

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 23, 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 1:02 PM

STAFF IN ATTENDANCE: Aaron Starr, Mathew Chandler, Carly Grob, Tolu Atoyebi, Gabriela Pantoja, David Winslow, Richard Sucre – Deputy 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. 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 construct a retaining wall at the rear property line to address N.O.V #201902301 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\(h\)](#).

(Continued from a Regular hearing on February 23, 2023)

(Proposed for Continuance to April 27, 2023)

SPEAKERS: None
 ACTION: Continued to April 27, 2023
 AYES: Braun, Diamond, Imperial, Koppel, Moore, Tanner
 ABSENT : Ruiz

2. 2022-001764CUA (C. FEENEY: (628) 652-7313)
434 CORTLAND AVENUE – south side between Andover and Bennington Streets; Lot 031 in Assessor's Block 5678 (District 9) – Request for **Conditional Use Authorization** pursuant to Planning Code Sections 303, 317, and 738 to demolish a one-story, mixed-use building with a retail storefront and one dwelling unit and construct a three-story, 6,245 square foot, four-unit residential building with a ground floor retail storefront and roof decks within the Cortland Avenue NCD (Neighborhood Commercial District) Zoning District and 40-X Height and Bulk Districts. 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 a Regular hearing on January 12, 2023)

(Proposed for Indefinite Continuance)

SPEAKERS: None
 ACTION: Continued Indefinitely
 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. [2014-002033DNX-02](#) (V. PAGE: (628) 652-7396)
429 BEALE / 430 MAIN – a proposed through lot south of Harrison and north of Bryant; Lots 305 and 306 in Assessor's Block 3767 (District 6) – Request to extend Conditions of Approval Nos. 1 and 2 related to Validity, Expiration and Renewal for an existing Downtown Project Authorization (Motion No. 20195, Case No. 2014-002033DNX) by three years. The Project authorized under Motion No. 20195 includes the demolition of two commercial buildings and the merger of two lots to construct a nine-story, 84-foot-tall residential building with up to 144 dwelling units (consisting of 60 studios, 25 one-

bedrooms, and 59 two-bedrooms). The Project is located within a RH-DTR (Rincon Hill Downtown Residential) Zoning District and 84-X Height and Bulk District.

Preliminary Recommendation: Approve with Conditions

SPEAKERS: None
ACTION: Approved with Conditions
AYES: Braun, Diamond, Imperial, Koppel, Moore, Tanner
ABSENT: Ruiz
MOTION: [21279](#)

4. [2023-000047CUA](#) (J. HORN: (628) 652-7366)
2675 GEARY BOULEVARD – south side between Masonic Avenue and Lyon Street; Lot 001 in Assessor's Block 1094 (District 2) – Request for **Conditional Use Authorization**, pursuant to Planning Code Sections 303 and 303.1 and 712 to establish a formula retail use (d.b.a. F45 Training) within a vacant 3,424 square foot commercial space (Suites E100 and E101) located within a NC-3 (Neighborhood Commercial, Moderate Scale) Zoning District, the City Center Special Sign District and 40-X and 80-D Height and Bulk Districts. 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: [21280](#)

5. [2023-001349PCA](#) (A. MERLONE: (628) 652-7534)
REZONE DESIGNATED RM-2 PARCEL – **Planning Code Amendment** – Ordinance, introduced by Supervisor Stefani, which would amend the Planning Code to rezone Assessor's Parcel Block No. 0976, Lot No. 001, located in the Residential Mixed, Moderate Density (RM-2) District to permit use for up to 47 Tourist Hotel Rooms; adopting findings, including environmental findings, Planning Code Section 302 findings, and findings of consistency with the General Plan and Planning Code Section 101.1.
Preliminary Recommendation: Approve

SPEAKERS: None
ACTION: Approved
AYES: Braun, Diamond, Imperial, Koppel, Moore, Tanner
ABSENT: Ruiz
RESOLUTION: [21281](#)

6. [2022-007422CUA](#) (G. PANTOJA: (628) 652-7380)
1300-1390 GRIFFITH STREET – west side between Revere and Quesada Avenues; Lot 047 in Assessor's Block 4763 (District 10) – Request for **Conditional Use Authorization** pursuant to Planning Code Sections 121.9 and 303 to subdivide an existing 52,500 square-foot lot into three lots measuring approximately 34,487, 8,013, and 10,000 square feet in size, to demolish a 3,000 square-foot one-story, Warehouse building, and construct a new 9,950

square-foot one-story, Wholesale Storage building within the Core PDR-2 (Production, Distribution, and Repair) 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

SPEAKERS: None
ACTION: Approved with Conditions
AYES: Braun, Diamond, Imperial, Koppel, Moore, Tanner
ABSENT: Ruiz
MOTION: [21282](#)

C. COMMISSION MATTERS

7. 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.

8. Consideration of Adoption:

- [Draft Minutes for March 9, 2023](#)

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

9. Commission Comments/Questions

Commissioner Moore:

I would like to see that the Planning Commission and perhaps together with other citizens ask Park and Rec about the damage to important trees in public parks and on streets. In my particular neighborhood, with a very important historic park right in the middle, some important trees which actually framed the park as a space came down and it's just a heartbreak. At least that is my reaction to it. Also, along streets where we use trees to landmark where we are, coming up Van Ness or Polk, major large trees that have been there forever are all down and I would like to see some response from Park and Rec about what they're planning to do and how the rest of the city is doing relative to major loss of trees.

President Tanner:

Great, thank you. And on that note just want to thank our first responders for helping during the storm and certainly responding still to a lot of the damage that has happened. So, a pretty scary day early this week. So hopefully we won't see much more of that, but definitely lost a lot of trees. Unfortunately, some people lost their lives and a lot of damage to a lot of property. I did want to also want to note on a different topic, we are, we were asked in our officers meeting about scheduling a report on the racial and social equity work. And so, we are looking to do that probably in the June, summer timeframe. Hopefully both Commissioner Ruiz will be back as well as it kind of is like the anniversary in some ways of the resolution Centering Racial and Social Equity, so it seems like a good time. So, we look forward to having that, hopefully later this year.

Jonas P. Ionin, Commission Secretary:

If not, looking toward your future calendars Commissioners, I mentioned the joint with Health on May 11th at 10 am. The joint with BIC on May 18th had to be rescheduled and so we're gonna, we're scheduled for double header on May 11th. I just got confirmation from the Building Inspection Commission that we'll have a joint with them, with the Building Inspection Commission at our normal 1 pm calendar on May 11th. And currently there's nothing on May 18th so maybe we can, you know look at canceling that hearing?

President Tanner:

Well actually, sorry, I forgot I was supposed to also mention, we're working with the Urban Land Institute on having a technical, is it a technical advisory panel or assistance? Advisory, I think it's advisory panel that's going to be the week of May, last week of May. I believe so on May 24th which is our regular hearing day. We'll be having a presentation from the TAP at part of our hearing. So definitely something to look forward to. And they're looking at downtown, the downtown revitalization, kind of future of downtown and a couple of questions that staff have been scoping with them. So, something to look forward to. Certainly, hope to not only have a good discussion here with us, but also hearing more from the public. They'll be talking that week with a lot of different stakeholders and really some of the best minds on some of these questions gathering together to think about our future and particularly hopefully what our role can be as a Planning Commission in that. I don't know, Director Hillis if there's anything else you want to add about the, the TAP.

Commissioner Moore:

The only thing I would add is for those who don't know what ULI stands for, that is Urban Land Institute, a national organization comprised of professionals in Architecture, Real Estate, and related disciplines. They have for decades held national discussions about the health and the future of cities and they bring people from out of town with significantly different viewpoints and experiences to this panel. So, we should consider ourselves lucky to have such a panel for us at our disposal.

President Tanner:

Absolutely.

Commissioner Imperial:

Yeah, I also want to bring up, in terms of, I think we've had discussion about the TAC, the Technical Assistance Committee. And I'm wondering if they can also bring some information about the discussion that's been happening in the TAC as well. I wonder if we

can put that in the calendar as informational hearing and for them to have a presentation under that.

Rich Hillis, Planning Director:
Sure.

President Tanner:
Great.

Rich Hillis, Planning Director:
On that, I'll send you what the TAC has proposed. I mean, there's a presentation that's kind of the interim recommendation. They're having one more meeting with the TAC. It will come back to you as an ordinance. And once this is an ordinance that changes the Planning Code, it will ultimately come back to you. But we can look to schedule an interim hearing as well.

President Tanner:
Yeah, I think it's another example where it'd be good for us to maybe get some of our early questions and feedback out before it comes to us kind of, you know, ready for approval.

Rich Hillis, Planning Director:
Absolutely.

D. DEPARTMENT MATTERS

10. Director's Announcements

Rich Hillis, Planning Director:
Just a couple of follow-ups from questions you all had at previous hearings. One, we had a discussion with the community about Trader Joes. I think they came to talk in General Public Comment. Not a ton of progress on the movement of Trader Joe's starting construction, although Supervisor Preston has called for a hearing. That will be held in early April, and we'll participate in that and hopefully hear directly from the sponsor and, or Trader Joe's. You also asked about the concrete building standards, and I checked in with Brian Strong who's the Chief Resilience Officer at the City Administrator's office. They're not quite ready for a hearing. They're still kind of working doing outreach on that, but they said in late summer or early fall they may be ready for a hearing. And then there was a question about there's 4 Silicon Valley Bank and their relationship to a few projects, affordable housing projects, by MOHCD. There are four projects that are currently under construction and MOHCD doesn't anticipate any change to that. There may be a different entity who's actually the lender in this, but they're working with SVB or the entity that's going to take over those loans and they don't expect any change. There's one project that hasn't started construction, whereas SVB is the lender, the construction lender, so they're exploring options on that one as well, but hoping that there'll be no delays to those projects as a result of that. That's all I have.

11. 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

210585 Planning Code - State-Mandated Accessory Dwelling Unit Controls. Sponsor: Mayor. Staff: V. Flores.

This week the Committee considered the State-Mandated Accessory Dwelling Unit Controls, sponsored by the mayor. The goal of this Ordinance is to align our ADU controls with changes to state law, which primarily clarified the ministerial review process for ADUs.

The Planning Commission heard this item way back in September 2021 and recommended approval with a modification. The modification was to allow a detached ADU within the required rear yard following the State law parameters. Last week the ordinance was amended to incorporate this modification, after which it was continued one week.

This week, Supervisor Peskin raised issues about the ordinance already being out of date with State law and wanted to amend it further. That, however, would have required referral back to the Commission and the adoption of this ordinance has implications related affordable housing funding. As a compromise, the ordinance was duplicated. The original ordinance was forwarded to the Full Board with recommendation, while the duplicated ordinance was amended with some recent changes to state law and re-referred to this commission.

Full Board

220878 Planning, Building Codes - Penalties for Code Enforcement. Sponsors: Ronen; Peskin and Chan. Staff: Merlone. PASSED Second Read

230299 Initiating Landmark Designation – Carnaval Mural – 1311 South Van Ness Ave. Sponsor: Ronen. Staff: TBD. Adopted

230300 Initiating Landmark Designation – Chata Gutierrez Mural – 3175 24th Sponsor: Ronen. Staff: TBD. Adopted

President Tanner:

Mr. Starr, do you know what some of those recent changes are that we're not included in the legislation.

Aaron Starr, Manager of Legislative Affairs:

Yeah, there were changes to what you can do for the detached rear yard. I think a cottage it's like 16 ft. and I think you're allowed to go up to 18 ft. now. But there were a lot more changes over the intervening two years, so it's not just that one change which made the whole thing more complicated.

President Tanner:

But they expect this one to go forward and then the duplicated file to follow.

Aaron Starr, Manager of Legislative Affairs:

Yeah, we were going to introduce another one anyway, but this just gives us, it already made file, so.

President Tanner:

Okay, great. Thank you.

E. GENERAL PUBLIC COMMENT

SPEAKERS: None

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. [2021-011813CUA](#) (M. CHANDLER: (628) 652-7340)
67-69 BELCHER STREET – east side between Duboce Avenue and 14th Street; Lot 074 in Assessor's Block 3537 (District 8) – Request for **Conditional Use Authorization** pursuant to Planning Code Sections 209.4, 303, and 317 and Adoption of Findings related to State Density Bonus pursuant to Planning Code Section 206.6, to demolish a two-story building that contains one dwelling unit and construct a five-story, 56-foot tall residential building containing 31 dwelling units (11 three-bedroom, 19 two-bedroom, one one-bedroom), 15 vehicle parking spaces and 40 Class One bicycle parking spaces, within a RTO (Residential Transit Oriented District) Zoning District and 40-X Height and Bulk District. The project seeks waivers from Development Standards, including Rear Yard (Section 134), Dwelling unit Exposure (Section 140), Front Setback (Section 132), and Height Limit (Section 260), pursuant to 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: Approve with Conditions

SPEAKERS: = Mathew Chandler – Staff report
+ Stanley Saitowitz - Project sponsor presentation
- Roger Sayre – Loss of sky view, wind concerns
- Rowena Halford – Emails sent regarding concerns and were not addressed, loss of light, will bring property value down
= Carly Grob – Response to comments and questions
+ Tom Tunny – Response to comments and questions

ACTION: Approved with Conditions

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

ABSENT: Ruiz

MOTION: [21283](#)

13. [2019-017055CUA](#) (T. ATOYEBI: (628) 652-7563)
1881 POST STREET – southeast corner of Fillmore Street; Lot 001 in Assessor's Block 0701 (District 5) – Request for **Conditional Use Authorization** pursuant to Planning Code Sections 303, and 303.1, and 721, to legalize an existing Formula Retail Movie Theatre use (d.b.a. AMC Theatres) operating within a 63,000 square feet, three-story theater facility, within the Japantown NCD (Neighborhood Commercial District) Zoning District and 65-A Height and Bulk District.
Preliminary Recommendation: Approve with Conditions
- SPEAKERS: = Rich Hillis – Staff introduction
= Tolu Atoyebi – Staff report
+ Dwayne Kennedy – Project sponsor presentation
= Rich Sucre – Response to comments and questions
= Rich Hillis – Response to comments and questions
- ACTION: Approved with Conditions, striking Condition No. 6
- AYES: Braun, Diamond, Imperial, Koppel, Moore, Tanner
- ABSENT: Ruiz
- MOTION: [21284](#)
14. [2021-000438AHB](#) (G. PANTOJA: (628) 652-7380)
4550-4570 MISSION STREET – west side between Harrington and Norton Streets; Lots 001 and 003 in Assessor's Block 3148 (District 11) – Request for **HOME-SF Project Authorization** pursuant to Planning Code Sections 206.3 and 328 for the demolition of two existing one-story commercial buildings, lot merger of two existing lots, and construction of a six-story over basement, mixed-use building containing 69 dwelling units (36 one-bedroom, 23 two-bedroom, 10 three-bedroom), approximately 3,690 square feet of retail space, 29 off-street parking spaces, two car-share spaces, and 86 Class 1 bicycle parking spaces within the Excelsior Outer Mission Street NCD (Neighborhood Commercial District) Zoning District, Mission-Harrington SUD (Special Use District), and 56-X and 40-X Height and Bulk Districts. The proposal is pursuing a Tier-2 HOME-SF Project Authorization which permits form-based density, one additional story of height, and five additional feet at the ground floor in excess of the height limit in exchange for providing 25 percent on-site affordable dwelling units. Additionally, the proposal is pursuing a Zoning Modification from the dwelling unit exposure requirement pursuant to Planning Code Section 206.3 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: = Gabriela Pantoja – Staff report
+ Jeremy Schaub – Project sponsor presentation
= Scott C - Jerry Garcia plaque
- ACTION: Approved with Conditions
- AYES: Braun, Diamond, Imperial, Koppel, Moore, Tanner
- ABSENT: Ruiz
- MOTION: [21285](#)

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.

15. [2021-000997DRP](#) (D. WINSLOW: (628) 652-7335)
801 CORBETT AVENUE – east side between Romain Street and Dixie Alley; Lot 033 in Assessor's Block 2778 (District 8) – Request for **Discretionary Review** of Building Permit No. 2021.0129.3690 to construct an eight accessory dwelling units in the ground level parking area within the existing building envelope of a 21-unit apartment building 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
 - Roger Dawson – DR presentation
 + Joe Peters – Project sponsor presentation
 - Speaker – Rent accessibility
 - Ozzie Rohm – Senior tenant displacement, garage standards
 + Speaker – Agrees to the additional ADU
 - Nova – Impact to the neighborhood, dense neighborhood
 - Sean Gallegos – Dixie Alley right of way improvement
 = Rich Hillis – Response to comments and questions

ACTION: No DR
 AYES: Braun, Diamond, Koppel, Tanner
 NAYS: Imperial, Moore
 ABSENT: Ruiz
 DRA: [821](#)

H. GENERAL PUBLIC COMMENT (RE-OPENED)

SPEAKERS: None

ADJOURNMENT 3:43 PM
 ADOPTED MAY 25, 2023