

SAN FRANCISCO PLANNING COMMISSION

DRAFT – Meeting Minutes

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

Thursday, July 17, 2014
12:00 p.m.
Regular Meeting

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

THE MEETING WAS CALLED TO ORDER BY PRESIDENT WU AT 12: 05 P.M.

STAFF IN ATTENDANCE: Alexandra Kirby, Kanishka Burns, Neil Hrushowy, Rich Sucre, Sara Velve, Omar Masry, Elizabeth Watty, AnMarie Rodgers, Tina Tam, John Rahaim – Planning Director, and Christine Lamorena – Acting Commission Secretary

A. CONSIDERATION OF ITEMS PROPOSED FOR CONTINUANCE

The Commission will consider a request for continuance to a later date. The Commission may choose to continue the item to the date proposed below, to continue the item to another date, or to hear the item on this calendar.

1. 2013.1340D (J. LOOK: (415) 575-6812)
1423 OCEAN AVENUE - south side between Granada Avenue and Miramar Avenue; Lot 063 in Assessor's Block 6941 - **Request for a Mandatory Discretionary Review**, pursuant to Planning Code Section 737.84 and 790.141 in association with Building Permit Application No. 2013.04.23.5179, proposing to establish a Medical Cannabis Dispensary (d.b.a. "Bay Area Compassionate Health Center") on the ground floor of an existing building, this project lies within the Ocean Avenue NCT (Neighborhood Commercial Transit) Zoning District and within 45-X Height and Bulk District. This action constitutes the Approval Action for the project for purposes of CEQA, pursuant to Section 31.04(h) of the San Francisco Administrative Code.

Preliminary Recommendation: Take Discretionary Review and Approve the MCD with Conditions

(Continued from Regular Meeting of May 22, 2014)

(Proposed for Continuance to September 11, 2014)

SPEAKERS: None
 ACTION: Continued to September 11, 2014
 AYES: Wu, Antonini, Johnson, Hillis, Moore, Sugaya
 ABSENT: Fong

B. CONSENT CALENDAR

All matters listed hereunder constitute a Consent Calendar, are considered to be routine by the Planning Commission, and may 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

2. [2013.1434C](#) (A. KIRBY: (415) 575-9133)
836 IRVING STREET – north side between 9th and 10th Avenues; Lot 025 in Assessor's Block 1741 - **Request for Conditional Use Authorization** pursuant to Planning Code Sections 303 and 730.44 to change an existing Limited-Restaurant (d.b.a. Perilla) to a Restaurant of the same name in the Inner Sunset NCD (Neighborhood Commercial District) and 40-X Height and Bulk District. This action constitutes the Approval Action for the project for the purposes of CEQA, pursuant to Section 31.04(h) of the San Francisco Administrative Code.
 Preliminary Recommendation: Approve with Conditions

SPEAKERS: None
 ACTION: Approved with Conditions
 AYES: Wu, Antonini, Johnson, Hillis, Moore, Sugaya
 ABSENT: Fong
 MOTION: 19189

C. 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 Wu:

I want to welcome Commissioner Johnson, she most recently comes to us as the Chair of OCII with a wealth of knowledge. I look forward to working with you.

Commissioner Moore:

Welcome Commissioner Johnson, delighted to have you. I'd like to tell you a story, which I hope will inspire Director Rahaim to do the same. I read something in the paper, which really made me laugh, and that is, Supervisor Farrell sponsored a scholarship, two scholarships, each a thousand dollars for students of San Francisco State University to find outdated City laws, and I am sure Mr. Sanchez will be interested in this. Students came forward with 30 laws, ranging from the City's minimum wage to prohibitions on walking cats on leashes. However, Supervisor Farrell chose two students who identified two very, very funny laws. One that lets people apply for permits to keep cows on private lots and another one that requires all gas stations to provide separate restrooms for women and men. The one about the cows I thought was really outstanding, and I am encouraging Director Rahaim, with the summer students, to perhaps sponsor ongoing investigations.

Commissioner Johnson:

Hi, I feel like I should say something. I am really happy to be here. It is nice seeing all of you, I've gotten to know - I think some people I met five minutes ago, everyone else I met over the course of the appointment process. I am really excited to be here.

Commissioner Antonini:

I'd like to also welcome Commissioner Johnson, looking forward to working with her in the future. I want to just comment - - I was asked to speak before the Northeast Mission Business Association last night, very good group, very interesting group, but they raised a question that I wanted to bring to the attention of staff and it is one those ideas where maybe the left hand doesn't know what the right hand is doing. One of the speakers has a PDR property, which we're trying to take care of PDR, and she was concerned, because her particular property, which is on 16th Street, between Harrison and Folsom, which most of the properties are PDR properties. There is a plan, possibly to eliminate parking on the side of the street where her business is and the other PDR businesses are, at least for part of the day, and if that were to happen, they basically would be out of business because these businesses apparently don't - aren't big enough to have loading zones and a lot of their products and customers have to bring their goods to these businesses and the supplies that they need to produce their product and other things. So anyway, I think no decision has been made yet. They are trying to figure out how they are going to get a transit only lane down 16th, which makes sense to me, but one of the choices is eliminating one of the traffic lanes, another choice is eliminating the parking. And, this particular individual said, yellow zones are not enough because a lot of their customers and suppliers are not - - particularly the customers are not necessarily commercial vehicles, so they would be unable to use the yellow zone. Anyway, something to look at, make sure that MTA considers the nature of the businesses, where they may be thinking of eliminating parking in a particular area to promote transit.

D. DEPARTMENT MATTERS**4. [Director's Announcements](#)****Director Rahaim:**

Thank you. Good afternoon, Commissioners. I also want to welcome Commissioner Johnson on behalf of the Department, we look forward to working with you and please call on us as you need to understand the very lengthy and complex processes that we have and we'll try to minimize the amount of paper we send you every week. Commissioners, I wanted to if you will allow me to take the time to introduce many of our summer interns who are here in the audience today. We have 19 interns this summer, many of them are here, maybe, I could ask you to standup, while I announced your names. I know that not all 19 of you are here, but, and I don't have - we don't have the time to go through the backgrounds of each one, so I'll just

simply give you the names: Sophia Lai, Luke Norman, Arianna Urban, Melisa Ruhl, Nathalia Kwaitkowska, Nicole Jones, Andrew Doyle, Justin Panganiban, Kirby Olson, Amir Hajrasouliha, Emma Reed, Jonique Green, Esmeralda Jardines, Devin McCutchen, Binh Nguyen, Andrew Perry, Maria DeAlba, Megan Calpin, and Ada Tan. Most of you, I believe are here for a 10 week summer program. We welcome you to the Department. I am sure that we look forward to working with you and I also just want to take a moment to thank Tina Tam, who is the primary organizer of the summer internship who has done a fantastic job in organizing the program and – training the interns – giving them a range of experiences in the Department and in the City, so we welcome you for the summer.

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

LAND USE COMMITTEE:

July 14

- **140235 Administrative Code - Information from Project Sponsors Regarding Their Anti-Discriminatory Housing Policies Sponsor: Campos** The Land Use Committee heard the proposed LGBT Anti-Discriminatory Housing Policies Ordinance. The proposed Ordinance, introduced by Sup Campos, will amend the Planning Department application intake procedures to require the Planning Department collect an application requesting information from project sponsors of projects with at least 10 dwelling units about any internal policies they may have that prohibit discrimination against the LGBT community in the finance, sale or leasing of dwelling units. The Planning Commission heard this item at its July 10, 2014 hearing. The Commission voted 5-0 in favor of providing a recommendation of adoption to the Board of Supervisors. Public comment at this meeting noted that the LGBT community continues to face discrimination in housing markets throughout the US and emphasized the importance and utility of the data that will be collected as a result of the proposed Ordinance in helping to remedy this situation. The Supervisor's discussion of the proposed Ordinance was brief. Only Supervisor Weiner commented. He noted that the proposed Ordinance would provide valuable information and made common sense. Supervisor Kim made a motion to move the proposed Ordinance to the Full Board and the motion was seconded by Sup Cohen.

FULL BOARD OF SUPERVISORS:

July 15

- **140036 Dwelling Unit Density Bonus for Affordable Housing. Sponsor: Wiener, Cohen and Kim.** Passed its Second Read
- **140593 Planning Code - Fee Elimination. Sponsor: Mayor.** This item eliminates four Planning Code fees. The Ordinance passed its second read at the Board this week.
- **140675 General Plan and Planning Code Amendments for Visitation Valley/Schlage Lock.** These two items are intended to implement the Visitation Valley/Schlage Lock plan that was previously under the jurisdiction of the Redevelopment Agency. This ordinance came to the Planning Commission on May 8 of this year, which unanimously recommended approval. It was at Land Use on June 30th, where it was forwarded with recommendation. This item passed unanimously on its first read as amended. The amendments included an amendment to the Planning Code ordinance

to say that the Ordinance would not become effective until the DA become effective, and the General Plan ordinance was amended to say that it will not become effective until the Planning Code ordinance becomes effective. These amendments were done to ensure that all three ordinances would take effect at the same time. In particular, the Board did not want to end up with a situation in which the Planning Code and General Plan amendments were adopted without the DA being executed, in which case the Developer would get favorable rezoning without having committed to the increased public benefit commitments in the DA.

- **140645 Resolution of Intention - Establishing the Transbay Transit Center Community Facilities District Sponsors: Mayor, Kim.** The Board unanimously passed two resolutions relating to the Transbay CFD:
 - Resolution of Intention to Establish the Transbay CFD
 - Resolution of Intention to Incur Bonded Indebtedness up to \$1.4 billion
 This is the first of 3 legislative actions required to form the CFD – expected to be fully complete in December.
- **140413 General Plan - Amendments Related to the 2014 Update of the Recreation and Open Space Element.** Sponsor: Department/Commission. This Commission approved adoption of the ROSE on April 3 with a vote of 4-2. On its second read Supervisor Avalos joined Supervisor Wiener, Yee, and Campos voting no on this item, but the ROSE update did pass its final read at the Board on a vote of 7-4.
- **140735 Interim Zoning Controls - Office Conversion in Landmark Buildings in PDR-1-D and PDR-1-G Districts.** Sponsor: Cohen (Frye, Brown) Also passed with no comment from the Supervisors
- **140235 Administrative Code - Information from Project Sponsors Regarding Their Anti-Discriminatory Housing Policies Sponsor: Campos (D. Sanchez)** This is the same item that was also hear at Land Use this week. It passed its first read.

INTRODUCTIONS:

- **140809 Zoning – Interim Moratorium on Change of Institutional Use in a Portion of the University Mount Neighborhood. Campos.** Urgency Ordinance approving an interim zoning moratorium on changes of institutional use in a portion of the University Mound neighborhood bounded by Highway 280 on the north, Wayland Street on the south, University Street on the east, and Cambridge Street on the west, for 45 days. This was referred to the next Board hearing for immediate adoption.
- **140821 Planning Code - Interim Controls: Clarifying Definition of Business Sign.** Wiener, Chiu. Resolution imposing interim zoning controls for an 18-month period to clarify the definition of a Business Sign in Planning Code, Section 602.3

BOARD OF APPEALS:

Scott Sanchez:

The Board of Appeals did meet last night. A couple of items that might be of interest first would be a jurisdiction request for 399 Fremont Street. This was the project that the Planning Commission has approved several times over the years and extensions. This was, again the project is about a 42-story building, with 152 units in Rincon Hill. The jurisdiction request was submitted by the Project Sponsor, and so there was a dispute regarding the fees that were calculated for the impact fees. The permit was issued

last June and they submitted the first construction document earlier this year. Under the Code you pay the fees that are in effect at the time you submitted the first construction document and fees are indexed annually on January 1st, so on January 1st the fees did increase, and last year were \$32 million and change and went up to about \$33 million and change. The jurisdiction request, because they disputed that, we should be indexing and increasing those fees annually and there is also a lawsuit against the City as well, but the Board last night unanimously denied the jurisdiction request. Another item is 1767 North Point Street, which was an interesting issue and appeal, just to note that the permit was going from two dwelling units plus housekeeping unit to three dwelling units on the permit. I think there was some - this caused some confusion, neighbors thought this was legalizing a unit or allowing some illegal unit here, the zoning only allows two-dwelling units, but under the Planning Code, housekeeping units are classified as dwelling units, so under the Planning Code there was no change here. So, for the public who have housekeeping units that is under the Planning Code considered a dwelling unit and the Board unanimously denied the appeal there and allowed the permit to continue. The final item was 405 10th Street. This was a suspension request that I had issued for a building permit application, that allowed a recycling center at 405 10th Street. That permit was issued in error, without requiring neighborhood notification. It is in the SALI – Service Art Light-Industrial Zoning District, which requires neighborhood notification when you change use categories. This was approved in error over the counter so we suspended that to allow time for the notice. The permit holder appealed that because they had made sizeable investments in leasing the property and purchasing equipment. The Board did find that permit was issued in error and upheld the suspension request, so they will have to decide how they would like to proceed next. That was all. There will be a hearing next week, one item that may be of interest next week is actually the appeal of a health permit for an MCD on Ocean Avenue and this was related to the case that we had a couple months ago. So, that was appealed, the permit was issued for the other MCD in the neighborhood. That was appealed by the project sponsor for the case that was before you, so I will have the results for you next week, and I am available for any questions.

Commissioner Antonini:

Mr. Sanchez, just a question on 399 Fremont, I didn't quite understand what their argument is because it sounds like the fee is based upon the date when the project pulls the first construction permit, which is clearly in this calendar year, so, I mean, what are they challenging? I don't understand what the challenge is.

Scott Sanchez:

That's an excellent question. We think the Code is very clear.

HISTORIC PRESERVATION COMMISSION:

Tina Tam:

Good afternoon President Wu and members of the Commission, Tina Tam for the Planning Department. In Tim Frye's absence, I am here to present the report for this week's hearing at the Architectural Review Committee and the Historic Preservation Commission. On Wednesday, July 16th, the ARC reviewed and commented on the proposed exterior changes to 50 Fell Street. 50 Fell Street is a Category 1, Significant Building under Article 11 of the Planning Code. Constructed in 1931, the structure at 50 Fell Street is an L-shape, Spanish Colonial Revival building, designed by Architect Willis Polk. At the hearing, ARC agreed with the Planning Department staff's recommendation and assessment that changes are needed in order for the project to be consistent with the Secretary of the Interior Standards and comparable with the historic building and property. Specifically, the ARC commented on the proposed design and material for the new doors and windows, new ramp and railings, and the new playground in the courtyard. The project does need a Major Permit to Alter and that will be scheduled before the HPC in the near future. Also, on the 16th

of July, the HPC heard two items on their calendar. The first one is the review and comment for the Preservation Element, this is a second hearing of the draft element for the HPC, and this hearing focused on Objectives 4-6. A subsequent hearing will be scheduled on August the 20th to discuss Objectives 7 and 9. Please note that the hearing will be followed by a series of other public meetings with various stakeholders and will be reviewed and revised by the Planning Department before they conduct their environmental review. Upon conducting the – and completing the environmental review, the document will be presented before the HPC and the Planning Commission for endorsement. The adoption of the element by the Board of Supervisors is anticipated to take place in 2015. The second item on their calendar was the National Register nomination request for 1772 Vallejo Street, which is also known as the Burr House. The Burr House is located in San Francisco, Pacific Heights Neighborhood, on the north side of Vallejo Street between Franklin and Gough. It's designed with a blend of an Italianate and Second Empire style influences. The building was commissioned by former San Francisco Mayor, Ephraim Burr, as a wedding gift to his son Edmond Burr, a chemical engineer, and his wife Anna Bernard. The property also includes two other buildings in the back, a one-story wood frame vernacular cottage and a one-story auto garage. The property is also known to the City as City Landmark No. 31. As recommend by Department staff, the HPC adopted a resolution to recommend to the State Historic Preservation Office to list the property on the National Register of historic places, comprising of not only the main building, but also the one-story vernacular cottage and the gardens. Unless you have any questions for me, that concludes my 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. With respect to 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.

F. REGULAR CALENDAR

The Commission Hearing Procedures provide for presentations by staff; followed by the project sponsor team; followed by public comment for and against the proposal. Please be advised that the project sponsor team includes: the sponsor(s) or their designee, lawyers, architects, engineers, expeditors, and/or other advisors.

6. [2013.1166U](#) (K. BURNS (415) 575-9112)
EXPANDING FORMULA RETAIL CONTROLS - Informational Presentation - Ted Egan, Ph.D
 Chief Economist of the Office of Economic Analysis at the City and County of San Francisco's Office of the Controller will present his report "Expanding Formula Retail Controls: Economic Impact Report" which was released on February 12, 2014. This report was prepared in response to a proposed ordinance (Board File No.130788), introduced by Supervisor Mar, which would expand formula retail controls in San Francisco.
 Preliminary Recommendation: None – Informational

SPEAKERS: + Ted Egan, Chief Economist of the Office of Economic Analysis, Office Controller – Presentation
 = Erica Weiss – Impact on tourism
 ACTION: None - Informational

7. (N. HRUOSWHY: (415) 558- 6471)
[EMBARCADERO ENHANCEMENT PROJECT](#) - **Presentation and discussion** by the SFMTA (Livable Streets) regarding the Embarcadero Enhancement Planning Project. The SFMTA is working with the Port of San Francisco, SF Planning, and the Department of Public Works to deliver the Embarcadero Enhancement Project, a planning effort to increase the safety and comfort of travel along The Embarcadero by developing a preliminary design for a bikeway from AT&T Park to Powell Street. The presentation will describe the scope of the project, including the intent and city policies that support it.
 Preliminary Recommendation: None – Informational
- SPEAKERS: + Patrick Gollier, SFMTA – Presentation
 + Diane Oshima, Port Planning and Development team – Supports project
 - Sue Hestor – Concerned about same issues
- ACTION: None - Informational
8. [2012.1025VX](#) (R. SUCRÉ: (415) 575-9108)
[325 FREMONT STREET](#) - located at the east side of Fremont Street between Folsom and Harrison Streets, Lot 012 in Assessor's Block 3747 - **Request for a Downtown Project Authorization (DPA)**, pursuant to Planning Code Section 309.1, for the new construction of an 25-story residential tower with 118 dwelling units, 41 off-street parking spaces, 105 Class 1 bicycle parking spaces, and common residential open space. Under the DPA, the project is seeking a modification of the requirements for dwelling unit exposure (Planning Code Section 140). In addition, the Zoning Administrator will review the request for a Variance from Planning Code Section 135 (open space), Planning Code Section 136 (permitted obstructions over streets and alleys), and Planning Code Section 827(a)(2)(B) (required individual ground floor residential units). The subject property is located within the RH-DTR (Rincon Hill-Downtown Residential) Zoning District and 85/250-R Height and Bulk District. This action constitutes the Approval Action for the project for the purposes of CEQA, pursuant to Section 31.04(h) of the San Francisco Administrative Code.
 Preliminary Recommendation: Approve with Conditions
 (Continued from Regular Meeting of July 10, 2014)
- SPEAKERS: + Adam Tartakovsky, Project Sponsor – Presentation
 + Glenn, Handel Architects – Presentation
 + Joel Koppel – Supports project
 + Mario Tario, Crescent Heights – Good project
 + Rob Pool, SF Housing Coalition – Endorsing project
 - Sue Hestor – Housing mix
- ACTIONS: CPC - Approved with Conditions
 ZA - Closed the Public Hearing and indicated an intent to Grant
- AYES: Wu, Fong, Antonini, Johnson, Hillis, Moore, Sugaya
- MOTION: 19190
9. [2014.0888C](#) (S. VELLVE: (415) 558-6263)
[1239 TURK STREET](#) - south side between Webster and Laguna Streets; Lot 027 of Assessor's Block 0757 - **Request for Conditional Use Authorization**, pursuant to Planning Code Section 303 to modify Condition of Approval No. 19a of Motion No. 18535 from a condition that restricts income and age limits of building occupants to a condition that uses standard language for developments that are 100% affordable pursuant to Planning Code Section

415. No other aspect of the development or entitlement would change as a result of this case. The development authorized pursuant to Motion No. 18535, Rosa Parks II, is a 100% affordable senior housing development approved by the Planning Commission on February 2, 2012 within a RM-3 (Residential, Mixed, Moderate-Scale) District and 50-X Height and Bulk District. This action constitutes the Approval Action for the project for the purposes of CEQA, pursuant to Section 31.04(h) of the San Francisco Administrative Code
 Preliminary Recommendation: Approve with Conditions

SPEAKERS: + Emily Lin, TNDC – Presentation
 = Ace Washington – Questions project
 = Randal Evans- Resident of Rosa Parks
 + (M) Speaker - Presentation
 ACTION: Approved with Conditions
 AYES: Wu, Fong, Antonini, Johnson, Hillis, Moore, Sugaya
 MOTION: 19191

10. [2011.1310C](#) (O. MASRY: (415) 575-9116)
2350 TURK BOULEVARD - along the north side of Turk Boulevard, between Annapolis Terrace and Tamalpais Terrace, Lot 006 in Assessor's Block 1107 - **Request for Conditional Use Authorization** under Planning Code Sections 209.6(b) and 303 to allow a wireless telecommunications services (WTS) facility operated by AT&T Mobility. The proposed macro WTS facility would feature nine (9) panel antennas, and related electronic equipment, mounted to the roof of an existing four-story building. The facility is proposed on a Location Preference 1 Site (Publicly-Used Structure, University of San Francisco School of Education) within a RH-2 (Residential-House, Two Family) Zoning District, and 40-X Height and Bulk District. This action constitutes the Approval Action for the project for the purposes of CEQA, pursuant to Section 31.04(h) of the San Francisco Administrative Code.
 Preliminary Recommendation: Approve with Conditions

SPEAKERS: + Teddy Vriheas, AT&T
 ACTION: Approved
 AYES: Wu, Fong, Antonini, Johnson, Hillis, Moore, Sugaya
 MOTION: 19192

11. [2013.1375CE](#) (E. WATTY: (415) 558-6820)
115 TELEGRAPH HILL (AKA 363 FILBERT STREET) - south side of Filbert Street between Kearny and Montgomery Streets; Lot 065 in Assessor's Block 0105 - **Request for Conditional Use Authorization**, pursuant to Planning Code Sections 151, 151.1, 209.1(h), 249.49, and 303, to allow the construction of a new three-unit residential building with four off-street parking spaces on a lot with an existing rear cottage within a RH-3 Zoning District, the Telegraph Hill/North Beach Residential SUD, and 40-X Height and Bulk District. This action constitutes the Approval Action for the project for the purposes of CEQA, pursuant to Section 31.04(h) of the San Francisco Administrative Code.
 Preliminary Recommendation: Approve with Conditions

SPEAKERS: + Jim Ruben, Ruben, Junius & Rose – Presentation
 + Lewis Butler – Presentation
 - Vedica Puri, President, Telegraph Hill Dwellers – Project deficiencies
 - Stan Hayes – Further environmental review

- Judy Irving – Filbert Street steps, staging area, safety
- Nancy Shanahan – Continue matter, preserve public views
- Eric Breiser – Behalf of 319 Filbert notification
- Lance Carnes – Views
- Ken Maley – Environmental impact review, impact to business at Coit Tower
- Terry Grimm – Concessions at Coit Tower, impact to income
- Stan Teng – Major project, full environmental review
- Julie Christensen – Acquiring site, suggestions
- Davy Crockett – Opposed to waiver of EIR
- John Stewart, Resident of Telegraph Hill – Pleased with design, public interest and uses
- + Wells Whitney, Resident of Telegraph Hill – Supports project, appropriate
- Joan Wood – Opposed, out of style
- + Justin Yonker – Supports project
- + (F) Speaker – Vacant lot, private property
- + Irena Tibbis – Temporary problems, supports project
- + Bill Ricks – Supports project, adjacent owner, letters for adjacent owners
- + Calvin Chen – Impressed with design
- + Greg Chaimpin – Supports project, complements neighborhood
- + Dustin Haytemg – Housing shortage in SF, supports project
- Kevin Kaull – Public views, public interest, alternative options
- Mary Lipian, Telegraph Hill Dwellers – Massing
- Nan Roth – Adjacent owner, notification, geophysical issues
- = Mark Bruno – No curb cut in past
- Howard Wong – Taller and bulkier project
- Stewart Morten – Huge project, no EIR
- + Jeremy Ricks – Project sponsor

ACTION: After Hearing and Closing public comment, continued to September 11, 2014

AYES: Wu, Fong, Antonini, Johnson, Hillis, Moore, Sugaya

2:00 P.M.

- 12a. [2013.0936UT](#) (K. BURNS: (415) 575-9112)
FORMULA RETAIL AND LARGE-SCALE RETAIL CONTROLS - The Planning Commission will **consider a draft Ordinance** amending the definition of formula retail to include businesses that have 19 or more outlets worldwide; expand the applicability of formula retail controls to other types of uses; require Conditional Use Authorization for formula retail establishments in the C-3-G district with facades facing Market Street, between 6th Street and 12th Street; delete the requirement for Conditional Use authorization when a formula retail establishment changes operator but remains the same size and use category; define intensification and abandonment for formula retail uses; require formula retail uses to comply with performance guidelines; amend the Conditional Use criteria for Large-Scale Retail Uses except for General and Specialty Grocery stores, to require an economic impact study and establish new fees for said study; amend neighborhood commercial districts that required conditional use for financial and limited financial service to principally permit financial and limited financial services; delete the Conditional Use requirement for Walk-

Up Facilities that are not setback 3 feet; 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 101.1.

Preliminary Recommendation: Adopt a Recommendation for Approval
(Continued from Regular Meeting of June 5, 2014)

- SPEAKERS:**
- + Supervisor Mar, Presentation
 - + Todd Rufo, OEWD – Presentation, support
 - Joan Wood – Broadening definitions, supports Mar’s proposal
 - + Richard Lau – Lighten restrictions, especially in Chinatown
 - + Lee Kivan, Owner of Lee’s Deli – Findings of Egan report
 - + David – Chinatown resident
 - + Rick Lieu – Supports formula retail
 - + An Eure – Chinatown resident, neighborhood stores
 - Isacc Richard, SF College Center – Concerned about proposal
 - Eileen Boken – Opposed to proposal
 - Mark Bruno – Small businesses support small non-profits
 - + Dee Dee Workman – Supports Planning Department legislation, balance approach
 - Rose Hillson, Coalition for SF Neighborhoods – Opposes change to number
 - Eric Brooks, SF Green Party – Relaxing controls, supports Mar’s legislation
 - + Mariam Zaramis, Ted’s Deli – Small businesses
 - Kathleen Dooley – Outrageous, non-severability clause, supports Mar’s legislation
 - Danny Yadegar, Duboce Neighborhood Association – Concerned with number increase
 - Henry Karmlocicz – Small businesses
 - + Ellen Sotu, Urban Solutions – Support of staff’s legislation
 - Judy Berkowitz – Cap number at 11
 - Stan Hayes, Telegraph Hill Dwellers – Support Mar’s legislation
 - = Mcthad Bucheli – Sanchwiches, small businesses
 - Susan Leandry – Supports Mar’s legislation
 - Paul Wormer - Subsidiaries
- ACTION:** Adopted a Recommendation for Approval with modifications to eliminate the non-severability clause
- AYES:** Wu, Fong, Antonini, Johnson, Hillis
- NAYES:** Moore, Sugaya
- RESOLUTION:** 19193

- 12b. [2013.1166T](#) (A. RODGERS: (415) 558-6395)
AMENDMENT TO THE PLANNING CODE SECTIONS 303(I) (FORMULA RETAIL USES) 703.3 (NEIGHBORHOOD COMMERCIAL DISTRICTS: FORMULA RETAIL USES) [BOARD FILE NO. 130788] - **Ordinance introduced by Supervisor Mar** to expand the definition of formula retail to include businesses that have eleven or more other outlets worldwide, and to included businesses 50% or more owned by formula retail businesses; expand the notification procedures for formula retail applications; require an economic impact report as part of the formula retail conditional use application; 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
(Continued from Regular Meeting of June 5, 2014)

- SPEAKERS:**
- + Supervisor Mar, Presentation
 - + Todd Rufo, OEWD – Presentation, support
 - Joan Wood – Broadening definitions, supports Mar’s proposal
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 - + Lee Kivan, Owner of Lee’s Deli – Findings of Egan report
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 - Stan Hayes, Telegraph Hill Dwellers – Support Mar’s legislation
 - = Mcthad Bucheli – Sanchwiches, small businesses
 - Susan Leandry – Supports Mar’s legislation
 - Paul Wormer - Subsidiaries
- ACTION:** Adopted a Recommendation for Approval with modifications to remove the economic impact analysis and add the study to the 6-month study on subsidiaries
- AYES:** Wu, Johnson, Moore, Sugaya
- NAYES:** Fong, Antonini, Hillis
- RESOLUTION:** 19194

G. PUBLIC COMMENT

At this time, members of the public may address the Commission on items of interest to the public that are within the subject matter jurisdiction of the Commission except agenda items. With respect to agenda items, your opportunity to address the Commission will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the

Commission has closed the public hearing, your opportunity to address the Commission must be exercised during the Public Comment portion of the Calendar. Each member of the public may address the Commission for up to three minutes.

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

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

ADJOURNMENT – 8:40 P.M.