

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 26, 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, Audrey Merlone, 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. 2022-003902PCA (A. STARR: (628) 652-7533)
NEIGHBORHOOD COMMERCIAL AND MIXED-USE DISTRICTS (BOARD FILE NO. 220340) – Planning Code Amendment – Ordinance, introduced by Supervisor Haney, amending the Planning Code to update and reorganize Neighborhood Commercial and Mixed-Use Zoning District controls, including, among other things, to 1) permit Accessory Arts

Activities, and production, wholesaling, and processing of goods and commodities, to occupy more than one-third of total space in Commercial (C), Downtown Residential (DTR), Eastern Neighborhoods Mixed Use, Mission Bay, and Residential-Commercial (RC) Districts; 2) principally permit Arts Activities, Job Training, Public Facility, and Social Service and Philanthropic Facility uses in the Folsom Street Neighborhood Commercial Transit (NCT), SoMa NCT, Regional Commercial, and certain Eastern Neighborhoods Mixed Use Districts, and in historic and nonconforming commercial buildings in Residential Enclave Districts; 3) principally permit General Entertainment and Nighttime Entertainment uses in the Folsom Street NCT District; 4) principally permit Bar uses on the second floor in the Folsom Street NCT and Regional Commercial Districts; 5) principally permit Nighttime Entertainment uses in the Regional Commercial and Western SoMa Mixed-Use - General (WMUG) Districts; 6) conditionally permit Nighttime Entertainment in the Mixed-Use - General (MUG) and WMUG Districts; 7) principally permit Job Training, Public Facility, and Social Service and Philanthropic Facility uses in the SoMa NCT District and certain Eastern Neighborhoods Districts; 8) require that large developments in South of Market Mixed Use Districts, which contain commercial spaces provide a mix of commercial space sizes; 9) require that all Nighttime Entertainment uses comply with the Entertainment Commission's good neighbor policies; and 10) remove certain limitations on location for Nighttime Entertainment and Animal Services uses in the Western SoMa Special Use District; and adopting environmental findings, findings of public necessity, convenience, and welfare under Planning Code, Section 302, and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

(Proposed for Continuance to June 30, 2022)

SPEAKERS: None
 ACTION: Continued to June 30, 2022
 AYES: Ruiz, Diamond, Fung, Imperial, Koppel, Moore, Tanner

2. 2021-012952CUA (K. AGNIHOTRI: (628) 652-7454)
2030 UNION STREET – north side between Buchanan and Webster Streets; Lot 009 in Assessor's Block 0532 (District 2) – Request for **Conditional Use Authorization** pursuant to Planning Code Sections 725, 202.2(a)(5), and 303 to establish a Cannabis Retail use on the first floor (approximately 996 square feet) within the Union 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\(h\)](#).

(Proposed for Continuance to July 14, 2022)

SPEAKERS: None
 ACTION: Continued to July 14, 2022
 AYES: Ruiz, Diamond, Fung, Imperial, Koppel, Moore, Tanner

3. 2020-005176DRP (D. WINSLOW: (628) 652-7335)
45 BERNARD STREET – south side between Taylor and Jones Streets; Lot 030 in Assessor's Block 0157 (District 3) – Request for **Discretionary Review** of Building Permit No. 2020.0822.2415 to construct a rear addition; alter the exterior of the existing building; and to legalize an existing residential unit 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: Do Not Take Discretionary Review and Approve
(Proposed for Continuance to July 21, 2022)

SPEAKERS: None
 ACTION: Continued to July 21, 2022
 AYES: Ruiz, Diamond, Fung, Imperial, Koppel, Moore, Tanner

4. 2016-000302DRP (D. WINSLOW: (628) 652-7335)
460 VALLEJO STREET – north side between Kearny and Montgomery Streets; Lot 020 in Assessor’s Block 0133 (District 3) – Request for **Discretionary Review** of Building Permit No. 2019.0402.6906 for extensive interior alteration of the existing two (2) dwelling unit residence, building recladding removing stucco and replacing with wood siding, and an approximately one (1)-foot increase of the rear yard roof height to allow for the creation of a furnished roof deck above. Permit is submitted in partial abatement of Enforcement Case No. 2018-001495ENF for Planning Code violations for work without a permit. Current permit application legalizes building expansion at the rear, proposed fence less than ten (10)-feet high at rear yard, lightwell infills, a 100 square foot garden shed in rear yard, and restoration of roof deck to twelve (12)-foot front yard setback 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: Take Discretionary Review and Approve
 (Continued from Regular hearing on April 28, 2022)
(Proposed for Continuance to August 25, 2022)

SPEAKERS: None
 ACTION: Continued to August 25, 2022
 AYES: Ruiz, Diamond, Fung, Imperial, Koppel, Moore, Tanner

B. COMMISSION MATTERS

5. Consideration of Adoption:
 • [Draft Minutes for May 12, 2022](#)

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

6. Commission Comments/Questions

President Tanner:

I'm going to kick off with our land acknowledgement and then I'm going to share a few words about some of the incidents that's been happening in this country this last week and invite other Commissioners to share comments as well.

"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”.

Thank you again for making space for that. There's a lot that have been going on this week and if we think about it, kind of even connects back to two years ago when George Floyd was killed in Minnesota. And his death set off kind of a nationwide interest -- renewed interest in racial reckoning with our country's history and our present. Pursuit of equity and a desire to really transform our institutions and society to advance racial and social equity. And this Commission, I was not a member of the Commission at the time, took very bold action in the fallout and the wake of that tragedy to really commit our Department to centering racial and social equity and to really trying to see what we can do as part of that transformation and that push to reckon with our society's past and to create a different future. And so, it's so politically unjust perhaps that on the eve as we're approaching the anniversary of his death, there is a massacre in Buffalo, New York, killing 10 people and wounding others, specifically racially motivated by the assailant and the gunman to further his efforts to stop the ridiculous theory about people of color replacing white people in this country.

And then just this week, a massacre of 19 children, mostly age of 10, and two educators, and I don't have any words to say at this time to make sense of it. But to say that our work for racial and social equity is more important now than ever and if we ever thought we could let up or maybe things were getting better and we could just let it go, we have to remember that we have to push ourselves forward and our institutions forward. And not just to transform our policies but to transform how we treat and care for one another. And I would just encourage this Commission to think about with our time that we have given our low case load, is there space for us to think about both reflecting on what we've made, the progress in the last two years that had been significant. And I don't want it to go unrecognized and also to understand where we can push further. Where are the roadblocks we're hitting, where can we advance, what is beyond our grasp as a department that we need aid from other levels of government or sister agencies to pursue? And so, I know it can seem silly to me in some ways like we have this huge tragedy and here we are business as usual, let's just keep going. And so, I do want to just have a moment for us to pause today but also to close this hearing in honor and memory of those who have lost their lives in this past week. So, those are my comments, Commissioners. Thank you for your time.

Commissioner Ruiz:

I just have a question for just to follow President Tanner's comment on our Department's commitment to center race and equity. What has been the status of the Equity Council and the work that they've been doing? And forgive me for not knowing what the structure is in place in terms of updating the Commission, does -- do we get regular updates as a Commission on the status of the Equity Council? And I think it might make sense for us -- if not, maybe we should be getting those updates on a more regular basis, just so we're in line with that commitment.

Rich Hillis, Planning Director:

Commissioner Ruiz, just to respond, definitely the work is ongoing. Our equity work, the work with the council. The council was really set up to advise us as staff about how our work should change and transform, but happy to give updates to the Commission and even come and do an informational hearing if you think that would be useful as well. So, we're happy to do that and we can do that as part of a broader look at our work in response to the resolution you all passed two years ago. As President Tanner said, there is definitely been a lot of anxiety and concern about what's going on in the world around us and just how we redouble our efforts and refocus on what we're doing and really take stock of what we're doing to make sure it is kind of doing what we intended it to do and making change on the ground. So, happy to come back, especially with lighter calendars and give you a broader update on what is happening.

Commissioner Ruiz:

Yeah, I don't think it would make sense to have maybe weekly updates but maybe monthly updates if that makes sense.

Rich Hillis, Planning Director:

Yeah. And we meet monthly and I think we update the website on what we're talking about with the council. We just had a meeting two days ago, two nights ago so, but happy to come back and talk about where things are.

Commissioner Ruiz:

Yeah, just so we as the Commission too can help kind of inform maybe what is being discussed or if you need support from us in any way to help better create a structure for how we as a Department are centering that. But that sounds great.

President Tanner:

If I could just add to that, it would be great for those Commissioners or those Equity Council members who are able to come and join us during the hearing, would love to hear from them and thank them for their work. I know it's additional on top of their jobs that they join and support our work.

Commissioner Imperial:

First of all, thank you, President Tanner, and for showing that kind of vulnerability. I, myself, have, you know, tried to separate my public and personal feelings. And there are times I feel like lack of inspiration and in terms of us as in the Planning Commission, I've been thinking a lot too in terms of what can be, at least since our agenda has been short lately and I think it looks like it's going to be like that until July or, you know, and I've been thinking lately as to what kind of informational hearings at least that we can have here in the Planning Commission that in a way that we can be more thoughtful. There are times that when policies come to us, there is a lack of information or a lack of understanding in our behalf and we end up having a greater discussion, which is fine, that's our role. But perhaps we can really look into what other kind of informational hearings. And I would like to see as well and meet the Equity Council members. I think it would be great if we are invited or some of us in the Commission may be invited to sit down in their meeting sometimes and to understand what the discussions are going on there. But thank you. Those are my comments.

Commissioner Moore:

You heard a long pause because I do think that all of us share on a personal level what you expressed as your observations and feelings and I couldn't be more supportive of what you said. I assumed that everybody saw Amanda Gorman's Nobel Laureate's short poem yesterday in the paper, couldn't have been said any better. A young woman who sees what is going on. On top of that, and I just kind of like speaking to an underlying sense of discontent that is everywhere in our country. I'm reading articles that much more into our area of responsibility. "Alameda residents fight housing plan to create 5,000 homes: We are fearful of losing paradise." It was an article this morning in the paper and how they could take issue with how it is written, it speaks to increasing lack of respect from citizens for the institutions that we all are trying to uphold and work with, screaming, insulting, threats of recall, et cetera, et cetera. But the underlying message for me is we're being bombarded from left to right and I would like to have us reach out to other communities, be it Alameda, be it Oakland or Berkeley of how their Planning Commissions, their Planning Directors and their citizens are dealing with the ongoing incomprehensible legislation coming out of Sacramento. We all received a rather alarming e-mail from one of our citizen groups this week about AB916 ADU -- [Indiscernible] -- these are discussions I think we all share. Instead of pitching each other against each other in the larger bay region, I would like for us to have a common ground in which we take responsibility as we can but push back on those which we can't. There is a wide spectrum. San Francisco's particularly hit hard with incredibly off numbers to deliver housing at a scale that by far exceed what everybody else is asked. On the other hand, you see Alameda, for their own reasons fight only for adding 5,000 townhomes. I'd like to open that discussion and perhaps Director Hillis can reach out to other communities so we indeed can have a joint discussion of how we share the burden, where to accept and where to push back. Thank you.

Rich Hillis, Planning Director:

We can reach out to other jurisdictions. I think part of this is in where is the state going? Some of these bills obviously that are working their way through the legislature, we don't know where they're going to end up, but we can look at how they're responding to SB9 and 10, things that have already passed and are being implemented and give you an overview of that and what is happening. Not just around the bay area, but also the larger cities, L.A., San Diego, Sacramento.

Commissioner Moore:

I think that would be great. Director Hillis, these are unsettling times no matter where you look, but this affects looking at our own lives and it would be helpful to have a broader dialogue or insight of what can be pushed back on successfully.

President Tanner:

It's timely too, because I believe, this week or next week that bills either advance out of their chamber of origin or wait until the next life, so that might be timely to think about what's actually got legs in Sacramento.

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

Just quickly, we'll send you invite similar to what we were talking about, about what other planning departments are doing as part of our equity and action series. It's geared toward staff, but we'll invite you as well. We're inviting both the Seattle and Philadelphia Planning Directors to come and talk about their efforts around equity. So, I think that will be a lively discussion. It's June 7th, but we'll make sure you're on the invite list. Then second, the issue of POPOS came up last week, POPOS that may be closed to the public. So, we are sending out, thank you Ms. Watty, a letter to all owners/operators of POPOS and reminding them of the obligations to have these open to the public. 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:**

Good afternoon, Commissioners. Manager of Legislative Affairs. This week, the Land Use Committee considered the initiation of two landmark designations. The first is the Castro Theater. It is already a designated landmark; however, it only covers the exterior of the building. The revised landmark designation would cover the interior and the significance to the LGBTQ + community. This is taking over the management of the Castro Theater. A.P. is proposing interior changes and significant operational changes. During the hearing about half a dozen speakers commented on the revised landmark designation, all in support. The committee then forwarded the initiation to the full board with a positive recommendation as a committee report. Continuing on the LGBTQ+ theme, the committee also took up the initiation of the landmark designation for Turk and Taylor streets. The intersection is significant because it documented the first uprising of queer and trans-people in 1966, three years before the stonewall riots in New York City. This confrontation between police officers and drag queens started at the cafeteria at the intersection of Turk and Taylor and spilled out on the streets. Turk and Taylor is the site of the Black Trans Lives Matter mural, a visual demonstration calling for awareness of the alarming violence perpetuated against transgender women, disproportionately impacting black transgender women. During public comment, eight people spoke in favor and they forwarded it to the Full Board with a positive recommendation. They both need to go through the Historic Commission and then back to the Board for committee hearings and votes. At the Full Board this week, the Board passed on second read, the landmark designation for the cultural center and the landmark designation for the Castro was also adopted. That concludes my report, but I'm happy to answer any questions you have.

D. GENERAL PUBLIC COMMENT

SPEAKERS: Georgia Schuttish – AB 916
Bruce Bowen – AB 916

E. 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.

9. [2022-002926PCA](#) (A. MERLONE: (628) 652-7534)
AFFORDABLE HOUSING CODE ENFORCEMENT [BOARD FILE NO. 220262] – Planning Code Amendment – Ordinance, introduced by the Mayor, amending the Planning Code to permit the Mayor’s Office of Housing and Community Development to enforce, and collect fines and penalties for violations of, Planning Code provisions governing affordable housing; amending the Administrative Code to allow the Mayor’s Office of Housing and Community Development (MOHCD) to use the proceeds in the Affordable Housing Enforcement Fund for all Planning Code enforcement activities by MOHCD relating to affordable housing; 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: + Sheila Nickolopoulos – Introduction of ordinance
 = Audrey Merlone – Staff Report
 = John Abalos – Timing
 - Sue Hestor – Defer making a decision
 + Jackie Tsou – Response to comments and questions
 = Corey Teague – Response to comments and questions

ACTION: Approved

AYES: Ruiz, Diamond, Fung, Koppel, Tanner

NAYS: Imperial, Moore

RESOLUTION: [21122](#)

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. [2021-001778DRP](#) (D. WINSLOW: (628) 652-7335)
1603 TREAT AVENUE – east side between Precita Avenue and Ripley Street; Lot 014 in Assessor’s Block 5543 (District 9) – Request for **Discretionary Review** of Building Permit No. 2021.0125.3210 to construct a horizontal addition at the rear of an existing two-story, over basement one-family residence 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

SPEAKERS: = David Winslow – Staff Report
- Beth Wright – DR Presentation
+ Bill Guan – Project Sponsor Presentation
- Polly Marshall – Oppose the project
- Mitchell – Rear yard mid-block open space
+ Speaker– Project sponsor rebuttal
ACTION: No DR
AYES: Diamond, Fung, Imperial, Koppel, Moore, Tanner
NAYS: Ruiz
DRA: [786](#)

ADJOURNED AT 3:06 PM IN HONOR OF THE VICTIMS OF THE BUFFALO AND UVALDE MASSACRE
ADOPTED JUNE 9, 2022