

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, October 25, 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 sotf@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. CONSIDERATION OF ITEMS PROPOSED FOR CONTINUANCE

The Zoning Administrator will consider a request for continuance to a later date. He may choose to continue the item to the date proposed below, to continue the item to another date, or to hear the item on this calendar.

To be continued to Wednesday, December 6, 2017 at the regularly scheduled Variance Hearing:

1. 2015-000004VAR (MICHAEL CHRISTENSEN)
1123 GIRARD STREET, Lot 005 in Assessor's Block 6173 in a RM-1 (Residential - Mixed, Low Density) Zoning District and a 40-X Height and Bulk District.

REAR YARD AND EXPOSURE VARIANCES SOUGHT: The project proposes to construct a protective roof covering over the existing stairs within the required rear yard.

PER PLANNING CODE SECTION 134, the property is required to maintain a rear yard of 18.75' at the lowest level containing a dwelling unit. The proposal is to enclose existing stairs that encroach into the required rear yard; therefore, a variance is required.

PLANNING CODE SECTION 140 requires that each dwelling unit face onto an open area meeting the minimum requirements of the Planning Code, including a Code-complying rear yard. The proposed stair enclosure encroaches into the required rear yard and reduces compliance with the exposure requirement for the lower dwelling unit; 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/2015-000004VAR.pdf>.

B. 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.

2. 2017-006982VAR (BRITTANY BENDIX)

2611 DIVISADERO STREET, Lot 006 in Assessor's Block 0959 in a RH-1(D) (Residential – House, One Family – Detached) Zoning District and a 40-X Height and Bulk District.

REAR YARD VARIANCE SOUGHT: The proposal is to excavate the existing crawl space at the rear southwest corner of the building to accommodate additional habitable floor area at the basement level for the full width of the subject lot.

SECTION 134 OF THE PLANNING CODE requires that the subject property provide a rear yard of 15 feet. The existing building is legally non-complying with regards to the rear yard requirement and provides a rear yard of 0 feet. The proposal excavates within the rear yard area for the full width of the lot; 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/2017-006982VAR.pdf>.

3. 2017-006155VAR (CHRISTY ALEXANDER)

532 COLE STREET, Lot 019 in Assessor's Block 1230 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 two Accessory Dwelling Units at the basement level of an existing four-story, six-unit residential building undergoing seismic retrofitting and legalize an unauthorized unit in the rear independent structure.

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 10 feet in depth and 25 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; 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/2017-006155VAR.pdf>.

4. **2015-006684VAR** **(VERONICA FLORES)**
477 ELIZABETH STREET, Lot 026 in Assessor's Block 3654 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 a revision to Building Permit Application No. 201502269440 and includes reframing the existing non-complying garage structure located within the required rear yard of the subject property. The original application's scope of work included repair up to 50% of the garage structure; however, during construction, additional repairs beyond 50% were required due to extensive dry rot; therefore, a rear yard variance is required to permit demolition and reconstruction said non-complying garage structure.

PER PLANNING CODE SECTION 134, the subject property is required to maintain a rear yard of 35 feet, 2 1/2 inches. The existing garage is located entirely within the required rear yard and requires replacement; 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/2015-006684VAR.pdf>.

B. REGULAR CALENDAR

5. **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>.

6. **2017-000276VAR** (DAVID WEISSGLASS)

3526 FULTON STREET, Lot 022 in Assessor's Block 1654 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 construct a new deck at the rear of the existing 3-story, single-family dwelling unit. The proposal also includes stairs down to the rear yard. Neither the deck nor stairs would fall within the rear 25% of lot depth.

PER PLANNING CODE SECTION 134, the subject property is required to maintain a rear yard of 45 feet. The existing building is noncomplying, as the rear wall of the existing building extends past the average of the rear walls of the two adjacent structures. The proposed project furthers the noncompliance by constructing a new deck 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/2017-000276VAR.pdf>.

7. **2017-001220VAR** (ELIZABETH GORDON-JONCKHEER)

253 CHATTANOOGA STREET, Lot 022 in Assessor's Block 3649 in a RH-2 (Residential-House, Two Family) Zoning District and a 40-X Height and Bulk District.

REAR YARD VARIANCE SOUGHT: The subject property is a through lot between Chattanooga and Mersey Street. The proposal is to construct a one-story, 423 square foot, garage at the rear of the subject property. The proposed garage will be approximately 21 feet in width, 20 feet in length, and 11 feet in height and will be accessed from Mersey Street.

PER SECTION 134 OF THE PLANNING CODE, the subject property is required to maintain a rear yard of 41 feet. The proposed garage is located entirely 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/2017-001220VAR.pdf>.

8. **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>.

9. **2017-001983VAR** (KIMBERLY DURANDET)
717-719 GUERRERO STREET, Lot 101 in Assessor's Block 3597 in RTO-Mission (Residential Transit Oriented-Mission) Zoning District and a 45-X Height and Bulk District.

REAR YARD VARIANCE SOUGHT: The project proposes to demolish an existing stair and to construct new stairs and decks including a firewall along the northern side property line of a three-story, two-dwelling unit residential building.

PER SECTION 134 OF THE PLANNING CODE the subject property is required to have a rear yard of 22 feet - 6 inches. The existing stairs extend to within 15 feet - 8 inches of the rear property line. The proposed decks and stairs will extend to within 10 feet of the rear property line.

ARCHITECTURAL PLANS: The site plan and elevations of the proposed project are available on the Planning Department's website at:
<http://notice.sfplanning.org/2017-001983VAR.pdf>.

10. **2017-007368VAR** (MICHAEL CHRISTENSEN)
3229 MISSION STREET, Lots 113-116 in Assessor's Block 5615 in an NC-3 (Neighborhood Commercial, Moderate Scale) Zoning District and a 40-X Height and Bulk District.

REAR YARD AND EXPOSURE VARIANCES SOUGHT: The project proposes to construct a protective roof covering over the existing stairs within the required rear yard.

PER PLANNING CODE SECTION 134, the property is required to maintain a rear yard of 18.75' at the lowest level containing a dwelling unit. The proposal is to enclose existing stairs that encroach into the required rear yard; therefore, a variance is required.

PLANNING CODE SECTION 140 requires that each dwelling unit face onto an open area meeting the minimum requirements of the Planning Code, including a Code-complying rear yard. The proposed stair enclosure encroaches into the required rear yard and reduces compliance with the exposure requirement for the lower dwelling unit; 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/2017-007368VAR.pdf>.

11. **2016-016619VAR** **(NANCY TRAN)**
1570 PLYMOUTH AVENUE, Lot 020 in Assessor's Block 3109 in a RH-1(D) (Residential-House, One Family-Detached) Zoning District and a 28-X Height and Bulk District.
- SIDE YARD VARIANCE SOUGHT:** The proposal is to construct a 192 square foot addition above the existing garage located within the required side yard.
- SECTION 133 OF THE PLANNING CODE requires two side yards each of 4 feet. The project proposes to construct the addition on a noncomplying building that encroaches into the required 4 foot side yard (to the south side 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/2016-016619VAR.pdf>.
12. **2017-004517VAR** **(SHARON YOUNG)**
2030 SCOTT STREET, Lot 009 in Assessor's Block 0633 in a RM-2 (Residential - Mixed, Moderate Density) Zoning District and a 40-X Height and Bulk District.
- REAR YARD VARIANCE SOUGHT:** The proposal is to remove the existing glass conservatory sunroom structure (with storage area below) and a portion of the existing deck and construct a two-story addition with deck above (approximately 15 feet wide by 7 feet deep by 25 feet high) and exterior stairs at the rear of the three-story single-family dwelling.
- PER SECTION 134 OF THE PLANNING CODE the subject property is required to maintain a rear yard of approximately 21 feet, 6 inches. The proposed rear addition with exterior stairs would extend approximately 6 feet, 6 inches into the required rear yard and result in a rear yard of 15 feet; therefore, the project requires a variance from the rear yard requirement of the Planning Code. The existing legal noncomplying one story deck and exterior stairs located within the required rear yard will be retained.
- ARCHITECTURAL PLANS:** The site plan and elevations of the proposed project are available on the Planning Department's website at:
<http://notice.sfplanning.org/2017-004517VAR.pdf>.
13. **2017-007158VAR** **(VERONICA FLORES)**
117 COLLEGE AVENUE, Lot 027 in Assessor's Block 6692 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 for a rear yard variance to permit the addition of new habitable space and a second-floor lightwell infill to an existing single family residence. Additionally, the scope of work includes a new 2nd floor rear deck and a new rear stair case.

PER PLANNING CODE SECTION 134, the subject property is required to maintain a rear yard of 34 feet, 9 inches. The existing building and rear decks encroach into the required rear yard to within 19 feet, 11 inches of the rear property line. The proposal includes extending the rear structural wall and rear deck by 2 feet to within 17 feet, 11 inches of the rear property line and the reconfiguration of the rear stairs; 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/2017-007158VAR.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.