

# 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 27, 2016

Session Begins at 9:30 A.M.

### Public Hearing

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 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](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/>.***

**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. 2014-003157VAR (BRITTANY BENDIX)**

**1598 BAY STREET**, Lot 007 in Assessor's Block 0459 in an NC-2 (Small-Scale Neighborhood Commercial) Zoning District and a 40-X Height and Bulk District.

**REAR YARD MODIFICATION, OPEN SPACE AND EXPOSURE**

**VARIANCES SOUGHT:** The project is the demolition of a closed automotive service station and the construction of a new 40-foot tall residential building of approximately 50,900 square feet with 28 dwelling units, 2,875 square-feet of common open space, 42 off-street parking spaces, and 40 bicycle parking spaces.

SECTION 134 OF THE PLANNING CODE requires that the property provide a minimum rear yard at grade equal to 3,135.31 square-feet. The proposed rear yard at grade is 2,850 square-feet; therefore, a Rear Yard Modification is required.

SECTION 135 OF THE PLANNING CODE requires the project to provide a minimum of 100 square feet of open space per unit, if private, or 133 square feet of open space per unit if within a common area. The project provides code-complying open space for 22 of the 28 units through a combination of private and common open space; therefore, an Open Space Variance is required.

SECTION 140 OF THE PLANNING CODE requires that every dwelling unit face onto an open area such as a public street or code-complying inner court that is unobstructed and no less than 25 feet in every horizontal dimension, with an increase in five feet in every horizontal

dimension at each subsequent floor. The depth of the rear inner court area does not exceed 25.42 feet. Therefore, an Exposure Variance is required for the three units on the ground floor and the three units on the second floor that only face the rear inner court (the remaining units face Buchanan and Bay Streets and are code-complying).

**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/2014-003157VAR.pdf>.

2. 2015-009249VAR

(JONATHAN DISALVO)

**833-855 CORTLAND AVENUE**, Lot 017 in Assessor's Block 5661 in a NC-2 (Neighborhood Commercial, Small Scale) Zoning District and a 40-X Height and Bulk District.

**REAR YARD VARIANCE SOUGHT:** The proposal includes minor interior renovations to the existing bakery on the ground floor as well as minor interior renovations on the second floor within the existing residential unit. No expansion of the building is proposed; however, legalization is sought for a bedroom addition previously constructed without benefit of permit on the second floor at the rear of the building.

PER SECTION 134 OF THE PLANNING CODE the subject property is required to maintain a rear yard of 18 feet at the second story and above and at all residential levels. The existing building is noncomplying and extends 9' into the required rear yard. The existing rear addition (housing a bedroom) was constructed without benefit of permit and extends an additional 9' into the required rear yard to the rear property line. The project therefore requires a variance to legalize this portion of the building.

**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/2015-009249VAR.pdf>.

B. REGULAR CALENDAR

3. 2014.1473V

(CARLY GROB)

**311 GROVE STREET**, Lot 020 in Assessor's Block 0809 in a HAYES NCT(Hayes-Gough Neighborhood Commercial Transit District) Zoning District and a 40-X/50-X Height and Bulk District.

**REAR YARD MODIFICATION, PERMITTED OBSTRUCTION AND ACTIVE USE VARIANCES SOUGHT:** New construction of eight DU on an existing vacant through lot between Grove and Ivy Streets. Four DU are proposed facing Grove Street in a structure that is 52' 2" in height, and four DU are proposed in a structure facing Ivy Street that is 43' 9" in height. An inner court measuring approximately 635 square feet would

separate the two structures. The project includes four parking spaces in subterranean garage and nine bicycle parking spaces.

PLANNING CODE SECTION 134 requires a 25% rear yard setback, and that the required rear yard setback be provided at the lowest level containing a dwelling unit, and each succeeding story or level of the building in the Hayes Gough NCT. Applicant is seeking a rear yard modification from the Rear Yard Requirements pursuant to Section 134(e) to provide an interior court which measures approximately 18 feet wide and 35'4" long at the center of the lot.

PLANNING CODE SECTION 136(C)(2)(C) requires that at least 1/3 of the required glass area of each bay window is on a vertical surface no less than 30 degrees to the line establishing the required open area. The proposed bays facing Ivy Street and Grove Street are not fenestrated on either side of the window, and a Variance from Section 136 is required.

PLANNING CODE SECTION 145.1 requires active uses at the ground floor. Residential uses are considered active uses at the ground level if they are walk-up dwelling units that provide direct, individual pedestrian access to a public sidewalk. The residence facing Ivy Street does not have direct access to the street; therefore, a Variance from Section 145.1 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/2014.1473V.pdf>.

4. **2015-004617VAR** (CLAUDINE ASBAGH)  
**22 MOORE PLACE**, Lot 030 in Assessor's Block 0096 in a RH-3 (Residential-House, Three Family) Zoning District and a 40-X Height and Bulk District.

**REAR YARD VARIANCE SOUGHT:** Project proposes to convert the existing private garage into a single family dwelling. Project will construct two stories above the existing structure and includes the conversion of 280 sf at the garage level into habitable space. The structure will have a maximum height of 38'-3" and is setback from the rear property line by 15' at the second story, and 21' at the third story.

PER PLANNING CODE SECTION 134, a rear yard of 19' is required for the subject property. The existing building extends to the rear property line and is a non-complying structure, which is being intensified through the conversion to residential use. Additionally, the project proposes a vertical addition with a 15' rear yard. Therefore, the project requires a variance from the rear yard requirement.

**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/2015-004617VAR.pdf>.

## 5. 2014.1589V

(DOUG VU)

**1955-1965 OAKDALE AVENUE**, Lot 034 in Assessor's Block 5319 in a RH-2(Residential- House, Two Family) Zoning District and a 40-X Height and Bulk District.

**MINIMUM LOT WIDTH & AREA AND REAR YARD SETBACK**

**VARIANCES SOUGHT:** The proposal is to merge two existing lots of record that are each improved with a single-family dwelling, and subdivide the resulting lot into three separate parcels in order to construct a new three-story, two-family dwelling on the newly created vacant lot between the existing two dwellings. The proposal also includes a rear horizontal and vertical addition to the dwelling on the southernmost lot to add an additional dwelling unit. The proposed subdivision and construction would result in a new two-family dwelling on the center lot, a two-family dwelling on the southernmost lot. The northernmost lot and building will remain unchanged.

SECTION 121 OF THE PLANNING CODE requires a minimum lot width of 25 feet and a minimum lot area of 2,500 square feet (in order to count towards the minimum lot area, the property must be at least 25 feet wide). The merger of two existing lots (034 & 035) and subsequent subdivision into three smaller parcels (A, B, & C per plans) will create two lots which require variances - Parcel A with a width of 24.5 feet and area of 2,450; Parcel B with a width of 19-feet 6-inches and area of 1,950 square feet.

SECTION 134 OF THE PLANNING CODE requires a rear yard equal to the depth of the rear building wall of both adjacent buildings, but under no circumstances less than a depth of 25 percent of the total lot depth, or less than 15 feet, whichever is greater. The proposed 10-feet 6-inch rear horizontal, and 37-feet, 8.5-inch vertical addition to the dwelling on the southernmost parcel (C per plans) will extend 11-feet, 11-inches into the to the 41-feet, 9.5-inch required rear yard, and requires the approval of 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/2014.1589V.pdf>.

## 6. 2015-010621VAR

(ERICA JACKSON)

**20 MAYWOOD DRIVE**, Lot 011 in Assessor's Block 3078 in a RH-1(D) (Residential-House, One Family-Detached) Zoning District and a 40-X Height and Bulk District.

**REAR YARD VARIANCE SOUGHT:** The proposal is to construct an addition at the rear of the existing building.

PER SECTION 134 OF THE PLANNING CODE the subject property is required to maintain a rear yard of 25 percent of lot depth. Given that the lot has irregular shape, the required rear yard ranges from approximately 24 feet, 5 inches to 25 feet, 2 inches. A portion of the existing building encroaches into the required rear yard along the north side property line. While the proposed addition would not extend any further into the required rear yard than the existing structure, a portion of the addition will be constructed within the required rear yard; therefore, the project requires a variance from the rear yard requirement.

**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/2015-010621VAR.pdf>.

7. **2015-008296VAR** (ESMERALDA JARDINES)

**2850 - 26TH STREET**, Lot 013A in Assessor's Block 4275 in a RH-2 (Residential-House, Two Family) Zoning District and a 40-X Height and Bulk District.

**MINIMUM LOT SIZE/WIDTH, REAR YARD AND OPEN SPACE**

**VARIANCES SOUGHT:** The proposal includes the subdivision of one 4,500 square foot lot into three lots, parcels: A (2850 26th Street - 25.44' x 72.22' - 1,837 sq. ft); B (2832 26th Street - 27.78' x 45' - 1,250 sq. ft.); and C (1393 York Street - 19.56' x 72.22' - 1,413 sq. ft).

PER SECTION 121 THE PLANNING CODE, the subject lots are required to maintain a minimum lot area of 1,750 sq. ft. and a minimum lot width of 25 feet. A lot size variance is required for Parcel B and lot size and width variances are required for Parcel C.

PER SECTION 134 THE PLANNING CODE, the subject lots are required to maintain a rear yard of approximately 18 feet for Parcels A and C and 15 feet for Parcel B. The subject lot does not currently comply with the rear yard requirement as the lot is fully developed with three buildings, one multi-family building and two single-family homes. The proposed lot subdivision will provide approximately 3 feet of rear yard for Parcel A, 4'-6" of rear yard for Parcel B, and 13'-9 1/4" feet of rear yard for Parcel C; therefore, rear yard variances are required for Parcels A, B and C.

PLANNING CODE SECTION 135 requires 125 sq. ft. of useable open space per unit if private and 166 sq. ft. if common. The lot subdivision will provide Parcel A with no code-complying square feet of usable open space where 664 sq. ft. are required; Parcel B will provide 105 sq. ft. of usable open space where 125 sq. ft. are required; therefore, usable open space variances are required for Parcels A and B.

**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/2015-008296VAR.pdf>.



## 8. 2015-007008VAR

(JEFFREY HORN)

**1141 DOLORES STREET**, Lot 028 in Assessor's Block 56511 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 demolish an existing rear yard landing, staircase and decks and construct an approximately 10 sq. ft. horizontal infill addition to the sub-floor. The project also proposes new, larger decks at the sub-floor and first floor with connecting staircase and a new second floor cantilevered deck at the rear of the property. The proposed stairs will extend further into the rear yard than the existing stairs.

PER SECTION 134 OF THE PLANNING CODE the subject property is required to maintain a rear yard of 54 feet. The existing building encroaches into the required rear yard and the proposed replacement addition, deck and stairs would be located within 39 feet of the rear property line and setback 5 feet from the north side property line; 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/2015-007008VAR.pdf>.

## 9. 2015-004771VAR

(JONATHAN DISALVO)

**2643 - 2645 FOLSOM STREET**, Lot 009 in Assessor's Block 3639 in a RH-3 (Residential House, Three Family) Zoning District and a 40-X Height and Bulk District.

**REAR YARD AND EXPOSURE VARIANCES SOUGHT:** The proposal includes demolition of an existing storage shed within the rear yard and construction of a new three-story residential unit in its place with approximately 1,232 square feet of usable floor area.

PER SECTION 134 OF THE PLANNING CODE the subject property is required to maintain a rear yard of 53 feet. The proposed structure would be built entirely within the required rear yard and adjacent to the rear property line; therefore, the project requires a variance.

PER SECTION 140 OF THE PLANNING CODE each dwelling unit is required to face directly onto a qualifying street, a Code-complying rear yard or open area of adequate size. The subject property does not feature a Code-complying rear yard and the proposed unit would not face directly onto a qualifying street; 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/2015-004771VAR.pdf>.

10. **2015-002243VAR** (LILY YEGAZU)  
**1615-1633 GRANT AVENUE/12-26 MEDAU PLACE**, Lot 005 in Assessor's Block 0088 in a RM-2 (Residential-Mixed, Moderate Density) Zoning District and a 40-X Height and Bulk District.

**REAR YARD AND EXPOSURE VARIANCES SOUGHT:** The subject property is developed with two structures with 16 dwelling units (8 units in each structure). The units will be internally reconfigured with 4 of the units facing Grant Avenue being combined with existing storage area on the ground floor to create two level units. The existing stairs and porches within the center courtyard will be replaced with reconfigured stairs and porches. The project also adds roof decks above each structure to provide usable open space. Access to the roof deck on the front building is provided by stair penthouses, while access to the roof deck on the rear building is provided by open stairs from the courtyard.

SECTION 134 OF THE PLANNING CODE requires the property to maintain a rear yard of 21.3 feet between the two buildings on the lot. The property does not maintain a Code-complying rear yard; therefore, the proposed reconfiguration in the courtyard requires a variance.

SECTION 140 OF THE PLANNING CODE requires each dwelling unit to face directly onto a qualifying street, a Code-complying rear yard or open area of adequate size. The subject property does not feature a Code-complying rear yard and 8 of the 16 units do not face directly onto a qualifying street; therefore, reconfiguration of the courtyard 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/2015-002243VAR.pdf>.

11. **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 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>.

12. 2014.1282V

(RICHARD SUCRE)

**35 RUTLEDGE STREET** (AKA 37A RUTLEDGE ST), Lot 021 in Assessor's Block 5557 in a RH-1 (Residential-House, One Family) Zoning District, a 40-X Height and Bulk District, and Bernal Heights Special Use District.

**FRONT SETBACK VARIANCE SOUGHT:** The proposal includes the new construction of a two-and-one-half-story, single-family residence with approximately 2,161 square feet of useable floor area.

PER SECTION 132 OF THE PLANNING CODE, the subject property is required to maintain a front setback of 11-feet, 6-inches. The project does not provide a front setback and would be constructed up against the front lot line along Rutledge Street. Since the project includes new construction within the required front setback, a variance is required from Planning Code Section 132.

**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/2014.1282V.pdf>.

13. 2014.1283V

(RICHARD SUCRE)

**37 RUTLEDGE STREET** (AKA 37B RUTLEDGE ST), Lot 022 in Assessor's Block 5557 in a RH-1 (Residential-House, One Family) Zoning District, a 40-X Height and Bulk District, and Bernal Heights Special Use District.

**FRONT SETBACK VARIANCE SOUGHT:** The proposal includes the new construction of a three-story, single-family residence with approximately 2,616 square feet of useable floor area.

PER SECTION 132 OF THE PLANNING CODE, the subject property is required to maintain a front setback of 15-feet. The proposed project does not provide a front setback and would be constructed up against the front lot line along Rutledge Street. Since the project includes new construction within the required front setback, a variance is required from Planning Code Section 132.

**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/2014.1283V.pdf>.

## 14. 2015-009539VAR

(SYLVIA JIMENEZ)

**1126 DOLORES STREET**, Lot 002 in Assessor's Block 6510 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 construct a one-story addition and a two-story bay extension at the rear of the single-family residence. The existing residence currently encroaches approximately 13 feet 6 inches into the required rear setback. The proposed addition would not extend any further into the rear yard than the existing building.

PER SECTION 134 OF THE PLANNING CODE the subject property is required to maintain a rear yard of 45 feet. The existing building is noncomplying and extends 13'-6" into the required rear yard. The proposed rear additions would also extend up to 13'-6" into the required rear yard. This would result in a minimum rear yard of approximately 31'-6". The project therefore 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/2015-009539VAR.pdf>.

## 15. 2008.0410V

(TINA CHANG)

**799 CASTRO STREET/3878 21ST ST**, Lot 024 in Assessor's Block 3603 in a RH-2 (Residential-House, Two-Family) Zoning District and a 40-X Height and Bulk District.

**LOT SIZE, FRONT SETBACK, REAR YARD AND OPEN SPACE VARIANCES SOUGHT:** The subject property contains two structures. The building at the front is an existing one-story, non-conforming commercial structure. The building at the rear is a two-story-over-basement, two-unit dwelling. The Project proposes the alteration of the existing one-story commercial structure to a four-level single-family dwelling. The Project also proposes a lot subdivision, proposing two separate lots; the front lot containing the proposed single-family dwelling and the rear lot containing the existing two-unit dwelling.

SECTION 121 requires a minimum lot area of 1,750 square feet for the subject property. The proposed lots will both measure 1,325 square feet; therefore, a variance is required.

SECTION 132 requires a 4.5-foot front setback for the front property and 1.75-foot front setback for the rear property. The project does not propose a front setback; therefore, a variance is required.

SECTION 134 requires a rear yard amounting to 45% of lot depth in RH-2 Zoning Districts. Although the project increases the existing setback of 8'-0" to 10'-0" between the two structures, the proposed lot will produce a

rear yard that does not meet Planning Code requirements. Therefore, a variance is required. The existing rear structure is currently at the rear property line; the location of the rear property will not change as a result of the proposed lot split. In both conditions, the structure exists within the required rear yard.

SECTION 135 requires at least 125 square feet of open space per dwelling unit. Although the proposed new dwelling at the front will comply with this requirement, the proposed lot subdivision will result in less than 125 square feet of open space per dwelling unit for the structure at the rear. 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/2008.0410V.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.