

# SAN FRANCISCO PLANNING COMMISSION



## Meeting Minutes

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

**Thursday, January 19, 2023**

**1:00 p.m.**

## Regular Meeting

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

THE MEETING WAS CALLED TO ORDER BY PRESIDENT TANNER AT 1:05 PM

STAFF IN ATTENDANCE: Kelly Wong, Audrey Merlone, David Winslow, Mathew Chandler, Nick Foster, Corey Teague – Zoning Administrator, 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.

- 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 December 8, 2022)

**(Proposed for Continuance to March 2, 2023)**

SPEAKERS: Speaker – Set date for a community meeting

ACTION: Continued to March 2, 2023

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

- 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 December 8, 2022)

**(Proposed for Continuance to March 2, 2023)**

SPEAKERS: Same as item 1a.

ACTION: Continued to March 2, 2023

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

- 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 December 8, 2022)

**(Proposed for Continuance to March 2, 2023)**

SPEAKERS: Same as item 1a.  
ACTION: Continued to March 2, 2023  
AYES: Braun, Ruiz, Diamond, Imperial, Koppel, Moore, Tanner

## B. COMMISSION MATTERS

### 2. Land Acknowledgement

#### **Commissioner Braun:**

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

### 3. Consideration of Adoption:

- [Draft Minutes for January 5, 2023](#)

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

### 4. Commission Comments/Questions

#### **President Tanner:**

And I wonder, Director Hillis, the caller for the 1458 San Bruno item talked about just some issues of graffiti and wanting some outreach, is there anything we can do about the graffiti? I know that's in Public Works' territory for enforcing but I just want to see if you have any comments or suggestions or anything on that matter.

#### **Rich Hillis, Planning Director**

Yeah. We can certainly check in with DPW and the project sponsor to see what's going on. We can also encourage some, coz we've heard about this issue about the community meeting may have them reach out to the community and have that meeting. So, we will do that.

#### **President Tanner:**

Thank you.

5. Election of Officers: In accordance with the Rules and Regulations of the San Francisco Planning Commission, the President and Vice President of the Commission shall be elected at the first Regular Meeting of the Commission held on or after the 15<sup>th</sup> day of January of each year, or at a subsequent meeting, the date which shall be fixed by the Commission at the first Regular Meeting on or after the 15<sup>th</sup> day of January each year.

SPEAKERS: None  
ACTION: Tanner – President, Moore – Vice President  
AYES: Braun, Ruiz, Diamond, Imperial, Koppel, Moore, Tanner

## C. DEPARTMENT MATTERS

### 6. Director's Announcements

**Rich Hillis, Planning Director:**

Congratulations. Just a quick item on the Housing Element. We are expected to be at Land Use next Monday and then at the full board on Tuesday and then hopefully approval by the full board on the 31<sup>st</sup>. We're also hoping to get a what's called a pre-certification letter from HCD, hopefully this week, that we'll have before the board hearings and then subsequently certification as soon as HCD can do it after January 31<sup>st</sup>. So, we'll keep you updated on that, if we do get those letters, we'll let you know and send them to the Commission. Thanks.

**President Tanner:**

Thank you and we're, got our fingers crossed to have everything go smoothly.

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

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

There is no report from the Board of Supervisors or the Board of Appeals, but the Historic Preservation Commission did meet yesterday, and they continued their Election of Officers until a replacement for Commissioner Johns is seated. But under the Regular Calendar, they adopted recommendations for approval for several Legacy Business Registry applications – Tony Nik's Café in North Beach on Stockton Street, Peña Pachamama on Powell Street, as well as La Mejor Café on 24<sup>th</sup> Street, were all moved forward to the Office of Small Business with recommendations for approval. They also heard the same presentation you will hear later today on the Planning Code Enforcement Overview and adopted a recommendation for approval for the proposed Planning Code Amendment with staff's modifications. They then took, or they reviewed and commented on the draft EIR for the Stonestown project at 20<sup>th</sup> Avenue. They heard an Informational Presentation on the Citywide Cultural Resources Survey Update, and then finally adopted a historic context statement for the Flats and Small Apartment Buildings (1915-1978) as well as the Progressive Era and Early Revival Styles (1890 – 1930).

## D. GENERAL PUBLIC COMMENT

SPEAKERS: Georgia Schuttish – Importance of the DR process, roof deck policy  
Gail – 555 Fulton, affordably priced grocery store  
Jim Warshell – 555 Fulton, problematic developers  
Richard Arcoli – 1629 Market Street, disturbance due to the construction activity

## E. 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.

8. (K. WONG: 628-652-7397)

**PLANNING CODE ENFORCEMENT OVERVIEW – Informational Presentation** – The purpose of this presentation is to provide the Planning Commission and the public an overview of the Planning Code Enforcement program, including its structure, underlying principles, common practices, and current trends.

*Preliminary Recommendation: None – Informational*

**SPEAKERS:**

- = Rich Hillis – Introduction
- = Corey Teague – Staff presentation
- = Kelly Wong – Staff presentation
- = Jim Warshell – Explore ways to have more effective coordination with City Attorney and DBI
- David Hartzell – Portside Garage issues
- Andrew Brooks – Portside Garage issues, request rehearing of the CUA
- John Cornwall – Portside Garage issues needs to be fixed
- Speaker – Penalties against smaller contractors/homeowners
- Georgia Schuttish – Adjusting the demo calcs
- = Rich Hillis – Response to comments and questions

**ACTION:** Reviewed and Commented

9. [2022-009366PCA](#) (A. MERLONE: (628) 652-7534)

**PLANNING, BUILDING CODES – PENALTIES FOR CODE ENFORCEMENT [BOARD FILE 220878]**  
**– Planning, Building Codes Amendment** – Ordinance, sponsored by Supervisor Ronen, amending the Planning and Building Codes to increase fines and penalties for violations of Planning and Building Code provisions; clarify that violations affecting more than one unit in a building constitute multiple violations for purposes of assessing penalties; requiring the Planning Commission and the Historic Preservation Commission to adopt factors for the Zoning Administrator to consider in determining the appropriate amount of civil penalties; establishing penalties for residential units merged, constructed, or divided without required permits or approvals; establishing penalties for violations involving illegal demolition and enhancement of penalty amounts for certain buildings by age or historic status; providing additional notices for Responsible Parties; 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 a Regular hearing on January 5, 2023)

**SPEAKERS:**

- + Santiago Lerma, Legislative Aide to Sup. Ronen – Introduction to the ordinance
- = Audrey Merlone – Staff presentation

- Georgia Schuttish – Section 317 (B)(2)(D)
- Sean Keighran – Section 317 projects, restrictions on constructions
- = Rudy Gonzalez – Will work with supervisor's office
- Sue Hestor – San Bruno Avenue project, pay attention to complaints
- = Austin Yang, City Attorney – Response to comments and questions
- = Corey Teague – Response to comments and questions
- = Kelly Wong – Response to comments and questions
- = Rich Hillis – Response to comments and questions
- = Liz Watty – Response to comments and questions

ACTION: Approved with Staff Modifications, amending the first to include the Department record NOVs on the property's title; eliminate the second; and adding the Board consider a lower limit from the proposed \$50k penalty.

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

RESOLUTION : [21230](#)

10. [2022-010714CRV](#) (D. WINSLOW: (628) 652-7335)  
TENDERLOIN NEON SPECIAL SIGN DISTRICT STANDARDS – **Adopt** Tenderloin Neon Special Sign District Standards as permitted by the Tenderloin Neon Special Sign District.  
*Preliminary Recommendation: Adopt*

SPEAKERS: = David Winslow – Staff report

ACTION: Adopted

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

RESOLUTION : [21231](#)

11. [2018-003614OTH](#) (M. CHANDLER: (628) 652-7340)  
OFFICE OF CANNABIS – **Informational Presentation** – Staff will update the Commission on cannabis business permitting, including a presentation by the City's Office of Cannabis on Tier Six application permitting (Medical Cannabis Dispensaries and pre-existing non-storefront industry) and the Equity Program requirements of cannabis businesses.  
*Preliminary Recommendation: None – Informational*

SPEAKERS: = Mathew Chandler – Staff presentation

+ Nikesh Patel – Office of Cannabis presentation

+ Ray Law – Office of Cannabis presentation

- Russell Morin – 5 Leland location

= Michael Christensen – Response to comments and questions

= Rich Hillis – Response to comments and questions

ACTION: Reviewed and Commented

12. [2019-004110ENV-02](#) (R. SCHUETT: (628) 652-7546)  
WHOLE FOODS AT 2675 GEARY PROJECT – The project site is located on level 3 of the City Center shopping center, which is bound by Geary Boulevard to the north, Masonic Avenue to the west, Lyon Street to the east, and O'Farrell Street to the south (Assessor's Block 1094, Lot 001) – Public Hearing on the **Draft Environmental Impact Report**. The proposed project would renovate a vacant 49,285-square-foot commercial space for a new Whole Foods Market grocery store, of which approximately 25,030 square feet would comprise the sales floor. The remaining 24,795 square feet would be dedicated to seating areas, checkouts, and back-of-house uses. Parking lot C on level 3 of City Center would be

available for Whole Foods Market customers. Freight and commercial loading activities would occur from an existing 3,528-square-foot receiving area and adjacent loading dock, accessed from O'Farrell Street via parking lot E on level 2. No changes to vehicle parking, bicycle parking, loading, driveway access, on-site circulation, or to the public right-of-way are proposed. The project site is in a NC-3 (Moderate-Scale Neighborhood Commercial) Zoning District and 40-X and 80-X Height and Bulk Districts.

**Written comments on the draft EIR will be accepted at**

**[CPC.WholeFoods2675Geary@sfgov.org](mailto:CPC.WholeFoods2675Geary@sfgov.org) or at the Planning Department until 5:00 p.m. on January 30, 2023.**

*Preliminary Recommendation: Review and Comment*

**SPEAKERS:** = Rachel Schuett – Staff presentation  
 + Peter Divine – Empty storefronts, will revive the neighborhood  
 + Mr. Jameson – Consider electric vehicles in the data regarding pollution, contract union locally  
 + RD Ferrari – Move it forward  
 + Al Sodoni – EIR is accurate, need a grocery store in the neighborhood  
 + Rudy Gonzales – EIR is adequate, underutilized space, will create jobs

**ACTION:** Reviewed and Commented

- 13a. [2015-004568DNX-02](#) (N. FOSTER: (628) 652-7330)  
**10 SOUTH VAN NESS AVENUE** – located on the southwest corner of the intersection of Market Street and South Van Ness Avenue, bound by those two streets and 12<sup>th</sup> Street to the west; Lots 003A and 004 in Assessor's Block 3506 (District 6) – Request for **Downtown Project Authorization** pursuant to Planning Code Section 309 to allow a project greater than 50,000 square feet of floor area within the C-3 Zoning District with exceptions from Planning Code requirements for Exposure (Section 140), Sunlight Access to Public Sidewalks (Section 146), Ground-Level Wind Currents (Section 148), Projections Over the Public Right-of-Way (Section 136), Dwelling Unit Mix (Section 207.6); Height and Bulk (Sections 263.19 and 270(f)), and Mid-Block Alleys in Large Lot Developments (Section 270.2). The Project Sponsor proposes modifications to a previously approved project (the "Initial Project") approved by the Planning Commission on June 11, 2020. As modified, the proposed project (the "Modified Project") includes demolition of the existing two-story commercial building and construction of a new 55-story building reaching a roof height of 590 feet tall (610 feet tall inclusive of mechanical equipment, elevator overrun and rooftop screening). The Modified Project includes a total Gross Floor Area of 939,570 gross square feet of uses, which includes 18,947 square feet of retail sales and service uses, with a total of 1,012 dwelling units comprised of 374 studios, 501 one-bedroom, and 137 two-bedroom units. The Modified Project includes 259 off-street parking spaces, three off-street freight loading spaces, four off-street service vehicle spaces, six car-share spaces, and 360 Class 1 and 61 Class 2 bicycle parking spaces. The Modified Project would also include creation of a new entry to the Van Ness Muni Station within the ground floor of the subject property. The subject property is located within a C-3-G (Downtown General) Zoning District, Van Ness & Market Downtown Residential SUD (Special Use District) and 120/400-R-2 // 140/590-R-2 and 120/400-R-2/120-R-2 // 140/590-R-2 Height and Bulk Districts.

*Preliminary Recommendation: Approve with Conditions*

**SPEAKERS:** = Nick Foster – Staff report



+ Jim Abrams – Project sponsor presentation  
- Robert – Will cast shadow to their building, wind  
= Rich Hillis – Response to comments and questions

ACTION: Approved with Conditions  
AYES: Braun, Ruiz, Diamond, Imperial, Koppel, Moore, Tanner  
MOTION : [21232](#)

- 13b. [2015-004568CUA-02](#) (N. FOSTER: (628) 652-7330)  
**10 SOUTH VAN NESS AVENUE** – located on the southwest corner of the intersection of Market Street and South Van Ness Avenue, bound by those two streets and 12<sup>th</sup> Street to the west; Lots 003A and 004 in Assessor's Block 3506 (District 6) – Request for **Conditional Use Authorization** pursuant to Planning Code Sections 303 and 249.33(b)(7) for a non-residential use size larger than 6,000 square feet within the Van Ness & Market Residential SUD. As modified, the proposed project (the "Modified Project") includes demolition of the existing two-story commercial building and construction of a new 55-story building reaching a roof height of 590 feet tall (610 feet tall inclusive of mechanical equipment, elevator overrun and rooftop screening). The Modified Project includes a total Gross Floor Area of 939,570 gross square feet of uses, which includes 18,947 square feet of retail sales and service uses, with a total of 1,012 dwelling units comprised of 374 studios, 501 one-bedroom, and 137 two-bedroom units. The Modified Project includes 259 off-street parking spaces, three off-street freight loading spaces, four off-street service vehicle spaces, six car-share spaces, and 360 Class 1 and 61 Class 2 bicycle parking spaces. The Modified Project would also include creation of a new entry to the Van Ness Muni Station within the ground floor of the subject property. The subject property is located within a C-3-G (Downtown General) Zoning District, Van Ness & Market Downtown Residential SUD (Special Use District) and 120/400-R-2 // 140/590-R-2 and 120/400-R-2/120-R-2 // 140/590-R-2 Height and Bulk Districts.  
*Preliminary Recommendation: Approve with Conditions*

SPEAKERS: Same as item 13a.  
ACTION: Approved with Conditions  
AYES: Braun, Ruiz, Diamond, Imperial, Koppel, Moore, Tanner  
MOTION : [21233](#)

- 13c. [2015-004568SHD-02](#) (N. FOSTER: (628) 652-7330)  
**10 SOUTH VAN NESS AVENUE** – located on the southwest corner of the intersection of Market Street and South Van Ness Avenue, bound by those two streets and 12<sup>th</sup> Street to the west; Lots 003A and 004 in Assessor's Block 3506 (District 6) – Adoption of **Shadow Findings** pursuant to Planning Code Section 295 that net new shadows attributable to the Project would not adversely affect the use of public open space under the jurisdiction of the Recreation and Park Commission. The Project Sponsor proposes modifications to a previously approved project (the "Initial Project") approved by the Planning Commission on June 11, 2020. As modified, the proposed project (the "Modified Project") includes demolition of the existing two-story commercial building and construction of a new 55-story building reaching a roof height of 590 feet tall (610 feet tall inclusive of mechanical equipment, elevator overrun and rooftop screening). The Modified Project includes a total Gross Floor Area of 939,570 gross square feet of uses, which includes 18,947 square feet of retail sales and service uses, with a total of 1,012 dwelling units comprised of 374 studios, 501 one-bedroom, and 137 two-bedroom units. The Modified Project includes 259 off-



street parking spaces, three off-street freight loading spaces, four off-street service vehicle spaces, six car-share spaces, and 360 Class 1 and 61 Class 2 bicycle parking spaces. The Modified Project would also include creation of a new entry to the Van Ness Muni Station within the ground floor of the subject property. The subject property is located within a C-3-G (Downtown General) Zoning District, Van Ness & Market Downtown Residential SUD (Special Use District) and 120/400-R-2 // 140/590-R-2 and 120/400-R-2/120-R-2 // 140/590-R-2 Height and Bulk Districts.

*Preliminary Recommendation: Adopt Findings*

SPEAKERS: Same as item 13a.  
ACTION: Adopted Findings  
AYES: Braun, Ruiz, Diamond, Imperial, Koppel, Moore, Tanner  
MOTION : [21234](#)

- 13d. [2015-004568VAR-02](#) (N. FOSTER: (628) 652-7330)  
10 SOUTH VAN NESS AVENUE – located on the southwest corner of the intersection of Market Street and South Van Ness Avenue, bound by those two streets and 12<sup>th</sup> Street to the west; Lots 003A and 004 in Assessor's Block 3506 (District 6) – Request for Zoning Administrator consideration of a **Variance** request from maximum garage entry width (Section 145.1(c)(2)). The Project Sponsor proposes modifications to a previously approved project (the "Initial Project") approved by the Planning Commission on June 11, 2020. As modified, the proposed project (the "Modified Project") includes demolition of the existing two-story commercial building and construction of a new 55-story building reaching a roof height of 590 feet tall (610 feet tall inclusive of mechanical equipment, elevator overrun and rooftop screening). The Modified Project includes a total Gross Floor Area of 939,570 gross square feet of uses, which includes 18,947 square feet of retail sales and service uses, with a total of 1,012 dwelling units comprised of 374 studios, 501 one-bedroom, and 137 two-bedroom units. The Modified Project includes 259 off-street parking spaces, three off-street freight loading spaces, four off-street service vehicle spaces, six car-share spaces, and 360 Class 1 and 61 Class 2 bicycle parking spaces. The Modified Project would also include creation of a new entry to the Van Ness Muni Station within the ground floor of the subject property. The subject property is located within a C-3-G (Downtown General) Zoning District, Van Ness & Market Downtown Residential SUD (Special Use District) and 120/400-R-2 // 140/590-R-2 and 120/400-R-2/120-R-2 // 140/590-R-2 Height and Bulk Districts.

SPEAKERS: Same as item 13a.  
ACTION: Acting ZA Closed the PH Granted with standard conditions

ADJOURNMENT 6:11 PM  
FEBRUARY 2, 2023