



# VARIANCE FROM THE PLANNING CODE

## INFORMATIONAL PACKET

Pursuant to Planning Code Section 305, the Zoning Administrator shall hear and make determinations regarding applications for variances from the strict application of quantitative standards in the Planning Code. The first pages consist of instructions which should be read carefully before the application form is completed.

Planning Department staff are available to advise you in the preparation of this application. Call 415.558.6377 for further information.

**Español:** Si desea ayuda sobre cómo llenar esta solicitud en español, por favor llame al 415.575.9010. Tenga en cuenta que el Departamento de Planificación requerirá al menos un día hábil para responder

中文：如果您希望獲得使用中文填寫這份申請表的幫助，請致電415.575.9010。請注意，規劃部門需要至少一個工作日來回應。

**Tagalog:** Kung gusto mo ng tulong sa pagkumpleto ng application na ito sa Filipino, paki tawagan ang 415.575.9121. Paki tandaan na mangangailangan ang Planning Department ng hindi kukulangin sa isang araw na pantrabaho para makasagot.

## WHAT IS A VARIANCE?

The Planning Code regulates the use of property, including the size, design, and siting of buildings that may be constructed on a piece of property. The Planning Code has standards for buildings that govern such features as rear yards, front setbacks, usable open space, height, and parking. A variance is a request for an exception to a Planning Code standard. The Zoning Administrator is the City official that interprets and maintains the Planning Code.

## WHEN IS A VARIANCE NECESSARY?

There may be special circumstances that make it difficult for a project to meet all of the Planning Code requirements. In those instances, a project sponsor may request that the Zoning Administrator grant a Variance from the Code provisions. Under the City Charter (Section 4.105), the Zoning Administrator has the power to grant only those variances that are consistent with the general purpose and the intent of the Planning Code. The power to grant a variance shall be applied only when the plain and literal interpretation and enforcement of the Code would “result in practical difficulties, unnecessary hardships, or where the results would be inconsistent with the general purpose of the [Code].”

Planning Code Section 305(c) outlines the five criteria that must be met in order for the Zoning Administrator to grant a variance. The Section 305(c) criteria are as follows:

1. That there are exceptional or extraordinary circumstances applying to the property involved or to the intended use of the property that do not apply generally to other property or uses in the same class of district;
2. That owing to such exceptional or extraordinary circumstances the literal enforcement of specified provisions of this Code would result in practical difficulty or unnecessary hardship not created by or attributable to the applicant or the owner of the property;

3. That such variance is necessary for the preservation and enjoyment of a substantial property right of the subject property, possessed by other property in the same class of district;
4. That the granting of such variance will not be materially detrimental to the public welfare or materially injurious to the property or improvements in the vicinity; and
5. That the granting of such variance will be in harmony with the general purpose and intent of this Code and will not adversely affect the Master Plan.

## **HOW DOES THE PROCESS WORK?**

Please review the instructions in this packet of information and ask PIC staff if you have any questions. After filling out the application and collecting the required notification materials and plans, please contact the Planning Department for an intake appointment to process your application. At this appointment a planner will review your application to ensure that it is complete. The application will then be assigned to a planner on a specific Quadrant Team, dependent upon the location of the subject property. The assigned planner will review the application against the San Francisco General Plan, the Planning Code, and Planning Department policies and set a Zoning Administrator hearing date. All owners within 300 feet of the subject property will receive notification of the hearing. The assigned planner will gather comments and concerns from the neighborhood during the notification period.

Upon submittal of a complete application to the Planning Department, the Zoning Administrator will schedule a public hearing to consider whether to grant the Variance. Variance hearings typically occur on the last Wednesday of each month. Upon issuing the formal written decision either granting or denying the Variance in whole or in part, the Zoning Administrator shall forthwith transmit a copy the Variance decision letter to the applicant. The action of the Zoning Administrator shall be final and shall become effective 10 days after the date of his written decision except upon the filing of a valid appeal to the Board of Permit Appeals as provided in Section 308.2 of the Planning Code.

## **WHO MAY APPLY FOR A VARIANCE?**

A Variance is an entitlement that runs with the property; therefore, the property owner or a party designated as the owner's agent may apply for a Variance. [A letter of agent authorization from the owner must be attached.]

## **BEFORE YOU APPLY**

### **The Pre-Application Process**

The following types of projects require a Pre-Application Meeting, provided that the scope of work is subject to Planning Code Section 311 or 312 Notification. When requested, Pre-Application meeting must occur prior to filing the first Planning entitlement application (i.e. Conditional Use Authorization, Variance, Building Permit).

- Projects subject to 311 or 312 Notification;
- New Construction;
- Any vertical addition of 7 feet or more;
- Any horizontal addition of 10 feet or more;
- Decks over 10 feet above grade or within the required rear yard;
- All Formula Retail uses subject to a Conditional Use Authorization;
- Community Business Priority Processing (CB3P); and
- Projects in PDR-I-G Districts subject to Section 313.

Please refer to the Pre-Application Meeting Instruction Packet available at [www.sfplanning.org](http://www.sfplanning.org) or at the Planning Information Center (PIC) counter at 1660 Mission Street, First Floor, San Francisco for further details.

## **PLAN SUBMITTAL INSTRUCTIONS**

The Variance application includes a project description, necessary contact information, and two sets of findings that must be answered. The first set of findings is for the Variance process and consists of a list of questions asking whether there is a hardship and whether there is an adverse impact on surrounding neighbors. The fact that it would be easier, or nicer, or less expensive, to do a project the way the owner wants instead of complying with the Planning Code does not constitute a hardship. The second set of findings are Priority General Plan Policy Findings, which determine San Francisco General Plan consistency. Please answer all questions fully. Please type or print in ink and attach pages if necessary.

Please provide the following materials with the application:

**Authorization:** If the applicant in this case is the authorized agent of the property owner, rather than the owner, a letter signed by the owner and creating or acknowledging that agency must be attached and is included in the application for Conditional Use Authorization.

**Drawings:** The application must be accompanied by plans sufficient for proper determination of the case. In most cases a plot plan will be required, accurately showing existing and proposed structures on both the subject property and on immediately adjoining properties, open spaces, driveways, parking areas, trees, and land contours where relevant. Where the size or use of floor areas is material to the case, floor plans will also be required.

Drawings of building elevations must be provided when exterior changes are proposed. All landscaping should be clearly shown on the plans. A sign program may be submitted at this time. Certain types of conditional uses have additional special requirements under the Code and may require additional information to be submitted with the application; the Department staff will assist in determining what materials are required. A north arrow and scale shall be shown on each plan, and unless an exception is specifically granted by the Zoning Administrator the scale shall be not less than 1/8"=1'-0" for site plans, 1/8" = 1' 0" for floor plans, and 1/4" = 1' 0" for elevations and plans showing layout of parking and loading. For additional information, please see the Plan Submittal Guidelines available at [www.sfplanning.org](http://www.sfplanning.org) under the Permit Forms page.

**Photographs:** showing the subject and surrounding properties.

All plans and other exhibits submitted with this application will be retained as part of the permanent public record in this case.

**During your intake appointment, please provide a digital copy of all documents submitted (may be provided via CD or USB drive) containing the application, project drawings and any other submittal materials that are available electronically.**

## **Fees**

Please refer to the [Planning Department Fee Schedule](#) available at [www.sfplanning.org](http://www.sfplanning.org) or at the Planning Information Center (PIC) located at 1660 Mission Street, First Floor, San Francisco. For questions related to the Fee Schedule, please call the PIC at 415.558.6377.

Fees will be determined based on the estimated construction costs. Should the cost of staff time exceed

the initial fee paid, an additional fee for time and materials may be billed upon completion of the hearing process or permit approval. Additional fees may also be collected for preparation and recordation of any documents with the San Francisco Assessor-Recorder's office and for monitoring compliance with any conditions of approval.

### **Environmental Review**

The California Environmental Quality Act (CEQA) and Chapter 31 of the San Francisco Administrative Code implementing that act may require an Environmental Evaluation before the application may be considered. Please consult the Planning Department staff to determine if an Environmental Evaluation application must be submitted with this application. A separate fee is required for environmental review.

---

**To file your Variance application, please send an email request along with the intake appointment request form to: [CPC.Intake@sf.gov](mailto:CPC.Intake@sf.gov). Intake request forms are available here: <http://sf-planning.org/permit-forms-applications-and-fees>. At your scheduled appointment, please bring your completed application with **ALL** required materials.**

---

## WHAT APPLICANTS SHOULD KNOW ABOUT THE PUBLIC HEARING PROCESS AND COMMUNITY OUTREACH

- A. The Zoning Administrator encourages applicants to meet with all community groups and parties interested in their application early in the entitlement process. In many cases, this is required as part of the Pre-application process. Department staff is available to assist in determining how to contact interested groups. Neighborhood organization lists are available on the Department's website. Notice of the hearing will be sent to groups in or near the neighborhood of the project. The applicant may be contacted by the Planning Department staff with requests for additional information or clarification. An applicant's cooperation will facilitate the timely review of the application.
- B. The Zoning Administrator requests that applicants familiarize themselves with the procedure for public hearings, which are excerpted from the Planning Commission's Rules and Regulations below.

**Hearings.** A public hearing may be held on any matter before the Zoning Administrator at either a Regular (every 4th Wednesday of the month) or a Special Meeting. The procedure for such public hearings shall be as follows:

1. A description of the issue by Zoning Administrator along with the Planning Department's recommendation.
  2. A presentation of the proposal by the project sponsor for a period not to exceed 5 minutes.
  3. A presentation of opposition to the proposal, by organized opposition, for a period not to exceed 3 minutes.
  4. Public testimony from proponents of the proposal. An individual may speak for a period not to exceed 3 minutes.
  5. Public testimony from opponents of the proposal would be taken under conditions parallel to those imposed on proposal proponents, not to exceed 3 minutes.
  6. The project sponsor or applicant will be given a period, not to exceed 3 minutes, within which to clarify any questions raised in previous testimony.
  7. Discussion by the Zoning Administrator on the matter.
  8. The Zoning Administrator may impose time limits on appearances by members of the public and may otherwise exercise his or her discretion on procedures for the conduct of public hearings.
- C. **Opportunities for Appeals by Other Bodies:** Zoning Administrator actions on Variances are final unless appealed to the Board of Appeals within 10 days of the Zoning Administrator's written decision.



## San Francisco Planning

**FOR MORE INFORMATION:**

Call or visit San Francisco  
Planning

**Central Reception**

1650 Mission Street, Suite 400  
San Francisco CA 94103-2479

TEL: **415.558.6378**

FAX: **415 558-6409**

WEB: **<http://www.sfplanning.org>**

**Planning Information Center (PIC)**

1660 Mission Street, First Floor  
San Francisco CA 94103-2479

TEL: **415.558.6377**

Planning staff are available by phone and at the PIC counter.  
No appointment is necessary.