

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, February 28, 2018

Session Begins at 9:30 A.M.

Public Hearing

Corey A. Teague, Assistant Zoning Administrator
Eva Atijera-Taylor, Recording Secretary

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>

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.

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. **2017-005228VAR** **(CHRISTY ALEXANDER)**

1415 SOUTH VAN NESS AVENUE, Lot 025 in Assessor's Block 6526 in a RM-1 (Residential-Mixed, Low Density) Zoning District and a 50-X 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, nine-unit residential building undergoing seismic retrofitting.

PLANNING CODE SECTION 140 requires the subject property 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 4 inches in depth and 32 feet 6 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/2017-005228VAR.pdf>.

2. 2018-001289VAR (NICHOLAS FOSTER)

898 NORTH POINT STREET, Lot 024 in Assessor's Block 0025 in a C-2 (Community Business) Zoning District and a 40-X Height and Bulk District.

MODIFICATION OF CONDITIONS OF PREVIOUS VARIANCE DECISION:

Variance Case No. VZ70.61 was issued on December 18, 1970, with multiple conditions, to allow a property line adjustment involving the subject property and the adjacent property at 3030 Larkin Street. One such condition required a portion of the subject property (now Block 0025 Lot 024) to "remain as open space in perpetuity." Building Permit No. 201412163783 was issued on February 11, 2016 to allow construction of a 5-story building containing 5 dwelling units.

PLANNING CODE SECTION 305(d) provides that any violation of any specification or condition so imposed by a variance decision shall constitute a violation of this Code and may constitute grounds for revocation of the variance. While the permitted new building complies with the rear yard requirements for the subject lot, the new building would nonetheless encroach approximately 10 feet into the encumbered "open space" portion of the subject lot pursuant to Variance Case No. VZ70.61. Therefore, a new variance is required to revoke Conditions Nos. 1, 2, and 3 of Variance Case No. VZ70.61.

ARCHITECTURAL PLANS: The site plan and elevations of the proposed project are available on the Planning Department's website at:
<http://notice.sfplanning.org/2018-001289VAR.pdf>.

B. REGULAR CALENDAR**3. 2017-004796VAR (ANDREW PERRY)**

9 GERKE ALY, Lot 011 in Assessor's Block 0087 in a RH-3 (Residential House, Three-Family) Zoning District and a 40-X Height and Bulk District.

REAR YARD VARIANCE SOUGHT: The project proposes a 5-foot horizontal rear addition at the 4th floor, to add approximately 108 square feet of habitable space to the upper unit. The project also proposes to install an elevator at all floors behind the garage along the eastern side property line.

PLANNING CODE SECTION 134 requires the subject property to provide a rear yard of at least 15 feet. The existing building is legally noncomplying, with full lot coverage at floors 1-3. At the 4th floor, the proposed addition would encroach into the required rear yard by 4 feet 9 inches. Therefore, a variance is required.

PLANNING CODE SECTION 134(c)(1), the permitted building envelope shall be limited to a height of 30 feet, within the last 7 feet 6 inches of building depth before the required rear yard setback. The existing building is legal noncomplying at a height of approximately 35 feet. The proposed 4th floor addition would not add any new height to the building. However, it would further exacerbate this nonconformity. 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/2017-004796VAR.pdf>.

4. **2016-015638VAR** **(BRITTANY BENDIX)**
27 PRESIDIO TERRACE, Lot 024 in Assessor's Block 1355 in a RH-1(D)[Residential, House, One-Family (Detached)] Zoning District and a 40-X Height and Bulk District.

REAR YARD VARIANCE SOUGHT: The proposal is to demolish a two-story portion of the existing single-family dwelling that extends up to 23 feet into the required rear yard and to construct a new single-story rear addition that extends up to 8 feet 9 inches into the required rear yard.

PLANNING CODE SECTION 134 requires the subject property to provide a rear yard equal to 25 percent of the lot depth. Given the irregular shape of the subject property, the required rear yard ranges from approximately 25 feet 9 inches to 29 feet 2 inches. The existing two-story projection at the rear of the building extends to the rear property line. The proposed reconfiguration of the rear massing will also be located within the required rear yard, but will provide a rear yard of 18 feet. 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/2016-015638VAR.pdf>.

5. **2017-010226VAR** **(CHRISTOPHER TOWNES)**
2207 - 24TH AVENUE, Lot 002 in Assessor's Block 2325 in a RH-1 (Residential-House, One Family) Zoning District and a 40-X Height and Bulk District.

FRONT SETBACK VARIANCE SOUGHT: The proposal includes an addition to an existing 2-story single family home that would create a new 61 square foot enclosed front entry and covered porch.

PLANNING CODE SECTION 132 requires a front setback for the subject property of at least 10 feet. The proposed building would encroach up to 8 feet 5 inches into the required front setback, to within 1-foot 7 inches of the front 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/2017-010226VAR.pdf>.

6. **2017-012135VAR** **(DAVID WEISSGLASS)**
2243 FULTON STREET, Lot 060 in Assessor's Block 1191 in an RH-3
(Residential-House, Three-Family) Zoning District and an 80-D Height and Bulk
District.

REAR YARD VARIANCE SOUGHT: The proposal is to construct a 75 square-foot deck at the rear of the second story of a three-unit, three-story-over-garage residential building with a spiral stair connecting the deck to the rear yard. No construction is proposed within 5 feet of either side property line.

PLANNING CODE SECTION 134 requires the subject property to maintain a rear yard of approximately 56 feet 10 inches based on the average of the rear walls of buildings on the two adjacent properties. The existing building projects approximately 5 feet into the required rear yard. The proposed deck will extend an additional approximately 10 feet 2 inches further into the required rear yard, resulting in a rear yard of approximately 42 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/2017-012135VAR.pdf>.

7. **2016-015696VAR** **(DAVID WEISSGLASS)**
445 EL CAMINO DEL MAR, Lot 037 in Assessor's Block 1331 in a RH-1(D)
(Residential-House, One Family (Detached)) Zoning District and a 40-X Height
and Bulk District.

REAR YARD VARIANCE SOUGHT: The proposal is a rear extension on all floors of the 3-story single-family home to accommodate a new elevator. The proposal includes the relocation and expansion of the garage door, the expansion of the deck on the second story, and the creation of a third story deck.

PLANNING CODE SECTION 134 requires the subject property to maintain a rear yard of approximately 28 feet 6 inches. The existing building is noncompliant with regards to the rear yard requirement, as a portion of the building extends into the required rear yard. The proposal will extend approximately 8 feet 4 inches further into the required rear yard, resulting in a rear yard of approximately 16 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/2016-015696VAR.pdf>.

8. 2017-010846VAR (DORI GANETSOS)

20 STEINER STREET, Lot 011 in Assessor's Block 0875 in a RTO (Residential Transit Oriented) Zoning District and a 40-X Height and Bulk District.

EXPOSURE VARIANCE SOUGHT: The proposal is to construct a two-bedroom Accessory Dwelling Unit (ADU) at the basement level of an existing 3-unit, 3-story plus basement building. The ADU is proposed in a space that is currently used as a workspace and storage area.

PLANNING CODE SECTION 140 requires the subject property 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 proposed unit faces an open area that is 14 feet 7 inches by 15 feet 9 inches. An existing bay window projects over the proposed glazing of the ADU, reducing the open space area to 11 feet 3 inches x 15 feet 9 inches, 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/2017-010846VAR.pdf>.

9. 2017-009493VAR (ELLA SAMONSKY)

1257-1281 - 8TH AVENUE, Lot 014 in Assessor's Block 1742 in a RH-2 (Residential-House, Two-Family) Zoning District and a 40-X Height and Bulk District.

EXPOSURE VARIANCE SOUGHT: The proposed project is to legalize four dwelling units as Accessory Dwelling Units at the ground floor of an existing three-story, twenty four-unit residential building undergoing seismic retrofitting.

PLANNING SECTION 140 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 in depth and 87 feet in width. All 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, 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/2017-009493VAR.pdf>.

10. 2017-006809VAR (ESMERALDA JARDINES)

281 NEVADA STREET, Lot 023 in Assessor's Block 5687 in a RH-1 Zoning (Residential House Single-Family Zoning District and a 40-X Height and Bulk District as well as within the Bernal Heights Special Use District.

REAR YARD, FRONT SETBACK, USABLE OPEN SPACE & STREET

FRONTAGE VARIANCES SOUGHT: The proposal includes a 916-square foot residential addition into the front setback with a new garage and building façade along Nevada Street.

PLANNING CODE SECTION 132 requires the subject property to maintain a front setback of 12 feet and 9 inches. The subject property does not currently comply with the front setback requirement. The proposed residential and garage expansion will extend to within approximately 6 feet and 6 inches as well as 12 feet and 9 inches, respectively, of the front property line. Therefore, a front setback variance is required.

PLANNING CODE SECTION 134 requires the subject property is to maintain a rear yard setback of 24 feet and 6 inches. The subject property does not currently comply with the rear yard requirement because the entirety of the existing single-family home is within the required rear yard. The proposed residential expansion will provide two courtyards measuring 15 feet in depth. However, they do not extend the full lot width. Therefore, a rear yard variance is required.

PLANNING CODE SECTION 135 requires the subject property to maintain usable open space of 300 square feet. The subject property does not currently comply with the usable open space requirement because the proposed courts do not satisfy exposure requirements. Therefore, a usable open space variance is required.

PLANNING CODE SECTION 144 prohibits street-facing garage structures and garage doors from extending closer to the street than the primary building façade. The proposed residential and garage expansion would extend 6 feet and 3 inches beyond the primary building façade. Therefore, a street frontage 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/2017-006809VAR.pdf>.

11. 2017-007209VAR (MATHEW CHANDLER)

41 CRESCENT AVENUE; Lot 013 in Assessor's Block 5746 in a RH-2 (Residential House, Two Family) Zoning District and a 40-X Height and Bulk District.

REAR YARD VARIANCE SOUGHT: The proposal seeks to legalize an existing stair and deck at the rear of an existing 2-unit dwelling. The stairs extend from the second floor to grade, and the deck is located at the second floor.

PLANNING CODE SECTION 242 requires a rear yard of 40 feet 5 inches for the subject property. The building exists as a noncomplying structure and extends approximately 16 feet into the required rear yard. The deck extends approximately 9 feet 3 inches further into the required rear yard and the stairs extend approximately 7 feet 1 inch further into the required rear yard. Therefore, a variance is required to legalize the deck and stairs.

ARCHITECTURAL PLANS: The site plan and elevations of the proposed project are available on the Planning Department's website at:
<http://notice.sfplanning.org/2017-007208VAR.pdf>.

12. **2017-008568VAR** (MICHAEL CHRISTENSEN)
1397 PALOU STREET, Lot 021-021A in Assessor's Block 4759 in a RH-1 (Residential House - One Family) Zoning District and a 40-X Height and Bulk District.

REAR YARD VARIANCE SOUGHT: The request is to relocate a curb cut at the rear of the property along Keith Street and to establish an off-street parking space within the required rear yard of the property.

PLANNING CODE SECTION 134 requires the property to maintain a rear yard that is equal to 25% of the depth of the lot. Additionally, no motor vehicle, trailer, boat, or other vehicle shall be parked or stored within a required rear yard. The proposal is to add a parking space into 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/2017-008568VAR.pdf>.

13. **2016-016301VAR** (MICHAEL CHRISTENSEN)
735 CLEMENTINA STREET, Lot 036 in Assessor's Block 3729 in a RED-MX (Residential Enclave-Mixed) Zoning District and a 45-X Height and Bulk District.

OPEN SPACE VARIANCE SOUGHT: The request is to legalize the conversion of a 2,200 square foot warehouse into a single-family dwelling and the construction of a stair penthouse and roof deck at the roof level.

PLANNING CODE SECTION 847 requires the property to provide a minimum of 80 square feet of usable open space for each residential unit on the property.

PER PLANNING CODE SECTION 823, roof decks shall not qualify as private or common usable open space in the Western SoMa Special Use District. The proposed open space is located within a roof deck. 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/2016-016301VAR.pdf>.

14. **2017-006224VAR** **(NANCY TRAN)**
50 PALO ALTO AVENUE, Lot 012 in Assessor's Block 2721 in a RH-1(D) (Residential House, Single Family-Detached) Zoning District and a 40-X Height and Bulk District.
- FRONT SETBACK VARIANCE SOUGHT:** The proposal is to construct a one-story vertical addition within the required front setback.
- PLANNING CODE SECTION 132 requires the property to maintain a front setback of 15 feet. The project proposes to construct the addition on a noncomplying building that encroaches nearly 7 feet into the required front setback. 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/2017-006224VAR.pdf>.
15. **2016-013666VAR** **(NATALIA KWIATKOWSKA)**
306 SHOTWELL STREET, Lot 052 in Assessor's Block 3574 in a RH-3 (Residential-House, Three Family) Zoning District and a 50-X Height and Bulk District.
- REAR YARD VARIANCE SOUGHT:** The proposal is to construct a one-story horizontal addition at the rear, rear decks at the second and third levels, and to replace and reconfigure the existing stair at the rear of the existing three-story, two-unit building.
- PLANNING CODE SECTION 134 requires the subject property to maintain a rear yard of approximately 42 feet. The existing rear stair encroaches approximately 2 feet into the required rear yard. The proposed deck and stair will encroach approximately 10 feet into 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/2016-013666VAR.pdf>.
16. **2015-015846VAR** **(ELIZABETH GORDON-JONCKHEER)**
520 - 28TH STREET, Lot 008 in Assessor's Block 6604 in a RH-1 (Residential-House, One Family) Zoning District and a 40-X Height and Bulk District.
- REAR YARD VARIANCE SOUGHT:** The proposal is for vertical and horizontal additions to the existing 1,200 square-foot, one-story single-family home. Work includes a new 2-car garage at the front of the subject lot with a tiered landscaped open space area proposed in the existing hillside. The front wall of the house will be removed and replaced with a new façade. The roof of the existing structure will be removed and a new second floor added.

PER SECTION 134 OF THE PLANNING CODE, the subject property is required to maintain a rear yard of 28 feet 6 inches (25 percent of the total lot depth). The project requests demolition and replacement of the roof of the existing noncomplying structure at the rear, constituting an increase in the volume of the building envelope in the required rear yard. Therefore, the project requires a variance from the rear yard requirement of Planning Code Section 134.

ARCHITECTURAL PLANS: The site plan and elevations of the proposed project are available on the Planning Department's website at: <http://notice.sfplanning.org/2015-015846VAR.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 **4th 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.