

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, April 22, 2015

Session Begins at 9:30 A.M.

Public Hearing

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

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

Any remaining questions concerning this application review process may be answered by the Planning Information Center at (415) 558-6377.
Variance Calendars and **Audio Recording of the Hearing** are available on the Internet at <http://www.sfplanning.org>

Accessible Meeting Policy

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

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

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

Know Your Rights under the Sunshine Ordinance

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

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

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

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

ENGLISH:

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

SPANISH:

Si desea asistir a la audiencia, y quisiera obtener información en Español o solicitar un aparato para asistencia auditiva, llame al 415-558-6309. Por favor llame por lo menos 48 horas de anticipación a la audiencia.

CHINESE:

歷史保護委員會議程。聽證會上如需要語言協助或要求輔助設備，請致電415-558-6309。請在聽證會舉行之前的至少48個小時提出要求。

TAGALOG:

Para sa tulong sa lengguwahe o para humiling ng Pantulong na Kagamitan para sa Pagdinig (headset), mangyari lamang na tumawag sa 415-558-6309. Mangyaring tumawag nang maaga (kung maaari ay 48 oras) bago sa araw ng Pagdinig.

RUSSIAN:

За помощью переводчика или за вспомогательным слуховым устройством на время слушаний обращайтесь по номеру 415-558-6309. Запросы должны делаться минимум за 48 часов до начала слушания.

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

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

A. CONSENT CALENDAR

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

1. 2015-000349VAR

(BRITTANY BENDIX)

785-787 TREAT AVENUE, Lot 017A in Assessor's Block 3612 in an RH-3 (Residential, House, Three Family) Zoning District Zoning District and a 40-X Height and Bulk District.

OPEN SPACE VARIANCE SOUGHT: The proposal includes interior renovations that will divide a dwelling unit on the second floor into two dwelling units. The building will thereby contain a total of three dwelling units.

PER SECTION 135 OF THE PLANNING CODE the subject property is required to provide access to 100 square feet of useable open space per dwelling unit. The existing building does not contain on-site open space and is thereby legally non-complying. Because the proposal includes the addition of a third dwelling and will not add any useable open space, 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: <http://sf-planning.org/ftp/files/notice/2015-000349VAR.pdf>.

2. 2014.0095V

(NICHOLAS FOSTER)

1563 MISSION STREET, Lot 031 in Assessor's Block 3511 in a C-3-G (Downtown-General) Zoning District and a 120-R2 Height and Bulk District.

CURB CUT VARIANCE SOUGHT: The proposal is to retain a curb cut (a reduction of an existing curb cut from 24 feet wide to 12 feet wide) on a protected pedestrian, cycling, and transit-oriented street frontage.

SECTION 155 OF THE PLANNING CODE places restrictions on the design and location of off-street parking and loading in C-3 Districts to reduce their negative impacts on neighborhood quality and pedestrian environment. While the project reduces the width of the existing curb cut, it does not remove it entirely as required by the Planning Code; 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://sf-planning.org/ftp/files/notice/2014.0095V.pdf>.

3. 2014-000776VAR

(VERONICA FLORES)

343-345 LIBERTY STREET, Lot 036 in Assessor's Block 3605 in a RH-1 (Residential, House, One-Family) Zoning District, Dolores Heights SUD and a 40-X Height and Bulk District.

OPEN SPACE AND EXPOSURE VARIANCES SOUGHT: The proposal is an addition to a legal unit (#345) extending 15 feet into the rear yard. No change to square feet of existing non-conforming legal unit (#343). Remodel of existing kitchens in both units. Sprinkler system is under separate permit. Existing non-confirming legal unit currently has exposure and access to rear yard. Proposal would eliminate this rear yard exposure and access.

PER SECTION 135 OF THE PLANNING CODE, dwelling unit #343 is required to provide at least 300 square feet of private usable open space, or 399 square feet of common useable open space. The proposal would not provide any usable open space for dwelling unit #343; therefore, a variance is required.

PER SECTION 140 OF THE PLANNING CODE, dwelling unit #343 is required to provide dwelling unit exposure that meets minimum dimensional requirements (i.e. a Code-compliant rear yard). The proposal would not provide Code-compliant exposure for dwelling unit #343; 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://sf-planning.org/ftp/files/notice/2014-000776VAR.pdf>.

B. REGULAR CALENDAR**4. 2014.1191V (CHRISTOPHER TOWNES)**

2954 21ST STREET, Lot 019 in Assessor's Block 3612 in a RH-3 (Residential- House, Three Family) Zoning District and a 40-X Height and Bulk District.

REAR YARD AND OPEN SPACE VARIANCES SOUGHT: The proposal includes a horizontal rear addition at levels one through four to an existing six-dwelling unit building.

PER SECTION 134 OF THE PLANNING CODE, the subject property is required to maintain a minimum rear yard of 27.5 feet with a maximum height of 30 feet for the last 10 feet of the building. The depth of the proposed addition (14.4 feet) extends to the minimum required rear yard of 27.5 feet but the last 10 feet of the building exceeds the 30 feet in height; therefore, the project requires a Variance.

PER SECTION 135 OF THE PLANNING CODE, the subject property is required to provide 798 sf of common usable open space for the existing dwelling units. The proposed addition would reduce the size of the rear yard and reduce the amount of usable open space provided for the existing units to 687.5 sf. As such, 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://sf-planning.org/ftp/files/notice/2014.1191V.pdf>.

5. 2014.1428V (CHRISTOPHER TOWNES)

268 RUTLEDGE STREET, Lot 013 in Assessor's Block 5539 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 the addition of new rear decks with stair at the first and second floors of an existing single-family dwelling.

PER SECTION 242 OF THE PLANNING CODE, the subject property is required to maintain a rear yard of 35% of the lot depth (or 24.5 feet). The proposed decks would extend 8 feet into the rear yard. The stairs would extend 17 feet into the required rear yard leaving a rear yard of 7.5 feet; 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://sf-planning.org/ftp/files/notice/2014.1428V.pdf>.

6. 2014-002699VAR

(ERIKA JACKSON)

24 BENNINGTON STREET, Lot 008 in Assessor's Block 5667 in a RH-1 (Residential, House, Single-Family) Zoning District and a 40-X Height and Bulk District.

FRONT SETBACK AND REAR YARD VARIANCES SOUGHT: The proposal includes the following additions to a existing single-family residence: a new rear roof deck above the existing kitchen, a new raised deck off the rear building wall with a connecting stair to the rear yard, replacement of the existing rear stair to Bocana Street, and a new awning over the front entry facing Bennington Street.

PER SECTION 132 OF THE PLANNING CODE the subject property is required to maintain a front setback of approximately 9 feet. The proposed awning exceeds the allowed 1 feet project permitted as a permitted obstruction; therefore, the project requires a variance.

PER SECTION 242(e)(2) OF THE PLANNING CODE the subject property may not contain a building that is deeper than 45.5 feet measured from the front property line. The remainder of the lot is the required rear yard, which in this case is 49'-6" feet. The existing rear yard is 37'-4" and the proposed deck would extend into the rear yard an additional 8'-4", leaving a rear yard of 29 feet. The proposed decks would be constructed within the required rear yard; therefore, a variance is required.

ARCHITECTURAL PLANS: The site plan and elevations of the proposed project are available on the Planning Department's website at: <http://sf-planning.org/ftp/files/notice/2014-002699VAR.pdf>.

7. 2014-001039VAR

(ERIKA JACKSON).

841 KANSAS STREET, Lot 060 in Assessor's Block 4094 in a RH-2 (Residential, House, Two-Family) Zoning District and a 40-X Height and Bulk District.

REAR YARD VARIANCE SOUGHT: The proposal includes the construction of a new rear deck on the second level of an existing two-family residence.

PER SECTION 134 OF THE PLANNING CODE the subject property is required to establish a rear yard of 45 percent of lot depth in the RH-2 Zoning District. Planning Code Section 136(a)(25)(B)(ii) allows an enclosed extension of the building within the required rear yard as long as the structure does not 1) extend more than 12 feet, 2) encroach into the rear 25% or 15 feet of the lot, whichever is greater, and 3) is limited to height to 10 feet, or a height not exceeding the second floor of occupancy provided that there are 5 foot setbacks on either side. Because existing conditions include bay windows and a deck within that 5 foot setback, the proposal does not meet the requirements of Planning Code Section 136; and therefore, a rear yard variance is required.

ARCHITECTURAL PLANS: The site plan and elevations of the proposed project are available on the Planning Department's website at: <http://sf-planning.org/ftp/files/notice/2014-001039VAR.pdf>.

8. **2014-002565VAR** (JEFFREY SPEIRS)
3647 22ND STREET, Lot 045 in Assessor's Block 3627 in a RH-2 Zoning District and a 40-X Height and Bulk District.

REAR YARD VARIANCE SOUGHT: The proposal is to legalize an existing dwelling unit and construct a new infill addition to the side area of the existing building. The lot is 25 feet wide and 100 feet deep, with an 8-foot wide portion extending to 128 feet deep. The existing building encroaches 20 feet 6 inches into the required rear yard. The proposed side infill is 3 feet 9 inches wide and 26 feet 2 inches deep, and will not expand the overall extent of the building. A portion of the rear sloped roof is proposed to be a flat roof.

PER SECTION 134 OF THE PLANNING CODE the subject property is required to maintain a rear yard of approximately 45 feet. The proposed infill located at the side of the first and second story encroaches approximately 18 feet 8 into the required rear yard, and thus requires a variance from the rear yard requirement.

ARCHITECTURAL PLANS: The site plan and elevations of the proposed project are available on the Planning Department's website at: <http://sf-planning.org/ftp/files/notice/2014-002565VAR.pdf>.

9. **2015-001595VAR** (JEFFREY SPEIRS)
534-536 NATOMA STREET, Lot 063 in Assessor's Block 3726 in a RED Zoning District and a 45-X Height and Bulk District.

REAR YARD, OPEN SPACE AND EXPOSURE VARIANCES SOUGHT: The proposal is an addition of a ground floor dwelling unit and reconstruction of rear exterior stair. The reconfiguration of the rear stair will allow for more useable open space. The lot is 25 feet wide and 75 feet deep. The existing rear stair encroaches 10 feet 8 inches into the required rear yard. The proposed rear stair is 9 feet wide, 10 feet 3 inches deep, and approximately 20 feet high. A firewall is proposed at the northwest corner of the property. The firewall is 17 feet in height along the north portion, and 20 feet along the west portion.

PER SECTION 134 OF THE PLANNING CODE the subject property is required to maintain a rear yard of approximately 15 feet. The proposed rear stair encroaches 15 feet into the required rear yard, and thus requires a variance from the rear yard requirement.

PER SECTION 135 OF THE PLANNING CODE the subject property is required to maintain 80 square feet of open space per unit. Currently,

the building does not comply; therefore, a variance is required.

PER SECTION 140 OF THE PLANNING CODE, the subject property is required to have windows of each unit face directly on an open area no less than 25 feet in every horizontal dimension, with an increase of five feet in every horizontal dimension at each subsequent floor above the second. The new unit opens to a rear yard that does not meet these 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: <http://sf-planning.org/ftp/files/notice/2015-001595VAR.pdf>.

10. **2014-000629VAR** (JONATHAN DISALVO)

3240A FOLSOM STREET, Lot 007 in Assessor's Block 5523 in a RH-2 (Residential-House, Two-Family) Zoning District and a 40-X Height and Bulk District.

REAR YARD VARIANCE SOUGHT: The proposal is to replace an existing (non-compliant) deck at the second story in the rear yard with a larger new deck at the same location. The proposed deck is located in the required rear yard, necessitating the granting of a rear yard variance.

PER SECTION 242 OF THE PLANNING CODE the subject property is required to maintain a rear yard depth equal to 45 percent of the total depth of the lot. The rear yard requirement for the property is 36 feet. The proposal encroaches 12 feet and 9 inches into the rear yard, which leaves a rear yard of 23 feet and 3 inches. Approximately 63.75 square feet of the proposed deck addition would extend into the rear yard; therefore, the project requires a variance from the rear yard requirement of the Planning Code.

ARCHITECTURAL PLANS: The site plan and elevations of the proposed project are available on the Planning Department's website at: <http://sf-planning.org/ftp/files/notice/2014-000629VAR.pdf>.

11. **2014.0963V** (LAURA AJELLO)

266 WALLER STREET, Lot 012 in Assessor's Block 0858 in a RTO (Residential Transit Oriented District) Zoning District and a 40-X Height and Bulk District.

LOT SIZE AND REAR YARD VARIANCES SOUGHT: The project proposes a lot subdivision and partial removal of a deck that will abut or cross the newly created property line. The proposed subdivision would result in one lot fronting on Waller Street occupied by a one-story-over-garage single-family house and a second vacant lot fronting on Laussat Street.

SECTION 121 OF THE PLANNING CODE requires that each lot have a minimum area of 2,500 square feet. The proposed area for the lot

fronting on Waller Street is approximately 1,925 square feet (25' wide by 77'-5" deep). The proposed area for the lot fronting on Laussat Street is approximately 1,010 square feet (25' wide by 42'-5" deep). The project requires a variance from the minimum lot size requirement for each proposed lot.

SECTION 134 OF THE PLANNING CODE requires a rear yard of 19'-4" for the proposed new lot (77'-5" deep) that would contain the existing single-family house. The existing building extends to within approximately 10' of the proposed rear property line; therefore, the project requires a variance from the rear yard requirement.

ARCHITECTURAL PLANS: The site plan and elevations of the proposed project are available on the Planning Department's website at: <http://sf-planning.org/ftp/files/notice/2014.0963V.pdf>.

12. 2014-002082VAR

(TODD KENNEDY)

4134 19TH STREET. Lot 19 in Assessor's Block 2695 in an RH-3 (Residential-House, Three-Family) Zoning District and a 40-X Height and Bulk District.

LOT SIZE, REAR YARD AND OPEN SPACE VARIANCES SOUGHT: Variance to allow the subdivision of one lot with two separate single-family dwelling units into two lots, each containing one dwelling unit. No work is proposed under the current proposal.

PER PLANNING CODE SECTION 121, the minimum lot size is 1,750 square feet for the subject property. The proposed Lot A (Collingwood and 19th Street) complies with this requirement; however, the proposed Lot B (19th Street) is 1,260 square feet and requires a variance.

PER PLANNING CODE SECTION 134, a rear yard is required for each lot; however, the existing buildings are near full lot coverage. The proposed subdivision does not correct this deficiency; therefore, a variance is required.

PER PLANNING CODE SECTION 135, usable open space is required for each dwelling unit. Currently, usable open space partly satisfying this requirement is located in between the two buildings. The proposed subdivision will not provide any usable open space for the Lot B; 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://sf-planning.org/ftp/files/notice/2014-002082VAR.pdf>.

13. 2014.1467V (TODD KENNEDY)

3971 20TH STREET, Lot 058 in Assessor's Block 3605 in a RH-1 (Residential- House, One Family) Zoning District and a 40-X Height and Bulk District.

REAR YARD VARIANCE SOUGHT: A variance request to the rear yard requirement of the Dolores Heights SUD to permit the replacement of an existing stair with a multi-level spiral staircase and landing that is a required means of egress, but not a permitted obstruction beyond the first story.

PER SECTION 241 OF THE PLANNING CODE, the subject property is required to maintain a rear yard of 51 feet, 4 inches. The existing stairway to be replaced encroaches 10 feet into the required rear yard. The proposed multi-level stairway would encroach 5 feet, 6 inches into the required rear yard; therefore, the project requires a variance from the rear yard requirement of the Planning Code

ARCHITECTURAL PLANS: The site plan and elevations of the proposed project are available on the Planning Department's website at: <http://sf-planning.org/ftp/files/notice/2014.1467V.pdf>.

14. 2014-003077VAR (WAYNE FARRENS)

26 RICO WAY, Lot 016 in Assessor's Block 0418A 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 demolish the existing second-floor deck and to construct a smaller (approximately 72 square foot) second-floor replacement deck with firewall (12.75 feet tall), measuring approximately 7 feet wide by 10 feet deep, at the rear of the three-story single-family house. The proposal also includes adding 72 square feet of habitable space to the ground floor below the proposed deck.

PER SECTION 134 OF THE PLANNING CODE the subject property is required to maintain a rear yard of approximately 18.7 feet. The proposed rear addition would encroach approximately 8.8 feet into the required rear yard resulting in a rear yard of 9.9 feet; therefore, the project requires a variance from the rear yard requirement of the Planning Code.

PER SECTION 134 OF THE PLANNING CODE the subject property is required to maintain a rear yard of approximately 62 feet. The proposed rear addition, rear decks, and stairs will be located entirely within the required rear yard and extend to within 34 feet, 4.5 inches of the rear property line; 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://sf-planning.org/ftp/files/notice/2014-003077VAR.pdf>.

C. PUBLIC COMMENT:

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

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

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

ADJOURNMENT

Hearing Procedures

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

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

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

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

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

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

information to be presented.

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

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

Sound-Producing Devices Prohibited

The ringing of and use of mobile phones and other sound-producing electronic devices are prohibited at this meeting. Please be advised that the Zoning Administrator may order the removal of any person(s) responsible for the ringing or use of a mobile phone, pager, or other similar sound-producing electronic devices (*67A.1 Sunshine Ordinance: Prohibiting the use of cell phones, pagers and similar sound-producing electronic devices at and during public meetings*).

Decision Letter and Appeal Process

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

Protest of Fee or Exaction

You may protest any fee or exaction subject to Government Code Section 66000 imposed as a condition of approval in accordance with Government Code Section 66020. The protest must satisfy the requirements of Government Code Section 66020(a) and must be filed within 90 days of the date of the first approval or conditional approval of the development referencing the challenged fee or exaction. For purposes of Government Code Section 66020, the date of imposition of the fee shall be the date of the earliest discretionary approval by the City of the subject development.

The Zoning Administrator's approval or conditional approval of the development subject to the challenged fee or exaction as expressed in its Motion, Resolution, or Discretionary Review Action or the Zoning Administrator's Variance Decision Letter will serve as Notice that the 90-day protest period under Government Code Section 66020 has begun.

Challenges

Pursuant to Government Code Section 65009, if you challenge, in court, (1) the adoption or amendment of a general plan, (2) the adoption or amendment of a zoning ordinance, (3) the adoption or amendment of any regulation attached to a specific plan, (4) the adoption, amendment or modification of a development agreement, or (5) the approval of a variance, conditional-use authorization, or any permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Zoning Administrator or Planning Commission, at, or prior to, the public hearing.

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

If the Zoning Administrator's or Commission's action on a project constitutes the Approval Action for that project (as defined in S.F. Administrative Code Chapter 31, as amended, Board of Supervisors Ordinance Number 161-13), then the CEQA determination prepared in support of that Approval Action is thereafter subject to appeal within the time frame specified in S.F. Administrative Code Section 31.16. This appeal is separate from and in addition to an appeal of an action on a project. Typically, an appeal must be filed within 30 calendar days of the Approval Action for a project that has received an exemption or negative declaration pursuant to CEQA. For information on filing an appeal under Chapter 31, contact the Clerk of the Board of Supervisors at City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102, or call (415) 554-5184. If the Department's Environmental Review Officer has deemed a project to be exempt from further environmental review, an exemption determination has been prepared and can be obtained on-line at <http://www.sf-planning.org/index.aspx?page=3447>. Under CEQA, in a later court challenge, a litigant may be limited to raising only those issues previously raised at a hearing on the project or in written correspondence delivered to the Board of Supervisors, Planning Commission, Planning Department or other City board, commission or department at, or prior to, such hearing, or as part of the appeal hearing process on the CEQA decision.