

SAN FRANCISCO PLANNING COMMISSION



Meeting Minutes

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

Thursday, April 14, 2022
1:00 p.m.
Regular Meeting

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

THE MEETING WAS CALLED TO ORDER BY PRESIDENT TANNER AT 1:02 PM

STAFF IN ATTENDANCE: Aaron Starr, Gabriela Pantoja, Jeff Horn, Rich Sucre – Deputy Director of Current Planning, Liz Watty – Director of Current Planning, 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. 2019-023083CUA (M. GIACOMUCCI: (628) 652-7414)
2955 MISSION STREET – east side between 25th and 26th Streets; Lot 025 in Assessor's Block 6528 (District 9) – Request for **Conditional Use Authorization** pursuant to Planning Code Sections 303 and 317 and Adoption of Findings Related to State Density Bonus pursuant to Planning Code Section 206.6 demolish an existing two-story mixed-use building containing

one commercial unit and one owner-occupied residential unit, and construct a new six-story mixed-use building with a ground floor commercial unit and 18 residential units above, requesting waivers from Rear Yard (Planning Code Section 134), Dwelling Unit Exposure (Planning Code Section 140), and Building Height (Planning Code Section 260) and one concession for Bicycle Parking (Planning Code Section 155.2), within the Mission Street NCT (Neighborhood Commercial Transit) Zoning District and 40-X/65-B 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 April 28, 2022)

SPEAKERS: None
 ACTION: Continued to June 2, 2022
 AYES: Ruiz, Diamond, Fung, Imperial, Koppel, Tanner
 ABSENT: Moore

2. 2020-004414CUA (C. ENCHILL: (628) 652-7551)
618-630 OCTAVIA STREET – east side between Fulton and Grove Streets; Lots 037 & 038 in Assessor’s Block 0793 (District 5) – Request for **Conditional Use Authorizations**, pursuant to Planning Code Section 317 for Residential Demolition; and Planning Code Section 303, to allow accessory parking above that principally permitted from 0.5 spaces per dwelling unit (20 spaces) to 0.75 spaces per dwelling unit (30 spaces) in the Hayes-Gough NCT Zoning District for a Project that would construct a new eight-story, 85-ft tall, mixed-use building (approximately 51,783 square feet) with 40 dwelling units, and making findings of eligibility for the individually requested State Density Bonus (California Government Code Sections 65915-65918) and receive one Concession and Incentive to exceed principally permitted parking, and three waivers for: 1) Rear Yard (Section 134); 2) Dwelling Unit Exposure (Section 140); and 3) Building Height (Section 260). The Project would also merge two lots to create one, approximately 9,451 square-foot, lot. The project site is located within the Hayes-Gough NCT (Neighborhood Commercial Transit) Zoning District, Market and Octavia Planning Area, 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 April 28, 2022)

SPEAKERS: Jason Henderson – More time
 ACTION: Continued to April 28, 2022
 AYES: Ruiz, Diamond, Fung, Imperial, Koppel, Tanner
 ABSENT: Moore

- 3a. 2017-001961SHD (G. PANTOJA: (628) 652-7380)
350 OCEAN AVENUE – north side between San Jose and Delano Avenues; Lot 023 in Assessor’s Block 3212 (District 11) – Request for **Adoption of Shadow Findings** pursuant to Planning Code Section 295 that net new shadow from the project would not adversely affect the use of Balboa Park under the jurisdiction of the Recreation and Park Commission, within a NCT-1 (Neighborhood Commercial Transit Cluster) Zoning District and 45-X Height and Bulk District.

Preliminary Recommendation: Adopt Findings

Note: On February 24, 2022, after hearing and closing public comment, continued to April 14, 2022, by a vote of +3 -2 (Fung and Tanner against; Diamond absent). (Proposed for Continuance to May 19, 2022)

SPEAKERS: Speaker - Continue to August 2022
Mark Munoz – Extend continuance beyond May 19, 2022
Speaker – Continue further
ACTION: Continued to May 19, 2022
AYES: Ruiz, Diamond, Fung, Imperial, Koppel, Tanner
ABSENT: Moore

- 3b. 2017-001961CUA (G. PANTOJA: (628) 652-7380)
350 OCEAN AVENUE – north side between San Jose and Delano Avenues; Lot 023 in Assessor’s Block 3212 (District 11) – Request for **Conditional Use Authorization** pursuant to Planning Code Sections 121.1, 303, 750 and for a Concession/Incentive and Waiver from Development Standards, pursuant to Planning Code Section 206.6 and California Government Code Section 65915 under State Density Bonus Law, to allow the demolition of two existing one-story, commercial buildings and the construction of a five-story over basement, 35 dwelling unit (18 two-bedrooms, 13 one bedroom, and four studios) residential building with 15 off-street parking spaces, 36 Class 1 bicycle parking spaces, two Class 2 bicycle parking spaces, 561 square feet of private usable open space, and 3,888 square feet of common usable open space within a NCT-1 (Neighborhood Commercial Transit Cluster) Zoning District and 45-X Height and Bulk District. Under the **Individually-Requested State Density Bonus Program**, the Project seeks a density bonus, a concession/incentive from Usable Open Space (Section 135), and waivers from Rear Yard (Section 134), Exposure (140), and Height (Section 260) requirements. 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

Note: On February 24, 2022, after hearing and closing public comment, continued to April 14, 2022, by a vote of +3 -2 (Fung and Tanner against; Diamond absent). (Proposed for Continuance to May 19, 2022)

SPEAKERS: Same as item 3a.
ACTION: Continued to May 19, 2022
AYES: Ruiz, Diamond, Fung, Imperial, Koppel, Tanner
ABSENT: Moore

4. 2021-004987DRP (D. WINSLOW: (628) 652-7335)
2760 DIVISADERO STREET – southeast corner of Green Street; Lot 020 in Assessor’s Block 0953 (District 2) – Request for **Discretionary Review** of Building Permit No. 2021.0223.5187 construct an extension of a fourth level rear deck over existing flat roof including new railings to building envelope to a four-story one-family residential building 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: Do Not Take Discretionary Review and Approve

(Continued from Regular hearing on February 24, 2022)

(Proposed for Continuance to May 19, 2022)

SPEAKERS: None
 ACTION: Continued to May 19, 2022
 AYES: Ruiz, Diamond, Fung, Imperial, Koppel, Tanner
 ABSENT: Moore

5. 2021-001219DRM (D. WINSLOW: (628) 652-7335)
1228 FUNSTON AVENUE – east side between Irving Street and Lincoln Way; Lot 039 in Assessor’s Block 1738 (District 5) – **Mandatory Discretionary Review** of Building Permit No. 2021.0113.2631 to legalize a three-story horizontal addition to the rear and façade alterations performed without benefit of a permit and to add a second dwelling unit at the ground level behind the garage 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
 (Continued from Regular hearing on February 17, 2022)
(Proposed for Continuance to June 23, 2022)

SPEAKERS: None
 ACTION: Continued to June 23, 2022
 AYES: Ruiz, Diamond, Fung, Imperial, Koppel, Tanner
 ABSENT: Moore

14. [2021-011283DRP](#) (D. WINSLOW: (628) 652-7335)
813 CAROLINA STREET – east side between 20th Street and Southern Avenue; Lot 041 in Assessor’s Block 4097 (District 10) – Request for **Discretionary Review** of Building Permit No. 2021.0624.3128 to remove and replace an existing safety railing on a roof of a non-complying structure at the rear of the lot 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
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

7. [2020-006377CUA](#) (S. JIMENEZ: (628) 652-7348)
4687 MISSION STREET – southeast side between Persia Street and Brazil Avenue; Lot 021 in Assessor’s Block 6083 (District 11) – Request for **Conditional Use Authorization**, Planning

Code Sections 202.2, 303 and 720 to establish an approximately 884 square foot Cannabis Retail use within the Excelsior Outer Mission Street NCD (Neighborhood Commercial District) Zoning District and 65-A Height and Bulk District. The Project qualifies for the Community Business Priority Processing Program (CB3P). 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 31, 2022)

SPEAKERS: None
 ACTION: After a Motion to Approve the Consent Calendar was rescinded; Approved with Conditions
 AYES: Ruiz, Diamond, Fung, Imperial, Koppel, Tanner
 ABSENT: Moore
 MOTION: [21098](#)

C. COMMISSION MATTERS

8. Consideration of Adoption:

- [Draft Minutes for March 31, 2022](#)

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

9. Commission Comment/Questions

None.

D. DEPARTMENT MATTERS

10. Director's Announcements

None.

11. 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

- 220190 Planning Code - Landmark Designation - 2261 Fillmore Street (aka Clay Theatre). Sponsor: Stefani. Staff: La Valley.

This week the Planning Commission took up the landmark designation for the Clay Theatre, located at 2261 Fillmore Street. This designation was initiated by Supervisor Stefani who is also the resumed primary sponsor. The HPC unanimously recommended approval 1/19/22

Clay Theatre, constructed in 1913, is culturally and historically significant as one of the city's oldest single-screen movie theaters and as the first dedicated foreign film theater in San Francisco beginning in 1935.

At the LUT hearing this week, the Sups Peskin and Preston joined as co-sponsors. SF Heritage, SF Neighborhood Theater Foundation, Pac Heights Residents and Business Associations spoke in support of designation. LUT recommended approval to the Full Board. 210866 Planning, Administrative, Subdivision Codes; Zoning Map - Density Exception in Residential Districts. Sponsor: Mandelman. Staff: Merlone. 211202 Planning, Administrative Codes - Dwelling Unit Density Exception in Residential Districts and Rent Control of Bonus Dwelling Units. Sponsor: Mar.

Also, this week, the LU Committee considered Supervisor Mandelman and Mar's Ordinances that would allow for four-plexes in RH zoning Districts. You recommended approval with modifications for Mandelman's ordinance and disapproval for Mars ordinance. Last time this was heard, Supervisor Melgar added an amendment to Mandelman's ordinance that would require the new units to be rent controlled. This week, Supervisor Melgar proposed three new amendments to Mandelman's ordinance. Those were to 1) require project sponsor to sign an affidavit they would live at the site for three years after project completion, 2) Require that one unit be at least 1/3 the size of the largest unit or a minimum of two bedrooms, and 3) to waive the historic review fee. All three of these amendments were versions of what the Planning Department and ultimately the Planning Commission wisely recommended to the Full Board. Slowly, but surely, they seem to be coming around to our well-thought-out amendments.

After the amendments were adopted and public comment was heard, the Committee continued both items to April 26.

Full Board

- 220275 Initiating Landmark Designation - Mother's Building, situated within San Francisco Zoo, 1 Zoo Road, Assessor's Parcel Block No. 7281, Lot No. 006. Sponsor: Melgar. Staff: LaValley. Passed
- 220283 Presidential Reappointment, Planning Commission - Kathrin Moore. Sponsor: Walton. Passed

E. GENERAL PUBLIC COMMENT

SPEAKERS: Georgia Schuttish – I sent an email for General Public Comment on the morning the 11th about DR with a screenshot of 2017 email correspondence with former Director of Current Planning Joslin about the number of DR hearings in 2015 to 2016 which shows that DR doesn't really take up and extraordinary and exceptional amount of the Commission's time compared with the importance of DR to the public's participation in the Planning process...a participation which is vital. There are actually what seems like a reasonable number of DR's in a City as complex like San Francisco. I think Mr. Sider also has some info on this that may be similar numbers on a yearly basis to what Mr. Joslin wrote to me.

Jim Warshell - Request to pursue clarification on how CUs can be applied to State Density Bonus program

F. REGULAR CALENDAR

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

12. [2022-000549PCA](#) (A. STARR: (628) 652-7533)
ELECTRIC VEHICLE CHARGING LOCATIONS [BF 220036] – **Planning Code Amendment** – Ordinance sponsored by Mayor Breed amending the Planning Code to create Electric Vehicle Charging Location and Fleet Charging as Automotive Uses, allow conversion of Automotive Service Stations to Electric Vehicle Charging Locations without Conditional Use Authorization, revise zoning control tables to reflect these changes, and require annual reporting by the Planning Department regarding Electric Vehicle Charging Location and Fleet Charging project approvals; affirming the Planning Department’s determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1, and findings of public necessity, convenience, and welfare under Planning Code, Section 302.
Preliminary Recommendation: Approve with Modifications
 (Continued from Regular Hearing on March 24, 2022)
Please note: On March 24, 2022, after hearing and closing public comment, continued to April 14, 2022, by a vote of +4 -2 (Diamond and Tanner against).

SPEAKERS: = Aaron Starr – Staff Report
 + Sarah Owens – Office of the Mayor Policy advisor report
 - Julie Lee – Community input
 - Zack Weisenberger – Protecting working class jobs
 = Liz Watty – Response to comments and questions
 ACTION: Approved with Staff Modifications and the Mayor’s recommendation to require CU’s in specific NC Districts.
 AYES: Diamond, Fung, Koppel, Tanner
 NAYS: Ruiz, Imperial
 ABSENT: Moore
 RESOLUTION: [21099](#)

13. [2021-007053CUA](#) (G. PANTOJA: (628) 652-7380)
144 LAIDLEY STREET – west side of Laidley Street between Miguel and 30th Streets; Lot 016 in Assessor’s Block 6665 (District 8) – Request for **Conditional Use Authorization** pursuant to Planning Code Sections 121(f), 209.1, 303, and 317 for the demolition of an existing one-story single-family residence, the subdivision of an existing lot into two new substandard lots, and the development of each new lot with a new four-story over basement single family residences with an Accessory Dwelling Unit (ADU) for a total of four dwelling units 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: = Gabriela Pantoja – Staff Report
 + Alan Murphy – Project Sponsor Presentation
 + Speaker – Design Presentation
 - Georgia Schuttish – Demolition cost
 - Mike Bailey – Clarifications on project’s intent
 - Anastasia Yovanopoulos – Tenants
 - Speaker – Concerns. affordability
 - Speaker – Concerns, overbuild
 - Karen Baker – Reinforce concerns, lot size vs building size
 - Chris – Occupied or not
 - Ozzie Rohm – Demolition and tenants eviction
 - Speaker – Massive change
 - Speaker – Lot too small for project
 = Liz Watty – Response to comments and questions
 + Speaker – Architect and tenant of the building

ACTION: After a Motion to Continue with direction to increase the ADU’s to 800 sq ft failed +3 -3 (Diamond, Fung, Koppel against); Approved with Conditions

AYES: Diamond, Fung, Koppel, Tanner

NAYS: Ruiz, Imperial

ABSENT: Moore

MOTION: [21100](#)

6. [2021-011370CUA](#) (J. HORN: (628) 652- 7366)
33 BANBURY DRIVE – south side between Denslowe and Stratford Drives; Lot 001 in Assessor’s Block 2083 (District 7) – Request for **Conditional Use Authorization** pursuant to Planning Code Sections 209.1 and 303 permit vertical and horizontal additions to an existing two-story religious institutional building (DBA San Francisco Hillel) within a RH-1(D) (Residential-House, One Family-Detached) Zoning District and 28-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
 + Steven Rajninger – Project Sponsor Presentation
 - Diane Vetter – Concerns overgrown plants, requesting continuance

ACTION: After a Motion to Approve the Consent Calendar was rescinded and being pulled off of Consent; Approved with Conditions as Amended by Staff

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

ABSENT: Moore

MOTION: [21101](#)

ADJOURNMENT 3:15 PM
 ADOPTED APRIL 28, 2022