

SAN FRANCISCO PLANNING COMMISSION

Meeting Minutes

Commission Chambers - Room 400
City Hall, 1 Dr. Carlton B. Goodlett Place
Thursday, April 11, 2013
12:15 PM

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

THE MEETING WAS CALLED TO ORDER BY PRESIDENT FONG AT 12:15 PM.

STAFF IN ATTENDANCE: John Rahaim – Planning Director, Dan Sider, Aaron Starr, Elizabeth Watty and Jonas P. Ionin - Acting Commission Secretary.

A. CONSIDERATION OF ITEMS PROPOSED FOR CONTINUANCE

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

1. [2011.1369C](#) (O.MASRY: (415) 575-9116)
3682 18TH STREET - on the northeast corner of 18th Street and Dolores Street, Lot 027 in Assessor's Block 3578 - **Request for Conditional Use Authorization** under Planning Code Sections 710.83 and 303 for a proposal to install a wireless telecommunications services facility operated by AT&T Mobility. The facility would consist of installing four panel antennas on the roof within faux vent pipes with equipment located within the basement. The facility is proposed on a Location Preference 6 Site (Limited Preference Site) within a NC-1 (Neighborhood Commercial, Cluster) Zoning District and 40-X Height and Bulk District.
Preliminary Recommendation: Approval with Conditions
(Continued from Regular Meeting of March 14, 2013)
(Proposed for Continuance to April 18, 2013)

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

2. [2012.0822C](#) (C. LAMORENA: (415) 575-9085)
1865 POST STREET - south side between Fillmore and Webster Streets; Lot 002 in Assessor's Block 0701 - **Request for Conditional Use Authorization**, pursuant to Planning Code Sections 249.31, 303, and 712.48, to add a new use size in excess of 4,000 square feet as an "Other Entertainment" use to an existing restaurant (d.b.a. Pa'ina Lounge and Restaurant) within a NC-3 (Neighborhood Commercial, Moderate-Scale)

Zoning District, Japantown Special Use District, and 50-X Height and Bulk District. The proposal would add live and amplified music during the restaurant's evening operating hours.

Preliminary Recommendation: Approval with Conditions
(Continued from Regular Meeting of December 6, 2012)

**NOTE: On February 7, 2013, following public testimony, the Commission continued the matter to April 11, 2013; with the following direction: 1) For a mutually agreed upon sound engineer or independent sound engineers along with the Entertainment Commission's sound engineer; 2) To determine the maximum level of noise, to the point of no disturbance for the Spa or Cinema; 3) Costs to be shared proportionally, by a vote (+7 -0)
(Proposed for Continuance to June 6, 2013)**

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

B. COMMISSIONERS' QUESTIONS AND 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 Moore:

I read a very, consequential article in the paper, where Rio Powell who designed a teeny tiny tree house in Golden Gate Park. I know the Planning Department was not involved. It was such an incredibly cute article that I'm going to pass it around. Here was a child who discovered like a hollow on the bottom of a tree and had his father who is apparently a shipbuilder or something to that extent build him a door, that is a working door, with hinges and a knob and with all of those kinds of things and installed it because there are obviously people living in the bottom of the tree. So, I want to pass this around. It's just absolutely adorable.

Commissioner Antonini:

I want to just mention that I was in attendance at a meeting last night at Temple Baptist Church. I want to mention that the MTA, staffed by Peter Albert, it was a very good meeting it was for the residents of Lakeside Village, which is where I reside and it was a discussion of future planning for the M-Line, which runs through Lakeside and then runs along 19th Avenue with significant stops at Stonestown and San Francisco State and eventually circles back to the Balboa Park Station. They have some very interesting ideas about great change, which would allow the Line to go underneath 19th Avenue and also some stations that might allow pedestrians to travel underneath 19th without having to...utilizing the station to get from one side to the other, which is a great idea because it a very dangerous area. There are a lot of incidents every year with accidents involving pedestrians and by getting the Muni and pedestrians, many of them, off the surface area of the street, it's going to calm the whole situation greatly there. Anyway, it has a long way to go. It was a very good meeting and had over a hundred people in attendance and many of them spoke on their feelings in regards to it.

Commissioner Borden:

I wanted to make the rest of the Commission aware that myself along with Director Rahaim, members of the Board of Supervisors and a bunch of different agencies are on the Mayor's 2030 Transportation Task force and we've had two meeting so far, they are hoping to come up with

recommendations by October, around, how we can make our transportation structure world class and what's great and unique is all the different agencies including planning and development, the Planning Department and looking at things like long range planning and development concerns as well as existing infrastructure. You can find information about this task force and its meetings on the Planning Department website which is a great, I think, appropriate place to have that information since so many people regularly visit that website. If you are interested, you can find all of the agendas and presentations related to the task force on that website. If you have questions or things that you want me to bring up, please let me know.

C. DIRECTOR'S REPORT

4. Director's Announcements

Director Rahaim:

Just two things. There was a question last week about the nature of the approval of the new Japantown Plan. I can't remember the full name of this plan and what type of approval action might be needed. We are looking...it partially depends on the nature of the final document. We are looking, the short answer is...it's up to us, up to the Commission if they want to incorporate it into General Plan the way other Plans have been done. Adopted it as Commission Policy or adopt it in another form. It is somewhat variable depending on how the Commission chooses to go. We also have to decide what type of environmental review might be needed depending on the specifics of that Plan. It's pretty clear that it may not require an Environmental Impact Report. But whether it requires a Neg Dec or a Categorical Exemption, we don't know yet at this point. So, as we get into more details of that Plan we'll get back to you on that as well. The other thing I wanted to mention is that I will be at the Annual Planning Conference this year which is in Chicago. I will be leaving tomorrow and be out of the office until next Thursday and Jose Campos will be in charge of the Department in my absence. The conference, this year, is in Chicago where the APA's office is located. And so, they are extending a day, a day longer than normal. The conference runs from Saturday to Wednesday this year. And that concludes my report.

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

LAND USE COMMITTEE:

- **Supervisor Wiener's Ord. Amending Local CEQA Procedures.** This Commission consider the proposal on March 14 and the HPC considered it on March 20. Both Commissions recommended approval with two modifications: 1) increase the appeal window to 30 days and 2) provide increased clarity for the process where the Board acts as the CEQA decision-making body. Prior to the Land Use hearing, Supervisor Wiener made 6 amendments, including responding to these Commissions requests. Prior to the LU hearing, he made the following amendments:
 1. clarifications to the definition of "approval action"
 2. requiring written notice for exemptions in districts with both an "adopted" and "officially recognized" survey.
 3. Limit the filing of a notice of exemption until after the period for appeal to the Board has expired.
 4. When the Board is the CEQA decision-making body, and CEQA appeals are raised at hearing, the Board shall provide the Planning Department with opportunity to submit a written response prior to the close of the public hearing.
 5. Extending the window for appeal to 30 days for all documents.
 6. Clarifying that when the Board directs planning to revise an EIR, the revised portions that may be re-reviewed include any new info added to the EIR.

At the hearing, the public raised many of the same concerns raised that were raised to this Commission. Public comment was lengthy and divided folks from neigh. Orgs, enviro groups, and labor with some from each camp in favor and some opposed to the proposal. There did

seem to be consensus that rules for appeals of Neg. Decs and Exemptions should be codified. Both Supervisor Kim and Board President Chiu were interested in increasing notification. Our Director committed to provide increase online notification that would be searchable by time and geography. Supervisor Kim expressed concerns that noticing may be reduced under the proposal and interest in allow appeals until the last approval—which is essentially the situation at we have currently. Supervisor Kim announced that she planned to introduce an alternative proposal the next day, on Tuesday. **After four hours of hearing on this matter, the Committee voted to continue the item for two weeks until April 22.**

- **BF 121065: Polk Street Tobacco and Alcohol Controls.** The Planning Commission passed Resolution 18823 recommending approval with modifications at the March 14th hearing. The revised legislation reflects some (not all) of the recommendations of the Planning Commission:
 1. You recommended removing the Tobacco Paraphernalia restriction from the Polk Street NCD – recommendation was not incorporated.
 2. PC sought to modify several controls within the proposed Lower Polk Alcohol RUD, most of which were included in the revised ordinance. However, the major recommendation that the ban on new bars and liquor stores be modified was not changed.

This commission had recommended these three changes instead of a ban :

- a. Prohibit new bars and liquor stores uses when located on a parcel within 100' of a parcel on which an existing bar or liquor store is located; No proximity controls were included in the revised Ordinance.
- b. New bar and liquor store uses may be permitted with Conditional Use authorization from the Planning Commission unless they are located on a parcel within 100' of a parcel with an existing bar or liquor store;
- c. Require that new Restaurants with Type 47 ABC licenses obtain Conditional Use authorization.

The following recommendations of the PC were incorporated:

- a. Remove the requirement that Restaurants with Type 47 or 49 liquor licenses close by midnight.
- b. Require that restaurants continue food service until closing.
- c. Modify the proposed abandonment period for existing liquor establishments such that liquor establishments are considered an abandoned use if the use has been discontinued 3 years or more; The abandonment period was increased to but only to 1 year.
- d. Add a sunset provision for the proposed Lower Polk Alcohol Restricted Use District so that the provisions of the district would expire after three years. The amended legislation includes a 5 year sunset provision.

Lastly you requested that the ordinance add an emphasis on enforcement of existing problem operators. This was not included in the revised legislation.

FULL BOARD OF SUPERVISORS:

- **This week the Land Use Committee considered a portion of Supervisor Chiu's NE Ordinance, which dealt with the expansion of the TDR program and allows TDRs to be transferred to and from any C3 District.** The Commission voted on this portion of Supervisor Chiu's NE Legislation on May 17, 2012 as Phase 3 and did not recommend any modifications to the TDR portion of the Ordinance. The Board passed this ordinance on first reading this week.
- **CAT EX appeal at 611 Buena Vista West Avenue.** The appeal was filed by Susan Brandt-Hawley on behalf of the Buena Vista Historic Preservation Association. The project is to construct a third story vertical addition to an existing two-story, single-family residence. The appellant has the following three main concerns:
 1. The proposed project has a significant impact to historic resources;
 2. The proposed project has a significant impact to public views; and
 3. The DR Action Memo is inconsistent with the Planning Commission's intent with regards to the required front setback.

During the Discretionary Review hearing on September 6, 2012, the Planning Commission requested for an additional THREE feet (for a total of FIVE feet) setback from the front building wall. This condition was crafted to allow greater visibility of the corner turret of the adjacent building to the south at 601 Buena Vista West. The appellant argued that the condition made was a mitigation to offset the visual impact to the adjacent historic resource at 601 Buena Vista West. If this were a mitigation to avoid a significant impact, the project cannot be exempt from environmental review.

At the Board hearing, Staff clarified the condition made by the Commission was to address a design concern and increase street visibility of a building feature on the adjacent property. As such, this change was simply a condition of approval for the building permit and NOT a CEQA mitigation to address any impacts to the environment. Given the project complies with CEQA Guidelines and there is no evidence of any significant impact to the environment, mitigation measures are NOT required.

Furthermore, Planning Staff reminded the Board that the overall height of the subject building (with the new addition) would remain shorter than, the neighboring buildings. Further, buildings on Buena Vista West Avenue are not designated as a scenic vista nor are they considered a scenic public setting. Importantly, views from Buena Vista Park, including ocean views, would not be blocked by the proposed project addition.

Concerns related to the Planning Commission's approved motion and intent are not a CEQA impact and do not substantiate nullifying the original issuance of the Categorical Exemption for the project. A hearing before the Board of Appeals, the more appropriate body to address concerns about the building permit, is already set for May 8th.

While Supervisor Scott Wiener had many questions for the Appellant and Planning Staff, he ultimately agreed with the decision and analysis of the Planning Department. The Board voted unanimously to uphold the Categorical Exemption Determination.

- **Items that were adopted this week on Final Read include¹:**
 - Market Street Masonry Historic District.
 - Deleting the Sunset Provision of the Excelsior Alcohol Restricted Use District

INTRODUCTIONS: None.

- **130248 Kim's Ordinance** amending Administrative Code - California Environmental Quality Act Procedures, Appeals, and Public Notice. We will work to bring this item to hearing quickly—publishing our case report next Thursday, April 18 and bringing to the next Commission hearings: PC on 4/25 and HPC on 5/1.

BOARD OF APPEALS:

(Anmarie Rodgers for Scott Sanchez, Zoning Administrator)

The Board met last night and considered one item that may be of interest to the Planning Commission - the appeal of a building permit application to allow a new 4-story building containing

¹ • Sacramento Street. The Land Use Committee considered an ordinance sponsored by Supervisor Farrell that would allow a very limited change to the Sacramento Street NCD. This ordinance would permit a change of use from Business or Professional Services use to Medical service use provided that no active use or residential space is lost. You recommended approval with two minor technical amendments on February 21 of this year. This week Supervisor Farrell amended the Ordinance per your recommendations and the Committee recommended approval of the revised Ordinance.

- The Committee also recommended approval of a landmark designation for 320 Judah Street also known as the Doelger Sales Building. The HPC recommended landmarking this building on October 3, 2013. Supervisor Wiener signed on as the legislative sponsor.

two commercial floors and one dwelling unit at 721 Beach Street. The subject property is located within the C-2 (Community Business) Zoning District and the Planning Commission heard a Mandatory DR for this project in March 2012, at which time the Planning Commission unanimously approved this project. Last night the Board unanimously upheld the Planning Commission's decision.

HISTORIC PRESERVATION COMMISSION:

No Report

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

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. (D. SIDER: (415) 558-6697)
[SMALL BUSINESS PRIORITY PROCESSING PILOT POLICY \(aka "SB4P"\)](#) - Discussion and possible action on a proposed Planning Commission Resolution that would establish a policy through which the Conditional Use process for certain small business applications would be streamlined.
 Preliminary Recommendation: Adoption

SPEAKERS: None
 ACTION: Adopted
 AYES: Fong, Wu, Antonini, Borden, Hillis, Moore, Sugaya
 RESOLUTION: 18842

7. (A. STARR: (415) 558-6362)
[2013.0398U](#)
FORMULA RETAIL IN THE UPPER MARKET NCD - Proposed Planning Commission Policy that would establish a methodology for determining the concentration of Formula Retail and set the appropriate level of concentration for Formula Retail in the Upper Market Neighborhood NCT and NCD.
 Preliminary Recommendation: Adoption

SPEAKERS: Pat Tura, Eric Honda, Wendy Mogg, Peter Cohen, Michael Colter
 ACTION: Adopted
 AYES: Fong, Wu, Antonini, Borden, Hillis, Moore, Sugaya
 RESOLUTION: 18843

- 8a. (E. WATTY: (415) 558-6620)
[2012.0403W](#)
CALIFORNIA PACIFIC MEDICAL CENTER'S LONG RANGE DEVELOPMENT PLAN (LRDP) - Informational Presentation on the revised Development Agreement between the City and Sutter West Bay Hospitals, doing business as California Pacific Medical Center (CPMC), affecting CPMC's existing St. Luke's, Davies, Pacific and California Campuses and proposed Cathedral Hill Campus, pursuant to Chapter 56 of the San Francisco Administrative Code. The proposed Development Agreement sets forth certain rights and obligations of the City and CPMC with respect to the Project. Public benefits

proposed in the Development Agreement, which will be discussed in greater detail at this hearing, include but are not limited to rebuilding of St. Luke's Hospital; and implementing healthcare, workforce development, housing, public improvement, and transportation programs.

Preliminary Recommendation: None – Informational Only

SPEAKERS: Ken Rich, Steve Nakajo, Marlene, Sasha Hahn, Linda Chapman, Dirk Demers, Gordon Mar, Jim Lazarus, Anna Lazo, Rich Nasca, Calvin Welch, Judy Lee

ACTION: None – Informational

8b. [2012-0403W-2009.0885EMTZCBRSK](#) (E. WATTY: (415) 558-6620)
1100-1101 VAN NESS AVENUE (CATHEDRAL HILL CAMPUS) - The Cathedral Hill Hospital site is a full city block bounded by Van Ness Avenue, Geary Boulevard, Franklin Street, and Post Street (Assessor's Block/Lot No.'s 0695/005, 006); the Cathedral Hill MOB site is on the east side of Van Ness Avenue, between Geary and Cedar Streets (Assessor's Block/Lot No.'s 0694/005, 006, 007, 008, 009, 009A, 010). The Hospital and MOB, along with an underground pedestrian tunnel connecting the two buildings under Van Ness Avenue, constitute the Cathedral Hill Medical Center – **Consideration of a Resolution of Intent to Initiate General Plan Amendments, pursuant to Planning Code Section 340**, to: (a) amend Map 5 (Bulk Map) of the Urban Design Element to reflect the maximum bulk dimensions proposed for the Cathedral Hill Hospital and MOB; (b) amend Map 1 (Generalized Land Use and Density Plan) of the Van Ness Area Plan in order to designate the Cathedral Hill Hospital and MOB sites as "the Van Ness Medical Use Subdistrict" and increase the allowable FAR for the MOB site from 7.1:1 to 7.5:1, (c) amend Map 2 (Height and Bulk Districts) of the Van Ness Area Plan to create a 230-V District coterminous with the Hospital site, thereby increasing the permitted height to 230'-0", and (d) amend the text of the Van Ness Area Plan to facilitate the development of a medical center at the transit nexus of Van Ness Avenue and Geary Boulevard and reflect various elements of this use. This requested action is associated with the Near-Term Projects on the Cathedral Hill Campus, identified in California Pacific Medical Center's Long Range Development Plan, which include, but are not limited to: (a) demolition of the existing vacant Cathedral Hill Hotel and office building and construction of a new, approximately 730,888 gsf hospital ("Cathedral Hill Hospital") with 276 underground parking spaces; (b) demolition of seven existing, vacant residential and commercial buildings along Geary Street, between Van Ness Avenue and Polk Street and construction of a new, approximately 261,691 gsf medical office building ("Cathedral Hill MOB") with 542 underground parking spaces; (c) conversion of Cedar Street to two-way operation west of the Cathedral Hill MOB garage ramp; (d) construction of a pedestrian tunnel under Van Ness Avenue to connect the Cathedral Hill Hospital and MOB; (e) interior renovation and reuse of an existing medical office/office building at 1375 Sutter Street as medical office; (f) various utility, streetscape and sidewalk improvements; and (g) associated implementation actions. The total number of garage spaces may vary by building but overall would not exceed the lesser of 990 or 125% of the Planning Code minimum required number of spaces.

Preliminary Recommendation: Approve

SPEAKERS: Ken Rich, Steve Nakajo, Marlene, Sasha Hahn, Linda Chapman, Dirk Demers, Gordon Mar, Jim Lazarus, Anna Lazo, Rich Nasca, Calvin Welch, Judy Lee

ACTION: Approved Initiation

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

MOTION: 18844

8c. [2012-0403W-2009.0886EMTZCBRSK](#) (E. WATTY: (415) 558-6620)
3555 CESAR CHAVEZ STREET (ST. LUKE'S CAMPUS) - The St. Luke's Campus is generally bounded by Cesar Chavez Street, Valencia Street, Duncan Street, San Jose Avenue, and 27th Street (Assessor's Block/Lot No.'s 6575/001, 002; 6576/021 and a

portion of San Jose Avenue between Cesar Chavez Street and 27th Street) - **Consideration of a Resolution of Intent to Initiate General Plan Amendments, pursuant to Planning Code Section 340**, to: (a) amend Map 4 (Height Map) of the Urban Design Element to reflect the proposed maximum height of 145'-0" for the proposed hospital site and 105' for the balance of the St. Luke's Campus; and (b) amend Map 5 (Bulk Map) of the Urban Design Element to reflect the maximum bulk dimensions proposed for the new hospital and medical office building at the St. Luke's Campus. This requested action is associated with the Near-Term Projects on the St. Luke's Campus, identified in California Pacific Medical Center's Long Range Development Plan, which include, but are not limited to: (a) the street vacation of a portion of San Jose Avenue, between Cesar Chavez and 27th Street and construction of a new approximately 214,061 gsf hospital over portions of the vacated street and an existing surface parking lot; (b) demolition of the existing St. Luke's Hospital Tower; (c); construction of a new approximately 98,959 gsf medical office building with approximately 220 underground parking spaces; and, (d) various utility, streetscape, sidewalk and other pedestrian improvements, including a new public plaza that will connect 27th Street to Cesar Chavez Street.

Preliminary Recommendation: Approve

SPEAKERS: Ken Rich, Steve Nakajo, Marlene, Sasha Hahn, Linda Chapman, Dirk Demers, Gordon Mar, Jim Lazarus, Anna Lazo, Rich Nasca, Calvin Welch, Judy Lee
ACTION: Approved Initiation
AYES: Fong, Wu, Antonini, Borden, Hillis, Moore, Sugaya
MOTION: 18844

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))

None

Adjournment: **3:28 P.M.**