

**PLANNING DEPARTMENT
CITY AND COUNTY OF
SAN FRANCISCO**

**Notice of Hearing on Application
For Zoning Variance**

**CITY HALL - Room 408
1 Dr. Carlton B. Goodlett Place**

Wednesday, August 28, 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 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.

Personal information that is provided in communications to the Planning Department is subject to disclosure under the California Public Records Act and the San Francisco Sunshine Ordinance. Personal information provided will not be redacted.

Members of the public are not required to provide personal identifying information when they communicate with the Planning Department and its commissions. All written or oral communications that members of the public submit to the Department regarding projects or hearings will be made available to all members of the public for inspection and copying. The Department does not redact any information from these submissions. This means that personal information including names, phone numbers, addresses and similar information that a member of the public elects to submit to the Department and its commissions may appear on the Department's website or in other public documents that members of the public may inspect or copy.

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. **2018-017007VAR** **(BRIDGET HICKS)**

342 MIRAMAR AVENUE, Lot 014 in Assessor's Block 3197 in a RH-1(D) (Residential-House, One Family - Detached) Zoning District and a 28-X Height and Bulk District.

SIDE YARD VARIANCE SOUGHT: The Project proposes to lift the existing single-family home 3 feet in height in order to create ground floor habitable space. No horizontal expansion is proposed.

PLANNING CODE SECTION 133 requires the subject property to maintain a side yard of 3 feet on either side. The building is currently noncomplying because small portions extend into the side yard on the north side. This increase in height will intensify the noncomplying 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/2018-017007VAR.pdf>.

2. **2019-004679VAR** **(KATHERINE WILBORN)**

78 CARMEL STREET, Lot 014 in Assessor's Block 1291 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 demolish the existing deck and trellis at the second story and replace with a larger deck of frosted and transparent glass within the legal, noncomplying trellis footprint.

PLANNING CODE SECTION 134 requires the subject property to maintain a rear yard of approximately 50 feet. The proposed deck would replace the existing trellis footprint, which would be extended approximately 8 feet into the required rear yard and result in a rear yard of approximately 42 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/2019-004679VAR.pdf>.

B. REGULAR CALENDAR

3. **2019-001903VAR** (ALEX WESTHOFF)
1701 & 1703 MCKINNON AVE, Lot 001 in Assessor's Block 5305 in a RH-2 (Residential-House, Two-Family) Zoning District and a 40-X Height and Bulk District.

AREA LOT & LOT WIDTH VARIANCES SOUGHT: The proposal is to subdivide the existing lot into two separate lots. One lot would be approximately 28 feet wide and would contain the existing two-story building at 1701 McKinnon Avenue. The other lot would be 16 feet wide and would contain the existing three-story building at 1703 McKinnon Ave.

PLANNING CODE SECTION 121(d) requires new lots to have a minimum lot width of 25 feet. The lot proposed for 1703 McKinnon Ave will have a lot width of only 16 feet. Therefore, a variance is required.

PLANNING CODE SECTION 121(e) requires new lots to have a minimum area of 1,750 square feet if within 125 feet of a street intersection. Additionally, only that portion of a lot meeting the minimum lot width may count towards the area calculation. The lot proposed for 1703 McKinnon Ave has an area of 1,184 square feet, although none of the property meets the required minimum lot width. 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/2019-001903VAR.pdf>.

4. **2018-007725VAR** (CATHLEEN CAMPBELL)
244 DOUGLASS STREET, Lot 006 in Assessor's Block 2691 in a RH-2 (Residential-House, Two Family) Zoning District and a 40-X Height and Bulk District.

REAR YARD VARIANCE SOUGHT: The project proposes to construct a vertical addition and roof deck above the existing footprint of a noncomplying two-unit building to accommodate additional habitable space for the first-floor unit.

PLANNING CODE SECTION 134 requires the subject property to maintain a rear yard of approximately 40 feet 5 inches. The project proposes to construct a roof deck at the rear of the existing noncomplying building and vertically expand portions of the existing noncomplying building that currently encroach into the required rear yard by 29 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/2018-007725VAR.pdf>.

5. **2016-014049VAR** **(CHRISTOPHER MAY)**
172-174 TERRA VISTA AVENUE, Lots 031 and 032 in Assessor's Block 1104 in a RM-1 (Residential - Mixed, Low-Density) Zoning District and a 30-X Height and Bulk District.

REAR YARD VARIANCE SOUGHT: The project proposes to construct a new three-story, two-unit building fronting O'Farrell Street at the rear of the lot. The project also proposes a one-story horizontal infill addition beneath the cantilevered two-story portion of the existing building fronting Terra Vista Avenue and the conversion of ground floor storage space for a new Accessory Dwelling Unit. A new common roof deck above the third floor, accessed by a stair penthouse, will provide usable open space for the units in the building fronting Terra Vista Avenue and an interior court separating the two buildings will provide common usable open space for the two units in the building fronting O'Farrell Street.

PLANNING CODE SECTION 134 requires the subject property to maintain a rear yard of approximately 51 feet. The proposed three-story building will be located entirely within the required rear yard, resulting in no rear yard. Therefore, the project requires a rear yard variance.

ARCHITECTURAL PLANS: The site plan and elevations of the proposed project are available on the Planning Department's website at:
<http://notice.sfplanning.org/2016-014049VAR.pdf>.

6. **2019-002272VAR** **(DAVID WEISSGLASS)**
34 STEINER STREET, Lot 013 in Assessor's Block 0875 in a RTO (Residential Transit Oriented) Zoning District and a 40-X Height and Bulk District.

REAR YARD VARIANCE SOUGHT: The proposal is to add 2 new dwelling units to the existing 7-unit building, excavate the basement level to create storage space, construct a new roof deck, add new open stairs and a separate stair penthouse to access the roof deck, and to add a firewall to the rear stairs.

PLANNING CODE SECTION 134 requires the subject property to maintain a rear yard of approximately 22 feet 6 inches. The existing building projects approximately 17 feet 9 inches into the required rear yard. The proposed firewall will be located completely within 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/2019-002272VAR.pdf>.

7. **2019-001033VAR** **(ELLA SAMONSKY)**
727 NATOMA STREET, Lot 032 in Assessor's Block 3728 in a RED-MX
(Residential Enclave-Mixed Zoning District and a 45-X Height and Bulk District.

REAR YARD, EXPOSURE & OPEN SPACE VARIANCES SOUGHT: The project proposes to construct a two-story vertical addition, rear decks, roof deck, and add five dwelling units to the existing two-story four-unit residential building.

PLANNING CODE SECTION 134 requires the subject property to maintain a rear yard of 18 feet 9 inches. A portion of the proposed building and the rear decks are located within the required rear yard. Therefore, a variance is required.

PLANNING CODE SECTION 135 requires the subject property to provide a minimum off 80 square feet of open space per dwelling unit. The property contains no useable open space. New private open space is proposed for the three units on the third and fourth floors, but not the two units at the basement level. Therefore, a variance is required.

PLANNING SECTION 140 the subject property is required to have qualifying windows of each dwelling unit face directly on an open area meeting the requirements of the Planning Code. The proposed units at the basement level face onto a non-conforming rear yard that is 6 feet 4 inches in depth. 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/2019-001033VAR.pdf>.

8. **2018-003085VAR** **(GABRIELLA PANTOJA)**
4 AQUAVISTA WAY, Lot 023 in Assessor's Block 2798 in a RH-1(D)
(Residential-House, One Family- Detached) Zoning District and a 40-X Height
and Bulk District.

FRONT SETBACK & REAR YARD VARIANCES SOUGHT: The proposal is to construct a two-story horizontal addition and a one-story vertical addition on an existing two-story, single-family residence.

Planning Code Section 132 requires a front setback for the subject lot equal to the front setback of the adjacent building in the RH, RTO, or RM District. The required front setback for the subject lot is 6 feet. The proposed horizontal and vertical additions will extend the subject building's main wall to the front property line of the subject property and encroach 6 feet into the required front setback. Therefore, a front setback variance is required.

Planning Code Section 134 requires the subject lot to maintain a minimum rear yard equal to 25 percent of the total lot's depth, but in no case shall the required rear yard be less than 15 feet. The required rear yard for the subject lot is 15 feet. The proposed horizontal and vertical additions will extend the subject building's rear wall to the rear property line and encroach 15 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/2018-003085VAR.pdf>.

9. **2018-012489VAR** (LAURA AJELLO)

2566-2568 PINE STREET, Lot 013 in Assessor's Block 0656 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 detached one-story building within the required rear yard that contains a 1-car garage, one full bath, and other habitable space. The main building has four dwelling units, 2-car parking, and a concurrent building permit filed to add one ADU.

PLANNING CODE SECTION 134 requires properties in the RH-2 Zoning District to maintain a rear yard equivalent to 45 percent of the total lot depth at grade level and at each succeeding story of the building, unless reduced to the average of qualifying adjacent rear building walls. The minimum rear yard, if averaged, shall be no less than 25 percent of the total depth of the lot on which the building is situated, or to less than 15 feet, whichever is greater. The subject property, with a lot depth of approximately 138 feet, has a required rear yard of 51 feet. The building proposed for legalization is constructed entirely within the 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/2018-012489VAR.pdf>.

10. **2018-013152VAR** (XINYU LIANG)

152 ELSIE STREET, Lot 20 in Assessor's Block 5618 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 legalize an approximately 8 feet, 6-inch solid fence that is located within the required front setback. No new construction is proposed.

PLANNING CODE SECTION 132 requires the subject property to maintain a 10-foot, 6-inch front setback. Within the required front setback, fence heights are limited to 3 feet if solid and 6 feet if 75% open (per Section 136). The fence proposed for legalization is solid and an average of approximately 8 feet 6 inches above the sidewalk grade. Therefore, legalization of the fence 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/2018-013152VAR.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.