

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, August 23, 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. **2015-012558VAR** **(BRITTANY BENDIX)**
2832 UNION STREET, Lot 003A in Assessor's Block 0948 in a RH-1 (Residential, House, One-Family) Zoning District and a 40-X Height and Bulk District.

FRONT SETBACK VARIANCE SOUGHT: The proposal is to demolish a 2-story-over-basement single family house and construct a 3-story-over-basement single family house in its place. The proposal was publicly noticed per Section 311. During the notice period, two Discretionary Review applications were filed: 2015-012558DRP and 2015-012558DRP02. The Discretionary Review hearing will be held at a later date.

SECTION 132 OF THE PLANNING CODE requires that the subject property provide a front setback of approximately 7 feet 4 inches in depth. The proposed a front setback of approximately 3 feet 10 inches in depth. Therefore, the project requires a variance from the Planning Code's front setback 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/2015-012558VAR.pdf>.

3. **2016-003875VAR** **(DANIEL SIROIS)**
1449 SOUTH VAN NESS AVENUE, Lot 030 in Assessor's Block 6526 in a RM-1 (Residential, Mixed - Low Density) Zoning District and a 50-X Height and Bulk District.

REAR YARD AND EXPOSURE VARIANCES SOUGHT: The proposal includes the reduction in area of an existing non-complying garage structure to create courtyards on the ground level and the demolition of the existing non-complying 2nd story floor located at the rear of the property and the construction of a new larger 2nd floor at the rear. Two new dwelling units are proposed as part of the project that would occupy space in the existing garage area and the new 2nd floor. The existing second-story space at the rear was used as sleeping/living quarters.

PLANNING CODE SECTION 134 requires a yard requirement of approximately 29 feet for the subject property. The proposed 2nd story addition is located entirely within the required rear yard. Therefore, the proposal requires a rear yard variance.

PLANNING CODE SECTION 140 requires all dwelling units to face onto a public street, public alley at least 25-ft wide, Code-complying rear yard or a qualifying open area. The proposal includes two dwelling units that

neither face on a Code-complying rear yard open space or a street with a width exceeding 25 feet. Therefore, the proposal requires 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/2016-003875VAR.pdf>.

4. **2017-004798VAR** **(DAVID WEISSGLASS)**
4639 CALIFORNIA STREET, Lot 045 in Assessor's Block 1425 in a RM-1 (Residential-Mixed, Low Density) Zoning District and a 40-X Height and Bulk District.

REAR YARD VARIANCE SOUGHT: The proposal is to add a new bedroom, family room, and full bathroom on the first floor behind the garage under the existing kitchen and deck at the rear of the building. The only construction will be on the ground floor underneath the existing deck and bay window. The proposal also includes the infill of a second story light well against a blank wall.

PER PLANNING CODE SECTION 134, the subject property is required to maintain a rear yard of approximately 18 feet 9 inches. The existing rear bay window and stairs from the deck to the rear yard are permitted obstructions under Planning Code Section 136, but the proposed infill construction on the ground floor beneath is not permitted and will extend about 3 feet 6 1/2 inches in to 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/2017-004798VAR.pdf>.

5. **2017-005471VAR** **(DAVID WEISSGLASS)**
135 - 3RD AVENUE, Lot 009 in Assessor's Block 1363 in an RH-2 (Residential-House, Two-Family) Zoning District and a 40-X Height and Bulk District.

REAR YARD VARIANCE SOUGHT: The proposal is to demolish an existing second story deck and spiral staircase within the required rear yard of the 3-story, single-family house and replace them with a new horizontal expansion with spiral staircase and roof deck.

PER PLANNING CODE SECTION 134, the subject property is required to maintain a rear yard of 54 feet. The existing building is noncomplying, as a portion of the building and the existing deck encroaches approximately 17 feet into the required rear yard. The proposed project furthers the noncompliance by constructing a new horizontal expansion with spiral staircase and roof deck, 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/2017-005471VAR.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. **2016-015456VAR** (ESMERALDA JARDINES)
3277 FOLSOM STREET, Lot 052 in Assessor's Block 5524 in a RH-2 (Residential, House, Two-Family) Zoning District and a 40-X Height and Bulk District.

REAR YARD VARIANCE SOUGHT: The project proposes to construct a new one-story vertical addition and deck at the rear of the existing two-story over basement building, single-family dwelling, as well as a new one-story pop-out at the basement level with a second floor balcony and stairs.

PER PLANNING CODE SECTION 242, the subject property is required to maintain a rear yard of 49 feet 6 inches. As proposed, the subject property does not comply with the rear yard requirement. The proposed pop-out that would otherwise be allowed as a permitted obstruction per Planning Code Section 136(25) is not allowed within the Bernal Heights Special Use District. Further, the proposed stairs exceed the dimensions permitted under Section 136(14). Consequently, the proposed horizontal

addition with stairs will extend approximately 15 feet into the required rear yard. Therefore, a rear yard variance is required.

ARCHITECTURAL PLANS: The site plan and elevations of the proposed project are available on the Planning Department's website at: <http://notice.sfplanning.org/2016-015456VAR.pdf>.

8. **2017-000921VAR** **(NANCY TRAN)**
980 SANCHEZ STREET, Lot 006B in Assessor's Block 3625 in a RH-3 (Residential House, Three-Family) Zoning District and a 40-X Height and Bulk District.

FRONT & REAR YARD VARIANCES SOUGHT: The proposal is to construct vertical addition within the required front and rear yards.

SECTION 132 OF THE PLANNING CODE requires a front yard of 6 feet - 2 inches. The project proposes to construct the addition on a noncomplying building that encroaches into the required average front yard (to the front property line); therefore, a variance is required.

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 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/2017-000921VAR.pdf>.

9. **2017-003418VAR** **(SARA VELLVE)**
826-828 CENTRAL AVENUE, Lot 017B in Assessor's Block 1159 in a RH-3 (Residential - House, Three-Family) Zoning District and a 40-X Height and Bulk District.

OPEN SPACE, DWELLING UNIT EXPOSURE, LANDSCAPING & PERMEABILITY VARIANCES SOUGHT: The proposal is to add one dwelling unit to the existing two-unit building. The proposed dwelling unit would be developed in the existing ground-floor storage space. No physical expansion of the building is proposed.

PLANNING CODE SECTION 135 requires either 100 square feet of private open space, or 133 square feet of common open space. The subject property does not provide either type of open space for any existing or proposed dwelling unit.

PLANNING CODE SECTION 140 requires each dwelling unit face either a street or alley at least 25 feet in width or a Code-compliant rear yard. The proposed dwelling unit would not face either a street or Code-compliant rear yard area.

PLANNING CODE SECTION 132 requires that 20% (12 square feet) of

the front setback be landscaped with planted material and 50% (30 square feet) of the front setback be of a permeable material. The proposal does not provide the required landscaping or permeable material in the front setback.

ARCHITECTURAL PLANS: The site plan and elevations of the proposed project are available on the Planning Department's website at: <http://notice.sfplanning.org/2017-003418VAR.pdf>

10. **2016-012404VAR** (SEEMA ADINA)
851 O' FARRELL STREET, Lot 016 in Assessor's Block 0717 in a RC-4 (Residential-Commercial, High Density) Zoning District and an 80T Height and Bulk District.

EXPOSURE VARIANCE SOUGHT: The proposed project is to add five Accessory Dwelling Units at the ground floor level of an existing 4-story, 27-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 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 three of the proposed units face light wells that are less than the minimum of 15 x 15 foot open area required for reduced dwelling unit exposure. Unit #2 faces a light well that is 6' x 4', Unit #4 faces a light well 12' x 3', and Unit #5 faces a light well that is 7' x 5', 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/2016-012404VAR.pdf>.

11. **2017-000612VAR** (SEEMA ADINA)
750 O' FARRELL STREET, Lot 016 in Assessor's Block 0717 in a RC-4 (Residential-Commercial, High Density) Zoning District and an 80T Height and Bulk District.

EXPOSURE VARIANCE SOUGHT: The proposed project is to add six Accessory Dwelling Units at the ground floor level of an existing 4-story, 47-unit and 1-guest 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 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 two light wells that are 52'8" x 11'11". Four of the

proposed Accessory Dwelling Unit will face onto the light wells, which are 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/2017-000612VAR.pdf>.

12. **2017-004349VAR** (SEEMA ADINA)

489 UTAH STREET, Lot 003 in Assessor's Block 3975 an RH-2 (Residential House, Two-Family) Zoning District and a 40-X Height and Bulk District.

EXPOSURE VARIANCES SOUGHT: The proposed project is to convert an auxiliary structure in the rear yard to an Accessory Dwelling Unit on a lot containing an existing 3-story, 3-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 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 rear yard that measures 26' x 12'-6" with a portion measuring 10'-8" x 10'. The Accessory Dwelling Unit will face onto this area, 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/2017-004349VAR.pdf>.

13. **2016-006469VAR** (SHARON YOUNG)

2828 OCTAVIA STREET, Lot 093 in Assessor's Block 0529 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 an approximately 140 square foot horizontal addition on the third floor at the rear of the three-story, single-family dwelling which will extend into the required rear yard. The proposal will include converting the existing rear balcony into additional habitable living space and constructing a new gabled roof at the rear of the building.

SECTION 134 OF THE PLANNING CODE requires the subject property to maintain a rear yard of 15 feet, with the last 10 feet of building envelope limited to 30 feet in height. The existing building is legal noncomplying, as it encroaches into the required rear yard at varying

depths. As proposed, the horizontal addition on the third floor (with approximately 7.5 feet of building envelope exceeding 30 feet in height) will extend approximately 5 feet into the required rear yard, and result in a rear yard of approximately 10 feet; therefore, the project requires a variance from 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/2016-006469VAR.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.