

**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, January 23, 2019

Session Begins at 9:30 A.M.

Public Hearing

Corey A. Teague, 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, February 27, 2019 at the regularly scheduled Variance Hearing at City Hall, Room 408:

1. **2016-000240VAR** **(SYLVIA JIMENEZ)**
 1322 WAWONA STREET, Lot 003G in Assessor's Block 2472 in a RH-1
 (Residential-House, One Family) Zoning District and a 40-X Height and Bulk
 District.

FRONT SETBACK VARIANCE SOUGHT: The project proposes to construct a horizontal addition and excavate below the existing building to accommodate a one-car garage. The project also proposes various alterations to the front of the property, including the reconfiguration of front entry stairs and a two-story bay window expansion at the front façade.

PLANNING CODE PER SECTION 132 requires the subject property to maintain a front setback of 2 feet. The subject building does not currently comply with the front setback requirement. The proposed expansion will extend entirely into the required front setback. Therefore, a front setback 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/2016-000240VAR.pdf>.

To be continued to Wednesday, March 27, 2019 at the regularly scheduled Variance Hearing at City Hall, Room 408:

2. **2018-014126VAR** **(KATHERINE WILBORN)**
 1119-1121 STANYAN STREET, Lot 006 in Assessor's Block 2630 in a RH-3
 (Residential-House, Three-Family Dwelling) Zoning District and a 40-X Height
 and Bulk District.

REAR YARD VARIANCE SOUGHT: The proposal seeks the replacement and expansion of the existing rear deck and stair within the required rear yard.

PER PLANNING CODE SECTION 134 the subject property is required to maintain a rear yard of approximately 50 feet. The proposed rear stair and deck would encroach approximately 14 feet into the required rear yard and result in a rear yard of approximately 36 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/2018-014126VAR.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.

3. **2018-005709VAR** (CHRISTY ALEXANDER)
740 WASHINGTON STREET, Lot 009 in Assessor's Block 0194 in a CVR (Chinatown Visitor Retail) Zoning District and a 50-N Height and Bulk District.

SITE COVERAGE AND OPEN SPACE VARIANCES SOUGHT: The proposal is to convert the second and third floors from commercial to residential use. The proposal will result in one dwelling unit on each the second and third floors, for a total of two dwelling units.

PLANNING CODE, SECTION 134.1 requires that at the lowest level occupied for residential uses, the site coverage shall be no more than 75 percent of the lot area. The non-covered area requirement may be provided in a location other than the rear yard including balconies and rooftop terraces if the new structure does not significantly impede the access of light and air to adjacent properties, as determined by the Zoning Administrator. The existing building does not meet the 75 percent site coverage requirement at the second and third level because the existing building covers 100 percent of the site and cannot be altered as it is a category A historic resource. Therefore, a Variance is required.

PLANNING CODE, SECTION 135(f)(1) requires any space credited as private usable open space to have a minimum horizontal dimension of six feet and a minimum area of 36 square feet if located on a deck, balcony, porch or roof, and shall have a minimum horizontal dimension of 10 feet and a minimum area of 100 square feet if located on open ground, a terrace or the surface of an inner or outer court. The existing building does not meet the dimension requirements at the second level for dwelling units as the balcony currently is 4.5' deep by 32' wide and cannot be altered as it is a category A historic resource. 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/2018-005709VAR.pdf>.

4. **2017-014346VAR** **(JEFFREY HORN)**

154 EASTWOOD DRIVE, Lot 027 in Assessor's Block 3163 in a RH-1 (Residential-House, One Family) Zoning District and a 40-X Height and Bulk District.

FRONT SETBACK AND REAR YARD VARIANCES SOUGHT: The project proposes a 5-foot tall vertical addition to an existing one-story, single-family home. The existing 1,695 square foot structure will be lifted vertically, and the expanded ground floor will be improved as habitable space, creating a two-story structure totaling 3,352 square feet in size. The existing building encroaches into the property's 15 feet front required setback and into the required 25 foot rear yard.

PER SECTION 132 OF THE PLANNING CODE the subject property requires a front setback of 15 feet. The existing building currently has a front entryway that encroaches into the required front setback. The proposal is to lift the building, including the entry way and to add a front patio that is more than 3 feet in height above grade; therefore, the project requires a variance.

PER SECTION 134 OF THE PLANNING CODE the subject property requires a rear yard of approximately 25 feet. The subject property currently encroaches. The existing building currently encroaches into the required rear yard. The proposal is to lift the building; 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/2017-014346VAR.pdf>.

5. **2017-008716VAR** **(VERONICA FLORES)**

1350 - 48TH AVENUE, Lot 026 in Assessor's Block 1802 in a RH-2 (Residential - House, Two-Family) Zoning District and a 40-X Height and Bulk District.

REAR YARD VARIANCE SOUGHT: The proposal a revision to BPA 2015.04.21.4180 to legalize an unpermitted vertical addition at the rear of the property to match the roofline of the rest of the building. Additionally, there will be interior renovations as a part of this project and a new firewall along the south property line.

PER SECTION 134 OF THE PLANNING CODE, the subject property is required to maintain a rear yard of approximately 19 feet 5 inches. The existing building encroaches approximately 8 feet 9 inches into the required rear yard to within 10 feet 6 inches of the rear property line while maintaining the existing building depth; 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/2017-008716VAR.pdf>.

B. REGULAR CALENDAR

6. **2018-011450VAR** **(BRIDGET HICKS)**
1073 CHURCH STREET, Lot 3629 in Assessor's Block 026A in a RM-1 (Residential - Mixed, Low Density) Zoning District and a 40-X Height and Bulk District.

REAR YARD VARIANCE SOUGHT: The subject property is a through lot between Church and Severn Streets. The proposal is to demolish and reconstruct the existing deck between the main building and the garage at the rear. The proposed deck will be set in 5 feet from the side property lines. The proposal also includes a reduction in the massing of the main floor balcony.

PLANNING CODE SECTION 134 requires a rear yard of approximately 53 feet for the subject property. The proposal encroaches to within approximately 25 feet of the rear property line. Therefore, a variance is required.

ARCHITECTURAL PLANS: The site plan and elevations of the proposed project are available on the Planning Department's website at:

<http://notice.sfplanning.org/2018-011450VAR.pdf>.

7. **2018-009387VAR** **(BRIDGET HICKS)**
3609-3611 TARAVAL STREET, Lot 047 in Assessor's Block 2379 in a NC-1 (Neighborhood Commercial, Cluster) Zoning District and a 40-X Height and Bulk District.

REAR YARD VARIANCE SOUGHT: The proposal is to permit the legalization of a 15 foot 9 inch tall windscreen along the south and west property lines in the rear yard. The screen is a partitioned wood lattice.

PER SECTION 134 OF THE PLANNING CODE the subject property is required to maintain a rear yard of approximately 25 feet. The fence proposed for legalization is located at the west side and rear property lines within the required rear yard. Planning Code Section 136 allows a fence up to 10 feet in height above grade. Therefore, the 15 foot 9 inch tall windscreen requires a variance from the rear yard 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/2018-009387VAR.pdf>.

8. **2018-001227VAR** **(ESMERALDA JARDINES)**
182 LANGTON STREET, Lot 113 in Assessor's Block 3755 in a RED
(Residential Enclave) Zoning District and a 40-X Height and Bulk District.
- EXPOSURE VARIANCE SOUGHT:** The proposal is to raise the building 17 inches to add (2) new ADUs to the existing first floor. The proposed new steps at the rear stairs are within one foot of the rear property line. The proposal also includes exterior alterations and a new façade.
- PLANNING CODE SECTION 140 requires that all dwelling units face a Code-complying open area. Though one of the new ADUs faces Langton Street, one ADU at the rear does not face a Code-complying open space; 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/2018-001227VAR.pdf>.
9. **2018-002685VAR** **(JEFFREY HORN)**
287 MONTEREY BOULEVARD, Lot 030 in Assessor's Block 6771 in a RH-1
(One Family - Residential) Zoning District and a 40-X Height and Bulk District.
- REAR YARD VARIANCE SOUGHT:** The proposal is a 14'-6" tall, 454 square foot horizontal rear addition and deck.
- PLANNING CODE SECTION 134(c)(4)(C) requires the subject property to maintain a rear yard of approximately 45 feet. The proposed addition will encroach into the required rear yard by 8 feet 9 inches, and the deck will encroach further to 14 feet, 4 inches; 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/2018-002685VAR.pdf>.
10. **2018-000589VAR** **(MATHEW CHANDLER)**
2222 MASON STREET, Lot 017 in Assessor's Block 0052 in the North Beach
NCD (Neighborhood Commercial District) Zoning District and a 40-X Height and Bulk District.
- EXPOSURE VARIANCE SOUGHT:** The proposed project is to add one Accessory Dwelling Unit (ADU) at the ground floor of an existing three-story, two-unit building.
- PLANNING CODE SECTION 140 applies to the subject property. However, Section 307(l) allows the Zoning Administrator to grant a partial waiver of the exposure requirement for an ADU, such that the exposure requirement may be satisfied through windows facing a generally unobstructed open area that is at least 225 square feet in area and is 9 feet in every horizontal direction. The proposed ADU does not face an open area meeting the minimum requirements of Section 140 or have qualifying windows face an open area that is at least 225

square feet and 9 feet in every horizontal direction. Therefore, the proposed ADU requires a variance from the exposure requirements of Section 140.

ARCHITECTURAL PLANS: The site plan and elevations of the proposed project are available on the Planning Department's website at:
<http://notice.sfplanning.org/2018-000589VAR.pdf>.

11. **2016-004218VAR** **(NATALIA KWIATKOWSKA)**
211 MULLEN AVENUE, Lot 031 in Assessor's Block 5529 in a RH-2 (Residential, House, Two-Family) and Bernal SUD (Special Use District) Zoning District and a 40-X Height and Bulk District.

REAR YARD VARIANCE SOUGHT: The subject property contains a single-family dwelling within the required rear yard (within 4 feet of the rear property line). The proposal is to relocate the existing structure towards front of the lot (within the buildable area) and construct vertical and horizontal additions.

PER PLANNING CODE SECTION 242, the subject property is required to maintain a rear yard of approximately 31 feet, 6 inches. The proposed horizontal addition at the rear of the relocated structure would be within the required rear yard, to within approximately 17 feet of the rear property line. Therefore, a variance is required.

ARCHITECTURAL PLANS: The site plan and elevations of the proposed project are available on the Planning Department's website at:
<http://notice.sfplanning.org/2016-004218VAR.pdf>.

12. **2017-004242VAR** **(NATALIA KWIATKOWSKA)**
16 PRAGUE STREET, Lot 003 in Assessor's Block 6024 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 abate Enforcement Case No. 2016-013129, involving work without the benefit of a permit. The project entails construction of a 6 foot tall fence at the front of the property and a new curb cut to provide off-street parking within the front setback of the property.

PER PLANNING CODE SECTION 132, the property requires a front setback of 15 feet. Under the Planning Code, no motor vehicle, trailer, boat or other vehicle shall be parked or stored within any such area. 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/2017-004242VAR.pdf>.

13. **2018-003889VAR** **(RICHARD SUCRE)**
2865 HARRISON STREET, Lot 023 in Assessor's Block 4270 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 two-story rear addition, deck, and stair currently located within the required rear yard of a three-story two-family dwelling.

PLANNING CODE PER SECTION 134 requires the subject property to maintain a rear yard of 45 feet. The project would maintain a rear yard of 20 feet 9 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/2018-003889VAR.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.