

# SAN FRANCISCO PLANNING COMMISSION



## Notice of Hearing & Agenda

Remote Hearing  
via video and teleconferencing

**Thursday, September 17, 2020**  
**1:00 p.m.**  
**Regular Meeting**

**Commissioners:**

Joel Koppel, President  
Kathrin Moore, Vice President  
Deland Chan, Sue Diamond,  
Frank Fung, Theresa Imperial

**Commission Secretary:**

Jonas P. Ionin

**Hearing Materials are available at:**

Website: <http://www.sfplanning.org>  
Planning Department  
49 South Van Ness, 14<sup>th</sup> Floor  
San Francisco, CA 94103

**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 (628) 652-7589 at least 48 hours in advance.

### **Know Your Rights Under the Sunshine Ordinance**

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).

### **Privacy Policy**

Personal information that is provided in communications to the Planning Department is subject to disclosure under the California Public Records Act and the San Francisco Sunshine Ordinance. Personal information provided will not be redacted.

Members of the public are not required to provide personal identifying information when they communicate with the Planning Department and its commissions. All written or oral communications that members of the public submit to the Department regarding projects or hearings will be made available to all members of the public for inspection and copying. The Department does not redact any information from these submissions. This means that personal information including names, phone numbers, addresses and similar information that a member of the public elects to submit to the Department and its commissions may appear on the Department's website or in other public documents that members of the public may inspect or copy.

### **San Francisco Lobbyist Ordinance**

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign and Governmental Conduct Code Section 21.00-2.160] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 25 Van Ness Avenue, Suite 220, San Francisco, CA 94102; phone (415) 252-3100; fax (415) 252-3112; and online <http://www.sfgov.org/ethics>.

### **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.

Parking: Accessible parking is available at the Civic Center Underground Parking Garage (McAllister and Polk), and at the Performing Arts Parking Garage (Grove and Franklin). Accessible curbside parking spaces are located all around City Hall.

Disability Accommodations: To request assistive listening devices, real time captioning, sign language interpreters, readers, large print agendas or other accommodations, please contact the Commission Secretary at (628) 652-7589, or [commissions.secretary@sfgov.org](mailto:commissions.secretary@sfgov.org) at least 72 hours in advance of the hearing to help ensure availability.

Language Assistance: To request an interpreter for a specific item during the hearing, please contact the Commission Secretary at (628) 652-7589, 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 (628) 652-7589. 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(628) 652-7589。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 (628) 652-7589. 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 (628) 652-7589. 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: (415) 655-0001 / Access code: 146 433 8929*

*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:	Deland Chan, Sue Diamond, Frank Fung, Theresa Imperial

## A. CONSIDERATION OF ITEMS PROPOSED FOR CONTINUANCE

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

- 1a. 2019-000494DNX (N. FOSTER: (628) 652-7330)  
555 HOWARD STREET – south side of Howard Street between 1<sup>st</sup> and 2<sup>nd</sup> Streets; Lots 086, 107, and 110 in Assessor’s Block 3736 (District 6) – Request for **Downtown Project Authorization** pursuant to Planning Code Sections 210.2 and 309 to permit a project greater than 50,000 square feet of floor area within a C-3 Zoning District with exceptions for street wall base (Section 132.1(c)); tower separation (Section 132.1(d)); reduction of ground-level wind currents in C-3 Zoning Districts (Section 148); off-street tour bus loading (Section 162); upper tower extensions (Section 263.9); and bulk controls (Section 270). The proposed project (“Project”) includes demolition of three, existing buildings containing non-residential uses and construction of a new 35-story building reaching a roof height up to 385 feet tall (approximately 419 feet tall inclusive of elevator overrun and rooftop screening/mechanical equipment). The Project includes a total gross floor area of approximately 381,000 gross square feet (gsf) of hotel uses and approximately 7,800 gsf of privately-owned public open space (POPOS) located on the rooftop (level 36). The hotel would include 401 tourist hotel guest rooms, and several accessory hotel uses that would be open to the public, including a full-service restaurant and bar on the ground floor and a sky bar/lounge located on level 35. The hotel would include approximately 15,000 gsf of function/meeting space including pre-function and function spaces, and a range of conference room sizes to accommodate events of varying sizes. Fitness facilities for use by hotel guests, including a pool, spa, and exercise room, would be located on level 6. The Project includes 3 off-street loading spaces, 16 Class 1 and 10 Class 2 bicycle parking spaces, with no off-street parking provided. The subject property is located within a C-3-O (SD) Zoning District and 350-S 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 Regular hearing on September 3, 2020)  
**(Proposed for Continuance to September 24, 2020)**
- 1b. 2019-000494CUA (N. FOSTER: (628) 652-7330)  
555 HOWARD STREET – south side of Howard Street between 1<sup>st</sup> and 2<sup>nd</sup> Streets; Lots 086, 107, and 110 in Assessor’s Block 3736 (District 6) – Request for **Conditional Use Authorization** to permit a hotel use (Sections 210.2 and 303(g)). The proposed project (“Project”) includes demolition of three, existing buildings containing non-residential uses and construction of a new 35-story building reaching a roof height up to 385 feet tall (approximately 419 feet tall inclusive of elevator overrun and rooftop screening/mechanical equipment). The Project includes a total gross floor area of

approximately 381,000 gross square feet (gsf) of hotel uses and approximately 7,800 gsf of privately-owned public open space (POPOS) located on the rooftop (level 36). The hotel would include 401 tourist hotel guest rooms, and several accessory hotel uses that would be open to the public, including a full-service restaurant and bar on the ground floor and a sky bar/lounge located on level 35. The hotel would include approximately 15,000 gsf of function/meeting space including pre-function and function spaces, and a range of conference room sizes to accommodate events of varying sizes. Fitness facilities for use by hotel guests, including a pool, spa, and exercise room, would be located on level 6. The Project includes 3 off-street loading spaces, 16 Class 1 and 10 Class 2 bicycle parking spaces, with no off-street parking provided. The subject property is located within a C-3-O (SD) Zoning District and 350-S 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 Regular hearing on September 3, 2020)

**(Proposed for Continuance to September 24, 2020)**

- 1c. 2019-000494VAR (N. FOSTER: (628) 652-7330)  
555 HOWARD STREET – south side of Howard Street between 1<sup>st</sup> and 2<sup>nd</sup> Streets; Lots 086, 107, and 110 in Assessor’s Block 3736 (District 6) – 1) Request for **Variance** to permit relief from the strict limits of the Planning Code related to off-street loading entrances (Section 155(s)(4)(A)) and location of Class 1 bicycle parking (Section 155.1(b)(1)); and 2) Request for Height Exemption for the elevator penthouse to accommodate the elevator overrun (Section 260(b)(1)(B)). The proposed project (“Project”) includes demolition of three, existing buildings containing non-residential uses and construction of a new 35-story building reaching a roof height up to 385 feet tall (approximately 419 feet tall inclusive of elevator overrun and rooftop screening/mechanical equipment). The Project includes a total gross floor area of approximately 381,000 gross square feet (gsf) of hotel uses and approximately 7,800 gsf of privately-owned public open space (POPOS) located on the rooftop (level 36). The hotel would include 401 tourist hotel guest rooms, and several accessory hotel uses that would be open to the public, including a full-service restaurant and bar on the ground floor and a sky bar/lounge located on level 35. The hotel would include approximately 15,000 gsf of function/meeting space including pre-function and function spaces, and a range of conference room sizes to accommodate events of varying sizes. Fitness facilities for use by hotel guests, including a pool, spa, and exercise room, would be located on level 6. The Project includes 3 off-street loading spaces, 16 Class 1 and 10 Class 2 bicycle parking spaces, with no off-street parking provided. The subject property is located within a C-3-O (SD) Zoning District and 350-S Height and Bulk District.  
(Continued from Regular hearing on September 3, 2020)  
**(Proposed for Continuance to September 24, 2020)**
  
2. 2019-016388CUA (J. HORN: (628) 652-7366)  
1760 OCEAN AVENUE – located on the northeast side of the intersection of Ocean Avenue and Dorado Terrace Street; Lot 195 in Assessor’s Block 3283 (District 7) – Request for **Conditional Use Authorization**, pursuant to Planning Code Sections 303 and 755, to establish an Out-Patient Dialysis Center (DBA Fresenius Kidney Care), Health Services (Retail Sales and Service) use within a currently vacant 15,300 square foot tenant space most recently used as an Formula Retail Pharmacy Use (dba CVS). The subject property is located within the Ocean Avenue NCT (Neighborhood Commercial Transit) Zoning District,

Balboa Park Area Plan and 45-X Height and Bulk District. There will be no expansion or exterior modification of the existing building and the project proposes to operation from 5:00 am to 10:30 pm on Monday through Saturday. 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 Regular hearing on September 3, 2020)

**(Proposed for Continuance to October 1, 2020)**

3. 2019-017022CUA (K. DURANDET: (628) 652-7315)  
2839 24<sup>TH</sup> STREET – south side of 24<sup>th</sup> Street at the corner of Bryant, Lot 030 of Assessor's Block 4267 (District 9) – Request for **Conditional Use Authorization** pursuant to Planning Code Sections 303 and 763 to establish a ground floor residential use under Planning Code Section 207.3 of an existing two-story mixed-use building and a modification for ground floor commercial use under Section 145.4. The project would result in a total of four (4) dwelling units within the existing building in the 24<sup>th</sup> Street Mission NCT (Neighborhood Commercial Transit) Zoning District and 55-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\(h\)](#).  
**(Proposed for Continuance to October 15, 2020)**
  
4. 2020-002571CUA (C. FEENEY: (628) 652-7313)  
3140 16<sup>TH</sup> STREET – north side of 16<sup>th</sup> Street between Albion and Valencia Streets, Lot 018 of Assessor's Block 3555 (District 8) – Request for a **Conditional Use Authorization** pursuant to Planning Code Sections 121.2, 303 and 762 to establish a Design Professional use within an existing 20,400 square-foot warehouse in the Valencia Street NCT (Neighborhood Commercial Transit) Zoning District and 55-X Height and Bulk District. The warehouse was previously used for Automotive Services. The interior of the building will be subdivided into four tenant spaces and exterior work includes new doorways, changing signage, façade maintenance and repairs This action constitutes the Approval Action for the project for the purposes of CEQA, pursuant to San Francisco Administrative Code Section [31.04\(h\)](#).  
 (Continued from Regular hearing on September 3, 2020)  
**(Proposed for Continuance to October 29, 2020)**

## B. COMMISSION MATTERS

5. Consideration of Adoption:
  - [Draft Minutes for September 3, 2020](#)
  
6. Commission Comments/Questions
  - Inquiries/Announcements. Without discussion, at this time Commissioners may make announcements or inquiries of staff regarding various matters of interest to the Commissioner(s).
  - Future Meetings/Agendas. At this time, the Commission may discuss and take action to set the date of a Special Meeting and/or determine those items that could be placed on the agenda of the next meeting and other future meetings of the Planning Commission.



**C. DEPARTMENT MATTERS**

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

**D. 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.

**E. 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.

9. [2011.1356PCA-02](#) (M. SNYDER: (628) 652-7460)  
**CENTRAL SOMA CLEAN-UP – Planning Code Amendment** – Ordinance amending the Planning Code to correct typographical errors, update incorrect cross-references, and make non-substantive revisions to clarify or simplify Code language; enabling off-site usable open space to be provided at a greater distance; establishing a requirement for a POPOS operations strategy; clarifying what projects in Central SoMa are subject to the Central SoMa PDR requirements; clarifying lot coverage requirement for residential uses in Central SoMa; clarifying what sides of narrow streets in Central SoMa are subject to solar plane setback and bulk reduction sky plane requirements; clarifying that BMR in-lieu fees are to be spent in the greater SoMa Area; clarifying that exceptions granted by the Planning Commission for usable open space can only be for non-square footage related exceptions; clarifying the geographic area in which Central SoMa Community Facilities fee revenue can be spent; clarifying which projects are subject to the Central SoMa Infrastructure Fee; clarifying the types of infrastructure projects that are eligible for SoMa Infrastructure fee funding; and adding an additional exception for one of the Central SoMa key sites; 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.  
*Preliminary Recommendation: Approve*  
(Continued from Regular hearing on September 3, 2020)
10. [2019-021010CUA](#) (N. FOSTER: (628) 652-7330)  
**717 CALIFORNIA STREET** – south side of California Street between Grant Avenue and Stockton Street; Lot 001 in Assessor's Block 0257 (District 3) – Request for **Conditional Use Authorization** pursuant to Planning Code Sections 121.4, 303, and 810 to establish a Non-

Retail Professional Services Use at a use size in excess of 5,000 gross square feet within an existing commercial tenant space located on floors 2-4 of the subject building. The subject tenant space totals approximately 19,700 gross square feet within the three upper floors of the building and has operated as a Non-Retail Professional Service Use continuously since 2000 without benefit of Conditional Use Authorization. The Project only involves the legal establishment of use and does not propose any interior or exterior alterations. The Project Site is located within the Chinatown Community Business (CCB) Zoning District, the Chinatown Plan Area, and 50-N 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 Regular hearing on September 3, 2020)

11. [2019-016420CND](#) (C. FAHEY: (628) 652-7367)  
[424-434 FRANCISCO STREET](#) – north side of Francisco Street between Powell and Mason Streets; Lot 010 in Assessor's Block 0041 (District 3) – Request for a **Condominium Conversion** pursuant to Subdivision Code Sections 1332 and 1381 to convert three (3)-story, six (6)-dwelling unit building into residential condominiums. The project site is located within the North Beach Special Use District, the Telegraph Hill – North Beach Residential Special Use District, and the North Beach Neighborhood Commercial (NCD) Zoning District and 40-X Height and Bulk District. The proposal includes no physical change and is therefore not a project under CEQA.  
*Preliminary Recommendation: Approve*  
 (Continued from Regular hearing on September 3, 2020)  
**Note: On September 3, 2020, after hearing and closing public comment, continued to September 17, 2020 by a vote of +5 -0 (Koppel absent).**

12. [2019-015984CUA](#) (A. LINDSAY: (628) 652- 7360)  
[590 2<sup>ND</sup> AVENUE](#) – on east side of 2<sup>nd</sup> Avenue between Anza Street and Balboa Street, Lot 026 of Assessor's Block 1544 (District 1) – Request for a **Conditional Use Authorization**, pursuant to Planning Code Sections 303 and 209.2, to install a new AT&T Mobility Macro Wireless Telecommunications Services Facility at rooftop consisting of installation of ten (10) panel antennas, and ancillary equipment as part of the AT&T Mobility Telecommunications Network. Antennas and ancillary equipment will be screened within two (2) FRP enclosures. The subject property is located within a RM-2 (Residential-Mixed, Moderate Density) and 40-X 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 Regular hearing on September 3, 2020)

## F. 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.



13. [2019-019671DRP](#) (D. WINSLOW: (628) 652-7335)  
1463 43<sup>RD</sup> AVENUE – between Judah and Kirkham Streets; Lot 012 in Assessor’s Block 1810 (District 4) – Request for **Discretionary Review** of Building Permit 2019.1003.3488 to construct a new a 157 sq. ft horizontal expansion to the front of the third-floor of an existing single-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*

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 49 South Van Ness Ave, 14<sup>th</sup> Floor, 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, 49 South Van Ness Ave, 14<sup>th</sup> Floor, 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).