

# SAN FRANCISCO PLANNING COMMISSION

## Meeting Minutes

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

Thursday, June 20, 2013

12:00 PM

Regular Meeting

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

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

STAFF IN ATTENDANCE: John Rahaim – Planning Director, Omar Masry, Michael E. Smith, Joshua Switzky, Aaron Starr, Jessica Look, Doug Vu, Adrian Putra, Sharon Lai, 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.

- 1a. 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 May 16, 2013)  
**(Proposed for Continuance to July 18, 2013)**

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

- 1b. 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  
**(Proposed for Continuance to July 18, 2013)**

SPEAKERS: None  
 ACTION: Continued as Proposed

## B. CONSENT CALENDAR

All matters listed hereunder constitute a Consent Calendar, are considered to be routine by the Planning Commission, and will be acted upon by a single roll call vote of the Commission. There will be no separate discussion of these items unless a member of the Commission, the public, or staff so requests, in which event the matter shall be removed from the Consent Calendar and considered as a separate item at this or a future hearing

2. [2012.0603C](#) (O. MASRY: (415) 575-5916)  
1881 POST STREET - southeast corner of Post and Fillmore streets, Lot 001 in Assessor's Block 0701 - **Request for Conditional Use Authorization** under Planning Code Sections 712.83 and 303 for the installation of a wireless telecommunications services (WTS) facility operated by AT&T Mobility. The proposed macro WTS facility would consist of five panel antennas, intended to provide Wi-Fi service. The antennas would be facade mounted on three elevations, alongside previously approved antennas (voice and data for AT&T Mobility, and other carriers) at the uppermost roof parapet of the movie theater. The facility is proposed on a Location Preference 2 Site (Co-Location Site) within a NC-3 (Neighborhood Commercial – Moderate Scale) Zoning, Japantown Special Use, and 65-A Height and Bulk Districts  
 Preliminary Recommendation: Approve with Conditions

SPEAKERS: None  
 ACTION: Approved with Conditions  
 AYES: Wu, Antonini, Borden, Hillis, Moore, Sugaya  
 ABSENT: Fong  
 MOTION: 18909

3. [2012.1473C](#) (M. SMITH: (415) 558-6322)  
1150 OCEAN AVENUE - north side between Phelan and Plymouth Avenues, Lot 003 in Assessor's Block 3180 - **Request for Conditional Use Authorization**, pursuant to Planning Code Sections 303(i) and 703.4, to establish a formula retail restaurant (d.b.a. Genji Sushi) inside the existing Whole Foods grocery store, located within the Ocean Avenue NCT (Neighborhood Commercial Transit) District and a 55-X Height and Bulk District  
 Preliminary Recommendation: Approve with Conditions

SPEAKERS: None  
 ACTION: Approved with Conditions  
 AYES: Wu, Antonini, Borden, Hillis, Moore, Sugaya  
 ABSENT: Fong  
 MOTION: 18910

## C. COMMISSIONS MATTERS

## 4. Consideration of Adoption:

- [Draft Minutes for June 6, 2013](#)

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.

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

## 5. Consideration of Adoption:

- Amended 2013 Planning Commission Hearing Schedule

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

## 6. 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'm sure that all of you were saddened to hear of the passing of James Gandolfini yesterday, a young age, it sounds like we're probably not going to be seeing a feature film, another feature film Sopranos because I know he's had a lot of different actors play Superman, but in my opinion there's only one guy who could play Tony Soprano and he's not with us anymore.

**Commissioner Borden:**

Two things, I don't know if you saw that Orchard Supply actually filed for bankruptcy and now it's been acquired by Lowes and I thought was really interesting because we heard an Orchard Supply not too long ago, and we turned that down and if we hadn't, we could of ended up with two Lowes, I guess. But that was an interesting development. Also earlier this week I got to attend an economic development boot camp in Fresno put on by the German Marshall Fund and they had this great firm called Street Sense, who has been working on retail corridors, actually worked with the Planning Department of the City of Washington, D.C., to put together something called Vibrant Streets, which is a tool kit that allows communities and neighborhoods to be active into how they create a vibrant neighborhood street. And this firm is really unique because they bring together planning, real estate, stats and a whole bunch of information and they talked a bit about the trends in retail evolution from the 50s through '80s where malls where the thing, now they're on the decline. They talked about the shift of what they call power center kinds of retail which is the big boxes, the Home Depots and how more of that retail is starting to go online. And that the type of retail that is flourishing is the specialty or commodity sort of retail, which is price and convenience driven and relates to discretionary spending. They said there is no formula around how much of that specialty and discretionary retail or what is ideal, but that that's kind of the trend. I thought

what was also very fascinating is along with that, they found -- they looked at great streets throughout the world, Champs-Élysées etc... they have a methodology, specific methodology they looked at and they looked at what was kind of the common factors and they of course did not tell us all because they sell this sort of information. But one of the things that were interesting was that width of sidewalks is less important, but undergrounding of power lines was more important. It was really interesting that when you look at the data kind of what it tells you. The other thing that was really fascinating was that the shift in Americans -- the way that we eat, they said 70% of dinner decisions are made after 4:00 P.M., in American households. So, that's the shift for Vibrant Streets in terms of the opportunity around a push for more restaurants or things in that space. And what they found in the most vibrant commercial corridors is that the 60 or 65% of food or food-related establishments seem to be what makes the difference in a lot of these more vibrant areas. The other thing that was kind of amazing that I thought they also brought up was that in all these kind of vibrant commercial corridors, there is at least one non-retail, non-cafe kind of component, something that's cultural and something that's nonprofit, something else that brings life to the city and bring people to the street other than just the retail or eating and drinking experience and that having that kind of anchor cultural sort of institution was also critical. So, anyway, I just thought it was really fascinating and if people want to see the tool kit they developed for the District of Columbia, it is available for free on the nonprofit called VibrantStreets.com. You can find kind of the tool kit and they have a whole list of different stages that you go through. But it is all about the community being the stakeholders and holding and driving the process of bringing the kind of retail mix in their neighborhood. I just thought it would be interesting. I don't know if there is a way we could ever have someone from this group come talk to us, but just kind of the way they have this insight into the trends and where things are going would really help us, I think, when we think about those spaces. And what they've actually said is they work with a lot of developers who build these projects and the spaces they design are the wrong spaces for retail and they have a whole host of reasons why that is true and it would be interesting, kind of, to understand that so that we could see be sensitive to the retail. Because often when we're approving projects, the primary concern is about the actual housing or the upstairs, but we don't think enough about the downstairs.

**Commissioner Sugaya:**

There was an article in the paper called Third on Third and I think in the Bayview they're trying to start up an arts walk on the third Thursday, I think, or Friday. Anyway, to kind of emulate the first Fridays in Oakland, which I thought was interesting. Also, there was a piece in the Business Times about a brew pub or something of that nature wanting to open up on 65 Taylor Street. I don't know if that's come to the Department yet, but I think the idea is that they want to sell like 155,000 different kinds of beer and to take advantage of the mid-market change that's been going on. 65 Taylor is right at Taylor and Turk, which I remember very well. In the case that involved the relocation of a grocery store and also the relocation of a liquor -- beer and wine sales, in that new location, which we denied. And there was a tremendous community concern about selling alcohol. Not only to take out, but also to consume, I believe, in that area. And, so, it's just an alert to the Department that I think it needs a conditional use permit from the Commission. I'm not sure about that, but I believe it would.

**Scott Sanchez, Zoning Administrator:**

I'm familiar with the use, I think I read the same article. I don't know if they've yet come in for the permits. The main distinction would be that this would be on-premise sales versus off-premise sales, which was the grocery store. I'll look into it and make sure they have obtained the proper permits.

**Commissioner Sugaya:**

Lastly, last Saturday I was a moderator at a morning session for an all-day forum on social heritage in various communities in San Francisco, and the morning session, there were various communities represented Japantown, Chinatown, the Filipino Community, South of Market, the Bayview and also the Mission District. And there the presenters gave us an idea of what kind of cultural and social heritage resources existed in the communities. Quite apart from historic preservation, which deals with physical fabric like houses and buildings and things, this was aimed more at festivals and dances and language and that kind of thing and what sustains those ethnic communities. The afternoon, there were presentations by representatives from the Sterling Bank and their program to help small business. There was a gentleman from I think it's called the Geller Foundation at the University of San Francisco where

they have a program to assist small and family businesses about how to run those businesses and sustain -- sustain their retail and businesses in various neighborhoods. Representative from San Francisco Heritage and a professor from Southern California, whose specialty is the barrio -- barrios in Southern California, and has written several books about sustainability and cultural resources, so, there were about 80 people in attendance and I think the upshot of this is we will be considering some -- a document from Japantown concerning their cultural and social heritage next month. And then the people I think there in attendance want to continue to see what can be done in the other neighborhoods and to build upon this initial meeting.

**Commissioner Moore:**

I wanted to thank the Director, the Zoning Administrator and Staff for including in our packages copies of letters of determination which in the past we never saw, but we're reading along of how you determine when somebody wants to legalize, or whatever, asking questions to you and you laying out of how you decide and what the rules are of what you do decide. It is very interesting to me and I appreciate that you are including them.

**D. DEPARTMENT MATTERS**

7. [Director's Announcements](#)

**Director Rahaim:**

Just a couple of announcements. I think as you know, the Board approved the designation of our first historic district since 2003. Finally, the Duboce Park District was designated last week and the Mayor, I think, had signed or will shortly sign the legislation. Secondly, the Department is starting its kind of more robust public outreach program, and the first will be -- we will be attending the Sunday Streets on the Great Highway at Golden Gate Park, that will happen Sunday, July 7th from 11:00 AM to 4:00 PM on the Great Highway and we will be having staff at a booth with plans and activities that we are doing in that part of town. So, that staff will be able to answer questions of the public in that part of town. And we will be attending several of those over the next few months as well. And as a reminder, we will also be doing a number of kind of educational seminars and webinars on different planning topics in the coming months. So, they're still being organized. Thirdly, I wanted to let you know about a series of workshops we're doing with the Market-Octavia Neighborhood related to the adoption of that plan which called for what are called living alleys. These are workshops to design some of the alleys in that neighborhood. The first of those will be a workshop on July 9th from 6:00 PM to 8:00 PM at the Hayes Valley Playground Recreation Center, 699 Hayes Street. This is a two-year community based program to design and implement a network of living alleys in the Market-Octavia area which was called for in the plan. We are doing this in concert with the neighborhood, with MTA, DPW and we -- the idea is to get to a point where we design concepts for three alley ways in that neighborhood which then could then be implemented over time. Again, that's July 9th from 6:00 PM to 9:00 PM at the Hayes Valley Playground Recreation Center. That concludes my report.

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

**LAND USE COMMITTEE:**

- **Better Market Street Hearing (Neil Hrushowy & Marlo Isaac)**  
The Better Market Street team provided a project update to the Land Use Committee on Monday, June 17. The presentation focused on the three options that will be presented at the public workshops scheduled for July 17<sup>th</sup> and 20<sup>th</sup>, next month. Supervisors Chiu and Wiener focused their comments on the need for the team to continue to make progress on the designs, while also initiating near-term projects and pilots that would offer the public and the City the opportunity to experience and evaluate some of the ideas from the three options. They asked the team for periodic updates to ensure the project moves forward expeditiously.
- **CEQA Ordinances.** Both Supervisors Wiener's and Supervisor Kim's CEQA ordinances were back before the Committee. Supervisor Wiener noted that this was the 11<sup>th</sup> public hearing on his

ordinance (inclusive of hearings before this commission). Supervisor Kim stated that she was pleased to see the two ordinances moving closer to each other in content. Supervisor Chiu said that he believes that the 11<sup>th</sup> hour is at hand and that the ordinances should move out of committee. He described the following amendments that he would like to make at the Full Board:

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

**Chiu's amendments were not made in committee. Both Supervisor Kim's ordinance and Supervisor Wiener's ordinance were forwarded to the Full Board for potential consideration next week. There is still a separate ordinance from Supervisor Kim that is pending for hearing before this commission and the HPC. This second Supe. Kim ordinance would establish a process for appeal to the PC of the ERO's decision about modifications to a project. Kim's second ordinance (and the potential Chiu ordinance addressing the same issue) have been scheduled for July 25<sup>th</sup> before this Commission.**

- **909 Tennessee.** This rezoning would change the district of this property from "Public" to "Urban Mixed Use" as the property is now privately owned. This new designation is consistent with adjacent parcels. The PC considered this rezoning on March 7 and the HPC considered it on Feb. 6. Both Commissions recommended approval. **This week the LU Committee also recommended approval to the Full Board.**
- **Mission Bay South Redevelopment Plan Amendments:** The Planning Commission found, on June 13<sup>th</sup>, that the proposed amendments are in conformity with the General Plan. The Land Use Committee on Monday forwarded the amendments with recommendation to the full Board. They will be heard at the June 25<sup>th</sup> hearing of the full Board.
- **CPMC:** On Monday, the Board of Supervisors' Land Use Committee heard the proposed Development Agreement and the associated amendments for the CPMC Hospital Rebuild Project. As you know, this Commission approved the revised project for CPMC on May 23, 2013.

At Monday's hearing, the Land Use Committee forwarded the project on to the full board. The Supervisors made several technical amendments to the DA, two of particular note are:

- **Supervisor Chiu** sought a compromise to the Commission's proposed amendment to strike the 7pm closure of the Cathedral Hill Garage, and instead suggested a 9pm closure time, unless arrangements have been made for residents or institutions in the area;
- Clarifying that the additional notification requirement that the Planning Commission added to the DA would be a 60-day notification. Although the Commission specified the parties who should be notified, we did not specify a duration of time associated with that notification. The revised Development Agreement and associated amendments will be at the full Board of Supervisors next Tuesday, June 25<sup>th</sup> for a first reading.

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

**Supervisor Wiener's** package of amendments regarding Mobile Food Facilities, or trucks, had its first hearing at the full Board on Tuesday, where all three related Ordinances passed on their first reading. As AnMarie reported to you last week, the package includes a Planning Code amendment as well as two related pieces of legislation that regulate Food Trucks: Board File 120193 (Public Works Code that

details locational and noticing requirements for Food Trucks), and Board File 121108 (Transportation Code related to permitting and licensing by DPW). **The DPW Code amendments address the location of food trucks on the public right of way in relation to schools, as well as food trucks associated with restaurants considered formula retail.**

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

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

#### **DPW Amendments (BF-120193) includes two sets of restrictions:**

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

#### **FINAL READING**

- **Condo-conversion Fee**, which was an amendment of the subdivision code, not heard by the Planning Commission. The Board approved on its FINAL reading this week.
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#### **INTRODUCTIONS:**

- While there were no draft Ordinances introduced that would impact Planning, Supervisor Avalos introduced a resolution regarding historic street signs in the Excelsior. The resolution would add the original street names of "China," "Japan," and "India" to current streets signs for "Excelsior," "Avalon," and "Peru."

#### **BOARD OF APPEALS:**

The Board of Appeals did meet last night, there were two items that may be of interest to the Commission. The first was an adoption of findings for 2130 Fillmore Street. I mentioned this to the Commission a few weeks ago. This was Osca, which, we determined it was not formula retail, because they do not have 11 or more stores in the U.S. They do have nine stores and they have leases for two more stores, one in Evanston and one in Healdsburg and the Board found, that the fact they have those two leases, it was counted toward the eleven establishment limit, and so that is a different process than we had in the past. We had not counted establishments that may have been proposed, only those that were actually open. The Board adopted findings, in fact last night the findings would be issued in 10 days. There is a 10 day rehearing period, once those findings are issued, then we would revise our policies to be in line with the Board's decision and interpretation of the Planning Code and we would amend our formula retail use affidavit to reflect that. So, people will have to testify whether or not they have leases

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



for 11 or more stores. And also would note the same Ms. Rodgers had mentioned in the past, there are some larger formula retail use control changes that are being proposed by some of the supervisors, district by district, and, so, the Department hopes to work holistically and come up with overall solution to some of the issues coming up related to formula retail. The other item was 1 Spruce Street; this was a Discretionary Review that the Planning Commission heard in April. The Commission unanimously approved the project. That was appealed to the Board of Appeals. Originally scheduled for hearing in July, but the parties had come to an agreement. So, there was a hearing on the item last night, and revisions were adopted according to their agreement, reduced the size of the addition slightly and did some landscaping. So, all the parties seemed satisfied and the Board adopted those changes.

#### **HISTORIC PRESERVATION COMMISSION:**

Tim Frye, Department staff, here to share with you the results of yesterday's Historic Preservation Commission hearing. I did have two small announcements just to follow-up on Commissioner Sugaya's comments regarding Saturday's San Francisco Architectural Heritage Summit. The Department was a partner in that summit and preservation staff presented on the City's current landmark designation work program with a focus on the recently designated Sam Jordan's Bar, as well as our current work in the Japantown and West Soma communities to document social and cultural heritage in those neighborhoods. And we felt it was a great opportunity to continue a conversation that started at this Commission at the end at the Historic Preservation Commission last winter and certainly when the JCHESS comes to you and the HPC. We would like to continue that conversation about how the City can better respond to documenting that heritage throughout the City. One other small announcement was on July 11th, the Department hosted a Mills Act Clinic within the Duboce Park Landmark District. This clinic was to provide technical assistance and an overview of the Mills Act for property owners within the newly designated district. There was a great turnout, over 25 property owners showed up, lots of questions and a lot of interest in participating in the program. Those applications will go to the Historic Preservation Commission and the Board of Supervisors this fall, once they're submitted. And we hope to carry that Mills Act Clinic on to the other existing landmark districts in the City over the next year. In regards to yesterday's hearing, the Architectural Review Committee met before the HPC hearing to review the design and provide feedback on two items. One is a new office development in the South End Landmark District of 272 Brannan Street. Overall the ARC was very supportive of the contemporary design and gave the architects some minor design feedback to improve the project. The ARC also reviewed some design modifications to the Belli Buildings at 722 and 728 Montgomery Street. As you know, these buildings have been in a partial state of construction for almost two decades. So, it was good to see some movement on the project and the overall proposal will be before the Historic Preservation Commission, hopefully by the end of this summer, early fall, and naturally there is a lot of interest in that project. And that project will be noticed to the community and the local neighborhood organizations. Once we have an application formally submitted. The full HPC had a very short calendar. They reviewed the EIR for the Ferry Terminal Expansion, but I think most importantly, they provided review and comment on a National Register nomination for 630 Samsone Street. This is the U.S. Appraiser Stores and Immigration Station. The National Register nomination is being initiated by the GSA. The Commission was very supportive of the nomination, but felt the documentation could benefit from a little more information about San Francisco's role as a gateway city to immigration, especially on the Pacific. And asked the preparer of the nomination to expand that documentation. So, with that, that concludes my comments unless you have any questions.

9. 2011.1356E (J. SWITZKY: (415) 575-6815)  
**CENTRAL CORRIDOR PLAN – Informational Update** on the planning process to create an integrated community vision for central South of Market area near the Central Subway corridor. The Plan area is generally bounded by Market, Townsend, 2nd and 6th Streets. The Draft Plan for Public Review was published in April 2013 and the EIR process has commenced. This brief informational item will update the Commission on the scope of continued community engagement in refining the Plan proposals through adoption in late 2014. Information on the Plan is available at <http://centralcorridor.sfplanning.org>.  
 Preliminary Recommendation: None - Informational

**SPEAKERS:** John Elberling - Office Development;



Tedone Deanna Gage, Council of Community Housing – Commercial Displacement.

ACTION: None – Informational

#### E. GENERAL PUBLIC COMMENT – 15 MINUTES

At this time, members of the public may address the Commission on items of interest to the public that are within the subject matter jurisdiction of the Commission except agenda items. However, for items where public comment is closed this is your opportunity to address the Commission. With respect to all other agenda items, your opportunity to address the Commission will be afforded when the item is reached in the meeting. Each member of the public may address the Commission for up to three minutes.

SPEAKERS: Tedone-Deanna Gage – Various

#### F. REGULAR CALENDAR

10. 2011.0558E (D. DWYER: (415) 575-9031)  
TRANSIT EFFECTIVENESS PROJECT (TEP) - Informational Presentation by Planning Department and SFMTA staff to provide an update on project progress for the SFMTA's Transit Effectiveness Project (TEP). The presentation will generally describe the TEP project components and the project's relationship to other SFMTA transit initiatives.

Preliminary Recommendation: None - Informational

SPEAKERS: + SFMTA – Staff Presenter;  
 = Tedone-Deanna Gage – Transit transfers.

ACTION: None – Informational

11. [2013.0647T](#) A. STARR: (415) 558-6362  
ARTICLE 2 SIMPLIFICATION AND DEFINITION CONSOLIDATION - Informational Presentation by Planning Department staff on a staff initiated proposal to reorganize Article 2 of the Planning Code into a format similar to Articles 7 and 8 of the Planning Code, consolidate Planning Code definitions into Section 102, and have all zoning districts reference one set of use definitions.

Preliminary Recommendation: None - Informational

SPEAKERS: + Andrew Junius – Code Consolidation;  
 = Tedone-Deanna Gage – Planning Code.

ACTION: None – Informational

12. [2013.0160T](#) (J. LOOK: (415) 575-6812)  
CASTRO STREET NEIGHBORHOOD COMMERCIAL DISTRICT USE SIZE LIMITS -  
 The Planning Commission will consider a **proposed Ordinance** that would amend Sections 121.2 and 715.1 of the San Francisco Planning Code, regarding the Castro Street Neighborhood Commercial District controls [Board File No. 130263]. This proposed Ordinance, introduced by Supervisor Wiener, would allow a neighborhood-serving nonprofit institution to exceed the use size limits with a Conditional Use Authorization; and would adopt 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

SPEAKERS: + Andrew Powers – Aide to Sup. Wiener;  
 + Neil Guilliano, Stop AIDS Project - Insufficient Capacity for services;

+ Gustavo Sovenian, CBD;  
 - Michael Verdone – Spot Zoning;  
 = Tedone-Deanna Gage – Tenants in the Castro  
 ACTION: Adopted a Recommendation for Approval  
 AYES: Fong, Wu, Antonini, Borden, Hillis, Moore, Sugaya  
 RESOLUTION: 18911

13a. [2011.0099C](#) (D. VU: (415) 575-9120)  
1759 LINCOLN WAY - southeast corner of 19<sup>th</sup> Avenue and Lincoln Way; Lot 043 in Assessor's Block 1732 - **Request for Conditional Use Authorization**, pursuant to Planning Code Sections 157, 187.2 and 303, to demolish four service bays, construct a new convenience store and mechanical car wash, and provide two accessory parking spaces above the amount permitted by the Planning Code at an existing Automotive Service Station (d.b.a. Shell) within a RM-2 (Residential – Mixed, Moderate Density) District, and 40-X Height and Bulk District.  
 Preliminary Recommendation: Approve with Conditions  
 (Continued from Regular Meeting of May 16, 2013)

SPEAKERS: + Ahmad Mohazab, Project Sponsor Representative;  
 + Sunny Goyal, Project Sponsor;  
 - Flo Kimmerly, Mid-Sunset Neighborhood Association – Congestion, Safety, Quality of Life;  
 - Angelo Tickler, Sunset Merchants Association;  
 - Denise Daly – Scope of Project impact to traffic congestion;  
 - Dorine Silk - Scope of Project impact to traffic congestion;  
 - Sam Dabit – Parking for customers and delivery is insufficient;  
 - Tess Barbieri – Traffic;  
 - Judy Tomsic, BMW (Bike, Muni or Walk) - Transit First Policy, Pedestrian Safety, Project Scope Reduction;  
 - Maisy Yip – Negative impacts to nearby residents, use of chemicals, property values;  
 + Siavash Mosayeri - not many car washes in the City;  
 + Shi Hao Kwang – Convenience;  
 + Hugo Cerna;  
 = Tedone-Deanna Gage – Safety, money;  
 + Matt Going, Traffic Engineer – Responding to Commission questions.

ACTION: Approved with Conditions as amended to include:  
 1. Limit the car wash hours of operation to 9 pm; and  
 2. Allow up to two (2) additional parking spaces as long as the buffer is preserved.  
 AYES: Fong, Wu, Antonini, Borden, Hillis, Moore, Sugaya  
 MOTION: 18912

13b. [2011.0099V](#) (D. VU: (415) 575-9120)  
1759 LINCOLN WAY - southeast corner of 19<sup>th</sup> Avenue and Lincoln Way; Lot 043 in Assessor's Block 1732 – **Request for a Variance** from the required rear yard (Planning Code Section 134) to allow a portion of the mechanical car wash to encroach 27 feet and the machine and storage room portion of the building to encroach 45 feet into the rear yard. The proposed project would demolish the existing 2,334 square foot building that contains four service bays and a convenience store, and construct a new 2,369 square foot convenience store and 1,327 square foot mechanical car wash with two accessory parking spaces at an existing Automotive Service Station (d.b.a. Shell Gas Station) within

a RM-2 (Residential – Mixed, Moderate Density) Zoning District, and 40-X Height and Bulk District.

**ZONING ADMINISTRATOR CLOSED THE PUBLIC HEARING AND INDICATED AN INTENT TO GRANT**

14. [2012.1356C](#) (A. PUTRA: (415) 575-9079)  
2100 MARKET STREET - northwest corner of Market and Church Streets; Lot 041 in Assessor's Block 3542 - **Request for Conditional Use Authorization**, pursuant to Planning Code Sections 303 and 703.4 to allow a formula retail use operating as a restaurant (d.b.a. Chipotle) with an outdoor activity area within the Upper Market Street Neighborhood Commercial Transit District and 40-X/60/65-X Height and Bulk District.  
 Preliminary Recommendation: Disapprove

- SPEAKERS:**
- + Andrew Junius, Chipotle Counsel;
  - + Chipotle Architect;
  - + Chris Arnold, Chipotle, Sponsor – Not owned by McDonald,
  - Pat Tura, President of Duboce Triangle Neighborhood Association – Chipotle Stock position, Huffington Post, GMO's;
  - Wendy Mogg, Sweet Inspiration – Recognizing existing locally owned Mexican restaurants;
  - Michael Goal, DTNA, Upper Market – Castro is unique because of the diversity;
  - + Gustavo Serena, CBD – No successful independent restaurateur, vacant building, previously occupied by formula retail, blighted site;
  - + Peter Gouldt – Not competing with local Mexican restaurants, too many vacancies;
  - Victor Juarez, Restaurant Owner across the street - negative competition;
  - Daniel Chester – Confident a local retailer can make the site into a successful business,
  - Male speaker;
  - Jay Davidson – Opposed to formula retail, message to owners;
  - Sylvia Guire – The restaurant is her family's life, and is afraid they will be forced to close their business;
  - + John Corrello, Project Sponsor – Previous unsuccessful business;
  - + Christina Corrello Waldeck – Project Sponsor;
  - Eduardo Juarez, Casa Mexicana Owner – Supports his family with his restaurant;
  - + Scott Marlo – Jobs with increased housing opportunities, it will provide more options to them;
  - Male Speaker - In support of local business;
  - + Mike Brisbane – 15 vacant buildings along Church Street;
  - Jennifer Ewing – Personal story, work with Chillango;
  - + Ken Waldeck – Negotiates leases on behalf of the Project Sponsor;
  - + Male Speaker – Chipotle practices;
  - Tim Dunn – Suburban urban design at a prominent corner;
  - Leo Gioavanno – wrong place;
  - + Terry Aston Bennett – Chipotle outreach and good neighbors;
  - Gary Weiss, EVNA – Castro visitors do not come for formula retailers found anywhere. EVNA Board and members are opposed;
  - Deniss Richards – Loves Chipotle, but it is not necessary or desirable at this location,
  - David Troupe – Commercial tenancy is cyclical.

ACTION: Disapproved  
 AYES: Fong, Borden, Hillis, Moore, Sugaya  
 NAYES: Antonini  
 ABSENT: Wu  
 MOTION: 18913

15. [2013.0479C](#) (S. LAI: (415) 575-9087)  
443 CLEMENT STREET - south side of Clement Street between Fifth and Sixth Avenues; Lot 039 in Assessor's Block 1437 - **Request for Conditional Use Authorization**, pursuant to Planning Code Sections 303, 716.44, 790.91 and 790.142 to allow a change of use from a vacant commercial space that was last occupied by a retail store (d.b.a. Five Star Discount Store) to a Restaurant (d.b.a. Happy Sushi) which will operate as a Bona Fide Eating Place. The property is located within the Inner Clement Neighborhood Commercial District, and 40-X Height and Bulk District.  
 Preliminary Recommendation: Approve with Conditions

SPEAKERS: + Judy Cheng, Project Sponsor – Vacant space  
 ACTION: Approved with Conditions  
 AYES: Fong, Antonini, Borden, Hillis, Moore  
 NAYES: Sugaya  
 ABSENT: Wu  
 MOTION: 18914

- 16a. [2013.0573D](#) (M. CORRETTE: (415) 558-6295)  
68 PRESIDIO AVENUE – northeast corner of Presidio Avenue and Jackson Street; Lot 010 in Assessor's Block 0974 - **Request for Discretionary Review** of Building Permit Application No2013.03.01.1348 which proposes to extend the existing roof deck approximately 30 feet to the west and surround the deck with an open metal railing. Other work includes the installation of an outdoor roof top gas-burning fire pit on the north side wall together with a 10-foot length of solid 1-hour rated 42" high parapet; the remodel of the existing penthouse; repair or replacement of the existing required fire escape and on the three-story over garage single-family dwelling within a RH-1 (Residential House, One-Family) Zoning District and 40-X Height and Bulk District.  
 Staff Analysis: Abbreviated Discretionary Review  
 Preliminary Recommendation: Do not take Discretionary Review and Approve

#### **DISCRETIONARY REVIEW APPLICATION WITHDRAWN**

- 16b. [2013.0574D](#) (M. CORRETTE: (415) 558-6295)  
68 PRESIDIO AVENUE – northeast corner of Presidio Avenue and Jackson Street; Lot 010 in Assessor's Block 0974 - **Request for Discretionary Review** of Building Permit Application No. 2013.03.22.2867 being a consolidation of previously approved Building Permit Application Nos. 2011.1014.6891, 2012.0118.2486, 2012.0323.6788 and 2012.1120.4610, which collectively included: interior renovations, expansion of the garage to three car parking, adding a level of occupancy below the existing house, a new elevator, window replacement, rebuilding of front stairs, exterior stucco replacement, a new rear terrace and new fence at the three-story over garage single-family dwelling within a RH-1 (Residential House, One-Family) Zoning District and 40-X Height and Bulk District.  
 Staff Analysis: Abbreviated Analysis Discretionary Review  
 Preliminary Recommendation: Do not take Discretionary Review and Approve

#### **DISCRETIONARY REVIEW APPLICATION WITHDRAWN**

17. [2012.0112D](#) (T. WANG: (415) 558-6335)

**201 FAIR OAKS STREET** – on the southeast corner of Fair Oaks & 23rd streets; Lot 032 in Assessor’s Block 3647 – **Request for Discretionary Review** of Building Permit Application No. 2012.01.05.1778, proposing to legalize the expansion of an existing deck on the second floor roof of a two-story plus penthouse, mixed-use building 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:**
- Mark Anderson, DR Requestor – Opposed to penthouse roof deck;
  - Mary Elizabeth Croft;
  - Veronica Gainer – Uphold the private agreement;
  - (Female) Moser – Uphold the private agreement;
  - Charles Moser – Uphold the private agreement;
  - Gary Cole – Uphold the private agreement;
  - Andy Segal – Uphold the private agreement;
  - + Alice Barkley, Project Sponsor Counsel;
  - + Kenneth Aaron, Owner;
  - + Allegra Aaron;
  - + Chandra Askin;
  - + Karen Hoffman.

**ACTION:** Took DR to allow an expanded deck set back five (5) feet from the front parapet, with a depth of 19’2”.

**AYES:** Fong, Antonini, Borden, Hillis, Moore

**NAYES:** Sugaya

**ABSENT:** Wu

**DRA No:** 0325

**G. PUBLIC COMMENT**

At this time, members of the public may address the Commission on items of interest to the public that are within the subject matter jurisdiction of the Commission except agenda items. With respect to agenda items, your opportunity to address the Commission will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Commission has closed the public hearing, your opportunity to address the Commission must be exercised during the Public Comment portion of the Calendar. Each member of the public may address the Commission for up to three minutes.

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

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

None

Adjournment – **8:07 PM**