

# SAN FRANCISCO PLANNING COMMISSION



## Notice of Hearing & Agenda

Remote Hearing  
via videoconferencing and call-in

**Thursday, April 9, 2020**

**1:00 p.m.**

**Regular Meeting**

Commissioners:

Joel Koppel, President

Kathrin Moore, Vice President

Sue Diamond, Frank Fung,

Theresa Imperial, Milicent Johnson

Commission Secretary:

Jonas P. Ionin

**Hearing Materials are available at:**

Website: <http://www.sfplanning.org>

Planning Department, 1650 Mission Street, 4<sup>th</sup> Floor, Suite 400

Voice recorded Agenda only: (415) 558-6422

**Commission Hearing Broadcasts:**

Live stream: <http://www.sfgovtv.org>

Live, Thursdays at 1:00 p.m., Cable Channel 78

Re-broadcast, Fridays at 8:00 p.m., Cable Channel 26

Disability and language accommodations available upon request to:  
[commissions.secretary@sfgov.org](mailto:commissions.secretary@sfgov.org) or (415) 558-6309 at least 48 hours in advance.

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Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force at City Hall, 1 Dr. Carlton B. Goodlett Place, Room 409; phone (415) 554-7724; fax (415) 554-7854; or e-mail at [sotf@sfgov.org](mailto:sotf@sfgov.org). Copies of the Sunshine Ordinance can be obtained from the Clerk of the Sunshine Task Force, the San Francisco Library and on the City's website at [www.sfbos.org/sunshine](http://www.sfbos.org/sunshine).

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### **Accessible Meeting Information**

Commission hearings are held in Room 400 at City Hall, 1 Dr. Carlton B. Goodlett Place in San Francisco. City Hall is open to the public Monday through Friday from 8:00 a.m. to 8:00 p.m. and is accessible to persons using wheelchairs and other assistive mobility devices. Ramps are available at the Grove, Van Ness and McAllister entrances. A wheelchair lift is available at the Polk Street entrance.

Transit: The nearest accessible BART station is Civic Center. Accessible MUNI Metro lines are the F, J, K, L, M, N, T (exit at Civic Center or Van Ness stations). MUNI bus routes also serving the area are the 5, 6, 9, 19, 21, 47, 49, 71, and 71L. For more information regarding MUNI accessible services, call (415) 701-4485 or call 311.

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Language Assistance: To request an interpreter for a specific item during the hearing, please contact the Commission Secretary at (415) 558-6309, or [commissions.secretary@sfgov.org](mailto:commissions.secretary@sfgov.org) at least 48 hours in advance of the hearing.

Allergies: In order to assist the City in accommodating persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, please refrain from wearing scented products (e.g. perfume and scented lotions) to Commission hearings.

**SPANISH:** Agenda para la Comisión de Planificación. Si desea asistir a la audiencia, y quisiera obtener información en Español o solicitar un aparato para asistencia auditiva, llame al 415-558-6309. Por favor llame por lo menos 48 horas de anticipación a la audiencia.

**CHINESE:** 規劃委員會議程。聽證會上如需要語言協助或要求輔助設備，請致電415-558-6309。請在聽證會舉行之前的至少48個小時提出要求。

**TAGALOG:** Adyenda ng Komisyon ng Pagpapalano. Para sa tulong sa lengguwahe o para humiling ng Pantulong na Kagamitan para sa Pagdinig (headset), mangyari lamang na tumawag sa 415-558-6309. Mangyaring tumawag nang maaga (kung maaari ay 48 oras) bago sa araw ng Pagdinig.

**RUSSIAN:** Повестка дня Комиссии по планированию. За помощью переводчика или за вспомогательным слуховым устройством на время слушаний обращайтесь по номеру 415-558-6309. Запросы должны делаться минимум за 48 часов до начала слушания.

## Remote Access to Information and Participation

*In accordance with Governor Newsom's statewide order for all residents to Shelter-in-place - and the numerous preceding local and state proclamations, orders and supplemental directions - aggressive directives have been issued to slow down and reduce the spread of the COVID-19 virus.*

*On April 3, 2020, the Planning Commission was authorized to resume their hearing schedule through May 3, 2020 remotely. Therefore, the Planning Commission meetings will be held via videoconferencing and allow for remote public comment. The Commission strongly encourages interested parties to submit their comments in writing, in advance of the hearing to [commissions.secretary@sfgov.org](mailto:commissions.secretary@sfgov.org). Visit the SFGovTV website ([www.sfgovtv.org](http://www.sfgovtv.org)) to stream the live meetings or watch on a local television station.*

*A public comment call-in line number will be provided on the Department's webpage [www.sfplanning.org](http://www.sfplanning.org) and during the live SFGovTV broadcast.*

*As the COVID-19 emergency progresses, please visit the Planning website regularly to be updated on the current situation as it affects the hearing process and the Planning Commission.*

### ROLL CALL:

President:	Joel Koppel
Vice-President:	Kathrin Moore
Commissioners:	Sue Diamond, Frank Fung, Theresa Imperial, Milicent Johnson

### 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.

- [2018-001443MAP](#) (D. SANCHEZ: (415) 575-9082)  
**M-1 AND M-2 REZONING** – Adoption of **Planning Code and Zoning Map Amendments** to rezone certain parcels in Industrial Use Districts to Production, Distribution, and Repair and other Use Districts; affirming the Planning Department's determination under the California Environmental Quality Act; making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and making findings of public necessity, convenience, and welfare under Planning Code, Section 302.  
*Preliminary Recommendation: Approve*  
 (Continued from Canceled hearing on March 26, 2020)  
**(Proposed for Continuance to April 23, 2020)**
- [2019-021215CUA](#) (G. PANTOJA: (415) 575-8741)  
**3751A 24<sup>TH</sup> STREET** – between Church and Chattanooga Streets, Lot 023A in Assessor's Block 6510 (District 8) – Request for a **Conditional Use Authorization** pursuant to Planning Code Sections 202.2(a), 303, and 728 for the establishment of a Cannabis Retail Use (d.b.a. The Mill) at a 932 square-foot tenant space located at the ground floor of an existing two-story, mixed-use building within the 24<sup>th</sup> Street- Noe Valley Neighborhood Commercial (NCD) Zoning District and 40-X Height and Bulk District. This action constitutes the

Approval Action for the project for the purposes of CEQA, pursuant to San Francisco Administrative Code Section [31.04\(h\)](#).

*Preliminary Recommendation: Approve with Conditions*

(Continued from Canceled hearing on March 26, 2020)

**(Proposed for Continuance to April 23, 2020)**

3. [2019-014251DRP-02](#) (M. DITO: (415) 575-9164)  
[2001 CHESTNUT STREET](#) – corner of Fillmore Street; Lot 001 in Assessor’s Block 0491 (District 2) – Request for **Discretionary Review** of Building Permit Application No. 2019.0717.6081 for the addition of a nighttime entertainment use to an existing restaurant (d.b.a. The Dorian). The nighttime entertainment use would permit a Place of Entertainment permit to be issued for cabaret performances and other live music within a NC-2 (Neighborhood, Commercial, Small Scale) Zoning District and 40-X Height and Bulk District. This action constitutes the Approval Action for the project for the purposes of CEQA, pursuant to San Francisco Administrative Code Section [31.04\(h\)](#).  
*Preliminary Recommendation: Do Not Take Discretionary Review and Approve*  
(Continued from Canceled hearing on March 26, 2020)  
**Note: On February 13, 2020, after hearing and closing public comment, continued to March 12, 2020 by a vote of +6 -0 (Richards absent). On March 12, 2020, without hearing, continued to March 19, 2020. On March 19, 2020, without hearing, continued to March 26, 2020. On March 26, 2020, without hearing, continued to April 9, 2020.**  
**(Proposed for Continuance to April 23, 2020)**
4. [2017-010281DRP-02](#) (D. WINSLOW: (415) 575-9159)  
[236 EL CAMINO DEL MAR](#) – between 25<sup>th</sup> and 26<sup>th</sup> Avenues; 008A in Assessor’s Block 1304 (District 2) – Request for **Discretionary Review** of Building Permit 2017.0721.2594 for the construction of a rear horizontal addition and new exterior decks at the first thru third floors to an existing three-story, one-family home within a RH-1 (Residential-House, One-Family) Zoning District and 40-X Height and Bulk District. This action constitutes the Approval Action for the project for the purposes of CEQA, pursuant to San Francisco Administrative Code Section [31.04\(h\)](#).  
*Preliminary Recommendation: Do Not Take Discretionary Review and Approve*  
(Continued from Canceled hearing on March 26, 2020)  
**(Proposed for Continuance to April 23, 2020)**
5. [2018-013511DRP](#) (D. WINSLOW: (415) 575-9159)  
[350 LIBERTY STREET](#) – between Sanchez and Church Streets; 047 in Assessor’s Block 3605 (District 8) – Request for **Discretionary Review** of Building Permit 2018.0921.1017 for the construction of a horizontal front addition to the third floor to the existing three-story single-family dwelling within a RH-1 (Residential-House, One-Family) Zoning District and 40-X Height and Bulk District. This action constitutes the Approval Action for the project for the purposes of CEQA, pursuant to San Francisco Administrative Code Section [31.04\(h\)](#).  
*Preliminary Recommendation: Do Not Take Discretionary Review and Approve*  
(Continued from Canceled hearing on March 26, 2020)  
**(Proposed for Continuance to April 23, 2020)**
6. [2019-014211DRP](#) (M. CHRISTENSEN: (415) 575-8742)  
[667 MISSISSIPPI STREET](#) – east side of Mississippi Street, between 20<sup>th</sup> and 22<sup>nd</sup> Streets; Lot 029 in Assessor’s Block 4103 (District 10) – Request for **Discretionary Review** of Building

Permit Application No. 2019.0717.6109 which proposes to establish a new, 1,016 square foot Cannabis Retail use, including an on-site smoking and vaporizing room, within an existing non-storefront cannabis production facility within a MUR (Mixed-Use Residential) Zoning District and 40-X Height and Bulk District. This action constitutes the Approval Action for the project for the purposes of CEQA, pursuant to San Francisco Administrative Code Section [31.04\(h\)](#).

*Preliminary Recommendation: Take Discretionary Review and Approve with Conditions*  
(Continued from Canceled hearing on March 26, 2020)

**Note: On February 6, 2020, after hearing and closing public comment, continued to March 19, 2020 by a vote of +4 -1 (Richards absent). On March 19, 2020, without hearing, continued to March 26, 2020. On March 26, 2020, without hearing, continued to April 9, 2020.**

**(Proposed for Continuance to April 23, 2020)**

7. [2016-008561CWP](#) (J. PAPPAS: (415) 575-9053)  
HOUSING AFFORDABILITY STRATEGIES – **Informational Presentation** – The Housing Affordability Strategies (HAS) analyzes how the City of San Francisco can improve housing affordability over the next 30 years, particularly for low- and moderate-income households. The HAS analyzed development feasibility, City policies, and public investments needed to achieve the City’s housing targets for production of both market rate and affordable housing. The HAS also analyzed programs to preserve affordable housing and to protect and stabilize residents. Planning collaborated with a consultant team and fellow City agencies to develop the HAS and incorporated feedback from community members, advocates, nonprofit and for-profit housing developers, and policy researchers. The HAS will inform the 2022 Housing Element Update, citywide housing policy development and implementation, and neighborhood-level housing planning.  
*Preliminary Recommendation: None - Informational*  
(Continued from Canceled hearing on March 26, 2020)  
**(Proposed for Continuance to April 30, 2020)**
  
8. (T. SHEYNER: (415) 575-9127)  
HAZARDOUS MATERIALS MANAGEMENT PROCEDURES – This **Informational Presentation** will provide an overview of how the department analyzes hazardous materials, specifically subsurface soil, groundwater, and vapor contamination, as part of the environmental review process pursuant to the California Environmental Quality Act. The presentation will also cover the Department’s coordination with the Department of Public Health regarding the Maher Program and sites on the Cortese list.  
(Continued from Canceled hearing on March 26, 2020)  
**(Proposed for Continuance to April 30, 2020)**
  
9. [2019-020999CUA](#) (A. LINDSAY: (415) 575-9178)  
150 WAVERLY PLACE – on east side of Waverly Place between Washington Street and Clay Street, Lot 040 of Assessor’s Block 0210 (District 3) – Request for a **Conditional Use Authorization**, pursuant to Planning Code Sections 303 and 812, for an existing limited restaurant use (d.b.a The Spicy Shrimp) to operate as a full-service restaurant with a Type-41 On-Sale Beer and Wine for Bona Fide Public Eating Place license. This project was reviewed under the Community Business Priority Processing Program (CB3P). The subject property is located within the CRNC (Chinatown-Residential-Neighborhood Commercial) and 50-N Height and Bulk Districts. This action constitutes the Approval Action for the

project for the purposes of CEQA, pursuant to San Francisco Administrative Code Section [31.04\(h\)](#).

*Preliminary Recommendation: Approve with Conditions*

(Continued from Canceled hearing on March 26, 2020)

**(Proposed for Continuance to April 30, 2020)**

10. [2016-003164GPA](#) (S. NICKOLOPOULOS: (415) 575-9089)  
**HEALTH CARE SERVICES MASTER PLAN** – Initiation of Ordinance **amending the General Plan** to revise the Commerce and Industry Element, to update it and incorporate the 2019 Health Care Services Master Plan; affirming the Planning Department’s determination under the California Environmental Quality Act; and making findings under Planning Code Section 340 and findings of consistency with the General Plan and the eight priority policies of Planning Code Section 101.1.  
*Preliminary Recommendation: Initiate and schedule a public hearing on or after May 21, 2020*  
 (Continued from Canceled hearing on March 26, 2020)  
**(Proposed for Continuance to May 21, 2020)**

## B. CONSENT CALENDAR

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

11. [2018-006299CUA](#) (L. AJELLO: (415) 575-9142)  
**378 8<sup>TH</sup> AVENUE** – east side of 8<sup>th</sup> Avenue between Clement Street and Geary Blvd.; Lot 024 in Assessor’s Block 1439 (District 1) – Request for **Conditional Use Authorization**, pursuant to Planning Code Sections 303 and 317, to demolish a three-story single-family dwelling and construct a three-story two-family dwelling. The subject property is located within a RM-1 (Residential, Mixed, Low Density) Zoning District and 40-X Height and Bulk District. This action constitutes the Approval Action for the project for the purposes of CEQA, pursuant to San Francisco Administrative Code Section [31.04\(h\)](#).  
*Preliminary Recommendation: Approve with Conditions*  
 (Continued from Canceled hearing on March 26, 2020)

## C. COMMISSION MATTERS

12. Consideration of Adoption:
- [Draft Minutes for February 27, 2020](#)
  - [Draft Minutes for March 5, 2020](#)
13. 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.

#### D. DEPARTMENT MATTERS

14. Director's Announcements
15. Review of Past Events at the Board of Supervisors, Board of Appeals and Historic Preservation Commission

#### E. GENERAL 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. Each member of the public may address the Commission for up to three minutes. When the number of speakers exceed the 15-minute limit, General Public Comment may be moved to the end of the Agenda.

#### F. REGULAR CALENDAR

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

- 16a. [2018-007883CWP](#) (S. HONG: (415) 575-9026)  
**BALBOA RESERVOIR PROJECT** – north of the Ocean Avenue Neighborhood Commercial District, west of the City College of San Francisco Ocean Campus, east of the Westwood Park neighborhood, and south of Archbishop Riordan High School, Assessor's Block 3180/Lot 190. This is an **Informational Presentation** on the proposed Balboa Reservoir Mixed-Use Development Project, located in the Balboa Park Station Plan Area at the site of the SFPUC Balboa Reservoir. Reservoir Community Partners LLC, the project sponsor, seeks to develop the approximately 17.6-acre site for a multi-phased, mixed-use development. The proposed project would rezone the site, establish land use controls and design standards, and provide for development of up to approximately 1.8 million gross square feet (gsf) of uses, including approximately 1.3 million gsf of residential space (approximately 1,100 dwelling units plus residential amenities), approximately 10,000 gsf of community space (childcare and a community room for public use), approximately 7,500 gsf of neighborhood-serving retail, up to 550 residential parking spaces and up to 750 public parking spaces. The project would also build new streets, pathways, and a total of approximately 4 acres of new public open space. The proposed project would modify the existing height limits of 40 and 65 feet to heights ranging from 40 to 78 feet. The project would require amendments to the General Plan and Planning Code, creating a new Balboa Reservoir Special Use District. This presentation will provide an update on the project, including the proposed package of public benefits.  
*Preliminary Recommendation: None – Informational*  
(Continued from Canceled hearing on March 26, 2020)

- 16b. [2018-007883GPA](#) (S. HONG: (415) 575-9026)  
**BALBOA RESERVOIR PROJECT** – north of the Ocean Avenue Neighborhood Commercial District, west of the City College of San Francisco Ocean Campus, east of the Westwood Park neighborhood, and south of Archbishop Riordan High School, Assessor's Block 3180/Lot 190. This is a hearing to consider **Initiation of General Plan Amendments** related to the proposed Balboa Reservoir Mixed-Use Development Project, located in the Balboa Park Station Area at the site of the SFPUC Balboa Reservoir, the project sponsor, seeks to redevelop the approximately 17.6-acre site for a multi-phased, mixed-use development, including new open space. The proposed project would rezone the site, establish land use controls and design standards, and provide for development of approximately 1100 dwelling units, approximately 10,000 gsf of community facilities use, 7,500 gsf of retail use, 4 acres of publicly accessible open space, and up to 500 residential parking spaces and up to 750 public parking spaces. The proposed rezoning would modify the existing height limits of 40 and 65 feet to heights ranging from 40 to 78 feet. The project would require amendments to the General Plan, including the Balboa Station Area Plan, The Land Use Index, the Recreation and Open Space Element and the Housing Element.  
*Preliminary Recommendation: Initiate and schedule a public hearing on or after April 30, 2020*  
(Continued from Canceled hearing on March 26, 2020)
17. [2016-006860IKA](#) (V. FLORES: (415) 575-9173)  
**65 OCEAN AVENUE** – between Alemany Boulevard and Cayuga Avenue, Lot 018 in Assessor's Block 6954 (District 11) – Request for a **Fee Waiver and In-Kind Agreement**, pursuant to Planning Code Sections 406 and 414A, to approve a fee waiver to provide an on-site childcare facility in lieu of the Residential Child Care Impact Fee.  
*Preliminary Recommendation: Approve*  
(Continued from Canceled hearing on April 2, 2020)  
**Note: On October 24, 2019, after hearing and closing public comment, continued to December 12, 2019 by a vote of +4 -1 (Moore against; Melgar absent). On December 12, 2019, without hearing, continued to January 16, 2020 by a vote of +5 -0 (Johnson and Richards absent). On January 16, 2020, without a hearing, continued to February 13, 2020 by a vote of +6 -0 (Richards absent). On February 13, 2020, without hearing, continued to April 2, 2020 by a vote of +6 -0 (Richards absent). On April 2, 2020, without hearing, continued to April 9, 2020.**
- 18a. [2018-011441CUA](#) (M. DITO: (415) 575-9164)  
**1846 GROVE STREET** – south side of Fulton Street between Atalaya Terrace and Masonic Avenue, Lot 003H in Assessor's Block 1187 (District 5) – Request for **Conditional Use Authorization** pursuant to Planning Code Sections 209.1 and 303 to construct four dwelling units on a lot zoned RH-2 (Residential, House – Two Family) and RH-3 (Residential, House – Three Family). The Conditional Use Authorization request is to exceed the principally permitted dwelling unit density limit for the respective zoning district. The lot is located within 40-X Height and Bulk District. This action constitutes the Approval Action for the project for the purposes of CEQA, pursuant to San Francisco Administrative Code Section [31.04\(h\)](#).  
*Preliminary Recommendation: Approve with Conditions*  
(Continued from Canceled hearing on March 26, 2020)  
**Note: On December 12, 2019, after hearing and closing public comment, continued to March 12, 2020 by a vote of +6 -0 (Richards absent).**



**On March 12, 2020, without hearing, continued to March 19, 2020. On March 19, 2020, without hearing, continued to March 26, 2020. On March 26, 2020, without hearing, continued to April 9, 2020.**

- 18b. [2018-011441VAR](#) (M. DITO: (415) 575-9164)  
1846 GROVE STREET – south side of Fulton Street between Atalaya Terrace and Masonic Avenue, Lot 003H in Assessor’s Block 1187 (District 5) – Request for **Variances** from the rear yard, exposure, and bicycle parking requirements of the Planning Code, pursuant to Sections 134, 135, and 151, respectively. The subject property is located within both a RH-2 (Residential, House – Two Family) and RH-3 (Residential, House – Three Family) Zoning District, as well as 40-X Height and Bulk District.  
 (Continued from Canceled hearing on March 26, 2020)
19. [2018-011717CUA](#) (S. CISNEROS: (415) 575-9186)  
1369 SANCHEZ STREET – east side of Sanchez Street between Cesar Chavez and 27<sup>th</sup> Street, Lot 027, Assessor’s Block 6579 (District 8) – Request for a **Conditional Use Authorization**, pursuant to Planning Code Sections 303 and 317, to legalize a tantamount to demolition of an existing three-story, two-unit residence and garage and construct a new three-story, two-unit residence with garage. The subject property is located with a RH-2 (Residential-House, Two Family) Zoning District and 40-X Height and Bulk District. This action constitutes the Approval Action for the project for the purposes of CEQA, pursuant to San Francisco Administrative Code Section [31.04\(h\)](#).  
*Preliminary Recommendation: Approve with Conditions*  
 (Continued from Canceled hearing on March 26, 2020)  
**Note: On October 24, 2019, after hearing and closing public comment; a motion to Approve with Conditions failed +2 -2 (Moore, Richards against; Melgar, Johnson absent), continued to December 19, 2019 by a vote of +4 -0 (Johnson, Melgar absent). On December 19, 2019, after hearing and closing public comment, continued to February 6, 2020 with direction to include an ADU by a vote of +6 -0 (Richards absent). On February 6, 2020, without hearing, continued to March 19, 2020 by a vote of +5 -0 (Richards absent). On March 19, 2020, without hearing, continued to March 26, 2020. On March 26, 2020, without hearing, continued to April 9, 2020.**

## G. DISCRETIONARY REVIEW CALENDAR

The Commission Discretionary Review Hearing Procedures provide for presentations by staff; followed by the DR requestor team; followed by public comment opposed to the project; followed by the project sponsor team; followed by public comment in support of the project. Please be advised that the DR requestor and project sponsor teams include: the DR requestor and sponsor or their designee, lawyers, architects, engineers, expeditors, and/or other advisors.

20. [2017-015039DRP](#) (D. WINSLOW: (415) 575-9159)  
350-352 SAN JOSE AVENUE – between 25<sup>th</sup> and 26<sup>th</sup> Streets; 010A in Assessor’s Block 6532 (District 8) – Request for **Discretionary Review** of Building Permit 2018.0403.5430 for the construction of a horizontal addition and a 5’- 8” vertical addition to add eight dwelling units to an existing two-story, four-dwelling unit residential building within a RM-2 (Residential Mixed, Moderate Density) Zoning District and 40-X Height and Bulk District. This action constitutes the Approval Action for the project for the purposes of CEQA, pursuant to San Francisco Administrative Code Section [31.04\(h\)](#).

*Preliminary Recommendation: Take Discretionary Review and Approve with Modifications*  
(Continued from Canceled hearing on March 26, 2020)

ADJOURNMENT

## Hearing Procedures

The Planning Commission holds public hearings regularly, on most Thursdays. The full hearing schedule for the calendar year and the Commission Rules & Regulations may be found online at: [www.sfplanning.org](http://www.sfplanning.org).

Public Comments: Persons attending a hearing may comment on any scheduled item.

- ❖ When speaking before the Commission in City Hall, Room 400, please note the timer indicating how much time remains. Speakers will hear two alarms. The first soft sound indicates the speaker has 30 seconds remaining. The second louder sound indicates that the speaker's opportunity to address the Commission has ended.

Sound-Producing Devices Prohibited: The ringing of and use of mobile phones and other sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal of any person(s) responsible for the ringing or use of a mobile phone, pager, or other similar sound-producing electronic devices (*67A.1 Sunshine Ordinance: Prohibiting the use of cell phones, pagers and similar sound-producing electronic devices at and during public meetings*).

For most cases (CU's, PUD's, 309's, etc...) that are considered by the Planning Commission, after being introduced by the Commission Secretary, shall be considered by the Commission in the following order:

1. A thorough description of the issue(s) by the Director or a member of the staff.
2. A presentation of the proposal by the Project Sponsor(s) team (includes sponsor or their designee, lawyers, architects, engineers, expeditors, and/or other advisors) would be for a period not to exceed 10 minutes, unless a written request for extension not to exceed a total presentation time of 15 minutes is received at least 72 hours in advance of the hearing, through the Commission Secretary, and granted by the President or Chair.
3. A presentation of opposition to the proposal by organized opposition for a period not to exceed 10 minutes (or a period equal to that provided to the project sponsor team) with a minimum of three (3) speakers. The intent of the 10 min block of time provided to organized opposition is to reduce the number of overall speakers who are part of the organized opposition. The requestor should advise the group that the Commission would expect the organized presentation to represent their testimony, if granted. Organized opposition will be recognized only upon written application at least 72 hours in advance of the hearing, through the Commission Secretary, the President or Chair. Such application should identify the organization(s) and speakers.
4. **Public testimony from proponents of the proposal:** An individual may speak for a period not to exceed three (3) minutes.
5. **Public testimony from opponents of the proposal:** An individual may speak for a period not to exceed three (3) minutes.
6. Director's preliminary recommendation must be prepared in writing.
7. Action by the Commission on the matter before it.
8. In public hearings on Draft Environmental Impact Reports, all speakers will be limited to a period not to exceed three (3) minutes.
9. The President (or Acting Chair) may impose time limits on appearances by members of the public and may otherwise exercise his or her discretion on procedures for the conduct of public hearings.
10. Public comment portion of the hearing shall be closed and deliberation amongst the Commissioners shall be opened by the Chair;
11. A motion to approve; approve with conditions; approve with amendments and/or modifications; disapprove; or continue to another hearing date, if seconded, shall be voted on by the Commission.

Every Official Act taken by the Commission must be adopted by a majority vote of all members of the Commission, a minimum of four (4) votes. A failed motion results in the disapproval of the requested action, unless a subsequent motion is adopted. Any Procedural Matter, such as a continuance, may be adopted by a majority vote of members present, as long as the members present constitute a quorum (four (4) members of the Commission).

For Discretionary Review cases that are considered by the Planning Commission, after being introduced by the Commission Secretary, shall be considered by the Commission in the following order:

1. A thorough description of the issue by the Director or a member of the staff.
2. A presentation by the DR Requestor(s) team (includes Requestor(s) or their designee, lawyers, architects, engineers, expeditors, and/or other advisors) would be for a period not to exceed five (5) minutes for each requestor.
3. Testimony by members of the public in support of the DR would be up to three (3) minutes each.
4. A presentation by the Project Sponsor(s) team (includes Sponsor(s) or their designee, lawyers, architects, engineers, expeditors, and/or other advisors) would be for a period up to five (5) minutes, but could be extended for a period not to exceed 10 minutes if there are multiple DR requestors.

5. Testimony by members of the public in support of the project would be up to three (3) minutes each.
6. DR requestor(s) or their designees are given two (2) minutes for rebuttal.
7. Project sponsor(s) or their designees are given two (2) minutes for rebuttal.
8. The President (or Acting Chair) may impose time limits on appearances by members of the public and may otherwise exercise his or her discretion on procedures for the conduct of public hearings.

The Commission must Take DR in order to disapprove or modify a building permit application that is before them under Discretionary Review. A failed motion to Take DR results in a Project that is approved as proposed.

### **Hearing Materials**

Advance Submissions: To allow Commissioners the opportunity to review material in advance of a hearing, materials must be received by the Planning Department eight (8) days prior to the scheduled public hearing. All submission packages must be delivered to 1650 Mission Street, Suite 400, by 5:00 p.m. and should include fifteen (15) hardcopies and a .pdf copy must be provided to the staff planner. Correspondence submitted to the Planning Commission after eight days in advance of a hearing must be received by the Commission Secretary no later than the close of business the day before a hearing for it to become a part of the public record for any public hearing.

Correspondence submitted to the Planning Commission on the same day, must be submitted at the hearing directly to the Planning Commission Secretary. Please provide ten (10) copies for distribution. Correspondence submitted in any other fashion on the same day may not become a part of the public record until the following hearing.

Correspondence sent directly to all members of the Commission, must include a copy to the Commission Secretary ([commissions.secretary@sfgov.org](mailto:commissions.secretary@sfgov.org)) for it to become a part of the public record.

These submittal rules and deadlines shall be strictly enforced and no exceptions shall be made without a vote of the Commission.

Persons unable to attend a hearing may submit written comments regarding a scheduled item to: Planning Commission, 1650 Mission Street, Suite 400, San Francisco, CA 94103-2414. Written comments received by the close of the business day prior to the hearing will be brought to the attention of the Planning Commission and made part of the official record.

### **Appeals**

The following is a summary of appeal rights associated with the various actions that may be taken at a Planning Commission hearing.

Case Type	Case Suffix	Appeal Period*	Appeal Body
Office Allocation	OFA (B)	15 calendar days	Board of Appeals**
Conditional Use Authorization and Planned Unit Development	CUA (C)	30 calendar days	Board of Supervisors
Building Permit Application (Discretionary Review)	DRP/DRM (D)	15 calendar days	Board of Appeals
EIR Certification	ENV (E)	30 calendar days	Board of Supervisors
Coastal Zone Permit	CTZ (P)	15 calendar days	Board of Appeals
Planning Code Amendments by Application	PCA (T)	30 calendar days	Board of Supervisors
Variance (Zoning Administrator action)	VAR (V)	10 calendar days	Board of Appeals
Large Project Authorization in Eastern Neighborhoods	LPA (X)	15 calendar days	Board of Appeals
Permit Review in C-3 Districts, Downtown Residential Districts	DNX (X)	15-calendar days	Board of Appeals
Zoning Map Change by Application	MAP (Z)	30 calendar days	Board of Supervisors

\* Appeals of Planning Commission decisions on Building Permit Applications (Discretionary Review) must be made within 15 days of the date the building permit is issued/denied by the Department of Building Inspection (not from the date of the Planning Commission hearing). Appeals of Zoning Administrator decisions on Variances must be made within 10 days from the issuance of the decision letter.

\*\*An appeal of a Certificate of Appropriateness or Permit to Alter/Demolish may be made to the Board of Supervisors if the project requires Board of Supervisors approval or if the project is associated with a Conditional Use Authorization appeal. An appeal of an Office Allocation may be made to the Board of Supervisors if the project requires a Conditional Use Authorization.

For more information regarding the Board of Appeals process, please contact the Board of Appeals at (415) 575-6880. For more information regarding the Board of Supervisors process, please contact the Clerk of the Board of Supervisors at (415) 554-5184 or [board.of.supervisors@sfgov.org](mailto:board.of.supervisors@sfgov.org).

An appeal of the approval (or denial) of a **100% Affordable Housing Bonus Program application** may be made to the **Board of Supervisors within 30 calendar days** after the date of action by the Planning Commission pursuant to the provisions of Sections 328(g)(5) and 308.1(b). Appeals must be submitted in person at the Board's office at 1 Dr. Carlton B. Goodlett Place, Room 244. For further information about appeals to the Board of Supervisors, including current fees, contact the Clerk of the Board of Supervisors at (415) 554-5184.

An appeal of the approval (or denial) of a **building permit application** issued (or denied) pursuant to a 100% Affordable Housing Bonus Program application by the Planning Commission or the Board of Supervisors may be made to the **Board of Appeals within 15 calendar days** after the building permit is issued (or denied) by the Director of the Department of Building Inspection. Appeals must be submitted in person at the Board's office at 1650 Mission Street, 3rd Floor, Room 304. For further information about appeals to the Board of Appeals, including current fees, contact the Board of Appeals at (415) 575-6880.

### **Challenges**

Pursuant to Government Code Section 65009, if you challenge, in court, (1) the adoption or amendment of a general plan, (2) the adoption or amendment of a zoning ordinance, (3) the adoption or amendment of any regulation attached to a specific plan, (4) the adoption, amendment or modification of a development agreement, or (5) the approval of a variance, conditional-use authorization, or any permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Planning Commission, at, or prior to, the public hearing.

### **CEQA Appeal Rights under Chapter 31 of the San Francisco Administrative Code**

If the Commission's action on a project constitutes the Approval Action for that project (as defined in S.F. Administrative Code Chapter 31, as amended, Board of Supervisors Ordinance Number 161-13), then the CEQA determination prepared in support of that Approval Action is thereafter subject to appeal within the time frame specified in S.F. Administrative Code Section 31.16. This appeal is separate from and in addition to an appeal of an action on a project. Typically, an appeal must be filed within 30 calendar days of the Approval Action for a project that has received an exemption or negative declaration pursuant to CEQA. For information on filing an appeal under Chapter 31, contact the Clerk of the Board of Supervisors at City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102, or call (415) 554-5184. If the Department's Environmental Review Officer has deemed a project to be exempt from further environmental review, an exemption determination has been prepared and can be obtained on-line at <http://www.sf-planning.org/index.aspx?page=3447>. Under CEQA, in a later court challenge, a litigant may be limited to raising only those issues previously raised at a hearing on the project or in written correspondence delivered to the Board of Supervisors, Planning Commission, Planning Department or other City board, commission or department at, or prior to, such hearing, or as part of the appeal hearing process on the CEQA decision.

### **Protest of Fee or Exaction**

You may protest any fee or exaction subject to Government Code Section 66000 imposed as a condition of approval in accordance with Government Code Section 66020. The protest must satisfy the requirements of Government Code Section 66020(a) and must be filed within 90 days of the date of the first approval or conditional approval of the development referencing the challenged fee or exaction. For purposes of Government Code Section 66020, the date of imposition of the fee shall be the date of the earliest discretionary approval by the City of the subject development.

The Planning Commission's approval or conditional approval of the development subject to the challenged fee or exaction as expressed in its Motion, Resolution, or Discretionary Review Action or the Zoning Administrator's Variance Decision Letter will serve as Notice that the 90-day protest period under Government Code Section 66020 has begun.

### **Proposition F**

Under Campaign and Governmental Conduct Code Section 1.127, no person or entity with a financial interest in a land use matter pending before the Board of Appeals, Board of Supervisors, Building Inspection Commission, Commission on Community Investment and Infrastructure, Historic Preservation Commission, Planning Commission, Port Commission, or the Treasure Island Development Authority Board of Directors, may make a campaign contribution to a member of the Board of Supervisors, the Mayor, the City Attorney, or a candidate for any of those offices, from the date the land use matter commenced until 12 months after the board or commission has made a final decision or any appeal to another City agency from that decision has been resolved. For more information about this restriction, visit [sfethics.org](http://sfethics.org).