

**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, February 27, 2019

Session Begins at 9:30 A.M.

Public Hearing

Corey A. Teague, Zoning Administrator
Scott Sanchez, 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 94103. 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. **2018-006960VAR** (ESMERALDA JARDINES)

51-55 ELGIN PARK & 150 VALENCIA STREET, Lot 104 & 010 in Assessor's Block 3502 in a RTO (Residential Transit Oriented) and NCT-3 (Moderate Scale Neighborhood Commercial Transit) Zoning Districts and a 50-X and 40-X Height and Bulk Districts.

REAR YARD AND LOT SIZE VARIANCES SOUGHT: The proposal is a lot line adjustment between the properties at 51-55 Elgin Park and 150 Valencia Street to increase the size of 150 Valencia street from 8,245 square feet to 10,805 square feet and decrease 51-55 Elgin Park from 4,608 square feet to 2,040 square feet.

PLANNING CODE SECTION 121 requires a minimum lot size of 2,500 square feet. The proposed lot line adjustment will reduce the area of Lot 104 to 2,040 square feet. Therefore, a variance is required.

PLANNING CODE SECTION 134 requires a rear yard equal to 45% of the lot depth. The proposed lot line adjustment will result in the property at 51-55 Elgin Park having a rear yard equal to only 31% of the lot depth. Therefore, the project requires a variance.

PLANNING CODE SECTION 135 requires a minimum of 133 square feet of common open space per dwelling unit. The proposed lot line adjustment will result in the property at 51-55 Elgin Park having a yard that will not meet the minimum standards for useable 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/2018-006960VAR.pdf>.

2. **2017-005412VAR** (ELLA SAMONSKY)
2230 JERROLD AVENUE, Lot 007 in Assessor's Block 65-J in a PDR-2 (Core Production, Distribution, and Repair) Zoning District and a 65-J Height and Bulk District.

GROUND FLOOR HEIGHT VARIANCE SOUGHT: The project proposes to demolish a single-story industrial building and construct a two-story, 36,958 square-foot light industrial building for Meals on Wheels San Francisco.

PLANNING CODE SECTION 145.5 requires the subject property have a floor to floor ground floor height of 17 feet. The proposed building has a floor to floor height of 16 feet at the ground floor. 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/2017-005412VAR.pdf>.

B. REGULAR CALENDAR

3. **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>.

4. 2018-003610VAR (DORI GANETSOS)

1616 TAYLOR STREET, Lot 019 in Assessor's Block 0149 in a RM-1 - Residential-Mixed, Moderate Density Zoning District and a 40-X Height and Bulk District.

EXPOSURE VARIANCE SOUGHT: The project proposes to add three new Accessory Dwelling Units (ADUs) at the first floor of an existing three-story, eleven-unit building. One of the proposed ADUs (Unit C) requires a variance from the exposure requirement.

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 open area may be reduced an area of no less than 225 square feet, with no dimension of less than 9 feet in width and depth for ADUs. There are two existing light courts on the subject property, dimensioned 6 feet 2 inches by 35 feet 4 inches and 5 feet 11 inches by 21 feet 4 inches. There is glazing on both the north and east sides of the proposed ADUs that face the aforementioned light courts. The existing light courts do not maintain the minimum required 9 foot dimension in each direction. 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/2018-003610VAR.pdf>.

5. 2018-009551VAR (JEFFREY HORN)

3847-3849 18TH STREET, Lot 077 in Assessor's Block 3585 in a RH-3 (Residential House - Three Family) Zoning District and a 40-X Height and Bulk District.

FRONT SETBACK & REAR YARD VARIANCES SOUGHT: The project proposes to legalize 1) a property line wall in the front setback, 2) a new garage, 3) a rear addition, 4) a light-well infill, 5) dormers, and 6) major interior renovations that were made to an existing two-family building.

PLANNING PER SECTION 132 requires the subject property to maintain a front setback of 15 feet. The project contains a property line wall along the front stairs with a maximum height of 11 feet 4 inches and also contains a 4 foot 8 inch tall glass guardrail set atop the wall located within the required front setback. Therefore, the a variance is required.

PLANNING CODE PER SECTION 134 requires the subject property to maintain a rear yard of approximately 44 feet 7 inches. The proposed project contains a two-story horizontal rear addition that encroaches 1 foot 2 inches into the rear yard and an elevated access bridge located entirely with the required rear yard. 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/2018-009551VAR.pdf>.

6. **2018-013245VAR** (MATTHEW DITO)
33 CORNWALL STREET, Lot 045 in Assessor's Block 1432, within an RM-1 (Residential, Mixed - Low Density) Zoning District and 40-X Height & Bulk District.
- REAR YARD VARIANCE SOUGHT:** The project proposes to demolish and reconstruct a three-story stair and enclosure at the rear of the building.
- PLANNING CODE SECTION 134 requires the subject property to maintain a rear yard of approximately 45 feet. The proposed reconstruction would encroach into 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/2018-013245VAR.pdf>.
7. **2018-013309VAR** (NANCY TRAN)
1-3 WINTER PLACE, Lot 032 in Assessor's Block 0118 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 construct a one-story vertical addition to the existing 2-unit building, which will be located within the required rear yard.
- PLANNING CODE SECTION 134 requires the property to provide a rear yard of 15 feet. The project proposes to construct the addition on a noncomplying building that encroaches into the required rear yard (to the rear property line). Therefore, a variance is required.
- ARCHITECTURAL PLANS:** The site plan and elevations of the proposed project are available on the Planning Department's website at:
<http://notice.sfplanning.org/2018-013309VAR.pdf>.
8. **2017-012946VAR** (SEEMA ADINA)
2121 MASON STREET, Lot 007 in Assessor's Block 0065 in a RM-2 (Residential-Mixed, Moderate Density) Zoning District and a 40-X Height and Bulk District.
- REAR YARD, EXPOSURE, USABLE OPEN SPACE, BAY WINDOWS, & STREET FRONTAGE VARIANCES SOUGHT:** The project proposes a one-story vertical addition and (1) dwelling unit addition at the front building, and the demolition of the storage area and garage fronting Newell Street, and construction of a three-story, (2) dwelling-unit building at this location.
- PLANNING CODE SECTION 134 requires the subject property to maintain a rear yard of approximately 55 feet. The proposed building would encroach entirely into the required rear yard, resulting in no rear yard. Therefore, the project requires a rear yard variance.

PLANNING CODE SECTION 135 requires the subject property to provide a minimum amount of usable open space. The project proposes roof decks and an inner courtyard with areas and dimensions that do not meet minimum Code requirements. Therefore, the project requires a usable open space variance.

PLANNING CODE SECTION 140 requires qualifying windows of each unit face directly onto a public street, a rear yard, or a qualifying open area. Units #1 and #4 face an open area that is 19 feet by 30 feet, which does not meet the minimum Code requirements. Therefore, an exposure variance is required for these units.

PLANNING CODE SECTION 132(a) requires a front setback that is 2 feet 6 inches. The proposed project does not include a front setback. Therefore, a front setback variance is required.

PLANNING CODE SECTION 136 allows bay windows to project over the public right-of-way if the minimum horizontal separation between bays is at least 5 feet and the bays occupy no more than 2/3 of the buildable width of the lot. The proposed bay windows do not meet these requirements. Therefore a permitted obstruction 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/2017-012946VAR.pdf>.

9. **2018-011578VAR** **(SHANNON FERGUSON)**
2898 VALLEJO STREET, Lot 001 in Assessor's Block 1234 in a RH-1 (D) (Residential, House, One-Family, Detached) Zoning District and a 40-X Height and Bulk District.

SIDE YARD VARIANCE SOUGHT: The proposal is to infill the existing side setback at the 4th story and a portion of the 5th story within the required five-foot side (east) yard to accommodate a new interior stair, closet space, and internal elevator. Additional interior work is also proposed.

PLANNING CODE SECTION 133 requires the subject property to maintain a side yard of 5 feet along both side property lines. The proposed project would extend to the east property line at the 4th and 5th stories, providing no side 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/2018-011578VAR.pdf>.

10. **2018-009075VAR** **(SYLVIA JIMENEZ)**

1336 - 11TH AVENUE, Lot 033 in Assessor's Block 1765 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 trellis over the rear deck and to construct new stairs from the rear deck down to the rear yard.

PLANNING CODE SECTION 134 requires the property maintain a rear yard of approximately 54 feet. The proposed trellis and stairs are located 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/2018-009075VAR.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.

Privacy Policy

SF Planning is committed to protecting the privacy rights of individuals and security measures are in place to protect personally identifiable information (PII), i.e. social security numbers, driver's license numbers, bank accounts. Members of the public are not required to provide PII to the Commission or Department, as all written submittals and oral communications become part of the public record, which can be made available to the public for review and/or viewable on Department websites. Members of the public submitting materials containing PII are responsible for redacting said sensitive information prior to submittal of documents to Planning.