

SAN FRANCISCO PLANNING COMMISSION

Meeting Minutes

Commission Chambers - Room 400
City Hall, 1 Dr. Carlton B. Goodlett Place

Thursday, May 16, 2013

12:00 PM

Regular Meeting

COMMISSIONERS PRESENT: Fong, Antonini, Borden, Hillis, Moore, Sugaya
COMMISSIONER ABSENT: Wu

THE MEETING WAS CALLED TO ORDER BY PRESIDENT FONG AT 12:05 PM.

STAFF IN ATTENDANCE: John Rahaim – Planning Director, Paul Maltzer, Kimia Haddadan, Doug Vu, Brittany Bendix, Rick Crawford, Delvin Washington, Diego Sanchez, Julian Banales and Jonas P. Ionin - Acting Commission Secretary.

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. 2011.0430E (D. LEWIS: (415) 575-9095)
480 POTRERO AVENUE - northwest corner of Potrero Avenue and Mariposa Street; Lot 2C in Assessor's Block 3973 - **Appeal of a Preliminary Mitigated Negative Declaration** - The proposed project involves construction of a six-story, 58-foot-tall, residential building approximately 89,600 square feet in size on a vacant lot. The building would contain 84 residential units (26 one-bedroom and 58 two-bedroom) and 38 parking spaces in a one-level basement parking garage accessed from Mariposa Street. The project site is within the Urban Mixed Use Zoning District and 58-X Height and Bulk District, and in the Mission Area Plan area of the Eastern Neighborhoods. (LEWIS)
Preliminary Recommendation: Uphold the Preliminary Mitigated Negative Declaration
(Continued from Regular Meeting of March 21, 2013)
(Proposed for Continuance to June 20, 2013)

SPEAKERS: None
ACTION: Continued as Proposed
AYES: Fong, Borden, Hillis Moore, Sugaya
ABSENT: Antonini, Wu

2. 2011.0099C (D. VU: (415) 575-9120)
1759 LINCOLN WAY - southeast corner of 19th Avenue and Lincoln Way; Lot 043 in Assessor's Block 1732 - **Request for Conditional Use Authorization**, pursuant to Planning Code Sections 157, 187.2 and 303, to demolish four service bays, construct a new convenience store and mechanical car wash, and provide two accessory parking spaces above the amount permitted by the Planning Code at an existing Automotive

Service Station (d.b.a. Shell) within an RM-2 (Residential – Mixed, Moderate Density) District, and a 40-X Height and Bulk District.
Preliminary Recommendation: Approve with Conditions
(Proposed for Continuance to June 20, 2013)

SPEAKERS: None
ACTION: Continued as Proposed
AYES: Fong, Borden, Hillis Moore, Sugaya
ABSENT: Antonini, Wu

B. CONSENT CALENDAR

All matters listed hereunder constitute a Consent Calendar, are considered to be routine by the Planning Commission, and will 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. [2013.0039C](#) (B. BENDIX: (415) 575-9114)
2704-2706 24TH STREET - north side, between Potrero Avenue and Hampshire Street, Lot 035 in Assessor’s Block 4211 - **Request for Conditional Use Authorization** under Planning Code Section 145.2, 303, 727.24, and 727.44 to establish a new restaurant (d.b.a. Sous Beurre Kitchen), with an outdoor activity area at the rear, in the 24th Street – Mission NCT (Neighborhood Commercial Transit) Zoning District and 65-X Height and Bulk designation.
Preliminary Recommendation: Approve with Conditions

SPEAKERS: None
ACTION: Approved with Conditions
AYES: Fong, Antonini, Borden, Hillis Moore, Sugaya
ABSENT: Wu
MOTION: 18867

4. [2012.1184C](#) (D. VU: (415) 575-9120)
2239 TARAVAL STREET - south side between 32nd and 33rd Avenues; Lot 042 in Assessor’s Block 2393 - **Request for Conditional Use Authorization**, pursuant to Planning Code Sections 303(p), 741.43 and 781.1, to establish a Limited-Restaurant (d.b.a. Wing Shing Bakery) in a new commercial space within the Taraval Street Neighborhood Commercial (NCD) District, and 40-X Height and Bulk District.
Preliminary Recommendation: Approve with Conditions

SPEAKERS: None
ACTION: Approved with Conditions
AYES: Fong, Antonini, Borden, Hillis Moore, Sugaya
ABSENT: Wu
MOTION: 18868

C. COMMISSION MATTERS

Adoption of Commission Minutes – Charter Section 4.104 requires all commissioners to vote yes or no on all matters unless that commissioner is excused by a vote of the Commission. Commissioners may not be automatically excluded from a vote on the minutes because they did not attend the meeting.

5. Consideration of Adoption:

- [Draft Minutes for May 2, 2013](#)

SPEAKERS: None
ACTION: Adopted
AYES: Fong, Antonini, Borden, Hillis Moore, Sugaya
ABSENT: Wu

6. Commission Comments/Questions

- Inquiries/Announcements. Without discussion, at this time Commissioners may make announcements or inquiries of staff regarding various matters of interest to the Commissioner(s).
- Future Meetings/Agendas. At this time, the Commission may discuss and take action to set the date of a Special Meeting and/or determine those items that could be placed on the agenda of the next meeting and other future meetings of the Planning Commission.

Commissioner Moore:

I have a question for the Director and the Zoning Administrator regarding the enforceability of conditions imposed by us on conditional uses. I am speaking about the conditional use approval for Trader Joe's and CVS Pharmacy on the corner of California and Hyde Streets. Contentious, much discuss subject matter, where I recall that the conditions included the installation and maintenance of landscaping to screen the lower floors, which are now screened with decorative grills for planting and greens to creep up to the first level, to conceal parking, but also to soften the seating area, which is quite successful on the corner of California and Hyde. Walking by there two days ago, I came from Polk walking up towards the top of the hill, I realized that the entire planting and there are at least fourteen or so plants, kind of ivy type green growth you use, all of them are totally and absolutely dead. Which not only looks unkempt, but in addition to that the planters, in which, these dead plants are in, are full of all the usual litter which comes when you don't maintain. It starts to make the new building ill maintained. And does not really promise a pedestrian environment, which could be very successful, there are eight benches in two rows at the top of the hill to work as a protected seating area. I am asking you what enforceability, what notice can be sent to the operators/owners to improve that. Because that is part of the condition we imposed. The second thing I would like to talk about is, there was a very inspiring forum on SOMA and the 21st Century organized by Director Rahaim at the Office of Gensler, well attended, it was a panel discussion, it was not as much about presentation, but it was about discussing issues of interest surrounding the growth and changes south of Market. It was a well-attended forum, interesting panelists, a wide variety of opinions and I am very happy that the Director tee'd it off that way, there was expressed hope, including myself, that there would be a continuation of that type of forum as we moving into the planning of the South of Market.

Commissioner Borden:

Hi everyone, as many people who watch our meetings know, I've been gone for the last three weeks. I had the pleasure of working in the City of Fresno for three weeks at the behest of the Mayor. I work for IBM and we do something called Smarter Cities Challenge, and it is a global challenge that by the end of the year will have completed in a hundred cities and we go into a city based upon on a request made by the Mayor to ask us to come and look at an issue there, and the issue there was economic development revitalization. Myself and 6 colleagues, three from Asia, one from India, one from China and one from Vietnam, as well as, three other Americans were living in downtown Fresno, in the Mural District where they are building new lofts and are creating a kind of burgeoning new community around art, and which is immediately adjacent to the downtown. It was an amazing experience because Fresno has exactly the opposite of all the problems we have. Their growth and density is moved further and further out, cannibalizing their farmland, which is the crown jewel of their region. For most people they don't realize that Fresno feeds about one-third of the world based upon its food production. 95% of the almonds produced on this world are produced in Fresno and with the pressure from the development and

municipalities trying to capture tax revenue from new residents they have really seen the center of gravity of that city shift further and further away from downtown, leaving a hollow inner city where there are zero residents and very few businesses. The only major businesses in downtown are all of the County and City and State offices and there aren't a lot of other major businesses, they never actually had much of base for large, say corporate businesses. But at this point they've even lost almost all of their retail except for very inexpensive small kind of "dollar-store" kinds of environments. And so, it was really incredible to work in a city where its leadership, agencies from Federal on down, community groups kind of open themselves up to have us come in and help them. And we made recommendations around what actual steps they can take around economic development revitalization and we also spent time in the agricultural community and understanding that in an agricultural region. The point is, it was just a reminder that planning is not a one size fits all sort of approach, and that, in a lot ways the challenges that we all experience are the same. They are suffering from not focusing on density and allowing their planning to go out of control, and they've now redone their general plan to refocus on the downtown. The Mayor much to the chagrin of people of his own political party and even sued other municipalities for approving development. Suburban development along the city border, are right over the city and county line, because it's not in compliance to the agreement around their general plan. Actually, it really gave me hope that there a lot of regions around the country that are seeing that unsustainable continued growth outward is not the way that we need to be moving as a society, but it also, it was an interesting tail of a place where you have very few developers that are developing and they do really drive the community there, in a very negative sort of way. In their downtown, they have one developer and he has basically pushed everyone else out of the market and he is only interested in doing what he wants to do and is really an untellable situation for that city in terms of trying to move forward. People in the development community here would ever look at a place like Fresno, I would definitely encourage it, because there is a lot of exciting things going on at a local level with small merchants trying to make a difference and bring that community back. But, you know, there's a lot we could all learn from the organic things that are happening there, but also from the vision that they're put in place. We really hope that they are successful in doing that, have a plan to support them and moving forward, but of course, it really entails for them trying to capture the agricultural community as part of a scene for the city, that downtown is vital in bringing that agricultural technology opportunity into the downtown core, something that San Francisco has been very successful with. I could talk all day about what we did in Fresno, but it was just a really interesting reminder of how the work we do here is so important and how so many others would just kill to have the challenges that we have.

Commissioner Moore:

President Fong, would you allow me to ask one quick question? Would you be able to give a talk on that perhaps in a noon time presentation in the Planning Department? Because, while we're talking about a more agricultural community, I would be interested to hear your comment on Redevelopment in Fresno, because Redevelopment was very powerful in Fresno, and the falling away of that tool creates another challenge, but I would love to have that talk.

Commissioner Borden:

Absolutely, all of that money was spent on some developments that are actually populated.

Commissioner Antonini:

A few items, Secretary Search Subcommittee, continues to meet, and we will meet next Wednesday and continue in the process of selecting a new Commission Secretary on a permanent basis. Second thing, I was at the hearing or the presentation that Commission Moore spoke about at Gensler. I thought it was extremely well done and well attended. I noticed in the audience many of the stakeholders from the South of Market area, and also we had some good remarks by a number of people who spoke to the panel. And two things, I think, they have to think about and I didn't speak at that hearing, but I thought I should give my views based upon the general consensus that we need to make the new residents there and the new businesses there, more interactive with the street, and not be isolated away from the activity at ground level. I think two things we need to look at it as a city, we have to make the street more welcoming, improving quality of life, addressing quality of life issues on the street to make safe and welcoming on the street for a variety of reasons, which most of you already know about, that make streets not the most welcome places that you want to be. Number two, we have to be cognizant when we provide

open spaces of the elements and understand where the winds are coming from and understand where the sun is and try to site open spaces whenever possible to take advantage of the most protected areas, Because while we have a very good climate, it tends to sometimes be windy and sometimes be cold and shaded in certain areas, so this are things that given the choice if possible take advantage of areas that have a little bit more shelter, but still have sun that would be helpful. Thirdly, I've been working a little bit, calling some members of the Board of Supervisors trying to work on legislation to address graffiti problems I spoke of a couple weeks ago, and this legislation without going into detail will be put together and be brought before the Commission in the future, I understand City Attorney's Office has to look at it first. But it would address not only those guilty of graffiti vandalism, but also businesses that may be promoting graffiti by selling products aimed exclusively at graffiti vandalism. I've spoken in great length with Officer Mark Ferrara, who is the police officer in charge of this, and he's got a lot of interesting information and he wants to see a greater emphasis on education, especially elementary school levels, by the time they get to high school it's too late, talking about the youngsters. From his information most, high percentage of those proliferating graffiti are older people, who should know better, in their 20s and 30s. They are doing it because they are professional taggers almost and they can go from place to place to ruin things. I think it's very interesting and I'll tell you more about that in the future.

Commissioner Sugaya:

To follow-up on Commissioner Antonioni's comment on graffiti, there was an article or something on the internet about a developer who has purchased and is rehabilitating an existing building that has graffiti, I think both on the inside and the outside, and he feels it is of such quality that he is leaving it in place and is selling the units with the graffiti on the walls, which he admits may not sit well with a lot of people, they can always paint over it, because they are purchasing the units, but it was an interesting approach by one developer that perhaps is using it as a marketing tool.

Commissioner Antonini:

A follow-up on that I forgot to mention the other area we have to combat graffiti with this. Legitimate businesses that glorify graffiti and I don't know if this developer would have to get a conditional use to develop the thing, I think that is not the right message to send and many of our retail stores even larger ones sometimes they are glorifying this and I think that is the wrong message, so we have to address them too, for this problem.

Commissioner Borden:

I guess a question is maybe this is something you can ask. I know when I was in Fresno, I found out that the police actually took pictures of the graffiti and have a database, I don't know if that's what the Police do here.

Commissioner Antonini:

They do that, but unfortunately they're very under staffed there is only one officer who does the whole thing, so they need to have better staffing.

D. DEPARTMENT MATTERS

7. [Director's Announcements](#)

Director Rahaim:

Good afternoon Commissioners, I just wanted to thank Commissioners Antonini and Moore and Historic Preservation Commissioner Andrew Wolfram for attending this forum on Tuesday night, it was very well attended. It was an informal panel discussion about the future of South of Market and basically the topic had to do with dandifying the neighborhood and how to maintain the neighborhood quality, while it is being more densified. It was sponsored by an organization called The Counsel on Tall Buildings and Urban Habitats, which is actually an organization that has been around for a number of years, based in Chicago, but is trying to establish a San Francisco Chapter. So, as Commissioner Moore mentioned, it is something I'm personally interested in kind of facilitating more of as we move forward on these plans and having these kind of informal, interactive discussions on various topics, such the South of Market.

Secondly, I just want to call to your attention, that the Castro Street Design has been finalized. We had a meeting this week on Tuesday night, to present the final design, there has been a huge amount of public support for the Streetscape work that we proposed on Castro Street and as a reminder, we are doing a this now, and these are funded by the bond measure that was passed, I believe November 2011, and so, these are projects that have funding to actually construct these improvements and we are doing this all over the City with Department of Public Works and MTA. And so this design has been finalized and has very strong community support for the results.

8. Review of Past Week's Events at the Board of Supervisors, Board of Appeals, and Historic Preservation Commission

LAND USE COMMITTEE:

- **130070 Duboce Park Historic District.** This recommendation by the HPC to create a new historic district was considered and unanimously recommended for approval by the LUC this week.
- **BF 121019 & 130248 Supervisor Wiener & Kim's CEQA Procedures Ordinance.** Both items were called together again at the Committee on Monday. Only Supervisor Wiener's proposal could be considered for action because Supervisor Kim's proposal would affect the Historic Preservation Commission and that commission just held their hearing this week. You'll recall, both this Commission and the HPC supported Supervisor Wiener's proposal with 2 requested modifications which were addressed by Supervisor Wiener. This week at committee Supervisor Chiu shared another proposal that he wanted to "vette" with the public and fellow committee members. This new version attempts to merge Supervisor Kim & Wiener's proposal. He did not take a position at that hearing nor did he make any amendments to the Supe W/Chiu ordinance. Instead he asked for comment from supervisor Kim and the public on the potential merger.

Supervisor Kim indicated that she had continued to coordinate with Planning Staff and that she would be introducing two ordinances: one would revise her current proposal and the second would create an appeal process for staff decisions that new Exemptions are not needed for modified projects. The bulk of the hearing was spent as a discussion between the Board and the Staff about how CEQA is implemented locally. Supervisor Chiu stated that even though Supervisor Kim's proposal is not actionable, he still considering the ideas and further that he believes that a one week continuance is sufficient. The Committee then continued Supe. Wiener's Ordinance with Chiu's amendments to next week. Supervisor Kim's Ordinance was heard by the HPC yesterday and that Commission passed a resolution that was the same as your recommendation (approval of some portions, disapproval of other portions and to explore four additional questions¹) with the following additions:

1. Planning to provide an analysis that clarifies the differences between Supervisor Kim and Supervisor Wiener's Legislation regarding when an exemption appeal period ends, i.e. the difference between first approval and last approval.
2. The Legislation should allow entitlements, including Landmark designation, be allowed to move forward while the appeal is pending.
3. The Legislation should clarify the role of the HPC in the appeals process.

FULL BOARD OF SUPERVISORS:

- **Items that were adopted this week on Final Read include:**
 - Planning, Building Codes Fee Waiver for Small Business May
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INTRODUCTIONS:

¹ notification feasibility, further project approvals while an appeal is pending, "search-ability" of CEQA determinations, and prioritization of affordable housing projects.

- **130459 Mission Alcoholic Beverage SUD and Valencia St NC-T.** Campos & Wiener. This Ord. allow the transfer of liquor licenses under specified circumstances, to restrict the sale of alcohol for off-site consumption, and to exempt from the controls grocery stores and certain institutional, arts and other uses; establishing operating conditions for liquor-related uses; amending the Valencia Street Neighborhood Commercial Transit District controls to restrict the conversion of existing ground floor retail uses to restaurants.
- **130458 Contract Amendment - Mission Bay South Redevelopment Plan Amendment.** Mayor. Ordinance approving an amendment to the Mission Bay South Redevelopment Plan, which amendment modifies the land use designation for certain property to add residential as a permitted use and to increase the permitted residential density in the Plan Area but does not increase the allocation of tax increment under a pre-existing enforceable obligation.
- **130464 Administrative Code - CEQA Procedures, Appeal of Exempt Project Modification.** Kim, Campos, Avalos, Mar. to provide for appeal to the Planning Commission of a Planning Department determination that an exempt project modification does not require a new decision under the CEQA.
- **130248. Administrative Code - California Environmental Quality Act Procedures, Appeals, and Public Notice—Version 3.**

BOARD OF APPEALS:

The Board of Appeals did meet last night, two items that may be of interest to the Commission. The first is 611 Buena Vista West Avenue, this was a Discretionary review, which was heard by the Commission last year it is next door to an old building with a turret and the Planning Commission required that the third floor addition be setback three feet and that was done, the building permit was issued and there was also a CEQA appeal filed, the CEQA appeal was denied, I think it was unanimously voted at the Board of Supervisors, but last night we had the appeal on the building permit at the Board of Appeals. Several members of the Board expressed concern over the size of the addition and there was a motion to make changes to the addition to reduce it at the front and the rear. That motion failed, you need four votes to having any decision overturned, they only had three votes. Ultimately there was no subsequent motion that passed so the project was approved as proposed. During the course of the appeal process and the briefs, it came to everyone's attention that the site plan for the adjacent building with the turret at 601, the site plan was inaccurate and the building was actually setback further from the street than shown on the permit holders plan, but as the Board of Appeals has de novo powers they were able to consider all the new information at last night's hearing and they chose not to make any further changes and it was approved as proposed. The second item is 2130 Fillmore Street it is a building permit to allow a new retail store called Osca, I don't know if anyone has heard of Osca, but it is a retailer based in Germany, they have 9 stores in the US, they have plans to expand, and under, how we have been interpreting the formula retail use provisions since they were enacted in 2004, we said you have to have stores open in order to account towards the 11 store threshold. The Board of Appeals disagreed with this interpretation of the formula retail provisions and they believe that formula retail use begins at lease. So Osca has leases for two other stores, they have nine that are operating, two stores are leased but they do not have permits to operate them, one in Hillsborough and one in Evanston Illinois. Apparently the one in Evanston actually has a sublease for the next year to be used as an art gallery, but the Board of Appeals would like them to come to the before them as a conditional use authorization, so, they denied the permit and will adopt written finding to this effect in the coming weeks, and their City Attorney will be drafting those findings with their Executive Director and introducing that to the Board to consider. So I think that would have an impact on how we are interpreting our formula retail use provisions and when that decision is final we will review with the city attorney and incorporate those changes are to our procedures. Lastly, last Thursday the California Coastal Commission met on an appeal of the Beach Chalet soccer fields, the Coastal Development Permit, which the Planning Commission approved last year, the Board of Appeals upheld that decision, was appealed to the Coastal permit, the Coastal Commission. First Coastal Commission appeal that I can recall, and I think that anyone can ever recall having happen with something in San Francisco, the Coast Commission ultimately unanimously upheld the decision of the project as proposed. Their staff had recommended some changes to the project. It really turned on this question of what's naturalistic or not, and the Commission ultimately found that the City and our processes had appropriately handled this matter. One thing to note, there was some concern or frustration on the part of the Coastal Commission and their staff about the quality of our Local Coastal

Plan, which was adopted in the mid-80s and has not since been amended. I think the quote was “that it was thin,” that it was svelte sounds a little bit better, but we don't have a lot of policies and objectives. There was only one objective for the project itself, in the Local Coastal Plan, has one objective, but for the sub policies and we found that it complied with that, so there are certainly other municipalities that have more recent and modern local coastal plans, by going into greater level of detail, but that is something for the Commission to consider and I want to pass the on the comments of the Coastal Commission staff and the Commission themselves. Maybe I'll address Commissioner Moore's question about the CVS, Trader Joe's. I will refer that matter to Enforcement and certainly we can look into that and ensure that they are complying with their conditions of approval. We do have Landscape Architecture on our staff that can provide some recommendations about plants that may be more suitable for that location.

HISTORIC PRESERVATION COMMISSION:

Ms. Rogers already conveyed to you the Commission's discussion and recommendation on Supervisor Kim's proposed CEQA amendments, but in response to Commissioner Sugaya's question there were a couple of Commissioners, the newly appointed Commissioners, that did have a question about what is the HPC's larger role in reviewing Environmental Impact Reports and when it is appropriate for them to comment, I think it is a larger training issue, and will continue to work with the Commission on explaining the HPC's role per the Charter and the Planning Code, but as Ms. Rogers also conveyed we are continuing to work with the Supervisors to make it explicitly clear what the HPC's role will be in both of the proposed pieces of legislation. The Commission also approved a Certificate of Appropriateness at 702 22nd Street. This was a C of A within the Dogpatch Landmark District. The work for façade alterations for the Dogpatch Saloon, that was unanimously approved. The Commission also provided review and comment on the Regional Ground Water Storage and Recovery Project EIR, this is on the EIR on your calendar this afternoon. The Commission found the analysis of historic and cultural resources adequate within the document, but they did request one inclusion of graphics and other diagrams to specify the work associated with the mitigation measures identified in order to avoid impacts to those historic and cultural resources. The environmental planning staff is working on a response to that request. Finally, the Commission reviewed the Major Permit to Alter for 706 Mission Street. This is the rehabilitation of the Aronson Building a Category I building within the New Montgomery/Mission/Second Street Conservation District as well as the construction of a new residential tower and Mexican museum at the base adjacent to Jessie Square. After a presentation by the sponsor and Department staff, there was a fair amount of public comment both in support and opposition of the project. The HPC had a number of questions regarding the CEQA review process for shadow impacts, and just regarding the Department's analysis of shadow, within the CEQA document and this Commission review with the Rec/Park Commission on the allocation for shadow. Those questions were directed towards the Department and the City Attorney. We responded and the Commission was satisfied with those comments. So after a lengthy discussion on the design of the new tower, the HPC unanimously approved the project. They did add one condition of approval, many of the Commissioners were not happy with the design of the base of the tower. They felt that it should address more to Jessie Square, the Contemporary Jewish Museum, St. Patrick's Church, as well as, the adjacent Aronson building. So, the condition of approval is that the project sponsor will redesign the base of the tower and will bring it back to the HPC's Architectural Review Committee for a finding of compliance with those elements that are adjacent to the tower. The Project Sponsor was amenable to that condition. So, with that condition the project was approved. Both of the other items on the calendar were informational items those were continued to the June 5th hearing.

E. GENERAL PUBLIC COMMENT – 15 MINUTES

At this time, members of the public may address the Commission on items of interest to the public that are within the subject matter jurisdiction of the Commission except agenda items. However, for items where public comment is closed this is your opportunity to address the Commission. With respect to all other agenda items, your opportunity to address the Commission will be afforded when the item is reached in the meeting. Each member of the public may address the Commission for up to three minutes.

SPEAKERS: Dino Adelfio, Linda Chapman

F. REGULAR CALENDAR

9. [2008.1396E](#) (T. JOHNSTON: (415) 575-9035)
REGIONAL GROUNDWATER STORAGE AND RECOVERY PROJECT - Public Hearing on the Draft Environmental Impact Report. The San Francisco Public Utilities Commission (SFPUC) is proposing a project to increase water supply reliability during dry years and in emergencies, by increasing water storage in the South Westside Groundwater Basin during wet and normal years for subsequent recapture during dry years. The proposed project consists of the construction and operation of 16 new groundwater production wells and water treatment facilities to recover the stored groundwater. Each well facility would include the construction of a groundwater production well and associated fenced enclosure or treatment building, distribution pipelines to connect the well to the existing regional water system or to the local distribution system, and overhead or underground utility connections. Most well facilities would provide disinfection and additional treatment (i.e., pH adjustment, fluoridation, and/or iron/manganese removal). In addition, the proposed project includes upgrades to the Westlake Pump Station to serve three new well facilities (Sites 2, 3, and 4), including new fluoride, chlorine, and ammonia chemical storage tanks, replaced or upgraded chemical metering pumps, a resized transformer, and up to three new booster pumps to deliver the additional water into the Daly City distribution system, all of which would be located within the existing pump station building. The SFPUC is proposing this project in coordination with its partner agencies, which include the cities of Daly City and San Bruno, and the California Water Service Company (Cal Water) in its South San Francisco service area (collectively referred to as Partner Agencies). The project includes operation of groundwater well facilities at 16 different locations in Daly City, Colma, South San Francisco, San Bruno, Millbrae, and in unincorporated San Mateo County.
NOTE: Written comments on the Draft EIR will be accepted at the Planning Department until 5:00 p.m. on May 28, 2013.

SPEAKERS: Greg Bartow
 RECUSED: Sugaya
 ABSENT: Wu
 ACTION: Accepted comments on Draft EIR

10. [2013.0524U](#) (P. MALTZER: (415) 575-9078)
AMENDMENTS TO THE BUILDING AND HEALTH CODES TO EXPAND THE REQUIREMENTS FOR SOIL AND GROUNDWATER TESTING [BOARD FILE NO. 13-0369] - The Planning Commission **will consider a proposed Ordinance amending Building Code, Section 106A.3.2.4, and Health Code, Sections 1220 through 1237, and adding Section 1219**, to expand the boundaries and types of projects for which soil testing is required and to require testing of groundwater under specified circumstances; amending Public Works Code, Article 20, to eliminate soil testing provisions; renumbering code sections in Health Code, Article 22A; and making environmental findings.
 Preliminary Recommendation: Adopt a Recommendation for Approval

SPEAKERS: Kelly Pretzer
 ACTION: Adopted a Recommendation for Approval
 AYES: Fong, Antonini, Borden, Hillis Moore, Sugaya
 ABSENT: Wu
 RESOLUTION: 18869

11. [2011.0397M](#) (K. HADDADAN: (415) 575-9068)
CONSIDERATION OF ADOPTING AMENDMENTS TO THE GENERAL PLAN RELATED TO THE SAN FRANCISCO BICYCLE PLAN - Pursuant to San Francisco

Charter Section 4.105, Planning Code § 340(d) and § 306.3, **adopt amendments to the General Plan**, related to the San Francisco Bicycle Plan. The Planning Commission will consider adoption of amendments to the General Plan, including revisions to the Transportation Element and the Downtown Area Plan, any corresponding revisions to the Land Use Index of the General Plan, making environmental findings and findings of consistency with the General Plan and priority policies of Planning Code Section 101.1. These General Plan Amendments were originally recommended by the Planning Commission to the Board of Supervisors for the Board's approval on June 25, 2009 in Resolution 17914. On June 25, 2009 (in Resolution 17912), the Planning Commission certified an environmental impact report (EIR) prepared for the 2009 Bicycle Plan, and (in Resolution 17913), adopted findings pursuant to CEQA, including a mitigation monitoring and reporting program. On January 14, 2013, the California Court of Appeal found that the 2009 Bicycle Plan EIR complied with CEQA but that the findings adopted pursuant to the CEQA in connection with the General Plan Amendments did not adequately set forth adequately discuss several significant environmental impacts that cannot be mitigated. the reasons for rejecting as infeasible the alternatives identified in the EIR, and did not This action therefore re-adopts the previously adopted General Plan Amendments as described above, with modified environmental findings.

Preliminary Recommendation: Adopt a Recommendation for Approval

SPEAKERS: Mark Hazel
 ACTION: Adopted a Recommendation for Approval
 AYES: Fong, Antonini, Borden, Hillis Moore, Sugaya
 ABSENT: Wu
 RESOLUTION: 18870

12. [2011.0397T](#) (K. HADDADAN: (415) 575-9068)
BICYCLE PARKING ORDINANCE - The proposed Ordinance would **amend (1) the San Francisco Planning Code by repealing existing Sections 155.1 through 155.5 in their entirety, adding new Sections 155.1 through 155.4; to revise the bicycle parking standards; (2) the San Francisco Planning Code by renumbering Sections 430 to 431 and adding a new Section 430 that allows portions of bicycle parking requirements to be satisfied with an in lieu fee; (3) the San Francisco Planning Code Section 145 to define bicycle parking as an active use; (4) the San Francisco Planning Code Sections 102.9, 155(j), 157.1, 249.46 and 307; (5) the San Francisco Environment Code Section 402 to revise cross-references to the San Francisco Planning Code; and would (6) make environmental findings, Planning Code Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.** The Planning Commission initiated this legislation on August 9th, 2012 and held an informational hearing on December 13, 2012.

Preliminary Recommendation: Adopt a Recommendation for Approval
 (Continued from Regular Meeting of April 25, 2013)

SPEAKERS: Mark Hazel
 ACTION: Adopted a Recommendation for Approval, as amended to remove bicycle parking from the definition of ground floor active uses in the Planning Code.
 AYES: Fong, Antonini, Borden, Hillis Moore, Sugaya
 ABSENT: Wu
 RESOLUTION: 18871

- 13a. [2012.1004CV](#) (R. CRAWFORD: (415) 558-6358)
2280 MARKET STREET – north side at Noe Street; Lot 013 in Assessor's Block 3560 - **Request for Conditional Use Authorization**, pursuant to Planning Code Sections 303, 703.4, Formula Retail, 733.21 Nonresidential Use Size and 733.27, Hours of Operation to develop a Formula Retail pharmacy store (d.b.a. CVS Pharmacy). The project will expand

the retail space within the existing building from 7,100 square feet to 10,048 square feet. The hours of operation for the store will be 4 A.M. to 12 A.M. within the Upper Market Street Neighborhood Commercial Transit District and 40-X and 50-X Height and Bulk Districts.

Preliminary Recommendation: Approve with Conditions

SPEAKERS: Holly Grzywacz, Charles Bloszies, Louis Quattay, J.D. Petrus, Terry Aston Bennett, Dennis Richards, Gary Virginia
ACTION: Approved with Conditions
AYES: Fong, Antonini, Borden, Hillis Moore, Sugaya
ABSENT: Wu
MOTION: 18872

13b. [2012.1004CV](#) (R. CRAWFORD: (415) 558-6358)
2280 MARKET STREET – north side at Noe Street; Lot 013 in Assessor’s Block 3560 – **Request for a Variance** from the requirements of Planning Code Section 136(c) (1), Permitted Obstructions, to allow architectural details (metal lattice rain screen) to project 8 inches into the public right of way from the ground up for a height of 38 feet 6 inches. Planning Code Section 136(c)(1) allows the projection of architectural details into the public right of way provided they are no taller than 2 feet 6 inches in height and have a minimum of 7 feet 6 inches of vertical clearance from the sidewalk for a Formula Retail pharmacy store (d.b.a. CVS Pharmacy) within the Upper Market Street Neighborhood Commercial Transit District and 40-X and 50-X Height and Bulk Districts.

SPEAKERS: Holly Grzywacz, Charles Bloszies, Louis Quattay, J.D. Petrus, Terry Aston Bennett, Dennis Richards, Gary Virginia
ACTION: ZA Closed the Public Hearing and indicated an intent to Grant

14a. [2005.1155DV](#) (D SÁNCHEZ (415) 575-9082)
3249 17TH STREET - southeast corner of 17th and Capp Streets; Lot 063 in Assessor’s Block 3575 - **Request for Discretionary Review** of Building Permit Application No. 2010.03.24.8891 proposing alterations to an existing one-story, two-unit multifamily building that include a three-story vertical addition, eight foot horizontal rear addition, one new dwelling unit and a limited corner commercial restaurant use (dba Balompié) within a RTO-M (Residential, Transit Oriented, Mission Neighborhood) Zoning District and 55-X Height and Bulk District.

Preliminary Recommendation: Do Not Take Discretionary Review and Approve

SPEAKERS: Jacki Yu, Victor Marquez, Alfonso Rijon, Arturo Tabala, Angela Cepeda, Oscar Grande, John Barbie, Olande Arce, Ray Sloan, Natalie Aginaldo, Selena, Josh Garcia
ACTION: Did NOT take DR and approved as proposed
AYES: Fong, Antonini, Borden, Hillis Moore, Sugaya
ABSENT: Wu
DRA: 0321

14b. [2005.1155DV](#) (D SÁNCHEZ (415) 575-9082)
3249 17TH STREET - southeast corner of 17th and Capp Streets; Lot 063 in Assessor’s Block 3575 - **Request for Variance**, pursuant to Planning Code Section 134, to provide a rear yard of 25 feet at the ground level and above where a rear yard of 33 feet is required within a RTO-M (Residential, Transit Oriented, Mission Neighborhood) Zoning District and 55-X Height and Bulk District.

SPEAKERS: Jacki Yu, Victor Marquez, Alfonso Rijon, Arturo Tabala, Angela Cepeda, Oscar Grande, John Barbie, Olande Arce, Ray Sloan, Natalie Aginaldo, Selena, Josh Garcia

ACTION: ZA Closed the Public Hearing and indicated an intent to Grant

G. PUBLIC COMMENT

At this time, members of the public may address the Commission on items of interest to the public that are within the subject matter jurisdiction of the Commission except agenda items. With respect to agenda items, your opportunity to address the Commission will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Commission has closed the public hearing, your opportunity to address the Commission must be exercised during the Public Comment portion of the Calendar. Each member of the public may address the Commission for up to three minutes.

The Brown Act forbids a commission from taking action or discussing any item not appearing on the posted agenda, including those items raised at public comment. In response to public comment, the commission is limited to:

- (1) responding to statements made or questions posed by members of the public; or
- (2) requesting staff to report back on a matter at a subsequent meeting; or
- (3) directing staff to place the item on a future agenda. (Government Code Section 54954.2(a))

Adjournment: **4:51 PM**