

**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, March 27, 2019**

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

**Public Hearing**

**Scott F. Sanchez, Acting Zoning Administrator**  
Eva Atijera-Taylor, 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 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](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.

**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, April 24, 2019 at the regularly scheduled Variance Hearing in Room 408:**

1. **2018-008250VAR** (LAURA AJELLO)  
**63 RICO WAY**, Lot 041 in Assessor's Block 0439A 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 add a third floor with a roof deck and stair penthouse to the existing two-story single-family dwelling.

PLANNING CODE SECTION 134 requires the subject property to maintain a rear yard of 25 feet. The proposed rear addition will encroach approximately 2 feet into the required rear yard and result in a rear yard of approximately 23 feet. 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/2018-008250VAR.pdf>.

**B. CONSENT CALENDAR**

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

2. **2018-014111VAR** **(MICHAEL CHRISTENSEN)**  
**54-56 PEARL STREET**, Lot 130 in Assessor's Block 3502 in a RTO (Residential Transit Oriented) Zoning District and a 40-X Height and Bulk District.

**REAR YARD VARIANCE SOUGHT:** The proposal is to construct a two-story rear addition to an existing two-unit residential building.

PLANNING CODE SECTION 134 requires the subject property to maintain a rear yard of 20 feet. The proposal includes stairs that will encroach into the required rear yard by approximately 3 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/2018-014111VAR.pdf>.

## C. REGULAR CALENDAR

3. **2018-014126VAR** **(KATHERINE WILBORN)**  
**1119-1121 STANYAN STREET**, Lot 006 in Assessor's Block 2630 in 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.

PLANNING CODE SECTION 134 requires the subject property 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>.

4. **2017-015120VAR** **(KRISTINA PHUNG)**  
**1535 PACIFIC AVENUE**, Lot 061 in Assessor's Block 0596 in a NCD (Pacific Avenue Neighborhood Commercial) Zoning District and a 40-X Height and Bulk District.

**EXPOSURE VARIANCE SOUGHT:** The proposal is to add a new dwelling unit to an existing 2-unit building. The existing unit located at the 2nd floor of 1535 Pacific currently connects to the rear 3-story building as one unit. The proposal would allow the rear 3-story building to operate as one separate dwelling unit, facing onto an inner court.

PLANNING CODE SECTION 140 requires dwelling units to have qualifying windows of each unit face directly onto an open area meeting the dimensional requirements of the Planning Code. The existing site is built out with no rear

yard and contains an existing inner courtyard of approximately 264 square feet, which does not meet minimum Planning Code requirements for exposure for the new proposed unit. Therefore, an exposure variance is required for the new dwelling unit.

**ARCHITECTURAL PLANS:** The site plan and elevations of the proposed project are available on the Planning Department's website at:  
<http://notice.sfplanning.org/2017-015120VAR.pdf>.

5. **2018-001388VAR** (LINDA AJELLO-HOAGLAND)  
**758, 768 & 778 JAMESTOWN AVENUE**, Lot 4974 in Assessor's Block 008 in a RH-1(Residential-House, One Family) Zoning District and a 40-X Height and Bulk District.

**LOT SIZE VARIANCE SOUGHT:** The proposal is to subdivide the existing property into three lots and construct three single-family homes. Lot A (corner lot) will have a lot area of 1,502 square feet, and Lots B & C will have lot areas of 1,585 and 1,596 square feet, respectively.

PLANNING CODE SECTION 121 requires each property to have at least 1,750 square feet if it's a corner lot, and at least 2,500 square feet if it's an interior lot. Proposed Lots A and B will not meet these minimum lot sizes. 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/2018-001388VAR.pdf>.

6. **2017-009510VAR** (MATTHEW DITO)  
**1964 UNION STREET**, Lot 011 in Assessor's Block 0531, within the Union Street NCD (Neighborhood Commercial District) and a 40-X Height & Bulk District.

**REAR YARD MODIFICATION VARIANCE SOUGHT:** The project proposes to demolish a noncomplying garage in the rear yard and construct a two-story, two-family building at the rear of the property.

PLANNING CODE SECTION 134 requires the subject property to maintain a minimum rear yard of approximately 34 feet. The project proposes a rear yard of 7 feet. Therefore, a rear yard modification 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/2017-009510VAR.pdf>.

7. **2017-001891VAR** (MATTHEW DITO)  
**495 - 44TH AVENUE**, Lot 001A in Assessor's Block 1491 in an RH-1 (Residential, House - One Family) Zoning District and a 40-X Height and Bulk District.

**REAR YARD VARIANCE SOUGHT:** The project proposes to construct a second story, occupying the full area above the first floor. The existing building, a one-story single family dwelling, is a legally noncomplying structure that occupies the required rear yard.

PLANNING CODE SECTION 134 requires the subject property to maintain a rear yard of 16 feet. The proposed addition would further encroach on the required rear yard. Therefore, a variance is required.

**ARCHITECTURAL PLANS:** The site plan and elevations of the proposed project are available on the Planning Department's website at:  
<http://notice.sfplanning.org/2017-001891VAR.pdf>.

8. **2018-012331VAR** (MONICA GIACOMUCCI)  
**87 MANCHESTER STREET**, Lot 028 in Assessor's Block 5523 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 horizontal addition and deck at the rear of the existing building, which intrudes into the required rear yard in the Bernal Heights Special Use District.

PLANNING CODE SECTION 242 requires RH-2-zoned properties in the Bernal Heights Special Use District to maintain a rear yard equal to 45% of the lot depth, or 36 feet at the subject property. The proposed rear addition will encroach approximately 13 feet into the required rear yard, resulting in a rear yard of approximately 23 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/2018-012331VAR.pdf>.

9. **2014.1125VAR** (NANCY TRAN)  
**4316-4320 MISSION STREET AND 2 TINGLEY STREET**, Lots 001 and 045 in Assessor's Block 6800 in a Excelsior Outer Mission NC Zoning District and a 40-X Height and Bulk District.

**REAR YARD MODIFICATION AND OBSTRUCTIONS VARIANCES SOUGHT:** The proposal is to construct a new 13,000 square foot building with nine dwelling units, four parking spaces, and two ground floor retail spaces.

PLANNING SECTION 134 OF THE PLANNING CODE requires a rear yard of 20 feet 3 inches at the dwelling unit level and above. The project proposes to substitute the required rear yard with an open area equal to 18 percent of the lot area at the interior corner of the lot. Therefore, a rear yard modification required.

PLANNING CODE SECTION 136(c)(2)(D) requires that the maximum dimension of each bay shall be 15 feet at the line establishing the required open area, and be reduced in proportion by 45 degree angles drawn inward, reaching a maximum of 9 feet along a line parallel to and at a distance of 3 feet from the

line establishing the required open area. The project proposes bays along Mission Street at levels 2 and 4 that exceed the maximum dimensions. 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/2014.1125VAR.pdf>.

**10. 2018-006478VAR (NANCY TRAN)**

**1945 - 8TH AVENUE**, Lot 003 in Assessor's Block 2126 in a RH-1(D) (Residential-House, One Family-Detached) Zoning District and a 40-X Height and Bulk District.

**REAR YARD VARIANCE SOUGHT:** The proposal is to expand the garage volume by replacing the flat roof with a sloped roof within the required rear yard.

PLANNING CODE SECTION 134 requires 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/2018-006478VAR.pdf>.

**11. 2018-011423VAR (SYLVIA JIMENEZ)**

**14 PHOENIX TERRACE**, Lot 0182/030 in Assessor's Block 030 in a RM-3 ([Residential-Mixed, Medium Density) Zoning District and a 65-A Height and Bulk District.

**REAR YARD VARIANCE SOUGHT:** The project is to construct a spiral staircase to provide access to the rear yard from a new roof deck. A firewall will also be constructed along the northern property line adjacent to the staircase.

SECTION 134 OF THE PLANNING CODE requires that the subject property maintain a rear yard of at least 15 feet. The proposed stairs and firewall 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/2018-011423VAR.pdf>.



**D. 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.

**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.