

SAN FRANCISCO PLANNING COMMISSION

Meeting Minutes

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

Thursday, April 27, 2023

1:00 p.m.

Regular Meeting

COMMISSIONERS PRESENT: Tanner, Moore, Braun, Diamond, Imperial, Koppel
COMMISSIONERS ABSENT: Ruiz

THE MEETING WAS CALLED TO ORDER BY PRESIDENT TANNER AT 1:01 PM

STAFF IN ATTENDANCE: Aaron Starr, AnMarie Rodgers, Julia Sabory, Lisa Chen, James Pappas, Miriam Chion, Ryan Balba, David Winslow, Liz Watty – Director of Current Planning, Rich Hillis – Planning Director, Laura Lynch – Acting 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. 2022-009099CUA (D. SPYCHER: (628) 652-7588)
1111 CALIFORNIA STREET – southwest corner of Taylor Street; Lot 020 in Assessor's Block 0253 (District 3) – Request for **Conditional Use Authorization** pursuant to Planning Code Sections 303(e) to amend Conditions of Approval granted by the Planning Commission on

November 14, 2013 under Motion No. 19020. Specifically, to amend conditions no. 48 and no. 49 to increase the maximum number of large entertainment events (defined as events with more than 250 attendees) from 79 to 91 events annually, while retaining the 54 annual limit for large entertainment events that are music events (concerts) for the Other Entertainment Use at Nob Hill Masonic Center. No other modifications or improvements are proposed. The project site is located within the within a RM-4 (Residential-Mixed, High Density) Zoning District, Nob Hill SUD (Special Use District), and 65-A Height and Bulk District.

Preliminary Recommendation: Approve with Conditions
(Proposed for Continuance to June 29, 2023)

SPEAKERS: None
ACTION: Continued to June 29, 2023
AYES: Braun, Diamond, Imperial, Koppel, Moore, Tanner
ABSENT : Ruiz

2. 2021-004964CUA (R. BALBA: (628) 652-7331)
4001 18TH STREET – south side between Hartford and Noe Streets; Lot 001 in Assessor's Block 3583 (District 8) – Request for **Conditional Use Authorization** pursuant to Planning Code Sections 202.2, 303, and 715, to establish an approximately 1,100 square-foot Cannabis Retail use within the ground floor commercial space of the existing two-story mixed-use building, with no on-site smoking or vaporizing of cannabis products within the Castro Street 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: Approve with Conditions
(Continued from Regular hearing on March 30, 2023)
(Proposed for Indefinite Continuance)

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

10. [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 professional service uses, and a total of 10 dwelling units on the third and fourth floors (five flats per floor, across five buildings). The proposal also seeks to legalize the exceedance of construction and the de facto demolition and modification of original approval to allow 2nd floor non-retail professional services and two residential flats on the third and fourth floors of the building at 2861 San Bruno Avenue (Lot 22). This building was originally approved as ground floor

commercial, and two residential townhouse units at the second, third and fourth floors. The proposal will restore the buildings to their original approved features, including various façade modifications. 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 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 March 16, 2023)

Note: On February 16, 2023, after hearing and closing public comment, continued to March 16, 2023, by a vote of +7-0. On March 16, 2023, after an update from staff and closing public comment, continued to April 27, 2023 by a vote of +6 -0 (Ruiz absent).

SPEAKERS: Sue Hestor – Question on public comment
 ACTION: Continued to May 4, 2023
 AYES: Braun, Diamond, Imperial, Koppel, Moore, Tanner
 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 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. [2021-012886CUA](#) (M. CHANDLER: (628) 652-7340)
429 GOUGH STREET – southwest corner of Ivy Street; Lot 004 in Assessor's Block 0808 (District 5) – Request for **Conditional Use Authorization** pursuant to Planning Code Sections 178, 202(a), 303, 761, to enlarge and relocate an existing Cannabis Retail Use, within the same building, from 313 Ivy Street to 429 Gough Street to establish an approximately 1,956 square foot Cannabis Retail Use with a consumption lounge (d.b.a Fig & Thistle Apothecary) at the ground floor with basement storage at the three-story over basement building. The Project will establish the wine bar (d.b.a Fig & Thistle), a principally permitted use, in the 313 Ivy Street tenant space, and includes interior tenant improvements for both tenant spaces, legalizing existing street facing security gates, and is within the Hayes-Gough NCT (Neighborhood Commercial Transit) Zoning District and 50-X Height and Bulk District. There will be no expansion of the existing building envelope. 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, Diamond, Imperial, Koppel, Moore, Tanner
ABSENT : Ruiz
MOTION : [21313](#)

4. [2022-007249CUA](#) (D. SPYCHER: (628) 652-7588)
1058 HYDE STREET – east side between California and Pine Streets; Lot 022 in Assessor's Block 0251 (District 3) – Request for **Conditional Use Authorization** pursuant to Planning Code Sections 303, 303.1, and 723 to establish a Formula Retail Use (d.b.a. European Wax Center) in an approximately 1,694 square foot vacant commercial space on the ground and mezzanine floors which was previously occupied by a gym use (d.b.a. Sculp). Interior tenant modifications to the commercial space and minor storefront improvements are proposed. There will be no expansion of the existing building envelope. New business signage for the commercial space will be filed under separate permit. The project site is located within the Polk Street NCD (Neighborhood Commercial District) Zoning District 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, Diamond, Imperial, Koppel, Moore, Tanner
ABSENT : Ruiz
MOTION : [21314](#)

C. COMMISSION MATTERS

5. Land Acknowledgement

Commissioner 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.

6. Commission Comments/Questions

President Tanner:

Thank you. Commissioners, sorry to bring the mask back out. You all maybe wondering what's happening, I'm recovering from a cold and so we're having a bit of abundance of caution over here. But I feel good, I'm glad I am here today. And glad that the Warriors

won last night. They [inaudible] it out and so we'll look forward to the next game on Friday.

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

Aaron Starr, Manager of Legislative Affairs:

Land Use Committee

221105 Planning Code - HOME-SF. Sponsor: Peskin. Staff: V. Flores.

221021 Planning, Administrative Codes - HOME-SF. Sponsors: Dorsey; Peskin. Staff: V. Flores.

This week the Committee took up the two HOME-SF ordinances, sponsored by President Peskin and Supervisor Dorsey.

The first Ordinance, introduced by President Peskin, would amend the Planning Code to exclude Article 10 Districts from HOME-SF.

The second Ordinance, introduced by Supervisor Dorsey, would amend the Planning Code to allow projects under HOME-SF to subject new dwelling units to rent control rather than increasing the affordability requirement.

The Historic Preservation Commission and Planning Commission heard these items on February 15 and February 16th respectively.

The Historic Preservation Commission adopted a recommendation of approval for both Ordinances. The Planning Commission recommended approval for the first Ordinance, and approval with modification for the second Ordinance. Those modifications included:

1. Amend the legislation to allow projects with fewer than 10 units to participate in HOME-SF by subjecting the entire building to rent control.
2. Require leases for these projects to disclose that the unit is subject to rent control.
3. Eliminate the shadow/wind/historic resources criterion from the eligibility requirements. And
4. Revise the eligibility requirement to allow the demolition of one unit.

The Supervisor incorporated the first two recommendations in addition to four other amendments, which are:

1. Eliminate the exemption from parking requirements since there are no longer parking minimums.

2. Make the minimum Below Market Rate unit size for studios consistent between the HOME-SF and Inclusionary Housing program.
3. Revise the common open space reduction to simply 10%.
4. Allow reduced requirements for private open space.

This week there were no public comments. President Peskin noted there were no amendments to Item 1, but that since the two items have traveled together thus far, that he would also continue both items so that they could be heard together next week. Both items were then continued to May 1.

230058 Planning Code, Zoning Map - Rezone Designated RM-2 Parcel. Sponsor: Stefani. Staff: Merlone.

The Committee also considered the proposed ordinance that would rezone the Hotel Drisco to permit up to 47 Tourist Hotel Rooms. This would allow the Hotel Drisco to continue its operations as a hotel and was the result of a settlement between the City and the owners of the hotel. Commissioners, you heard this item on your consent calendar on March 23rd and voted to recommend approval. At the Committee, there was no discussion and no public comment before the item was sent to the full board with a positive recommendation.

230280 General Plan - Environmental Justice Framework and General Plan Introduction. Sponsor: Planning Commission. Staff: Ngo.

Next the Committee heard an ordinance amending the General Plan by adopting the San Francisco Environmental Justice Framework and amending the Introduction to the General Plan

This item was initiated by the Planning Commission on January 26, 2023, and on Approved on March 2 of this year.

During public comment, all commentors were in support of the item. The item received support from PODER (People Organizing to Demand Environmental and Economic Justice), Chinatown Community Development Center, and Fillmore Media Systems & Services. The callers mentioned the importance of establishing citywide policy for environmental justice; targeting resources and action in Environmental Justice Communities; and the community-led process for outreach, engagement, and policy development.

During the hearing, Committee members asked questions about how the GP is implemented; what tangible outcomes will come from update, and questions about how the boundaries of the Environmental Justice Communities Map are decided on. The Committee members then voted unanimously to recommend the item to the Full Board.

230192 Planning Code - Landmark Designation Amendment - 429-431 Castro Street (the Castro Theatre). Sponsor: Mandelman. Staff: Westhoff.

Continued to provide more time for discussion.

Full Board

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

220971 Planning Code - Gates, Railings, and Grillwork Exceptions for Cannabis Retail Uses and Existing Non-Residential Uses. Sponsor: Safai. Staff: Merlone. PASSED Second Read

President Tanner:

Thank you. Mr. Starr, was the Castro Theatre continued to a specific date?

Aaron Starr, Manager of Legislative Affairs:

Sorry, I didn't --

President Tanner:

Sorry. Was the Castro Theatre continued to a specific date?

Aaron Starr, Manager of Legislative Affairs:

I will check on that for you.

President Tanner:

Two weeks? Are we still on target?

Rich Hillis, Planning Director:

We are.

Jonas P. Ionin, Commission Secretary:

We're still on target but it's cutting it very close.

President Tanner:

Okay.

Jonas P. Ionin, Commission Secretary:

Because the Board of Supervisors still needs to act.

President Tanner:

Exactly, okay. Keep us abreast of that.

Jonas P. Ionin, Commission Secretary:

Indeed.

E. GENERAL PUBLIC COMMENT

SPEAKERS: Eileen Boken – Ocean Beach Climate Change

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.

9. [2023-001197CWP](#) (A. RODGERS: (628) 652-7471)
HOUSING FOR ALL – Informational Presentation on implementation of the recently adopted Housing Element. In January 2023, the City & County of San Francisco adopted a new Housing Element, grounded in equity. This ambitious policy document contains over 350 implementation actions. Guided by Mayor London N. Breed's "Housing for All" strategy, the Mayor's Office is leading the Interagency Housing Implementation Group with City agencies to deliver these actions. This presentation will review the Planning Department's pending work alongside government agencies, community-based organizations, and residents to realize the Housing Element's vision. The Department's efforts are organized around four topic areas: 1) Activating Community Priorities; 2) Expanding Housing Choice; 3) Housing Production and Process Improvements; and 4) Affordable Housing Funding and Strategies.

Preliminary Recommendation: None - Informational

SPEAKERS:

- = Rich Hillis – Staff introduction
- = AnMarie Rodgers – Staff presentation
- = Julia Sabory – Staff presentation
- = Lisa Chen – Staff presentation
- = James Pappas – Staff presentation
- = Liz Watty – Staff presentation
- Christopher – Impacts to the American Indian community regarding displacement
- Eileen Boken – Inconsistencies on the report
- = Sue Hestor – Joint Hearing with BIC
- + Jake Price – Encouraged
- Anastasia Yovanopoulos - Work with communities
- Chantal – Concerns on the goals of equity
- Kristen – Discredit communities and their needs
- Priya – Market based system
- Speaker – Indigenous people, the housing element is an abject failure
- Don Misumi – Incentivizing and profitizing will lead to displacement
- Speaker – The city is broke
- Speaker - Concerns for massive displacement, eviction protection
- Diane Ruiz – No plan for affordable housing
- Georgia Schuttish – Take care before eviscerating Section 317 whether for Conditional Use or unit merger which is why I keep submitting info about codifying the Residential Flat Policy to preserve Flats in their existing and original configuration to prevent high-end market-rate, single family homes, but maintain denser, missing middle homes. If the Demo Calcs had been adjusted (which is a market-based strategy) to better preserve housing rather than creating larger high-end homes masking as "Alterations", the goal of the 2014 Housing Element to preserve "starter homes" could have been better realized, instead of now being abandoned. Please look at page 14, the three paragraphs on SB 9 on the Department's October 21, 2021 Memo by Ms. Conner and Ms. Nickolopoulos that expresses worries about existing owners, "cashing-

out". This is a serious issue for the proposed rezoning that will need to be completed per the Mayor by the end of 2024.

+ Lily – Communities know what we want

- Simin – The real issue is displacement not housing market

= Miriam Chion – Response to comments and questions

= Aaron Starr – Response to comments and questions

ACTION: Reviewed and Commented

11. [2021-000907CUA](#) (R. BALBA: (628) 652-7331)

2059 MARKET STREET – northeast corner of 14th Streets; Lot 013 in Assessor's Block 3535 (District 8) – Request for **Conditional Use Authorization** pursuant to Planning Code Sections 303 and 752 to permit the installation of a new Verizon Wireless Macro Wireless Telecommunication Services Facility at the rooftop of the existing four-story mixed-use building, consisting of six (6) new antennas and ancillary equipment within a NCT-3 (Moderate-Scale Neighborhood Commercial Transit District) 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

SPEAKERS: = Ryan Balba – Staff report
 + Hayden Piper – Project sponsor presentation
 - Speaker – Safety and health concerns
 - Patrick – Radiation concerns, old building
 - Regina Tsai – Exposure to radio frequency, negative impact to health
 - Speaker – Quality of life issues
 = Liz Watty – Response to comments and questions

ACTION: Approved with Conditions

AYES: Braun, Imperial, Koppel, Moore, Tanner

ABSENT : Ruiz

RECUSE : Diamond

MOTION : [21315](#)

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.

12. [2020-010373DRP](#) (D. WINSLOW: (628) 652-7335)

330 RUTLEDGE STREET – north side between Alabama Street and Peralta Avenue; Lot 014 in Assessor's Block 5540 (District 9) – Request for **Discretionary Review** of Building Permit No. 2020.0930.5493 to comply with Notice of Violation No. 201902301, to construct a retaining wall at the rear to maintain grade as allowed per Section 136 of the Planning Code to a one family residence within a RH-1 (Residential House - One 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 a Regular hearing on March 23, 2023)

SPEAKERS: = David Winslow – Staff report
 - Norma Garcia – DR presentation
 - Dan Dyckman – DR presentation
 - Larry Costello – DR presentation
 + Tyler Baldwin-Granger – Project sponsor presentation
 - Gretchen Muller - Access to yard, consider alternatives
 ACTION: - Estrella – DR invested in the garden
 AYES: No DR
 ABSENT : Braun, Diamond, Imperial, Koppel, Moore, Tanner Ruiz
 DRA : [825](#)

13. [2022-002033DRP](#) (D. WINSLOW: (628) 652-7335)
1448 WILLARD STREET – east side between Belmont Street and Parnassus Avenue; Lot 044 in Assessor's Block 2631 (District 8) – Request for **Discretionary Review** of Building Permit No. 2022.0201.7052 to construct a rear horizontal addition and to add a new second dwelling unit to a three-story over basement single family house 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

SPEAKERS: = David Winslow – Staff report
 - Jonathan Lowell – DR presentation
 + Speaker – Project sponsor presentation
 - Speaker – Lightwell, stairwell
 - John Caldwell – Lop siding drawn but not in the plans
 + John – Special neighborhood
 ACTION: No DR
 AYES: Braun, Diamond, Imperial, Koppel, Moore, Tanner
 ABSENT : Ruiz
 DRA : [826](#)

ADJOURNMENT 4:45 PM
 ADOPTED MAY 25, 2023