

# SAN FRANCISCO PLANNING COMMISSION



## Meeting Minutes

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

**Thursday, May 12, 2022**  
**1:00 p.m.**  
**Regular Meeting**

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

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

**STAFF IN ATTENDANCE:** Aaron Starr, Doug Johnson, Kalyani Agnihotri, David Winslow, Corey Teague – Zoning Administrator, Rich Hillis – Planning Director, Rich Sucre – Acting 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.

**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

1. [2022-003219PCA](#) (A. STARR: (628) 652-7533)  
FIRE-DAMAGED LIQUOR STORES IN NORTH BEACH NEIGHBORHOOD COMMERCIAL DISTRICT [BOARD FILE NO. 220342] – **Planning Code Amendment** – Ordinance, sponsored by Supervisor Peskin, amending the Planning Code to extend the time, from three to six years from the date of a fire, for a temporary closure of a liquor store in the North Beach Neighborhood Commercial District (NCD) as a result of the fire to not result in an abandonment of such use, and for the relocation of such use to another location in the North Beach NCD to not require a new Conditional Use permit; 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*  
  
 SPEAKERS: None  
 ACTION: Approved  
 AYES: Ruiz, Diamond, Fung, Imperial, Koppel, Moore, Tanner  
 RESOLUTION: 21113
  
2. [2021-004891CUA](#) (J. SACCHI: (628) 652-7308)  
285 WINSTON DRIVE – south side between 20<sup>th</sup> Avenue and Buckingham Way; Lot 033 in Assessor’s Block 7296 (District 7) – Request for **Conditional Use Authorization**, pursuant to Planning Code Sections 210.1, 303, and Interim Zoning Control 2022-002847PCA, File No. 220159 passed by the Board of Supervisors on March 22, 2022, to partially convert the ground floor of an existing tenant space within the Stonestown Galleria Shopping Center most recently occupied by a Retail Use (dba Nordstrom) to a Parcel Delivery Service Use within a C-2 (Community Business) Zoning District and 65-D Height and Bulk District. The new Parcel Delivery Service use will function as a fulfillment center and will provide storage space as well as a central shipping and receiving area for existing retail tenants of the shopping center. 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: Ruiz, Diamond, Fung, Imperial, Koppel, Moore, Tanner  
 MOTION: 21114
  
3. [2021-005709CUA](#) (N. KARIMZADEGAN: (628) 652-7371)  
2241 MARKET STREET – south side between Sanchez and 16<sup>th</sup> Streets; Lot 002 in Assessor’s Block 3559 (District 8) – Request for **Conditional Use Authorization**, pursuant to Planning Code Sections 303, 303.1, and 764 to establish an approximately 1,729 square foot Formula Retail Personal Service Use (dba European Wax Center) at the ground floor of a three-story, mixed-use building within the Upper Market NCT (Neighborhood Commercial Transit) Zoning District and 40-X and 50-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: Ruiz, Diamond, Fung, Imperial, Koppel, Moore, Tanner  
 MOTION: 21115

4. [2021-011365CUA](#) (S. JIMENEZ: (628) 652-7348)  
2257 IRVING STREET – east side between 23<sup>rd</sup> and 24<sup>th</sup> Avenues; Lot 040 in Assessor's Block 1778 (District 4) – Request for **Conditional Use Authorization**, pursuant to Planning Code Sections 303 and 732 to establish Formula Retail Financial Service Use (dba Cathay Bank) at the ground floor of a one-story, commercial building within the Irving 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: Ruiz, Diamond, Fung, Imperial, Koppel, Moore, Tanner  
 MOTION: 21116

## C. COMMISSION MATTERS

6. Consideration of Adoption:
- [Draft Minutes for April 21, 2022](#)
  - [Draft Minutes for April 28, 2022](#)

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

7. Commission Comments/Questions

### President Tanner:

Thank you, Commissioners. I will open this section with our land acknowledgement.

“The Planning Commission acknowledges that we are on the unceded ancestral homeland of the Ramaytush Ohlone, who are the original inhabitants of the San Francisco Peninsula. As the indigenous stewards of this land and in accordance with their traditions, the Ramaytush Ohlone have never ceded, lost, nor forgotten their responsibilities as the caretakers of this place, as well as for all peoples who reside in their traditional territory. As guests, we recognize that we benefit from living and working on their traditional homeland. We wish to pay our respects by acknowledging the Ancestors, Elders, and Relatives of the Ramaytush Ohlone community and by affirming their sovereign rights as First Peoples.”

**Commissioner Ruiz:**

Thank you, President Tanner. I just wanted to bring attention to a state assembly bill that I've been hearing about, 2011, which will allow residential housing to be built by right and infill areas currently zoned for office retail and parking uses so as long as developments adhere to specific standards. I know right now it's still going through the necessary committees but I wanted to raise this as a subject of importance and ask whether the Planning Department staff has been discussing this internally or studied what this could potentially mean for San Francisco. And if not, could there potentially be a study and map done to understand this in more depth.

**Aaron Starr, Manager of Legislative Affairs:**

Thank you, Commissioner. Yes, we have been looking at trying to understand exactly what it would do to San Francisco's Land Use controls. One of our concerns is our PDR protections and how this state law would maybe erode some of those protections. So we are looking into it. We're having conversations internally and with City Hall about the ordinance as well.

**Commissioner Ruiz:**

Thank you. Is there going to be a study that will be published that the Commission and the public can have access to or is it just discussions for now?

**Aaron Starr, Manager of Legislative Affairs:**

For now, it's just discussions. We may be bringing this to -- if it warrants and it moves forward, we may be bringing it to the State Legislative Committee for a City position on it.

**Commissioner Ruiz:**

Okay, thank you. Would there be any capacity to do an initial study or is that not something the Planning Department staff does unless it actually passes?

**Aaron Starr, Manager of Legislative Affairs:**

It's not something we normally do unless it passes. As it gets closer to, I guess September, which is when it needs to pass, we can reevaluate that. But when we did SB 9 and 10, we did wait for those to pass the State Assembly or get signed by the mayor.

**Commissioner Ruiz:**

Okay.

**Rich Hillis, Planning Director:**

And I would just add Commissioner what we've done sometimes in the past is, because it's early in the process and obviously these state bills change or gets parked in some committee and don't move forward, we can provide information for you that's out there already on these bills and as it progresses perhaps a memo or at times, we've done informational hearings for more significant bills that may be moving forward. So, we can kind of entertain that as it moves forward.

**Commissioner Ruiz:**

Okay, yeah that would be great. Any initial information or a future memo would for sure be appreciated. Thank you.

**Rich Hillis, Planning Director:**

Thanks.

**Commissioner Imperial:**

Thank you, Commissioner Ruiz. I'd be interested to see as well seeing the memo. But actually I would like to make an announcement that on May 26<sup>th</sup>, there's going to be a feature documentary film that is about the History of South of Market. It will be on May 26 at Kapwa Gardens, 967 Mission Street. I think it would be, this is a good important documentary film and featuring some of the old footages of South of Market. I think it's important that we also look back into the history and how we have progressed in years and also in future years to come. So, hopefully, I know with Commission we cannot all be in the same place altogether but I hope a couple of Commissioners can attend. Thank you.

**President Tanner:**

Thank you. Commissioner Imperial, did you have the time of that event?

**Commissioner Imperial:**

Yes. It will be 5:00 pm to 8:30 pm. It's on a Thursday, so if ever our hearing ends early or before 5 pm I think it would still be a good time to go.

**President Tanner:**

Okay. We'll knock on wood for that.

**Commissioner Moore:**

I read an article yesterday which I found fascinating. It spoke about extending a subway, similar to Central Subway up Geary Boulevard. It has a diagram on it. It spoke about that the Department actually had been involved and been looking at this. It sounded like a significant need more sellable idea although more expensive than having a BART on Geary, which has had a lot of opposition over the years that I've observed it. In any case I would love for the Department to present on that subject matter and give us a better idea how feasible it is. Obviously with transportation funding being more visible in Washington DC I'm wondering if that is something that has kind of like a near-term horizon to being discussed in more seriousness.

**President Tanner:**

Great thank you. Mr. Johnson, do you want to address that?

**Doug Johnson:**

Doug Johnson, Transportation Planning Manager for the Citywide Division. I can just let you all know that Planning actually does have a role in that study. The San Francisco Transportation authority set aside funding at their board hearing last month. We do have a role in setting forward the long-term land-use framework for that in light of both the Housing Element and this expected investment. So, stay tuned.

**Commissioner Moore:**

I'm actually more interested in technically knowing if it is possible because many times we have studies like that but there are underground gas lines or whatever it all may be that makes it impossible. Have you looked at it technically?

**Doug Johnson:**

That is certainly a component of the study. Our ability though to find every piece of infrastructure before we start projects, I think is proven to be quite challenging. Many of them predate any online or digital mapping of any kind so I just think has been well documented unfortunately in the news on some of our recent transit projects. That being said I think this has a proof of concept that's already been looked at enough times in the last 30 years for us to affirm it is a viable project.

**Commissioner Moore:**

Good, that's a good answer. Thank you so much and keep us posted please.

**D. DEPARTMENT MATTERS****8. Director's Announcements****Rich Hillis, Planning Director:**

Good afternoon, Commissioners. Just one brief announcement. I wanted to let you know that we sent the Draft Housing Element and all the related reports to HCD to get some initial comment from them. So, they're digesting it and hopefully we will have some feedback back from them in the next 30-60 days.

**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, Commissioners. Aaron Starr Manager of Legislative Affairs.

Last week the Land Use Committee was canceled, and at the Full Board, Supervisor Mandelman's Adult Sex Venue ordinance passed its second read.

This week, the land use committee considered the landmark designation for 2868 Mission Street, known as the "Mission Cultural Center for Latino Arts". The HPC recommended approval of this landmark in February of this year.

The Center is individually eligible for listing in the National Register because of its association with the social and ethnic history of the Mission District as a predominately Latinx enclave, along with the development of Latinx arts in San Francisco in association with California's Latinx cultural center movement of the 1970s. During the hearing all the Speakers spoke in favor of the landmark designation, several noting the importance of the center in their lives and community. The Committee voted unanimously to recommend approval to the Full Board.

Next, the land use committee considered Supervisor Mandelman's ordinance to allow fourplexes in RH Zoning Districts. As you know this item has been before the committee several times and has also been amended several times. Some of those amendments including requiring rent control, creating RH-2(D) zoning for existing RH-1D zoning districts, and allowing 6 units on corner lots. Last time this was heard, Supervisor Preston added an amendment that required applicants to have owned the property for at least 5 years to address speculation concerns. This week, Supervisor Melgar proposed

amendments to expand on Preston's amendments by allowing family member that have inherited the property to be eligible for the program. This amendment was accepted by the committee.

The Committee seems to have reconciled with the fact that adding an affordability requirement to this program would increase the feasibility gap, but they are still committed to looking at ways to somehow subsidize affordable units in these projects. So, I suspect conversation to continue around that issue even after this ordinance is adopted.

After public comment, which had fewer participants this year and similar concerns expressed, the Committee then voted to continue the item one more week. This is in part because Supervisor Peskin is tying his Group Housing SUD, which could be considered a downzoning, to this up zoning per the requirements of state law.

Supervisor Mar's four-plex ordinance was also on the agenda, however, the supervisor asked that the item be continued to the call of the chair, which the committee did.

And finally, there were no relevant Planning items at the Board this week.

**Corey Teague, Zoning Administrator:**

Thank you. Good afternoon, President Tanner, Commissioners. Corey Teague, Zoning Administrator. The Board of Appeals did meet last night and at that hearing they announced the resignation of Commissioner Darryl Honda and the Board thanked Mr. Honda for his nearly 10 years of public service and dedication on the Board of Appeals. The Board also heard one item of interest to the Planning Commission. The case was a jurisdiction request for the property at 757 Third Avenue. This project was an addition to an existing single-family home that the Planning Commission heard as a Discretionary Review way back in October of 2020 . The Commission did not take DR and the permit was issued in May 2021. The DR requester subsequently sold their lot that is adjacent to the project site after the permit had been issued and the new owners made a jurisdiction request to the Board of Appeals to be able to file a late appeal on the grounds that they were not aware of that permit being issued when they purchased the property. However, the Board of Appeals found that the property was, the permit was properly noticed and issued and the City did not prevent the appellants from filing a timely appeal. And so they denied a jurisdiction request. And that concludes my report.

**Rich Sucre, Acting Commission Secretary:**

And then finally, Commissioners, for the Historic Preservation Commission. They did meet at the beginning of the month on May 4<sup>th</sup>. They heard a landmark designation for City Cemetery which would represent one of the few landmarks that we have to associated with archeological events. They heard a series of Legacy Businesses and then finally had an informational hearing on a portion of the citywide Historic Context Statement associated with Architectural Planning and Preservation professionals, basically our architect bio context statement.

**E. GENERAL PUBLIC COMMENT**

SPEAKERS: Georgia Schuttish – 1647 Sanchez. See email sent on May 6, 2022 at 1:14 pm. Redfin link shows the exterior/interior now and as it was when sold

for \$1.667 million in 2015. Project took advantage of never adjusted Demo Calcs, selling upon completion in July 2020 for \$9.1 million and now asking \$13.495 million. Never had full time occupants. Requesting to meet with Staff on how the Demo Calcs were arrived at. I have a copy of plans showing how the Calcs were actually calculated during review. As stated by Staff in 2021: Noe Valley is the epicenter of de facto Demolition.” Some existing housing should be legally demolished as this project should have been in order to expand housing opportunities...just as there are others, that should not be demolished, but instead should have legal Alterations as intended under of Section 317 in order to preserve existing housing and protect relative affordability.

## 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.

10. [2018-008588CWP](#) (D. JOHNSON: (628) 652-7447)  
**SOUTHEAST RAIL STATION STUDY** – **Informational Presentation** – This presentation follows the presentation to the Commission October 21, 2021, with a focus on the Southeast Rail Station Study. The study was initiated at the competition of the Railyards and Benefits (RAB) Study, which was adopted by the Planning Commission, the Transportation Authority Board, and the Mayor’s Office in 2018. The presentation will consist of an overview of the study, public outreach to date, and upcoming public meeting. Staff from partner agencies including Caltrain and the San Francisco County Transportation Authority will be available to answer any questions. Staff will return in June 2022 for approval.  
*Preliminary Recommendation: None - Informational*

SPEAKERS: = Doug Johnson – Staff Presentation  
 - Tim Chan – Lack of process and transparency  
 - Zach Weizenberger – Displacement and gentrification  
 - Speaker – Sea level rise  
 - Devanshu Patel – Have it in Oakdale  
 + Anthony Simmons – Response to comments and questions  
 = Rich Hillis – Response to comments and questions  
 = Francisco DeCosta – Bus lines  
 ACTION: Reviewed and Commented

- 5a. [2021-011722CUA](#) (K. AGNIHOTRI: (628) 652-7454)  
**3251-3253 STEINER STREET** – southwest corner of Lombard Street; Lot 001 in Assessor's Block 0511 (District 2) – Request for Conditional Use Authorization pursuant to Planning Code Sections 303, 317 and 712 to convert two dwelling units to Non-Retail Professional Service uses on the second and third floors of the subject building. The project is located within a NC-3 (Neighborhood Commercial – Moderate Scale) Zoning District and 40-X Height and Bulk District. Please note, there is an additional proposal on the subject property for a Conditional Use Authorization to establish a cannabis retail use in the commercial space at 2205 Lombard Street, which is located on the ground floor of the



subject property (Case No. 2021-007323CUA). The applicant intends to use the existing residential two-car garage for the Cannabis Retail Use.

*Preliminary Recommendation: Approve with Conditions*

(Continued from Regular hearing on April 21, 2022)

**Note: On April 21, 2022, after hearing and closing public comment, adopted a Motion of Intent to Approve with Conditions and continued to May 12, 2022 by a vote of +5 -2 (Imperial and Moore against).**

SPEAKERS: = Kalyani Agnihotri – Staff Report  
 + John Kevlin – Project Sponsor  
 + Speaker – No immediate hardship  
 ACTION: After being pulled off Consent; Approved with Conditions  
 AYES: Diamond, Fung, Koppel, Tanner  
 NAYS: Ruiz, Imperial, Moore  
 MOTION: 21117

- 5b. [2021-011722VAR](#) (K. AGNIHOTRI: (628) 652-7454)  
3251-3253 STEINER STREET – southwest corner of Lombard Street; Lot 001 in Assessor's Block 0511 (District 2) – Request for **Variations** from the requirements of the Planning Code pursuant to Section 305(d), to remove the condition of approval associated with Variance Case No. 86.019V that requires the two off-street parking spaces in the ground story garage be provided for the two dwelling units. The project is located within a NC-3 (Neighborhood Commercial – Moderate Scale) Zoning District and 40-X Height and Bulk District.  
 (Continued from Regular hearing on April 21, 2022)  
**Note: On April 21, 2022, ZA closed the public hearing and continued to May 12, 2022.**

SPEAKERS: Same as item 5a.  
 ACTION: ZA closed the PH and granted the requested Variance

## 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.

- 11a. [2021-005020DRP](#) (D. WINSLOW: (628) 652-7335)  
98 MULLEN AVENUE – southwest corner of Mullen Avenue; Lot 001 in Assessor's Block 5527 (District 9) – Request for **Discretionary Review** of Building Permit 2021.0226.5496 to construct a 950 sq. ft. second-story vertical addition and facade alterations to an existing one-story over garage single-family house within a RH-1 (Residential House, One-Family) Zoning District, Bernal Heights SUD (Special Use 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*

SPEAKERS: = David Winslow – Staff Report

- + Tim Callan – Project Sponsor
- + Speaker – Improvement to the park
- + Michael Smith – Reasonable addition
- = Corey Teague – Response to comments and questions

ACTION: No DR  
 AYES: Ruiz, Diamond, Fung, Imperial, Koppel, Moore, Tanner  
 DRA: 783

- 11b. [2021-005020VAR](#) (M. GIACOMUCCI: (628) 652-7414)  
98 MULLEN AVENUE – southwest corner of Mullen Avenue; Lot 001 in Assessor's Block 5527 (District 9) – Request for **Variance** from the requirements of the Planning Code pursuant to Section 242(e)(3), which requires certain projects in the Bernal Heights Special Use District to reduce their overall mass by at least 650 square feet after calculating the maximum permissible building envelope. The proposed project includes a one-story vertical addition to an existing two-story single-family building and reduces only 584 square feet from the maximum permissible building envelope; therefore, a Variance is required. The project is located within a RH-1 (Residential-House, One Family) Zoning District, Bernal Heights SUD (Special Use District) and 40-X Height and Bulk District.

SPEAKERS: Same as item 11a.  
 ACTION: ZA closed the PH and granted the requested Variance

12. [2019-021205DRP-02](#) (D. WINSLOW: (628) 652-7335)  
617 ELIZABETH STREET – south side between Castro and Diamond Streets Avenue; Lot 032 in Assessor's Block 2831 (District 8) – Request for **Discretionary Review** of Building Permit 2019.1105.6461 to construct a three-story rear horizontal and fourth-story vertical addition with rear decks facing the rear yard 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  
 - Denis Shanagher – Represents DR 2  
 - Steve Williams – Represents DR 1  
 + Alison Eweida – Owner  
 + Ryan Patterson – Project Sponsor Presentation

ACTION: After a Motion to Continue failed +3 -4 (Tanner, Diamond, Fung, Koppel against); DR Taken to incorporate staff recommendations and reduce the pop-out depth

AYES: Diamond, Fung, Koppel, Tanner  
 NAYS: Ruiz, Imperial, Moore  
 DRA: 784

ADJOURNED AT 3:50 PM FOR THE GOLDEN STATE WARRIORS WIN ON MONDAY  
 ADOPTED MAY 26, 2022