

# 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, June 24, 2015

Session Begins at 9:30 A.M.

### Public Hearing

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

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

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

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### **Accessible Meeting Policy**

Hearings are held at **City Hall, 1 Dr. Carlton B. Goodlett Place, Room 408, Fourth Floor**, San Francisco, CA. The closest accessible BART Station is the Civic Center Station located at the intersection of Market, Hyde and Grove Streets. Accessible 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](mailto:sotf@sfgov.org).

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

**ENGLISH:**

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

**SPANISH:**

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

**CHINESE:**

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

**TAGALOG:**

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

**RUSSIAN:**

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

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

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

**A. 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. **2014.0866V** **(KIMBERLY DURANDET)**

**801 SILVER AVENUE**, Lot 025 in Assessor's Block 5900A in a RH-1(Residential-House, One Family) Zoning District and a 40-X Height and Bulk District.

**REAR YARD VARIANCE SOUGHT:** The proposed project is a seismic retrofit and compliance with Americans with Disabilities Act (ADA) accessibility requirements to an existing building that was previously used as a gymnasium. In order to meet ADA guidelines for accessibility and Building Code egress requirements, a new lobby, elevator, exterior walkway and stairs will be added to western façade. The lobby elevator and exterior walkway extend approximately 10 feet from the existing building wall. The stairs will extend approximately 25 feet from the existing building wall. The height of the elevator enclosure is approximately 29 feet and the lobby is 11.5 feet from grade.

PER SECTION 134 OF THE PLANNING CODE the required rear yard is 25 percent of lot depth. The existing gymnasium building is located entirely within the required rear yard; therefore, the proposed 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/2014.0866V.pdf>

2.       **2015-002645VAR** **(VERONICA FLORES)**  
**1350 - 48TH AVENUE**, Lot 026 in Assessor's Block 1802 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 increase the rear height by approximately 2 feet to increase the ceiling height in the living space to bring it up to current building code standards and match the existing ceiling height of the rest of the residence. Also infill 6' x 2.5" (2.25 sf) at rear south corner. Building depth to remain the same.

PER SECTION 134 OF THE PLANNING CODE, the subject property is required to maintain a rear yard of 45% of the lot depth. The existing building encroaches approximately 19 feet 6 inches into the required rear yard while maintaining the existing building depth; 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/2015-002645VAR.pdf>.

## B.       **REGULAR CALENDAR**

3.       **2014.1323V** **(DOUG VU)**  
**326 PROSPECT AVENUE**, Lot 005 in Assessor's Block 5672 in a RH-2  
(Residential-House, Two Family) Zoning District and a 40-X Height and  
Bulk District.

**REAR YARD AND OFF-STREET PARKING VARIANCES SOUGHT:**  
The proposal includes the conversion of the basement to habitable space and raising the roof at the rear of the building for conversion of the attic to a second story of the existing non-complying one-story over basement, single-family dwelling. The proposed addition would intensify the non-complying rear yard and does not include any off-street parking, necessitating the granting of a variance.

PER SECTION 242(e)(2) OF THE PLANNING CODE the property is required to maintain a rear yard equal to 45 percent of the lot depth, or 27' including a 4'-6" reduction for the 9'-6" front setback. The proposal is to convert the attic of the non-complying building that has a rear setback of 17'-2" into habitable space by raising the roof 5'; therefore, the project requires a variance.

PER SECTION 242(e)(4) OF THE PLANNING CODE the property is required to provide two off-street parking spaces because the alteration would add more than 400 sq. ft. of habitable space to the building. The proposal does not include any off-street parking spaces; 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/2014.1323V.pdf>.

4. 2014.0793V

(JEFFREY SPEIRS)

**1117 HOWARD STREET**, Lot 118 in Assessor's Block 3730 in a WMUG Zoning District and a 55-X Height and Bulk District.

**REAR YARD AND OPEN SPACE VARIANCES SOUGHT:** The proposal is to convert a warehouse building into a single-family dwelling. The lot is 27 feet wide and 100 feet deep. The existing building is two stories, 18 feet 6 inches in height, and extends the full length of the lot. The project does not propose any building expansion. Other work includes changes to the front façade.

PER SECTION 134 OF THE PLANNING CODE the subject property is required to maintain a rear yard of 25 feet. The existing building is full lot coverage; therefore, the conversion to residential use requires a variance.

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.

**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/2014.0793V.pdf>.

5. 2015-000152VAR

(JONATHAN DISALVO)

**1127 CAROLINA STREET**, Lot 041 in Assessor's Block 4219 in a RH-2 ([Residential House, Two-Family) Zoning District and a 40-X Height and Bulk District.

**FRONT SETBACK VARIANCE SOUGHT:** The proposal is to construct a third story addition on an existing two-story residence. At the third story, the proposed project would include construction of a master suite, and deck covered by a trellis.

PER PLANNING CODE SECTION 132, the subject property requires a front setback of 15 feet. The proposed deck, trellis, and trellis beam would encroach into the required 15-foot front setback by up to 8 feet; therefore, a variance is required



**ARCHITECTURAL PLANS:** The site plan and elevations of the proposed project are available on the Planning Department's website at: <http://sf-planning.org/ftp/files/notice/2015-000152VAR.pdf>.

6. 2013.0960V (MARY WOODS)

**2833 - 2835 UNION STREET**, Lot 023 in Assessor's Block 0949 in an RH-2 (Residential, House, Two-Family) Zoning District and 40-X Height and Bulk District.

**REAR YARD VARIANCE SOUGHT:** The proposal is to construct a new second floor landing and stairs to grade, measuring approximately 9 feet deep by 10 feet wide, at the rear of the four-story, two-unit building. The stairs would provide access to the rear yard open space.

PER SECTION 134 OF THE PLANNING CODE, the subject property is required to maintain a rear yard of approximately 54 feet. The existing non-complying building already extends approximately 16 feet into the required rear yard setback. The proposed landing and stairs would encroach an additional 8.7 feet into the required rear yard resulting in a rear yard of approximately 30 feet; 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/2013.0960V.pdf>.

7. 2014-001944VAR (MICHAEL SMITH)

**2079 - 15TH AVENUE**, Lot 001O in Assessor's Block 2135 in a RH-1(D) Zoning District and a 40-X Height and Bulk District.

**SIDE YARD VARIANCE SOUGHT:** The proposal is to construct a one-story vertical addition, a 14' rear horizontal addition, a north side addition, and extensive interior and exterior alterations. The unpermitted second dwelling unit within the basement will also be removed as part of the project. No change is proposed for the detached garage at the rear of the property.

Pursuant to SECTION 133 OF THE PLANNING CODE, the subject property is required to maintain a minimum side yard depth of three-feet measured from the side property lines. The project would provide a 4'-1" side yard on the south side of the building but no side yard would be provided on the north side of the building where a 1'-10" side yard exist currently. Therefore, the project requires a variance from this section of the 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/2014-001944VAR.pdf>.



8. **2015-002213VAR** **(NICHOLAS FOSTER)**  
**844 LOMBARD STREET**, Lot 006 in Assessor's Block 0066 in a RM-1 (Residential, Mixed: Low Density) Zoning District and a 40-X Height and Bulk District.

**STREET FRONTAGE VARIANCE SOUGHT:** The project proposes a new detached garage structure towards the front of the lot.

PLANNING CODE SECTION 144 requires that street facing garage structures and doors must not extend beyond the primary building façade. The proposed garage structure is detached and extends beyond the primary building façade, which is setback substantially from the street; 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/2015-002213VAR.pdf>.

9. **2014-000229VAR** **(SARA VELLVE)**  
**73 DOWNEY STREET**, Lot 062 in Assessor's Block 1254 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 modify the roof form at the rear of the building. The existing hipped roof with a dormer facing the rear property line would be changed to a gambrel roof with dormers facing each side property line. The proposal would not alter the footprint of the existing building.

PER SECTION 134 OF THE PLANNING CODE the subject property is required to maintain a rear yard of approximately 20 feet. The existing building projects into the required rear yard by approximately 5 feet. The change in roof form is located within the required rear yard; 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/2014-000229VAR.pdf>.

10. **2014-003213VAR** **(SHARON YOUNG)**  
**680 - 682 OAK STREET**, Lot 016 in Assessor's Block 0828 in a RM-1 Zoning (Residential-Mixed, Low Density) Zoning District and a 40-X Height and Bulk District.

**REAR YARD VARIANCE SOUGHT:** The proposal is to legalize the construction of existing stairs (approximately 18 feet 6 inches wide by 6 feet 3 inches deep by 13 feet 6 inches high) at the rear of the three-story, four-unit building. The stairs (inclusive of stair landings) are set back approximately 4 feet 3 inches from the west side property line and 2 feet from the east side property line.

PER SECTION 134 OF THE PLANNING CODE, the subject property is required to maintain a rear yard of approximately 22 feet. The stairs proposed to be legalized extend to within 3 feet of the rear property line.

**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/2014-003213VAR.pdf>.

11. 2008.0410V

(TINA CHANG)

**799 CASTRO STREET / 3878 - 21ST STREET**, Lot 024 in Assessor's Block 3603 in a RH-2 (Residential- House, Two Family) Zoning District and a 40-X Height and Bulk District.

**LOT AREA, FRONT SETBACK AND REAR YARD VARIANCES**

**SOUGHT:** The subject property contains two structures. The building at the front is an existing one-story, limited, non-conforming commercial structure. The building at the rear is a two-story-over-basement, two-unit dwelling structure. The Project proposes the change of use of the existing one-story commercial structure to a four-story single-family dwelling unit. The Project also proposes a lot subdivision, proposing two separate lots; the front lot containing a single-family dwelling unit and the rear lot containing the existing two-unit residential structure.

SECTION 121 requires a minimum lot area of 2,500 square feet, except that the minimum lot area for any lot having its street frontage entirely within 125 feet of the intersection of two streets shall be 1,750 square feet. The proposed lots will measure less than the required minimum areas, therefore a variance is required.

SECTION 132 requires a setback amounting to 1/2 the front setback of the adjacent property, for corner lots. The Project requires a 4'-4.5" setback; however, a 0'-0" is proposed. Therefore, a variance is required.

SECTION 134 requires a rear yard amounting to 45% of lot depth in RH-2 Zoning Districts. Although the project increases the existing setback of 8'-0" to 10'-0" between the two structures, both proposed lots will contain encroachments within the required rear-yard setback. Therefore, a variance is required.

**ARCHITECTURAL PLANS:** The site plan and elevations of the proposed project are available on the Planning Department's website at: <http://sf-planning.org/ftp/files/notice/2008.0410V.pdf>.

## 12. 2014-000098VAR

(TODD KENNEDY)

**621-623 ALVARADO STREET**, Lot 034 in Assessor's Block 2803 in a RH-2 (Residential-House, Two-Family) Zoning District and a 40-X Height and Bulk District.

**REAR YARD VARIANCE SOUGHT:** A variance request to the rear yard requirement to permit 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 134 OF THE PLANNING CODE, the subject property is required to maintain a rear yard of 51 feet, 9 inches. The existing rear building wall encroaches 3 feet into the required rear yard. The proposed multi-level stairway would encroach an additional 5 feet into the required rear yard; therefore, the project requires a variance for a total deviation of 8 feet 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/2014-000098VAR.pdf>.

## 13. 2015-000889VAR

(TODD KENNEDY)

**1495 - 25TH AVENUE**, Lot 005C in Assessor's Block 1828 in a RH-2 (Residential-House, Two Family) Zoning District and a 40-X Height and Bulk District.

**REAR YARD VARIANCE SOUGHT:** A variance request to the rear yard requirement for the construction of a balcony and stair for access to the rear yard and a new fence.

SECTION 134 OF THE PLANNING CODE requires a rear yard of 19 feet for the subject property. The proposed deck and staircase are constructed entirely within the required rear yard and extend to the rear property line. Additionally, the project proposes a 13.5' tall fence along the north and west property lines within the required rear yard (which permits a maximum fence height of 10'). 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/2015-000889VAR.pdf>.

## 14. 2014-001627VAR

(WAYNE

FARRENS)

**283 - 10TH AVENUE**, Lot 018 in Assessor's Block 1423 in a RM-1 (Residential - Mixed, Low-Density) Zoning District and a 40-X Height and Bulk District.

**USABLE OPEN SPACE AND FRONT SETBACK VARIANCES**

**SOUGHT:** The proposal is to construct a rear addition which will eliminate access to the rear yard from one of the two existing dwelling units. The proposal relocates the required open space for this unit to the front yard, utilizing an existing 6-foot fence for screening purposes.

PER SECTION 135 OF THE PLANNING CODE the subject property is required to provide for each dwelling unit private open space with a minimum horizontal dimension of 10 feet. As proposed, the project provides private open space at a width of approximately 15 feet and a depth ranging between 6.5 and 9 feet. Therefore, the project requires a variance from the Usable Open Space requirements of the Planning Code.

PER SECTION 132 OF THE PLANNING CODE the subject property is required to maintain an approximately 6.25-foot deep front setback. Subsection 132(f) further specifies that only those obstructions listed in Section 136 of the Planning Code shall be permitted in the required front setback area. Section 136 of the Planning Code limits solid fence heights within the front setback area to a maximum of 3 feet. Therefore, the project requires a variance from the Front Setback requirements 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/2014-001627VAR.pdf>.

## 15. 2015-001604VAR

(WAYNE FARRENS)

**2127 BRODERICK STREET**, Lot 001 in Assessor's Block 1000 in a RH-2 (House, Two-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 replacement deck, measuring approximately 10 feet wide by 12 feet deep, with firewall (12.5 feet tall) at the rear of the three-story single-family house. The proposal also includes stairs to provide access from the deck to the rear yard.

PER SECTION 134 OF THE PLANNING CODE the subject property is required to maintain a rear yard of approximately 33 feet. The proposed deck and stairs would encroach approximately 12 feet into the required rear yard resulting in a rear yard of 21 feet; 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/2015-001604VAR.pdf>.

## C. PUBLIC COMMENT:

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

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

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

# ADJOURNMENT

## Hearing Procedures

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

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

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

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

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

After all of the testimonies are submitted, the Zoning Administrator will consider the evidence, deliberate, and

either make a decision, take the matter under advisement, or continue the matter in order for additional information to be presented.

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

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

### **Sound-Producing Devices Prohibited**

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

### **Decision Letter and Appeal Process**

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

### **Protest of Fee or Exaction**

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

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

### **Challenges**

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

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

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