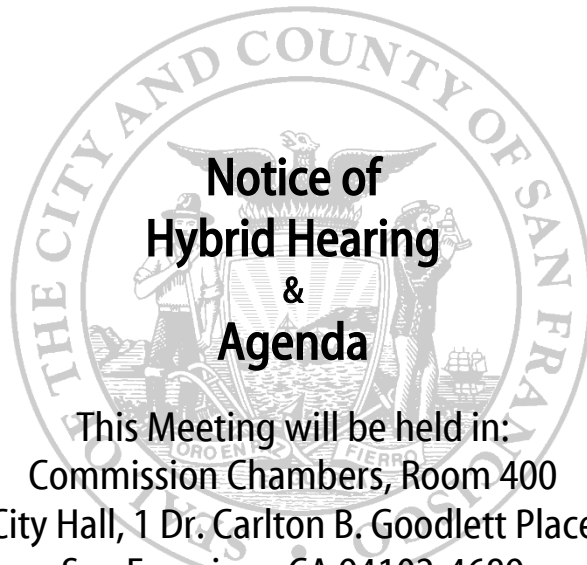


# SAN FRANCISCO PLANNING COMMISSION



## 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, September 15, 2022**  
**1:00 p.m.**  
**Regular Meeting**

Commissioners:

Kathrin Moore, Vice President  
Sue Diamond, 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: 2490 942 8188*

*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:

Vice-President: Kathrin Moore  
 Commissioners: Sue Diamond, 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. 2018-004217GPA (D. NGO: (628) 652-7591)  
2022 SAFETY & RESILIENCE ELEMENT UPDATE – Consideration of **Approval of Amendments** to the San Francisco General Plan – Pursuant to San Francisco Charter Section 4.105, Planning Code Section 340(d) and Section 306.3, the Planning Commission will consider a resolution adopting amendments to the General Plan, including adopting the 2022 Safety & Resilience Element, making Planning Code Section 101.1 findings, and recommending that the Board of Supervisors adopt an Ordinance approving the amendments. On July 21, 2022, the Planning Commission passed Resolution No. 21147 to initiate amendments to the General Plan. If the Planning Commission adopts the amendments, the Commission will forward the proposal to the Board of Supervisors for consideration of adoption.  
*Preliminary Recommendation: Approve*  
**(Proposed for Continuance to September 29, 2022)**
  
2. 2021-011352CUA (R. BALBA: (628) 652-7331)  
4835 MISSION STREET – southeast side between Russia and France Street; Lot 021 in Assessor's Block 6272 (District 11) – Request for **Conditional Use Authorization** pursuant to Planning Code Sections 202.2, 303, and 720, to establish an approximately 1,300 square-foot Cannabis Retail use within the ground floor commercial space of the existing two-story mixed-use building, with no on-site smoking or vaporizing of cannabis products within the Excelsior Outer Mission 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*  
**(Proposed for Continuance to September 29, 2022)**
  
- 3a. [2019-022404ENX](#) (E. SAMONSKY: (628) 652-7417)  
1458 SAN BRUNO AVENUE – west side at terminus of San Bruno Avenue; Lots 015 and 006A in Assessor's Block 4277 (District 9) – Request for **Large Project Authorization** pursuant to Planning Code Sections 329, and 841 to demolish three light industrial buildings that contained an unauthorized dwelling unit and new construction of more than 25,000 gross square feet for a seven-story residential building, with a maximum height of approximately 73-feet, containing in total 232 dwelling units (two three-bedroom, 91 two-bedroom, two one-bedroom, and 137 studios) and 134 Class One bicycle parking spaces, under the Individually Requested State Density Bonus Program pursuant to Planning Code Section 206.6 and California Government Code Section 65915. The project seeks waivers from development standards, including Rear Yard (Section 134), Dwelling Unit Exposure (Section 140), Off-Street Loading (section 151.1), and Height Limit (Section 260) requirements of the Planning Code, and concessions from the Open Space (Section 135) and Permitted

Obstructions (Section 136), pursuant to State Density Bonus Law. The Project is located in a MUR (Mixed-Use Residential) 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 October 13, 2022)**

- 3b. [2019-022404CUA](#) (E. SAMONSKY: (628) 652-7417)  
1458 SAN BRUNO AVENUE – west side at terminus of San Bruno Avenue; Lots 015 and 006A in Assessor's Block 4277 (District 9) – Request for **Conditional Use Authorization** pursuant to Planning Code Sections 303, 317 and 841 to demolish three light industrial buildings that contained an unauthorized dwelling unit and construct a seven-story residential building, with a maximum height of approximately 73-feet, containing in total 232 dwelling units (two three-bedroom, 91 two-bedroom, two one-bedroom, and 137 studios) and 134 Class One bicycle parking spaces, in a MUR (Mixed-Use Residential) Zoning District and 40-X Height and Bulk District.

*Preliminary Recommendation: Approve with Conditions*  
**(Proposed for Continuance to October 13, 2022)**

- 3c. [2019-022404SHD](#) (E. SAMONSKY: (628) 652-7417)  
1458 SAN BRUNO AVENUE – west side at terminus of San Bruno Avenue; Lots 015 and 006A in Assessor's Block 4277 (District 9) – Request for adoption of **Shadow Findings** pursuant to Planning Code Section 295 that net new shadow from the project would not adversely affect the use of Potrero Del Sol Park and James Rolph Jr. Playground under the jurisdiction of the Recreation and Park Commission, in a MUR (Mixed-Use Residential) Zoning District and 40-X Height and Bulk District.

*Preliminary Recommendation: Approve*  
**(Proposed for Continuance to October 13, 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

4. [2022-002108CUA](#) (M. LANGLIE: (628) 652-7410)  
414 COLUMBUS AVENUE – east side between Green and Vallejo Streets; Lot 015 in Assessor's Block 0131 (District 3) – Request for **Conditional Use Authorization** pursuant to Planning Code Sections 722, 780.3 and 303 to allow for the transfer of a Type 47 (On-Sale General – Eating Place) ABC License from 325 Columbus Avenue to an existing Restaurant (dba Mona Lisa Mare e Monti) within the North Beach NCD (Neighborhood Commercial District) Zoning District, North Beach and Telegraph Hill-North Beach SUD (Special Use District) and 401-X Height and Bulk District. The subject property previously held a Type 47 ABC License until 2010; the Restaurant currently operates with a Type 41 ABC License. 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*

- 5a. [2022-000936DNX](#) (N. FOSTER: (628) 652-7330)  
235 2<sup>ND</sup> STREET – east side between Tehama and Clementina Streets; Lot 123 in Assessor’s Block 3736 (District 6) – Request for **Downtown Project Authorization** pursuant to Planning Code Section 309 to allow for a reduction in the provision of off-street freight loading requirements of the Planning Code, as permitted in Planning Code Section 161(e), and to modify Condition of Approval No. 2(E) under Exhibit A of Motion No. 15003 (Case No. 1999.176X) requiring two off-street freight loading spaces. The proposed project (“Project”) would convert the existing, ground-floor freight loading area fronting Clementina Street, a portion of the ground-floor parking area fronting Tehama Street, and an interior ground floor space previously occupied by a retail use fronting 2<sup>nd</sup> Street into floor area for office use. In total, approximately 9,000 square feet of Gross Floor Area is proposed for conversion from accessory freight loading, accessory parking, and retail floor areas to office use. Two existing garage doors and adjacent curb cuts would be removed, with infill façades to match the building’s existing façades along both street frontages. The Project would modify a third (existing) garage door fronting Tehama Street to accommodate three new service vehicle loading spaces, replacing two existing freight loading spaces. The Project would reduce the number of existing accessory parking spaces from 50 to 25 spaces and would add 32 Class 1 bicycle parking spaces. The subject property is located within a C-3-O(SD) (Downtown Office, Special Development) Zoning District and 200-S and 250-S Height and Bulk Districts. This action constitutes the Approval Action for the project for the purposes of CEQA, pursuant to San Francisco Administrative Code Section [31.04\(h\)](#).  
*Preliminary Recommendation: Approve with Conditions*
- 5b. [2022-000936CUA](#) (N. FOSTER: (628) 652-7330)  
235 2<sup>ND</sup> STREET – east side between Tehama and Clementina Streets; Lot 123 in Assessor’s Block 3736 (District 6) – Request for **Conditional Use Authorization** pursuant to Planning Code Sections 210.2 and 303 to permit a non-retail sales and service use (office use) at the ground floor. The proposed project (“Project”) involves both interior and exterior alterations to an existing, six-story structure containing non-residential uses (office use). The proposed project (“Project”) would convert the existing, ground-floor freight loading area fronting Clementina Street, a portion of the ground-floor parking area fronting Tehama Street, and an interior ground floor space previously occupied by a retail use fronting 2<sup>nd</sup> Street into floor area for office use. In total, approximately 9,000 square feet of Gross Floor Area is proposed for conversion from accessory freight loading, accessory parking, and retail floor areas to office use. Two existing garage doors and adjacent curb cuts would be removed, with infill façades to match the building’s existing façades along both street frontages. The Project would modify a third (existing) garage door fronting Tehama Street to accommodate 3 new service vehicle loading spaces, replacing two existing freight loading spaces. The Project would reduce the number of existing accessory parking spaces from 50 to 25 spaces and would add 32 Class 1 bicycle parking spaces. The subject property is located within a C-3-O(SD) (Downtown Office, Special Development) Zoning District and 200-S and 250-S Height and Bulk Districts. This action constitutes the Approval Action for the project for the purposes of CEQA, pursuant to San Francisco Administrative Code Section [31.04\(h\)](#).  
*Preliminary Recommendation: Approve with Conditions*

## C. COMMISSION MATTERS

6. Consideration of Adoption:

- [Draft Minutes for August 25, 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.

8. Advance Calendar

**D. DEPARTMENT MATTERS**

9. Director's Announcements

10. 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.

11. [2021-008991CUA](#) (A. WESTHOFF: (628) 652-7314)  
200 RHODE ISLAND STREET – southwest corner of 15<sup>th</sup> Street; Lot 001 in Assessor's Block 3936 (District 6) – Request for **Conditional Use Authorization** pursuant to Planning Code Sections 210.3B, and 303 to establish a change of use of approximately 22,580 square feet of an existing Production, Distribution, and Repair use to an Office use on the third and fourth floors of the subject building, within a PDR-1-D (Production, Distribution & Repair-1-Design) Zoning District and 58-X and 68-X Height and Bulk Districts. This action constitutes the Approval Action for the project for the purposes of CEQA, pursuant to San Francisco Administrative Code Section [31.04\(h\)](#).  
*Preliminary Recommendation: Approve with Conditions*

- 12a. [2020-005514DNX](#) (R. SALGADO: (628) 652-7332)

1010V MISSION STREET – north side between 6<sup>th</sup> and 7<sup>th</sup> Streets; Lot 026 in Assessor's Block 3703 (District 6) – Request for **Downtown Project Authorization** pursuant to Planning Code Sections 210.2 and 309 to allow a project greater than 75 feet in height within a C-3 Zoning Districts with exceptions for a rear yard modification (Section 134); exposure (Section 140); and reduction of wind currents in a C-3 District (Section 148), within a C-3-G (Downtown-General) Zoning District and 160-F Height and Bulk District. This action constitutes the Approval Action for the project for the purposes of CEQA, pursuant to San Francisco Administrative Code Section [31.04\(h\)](#).

*Preliminary Recommendation: Approve with Conditions*

- 12b. [2020-005514CUA](#) (R. SALGADO: (628) 652-7332)  
1010V MISSION STREET – north side between 6<sup>th</sup> and 7<sup>th</sup> Streets; Lot 026 in Assessor's Block 3703 (District 6) – Request for **Conditional Use Authorization** pursuant to Planning Code Sections 124(f) and 303 to allow for additional square footage above the base floor area ratio limit, within a C-3-G (Downtown-General) Zoning District and 160-F Height and Bulk District. The project includes new construction on the subject lot, which currently serves as a surface parking lot, of a nine-story, approximately 80-foot-tall residential building containing 57 single room occupancy (SRO) dwelling units (approximately 20,046 square feet), and approximately 408 square feet of community space on the ground floor. The proposed project would include a total of approximately 2,250 square feet of common open space on the ground floor and on the roof.  
*Preliminary Recommendation: Approve with Conditions*
13. [2021-002738CUA](#) (J. HORN: (628) 652-7366)  
485 DUNCAN STREET – southeast corner of Noe Street; Lot 027B in Assessor's Block 6602 (District 8) – Request for **Conditional Use Authorization** pursuant to Planning Code Sections 303 and 317 to allow the demolition of an existing 1,124 square-foot, one-story-over-garage one-family dwelling and to construct a new 4,726 gross-square-foot, three-story over two-basement two-family dwelling which includes a 3,313 square-foot, two-bedroom dwelling unit and a 1,413-square-foot two-bedroom dwelling unit, 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*  
(Continued from a Canceled hearing on September 1, 2022)
14. [2020-006679CRV](#) (L. HOAGLAND: (628) 652-7320)  
1196 COLUMBUS AVENUE/2568 AND 2588 JONES STREET – north side of Columbus Avenue, on the east side of the intersection with Jones and Bay Streets; Lot 007 in Assessor's Block 0043 (District 3) – Request for **Adoption of Findings** Related to State Density Bonus pursuant to Planning Code Section 206.6 to demolish an existing one-story commercial building and construct a new 28,865 gross square foot (gsf), six-story, 65-foot-tall residential building with 56 group housing rooms, within a C-2 (Community Business District) Zoning District and 40-X Height and Bulk District. The Project seeks two waivers from the Planning Code for: 1) Rear Yard (Section 134) and 2) Building Height (Section 260). The Project is not seeking any concessions and incentives. 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: Adopt*  
(Continued from a Canceled hearing on September 1, 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.

15. [2020-007991DRP](#) (D. WINSLOW: (628) 652-7335)  
445 LIBERTY STREET – south side between Rayburn and Sanchez Streets; Lot 037 in Assessor’s Block 3601 (District 8) – Request for **Discretionary Review** of Building Permit 2022.04040.1521 to construct a third-story vertical addition, a rear horizontal addition and a 610 square foot accessory dwelling unit to a two-story single-family residence within a RH-1 (Residential House, One-Family) Zoning District and 40-X Height and Bulk District. This action constitutes the Approval Action for the project for the purposes of CEQA, pursuant to San Francisco Administrative Code Section [31.04\(h\)](#).  
*Preliminary Recommendation: Do Not Take Discretionary Review and Approve*
16. [2021-007934DRP](#) (D. WINSLOW: (628) 652-7335)  
3682-3686 16<sup>TH</sup> STREET – northeast corner of Castro Streets; Lot 086 in Assessor’s Block 3561 (District 8) – Request for **Discretionary Review** of Building Permit 2020.1003.5809 to convert existing space at the basement level to an ADU per Ordinance No. 162-16. The Project will infill an existing lightwell at the subject property's east lot line of the basement level. All work under this permit is to the building at the southeast portion of the subject lot and fronting 16<sup>th</sup> Street within a RH-3 (Residential House, Three-Family) Zoning District and 40-X Height and Bulk District. This action constitutes the Approval Action for the project for the purposes of CEQA, pursuant to San Francisco Administrative Code Section [31.04\(h\)](#).  
*Preliminary Recommendation: Do Not Take Discretionary Review and Approve*
17. [2021-005053DRP](#) (D. WINSLOW: (628) 652-7335)  
1334 12<sup>TH</sup> AVENUE – east side between Judah and Irving Streets; Lot 038 in Assessor’s Block 1766 (District 7) – Request for **Discretionary Review** of Building Permit 2021.0506.9906 to construct a three-story rear horizontal addition to a three-story single-family dwelling 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 as Modified*

## 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>.