

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 24, 2018

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. CONSENT CALENDAR

All items listed hereunder constitute a Consent Calendar and are considered to be routine by the Zoning Administrator. There will be no separate discussion of these items unless a member of the public so requests, in which case the matter shall be removed from the Consent Calendar and considered as a separate item at this time or at a future hearing.

1. **2018-008271VAR** **(SEEMA ADINA)**

625 KEARNY STREET, Lot 004 in Assessor's Block 0226 in a CCB
(Chinatown-Community Business) Zoning District and a 50-N Height and Bulk District.

SITE COVERAGE VARIANCE SOUGHT: The proposal is the change of use from office to two residential dwelling units on the second and third floors. The Project also includes the addition of a kitchen and full bath in each dwelling unit, as well as a roof deck set in 5' from building edges.

PLANNING CODE SECTION 134.1 requires the subject property to maintain site coverage of no more than 75 percent at the lowest level occupied for dwelling, unless the non-covered area is provided in a location other than the rear yard. The subject property has full lot coverage and is proposing a roof deck to satisfy the non-covered area. Therefore, the project requires a site coverage 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/2018-008271VAR.pdf>.

2. **2017-007521VAR** **(VERONICA FLORES)**
20 CEDRO AVENUE, Lot 010 in Assessor's Block 6908 in a RH-1(D)
(Residential, Housing - One Family Detached Zoning District and a 40-X Height
and Bulk District.

REAR YARD VARIANCE SOUGHT: The proposal includes a horizontal rear addition to an existing three-story, single-family residence. Additionally, the proposal includes removing an unpermitted kitchen on the ground floor. The proposal also includes legalizing an unpermitted accessory garage structure located entirely within the required rear yard.

PLANNING CODE SECTION 134 requires the subject property to maintain a rear yard of approximately 40 feet. The accessory garage structures encroaches approximately 15 feet into the required rear yard to within 25 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/2017-007521VAR.pdf>.

3. **2017-007521VAR** **(VERONICA FLORES)**
1189 - 11TH AVENUE, Lot 018B in Assessor's Block 1842 in a RH-2
(Residential, Housing - Two Family Zoning District and a 40-X Height and Bulk
District.

REAR YARD VARIANCE SOUGHT: The proposal includes enclosing of an existing property line lightwell and addition of a new single flight of stairs within the required rear yard.

PLANNING CODE SECTION 134 requires the subject property to maintain a rear yard of 15 feet. The lightwell infill encroaches approximately 2 feet into the required rear yard to within approximately 13 feet of the rear property line. Additionally, the rear stairs encroach approximately 7 feet into the required rear yard to within approximately 6 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/2017-007521VAR.pdf>.

B. REGULAR CALENDAR

4. **2017-009407VAR** **(ALEXANDRA KIRBY)**
20 RAYCLIFF TERRACE, Lot 008A in Assessor's Block 0962 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 project proposes construct a third story vertical addition with a roof deck, a minor horizontal expansion at the rear

(south) wall, and the addition of a new below-grade garage that would be entirely located within the required rear yard. Additional alterations include a full remodel of the exterior design.

PER SECTION 134 OF THE PLANNING CODE the subject property is required to maintain a rear yard of 18 feet 8 inches. The proposed garage addition would encroach entirely into the required rear yard with useable space above and the first through third story additions would extend approximately 4 feet into the required rear yard; therefore, the project requires a Variance from the Rear Yard requirement (Section 134) 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/2017-009407VAR.pdf>.

5. **2018-006584VAR** **(DOUG VU)**
3730 FOLSOM STREET, Lot 006 in Assessor's Block 5660 in a RH-1 (Residential-House, One Family) Zoning District and a 40-X Height and Bulk District.

REAR YARD VARIANCE SOUGHT: The proposal is to demolish a ground floor rear deck and construct a 14-ft. 8-in. ground floor rear addition and deck above to the existing two-story, single-family dwelling.

PER SECTION 242 OF THE PLANNING CODE the property is required to maintain a rear yard equal to 35 percent of the total depth of the lot, or 24-ft. 6-in. The proposed addition will extend to within 15-ft. of the rear property line; therefore, the proposal for a rear addition and deck above at the ground floor 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/2018-006584VAR.pdf>.

6. **2018-001010VAR** **(GABRIELA PANTOJA)**
31 ROMAIN STREET, Lot 025 in Assessor's Block 2753 in a Residential-House, Two Family (RH-2) Zoning District and a 40-X Height and Bulk District.

REAR YARD VARIANCE SOUGHT: The project proposes to legalize an existing trellis located at the rear of the subject building. The trellis will be located above an existing first floor roof deck and measures approximately 12 feet- 2 inches in depth and 15 feet- 6 inches in width.

PLANNING CODE SECTION 134(a)(2) requires the subject lot to maintain a minimum rear yard of 45 feet. The trellis to be legalized will extend 10 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/2018-001010VAR.pdf>.

7. **2018-005639VAR** (GABRIELA PANTOJA)
800 PACHECO STREET, Lot 009 in Assessor's Block 2049A in a Residential-House, One Family (RH-1) Zoning District and a 40-X Height and Bulk District.
- REAR YARD VARIANCE SOUGHT:** The project proposes a one-story horizontal addition at the rear of an existing single-family residence. The addition will in-fill under an existing second-floor deck and measure approximately 6 feet- 11 inches in length and 22 feet- 5 inches in depth.
- PLANNING CODE SECTION 134 requires the subject to maintain a minimum rear yard of 25 feet 3 inches. The proposed one-story horizontal addition will extend 3 feet, at maximum, 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/2018-005639VAR.pdf>.
8. **2018-002275VAR** (LINDA AJELLO-HOAGLAND)
1706 ALABAMA STREET, Lot 5542 in Assessor's Block 002 in a RH-1 (Residential, House -1) Zoning District and a 40-X Height and Bulk District.
- REAR YARD VARIANCE SOUGHT:** Legalization of single-story rear addition and roof deck.
- PLANNING CODE SECTION 242(e)(2)(a) requires a rear yard of 23'-6" for the subject property. The single-story rear yard addition that is proposed for legalization has a rear yard requirement of 14 feet; therefore, a variance is required.
- ARCHITECTURAL PLANS:** The site plan and elevations of the proposed project are available on the Planning Department's website at:
<http://notice.sfplanning.org/2018-002275VAR.pdf>.
9. **2017-001816VAR** (MARY WOODS)
1801 HAIGHT STREET, Lot 023 in Assessor's Block 1249 in the Haight Street Neighborhood Commercial District and a 40/X Height and Bulk District.
- REAR YARD MODIFICATION AND DWELLING UNIT EXPOSURE VARIANCES SOUGHT:** The existing building at 1801 Haight Street is a two-story commercial building located at the southwest corner of Haight and Shrader Streets. The proposed project is to construct a four-story, 8,000 square-foot addition in the rear yard of the existing building. The existing building would remain in place. The new addition would contain ground floor retail space fronting on Shrader Street, seven dwelling units in the upper floors, a roof deck, and basement storage space.
- PLANNING CODE SECTION 134(e)(2) allows a rear yard modification in NC Districts for open space equivalencies for the construction of the new structure.

PLANNING CODE SECTION 140 requires all dwelling units to face onto a 25-foot deep open space. Four units facing a side courtyard do not meet the 25-foot dimensional requirement for unit exposure.

ARCHITECTURAL PLANS: The site plan and elevations of the proposed project are available on the Planning Department's website at:
<http://notice.sfplanning.org/2017-001816VAR.pdf>.

10. **2017-013310VAR** **(MATTHEW DITO)**

5133 GEARY BOULEVARD, Lot 047 in Assessor's Block 1529 in an NC-3 (Neighborhood Commercial, Moderate Scale) Zoning District and a 40-X Height and Bulk District.

REAR YARD MODIFICATION AND BICYCLE PARKING & EXPOSURE

VARIANCES SOUGHT: The project proposes to convert a two-story commercial building into a residential building with three-dwelling units. No expansion of the building is proposed. The project proposes a roof deck.

PER SECTION 134 OF THE PLANNING CODE, the subject property is required to maintain a rear yard of 25% of the total lot depth at the lowest floor containing a dwelling unit, and all successive stories. The existing building provides a rear yard of approximately 7% of the total lot depth; therefore, the proposed conversion does not comply with the Planning Code and a rear yard modification is required.

PER SECTION 140 OF THE PLANNING CODE, all dwelling units in all districts shall have at least one room with a minimum area of 120 square feet that faces directly on an open area meeting the requirements of the Planning Code. Two of the three proposed dwelling units (#1 and #2) do not face an open area that meets the requirements of Planning Code Section 140; therefore, a variance is required.

PER SECTION 155.2 OF THE PLANNING CODE, a minimum of one Class 1 bicycle parking space is required per dwelling unit (no racks required). While the project proposes three bicycle parking spaces, there is no Planning Code compliant access to the parking; 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/2017-013310VAR.pdf>.

11. **2017-000094VAR** **(NATALIA KWIATKOWSKA)**

856 CAPP STREET, Lot 042 in Assessor's Block 3642 in a RTO-M (Residential Transit Oriented-Mission) Zoning District and a 40-X Height and Bulk District.

REAR YARD & EXPOSURE VARIANCES SOUGHT: The proposal is to construct a four-story horizontal addition with a penthouse and roof decks at the rear of the existing one-story, institutional building, resulting in the addition of 9 new dwelling units. The project also includes the relocation and restoration of an existing one-story earthquake shack.

PLANNING CODE SECTION 134 requires the subject property to maintain a rear yard of approximately 39 feet. The proposed addition will encroach into the required rear yard and the existing earthquake shack will be relocated entirely within the required rear yard. Therefore, the project requires a rear yard variance.

PLANNING CODE 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 proposed expansion and relocation of the existing earthquake shack will render the rear yard non-complying. The proposed Dwelling Unit Nos. 1, 2, 4, and 5, will face onto the non-compliant rear yard, which does not meet the standards for 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/2017-000094VAR.pdf>.

12. 2016-009176VAR

(VERONICA FLORES)

1524 NOE STREET, Lot 004A in Assessor's Block RH-2 in a RH-2 (Residential, Housing - Two Family Zoning District and a 40-X Height and Bulk District.

FRONT SETBACK VARIANCE SOUGHT: The proposal includes a horizontal (front and rear) addition to an existing 2-story-over basement single-family residence. The proposal also includes adding a new garage which encroaches into the required front setback.

PLANNING CODE SECTION 132 requires the subject property to maintain a front setback of 15 feet. The proposed garage extends to the front 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/2016-009176VAR.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.