

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, October 28, 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 curb side parking has been designated at points along McAllister Street. Accessible MUNI Lines serving City Hall are the 42 Downtown Loop, 9 San Bruno and 71 Haight/Noriega and the F Line. Accessible MUNI Metro Lines are the J, K, L, M, N and T. For more information regarding MUNI accessible services, call **311 within San Francisco, (415) 701-2311 outside Bay Area, or TTY (415) 701-2323**. American Sign Language interpreters and/or a sound enhancement system will be available upon request by contacting **Lulu Hwang at (415) 558-6318** at least 72 hours prior to a hearing. Individuals with severe allergies, environmental illnesses, multiple chemical sensitivity or related disabilities should call our accessibility **hotline at (415) 554-8925** to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the City to accommodate these individuals.

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

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

Know Your Rights under the Sunshine Ordinance

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

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

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

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. **2015-002248VAR** (JEFFREY SPEIRS)

811 CAPP STREET, Lot 062 in Assessor's Block 3642 in a RTO-M (Residential Transit Oriented - Mission) Zoning District and a 40-X Height and Bulk District.

USEABLE OPEN SPACE AND EXPOSURE VARIANCES SOUGHT:

The proposal is an addition of a ground floor dwelling unit within the rear structure on the property. The lot is 24 feet wide and 122 feet deep, and currently contains a three dwelling unit building at the front and a one dwelling unit building at the rear. The new dwelling unit will not expand or alter the existing volume.

PER SECTION 135 OF THE PLANNING CODE the subject property is required to maintain 100 square feet of open space per unit. Currently, the building does not comply and no additional open space is proposed; 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 immediately above. 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/2015-002248VAR.pdf>.

2. 2015-010665VAR

(KATE CONNER)

2451 SACRAMENTO STREET; Lot 038 in Assessor's Block 0636 in a RM-1 (Residential Mixed, Low Density) Zoning District and a 40-X Height and Bulk District.

REAR YARD AND OPEN SPACE VARIANCES SOUGHT: The proposal includes a one-story rear horizontal addition at the ground floor of an existing 98-unit 100% affordable housing project, which encroaches into the required rear yard. The proposed 17'-0" deep addition encroaches into the required rear yard. This project is part of the City's RAD (Rental Assistance Demonstration) Program.

PLANNING CODE SECTION 134 requires a minimum rear yard of approximately 60 feet. Currently, the subject site has a noncomplying 32-foot rear yard and the proposed side horizontal addition would encroach 17 feet into the required rear yard resulting in a 15-foot rear yard.

PLANNING CODE SECTION 135 requires at least 100 square feet per dwelling unit of open space if private, and 133 square feet per dwelling unit if commonly accessible. The Project contains 98 dwelling units thereby requiring 13,034 sf of common open space. With the proposed addition, there is 12,537 sf of common open space which is 497 sf less than the required amount.

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/2015-010665VAR.pdf>.

3. 2015-012129VAR

(KATE CONNER)

1750 MCALLISTER STREET, Lots 007, 008 in Assessor's Block 1157 in a RM-1 (Residential Mixed, Low Density) Zoning District and a 40-X Height and Bulk District.

REAR YARD AND OPEN SPACE VARIANCES SOUGHT: The proposal includes a one-story rear horizontal addition, approximately 830 sf in size, located at the ground floor of an existing 97-unit 100% affordable housing project. The proposed 29-foot deep addition encroaches into the required rear yard; however, the overall building depth will not be affected because the proposed addition does not encroach any further into the required rear yard than the existing building. This project is part of the City's RAD (Rental Assistance Demonstration) Program.

PLANNING CODE SECTION 134 requires a minimum rear yard of approximately 62 feet. Currently, the subject site has a noncomplying 26-foot rear yard and the proposed horizontal addition would encroach 29 feet into the required 62-foot required rear yard. The overall building depth will not be affected because the proposed addition does not encroach any further into the required rear yard than the existing building and the addition will be located 33 feet from the rear property line.

PLANNING CODE SECTION 135 requires at least 100 square feet per dwelling unit of open space if private, and 133 square feet per dwelling unit if commonly accessible. The Project contains 97 dwelling units thereby requiring 12,901 sf of common open space. With the proposed addition, there would be 10,250 sf of common open space which is 2,651 sf less than the required amount.

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/2015-012129VAR.pdf>.

4. **2015-005881VAR** (LAURA AJELLO)

345 LOCUST STREET, UNIT #4, Lot 062 in Assessor's Block 1011 in the Sacramento Street NCD (Sacramento Street Neighborhood Commercial) Zoning District and a 40-X Height and Bulk District.

USABLE OPEN SPACE VARIANCE SOUGHT: The proposal is to enclose a 194 square-foot patio located on the third floor at the front of the subject three-story building and behind an existing parapet. The patio serves as required private usable open space for Unit #4. The proposed patio enclosure will eliminate the required open space usable open space for that unit; and, 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/2015-005881VAR.pdf>.

5. **2015-007107VAR** (LAURA AJELLO)

17 ARGUELLO BLVD, Lot 003 in Assessor's Block 1355 in aRH-1(D), (Residential House, One-Family, Detached) Zoning District and a 40-X Height and Bulk District.

FRONT SETBACK AND SIDE YARD VARIANCES SOUGHT: Replacement in kind of an existing non-conforming solid fence located in the Front Setback and a new fence located in the Side Yard. The height of the fence ranges from 11 feet, 5 inches high to 12 feet, 5 inches high. The proposed fence is located in the front setback and exceeds the three foot height allowed for solid fences in the front yard and the ten foot height allowed in the side yard; therefore, the project requires variance approval.

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/2015-007107VAR.pdf>.

6. 2014.1346VAR

(LILY YEGAZU)

146 WAVERLY PLACE, Lot 040 in Assessor's Block 0210 in a CRNC (Chinatown-Residential-Neighborhood Commercial) Zoning District and a 50-N Height and Bulk District.

REAR YARD MODIFICATION AND EXPOSURE VARIANCES

SOUGHT: The proposal is to convert the second and third floors of the existing three-story building from non-residential into eight studio residential units. The existing ground floor restaurant use would remain. The proposal would also include the construction of a new roof deck and a new stairway and stairway penthouse on the roof. This project was previously noticed for hearing on September 23, 2015; however, the project is being renoticed to include the required Rear Yard Modification. The scope of the project remains the same as previously noticed.

SECTION 134.1 OF THE PLANNING CODE requires the site coverage of structures at the lowest level occupied by dwelling be no more than 75 percent. The non-covered area (412.5 SF) requirement may be provided in a location other than the rear yard including balconies and rooftop terraces if the new structure does not significantly impede the access of light and air to adjacent properties, as determined by the Zoning Administrator. The subject building provides a roof deck area that is equal to or exceed (662 SF) the required non-covered area.

SECTION 140 OF THE PLANNING CODE requires each dwelling unit to face directly onto a qualifying street or a Code-complying rear yard. The subject structure does not feature a Code-complying rear yard and the four of the eight new units do not face directly onto a qualifying street; therefore, the proposal requires a variance from exposure requirements.

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/2014.1346VAR.pdf>.

B. REGULAR CALENDAR

7. 2014.1521V

(ANDREW PERRY)

532 DAY STREET, Lot 037 in Assessor's Block 7537 in a RH-1 (Residential House, One-Family) Zoning District and a 40-X Height and Bulk District.

REAR YARD VARIANCE SOUGHT: The project proposes to construct a one-story vertical addition to an existing two-story, single-family dwelling.

PER SECTION 134 OF THE PLANNING CODE, the property is required to maintain a rear yard of approximately 28'-6". The existing structure is considered legal noncomplying, located in the required rear yard area. The proposed addition would also be located in the required rear yard;

therefore, a variance is required.

This project was previously granted a rear yard variance to do a similar addition in 2003, but work did not commence. The previous decision was only valid for 3 years; therefore a new 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/2014.1521V.pdf>.

8. **2015-007311VAR** (ESMERALDA JARDINES)
233 BARTLETT STREET, Lot 074 in Assessor's Block 3643 in a [RTO-M]([Residential Transit Oriented-Mission]) Zoning District and a [45-X] Height and Bulk District.

REAR YARD VARIANCE SOUGHT: The proposal is to replace and re-build a new staircase, decks and to add a firewall at the rear of the existing three-story over garage, three-unit building.

PER SECTION 134 OF THE PLANNING CODE, the subject property is required to maintain a rear yard of 56.25 feet. The existing building currently extends 14.75 feet into the required rear yard. The proposed rear stair case, decks and firewall along the north property line extend an additional 13 feet into the rear yard leaving a rear yard of approximately 28.5 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/2015-007311VAR.pdf>.

9. **2015-005886VAR** (JEFFREY HORN)
286-288 FAIR OAK, Lot 015 in Assessor's Block 5895 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 an existing rear yard landing, staircase and deck and to construct a replacement staircase and patio at the rear of a three-story, single-family home.

PER SECTION 134 OF THE PLANNING CODE the subject property is required to maintain a rear yard equal to 25% of the total depth of the lot (40'-6"). The existing building encroaches into the required rear yard and the proposed replacement stairs would be located within 8 feet of the rear property line and setback 7'-7" from the south side property line; 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/2015-005886VAR.pdf>.

10. 2013.0341V

(NICHOLAS FOSTER)

2293 POWELL STREET/309-311 BAY STREET, Lots 001 & 0034 in Assessor's Block 0041 in a C-2 Zoning District (Community Business) Zoning District and a 40-X Height and Bulk District.

REAR YARD, PERMITTED OBSTRUCTIONS, AND EXPOSURE

VARIANCES SOUGHT: The project proposes to demolish two, currently-vacant commercial buildings and to construct a four-story, mixed-use building with 17 dwelling units and approximately 5,000 gsf of ground-floor commercial space atop of a basement garage.

SECTION 134(A)(1) OF THE PLANNING CODE requires a minimum rear yard of 15 feet for the subject property. The project proposes new construction on the subject property, with a portion of the new building (approximately 27 feet and 6 inches wide) encroaching to the rear property line; therefore, a variance is required.

SECTION 136(C)(2) OF THE PLANNING CODE allows permitted obstructions (bay windows) to extend over streets and alleys by 2 feet for the subject property, provided that such projections meet certain requirements for dimensions and separation. The project proposes new construction on the subject property, with bay windows at the second, third, and fourth floors. The bay windows on the second and fourth floors project over the public-right-of-way along the Bay and Powell Street frontages, but do not comply with these requirements; therefore, a variance is required.

SECTION 140 OF THE PLANNING CODE requires that at least one room in each dwelling unit must face directly on a public street, alley, or side yard at least 25 feet in width, or a rear yard meeting the requirements of the Code. The project proposes new construction on the subject property, with 16 of the 17 dwelling units meeting the requirements of Section 140. Three of the proposed units face an inner court 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/2013.0341V.pdf>.

11. 2014-000234VAR

(SARA VELLVE)

2555 DIVISADERO STREET, Lot 002 in Assessor's Block 0962 in a RH-1(D) (House, One Family (Detached Dwelling) Zoning District and a 40-X Height and Bulk District.

REAR YARD VARIANCE SOUGHT: The proposal is to construct a four-story elevator shaft within the required rear yard of the subject property.

PER SECTION 134 OF THE PLANNING CODE the subject property is required to maintain a rear yard of approximately 35 feet. The existing building projects to the required rear yard and the proposed elevator shaft would project approximately 7 feet into the required rear yard.

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/2014-000234VAR.pdf>.

12. 2015-000639VAR

(SARA VELLVE)

2300 VALLEJO STREET & 2833 - 2835 FILLMORE STREET; Lot 043 & 044 in Assessor's Block 0558 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 construct additions within the required rear yard of each subject property which are under the same ownership. The rear portion of the building at 2300 Vallejo Street would be expanded at the ground floor to create a garage. Portions of the rear wall of 2833 - 2835 Fillmore Street would be removed and reconstructed to create a roof deck.

PER SECTION 134 OF THE PLANNING CODE the property at 2300 Vallejo Street is required to maintain a rear yard of approximately 15 feet. The proposed garage would project to the rear property line and within the required rear yard; therefore, a variance is required.

PER SECTION 134 OF THE PLANNING CODE the property at 2833 - 2835 Fillmore Street is required to maintain a rear yard of approximately 15 feet. The wall proposed to be removed and reconstructed is located at the rear 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: <http://sf-planning.org/ftp/files/notice/2015-000639VAR.pdf>.

13. 2015-002255VAR

(SHARON YOUNG)

3636 - 3638 WEBSTER STREET, Lots 045 - 046 in Assessor's Block 0445A 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 legalize construction of a one-story horizontal addition with 132 square-foot deck and walkable skylight above at the rear of the three-story, two-family dwelling. The one-story rear addition (approximately 13 feet 6 inches wide by 10 feet 6 inches deep by 8 feet 6 inches high) abuts the north side property line, is set back approximately 11 feet 6 inches from the south property line, and extends to within approximately 17 feet 6 inches of the rear property line. The proposal includes the removal of a portion of an existing 28 square-foot rear deck located at the southeast corner of the building.

The proposal is in relation to Building Permit Application No. 2014.09.30.7684 to repair the existing rear addition (with sloped solarium windows) and approximately 90 square-foot rear deck, which was subject to Board of Appeals Case No. 14-171 for work exceeding the scope of the permit.

PER SECTION 134 OF THE PLANNING CODE the subject property is required to maintain a rear yard of approximately 23 feet 6 inches. The one-story rear addition extends approximately 6 feet into the required rear yard.

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/2015-002255VAR.pdf>.

14. 2015-005151VAR

(SHAUNN MENDRIN)

1283-1285 HOWARD STREET, Lot 083 in Assessor's Block 3729 in a WMUG (Western SOMA Mixed-Use General) Zoning District and a 55-X Height and Bulk District.

REAR YARD VARIANCES SOUGHT: The proposal is to replace an existing 3-story rear deck and stairs within a smaller footprint and to provide more functional open space per unit with the use of spiral stairs.

PER SECTION 134 PLANNING CODE requires a rear yard of approximately 21 feet for the subject property. The proposed deck and stairs will be setback 15 feet from the rear 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: <http://sf-planning.org/ftp/files/notice/2015-005151VAR.pdf>.

15. 2013-1685VAR

(TODD KENNEDY)

609 CASTRO STREET, Lot 076 in Assessor's Block 3602 in a RH-3 (Residential-House, Three Family) Zoning District and a 40-X Height and Bulk District.

REAR YARD VARIANCE SOUGHT: The proposal is to legalize an existing one story deck, stairs, and firewall at the rear of the subject property within the required rear yard. The existing deck is approximately 6 feet 9 inches above grade and the firewall will be approximately 10 feet 3 inches above grade.

PER SECTION 134 OF THE PLANNING CODE, the subject site is required to maintain a rear setback of approximately 20 feet 9 inches. The existing deck is 12 feet from the rear 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: <http://sf-planning.org/ftp/files/notice/2013-1685VAR.pdf>.

16. 2012.0865VAR

(DOUG VU)

1198 VALENCIA STREET, Lot 014 in Assessor's Block 3635 in a Valencia St NCT (Valencia Street Neighborhood Commercial Transit) Zoning District and a 55-X Height and Bulk District.

REAR YARD MODIFICATION VARIANCE SOUGHT: The proposal includes demolition an automobile service station and construction an approximately 60,400 gross square foot, five-story 55-foot tall building that encompasses the entire lot and include up to 47 dwelling units, approximately 5,100 square feet of commercial space, and up to 30 off-street parking spaces in a basement level garage.

PER SECTION 134(e) OF THE PLANNING CODE, the property is required to maintain a rear yard equal to 25% of the lot depth beginning at the lowest story containing a dwelling unit, but can be modified if: 1) residential uses are included in the new development; 2) the new structure will not significantly impede the access of light and air to and views from adjacent properties; and 3) the new structure will not adversely affect the interior block open space formed by the rear yards of adjacent properties, therefore, the proposal to construct a new building without a rear yard requires a rear yard modification.

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/2012.0865VAR.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.