

# SAN FRANCISCO PLANNING COMMISSION



## Notice of Hybrid Hearing & Agenda

This Meeting will be held in:  
Commission Chambers, Room 400  
City Hall, 1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4689

**Thursday, July 14, 2022**

**1:00 p.m.**

## Regular Meeting

Commissioners:

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

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](mailto: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](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.

### **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。

**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 45<sup>th</sup> 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](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: (415) 655-0001 / Access code: 2486 8620895*

*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, Gabriella Ruiz

## 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. [2021-012569DRM](#) (J. HORN: (628) 652-7366)  
1 LA AVANZADA STREET – Sutro Tower; Lot 003 in Assessor’s Block 2724 (District 7) – Request is for **Mandatory Discretionary Review**, pursuant to Planning Code Section 306.9, of Building Permit Application No. 2021.1123.3043, proposing a voluntary upgrade to Sutro Tower through the replacement of the cladding on interior faces of horizontal levels two, three and four 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 with Conditions (Proposed for Continuance to August 25, 2022)*
  
2. 2019-022830AHB (C. MAY: (628) 652-7359)  
3055 CLEMENT STREET – southeast corner of Clement Street and 32nd Avenue; Lot 043 in Assessor’s Block 1463 (District 1) - Request for a **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 nine dwelling units totaling approximately 11,123 square feet above approximately 632 square feet of ground floor commercial space within the NC-1 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: Continue to September 1, 2022.*  
**(Proposed for Continuance to September 1, 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

3. [2021-012857CUA](#) (C. MAY: (628) 652-7359)  
2110 CHESTNUT STREET – north side between Pierce Street and Mallorca Way; Lot 016 in Assessor’s Block 0486A (District 2) - Request for a **Conditional Use Authorization**, pursuant to Planning Code Sections 303, 303.1 and 711 to permit a Formula Retail Use (d.b.a. Faherty) within the NC-2 (Neighborhood Commercial, Small-Scale) 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*

4. [2022-002780CUA](#) (J. SACCHI: (628) 652-7308)  
[3908 24<sup>TH</sup> STREET](#) – north side between Noe Street and Sanchez Street; Lot 040 of Assessor’s Block 3654 (District 8) – Request for **Conditional Use Authorization**, pursuant to Planning Code Section 303 and 728 to establish a Financial Service use (d.b.a SF Fire Credit Union) within an existing, vacant, approximately 1,955 square foot commercial space on the ground floor of the subject property within the 24th Street – Noe Valley NCD (Neighborhood Commercial) Zoning District and 40-X Height and Bulk District. There will be no expansion of the building envelope. The project has qualified for review under the Planning Commission’s Community Business Priority Processing Program (“CB3P”). This action constitutes the Approval Action for the project for the purposes of CEQA, pursuant to San Francisco Administrative Code Section [31.04\(h\)](#).  
*Preliminary Recommendation: Approve with Conditions*
  
5. [2021-008697CUA](#) (G. PANTOJA: (628) 652-7380)  
[4400 17<sup>TH</sup> STREET](#) – north side of 17th Street between Temple Street and Roosevelt Way; Lot 005 in Assessor’s Block 2645 (District 8) - Request for a **Conditional Use Authorization** pursuant to Planning Code Sections 186 and 303 for the reestablishment of a Limited Commercial General Grocery Store Use with an Accessory Deli Use (D.B.A. “Corona Heights Market”) at an existing two-story, mixed-use building located within a RH-2 (Residential-House, Two-Family) Zoning District and 40-X Height and Bulk District. No interior or exterior alterations are proposed. 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

6. Consideration of Adoption:
  - [Draft Minutes for June 23, 2022](#)
  - [Draft Minutes for June 30, 2022](#)
  
7. Commission Comments/Questions
  - [Inquiries/Announcements](#). Without discussion, at this time Commissioners may make announcements or inquiries of staff regarding various matters of interest to the Commissioner(s).
  - [Future Meetings/Agendas](#). At this time, the Commission may discuss and take action to set the date of a Special Meeting and/or determine those items that could be placed on the agenda of the next meeting and other future meetings of the Planning Commission.

## D. DEPARTMENT MATTERS

8. Director’s Announcements

9. Review of Past Events at the Board of Supervisors, Board of Appeals and Historic Preservation Commission

## E. GENERAL PUBLIC COMMENT

At this time, members of the public may address the Commission on items of interest to the public that are within the subject matter jurisdiction of the Commission except agenda items. With respect to agenda items, your opportunity to address the Commission will be afforded when the item is reached in the meeting. Each member of the public may address the Commission for up to three minutes. When the number of speakers exceed the 15-minute limit, General Public Comment may be moved to the end of the Agenda.

## F. REGULAR CALENDAR

The Commission Hearing Procedures provide for presentations by staff; 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.

10. [2022-003902PCA](#) (A. STARR: (628) 652-7533)  
NEIGHBORHOOD COMMERCIAL AND MIXED-USE DISTRICTS (BOARD FILE NO. 220340) – Planning Code Amendment – Ordinance, introduced by Supervisor Haney, amending the Planning Code to update and reorganize Neighborhood Commercial and Mixed-Use Zoning District controls, including, among other things, to 1) permit Accessory Arts Activities, and production, wholesaling, and processing of goods and commodities, to occupy more than one-third of total space in Commercial (C), Downtown Residential (DTR), Eastern Neighborhoods Mixed Use, Mission Bay, and Residential-Commercial (RC) Districts; 2) principally permit Arts Activities, Job Training, Public Facility, and Social Service and Philanthropic Facility uses in the Folsom Street Neighborhood Commercial Transit (NCT), SoMa NCT, Regional Commercial, and certain Eastern Neighborhoods Mixed Use Districts, and in historic and nonconforming commercial buildings in Residential Enclave Districts; 3) principally permit General Entertainment and Nighttime Entertainment uses in the Folsom Street NCT District; 4) principally permit Bar uses on the second floor in the Folsom Street NCT and Regional Commercial Districts; 5) principally permit Nighttime Entertainment uses in the Regional Commercial and Western SoMa Mixed-Use - General (WMUG) Districts; 6) conditionally permit Nighttime Entertainment in the Mixed-Use - General (MUG) and WMUG Districts; 7) principally permit Job Training, Public Facility, and Social Service and Philanthropic Facility uses in the SoMa NCT District and certain Eastern Neighborhoods Districts; 8) require that large developments in South of Market Mixed Use Districts, which contain commercial spaces provide a mix of commercial space sizes; 9) require that all Nighttime Entertainment uses comply with the Entertainment Commission’s good neighbor policies; and 10) remove certain limitations on location for Nighttime Entertainment and Animal Services uses in the Western SoMa Special Use District; and adopting environmental findings, findings of public necessity, convenience, and welfare under Planning Code, Section 302, and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.  
*Preliminary Recommendation: Approve with Modifications*  
(Continued from a Regular hearing on June 30, 2022)



11. [2018-008588CWP](#) (D. JOHNSON: (628) 652-7447)  
**SOUTHEAST STATION STUDY: FINAL REPORT AND RECOMMENDATIONS** – This presentation follows the presentations to the Commission on May 12, 2022 and October 21, 2021 on the Southeast Rail Station Study (SERSS). The Southeast Rail Station Study explores future station locations on the Caltrain corridor in San Francisco. The study was published on June 30, 2022 and can be retrieved here: <https://sfplanning.org/project/southeast-rail-station-study>. The SERSS was initiated at the competition of the 2018 Railyards and Benefits (RAB) Study which analyzed the best ways to bring Caltrain and High Speed Rail to the Salesforce Transit Center while connecting San Francisco's fastest-growing neighborhoods on the east side of the City. At this hearing, the Planning Commission will **consider endorsement of the SERSS** and consider advising the decision-making bodies including the San Francisco Board of Supervisors and the San Francisco County Transportation Authority Board on potential next steps and considerations. The presentation will provide an overview of the study, public outreach, and an overview of the SFRSS. Staff from partner agencies including Caltrain and the San Francisco County Transportation Authority will be available to answer any questions.  
*Preliminary Recommendation: Adopt a Resolution to Endorse and Urge*
- 12a. [2009.0159ENV-03](#) (N. FOSTER: (628) 652-7330)  
**1500-1540 MARKET STREET (ONE OAK)** – north side between Oak Street and Van Ness Avenue; Lots 001, 002, 003, 004 and 005 in Assessor's Block 0836 (District 5) – Adoption of **Findings and Statement of Overriding Considerations** under the California Environmental Quality Act (CEQA). The proposed project ("Project") would demolish two, non-residential buildings and surface parking lot and construct a new 40-story building reaching a roof height up to 400 feet tall (approximately 416 feet tall inclusive of mechanical equipment, or 437 feet tall inclusive of elevator overrun and rooftop screening). The Project includes approximately 455,000 gross square feet of residential uses, and approximately 2,500 gross square feet of ground floor retail, with a total of 460 dwelling units comprised of 100 studio units, 159 one-bedroom units, and 201 two-bedroom units. The Project includes 112 off-street accessory parking spaces, three car share spaces, one off-street freight loading space, two off-street service loading vehicle spaces, and 190 Class 1 and 25 Class 2 bicycle parking spaces. To further activate the ground floor experience, the Project would construct a public plaza and shared public right-of-way within a portion of the Oak Street (Oak Plaza). At a later date, the Project Sponsor will seek approval of an In-Kind Fee Waiver Agreement in order to provide additional public realm improvements within Oak Plaza. These additional public realm improvements will be subject to the Planning Commission's separate and future approval of the Project Sponsor's In-Kind Fee Waiver Agreement. The subject property is located within a C-3-G (Downtown General) Zoning District, Van Ness & Market Downtown Residential SUD (Special Use District), and 120/400-R-2 and 120-R-2 Height and Bulk Districts.  
*Preliminary Recommendation: Adopt Findings*  
**Note: On June 30, 2022, after hearing and closing public comment, continued to July 14, 2022, by a vote of +7 -0.**
- 12b. [2021-007611SHD](#) (N. FOSTER: (628) 652-7330)  
**1500-1540 MARKET STREET (ONE OAK)** – north side between Oak Street and Van Ness Avenue; Lots 001, 002, 003, 004 and 005 in Assessor's Block 0836 (District 5) – Adoption of **Shadow Findings** pursuant to Section 295 that net new shadows attributable to the Project would not adversely affect the use of either Patricia's Green, or Page & Laguna Mini-Park,

two properties under the jurisdiction of the Recreation and Park Commission (Section 295). The proposed project ("Project") would demolish two, non-residential buildings and surface parking lot and construct a new 40-story building reaching a roof height up to 400 feet tall (approximately 416 feet tall inclusive of mechanical equipment, or 437 feet tall inclusive of elevator overrun and rooftop screening). The Project includes approximately 455,000 gross square feet of residential uses, and approximately 2,500 gross square feet of ground floor retail, with a total of 460 dwelling units comprised of 100 studio units, 159 one-bedroom units, and 201 two-bedroom units. The Project includes 112 off-street accessory parking spaces, three car share spaces, one off-street freight loading space, two off-street service loading vehicle spaces, and 190 Class 1 and 25 Class 2 bicycle parking spaces. To further activate the ground floor experience, the Project would construct a public plaza and shared public right-of-way within a portion of the Oak Street (Oak Plaza). At a later date, the Project Sponsor will seek approval of an In-Kind Fee Waiver Agreement in order to provide additional public realm improvements within Oak Plaza. These additional public realm improvements will be subject to the Planning Commission's separate and future approval of the Project Sponsor's In-Kind Fee Waiver Agreement. The subject property is located within a C-3-G (Downtown General) Zoning District, Van Ness & Market Downtown Residential SUD (Special Use District), and 120/400-R-2 and 120-R-2 Height and Bulk Districts.

*Preliminary Recommendation: Adopt Findings*

**Note: On June 30, 2022, after hearing and closing public comment, continued to July 14, 2022, by a vote of +7 -0.**

- 12c. [2021-007611DNX](#) (N. FOSTER: (628) 652-7330)  
1500-1540 MARKET STREET (ONE OAK) – north side between Oak Street and Van Ness Avenue; Lots 001, 002, 003, 004 and 005 in Assessor's Block 0836 (District 5) – Request for **Downtown Project Authorization** pursuant to Planning Code Sections 210.2 and 309 to allow a project greater than 50,000 square feet of floor area within a C-3 Zoning District with exceptions for useable open space (Section 135); permitted obstructions (decorative architectural features) over sidewalks (Section 136); exposure (Section 140); reduction of ground-level wind currents (Section 148); lot coverage (Section 249.33); volumetric limitations for roof enclosures and screens (Section 260); and bulk (Section 270). The proposed project ("Project") would demolish two, non-residential buildings and surface parking lot and construct a new 40-story building reaching a roof height up to 400 feet tall (approximately 416 feet tall inclusive of mechanical equipment, or 437 feet tall inclusive of elevator overrun and rooftop screening). The Project includes approximately 455,000 gross square feet of residential uses, and approximately 2,500 gross square feet of ground floor retail, with a total of 460 dwelling units comprised of 100 studio units, 159 one-bedroom units, and 201 two-bedroom units. The Project includes 112 off-street accessory parking spaces, three car share spaces, one off-street freight loading space, two off-street service loading vehicle spaces, and 190 Class 1 and 25 Class 2 bicycle parking spaces. To further activate the ground floor experience, the Project would construct a public plaza and shared public right-of-way within a portion of the Oak Street (Oak Plaza). At a later date, the Project Sponsor will seek approval of an In-Kind Fee Waiver Agreement in order to provide additional public realm improvements within Oak Plaza. These additional public realm improvements will be subject to the Planning Commission's separate and future approval of the Project Sponsor's In-Kind Fee Waiver Agreement. The subject property is located within a C-3-G (Downtown General) Zoning District, Van Ness & Market Downtown Residential SUD (Special Use District), and 120/400-R-2 and 120-R-2 Height and Bulk



Districts. The Project has undergone environmental review pursuant to CEQA and Chapter 31 of the San Francisco Administrative Code. On June 15, 2017, the FEIR was certified by the Planning Commission through approval of Motion No. 19938. On June 7, 2022, the Planning Department published an Addendum to the FEIR determining that the FEIR adopted remains valid and that no supplemental environmental review is required.

*Preliminary Recommendation: Approve with Conditions*

**Note: On June 30, 2022, after hearing and closing public comment, continued to July 14, 2022, by a vote of +7 -0.**

- 12d. [2021-007611VAR](#) (N. FOSTER: (628) 652-7330)  
1500-1540 MARKET STREET (ONE OAK) – north side between Oak Street and Van Ness Avenue; Lots 001, 002, 003, 004 and 005 in Assessor’s Block 0836 (District 5) – Request for **Variance** pursuant to Section 305 to permit relief from the strict requirements of the Planning Code related to above-grade parking setback requirements (Section 145.1(c)(1)), and Request for **Height Exemption** pursuant to Section 305 to permit relief from the strict limits of the Planning Code for the height of the elevator penthouse to accommodate the elevator overrun (Section 260(b)(1)(B)). The proposed project (“Project”) would demolish two, non-residential buildings and surface parking lot and construct a new 40-story building reaching a roof height up to 400 feet tall (approximately 416 feet tall inclusive of mechanical equipment, or 437 feet tall inclusive of elevator overrun and rooftop screening). The Project includes approximately 455,000 gross square feet of residential uses, and approximately 2,500 gross square feet of ground floor retail, with a total of 460 dwelling units comprised of 100 studio units, 159 one-bedroom units, and 201 two-bedroom units. The Project includes 112 off-street accessory parking spaces, three car share spaces, one off-street freight loading space, two off-street service loading vehicle spaces, and 190 Class 1 and 25 Class 2 bicycle parking spaces. To further activate the ground floor experience, the Project would construct a public plaza and shared public right-of-way within a portion of the Oak Street (Oak Plaza). At a later date, the Project Sponsor will seek approval of an In-Kind Fee Waiver Agreement in order to provide additional public realm improvements within Oak Plaza. These additional public realm improvements will be subject to the Planning Commission’s separate and future approval of the Project Sponsor’s In-Kind Fee Waiver Agreement. The subject property is located within a C-3-G (Downtown General) Zoning District, Van Ness & Market Downtown Residential SUD (Special Use District), and 120/400-R-2 and 120-R-2 Height and Bulk Districts.  
**Note: On June 30, 2022, after hearing and closing public comment, ZA continued to July 14, 2022.**

13. [2021-012952CUA](#) (K. AGNIHOTRI: (628) 652-7454)  
2030 UNION STREET – north side between Buchanan and Webster Streets; Lot 009 in Assessor’s Block 0532 (District 2) – Request for **Conditional Use Authorization** pursuant to Planning Code Sections 725, 202.2(a)(5), and 303 to establish a Cannabis Retail use on the first floor (approximately 996 square feet) within the Union 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*  
(Continued from a Regular hearing on May 26, 2022)

14. [2021-008851CUA](#) (K. GUY: (628) 652-7325)  
[728 GEARY STREET](#) – north side between Hyde and Leavenworth Streets, Lot 021 of Assessor’s Block 0303 (District 3) – Request for **Conditional Use Authorization** pursuant to Planning Code Sections 303 and 303.1 to establish a formula retail restaurant use (dba ‘Domino’s’). The Project Site is located within a RC-4 (Residential-Commercial, High Density) District and 80-T 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*

## 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.

15. [2021-006295DRP](#) (D. WINSLOW: (628) 652-7335)  
[766 DUNCAN STREET](#) – north side between Douglass and Diamond Streets; Lot 007C in Assessor’s Block 6588 (District 8) – Request for **Discretionary Review** of Building Permit No. 2020.1207.0379 legalize the construction of a rear deck to an existing two-story, one-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: Do Not Take Discretionary Review and Approve*
16. [2020-002325DRP-02](#) (D. WINSLOW: (628) 652-7335)  
[11 BURNETT AVE N \(313 BURNETT\) / 407 BURNETT \(333 BURNETT\)](#) – east side near Gardenside Drive; Lot 023 in Assessor’s Block 2719C and Lots 068 and 036 in Assessor’s Block 2745 (District 8) – Request for **Discretionary Review** of Building Permits No. 2020.0128.2900 and 2020.0213.4357 to construct two new nine-unit, nine-story residential buildings approximately 30-foot-tall from grade level (approximately 39-foot-tall with rooftop equipment) residential buildings on three vacant lots along Burnett Avenue within a RM-1 (Residential Mixed, Low Density) Zoning District and 40-X Height and Bulk District. This action constitutes the Approval Action for the project for the purposes of CEQA, pursuant to San Francisco Administrative Code Section [31.04\(h\)](#).  
*Preliminary Recommendation: Take Discretionary Review and Approve with Modifications*

## ADJOURNMENT

## Hearing Procedures

The Planning Commission holds public hearings regularly, on most Thursdays. The full hearing schedule for the calendar year and the Commission Rules & Regulations may be found online at: [www.sfplanning.org](http://www.sfplanning.org).

Public Comments: Persons attending a hearing may comment on any scheduled item.

- ❖ When speaking before the Commission in City Hall, Room 400, please note the timer indicating how much time remains. Speakers will hear two alarms. The first soft sound indicates the speaker has 30 seconds remaining. The second louder sound indicates that the speaker's opportunity to address the Commission has ended.

Sound-Producing Devices Prohibited: The ringing of and use of mobile phones and other sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal of any person(s) responsible for the ringing or use of a mobile phone, pager, or other similar sound-producing electronic devices (*67A.1 Sunshine Ordinance: Prohibiting the use of cell phones, pagers and similar sound-producing electronic devices at and during public meetings*).

For most cases (CU's, PUD's, 309's, etc...) that are considered by the Planning Commission, after being introduced by the Commission Secretary, shall be considered by the Commission in the following order:

1. A thorough description of the issue(s) by the Director or a member of the staff.
2. A presentation of the proposal by the Project Sponsor(s) team (includes sponsor or their designee, lawyers, architects, engineers, expeditors, and/or other advisors) would be for a period not to exceed 10 minutes, unless a written request for extension not to exceed a total presentation time of 15 minutes is received at least 72 hours in advance of the hearing, through the Commission Secretary, and granted by the President or Chair.
3. A presentation of opposition to the proposal by organized opposition for a period not to exceed 10 minutes (or a period equal to that provided to the project sponsor team) with a minimum of three (3) speakers. The intent of the 10 min block of time provided to organized opposition is to reduce the number of overall speakers who are part of the organized opposition. The requestor should advise the group that the Commission would expect the organized presentation to represent their testimony, if granted. Organized opposition will be recognized only upon written application at least 72 hours in advance of the hearing, through the Commission Secretary, the President or Chair. Such application should identify the organization(s) and speakers.
4. **Public testimony from proponents of the proposal:** An individual may speak for a period not to exceed three (3) minutes.
5. **Public testimony from opponents of the proposal:** An individual may speak for a period not to exceed three (3) minutes.
6. Director's preliminary recommendation must be prepared in writing.
7. Action by the Commission on the matter before it.
8. In public hearings on Draft Environmental Impact Reports, all speakers will be limited to a period not to exceed three (3) minutes.
9. The President (or Acting Chair) may impose time limits on appearances by members of the public and may otherwise exercise his or her discretion on procedures for the conduct of public hearings.
10. Public comment portion of the hearing shall be closed and deliberation amongst the Commissioners shall be opened by the Chair;
11. A motion to approve; approve with conditions; approve with amendments and/or modifications; disapprove; or continue to another hearing date, if seconded, shall be voted on by the Commission.

Every Official Act taken by the Commission must be adopted by a majority vote of all members of the Commission, a minimum of four (4) votes. A failed motion results in the disapproval of the requested action, unless a subsequent motion is adopted. Any Procedural Matter, such as a continuance, may be adopted by a majority vote of members present, as long as the members present constitute a quorum (four (4) members of the Commission).

For Discretionary Review cases that are considered by the Planning Commission, after being introduced by the Commission Secretary, shall be considered by the Commission in the following order:

1. A thorough description of the issue by the Director or a member of the staff.
2. A presentation by the DR Requestor(s) team (includes Requestor(s) or their designee, lawyers, architects, engineers, expeditors, and/or other advisors) would be for a period not to exceed five (5) minutes for each requestor.
3. Testimony by members of the public in support of the DR would be up to three (3) minutes each.
4. A presentation by the Project Sponsor(s) team (includes Sponsor(s) or their designee, lawyers, architects, engineers, expeditors, and/or other advisors) would be for a period up to five (5) minutes, but could be extended for a period not to exceed 10 minutes if there are multiple DR requestors.

5. Testimony by members of the public in support of the project would be up to three (3) minutes each.
6. DR requestor(s) or their designees are given two (2) minutes for rebuttal.
7. Project sponsor(s) or their designees are given two (2) minutes for rebuttal.
8. The President (or Acting Chair) may impose time limits on appearances by members of the public and may otherwise exercise his or her discretion on procedures for the conduct of public hearings.

The Commission must Take DR in order to disapprove or modify a building permit application that is before them under Discretionary Review. A failed motion to Take DR results in a Project that is approved as proposed.

### **Hearing Materials**

Advance Submissions: To allow Commissioners the opportunity to review material in advance of a hearing, materials must be received by the Planning Department eight (8) days prior to the scheduled public hearing. All submission packages must be delivered to 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).

**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>.