

# PLANNING DEPARTMENT CITY AND COUNTY OF SAN FRANCISCO

## Notice of Hearing on Application For Zoning Variance

CITY HALL - Room 408  
1 Dr. Carlton B. Goodlett Place

Wednesday, January 24, 2018

Session Begins at 9:30 A.M.

### Public Hearing

Scott F. Sanchez, Zoning Administrator  
Eva Atijera-Taylor, Recording Secretary

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Notice is hereby given to the general public and to owners of the subject property and other property within 300 feet that an application for variance under the Planning Code as described below has been filed with the Zoning Administrator.

Any remaining questions concerning this application review process may be answered by the Planning Information Center at (415) 558-6377.

**Variance Calendars** and **Audio Recording of the Hearing** are available on the Internet at <http://www.sfplanning.org>

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### **Accessible Meeting Policy**

Hearings are held at **City Hall, 1 Dr. Carlton B. Goodlett Place, Room 408, Fourth Floor**, San Francisco, CA. The closest accessible BART Station is the Civic Center Station located at the intersection of Market, Hyde and Grove Streets. Accessible curb side parking has been designated at points along McAllister Street. Accessible MUNI Lines serving City Hall are the 42 Downtown Loop, 9 San Bruno and 71 Haight/Noriega and the F Line. Accessible MUNI Metro Lines are the J, K, L, M, N and T. For more information regarding MUNI accessible services, call **311 within San Francisco, (415) 701-2311 outside Bay Area, or TTY (415) 701-2323**. American Sign Language interpreters and/or a sound enhancement system will be available upon request by contacting **Lulu Hwang at (415) 558-6318** at least 72 hours prior to a hearing. Individuals with severe allergies, environmental illnesses, multiple chemical sensitivity or related disabilities should call our accessibility **hotline at (415) 554-8925** to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the City to accommodate these individuals.

### **Cell Phone and/or Sound-Producing Electronic Devices Usage at Hearings**

Effective January 21, 2001, the Board of Supervisors amended the Sunshine Ordinance by adding the following provision: The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

### **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.

Members of the public are not required to provide personal identifying information when they communicate with the Commission or the Department. All written or oral communications, including submitted personal contact information, may be made available to the public for inspection and copying upon request and may appear on the Department's website or in other public documents.

For more information on your rights under the Sunshine ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact The Administrator by mail at 1 Dr. Carlton B. Goodlett Place, Room 244, by phone at (415) 554-7724, by fax at (415) 554-7854 or by E-mail at [sotf@sfgov.org](mailto:sotf@sfgov.org).

**Attention:** *Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Administration Code 16.520 - 16.534] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission at 25 Van Ness Avenue, Suite #220, San Francisco, CA 94102, telephone (415) 554-9510, fax (415) 703-0121 and web site <http://www.ci.sf.ca.us/ethics/>.*

**ENGLISH:**

**For language assistance or to request an assistive device for a hearing, please call 415-558-6309. Please make requests at least 48 hours in advance of the hearing.**

**SPANISH:**

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:**

歷史保護委員會議程。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:**

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:**

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.

**ZONING ADMINISTRATOR  
NOTICE OF HEARING ON  
APPLICATION FOR ZONING VARIANCE**

Notice is hereby given to the general public and to owners of the subject property and other property within 300 feet that an application for variance under the Planning Code as described below has been filed with the Zoning Administrator and will be considered at a PUBLIC HEARING to be held on the date, time, and place listed on the first page of this Calendar:

**A. CONSENT CALENDAR**

All items listed hereunder constitute a Consent Calendar and are considered to be routine by the Zoning Administrator. There will be no separate discussion of these items unless a member of the public so requests, in which case the matter shall be removed from the Consent Calendar and considered as a separate item at this time or at a future hearing.

1. **2014-003157VAR** **(BRITTANY BENDIX)**  
1598 BAY STREET, Lot 007 in Assessor's Block 0459 in a NC-2 (Neighborhood Commercial, Small Scale) Zoning District and a 40-X Height and Bulk District.

**STREET FRONTAGE VARIANCE SOUGHT:** The project is the demolition of a closed automotive service station and the construction of a new 40-foot tall residential building of approximately 50,900 square feet with 28 dwelling units, 42 off-street parking space, and 40 bicycle parking spaces.

SECTION 145.1 OF THE PLANNING CODE requires that the property provide active uses at the ground floor. Residential uses are considered active uses if more than 50 percent of the linear residential street frontage at the ground level features walk-up dwelling units with direct, individual pedestrian access to a public sidewalk. Lobbies and spaces accessory to residential uses (fitness/community rooms) may also be active uses. The subject property has 225.33 feet of street frontage and requires a minimum of 112.7 linear feet of active uses on the ground floor. The project initially proposed residential uses with direct, individual pedestrian access; however, the project has subsequently been revised to remove the direct access to the street. The proposal provides Code-complying active uses for approximately 17 linear feet. Therefore the project requires a variance from Section 145.1.

**ARCHITECTURAL PLANS:** The site plan and elevations of the proposed project are available on the Planning Department's website at:  
<http://notice.sfplanning.org/2014-003157VAR.pdf>.

**2. 2016-007597VAR (CHRISTY ALEXANDER)**

**1310 PACIFIC AVENUE**, Lot 013 in Assessor's Block 0155 in a NCD (Pacific Avenue Neighborhood Commercial District) Zoning District and a 40-X Height and Bulk District.

**REAR YARD VARIANCE SOUGHT:** The proposal is to reconstruct an existing deck and egress stair within the required rear yard.

PLANNING CODE SECTION 134 requires a rear yard of 27 feet for the subject property. The existing and proposed deck and stairs are located within the required rear yard. The proposed stairs include an approximately 20 foot tall firewall against the adjacent building to the east and align with the rear wall of the adjacent building to the east, extending to within 5 feet from the rear property line. Therefore, a variance is required.

**ARCHITECTURAL PLANS:** The site plan and elevations of the proposed project are available on the Planning Department's website at:  
<http://notice.sfplanning.org/2016-007597VAR.pdf>.

**3. 2016-007210VAR (ELLA SAMONSKY)**

**500 BARTLETT STREET**, Lot 018 Assessor's Block 6569 RTO-M (Residential Transit Oriented - Mission) District and a 55-X Height and Bulk District.

**OPEN SPACE VARIANCE SOUGHT:** The existing building is three stories and contains four dwelling units over ground floor garage and storage space. The proposal is to convert approximately 1,900 square feet of garage and storage space to four dwelling units, one of which is an Accessory Dwelling Unit.

PER SECTION 135 OF THE PLANNING CODE the subject property is required to provide a minimum off 100 square feet of private open space, or 133 square feet of common open space, per dwelling unit. The property does not have any useable open space; therefore, the project requires a variance from the open space requirement of Section 135 of the Planning Code.

**ARCHITECTURAL PLANS:** The site plan and elevations of the proposed project are available on the Planning Department's website at:  
<http://notice.sfplanning.org/2016-007210VAR.pdf>.

**4. 2017-001956VAR (GARBIELA PANTOJA)**

**3715 CALIFORNIA STREET**, Lot 042 in Assessor's Block 1037 in a RM-2 (Residential-Mixed, Moderate Density) Zoning District and a 40-X Height and Bulk District.

**EXPOSURE VARIANCE SOUGHT:** The Project proposes the addition of three Accessory Dwelling Units at the ground floor of an existing four-story, twelve-unit building.

PER SECTION 140 OF THE PLANNING CODE the subject property is required to have windows of each unit face directly on an open area no less than 25 feet in every horizontal direction, with an increase of 5-feet in every horizontal

dimension at each subsequent floor immediately above. The dimensions of the open area may be reduced to 15 feet in width and depth for Accessory Dwelling Units. The subject property has a non-complying rear yard. Two of the proposed Accessory Dwelling Units will face onto a rear yard measuring 10 feet by 38 feet and five inches; therefore, a Variance is required.

**ARCHITECTURAL PLANS:** The site plan and elevations of the proposed project are available on the Planning Department's website at:  
<http://notice.sfplanning.org/2017-001956VAR.pdf>.

5. **2017-010477VAR** **(MATHEW CHANDLER)**  
**2205 TAYLOR STREET**, Lot 003 in Assessor's Block 0066 in a RM-1 (Residential, mixed, low density) Zoning District and a 40-X Height and Bulk District.

**EXPOSURE VARIANCE SOUGHT:** The proposed project is to add one Accessory Dwelling Unit at the first floor of an existing three-story, five-unit residential building undergoing seismic retrofitting.

PER SECTION 140 OF THE PLANNING CODE the subject property is required to have qualifying windows of each unit face directly on an open area meeting the requirements of the Planning Code. The dimensions of the open area may be reduced to 15 feet in width and depth for Accessory Dwelling Units. The subject property has a rear yard that is 12 feet in depth and 40 feet in width. The proposed Accessory Dwelling Unit will face onto that rear yard, which is less than the minimum 15 foot by 15 foot open area required for exposure; therefore, a variance is required.

**ARCHITECTURAL PLANS:** The site plan and elevations of the proposed project are available on the Planning Department's website at:  
<http://notice.sfplanning.org/2017-010477VAR.pdf>.

## B. REGULAR CALENDAR

6. **2017-001220VAR** **(ELIZABETH GORDON-JONKHEER)**  
**253 CHATTANOOGA STREET**, Lot 022 in Assessor's Block 3649 in a RH-2 (Residential-House, Two Family) Zoning District and a 40-X Height and Bulk District.

**REAR YARD VARIANCE SOUGHT:** The subject property is a through lot between Chattanooga and Mersey Street. The proposal is to construct a one-story, 423 square foot, garage at the rear of the subject property. The proposed garage will be approximately 21 feet in width, 20 feet in length, and 11 feet in height and will be accessed from Mersey Street.

PER SECTION 134 OF THE PLANNING CODE, the subject property is required to maintain a rear yard of 41 feet. The proposed garage is located entirely within the required rear yard; therefore, a variance is required.

**ARCHITECTURAL PLANS:** The site plan and elevations of the proposed project are available on the Planning Department's website at:  
<http://notice.sfplanning.org/2017-001220VAR.pdf>.

7. **2016-004541VAR** **(CHRISTOPHER MAY)**  
**4135 CALIFORNIA STREET**, Lot 020 in Assessor's Block No. 1363 in an RM-1 (Residential-Mixed, Low-Density) Zoning District and a 40-X Height and Bulk District.

**REAR YARD VARIANCE SOUGHT:** The project proposes demolition of the existing gas station and construction of two, four-story buildings over shared basement parking containing a total of seven dwelling units.

PURSUANT TO PLANNING CODE SECTION 134, the subject property is required to maintain a rear yard of approximately 43 feet at grade level and at each succeeding level or story of the building. Because there is no existing pattern of midblock open space, the project proposes a central courtyard measuring approximately 20 feet between the two buildings in lieu of the required rear yard; therefore, the project requires a variance from the rear yard requirement (Section 134) of the Planning Code.

**ARCHITECTURAL PLANS:** The site plan and elevations of the proposed project are available on the Planning Department's website at:  
<http://notice.sfplanning.org/2016-004541VAR.pdf>.

8. **2017-001506VAR** **(CHRISTY ALEXANDER)**  
**2 SUMNER STREET**, Lot 040A in Assessor's Block 3730 in a RED (Residential Enclave) Zoning District and a 40-X Height and Bulk District.

**REAR YARD VARIANCE SOUGHT:** The project proposes a horizontal expansion at the ground floor and vertical addition of a third story and roof deck to the existing single family home. The ground floor commercial space is proposed to be converted to residential use and included as habitable space for the single family home with a new interior stairway and elevator connecting all floors. Usable open space will be included via rear yard deck space at the 2nd and 3rd floors, front yard deck space at the 3rd floor and a roof deck for a total of 822 sf where the requirement is only 80 square feet.

SECTION 134 OF THE PLANNING CODE requires a minimum rear yard depth of 15 feet at the ground level for any building containing a Dwelling Unit, and at each succeeding level or story of the building. Variance request from the rear yard requirement is to permit a rear horizontal addition at the ground floor of an existing Single Family Dwelling to the rear property line resulting in no rear yard at the ground floor.

**ARCHITECTURAL PLANS:** The site plan and elevations of the proposed project are available on the Planning Department's website at:  
<http://notice.sfplanning.org/2017-001506VAR.pdf>.

**9. 2016-015279VAR (DAVID WEISSGLASS)**

**722 - 39TH AVENUE**, Lot 041 in Assessor's Block 1606 in a RH-2 (Residential-House, Two Family) Zoning District and a 40-X Height and Bulk District.

**REAR YARD VARIANCE SOUGHT:** The proposal is to construct a new deck at the second story at the rear of the existing 2-story, single-family house. No construction is proposed within the rear 25% of lot depth.

PER PLANNING CODE SECTION 134, the subject property is required to maintain a rear yard of 54 feet. Although the existing building complies with the rear yard requirement, as the portion of the building extending into the required rear yard is a permitted obstruction per Planning Code Section 136, the proposed deck will extend 7 feet further into the required rear yard, resulting in a rear yard of approximately 36 feet. Therefore, the project requires a rear yard variance.

**ARCHITECTURAL PLANS:** The site plan and elevations of the proposed project are available on the Planning Department's website at:  
<http://notice.sfplanning.org/2016-015279VAR.pdf>.

**10. 2017-008290VAR (DORI GANETSOS)**

**1285 - 8TH AVENUE**, Lot 015B in Assessor's Block 1742 in the Inner Sunset NCD Zoning District and a 40-X Height and Bulk District.

**EXPOSURE VARIANCE SOUGHT:** The proposal is to add two (2) Accessory Dwelling Units to the first floor and mezzanine level of an existing eight (8) unit building. No expansion of the building envelope is associated with this proposal. A third Accessory Dwelling Unit (which does not require a variance) is proposed under a separate application (Building Permit Application No. 2017-0626-0343) and is shown as unit #9 on the proposed plans.

PER SECTION 140 OF THE PLANNING CODE the subject property is required to have qualifying windows of each unit face directly on an open area meeting the requirements of the Planning Code. The dimensions of the open area may be reduced to 15 feet in width and depth for Accessory Dwelling Units. The subject property has a rear yard that is 10'-2" inches in depth and 37'-6" in width. Two of the proposed Accessory Dwelling Units will face onto that rear yard, which is less than the minimum 15 foot by 15 foot open area required for exposure; therefore, the project requires a variance from the exposure requirement of the Planning Code.

**ARCHITECTURAL PLANS:** The site plan and elevations of the proposed project are available on the Planning Department's website at:  
<http://notice.sfplanning.org/2017-008290VAR.pdf>.

**11. 2016-007877VAR (DOUG VU)**

**235 VALENCIA STREET**, Lot 019B in Assessor's Block 3532 in a NCT-3 (Moderate-Scale Neighborhood Commercial Transit) Zoning District and a 50-X Height and Bulk District.



**REAR YARD MODIFICATION VARIANCES SOUGHT:** The project includes the demolition of an approximately 9,210 sq. ft. retail automotive repair use and construction of a new 55-ft. tall, five-story mixed-use building with a gross floor area of 34,912 sq. ft. that includes 6,367 sq. ft. of ground floor commercial use(s) fronting Valencia Street and Clinton Park, and 28,545 gross sq. ft. of residential use for 40 dwelling units at the upper floors. Approximately 3,481 sq. ft. of common usable open space would be provided by fifth floor and rooftop decks, and 47 Class 1 and five Class 2 bicycle parking spaces would also be included. The project does not include any off-street automobile parking.

PER SECTION 134 OF THE PLANNING CODE the subject property is required to maintain a rear yard equal to 25 percent of the lot depth at the lowest story containing a dwelling unit, and at each succeeding level or story of the building, or 45-ft. Planning Code Section 134(e)(1) permits this requirement to be modified or waived in NC Districts by the Zoning Administrator if certain criteria are met. The proposal to construct a building that covers the entire lot would not have any rear yard and meets the criteria of Planning Code Section 134(e)(1), necessitating a rear yard modification.

**ARCHITECTURAL PLANS:** The site plan and elevations of the proposed project are available on the Planning Department's website at: <http://notice.sfplanning.org/2016-007877VAR.pdf>.

12. **2015-018474VAR** (EILIESH TUFFY)  
**982 GREEN STREET**, Lot 008A in Assessor's Block 0120 in an RH-2 (Residential - House, Two-Family) Zoning District and a 40-X Height and Bulk District.

**FRONT SETBACK & REAR YARD VARIANCES SOUGHT:** The request is for the approval of Variances from the Planning Code to legalize portions of previously unpermitted construction on the property, including the retention of 1 new enclosed garage in the required front setback facing Green Street (where a legal carport had existed) and for a horizontal addition that encroaches into the required rear yard.

PER SECTION 132 OF THE PLANNING CODE the subject property is required to maintain a front setback of 15 feet. Two features of the project require Variance approval: the garage structure proposed to be retained and modified at the site's SW corner encroaches into the full 15 feet of required front setback; and a solid, 6-foot high wall along the east property line is located within the front setback; therefore, the project requires a variance from the front setback requirement of the Planning Code.

PER SECTION 134 OF THE PLANNING CODE the average rear yard for the subject property, based upon conditions on adjacent lots, is 36'-4". The new horizontal addition to the building's upper floors encroaches beyond the average rear yard line by 8'-7" at the 1st floor, and by 3'-0" at the 2nd floor; therefore, the project requires a variance from the rear yard requirement of the Planning Code.

**ARCHITECTURAL PLANS:** The site plan and elevations of the proposed project are available on the Planning Department's website at:

<http://notice.sfplanning.org/2015-018474VAR.pdf>.

13. 2017-001873VAR

(GABRIELA PANTOJA)

**1320 CALIFORNIA STREET**, Lot 010 in Assessor's Block 0248 in a RM-3 (Residential-Mixed, Medium Density) Zoning District and a 65-A Height and Bulk District.

**EXPOSURE & OPEN SPACE VARIANCES SOUGHT:** The Project proposes the addition of one dwelling unit at the fourth floor and the addition two Accessory Dwelling Units at the ground floor of an existing five-story, five-unit building. The existing fourth floor will be split to create the additional dwelling unit.

PER SECTION 140 OF THE PLANNING CODE the subject property is required to have windows of each unit face directly on an open area no less than 25 feet in every horizontal direction, with an increase of 5-feet in every horizontal dimension at each subsequent floor immediately above. The dimensions of the open area may be reduced to 15 feet in width and depth for Accessory Dwelling Units. The subject property has a non-complying rear yard. The proposed Accessory Dwelling Units and additional dwelling unit will face onto an a rear yard measuring 7 feet by 32-feet and six inches; therefore, a Variance is required.

PER SECTION 135 OF THE PLANNING CODE the subject property is required to have at least 60 square feet of private useable open space or 80 square feet of common useable open space per dwelling unit. The subject property contains a rear yard measuring 7 feet by 32-feet and six inches, yielding an open area that does not meet the dimensional standards required to qualify as useable open space; therefore, a Variance is required.

**ARCHITECTURAL PLANS:** The site plan and elevations of the proposed project are available on the Planning Department's website at:

<http://notice.sfplanning.org/2017-001873VAR.pdf>.

14. 2017-009891VAR

(JEFFREY HORN)

**3880-3882 - 19TH STREET**, Lot 015 in Assessor's Block 7537 in a RH-2 (Residential-House, Two-Family) Zoning District and a 40-X Height and Bulk District.

**REAR YARD VARIANCE SOUGHT:** The project proposes to construct approximately 10 foot tall retaining walls located 36 feet and 3 inches from the rear property line and stairs which will be backfilled with earth/dirt to create a raised useable rear yard.

PER SECTION 134 OF THE PLANNING CODE, the subject property is required to maintain a rear yard of 48 feet and 3 inches. The proposed retaining walls and raised yard are greater than three (3) feet in height are located entirely within the required rear yard; therefore, a variance is required.

**ARCHITECTURAL PLANS:** The site plan and elevations of the proposed project are available on the Planning Department's website at:  
<http://notice.sfplanning.org/2017-009891VAR.pdf>.

15. **2017-009193VAR** **(MATHEW CHANDLER)**  
**1401 MASON STREET**, Lot 009 in Assessor's Block 0158 in a RC-3  
(Residential-Commercial, Medium Density) Zoning District and a 65-A Height  
and Bulk District.

**EXPOSURE VARIANCE SOUGHT:** The proposed project is to add one Accessory Dwelling Unit at the ground floor of an existing three-story, eight-unit residential building undergoing seismic retrofitting.

PER SECTION 140 OF THE PLANNING CODE the subject property is required to have qualifying windows of each unit face directly on an open area meeting the requirements of the Planning Code. The dimensions of the open area may be reduced to 15 feet in width and depth for Accessory Dwelling Units. The subject property has a rear yard that is 10 feet, 3.5 inches in depth and 29 feet, 10.5 inches in width. The proposed Accessory Dwelling Unit will face onto that rear yard, which is less than the minimum 15 foot by 15 foot open area required for exposure; therefore, a variance is required.

**ARCHITECTURAL PLANS:** The site plan and elevations of the proposed project are available on the Planning Department's website at:  
<http://notice.sfplanning.org/2017-009193VAR.pdf>.

16. **2014-1060VAR** **(CLAUDINE ASBAGH)**  
**1870 MARKET STREET**, Lot 004 in Assessor's Block 0871 in a NCT-3  
(Moderate Scale Neighborhood Commercial Transit District) and 85-X Height  
and Bulk District.

**REAR YARD MODIFICATION AND EXPOSURE VARIANCES SOUGHT:** The project would demolish the existing single story private garage and construct an 85-foot tall, 8-story, approximately 16,000 square-foot building containing 10 dwelling units and approximately 400 square feet of ground floor retail.

The project requires a rear yard modification (Section 134(e)(1)) because the proposed building would encroach into the required rear yard. The rear yard would be as follows: 0' at the ground floor, 15' 3" at the second floor, and 12'9" at levels 3-8. Three of the dwelling units on the lower three floors would require a Variance from the exposure requirements of the Planning Code (Section 140).

**ARCHITECTURAL PLANS:** The site plan and elevations of the proposed project are available on the Planning Department's website at:  
<http://notice.sfplanning.org/2014-1060VAR.pdf>.

## C. PUBLIC COMMENT:

At this time, members of the public may address the Zoning Administrator on items of interest to the public that are within the subject matter jurisdiction of the Zoning Administrator except agenda items. With respect to agenda items, your opportunity to address the Zoning Administrator will be afforded when the item is reached in the meeting. Each member of the public may address the Zoning Administrator for up to three minutes.

The Zoning Administrator will not take action on any item not appearing on the posted agenda, including those items raised at public comment. In response to public comment, the Zoning Administrator may:

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

# ADJOURNMENT

## Hearing Procedures

The **Zoning Administrator** typically holds Variance Hearings on the **4<sup>th</sup> Wednesday of each month at 9:30 a.m.**, at the **San Francisco City Hall, Room 408**. City Hall is located at One Dr. Carlton B. Goodlett Place, San Francisco, CA 94102. Hearings are open to the public.

At the hearing, the **Project Sponsor** (Variance Applicant) will be given 5 minutes to present their case, including relevant testimony and evidence. The hearing room is equipped with a projector that can display photographs, architectural plans or other drawings and images. **Members of the public** will be given 3 minutes each to speak on the item. If a member of the public speaks against an item, the Project Sponsor will be given a 3 minute **rebuttal**.

Persons attending a hearing may comment on any scheduled item. When speaking, please note that a **timer** is displayed for each speaker and indicates how much time remains. Speakers will hear a loud sound indicating that the speaker's opportunity to address the Zoning Administrator has ended.

Please note that some items may appear on the **Consent Calendar**. These items are considered routine and may be granted by the Zoning Administrator. There is no separate discussion of consent items unless the Zoning Administrator, member of the public or staff so requests, in which event the matter is removed from the Consent Calendar and will be moved to the Regular Calendar in the Agenda.

In addition, the Zoning Administrator may consider a request for **continuance** to a later date. He may choose to continue the item to the date proposed, to continue the item to another date, or to hear the item on this calendar.

After all of the testimonies are submitted, the Zoning Administrator will consider the evidence, deliberate, and either make a decision, take the matter under advisement, or continue the matter in order for additional information to be presented.

Each hearing ends with **general public comment**, at which time members of the public may address the Zoning Administrator for up to 3 minutes on items of interest to the public that are within the subject matter jurisdiction of the Zoning Administrator, except agenda items. With respect to Agenda items, your opportunity to address the Zoning Administrator will be afforded when the item is reached during the meeting.

All Agenda of Variance Hearings and its Audio Recording (from June 2010 to present) are available on our website for access.

### **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 Zoning Administrator 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*).

### **Decision Letter and Appeal Process**

No decision is final until a **Variance Decision Letter** is issued. Due to current backlogs, decision letters may take **up to 2 months** to complete from the date of the hearing. The Zoning Administrator's action to grant or deny a variance application may be appealed to the Board of Appeals within **10 days** of the date of the Decision Letter. For more information on how to file an appeal, please contact the **Board of Appeals** in person at 1650 Mission Street, Suite 304, call **(415) 575-6880**, or visit the [San Francisco Board of Appeals](#) website.

### **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 Zoning Administrator'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.

### **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 Zoning Administrator or Planning Commission, at, or prior to, the public hearing.

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

If the Zoning Administrator's or 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.