

SAN FRANCISCO PLANNING COMMISSION



Meeting Minutes Remote Hearing via video and teleconferencing

**Thursday, March 25, 2021
1:00 p.m.
Regular Meeting**

COMMISSIONERS PRESENT: Tanner, Chan, Diamond, Fung, Imperial, Moore, Koppel
COMMISSIONERS ABSENT: None

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

STAFF IN ATTENDANCE: Aaron Starr, Esmeralda Jardines, Gabriela Pantoja, David Weissglass, Michael Christensen, Rich Sucre, David Winslow, Corey Teague – Zoning Administrator, 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. [2020-002333DRP](#) (D. WINSLOW: (628) 652-7335)
2814 CLAY STREET – between Scott and Divisadero Streets; Lot 013 in Assessor's Block 1002 (District 2) – Request for **Discretionary Review** of Building Permit Application no. 2020.0203.3400 to construct a two-story horizontal rear addition to the existing two-unit, three-story over-basement building within a RH-2 (Residential House, Two-Family) 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: Take Discretionary Review and Approve with Modifications (Proposed for Continuance to April 22, 2021)

SPEAKERS: None
 ACTION: Continued to April 22, 2021
 AYES: Tanner, Chan, Diamond, Fung, Imperial, Moore, Koppel

2. [2020-006303CUA](#) (D. WEISSGLASS: (628) 652-7307)
2201 POWELL STREET – northwest corner of Powell Street and Francisco Street, Lot 006 on Assessor’s Block 0041 (District 3) – Request for **Conditional Use Authorization**, pursuant to Planning Code Sections 303 and 722, to install a new AT&T Mobility Macro Wireless Telecommunications Services Facility at rooftop consisting of installation of four (4) panel antennas within FRP faux vents; installation of ten (10) remote radio heads; installation of two (2) DC-9 surge suppressors; one (1) GPS antenna; and ancillary equipment as part of the AT&T Mobility Telecommunications Network. The subject property is located within the North Beach NCD (Neighborhood Commercial District), North Beach Special Use, Telegraph Hill-North Beach Residential Special Use, 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: None
 ACTION: Continued to April 1, 2021
 AYES: Tanner, Chan, Diamond, Fung, Imperial, Moore, Koppel

3. [2019-006578SHD](#) (A. WESTHOFF: (628) 652-7314)
2455 HARRISON STREET – east side of Harrison Street between 20th and 21st Streets, Lot 026 of Assessor’s Block 4084 (District 9) – Request for Planning Commission consideration of the Adoption of **Shadow Findings** pursuant to Planning Code Section 295 that net new shadow from the project would not be adverse to the use of the Mission Recreation Center, which is under the jurisdiction of the Recreation and Park Commission. The Project proposes the demolition of the existing one-story industrial building and the new construction of a four-story over-basement, 48’ tall, 11,125 square feet (sq ft) mixed-use building with five dwelling units, 4,288 sq ft of laboratory use, and six Class 1 bicycle parking spaces. The subject property is located within a UMU (Urban Mixed-Use) Zoning District and 48-X Height and Bulk District.

Preliminary Recommendation: Adopt

SPEAKERS: Speaker - Questions
 ACTION: Continued to June 3, 2021
 AYES: Tanner, Chan, Diamond, Fung, Imperial, Moore, Koppel

9. [2019-020740CUA](#) (C. ASBAGH: (628) 652- 7329)
[468 TURK STREET](#) – north side of Turk Street between Larkin and Hyde Streets; Lot 006 of Assessor’s Block 0336 (District 6) – Request for **Conditional Use Authorization**, pursuant to Planning Code Sections 209.3, 253 and 303, to allow construction of a residential base project exceeding 50 feet in height at the street frontage for a project that would construct a new nine-story, 86-ft tall, residential building (approximately 35,090 square feet) with 101 group housing units, and making findings of eligibility for the individually requested State Density Bonus. The project would utilize the State Density Bonus law (California Government Code Sections 65915-65918) and receive waivers for: height limit (Planning Code Sec. 260) upper story setback (Planning Code Sec. 132.2), and rear yard (Planning Code Sec. 134) requirements of the planning code. The project site is located within a RC-4 (Residential – Commercial, High Density) Zoning District, North of Market Special Use District Subarea 1, Uptown Tenderloin Historic District, and 80-T 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
 (Continued from Regular hearing on February 25, 2021)

SPEAKERS: Speaker – All for continuance
 ACTION: Continued to April 15, 2021
 AYES: Tanner, Chan, Diamond, Fung, Imperial, Moore, Koppel

C. COMMISSION MATTERS

4. Consideration of Adoption:
 • [Draft Minutes for March 11, 2021](#)

SPEAKERS: None
 ACTION: Adopted
 AYES: Tanner, Chan, Diamond, Fung, Imperial, Moore, Koppel

5. Commission Comments/Questions

Commissioner Tanner:

I just wanted to note that the Department had a couple of meetings and events over the last two weeks related to the General Plan update and Housing Element, Transportation, I believe Safety and Environmental Justice. And so I was happy to be able to participate in two events. Thank you staff for really putting on what were really fun events for those who participated. Hopefully it was fun for the members of the public as it was for the panelists. I’m just curious, Director Hillis, if you have any updates on how the other events went or what might be next for those General Plan updates. I think there were a couple of surveys and just other activities that you were able to launch and just curious how those went off.

Rich Hillis, Planning Director:

Yeah, one, thank you for that comments, and thank you to staff for putting those together. It was a big undertaking but we did have good attendance and good feedback. It’s not replacing the outreach we’re doing for the various elements but it was good to have kind of them all together and to explain kind of what the General Plan does and how it affects our policy decisions and the City’s policy decisions. So, good feedback, we’re going to

come talk to you in April about the Housing Element itself and the goals, policies and actions that are kind of the draft of those and get your comment and additional public feedback. So again, part of a much larger process, a public process, but well attended and good feedback. Thank you for your participation.

Commissioner Tanner:

Thanks.

D. DEPARTMENT MATTERS

6. Director's Announcements

Rich Hillis, Planning Director:

And just on that topic as well, those forums were recorded so are available through our website to view for those that may have missed and want to check them out. Just one item today, I invited Corey Teague here. He had sent you a couple of correspondences over the last two weeks. So, I just wanted him to give a quick update on those. One was a Letter of Determination that talked about COVID-related entitlement extensions and the other was, were a series of interpretations, most notably about rooms down in kitchen definitions. So, Corey.

Corey Teague, Zoning Administrator:

Sure. Thank you. Good afternoon, President Koppel and Commissioners. I just wanted to briefly acknowledge those two documents that I issued in the last couple of weeks. The Commissioners were copied on both of those so you should have received them. They both are interest to the Commission. As Director Hillis mentioned the first from last week was related specifically to language and Planning Commission motions and also in various decision letters issued by the ZA that allows the ZA to grant extensions to performance periods for approvals if there's been appeal, litigation or delay by government agency. And so, that left it to basically determine that the Shelter in Place order that took effect in March 17th of last year, in combination with all the other local and state orders constituted a government delay to the ability to, for many projects to be able to adequately move forward. And essentially, stated that the period of time the overlap between that past year and the performance period would be extended for that same amount of time.

The second document you were copied on was issued this past Monday. If you remember back in October, you considered and made recommendations on an ordinance to amend the Planning Code to address state ADU law. And at that time I came before you and let you know that I was working on a fairly large set of interpretations. It is kind of a hodge podge that includes a lot of different types of updates to interpretations but most notable being what Director Hillis mentioned which was repealing rooms down, but then also, creating a more clear definition of a kitchen which is not currently defined in the Planning Code or the Building Code, but is kind of necessary as we implement the code in terms of what is a dwelling unit and what's not a dwelling unit. So, again, that had a lot of different interpretations, and some are very minor and technical, but I wanted to acknowledge both of those documents and just let you know if you have any questions, of course, we can go into get in touch by phone or however to discuss any questions that you might have.

Rich Hillis, Planning Director:

Thank you, I think that's all we have if there's no questions.

7. Review of Past Events at the Board of Supervisors, Board of Appeals and Historic Preservation Commission

Aaron Starr, Manager of Legislative Affairs:

This week the Land Use Committee held a hearing on and considered a resolution extending the Interim Controls that required conditional use authorization to change the use of a residential care facility to any other use. Commissioners, these controls have been in effect since October of 2019 and are set to expire in April. The extension resolution would extend controls for an additional six months, the maximum time allowed for interim controls. During the hearing, staff presented the findings of the report and submitted to the clerk, which basically can be summed up as it's too soon to tell. As you know, you had your first CU for the removal of the residential care facility earlier this month and approved the CU. There is also one CU pending which has been continued a few times by this Commission. Other than that, the City has added beds to existing residential care facilities and has approved two new residential care facilities while the Interim Controls had been in effect. During the hearing Supervisor Melgar questions this Commission's decision to approve the CU to convert the residential care facility to a single-family residence given that this is a priority of the Board. Supervisor Peskin also expressed similar concerns and felt necessary to clarify how Supervisor Melgar would have voted if she is on the Commission. I think the message I got from this hearing is that they would have preferred the Planning Commission to have pushed back on the conversion more and questioned whether or not another operator could have taken over the space. I will note that this residential care facility in question went out of business prior to the Interim Controls going into effect. At the end of the hearing, supervisors made a motion to file the hearing and amend the resolution with some clarifying changes, because these changes were deemed substantive, the resolution had to be continued until next week's hearing but will likely pass.

Next the Committee considered the Mayor's ordinance that would prohibit retail work spaces in the Chinatown Mixed Use District. Commissioners, you heard this item on February 18th and unanimously recommended approval of the ordinance. During the hearing, Supervisor Peskin requested to be added as a co-sponsor. But other than that, there were no comments from the Committee members or members of the public. The Committee then voted to forward the item to the Full Board with a positive recommendation.

At the Full Board this week, the ordinances to enable 542 Howard Street, also known as Parcel F, passed its second read. And the ordinance sponsored by this Commission to have technical corrections to the Central SoMa area zoning provision passed its first read.

Lastly, the Board took up the conditional use authorization appeal for the wireless telecommunication facilities at 590 Second Avenue. The project includes 10 antennas and related equipment screen and two new rooftop enclosures. Commissioners, this item was continued by you several times but was ultimately approved unanimously by this Commission in January of this year. The appellant's concerns were mainly aesthetic as it would create two visible stair like penthouse structures on the subject building and slightly

shade the adjacent building's second floor deck. The appellant was also concerned about health-related issues as well. There were many public commenters in favor of the appeal. Several citing health and aesthetic concerns, and also a fair number saying they were concerned over the loss of their property values. They are a remarkable claim for any San Francisco homeowner right now. There were no speakers in favor of the project and against the appeal. At the beginning of the hearing, Supervisor Chan indicated that she would like the hearing to go forward, however she likely would continue the decision on the appeal to a later date. [inaudible] after hearing the public comment she made a motion to accept the appeal and deny the project. Supervisors spoke directly after her in order to add just a friendly findings to her motion. This included 1) that the applicant had not sufficiently demonstrated the need for additional coverage and that the gaps in coverage have not been independently verified; and 2) the project did not meet the findings in Section 303 which state that such uses will not be injurious to property improvements or potential developments in the city. Vote to deny the project and take the appeal was unanimous. And that concludes my report for today.

Jonas P. Ionin, Commission Secretary:

The Board of Appeals met last night and considered two items that may be of interest to the Planning Commission.

1. 4840 Mission Street – Appeal of a building permit to demolish the Valente Marini Perata & Co. funeral home as part of a project to construct 157 affordable dwelling units as part of a project under SB-35. The new construction permit for this project was issued last summer and was not timely appealed to the Board of Appeals. The appeal of this demolition permit was the first appeal related to an SB-35 project and the Appellant's arguments focused on concerns related to potential impacts on their homes from construction. The Board found that the permit was properly issued and voted unanimously to deny the appeal.
2. 530 Howard Street – Appeal of the Planning Department's denial of a permit to remove and replace a General Advertising sign at the subject property. Per Planning Code Section 604(h), a General Advertising sign cannot be removed and replaced. The Appellant argued that the language in this section wasn't clear and that past Board of Appeals decisions allow for the removal and replacement of such signs. The Board found that the language of Section 604(h) is clear and unambiguous and voted unanimously to deny the appeal.

E. GENERAL PUBLIC COMMENT

SPEAKERS: Georgia Schuttish – 5 Categories of Demolition
 Anastasia Yovanopolous – 2019 Housing Inventory Report, ADUs
 Linda Chapman – Zoning maps
 Katherine Howard – Continuances related to SB 330
 Ozzie Rohm – Continuances related to SB 330, illegal demolitions
 Corey Smith – SB 330, Housing Accountability, General plan meetings
 Brett Gladstone – 468 Turk St. continuance

F. REGULAR CALENDAR

The Commission Hearing Procedures provide for presentations by staff; followed by the project sponsor team; followed by public comment for and against the proposal. Please be advised that the project sponsor team includes: the sponsor(s) or their designee, lawyers, architects, engineers, expeditors, and/or other advisors.

8. [2021-001410CRV](#) (E. JARDINES: (628) 652-7531)
[42 OTIS STREET](#) – north side of Otis Street and between Brady and South Van Ness Avenue; Lot 020 in Assessor’s Block 3505 (District 6) – Request for an **Amendment to the Inclusionary Housing Compliance Method** from on-site to affordable housing fee, pursuant to Planning Code Section 415, for the Project involving new construction of a five-story mixed-use building with 24 single-room occupancy (SRO) dwelling units within a NCT-3 (Moderate-Scale Neighborhood Commercial Transit) Zoning District and 50-X Height and Bulk District. The inclusionary compliance method change is not a project under CEQA.
Preliminary Recommendation: Approve

SPEAKERS: = Esmeralda Jardines – Staff Report
 + Steve Vettel – Project Sponsor Presentation
 + Corey Smith – Support
 - Ozzie Rohm – Oppose, affordable housing
 - Lorraine Petty – Inclusionary housing purpose
 - Anastasia Yovanopolous – Promotes racial and social segregation
 = Rich Sucre – Response to questions

ACTION: Approved

AYES: Tanner, Chan, Diamond, Fung, Imperial, Moore, Koppel

MOTION: [20877](#)

10. [2018-001088CUA](#) (G. PANTOJA: (628) 652-7380)
[4211 26TH STREET](#) – between Castro and Diamond Streets, Lot 037 in Assessor’s Block 6562 (District 8) – Request for a **Conditional Use Authorization** pursuant to Planning Code Sections 303 and 317 for the demolition of an existing two-story, single-family residence with an Unauthorized Dwelling Unit (UDU) and the construction of a three-story, single-family residence with an Accessory Dwelling Unit (ADU) within a RH-1 (Residential-House, One-Family) 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
 (Continued from Regular hearing on March 18, 2021)

SPEAKERS: = Gabriela Pantoja – Staff Report
 + Jamin Horn – Project Sponsor Presentation
 + Maggie – Support
 - Ozzie Rohm – RHNA
 - Anastasia Yovanopolous – Oppose
 + Speaker – Support
 + Regina – Support

ACTION: Approved with Conditions

AYES: Tanner, Chan, Diamond, Fung, Imperial, Moore, Koppel

MOTION: [20878](#)

11. [2020-007383CUA](#) (D. WEISSGLASS: (628) 652-7307)
666 HAMILTON STREET – on the west side of Hamilton Street between Woolsey Street and Dwight Street, Lot 040 on Assessor’s Block 6115 (District 9) – Request for **Conditional Use Authorization**, pursuant to Planning Code Sections 303 and 317, to demolish an existing 2,102 square-foot single-family residence, subdivide the lot into three equally-sized lots, and construct a new single-family dwelling with an Accessory Dwelling Unit in each new lot, for a total of 6 new units. The ADUs are to be added per CA Government Code Section 65852.2. The subject property is located within a RH-1 (Residential-House, One Family) 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: = David Weissglass – Staff Report
 + Mason Kirby – Project Sponsor Presentation
 - Michael Walsh – Parking
 = Americo Diaz – Alternate site plans, setback
 - Kelly Torres – Oppose
 - Speaker – Zoning is only for 2 houses, parking space
 - Speaker – Parking, two-story homes
 - Lance Mellon – 2 houses only, leave tree alone

ACTION: Approved with Conditions

AYES: Tanner, Chan, Diamond, Fung, Imperial, Moore, Koppel

MOTION: [20879](#)

12. [2020-006747CUA](#) (M. CHRISTENSEN: (628) 652-7567)
3109 FILLMORE STREET – west side of Fillmore Street between Pixley and Filbert Streets, Lot 009 in Assessor’s Block 0515 (District 2) – Request for **Conditional Use Authorization**, pursuant to Planning Code Sections 202.2, 303, and 725, for a Project proposing a change of use from Retail to Cannabis Retail on the second floor of the existing three-story commercial building, including a request for authorization of an on-site smoking or vaporizing room. The subject property is located within the Union Street 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: = Michael Christensen – Staff Report
 + Jeremy Paul – Project Sponsor Presentation
 + Speaker – Support
 - Patricia – Further study on traffic impact, pre-schools
 + Barbara – Support
 + Marcus – Support
 + Beth – Support
 + Speaker – Support
 + Jess – Support
 + Speaker – Support

- + Betty Pittman – Support
- + Speaker – Support
- + Nate – Support
- Ruth – Oppose
- + Speaker – Support
- + Danielle – Support
- + Joshua – Support
- + Arsenio Hernandez – Support
- Mary – Traffic, schools
- + Joey Davis – Support
- + Annie – Support
- + Speaker – Support
- + Speaker – Support
- + Philip Johnson – Support
- + Terry Jefferson – Support
- + Gino – Support
- + Speaker – Support
- + Cathy – Support
- + Christine – Aging neighborhood
- + Walt Taylor – Support
- + Maurice – Support
- + Reginald – Support

ACTION: Approved with Conditions
 AYES: Tanner, Chan, Diamond, Imperial, Moore, Koppel
 NAYS: Fung
 MOTION: [20880](#)

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.

13. [2020-010532DRP](#) (R. SUCRE: (628) 652-7364)
1801 MISSION STREET – located at the southeast intersection of 14th Street, Lot 039 in Assessor’s Block 3548 (District 9) – Request for **Discretionary Review** of Building Permit Application No. 2020.1030.7806 to establish a limited restaurant use (coffee shop) on the ground floor of a vacant commercial space (measuring 1,763 square feet) in a newly constructed seven-story residential building within a UMU (Urban Mixed-Use) Zoning District and 68-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: Do Not Take Discretionary Review and Approve

- SPEAKERS: = Rich Sucre – Staff Report
 - Ben Terrall – DR Presentation
 + Steven Vettel – Project sponsor Presentation

- + Speaker – Project Sponsor Presentation
 - Glen – Need community services businesses
 - Lucia Obregon – Existing businesses
 - Speaker – Oppose
 - Larisa Pedroncelli – Mission Area Plan, American Indian Cultural District
 - Marie – Legacy small business
 - George – Too many eating establishments
 - Martin – Oppose
 - Paul – Will hurt existing community
 - Speaker – Legacy businesses, Mission District
 - Kelly Hill – Saturation Study
 - Eric – Racial and social equity, small business displacement
 - + Kevin Ortiz – Need more businesses, more foot traffic
 - Joe Mendoza – Gentrification, high end businesses
- ACTION: Took DR and Approved; adding conditions directing the Sponsor to conduct community outreach related to:
1. Multi-lingual menus;
 2. Local hire employment opportunities (acknowledging previous employees will have first-right-of-refusal); and
 3. Cultural art and other interior amenities.
- AYES: Tanner, Chan, Diamond, Fung, Imperial, Moore
 ABSENT: Koppel
 DRA: [742](#)

14. [2020-001414DRP](#) (D. WINSLOW: (628) 652-7335)
308 DUNCAN STREET – between Church and Sanchez Streets; Lot 009 in Assessor’s Block 6592 (District 8) – Request for **Discretionary Review** of Building Permit Application no. 2020.0128.2919 to construct a new rear deck on the one-story garage at the rear of the lot through-lot fronting Comerford Alley within a RH-2 (Residential House, Two-Family) 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: Take Discretionary Review and Approve with Modifications

- SPEAKERS: = David Winslow – Staff Report
 - Kim McChane – DR Presentation
 + Troy Kashanipour – Project Sponsor Presentation
 - Enrique – Privacy
 - Georgia Schuttish – DR made a sound argument
- ACTION: Took DR and denied the BPA
 AYES: Chan, Diamond, Fung, Imperial, Moore
 NAYS: Tanner
 ABSENT: Koppel
 DRA: [743](#)

ADJOURNMENT 5:53 PM
 ADOPTED APRIL 15, 2021