

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, December 7, 2016

Session Begins at 9:30 A.M.

Public Hearing

Corey A. Teague, Asst. Zoning Administrator
Gino Salcedo, 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 February 22, 2017 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 are available on the Planning Department's website at: <http://notice.sfplanning.org/2015-009511VAR.pdf>.

ARCHITECTURAL PLANS: The site plan and elevations of the proposed project are available on the Planning Department's website at: <http://notice.sfplanning.org/2016-008270VAR.pdf>.

4. **2016-005748VAR** **(CATHLEEN CAMPBELL)**
75 TOPAZ WAY, Lot 027 in Assessor's Block 7534 in a RM-1 (RESIDENTIAL- MIXED, LOW DENSITY) Zoning District and a 40-X Height and Bulk District.

REAR YARD VARIANCE SOUGHT: The proposal includes the expansion of the existing cantilevered bathroom, the addition of a cantilevered fireplace, both on the east side of subject property, as well as the extension of the existing cantilevered balcony in the rear.

PER SECTION 134 OF THE PLANNING CODE the subject property is required to maintain a 45 percent rear yard, which ranges from 45 feet to nearly 50 feet deep. The existing building is legal noncomplying, as the existing building encroaches within the required rear yard at varying depths. The proposed project furthers the noncompliance approximately 4 feet 6 inches within the required rear yard and result in a rear yard of 15 feet 6 inches. Therefore, the project requires a variance from the rear yard requirements (Section 134) 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/2016-005748VAR.pdf>.

5. **2016-009943VAR** **(CHRISTOPHER MAY)**
2055 LOMBARD STREET, Lot 009 in Assessor's Block 0509 in a P [Public] Zoning District and a 40-X Height and Bulk District.

FRONT SETBACK VARIANCE SOUGHT: The proposal is to remove the existing railing system and exterior insulation covering the existing concrete bays that project into the Lombard Street and Moulton Street rights-of-way and replace them with a thin, decorative metal skin to partially screen the existing parking structure.

PER SECTION 136(c)(2) OF THE PLANNING CODE, bay windows are permitted to project over streets for a maximum length of 15 feet at the front lot line, and a maximum of 9 feet along a line parallel to and at a distance of three feet from the front lot line. The allowed minimum horizontal separation between bay windows is 2 feet at the front lot line and 8 feet along a line parallel to and at a distance of three feet from the front lot line. With the addition of the proposed metal screening system, several of the bay obstructions over Moulton Street would measure approximately 16 ½ feet at the front lot line and along a line parallel to and at a distance of two feet from the front lot line. Several of the bay obstructions over Lombard Street would measure approximately 25 feet at the front lot line and along a line parallel to and at a distance of two

feet from the front lot line. The proposed bays would be separated by approximately 2 feet both at the front lot line and along a line parallel to and at a distance of two feet from the front lot line. As such, 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/2016-009943VAR.pdf>.

6. **2015-006139VAR** **(NATALIA KWIATKOWSKA)**
847-849 - 29TH AVENUE, Lot 004B in Assessor's Block 1672 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 three-story exterior stair at the rear of the two-family residence.

PER PLANNING CODE SECTION 134, the subject property is required to maintain a rear yard of 54 feet. The existing building currently encroaches 2 feet 2 inches into the required rear yard. The proposed building and stair will encroach 9 feet 1 inch into the required rear yard.

ARCHITECTURAL PLANS: The site plan and elevations of the proposed project are available on the Planning Department's website at: <http://notice.sfplanning.org/2015-006139VAR.pdf>.

B. REGULAR CALENDAR

7. **2016-008740VAR** **(CLAUDINE ASBAGH)**
250 BEACH STREET, Lot 001 in Assessor's Block 0014 in a C-2(Community Business) Zoning District and a 40-X Height and Bulk District.

ENCROACHMENT VARIANCE SOUGHT: The proposal is to update the façade along Powell Street with a thin decorative skin over the existing concrete bays and to remove the existing metal canopy system along Jefferson Street and replace it with decorative metal planters that will partially screen the existing parking structure.

PER SECTION 136 OF THE PLANNING CODE, architectural features must have a minimum ground clearance of 7 feet 6 inches. Several of the ground-level bays on Powell Street would encroach by 4 inches at the ground level. As such, the project requires a Variance.

PER SECTION 136(c)(2) OF THE PLANNING CODE, bay windows are permitted to project over streets for a maximum length of 15 feet at the front lot line, and a maximum of 9 feet along a line parallel to and at a

distance of three feet from the front lot line. The allowed minimum horizontal separation between bay windows is 2 feet at the front lot line and 8 feet along a line parallel to and at a distance of three feet from the front lot line. With the addition of the proposed metal planter system, several of the bay obstructions over Jefferson Street would extend over the property line from 1-foot 4 inches to a maximum of 2 feet 10 inches and have a separation of 1-foot 7 inches. 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/2016-008740VAR.pdf>.

8. **2016-009880VAR** (DANIEL SIROIS)
324-326 MISSISSIPPI STREET, Lot 002 in Assessor's Block 4038, in a RH-2, Residential House - Two Units Zoning District and a 40-X Height and Bulk District.

REAR YARD VARIANCE SOUGHT: The proposal is to legalize two rear decks constructed at the first and second story.

PER SECTION 134 OF THE PLANNING CODE, a rear yard equal to 45 percent of the lot depth is required in the RH-2 District. The existing two-unit building currently encroaches 19 feet into the required rear yard. The decks projects an additional 5 feet 6 inches into the required rear yard. Therefore, a rear yard variance is required to legalize the decks.

ARCHITECTURAL PLANS: The site plan and elevations of the proposed project are available on the Planning Department's website at: <http://notice.sfplanning.org/2016-009880VAR.pdf>.

9. **2016-008602VAR** (ERIKA JACKSON)
100 SICKLES AVENUE, Lot 016 in Assessor's Block 7142 in a Excelsior Outer Mission Street NCD Zoning District and a 40-X Height and Bulk District.

OPEN SPACE AND EXPOSURE VARIANCES SOUGHT: The subject lot contains two buildings. The proposed project is to increase the number of dwelling units in the front building from 2 to 4.

PER SECTION 135 OF THE PLANNING CODE each dwelling unit is required to have 100 square feet of common open space that is at least 15 feet in every dimension. While the project proposes to add a courtyard between the two buildings that is 13 feet by 22 feet and 286 square feet in size, it does not satisfy the Code requirement for the existing and proposed dwelling units. As such, the project requires a variance from the open space requirement for the two additional units.

PER SECTION 140 OF THE PLANNING CODE each dwelling unit must have one room of at least 120 square feet that looks out onto an open

area or street. The area of the windows in such room must be at least 1/12 of the area of the room. The qualifying room in the proposed basement-level unit is 270 square feet and the required window area must total 22.5 square feet. The proposed window area totals 18.75 square feet. As such, the project requires a variance from the exposure 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/2016-008602VAR.pdf>.

10. **2016-000677VAR** (ERIKA JACKSON)
5646-5648 MISSION STREET, Lot 021 in Assessor's Block 7098 in the Excelsior Outer Mission Street NCD Zoning District and a 40-X Height and Bulk District.

REAR YARD VARIANCE SOUGHT: The proposal is for a second floor addition on top of a single story portion at the rear of an existing church. The proposal also includes a new rear staircase.

PER SECTION 134 OF THE PLANNING CODE lots within the Excelsior Outer Mission Street NC Zoning District must provide a rear yard equal to 25% of lot depth at the second story and above. The rear yard requirement in this case is approximately 24 feet. The addition would result in a rear yard of approximately 8.5 feet. The staircase would be built completely within the 8.5 feet, leaving no required rear yard.

ARCHITECTURAL PLANS: The site plan and elevations of the proposed project are available on the Planning Department's website at: <http://notice.sfplanning.org/2016-000677VAR.pdf>.

11. **2015-014752VAR** (JONATHAN DISALVO)
1631 OAKDALE AVENUE, Lot 5322 in Assessor's Block 032 in a RH-2 (RESIDENTIAL- HOUSE, TWO FAMILY) Zoning District and a 40-X Height and Bulk District.

FRONT SETBACK VARIANCE SOUGHT: The proposal would demolish the existing vacant one-story shed in the rear of an otherwise vacant lot, and construct a new four-story, 40-foot tall, approximately 4,161 square foot building with two residential dwelling units.

PER SECTION 132 OF THE PLANNING CODE the property is required to maintain a front setback of 14.75 feet. The subject building, as proposed, encroaches into the front setback by approximately 6.5 feet. As such, the project requires a variance from the front setback requirement for the new building.

ARCHITECTURAL PLANS: The site plan and elevations of the proposed project are available on the Planning Department's website at: <http://notice.sfplanning.org/2015-014752VAR.pdf>.

12. **2016-005711VAR** (KIMBERLY DURANDET)

18-20 SHOTWELL STREET, Lot 051, in Assessor's Block 3549 in an UMU (Urban Mixed Use) Zoning District and a 50-X Height and Bulk District.

REAR YARD AND EXPOSURE VARIANCES SOUGHT: The subject lot contains two buildings. The proposed project is to demolish an existing illegal structure and build a new structure to contain 3 units increasing the number of dwelling units on the subject property from 2 to 5.

PER SECTION 134 OF THE PLANNING CODE the subject property is required to provide a rear yard equal to 30 feet. The existing legal two-family dwelling building at the front complies with this requirement and has a rear yard of 62 feet. However, the proposed new three-family dwelling unit structure would be entirely within the rear yard and therefore requires a variance from the Planning Code's rear yard requirements.

PER SECTION 140 OF THE PLANNING CODE each dwelling unit must have one room of at least 120 square feet that looks out onto a code complying open area or street. The project does not provide a code complying rear yard or open space. Therefore, the new dwelling units require a variance from the exposure 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/2016-005711VAR.pdf>.

13. **2015-0063302VAR** (RICHARD SUCRE)

645-647 VALENCIA STREET, Lot 062 in Assessor's Block 3576 in the Valencia Street NCT (Neighborhood Commercial Transit) Zoning District and a 55-X Height and Bulk District.

REAR YARD, OPEN SPACE & STREET FRONTAGE VARIANCES SOUGHT: The proposal includes a three-story vertical addition to an existing two-story building, and would establish seven dwelling units on the second through fifth floors and approximately 633 square feet of ground floor commercial space.

PER SECTION 134 OF THE PLANNING CODE, the subject property is required to maintain a rear yard of 20 feet. Currently, the existing building encroaches into the required rear yard. Because the project includes construction of a vertical addition within the required rear yard, a variance is required from Planning Code Section 134.

PER SECTION 135 OF THE PLANNING CODE, the proposed project is required to provide 80 square feet of private open space per dwelling unit. Currently, the proposed project does not provide code-complying open space for four of seven proposed dwelling units. Because the project does not provide open space for all dwelling units, a variance is required from Planning Code Section 135.

PER SECTION 145.1 OF THE PLANNING CODE, the proposed project is required to set back any at-grade off-street parking at least 25-feet from the street façade. Currently, the proposed project includes off-street parking within 25 feet of the street façade along Sycamore Street. Because the project does not set back the off-street parking, a variance is required from Planning Code Section 145.1.

ARCHITECTURAL PLANS: The site plan and elevations of the proposed project are available on the Planning Department's website at: <http://notice.sfplanning.org/2015-006330VAR.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.