

SAN FRANCISCO PLANNING COMMISSION



Meeting Minutes

Remote Hearing
via video and teleconferencing

Thursday, October 7, 2021
1:00 p.m.
Regular Meeting

COMMISSIONERS PRESENT: Tanner, Diamond, Fung, Imperial, Moore, Koppel
COMMISSIONERS ABSENT: Chan

THE MEETING WAS CALLED TO ORDER BY PRESIDENT KOPPEL AT 1:00 PM

STAFF IN ATTENDANCE: Aaron Starr, Audrey Merlone, AnMarie Rodgers, Lisa Chen, Celina Chan, Tam Tran, Doug Johnson, Michael Christensen, 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. 2017-015678CUA (C. ALEXANDER: (628) 652-7334)
425 BROADWAY – south side between Montgomery and Kearny Streets; Lot 002 in Assessor's Block 0163 (District 3) – Request for **Conditional Use Authorization** pursuant to Planning Code Sections 253.1, 303 and 714, to construct two buildings greater than 40 feet

in height. The project would demolish the existing parking structure and construct two mixed-use buildings reaching heights of five-stories (56 feet) on Broadway and seven-stories (64 feet) on Montgomery Street with approximately 51,625 gross square feet of residential use, 4,940 gross square feet of retail use, and 18,735 gross square feet of design professional office use. The proposed project includes a total of 41 dwelling units, with a mix of 15 one-bedroom units, 21 two-bedroom units, and five three-bedroom units with three dwelling units provided as on-site affordable units. The Project would provide 17 off-street vehicle parking spaces, 46 Class 1 and seven Class 2 bicycle parking spaces, and one freight loading. The Project is utilizing the Individually Requested State Density Bonus Program to achieve a 20% density bonus thereby maximizing residential density on the Site pursuant to California Government Code Sections 65915-95918, as revised under Assembly Bill No. 2345 (AB 2345). The Project requests four (4) waivers from: Height (Section 250), Bulk (Section 270), Rear Yard (Section 134), and Dwelling Unit Exposure (Section 140). The Project Site is located within the Broadway NCD (Neighborhood Commercial District) Zoning District and 65-A-1 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 October 14, 2021)

SPEAKERS: None
 ACTION: Continued to October 14, 2021
 AYES: Tanner, Diamond, Fung, Imperial, Moore, Koppel
 ABSENT: Chan

2. 2019-022661CUA (C. FEENEY: (628) 652-7313)
628 SHOTWELL STREET – west side between 20th and 21st Streets; 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 September 23, 2021)
WITHDRAWN

SPEAKERS: None
 ACTION: Withdrawn

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. [2020-006344CUA](#) (R. BALBA: (628) 652-7331)
 37 VICENTE STREET – southwest corner of West Portal Avenue; Lot 032 in Assessor's Block 2989B (District 7) – Request for **Conditional Use Authorization** pursuant to Planning Code Sections 303 and 729 to permit the installation of a new AT&T Mobility Macro Wireless Telecommunication Services Facility at the rooftop of the existing two-story commercial building, consisting of nine (9) new antennas and ancillary equipment as part of the AT&T Mobility Telecommunications Network. Antennas will be screened within one (1) FRP enclosure and three (3) faux vents. The project is located within the West Portal NCD (Neighborhood Commercial District) Zoning District and 26-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, Fung, Imperial, Moore, Koppel
 ABSENT: Chan
 RECUSED: Diamond
 MOTION: [21006](#)

C. COMMISSION MATTERS

4. Consideration of Adoption:
 • [Draft Minutes for September 23, 2021](#)

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

5. Commission Comments/Questions

Commissioner Diamond:

Commissioners, this week, I believe we all received a letter from Georgia Schuttish, asking us to hold a hearing on the demo calcs. At least for the two years that I've been on the Commission, Ms. Schuttish has been incredibly persistent in raising this issue, and virtually every hearing. And I'm wondering, Director Hillis, if it might be useful, now that section 317 – I'm going to stop for a second because I also hear the blue angels, I'm just going to let them pass. I'm wondering if it might be useful, now that 317 has been in effect for a number of years, to step back and look at what the underlying policy goals were and what the experience has been. What we have accomplished, what's working, what's not working, and have a hearing that's broader than just revising the demo calcs but looking at the whole issue in general. I think it's a good idea, when we adopt a new policy to see how it is actually worked out in practice and see whether or not any tinkering or broader amendments are necessary in order to accomplish those goals. So, I was curious about your thoughts on that type of thing.

Rich Hillis, Planning Director:

Sure. And you know, recognized as well for the eight years that I sat on the Commission prior to you, I think for most of them Miss Schuttish has brought up issues up around demolition and the policy and our controls. So, I very much agree that it is something we can put together an Informational Presentation. Some of these issues have obviously come up, whether it's during Supervisor Mandelman's Large Residence ordinance or prior when we were doing the residential expansion threshold, which was about five years, but we do have fourteen or so years under our belt with this provision of 317. So, I think as well as looking at Miss Schuttish's questions about the specifics around the demo calcs and how they are working, your notion about looking broadly at the policy and whether they're actually doing as intended, we can take on. I think it'll take us a bit to gather info and data to have a meaningful discussion. So, if you give us a couple of months, maybe early next year, we can accomplish that.

Commissioner Diamond:

That would be great. It does seem to me that it takes a large amount of the Department time. City Planning and maybe the Building Department as well. And so, it would be useful to just step back and see whether or not, as currently drafted, it's working for whatever the goal was at the time that was adopted. Thank you.

Rich Hillis, Planning Director:

And obviously taking a lot of your time too. There's a lot of these CUs on your calendar. So, happy to do that.

Commissioner Diamond:

Thank you.

Commissioner Imperial:

I would also add in terms of the demolition discussion that were hope to have, for me, I would like to see the discrepancies between the DBI and Planning. I think there are a lot of issues that even I still need more clarification, and I think it will be benefit for us, for Commissioners, to understand those things.

Rich Hillis, Planning Director:

Sure. We can do that, as well.

6. [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: Jonas P. Ionin – Staff Report
Sue Hestor – Public meeting requested
Georgia Schuttish – Increase time for public to speak

ACTION: Adopted

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

ABSENT: Chan

RESOLUTION: [21007](#)

D. DEPARTMENT MATTERS**7. Director's Announcements****Rich Hillis, Planning Director:**

Good afternoon, Commissioners. One, Commissioner Tanner, I just would have reiterated what Jonas said, we're hearing good and bad so hopefully we can incorporate a lot of that – the good things that are coming out of remote hearings when we get back to City Hall. I just wanted to make mention one other thing, a few dozen or so Planning Directors around the country, including myself, recently signed onto a statement which acknowledges the mistakes of the past recognizing the historic Planning and Land Use policies have had negative implications contributed to systematic racism and impacted quality of neighborhoods and communities of color. The statement acknowledges this, but it also wanted to make a commitment on behalf of Planning Departments around the country to make change and it is fairly specific in some of the areas that we wanted to make change to create a more equitable future. The effort was led and staffed by our former director, John Rahaim, and has a lot of similarities to the resolution you passed last year but the notion being that we could increase the impact of this work. And all of our work if we act collectively. So, originally 19 City Planning Directors signed on to this statement. And I think that number is growing. It's being hosted out of the Philadelphia Planning Department on their website, but they -- and all of us have invited other Planning Directors of cities, towns, regions, etc. to sign on to it. So I'll send you a link with some of the specifics and a link to the Philadelphia webpage where the statement is housed. And just want to thank Director Rahaim as well as the other fellow directors who participated in creating the statement and also signed onto it, so that's all I have. Thank you.

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**

- 210600 Planning Code - Small Business Zoning Controls in Chinatown and North Beach and on Polk Street. Sponsor: Peskin. Staff: V. Flores.

This week at Land Use, the Committee took up Supervisor Peskin's zoning amendments for Chinatown, North Beach and Polk Street NC Districts. I believe last week I mentioned it was forwarded to the full board. I was mistaken, as it was continued because additional amendment were added last week, and ordinance need to sit for a week before it could be acted upon. This week, with little discussion, the committee did forward it to the Full Board with a positive recommendation.

Full Board

- 210565 Planning Code - Landmark Designation - "The Making of a Fresco Showing the Building of a City" - San Francisco Art Institute - 800 Chestnut Street. Sponsor: Peskin. Staff: LaValley. PASSED Second Read
- 200519 Planning Code - Geary-Masonic Special Use District. Sponsor: Stefani. Staff: V. Flores. Passed First Read

- 210734 Planning Code - Landmark Designation - 396-398 12th Street (San Francisco Eagle Bar). Sponsors: Haney; Mandelman and Ronen. Staff: Westhoff. Passed First Read
- 210901 Hearing - Appeal of Final Mitigated Negative Declaration - Proposed 1525 Pine Street Project. Staff: Li. Special Order 3:00 PM. Continued to October 19
- 210919 Hearing - Appeal of Final Environmental Impact Report Certification - Proposed 469 Stevenson Street Project Staff: Range. Special Order 3:00 PM. Continued to October 26
- 210927 Hearing - Appeal of Determination of Exemption From Environmental Review - Proposed 35 Ventura Avenue Project. Staff: Taylor. Continued to October 26
- 210923 Hearing - Appeal of Final Mitigated Negative Declaration - Proposed 530 Sansome Street Project. Staff: Callagy.

The Board did take up the Appeal of Final Mitigated Negative Declaration for the project at 530 Sansome. The project would demolish the existing fire station and construct a 218-foot-tall building and a four-story replacement fire station. The proposal had two different program proposals one would be a hotel and the other would be residential.

On July 29, 2021, this commission held a public hearing on the merits of the appeal for the Preliminary MND, and ultimately affirmed the department's decision to adopt a mitigated negative declaration.

After the Final MND was published, Ryan Patterson on behalf of the appellant, 447 Partners, LLC, filed an appeal of the FMND on August 30, 2021.

The appeal letter from the appellant had three main issues. 1) That the Planning Department Did Not Provide Adequate Notice of the Availability of the MND 2) that The Project Description is Not Accurate, Stable, or Finite, and 3) that The Project Will Have a Significant Effect 447 Battery a building located on the same block which is a historic resource.

After the appellants presentation there were no members of the public who called in to support the appeal. Planning then responded to the appellants issues, followed by the project sponsor's presentation. After that there were two callers in support of the project. Supervisor Peskin then commented on the merits of the CEQA appeal and went point by point to explain why he thought that the appeal was a meritless and the arguments made by the appellant were specious. He then made a motion to deny the appeal, this was seconded by Supervisor Mandelman. The motion carried unanimously.

- 210858 Hearing - Appeal of Conditional Use Authorization Approval - 450-474 O'Farrell Street and 532 Jones Street. Staff: Grob.

Lastly the Board finally took up the appeal for 450 O'Farrell Street at the very end of the agenda, but thankfully before general public comment. Because this appeal was heard last week, there public comment or presentations by the involved parties.

Supervisor Haney made opening remarks and spoke about the concerns over the project changing from housing units to group housing, that the tenderloin is already well served by group housing units and what they desire is more family housing. He also said that disapproving the group housing project would not impact the developer's ability to move forward with the originally approved housing project.

Supervisor Peskin also gave similar if not longer remarks, giving a very nuanced and thorough perspective on the situation. Supervisor Walton said that the recent spate of proposed Group Housing project was anti-housing, and anti-community, and Supervisor Ronen noted a growing trend of entitled projects that are being significantly changed after the fact, with very little process or consequence. The Board did ultimately vote 11-0 to overturn the Planning Commission's decision and deny the project.

Commissioner Imperial:

Yes, I do have a question to Mr. Starr regarding the 450 O'Farrell on the comments of the supervisors. Did they mention anything about group housing clarification or what they intend to result in this definition?

Aaron Starr, Manager of Legislative Affairs:

They did -- thank you, Commissioner. They did speak about the Zoning Administrator's interpretation and how they think it's being abused, and I think one of them, maybe Ronen, mentioned that there needed to be some sort of legislative fix for the problem. So, we will look forward to that.

Commissioner Imperial:

Thank you. I'll see it, I guess, then.

Aaron Starr, Manager of Legislative Affairs:

Yes.

Jonas P. Ionin, Commission Secretary:

The Historic Preservation Commission did meet yesterday, and similarly, as you just did, also adopted a resolution to extend their remote hearings. They also considered a Certificate of Appropriateness for a rear horizontal addition and front reconstruction to one of the Painted Ladies at 714 Steiner Street. At the front, the garage door was going to be removed to allow for habitable space to occupy or replace the garage area and some reconstruction to the entry stairs. And after they approved the Certificate of Appropriateness, and the Zoning Administrator approved or indicated his intent to grant the variance, they considered the Mills Act request for the same property. And staff provided an update to the Mills Act program of the Planning Department and did mention how the Department is looking to expand the Mills Act or at least the opportunities to take advantage of the Mills Act for those that may be on the lower economic spectrum as opposed to what has been traditionally done by members who can afford properties to take advantage of the Mills Act. Finally, they adopted a recommendation for approval to designate the Casa Sanchez building at 2778 24th Street as a landmark.

E. GENERAL PUBLIC COMMENT

SPEAKERS: Georgia Schuttish – In the four years between the 2015-2019, the RET and the Peskin Legislation were both proposed and dropped. However, on October 12, 2017 the Commission approved the Residential Flat Policy which mitigated the loss of housing that was occurring as de facto mergers under Section 317 (b) (7). In the two years between 2019 and today, the Large Residence Ordinance has been proposed, but excoriated. However, in Spring of 2020, the Demonstrably Unaffordable provision in Section 317 (d) (3) (A) for the RH-1 Districts was removed from the Code by the Commission and the Board of Supervisors. All Demolitions of sound housing in all RH neighborhoods now need a CUA. The Residential Flat Policy and requiring a CUA in all RH-1 neighborhoods are proactive and positive reforms to Section 317. Adjusting the Demo Calcs per Section 317 (b) (2) (D) would also be a proactive, positive reform.

Linda Chapman – Planning process, staff
 Dave Osgood – Return of sign clutter
 Tes Welborn – Return to live meetings, request for public discussion
 Randall Homan – Signs
 Stephanie Peak – In person meetings

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.

9. [2021-007327PCA](#) (A. MERLONE: (628) 652-7534)
BUSINESS SIGNS ON AWNINGS AND MARQUEES [Board File 210810] – Planning Code Amendment – Ordinance amending the Planning Code to allow business signs on awnings or marquees in addition to projecting signs in various neighborhood commercial and residential-commercial districts, and in certain Chinatown mixed use districts; applying business sign controls to additional Neighborhood Commercial Districts; 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 public necessity, convenience, and general welfare findings pursuant to Planning Code, Section 302.
Preliminary Recommendation: Approve with Modifications

SPEAKERS:

- + Dominica Donovan, Aide to Sup. Stefani – Ordinance introduction
- = Audrey Merlone – Staff report
- Charles coalition to SF neighborhoods – Oppose
- George Wooding – Not about signs but better governance
- Stephanie Peek – Only add to the visual clutter
- David Osgood – Reduce property values
- + Martin True – Signs should be considered specially for small businesses
- + Katie Connery – Make a difference to safety in the city
- + Linda Chapman – Difference between clutter and signs/awnings

- + Randall Homan – Support
- Tes Welborn – Will benefit the big chains not small businesses
- = Christen Evans – Suggest amendments
- = Corey Teague – Response to questions and comments
- = Aaron Starr – Response to questions and comments
- = Rich Hillis – Response to question and comments

ACTION: After hearing and closing public comment; Continued to October 14, 2021
 AYES: Tanner, Diamond, Fung, Imperial, Moore, Koppel
 ABSENT: Chan

10. [2018-017026CWP](#) (L. CHEN: (628) 652-7422)

SAN FRANCISCO ENVIRONMENTAL JUSTICE FRAMEWORK AND GENERAL PLAN POLICIES – Informational Presentation – Staff will provide an informational presentation on the scope and community engagement plan for the Environmental Justice Framework and accompanying San Francisco General Plan policies, which are a collaborative effort of the Planning Department, other City agencies, and community partners. These updates are intended to meet the requirements of California Senate Bill 1000. They will also help implement provisions of the Planning Commission and Historic Preservation Commission resolutions centering the Department’s work on racial and social equity (No. 20738 and No. 1127, respectively), which call for commensurate amendments to the San Francisco General Plan. This proposed addition of Environmental Justice policies into the General Plan is one component of a series of proposed amendments to the General Plan.

Preliminary Recommendation: None-Informational

SPEAKERS: = AnMarie Rodgers – Staff presentation
 = Lisa Chen – Staff presentation
 = Celina Chan – Response to questions and comments
 = Rich Hillis – Comments
 = Francisco Da Costa – Real time data

ACTION: Reviewed and Commented

11. [2015-018094CWP](#) (D. JOHNSON: (628) 652-5555)

UPDATE OF CONNECTSF, SAN FRANCISCO’S COMPREHENSIVE TRANSPORTATION PLANNING PROGRAM – Informational Presentation – ConnectSF builds a shared vision of an effective, equitable, and sustainable transportation system for San Francisco. This informational item will update the Commission on two of the program’s studies involving transit, streets, and freeways and potential implications for land use. This item also includes information on a pending update to the Transportation Element and the San Francisco Transportation Plan. The Commission, as the City Charter authority responsible for the General Plan, will review the schedule and process for revising the 1996 Transportation Element, a chapter of the General Plan. The Transportation Plan is a funding plan that falls under the purview of the San Francisco County Transportation Authority. The ConnectSF program joins Planning Department’s staff with partner staff at the Municipal Transportation Agency, County Transportation Authority, Office of Economic and Workforce Development, and Mayor’s Office.

Preliminary Recommendation: None-Informational

SPEAKERS: = Tam Tran – Staff presentation
 = Doug Johnson – Staff presentation

ACTION: = Speaker – Real data, need better trains and buses
Reviewed and Commented

12. [2021-002698CUA](#) (M. CHRISTENSEN: (628) 652-7567)
317 CORTLAND AVENUE – north side between Bennington and Bocana Streets; Lot 015 in Assessor's Block 5667 (District 9) – Request for **Conditional Use Authorization** pursuant to Planning Code Sections 202.2, 303 and 738, for a Project proposing to establish a 1,402 sq. ft. Cannabis Retail use within the ground floor of an existing three-story mixed-use building. No on-site smoking or vaporizing of cannabis products is proposed. The Project Site is located within the Cortland Avenue NCD (Neighborhood Commercial) 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
+Skip Alden – Project sponsor
+ Jade Elizabeth – Project sponsor
ACTION: Approved with Conditions
AYES: Tanner, Diamond, Fung, Imperial, Moore, Koppel
ABSENT: Chan
MOTION: [21008](#)

ADJOURNMENT 4:20 PM
ADOPTED OCTOBER 21, 2021