

# SAN FRANCISCO PLANNING COMMISSION

## Meeting Minutes

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

Thursday, June 13, 2013

12:00 PM

Regular Meeting

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

THE MEETING WAS CALLED TO ORDER BY PRESIDENT FONG AT 12:04 PM.

STAFF IN ATTENDANCE: John Rahaim – Planning Director, Omar Masry, Kanishka Burns, AnMarie Rodgers, Mat Snyder, Susan Exline, Aaron Starr, Corey Teague, Adrian Putra, and Jonas P. Ionin - 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.

1. 2013.0477C (C. TEAGUE: (415) 575-9081)  
435-437 POTRERO AVENUE - east side between 17<sup>th</sup> and Mariposa Streets; Lot 022 of Assessor's Block 3974 - **Request for Conditional Use Authorization**, pursuant to Planning Code Sections 179.1, 227(r), 303, and 303(h), to legalize approximately 10,000 gross square feet of Internet Services Exchange on the entirety of both floors of the existing two-story building within a UMU (Urban Mixed Use) Zoning District and 58-X Height and Bulk District.  
Preliminary Recommendation: Approval with Conditions  
**(Proposed for Continuance to ~~July 18,~~ July 11, 2013)**

SPEAKERS: David Silverman – requested continuance to July 11<sup>th</sup>.  
ACTION: Continued as Amended  
AYES: Fong, Wu, Antonini, Borden, Hillis, Moore, Sugaya

2. 2013.0259C (M. SMITH: (415) 558-6322)  
3771-3781 CESAR CHAVEZ - south side between Guerrero and Dolores Streets, Lots 030 and 045 in Assessor's Block 6577 - **Request for Conditional Use Authorization** pursuant to Planning Code Sections 209.3(f), 204.1, 317, and 303 to expand an existing pre-school (d.b.a. Gan Noe Preschool) operating at 3771 Cesar Chavez Street into the

adjacent property at 3781. Enrollment at the pre-school would increase from 14 children to 42 children and the project would result in the removal of the dwelling unit at 3781 Cesar Chavez Street. The proposal does not include any significant alteration or modification to the exteriors of the existing buildings with the exception of minor changes to signage and fencing. The space would also function as an accessory religious facility. The subject property is located in a RH-2 (Residential, House, Two-Family) District and a 40-X Height and Bulk District.

Preliminary Recommendation: Approval with Conditions  
**(Proposed for Continuance to July 18, 2013)**

SPEAKERS: Richard Rockman – Requested a further continuance.  
ACTION: Continued as proposed  
AYES: Fong, Wu, Antonini, Borden, Hillis, Moore, Sugaya

## 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. [2012.1070C](#) (O. MASRY: (415) 575-9116)  
1100 OAK STREET - northwest corner of Oak and Divisadero Streets, Lot 016 in Assessor's Block 1215 - **Request for Conditional Use Authorization** under Planning Code Sections 711.83 and 303 for the modification of an existing micro wireless telecommunications services (WTS) facility operated by T-Mobile. The proposed macro WTS facility would consist of six panel antennas, which would replace two omni antennas. The antennas would be mounted in an existing faux building element above the elevator penthouse on a mixed-use building. The facility is proposed on a Location Preference 2 Site (Co- Location Site) within a NC-2 (Neighborhood Commercial – Small Scale) Zoning, the Divisadero Street Alcohol Restricted Use, Fringe Financial Services Restricted Use and 65-A Height and Bulk Districts.  
Preliminary Recommendation: Approve with Conditions

SPEAKERS: None  
ACTION: Approved with Conditions  
AYES: Fong, Wu, Antonini, Borden, Hillis, Moore, Sugaya  
MOTION: 18901

4. [2013.0362C](#) (K. BURNS: (415) 575-9112)  
775 FREDERICK STREET - south side at Arguello Boulevard; Lot 026 in Assessor's Block 1265 - **Request for Conditional Use Authorization**, pursuant to Planning Code Sections 182, 186, 303, 719.44 and 781.9 to allow a change of use of a Limited Commercial Use from a Limited-Restaurant to a Restaurant (d.b.a. Kezar Pizzetta) located within a RH-3 (Residential-House, Three Family) District and 40-X Height and Bulk District. The project is located within ¼ mile of the Haight Street Neighborhood Commercial District and the Haight Street Alcohol Restricted Use Subdistrict.  
Preliminary Recommendation: Approve with Conditions

SPEAKERS: + Marsha Garland, Project Sponsor Representative;  
+ Bassan Hamad, Project Sponsor;  
- Aftab, Opposed – Sale of liquor next door to a school;  
+ Stephen Acostollato, Consultant to Project Sponsor – Sponsor has made tenant improvement, only sell wine and beer;  
+ Mary Ellen Wade – liquor must be consumed on-premises.

ACTION: After being pulled off of Consent, Approved with Conditions  
AYES: Fong, Wu, Antonini, Borden, Hillis, Moore, Sugaya  
MOTION: 18902

### C. COMMISSION MATTERS

#### 5. 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 Antonini:**

A couple of things, first of all, I just want to report that the Commission Subcommittees from Historic Preservation and Planning met yesterday on the Secretary Search issue and we will be meeting again in a couple of weeks and we continue to progress on that particular issue. Also wanted to comment on the unfortunate vote that occurred on Tuesday, in my opinion, on the condo conversion legislation regarding the lottery. We never had a chance to weigh in on this and I am going to give my opinion now. I certainly will hope for a second reading I will urge the supervisors who voted for it to vote against it and if gets to that point, the Mayor should veto it if it is passed. My reasons are as follows: the original legislation by Supervisor Farrell was extremely focused and dealt with a distinct group of people who are already owners and occupiers, it is not about future entries into TIC's, it is not about renters, it is about people who were trapped in a situation where up to 10 years or longer they had to be co-owners with others. People lose jobs, people get transferred things happened, it's very burdensome, financing is difficult. It was just a method to move people into separate ownership, which is basically a housekeeping matter and my issue, it's been completely distorted and it would do a lot of very negative things particularly eliminate the possibility of TIC conversions for five or six units building. There are a lot of very nice apartments, that are five to six units, they have 1,500 to 2,000 sq. ft., exactly an opportunity for families with children that cannot afford a single-family home, but might be able to, working with others, purchase a building like this and occupy it indefinitely and they would be out of luck, via the TIC method. Also, further restrictions on occupancy, which are already very strict, I know of cases where people were "caught" in a unit and unable to move into a larger unit within the same building because of the requirements for occupancy, and then a ten year moratorium on it. So those are a lot of the, any future TIC conversions to condos, so it doesn't speak, the present legislation doesn't speak to the original problem and Farrell's legislation was much more focused and advantageous; again it has gone way beyond. And also for those of us I happened to live in the west side of San Francisco, and many homeowners and I've had a lot of calls from people and there has been some reports of people in my area don't care about this, they do care very much about this and very much would be a favor of what Sup. Farrell had originally proposed and oppose the present version. So that's not accurate as far as I can tell. Thank you very much.

#### **Commissioner Sugaya:**

For members of the public and for people watching this on SFGTV, Commissioner Antonini's comments are his own, and do not reflect anything that has to do with this Commission.

### D. DEPARTMENT MATTERS

#### 6. Director's Announcements

#### **Director Rahaim:**

The only announcement I wanted to make was related to the meeting last time on the Central Corridor Plan. It was a meeting to go over a list of potential topics that we would be studying with the community over the next year. We had a very good turnout of, I think, 70 or 80 people. Reviewed a list of potential

topics, came up with a very long potential list and we are scheduled to report to you next week briefly on what our kind of proposed list of topics will be for having a series of meeting over the next year, so I just wanted to report to you on that, and thank staff and thank the public for coming out and listening.

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

#### **LAND USE COMMITTEE:**

Supervisor Wiener's Planning Code amendment for Mobile food ordinance<sup>1</sup> was at LU. In addition to the Planning Code amendment, the Land Use Committee also considered two related pieces of legislation that regulate Food Trucks, Board File 120193 (Public Works Code that details locational and noticing requirements for Food Trucks), and Board File 121108 (Transportation Code related to permitting and licensing by DPW). **The DPW Code amendments address the location of food trucks on the public right of way in relation to schools, as well as food trucks associated with restaurants considered formula retail.**

#### **Planning Code Amendment (BF 12-0125)**

On April 19, 2012, the Planning Commission considered the PC ordinance. This limited ordinance would amend Section 205.4 to allow intermittent temporary uses, including Mobile Food Facilities, within RH, RM, RED, and RTO Zoning Districts on parcels that contain medical institutions or post-secondary institutions. Food trucks that operate in these locations may not operate between the hours of 10pm and 7am.

At the hearing, the Commission voted 6-0 to recommend approval with modifications of the proposed Ordinance. The Commission's recommended modifications were intended to clarify that 312 notification would be required for food trucks located within 50' of a parcel on which there is a residential use, or for food trucks that exceed 300 square feet in size. The supervisor responded to the Commission's request and broadened it slightly by requiring that notice not only occur within 50' of a dwelling unit but also within 50' of any parcel zoned RH, RM, RED, and RTO, AND the notice would also apply to any food trucks that exceed 300' in size.

#### **DPW Amendments (BF-120193)**

- **Location Restrictions:**
  - No food trucks within 500' of any public elementary or middle school;
  - No food trucks within 1,000' of any public high school between the hours of 7am and 5pm (M-F).<sup>[1]</sup>
  - No food trucks located within 75' of an existing restaurant.
  - Food trucks may only operate at one location three days/week.
- **Mobile Food Facilities and Formula Retail:**
  - Food trucks operated by a formula retail restaurant, it may not be located within the public right-of-way in a district in which formula retail is NP or requires a CU.
  - Note that for this restriction, the formula retail definition includes "affiliates" of formula retail restaurants, which includes an entity that is owned by or has a financial or contractual agreement with a formula retail use.

**With these amendments, all three ordinances were recommended for approval.**

#### **FULL BOARD OF SUPERVISORS:**

- **Supervisor Weiner 3 ped safety legislation (APPROVED 1<sup>ST</sup> READING)**

<sup>1</sup> (BF 12-0125)

<sup>[1]</sup> There is an exception – food trucks may be located within 750' of seven named high schools (this exception is primarily based on the schools' locations in busy commercial areas where there is already access to numerous brick and mortar restaurants). The seven high schools named in the Ordinance are: John O'Connell, Mission High, Hilltop High, Galileo, International Studies Academy, Principal's Center, and Civic Center High.

1. Create an interagency Street Design Review Committee made up of Planning, SFMTA, DPW, SFPUC, OEWD, and Fire Department to review street improvement projects against established City policies, such as the Transit-First Policy and the Better Streets Plan
  2. Create a Public Improvement Permit (for instance for in-kind infrastructure) that would enable the DPW Director to administratively accept public improvements built by third-party developers in the right-of-way, if accompanied by a maintenance endowment (bypasses the need for major encroachment permit and gift acceptance by Board of Supervisors).
  3. Change to Fire Code to clarify that unobstructed curb extensions (things like a bulbout without trees or poles) would not count against the 20 foot minimum clear width required by the Fire Code
- **Condo-conversion Fee.** Amended and approved on first reading. This one was not heard by this commission. I have a press release from Supervisor Chiu summarizing the actions this week as well as a list of the amendments on Tuesday.

**FINAL READING**

- **130180 Pre-Application Meetings Required in PDR-1B.** PC approved on May 9. Board approved on FINAL reading this week.
- **111278 Art & Design SUD 1111 8<sup>th</sup> Street.** This ordinance would create an SUD to allow educational institutions without use size limits; to permit student housing; and to allow the ZA to authorize temporary structures without a public hearing for property currently occupied by the California College of Arts. This ordinance was recommended for approval by this Commission on April 25. **Board approved on FINAL reading.**

**INTRODUCTIONS:**

- **130631 City's Plan to Ensure Transit Service Keeps Pace with Current and Future Development.** Supe. Wiener. Hearing directed to the Mayor's Office, Planning Department, Municipal Transportation Agency (MTA), Transportation Authority, Office of Economic and Workforce Development, the Office of the Controller, and the Port of San Francisco to report on how the City is planning to expand Muni's service capacity, including how that expansion will be paid for on an on-going basis, in light of significant planned development, population growth, and job growth, as well as Muni's current lack of sufficient, reliable service capacity; the departments will be asked to discuss how they evaluate the need for additional transit service, what increase in service levels are needed, how the increase will occur, and how it will be paid for on an ongoing basis to accommodate growth projections associated with planned and future development projects and population and job increases; the departments also will analyze whether MTA's baselines budget should be increased in light of development and population trends.

**BOARD OF APPEALS:**

No Report

**HISTORIC PRESERVATION COMMISSION:**

No Report

**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.

None

**F. REGULAR CALENDAR**8. [2013.0376T](#)

(A. RODGERS: (415) 558-6395)

EFFECTIVENESS OF THE FEE DEFERRAL PROGRAM - Planning Code Section 403(b) requires that prior to July 1, 2013, the San Francisco Planning Commission shall hold a hearing to **review the effectiveness of the Fee Deferral Program**, the economy at large, and whether the stimulative effects of the Fee Deferral Program are still needed. Following this hearing, the Commission shall forward a recommendation to the Board of Supervisors as to whether the Fee Deferral Program should be continued, modified, or terminated.

Preliminary Recommendation: Allow Fee Deferral Program to Expire

- SPEAKERS: + Pamela Levin, DBI;  
 + Adam Vanderwater, MOEWD;  
 + Allan Manalo, CAC Member – Impact fees;  
 + Calvin Welch – “failed program” and what did not happen;  
 + Peter Cohen, Council of Community Housing – his organization was in strong opposition to the original program and ended up reluctant supporters;  
 + Debra Benedict, Disability Action – speed up payments, need for infrastructure improvements;  
 + John Goldman, Goldman Architects;  
 + Joe Sciarillo – increased rents and evictions;  
 + Sue Hestor – supports CCHO position;  
 + Maria Samudio – working class residents of color and their housing conditions.
- ACTION: Adopted a Recommendation to Allow Fee Deferral Program to Expire  
 AYES: Fong, Wu, Borden, Hillis, Moore, Sugaya  
 NAYES: Antonini  
 RESOLUTION: 18903

9. [2013.0196U](#) (M. SNYDER: (415) 575-6891)  
DESIGN FOR DEVELOPMENT, HUNTERS POINT SHIPYARD PHASE I REDEVELOPMENT PROJECT - Assessor’s Lots 001- through 211 in Block 4591C and Lots 001 through 143 in Block 4591D - **Proposed endorsement of amendments to the Design for Development, Hunters Point Shipyard Redevelopment Phase I Project**, endorsed by the Planning Commission by Resolution No. 14447 on August 28, 1997, Resolution No. 16904, December 9, 2004 and Resolution No. 18104 on June 3, 2010. The proposed amendments would include density increases on some of the individual blocks while maintaining Phase I’s overall density limit, minor bulk increases for affordable projects, and other minor changes throughout. The site is commonly referred to as Phase I of the Hunters Point Shipyard Redevelopment Project Area.  
 Preliminary Recommendation: Approve

- SPEAKERS: + Miles Lawson, Office of Community Investment and Infrastructure (OCII);  
 + Sululagi Palega, CAC – urging approval;  
 + Thor Kalofoky, OCII.
- ACTION: Approved  
 AYES: Fong, Wu, Antonini, Borden, Hillis, Moore, Sugaya  
 RESOLUTION: 18904

10. [2013.0625R](#) (S. EXLINE: (415) 558-6332)  
1000 CHANNEL STREET - General Plan Conformity Findings. Pursuant to Section 4.105 of the Charter and Section 2A.53 of the Administrative Code of the City and County of San Francisco, recommending General Plan conformity findings for an amendment to the Mission Bay South Redevelopment Plan, that would modify the land use designation for this property to add residential as a permitted use and to increase the permitted residential density in the Plan Area; and making Planning Code Section 101.1(b) findings.  
 Preliminary Recommendation: Adopt a Resolution finding the Project, on balance, in conformity with the General Plan and Adopt by reference CEQA findings

SPEAKERS: + Michael Cohen, Strada Investment – Block 1;  
 + Bernardo Fort-Brescia, Arquitectonica;  
 ACTION: Adopted a Resolution finding the Project, in Conformity with the General Plan and CEQA Findings  
 AYES: Fong, Wu, Antonini, Borden, Hillis, Moore, Sugaya  
 RESOLUTION: 18905

11. [2012.0950TZ](#) (A. STARR: (415) 558-6362)  
AMENDMENTS TO THE PLANNING CODE TO ESTABLISH THE DIVISADERO NEIGHBORHOOD COMMERCIAL DISTRICT [BOARD FILE NO. 12-0796] - **The Planning Commission will hear a revised version of an Ordinance originally heard and approved by the Commission on November 29, 2012 that establishes the Divisadero Street NCD.** The revised version prohibits Formula Retail in the proposed Divisadero Street NCD. The original and amended Ordinance amend the Planning Code to establish the Divisadero Street Neighborhood Commercial District (NCD) along Divisadero Street between Haight and O'Farrell Streets; repeal the Divisadero Street Alcohol Restricted Use District (RUD); amend various other sections to make conforming and other technical changes; and amend the Zoning Map to add the Divisadero Street NCD and delete the Divisadero Street RUD.  
 Preliminary Recommendation: Adopt a Resolution Recommending Approval  
 (Continued from Regular Meeting of April 25, 2013)

SPEAKERS: + Conner Johnston, Aide to Sup. Breed.  
 ACTION: Adopted a Recommendation for Approval with Modifications  
 AYES: Wu, Borden, Hillis, Moore, Sugaya  
 NAYES: Antonini  
 ABSENT: Fong  
 RESOLUTION: 18906

12. [2012.1183TZ](#) (A. STARR: (415) 558-6362)  
AMENDMENTS TO THE PLANNING CODE TO ESTABLISH THE FILLMORE STREET NEIGHBORHOOD COMMERCIAL DISTRICT [BOARD FILE NO. 12-0814] - **Ordinance amending the San Francisco Planning Code** by: 1) adding Section 744.1 to establish the Fillmore Street Neighborhood Commercial District along Fillmore Street to include lots that are currently zoned NC-3 (Neighborhood Commercial, Moderate Scale), RM-3 (Residential, Mixed, Medium Density) RM-4 (Residential, Mixed, High Density), NC-1 (Neighborhood Commercial, Cluster), and RH-3 (Residential, House, Three-Family) along Fillmore Street between Bush and Fulton Streets.; 2) amending Section 151.1, a portion of Table 151.1, Section 263.20, and Section 607.1(f) to make conforming and other technical changes; 3) amending Sheets ZN02 and ZN07 of the Zoning Map to rezone specified properties to the Fillmore Street Neighborhood Commercial District; and 4) amending Planning Code Sections 201, 207.4, 207.5 702.1, 790.102 810.20, 811.20, and 811.47b based on Staff's recommendation; and 5) adopting 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.  
 Preliminary Recommendation: Adopt a Resolution Recommending Approval with Modifications  
 (Continued from Regular Meeting of April 25, 2013)

SPEAKERS: + Conner Johnston, Aide to Sup. Breed;  
 - Natalie Mattei, Safeway Representative – concerned over 20% and 300' radius language.  
 ACTION: Adopted a Recommendation for Approval with Modifications  
 AYES: Wu, Borden, Hillis, Moore, Sugaya  
 NAYES: Antonini

ABSENT: Fong  
RESOLUTION: 18907

13. [2013.0336C](#) (C. TEAGUE: (415) 575-9081)  
1096 SOUTH VAN NESS AVENUE - west side on the northwest corner of the intersection with 22<sup>nd</sup> Street; Lot 010 of Assessor's Block 3615 - **Request for Conditional Use Authorization**, pursuant to Planning Code Sections 121.2, 186.2(a), 249.60, 303, 303(p), 703.2, 710.43, 710.48, and 727.44, to allow an approximately 9,500 gross square foot restaurant and miniature golf establishment (d.b.a. Urban Putt) to occupy the entire building within a NC-1 (Neighborhood Commercial Cluster) Zoning District, the Mission Alcoholic Beverage Special Use District, and 55-X Height and Bulk District.  
Preliminary Recommendation: Approve with Conditions

SPEAKERS: + Phillip Lesser, Project Sponsor Representative;  
+ Steve Fox, Project Sponsor;  
+ Matt Hollis, Project Architect;  
+ Molly – excited to play with friends;  
+ Mike Mory – expressed concerns over bar patrons, pleased with response from Sponsor;  
+ Jamie Huey Delay, Neighbor;  
+ Leslie Fuacha, Sponsor's Spouse – a good venue for teenagers.  
ACTION: Approved with Conditions  
AYES: Fong, Wu, Antonini, Borden, Hillis, Moore, Sugaya  
MOTION: 18908

14. [2013.0072D](#) (A. PUTRA: (415) 575-9079)  
233 LAIDLEY STREET - east side between Fairmount and Miguel Streets; Lot 022 in Assessor's Block 6684 - **Staff Initiated Request for Discretionary Review** of Building Permit Application Nos. 2012.08.10.7050 and 2012.08.10.7053 proposing to construct a new single-family dwelling on a vacant lot previously contained a single-family dwelling that was demolished over 14 years ago without the benefit of a permit within a RH-1 (Residential, House, Single-Family) Zoning District and 40-X Height and Bulk District.  
Staff Analysis: Full Discretionary Review  
Preliminary Recommendation: Do Not Take Discretionary Review and Approve the Demolition and Take Discretionary Review and Approve the New Construction with Modifications

SPEAKERS: + John Kevlin, Project Sponsor's Representative;  
+ Michael Hennessy, Project Architect.  
ACTION: Demo – No DR; NC – Took DR and Approved with Modifications:  
1. Five foot height reduction; and  
2. Eliminate front balcony  
AYES: Antonini, Borden, Hillis, Sugaya  
NAYES: Fong, Wu, Moore  
DRA: 0324

**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))

**None**

Adjournment – **5:01 P.M.**