

# SAN FRANCISCO PLANNING COMMISSION



## Notice of Hearing & Agenda

Remote Hearing  
via video and teleconferencing

**Thursday, May 14, 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: <https://sfgovtv.org/planning>

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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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 the duration of the shelter-in-place 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 (<https://sfgovtv.org/planning>) to stream the live meetings or watch on a local television station.*

*Public Comment call-in: Toll-free number: 888-273-3658 / Access code: 3107452*

*The public comment call-in line number will also 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,<br>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.

- 2018-000528DRP-04 (E. GORDON-JONCKHEER: (415) 575-8728)  
440-448 WALLER STREET – between Steiner and Fillmore Streets; 012 and 013 in Assessor’s Block 0860 (District 5) – Request for **Discretionary Review** of Building Permit Application No. No.’s. 2019.01.30.1623, 2019.01.30.1617, 2019.0130.1621, and 2019.0130.1630 to merge and re-subdivide two lots fronting on Waller Street (lots 12 & 13) and create two new lots fronting on Laussat Street. The existing non-complying building in the rear yard that straddles the current lot line will be demolished and replaced with two new 3-story-over-basement two-family dwellings. One-story vertical additions and 4-story horizontal additions at the rear of each of the dwellings on Waller Street are proposed, plus a new garage is proposed for 440 Waller Street. This proposal requires variance for lot size and rear yard (Case No. 2015-008247VAR which was heard at a public hearing on January 22, 2020). This is within a RH-3 (Residential House, Three-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: Take Discretionary Review and Approve with Modifications*  
**(Proposed for Continuance to June 4, 2020)**
- 2018-012648CUA (J. HORN: (415) 575-6925)  
2001 37<sup>TH</sup> AVENUE – northeast side of 39<sup>th</sup> Avenue and Rivera Street; Lot 006 in Assessor’s Block 2094 (District 4) - Request for a **Conditional Use Authorization** pursuant to Planning Code Sections 209.1 and 303 to construct a lighting system at the J.B. Murphy Field athletic stadium to allow for evening use and a Verizon macro wireless telecommunications services (WTS) facility consisting of nine (9) panel antennas that will be screened. The project will construct four 90-foot tall poles with LED light fixtures and the north-west pole will include the WTS facility and ancillary equipment. The subject property is located 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: Approve with Conditions*  
**(Proposed for Continuance to June 11, 2020)**
- 2020-003039PCA (A. MERLONE: (415) 575-9129)  
ARTS ACTIVITIES AND SOCIAL SERVICE OR PHILANTHROPIC FACILITIES AS TEMPORARY USES [BOARD FILE NO. 200215] – Ordinance **amending the Planning Code** to allow Arts Activities and Social Service or Philanthropic Facilities as a temporary use in vacant ground-floor commercial space; 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 adopting findings of public necessity, convenience, and general welfare under Planning Code, Section 302.  
**(Proposed for Continuance to June 25, 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

4. [2020-001318CUA](#) (G. PANTOJA: (415) 575-8741)  
3813 24<sup>TH</sup> STREET – between Church and Vicksburg Streets; Lots 001 and 002 in Assessor’s Block 6509 (District 8) – Request for a **Conditional Use Authorization** pursuant to Planning Code Sections 303, 303.1, and 728 for the establishment of a Formula Retail Use (d.b.a. “Mathnasium”) at an approximately 1,455 square-foot tenant space located on the ground floor of a three-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. Minor interior and exterior alterations are proposed to the subject tenant space. 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*
  
5. [2015-002604ENX-02](#) (A. WESTHOFF: (415) 575-9120)  
667 FOLSOM STREET, 120 HAWTHORNE STREET, 126 HAWTHORNE STREET – south side of Folsom Street, between 3<sup>rd</sup> and Hawthorne Streets; Lots 078, 081 & 082 in Assessor’s Block 3750 (District 6) – Request to modify conditions of approval for an existing **Large Project Authorization** approved by the Planning Commission on January 5, 2017 under Motion No. 19828 to extend the project’s authorization by three years to May 14, 2023. The project authorized under Motion No. 19828 includes the demolition of the existing 17,727 sq. ft. office building at 667 Folsom Street and the existing 8,187 sq. ft. industrial building at 126 Hawthorne Street, merger with the parcel at 120 Hawthorne Street and construction of a 130-ft. tall, thirteen-story mixed-use building that would front on Folsom and Hawthorne Streets. The new development would include 185,710 sq. ft. of residential use for 230 dwelling units, 8,873 sq. ft. of ground floor commercial space, and 12,798 sq. ft. of common and public open space. The project is located within a MUR (Mixed Use Residential) Zoning District and 130-G Height and Bulk District.  
*Preliminary Recommendation: Approve with Conditions*

## C. COMMISSION MATTERS

6. Consideration of Adoption:
  - [Draft Minutes for April 30, 2020](#)
  
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.

#### D. DEPARTMENT MATTERS

8. Director's Announcements
9. 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.

10. [2015-000940ENV, 2017-008051ENV, 2016-014802ENV](#) (A. CALLAGY: (415) 575-8734)  
THE HUB PLAN, 30 VAN NESS AVENUE PROJECT, 98 FRANKLIN STREET PROJECT, AND HUB HOUSING SUSTAINABILITY DISTRICT – approximately 84-acre area of San Francisco within the boundaries of the Market and Octavia Area Plan in the Downtown/Civic Center, South of Market (SoMa), Western Addition, and Mission neighborhoods. Multiple Assessor's Blocks and Lots (Districts 5 and 6) – Certification of the **Final Environmental Impact Report**. The EIR evaluated the planning department-proposed Hub Plan and related actions. The related actions associated with the Hub Plan are two individual private development projects within the Hub Plan area at 30 Van Ness Avenue and 98 Franklin Street and the designation of portions or all of the Hub Plan area as a Housing Sustainability District (HSD). The Hub Plan would amend the 2008 Market and Octavia Area Plan of the San Francisco General Plan for the easternmost portions of the Market and Octavia Area Plan. The overarching objectives of the Hub Plan are to encourage housing, including affordable housing, and create a neighborhood with a range of uses and services to meet community needs. The Hub Plan would pursue this vision through changes to current zoning controls in the area to meet plan objectives. The proposed project at 30 Van Ness Avenue includes retention of portions of an existing 75-foot-tall, five-story building and construction of a 47-story building with ground-floor retail space, up to 10 floors of office space, and 37 floors of residential space. The 30 Van Ness Avenue site would also include space for 148 vehicular parking spaces and 349 bicycle spaces. The proposed project at 98 Franklin Street includes demolition of an existing 100-space surface parking lot and construction of a 31-



story residential tower above a five-story podium that would be occupied by new facilities for the International High School (Grades 9–12 of the French American International School [FAIS]). The 98 Franklin Street site would also include approximately 108 vehicular parking spaces and 539 bicycle spaces.

**Please Note: The public hearing on the Draft EIR is closed. The public comment period for the Draft EIR ended on September 9, 2019. Public comment will be received when the item is called during the hearing. However, comments submitted may not be included in the Final EIR.**

*Preliminary Recommendation: Certify*

(Continued from Regular hearing on April 30, 2020)

11. [2015-000940ENV](#) (L. LANGLOIS: (415) 575-9083)  
MARKET OCTAVIA AREA PLAN AMENDMENT – The Planning Commission will consider adoption of **CEQA Findings** for actions in connection with the Market and Octavia Area Plan Amendment, encompassing an area generally bounded by Haight Street from Octavia Boulevard to Gough Street, Gough Street from Haight Street to Page Street, Franklin Street from Page Street to Fell Street, Fell Street from Franklin Street to Van Ness Avenue, Van Ness Avenue from Fell Street to Hayes Street, Hayes Street from Van Ness Avenue to Larkin Street, Market Street from Ninth Street to 10<sup>th</sup> Street, midblock between 10<sup>th</sup> Street and 11<sup>th</sup> Street from Market Street to Mission Street, Mission Street from 10<sup>th</sup> Street to Washburn Street, a portion of Washburn Street, Minna Street from 10<sup>th</sup> Street to just past Lafayette Street (with certain lots excluded), midblock between Lafayette Street and 12<sup>th</sup> Street to Howard Street, Howard Street just north of 12<sup>th</sup> and 13<sup>th</sup> Streets, and 13<sup>th</sup> Street to Octavia Boulevard and Haight Street. The CEQA Findings include a statement of overriding considerations; reasons for rejection of alternatives to the proposed Plan; and a mitigation monitoring program associated with the approval of the Market and Octavia Area Plan Amendment.  
*Preliminary Recommendation: Adopt Findings*  
(Continued from Regular hearing on April 30, 2020)
- 12a. [2015-000940GPA](#) (L. LANGLOIS: (415) 575-9083)  
MARKET OCTAVIA PLAN AMENDMENT – ADOPTION OF AMENDMENTS TO THE GENERAL PLAN – Pursuant to San Francisco Planning Code 340, the Planning Commission will consider **General Plan Amendments** to amend the Market and Octavia Area Plan, encompassing an area generally bounded by Haight Street from Octavia Boulevard to Gough Street, Gough Street from Haight Street to Page Street, Franklin Street from Page Street to Fell Street, Fell Street from Franklin Street to Van Ness Avenue, Van Ness Avenue from Fell Street to Hayes Street, Hayes Street from Van Ness Avenue to Larkin Street, Market Street from Ninth Street to 10<sup>th</sup> Street, midblock between 10<sup>th</sup> Street and 11<sup>th</sup> Street from Market Street to Mission Street, Mission Street from 10<sup>th</sup> Street to Washburn Street, a portion of Washburn Street, Minna Street from 10<sup>th</sup> Street to just past Lafayette Street (with certain lots excluded), midblock between Lafayette Street and 12<sup>th</sup> Street to Howard Street, Howard Street just north of 12<sup>th</sup> and 13<sup>th</sup> Streets, and 13<sup>th</sup> Street to Octavia Boulevard and Haight Street; making conforming amendments to the Housing Element and the Arts Element; making environmental findings under the California Environmental Quality Act, including adoption of a statement of overriding considerations, and findings of consistency with the General Plan and the eight priority policies of Planning Code Section 101.1, and findings of public necessity, convenience, and welfare under Planning Code Section 302.

*Preliminary Recommendation: Adopt a Resolution Recommending Approval*  
(Continued from Regular hearing on April 30, 2020)

- 12b. [2015-000940PCA-01](#) (L. LANGLOIS: (415) 575-9083)  
MARKET OCTAVIA PLAN AMENDMENT – ADOPTION OF AMENDMENTS TO THE PLANNING CODE – Pursuant to San Francisco Planning Code 302, the Planning Commission will consider **Planning Code Amendments** to give effect to the Market and Octavia Area Plan Amendment, encompassing an area generally bounded by Haight Street from Octavia Boulevard to Gough Street, Gough Street from Haight Street to Page Street, Franklin Street from Page Street to Fell Street, Fell Street from Franklin Street to Van Ness Avenue, Van Ness Avenue from Fell Street to Hayes Street, Hayes Street from Van Ness Avenue to Larkin Street, Market Street from Ninth Street to 10<sup>th</sup> Street, midblock between 10<sup>th</sup> Street and 11<sup>th</sup> Street from Market Street to Mission Street, Mission Street from 10<sup>th</sup> Street to Washburn Street, a portion of Washburn Street, Minna Street from 10<sup>th</sup> Street to just past Lafayette Street (with certain lots excluded), midblock between Lafayette Street and 12<sup>th</sup> Street to Howard Street, Howard Street just north of 12<sup>th</sup> and 13<sup>th</sup> streets, and 13<sup>th</sup> Street to Octavia Boulevard and Haight Street; amending Planning Code Sections **145.4, 151.1, 155, 207.6, 249.33, 261.1, 263.19, 270, 270.2, 309, 341.5, 401, 411A.5, 416.3, 421.5, 424.1, 424.3, 424.4, and 424.5** making environmental findings under the California Environmental Quality Act, including adoption of a statement of overriding considerations, and findings of consistency with the General Plan and the eight priority policies of Planning Code Section 101.1, and findings of public necessity, convenience, and welfare under Planning Code Section 302.

*Preliminary Recommendation: Adopt a Resolution Recommending Approval*  
(Continued from Regular hearing on April 30, 2020)

- 12c. [2015-000940MAP](#) (L. LANGLOIS: (415) 575-9083)  
MARKET OCTAVIA PLAN AMENDMENT – ADOPTION OF AMENDMENTS TO THE ZONING MAP – Pursuant to San Francisco Planning Code 302, the Planning Commission will consider **Zoning Map Amendments** to the Planning Code to amend the Van Ness and Market Special Use District and make other amendments to the Height and Bulk District Maps and Zoning Use District Maps consistent with the Market and Octavia Area Plan Amendment, encompassing an area generally bounded by Haight Street from Octavia Boulevard to Gough Street, Gough Street from Haight Street to Page Street, Franklin Street from Page Street to Fell Street, Fell Street from Franklin Street to Van Ness Avenue, Van Ness Avenue from Fell Street to Hayes Street, Hayes Street from Van Ness Avenue to Larkin Street, Market Street from Ninth Street to 10<sup>th</sup> Street, midblock between 10<sup>th</sup> Street and 11<sup>th</sup> Street from Market Street to Mission Street, Mission Street from 10<sup>th</sup> Street to Washburn Street, a portion of Washburn Street, Minna Street from 10<sup>th</sup> Street to just past Lafayette Street (with certain lots excluded), midblock between Lafayette Street and 12<sup>th</sup> Street to Howard Street, Howard Street just north of 12<sup>th</sup> and 13<sup>th</sup> Streets, and 13<sup>th</sup> Street to Octavia Boulevard and Haight Street; making environmental findings under the California Environmental Quality Act, including adoption of a statement of overriding considerations, and findings of consistency with the General Plan and the eight priority policies of Planning Code Section 101.1, and findings of public necessity, convenience, and welfare under Planning Code Section 302.

*Preliminary Recommendation: Adopt a Resolution Recommending Approval*  
(Continued from Regular hearing on April 30, 2020)



- 12d. [2015-000940PCA-02](#) (L. LANGLOIS: (415) 575-9083)  
HUB HOUSING SUSTAINABILITY DISTRICT – ADOPTION OF AMENDMENTS TO THE BUSINESS AND TAX REGULATIONS CODE AND THE PLANNING CODE – Pursuant to San Francisco Planning Code 302, the Planning Commission will consider **Planning Code and Business and Tax Regulations Code Amendments** to create the Hub Housing Sustainability District, encompassing an area generally bounded by Haight Street from Octavia Boulevard to Gough Street, Gough Street from Haight Street to Page Street, Franklin Street from Page Street to Fell Street, Fell Street from Franklin Street to Van Ness Avenue, Van Ness Avenue from Fell Street to Hayes Street, Hayes Street from Van Ness Avenue to Larkin Street, Market Street from Ninth Street to 10<sup>th</sup> Street, midblock between 10<sup>th</sup> Street and 11<sup>th</sup> Street from Market Street to Mission Street, Mission Street from 10<sup>th</sup> Street to Washburn Street, a portion of Washburn Street, Minna Street from 10<sup>th</sup> Street to just past Lafayette Street (with certain lots excluded), midblock between Lafayette Street and 12<sup>th</sup> Street to Howard Street, Howard Street just north of 12<sup>th</sup> and 13<sup>th</sup> Streets, and 13<sup>th</sup> Street to Octavia Boulevard and Haight Street; to provide a streamlined and ministerial approval process for certain housing projects meeting specific labor, on-site affordability, and other requirements; making environmental findings under the California Environmental Quality Act, including adoption of a statement of overriding considerations, and findings of consistency with the General Plan and the eight priority policies of Planning Code Section 101.1, and findings of public necessity, convenience, and welfare under Planning Code Section 302.  
*Preliminary Recommendation: Adopt a Resolution Recommending Approval*  
(Continued from Regular hearing on April 30, 2020)
- 12e. [2015-000940CWP-02](#) (L. LANGLOIS: (415) 575-9083)  
MARKET OCTAVIA PLAN AMENDMENT – ADOPTION OF THE IMPLEMENTATION PROGRAM – The Planning Commission will consider **adopting the Implementation Program** to guide implementation of the Hub area consistent with the Market and Octavia Area Plan Amendment, encompassing an area generally bounded by Haight Street from Octavia Boulevard to Gough Street, Gough Street from Haight Street to Page Street, Franklin Street from Page Street to Fell Street, Fell Street from Franklin Street to Van Ness Avenue, Van Ness Avenue from Fell Street to Hayes Street, Hayes Street from Van Ness Avenue to Larkin Street, Market Street from Ninth Street to 10<sup>th</sup> Street, midblock between 10<sup>th</sup> Street and 11<sup>th</sup> Street from Market Street to Mission Street, Mission Street from 10<sup>th</sup> Street to Washburn Street, a portion of Washburn Street, Minna Street from 10<sup>th</sup> Street to just past Lafayette Street (with certain lots excluded), midblock between Lafayette Street and 12<sup>th</sup> Street to Howard Street, Howard Street just north of 12<sup>th</sup> and 13<sup>th</sup> Streets, and 13<sup>th</sup> Street to Octavia Boulevard and Haight Street, making environmental findings under the California Environmental Quality Act, including adoption of a statement of overriding considerations, and findings of consistency with the General Plan and the eight priority policies of Planning Code Section 101.1, and findings of public necessity, convenience, and welfare under Planning Code Section 302.  
*Preliminary Recommendation: Adopt a Resolution Recommending Approval*  
(Continued from Regular hearing on April 30, 2020)
13. [2015-004568ENV](#) (R. SCHUETT: (415) 575-9030)  
10 SOUTH VAN NESS AVENUE MIXED-USE PROJECT – the project site is located at the southwest corner of South Van Ness Avenue and Market Street, Assessor's Block 3506, Lots 003A and 004 (District 6) – Certification of the **Final Environmental Impact Report**. The

proposed project would involve demolition of the existing two-story, 30- to 45-foot-tall, 91,088 gross-square-foot (gsf) historic building, built in 1927 which most recently operated as the San Francisco Honda auto dealership and construction of up to 966 residential units in a mixed-use residential building comprised of a 55-story, 590-foot-tall tower over a single podium with ground floor retail. Up to 255 vehicle parking spaces and 321 bicycle parking spaces would be provided within a two-level subterranean parking garage, accessible from 12<sup>th</sup> Street. The project site is located in the Downtown General Commercial (C-3-G) Use District and 120-R-2/120/400-R-2 Height and Bulk Districts.

**Please Note: The public hearing on the Draft EIR is closed. The public comment period for the Draft EIR ended on December 11, 2018. Public comment will be received when the item is called during the hearing. However, comments submitted may not be included in the Final EIR.**

*Preliminary Recommendation: Certify*

(Continued from Regular hearing on April 30, 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.

14. [2018-005918DRP-02](#) (D. WINSLOW: (415) 575-9159)  
[254 ROOSEVELT WAY](#) – between 15<sup>th</sup> Street and Upper Terrace; 032 in Assessor's Block 6700 (District 8) – Request for **Discretionary Review** of Building Permit Application No. 2019.0212.2711 to construct a three-story horizontal addition at the front of an existing three-story building with three dwelling units. The addition will enlarge the three existing units and create a one car garage at the basement level, resulting in a total of 5,361 square feet and include a new roof deck at the front of the building on the third floor, which will be accessed from the unit on third floor within a RH-2 (Residential House, Two-Family) Zoning District and 40-X Height and Bulk District. This action constitutes the Approval Action for the project for the purposes of CEQA, pursuant to San Francisco Administrative Code Section [31.04\(h\)](#).

*Preliminary Recommendation: Take Discretionary Review and Approve with Modifications*

## 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).