# Discretionary Review Abbreviated Analysis

**HEARING DATE: AUGUST 14, 2014** 

1650 Mission St. Suite 400 San Francisco, CA 94103-2479

Reception:

415.558.6378

Fax:

**415.558.6409** Planning

Planning Information: **415.558.6377** 

Date: August 7, 2014 Case No.: **2014.0786D** 

Project Address: 1804 MASON STREET

Permit Application: 2013.1022.9927

Zoning: RM-2 (Residential – Mixed, Moderate Density)

40-X Height and Bulk District

Block/Lot: 0101/048-50 Project Sponsor: Larry A. Paul

> 110 Carlos Drive, Suite A San Rafael, CA 94903

Staff Contact: Kanishka Burns – (415) 575-9112

kanishka.burns@sfgov.org

Recommendation: Do not take DR and approve as proposed

### PROJECT DESCRIPTION

The Project proposes to construct a roof deck with cornice parapet, windscreen and stair penthouse above the existing three-story over basement garage mixed-use building. The proposal includes a three foot, six inch cornice parapet that will serve as a guardrail for the roof deck, which will be accessed via a glass enclosed, sloped roof stair penthouse. The windscreen will be four feet tall, above the proposed cornice, and setback five feet from the front building façade.

### SITE DESCRIPTION AND PRESENT USE

The Project site is located at the northeast corner of Mason Street and Union Street in the Russian Hill neighborhood. The subject lot has a 25 foot frontage on Mason Street and is 57.5 feet along Union Street. The site is developed with a three-story over basement garage, mixed-use building that was constructed in 1911 and covers nearly the entire lot. The building features a residential entry on Mason Street and two garage entries on Union Street. A Restaurant (d.b.a. Trattoria Contadina) operates at the ground floor. The second and third stories are occupied by single level flats. The building was converted to condominiums in 2012.

### SURROUNDING PROPERTIES AND NEIGHBORHOOD

The subject property is located adjacent to a three-story, six unit apartment building to the north and a three-story, two unit condominium building to the rear (east). The subject property is located at the intersection of Mason Street and Union Street. Structures at the intersection and surrounding area have a strong defined character consisting of similar massing, projecting bays, detailed cornices and parapets. The four corner buildings are three to four stories tall with projecting bays, cornices and parapets. The structure at the northwest corner of the intersection appears to retain the most original character, while the southeast and southwest corner buildings appear to be altered. With the exception of the subject building, each corner building features a fourth floor penthouse and roof deck. The subject building

appears to have been stripped of character defining features and is the only building lacking a cornice and parapet. The proposed cornice parapet will make the building more compatible with the surrounding area without creating a sense of false historicism.

The subject property is located in a moderate density mixed residential area. The surrounding area consists of a high degree of lot coverage and frequent mid-block alleys. Many lots contain more than one structure and mid-block open space is minimal. The subject block is split between RM-2 Zoning and the North Beach Neighborhood Commercial District. Columbus Avenue and Washington Square Park are located one block east of the subject property. The neighborhood is located uphill from Fisherman's Wharf and features dramatic views of the San Francisco Bay.

### **BUILDING PERMIT NOTIFICATION**

TYPE	REQUIRED PERIOD	NOTIFICATION DATES	DR FILE DATE	DR HEARING DATE	FILING TO HEARING TIME
311 Notice	30 days	April 11, 2014 – May 11, 2014	May 12, 2014	August 14, 2014	94 days

### **HEARING NOTIFICATION**

ТҮРЕ	REQUIRED PERIOD	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUAL PERIOD
Posted Notice	10 days	August 4, 2014	August 4, 2014	10 days
Mailed Notice	10 days	August 4, 2014	August 4, 2014	10 days

### **PUBLIC COMMENT**

	SUPPORT	OPPOSED	NO POSITION
Adjacent neighbor(s)	N/A	N/A	Х
Other neighbors on the			
block or directly across	N/A	1*	N/A
the street			
Neighborhood groups	N/A	N/A	Χ

<sup>\*</sup>The neighbor opposed to the project is the Discretionary Review requestor residing across Union Street at 1760 Mason Street.

Two neighbors residing at 30 Winter Place, located at the rear of a property directly across Union Street, have also submitted letters of opposition.

### DR REQUESTOR

James Assing, owner and resident of 1760 Mason Street which faces the subject the property across Union Street.

SAN FRANCISCO
PLANNING DEPARTMENT

### DR REQUESTOR'S CONCERNS AND PROPOSED ALTERNATIVES

See attached *Discretionary Review Application*, dated May 12, 2014 and supplemental information, dated August 4, 2014.

### PROJECT SPONSOR'S RESPONSE TO DR APPLICATION

See attached Response to Discretionary Review, dated July 28, 2014 and rebuttal, dated August 5, 2014.

### **ENVIRONMENTAL REVIEW**

The Department has determined that the proposed project is exempt/excluded from environmental review, pursuant to CEQA Guideline Section 15301 (Class One - Minor Alteration of Existing Facility, (e) Additions to existing structures provided that the addition will not result in an increase of more than 10,000 square feet). This action constitutes the Approval Action for the project for purposes of CEQA, pursuant to Section 31.04(h) of the San Francisco Administrative Code.

### RESIDENTIAL DESIGN TEAM REVIEW

The Residential Design Team (RDT) found that the proposed project meets the standards of the Residential Design Guidelines (RDGs) and that the project does not present any exceptional or extraordinary circumstances for the following reasons:

- The windscreen is setback 5 feet from the street front as required by the RDT on December 12, 2013 (RDGs p. 40-41).
- The penthouse is reduced in size and the roof is sloped to provide the minimum required headroom as required by the RDT on December 12, 2013 and February 12, 2014 (RDGs p. 38-39).
- The placement and scale of the cornice and parapet is compatible with the building and surrounding area (RDGs p. 43 and 39).
- The deck provides a solid railing via the cornice to maximize privacy (RDGs p.17).

Under the Commission's pending DR Reform Legislation, this project would not be referred to the Commission as this project does not contain or create any exceptional or extraordinary circumstances.

### RECOMMENDATION: Do not take DR and approve project as proposed

### **Attachments:**

Block Book Map

Sanborn Map

Zoning Map

Aerial Photographs

Context Photographs

Section 311 Notice

**DR** Application

Response to DR Application dated July 28, 2014

DR Requestor Supplemental Statement dated August 4, 2014

Project Sponsor Rebuttal Statement dated August 5, 2014

**Public Comment** 

Reduced Plans

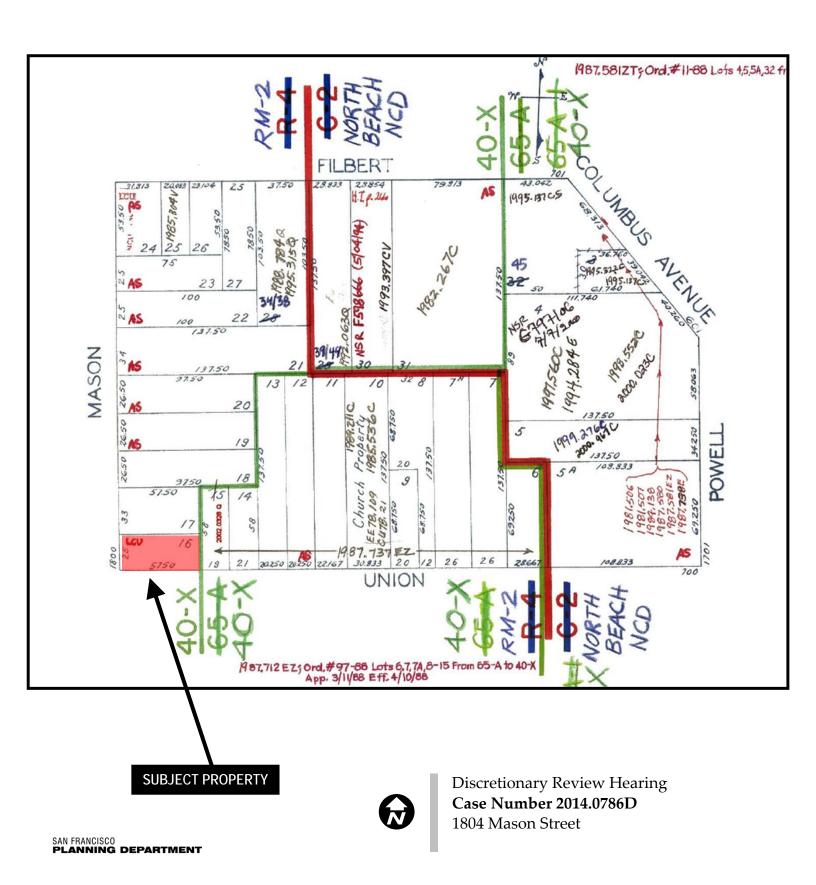
SAN FRANCISCO
PLANNING DEPARTMENT

# Discretionary Review – Abbreviated Analysis August 7, 2014

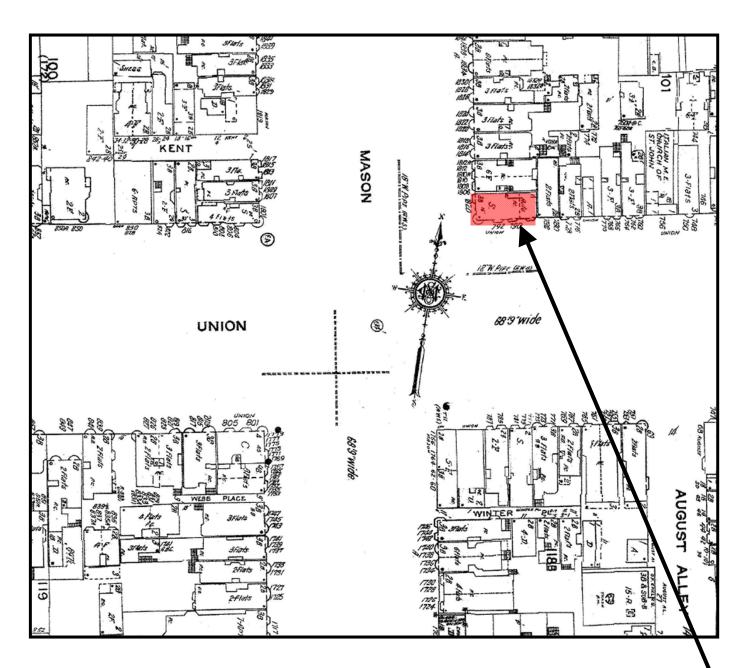
CASE NO. 2014.0786D 1804 Mason Street

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### **Parcel Map**



## Sanborn Map\*



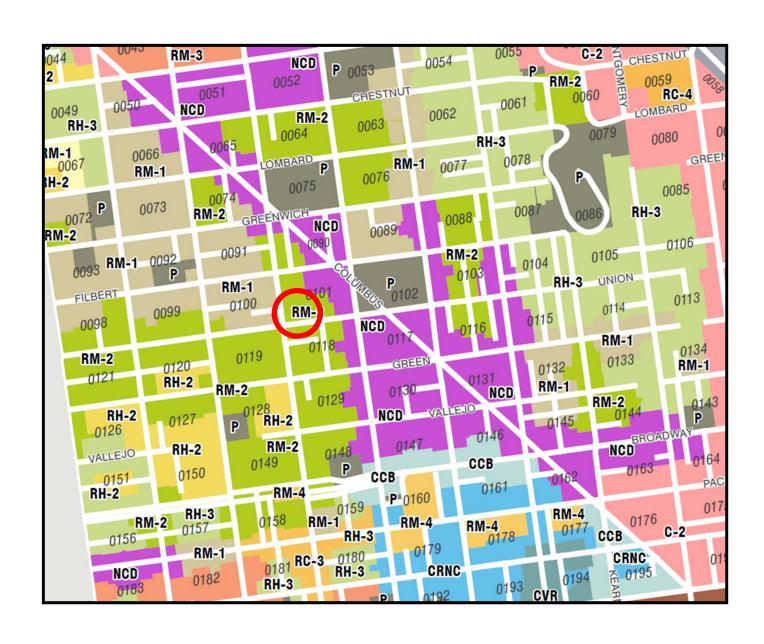
\*The Sanborn Maps in San Francisco have not been updated since 1998, and this map may not accurately reflect existing conditions.

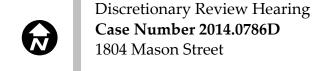
SUBJECT PROPERTY



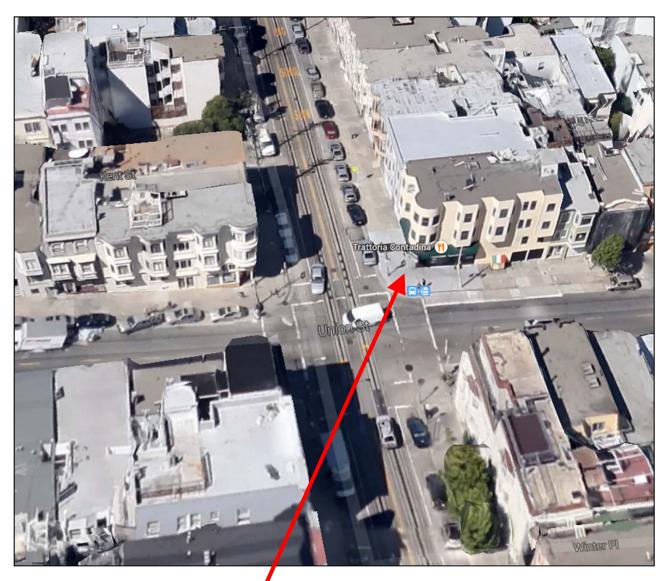
Discretionary Review Hearing Case Number 2014.0786D 1804 Mason Street

### **Zoning Map**





# Aerial Photo (looking north)



Source: Google Maps, March 2014

SUBJECT PROPERTY



Discretionary Review Hearing Case Number 2014.0786D 1804 Mason Street

### **Site Photo**



Source: Google Maps, March 2014

Discretionary Review Hearing Case Number 2014.0786D 1804 Mason Street 1650 Mission Street Suite 400 San Francisco, CA 94103

#### TICE OF BUILDING PERMIT APPLICATION (SECTION 311)

On October 22, 2013, the Applicant named below filed Building Permit Application No. 2013.10.22.9927 with the City and County of San Francisco.

PROP	ERTY INFORMATION	APPL	APPLICANT INFORMATION		
Project Address:	1804 Mason Street	Applicant:	Larry A. Paul		
Cross Street(s):	Union Street	Address:	110 Carlos Drive, Ste. A		
Block/Lot No.:	0101/048-50	City, State:	San Rafael, CA 94903		
Zoning District(s):	RM-2 / 40-X	Telephone:	(415) 992-9282		

You are receiving this notice as a property owner or resident within 150 feet of the proposed project. You are not required to take any action. For more information about the proposed project, or to express concerns about the project, please contact the Applicant listed above or the Planner named below as soon as possible. If you believe that there are exceptional or extraordinary circumstances associated with the project, you may request the Planning Commission to use its discretionary powers to review this application at a public hearing. Applications requesting a Discretionary Review hearing must be filed during the 30-day review period, prior to the close of business on the Expiration Date shown below, or the next business day if that date is on a week-end or a legal holiday. If no Requests for Discretionary Review are filed, this project will be approved by the Planning Department after the Expiration Date.

Members of the public are not required to provide personal identifying information when they communicate with the Commission or the Department. All written or oral communications, including submitted personal contact information, may be made available to the public for inspection and copying upon request and may appear on the Department's website or in other public documents.

PROJECT SCOPE						
□ Demolition	□ New Construction	☑ Alteration				
☐ Change of Use	■ Façade Alteration(s)	☐ Front Addition				
☐ Rear Addition	☐ Side Addition	☐ Vertical Addition				
PROJECT FEATURES	EXISTING	PROPOSED				
Building Use	Ground Floor Restaurant and	No Change				
	Two-Family Dwelling					
Front Setback	None	No Change				
Side Setbacks	None	No Change				
Building Depth	57 feet, 6 inches	No Change				
Rear Yard	None	No Change				
Building Height	38 feet, 8 inches	No Change				
Number of Stories	3	No Change				
Number of Dwelling Units	2	No Change				
	DDO IFCT DECCDIDITION					

The proposal is to construct a roof deck with cornice parapet, windscreen and stair penthouse. The proposal includes a 3 foot, 6 inch cornice parapet that will serve as a guardrail for the roof deck, which will be accessed via a glass enclosed, sloped roof stair penthouse. The windscreen will be set back 5 feet from the front building façade. See attached plans.

The issuance of the building permit by the Department of Building Inspection or the Planning Commission project approval at a discretionary review hearing would constitute as the Approval Action for the project for the purposes of CEQA, pursuant to Section 31.04(h) of the San Francisco Administrative Code.

### For more information, please contact Planning Department staff:

Kanishka Burns Planner:

Notice Date: 4/11/2014 Telephone: (415) 575-9112 Expiration Date: 5/11/2014 E-mail: kanishka.burns@sfgov.org

中文詢問請電: (415) 575-9010

Para información en Español llamar al: (415) 575-9010

### GENERAL INFORMATION ABOUT PROCEDURES

Reduced copies of the proposed project plans have been included in this mailing for your information. If you have questions about the plans, please contact the project Applicant listed on the front of this notice. You may wish to discuss the plans with your neighbors or neighborhood association, as they may already be aware of the project. If you have general questions about the Planning Department's review process, please contact the Planning Information Center at 1660 Mission Street, 1st Floor (415/558-6377) between 8:00am - 5:00pm Monday-Friday. If you have specific questions about the proposed project, you should contact the planner listed on the front of this notice.

If you believe that the impact on you from the proposed project is significant and you wish to seek to change the project, there are several procedures you may use. We strongly urge that steps 1 and 2 be taken.

- 1. Request a meeting with the project Applicant to get more information and to explain the project's impact on you.
- 2. Contact the nonprofit organization Community Boards at (415) 920-3820, or online at <a href="https://www.communityboards.org">www.communityboards.org</a> for a facilitated discussion in a safe and collaborative environment. Community Boards acts as a neutral third party and has, on many occasions, helped reach mutually agreeable solutions.
- 3. Where you have attempted, through the use of the above steps or other means, to address potential problems without success, please contact the planner listed on the front of this notice to discuss your concerns.

If, after exhausting the procedures outlined above, you still believe that exceptional and extraordinary circumstances exist, you have the option to request that the Planning Commission exercise its discretionary powers to review the project. These powers are reserved for use in exceptional and extraordinary circumstances for projects which generally conflict with the City's General Plan and the Priority Policies of the Planning Code; therefore the Commission exercises its discretion with utmost restraint. This procedure is called Discretionary Review. If you believe the project warrants Discretionary Review by the Planning Commission, you must file a Discretionary Review application prior to the Expiration Date shown on the front of this notice. Discretionary Review applications are available at the Planning Information Center (PIC), 1660 Mission Street, 1st Floor, or online at <a href="https://www.sfplanning.org">www.sfplanning.org</a>). You must submit the application in person at the Planning Information Center (PIC) between 8:00am - 5:00pm Monday-Friday, with all required materials and a check payable to the Planning Department. To determine the fee for a Discretionary Review, please refer to the Planning Department Fee Schedule available at <a href="https://www.sfplanning.org">www.sfplanning.org</a>. If the project includes multiple building permits, i.e. demolition and new construction, a <a href="https://www.sfplanning.org">separate request</a> for Discretionary Review must be submitted, with all required materials and fee, for <a href="https://www.sfplanning.org">each</a> permit that you feel will have an impact on you. Incomplete applications will not be accepted.

If no Discretionary Review Applications have been filed within the Notification Period, the Planning Department will approve the application and forward it to the Department of Building Inspection for its review.

### **BOARD OF APPEALS**

An appeal of the Planning Commission's decision on a Discretionary Review case may be made to the **Board of Appeals within 15 calendar days after the building permit is issued** (or denied) by the Department of Building Inspection. Appeals must be submitted in person at the Board's office at 1650 Mission Street, 3rd Floor, Room 304. For further information about appeals to the Board of Appeals, including current fees, contact the Board of Appeals at (415) 575-6880.

#### **ENVIRONMENTAL REVIEW**

This project has undergone preliminary review pursuant to California Environmental Quality Act (CEQA). If, as part of this process, the Department's Environmental Review Officer has deemed this project to be exempt from further environmental review, an exemption determination has been prepared and can be obtained through the Exemption Map, on-line, at <a href="www.sfplanning.org">www.sfplanning.org</a>. An appeal of the decision to exempt the proposed project from CEQA may be made to the Board of Supervisors within 30 calendar days after the project approval action identified on the determination. The procedures for filing an appeal of an exemption determination are available from the Clerk of the Board at City Hall, Room 244, or by calling (415) 554-5184.

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.

# **APPLICATION FOR Discretionary Review**

1. Owner/A	Applicant Inf	ormation					
DR APPLICANT	S NAME:						
James Assin	g						
DR APPLICANT	S ADDRESS:			ZIP CODE	: TELEPHO	NE:	
1760 Masor	n Street, San F	rancisco.	- with a second and a second an	94113	(415)	956-8100	
PROPERTY OW	NER WHO IS DOING	THE PROJECT ON WHI	CH YOU ARE REQUEST	TING DISCRETIONARY REVIEW	NAME:		
Clemens, c	o L.A. Paul &	Associates					
ADDRESS:				ZIP CODE			
1804 Maso	n Street, San F	rancisco, CA		94113	(415)	992-9282	
CONTACT FOR	DR APPLICATION:						
Same as Above	Ryan J. P	atterson, Esq. /	Zacks & Freedm	nan, P.C.			
ADDRESS:		имидинист стор		ZIP CODE	TELEPHO	NE:	
235 Monto	omery Street	, Suite 400, San	Francisco, CA	94104	(415)	956-8100	
E-MAIL ADDRES	S:						
ryanp@zulp	oc.com						
						ZIP CODE: 94113	
Union Stree	et	(					
ASSESSORS BL	OCK/LOT:	LOT DIMENSIONS:	LOT AREA (SQ FT):	ZONING DISTRICT:	HEIGHT/BULI	K DISTRICT:	
0101	/4850	25' x 57.5'	1,437	RM-2	40-X		
3. Project  Please check all It  Change of U  Additions to  Present or Pr  Proposed Us	Se Chan  Building: revious Use:	Ground floor re	New Constru ont □ Heigh staurant and tw		s⊠ Demolition	n 🗍 Other 🗌	
•		2013.10.2	2.9927		Data Fil d Octo	ober 22, 2013	
Building Per	mit Applicatio	on No.			Date Filed:		

### 4. Actions Prior to a Discretionary Review Request

Prior Action	YES	ИО
Have you discussed this project with the permit applicant?	<b>X</b>	
Did you discuss the project with the Planning Department permit review planner?	<b>X</b>	
Did you participate in outside mediation on this case?		×

<ol><li>Changes Made to the Project as a Result of M</li></ol>	. (	it as a Result of Media	ation
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-	* '	ne applicant, planning staff inges there were made to t		ation, please
	plicant has not agreed to a	-	ne proposed project.	

### Discretionary Review Request

In the space below and on separate paper, if necessary, please present facts sufficient to answer each question.

1.	What are the reasons for requesting Discretionary Review? The project meets the minimum standards of the Planning Code. What are the exceptional and extraordinary circumstances that justify Discretionary Review of the project? How does the project conflict with the City's General Plan or the Planning Code's Priority Policies or Residential Design Guidelines? Please be specific and site specific sections of the Residential Design Guidelines.
ļ	Please see attached.
2.	The Residential Design Guidelines assume some impacts to be reasonable and expected as part of construction. Please explain how this project would cause unreasonable impacts. If you believe your property, the property of others or the neighborhood would be adversely affected, please state who would be affected, and how:
Р	lease see attached.
3.	What alternatives or changes to the proposed project, beyond the changes (if any) already made would respond to
	the exceptional and extraordinary circumstances and reduce the adverse effects noted above in question #1?
	icase see attached.

### Applicant's Affidavit

Under penalty of perjury the following declarations are made:

- a: The undersigned is the owner or authorized agent of the owner of this property.
- b: The information presented is true and correct to the best of my knowledge.

c: The other information or applications may be required.

Signature:

Date: 5/12/1

Print name, and indicate whether owner, or authorized agent:

Ryan J. Patterson, Esq.
Owner (Authorized Agents circle one)

### Discretionary Review Application Submittal Checklist

Applications submitted to the Planning Department must be accompanied by this checklist and all required materials. The checklist is to be completed and signed by the applicant or authorized agent.

REQUIRED MATERIALS (please check correct column)	DR APPLICATION
Application, with all blanks completed	W.
Address labels (original), if applicable	Q
Address labels (copy of the above), if applicable	Ø
Photocopy of this completed application	ď
Photographs that illustrate your concerns	
Convenant or Deed Restrictions	
Check payable to Planning Dept.	Ø,
Letter of authorization for agent	V
Other: Section Plan, Detail drawings (i.e. windows, door entries, trim), Specifications (for cleaning, repair, etc.) and/or Product cut sheets for new elements (i.e. windows, doors)	

NOTES:

Required Material.

Optional Material.

O Two sets of original labels and one copy of addresses of adjacent property owners and owners of property across street.

RECEIVED

MAY 1 2 2014

For Department Use Only Application received by Planning Department:

By: M. Corretk

CITY & COUNTY OF S.F.

Date:

### 1. Exceptional and Extraordinary Circumstances

The proposed project includes the addition of a 1,210 sq. ft. rooftop party deck, an 8-ft. tall windscreen, a 42-inch parapet, and an unnecessary stair penthouse. It will also add a 3′ 6″ parapet height extension styled as a faux-historic cornice above the existing stucco façade. The proposed project will have significant adverse impacts on the neighborhood, as described below. The application should be denied for a number of reasons.

The project conflicts with the Residential Design Guidelines:

GUIDELINE: Design windscreens to minimize impacts on the building's design and on light to adjacent buildings.

Windscreens provide protection for outdoor areas on rooftops. Design windscreens so they are compatible with the building's design <u>and do not increase the building's apparent height</u>. Also minimize the impact windscreens can have on light to adjacent buildings.

Consider the following in designing windscreens; other measures may also be appropriate depending on the circumstances of a particular project:

- Transparent windscreens are encouraged.
- The maximum recommended height of windscreens is eight feet.
- Where possible, locate the windscreens in a manner that minimizes their visibility from the street and surrounding properties.

Here, the proposed project includes an 8-ft. tall windscreen which will dramatically "increase the building's apparent height" and will be highly "visible from the street and surrounding properties." (See attached photos showing story poles.) Additionally, the Project Sponsor has indicated an unwillingness to use antireflective glass to reduce glare and increase transparency. The DR Requestor is willing to contribute to the cost of antireflective glass.

GUIDELINE: Articulate the building to minimize impacts on light and privacy to adjacent properties.

Provide shared light wells to maximize light to both properties.

The subject building is classified as a Potential Historic Resource. The proposed project includes an 8-ft. stair penthouse. (The penthouse is mistakenly drawn and noted as 11' 6," which should be corrected in the plans.) Despite being tapered, the penthouse blocks light and air to the adjacent building's light well. (See Site Plan, sheet A-1.) This proposed stair penthouse is unnecessary and adds significant mass to the building.

SECRETARY OF THE INTERIOR'S STANDARD FOR PRESERVATION: Deteriorated features from the restoration period will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and, where possible, materials.

The proposed project includes the installation of a faux-historic cornice/parapet, including dentil details. The Project Sponsor has reviewed historic photos of the building in the confidential Assessor's file, but those photos do not show a decorative cornice. Moreover, the photos do not show a decorative cornice being located above the existing roof level as a combination cornice/parapet.

SECRETARY OF THE INTERIOR'S STANDARD FOR PRESERVATION: Replacement of missing features from the restoration period will be substantiated by documentary and physical evidence. A false sense of history will not be created by adding conjectural features, features from other properties, or by combining features that never existed together historically.

As noted above, historic photos of the project site do <u>not</u> reflect a cornice/parapet as is being proposed. The building's historic features were stripped away in the mid-1950s. "Conjectural features" should not be added today without being "substantiated by documentary and physical evidence."

### 2. Unreasonable Impacts

The proposed project will have substantial adverse impacts on the neighborhood:

- Significant mass will be added above the existing roof level, in the form of a 3′ 6″ parapet, 8-ft. windscreen, and stair penthouse. This mass will be visible from adjacent buildings and from street level
- The 1,210 sq. ft. party deck will have noise and privacy impacts. Given the proposed size of the
  deck, impacts will likely exceed those of the moderately sized decks that are prevalent in the
  neighborhood. It should be noted that this deck will only be accessed by a single two-bedroom
  unit.
- Light and air will be blocked to the adjacent building's light well.

#### 3. Alternatives and Changes

The proposed project would benefit from a few simple changes. The Project Sponsor has indicated an unwillingness to compromise, but the DR Requestor remains committed to finding mutually agreeable solutions.

- Eliminate or lower the proposed parapet/cornice to be flush with the existing building height.
- Eliminate the proposed stair penthouse and replace with a stair court.
- Use an open railing, set back from the roof's edges to discourage party guests from standing at the edge of the roof (to reduce noise and privacy impacts).
- Reduce the height of the proposed windscreen and use antireflective glass. (The DR Requestor is willing to contribute to the increased cost of antireflective glass.)



	RA	ADIUS SERVICES 1221 HARF	RISON ST #18 SAN FRANCISCO	CA 94103 41	5 - 3 9 1 - 4 7	7 5
					14.	0786D
BLOCK	LOT	OWNER	OADDR	CITY	STATE	ZIP
0001	001	RADIUS SERVICES NO. 0101048T	1804 MASON ST	ZACKSFREE	14	0502
0001	002	. 21 . 22 . 22 . 22	69 64 69 89 8	F 1009 F 10	**	3.2
0001	003	RADIUS SERVICES	1221 HARRISON ST #18	SAN FRANCISCO	CA	94103
0001	004	ZACKS & FREEDMAN	235 MONTGOMERY ST #400	SAN FRANCISCO	CA	94104
0001	005	01 808 101 801 808	20.20.20.20.2		5	9.9
0100	011	WONG TRS	845 LAS LOMAS DR	MILPITAS	CA	95035-4526
0100	011	OCCUPANT	1807 MASON ST	SAN FRANCISCO		94133-2710
0100	011	OCCUPANT	1809 MASON ST	SAN FRANCISCO		94133-2710
0100	011	OCCUPANT	1811 MASON ST	SAN FRANCISCO		94133-2710
0100	012	WONG TRS	810 UNION ST	SAN FRANCISCO		94133-2619
0100	012	OCCUPANT	806 UNION ST	SAN FRANCISCO		94133-2619
0100	012	OCCUPANT	808 UNION ST	SAN FRANCISCO		94133-2619
0100	012	OCCUPANT	1801 MASON ST	SAN FRANCISCO		94133-2619
0100	013	JOHN BONELLI	816 UNION ST	SAN FRANCISCO		94133-2619
0100	013	OCCUPANT	818 UNION ST	SAN FRANCISCO		94133-2619
0100	054	SHEILA RYAN TRS	1813 MASON ST	SAN FRANCISCO		94133-2710
0100	055	MONIQUE DEFEBAUGH	1815 MASON ST	SAN FRANCISCO		94133-2710
0100	056	JANET RILEY	1817 MASON ST	SAN FRANCISCO		94133-2710
0101	016	CLEMENS TRS	2904 HEATHERSTONE DR	SAN RAFAEL	CA	94903-1400
0101	016	OCCUPANT	1800 MASON ST	SAN FRANCISCO		94133-2711
0101	016	OCCUPANT	1802 MASON ST	SAN FRANCISCO		94133-2711
0101	016	OCCUPANT	1804 MASON ST	SAN FRANCISCO		94133-2711
0101	017	LIM HEUNG TING TRSTEE	1806 MASON ST	SAN FRANCISCO		94133-2749
0101	017	OCCUPANT	1806 MASON ST	SAN FRANCISCO		94133-2749
0101	017	OCCUPANT	1808 MASON ST	SAN FRANCISCO		94133-2749
0101	017	OCCUPANT	1810 MASON ST	SAN FRANCISCO		94133-2749
0101	017	OCCUPANT	1810A MASON ST	SAN FRANCISCO		94133-2749 94133-2749
0101	017	OCCUPANT	1812 MASON ST	SAN FRANCISCO SAN FRANCISCO		94133-2749
0101	017	OCCUPANT	1812A MASON ST 780 UNION ST	SAN FRANCISCO		94133-2747
0101	046	JONOPULOS TRS	PO BOX 83	SAN FRANCISCO		94104-0083
0101	047	KENNETH GOTT	782 UNION ST	SAN FRANCISCO		94133-2747
0101	047 029	OCCUPANT SIK YEE	2503 ANZA ST	SAN FRANCISCO		94118-3536
0118 0118	029	OCCUPANT	15 WINTER PL	SAN FRANCISCO		94133-2719
0118	029	OCCUPANT	1742 MASON ST	SAN FRANCISCO		94133-2719
0118	029	OCCUPANT	1744 MASON ST	SAN FRANCISCO		94133-2719
0118	029	OCCUPANT	1746 MASON ST	SAN FRANCISCO		94133-2719
0118	035	CHUILUE	793 UNION ST	SAN FRANCISCO		94133-2723
0118	035	OCCUPANT	791 UNION ST	SAN FRANCISCO		94133-2723
0118	036	BACCARI TRS	430 W PORTAL AV	SAN FRANCISCO		94127-1407
0118	036	OCCUPANT	785 UNION ST	SAN FRANCISCO		94133-2723
0118	036	OCCUPANT	787 UNION ST	SAN FRANCISCO		94133-2723
0118	037	LINDA DAI QUAN	779 UNION ST	SAN FRANCISCO		94133
0118	037	OCCUPANT	781 UNION ST	SAN FRANCISCO		94133
0118	048	JAMES ASSING TRS	1760 MASON ST	SAN FRANCISCO		94133-2724
0118	049	JAMES ASSING TRS	1760 MASON ST	SAN FRANCISCO		94133-2724
0118	049	OCCUPANT	1762 MASON ST	SAN FRANCISCO		94133-2724
0118	050	JAMES ASSING TRS	1760 MASON ST	SAN FRANCISCO	CA	94133-2724
0118	050	OCCUPANT	1764 MASON ST	SAN FRANCISCO	CA	94133-2724
0119	001	1753 MASON ST LLC	500 WASHINGTON ST	SAN FRANCISCO		94111
0119	001	OCCUPANT	801 UNION ST	SAN FRANCISCO	CA	94133
0119	001	OCCUPANT	1753 MASON ST	SAN FRANCISCO	CA	94133
0119	001	OCCUPANT	1755 MASON ST	SAN FRANCISCO	CA	94133
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0119	001	OCCUPANT	1773 MASON ST	SAN FRANCISCO	CA	94133
0119	001	OCCUPANT	1775 MASON ST	SAN FRANCISCO	CA	94133
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0119	001	OCCUPANT	1779 MASON ST	SAN FRANCISCO	CA	94133

### RADIUS SERVICES 1221 HARRISON ST #18 SAN FRANCISCO CA 94103 415-391-4775

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0119	003	BRIGNARDELLO FAM TRS	524 SUNNYDALE AV	SAN FRANCISCO	CA	94134	
0119	003	OCCUPANT	1743 MASON ST	SAN FRANCISCO	CA	94133	
0119	003	OCCUPANT	1745 MASON ST	SAN FRANCISCO	CA	94133	
0119	003	OCCUPANT	1747 MASON ST	SAN FRANCISCO	CA	94133	
0119	061	THOMAS WHELAN	993 W COLLEGE AV	WESTERVILLE	ОН	43081	
0119	061	OCCUPANT	813 UNION ST	SAN FRANCISCO	CA	94133	
0119	062	NATHAN MEE	815 UNION ST	SAN FRANCISCO	CA	94133	
0119	063	GLENN ZWANG	817 UNION ST	SAN FRANCISCO	CA	94133	
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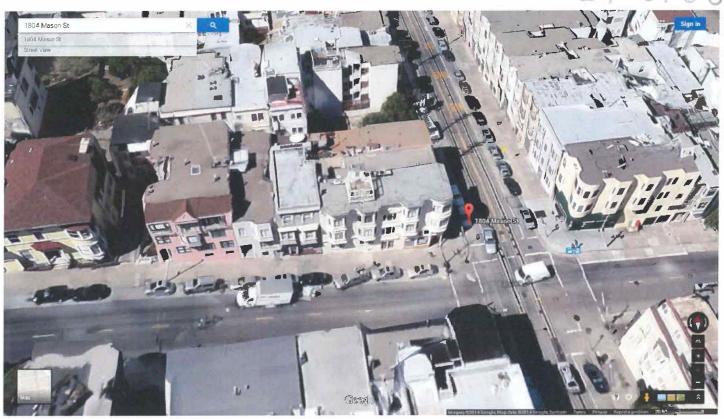
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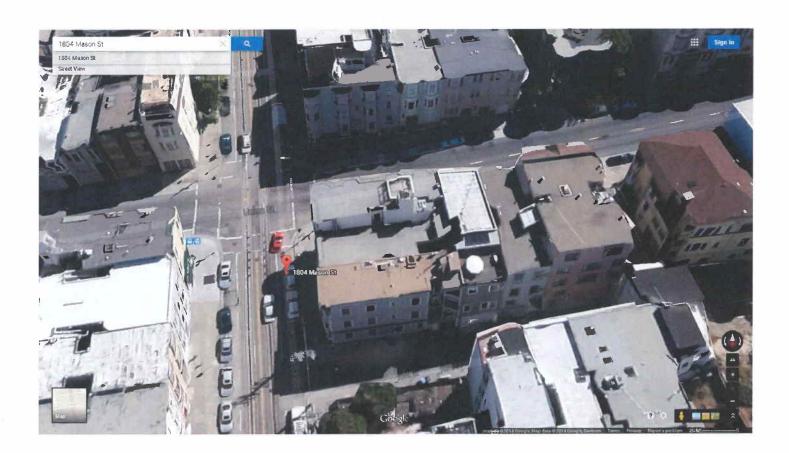






# 14.0786D





To Whom It May Concern:

I hereby authorize Zacks & Freedman, P.C. and its attorneys to file a request for discretionary review on my behalf for BPA No. 201310229927 - 1804 Mason Street.

May 8,2014

Very truly yours,

ames Assing

### RECEIVED

APR 2 2 2014

ZACKS & FREEDMAN, PC



### NOTICE OF BUILDING PERMIT APPLICATION (SECTION 311

On October 22, 2013, the Applicant named below filed Building Permit Application No. 2013.10.22.9927 with the City and County of San Francisco.

PROP	ERTY INFORMATION	APPL	ICANT INFORMATION	
Project Address:	1804 Mason Street	Applicant:	Larry A. Paul	
Cross Street(s):	Union Street	Address:	110 Carlos Drive, Ste. A	1000
Block/Lot No :	0101/048-50	City, State:	San Rafael, CA 94903	
Zoning District(s):	RM-2 / 40-X	Telephone:	(415) 992-9282	

You are receiving this notice as a property owner or resident within 150 feet of the proposed project. You are not required to take any action. For more information about the proposed project, or to express concerns about the project, please contact the Applicant listed above or the Planner named below as soon as possible. If you believe that there are exceptional or extraordinary circumstances associated with the project, you may request the Planning Commission to use its discretionary powers to review this application at a public hearing. Applications requesting a Discretionary Review hearing must be filed during the 30-day review period, prior to the close of business on the Expiration Date shown below, or the next business day if that date is on a week-end or a legal holiday. If no Requests for Discretionary Review are filed, this project will be approved by the Planning Department after the Expiration Date.

Members of the public are not required to provide personal identifying information when they communicate with the Commission or the Department. All written or oral communications, including submitted personal contact information, may be made available to the public for inspection and copying upon request and may appear on the Department's website or in other public documents.

	PROJECT SCOPE	
□ Demolition	□ New Construction	☑ Alteration
☐ Change of Use	☑ Façade Alteration(s)	☐ Front Addition
☐ Rear Addition	☐ Side Addition	☐ Vertical Addition
PROJECT FEATURES	EXISTING	PROPOSED
Building Use	Ground Floor Restaurant and Two-Family Dwelling	No Change
Front Setback	None	No Change
Side Setbacks	None	No Change
Building Depth	57 feet, 6 inches	No Change
Rear Yard	None	No Change
Building Height	38 feet, 8 inches	No Change
Number of Stories	3	No Change
Number of Dwelling Units	2	No Change

The proposal is to construct a roof deck with cornice parapet, windscreen and stair penthouse. The proposal includes a 3 foot, 6 inch cornice parapet that will serve as a guardrail for the roof deck, which will be accessed via a glass enclosed, sloped roof stair penthouse. The windscreen will be set back 5 feet from the front building façade. See attached plans.

The issuance of the building permit by the Department of Building Inspection or the Planning Commission project approvet at a discretionary review hearing would constitute as the Approval Action for the project for the purposes of CEQA, pursuant to Section 31.04(h) of the San Francisco Administrative Code.

For more information, please contact Planning Department staff:

Planner:

Kanishka Burns

Telephone: E-mail: (415) 575-9112

kanishka burns@sfgov org

Notice Date: 4/11/2014

Expiration Date: 5/11/2014

中文詢問請電: (415) 575-9010

Para información en Español llamar al: (415) 575-9010

### **GENERAL INFORMATION ABOUT PROCEDURES**

Reduced copies of the proposed project plans have been included in this mailing for your information. If you have questions about the plans, please contact the project Applicant listed on the front of this notice. You may wish to discuss the plans with your neighborhood association, as they may already be aware of the project. If you have general questions about the Planning Department's review process, please contact the Planning Information Center at 1660 Mission Street, 1st Floor (415/558-6377) between 8:00am - 5:00pm Monday-Friday. If you have specific questions about the proposed project, you should contact the planner listed on the front of this notice.

If you believe that the impact on you from the proposed project is significant and you wish to seek to change the project, there are several procedures you may use. We strongly urge that steps 1 and 2 be taken.

- 1. Request a meeting with the project Applicant to get more information and to explain the project's impact on you.
- Contact the nonprofit organization Community Boards at (415) 920-3820, or online at <a href="https://www.communityboards.org">www.communityboards.org</a> for a facilitated discussion in a safe and collaborative environment. Community Boards acts as a neutral third party and has, on many occasions, helped reach mutually agreeable solutions.
- Where you have attempted, through the use of the above steps or other means, to address potential problems without success, please contact the planner listed on the front of this notice to discuss your concerns.

If, after exhausting the procedures outlined above, you still believe that exceptional and extraordinary circumstances exist, you have the option to request that the Planning Commission exercise its discretionary powers to review the project. These powers are reserved for use in exceptional and extraordinary circumstances for projects which generally conflict with the City's General Plan and the Priority Policies of the Planning Code; therefore the Commission exercises its discretion with utmost restraint. This procedure is called Discretionary Review. If you believe the project warrants Discretionary Review by the Planning Commission, you must file a Discretionary Review application prior to the Expiration Date shown on the front of this notice. Discretionary Review applications are available at the Planning Information Center (PIC), 1660 Mission Street, 1st Floor, or online at <a href="https://www.sfplanning.org">www.sfplanning.org</a>. You must submit the application in person at the Planning Information Center (PIC) between 8:00am - 5:00pm Monday-Friday, with all required materials and a check payable to the Planning Department. To determine the fee for a Discretionary Review, please refer to the Planning Department Fee Schedule available at <a href="https://www.sfplanning.org">www.sfplanning.org</a>. If the project includes multiple building permits, i.e. demolition and new construction, a <a href="https://www.sfplanning.org">www.sfplanning.org</a>. If the project includes multiple building permits, i.e. demolition and fee, for each permit that you feel will have an impact on you. Incomplete applications will not be accepted.

If no Discretionary Review Applications have been filed within the Notification Period, the Planning Department will approve the application and forward it to the Department of Building Inspection for its review.

#### BOARD OF APPEALS

An appeal of the Planning Commission's decision on a Discretionary Review case may be made to the Board of Appeals within 15 calendar days after the building permit is issued (or denied) by the Department of Building Inspection. Appeals must be submitted in person at the Board's office at 1650 Mission Street, 3rd Floor, Room 304. For further information about appeals to the Board of Appeals, including current fees, contact the Board of Appeals at (415) 575-6880.

#### ENVIRONMENTAL REVIEW

This project has undergone preliminary review pursuant to California Environmental Quality Act (CEQA). If, as part of this process, the Department's Environmental Review Officer has deemed this project to be exempt from further environmental review, an exemption determination has been prepared and can be obtained through the Exemption Map, on-line, at <a href="https://www.sfplanning.org">www.sfplanning.org</a>. An appeal of the decision to exempt the proposed project from CEQA may be made to the Board of Supervisors within 30 calendar days after the project approval action identified on the determination. The procedures for filing an appeal of an exemption determination are available from the Clerk of the Board at City Hall, Room 244, or by calling (415) 554-5184.

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.



## SAN FRANCISCO PLANNING DEPARTMENT

April 11, 2014

The attached notice is provided under the Planning Code. It concerns property located a 1804 Mason Street, Building Permit Application Case No. 2013.10.22.9927 hearing may occur, a right to request review may expire or a development approval may become final unless appealed by 05/11/2014. To obtain information about this notice in Spanish, please call (415) 558-6378, or in Chinese, please call (415) 558-6378. Please be advised that the Planning Department will require at least one business day to respond to any call.

1650 Mission St, Sulte 400 San Francisco, CA 94103-2479

> Reception: 415,558,6378

Fax: 415.558.6409

Planning Information: 415.558.6377

Located 1804 Mason Street, Building Permit Application Case No. 2013.10.22.9927 的是三藩市城市規劃局的通告。

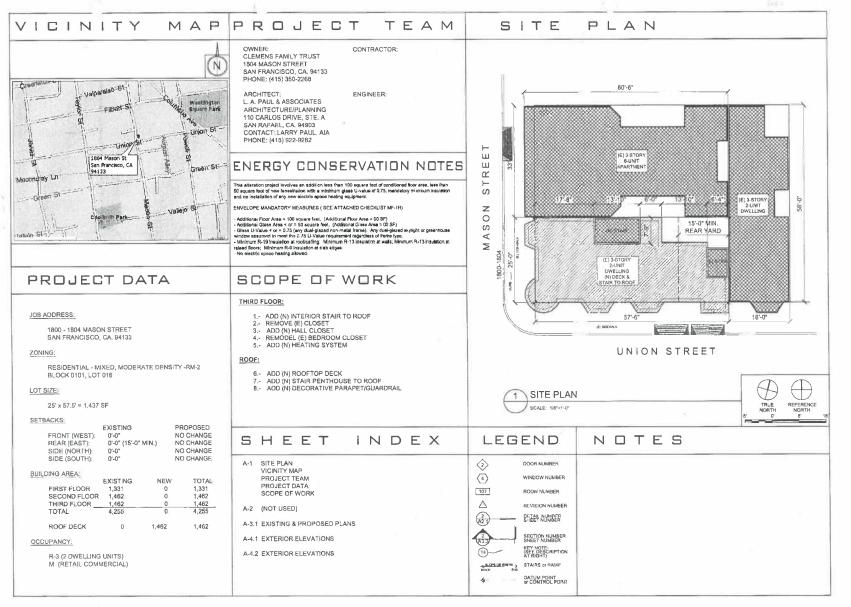
的建築計劃有關。如果在 05/11/2014.

之前沒有人申請聽證會來檢討這一個建築計劃,這計劃可會被核准。 如果你需要用華語獲得關於這通告的細節,請電415-558-6378.

規劃部門將需要至少一個工作天回應。華語資料提供只是城市規劃局的一項服務,此項服務不會提供額外的權利或延伸任何要求檢討的期限。

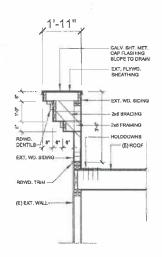
El documento adjunto es referente a la siguiente 1804 Mason Street, Building Permit Application Case No. 2013.10.22.9927 Es un requisito del Codigo de Planeación (Planning Code). La posibilidad de una audiencia puede occurrir. El derecho para revisar el archivo de este projecto puede expirar o una decisión puede ser final si usted no presenta un documento de apelación antes de 05/11/2014. Para obtener más información en Español acerca de este projecto, llame al siguiente telefono (415) 558-6378. Por favor tome en cuenta que le contestaremos su llamada en un periodo de 24 horas. El servicio en Español es proporcionado por el Departamento de Planeación (Planning Department) de la ciudad de San Francisco. Eso no garantiza ningun derecho adicional o extensión del tiempo requerido por la ley.

www.sfplanning.org

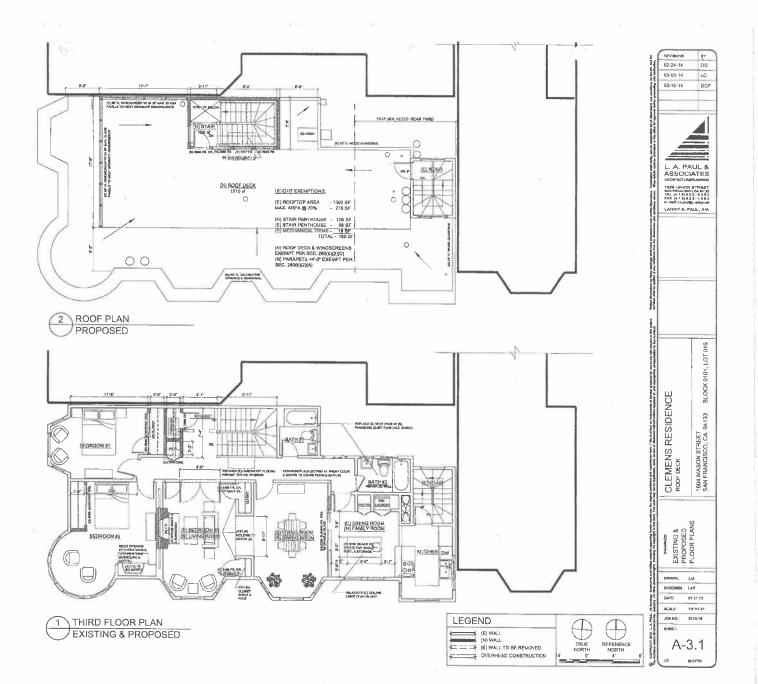


02-24-14 DD 03-10-14 DCP L. A. PAUL & ASSOCIATES LARRY A. PAUL, AIA C-8725 XID. 112015 CLEMENS RESIDENCE ROOF DECK # MASON STREET FRANCISCO, CA. 1804 SAN CHECKED LAP DATE: 07.31.13 BOALE: JOS NO. 2013 16 AMPET

B-CET8



3 CORNICE/PARAPET DETAIL SCALE: 3/4" = 1'-0"





02-24-14 03-03-14 DCP 03-10-14 L. A. PAUL & ASSOCIATES ARCHITECTURE/PLANNING LARRY A. PAUL, AIA BLOCK 0101, LOT 016 CLEMENS RESIDENCE ROOF DECK 1804 MASON STREET SAN FRANCISCO, CA. 94133 CHECKED, LAP DATE: 07.31.13 SCALE: 1/8"=1"-0" JOB NO.: 2013-18 B-MEET: A-4.1

SHEETS





110 CARLOS DR., STE. A SAN RAFAEL, CA. 94903 TEL(415)922-9282 July 28, 2014

Kanishka Burns SF Planning Department 1650 Mission Street, Suite 400 San Francisco, CA 94103

RE: 1804 Mason Street, San Francisco

### Dear Kanishka:

Thank you for scheduling our project for a Discretionary Review with the Planning Commission. Attached is our response to the DR to be included in the staff report.

If you need anything else, please let me know as soon as possible.

Respectfully submitted,

Larry A. Paul, AIA, NCARB

Architect #C-8725

### RESPONSE TO DISCRETIONARY REVIEW

Case No.: Building Permit No.: Address: 201430786D 2013.10.22.9927 1804 Mason Street

Project Sponsor's Name:

Larry A. Paul, AIA

Telephone No.: (for Planning Department to contact)

415-922-9282

1. Given the concerns of the DR requester and other concerned parties, why do you feel your proposed project should be approved? (If you are not aware of the issues of concern to the DR requester, please meet the DR requester in addition to reviewing the attached DR application.

Sponsor has designed the project to provide open space for the owner to enjoy since the building has none currently, as it occupies the entire small corner site. The project is designed to and meets all zoning requirements, residential design guidelines and minimum building code requirements. Sponsor has met the DR requester and reviewed his concerns. Further reductions or deletions to the project would materially affect the owners' enjoyment and use of the roof deck without any corresponding benefit to the DR requestor, who already has his own penthouse, roof decks and panoramic views.

2. What alternatives or changes to the proposed project are you willing to make in order to address the concerns of the DR requester and other concerned parties? If you have already changed the project to meet neighborhood concerns, please explain those changes. Indicate whether the changes were made before filing your application with the City or after filing the application.

Sponsor has changed the project several times in response to neighbors' concerns and suggestions by the Residential Design Team (RDT) from their review. The new stair is required by code as a second exit for an occupied roof deck. The stair is connected internally to the owners' residence for their exclusive use. The penthouse over the stair has been lowered to the building code minimum and the roof sloped parallel to the stair slope to reduce the height and bulk and minimize its appearance from offsite streets and properties. The glass windscreen was moved away from the edge of the roof and set back so as not to be seen from the street. Penthouse has been reduced in height to building code minimum and its roof sloped parallel to the slope of the stairs.

These changes were made before filing the application and afterwards as a result of Planning Department review.

3. If you are not willing to change the proposed project or pursue other alternatives, please state why you feel that your project would not have any adverse effect on the surrounding properties. Please explain your needs for space or other personal requirements that prevent you from making the changes requested by the DR requester.

The project has already been changed several times and reduced in size in response to planning review during the process. It is now meets all zoning requirements, residential design guidelines and minimum building code requirements. The current proposal doesn't have any adverse affect on the surrounding properties. In fact, many of the properties in the neighborhood have large, occupied penthouses and roof decks themselves, as does the DR requestor. The glass windscreen was designed to be transparent so it would not be noticeable and neighbors could see through it. The owners are a mature, professional couple, who are not building a "party" deck and will not create noise or privacy impacts on

the neighbors, as they too enjoy their privacy and just want some outdoor recreational open space to enjoy their corner of the City.

Additional changes or reductions to the deck or windscreen would materially affect the owners' enjoyment and use of their property and the only open space they will have.

Lowering the height of the windscreen would severely impact the owners' comfort and usability of the deck without any corresponding benefit to the DR requestor, who already has his own penthouse, roof decks and panoramic views. Lowering the cornice parapet is not in keeping with the historic nature of the building and is similar to other buildings in the neighborhood.

If you have any additional information that is not covered by this application, please feel free to attach additional sheets to this form.

4. Please supply the following information about the proposed project and the existing improvements on the property.

Number of	Existing	Proposed
Dwelling units (only one kitchen per unit -additional kitchens count as additional units)	1	1
Occupied stories (all levels with habitable rooms)	1	1
Basement levels (may include garage or windowless storage rooms)	1	1
Parking spaces (Off-Street)	1	1
Bedrooms	3	3
Gross square footage (floor area from exterior wall to exterior wall), not including basement and parking areas	1462	1462
Height	38.5'	46.5'
Building Depth	57.5	57.5'
Most recent rent received (if any)	N/A	N/A
Projected rents after completion of project	N/A	N/A
Current value of property\$660K		\$635K
Projected value (sale price) after completion of project (if known)	N/A	N/A

I attest that the above information is true to the best of my knowledge.

grature Date Name (please print)

### ZACKS & FREEDMAN

A PROFESSIONAL CORPORATION

235 Montgomery Street, Suite 400 San Francisco, California 94104 Telephone (415) 956-8100 Facsimile (415) 288-9755 www.zulpc.com

August 4, 2014

San Francisco Planning Commission 1650 Mission Street, Suite 400 San Francisco, CA 94103

Re: Supplemental Statement Regarding Request for Discretionary Review Building Permit Application No. 201310229927 - 1804 Mason Street

Dear President Wu and Members of the San Francisco Planning Commission:

It has come to our attention that the proposed rooftop party deck (the "Project") will require the removal of at least one off-street parking space. However, the Project Sponsor did not disclose that fact to the Planning Department or to the neighborhood. This reduction of parking requires a variance and a new Section 311 notice.

The Project includes two means of emergency egress: a set of stairs that exits into the third-floor unit, and a second set of stairs that exits into the ground-floor garage. Per Administrative Bulletin 20 (attached), a path of egress cannot run through a parking space. Rather, the path of egress must be at least ten feet wide, or three feet wide with a fire-rated separation. Additionally, the garage door must be replaced with a man-door, which will require alteration of the building's façade. These required changes will necessitate the removal of at least one required parking space in the subject property.

The Project's removal of parking should be included within the proposed Project. The alternative is serial permitting, as well as an impermissible piecemealing of the Project's CEQA analysis.

We request that the Commission require the Project Sponsor to include the required parking variance within the Project application, and give a new (complete) Section 311 notice to the affected neighbors.

Thank you again for your consideration.

Very truly yours,

ZACKS & FREEDMAN, P.C.

Ryan J. Patterson

Attorneys for DR Requestor

Encl.

#### ADMINISTRATIVE BULLETIN

NO. AB-020

**DATE** : September 18, 2002 (Updated 01/01/2014 for code references)

**SUBJECT**: Fire and Life Safety

TITLE : Local Equivalency for Exiting Through a Garage Area for Type V, Group R Buildings

### **PURPOSE**

The purpose of this Administrative Bulletin is to provide standards and procedures for the application and case-by-case review of requests for a Local Equivalency to allow exiting from a rear yard through garages in Type V [wood frame], Group R Occupancies when such paths of exit travel do not strictly comply with the provisions of the 2013 San Francisco Building Code (SFBC).

This bulletin permits the continuing application of code provisions of former editions of the SFBC regarding exiting through Group R garages. In conformance with current State law, requests for approval of this alternate path of exit travel will be considered on a case-by-case basis when reasonably equivalency is proposed.

### **REFERENCES:**

2013 San Francisco Building Code

- Section 104A.2.7, Modifications.
- Section 104A.2.8, Alternate materials, alternate design and methods of construction.
- Chapter 10, Means of Egress.

DBI Administrative Bulletin AB-005, Procedures for Approval of Local Equivalencies

#### DISCUSSION

Project sponsors may request the application of this Local Equivalency allowing exiting through a garage without strict compliance with the provisions of SFBC Chapter 10 when it can be demonstrated on a case-by-case basis that there are practical difficulties in meeting the provisions of the SFBC, that the modification is in conformance with the intent and purpose of the SFBC, and that reasonable equivalency is provided in fire-protection and structural integrity.

Such proposed modification may be approved by the Department if it conforms with the below listed standard provisions. The Department of Building Inspection and other City departments may impose additional requirements, in addition to those listed below, in the approval of any request for a code modification or alternate based upon individual building and property conditions. The San Francisco Fire Department may also review such case-by-case requests.

If a project sponsor wishes to propose means of egress which differ from those listed below, proposals for the use of alternate materials, designs, or methods of construction may be submitted for review in the same manner as for this Local Equivalency. The Department of Building Inspection may require that additional substantiation be provided supporting any claims made for such proposals.

1/1/2014 Page 20-1

### **Procedure for Application of Local Equivalencies**

Project sponsors wishing to apply local equivalencies must fill out and submit the Request for Approval of Local Equivalency Form. Fees to be paid and scheduling of review are as noted on that form. Following DBI review, each request will be approved, approved with conditions, disapproved, or placed on "Hold" pending submittal of additional information.

Further details of procedures for the review of local equivalencies and appeal of departmental determinations may be found in Administrative Bulletin AB-005, Procedures for Approval of Local Equivalencies.

# **Conditions of Local Equivalency**

A required exit access from dwelling units in a Type V, Group R occupancy may be permitted to use a garage as part of the exit access on a case-by-case basis when all of the following provisions or other approved equivalent provisions are met and when the project sponsor provides documentation of the practical difficulties involved in carrying out the provisions of the regular code.

The standard provisions of Local Equivalency include:

- 1. The entire garage area and any covered driveway area shall be provided with ordinary-temperature, quick-response fire sprinklers; and
- 2. The building has only one street frontage, and such street frontage is not greater than 37-1/2 feet; and
- 3. The path of exit travel through the garage shall be marked by at least 2 inches wide stripes placed parallel at 24 inches on center in clearly contrasting colors. The marked path shall be at least 10 feet wide, except that portions may be 3 feet wide when used solely for exiting and when separated from any parking area or covered driveway by permanent noncombustible railings or building walls at least 3 feet high. Such railings or building walls shall extend the full length of the pathway on each side, and any railings shall be set in a concrete curb at least 12 inches high and 8 inches thick; and
- 4. The path of exit travel through the garage shall be posted with a permanent, prominently displayed sign in block letters not less than 3 inches in height reading: "EXIT PATH. DO NOT OBSTRUCT"; and
- 5. All doorways or openings in the path of exit travel shall be a minimum of three feet wide. Sliding and overhead doors shall not be permitted in buildings under the jurisdiction of the San Francisco Fire Department. In other buildings, sliding and overhead doors shall not be permitted when the occupant load served is greater than ten. Any door installed in the path of exit travel shall meet the requirements of SFBC Section 1008.1; and
- 6. The path of exit travel shall be illuminated in accordance with SFBC Section 1006; and
- 7. A permit application and related submittal documents shall detail all construction which is approved as a result of this request for local equivalency. No work to create a required exit which passes through a garage in a Type V, Group R Occupancy shall be done prior to approval and issuance of such permit application.

Originally Signed By:

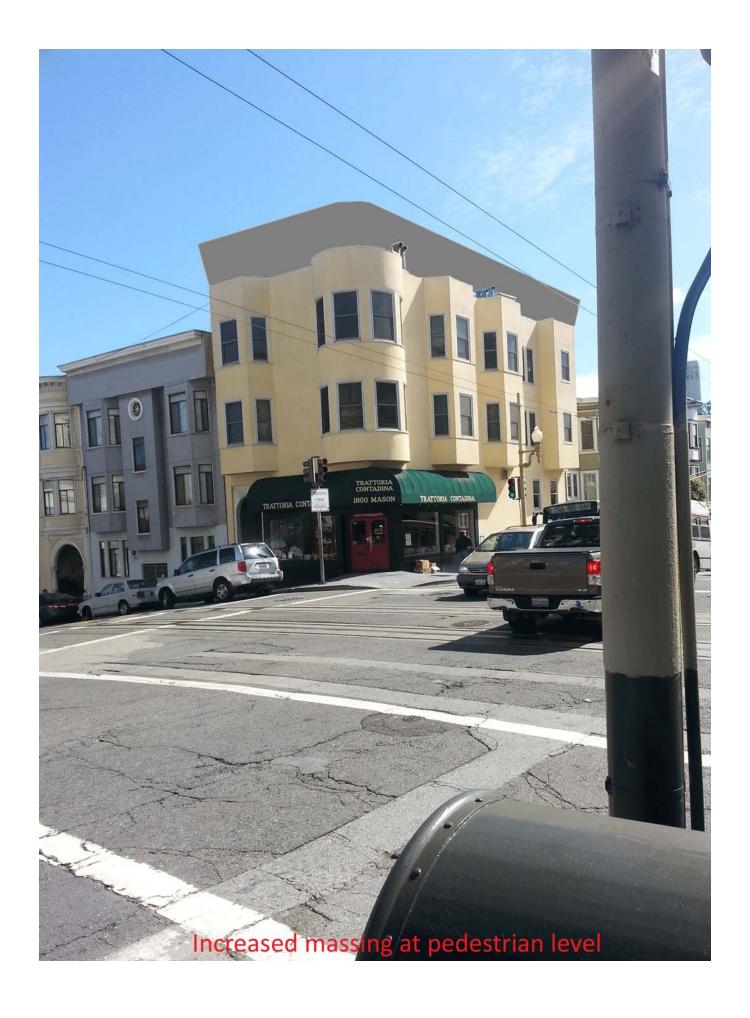
Frank Y. Chiu, Director October 3, 2002

Gary Massetani, Fire Marshal October 9, 2002

Approved by the Building Inspection Commission on September 18, 2002

Attachment A: Request for Approval of Local Equivalency

Page 20-2 1/1/2014





August 5, 2014

San Francisco Planning Commission 1650 Mission Street, Suite 400 San Francisco, CA 94103

110 CARLOS DR., STE. A SAN RAFAEL, CA. 94903 TEL(415)922-9282

RE: Case No. 201430789D, Discretionary Review 1804 Mason Street. San Francisco

# Dear President Wu and Members of the Planning Commission:

In response to Mr. Patterson's letter of, August 4, 2014, we wish to clarify and refute the inaccuracies regarding our project that are contained therein.

First, and foremost, we object to the claim that this is a "rooftop party deck." The project is to construct a deck on the roof for the exclusive and private use of the owners of 1804 Mason Street. The owners are a mature couple who are constructing the deck for their own use and enjoyment. Since the building occupies the entire lot with no usable open space, this deck will be their only outdoor space. The building is a condominium and the CC&Rs (attached) specifically delineate the roof and rear stairwell as for the exclusive use of 1804 Mason Street (see Art. 2.4, 6.4.c and Condo Plan, pg. 45 of CC&Rs) and prohibit others from using the deck or the rear stairs to access the roof.

Second, because it is a private deck, the building code occupancy load is less than 10, requiring only one means of egress from the roof deck, not two, as Mr. Patterson incorrectly states. The existing stair does not qualify as an exit therefore, AB 20 does not apply to our project. The new stair from the owners' unit is the required means of egress per code.

Third, our project does not require the removal of a parking space, does not reduce parking, does not require a variance and does not require a new Sec. 311 notice. The project does not require replacement of the garage door with a man-door and does not require the alteration of the building's façade.

Fourth, since our project does not require removal of any parking, it is not included and is not subject to further noticing and CEQA analysis. And there is absolutely no intention of serial permitting or piecemealing of the project. We strongly object to the innuendo and implications that Mr. Patterson has stated in his letter to the Commission.

All the above has been discussed and confirmed in a meeting on Thursday, July 31, with Mr. Thomas Le of DBI. He may be contacted to verify the above statements.

We request that the Commission review the case, decline to take discretionary review and approve the permit application as proposed so that the owners can proceed in creating some much needed open space for themselves.

Respectfully submitted,

Larry A. Paul, AIA, NCARB Architect #C-8725

Enc: CC&Rs

- 6.3 **ALTERATION OF UNITS**. Without Association approval, an Owner may make alterations or improvements within the interior boundaries of his/her assigned Unit that do not impair the structural integrity or mechanical systems of the Property, impair the value or desirability of any other Unit, or alter the exterior appearance of the Property. All other improvements shall require Association approval. Regardless of whether Association approval is required, prior to making any alteration, an Owner shall (i) obtain all required governmental permits and approvals and (ii) in cases where a building permit is required, provide a copy of the building permit application to at least one Owner of each of the other Units at least ten (10) calendar days before commencing work.
- 6.4 **ALTERATION OF COMMON AREA**. In general, Common Area, including Exclusive Use Common Area, may be physically altered only with Association approval. Notwithstanding the preceding sentence, however, the following alterations of Exclusive Use Common Area are permitted without approval:
  - A. Permitted Alterations Of Interior Exclusive Use Common Area. Alterations of Interior Exclusive Use Common Area that do not impair the structural integrity or mechanical systems of the Property, impair the value or desirability of any Condominium, alter the exterior appearance of the Property, or substantially change the usage of the space;
  - B. Permitted Alterations Of Exterior Exclusive Use Common Area. Alterations of Exterior Exclusive Use Common Area that do not impair the value or desirability of any portion of the Property, substantially change the usage of the space, or involve the installation or attachment of anything to the Property such as a screen, cover, awning, hot tub, spa, or fence;
  - C. Roof Deck. Notwithstanding anything to the contrary in this Declaration, to the extent allowed by allowed by Governmental Regulations, the Owner of Unit 1804 shall be permitted to construct a roof deck at any location on the roof and an internal/external stairway access to Unit 1804. The Association shall have the right to approve the final design of said improvements, which approval shall not be unreasonably withheld. If constructed, such roof deck shall become an Exclusive Use Common Area appurtenant to, and for the exclusive use of, Unit 1804. All costs associated with construction of such deck, including but not limited to necessary engineering and alterations of the adjacent areas of the Property, shall be paid by the Owner of Unit 1804. In addition, all costs associated with amendment of this Declaration and any subsequent amendment of the Condominium Plan to show the roof deck, including but not limited to costs incurred in obtaining lenders' signatures on any amended Condominium Plan, shall be paid by the Owner of Unit 1804. Nothing in this Section shall be interpreted to require any Owner to refinance in order to accommodate the construction of the roof deck or the amendment of the Condominium Plan. Once the roof deck is constructed, the Owner of Unit 1804 shall maintain all elements of the improvements including all wood, steel or other building material and surface coatings. The Owner of Unit 1804 shall also be responsible for any additional cost for maintenance, repair or replacement of roofing or parapets which is a consequence of the installation or existence of a roof deck above Unit 1804; and,
  - D. **Signs**. Display of (i) non-commercial signs, posters, flags or banners which the Association is required by law to permit, and (ii) "For Sale" or "For Rent" signs that do not exceed nine (9) square feet in size on portions of the Common Area designated by

### Burns, Kanishka (CPC)

From: Larry daSalla < lfdasalla1@mac.com> Monday, August 04, 2014 3:09 PM Sent: To: Burns, Kanishka (CPC) Subject: Re: Neighbor Letter v3.pdf Hi Kanishka. So sorry. I was rushed. Larry daSalla 30 Winter Place San Francisco, Ca 94133 415-939-1771 Sent from my iPad > On Aug 4, 2014, at 3:06 PM, "Burns, Kanishka (CPC)" < kanishka.burns@sfgov.org > wrote: > Hi Larry, > You letter will be made available to the Planning Commission. Just to clarify, did you intend to attach a version that does not include your name or address? > Thanks, > Kanishka Burns > PLANNER > www.sfplanning.org | 415.575.9112 > -----Original Message-----> From: Larry daSalla [mailto:lfdasalla1@mac.com] > Sent: Monday, August 04, 2014 2:51 PM > To: Burns, Kanishka (CPC) > Subject: Neighbor Letter v3.pdf > > Hi. I am sending this letter of concern regarding the proposed additions to the property known as 1804 Mason St., San Francisco, Ca. I didn't realize that the deadline for your office receiving this letter was today. I certainly hope it is included with our other neighbors letters as well. > Regards, > Larry F. daSalla

### Burns, Kanishka (CPC)

From: Larry daSalla < Ifdasalla1@mac.com>
Sent: Monday, August 04, 2014 3:08 PM

**To:** Burns, Kanishka (CPC) **Subject:** Neighbor Letter v3.pdf

**Attachments:** Neighbor Letter v3.pdf; ATT00001.txt

Ms. Burns. I had a follow-up comment to my recent email regarding the additions at 1804 Mason Street. The building is on the Mason Street cable car line and where the cable cars crest at Green towards Union, (the site of the building), visitors' first glimpse at one of the most exciting and impressive sites in The Bay, Alcatraz Island will be eclipsed by a completely over scaled decorative cornice and 9' wind screen. This addition will be the first thing one sees. I hope you will consider this POV during your decision making process. It would be a shame to lose such a beautiful sight line that has existed in our city for decades.

Best regards,

Larry daSalla

San Francisco Planning Commission c/o Kanishka Burns San Francisco Planning Department 1650 Mission Street, Suite 400 San Francisco, CA 94103

Re: <u>1804 Mason Street – Building Permit Application No. 20131</u>0229927

Dear President Wu and Members of the San Francisco Planning Commission:

I am a neighbor of the proposed 1,210 sq. ft. rooftop deck project at 1804 Mason Street and have reviewed the "Notice of Building Permit Application (Section 311)." The proposed project includes the addition of a massive rooftop party deck, an 8-ft. tall windscreen, a 42-inch parapet, and an unnecessary 8' 6" stair penthouse. It will also add a 3' 6" parapet height extension styled as a faux-historic cornice above the existing stucco façade.

I respect my neighbors' right to build, but I have several concerns about the proposed construction project. In particular, I am concerned that the building is unnecessarily being increased in height and mass, both as seen from the street and from the neighboring properties. The proposed project is inappropriate for our historic North Beach/Russian Hill neighborhood.

I respectfully request that several changes be made:

- 1. Change the proposed rooftop stair penthouse to an internal stair court. (The building already includes a stair penthouse, and a second stair penthouse is unnecessary.)
- 2. Remove or reduce the proposed 3.5-foot cornice/parapet wall to be level with the existing building height.
- 3. Use an open hand-rail, set back from the roof's edges to discourage party guests from standing at the edge of the roof (to reduce noise and privacy impacts).
- ive glass.

4. Reduce the height of the proposed 8-fo	oot-tall windscreen and use antireflect
Thank you for your consideration.	
Sincerely,	
Name:	
Address:	

San Francisco Planning Commission c/o Kanishka Burns San Francisco Planning Department 1650 Mission Street, Suite 400 San Francisco, CA 94103

Re: <u>1804 Mason Street – Building Permit Application No. 201310229927</u>

Dear President Wu and Members of the San Francisco Planning Commission:

I am a neighbor of the proposed 1,210 sq. ft. rooftop deck project at 1804 Mason Street and have reviewed the "Notice of Building Permit Application (Section 311)." The proposed project includes the addition of a massive rooftop party deck, an 8-ft. tall windscreen, a 42-inch parapet, and an unnecessary 8' 6" stair penthouse. It will also add a 3' 6" parapet height extension styled as a faux-historic cornice above the existing stucco façade.

I respect my neighbors' right to build, but I have several concerns about the proposed construction project. In particular, I am concerned that the building is unnecessarily being increased in height and mass, both as seen from the street and from the neighboring properties. The proposed project is inappropriate for our historic North Beach/Russian Hill neighborhood.

I respectfully request that several changes be made:

- 1. Change the proposed rooftop stair penthouse to an internal stair court. (The building already includes a stair penthouse, and a second stair penthouse is unnecessary.)
- 2. Remove or reduce the proposed 3.5-foot cornice/parapet wall to be level with the existing building height.
- 3. Use an open hand-rail, set back from the roof's edges to discourage party guests from standing at the edge of the roof (to reduce noise and privacy impacts).
- 4. Reduce the height of the proposed 8-foot-tall windscreen and use antireflective glass.

Thank you for your consideration.

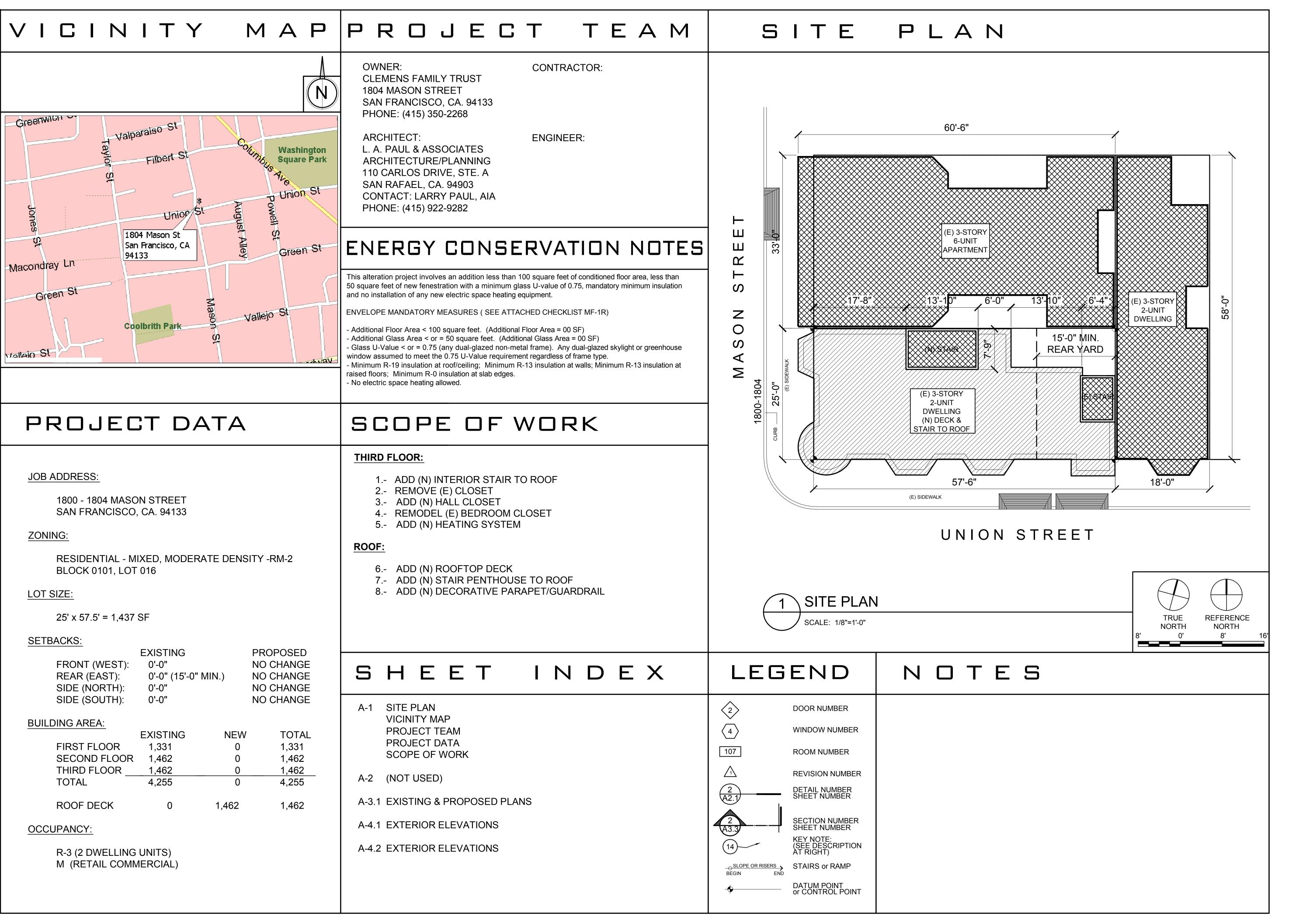
Sincerely,

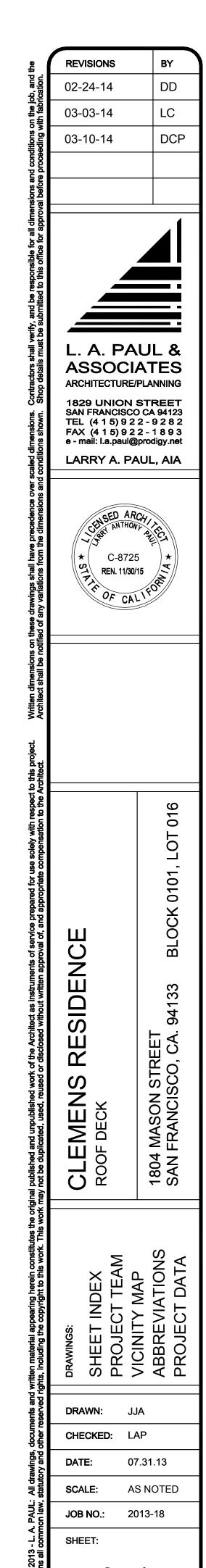
Name: /

Raymond M. Regalado

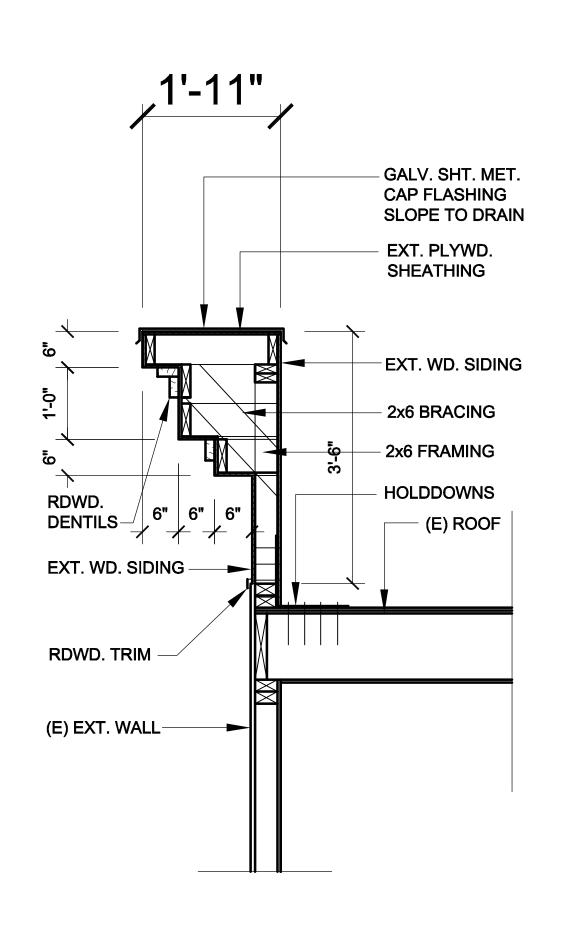
30 Winter Place, SF CA 94133

Address:

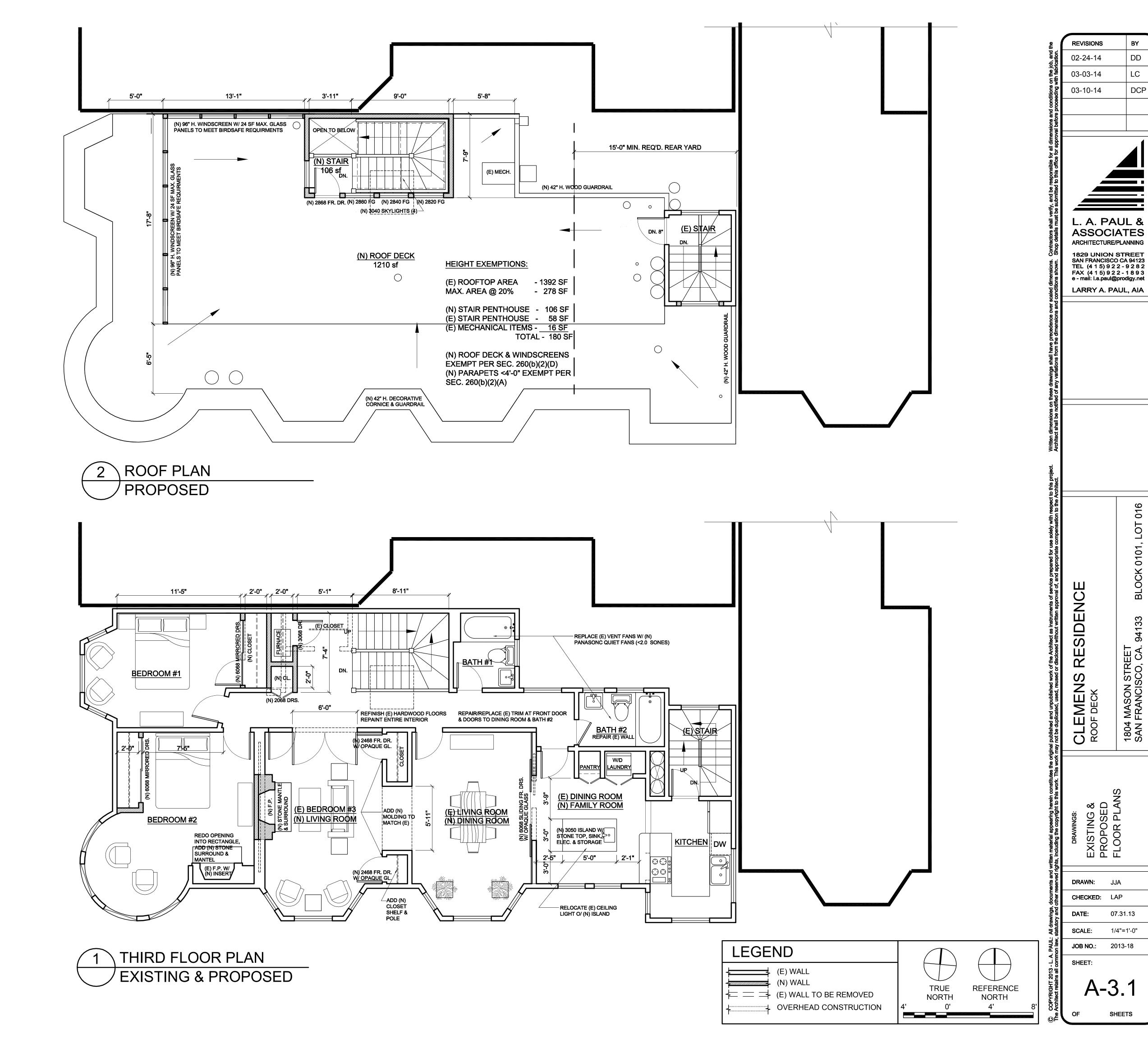




**A-1** 



CORNICE/PARAPET DETAIL SCALE: 3/4" = 1'-0"



0101

1804 MASON STREET SAN FRANCISCO, CA.

EXISTING & PROPOSED FLOOR PLANS

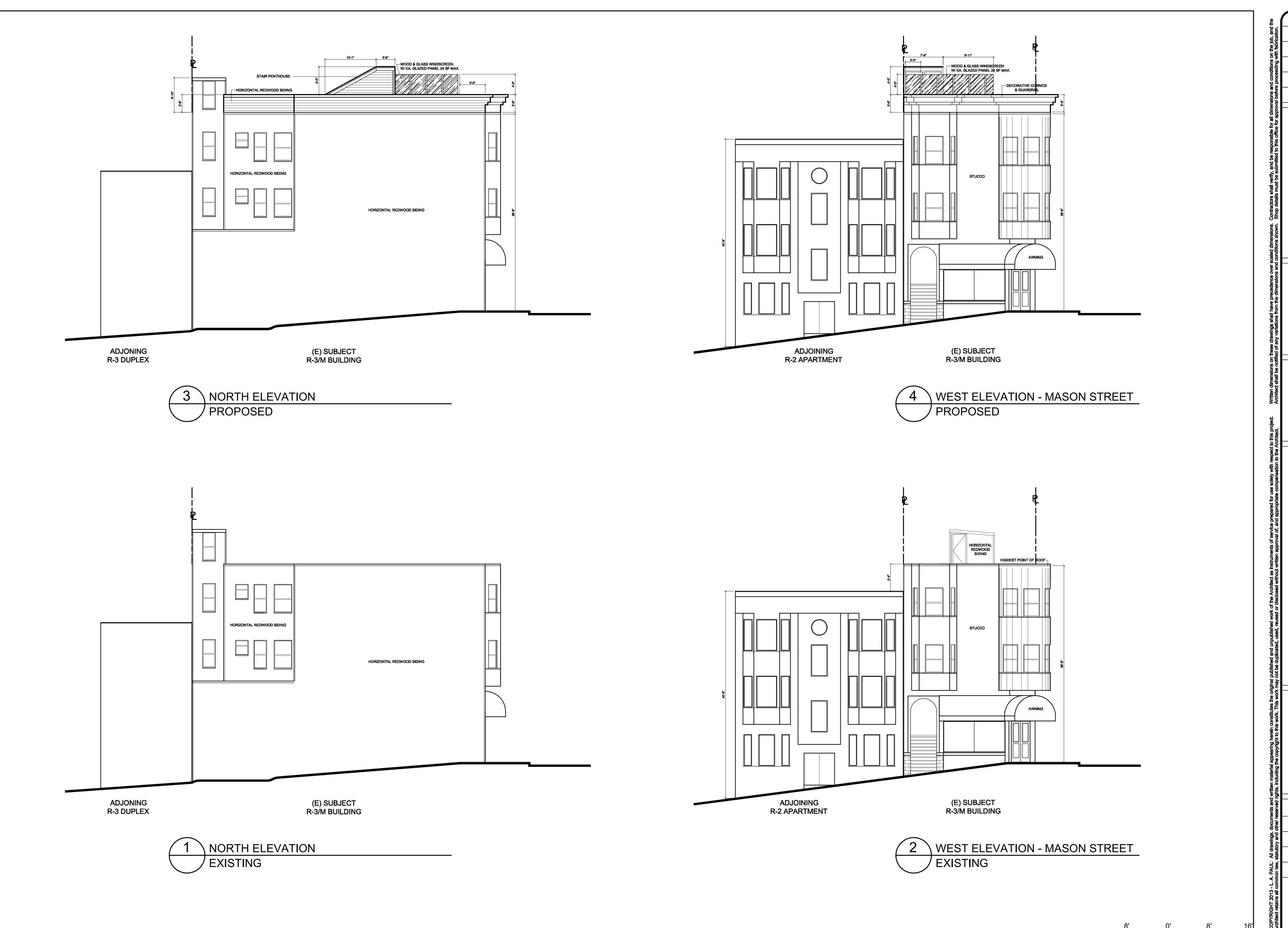
1/4"=1'-0"

A - 3.1



02-24-14 03-03-14 03-10-14 L. A. PAUL & **ASSOCIATES** ARCHITECTURE/PLANNING 1829 UNION STREET SAN FRANCISCO CA 94123 TEL (4 1 5) 9 2 2 - 9 2 8 2 FAX (4 1 5) 9 2 2 - 1 8 9 3 e - mail: l.a.paul@prodigy.net LARRY A. PAUL, AIA 016 BLOCK 0101, CLEMENS RESIDENCE ROOF DECK 1804 MASON STREET SAN FRANCISCO, CA. DRAWN: JJA CHECKED: LAP 07.31.13 DATE: SCALE: 1/8"=1'-0" **JOB NO.:** 2013-18 A-4.1

**REVISIONS** 



02-24-14 03-03-14 03-10-14 L. A. PAUL & **ASSOCIATES** ARCHITECTURE/PLANNING 1829 UNION STREET SAN FRANCISCO CA 94123 TEL (4 1 5) 9 2 2 - 9 2 8 2 FAX (4 1 5) 9 2 2 - 1 8 9 3 e - mail: l.a.paul@prodigy.net LARRY A. PAUL, AIA 016 BLOCK 0101, CLEMENS RESIDENCE
ROOF DECK 1804 MASON STREET SAN FRANCISCO, CA. DRAWN: JJA CHECKED: LAP **DATE:** 07.31.13 **SCALE**: 1/8"=1'-0" **JOB NO.:** 2013-18

**REVISIONS**