



PLANNING DEPARTMENT

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March 26, 2007

Elva D. Harding
Zacks Utrecht & Leadbetter
235 Montgomery Street, Suite 400
San Francisco, CA 94104

RE: **3816 21st Street**
Case No. 2006.0594DV
Assessor's Block: 3603; Lot 009
Building Permit Application Number: 2006.10.11.4752

Dear Ms. Harding:

I am in receipt of your letters dated November 28, 2006 and December 4, 2006 regarding the above referenced address. In your letters you question whether the neighborhood notice that was released for this project complies with the procedures outlined in Section 311 of the Planning Code. More specifically, you argue that a project can only be released for neighborhood notification if it complies with the Planning Code or if it has already been granted a variance.

Section 311(c)(4) of the Planning Code specifically gives the Zoning Administrator discretion in the notification process for projects that will be the subject of a duly noticed public hearing. Where applicable, it has been common practice to complete the neighborhood notification pursuant to Section 311 before or concurrent with the variance notice. Doing so avoids the possible conflict of having the Planning Commission make a decision on a project that has already been acted upon by the Zoning Administrator. If discretionary review is requested for a project that is subject to a variance hearing then the hearings may be held jointly before the Planning Commission and Zoning Administrator respectively. For these reasons applicants are encouraged to complete the Section 311 neighborhood notification process prior to a variance hearing. The 311 notice will often reference the variance notice; however, some applicants do not wish to file a building permit prior to a variance decision, either due to the expense and/or time involved of preparing permit plans or filing for the permit itself, and wanting to get an early read on whether a variance is supportable. In this case a separate Section 311 notice is done after the variance decision.

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If anyone has substantial reason to believe that there was an error in interpretation of the provisions of the Planning Code, or abuse of discretion on the part of the Zoning Administrator, they may file an appeal with the Board of Appeals (1660 Mission Street, Room 3036 telephone: 575-6880) within fifteen (15) days of the date of this letter.

I hope this letter adequately addresses the questions in your letter. If you have any questions regarding this determination, please feel free to contact Michael Smith of my staff, (415) 558-6322.

Sincerely,

Lawrence B. Badiner
Zoning Administrator