

# 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, November 15, 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\(h\)](#). (Continued from Regular hearing on October 25, 2018)  
*Preliminary Recommendation: Pending*  
**(Proposed Continuance to November 29, 2018)**
- 2015-018150CUA (C. MAY: (415) 575-9087)  
137 CLAYTON STREET – west side of Clayton Street, between Grove and Hayes Streets, Lot 006 in Assessor’s Block 1194 (District 5): Request for **Conditional Use Authorization** pursuant to Planning Code Sections 303 and 317 to demolish an existing two-story, single-family dwelling and construct a new four-story, 3-unit residential building within a RH-3 (Residential – House, Three-Family) Zoning District and 40-X Height and Bulk District. This action constitutes the Approval Action for the project for the purposes of CEQA, pursuant to San Francisco Administrative Code Section [31.04\(h\)](#).  
*Preliminary Recommendation: Disapprove*  
(Continued from Regular hearing on September 13, 2018)  
**(Proposed Continuance to December 6, 2018)**  
**Note: On September 13, 2018, after hearing and closing public comment, continued to November 15, 2018 with direction from the CPC by a vote of +7 -0.**

3. 2017-012929DRP (D. WINSLOW: (415) 575-9159)  
830 OLMSTEAD STREET – north side between Colby and Dartmouth Streets; Lot 019 in Assessor’s Block 6130 (District 9) - Request for **Discretionary Review** of Building Permit Application Nos. 2017.0914.8178 for construction of; 1) a 10’ front addition at the bottom floor of the dwelling; 2) a 19’-6” front addition at the first floor; 3) an 11’ rear and 4’ side addition to the existing detached garage; 4) an 8’ wide passage way that connects both structures at the first floor; 5) a new second floor 32’ deep above the dwelling; and 6) a new second floor 29’-6” deep above the garage 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 (Proposed Continuance to January 10, 2019)*

## B. CONSENT CALENDAR

All matters listed hereunder constitute a Consent Calendar, are considered to be routine by the Planning Commission, and may be acted upon by a single roll call vote of the Commission. There will be no separate discussion of these items unless a member of the Commission, the public, or staff so requests, in which event the matter shall be removed from the Consent Calendar and considered as a separate item at this or a future hearing

4. [2018-011926CUA](#) (B. HICKS: (415) 575-9054)  
162 WEST PORTAL AVENUE – north side between 14<sup>th</sup> Avenue and Vicente Street; Lot 006 in Assessor’s Block 2988A (District 7) - Request for **Conditional Use Authorization**, pursuant to Planning Code Sections 303 and 729 for a change of use from a vacant general retail sales and service use (dba West Portal Quick Clean) to a limited restaurant (dba Juuce). The subject property is located within the West Portal Avenue NCD (Neighborhood Commercial) Zoning District and 26-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*
5. [2017-016089CUA](#) (D. WEISSGLASS: (415) 575-9177)  
1200 IRVING STREET – north side of Irving Street between Funston and 14<sup>th</sup> Avenues; Lot 005 of Assessor’s Block 1737 (District 5) – Request for a **Conditional Use Authorization**, pursuant to Planning Code Sections 303, 303.1, 703.4, and 730 to legalize a Formula Retail Grocery Store (d.b.a. “Andronico’s Community Market”) that has been purchased and operated by Safeway Inc. within the Inner Sunset NCD (Neighborhood Commercial District) and 40-X Height and Bulk District. No interior or exterior alterations and no signage alterations are proposed as a part of this project. The project is not defined as a project under CEQA Guidelines Sections 15060(c)(2) and 15378 because it does not result in a physical change in the environment.  
*Preliminary Recommendation: Approve with Conditions*
6. [2018-012623CUA](#) (S. ADINA: (415) 575-8722)  
1 JONES STREET – northwest corner of Jones Street and McAllister Street; lot 003 of Assessor’s Block 0349 (District 6) – Request for a **Conditional Use Authorization**, pursuant

to Planning Code Section 210.2 and 303 to establish Office use on the basement and first floor of the subject property within a C-3-G (Downtown-General) Zoning District and 80-T-120-T 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

### 7. [2019 Hearing Schedule](#)

### 8. Commission Comments/Questions

- Inquiries/Announcements. Without discussion, at this time Commissioners may make announcements or inquiries of staff regarding various matters of interest to the Commissioner(s).
- Future Meetings/Agendas. At this time, the Commission may discuss and take action to set the date of a Special Meeting and/or determine those items that could be placed on the agenda of the next meeting and other future meetings of the Planning Commission.

## D. DEPARTMENT MATTERS

### 9. Director's Announcements

### 10. Review of Past Events at the Board of Supervisors, Board of Appeals and Historic Preservation Commission

## E. GENERAL PUBLIC COMMENT

At this time, members of the public may address the Commission on items of interest to the public that are within the subject matter jurisdiction of the Commission except agenda items. With respect to agenda items, your opportunity to address the Commission will be afforded when the item is reached in the meeting. Each member of the public may address the Commission for up to three minutes.

## 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.

### 11a. (M. CHRISTENSEN: (415) 575-8742)

[ADULT USE CANNABIS IMPLEMENTATION](#) – **Informational Presentation** on the City's implementation of adult-use cannabis including current processing procedures at the Office of Cannabis and the Planning Department for new and existing Medical Cannabis Dispensaries, Cannabis Retail establishments, and non-storefront uses.

*Preliminary Recommendation: None – Informational*

- 11b. [2018-008367PCA](#) (M. CHRISTENSEN: (415) 575-8742)  
**CANNABIS GRANDFATHERING UPDATE – Planning Code Amendment** to allow Medical Cannabis Dispensaries (MCDs) with approvals from the Planning Department for a Medical Cannabis Dispensary Use as of January 5, 2018 to apply to convert to Cannabis Retail Uses under the same conditions as MCDs that held valid final permits from DPH as of January 5, 2018; exempting all such converted Cannabis Retail Uses from otherwise applicable Conditional Use Authorization requirements; clarifying that such Cannabis Retail Uses are not exempted from any minimum radius that is required by a State licensing authority for distance between a Cannabis Retailer and an existing School, day care center or youth center; allowing Equity Program or Equity Incubator Applicants who have MCD applications pending at the Planning Department to apply to convert to Cannabis Retail Uses; exempting such Cannabis Retail Uses from the minimum radius requirements between those establishments and existing Cannabis Retailers and Medical Cannabis Retailers; 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 public necessity, convenience, and welfare findings under Planning Code, Section 302.  
*Preliminary Recommendation: Approve with Modifications*
12. [2004.1031CRV](#) (E. SAMONSKY: (415) 575-9112)  
**601 CRESCENT WAY** – northeast corner of Executive Park Blvd. and Crescent Way; Lot 240 of Assessor’s Block 4991 (District 10) – **Informational Presentation** on architectural revisions to the Building Permit Application (BPA) No. 2004.0114.4041 to construct two residential buildings: a 16-story, 160-foot tall building and an 8-story, 80-foot tall building (collectively measuring approximately 833,526 gross square feet) on a vacant lot. The buildings would contain a total of 465 dwelling units, a 2,175-square-foot community meeting facility, approximately 52,000 square feet of common open space and 24,000 square feet of private open space, 582 on-site vehicle parking spaces and 288 bicycle parking spaces. The Building Permit Application implements the St. Francis Bay III Planned Unit Development, which was approved by the Planning Commission on March 1, 2007 (Motion No. 17386). The project site is located in a C-2 (Community- Business) Use District and 60-X, 80-X, and 165-I Height and Bulk Districts.  
*Preliminary Recommendation: None – Informational*
13. [2016-007303ENV](#) (J. POLLAK: (415) 575-8766)  
**5 THIRD STREET (HEARST BUILDING)** – southeast corner of Market and Third streets at the Hearst Building; Lot 057 of Assessor’s Block 3707 (District 4) – **Appeal of Preliminary Mitigated Negative Declaration** for conversion of the existing 131,650-gross-square-foot, 13-story, 187-foot-tall Hearst Building from office use to a mixed-use hotel with ground-level retail, new event space and rooftop bar and patio. The new mixed-use building would result in an approximately 131,500 gross square foot building with up to 170 hotel rooms, 5,920 square feet of office space, and 11,393 square feet of retail space, including 422 square feet of general retail and 4,005 square feet of restaurant/bar uses. No off-street parking would be provided. The project proposes to reconfigure the curb on Stevenson Street to provide a 60-foot-long passenger loading zone. The project site is located in a C-3-O (Downtown Office) Use District and 120-X Height and Bulk District.  
*Preliminary Recommendation: Adopt Findings*  
(Continued from Regular hearing on October 11, 2018)

- 14a. [2017-001270CUA](#) (D. VU: (415) 575-9120)  
3140-3150 16<sup>TH</sup> STREET – north side 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 establishment of an Eating and Drinking Use, for a Non-Residential Use equal to or greater than 3,000 sq. ft. (Planning Code Sections 121.2 and 762), the conversion of existing ground floor Retail Use to Restaurant Use and the establishment of a Nighttime Entertainment Use (Planning Code Section 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), 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 October 4, 2018)
- 14b. [2017-001270VAR](#) (D. VU: (415) 575-9120)  
3140-3150 16<sup>TH</sup> STREET – north side 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.  
(Continued from Regular hearing on October 4, 2018)
15. [2017-015110CUA](#) (K. DURANDET: (415) 575-6816)  
1043 ALABAMA STREET – east side between 22<sup>nd</sup> and 23<sup>rd</sup> Streets; Lot 027 in Assessor’s Block 4149 (District 8). – Request for **Conditional Use Authorization** to remove an unauthorized dwelling unit from the ground floor basement/garage level of an existing two-family, three-story residential building. No exterior alterations are proposed. The building would retain the two existing legal dwelling units. The property is located in a RH-2 Zoning and 40-X Height and Bulk Districts and the limited scope of work proposed is not a project for the purposes of CEQA, pursuant to Section 31.04(h) of the San Francisco Administrative Code.  
*Preliminary Recommendation: Approve with Conditions*

## G. DISCRETIONARY REVIEW CALENDAR

The Commission Discretionary Review Hearing Procedures provide for presentations by staff; followed by the DR requestor team; followed by public comment opposed to the project; followed

by the project sponsor team; followed by public comment in support of the project. Please be advised that the DR requestor and project sponsor teams include: the DR requestor and sponsor or their designee, lawyers, architects, engineers, expeditors, and/or other advisors.

16. [2015-009733DRP](#) (D. WINSLOW: (415) 575-9159)  
1026 CLAYTON STREET – east side between Ashbury Street and Parnassus Avenue; Lot 043 in Assessor’s Block 1269 (District 5) - Request for **Discretionary Review** of Building Permit Application Nos. 2015.0716.1729 for documentation of existing conditions of permitted work done in 2007 for access stairs to a roof deck on top of a 1-story garage within the required rear yard 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*

## 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.