



SAN FRANCISCO PLANNING DEPARTMENT

MEMO

DATE: November 10, 2011
TO: Interested Parties
FROM: Linda D. Avery
Planning Commission Secretary
RE: Planning Commission Action – DRA No. 0241

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Property Address: 135 El Camino del Mar
Building Permit Application No.: 2010.01.07.4358
Discretionary Review Case No.: 2011.0063DD

On May 19, 2011, the Planning Commission conducted a Discretionary Review hearing, which was subsequently continued to November 10, 2011, to consider the following project:

135 El Camino del Mar – south side between 25th Avenue and the western most entrance to the Presidio; Lot 031 in Assessor's Block 1334 – Request for Discretionary Review of Building Permit Application No. 2010.01.07.4358 proposing to legalize horizontal additions built without benefit of permit at the southeastern-most rear portion, along the east side and over the garage at the front of the single-family residence within an RH-1(D) (Residential House, One-Family, Detached), Scenic Special Sign District, and 40-X Height and Bulk District.

The Zoning Administrator considered rear yard and noncomplying structure variances.

ACTION

The Commission determined to **Take Discretionary Review and approve a modified project** to legalize additions to the subject property built without benefit of a building permit. They instructed staff to approve the project pursuant to the approved BPA No. 9802662/R1 on file with the Department of Building Inspection, with exception to those portions that encroach over any property line. Those portions of the building that encroach over any property line shall be removed and pulled off of any property line by a minimum of one linear foot; and the addition over the garage shall seek and justify a variance or be set back a minimum of three feet three inches from the front property line, in accordance with Planning Code Section 132.

FINDINGS

The reason(s) the Commission took the action described above include:

1. There are extraordinary or exceptional circumstances in the case. There is an active enforcement action pending with the Planning Department and outstanding violations with the Department of

Building Inspection for work performed to enlarge the subject building without benefit of a permit;

2. There are errors incorporated into BPA No. 9802662/R1, in that the site plan and floor plans are inaccurate and the project never received a variance from the front setback requirement;
3. The owner of the subject property knowingly built beyond the scope of work approved under BPA No. 9802662/R1, into the required rear yard, side yard and front setback; and
4. The proposal does not comply with the Planning Code, the General Plan, and does not conform to the Residential Design Guidelines in that the illegal additions are out of scale with the existing character of buildings on the same block, across the street and in the neighborhood.

Speakers at the hearing included:

In support of the project	In support of the DR request
John Carey	Sue Hestor
	Joe Butler
	Rodney Grebe

Ayes: Commissioner(s) Borden, Fong, Moore, Sugaya, Miguel

Nayes: Commissioner(s) Antonini

Absent: Commissioner(s) Olague

Case Planner: Jonas P. Ionin, (415) 558-6309

You can appeal the Commission's action to the Board of Appeals by appealing the issuance of the permit. Please contact the Board of Appeals at (415) 575-6880 for further information regarding the appeals process.

cc: Linda D. Avery

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