

SAN FRANCISCO PLANNING COMMISSION



Meeting Minutes

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

Thursday, October 20, 2022
1:00 p.m.
Regular Meeting

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

THE MEETING WAS CALLED TO ORDER BY PRESIDENT TANNER AT 1:04 PM

STAFF IN ATTENDANCE: Aaron Starr, Jenny Miriam Chion, Andi Nelson, Nick Foster, Liz Watty – Director of Current Planning, Rich Hillis – Planning Director, 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. 2021-006164CUA (V. PAGE: (628) 652-7396)
258 CUMBERLAND STREET – north side between Sanchez and Church Streets; Lot 047 in Assessor's Block 3600 (District 8) – Request for **Conditional Use Authorization** pursuant to Planning Code Sections 209.1, 303 and 317 to legalize the tantamount to demolition of an

existing 2,056 gross square-foot, two-story, one-family dwelling and to construct a 3,954 gross square-foot, five-bedroom, one-family dwelling with a 310 square-foot garage, one off-street automobile parking space, and one Class 1 bicycle parking space, 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. This 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

(Proposed for Continuance to December 1, 2022)

SPEAKERS: David Cincotta – Agree with continuance to December 8, 2022
 Justin Zucker – Amenable with continuance to December 8, 2022
 ACTION: Continued to December 8, 2022
 AYES: Braun, Ruiz, Diamond, Imperial, Koppel, Tanner
 ABSENT: Moore

9. [2022-009014PCA](#) (J. DELUMO: (628) 652-7568)
ELECTRIC VEHICLE CHARGING LOCATIONS (BF 220851) – **Planning Code Amendment** – Ordinance, introduced by Mayor Breed and duplicated by Supervisor Peskin, amending the Planning Code to include new criteria under Planning Code section 303(cc) for assessing whether to grant a Conditional Use Authorization for Fleet Charging locations, which is a definition created under the EV Charging Locations Ordinance (BF 220036) that was passed by the Board of Supervisors on September 6, 2022 and approved by Mayor Breed on September 19, 2022; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1, and findings of public necessity, convenience, and welfare under Planning Code, Section 302.

Preliminary Recommendation: Approve with Modifications

SPEAKERS: None
 ACTION: Continued to November 10, 2022
 AYES: Braun, Ruiz, Diamond, Imperial, Koppel, Tanner
 ABSENT: Moore

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

2. [2022-003210CUA](#) (R. SALGADO: (628) 652-7332)
44 2ND STREET – west side between Jessie and Stevenson Streets; Lot 005 in Assessor's Block 3707 (District 6) – Request for **Conditional Use Authorization** pursuant to Planning Code Sections 210.2 and 303 to allow for 5,808 square feet of non-retail sales and service (general office) use at the basement and first floors of the subject property within a C-3-O(SD) (Downtown-Office, Special Development) Zoning District and 150-S Height and Bulk

District. This 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, Ruiz, Diamond, Imperial, Koppel, Tanner
ABSENT: Moore
MOTION: [21188](#)

C. COMMISSION MATTERS

3. Consideration of Adoption:
- [Draft Minutes for October 6, 2022](#)

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

4. Commission Comments/Questions

President Tanner:

We'll begin today's Commissioner Comments and Questions with the land acknowledgment that I will share and then happy to share that Commissioner Diamond has taken me up on my offer to have other Commissioners share in reading that. So, I look forward to her sharing that in the coming weeks.

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.

5. [2021-009977CRV](#) – **Remote Hearings** – Consideration of action to allow teleconferenced meetings and adopting findings under California government code section 54953(e) to allow remote meetings during the COVID-19 emergency; continue remote meetings for the next 30 days; direct the Commission Secretary to schedule a similar resolution [motion] at a commission meeting within 30 days.

SPEAKERS: Austin Yang, Deputy City Attorney – Response to comments and questions
Patricia Boyd – Take into consideration the elderly and people with disabilities, Zoom meetings help
ACTION: Adopted

AYES: Braun, Ruiz, Diamond, Imperial, Koppel, Tanner
ABSENT: Moore
RESOLUTION: 21189

D. DEPARTMENT MATTERS

6. Director's Announcements

Rich Hillis, Planning Director:

Good afternoon, Commissioners. I don't have any announcements but Liz wanted to update you on some staffing updates in Current Planning.

Liz Watty, Director of Current Planning:

Thank you. Hi. Liz Watty, Director of Current Planning. Just wanted to come today and share some staffing updates in Current Planning as well as some other changes to our Development Review functions. First up, I'm happy to announce that we have concluded our hiring round for new Managers, which does not happen all that often in government and happy to announce that we have made two of our temporary managers permanent being, Natalia Kwiatkowska and Sylvia Jimenez, on our Development Review teams. And have promoted three new managers being, Nick Foster who is here with us today, Ella Samonsky, both of them on Development Review teams, as well as Kelly Wong to run our Enforcement program. Now that we have a full and stable management team, we are also changing our Development Review team structure. We wanted to let you all know about this since you might start seeing different planners and different managers coming before you in capacities that they maybe haven't in the past. We will be effectuating these changes November 1. And I have passed out a graphic that I think Commission Secretary's office also has queued up to show on the slide but to just show this change graphically. In short, we are moving from our 4-quadrant team structure where we had 4 quadrant teams that were geographically based that aligned with supervisorial districts, pre-redistricting. We also had a few ancillary teams in Current Planning such as the Flex team that focused on ADUs, things of that nature, and we are now shifting instead to just 7 Development Review teams that are all geographically based and they all align with the new boundaries of the Board of Supervisor districts in the post redistricting configuration. Just for the public to know, I'm sure applicants are probably curious, but all planners are going to keep their current workloads. This is just about moving forward and the projects that they will take on as they have the capacity to do so in the future. So anyhow, in short, we are excited about this change and hopeful that the new structure will give us really that critical foundation to make process improvements in the future. We certainly are preparing for post-housing element adoption. The implementation phase will certainly hit Current Planning the hardest here. We going to need to make some changes and so this is really the personnel changes and structure that we think are really necessary to set us up for being nimble in the future. And I think, really importantly, internally at least really reducing those managers to direct report ratios that were way too high for us to be able to adequately support, train and mentor our staff. So, all of those things just lead to an exciting change in Current Planning. Again, I don't think most people in the public or on this Commission will notice any change, but just wanted to be transparent that we are shifting some of those team changes anyhow.

President Tanner:

Great. Thank you, Ms. Watty. I just want to say congratulations to those who were promoted. It is great to see so many folks who are being retained and able to grow their careers in the organization. I think that speaks very well of the Department. So, congratulations to those recent promotions, Nick and to others as well. We'll look forward to seeing folks here in the chamber as we go forward.

7. Housing Element Schedule Update

- SPEAKERS:**
- = Maia Small – Staff presentation
 - Georgia Schuttish – See October 12th email to Commission on Flat Policy codification. September 8th List of approved Alteration from the past 8 years, Should be considered as Demolitions. 80% resold, average price increase over \$4 million+ after CFC. Demo Calcs loophole. Section 317 (b) (7) loophole. Many projects on List sold entitlements before work began. Currently seven Noe Valley entitled projects for sale, some multi-units, two using Section 317 Demo Calcs. Before Christmas 2021, approved former Board and Care on Shotwell Street into private residence...its entitlement now for sale. Two upcoming CUAs due to Enforcement: Tantamount to Demolition (de facto Demolition). Entitlements sold. Another upcoming Alteration project scheduled called: "An Effective Demolition". What does that mean? Problem isn't Section 317. Problem is never implemented as intended. See Findings. Once Housing Element passed: 1-3 years to upzone. Existing housing will need protection from increase in speculation during that time.
 - Patricia Boyd – Not informed, ignored issues brought forward, do better
 - Francisco DaCosta – HE only focuses on market rate housing, address affordable housing
 - = Rich Hillis – Response to comments and questions
 - = Austin Yang, Deputy City Attorney - Response to comments and questions
 - = Miriam Chion – Response to comments and questions
- ACTION:** Reviewed and Commented
- RECUSED:** Braun, Ruiz

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

No Planning Department Items.

Full Board

- 220041 Planning Code, Zoning Map - Production, Distribution, and Repair Uses] Sponsor: Walton. Staff: Shaw. PASSED Second Read

- 210866 Planning, Administrative, Subdivision Codes – Density Exception in Residential Districts. Sponsors: Mandelman; Melgar. Staff: Merlone. Passed First Read!

This density bonus ordinance that passed the Board includes:

- Allowing up to 4 units on interior lots and 6 units on corner RH lots;
- 30% rear yard for density exception projects;
- A 3 years post construction “intent to occupy” requirement in order to receive a fee waiver for a Historic Resource Evaluation, or to be able to condo the new units when an existing building is retained;
- A requirement that no unit to be less than 1/3 the size of the largest unit OR to provide at least one unit with 2+ bedrooms
- Directing Planning to look at developing Objective residential design standards
- Requiring rent control for bonus units
- Requiring ownership of the property for at least 1 year prior to application 220914 General Plan Amendments - Transbay Block 4 Redevelopment Project. Sponsor: Planning Commission. Staff: Snyder. Failed First Read.

If you recall this is a strategic denial of the General Plan Amendment, not based on the substance. OCII indicated that they needed more time to negotiate with the Project Sponsor due to changing financial circumstances. Renegotiating the project tied to this GPA would require taking the project back to the OCII’s Commission; however, per the Planning Code, GPA must be acted on by the Board within 90 days of transmittal, or they are deemed approved. Because the negotiations between the project sponsor and OCII were going to take longer than 90-days, the Board was forced in a way to deny the GPA. This was done with the understanding that staff would ask this Commission to re-initiate and re-approve the GPA when the rest of the Block 4 project was ready for Board action.

Jonas P. Ionin, Commission Secretary:

There is no report for the Board of Appeals but the Historic Preservation Commission did meet yesterday and considered several Legacy Business Registry applications that might interest you. They adopted resolutions recommending approval for the Black and Blue Tattoo at 381 Guerrero Street, the New Royal Bakery at 4773 Mission Street, and the New Lun Ting Café at 670 Jackson Street. However, they considered but adopted a motion to continue The Condor at 560 Broadway, requesting additional information.

E. GENERAL PUBLIC COMMENT

SPEAKERS: Patricia Boyd – Parklets issues on Scott and Chestnut, all merchants have to be treated equally
Georgia Schuttish – Residential Flat policy, updated list of approved alterations, demo calcs

Yonathan Randolph – Discretionary reviews, Charter
 Francisco DaCosta - Planning Department
 Sue Hestor – Discretionary review, Charter

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.

10. [2016-002706CWP](#) (M. CHION: (628) 652-7437)
TENDERLOIN ACTION PLAN – **Informational Presentation** – Staff will update the Commission on the community-based planning efforts in the Tenderloin neighborhood and coordination with City agency partners to meet community needs. Staff will provide an overview of the neighborhood’s diversity, challenges, and resources and an overview of the community-based efforts that lead to City agency coordination and collaboration. Staff will provide an overview of the Tenderloin Community Action Plan and City agency partners from Department of Emergency Management and Department of Public Health will present on street conditions and operations and health and wellness, respectively. Staff will present on existing streetscape and public space implementation activities.
Preliminary Recommendation: None – Informational

SPEAKERS: = Miriam Chion – Introduction
 = Andi Nelson – Staff presentation
 = Mark Mesa – Presentation
 = Crista Guetta – Presentation
 + Speaker – For the people and by the people of the Tenderloin
 + David Elliot Lewis – Thanks Planning for working with them
 + Lisa – Recognized as a community
 + Jaime Vilorio – Always include the people in the plan
 + Casey – Promotes resilience
 + Renee Colorado – Excited and thank you for hard work
 + Christy – Implement quicker, thank you for partnership
 + Abigail – Clean and Safe Tenderloin
 = Aseel Fara – Response to comments and questions
 = Speaker – Response to comments and questions
 = Speaker – Response to comments and questions
 ACTION: Reviewed and Commented

11. [2022-003591CUA](#) (N. FOSTER: (628) 652-7330)
1196 PACIFIC AVENUE – north side between Jones and Taylor Streets; Lot 021 in Assessor’s Block 0157 (District 3) – Request for **Conditional Use Authorization** pursuant to Planning Code Sections 202.2(a)(5), 726 and 303 to permit a Cannabis Retail Use. The proposed project (“Project”) would establish a Cannabis Retail Use (d.b.a. “Positive Vision”) measuring 940 square feet within a vacant, ground floor commercial tenant space located at the subject property. The Project does not include a request for authorization of on-site smoking or vaporizing of cannabis products. The Project proposes minor interior tenant improvements such as installing sales counters, display cases, toilets, and some interior

partition walls. Aside from the installation of new security gates on the existing storefront, no other changes to the building exterior or envelope are proposed. New business signage will be applied for under a separate permit. The subject property is located within the Pacific Avenue NCD (Neighborhood Commercial District) Zoning District and 40-X Height and Bulk District. This 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: = Nick Foster – Staff report
 + Ahmet Tasci – Project sponsor presentation
 + Faizan Shaikh – Project sponsor presentation
 + Speaker – Project sponsor presentation
 - Jennifer Min – Is use beneficial, concerned for seniors and community
 - Emily Huang - Neighborhood's safety
 - Larisa Lane – Not safe for children, location by a bus stop
 - Linda Greco – Safety concerns
 - Gregory Bochi – Will do damage to the neighborhood
 - Speaker – Affects the immediate neighbors, safety concerns
 - Michael Lindsay – Residential character
 - Bo Lee – Appropriateness of the location
 - Frank Sam – Fear for his safety
 - Mary O'Hara – Tourist, parking
 - Rick Gutierrez – Schools, concerned for the kids
 - Betty Lim – Not the neighborhood for a cannabis dispensary, traffic
 - Han Min Liu – Over saturation of cannabis stores in the neighborhood
 - Daniel – Not the appropriate location
 - Patricia – Will alter the fabric of the neighborhood
 - Theresa Flandrick – Wrong place, wrong business
 - Speaker – Not a commercial area
 - Angela Fong – Safety and crime elements
 + Hagana – Security is on point, medical need
 + Omar – Discrimination, Equity issue
 + Teddy Kramer – Be objective
 + Naomi Mann – Empty storefronts
 + Lindsay – Property has been open for years
 + Speaker – Will bring business in the area
 + Danny – No violence
 + Tyree – Positive for the community, educate instead of hate
 + Ted Calas – Lack of diversity in the neighborhood
 + Speaker – Offer a valuable service to the neighborhood
 - Kristen Anderson – Residential neighborhood

ACTION: Approved with Conditions
 AYES: Braun, Ruiz, Diamond, Imperial, Koppel, Tanner
 ABSENT: Moore
 MOTION: [21190](#)

ADJOURNMENT 4:40 PM
 ADOPTED NOVEMBER 3, 2022