

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, July 27, 2016

Session Begins at 9:30 A.M.

Public Hearing

Scott F. Sanchez, Zoning Administrator
Gino Salcedo, 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 sof@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. 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. 2015-007313VAR (NICHOLAS FOSTER)

870 UNION STREET, Lot 020 in Assessor's Block 0100 in a RM-1 (Residential-Mixed, Low Density) Zoning District and a 40-X Height and Bulk District.

REAR YARD, OPEN SPACE, AND EXPOSURE VARIANCES

SOUGHT: The subject lot is a through lot with one existing residential structure at the front (fronting Union Street), containing 3 dwelling units. The project proposes a vertical and horizontal addition to said front structure (adding a fourth floor), and construction a new, 4-story residential structure in the rear of the lot (fronting Aladdin Terrace), containing 1 dwelling unit.

SECTION 134 OF THE PLANNING CODE requires a minimum rear yard of approximately 32'-3/16" for the subject property. Because the subject lot is a through lot, the required rear yard shall be located in the central portion of the lot, between the two structures on such lot. The project proposes a new structure in the rear of the lot (fronting Aladdin Terrace) that would encroach into the required rear yard by approximately 12'-3/16"; therefore the project requires a variance.

SECTION 135 OF THE PLANNING CODE requires useable open space be provided for each dwelling unit according to standards set forth in the Code. Two of the four units (Units #1 and #2 in the front structure) do not provide useable open space meeting the requirements of the Code; therefore the project requires a variance.

SECTION 140 OF THE PLANNING CODE requires units to face directly on an open area as defined by Code. Two of the four units (Unit #1 in the front structure, and Unit #4 in the rear structure) do not face directly on an open area as defined by Code; 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://notice.sfplanning.org/2015-007313VAR.pdf>.

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. **2016-001853VAR** (CHRISTY ALEXANDER)
285 SANTA ROSA AVENUE, Lot 001A in Assessor's Block 3145 in a NC-1 Zoning District and a 40-X Height and Bulk District.

REAR YARD VARIANCE SOUGHT: The proposal is to build a horizontal addition at the second floor of the subject property to add a new bedroom and bathroom. Due to the lot depth of 25' and width of 75', the existing house is a legal non-complying structure that is built completely into the rear yard.

SECTION 134 OF THE PLANNING CODE requires the subject property to maintain a minimum rear yard of 15 feet. The existing non-complying first and second floors encroach into the required rear yard to the rear property line and the addition would be constructed within the required rear yard with a 6 foot, 2 inch setback from 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://notice.sfplanning.org/2016-001853VAR.pdf>.

3. **2016-000861VAR** (NANCY TRAN)
111 DEVONSHIRE WAY, Lot 022 in Assessor's Block 2676 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 is to remove a noncomplying cantilevered rear deck of approximately 102 square feet and replace it in-kind.

SECTION 134 OF THE PLANNING CODE requires a rear yard of 15 feet. The project proposes to replace the entire deck, a portion of which encroaches into the required rear yard; therefore, a variance is required.

ARCHITECTURAL PLANS: The site plan and elevations of the proposed project are available on the Planning Department's website at: <http://notice.sfplanning.org/2016-000861VAR.pdf>.

4. **2016-002770VAR** (SYLVIA JIMENEZ)

1372 PINE STREET, Lot 0250 in Assessor's Block 008 in a RC-4, Residential-Commercial High Density Zoning District and a 65-A Height and Bulk District.

EXPOSURE VARIANCE SOUGHT: The proposal is to convert the ground floor of an existing 27-unit building to three Accessory Dwelling Units in a building undergoing seismic retrofitting.

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 dimensions of the open area may be reduced to 15 feet in width and depth for Accessory Dwelling Units. The subject property has an existing building in the required rear yard with a side yard of 69 feet in depth and 4 feet 8 inches in width and rear yard of 10 feet 6 inches in depth and 50 feet in width. One proposed accessory dwelling unit will face onto the courtyard and another unit will face onto the rear yard, which are less than the minimum 15 foot rear yard required for reduced dwelling unit exposure, thereby requiring an exposure variance for two of the three proposed dwelling units.

ARCHITECTURAL PLANS: The site plan and elevations of the proposed project are available on the Planning Department's website at: <http://notice.sfplanning.org/2016-002770VAR.pdf>.

B. REGULAR CALENDAR

5. **2015-016300VAR** **(CARLY GROB)**
1281 GREENWICH STREET, Lot 024 in Assessor's Block 0095 in a RM-2 (Residential-Mixed, Moderate Density) Zoning District and a 40-X Height and Bulk District.

REAR YARD VARIANCE SOUGHT: The applicant proposes to enclose a partially-enclosed patio space at the top floor within the required rear yard.

SECTION 134 OF THE PLANNING CODE requires a rear yard of 28 feet for the subject property. The project proposes to enclose a partially enclosed patio within the last 15 feet, seven inches of lot depth, which would expand the building envelope and enlarge the noncomplying structure. Therefore, a variance from the rear yard requirement is required.

ARCHITECTURAL PLANS: The site plan and elevations of the proposed project are available on the Planning Department's website at: <http://notice.sfplanning.org/2015-016300VAR.pdf>.

6. **2016-003233VAR** **(DOUG VU)**
3140 - 16TH STREET, Lot 018 in Assessor's Block 3555 in the Valencia Street NCT (Neighborhood Commercial Transit) Zoning District and a 55-X Height and Bulk District.

REAR YARD VARIANCE SOUGHT: The proposal includes the adaptive reuse of an existing two-story automotive services garage that covers the entire area of the 10,214 sq. ft. lot which would be converted to approximately 5,404 sq. ft. of ground floor commercial space and approximately 9,230 sq. ft. of residential use at the second floor containing four dwelling units. The proposal would also include a small residential lobby and four off-street parking spaces at the rear of the ground floor and a new 735 sq. ft. common deck with elevator and stair penthouses on the roof of the existing 20,428 sq. ft. building.

SECTION 134(A) OF THE PLANNING CODE requires a rear yard equal to 25 percent of the lot depth at the lowest story containing a dwelling unit, and at each succeeding level or story of the building, or 25'. The conversion of the second story to a residential use covers the entire area of the lot, and requires the approval of a variance.

ARCHITECTURAL PLANS: The site plan and elevations of the proposed project are available on the Planning Department's website at: <http://notice.sfplanning.org/2016-003233VAR.pdf>.

7. 2013.1281VAR-02

(DOUG VU)

1335 FOLSOM STREET, Lots 063 & 064 in Assessor's Block 3519 in a NCT (Neighborhood Commercial Transit) Zoning District and a 65-X Height and Bulk District.

REAR YARD MODIFICATION VARIANCE SOUGHT: The project includes the demolition of a 5,700 sq. ft. light industrial building and construction of a 65-foot tall, six-story mixed-use building with a gross area of 30,407 sq. ft. that includes one 663 sq. ft. ground floor commercial storefront at the corner of Folsom and Dore Streets, 53 Single Room Occupancy dwelling units, and a total of four tourist hotel rooms at the fourth and fifth floors of the building. The proposed building would cover nearly the entire lot, necessitating a modification from the rear yard requirement.

PER SECTION 134 OF THE PLANNING CODE the subject property is required to maintain a rear yard equal to 25 percent of the lot depth, but in no case less than 15 feet at the first story if it contains a dwelling unit, and at each succeeding story of the building. Planning Code Section 134(e)(1) permits this requirement to be modified by the Zoning Administrator if certain criteria are met. The proposal is to construct a building that nearly covers the entire lot and meets the criteria of Planning Code Section 134(e)(1), necessitating 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://notice.sfplanning.org/2013.1281VAR-02.pdf>.

8. 2015-016617VAR

(ELIZABETH GORDON-JONCKHEER)

1218 - 46TH AVENUE, Lot 041 in Assessor's Block 1705 in a RH-2 (Residential House Districts, Two-Family) Zoning District and a 40-X Height and Bulk District.

REAR YARD VARIANCE SOUGHT: The proposal is to: (1) renovate the existing single-family home assembled from two 1906 earthquake cottages and reduce the size of a 1937 non-permitted addition at the rear of the cottages, and (2) to demolish and replace the stand-alone, non-earthquake, non-permitted, cottage in the rear yard with a two-story structure connected to the main building by a 5 foot wide hyphen (interior hallway) along southern property line. The proposed rear addition will maintain the existing cottage's 4 foot 1 inch setback along the north side property line. However, the existing 2 foot 10 inch setback along the south side property line and the 2 foot setback along the rear (east) property line would be in-filled.

PER SECTION 134 OF THE PLANNING CODE, the subject property is required to maintain a rear yard of 30 feet (25 percent of the total lot depth) located in the central portion of the lot between the two buildings. The proposed hyphen is within the central portion of the lot. 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://notice.sfplanning.org/2015-016617VAR.pdf>.

9. 2015-015029VAR (ERIKA JACKSON)

3649 – 21ST STREET, Lot 058 in Assessor's Block 3620 in an RH-1 (Residential, House, Single Family) Zoning District and a 40-X Height and Bulk District.

FRONT SETBACK AND STREET FRONTAGE VARIANCES SOUGHT:

The Proposed Project is to add a new subterranean garage underneath an existing single-family dwelling, which currently encroaches into the required front setback. The garage door will be located below an existing staircase.

PER SECTION 132 OF THE PLANNING CODE the subject property requires a front setback of approximately 15 feet. The proposed garage addition would be located approximately 8 feet from the front property line; therefore, the project requires a variance.

PER SECTION 144 OF THE PLANNING CODE street facing garages structures and garage doors may not extend closer to the street than the primary building façade. The primary building façade has a setback of 12.5 feet from the front property line and the new garage door will be located approximately 8 feet from the front property line; therefore, the project requires a variance.

ARCHITECTURAL PLANS: The site plan and elevations of the proposed project are available on the Planning Department's website at: <http://notice.sfplanning.org/2015-015029VAR.pdf>.

10. 2015-015799VAR (ESMERALDA JARDINES)

215-217 DORE STREET, Lot 035 in Assessor's Block 3525 in a RED (South of Market Residential Enclave) Zoning District and a 40-X Height and Bulk District.

REAR YARD, OPEN SPACE & EXPOSURE VARIANCES SOUGHT:

The proposal includes the conversion of a rear shed storage structure into a new dwelling unit.

PER SECTION 134 OF THE PLANNING CODE the subject property is required to maintain a rear yard of approximately 21'-3" feet. The subject property does not currently comply with the rear yard requirement as the lot is developed with two buildings, one residential building in the front and a shed structure in the rear. The proposed dwelling unit in the rear will provide approximately 11'-5" feet of rear yard for both dwelling units;

therefore, a rear yard variance is required.

SECTION 135 OF THE PLANNING CODE requires 80 square feet of useable open space per unit. The proposed dwelling unit will not provide usable open space that meets the requirements of the Planning Code; therefore, a usable open space variance is required.

SECTION 140 OF PLANNING CODE requires that at least one room of all dwelling units face onto a public street, Code-complying rear yard or other open area that meets minimum requirements for area and horizontal dimensions. The new rear dwelling unit will not provide code-complying exposure as it is not fronting a code-complying rear yard nor qualifying open area; therefore, an exposure variance is required.

ARCHITECTURAL PLANS: The site plan and elevations of the proposed project are available on the Planning Department's website at: <http://notice.sfplanning.org/2015-015799VAR.pdf>.

11. **2016-002112VAR** (JEFFREY HORN)
6 MINERVA STREET (ARANA LANE), Lot 036 in Assessor's Block 7067 in an RH-1 (Residential, House, One-Family) Zoning District and a 40-X Height and Bulk District.

REAR YARD VARIANCE SOUGHT: The proposal is for the excavation, construction of retaining walls and paving of the required rear yard for use as two (2) off-street parking spaces.

PER SECTION 134 OF THE PLANNING CODE, the subject property is required to maintain a rear yard of 25% of the lot depth. The proposed use as off-street vehicle parking would encroach into the required rear yard; therefore, the project requires a variance from the rear yard requirement of the Planning Code

ARCHITECTURAL PLANS: The site plan and elevations of the proposed project are available on the Planning Department's website at: <http://notice.sfplanning.org/2016-002112VAR.pdf>.

12. **2008.1274VAR** (RICHARD SUCRE)
3441-3447 20TH STREET, Lot 47 in Assessor's Block 3610 in a RTO-M (Residential Transit-Oriented-Mission) Zoning District and a 55-X Height and Bulk District.

REAR YARD & OPEN SPACE VARIANCES SOUGHT: The proposal includes a one-story vertical addition, the addition of three off-street parking spaces, and the construction of three new dwelling units. Two of these new dwelling units would be constructed with a private deck larger than 100 square feet. The proposal would result in a total of nine dwelling units at 3441-3447 20th Street.

PER SECTION 134 OF THE PLANNING CODE, the subject property is required to maintain a rear yard of 25-feet. Currently, the existing building is partially located within the required rear yard. Since the project includes a new vertical addition within a portion of the required rear yard, a variance is required from Planning Code Section 134.

PER SECTION 135 OF THE PLANNING CODE, the project is required to provide 100 square feet of private open space per dwelling unit. Currently, the project would construct one new dwelling unit at the ground floor level without access to private open space. Since the project includes a new dwelling unit without open space, a variance is required from Planning Code Section 135.

ARCHITECTURAL PLANS: The site plan and elevations of the proposed project are available on the Planning Department's website at: <http://notice.sfplanning.org/2008.1274VAR.pdf>.

13. 2015-005762VAR

(SHARON YOUNG)

2218 LYON STREET, Lot 013B in Assessor's Block 0975 in a RH-3 Zoning (Residential, House, Three-Family) Zoning District and a 40-X Height and Bulk District.

REAR YARD VARIANCE SOUGHT: The proposal is to construct a second story horizontal addition and deck with exterior stairs to grade at the rear and south side of the three-story, single-family house. The proposed rear addition (approximately 9 feet 6 inches wide by 6 feet deep) will be set back approximately 5 feet from the rear (east) property line. The proposed rear deck with exterior stairs (approximately 13 feet wide by 22 feet deep by 7 feet high), located on the southeast corner of the building, will be set back 3 feet from the rear (east) and 3 feet from the side (south) property line. The proposed rear deck will expand an existing rear deck abutting the rear property line.

SECTION 134 OF THE PLANNING CODE requires a rear yard of 15 feet. The proposed second story horizontal addition will extend approximately 10 feet into the required rear yard and the proposed second story rear deck will extend approximately 12 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://notice.sfplanning.org/2015-005762VAR.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.