

SAN FRANCISCO PLANNING COMMISSION



Meeting Minutes

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

Thursday, December 15, 2022
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 1:08 PM

STAFF IN ATTENDANCE: Aaron Starr, Alex Westhoff, James Pappas, Malena Leon-Farerra, Joshua Switzky, Miriam Chion, Corey Teague – Zoning Administrator, 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.

10. [2021-001801DRP-02](#) (D. WINSLOW: (628) 652-7335)
[1027 - 1029 CLAYTON STREET](#) – west side between 17th and Parnassus Streets; Lot 021 in Assessor's Block 1279 (District 8) – Request for **Discretionary Review** of Building Permit No. 2020.1221.1394 for the construction of new three-story over basement, two-family

dwelling within a RH-2 (Residential-House, Two Family) Zoning District and 40-X Height and Bulk District. The Planning Department issued a preliminary mitigated negative declaration 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: Take Discretionary Review and Approve with Modifications

SPEAKERS: None
ACTION: Continued to March 2, 2023
AYES: Braun, Ruiz, Diamond, Imperial, Koppel, Moore, Tanner

B. COMMISSION MATTERS

1. Land Acknowledgement

President Tanner:

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

2. Consideration of Adoption:

- [Draft Minutes for December 1, 2022](#)

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

3. [2023 Hearing Schedule](#)

SPEAKERS: None
ACTION: Adopted as amended reinstating March 30th and cancelling April 6th in recognition of Passover.
AYES: Braun, Ruiz, Diamond, Imperial, Koppel, Moore, Tanner

4. Commission Comments/Questions

President Tanner:

I only will say today is our last hearing of 2022 if we can believe that it is already time to start 2023. I just want to thank all the staff who helped make these Commission hearings happen and go smoothly. The public that comes in and the staff that don't always see but I know who are working hard at the Department and contributing to the projects that we see. And we got to have a holiday party last week, it was great to see some staff in person

and even to note some folks hadn't met in person yet as we hired new staff during the pandemic who came on and started their jobs remotely. And so, to the staff who helped to make that event happen, it's not just something fun to do, it really is an important part of making our department, a community of planners, to feel that they can do their work and know each other and have a good collegial atmosphere and environment. So, on behalf of the Commission I thank all the staff for the work and for the hosts you put together last week's event. And thank my fellow Commissioners for this last year. It's been another interesting one. I think it certainly more exciting than 2020 in terms of the number of projects, but looking forward to hopefully some more robust sessions and Commission hearings in the future. So, thank you all for being such good colleagues.

Commissioner Diamond:

I just wanted to point out several events that have been happening in San Francisco in the last couple of weeks that have been really amazing. Not put on by the Planning Department but really celebrate the wonders of our city. In particular, I want to call out Glow SF. I don't know if any of you had the opportunity to see the light show that was put on multiple buildings downtown, particularly the one on the Pacific Stock Exchange building. Absolutely spectacular and incredible opportunity to come downtown and see the best of our city, hopefully stay and dine. And the other is the programming that is being put on on JFK Drive in the park. It is not just a closed street. There is spectacular sculpture with the doggy diners road work murals, all the Adirondack chairs, musicians, pianos, ping-pong. It is not just the space but it's the programming of the space so an incredible shout out to Park and Rec for making us appreciate our assets in ways that we might not have been able to previously. So, just two examples but it's just fantastic to be able to celebrate so many absolutely wonderful features of our city.

President Tanner:

Here here to that. Those are spectacular. I did get to see the light show and JFK and nodding enthusiastically. Really fantastic. Very very fantastic stuff.

Commissioner Moore:

I appreciate the upbeat notice of Commissioner Diamond and President Tanner's saying goodbye to the year. On a slightly more somber note, I'm now sure if any of you watched last Tuesday's hearing on the Board of Supervisors where there was an extremely long line of people speaking to the eviction of tenants in the Oasis motel on Franklin Street. 56 women and children will be evicted in the next few days because the owner wants to take full control of the hotel again and basically rid himself of people who in the crisis of Covid have been moved into this particular hotel. It was bringing anybody who listened carefully to tears hearing the individual stories and hardship that people who not only are losing their home but a few days earlier had lost their employment partially at the Twitter building. Inaudible: without any means or any direction of where to go. The board unanimously expressed strong support and a very open Inaudible: to what was being said. I hope that there will be a solution to it and if anybody wants to listen to what proceeded, you may want to do that. It was indeed a very moving story and I want to acknowledge that I walked by there yesterday to get a better understanding of the building and the location and its need to support our disadvantaged community. Thank you.

President Tanner:

Thank you, Commissioner Moore for bringing that item for attention. It is certainly is one we hope can have resolution for all those involved.

C. DEPARTMENT MATTERS**5. Director's Announcements**

None.

6. Review of Past Events at the Board of Supervisors, Board of Appeals and Historic Preservation Commission**Aaron Starr, Manager of Legislative Affairs:**

Good afternoon, Commissioners. Aaron Starr, manager of Legislative Affairs. JFK is truly a great place to go and cycle, but you forgot the beer garden so that's another thing there. Anyway, this is the last board report for the year. The board is now on recess.

Land Use Committee

- 221110 Initiating Landmark Designation - 1200 Taraval Street (aka Parkside Library). Sponsors: Mar; Chan, Melgar and Peskin. Staff: Not Staffed

This week the Land Use Committee initiated landmark designation for the Parkside Library, which is located at 1200 Taraval Street. The initiation was sponsored by Supervisor Mar. This still needs to go to HPC for adoption and then back through the Board's legislative process.

Full Board

- 220811 Planning Code - Automotive Uses Residential Density. Sponsor: Mayor. Staff: Starr. PASSED Second Read
 - 221065 General Plan - Adopting the 2022 Safety & Resilience Element. Sponsor: Planning Commission. Staff: Ngo. PASSED Second Read
 - 221165 Planning Code - Landmark Designation - St. James Presbyterian Church. Sponsor: Walton. Staff: LaValey. PASSED Second Read
 - 221141 Hearing - Appeal of Conditional Use Authorization Approval - 4835 Mission Street. Staff: Asbagh. Continued to January 24, 2022.
 - 221110 Initiating Landmark Designation - 1200 Taraval Street (aka Parkside Library). Sponsors: Mar; Chan, Melgar and Peskin. Staff: Not Staffed. Adopted
- That's all I have for you today and I hope that you have a very happy holidays and safe and fun new year. Thanks.

Corey Teague, Zoning Administrator:

Good afternoon, Commissioners. Corey Teague, Zoning Administrator. The Board Appeals did meet last night and they did hear one item of interest to the Commission. There is a

project proposed at 955 Sansome Street, it is a HOME SF project. As you may recall, when the tenant market rate HOME SF program was adopted in 2017, the Board of Supervisors had carved out the northeast part of the city where that would not be eligible except on parcels that were either vacant or with large and essentially soft sites developed in no more than 20% of their zoned capacity. This project filed its first applications in January of 21 and has been going through the process, review process, and going through the HPC process now because it is in a historic district. The Waterfront Action Committee had disputed the eligibility of the site for HOME SF and the manner in which staff had calculated the eligibility criteria. Ultimately, they requested a letter of determination and I issued that in early October determining that the existing building which is a 2-story parking garage only represented about 18% of the zone capacity and therefore it did not qualify. They appealed that on numerous grounds but the primary issues were that the analysis used represented a project that wouldn't be desirable and may not actually be feasible to build and our determination was that was not part of the context or requirement in the Planning Code to consider. There was a pretty lively discussion at the Board of Appeals. They were a little conflicted with the wording in the Planning Code but ultimately, they did vote unanimously to uphold the determination and confirmed that the project is eligible for HOME SF. And so, at some point in the future you may see the project here before you but, I'm available for any questions you may have about that issue.

D. GENERAL PUBLIC COMMENT

SPEAKERS: Georgia Schuttish - Sometimes both the Flat Policy and Section 317 Demo Calcs apply to the same project approved as Alteration. The Flat Policy needs to be codified, preserving the original configuration of existing Flats, so as not to be absorbed or obliterated in residential neighborhoods throughout the City as has happened for years despite Planning Commission Resolutions 16053 from 2000 and 17264 from 2006. And despite Section 317. Any newly proposed Flats or additional units, even ADUs, will need strong review and oversight to truly expand housing opportunities. Preserving existing Flats in the original configuration also needs the right policy and proper oversight just to simply maintain existing housing opportunities. And certainly that is true with the Section 317 Demo Calcs. If they are not adjusted, they will continue to be a loophole for speculative development, slipping through any incentives devised to increase density. See Planning Code Section 317 (b) (2) (D).
Sue Hestor – Section 317 demo calcs, request joint meeting with DBI

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.

- 8a. [2019-021810CUA](#) (A. WESTHOFF: (628) 652-7314)
[729 BUSH STREET](#) – south side between Powell and Mason Streets; Lot 22 in Assessor's Block 0284 (District 4) – Request for **Conditional Use Authorization** pursuant to Planning Code Sections 209.3, 253, 303 and 608.14 to permit a Retail Service Use (Health Service) on

the second floor, construct a building greater than fifty feet in height within a RC Zoning District, and to designate the subject property's existing vertical blade sign as a vintage sign for a project which includes the conversion of, and a four-story vertical addition to, the historic adult theater space to allow for 3,824 square feet of medical office space, 3,418 square feet of ambulatory surgery center space, and four dwelling units totaling 6,056 square feet. The project site is located within a RC-4 (Residential-Commercial, High Density) Zoning District and 65-A Height and Bulk District. The Planning Department issued a Final Mitigated Negative Declaration 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

SPEAKERS: = Alex Westhoff – Staff report
 + Brett Gladstone – Project sponsor presentation
 - Steven Vizio – Steps to mitigate sound
 + Michael Morris – Project sponsor response to comments and questions
 = Corey Teague – Response to comments and questions
 + John Lum – Architect response to comments and questions
 ACTION: Approved with Conditions
 AYES: Braun, Ruiz, Diamond, Imperial, Koppel, Moore, Tanner
 MOTION: [21219](#)

- 8b. [2019-021810VAR](#) (A. WESTHOFF: (628) 652-7314)
729 BUSH STREET – south side between Powell and Mason Streets; Lot 22 in Assessor's Block 0284 (District 4) – Request for **Variance** from the Zoning Administrator to address the Planning Code Requirements for rear yard and exposure requirements (Planning Code Sections 134 and 140 respectively). The project does not include a 25% rear yard as required in a RC-4 Zoning Districts. Additionally, one of the four dwelling units does not face an open area that meets minimum requirements for area and horizontal dimensions. The project site is located within a RC-4 (Residential-Commercial, High Density) Zoning District and 65-A Height and Bulk District.

SPEAKERS: Same as item 8a.
 ACTION: ZA Closed the PH and indicated an intent to Grant.

- 7a. [2019-016230GPA](#) (J. PAPPAS: (628) 652-7470)
HOUSING ELEMENT 2022 UPDATE – Consideration of a Resolution to **Adopt Findings** in connection with the adoption of the Housing Element 2022 Update and conforming amendments – Pursuant to San Francisco Charter Section 4.105, Planning Code Section 340(c) and Section 306.3, the Planning Commission may consider adopting Findings pursuant to the California Environmental Quality Act, including Findings of fact, Findings regarding significant and unavoidable impacts, evaluation of mitigation measures and alternatives, and a statement of overriding consideration; adopting a Mitigation Monitoring and Reporting Program; and adopting Findings of consistency with the General Plan and priority policies of the Planning Code, in connection with the adoption of the Housing Element 2022 Update and conforming amendments to the Air Quality, Commerce & Industry, Environmental Protection, and Urban Design Elements.

Preliminary Recommendation: Adopt Findings and Mitigation Monitoring and Reporting Program

- SPEAKERS:**
- = James Pappas – Staff presentation
 - = Malena Leon-Farrera – Staff presentation
 - Jake Price – Still remains skeptical, make good with commitments
 - Gilbert Williams – Revenue of Prop I, rejects 8.1.5 – 8.1.8
 - Don Misumi – Removal of 8.1.5 – 8.1.8, displacement
 - Priya Prabhakar – Will only exacerbate displacement
 - Speaker – Roadmap to redevelopment, listen to the community
 - Janthal Labarento – Fair housing, low income must have a voice
 - Joseph Smooke – 8.1.5 needs to be removed, demolitions
 - Mathew – People’s capacity to afford is a huge disparity
 - Georgia Schuttish – Demographic shifts
 - Zack Wiesenberger – Supports Sup Mar’s letter
 - Kenneth Russell – Work hard on the implementation
 - Speaker – There’s a lot more to do
 - John -Constraints removal
 - Cheska – Rezoning
 - Speaker – Communities that are affected, remove 8.1.5 – 8.1.8
 - Adam – Status quo is not working
 - Robert Fruchtmann – Real work is in the implementation
 - David Woo – Section 8 undermines the trusts of communities of color
 - Anastasia Yovalapoulos – Removal of Section 8
 - Charlie Schiammas – circuit breaker policies
 - Eric Arguello – Fair housing issue
 - Peter Papadapoulos – Significant concerns with 8.1.5
 - John – Santa Monica HE
 - = Joshua Switzky – Response to comments and questions
 - = Rich Hillis – Response to comments and questions
 - = Miriam Chion – Response to comments and questions
 - = Kirsten Jensen – City Attorney response to comments and questions

ACTION: Adopted Findings

1.2.6 Continue and expand the City’s Public Land for Housing Program through public-private partnerships and use City resources to support the maximum number of permanently affordable housing units on underutilized publicly owned and surplus sites, balancing the financial needs of enterprise agencies and ensuring adequate space and resources to address gaps in community infrastructure, services, and amenities. As part of this program, continue to implement the City’s Surplus Public Lands Ordinance codified in Administrative Code Chapter 23A, in compliance with the state Surplus Lands Act (Government Code 54220-54234).

The Public Lands Program should include, but not be limited to:

- Annual outreach and marketing of these sites to developers, especially non-profit developers;
- Coordination across agencies, including the Mayor’s office;

- Continue negotiations and completion of any necessary rezoning efforts on identified publicly owned sites that will accommodate the RHNA;
- Facilitation and streamlining of any approvals and subsequent entitlements for proposed projects on publicly identified sites;
- Development and implementation of site-specific incentives including but not limited to financial assistance, streamlined approvals, and reduced fees, to encourage and facilitate affordable housing development on publicly owned sites; and
- Issuance of RFPs for sites ready for development annually.

The City will target 500 to 2000 affordable units in the RHNA planning period. Revisit strategies as appropriate.

1.3.3 Assess inclusionary tiers and requirements to address constraints on housing development including financial feasibility, to increase certainty for housing projects, to ensure that inclusionary requirements do not impede or undermine use of State Density Bonus Law, and to reduce staff time and need for specific expertise. Changes to inclusionary tiers and requirements must should improve or maintain the current affordability average affordability of inclusionary housing units. Changes to inclusionary tiers and their requirements should and retain or expand the number percentage of units required, including with consideration to rents, purchase prices, and HOA fees.

8.1.5. If the City issues building permits for fewer than 29,049 new units by January 31, 2027, then the City shall enact and implement:

- additional rezoning outside of Priority Equity Geographies and areas vulnerable to displacement, and
- additional constraints reductions for housing projects, including existing projects in the development pipeline.

This additional rezoning and additional constraints reductions shall accommodate 115% of the shortfall, minus any capacity created by the rezoning(s) in Action 7.1.1 in excess of 36,282 units.

The scope of this additional rezoning and additional constraint reduction:

- shall account for sites' likelihood of development during the RHNA planning period, and affirmatively incorporate the results of an analytical model and the cumulative constraints analysis described in Action 8.1.8 to increase supply choice and affordability and accommodate the RHNA in the planning period.
- shall not impose any new governmental constraints not already in effect on January 31, 2027 to the development of housing unless that constraint is offset by the repeal or mitigation of another constraint.

- shall consider progress and implement strategies toward meeting the RHNA goals by income group and AFFH objectives, including strategies considered under 8.1.10.
- shall consider outreach community engagement, in alignment with Program area 4.2 with in areas that may be disproportionately impacted with displacement risk beyond Priority Equity Geographies.

The City shall complete this effort, if needed, by July 31, 2028. The City will implement this program in consultation with HCD, including HCD approval.

8.1.6. In alignment with the provisions and purpose of the Housing Crisis Act of 2019 (Government Code 66300 et seq.), any City-adopted rezoning or development controls shall not impose any new governmental constraints to the development of housing unless those increased constraints are offset by the removal or reduction of other constraints. A "new governmental constraint" is a city-imposed requirement, including but not limited to process, fees, or design, that increases the cost of development not in effect on January 31, 2023, not including mitigation measures adopted in compliance with CEQA or a requirement adopted to specifically protect against a threat to health or safety.

8.1.10 By January 2026, the Interagency Housing Element Implementation committee (see Action 4.1.4) will assess if the City has approved the appropriate housing units by income level to meet the RHNA goals. If the City is behind the pro rata affordable housing production goals the Interagency Housing Element Implementation committee should trigger:

- Increase of additional City funding for affordable housing and pursuit of additional State funding
- Increase the land banking strategy to accommodate 50 percent more affordable housing units than the capacity of the sites acquired from 2022 through 2025

The City will implement these actions in consultation with HCD.

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

RECUSED: Ruiz

RESOLUTION: [21220](#)

- 7b. [2019-016230GPA](#) (J. PAPPAS: (628) 652-7470)
HOUSING ELEMENT 2022 UPDATE – Consideration of a Resolution recommending **Adoption** of a proposed Ordinance to amend the San Francisco General Plan to adopt the Housing Element 2022 Update and conforming amendments to the Air Quality, Commerce & Industry, Environmental Protection, and Urban Design Elements – Pursuant to San Francisco Charter Section 4.105, Planning Code Section 340(c) and Section 306.3, the Planning Commission may consider adopting a resolution recommending adoption of a proposed Ordinance to amend the San Francisco General Plan to adopt the Housing Element 2022 Update and conforming amendments to the Air Quality, Commerce & Industry, Environmental Protection, and Urban Design Elements. On November 17, 2022,

the Planning Commission adopted Resolution No. R-21207 to initiate these amendments to the General Plan.

Preliminary Recommendation: Adopt Resolution Recommending Adoption of the Housing Element 2022 Update and Conforming General Plan Amendments to the Board of Supervisors

SPEAKERS: Same as item 7a.

ACTION: Adopted Update as Amended and read into the record by Staff.

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

RECUSED: Ruiz

RESOLUTION: [21221](#)

- 7c. [2019-016230GPA](#) (J. PAPPAS: (628) 652-7470)
HOUSING ELEMENT 2022 UPDATE – Consideration of a Resolution to **Initiate** amendments to the San Francisco General Plan – Pursuant to San Francisco Charter Section 4.105, Planning Code Section 340(c) and Section 306.3, the Planning Commission may consider adopting a Resolution to Initiate amendments to the General Plan, a proposed revision of the Housing Element, and schedule a public hearing to consider adopting the proposed General Plan amendments. This initiation hearing is to consider when the adoption hearing will be held. If the Planning Commission passes the initiation resolution, the Commission will consider the content at the adoption hearing date of their choosing. Department staff propose the adoption hearing to be scheduled on or after January 5, 2022, to provide for the possibility that the state reviewers may ask for additional amendments to the Housing Element 2022 Update and/or conforming amendments.

Preliminary Recommendation: Adopt a Resolution to Initiate

SPEAKERS: Same as item 7a.

ACTION: Initiated

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

RECUSED: Ruiz

RESOLUTION: [21222](#)

F. 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.

9. [2022-003765DRP](#) (D. WINSLOW: (628) 652-7335)
110 32ND AVENUE – east side between El Camino Del Mar and California Streets; Lot 009 in Assessor's Block 1312 (District 1) – Request for **Discretionary Review** of Building Permit No. 2022. 0329.1124 for the construction of a third-story horizontal addition to a three-story single-family dwelling within a RH-1(D) (Residential-House, One Family-Detached) Zoning District and 40-X Height and Bulk District. The Planning Department issued a preliminary mitigated negative declaration 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: Do Not Take Discretionary Review and Approve

SPEAKERS: = David Winslow – Staff report
- Sanford Garfinkel – DR presentation
+ Samuel Kwong – Project sponsor presentation
ACTION: No DR
AYES: Braun, Ruiz, Diamond, Imperial, Koppel, Moore, Tanner
DRA: [805](#)

ADJOURNMENT 5:18 PM
ADOPTED JANUARY 5, 2023