

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, July 26, 2017

Session Begins at 9:30 A.M.

Public Hearing

Scott F. Sanchez, 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.

B. REGULAR CALENDAR**2. 2016-011752VAR (ANDREW PERRY)**

139 PFEIFFER STREET, Lot 021 in Assessor's Block 0054 in a RH-3 (Residential House, Three-Family) Zoning District, the Telegraph Hill-North Beach Residential SUD and a 40-X Height and Bulk District.

REAR YARD VARIANCE SOUGHT: The project proposes construction of a 1-story vertical addition with 361 square feet of space to the existing two-story over garage two-family dwelling. At the front and rear of the proposed addition, the project proposes roof decks above the existing second story.

PER PLANNING CODE SECTION 134, the subject property is required to maintain a rear yard depth of 15 feet based upon the average depth of the adjacent buildings. 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 proposed vertical addition would occur in the portion of the rear yard that is limited to a height of 30 feet. The proposed addition would be up to 35 feet, 6 inches in height; 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/2016-011752VAR.pdf>.

3. 2013.0846VAR (CARLY GROB)

146 - 148 JASPER PLACE, Lot 32 in Assessor's Block 0103 in a RM-1 (Residential, Mixed - Moderate Density) Zoning District and a 40-X Height and Bulk District.

REAR YARD VARIANCE SOUGHT: The project proposes a one-story vertical addition, a horizontal addition, and interior reconfiguration to the existing two-story-over basement duplex on the southern portion of the property (140-142 Jasper Place). The project also proposes the construction of a three-story-over-garage duplex on the northern portion of the property (146-148 Jasper Place) for a total of four dwelling units on the subject lot.

PURSUANT TO SECTION 134, the minimum rear yard depth shall be equal to 45 percent of total lot depth of the lot, but may be reduced to a depth no less than 25 percent of lot depth by averaging the depths of adjacent buildings. The last 10 feet of building depth gained by averaging on the subject property shall be limited to 30 feet in height. The vertical addition on 140-142 exceeds 30 feet in height in the area gained by averaging, as does the top story of the proposed duplex at 146-148. 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/2013.0846VAR.pdf>.

4. **2016-016667VAR** (CATHLEEN CAMPBELL)
839 LEAVENWORTH STREETR, Lot 002 In Assessor's Block 0280 In A RC-4 (Residential- Commercial, High Density) Zoning District and a 65-A Height and Bulk District.

EXPOSURE VARIANCE SOUGHT: The project proposes to add two Accessory Dwelling Units at the ground floor level of an existing 5-story, 51-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 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 9 feet 5 inch by 63 feet 3 inch 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/2016-016667VAR.pdf>.

5. **2017-000777VAR** (CATHLEEN CAMPBELL)
891 POST STREET, Lot 0303 in Assessor's Block 013B in a RC-4 (RESIDENTIAL- COMMERCIAL, HIGH DENSITY) Zoning District, a 80-T Height and Bulk District, and North of Market Residential 2 Special Use District.

EXPOSURE VARIANCE SOUGHT: The project proposes to add two Accessory Dwelling Units at the ground floor level of an existing 4-story, 47-unit residential and ground floor 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 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 light well that is 8 feet 10 inches by 12 feet 7 inches and a rear yard that is 9 feet 1 inch by 43 feet; one proposed Accessory Dwelling Units will face onto the light well and one proposed Accessory Dwelling Units will face onto the rear yard. The subject light and rear yard are less than

the minimum 15 foot by 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/2017-000777VAR.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 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 property line. This rear yard encroachment requires a rear yard variance. 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. **2016-015477VAR** (ELLA SAMONSKY)
3190 SAN BRUNO AVENUE, Lot 028 in Assessor's Block 6156 in a RM-1 (Residential Mixed, Low Density Zoning District and a 40-X Height and Bulk District.

EXPOSURE VARIANCE SOUGHT: The project proposes to add three Accessory Dwelling Units at the ground floor level of an existing three-story, ten-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 side yard that is 11 feet 3 inches in width; two of the proposed Accessory Dwelling Units will face onto that side yard, which is less than

the minimum 15 foot by 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/2016-015477VAR.pdf>.

8. **2016-015539VAR** (ELLA SAMONSKY)
3180 SAN BRUNO AVENUE, Lot 027 in Assessor's Block 6156 in a RM-1 (Residential-Mixed, Low Density) Zoning District and a 40-X Height and Bulk District.

EXPOSURE VARIANCE SOUGHT: The project proposes to add three Accessory Dwelling Units at the ground floor level of an existing three-story, ten-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 side yard that is 11 feet 3 inches in width; two of the proposed Accessory Dwelling Units will face onto that side yard, which is less than the minimum 15 foot by 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/2016-015539VAR.pdf>.

9. **2017-000174VAR** (ERIKA JACKSON)
122 ARCH STREET, Lot 027 in Assessor's Block 7119 in a RH-1 (Residential - House, Single-Family) Zoning District and a 40-X Height and Bulk District.

REAR YARD VARIANCE SOUGHT: The proposed project is to construct a new three story, single-family residence on a vacant lot.

PER PLANNING CODE SECTION 134, the required rear yard for the subject property is 15 feet. The proposed building has a rear yard of 9 feet 6 inches; 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/2017-000174VAR.pdf>

10. **2017-004182VAR** **(GABRIELA PANTOJA)**
2025 O' FARRELL STREET, Lot 042 in Assessor's Block 1100 in a RM-1 (Residential-Mixed, Low Density) Zoning District and a 65-A Height and Bulk District.

EXPOSURE VARIANCE SOUGHT: The project proposes the addition of one Accessory Dwelling Unit at the first floor of an existing four-story, six-unit apartment 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 Unit will face onto a 9-foot 8-inch by 30-foot open area, which is less than the minimum 15 by 15 foot open area required for reduced dwelling unit exposure. 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/2017-004182VAR.pdf>.

11. **2015-008473VAR** **(SYLVIA JIMENEZ)**
531 - 30TH STREET, Lot 020 in Assessor's Block 6651 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 640 gross square foot vertical addition above the existing nonconforming building.

SECTION 134 OF THE PLANNING CODE requires a rear yard of 56 feet 3 inches in depth. The project proposes to construct a vertical addition above the existing nonconforming building that is wholly within the required rear yard (within 3 feet 6 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/2015-008473VAR.pdf>.

12. 2016-014272VAR (NICHOLAS FOSTER)

18 TURK MURPHY LANE, Lot 022 in Assessor's Block 0147 in the North Beach NCD (Neighborhood Commercial District) Zoning District and a 40-X Height and Bulk District.

DWELLING UNIT EXPOSURE & REAR YARD MODIFICATION

VARIANCES SOUGHT: The proposed project proposes to construct a 4-story, approximately 5,800 square foot residential building containing six (6) dwelling units on a vacant lot currently used as a surface parking lot (Automobile Parking Use). The project includes eight (8) Class 1 and three (3) Class 2 bicycle parking spaces. No on-site vehicular parking is proposed.

PER SECTION 134 OF THE PLANNING CODE, a rear yard of approximately 18 feet is required for the subject property. The project proposes to construct a residential building on the subject property, with a portion of the new building encroaching into the required rear yard by approximately 3 feet. Therefore, a variance is required.

PER SECTION 140 OF THE PLANNING CODE, at least one room in each dwelling unit must face directly onto a public street, alley, or side yard at least 25 feet in width, or a rear yard meeting the requirements of the Code. The project proposes new construction on the subject property, fronting Turk Murphy Lane, which is a narrow alley (7 feet wide) that does not meet the minimum dimensional requirements of the Code. Additionally, as the project proposes a 13-foot front setback in order respond to the site context (frontage along a narrow alley), and to meet the requirements of Code Section 261.1 (height limits for narrow streets and alleys), the proposed building would encroach into the required rear yard by approximately 3 feet (providing a rear yard of 15 feet). Six (6) of the proposed dwelling units face onto a substandard street or rear yard that do 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/2016-014272VAR.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.