

# SAN FRANCISCO PLANNING COMMISSION

## Meeting Minutes

This Meeting will be held in  
Commission Chambers, Room 400  
City Hall, 1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4689

**Thursday, February 15, 2024**  
**12:00 p.m.**  
**Regular Meeting**

COMMISSIONERS PRESENT: DIAMOND, MOORE, BRAUN, IMPERIAL, KOPPEL  
COMMISSIONERS ABSENT: RUIZ

THE MEETING WAS CALLED TO ORDER BY PRESIDENT DIAMOND AT 12:02 PM

STAFF IN ATTENDANCE: Audrey Merlone, Elizabeth Mau, David Winslow, 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. 2023-011077PCA (V. FLORES: (628) 652-7525)  
**CITYWIDE EXPANSION OF ALLOWABLE COMMERCIAL, RESTAURANT, AND RETAIL USES [BF 231221] – Planning Code Amendments** – Ordinance, sponsored by Mayor Breed, to amend the Planning Code to 1) permit additional commercial, retail, and restaurant uses on the ground floor in certain neighborhood commercial districts (NCDs) and residential districts; 2) principally permit Flexible Retail on the ground floor in certain NCDs and Chinatown mixed use districts; 3) principally permit Retail Professional Services uses on all floors and conditionally permit Non-Retail Professional Services on the ground floor in specified NCDs; 4) create regulations for music entertainment venues and non-profit theaters distinct from regulations for Bars; 5) allow Limited Corner

Commercial Uses that are not Formula Retail in certain residential districts; 6) amend Section 311 to remove neighborhood notice requirements for changes of use in the Eastern Neighborhoods mixed use districts and to require neighborhood notice for changes of use in certain residential districts; 7) expand business types that qualify for the Planning Department priority review program and establish that the program will not apply in the North Beach NCD and North Beach Special Use District (SUD); 8) clarify that multiple allowable uses may co-locate on one site; 9) clarify and modify various other use regulations and processes; 10) permit additional retail and non-retail uses in specified NCDs; 11) eliminate the Mission Street Formula Retail Restaurant Subdistrict; 12) modify requirements for limited commercial uses within one-quarter mile of the North Beach SUD; and 13) exempt eligible projects proposing a change in use from all development impact fees, with the exception of inclusionary housing fees, for a five-year period; 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 101.1, and making findings of public necessity, convenience, and welfare pursuant to Planning Code, Section 302.

*Preliminary Recommendation: Approve with Modification*

**(Proposed for Continuance to February 22, 2024)**

SPEAKERS: None  
 ACTION: Continued to February 22, 2024  
 AYES: Braun, Imperial, Koppel, Moore, Diamond  
 ABSENT: Ruiz

10. [2022-000438DRP](#) (D. WINSLOW: (628) 652-7335)

320 FREDERICK STREET – north side between Clayton and Belvedere Streets; Lot 026 in Assessor's Block 1253 (District 8) – Request for **Discretionary Review** of Building Permit No. 2021.1208.3935 to construct a four-story horizontal rear addition and add accessory dwelling unit to a three-unit residential building within a RM-3 (Residential Mixed – High 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: Do Not Take Discretionary Review and Approve*

SPEAKERS: None  
 ACTION: Continued to March 14, 2024  
 AYES: Braun, Imperial, Koppel, Moore, Diamond  
 ABSENT: Ruiz

## B. CONSENT CALENDAR

All matters listed hereunder constitute a Consent Calendar, are considered to be routine by the Planning Commission, and may be acted upon by a single roll call vote. 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. [2023-007557CUA](#) (J. HORN: (628) 652-7366)

2310 FILLMORE STREET – east side between Clay and Washington Streets; Lot 034 in Assessor's Block 0612 (District 2) – Request for **Conditional Use Authorization**, pursuant to Planning Code Sections 303, 303.1, 703.4 and 718 to establish a formula retail use (d.b.a. Citibank) within a vacant 5,803 square foot commercial space located within the Upper Fillmore Street NCD (Neighborhood Commercial District) and 40-X Height and Bulk Districts. The project includes façade modifications and the relocation of two ATM machines. 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, Imperial, Koppel, Moore  
ABSENT: Ruiz  
RECUSED: Diamond  
MOTION: [21513](#)

## C. COMMISSION MATTERS

### 4. LAND ACKNOWLEDGEMENT

**President Diamond:**

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.

### 5. CONSIDERATION OF ADOPTION:

- [Draft Minutes for February 1, 2024](#)

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

### 6. COMMISSION COMMENTS/QUESTIONS

None.

## D. DEPARTMENT MATTERS

### 7. DIRECTOR'S ANNOUNCEMENTS

None.

### 8. REVIEW OF PAST EVENTS AT THE BOARD OF SUPERVISORS, BOARD OF APPEALS AND HISTORIC PRESERVATION COMMISSION

**Audrey Merlone:**

At the Land Use and Transportation Committee this week there were two landmark designations. The first was the Grand Theater at 2665 Mission Street. This landmarking was introduced by Supervisor Ronen, and unanimously approved by the Historic Preservation Commission on November 15th of last year. The building was designed by G. Albert Lansburgh and S. Charles Lee in 1940 and is significant for association with city's network of neighborhood theaters, and as an excellent example of the Streamline Modern style.

The Committee voted unanimously to forward the landmarking on to the Full Board with a positive recommendation.

The second landmarking at Committee this week was for the Sacred Heart Parish Complex. This was initiated by the HPC and unanimously recommended by them on September 9th of last year. This item was continued to the February 26th hearing because Supervisor Peskin stated he would like to draft unspecified amendments to the ordinance.

It was also a busy week at Land Use for proposed ordinances that would amend the Planning Code. The Family Housing Opportunity SUD amendment introduced by Supervisor Engardio was first. As you may remember, this item was continued last week because the amendments made at that hearing were substantive. During the hearing, Supervisor Peskin raised concerns about the amendment that would reduce the ownership requirement to one year if the property includes two or more units. He requested that the existing ownership requirements be retained. Those existing ownership requirements are 5 years for properties with two or more dwellings and one year for those with one or fewer dwellings. Staff tried to address Supervisor Peskin's concerns by noting that this amendment is meant to mirror the same provision that passed in the Housing Constraints Reduction ordinance.

There were three public comments, most of which were to state confusion surrounding the different pieces of competing legislation and the lack of outreach. After taking public comment, the item was continued to the February 26th hearing.

Next up was Supervisor Peskin's State-Mandated ADU Controls. This Ordinance is the duplicated version of the original file. That duplication happened at last week's hearing, and then the duplicate was continued to this week's hearing to give the city attorney time to draft Supervisor Peskin's amendments.

- This duplicated file would make changes to the State ADU program in order to incentivize the Local ADU Program. The three specific amendments include:
  1. Retaining the two-ADU limit on Hybrid ADUs (which I will note goes directly against HCD's October 2023 letter);
  2. Amending the State ADU program to also apply the objective architectural review standards to listed and previously determined eligible California Register historic resources; and
  3. Amending the review timeline for the Local ADU Program to 60 days from 120 days.
- These amendments were adopted unanimously, and the item was continued to the call of the chair.

Next we had the Mayor and Supervisor Melgar's ordinance that would make residential density in our NCD's, RTO and RC's outside of Priority Equity Geographies form-based.

This item was back at the Land Use Committee after a 2-week continuance. At the hearing both Supervisor Peskin and Supervisor Preston stated they had requested amendments that were still being drafted by the City Attorney. Supervisor Peskin said that he was concerned about the severity of heights that projects could potentially achieve under form-based density when coupled with state density bonus programs. As such, his proposed amendments would not allow the parcels subject to this ordinance that use form-based density to also utilize a state density bonus.

Supervisor Preston is concerned that form-based density without additional affordability requirements is a giveaway to developers. As such, he has requested that the City Attorney draft amendments to sunset form-based zoning in the areas proposed under the ordinance after a period of 3 years, with a possibility that form-based zoning can be renewed by the Board if inclusionary rates are also raised to an appropriate percentage. After these two concepts were introduced, Chair Melgar suggested that the item be continued until March 4th, to give both the City Attorney time to draft amendments, and the supervisors to talk to constituents about said amendments. That continuance to March 4th passed unanimously.

And lastly at Land Use Committee this week we had Supervisor Peskin's ordinance that would reinstate numeric density controls in the downtown and eastern waterfront's C-2 zoning districts. You heard this item on January 28th and voted to make two modifications.

- The first was to limit the ordinance to demo/new construction projects in the Jackson Square and Northeast Waterfront Historic Districts, and the second was to exempt projects utilizing the Office to Residential Adaptive Reuse program in these districts from numeric density controls.

Supervisor Peskin made amendments that were in line with the spirit of the Commission's recommendations. He also made one additional amendment, and that was to extend numeric density controls to a set of parcels that are in an area that is considered "eligible" to be added to the Jackson Square Historic District. Chair Melgar stated that although she understands that this ordinance is not running afoul of our obligations under the Housing Element, she is philosophically opposed to the idea of exempting historic districts from form-based controls while much of our other well-resourced neighborhoods will be converting to form-based. She noted that the areas proposed to revert to numeric controls are not priority equity nor environmental justice geographies. She feared that this may set a dangerous precedent for other historic districts, or areas that are seeking to become historic districts, to get out of their obligation to accommodate for new housing. Supervisor Peskin responded by stating that it was never his intention to allow the heights in this part of the city to be so high, which could be accomplished if form-based density is combined with the new amendments to the state density bonus law that allow for even greater density than before. He is hoping that reverting to numeric density in these districts will prevent large towers along the waterfront and in Jackson Square.

After taking public comment where there were two speakers in opposition to the ordinance and one in favor, the Committee voted unanimously to adopt Supervisor Peskin's amendments. They then voted 2 to one to send the item as amended with a positive recommendation to the full board. Supervisors Peskin and Preston voted in favor, and Chair Melgar was opposed.

At the full Board this week, the Code Corrections ordinance passed its final read and the Downtown Rail Extension Fee Waiver passed its first read.

## E. GENERAL PUBLIC COMMENT

**SPEAKERS:** Tom Radulovich – Plan the City, Land Use and Transportation planning  
 Georgia Schuttish – February 12th email focused on continuing reverberations from fact that Section 317 Demo Calcs never been adjusted as Commission has the legislative authority to do under Section 317 (b) (2) (D). Implications for the two new citywide SUDs. Priority Equity Geographies SUD vulnerable. 2022 Feasibility Studies. SFH with added unit are most feasible. May be greater incentive to bypass Commission getting Ministerial review as Alteration in PEGs and even on Westside. Intent of Section 317 Tantamount to Demolition values was preventing Alterations becoming Demolitions. Building Code 103A.3.2 skirted around. Section 317 conceived to allow reasonable remodels, preventing Demolition of sound housing. Staff has said adjusting the Calcs would just cause speculators to go up to the edge of any new threshold if values were reduced. Great! Because less structure removed means more will be retained. Less Speculation, more existing sound relatively affordable, financially accessible housing preserved. Protecting tenants, UDUs.  
 Sue Hestor – Think about amending the 12-noon hearing start

## 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.

- 2a. [2023-004486SHD](#) (E. MAU: (628) 652-7583)  
30 OTIS STREET – northwest corner of 12th Street; Lots 84-86 in Assessor's Block 3505 (District 6) – Request for **Adoption of Shadow Findings** pursuant to Planning Code Section 295 that net new shadow from the installation a new Dish Wireless Macro Wireless Telecommunications Services (WTS) Facility on the rooftop of the existing 26-story mixed-use building, consisting of three (3) new antennas, six (6) remote radio units, one (1) GPS unit would not adversely affect the use of the proposed 11<sup>th</sup> and Natoma Park under the jurisdiction of the Recreation and Park Department, within a C-3-G (Downtown-General) Zoning District, a NCT-3 (Moderate Scale Neighborhood Commercial Transit) Zoning District, and 85/250-R-2 and 85-X Height and Bulk Districts.  
*Preliminary Recommendation: Adopt*

SPEAKERS: = Rich Hillis – Staff introduction  
 = Lizzy Mau – Staff report  
 + Eric Lentz – Project sponsor response to comments and questions  
 = Liz Watty – Response to comments and questions  
 ACTION: After being pulled off of Consent; Adopted Shadow Findings  
 AYES: Braun, Imperial, Koppel, Moore, Diamond  
 ABSENT: Ruiz  
 MOTION: [21514](#)

- 2b. [2023-004486CUA](#) (E. MAU: (628) 652-7583)  
30 OTIS STREET – northwest corner of 12th Street; Lots 84-86 in Assessor's Block 3505 (District 6) – Request for **Conditional Use Authorization** pursuant to Planning Code Sections 210.2 and 303 to permit the installation a new Dish Wireless Macro Wireless Telecommunications Services (WTS) Facility on the rooftop of the existing 26-story mixed-use building, consisting of three (3) new antennas, six (6) remote radio units, one (1) GPS unit. The antennas will be screened within two (2) fiber-reinforced plastic (FRP) radome covers and ancillary equipment will be screened within an eight-foot FRP enclosure within a C-3-G (Downtown-General) Zoning District, a NCT-3 (Moderate Scale Neighborhood Commercial Transit) Zoning District, and 85/250-R-2 and 85-X Height and Bulk Districts. 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: Same as item 2a.  
 ACTION: After being pulled off of Consent; Approved with Conditions  
 AYES: Braun, Imperial, Koppel, Moore, Diamond  
 ABSENT: Ruiz  
 MOTION: [21515](#)

## G. DISCRETIONARY REVIEW CALENDAR

The Commission Discretionary Review Hearing Procedures provide for presentations by staff; followed by the DR requestor team; followed by the project sponsor team; followed by public comment. 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. [2021-009470DRP](#) (D. WINSLOW: (628) 652-7335)  
4820 ANZA STREET – north side between 39<sup>th</sup> and 40<sup>th</sup> Avenues; Lot 016 in Assessor's Block 1505 (District 1) – Request for **Discretionary Review** of Building Permit No. 2021.0830.7438 to construct a two-story vertical addition to a two-story single-family home within a RH-2 (Residential House – Two Family) Zoning District and 40-X Height and Bulk District. The Planning Department found that the project is exempt from the California Environmental Quality Act (CEQA). The Commission's action constitutes the Approval Action for the project for the purposes of CEQA, pursuant to San Francisco Administrative Code Section [31.04](#)(h).  
*Preliminary Recommendation: Take Discretionary Review and Approve with Modifications*

SPEAKERS:       = David Winslow – Staff report  
                      - Rita Katz– DR presentation  
                      - Eugene Katz– DR presentation  
                      - Deborah Holley – DR presentation  
                      + Jeremy Paul – Project sponsor presentation  
                      - Speaker – Scale back, out of scope  
                      + Terrence Allen – Owner’s personality  
                      + Speaker – Great addition for the neighborhood  
ACTION:       Took DR and Approved with Staff Modifications  
AYES:         Braun, Imperial, Koppel, Moore, Diamond  
ABSENT:       Ruiz  
DRA:          [849](#)

**ADJOURNMENT 1:11 PM**

**ADOPTED FEBRUARY 29, 2024**