



October 24, 2025

Ms. Angela Calvillo, Clerk
Honorable Mayor Lurie
Board of Supervisors
City and County of San Francisco
City Hall, Room 244
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

Re: **Transmittal of Planning Department Case Number 2025-008757PCA:**
Appeal Timelines for Zoning Administrator Actions
Board File No. 250889

Planning Commission Action: Adopted a Recommendation for Approval

Dear Ms. Calvillo and Mayor Lurie

On October 23, 2025, the Planning Commission conducted a duly noticed public hearing at a regularly scheduled meeting to consider a proposed Ordinance, introduced by Mayor Lurie. The proposed ordinance would amend Business and Tax Regulations Code and the Planning Code to clarify time periods for appeals of decisions or determinations by the Zoning Administrator. At the hearing the Planning Commission adopted a recommendation for approval.

The proposed amendments are not defined as a project under CEQA Guidelines Section 15060(c) and 15378 because they do not result in a physical change in the environment.

Please find attached documents relating to the actions of the Commission. If you have any questions or require further information, please do not hesitate to contact me.

Sincerely,

Aaron D. Starr
Manager of Legislative Affairs

cc: Kristen Jensen, Deputy City Attorney
Adam Thongsavat, Office of Mayor Lurie
John Carroll, Office of the Clerk of the Board

ATTACHMENTS:

Planning Commission Resolution
Planning Department Executive Summary



PLANNING COMMISSION RESOLUTION NO. 21849

HEARING DATE: October 23, 2025

Project Name: Appeal Timelines for Zoning Administrator Actions
Case Number: 2025-008757PCA [Board File No. 250889]
Initiated by: Mayor Lurie / Introduced September 2, 2025
Staff Contact: Aaron Starr, Manager of Legislative Affairs
aaron.starr@sfgov.org, 628-652-7533

RESOLUTION ADOPTING A RECOMMENDATION FOR APPROVAL OF A PROPOSED ORDINANCE THAT WOULD AMEND THE BUSINESS AND TAX REGULATIONS CODE AND THE PLANNING CODE TO CLARIFY TIME PERIODS FOR APPEALS OF DECISIONS OR DETERMINATIONS BY THE ZONING ADMINISTRATOR; AFFIRMING THE PLANNING DEPARTMENT'S DETERMINATION UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT; MAKING FINDINGS OF CONSISTENCY WITH THE GENERAL PLAN, AND THE EIGHT PRIORITY POLICIES OF PLANNING CODE, SECTION 101.1; AND MAKING FINDINGS OF PUBLIC NECESSITY, CONVENIENCE, AND WELFARE PURSUANT TO PLANNING CODE, SECTION 302.

WHEREAS, on September 2, 2025 Mayor Daniel Lurie introduced a proposed Ordinance under Board of Supervisors (hereinafter "Board") File Number 250889, which would amend the Business and Tax Regulations Code and the Planning Code to clarify time periods for appeals of decisions or determinations by the Zoning Administrator;

WHEREAS, the Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance on October 23, 2025; and,

WHEREAS, the proposed Ordinance has been determined to be categorically exempt from environmental review under the California Environmental Quality Act Section 15378 and 15060(c); and

WHEREAS, the Planning Commission has heard and considered the testimony presented to it at the public hearing and has further considered written materials and oral testimony presented on behalf of Department staff and other interested parties; and

WHEREAS, all pertinent documents may be found in the files of the Department, as the Custodian of Records, at 49 South Van Ness Avenue, Suite 1400, San Francisco; and

WHEREAS, the Planning Commission has reviewed the proposed Ordinance; and

WHEREAS, the Planning Commission finds from the facts presented that the public necessity, convenience, and general welfare require the proposed amendment; and

MOVED, that the Planning Commission hereby adopts a **recommendation for approval** of the proposed ordinance.

Findings

Having reviewed the materials identified in the preamble above, and having heard all testimony and arguments, this Commission finds, concludes, and determines as follows:

The Commission recommends approval of the proposed ordinance because it restores clarity, consistency, and fairness to the appeal timelines for Zoning Administrator (ZA) actions. The amendment corrects an unintended consequence of a prior ordinance that expanded the 30-day appeal period beyond its intended scope, creating confusion and inconsistency in the Planning Code. By reinstating the 15-day appeal period for non-enforcement ZA actions and maintaining the 30-day period for enforcement-related actions, the ordinance realigns the Code with its original policy intent. It also clearly defines the 10-day appeal period for specific streamlined ZA decisions, such as variances and related modifications. These changes enhance procedural transparency, improve predictability for applicants and the public, and support the City's broader goals of simplifying the Planning Code and promoting equitable access to the land use process.

General Plan Compliance

The proposed Ordinance is consistent with the following Objectives and Policies of the General Plan:

HOUSING ELEMENT

OBJECTIVE 4.A

SUBSTANTIALLY EXPAND THE AMOUNT OF PERMANENTLY AFFORDABLE HOUSING FOR EXTREMELY LOW- TO MODERATE-INCOME HOUSEHOLDS.

OBJECTIVE 4.B

EXPAND SMALL AND MID-RISE MULTI-FAMILY HOUSING PRODUCTION TO SERVE OUR WORKFORCE, PRIORITIZING MIDDLE-INCOME HOUSEHOLDS.

Policy 26

Streamline and simplify permit processes to provide more equitable access to the application process, improve certainty of outcomes, and ensure meeting State- and local-required timelines, especially for 100% affordable housing and shelter projects.

Implementation Program 8.4.19

Whenever Planning Code amendments or revisions are proposed, advocate for ensure and promote simpler or an overall reduction of rules that affect housing approvals to reduce the specific or

institutional knowledge needed by City staff, applicants, and members of the public to increase accessibility.

The proposed ordinance corrects an error in a previous amendment to bring greater clarity and consistency to the Planning Code. While no specific General Plan Objectives or Policies directly apply, the ordinance aligns with the overall goals of the General Plan—particularly its emphasis on simplifying and clarifying planning processes. It supports Policy 26 of the Housing Element, which calls for streamlining the permitting process to improve equity and predictability. Additionally, the ordinance advances Implementation Program 8.4.19, which encourages reducing complexity in planning rules to make them more accessible to staff, applicants, and the public.

Planning Code Section 101 Findings

The proposed amendments to the Planning Code are consistent with the eight Priority Policies set forth in Section 101.1(b) of the Planning Code in that:

1. That existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses enhanced;

The proposed Ordinance would not have a negative effect on neighborhood serving retail uses and will not have a negative effect on opportunities for resident employment in and ownership of neighborhood-serving retail.

2. That existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods;

The proposed Ordinance would not have a negative effect on housing or neighborhood character.

3. That the City's supply of affordable housing be preserved and enhanced;

The proposed Ordinance would not have an adverse effect on the City's supply of affordable housing.

4. That commuter traffic not impede MUNI transit service or overburden our streets or neighborhood parking;

The proposed Ordinance would not result in commuter traffic impeding MUNI transit service or overburdening the streets or neighborhood parking.

5. That a diverse economic base be maintained by protecting our industrial and service sectors from displacement due to commercial office development, and that future opportunities for resident employment and ownership in these sectors be enhanced;

The proposed Ordinance would not cause displacement of the industrial or service sectors due to office development, and future opportunities for resident employment or ownership in these sectors

would not be impaired.

6. That the City achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake;

The proposed Ordinance would not have an adverse effect on City's preparedness against injury and loss of life in an earthquake.

7. That the landmarks and historic buildings be preserved;

The proposed Ordinance would not have an adverse effect on the City's Landmarks and historic buildings.

8. That our parks and open space and their access to sunlight and vistas be protected from development;

The proposed Ordinance would not have an adverse effect on the City's parks and open space and their access to sunlight and vistas.

Planning Code Section 302 Findings.

The Planning Commission finds from the facts presented that the public necessity, convenience and general welfare require the proposed amendments to the Planning Code as set forth in Section 302.

NOW THEREFORE BE IT RESOLVED that the Commission hereby ADOPTS A RECOMMENDATION FOR APPROVAL the proposed Ordinance as described in this Resolution.

I hereby certify that the foregoing Resolution was adopted by the Commission at its meeting on October 23, 2025.



Jonas P. Ionin
Commission Secretary

Jonas P Ionin

Digitally signed by Jonas P Ionin
Date: 2025.10.23 16:29:32 -07'00'

AYES: Campbell, McGarry, Williams, Braun, Imperial, Moore, So
NOES: None
ABSENT: None
ADOPTED: October 23, 2025



EXECUTIVE SUMMARY

PLANNING CODE TEXT AMENDMENT

HEARING DATE: October 23, 2025

90-Day Deadline: December 15, 2025

Project Name: Appeal Timelines for Zoning Administrator Actions
Case Number: 2025-008757PCA [Board File No. 250889]
Initiated by: Mayor Daniel Lurie/ Introduced September 2, 2025
Staff Contact: Aaron Starr, Manger of Legislative Affairs
aaron.starr@sfgov.org, 628-652-7533
Environmental
Review: Not a Project Under CEQA

RECOMMENDATION: Adopt a Recommendation for Approval

Planning Code Amendment

Ordinance amending the Business and Tax Regulations Code and the Planning Code to clarify time periods for appeals of decisions or determinations by the Zoning Administrator.

The Way It Is Now:

1. Appeals must be filed within 10 days of a Variance Decision Letter.
2. Appeals must be filed within 30 of any other written determination of the Zoning Administrator.

The Way It Would Be:

1. Appeals must be filed within 10 days of variance, rear yard modification permitted by Section 134,

reasonable modification, or elevator height exemption decision of the Zoning Administrator.

2. Appeals must be filed within 30 days of a Notice of Violation, Notice of Violation and Penalty Decision, or Notice of Additional Compliance Action and Accrued Penalties issued by the Zoning Administrator
3. Appeals must be filed within 15 days of any other written determination of the Zoning Administrator

Background

In Spring 2023, Ordinance No. 40-23 amended Planning Code Section 176 with the intent of extending the appeal period for Notices of Violation (NoVs) issued by the Zoning Administrator (ZA) from 15 to 30 days. However, the ordinance inadvertently applied the 30-day appeal period to all non-variance ZA determinations, including Letters of Determination and code interpretations, while leaving the Board of Appeals' corresponding provisions unchanged. This created an inconsistency in the appeal timelines and expanded the longer appeal period beyond its intended scope. The current ordinance addresses this issue by restoring the 15-day appeal period for all non-variance ZA actions, while maintaining the 30-day appeal period exclusively for enforcement-related actions such as NoVs. It also clarifies that the 10-day appeal period is for variance as well as rear yard modification permitted by Section 134, reasonable modification, and elevator height exemption decision, which are also types of Variances with a more streamlined approval process. This correction realigns the Planning Code with its original policy intent and ensures consistency across appeal procedures.

Issues and Considerations

Appeal of Zoning Administrator Determinations

Documents signed by the Zoning Administrator (ZA) are subject to appeal before the Board of Appeals. Each signed document includes a specific appeal period during which the public or the applicant may challenge the ZA's decision. This process ensures both transparency and accountability, while also providing applicants with a degree of certainty to proceed with their projects once the appeal period has passed.

ZA letters include Variance Decision Letters, which are issued following a decision on a variance request. The ZA also issues Letters of Determination, which respond to inquiries about how zoning regulations apply to specific development proposals. These letters help clarify whether a proposed project—such as a new building, an addition, or a change of use—complies with the Planning Code.

The ZA also issues Zoning Verification Letters (ZVLs), which provide written confirmation of the current zoning and land use status of a property. ZVLs may include information on variances, special permits or exceptions, applicable ordinances or conditions, and any known violations. Compared to Letters of Determination, ZVLs are generally more straightforward and may include documents such as Rebuild Letters.

Additionally, the ZA signs enforcement-related documents, including Notices of Violation, Notices of Violation and Penalty Decisions, and Notices of Additional Compliance Action and Accrued Penalties. These documents correspond to various stages of the enforcement process.

General Plan Compliance

The proposed ordinance corrects an error in a previous amendment to bring greater clarity and consistency to the Planning Code. While no specific General Plan Objectives or Policies directly apply, the ordinance aligns with the overall goals of the General Plan—particularly its emphasis on simplifying and clarifying planning processes. It supports Policy 26 of the Housing Element, which calls for streamlining the permitting process to improve equity and predictability. Additionally, the ordinance advances Implementation Program 8.4.19, which encourages reducing complexity in planning rules to make them more accessible to staff, applicants, and the public.

Racial and Social Equity Analysis

This ordinance restores the 15-day appeal period for non-enforcement Zoning Administrator (ZA) actions, such as Letters of Determination, while maintaining a 30-day appeal period for enforcement actions like Notices of Violation. This correction supports equity by ensuring timely and consistent procedures for all, while preserving extended timelines for enforcement cases that may disproportionately impact vulnerable communities. By aligning appeal periods with the nature of the action, the ordinance improves accessibility and fairness in the land use process.

Implementation

The Department has determined that this ordinance will not impact our current implementation procedures; however, it will clear up confusion for staff as well as members of the public.

Recommendation

The Department recommends that the Commission **adopt a recommendation for approval** of the proposed Ordinance and adopt the attached Draft Resolution to that effect.

Basis for Recommendation

The Planning Department recommends approval of the proposed ordinance because it restores clarity, consistency, and fairness to the appeal timelines for Zoning Administrator (ZA) actions. The amendment corrects an unintended consequence of a prior ordinance that expanded the 30-day appeal period beyond its intended scope, creating confusion and inconsistency in the Planning Code. By reinstating the 15-day appeal period for non-enforcement ZA actions and maintaining the 30-day period for enforcement-related actions, the ordinance realigns the Code with its original policy intent. It also clearly defines the 10-day appeal period for specific streamlined ZA decisions, such as variances and related modifications. These changes enhance procedural transparency, improve predictability for applicants and the public, and support the City's broader goals of simplifying the Planning Code and promoting equitable access to the land use process.

Required Commission Action

The proposed Ordinance is before the Commission so that it may adopt a recommendation of approval, disapproval, or approval with modifications.

Environmental Review

The proposed amendments are not defined as a project under CEQA Guidelines Section 15060(c)(2) and 15378 because they do not result in a physical change in the environment.

Public Comment

As of the date of this report, the Planning Department has not received any public comment regarding the proposed Ordinance.

ATTACHMENTS:

- Exhibit A: Draft Planning Commission Resolution
- Exhibit B: Board of Supervisors File No. 250889
- Exhibit C: Letters of Support/Opposition or other supporting documentation, etc.

Portions of this report were drafted and/or edited with the assistance of Microsoft Copilot, in accordance with the City and County of San Francisco's policy on the use of generative AI tools.