

# PLANNING DEPARTMENT CITY AND COUNTY OF SAN FRANCISCO

## Notice of Hearing on Applications for Zoning Variance

Remote Hearing via Video & Teleconferencing  
(See Access Information Below)

Live, Wednesday, December 2, 2020

Session Begins at 9:30 A.M.

### Public Hearing

Corey A. Teague, 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 (628) 652-7300.

**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 **normally** held at **City Hall, 1 Dr. Carlton B. Goodlett Place, Room 408, Fourth Floor**, San Francisco, CA 94103. 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.

Personal information that is provided in communications to the Planning Department is subject to disclosure under the California Public Records Act and the San Francisco Sunshine Ordinance. Personal information provided will not be redacted.

Members of the public are not required to provide personal identifying information when they communicate with the Planning Department and its commissions. All written or oral communications that members of the public submit to the Department regarding projects or hearings will be made available to all members of the public for inspection and copying. The Department does not redact any information from these submissions. This means that personal information including names, phone numbers, addresses and similar information that a member of the public elects to submit to the Department and its commissions may appear on the Department's website or in other public documents that members of the public may inspect or copy.

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 and time listed on the first page of this Calendar:

**Remote Access to Information and Participation**

*In accordance with Governor Gavin Newsom's statewide order for all residents to "Shelter-in-Place" - and the numerous preceding local and state proclamations, orders and supplemental directions - aggressive directives have been issued to slow down and reduce the spread of the COVID-19 virus.*

*On April 3, 2020, the Planning Department was authorized to resume their hearing schedule remotely. Therefore, the Zoning Administrator's hearings will be held via videoconferencing and allow for remote public comment.*

*The Zoning Administrator strongly encourages interested parties to submit their comments in writing to their assigned Planner prior to the hearing. **To view the hearing, please use the following link at the start of the hearing:** The Cisco WebEx app is supported by Chrome, Explorer, and Safari.*

**[Watch the Variance Hearing](#)**

*This link may also be accessed on the Remote Hearings page of the Planning Department website. Members of the public may also call into the hearing to provide comment by dialing the following telephone number during the hearing using the information below:*

<b>USA Toll-Free Number</b>	<b>Access Code</b>
415-655-0001	146 672 8800

**NOTE: A Password is not required to join the Hearing.**

*As the COVID-19 emergency progresses, please visit the Planning Department's website regularly to be updated on the current situation as it affects the hearing process of the Zoning Administrator.*

**A. WITHDRAWN VARIANCE CASE****1. 2018-016355VAR (ASHLEY LINDSAY)**

**745 VIENNA STREET**, Lot 034 in Assessor's Block 6339 in an RH-1 (Residential-House, One Family) Zoning District and a 40-X Height and Bulk District.

**REAR YARD VARIANCE SOUGHT:** The proposal is to 1) legalize non-permitted building envelope at the rear, 2) legalize an unpermitted unit on ground floor at rear of existing single family home, 3) construct an addition of a 2nd floor, and 4) add an ADU in an existing detached rear yard cottage.

PLANNING CODE SECTION 134 requires the subject property to maintain a rear yard of approximately 30 feet. The legalization of an ADU in an existing detached storage cottage encroaches into the last 19 feet of the require 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: <https://citypln-m-extnl.sfgov.org/SharedLinks.aspx?accesskey=ce60a1d3ab2cf070f1ef81036f04d32607aed518b56bb7f93acb3db4b9d79e28&VaultGUID=A4A7DACD-B0DC-4322-BD29-F6F07103C6E0>

**B. 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 on Wednesday, March 24, 2021 at the regularly scheduled Monthly Variance Hearing:**

**2. 2015-008499VAR (KIMBERLY DURANDET)**

**408 CORTLAND AVENUE**, Lot 025 in Assessor's Block 5678, in the Cortland Avenue NCD Zoning District and a 40-X Height and Bulk District.

**REAR YARD VARIANCE SOUGHT:** The proposal is to construct a second story addition of approximately 27 feet by 25 feet on top of the existing one-story portion of the building at the rear of the lot, for the purpose of providing additional commercial uses.

PLANNING CODE SECTION 134 requires the subject property to maintain a rear yard equal to 25% of the lot depth at the second story, and at each succeeding story of the building, and at the First Story if it contains a Dwelling Unit. The existing building at the rear of the lot falls within the required rear yard, as would the proposed addition. Therefore, a variance is required.

## C. CONSENT CALENDAR

All items listed hereunder constitute a Consent Calendar and are considered 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.

3. **2019-011869VAR** **(CHRISTOPHER MAY)**  
**817 LYON STREET**, Lot 003 in Assessor's Block 1150 in an RH-3 (Residential, House - Three-Family) Zoning District and a 40-X Height and Bulk District.

**FRONT SETBACK VARIANCE SOUGHT:** The project proposes to add a new dwelling unit and construct 2- and 3- story horizontal rear additions and a 3rd floor vertical addition to the existing 2-story single-family dwelling.

PLANNING CODE SECTION 132 requires the subject property to maintain a front setback equal to the average of the two adjacent buildings which, in this case, is approximately 9 feet 11 inches. The existing building is set back approximately 9 feet 11 inches from the front lot line. However, the existing 2nd floor bay window projects approximately 3 feet 9 inches into the required front setback and is therefore legal noncompliant. The project proposes to extend this noncompliant bay window upwards on the vertical addition. 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: <https://citypln-m-extnl.sfgov.org/SharedLinks.aspx?accesskey=2f5e619b980d5c423a72576665cb9dec4e38685087ff1006d397361d45ca836&VaultGUID=A4A7DACD-B0DC-4322-BD29-F6F07103C6E0>

4. **2020-005268VAR** **(MOSES CORRETTE)**  
**3673 JACKSON STREET**, Lot 019 in Assessor's Block 0988 in an RH-1 (Residential, House, One-Family) Zoning District and a 40-x Height and Bulk District.

**REAR YARD VARIANCE SOUGHT:** The proposal is to enclose the exterior walkway to connect the kitchen with the existing pool house and to convert the pool house to a family room.

PLANNING CODE SECTION 134 requires the subject property to maintain a rear yard equal to 30% of the lot depth. The proposed connection would occupy space 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: <https://citypln-m-extnl.sfgov.org/SharedLinks.aspx?accesskey=997a1c494da3f8be60b35f271c6473fcc5449e5f3e228d2688946b5923a8c6e0&VaultGUID=A4A7DACD-B0DC-4322-BD29-F6F07103C6E0>

5. **2020-006525VAR** **(MOSES CORRETTE)**  
**1990 LOMBARD STREET**, Lot 015 in Assessor's Block 0493 in a NC-3 Zoning District and 40-X Height and Bulk District.

**REAR YARD MODIFICATION VARIANCE SOUGHT:** The proposal is to convert the two upper floors of an existing office and commercial building to 6 dwelling units, and to construct a new roof deck and stair penthouse.

PLANNING CODE SECTION 134 requires the subject property to provide a rear yard equal to 25 % of the lot depth at the lowest story containing a dwelling unit and above. Converting the upper floors to residential use triggers this requirement, but the existing building covers the entire lot. Therefore, the project requires a rear yard modification pursuant to Planning Code Section 134(h).

**ARCHITECTURAL PLANS:** The site plan and elevations of the proposed project are available on the Planning Department's website at: <https://citypln-m-extnl.sfgov.org/SharedLinks.aspx?accesskey=e792679075fb9722c95fdab9c3dad464bf654557914a4f09c6ec503aa3f22269&VaultGUID=A4A7DACD-B0DC-4322-BD29-F6F07103C6E0>

## B. REGULAR CALENDAR

6. **2017-007117VAR** **(REBECCA SALGADO)**  
**370 LEXINGTON STREET**, Lot 059 in Assessor's Block 3609 in an RTO-M (Residential Transit Oriented-Mission) Zoning District and a 40-X Height & Bulk District.

**REAR YARD VARIANCE SOUGHT:** The project proposes to replace an existing one-story addition with a new, larger one-story addition extending to the rear lot line at the rear of the subject property.

PLANNING CODE SECTION 134 requires the subject property to maintain a rear yard equal to a minimum of 25 percent of the lot depth (18.75 feet). The proposed addition is located 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: <https://citypln-m-extnl.sfgov.org/SharedLinks.aspx?accesskey=edf87e56b4a6f22a6e0ba02228d6d637a64b04676539ca3f570ed864d5820405&VaultGUID=A4A7DACD-B0DC-4322-BD29-F6F07103C6E0>

7. **2020-004634VAR** **(REBECCA SALGADO)**  
**1240 BUSH STREET**, Lot 004 in Assessor's Block 0278 in an RC-4 (Residential-Commercial, High Density) Zoning District and an 80-A Height & Bulk District.

**EXPOSURE VARIANCE SOUGHT:** The project proposes to add 5 new ADUs at the ground floor of an existing 16-unit building.

PLANNING CODE SECTION 140 requires dwelling units to front onto an open area meeting minimum dimensions. The proposal would result in the three dwelling units facing the side courtyard fronting an area of only 8 feet by 92 feet, which does not meet the minimum dimensional requirements. 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: <https://citypln-m-extnl.sfgov.org/SharedLinks.aspx?accesskey=b0139bee9782961cef08b439be7681d2a5dd85253884ce0d174599264e8e87ed&VaultGUID=A4A7DACD-B0DC-4322-BD29-F6F07103C6E0>

8. **2019-002900VAR** (SAMANTHA UPDEGRAVE)

**2 TURK STREET**, Lot 004 in Assessor's Block 0340 in a C-3-G Zoning District and a 120-X Height and Bulk District.

**REAR YARD, OPEN SPACE AND EXPOSURE VARIANCES SOUGHT:** The project proposes to change the use of the existing ten-story, 41,512-square-foot structure from a Tourist Hotel with 117-rooms to a Residential Use with 102 Student Group Housing units with 236 beds. The Student Housing is for The Minerva Schools at KGI, which has an accepted Abbreviated Institutional Master Plan filed at 1145 Market Street.

PLANNING CODE SECTION 134 requires the subject property to provide a rear yard for residential uses equal to 25% of the lot depth. The existing building covers the entire lot. Therefore, a rear yard variance is required.

PLANNING CODE SECTION 135 requires 36 square feet of Private Open Space or 48 square feet of Common Open Space per dwelling unit, which is reduced by one-third for group housing per bedroom, or 1,870 square feet for this project. The subject property contains no areas that qualify as Open Space. Therefore, an open space variance is required.

**ARCHITECTURAL PLANS:** The site plan and elevations of the proposed project are available on the Planning Department's website at: <https://citypln-m-extnl.sfgov.org/SharedLinks.aspx?accesskey=6da6a5f05b3f331d2126be9cb9ad8e5d67b3986cb0d12ff0be26a45ce25046df&VaultGUID=A4A7DACD-B0DC-4322-BD29-F6F07103C6E0>



9. **2020-006556VAR** **(MOSES CORRETTE)**  
**135 - 3RD AVENUE**, Lot 009 in Assessor's Block 1363 in an RH-2 (Residential-House, Two-Family) Zoning District and a 40-x Height and Bulk District.
- REAR YARD VARIANCE SOUGHT:** The project proposes to remove a one-story rear yard deck and spiral stairs and replace with a one-story rear yard addition with spiral stairs.
- PLANNING CODE SECTION 134 requires the subject property to maintain a rear yard equal to 45% of the lot depth, or the average of adjacent structures, up to 25% of the lot depth. The proposed addition would fall 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: <https://citypln-m-extnl.sfgov.org/SharedLinks.aspx?accesskey=18d8297b557d8687eeeeaceab813813d33c974426e231ac2531a12a0491b1291&VaultGUID=A4A7DACD-B0DC-4322-BD29-F6F07103C6E0>
10. **2016-006742VAR** **(CATHLEEN CAMPBELL)**  
**871 SANCHEZ STREET**, Lot 021 in Assessor's Block 3620 in an RH-1 (Residential House, One Family) Zoning District, Dolores Heights Special Use District, and a 40-X Height & Bulk District.
- REAR YARD VARIANCE SOUGHT:** The project proposes to "fill-in" at the lower level of a legal nonconforming building extension on posts to add additional living space to an existing single-family, three-story home. The proposal is to also construct an expansion within the buildable area, a rear roof deck, pergola, and extensive interior renovations.
- PLANNING CODE SECTION 241 requires the subject property to maintain a rear yard of 45% of lot depth. The project proposes to fill in at the lower level of a legal nonconforming building extension that is located 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: <https://citypln-m-extnl.sfgov.org/SharedLinks.aspx?accesskey=9d75ebbae80215ab66feada2cf217bb0ae70ba0f9066514d811fb47653967bb2&VaultGUID=A4A7DACD-B0DC-4322-BD29-F6F07103C6E0>
11. **2019-000969VAR** **(GABRIELA PANTOJA)**  
**4822 - 19TH STREET**, Lot 031 in Assessor's Block 2689 in a RH-1 Zoning District and a 40-X Height and Bulk District.
- REAR YARD VARIANCE SOUGHT:** The proposal is to construct a new two-story over basement, single-family residence on the existing vacant lot. The proposed building will be approximately 2,310 square feet in area, measure approximately 22 feet 1 inch in depth, and 55 feet 9 inches in width at maximum.

PLANNING CODE SECTION 134 requires the subject lot to maintain a minimum rear yard equal to 30 percent of the total lot depth or 15 feet, whichever is greater. The required rear yard for the subject property is 15 feet. The proposed building will encroach 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: <https://citypln-m-extnl.sfgov.org/SharedLinks.aspx?accesskey=3f7e43e4f21c285678537b604c0d7286b05613a6ca16498057848c7b75bbc22b&VaultGUID=A4A7DACD-B0DC-4322-BD29-F6F07103C6E0>

12. **2020-006225VAR** (KIMBERLY DURANDET)  
**1374-1376 ALABAMA STREET**, Lots 047 & 048 in Assessor's Block 4271, in a RH-2 Zoning District, the Calle 24 Special Use District, and 40-X Height and Bulk Districts.

**REAR YARD VARIANCE SOUGHT:** The proposal is to remove the rear stairs and replace with a new deck at the 2nd floor, a property line firewall, and stairs down to the rear yard.

PLANNING CODE SECTION 134 requires the subject lot to maintain a minimum rear yard equal to 45 percent of the total lot depth, or down to 25% of the lot depth when using the average of adjacent buildings. The required rear yard for the subject property is 25 feet. The proposed stairs and firewall will encroach 3 feet 6 inches 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: <https://citypln-m-extnl.sfgov.org/SharedLinks.aspx?accesskey=95e752c28a7db0cc4581f8f1dea5d015403aec556bf4e0116a0fffb98cd37533&VaultGUID=A4A7DACD-B0DC-4322-BD29-F6F07103C6E0>

13. **2020-009544VAR** (GABRIELA PANTOJA)  
**200 RANDOLPH STREET**, Lot 049 in Assessor's Block 7089, in a RH-2 Zoning District and 40-X Height and Bulk District.

**REAR YARD VARIANCE SOUGHT:** The proposal is to construct a one-story, horizontal addition to an existing one-story, detached community room structure located within the rear yard of the subject property. The subject property is also occupied by two additional residential buildings that contain 26 dwelling units. The proposed one-story horizontal addition will be approximately 13 feet 7 inches in width and 20 feet in depth.

PLANNING CODE SECTION 134 requires the subject lot to maintain a minimum rear yard equal to 45 percent of the total lot depth. The subject property is required to maintain a rear yard equal to 45 feet. The proposed horizontal addition will expand the existing legal non-conforming structure and further encroach 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: <https://citypln-m-extnl.sfgov.org/SharedLinks.aspx?accesskey=ba087c91060abd82c0915034daa131712540e21a2bb671f93cfbc3aa1d2c18f4&VaultGUID=A4A7DACD-B0DC-4322-BD29-F6F07103C6E0>

**14. 2020-004517VAR (CATHLEEN CAMPBELL)**

**4030 - 19TH STREET**, Lot 019 in Assessor's Block 3583 in an RH-3 (Residential-House, Three Family) Zoning District and a 40-x Height and Bulk District.

**EXPOSURE VARIANCE SOUGHT:** The proposed project is to add two Accessory Dwelling Units (ADU) at the ground floor and basement level of an existing four-story over basement, 15-unit building.

PLANNING CODE SECTION 140 requires each new dwelling unit to front a qualifying open area. Section 307(l) allows the Zoning Administrator to grant a partial waiver of the exposure requirement for an ADU, such that the exposure requirement may be satisfied through windows facing a generally unobstructed open area that is at least 225 square feet in area and is 9 feet in every horizontal direction. The proposed ADUs do not face an open area meeting the minimum requirements of Section 140 or have qualifying windows face an open area that is at least 225 square feet and 9 feet in every horizontal direction. 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: <https://citypln-m-extnl.sfgov.org/SharedLinks.aspx?accesskey=c40192996260f76d1ecbf47fc50a6f3dc30318e7eb884b52a7b3b91961526742&VaultGUID=A4A7DACD-B0DC-4322-BD29-F6F07103C6E0>

**15. 2017-009964VAR (CAROLYN FAHEY)**

**526-530 LOMBARD STREET**, Lot 011 in Assessor's Block 0063 in an RM-2 (Residential-Mixed, Moderate Density) Zoning District and a 40-X Height & Bulk District.

**REAR YARD VARIANCE SOUGHT:** The project proposes to construct a four-story, two-dwelling unit structure in the rear yard of a through lot that fronts on both Lombard and Fielding Streets.

PLANNING CODE SECTION 134(c)(4)(C) requires the subject property to maintain a rear yard of at least 25% in between the average of the two buildings on the through lot. The subject property therefore must maintain a rear yard of approximately 34 feet 4 inches. The existing stairs at the front building encroach into the required rear yard by 11 feet 10 inches, therefore requiring a rear yard variance.

PLANNING CODE SECTION 140 requires all dwelling units to face a code-complying rear yard, a public street or alley at least 20 feet in width, or an open

space of adequate size. The new dwelling units do not front on such a required space, and therefore require an exposure variance.

**ARCHITECTURAL PLANS:** The site plan and elevations of the proposed project are available on the Planning Department's website at: <https://citypln-m-extnl.sfgov.org/SharedLinks.aspx?accesskey=785bcbb13df65c8f28b671a134c24ee39998b3a209d96010377bfce1698e3391&VaultGUID=A4A7DACD-B0DC-4322-BD29-F6F07103C6E0>

## 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

## Notice

The Planning Department has moved to a new office. Since August 17, 2020, the Planning Department is now located at **49 South Van Ness Avenue, Suite 1400**.

## 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**. However, due to Covid-19 and in compliance with the Shelter-In-Place Order in San Francisco, the Zoning Administrator has been holding his monthly Variance Hearings remotely using Video and Teleconferencing since April 2020.

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 used for each speaker and indicates how much time remains. Speakers will hear a notification indicating that the speaker's opportunity to address the Zoning Administrator is about to end or 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 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 49 South Van Ness Avenue, Suite 1475, call **(628) 652-1150**, or visit the [San Francisco Board of Appeals](#) website.

If any members of the public would like to receive a copy of the signed Variance Decision Letter via email, please send a request by email addressed to the Planner assigned to the case. The name of the Planner can be found in this Agenda, in the notice that you received in the mail, or in the poster posted on the subject property.

#### **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.

**Privacy Policy**

SF Planning is committed to protecting the privacy rights of individuals and security measures are in place to protect personally identifiable information (PII), i.e. social security numbers, driver's license numbers, bank accounts. Members of the public are not required to provide PII to the Commission or Department, as all written submittals and oral communications become part of the public record, which can be made available to the public for review and/or viewable on Department websites. Members of the public submitting materials containing PII are responsible for redacting said sensitive information prior to submittal of documents to Planning.