

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 25, 2013
12:00 p.m.
Regular Meeting

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

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

STAFF IN ATTENDANCE: John Rahaim – Planning Director, AnMarie Rodgers, Susan Exline, Sophie Hayward, Aaron Starr, Sharon Young 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. 2013.0530C (S. LAI: (41) 575-9087)
1301 VAN NESS STREET - west side, between Fern and Sutter Streets, Lot 002 in Assessor's Block 0671 - **Request for Conditional Use Authorization** under Planning Code Sections 209.8, 303 and 703.3, and 703.4, to expand an existing formula retail establishment (d.b.a. BevMo!), exceeding 6,000 gross square feet, within a RC-4 (Residential-Commercial Combined, Medium Density) District, the Van Ness SUD (Special Use District) and 130-V Height and Bulk District.
Preliminary Recommendation: Pending

(Proposed for Continuance to August 8, 2013)

SPEAKERS: None
 ACTION: Continued to August 8, 2013
 AYES: Borden, Wu, Antonini, Moore, Sugaya
 ABSENT: Fong, Hillis

B. COMMISSION MATTERS

2. Consideration of Adoption:

- [Draft Minutes for July 11, 2013](#)

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

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.

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:

I should mention that this week I had a meeting with a project sponsor for a project that we may not see for quite some time, but it's a project in the Central Corridor area. The concerns were more in regards to the zoning that is being proposed and that was the nature of our meeting.

Commissioner Borden:

I just wanted to say couple things, first for the members of the public I want to draw your attention that our agendas have a lot more information about our hearing procedures and policies, which I think is a nice addition to the agendas, I also notice on our web page, there's a lot more information for people, about on how much time they get to speak, what's the order of the meeting, I just wanted to point that out to members of the public, I think is a really good move in the right direction. Second there was an article, I know I sent it to Commissioner Wu, in the New York Times this week that talked about how, when it comes to economic mobility within the families, where they live, geographically, how to better determine on their mobility, and they found that lower income people who lived in higher income or mixed income neighborhoods, did better than lower income people that are concentrated in lower income neighborhoods, so it just really, kind of, put the point on the ability of housing and having the affordability on site and having communities that are diverse, I thought it was really quite interesting. Third, I had the opportunity to go to the S.F. Housing Action Coalition and talk a little bit about their endorsement process. It was actually quite interesting, to sit in on their meeting and to hear the kind of -- I was actually pleasantly surprised about the level of dialogue and debate that goes on and the types of questions that they asked Project Sponsors and things they contemplate. I know they will be extending invitations to other Commissioners, but I would definitely recommend going, it's a great learning experience.

Commissioner Moore:

Commissioner Borden, if you wouldn't mind forwarding the New York article to Commission Secretary Ionin, so he could send it to all of us. I would be definitely interested because, it is so much supports what we are trying to do. I am really glad to hear that. On another matter, I was asked a question which I cannot answer. NCUs, we frequently have specific conditions, which deal within a time frame of 6 months, the developer has to get back to, in order to. What was brought to my attention was the 1337 Grand, Tupelo CU of a year ago, in which there was a condition, which was supposed to be fulfilled by the 27th of July. Which is a very difficult condition, and people asking me, well how do you, who I don't know, goes about enforcing and following up that it's done. In that particular case we have a restaurant where sales receipts, as condition 7, were to be handed in and examined so that the sale of alcohol is indeed in complete balance with the requirement that the first step in this restaurant enlargement is indeed based on restaurant use, rather than the other way around. I would like to just generically get an update of how we enforce these kind of difficult conditions and this Commission is very good in being very specific in its conditions, but how do we know that indeed the CU was properly followed? I would, very much would like to hear about that.

Director Rahaim:

Commissioners I'm happy to get back on that particular project. In general, the process is, the staff involved, the planner involved in the project, is asked to follow up with the project sponsor and technically the enforcement is the responsibility of the Zoning Administrator. In this case, I don't know what the follow-up has been. We can certainly get back to you in this particular case, but the general process relies on the planner to follow up with the project sponsor under the direction of the Zoning Administrator.

Commissioner Moore:

So they make a note in their calendar a year or 6 months later and then go back to the case in order to do what needs to be done.

Director Rahaim:

In general, yes, that's correct.

Commissioner Antonini:

I'd also like to extend my congratulations to staff for the job they did on the new agendas and I'm often one who doesn't like to see change particularly with bank statements or other things, and when change creates something that is no better and often time is worse and unreadable and this is actually a big improvement because it is more readable and contains a lot of useful information for the public, which we discuss all the time verbally, but was never in writing. And I also would be interested in seeing that New York Times article. Thanks for bringing it up.

C. DEPARTMENT MATTERS

4. Director's Announcements

Director Rahaim:

Two things to announce, on Wednesday the Board and the Transportation Authority Board approved \$7 million in expenditures from the funds from parcel sales in the Market-Octavia Planning Area which had been in addition - - \$7 million and beyond what we have expected and they allocated those funds for several short and long term projects on the Market-Octavia Area, for whole series of things, pedestrian safety improvements, bicycle improvements. So there will be about \$2 million spent over the short term, over the next 18 months and the remainder for longer term, larger projects over several years beyond that, so it was exciting to see those proceeds being spent in the plan area, where the actual sales were generated. As I said, both the Board of Supervisors and the TA Board approved that on Wednesday. Secondly, I just wanted to let you know that Sarah Jones has accepted an offer to be the permanent Environmental Review Officer, she has been acting in that capacity for several months since Bill Wycko retired, she's done a great job, she did accept that offer this week, and so she will now be the City's latest Environmental Review Officer.

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

LAND USE COMMITTEE:

- **Hearing: City's Plan to Ensure Transit Service Keeps Pace with Current and Future Development.** There was a discussion of the City's projected growth in housing and jobs, the impacts of that projected growth on the transportation system, and the needs faced by the transportation system in light of the increase in housing and jobs. Director Rahaim discussed the City's projected growth to 2040, and recent and current planning efforts the Department has taken to accommodate this projected growth. Ken Rich from the Office of Economic and Workforce Development discussed the City's efforts to plan for and review major new development on the waterfront, including transportation analysis. Ed Rieskin, Director of Transportation for the SFMTA, discuss SFMTA's on-going capital and operating needs and funding sources. There were several speakers, many of whom discussed concerns with the scale of upcoming waterfront projects, including the proposed Warrior's Arena. This was an informational item only.
- **BF 130459 – Mission Alcoholic Beverage Special Use District and Valencia Street NCT.** The Land Use Committee considered the proposed amendments to the Mission Alcoholic Beverage Special Use District and the Valencia Street NCT, sponsored by Supervisors Campos and Wiener. The Planning Commission had considered the amendments last week at the July 18th Planning Commission hearing, and had passed Resolution 18926 (6-0) in support, with technical modifications to clarify implementation. At the Land Use hearing, there were two speakers in support. Supervisor Wiener made the amendments recommended by the Planning Commission, as well as an amendment clarifying that the controls do not apply outside the border of the SUD. The Chair moved this to the full Board as a committee report. **On Tuesday, the Full Board passed the ordinance on first reading.**
- **BF 130464 – CEQA Procedures, Appeal of Exempt Project Modifications.** The Ordinance would amend Chapter 31 of the Administrative Code to provide for an appeal of the ERO's decision regarding whether an exempt project that has been modified requires a new determination. Last week the HPC recommended approval of Supervisor Kim's proposal. This commission moved to approve Kim's proposal, but that motion failed 3-2. This commission did pass a resolution conveying this vote count to the Committee. There was one speaker in support of the amendments. **The Committee members expressed joy over the establishment of procedures for appeals of CEQA decisions. The Chair moved this forward to full Board for consideration as a committee report and it unanimously passed first reading at the Full Board's Tuesday hearing.**
- **BF 130712 – Interim Zoning Controls for Formula Retail Uses on Market Street, from 6th Street to Van Ness.** The Land Use Committee considered a resolution that would impose interim zoning controls requiring Conditional Use authorization for formula retail uses on Market Street for 18 months. At the hearing, Supervisor Kim introduced amendments that limited to controls to five types of formula retail uses:
 - Restaurants
 - Limited Restaurants
 - Financial Services
 - Fringe Financial
 - Pharmacies.

Also, the interim controls were limited to stores that have frontage on Market Street. There were 3-4 speakers in support of the proposal (including the Chamber of Commerce, who had originally opposed the controls), and the committee voted to recommend the controls.

FULL BOARD OF SUPERVISORS:

- **706 Mission was before the LUC on Monday & the Full Board on Tuesday.** The Planning Code & Zoning Map Amendments were sent out of committee without recommendation. This Commission recommended approval of the ordinances on May 23. At the Full Board, another appeal of the project was heard. This week the appeal was of the HPC's approval of a permit to alter for the property. At the hearing, all public speakers were in support of the project with only the attorney for the appellants speaking against the permit. The

Full Board unanimously upheld the Permit to Alter and then unanimously approved the Planning Code and Zoning Map Amendments on first reading.

- **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 made amendments to the legislation to allow for temporary exemptions for existing City-owned buildings. **This Ordinance is now co-sponsored by Supervisors Chiu, Wiener, Campos, Mar, and Kim.**
- **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 6th. 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 Full Board approved the motion to make this amendment to the Planning Code.**
- **CEQA Ordinances.** The overall ordinance to create a process for appeal of CEQA documents was passed on second & final reading. The final version was Supervisor Wiener’s proposal with amendments from Supervisor Chiu to achieve some of Supervisor Kim’s key objectives. As you know, this effort has been years in progress, was attempted by three past Boards and this week, the proposal was adopted unanimously.

INTRODUCTIONS: NONE.

BOARD OF APPEALS:

No Report

HISTORIC PRESERVATION COMMISSION:

No Report

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.

None

E. REGULAR CALENDAR

6. (S. EXLINE: (415) 558-6332)

INVEST IN NEIGHBORHOODS INFORMATIONAL PRESENTATION - Planning staff and staff from the Office of Economic and Workforce Development will provide an **informational presentation** to the Planning Commission on the Invest in Neighborhoods Program and how our offices are working to implement this program.

SPEAKERS:

- Andy Cohen, MOEWD – Invest in neighborhood
- + Dee Dee Workman, SF Chamber of Commerce – Economic Analysis
- + Eileen Dick, BOMA – Commends staff, ground floor C-3 tenants, funding
- + Kwadee Chang – Upper west side example, right balance?
- + Jane Crane – Good beginning

+ Ben Lazareski – Formula retail misconceptions more forward w/study and to ___ current legislation

ACTION: None - Informational

7. [2013.0936U](#) (S. HAYWARD: (415) 558-6372)
FORMULA RETAIL CONTROLS: RECOMMENDATION TO THE BOARD OF SUPERVISORS THAT THE ISSUE OF FORMULA RETAIL BE STUDIED FURTHER TO INCREASE UNDERSTANDING OF THE ISSUE –
 Information about current proposals that address formula retail across various zoning districts, as well as a history of existing controls in San Francisco, identification of topics for additional study, and a preliminary outline for future amendments to the formula retail controls to better maintain both a diverse array of available goods and services and the unique character of San Francisco's neighborhoods, including Neighborhood Commercial Districts, downtown districts, and industrial areas.
 Preliminary Recommendation: Adopt a Recommendation that the issue of formula retail be further studied

SPEAKERS: Pat Turra, DTNA – Most comprehensive report to date

ACTION: Adopted a Recommendation that the issue of formula retail be further studied and that Planning staff include public involvement.

AYES: Borden, Wu, Moore, Sugaya

ABSENT: Fong, Antonini, Hillis

RESOLUTION: 18931

8. [2013.0852TZ](#) (A. STARR: (415) 558-6362)
AMENDMENTS TO THE PLANNING CODE AND ZONING MAP TO ESTABLISH THE THIRD STREET FORMULA RETAIL RESTRICTED USE DISTRICT [BOARD FILE NO. 13-0372]- **Ordinance** amending the Planning Code to create the Third Street Formula Retail Restricted Use District; amend Zoning Map Sheet SU10 of the City and County of San Francisco for property located on Third Street between Williams Avenue and Egbert Avenue; and making findings, including environmental findings pursuant to the California Environmental Quality Act, findings of consistency with General Plan and the Priority Policies of Planning Code Section 101.1.
 Preliminary Recommendation: Approve with Modifications

SPEAKERS: Andrea Bruss, Aide to Supervisor Cohen – Draft ordinance description

ACTION: Adopted a Recommendation for Approval with Modifications proposed by staff; and for Planning staff and the Supervisor's Office confirm the parcels in question.

AYES: Borden, Wu, Antonini, Moore, Sugaya

ABSENT: Fong, Hillis

RESOLUTION: 18932

9. [2012.0395D](#) (S. YOUNG: (415) 558-6346)
2529 - 2533 POST STREET - south side of Post Street between Baker and Lyon Streets; Lots 049 - 051 in Assessor's Block 1081 –**Discretionary Review** of Building Permit Application No. 2012.03.27.6976 proposing the removal and replacement of existing decks and exit stairs at the rear of the three-story, three-family dwelling within a RH-3 (Residential, House, Three-Family) Zoning District and 40-X Height and Bulk District.
 Staff Analysis: Abbreviated Discretionary Review
 Preliminary Recommendation: Do Not Take Discretionary Review and Approve

SPEAKERS: Bill Lee – Requesting continuance
 Andy Morrell – Opposed to continuance
 + Andy Morrell, Project Architect – Project Description;
 + Project Sponsor – primary usable open space.

ACTION: No DR, Approved as proposed

AYES: Borden, Wu, Antonini, Moore, Sugaya

ABSENT: Fong, Hillis
DRA No.: 0329

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))

SPEAKERS: Alan Tom, Architect – 3rd story vertical addition to the two story building

ADJOURNMENT - 2:58 P.M.