

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, December 2, 2015

Session Begins at 9:30 A.M.

Public Hearing

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

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>

Accessible Meeting Policy

Hearings are held at **City Hall, 1 Dr. Carlton B. Goodlett Place, Room 408, Fourth Floor**, San Francisco, CA. The closest accessible BART Station is the Civic Center Station located at the intersection of Market, Hyde and Grove Streets. Accessible curb side parking has been designated at points along McAllister Street. Accessible MUNI Lines serving City Hall are the 42 Downtown Loop, 9 San Bruno and 71 Haight/Noriega and the F Line. Accessible MUNI Metro Lines are the J, K, L, M, N and T. For more information regarding MUNI accessible services, call **311 within San Francisco, (415) 701-2311 outside Bay Area, or TTY (415) 701-2323**. American Sign Language interpreters and/or a sound enhancement system will be available upon request by contacting **Lulu Hwang at (415) 558-6318** at least 72 hours prior to a hearing. Individuals with severe allergies, environmental illnesses, multiple chemical sensitivity or related disabilities should call our accessibility **hotline at (415) 554-8925** to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the City to accommodate these individuals.

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.

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/>.

ENGLISH:

For language assistance or to request an assistive device for a hearing, please call 415-558-6309. Please make requests 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 415-558-6309. 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 415-558-6309. 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 415-558-6309. Запросы должны делаться минимум за 48 часов до начала слушания.

**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.

1. 2015-011574VAR (KATE CONNER)

838 PACIFIC AVENUE, Lot 030 in Assessor's Block 0610 in a RM-4 (Residential Mixed, High Density) Zoning District and a 65-N Height and Bulk District.

REAR YARD VARIANCE SOUGHT: The proposal includes a one-story enclosure around an existing on-site co-generator plant within the required yard, approximately 485 sf in size and 15 feet in height, located at the ground floor of an existing 200-unit 100% affordable housing project. The proposed enclosure surrounds an existing 135 sf co-generator plant and the enclosure will limit the noise pollution created from the co-generator plant. This project is part of the City's RAD (Rental Assistance Demonstration) Program.

PLANNING CODE SECTION 134 requires a minimum rear yard of approximately 69 feet. Currently, the subject site is noncomplying because the existing 12-story building covers the majority of the lot. The subject property is a through lot and the 69-foot rear yard must be provided in the center of the lot. The proposed one-story enclosure is located within the required rear yard. The overall building depth will not be affected.

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/2015-011574VAR.pdf>.

2. 2015-012809VAR

(KATE CONNER)

711-795 PACIFIC AVENUE, Lot 001 in Assessor's Block 0178 in a RM-4 (Residential Mixed, High Density) Zoning District and a 65-N, 65-85N Height and Bulk District.

REAR YARD VARIANCE SOUGHT: The proposal includes a one-story rear horizontal addition at the ground floor of an existing 117-unit 100% affordable housing project, which encroaches into the required rear yard. The proposed 29-foot deep addition encroaches into the required rear yard; however, the overall building depth will not be affected because the proposed addition does not encroach any further into the required rear yard than the existing building. This project is part of the City's RAD (Rental Assistance Demonstration) Program.

PLANNING CODE SECTION 134 requires a minimum rear yard of approximately 35 feet. Currently, the subject site has a noncomplying 12-foot rear yard and the proposed horizontal addition would encroach 17 feet into the required 35-foot required rear yard. The overall building depth will not be affected because the proposed addition does not encroach any further into the required rear yard than the existing building and the addition will be located 17 feet from 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/2015-012809VAR.pdf>.

3. 2014.0677VAR

(MARY WOODS)

1164 FULTON STREET, Lot 011 in Assessor's Block 0777 in a RH-3 (Residential, House, Three-Family) Zoning District, a 40-X Height and Bulk District and the Alamo Square Historic District.

REAR YARD VARIANCE SOUGHT: The proposal is to fill in a third floor lightwell, measuring approximately 5 feet deep by 4 feet wide by 14 feet tall, at the northeast rear corner of the three-story, two-unit building.

PER SECTION 134(A)(1) OF THE PLANNING CODE, the subject property is required to maintain a rear yard of approximately 25 feet. The existing non-complying building already extends approximately three feet into the required rear yard setback. The proposed lightwell infill would encroach approximately three feet into the required rear yard in order to align with the existing rear building wall; therefore, the project requires a variance from the rear yard requirement of the Planning Code.

PER SECTION 134(C)(1) OF THE PLANNING CODE, when the required rear yard is reduced based on the average of adjacent buildings, the last 10 feet of building depth is limited to a height of 30 feet. The height of the existing non-complying building is 37 feet. The height of the lightwell infill is proposed to align with the existing building height of 37 feet; therefore, the project requires a variance from height

measurement based on the reduced 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/2014.0677VAR.pdf>.

4. **2014.0655VAR** (RICHARD SUCRE)

3751-3753 - 20TH STREET, Lot 066 in Assessor's Block 3607 in a RH-2 (Residential, House, Two-Family) Zoning District, Liberty-Hill Landmark District, and a 40-X Height and Bulk District.

REAR YARD VARIANCE SOUGHT: The proposal includes a three-story rear horizontal addition to a two-family residence.

PER SECTION 134 OF THE PLANNING CODE, the subject property is required to maintain a rear yard of 51-feet 4-inches. Currently, the proposed project includes a new horizontal addition, which is partially located within the required rear yard. Since the project includes a new addition within a portion of the required rear yard, a variance is required from Planning Code Section 134.

On April 15, 2015, the Historic Preservation Commission reviewed the proposal and granted a Certificate of Appropriateness for the proposed project (See Case No. 2014.0655A).

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/2014.0655VAR.pdf>.

B. **REGULAR CALENDAR**

5. **2014.0398V** (BRITTANY BENDIX)

930 BAKER STREET, Lot 003 in Assessor's Block 1118 in an RM-1 (Residential, Mixed Use, Low Density) Zoning District, and a 25-X Height and Bulk District.

REAR YARD VARIANCE SOUGHT: The subject property is a through lot with frontage on both Baker Street and St. Joseph's Avenue. The proposal includes a horizontal addition at the rear of the existing two-family dwelling that will accommodate two additional dwelling units, for a total of four, and construction of a single-story garage with roof deck at the rear of the property.

SECTION 134 OF THE PLANNING CODE requires that the subject property provide a rear yard equal to 57 feet 4 inches. The main building and its projections satisfy this requirement; however, the proposed single-story garage is located within the last 29.5 feet of the required rear

yard. Therefore, the project requires a variance from the Planning Code's rear yard requirements.

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/2014.0398V.pdf>.

6. 2015-001806VAR (CARLY GROB)

1160 PINE STREET, Lot 011 in Assessor's Block 0252 in a RM-4 (Residential-Mixed, High Density) Zoning District and a 65-A Height and Bulk District.

USABLE OPEN SPACE AND EXPOSURE VARIANCES SOUGHT:

The proposal is to add three dwelling units within the building envelope of an existing 15-unit building.

PER PLANNING CODE SECTION 135 the subject property is required to provide 36 square feet of private open space per unit or 48 square feet of common open space. There is a current deficit of usable open space on the property, and the addition of three dwelling units will exacerbate that deficit. Therefore, the project requires a variance from the rear yard requirement Section 135 of the Planning Code.

PER PLANNING CODE SECTION 140 each dwelling unit is required to face either a street or alley at least 25 feet in width, a code-complying rear yard, or sufficient open area. One of the three proposed new dwelling units does not face a qualifying open area. Therefore, a variance is needed from the exposure requirement in Section 140 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/2015-001806VAR.pdf>.

7. 2015-007426VAR (DOUG VU)

736 ANDERSON STREET, Lot 015 in Assessor's Block 3648 in a RH-3 (Residential-House, Three Family Dwelling) Zoning District and a 40-X Height and Bulk District.

REAR YARD VARIANCE SOUGHT: The proposal includes a rear addition at the first and second stories to the existing three-story, single-family dwelling. The proposed addition would intensify the non-complying rear yard, necessitating the granting of a variance.

PER SECTION 242(e)(2) OF THE PLANNING CODE the property is required to maintain a rear yard equal of 19'-2". The proposal is to construct an addition at the first and second floors that extend 1'-2" into the required rear yard (maintaining a rear yard of 17'-6"); 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/2015-07426VAR.pdf>.

8. **2015-007600VAR** (ESMERALDA JARDINES)

528 CONNECTICUT STREET, Lot 011A in Assessor's Block 4099 in a RH-2 (Residential House-Two Family) Zoning District and 40-X Height and Bulk District.

FRONT SETBACK AND STREET FRONTAGE VARIANCES SOUGHT:

The proposal includes a 48-square foot garage expansion at the ground level with a new deck above for an existing single-family dwelling on Connecticut Street. The proposed deck would include both open and solid railings as required by the Building Code and will align with the existing stair.

PER SECTION 132 THE PLANNING CODE, the subject property is required to maintain a front setback of 15 feet. The subject property does not currently comply with the front setback requirement. The proposed garage expansion and deck will align with the existing stairway and extend to within approximately two feet of the front property line; therefore, a front setback variance is required.

PER SECTION 144 THE PLANNING CODE, street-facing garage structures and garage doors may not extend closer to the street than a primary building façade. The proposed garage expansion would extend four feet beyond the primary building façade; therefore, a street frontage 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/2015-007600VAR.pdf>.

9. **2015-006005VAR** (LAURA AJELLO)

893 ASHBURY STREET, Lot 019 in Assessor's Block 1269 in a RH-3 (Residential, House, Three-Family) Zoning District and a 40-X Height and Bulk District.

FRONT SETBACK AND UNSCREENED PARKING VARIANCES

SOUGHT: The proposal is to create one unenclosed parking space in the front setback of the existing single-family residence.

SECTION 132 OF THE PLANNING CODE requires that the subject property maintain a front setback of 15 feet. Section 132(f) provides further that no motor vehicle may be parked or stored in this area.

SECTION 142 OF THE PLANNING CODE requires that off-street parking be screened from view by solid building walls. The proposed parking area would be unenclosed with a front yard fence and partially transparent gate at the street.

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/2015-006005VAR.pdf>.

10. 2014-003120VAR (NANCY TRAN)

4540 - 19TH STREET, Lot 011 in Assessor's Block 2700 in a RH-2 (Residential House, Two-Family) Zoning District and a 40-X Height and Bulk District.

REAR YARD VARIANCE SOUGHT: The proposal is to construct a 2-car detached garage (with roof deck), build a third floor vertical addition and extend the existing 2-story over basement single-family dwelling. Other modifications include interior remodeling and conversion of the basement into habitable space.

SECTION 134 OF THE PLANNING CODE requires a rear yard of 51'-4" for the subject property. The proposed garage, with a roof deck, is located within the required rear yard and extends to within 14' of the rear property line; 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/2014-003120VAR.pdf>.

11. 2014.0886V (SHARON YOUNG)

601 & 625 STEINER STREET, Lots 004 and 005 in Assessor's Block 0823 in a RM-1(Residential- Mixed, Low Density) Zoning District, a 40-X Height and Bulk District and the Alamo Square Historic District.

REAR YARD VARIANCE SOUGHT: The proposal is to construct a 222 square-foot structure containing an office and conference room within the required rear yard of the rehabilitation center (d.b.a. Henry Ohlhoff House - located at the rear of the Gearhart Building on the northwest corner of the lot). The one-story structure (approximately 12 feet 6 inches wide by 18 feet deep by 10 feet 6 inches high) will abut the north property line and will be set back approximately 12 feet from the rear property line.

SECTION 134 OF THE PLANNING CODE requires the subject property to maintain a rear yard of 49 feet 6 inches. The proposed one-story structure would be located entirely within the required rear yard; therefore, the project requires a variance from the rear yard requirement (Section 134) 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/2014.0886V.pdf>.

12. 2015-003059VAR

(TODD KENNEDY)

231 SADOWA STREET, Lot 046 in Assessor's Block 7137 in an RH-1 (Residential-House, One Family) Zoning District and a 40-X Height and Bulk District.

REAR YARD VARIANCE SOUGHT: The proposal is to replace an existing storage shed within the rear yard requirement. The subject work was performed under Building Permit Application No. 201307020956.

PER SECTION 134 OF THE PLANNING CODE, the subject property is required to maintain a rear yard of 25% of the total depth of lot or 31 feet. The proposal is to document the reconstruction of a previously existing garden shed. The replacement structure is 270 square feet and 9 feet above grade, the same size as the previous structure; however, it exceeds the 100 square feet and 8 foot height limit allowed for an accessory structure in 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/2015-003059VAR.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 **4th 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.