

# SAN FRANCISCO PLANNING COMMISSION



## Notice of 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, March 30, 2023**

**1:00 p.m.**

## Regular Meeting

Commissioners:

Rachael Tanner, President  
Kathrin Moore, Vice-President  
Derek Braun, 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).

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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.

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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.

<b>Instructions for Remote Public Comment</b>	
<p><b>PHONE</b></p> <p>Phone number: +1 (415) 655-0001                  Access Code: <b>2591 215 1221#</b>                  Password: <b>0330#</b>  <i>Note: the Access Code and Password will change for each hearing.</i></p> <ol style="list-style-type: none"> <li>1. Call phone number, <b>enter Access Code, then press #</b> (pound)</li> <li>2. Enter <b>Password</b>, then press # (pound)</li> <li>3. When you hear "You are muted." Stop and <b>listen</b></li> <li>4. Wait for <b>Public Comment</b> to be announced (by Item Number or for General Public Comment)</li> <li>5. <b>To comment, press * 3</b> (star 3) to "raise your hand"</li> <li>6. Once you raise your hand, you will hear the prompt: <b>"You have raised your hand to ask a question. Please wait to speak until the host calls on you."</b></li> <li>7. Wait for your turn to speak.</li> <li>8. When you hear <b>"you're unmuted"</b> that is your indication to begin speaking.</li> </ol>	<p><b>ONLINE</b></p> <p><a href="#">Link to WebEx</a>  <i>Note: the link will change for each hearing.</i></p> <ol style="list-style-type: none"> <li>1. Click on above hyperlink "Link to WebEx"</li> <li>2. Enter your First and Last name, plus email address</li> <li>3. Enter Password and click ok</li> <li>4. Stop and <b>listen</b></li> <li>5. Wait for <b>Public Comment</b> to be announced (by Item Number or for General Public Comment)</li> <li>6. <b>To comment click on "raise hand" icon</b></li> <li>7. When you hear <b>"you're unmuted"</b> that is your indication to begin speaking.</li> </ol>
<b>IF YOU NO LONGER WANT TO COMMENT</b>	
Press * 3 (star 3) to lower your hand	Click "raise hand" icon again
<b>PUBLIC COMMENT</b>	
<ul style="list-style-type: none"> <li>• The <b>Commission Secretary will indicate how much time you have to provide your comments</b> – you will be alerted when you have 30 seconds remaining.</li> <li>• Once your public comment time have ended, you will be moved out of the speaker line and back to listening as a participant (unless you disconnect).</li> <li>• Participants who wish to speak on other items on the Agenda, or for other comment periods, may stay on the meeting line and listen for the Commission/Hearing Secretary's next prompt.</li> </ul>	

## ROLL CALL:

President: Rachael Tanner  
 Vice-President: Kathrin Moore  
 Commissioners: Derek Braun, 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. 2021-004964CUA (R. BALBA: (628) 652-7331)  
4001 18<sup>TH</sup> STREET – south side between Hartford and Noe Streets; Lot 001 in Assessor's Block 3583 (District 8) – Request for **Conditional Use Authorization** pursuant to Planning Code Sections 202.2, 303, and 715, to establish an approximately 1,100 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 Castro Street NCD (Neighborhood Commercial District) Zoning District and 40-X Height and Bulk District. The Commission's 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 April 27, 2023)**
  
2. 2022-006008CUA (J. SACCHI: (628) 652-7308)  
1801 MISSION STREET – southeast corner of 14<sup>th</sup> Street; Lots 176, 178, and 185 in Assessor's Block 3548 (District 9) – Request for **Conditional Use Authorization** pursuant to Planning Code Sections 202.10, 303, and 843 to classify three units (#201, #203, and #402) at the subject property as Intermediate Length Occupancy (ILO) units. Classification as an ILO unit allows a dwelling unit to be offered for occupancy for an initial stay with a duration of greater than 30 days but less than one year (365 days). ILO units are a use characteristic. The units proposed for ILO classification will remain dwelling units. The subject property is located within a UMU (Urban Mixed Use) Zoning District and 68-X Height and Bulk District.  
**WITHDRAWN**

## 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. [2022-012273CUA](#) (V. PAGE: (628) 652-7396)  
921 FOLSOM STREET – south side between 5<sup>th</sup> and Falmouth Streets; Lot 375 in Assessor's Block 3753 (District 6) – Request for **Conditional Use Authorization** pursuant to Planning Code Sections 249.40A, 303 and 841 to authorize a change of use from Limited Restaurant to Restaurant and associated tenant improvement within a MUR (Mixed-Use Residential)

Zoning District, Central SoMa SUD (Special Use District), SoMa Youth and Family SUD (Special Use District) and 45-X/85-X Height and Bulk Districts. The Planning Department found that the project is exempt from the California Environmental Quality Act (CEQA). The Commission's 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. [2022-003331CUA](#) (N. FOSTER: (628) 652-7330)  
[1160 MISSION STREET](#) – north side between 7<sup>th</sup> and 8<sup>th</sup> Streets; Lot 061 in Assessor's Block 3702 (District 6) – Request for **Conditional Use Authorization**, pursuant to Planning Code Sections 210.2 and 303, to permit a change of use from Public Parking Garage (a Retail Automotive Use) to Fleet Charging (a Non-Retail Automotive Use) for portions of the ground, second and third floors of an existing, four-story Public and Private Parking Garage. The proposed project ("Project") would convert 61 of the 189 public parking spaces to fleet charging spaces, with 128 spaces remaining as public parking spaces. The Project would not reduce the 175 private parking spaces reserved for residents of the adjoining residential building that are also located within the same parking garage. Further, aside from the installation of EV charging equipment and associated electrical equipment servicing the new fleet charging spaces, no other work is proposed as part of the Project. The Project Site is located within a C-3-G (Downtown-General) Zoning District and 150-S/240-S Height and Bulk District. The Planning Department found that the project is exempt from the California Environmental Quality Act (CEQA). The Commission's 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. [2019-022693CUA](#) (R. SALGADO: (628) 652-7332)  
[1510 MARKET STREET](#) – north side between Van Ness Avenue and Franklin Street; Lots 002, 003, and 004 in Assessor's Block 0836 (District 6) – Request for **Conditional Use Authorization**, pursuant to Planning Code Sections 156(f), 184, 210.2 and 303, to permit a five-year extension of an existing, temporary Public Parking Lot. The Project is located within a C-3-G (Downtown-General) Zoning District, Van Ness and Market Residential SUD (Special Use District), and 120/400-R-2 Height and Bulk District.

*Preliminary Recommendation: Approve with Conditions*

## C. COMMISSION MATTERS

6. Land Acknowledgement
7. Consideration of Adoption:
- [Draft Minutes for March 16, 2023](#)
8. 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

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. [2023-002450CWP](#) (M. SNYDER: (628) 652-7460)  
AREA PLAN IMPLEMENTATION UPDATE AND INTER-DEPARTMENT PLAN IMPLEMENTATION COMMITTEE (IPIC) REPORT – Informational Presentation on the activities of the Department's Plan Implementation Group, including overview progress toward funding infrastructure projects called for in adopted area plans and coordination with CACs. Presentation of January 2023 Interdepartmental Plan Implementation Committee (IPIC) Report, which includes capital planning accomplishments and recommendations for each plan area.  
*Preliminary Recommendation: None – Informational*
12. [2021-007063CUA](#) (G. PANTOJA: (628) 652-7380)  
0 ALEMANY BOULEVARD/TOMPKINS AVENUE – north side of Alemany Boulevard and Tompkins Avenue between Peralta Avenue; Lot 023 in Assessor's Block 5695 (District 9) – Request for **Conditional Use Authorization** pursuant to Planning Code Sections 211.2 and 303 to establish a Community Recycling Collection Center use (DBA "One Planet Recycling SF") within a Public (P) Zoning District and 40-X Height and Bulk District. The business is established at the adjacent properties and will utilize the subject lot to provide vehicular access and storage. The Planning Department found that the project is exempt from the California Environmental Quality Act (CEQA). 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*

- 13a. [2022-006563CUA](#) (J. SACCHI: (628) 652-7308)  
16 JESSIE STREET #305 – northeast corner of Ecker Place; Lot 152 in Assessor’s Block 3708 (District 6) – Request for **Conditional Use Authorization** pursuant to Planning Code Sections 202.10, 210.2, and 303 to classify one dwelling unit (#305) at the subject property as an Intermediate Length Occupancy (ILO) unit. Classification as an ILO unit allows a dwelling unit to be offered for occupancy for an initial stay with a duration of greater than 30 days but less than one year (365 days). ILO units are a use characteristic. The unit proposed for ILO classification will remain a dwelling unit. The subject property is located within a C-3-O (SD) (Downtown- Office (Special Development)) Zoning District and 550-S Height and Bulk District.  
*Preliminary Recommendation: Approve with Conditions*
- 13b. [2022-006126CUA](#) (J. SACCHI: (628) 652-7308)  
1863 MISSION STREET, #201, #203, #300, #301, #400, #604, and #703 – east side between 14<sup>th</sup> and 15<sup>th</sup> Streets; Lots 199, 201, 203, 204, 211, 227, and 230 in Assessor’s Block 3548 (District 9) – Request for **Conditional Use Authorization** pursuant to Planning Code Sections 202.10, 303, and 754 to classify seven units (#201, #203, #300, #301, #400, #604, and #703) at the subject property as Intermediate Length Occupancy (ILO) units. Classification as an ILO unit allows a dwelling unit to be offered for occupancy for an initial stay with a duration of greater than 30 days but less than one year (365 days). ILO units are a use characteristic. The units proposed for ILO classification will remain dwelling units. The subject property is located within the Mission Street NCT (Neighborhood Commercial Transit) Zoning District and 40-X and 65-X Height and Bulk Districts.  
*Preliminary Recommendation: Approve with Conditions*
- 13c. [2022-006556CUA](#) (R. BAEZA: (628) 652-7369)  
77 VAN NESS AVENUE, UNIT 407 – west side between Fell and Hickory Streets; Lot 038 in Assessor’s Block 0834 (District 6) – Request for **Conditional Use Authorization** pursuant to Planning Code Sections 202.10, 210.2 and 303 to classify the subject property as an Intermediate Length Occupancy (ILO) unit. Classification as an ILO unit allows a dwelling unit to be offered for occupancy for an initial stay with a duration of greater than 30 days but less than one year (365 days). ILO units are a use characteristic. The unit proposed for ILO classification will remain a dwelling unit. The subject property is located within a C-3-G (Downtown General) Zoning District and 85-X Height and Bulk District.  
*Preliminary Recommendation: Approve with Conditions*
- 13d. [2022-005789CUA](#) (R. BAEZA: (628) 652-7369)  
77 VAN NESS AVENUE, UNIT 706 – west side between Fell and Hickory Streets; Lot 067 in Assessor’s Block 0834 (District 6) – Request for **Conditional Use Authorization** pursuant to Planning Code Sections 202.10, 210.2 and 303 to classify the subject property as an Intermediate Length Occupancy (ILO) unit. Classification as an ILO unit allows a dwelling unit to be offered for occupancy for an initial stay with a duration of greater than 30 days but less than one year (365 days). ILO units are a use characteristic. The unit proposed for ILO classification will remain a dwelling unit. The subject property is located within a C-3-G (Downtown General) Zoning District and 85-X Height and Bulk District.  
*Preliminary Recommendation: Approve with Conditions*

- 13e. [2022-006558CUA](#) (R. BAEZA: (628) 652-7369)  
77 VAN NESS AVENUE, UNIT 802 – west side between Fell and Hickory Streets; Lot 073 in Assessor’s Block 0834 (District 6) – Request for **Conditional Use Authorization** pursuant to Planning Code Sections 202.10, 210.2 and 303 to classify the subject property as an Intermediate Length Occupancy (ILO) unit. Classification as an ILO unit allows a dwelling unit to be offered for occupancy for an initial stay with a duration of greater than 30 days but less than one year (365 days). ILO units are a use characteristic. The unit proposed for ILO classification will remain a dwelling unit. The subject property is located within a C-3-G (Downtown General) Zoning District and 85-X Height and Bulk District.  
*Preliminary Recommendation: Approve with Conditions*
- 13f. [2022-005815CUA](#) (M. DITO: (628) 652-7358)  
2040 FRANKLIN STREET #906 – southeast corner of Jackson Street; Lot 069 in Assessor’s Block 0599 (District 2) – Request for **Conditional Use Authorization** pursuant to Planning Code Sections 202.10, 209.2, and 303 to classify unit #906 at the subject property as an Intermediate Length Occupancy (ILO) unit. Classification as an ILO unit allows a dwelling unit to be offered for occupancy for an initial stay with a duration of greater than 30 days but less than one year (365 days). ILO units are a use characteristic. The unit proposed for ILO classification will remain a dwelling unit. The subject property is located within a RM-3 (Residential, Mixed – Medium Density) Zoning District and 105-D Height and Bulk District.  
*Preliminary Recommendation: Approve with Conditions*
- 13g. [2022-006005CUA](#) (M. DITO: (628) 652-7358)  
1450 GREENWICH STREET, #403 – north side between Grenard Terrace and Van Ness Avenue; Lot 028 in Assessor’s Block 0502 (District 3) – Request for **Conditional Use Authorization** pursuant to Planning Code Sections 202.10, 209.2 and 303 to classify unit #403 at the subject property as an Intermediate Length Occupancy (ILO) unit. Classification as an ILO unit allows a dwelling unit to be offered for occupancy for an initial stay with a duration of greater than 30 days but less than one year (365 days). ILO units are a use characteristic. The unit proposed for ILO classification will remain a dwelling unit. The subject property is located within a RM-3 (Residential, Mixed – Medium Density) Zoning District and 65-A Height and Bulk District.  
*Preliminary Recommendation: Approve with Conditions*
- 13h. [2022-006605CUA](#) (M. DITO: (628) 652-7358)  
240 LOMBARD STREET, UNIT 832 – west side of Montgomery Street between Lombard and Chestnut Streets; Lot 108 in Assessor’s Block 0060 (District 3) – Request for **Conditional Use Authorization** pursuant to Planning Code Sections 202.10, 210.1, and 303 to classify unit #832 at the subject property as an Intermediate Length Occupancy (ILO) unit. Classification as an ILO unit allows a dwelling unit to be offered for occupancy for an initial stay with a duration of greater than 30 days but less than one year (365 days). ILO units are a use characteristic. The unit proposed for ILO classification will remain a dwelling unit. The subject property is located within a C-2 (Community Business) Zoning District and 84-E Height and Bulk District.  
*Preliminary Recommendation: Approve with Conditions*
- 13i. [2022-005668CUA](#) (M. DITO: (628) 652-7358)  
240 LOMBARD STREET, UNIT 332 – west side of Montgomery Street between Lombard and Chestnut Streets; Lot 108 in Assessor’s Block 0060 (District 3) – Request for **Conditional Use**



**Authorization** pursuant to Planning Code Sections 202.10, 210.1, and 303 to classify unit #332 at the subject property as an Intermediate Length Occupancy (ILO) unit. Classification as an ILO unit allows a dwelling unit to be offered for occupancy for an initial stay with a duration of greater than 30 days but less than one year (365 days). ILO units are a use characteristic. The unit proposed for ILO classification will remain a dwelling unit. The subject property is located within a C-2 (Community Business) Zoning District and 84-E Height and Bulk District.

*Preliminary Recommendation: Approve with Conditions*

- 14a. [2016-014802PCAMAP](#) (C. ALEXANDER: (628) 652-7334)  
98 FRANKLIN STREET – east side between Oak and Market Streets; Assessor’s Block 0836, Lots 008, 009, 013 (District 6) – Request for **Planning Code and Zoning Map Amendments**. Ordinance introduced by Supervisors Preston, Dorsey, Walton, Ronen, Peskin, Safai, and Mar amending the Planning Code and Zoning Map to (1) revise the Van Ness and Market Residential Special Use District, (2) revise Planning Code Section 260(b)(1)(O); and (3) revise Height Map HT07 to change the maximum height at Assessor’s Block 0836, Lots 008, 009, and 013, from 85-X // 120/365-R-2 to 85-X // 120/400-R-2; adopting findings including findings under the California Environmental Quality Act, Planning Code Section 302 findings, and findings of consistency with the General Plan and Planning Code Section 101.1. The proposed amendments will be before the Commission so that it may recommend adoption, rejection, or adoption with modifications to the Board of Supervisors.  
*Preliminary Recommendation: Approve with Modifications*
- 14b. [2016-014802SHD-02](#) (C. ALEXANDER: (628) 652-7334)  
98 FRANKLIN STREET – east side between Oak and Market Streets; Assessor’s Block 0836, Lots 008, 009, 013 (District 6) – Request for adoption of **Shadow Findings** that net new shadow cast upon on the following five (5) properties: Koshland Community Park; Patricia’s Green; 11<sup>th</sup>/Natoma future park; Hayes Valley Playground; and Page & Laguna Mini Park by the Project would not be adverse to their use, pursuant to Section 295. The Project will include the construction of a new 38-story mixed-use building reaching a roof height up to 400 feet tall (431’6” inclusive of rooftop screening/mechanical equipment) within a C-3-G (Downtown General Commercial) Zoning District, Van Ness & Market Residential SUD (Special Use District) and 85-X // 120/365-R-2 Height and Bulk District. The Project includes a total of approximately 560,543 gross square feet of uses, with approximately 416,286 gross square feet of residential use (385 dwelling units situated on floors six through 38) situated atop a five-story podium containing approximately 84,991 square feet of school use (French American International High School) and approximately 2,978 square feet of retail, 316 Class 1 and 60 Class 2 bicycle parking spaces, and three below-grade levels that would accommodate up to 110 vehicle parking and three car share spaces provided for the residential and school uses. The Project would contain a mix of 275 studio or one-bedroom units, 72 two-bedroom units, and 38 three-bedroom units.  
*Preliminary Recommendation: Adopt Findings*
- 14c. [2016-014802DVA](#) (C. ALEXANDER: (628) 652-7334)  
98 FRANKLIN STREET – east side between Oak and Market Streets; Assessor’s Block 0836, Lots 008, 009, 013 (District 6) – Request for Approval of a **Development Agreement** between the City and County of San Francisco and 98 Franklin Street, LLC, for the development of the 98 Franklin St Project. The Development Agreement would enable the

modification of the Project to (1) increase the Project's height limit to 400 feet (excluding permitted rooftop screen/mechanical equipment), (2) increase the number of dwelling units to 385, (3) permit a land dedication to the City of real property at 600 Van Ness Avenue (Block 0763, Lots 006 through 009; the "Affordable Housing Site"), or other real property acceptable to the Mayor's Office of Housing and Community Development ("MOHCD"), exceeding the dwelling unit requirements of Planning Code Section 249.33(b)(16), at no cost to the City, (4) waive all but one million dollars (\$1,000,000) of the Project's applicable Market and Octavia Affordable Housing fee under Planning Code Section 416 and waive all of the Project's applicable Van Ness Residential Special Use District Affordable Housing fee pursuant to Planning Code Section 424, with the intent that these funds be dedicated to Parcel K (located at the southeast corner of the intersection of Hayes Street and Octavia Boulevard, as described in the Market & Octavia Neighborhood Plan), and (5) vest the Project's Approvals for five years following the effective date of the Development Agreement (collectively, the "Approval Modifications"); thus confirming compliance with or waiving certain provisions of Administrative Code, Chapter 56, and ratifying certain actions taken in connection therewith. Pursuant to San Francisco Administrative Code Section 56.4(c), the Director of Planning has received and accepted a complete application for the amendment of the above-mentioned development agreement which is available for review by the public at the Planning Department in Planning Department Case File No. 2016-014802DVA.

*Preliminary Recommendation: Recommend Approval to Board of Supervisors*

- 14d. [2016-014802DNX-02](#) (C. ALEXANDER: (628) 652-7334)  
98 FRANKLIN STREET – east side between Oak and Market Streets; Assessor's Block 0836, Lots 008, 009, 013 (District 6) – Request for **Downtown Project Authorization** pursuant to Planning Code Section 309 to allow a project greater than 50,000 square feet of floor area within the C-3 Zoning District with requests for exceptions for awnings, canopies, and marquees (Section 136.1); usable open space for dwelling units (Section 135); dwelling unit exposure requirements (Section 140); reduction of ground-level wind currents in C-3 districts (Section 148); minimum dwelling unit mix requirements (Section 207.6 and Section 249.33); height limits: measurement of rooftop appurtenances (Section 260); height limits for parcels within the Van Ness & Market Residential Special Use District (Section 263.19); and bulk controls (Section 270) to permit new construction, on an existing surface parking lot, of a new 38-story mixed-use building reaching a roof height of up to 400 feet tall (431'6" inclusive of rooftop screening/mechanical equipment) with approximately 560,543 gross square feet, including approximately 416,286 gross square feet of residential use (385 dwelling units situated on floors six through 38) situated atop a five-story podium containing approximately 84,991 square feet of school use (French American International High School) and approximately 2,978 square feet of retail, 316 Class 1 and 60 Class 2 bicycle parking spaces, and three below-grade levels that would accommodate up to 110 vehicle parking and three car share spaces provided for the residential and school uses. The Project would contain a mix of 275 studio or one-bedroom units, 72 two-bedroom units, and 38 three-bedroom units within a C-3-G (Downtown General Commercial) Zoning District, Van Ness & Market Residential SUD (Special Use District), and 85-X // 120/365-R-2 Height and Bulk District (proposed 85-X // 120/400-R-2 Height and Bulk District).

*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. [2021-001219DRM](#) (D. WINSLOW: (628) 652-7335)  
1228 FUNSTON AVENUE – east side between Lincoln Way and Irving Street; Lot 039 in Assessor’s Block 1738 (District 7) – Staff initiated Request for **Discretionary Review** of Building Permit No. 2021.0113.2631 to legalize a three-story horizontal addition to the rear and façade alterations performed without benefit of a permit and to add a second dwelling unit and an Accessory Dwelling Unit at the ground level behind the garage within a RH-2 (Residential House - Two Family) Zoning District and 40-X Height and Bulk District. The Planning Department found that the project is exempt from the California Environmental Quality Act (CEQA). The Commission’s 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 Conditions*
  
16. [2022-008887DRP](#) (D. WINSLOW: (628) 652-7335)  
415 GRAFTON AVENUE – south side between Granada and Miramar Avenues; Lot 049 in Assessor’s Block 7016 (District 11) – Request for **Discretionary Review** of Building Permit No. 2022.0815.0509 to construct a vertical addition to a single story one family residence within a RH-1 (Residential House - One Family) Zoning District and 40-X Height and Bulk District. The Planning Department found that the project is exempt from the California Environmental Quality Act (CEQA). The Commission’s 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](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.

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](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>.