

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, April 27, 2016

Session Begins at 9:30 A.M.

Public Hearing

Scott F. Sanchez, Zoning Administrator
Gino Salcedo, 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 curbside 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. CASE WITHDRAWN

On April 11, 2016; this case was withdrawn at the request of the Project Sponsor.

1. **2014-002961CUA** **(DOUG VU)**
1699 MARKET STREET, Lot 030 in Assessor's Block 3504 in a NCT-3 (Moderate Scale Neighborhood Commercial Transit) Zoning District and an 85-X Height and Bulk District.

ELEVATOR PENTHOUSE EXEMPTION SOUGHT: SECTION 260(B)(1)(B) OF THE PLANNING CODE limits the height of an elevator penthouse the top 16 feet where the height limit is more than 65 feet, and limited to the footprint of the elevator shaft, regardless of the height limit of the building. The Zoning Administrator may, after conducting a public hearing, grant a further height exemption for an elevator penthouse for a building with a height limit of more than 65 feet but only to the extent that the Zoning Administrator determines that such an exemption is required to meet state or federal laws or regulations. The proposed machine-room-less (MRL) elevator penthouse has a height of 18 feet 6 inches; therefore, an exemption is required.

ARCHITECTURAL PLANS: The site plan and elevations of the proposed project are available on the Planning Department's website at: <http://notice.sfplanning.org/2014-002961CUA.pdf>.

B. 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.

2. **2015-013746VAR** (MING YEUNG)

2525 FOLSOM STREET, Lot 3613 in Assessor's Block 027 in a RH-3 Zoning District and a 40-X Height and Bulk District.

FRONT SETBACK VARIANCE SOUGHT: The proposal is to reconstruct a driveway gate within the front setback to original style and height and to respond to an enforcement case. New fence would be 9'-11" tall and 75% transparent and material dimensions, bar spacing and finish would match style of existing adjacent fencing and staircase gate.

PER SECTION 132 OF THE PLANNING CODE, only those obstructions specified in Section 136 of the Planning Code shall be permitted in a required front setback area. Section 136 permits decorative railings and decorative grille work, other than wire mesh; at least 75 percent open to perpendicular view and no more than 6 feet in height above grade. The proposed new driveway gate would be 3'-11" taller than is permitted by Section 136. 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://notice.sfplanning.org/2015-013746VAR.pdf>.

C. REGULAR CALENDAR

3. **2015-003586VAR** (ANDREW PERRY)

4075 - 20TH STREET, Lot 058A in Assessor's Block 3604 in a RH-1 (Residential House, One-Family) Zoning District, Dolores Heights Special Use District and 40-X Height and Bulk District.

FRONT SETBACK AND REAR YARD VARIANCES SOUGHT: The project proposes to alter the front façade, entry sequence and parking area at the front of the property. The project will excavate at the front setback and over the front property line to create two parking spaces, will demolish the existing wood entry stair and create a new entry stair along the eastern property line, and will create a porch and noncompliant bay window that extend beyond the required front setback.

PER SECTION 132 OF THE PLANNING CODE, the subject property is required to maintain a front setback of 10'-3", based on the average of the two adjacent buildings. The existing structure is legal, noncomplying with respect to the front setback, however, the proposal's entry stairs, porch, and two-story bay window are proposed for reconfiguration and further increase the noncompliance; therefore a variance is required.

PER SECTION 241 OF THE PLANNING CODE, the subject property is required to maintain a rear yard of 45% of lot depth (or 51'-4") within the Dolores Heights Special Use District. The project proposes to increase the roof height for an existing portion of the building that is located within 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://notice.sfplanning.org/2015-003586VAR.pdf>.

4. **2015-014114VAR** **(CHRISPHER MAY)**

245 EUCLID AVENUE, Lot 035 in Assessor's Block 1069 in a RH-1 (Residential, House, One-Family) Zoning District and a 40-X Height and Bulk District.

REAR YARD VARIANCE SOUGHT: The proposal is to construct a one-story vertical addition above the existing 2-story, single-family house, horizontal infill additions at the ground floor front entryway and the area beneath the cantilevered portion of the second floor on the west side of the house, and the expansion of the existing patio retaining wall within the rear yard.

PER SECTION 134 OF THE PLANNING CODE, the subject property is required to maintain a rear yard of approximately 21 feet. Retaining walls that are necessary to maintain the grade existing at the time of construction of a building are permitted to project into the required rear yard. The proposed expansion of the rear patio to the north side lot line would require a new retaining wall to be built that would raise the grade at the side lot line by approximately 7.5 feet within 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://notice.sfplanning.org/2015-014114VAR.pdf>.

5. 2015-013502VAR

(DOUG VU)

32 HERON STREET, Lot 049 in Assessor's Block 3755 in a WMUG (WSOMA Mixed Use-General) Zoning District and a 55-X Height and Bulk District.

REAR YARD AND OPEN SPACE VARIANCES SOUGHT: The proposal includes an 8-feet 5-inch reduction at the rear of the building and construction of an approximately 500 square foot third floor "rooftop pavilion" to the existing 1,920 square foot two-story structure that will be converted from an office use to a trade shop at the ground floor and a dwelling unit at the second floor. The proposed dwelling unit provides open space on the roof of the building, necessitating a variance from the requirement for open space in the Western SOMA Special Use District.

PER SECTION 134 OF THE PLANNING CODE the subject property is required to maintain a rear yard equal to 25 percent of the lot depth, but in no case less than 15 feet at the ground level and each succeeding level or story of the building. The proposed building would provide a rear yard equal to 12.3 percent of the lot depth, or 8 feet 6 inches; therefore, a rear yard variance is required.

PER SECTIONS 823 & 844 OF THE PLANNING CODE a roof deck shall not qualify as the required 80 square feet of private usable open space per dwelling unit, which is defined as a deck located on the roof of the highest story of a building, or a deck at the highest story of a building if the enclosed gross floor area of that story is less than 50 percent of the gross square footage of the footprint of the subject building. The proposed deck is located at the story that has 41 percent (500 sq. ft.) of the building's footprint (1,215 sq. ft.); therefore, an open space variance is required.

ARCHITECTURAL PLANS: The site plan and elevations of the proposed project are available on the Planning Department's website at: <http://notice.sfplanning.org/2015-013502VAR.pdf>.

6. 2014-008584VAR

(ELLA SAMONSKY)

3560 JACKSON STREET, Lot 007 in Assessor's Block 0970 in a RH-1 (Residential-House, One Family) Zoning District and a 40-X Height and Bulk District.

REAR YARD VARIANCE SOUGHT: The proposed project is to legalize metal platforms with railings at the rear elevation of an existing four-story, single family home on the second, third and fourth floors.

PER SECTION 134 OF THE PLANNING CODE the subject property is required to maintain a rear yard depth of 25 feet. The existing building encroaches 3 feet-3 inches into the required rear yard and therefore the proposed cantilevered platforms are located in the required rear yard and require a variance.

ARCHITECTURAL PLANS: The site plan and elevations of the proposed project are available on the Planning Department's website at: <http://notice.sfplanning.org/2015-008584VAR.pdf>.

7. **2015-018284VAR** (JEFFREY HORN)

550 VALLEY STREET, Lot 017 in Assessor's Block 6611 in a RH-1 (Residential-House, One Family) Zoning District and a 40-X Height and Bulk District.

REAR YARD VARIANCE SOUGHT: The proposal is to legalize an existing 240 square foot structure in the rear yard that extends along the entire 24'-9" wide rear property line. The structure is approximately 9'-4" tall, 9'-8.5" deep and contains a sleeping room and full bathroom. The structure has a 29' separation from the rear wall of a proposed horizontal addition to the main home.

PER SECTION 134 OF THE PLANNING CODE the subject property is required to maintain a rear yard equal to 25% of the total depth of the lot (26'). The existing building is located entirely within the required rear yard, located along the rear 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://notice.sfplanning.org/2015-018284VAR.pdf>.

8. **2015-013613VAR** (NICHOLAS FOSTER)

1063-1065 LOMBARD STREET, Lot 067 in Assessor's Block 0071 in a RH-3 (Residential-House, Three Family) Zoning District and a 40-X Height and Bulk District.

REAR YARD VARIANCE SOUGHT: The project proposes a horizontal addition (a ground-floor bedroom with second-floor deck above) to the existing 3-story, 2-unit residential building.

SECTION 134 OF THE PLANNING CODE requires a minimum rear yard of approximately 66 feet for the subject property. The existing structure encroaches into the required rear yard by approximately 43 feet, which, makes that portion of the structure noncomplying. The project proposes an approximately 11 foot horizontal addition to the existing, noncomplying structure located within the required rear yard; 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://notice.sfplanning.org/2015-013613VAR.pdf>.

9. 2015-000732VAR

(NICHOLAS FOSTER)

440-442 VALLEJO STREET, Lot 016 in Assessor's Block 0133 in a RH-3 (Residential-House, Three Family) Zoning District and a 40-X Height and Bulk District.

LOT FRONTAGE, AREA AND WIDTH VARIANCES SOUGHT: The subject property contains two structures, each with two dwelling units, on a substandard lot of record measuring 20 feet wide by 137.5 feet deep (with a total lot area of 2,750 square feet). The Project proposes a lot subdivision of the existing, substandard lot into two substandard lots.

SECTION 121 OF THE PLANNING CODE requires that each lot front on a public street or alley and that each lot have a minimum lot width of 25 feet and a minimum lot area of 2,500 square feet. The proposed subdivision will create two lots, each with a minimum lot width of 20 feet and a lot size of 1,375 square feet. Additionally, the proposed rear lot would not front on a public street or alley. As such, the proposal requires a variance.

ARCHITECTURAL PLANS: The site plan and elevations of the proposed project are available on the Planning Department's website at: <http://notice.sfplanning.org/2015-000732VAR.pdf>.

10. 2015-018341VAR

(NICHOLAS FOSTER)

247 ROSE STREET, Lot 052 in Assessor's Block 0852 in a RTO (Residential Transit Oriented) Zoning District and a 40-X Height and Bulk District.

REAR YARD VARIANCE SOUGHT: The project proposes a vertical addition (stairwell penthouse) on top of the roof of the existing 2-story, 2-unit residential building.

SECTION 134 OF THE PLANNING CODE requires a minimum rear yard of 15 feet for the subject property. The existing structure has full lot coverage, meaning the existing structure encroaches into the required rear yard by 15 feet, which, makes that portion of the structure noncomplying. The project proposes a vertical addition to the existing, noncomplying structure located within the required rear yard; 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://notice.sfplanning.org/2015-018341VAR.pdf>.

11. 2014.1301V

(RICHARD SUCRE)

1 HORACE STREET, Lot 001A in Assessor's Block 6525 in a RH-2 (Residential-House, Two Family) Zoning District and a 40-X Height and Bulk District.

REAR YARD & OFF-STREET PARKING VARIANCES SOUGHT: The proposal includes demolition of the existing one-story garage and new construction of a three-story, single-family residence adjacent to an existing one-story single-family residence at 1 Horace Street. The proposed project would result in a total of two dwelling units on the subject lot, which measures 30-feet wide by 46-feet deep.

PER SECTION 134 OF THE PLANNING CODE, the subject property is required to maintain a rear yard of 13-feet, 5-inches. Currently, the existing residence at 1 Horace Street and the proposed project would be located within a portion of the required rear yard. The project maintains a rear yard of 13-feet 2-inches. Therefore, the project requires a variance.

PER SECTION 151 OF THE PLANNING CODE, the subject property is required to provide two off-street parking spaces for the two dwelling units on the subject lot. Currently, the proposed project would only provide one off-street parking 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://notice.sfplanning.org/2014.1301V.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.