

**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, January 28, 2015**

**Session Begins at 9:30 A.M.**

**Public Hearing**

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**Scott F. Sanchez, Zoning Administrator**  
Eva Atijera-Taylor, Recording Secretary

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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>

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## **Accessible Meeting Information**

Hearings are held in **Room 408 at City Hall, 1 Dr. Carlton B. Goodlett Place in San Francisco**. City Hall is open to the public Monday through Friday from 8:00 a.m. to 8:00 p.m. and is accessible to persons using wheelchairs and other assistive mobility devices. Ramps are available at the Grove, Van Ness and McAllister entrances. A wheelchair lift is available at the Polk Street entrance.

Transit: The nearest accessible BART station is Civic Center. Accessible MUNI Metro lines are the F, J, K, L, M, N, T (exit at Civic Center or Van Ness stations). MUNI bus routes also serving the area are the 5, 6, 9, 19, 21, 47, 49, 71, and 71L. For more information regarding MUNI accessible services, call (415) 701-4485 or call 311.

Parking: Accessible parking is available at the Civic Center Underground Parking Garage (McAllister and Polk), and at the Performing Arts Parking Garage (Grove and Franklin). Accessible curbside parking spaces are located all around City Hall.

Disability Accommodations: To request assistive listening devices, sign language interpreters, readers, large print agendas or other accommodations, please contact the ADA Coordinator at (415) 575-9157, or [planningnews@sfgov.org](mailto:planningnews@sfgov.org) at least 48 hours in advance of the hearing.

**Language Assistance:** To request an interpreter for a specific case during the hearing, please contact the Language Access Liaison at (415) 575-9157, or [planningnews@sfgov.org](mailto:planningnews@sfgov.org) 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 415-575-9157. 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 415-575-9157. 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 415-575-9157. Запросы должны делаться минимум за 48 часов до начала слушания.

**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](mailto: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/>.*

**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.

**(ERIKA JACKSON)**

1. **2014.0443V:** **495 HARKNESS AVENUE**, Lot 024 in Assessor's Block 6178 in a RH-1 (Residential-House, One Family) Zoning District and a 40-X Height and Bulk District.

**FRONT SETBACK VARIANCE SOUGHT:** The proposal is to legalize the existing 6 foot tall fence within the front setback area.

PER SECTION 132 OF THE PLANNING CODE the subject property is required to maintain a front setback of approximately 8 feet. The fence proposed for legalization encloses the entire front setback area and exceeds the 3 foot height allowed for solid fences as a permitted obstruction; therefore, the project requires a variance.

**ARCHITECTURAL PLANS:** The site plan and elevations of the proposed project are available on the Planning Department's website at: <http://sf-planning.org/ftp/files/notice/2014.0443V.pdf>.

**(SHARON YOUNG)**

2. **2014.0795V:** **431-433 - 2ND AVENUE**, Lot 005 in Assessor's Block 1542 in a RH-3 (Residential- House, Three Family) Zoning District and a 40-X Height and Bulk District.

**DWELLING UNIT EXPOSURE VARIANCE SOUGHT:** The proposal is to convert an approximately 650 square-foot storage space on the garage level into a dwelling unit within an existing three-story, two-family dwelling. New rear windows and doors are proposed on the garage level.

SECTION 140 OF THE PLANNING CODE requires that every dwelling unit face directly on an open area, such as a public street or alley at least 25 feet in width, side yard at least 25 feet in width, or rear yard meeting the requirements of the Planning Code. The subject property, with a lot depth of 120 feet, has a required rear yard of 54 feet. The subject property has an existing non-complying rear yard of 40 feet. As proposed, the new dwelling unit on the garage level would have a window (obstructed by the existing rear exterior stairs) facing the non-complying rear yard; therefore, the project requires a variance from the dwelling unit exposure requirement of the Planning Code.

**ARCHITECTURAL PLANS:** The site plan and elevations of the proposed project are available on the Planning Department’s website at: <http://sf-planning.org/ftp/files/notice/2014.0795V.pdf>.

**B. REGULAR CALENDAR**

(SARA VELLVE)

- 3. **2014.1092V:** 54 COMMONWEALTH AVENUE, Lot 028 in Assessor's Block 1037 in a RH-1(D)(Residential- House, One Family- Detached) Zoning District and a 40-X Height and Bulk District.

**SIDE YARD VARIANCE SOUGHT:** The proposal is to construct an approximately 14-foot deep, one-story-over-basement rear addition and roof dormers to the existing three-story, single-family house. A deck would be constructed above the addition and another deck is proposed at grade.

PLANNING CODE SECTION 133(a)(5) requires a minimum 5-foot setback from each side property line. The proposed additions would encroach approximately 3 feet into the north side yard to align with the existing north building wall.

**ARCHITECTURAL PLANS:** The site plan and elevations of the proposed project are available on the Planning Department’s website at: <http://sf-planning.org/ftp/files/notice/2014.1092V.pdf>.

(ALEXANDRA KIRBY)

- 4. **2014.1373V** 120 RETIRO WAY, Lot 032 in Assessor's Block 0438A in a RH-3 (Residential- House, Three Family) Zoning District and a 40-X Height and Bulk District.

**REAR YARD VARIANCE SOUGHT:** The proposal is to horizontally expand the third story onto an existing deck located above a two-story extension at the rear of the three-story, single-family house. The proposed addition would be approximately 9 feet 6 inches in depth and 11 feet wide.

PER SECTION 134 OF THE PLANNING CODE, the subject property is required to maintain a rear yard of 23 feet, 10 inches. The existing noncomplying two-story rear extension and the proposed addition above it encroach 6 feet, 6 inches into the required rear yard; therefore, the project requires a variance from the rear yard requirement of the Planning Code.

**ARCHITECTURAL PLANS:** The site plan and elevations of the proposed project are available on the Planning Department's website at: <http://sf-planning.org/ftp/files/notice/2014.1373V.pdf>.

(ALEXANDRA KIRBY)

5. **2014.1418V: 330 - 2ND AVENUE**, Lot 062 in Assessor's Block 1433 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 to reconfigure the existing exterior staircase from the third story to the fourth story at the rear of the four-story, 4-unit building.

PER SECTION 134 OF THE PLANNING CODE the subject property is required to maintain a rear yard of 38 feet. The proposed addition would encroach 4 feet into the required rear yard; therefore, the project requires a variance from the rear yard requirement of the Planning Code.

**ARCHITECTURAL PLANS:** The site plan and elevations of the proposed project are available on the Planning Department's website at: <http://sf-planning.org/ftp/files/notice/2014.1418V.pdf>.

(ANDREW PERRY)

6. **2014.1152V: 75 BUENA VISTA TERRACE**, Lot 060-061 in Assessor's Block 2609 in a RH-2 (Residential- House, Two Family) Zoning District and a 40-X Height and Bulk District.

**REAR YARD AND USABLE OPEN SPACE VARIANCES SOUGHT:** The proposal includes the replacement of an existing 1-story deck and stairs at the rear of the two-family dwelling, adding storage space underneath the new stairs. The replacement deck and stairs are located within the required rear yard. The proposal would not provide common usable open space for both units. Currently, the upstairs unit (77 Buena Vista Terrace) does not have access to usable open space, a condition which will be legalized by the proposal.

PER SECTION 134 OF THE PLANNING CODE the subject property is required to maintain a rear yard of approximately 41 feet, based on the average building depths of the two adjacent properties. The proposed deck and stairs encroach approximately 20 feet into the required rear yard; therefore, the project requires a variance.

PER SECTION 135 OF THE PLANNING CODE usable open space shall be provided for each dwelling at a rate of 125 square feet per unit, if all private, with common usable open space substituted for private at a ratio of 1.33:1. The upstairs unit currently has no access to usable open space; therefore, the project requires a variance.

**ARCHITECTURAL PLANS:** The site plan and elevations of the proposed project are available on the Planning Department's website at: <http://sf-planning.org/ftp/files/notice/2014.1152V.pdf>.

(EILIESH TUFFY)

7. **2014.0792V:** **429 BUENA VISTA AVENUE EAST**, Lot 067 in Assessor's Block 2607 in a RH-3 (Residential-House, Three Family) Zoning District and a 40-X Height and Bulk District.

**REAR YARD VARIANCE SOUGHT:** The subject property includes a multi-Family Residential building (11 dwelling units) on a 100' x 125' lot. The building was constructed in 1942 and designed in a U-shape plan with a central courtyard; the rear portion of the existing building is located within the required rear yard under the current Planning Code.

Section 134 requires a rear yard of between 56.25' and 67.5' (given the varying depth of the subject property). The proposed work is to enclose the open area (approximately 215 square feet) under the top floor rear deck to expand the existing master suite and create a new bedroom on the lower level. Given that the area of work is located within the required rear yard, 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://sf-planning.org/ftp/files/notice/2014.0792V.pdf>.

(ESMERALDA JARDINES)

8. **2014.1324V:** **436-438 - 14TH STREET**, Lot 016 in Assessor's Block 3533 in a RTO (Residential Transit Oriented District) Zoning District and a 40-X Height and Bulk District.

**REAR YARD VARIANCE SOUGHT:** The proposal is to demolish and reconstruct (in a new configuration) the existing legal non-complying stairs at the rear of the subject three-story, four-unit building. The proposed stairs and landings measure approximately 15' wide by 13'-3" deep by 16' 1 1/2" above grade, and will be set back 5 feet from the east and west side property lines.

SECTION 134 OF THE PLANNING CODE requires a rear yard of 42' for the subject property. The proposed stairs and landings will extend approximately 19'-6" into 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://sf-planning.org/ftp/files/notice/2014.1324V.pdf>.

9. **2014.1147V:** **36 CORTLAND AVENUE**, Lot 015A in Assessor's Block 5674 in a RH-2 (Residential-House, Two Family) Zoning District and a 40-X Height and Bulk District. **(JEFFREY SPEIRS)**

**REAR YARD VARIANCE SOUGHT:** The proposal is to remove an existing noncomplying 2-story pop-out and stairs, and build a new 1-story deck and stairs with firewall.

PLANNING CODE SECTION 242 requires a rear yard of 22.5 feet for the subject property. The existing 2-story structure encroaches 15 feet - 6 inches into the required rear yard, resulting in a rear yard of approximately 7 feet - 4 inches feet. The proposed deck and stairs will extend into the required rear yard 15 feet - 6 inches, for a width 18 feet - 8 inches, resulting in a rear yard of 7 feet - 4 inches. The firewall abutting the northwestern adjacent property has a height of 8 feet. The proposed deck and stair are located within the required rear yard; therefore, a variance.

**ARCHITECTURAL PLANS:** The site plan and elevations of the proposed project are available on the Planning Department's website at: <http://sf-planning.org/ftp/files/notice/2014.1147V.pdf>.

10. **2014.1132V:** **2253 CLAY STREET**, Lot 050 in Assessor's Block 0627 in a RH-2(Residential- House, Two Family) Zoning District and a 40-X Height and Bulk District. **(LAURA AJELLO)**

**REAR YARD VARIANCE SOUGHT:** The proposal is to demolish and rebuild a non-complying second story deck and stairs at the rear of the 4-story, 2-family dwelling. The proposed reconstruction will be in a smaller footprint and will include a ground floor addition and spiral stair to the rear yard.

SECTION 134 OF THE PLANNING CODE requires a minimum rear yard depth of 41'. The proposed construction extends to within 21-5" into the rear property line.

**ARCHITECTURAL PLANS:** The site plan and elevations of the proposed project are available on the Planning Department's website at: <http://sf-planning.org/ftp/files/notice/2014.1132V.pdf>.



(TINA CHANG)

11. 2014.0815V: **1542-1546 GUERRERO STREET**, Lot 007 in Assessor's Block 6594 in a RH-2 (Residential- House, Two Family) Zoning District and a 40-X Height and Bulk District.

**LOT SIZE, REAR YARD, USABLE OPEN SPACE & PARKING**

**VARIANCES SOUGHT:** The proposal is to subdivide a lot housing two existing structures at the corner of Duncan and Guerrero Streets.

SECTION 121 requires a minimum lot size of 1,750 for the subject property. The proposed subdivision would reduce one lot to less than 1,750 square feet; therefore, a variance is required.

SECTION 134 requires a rear yard amounting to 45% of the lot area in RH-2 Zoning Districts, and in no case less than 15 feet of lot depth. The existing two structures cover nearly the entire lot, except for a 6'-3" yard in between the two buildings. The property does not currently comply with rear yard requirements. The proposed subdivision increases this noncompliance; therefore, a variance is required.

SECTION 135 requires a minimum of 125 square feet of private usable open space for each dwelling unit or 166.25 square feet of common usable open space for each dwelling unit within an RH-2 zoning district. The property currently provides 187.5 square feet of common open space and does not comply with open space requirements. The proposed subdivision increases this noncompliance; therefore, a variance is required.

SECTION 151 requires one off-street parking space per dwelling unit. Two off-street parking spaces are provided for the dwelling unit at 102 Duncan Street. The proposed subdivision will not provide any parking for the mixed-used building fronting Guerrero Street; 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://sf-planning.org/ftp/files/notice/2014.0815V.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 **4<sup>th</sup> 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.