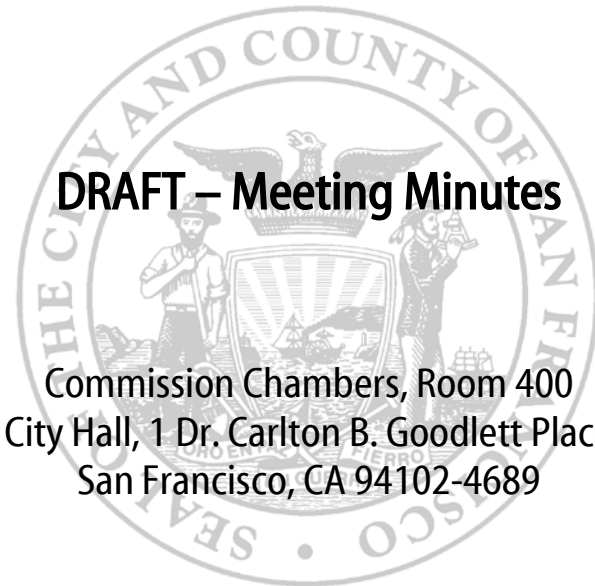


SAN FRANCISCO PLANNING COMMISSION



DRAFT – Meeting Minutes

Commission Chambers, Room 400
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

**Thursday, March 31, 2016
12:00 p.m.
Regular Meeting**

COMMISSIONERS PRESENT: Fong, Richards, Antonini, Hillis, Johnson, Moore, Wu

THE MEETING WAS CALLED TO ORDER BY PRESIDENT FONG AT 12:09 P.M.

STAFF IN ATTENDANCE: John Rahaim – Planning Director, Tina Chang, Colin Clarke, Aaron Starr, Erika Jackson, Carly Grob, Nicholas Foster, Rich Sucre, and Jonas P. Ionin – Commission Secretary

SPEAKER KEY:

- + indicates a speaker in support of an item;
- indicates a speaker in opposition to an item; and
- = indicates a neutral speaker or a speaker who did not indicate support or opposition

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.

None

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

- 1a. 2014.0450D (T. CHANG: (415) 575-9197)
268 GRAND VIEW AVENUE - east side of Grand View Avenue between Hoffman Avenue and Alvarado Street; Lot 010 in Assessor's Block 2764 (District 8) - **Mandatory Discretionary Review**, pursuant to Planning Code Section 317, of Building Permit Application No. 2015.0218.8592 proposing the demolition of an existing two-story, three-level, single-family dwelling within a RH-2 (Residential, Two-Family) Zoning and 40-X Height and Bulk District. This action constitutes the Approval Action for the project for purposes of CEQA, pursuant to Section 31.04(h) of the San Francisco Administrative Code.
 Staff Analysis: Full Discretionary Review
Preliminary Recommendation: Do Not Take Discretionary Review and Approve as Proposed

SPEAKERS: Georgia Schuttish – Request to remove from consent
 = Tina Chang – Staff presentation
 + Warner Schmalz – Project presentation
 = Georgia Schuttish – MDR shouldn't be on consent, second unit
 ACTION: After being pulled off of Consent; No DR, Approved as Proposed
 AYES: Fong, Richards, Antonini, Hillis, Johnson, Moore, Wu
 DRA No: 0453

- 1b. 2014.0729D (T. CHANG: (415) 575-9197)
268 GRAND VIEW AVENUE - east side of Grand View Avenue between Hoffman Avenue and Alvarado Street; Lot 010 in Assessor's Block 2764 (District 8) - **Mandatory Discretionary Review**, pursuant to Planning Code Section 317, of Building Permit Application 2014.1028.0037 proposing new construction of a two-story, four level, two family dwelling within a RH-2 (Residential, Two-Family) Zoning and 40-X Height and Bulk District. This action constitutes the Approval Action for the project for purposes of CEQA, pursuant to Section 31.04(h) of the San Francisco Administrative Code.
 Staff Analysis: Full Discretionary Review
Preliminary Recommendation: Do Not Take Discretionary Review and Approve as Proposed

SPEAKERS: Same as Item 1a.
 ACTION: After being pulled off of Consent; No DR, Approved as Proposed
 AYES: Fong, Richards, Antonini, Hillis, Johnson, Moore, Wu
 DRA No: 0453

2. [2015-014149CUA](#) (C. CLARKE: (415) 575-9184)
1271-1275 MISSION STREET - south side, between 8th and 9th Streets, Lot 075 in Assessor's Block 3728 (District 4); Request for **Conditional Use Authorization** pursuant to Planning Code Section [303](#), for a change of use from a vacant 9,000 square foot tenant space (previously occupied by SAGE Project, Inc., a Social Service and Assembly Use) to a principally-permitted Office use (business name to be determined) on the basement, first, and second floors of an existing commercial building, within the [MUO](#) (Mixed Use - Office District), [East SoMa](#) Area Plan, and 65-X Height and Bulk District. Although the proposed

office use is principally permitted in this zoning district, the previously approved Conditional Use (Case No. [2002.0958C](#) / Motion No. [16495](#); Case No. [2001.0641C](#) / Motion No. [16199](#)) included a Condition of Approval that required any change of use to seek a new Conditional Use. 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

SPEAKERS: None
ACTION: Approved with Conditions
AYES: Fong, Richards, Antonini, Hillis, Johnson, Moore, Wu
MOTION: 19602

C. COMMISSION MATTERS

3. Consideration of Adoption:

- [Draft Minutes for March 17, 2016](#)

SPEAKERS: None
ACTION: Adopted
AYES: Fong, Richards, Antonini, Hillis, Johnson, Moore, Wu

4. 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.

Commissioner Antonini:

This week in San Francisco Business Times there is a list of the one hundred firms that received the most funding in venture capital, which generally are non-publically traded firms, sometimes call unicorns, and among that group, overwhelming majority, in terms of dollars was firms in San Francisco, and I haven't looked at it close enough to know if we have a majority of the number of firms here, so it's a good sign because it means it's gonna create jobs direct and indirect jobs, commercial and residential construction, so obviously people who are investing have confidence in the market that is being created by these firms in San Francisco, and I think it is a good thing for all us, we just have to address the demands that are created by these jobs, and it's better to have a demand than not have a demand and is a lot easier to address a good thing than to try to help something that is negative. So, I am very much happy to see this kind of thing.

Commissioner Richards:

I guess, five quick things, first to Commissioner Antonini's point I did read the same article, however; in this morning or yesterday's Business Times online, it now talks about a lot of these unicorn companies having what are called down-rounds, which means somebody who put in money prior to a current round are actually taking loses, because the companies are valued less than the last time money was put in. They also have a barometer on the number of a lay-offs at these firms have, you can see them online, you can check it. I believe there were 5, 6 or 7

companies with a total of 5 hundred employees they had to lay-off because of the funding that they had was not sufficient to keep going at the current rate that they were. So, obviously nobody wants to see anybody hurt in an economic way, but there are changes that are happening right now as well, and I just wanted to note that. A couple of other things that I wanted to note, one this week's Examiner on Tuesday had "San Francisco is Eviction City" it is interesting the rate of eviction is now approaching – it will approach a forecast what happened in the year of the last bubble dot com 1.0, I think I've said this before, I'll say it again, it is a supply issue, it is a demand issue, is a stabilization issue of existing housing, and there is also a loss of existing housing to uses that have some good public policy goals when taken too far they have a negative effect, that being short-term rentals and student housing. Secondly, San Francisco, and this is a good thing, had a record breaking number of tourists last year. This was in the Examiner on Thursday - Wednesday we had 24.6 million visitors in 2015, an increase of nearly 3 percent, \$9.3 billion was spent in the City, which is fantastic, it supports our local economy, it is probably our biggest industry, the amount that that breaks down to is about \$25 million a day that these tourists are spending, which is fantastic. The one thing, I want to bring up is, I think, this is a fantastic commerce and industry statistic, I want to make sure from another public policy point of view we're not losing housing to these visitors, we are building hotels fast enough, and also having what I call reasonable limits and rules on short-term rentals, which I hope to see that we eventually get. The fourth thing is, on July 2nd last year, this Commission voted to move forward with an initiation with a nomination of a landmark tree, out in Laurel Heights, it was a very contentious issue, we did it because we thought that the tree was going to be cut down, there was a pair, and the first one was cut down, after much due...the Board of Urban Forests voted to landmark the tree and it is moving now to the Board of Supervisors, I actually lost track of it until the Emery Green article was on Monday and Tuesday of this week's paper - - last week's paper. One last thing that kind of hit me is, we have Prop M issues are coming before us soon, because we have more square footage in the pipeline than we have allocation, and John King, this morning in the Chronicle, wrote about a building on Second Street and called it, and I know this isn't just about aesthetics, I read this and it kind of hit me, the building at Second Street where LinkedIn is, is an overbearing 26-story glass box on one prominent corner that has all the charm and wealth of a tailor packing crate, he said, instead the newcomer serves as a cautionary tale, telling what can happen when of town developers and architects have their own vision of what a City, San Francisco should look like, further he says, the building the 222 2nd a mirror more often, is a black hole that sucks all the mean out of fine grain, moves from certainly angles the blunt cubes and pleated cloaks are striking in a Darth Vader sort of way, which I think, I've used the term Darth Vader buildings in the past, incredibly ugly, incredibly dark, and they do create a void. They're more often solemn than sleek. And then lastly, what makes 222 2nd Street so galling, is that it is an alien presence in a well-established setting, where other recent buildings have done their best to add to the ambiance rather than act as if it doesn't exist. So, obviously we are gonna go beyond the beauty contest on the Prop M allocation, we are going to consider another items, but certainly when I read this article the way the building fits in with its environment also is going to be something I am going to lookup. Thank you.

D. DEPARTMENT MATTERS

5. Director's Announcements

Dan Sider – Acting Planning Director:

Commissioners, Good afternoon, as you know Director Rahaim is not the office right now, he will be back next week. We don't have anything to present to you, but off-course we are happy to respond to any questions or comments you might have.

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

None

E. GENERAL PUBLIC COMMENT – 15 MINUTES

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.

SPEAKERS: Georgia Schuttish – Demo vs. Alterations

1. Alterations are often demos. They mean the loss of affordable housing.
2. Alterations do not always keep the number of units. The property absorbs the second unit during construction and re-sale of the property as large, luxury single family home.
3. The Staff is working on the Mission Interim Controls and changes to Section 317. The Interim Controls are working to prevent loss of rent controlled unit through demolition, merger or conversion
4. Alterations need to be included in these Controls. Close loophole where a unit reduced in size up to 25% is not considered a merger.
5. Existing units lost should not be compensated for by massive homes that have a second unit in RH-1 and RH-2 purporting to solve the housing crisis while real units are lost. There is no real increase in housing and these high end projects add to the problem.

Donald Dussup – Housing

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.

7. [2016-003040PCA](#) (A. STARR: (415) 558-6362)
INCLUSIONARY AFFORDABLE HOUSING FEE AND REQUIREMENTS; PREPARATION OF ECONOMIC FEASIBILITY REPORT; ESTABLISHING INCLUSIONARY HOUSING TECHNICAL ADVISORY COMMITTEE - Planning Code Amendment proposing to (1) adopt inclusionary affordable housing requirements including a fee requirement, (2) require the City to conduct a feasibility study to evaluate the economically viable amounts of affordable inclusionary housing in market rate developments, (3) provide certain exceptions (aka "grandfathering provisions") to the inclusionary affordable housing requirements; 4) adding other requirements and making the effectiveness of the new inclusionary

affordable housing requirements contained in this Ordinance conditioned on voter approval of the proposed Charter Amendment amending Charter Section 16.110 at the June 7, 2016 election; affirming the Planning Department's determination under the California Environmental Quality Act; making findings of consistency with the General Plan and the eight priority policies of Planning Code Section 101.1; and making findings under Planning Code Section 302.

Preliminary Recommendation: Adopt a Recommendation for Approval with Modifications

- SPEAKERS:**
- = Aaron Starr – Staff presentation
 - + Supervisor Jane Kim – Amendment introduction
 - = Sarah Karlinsky – Recommendation
 - = Michael Eggy – Grandfathering clause
 - = Dan Saphir – Exempting certain projects
 - = (M) Speaker – Feasibility study first
 - + Gabriel Medina – UMU, Mission NCT, SOMA youth and family zones especially
 - + Jay Bradshaw – Carpenters Local 22, grandfathering provisions w/no carve-outs
 - = Claude Everheart – Thomas Mellon, Waterfront Residences clarifying amendment
 - = Matt Brezenna – Clear rules for development
 - + Bob Tillman – Support for Planning Department recommendations
 - = Spike Khan – Housing crisis, land dedication
 - + Theresa Imperial – SOMA youth and family zone
 - = Ed Melindo – Displacement
 - + Marie Sorenson – Support for legislation as proposed
 - + Aragon – Support for legislation on proposed
 - = Bruce Faherty – Support for modifications proposed by staff
 - = Jason Chow – Support for modifications proposed by staff
 - + Peter Papadapoulis – Protecting the most vulnerable among us
 - = Donald Dussup – More housing
 - = Mark Babsen – Support for staff modifications
 - = Sean Kiegram – Term sheets, carve-ont provision
 - + Tairo Romero – Do not grandfather big projects in the Mission
 - = Lon Vazquez – Glitch in the drafting grandfathering provision
 - Oz Erickson – Opposed 25% inclusionary level
 - = Tim Colen – Staff recommendation
 - = Peter Garza – All pipeline projects to be grandfathered
 - = John Ramsbacker – Uniform grandfathering provision
 - = Jake Shimano – Impacts to existing projects
 - + Fernando Martis – Small sites acquisition provision
 - + John Elberling – What to carve-ont
 - Will Millard – Misguided policy
 - Sonja Trauss – Feasibility
 - + April Vineracion- Ng – Response to questions

- ACTION:**
- Adopted a Recommendation for Approval with Staff's modifications, including:
1. Establish June 7, 2016 as the exemption date for projects that have received an entitlement from Planning;
 2. Consider the earliest Environmental application date as the date to grandfather projects; and

3. Consider special circumstances for the grandfathering clause, by looking at other application filing dates

AYES: Fong, Antonini, Hillis, Johnson

NAYES: Richards, Moore, Wu

MOTION: 19603

8. [2013.1213CUA](#) (E. JACKSON: (415) 558-6363)
313-323 CUMBERLAND STREET - south side between Noe and Sanchez Streets; Lot 043-044 of Assessor's Block 3601 (District 7) - Request for **Conditional Use Authorization**, pursuant to Planning Code Sections 207, 209.1, 303, and 317 to demolish a single-family structure and construct a new two-family structure on a 5,700 square foot lot in a RH-1 (Residential - House, One-Family) Zoning District, 40-X Height and Bulk District, and the Dolores Heights Special Use District. This action constitutes the Approval Action for the project for the purposes of CEQA, pursuant to Section 31.04(h) of the San Francisco Administrative Code.

Preliminary Recommendation: Approve with Conditions

SPEAKERS: = Erika Jackson – Staff presentation
 + Jim Reuben – Project presentation
 + John Maniskelko – Design presentation
 - Heather Thompson – Precedence, lot merger
 - Mellisa Kennedy – Scale, FAR
 - John Odin – Dolores Heights SUP
 - Greg Roberts – Opposition
 - (F) Speaker Liveability
 - Bruce Bowen – Lot mergers
 - David PEnnybaker –
 - Sam Fleschman – Does not meet CU findings
 - Carolyn Kennedy – Section 317
 - Ozzie Roam – Oppostion
 - Hett Courier – Opposition
 - (M) Speaker – Precedence
 - Liz Clarke – No ski resort on Cumberland
 - Joanne King – Opposition
 - Karl Leachman – Opposition
 - Matt McAbe – Opposition
 - Renee de Cossio – Opposition
 - Edward Mason – 50' wide lots
 - (F) Speaker – Opposition
 - Elizabeth Kantor – Character of the neighborhood
 - (F) Speaker – Opposition
 + (M) Speaker – Support
 + Justin Schafer – Support
 + Annabel Teal – Support
 + Vicera Vitchekatan – Family housing
 + Will Stockwell – Support
 + Adam Oseri – Support
 + (M) Speaker – Support

+ (M) Speaker – Support
 + (M) Speaker – Support
 + (F) Speaker – Support
 + Nina Kosla – Support
 - Franchesca Prada – Opposition
 - Georgia Schuttish – Homeownership precedence
 ACTION: Approved with Conditions as amended to include:
 1. Work with staff on improved exposure for the second unit;
 2. Provide a 1:1 parking ratio, without compromising the second unit; and
 3. Record an NSR identifying the property as a two-unit building.
 AYES: Fong, Antonini, Hillis, Johnson
 NAYES: Richards, Moore, Wu
 MOTION: 19604

9a. [2013.1005X](#) (C. GROB: (415) 575-9138)
22 FRANKLIN STREET - along the east side of Franklin street between Oak Street and Page Street, Lots 011, 012 and 031 in Assessor's Block 0836 (District 6) - Request for a **Downtown Project Authorization**, pursuant to Section 309 with exceptions to the requirements for ground level wind currents pursuant to Section 148, and lot coverage pursuant to Section 249.33(b)(5). In addition, the Zoning Administrator will consider a Variance from the Dwelling Unit Exposure requirements pursuant to Planning Code Section 140. The proposed project includes demolition of the existing commercial building on lot 012, and construct an 8-story, 85-foot tall mixed-use building at the site. The proposed new building would include 35 dwelling units and 2,100 gross square feet of retail space along Franklin Street. The project site is located within a C-3-G (Downtown Commercial, General) Zoning District and 85-X Height and Bulk District. This action constitutes the Approval Action for the project for the purposes of CEQA, pursuant to Section 31.04(h) of the San Francisco Administrative Code.
Preliminary Recommendation: Approve with Conditions
 (Continued from Regular Meeting of January 21, 2016)

SPEAKERS: = Carly Grob – Staff presentation
 + (F) Speaker – Project presentation
 = Sylvia Johnson – Trees, views
 ACTION: Approved with Conditions and directed the sponsor to continue working with staff on the final design
 AYES: Fong, Antonini, Hillis, Johnson, Moore
 NAYES: Richards, Wu
 MOTION: 19605

9b. [2013.1005VAR](#) (C. GROB: (415) 575-9138)
22 FRANKLIN STREET - East side of Franklin Street between Oak Street and Page Street, Lots 011, 012, and 031 in Assessor's Block 0836 (District 6) - Request for **Variance** from exposure (Planning Code Section 140) requirements. The project proposes to demolish the existing commercial building and to establish an 85'-0" tall, eight-story, mixed-use building containing 35 residential units, approximately 2,100 square feet of retail space at the ground floor. The project site is located within a C-3-G (Downtown Commercial, General) Zoning District and 85-X Height and Bulk District.
 (Continued from Regular Meeting of January 21, 2016)

SPEAKERS: Same as Item 9a.
 ACTION: After hearing and closing public comment; took matter under advisement

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.

10. [2013.0491DRP](#) (N. FOSTER: (415) 575-9167)
1335 LARKIN STREET - west side between California and Pine Streets; Lot 003 in Assessor's Block 0645 (District 3) - Request for **Discretionary Review** of Building Permit Application No. 2014.03.10.0361, proposing a vertical addition of 5-stories, creating a 65-foot-tall building—80 feet with stair and elevator penthouses-over the existing, one-story-plus-mezzanine, within the Polk Street NCD (Neighborhood Commercial District) and 65-A Height and Bulk District. This action constitutes the Approval Action for the project for purposes of CEQA, pursuant to Section 31.04(h) of the San Francisco Administrative Code.
 Staff Analysis: Abbreviated Discretionary Review
Preliminary Recommendation: Take Discretionary Review and Approve with Modifications

SPEAKERS: = Nick Foster – Staff presentation
 - Karen Chow-Seto – DR presentation
 - Rohan – Support DR
 + Dan Frattin – Project presentation
 ACTION: Took DR and approved the project; directing the sponsor to work with staff on moving the addition forward five feet, without triggering further environmental review (complying with the Secretary of Interior Standards), if possible.
 AYES: Fong, Richards, Antonini, Hillis, Johnson, Moore, Wu
 DRA No: 0454

- 11a. [2013.1383DRP-10](#) (R. SUCRE: (415) 575-9108)
3516 FOLSOM STREET - west side of Folsom Street between Bernal Heights Boulevard and Chapman Street; Lot 013 in Assessor's Block 5626 (District 9) - Request for **Discretionary Review** of Building Permit Application No. 2013.12.16.4322, proposing new construction of a two-and-one-half-story, single-family residence with a roof deck within a RH-1 (Residential, House, One-Family) Zoning District, Bernal Heights Special Use District and 40-X Height and Bulk District. This action constitutes the Approval Action for the project for purposes of CEQA, pursuant to Section 31.04(h) of the San Francisco Administrative Code.
 Staff Analysis: Full Discretionary Review
Preliminary Recommendation: Do Not Take Discretionary Review and Approve

SPEAKERS: = Rich Sucre – Staff presentation
 - Tony Milne – DR presentation
 - _____ Paterson – DR presentation
 - Pat Buscovitch – Fire safety

- (M) Speaker – Opposition
- Mario Martinez – Opposition
- Fabian Lannoye – Opposition
- (F) Speaker – Opposition
- Linda Raemy – Opposition
- (M) Speaker – Unsafe in his own house, parking
- Barbara Underburg – Roadway development
- Linda Weiner – Opposition
- (M) Speaker – Fire safety concerns
- Patricia Hughes – Opposed
- (F) Speaker – Opposed
- ___ Williams – Opposed
- (F) Speaker – Opposed
- + Project Sponsor – Project presentation
- + (M) Speaker – Representing sponsor
- + Ramon Romero – Support
- + (M) Speaker – Support
- + (M) Speaker – Support
- + (M) Speaker – Support
- + Sean Kiegran – Support

ACTION: After hearing and closing public comment; Continued to May 5, 2016
 AYES: Fong, Richards, Antonini, Hillis, Moore
 ABSENT: Johnson, Wu

- 11b. [2013.1383DRP-09](#) (R. SUCRE: (415) 575-9108)
3526 FOLSOM STREET - west side of Folsom Street between Bernal Heights Boulevard and Chapman Street; Lot 014 in Assessor's Block 5626 (District 9) - Request for **Discretionary Review** of Building Permit Application No. 2013.12.16.4318, proposing new construction of a two-and-one-half-story, single-family residence with a roof deck within a RH-1 (Residential, House, One-Family) Zoning District, Bernal Heights Special Use District and 40-X Height and Bulk District. This action constitutes the Approval Action for the project for purposes of CEQA, pursuant to Section 31.04(h) of the San Francisco Administrative Code.
 Staff Analysis: Full Discretionary Review
Preliminary Recommendation: Do Not Take Discretionary Review and Approve

SPEAKERS: Same as Item 11a.
 ACTION: After hearing and closing public comment; Continued to May 5, 2016
 AYES: Fong, Richards, Antonini, Hillis, Moore
 ABSENT: Johnson, Wu

H. 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 with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Commission has closed the public hearing, your opportunity to address the Commission must be

exercised during the Public Comment portion of the Calendar. Each member of the public may address the Commission for up to three minutes.

The Brown Act forbids a commission from taking action or discussing any item not appearing on the posted agenda, including those items raised at public comment. In response to public comment, the commission is limited to:

- (1) responding to statements made or questions posed by members of the public; or
- (2) requesting staff to report back on a matter at a subsequent meeting; or
- (3) directing staff to place the item on a future agenda. (Government Code Section 54954.2(a))

ADJOURNMENT – 9:20 P.M.

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	DNX (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	PUB (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
Permit Review in C-3 Districts, Downtown Residential Districts and Large Project Authorization in Eastern Neighborhoods	LPA (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.

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.