

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, October 26, 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. CONSIDERATION OF ITEMS PROPOSED FOR CONTINUANCE

The Zoning Administrator will consider a request for continuance to a later date. He may choose to continue the item to the date proposed below, to continue the item to another date, or to hear the item on this calendar.

To be continued on December 7, 2016 at the regularly scheduled monthly Variance Hearing at City Hall:

1. **2015-009511VAR** (ANDREW PERRY)
2650 HYDE STREET, Lot 019 in Assessor's Block 0027 in a RH-3 (Residential, House, Three-Family) Zoning District and a 40-X Height and Bulk District.

REAR YARD VARIANCE SOUGHT: The project proposes interior renovations to the existing building, altering the rear portion of the existing gable roof to a flat roof with roof deck above, new small deck at rear of third floor and replacement of railing on existing third floor deck at rear of building.

PER SECTION 134 THE PLANNING CODE, the subject lot is required to maintain a rear yard of approximately 21 feet, 11 inches, with the last 10 feet of the building envelope limited to 30 feet in height. As proposed, the last 2 feet, 6.5 inches of the building envelope exceed 30 feet in height. The proposed change from gable roof to flat roof will increase the height of the non-complying structure within the required rear yard; therefore, a rear yard variance is required.

ARCHITECTURAL PLANS: The site plan and elevations of the proposed project will be available in December 2016.

B. CONSENT CALENDAR

All items listed hereunder constitute a Consent Calendar and are considered to be routine by the Zoning Administrator. There will be no separate discussion of these items unless a member of the public so requests, in which case the matter shall be removed from the Consent Calendar and considered as a separate item at this time or at a future hearing.

2. 2016-008162VAR (CHRISTOPHER MAY)

33 SPRUCE STREET, Lot 002 in Assessor's Block 0969 in an RH-1 Zoning District and a 40-X Height and Bulk District.

REAR YARD VARIANCE SOUGHT: The proposal is to construct an open metal walkway, ranging from approximately 7 to 8 feet above grade, at the rear of the existing two-story, single-family house. A new doorway would replace an existing kitchen window along the northwest portion of the building to provide access by way of the new open metal walkway and stairs to grade.

PER SECTION 134 OF THE PLANNING CODE, the subject property is required to maintain a rear yard of 15 feet. The existing dwelling maintains a rear yard of 5 feet. Decks at or below the adjacent first floor of occupancy are permitted obstructions within the required rear yard if developed as usable open space provided that the floor of the deck shall not exceed a height of three feet above grade at any point in the required open area. The proposed rear walkway would range from 7 to 8 feet above grade within the required rear yard; therefore, the project requires a variance.

ARCHITECTURAL PLANS: The site plan and elevations of the proposed project are available on the Planning Department's website at: <http://notice.sfplanning.org/2016-008162VAR.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. **2016-008624VAR** (MICHAEL CHRISTENSEN)
3118-3122 – 22ND STREET, Lot 011 in Assessor's Block 3615 in a NC-1 (Neighborhood Commercial - Cluster) Zoning District and a 55-X Height and Bulk District.

REAR YARD VARIANCE SOUGHT: The proposal includes expansion of existing living space under an existing overhang within the required rear yard.

PER SECTION 134 OF THE PLANNING CODE, the subject property is required to maintain a rear yard of 23.75 feet. Currently, the existing rear building is located within the required rear yard. Since the project includes a new addition within a portion of the required rear yard, a rear yard 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/2016-008624VAR.pdf>.

B. REGULAR CALENDAR

5. **2015-002096VAR** (ELLA SAMONSKY)
1155 INGERSON AVENUE, Lot 026 in Assessor's Block 4968 in a RH-1 (Residential-House, One Family) Zoning District and a 40-X Height and Bulk District.

REAR YARD VARIANCE SOUGHT: The proposal is to legalize the horizontal rear and side additions of approximately 468 square feet, containing a bedroom and family room, and construct a side addition of approximately 242 square to an existing single-family residence.

PER SECTION 134 OF THE PLANNING CODE the subject property is required to maintain a rear yard of approximately 25 feet. The proposed rear addition would encroach approximately 5 feet into the required rear yard and result in a rear yard of 20 feet; therefore, the project requires a variance from the rear yard requirement.

ARCHITECTURAL PLANS: The site plan and elevations of the proposed project are available on the Planning Department's website at: <http://notice.sfplanning.org/2015-002096VAR.pdf>.

6. 2016-006743VAR (ELLA SAMONSKY)

1888 GOLDEN GATE AVENUE, Lot 019 in Assessor's Block 1152 in a RM-1(Residential-Mixed, Low Density) Zoning District and a 40-X Height and Bulk District.

EXPOSURE VARIANCE SOUGHT: The proposed project is to add three Accessory Dwelling Units at the ground floor level of an existing four-story, fifteen-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 no rear yard and an interior courtyard that is 27 feet in width and 12 feet -10 inches in width; one of the proposed accessory dwelling units will face onto that courtyard, which is less than the minimum 15 foot open area 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/2016-006743VAR.pdf>.

7. 2015-000058VAR (JEFFREY SPEIRS)

778 KANSAS STREET, Lot 13 in Assessor's Block 4074 in a RM-1 (RESIDENTIAL- MIXED, LOW DENSITY) Zoning District and a 40-X Height and Bulk District.

REAR YARD VARIANCE SOUGHT: The proposed project is a vertical addition at the rear, which includes a roof deck with a shade structure and windscreen. The proposal also includes the addition of canopies at the front and rear. The lot is 25 feet wide and 52 feet deep. The proposed addition is approximately 15 feet wide and 15 feet deep, with a height of 40 feet.

PER SECTION 134 OF THE PLANNING CODE the subject project is required to provide a rear yard of 15 feet, and the rear most 10 feet of permitted depth when using averaging may not be greater than 30 feet in height. The existing building is noncomplying. The project raises the existing non-complying building to a height of 40 feet and adds a canopy at the rear within the required rear yard; therefore, the project requires a variance.

ARCHITECTURAL PLANS: The site plan and elevations of the proposed project are available on the Planning Department's website at: <http://notice.sfplanning.org/2015-000058VAR.pdf>.

8. **2015-009598VAR** (KIMBERLY DURANDET)
113 GATES STREET, Lot 027 in Assessor's Block 5651 in a RH-1 (Residential House, Single-Family) Zoning District and a 40-X Height and Bulk District.
- REAR YARD VARIANCE SOUGHT:** The project proposes to reconstruct and expand an existing stair with landings (adding a deck) that encroach into the required rear yard.
- PER PLANNING CODE SECTION 242 the subject property is required to maintain a rear yard of 25 feet. The project proposes to reconstruct and expand the existing stair with landings (adding a deck) that encroach to within 17 feet, 9 inches of the rear property line. The proposed reconstruction will require the addition of a firewall 14 feet, 6 inches in height on the north side property line.
- ARCHITECTURAL PLANS:** The site plan and elevations of the proposed project are available on the Planning Department's website at: <http://notice.sfplanning.org/2015-009598VAR.pdf>.
9. **2016-000318VAR** (SYLVIA JIMENEZ)
1634 ALABAMA STREET, Lot 5526 in Assessor's Block 005 in an 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 add one dwelling unit at the basement level of the two-story, single-family residence and construct a one-story horizontal addition with deck above at the rear.
- PER PLANNING CODE SECTION 242(e)(2)(B), the subject property is required to maintain a rear yard or 49 feet 6 inches. The project proposes to construct a one-story horizontal addition with deck above, which encroaches approximately 12 feet into the required rear yard, resulting in a rear yard of approximately 37 feet 6 inches; therefore, the project requires a rear yard variance.
- PER PLANNING CODE SECTION 140 each dwelling unit is required to face directly onto a public street or alley at least 20 feet in width or a Code-complying rear yard. The proposed second dwelling unit will only face onto a rear yard that is not Code-complying; 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/2016-000318VAR.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.