted +5 -2 to not take DR and approved the project with no setback. At the Board of Appeals hearing the appellant argued that the project did not comply with the Residential Design Guidelines and would cause light and air and view impacts. The appellant also argued that there were procedural irregularities and process violation. At the November 10<sup>th</sup> Commission hearing the appellant argued that there was no written material to support the change and the Department's recommendation prior to the hearing and no opportunity for the DR requestor to respond at the Commission hearing regarding the Department's amended position. After a two-and-a-half-hour deliberation and questioning, the board voted three to two to uphold the issuance of the permit. Commissioners Lemberg and Trasvina voted against. Also, yesterday the Historic Preservation did meet briefly and considered several Legacy Business Registry applications - Mendel's on 1556 Haight Street, Bernie's Pet Shop at 177 Brannan Street, Guerra's Quality Meats at 490 Taraval Street, Castro Village Wine Company at 4121 19<sup>th</sup> Street, and we're all moved forward with recommendations for approval.

## E. GENERAL PUBLIC COMMENT

SPEAKERS: Andrew Rubang – Possible PG&E delays, EV chargers delay

## 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.

3. 2019-020031CUA (K. DURANDET: (628) 652-7315)  
2861-2899 SAN BRUNO AVENUE (AKA 90-98 WOOLSEY STREET) – east side between Woolsey and Wayland Streets; Lots 037 and 022 in Assessor's Block 5457 (District 9) – Request for Conditional Use Authorization under Planning Code Sections 303 and 317 to address multiple Notices of Violation from the Planning Department and Department of Building Inspection by removing 20 dwelling units constructed without the benefit of a permit within five contiguous buildings on Lot 37 that are currently authorized for ground floor retail sales and service uses, second floor non-retail professional service uses, and a total of 10 dwelling units on the third and fourth floors (five flats per floor, across five buildings). The proposal also seeks to legalize the exceedance of construction and the de facto demolition and modification of original approval to allow 2nd floor non-retail professional services and two residential flats on the third and fourth floors of the building at 2861 San Bruno Avenue (Lot 22). This building was originally constructed as ground floor commercial, and two residential townhouse units at the second, third and fourth floors. The proposal will restore the buildings to their original approved features, including various façade modifications. As proposed, the Project (inclusive of Lots 037 and 022) would result in 12 dwelling units within six contiguous, four-story buildings. The Project also includes twelve off-street accessory parking spaces, 12 Class 1, and three Class 2 bicycle parking spaces. Lastly, the Project also seeks to modify the method of inclusionary housing compliance, as described in Condition of Approval No. 10-15 from Motion No. 18782, changing from providing one on-site affordable housing unit to payment of the in-lieu fee. 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 February 16, 2023)

**Note: On February 16, 2023, after hearing and closing public comment, continued to March 16, 2023, by a vote of +7-0.**

**(Proposed for Continuance to April 27, 2023)**

SPEAKERS: = Kimberley Durandet – Staff request for continuance  
+ Ryan Patterson – Project sponsor report  
= Mark Hooshmand – Represents the tenants  
- Sue Hestor – Impose limits and obtain report in writing 2 weeks before the hearing  
= Kirsten Jensen, City Attorney – Response to comments and questions

= Liz Watty – Response to comments and questions  
 ACTION: After an update from staff and closing public comment; Continued to April 27, 2023  
 AYES: Braun, Diamond, Imperial, Koppel, Moore, Tanner  
 ABSENT: Ruiz

15. [2019-023037ENV](#) (S. GEORGE: (628) 652-7558)  
WATERFRONT PLAN – Certification of the **Final Environmental Impact Report** (EIR). The Port of San Francisco’s proposed 2019 Waterfront Plan Project (2019 Plan or proposed project) would update and amend the 1997 Waterfront Land Use Plan, which sets long-term goals and policies to guide the use, management, and improvement of 7.5 miles of properties owned and managed by the Port’s jurisdiction, from Fisherman’s Wharf to India Basin. The nine goals and policies proposed by the Plan include but are not limited to preservation and enhancement of the waterfront’s function as a maritime port, hosting a diversity of activities and people, enhancing public access and open space along the waterfront, the design of quality new development and preservation of the waterfront’s historic character, strengthening the Port’s resilience to climate change impacts, and cultivating an environmentally sustainable port to limit the impacts of climate change. The EIR would analyze the physical environmental impacts of the proposed goals, policies, and objectives of future waterfront improvements, and includes land use growth assumptions determined by the San Francisco Planning Department, and the resulting physical development that could occur under the 2019 Plan. Land use objectives proposed by the Plan are particular to each of the five waterfront subareas: Fisherman’s Wharf, Northeast Waterfront, South Beach, Mission Bay and the Southern Waterfront. Overall, the land use objectives increase intensity of use, diversify uses, and enhance public access and transportation infrastructure throughout the waterfront. The 2019 Plan requires amendments to the general plan, planning code, and zoning map (for waterfront special use districts), including updates to the waterfront design review procedures and creation of the Waterfront Special Use District 4.  
**Note: The public hearing on the Draft EIR is closed. The public comment period for the Draft EIR ended on April 25, 2022. Public comment will be received when the item is called during the hearing. However, comments submitted may not be included in the Final EIR.**  
*Preliminary Recommendation: Certify*  
 (Continued from a Regular hearing on March 9, 2023)

SPEAKERS: = Joy Navarrete – Staff presentation  
 - Richard Drury – Impacts on recreational uses  
 + David Beaupre, SF Port – Response to comments and questions  
 = Lisa Gibson – Response to comments and questions  
 ACTION: Certified  
 AYES: Braun, Diamond, Imperial, Koppel, Moore, Tanner  
 ABSENT: Ruiz  
 MOTION : [21277](#)

4. [2022-011241CUA](#) (L. AJELLO: (628) 652-7353)  
301 TOLAND STREET – south side between Hudson and Innes Avenues; Lot 049 in Assessor's Block 5264 (District 10) – Request for **Conditional Use Authorization** pursuant to Planning Code Sections 210.3 and 303 to convert the existing wholesale sales/storage use to Private Parking Garage use, within a PDR (Production, Distribution, and Repair) Zoning District and 80-E 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: - Chris – Request to pull off from the Consent Calendar  
 = Laura Ajello – Staff report  
 + Tara Sullivan – Project sponsor presentation  
 - Speaker – Violates the moratorium  
 + Speaker from Waymo – Response to comments and questions  
 = Liz Watty – Response to comments and questions  
 = Kirsten Jensen – Response to comments and questions  
 ACTION: Approved with Conditions  
 AYES: Braun, Diamond, Imperial, Koppel, Moore, Tanner  
 ABSENT: Ruiz  
 MOTION : [21278](#)

7. [2015-011202DRM](#) (K. AGNIHOTRI: (628) 652-7454)  
603 TENNESSEE STREET – east side between Mariposa and 18<sup>th</sup> Streets; Lot 015 in Assessor's Block 3995 (District 10) – Request for **Mandatory Discretionary Review** of Building Permit Application Nos. 2016.0226.0667 and 2016.0226.0673 to allow a change of tenure of the on-site affordable units from an Ownership Project to a Rental Project, per Planning Code Section 415.5(g)(3), within a UMU (Urban Mixed Use) Zoning District and 58-X Height and Bulk District.  
*Preliminary Recommendation: Take Discretionary Review and Approve*

SPEAKERS: = Kalyani Agnihotri – Staff report  
 + Ulysses Lim – Project sponsor presentation  
 ACTION: Took DR and Approved with Conditions  
 AYES: Braun, Diamond, Imperial, Koppel, Moore, Tanner  
 ABSENT: Ruiz  
 DRA: [819](#)

## 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.

17. [2021-001539DRP](#) (D. WINSLOW: (628) 652-7335)  
984 CORBETT AVENUE – west side between Cuesta and Hopkins Streets; Lot 012 in Assessor's Block 2826 (District 8) – Request for **Discretionary Review** of Building Permit No. 2021.0119.2928 to construct a two-story rear horizontal addition and a fourth-story vertical addition to a single-family residence 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: Do Not Take Discretionary Review and Approve*

SPEAKERS: = David Winslow – Staff report  
- Speaker – DR presentation  
- Caroline Dutton – DR presentation  
+ Steph Brookshire - Project sponsor presentation  
- Morris Graves – Shadows, access to sunlight  
ACTION: No DR  
AYES: Braun, Diamond, Imperial, Koppel, Moore, Tanner  
ABSENT: Ruiz  
DRA : [820](#)

ADJOURNMENT 3:11 PM  
ADOPTED MARCH 30, 2023