

# 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, August 24, 2016

Session Begins at 9:30 A.M.

### Public Hearing

Corey Teague, Asst. 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 [sof@sfgov.org](mailto: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 items in the Consent Calendar.

**B. REGULAR CALENDAR**

**1. 2015-005717VAR (CARLY GROB)**

**990 GEARY STREET**, Lot 14 in Assessor's Block 0693 in a RC-4 (Residential-Commercial, High-Density) Zoning District and a 80-T Height and Bulk District.

**USABLE OPEN SPACE & DWELLING UNIT EXPOSURE VARIANCES**

**SOUGHT:** The project proposes the addition of three dwelling units at the basement floor within the existing building envelope. Exterior alterations include the addition of two windows facing the existing courtyard.

PER PLANNING CODE SECTION 135, at least 36 square feet of private usable open space or 48 square feet of common usable open space is required per dwelling unit. There is no existing usable open space on the property, and the project does not propose any additional usable open space. The addition of three net new dwelling units would increase the open space deficiency. Therefore, a variance from Section 135 is required.

PER PLANNING CODE SECTION 140, one room in each dwelling unit which meets 120 square foot minimum floor area must face a public street or alley at least 20 feet in width, a code-complying rear yard, a

side yard at least 25 feet wide, or an open area that is at least 25 feet in each horizontal dimension which increases by five feet in each horizontal dimension at the third floor and above. The proposed units face onto an open area that is 30 feet by 39 feet, but the open area does not increase by five feet in every horizontal direction above the second residential level. Therefore, a variance from Section 140 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/2015-005717VAR.pdf>.

2. **2016-006632VAR** (ELLA SAMONSKY)

**523 GUERRERO STREET**, Lot 033 in Assessor's Block 3577 in a RTO-M (Residential Transit Oriented-Mission) Zoning District and a 45-X Height and Bulk District.

**EXPOSURE VARIANCE SOUGHT:** The proposal is to construct a dwelling unit on the ground floor of an existing three-family building at 523 Guerrero Street. The proposed dwelling unit will replace an existing storage space to the rear of the garage.

PER PLANNING CODE SECTION 140, each dwelling unit on the subject property is required to have windows face directly onto a compliant rear yard or 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. A 8-foot wide portion of the subject building encroaches approximately 11 feet 6 inches into the required rear yard, reducing the yard to 17 feet in depth. The proposed dwelling unit will face onto that noncomplying rear yard, 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/2016-006632VAR.pdf>.

3. **2016-000663VAR** (ELLA SAMONSKY)

**1547-1551 FRANKLIN STREET**, Lot 002 in Assessor's Block 0665 in a NC-3 (Neighborhood Commercial - Moderate Scale) Zoning District and a 130-E Height and Bulk District.

**DWELLING-UNIT EXPOSURE VARIANCE SOUGHT:** The project proposes to add two Accessory Dwelling Units at the basement level of an existing four-story, three-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 4 feet to 7 feet-6 inches in depth and 30 feet in width. The proposed accessory dwelling unit at the rear would face onto that noncomplying rear yard, which is less than the minimum 15 foot rear yard required for reduced dwelling unit exposure. Additionally, the proposed accessory dwelling unit at the front does not meet the minimum dwelling unit exposure requirement due to the small size of the existing window. Therefore, a dwelling unit exposure variance is required for both proposed units.

**ARCHITECTURAL PLANS:** The site plan and elevations of the proposed project are available on the Planning Department's website at: <http://notice.sfplanning.org/2016-000663VAR.pdf>.

4. **2016-008547VAR**

(JEFFREY HORN)

**225-227 HARTFORD STREET**, Lot 036 in Assessor's Block 3602 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 existing non-conforming non-permitted building additions at the rear of the existing four-story structure, and to construct a staircase to provide the third-floor dwelling unit access to the rear yard. A permitted non-conforming portion of the building would remain and encroach 8 feet into the rear yard.

PER SECTION 134 OF THE PLANNING CODE, the subject property is required to maintain a rear yard equal to the average of the two adjacent buildings (50 feet 5 inches). The existing building encroaches 21 feet 8 inches into the required rear yard and the proposed replacement stairs would encroach 20 feet 6 inches into 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/2016-008547VAR.pdf>.

5. **2014-000846VAR**

(MING YEUNG)

**155 - 12TH STREET**, Lot 025 in Assessor's Block 3511 in a NCT-3 (Moderate Scale Neighborhood Commercial Transit) Zoning District and a 50-X Height and Bulk District.

**STREET FRONTAGE VARIANCE SOUGHT:** The proposal includes legalization of a 9-foot 3-inch high corrugated metal fence with translucent glazing at the top.

PER PLANNING CODE SECTION 145.1, active uses are required within the first 25 feet of the building depth at the ground floor and decorative

railings or grillwork in front of ground floor windows shall be at least 75 percent open to perpendicular view. Rolling or sliding security gates are required to consist of open grillwork rather than solid material, so as to provide visual interest to pedestrians when the gates are closed, and to permit light to pass through mostly unobstructed. The subject fence and property do not comply with the street frontage requirements; 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/2014-000846VAR.pdf>.

6. **2015-011459VAR** **(NICHOLAS FOSTER)**  
**1239 UNION STREET**, Lot 059 in Assessor's Block 0123 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 a "fill-in" underneath the existing second- and third-story pop-out in the rear yard of the subject property, replacing an existing exterior stairwell, from at-grade up to the first story. As a fill-in project, there is no horizontal expansion of the existing building envelope. The project includes seismic retrofitting of the subject building, as well as providing an alternative means of egress to the existing non-compliant exterior stairwell.

PER PLANNING CODE SECTION 134, the subject property is required to have a minimum rear yard of 15 feet. The existing structure has full lot coverage on one-half of the lot, meaning a portion of the existing structure encroaches into the required rear yard by 15 feet, making that portion of the structure noncomplying. The project proposes a "fill-in" underneath the existing noncomplying structure; 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/2015-011459VAR.pdf>.

7. **2015-010090VAR** **(VERONICA FLORES)**  
**385 SANTA CLARA AVENUE**, Lot 012 in Assessor's Block 3104 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 for a horizontal addition and new basement entry stair sequence to an existing non-conforming structure within the required rear yard. The proposal also includes removal of a detached garage located within the required rear yard.

PER PLANNING CODE SECTION 134, the subject property is required to maintain a rear yard of 25% of the lot depth. The existing building encroaches into the required rear yard and the proposal extends beyond the existing footprint, which would increase the non-compliance; 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/2015-010090VAR.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.