

**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, February 24, 2016

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 Information

Hearings are held in **Room 408 at City Hall, 1 Dr. Carlton B. Goodlett Place in San Francisco**. City Hall is open to the public Monday through Friday from 8:00 a.m. to 8:00 p.m. and is accessible to persons using wheelchairs and other assistive mobility devices. Ramps are available at the Grove, Van Ness and McAllister entrances. A wheelchair lift is available at the Polk Street entrance.

Transit: The nearest accessible BART station is Civic Center. Accessible MUNI Metro lines are the F, J, K, L, M, N, T (exit at Civic Center or Van Ness stations). MUNI bus routes also serving the area are the 5, 6, 9, 19, 21, 47, 49, 71, and 71L. For more information regarding MUNI accessible services, call (415) 701-4485 or call 311.

Parking: Accessible parking is available at the Civic Center Underground Parking Garage (McAllister and Polk), and at the Performing Arts Parking Garage (Grove and Franklin). Accessible curbside parking spaces are located all around City Hall.

Disability Accommodations: To request assistive listening devices, sign language interpreters, readers, large print agendas or other accommodations, please contact the ADA Coordinator at (415) 575-9157, or planningnews@sfgov.org at least 48 hours in advance of the hearing.

Language Assistance: To request an interpreter for a specific case during the hearing, please contact the Language Access Liaison at (415) 575-9157, or planningnews@sfgov.org 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 415-575-9157. 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 415-575-9157. 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 415-575-9157. Запросы должны делаться минимум за 48 часов до начала слушания.

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/>.*

**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. CONSIDERATION OF ITEMS PROPOSED FOR CONTINUANCE

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

To be continued to an undetermined date at the regularly scheduled weekly Planning Commission Hearing at City Hall:

- 1. **2015-001214VAR** **(MARCELLE BOUDREAUX)**
3636 – 21ST STREET, Lot 016 in Assessor's Block 3605 in a RH-1 (Residential- House, Single Family) Zoning District and a 40-X Height and Bulk District in Dolores Heights SUD.

REAR YARD VARIANCE SOUGHT: Facade alterations include removing shingles and adding horizontal wood siding, replacing windows, and replacing garage and entry doors. The vertical addition consists of boxing out the existing gable roof starting approximately 17 feet beyond the front building wall - the top of which will not be taller than the existing peak roof ridge. A roof deck is proposed above the vertical addition. At the rear, existing habitable space and rear decks will be reconfigured into a four level rear addition comprised of habitable space and decks, parts of which project into the required rear yard. Within the Dolores Heights SUD, encroachments beyond the 45% required rear yard require obtaining a Variance to proceed.

B. 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.

2. 2015-018080VAR

(CHRISTY ALEXANDER)

938 ELLSWORTH STREET, Lots 007 and 008 in Assessor's Block 5843 in a RM-1 (Residential Mixed Low Density) Zoning District and a 40-X Height and Bulk District.

REAR YARD VARIANCE SOUGHT: The subject properties (Alemany Housing) are located on two lots (Lots 007 and 008) and are developed with 154 residential units in 24 different buildings. The proposal includes the demolition of two residential buildings (Buildings #9 and #13) on Lot 007 and the construction of a new residential building (#9) in the same location and a new community building where Building #13 was located. The proposal also includes the construction of an approximately 515 square feet trash compactor enclosure on Lot 007 and 24 trash enclosures (9 on Lot 008 and 15 on Lot 007), each approximately 105 square feet in area. This project is part of the City's RAD (Rental Assistance Demonstration) Program.

PLANNING CODE SECTION 134 requires a minimum rear yard of 45% of the lot depth on both Lots 007 and 008. Currently, the subject site is noncomplying because multiple buildings are located within the required rear yard. . The proposed building #9, the trash compactor enclosure, and the community building are located within the required rear yard on Lot 007. In addition, up to 6 trash enclosures are located within the rear yard on Lot 008 and up to 7 trash enclosures are located in the required rear yard on Lot 007.

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/2015-018080VAR.pdf>.

3. 2015-013010VAR

(JONATHAN DISALVO)

1528 - 15TH STREET, Lot 021 in Assessor's Block 3548 in a UMU (Urban Mixed Use) Zoning District and a 58-X Height and Bulk District.

OPEN SPACE VARIANCE SOUGHT: The proposal is for a change of use from a Retail Use (843.45) to a Dwelling Unit (843.20). Formally used as a Laundromat, the vacant Retail Use space includes approximately 1,142 square feet of floor area within an existing three story building containing four dwelling units above the subject Retail Use on the ground floor. In addition to the change of use to a Dwelling Unit, the proposal also includes both interior and exterior modifications to the subject ground floor, but does not include any expansion of the building.

PER SECTION 135 OF THE PLANNING CODE the subject property is required to provide a minimum of 80 square feet of usable open space per dwelling unit. The existing building is non-complying and does not provide any usable open space compliant with the requirements of Section 135. The additional dwelling unit would not comply with the open space requirement; therefore, a variance is required.

ARCHITECTURAL PLANS: The site plan and elevations of the proposed project are available on the Planning Department's website at: <http://sf-planning.org/ftp/files/notice/2015-013010VAR.pdf>.

4. 2014.1473V

(CARLY GROB)

311 GROVE STREET, Lot 020 in Assessor's Block 0809 in a HAYES NCT(Hayes-Gough Neighborhood Commercial Transit District) Zoning District and a 40-X/50-X Height and Bulk District.

REAR YARD MODIFICATION, PERMITTED OBSTRUCTION AND ACTIVE USE VARIANCES SOUGHT: New construction of eight DU on an existing vacant through lot between Grove and Ivy Streets. Four DU are proposed facing Grove Street in a structure that is 52' 2" in height, and four DU are proposed in a structure facing Ivy Street that is 43' 9" in height. An inner court measuring approximately 635 square feet would separate the two structures. The project includes four parking spaces in subterranean garage and nine bicycle parking spaces.

PLANNING CODE SECTION 134 requires a 25% rear yard setback, and that the required rear yard setback be provided at the lowest level containing a dwelling unit, and each succeeding story or level of the building in the Hayes Gough NCT. Applicant is seeking a rear yard modification from the Rear Yard Requirements pursuant to Section 134(e) to provide an interior court which measures approximately 18 feet wide and 35'4" long at the center of the lot.

PLANNING CODE SECTION 136(C)(2)(C) requires that at least 1/3 of the required glass area of each bay window is on a vertical surface no less than 30 degrees to the line establishing the required open area. The proposed bays facing Ivy Street and Grove Street are not fenestrated on either side of the window, and a Variance from Section 136 is required.

PLANNING CODE SECTION 145.1 requires active uses at the ground floor. Residential uses are considered active uses at the ground level if they are walk-up dwelling units that provide direct, individual pedestrian access to a public sidewalk. The residence facing Ivy Street does not have direct access to the street, therefore a Variance from Section 145.1 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/2014.1473V.pdf>.

B. REGULAR CALENDAR**5. 2015-004771VAR (JONATHAN DISALVO)**

2643 - 2645 FOLSOM STREET, Lot 009 in Assessor's Block 3639 in a RH-3 (Residential House, Three Family) Zoning District and a 40-X Height and Bulk District.

REAR YARD AND EXPOSURE VARIANCE SOUGHT: The proposal includes demolition of an existing storage shed within the rear yard and construction of a new three-story residential unit in its place with approximately 1,232 square feet of usable floor area.

PER SECTION 134 OF THE PLANNING CODE the subject property is required to maintain a rear yard of 53 feet. The proposed structure would be built entirely within the required rear yard and adjacent to the rear property line; therefore, the project requires a variance.

PER SECTION 140 OF THE PLANNING CODE each dwelling unit is required to face directly onto a qualifying street, a Code-complying rear yard or open area of adequate size. The subject property does not feature a Code-complying rear yard and the proposed unit would not face directly onto a qualifying street; 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/2015-004771VAR.pdf>.

6. 2015-009255VAR (ANDREW PERRY)

4366 - 25TH STREET, Lot 020 in Assessor's Block 6540 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 raise the existing single-family home by 30 inches to create an additional floor of habitable space at the ground level. The lot has a substantial downslope and front setback, and the project will raise the overall height of the building, measured from top of curb, from 13'-4" to 15'-10". The existing structure is partially located in the required rear yard setback.

PER PLANNING CODE SECTION 134 the subject property is required to maintain a rear yard setback of 51'-3.5". The existing condition on the site only has a rear yard setback of 15'-6". No further reduction of the rear yard setback is proposed, however, new habitable space is being created within the 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/2015-009255VAR.pdf>.

7. 2013.1269V

(ANDREW PERRY)

129 DE SOTO STREET, Lot 010 in Assessor's Block 6920 in a RH-1(D) (Residential House, One-Family Detached) Zoning District and a 40-X Height and Bulk District.

SIDE YARD AND REAR YARD VARIANCE SOUGHT: The proposed work is to construct an independent one-story garage structure on the southwest corner of the subject lot. The proposed garage, which would replace an existing parking pad along the south side lot line, would be approximately 17 feet wide, 36 feet deep, and 10 feet 6 inches tall and would provide two off-street vehicle parking spaces in a tandem fashion, and two bicycle parking spaces.

PER SECTION 133 OF THE PLANNING CODE, the subject lot is required to maintain a 5 feet side yard along the south side lot line. The proposed garage structure would encroach 1 foot into the required side yard to within 4 feet of the south side line.

PER SECTION 134 OF THE PLANNING CODE, the subject lot is required to maintain a minimum rear yard depth of 30 feet, measured from the mid-point of the rear property line. The proposed garage structure would encroach 28 feet into the required rear yard to within 2 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/2013.1269V.pdf>.

8. 2014.0670V

(MARCELLE BOUDREAUX)

161 DE SOTO STREET, Lot 006 in Assessor's Block 6920 in a RH-1(D)(Residential- House, One Family- Detached) Zoning District and a 40-X Height and Bulk District.

REAR YARD VARIANCE SOUGHT: The proposal seeks to demolish an existing 10'x20' one-car garage in the rear yard, accessed by a driveway from the street. The plans are to rebuild a 25'x25' two-car garage within the rear yard, with no change in the existing driveway or main residence.

PLANNING CODE SECTION 134 requires a rear yard depth of 29 feet 9 inches for the subject property. Work proposed to construct a new garage will be entirely within the required rear yard; therefore, a variance is required.

ARCHITECTURAL PLANS: The site plan and elevations of the proposed project are available on the Planning Department's website at: <http://sf-planning.org/ftp/files/notice/2014.0670V.pdf>.

9. 2015-008323VAR

(DOUG VU)

371 COLERIDGE STREET, Lot 020 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 VARIANCE SOUGHT:

The proposal includes front exterior and interior alterations, a side addition at the second story, and the reconstruction and raising of the roof at the rear of the building for conversion of the sunroom to habitable space at the top floor of the existing three-story, single-family dwelling. The proposed height increase at the rear of the building would intensify the non-complying rear yard, and the addition does not include a third off-street parking, necessitating the granting of a variance to allow the project.

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 52'-9", including a 4'-6" reduction for the 9'-6" front setback. The proposal is to reconstruct and increase the 7' floor-to-ceiling height of the sunroom at the rear of the non-complying building that has a rear setback of 47'-10" into habitable space by raising the roof 4'-11"; therefore, the project requires a variance.

PER SECTION 242(e)(4) OF THE PLANNING CODE the property is required to provide three 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 an additional third off-street parking space; 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/2015-008323VAR.pdf>.

10. 2015-002013VAR

(DOUG VU)

5 WINFIELD STREET, Lot 057 in Assessor's Block 5612 in a RH-1 (Residential, House - One Family) Zoning District and a 40-X Height and Bulk District.

REAR YARD AND MASS REDUCTION VARIANCE SOUGHT: The proposal includes the addition of non-habitable storage space at the basement level, and a front and side addition totaling 228 sq. ft. at the first story of the existing one-story over basement, single-family dwelling. The proposed addition would intensify the non-complying rear yard and exceeds the maximum permitted habitable floor area, 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 35 percent of the lot depth, or 24'-6". The proposal to construct a side addition will extend 3'-6" into the required rear yard; therefore, the project requires a variance.

PER SECTION 242(e)(3) OF THE PLANNING CODE a total of 650 square feet of usable floor area must be deleted from the maximum permitted floor area (979 sq. ft.), or 329 sq. ft. The proposal for a 228 sq. ft. addition to the existing 1,222 sq. ft. totaling 1,450 sq. ft. exceeds the permitted 329 sq. ft.; 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/2015-002013VAR.pdf>.

11. **2015-006047VAR** (ELIZABETH GORDON-JONCKHEER)

335 - 27TH STREET, Lot 046 in Assessor's Block 6592 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 expand the existing rear garage horizontally by approximately 11 feet towards the east side property line. The expanded garage will include an art studio and lavatory.

PER SECTION 134 OF THE PLANNING CODE the subject property is required to maintain a rear yard of 47 feet 3 inches. The proposed expansion of the existing non-complying structure would add approximately 506 square feet and thus make the building more non-complying. Therefore, the project requires a variance from the rear yard requirement of Planning Code Section 134.

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/2015-006047VAR.pdf>.

12. **2016-000497VAR** (ELIZABETH GORDON-JONCKHEER)

3861 - 24TH STREET, Lot 040 in Assessor's Block 6509 in the 24th Street - Noe Valley Neighborhood Commercial Zoning District and a 40-X Height and Bulk District.

REAR YARD VARIANCE SOUGHT: The proposal is to convert the existing parking lot with parking kiosk and landscaped seating area into an unenclosed recreation area -- the Noe Valley Town Square. Improvements include new permeable paving with sustainable storm water management features, children's play equipment, seating, landscaping, and similar recreational amenities.

PER PLANNING CODE SECTION 134 OF THE PLANNING CODE, the subject property is required to maintain a rear yard equal to 25% of the depth of the lot, or 25 feet 8 inches at the east side portion of the rear yard and 28 feet 6 inches at the west side portion of the rear yard. (Note: the property has a stepped rear lot line). No obstructions other

than those specified in Code Section 136 are allowed to be constructed, placed or maintained within any such rear yard. Proposed amenities such as a storage container and two open air structures (a wood and metal vine trellis and wood and metal stage canopy) are not permitted obstructions under Code Section 136 and will extend into the rear 25% of the lot approximately 2 feet at the east side and 27 feet at the west side; therefore the project 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/2016-000497VAR.pdf>.

13. **2015-000254VAR** (ELLA SAMONSKY)

68 RICHARDSON AVENUE, Lot 012A in Assessor's Block 0934 in a RH-3 (Residential-House, Three-Family) Zoning District and a 40-X Height and Bulk District.

REAR YARD VARIANCE SOUGHT: The proposed project is to add a third floor and roof deck with exterior stairs to an existing two-story, single family home.

PER SECTION 134 OF THE PLANNING CODE the subject property is required to maintain a rear yard depth of 15 feet. The subject lot is 618 square feet in area and the existing building encroaches to the rear property line and is therefore a legal noncomplying structure. The proposed vertical addition and roof deck match the footprint of the existing structure, and the exterior stairs project 3'-3" from the northern elevation of the residence. Portions of the addition, roof deck and stairs extend into the required rear yard and require 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/2015-000254VAR.pdf>.

14. **2015-013587VAR** (SHAUNN MENDRIN)

2757 HARRISON STREET, Lot 020A in Assessor's Block 4206 in a RH-2 (Residential-House, Two Family) Zoning District and a 40-X Height and Bulk District.

REAR YARD VARIANCE SOUGHT: Horizontal and vertical additions to the rear of the existing two-family building. Variance sought for rear yard setback for the 4th floor addition and existing rear deck.

PER SECTION 134 OF THE PLANNING CODE the subject property is required to provide a rear yard setback of approximately 37 feet with the last 10 feet of the structure having a maximum height of 30 feet. The proposed addition encroaches 4 feet into the required rear yard and exceeds the 30 foot height limit for the last 10 feet. Additionally, the

proposal would legalize the existing two story rear yard deck. Therefore, a variance is required.

ARCHITECTURAL PLANS: The site plan and elevations of the proposed project are available on the Planning Department's website at: <http://sf-planning.org/ftp/files/notice/2015-013587VAR.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.