

SAN FRANCISCO PLANNING COMMISSION

Meeting Minutes

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

Thursday, March 21, 2024
12:00 p.m.
Regular Meeting

COMMISSIONERS PRESENT: DIAMOND, MOORE, BRAUN, IMPERIAL, KOPPEL, WILLIAMS
COMMISSIONERS ABSENT: NONE

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

STAFF IN ATTENDANCE: Aaron Starr, Jeff Horn, Corey Teague – Zoning Administrator, Elizabeth Watty – Director of Current Planning, 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. 2023-007496DRP (D. WINSLOW: (628) 652-7335)
638 RHODE ISLAND STREET – west side between 18th and 19th Streets; Lot 005 in Assessor's Block 4030 (District 10) – Request for **Discretionary Review** of Building Permit Nos. 2023.0613.9926 and 2023.0203.1391 to raise the roof of the two-story, single-family building at the rear of the property. Additionally, the proposal is to demolish and replace the existing stairs at the rear of the front building 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: Do Not Take Discretionary Review and Approve

(Continued from Regular hearing on March 7, 2024)

(Proposed for Continuance to April 4, 2024)

SPEAKERS: None
 ACTION: Continued to April 4, 2024
 AYES: Williams, Braun, Imperial, Koppel, Moore, Diamond
 ABSENT: None

2. 2023-011307DRP (D. WINSLOW: (628) 652-7335)
1234 FRANCISCO STREET – north side between Franklin Street and Van Ness Avenue; Lot 006 in Assessor's Block 0474 (District 2) – Request for **Discretionary Review** of Building Permit No. 2023.11.22.1313 to install private roof decks over existing structures within a RM-1 (Residential-Mixed, Low Density) Zoning District, Family Housing SUD 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 April 11, 2024)

SPEAKERS: None
 ACTION: Continued to April 11, 2024
 AYES: Williams, Braun, Imperial, Koppel, Moore, Diamond
 ABSENT: None

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.

- 3a. [2019-017481DNX-02](#) (C. FEENEY: (628) 652-7313)
530 SANSOME STREET – east side between Washington and Merchant Streets; Lots 013, 014, and 017 in Assessor's Block 0206 (District 3) – Request to modify the approvals for the **Downtown Project Authorization** extending the performance period. On July 29, 2021, the Planning Commission approved a Downtown Project Authorization, Conditional Use Authorization, Office Development Allocation, and Shadow Findings through Motion Nos. 20955 to 20958, and Resolutions No. 20954. There are no changes to the Project. The Project Site is located within a C-3-O (Downtown Office) Zoning District, Downtown Plan Area, and 200-S Height and Bulk District.
Preliminary Recommendation: Approve with Conditions

SPEAKERS: None
 ACTION: Approved with Conditions
 AYES: Williams, Braun, Imperial, Koppel, Moore, Diamond
 ABSENT: None
 MOTION: [21533](#)

- 3b. [2019-017481CUA-02](#) (C. FEENEY: (628) 652-7313)
530 SANSOME STREET – east side between Washington and Merchant Streets; Lots 013, 014, and 017 in Assessor's Block 0206 (District 3) – Request to modify the approvals for the **Conditional Use Authorization** by extending their performance period. On July 29, 2021, the Planning Commission approved a Downtown Project Authorization, Conditional Use Authorization, Office Development Allocation, and Shadow Findings through

Motion Nos. 20955 to 20958, and Resolutions No. 20954. There are no changes to the Project. The Project Site is located within a C-3-O (Downtown Office) Zoning District, Downtown Plan Area, and 200-S Height and Bulk District.

Preliminary Recommendation: Approve with Conditions

SPEAKERS: None
 ACTION: Approved with Conditions
 AYES: Williams, Braun, Imperial, Koppel, Moore, Diamond
 ABSENT: None
 MOTION: [21534](#)

- 3c. [2019-017481VAR-02](#) (C. FEENEY: (628) 652-7313)
530 SANSOME STREET – east side between Washington and Merchant Streets; Lots 013, 014, and 017 in Assessor's Block 0206 (District 3) – Request to grant a **Variance** by the Zoning Administrator which will extend the performance from the effective date of the new decision. The Zoning Administrator approved the Variance application and issued the Variance Decision Letter on August 27, 2021, which will expire on August 27, 2024. There are no changes to the Project or the requested Variance. The request for a Variance pursuant to Section 305, as reviewed by the Zoning Administrator, is from the following development standards of the Planning Code: width of openings for off-street parking and loading (Section 155(s)(4)(A)); and active use, ground floor ceiling height, and transparency requirements for street frontages in commercial districts (Sections 145.1(c)(3), (4) and (6)) for the demolition of three existing buildings and the construction of a new mixed-use building reaching a roof height up to 218 feet tall. The Project Site is located within a C-3-O (Downtown Office) Zoning District, Downtown Plan Area, and 200-S Height and Bulk District.

SPEAKERS: None
 ACTION: ZA Extended effective date

4. [2024-000844CUA](#) (D. SPYCHER: (628) 652-7588)
1155 PINE STREET #6 – south side between Leavenworth and Jones Streets; Lot 100 in Assessor's Block 0276 (District 3) – Request for **Conditional Use Authorization** pursuant to Planning Code Sections 202.10, 209.2, and 303 to classify the subject property as an Intermediate Length Occupancy (ILO) unit. Classification as an ILO unit allows a dwelling unit to be offered for occupancy for an initial stay with a duration of greater than 30 days but less than one year (365 days). ILO units are a use characteristic. The unit proposed for ILO classification will remain a dwelling unit. The subject property is located within a RM-4 (Residential -Mixed, High Density) Zoning District and 65-A Height and Bulk District.

Preliminary Recommendation: Approve with Conditions

SPEAKERS: None
 ACTION: Approved with Conditions
 AYES: Williams, Braun, Imperial, Koppel, Moore, Diamond
 ABSENT: None
 MOTION: [21535](#)

5. [2023-008363CUA](#) (M. DONG: (628) 652-7426)
1567 SLOAT BOULEVARD – south side between Clearfield Drive and Everglade Drive; Lot 003 in Assessor's Block 7255 (District 4) – Request for **Conditional Use Authorization** pursuant to Planning Code Sections 303, and 303.1, and 713, and 780.1 to establish a formula retail use (d.b.a. "Crumb Cookies"), within an existing retail space at the first floor of an existing two-story commercial-use building, within the (NC-S) Neighborhood Commercial, Shopping Center Zoning District and 26-40-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: Williams, Braun, Imperial, Koppel, Moore, Diamond
ABSENT: None
MOTION: [21536](#)

C. COMMISSION MATTERS

6. 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.

7. CONSIDERATION OF ADOPTION:

- [Draft Minutes for March 7, 2024](#)

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

8. COMMISSION COMMENTS/QUESTIONS

None.

9. [BOARD OF SUPERVISORS RESOLUTION ON STATE FUNDING](#) – Endorsement

SPEAKERS: Georgia Schuttish – Chart
ACTION: Endorsed
AYES: Williams, Braun, Imperial, Koppel, Moore, Diamond
ABSENT: None

D. DEPARTMENT MATTERS

10. DIRECTOR'S ANNOUNCEMENTS

None.

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

Aaron Starr, Manager of Legislative Affairs:

Good afternoon commissioners, Aaron Starr Manager of Legislative Affairs. Welcome to spring and the four-year anniversary of the start of lockdown.

Land Use Committee

231225 Planning Code - Tobacco Paraphernalia Establishments in North of Market Special Use District. Sponsor: Preston. Staff: Melone.

First on the land use committee agenda this week was Supervisor Preston's ordinance that would modify the Tobacco Paraphernalia controls in the NoMa SUD. Specifically, this ordinance would amend the Planning Code to require an establishment that sold any amount of Tobacco Paraphernalia Establishments in the North of Market Special Use District or the NoMa SUD to obtain conditional use authorization. It would also establish an 18-month abandonment period for TPEs. The Planning Commission heard this item on February 8th of this year and voted to approve the ordinance with modifications.

The Commission's proposed modifications were to:

1. Make Tobacco Paraphernalia Establishments Not Permitted in the North of Market Special Use District.
2. Expand the controls proposed for the NoMa SUD to also apply to the Lower Polk Street NCD
3. Apply ¼ mile buffer for Tobacco Paraphernalia Establishment restrictions to the Lower Polk NCD; and
4. Investigate shortening the proposed 18-month abandonment period for non-conforming Tobacco Paraphernalia Establishments and limiting the hours of operation in the NoMa SUD.

At the hearing, the Supervisor proposed amending the ordinance to make all the Commission's recommended modifications, except for limiting hours of operation. Also, in line with the commission's recommendation the legislation was amended to reduce the abandonment period from 18 months to 180 days.

At the hearing many community members of the Tenderloin and Polk Street neighborhoods spoke in favor of the legislation and the additional amendments. Supervisor Peskin asked to be added as a co-sponsor, and the item was continued for one week as the amendments are considered substantive.

231006 Planning Code, Zoning Map - 900 Kearny Street Special Use District. Sponsor: Peskin. Staff: V. Flores. Next the Committee considered Supervisor Peskin's proposed SUD at 900 Kearny Street. The Planning Commission heard this item on November 30, 2023, and recommended approval with a modification.

That modification was to revise the Chinatown-Community Business District Use Size controls to make it consistent with the limitations in Section 121.4.

During the hearing, Supervisor Peskin duplicated the file to incorporate the technical correction from the Planning Commission. Additionally, the duplicate file was amended to allow the construction of a roof structure to be used as an arts studio. This duplicate file is going to be referred to the Planning Commission, as you had not considered the rooftop studio.

During the land use hearing, there were no public comments. Once public comment was closed, the original board file was sent as a Committee Report to the full Board with positive recommendation.

231221 Planning Code - Citywide Expansion of Allowable Commercial, Restaurant, and Retail Uses. Sponsors: Mayor; Engardio, Dorsey and Melgar. Staff: V. Flores.

Lastly, the land use committee considered the mayor's ordinance that would Expand Allowable Commercial, Restaurant, and Retail Uses. This Ordinance was a duplicate file of BF 230701 that became effective in mid-January.

This duplicated Ordinance incorporates additional changes primarily related to LCUs, LCCUs, Outdoor Activity Areas, and specific district changes in response to community feedback. The Planning Commission heard this duplicated ordinance on February 29th and recommended approval.

During the committee hearing, Supervisor Peskin shared he had been working closely with the Office of Small Business but that there were two outstanding items which they did not agree on. The two proposed amendments as follows:

- Amend the LCCU controls to base the use controls on the nearest Neighborhood Commercial District or SUD within a ½ mile, or if the use is more than a ¼ mile from the nearest NCD/SUD then base the use controls off NC-1 controls.
- Amend the LCCU controls to permit a maximum use size based on the nearest NCD/SUD, up to a maximum of 1,200 sf.

Supervisor Melgar expressed concern over the proposed amendments because they ran counter to Prop H. Prop H removed the ¼ mile rule and allowed LCUs and LCCU controls to be dictated by NC-1 zoning controls. This change made it easier for businesses to understand the rules, and easier for planners to implement the rules. Further, NC-1 districts can be more permissive than some named NCs, where more restrictive controls have been adopted. The proposed ½ mile buffer is also more restrictive than the ¼ mile buffer Prop H removed. As such, Supervisor Melgar shared she was not in support of these additional restrictions emphasizing the time and effort put into Prop. H.

There was one public comment from a community member representing the Lower Polk CBD, expressing support for the ordinance and the specific changes related to the Polk Street NCD.

Supervisor Peskin made a motion to incorporate the amendments to use and use size limits for LCCUs. The only change was amending the ½ mile radius to a ¼ mile based on the discussions.

After the amendments were made, the item was continued for one week since the amendments were substantive.

Full Board

230310 Various Codes - State-Mandated Accessory Dwelling Unit Controls. Sponsor: Mayor. Staff: V. Flores. PASSED Second Read

231045 Planning Code - Landmark Designation - Sacred Heart Parish Complex. Sponsor: HPC. Staff: LaValley. PASSED Second Read

231185 Planning, Administrative Codes - Conditional Use Authorization for Removal of Unauthorized Unit. Sponsor: Melgar. Staff: V. Flores. PASSED Second Read

240070 Planning Code - Exceptions and Extensions for Existing Uses. Sponsor: Planning Commission. Staff: Merlone. Passed First Read

231006 Planning Code, Zoning Map - 900 Kearny Street Special Use District. Sponsor: Peskin. Staff: V. Flores. Passed First Read

Jonas P. Ionin, Commission Secretary:

The Zoning Administrator just informed me that the Board of Appeals did not meet yesterday. However, the Historic Preservation Commission did, and had a very lengthy hearing actually. They adopted Recommendations for Approval for several Legacy Business Registry applicants, the first being Ristorante Ideale on Grant Avenue, GFDS Engineers on Green Street, Bay Area Bird and Exotics Hospital on Taraval Street, and A&W Contractors on Noriega Street. They also adopted the Citywide Historic Context Statement for the Inner Sunset and then took on the Gregangelo Museum landmark designation, which was sponsored by Supervisor Melgar. There was a lot of support, a little bit of neighborhood opposition. The Commission ultimately adopted a Resolution

recommending Landmark Status for the Gregangelo Museum. It's sort of an interesting landmarking designation that's moving forward to the Board of Supervisors. And then, they heard the Waterfront Resilience Program that you had heard and also made, submitted their comments as necessary to keep that project moving forward. It went so long that we had to continue the last couple of items because we have a hard stop at 4:30 at the Historic Preservation Commission, because the Police Commission meets in these chambers after the Historic Preservation Commission.

E. GENERAL PUBLIC COMMENT

SPEAKERS: Georgia Schuttish – Priority Equity Geography neighborhoods: Policies under Housing Element and Constraints Reduction Ordinance call for preservation of existing housing. Current Calcs facilitate speculation/demolition. Ordinances creating SUDs cites increase in median sales price of “more than tripling from 2011 to 2021...this includes a 9% increase from 2019 to 2020 alone”. Noe Valley projects mirror this. There has certainly been an “under-performance” of housing built for middle income families and families in lower AMLs. However speculation has been glossed over by the Ordinances. The Demo Calcs never being adjusted since 2009 as intended by Section 317 Findings is a piece of the puzzle that has allowed speculation/demolition to flourish. The Commission’s power has been yanked away by Sacramento. The Demo Calcs should be adjusted as the Commission has the Legislative Authority to do in order to protect housing for families in the PEGs, dampen speculation, preventing Alterations from becoming Demolitions.
Tom Radulovich – Ecological crisis, updates To Priority Conservation Area and SB1425
Tom – Rezoning plan on Geary and Masonic

F. REGULAR CALENDAR

The Commission Hearing Procedures provide for presentations by staff; when applicable, followed by a presentation of the project sponsor team; followed by public comment. Please be advised that the project sponsor team includes: the sponsor(s) or their designee, lawyers, architects, engineers, expeditors, and/or other advisors.

12. [2022-011972CUA](#) (J. HORN: (628) 652-7366)
[557 23RD AVENUE](#) – west side between Anza and Balboa Streets; Lot 041 in Assessor’s Block 1566 (District 1) – Request for **Conditional Use Authorization** pursuant to Planning Code Sections 209.1, 303 and 317 to demolish an existing detached, one-story, 322 square foot, vacant single-family dwelling and construct a new one-story, 499 square foot, detached accessory dwelling unit located at the rear of the property. The subject property is located within a RH-2 (Residential House, Two-Family) Zoning District and 40-X Height and Bulk District.
Preliminary Recommendation: Approve with Conditions

SPEAKERS: = Jeff Horn – Staff report
+ Vivian Ky – Project sponsor presentation
ACTION: Approved with Conditions
AYES: Williams, Braun, Imperial, Koppel, Moore, Diamond
ABSENT: None
MOTION: [21537](#)

ADJOURNMENT 12:39 PM

ADOPTED APRIL 4, 2024