

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, June 22, 2022

Session Begins at 9:30 A.M.

Public Hearing

Corey A. Teague, Zoning Administrator

Suzy Parinas, 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 (628) 652-7318** 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 (628) 652-7550** 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 (628) 652-7550. 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 (628) 652-7550. Por favor llame por lo menos 48 horas de anticipación a la audiencia.

CHINESE:

聽證會上如需要語言協助或要求輔助設備，請致電 (628) 652-7550。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 (628) 652-7550. 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 (628) 652-7550. 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. 21123, adopted on June 9, 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. 21123.

*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:

USA Toll-Free Number	Access Code
415-655-0001	2497 729 8428

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. REGULAR CALENDAR**1. 2021-008196VAR (REBECCA SALGADO)**

495 GEARY STREET, Lot 013 in Assessor's Block 0316 in a C-3-G Zoning District and an 80-130-F Height and Bulk District

MARQUEE DIMENSIONS VARIANCE SOUGHT: The project is to construct a new marquee measuring approximately 36 feet in length, approximately 9 feet in width, and approximately 2.5 feet in depth, to project over a sidewalk approximately 15 feet in width.

PLANNING CODE SECTION 136.1 requires that a marquee in a C-3-G zoning district projecting less than two-thirds of the distance from the property line to the curb line shall not exceed 25 feet or 50 percent of the length of the building along the direction of the street, whichever is less. The proposed marquee 36 feet 4 inches in length. 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=8ddb82fe5c42e6c4fcb95dc96423301f72ea66b4f5ce38304c69bede45896e0&VaultGUID=A4A7DACD-B0DC-4322-BD29-F6F07103C6E0>

2. 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 VARIANCE 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 residence by a new breezeway.

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=62767cdeef95c04ac93422c4cb6b32a9f083ad2da05888dd534f2ed0028db00&VaultGUID=A4A7DACD-B0DC-4322-BD29-F6F07103C6E0>

3. 2020-009351VAR (ALEX WESTHOFF)

2619 MISSION STREET, Lot 029 Block 3637, in a Mission Street Neighborhood Commercial Transit Zoning District, and a 65-B Height and Bulk District.

REAR YARD, OPEN SPACE, AND EXPOSURE VARIANCES SOUGHT: The proposal is to add 8 additional dwelling units at rear of the basement and first story of an existing mixed-use building with 32 existing units. The project will excavate the existing rear yard by a depth of approximately 10 feet but will not expand the existing building.

PLANNING CODE SECTION 134 requires the subject property to maintain a minimum rear yard depth equal to 25% of the total lot depth, but no less than 15 feet, which for this property is 30 feet 8 inches. Though no further encroachment into the rear yard is proposed, the rear yard is currently only 8 feet 7 inches. Therefore, the conversion to residential use within the noncomplying building requires a variance.

PLANNING CODE SECTION 135 requires 100 square feet of common open space per dwelling unit, which for this project totals 4,000 gross square feet of open space. Currently there is 950 square feet of open space for existing units, and no additional open space proposed. Therefore, the project requires a variance.

PLANNING CODE SECTION 140 requires that each dwelling unit has at least one room that faces onto a qualifying open area. The 8 proposed units face the rear yard, which does not meet these dimensional requirements. 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=e8f513bb997874c2a06c03627f1091de217e67f4ee3620b2c066624a88ec219b&VaultGUID=A4A7DACD-B0DC-4322-BD29-F6F07103C6E0>

4. 2021-011747VAR (GRETEL GUNTHER)

3801 JACKSON STREET, Lot 001 in Assessor's Block 0990 in an RH-1 Zoning District and a 40-X Height and Bulk District

REAR YARD VARIANCE SOUGHT: The proposal is to construct an approximately 101 square-foot horizontal addition at the ground floor at the southwest corner of the existing single-family home.

PLANNING CODE SECTION 134 requires properties in the RH-1 Zoning District to maintain a rear yard equal to 30% percent of the total lot depth. The subject property, with lot depths ranging from approximately 75 feet to 80 feet from Cherry Street, has a required rear yard ranging from approximately 23 feet to 24 feet due to the varying depth of the lot at the rear lot line. Approximately 42

square feet of the horizontal addition will be within the required rear yard of the lot. 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=ce4922d4f364e7e284eefc0fe9cfd372ab5fc7d862c890c0d252dcf55e2d1ad9&VaultGUID=A4A7DACD-B0DC-4322-BD29-F6F07103C6E0>

5. **2021-003239VAR** (GRETEL GUNTHER)
4216 CALIFORNIA STREET, Lot 019 in Assessor's Block 1364 in an NC-1 Zoning District and a 40-X Height and Bulk District

REAR YARD VARIANCE SOUGHT: The proposal is to convert the second and third stories of a three-story commercial building into two dwelling units (one dwelling unit per floor) with a roof deck at the rear of the third floor. The ground floor would contain two bicycle parking spaces for the dwelling units above but would otherwise remain commercial at the ground floor. No expansion of the building is proposed.

PLANNING CODE SECTION 134 requires a rear yard area in an NC-1 Zoning District to be equal to 25 percent of the total lot depth at all stories. The subject property, with lot depths ranging from approximately 86 feet to 89 feet from California Street, has a required rear yard of 20 feet 4 inches. The existing building has full lot coverage at the second floor and encroaches into the required rear yard approximately 2 feet 5 inches at the third floor. A 42-inch tall and 47-inch-wide solid firewall is also proposed at the western property line on the proposed third floor roof deck, which is on a noncomplying portion of the building. 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://citypln-m-extnl.sfgov.org/SharedLinks.aspx?accesskey=50ed346d2bd9d19002ae8f67afd5ee9a199c844bc06c32b2e54678e6ae862a03&VaultGUID=A4A7DACD-B0DC-4322-BD29-F6F07103C6E0>

6. **2021-008884VAR** (RYAN BALBA)
411 EDNA STREET, Lot 006 in Assessor's Block 3121 in an RH-1 Zoning District and a 40-X Height and Bulk District

REAR YARD VARIANCE SOUGHT: The proposal is to construct a horizontal addition at the rear of an existing three-story, single-family building. The project also includes an interior remodel, the expansion of the front dormer, and alterations to the roof and facades.

PLANNING CODE SECTION 134 requires the subject lot to maintain a minimum rear yard equal to 30 percent of the total lot depth. The required rear yard for the subject property is 30 feet. The entirety of the horizontal addition will encroach into the required rear yard. Therefore, a variance is required.

ARCHITECTURAL PLANS: The site plan and elevations of the proposed project are available on the Planning Department's website at: <https://citypln-m-extnl.sfgov.org/SharedLinks.aspx?accesskey=ba4af2db033847d8823f8cae7caf8a3dd927c261b70a216396621c7abce3543&VaultGUID=A4A7DACD-B0DC-4322-BD29-F6F07103C6E0>

7. **2021-012135VAR** (RYAN BALBA)
3967 - 22ND AVENUE, Lot 034 in Assessor's Block 2771 in an RH-2 Zoning District and a 40-X Height and Bulk District

REAR YARD VARIANCE SOUGHT: The proposal is to construct a vertical and horizontal addition to an existing two-story, single-family building. The project also includes an interior remodel, facade alterations, and new roof balcony.

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 4 inches. The proposed vertical and horizontal additions will encroach into the required rear yard. Therefore, a variance is required.

ARCHITECTURAL PLANS: The site plan and elevations of the proposed project are available on the Planning Department's website at: <https://citypln-m-extnl.sfgov.org/SharedLinks.aspx?accesskey=7ce3bdc0ab0a4b49901ff691d51386fb9846a7dc659a63327241d8f7df5fca41&VaultGUID=A4A7DACD-B0DC-4322-BD29-F6F07103C6E0>

B. 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.