

PLANNING DEPARTMENT CITY AND COUNTY OF SAN FRANCISCO

Notice of Hearing on Applications for Zoning Variance

Remote Hearing via Video & Teleconferencing
(See Access Information Below)

Live, Wednesday, March 24, 2021

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 (628) 652-7300.

Variance Calendars and **Audio Recording of the Hearing** are available on the Internet at <http://www.sfplanning.org>

Accessible Meeting Policy

Hearings are **normally** 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 and time listed on the first page of this Calendar:

Remote Access to Information and Participation

In accordance with Governor Gavin Newsom’s statewide order for all residents to “Shelter-in-Place” - and the numerous preceding local and state proclamations, orders and supplemental directions - aggressive directives have been issued to slow down and reduce the spread of the COVID-19 virus.

On April 3, 2020, the Planning Department was authorized to resume their hearing schedule remotely. Therefore, the Zoning Administrator’s hearings will be held via videoconferencing and allow for remote public comment.

*The Zoning Administrator strongly encourages interested parties to submit their comments in writing to their assigned Planner prior to the hearing. **To view the hearing, please use the following link at the start of the hearing:** The Cisco WebEx app is supported by Chrome, Explorer, and Safari.*

[Watch the Variance Hearing](#)

This link may also be accessed on the Remote Hearings page of the Planning Department website. Members of the public may also call into the hearing to provide comment by dialing the following telephone number during the hearing using the information below:

USA Toll-Free Number	Access Code
415-655-0001	187 691 4487

NOTE: A Password is not required to join the Hearing.

As the COVID-19 emergency progresses, please visit the Planning Department’s website regularly to be updated on the current situation as it affects the hearing process of the Zoning Administrator.

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, May 26, 2021 at the regularly scheduled Monthly Variance Hearing:

1. **2020-007991VAR** (RYAN BALBA)

445 LIBERTY STREET, Lot 037 in Assessor's Block 3604 in a RH-1 Zoning District, a 40-X Height and Bulk District, and the Dolores Heights Special Use District.

REAR YARD VARIANCE SOUGHT: The proposal is to expand the basement level and first story and add a second story to a single-family dwelling. The project also includes an interior remodel, a new rear deck, and new balconies at the second floor.

PLANNING CODE SECTION 241 requires the property to maintain a rear yard equal to 45 percent of the total lot depth, but not less than 25 feet deep. Portions of the addition fall within 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: <https://citypln-m-extnl.sfgov.org/SharedLinks.aspx?accesskey=bbdeabbc827d3f870d8e4ce34bf589e203f2810a88304a47b3f30cfaae266eb7&VaultGUID=A4A7DACD-B0DC-4322-BD29-F6F07103C6E0>

B. REGULAR CALENDAR

2. **2015-008499VAR** (KIMBERLY DURANDET)

408-412 CORTLAND AVENUE, Lot 025 in Assessor's Block 5678 located within the Cortland Avenue NCD (Neighborhood Commercial) Zoning District, and a 40-X Height District.

REAR YARD VARIANCE SOUGHT: The proposal is to construct a second story addition of approximately 27 feet by 25 feet on top of the existing one-story portion of the building at the rear of the lot, for the purpose of providing additional commercial uses.

PLANNING CODE SECTION 134 requires the subject property to maintain a rear yard equal to 25% of the lot depth at the second story, and at each succeeding story of the building, and at the First Story if it contains a Dwelling Unit. The existing building at the rear of the lot falls within the required rear yard, as would the proposed addition. 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: <https://citypln-m-extnl.sfgov.org/SharedLinks.aspx?accesskey=b4832db493eb8fc1e5b51e19686513a183fa1251abc2c1d108151bc895560794&VaultGUID=A4A7DACD-B0DC-4322-BD29-F6F07103C6E0>

3. **2020-001045VAR** (JEFF HORN)

1801 ALEMANY BLVD., Lot 036 in Assessor's Block 6955 in the Excelsior-Outer Mission Street NCD (Neighborhood Commercial District) and a 40-X Height and Bulk District.

REAR YARD & ACTIVE USE VARIANCES SOUGHT: The project proposes to construct a 40-foot tall, 4-story, 4-unit residential building that will include 3 parking spaces and 4 class 1 bicycle parking spaces within a garage that would be accessed from Waston Place/Ruth Street.

PLANNING CODE SECTION 134 requires a rear yard equal to 15 feet at the lowest story containing a dwelling unit, and at each succeeding level or story of the building. The project proposes no setback at the ground floor and a 10-foot setback at the 2nd, 3rd, and 4th floors. Therefore, a variance is required.

PLANNING CODE SECTION 145.1 requires the first 25 feet of the depth of the ground floor to be occupied by an active use and for ground floor parking to be set back at least 25 feet. The project's proposed garage would be located within the lot's first 25 feet of 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: <https://citypln-m-extnl.sfgov.org/SharedLinks.aspx?accesskey=fb64a72c7c4fb6220a1ab33d730b21e3358f3c7966a2c2b1bc10fe691d5634df&VaultGUID=A4A7DACD-B0DC-4322-BD29-F6F07103C6E0>

4. **2020-009475VAR** (RYAN BALBA)

145 SAINT ELMO WAY, Lot 020 in Assessor's Block 3049 in a RH-1(D) Zoning District and a 40-X Height and Bulk District.

REAR YARD VARIANCE SOUGHT: The project proposes to replace an existing, noncomplying rear deck with a new, slightly larger deck. The project also includes a new raised patio and façade changes at the rear and side.

PLANNING CODE SECTION 134 requires the property to maintain a rear yard that is 30% of the lot depth, which is approximately 29 feet for this property. The proposed deck is approximately 11 feet deep and will obstruct almost entirely into 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: <https://citypln-m-extnl.sfgov.org/SharedLinks.aspx?accesskey=3fba1deb9eaf5d4d2f3fc5a04ccb5f708e9da45b7d18a9db137977ca778a3be0&VaultGUID=A4A7DACD-B0DC-4322-BD29-F6F07103C6E0>

5. **2020-011282VAR** (ELTON WU)
122-144 TIFFANY AVENUE, Lot 007S within Assessor's Block 6597 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 rear deck and constructing a new rear deck.

PLANING CODE SECTION 134 requires the subject property to maintain a rear yard of approximately 30 feet. The proposed deck would fall entirely 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: <https://citypln-m-extnl.sfgov.org/SharedLinks.aspx?accesskey=850f5f76e47799ecbc5ab0d2dc57d92bbda32bf4ebfe6410331496e2d399f625&VaultGUID=A4A7DACD-B0DC-4322-BD29-F6F07103C6E0>

6. **2020-005122VAR** (KIMBERLY DURANDET)
1230 GOETTINGEN STREET, Lot 002 in Assessor's Block 6177 located within the RH-1 (Residential House, One Family) Zoning District, and a 40-X Height and Bulk District

REAR YARD, OPEN SPACE AND PERMITTED OBSTRUCTION VARIANCES SOUGHT: The proposal is to construct a single family, three-story building on a vacant, substandard lot.

PLANNING CODE SECTION 134 requires the rear yard to be at least 30% of lot depth. The lot is approximately 33 feet frontage by an average lot depth of nearly 10 feet. No rear yard is proposed. Therefore, a variance is required.

PLANNING CODE SECTION 135 requires 300 square feet of usable open space for residential uses. The project proposes only 93 square feet of usable open space on a 2nd floor deck. Therefore, a variance is required.

PLANNING CODE SECTION 136 requires bay window projections over the public right-of-way to have at least 50% of the vertical surfaces be glazed. The proposed bay windows do not meet this requirement. 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: <https://citypln-m-extnl.sfgov.org/SharedLinks.aspx?accesskey=bd439a2e4a221ece0ff7fed6e746a3c3206db688e6e152c9596b25e5f122010c&VaultGUID=A4A7DACD-B0DC-4322-BD29-F6F07103C6E0>

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

Notice

The Planning Department has moved to a new office. Since August 17, 2020, the Planning Department is now located at **49 South Van Ness Avenue, Suite 1400**.

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**. However, due to Covid-19 and in compliance with the Shelter-In-Place Order in San Francisco, the Zoning Administrator has been holding his monthly Variance Hearings remotely using Video and Teleconferencing since April 2020.

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 used for each speaker and indicates how much time remains. Speakers will hear a notification indicating that the speaker's opportunity to address the Zoning Administrator is about to end or 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 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 49 South Van Ness Avenue, Suite 1475, call **(628) 652-1150**, or visit the [San Francisco Board of Appeals](#) website.

If any members of the public would like to receive a copy of the signed Variance Decision Letter via email, please send a request by email addressed to the Planner assigned to the case. The name of the Planner can be found in this Agenda, in the notice that you received in the mail, or in the poster posted on the subject property.

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.