

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, June 29, 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 or (628) 652-7589 at least 48 hours in advance.

Ramaytush Ohlone Acknowledgement

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

Know Your Rights Under the Sunshine Ordinance

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force at City Hall, 1 Dr. Carlton B. Goodlett Place, Room 409; phone (415) 554-7724; fax (415) 554-7854; or e-mail at sotf@sfgov.org. Copies of the Sunshine Ordinance can be obtained from the Clerk of the Sunshine Task Force, the San Francisco Library and on the City's website at www.sfbos.org/sunshine.

Privacy Policy

Personal information that is provided in communications to the Planning Department is subject to disclosure under the California Public Records Act and the San Francisco Sunshine Ordinance. Personal information provided will not be redacted.

Members of the public are not required to provide personal identifying information when they communicate with the Planning Department and its commissions. All written or oral communications that members of the public submit to the Department regarding projects or hearings will be made available to all members of the public for inspection and copying. The Department does not redact any information from these submissions. This means that personal information including names, phone numbers, addresses and similar information that a member of the public elects to submit to the Department and its commissions may appear on the Department's website or in other public documents that members of the public may inspect or copy.

Accessible Meeting Information

Commission hearings are held in Room 400 at City Hall, 1 Dr. Carlton B. Goodlett Place in San Francisco. City Hall is open to the public Monday through Friday from 8:00 a.m. to 8:00 p.m. and is accessible to persons using wheelchairs and other assistive mobility devices. Ramps are available at the Grove, Van Ness and McAllister entrances. A wheelchair lift is available at the Polk Street entrance.

Transit: The nearest accessible BART station is Civic Center. Accessible MUNI Metro lines are the F, J, K, L, M, N, T (exit at Civic Center or Van Ness stations). MUNI bus routes also serving the area are the 5, 6, 9, 19, 21, 47, 49, 71, and 71L. For more information regarding MUNI accessible services, call (415) 701-4485 or call 311.

Parking: Accessible parking is available at the Civic Center Underground Parking Garage (McAllister and Polk), and at the Performing Arts Parking Garage (Grove and Franklin). Accessible curbside parking spaces are located all around City Hall.

Disability Accommodations: To request assistive listening devices, real time captioning, sign language interpreters, readers, large print agendas or other accommodations, please contact the Commission Secretary at (628) 652-7589, or commissions.secretary@sfgov.org at least 72 hours in advance of the hearing to help ensure availability.

Language Assistance: To request an interpreter for a specific item during the hearing, please contact the Commission Secretary at (628) 652-7589, or commissions.secretary@sfgov.org at least 48 hours in advance of the hearing.

Allergies: In order to assist the City in accommodating persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, please refrain from wearing scented products (e.g. perfume and scented lotions) to Commission hearings.

SPANISH: Agenda para la Comisión de Planificación. Si desea asistir a la audiencia, y quisiera obtener información en Español o solicitar un aparato para asistencia auditiva, llame al (628) 652-7589. Por favor llame por lo menos 48 horas de anticipación a la audiencia.

CHINESE: 規劃委員會議程。聽證會上如需要語言協助或要求輔助設備，請致電(628) 652-7589。請在聽證會舉行之前的至少48個小時提出要求。

FILIPINO: Adyenda ng Komisyon ng Pagpapalano. Para sa tulong sa lengguwahe o para humiling ng Pantulong na Kagamitan para sa Pagdinig (headset), mangyari lamang na tumawag sa (628) 652-7589. Mangyaring tumawag nang maaga (kung maaari ay 48 oras) bago sa araw ng Pagdinig.

RUSSIAN: Повестка дня Комиссии по планированию. За помощью переводчика или за вспомогательным слуховым устройством на время слушаний обращайтесь по номеру (628) 652-7589. Запросы должны делаться минимум за 48 часов до начала слушания.

Instructions for Remote Public Comment	
<p>PHONE</p> <p>Phone number: +1 (415) 655-0001 Access Code: 2592 095 1637## Note: the Access Code will change for each hearing.</p> <ol style="list-style-type: none"> 1. Call phone number, enter Access Code, then press ## (pound, pound) 2. When you hear "You are muted." Stop and listen 3. Wait for Public Comment to be announced (by Item Number or for General Public Comment) 4. To comment, press * 3 (star 3) to "raise your hand" 5. Once you raise your hand, you will hear the prompt: "You have raised your hand to ask a question. Please wait to speak until the host calls on you." 6. Wait for your turn to speak. 7. When you hear "you're unmuted" that is your indication to begin speaking. 	<p>ONLINE</p> <p>Link to WebEx Password: CPC2023 Note: the link will change for each hearing.</p> <ol style="list-style-type: none"> 1. Click on above hyperlink "Link to WebEx" 2. Enter your First and Last name, plus email address 3. Enter Password and click ok 4. Stop and listen 5. Wait for Public Comment to be announced (by Item Number or for General Public Comment) 6. To comment click on "raise hand" icon 7. You will hear a beep and see the prompt "the host has unmuted you" - that is your indication to begin speaking.
IF YOU NO LONGER WANT TO COMMENT	
Press * 3 (star 3) to lower your hand	Click "raise hand" icon again
PUBLIC COMMENT	
<ul style="list-style-type: none"> • The Commission Secretary will indicate how much time you have to provide your comments – you will be alerted when you have 30 seconds remaining. • Once your public comment time has ended, you will be moved out of the speaker line and back to listening as a participant (unless you disconnect). • 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. 	

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.

- 2022-009099CUA (D. SPYCHER: (628) 652-7588)
1111 CALIFORNIA STREET – southwest corner of Taylor Street; Lot 020 in Assessor's Block 0253 (District 3) – Request for Conditional Use Authorization pursuant to Planning Code Sections 303(e) to amend Conditions of Approval granted by the Planning Commission on November 14, 2013 under Motion No. 19020. Specifically, to amend conditions no. 48 and no. 49 to increase the maximum number of large entertainment events (defined as events with more than 250 attendees) from 79 to 91 events annually, while retaining the 54 annual limit for large entertainment events that are music events (concerts) for the General Entertainment Use at Nob Hill Masonic Center. No other modifications or improvements are proposed. The project site is located within the within a RM-4 (Residential-Mixed, High Density) Zoning District, the Nob Hill Special Use District, and a 65-A Height and Bulk District.
Preliminary Recommendation: Approve with Conditions
 (Continued from Regular hearing on April 27, 2023)
(Proposed for Continuance to July 13, 2023)
- 2022-004605DRP (D. WINSLOW: (628) 652-7335)
2574 UNION STREET – north side between Divisadero and Scott Streets; Lot 013 in Assessor's Block 0945 (District 2) – Request for **Discretionary Review** of Building Permit No. 2022.0413.2114 to construct a three-story rear horizontal addition to a three-story over basement single-family dwelling 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
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. [2022-011807CUA](#) (M. DITO: (628) 652-7358)
51 PROSPER STREET – east side between 16th and 17th Streets; Lot 031 in Assessor’s Block 3564 (District 8) – Request for **Conditional Use Authorization** pursuant to Planning Code Sections 209.1, 303, and 317 to merge units #2 and #5 at the subject property. The merger would result in the elimination of unit #2. The subject property is located within a RH-2 (Residential, House – Two-Family) Zoning District, Central Neighborhoods Large Residence SUD (Special Use District), and 40-X Height and Bulk District.
Preliminary Recommendation: Disapprove
(Continued from Joint hearing on June 15, 2023)
4. [2020-006488CRV](#) (E. SAMONSKY: (628) 652-7417)
580 MINNA STREET – north side between 6th and 7th Streets; Lot 101 of Assessor’s Block 3726 (District 6) – Request for **Adoption of Findings** Related to State Density Bonus pursuant to Planning Code Section 206.6 to allow the construction of a seven-story, 65-foot-tall residential building (measuring 18,909 gross square feet) within a MUG (Mixed-Use General) Zoning District and 45-X Height and Bulk District. The Project seeks waivers from Height (Planning Code Section 250), Narrow Street and Alley Controls (Section 261.1), Rear Yard (Section 134), Exposure (Section 140) and Ground Floor Active Use (Section 145.1) and has requested an Incentive/Concession from Open Space (Section 135) pursuant to the State Density Bonus Law. The Planning Department issued a community plan evaluation pursuant to 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: Adopt
5. [2022-007086CUA](#) (R. BAEZA: (628) 652-7369)
11 FRANKLIN STREET, UNIT 304 – northwest corner of Page Street; Lot 107 in Assessor’s Block 0837 (District 6) – Request for **Conditional Use Authorization** pursuant to Planning Code Sections 202.10, 303 and 752 to 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(s) proposed for ILO classification will remain dwelling units. The subject property is located within a NCT-3 (Neighborhood Commercial Transit, Moderate-Scale) Zoning District and 50-X/85-X Height and Bulk District.
Preliminary Recommendation: Approve with Modifications
6. [2022-006017CUA](#) (R. BAEZA: (628) 652-7369)
11 FRANKLIN STREET, UNIT 604 – northwest corner of Page Street; Lot 123 in Assessor’s Block 0837 (District 6) – Request for **Conditional Use Authorization** pursuant to Planning Code Sections 202.10, 303 and 752 to 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(s) proposed for ILO classification will remain dwelling units. The subject property is located within a NCT-3 (Neighborhood Commercial Transit, Moderate-Scale) Zoning District and 50-X/85-X Height and Bulk District.
Preliminary Recommendation: Approve with Modifications

7. [2022-011623CUA](#) (M. GIACOMUCCI: (628) 652-7414)
555 9TH STREET – east side between Bryant and Brannan Streets; Lot 003 in Assessor's Block 3781 (District 6) – Request for **Conditional Use Authorization** pursuant to Planning Code Sections 303, and 303.1 to establish a Formula Retail use (DBA “The Container Store”) in a vacant 22,329 square-foot retail space located on the second floor of the subject property within a UMU (Urban Mixed Use) Zoning District and 48-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: Approve with Conditions

C. COMMISSION MATTERS

8. Land Acknowledgement
9. Consideration of Adoption:
- [Draft Minutes for June 15, 2023 – Joint hearing with HPC](#)
10. 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

11. Director’s Announcements
12. 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.

13. [2023-003676PCAMAP](#) (A. STARR: (628) 652-7533)
CONSTRAINTS REDUCTION AKA HOUSING PRODUCTION ORDINANCE [BF 230446] – **Planning Code and Zoning Map Amendments** – Ordinance amending the Planning Code to encourage housing production, by 1) streamlining construction of housing citywide, but outside of Priority Equity Geographies, as defined; 2) streamlining development of housing on large lots 3) allowing construction of buildings to the allowable height limit; 4) streamlining review of State Density Bonus projects; 5) streamlining construction of additional units in lower density zoning districts; 6) streamlining process for senior housing; 7) exempting certain affordable housing projects from development fees; 8) amending rear yard, front setback, lot frontage and minimum lot size requirements; 9) amending residential open space requirements; 10) allowing additional uses on the ground floor in residential buildings; 11) allowing homeless shelters and group housing in residential districts; 12) expanding the eligibility for the Housing Opportunities Mean Equity - San Francisco (HOME - SF) program and density exceptions in residential districts; and 13) allowing administrative review of reasonable accommodations; amending the Zoning Map to create the Priority Equity Geographies Special Use District; affirming the Planning Department’s determination under the California Environmental Quality Act; and making public necessity, convenience, and welfare findings 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
 (Continued from Joint Hearing on June 15, 2023)

14. [2022-005027PRJ](#) (M. GIACOMUCCI: (628) 652-7414)
952 AND 960 HOWARD STREET – through lots to Natoma Street between 6th and Mary Streets; Lots 018 and 019 in Assessor’s Block 3725 (District 6) – **Informational Presentation** on the construction of a nine-story, 86,219 square-foot residential addition above an existing three-story, 21,496 square-foot mixed-use (office, PDR, and retail) building (hereafter “Project”) resulting in an approximately 140-foot tall building with 51 Class 1 and eight Class 2 bicycle parking spaces, one off-street loading space, and no off-street vehicular parking spaces, as well as a 4,662 square feet of usable open space dedicated to commercial and residential uses. The Project is requesting approval through the ministerial review process provided under the Central SoMa Housing Sustainability District (Planning Code Section 343) and Concessions/Incentives and Waivers from Development Standards under the State Density Bonus Law (Planning Code Section 206.6 and California Government Code Section 65915). The Project Site is located within a MUR (Mixed Use-Residential) Zoning District and 45-X/85-X Height and Bulk District.
Preliminary Recommendation: None - Informational

15. [2022-012051CUA](#) (T. ATOYEBI: (628) 652-7563)
79 28TH STREET – south side between Dolores and Guerrero Streets; Lot 034 in Assessor’s Block 6616 (District 8) – Request for **Conditional Use Authorization** pursuant to Planning

Code Sections 249.92 and 303, to construct a three-story, rear and horizontal addition to an existing 2,578 square foot, single-family dwelling with an unauthorized unit, resulting in a 3,368 square foot primary dwelling and a 1,495 square foot secondary dwelling unit within a RH-2 (Residential-House, Two-Family) Zoning District, Central Neighborhoods Large Residence SUD (Special Use 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: Approve with Conditions

- 16a. [2021-003762ENX](#) (X. LIANG: (628) 652-7316)
[395 03RD STREET](#) – northwest conner of Harrison Street; Lot 086 of Assessor's Block 3750 (District 6) – Request for **Large Project Authorization** to permit construction of a structure greater than 85 feet in height and more than 50,000 gross square feet in size within the Central SoMa Special Use District (SUD) (Planning Code Section 329), MUR (Mixed-Use Residential) Zoning District, and 200-CS Height and Bulk District, and make findings under the Individually Requested State Density Bonus Program (Section 206.6), pursuant to California Government Code Section 65915, to achieve a 42.5% density bonus, thereby increasing residential density on the site and includes waivers from: Setback (Section 132.4), Wind (Section 249.78), Height Limit (Section 250 and 841.01), and Bulk Limit (Section 270), as well as two Incentives/Concessions from: Streetwall (Section 132.4) and Open Space (Sections 135 and 841.11). The Project includes demolition of an existing parking lot and new construction of a 35-story, mixed-use building with approximately 456,000 square feet of residential use with a total of 524 dwelling units, 4,500 square feet of ground-floor retail use, and 208 Class 1 and 32 Class 2 bicycle parking spaces. The Planning Department issued a community plan evaluation pursuant to 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
- 16b. [2021-003762VAR](#) (X. LIANG: (628) 652-7316)
[395 03RD STREET](#) – northwest conner of Harrison Street; Lot 086 of Assessor's Block 3750 (District 6) – Request for **Variance** from the Planning Code requirement for Dwelling Unit Mix (Section 207.6), for the proposed project involving demolition of an existing parking lot and new construction of a 35-story, mixed-use building with approximately 456,000 square feet of residential use with a total of 524 dwelling units, 4,500 square feet of ground-floor retail use, and 208 Class 1 and 32 Class 2 bicycle parking spaces within a MUR (Mixed-Use Residential) Zoning District, Central SoMa SUD (Special Use District), and 200-CS Height and Bulk District.
17. [2022-011750CUA](#) (X. LIANG: (628) 652-7316)
[372 RITCH STREET](#) – south side between Townsend and Brannan Streets; Lot 044 in Assessor's Block 3787 (District 6) – Request for **Conditional Use Authorization** pursuant to Planning Code Sections 202.2, 303, and 830 to establish an approximately 2,800 square-foot Cannabis Retail Use within the existing one-story commercial building located in the CMUO (Central Soma-Mixed Use Office) Zoning District, Central SoMa SUD (Special Use District), and 65-X Height and Bulk District. The Project does not include a request for authorization of any type of on-site consumption. The Project proposes interior tenant

improvements such as installing display cases, toilets, and some partition walls. No major changes to the building exterior or envelope are proposed. New business signage will be applied for under a separate building permit. 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

18. [2022-006976CUA](#) (C. FEENEY: (628) 652-7313)
[1541 POLK STREET](#) – west side between Sacramento and California Streets; Lot 002 in Assessor's Block 0643 (District 3) – Request for **Conditional Use Authorization** pursuant to Planning Code Sections 202.2, 303, and 723 to establish an approximately 4,080 square foot Cannabis Retail use (d.b.a. Element 7) with no on-site smoking or vaporizing permitted, on the ground floor of a one-story, single-storefront commercial building, within the Polk Street NCD (Neighborhood Commercial District) Zoning District and 65-A Height and Bulk District. There will be no expansion of the existing building envelope. 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
(Continued from Canceled Joint hearing on June 8, 2023)

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.

19. [2023-002864DRM](#) (C. MAY: (628) 652-7359)
[1 SANSOME STREET](#) – northwest corner of Sutter Street; Lots 003 and 004 in Assessor's Block 0289 (District 3) – **Mandatory Discretionary Review** of Building Permit No. 2023.0526.8717 for a modification of the conditions of approval outlined in the 1981 discretionary review of the project (Planning Commission Resolution No. 9085) in order to allow flexibility to host periodic private events involving the closure of the publicly accessible atrium fronting Sansome and Sutter Streets (a General Entertainment Use), as well as the installation of interior green living walls within a C-3-O (Downtown-Office) Zoning District and 450-S Height and Bulk District.
Preliminary Recommendation: Take DR and Approve with Modifications
20. [2021-007262DRP-02](#) (D. WINSLOW: (628) 652-7335)
[939 LOMBARD STREET](#) – south side between Leavenworth and Jones Streets; Lot 021 in Assessor's Block 0072 (District 3) – Request for **Discretionary Review** of Building Permit No. 2021.0709.4046 to demolish an existing two-car parking structure at the front of the lot and construct a new 5,173 square foot single-family dwelling within a RM-1 (Residential Mixed – Low Density) 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

21. [2021-004066DRP](#) (D. WINSLOW: (628) 652-7335)
372 DOLORES STREET – west side between Chula Lane and 17th Street; Lot 008 in Assessor's Block 3566 (District 8) – Request for **Discretionary Review** of Building Permit No. 2021.0820.6824 to convert existing first floor storage and basement of four-story multi-family residential building to one ADU using the Local ADU Program within a RH-3 (Residential House- Three 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
(Continued from Joint hearing on June 15, 2023)

ADJOURNMENT

Hearing Procedures

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

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

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

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

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

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

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

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

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

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

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

Hearing Materials

Advance Submissions: To allow Commissioners the opportunity to review material in advance of a hearing, materials must be received by the Planning Department eight (8) days prior to the scheduled public hearing. All submission packages must be delivered to 49 South Van Ness Ave, 14th Floor, by 5:00 p.m. and should include fifteen (15) hardcopies and a .pdf copy must be provided to the staff planner. Correspondence submitted to the Planning Commission after eight days in advance of a hearing must be received by the Commission Secretary no later than the close of business the day before a hearing for it to become a part of the public record for any public hearing.

Correspondence submitted to the Planning Commission on the same day, must be submitted at the hearing directly to the Planning Commission Secretary. Please provide ten (10) copies for distribution. Correspondence submitted in any other fashion on the same day may not become a part of the public record until the following hearing.

Correspondence sent directly to all members of the Commission, must include a copy to the Commission Secretary (commissions.secretary@sfgov.org) for it to become a part of the public record.

These submittal rules and deadlines shall be strictly enforced and no exceptions shall be made without a vote of the Commission.

Persons unable to attend a hearing may submit written comments regarding a scheduled item to: Planning Commission, 49 South Van Ness Ave, 14th Floor, San Francisco, CA 94103-2414. Written comments received by the close of the business day prior to the hearing will be brought to the attention of the Planning Commission and made part of the official record.

Appeals

The following is a summary of appeal rights associated with the various actions that may be taken at a Planning Commission hearing.

Case Type	Case Suffix	Appeal Period*	Appeal Body
Office Allocation	OFA (B)	15 calendar days	Board of Appeals**
Conditional Use Authorization and Planned Unit Development	CUA (C)	30 calendar days	Board of Supervisors
Building Permit Application (Discretionary Review)	DRP/DRM (D)	15 calendar days	Board of Appeals
EIR Certification	ENV (E)	30 calendar days	Board of Supervisors
Coastal Zone Permit	CTZ (P)	15 calendar days	Board of Appeals
Planning Code Amendments by Application	PCA (T)	30 calendar days	Board of Supervisors
Variance (Zoning Administrator action)	VAR (V)	10 calendar days	Board of Appeals
Large Project Authorization in Eastern Neighborhoods	LPA (X)	15 calendar days	Board of Appeals
Permit Review in C-3 Districts, Downtown Residential Districts	DNX (X)	15-calendar days	Board of Appeals
Zoning Map Change by Application	MAP (Z)	30 calendar days	Board of Supervisors

* Appeals of Planning Commission decisions on Building Permit Applications (Discretionary Review) must be made within 15 days of the date the building permit is issued/denied by the Department of Building Inspection (not from the date of the Planning Commission hearing). Appeals of Zoning Administrator decisions on Variances must be made within 10 days from the issuance of the decision letter.

**An appeal of a Certificate of Appropriateness or Permit to Alter/Demolish may be made to the Board of Supervisors if the project requires Board of Supervisors approval or if the project is associated with a Conditional Use Authorization appeal. An appeal of an Office Allocation may be made to the Board of Supervisors if the project requires a Conditional Use Authorization.

For more information regarding the Board of Appeals process, please contact the Board of Appeals at (415) 575-6880. For more information regarding the Board of Supervisors process, please contact the Clerk of the Board of Supervisors at (415) 554-5184 or board.of.supervisors@sfgov.org.

An appeal of the approval (or denial) of a **100% Affordable Housing Bonus Program application** may be made to the **Board of Supervisors within 30 calendar days** after the date of action by the Planning Commission pursuant to the provisions of Sections 328(g)(5) and 308.1(b). Appeals must be submitted in person at the Board's office at 1 Dr. Carlton B. Goodlett Place, Room 244. For further information about appeals to the Board of Supervisors, including current fees, contact the Clerk of the Board of Supervisors at (415) 554-5184.

An appeal of the approval (or denial) of a **building permit application** issued (or denied) pursuant to a 100% Affordable Housing Bonus Program application by the Planning Commission or the Board of Supervisors may be made to the **Board of Appeals within 15 calendar days** after the building permit is issued (or denied) by the Director of the Department of Building Inspection. Appeals must be submitted in person at the Board's office at 1650 Mission Street, 3rd Floor, Room 304. For further information about appeals to the Board of Appeals, including current fees, contact the Board of Appeals at (415) 575-6880.

Challenges

Pursuant to Government Code Section 65009, if you challenge, in court, (1) the adoption or amendment of a general plan, (2) the adoption or amendment of a zoning ordinance, (3) the adoption or amendment of any regulation attached to a specific plan, (4) the adoption, amendment or modification of a development agreement, or (5) the approval of a variance, conditional-use authorization, or any permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Planning Commission, at, or prior to, the public hearing.

CEQA Appeal Rights under Chapter 31 of the San Francisco Administrative Code

If the Commission's action on a project constitutes the Approval Action for that project (as defined in S.F. Administrative Code Chapter 31, as amended, Board of Supervisors Ordinance Number 161-13), then the CEQA determination prepared in support of that Approval Action is thereafter subject to appeal within the time frame specified in S.F. Administrative Code Section 31.16. This appeal is separate from and in addition to an appeal of an action on a project. Typically, an appeal must be filed within 30 calendar days of the Approval Action for a project that has received an exemption or negative declaration pursuant to CEQA. For information on filing an appeal under Chapter 31, contact the Clerk of the Board of Supervisors at City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102, or call (415) 554-5184. If the Department's Environmental Review Officer has deemed a project to be exempt from further environmental review, an exemption determination has been prepared and can be obtained on-line at <http://www.sf-planning.org/index.aspx?page=3447>. Under CEQA, in a later court challenge, a litigant may be limited to raising only those issues previously raised at a hearing on the project or in written correspondence delivered to the Board of Supervisors, Planning Commission, Planning Department or other City board, commission or department at, or prior to, such hearing, or as part of the appeal hearing process on the CEQA decision.

Protest of Fee or Exaction

You may protest any fee or exaction subject to Government Code Section 66000 imposed as a condition of approval in accordance with Government Code Section 66020. The protest must satisfy the requirements of Government Code Section 66020(a) and must be filed within 90 days of the date of the first approval or conditional approval of the development referencing the challenged fee or exaction. For purposes of Government Code Section 66020, the date of imposition of the fee shall be the date of the earliest discretionary approval by the City of the subject development.

The Planning Commission's approval or conditional approval of the development subject to the challenged fee or exaction as expressed in its Motion, Resolution, or Discretionary Review Action or the Zoning Administrator's Variance Decision Letter will serve as Notice that the 90-day protest period under Government Code Section 66020 has begun.

Proposition F

Under Campaign and Governmental Conduct Code Section 1.127, no person or entity with a financial interest in a land use matter pending before the Board of Appeals, Board of Supervisors, Building Inspection Commission, Commission on Community Investment and Infrastructure, Historic Preservation Commission, Planning Commission, Port Commission, or the Treasure Island Development Authority Board of Directors, may make a campaign contribution to a member of the Board of Supervisors, the Mayor, the City Attorney, or a candidate for any of those offices, from the date the land use matter commenced until 12 months after the board or commission has made a final decision or any appeal to another City agency from that decision has been resolved. For more information about this restriction, visit sfethics.org.

San Francisco Lobbyist Ordinance

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign and Governmental Conduct Code Section 21.00-2.160] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 25 Van Ness Avenue, Suite 220, San Francisco, CA 94102; phone (415) 252-3100; fax (415) 252-3112; and online <http://www.sfgov.org/ethics>.