

# PLANNING DEPARTMENT CITY AND COUNTY OF SAN FRANCISCO

## Notice of Special Hearing on Applications for Zoning Variance

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

Live, Friday, January 28, 2022

Session Begins at 9:30 A.M.

### Public Hearing

Corey A. Teague, 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 (628) 652-7300.

**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 **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](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 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. This remote hearing is consistent with the Planning Commission’s practice. In Resolution No. 21057, adopted January 6, 2022, the Planning Commission decided to continue meeting remotely, consistent with AB361. The Zoning Administrator’s hearings will continue to be held via videoconferencing consistent with the findings in Planning Commission Resolution No. 21057.*

*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.*

**[Click to open link: 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:*

<b>USA Toll-Free Number</b>	<b>Access Code</b>
415-655-0001	2489 973 8201

**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. CONSENT CALENDAR

All items listed hereunder constitute a Consent Calendar and are considered 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. **2021-004859VAR** (MOSES CORRETTE)

**731 - 19TH AVENUE**, Lot 50 in Assessor's Block 1650, in a RH-2 Zoning District and a 40-X Height and Bulk District.

**REAR YARD VARIANCE SOUGHT:** The proposal is to rebuild two cantilevered decks at the rear of the 2nd and 3rd floors of the 4-unit building.

PLANNING CODE SECTION 134(c)(3) requires the subject property to maintain a rear yard of approximately 50 feet, within which the proposed rebuilt decks would encroach. 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=cfab296a09827c4611bcb053c3de40703f2b0675b397a75b45b19b26b39b5a49&VaultGUID=A4A7DACD-B0DC-4322-BD29-F6F07103C6E0>

## B. REGULAR CALENDAR

2. **2020-011542VAR** (ELTON WU)

**2106 - 22ND STREET**, Lot 032 in Assessor's Block 4094 in an RH-3 Zoning District and 40-X Height and Bulk District

**REAR YARD VARIANCE SOUGHT:** The proposal is to legalize an existing deck and shed constructed within the required rear yard.

PLANNING CODE SECTION 134 requires the subject property to maintain a rear yard of approximately 32 feet by averaging of adjacent buildings. The proposed deck and shed will encroach approximately 22 feet into the required rear yard and result in a rear yard of 10 feet. 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=c8facfcecf2a5b329582f11d2498248d5e8137c51e48c660e655224d434ff772&VaultGUID=A4A7DACD-B0DC-4322-BD29-F6F07103C6E0>

**3. 2021-003678VAR (GABRIELA PANTOJA)**

**3825 - 21ST STREET**, Lot 092 in Assessor's Block 3622, in a RH-2 Zoning District, and 40-X Height and Bulk District.

**FRONT SETBACK VARIANCE SOUGHT:** The proposal is to construct façade alterations and a one-story horizontal addition at the rear and front of an existing three-story single-family building.

PLANNING CODE SECTION 132 requires the subject lot to maintain a front setback equal to the average front setback of the adjacent properties. The required front setback for the subject property is 11 feet 6 inches. The proposal will demolish, reconfigure, and expand two bay windows at the front of subject building that already project into the required front setback beyond what is permitted by Section 136. 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=385cb4c47a2a645b82d5ed8c4e4f52c30beaa80e3438205b3e5caa69adda14d9&VaultGUID=A4A7DACD-B0DC-4322-BD29-F6F07103C6E0>

**4. 2021-002156VAR (MATHEW CHANDLER)**

**869 ALVARADO STREET**, Lot 037 in Assessor's Block 2802, in a RH-2 Zoning District, and 40-X Height and Bulk District

**REAR YARD VARIANCE SOUGHT:** The proposal is to legalize an existing third-story rear balcony and extend a legally existing second-story rear deck and add stairs to grade of the single-family building.

PLANNING CODE SECTION 134 requires the subject property to maintain a rear yard of approximately 53 feet 1 inch. The building exists as a noncomplying structure with a rear portion of the building and second-story deck in the required rear yard. Therefore, a variance is required to legalize the unpermitted balcony and expand the existing deck and add stairs to grade.

**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=230b5959f96b38377f617a6cbc28a63aceec6b654ab4799f5a5818e183c8b852&VaultGUID=A4A7DACD-B0DC-4322-BD29-F6F07103C6E0>

5. **2021-006431VAR** (MICHELLE TAYLOR)  
**2145 TURK BOULEVARD**, Lot 036 in Assessor's Block 1150 in an RH-3 Zoning District and 40-X Height and Bulk District
- REAR YARD VARIANCE SOUGHT:** The proposal is to construct a two-story infill under an existing 3rd floor cantilevered room at the rear.
- PLANNING CODE SECTION 134 requires the property to maintain a rear yard equivalent to 45% of lot depth, which is nearly 62 feet for this property. The proposed addition will match the existing encroachment (approximately 21 feet) 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: <https://citypln-m-extnl.sfgov.org/SharedLinks.aspx?accesskey=68930d611cc364f2ef6759963622f0ac73ab8265c62d009ecd6ace2945860d55&VaultGUID=A4A7DACD-B0DC-4322-BD29-F6F07103C6E0>
6. **2021-006267VAR** (KALYANI AGNIHOTRI)  
**3655 CLAY STREET**, Lot 025 in Assessor's Block 1011 in a RH-1 Zoning District and 40-X Height & Bulk District.
- REAR YARD VARIANCE SOUGHT:** The proposal is to construct a one-story horizontal addition at the rear of the historic resource single-family building.
- PLANNING CODE SECTION 134 requires the subject lot to maintain a rear yard of at least 30%, or 38 feet 4 inches for this lot. The proposed addition will be 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=fd8b9e931a130265e22ded451bbe81018263611230d8ca46626526e8f56564d3&VaultGUID=A4A7DACD-B0DC-4322-BD29-F6F07103C6E0>
7. **2021-007824VAR** (MONICA GIACOMUCCI)  
**371 PROSPECT AVENUE**, Lot 022 in Assessor's Block 5671 in a RH-2 Zoning District, the Bernal Heights SUD, and a 40-X Height and Bulk District.
- REAR YARD AND FRONT SETBACK VARIANCES SOUGHT:** The proposal is to construct a one-story vertical addition at an existing one-story garage at the front of the lot, which will be connected to the existing single-family building by a new breezeway.
- PLANNING CODE SECTION 132 requires the subject property to maintain a front setback of nearly 12 feet. The proposed vertical addition will encroach more than 6 feet into the required front setback. Therefore, the project requires a variance.

PLANNING CODE SECTION 242(e)(2)(B) requires the subject property to maintain a rear yard of approximately 31 feet 6 inches. The proposed project would add a breezeway that encroaches into the rear yard to connect the front and rear buildings. 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=6a687e849089647f3479bdb1894810800930b18bd205a0fbbc04bfc4807545af&VaultGUID=A4A7DACD-B0DC-4322-BD29-F6F07103C6E0>

8. **2021-006792VAR** (MATHEW CHANDLER)  
**2128 VAN NESS AVENUE**, Lot 015 in Assessor's Block 0574, in a RC-4 Zoning District and Van Ness Special Use District, and 80-D Height and Bulk District

**EXPOSURE VARIANCE SOUGHT:** The project proposes to add five Accessory Dwelling Units (Units B, C, D, E, and F) at the basement level of an existing four-story plus basement, 24-unit building undergoing seismic retrofitting. One additional ADU (Unit A) that does not require a variance is also proposed.

PLANNING CODE SECTION 140 requires all dwelling units to face directly onto a street or other open area meeting the requirement of the Planning Code. The Zoning Administrator may administratively reduce the dimensions of the open area to an area that is at least 225 square-feet with no horizontal dimension less than 9 feet for ADUs per Section 307(l)(1). The proposed ADUs B, C, D, E, and F face onto lightwells that are less than the 9-foot minimum dimension required for the administrative waiver. 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=c743f3b0f2d13c1ffe48548625957b01ae36f11ac2db924f120cd268935ddedd&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 **4<sup>th</sup> 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.