

SAN FRANCISCO PLANNING COMMISSION



Notice of Hearing & Agenda

Remote Hearing
via video and teleconferencing

**Thursday, September 9, 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:

[Planning Commission Packet and Correspondence](#)

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

Ramaytush Ohlone Acknowledgement

The Planning Commission acknowledges that we are on the unceded ancestral homeland of the Ramaytush Ohlone, who are the original inhabitants of the San Francisco Peninsula. As the indigenous stewards of this land and in accordance with their traditions, the Ramaytush Ohlone have never ceded, lost, nor forgotten their responsibilities as the caretakers of this place, as well as for all peoples who reside in their traditional territory. As guests, we recognize that we benefit from living and working on their traditional homeland. We wish to pay our respects by acknowledging the Ancestors, Elders, and Relatives of the Ramaytush Ohlone community and by affirming their sovereign rights as First Peoples.

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. 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.

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.

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 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 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。

FILIPINO: 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. Visit the SFGovTV website (<https://sfgovtv.org/planning>) to stream the live meetings or watch on a local television station.

Public Comment call-in: (415) 655-0001 / Access code: 2491 201 1816

The public comment call-in line number will also be provided on the Department's webpage <https://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. 2021-004901CUA (K. AGNIHOTRI: (628) 652-7454)
1111 CALIFORNIA STREET – southwest corner of Taylor Street; Lot 020 in Assessor's Block 0253 (District 3) – Request for **Conditional Use Authorization** pursuant to Planning Code Sections 209.2, and 303, to permit the installation of a new AT&T Mobility Macro Wireless Telecommunication Services Facility at the rooftop of the existing three-story auditorium building, consisting of six (6) new antennas and ancillary equipment as part of the AT&T Mobility Telecommunications Network. Antennas and ancillary equipment will be screened within one (1) FRP enclosure. The project is located within a RM-4 (Residential – Mixed, High Density) Zoning District and 65-A 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 September 23, 2021)

- 2a. 2019-020031CUA (K. DURANDET: (628) 652-7315)
2867 SAN BRUNO AVE (AKA 90-98 WOOLSEY STREET) – northeast corner of Woolsey Street; Lots 037 and 022 in Assessor's Block 5457 (District 9) – Request for **Conditional Use Authorization** pursuant to Planning Code Section(s) 303, 317, 207(c)(4), and 207.7 for a significant modification to the project approved by Motion No. 18782, a dwelling unit mix modification, and a residential demolition to establish a total of 27 dwelling units on the site, within the San Bruno Avenue NCD (Neighborhood Commercial District) 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 September 30, 2021)

- 2b. 2019-020031VAR (K. DURANDET: (628) 652-7315)
2867 SAN BRUNO AVE (AKA 90-98 WOOLSEY STREET) – northeast corner of Woolsey Street; Lots 037 and 022 in Assessor's Block 5457 (District 9) – Request for **Variances** from the rear yard and usable open space and pursuant to Planning Code Section(s) 134 and 135 within the San Bruno Avenue NCD (Neighborhood Commercial District) Zoning District and 40-X Height and Bulk District.
(Proposed for Continuance to September 30, 2021)

3. 2021-003396CUA (R. BALBA: (628) 652-7331)
790 VALENCIA STREET – west side between 18th and 19th Streets; Lot 125 in Assessor's Block 3588 (District 8) – Request for **Conditional Use Authorization** pursuant to Planning Code Sections 303, and 303.1, and 762, to establish a formula retail use (d.b.a. Earthbar), within an existing retail space at the ground floor of an existing five-story mixed-use building, within the Valencia Street NCT (Neighborhood Commercial Transit) Zoning District and 55-X Height and Bulk District. There will be no expansion of the existing building envelope. 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 October 21, 2021)
4. 2021-002667DRP-03 (D. WINSLOW: (628) 652-7335)
4763 19TH STREET – south side between Caselli and Yukon Streets; Lot 034 in Assessor's Block 2711 (District 7) – Request for **Discretionary Review** of Building Permit Application no. 2021.0217.4759 for the replacement of existing windows on the front façade, removal of existing one- and three-story rear additions and new construction of a two-story rear horizontal addition and stair to an existing 2,395 sq. ft. two-story over basement, single-family home. The addition will result in a 3,148 square foot single-family home 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: Do Not Take Discretionary Review and Approve
(Proposed for Continuance to October 21, 2021)

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

5. [2020-011473CUA](#) (S. CISNEROS: (628) 652-7363)
2075 MISSION STREET – east side between 16th and 17th Streets; Lot 048 in Assessor's Block 3570 (District 9) – Request for **Conditional Use Authorization** pursuant to Planning Code Sections 608.14 and 303 to authorize the existing sign as a Vintage Sign and allow for its restoration at the three-story, mixed-use building within the Mission Street NCT (Neighborhood Commercial Transit) Zoning District, Mission Area Plan, and 40-X and 80-B 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
6. [2021-005099CUA](#) (C. CAMPBELL: (628) 652-7387)
4126 18TH STREET – north side between Collingwood and Castro Streets; Lot 015 in Assessor's Block 2647 (District 8) – Request for **Conditional Use Authorization** pursuant to Planning Code Sections 202.2, 303.1, and 715, to allow a liquor store use (d.b.a "Bottle Bacchanal", specializing in natural wines and artisanal beverages) measuring 779 square feet, on the ground floor of an existing three-story mixed-use building, the Castro Street

NCD (Neighborhood Commercial District) 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

7. [2021-003600CUA](#) (R. BALBA: (628) 652-7331)
506 CASTRO STREET – west side between 18th and 19th Streets; Lot 001 in Assessor's Block 2695 (District 8) – Request for **Conditional Use Authorization** pursuant to Planning Code Sections 303, and 303.1, and 715, to establish a formula retail use (d.b.a. Earthbar), within an existing retail space at the ground floor of an existing two-story mixed-use building, within the Castro Street NCD (Neighborhood Commercial District) Zoning District and 40-X Height and Bulk District. There will be no expansion of the existing building envelope. 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

8. [2021-003599CUA](#) (K. AGNIHOTRI: (628) 652-7454)
2234 CHESTNUT STREET – north side between Avila and Pierce Streets; Lot 014A in Assessor's Block 0488A (District 2) – Request for **Conditional Use Authorization** pursuant to Planning Code Sections 711, 33 and 303.1, to establish a formula retail use (d.b.a. Earthbar), at the ground floor of an existing retail space, approximately 800 square feet, within a NC-2 (Neighborhood Commercial, Small Scale) Zoning District, Chestnut Street Financial Service SUD (Special Use 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 Condition

9. [2021-001859CUA](#) (J. HORN: (628) 652-7366)
3800 24TH STREET – north side between Church and Vicksburg Streets; Lot 014 in Assessor's Block 3651 (District 8) – Request for **Conditional Use Authorization** pursuant to Planning Code Sections 303, 303.1, and 728, to establish a formula retail use (d.b.a. Pure Barre), within a vacant 2,045 square foot retail space within a one-story commercial building within the 24th Street-Noe Valley NCD (Neighborhood Commercial District) 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

C. COMMISSION MATTERS

10. Consideration of Adoption:
 - [Draft Minutes for July 22, 2021](#)
 - [Draft Minutes for August 26, 2021](#)

11. 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

12. Director's Announcements
13. 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.

14. [2021-006353PCA](#) (V. FLORES: (628) 652-7525)
ACCESSORY DWELLING UNIT CONTROLS [BF 210699] – Planning and Administrative Code Amendments – Ordinance amending the Planning Code to clarify the requirements for applications to construct Accessory Dwelling Units under the City's local Accessory Dwelling Unit approval process; amending the Administrative Code to clarify that landlords may not remove tenant housing services without just cause and that issuance of a building permit does not constitute just cause; making findings as required by the Tenant Protection Act of 2019; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.
Preliminary Recommendation: Approve with Modifications
15. [2018-013597ENV](#) (M. CALPIN: (628) 652-7508)
PORTSMOUTH SQUARE IMPROVEMENT PROJECT (733 KEARNY STREET) – north of Clay Street, bisected by Kearny Street, south of Washington Street, and east of Walter U. Lum Place; Lot 017 in Assessors Block 0209, portions of Lot 024 in Assessors Block 0208, and a pedestrian bridge over Kearny Street that connects the two properties – Public Hearing on the **Draft Environmental Impact Report**. The proposed project would: 1) renovate Portsmouth Square with a new children's playground, exercise equipment, shade structures, seating areas, wayfinding, signage, sidewalks, landscaping, terraces, ramps, and a new 8,300-square-foot clubhouse; 2) demolish and remove the pedestrian bridge spanning Kearny Street that connects Portsmouth Square to 750 Kearny Street, a 27-story hotel building (currently managed as a Hilton Hotel), which includes the Chinese Culture Center on the third floor; 3)

re-waterproof the roof of the Portsmouth Square Garage located underneath the park and portions of the adjacent streets and sidewalks and seismically upgrade portions of the parking garage; and 4) replace curb cuts and a portion of the streets and sidewalks adjacent to Portsmouth Square for utility connections at the following intersections: Kearny and Washington streets; Washington Street and Walter U. Lum Place; Walter U. Lum Place and Clay Street; and Clay and Kearny Streets. The project site is within a P (Public) and C-3-O (Downtown, Office) Zoning Districts and OS (Open Space) and 200-S Height and Bulk District.

Written comments will be accepted at CPC.PortsmouthSquareEIR@sfgov.org or at the Planning Department until 5:00 p.m. on September 20, 2021.

Preliminary Recommendation: Review and Comment

- 16a. [2020-005610ENX](#) (X. LIANG: (628) 652-7316)
490 BRANNAN STREET – northeast corner of Fourth Street; Lot 025 of Assessor’s Block 3776 (District 6) – Request for **Large Project Authorization** pursuant to Planning Code Sections 329, and 848, to demolish a one-story commercial building and allow new construction over 85-foot in height and measuring more than 50,000 gross square feet (gsf) in size in the Central SoMa SUD (Special Use District), for the proposed project involving new construction of a building approximately 185 feet in height, 355,630 gsf in size, including up to 269,296 square feet (sf) of office space, approximately 12,506 sf of Art Activities (considered to be a Production, Distribution and Repair (PDR) use), 5,391 sf of child care use, 3,272 sf of retail space, and 24 off-street below-grade parking spaces, six off-street loading and service vehicle spaces, and 60 Class 1 and 26 Class 2 bicycle parking spaces within the CMUO (Central Soma Mixed-Use Office) Zoning District, Central SoMa SUD (Special Use District), and 200-CS Height and Bulk District. The Project also includes 5,602 sf of Privately-Owned Public Open Space (POPOS). The project site is identified as a “key site” in the Central SoMa Area Plan and is anticipated to provide a qualified amenity, including 12,506 square feet of community art activity space, at least 10,000 square feet of which will be provided at 60% of comparable market rent for no less than 30 years. Under the Large Project Authorization, the project is requesting exceptions from the following Planning Code (PC) requirements: PC 132.4 [Building Setback and Streetwall Articulation]; PC 138 [POPOS Design Standards]; 249.78 [Wind Controls]; PC 261.1 [Mid-Block Alley Controls]; and PC 270 [Central SoMa Bulk Controls]. 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
- 16b. [2020-005610OFA](#) (X. LIANG: (628) 652-7316)
490 BRANNAN STREET – northeast corner of Fourth Street; Lot 025 of Assessor’s Block 3776 (District 6) – Request for **Office Development Authorization** pursuant to Planning Code Sections 321 and 322 to authorize up to 269,296 gross square feet from the Office Development Annual Limit. The project site is located in the CMUO (Central SoMa Mixed-Use Office) Zoning District, Central SoMa SUD (Special Use District), and 200-CS Height and Bulk District.
Preliminary Recommendation: Approve with Conditions
- 16c. [2020-005610VAR](#) (X. LIANG: (628) 652-7316)
490 BRANNAN STREET – northeast corner of Fourth Street; Lot 025 of Assessor’s Block 3776 (District 6) – Request for **Variance** to address the Planning Code requirements for off-street Parking and Loading entrances [PC 145.1] and Ground Floor Height [PC 145.1 and 249.78],

for the proposed project involving new construction of a building approximately 185 feet in height, 355,630 gross square feet in size, including up to 269,296 square feet (sf) of office space, approximately 12,506 sf of PDR use, 5,391 sf of child care use, 3,272 sf of retail space, and 24 off-street below-grade parking spaces, six off-street loading and service vehicle spaces, and 60 Class 1 and 26 Class 2 bicycle parking spaces within the CMUO (Central Soma Mixed-Use Office) Zoning District, Central SoMa SUD (Special Use District), and 200-CS Height and Bulk District.

- 17a. [2016-015987PCA](#) (C. MAY: (628) 652-7359)
1750 VAN NESS AVENUE – east side between Clay and Sacramento Streets; Lot 019 of Assessor’s Block 0622 (District 3) – **Planning Code Amendment** to Planning Code Section 243 to exempt the subject property from the required 3:1 ratio of residential uses to non-residential uses in association with a project proposing to demolish the existing two-story Religious Institutional building and construct a new six-story-over-basement Religious Institutional building (dba San Bao Temple); 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. The proposed amendment will be before the Commission so that it may recommend adoption, rejection, or adoption with modifications to the Board of Supervisors.
Preliminary Recommendation: Recommend Approval to the Board of Supervisors
- 17b. [2016-015987CUA](#) (C. MAY: (628) 652-7359)
1750 VAN NESS AVENUE – east side between Clay and Sacramento Streets; Lot 019 of Assessor’s Block 0622 (District 3) – Request for **Conditional Use Authorization**, pursuant to Planning Code Sections 155(l), 209.3, 253, 253.2 and 303 to permit the retention of a curb cut on a transit-preferential street, to permit a non-residential use greater than 6,000 square feet, to permit a height greater than 50 feet and to permit an Institutional use in association with a project proposing to demolish the existing two-story Religious Institutional building and construct a new six-story-over-basement Religious Institutional building (dba San Bao Temple) within a RC-4 (Residential-Commercial, High-Density) Zoning District, Van Ness SUD (Special Use District), and 80-D 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
- 17c. [2016-015987VAR](#) (C. MAY: (628) 652-7359)
1750 VAN NESS AVENUE– east side between Clay and Sacramento Streets; Lot 019 of Assessor’s Block 0622 (District 3) – Request for **Variance** from the off-street parking and loading entrance requirements of Planning Code Section 145.1 in association with a project proposing to demolish the existing two-story Religious Institutional building and construct a new six-story-over-basement Religious Institutional building (dba San Bao Temple) within a RC-4 (Residential-Commercial, High-Density) Zoning District, Van Ness Special Use District, and 80-D Height and Bulk District.
18. [2020-006422CUA](#) (L. HOAGLAND: (628) 652-7320)
1728 LARKIN STREET – east side between Jackson and Washington Streets; Lots 049 in Assessor’s Block 0186 (District 3) – Request for **Conditional Authorization**, pursuant to

Planning Code Section 209.2, 253 and 303 to demolish a single-car garage and construct a six-story, six-dwelling unit building in a RM-2 (Residential-Mixed, Moderate Density) Zoning District and 65-A 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

19. [2019-001627CUA](#) (J. HORN: (628) 652-7366)
459 CLIPPER STREET – south side between Diamond and Castro Streets; Lot 038A in Assessor's Block 6555 (District 8) – Request for **Conditional Use Authorization**, pursuant to Planning Code Sections 209.1, 303, and 317, to demolish an existing two-story-over-garage, one-family dwelling and to construct a new three-story-over-basement/garage, 6,424-gross-square-foot, two-family dwelling, which includes a 2,406 -square-foot, four-bedroom dwelling unit, a 2,674-square-foot four-bedroom dwelling unit, and a 1,155-square-foot garage providing storage for both units, two vehicle parking spaces and two Class 1 bicycle parking spaces. The project is located 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: Approve with Conditions

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.

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, 14th 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) 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, 14th 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.

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.

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>.