

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, March 22, 2017

Session Begins at 9:30 A.M.

Public Hearing

Scott F. Sanchez, Zoning Administrator
Eva Atijera-Taylor, Recording Secretary

Notice is hereby given to the general public and to owners of the subject property and other property within 300 feet that an application for variance under the Planning Code as described below has been filed with the Zoning Administrator.

Any remaining questions concerning this application review process may be answered by the Planning Information Center at (415) 558-6377.
Variance Calendars and **Audio Recording of the Hearing** are available on the Internet at <http://www.sfplanning.org>

Accessible Meeting Policy

Hearings are held at **City Hall, 1 Dr. Carlton B. Goodlett Place, Room 408, Fourth Floor**, San Francisco, CA. The closest accessible BART Station is the Civic Center Station located at the intersection of Market, Hyde and Grove Streets. Accessible curb side parking has been designated at points along McAllister Street. Accessible MUNI Lines serving City Hall are the 42 Downtown Loop, 9 San Bruno and 71 Haight/Noriega and the F Line. Accessible MUNI Metro Lines are the J, K, L, M, N and T. For more information regarding MUNI accessible services, call **311 within San Francisco, (415) 701-2311 outside Bay Area, or TTY (415) 701-2323**. American Sign Language interpreters and/or a sound enhancement system will be available upon request by contacting **Lulu Hwang at (415) 558-6318** at least 72 hours prior to a hearing. Individuals with severe allergies, environmental illnesses, multiple chemical sensitivity or related disabilities should call our accessibility **hotline at (415) 554-8925** to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the City to accommodate these individuals.

Cell Phone and/or Sound-Producing Electronic Devices Usage at Hearings

Effective January 21, 2001, the Board of Supervisors amended the Sunshine Ordinance by adding the following provision: The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

Know Your Rights under the Sunshine Ordinance

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

Members of the public are not required to provide personal identifying information when they communicate with the Commission or the Department. All written or oral communications, including submitted personal contact information, may be made available to the public for inspection and copying upon request and may appear on the Department's website or in other public documents.

For more information on your rights under the Sunshine ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact The Administrator by mail at 1 Dr. Carlton B. Goodlett Place, Room 244, by phone at (415) 554-7724, by fax at (415) 554-7854 or by E-mail at sof@sfgov.org.

Attention: *Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Administration Code 16.520 - 16.534] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission at 25 Van Ness Avenue, Suite #220, San Francisco, CA 94102, telephone (415) 554-9510, fax (415) 703-0121 and web site <http://www.ci.sf.ca.us/ethics/>.*

ENGLISH:

For language assistance or to request an assistive device for a hearing, please call 415-558-6309. Please make requests at least 48 hours in advance of the hearing.

SPANISH:

Si desea asistir a la audiencia, y quisiera obtener información en Español o solicitar un aparato para asistencia auditiva, llame al 415-558-6309. Por favor llame por lo menos 48 horas de anticipación a la audiencia.

CHINESE:

歷史保護委員會議程。聽證會上如需要語言協助或要求輔助設備，請致電415-558-6309。請在聽證會舉行之前的至少48個小時提出要求。

TAGALOG:

Para sa tulong sa lengguwahe o para humiling ng Pantulong na Kagamitan para sa Pagdinig (headset), mangyari lamang na tumawag sa 415-558-6309. Mangyaring tumawag nang maaga (kung maaari ay 48 oras) bago sa araw ng Pagdinig.

RUSSIAN:

За помощью переводчика или за вспомогательным слуховым устройством на время слушаний обращайтесь по номеру 415-558-6309. Запросы должны делаться минимум за 48 часов до начала слушания.

**ZONING ADMINISTRATOR
NOTICE OF HEARING ON
APPLICATION FOR ZONING VARIANCE**

Notice is hereby given to the general public and to owners of the subject property and other property within 300 feet that an application for variance under the Planning Code as described below has been filed with the Zoning Administrator and will be considered at a PUBLIC HEARING to be held on the date, time, and place listed on the first page of this Calendar:

A. CONSENT CALENDAR

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

1. **2016-015703VAR** **(DAVID WEISSGLASS)**
286 PARNASSUS AVENUE, Lots 058-060 in Assessor's Block 1274 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 the existing deck at the rear of the ground floor of the three-story, three-unit residential building and construct a larger deck and a spiral staircase to connect the deck to the rear yard. A firewall will also be constructed along the west property line adjacent to the staircase. The deck and stairs are proposed to be constructed along the wall of the property to the west.

PER PLANNING CODE SECTION 134, the subject property is required to maintain a rear yard of at least 29 feet based on averaging of the rear walls of the adjacent properties. The existing structure is noncompliant with respect to the rear yard requirement. The proposed project furthers this noncompliance as the deck would extend to within 21 feet of the rear property line and the stairs would extend to within approximately 16 feet of the rear property line. Therefore, the project requires a rear yard 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/2016-015703VAR.pdf>.

2. **2015-018073VAR** (ELLA SAMONSKY)
245 PIERCE STREET, Lot 070 in Assessor's Block 0846 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 construct a deck at the rear of the three-story, two-family residential building. The deck will be at the third floor and will be 11 feet in depth and 9 feet - 2 inches in width.
- SECTION 134 OF THE PLANNING CODE requires the subject property to maintain a rear yard of 26 feet 6 inches. The proposed deck will extend 2 feet - 9 inches 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/2015-018073VAR.pdf>.
3. **2016-008862VAR** (SEEMA ADINA)
2238 VICENTE STREET, Lot 022 in Assessor's Block 2432 in a NC-1 (Neighborhood Commercial Cluster) Zoning District and a 40-X Height and Bulk District.
- ACTIVE USE VARIANCE SOUGHT:** The proposal is to legalize an existing dwelling unit at the ground floor of the subject property.
- PER SECTION 145.1 OF THE PLANNING CODE, the subject property is required to maintain an active residential use for at least 50% of the frontage on the ground floor that meets the Ground Floor Residential Design Guidelines, which require raised entries. The proposed dwelling unit legalization would not provide a street frontage that meets the Planning Code 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/2016-008862VAR.pdf>.
4. **2016-008716VAR** (SEEMA ADINA)
905 CAPP STREET, Lot 027 in Assessor's Block 6518 in the 24th Street Mission Neighborhood Commercial Transit Zoning District and a 55-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 3-story, 16-unit residential and commercial building.
- 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 direction, 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 a side setback that is 6'7" x 59'. The proposed Accessory Dwelling Unit will face onto that setback, which is less than the minimum 15 x 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/2016-008716VAR.pdf>.

5. **2016-008777VAR** **(VERONICA FLORES)**
240 CHATTANOOGA STREET, Lot 050 in Assessor's Block 3650 in an RH-2 (Residential - House, Two Family) Zoning District and a 40-X Height and Bulk District.

EXPOSURE VARIANCE SOUGHT: The proposal is for six (6) Accessory Dwelling Units (ADU) within the existing building envelope. Additionally, the proposal includes façade alterations.

PER PLANNING CODE SECTION 140, each Dwelling Unit is required to have at least one room facing directly onto a qualifying open area such as a public street, rear yard, or side yard. In the case of ADUs, the Zoning Administrator may issue a reduced exposure waiver if the Dwelling Unit faces onto an open area that is 15 feet by 15 feet in size and unobstructed to the sky. Three of the proposed ADUs do not face onto a reduced open space area; 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/2016-008777VAR.pdf>.

6. **2015-007655VAR** **(WAYNE FARRENS)**
1990 JEFFERSON STREET, Lot 013 in Assessor's Block 0911 in a RH-2 (Residential, House, Two-Family) Zoning District and a 40-X Height and Bulk District.

REAR YARD VARIANCE SOUGHT: The proposal includes a one-story vertical addition above the existing three-story, single-family residence.

PER SECTION 134 OF THE PLANNING CODE the subject property is required to provide a rear yard of 15 feet with the last 10 feet of structure limited to a maximum height of 30 feet. The proposed vertical addition would result in a building height of approximately 39.5 feet within the last 10 feet of structure; therefore, a variance from the rear yard requirement of the Planning Code 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/2015-007655VAR.pdf>.

B. REGULAR CALENDAR

7. **2015-007232VAR** (ANDREW PERRY)

3851 MARKET STREET, Lot 009 in Assessor's Block 2777 in a RH-2 (Residential House - Two-Family) Zoning District and a 40-X Height and Bulk District.

REAR YARD VARIANCE SOUGHT: The proposal seeks to legalize a 2-story deck structure at the rear of the building, with minor modifications including pulling the deck off the southern side property line by approximately 3.5 feet to align with the edge of the building.

PER PLANNING CODE SECTION 134, the subject property is required to maintain a rear yard of between 19.5' and 24' (given the irregular rear property line). The two-story deck proposed for legalization encroaches approximately 5' into the required rear yard; 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/2015-007232VAR.pdf>.

8. **2016-010343VAR** (SYLVIA JIMENEZ)

2523 STEINER STREET, Lot 001A in Assessor's Block 0586 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 construct a rear horizontal addition on the third and fourth floors and a front horizontal addition on the fourth floor of the existing four-story, single-family residence.

PER SECTION 134 OF THE PLANNING CODE, the subject property is required to maintain a rear yard of 15 feet. Currently, the existing building encroaches entirely into the required rear yard to the rear property line at the ground and second floors. The proposed rear horizontal addition at the third and fourth floors would encroach approximately 9 feet 6 inches into the required rear yard at the third level and 6 feet 6 inches at the fourth level; therefore, the project requires a variance.

front of the building. The expanded third story would extend approximately 5 feet, 4 inches into the required front setback, and therefore, a variance from the front setback requirement 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/2015-014173VAR.pdf>

11. 2005.0911VAR-02 (CHRISTOPHER MAY)

616 DIVISADERO STREET AND 1282 HAYES STREET, Lot 002J in Assessor's Block 1202 in the Divisadero Street Neighborhood Commercial Transit (NCT) Zoning District and a 65-A Height and Bulk District.

LOT AREA VARIANCE AND REAR YARD MODIFICATION

VARIANCES SOUGHT: The proposal is to facilitate the subdivision of the subject property into two lots such that the residential building fronting Hayes Street, which is currently under construction, may occupy its own lot separate from the theater building lot which fronts on Divisadero Street.

PER SECTION 121(c) OF THE PLANNING CODE, the subject property is required to maintain a lot width of 45 feet for a depth of approximately 55.5 feet in order to achieve the minimum lot area requirement of 2,500 square feet. Because the south side of the existing theater building is located approximately 45 feet from the Hayes Street front lot line, the maximum potential lot depth for the residential building, currently under construction, does not meet the minimum requirements of the Planning Code and therefore requires a variance.

PER SECTION 134 OF THE PLANNING CODE, the subject property is required to maintain a rear yard of 15 feet at all levels containing residential uses. The rear yard requirement in NC Zoning Districts may be modified or waived provided that residential uses are included in the new development and a comparable amount of usable open space is provided elsewhere on the lot or within the development where it is more accessible to the residents of the development, the proposed new structure will not significantly impede the access of light and air to and views from adjacent properties, and the proposed new structure will not adversely affect the interior block open space formed by the rear yards of adjacent properties. The residential building fronting Hayes Street, which is currently under construction, would provide usable open space on its roof in lieu of a rear yard; therefore, the project requires a modification to 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/2005.0911VAR-02.pdf>.

12. **2016-013640VAR** (DANIEL SIROIS)
322 RICHLAND AVENUE, Lot 50 in Assessor's Block 5744 in an RH-2 Zoning Residential-House, Two Family Zoning District in the Bernal Heights Special Use District and a 40-X Height and Bulk District.
- REAR YARD VARIANCE SOUGHT:** The proposal is to construct a second-story balcony at the rear of the existing house.
- PLANNING CODE SECTION 242(E)(2)(B) requires a rear yard of 45 feet on this property. The existing non-complying rear yard is 33 feet. The proposed balcony encroaches an additional 4 feet into the rear yard and therefore requires a rear yard 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/2016-013640VAR.pdf>.
13. **2016-015255VAR** (DAVID WEISSGLASS)
505-509 OAK STREET, Lot 026 in Assessor's Block 0841 in a RTO (Residential Transit Oriented) Zoning District and a 40-X Height and Bulk District.
- REAR YARD VARIANCE SOUGHT:** The proposal is to replace an existing interior staircase in a noncomplying rear portion of the structure with an exterior spiral staircase as well as a 1-hour firewall on the west property line at the rear of the three-story, three-unit residential building. The project also proposes a reduction in massing at the top story to provide additional open space for the rear unit on the top story.
- PER PLANNING CODE SECTION 134, the subject property is required to maintain a rear yard of 54 feet, or 45% of the lot depth. The existing building is noncompliant, as a portion of the structure encroaches approximately 25 feet into the required rear yard. While the proposed spiral staircase is allowed to be constructed within the required rear yard as a replacement of the existing interior staircase, the firewall on the west property line is not exempt from the rear yard requirement and a rear yard variance is required to allow its construction.
- ARCHITECTURAL PLANS:** The site plan and elevations of the proposed project are available on the Planning Department's website at: <http://notice.sfplanning.org/2016-015255VAR.pdf>.
14. **2015-009578VAR** (TODD KENNEDY)
905 GENEVA AVENUE, Lot 010 in Assessor's Block 6410 in an NCD (Excelsior Outer Mission Street) Zoning District and a 65-A Height and Bulk District.
- REAR YARD MODIFICATION VARIANCE SOUGHT:** The proposal is to change the existing use on the second floor of a corner commercial building into four residential units.

PER SECTION 134 OF THE PLANNING CODE, the subject property is required to maintain a rear yard of approximately 24 feet at the second story and above. The existing building is non-complying and extends into the required rear yard. The proposed conversion to residential use is an intensification of the non-complying structure; therefore, the project requires a rear yard 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/2015-009578VAR.pdf>.

15. **2016-007554VAR** (TODD KENNEDY)
 722 PRAGUE STREET, Lot 008 in Assessor's Block 6442 in an RH-1(D)
 (Residential-House, One Family-Detached) Zoning District and a 40-X
 Height and Bulk District.

REAR AND SIDE YARD VARIANCES SOUGHT: The proposal is to enlarge an existing rear garage into a living space.

PER SECTION 134 OF THE PLANNING CODE, the subject property is required to maintain a rear yard of 25 feet. The existing garage is located entirely within the required rear yard; therefore, the proposed conversion to residential use and enlargement require a variance from the rear yard requirement.

PER SECTION 133 OF THE PLANNING CODE, the subject property is required to maintain a side yard of 5 feet. The existing garage is located partially within the side yard; therefore, the proposed conversion to residential use and enlargement require a variance from the side 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/2016-007554VAR.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.