

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, June 22, 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.

1. **2015-015210VAR** (ELLA SAMONSKY)
859 VALLEJO STREET, Lot 022 in Assessor's Block 0148 in a RM-2 (Residential-Mixed, Moderate Density) Zoning District and a 40-X Height and Bulk District.

EXPOSURE & REAR YARD VARIANCES SOUGHT: The proposed project is to construct a roof deck and a flight of stairs from the fourth floor to the roof and add three Accessory Dwelling Units at the ground floor and basement level of an existing four-story, six-unit residential building undergoing seismic retrofitting.

PER SECTION 140 OF THE PLANNING CODE the subject property is required to have windows of each unit face directly on an open area no less than 25 feet in every horizontal dimension, with an increase of five feet in every horizontal dimension at each subsequent floor immediately above. The dimensions of the open area may be reduced to 15 feet in width and depth for Accessory Dwelling Units. The subject property has an existing rear yard that is 8 feet-9 inches in depth and 31 feet in width; two of the proposed accessory dwelling units will face onto that noncomplying rear yard, which is less than the minimum 15 foot rear yard required for reduced dwelling unit exposure, thereby requiring an exposure variance.

PER SECTION 134 OF THE PLANNING CODE the subject property is required to maintain a rear yard depth of 15 feet. The existing building encroaches 6 feet-3 inches into the required rear yard and therefore the

proposed flight of stairs at the rear of the building 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/2015-015210VAR.pdf>.

2. 2016-006149VAR (ELLA SAMONSKY)

177 WOOL STREET, Lot 023 in Assessor's Block 5665 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 demolish an existing deck at the south elevation of the residence and to construct a new deck.

PER SECTION 242 OF THE PLANNING CODE the subject property is required to maintain a rear yard depth of 34.5 feet. The existing building and deck encroach 11 feet-6 inches into the required rear yard; therefore, reconstruction of the deck 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/2016-006149VAR.pdf>.

3. 2016-001193VAR (MING YEUNG)

267A ANDERSON STREET, Lot 036 in Assessor's Block 5662 in a RH-1 (Residential-House, One Family) Zoning District and a 40-X Height and Bulk District.

REAR YARD VARIANCE SOUGHT: The proposal includes constructing an approximately 22-square-foot horizontal addition within an existing recessed lightwell within the required rear yard.

PER SECTION 242 OF THE PLANNING CODE, the subject property is required to maintain a rear yard of approximately 24'-6". The existing structure extends 20'-6" into the required rear yard. The proposed lightwell addition would be entirely within the required rear yard and 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/2016-001193VAR.pdf>.

B. REGULAR CALENDAR

4. **2015-014923VAR** (ELLA SAMONSKY)
1210-1212 UTAH STREET, Lot 002 in Assessor's Block 4212 in a RH-2 (Residential-House, Two Family) Zoning District and a 40-X Height and Bulk District.

EXPOSURE VARIANCE SOUGHT: The proposal is to convert the ground floor of an existing two-unit building to two Accessory Dwelling Units in a building undergoing seismic retrofitting. The subject lot contains a non-complying one-unit building within the required rear yard.

PER SECTION 140 OF THE PLANNING CODE the subject property is required to have windows of each unit face directly on an open area no less than 25 feet in every horizontal dimension, with an increase of five feet in every horizontal dimension at each subsequent floor immediately above. The dimensions of the open area may be reduced to 15 feet in width and depth for Accessory Dwelling Units. The subject property has an existing building in the required rear yard and an interior courtyard of 7 feet in depth and 25 feet in width; one proposed accessory dwelling unit will face onto the courtyard, which is less than the minimum 15 foot rear yard required for reduced dwelling unit exposure, thereby requiring an exposure 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/2015-014923VAR.pdf>.

5. **2016-000900VAR** (ERIKA JACKSON)
424 ALVARADO STREET, Lot 009 in Assessor's Block 3626 in an RH-2 (Residential, House, Two-Family) Zoning District and a 40-X Height and Bulk District.

REAR YARD VARIANCE SOUGHT: The proposal is to legalize the existing sunroom, deck and spiral stairs within the required rear yard.

PER SECTION 134 OF THE PLANNING CODE lots within an RH-2 Zoning District must provide a rear yard equal to 45% of lot depth. The rear yard requirement in this case is approximately 51 feet. The legalization of the existing addition would result in a rear yard of approximately 40 feet. The sunroom, deck, and stairs encroach into the required rear yard by approximately 11 feet and would be allowed as a permitted obstruction under Planning Code Section 136 if a 5 foot setback were provided on each side.

ARCHITECTURAL PLANS: The site plan and elevations of the proposed project are available on the Planning Department's website at: <http://notice.sfplanning.org/2016-000900VAR.pdf>.

6. **2015-015902VAR** (JONATHAN DISALVO)

107 BACHE STREET, Lot 018 in Assessor's Block 5825 in a RH-2 (Residential-House, Two Family) Zoning District and a 40-X Height and Bulk District.

REAR YARD VARIANCE SOUGHT: The proposal includes a horizontal addition of a master bedroom at the second floor, remodel of kitchen on the first floor, and addition of a wood deck measuring approximately 14 feet above grade at the first floor with spiral stair to rear yard.

PER SECTION 242 OF THE PLANNING CODE the subject property is required to maintain a rear yard depth of 31 feet and 6 inches. The proposal encroaches 6 feet into the rear yard at the second floor and 11 feet and 6 inches at the first floor which leaves a rear yard of approximately 20 feet; 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/2015-015902VAR.pdf>.

7. **2015-013144VAR** (NICHOLAS FOSTER)

58 WALLER STREET, Lots 037-038 in Assessor's Block 0856 in a RTO (Residential Transit Oriented) Zoning District and a 40-X Height and Bulk District.

REAR YARD VARIANCE SOUGHT: The proposal is a horizontal expansion of the existing second-floor deck by approximately 5'-0", located in the rear of the property. The proposal also calls for the lateral horizontal expansion of the existing second floor (under the existing third-floor deck); this expansion will not increase the building depth.

SECTION 134 OF THE PLANNING CODE requires a minimum rear yard of 59 feet for the subject property. The existing building (under the third-floor deck) encroaches into the required rear yard by approximately 2'-6", and the existing second-floor deck encroaches into the required rear yard by approximately 9'-6". The horizontal addition of the second-floor deck would encroach into the required rear yard by approximately 14'-6" (5' beyond the existing deck), and the lateral horizontal expansion of the second-floor (under the third-floor deck) would encroach into the required rear yard by approximately 2'-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://notice.sfplanning.org/2015-013144VAR.pdf>.

8. 2015-011494VAR (TODD KENNEDY)

221 CHENERY STREET, Lot 015 in Assessor's Block 6686 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 rear second-story deck with a spiral stairway. Please note that the location of the spiral stairs has been modified since the original Section 311 neighborhood notification. The spiral stairs are now located on the south side of the deck and setback 5 feet from the south side property line.

PER SECTION 134 OF THE PLANNING CODE, the subject property is required to maintain a rear yard of 42 feet. The proposed deck and stairs encroach 12 feet 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/2015-011494VAR.pdf>.

9. 2014-002696VAR (TODD KENNEDY)

4328 - 18TH STREET, Lot 019 in Assessor's Block 2649 in an RH-3 (Residential-House, Three Family) Zoning District and a 40-X Height and Bulk District.

REAR YARD VARIANCE SOUGHT: The proposal is to legalize the existing deck and stairs to comply with a notice of violation.

PER SECTION 134 OF THE PLANNING CODE, the subject property is required to maintain a rear yard of approximately 19 feet. The deck and stairs encroach 9 feet into the required rear yard; therefore, the project requires a variance.
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/2014-002696VAR.pdf>.

10. 2016-003175VAR (WAYNE FARRENS)

358 ARGUELLO BOULEVARD, Lots 075-076 in Assessor's Block 1040 in a RM-2 (Mixed Residential, Moderate Density) Zoning District and a 40-X Height and Bulk District.

REAR YARD VARIANCE SOUGHT: The proposal is a two-story horizontal addition at the rear of the three-story, two-unit building.

PER SECTION 134 OF THE PLANNING CODE the subject property is required to maintain a rear yard of approximately 44 feet. The proposed expansion would result in a rear yard of approximately 30 feet.

Therefore, the project requires a variance from the rear 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/2016-003175VAR.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.