

# PLANNING DEPARTMENT CITY AND COUNTY OF SAN FRANCISCO

## Notice of Hearing on Applications for Zoning Variance

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

Wednesday, September 27, 2023

Session Begins at 9:30 A.M.

### Public Hearing

Corey A. Teague, Zoning Administrator

Suzy Parinas, 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 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 (628) 652-7318** 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 (628) 652-7550** 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 (628) 652-7550. 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 (628) 652-7550. Por favor llame por lo menos 48 horas de anticipación a la audiencia.

**CHINESE:**

聽證會上如需要語言協助或要求輔助設備，請致電 (628) 652-7550。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 (628) 652-7550. 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 (628) 652-7550. Запросы должны делаться минимум за 48 часов до начала слушания.

## Instructions for Remote Public Comment

### PHONE

Phone number: +1 (415) 655-0001  
Access Code: 2660 870 2748##

*Note: the Access Code will change for each hearing.*

1. Call phone number, **enter Access Code, then press ##** (pound, pound).
2. When you hear "You are muted." Stop and **listen**.
3. Wait for **Public Comment** to be announced (by Item Number or for General Public Comment).
4. **To comment, press \* 3** (star 3) to "raise your hand."
5. Once you raise your hand, you will hear the prompt: **"You have raised your hand to ask a question. Please wait to speak until the host calls on you."**
6. Wait for your turn to speak.
7. When you hear **"you're unmuted"** that is your indication to begin speaking.

#### **IF YOU NO LONGER WANT TO COMMENT**

- Press \* 3 (star 3) to lower your hand.

### ONLINE

[Link to WebEx](#)  
Password: VAR0927

*Note: the link and password will change for each hearing.*

1. Click on above hyperlink "Link to WebEx."
2. Enter your First and Last name, plus email address.
3. Enter Password and click ok.
4. Stop and **listen**.
5. Wait for **Public Comment** to be announced (by Item Number or for General Public Comment).
6. To comment click on **"raise hand"** icon.
7. You will hear a beep and see the prompt **"the host has unmuted you"** - that is your indication to begin speaking.

#### **IF YOU NO LONGER WANT TO COMMENT**

- Click "raise hand" icon again.

### **PUBLIC COMMENT**

- You will receive instructions on how much time you have to provide your comments. You will receive an alert when you have only 30 seconds left.
- Once your public comment time has ended, you will move out of the speaker line and back to listening as a participant (unless you disconnect).
- Participants who wish to speak on other items on the Agenda, or for other comment periods, may stay on the meeting line and listen for the next prompt.

**A. CONSIDERATION OF AN ITEM PROPOSED FOR CONTINUANCE**

The Zoning Administrator will consider a request for continuance to a later date. She 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 indefinitely:**

1. **2014-003219VAR** **(GABRIELA PANTOJA)**  
**369 VALLEY STREET**, Lot 033 in Assessor's Block 6620, in an RH-2 Zoning District, and 40-X Height and Bulk District.

**REAR YARD VARIANCE SOUGHT:** The proposal is to relocate and expand an existing one-story single-family residence.

PLANNING CODE SECTION 134 requires the subject lot to maintain a minimum rear yard equal to 45 percent of the total lot's depth or a line representing the average rear yard of the adjacent properties, but no less than 25 percent or 15 feet, whichever is greater. The required rear yard for the subject property is approximately 36 feet 6 inches. The proposed expansion will project approximately 11 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=b5a26fec44cf69ea179b863a27094daa81e00e09681692ed414056d7dc6b8d1&VaultGUID=A4A7DACD-B0DC-4322-BD29-F6F07103C6E0>

**To be continued to Wednesday, October 25, 2023, during the regularly scheduled monthly Variance Hearing:**

2. **2021-011076VAR** **(CHRISTY ALEXANDER)**  
**2800 BALBOA STREET**, Lot 012C in Assessor's Block 1572, in an RH-2 Zoning District, and a 40-X Height and Bulk District

**REAR YARD VARIANCE SOUGHT:** The project proposes to construct a new one-story, detached, one-car garage located in the rear yard that would front onto Balboa Street.

PLANNING CODE SECTION 134 requires the subject property to maintain a rear yard of approximately 31 feet 8 inches. The proposed garage falls entirely within the required rear yard. Therefore, a variance is required.

**ARCHITECTURAL PLANS:** The site plan and elevations of the proposed project are available on the Planning Department's website at: <https://citypln-m-extnl.sfgov.org/SharedLinks.aspx?accesskey=dfb6b2d8ec93f243f537d15aefcbc3aefccac44b35ac44f0ad2f3a4e3fd92cb2&VaultGUID=A4A7DACD-B0DC-4322-BD29-F6F07103C6E0>

## B. CONSENT CALENDAR

### 3. 2022-010592VAR

(XINYU LIANG)

**160 10TH STREET**, Lot 009 in Assessor's Block 3510, in an RCD Zoning District, Western SoMa SUD, and a 55-X Height and Bulk District

**OPEN SPACE AND REAR YARD VARIANCES SOUGHT:** The proposal is to legalize an existing single-family residence, which was originally authorized as an industrial building.

PLANNING CODE SECTION 134 requires the subject lot to maintain a minimum rear yard equal to 25 percent of the total depth of the lot or 15 feet, whichever is greater. The required rear yard for the subject property is approximately 20 feet. The existing building occupies the entire lot with no rear yard. Therefore, a variance is required.

PLANNING CODE SECTION 135 requires 80 square feet of useable open space to be provided per dwelling unit, and Planning Code Section 249.39 prohibits roof decks from qualifying as required useable open space. The Project only includes a 450 square foot 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: <https://citypln-m-extnl.sfgov.org/SharedLinks.aspx?accesskey=24ebaacb26cd5319476c2f272e616729c0b060564a6e3dc56fa3d55c16dca334&VaultGUID=A4A7DACD-B0DC-4322-BD29-F6F07103C6E0>

### 4. 2023-002636VAR

(MICHELLE TAYLOR)

**3065-3067 MARKET STREET**, Lot 041 in Assessor's Block 2658, in an RH-2 Zoning District, Central Neighborhoods Large Residence SUD, and a 40-X Height and Bulk District

**REAR YARD VARIANCE SOUGHT:** The project proposes to replace the existing 3-story stairs in the rear in-kind, but also construct a new 3-story firewall along the property line.

PLANNING CODE SECTION 134 requires an average rear yard of 21 feet 11 inches. The proposed rear stair and firewall will encroach approximately 7 feet 4 inches into 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: <https://citypln-m-extnl.sfgov.org/SharedLinks.aspx?accesskey=b831591e9832481d1e1cb5de190e322b9e318fd283bedbdb7bf453be4790fb30&VaultGUID=A4A7DACD-B0DC-4322-BD29-F6F07103C6E0>

**5. 2021-010569VAR**

**(MATHEW CHANDLER)**

**457 DIAMOND STREET**, Lot 023 in Assessor's Block 2769, in an RH-3 Zoning District, Central Neighborhoods Large Residence SUD, and a 40-X Height and Bulk District

**REAR YARD VARIANCE SOUGHT:** The proposal is to infill a recessed portion of the building with a horizontal expansion towards the side property line.

PLANNING CODE SECTION 134 requires the subject property to maintain a rear yard of 45% of the total lot depth. The proposal will expand a portion of the building that is currently in 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=9b0b98fd00d68f69799fa17f4e4f1bd55bb013e13655b2434dea3a1794078fbd&VaultGUID=A4A7DACD-B0DC-4322-BD29-F6F07103C6E0>

**6. 2023-004664VAR**

**(EDGAR OROPEZA)**

**91 COLERIDGE STREET**, Lots 063 & 064 in Assessor's Block 5610A, in an RH-2 Zoning District, the Bernal Heights Special Use District, and a 40-X Height and Bulk District

**FRONT SETBACK AND REAR YARD VARIANCES SOUGHT:** The proposal is to construct a small horizontal addition at the rear of the existing two-unit building, construct a new front porch, and construct a new front stair and firewall that will extend into the public right-of-way.

PLANNING CODE SECTION 242 requires the subject property to maintain a rear yard equal to 45% of the lot depth, which is 31 feet 6 inches for the subject lot. The proposed rear addition will encroach approximately 11 feet 3 inches into the required rear yard. Therefore, a variance is required.

PLANNING CODE SECTION 136 permits certain obstructions over the property line into the public right-of-way. However, the proposed front stairs and firewall are not permitted obstructions over the 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: <https://citypln-m-extnl.sfgov.org/SharedLinks.aspx?accesskey=3beb614456ab0952cc29c4eb4ba2020b342fc999d829d5318b987ede30a5756c&VaultGUID=A4A7DACD-B0DC-4322-BD29-F6F07103C6E0>

**C. REGULAR CALENDAR****7. 2022-011692VAR****(ASHLEY LINDSAY)**

**4627 17TH STREET**, Lot 021 in Block 1292, in an RH-2 Zoning District, and 40-X Height and Bulk District

**REAR YARD VARIANCE SOUGHT:** The project proposes to construct a one-story vertical addition to the existing single-family building, removal some interior elements, and lower a portion of the existing basement.

PLANNING CODE SECTION 134 requires that the property maintain a rear yard that is 45% of the lot depth or average of adjacent buildings, but in no case less than 25% or 15 feet, whichever is greater. The proposed work encroaches into the required rear yard at the second floor. 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=a56e9307caa277d7e760c211ff90d5d7da2a5a7e939fcf352712b7a8fdf37046&VaultGUID=A4A7DACD-B0DC-4322-BD29-F6F07103C6E0>

**8. 2023-002090VAR****(MATHEW CHANDLER)**

**4232 25TH STREET**, Lot 009 in Assessor's Block 6539, in an RH-2 Zoning District, Central Neighborhoods Large Residence SUD, and a 40-X Height and Bulk District

**REAR YARD VARIANCE SOUGHT:** The proposal is to legalize a two-story expansion at the rear of the building, which is necessary to legalize an unauthorized 3rd dwelling unit and an unauthorized expansion of a separate unit within the building.

PLANNING CODE SECTION 134 requires the subject property to maintain a rear yard equal to approximately 39 feet. The proposal will legalize an unpermitted portion of the building 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=e737fda59791cc4fec7e49020d67b6ce0abb02092a4ac4f9c8cb4640fa83ee63&VaultGUID=A4A7DACD-B0DC-4322-BD29-F6F07103C6E0>

**9. 2023-001584VAR****(TOLU ATOYEBI)**

**438 VICKSBURG STREET**, Lot 036 in Block 6536, in an RH-2 Zoning District, Central Neighborhoods Large Residence SUD, and a 40-X Height and Bulk District



**REAR YARD VARIANCE SOUGHT:** The project proposes to 1) add a roof deck at the rear 3rd story of the building with a 48-inch solid railing, 2) construct a cantilevered deck at the rear 3rd story, and 3) construct a cantilevered deck at the rear second story.

PLANNING CODE SECTION 134 requires the property to maintain a rear yard that is 45% of the lot depth or average of adjacent neighbors, but in no case less than 25% or 15 feet, whichever is greater. The existing noncomplying building has a required rear yard of 22 feet 10 inches. The proposed rear decks and solid railings will encroach approximately 4 feet into the required rear yard at each level. 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=aa73d56e8a7e9ca79f89868298a4363b87276149dcab6e54430737a707ac485a&VaultGUID=A4A7DACD-B0DC-4322-BD29-F6F07103C6E0>

**10. 2023-004629VAR**

**(MATTHEW DITO)**

**267-269 CHATTANOOGA STREET**, Lot 039 in Assessor's Block 3649, in an RH-2 Zoning District, Central Neighborhoods Large Residence SUD, and a 40-X Height and Bulk District

**LOT WIDTH, LOT AREA, AND REAR YARD VARIANCES SOUGHT:** The proposal is to split the existing lot into two lots.

PLANNING CODE SECTION 121(d) requires that every newly created lot in an RH-2 Zoning District maintain a lot width of 25 feet for a sufficient depth to enable the minimum lot area to be satisfied. The proposed western lot maintains a lot width of 22 feet 6 inches for the entire depth of the lot. Therefore, a variance is required.

PLANNING CODE SECTION 121(e) requires that every newly created lot in an RH-2 Zoning District have a minimum lot area of 2,500 square feet. The proposed western lot has an area of 1,620 square feet with noncomplying width, and the proposed eastern lot has an area of 2,047 square feet. Therefore, a variance is required for both proposed lots.

PLANNING CODE SECTION 134 requires that the subject property maintain a rear yard equivalent to 45 percent of the total lot depth, but in no case less than 15 feet, whichever is greater. The proposed eastern lot has a depth of 45 feet 6 inches, resulting in a required rear yard of 15 feet. A rear yard of 13 feet 2 inches is proposed. 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=e11c7c25b70f2806e424a9d1df845b056b3b06d0b15fa25109012b4fd9ee3562&VaultGUID=A4A7DACD-B0DC-4322-BD29-F6F07103C6E0>

**11. 2019-002742VAR-02****(JIA HONG SITU)**

**519 CLIPPER STREET**, Lot 025A in Assessor's Block 6556, in an RH-2 Zoning District, Central Neighborhoods Large Residence SUD, and a 40-X Height and Bulk District

**REAR YARD AND EXPOSURE VARIANCES SOUGHT:** The proposal is to legalize an existing detached 200 square feet one-story structure located at the rear of the lot and expand the rear structure to 247 square feet in order to legalize an unauthorized dwelling unit.

PLANNING CODE SECTION 134 requires the subject property to maintain a rear yard of approximately 51 feet. The proposed addition is entirely within the required rear yard. Therefore, a variance is required.

PLANNING CODE SECTION 140 requires each dwelling unit to have a qualifying window facing directly onto a street, compliant rear yard, or an open area that meets minimum dimensional requirements. The proposed dwelling unit does not meet this exposure requirement. 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=507ca92b8d8da26a604b26c1fc629509874425824cdae66e3ded255020096ed7&VaultGUID=A4A7DACD-B0DC-4322-BD29-F6F07103C6E0>

**12. 2023-002909VAR****(ELIZABETH GORDON-JONCKHEER)**

**238-240 FILLMORE STREET**, Lot 024 in Assessor's Block 0859, in an NC-1 Zoning District, and a 40-X Height and Bulk District

**REAR YARD AND OPEN SPACE VARIANCES SOUGHT:** The proposal is to demolish a multi-story portion and stairs at the rear of the building and reconstruct it with an expanded footprint.

PLANNING CODE SECTION 134 requires the subject property to maintain a rear yard of 25% of the total lot depth. The multi-story portion of the building that will be reconstructed exists in the required rear yard. Therefore, a variance is required.

PLANNING CODE SECTION 135 requires each dwelling unit to have access to a minimum amount of private and/or common open space. The project would remove the upper level unit's access to the rear yard open space. Therefore, a variance is required.

**ARCHITECTURAL PLANS:** The site plan and elevations of the proposed project are available on the Planning Department's website at: <https://citypln-m-extnl.sfgov.org/SharedLinks.aspx?accesskey=fc5efc266a93164a086b7ae54ddbcb9a6124881103831841ab93324e3b2c4d83&VaultGUID=A4A7DACD-B0DC-4322-BD29-F6F07103C6E0>

## D. 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**. 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 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.