

PLANNING DEPARTMENT CITY AND COUNTY OF SAN FRANCISCO

Notice of Hearing on Application For Zoning Variance – (REVISED)

CITY HALL - Room 408
1 Dr. Carlton B. Goodlett Place

Wednesday, May 25, 2016

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 sof@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.

There are no Consent Items in this calendar.

B. REGULAR CALENDAR

1. 2016-000540VAR (CARLY GROB)

812 GREEN STREET, Lot 010 in Assessor's Block 0119 in a RM-2 (Residential-Mixed, Moderate Density) Zoning District and a 40-X Height and Bulk District.

DWELLING UNIT EXPOSURE VARIANCE SOUGHT: The project proposes to combine two upper flats in an existing three unit, three story over garage building, and to provide a replacement dwelling unit at the ground floor. Construction of the replacement dwelling unit includes filling in under a cantilevered room at the first floor. The project also proposes the addition of a roof deck.

PLANNING CODE SECTION 140 states that at least one room which meets a 120 square minimum floor area requirement must face a public street or alley at least 20 feet wide, a side yard at least 25 feet in width, a code-complying rear yard, or an open area at least 25 feet in every horizontal dimension. The proposed replacement dwelling unit does not contain any windows facing Green Street or a complying open area. The existing rear yard is not code-compliant and there are no side yards on

the property. Therefore, the project requires a Variance from 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://notice.sfplanning.org/2016-000540VAR.pdf>.

2. **2016-001108VAR** (ALEXANDRA KIRBY)

2898 VALLEJO STREET, Lot 0955 in Assessor's Block 017 in a RH-1(D)(Residential - House, One Family - Detached) Zoning District and a 40-X Height and Bulk District.

REAR AND SIDE YARDS VARIANCES SOUGHT: The proposal includes infilling the existing side setback at the 4th story and a portion of the 5th story within the required five-foot side (east) yard to accommodate a new interior stair, closet space, and an exterior stair to the proposed roof deck. The proposal also includes the addition of a dormer at the rear (north) facade within the required rear yard. Additional interior work is proposed.

PER SECTION 133 OF THE PLANNING CODE the subject property is required to maintain a side yard of 5 feet along both side property lines. The proposed project would extend to the east property line at the 4th and 5th stories, providing no side yard.

PER SECTION 134 OF THE PLANNING CODE the subject property is required to maintain a rear yard of approximately 28 feet. The proposed dormer would encroach approximately 9 feet into the required rear yard.

The project therefore requires variances from the rear and side yard requirements 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/2016-001108VAR.pdf>.

3. **2015-016087VAR** (ANDREW PERRY)

22-55 WALLER STREET, Lot 003 in Assessor's Block 0856 in a RTO (Residential Transit Oriented) Zoning District and a 85-X and 40-X Height and Bulk District.

REAR YARD VARIANCE SOUGHT: The project proposes to install two handicap accessible ADA lifts and ramps, to provide an accessible path of travel between the existing parking lot, church, administrative building, and Chinese American school.

PURSUANT TO PLANNING CODE SECTION 134, the subject property is required to maintain a rear yard setback of 45% lot depth, or 61'-10.5". The existing buildings on the lot extend into the required rear yard. The addition of enclosed ADA lifts and ramps are located in the required rear

yard and are not considered permitted obstructions; 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/2015-016087VAR.pdf>.

4. 2015-005170VAR (BRITTANY BENDIX)

434 – 3RD AVENUE, Lot 038 in Assessor's Block 1542 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 subject property contains three dwelling units, two units in a building at the front of the property, and one unit in a building at the rear. The project includes raising the front building and excavating below to accommodate a garage level, a vertical addition to provide a fourth story, a three-story horizontal addition on the southern side of the building, and interior alterations. The project will not alter the rear building and will maintain the existing 15 feet 7 inch separation between the two structures.

SECTION 134 OF THE PLANNING CODE requires that the subject property provide a rear yard equal to 54 feet. The property is legally non-complying in regards to the rear yard requirement because (1) there is a two-story dwelling located within the last 28 feet and (2) the front building extends approximately 10 feet into the required rear yard. Raising the building will increase its height within the required rear yard. Additionally, the building is being expanded to the south side property line, a portion of which encroaches into the required rear yard. These changes are considered intensifications to the legal non-complying structure and, therefore, a variance is required.

PLANNING CODE SECTION 140 requires that each dwelling unit face a required rear yard or other qualifying open space. The existing dwelling unit at the rear does not face a Code-complying rear yard. The increase in height of the structure intensifies this non-complying condition; 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/2015-005170VAR.pdf>.

5. 2015-010729VAR (ESMERALDA JARDINES)

1359 MINNA STREET, Lot 047 in Assessor's Block 3548 in a RTO-M (Residential Transit-Oriented Mission) Zoning District and a 40-X Height and Bulk District.

REAR YARD VARIANCE SOUGHT: The proposal includes a rear horizontal addition and replacement of a rear staircase along the north side property line requiring a firewall, all within the required rear yard; as well as an additional dwelling unit at the ground floor for a total of 4 dwelling units, vertically lifting the building, adding a roof deck and stair penthouse at roof level, interior renovations and partial lightwell infill.

PER PLANNING CODE SECTION 134, the subject property is required to maintain a rear yard of 20 feet. The subject property does not currently comply with the rear yard requirement as the lot is developed with a rear staircase provided at the center of the lot that is within 12 feet of the rear property line. The project will demolish and reconstruct the rear staircase along the north side property line that will encroach to within approximately 5 feet 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://notice.sfplanning.org/2015-010729VAR.pdf>.

6. 2015-007695VAR (LAURA AJELLO)

253 PIXLEY STREET, Lot 016A in Assessor's Block 0515 in a RH-2 (Residential, House, Two-Family) Zoning District and a 40-X Height and Bulk District.

FRONT SETBACK VARIANCE SOUGHT: The proposed project includes the complete remodel of, and addition to, a 2-story single-family house. A front setback variance is required to add a 3-story addition at the front of the building and to rebuild the front entry stairs and landing partially located in the front setback.

SECTION 132 OF THE PLANNING CODE requires that the subject property maintain a front setback of 2 feet, 5 inches. The project would extend to the front property line, leaving no front setback; 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/2015-007695VAR.pdf>.

7. 2015-016017VAR

(NANCY TRAN)

4229 - 20TH STREET, Lot 031 in Assessor's Block 2752 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 side addition (east elevation), increase the roof height on the building's rear portion, install new windows/doors and expand the rear deck.

SECTION 134 OF THE PLANNING CODE requires a rear yard of 34 feet 2 inches. The project proposes to expand a portion of the existing building which encroaches into the required rear yard and legalize and expand the existing rear deck/stairs which are 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/2015-016017VAR.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.