

# SAN FRANCISCO PLANNING COMMISSION



## Notice of Hearing & Agenda

Remote Hearing  
via video and teleconferencing

**Thursday, January 28, 2021**  
**1:00 p.m.**  
**Regular Meeting**

**Commissioners:**

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

**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: 146 932 1095*

*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, Rachael Tanner

## A. CONSIDERATION OF ITEMS PROPOSED FOR CONTINUANCE

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

1. 2020-009054PCA (V. FLORES: (628) 652-7525)  
TEMPORARY USE OF HOTELS AND MOTELS FOR PERMANENT SUPPORTIVE HOUSING [BF 201218] – **Planning and Administrative Code Amendments** – Ordinance amending the Planning Code and Administrative Code to allow certain hotels and motels to be used for Permanent Supportive Housing purposes without thereby abandoning or discontinuing the hotel use; 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 Regular hearing on December 10, 2020)  
**(Proposed for Indefinite Continuance)**
2. 2020-010373DRP (D. WINSLOW: (628) 652-7335)  
330 RUTLEDGE STREET – between Alabama and Peralta Streets; Lot 014 in Assessor’s Block 5540 (District 9) – Request for **Discretionary Review** of Building Permit No. 2020.0930.5493 to construct a retaining wall at the rear property line to address N.O.V # 201902301 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).  
**(Proposed for Indefinite Continuance)**

## B. COMMISSION MATTERS

3. Consideration of Adoption:
  - [Draft Minutes for January 14, 2021](#)
4. 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

5. Director's Announcements
6. 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.

- 7a. [2016-013312DVA](#) (N. FOSTER: (628) 652-7330)  
542-550 HOWARD STREET ("TRANSBAY PARCEL F") MIXED-USE PROJECT – located on the north side of Howard Street between 1<sup>st</sup> and 2<sup>nd</sup> Streets; Assessor's Block 3721, Lots 016,135, 136, and 138 (District 6) – Request to Adopt a Recommendation of Approval of a **Development Agreement** between the City and County of San Francisco and the "City and County of San Francisco and the "Parcel F Owner, LLC" in association with the 542-550 Howard Street (Transbay Parcel F) mixed-use project [Board File No. 201386]. The proposed Development Agreement will address how the project will comply with the Inclusionary Affordable Housing Requirements. Overall, the project would construct a 750-foot-tall, 61-story, mixed-use tower that includes 165 dwelling units, 189 hotel rooms, approximately 276,000 square feet of office use floor area, approximately 9,000 square feet of retail space, 183 vehicle parking spaces, and 177 Class 1 and 39 Class 2 bicycle parking spaces. The Project also would construct a pedestrian bridge providing public access to Salesforce Park located on the roof of the Salesforce Transit Center. Pursuant to San Francisco Administrative Code Section 56.4(c), the Planning Director has received and accepted a complete application for the amendment of the above-mentioned development agreement which is available for review by the public at the Planning Department in Case No. 2016-013312DVA.  
*Preliminary Recommendation: Adopt*

- 7b. [2016-013312PCAMAP](#) (N. FOSTER: (628) 652-7330)  
542-550 HOWARD STREET ("TRANSBAY PARCEL F") MIXED-USE PROJECT – located on the north side of Howard Street between 1<sup>st</sup> and 2<sup>nd</sup> Streets; Assessor's Block 3721, Lots 016,135, 136, and 138 (District 6) – Request for **Planning Code Text and Zoning Map Amendments**. Ordinance introduced by Supervisor Matt Haney [Board File No. 201385] amending the Planning Code and Zoning Map to rezone and reclassify a portion of the 542-550 Howard Street project site (Assessor's Parcel Block No. 3721, Lots 016, 135, 136, and 138, also known

as Transbay Parcel F) and as shown on Figure 1 of the Transit Center District Plan, specifically to rezone a portion of the Project site from the P (Public) District to the C-3-O SD (Downtown Office Special Development) Zoning District and to revise Zoning Map HT01 to reclassify the height and bulk district designations for a portion of the project site from 750-S-2 to 450-S and from 450-S to 750-S-2; waiving certain provisions of the Planning Code to allow the project to satisfy its affordable housing requirement through payment of an in-lieu affordable housing fee to the Office of Community Investment and Infrastructure for use within the Transbay Redevelopment Project Area, to modify timing for payment of fees, and to permit the footprint of the portion of the project site dedicated to dwellings to exceed 15,000 square feet; adopting findings 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 welfare under Planning Code, Section 302 The proposed amendments will be before the Commission so that it may recommend adoption, rejection, or adoption with modifications to the Board of Supervisors.

*Preliminary Recommendation: Adopt a Recommendation for Approval*

- 7c. [2016-013312DNX-02](#) (N. FOSTER: (628) 652-7330)  
542-550 HOWARD STREET ("TRANSBAY PARCEL F") MIXED-USE PROJECT - located on the north side of Howard Street between 1<sup>st</sup> and 2<sup>nd</sup> Streets; Assessor's Block 3721, Lots 016,135, 136, and 138 (District 6) – Request to amend Conditions of Approval of Motion No. 20616 (**Downtown Project Authorization**), adopted on January 9, 2020, to reflect a change in the compliance with the inclusionary affordable housing requirements through payment of an in-lieu affordable housing fee to the Office of Community Investment and Infrastructure for use within the Transbay Redevelopment Project Area. The project would construct a 750-foot-tall, 61-story, mixed-use tower that includes 165 dwelling units, 189 hotel rooms, approximately 276,000 square feet of office use floor area, approximately 9,000 square feet of retail space, 183 vehicle parking spaces, and 177 Class 1 and 39 Class 2 bicycle parking spaces. The Project also would construct a pedestrian bridge providing public access to Salesforce Park located on the roof of the Salesforce Transit Center. The Project Site is located within a C-3-O (SD) Downtown-Office (Special Development) Zoning District and 750-S2 and 450-S Height and Bulk Districts. The Approval Action for the project for the purposes of CEQA, pursuant to San Francisco Administrative Code Section [31.04](#)(h), occurred on January 9, 2020 by the Planning Commission's approval of the project under Motion No. 20616.  
*Preliminary Recommendation: Approve with Conditions*

- 7d. [2016-013312CUA-02](#) (N. FOSTER: (628) 652-7330)  
542-550 HOWARD STREET ("TRANSBAY PARCEL F") MIXED-USE PROJECT – located on the north side of Howard Street between 1<sup>st</sup> and 2<sup>nd</sup> Streets; Assessor's Block 3721, Lots 016,135, 136, and 138 (District 6) – Request to amend Conditions of Approval of Motion No. 20618 (**Conditional Use Authorization**), adopted on January 9, 2020, to reflect a change in the compliance with the inclusionary affordable housing requirements through payment of an in-lieu affordable housing fee to the Office of Community Investment and Infrastructure for use within the Transbay Redevelopment Project Area. The project would construct a 750-foot-tall, 61-story, mixed-use tower that includes 165 dwelling units, 189 hotel rooms, approximately 276,000 square feet of office use floor area, approximately 9,000 square feet of retail space, 183 vehicle parking spaces, and 177 Class 1 and 39 Class 2 bicycle parking spaces. The Project also would construct a pedestrian bridge providing public access to Salesforce Park located on the roof of the Salesforce Transit Center. The Project Site is located

within a C-3-O (SD) Downtown-Office (Special Development) Zoning District and 750-S2 and 450-S Height and Bulk Districts.

*Preliminary Recommendation: Approve with Conditions*

- 7e. [2016-013312OFA-02](#) (N. FOSTER: (628) 652-7330)  
542-550 HOWARD STREET ("TRANSBAY PARCEL F") MIXED-USE PROJECT – located on the north side of Howard Street between 1<sup>st</sup> and 2<sup>nd</sup> Streets; Assessor's Block 3721, Lots 016,135, 136, and 138 (District 6) – Request to amend Conditions of Approval of Motion No. 20617 (**Office Allocation**), adopted on January 9, 2020, to reflect a change in the compliance with the inclusionary affordable housing requirements through payment of an in-lieu affordable housing fee to the Office of Community Investment and Infrastructure for use within the Transbay Redevelopment Project Area. The project would construct a 750-foot-tall, 61-story, mixed-use tower that includes 165 dwelling units, 189 hotel rooms, approximately 276,000 square feet of office use floor area, approximately 9,000 square feet of retail space, 183 vehicle parking spaces, and 177 Class 1 and 39 Class 2 bicycle parking spaces. The Project also would construct a pedestrian bridge providing public access to Salesforce Park located on the roof of the Salesforce Transit Center. The Project Site is located within a C-3-O (SD) Downtown-Office (Special Development) Zoning District and 750-S2 and 450-S Height and Bulk Districts.  
*Preliminary Recommendation: Approve with Conditions*
- 8a. [2018-016808SHD](#) (M. CHRISTENSEN: (628) 652-7567)  
321 FLORIDA STREET – on east side of Florida Street between 16<sup>th</sup> and 17<sup>th</sup> Streets, Lot 022 of Assessor's Block 3965 (District 9) – Request for Planning Commission consideration of Adoption of **Shadow Findings** pursuant to Section 295 that shadows from the project would not adversely affect use of Franklin Square Park under the jurisdiction of the Recreation and Park Commission. The Project proposes the construction of a nine-story, 92' tall, 154,396 square feet (sq ft) mixed-use building containing 168 dwelling units, 1,336 sq ft of Retail Sales and Service Use, and 47 off-street auto parking spaces, on a site currently developed as a private parking lot. The proposed Project would utilize the State Density Bonus Law (California Government Code Sections 65915-65918) and proposes waivers for: the Height Limit (PC 260) and Ground Floor Ceiling Height (PC 145.1(c)(4)) requirements of the Planning Code and a concession from the Residential Open Space (PC 135) requirement of the Planning Code. The subject property is located within a UMU (Urban Mixed-Use) and 68-X Height and Bulk Districts.  
*Preliminary Recommendation: Adopt*
- 8b. [2018-016808ENX](#) (M. CHRISTENSEN: (628) 652-7567)  
321 FLORIDA STREET – on east side of Florida Street between 16<sup>th</sup> and 17<sup>th</sup> Streets, Lot 022 of Assessor's Block 3965 (District 9) – Request for a **Large Project Authorization**, pursuant to Planning Code Sections 329 and 843, for a Project which proposes the construction of a nine-story, 92' tall, 154,396 square feet (sq ft) mixed-use building containing 168 dwelling units, 1,336 sq ft of Retail Sales and Service Use, and 47 off-street auto parking spaces, on a site currently developed as a private parking lot. The proposed Project would utilize the State Density Bonus Law (California Government Code Sections 65915-65918) and proposes waivers for: the Height Limit (PC 260) and Ground Floor Ceiling Height (PC 145.1(c)(4)) requirements of the Planning Code and a concession from the Residential Open Space (PC 135) requirement of the Planning Code. The subject property is located within a UMU (Urban Mixed Use) and 68-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*

9. [2015-009163CUA](#) (K. GUY: (628) 652-7325)  
[77 GEARY STREET](#) – located at the southeast corner of Geary Street and Grant Avenue; Lot 008 in Assessor’s Block 0312 (District 3) – Request a **Conditional Use Authorization**, pursuant to Planning Code Sections 209.2 and 303 to establish approximately 12,000 square feet of non-retail sales and service (general office) uses at the third floor of an existing 10-story building, within a C-3-R (Downtown, Retail) Zoning District and 80-130-F 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*
10. [2020-006234CUA](#) (K. WILBORN: (628) 652-7355)  
[653-656 FELL STREET](#) – located on the south side of Fell Street between Webster and Buchanan Streets; Lot 041 in Assessor’s Block 0829 (District 5) – Request a **Conditional Use Authorization**, pursuant to Planning Code Sections 209.1 and 317 to legalize Residential Demolition of the subject property, 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: Approve with Conditions*
11. [2020-007075CUA](#) (C. CAMPBELL: (628) 652-7387)  
[2166 MARKET STREET](#) – located on the northwest side of Market Street between Sanchez Street and Church Street; Lot 016 in Assessor’s Block 3542 (District 8) – Request a **Conditional Use Authorization**, pursuant to Planning Code Sections 764 and 303 to establish a Bar Use concurrent with an existing conditionally established General Entertainment Use (dba The Academy) on the basement and first floor of the subject property, within the Upper Market Street NCT (Neighborhood Commercial Transit) Zoning District and 40-X/50-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*
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 December 10, 2020)



**Note: On September 17, 2020, after hearing and closing public comment, continued to November 19, 2020 by a vote of +6 -0. On November 19, 2020, without hearing, continued to December 10, 2020 by a vote of +7 -0. On December 10, 2020, without hearing, continued to January 28, 2021 by a vote of +7 -0.**

## 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. [2019-012567DRP](#) (D. WINSLOW: (628) 652-7335)  
36 DELANO AVENUE – between San Juan and Santa Ysabel Avenues; Lot 008 in Assessor's Block 3152 (District 11) – Request for **Discretionary Review** of Building Permit no. 2019.0605.2592 for the construction of a three-story, horizontal addition at the rear of an existing three-story, single family residence 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: Take Discretionary Review and Approve with Modifications*  
(Continued from Regular hearing on January 14, 2021)
  
14. [2018-017283DRP](#) (D. WINSLOW: (628) 652-7335)  
476 LOMBARD STREET – between Stockton and Grant Streets; Lot 017A in Assessor's Block 0062 (District 3) – Request for **Discretionary Review** of Building Permit no. 2018.1019.3722 for the construction of a horizontal and vertical addition to an existing single-family dwelling. The addition will include the infill of two western light wells, increase of building depth at rear, a third-floor vertical addition, rear yard decks at the second and third floors, and new rooftop deck with wood parapet walls to match existing siding located at the rear half of the building 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: Do Not Take Discretionary Review and Approve*  
(Continued from Regular hearing on January 14, 2021)

## 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.

<b>Case Type</b>	<b>Case Suffix</b>	<b>Appeal Period*</b>	<b>Appeal Body</b>
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).