

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, June 28, 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. **2016-014696VAR** **(ELLA SAMONSKY)**
 1515 LEAVENWORTH STREET, Lot 007 in Assessor's Block 0184 in a
 RM-3 (Residential - Mixed, Medium Density) Zoning District and a 65-A
 Height and Bulk District.

EXPOSURE VARIANCE SOUGHT: The proposed project is to add two Accessory Dwelling Units and legalize and unauthorized unit at the basement level of an existing two-story, seven-unit residential building undergoing seismic retrofitting.

PER SECTION 140 OF THE PLANNING CODE the subject property is required to have qualifying windows of each unit face directly on an open area meeting the requirements of the Planning Code. 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 rear yard that is 14 feet in depth and 35 feet in width and a side yard that is 5 feet in width. One proposed Accessory Dwelling Unit will face onto that rear yard, which is less than the minimum 15 foot by 15 foot open area required for reduced dwelling unit exposure, and one proposed ADU will have a window facing the street that does not meet the minimum glazing requirements of the Planning Code (and is therefore not a qualifying window); 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/2016-014696VAR.pdf>.

B. REGULAR CALENDAR**2. 2014-000205VAR (ANDREW PERRY)**

124-126 HAIGHT STREET, Lots 44 & 45 in Assessor's Block 0852 in a RTO (Residential Transit-Oriented) Zoning District and a 40-X Height and Bulk District.

REAR YARD AND EXPOSURE VARIANCES SOUGHT: The project proposes construction of a 1-story vertical addition to the existing 2-story over basement, 2-family dwelling to provide additional living area for the existing upper unit; due to the existing sloping roof and parapet, the addition would not be visible from Haight Street. The proposal also includes the removal of the existing rear stair structure between the first and second floor, to construct a new reconfigured stair, spiral stair, and elevator. Lastly, the project will convert existing storage and community room space at the basement level to 2 new dwelling units, one of which will be designated as an Accessory Dwelling Unit.

PER PLANNING CODE SECTION 134, the subject property is required to maintain a rear yard setback of 42'-10.5". The rear of the existing structure is legal, noncomplying with respect to the rear yard requirement and the proposed reconfiguration of the stairs and introduction of an elevator at the rear are located within the required setback area; therefore, a variance is required.

PER PLANNING CODE SECTION 140, all dwelling units must face directly on a qualifying open area in order to meet exposure. The proposed dwelling units at the basement level face onto an area that is only 8 feet wide, which is not a qualifying open area; 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/2014-000205VAR.pdf>.

3. 2017-002412VAR (DANIEL SIROIS)

138-140 CLINTON PARK, Lot 043 in Assessor's Block 3533 in a RTO (Residential Transit Oriented District) Zoning District and a 40-X Height and Bulk District.

EXPOSURE VARIANCE SOUGHT: The proposal includes the addition of three Accessory Dwelling Units (ADUs) (two studios and one one-bedroom unit) on the ground floor of an existing four-story residential building. The proposal would result in a total of nine dwelling units at 138-140 Clinton Park.

PER SECTION 140 OF THE PLANNING CODE, all dwelling units must face onto a public street, public alley at least 25-ft wide, Code-complying

rear yard or a qualified open area. For ADUs, the required open area may be reduced to an area 15 feet in every horizontal dimension. The proposal would establish two dwelling units, which face onto Clinton Park, and one dwelling unit, which faces the rear yard measuring 10 feet. One of the proposed units faces onto a rear yard of less than 15 feet; 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/2017-002412VAR.pdf>.

4. **2016-016573VAR** **(DAVID WEISSGLASS)**
126 DIVISADERO STREET, Lot 027 in Assessor's Block 1260 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 an existing deck and balcony at the rear of the 3-story single-family house and replace them with a new lower deck with steps down to the rear yard and a balcony above.

PER PLANNING CODE SECTION 134, the subject property is required to maintain a rear yard of approximately 40 feet. The existing building is noncomplying, as a portion of it encroaches approximately 17 feet into the required rear yard. The proposed project furthers the noncompliance by constructing a new deck with a set of stairs from the deck down to the yard as well as a balcony above, all of which will be within the required 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/2016-016573VAR.pdf>.

5. **2016-003905VAR** **(DAVID WEISSGLASS)**
1810 GREEN STREET, Lot 043 in Assessor's Block 0543 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 small horizontal addition at the side and rear of the existing top story of the 4-story two-unit building. The proposal will not expand or alter the footprint of the existing building.

PER PLANNING CODE SECTION 134, the subject property is required to maintain a rear yard of 25 feet based upon the average depth of the adjacent building walls. Planning Code Section 134 states that the last 10 feet of building depth gained through the averaging method is limited to a height of 30 feet. The proposal is to expand at the rear of the top story in the portion of the rear yard that is limited to 30 feet. The

proposed addition would be up to 40 feet in height to match the height of the existing top story; 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/2016-003905VAR.pdf>.

6. **2015-016598VAR** (ELIZABETH GORDON-JONCKHEER)
1530 - 48TH AVENUE, Lot 038 in Assessor's Block 1893 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 legalize and expand a two-story horizontal addition at the rear of the existing two-story building and add dormer windows. The proposed project has been filed to abate Department of Building Inspection (DBI) Complaint No. 201577572.

PER SECTION 134 OF THE PLANNING CODE, the subject property is required to maintain a rear yard of approximately 54 feet. The existing non-complying dwelling encroaches entirely into the required rear yard extending to within approximately 3-1/4 inches of the rear property line. The remodeled non-complying structure with proposed addition and dormer windows encroach into the required rear yard extending to within approximately 9 inches of the rear yard property line. This rear yard encroachment necessitates a rear yard variance, pursuant to Planning Code Sections 134. No work is proposed for the existing garage with studio above at the front of the lot.

ARCHITECTURAL PLANS: The site plan and elevations of the proposed project are available on the Planning Department's website at: <http://notice.sfplanning.org/2015-016598VAR.pdf>.

7. **2014-002016VAR** (JONATHAN DISALVO)
17 GRACE STREET, Lot 026 in Assessor's Block 3509 in a RED-MX (Residential Enclave-Mixed) Zoning District and a 45-X Height and Bulk District

REAR YARD AND EXPOSURE VARIANCES SOUGHT: The proposed project is to construct a four-story, 45-foot tall residential building on an approximately 2,831 square-foot lot. The proposed 10,463 gross square foot building includes 11 dwelling units, 11 Class 1 and two Class 2 bicycle parking spaces, and no automobile parking. This Project is located adjacent to another proposal for the development of a similar four-story, 45-foot tall residential building located at 15 & 23 Grace Street (lots 024 & 025).

PER PLANNING CODE SECTION 134, the subject property is required to maintain a rear yard setback of 28 feet, 4 inches as measured from the rear property line. Though the proposal includes an inner courtyard

of 35 feet, 2 inches in length and 20 feet, 4 inches in width, the building is proposed to be built to the rear property line within the rear yard setback; therefore, a variance is required.

PER PLANNING CODE SECTION 140, all dwelling units must face directly on a qualifying open area in order to meet exposure. A total of two proposed dwelling units face onto an open area that is only 20 feet, 4 inches wide, which is not a qualifying open area; 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/2014-002016VAR.pdf>.

8. **2015-013125VAR** (LINDA AJELLO HOAGLAND)
676 CAPP STREET, Lot 041 in Assessor's Block 3615 in the Residential Transit Oriented District - Mission (RTO-M) and a 40-X Height and Bulk District.

REAR YARD SETBACK VARIANCE SOUGHT: Vertical and horizontal addition and basement excavation to an existing 3-bedroom, 1-1/2 bathroom single-family home resulting in a 5-bedroom, 4-1/2 bathroom home; construction of a new three-story, 3-bedroom, 3-1/2 bathroom residential unit; and a vertical addition and conversion and of the existing non-conforming (rear set-back) single-story accessory structure in the rear yard to create a new two-story dwelling unit.

PER Section 134 of the Planning Code, the property is required to maintain a rear yard of approximately 30 feet. The existing house and storage structure are located within the required rear yard setback. Therefore, a variance is needed in order to intensify the non-conforming rear setback.

PER SECTION 140 OF THE PLANNING CODE, all dwelling units must face directly onto a required open area meeting the requirements of the Planning Code. The distance between the existing storage structure and main house is 23 feet, 10 inches where 25 feet is required, thus the new two-story rear yard unit will not meet exposure requirements and 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/2015-013125VAR.pdf>.

9. **2016-016459VAR** (LINDA AJELLO HOAGLAND)
29 & 31 - 29TH STREET, Lot 053 in Assessor's Block 6635 in a NC-3 Zoning District and a 40-X Height and Bulk District.

REAR YARD VARIANCE SOUGHT: The proposal is to repair fire damage to an existing three-story mixed-use (office and residential) building and construct a vertical addition to create an additional residential unit.

PER SECTION 134 OF THE PLANNING CODE, the subject property is required to maintain a rear yard of 15 feet. Currently, the existing building is located on an irregularly shaped lot and encroaches into the required rear yard. However, because the project: A) includes residential uses and provides comparable open space on the lot that is more accessible to residents; B) will not significantly impede the access of light and air to and views from adjacent properties; and (C) will not adversely affect the interior block open space formed by the rear yards of adjacent properties, a rear yard modification must be granted.

ARCHITECTURAL PLANS: The site plan and elevations of the proposed project are available on the Planning Department's website at: <http://notice.sfplanning.org/2016-016459VAR.pdf>

10. **2016-010422VAR** (NATALIA KWIATKOWSKA)
69-75 HILL STREET, Lot 036 in Assessor's Block 3617 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 expand the existing sloping roof at rear resulting in a flat roof and the replacement of the existing roof deck atop the modified roof at the rear of the five-family residence. In May 2017, the project received Administrative Certificate of Appropriateness No. ACOA.2017.0277 (Case NO. 2016-009209COA).

PER PLANNING CODE SECTION 134, the subject property is required to maintain a rear yard of 51 feet 4 inches. The existing building currently encroaches 37 feet 6 inches and the proposed work is located within 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/2016-010422VAR.pdf>.

11. 2016-003926VAR

(SYLVIA JIMENEZ)

403 FAIR OAKS STREET, Lot 038 in Assessor's Block 6533 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 for demolition and reconstruction of a legal noncomplying detached one-story, two-car garage in the rear yard with access from 25th Street. The proposed one-story, two-car garage will have a roof deck atop and access stairs along the south façade.

PER SECTION 134 OF THE PLANNING CODE, the subject property is required to maintain a minimum rear yard of 25 feet. Currently, the existing detached garage encroaches into the northeast corner of the required rear yard. The proposed garage would be located in the same location as the existing structure and would encroach entirely into the required rear yard, 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/2016-003926VAR.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.