MISSION

*To provide an efficient, fair and expeditious public hearing and decision-making process before an impartial panel.*

- Created in 1932 under the San Francisco Charter.
- Quasi-judicial body.
- Provides the final administrative review for a wide range of City determinations.
- Appeals may be taken on decisions to grant, deny, suspend, revoke or modify permits, licenses, and other use entitlements issued by most of the departments, Commissions and other entities of the City and County of San Francisco.
BOARD MEETINGS

- Open to the public and broadcast on the City’s government television channel and on the Board’s website.\(^1\)

- Held on most Wednesdays starting at 5:00 p.m. In FY22, all hearings were conducted exclusively via the Zoom video platform until March 23, 2022, due to the City’s Health Orders related to COVID-19 which prohibited in-person Board meetings. Starting March 30, 2022, the Board began meeting in-person with a hybrid format: the parties and the public have the option of attending the hearings in-person or via the Zoom video platform.

- Conducted in accordance with the Rules of the Board of Appeals.

- Closed-captioned on TV.

- Meeting agendas, minutes, and appellants' and respondents' briefs and other materials associated with the cases heard are posted on the Board’s website.\(^2\)

\(^1\)SFGovTV: [http://sanfrancisco.granicus.com/ViewPublisher.php?view_id=6](http://sanfrancisco.granicus.com/ViewPublisher.php?view_id=6)

\(^2\)www.sfgov.org/boa
### Comparison to Previous Years

<table>
<thead>
<tr>
<th>Fiscal Year</th>
<th>Number of Meetings</th>
<th>Total Hours</th>
</tr>
</thead>
<tbody>
<tr>
<td>FY 22</td>
<td>29</td>
<td>84</td>
</tr>
<tr>
<td>FY 21</td>
<td>29</td>
<td>78</td>
</tr>
<tr>
<td>FY 20</td>
<td>25</td>
<td>96</td>
</tr>
<tr>
<td>FY 19</td>
<td>30</td>
<td>89</td>
</tr>
<tr>
<td>FY 18</td>
<td>29</td>
<td>105</td>
</tr>
<tr>
<td>FY 17</td>
<td>31</td>
<td>80</td>
</tr>
</tbody>
</table>

From FY17 through FY22, the Board had an average of 29 meetings per year and spent an average total of 89 hours per year.
BOARD MEMBERSHIP IN FY22

The five-member Board is comprised of three members appointed by the Mayor and two by the President of the Board of Supervisors. All appointments are to staggered, four-year terms and require approval by the Board of Supervisors.

<table>
<thead>
<tr>
<th>Commissioner</th>
<th>Appointing Authority</th>
<th>Appointment Date</th>
<th>Term Expires</th>
</tr>
</thead>
<tbody>
<tr>
<td>Darryl Honda</td>
<td>Board of Supervisors</td>
<td>December 4, 2012</td>
<td>July 1, 2024³ (Mr. Honda resigned on May 6, 2022)</td>
</tr>
<tr>
<td>Rick Swig</td>
<td>Mayor</td>
<td>April 2, 2015</td>
<td>July 1, 2024⁴</td>
</tr>
<tr>
<td>Ann Lazarus</td>
<td>Mayor</td>
<td>July 25, 2012</td>
<td>July 1, 2022</td>
</tr>
<tr>
<td>Tina Chang</td>
<td>Board of Supervisors</td>
<td>December 11, 2021</td>
<td>July 1, 2022⁵</td>
</tr>
<tr>
<td>Jose Lopez</td>
<td>Mayor</td>
<td>July 27, 2021</td>
<td>July 1, 2024⁶</td>
</tr>
</tbody>
</table>

Note: In FY23, the composition of the Board changed and includes the following members: President Rick Swig, Vice President Jose Lopez, Commissioner Alex Lemberg, Commissioner John Trasviña, and Commissioner J.R. Eppler.

³ For FY13-FY20, President Honda was an appointee of the Mayor. For FY21, he was an appointee of the President of the Board of Supervisors (Norman Yee). Commissioner Honda resigned from his position on May 6, 2022.

⁴ For FY16-FY20, Vice President Swig was an appointee of the President of the Board of Supervisors. For FY21, he was an appointee of the Mayor (London Breed).

⁵ Commissioner Chang was appointed by the President of the Board of Supervisors (Norman Yee) on December 11, 2020 to complete the term of former Commissioner Rachael Tanner who resigned on October 29, 2020.

⁶ Commissioner Lopez was appointed to complete the term of former Commissioner Eduardo Santacana, who resigned on April 14, 2021.
157 matters were on the Board’s docket during the year:

- New matters filed:
  - 104 appeals.
  - 9 rehearing requests (RRs).
  - 7 jurisdiction requests (JRs).
- 37 pending or continued matters carried forward from prior years.

![FY22 Docket chart](chart.png)
94 matters were decided by the Board:

- 83 appeals.
- 8 rehearing requests.
- 3 jurisdiction requests.

61 matters were not heard:

- 25 pending appeals.
- 20 appeals withdrawn.
- 15 appeals remained or were placed on Call of the Chair.
- 1 appeal was dismissed (the appeal was moot because a permit was canceled, or a suspension was released).
Appeal Volume

104 new appeals

Below the ten-year average of 164 appeals per fiscal year.

10-year average = 164 appeals

Changes in appeal volume from year to year can be attributed to a variety of causes, such as fluctuations in the health of the City’s economy, new permitting legislation or business trends that trigger a spike or drop in a particular type of appeal.
Rehearing & Jurisdiction Requests Volume

Rehearing Requests (RRs) ask the Board for a new hearing to reconsider a hearing decision. The Board may grant a Rehearing Request only upon a showing that there is new evidence that could have affected the outcome of the original hearing or to prevent manifest injustice.

Jurisdiction Requests (JRs) ask the Board to allow an appeal to be filed late on the basis that the City intentionally or inadvertently caused the requestor to be late in filing an appeal.

9 new Rehearing Requests and 7 new Jurisdiction Requests

The volume of rehearing requests and jurisdiction requests has remained relatively low each year.

- The ten-year average for rehearing requests: 16
- The ten-year average for jurisdiction requests: 12
<table>
<thead>
<tr>
<th>Fiscal Year</th>
<th>No. of Matters on the Board's Docket</th>
<th>No. of New Appeals</th>
<th>No. of New RRs</th>
<th>No. of New JRs</th>
<th>No. of Pending or Continued Cases from Prior Years</th>
</tr>
</thead>
<tbody>
<tr>
<td>FY22</td>
<td>157</td>
<td>104</td>
<td>9</td>
<td>7</td>
<td>37</td>
</tr>
<tr>
<td>FY21</td>
<td>164</td>
<td>107</td>
<td>8</td>
<td>9</td>
<td>40</td>
</tr>
<tr>
<td>FY20</td>
<td>188</td>
<td>119</td>
<td>9</td>
<td>7</td>
<td>53</td>
</tr>
<tr>
<td>FY19</td>
<td>212</td>
<td>146</td>
<td>11</td>
<td>4</td>
<td>51</td>
</tr>
<tr>
<td>FY18</td>
<td>237</td>
<td>180</td>
<td>16</td>
<td>13</td>
<td>28</td>
</tr>
<tr>
<td>FY17</td>
<td>262</td>
<td>185</td>
<td>12</td>
<td>7</td>
<td>58</td>
</tr>
</tbody>
</table>
Subject Matter

63% of appeals filed were of land-use decisions made by the Department of Building Inspection (DBI), the Planning Department (PD) the Planning Commission (PC) and the Zoning Administrator (ZA).

Other permit appeals came from:
- San Francisco Public Works, Bureau of Urban Forestry (SFPW-BUF): 15%
- San Francisco Public Works, Bureau of Street Use & Mapping (SFPW-BSM): 10%
- Department of Public Health (DPH): 6%
- San Francisco Municipal Transportation Agency (SFMTA): 6%
<table>
<thead>
<tr>
<th>Department</th>
<th>% BOA Cases FY22</th>
<th>% BOA Cases FY21</th>
<th>% BOA Cases FY20</th>
<th>% BOA Cases FY19</th>
<th>% BOA Cases FY18</th>
<th>% BOA Cases FY17</th>
</tr>
</thead>
<tbody>
<tr>
<td>DBI and Planning Department</td>
<td>63%</td>
<td>82%</td>
<td>70%</td>
<td>66%</td>
<td>76%</td>
<td>71%</td>
</tr>
<tr>
<td>SFPW-BUF</td>
<td>15%</td>
<td>15%</td>
<td>20%</td>
<td>8%</td>
<td>6%</td>
<td>4%</td>
</tr>
<tr>
<td>SFPW-BSM</td>
<td>10%</td>
<td>1%</td>
<td>6%</td>
<td>19%</td>
<td>14%</td>
<td>20%</td>
</tr>
<tr>
<td>DPH</td>
<td>6%</td>
<td>1%</td>
<td>3%</td>
<td>6%</td>
<td>&lt;4%</td>
<td>3%</td>
</tr>
<tr>
<td>SFMTA</td>
<td>6%</td>
<td>1%</td>
<td>0%</td>
<td>&lt;1%</td>
<td>&lt;1%</td>
<td>1%</td>
</tr>
<tr>
<td>ARTS COMM.</td>
<td>0%</td>
<td>0%</td>
<td>1%</td>
<td>&lt;1%</td>
<td>0%</td>
<td>&lt;1%</td>
</tr>
<tr>
<td>SFPD</td>
<td>0%</td>
<td>0%</td>
<td>0%</td>
<td>0%</td>
<td>&lt;1%</td>
<td>&lt;1%</td>
</tr>
</tbody>
</table>
Typical land use cases involve:

- Building Permits (site and alteration permits)
- Accessory Dwelling Units
- Zoning Administrator (ZA) Decisions:
  - Variances
  - Letters of Determination regarding permitted uses
  - Notices of Violations and Penalties
  - Requests for Suspension or Revocation of Building Permits
- Planning Commission Actions

42 appeals filed were of decisions made jointly by DBI and the Planning Department:

- Most of these appeals protested the issuance of building permits. These appeals are typically filed by individuals or groups of neighbors concerned that proposed construction will negatively impact their property or neighborhood
- A few appeals protested the disapproval of building permits
6 appeals filed were of decisions made solely by DBI (Planning Department approval was not required)

14 appeals filed were of decisions by the Zoning Administrator:

- 6 appeals protested the issuance of Letters of Determination
- 4 appeals protested the issuance of Variance Decisions
- 2 appeals protested the issuance Notices of Violation and Penalty Decisions
- 1 appeal protested the ZA’s Request to Suspend a building permit
- 1 appeal protested the ZA’s Request to Revoke a permit
3 appeals were of Planning Commission decisions:

- **Planning Commission**
  - 1 appeal of a Section 328 Home-SF Project Authorization
  - 2 appeals of a Section 309 Downtown Project Authorization
Types of Cases from San Francisco Public Works (SFPW)

SFPW Bureau of Urban Forestry: Tree Removal Orders
SFPW Bureau of Street Use and Mapping: Wireless Box Permits
26 appeals filed were of decisions made by San Francisco Public Works:

- 16 appeals protested the issuance or denial of orders or permits related to tree removal
- 9 appeals protested the issuance of Wireless Box Permits
- 1 appeal protested the revocation of a minor sidewalk encroachment permit

Appeals from Determinations of Other City Departments:

Department of Public Health
- 5 appeals related to Tobacco Sales Establishment Permits
- 1 appeal related to the imposition of administrative penalties for the illegal sale of tobacco products without a permit

SFMTA
- 7 appeals related to taxi medallion permits
  - 5 appeals by medallion revocations
  - 2 appeals, by the SFMTA, of decisions to allow the renewal of a taxi medallions
Outcome: 82 Appeals Decided

Given the supermajority vote required to grant an appeal, the Board typically denies more appeals than it grants.

53 appeals were denied by vote resulting in the underlying departmental decision being upheld.

18 appeals were granted with conditions by the Board: The underlying departmental decision was conditioned or modified in some way.

7 appeals were granted by the Board with the underlying departmental decision completely overturned.

4 appeals were denied by default (underlying departmental decision upheld by operation of law).
Outcome: Rehearing & Jurisdiction Requests

8 Rehearing Requests were on the Board’s docket in FY22⁷:

- 7 denied
- 1 withdrawn

3 Jurisdiction Requests were on the Board’s docket in FY22

- 2 denied
- 1 granted

---

⁷ The 9th RR filed in FY22 (Appeal No. 22-032) was heard in FY23.
Geographic Distribution

The appeals heard by the Board during the year involve properties located in most of San Francisco’s neighborhoods. The highest concentration of appeals is seen in the northeast quadrant.

Geographic Distribution of Appeals Filed in FY22
PERFORMANCE MEASURES

City departments are required to report on specific statistical measures as a way of assessing and documenting performance. The two measures unique to the Board look at how long it takes the Board to decide cases and how quickly written decisions are published.

- **Measure One:** Percentage of appeals that are decided within 75 days of filing (cases decided in FY22).
  - The Board decided 82 appeals (at hearings) in FY22
  - The FY22 target was to decide 70% of the cases within 75 days of filing. Note: The target for the previous 10 years (FY21 and earlier) was 60%.
  - The Board did not meet the new FY22 target: 63% of the cases (52 cases) were decided within 75 days of the appeal being filed.
  - With respect to the 30 cases that were decided more than 75 days after an appeal was filed:
    - Delays were caused when matters were rescheduled by the parties.
    - Decisions were delayed for appeals that had rehearing requests.
    - Other cases were continued by the Board for various reasons, oftentimes so that DBI or the Planning Department could conduct site visits and/or work with the parties on a resolution.

- **Measure Two:** Percentage of written decisions that are issued within 15 days of final Board action.

---

8 Written decisions are issued 13 days after a decision is made at a hearing if the parties have not made a request for a rehearing.
• The FY22 target was to issue 90% of the written decisions within 15 days of final action. A total of 84 decisions were issued in FY22.
• The Board met its target and issued 90% of the written decisions within 15 days of final action (76 decisions issued within 15 days of final action)
• The Board issued 10% of the written decisions more than 15 days after the final action (8 decisions issued more than 15 days after final action).
  ▪ Four decisions (Appeal Nos. 21-081, 21-082, 21-083 and 21-085) were delayed because a party for a related appeal (No. 21-084) requested a rehearing. The decisions could not be issued until the rehearing request for Appeal No. 21-084 was decided.
  ▪ Three decisions (Appeal Nos. 21-076, 21-078 and 21-079) were delayed because a party for a related appeal (No. 21-077) requested a rehearing. The decisions could not be issued until the rehearing request for Appeal No. 21-077 was decided.
  ▪ One appeal (No. 21-077) was delayed because the party requested a rehearing and then later withdrew the request.

9 The target for the previous 10 years (FY21 and earlier) was 97%.
10 82 decisions were made at the hearings during FY22, and 84 written decisions were issued in FY22. The discrepancy is due to the fact that some cases were decided (at hearings) in FY21, but the written decisions were issued in FY22.
FY22 BUDGET

REVENUE OVERVIEW

The Board has two sources of revenue:

(1) **Surcharges** placed on permits which are designed to generate the revenue needed to cover operating expenses (97% of the budget).
   a. Surcharges are collected on new and renewed permits.
   b. The rates are based on the percentage of cases originating from each underlying department and anticipated permit application volume. These rates are analyzed annually and adjusted if needed.

(2) **Filing fees** which are collected when new appeals are filed (3% of the budget).

PROJECTED REVENUE

$1,095,914 was the projected revenue budget:

- $1,060,914 in projected surcharge revenue collected by permit issuing departments on new permit applications.
- $35,000 in projected filing fee revenue collected by the Board when new appeals are filed.

ACTUAL REVENUE

$1,016,247 in actual revenue was collected:

- Surcharges: $990,664.
- Filing fees: $25,583.

$79,667 shortfall from projected revenue
EXPENDITURES OVERVIEW

PROJECTED EXPENDITURES

$1,095,914

ACTUAL EXPENDITURES

$1,096,083 was spent by the Board.

<table>
<thead>
<tr>
<th>Expenditures</th>
<th>Projected Budget</th>
<th>Actual Expenditures</th>
</tr>
</thead>
<tbody>
<tr>
<td>Operating</td>
<td>$1,095,914</td>
<td>$1,096,083</td>
</tr>
<tr>
<td>Actual Expenditures</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Overspending from projected</td>
<td>$169</td>
<td></td>
</tr>
</tbody>
</table>

Breakdown of Actual Expenditures:

- $739,102 for salaries and fringe benefits.
- $331,111 for the services of other City departments, such as the City Attorney, Department of Technology, SFGovTV, and Real Estate (rent).
- $24,536 for specialized services such as data production, interpreters; and office management costs such as, photocopier, telephones, and postage.
- $1,334 for materials and supplies.
The shortfall in the budget was balanced with funds from the General Fund.
Surcharges

- The surcharges imposed on appealable permits are intended to recover costs for the Board’s expenses.
- Each Spring the Controller’s Office does a surcharge analysis to determine if surcharge amounts need to change.
- For FY23 there are increases in the surcharge amounts for DBI and the Planning Department.
- For FY23 there are decreases in the surcharge amounts for DPH, SFPD and the Entertainment Commission.

<table>
<thead>
<tr>
<th>Department</th>
<th>FY18</th>
<th>FY19</th>
<th>FY20</th>
<th>FY21</th>
<th>F22</th>
<th>FY23</th>
</tr>
</thead>
<tbody>
<tr>
<td>Planning</td>
<td>$18.50</td>
<td>$18.50</td>
<td>$19.00</td>
<td>$20.00</td>
<td>$22.50</td>
<td>$37.00</td>
</tr>
<tr>
<td>DBI</td>
<td>$18.50</td>
<td>$18.50</td>
<td>$19.00</td>
<td>$20.00</td>
<td>$22.50</td>
<td>$37.00</td>
</tr>
<tr>
<td>DPH</td>
<td>$43.00</td>
<td>$43.00</td>
<td>$44.50</td>
<td>$46.00</td>
<td>$50.50</td>
<td>$45.00</td>
</tr>
<tr>
<td>SFMTA (TAXI)</td>
<td>$2.00</td>
<td>$2.00</td>
<td>$2.00</td>
<td>$2.00</td>
<td>$2.00</td>
<td>$2.00</td>
</tr>
<tr>
<td>SFPW</td>
<td>$6.50</td>
<td>$6.50</td>
<td>$6.50</td>
<td>$7.00</td>
<td>$9.00</td>
<td>$9.00</td>
</tr>
<tr>
<td>SFPD</td>
<td>$6.00</td>
<td>$6.00</td>
<td>$6.00</td>
<td>$6.00</td>
<td>$6.00</td>
<td>$3.00</td>
</tr>
<tr>
<td>ENT.</td>
<td>$4.00</td>
<td>$4.00</td>
<td>$4.00</td>
<td>$4.00</td>
<td>$4.00</td>
<td>$2.00</td>
</tr>
</tbody>
</table>
LITIGATION

Parties dissatisfied with a Board determination may seek further review and relief in court. Set forth below is a description of the lawsuits that were filed, pending or resolved during the year challenging the Board’s determinations.

Pending: David Donofrio v. City & County of San Francisco, et al.
In two separate lawsuits, a neighbor challenged the approvals of a home expansion project at 11 Gladys Street in Bernal Heights. After filing a writ petition in the Superior Court, the petitioner has taken no further steps to litigate.

Pending: San Francisco Care Center v. CCSF
The petitioners in this case allege that the City improperly denied a building permit. In 2000, petitioners entered into a development agreement with the City to build an assisted living facility with 112 units. In 2007, after the project was complete, petitioners made unpermitted improvements to remove several assisted living units and create two master administrator suites. The Department of Building Inspection issued a Notice of Violation in 2017. Petitioners sought a permit to legalize the work. The Planning Commission disapproved the permit, and the Board of Appeals upheld that determination in 2018. The petitioners have requested that the City prepare the administrative record. On February 2, 2019, the City demanded that petitioners provide a deposit for the preparation of the record. Petitioners have not responded. In a related action prosecuted by the City Attorney’s Office against the Care Center and related defendants, the trial court recently issued a statement of decision in defendants’ favor on certain issues, but also finding that defendants violated the Building Code and imposing penalties under the State’s Unfair Competition Law.

Pending: 1049 Market Street, LLC v. City & County of San Francisco, et al.
Six lawsuits were filed by the owners of a six-story building challenging, among other things, the Board’s April 8, 2015 decision to grant an appeal filed by residential tenants protesting the Zoning Administrator’s (ZA) Release of Suspension Request on a permit to convert live-work units to commercial space, and the Board’s April 5, 2017 decisions related to the revocation of that permit. One case was filed in federal court and the others were filed in state court.
The state cases assert claims under CEQA, a vested rights theory and several constitutional claims. The federal case focuses on federal constitutional claims. Because the state and federal suits challenge the same conduct and seek the same damages, the federal court agreed to have the state court resolve the issues of local land use law before it determines whether any federal constitutional issues remain. On this basis, the federal lawsuit has been stayed pending the outcome in state court.

In April 2016, the City won the first of the five state court cases on all issues except the jurisdictional issue relating to whether the Board had properly considered the validity of the permit. The court remanded the matter to the Board for reconsideration of whether the ZA erred or abused his discretion in determining that the property’s principally permitted use as an office had not been abandoned, but left the Board the option to apply recently adopted legislation requiring a Conditional Use Authorization. The City has since prevailed in the appeal of this case, and that ruling is now final.

Another of the state court cases, which challenges on CEQA grounds the permanent zoning controls adopted by the Board of Supervisors, is before the Court of Appeal but has not yet briefed. In August 2017, another of the state court cases was rejected based on the petitioner’s failure to timely serve. The two most recently filed cases, stemming from the Board’s 2017 decisions, are still before the trial court.

The parties have reached a settlement and the execution of the settlement is ongoing. The subdivision map has issued and permitting is underway.

New: 1900 Bryant Street Investors, LLC, v. City and County of San Francisco, et al. [#1]

The property owner in this matter sought a Letter of Determination from the Zoning Administrator concerning whether space at 535 Florida Street could be converted to a cafeteria for employees of a laboratory at a neighboring property, and whether this change of use would be subject to Planning Code Section 202.8 (Prop X, 2016). Section 202.8 requires that, in the zoning district where 535 Florida Street is located, any project proposing to convert more than 5,000 square feet of production, distribution, and repair (PDR) space into a new use must include replacement PDR space at a ratio of .75 square feet for every one square foot removed. The ZA reviewed the permit history for the existing catering and retail use at the property and determined that the project proposed converting more than 5,000 square feet of PDR space to a new use despite some accessory office space at the property, and thus Section 202.8 of the Planning Code applied to the proposed employee cafeteria project. The Board upheld
the ZA’s determination on February 17, 2021, finding the ZA did not err or abuse his discretion in the Letter of Determination. The property owner filed a writ in the Superior Court on May 18, 2021, alleging that the Board abused its discretion in upholding the ZA’s Letter of Determination.¹¹

**New: Turon v. City and County of San Francisco, et al.**

A property owner is challenging suspension of building permits for renovation of his two-unit flat at 2722-2724 Folsom Street. The owner alleges that the Department of Building Inspection approved the work and that the Planning Department is retaliating for an earlier dispute. This action follows a settlement of an earlier case that was also before the Board of Appeals regarding the property’s legal dwelling units. The property owner is seeking a writ of mandate and alleging constitutional claims. The City has moved to dismiss. Trial is scheduled for May 2023.

---

¹¹ **New FY23 case: 1900 Bryant Street Investors, LLC, v. City and County of San Francisco, et al.**

As described in the entry above for 1900 Bryant Street Investors, LLC #1, the property owner seeks to convert the existing catering and retail use at 535 Florida Street to a cafeteria for employees of a laboratory at a neighboring property. The Zoning Administrator had previously issued a separate Letter of Determination, upheld by the Board of Appeals on February 17, 2021, concluding that the existing catering and retail use at the property constituted production, distribution, and repair (PDR) space. As a result, the ZA determined that the proposed employee cafeteria project was subject to Planning Code Section 202.8 (Prop X, 2016), which would require the project to include replacement PDR space at a ratio of .75 square feet for every one square foot removed.

Giving rise to the is new, second action, the property owner sought an additional Letter of Determination from the Zoning Administrator concerning whether the building permit allowing conversion of space at 535 Florida Street from a restaurant use to the existing catering and retail use was void *ab initio* because the Planning Department failed to issue the notice required by then-Section 312 of the Planning Code. The Zoning Administrator determined that the lack of notice did not invalidate the permit, and thus the current permitted use includes significant PDR space. The Board upheld the ZA’s determination on July 20, 2022 and issued notice on August 2, 2022, finding the ZA did not err or abuse his discretion in the Letter of Determination. The property owner filed a writ in the Superior Court on October 17, 2022.
New: Pluta v. City and County of San Francisco, et al.
A pro se litigant is challenging denial of a proposed variance to subdivide and redevelop residential property at 4300 17th Street. The proposed project would retain an existing two-unit building, add an accessory dwelling unit, and build two new units on new lot. The project requires a conditional use and a variance, but the plaintiff is only challenging the denial of the variance. The plaintiff alleges violation of the Housing Accountability Act, abuse of discretion, takings, violation of the Equal Protection Clause, and fair housing violations.

New: Memarzadeh v. Board of Appeals
In two separate lawsuits, the property owner is challenging denial of a street-tree permit and a variance for a vertical addition to an existing rear-yard structure on a sloped lot at 408–412 Cortland Avenue. The City is discussing settlement of the street tree case. The case challenging the denial of the variance is in the initial stages.

The Petitioner is challenging their neighbor’s residential addition at 436 Eureka Street. The petition alleges lack of required 311 notice and that project does not comply with the Planning Code or design guidelines. The petition also alleges denial of fair hearing, and violation of due process. The petitioner has not requested the administrative record or otherwise advanced the litigation. The City is monitoring the case, and will revisit its status.