

**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 22, 2018**

**Session Begins at 9:30 A.M.**

**Public Hearing**

**Corey A. Teague, Acting Zoning Administrator**  
Gino Salcedo, Recording Secretary

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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>

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### **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](mailto: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.



**2. 2018-003602VAR (MICHAEL CHRISTENSEN)**

**507 PENNSYLVANIA AVENUE**, Lots 039-040 in Assessor's Block 4104 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 reconstruct the first and second story portions of an existing deck at the rear of the building, which is located fully within the required rear yard. The deck is proposed to be rebuilt in its existing configuration.

PLANNING CODE SECTION 134 requires the property to provide a rear yard of 18.75 feet. The replacement deck structure will be located within the 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/2018-003602VAR.pdf>.

**3. 2018-000727VAR (NATALIA KWIATKOWSKA)**

**3300 MISSION STREET**, Lot 001 in Assessor's Block 6635 in a NC-3 (Neighborhood Commercial, Moderate-Scale) Zoning District and a 40-X Height and Bulk District.

**REAR YARD VARIANCE SOUGHT:** The proposal is to construct elevator and stair penthouses and a mechanical enclosure at the roof level of the existing three-story, mixed-use building.

PLANNING CODE SECTION 134 requires the subject property to maintain a rear yard of approximately 24 feet. One of the proposed stair penthouses would be located in 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/2018-000727VAR.pdf>.

**B. REGULAR CALENDAR****4. 2018-001437VAR (CATHLEEN CAMPBELL)**

**1282 - 35TH AVENUE**, Lot 027 in Assessor's Block 1716 in a RH-2 (Residential- House, Two Family) Zoning District and a 40-X Height and Bulk District.

**REAR YARD AND EXPOSURE VARIANCES SOUGHT:** The proposal is to construct a new dwelling unit at the ground floor of an existing two story over basement single-family dwelling. The proposal also includes a 35 square feet expansion on the ground floor with a second floor roof deck and legalization of a rear deck previously approved (in error) under Building Permit Application No. 200303139677.

SECTION 134 OF THE PLANNING CODE requires a rear yard of 42 feet 9 inches. The project proposes to construct a rear addition along the north side property line that extends approximately 6 feet - 6 inches beyond the existing building wall (which encroaches into the required rear yard by 4 feet 6 inches). The proposal also legalizes an existing rear deck that was approved (in error) under Building Permit Application No. 200303139677.

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 subject property has a 25' X 25' rear yard; however, the proposed dwelling unit will face onto a rear yard obstructed by a building extension and deck, resulting in less than the minimum unobstructed 25 foot open area required for 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/2018-001437VAR.pdf>.

5. **2017-016278VAR** **(ELLA SAMONSKY)**  
**415-417 TEHAMA STREET**, Lot 096 in Assessor's Block 3732 in a MUR (Mixed Used- Residential) Zoning District and a 45-X Height and Bulk District.

**EXPOSURE VARIANCE SOUGHT:** The proposal is to legalize two dwelling units as Accessory Dwelling Units (ADUs) at the ground floor of an existing four-story, six-unit residential building.

PLANNING SECTION 140 requires the subject property 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 ADUs. The subject property has a rear yard that is 13 feet 4 inches in depth and 32 feet 4 inches in width. One of the proposed ADUs (Unit 417D) will face onto that rear yard, which is less than the minimum 15 foot by 15 foot open area required for 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/2017-016278VAR.pdf>.

6. **2018-001669VAR** **(LAURA AJELLO)**  
**230 - 24TH AVENUE**, Lot 039 in Assessor's Block 1383 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 remove a non-complying four-story addition at the rear of the building, construct a one-story horizontal addition in its place with a deck above, and infill a lightwell of the single-family house. The proposed addition would not extend deeper into the required rear yard than the existing building.

PLANNING CODE SECTION 134 requires the subject property to provide a rear yard of 54 feet. The existing building extends 14.5 feet into the rear yard, as the proposed addition would extend to within 42 feet of the rear property line. 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/2018-001669VAR.pdf>.

7. **2017-015232VAR** **(MICHAEL CHRISTENSEN)**  
**142 NEWMAN STREET**, Lot 025 in Assessor's Block 5716 in a RH-2 (Residential-House, Two-Family) Zoning District and a 40-X Height and Bulk District.

**REAR YARD VARIANCE SOUGHT:** The proposal is to construct a new exterior stairwell at the rear of the building providing access to the rear yard and to a new roof deck.

PLANNING Code Section 134 requires the subject property to provide a rear yard of 45 feet. The proposed stairs encroach into this required rear yard by 12.75 feet, and thus 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/2017-015232VAR.pdf>.

8. **2017-014134VAR** **(NANCY TRAN)**  
**225-227 HOFFMAN AVENUE**, Lot 029 in Assessor's Block 2806 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 deck and stairs within the required rear yard.

SECTION 134 OF THE PLANNING CODE requires an average rear yard of 38 feet - 3 inches. The project proposes to construct a deck at the second floor with stairs to the rear yard. The proposed deck extends 8 feet beyond the existing rear building and includes a 21 foot tall firewall abutting the adjacent property to the north. The deck extends into the required rear yard and 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/2017-014134VAR.pdf>.

**9. 2017-002591VAR (SEEMA ADINA)**

**969 DE HARO STREET**, Lot 037 in Assessor's Block 4096 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 a 14 foot 6 inch by 15 foot, two-story horizontal addition, and a roughly 100 square foot horizontal addition at the third floor.

PLANNING CODE SECTION 134 requires the subject property to maintain a rear yard of approximately 45 feet. The horizontal addition would encroach approximately 14 feet 6 inches into the required rear yard, resulting in a rear yard of 30 feet 6 inches. 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/2017-002591VAR.pdf>.

**10. 2018-004699VAR (VERONICA FLORES)**

**39 DIAMOND STREET**, Lot 32 in Assessor's Block 2648 in a RH-3 (Residential, Three-Family) Zoning District and a 40-X Height and Bulk District.

**REAR YARD VARIANCE SOUGHT:** The proposal is to construct a new rear deck at the second story within the required rear yard.

PLANNING CODE SECTION 134 requires the subject property to maintain a rear yard of approximately 32 feet. The proposed deck will encroach 12 feet into the required rear yard to within 20 feet of the rear property line. 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/2018-004699VAR.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 **4<sup>th</sup> 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.