

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, December 6, 2017

Session Begins at 9:00 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. **2017-008919VAR** (CATHLEEN CAMPBELL)

461-465 SANCHEZ STREET, Lot 030 in Assessor's Block 3580 in a RM-1 (Residential- Mixed, Low Density) Zoning District and a 40-X Height and Bulk District.

REAR YARD VARIANCE SOUGHT: The proposed project is to add One Accessory Dwelling Unit at the basement level of an existing four-story, six-unit residential building undergoing seismic retrofitting.

PER SECTION 140 OF THE PLANNING CODE the subject property is required to have qualifying windows of each unit face directly on an open area meeting the requirements of the Planning Code. The dimensions of the open area may be reduced to 15 feet in width and depth for Accessory Dwelling Units. The subject property has a rear yard that is 11 feet 3 inches in depth and 30 feet in width. One proposed Accessory Dwelling Unit will face onto that rear yard, which is less than the minimum 15 foot by 15 foot open area required for reduced dwelling unit exposure; 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/2017-008919VAR.pdf>.

2. **2017-008412VAR** (DORI GANETSOS)

2230 TURK BLVD, Lot 033 in Assessor's Block 1112 in a RH-2 (Residential House, Two-Family) Zoning District and a 30-X height and Bulk District

REAR YARD AND EXPOSURE VARIANCES SOUGHT: The proposed project is to add five Accessory Dwelling Units at the first and second floor of an existing three-story, eight-unit residential building undergoing seismic retrofitting.

PER SECTION 134 OF THE PLANNING CODE, the subject property is required to have a rear yard that is 25% of the lot depth (based on averaging of the adjacent neighbor). The project proposes the infill of three existing driveways taller than 10', a portion of which is within the required rear yard. This increases the noncompliance of the building, thus requiring a variance.

PER SECTION 140 OF THE PLANNING CODE the subject property is required to have qualifying windows of each unit face directly on an open area meeting the requirements of the Planning Code. The dimensions of the open area may be reduced to 15 feet in width and depth for Accessory Dwelling Units. The subject property has a rear yard that is 10 feet in depth and 52' 7" feet in width. Two of the proposed Accessory Dwelling Units will face onto that rear yard, which is less than the minimum 15 foot by 15 foot open area required for exposure; 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/2017-008412VAR.pdf>.

3. **2017-007695VAR** **(ELLA SAMONSKY)**
123 RIPLEY STREET, Lot 032 in Assessor's Block 5524 in a RH-2 (Residential House, Two-Family) Zoning District and a 40-X Height and Bulk District.

EXPOSURE VARIANCE SOUGHT: The project proposes to add two Accessory Dwelling Units at the basement level of an existing two-story (over three levels of basement), nine-unit residential 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 two proposed Accessory Dwelling Units will face onto a courtyard that is 11 feet - 4 inches in depth by 50 feet in width, which is less than the minimum 15 foot by 15 foot open area required for reduced dwelling unit exposure, thereby requiring an exposure 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/2017-007695VAR.pdf>.

4. **2017-008431VAR** **(ELLA SAMONSKY)**
2220 TURK BLVD, Lot 032 in Assessor's Block 1112 in a RH-2 (Residential House, Two-Family) Zoning District and a 30-X Height and Bulk District.

EXPOSURE VARIANCE SOUGHT: The proposed project is to add five Accessory Dwelling Units at the first and second floor of an existing three-story, eight-unit residential building undergoing seismic retrofitting.

PER SECTION 140 OF THE PLANNING CODE the subject property is required to have qualifying windows of each unit face directly on an open area meeting the requirements of the Planning Code. The dimensions of the open area may be reduced to 15 feet in width and depth for Accessory Dwelling Units. The subject property has a rear yard that is 10 feet in depth and 48 feet in width. Two of the proposed Accessory Dwelling Units will face onto that rear yard, which is less than the minimum 15 foot by 15 foot open area required for exposure; 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/2017-008431VAR.pdf>.

5. **2017-006059VAR** **(GABRIELA PANTOJA)**
1375 SACRAMENTO STREET, Lot 025 in Assessor's Block 0247 in a RM-3 (Residential-Mixed, Medium Density) Zoning District and a 65-A Height and Bulk District.

EXPOSURE VARIANCE SOUGHT: The Project proposes the addition of one Accessory Dwelling Unit at the ground floor of an existing four-story, seven-unit apartment building.

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 direction, with an increase of 5-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 a non-complying rear yard. The proposed Accessory Dwelling Unit will face onto a public street (Golden Court) less than 15 feet wide and a rear yard measuring 12-feet 3-inches by 22-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://notice.sfplanning.org/2017-006059VAR.pdf>.

6. **2017-010181VAR** **(MARY WOODS)**
35 BELGRAVE AVENUE, Lot 071 in Assessor's Block 2688, in an RH-1(D) (Residential, House, Single-Family, Detached) Zoning District and a 40-X Height and Bulk District.

SIDE YARD VARIANCE SOUGHT: The proposal is to legalize the removal and replacement of an upper level/second floor east side wall in the required side setback of the two-story-over-garage, single-family house.

Section 133(a)(5) of the Planning Code requires the subject property to provide two five foot side yards. The existing building extends into the side yard setback by two feet. The proposal is to legalize replacement of a previously existing wall on the second level, which encroaches into the side yard by two 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://notice.sfplanning.org/2017-010181VAR.pdf>.

7. **2015-000004VAR** (MICHAEL CHRISTENSEN)
1123 GIRARD STREET, Lot 005 in Assessor's Block 6173 in a RM-1 (RESIDENTIAL- MIXED, LOW DENSITY) Zoning District and a 40-X Height and Bulk District.

REAR YARD VARIANCE SOUGHT: The subject property is a through lot between San Bruno Avenue and Girard Street. The project proposes to construct a new residential structure containing one dwelling unit at the rear of the property facing Girard Street. A variance was granted for a similar project in 2009 (Case No. 2009.0170V).

Per Planning Code Section 134, the property is required to maintain a rear yard of 31 feet between the existing building fronting San Bruno Avenue and the proposed building fronting Girard Street. The project proposes a rear yard of 25 feet (23 feet including bay window) between the two buildings; 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/2015-000004VAR.pdf>.

B. REGULAR CALENDAR

8. **2016-012089VAR** (NICHOLAS FOSTER)
33-35 ALADDIN TERRACE, Lot 021B 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 VARIANCE SOUGHT: The proposal is a horizontal and vertical addition to an existing, 3-story residential building containing 2 Dwelling Units. The proposal would excavate under the existing structure and lift the existing floor plates approximately 3 feet, 6 inches, creating a new fourth floor. The project would add a two-car garage, with two garage doors measuring 8 feet wide (each). A new roof deck accessible via a roof hatch is included in the proposal.

PER SECTION 134 OF THE PLANNING CODE, a rear yard of approximately 15 feet is required for the subject property. The project proposes a horizontal and vertical addition within a portion of the side yard and the rear yard. A portion of the horizontal and vertical addition encroaches into the required rear yard by approximately 6 feet, 8 inches. 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/2016-012089VAR.pdf>.

9. **2017-001220VAR** (ELIZABETH GORDON-JONCKHEER)

253 CHATTANOOGA STREET, Lot 022 in Assessor's Block 3649 in a RH-2 (Residential-House, Two Family) Zoning District and a 40-X Height and Bulk District.

REAR YARD VARIANCE SOUGHT: The subject property is a through lot between Chattanooga and Mersey Street. The proposal is to construct a one-story, 423 square foot, garage at the rear of the subject property. The proposed garage will be approximately 21 feet in width, 20 feet in length, and 11 feet in height and will be accessed from Mersey Street.

PER SECTION 134 OF THE PLANNING CODE, the subject property is required to maintain a rear yard of 41 feet. The proposed garage is located 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://notice.sfplanning.org/2017-001220VAR.pdf>.

10. **2016-010226VAR** (JEFFREY HORN)

39 MIRALOMA DRIVE, Lot 013 in Assessor's Block 2980 in an RH-1(D) (Residential-House, One Family-Detached) Zoning District and a 40-X Height and Bulk District.

REAR YARD VARIANCE SOUGHT: The proposed project is to construct an approximately 8'-8" horizontal addition at the rear and a one-story infill (2'-6" deep, 6'-0" wide) on the south side elevation of the existing single-family residence. The proposal also includes excavation of the ground floor to create habitable space, the reconfiguration of interior space and the enclosure of the south side entrance vestibule.

PER SECTION 134 OF THE PLANNING CODE, the subject property is required to maintain a rear yard of 25% of the lot depth (or 22 feet, 2 inches). The project proposes a 8 foot, 8 inch rear horizontal addition to the legal non-complying portion of the structure that currently encroaches into the required rear yard (to within approximately 10 feet of 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://notice.sfplanning.org/2016-010226VAR.pdf>.

11. 2017-005888VAR

(JEFFREY HORN)

57 ASHBURY TERRACE, Lot 007 in Assessor's Block 2617 in an RH-1(D) (Residential-House, One Family-Detached) Zoning District and a 40-X Height and Bulk District.

SIDE AND REAR YARD VARIANCES SOUGHT: The proposed project is to legalize an existing, approximately 110 square foot, one-story structure in the rear yard and expand an existing enclosed stairway landing and remove the existing external stairway on the west side yard of a single family residence.

PER SECTION 133 OF THE PLANNING CODE, the subject property is required to maintain a side yard of 3 feet. The project proposes a 2 foot horizontal expansion to the non-complying portion of the structure that currently encroaches 6 inches into the required side yard; therefore, a variance is required.

PER SECTION 134 OF THE PLANNING CODE, the subject property is required to maintain a rear yard of 25% of the lot depth (or 16 feet, 6 inches). The project proposes legalize a non-complying structure that currently located 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://notice.sfplanning.org/2017-005888VAR.pdf>.

12. 2015-015557VAR

(LAURA ALEJJO)

2010-2012 FILBERT STREET, Lot 006 in Assessor's Block 0517 in a RH-2 (Residential, House, Two-Family) Zoning District and a 40-X Height and Bulk District.

LOT SIZE & REAR YARD VARIANCES SOUGHT: The proposal is to construct a new dwelling unit above the existing detached garage fronting on Pixley Street and split the through lot into two lots with one fronting on Filbert Street (Lot A) and the other fronting on Pixley Street (Lot B). No construction is proposed for the existing two-unit residence fronting on Filbert Street.

SECTION 121 OF THE PLANNING CODE requires that each lot have a minimum area of 1,750 square feet. The proposal would create one lot measuring approximately 2,200 square feet (Lot A) and one measuring approximately 800 square feet (Lot B). The project requires a variance from the lot size requirement for Lot B.

SECTION 134 OF THE PLANNING CODE requires a rear yard of 45% of the lot depth on each lot (but no less than 15 feet). Lot A will have a rear yard measuring 21'-9" (where 39.6' is required). Lot B will have a rear yard of four feet (15' is required). The project requires a variance from the rear yard requirement for each lot.

ARCHITECTURAL PLANS: The site plan and elevations of the proposed project are available on the Planning Department's website at:

<http://notice.sfplanning.org/2015-015557VAR.pdf>.

13. **2017-006157VAR** (NATALIA KWIATKOWSKA)

21 CORA STREET, Lot 017 in Assessor's Block 6252 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 a one-story vertical addition, an expansion at the side of the existing building, the addition of decks at rear, front façade changes, and interior remodel of the existing one-story, single-family dwelling.

Per Planning Code Section 134, the subject property is required to maintain a rear yard of approximately 24 feet. The existing building currently encroaches approximately 20 feet into the required rear yard and the proposed work is located 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://notice.sfplanning.org/2017-006157VAR.pdf>.

14. **2014-001674VAR** (NICHOLAS FOSTER)

1145 POLK STREET, Lot 001 in Assessor's Block 0691 in the Polk NCD (Polk Neighborhood Commercial) Zoning District and a 65-A Height and Bulk District.

REAR YARD MODIFICATION VARIANCE SOUGHT: The proposed Project includes the demolition of an existing two-story plus mezzanine commercial building and the construction of a 6-story building with 54 dwelling units above 7,515 square feet of ground-floor and basement-level commercial retail space (4 total retail spaces). The Project includes 23 off-street parking vehicular parking spaces and 55 Class 1 bicycle parking spaces and 6 Class 2 bicycle parking spaces.

PER SECTION 134 OF THE PLANNING CODE, a rear yard of approximately 17 feet (or approximately 2,062 square feet in area) is required for the subject property. The project proposes to construct a mixed-use residential building on the subject property, with full lot coverage at the ground floor. In lieu of a rear yard, the project would provide an open area beginning at the lowest floor containing residential uses (approximately 966 square feet in area) and a roof deck for common useable open space (approximately 5,465 square feet in area), thereby exceeding the total amount of required open area for the subject lot. Because the proposed structure would encroach into the required rear yard, the project is seeking a modification of the rear yard requirements.

ARCHITECTURAL PLANS: The site plan and elevations of the proposed project are available on the Planning Department's website at:

<http://notice.sfplanning.org/2014-001674VAR.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.