

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, September 28, 2016

Session Begins at 9:30 A.M.

Public Hearing

Scott F. Sanchez, Asst. 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. 2015-012123VAR (WAYNE FARRENS)

100 TERRA VISTA AVENUE, Lot 001 in Assessor's Block 1104 in a RM-1 (Residential, Mixed, Low Density) Zoning District and a 30-X Height and Bulk District.

USABLE OPEN SPACE VARIANCE SOUGHT: The proposal is to add one dwelling unit in the basement level of the existing four-unit residential building. No changes are proposed to the existing building envelope.

PER SECTION 135 OF THE PLANNING CODE the subject property is required to provide 665 square feet of usable open space for five dwelling units. As proposed, the property provides approximately 554 square feet of usable open space. Therefore, the project requires a Variance from the Usable Open Space 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/2015-012123VAR.pdf>.

B. REGULAR CALENDAR**1. 2015-003919VAR****(VERONICA FLORES)**

240 CHENERY STREET, Lot 006A in Assessor's Block 6685 in a RH-2 [Residential, Housing, Two-Family] Zoning District and a 40-X Height and Bulk District.

REAR YARD AND NON-COMPLYING STRUCTURE ENLARGEMENT VARIANCES SOUGHT: The proposal includes the repair and horizontal addition to an existing non-complying three-story single-family residence at the rear of the lot within the required rear yard.

PER SECTION 134 OF THE PLANNING CODE the subject property is required to maintain a rear yard of 45% of the lot depth. The proposed rear addition is located entirely within the required rear yard; therefore, the project requires a variance from the rear yard requirement (Section 134) of the Planning Code.

PER SECTION 188 OF THE PLANNING CODE the subject property is prohibited from expanding the non-complying structure. The proposal involves a horizontal addition; therefore, the project requires a variance from Section 188 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/2015-003919VAR.pdf>.

2. 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>.

3. **2015-009551VAR** (CLAUDINE ASBAGH)

1234-1268 GRANT AVENUE, Lots 031, 032, and 044 in Assessor's Block 0145 in the North Beach NCD (Neighborhood Commercial) Zoning District and a 40-X Height and Bulk District.

REAR YARD VARIANCE SOUGHT: The project proposes a change of use from restaurant to residential use at the second and third floors for a total of four new dwelling units. The project would provide common open space in the form of a new roof deck. The project also proposes to screen rooftop mechanical equipment at the rear of the building.

PLANNING CODE SECTION 134 requires a rear yard of 15 feet at the second floor and above. The existing building extends to the rear property line and the conversion from commercial to residential is considered to be an intensification of the non-complying structure that requires a rear yard variance. Additionally, the proposed rooftop mechanical equipment screening is 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/2015-009551VAR.pdf>.

4. **2016-007267VAR** (ELLA SAMONSKY)

2701 - 21ST STREET, Lot 001 in Assessor's Block 4144 in a RH-2 (Residential, Two-Family) Zoning District and a 40-X Height and Bulk District.

REAR YARD, OPEN SPACE AND STREET FRONTAGE VARIANCES SOUGHT: The proposal is to expand an existing garage structure located in the rear yard by 1 foot - nine inches in width and 2 feet - 1 inch in height.

PER SECTION 134 OF THE PLANNING CODE, the subject property is required to maintain a rear yard of 42 feet. No obstructions other than those specified in Code Section 136 are allowed to be constructed, placed or maintained within any such rear yard. The existing garage structure is not a permitted obstruction; therefore, the proposed expansion requires a rear yard variance.

PER SECTION 135 OF THE PLANNING CODE the property would be required to provide 498.75 square feet of common useable open space, which a minimum dimension of 15 feet. The rear yard is 15 feet in depth

and provides 358 square feet of open space. The expansion of the garage would reduce the depth of the rear yard to 13 feet - 3 inches and the area to 314.25 square feet; therefore the project requires an open space variance.

PER SECTION 144 OF THE PLANNING CODE the garage entry is limited to 10 feet in width for the subject garage. The project proposes to replace an existing 12 foot wide garage door with two 8 foot wide garage doors separated by 6 inches; 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/2016-007267VAR.pdf>.

5. **2016-005320VAR** (ELLA SAMONSKY)

3110 CLAY STREET, Lot 008 in Assessor's Block 0999 in a RH-2 (Residential House, Two-Family) Zoning District and a 40-X Height and Bulk District.

EXPOSURE VARIANCE SOUGHT: The proposed project is to add one Accessory Dwelling Unit at the ground floor level of an existing four-story, seven-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 15 feet-8 inches in depth and 25 feet in width. Exposure to the rear yard is obstructed by two bay windows and a retaining wall of 5 feet-3 inches. The proposed accessory dwelling units would face onto an open area of less than the minimum 15 foot 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/2016-005320VAR.pdf>.

6. **2015-001162VAR** (JEFF SPEIRS)

645 PERALTA AVENUE, Lot 013 in Assessor's Block 5634 in a RH-2 (Residential- House, Two Family) Zoning District and a 40-X Height and Bulk District.

REAR YARD AND EXPOSURE VARIANCES SOUGHT: The proposal is to construct a new dwelling unit in the crawl space below the first floor, and its rear deck, of an existing non-complying single-family building at 645 Peralta Avenue. The proposal also proposes a new rear deck at the

second level, and a new deck and stairs at the rear of the new basement level.

PER PLANNING CODE SECTION 134, the subject property is required to have a minimum rear yard of 31 feet 6 inches. The existing structure has a rear yard of approximately 18 feet, meaning a portion of the existing structure encroaches into the required rear yard by 13 feet 6 inches, making that portion of the structure noncomplying. The proposed deck at the second level projects 11 feet into the rear yard, while the proposed deck at the basement level projects 22 feet 6 inches into the rear yard. The project proposes a "fill-in" underneath the existing noncomplying structure, with two new non-complying decks within the rear yard; therefore, the project requires a variance.

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 25-foot wide portion of the subject building encroaches approximately 13 feet 6 inches into the required rear yard, reducing the yard to approximately 9 feet in depth. The proposed dwelling unit will face onto that noncomplying rear yard; therefore, 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/2015-001162VAR.pdf>.

7. 2016-006208VAR (NANCY TRAN)

148 SATURN STREET, Lot 024 in Assessor's Block 2627 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 roof deck with exterior access stairs from the third floor.

SECTION 134 OF THE PLANNING CODE requires a rear yard of 40 feet 3 1/4 inches. The project proposes to construct a roof deck and stairs within the required rear yard. While the roof deck (with open railing) is allowed within the required rear yard, a variance is required for the stair access from the third floor to the roof.

ARCHITECTURAL PLANS: The site plan and elevations of the proposed project are available on the Planning Department's website at: <http://notice.sfplanning.org/2016-006208VAR.pdf>.

8. 2016-005563VAR (NICHOLAS FOSTER)

2300 MASON STREET, Lot 037 in Assessor's Block 0041 in a North Beach NCD(North Beach Neighborhood Commercial) Zoning District and a 40-X Height and Bulk District.

REAR YARD VARIANCE SOUGHT: The project proposes a change of use from Office Use to Residential Use (1 Dwelling Unit) on the second and third floors of the subject property. The ground floor will remain as Office Use.

PER PLANNING CODE SECTION 134, the subject property is required to maintain a minimum rear yard of 16.375 feet at the second floor and above. The existing structure extends to within 5 feet of the rear property line at all levels and is non-compliant with the rear yard requirement. Conversion from non-residential use to residential use is considered to be an intensification of the non-complying 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/2016-005563VAR.pdf>.

9. 2016-006075VAR (SYLVIA JIMENEZ)

3874 17TH STREET, Lot 3564 in Assessor's Block 075 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 demolish an existing deck and construct a new rear deck and spiral stairs.

PER PLANNING CODE SECTION 134, the subject property is required to maintain a minimum rear yard of 22 feet 10 inches. The project proposes to construct a one-story deck and stairs, which encroach approximately 3 feet 10 inches into 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/2016-006075VAR.pdf>.

10. 2013.0961V (TODD KENNEDY)

214 CORBETT AVENUE, Lot 004A in Assessor's Block 2653 in a RH-2(Residential- House, Two Family) Zoning District and a 40-X Height and Bulk District.

FRONT SETBACK VARIANCE SOUGHT: The proposal is to legalize a fence within the required front setback along the front property line.

PER SECTION 132 OF THE PLANNING CODE, the subject property is required to maintain a front setback. Within the required front setback, fence heights are limited to 3 feet if solid and 6 feet if 75% open (per Section 136). The fence proposed for legalization is solid and 11 feet, 2 inches above sidewalk grade (5 feet, 6 inches above property grade); therefore, legalization of the fence 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/2013.0961V.pdf>.

11. 2015-013066VAR

(WAYNE FARRENS)

2600 PACIFIC AVENUE, Lot 003 in Assessor's Block 0584 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 add approximately 607 square feet of habitable space to the fourth floor, at the rear of the existing four-story, single-family house. The project would not expand the footprint of the existing structure.

PER SECTION 134 OF THE PLANNING CODE the subject property is required to maintain a rear yard of approximately 32 feet. The proposed rear addition would encroach approximately 7 feet into the required rear yard resulting in a rear yard of approximately 24 feet; 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/2015-013066VAR.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.