

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 14, 2023
12:00 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 12:30 PM

STAFF IN ATTENDANCE: Aaron Starr, Audrey Merlone, Monica Giacomucci, Dan Sider, Kate Conner, Claire Feeney, Nicholas Foster, David Winslow, Corey Teague – Zoning Administrator, Elizabeth Watty – Director of Current Planning, Rich Hillis – Planning Director, Jonas P. Ionin – Commission Secretary

SPEAKER KEY:

- + INDICATES A SPEAKER IN SUPPORT OF AN ITEM;
- INDICATES A SPEAKER IN OPPOSITION TO AN ITEM; AND
- = INDICATES A NEUTRAL SPEAKER OR A SPEAKER WHO DID NOT INDICATE SUPPORT OR OPPOSITION.

A. CONSIDERATION 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. 2022-010007CUA (R. SALGADO: (628) 652-7332)
345 SPEAR STREET – block bounded by Folsom Street to the North, Embarcadero to the East, Harrison Street to the East and Spear Street to the West; Lot 002 in Assessor's Block 3744 (District 6) – Request for **Modification**, specifically, the Child Care Condition of Approval (under Condition "C") for an existing Conditional Use Authorization approved by the Planning Commission on November 14, 1985, under Motion No. 10505, related to the Project's required on-site childcare center. The Project authorized under Motion No. 10501 included the adaptive reuse of the historic Hills Bros. building to office use and the construction of a new mixed-use building

with office, residential, and retail space on the subject property. No physical modifications to the existing on-site childcare center are being sought in connection with this Conditional Use Authorization. The Project Site is within the RH DTR (Rincon Hill Downtown Residential) Zoning District and 105-X/84-X/85/200-R Height and Bulk Districts.

Preliminary Recommendation: Approved with Conditions

(Continued from Regular hearing on October 26, 2023)

(Proposed for Indefinite Continuance)

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

2. [2023-000711CUA](#) (M. GIACOMUCCI: (628) 652-7414)
1060 HOWARD STREET– north side between Russ and 7th Streets; Lot 022 in Assessor's Block 3726 (District 6) – Request for **Conditional Use Authorization** pursuant to Planning Code Sections 202.8 and 303 to convert a total of 15,900 square feet of Production, Distribution, and Repair use on the first through third floors of the subject property to Institutional Community Use (d.b.a. "Swords to Plowshares") within a MUG (Mixed Use-General) Zoning District and 85-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
 (Continued from Regular hearing on September 14, 2023)
(Proposed for Indefinite Continuance)

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

B. CONSENT CALENDAR

All matters listed hereunder constitute a Consent Calendar, are considered to be routine by the 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.

3. [2023-007207CUA](#) (M. LANGLEY: (628) 652-7410)
615 SANSOME STREET – west side between Jackson and Washington Streets; Lot 003 in Assessor's Block 0196 (District 3) – Request for **Conditional Use Authorization** pursuant to Planning Code Sections 303(c)&(n) and 210.1 to establish a Massage Establishment use (d.b.a. Pine Spa) at the third floor of the subject property, within a C-2 (Community Business) Zoning District, Jackson Square and Washington-Broadway SUD (Special Use Districts), and 65-A 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, Ruiz, Diamond, Imperial, Koppel, Moore, Tanner
 ABSENT: None
 MOTION: [21467](#)

4. [2022-011663CUA](#) (M. WOODS: (628) 652-7350)
250-270 MASONIC AVENUE – northeast corner of Turk Boulevard; Lots 002 and 003 in Assessor's Block 1111 (District 2) – Request for **Conditional Use Authorization**, pursuant to Planning Code Sections 209.2 and 303(c) to convert the existing blood donation center (a medical service/health service use under the Planning Code) to a post-secondary educational institution use for the University of San Francisco within a RM-1 (Residential-Mixed, Low Density) 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, Ruiz, Imperial, Koppel, Moore, Tanner
ABSENT: None
RECUSED: Diamond
MOTION: [21468](#)

C. COMMISSION MATTERS

5. 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.

6. CONSIDERATION OF ADOPTION:

- [Draft Minutes for November 30, 2023](#)

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

7. COMMISSION COMMENTS/QUESTIONS

Commissioner Diamond:

Over the weekend, there was an article in the Chron about a property owner who is, went through a lot of process to get his deck approved. Um, and I wondered if Director Hillis you want to comment on the process he went through and whether that's typical and, you know, the role Planning Department tries to play and expediting.

Rich Hillis, Planning Director:

Yeah. I mean, so it was a variance, right? He needed a variance because the existing building is built into the required rear yard. So, to expand that with a deck, he needed a variance for that project. I think where things got kind of off on the wrong track is he also needed a 311, he had to notify neighbors with his building permit. Those weren't combined. So, he did the variance first and then did the 311 notice. Normally we suggest that those things happen at the same time, so there aren't kind of two areas where you need to notify neighbors. In this case, I don't know the details on why that didn't happen, but that didn't happen in this case. Whether it was the project sponsor or there was some miscommunication on our part. But normally those travel together, so there's

only one, at one time you'd have to make that notice. You also have to do a pre-application notice. And that's our Commission policy, which I think we're looking at to as a result of the Constraints Ordinance being passed. So, we'll have more details on that in the upcoming year too.

Elizabeth Watty, Director of Current Planning:

And I would just, one other thing I'll add on that actually, starting January 1, as we're rolling out implementation of complying with AB 1114, those will inherently always be merged together without the applicant having to know or ask to do that. It'll just be an automatic matter, of course, that we'll conduct those notifications concurrently.

Commissioner Diamond:

I'm delighted to hear that. I don't feel like we should be in a position where anybody, especially individual property owners, should feel like they need to hire permit expeditors to understand the rules that it should. We as a Department and staff should be giving guidance and assistance to people who are trying to navigate our processes and delighted to hear that starting in January, it's going to be a little simpler anyway.

President Tanner:

Thank you. My only comment would just be to note, obviously it's our last hearing of 2023, it's been quite a year for the City, for the Department, for the Commission. I just want to thank staff, thank our Secretary, thank all of you folks who have brought projects or called in or come in person to testify and to give feedback on our project. So, looking forward to another good year next year, but thank you all for your service. And thank you again for just making it a really, I think a pleasant way, for my experience, to give back to the City to serve on this, this Commission with all of you. So, thank you again.

D. DEPARTMENT MATTERS

8. DIRECTOR'S ANNOUNCEMENTS

Rich Hillis, Planning Director:

Just one item from me. I would ask if we can adjourn today's meeting in honor of Gigi Platt, who passed away. She passed away yesterday. I heard from Mark Reiser. She served on the Landmark Preservation Advisory Board, I think in the 70s or maybe the 80s, but she was a fierce advocate for Preservation. She also sat on the Historic Preservation Fund Committee, which was that \$2.5 million settlement from Westfield and kind of advising on how we spent that money. She was on the Board of Heritage, where she was legendary in the Preservation community. So, I just ask that we adjourn the meeting in her honor. We're doing the Citywide Survey, which I think is something she pushed for years to do.

President Tanner:

Certainly.

9. 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

[230704](#) Planning Code - Fleet Charging Locations and Parcel Delivery Service. Sponsor: Chan. Staff: Delumo.

First on the agenda was Supervisor Chan's ordinance that would prohibit Parcel Delivery Services from being an accessory use to Fleet Charging. Commissioners, you heard this item on November 16 and recommended approval with modifications.

That modification was to amend the language to make clear Parcel Delivery Service activity would still be allowed with a separate entitlement.

During the hearing Supervisor Chan requested that the Commission's proposed amendments be added to the ordinance, that motion was made and passed. There were only a couple public commentors, representing various unions, and all were in support of the ordinance. The item was then forwarded to the Full Board with a positive recommendation.

[231033](#) Planning Code - Landmark Designation - Chata Gutierrez Mural. Sponsor: Ronen. Staff: LaValley.

[231034](#) Planning Code - Landmark Designation - Carnaval Mural. Sponsor: Ronen. Staff: LaValley.

Next the Committee consider two landmark designations, sponsored by Supervisor Ronen.

The first was the landmark designation for the Chata Gutierrez Mural, 3175 24th Street. This Designation was initiated by the Board on 3/21/23. The HPC unanimously recommended approval 9/18/23.

The Chata Gutierrez Mural, painted in 2015, is a tribute to a cultural icon of the Latinx community, is a cultural asset that has a significant association with the Mission District's Pan-Latino community, and celebrates the Latin Music Movement, a significant and vibrant part of San Francisco's cultural heritage.

The second landmark designation was also for a mural, the Carnaval Mural located at 1311-1315 South Van Ness Avenue. This designation was Initiated by BOS 3/21/23 and unanimously approved by the HPC on 9/18/23.

The Carnaval Mural, painted in 1983, is a cultural asset with significant and longstanding association with the Mission District's Pan-Latino community, celebrating Latin music and culture in the Mission District. In addition, the Carnaval Mural has high artistic value and is representative of the Community Art Movement, or Mission Muralismo, a distinctive mode of expression within the Mission District, which is internationally known for its rich collection of murals.

There was one public comment period for both items. Many members of the Mission community came out to voice their support for the two designations, and the artist for the Carnaval mural was also present to provide public testimony. After public comment, the Committee then forwarded the two items to the Full Board as a committee report with a positive recommendation.

[231258](#) Planning and Subdivision Codes, Zoning Map - Housing Production. Sponsor: Mayor. Staff: Starr.

Next the Committee heard one of the duplicated versions of the Constraint's reduction ordinance. The intention with this ordinance is to add some of the amendments that Supervisor Peskin's office brought for discussion before the Planning Commission a couple of weeks ago. Mainly the changes that would add 311-notification to Chinatown. Peskin's amendments were not ready yet, but Staff did seek the 311 changes that the Commission recommended be added to the ordinance. These amendments would change building permit to planning entitlement. The Committee did accept those amendments and continued the item to the first Land Use hearing in January.

[230310](#) Planning Code - State-Mandated Accessory Dwelling Unit Controls. Sponsor: Mayor. Staff: Starr.

Next the Committee considered the proposed changes that would bring the Planning Code into alignment with the State ADU program. Commissioners, you heard this item September 28 and recommended approval with modifications. That modification was:

Amend the Code to exclude ADUs from dwelling unit mix requirements.

Planning staff also read into the record several other changes that HCD said we needed to include in the ordinance to be compliant with state law. These amendments had not been considered by the Planning Commission, so the idea was to have the amendments made in committee and then referred back to the Planning Commission for your review.

Supervisor Peskin took exception to the amendments, claiming them to be last minute and that he would be skirting his responsibility as a legislator if he accepted them without fully understanding them. This was a surprise to us, as staff at the mayor's office did send these amendments to all Land Use committee members via email on December 6 with an offer for a briefing. Making our Planning Code consistent with State ADU rules is essential in San Francisco receiving it pro-housing designation from the state.

The amendments were not taken, and the item was the continued to January.

230706 Planning Code - Eliminating Public Art Requirement for 100% Affordable Housing Projects. Sponsor: Dorsey. Staff: Merlone.

Next the Committee considered Supervisor Dorsey's ordinance that would amend the Planning Code to eliminate the public art requirement for 100% affordable housing projects in the C-3 District and provide for the relocation or removal of existing artwork at such projects subject to certain conditions.

The Planning Commission heard this item on November 16, 2023, and voted to approve the ordinance with several modifications. Those modifications include:

1. Create new and clarify existing Criteria for the ZA's Consideration.
2. Add clarifying language to the removal, relocation, and alteration provisions so that 100% Affordable Housing Projects proposing a *minor* relocation or alteration of the artwork are offered the same, less onerous process currently available to market-rate projects.
3. Amend Administrative Code Section 3.19 to exempt 100% affordable housing projects, including 100% affordable residential buildings built to satisfy affordable housing requirements of market rate projects, from the 2% for art enrichment requirement.
4. And other technical amendments

Prior to the Land Use Committee hearing, Supervisor Dorsey had multiple conversations with stakeholders who were concerned about removing the public art requirement for future affordable housing projects. As such, at the Land Use Committee, the Supervisor requested that the Committee duplicate the ordinance, and make the Commission's first two recommended modifications that relate to artwork on existing affordable housing buildings along with the technical amendments.

These amendments were made to the duplicated file and unanimously moved it forward with a positive recommendation as a Committee Report. The Committee did **not** make the Commission's recommended modifications related to future projects. The original file will remain unchanged at the Land Use Committee and was continued to the call of the chair.

During public comment, one person spoke to emphasize that artists are local businesses, and that funding should be set aside to pay them, and one owner from the 1400 Mission Street spoke to emphasize the importance of being able to remove vandalized public art from 100% affordable buildings because of the cost to the building's BMR residents. Finally, a representative from Council of Community Housing Organizations spoke to state their support for the ability of 1400 Mission to remove their vandalized artwork, but that the organization still had concerns about removing the public art requirement for future 100% affordable projects.

230863 Planning Code - Exceptions from Limits on Conversion of Production, Distribution and Repair, Institutional Community, and Arts Activities Uses in Eastern Neighborhood Plans Areas. Sponsor: Dorsey. Staff: Merlone. Item 9

Finally the committee considered Supervisor Dorsey's ordinance that would amend the replacement requirements established via Prop X. The ordinance would exempt changes of use from one protected use (PDR, Institutional Community, or Arts Activities use) to another protected use, or to any Institutional use in the areas that as of July 1, 2016 were zoned SALI, MUO, SLI, MUG, or MUR.

The Planning Commission heard this item on October 26th, 2023, and voted to approve the ordinance with a recommended modification that the Board consider placing a ground floor square footage cap on proposed changes of use that would be exempt from replacement requirements.

At the Land Use Committee, Supervisor Dorsey's office requested that the Committee make an amendment to place a 25,000-ground floor square footage cap as the Commission recommended. The Committee accepted this amendment before unanimously moving the item forward to the full Board as a Committee report. There was only one public commentor who spoke in favor of the ordinance.

Full Board

[230505](#) Planning Code, Zoning Map - Wawona Street and 45th Avenue Cultural Center Special Use District. Sponsor: Engardio. Staff: Pantoja. PASSED Second Read

[230701](#) Planning Code - Citywide Expansion of Allowable Commercial, Restaurant, and Retail Uses. Sponsors: Mayor; Engardio, Dorsey, Melgar and Stefan. Staff: V. Flores. PASSED Second Read

[230446](#) Planning and Subdivision Codes, Zoning Map - Housing Production. Sponsors: Mayor; Engardio and Dorsey. Staff: Starr. Passed Second Read

231187 Hearing - Appeal of Tentative Parcel Map Approval - 1365-1371 York Street. Staff: Starr. Continued to January

[231056](#) Mills Act Historical Property Contract - 2209 Webster Street. Staff: Ferguson. Adopted

[231058](#) Mills Act Historical Property Contract - 988 Market Street. Staff: Ferguson. Adopted

[230704](#) Planning Code - Fleet Charging Locations and Parcel Delivery Service. Sponsor: Chan. Staff: Delumo. Passed First Read

[230706](#) Planning Code - Eliminating Public Art Requirement for 100% Affordable Housing Projects. Sponsor: Dorsey. Staff: Merlone. Passed First Read

[230863](#) Planning Code - Exceptions from Limits on Conversion of Production, Distribution and Repair, Institutional Community, and Arts Activities Uses in Eastern Neighborhood Plans Areas. Sponsor: Dorsey. Staff: Merlone. Passed First Read

[231033](#) Planning Code - Landmark Designation - Chata Gutierrez Mural. Sponsor: Ronen. Staff: LaValley. Passed First Read

[231034](#) Planning Code - Landmark Designation - Carnaval Mural. Sponsor: Ronen. Staff: LaValley. Passed First Read

Corey Teague, Zoning Administrator:

Good afternoon, President Turner, Commissioners. Corey Teague, Zoning Administrator. The Board of Appeals did have a lengthy hearing last night, and there were two cases that were the bulk of that and that were of interest to the Commission. The first was an appeal of a reasonable modification granted to 51 Prosper Street. And if you recall this was originally before the Planning Commission as a Conditional Use Authorization request to merge two dwelling units that was running into SB 330 challenges. It was determined that the impetus for that request was because the occupant and owner had a qualifying disability and could qualify for the reasonable modification process instead of a conditional use. They went through that process. The proposal was for a four merger. There are two criteria that must be considered out of seven for a reasonable modification. One is, are there other alternatives than what's being requested to provide the physical accommodation and with the accommodation represent a fundamental alteration to the code of the General Plan. So, the final determination was to not grant a modification that allowed the full legal merger of two units, but allowed the interior connection between the two units that be opened up to be used essentially as one unit, as long as there was that need, and then after that need was no longer there, within a reasonable time frame, have that connection closed. The applicant appealed that decision to the Board of Appeals, requesting for the full legal merger of the two units on the basis that the burden to close the connection would be too burdensome, and for a desire to go from 5 to 4 units in the building for more favorable financing and insurance. This was the first reasonable modification to be appealed to the Board of Appeals. So, it was a bit of an education for everyone on what this is and how it works, and they, the Board, was very understanding of the attempt to try to balance both policies of providing a reasonable accommodation while also preserving rent controlled units and trying to find that ultimately, though,

they did determine that the specific situations in this case only was compelling enough. And even though they acknowledged they were not the Planning Commission, they kind of posited that they thought that it was likely that if they came back for the Conditional Use Authorization, that they may be likely to get it. And so on that basis, they granted the appeal and the reasonable modification for the full legal merger of two units in the building.

The second case was 1228 Funston Avenue, which, as you may recall, has been before the Commission twice, once in 2017 as a DR and then once in March of this year as a second DR. Essentially the same project, though, if you'll recall back in 2014, they submitted a building permit for a three-story addition that had already been built. It was determined, so Rodrigo Santos situation. Ultimately, the Department requested them to make changes to be consistent with the Residential Design Guidelines, and they refused to do that. So, it came to the Planning Commission. The Planning Commission required them to reduce the amount of additions that had been constructed and they basically did not do that with, that permit was canceled. They filed a 2019 permit to actually comply with those conditions, that permit has been issued. But then in 2021, with a new team, they proposed a new permit that kept the same building mass to legalize, but proposed a second small garden studio on the ground floor, and that it came back before the Planning Commission because of the prior DR. The applicant had claimed that the changed circumstances were the addition of the second unit, which triggered Housing Accountability Act and their opinion, and that the adjacent property had had another building approved since that time, which changed the Residential Design Guideline context. As you may recall, the Planning Commission did not agree with that analysis and expressed their frustration that the original decision had not been acted upon and this issue was still outstanding. And you voted 5 to 1 to take DR again. You have the same conditions of approval and add some timelines as well. They appealed that decision, well they refused to make those changes to permit. The permit was canceled again and that was appealed to the Board of Appeals. Once again I think the Board of Appeals was frustrated and understanding of the situation and were very conflicted on the best path forward and spent a lot of time trying to figure out what was the best way to not incentivize this action in the future, but also come to some resolution that could actually happen on this site. There were concerns that the actual financial cost to do the work after this time would be substantial and could lead to leaving the property kind of in limbo. The property owners weren't able to do that. So ultimately, they voted to grant the appeal with a slightly different outcome, to permit the physical building addition, three story addition, but to acquire the rear decks and stairs be removed, require the ground floor studio garden unit to be expanded a little bit into the garage area to increase the size of that unit, and to acquire if not already applicable, that that unit be subject to rent control. And so that would be, that permit will be able to move forward in that way, and that project will be able to be finished, and that issue resolved kind of, hopefully for good at this point. But that is all from the Board of Appeals report but available for any questions you may have.

Commissioner Koppel:

That was the project where the tenant was a general contractor and knowingly did all the work without permits.

Corey Teague, Zoning Administrator:

There was I can't remember which person associated with the property, and there was a lot of conversation about that person being the contractor. And what that meant for them as well. So, so yes, that was the same project.

President Tanner:

Thank you for your report.

E. GENERAL PUBLIC COMMENT

SPEAKERS: Georgia Schuttish –Residential Flat Policy
Sue Hestor – How are items posted, reopen remote public comment

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.

10. [2023-009168PCA](#) (A. MERLONE: (628) 652-7534)
EXCEPTIONS AND EXTENSIONS FOR EXISTING USES – Planning Code Amendment – Ordinance amending the Planning Code to: modify offset requirement for heights exceeding 30 feet in the Bernal Heights Special Use District; permit large movie theater signage in the Japantown Special Use District; allow Medical Cannabis Dispensaries to continue operating as Temporary Cannabis Retail Uses until December 31, 2024; clarify eligibility for reduction in Inclusionary Housing requirements; and correct an error in the Zoning Control Table for the Urban Mixed Use District; and affirming the Planning Department’s determination under the California Environmental Quality Act; making findings of consistency with the General Plan and the eight priority policies of Planning Code, Section 101; and making findings of public necessity, convenience, and welfare pursuant to Planning Code, Section 302.

Preliminary Recommendation: Approve with Modifications

SPEAKERS: = Audrey Merlone – Staff report
 ACTION: Approved with Modifications
 AYES: Braun, Ruiz, Diamond, Imperial, Koppel, Moore, Tanner
 ABSENT: None
 RESOLUTION: [21469](#)

- 11a. [2022-011490PCA](#) (M. GIACOMUCCI: (628) 652-7414)
DOWNTOWN RAIL EXTENSION FEE WAIVER [231164] – Planning Code Amendment – Ordinance, sponsored by Supervisor Dorsey, amending Planning Code Section 406 to allow for a conditional waiver or reduction of the Transportation Sustainability Fee (Section 411A) and Eastern Neighborhoods Infrastructure Impact Fee (Section 423) when a Project Sponsor for a Project located along the corridor of the Downtown Rail Extension (DTX) enters into an agreement with the Transbay Joint Powers Authority (TJPA) to use an agreed-upon foundation type or shoring system and affirming the Planning Department’s determination under the California Environmental Quality Act; making findings of consistency with the General Plan and the eight priority policies of Planning Code, Section 101; and making findings of public necessity, convenience, and welfare pursuant to Planning Code, Section 302.

Preliminary Recommendation: Approve

SPEAKERS: = Monica Giacomucci – Staff report
 + Madison Tam, Legislative aide to Sup. Dorsey – Introduction to ordinance
 + Speaker – Project sponsor presentation
 + Strachan Forgan – Design presentation
 + Armie Morgan – A great partner to the union labor trade
 + Carla Laurel – Great partnership, they take care of the community
 + Alana Callagy – Supports the project
 = Speaker – Project sponsor response to comments and questions
 ACTION: Approved
 AYES: Braun, Ruiz, Diamond, Koppel, Moore, Tanner
 NAYS: Imperial
 ABSENT: None
 RESOLUTION: [21470](#)

- 11b. [2022-011490ENX](#) (M. GIACOMUCCI: (628) 652-7414)
655 04TH STREET – northeast corner of Townsend Street; Lots 026, 028, 050, 161-164 in Assessor’s Block 3787 (District 6) – Request for **Large Project Authorization** pursuant to Planning Code Sections 249.78 and 329 for new construction over 85 feet in height and measuring more than 50,000 gross square feet in size in the CMUO Zoning District for the proposed Project at 655 4th Street, 280-290 and 292-269 Townsend Street. The project proposes to demolish three existing buildings and associated parking lots and construct a new building that includes two residential towers up to 380 and 400 feet tall, respectively (405’ and 435’ tall inclusive of rooftop screening/mechanical equipment). The Project includes 1,105 dwelling units (129 studios, 539 one-bedrooms,

400 two-bedrooms, and 37 three-bedrooms totaling 1,032,528 gsf of residential use), 9,857 gsf of ground-floor retail use, 33,996 gross square feet of private common open space, and 9,153 gross square feet of Privately Owned Public Open Space (POPOS) within a plaza located at the corner of 4th and Townsend Streets. Other features include six off-street loading spaces, 271 parking spaces, 13 car-share spaces, and 354 Class 1 bicycle parking spaces. The project requests waivers from the following Planning Code requirements: Section 132.4 (Building Setbacks, Streetwall Articulation, and Tower Separation); Sections 135 & 329(e)(3)(B)(vi) (Usable Open Space); Sections 140 & 249.78(d)(11) (Dwelling Unit Exposure); Section 145.1 (Street Frontage); Section 145.4 (Required Ground Floor Commercial Uses); Section 155(r) (Protected Pedestrian-, Cycling-, and Transit-Oriented Street Frontages); Section 249.78(d)(9) (Wind); Section 249.78(c)(6) (Use on Large Development Sites); and Section 270(h) (Central SoMa Bulk Controls). The project site was identified as a “Key Site” in the Central SoMa plan and is located within the CMUO (Central SoMa-Mixed Use Office) Zoning District and 400-X Height and Bulk District. The Planning Department issued a general 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

SPEAKERS: Same as item 11a.
 ACTION: Approved with Conditions
 AYES: Braun, Ruiz, Diamond, Koppel, Moore, Tanner
 NAYS: Imperial
 ABSENT: None
 MOTION: [21471](#)

- 11c. [2022-011490CUA](#) (M. GIACOMUCCI: (628) 652-7414)
[655 04TH STREET](#) – northeast corner of Townsend Street; Lots 026, 028, 050, 161-164 in Assessor’s Block 3787 (District 6) – Request for **Conditional Use Authorization** pursuant to Planning Code Sections 303 and 317 for removal of two existing dwelling units for the proposed Project at 655 4th Street, 280-290 and 292-269 Townsend Street involving the demolition of three existing buildings and associated parking lots and construction of a new building that includes two residential towers containing 1,105 dwelling units (approximately 1,032,528 square feet), 9,857 gross square feet of ground-floor retail use, 33,996 gross square feet of private common open space, and 9,153 gross square feet of Privately Owned Public Open Space (POPOS) within a plaza located at the corner of 4th and Townsend Streets. The project site was identified as a “Key Site” in the Central SoMa plan and is located within the CMUO (Central Soma-Mixed Use Office) Zoning District and 400-X Height and Bulk District. The Planning Department issued a general 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

SPEAKERS: Same as item 11a.
 ACTION: Approved with Conditions
 AYES: Braun, Ruiz, Diamond, Koppel, Moore, Tanner
 NAYS: Imperial
 ABSENT: None
 MOTION: [21472](#)

12. [2023-011168CRV](#) (A. STARR: (628) 652-7533)
RESOLUTION DELEGATING AUTHORITY TO THE PLANNING DIRECTOR FOR STATE DENSITY BONUS PROJECTS – Planning Commission Resolution – Resolution delegating authority to make findings necessary for waivers and concessions under the State Density Bonus Law, Pursuant to Planning Code 206.6 (The Individually Requested State Density Bonus Program) to the Planning Director when no other entitlements are required.

Preliminary Recommendation: Adopt Resolution

SPEAKERS: = Aaron Starr – Staff report

- Jerry Dratler – City lacks accurate data, illegal evictions and demolitions
- Ozzy Rohm – Do not delegate to just one person
- Sandra Dratler - Misrepresentations
- Sue Hestor – Displacements, community postings on tenant evictions
- Bridgette Maley – Going against the will of the voters, public input is a must
- Teresa Flandrick – Strongly oppose
- = Rich Hillis – Response to comments and questions
- = Liz Watty - Response to comments and questions

ACTION: Approved as amended to include oral reports from the Director and a dedicated webpage.

AYES: Braun, Diamond, Koppel, Tanner

NAYS: Ruiz, Imperial, Moore

ABSENT: None

RESOLUTION: [21473](#)

13. (D. SIDER: (628) 652-7539)

TENANT PROTECTIONS– Informational Presentation on the regulations, programs, and policies that protect San Francisco’s renters. Planning Department staff will be joined by staff from the Rent Board and from the Mayor’s Office of Housing and Community Development.

Preliminary Recommendation: None – Informational

- SPEAKERS:
- = Dan Sider – Staff presentation
 - = Joey Koomas – SF Rent Board presentation
 - = Hugo Ramirez – MOHCD presentation
 - = Georgia Schuttish – The Residential Flat Policy needs to be codified. This is a tool that the Commission can use to protect tenants...now and in the future. Many Flats have been lost over the past decade throughout the City. Tenants are evicted or bought-out. Flats have been turned into mega mansion single family homes, speculative developments that have increased the prices by millions of dollars. Residential Flats are everywhere, throughout the City. They are a vital part of the City’s housing stock. Flats are usually equal in size and may have unoccupied space on the ground level that can be converted into a third Flat or ADU. The Flat policy should be codified to preserve Flats in their original configuration and location within a structure. The spine of a Flat is the hallway that links the rooms from front to rear. The hallway is an objective design feature. Flats provide family housing.
 - Renee Curan – Concerns, demolitions of rent controlled housing
 - Ozzy Rohm – Cannot trust the department with protecting tenant’s rights
 - Jerry Dratler – What reports are available, insist on performance reports
 - Speaker – Concerns with developers taking down units
 - Joseph – Right to return of displaced tenants
 - Anastasia Yovanopoulos – Renter’s opportunity to speak
 - Teresa Flandrick – Percentage of actual compliance, right of return
 - + Speaker – Encourage and implement SB 330
 - Vanessa – Tenant displacement
 - = Kate Conner – Response to comments and questions
 - = Rich Hillis – Response to comments and questions
 - = Liz Watty – Response to comments and questions
- ACTION: Reviewed and Commented

14. [2020-006857CUA](#) (C. FEENEY: (628) 652-7313)

724 VALENCIA STREET – west side between 18th and 19th Streets; Lot 004 in Assessor’s Block 3588 (District 9) – Request for **Conditional Use Authorization**, pursuant to Planning Code Sections 202.2, 303, and 762 to establish an approximately 2,450 square foot Cannabis Retail use with no on-site smoking, vaporizing, or consumption permitted, in a vacant ground floor storefront of a two-story mixed-use building, within the Valencia Street NCT (Neighborhood Commercial Transit) Zoning District and 55-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: = Claire Feeney – Staff report
 + Bianca Gutierrez – Project sponsor presentation
 + Bishop Luis Garcia – Stop the stigma, will end sale of illegal cannabis on the streets
 + Sergio Guevarra – Support, length of time to
 + Speaker – Great program to help the local community, keep the streets clean
 + Speaker – Latina owned, will focus on Latina women
 + Marcos – Good for the community
 + Jeremy Paul – Increase pedestrian traffic in the area
 + Cindy Dela Vega – Support
 + Speaker – Historic to have a Latina owned dispensary

ACTION: Approved with Conditions

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

ABSENT: None

MOTION: [21474](#)

15a. [2015-009704ENX](#)

(R. SALGADO: (628) 652-7332)

505 BRANNAN STREET – south side between 4th and 5th Streets; Lot 322 in Assessor's Block 3786 (District 6) – Request for **Large Project Authorization** pursuant to Planning Code Section 329 to allow the construction of a vertical addition of more than 85 feet in height and greater than 50,000 gross square feet and an exception from the wind compliance guidelines of the Central SoMa SUD (Section 249.78(d)(7) for a Project that would construct an 11-story, approximately 125,000-square-foot vertical addition on top of the existing six-story, approximately 122,000-square-foot building containing Office and Retail Uses. The Project is the second phase of a mixed-use office development at the Project Site, with phase one being the existing building constructed in 2018 (approved through Motion Nos. 19293–19295 under Planning Department Case No. 2012.1187BCX). The existing building was designed to accommodate the Project from the outset, both structurally and programmatically. The Project would add approximately 115,000 square feet of Office Use to the Project Site and convert approximately 10,000 square feet of Office Use at the existing ground floor and basement level one to Arts Activities (a Production, Distribution, and Repair use). No changes are proposed to the existing basement level two, streetscape, or number of vehicular and bicycle parking spaces. While the Project will add approximately 125,000 square feet of office space to the Project Site, only 95,000 square feet of net new office space is being requested for allocation. This is because the approval for the existing six-story building allocated 137,446 square feet of office space to the Project Site but the existing building only used 116,814 square feet of office space once constructed, resulting in a surplus allocation of 20,632 square feet. In addition, the Project proposes to convert 10,236 square feet of office space in the existing building to an Arts Activities use. The surplus allocation from the existing building combined with the additional office square footage available once existing office space is converted to a different use results in 30,868 square feet of office space that has already been approved for the Project Site being available to use toward the Project's office addition, so that only 95,000 square feet of net new office allocation must be sought. The project site is located within the CMUO (Central SoMa-Mixed Use Office) Zoning District, Central SoMa SUD (Special Use District), and 250-CS 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

SPEAKERS: = Nick Foster– Staff report
 + John Kevlin – Project sponsor presentation
 + Eric Lundquist – Design presentation
 = Corey Teague – Response to comments and questions

ACTION: Approved with Conditions

AYES: Braun, Ruiz, Diamond, Imperial, Koppel, Moore, Tanner
 ABSENT: None
 MOTION: [21475](#)

15b. [2015-009704OFA](#)

(R. SALGADO: (628) 652-7332)

505 BRANNAN STREET – south side between 4th and 5th Streets; Lot 322 in Assessor's Block 3786 (District 6) – Request for **Office Allocation** pursuant to Planning Code Sections 320–325, to establish approximately 115,000 square feet of new office use for a Project that would construct an 11-story, approximately 125,000-square-foot vertical addition on top of the existing six-story, approximately 122,000-square-foot building containing Office and Retail Uses. The Project is the second phase of a mixed-use office development at the Project Site, with phase one being the existing building constructed in 2018 (approved through Motion Nos. 19293–19295 under Planning Department Case No. 2012.1187BCX). The existing building was designed to accommodate the Project from the outset, both structurally and programmatically. The Project would add approximately 115,000 square feet of Office Use to the Project Site and convert approximately 10,000 square feet of Office Use at the existing ground floor and basement level one to Arts Activities (a Production, Distribution, and Repair use). No changes are proposed to the existing basement level two, streetscape, or number of vehicular and bicycle parking spaces. While the Project will add approximately 125,000 square feet of office space to the Project Site, only 95,000 square feet of net new office space is being requested for allocation. This is because the approval for the existing six-story building allocated 137,446 square feet of office space to the Project Site but the existing building only used 116,814 square feet of office space once constructed, resulting in a surplus allocation of 20,632 square feet. In addition, the Project proposes to convert 10,236 square feet of office space in the existing building to an Arts Activities use. The surplus allocation from the existing building combined with the additional office square footage available once existing office space is converted to a different use results in 30,868 square feet of office space that has already been approved for the Project Site being available to use toward the Project's office addition, so that only 95,000 square feet of net new office allocation must be sought. The project site is located within the CMUO (Central SoMa-Mixed Use Office) Zoning District, Central SoMa SUD (Special Use District), and 250-CS Height and Bulk District.

Preliminary Recommendation: Approve with Conditions

SPEAKERS: Same as item 15a.
 ACTION: Approved with Conditions
 AYES: Braun, Ruiz, Diamond, Imperial, Koppel, Moore, Tanner
 ABSENT: None
 MOTION: [21476](#)

15c. [2015-009704VAR](#)

(R. SALGADO: (628) 652-7332)

505 BRANNAN STREET – south side between 4th and 5th Streets; Lot 322 in Assessor's Block 3786 (District 6) – Request for **Variance** from the tower setback requirements of Planning Code Section 132.4(d)(2)(B), the obstruction requirements of Planning Code Section 136(c)(1), and the privately owned public open space requirements of Planning Code Section 138(d)(2)(E)(1) for a Project that would construct an 11-story, approximately 125,000-square-foot vertical addition on top of the existing six-story, approximately 122,000-square-foot building containing Office and Retail Uses. The Project is the second phase of a mixed-use office development at the Project Site, with phase one being the existing building constructed in 2018 (approved through Motion Nos. 19293–19295 under Planning Department Case No. 2012.1187BCX). The existing building was designed to accommodate the Project from the outset, both structurally and programmatically. The Project would add approximately 115,000 square feet of Office Use to the Project Site and convert approximately 10,000 square feet of Office Use at the existing ground floor and basement level one to Arts Activities (a Production, Distribution, and Repair use). No changes are proposed to the existing basement level two, streetscape, or number of vehicular and bicycle parking spaces. While the Project will add approximately 125,000 square feet of office space to the Project Site, only 95,000 square feet of net new office space is being requested for allocation. This is because the approval for the existing six-story building allocated 137,446 square feet of office space to the Project Site but the existing building only used 116,814 square feet of office space once constructed, resulting in a surplus allocation of 20,632 square feet. In addition, the Project proposes to convert 10,236 square feet of office

space in the existing building to an Arts Activities use. The surplus allocation from the existing building combined with the additional office square footage available once existing office space is converted to a different use results in 30,868 square feet of office space that has already been approved for the Project Site being available to use toward the Project's office addition, so that only 95,000 square feet of net new office allocation must be sought. The project site is located within the CMUO (Central SoMa-Mixed Use Office) Zoning District, Central SoMa SUD (Special Use District), and 250-CS Height and Bulk District.

SPEAKERS: Same as item 15a.
ACTION: ZA Closed the PH, indicated an intent to Grant

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.

- 16a. [2022-009794DRP](#) (D. WINSLOW: (628) 652-7335)
1153 GUERRERO STREET – southeast corner of Elizabeth Street; Lot 021 in Assessor's Block 3645 (District 9) – Request for **Discretionary Review** of Building Permit No. 2022.0513.4235 to replace the rear porch and enclosed stair within the existing footprint to a two-unit building within a RH-3 (Residential House – Three Family) Zoning District and 40-X Height and Bulk District. The existing building has full lot coverage, and the project would reconstruct the rear porch within the same footprint, which is located within the required rear yard. 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
 - Paul Orr – DR presentation
 + Robert – Project sponsor presentation
 - Sue Hestor – Developer currently incarcerated
 ACTION: After hearing and closing PC; Continued to January 25, 2024 with direction for staff to confirm accuracy of plans.
 AYES: Braun, Diamond, Imperial, Koppel, Moore, Tanner
 ABSENT: Ruiz

- 16b. [2022-009794VAR](#) (L. AJELLO: (628) 652-7353)
1153 GUERRERO STREET – southeast corner of Elizabeth Street; Lot 021 in Assessor's Block 3645 (District 9) – Request for **Variance** from rear yard requirements of Planning Code Section 134 for a project that would replace an existing rear porch and enclosed stair within the existing footprint to a two-unit building within a RH-3 (Residential House – Three Family) Zoning District and 40-X Height and Bulk District. The Planning Code requires the subject property to maintain a rear yard of 32 feet (45% of lot depth). The existing building has full lot coverage, and the project would reconstruct the rear porch within the same footprint, which is located within the required rear yard.

SPEAKERS: Same as item 16a.
 ACTION: ZA Closed the PH; Continued to January 25, 2024

- 17a. [2022-002609DRP](#) (D. WINSLOW: (628) 652-7335)
2475 WASHINGTON STREET – south side between Fillmore and Webster Streets; Lot 023 in Assessor's Block 0612 (District 2) – Request for **Discretionary Review** of Building Permit No. 2022.0311.9793 to demolish a detached garage; construct a three-story vertical addition with roof decks to the existing one-story commercial building

(east building); and alter the west building by raising it 18 inches, add a dormer, and modify the front entry and rear of the building. Both buildings will be converted from commercial use to create two new two-unit residential buildings within the Upper Fillmore NCD (Neighborhood Commercial 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: Do Not Take Discretionary Review and Approve

SPEAKERS: = David Winslow – Staff report
 - Speaker – DR 1 presentation
 - Speaker – DR 2 presentation
 + Mark Jensen – Project sponsor presentation
 - Speaker – Not in compliance, in the historic district
 + Jeremy Paul – Project sponsor rebuttal
 = Corey Teague – Response to comments and questions

ACTION: No DR

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

ABSENT: None

DRA: [845](#)

17b. [2022-002609VAR](#) (L. AJELLO: (628) 652-7353)

2475 WASHINGTON STREET – south side between Fillmore and Webster Streets; Lot 023 in Assessor's Block 0612 (District 2) – Request for **Variances** from rear yard (PC 134), private open space (PC 135), and openings for parking at grade (PC 145.1) for a project that would demolish a detached garage; construct a three-story vertical addition and roof decks to the existing one-story commercial building (east building); and alter the west building by raising it 18 inches, add a dormer, and modifying the front entry and rear of the building within the Upper Fillmore NCD (Neighborhood Commercial District) Zoning District and 40-X Height and Bulk District.

SPEAKERS: Same as item 17a.

ACTION: ZA Closed the PH, indicated an intent to Grant

ADJOURNMENT 5:31 PM - IN HONOR OF GIGI PLATT
ADOPTED JANUARY 11, 2024