

# 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, February 14, 2019**  
**1:00 p.m.**  
**Regular Meeting**

Commissioners:

Myrna Melgar, President  
Joel Koppel, Vice President  
Rodney Fong, Rich Hillis, Milicent Johnson,  
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

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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.

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).

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### **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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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: Myrna Melgar  
 Vice-President: Joel Koppel  
 Commissioners: Rodney Fong, Rich Hillis, Milicent Johnson,  
 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.

1. 2018-016401PCA (V. FLORES: (415) 575-9173)  
ACCESSORY DWELLING UNITS IN NEW CONSTRUCTION – Ordinance amending the **Planning Code and Business and Tax Regulations Code Amendments** to authorize the addition of an Accessory Dwelling Unit in the construction of a new single-family home or multi-family building; clarifying the ministerial approval process and creating an expedited Board of Appeals process for certain Accessory Dwelling Units in single-family homes meeting specific requirements; 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*  
**(Proposed Continuance to March 7, 2019)**
  
2. 2018-006127CUA (D. WEISSGLASS: (415) 575-9177)  
201 19<sup>TH</sup> AVENUE – southwest corner of the California Street and 19<sup>th</sup> Avenue, Lot 001 of Assessor’s Block 1414 (District 1) - Request for a **Conditional Use Authorization**, pursuant to Planning Code sections 186, 209.2, 303, and 710 to allow a change of use from an existing grocery store to a restaurant in a Limited Commercial Use space within a RM-1 (Residential – Mixed, Low Density) Zoning District and 40-X Height and Bulk District. The Project also includes the removal of the white signage band obscuring the second-story windows, and the removal of all paint and other features obscuring the transparency of the second-story windows. 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: Disapprove*  
 (Continued from Regular hearing on December 13, 2018)  
**Note: On November 29, 2018, adopted a Motion of Intent to Deny, continued to December 13, 2018 by a vote of +4 -2 (Fong and Koppel against; Richards absent). On December 13, 2018, after hearing and closing public comment, continued to February 14, 2019 by a vote of +6 -0 (Johnson absent).**  
**(Proposed Continuance to March 21, 2019)**
  
- 3a. 2017-001270CUA (R. SUCRE: (415) 575-9108)  
3140-3150 16<sup>TH</sup> 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 establishment of an Eating and Drinking Use, Planning Code Sections 121.2 and 762 for a Non-Residential Use equal to or greater than 3,000 sq. ft., Planning Code Section 762 for the conversion of existing ground floor Retail Use to Restaurant Use and the establishment of a Nighttime Entertainment Use, Planning Code Section 145.2 for the establishment of an Outdoor Activity Area, and Planning Code Section 186.2 for the upper-story uses of pre-existing structures in Neighborhood Commercial Districts, 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 with Nighttime Entertainment Use including interior renovations, installation of new storefront systems, and the construction of a 3,735 sq. ft. rooftop deck, exit stairs, two restrooms, storage room, and two elevator penthouses for a new Outdoor Activity Area. The Project site is located within the 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 January 10, 2019)  
**(Proposed Continuance to April 4, 2019)**

- 3b. 2017-001270VAR (R. SUCRE: (415) 575-9108)  
3140-3150 16<sup>TH</sup> 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, 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 the Valencia Street NCT (Neighborhood Commercial – Transit) Zoning District and 55-X Height and Bulk District.  
(Continued from Regular hearing on January 10, 2019)  
**(Proposed Continuance to April 4, 2019)**
4. 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 January 10, 2019)  
**(Proposed Continuance to April 4, 2019)**

5. 2017-005279VAR (J. HORN: (415) 575-6925)  
448 VALLEY STREET – north side of Valley Street between Castro and Noe Streets; lot 017 of Assessor’s Block 6612 (District 8) – Request for a **Variance** from the Planning Code for front setback requirements, pursuant to Planning Code Section 132. The subject property is located within a RH-2 (Residential – House, Two Family) Zoning District and 40-X Height and Bulk District.  
**WITHDRAWN**

## B. CONSENT CALENDAR

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

6. [2018-013462CUA](#) (L. HOAGLAND: (415) 575-6823)  
3995 ALEMANY BOULEVARD – south side of Alemany Boulevard between Worchester and St Charles Avenues; Lot 012 in Assessor’s Block 7126A (District 13) – Request for **Conditional Use Authorization**, pursuant to Planning Code Sections 303, 303.1, and 713 to establish a Formula Retail Use greater than 6,000 square feet within a NC-S (Neighborhood Commercial Shopping Center) District and 40-X Height and Bulk District. The proposal is to convert a vacant ground floor commercial space with approximately 47,108 square feet of floor area (formerly occupied by “Albertsons” grocery store, a Formula Retail Use) to another Formula Retail Use (d.b.a. “H-Mart” grocery store) within the Oceanview Village Shopping Center. 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*
7. [2018-015439CUA](#) (D. WEISSGLASS: (415) 575-9177)  
205 HUGO STREET – southwest corner of Hugo Street and 3<sup>rd</sup> Avenue; Lot 001 in Assessor’s Block 1752 (District 5) – Request for **Conditional Use Authorization**, pursuant to Planning Code Sections 186, 209.1, 303, and 730 to allow a change of use from an existing Limited Restaurant to a Restaurant in a Limited Commercial Use space within a RH-2 (Residential – House, Two Family) Zoning District and 40-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 January 24, 2019 – Joint with HPC](#)

- [Draft Minutes for January 24, 2019](#)
- [Draft Minutes for January 31, 2019](#)

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. When the number of speakers exceed the 15-minute limit, General Public Comment may be moved to the end of the Agenda.

F. REGULAR CALENDAR

The Commission Hearing Procedures provide for presentations by staff; 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. [2018-015471CRV](#) (D. LANDIS: (415) 575-9118)  
FY 2019-2021 PROPOSED DEPARTMENT BUDGET and WORK PROGRAM – Final review of the Department's **Revenue and Expenditure Budget** in FY 2019-2020 and FY2020-2021, including grants, capital budget requests, and proposed staffing; high-level work program activities for the Department; and proposed dates where budget items will be discussed during the budget process.

*Preliminary Recommendation: Approve*

13. (J. BINTLIFF: (415) 575-9170)  
[EXECUTIVE DIRECTIVE ON HOUSING \(17-02\) REPORT](#) – **Informational Presentation** to update the Commission on the status of the Executive Directive and implementation of the Department's 2017 Process Improvements Plan. The presentation will include a summary and status report of several improvement measures that have been implemented in 2018,



or are currently underway or anticipated, and a quantitative report on the Department's performance on various target project review timeframes.

*Preliminary Recommendation: None – Informational*

14. [2019-001351CRV](#) (P. IKEZOE (415-575-9137))  
**NONPROFIT ORGANIZATIONS' FIRST-RIGHT-TO-PURCHASE MULTI-FAMILY RESIDENTIAL BUILDINGS** [BF 181212] – **Administrative Code Amendment** introduced by Supervisor Sandra Fewer to confer upon certain nonprofit organizations a first-right-to-purchase, consisting of both a right of first offer and a right of first refusal, over all multi-family residential buildings (and related construction sites and vacant lots) in the City, for the purpose of creating and preserving rent-restricted affordable rental housing; establishing related procedures for the selection of such nonprofits, preservation of rent-restricted affordable housing, and implementation and enforcement; and affirming the Planning Department's determination under the California Environmental Quality Act.  
*Preliminary Recommendation: Adopt a Recommendation for Approval*
  
15. [2018-016562PCA](#) (J. BINTLIFF: (415) 575-9170)  
**INCLUSIONARY HOUSING FEE FOR STATE DENSITY BONUS PROJECTS** [BF 181154] – **Planning Code Amendment** introduced by Supervisor Peskin that would amend Section 415 to require all projects using the State Density Bonus law, regardless of Environmental Evaluation Application date, to pay the inclusionary housing fee on any additional units or square footage allowed by the state law; and 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 the Planning Code, Section 101.1; and making findings of public convenience, necessity, and welfare under the Planning Code, Section 302.  
*Preliminary Recommendation: Disapprove*  
 (Continued from Regular hearing on January 31, 2019)  
**Note: On January 31, 2019, after hearing and closing public comment, continued to February 14, 2019 by a vote of +5 -0 (Koppel, Melgar absent).**
  
16. [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, 189-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. The project site is located in a C-3-O (Downtown Office) Use District and 120-X Height and Bulk District.  
*Preliminary Recommendation: Uphold the Preliminary Mitigated Negative Declaration*  
 (Continued from Regular hearing on December 13, 2018)
  
17. [2018-007049CUA](#) (L. AJELLO: (415) 575-9142)  
**3378 SACRAMENTO STREET** – northeast corner of Sacramento and Walnut Streets; Lot 049 in Assessor's Block 1008 (District 2) – Request for **Conditional Use Authorization**, pursuant to Planning Code Sections 303, 724 and 102 to allow a "Health Services" use (dental/orthodontics office) at the basement level of a mixed-use building within a

Sacramento Street NCD (Neighborhood Commercial District) 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*

18. [2017-005279CUA](#) (J. HORN: (415) 575-6925)  
[448 VALLEY STREET](#) – north side of Valley Street between Castro and Noe Streets; lot 017 of Assessor’s Block 6612 (District 8) – Request for a **Conditional Use Authorization**, pursuant to Planning Code Sections 303 and 317, to allow the demolition of an existing 1,904 square foot two-story single-family home and the new construction of a 4,450 square foot four-story two-family dwelling 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: Approve with Conditions*
19. [2018-014721CUA](#) (L. AJELLO: (415) 575-9142)  
[1685 HAIGHT STREET](#) – southwest corner of Cole and Haight Streets; Lot 020 in Assessor’s Block 1247 (District 5) – Request for **Conditional Use Authorization**, pursuant to Planning Code Sections 202.2, 303, and 719 to establish a Cannabis Retail Use within the Haight Street NCD (Neighborhood Commercial District) and 40-X Height and Bulk District. The proposal is to convert a ground floor commercial space with approximately 1,250 square feet of floor area to Cannabis Retail Use within a mixed-use building. 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*

## 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.

- 20a. [2016-005555DRP-02](#) (M. WOODS: (415) 558-6315)  
[1794-1798 FILBERT STREET/2902 OCTAVIA STREET](#) – northeast corner at Filbert and Octavia Streets; Lot 015 in Assessor’s Block 0520 (District 2) – Requests for **Discretionary Review** of Building Permit Application No. 2016.09.27.8915S proposing to construct a new third floor level and a roof deck to the existing two-story building, containing commercial space and three dwelling units. Because the existing building already encroaches into the required rear yard setback, a portion of the new third floor would require a Variance from the rear yard requirements. The project site is located 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: Do Not Take Discretionary Review and Approve*  
(Continued from Regular Hearing on January 17, 2019)



**Note: On November 29, 2018, after hearing and closing public comment, continued to January 17, 2019 by a vote of +6 -0 (Richards absent). On January 17, 2019, without hearing, continued to February 14, 2019 by vote of +7 -0.**

- 20b. [2016-005555VAR](#) (M. WOODS: (415) 558-6315)  
1794-1798 FILBERT STREET/2902 OCTAVIA STREET – northeast corner at Filbert and Octavia Streets; Lot 015 in Assessor’s Block 0520 (District 2) - Request for a **Variance** from the rear yard setback requirement pursuant to Planning Code Section 134. The project proposes to renovate the existing building and construct a new third floor level and a roof deck to the existing two-story building, containing commercial space and three dwelling units. Because the existing building already encroaches into the required rear yard setback, a portion of the new third floor would require a rear yard Variance. The project site is located within a RH-3 (Residential, House, Three-family) Zoning District and 40-X Height and Bulk District.  
(Continued from Regular Hearing on January 17, 2019)
21. [2016-009554DRP](#) (D. WINSLOW: (415) 575-9159)  
27 FOUNTAIN STREET – between 24<sup>th</sup> and 25<sup>th</sup> Streets; Lot 021 in Assessor’s Block 6502 (District 8) – Request for **Discretionary Review** of Building Permit Application No. 2016.0701.1449 For construction of a rear horizontal addition at the lower basement level, front façade alterations, and relocation of the lower unit to the garden level 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*
22. [2017-014666DRP](#) (D. WINSLOW: (415) 575-9159)  
743 VERMONT STREET– between 19<sup>th</sup> and 20<sup>th</sup> Streets; Lot 021 in Assessor’s Block 4074 (District 10) – Request for **Discretionary Review** of Building Permit Application No. 2017.1027.2504 For construction of a horizontal rear addition to an existing 2-story single-family residence 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.