

SAN FRANCISCO PLANNING COMMISSION



Notice of Hybrid Hearing & Agenda

Commission Chambers, Room 400
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Thursday, March 24, 2022

1:00 p.m.

Regular Meeting

Commissioners:

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

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 soft@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.

This meeting will be held in person at the location listed above. As authorized by California Government Code Section 54953(e) and Mayor Breed's 45th Supplement to her February 25, 2020, emergency proclamation, it is possible that some members of the Planning Commission may attend this meeting remotely. In that event, those members will participate and vote by video. Members of the public may attend the meeting to observe and provide public comment at the physical meeting location listed above or online at <https://sfplanning.org/>. Instructions for providing remote public comment are below.

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: 2493 375 3876

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

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.

- 2019-022830AHB (C. MAY: (628) 652-7359)
3055 CLEMENT STREET – southeast corner of 32nd Avenue; Lot 043 of Assessor’s Block 1463 (District 1) – Request for **HOME-SF Project Authorization**, pursuant to Planning Code Sections 206.3, 328, and 710, to allow the construction of a six-story, 62-foot tall residential building containing seven dwelling units totaling approximately 10,562 square feet above approximately 614 square feet of ground floor commercial space within a NC-1 (Neighborhood Commercial, Cluster) Zoning District and 40-X Height and Bulk District. This action constitutes the Approval Action for the project for the purposes of CEQA, pursuant to San Francisco Administrative Code Section [31.04\(h\)](#).
Preliminary Recommendation: Approve with Conditions
 (Continued from Canceled Hearing on February 17, 2022)
(Proposed for Continuance to April 21, 2022)

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

- [2015-009460CUA-03](#) (J. KRAN: (628) 652-7429)
830 EDDY STREET – southwest corner of Willow Street and Van Ness Avenue, and bound by Eddy Street to the south, Lot 018 and 022-044 of Assessor’s Block 0738 (District 5) – Request to modify a condition of approval of an existing **Conditional Use Authorization** (CUA), Motion No. 19819. Specifically, the Project seeks to modify the Transportation Demand Management (TDM) Plan, listed under Condition No. 17. The Planning Commission first approved this Project on December 8, 2016, prior to the TDM Program’s effective date of March 19, 2017, but after the Planning Commission had reviewed and adopted the TDM Program Standards document on August 4, 2016. Although the Project would not be subject to the formal TDM Program, the Commission chose to include specific TDM requirements, recorded in the Project’s conditions of approval. However, because the adopted TDM measures for the Project exceed what would have been required had the Project been approved following the effective date of the TDM Ordinance (34-17), the Project is requesting modification to their TDM condition of approval in order that their requirement is consistent with other similar projects in the TDM Program. A

change to the Project's TDM condition of approval does not require any additional CEQA review for the Project.

Preliminary Recommendation: Approve with Conditions
(Continued from Canceled Hearing on March 10, 2022)

3. [2021-004191DRP](#) (D. WINSLOW: (628) 652-7335)
3737 JACKSON STREET – south side between Cherry and Maple Streets; Lot 022 in Assessor's Block 0989 (District 2) – Request for **Discretionary Review** of Building Permit No. 2021.0407.8047 to construct a fourth story vertical addition and a three-story horizontal addition at the rear of an existing three-story over basement, one-family residential building 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 Canceled Hearing on March 10, 2022)

C. COMMISSION MATTERS

4. Consideration of Adoption:
- [Draft Minutes for February 24, 2022](#)
 - [Draft Minutes for March 3, 2022](#)
5. 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

6. Director's Announcements
7. 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; when applicable, followed by a presentation of the project sponsor team; followed by public comment. Please be advised that the project sponsor team includes: the sponsor(s) or their designee, lawyers, architects, engineers, expeditors, and/or other advisors.

8. [2022-000549PCA](#) (A. STARR: (628) 652-7533)
ELECTRIC VEHICLE CHARGING LOCATIONS [BF 220036] – **Planning Code Amendment** – Ordinance sponsored by Mayor Breed amending the Planning Code to create Electric Vehicle Charging Location and Fleet Charging as Automotive Uses, allow conversion of Automotive Service Stations to Electric Vehicle Charging Locations without Conditional Use Authorization, revise zoning control tables to reflect these changes, and require annual reporting by the Planning Department regarding Electric Vehicle Charging Location and Fleet Charging project approvals; 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, and findings of public necessity, convenience, and welfare under Planning Code, Section 302.
Preliminary Recommendation: Approve with Modifications
(Continued from Canceled Hearing on March 10, 2022)
9. [2022-000546PCAMAP](#) (J. SHAW: (628) 652-7449)
ELIMINATION OF THE INDUSTRIAL PROTECTION ZONE SUD – **Planning Code Amendment** – Ordinance sponsored by Supervisor Walton amending the Planning Code and Zoning Map to eliminate the Industrial Protection Zone Special Use District (IPZ SUD), and allow Social Service or Philanthropic Facilities Uses greater than 5,000 gross square feet (gsf) subject to a conditional use authorization in Production, Distribution, and Repair 2 (PDR-2) districts; affirming the Planning Department’s determination under the California Environmental Quality Act; making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and making findings of public necessity, convenience, and welfare pursuant to Planning Code, Section 302.
Preliminary Recommendation: Approve with Modifications
10. [2019-023037ENV](#) (S. GEORGE: (628) 652-7558)
WATERFRONT PLAN – Review and Comment on the **Draft Environmental Impact Report**. The Port of San Francisco’s proposed 2019 Waterfront Plan Project (2019 Plan or proposed project) would update and amend the 1997 Waterfront Land Use Plan, which sets long-term goals and policies to guide the use, management, and improvement of 7.5 miles of properties under the Port’s jurisdiction, from Fisherman’s Wharf to India Basin. The nine goals and polices proposed by the Plan include but are not limited to preservation and enhancement of the waterfront’s function as a maritime port, hosting a diversity of activities and people, enhancing public access and open space along the waterfront, the design of quality new development and preservation of the waterfront’s historic character, strengthening the Port’s resilience to climate change impacts, and cultivating an environmentally sustainable port to limit the impacts of climate change. The EIR would analyze the physical environmental impacts of the proposed goals, policies, and objectives based on land use growth assumptions determined by the San Francisco Planning Department, and the resulting physical development that could occur under the 2019 Plan. Land use objectives proposed by the Plan are particular to each of the five waterfront

subareas: Fisherman's Wharf, Northeast Waterfront, South Beach, Mission Bay and the Southern Waterfront. Overall, the land use objectives increase intensity of use, diversify uses, and enhance public access and transportation infrastructure throughout the waterfront. The 2019 Plan requires amendments to the general plan, planning code, and zoning map (for waterfront special use districts), including updates the waterfront design review procedures and creation of the Waterfront Special Use District 4.

NOTE: Written comments on the Draft Environmental Impact Report will be accepted at CPC.WaterfrontEIR@sfgov.org or at the Planning Department until 5:00 p.m. on April 25, 2022.

Preliminary Recommendation: Review and Comment

11. [2021-007709ENX](#) (A. WESTHOFF: (628) 652-7314)
1298 HOWARD STREET – northeast corner of 9th Street; Lots 198, 199, 200, 201 in Assessor's Block 3728 (District 6) – Request to amend the **Large Project Authorization (LPA)**, granted by Motion No. 19867, to allow additional exceptions pursuant to Planning Code Section 329 for off street parking (Planning Code Section 151.1) and mid-block alley controls (Planning Code Section 270.2). The previously approved LPA allowed for the demolition of the existing structures, the merger of five lots and the new construction of two 45- and 55-foot tall, four- and five-story mixed-use buildings totaling approximately 142,500 square feet that includes 13,850 square feet of ground floor office and or commercial retail space, and 128,650 square feet of residential use for 129 dwelling units. The requested exception to off-street parking would allow the conversion of 11 parking spaces from non-residential to residential use in excess of what is principally permitted by Planning Code Table 151.1. The Project would maintain the approved 71 off-street parking spaces. The other requested exception would permit the mid-block alley to be secured by gates closed at night. The project is located within the RCD (Regional Commercial), WMUG (WSOMA – Mixed Use–General), RED-MX (Residential Enclave–Mixed) Zoning Districts and 45-X and 55-X Height and Bulk Districts.

Preliminary Recommendation: Approve with Condition

12. [2019-022850ENV](#) (D. LEWIS: (628) 652-7543)
1101-1123 SUTTER STREET – Certification of the **Final Environmental Impact Report (EIR)** – The project site is composed of the eastern half of the block bounded by Larkin Street to the east, Polk Street to the west, Sutter Street to the north and Hemlock Street to the south (Assessor's block/lot 0692/001 and 0692/019). The proposed project would rehabilitate the existing three-story building at 1101 Sutter Street and demolish the existing one-story plus partial mezzanine building at 1123 Sutter Street for the construction of a new 14-story, 152-foot-tall building. The proposed project would provide 221 residential units, 4,146 square feet of commercial use, 4,069 square feet of childcare use, 11,947 square feet of open space, 55 vehicular parking spaces, and 176 bicycle parking spaces. The buildings at 1101 and 1123 Sutter are both historic resources for purposes of the California Environmental Quality Act. The project would use the Individually Requested State Density Bonus Program and provide affordable housing units onsite. The project site is located within the Polk Street NCD (Neighborhood Commercial District) Zoning District and 65-A and 130-E Height and Bulk District.

Note: The public hearing on the draft EIR is closed. The public comment period for the draft EIR ended on October 5, 2021. Public comment will be received when the item is called during the hearing. However, comments submitted may not be included in the Final EIR.

Preliminary Recommendation: Certify

(Continued from Canceled Hearing on March 10, 2022)

- 13a. [2019-022850ENV](#) (K. GUY: (628) 652-7325)
1101-1123 SUTTER STREET – southwest corner of Larkin Street; Lots 1 & 019 in Assessor’s Block 0692 (District 3) – Request for **Adoption of Findings**, a Statement of Overriding Considerations, and a Mitigation, Monitoring, and Reporting Program (MMRP) pursuant to the California Environmental Quality Act (CEQA). The proposed project (“Project”) would renovate and incorporate the existing building at 1101 Sutter Street into the development, demolish the existing building at 1123 Sutter Street, and construct a new 14-story building reaching a height of approximately 152 feet. The Project would contain a total of 221 dwelling units (including 44 dwelling units provided as on-site affordable units). The Project also includes a 4,069 square foot childcare center, 4,146 square feet of ground-floor commercial uses, 55 vehicle parking spaces, and two carshare parking spaces. The Project is utilizing the Individually Requested State Density Bonus Program to achieve a 50% density bonus thereby maximizing residential density on the Site pursuant to California Government Code Sections 65915-65918, as revised under Assembly Bill No. 2345 (AB 2345). The Project requests one incentive related to the width of parking and loading entries, as well as five waivers related to exposure, height, bulk, rear yard, and setbacks on narrow streets. The project site is located within the Polk Street NCD (Neighborhood Commercial District) Zoning District and 65-A and 130-E Height and Bulk District.
Preliminary Recommendation: Adopt Findings
- 13b. [2019-022850CUA](#) (K. GUY: (628) 652-7325)
1101-1123 SUTTER STREET – southwest corner of Larkin Street; Lots 1 & 009 in Assessor’s Block 0692 (District 3) – Request for **Conditional Use Authorization**, pursuant to Planning Code Sections 121.1, 121.2, and 303 to allow development of a lot exceeding 2,500 square feet, and to allow non-residential uses exceeding 2,000 square feet within the Polk Street NCD (Neighborhood Commercial District) and 65-A and 130-E Height and Bulk Districts. The proposed project (“Project”) would renovate and incorporate the existing building at 1101 Sutter Street into the development, demolish the existing building at 1123 Sutter Street, and construct a new 14-story building reaching a height of approximately 152 feet. The Project would contain a total of 221 dwelling units (including 44 dwelling units provided as on-site affordable units). The Project also includes a 4,069 square foot childcare center, 4,146 square feet of ground-floor commercial uses, 55 vehicle parking spaces, and two carshare parking spaces. The Project is utilizing the Individually Requested State Density Bonus Program to achieve a 50% density bonus thereby maximizing residential density on the Site pursuant to California Government Code Sections 65915-65918, as revised under Assembly Bill No. 2345 (AB 2345). The Project requests one incentive related to the width of parking and loading entries, as well as five waivers related to exposure, height, bulk, rear yard, and setbacks on narrow streets. This action constitutes the Approval Action for the project for the purposes of CEQA, pursuant to San Francisco Administrative Code Section [31.04\(h\)](#).
Preliminary Recommendation: Approve with Conditions
(Continued from Canceled Hearing on March 10, 2022)
14. [2018-009081ENV](#) (S. GEORGE: (628) 652-7558)
2055 CHESTNUT STREET – south side between Fillmore Street and Mallorca Way; property also fronts Lombard Street between Fillmore and Steiner Streets; Lot 009 in Assessor’s Block 0491 (District 2) – **Appeal of Preliminary Negative Declaration** for the proposed

demolition the existing one-story building at 2055 Chestnut Street and construction of a 40-foot-tall, three-story mixed-use building containing 49 dwelling units and approximately 36,700 gross square feet (gsf) of retail use that includes 14,000 sf that has been designed to accommodate a grocery store use, one off-street commercial loading space, and a basement level parking garage with 20 vehicle parking spaces. The project would include 80 Class 1 off-street bicycle parking spaces, and 16 Class 2 on-street bicycle parking spaces. Approximately 95 feet of curb along the project's Lombard Street frontage would be converted to commercial loading. Approximately 40 feet of curb along the project's Chestnut Street frontage be converted to passenger loading. The subject property is located within both a NC-2 (Small-Scale Neighborhood Commercial) and NC-3 (Moderate-Scale Neighborhood Commercial) Zoning Districts and 40-X Height and Bulk District.

Preliminary Recommendation: Uphold

(Continued from Regular Hearing on February 24, 2022)

15. [2018-009081CUA](#) (M. DITO: (628) 652-7358)
2055 CHESTNUT STREET – south side between Fillmore Street and Mallorca Way; property also fronts Lombard Street between Fillmore and Steiner Streets; Lot 009 in Assessor's Block 0491 (District 2) – Request for **Conditional Use Authorization**, pursuant to Planning Code Sections 121.1, 121.2, 303, 304, 711 and 712 for a Planned Unit Development (PUD) to construct a 40-foot- tall three-story mixed-use building with 49 dwelling units over approximately 36,700 square feet of retail uses on the ground floor, including a 14,000 square foot general grocery use on the Lombard Street frontage. The proposed building contains 80 Class 1 off-street bicycle parking spaces and 16 Class 2 on-street bicycle parking spaces, a basement level parking garage with 20 vehicle parking spaces, and one off-street loading space on the Lombard Street frontage. There is approximately 6,000 square feet of common usable roof deck open space available to the dwelling units. The project proposes to demolish the existing one-story building and surface level parking lot. The project is requesting modifications of the rear yard requirement of Planning Code Section 134 and the parking and loading entrances requirement of Planning Code Section 145.1(c)(2). The subject property is located within both a NC-2 (Small-Scale Neighborhood Commercial) and NC-3 (Moderate-Scale Neighborhood Commercial) Zoning Districts and 40-X Height and Bulk District. This action constitutes the Approval Action for the project for the purposes of CEQA, pursuant to San Francisco Administrative Code Section [31.04](#)(h).
Preliminary Recommendation: Approve with Conditions
 (Continued from Canceled Hearing on February 17, 2022)

G. DISCRETIONARY REVIEW CALENDAR

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

16. [2021-002957DRP](#) (D. WINSLOW: (628) 652-7335)
1503 DOLORES STREET – east side between 28th and Valley Streets; Lot 013 in Assessor's Block 6616 (District 8) – Request for **Discretionary Review** of Building Permit No. 2021.0528.1318 replace a third-floor deck and stairs to the rear yard in kind at the rear of

an existing three-story, two-family residential building 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
(Continued from Canceled Hearing on March 10, 2022)

17. [2021-001899DRP](#) (D. WINSLOW: (628) 652-7335)
[315 RUTLEDGE STREET](#) – south side between Peralta and Alabama Streets; Lot 043 in Assessor’s Block 5541 (District 9) – Request for Discretionary Review of Building Permit No. 2021.0128.3503 to construct a three-story over basement, single-family residence on a vacant lot 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

18. [2020-009321DRP-02](#) (D. WINSLOW: (628) 652-7335)
[2132 16TH AVENUE](#) – east side between Rivera and Quintara Streets; Lot 015 in Assessor’s Block 2202 (District 7) – Request for **Discretionary Review** of Building Permit No. 2021.0901.3083 to construct a 557 square foot third-story horizontal addition to an existing three-story, one-family residence within a RH-1(D) (Residential House, One-Family-Detached) 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.

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>.