

SAN FRANCISCO PLANNING COMMISSION

Meeting Minutes

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

Thursday, June 29, 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 1:03 PM

STAFF IN ATTENDANCE: Aaron Starr, Matt Dito, Monica Giacomucci, Xinyu Liang, Claire Feeney, Chris May, David Winslow, Corey Teague – Zoning Administrator, Rich Hillis – Planning Director, Liz 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 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 General 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, the Nob Hill Special Use District, and a 65-A Height and Bulk District.

Preliminary Recommendation: Approve with Conditions

(Continued from Regular hearing on April 27, 2023)

(Proposed for Continuance to July 13, 2023)

SPEAKERS: None

ACTION: Continued to July 13, 2023

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

ABSENT: Ruiz

2. 2022-004605DRP (D. WINSLOW: (628) 652-7335)
2574 UNION STREET – north side between Divisadero and Scott Streets; Lot 013 in Assessor's Block 0945 (District 2) – Request for **Discretionary Review** of Building Permit No. 2022.0413.2114 to construct a three-story rear horizontal addition to a three-story over basement single-family dwelling 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

WITHDRAWN

SPEAKERS: None

ACTION: Withdrawn

6. [2022-006017CUA](#) (R. BAEZA: (628) 652-7369)
11 FRANKLIN STREET, UNIT 604 – northwest corner of Page Street; Lot 123 in Assessor's Block 0837 (District 6) – Request for **Conditional Use Authorization** pursuant to Planning Code Sections 202.10, 303 and 752 to 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(s) proposed for ILO classification will remain dwelling units. The subject property is located within a NCT-3 (Neighborhood Commercial Transit, Moderate-Scale) Zoning District and 50-X/85-X Height and Bulk District.

Preliminary Recommendation: Approve with Modifications

SPEAKERS: None

ACTION: Continued Indefinitely

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

ABSENT: Ruiz

7. [2022-011623CUA](#) (M. GIACOMUCCI: (628) 652-7414)
555 9TH STREET – east side between Bryant and Brannan Streets; Lot 003 in Assessor's Block 3781 (District 6) – Request for **Conditional Use Authorization** pursuant to Planning Code Sections 303, and 303.1 to establish a Formula Retail use (DBA "The Container Store") in a vacant 22,329 square-foot retail space located on the second floor of the subject property within a UMU (Urban Mixed Use) Zoning District and 48-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: Continued to September 28, 2023
 AYES: Braun, Diamond, Imperial, Koppel, Moore, Tanner
 ABSENT: Ruiz

15. [2022-012051CUA](#) (T. ATOYEBI: (628) 652-7563)
79 28TH STREET – south side between Dolores and Guerrero Streets; Lot 034 in Assessor's Block 6616 (District 8) – Request for **Conditional Use Authorization** pursuant to Planning Code Sections 249.92 and 303, to construct a three-story, rear and horizontal addition to an existing 2,578 square foot, single-family dwelling with an unauthorized unit, resulting in a 3,368 square foot primary dwelling and a 1,495 square foot secondary dwelling unit within a RH-2 (Residential-House, Two-Family) Zoning District, Central Neighborhoods Large Residence SUD (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

SPEAKERS: None
 ACTION: Continued to September 7, 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.

4. [2020-006488CRV](#) (E. SAMONSKY: (628) 652-7417)
580 MINNA STREET – north side between 6th and 7th Streets; Lot 101 of Assessor's Block 3726 (District 6) – Request for **Adoption of Findings** Related to State Density Bonus pursuant to Planning Code Section 206.6 to allow the construction of a seven-story, 65-foot-tall residential building (measuring 18,909 gross square feet) within a MUG (Mixed-Use General) Zoning District and 45-X Height and Bulk District. The Project seeks waivers

from Height (Planning Code Section 250), Narrow Street and Alley Controls (Section 261.1), Rear Yard (Section 134), Exposure (Section 140) and Ground Floor Active Use (Section 145.1) and has requested an Incentive/Concession from Open Space (Section 135) pursuant to the State Density Bonus Law. The Planning Department issued a community plan evaluation pursuant to 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: Adopt

SPEAKERS: None
ACTION: Adopted Findings
AYES: Braun, Diamond, Imperial, Koppel, Moore, Tanner
ABSENT: Ruiz
RESOLUTION: [21340](#)

5. [2022-007086CUA](#) (R. BAEZA: (628) 652-7369)
11 FRANKLIN STREET, UNIT 304 – northwest corner of Page Street; Lot 107 in Assessor's Block 0837 (District 6) – Request for **Conditional Use Authorization** pursuant to Planning Code Sections 202.10, 303 and 752 to 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(s) proposed for ILO classification will remain dwelling units. The subject property is located within a NCT-3 (Neighborhood Commercial Transit, Moderate-Scale) Zoning District and 50-X/85-X Height and Bulk District.

Preliminary Recommendation: Approve with Modifications

SPEAKERS: None
ACTION: Approved with Conditions
AYES: Braun, Diamond, Imperial, Koppel, Moore, Tanner
ABSENT: Ruiz
MOTION: [21341](#)

C. COMMISSION MATTERS

8. 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.

9. Consideration of Adoption:

- [Draft Minutes for June 15, 2023 – Joint hearing with HPC](#)

SPEAKERS: None

ACTION: Adopted as amended

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

ABSENT: Ruiz

10. Commission Comments/Questions

Commissioner Moore:

I wanted to share the enthusiasm I heard in the Board of Supervisors' meeting the other day. St. Anthony has purchased the Oasis Inn, a family housing shelter during COVID and extended it to become a permanent housing shelter in collaboration with the Providence partnership. Thank you to the activism of the community, thank you to Supervisor Preston and everybody else who participated in it. It's a remarkable achievement and it shows what real good activism can achieve. The other thing which disturbed me a little bit, and I'm sure everybody has been reading about it, that the City of San Francisco is reclassifying its low-income level to be a \$105,000 a year. I think that will put an extra burden on us to determine of how to think about housing. That's all.

President Tanner:

Thank you, Commissioner Moore. I just wanted to thank Planning staff. Last week we had a tour of the Planning Department and kind of a little overview of what the Planning career, the Planning field is like for the Presidio Bay Scholarship program. So, I want to give extra shout out to Charles, Trent, Ryan, Megan, Malik, Xinyu, Edgar Kurt, Rogelio, Claudine, Joe, Alex, and Wesley. Also to Julian, to Elena, to Deborah, to Rich, to all the staff who made it possible and the students had a really great time. We had a group of students both rising seniors and early college age folks. So, learning about the real estate field, including the Planning profession. So, thank you all for making time for them.

D. DEPARTMENT MATTERS

11. Director's Announcements

None.

12. 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 Leg affairs. It's been a while since I've presented so a few things have moved through the process. Also, the Land Use committee has not met for the past two weeks.

Since I last presented...

[230164](#) Planning Code - Non-Conforming Public Parking Lots in the Mission Street NCT District. Sponsor: Ronen. Staff: Starr. PASSED Second Read

[230192](#) Planning Code - Landmark Designation Amendment - 429-431 Castro Street (the Castro Theatre). Sponsor: Mandelman. Staff: Westhoff. PASSED Second Read

[230371](#) Planning and Building Codes - Commercial to Residential Adaptive Reuse and Downtown Economic Revitalization. Sponsors: Mayor; Peskin. Staff: Langlois. Second Read, Item 14

[230493](#) Planning Code - Landmark Designation - The Church for the Fellowship of All Peoples. Sponsor: Peskin. Staff: LaValley. Second Read, Item 15

[230447](#) Building, Planning Codes - Existing Awning Amnesty Program. Sponsors: Mayor; Peskin, Stefani, Chan and Preston. Staff: Merlone. First Read, Item 27

This week at the Board there were three appeals, A CEQA appeal and a CU appeal for 1151 Washington Street, and a CU appeal for 3832 18th Street.

[230592](#) Hearing - Appeal of Determination of Exemption From Environmental Review - Proposed 1151 Washington Street Project. Staff: Gibson. Item 38-41

[230630](#) Hearing - Appeal of Conditional Use Authorization Approval - 1151 Washington Street. Staff: May. Items 42-45

The project at 1151 Washington Street proposes to utilize the State Density Bonus Program to demolish the existing single-family dwelling on the subject property and construct a four-story building containing 10 dwelling units. On April 20, 2023, the Commission approved the Project.

Regarding the CEQA appeal, the appellants argued that the project is not eligible for a Class 32 exemption, due to "unusual circumstances" related to shadow on the Betty Ann Ong Recreation Center, known soil contamination, geotechnical issues, fire department access and construction air quality.

During the hearing, Supervisors considered the project site's location (uphill and adjacent to the Betty Ong Recreation Center) to be an unusual circumstance. They also called into question our practice of only looking at shadow impacts for projects that are over 40 feet in height.

The Department of Public Health was asked to explain the site mitigation plan. The supervisors called into question whether or not these measures would be adequate given that the project is adjacent to a playground, as well as concerns about the contaminants present on the property.

The Board also raised the issue of emergency access and agreed with the appellant that the project would create unusual circumstances related to fire access primarily due to the long narrow shape of the parcel, and the fact that access would be provided along a narrow 5-foot-wide pathway.

There were four commentors in support of the appeal; comments were largely focused on the shadow impacts of the project, although the hazardous materials and fire department access concerns were mentioned.

There were 11 commentors in support of the project; comments were focused on the need for housing, and concerns about HCD's interest and potential consequences if the appeal

were upheld. Some commentators noted that new shadow on parks should be balanced with the need for housing, and that new shadow should not preclude residential development.

Ultimately, the Board upheld the CEQA appeal and reversed the categorical exemption. Once findings for the Board's action are complete, the department will then review them to determine the path forward on the project's CEQA review and discuss next steps with the project sponsor.

Because the CEQA appeal was upheld, it negated the Planning Commission's approval of the Conditional Use authorization, so that appeal hearing was tabled.

[230634](#) Hearing - Appeal of Conditional Use Authorization Approval - 3832-18th Street. Staff: Horn. Item 46-49

Finally, the Board denied the appeal for 3832-18th Street and upheld the Planning Commission's approval of the project. This was a State Density Bonus project and included a Conditional Use authorization for modifications to a previously approved demolition of an existing two-story, single-family residence and the construction of a six-story, residential building containing 19 group housing units.

The Project's conditional use authorization had been appealed for a second time after the Commission's approval on April 20, 2023.

The Project was the subject of a Notice of Violation from the California Department of Housing and Community Development (HCD) stating that the City denied the height waiver by conditioning the project at five stories, and not allowing six stories.

E. GENERAL PUBLIC COMMENT

SPEAKERS: Jerry Dratler – Illegal subdivision of housing units on Alemany Blvd.
Eric Burkes – Melgar/Engardio legislation
Ozzy Rohm – Demolitions
Speaker – Melgar/Engardio legislation
Lawrence – Convert empty buildings to SROs
Speaker – High rental rates
Sue Hestor – Items on the advance calendar, 2-week packet
Renay Jenkins – New developments, strengthen CEQA laws

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.

13. [2023-003676PCAMAP](#) (A. STARR: (628) 652-7533)
CONSTRAINTS REDUCTION AKA HOUSING PRODUCTION ORDINANCE [BF 230446] –
Planning Code and Zoning Map Amendments – Ordinance amending the Planning Code to

encourage housing production, by 1) streamlining construction of housing citywide, but outside of Priority Equity Geographies, as defined; 2) streamlining development of housing on large lots 3) allowing construction of buildings to the allowable height limit; 4) streamlining review of State Density Bonus projects; 5) streamlining construction of additional units in lower density zoning districts; 6) streamlining process for senior housing; 7) exempting certain affordable housing projects from development fees; 8) amending rear yard, front setback, lot frontage and minimum lot size requirements; 9) amending residential open space requirements; 10) allowing additional uses on the ground floor in residential buildings; 11) allowing homeless shelters and group housing in residential districts; 12) expanding the eligibility for the Housing Opportunities Mean Equity - San Francisco (HOME - SF) program and density exceptions in residential districts; and 13) allowing administrative review of reasonable accommodations; amending the Zoning Map to create the Priority Equity Geographies Special Use District; affirming the Planning Department's determination under the California Environmental Quality Act; and making public necessity, convenience, and welfare findings under Planning Code, Section 302, and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

Preliminary Recommendation: Approve

(Continued from Joint Hearing on June 15, 2023)

SPEAKERS: = Aaron Starr – Staff presentation
 + Lisa Gluckstein (Mayor's Office) – Introduction to the ordinance
 + Supervisor Engardio – Introduction to the ordinance
 - Eric Brooks – Not necessary, vacant office spaces
 - Chris Madrid French – Historic projects not included/removed
 - George Wooding – Density does not equal affordability
 - Sandra Dratler – Truly affordable housing
 - Jean Barish – Flawed assumptions and faulty data
 - Speaker – Harmful to tenants, DR/CU projects
 - Speaker – Unaffordable housing
 - Ozzy Rohm – Reduction of constraints for who
 + Serena Calhoun – Impacts single family homes
 - Abi Gandhi – Lack of analysis to social and economic impacts
 + Kathleen Chavatone – Improve the process
 + Speaker – Abundant housing
 + Audrey – Will help build a city for everyone
 + Karen Payson – Supply and demand
 + Speaker – Let the mayor lead
 - Richard Becker – Unaffordable housing
 + Jessica Polo – Low inventory of homes for sale
 - Erika Ford – Will profit developers
 - Ken Fujioka - Concerns for tenants, protecting existing residents
 + Brandon Powell – Streamline the process
 - Kyle Wolfe – Low income, tenant protection
 + Mike Chen – Have more housing flexibility
 + Lizzie - Millennials being priced out
 + Susan Setterholm – Live in San Francisco raising families
 + Brian Kwong – More opportunities for housing
 + Richard – Pass legislation, make it affordable

- + Jake Price – Pass this legislation
- + Jane Natoli - Impacts, members priced out
- + Annie Fryman – Procedural vote, state laws, housing elemnt
- + Teresa Pelosi – Build so people can stay and not be forced out
- Janthal Laberinto – Violates city's obligation to fair housing
- Joseph – Developer giveaways
- Carol Hardy – Promotes housing that are not affordable
- Renee Revere – No justification more units, population drop, conversion
- Dina – To build more housing is not the way to do it, convert existing
- Cynthia Gomez – Hotels, potential problems
- Leanne – Developer giveaways, profit driven
- Stephanie Peek – Allows developers to create fewer units & bypass fees
- Anastasia Yovanopolous – Designed to help market rate developers
- + Dave Alexander – Build on the west side
- Shauna McCrew – All for the developers
- Theresa Flandrick – Don't move forward unless safeguards for tenants are in place
- Howard Wahl – Revert back to basic fundamental principles of planning
- + Abram Diaz – Simply housing approvals
- Tab Buckner – Deregulate market rate housing
- Speaker – Will lead to demolitions, displacements, and gentrification
- Katherine Petrin – Legislation is not the answer, existing vacant housing
- Speaker – Developer giveaway
- Speaker – Removing neighborhood notices
- Curtis Woo – Building 10,000 homes per year is not a realistic goal
- + Speaker – Will alleviate the affordable housing crisis
- + Josh – Great for the city
- + Josh – Critical to stick to commitments
- Eileen Boken – Anti CEQA subtext on the housing ordinance
- David Osgood – Address vacant housing units
- Speaker – Homeless, housing too expensive
- Evelyn – Don't approve without amendments, empty buildings
- Jamie Wong – Elimination neighborhood notices
- + Robert Fruchtman – Fear change, decision to pass legislation is made
- + Ira – Building housing in SF is climate action
- + Speaker – Generational fight
- Preeyah – Fair housing, prioritize affordable housing
- David Woo – Works to silence communities
- Jim – Answer is not to gut Planning Department and code
- + Jesse Eaton – Supply and demand
- + Qien Feng – Need all types of housing
- + Speaker – Expand it citywide
- + Adam Buck – Supports the legislation, homeless shelter beds
- + Adam – Support legislation, ensure not subject to exceptions
- + Gary – Climate change, denser housing = less emissions
- Bruce Bowen – Public participation, public notification, DR/CUA
- Michael Nulty – Not adequate for current issues/concerns in the city
- Mitchell – Renter's rights, tenant evictions, require notice
- Lorraine Petty – Continue, enact an affordable housing act

= Liz Watty – Response to comments and questions
 = Kate Connor – Response to comments and questions
 ACTION: Approved as Amended to include additional language as it relates to front setback reduction and read into the record, as well as Section 317 no history of buyouts with a 5-year duration clause.
 AYES: Braun, Diamond, Koppel, Tanner
 NAYS : Imperial, Moore
 ABSENT: Ruiz
 RESOLUTION: [21342](#)

3. [2022-011807CUA](#) (M. DITO: (628) 652-7358)
51 PROSPER STREET – east side between 16th and 17th Streets; Lot 031 in Assessor's Block 3564 (District 8) – Request for **Conditional Use Authorization** pursuant to Planning Code Sections 209.1, 303, and 317 to merge units #2 and #5 at the subject property. The merger would result in the elimination of unit #2. The subject property is located within a RH-2 (Residential, House – Two-Family) Zoning District, Central Neighborhoods Large Residence SUD (Special Use District), and 40-X Height and Bulk District.
Preliminary Recommendation: Disapprove
 (Continued from Joint hearing on June 15, 2023)

SPEAKERS: = Matt Dito – Staff report
 + Tom Metz – Project sponsor presentation
 ACTION: After hearing and closing public comment, Continued to September 7, 2023
 AYES: Braun, Diamond, Imperial, Koppel, Moore, Tanner
 ABSENT: Ruiz

14. [2022-005027PRJ](#) (M. GIACOMUCCI: (628) 652-7414)
952 AND 960 HOWARD STREET – through lots to Natoma Street between 6th and Mary Streets; Lots 018 and 019 in Assessor's Block 3725 (District 6) – **Informational Presentation** on the construction of a nine-story, 86,219 square-foot residential addition above an existing three-story, 21,496 square-foot mixed-use (office, PDR, and retail) building (hereafter "Project") resulting in an approximately 140-foot tall building with 51 Class 1 and eight Class 2 bicycle parking spaces, one off-street loading space, and no off-street vehicular parking spaces, as well as a 4,662 square feet of usable open space dedicated to commercial and residential uses. The Project is requesting approval through the ministerial review process provided under the Central SoMa Housing Sustainability District (Planning Code Section 343) and Concessions/Incentives and Waivers from Development Standards under the State Density Bonus Law (Planning Code Section 206.6 and California Government Code Section 65915). The Project Site is located within a MUR (Mixed Use-Residential) Zoning District and 45-X/85-X Height and Bulk District.
Preliminary Recommendation: None - Informational

SPEAKERS: = Monica Giacomucci – Staff presentation
 + George Healey – Project sponsor presentation
 + Alice Kao – Design presentation
 ACTION: Reviewed and Commented

- 16a. [2021-003762ENX](#) (X. LIANG: (628) 652-7316)
395 03RD STREET – northwest conner of Harrison Street; Lot 086 of Assessor's Block 3750 (District 6) – Request for **Large Project Authorization** to permit construction of a structure greater than 85 feet in height and more than 50,000 gross square feet in size within the Central SoMa Special Use District (SUD) (Planning Code Section 329), MUR (Mixed-Use Residential) Zoning District, and 200-CS Height and Bulk District, and make findings under the Individually Requested State Density Bonus Program (Section 206.6), pursuant to California Government Code Section 65915, to achieve a 42.5% density bonus, thereby increasing residential density on the site and includes waivers from: Setback (Section 132.4), Wind (Section 249.78), Height Limit (Section 250 and 841.01), and Bulk Limit (Section 270), as well as two Incentives/Concessions from: Streetwall (Section 132.4) and Open Space (Sections 135 and 841.11). The Project includes demolition of an existing parking lot and new construction of a 35-story, mixed-use building with approximately 456,000 square feet of residential use with a total of 524 dwelling units, 4,500 square feet of ground-floor retail use, and 208 Class 1 and 32 Class 2 bicycle parking spaces. The Planning Department issued a community plan evaluation pursuant to 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: = Xinyu Liang – Staff report
 + Michael Cohen – Project sponsor presentation
 + Michael Larson – Design presentation
 = Corey Teague – Response to comments and questions
 = Rich Hillis – Response to comments and questions
 = Austin Yang, Deputy City Attorney – Response to comments and questions

ACTION: Approved with Conditions as amended to include a 40% two-bedroom mix in the affordable unit portion, if deemed permissible. Adding a Finding that the CPC would be satisfied with a 25% mix of two-bedrooms for the market-rate portion.

AYES: Braun, Diamond, Imperial, Koppel, Moore, Tanner
 ABSENT: Ruiz
 MOTION: [21343](#)

- 16b. [2021-003762VAR](#) (X. LIANG: (628) 652-7316)
395 03RD STREET – northwest conner of Harrison Street; Lot 086 of Assessor's Block 3750 (District 6) – Request for **Variance** from the Planning Code requirement for Dwelling Unit Mix (Section 207.6), for the proposed project involving demolition of an existing parking lot and new construction of a 35-story, mixed-use building with approximately 456,000 square feet of residential use with a total of 524 dwelling units, 4,500 square feet of ground-floor retail use, and 208 Class 1 and 32 Class 2 bicycle parking spaces within a MUR (Mixed-Use Residential) Zoning District, Central SoMa SUD (Special Use District), and 200-CS Height and Bulk District.

SPEAKERS: Same as item 16a.
 ACTION: ZA closed PH and took the matter under advisement

17. [2022-011750CUA](#) (X. LIANG: (628) 652-7316)
372 RITCH STREET – south side between Townsend and Brannan Streets; Lot 044 in Assessor's Block 3787 (District 6) – Request for **Conditional Use Authorization** pursuant to Planning Code Sections 202.2, 303, and 830 to establish an approximately 2,800 square-foot Cannabis Retail Use within the existing one-story commercial building located in the CMUO (Central Soma-Mixed Use Office) Zoning District, Central SoMa SUD (Special Use District), and 65-X Height and Bulk District. The Project does not include a request for authorization of any type of on-site consumption. The Project proposes interior tenant improvements such as installing display cases, toilets, and some partition walls. No major changes to the building exterior or envelope are proposed. New business signage will be applied for under a separate building permit. 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: = Xinyu Liang – Staff report
 + Martin Encinas Leon – Project sponsor presentation
 + Michael Wright – Project sponsor presentation
 ACTION: Approved with Conditions
 AYES: Braun, Diamond, Imperial, Koppel, Moore, Tanner
 ABSENT: Ruiz
 MOTION: [21344](#)

18. [2022-006976CUA](#) (C. FEENEY: (628) 652-7313)
1541 POLK STREET – west side between Sacramento and California Streets; Lot 002 in Assessor's Block 0643 (District 3) – Request for **Conditional Use Authorization** pursuant to Planning Code Sections 202.2, 303, and 723 to establish an approximately 4,080 square foot Cannabis Retail use (d.b.a. Element 7) with no on-site smoking or vaporizing permitted, on the ground floor of a one-story, single-storefront commercial building, within the Polk Street NCD (Neighborhood Commercial District) Zoning District and 65-A 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 Canceled Joint hearing on June 8, 2023)

SPEAKERS: = Charles Feeney – Staff report
 + Shanti De Luca – Project sponsor presentation
 + Josh Black – Project sponsor presentation
 - Drakari Donaldson – Concerns on the number of Element 7 dispensaries, SF Equity program to support to local equity applicants
 - Chris Schulman – Community meeting, Element 7 is a formula retail
 - Speaker – They are a formula retail
 = Liz Watty – Response to comments and questions
 ACTION: After hearing and closing public comment; Continued to September 14, 2023

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

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.

19. [2023-002864DRM](#) (C. MAY: (628) 652-7359)

1 SANSOME STREET – northwest corner of Sutter Street; Lots 003 and 004 in Assessor's Block 0289 (District 3) – **Mandatory Discretionary Review** of Building Permit No. 2023.0526.8717 for a modification of the conditions of approval outlined in the 1981 discretionary review of the project (Planning Commission Resolution No. 9085) in order to allow flexibility to host periodic private events involving the closure of the publicly accessible atrium fronting Sansome and Sutter Streets (a General Entertainment Use), as well as the installation of interior green living walls within a C-3-O (Downtown-Office) Zoning District and 450-S Height and Bulk District.

Preliminary Recommendation: Take DR and Approve with Modifications

SPEAKERS: = Chris May – Staff report
 + Mark Loper – Project sponsor presentation
 + David Henderson – An anchor location
 + Julia Rome – Focal point for downtown events
 + Phil Speigle – Response to comments and questions
 = Corey Teague – Response to comments and questions
 = Rich Hillis – Response to comments and questions

ACTION: Took DR and Approved with Conditions

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

ABSENT: Ruiz

DRA: [828](#)

20. [2021-007262DRP-02](#) (D. WINSLOW: (628) 652-7335)

939 LOMBARD STREET – south side between Leavenworth and Jones Streets; Lot 021 in Assessor's Block 0072 (District 3) – Request for **Discretionary Review** of Building Permit No. 2021.0709.4046 to demolish an existing two-car parking structure at the front of the lot and construct a new 5,173 square foot single-family dwelling within a RM-1 (Residential Mixed – Low 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: = David Winslow – Staff report
 - Martin Eng – DR 1
 - Mark Swartz – DR 2
 - Trae Sims – Read statement from a 92 yr. old neighbor

- Stephanie Falkenstein – Concerns to light, shadow in the school yard
- + Chloe Angelis – Project sponsor presentation
- Natasha – Concerns to shadow that will cast to the schoolyard
- Speaker – Concerns to shadow, contaminated soil, retaining wall
- Renee Kwong – Concerns to shadow, noise, character of neighborhood
- Mark – Mostly interior work, time of foundation work
- Speaker – Students that are sensitive to noise

ACTION: No DR
 AYES: Braun, Diamond, Koppel, Tanner
 NAYS : Imperial, Moore
 ABSENT: Ruiz
 DRA: [829](#)

21. [2021-004066DRP](#) (D. WINSLOW: (628) 652-7335)
372 DOLORES STREET – west side between Chula Lane and 17th Street; Lot 008 in Assessor's Block 3566 (District 8) – Request for **Discretionary Review** of Building Permit No. 2021.0820.6824 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
 (Continued from Joint hearing on June 15, 2023)

SPEAKERS: = David Winslow – Staff report
 + Mark Brand – Project sponsor presentation
 ACTION: No DR
 AYES: Braun, Diamond, Imperial, Koppel, Moore, Tanner
 ABSENT: Ruiz
 DRA: [830](#)

ADJOURNMENT 8:53 PM
 ADOPTED JULY 13, 2023