

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, May 24, 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. **2016-010667VAR** **(CATHLEEN CAMPBELL)**
 65 BUENA VISTA AVENUE EAST, Lot 1241 in Assessor's Block 009B
 in a RH-3 (Residential-House, Three Family) 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 4-story, 12-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 a 12' X 44' rear yard; two proposed accessory dwelling units will face onto the rear yard, 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/2016-010667VAR.pdf>.

2. 2017-000286VAR (SEEMA ADINA)

781 O'FARRELL STREET, Lot 030 in Assessor's Block 0321 in the Residential-Commercial, High Density Zoning District and an 80-T Height and Bulk District.

EXPOSURE VARIANCE SOUGHT: The proposal is to add two Accessory Dwelling Units at the ground floor of an existing 7-story, 32 unit residential 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 5 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 a non-conforming rear yard. The proposed Accessory Dwelling Units will each be facing onto a 13'4" by 13'8" patio which is less than the minimum 15 x 15 foot open area required for reduced dwelling unit exposure; 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/2017-000286VAR.pdf>.

B. REGULAR CALENDAR**3. 2016-011388VAR (CHRISTOPHER TOWNES)**

256 CASITAS AVENUE, Lot 034 in Assessor's Block 2973A in a RH-1(D) (Residential-House, One Family-Detached) Zoning District and a 40-X Height and Bulk District.

FRONT SETBACK VARIANCE SOUGHT: The proposal includes the replacement of an existing single-family residence removed by emergency demolition due to landslide with a newly constructed 2-story (above two-level basement) single-family residence with two-car garage located within the front yard of an existing vacant lot.

PER SECTION 132(e) OF THE PLANNING CODE, the required front setback for the subject property is 15 feet. The proposed building would encroach up to 7'-11" into the required front setback, to within 7'-1" of the front property line. Further, a proposed awning would extend to within 3' of the front property line and the proposed roof level overhang would extend to within 6' of the front property line (both of which do not comply with Planning Code requirements). Given the proposed construction within the required front setback, 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/2016-011388VAR.pdf>.

4. **2017-000646VAR** (DAVID WEISSGLASS)
1209 SHRADER STREET, Lot 002 in Assessor's Block 1282 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 construct a new deck (approximately 16 feet deep by 13 feet wide and up to 6'-4" above grade) as well as stairs leading from the deck down to the rear yard and a new door providing access to the deck from the lower unit of the two-story-over-garage two-unit residential building.

PER PLANNING CODE SECTION 134, the subject property is required to maintain a rear yard of 45 feet. The existing building is noncomplying, as a portion of the existing building encroaches approximately 12 feet 6 inches into the required rear yard. The proposed project furthers the noncompliance by constructing a deck that extends to within 35 feet of the rear property line with a set of stairs from the deck down to the rear yard. 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/2017-000646VAR.pdf>.

5. **2016-015476VAR** (ELLA SAMONSKY)
326 CAPP STREET, Lot 041 in Assessor's Block 3590 in a RTO-M (Residential Transit Oriented-Mission) Zoning District and a 40-X Height and Bulk District.

REAR YARD VARIANCE SOUGHT: The proposal is to legalize conversion of an existing garage (located within the required rear yard) to a dwelling unit. The proposal also includes a vertical addition to the structure within the required rear yard. The lot currently contains one legal dwelling unit at the front of the property.

SECTION 134 OF THE PLANNING CODE requires a rear yard of 47 feet 11 inches for the subject property. 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 is located within the required rear yard and does not comply with the Planning Code. Therefore, the proposed conversion and expansion require 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/2016-015476VAR.pdf>.

6. 2016-003609VAR (JEFFREY HORN)

335 DIAMOND STREET, Lot 016 in Assessor's Block 2751 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 an approximately 12 foot, 5 inch one-story horizontal addition with roof deck at the front of the building and a vertical expansion of the gabled roof at the rear of the building. The proposal also includes façade renovations, the interior reconfiguration of space, a new one-car garage and the removal of portions of the rear of the building.

PER SECTION 134 OF THE PLANNING CODE, the subject property is required to maintain a rear yard of 45% of the lot depth (or 56 feet, 3 inches). The project proposes a vertical expansion, side addition and rear pop-out removal to the legal non-complying portion of the structure that currently encroaches 51 feet, 6 inches 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/2016-003609VAR.pdf>.

7. 2014-002035VAR (JEFFREY HORN)

2140-2144 MARKET STREET, Lots 008 and 009 in Assessor's Block 3542 in the Upper Market Neighborhood Commercial Transit Zoning District and 50-X and 40-X Height and Bulk Districts.

REAR YARD MODIFICATION AND EXPOSURE VARIANCES SOUGHT: The proposal is to demolish the existing 2,375 sq. ft. commercial building, patio, shed and parking lot and to construct a new 28,736 sq. ft., five-story plus basement mixed-use building with 1,600 sq. ft. of ground floor commercial space, 27 dwelling units, 2,257 sq. ft. of common roof deck and no off-street parking spaces.

PER PLANNING CODE SECTION 134, the project is required to provide a rear yard equal to 25 percent of the total lot depth, but in no case less than 15 feet, at all floors of the building. At the rear of the proposed structure, portions of the first, second and third floors encroach into the required 24 foot, 11 inch rear yard. Additionally, the rear walls of three existing residential buildings that front on 14th Street are located within the required rear yard for the subject property. Therefore, the project requires a rear yard modification from the rear yard requirement.

PER PLANNING CODE SECTION 140, each dwelling unit is required to face onto a Code-complying rear yard, street at least 20' in width or other feature meeting the minimum requirements of the Planning Code. The subject property has 5 units at the rear that do not face onto Code-complying 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/2014-002035VAR.pdf>.

8. **2015-011202VAR** (KIMBERLY DURANDET)
603 TENNESSEE STREET, Lot 015 in Assessor's Block 3995 in a UMU (Urban Mixed Use) Zoning District and a 58-X Height and Bulk District.

REAR YARD, PERMITTED OBSTRUCTIONS, DWELLING UNIT EXPOSURE, AND STREET FRONTAGE VARIANCES SOUGHT: The proposal is to demolish an existing two-story industrial building and construct a new six-story (58 feet) building with ground floor art studio and parking.

PER SECTION 134 OF THE PLANNING CODE, the subject property is required to maintain a rear yard of approximately 25 feet. The proposed new construction 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.

PER SECTION 136 OF THE PLANNING CODE, the subject property is required to provide glazing on bay windows as required per subsection 136(c)(2)(c). The proposed project does not meet these requirements; therefore, the project requires a variance.

PER SECTION 140 OF THE PLANNING CODE, the subject property is required to provide dwelling unit exposure to either a Code-complying rear yard or a public street. 12 dwelling units face onto the non-complying rear yard; therefore, a variance is required.

PER SECTION 145.1 OF THE PLANNING CODE, the project is required to provide a street frontage with a ground floor height for non-residential use of 17 ft. Also, any gates need to be 75% open to perpendicular view. The project does not meet these 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/2015-011202VAR.pdf>

9. **2016-014456VAR** (LINDA AJELLO HOAGLAND)
80 LINDA STREET, Lot 049M in Assessor's Block 3588 in a RTO-M Zoning District (Residential Transit Oriented-Mission) Zoning District and a 45-X Height and Bulk District.

REAR YARD VARIANCE SOUGHT: The proposal is to demolish the existing second floor rear addition and construct a third floor addition, roof deck and interior remodel to an existing single-family dwelling.

PER SECTION 134 OF THE PLANNING CODE, the subject property is required to maintain a rear yard of approximately 33 feet, 9 inches. The existing building encroaches into the required rear yard (to within 6 feet, 7 inches of the rear property line). Although the proposed project reduces the extent of the noncomplying structure, it is still located within the required rear yard (to within 19 feet, 9 inches of the rear property line), thus a variance is required 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/2016-014456VAR.pdf>.

10. **2016-012625VAR** (NANCY TRAN)
52 YUKON STREET, Lot 002 in Assessor's Block 2711 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 vertical and horizontal addition within the required rear yard.

SECTION 134 OF THE PLANNING CODE requires a rear yard of 15 feet. The project proposes to construct the addition on a noncomplying building that encroaches into the required rear yard (to within 7 feet, 11 inches of the rear property line); 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/2016-012625VAR.pdf>.

11. **2017-003581VAR** (NICHOLAS FOSTER)
590 LOMBARD STREET, Lot 018 in Assessor's Block 0063 in a RM-2 (Residential-Mixed, Moderate Density) Zoning District and a 40-X Height and Bulk District.

REAR YARD VARIANCE SOUGHT: The subject lot is a corner lot with one existing residential structure containing 3 dwelling units. The proposal is to legalize a previous horizontal expansion (infill) of an existing 4th floor penthouse, to comply with Enforcement Case #2016-004830ENF. The horizontal expansion, totaling approximately 35 square feet, was approved in error under Building Permit Application No. 201511303738. The proposal also includes an approximately 240 square foot roof deck abutting the subject penthouse, which, is located within the required rear yard. (The roof deck requires notification but is not the subject of this variance request.)

SECTION 134 OF THE PLANNING CODE requires a minimum rear yard of approximately 49'-10" for the subject property. As the existing penthouse encroaches into the required rear yard by approximately 10

feet, the area of horizontal expansion is 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/2017-003581VAR.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.