

# SAN FRANCISCO PLANNING COMMISSION



## Meeting Minutes Remote Hearing via video and teleconferencing

**Thursday, May 20, 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 1:04 PM**

**STAFF IN ATTENDANCE:** Claire Feeney, Aaron Starr, Jeff Horn, David Winslow, 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. 2019-022661CUA (C. FEENEY: (628) 652- 7313)  
628 SHOTWELL STREET – west side of Shotwell Street between 20<sup>th</sup> and 21<sup>st</sup> Street, Lot 026 of Assessor's Block 3611 (District 9) – Request for **Conditional Use Authorization** pursuant to Planning Code Sections 209.1 and 303 and Board of Supervisors File No. 210157 to allow the change in use of a Residential Care Facility to two dwelling units within a RH-3 (Residential-House Three-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 April 22, 2021)

**(Proposed for Continuance to June 3, 2021)**

SPEAKERS: Ryan Patterson – Okay with the 3 week continuance  
 Tony Manza – Oppose continuance  
 Claire Feeney – Response to questions  
 ACTION: Continued to July 8, 2021  
 AYES: Tanner, Chan, Diamond, Fung, Imperial, Moore, Koppel

## B. COMMISSION MATTERS

2. Consideration of Adoption:
  - [Draft Minutes for May 6, 2021](#)

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

3. Commission Comments/Questions

### **Commissioner Tanner:**

Good afternoon, everyone. I just wanted to say– thank the staff, particularly Liz Watty who helped arrange for a tour for myself and Commissioner Imperial of the new Planning Department. The new Permit Center, which is now getting ready -- already has appointments and some walk-ins. And it was just great to be with other people, to see the wonderful facility. To see the great new locations that our staff have to work at. I think there's not a bad seat on any of the three floors that Planning is located. It's great to see us integrate with the other departments as well on some of the floors. So, I know many staff have not been even to their new offices yet, and their plans are underway for what staffing and schedules and all that will look like. But it really is just a tremendous City facility. And if you haven't had a chance to take a tour, it's just really, it's quite amazing and it just felt really great. So, again thank you to staff for making that possible. And I look forward -- hopefully it's a great place for community meetings; it's just a really dynamic facility. So I'm just really excited to see how we're able to use that. That's all.

### **Commissioner Imperial:**

And I just would like to reiterate what Commissioner Tanner has mentioned. Thank you, Ms. Watty for giving us the tour. And I really appreciate also meeting the staff in person-- some of the staff in person. It's really nice to see them, and I hope -- I wish to see them in person in the future too. And in terms of the Permit Service Center, I think there is a better queuing system now. And it's really great, I think, that people are not being waited, and there's a better way in terms of handling the applications. And the -- I hope the staff get to see the new -- the new building is really pretty. In a way that I think -- thankful for the staff in a way of the service that you provide to the city. And I think we really need to take care of our staff, as well. In terms of other different agencies being in that building, I think it will be great to have faster communication. I think it's great that everything is in house in that

building, or most of the agencies are in house in that building. So I really appreciate it, and I hope other Commissioners will appreciate it too.

## C. DEPARTMENT MATTERS

### 4. Director's Announcements

#### **Rich Hillis, Planning Director:**

Thank you, Commissioners. And thank you, I think most of you are signed up to come and take a tour of the offices and the Permit Center, so thank you for the words. And thank you to, you know, even though we're starting to see more activity here in the office and more employees here, there's been a core group who have been coming in throughout the pandemic, and just a special thanks to them. A couple of items. We're going to be here June 3rd to give you a more detailed briefing on our Islais Creek Station Strategy work. And as we've been before you before, this is a long range division for the shoreline focused on developing a socially and environmentally resilient neighborhood there. We did have two community meetings this week on Tuesday and then Wednesday evening. I want to thank President Walton who attended the evening meeting and our staff who are leading the effort in partnership with the port, SFPUC and SFMTA. And I think overall, again, you'll hear more about this in June. The meetings went well and attendees were positive and keen on seeing investment in the neighborhood. So, more to come on that. I also wanted to let you know that Supervisor Mandelman, yesterday, introduced -- and there was an article in the Chronicle about it, his legislation that will allow for up to four residential units on corner lots in residentially zoned neighborhoods that currently don't allow for four units. That legislation will have to go through Environmental Review. Most likely an addendum to our existing Housing Element EIR, probably will be in front of you in three or more months. Just wanted to give you that heads up, and that's my report. Thanks.

### 5. 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**

- 210287 Planning Code - Temporary Closure of Liquor Stores in Polk Street Neighborhood Commercial District. Sponsor: Peskin. Staff: Malone. Item 1

First on the Land Use agenda this week was Supervisor Peskin's ordinance that would amend the Planning Code to allow existing liquor stores in the Polk Street Neighborhood Commercial District (NCD) to temporarily relocate due to a major capital improvement project.

Commissioners, you heard this item last week and voted unanimously to recommend approval with modifications. Those modifications were in two parts, the first recommended the creation of a new temporary use permit for legacy businesses seeking to relocate, and the second part included fixes to the ordinance in its current form.

At the Land Use Committee, Supervisor Peskin recommended that due to the tight timeline for the Jug Shop, the Ordinance be duplicated. One file would move forward to the Full Board as currently proposed, and the duplicated file would remain in Committee. This duplicated file will serve to incorporate the Planning Commission's Temporary Use permit recommendation. The item was unanimously then sent to the Full Board as a committee report.

- 201284 Administrative Code - CEQA Appeals. Sponsors: Mayor; Haney. Staff: Flores. Item 3

Next on the agenda was The Mayor and Supervisor Haney's ordinance that would allow certain projects to proceed while a CEQA appeal is pending before the Board of Supervisors. The criterion is as follows:

- 1) Related to safety/health measures necessary to protect the public, public employees, or public property
- 2) A temporary activity lasting no more than 180 days
- 3) A reversible action that does not involve physical construction activities or is limited to additions that can be easily removed without damaging the site

The Ordinance also amends the appeal filing requirements for public projects sponsored or approved by the San Francisco MTA or for properties under leases from the Port Commission. Appeals on such projects would now require 50 San Francisco residents or five Supervisors to subscribe to the notice of appeal.

Commissioners, you heard this item on February 25th and unanimously recommended approval of said Ordinance.

During the hearing, Supervisor Haney was present as one of the sponsors, and introduced non-substantive changes regarding the appeal signature verification process.

Supervisor Peskin quickly stated his opposition to the ordinance, saying that appeals are a minor fraction of the total number of CEQA determinations that are made, and that is a solution in search of a problem. Supervisor Preston also concurred Supervisor Peskin, reiterating the infrequency of these appeals. He also expressed concerns that environmental groups are not in support of this Ordinance.

I would note that one of those environmental groups is the Sierra Club's SF Bay Area Chapter, which in the past has opposed high density infill housing in San Francisco.

Chair Melgar expressed her support for the Ordinance because it is very narrow in scope and still maintains in all cases the right to appeal.

During public comment, there were over 30 callers with a 2-1 split in favor of the ordinance.

After public comment, Supervisor Peskin made a Motion to table the Ordinance. The Motion passed 2-1 with Melgar in dissent. The ordinance is not completely dead yet, it

could be called back again or sent to the Board if enough Supervisors signs on, but it does seem unlikely for that to happen.

### **Full Board**

- 210287 Planning Code - Temporary Closure of Liquor Stores in Polk Street Neighborhood Commercial District. Sponsor: Peskin. Staff: Malone. Passed First Read

### **Jonas P. Ionin, Commission Secretary:**

The Board of Appeals did meet last night and considered several items that would be of interest to the Planning Commission:

- 1) Planning Department staff (Esmeralda Jardines and Kate Conner) provided an informational presentation on the Planning Department's implementation of SB-35. The Board requested this presentation after hearing their first appeal of a project approved under SB-35.
- 2) The Board adopted a resolution encouraging the establishment of notice requirements to all tenants of a residential building in which ADUs are added. The Board adopted a similar resolution in 2019 in response to appeals from tenants with concerns about impacts of ADU projects on tenant services.
- 3) 4326 Irving Street- Appeal of a building permit application for a fourth floor vertical addition and expansion of three dwelling units. The Appellant's raised a variety of concerns related to the proposed addition, which was before the Planning Commission as a Staff-Initiated DR on July 9, 2020. At that hearing, the Planning Commission voted unanimously to take DR and adopt staff recommendations to reduce the size of the fourth floor addition. The Board voted unanimously to deny the appeal and approve the project as proposed (in compliance with the Planning Commission's DR decision).

The Historic Preservation Commission did meet yesterday and considered a couple of items by the Architectural Review Committee. First being the conversion of the I. Magnin building on Geary Street to a mixed use including residential units. And secondly, they considered an art installation to install illuminated letters on the frieze of the Spreckels Temple of Music band shell. And when the full Commission met, they adopted recommendations for approval for several Legacy Business Registry applications. The first being ABS Seafood on Pier 45, The House of Flowers on Geary Boulevard, Sue Fisher King Co. on Sacramento Street, The Italian American Social Club on Russia Avenue, Sam's Burgers on Broadway, and Rainbow Grocery on Folsom Street. Finally Commissioners, they adopted a recommendation for approval for the San Francisco Eagle Bar to become a San Francisco landmark.

## **D. GENERAL PUBLIC COMMENT**

**SPEAKERS:** Georgia Schuttish – Email sent on 5/18 shows two side by side Alteration projects. One sold for \$9.5 Million, one for 8.7 Million. These are spec projects. Both were unoccupied for over six years. Calcs did not cross the thresholds BUT were within a few percentage points of doing that for both projects. Projects like the two in the photos are not like 49 Hopkins,

655 Alvarado which is still a hole on the hill, 945 Lombard, 214 States Street, 4112 21st Street, 79 Cragmont, 403 28<sup>th</sup> Street or 292 Eureka Street or 2027 20th Avenue or any of the others that need corrective action by the Commission. Two projects shown in the email used the loophole of the current Demo Calcs to avoid greater scrutiny by the Commission/Staff and the public. Projects do not comply with the Code and General Plan. Calcs need adjusting per Section 317(b)(2)(D).

Kathleen Bloch – 249 Texas Street

Russell Morine - Cannabis location on Leland Avenue

Linda Chapman – Zoning maps

## E. 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.

6. [2020-007074CUA](#) (J. HORN: (628) 652-7366)  
[159 LAIDLEY STREET](#) – north side of Laidley Street between Harper and Fairmont Streets; Lot 020 in Assessor's Block 6664 (District 8) – Request is for **Conditional Use Authorization**, pursuant to Planning Code Sections 303 and 317, to demolish an existing three-story-over-basement, 2,614-square-foot, single-family residence and the construction of a new three-story-over-basement, 4,532-square-foot, single-family residence with two vehicle parking spaces. The project site 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: = Jeff Horn – Staff report

+ Geoff Gibson – Project sponsor

ACTION: Approved with Conditions

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

MOTION: [20922](#)

9. [2020-007734DRP-03](#) (D. WINSLOW: (628) 652-7335)  
[3441 WASHINGTON STREET](#) – between Walnut and Laurel Streets; Lot 027 in Assessor's Block 0996 (District 2) – Request for **Discretionary Review** of Building Permit Application no. 2020.0807.1354 to construct a new two-story horizontal addition to the east side of the existing two-story over-basement single-family house and a new one-story vertical addition with roof terrace within a RH-1 (Residential House, One-Family) Zoning District and 40-X Height and Bulk District. The existing building is approximately 4,841 square feet in size and with the proposed project the building would be approximately 8,575 square feet in size. 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*

(Continued from Regular hearing on May 13, 2021)

SPEAKERS: None  
 ACTION: Withdrawn

## F. 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.

7. [2019-019822DRP](#) (D. WINSLOW: (628) 652-7335)  
4079 CESAR CHAVEZ STREET – between Noe and Sanchez Streets; Lot 029 in Assessor's Block 6580 (District 8) – Request for **Discretionary Review** of Building Permit Application no. 2019.1010.4179 to construct a vertical addition and horizontal front and rear additions to an existing 2,227 square foot, two-story, two-family residence. The project also includes extensive remodeling of the interior and the front façade. The project would add 1,590 gross square feet to the existing building which will result in a 2,277 square foot unit and a 1,548 square foot unit with no on-site parking 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: Do Not Take Discretionary Review and Approve*  
 (Continued from Regular hearing on April 29, 2021)

SPEAKERS: = David Winslow – Staff report  
 + Bill Pashelinsky – Project sponsor  
 ACTION: Took DR and Approved with Modifications  
 AYES: Tanner, Chan, Diamond, Fung, Imperial, Moore, Koppel  
 DRA: [750](#)

8. [2019-019373DRP](#) (D. WINSLOW: (628) 652-7335)  
217 HUGO STREET – between 3<sup>rd</sup> and 4<sup>th</sup> Avenues; Lot 024 in Assessor's Block 1752 (District 5) – Request for **Discretionary Review** of Building Permit Application nos. 2019.0730.7350 and 2019.0730.7351 to demolish an existing one-story commercial building and construct a three-story over-garage building with two dwelling units 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 as Modified*  
 (Continued from Regular hearing on May 13, 2021)

SPEAKERS: = David Winslow – Staff report  
 - Amir Kunin – DR presentation  
 + Derek Vinh – Project sponsor  
 - Speaker – Affect to business  
 - Greg Diller – Oppose  
 - Benjamin Kaplan – Displace businesses  
 - Wendy – No to luxury condo

- Speaker – Consider small business to be affected
- Sarah Thompson – Oppose
- Kate – Community businesses in the neighborhood, noise, parking
- Speaker – Impact on business
- Tamara – Oppose
- Caitlin – Detrimental to small business in the neighborhood
- Alexis – Affect on small business in the neighborhood
- Daniel White – Oppose
- Sonya – Dance studio
- Erin – Oppose
- Isabela – Endanger small business
- Charlie Miller – Oppose
- Speaker – Support small businesses on the neighborhood
- Ed Kim – Stands behind small businesses on the neighborhood

ACTION: Took DR and Approved with Modifications  
 AYES: Tanner, Chan, Diamond, Fung, Imperial, Moore, Koppel  
 DRA: [751](#)

10. [2019-016244DRP](#) (D. WINSLOW: (628) 652-7335)  
239 BROAD STREET – between Capitol and Orizaba Streets; Lot 042 in Assessor’s Block 7114 (District 11) – Request for **Discretionary Review** of Building Permit Application no. 2019.0820.9263 to construct a new two-story single-family home with an accessory dwelling unit on a vacant parcel. The 1,149 square foot ADU will be located on the ground floor and accommodate two bedrooms and three full bathrooms. The 1,433 square foot main unit will be located on the second floor and accommodate three bedrooms and three full bathrooms within a RH-1 (Residential House, One-Family) Zoning District, Oceanview Large Residence SUD, 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  
 - Ivan Cy Zhu – DR  
 + Derek Vinh – Project sponsor  
 + May - Support

ACTION: Took DR and Approved with Modifications  
 AYES: Tanner, Chan, Diamond, Fung, Imperial, Moore, Koppel  
 DRA: [752](#)

ADJOURNMENT 2:52 PM  
 ADOPTED JUNE 3, 2021