

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, January 16, 2020
1:00 p.m.
Regular Meeting

Commissioners:

Myrna Melgar, President
Joel Koppel, Vice President
Sue Diamond, 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

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 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.

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 409; phone (415) 554-7724; fax (415) 554-7854; or e-mail at 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.

Privacy Policy

Personal information that is provided in communications to the Planning Department is subject to disclosure under the California Public Records Act and the San Francisco Sunshine Ordinance. Personal information provided will not be redacted.

Members of the public are not required to provide personal identifying information when they communicate with the Planning Department and its commissions. All written or oral communications that members of the public submit to the Department regarding projects or hearings will be made available to all members of the public for inspection and copying. The Department does not redact any information from these submissions. This means that personal information including names, phone numbers, addresses and similar information that a member of the public elects to submit to the Department and its commissions may appear on the Department's website or in other public documents that members of the public may inspect or copy.

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.

Parking: Accessible parking is available at the Civic Center Underground Parking Garage (McAllister and Polk), and at the Performing Arts Parking Garage (Grove and Franklin). Accessible curbside parking spaces are located all around City Hall.

Disability Accommodations: To request assistive listening devices, real time captioning, sign language interpreters, readers, large print agendas or other accommodations, please contact the Commission Secretary at (415) 558-6309, or commissions.secretary@sfgov.org at least 72 hours in advance of the hearing to help ensure availability.

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 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: Myrna Melgar
 Vice-President: Joel Koppel
 Commissioners: Sue Diamond, 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. 2018-002124CUA (C. ALEXANDER: (415) 575-8724)
54 04TH STREET – west side of 4th Street and between Market and Mission Streets; Lot 034 in Assessor’s Block 3705 (District 13) – Request for a **Conditional Use Authorization** for hotel use pursuant to Planning Code Sections 210.2 and 303. The Project proposes a conversion of the 68 vacant residential hotel rooms (SROs) to tourist use. The subject property (Mosser Hotel) currently contains 81 residential hotel rooms and 87 tourist hotel rooms for a total of 168 rooms within a C-3-R (Downtown-Retail) Zoning District and 160-S Height and Bulk District. 13 tenants currently reside in the 81 residential hotel rooms, with 68 of them vacant. None of the existing tenants are proposed to be evicted. The Project Sponsor proposes to satisfy the one-for-one residential room replacement required by Administrative Code Section 41.13(a)(4) and (a)(5) by paying an in-lieu fee “to a public entity or nonprofit organization, which will use the funds to construct comparable units, an amount at least equal to 80% of the cost of construction of an equal number of comparable units plus site acquisition costs.” 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 December 19, 2019)
(Proposed for Continuance to February 6, 2020)

2. 2019-001455CUA (C. CAMPBELL: (415) 575-8732)
1750 WAWONA STREET – north side of Wawona Street between 25th and 30th Avenues, Lot 011 in Assessor’s Block 2468 (District 4) – Request a **Conditional Use Authorization**, pursuant to Planning Code Sections 209.1, 303 and 317 to allow the tantamount to demolition of an existing two-story single-family dwelling and legalize work exceeded beyond the scope approved under permit 201707121692 to construct a horizontal addition within a RH-1 (Residential House, Single-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
(Proposed for Continuance to February 6, 2020)

3. 2018-012576CUA (D. WEISSGLASS: (415) 575-9177)
1769 LOMBARD STREET – south side of Lombard Street between Laguna and Octavia Streets; Lot 027 in Assessor’s Block 0506 (District 2) – Request for **Conditional Use Authorization**, pursuant to Planning Code Sections 145.2, 303, and 712 to authorize an Outdoor Activity Area in conjunction with a Kennel Use (d.b.a. “The Grateful Dog”) as well as a one-year review of Motion No. 20355, which authorized the Kennel Use, within the

NC-3 (Neighborhood Commercial, Moderate Scale) Zoning District and 40-X Height and Bulk District. The Project is not a project under CEQA Guidelines Sections 15060(c) and 15378 because there is no direct or indirect physical change in the environment.
(Proposed for Continuance to February 13, 2020)

4. 2016-006860IKA (V. FLORES: (415) 575-9173)
65 OCEAN AVENUE – between Alemany Boulevard and Cayuga Avenue, Lot 018 in Assessor’s Block 6954 (District 11) – Request for a **Fee Waiver and In-Kind Agreement**, pursuant to Planning Code Sections 406 and 414A, to approve a fee waiver to provide an on-site child care facility in lieu of the Residential Child Care Impact Fee.
Preliminary Recommendation: Approve
 (Continued from Regular hearing on December 12, 2019)
Note: On October 24, 2019, after hearing and closing public comment, continued to December 12, 2019 by a vote of +4 -1 (Moore against; Melgar absent). On December 12, 2019, without hearing, continued to January 16, 2020 by a vote of +5 -0 (Johnson and Richards absent).
(Proposed for Continuance to February 13, 2020)
5. 2017-012887DRP (D. WINSLOW: (415) 575-9159)
265 OAK STREET – between Gough and Octavia; Lot 024 in Assessor’s Block 0838 (District 5) – Request for **Discretionary Review** of Building Permit Application Nos. 2019.0618.3775 and 2019.0618.3782, proposing to demolish a one-story garage structure and construct a 4-story two- family home at the rear of a through-lot. The project also includes tenant improvements and reconfiguration of the existing ground floor unit to an existing 5-unit apartment building within a Hayes-NCT (Hayes-Neighborhood Commercial Transit) Zoning District and 40-X Height and Bulk District. Planning Code Section 134 requires a 30’ deep rear yard. The proposed building would encroach entirely into the rear yard; therefore, a variance is required to enable this construction. 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 December 5, 2019)
(Proposed for Continuance to February 27, 2020)

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

- 6a. [2009.0159DNX-02](#) (A. PERRY: (415) 575-9017)
1540 MARKET STREET (AKA “ONE OAK”) – north side of Market Street, bounded by Van Ness Avenue on the east and Oak Street on the north; Lots 001, 002, 003, 004, and 005 in Assessor’s Block 0836 (District 5) – Request to modify conditions of approval for an existing **Downtown Project Authorization** approved by the Planning Commission on June 15, 2017 under Motion No. 19943, to extend the project’s authorization and validity by two years to June 15, 2022. The Project authorized under Motion No. 19943 includes the demolition of

two existing structures and a commercial parking lot, and the new construction of a 40-story, 400-foot-tall residential tower containing 304 Dwelling Units and approximately 4,110 square feet of ground floor retail. The project is located within a C-3-G (Downtown-General) Zoning District, the Van Ness and Market Downtown Residential Special Use District, and 120-400-R-2, 120-R-2 Height and Bulk Districts.

Preliminary Recommendation: Approve with Conditions

- 6b. [2009.0159CUA-02](#) (A. PERRY: (415) 575-9017)
1540 MARKET STREET (AKA "ONE OAK") – north side of Market Street, bounded by Van Ness Avenue on the east and Oak Street on the north; Lots 001, 002, 003, 004, and 005 in Assessor's Block 0836 (District 5) – Request to modify conditions of approval for an existing **Conditional Use Authorization** approved by the Planning Commission on June 15, 2017 under Motion No. 19944, to extend the project's authorization and validity by two years to June 15, 2022. As authorized under Motion No. 19944, the Project would include up to 136 underground off-street parking spaces. The project is located within a C-3-G (Downtown-General) Zoning District, the Van Ness and Market Downtown Residential Special Use District, and 120-400-R-2, 120-R-2 Height and Bulk Districts.

Preliminary Recommendation: Approve with Conditions

- 6c. [2019-022891VAR](#) (A. PERRY: (415) 575-9017)
1540 MARKET STREET (AKA "ONE OAK") – north side of Market Street, bounded by Van Ness Avenue on the east and Oak Street on the north; Lots 001, 002, 003, 004, and 005 in Assessor's Block 0836 (District 5) – Request for Zoning Administrator consideration of a **Variance** from Dwelling Unit Exposure requirements (Section 140) and Active Frontages (Section 145.1), and an **Elevator Height Exemption Waiver** pursuant to Section 260(b)(1)(B). The variances and height exemption approved previously for the project may not be extended and must be considered as a new application, being sought in conjunction with the extension request for the Downtown Project and Conditional Use Authorizations. The project is located within a C-3-G (Downtown-General) Zoning District, the Van Ness and Market Downtown Residential Special Use District, and 120-400-R-2, 120-R-2 Height and Bulk Districts.

C. COMMISSION MATTERS

7. 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.
8. Election of Officers: In accordance with the Rules and Regulations of the San Francisco Planning Commission, the President and Vice President of the Commission shall be elected at the first Regular Meeting of the Commission held on or after the 15th day of January of each year, or at a subsequent meeting, the date which shall be fixed by the Commission at the first Regular Meeting on or after the 15th day of January each year.

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. 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.

11. [2019-020940PCA](#) (D. SANCHEZ: (415) 575-9082)
RESIDENTIAL OCCUPANCY – INTERMEDIATE LENGTH OCCUPANCY – Planning Code Amendment introduced by Supervisor Peskin to create the Intermediate Length Occupancy residential use characteristic; amend the Administrative Code to clarify existing law regarding the enforceability of fixed-term leases in rental units covered by the just cause protections of the Residential Rent Stabilization and Arbitration Ordinance (the "Rent Ordinance"), prohibit the use of rental units for temporary occupancies by non-tenants, require landlords to disclose in advertisements for such units that the units are subject to the Rent Ordinance, and authorize enforcement through administrative and/or civil penalties, and require the Controller to conduct a study to analyze the impacts of new Intermediate Length Occupancy units in the City; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code Section 101.1, and findings of public necessity, convenience, and welfare under Planning code Section 302.
Preliminary Recommendation: Approve with Modifications
12. [2020-000052PCA](#) (J. BINTLIFF: (415)575-9170)
STANDARD ENVIRONMENTAL CONDITIONS OF APPROVAL – Initiation of Planning and Administrative Code Amendments to authorize the Planning Commission to standardize policies and conditions that avoid or lessen common environmental impacts of development projects, and create a program to apply those policies and conditions to development projects, as applicable, as standard environmental conditions of approval, in order to protect public health, safety, welfare and the environment while expediting environmental review for housing and other development projects; affirming the Planning

Department's determination under the California Environmental Quality Act (CEQA); and making findings of consistency with the General Plan and the eight priority policies of Planning Code Section 101.1, and findings of public necessity, convenience and welfare findings under Planning Code, Section 302.

Preliminary Recommendation: Initiate and Consider Adoption on or after February 27, 2020

13. 2018-003614OTH (M. CHRISTENSEN: (415) 575-8742)
OFFICE OF CANNABIS – **Informational Presentation** by the Office of Cannabis on permit application processes and requirements.
Preliminary Recommendation: None – Informational

14. [1996.0016CWP](#) (K. QI: (415) 575-9029)
COMMERCE AND INDUSTRY INVENTORY 2018 – **Informational Presentation** – This inventory is one of the Department's reports on the economy and land use. It contains a 10-year time-series of data for calendar years 2009-2018, including population, labor force, employment, establishments, wages, retail sales, government expenditures and revenues, and building activity. The Inventory is available for the public at the Planning Department and can be downloaded from the website at http://commissions.sfplanning.org/cpcpackets/2018_Commerce_and_Industry_Inventory_FINAL.pdf.
Preliminary Recommendation: None – Informational

15. [2019-001694CUA](#) (D. WEISSGLASS: (415) 575-9177)
1500 MISSION STREET – north side of Mission Street between 11th Street and Van Ness Avenue; Lots 008-011 in Assessor's Block 3506 (District 6) – Request for **Conditional Use Authorization**, pursuant to Planning Code Sections 210.2 and 303, to establish a massage use within a spa (d.b.a. "The Spa") as accessory to the primary gym use (d.b.a. "Equinox") within a C-3-G (Downtown-General) Zoning District and 130/240-R-3, 130/400-R-3, and 85-X Height and Bulk Districts. The spa use will be operated by Equinox Gym and accessed via the main Equinox entrance at the corner of Van Ness Avenue and Mission Street. The Spa itself will occupy approximately 550 square-feet at the basement level of the 31,000 square-foot Equinox Gym and provide 2 treatment rooms in which massages will be administered. The Project is not a project under CEQA Guidelines Sections 15060(c) and 15378 because there is no direct or indirect physical change in the environment.
Preliminary Recommendation: Approve with Conditions
 (Continued from Regular hearing on November 14, 2019)

16. [2017-005154CUA](#) (C. FAHEY: (415) 575-9139)
1300 COLUMBUS AVENUE – north side of Columbus Avenue between Leavenworth and North Point Streets; Lot 005 in Assessor's Block 0023 (District 3) – Request for **Conditional Use Authorization**, pursuant to Planning Code Sections 210.1, 303, and 304 to expand an existing hotel use and allow a Planned Unit Development with minor deviations from the provisions for height measurement. The project would construct an 87,620 square-foot, 174 room addition with 8,100 square feet of ground floor retail within a C-2 (Community Business) 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 December 19, 2019)

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.

- 17a. [2018-010941DRP](#) (D. WINSLOW: (415) 575-9159)
2028-2030 LEAVENWORTH STREET – east side of Leavenworth Street between Filbert and Union Streets, Lot 010 of Assessor’s Block 0098 (District 2) – Request for a **Discretionary Review** of Building Permit Application No. 2019.06.27.4546 which proposes to legalize the construction of 2nd and 3rd floor horizontal additions (approx. 60 sq. ft. total) at the rear of the building located within a RM-1 (Residential-Mixed, Low Density) Zoning District and 40-X Height and Bulk District. The project includes removing an interior stair that connected/merged the two units on site (under active enforcement). 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: Take Discretionary Review and Approve with Modifications
(Continued from Regular hearing on December 19, 2019)
- 17b. [2018-010941VAR](#) (D. WINSLOW: (415) 575-9159)
2028-2030 LEAVENWORTH STREET – east side of Leavenworth Street between Filbert and Union Streets, Lot 010 of Assessor’s Block 0098 (District 2) – Request for **Variance** from the Zoning Administrator to legalize the construction of 2nd and 3rd floor horizontal additions (approx. 60 sq. ft. total) at the rear of the building located within the required rear yard. Section 134 requires a rear yard of 25% of the total lot depth (18 feet – 3 inches). The project proposes to legalize the additions on the noncomplying building, which already encroaches into the required rear yard. The subject property is located within a RM-1 (Residential-Mixed, Low Density) Zoning District and 40-X Height and Bulk District.
(Continued from Regular hearing on December 19, 2019)
18. [2019-005400DRP-02](#) (D. WINSLOW: (415) 575-9159)
166 PARKER AVENUE – between Geary Boulevard and Euclid Avenue; Lot 032 in Assessor’s Block 1065 (District 2) – Request for **Discretionary Review** of Building Permit Application No. 2019.0410.7564, proposing new construction of a four-story, two-family dwelling approximately 40 feet in height with two off-street parking spaces on a vacant lot 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

NOTICE OF PUBLIC HEARING

REGARDING PROPOSED DEVELOPMENT AGREEMENT

(January 30, 2020)

Case No. 2017-011878DVA: Potrero Power Station Mixed-Use Project Development Agreement, located in an area generally bound by 22nd Street to the north, the San Francisco Bay to the east, 23rd Street to the south and Illinois Street to the west, Assessor's Block and Lots: 4175/002; 4175/017; 4175/018 (partial), 4232/001; and 4232/006 and non-assessed Port and City and County of San Francisco properties – On January 30, 2020, the Planning Commission will hold a public hearing to consider to Adopt a Recommendation of Approval of a Development Agreement between the City and County of San Francisco and the "California Barrel Company, LLC" in association with the Potrero Power Station Mixed-Use Project. The proposed Development Agreement will address project phasing, development phase approval procedures, delivery of public realm improvements, the vesting of rights, and public benefits on topics to include affordable housing, workforce development, on-site childcare facilities, on-site community facility, transportation improvements, infrastructure improvements, public and publicly accessible private open space improvements, historic rehabilitation, sustainability and sea level rise protection. The Potrero Power Station Mixed Use Project would rezone the entirety of the approximately 29-acre site and establish land use controls for the project site through the adoption of the proposed Potrero Power Station Special Use District (SUD), and incorporation of design standards and guidelines in a proposed Design for Development document. The project would redevelop approximately 29 acres located along the Central Waterfront shoreline into an integrated mixed-use neighborhood. The project would include up to approximately 2,601 dwelling units, 1,459,978 gross square feet (gsf) of commercial office/laboratory use, a 241,574 gsf hotel use (250 rooms), 50,000 gsf community facilities use, 35,000 gsf of production, distribution and repair use, 25,000 gsf entertainment/assembly space use, 99,464 gsf of commercial-retail use, 1,862 bicycle parking spaces, and 2,686 parking spaces. New buildings would range in height from 65 to 240 feet. The proposed project would also include transportation and circulation improvements, new and upgraded utilities and infrastructure, geotechnical improvements, and 6.9 acres of publicly accessible open space. Pursuant to San Francisco Administrative Code Section 56.4(c) the Director of Planning has received and accepted a complete application for the above-mentioned development agreement which is available for review by the public at the Planning Department in Planning Department Case File 2017-011878DVA.

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.

Proposition F

Under Campaign and Governmental Conduct Code Section 1.127, no person or entity with a financial interest in a land use matter pending before the Board of Appeals, Board of Supervisors, Building Inspection Commission, Commission on Community Investment and Infrastructure, Historic Preservation Commission, Planning Commission, Port Commission, or the Treasure Island Development Authority Board of Directors, may make a campaign contribution to a member of the Board of Supervisors, the Mayor, the City Attorney, or a candidate for any of those offices, from the date the land use matter commenced until 12 months after the board or commission has made a final decision or any appeal to another City agency from that decision has been resolved. For more information about this restriction, visit sfethics.org.