

SAN FRANCISCO PLANNING COMMISSION



Notice of Hearing & Agenda

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

Thursday, October 4, 2018

1:00 p.m.

Regular Meeting

Commissioners:

Rich Hillis, President

Myrna Melgar, Vice President

Rodney Fong, Milicent Johnson, Joel Koppel,

Kathrin Moore, Dennis Richards

Commission Secretary:

Jonas P. Ionin

Hearing Materials are available at:

Website: <http://www.sfplanning.org>

Planning Department, 1650 Mission Street, 4th Floor, Suite 400

Voice recorded Agenda only: (415) 558-6422

Commission Hearing Broadcasts:

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Live, Thursdays at 1:00 p.m., Cable Channel 78

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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.

Members of the public are not required to provide personal identifying information when they communicate with the Commission or the Department. All written or oral communications, including submitted personal contact information, may be made available to the public for inspection and copying upon request and may appear on the Department's website or in other public documents.

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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.

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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 415-558-6309. 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415-558-6309。請在聽證會舉行之前的至少48個小時提出要求。

TAGALOG:

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 415-558-6309. 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 415-558-6309. Запросы должны делаться минимум за 48 часов до начала слушания.

ROLL CALL:

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|-----------------|---|
| President: | Rich Hillis |
| Vice-President: | Myrna Melgar |
| Commissioners: | Rodney Fong, Milicent Johnson, Joel Koppel, Kathrin Moore, Dennis Richards |

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.

- 2017-012484DNX (E. SAMONSKY: (415) 575-9112)
150 EXECUTIVE PARK BOULEVARD – west side of Thomas Mellon Drive between Executive Park Blvd North and Harney Way, Lot 086 in Assessor’s Block 4991 (District 10) - Request for **Design Review** in the Executive Parking Special Use District, pursuant to Planning Code Sections 309.1 and 309.2, for construction of a six-story, 68-foot tall, residential building (measuring approximately 124,501 gross square feet) containing up to 74 dwelling units, 84 class 1 bicycle parking spaces, 4 class 2 bicycle parking spaces and up to 88 basement level off-street parking spaces within a RC-3 (Residential-Commercial, Medium-Density) Zoning District and 65/240-EP 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 Continuance to October 18, 2018)
- 2017-002545DRP (C. MAY: (415) 575-9087)
2417 GREEN STREET – south side of Green Street, between Pierce and Scott Streets; Lot 028 in Assessor’s Block 0560 (District 2) - Request for **Discretionary Review** of Building Permit Application No. 2017.04.28.5244 proposing to construct 1- and 3-story horizontal rear additions, construct 3rd and 4th floor vertical additions, and lower all floor plates in the existing single-family dwelling by approximately 2 feet. The floor area would increase from approximately 4,118 square feet to approximately 5,115 square feet, and would include a one-bedroom accessory dwelling unit measuring approximately 1,023 square feet on the first floor. The project also proposes the partial excavation of the rear yard for a sunken terrace, façade alterations, and interior modifications including the expansion of the existing basement level garage to accommodate another vehicle 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
(Continued from Regular Hearing on July 12, 2018)
(Proposed Continuance to November 29, 2018)

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. [2016-015056CUA](#) (A. LINDSAY: (415) 575-9178)
1101 GREEN STREET – southwest corner of the Leavenworth Street and Green Street intersection, Lot 026 of Assessor’s Block 0125 (District 3) - Request for a **Conditional Use Authorization**, pursuant to Planning Code Sections 209.1 and 303(c), to install a Sirius XM satellite radio facility. Sirius XM proposes to install (1) new panel antenna; install (1) new VSAT dish; install (1) new RX dish; and install (1) new cabinet on equipment platform. The proposed antenna will be painted to match existing penthouse. The subject property is located within a RH-3 (Residential – House, Three Family), and 40-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
4. [2018-001707CUA](#) (A. LINDSAY: (415) 575-9178)
400 BEALE STREET – south corner of the Harrison Street and Beale Street intersection, Lot 12-259 of Assessor’s Block 3766 (District 9) - Request for a **Conditional Use Authorization**, pursuant to Planning Code Sections 303(c) and 827, to install a rooftop Sirius XM facility. Sirius XM proposes to install (1) new panel antenna; install (1) new RX dish; install (1) new GPS antenna; and install (1) new cabinet on steel platform. The proposed antenna will be painted to match existing rooftop and penthouse. The subject property is located within the RH-DTR (Rincon Hill Downtown Residential Mixed-Use District), and 65-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
5. [2017-015669CUA](#) (C. CAMPBELL: (415) 575-8732)
733 TARAVAL STREET – between 17th & 18th Avenue, Lot 044 in Assessor’s Block 2708 (District 14) - Request a **Conditional Use Authorization**, pursuant to Planning Code Section 303, 711, and 781.1, to amendment to the Conditions of Approval under Motion No.11895, an approved full-service restaurant (d.b.a. “Odumak Korean Cuisine”). Specifically, the proposal is to amend the conditioned hours of operation from 7:00 am – 9:00 pm to 6:00 am – 2:00 am within a NC-2 (Neighborhood Commercial, Small-Scale) Zoning District, Taraval Street Restaurant Subdistrict, 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

C. COMMISSION MATTERS

6. 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

7. Director's Announcements
8. 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.

F. REGULAR CALENDAR

The Commission Hearing Procedures provide for presentations by staff; followed by the project sponsor team; followed by public comment for and against the proposal. Please be advised that the project sponsor team includes: the sponsor(s) or their designee, lawyers, architects, engineers, expeditors, and/or other advisors.

9. [2018-001876PCA](#) (A. BUTKUS: (415) 575-9129)
OBSTRUCTIONS IN REQUIRED SETBACKS, YARDS AND OPEN SPACE – Amending the Planning Code to allow in required setbacks, yards, and usable open space all projections of an architectural nature if they meet the specified requirements and to allow bay windows that do not meet the specified requirements to apply for a Zoning Administrator waiver; adopting findings, including environmental findings, Planning Code Sections 302 findings, and findings of consistency with the General Plan and Planning Code Section 101.1.
Preliminary Recommendation: Approve
- 10a. [2018-006289MAP](#) (D. SANCHEZ: (415) 575-9082)
2101 LOMBARD STREET SPECIAL USE DISTRICT – Zoning Map Amendment to establish the 2101 Lombard Special Use District; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1, and findings of public necessity, convenience, and welfare under Planning Code, Section 302.
Preliminary Recommendation: Approve with Modifications
(Continued from Regular hearing on July 19, 2018)
- 10b. [2018-006289PCA](#) (D. SANCHEZ: (415) 575-9082)
2101 LOMBARD STREET SPECIAL USE DISTRICT – Planning Code Amendment to establish the 2101 Lombard Special Use District; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1, and findings of public necessity, convenience, and welfare under Planning Code, Section 302.
Preliminary Recommendation: Approve with Modifications

(Continued from Regular hearing on July 19, 2018)

11. [2018-012268PCA](#) (D. SANCHEZ: (415) 575-9082)
LIQUOR STORES IN THE NORTH BEACH – **Planning Code Amendment** to provide that temporary closure of a liquor store in the North Beach Neighborhood Commercial District (NCD) as a result of a fire is not an abandonment of such use, and that relocation of such use to another location in the North Beach NCD does not require a new Conditional Use permit; affirming the Planning Department’s determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1, and findings of public necessity, convenience, and welfare under Planning Code Section 302.
Preliminary Recommendation: Approve with Modifications
12. [2018-001018CUA](#) (C. CAMPBELL: (415) 575-8732)
1963 OCEAN AVENUE – between Ashton Avenue & Victoria Street, Lot 020 in Assessor’s Block 6915 (District 13) - Request a **Conditional Use Authorization**, pursuant to Planning Code Section 303 and 755, to amendment to the Conditions of Approval under Motion No. 19271, an approved tobacco paraphernalia establishment (Electronic Cigarette and Steam Hookah Lounge d.b.a. “Happy Vape”). Specifically, the proposal is amend the conditioned hours of operation from 11:00 am – 10:00pm to 10:00 am – 2:00 am within the Ocean Avenue NCT (Neighborhood Commercial - Transit) District and 45-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
- 13a. [2017-001270CUA](#) (D. VU: (415) 575-9120)
3140-3150 16TH STREET – between Albion and Valencia Streets – Lot 018 in Assessor’s Block 3555 (District 8) – Request for **Conditional Use Authorization**, pursuant to Planning Code Section 303, for the conversion of existing ground floor Retail Use to Restaurant Use, for a Non-Residential Use equal to or greater than 3,000 sq. ft. (Planning Code Sections 121.2 and 762), establishment of an Outdoor Activity Area (Planning Code Section 145.2), for upper-story uses of pre-existing structures in Neighborhood Commercial Districts (Planning Code Section 186.2), and establishment of an Eating and Drinking Use, for the project involving the rehabilitation and adaptive re-use of a former 20,400 sq. ft. two-story Automotive Repair Use to a new Restaurant Use including interior renovations, exterior façade repairs, installation of new storefront systems, and the construction of a 3,735 sq. ft. outdoor rooftop deck, exit stairs, two restrooms, storage room, and two elevator penthouses. The Project site is located within a Valencia Street NCT (Neighborhood Commercial – Transit) Zoning District and 55-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 Regular hearing on July 26, 2018)
- 13b. [2017-001270VAR](#) (D. VU: (415) 575-9120)
3140-3150 16TH STREET – between Albion and Valencia Streets – Lot 018 in Assessor’s Block 3555 (District 8) – Request for a **Variance** to the rear yard requirement pursuant to Planning Code Section 134, and Off-Street Loading under Planning Code Section 152, , for the project involving the rehabilitation and adaptive re-use of a former 20,400 sq. ft. two-

story Automotive Repair Use to a new Restaurant Use including interior renovations, exterior façade repairs, installation of new storefront systems, and the construction of a 3,735 sq. ft. outdoor rooftop deck, exit stairs, two restrooms, storage room, and two elevator penthouses. The Project site is located within a Valencia Street NCT (Neighborhood Commercial – Transit) Zoning District and 55-X Height and Bulk District.

Preliminary Recommendation: Approve with Conditions

(Continued from Regular hearing on July 26, 2018)

- 14a. [2015-014148ENX](#) (E. JARDINES: (415) 575-9144)
1245 FOLSOM STREET – between 8th and 9th Street – Lot 041 in Assessor’s Block 3756 (District 6) – Request for **Large Project Authorization**, pursuant to Planning Code Section 329, for the new construction of a new six-story, 64-ft tall, mixed-use building (approximately 24,102 square feet) along Folsom Street and a five-story, 45-ft tall, residential building (approximately 16,335 square feet) along Ringold Street with 37 dwelling units across two buildings (consisting of: 14 studios, 7 1-bedroom units, 14 2-bedroom units, and 2 3-bedroom units) and a total of 3,553 ground floor retail use, 18 below-grade off-street parking. Under the Large Project Authorization, the Project is requesting exceptions from certain Planning Code requirements, including: 1) rear yard pursuant to (Section 134); 2) usable open space pursuant to (Section 135); 3) dwelling unit exposure pursuant to (Section 140); and, 4) dwelling unit mix (Section 207.6). The Project site is located within a Folsom Street NCT (Neighborhood Commercial – Transit) and the RED-MX (Residential Mixed Use) Zoning Districts, the Western SoMa Special Use District, and 45-X and 65-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
- 14b. [2015-014148VAR](#) (E. JARDINES: (415) 575-9144)
1245 FOLSOM STREET – between 8th and 9th Streets – Lot 041 in Assessor’s Block 3756 (District 6) – Request for a **Variance** from the Zoning Administrator to address the Planning Code requirements for: rear yard (Section 134), usable open space (Section 135), and dwelling unit exposure (Section 140), for the proposed project involving new construction of a new six-story, 64-ft tall, mixed-use building (approximately 24,102 square feet) along Folsom Street and a five-story, 45-ft tall, residential building (approximately 16,335 square feet) along Ringold Street with 37 dwelling units across two buildings (consisting of: 14 studios, 7 1-bedroom units, 14 2-bedroom units, and 2 3-bedroom units) and a total of 3,553 ground floor retail use, 18 below-grade off-street parking. The Project site is located within the Folsom Street NCT (Neighborhood Commercial – Transit) and the RED-MX (Residential Mixed Use) Zoning Districts, the Western SoMa Special Use District, and the 45-X and 65-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\(h\)](#).
15. [2017-012974CUA](#) (E. JARDINES: (415) 575-9144)
1690 FOLSOM STREET – between 12th and 13th Street – Lot 040 in Assessor’s Block 3515 (District 6) – Request for **Conditional Use Authorization**, pursuant to Planning Code Sections 303, 303.1, and 844.46 to establish three formula retail uses (DBA Target, CVS Pharmacy, and Starbucks) within an existing retail sales and service building (measuring approximately 40,247 square feet). The Project site is located within a WMUG (Western

SoMa Mixed Use-General) Zoning District, Western SoMa Special Use District, and 55/65-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

16. [2018-009337CUA](#) (G. PANTOJA: (415) 575-8741)
[3939 24TH STREET](#) – between Noe and Sanchez Streets, Lot 034 in Assessor’s Block 6508 (District 7) - Request a **Conditional Use Authorization** pursuant to Planning Code Sections 202.3, 303, and 728 for the removal of an existing general grocery store use greater than 5,000 square feet in size at an existing one-story commercial building within the 24th Street- Noe Valley NCD (Neighborhood Commercial) 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
- 17a. [2018-000908CUA](#) (C. MAY: (415) 575-9087)
[2601 VAN NESS AVE](#) – northwest corner of Van Ness Avenue and Filbert Street, Lot 002A in Assessor’s Block 0522 (District 2) - Request for **Conditional Use Authorization** to permit residential off-street parking in excess of 0.5 spaces per dwelling unit pursuant to Planning Code Section 151, building height greater than 40 feet in an RC-3 Zoning District pursuant to Planning Code Section 253, and a bulk exception for the portion of the building greater than 40 feet in height pursuant to Planning Code Section 271 to allow for the construction of a nine-story, 84-foot tall building with 60 dwelling units above approximately 6,734 square feet of commercial uses, 70 below-grade parking spaces, 1 car-share parking space, 61 Class 1 bicycle parking spaces, and 9 Class 2 bicycle parking spaces on the currently vacant subject lot within a RC-3 (Residential-Commercial, Medium-Density) Zoning District and 65-A 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
- 17b. [2018-000908AHB](#) (C. MAY: (415) 575-9087)
[2601 VAN NESS AVE](#) – northwest corner of Van Ness Avenue and Filbert Street, Lot 002A in Assessor’s Block 0522 (District 2) - Request for **HOME-SF Project Authorization** with a zoning modification to the dwelling unit exposure requirements of Planning Code Section 140, and exceptions to the rear yard requirements of Planning Code Section 134 and non-residential use size limits of Planning Code Section 209.3 to allow for the construction of a nine-story, 84-foot tall building with 60 dwelling units above approximately 6,734 square feet of commercial uses, 70 below-grade parking spaces, 1 car-share parking space, 61 Class 1 bicycle parking spaces, and 9 Class 2 bicycle parking spaces on the currently vacant subject lot within a RC-3 (Residential-Commercial, Medium-Density) Zoning District and 65-A 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
18. [2016-000378CUA](#) (N. FOSTER: (415) 575-9167)
[1600 JACKSON STREET](#) – north side of Jackson Street, between Polk Street and Van Ness Avenues, Lots 002 and 003 in Assessor’s Block 0595 (District 3) – Request for **Conditional Use Authorization** to allow a new General Grocery store (a Retail Sales and Services Use)

operating as a Formula Retail Use (d.b.a. "365 by Whole Foods") at the subject property, pursuant to Planning Code Sections 303, 303.1, 703(d), 703.4, and 723. The proposed project would involve both interior and exterior tenant improvements to the existing two-story-over-garage building, with no expansion of the existing structure. The proposed project would utilize the existing below-grade parking garage with 70 vehicular parking spaces (one to be reserved for car-sharing) and off-street loading dock fronting Jackson Street, while adding 21 bicycle parking spaces (5 Class I and 16 Class 2 spaces) where none existed before. The General Grocery store would occupy the entirety of the existing structure containing approximately 43,900 gross square feet, with a take-out food area located on floor one, dining/seating area on floor two, and accessory office space on floor two, within the Polk Street NCD (Neighborhood Commercial) Zoning District and 65-A Height and Bulk District. The proposed project does not constitute a change of use as the previous use (d.b.a. "Lombardi Sports") and the proposed use are both considered Retail Sales and Services Uses under the Planning Code. 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 Regular hearing on September 27, 2018)

NOTE: On April 26, 2018, after hearing and closing public comment, continued to July 26, 2018, by a vote of +4 -2 (Moore and Richards against; Melgar absent).

On July 26, 2018, without hearing, continued to September 27, 2018 by a vote of +6 -0 (Hillis absent).

On September 27, 2018, without hearing, continued to October 4, 2018 by a vote of +7 -0.

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. [2017-015997DRP](#) (D. WINSLOW: (415) 575-9159)
[1871 GREEN STREET](#) – between Laguna and Octavia Streets; Lot 023 in Assessor's Block 0554 (District 2) - Request for **Discretionary Review** of Building Permit Application No. 2017.1204.5366, for construction of a rear and side horizontal addition to an existing 2-story single-family home 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

20. [2015-014892DRP](#) (D. WINSLOW: (415) 575-9159)
[345 RIVERA STREET](#) – near 14th Avenue; Lot 026A in Assessor's Block 2336 (District 7) - Request for **Discretionary Review** of Building Permit Application No. 2016.1024.1031, for construction of a vertical addition, set back 14' from the front façade, and a side horizontal addition to an existing 2-story single-family home 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

21. [2015-009945DRP](#) (D. WINSLOW: (415) 575-9159)
1418 DIAMOND STREET – between 27th Street and Duncan; Lot 003 in Assessor's Block 6588 (District 8) - Request for **Discretionary Review** of Building Permit Application No. 2012.0731.6173, for construction of a 2-story horizontal rear addition, an addition of an elevator penthouse, and changes to the front façade to an existing 3-story single-family home 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

ADJOURNMENT

Privacy Policy

Members of the public are not required to provide personal identifying information when they communicate with the Commission or Department. All written or oral communications, including submitted personal contact information, may be made available to the public for inspection and copying upon request and may appear on the Department's website or in other public documents.

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 1650 Mission Street, Suite 400, 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, 1650 Mission Street, Suite 400, 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.