

SAN FRANCISCO PLANNING COMMISSION

Meeting Minutes

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

Thursday, February 16, 2023
1:00 p.m.
Regular Meeting

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

THE MEETING WAS CALLED TO ORDER BY PRESIDENT TANNER AT 1:08 PM

STAFF IN ATTENDANCE: Aaron Starr, Veronica Flores, Ryan Balba, David Winslow, Kimberley Durandet, Liz Watty – Director of Current Planning, Rich Hillis – Planning Director, Jonas P. Ionin – Commission Secretary

SPEAKER KEY:

- + indicates a speaker in support of an item;
- indicates a speaker in opposition to an item; and
- = indicates a neutral speaker or a speaker who did not indicate support or opposition.

A. CONSIDERATION OF ITEMS PROPOSED FOR CONTINUANCE

The Commission will consider a request for continuance to a later date. The Commission may choose to continue the item to the date proposed below, to continue the item to another date, or to hear the item on this calendar.

1. 2022-011188CUA (C. ALEXANDER: (628) 652-7334)
1700 CALIFORNIA STREET – northwest corner of Van Ness Avenue; Lots 036-089 in Assessor's Block 0642 (District 2) – Request for **Conditional Use Authorization** pursuant to Planning Code Sections 209.3 and 303 to permit a change of use for 47,238 square feet on floors two through five of the subject property from a General Office use to a Health Service use within a RC-4 (Residential-Commercial, High-Density) Zoning District, Van Ness

SUD (Special Use District), Van Ness Automotive SUD (Special Use District), and 80-D 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

(Proposed for Continuance to February 23, 2023)

SPEAKERS: None

ACTION: Continued to February 23, 2023

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

2. 2021-005938CUA (A. WESTHOFF: (628) 652-7314)
276 GRAND VIEW AVENUE – west side between 22nd and Alvarado Streets; Lot 012 in Assessor's Block 2764 (District 8) – Request for **Conditional Use Authorization** pursuant to Planning Code Sections 249.92, 303 and 317, to demolish an existing two-story-over-garage single-family residence and construct a new three-story-over-garage building containing two-dwelling units within a RH-2 (Residential-House, Two Family) Zoning District, Central Neighborhoods Large Residence Special Use 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

(Proposed for Continuance to March 2, 2023)

SPEAKERS: None

ACTION: Continued to March 2, 2023

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

3. 2021-004066DRP (D. WINSLOW: (628) 652-7335)
372 DOLORES STREET – west side between Chula and 18th Streets; Lot 008 in Assessor's Block 3566 (District 8) – Request for **Discretionary Review** of Building Permit No. 2021.0820.6824 proposes to convert existing first floor storage and basement of four-story multi-family residential building to one ADU using the Local ADU Program within a RH-3 (Residential House- Three 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: Do Not Take Discretionary Review and Approve

(Proposed for Continuance to March 16, 2023)

SPEAKERS: None

ACTION: Continued to March 16, 2023

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

B. CONSENT CALENDAR

All matters listed hereunder constitute a Consent Calendar, are considered to be routine by the Planning Commission, and may be acted upon by a single roll call vote of the Commission. There will be no separate discussion of these items unless a member of the Commission, the public, or staff so requests, in which event the matter shall be removed from the Consent Calendar and considered as a separate item at this or a future hearing.

4. [2022-004485CUA](#) (E. LANE: (628) 652-7582)
221 MAIN STREET – east side between Folsom and Howard Streets; Lot 034 in Assessor's Block 3740 (District 6) – Request for **Conditional Use Authorization** pursuant to Planning Code Sections 210.2 and 303 to permit a change of use from a vacant Day Care Center (d.b.a. Bright Horizons) to a Non-Retail Use Fitness Center on the ground floor within a C-3-O(SD) (Downtown- Office (Special Development)) Zoning District and 200-S 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
MOTION: [21249](#)

5. [2022-008234CUA](#) (E. LANE: (628) 652-7582)
524 HOWARD STREET – north side between 1st and 2nd Streets; Lot 013 in Assessor's Block 3721 (District 6) – Request for **Conditional Use Authorization** pursuant to Planning Code Sections 156(f), 210.2, and 303(c) to permit a two-year extension of an existing Public Parking Lot within a C-3-O(SD) (Downtown Office (Special Development)), Transit Center C-3-O(SD) Commercial SUD (Special Use District), Transbay C-3 SUD (Special Use District) and 450-S Height and Bulk District.

Preliminary Recommendation: Approve with Conditions

SPEAKERS: None
ACTION: Approved with Conditions
AYES: Braun, Ruiz, Diamond, Imperial, Koppel, Moore, Tanner
MOTION : [21250](#)

C. COMMISSION MATTERS

6. 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.

7. Consideration of Adoption:

- [Draft Minutes for February 2, 2023](#)

SPEAKERS: None

ACTION: Adopted

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

8. Commission Comments/Questions

President Tanner:

Well it seems like a routine here. We're implementing one tragedy after another for these last few weeks. But I would be remiss if not just recognizing the shooting unfortunately that happened at Michigan State University earlier this week. And being my home state of Michigan and I have relatives in Lansing it just again hit pretty close to home, sadly. Fortunately, everyone I know is fine but just want to have a moment to recognize those victims and survivors. And I was thinking "maybe I shouldn't say something because it's so frequent" and I thought that's the exact point. Because we have it happen so much in our country and don't want to become numb to what's happening and hopefully, we'll have some folks at different level of government who will take some actions to help prevent more tragedies like this from occurring. But for now our thoughts are with those families.

D. DEPARTMENT MATTERS

9. Director's Announcements

None.

10. 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

- 220340 Planning Code - Neighborhood Commercial and Mixed-Use Zoning Districts. Sponsor: Dorsey. Staff: Starr.

This week, the Land Use Committee heard the long-awaited Article 8 Reorg that includes many other substantive changes, which is sponsored by Supervisor Dorsey. The Planning Commission heard this item on November 17 and voted to recommend approval with modifications. Those modifications included:

1. Exempt Childcare Facilities and Residential Care Facilities from FAR limits in those zoning districts.
2. Remove the language referencing adequate lighting and the Planning Department's lighting guidelines from the definition of Walk-Up Facility.

3. Remove the proposed changes that relax Nighttime Entertainment controls in various zoning districts. Instead, amend the ordinance so that Nighttime Entertainment is principally permitted for properties fronting Folsom Street between 7th Street and Division Street and properties fronting 11th Street between Howard Street and Division Street.
4. Encourage the Entertainment Commission to evaluate how best to mitigate impacts in RED and RED-MX districts from noise and other quality of life impacts related to Nighttime Entertainment uses that are located within 200' of those districts.

The Supervisor did include all the Planning Commissions recommended modifications. In addition they also removed the liberalization of controls on General Entertainment and replaced those with the same more target approach used for Nighttime Entertainment.

Unfortunately, these amendments were not introduced as a substitute ordinance, so the amendments had to be made during the Land Use hearing. This required the ordinance to be continued as at least one amendment was deemed substantive.

During the hearing, Supervisor Peskin had some questions and concerns about a few of the changes proposed regarding group housing in SALL, and the 1000' buffer around Adult Businesses. Staff will be looking into these changes prior to the next hearing.

The Committee's final actions were to accept the proposed amendments and continue the item to February 27.

Full Board

- 221104 Planning Code - SoMa Nighttime Entertainment Uses; Leather and LGBTQ Cultural District. Sponsors: Dorsey; Mandelman. Staff: Starr. PASSED Second Read
- 221293 Hearing - Appeal of Adjustment, Reduction, or Waiver of Development Project Requirements - Community Infrastructure Fee - Annunciation Cathedral - Religious Worship Building Project - 245-275 Valencia Street. Staff: Perry.

This week, the Board considered the appeal on the imposition of Market and Octavia Community Improvements Fee for the project at 245 Valencia Street, also known as the United Greek Orthodox Church. The Planning Commission considered and approved this project on September 15, 2011, as a conditional use authorization.

The fees were imposed for the construction of a new cathedral, and the impact fees were included in the motion as a condition of approval; however, the City failed to collect the required fee at time of permit issuance in 2013. Construction of the project took ~10 years. The City notified the owner in late 2021 that the unpaid fees must be paid before Certificates of Occupancy could be issued for the project.

The church appealed the impact fee, arguing that the Cathedral was a replacement building for one that had been demolished several years prior and replaced with a parking lot, and that the new building would not have any new impacts since the church community has used the site since the 1930s. Further, they claimed the project would not increase the number of users on site.

However, the Planning Code views the project not as a replacement, but as a new project constructed on a parking lot. The fee is triggered when there is new construction or an addition of at least 800 gsf of non-residential use, and the Planning Code does not allow for any Department-level discretion.

There were only 2 speakers at hearing; the appellant's representative and 1 public commenter, who attends this church and was in support of waiving the fee.

Supes. Ronen and Melgar asked questions of staff regarding why the Planning Code does not view this as a replacement building, and why the fee applies even if the church would not be increasing users.

Supe. Ronen then made motion to deny the appeal, noting that nothing in Planning Code would support overturning assessment of the fee. That motion passed unanimously.

Jonas P. Ionin, Commission Secretary:

I have no report from the Board of Appeals but the Historic Preservation Commission did meet yesterday and they took up the Department's Budget and Work program and adopted a recommendation for approval. They also considered several Legacy Business Registry applications that included the Blue Light on Union Street, the Hing Lung Company on Stockton Street, Mr. Bing's on Columbus Avenue, Design Media on 21st Street, Playmates Cooperative Preschool on 42nd Avenue, Love On Haight-on-Haight Street, Dragon Seed Bridal and Photography on Clay Street and adopted recommendations for approval for all of these Legacy Business Registry applications. They also heard the Planning Code amendment for Home SF that you will hear today. And then finally, adopted the Modernistic Style (1925 – 1965) Citywide Historic Context Statement.

E. GENERAL PUBLIC COMMENT

SPEAKERS: Georgia Schuttish – Five categories of demolitions

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.

- 11a. [2022-009805PCA](#) (V. FLORES: (628) 652-7525)
HOME-SF [BOARD FILE 221021] – Planning Code Amendment – An ordinance, sponsored by Supervisor Dorsey, to amend the Planning Code to allow projects under Housing Opportunities Mean Equity (HOME-SF) to agree to subject new dwelling units to the rent increase limitations of the Rent Ordinance; 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 under Planning Code, Section 302.

Preliminary Recommendation: Approve with Modifications
(Continued from Regular hearing on January 5, 2023)

SPEAKERS: = Veronica Flores – Staff report
 + Madison Tam – Supervisor Dorsey’s Office - Introduction to the ordinance
 + Sunny Angulo – Supervisor Peskin’s Office - Introduction to the ordinance
 - Stan Hayes – Support Sup Peskin’s ordinance without staff modification
 - Fran Schrieber – Preserving historical zones
 = Jake Price – Supports 11a, 11b in opposition should not be restricting building housing
 = Rich Hillis – Response to comments and questions
 ACTION: After a motion to Approve as proposed failed +2 -5 (Braun, Diamond, Imperial, Koppel, Tanner against); Approved with Staff modifications.
 AYES: Braun, Ruiz, Diamond, Imperial, Koppel, Tanner
 NAYS : Moore
 RESOLUTION : [21251](#)

- 11b. [2022-011868PCA](#) (V. FLORES: (628) 652-7525)
HOME-SF [BOARD FILE 221105] – **Planning Code Amendment** – An ordinance, sponsored by Supervisor Peskin, to amend the Planning Code to exclude designated historic districts under Article 10 of the Planning Code from the provisions of the Home Ownership Means Equity – San Francisco (HOME-SF) program; affirming the Planning Department’s determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1, and findings of public necessity, convenience, and welfare under Planning Code, Section 302.
Preliminary Recommendation: Approve with Modifications
 (Continued from Regular hearing on January 5, 2023)

SPEAKERS: Same as item 11a.
 ACTION: After a motion to Approve as proposed failed +2 -5 (Braun, Diamond, Imperial, Koppel, Tanner against); Approved as revised without Staff modifications.
 AYES: Braun, Ruiz, Imperial, Moore
 NAYS : Diamond, Koppel, Tanner
 RESOLUTION : [21252](#)

12. [2022-003898CUA](#) (R. BALBA: (628) 652-7331)
1019 OCEAN AVENUE – south side between Lee and Harold Avenues; Lot 041 in Assessor's Block 6945 (District 11) – Request for **Conditional Use Authorization** pursuant to Planning Code Sections 202.2(a), 303, to establish an approximately 888 square-foot Cannabis Retail use, within a vacant ground floor space of the existing three-story mixed-use building, within the Ocean Avenue NCT (Neighborhood Commercial Transit) Zoning District and 45-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: = Ryan Balba – Staff report
 + Patrick Hall – Project sponsor presentation
 + Tyler Makras – Project sponsor presentation
 + Herb – Suffer from hearing issues and will benefit to cannabis
 + Speaker – Help bring back the community
 + Jack Sinkovitz - Brings many positive changes to the area
 + Kimia – Attract foot traffic in the area, will benefit other local businesses
 + Abraham Bazbaz – Security in the neighborhood, increase foot traffic safety
 + Simon Timothy – Project sponsors did their due diligence to connect with the community
 + Tarek – Helps with his medical condition

ACTION: Approved with Conditions
 AYES: Braun, Ruiz, Diamond, Imperial, Koppel, Moore, Tanner
 MOTION : [21253](#)

G. 2:30 PM

Items listed here may not be considered prior to the time indicated above. It is provided as a courtesy to limit unnecessary wait times. Generally, the Commission adheres to the order of the Agenda. Therefore, the following item(s) will be considered at or after the time indicated.

14. [2019-020031CUA](#) (K. DURANDET: (628) 652-7315)
 2861-2899 SAN BRUNO AVENUE (AKA 90-98 WOOLSEY STREET) – east side between Woolsey and Wayland Streets; Lots 037 and 022 in Assessor's Block 5457 (District 9) – Request for **Conditional Use Authorization** under Planning Code Sections 303 and 317 to address multiple Notices of Violation from the Planning Department and Department of Building Inspection by removing 20 dwelling units constructed without the benefit of a permit within five contiguous buildings on Lot 37 that are currently authorized for ground floor retail sales and service uses, second floor non-retail sales and service uses, and a total of 10 dwelling units on the third and fourth floors (five flats per floor, across five buildings). Also, the proposal seeks to legalize the de facto demolition of the building at 2861 San Bruno Avenue (Lot 22) that contained two legal dwelling units and currently proposes to provide ground floor commercial, second floor non-retail sales and service uses, and one full floor flat at each of the third and fourth floors. As proposed, the Project (inclusive of Lots 037 and 022) would result in 12 dwelling units within six contiguous, four-story buildings. The Project also includes twelve off-street accessory parking spaces, 12 Class 1, and three Class 2 bicycle parking spaces. Lastly, the Project also seeks to modify the method of inclusionary housing compliance, as described in Condition of Approval No. 10-15 from Motion No. 18782, changing from providing one on-site affordable housing unit to payment of the in-lieu fee. The Planning Department found that the current 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\(h\)](#). Findings under CEQA were previously adopted as a Final Mitigated Negative Declaration at the original entitlement for the project on Lot 037 heard by the Planning Commission on January 17, 2013 and approved per Motion No. 18782 for the demolition of an existing service station and new construction of five four-story buildings with ground floor retail, second floor

business/professional services, and third and fourth floor residential uses. A categorical exemption was issued on October 16, 2014, for the project on Lot 022.

Preliminary Recommendation: Approve with Conditions

- SPEAKERS:**
- = Kimberley Durandet – Staff report
 - + Ryan Patterson – Project sponsor presentation
 - = Liz Watty – Response to comments and questions
 - Mark Hushman – attorney assists tenants facing evictions, keep people housed
 - Speaker – Elderly tenant affected by the project, did not receive any notice regarding the project
 - Cam Su Tu – Tenant, thinking of being homeless, help us solve problem
 - Speaker – Tenants not noticed of displacement, City take responsibility
 - Alicia Sandoval Bustos – Tenants are scared of being evicted, legalize all units
 - Speaker – Did not receive any notification of what was happening
 - Shante – Legalize the units
 - Georgia Schuttish – Lot 22, demo calcs made no sense
 - Luz Garcia – Not fair to tenants and would like to be able to move back after it is fixed
 - Ozzy Rohm – Classic case of racial discrimination, think about the people cost and not the construction cost
 - Celia Paz – Still waiting for the owners to tell them what is going on
 - Betty – Did not know what was happening. Hope you can help us
 - Rosie – Landlord not present, they must be responsible, find solution
 - Alex Hobbs – Developers don't care, astounding tenants just found out
 - Maggie Wise – Developers creating havoc to tenants, on-site affordable housing
 - Francisco DaCosta – Planning consult DBI, Mayor, BOS. Have empathy
 - Dennis Richards – DBI, tenants shouldn't pay rent, move out, safety, corruption
 - = Rich Hillis – Response to comments and questions
- ACTION:** After hearing and closing public comment; Continued to March 16, 2023 with direction to all parties involved.
- AYES:** Braun, Ruiz, Diamond, Imperial, Koppel, Moore, Tanner

H. 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.

13. [2022-004943DRP](#) (D. WINSLOW: (628) 652-7335)
1304 VALENCIA STREET – east side between 24th and 25th Streets; Lot 002 in Assessor's Block 6514 (District 8) – Request for **Discretionary Review** of Building Permit No. 2022.0420.2645 for the construction of a third story-vertical addition and two-story horizontal addition to add a dwelling unit to an existing two-story, two-dwelling over

ground level commercial building within a 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: Do Not Take Discretionary Review and Approve

SPEAKERS: = David Winslow – Staff report
 - Seth Andrzejewski – DR presentation
 - Nathaniel Klinger – DR presentation
 + Andrew Morrall – Project sponsor presentation
 + Speaker – Project sponsor rebuttal

ACTION: No DR

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

DRA: [812](#)

ADJOURNMENT 5:41 PM
ADOPTED MARCH 2, 2023