

**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 22, 2020

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. **2019-000606VAR** (ESMERALDA JARDINES)

1055 INNES AVENUE, Lot 015 in Assessor's Block 4652 in the Residential House-One Family (RH-1) Zoning District and a 40-X Height and Bulk District.

FRONT SETBACK VARIANCE SOUGHT: The proposal is to subdivide the existing property into three new lots to construct three new three-story single-family homes.

PLANNING CODE SECTION 132 requires the subject property to maintain a front setback of approximately 15 feet. The project proposes a front setback of five feet for each new single-family home. 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/2019-000606VAR.pdf>.

2. **2019-002840VAR** (LINDA AJELLO-HOAGLAND)

401 - 28TH STREET, Lot 001 in Assessor's Block 6612 in the Residential-House, Two Family (RH-2) Zoning District and a 40-X Height and Bulk District.

REAR YARD VARIANCE SOUGHT: The Project proposes a vertical and horizontal addition to an existing single-family home to enlarge the attic to a full floor and expand the existing basement level and first floor.

PLANNING CODE SECTION 134 requires the subject property to maintain a rear yard of 36 feet. The existing building is located within the required rear yard

and the proposed addition would result in additional encroachment. 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:
<https://notice.sfplanning.org/2019-002840VAR.pdf>

3. **2018-008840VAR** (MONICA GIACOMMUCCI)
108 SOUTH PARK, Lot 059 in Assessor's Block 3775 in the Soma-South Park (SPD) Zoning District and a 40-X Height and Bulk District.

REAR YARD VARIANCE SOUGHT: The proposal is to construct a two-story vertical addition (approximately 2,700 square feet) above a two-story commercial mixed-use building. The resulting building will maintain an existing commercial space, office space, and residential unit, and add three new residential units. Decks will provide open space at the front and rear of the vertical addition.

PLANNING CODE SECTION 134 requires the subject property to maintain a rear yard of approximately 24 feet 5 inches. The project proposes a rear yard of 12 feet 6 inches. 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/2018-008840VAR.pdf>.

C. REGULAR CALENDAR

4. **2019-012339VAR** (ASHLEY WOODS)
372 DOLORES STREET, Lot 008 in Assessor's Block 3566 in a RH-3 (Residential-House, Three Family) Zoning District and a 40-X Height and Bulk District.

EXPOSURE AND OPEN SPACE VARIANCES SOUGHT: The proposal is to add two Accessory Dwelling Units (ADUs) to the ground floor of the existing building.

PLANNING CODE SECTION 140 requires each dwelling unit to face on an open area meeting minimum dimensions. One of the proposed ADUs (Unit No. 2) will face a rear yard that does not meet such minimum dimensions. Therefore, an exposure 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/2019-012339VAR.pdf>.

5. 2019-000634VAR (CATHLEEN CAMPBELL)

876 ELIZABETH STREET, Lot 022 in Assessor's Block 2806 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 expand below grade at basement level to the rear of an existing noncomplying structure. The proposal is also to construct a vertical and horizontal addition on the existing single-family home.

PLANNING CODE PER SECTION 134 requires the subject property to maintain a rear yard of approximately 50 feet 8 Inches. The existing building is legal non-complying and the proposed rear addition would encroach approximately 25 feet 7 inches into the required rear yard and result in a rear yard of 25 feet 1 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/2019-000634VAR.pdf>.

6. 2019-006744VAR (GABRIELA PANTOJA)

31 CLIPPER STREET, Lot 042 in Assessor's Block 6551 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 convert an existing single-family dwelling unit into a two-unit building and to construct a two-story horizontal addition at the southeast corner of the existing building. At the first floor, the addition will be approximately 32 feet 6 inches in depth and 13 feet 5 inches in width. At the second floor, the addition will be approximately 23 feet 5 inches in depth and 13 feet 5 inches in width. Additionally, the proposal will construct a new roof deck and exterior stairs at the rear of the subject building.

PLANNING CODE SECTION 134 requires the subject lot to maintain a minimum rear yard equal to 45 percent of the total lot depth. The required rear yard for the subject property is 51 feet 3 feet. The proposed horizontal addition will encroach 12 feet 7 inches 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/2019-006744VAR.pdf>.

7. 2018-009100VAR (LAURA AJELLO)

160 CENTRAL AVENUE, Lot 026 in Assessor's Block 1234 in a RM-1 (Residential-Mixed, Three-Family) Zoning District and a 40-X Height and Bulk District.

REAR YARD VARIANCE SOUGHT: The proposal is to construct a detached two-car garage with a 272 square foot deck above in the required rear yard.

PLANNING CODE SECTION 134 requires the subject property to maintain a rear yard of approximately 30 feet. The proposed garage will extend to the rear property line. 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/2018-009100VAR.pdf>.

8. 2015-008247VAR (LAURA AJELLO)

440-448 WALLER STREET, 012 & 013 in Assessor's Block 0860 in a RH-3 (Residential-House, Three-Family Dwelling) Zoning District and a 40-X Height and Bulk District.

LOT SIZE AND REAR YARD VARIANCES SOUGHT: The proposal is to merge and re-subdivide two lots fronting on Waller Street and create two new lots fronting on Laussat Street. The existing noncomplying building in the rear yard that straddles the current lot line will be demolished and replaced with two new 3-story-over-basement single-family dwellings. One-story vertical additions and 4-story horizontal additions at the rear of each of the dwellings on Waller Street are proposed, plus a new garage is proposed for 440 Waller Street.

PLANNING CODE SECTION 121 requires a minimum lot size of 2,500 square feet. The newly created lots fronting on Laussat Street measure 1,250 each. Therefore, a lot size variance is required.

PLANNING CODE SECTION 134 requires properties to maintain a rear yard of approximately 17 feet for the proposed 70-foot deep lot. The proposed setback is 12 feet. 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/2015-008247VAR.pdf> and <https://notice.sfplanning.org/2015-008247VAR-1.pdf>

9. **2019-011981VAR** **(MATTHEW DITO)**
436 LYON STREET, Lot 020 in Assessor's Block 1199 in an RH-3 (Residential, House - Three Family) Zoning District and a 40-X Height and Bulk District.

REAR YARD VARIANCE SOUGHT: The project proposes to demolish a one-story accessory structure at the rear of the lot and construct a single-family dwelling within the same footprint.

PLANNING CODE SECTION 134 requires the subject property to maintain a rear yard setback of 60 feet 10 inches. The proposed single-family dwelling unit is in the rearmost 18 feet 6 inches of the subject property. 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/2019-011981VAR.pdf>.

10. **2017-009796VAR** **(MONICA GIACOMUCCI)**
1088 HOWARD STREET, Lot 030 in Assessor's Block 3726 in the Mixed-Use, General (MUG) Zoning District and a 85-X Height and Bulk District.

EXPOSURE VARIANCE SOUGHT: The proposal is to merge lots 030 and 031 and construct a six-story vertical and horizontal addition (approximately 24,000 square feet) above a one-story commercial building. The resulting building will include 24 residential units.

PLANNING CODE SECTION 140 requires all dwelling units to face onto a public street or an open area no less than 25 feet in every horizontal dimension. Six of the proposed units do not face onto an area meeting the requirements for dwelling unit exposure. Therefore, a variance is required.

ARCHITECTURAL PLANS: The site plan and elevations of the proposed project are available on the Planning Department's website at:
<http://notice.sfplanning.org/2017-009796VAR.pdf>.

11. **2019-002025VAR** **(STEPHANIE CISNEROS)**
333 - 27TH STREET, Lot 047 in Assessor's Block 6592 in a RH-2 (Residential-House, Two Family) Zoning District and a 40-X Height and Bulk District.

FRONT SETBACK VARIANCE SOUGHT: The proposal is to allow for a one-story vertical addition with new bay windows at the front that are constructed less than one foot from the interior lot lines.

PLANNING CODE SECTION 136(c)(2)(g) requires bay windows at the front of buildings to be at set back at least one foot from interior lot lines. The proposed front bay windows will be less than one foot from interior lot lines. 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/2019-002025VAR.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.