

# SAN FRANCISCO PLANNING COMMISSION

## Meeting Minutes

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

Thursday, July 18, 2013  
12:00 p.m.  
Regular Meeting

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

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

STAFF IN ATTENDANCE: John Rahaim – Planning Director, Claudia Flores, Steve Wertheim, AnMarie Rodgers, Sophie Hayward, Corey Teague, Don Lewis, Ben Fu, Michael Smith, Thomas Wang, 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. 2010.0222E (K. ZUSHI: (415) 575-9036)  
248-252 9TH STREET - west side between Howard and Folsom Streets; Lots 006 and 007 of Assessor's Block 3518 - **Appeal of Preliminary Mitigated Negative Declaration** for the merger of the two lots, totaling 5,000 square feet, on the project site, demolition of the existing buildings currently used as storage, and construction of a five-story, 50-foot-tall, 18,697-sf mixed-use

building including 15 dwelling units and 3,126 square feet of ground floor commercial/restaurant space. The proposed project would include no parking spaces. The project site is located in a RCD (Regional Commercial District).

Preliminary Recommendation: Uphold Preliminary Mitigated Negative Declaration

(Continued from Regular Meeting of June 6, 2013)

**(Proposed for Continuance to August 1, 2013)**

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

2. 2013.0030D (B. FU: (415) 558-6613)  
124 MULLEN AVENUE - east side between Franconia Street and Peralta Avenue; Lots 031 in Assessor's Block 5538 - **Request for Discretionary Review** of Building Permit Application No. 2012.0424.8941, proposing to merge the two existing dwellings into one dwelling, within a RH-1 (Residential, House – One-Family) District, the Bernal Heights Special Use District and 40-X Height and Bulk District.  
 Staff Analysis: Abbreviated Discretionary Review  
 Preliminary Recommendation: Do Not Take Discretionary Review and Approve  
 (Continued from Regular Meeting of June 6, 2013)  
**DISCRETIONARY REVIEW REQUEST WITHDRAWN**

## B. COMMISSION MATTERS

3. 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:

Yeah, excuse me for not necessarily knowing the name of this measure, but I believe it was Prop C on last November's ballot and it has to do with the Mayor's Housing policies and with particular reference to the first responder down payment assistance. And I know the Supervisors have been discussing that, and because we deal with this all the time, whatever kind of update we can get on what's going on because there's some interesting issues regarding what income levels it would apply to, if there are any restrictions, because this is a loan, I understand, it's not a gift that has to be paid back on the sale of the property, or whether or not first responder living in Petaluma or Fremont could sell their house and, you know, apply this towards their first purchase in San Francisco or if it has to be the first home they've ever purchased. So, these are some interesting issues that I think could be very helpful in putting more first responders within the City where they can help us in terms of disasters or when the needs are really high. So, any information that we can get from staff on where this particular thing is, apparently, the ballot measure didn't spell out some of these questions that I was raising today.

### Commissioner Wu:

I want to welcome even though they're not here yet, a group of students from something called the Chinatown Urban Institute. They participate in an 8-week program. There are 12 students learning about community-based planning. They're meeting with Supervisor Kim right now and they'll come in around one o'clock just so the Commission knows who they are.

### Commissioner Moore:

I attended the Better Market Street Workshop last night. I was looking for Planning and I saw a couple. It was well attended and very interesting, and at some point I hope that somebody in the Department, perhaps Neil, will come around and at least give a brief overview about process as well as preferred alternatives.

**Commissioner Sugaya:**

On a similar vein, perhaps we could have some informational meeting on Polk Street since it was published in the paper today, regarding the proposed changes from MTA.

**Commissioner Antonini:**

And also in terms of meetings we've attended, I did meet with Project Sponsor and property owner of a proposed cell phone installation that will be coming before us. I forget, it may be 600 Stockton, but it's on the corner of Stockton and Clay. And also I met with Project Sponsors in regards to an issue that's coming before us in a few weeks regarding Pet Food Express.

**C. DEPARTMENT MATTERS**

4. Director's Announcements

**Director Rahaim:**

Good afternoon, Commissioners. A couple of items in your packet today are a memo and a report from Dan Sider regarding the Transfer Development Rights Program. It's a summary of the study that we had conducted with Seifel Consulting looking at that program, looking at potential market analysis of possible sale of TDRs from City-owned properties. This was a result of discussions with several City departments and we did -- I think Dan just yesterday had a presentation of this to the Historic Preservation Commission and we're happy to answer any questions or have a future hearing on it, if you so desire. We don't know yet if there's -- I don't believe we are proposing any legislative changes at this point. This is more kind of a market analysis and a kind of a snapshot of where that program is right now. Secondly, I just wanted to let you know that in your packet today, that you'll get today, is a memo from me that -- regarding information that you requested about concentration and controls for restaurants. This came out of a discussion that you had on June 20th on the 443 Clement Street project. This is not related to formula retail. It is related simply to the concentration of eating and drinking establishments, and in that memo we summarize some of the current status of the General Plan and the code amendments on that issue, and the Code, Planning Code provisions on that issue and I'm proposing that we look at that in the context of the invest in neighborhoods strategy which is a strategy that a number of departments, including the Planning Department are involved in now in 25 commercial districts across the City. But again, that memo is in your packet today and we're happy to have a hearing on that at a future date if you so desire, and that concludes my report.

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

**BOARD OF SUPERVISORS:**

**LAND USE COMMITTEE:**

**General Plan & Planning Code Amendment for Bicycle Parking.**

The Bicycle Parking legislation and along with the re-adoption of General Plan amendments for the Bike Plan were before the Land Use Committee on Monday. This Commission approved these two ordinances unanimously on May 16th with some modifications. Since then Supervisor Avalos sponsored this legislation and amended the language to reflect this Commission's recommendation. Additionally, during this time staff heard from the SFMTA Off-street Parking Division regarding provisions for temporary exemptions on city-owned garages to comply with the new requirements. Supervisor Avalos in collaboration with Planning staff made amendments to the legislation to allow for such temporary exemptions similar to exemptions available for other City-owned buildings. **The Land Use Committee moved this legislation with the associated amendments to the Board for their approval.**

- Planning Code & Zoning Map Amend for Yerba Buena.** May 23, PC recommended approval. This week's hearing was long at over 2 hrs. Cmte members queried Successor Agency staff regarding the value of the public benefits package negotiated between the Agency and the Project Sponsor. There were numerous speakers in favor of the project, particularly stressing the importance of the Mexican Museum as a cultural institution. There were also several speakers in opposition to the project, expressing concern re: Union Square shadows. Tom Lippe, attorney for "765 Market Street Residential Owner's Association" and "Friends of Yerba Buena" stated that his clients are supportive of the Mexican Museum, but oppose the height of the residential tower. Mr. Lippe cited a study prepared by Eric Sussman of UCLA that contests the conclusions of the EPS financial feasibility study prepared for the project. Specifically, Mr. Lippe argued that the assumptions of the EPS study regarding sales prices of the proposed units were inaccurate, and that the project could be viable at 351 feet (height at which no new shadow would be cast on Union Square). A representative of Keyser Marston (peer reviewer of the EPS study) responded to these issues, stating that the Sussman study itself was flawed, because it overestimates the sales prices of the proposed units at a lower height scenario (ie there would be fewer "view units" commanding a premium, therefore jeopardizing the financial feasibility of the project and/or the public benefits package associated with the project). The Cmte continued the item to next Monday's hearing. The item on 7/22 will be a Committee Report, and the full Board will consider the Legislation as scheduled the next day (7/23).
- Inclusionary Housing.** This Ordinance would amending the Planning Code to add a definition of "significant increase in residential development potential" consistent with the Housing Trust Fund provisions in Charter. The Planning Commission recommended approval on June 6<sup>th</sup>. The Board can only approve or disapprove but like the PC could not amend the proposal from the Housing Review Committee. (20% or more increase in FAR, change to residential, or for parcels with development capacity of 10+ units, a 50% or more increase or an addition of 15 or more du). **This week the Committee recommended approval to the Full Board.**

#### FULL BOARD OF SUPERVISORS:

- CEQA Ordinances.** Both Supervisor Wiener's and Supervisor Kim's CEQA ordinances were back before the Full Board. Supervisor Wiener noted that this was the many public hearing on his ordinance (inclusive of hearings before this commission). He also thanked Chiu for his amendments to improve the Ord. Supe. Chiu noted that he was hopeful that the amend. would result in consensus. He thanked Supe W for compromising and having a commitment to good governance and thanked Supe Kim for responding to advocates. Many other thanks followed. Supe Kim stated that Chiu's amendments combine the two perspective and resulted in an ord with clear procedures and deadlines while protecting the public right to know. The final version does require posting of all exemptions in a sortable manner and preserves the full appeal hearing for EIRs. Supe Yee noted that he was happy pedestrian safety is prioritized. Supe Campos noted he was happy to see the board working together and thought the result struck the right balance. After numerous remarks were made, Supervisors Chiu, Kim, Cohen and Mar requested to become co-sponsors and the ordinance was passed unanimously with Chiu's amendments<sup>1</sup>.
- Maher Ordinance.** In May, staff presented to the Planning Commission a proposal to amend portions of the Health and Building Codes (more commonly referred to as the Maher Ordinance). The Maher Ordinance requires an investigation into whether soils at a proposed project site are contaminated, and if so, how to properly handle the soils and what level of clean up may be required for the intended use – under Health Department supervision. The Maher Ordinance presently applies only along the City's eastern shore and the proposal would expand the geographic scope of the ordinance so that it would apply strategically throughout the City in areas where there is an increased potential for soils contamination (e.g., industrial zones, and sites with underground storage tanks.)

<sup>1</sup> defining a trigger for appeals of neg decs and eirs that is consistent with current practices; adding a process for review of the ERO decision as to whether a project has been modified; adding requirements for electronic posting and notification; adding clarification to the required content of an exemption (include project description & approval action); prioritize affordable housing and bike and ped. projects; establish a deadline for document submittals; require an appeal hearing within 21 days; add more "fair argument" language; and require 7 days between the HPC and the PC hearings on draft EIRs.

The proposal was unanimously endorsed by the Planning Commission on May 16. It was also endorsed by the Health and Building Commissions, as well as by the Board of Supervisors Land Use Committee. **At the full Board's July 16 hearing, the ordinance was approved on its second reading.**

Also passing on second read

- **30263 Castro Street NCD Use Size** . Heard 6/20 by PC  
The proposed ordinance would allow a neighborhood-serving nonprofit institution with a use size over 4,000 sq.ft. to apply for a Conditional Use Authorization in the Castro NCD. There would be no numerical cap or a sunset clause; rather it would permit these uses to be approved by the Planning Commission on a case-by-case basis. The regular CU criteria and processes apply
- **130225 Administrative Code - Bayview Hunters Point Citizens Advisory Committee]**

#### INTRODUCTIONS:

- **130750 Hearing - Geary Underpass Filling. Breed.** Hearing involving the Municipal Transportation Agency, Transportation Authority, Planning Department, Department of Public Works, Public Utilities Commission, and Recreation and Park Department to begin planning the filling of the Geary underpass between Webster and Steiner and the corresponding reunification of the Japantown and Western Addition/Fillmore communities, and all other aesthetic, transportation, infrastructure, and community opportunities and challenges therein, including the possibility of coordinating efforts with the Central Subway Project and/or Geary Bus Rapid Transit.
- **130735 Definition of Formula Retail Use for Upper Fillmore Street Neighborhood Commercial District. Farrell.** Ordinance amending the Planning Code, Section 703.3, to expand the definition of formula retail uses in the Upper Fillmore Street Neighborhood Commercial District; and making environmental findings, Planning Code, Section 302, findings, and findings of consistency with the General Plan and the priority policies of Planning Code, Section 101.
- **130734 Avalos.** Ordinance amending the Administrative Code, by adding Section 2A.54, to direct the Planning Commission to prepare and submit a report to the Board of Supervisors evaluating the provisions of the Planning Code related to the location of medical cannabis dispensaries.

#### BOARD OF APPEALS:

The Board of Appeals did meet last night. The Board of Appeals report, but first 706 Mission, 309 Appeal will be heard by the Board of Appeals on their next hearing, which is July 31st. There is also a jurisdiction request on the Section 295 Determinations of the Commission. The Board of Appeals rejected the appeal, but they attempted to file on that because it is not a permit and therefore not appealable to the Board. But they filed a jurisdiction request to have the Board make that decision, as well, and that will be heard on the 31<sup>st</sup>, as well. But last night's hearing was quite lengthy and the Board considered several items I think might be of interest to the Commission. There were a couple of DPW permits for public right-of-way. One for 75 Mars, this is a project that the Planning Commission heard under DR quite some time ago and this was an encroachment permit to do improvements in the public right-of-way for stairs to connect two streets. There was also access stairs to a door on the side of the building that was on the plans that the Commission had approved and neighbors were concerned that this may create an attractive nuisance. It is an existing stair that is being rebuilt. The Board upheld that permit. There was also the first appeal of a parklet, and this was at 3930 to 3940 Judah Street, and it's in front of Other Avenues Food Store. The Board ultimately upheld this permit, but there were issues and concerns about the concentration of parklets. This would be the third one within two blocks. There are some on the other side of Judah and on the next block down. There are also concerns about the loss of parking and impacts on deliveries and whether or not there will be increased double parking there. I'd like to thank Paul Chasan of our Department staff, he is our Parklet Manager, and he presented at the Board of Appeals and answered their questions, but they did uphold that parklet permit, and two other items, one was a letter of determination I issued for 2101 Mariposa, this was an appeal of determination for the Slovenian Hall, I found it was an existing legal nonconforming use in terms of the venue, but it also requested that there was an existing legal nonconforming use in terms of a commercial kitchen, and that it could be used for food production not related to the operation of the hall. I didn't find any evidence, historical evidence, of that. It's in a residential zoning district and that use would not be allowed. The Board did uphold that determination and that item is final, and finally, 70

Crestline Drive, which was something that the Planning Commission had heard, you might recall that the Planning Department recommended denial of this project. The Planning Commission approved the project. Last night it was appealed by a significant number of neighbors in the community, quite a substantial turnout there. And the Board did vote 4 to 1 to overturn the permit and so they upheld the appeal and denied the permit and they cited the staff review and recommendation on that. So, that's for your information. Thank you.

#### HISTORIC PRESERVATION COMMISSION:

Here to share a couple items from yesterday's Historic Preservation Commission hearing. The Department and Seifel Consulting gave the HPC an overview of a market analysis of the City's TDR program. This report was also forwarded to the Planning Commission, earlier this summer. The study was mainly commissioned to provide the City information on whether or not it would be feasible to sell TDR from City-owned properties in order to fund essential seismic and rehabilitation upgrades to those historic buildings that are eligible and adjacent to the C-3 District. The item was just informational. Overall the HPC agreed with the report and made some comments on areas of the program that warranted further study or consideration by the City. The HPC also showed its enthusiastic support for the JCHES which is also on your calendar today, as an informational item. The HPC reviewed the CEQA amendments that are also on your calendar today and after presentations by staff, Supervisor Kim and Weiner's Office and a good deal of public testimony, the HPC passed a recommendation 6 to 1 in support of Supervisor Kim and Chiu's additional amendments. I believe staff will go into more detail about the HPC's recommendation and comments on that item once it's called. And then finally, the HPC is considering to initiate landmark designation for Marcus Brooks, per Article 10 of the Planning Code. The HPC, though, continued the item to its August 21<sup>st</sup> hearing at the request of the current property owner. So, on August 21<sup>st</sup>, they will take up the matter at that time, if they do choose to initiate designation on the Marcus Brooks Building it will then be forwarded to the Board of Supervisors for final consideration of that landmark designation. And that concludes my report to you unless you have any comments

#### D. 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: Arnold Townsend - 555 Fulton, have it heard without delay  
 Derf Butler - 555 Fulton, neighborhood in need of an affordable grocery store  
 Katherine Howard – GGP Soccer Field artificial turf  
 Dino Adelfio – 450-480 O'Farrel Street

#### E. REGULAR CALENDAR

6. [2013.0360U](#) (C. FLORES: (415) 558-6473)  
**HEALTH CARE SERVICES MASTER PLAN** - Effective November 23, 2010, the Board of Supervisors required the Department of Public Health and the Planning Department to prepare a Health Care Services Master Plan (HCSMP), through Ordinance No. 300-10, to "provide the Health Commission, the Planning Commission and Board of Supervisors with **information and public policy recommendations** to guide their decisions to promote the City's land use and policy goals developed in such Plan, such as distribution and access to health care services". The Ordinance created Planning Code Sections 342 and 342.10 to create and implement the HCSMP. The draft Plan is out for public review as of July 11, and public comment will close no earlier than August 13, 2013. Planning Department and Department of Public Health staff will provide an overview of the Plan.  
 Preliminary Recommendation: None - Informational

SPEAKERS: + Colleen Chawla , Deputy Director of Health Department – Staff presentation  
 + Hillary \_\_\_\_, Aide to Supervisor Campos – Thanked staff

- + Jimmy Nguyen, Chinese Progressive Association – Chinatown survey, improvements to the Plan
- + Michelle, Chinese Progressive Association – Public transportation vs. private shuttles and taxis vouchers
- + Stephanie Chan, Chinese Progressive Association – Language, translation services
- + Emily Lee, Chinese Progressive Association – Hospital locations, Excelsior and Chinatown survey, overall impacts to a community
- + Stephanie Lin, Chinese Progressive Association – Primary care provider service to low income population
- + Susan Fang, Chinese Progressive Association – Preserve healthy SF program, health care reform
- + Hiroshi Fukuda – Mental health services stronger emphasis, lack of service providers on western side of the City
- + Cindy Young – Echoes comments made by the Chinese Progressive Association and Aide to Sup. Campos health SF is a critical program to save

ACTION: None – Informational

7. [2013.0808U](#) (S. WERTHEIM: (415) 558-6612)

**JAPTOWN CULTURAL HERITAGE AND ECONOMIC SUSTAINABILITY STRATEGY (JCHES) - Informational Update** on the strategy to ensure that Japantown will thrive as a culturally rich, authentic, and economically vibrant neighborhood, which will serve as the cultural heart of the Japanese and Japanese American communities for generations to come. The JCHES identifies areas of concern to the community, and identifies numerous recommendations for how to address these concerns. It is the first document in San Francisco to focus specifically on how to preserve and promote a neighborhood's cultural heritage. The JCHES is a collaborative effort between the Japantown Community, the Planning Department, and the Office of Economic and Workforce Development. This informational item will update the Commission on the content of the JCHES and the process that led to its creation. The project sponsors would like to return to the Commission in September for a Resolution of support for this strategy. Information on the JCHES is available at <http://japantown.sfplanning.org>.

Preliminary Recommendation: None – Informational

- SPEAKERS:
- + Bob Hamaguchi, Executive Director of Japantown Taskforce – Thanked staff, community participation
  - + Diana Contallion, Mayor's Office of Economic and Workforce Development
  - + Hiroshi Fukuda, Japanese American Religion Federation – Future is bright
  - + Arnold Townsend – Complimented staff for its ability to take direction from the community
  - + Robert Sakai, former Japantown business owner – Endorse the plan
  - + Greg Loria – Outreach plan of JCHES – Support the initiative
  - + Paul Wermer – In full support of the plan
  - + Alice Kowahatsu – Long journey, culinary tour of Japantown
  - + Karen Kai, Japantown Organizing Committee – Lots of hardwork, countless hours, shows in the document
  - + Rose Hillson – Support of document
  - + Tim Collen – Excellent plan, no increase in height and density, capital improvements
  - + Kenneth Kaji – Cultural sustainability
  - + Chikara Ushiki – Japantown result of interaction between diverse groups of people

ACTION: None – Informational

8. [2013.0911U](#) (A. RODGERS: (415) 558-6395)

**CALIFORNIA ENVIRONMENTAL QUALITY ACT PROCEDURES, APPEAL OF EXEMPT PROJECT MODIFICATIONS** - The Planning Commission will consider proposals that would provide for an appeal of a Planning Department determination that an exempt project modification does not

require a new decision under the California Environmental Quality Act and make environmental findings. One proposal is a **draft ordinance** [BF 13-0464] introduced by Supervisor Kim that would provide for appeal to the Planning Commission. The other proposal is a pending ordinance yet to be introduced by Supervisor Chiu that would provide for appeal hearing before the Environmental Review Officer. The Department recommends a third option that instead of an appeal hearing, a procedure would be established that would provide for a written reconsideration by the Environmental Review Officer.

Preliminary Recommendation: Adopt a Recommendation for Approval with Modifications

SPEAKERS: + Supervisor Jane Kim – Draft CEQA ordinance  
 + Andres Powers, Aide to Supervisor Wiener – Supports amendments to include:  
 (1) No delay in processing, permitting or construction;  
 (2) No further appeals after this determination by the ERO  
 (3) Hearing may be conducted by the ERO or his/her designee  
 + Judson True, Aide to Supervisor Chiu – Draft ordinance support  
 + Erik Brooks – It is not a CEQA appeal, will not cause a delay, an administrative process  
 + Hiroshi Fukuda, Coalition of SF Neighborhoods - CEQA appeal trigger point, Public vetting opportunity  
 + Howard Wong – Appeals to Board of Appeals do not work, Beach Chalet Project  
 + Rose Hillson - Board of Appeals cost ERO is well informed  
 - Tim Collen –Supporters of Supervisor Wiener legislation CEQA out of control

ACTION: Adopted a Resolution with NO Recommendation; acknowledging the vote of the original motion to “Adopt a Recommendation for Approval of Sup. Kim’s legislation with the modifications proposed by Sup. Wiener” that failed +3 (Moore, Sugaya, Wu) to -2 (Antonini, Fong).

AYES: Fong, Wu, Antonini, Moore, Sugaya  
 ABSENT: Borden, Hillis  
 RESOLUTION: 18924

9. [2013.0724T](#) (S. HAYWARD: (415) 558-6372)  
AMENDMENT TO THE PLANNING CODE SECTIONS 249.60 (MISSION ALCOHOLIC BEVERAGE SPECIAL USE DISTRICT) AND 726.1 (VALENCIA STREET NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT) [BOARD FILE NO. 130459] - Ordinance introduced by Supervisors Campos and Wiener that would amend the Mission Alcoholic Beverage Special Use District to allow the transfer of liquor licenses under specified circumstances and to amend the controls for alcohol-serving establishments, and to amend the Valencia Street Neighborhood Commercial Transit District controls to restrict the conversion of ground floor retail uses to restaurants; and adopting findings, including environmental findings, Planning Code Section 302 findings, and findings of consistency with the General Plan and the priority policies of Planning Code Section 101.  
 Preliminary Recommendation: Adopt a Recommendation for Approval with Modifications

SPEAKERS: + Andres Power, Aide to Supervisor Wiener – Draft ordinance  
 + Debra Kantuiganer, Safeway Representative – Concern for large grocery stores get caught up in the legislation that would prevent larger grocery store from continuing to sell alcohol

ACTION: Adopted a Recommendation for Approval with Modifications and for staff to continue working on clarifying the grocery store language.

AYES: Fong, Wu, Antonini, Borden, Moore, Sugaya  
 ABSENT: Hillis  
 RESOLUTION: 18926

10. [2013.0134T](#) (S. HAYWARD: (415) 558-6372)  
AMENDMENTS TO THE PLANNING CODE, INCLUDING REPEALING SECTIONS 790.84, 790.86, 890.84, AND 890.86, AND AMENDING SECTION 317 AND VARIOUS OTHER SECTIONS REGARDING THE

CRITERIA FOR REVIEWING AND STANDARDIZING THE DEFINITIONS OF DEMOLITION, MERGER, AND CONVERSION OF RESIDENTIAL UNITS, AND REVISING THE REQUIREMENTS AND RESTRICTIONS ON ALTERATIONS TO NON-CONFORMING USES AND STRUCTURES [BOARD FILE 130041] - Ordinance introduced by Supervisor Avalos that would amend the Planning Code to: 1) revise the criteria for reviewing and the definitions of residential demolition, conversion, and merger of units; 2) permit the alteration of non-conforming units in regard to density without increasing the non-conformity in other aspects; 3) establish a presumption in favor of preserving dwelling units in enforcement of requirements for non-conforming uses and structures; and to 4) to permit alterations to non-conforming uses and non-complying structures in order to comply with disabled access requirements or to provide secure bicycle parking; and adopting findings, including environmental findings, Planning Code Section 302 findings, and findings of consistency with the General Plan and the priority policies of Planning Code Section 101.

Preliminary Recommendation: Adopt a Recommendation for Approval with Modifications

SPEAKERS: + Jeremy Pollack, Aide to Supervisor Avalos – Draft ordinance  
 + Eileen Jane Dick D'Errazzi - Commendable effort to consolidate, urges adoption  
 - Sue Hestor – Take time to consider the legislation, calendar is out of control, do not act today  
 - Jeremy Paul – Legislation implication need more consideration

ACTION: Adopted a Recommendation for Approval with Modifications for Sections 317 and 180(h) and continuing those portions associated with Section 181 to September 19, 2013.

AYES: Fong, Wu, Borden, Moore, Sugaya  
 NAYES: Antonini  
 ABSENT: Hillis  
 RESOLUTION: 18927

11a. [2013.0671MZ](#) (M. ISAAC: (415) 575-6835)  
"ADJACENT PARCELS" AND WESTERN SOMA CLEANUP -- INITIATION OF AMENDMENTS TO THE GENERAL PLAN - Staff will request the Planning Commission consider approving a Resolution of Intent to Initiate Amendments to the General Plan necessary to expand the boundaries of the East SoMa and Market and Octavia Plan Areas to include the "Adjacent Parcels.". In addition, staff will request that the Commission schedule a public hearing on August 15, 2013 to consider approval of the proposed General Plan amendments and direct staff to conduct the necessary noticing for such hearing.

Preliminary Recommendation: Adopt a Resolution of Intent to Initiate

SPEAKERS: + Steven Vettel – Appropriate General Plan designation, should stay as part of the Downtown plan

ACTION: Adopted a Resolution of Intent to Initiate

AYES: Wu, Antonini, Borden, Moore, Sugaya  
 ABSENT: Fong, Hillis  
 RESOLUTION: 18928

11b. [2013.0671MZ](#) (M. ISAAC: (415) 575-6835)  
WESTERN SOMA COMMUNITY PLAN -- INITIATION OF AMENDMENTS TO THE ZONING MAPS - Staff will request the Planning Commission consider approving a Resolution of Intention to Initiate Amendments to the Zoning Maps necessary to rezone orphaned parcels adjacent to the Western SoMa Plan Area, and correct the zoning and heights of several parcels within the Western SoMa Plan Area, including amendments to Maps ZN1, ZN7, ZN8, HT7, and HT8. In addition, staff will request that the Commission schedule a public hearing on August 15, 2013 to consider approval of the proposed Zoning Maps amendments and direct staff to conduct the necessary noticing for such hearing.

Preliminary Recommendation: Adopt a Resolution of Intent to Initiate

SPEAKERS: + Steven Vettel – Appropriate general plan designation, should stay as part of the Downtown plan  
 ACTION: Adopted a Resolution of Intent to Initiate  
 AYES: Wu, Antonini, Borden, Moore, Sugaya  
 ABSENT: Fong, Hillis  
 RESOLUTION: 18929

12a. [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 77 residential units and 47 parking spaces in a one-level basement parking garage accessed from Mariposa Street. The subject property is located within an UMU (Urban Mixed Use) District with 58-X Height and Bulk Designation.  
 Preliminary Recommendation: Uphold the Preliminary Mitigated Negative Declaration  
 (Continued from Regular Meeting of June 20, 2013)

SPEAKERS: Dean Dinelli, on behalf of attorney representing MUNA – requested a continuance  
 Mica \_\_\_ - Supports the request for continuance  
 + Reza Khoshnevisan, Sia Consulting – Against the appeal and in favor of the project  
 + Brad Terrell, Architect for the project – Project and site design  
 + Frank – will not affect the Verdi Club, in favor of the development, parking an issue everywhere  
 + Maria Larro – in support of the project  
 + Delvia Mirabel Gonzalez – in support, good project  
 + Larry Delcardo, Director of Mission Housing Corporation – commends Project Sponsor for reaching out to the community, Below Market Rate units  
 + Adrian Simi, Carpenters 22 – great project, multi-family housing, Union Carpenters  
 + Candy, Affiliated with Local 22 – parking lot versus residential units, people waiting to go to work  
 - Robin Talmadge – Supports Appeal of Negative Declaration  
 - Olga Kist - Supports Appeal of Negative Declaration  
 - Susie Kwan – Shadows  
 - Carol Fagan Higgins – Greenscaping, loss of vitamin D, surrounding parks  
 - Adam Ringel – Environmental and health issues, asbestos  
 - Mica Ringel – Inadequate environmental notice, failed shadow study  
 - Jay Jaworski – Views, cost of living, quality of life diminished  
 - Dean Dinelli – Verdi Club - Giant building next door to landmark building will kill the Verdi  
 - Dorothy Dinelli – Verdi Club - Reduce the height, not enough parking  
 - Mary Elliza – Construction analysis geotechnical data  
 - Marsa Contreras – Mariposa Gardens  
 ACTION: After Closing the Public Hearing, and a motion to Uphold the PMND failed +3 -2, Continued to August 8, 2013  
 AYES: Wu, Antonini, Borden, Moore, Sugaya  
 ABSENT: Fong, Hillis

12b. [2011.0430XE](#) (B. FU: (415) 558-6613)  
480 POTRERO AVENUE - northwest corner of Mariposa Street and Potrero Avenue, Lot 002C in Assessor's Block 3973 - **Request for Large Project Authorization** and exceptions under Planning Code Section 329 for (1) rear yard, (2) dwelling unit exposure and (3) street frontage for the proposed construction of a new six-story, 58-foot building consisting of up to 77 dwelling units, approximately 970 square feet of ground floor retail, and parking for up to 47 spaces. The subject

property is located within an UMU (Urban Mixed Use) District with 58-X Height and Bulk Designation.

Preliminary Recommendation: Approve with Conditions  
(Continued from Regular Meeting of June 20, 2013)

- SPEAKERS: Dean Dinelli, on behalf of attorney representing MUNA – requested a continuance  
Mica \_\_\_ - Supports the request for continuance  
+ Reza Khoshneavian, Sia Consulting – Against the appeal and in favor of the project  
+ Brad Terrell, Architect for the project – Project and site design  
+ Frank – will not affect the Verdi Club, in favor of the development, parking an issue everywhere  
+ Maria Larro – in support of the project  
+ Delvia Mirabel Gonzalez – in support, good project  
+ Larry Delcardo, Director of Mission Housing Corporation – commends Project Sponsor for reaching out to the community, Below Market Rate units  
+ Adrian Simi, Carpenters 22 – great project, multi-family housing, Union Carpenters  
+ Candy, Affiliated with Local 22 – parking lot versus residential units, people waiting to go to work  
- Robin Talmadge – Supports Appeal of Negative Declaration  
- Olga Kist - Supports Appeal of Negative Declaration  
- Susie Kwan – Shadows  
- Carol Fagan Higgins – Greenscaping, loss of vitamin D, surrounding parks  
- Adam Ringel – Environmental and health issues, asbestos  
- Mica Ringel – Inadequate environmental notice, failed shadow study  
- Jay Jaworski – Views, cost of living, quality of life diminished  
- Dean Dinelli – Verdi Club - Giant building next door to landmark building will kill the Verdi  
- Dorothy Dinelli – Verdi Club - Reduce the height, not enough parking  
- Mary Elliza – Construction analysis geotechnical data  
- Marsa Contreras – Mariposa Gardens
- ACTION: After Closing the Public Hearing, Continued to August 8, 2013  
AYES: Wu, Antonini, Borden, Moore, Sugaya  
ABSENT: Fong, Hillis

- 13a. [2013.0259CV](#) (M. SMITH: (415) 558-6322)  
3771 and 3781 CESAR CHAVEZ STREET - 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), 209.3(j), 317, and 303 to increase enrollment at an existing preschool (d.b.a. Gan Noe Preschool) operating at 3771 and 3781 Cesar Chavez Street and establish a religious facility. Enrollment at the preschool would increase from 22 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 subject properties are located in a RH-2 (Residential, House, Two-Family) District and a 40-X Height and Bulk District.  
Preliminary Recommendation: Approval with Conditions  
(Continued from Regular Meeting of June 13, 2013)

- SPEAKERS: + Jeremy Paul, Project Sponsor Representative  
+ Eric Yee, Acoustic Analysis, 22-42 children = 3 decibel increase  
+ Richard Sinkhoff – Traffic analysis  
+ Randall Zakinsky – Volunteer traffic director/monitor  
+ Barry Toronto – Not a traffic problem, most will walk or bike  
+ Tanya Lowenthal, Admission Director – Quality of students, and level of excellence of the school, will not create a traffic problem

- + Charna Volem – Amazing people running the school
- + Leia Potash, Project Sponsor – Finances
- + Ben Goran – Families want to stay in SF due to Gan Noe
- + Bonnie Fineberg – Welcoming of two mother family, high quality affordable childcare
- + Hillary Blum – Happy parent, not a lot of options for Jewish pre-schools
- + Kaya – Home day care does not work
- + Michael – welcoming to GLBQ Orthodox Jews
- + Vicky Rosen – First class facility that is needs in Noe Valley
- + Paul Ettler – Brings community together
- + Janice Miller – Bought and stayed because of the community
- + Billy – Former Gan Noe student enjoyed the school
- + Rabbi – Synagogue and daycare combined essential to lifestyle
- + Lisa Douglass – Would have moved out of S.F. without Gan Noe, safe environment
- + Gan Noe Mother – Traffic, noise inclusive affordable Jewish facility
- + Jacob Glickman – Gan Noe is safe
- + Hagig Glickman – Mission/Noe Valley lacked family oriented Jewish facility. Cesar Chavez is loud
- + Dr. Kiley Kaplan – Psychological health of the City
- + Yakob Tota – Busy street, multiple accidents, average speed is 35 mph
- + Andrew Klineman – Has directly benefited from the community
- + Male speaker – Building community, acknowledges problems that need to be fixed.
- + Sherley Laguana – Positive experience and education
- + Steven Sloan – Asset to the community
- + Gideon Rothtribe – Priorities, noise, family with children
- Paulette Chaw – Recent homeowner of the neighborhood, long standing residential neighborhood opposed, concerned does not fit the character of the neighborhood, Vacant buildings, violations associated with facility, parking, blocking the public right-of-way
- Organized opposition – 3 speakers
- Brett Kingsbury – Noise, should there be an expansion not a NIMBY issue
- Louise Warren – Good relation with pre-school, concern over doubling the number of children. Limit the number of children to 42
- William Pattel – Safety, Cesar Chavez is a very busy street
- Sylvia Somner – Object to expansion, noise, negative impacts

## ACTION:

Approved with Conditions as amended to include:

1. Limiting the number of students to 42;
2. Requiring the Project Sponsor, neighbors and staff to work on establishing the fence height(s) between 3771-3781 Cesar Chavez and neighboring properties;
3. Limiting the Day Care hours of operation to 7 am to 6 pm;
4. Adopting the Acoustical Measures submitted to the Commission, sans Items 5, 6 and 7, and establishing a 14 day advance notice for Item 11;
5. A report from staff to the Commission in one year; and
6. Establishing an orchestrated pick-up and drop-off solution with a Parking Monitor(s) to be submitted to staff.

AYES: Fong, Wu, Antonini, Borden, Moore, Sugaya

ABSENT: Hillis

MOTION: 18930

13b. [2013.0259CV](#)

(M. SMITH: (415) 558-6322)

3771 and 3781 CESAR CHAVEZ STREET - south side between Guerrero and Dolores Streets, Lots 030 and 045 in Assessor's Block 6577 - **Request for Variance** from Planning Code Section: 151, for parking, for a project proposing to increase enrollment at an existing preschool and establish a religious facility. Two off-street parking spaces are required for the proposed use but none would be provided. The subject property is located within a RH-2 (Residential, House, Two-Family) District and 40-X Height and Bulk District.

**AFTER CLOSING THE PUBLIC HEARING, ZA INDICATED AN INTENT TO GRANT CITING CONDITIONS ADOPTED BY THE PLANNING COMMISSION.**

14. [2006.0647DD](#) (T. WANG: (415) 558-6335)  
 2166 12<sup>TH</sup> AVENUE - east side of 12<sup>th</sup> Avenue between 9<sup>th</sup> Avenue and Quintara Street; Lot 036 in Assessor's Block 2206 - **Requests for Discretionary Review** of Building Permit Application No. 2005.06.23.5892, proposing additions to the existing two-story, single-family dwelling that include (1) a two-story rear addition with a roof deck above and a stairway behind, providing a direct connection between the second story and the rear yard, and (2) a third-story vertical addition, within a RH-1 (Residential, House, One-Family) Zoning District and 40-X Height and Bulk District.  
 Staff Analysis: Full Discretionary Review  
 Preliminary Recommendation: Take Discretionary Review and Approve with Modification  
 (Continued from Regular Meeting of June 6, 2013)

SPEAKERS: - Curtiss Sarikey – DR Requestor  
 - Tracey Kannell – 2<sup>nd</sup> DR Requestor  
 + Suheil Shatara, Project Sponsor Architect  
 + Hamesia Lai – Waiting almost 8 years for the project to move forward  
 ACTION: Took DR and Approved the Project with Modifications proposed by staff  
 AYES: Fong, Wu, Antonini, Borden  
 NAYES: Sugaya  
 ABSENT: Moore, Hillis  
 DRA: 0327

15. [2012.0036D](#) (K. CONNER: (415) 575-6914)  
 2445-2449 LARKIN STREET - west side between Filbert and Greenwich Streets; Lot 003 in Assessor's Block 0524 - **Request for Discretionary Review** of Building Permit Application No. 2012.09.04.8875, proposing to raise the existing three-unit building by approximately 6'-2" and make the following alterations: insert a new three-car garage; add a rear basement level; horizontally expand the penthouse level; construct new decks at the rear; and make interior alterations. Although there is no change in the building depth, the existing decks at the rear are being reconstructed and reduced in depth, within a RH-3 (Residential, House, Three-Family) Zoning District and 40-X Height and Bulk District.  
 Staff Analysis: Full Discretionary Review  
 Preliminary Recommendation: Take Discretionary Review and Approve with Modifications

SPEAKERS: - Rahul Narang – DR Requestor  
 - DR Requestor Architect  
 + Tyson Dirksen – Project Sponsor  
 ACTION: Took DR and Approved the Project with Modifications proposed by staff  
 AYES: Fong, Wu, Antonini, Borden Moore, Sugaya  
 ABSENT: Hillis  
 DRA: 0328

**F. 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: 11:03 PM

DRAFT

### **Hearing Materials**

Materials submitted to the Planning Commission prior to a scheduled hearing will become part of the public record only when the materials are also provided to the Commission Secretary and/or Project Planner. Correspondence may be emailed directly to the Commission Secretary at: [commissions.secretary@sfgov.org](mailto:commissions.secretary@sfgov.org).

Persons unable to attend a hearing may submit written comments regarding a scheduled item to: Planning Commission, 1650 Mission Street, Suite 400, San Francisco, CA 94103-2414. Written comments received by the close of the business day prior to the hearing will be brought to the attention of the Planning Commission and made part of the official record.

Advance Submissions: To allow Commissioners the opportunity to review material in advance of a hearing, materials must be received by the Planning Department reception eight (8) days prior to the scheduled public hearing. All submission packages must be delivered to 1650 Mission Street, Suite 400, by 5:00 p.m. and should include fifteen (15) copies.

Day-of Submissions: Material related to a calendared item may be distributed at the hearing. Please provide ten (10) copies for distribution.

### **Appeals**

The following is a summary of appeal rights associated with the various actions that may be taken at a Planning Commission hearing.

<b>Case Type</b>	<b>Case Suffix</b>	<b>Appeal Period*</b>	<b>Appeal Body</b>
Office Allocation	B	15 calendar days	Board of Appeals**
Conditional Use Authorization and Planned Unit Development	C	30 calendar days	Board of Supervisors
Building Permit Application (Discretionary Review)	D	15 calendar days	Board of Appeals
CEQA Determination - EIR	E	20 calendar days	Board of Supervisors
Coastal Zone Permit	P	15 calendar days	Board of Appeals
Planning Code Amendments by Application	T	30 calendar days	Board of Supervisors
Variance (Zoning Administrator action)	V	10 calendar days	Board of Appeals
Permit Review in C-3 Districts, Downtown Residential Districts and Large Project Authorization in Eastern Neighborhoods	X	15 calendar days	Board of Appeals
Zoning Map Change by Application	Z	30 calendar days	Board of Supervisors

\* Appeals of Planning Commission decisions on Building Permit Applications (Discretionary Review) must be made within 15 days of the date the building permit is issued/denied by the Department of Building Inspection (not from the date of the Planning Commission hearing). Appeals of Zoning Administrator decisions on Variances must be made within 10 days from the issuance of the decision letter.

\*\*An appeal of a Certificate of Appropriateness or Permit to Alter/Demolish may be made to the Board of Supervisors if the project requires Board of Supervisors approval or if the project is associated with a Conditional Use Authorization appeal. An appeal of an Office Allocation may be made to the Board of Supervisors if the project requires a Conditional Use Authorization.

For more information regarding the Board of Appeals process, please contact the Board of Appeals at (415) 575-6880. For more information regarding the Board of Supervisors process, please contact the Clerk of the Board of Supervisors at (415) 554-5184 or [board.of.supervisors@sfgov.org](mailto:board.of.supervisors@sfgov.org).

Challenges: Pursuant to Government Code Section 65009, if you challenge, in court, (1) the adoption or amendment of a general plan, (2) the adoption or amendment of a zoning ordinance, (3) the adoption or amendment of any regulation attached to a specific plan, (4) the adoption, amendment or modification of a development agreement, or (5) the approval of a variance, conditional-use authorization, or any permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Planning Commission, at, or prior to, the public hearing.