

PLANNING DEPARTMENT CITY AND COUNTY OF SAN FRANCISCO

Notice of Hearing on Applications for Zoning Variance

CITY HALL - Room 400
1 Dr. Carlton B. Goodlett Place

Wednesday, December 6, 2023

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 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.

Instructions for Remote Public Comment

PHONE

Phone number: +1 (415) 655-0001
Access Code: 2664 818 4851##

Note: the Access Code will change for each hearing.

1. Call phone number, **enter Access Code, then press ##** (pound, pound).
2. When you hear "You are muted." Stop and **listen**.
3. Wait for **Public Comment** to be announced (by Item Number or for General Public Comment).
4. **To comment, press * 3** (star 3) to "raise your hand."
5. Once you raise your hand, you will hear the prompt: **"You have raised your hand to ask a question. Please wait to speak until the host calls on you."**
6. Wait for your turn to speak.
7. When you hear **"you're unmuted"** that is your indication to begin speaking.

IF YOU NO LONGER WANT TO COMMENT

- Press * 3 (star 3) to lower your hand.

ONLINE

[Link to WebEx](#)
Password: VAR1206

Note: the link and password will change for each hearing.

1. Click on above hyperlink "Link to WebEx."
2. Enter your First and Last name, plus email address.
3. Enter Password and click ok.
4. Stop and **listen**.
5. Wait for **Public Comment** to be announced (by Item Number or for General Public Comment).
6. To comment click on **"raise hand"** icon.
7. You will hear a beep and see the prompt **"the host has unmuted you"** - that is your indication to begin speaking.

IF YOU NO LONGER WANT TO COMMENT

- Click "raise hand" icon again.

PUBLIC COMMENT

- You will receive instructions on how much time you have to provide your comments. You will receive an alert when you have only 30 seconds left.
- Once your public comment time has ended, you will move out of the speaker line and back to listening as a participant (unless you disconnect).
- Participants who wish to speak on other items on the Agenda, or for other comment periods, may stay on the meeting line and listen for the next prompt.

A. CONSENT CALENDAR

- 1. 2023-003524VAR (KIMBERLY DURANDET)**
165 EDGEWOOD AVENUE, Lot 008 in Assessor's Block 2641, in an RH-1(D) Zoning District, and a 40-X Height and Bulk District

REAR YARD VARIANCE SOUGHT: The proposal is to raise the roof, construct a dormer window, and add a bay window to a residential building that is located in the rear yard.

PLANNING CODE SECTION 134 requires that the property maintain a 30% rear yard from the rear property line. While the proposed bay window is within the permitted buildable area, the proposed dormer and roof work fall 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=cf06a95584768e2e055a2ca65934cc7f7ad4e90b95329db11eb9edd12ca79048&VaultGUID=A4A7DACD-B0DC-4322-BD29-F6F07103C6E0>
- 2. 2023-004710VAR (ELIZABETH GORDON-JONCKHEER)**
223 LAUSSAT STREET, Lot 009A in Assessor's Block 0860, in an RH-3 Zoning District, and a 40-X Height and Bulk District

REAR YARD VARIANCE SOUGHT: The proposal is to demolish the rear deck and stairs and replace with a slightly smaller deck and alternative stair design.

PLANNING CODE SECTION 134 requires properties the subject lot to maintain a rear yard equal to 45 percent of the total lot depth, unless reduced to the average of qualifying adjacent rear building walls, but not less than 25% or 15 feet, whichever is greater. The subject property, with a lot depth of approximately 54 feet, has a required rear yard of 15 feet. The proposed deck will extend approximately 4 feet 10 inches into the required rear yard and the proposed stairs will be located completely in 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=1285c0ad03e468617533442e58ca399a849e525daef094ad30875a1294fdb6f&VaultGUID=A4A7DACD-B0DC-4322-BD29-F6F07103C6E0>
- 3. 2022-012621VAR (HEATHER SAMUELS)**
731 GROVE STREET, Lot 034A in Assessor's Block 0805, in an RH-3 Zoning District, and a 50-X Height and Bulk District

REAR YARD VARIANCE SOUGHT: The proposal is to construct a one-story rear addition (mudroom) within the required rear yard underneath an existing legal nonconforming deck.

PLANNING CODE SECTION 134 requires the subject property to maintain a rear yard equal to approximately 27 feet based on averaging of adjacent buildings. The proposed addition would fall 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=d90d12134592a36a8eee3238bf865979a278cd86c12dc602cefc6d93d851c6f7&VaultGUID=A4A7DACD-B0DC-4322-BD29-F6F07103C6E0>

B. REGULAR CALENDAR

4. 2022-000363VAR

(JIA HONG SITU)

274 RANDALL STREET, Lot 016 in Assessor's Block 6653, in an RH-2 Zoning District, Central Neighborhoods Large Residence Special Use District, and a 40-X Height and Bulk District

REAR YARD VARIANCE SOUGHT: The proposal is a horizontal expansion at the rear of the first and second floors, and add rear decks to all three floors of an existing, 3-story, single-family building.

PLANNING CODE SECTION 134 requires the property to maintain a rear yard that is 45% of the lot depth or average of adjacent buildings, but in no case less than 25% or 15 feet, whichever is greater. The proposed rear expansion extends 1 foot into the required averaged 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=93c917defd1f65cf788e28949a91fa0e3226dc553a8dfd1436383237eacc3b4&VaultGUID=A4A7DACD-B0DC-4322-BD29-F6F07103C6E0>

5. 2023-007496VAR

(EDGAR OROPEZA)

638 RHODE ISLAND STREET, Lot 005 in Assessor's Block 4030, in an RH-2 Zoning District, and a 40-X Height and Bulk District

REAR YARD VARIANCE SOUGHT: The proposal is to construct a horizontal addition to and raise the roof height of the two-story, single-family building at the rear of the property. Additionally, the proposal is to demolish and replace the existing stairs at the rear of the front building, and to add a roof deck to the front building.

PLANNING CODE SECTION 134 requires the subject property to maintain a rear yard of approximately 25 feet measured from the rear property line. A Zoning Administrator interpretation also requires a minimum separation of 25 feet between the front and rear building. The proposal would expand the building within the rear yard and reduce the area between the buildings. 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=03786b1e8b289830ef83f9190efe02af6241ca1a3a66d8c7d275973e46975250&VaultGUID=A4A7DACD-B0DC-4322-BD29-F6F07103C6E0>

6. **2022-007994VAR** (KURT BOHN)
6 SAN PABLO AVENUE, Lot 002 in Assessor's Block 3013, in an RH-1 (D) Zoning District, and a 40-X Height and Bulk District

REAR YARD VARIANCE SOUGHT: The proposal is to construct a three-story stair and landing that will extend into the required rear yard to allow access to a proposed roof deck, to an existing three-story, single-family building.

PLANNING CODE SECTION 134 requires the subject property to maintain a rear yard of 30% of the lot depth, but in no case less than 15 feet. The proposed stair and landing are 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=1de60277bfb4d9d5e50671bfdedd664909657b184cebb0c823f7c331849a7ef&VaultGUID=A4A7DACD-B0DC-4322-BD29-F6F07103C6E0>

7. **2022-006225VAR** (DAKOTA SPYCHER)
151 BERNARD STREET, Lot 015A in Assessor's Block 0156, in an RH-3 Zoning District, and a 65-A Height and Bulk District

REAR YARD VARIANCE SOUGHT: The proposal is to expand the 3rd floor to match the full building envelope, add a stair penthouse and deck at the roof level, construct rear fire escapes, and add a 1-car garage to the existing building.

PLANNING CODE SECTION 134 requires that the property maintain a rear yard that is 45% of the lot depth or average of adjacent buildings, but in no case less than 25% or 15 feet, whichever is greater. The rear expansion of the 3rd floor and fire escapes would 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=c3d78d8b63af0bea2798024ce7b1921977cfcea03c8f3e8b71b089584c6e8b2f&VaultGUID=A4A7DACD-B0DC-4322-BD29-F6F07103C6E0>

8. **2023-001821VAR** (DAKOTA SPYCHER)
9-11 KENNETH REXROTH PLACE, Lots 040 and 041 in Assessor's Block 0146, in the North Beach NCD, and a 40-X Height and Bulk District

REAR YARD REASONABLE MODIFICATION VARIANCE SOUGHT: The project proposes to construct a 4-story horizontal addition for a new elevator along the south and west property lines. The project also proposes to construct a new 3-story staircase at the rear.

PLANNING CODE SECTION 134 requires the subject property to maintain a rear yard of 25% of the lot depth, but in no case less than 15 feet. The proposed elevator and staircase will fall entirely within the required rear yard. Therefore, a reasonable modification 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=9071f454eb5f85d328d81a0fba73a087571631daddb5b6b1864b41e1864ffe23&VaultGUID=A4A7DACD-B0DC-4322-BD29-F6F07103C6E0>

9. **2021-002010VAR** (VINCENT PAGE)
1439-1441 OAK STREET, Lot 036 in Assessor's Block 1221, in an RH-3 Zoning District, and a 40-X Height and Bulk District

REAR YARD VARIANCE SOUGHT: The Project proposes a horizontal addition and dormer windows in a two-story over basement, four-unit residential building to allow the development pursuant to Planning Code Section 134(c)(4) of an ADU at the attic level. The building's legally existing fourth dwelling unit, which was removed by means of residential merger, would be reinstated in its original location on the building's 2nd level. The Project includes a second ADU at the basement level, and the development of a deck within the required rear yard to provide private open space for the attic level ADU.

PLANNING CODE SECTION 134 requires that properties in the RH-3 Zoning Districts maintain a rear yard equivalent to 45 percent of the total lot depth at grade level and at each succeeding story of the building, unless reduced to the average of qualifying adjacent rear building walls. The subject property, with a lot depth of 110 feet from Oak Street, has a minimum required rear yard of 49 feet and 6 inches but benefits pursuant to Subsection 134(e) from a reduced rear yard of 34 feet. The proposed deck would extend by approximately 18 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=85d540fa8ba9965b7204183fe0b8e6d71031cdd94cd83ab183f98c80b66c7fa2&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**. 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 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.