

SAN FRANCISCO PLANNING COMMISSION



Meeting Minutes Remote Hearing via video and teleconferencing

**Thursday, May 27, 2021
1:00 p.m.
Regular Meeting**

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

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

STAFF IN ATTENDANCE: Aaron Starr, David Winslow, Sharon Young, Michael Christensen, Rich Sucre, 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. 2020-009481CUA (J. HORN: (628) 652-7366)
4034 20TH STREET – north side of 20th Street between Noe and Sanchez Streets; Lot 016 in Assessor's Block 3601 (District 8) – Request is for **Conditional Use Authorization**, pursuant to Planning Code Sections 303 and 317, to demolish an existing three-story, 2,840 gross-square-foot, three-family dwelling and to construct two new three-story-over-basement

one-family dwellings, each to be located on a new lot created through the subdivision of the existing 5,700 square foot (50' x 114') lot. A total of two Accessory Dwelling Units are proposed, one to be located in each of the new single-family dwellings. The project is located within a RH-1 (Residential-House, One-Family) Zoning District, 40-X Height and Bulk District, and Dolores Heights Special Use District (PC Section 241). This action constitutes the Approval Action for the project for the purposes of CEQA, pursuant to San Francisco Administrative Code Section [31.04\(h\)](#).

(Proposed for Continuance to June 17, 2021)

SPEAKERS: None
 ACTION: Continued to June 17, 2021
 AYES: Tanner, Chan, Diamond, Fung, Imperial, Moore, Koppel

2. 2021-001698CUA (L. HOAGLAND: (628) 652-7320)
340 FELL STREET – north side of Fell Street; Lot 011 in Assessor's Block 0817 (District 5) – Request for **Conditional Use Authorization**, pursuant to Planning Code Sections 303 and 761 to authorize a merger of three existing tenant spaces, totaling 19,457 square feet, used for automotive repair to create a single non-residential use (automotive repair) greater than 2,999 square feet in the Hayes-Gough NCT (Neighborhood Commercial Transit) 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 September 2, 2021)

SPEAKERS: None
 ACTION: Continued to September 2, 2021
 AYES: Tanner, Chan, Diamond, Fung, Imperial, Moore, Koppel

3. 2020-008058DRP (D. WINSLOW: (628) 652-7335)
1950 FRANKLIN STREET – between Clay and Washington Streets; Lot 009 in Assessor's Block 0618 (District 2) – Request for **Discretionary Review** of Building Permit Application no. 2020.0626.9238 for the addition of four ADUs per Planning Code Section 207(c)(4) to the existing four-story apartment building within a RM-3 (Residential-Mixed, Medium Density) Zoning District and 105-D 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\(h\)](#).

WITHDRAWN

SPEAKERS: None
 ACTION: Withdrawn

7. [2021-004810CRV](#) – Commission Rules and Regulations – The San Francisco Planning Commission will consider adopting amendments to their Rules & Regulations, in accordance with San Francisco Charter, Article IV, Section 4.104.

SPEAKERS: Sue Hestor – Support continuance, provide staff report
 Ryan Patterson – Support continuance, due process implications
 ACTION: Continued to June 10, 2021

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

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. [2021-003760CUA](#) (C. CAMPBELL: (628) 652-7387)
4374 MISSION STREET – northwest side of Mission Street between Theresa and Cotter Streets; Lot 001 in Assessor's Block 6798 (District 12) – Request is for **Conditional Use Authorization**, pursuant to Planning Code Sections 303 and 720, to establish a Personal Services Use (Barber Shop) in an existing 600 sf tenant space on the ground floor of the subject property. The project site is located within the Excelsior Outer Mission 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: None
 ACTION: Approved with Conditions
 AYES: Tanner, Chan, Diamond, Fung, Imperial, Moore, Koppel
 MOTION: [20923](#)

C. COMMISSION MATTERS

5. Consideration of Adoption:
 • [Draft Minutes for May 13, 2021](#)

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

6. Commission Comments/Questions

Commissioner Tanner:

Commissioners and members of the public, I just want to presence that this past week marked the one-year anniversary of George Floyd's murder at the hands of police officers, which as we know touched off a range of protests and policy changes at local levels, at state levels, changes here and it continues to inspire a lot of movement towards advancing racial equity and justice in America. So , I just want to presence that. It has been a fast year, a year full of lots of changes for all of us, personally, professionally, socially, every kind of civically, every level and continue to be more changes to come. But I hope that we can keep alive our Commission's commitment to equity and racial equity and we keep making strides forward. Also, I want to commend the staff who have been working so diligently on that. And we do see it coming through in our staff reports and other activities. So, a long road ahead but we are continuing to make progress. And I also just want to note,

unfortunately, another tragedy in our area with the VTA shooting that occurred just yesterday. As a public servant myself and as we are preparing to come back to our public spaces, I think it can be particularly jarring to think about the essential workers who lost their lives in service of their community and I just want to honor them and our thoughts are with their families of course.

President Koppel:

Well said Commissioner.

D. DEPARTMENT MATTERS

8. Director's Announcements

Rich Hillis, Planning Director:

Good afternoon, Commissioners. Thank you for your comments Commissioner Tanner and for all of your work on the Commission to 1) Pass the resolution we did last summer to center our work on Racial and Social Equity in the ongoing work that has come as a result of that. As you said Commissioner Tanner, there's a long way to go but I think we are making good progress. I wanted to just highlight two projects that I had the opportunity to see this week with the Mayor and City staff. One, you may have read about in the Chronicle or attended virtually, the groundbreaking of the Potrero Power Station which you all were involved in approving and shaping. And our staff was certainly involved in it as well. It's great to see that project moving forward. The horizontal infrastructure work is moving forward as well as its preservation work on Station A. Ultimately it will be 2,600 units of housing, 30% of which will be affordable, 1.6 million square feet of commercial space, seven acres of open space and much improved connections to the water. Thank you all for your work on that. I was also able to take a look at the Conservatory of Music, which the Mayor toured on Tuesday, which is in operation but they're phasing in the operation obviously because of the pandemic. But a wonderful project that was also the result of a DA approved and shaped by you all. It houses 420 students, there's 27 replacement units that are being occupied replacing the housing that was there and it is rent controlled housing as well as classroom space, studios and performance space. Both on the top of the building and at the corner of Hayes and Van Ness. So, great projects to see moving forward. And I just wanted to again thank you and the staff for all you've done to make those happen. Thanks.

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

Aaron Starr, Manager of Legislative Affairs:

Good afternoon Commissioner's Aaron Starr Manager of Legislative Affairs

- 210284 Administrative, Public Works, and Transportation Codes - Shared Spaces. Sponsors: Mayor; Mandelman, Safai, Stefani and Haney

This week the Land Use Committee had two meaty planning items before them. The first was the Mayor's ordinance, co-sponsored by Supervisors Mandelman, Safai, Stefani, and Haney to make the Shared Spaces program permanent.

Commissioners, you held an informational hearing on this item on April 22nd of this year and did not take an action.

During the hearing staff gave a presentation similar to the one you received to the Land Use Committee. In general, the Supervisors seemed to support making the shared spaces program permanent, but they did have a lot of questions about the program including disability access, the privatization of public space, and concerns over how inclusive the public outreach process had been to date.

There were over 100 people who called into give public comment. Most seemed to somewhat support the program, but also wanted more time to review the proposed ordinance and provide input. Several small business owners also called in asking the Committee to quickly approve the program to provide them more certainty. At the end of the hearing, which lasted until 7 PM, the item was continued to June 7th.

- 210285 Planning, Business and Tax Regulations, Police Codes - Small Business Recovery Act. Sponsor: Mayor Staff:

Next the Committee considered the Mayor's Small Business Recovery Ordinance. The Historic Preservation Commission heard this item on April 21 and the Planning Commission on April 22. Both commissions recommended approval. At the beginning of the hearing, Staff from OEWD gave a thorough presentation on the ordinances contents and the intentions behind the changes.

There were 35 public comments on this item, with a little more than a 1/3 in support and the rest in opposition. Support tended to come from the small business community and advocates, while opposition centered concerns about an equitable process and outcomes, and unintended consequences. There was also a strong desire to exempt the Mission from the legislation.

At the end of public comment with the clock nearing 9:00 PM, Supervisor Melgar indicated that Supervisor Peskin had some amendments that he'd like to make, and noting the late hour suggested that the ordinance be duplicated, and the amendments made to that file.

Supervisor Peskin's amendments would substantially weaken the expansion of 30-day permit processing by retaining 311 noticing requirements. It also removes all use definition consolidation, except for the deletion of Cat Boarding and Instructional Service. His amendments do retain the provisions that support entertainment uses.

The duplicated file was amended, and a vote was taken to continue the items June 14.

The hearing ended at about 9:30, giving us all time to catch up on the latest episode of Mare of Easttown, and then go to bed.

Full Board

- 210287 Planning Code - Temporary Closure of Liquor Stores in Polk Street Neighborhood Commercial District. Sponsor: Peskin. PASSED Second Read

E. GENERAL PUBLIC COMMENT

SPEAKERS: Sue Hestor – State Density Bonus Plan, insist on public session; rent issues
 Russell – Opposition testing for technical issues for item 12
 Georgia Schuttish – Resolution No. 16053
 Richard Fisher – DR process, more time to present
 Theresa Flandrick – Rent board to present
 Yonathan Randolph – Focus on affordability vs aesthetics

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.

10. [2019-017985DRP-05](#) (D. WINSLOW: (628) 652-7335)
25 TOLEDO WAY – between Majorca and Pierce Streets; Lot 046 in Assessor's Block 0486A (District 2) – Request for **Discretionary Review** of Building Permit Application no. 2019.1001.3196 to construct a ground level rear horizontal and two-story vertical addition that would add an 890 square-foot second residential unit, an additional car parking space, and two roof decks to the existing one-story family house within a RH-2 (Residential House, Two-Family) Zoning District and 40-X Height and Bulk District. The existing building is approximately 3,611 square feet in size and with the proposed project the building would be approximately a total of 5,745 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 DR and Approve as Modified

SPEAKERS: = David Winslow – Staff report
 - Deborah Holley – DR
 - Mark Hansen – DR
 - Charlie Harding – DR
 + Jonathan Pearlman – Project sponsor's architect
 - Ben Rubin - DR
 + Adam Bookbinder – Deny DR
 - Diana Wall – Sizing, height and massing will take precedent
 + Paul Maldonado – Support
 + Russell Long – Initially a DR but no longer opposing project
 + Speaker – Support
 - Candace – Their light will dramatically decrease
 - James – Impact light coming to their unit, privacy
 + Colin Doyle – Support
 - Cindy Jean – Affecting our daily quality of life
 - Isabel – Setting a bad precedent
 + Speaker – Negative precedent for the neighborhood
 - Christine – Unfair to many neighbors, project does not protect tenants
 - Kelsey – Direct impact to quality of life, light

+ Robert Fruchtman – Support
 - Speaker – Get rid of 4th floor
 + Speaker – Adding a floor is also good for the neighborhood
 + Speaker – Adding value to the Marina district
 - Kathy – Equity
 - Scott Emblidge – DR rebuttal
 ACTION: No DR Approved with Modifications
 AYES: Tanner, Chan, Diamond, Fung, Imperial, Moore, Koppel
 DRA: [753](#)

G. 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.

11. [2019-012888CUA](#) (S. YOUNG: (628) 652-7349)
3129-3141 CLEMENT STREET – south side between 32nd and 33rd Avenues; Lots 024A and 029 in Assessor's Block 1464 (District 1) – Request for **Conditional Use Authorization** pursuant to Planning Code Sections 710, 303, and 178(e)(2) to allow a use size over 3,000 square feet in floor area by merging an approximately 1,925 square foot commercial space (d.b.a. Links Bar and Grill) at 3129 Clement Street with an approximately 3,378 square foot commercial space (d.b.a. Akiba) at 3141 Clement Street, to extend the hours of operation up to 2 a.m., legalize an outdoor activity area (at the rear yard area of 3129 Clement to allow outdoor dining up to 10 p.m.), and to modify the conditions of approval from prior conditional use authorizations. The combined commercial spaces of the restaurant and bar d.b.a. Links Bar and Grill will consist of approximately 5,303 square feet of floor area. The project site at 3129 Clement Street and 3141 Clement Street are located within a NC-1 (Neighborhood Commercial Cluster) 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: = Sharon Young – Staff report
 + Shuai Lui – Project sponsor
 + Todd Boone – Limit karaoke and outdoor sound but support business
 = Elizabeth Gordon-Jonckheer – Response to questions
 ACTION: Approved with Conditions as amended to include:
 1. Outdoor seating to end at 8:00 pm and outdoor noise to end at 10 pm;
 2. No outdoor TV's; and
 3. Sound from the Karaoke Bar to be fully contained within the establishment and no noise to bleed outside.
 AYES: Tanner, Chan, Diamond, Fung, Imperial, Moore, Koppel
 MOTION: [20924](#)

12. [2021-000603CUA](#) (M. CHRISTENSEN: (628) 652-7567)
5 LELAND AVENUE – located on the west side of the intersection of Leland Avenue and Bay Shore Blvd; Lot 001 in Assessor’s Block 6249 (District 10) – Request for **Conditional Use Authorization**, pursuant to Planning Code Sections 202.2, 303, and 712, to establish a new, 2,200 square foot Cannabis Retail use on the ground floor of the existing mixed-use building. The Project does not include a request for an on-site smoking or vaporizing lounge. The Project Site is located within a NC-3 (Neighborhood Commercial, Moderate) Zoning District and 55-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 May 13, 2021)

SPEAKERS: = Michael Christensen – Staff report
 + Gaynor Siataga – Project sponsor
 - Russel Morine – Organized opposition
 - Nelson Gutierrez – Organized opposition
 - Marlene Tran – Organized opposition
 - Chris – Would like to see something different
 + David Goldman – Support, don’t succumb to prejudice
 + Rudy – Bringing in 2018-009622ENVreal equity
 + Michael Cohen – Support
 - Tina Wong – Cannabis willing to pay higher rent
 + Sean Richard – Support
 + Speaker – Support
 + Robert - Support
 - Betty Jean Williams – Oppose
 + Sweetie Tagata – Support
 + Jacob Thomas – Support
 + Speaker – Equity Pathways
 + Delnar – Support
 + Damian Posey – Supports the community
 - Gina Tobar – Would be better in Sunnydale
 - Dorothy Curry – Need child care centers instead
 - Jewel – Traffic, increase in crime
 + Shelley Tatum – A win for people of color
 + Speaker - Support
 - Lisa – Online delivery is better, no cannabis store
 - Speaker – Oppose to cannabis store
 - Celina – We already have one around the corner
 + Cindy Dela Vega – Support
 - Josephine – Limited English speaking callers
 - Teresa Wong – Break-ins, neighborhood safety
 - Celina – Oppose
 + Speaker – Support
 + Carla Laurel – Underserved has second chances
 - Speaker – Oppose
 - Speaker – Negative impact for the community
 + Christine Siataga – Support

- + Cheryl Smith – Support
- + Omar – Support
- Oswald – Parties at night and loud music
- Speaker – Out of line with the economic culture in the area
- Speaker – They don’t belong here
- + Speaker – It’s all about jobs, equity
- + Pamela – Important to create opportunity for all
- Mitch – Oppose
- Speaker – Open a healing store, hospital
- + Speaker – Support
- Speaker – Add a police station if you add another cannabis store
- Speaker – Establish store near City Hall, on Market or Fisherman’s Wharf
- Linda - Young children in the neighborhood
- + Sweetie Williams – Support
- + Lisa Parker – Support
- + Patricia – Support
- Speaker - Oppose
- + David Siataga – Support
- + Joseph – Project Sponsor Response to questions
- = Rich Hillis – Response to questions
- = Rich Sucre – Response to questions

ACTION:

- Disapproved, citing:
1. Overconcentration and saturation in the immediate vicinity;
 2. Limited number of storefronts; and
 3. CU criteria not being met.

AYES:

Chan, Fung, Imperial, Moore

NAYS:

Tanner, Diamond, Koppel

MOTION:

[20925](#)

ADJOURNMENT 5:36 PM

ADOPTED JUNE 10, 2021