

# 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 25, 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, 4<sup>th</sup> Floor, Suite 400

Voice recorded Agenda only: (415) 558-6422

**Commission Hearing Broadcasts:**

Live stream: <http://www.sfgovtv.org>

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 (415) 558-6309 at least 48 hours in advance.

### **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.

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.

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 244; phone (415) 554-7724; fax (415) 554-5163; 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).

### **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>.

### **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.

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Language Assistance: To request an interpreter for a specific item during the hearing, please contact the Commission Secretary at (415) 558-6309, or [commissions.secretary@sfgov.org](mailto:commissions.secretary@sfgov.org) at least 48 hours in advance of the hearing.

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

### **SPANISH:**

Agenda para la Comisión de Planificación. Si desea asistir a la audiencia, y quisiera obtener información en Español o solicitar un aparato para asistencia auditiva, llame al 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:

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.

- 2014.0948ENX (E. JARDINES: (415) 575-9144)  
344 14<sup>TH</sup> STREET/1463 STEVENSON STREET – north side of 14<sup>th</sup> Street between Stevenson and Woodward Street, Lots 013 and 021 in Assessor's Block 3523 (District 9) - Request for **Large Project Authorization** (LPA) pursuant to Planning Code Section 329, for the Project proposing a lot merger and new construction of a 78-foot tall, 7-story-over-basement residential building (measuring approximately 78,738 gross square feet (gsf)) with ground floor retail and a 40-foot tall 3-story-over basement SEW and PDR (Production, Distribution and Repair) building (measuring approximately 19,360 gsf). The Project would construct a total of 56 dwelling units, 5,633 square feet of ground floor commercial, and 46 below-grade off-street parking spaces. The project would construct a 22,996 gsf below-grade garage to serve both buildings. The proposed project would utilize the State Density Bonus Law (California Government Code Sections 65915-65918) and proposes waivers for: 1) rear yard (PC 134), 2) and height (PC 260). Under the LPA, the Project is seeking an exception for vertical non-habitable architectural elements in the Eastern Neighborhoods Mixed Use Districts (PC 263.21). The project site is located within the UMU (Urban Mixed-Use) and PDR-1-G (Production, Distribution, and Repair-1-General) Zoning Districts, and 40-X and 58-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\(h\)](#).  
**(Proposed Continuance to November 15, 2018)**
- 2015-004297ENV (A. CALLAGY: (415) 575-8734)  
271 UPPER TERRACE, 301-303 UPPER TERRACE, 4500 17<sup>TH</sup> STREET – 15,800-square-foot project site between Upper Terrace and Roosevelt Way/17th Street; Lots 32, 34, and 35 of Assessor's Block 2628 (District 8) – **Appeal of Preliminary Negative Declaration** for the proposed project to subdivide three contiguous lots into five lots, demolish a single-family residence, remodel an existing two-unit residence, and construct eight new units. The proposed project would result in 15 off-street parking spaces. The project site is located in a RH-2 (Residential-House, Two Family) Use District in 40-X Height and Bulk District.  
*Preliminary Recommendation: Uphold Preliminary Negative Declaration*  
 (Continued from Regular hearing on June 28, 2018)  
**(Proposed Continuance to November 29, 2018)**
- 2013.0655CUA (D. VU: (415) 575-9120)  
1513A-F YORK STREET – east side of York Street between Cesar Chavez Street and Peralta Avenue; Lots 011, 012 & 020 in Assessor's Block 5513 (District 9) – Request for **Conditional Use Authorization**, pursuant to Planning Code Sections 209.1, 242 and 303, to allow up to one dwelling unit per 1,500 square feet of lot area for the construction of four two-family,

two- to three-story (30-ft tall) dwellings (between 1,383 sq. ft. and 1,552 sq. ft. each) with underground parking on Lots 011 & 012 in the center of Block 5513, one two-family, three-story (30-ft tall) dwelling (between 1,040 sq. ft. and 1,208 sq. ft. each) on Lot 020 at York Street. The project will provide access to all ten dwellings through a driveway at 1513 York Street. The project site is located within a RH-2 (Residential – House, Two-Family) Zoning District, Bernal Heights Special Use District, and 40-X Height and Bulk District.

*Preliminary Recommendation: Approve*

**(Proposed Continuance to November 29, 2018)**

4. 2015-009163CUA (A. PERRY: (415) 575-9017)  
77 GEARY STREET– southeast corner of Geary Street and Grant Avenue; Lot 008 in Assessor’s Block 0312 (District 3) - Request for **Conditional Use Authorization** pursuant to Planning Code Sections 303 and 210.2 to establish a Non-Retail Sales and Service general office use with approximately 24,159 square feet of total space at the second and third floors of the existing building. This application seeks to abate Planning Enforcement Case No. 2015-009163ENF for unauthorized office use in the subject space. The space is currently occupied for office use by a software company (d.b.a. MuleSoft) and by an existing ground floor retailer in the building (d.b.a. Nespresso). The project is located within a C-3-R (Downtown – Retail) District, Downtown Plan Area, and 80-130-F Height and Bulk District. This action constitutes the Approval Action for the project for the purposes of CEQA, pursuant to San Francisco Administrative Code Section [31.04\(h\)](#).  
 (Continued from Regular hearing on May 17, 2018)

*Preliminary Recommendation: Approve*

**(Proposed Continuance to January 10, 2019)**

5. 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*

(Continued from Regular hearing on October 4, 2018)

**(Proposed Indefinite Continuance)**

## 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

6. [2018-005800CND](#) (L. AJELLO: (415) 575-9142)

1050 BAKER STREET – southeast corner of Baker Street and Terra Vista Avenue; Lot 001 in Assessor’s Block 1117 (District 2) - Request for **Condominium Conversion Subdivision** to convert a three-story, six-unit building into residential condominiums within a RM-2 (Residential-Mixed, Moderate Density District and 25-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*

7. [2018-007959CUA](#) (M. CHANDLER: (415) 575-9048)  
1011 MARKET STREET – southside between 7<sup>th</sup> and 6<sup>th</sup> Streets, Lot 056 in Assessor’s Block 3703 (District 6) - Request for **Conditional Use Authorization**, pursuant to Planning Code Sections 303, 303.1 and 210.2 to establish a Formula Retail establishment that will offer 4,500 square feet of General Retail Sales, including apparel and accessories (d.b.a Supreme) at an existing vacant tenant space within a C-3-G Zoning District and 120-X Height and Bulk District. This project was reviewed under the Community Business Priority Processing Program (CB3P). This action constitutes the Approval Action for the project for the purposes of CEQA, pursuant to San Francisco Administrative Code Section [31.04\(h\)](#).  
*Preliminary Recommendation: Approve with Conditions*

## C. COMMISSION MATTERS

8. Consideration of Adoption:
- [Draft Minutes for October 11, 2018](#)
9. 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

10. Director’s Announcements
11. 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.

12. [2017-012001PCA](#) (S. NICKOLOPOULOS: (415) 575-9089)  
**DESIGNATED CHILD CARE UNITS – Planning Code Amendment** introduced by Supervisor Yee to permit an affordable dwelling unit with a State-licensed Small Family Child Care Home on the ground floor on certain commercial streets; excluding certain Child Care units from the calculation of maximum density permitted on the site; making environmental findings; 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*
- 13a. [2018-007507MAP](#) (A. STARR: (415) 558-6362)  
**1650-1680 MISSION STREET [BF 180474] – Zoning Map Amendment**, sponsored by the Department of Real Estate, to rezone 1650, 1660, and 1670 Mission Street, Assessor's Parcel Block No. 3512, Lot Nos. 005, 006, and 008, from their current designation as NCT-3 (Moderate-Scale Neighborhood Commercial Transit District) to C-3-G (Downtown General Commercial), and to rezone 1680 Mission Street, Assessor's Parcel Block No. 3512, Lot Nos. 009 and 010, from its current designation as P (Public) to C-3-G; affirming the Planning Department's determination under the California Environmental Quality Act; making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and making findings of public necessity, convenience, and general welfare under Planning Code, Section 302.  
(Continued from Regular hearing on September 27, 2018)  
*Preliminary Recommendation: Approve*
- 13b. [2018-007507GPA](#) (A. STARR: (415) 558-6362)  
**MARKET AND OCTAVIA PLAN AMENDMENT FOR 1650-1680 MISSION STREET – General Plan Amendment** to amend the San Francisco General Plan to revise Map 1 of the Downtown Plan to include 1650, 1660, 1670 and 1680 Mission Street, Assessor's Block No. 3512, Lot Nos. 005, 006, 008, 009, and 010 in the C-3-G (Downtown General) zoning area; and making environmental findings, findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1, and findings of public necessity, convenience and welfare under Planning Code, Section 340.  
*Preliminary Recommendation: Approve*
- 13c. [2018-007507GPA-2](#) (A. STARR: (415) 558-6362)  
**MARKET AND OCTAVIA PLAN AMENDMENT FOR 1650-1680 MISSION STREET – General Plan Amendment** to amend the San Francisco General Plan to revise Map 1 of the Market and Octavia Plan to include 1650, 1660, 1670 and 1680 Mission Street, Assessor's Block No. 3512, Lot Nos. 005, 006, 008, 009, and 010 in the C-3-G, Downtown General zoning area; and making environmental findings, findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1, and findings of public necessity, convenience and welfare under Planning Code, Section 340.

*Preliminary Recommendation: Approve*

14. [2018-010552PCA](#) (D. SANCHEZ: (415) 575-9082)  
**PROHIBITING EMPLOYEE CAFETERIAS WITHIN OFFICE SPACE – Planning Code Amendment** introduced by Supervisors Safai and Peskin to prohibit Employee Cafeterias, as defined in the Health Code, within Office space, except for existing Employee Cafeterias; affirming the Planning Department’s determination under the California Environmental Quality Act; making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and adopting findings of public necessity, convenience, and welfare under Planning Code, Section 302.  
*Preliminary Recommendation: Approve with Modifications*  
(Continued from Regular hearing on October 11, 2018)
- 15a. [2016-012474MAP](#) (E. JARDINES: (415) 575-9144)  
**118-134 KISSLING STREET – Zoning Map Amendment** to San Francisco Zoning Map Sheet No. ZN07 to rezone (District 6) Block No. 3516 and Lot Nos. 039 (118-120 Kissling Street), 040 (124 Kissling Street), 041 (130 Kissling Street), and 042 (134 Kissling Street) from RED (Residential Enclave) to RED-MX (Residential Enclave-Mixed) Zoning District; the Planning Commission hearing will be advisory to the Board of Supervisors who has final approval authority; affirming the Planning Department’s determination under the California Environmental Quality Act; making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and making findings of public necessity, convenience, and general welfare under Planning Code, Section 302.  
*Preliminary Recommendation: Adopt*
- 15b. [2016-012474CUA](#) (E. JARDINES: (415) 575-9144)  
**118-134 KISSLING STREET** – north side of Kissling Street; Lots 039, 040, 041, and 042 in Assessor’s Block 3516 (District 6) - Request for **Conditional Use Authorization** pursuant to Planning Code Sections: 303, 823, and 847.58 to permit construction of vehicle storage stackers for 96 spaces serving an existing automotive repair use (DBA Royal Automotive Group) with a new screen wall along Kissling Street at 118-134 Kissling Street, within a RED-MX Zoning District, 40-X Height and Bulk District, and Western SoMa Special Use 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*
16. [2017-015181CUA](#) (A. PERRY: (415) 575-9017)  
**412 BROADWAY** – north side of Broadway between Montgomery and Kearny Streets, on Lot 033 in Assessor’s Block 0144 (District 3) – Request for a **Conditional Use Authorization**, pursuant to Planning Code Sections 303 and 714, to permit an extension of operating hours until 4 a.m. daily, for an existing Restaurant and Nighttime Entertainment use (d.b.a. The Penthouse Club & Restaurant). No other changes are proposed. The proposed project is located within a Broadway Neighborhood Commercial District (NCD) and 65-A-1 Height and Bulk District. The Project is not subject to the California Environmental Quality Act (CEQA) as the extension of hours is not considered a “project” under CEQA.  
*Preliminary Recommendation: Disapprove*  
(Continued from Regular hearing on September 13, 2018)  
**Note: On September 13, 2018, after hearing and closing public comment, continued to October 25, 2018 with direction from the CPC 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.

17. [2017-001456DRP](#) (D. WINSLOW: (415) 575-9159)  
1100 FULTON STREET – at the corner of Pierce; Lot 005 in Assessor’s Block 0777 (District 5) - Request for **Discretionary Review** of Building Permit Application No. 2017.0126.7999, for construction of 3 accessory dwelling units within a multi-family house within a RM-1 (Residential - Mixed, Low Density) Zoning District and 40-X Height and Bulk District. This action constitutes the Approval Action for the project for the purposes of CEQA, pursuant to San Francisco Administrative Code Section [31.04\(h\)](#).  
*Preliminary Recommendation: Do Not Take Discretionary Review and Approve*
  
18. [2017-009282DRP](#) (D. WINSLOW: (415) 575-9159)  
136 PALM AVENUE – between Geary and Euclid; Lot 042 in Assessor’s Block 1062 (District 2) - Request for **Discretionary Review** of Building Permit Application No. 2017.0628.0596, for construction of a one-story vertical addition to an existing 3-story two-family house within a RM-1 (Residential - Mixed, Low Density) Zoning District and 40-X Height and Bulk District. This action constitutes the Approval Action for the project for the purposes of CEQA, pursuant to San Francisco Administrative Code Section [31.04\(h\)](#).  
*Preliminary Recommendation: 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](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 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](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, 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.

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

\* Appeals of Planning Commission decisions on Building Permit Applications (Discretionary Review) must be made within 15 days of the date the building permit is issued/denied by the Department of Building Inspection (not from the date of the Planning Commission

hearing). Appeals of Zoning Administrator decisions on Variances must be made within 10 days from the issuance of the decision letter.

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

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

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

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

### **Challenges**

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

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

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

### **Protest of Fee or Exaction**

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

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