

SAN FRANCISCO PLANNING COMMISSION

Meeting Minutes

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

Thursday, August 1, 2013
12:00 p.m.
Regular Meeting

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

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

STAFF IN ATTENDANCE: John Rahaim – Planning Director, AnMarie Rodgers, Omar Masry, Christine LaMorena, David Alumbaugh, Joy Navarrete, Aaron Starr, Rachel Schuett, Corey Teague, Thomas Wang, Sara Vellve, Sharon Lai, and Jonas P. Ionin - Acting Commission Secretary.

SPEAKER KEY:

- + indicates a speaker in support of an item;
- indicates a speaker in opposition to an item; and
- = indicates a neutral speaker or a speaker who did not indicate support or opposition.

A. CONSIDERATION OF ITEMS PROPOSED FOR CONTINUANCE

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

1. 2013.0224C (D. HARRIS: (415) 575-9102)
3331 24th STREET - south side, between Mission and Bartlett Streets, Lot 025 in Assessor's Block 6516 - **Request for Conditional Use Authorization** under Planning Code Sections 303, 736.24, and 790.70, to establish an outdoor activity area, for seating and bocce ball, located the rear of an existing restaurant (d.b.a. Rustic) in the Mission Street NCT (Neighborhood Commercial Transit) Zoning District and 55-X Height and Bulk designation.
Preliminary Recommendation: Pending
(Proposed for Continuance to August 8, 2013 September 19, 2013)

SPEAKERS: None
 ACTION: Continued to September 19, 2013
 AYES: Fong, Wu, Antonini, Borden, Moore, Sugaya
 ABSENT: Hillis

2010.0222E (K. ZUSHI: (415) 575-9036)
248-252 9TH STREET - west side between Howard and Folsom Streets; Lots 006 and 007 of Assessor's Block 3518 - **Appeal of Preliminary Mitigated Negative Declaration** for the merger of the two lots, totaling 5,000 square feet, on the project site, demolition of the existing buildings currently used as storage, and construction of a five-story, 50-foot-tall, 18,697-sf mixed-use building including 15 dwelling units and 3,126 square feet of ground floor commercial/restaurant space. The proposed project would include no parking spaces. The project site is located in a RCD (Regional Commercial District).

Preliminary Recommendation: Uphold Preliminary Mitigated Negative Declaration
 (Continued from Regular Meeting of July 18, 2013)
(Proposed for Continuance to September 19, 2013)

SPEAKERS: None
 ACTION: Continued to September 19, 2013
 AYES: Fong, Wu, Antonini, Borden, Moore, Sugaya
 ABSENT: Hillis

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. [2011.0730C](#) (O. MASRY: (415) 575-9118)
750 PHELPS STREET – along the east side of Quint Street between Newcomb and Jerrold Avenues, Lot 001 in Assessor's Block 5280 – **Request for Conditional Use Authorization** under Planning Code Sections 234.2 and 303 for the modification of a wireless telecommunications services (WTS) facility operated by Sprint. The proposed macro WTS facility modification would consist of the removal of all six-roof-mounted panel antennas and the installation of three panel antennas and one microwave dish flush mounted to four locations along the uppermost facade portion of the building. The facility is proposed on a Location Preference 2 Site (Co-Location) within a P (Public) Zoning and 65-J Height and Bulk District.
 Preliminary Recommendation: Approve with Conditions

SPEAKERS: None
 ACTION: Approved with Conditions
 AYES: Fong, Wu, Antonini, Borden, Moore, Sugaya
 ABSENT: Hillis
 MOTION: 18933

3. [2012.1480C](#) (C. LAMORENA: (415) 575-9085)
124 AND 126 CLEMENT STREET - north side between 2nd and 3rd Avenues; Lots 020-021 in Assessor's Block 1431 - **Request for Conditional Use Authorization**, pursuant to Planning Code Sections 303, 716.21, and 716.44 to expand an existing restaurant (d.b.a. Chapeau!) located at 126 Clement Street into the adjacent vacant commercial space located at 124 Clement Street. The resulting restaurant would be approximately 3,600 square feet in area. The subject properties are located within the Inner Clement Street Neighborhood Commercial Zoning District and 40-X Height and Bulk District.

Preliminary Recommendation: Approve with Conditions

SPEAKERS: None
 ACTION: Approved with Conditions
 AYES: Fong, Wu, Antonini, Borden, Moore, Sugaya
 ABSENT: Hillis
 MOTION: 18934

4. [2013.0859T](#) (A. STARR: (415) 558-6362)
AMENDMENTS TO THE PLANNING CODE TO CHANGE THE FREQUENCY OF VARIOUS REPORTS PREPARED BY THE CITY CONTROLLER [BOARD FILE NO. 13-0549] - Ordinance amending the Planning Code Section 409 to modify when the Controller is required to issue various reports and making environmental findings, and findings of consistency with General Plan.
 Preliminary Recommendation: Adopt a Recommendation for Approval with Modifications

SPEAKERS: None
 ACTION: Approved with Conditions
 AYES: Fong, Wu, Antonini, Borden, Moore, Sugaya
 ABSENT: Hillis
 RESOLUTION: 18935

C. COMMISSION MATTERS

5. Consideration of Adoption:

- [Draft Minutes for July 18, 2013](#)

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

Adoption of Commission Minutes – Charter Section 4.104 requires all commissioners to vote yes or no on all matters unless that commissioner is excused by a vote of the Commission. Commissioners may not be automatically excluded from a vote on the minutes because they did not attend the meeting.

7. 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 have a few items, in light of the concert last Friday night with Jay Z and Justin Timberlake at the Candlestick; I am still questioning whether or not it's advisable for the City to demolish Candlestick after the 49ers are no longer playing there. I don't know what the maintenance costs would be per year, but obviously, there are other uses that a stadium, if it were maintained adequately, could take part, in that facility, and again by doing this, it puts us in a position where we no longer have a venue that seats 60,000 plus so and there are certain events that require that, so, we again we will be losing revenue to other sites. It's just something I wanted to get an opinion on from staff and also the whole nature of Prop G where, there was to have been a \$100,000,000 put into new a stadium, which is not happening at Hunters Point, but I wondered what happens with that money that was part of the a preconditions for

the developer to be able to develop Hunters Point and Candlestick Point. It would seem like that money still has to be spent to some kind of use that involves a stadium. So those are some questions for the future. I also heard recently that we are now requiring conditional uses for existing parking lots citywide. I knew that was some of that occurring down around AT&T Park, but from a couple of people, have questioned, when this came about and when it became citywide and what the thinking is and also, so I would like to hear an answer on that, maybe not today, but I would like to find out. Because I don't remember anything coming before us, obviously it may have been an administrative code, but it would come before us, for their CU's. These are existing lots these are not lots that would be new, from what the public is asking me, over every few years they would have to come for a conditional use or at least once to have their use continued in its present form, unless they are non-conforming at that particular time, I am not sure of the whole nature of that question. Another question is on design review, as we will read later on our report on the Port. The Port -- the BCDC has a function of design review, according to the report that is coming up later on Port properties and we know in the Presidio there's a body probably the Presidio Trust, or a part of the Presidio Trust that has a design review and we do not really have a design review per se, we have -- it comes before the Planning Commission, but often times the design is pretty well put together by the time it comes to us and often times we go through many hearings and a lot of changes that have to occur and I'd like to know if there's a way we could see designs a little earlier in the process and get a comment because while much of what's been built has been very good, there are some projects in my opinion, that don't look very good and look very cheaply built, and it is a little too late to do it when they are already built. Then Rincon Hill, John King had an article in yesterday's Chronicle and it was well written and describes all the building that is going on. One particular property he said is still in design approval and I'm sure that may be, but I think the permit's has been pulled on this happened to be 399 Fremont, but I guess, if they haven't begun construction it could be that even though the permit has been pulled they are still undergoing some design review, I thought this was pretty much finished and it was ready to go, but ah -- anyway, that is what he put that in the paper, which does not necessarily mean and I don't know if Director Rahaim has any information?

Director Rahaim:

Typically what happens Commissioner, when you approve a project there is a standard condition that requires developers to continue to work with staff on refining the design. There are typically two permits that then we review. One is the site permit and we sign off on the site permit before DBI can issue it, and the second package that we review is called the architectural addenda which is, that is where a lot of the details of the design is worked out so it could be that the site permit was issued, but not the permit that would be associated with the architectural addenda.

Commissioner Antonini:

Thank you, I just happened to be walking by there and saw they'd already pulled the permit, but that answers my question and it looks like Mr. King is accurate in his status for that. And then finally on the Secretary Search Sub-Committee, there was a meeting held yesterday, unfortunately in my opinion, we have had to continue this matter until September 11th on procedural matters and again my apologies to everyone that it is taking a long time. But you can't do too much about it, I think President Fong may have some comments and issues surrounding the procedural issues.

Commissioner Sugaya:

I have a request for the Commission to adjourn today's meeting in memory of Alice Carey. She was the founder of Carey and Co., which is an architecture firm here in San Francisco. Started it in 1983 at her dining table, instead of a garage, and built her practice and through the years and got a big break in 1991, when she was awarded to be the preservation architect for all of the Civic Center buildings here, that were damaged in the Loma Prieta Earthquake. So her practice really took off then and included the Opera House obviously, and City Hall. Other notable civic projects include the State Library and Court buildings in Sacramento, and the State Capitol, where we still continue to do work. You won't be able to see much of it, because it all has to do with mechanic systems and fan rooms, as they are called. Here in the City, the firm was the Preservation Architects for the Palace of Fine Arts and Noe Valley Library and she also gave time to the City that she really loved. In 1988 she was appointed by the Mayor Agnos, at that time, to be a member of what was called the Landmarks Preservation Advisory Board, which is now morphed into the Historic Preservation Commission. I was on that Board on that time; we tried not to give Kate too much problems. Kate was our City Attorney at that time. She was also on the Board of San Francisco Beautiful, the S.F. COURT Sister City Committee and as a neighborhood advocate formed what was called The Rincon Tenacious Tenants on Guy Place in the Rincon Neighborhood. They affectionately called it Rin Tin Tin. Despite that, she was appointed to be a member

of the Rincon Point South Beach Advisory Committee, so maybe some neighborhood activism does you some good. She was really most proud of her work at City Hall, so if you walk through the building and observe it from the outside it's pretty much the way it had been since the rehabilitation took place in early 1990s. She was almost proud of the Old Engine Company Number 2, which is an old fire station at 460 Bush Street. In the offices of the firm and I think she also tried to point out that she was able to use all of the historic preservation incentives that are available for people and owners to rehabilitate their buildings and that include the Federal Historic Tax Credit Program, which returned 20% in credits, the use of the State Historical Building Code. She was, I think, one of the first owners to obtain a Mills Act Contract with the City, which lowers your property tax rate and then she also has a façade, which is called a façade easement, that I believe, is under the control now of San Francisco Heritage. And I think for all of you who have ever seen a French maroon Deuceveau, I think, that is what they're called, running around the City that was Alice. I don't know if Richard still has his or not, but this was a distinctive little car that I think people wondered, what is that?

Commissioner Fong:

Sorry to hear that, and thank you for that nice bio.

Commissioner Moore:

You had a comment in response.

Commissioner Fong:

I want to just follow up on Commissioner Antonini's comment about the Search Committee for the secretary role and if Kate Stacey wants to correct me on anything here, feel free to. But I just want to clarify, going back in time, first of all, I want to thank everyone for their effort and their time to sit on the committee, Commissioners Borden, Moore and Antonini, it has been a time effort. But I want to clarify going back, I believe that I and this Commission agreed that we were going to select this subcommittee with the equal members from this Commission and the Historic Preservation Commission and that Subcommittee was going to vet potential candidates, interview them and then make a recommendation back to this full Commission, and that hopefully this full Commission would accept that recommendation and proceed forward. So, I just want to make clear that, that was the intent of this Commission some months back.

Kate Stacey, City Attorney's Office:

President Fong, Kate Stacey from the City Attorney's Office. So just to clarify, it is your intent that the Committee makes a recommendation as a whole, so all six of the members would make one recommendation, as one Committee.

President Fong:

That is correct.

Commissioner Moore:

I want to first acknowledge the passing of Alice Carey, who will be sorely missed as a person and as a professional. The legacy of her achievements are around us sitting in this building and having enjoyed this superb historic preservation is just one example of the many things we enjoy in the exquisite nature of historic preservation in the City. So I look forward to closing in her memory, for all us tonight. On another matter, I had a very interesting article, which I will pass around. Perhaps you can all look at it. There is the San Francisco Giants planned the first ever edible garden on the outfield of an American major sports facility. It is well designed. It has a lovely story to it. I don't know baseball enough and I do not if there are conflicting land uses, if a baseball heats a tomato or whatever would be, but the idea was very powerful, because the facility sits around with a huge amount of land and doing it this way, I think, speaks for all of the things that we all share and feel proud of. So, I want to pass this around. While we normally don't comment on commissioners I'd like to conversationally add that the Port has a design review, which is filled by six registered architects, highly competent and very well suited group to comment and guide the design of the Port's projects.

Commissioner Sugaya:

Yes, on a more lighthearted note. I found an article in the New Yorker about a Planning Commission meeting in New York. It's a little bit different than the ones we have because this one happened to have been attended by Spike Lee,

Walt Frazier and Earl Monroe, sports fans, and members of the Knicks and the Rangers. I'll pass it around. It was before the Subcommittee on Zoning and Franchises - I don't know Director Rahaim, I do not know the structure of New York's decision making, but it appears to be quite different than ours.

Director Rahaim:

The one comment I would make is that the Director of the New York City Planning Department is also the Chair of the City's Planning Commission.

D. DEPARTMENT MATTERS

8. Director's Announcements

Director Rahaim:

Thank you Jonas. Commissioners, just a couple of announcements, one is, I think you may have heard that the Rincon Hill Park in front of 333 Harrison has now been made available to the public, via an arrangement that was worked out by the developer with the Parks Alliance. The developer will own and maintain the park and the Parks Alliance has a conservation easement and the park will be open during normal business hours. I think the arrangement is sunrise to sunset. That park, which had always been intended to be a public space, will now be available to the public and be actually maintained by the private property owner, which is an arrangement that we had been working with the owner and the Parks Alliance. I also want to mention, in terms of Departmental personnel issues. Jose Campos who is the Director of Citywide Planning has left the Department and you may have heard this, that he left earlier this week. His new position required him to leave on fairly short notice, he's returned to Barcelona, and in the interim Joshua Switzky will be the Acting Director of Citywide, but I will be announcing a new search for a Long Range Planning Director in the next few weeks.

Commissioner Moore:

Director Rahaim, you probably did not mean to say that you will be searching for a new Planning Director.

Commissioner Moore:

No, I am not searching for my replacement; I am searching for a new Director of Citywide Planning.

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

LAND USE COMMITTEE:

- The Land Use Committee heard, a Planning Code amendment introduced by Supervisor Avalos that would amend the controls that address the loss of dwelling units through demolition, conversion, and merger, as well as to amend the way that alterations to nonconforming units are limited in the Planning Code. At the hearing, the item was continued to the Call of the Chair at the request of Supervisor Avalos. He wanted to introduce substitute legislation on Tuesday to split the file. The Planning Commission considered the item on July 18, 2013. The Commission was supportive of the proposed amendments to the demolition controls, and had requested additional time to consider the proposed amendments to Section 181, which concerns nonconforming uses. The Planning Commission has calendared the nonconforming uses item (proposed amendments to Section 181) for September 19, 2013. **It is anticipated that Supervisor Avalos will move forward with the changes to demolition controls after the Board's august break and that he will wait to hear from the Commission after you 9/19 hearing.**

- The Land Use Committee held a hearing to discuss the City's landmark Parklet Program, administered through the Pavement to Parks at the Planning Department in coordination with the Department of Public Works and the Municipal Transportation Agency. Paul Chasan from the Planning Department delivered an overview of the parklet program's origins and recent notable projects. A panel of local parklet stakeholders including designers, parklet hosts and sponsors, and nonprofit supporters presented their experiences as participants in the Parklet Program. Craig Hollow – designer, educator, and community organizer – related his experience shepherding a parklet project through design and implementation as a youth development project with the Out of Site Youth Center in the Excelsior District. The Committee Members posed questions related to the future of the Parklet

Program. These questions addressed issues of equity and geographic distribution throughout the City, assessing the potential impacts of parklets to car parking and economic development. Supervisor Mar recognized the success of parklets in other neighborhoods and noted the upcoming installation of a new parklet in the Inner Richmond. Supervisor Wiener emphasized the need for the City to not only continue, but augment, the resources allocated to the Parklet Program.

FULL BOARD OF SUPERVISORS:

HEARING

The board heard two appeals related to a proposed wireless telecommunications facility at 4216 California Street. Both the Commission's CU authorization & the Department's CEQA determination were appealed. The Commission had approved this CU on June 6. At that time you added additional conditions to ensure that the equipment on the ground floor was sealed from potential flood events that additional fire safety methods were implemented, and you asked that staff continue to work with the project sponsor on design modifications. The appellant continued to raise issues related to the Building & Fire Codes and expressed doubt that DBI would properly implement their requirements. In our response the Department explained that the Building Code & Fire Codes are not discretionary and that DBI would not approve a project until it met the requirements. During the hearing Supervisor Mar asked questions about potential flooding and battery safety. Supervisor Yee asked the project sponsor if they could further raise the height of the battery casings. The project sponsor agreed to make this change. The project was located in Supervisor Farrell's district and he expressed empathy with the appellants concerns while also assuring them that he didn't believe this project would present a public safety threat. **The Board then voted to uphold the CEQA exemption and affirm the Commissions CU, with only Supervisor Mar voting against the motion.**

PASSED ON SECOND READING

- **BF 130459 – Mission Alcoholic Beverage Special Use District and Valencia Street NCT.** The Land Use Committee considered the proposed amendments to the Mission Alcoholic Beverage Special Use District and the Valencia Street NCT, sponsored by Supervisors Campos and Wiener. The Planning Commission had considered the amendments last week at the July 18th Planning Commission hearing, and had passed Resolution 18926 (6-0) in support, with technical modifications to clarify implementation. At the Land Use hearing, there were two speakers in support. Supervisor Wiener made the amendments recommended by the Planning Commission, as well as an amendment clarifying that the controls do not apply outside the border of the SUD.
- **BF 130464 – CEQA Procedures, Appeal of Exempt Project Modifications.** The Ordinance would amend Chapter 31 of the Administrative Code to provide for an appeal of the ERO's decision regarding whether an exempt project that has been modified requires a new determination. Last week the HPC recommended approval of Supervisor Kim's proposal. This commission moved to approve Kim's proposal, but that motion failed 3-2. This commission did pass a resolution conveying this vote count to the Board.
- **BF 130712 – Interim Zoning Controls for Formula Retail Uses on Market Street, from 6th Street to Van Ness.** The Land Use Committee considered a resolution that would impose interim zoning controls requiring Conditional Use authorization for formula retail uses on Market Street for 18 months. At the hearing, Supervisor Kim introduced amendments that limited to controls to five types of formula retail uses:
 - Restaurants
 - Limited Restaurants
 - Financial Services
 - Fringe Financial
 - Pharmacies.

Also, the interim controls were limited to stores that have frontage on Market Street. In consideration of this CU, the sponsor must prepare an economic impact report.

- **706 Mission was before the LUC on Monday & the Full Board on Tuesday.** The Planning Code & Zoning Map Amendments.

- **General Plan & Planning Code Amendment for Bicycle Parking.** The Bicycle Parking legislation and along with the re-adoption of General Plan amendments for the Bike Plan were before the Land Use Committee on Monday. This Commission approved these two ordinances unanimously on May 16th with some modifications. Since then Supervisor Avalos made amendments to the legislation to allow for temporary exemptions for existing City-owned buildings. **This Ordinance is now co-sponsored by Supervisors Chiu, Wiener, Campos, Mar, and Kim.**
- **Inclusionary Housing.** This Ordinance would amending the Planning Code to add a definition of “significant increase in residential development potential” consistent with the Housing Trust Fund provisions in Charter. The Planning Commission recommended approval on June 6th. The Board can only approve or disapprove but like the PC could not amend the proposal from the Housing Review Committee. (20% or more increase in FAR, change to residential, or for parcels with development capacity of 10+ units, a 50% or more increase or an addition of 15 or more du). **This week the Full Board approved the motion to make this amendment to the Planning Code.**

INTRODUCTIONS:

- **130788 Mar. Expanding Formula Retail Controls.** Ordinance amending the Planning Code to expand the definition of formula retail to include businesses that have eleven or more outlets worldwide, and to include businesses 50% or more owned by formula retail businesses; to expand the applicability of formula retail controls to other types of retail uses; to expand the notification procedures for formula retail applications; to require an economic impact report as part of the formula retail conditional use application.
- **130790 Wiener. Business and Tax Regulations, Planning, and Police Codes - Residential Properties.** Ordinance amending the Business and Tax Regulations, Planning, and Police Codes to change the limits of Parking Tax Occupancy Simplification for residential properties by increasing, from five to 10, the number of parking spaces residential buildings may rent to non-residents and increasing the gross revenue they may earn from rent from \$4,000 to \$12,000 per quarter and from \$15,000 to \$40,000 annually.
- **130804 Supporting the Historic Marcus Books-Jimbo's Bop Building.** Resolution supporting the preservation of the historic Marcus Books-Jimbo's Bop building on Fillmore Street and urging its current owners to sell it to an owner who will uphold the building's community serving purposes. **Breed, Cohen, Campos, Kim, Chiu, Farrell, Avalos, and Mar.**
- **130783 Enlargements, Alteration, or Reconstruction.** Ordinance amending the Planning Code to permit the enlargement, alteration, or reconstruction of a dwelling or other housing structure that exceeds the permitted density of the district if dwelling units are principally permitted in the district and the enlargement, alteration, or reconstruction does not extend beyond the building envelope as it existed on January 1, 2013.

BOARD OF APPEALS:

The Board of Appeals did meet last time; two items that may be interest of the Planning Commission related to the project at 706 Mission Street. The first was a jurisdiction request. The appellant in this case sought to appeal the Planning Commission's two determinations related to the Section 295, Shadow Determinations. One was an amendment to the implementation memo that the Commissions Rec/Park and Planning developed in 1989. The second one was the actual 295 determination. Under Planning Code Section 295 it does not provide for an appeal to the Board of Appeals, nor has it been considered a permit or a license, which would be appealable to the Board of Appeals. There's a City Attorney's opinion from 1984, which re-enforces this, so with that advice, staff at the Board of Appeals, rejected their appeal fillings. So they filed a jurisdiction request and sought that the Board essentially override their staff and accept the appeals and the Board voted unanimously to maintain their past practice, and not accept separate appeals. This would have been separate appeals in addition to appeals on the Historic Preservation Commission determination, which was unanimously upheld by the Board of Supervisors last week, as well as, the EIR, which was unanimously upheld by the Board in May and the Section 309 which was on appeal to the Board of Appeals last night, so, that was resolved. Then we heard the Section 309 appeal, which is appealable to Board of Appeals, even though it's not a permit or a license, and the Board of Appeals heard that appeal last night and unanimously upheld the Planning Commission's decision in this matter. We do not see a lot Section 309 appeals to the Board of Appeals, another item, which is similar is the office allocations, which are appealable to the Board of Appeals, we don't see many of those either, and would note that there's a City Attorney memo from 1989, which states the Board only needs three votes to overturn a Planning Commission action, not the typical four votes on a 309

or an Office Allocation matter. So I wanted to highlight that, this is something a little bit different, because the 309 nor the office allocation is a permit or a license, and under the charter a permit or a license also a ZA determinations and variances all those have to have 4 votes, and it says that in the charter you have to have four votes to overturn, but 309's and the Office Allocations are not addressed in the Charter, so they just say a simple majority under the City Attorney's opinion from 1989. So, I'll inform the Board of that because we do not get a lot of those appeals, it is something a little bit different.

HISTORIC PRESERVATION COMMISSION:

No 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. 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: Sue Hestor – Rincon Hill Zoning, Alice Carey
Linda Chapman -1601 Larking
Anonymous (F) Speaker – Raman Hotel conditions, safety, demolition

F. REGULAR CALENDAR

10. (J. IONIN: (415) 558-6309)
SAN FRANCISCO TRAVEL – **Informational presentation** by the Association regarding the future of tourism in San Francisco as it relates to land use.
Preliminary Recommendation: None – Informational

SPEAKERS: Joe D'Alessandro, President of SF Travel - Presentation
ACTION: None – Informational

11. (D. ALUMBAUGH: (415) 558-6601)
WATERFRONT LAND USE PLAN - **Informational presentation** by the Department and Port of San Francisco regarding interagency coordination with the Port for waterfront planning and urban design. Staff will present perspectives about the changes underway along the waterfront, and broader City policy and urban design initiatives that have been adopted or proposed in recent years that set the context for new projects along the Port of San Francisco waterfront. Together with continued collaboration among the Port and other City agencies, the Planning Department's assessment of these land use, transportation and urban design needs and opportunities will provide the direction and guidance for further improvements along the waterfront.
Preliminary Recommendation: None – Informational

SPEAKERS: Diane Oshima, SF Port – Presentation
Peter Albert, SFMTA – Presentation
Sue Hestor – Sea level rise
ACTION: None - Informational

12. (J. NAVARRETE: (415) 575-9040)
WATERFRONT TRANSPORTATION ASSESSMENT - **Informational presentation** - SFMTA will present an overview and status report on the public draft "Waterfront Transportation Assessment." The first phase of this draft Assessment, which focuses on Transportation Strategies and Goals, was prepared on July 1, 2013 and will be the subject of numerous public workshops and meetings in summer 2013, with refinements and revisions incorporated for a final draft planned by September 30. This phase of the draft Assessment is intended to shape and guide the analysis and ultimate

transportation solutions that will become more defined concurrent with the future Environmental Reviews of such large waterfront projects as the Warriors Arena at Piers 30-32, the Giants Mission Rock development and Pier 70.

Preliminary Recommendation: None – Informational

SPEAKERS: Diane Oshima, SF Port – Presentation
Peter Albert, SFMTA – Presentation
Sue Hestor – Sea level rise

ACTION: None – Informational

13. [2013.0860T](#) (A. STARR: (415) 558-6362)
AMENDMENTS TO THE PLANNING CODE TO EXPAND THE DEFINITION OF FORMULA RETAIL IN THE HAYES-GOUGH NCT [BOARD FILE NO. 13-0486] - Ordinance amending the Planning Code, Section 703.3, to expand the definition of formula retail uses in the Hayes-Gough Neighborhood Commercial Transit District; making environmental findings, Planning Code, Section 302, findings, and findings of consistency with the General Plan and the priority policies of Planning Code, Section 101.1. Preliminary Recommendation: Approval with Modifications
Preliminary Recommendation: Adopt a Recommendation for Approval with Modifications

SPEAKERS: + Conner Johnston, Aide to Sup. Breed – Draft ordinance description
+ Russell Pritchard, Hayes Valley Merchants Association – Hayes Valley Formula Retail
+ Daniel Watson Miller, Street of SF Bike Tours – Authentic SF
- Pamela Mendelson – Requested a fuller study on the effects of formula retail
- Dee Dee Workman, SF Chamber of Commerce – Postpone the review of the proposed ordinance
- Ben Lavelesky – Wait for the results of the study on formula retail
- Erik Mielbock – Urges the Board of Supervisors to study this issue more thoroughly
= Patricia Vaughey – Clearer legislation citywide

ACTION: Continued Indefinitely
AYES: Fong, Wu, Antonini, Moore
NAYES: Borden, Hillis, Sugaya

14. [2011.0119E](#) (R. SCHUETT: (415) 575-9030)
200-214 6th STREET (HAYSTON APARTMENT BUILDING) AFFORDABLE HOUSING WITH GROUND-FLOOR RETAIL PROJECT DRAFT EIR - Southwest corner of 6th and Howard Streets; Assessor's Block 3731, Lot 001 - **Certification of the Final Environmental Impact Report.** The proposed project includes demolition of the existing four-story vacant building at 200-214 6th Street, removal of the temporary art installation on the existing building, and construction of a new, nine-story mixed-use building, with sixty-seven affordable housing units and ground floor commercial space. The project site is located in the SOMA NCT (Neighborhood Commercial Transit) Zoning District and an 85-X Height and Bulk District. The Final EIR concluded that implementation of the 200-214 6th Street Affordable Housing with Ground-Floor Retail project would result in significant unavoidable environmental impacts related to historic resources since the proposed project would involve the demolition of the Hayston Apartment Building which has been identified as a contributing structure to the 6th Street Lodginghouse District, a National Register eligible historic district.
Preliminary Recommendation: Certify the Final Environmental Impact Report.
NOTE: The public hearing on the Draft EIR is closed. The public comment period for the Draft EIR ended on April 15, 2013. The Planning Commission does not conduct public review of Final EIR's. Public comments on the certification may be presented to the Planning Commission during the General Public Comment portion of the Commission calendar.

SPEAKERS: None
ACTION: Certified EIR
AYES: Fong, Wu, Antonini, Moore, Hillis, Sugaya

ABSENT: Borden
MOTION: 18936

- 15a. [2011.0119ECV](#) (C. TEAGUE: (415) 575-9081)
200 6TH STREET - **Adoption of California Environmental Quality Act (CEQA) Findings** - Consideration of a Motion adopting CEQA Findings, including a statement of overriding considerations, a Mitigation Monitoring and Reporting Program, and reasons for rejection of alternatives to the proposed project, in association with a project that proposes to demolish the existing residential building and construct a 9-story, 85-foot tall mixed use building containing 67 permanently affordable dwelling units and an approximately 3,400 ground floor restaurant space within the SoMa NCT (Neighborhood Commercial Transit) Zoning District, the SoMa Youth and Family Special Use District, and 85-X Height and Bulk District.
Preliminary Recommendation: Adopt CEQA Findings

SPEAKERS: + Doug Shoemaker, Mercy Housing – Project description
+ Owen Kinnerly, Project Architect – Project design
+ Joe Femino – Developmental Disabilities
+ Kevin Roach – Project will improve the neighborhood
ACTION: Adopted CEQA Findings
AYES: Fong, Wu, Antonini, Borden, Moore, Hillis, Sugaya
MOTION: 18937

- 15b. [2011.0119ECV](#) (C. TEAGUE: (415) 575-9081)
200 6TH STREET - southwest corner of 6th Street and Howard Street; Lot 001 in Assessor's Block 3731 - **Request for Conditional Use Authorization**, pursuant to Planning Code Sections 121.1, 249.40A, 303, 317, and 735.38 to demolish the existing residential building and construct a 9-story, 85-foot tall mixed use building containing 67 permanently affordable dwelling units and an approximately 3,400 ground floor restaurant space within the SoMa NCT (Neighborhood Commercial Transit) Zoning District, the SoMa Youth and Family Special Use District, and 85-X Height and Bulk District.
Preliminary Recommendation: Approve with Conditions

SPEAKERS: + Doug Shoemaker, Mercy Housing – Project description
+ Owen Kinnerly, Project Architect – Project design
+ Joe Femino – Developmental Disabilities
+ Kevin Roach – Project will improve the neighborhood
ACTION: Approved with Conditions
AYES: Fong, Wu, Antonini, Borden, Moore, Hillis, Sugaya
MOTION: 18938

- 15c. [2011.0119ECV](#) (C. TEAGUE: (415) 575-9081)
200 6TH STREET - southwest corner of 6th Street and Howard Street; Lot 001 in Assessor's Block 3731 - **Request for Variances and Zoning Administrator Modification**, pursuant to Planning Code Sections 134(e), 135, 140, 145.1(c), and 305 to modify the rear yard requirement, to provide a portion of the required useable open space without meeting associated exposure and dimensional requirements, for dwelling unit exposure for 24 dwelling units, and to provide a portion of the ground floor commercial space at a height lower than fourteen feet. The project site is located within the SoMa NCT (Neighborhood Commercial Transit) Zoning District, the SoMa Youth and Family Special Use District, and 85-X Height and Bulk District.

ACTION: **ZONING ADMINISTRATOR CLOSED THE PH AND INDICATED AND INTENT TO GRANT THE VARIANCES AND ZONING ADMINISTRATOR MODIFICATIONS**

16. [2013.0290C](#) (T. WANG: (415) 558-6335)

531 CASTRO STREET - on the east side of Castro Street between 18th and 19th streets; Lot 093 in Assessor's Block 3583 – **Request for Conditional Use Authorization** pursuant to Planning Code Sections 179, 186.1 and 303, to allow The Patio Restaurant and Café, a nonconforming use, for the expansion into three vacant retail spaces within the same building the restaurant is located, in the Castro Street Neighborhood Commercial District and a 40-X Height and Bulk District.

Preliminary Recommendation: Approve with Conditions

SPEAKERS: + John Kevlin, Reuben, Junius & Rose – Project Sponsor Representative
 + Krispin Hollings – Project will contribute to economic vitality of the neighborhood
 + Nicole Johnson – Former employee will benefit the community
 + Deke Johnson – In support
 + Alan Beach Nelson – Strong support

ACTION: Approved with Conditions as modified to include: the outdoor seating area hours of operation be restricted to 9 pm.

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

NAYES: Borden

MOTION: 18939

17. [2013.0659C](#) (O. MASRY: (415) 575-9118)
310 ARBALLO DRIVE - along the south side of Vidal Drive between Arballo Drive and Acevedo Avenue, Lot 001 in Assessor's Block 7308 - **Request for Conditional Use Authorization** under Planning Code Sections 249.64 and 303 for the installation of a wireless telecommunications services (WTS) facility operated by Verizon. The proposed macro WTS facility would consist of nine panel antennas flush-mounted to the wall of the existing rooftop penthouse, and related electronic equipment located in the basement. The facility is proposed on a Location Preference 6 Site (Limited Preference Site) within the PM-R (Park Merced Residential) Zoning District and 130-PM Height and Bulk District.

Preliminary Recommendation: Approve with Conditions

SPEAKERS: + Peter Hilliard – Verizon Representative – Project description
 - Yuri Desyatnik – Community meeting, radiation
 - Vladimir Dess – Radiation
 - Eric Phinney – Community meeting, location
 - Ernet Vayl – Childrens playground, EMF radiation
 - Catherin Ventimiglio – Science vs. reasonable people, cumulative effect, radiation

ACTION: Approved with Conditions

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

NAYES: Sugaya

ABSENT: Moore

MOTION: 18940

18. [2011.0924EC](#) (S. VELLVE: (415) 558-6263)
2419, 2421, 2435 LOMBARD STREET - south side between Divisadero and Scott Streets; Lots 028, 029, 030 in Assessor's Block 0937 - **Request for Conditional Use Authorization**, pursuant to Planning Code Sections 712.39, 303 and 317 to allow the demolition of three connected one and two-story mixed-use buildings containing two dwelling units on the second floor and their replacement with a four-story mixed use building containing 11 dwelling units, approximately 900 square feet of retail space and 9 parking spaces within a NC-3 (Neighborhood Commercial, Moderate-Scale) Zoning District and 40-X Height and Bulk District.

Preliminary Recommendation: Approve with Conditions

SPEAKERS: + Ben Wong, Project Sponsor – Project description
 - Alvin Mammini – Parking
 - Michelle Mammini – Parking

- Patricia Vaughey – Noise abatement, setbacks, easement
 - Jack Fong – Owner of neighboring building, loss of light and air
 ACTION: Continued to September 19, 2013
 AYES: Fong, Wu, Antonini, Borden, Hillis, Moore, Sugaya

19. [2013.0825D](#) (S. LAI: (415) 575-9087)
3871 JACKSON STREET – south side of Jackson Street, between Cherry Street and Arguello Boulevard; Lot 020 in Assessor’s Block 0990 - **Request for Discretionary Review** of Building - Permit Application No. 2013.03.11.1942 proposing to replace an existing second floor rear deck with a two-story horizontal rear extension with a roof deck. The proposed two-story expansion will measure approximately 15 feet deep by 29 feet wide and add approximately 870 square feet of habitable space to the existing three-story, single-family home. The property is located in a RH-1 (Residential, House, Single-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: + John Kevlin, Project Sponsor Rep.
 + Keiko Inaba, Project Sponsor
 - Bruce Armstrong, DR requestor
 - Nick Podel – Rear yard open space
 ACTION: No DR, Approved as proposed
 AYES: Fong, Wu, Antonini, Borden, Hillis, Moore, Sugaya
 DRA-#: 0330

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 7:03 PM – **In Eternal Memory of Alice Carey**