

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, March 7, 2024
12:00 p.m.
Regular Meeting

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

THE MEETING WAS CALLED TO ORDER BY PRESIDENT DIAMOND AT 12:03 PM

STAFF IN ATTENDANCE: Aaron Starr, Tolu Atoyebe, David Winslow, 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
(Proposed for Continuance to March 14, 2024)

SPEAKERS: None
 ACTION: Continued to March 21, 2024
 AYES: Braun, Imperial, Koppel, Moore, Diamond
 ABSENT: None

2. 2023-004973CUA (T. ATOYEBI: (628) 652-7363)
1701 FILLMORE STREET – west side between Post and Sutter Streets; Lot 034 in Assessor's Block 0683 (District 5)
 – Request for **Conditional Use Authorization** pursuant to Planning Code Sections 303, and 303.1, and 760, to establish a formula retail use (d.b.a. Super Duper Burgers), within an existing commercial space at the ground floor of a four-story mixed-use building, within the Fillmore Street 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
 (Continued from Regular hearing on January 18, 2024)
(Proposed for Indefinite Continuance)

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

3. 2023-002996CUA (M. LAUSH: (628) 652-7339)
807-809 VERMONT STREET – east side between 20th and 22nd Streets; Lot 064 in Assessor's Block 4093 (District 10) – Request for **Conditional Use Authorization** pursuant to Planning Code Sections 209.1, 303, and 317, to allow the removal of an unauthorized dwelling unit at the ground floor of an existing three-story, two-unit residential building within a RH-2 (Residential-House, Two Family) Zoning District and 40-X Height and Bulk District.
Preliminary Recommendation: Approve with Conditions
 (Continued from Regular hearing on January 25, 2024)
(Proposed for Indefinite Continuance)

SPEAKERS: None
 ACTION: Continued Indefinitely
 AYES: 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.

4. [2019-004110CUA-02](#) (J. HORN: (628) 652-7633)
2675 GEARY BOULEVARD – bounded by O'Farrell Street on the south, Masonic Avenue on the west, Geary Boulevard on the north, and Lyon Street on the east; Lot 001 in Assessor's Block 1094 (District 2) – Request to **Rescind** the February 1, 2024, Conditional Use Authorization pursuant to Planning Code Sections 303, 303.1 and 712 to permit a Formula Retail use (d.b.a. Whole Foods Market) within an existing 49,825-square-foot vacant

commercial space located in a NC-3 (Moderate Scale Neighborhood Commercial) Zoning District and 80-D and 40-X Height and Bulk Districts.

NOTE: On February 1, 2024, the Planning Commission held a public hearing on the certification of an EIR, adoption of CEQA findings, and a request for Conditional Use Authorization to allow a new Whole Foods Market grocery store at 2675 Geary Boulevard. However, a separate agenda item was inadvertently omitted on the February 1, 2024, hearing agenda, therefore the Commission did not take an action on the adoption of CEQA Findings. As a procedural requirement, the Commission must adopt the CEQA Findings for the EIR (2019-004110ENV-02), prior to the approval of the Project (2019-004110CUA-02).

Preliminary Recommendation: Rescind

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

5a. [2019-004110ENV-02](#) (J. HORN: (628) 652-7633)

2675 GEARY BOULEVARD – bounded by O’Farrell Street on the south, Masonic Avenue on the west, Geary Boulevard on the north, and Lyon Street on the east; Lot 001 in Assessor’s Block 1094 (District 2) – Request for **Adoption of CEQA Findings** and Mitigation and Monitoring Report Program under the California Environmental Quality Act (CEQA) to allow a Formula Retail use (d.b.a. Whole Foods Market) within an existing 49,825-square-foot vacant commercial space located in a NC-3 (Moderate Scale Neighborhood Commercial) Zoning District and 80-D and 40-X Height and Bulk Districts.

Preliminary Recommendation: Adopt CEQA Findings

SPEAKERS: None
 ACTION: Adopted Findings
 AYES: Braun, Imperial, Koppel, Moore, Diamond
 ABSENT: None
 MOTION : [21529](#)

5b. [2019-004110CUA-02](#) (J. HORN: (628) 652-7633)

2675 GEARY BOULEVARD – bounded by O’Farrell Street on the south, Masonic Avenue on the west, Geary Boulevard on the north, and Lyon Street on the east; Lot 001 in Assessor’s Block 1094 (District 2) – Request for a **Conditional Use Authorization** pursuant to Planning Code Sections 303, 303.1 and 712 to permit a Formula Retail use (d.b.a. Whole Foods Market) within an existing 49,825-square-foot vacant commercial space located in a NC-3 (Moderate Scale Neighborhood Commercial) Zoning District and 80-D and 40-X Height and Bulk Districts.

Preliminary Recommendation: Approve with Conditions

SPEAKERS: None
 ACTION: Approved with Conditions
 AYES: Braun, Imperial, Koppel, Moore, Diamond
 ABSENT: None
 MOTION : [21530](#)

6. [2023-011780CUA](#) (L. AJELLO: (628) 652-7353)

3233 22ND STREET – southeast corner of 22nd and Bartlett Streets; Lot 048 in Assessor’s Block 3636 (District 9) – Request for **Conditional Use Authorization** pursuant to Planning Code Sections 303 and 754, to allow a change of use from Limited Restaurant to Restaurant (DBA Pasta Supply Co.) in a one-story commercial building, within the Mission Street NCT (Neighborhood Commercial Transit) Zoning District and 55-X Height and Bulk District. This project was reviewed under the Community Business Priority Processing Program (CB3P).

Preliminary Recommendation: Approve with Conditions

SPEAKERS: None

ACTION: Approved with Conditions
AYES: Braun, Imperial, Koppel, Moore, Diamond
ABSENT: None
MOTION : [21531](#)

C. COMMISSION MATTERS

7. LAND ACKNOWLEDGEMENT

Commissioner Imperial:

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.

8. CONSIDERATION OF ADOPTION:

- [Draft Minutes for February 22, 2024](#)

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

9. COMMISSION COMMENTS/QUESTIONS

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.

Land Use Committee

240169 Planning Code - Parcel Delivery Service. Sponsors: Chan. Staff: V. Flores.

This week the Land Use committee considered the duplicated version of the Parcel Delivery Service ordinance sponsored by Supervisor Chan. The purpose of this duplicated ordinance is to add a retroactive date to the original parcel delivery service ordinance. Originally that date was March 9; however, since the interim controls end on March 30th, Supervisor Peskin amended the retroactive date to be March 30. After it was amended, the ordinance was forwarded to the full board with a positive recommendation.

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

Next the Land Use Committee considered Supervisor Melgar's ordinance that would amend the CU requirements for the removal of unauthorized dwelling units, or UDUs.

Specifically, the Ordinance would create a new CUA exemption for single-family homes removing a UDU if the UDU has not been rented in the last 10 years. Additionally, the property owner must currently reside in the primary unit and confirm they intend to reside there for at least three years after the UDU is removed.

Lastly, the property owner would need to enter into a Regulatory Agreement subjecting the single-family home to the price increase limitations of the Rent Ordinance.

The Ordinance would also waive the CUA for proposed UDU removals when the unauthorized dwelling unit does not currently meet the open space or Dwelling Unit exposure requirements of the Planning Code or the minimum floor-to-ceiling height requirement of the Housing Code.

Lastly, the proposed Ordinance refines the UDU removal findings to only consider the UDU's tenant and eviction history from the past 10 years.

The Planning Commission heard this item on November 14, 2023, during which time you recommended approval with modification. The modifications are:

1. Amend the open space and dwelling unit exposure CU exemptions so that projects are exempted if the only path to legalize is through a Variance.
2. Amend the floor-to-ceiling height CU exemption to only apply if the UDU does not meet the minimum floor-to-ceiling height and minimum unit size per Housing Code.

During the land use hearing, Supervisor Melgar made a motion to add the Planning Commission's recommendations to the ordinance. This motion passed unanimously. Supervisor Peskin then asked to be added as a sponsor.

There were two people who spoke during public comment, both expressing concern of the ordinance. After public comment the committee forwarded the amended ordinance to the full board with a positive recommendation.

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

Next the Committee concerned the landmark designation of the Sacred Heart Church, located at 546-548 Fillmore Street. This item was amended and continued last week. This week, during public comment there were several people who spoke about the need to include artwork by a well-known Italian artist painted on the church ceiling and walls in the designation report. In response, Supervisor Preston duplicated the ordinance after public comment to leave open the possibility of amending the designation report. The original item was then forwarded to the full board with a positive recommendation and the duplicated ordinance was then continued to the call of the chair.

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

Next the Committee considered the ordinance to amend the state ADU controls in the Planning Code. Commissioners you considered this item last week as a consent item and voted to recommend approval with the recommendation to:

1. Clarify that ADUs built within Article 10 or Article 11 individual landmarks or in a Historic or Conservation district trigger the notification requirements of Article 10 and Article 11 and not Section 311. (
2. Retain the existing 311, Article 10, and Article 11 notification requirements for ADUs.

During the hearing Planning Staff read the proposed amendments into the record and requested that the Board incorporate them into the ordinance. This action was done by the committee. The item was then continued for one week because the proposed amendments were deemed substantive.

230734 Planning Code - Density Calculation in RC, RTO, NC, and Certain Named NCDs. Sponsors: Mayor. Staff: Merlone.

Lastly the Committee considered the mayor's ordinance to use form-based density in the city's NC, RC, and RTO Districts. This item has been continued several times. This week Supervisor Peskin proposed amendments that would prohibit the use of the State Density Bonus with form-based density in these districts and require any bonus units be rent controlled. As these amendments were not considered by this commission, the item had to be referred back to the planning commission. So, Commissioners you will have the opportunity to weigh in on these amendments in the near future.

Full Board

231223 Planning Code - Parcel Delivery Service. Sponsor: Chan. Staff: Flores. PASSED Second Read

231257 Planning Code - Landmark Designation - Grand Theater. Sponsor: Ronen. Staff: La Valley. Passed Second Read

231079 Planning Code - Planning Code - Density Controls in Three Historic Districts. Sponsor: Peskin. Staff: Merlone. PASSED Second Read

231080 Planning Code - Fleet Charging. Sponsor: Peskin. Staff: Flores. PASSED Second Read

230808 Planning, Subdivision, and Administrative Codes and Zoning Map - Family Housing Opportunity Special Use District. Sponsors: Melgar; Engardio. Staff: V. Flores. Passed First Read

231256 Planning Code, Zoning Map - Potrero Yard Special Use District. Sponsors: Ronen; Walton. Staff: Snyder. Passed First Read

240047 General Plan - Potrero Bus Yard Project. Sponsor: Planning Commission. Staff: Snyder. Passed First Read

231187 Hearing - Appeal of Tentative Parcel Map Approval - 1365-1371 York Street. Staff: Starr. Items 33-36 This appeal was withdrawn.

240169 Planning Code - Parcel Delivery Service. Sponsors: Chan. Staff: V. Flores. Passed First Read

E. GENERAL PUBLIC COMMENT

SPEAKERS: Georgia Schuttish – Per Findings in Constraints Reduction at 2 (g), Housing Element seeks to protect PEGs from “zoning changes and planning processes” that could have “adverse racial and social equity impacts”. Section 317 values defining Demolition also have “planning process” goal to prevent an Alteration from being a Demolition. Tehlirian v. The City and County of SF is a Court of Appeal decision agreeing with City’s determination of the project as a “de facto Demolition”. Case was prior to Section 317 implementation but description of the project as a horizontal/vertical expansion with removal of front facade is precisely the same scope of work that is a “permitted process” under current threshold values of the Demo Calcs. And this is why Calcs should be adjusted as the Commission has the legislative authority to do under Section 317 (b) (2) (D). Facts of case remain relevant today as stated during General 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.

12. [2023-007971CUA](#) (T. ATOYEBI: (628) 652-7363)
65-67 NOE STREET – east side between Duboce Avenue and 14th Street; Lots 119-120 in Assessor's Block 3538 (District 8) – Request for **Conditional Use Authorization** pursuant to Planning Code Sections 303 and 317 to remove an Unauthorized Dwelling Unit (UDU) located on the ground story of an existing four-story, two-family residence, within a RTO (Residential Transit Oriented) Zoning District and 40-X Height and Bulk District.
Preliminary Recommendation: Approve with Conditions

SPEAKERS: = Tolu Atoyebi – Staff report
 ACTION: Approved with Conditions
 AYES: Braun, Imperial, Koppel, Moore, Diamond
 ABSENT: None
 MOTION : [21532](#)

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.

- 13a. [2023-004909DRP](#) (D. WINSLOW: (628) 652-7335)
1336 SHOTWELL STREET – west side between Cesar Chavez Street and Precita Avenue; Lot 074 in Assessor's Block 5501 (District 9) – Request for **Discretionary Review** of Building Permit No. 2023.0911.6345 to construct a vertical and horizontal extension to the front and rear of the existing two-story, single-family 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 January 25, 2024)

SPEAKERS: = David Winslow – Staff report
 = Corey Teague – Variance report
 - Carlina Hansen – DR presentation
 - Brian O'Neil – DR presentation
 + Jess and Andi – Project sponsor presentation
 + Mason Kirby – Project sponsor presentation
 - Mike Bowden – Outdoor space, exterior stairway
 - Carrie McLaughlin – ADU conversion
 + Karen Kircher – Roof deck issue
 + Matty – Small change but makes a big improvement
 + Ella – Renters
 + Paula Brussel – Hardworking and caring neighbors
 + Speaker – Importance of outdoor space for mental health
 + Mallory – Had to move out because space has no kitchen, no outdoor space
 + Gabriel Lamoureux – Good for the house
 + Talitha Lamoureux – Very considerate people, they deserve to have more space
 + Suzette Levine – Need more housing, value own outdoor space
 + Emily – Incomplete without a kitchen, outdoor space will improve the quality of life
 + Theresa Lopez – SF is in need of housing and outdoor space

- Alex Garcia – Impact, shadow study, space is too small for extensions
 = Georgia Schuttish – Comments relate to this DR but are appropriate for all projects with a certain scope of work. There were no Demo Calcs for this project. They were apparently deemed unnecessary. Demo Calcs should be required on Alterations that include a horizontal and vertical expansion as described on the cover sheet for the 311 Notification. The checklist at intake should include a Section 317 box to be filled in and project sponsors should be required to provide Calcs. Planning Staff doing concurrent review with DBI and involved at start of application Not a burden/constraint. It can be done via blue beam or other applications used by professional, highly trained project sponsors' architects. Public, Staff and Commission need this information to ensure that project is Code Compliant. Important baseline information during construction of project. Particularly necessary for PEGs. See Kelly Wong/Chaska Berger June 2021 Power Point Info Presentation to DBI.

ACTION: After hearing and closing PC; Continued to March 14, 2024 with direction from CPC.
 AYES: Braun, Imperial, Koppel, Moore
 NAYS: Diamond
 ABSENT: None

- 13b. [2023-004909VAR](#) (D. WINSLOW: (628) 652-7335)
1336 SHOTWELL STREET – west side between Cesar Chavez Street and Precita Avenue; Lot 074 in Assessor's Block 5501 (District 9) – Request for **Variance** of Building Permit No. 2023.0911.6345 to construct a vertical and horizontal extension to the front and rear of the existing two-story, single-family building within a RH-2 (Residential House – Two Family) Zoning District and 40-X Height and Bulk District. Planning Code Section 242 requires the subject property to maintain a rear yard of approximately 22 feet measured from the rear property line. The proposed rear addition will encroach approximately seven feet into the required rear yard. Planning Code Section 174 requires projects to meet the conditions of approval. A prior variance was granted for the subject lot that, as a condition of approval, required future additions to obtain a variance. Therefore, the project requires a variance.
 (Continued from Regular hearing on January 25, 2024)

SPEAKERS: Same as item 13a.
 ACTION: After hearing closing PC; ZA Continued to March 14, 2024.

ADJOURNMENT 1:44 PM

ADOPTED MARCH 21, 2024