



SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

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| <input type="checkbox"/> Inclusionary Housing (Sec. 315) | <input type="checkbox"/> First Source Hiring (Admin. Code) |
| <input type="checkbox"/> Jobs Housing Linkage Program (Sec. 313) | <input type="checkbox"/> Child Care Requirement (Sec. 314) |
| <input type="checkbox"/> Downtown Park Fee (Sec. 139) | <input type="checkbox"/> Other |

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Planning Commission Motion No. 18711

HEARING DATE: SEPTEMBER 27, 2012

Date: September 28, 2012
Case No.: **2012.0453C**
Project Address: **1414 VAN NESS AVE**
Zoning: RC-4 (Residential-Commercial, High Density) District
130-V Height and Bulk District
Van Ness Special Use District
Van Ness Automotive Use District
Block/Lot: 0667/009
Project Sponsors: Darren McMurtrie (applicant)
P.O. Box 421901
San Francisco, CA 94142
Country Road Associates d.b.a. Van Ness Avenue Partners (property owner)
P.O. Box 7824
Menlo Park, CA 94306
Staff Contact: Sharon M. Young – (415) 558-6346
sharon.m.young@sfgov.org
Recommendation: **Approval with Conditions**

ADOPTING FINDINGS RELATED TO THE APPROVAL OF A CONDITIONAL USE AUTHORIZATION UNDER PLANNING CODE SECTIONS 209.3(i) AND 303 TO ALLOW THE CHANGE OF USE OF THE EXISTING GROUND FLOOR RETAIL SPACE TO AN INSTITUTIONAL USE TO ALLOW FOR THE PROPOSED RELOCATION OF MIAMI AD SCHOOL'S SAN FRANCISCO CAMPUS FROM ITS CURRENT LOCATION AT 415 JACKSON STREET TO 1414 VAN NESS AVENUE WITHIN THE RC-4 (RESIDENTIAL-COMMERCIAL, HIGH DENSITY) DISTRICT AND 130-V HEIGHT AND BULK DISTRICT. THE PROJECT SITE IS ALSO LOCATED WITHIN THE VAN NESS SPECIAL USE DISTRICT AND VAN NESS AUTOMOTIVE USE DISTRICT.

PREAMBLE

On April 3, 2012, Darren McMurtrie on behalf of Country Road Associates (hereinafter "Project Sponsor") made an application for Conditional Use authorization for the property at **1414 Van Ness Avenue, Lot 009 in Assessor's Block 0667** (hereinafter "Subject Property"), to allow the change of use of the existing ground floor retail space to an institutional use pursuant to Planning Code Sections 209.3(i) and 303 to allow the proposed relocation of Miami Ad School's San Francisco campus from its current location at 415 Jackson Street to 1414 Van Ness Avenue, in general conformity with plans dated April 2, 2012, and labeled "Exhibit B" (hereinafter "Project"). The project site is located within the RC-4 (Residential-

Commercial, High Density) District and 130-V Height and Bulk District. The project site is also located within the Van Ness Special Use District and Van Ness Automotive Use District. The proposal will involve interior tenant improvements to the ground floor commercial tenant space, with no expansion of the existing building envelope.

On **September 27, 2012**, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on **Conditional Use Application No. 2012.0453C**.

The Project is exempt from the California Environmental Quality Act ("CEQA") as a Class 1 categorical exemption. The subject building is listed in the Van Ness Area Plan with a rating of "C" (Contributory), Van Ness Automobile Use District Information Survey with a rating of "3CS" (Appears eligible as an individual property through survey evaluation), San Francisco Architectural Heritage Survey with a rating of "C" (Contextual Importance), and Unreinforced Masonry Buildings Survey with a rating of "Y" (Documented as part of UMB Survey's list of unreinforced masonry buildings). The subject building is considered a "Category A" (Historic Resource) for the purposes of the Planning Department's California Environmental Quality Act (CEQA) review procedures. Staff reviewed the project and determined that the proposed changes would not adversely affect the character-defining features of the historically significant building.

The Commission has heard and considered the testimony presented to it at the public hearing and has further considered written materials and oral testimony presented on behalf of the applicant, Department staff, and other interested parties.

MOVED, that the Commission hereby authorizes the Conditional Use requested in Application No. 2012.0453C, subject to the conditions contained in "EXHIBIT A" of this motion, based on the following findings:

FINDINGS

Having reviewed the materials identified in the recitals above, and having heard all testimony and arguments, this Commission finds, concludes, and determines as follows:

1. The above recitals are accurate and constitute findings of this Commission.
2. **Site Description and Present Use.** The project site at 1414 Van Ness Avenue is on the southeast corner of Austin Street and Van Ness Avenue, Assessor's Block 0667, Lot 009. It is located within the RC-4 (Residential-Commercial, High Density) District and 130-V Height and Bulk District. The project site is also located within the Van Ness Special Use District and Van Ness Automotive Use District. The irregular 'L-shaped' subject lot, with approximately 10,458 square feet, fronts on Van Ness Avenue with a lot width of 70 feet, Austin Street with a lot width of 126.75 feet, and Bush Street with a lot width of 31.75 feet. The subject lot is occupied by a two-story building constructed in 1913. The subject commercial tenant space was recently occupied by a furniture consignment retail store d.b.a. Leftovers Home Furnishings; the retail store moved to different location on the 1300 block of Van Ness Avenue.

3. **Surrounding Properties and Neighborhood.** The subject property is located in the Van Ness Avenue corridor. The surrounding development consists of a variety of residential, commercial, and mixed-use buildings featuring residential uses above ground-floor commercial establishments. Generally, the commercial establishments characterizing this portion of Van Ness Avenue include a mixture of retail stores, office buildings, restaurants, and automobile dealership/repair shops. Some of the existing commercial establishments include T-Mobile, Mancini's Sleepworld, The Vitamin Shoppe, Peet's Coffee & Tea, Ellis Brookes, Starbucks, Mattress Discounters, Enoteca Vino Nostro, and Sushi Bar Wayo. The surrounding zoning is RM-4 (Residential-Commercial, High Density) District, Polk Street Neighborhood Commercial District, and NC-3 (Neighborhood Commercial, Moderate-Scale) District zoning.
4. **Project Description.** The proposal is a request for Conditional Use authorization under Planning Code Sections 209.3(i) and 303 to allow the change of use of the existing ground floor retail space to an institutional use to allow for the proposed relocation of Miami Ad School's San Francisco campus from its current location at 415 Jackson Street to 1414 Van Ness Avenue. Miami Ad School San Francisco currently occupies approximately 9,239 square feet of ground floor tenant space at 415 Jackson Street and proposes to relocate its facilities to an approximately 7,940 square-foot ground floor tenant space at 1414 Van Ness Avenue. The proposal will involve interior tenant improvements to the ground floor commercial tenant space, with no expansion of the existing building envelope.

Founded in 1993, Miami Ad School provides post-secondary education that prepares students for careers in advertising. Miami Ad School is currently located in San Francisco, New York, Minneapolis, Hamburg, Berlin, Madrid, Mexico City, Istanbul, and San Paulo. It is accredited by the Council on Occupational Education and Bureau for Private Postsecondary Education. Miami Ad School San Francisco offers a two year certificate in the field of advertising covering Art Direction, Copywriting, Graphic Design, and a three month program for account planners. Miami Ad School San Francisco currently has a student population of approximately 96 students; of which, 51% are females and 49% are males. Miami Ad School San Francisco is currently staffed by 26 faculty, staff members, and teachers.

5. **Issues and Other Considerations.**
 - The Abbreviated Institutional Master Plan (AIMP) for Miami Ad School San Francisco was presented as an informational item under Case No. 2012.0453I and accepted by the Planning Commission at the June 21, 2012 Planning Commission hearing. This is Miami Ad School's second AIMP and it provides for the relocation of the school's San Francisco campus from its current location at 415 Jackson Street in the Jackson Square Neighborhood to 1414 Van Ness Avenue; the school submitted its first AIMP for its current location on March 21, 2002.
6. **Public Comment.** As of September 27, 2012, the Department has not received communication regarding the proposed project.
7. **Use District.** For the purposes of this action, the project site is within the RC-4 and Van Ness Special Use Districts pursuant to Planning Code Sections 209 and 243. Planning Code Section 209

provides for a mixture of high-density dwellings with supporting commercial uses within RC-4 Districts. The commercial uses are those permitted in NC-3 (Neighborhood Commercial, Moderate-Scale) Districts, located in or below the ground story in most instances, and excluding automobile-oriented establishments. Planning Code Section 243 sets forth controls within the Van Ness Special Use District to implement the objectives and policies of the Van Ness Avenue Plan which includes (i) creation of a mix of residential and commercial uses on the boulevard, (ii) preservation and enhancement of the pedestrian environment, (iii) encouragement of the retention and appropriate alteration of architecturally and historically significant and contributory buildings (iv) conservation of the existing housing stock, and (v) enhancement of the visual and urban design quality of the street. Planning Code Section 237 sets forth the following provisions within the Van Ness Automotive Use District regarding the wholesaling of automotive parts and any automotive use listed in Planning Code Section 223 when connected with and incidental to the sale of new or used automobiles.

8. **Planning Code Compliance:** The Commission finds that the Project is consistent with the relevant provisions of the Planning Code in the following manner:

- A. **Institutional Use in the RC-4 District.** Planning Code Section 209.3(i) states that a Conditional Use authorization is required to establish a post-secondary educational institution for the purposes of academic, professional, business or fine arts education, if the institution has met the applicable provisions of Planning Code Section 304.5 concerning institutional master plans.

The current proposal is a request for Conditional Use authorization under Planning Code Sections 209.3(i) and 303 of the Planning Code to allow the change of use of the existing ground floor retail space to an institutional use to allow the relocation of Miami Ad School's San Francisco campus from its current location at 415 Jackson Street to 1414 Van Ness Avenue. Under Planning Code Section 304.5(h), no hearing shall be held or consent calendar item approved by the Planning Commission on a new conditional use or any other entitlement requiring Planning Commission action required for development by the institution until three months have elapsed after the date on which the public hearing is closed and the Institutional Master Plan is accepted. By the September 27, 2012 Planning Commission hearing, three months will have elapsed since the submittal of Miami Ad School's second AIMP.

- B. **Off-Street Parking and Loading.** Planning Code Section 151 requires one off-street parking space for each two classrooms for a post-secondary educational institution. Planning Code 152 does not require off-street loading spaces for institutional uses between 0 and 100,000 gross square feet.

The proposed institutional use consisting of five classrooms will require two off-street parking spaces. There are approximately 14 off-street parking spaces available within the basement level of the building. The proposed institutional use will not require off-street loading spaces.

- C. **Signage.** Any proposed signage will be subject to the review and approval of the Planning Department and must comply with Article 6 of the Planning Code.

9. **Section 303(c)** establishes criteria for the Planning Commission to consider when reviewing applications for Conditional Use approval. On balance, the project does comply with said criteria in that:

- (1) The proposed new uses and building, at the size and intensity contemplated and at the proposed location, will provide a development that is necessary or desirable, and compatible with, the neighborhood or the community.

The proposed project is to allow the establishment of an institutional use on the ground floor of the building. There will be interior tenant improvements made to the existing commercial tenant space with no expansion of the existing building envelope.

- (2) The proposed project will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity. There are no features of the project that could be detrimental to the health, safety or convenience of those residing or working the area, in that:

- (A) Nature of proposed site, including its size and shape, and the proposed size, shape and arrangement of structures;

The size and shape of the site and the arrangement of the structures on the site are adequate for the proposed project. There will be no physical expansion of the existing building.

- (B) The accessibility and traffic patterns for persons and vehicles, the type and volume of such traffic, and the adequacy of proposed off-street parking and loading;

Existing traffic patterns will not be significantly affected by the proposed project. Public transit that is in close proximity to the proposed institutional use includes Muni Lines 47, 49, 76, 77, and 90. A bus stop is located on the corner of Van Ness Avenue and Pine Street approximately one block from the project site. There is on-street parking in front of the subject property and in the surrounding neighborhood. In addition, there is a basement level parking garage within the existing building and public parking garages (such as 1200 Van Ness Parking Garage and 1000 Van Ness Parking Garage) within close proximity to the project site. According to the project sponsor, Miami Ad School San Francisco's current location at 415 Jackson Street, which does not provide off-street parking, does not appear to adversely affect the on-street parking and traffic congestion in the neighborhood.

- (C) The safeguards afforded to prevent noxious or offensive emissions such as noise, glare, dust and odor;

No noxious or offensive emissions such as noise, glare, dust, or odor are expected to be produced by the proposed project.

- (D) Treatment given, as appropriate, to such aspects as landscaping, screening, open spaces, parking and loading areas, service areas, lighting and signs;

The existing building, like other buildings on the block, occupies its entire site; no landscaping is provided on site. There will be no addition of parking spaces, loading facilities, open space or service areas. All project signage and projections will be consistent with the controls of the Planning Code.

- i. That the use as proposed will comply with the applicable provisions of the Planning Code and will not adversely affect the General Plan.

The proposed project complies with all relevant requirements and standards of the Planning Code and is consistent with objectives and policies of the General Plan as detailed below.

- ii. That the use as proposed would provide development that is in conformity with the purpose of the applicable Neighborhood Commercial District.

The proposed project is not located within a Neighborhood Commercial District.

10. **General Plan Compliance.** The Project is consistent with the Objectives and Policies of the General Plan in that:

COMMERCE AND INDUSTRY ELEMENT

GENERAL/CITYWIDE

OBJECTIVE 1:

MANAGE ECONOMIC GROWTH AND CHANGE TO ENSURE ENHANCEMENT OF THE TOTAL CITY LIVING AND WORKING ENVIRONMENT.

Policy 1.1:

Encourage development which provides substantial net benefits and minimizes undesirable consequences. Discourage development, which has substantial undesirable consequences that cannot be mitigated.

The proposed institutional use would be compatible with and complimentary to the type of uses characterizing this portion of the RC-4 District and Van Ness Special Use District along Van Ness Avenue, which include a mixture of retail, service, commercial, and residential uses.

OBJECTIVE 3:

PROVIDE EXPANDED EMPLOYMENT OPPORTUNITIES FOR CITY RESIDENTS, PARTICULARLY THE UNEMPLOYED AND ECONOMICALLY DISADVANTAGED.

The proposed project would continue to provide employment for existing staff and faculty of Miami Ad School San Francisco.

VAN NESS AVENUE AREA PLAN

Land Use: Subarea 1

OBJECTIVE 1:

CONTINUE EXISTING COMMERCIAL USE OF THE AVENUE AND ADD SIGNIFICANT INCREMENT OF NEW HOUSING.

Policy 1.1:

Allow existing structures to remain in non-residential use.

The proposed project which would allow the change of use of an existing retail use to institutional use would remain a non-residential use.

Preservation of Significant Buildings

OBJECTIVE 11:

PRESERVE THE FINE ARCHITECTURAL RESOURCE OF VAN NESS AVENUE.

Policy 11.1:

Avoid demolition or inappropriate alteration of historically and architecturally significant buildings.

The subject building is a "contributory" significant building in the Van Ness Avenue Area Plan. The proposed project will not adversely affect the architectural significance of the building since there will be no alterations to the exterior of the building or expansion of the existing building envelope.

11. **Section 101.1(b)** establishes eight priority planning policies and requires the review of permits that authorize changes of use for consistency with said policies:

- (1) That existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses enhanced.

The proposed project will be complimentary to the existing commercial establishments within the immediate neighborhood. According to the project sponsor, Miami Ad School San Francisco will continue to employ approximately 26 teachers and staff members with the school's relocation.

- (2) That existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods.

The proposed project will preserve and enhance the economic diversity of the neighborhood by allowing the establishment of a new institutional use in the area. Existing housing will not be affected by the proposed project.

- (3) That the City's supply of affordable housing be preserved and enhanced.

The proposed project will not displace any affordable housing.

- (4) That commuter traffic not impede MUNI transit service or overburden our streets or neighborhood parking.

The proposed project would not significantly increase the automobile traffic congestion and parking problems in the neighborhood. Public transit is located within close proximity to the proposed institutional use.

- (5) That a diverse economic base be maintained by protecting our industrial and service sectors from displacement due to commercial office development, and that future opportunities for resident employment and ownership in these sectors be enhanced.

There is no commercial office development associated with the proposed project and there would be no displacement of any existing industrial or service businesses in the area.

- (6) That the City achieves the greatest possible preparedness to protect against injury and loss of life in an earthquake.

The proposed project will comply with all applicable earthquake safety standards and built to the current standards of the California Building Code.

- (7) That landmark and historic buildings be preserved.

The proposed project will not significantly affect any landmark or historic buildings.

- (8) That our parks and open space and their access to sunlight and vistas be protected from development.

The proposed project will not affect any city-owned park or open space.

12. The Project is consistent with and would promote the general and specific purposes of the Code provided under Section 101.1(b) in that, as designed, the Project would contribute to the character and stability of the neighborhood and would constitute a beneficial development.
13. The Commission hereby finds that approval of the Conditional Use authorization would promote the health, safety and welfare of the City.

DECISION

That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **APPROVES Conditional Use Application No. 2012.0453C** subject to the following conditions attached hereto as "EXHIBIT A" which is incorporated herein by reference as though fully set forth.

APPEAL AND EFFECTIVE DATE OF MOTION: Any aggrieved person may appeal this Conditional Use Authorization to the Board of Supervisors within thirty (30) days after the date of this Motion No. 18711. The effective date of this Motion shall be the date of this Motion if not appealed (After the 30-day period has expired) OR the date of the decision of the Board of Supervisors if appealed to the Board of Supervisors. For further information, please contact the Board of Supervisors at (415) 554-5184, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on September 27, 2012.

Linda Avery
Commission Secretary

AYES: Commissioners Antonini, Borden, Fong, Hillis, Moore, Sugaya, Wu

NAYS: None

ABSENT: None

ADOPTED: September 27, 2012

EXHIBIT A

AUTHORIZATION

This authorization is for a conditional use to allow the change of use of the existing ground floor retail space to an institutional use to allow for the proposed relocation of Miami Ad School's San Francisco campus from its current location at 415 Jackson Street to 1414 Van Ness Avenue in Assessor's Block 0667, Lot 009, pursuant to Planning Code Sections 209.3(i) and 303 within the RC-4 (Residential-Commercial, High Density) District and a 130-V Height and Bulk District; in general conformance with plans and stamped "EXHIBIT B" included in the docket for Case No. 2012.0453C and subject to conditions of approval reviewed and approved by the Commission on September 27, 2012, under Motion No. 18711. The project site is also located within the Van Ness Special Use District and Van Ness Automotive Use District. This authorization and the conditions contained herein run with the property and not with a particular Project Sponsor, business, or operator.

RECORDATION OF CONDITIONS OF APPROVAL

Prior to the issuance of the building permit or commencement of use for the Project the Zoning Administrator shall approve and order the recordation of a Notice in the Official Records of the Recorder of the City and County of San Francisco for the subject property. This Notice shall state that the project is subject to the conditions of approval contained herein and reviewed and approved by the Planning Commission on September 27, 2012 under Motion No. 18711.

PRINTING OF CONDITIONS OF APPROVAL ON PLANS

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. 18711 shall be reproduced on the Index Sheet of construction plans submitted with the site or building permit application for the Project. The Index Sheet of the construction plans shall reference to the Conditional Use authorization and any subsequent amendments or modifications.

SEVERABILITY

The Project shall comply with all applicable City codes and requirements. If any clause, sentence, section or any part of these conditions of approval is for any reason held to be invalid, such invalidity shall not affect or impair other remaining clauses, sentences, or sections of these conditions. This decision conveys no right to construct, or to receive a building permit. "Project Sponsor" shall include any subsequent responsible party.

CHANGES AND MODIFICATIONS

Changes to the approved plans may be approved administratively by the Zoning Administrator. Significant changes and modifications of conditions shall require Planning Commission approval of a new Conditional Use authorization.

Conditions of Approval, Compliance, Monitoring, and Reporting

PERFORMANCE

1. **Validity and Expiration.** The authorization and right vested by virtue of this action is valid for three years from the effective date of the Motion. A building permit from the Department of Building Inspection to construct the project and/or commence the approved use must be issued as this Conditional Use authorization is only an approval of the proposed project and conveys no independent right to construct the project or to commence the approved use. The Planning Commission may, in a public hearing, consider the revocation of the approvals granted if a site or building permit has not been obtained within three (3) years of the date of the Motion approving the Project. Once a site or building permit has been issued, construction must commence within the timeframe required by the Department of Building Inspection and be continued diligently to completion. The Commission may also consider revoking the approvals if a permit for the Project has been issued but is allowed to expire and more than three (3) years have passed since the Motion was approved.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

2. **Extension.** This authorization may be extended at the discretion of the Zoning Administrator only where failure to issue a permit by the Department of Building Inspection to perform said tenant improvements is caused by a delay by a local, State or Federal agency or by any appeal of the issuance of such permit(s).

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

MONITORING - AFTER ENTITLEMENT

3. **Enforcement.** Violation of any of the Planning Department conditions of approval contained in this Motion or of any other provisions of Planning Code applicable to this Project shall be subject to the enforcement procedures and administrative penalties set forth under Planning Code Section 176 or Section 176.1. The Planning Department may also refer the violation complaints to other city departments and agencies for appropriate enforcement action under their jurisdiction.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

4. **Revocation due to Violation of Conditions.** Should implementation of this Project result in complaints from interested property owners, residents, or commercial lessees which are not resolved by the Project Sponsor and found to be in violation of the Planning Code and/or the specific conditions of approval for the Project as set forth in Exhibit A of this Motion, the Zoning Administrator shall refer such complaints to the Commission, after which it may hold a public hearing on the matter to consider revocation of this authorization.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

OPERATION

5. **Garbage, Recycling, and Composting Receptacles.** Garbage, recycling, and compost containers shall be kept within the premises and hidden from public view, and placed outside only when being serviced by the disposal company. Trash shall be contained and disposed of pursuant to garbage and recycling receptacles guidelines set forth by the Department of Public Works.
For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works at 415-554-.5810, <http://sfdpw.org>
6. **Sidewalk Maintenance.** The Project Sponsor shall maintain the main entrance to the building and all sidewalks abutting the subject property in a clean and sanitary condition in compliance with the Department of Public Works Streets and Sidewalk Maintenance Standards.
For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works, 415-695-2017, <http://sfdpw.org>
7. **Community Liaison.** Prior to issuance of a building permit to construct the project and implement the approved use, the Project Sponsor shall appoint a community liaison officer to deal with the issues of concern to owners and occupants of nearby properties. The Project Sponsor shall provide the Zoning Administrator with written notice of the name, business address, and telephone number of the community liaison. Should the contact information change, the Zoning Administrator shall be made aware of such change. The community liaison shall report to the Zoning Administrator what issues, if any, are of concern to the community and what issues have not been resolved by the Project Sponsor.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org
8. **Lighting.** All project lighting shall be directed onto the project site and immediately surrounding sidewalk area only, and designed and managed so as not to be a nuisance to adjacent residents. Nighttime lighting shall be the minimum necessary to ensure safety, but shall in no case be directed so as to constitute a nuisance to any surrounding property.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org