

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 7, 2019

1:00 p.m.

Regular Meeting

Commissioners:

Myrna Melgar, President
Joel Koppel, Vice President
Frank Fung, 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, 4th Floor, Suite 400

Voice recorded Agenda only: (415) 558-6422

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

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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: Frank Fung, 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. 2019-012970PRJ (A. PERRY: (415) 575-9017)
ACADEMY OF ART UNIVERSITY – The proposed Project involves 34 properties owned or leased by the Academy of Art University (the “Academy”). Consistent with the Term Sheet and Supplement to the Term Sheet for Global Resolution, the Project seeks to establish or legalize uses at these properties, consolidate single room occupancy units regulated under Chapter 41 of the Administrative Code into two buildings and provide at least 7 new Chapter 41 units, and perform or legalize building modifications to these properties in order to implement said uses and to generally abate all Planning Code violations. A full list of the 34 properties may be found at sfplanning.org/academy. The Planning Commission will act on the following items: 1) **Adoption of CEQA Findings**. The Planning Commission certified the Final EIR for the Project on July 28, 2016. An Addendum to the FEIR was prepared for the Project and was published on October 9, 2019. Prior to any other action, the Commission must adopt CEQA Findings and a Statement of Overriding Considerations for the Project to proceed; 2) **Planning Code Amendment and Development Agreement**. The Planning Commission will consider adoption of a resolution and recommendation to the Board of Supervisors regarding the proposed Planning Code amendments that are necessary in order to implement the Project and regarding the proposed Development Agreement between the Academy and its various LLCs and the City and County of San Francisco; and 3) **Conditional Use Authorization**. As allowed by the proposed Planning Code Amendment, the Planning Commission will take action to authorize the proposed uses and building modifications across all 34 properties through a single, Master Conditional Use Authorization (MCUA). The MCUA allows the Planning Commission to grant exceptions from Code requirements that might otherwise be required under the Code to authorize all scopes of work contemplated by the Project.
Preliminary Recommendation: Adopt CEQA Findings, Adopt Resolution Recommending Approval of Planning Code Amendments and Development Agreement, and Approval with Conditions of Conditional Use Authorization
(Proposed Continuance to November 21, 2019)

2. 2008.0023CUA (B. HICKS: (415) 575-9054)
461 29TH STREET – south side of 29th Street between Noe Street and Sanchez Street; Lot 033 of Assessor’s Block 6631 (District 8) – Request for **Conditional Use Authorization**, pursuant to Planning Code Section 303 and 317 to demolish an existing, two-story, 750 square foot, single family residence and construct a new four-story, 6,459 square foot, two-dwelling unit building up to 40-feet tall and including two parking spaces, and two Class 1 bicycle parking spaces. Per Planning Code Section 317, any application for a permit that would result in the removal of one or more residential units shall require a Conditional Use Authorization for

the removal and replacement of the units. The subject property is located 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
(Continued from Regular hearing on August 29, 2019)

Note: On August 29, 2019, after hearing and closing public comment, continued to November 7, 2019 with direction from the Commission by a vote of +6 -0 (Johnson absent). (Proposed Continuance to November 21, 2019)

3. 2019-014348PCA (A. MERLONE: (415) 575-9129)
EXEMPTION FROM DENSITY LIMITS FOR AFFORDABLE AND UNAUTHORIZED UNITS [BOARD FILE NO. 190757] – **Planning Code Amendment** to provide an exception from density limit calculations for all affordable units in projects not seeking and receiving a density bonus, permit the legalization of all unauthorized dwelling units notwithstanding a history of no-fault evictions, and principally permit residential care facilities for seven or more persons in all RH (Residential, House) zoning districts; 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 general welfare under Planning Code, Section 302.
Preliminary Recommendation: Approve with Modifications
(Continued from Regular hearing on October 3, 2019)
(Proposed Continuance to November 21, 2019)
4. 2018-007267OFA (J. VIMR: (415) 575-9109)
865 MARKET STREET – south side of Market Street immediately east of its intersection with Fifth Street; Lot 042 in Assessor’s Block 3705 (District 6) – Request for an **Office Development Authorization** pursuant to Planning Code Sections 320 through 325 to authorize up to 49,999 square feet from the Office Development Annual Limit. The proposal would convert existing retail use, accessory office use, and miscellaneous spaces at floors 7-8 of the subject building to General Office use. The subject property is located within a C-3-R (Downtown-Retail) Zoning District, 120-X/160-S Height and Bulk District, and Article 11 Kearny-Market-Mason-Sutter Conservation District. This action constitutes the Approval Action for the project for the purposes of CEQA, pursuant to San Francisco Administrative Code Section [31.04\(h\)](#).
Preliminary Recommendation: Approve with Conditions
(Proposed Continuance to December 5, 2019)
- 5a. 2018-011441CUA (M. DITO: (415) 575-9164)
1846 GROVE STREET – south side of Fulton Street between Atalaya Terrace and Masonic Avenue, Lot 003H in Assessor’s Block 1187 (District 5) – Request for **Conditional Use Authorization** pursuant to Planning Code Sections 209.1 and 303 to construct five dwelling units on a lot zoned RH-2 (Residential, House – Two Family) and RH-3 (Residential, House – Three Family). The Conditional Use Authorization request is to exceed the principally permitted dwelling unit density limit for the respective zoning district. The lot is located within 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
(Proposed Continuance to December 12, 2019)

- 5b. 2018-011441VAR (M. DITO: (415) 575-9164)
1846 GROVE STREET – south side of Fulton Street between Atalaya Terrace and Masonic Avenue, Lot 003H in Assessor’s Block 1187 (District 5) – Request for **Variances** from the rear yard, exposure, and bicycle parking requirements of the Planning Code, pursuant to Sections 134, 135, and 151, respectively. The subject property is located within both a RH-2 (Residential, House – Two Family) and RH-3 (Residential, House – Three Family) Zoning District, as well as 40-X Height and Bulk District.
(Proposed Continuance to December 12, 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

6. [2019-004664CUA](#) (C. ALEXANDER (415) 575-8724)
57 WENTWORTH STREET – east side of Grant Avenue and west side of Wentworth Place between Jackson and Washington Streets, Lot 035 in Assessor’s Block 0194 (District 3) – Request for **Conditional Use Authorization** pursuant to Planning Code Sections 811 and 303 for a change of use from retail to bar/lounge (approximately 4,048 sf) on the ground floor and basement level of a mixed-use building within the CVR (Chinatown Visitor Retail) Zoning District and 50-N Height and Bulk District. The Conditional Use Authorization request is for the bar/lounge use and to exceed the principally permitted use size limit and operation hours for non-residential uses. 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. [2018-009548CUA](#) (G. PANTOJA: (415) 575-8741)
427 BADEN STREET – between Martha and Mangels Avenues, Lot 005 and 006 in Assessor’s Block 6762 (District 13) – Request a **Conditional Use Authorization** pursuant to Planning Code Sections 121 and 303 for the creation of one substandard lot and construction of a new two-story, single-family dwelling unit within a RH-1 (Residential House, One-Family) Zoning District and 40-X Height and Bulk District. The new single-family dwelling unit will be located on an existing vacant lot to be altered via a lot line adjustment into a substandard lot. 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 17, 2019 – Joint with Rec and Park](#)
 - [Draft Minutes for October 17, 2019 – Regular](#)
 - [Draft Minutes for October 24, 2019 – Regular](#)

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.
10. PLANNING DIRECTOR RECRUITMENT AND HIRING PROCESS: Discussion and possible adoption of a Motion to endorse the process for the recruitment of candidates for the position of Planning Director and making a hiring recommendation to the Mayor.
Preliminary Recommendation: Endorse Process

D. DEPARTMENT MATTERS

11. Director's Announcements
12. Review of Past Events at the Board of Supervisors, Board of Appeals and Historic Preservation Commission

E. GENERAL PUBLIC COMMENT

At this time, members of the public may address the Commission on items of interest to the public that are within the subject matter jurisdiction of the Commission except agenda items. With respect to agenda items, your opportunity to address the Commission will be afforded when the item is reached in the meeting. Each member of the public may address the Commission for up to three minutes. When the number of speakers exceed the 15-minute limit, General Public Comment may be moved to the end of the Agenda.

F. REGULAR CALENDAR

The Commission Hearing Procedures provide for presentations by staff; 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.

13. [2019-013522PCA](#) (V. FLORES: (415) 575-9173)
CODE CLEAN-UP 2019 – Planning Code Amendment to correct typographical errors, update outdated cross-reference, and make non-substantive revisions to clarify or simplify Code language; amending Article 4 to move the language regarding timing of fee payments to the beginning of the Article and cross-reference it in the individual impact fee sections and to add an additional fee waiver based on the replacement of gross floor area in buildings damaged or destroyed by fire or other calamity; 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 general welfare under Planning Code, Section 302.

Preliminary Recommendation: Initiate and Consider Adoption on or after December 12, 2019

14. [2019-013506GEN](#) (C. KERN: (415) 575-9037)
WATER SUPPLY – Informational Presentation by the San Francisco Public Utilities Commission and Planning Department on the City’s water supply planning process.
Preliminary Recommendation: None – Informational
 (Continued from Regular hearing on October 24, 2019)
15. [2015-006825CUA](#) (V. FLORES: (415) 575-9173)
367 HAMILTON AVENUE – between Burrows and Bacon Streets; Lot 022 of Assessor’s Block 5987 (District 9) – Request for **Conditional Use Authorization**, pursuant to Planning Code Sections [303](#) and [317](#) to allow demolition of an existing 950 square foot single-family home and unauthorized dwelling unit and new construction of a three-story 3,115 square foot single-family home with an Accessory Dwelling Unit on the ground floor per Ordinance 95-17. The project site is located within a RH-1 (Residential, House – One Family) Zoning District and 40-X Height and Bulk District. This action constitutes the Approval Action for the project for the purposes of CEQA, pursuant to San Francisco Administrative Code Section [31.04\(h\)](#).
Preliminary Recommendation: Approve with Conditions
 (Continued from Regular hearing on September 12, 2019)
16. [2018-000468AHB](#) (G. PANTOJA: (415) 575-8741)
3945 JUDAH STREET – between 44th and 45th Avenues; Lot 028 in Assessor’s Block 1809 (District 15) – Request for a **HOME-SF Project Authorization** pursuant to Planning Code Sections 328 for the demolition of an existing one-story commercial building, formerly utilized for the operation of a gas station, and the construction of a new five-story over basement, 55-foot, approximately 19, 160 square-foot mixed-use building containing a total of 20 dwelling units (10 one-bedroom, 9 two-bedroom, and 1 three-bedroom), 2,440 square feet of commercial space, 7 off-street parking spaces, and 24 bicycle parking spaces within a Neighborhood Commercial, Cluster (NC-1) and 40-X Height and Bulk District. The proposal is pursuing a Tier-2 HOME-SF Project Authorization which permits a form-based density, one additional story of height, and five additional feet at the ground floor in excess of the height limit in exchange for providing 25% on-site affordable dwelling units. Additionally, the proposal is pursuing a Zoning Modification from the rear yard requirement pursuant to Planning Code Section 206.3. This action constitutes the Approval Action for the project for the purposes of CEQA, pursuant to San Francisco Administrative Code Section [31.04\(h\)](#).
Preliminary Recommendation: Approve with Conditions
- 17a. [2018-011430CUA](#) (C. MAY: (415) 575-9087)
1776 GREEN STREET – north side of Green Street between Octavia and Gough Streets, Lot 006 in Assessor’s Block 0544 (District 2) – Request for **Conditional Use Authorization** pursuant to Planning Code Sections 209.1 and 303 to permit a two-story vertical addition and a change of use from an automobile repair garage to a residential building containing five new residential units within a RH-2 (Residential-House, Two-Family) Zoning District and 40-X Height and Bulk District. The Conditional Use Authorization request is to exceed the principally permitted dwelling unit density limit for the respective zoning district. This

action constitutes the Approval Action for the project for the purposes of CEQA, pursuant to San Francisco Administrative Code Section [31.04\(h\)](#).

Preliminary Recommendation: Approve with Conditions

- 17b. [2018-011430VAR](#) (C. MAY: (415) 575-9087)
[1776 GREEN STREET](#) – north side of Green Street between Octavia and Gough Streets, Lot 006 in Assessor’s Block 0544 (District 2) – Request for **Variances** from the front setback and rear yard requirements of Planning Code Sections 132 and 134, respectively, to permit a two-story vertical addition and a change of use from an automobile repair garage to a residential building containing five new residential units within a RH-2 (Residential-House, Two-Family) Zoning District and 40-X Height and Bulk District.
18. [2018-001485CUA](#) (L. AJELLO: (415) 575-9142)
[3360 SACRAMENTO STREET](#) – north side of Sacramento Street between Walnut and Presidio Streets; Lot 011 in Assessor’s Block 1008 (District 2) - Request for **Conditional Use Authorization**, pursuant to Planning Code Sections 303, 724 and 102 to legalize a “Trade Office” use on the ground floor of a mixed-use building within the 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
19. [2017-013155CUA](#) (L. AJELLO: (415) 575-9142)
[230 KIRKHAM AVENUE](#) – north side of Kirkham Street between 6th and 7th Avenues; Lot 026 in Assessor’s Block 1847 (District 5) – Request for **Conditional Use Authorization** pursuant to Planning Code Sections 303 and 317 to demolish a two-story single-family dwelling and construct a three-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
20. [2019-002758CUA](#) (S. YOUNG: (415) 558-6346)
[3501 GEARY BOULEVARD](#) – southwest corner of Geary Boulevard and Stanyan Street; Lots 012-013 (formerly Lot 001B) in Assessor’s Block 1084 (District 1) – Request for **Conditional Use Authorization** pursuant to Planning Code Sections 303, 303.1, 703.4 and 712 to establish a Formula Retail Use (d.b.a. T-Mobile) in an approximately 1,866 square foot vacant ground floor commercial space. The project site is located within a NC-3 (Moderate-Scale Neighborhood Commercial) Zoning District and 40-X Height and Bulk District. This action constitutes the Approval Action for the project for the purposes of CEQA, pursuant to San Francisco Administrative Code Section [31.04\(h\)](#).
Preliminary Recommendation: Approve with Conditions

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.

21. [2018-003910DRP](#) (R. SUCRE: (415) 575-9108)
[3252 19TH STREET](#) – located at northwest corner of 19th and Shotwell Streets; Lot 025 in Assessor’s Block 3591 (District 9) – Request for **Discretionary Review** of Building Permit Application No. 2018.08.16.7612, to legalize a change in use of approximately 2,849 square feet on the first floor and an associated mezzanine from automotive repair to amusement game arcade/restaurant (dba. Redemption) within an existing two-story building in an UMU (Urban Mixed-Use) Zoning District and 58-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. [2018-015288DRP](#) (D. WINSLOW: (415) 575-9159)
[1130 POTRERO AVENUE](#) – between 23rd and 24th Streets.; Lot 007 in Assessor’s Block 4211 (District 9) – Request for **Discretionary Review** of Building Permit Application No. 2018.1105.5040, proposing a third -story vertical addition and a 1-story horizontal rear and side addition to an existing 2-story, one-family house within a RH-3 (Residential House, Three-Family) 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: Do Not Take Discretionary Review and Approve

ADJOURNMENT

NOTICE OF PUBLIC HEARING

REGARDING PROPOSED DEVELOPMENT AGREEMENT

(November 21, 2019)

Case No. 2008.0586DVA / 2019-012970DVA: Academy of Art University, located at 43 properties owned or leased by the Academy of Art University – On November 21, 2019, the Planning Commission will hold a public hearing to consider a Request for Approval of a **Development Agreement** between the City and County of San Francisco and The Academy, including The Stephens Institute dba Academy of Art University and the LLC Parties, for implementation of the Academy of Art Project, with various public benefits, including: (1) an “Affordable Housing Benefit” defined as the cash payment by the LLC Parties of \$37,600,000 to the City to be used by the City solely for affordable housing purposes, with a first priority for uses related to the creation or preservation of single room occupancy (SRO) units in those supervisorial districts in which the City alleges the Academy unlawfully converted SRO buildings to student housing, as the City may determine in its sole discretion; (2) a cash payment by the LLC Parties to the City’s Small Sites Fund estimated to exceed \$8,200,000; (3); an agreement by the Stephens Institute to meet all future housing needs for its students through new construction on property that is zoned for such use, or conversion of existing non-residential, non-PDR structures to student housing use, to not promise new students more housing units than the number of lawful units that are at the disposal, to not temporarily house its students in non-Academy facilities with limited exceptions, and to provide housing to increase the percentage of housing it provides to On Campus Students pursuant to a “Housing Metering” formula agreed to by the Parties; (4) payment by the LLC Parties of Planning Code penalties totaling \$1,000,000 and reimbursement for enforcement costs in the amount of \$1,300,000; and (5) payment by the LLC Parties of Unfair Competition Law penalties totaling \$6,000,000. The Project contemplates that the Academy will withdraw from 9 existing sites, will occupy 3 new buildings, will legalize certain changes in use, where required, will legalize alterations previously made without required permits, and obtain permits necessary to perform work to bring its buildings into compliance with the Planning Code including, where applicable, Articles 10 and 11. The Project will result in Academy uses at 34 properties. Also, the Academy will pay impact, fair share and in lieu fees of an estimated \$3,800,000. Those total payments are approximately \$58,000,000. In addition, the Academy will pay permit fees and the City’s administrative costs in connection with the processing of the Development Agreement. The Development Agreement and accompanying legislation will confirm compliance with or waive certain provisions of Administrative Code, Chapters 41 and 56, provide a limited exception to the density requirements of Planning Code Section 209.3 for a single site and ratify certain actions taken in connection therewith. Pursuant to San Francisco Administrative Code Section 56.4(c), the Director of Planning has received and accepted a complete application for the amendment of the above-mentioned development agreement which is available for review by the public at the Planning Department in Planning Department Case File Nos. 2008.0586DVA and 2019-012970DVA.

Hearing Procedures

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

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

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

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

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

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

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

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

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

7. Project sponsor(s) or their designees are given two (2) minutes for rebuttal.
8. The President (or Acting Chair) may impose time limits on appearances by members of the public and may otherwise exercise his or her discretion on procedures for the conduct of public hearings.

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

Hearing Materials

Advance Submissions: To allow Commissioners the opportunity to review material in advance of a hearing, materials must be received by the Planning Department eight (8) days prior to the scheduled public hearing. All submission packages must be delivered to 1650 Mission Street, Suite 400, by 5:00 p.m. and should include fifteen (15) hardcopies and a .pdf copy must be provided to the staff planner. Correspondence submitted to the Planning Commission after eight days in advance of a hearing must be received by the Commission Secretary no later than the close of business the day before a hearing for it to become a part of the public record for any public hearing.

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

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

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

Persons unable to attend a hearing may submit written comments regarding a scheduled item to: Planning Commission, 1650 Mission Street, Suite 400, San Francisco, CA 94103-2414. Written comments received by the close of the business day prior to the hearing will be brought to the attention of the Planning Commission and made part of the official record.

Appeals

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

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

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

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

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

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

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

Challenges

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

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

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

Protest of Fee or Exaction

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

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