

# 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, May 23, 2018

Session Begins at 9:30 A.M.

### Public Hearing

Corey A. Teague, Acting 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. CONSIDERATION OF ITEMS PROPOSED FOR CONTINUANCE**

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

**To be continued to Wednesday, June 27, 2018 at the regularly scheduled Variance Hearing at City Hall, Room 408:**

1.       **2017-014304VAR** **(MATTHEW DITO)**  
**10 JUDAH STREET, Lot 024 in Assessor's Block 1760 in an RH-2 (Residential - House, Two Family) Zoning District and a 40-X Height and Bulk District.**

**REAR YARD VARIANCE SOUGHT:** The proposal is to remove an existing nonconforming five-car accessory parking lot at the rear of the 3-story single-family house and construct a two-car garage with a roof deck within the required rear yard.

PLANNING CODE SECTION 134 requires the subject property to maintain a rear yard of approximately 43 feet in depth. The subject property currently maintains a legally nonconforming use with a five-car parking lot occupying the entirety of the required rear yard. The proposed garage and roof deck would result in a rear yard of approximately 24 feet in depth. Therefore, the project requires a 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/2017-014304VAR.pdf>.

## B. 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.

2. **2017-016370VAR** **(DAVID WEISSGLASS)**

**263 LAUSSAT STREET**, Lot 064 in Assessor's Block 0860 in a RH-3 (Residential - House, Three Family) Zoning District and a 40-X Height and Bulk District.

**REAR YARD VARIANCE SOUGHT:** The proposal is to construct a new spiral staircase and a firewall near the east property line in the rear yard of the existing three-story, two-unit residence. The staircase is to extend approximately 6 feet past the existing rear building wall.

PLANNING CODE SECTION 134 requires the subject property to maintain a rear yard of 45% of lot depth, or the average of the rear walls of the two adjacent properties. The existing building is noncompliant as it extends past the average of the rear walls of the two adjacent properties. The proposed stairs are to extend 6 feet past the existing rear wall, furthering the noncompliant condition. The proposed firewall will reach a height of approximately 11 feet 8 inches above grade within the required rear yard. 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/2017-016370VAR.pdf>.

3. **2018-001262VAR** **(SHARON YOUNG)**

**885 FRANKLIN STREET**, Lot 020 in Assessor's Block 0744 in a RM-4 (Residential - Mixed, High Density) Zoning District and a 80-B Height and Bulk District.

**REAR YARD VARIANCE SOUGHT:** The proposed project is to allow the major repair of legal nonconforming rear balconies located on the second, third, and fourth floors of the existing four-story, multi-family residential building. Each of nine rear balconies (approximately 11 feet 6 inches wide by 6 feet deep) extends from the main rear building wall into the required rear yard. The proposal will involve refurbishing over 50% of the rear deck structures in-kind (replacing deteriorated beams and joists as needed) and will include structural support upgrades (such as new posts on the side of the rear decks extending from the first to the third floor).

PLANNING CODE SECTION 134 requires a rear yard of 30 feet for the subject property. However, the legal nonconforming rear balconies already extend

approximately 6 feet into the required rear yard and within 19 feet of the rear property line, requiring a Rear Yard Variance for the major repair and structural upgrades.

**ARCHITECTURAL PLANS:** The site plan and elevations of the proposed project are available on the Planning Department's website at:  
<http://notice.sfplanning.org/2018-001262VAR.pdf>.

4. **2017-012454VAR** **(VERONICA FLORES)**  
**500 TERESITA BOULEVARD**, Lot 001 in Assessor's Block 2966A in a RH-1 (Residential, House - One Family) Zoning District and a 40-X Height and Bulk District.

**REAR YARD VARIANCE SOUGHT:** The proposal includes legalizing an unpermitted sunroom addition to a two-story single-family residence that encroaches into the required rear yard.

PLANNING CODE SECTION 134 requires the subject property to maintain a rear yard of 25% of the lot depth. The unpermitted sunroom is located entirely within the required rear yard. Therefore, the project requires a 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/2017-012454VAR.pdf>.

## B. REGULAR CALENDAR

5. **2017-012132VAR** **(CHRISTOPHER TOWNES)**  
**99 CEDRO AVENUE**, Lot 021 in Assessor's Block 6909 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 project proposes a horizontal front and rear addition to an existing 4,770 square-foot, 2-story (above 1-level basement), single family home at the first and basement floor levels, excavation for the addition of a new second level basement gymnasium, as well as the demolition of an existing 531 square-foot, detached 1-story, 1-car garage and the construction of a new 821 square-foot, detached 1-story, 3-car garage.

PLANNING CODE SECTION 134 requires the subject property to maintain a rear yard of 25% of the lot depth (or 31.5 feet). The proposed addition would encroach approximately 24.5 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/2017-012132VAR.pdf>.

6. **2017-006656VAR** **(SARA VELLVE)**  
**2450 - 2452 FILBERT STREET**, Lot 009 in Assessor's Block 0513 in a RH-1 (House, One-Family) Zoning District and a 40-X Height and Bulk District.

**REAR YARD VARIANCE SOUGHT:** The proposal is part of a larger remodeling project for the existing three-story, two-unit residential building. The specific proposal for this variance is only to demolish and reconstruct the decks at the rear of the second and third floors. The existing decks are approximately 3 feet deep and the proposed decks are 6 feet deep.

PLANNING CODE SECTION 134 requires the subject property to provide a rear yard equal to 25 percent of the lot depth, which is approximately 34 feet. The existing cantilevered decks project approximately 3 feet into the required rear yard, and the proposed cantilevered decks project approximately 6 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/2017-006656VAR.pdf>.

7. **2017-009370VAR** **(BRITTANY BENDIX)**  
**3060 PACIFIC AVENUE**, Lot 007A in Assessor's Block 0694 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 reconstruct and expand the existing non-conforming rear portion of the single-family dwelling.

PLANNING CODE SECTION 134 requires the subject property to provide a rear yard equal to 25 percent of the lot depth. The subject property has a depth of 127 feet and a required rear yard of 31 feet 9 inches. However, the existing building is nonconforming with regard to the rear yard requirement and provides a rear yard ranging from 24 feet 12 inches to 19 feet 4 inches. The project includes an expansion at the basement and first floor levels that will reduce the rear yard at the northwest corner of the property to 12 feet 6 inches. The project also includes a deck in the required rear yard that will be approximately 3 feet 6 inches above the average grade, where 3 feet is permitted. Therefore, the project requires a 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/2017-009370VAR.pdf>.

8. **2016-004355VAR** **(CHRISTOPHER TOWNES)**  
**4152-4154 24TH STREET**, Lot 013 in Assessor's Block 2831 in a 24th St-Noe Valley NCD (Neighborhood Commercial District) Zoning District and a 40-X Height and Bulk District.

**REAR YARD MODIFICATION VARIANCE SOUGHT:** Front Building: The proposal includes a remodel and horizontal/ vertical addition to an existing 2-story, 22 feet 6 inches tall, 2,546 square feet, single family residence to create a 4-story, 36 feet 3 inches tall 4,402 square foot, three dwelling unit residential building with one off-street parking space.

Rear Building: The proposal is to construct a new 3-story, 32 feet 3 inches tall, 2,141-square foot dwelling unit.

PLANNING CODE SECTION 134, requires a rear setback for the subject property of 25% of the lot depth (or 28.5 feet). The proposed building would abut the rear property line; therefore, a rear yard modification 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/2016-004355VAR.pdf>.

9. **2018-000806VAR** **(DAVID WEISSGLASS)**

**2224 BAKER STREET**, Lot 018 in Assessor's Block 0976 in an RH-3 (Residential-House, Three Family) Zoning District and a 40-X Height and Bulk District.

**REAR YARD VARIANCES SOUGHT:** The proposal is to remove an existing non-compliant staircase at the south side of the property and replace it with new non-combustible stairs at the north property line connecting the second story deck to the rear yard.

PLANNING CODE SECTION 134 requires the subject property to maintain a rear yard of 49 feet 6 inches in depth. A rear yard variance was granted in 1987 allowing a deck to extend an additional 15 feet 6 inches into the required rear yard, resulting in a rear yard of 35 feet. A noncompliant stair was later built from that deck down to the rear yard. The proposed replacement stairs are to extend 6 feet 6 inches past the deck, resulting in a rear yard of 27 feet 6 inches. 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/2018-000806VAR.pdf>.

10. **2017-014661VAR** **(DORI GANETSOS)**

**462 FILBERT STREET**, Lot 060 in Assessor's Block 0087 in a RH-3 (Residential, Three House) Zoning District and a 40-X Height and Bulk District

**EXPOSURE VARIANCE SOUGHT:** The proposed project is to add one Accessory Dwelling Unit (ADU) at the basement level of an existing three-story, two unit building.

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 ADUs. There is an existing courtyard between the two buildings on the lot. The glazing on the west side of the proposed ADU faces an area that is approximately 7 feet nine inches by 28 feet four inches. The glazing on the north side of the proposed ADU faces an area that is 9 feet by 17 feet 3 inches after the exterior stairs. Both of these areas are 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/2017-014661VAR.pdf>.

11. **2017-013669VAR** **(DORI GANETSOS)**  
**1650 CALIFORNIA STREET**, Lot 010 in Block 0643 in the Polk Street Neighborhood Commercial Zoning District and a 65-A Height and Bulk District

**EXPOSURE VARIANCE SOUGHT:** The project proposes to add two Accessory Dwelling Units (Units C and D) at the basement level of an existing three-story plus basement, twenty four-unit residential building undergoing seismic retrofitting. Two additional ADU's (Units A and B) that do not require a variance are also proposed.

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 contains five existing light courts of varying dimensions and an existing rear yard. Unit C will face on to two of the light courts, which are areas measuring 11 feet x 16 feet, and 16 feet 4 inches x 13 feet in size. Both light courts are less than the minimum 15 foot by 15 foot open area required for exposure. Therefore, a variance is required. Unit D will face on to light courts dimensioned 19 feet 9 inches x 10 feet, and 22 feet 7 inches x 11 feet. Both light courts are 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/2017-013669VAR.pdf>.

12. **2017-014302VAR** **(ESMERALDA JARDINES)**  
**2637-2645 MISSION STREET**, Lot 027 in Assessor's Block 3637 in a Mission NCT Zoning (Mission Street Neighborhood Commercial Transit) Zoning District and a 65-B Height and Bulk District.

**REAR YARD, USABLE OPEN SPACE & EXPOSURE VARIANCES SOUGHT:** The project proposes to convert commercial storage space at the rear into three residential units. The proposal would not expand the existing building envelope.

PLANNING CODE SECTION 134 requires the subject property to maintain a rear yard of 30 feet and 7 inches. The subject property currently complies with

the rear yard requirement at every residential level. However, the proposed conversion of ground floor commercial storage to residential units triggers a rear yard requirement on the ground floor, which only provides a rear yard of 8 feet 10 inches. Two of the three proposed new residential units proposed are within the required rear yard. Therefore, a rear yard variance is required.

PLANNING CODE SECTION 135 requires the subject property to maintain 100 square feet of usable open space for each dwelling unit. The proposed 3 dwelling units require an additional 300 additional square feet of usable open space, for a total of 1,100 square feet. The proposal does not comply with the usable open space requirement because does not satisfy dimensional requirements. Further, Class 1 bicycle parking spaces are provided within the aforementioned open space, which are not permitted obstructions. Therefore, a usable open space variance is required.

PLANNING CODE SECTION 140 requires that all dwelling units face a code-complying open area. The proposed three new dwelling units do not face a code-complying open space because the rear yard measures approximately 8 feet 10 inches. Therefore, an exposure 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/2017-014302VAR.pdf>.

13. **2016-013149VAR** (LAURA AJELLO)  
**1919-1923 UNION STREET**, Lots 094-096 in Assessor's Block 0542 in the Union Street NCD (Neighborhood Commercial District) Zoning District and a 40-X Height and Bulk District.

**REAR YARD VARIANCE SOUGHT:** The proposal is to legalize two decks and a spiral staircase, which was constructed without the benefit of a building permit, located in the required rear yard of the existing 3-story mixed-use building.

PLANNING CODE SECTION 134 requires the subject property to provide a 25 foot rear yard at the second story and above. The existing nonconforming building extends 10 feet 4 inches into the rear yard and contains a roof deck proposed to be legalized above the third story. The second deck to be legalized projects 5 feet from the building at the third story, leaving a rear yard of 9 feet 8 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/2016-013149VAR.pdf>.

14. **2018-000775VAR** (LINDA AJELLO-HOAGLAND)  
**600 EUGENIA STREET**, Lot 032 in Assessor's Block 5666 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 to construct a spiral staircase and landing to access the rear yard from the second floor living area.

PLANNING CODE SECTION 134 requires the subject property to maintain a rear yard of 24 feet 6 inches. The existing building encroaches into the rear yard. Because the proposed spiral staircase and landing would encroach an additional 5 feet 6 inches into the rear yard (to within 12 feet of the rear property line), 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/2018-000775VAR.pdf>.

15. **2016-013400VAR** (SEEMA ADINA)  
**1350 PINE STREET**, Lot 006 in Assessor's block 0250 in an RC-4 (Residential-Commercial, High Density) Zoning District and a 65-A Height and Bulk District.

**EXPOSURE VARIANCE SOUGHT:** The proposed project is to add two Accessory Dwelling Units at the ground floor level of an existing 4-story, 29-unit building.

PLANNING CODE SECTION 140 requires qualifying windows of each unit face directly onto a public street or an open area of a specific dimension. The dimensions of the open area may be reduced to 15 feet in width and depth for Accessory Dwelling Units. The subject property faces an open area that is 10 feet 2 inches x 42 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/2016-013400VAR.pdf>.

16. **2016-000899VAR** (SHARON YOUNG)  
**6137 - 6147 GEARY BOULEVARD**, Lot 036 in Assessor's Block 1519 in a NC-3 (Neighborhood Commercial, Moderate Scale) Zoning District and a 40-X Height and Bulk District.

**REAR YARD, OPEN SPACE, & EXPOSURE VARIANCES SOUGHT:** The proposal is to convert the existing 2nd and 3rd floors of the commercial building into four new residential units, raise the building's roof an additional 2 feet, infill the front roof of the building to accommodate a new 4th floor, construct new side, rear, and roof decks (with stair penthouse), and reconstruct the rear noncomplying portion of the building on the proposed 2nd to 4th floors. The proposed project will also include facade and interior modifications to the entire building that are not the subject of this variance request. The existing ground (1st floor) tenant space will be maintained for commercial use.

PLANNING CODE SECTION 134 requires the provision of a rear yard in the NC-3 Zoning District at the lowest level where a dwelling is located. The required rear yard for the subject property is 25 feet. The project requires a rear variance for the new residential units because rear yards are required at the

lowest story containing a dwelling unit, and at each succeeding level or story of the building. The proposed project will partially meet these rear yard requirements by providing a 10-foot deep rear yard setback on the proposed 2nd and 3rd floors and a 25-foot deep rear yard setback on the proposed 4th floor by reconstructing the rear portion of the existing building (to reduce the existing building depth), which currently extends to the rear property line. Therefore, the project requires a variance from Planning Code Section 134.

PLANNING CODE SECTION 135 requires private usable open space on a deck, balcony, porch or roof to either face a street, face or be within a rear yard, or face or be within some other space which at the level of the private usable open space meets the minimum dimension and area requirements for common usable open space. The proposed project will not meet these requirements for the residential unit (Unit #2) at the front of the second floor, which will provide usable open space on an approximately 80 square foot side deck within a lightwell abutting the east side property line.

PLANNING CODE SECTION 140 requires the subject property to have windows of each unit face directly onto a public street or other adequate open space. The proposed project will not meet these requirements for the residential unit (Unit #1) at the rear of the second floor, which will face a noncomplying rear yard. Therefore, the project requires a 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/2016-000899VAR.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.