

SAN FRANCISCO PLANNING COMMISSION

Meeting Minutes

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

Thursday, August 25, 2022
1:00 p.m.
Regular Meeting

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

THE MEETING WAS CALLED TO ORDER BY VICE PRESIDENT MOORE AT 1:04 PM

STAFF IN ATTENDANCE: Veronica Flores, Michael Li, Laura Ajello, Chris Wendt, 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. 2019-000499PRJ (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
(Proposed for Continuance to September 8, 2022)

SPEAKERS: None
 ACTION: Continued to September 8, 2022
 AYES: Ruiz, Diamond, Imperial, Koppel, Moore
 ABSENT: Fung, Tanner

- 1b. 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 July 14, 2022)
(Proposed for Continuance to September 8, 2022)

SPEAKERS: None
 ACTION: Continued to September 8, 2022
 AYES: Ruiz, Diamond, Imperial, Koppel, Moore
 ABSENT: Fung, Tanner

2. 2022-003902PCA (A. STARR: (628) 652-7533)
NEIGHBORHOOD COMMERCIAL AND MIXED-USE DISTRICTS (BOARD FILE NO. 220340) – **Planning Code Amendment** – Ordinance, introduced by Supervisor Haney, amending the Planning Code to update and reorganize Neighborhood Commercial and Mixed-Use Zoning District controls, including, among other things, to 1) permit Accessory Arts Activities, and production, wholesaling, and processing of goods and commodities, to occupy more than one-third of total space in Commercial (C), Downtown Residential (DTR), Eastern Neighborhoods Mixed Use, Mission Bay, and Residential-Commercial (RC) Districts; 2) principally permit Arts Activities, Job Training, Public Facility, and Social Service and Philanthropic Facility uses in the Folsom Street Neighborhood Commercial Transit (NCT), SoMa NCT, Regional Commercial, and certain Eastern Neighborhoods Mixed Use Districts, and in historic and nonconforming commercial buildings in Residential Enclave Districts; 3) principally permit General Entertainment and Nighttime Entertainment uses in the Folsom Street NCT District; 4) principally permit Bar uses on the second floor in the Folsom Street NCT and Regional Commercial Districts; 5) principally permit Nighttime Entertainment uses in the Regional Commercial and Western SoMa Mixed-Use - General (WMUG) Districts; 6) conditionally permit Nighttime Entertainment in the Mixed-Use - General (MUG) and WMUG Districts; 7) principally permit Job Training, Public Facility, and Social Service and Philanthropic Facility uses in the SoMa NCT District and certain Eastern Neighborhoods Districts; 8) require that large developments in South of Market Mixed Use Districts, which

contain commercial spaces provide a mix of commercial space sizes; 9) require that all Nighttime Entertainment uses comply with the Entertainment Commission's good neighbor policies; and 10) remove certain limitations on location for Nighttime Entertainment and Animal Services uses in the Western SoMa Special Use District; and adopting environmental findings, findings of public necessity, convenience, and welfare under Planning Code, Section 302, and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

Preliminary Recommendation: Approve with Modifications

(Continued from a Regular hearing on July 14, 2022)

(Proposed for Continuance to October 6, 2022)

SPEAKERS: None

ACTION: Continued to October 6, 2022

AYES: Ruiz, Diamond, Imperial, Koppel, Moore

ABSENT: Fung, Tanner

3. 2016-000302DRP (D. WINSLOW: (628) 652-7335)
460 VALLEJO STREET – north side between Kearny and Montgomery Streets; Lot 020 in Assessor's Block 0133 (District 3) – Request for **Discretionary Review** of Building Permit No. 2019.0402.6906 for extensive interior alteration of the existing two (2) dwelling unit residence, building recladding removing stucco and replacing with wood siding, and an approximately one (1)-foot increase of the rear yard roof height to allow for the creation of a furnished roof deck above. Permit is submitted in partial abatement of Enforcement Case No. 2018-001495ENF for Planning Code violations for work without a permit. Current permit application legalizes building expansion at the rear, proposed fence less than ten (10)-feet high at rear yard, lightwell infills, a 100 square foot garden shed in rear yard, and restoration of roof deck to twelve (12)-foot front yard setback within a RH-3 (Residential House, Three-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: Take Discretionary Review and Approve

(Continued from Regular hearing on May 26, 2022)

(Proposed for Indefinite Continuance)

SPEAKERS: None

ACTION: Continued Indefinitely

AYES: Ruiz, Diamond, Imperial, Koppel, Moore

ABSENT: Fung, Tanner

4. 2021-009356DRP (D. WINSLOW: (628) 652-7335)
2845 FILLMORE STREET – west side between Green and Vallejo Streets; Lot 004 in Assessor's Block 0558 (District 2) – Request for **Discretionary Review** of Building Permit 2022.0303.9147 proposes to construct a one-story and horizontal side addition to an existing three-story, one-family residence 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: Do Not Take Discretionary Review and Approve

WITHDRAWN

SPEAKERS: None
ACTION: Withdrawn

15. [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\(h\)](#).

Preliminary Recommendation: Approve with Conditions

SPEAKERS: None
ACTION: Continued to September 8, 2022
AYES: Ruiz, Diamond, Imperial, Koppel, Moore
ABSENT: Fung, Tanner

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

6. [2022-000166CUA](#) (R. BALBA: (628) 652-7331)
5200 DIAMOND HEIGHTS BOULEVARD – southwest corner of Duncan Street; Lot 001 in Assessor's Block 7521 (District 8) – Request for **Conditional Use Authorization** pursuant to Planning Code Sections 178, 209.1 and 303, to expand an existing Religious Institution use (St. Nicholas Antiochian Orthodox Church) on the subject property 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: Approve with Conditions

SPEAKERS: None
ACTION: Approved with Conditions
AYES: Ruiz, Diamond, Imperial, Koppel, Moore
ABSENT: Fung, Tanner
MOTION: [21160](#)

C. COMMISSION MATTERS

7. Consideration of Adoption:
- [Draft Minutes for July 21, 2022](#)
 - [Draft Minutes for July 28, 2022](#)

SPEAKERS: None

ACTION: Adopted
AYES: Ruiz, Diamond, Imperial, Koppel, Moore
ABSENT: Fung, Tanner

8. Commission Comments/Questions

Vice President Moore:

I'd like to first, welcome everybody back after a long hiatus. Myself, not having been at City Hall for the last two years, I'm delighted to see familiar faces and meeting some of my own Commissioners for the first time. And that's a record. That never happened before.

I'd like to start with our land acknowledgement. Please join me.

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.

Commissioner inquiries and comments. I'd like to start by acknowledging the HPC dedicating a memorial plaque at the Comstock Cafeteria in the Tenderloin. A remarkable piece that took many years to formulate and come through. And it so well layers to what we will be hearing later about a new piece of legislation for the Neon District in the Tenderloin.

I would also like to, before I forget, I actually should have said that first - I would like to say a heartfelt thank you to Commissioner Fung who will not be joining us on this Commission any longer. His service has been remarkable, not only the experience he has brought to this position having served on multiple Commissions including this one for decades, but his general spirit of being here and a strong steward for us as "Juniors", actually I have to include myself on that, have greatly added to this being a really good Commission and I want to thank him. I regret that he is not here today that we could shake hands in the traditional way as we do these days. And he will be missed. Thank you, Commissioner Fung.

Commissioner Imperial:

I'd like to add some comments. First, with, in terms of Commissioner Fung, I will miss him and hope I got to say farewell to him as well. I also want to acknowledge and in terms of the interns' presentation that happened this week. Unfortunately I wasn't able to see the presentations but I'm wondering if the staff can send the Commissioners the recordings of the presentations so we can watch them later.

Commissioner Koppel:

Yeah, I also attended at least one day of the presentations and really appreciated how the interns worked with the leaders and staff and really used a lot of good examples, with a lot of really good pictures, just putting in a really good context and made it very enjoyable.

Vice President Moore:

I'd like to echo the appreciation for the Summer Intern Program and the tremendous amount of work that the Department is putting into it. I have observed it now for a number of years. And if Secretary Ionin would be able to help us with that, for us to see the presentations, would indeed be very inspirational for us.

Jonas P. Ionin, Commission Secretary:

Certainly. I'm fairly certain they will be posted on our webpage shortly if they're not already there.

Vice President Moore:

If you could alarm us, that would help. Thank you.

Commissioner Diamond :

Thank you. I just wanted to add that I too will miss Commissioner Fung and I want to second the comments that made about him so far. I really appreciated his wise counsel, his deliberative manner and the experience that he brought to our deliberations for multiple tours of duty in the Commission and Board of Appeals.

9. [2021-009977CRV](#) – **Remote Hearings** – Consideration of action to allow teleconferenced meetings and adopting findings under California government code section 54953(e) to allow remote meetings during the COVID-19 emergency; continue remote meetings for the next 30 days; direct the Commission Secretary to schedule a similar resolution [motion] at a commission meeting within 30 days.

SPEAKERS: None
ACTION: Adopted
AYES: Ruiz, Diamond, Imperial, Koppel, Moore
ABSENT: Fung, Tanner
RESOLUTION: [21161](#)

D. DEPARTMENT MATTERS

10. Director's Announcements

Rich Hillis, Planning Director:

Good afternoon, Commissioners. Welcome back. On the intern program, we will get you the link to the presentations. They were great. And I want to thank Tina Tam and all the staff for working with the interns. She has done an incredible job building our program, both the college internship program and the high school internship program, so a huge thanks to her. I also want to echo the thanks and appreciation for Commissioner Fung. I had the great pleasure of serving with him on this Commission, on the Board of Appeals prior to that and he's going to be hard to replace because he brought a tremendous amount of experience and decades of service. His advice and decision making was always clear and direct and it is much appreciated. So, he will be missed. I also wanted to reiterate, I sent you over when you were on break, just some information on, and I'm sure you read about it too on the state's – one, initial response to our Housing Element. And so, they gave us comments on our draft Housing Element. This is part of the process and some reports, it was called a HCD, rejected our Housing Element. They didn't. You know, this was anticipated that we would

get significant comments from them. We haven't submitted it to them for approval or denial at this point. We'll go through another round of this too with getting comments from HCD on our next draft. So, we're working to respond currently to their comments. And then separately although related, HCD announced that they would undertake this Housing Policies and Practice review and this was driven by analysis they did that shows our approval process is a long one, not something that is news to us either, but they want to look at why it takes the time it takes for us to approve housing projects. Not just the Planning Department, other Planning Commissions. They are looking at legislative processes, how we administer CEQA, even post entitlement with DBI approvals and DPW approvals. So we'll have, we don't have their scope yet, of work. We're hoping to get that in the next couple of weeks and talk through how this is going to work. We expect it to be a collaborative process but we will schedule a time to come talk to you when we get that scope about that as well as the comments we received on the Housing Element. So, hopefully we're back here with a more formal presentation in September to give you an update on those. And that's all I have. Thanks.

Commissioner Imperial:

I have a question, Director Hillis.

Rich Hillis, Planning Director:

Sure.

Commissioner Imperial:

In terms of the HCD's comments, and you mentioned that HCD are looking into it also in the post entitlements. I guess we'll hear it more in terms of -- because we've had always these discussions about entitlements approved but also not being built. That's also going to be part of the HCD's comments?

Rich Hillis, Planning Director:

I mean I think they're looking at the City's entitlement process through permitting, through building permits issued. I don't believe they are going to look at why a project sponsor may not move forward once they get entitlement. I think it's strictly, that's kind of the City's process.

Commissioner Imperial:

Okay.

Rich Hillis, Planning Director:

But they are looking beyond the Planning entitlements to actual pulling of building permits as well.

Commissioner Imperial:

Okay. Thank you.

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

Corey Teague, Zoning Administrator:

Good afternoon, Commissioners. Corey Teague, Zoning Administrator. I do have somewhat longer than typical report from the Board of Appeals.

They did meet last night and they announced the departure of Tina Chang and thanked her for her service. As some of you who may recall, she actually used to be a Planner in our Department and her Planning experience would definitely be missed on the board. And her vacated seat has not yet been filled and they will be down to four.

The board then considered three items of interest to the Planning Commission.

The first, the board heard a rehearing request for an appeal that was previously denied for 706 Vermont Street. And this project came before the Planning Commission as a DR Request in February of this year and the Commission voted unanimously to not take DR. The DR, the appeal and the rehearing request focused on the intended use of a roof deck that had also been labeled and described sometimes as a green roof. Ultimately, the board voted to deny the rehearing request but did request that the Planning Department and Planning Commission be more deliberate in how such features are described in the future to ensure everyone is on the same page as to how such decks may be used.

Second, the board heard an appeal of the building permit application to construct a one-story, detached State law ADU at the rear of the property at 1526 Masonic Avenue. The original project was to construct a standard new dwelling unit in the rear yard. And the Commission and the Zoning Administrator heard the DR and Variance cases in January of 2020. That hearing was continued with the Commission providing feedback for the applicant to consider and analyze an addition to the rear of the existing historic building instead and that would have not triggered a variance. However, state law for ADUs was amended soon after that hearing which allowed detached ADUs in the required rear yard without a variance, without neighborhood notification, or without a discretionary review process. The appeal argued that the ADU permit plans included inaccurate information regarding the existing grade and as such believed the height of the proposed ADU would exceed the maximum permitted height of 16 feet. However, the applicant provided a site survey that confirmed the height of the ADU will be 15' 11" tall from grade and thereby comply with state law. And the board agreed with the applicant voting unanimously to deny the appeal.

And finally, the board heard an appeal of the Zoning Administrator Determination regarding change of tenure for onsite affordable housing at 1145 Polk Street, which was filed by two separate lottery winners. While this project was never before the Planning Commission, it did represent a unique inclusionary housing dilemma and there have been several public commenters at the Commission over the last few months that have raised this situation to the Commission. So, while the Planning Code and Procedures Manual do allow for a change of tenure, in this case it's going from rental to ownership, this scenario was unique in that the decision to change tenure was made after a rental lottery had already been conducted. So, this change in tenure, it already required a written determination from the Zoning Administrator but neither the Planning Code nor the Procedures Manual provide

any guidance on how best to address this unique situation. Earlier this year, I issued a determination that attempted to balance the rights of the property owner within the right of the Planning Code and Procedures Manual with the expectations of the lottery winners by requiring four of the eight onsite affordable units be offered for sale at the lower 55% AMI level that's typically for rental units instead of the higher 90% AMI level for ownership units. That determination was appealed and originally heard in June where the board recognized the challenging situation at hand but stated they preferred a determination that provided a bit more deference to the lottery winners and they instructed the parties to work on such an outcome to bring back to the board. Ultimately, one of the appellants worked with the property owner on a compromise that was also reviewed and supported by the Planning Department and MOHCD, although it was not supported by the second appellant. The compromise simply required all eight affordable units be priced at the lower 55% AMI level instead of only four, and that any unsold units at that level could then revert to the 90% AMI level for ownership units. The board recognized the difference between rental tenants and ownership tenants relative to affordable housing but also found the proposed compromise to be the best outcome considering current city laws, and they voted unanimously to adopt the revised determination. And that concludes this longer than usual Board of Appeals report. I'm available for any questions you may have. Thank you.

Jonas P. Ionin, Commission Secretary:

The Historic Preservation Commission did not meet yesterday. However, they did meet on August 17th and I will give a brief report because it was somewhat unique. They did adopt recommendations for approval for legacy business registry applications that included the Piedmont Boutique on Haight Street, Outpost Studios on Battery Street, PO Plus on Castro Street, St. John Coltrane Church on Marina Boulevard, and Pop's Bar on 24th Street. But probably what's more unique was they adopted a recommendation to designate, for landmark designation to the Board of Supervisors, the site of the Compton's Cafeteria Riot at the intersection of Turk and Taylor Streets. So, although they did include portions of the building on 101 Taylor Street, this was unique in that it was a "site" as opposed to a "structure" for cultural reasons.

E. GENERAL PUBLIC COMMENT

SPEAKERS: Georgia Schuttish – August 22nd email, Section 317
Dave Elliot Lewis – Tenderloin Stakeholder group

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.

12. [2022-005505PCA](#) (V. FLORES: (628) 652-7525)
TENDERLOIN NEON SPECIAL USE DISTRICT [BF 220643] – **Planning Code Amendment** – Ordinance, sponsored by Supervisor Preston, to create the Tenderloin Neon Special Sign District within the North of Market Residential Special Use District; an anticipated Zoning Map Amendment to create the Special Sign District; enacting zoning controls for neon signs within the Special Sign District; 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: = Veronica Flores – Staff report
 + Kyle Smeallie, Sup. Preston’s Legislative Aide – Ordinance Introduction
 + Katie Connery – Increase public safety, lighting up our streets
 + Randall Homan – Community spirit, important to the neighborhood
 + Woody LaBounty – Character defining of the district
 + David Elliot Lewis – Outreach, affirm culture and beauty of district
 + Greg Johnson – Cost efficiency
 + Felicia Smith – Safety
 + Speaker – Brighter at night

ACTION: Approved with Modifications and Staff amendments read into the record.

AYES: Ruiz, Diamond, Imperial, Koppel, Moore

ABSENT: Fung, Tanner

RESOLUTION: [21162](#)

13. 2020-004398PRJ (M. LI: (628) 652-7538)
SAN FRANCISCO INTERNATIONAL AIRPORT’S SHORELINE PROTECTION PROGRAM – Informational Presentation – Staff will provide a brief overview of the Shoreline Protection Program, an infrastructure project designed to protect San Francisco International Airport against flooding and sea level rise. The project is currently undergoing environmental review.
Preliminary Recommendation: None – Informational

SPEAKERS: = Michael Li – Staff report
 + David Kim, SFO – Presentation

ACTION: None – Informational

14. [2021-010332IMP](#) (L. AJELLO: (628) 652-7353)
375 LAGUNA HONDA – Informational Presentation – bound by Laguna Honda Blvd, Clarendon and Woodside Avenues; Lot 007 in Assessor’s Block 2842 (District 7) – submittal of an Institutional Master Plan, pursuant to Planning Code Section 304.5, for the Laguna Honda Hospital & Rehabilitation Center. This is an informational item, and no action is required. The subject property is located within a Public (P) Zoning District and the 80-D and 40-X Height and Bulk District. The IMP is not a “Project” under a California Environmental Quality Act (CEQA) Guidelines Sections 15060(c) and 15378 because there is no direct or indirect physical change in the environment. Height and Bulk District.
Preliminary Recommendation: None – Informational

SPEAKERS: = Laura Ajello – Staff report
 + Greg Wagner, DPH – Presentation
 + Kathy Jung, DPH – Presentation
 + Tim Donohoe, Mercy Housing – Response to comments and questions

ACTION: Closed the Public Hearing

5. [2021-013037CUA](#) (C. WENDT: (628) 652-7583)
140 2ND STREET – southwest corner of Minna Street; Lot 003 in Assessor's Block 3722 (District 4) – Request for **Conditional Use Authorization** pursuant to Planning Code Sections 210.2, and 303, to permit the installation of a new AT&T and Anthem Wireless Antenna Facility at the rooftop of the existing six-story building, consisting of twelve (12) new antennas, two (2) remote radio units, one (1) GPS antenna and ancillary equipment as part of the AT&T Mobility Telecommunications Network, within a C-3-O(SD) (Downtown- Office (Special Development)) Zoning District and 150-S 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

SPEAKERS: = Rich Hillis – Introduction
 = Chris Wendt – Staff report
 + Project sponsor – Response to comments and questions
 = Rich Sucre – Response to comments and questions
 ACTION: Approved with Conditions as amended to modify the stealthing method to a penthouse.
 AYES: Ruiz, Imperial, Koppel, Moore
 ABSENT: Fung, Tanner
 RECUSED: Diamond
 MOTION: [21163](#)

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.

16. [2020-005176DRP](#) (D. WINSLOW: (628) 652-7335)
45 BERNARD STREET – south side between Taylor and Jones Streets; Lot 030 in Assessor's Block 0157 (District 3) – Request for **Discretionary Review** of Building Permit No. 2020.08.22.2415 to construct a rear addition; alter the exterior of the existing building; and to legalize an existing residential unit within a RH-3 (Residential House, Three-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
 (Continued from Regular hearing on July 21, 2022)

SPEAKERS: = David Winslow – Staff report
 - Han Ming – DR presentation
 - Jennifer Mei – DR presentation
 - John Long – DR presentation
 + Lindsay Huston – Project sponsor presentation
 - Speaker – Eviction of elderly and disabled, unaffordable housing
 - Speaker – Destroy space in the backyard, song

- Melody Takata – Community space, cultural retention of neighborhood
 - Jerry Dratler – “Renoviction”, displacing people of color, roof deck
 - Ozzie Rohm – Necessity and desirability of project, rent for the UDU
 - Natara Lum – Mid block open space, quality of life
 - Shawn Cotter – Mid block open space, preserve air and light
 - Nelson – Nature is more important than money
 - Speaker – Importance of open space
 - Mr. Lum – Safety violations
 - Speaker – Unaffordable housing, impact on the tenants and community
 - Lisa – Backyard space
 - Ella – Outdoor activities for elders community is essential
 - Frank Sam – Sunlight and air, privacy
 - Ramon Murguia – Gathering spaces, connecting neighbors
 - Sue – Park
 - Mrs. Li – Backyard is important, stop the project
 - Cindy Kwong – Value of space
 - Winston – Preserve open spaces, safety
 - Anastasia Yovanopoulos – Profit driven project, impact to existing tenant
 - Robin – Open space is feasible and critical to neighborhood
 - + Taylor – Inaccurate information
 - + Sarah – Remediate dilapidated housing
 - Speaker – Proper legal procedure was not followed, lack of good faith
 - Sarah – Protect low income family
 - Stephen Booth – Law
 - Brian O’Neill – DR rebuttal
 - = Speaker – Mis-information
 - + Tina Huston – Project sponsor rebuttal
 - = Austin Yang, Deputy City Attorney – Response to comments and questions
 - = Rich Hillis – Response to comments and questions
 - + Speaker – Response to comments and questions
- ACTION: Took DR and Approved with modifications and conditions:

1. No roof deck;
2. No spiral stair;
3. Configure the third floor to be identical to the second floor; and
4. Update report within six months of BPA issuance.

Recognizing:

A reference to the Rent Control Ordinance as it relates to tenant rights, OMI evictions, the need to be able to locate previous tenants, first right of refusal at their previous rent rates, and that the current tenant may continue their tenancy for as long as they wish.

Encouraging that the duration of any relocation of the existing tenant will be as short as possible and a green rear yard open space.

AYES: Ruiz, Imperial, Koppel, Moore
 NAYS: Diamond
 ABSENT: Fung, Tanner
 DRA: [793](#)

ADJOURNMENT 6:00 PM

ADOPTED SEPTEMBER 29, 2022