## **Discretionary Review Analysis**

**HEARING DATE: MARCH 11, 2010** 

Date:

March 4, 2010

Case No.:

2009.0927<u>D</u>V

Project Address:

1345 MASONIC AVENUE

Permit Application:

2009.09.29.7896

Zoning:

RH-3 (Residential, House, Three-Family)

40-X Height and Bulk District

Block/Lot:

1255/007

Project Sponsors:

Thomas Hazuka & Anthony George (owners / applicants)

1345 Masonic Avenue San Francisco, CA 94117

Andrew Morrall (architect / agent)

2730 Mission Street

San Francisco, CA 94110

Staff Contact:

Sharon M. Young – (415) 558-6346

sharon.m.young@sfgov.org

Recommendation:

Take DR and approve with modifications.

### PROJECT DESCRIPTION

The proposal is to replace and expand a three-story sunroom at the rear of the four-story, single-family dwelling. The proposal will involve removing the existing sunroom and constructing a new sunroom with roof deck above (17'6" wide by 10' deep by 34'6" above grade) in its place, so that the new extension will have side setbacks (3'6" to 4') equal to those of the existing one-story deck to the rear of the addition. This proposal requires Rear Yard and Noncomplying Structure Variances because a portion of the proposed sunroom will extend into the required rear yard and expand an existing building that is a legal noncomplying structure. The public hearing for the Variance (Case No. 2009.0927V) was on November 18, 2009 and was separately noticed on November 6, 2009. The Variance decision will be issued following the Commission's consideration of the Discretionary Review request.

#### SITE DESCRIPTION AND PRESENT USE

The Project Site is on the west side of Masonic Avenue between Waller and Frederick Streets; Assessor's Block 1255; Lot 007. It is located within an RH-3 (Residential, House, Three-Family) District and a 40-X Height and Bulk District. The subject lot is approximately 2,652 square feet (25 feet wide by 106.25 feet deep) in area and is occupied by a four-story, single-family dwelling built circa 1900. The existing building is not listed in the Planning Department's 1976 Architectural Survey or the National or California Registers as having architectural significance.

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#### SURROUNDING PROPERTIES AND NEIGHBORHOOD

The surrounding development consists of single and multi-family residential buildings. The scale of development consists primarily of three- to four-story structures.

#### **HEARING NOTIFICATION**

TYPE	REQUIRED PERIOD	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUAL PERIOD
Posted Notice	10 days	March 1, 2010	March 1, 2010	10 days
Mailed Notice	10 days	March 1, 2010	March 1, 2010	10 days

#### **PUBLIC COMMENT**

	SUPPORT	OPPOSED	NO POSITION
Adjacent neighbor(s)		1	
Other neighbors on the			
block or directly across			
the street			
Neighborhood groups			

As of March 4, 2010, the Department has not received any phone calls or letter from other neighbors or neighborhood groups on the proposed project.

#### DR REQUESTORS

**Jeffery M. Webb and Elizabeth E. Webb,** owners and residents of 1341 Masonic Avenue (Assessor's Block 1255 Lot 006), abutting the side property line and directly north of the subject property. The DR Requestors' property, constructed circa 1903, is a two-story over garage, single-family dwelling located on a lot with a lot width of 25 feet and a lot depth of 100 feet.

#### DR REQUESTORS' CONCERNS AND PROPOSED ALTERNATIVES

The DR Requestors are primarily concerned that the proposed sunroom addition with roof deck above will (1) have a negative impact on light and privacy to their property, and (2) is inconsistent with the Residential Design Guidelines in that it is out-of-scale in relation to the existing mid-block open space pattern on the subject block. The DR Requestors have proposed the following alternatives to the project as summarized below:

- Constructing a replacement sunroom as long as it met both the height and side setback requirements of the Planning Code. (The DR Requestors do not support lateral construction towards their property within 3 feet of their property line.)
- Removal of the rooftop deck on the proposed sunroom.

(See attached DR application for further details on the DR Requestors' concerns and proposed alternative.)

### PROJECT SPONSORS' RESPONSE

The Project Sponsors have indicated that they believe the proposal is consistent with the Residential Design Guidelines, and have provided the following response to the DR requestors' concerns and proposed alternatives as summarized below:

- The sunroom structure exists and is a legal nonconforming structure that needs to be replaced so that it will be less prone to water intrusion and structural rot in the near and distant future.
- The proposed sunroom expansion will not increase the existing footprint of the house.
- The portion of the existing building that is being replaced is the last 10 feet of the existing structure. Section 134(c)(1) of the Planning Code states that when using averaging of the adjacent properties in order to establish the required rear yard, the last 10 feet of the structure is allowed to a height of 30 feet. Because of the existing floor levels, the Project Sponsors are proposing a height of ± 31 feet at the high point of the roof, only one foot higher than allowed by the Planning Code, at the low point of the roof, the height is ± 30 feet.
- Both adjacent neighbors have roof decks. The property to the south has a roof deck at its upper story, generally in line with the roof deck proposed by the Project Sponsors. The property to the north has a roof deck one story below the proposed subject roof deck.
- The Project Sponsors believe that they are entitled to the full enjoyment of their property. Both adjacent properties extend into their required side yard setback. The Project Sponsors' side yard setbacks are more in compliance than the adjacent properties and because of the existing nonconforming conditions, only encroach approximately 1 foot on either side.
- The proposed roof deck will provide direct access to open space directly off an existing bedroom.
- The existing rear deck at the first floor, only 8 feet above grade, has no impact on light, air, or privacy on the adjacent property to the north.

The Project Sponsors have responded with the following alternatives to the proposal and feels the project would not have adverse effects on surrounding properties:

- They propose to use an obscure glass guard rail in order to facilitate light and privacy for the property to the north.
- They propose to use obscure glass at the second level sunroom to facilitate privacy.

(See attached Response to Discretionary Review for the Project Sponsors' detailed response.)

#### PROJECT ANALYSIS

The existing building has a height of 42.5 feet and a building depth of 52 feet. The proposed sunroom extension will add an additional 70 gross square feet of floor area (which will increase the size of the existing building from 2,970 gross square feet to 3,040 gross square feet). The proposal requires Rear Yard and Noncomplying Structure Variances under Section 134 and 188 of the Planning Code:

Planning Code Section 134 requires a rear yard area in an RH-3 Zoning District to be equivalent to 45 percent of the total lot depth, or when using averaging, no less than 25 percent of the lot depth or 15 feet, whichever is greater. The subject property, with a lot depth of 106.25 feet, has a

required rear yard of approximately 48 feet. Although a portion of the proposed sunroom extension could extend into the required rear yard as a permitted obstruction, as proposed, they extend closer than 5 feet to the north and south property lines and exceed the second floor of occupancy, contrary to Section 136(c)(25)(B)(ii) of the Planning Code.

Planning Code Section 188 prohibits the expansion or replacement of a noncomplying structure.
 Because a portion of the existing building already encroaches into the required rear yard, it is considered a legal noncomplying structure. Therefore, the proposed expansion would be contrary to Section 188 of the Planning Code, and requires a variance.

The public hearing for the Variance (Case No. 2009.0927V) was on November 18, 2009 and was separately noticed on November 6, 2009. The public hearing on the Variances remains open. The Variance decision will be issued following the Commission's consideration of the Discretionary Review request.

#### Height, Scale, Light, Privacy, and Mid-Block Open Space Area

The DR Requestor's main concern is that the height, scale, bulk and massing of the proposed sunroom addition will not be compatible with the existing development pattern of surrounding buildings on the block and negatively impact light and privacy to their property.

The subject property and most of the adjacent properties within the immediate neighborhood (including the DR Requestors' property) are located within an RH-3 Zoning District and a 40-X Height and Bulk District. The current zoning allows for up to three dwelling units on this site. The height and depth of the sunroom addition with roof deck above will be compatible with the development character of the mid-block open space pattern on the subject block. The proposed sunroom addition with roof deck above will not extend beyond the rear building walls of the two adjacent (north and south) properties and the height of the proposed roof deck will be compatible with the existing roof deck of the property to the south. The Residential Design Guidelines indicate that the building should be articulated to minimize impacts on light and privacy to adjacent properties and that in areas with a dense building pattern, some reduction of light and privacy to neighboring buildings can be expected with a building expansion. The proposed sunroom will be set back approximately 4 feet from the north property line. The project sponsors are proposing modifications to the proposed sunroom which will include incorporating (1) a glass guardrail on the proposed roof deck to allow for more light to the DR Requestors' property; and (2) obscure glass at the second level sunroom to provide more privacy to the DR Requestors' property. With these modifications to the original proposal, the proposed sunroom with roof deck above will be compatible with the existing development pattern of surrounding buildings on the subject block.

#### **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).

### RESIDENTIAL DESIGN TEAM REVIEW

The request for Discretionary Review was reviewed by the Department's Residential Design Team (RDT). RDT has reviewed the Project Sponsors' alternatives to the proposal and indicated that the revised proposal met the Residential Design Guidelines and did not present exceptional or extraordinary circumstances. The RDT supports the project as modified.

Under the Planning Department's proposed DR Reform Policy, this project would not be referred to the Planning Commission as this project does not meet the threshold of exceptional or extraordinary.

#### BASIS FOR RECOMMENDATION

The Department believes the project does not have exceptional or extraordinary circumstances and recommends that the Commission take Discretionary Review and approve the project with the following modifications:

- The guardrail on the roof deck shall be made of glass to maximize light to the adjacent property to the north.
- Windows on the north side of the sunroom shall be fitted with obscure glass to provide privacy for the property to the north.

RECOMMENDATION: Take DR and approve project with modifications.

## **Design Review Checklist**

### **NEIGHBORHOOD CHARACTER (PAGES 7-10)**

QUESTION	
The visual character is: (check one)	
Defined	X
Mixed	

**Comments:** The neighborhood character of the subject block is generally well defined. However, the project is not visible from Masonic Avenue.

### SITE DESIGN (PAGES 11 - 21)

QUESTION	YES	NO	N/A
Topography (page 11)			
Does the building respect the topography of the site and the surrounding area?	X		
Is the building placed on its site so it responds to its position on the block and to the placement of surrounding buildings?	x		
Front Setback (pages 12 - 15)			
Does the front setback provide a pedestrian scale and enhance the street?			x
In areas with varied front setbacks, is the building designed to act as transition between adjacent buildings and to unify the overall streetscape?			x
Does the building provide landscaping in the front setback?			X
Side Spacing (page 15)			
Does the building respect the existing pattern of side spacing?	X		
Rear Yard (pages 16 - 17)			
Is the building articulated to minimize impacts on light to adjacent properties?	X		
Is the building articulated to minimize impacts on privacy to adjacent properties?	Х		
Views (page 18)	ii.		
Does the project protect major public views from public spaces?			X
Special Building Locations (pages 19 - 21)			4.0
Is greater visual emphasis provided for corner buildings?			X
Is the building facade designed to enhance and complement adjacent public spaces?			x
Is the building articulated to minimize impacts on light to adjacent cottages?			X

**Comments:** The proposal respects the topography of the site, its position on the block, and placement of surrounding buildings. The proposed sunround will be set back approximately 4 feet from the north property line.

## BUILDING SCALE AND FORM (PAGES 23 - 30)

QUESTION	YES	NO	N/A
Building Scale (pages 23 - 27)			
Is the building's height and depth compatible with the existing building scale at the street?	X	: 	
Is the building's height and depth compatible with the existing building scale at the mid-block open space?	x		
Building Form (pages 28 - 30)			
Is the building's form compatible with that of surrounding buildings?	X		
Is the building's facade width compatible with those found on surrounding buildings?	x		
Are the building's proportions compatible with those found on surrounding buildings?	x		
Is the building's roofline compatible with those found on surrounding buildings?	X		

**Comments:** The proposal will not interrupt the mid-block open space and is generally compatible with the scale and form of surrounding buildings.

### **ARCHITECTURAL FEATURES (PAGES 31 - 41)**

QUESTION	YES	NO	N/A
Building Entrances (pages 31 - 33)	7.05		
Does the building entrance enhance the connection between the public realm of			$  \mathbf{x}  $
the street and sidewalk and the private realm of the building?			<u>^</u>
Does the location of the building entrance respect the existing pattern of building			$\mid \mathbf{x} \mid$
entrances?			
Is the building's front porch compatible with existing porches of surrounding			$  \mathbf{x}  $
buildings?			
Are utility panels located so they are not visible on the front building wall or on			$  \mathbf{x}  $
the sidewalk?			
Bay Windows (page 34)	111		7.5
Are the length, height and type of bay windows compatible with those found on			$  \mathbf{x}  $
surrounding buildings?			
Garages (pages 34 - 37)			14. 6
Is the garage structure detailed to create a visually interesting street frontage?			X
Are the design and placement of the garage entrance and door compatible with			x
the building and the surrounding area?	ļ		^_
Is the width of the garage entrance minimized?			X
Is the placement of the curb cut coordinated to maximize on-street parking?			X
Rooftop Architectural Features (pages 38 - 41)		E .	
Is the stair penthouse designed to minimize its visibility from the street?			X
Are the parapets compatible with the overall building proportions and other			x
building elements?			^

Are the dormers compatible with the architectural character of surrounding buildings?	x
Are the windscreens designed to minimize impacts on the building's design and	x
on light to adjacent buildings?	

**Comments:** The proposal will not significantly alter the building's architectural features.

### **BUILDING DETAILS (PAGES 43 - 48)**

QUESTION	YES	NO	N/A
Architectural Details (pages 43 - 44)			
Are the placement and scale of architectural details compatible with the building and the surrounding area?	X		
Windows (pages 44 - 46)	7	17.5	
Do the windows contribute to the architectural character of the building and the neighborhood?	x		
Are the proportion and size of the windows related to that of existing buildings in the neighborhood?	x		
Are the window features designed to be compatible with the building's architectural character, as well as other buildings in the neighborhood?	х		
Are the window materials compatible with those found on surrounding buildings, especially on facades visible from the street?	x		
Exterior Materials (pages 47 - 48)			
Are the type, finish and quality of the building's materials compatible with those used in the surrounding area?	х		
Are the building's exposed walls covered and finished with quality materials that are compatible with the front facade and adjacent buildings?	х		
Are the building's materials properly detailed and appropriately applied?	X	<u>l</u>	

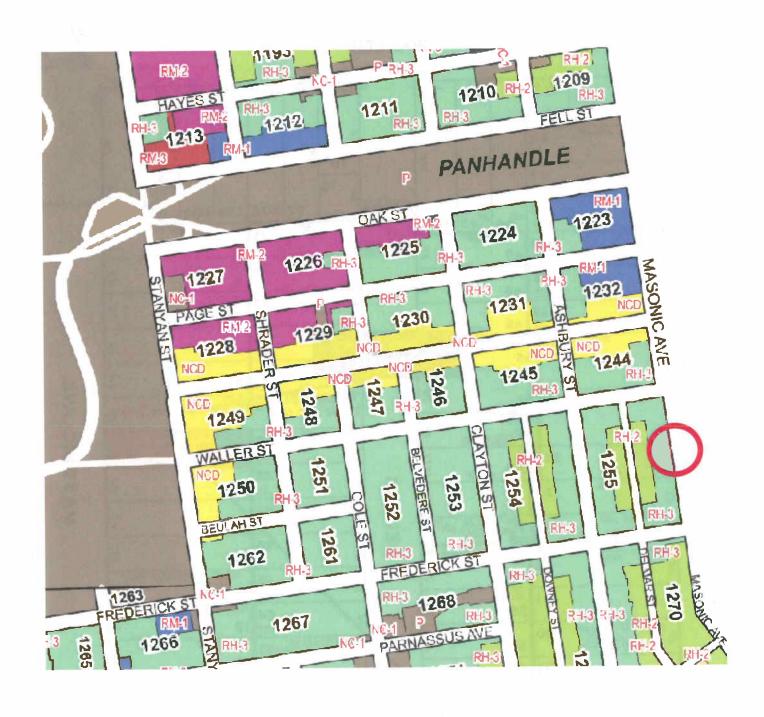
**Comments:** The proposed sunroom will utilize building materials which are compatible with the existing building as well as other buildings in the surrounding neighborhood.

#### **Attachments:**

Block Book Map
Sanborn Map
Aerial Photographs
Section 311 Notice
DR Application
Response to DR Application dated January 6, 2010
Reduced Plans

SMY: C:\1345 Masonic Ave - summary-smy.doc

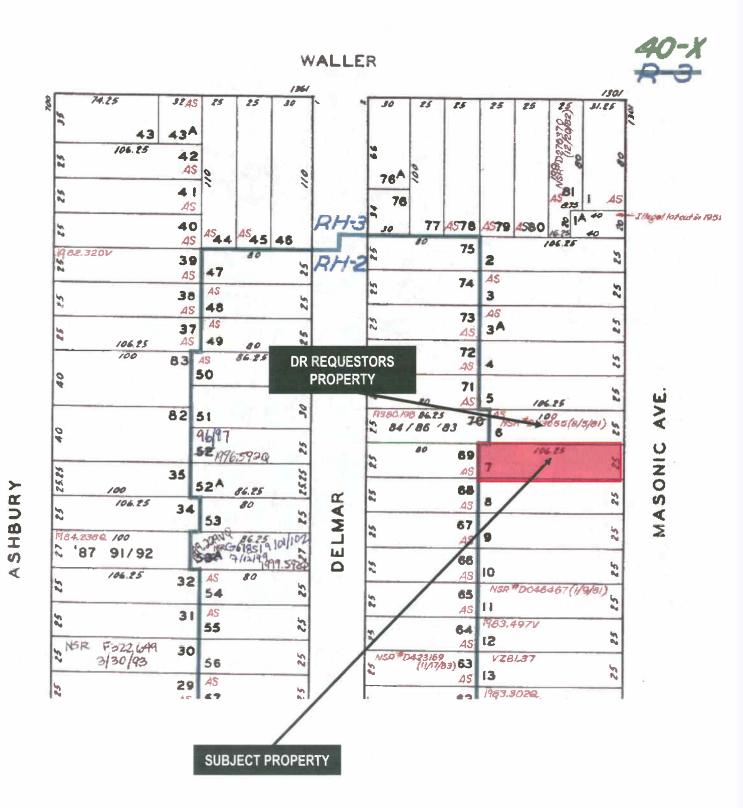
## **Zoning Map**





Discretionary Review Hearing Case Number 2009.0927D 1345 Masonic Avenue

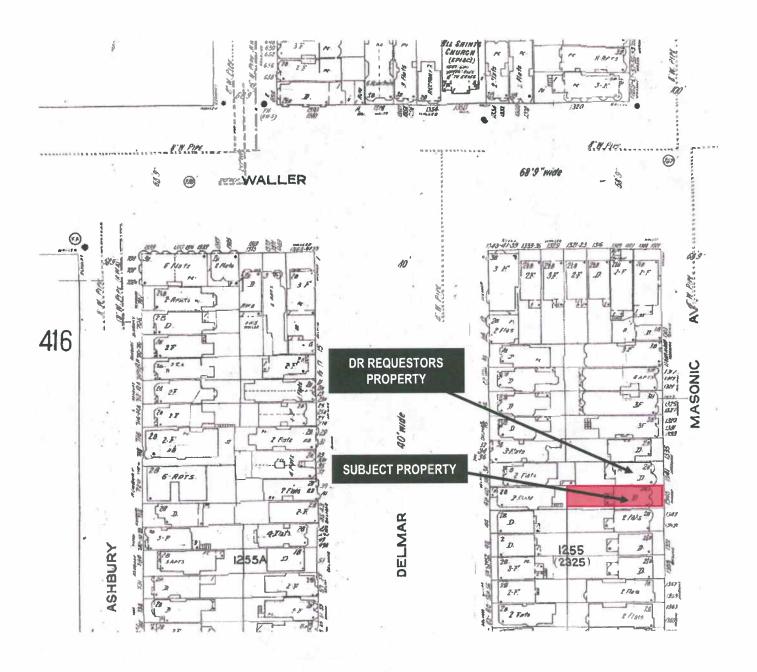
## Parcel Map





Discretionary Review Hearing Case Number 2009.0927D 1345 Masonic Avenue

## Sanborn Map\*





Discretionary Review Hearing Case Number 2009.0927D 1345 Masonic Avenue

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

## **Aerial Photo\***



\*The Aerial Maps reflect existing conditions in March 2009.

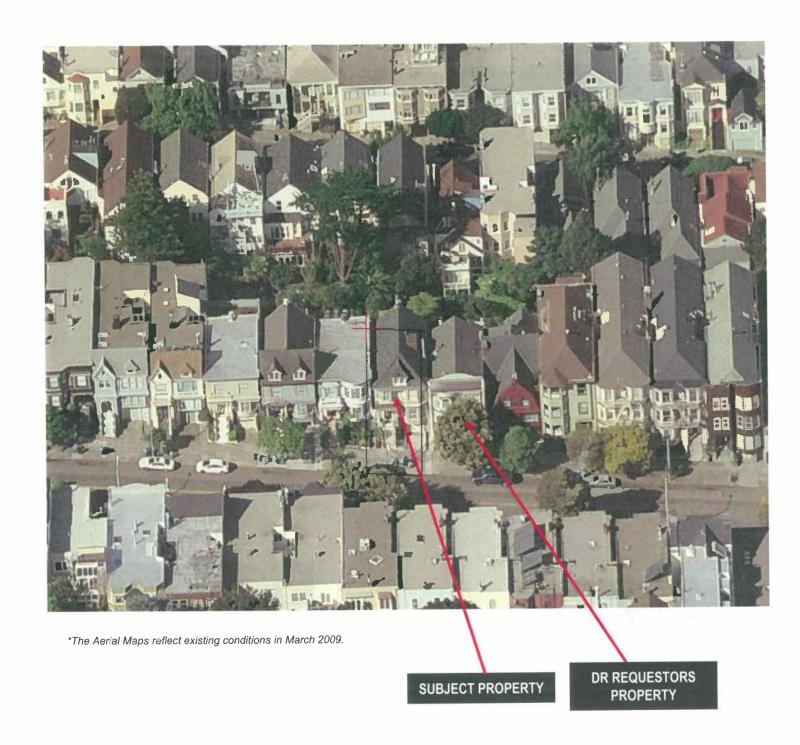
DR REQUESTORS PROPERTY

SUBJECT PROPERTY



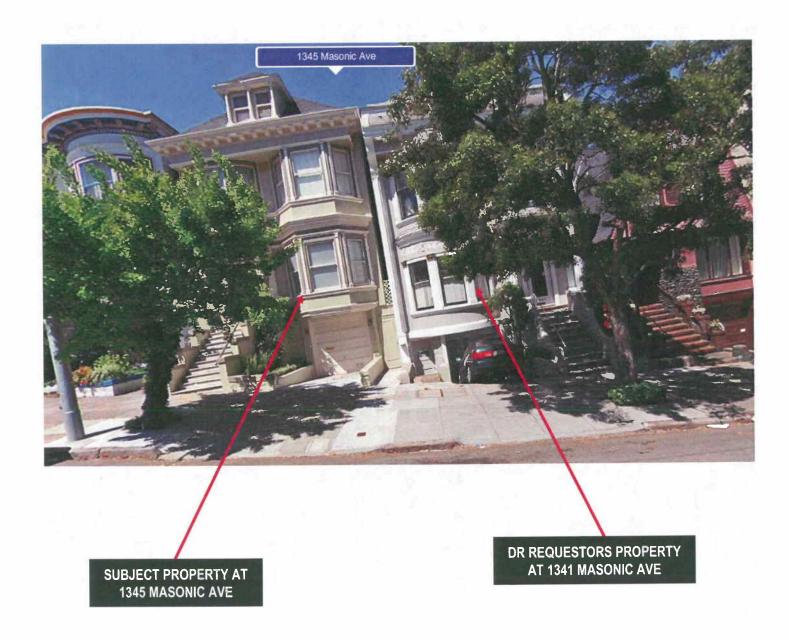
Discretionary Review Hearing Case Number 2009.0927D 1345 Masonic Avenue

## **Aerial Photo\***



Discretionary Review Hearing Case Number 2009.0927D 1345 Masonic Avenue

## Site Photo



Discretionary Review Hearing Case Number 2009.0927D 1345 Masonic Avenue

## **APPLICATION REQUESTING DISCRETIONARY REVIEW ("D.R.")**

This application is for projects where there are exceptional and extraordinary circumstances that justify further consideration, even though the project already meets requirements of the Planning Code, City General Plan and Priority Policies of the Planning Code.

D.R.	Applicant's NameJeffe	ry M. Webb and Elizabeth E. Webl	Telephone No: (415) 252-7475
D.R.	Applicant's Address	1341 Masonic Avenue	
		Number & Street	(Apt. #)
		San Francisco, CA	94117
		City	Zip Code
If you			ontact): (415) 252-7475 request please indicate the name
Name	e <u>NA</u>		Telephone No: <u>NA</u>
Addr	ess NA		
, ,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	<u> </u>	Number & Street	(Apt. #)
		City	Zip Code
D.R.: Build	Thomas Hazuka & Ant		project on which you are requesting re requesting
Wher	re is your property located	in relation to the permit applicant's	s property?
	property is located adjaced onic Avenue.	nt the permit applicant's property, c	on the Northern, downhill slope of
A.	Citizens should make	A DISCRETIONARY REVIEW RE- every effort to resolve disputes before a cources to help this happen.	QUEST pre requesting D.R. Listed below are a
1.	Have you discussed th	is project with the permit applicant	? YESGNOG
2.	Did you discuss the pro	pject with the Planning Department	permit review planner? YESGNOG
3.	Did you participate in o	outside mediation on this case? Co	ommunity Board G Other G NOG

4. If you have discussed the project with the applicant, planning staff or gone through mediation, please summarize the results, including any changes that were made to the proposed project so far.

We discussed the project with the applicant and the planning staff. In our discussions with the applicant, he offered a minor change to the new roof deck wall from solid to obscured glass (which was already suggested by Mr. Badiner at the original variance hearing). The applicant has not provided alternative plans to this effect and also has not agreed to or made any other changes to address our concerns.

#### **B. DISCRETIONARY REVIEW REQUEST**

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?

#### 1. PLANNING CODE REQUIREMENTS

The project does not meet 2 very specific requirements of the Planning Code: The permit applicant has requested a rear yard variance for the proposed expansion of its 3-story sunroom and roof deck addition. The permit applicant's property, with a lot depth of 106.25 ft has a required rear yard of approximately 48 ft, as per section 134 of the Planning Code for an RH-3 Zoning District. This proposed expansion will not only extend into the required rear yard (that already also has a significant non-conforming rear deck), (CONTINUED ON SEPARATE PAGE)

2. If you believe your property, the property of others or the neighborhood would be adversely affected, please state who would be affected, and how:

#### 1. IMPACT ON LIGHT

This proposal to build out towards our property line (within 3 ft) and build up with a new roof deck (up to 35 ft) is going to significantly affect our light—both direct and indirect sunlight. The permit applicant's property is South of our property and also up-gradient, and given that the sun generally cuts across the southern sky, every little change they make significantly affects our sunlight. Building up with the roof deck directly affects our morning and mid-day light into our kitchen, living room, porch, back yard. (CONTINUED ON SEPARATE PAGE)

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 B1)?

The permit applicant's proposal is to rebuild and expand its existing sunroom and add an additional roofdeck. The reason for rebuilding the sunroom is to repair rotting wood. We support our neighbors' decision to repair their current sunroom, and we would support a replacement sunroom as long as it met both the height and side setback requirements of the Planning Code. We do not support a rooftop deck that exceeds the Planning Code height and we do not support lateral construction toward our property within 3 feet of our property line that exceeds the Planning Code width. (CONTINUED ON SEPARATE PAGE).

Please write (in ink) or type your answers on this form. Please feel free to attach additional sheets to this form to continue with any additional information that does not fit on this form.

#### **CHECKLIST FOR APPLICANT:**

Indicate which of the following are included with this Application:

#### **REQUIRED:**

G Check made payable to Planning Department (see current fee schedule).

G Address list for nearby property owners, in label format, plus photocopy of labels.

G Letter of authorization for representative/agent of D.R. applicant (if applicable).

G Photocopy of this completed application.

#### **OPTIONAL:**

G Photographs that illustrate your concerns.

G Covenants or Deed Restrictions.

G Other Items (specify).

File this objection in person at the Planning Information Center. If you have questions about this form, please contact Information Center Staff from 8 a.m. to 5 p.m., Monday to Friday.

Plan to attend the Planning Commission public hearing which must be scheduled after the close of the public notification period for the permit.

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Applicant

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#### (CONTINUED FROM SECTION B.1)

but will also extend within 5 ft of the North and South property lines. In addition, the proposed expansion will exceed the second floor of occupancy, with a request to expand up to 35 ft above grade, contrary to Section 136(c)(25)(B)(ii).

#### 2. RESIDENTIAL DESIGN GUIDELINES

More generally, the project as currently drawn, also does not comply with portions of the Residential Design Guidelines (adopted under Section 311(c)(1) of the Planning Code), which require among other things that the alteration of existing residential buildings in R districts be consistent with the design policies and guidelines of the General Plan and with the Residential Design Guidelines. In particular, the proposed project does not minimize impacts on light and privacy to adjacent properties. By not providing for adequate side setbacks, the proposed project reduces light to the adjacent property to the North. The proposed project's impact on light is also not consistent with San Francisco's energy reduction policies, as it will require a much greater use of artificial lighting.

Further, the Residential Design Guidelines state that "an out-of-scale rear yard addition can leave surrounding residents feeling "boxed in" and cut off from the mid-block open space" and suggest that the addition be modified to minimize such impacts.

### 3. CRITERIA FOR VARIANCE APPROVAL

The project does not meet the 5 criteria required for a variance approval—the burden of proof is on the applicant—yet the applicant has not delivered valid justification for why its existing sunroom needs to be expanded and heightened, beyond its current perimeter, with an added roof deck. The questions that still cause concern for us with regard to each of the 5 requirements follow:

- a. "That there are exceptional or extraordinary circumstances applying to the property involved or to the intended use of the property that do not apply generally to other property or uses in the same class of district. (In other words, what is special about the property and why is this situation different from almost all other similar properties in San Francisco? Other properties must comply with the Planning Code; why can't this one?)" We are unaware of any extraordinary circumstances for this project. Repairing part of the existing sunroom due to rotting wood appears to be standard repair required of all houses over time. What is exceptional and extraordinary about needing to expand the existing sunroom to within 3 ft of our property line and adding a second deck that exceeds the height limit requirements up to 35 ft? In our meeting with the owner, he stated that he simply wanted more space.
- b. "That owing to such exceptional and extraordinary circumstances the literal enforcement of specified provisions of this Code would result in practical difficulty or unnecessary hardship not created by or attributable to the applicant or the owner of the property. (In other words, why can't the project be built so that it meets the Planning Code? What hardship or practical difficulty would result if it met Code standards? How is the hardship related to the exceptional circumstance? What hardship besides financial hardship would result if the project could not be built? Are there other places on the property where the project could be built and why can't be built in those areas?) Note that the hardship can't be created by you. Cost or economic hardship does not count. Practical difficulty of construction may be considered." In our conversations with the owner and the architect there does not appear to be any hardship if they simply moved their side wall

- back from our property line to meet the 5 foot variance. They've simply said they would prefer not to.
- c. "That such variance is necessary for the preservation and enjoyment of a substantial property right of the subject property, possessed by other property in the same class of district. (In other words, if you had to meet the Code, how would this prevent anyone from using the property in a similar fashion as others use their properties? What is not fair about your situation?)" The proposed project, would in fact, give the applicant significantly more interior living space than both houses on either side which simply have decks or smaller sunrooms. In addition, this applicant already has a huge non-conforming rear yard deck, significantly larger than its neighbors to the North, West, and South and is now requesting an additional non-conforming roof deck.
- d. "That the granting of such variance will not be materially detrimental to the public welfare or materially injurious to the property or improvements in the vicinity. (In other words, what kind of impact will the project have on neighbors? Has the applicant talked to neighbors about the project? Do neighbors support the project? Letters signed by the neighbors, stating that plans have been reviewed, understood, and there is no objection is a good way to help meet this criterion.)" Our property is significantly affected as the downhill, northern neighbor. Other neighbors to the North and West have also protested this encroachment on their light, airspace and privacy.
- e. "That the granting of such variance will be in harmony with the general purpose and intent of this Code and will not adversely affect the General Plan. (How is the proposal good for the City and the neighborhood?)" We would assume that the city is supportive of someone replacing old and rotted construction—as neighbors we certainly are. However, we are unaware of any neighbors who are supportive of both the lateral and vertical expansion of the subject property, even if it were within the guidelines of the Planning Code (which it is not, as proposed).

#### (CONTINUED FROM B.2)

Building North towards our property line affects our late morning and afternoon sunlight into our kitchen, dining room, and downstairs family room. The adverse affect of less natural light, will not only impact our quality of life but also necessitate more use of interior lighting and extra electricity. In addition, our adjacent neighbor to the North of our property is concerned that this addition will affect their light to their sunroom and backyard.

#### 2. IMPACT ON PRIVACY

This proposal is going to significantly affect our privacy, and the privacy of our neighbors to the West and South of the permit applicant. The expanded sunroom will reach within 2-3 feet of our property line with windows looking directly into our kitchen, bedroom and bathroom. The additional roofdeck will also look directly into our home and onto our deck and backyard, as well as into the homes and decks of our surrounding neighbors.

#### (CONTINUED FROM B.3)

We have been very open in our discussion with our neighbor, indicating that we are comfortable with the expansion of their 1<sup>st</sup> floor, beneath their existing 2<sup>nd</sup> floor kitchen area and deck. As this expansion does not impact our light or privacy. We also support their rebuilding their existing 3<sup>rd</sup> floor sunroom to repair the rot. However, if they extend the side of their sunroom as proposed towards our property line, and add a roofdeck, it will negatively impact our light and privacy and we are not comfortable with this proposal.

#### **PERSONAL NOTE**

We are not filing for this Discretionary Review because we are trying to be difficult neighbors. We are concerned about this project because it will have a significant impact on our personal lives. We spend the majority of our time in our kitchen and family room, the two rooms that will be significantly affected by loss of light as a result of our neighbor's proposed construction. We have a 15 month old child (and another child on the way) and this is where our child spends 90% of his time as well.

Our neighbors who are proposing this expansion don't spend much time in their home (they have another home in Sonoma where they spend the majority of their time), while we spend 100% of time in our home, as it is our only residence. When we approached our neighbor about this construction, and voiced our concern about loss of light, his comment was "If you want light, move to Sonoma".

We don't have any problems with the bottom floor build out that our neighbor is proposing or replacing their existing structure, as that does not affect our light and privacy. But we do have a concern with the new expansion that will directly impact us.

By comparison, we have a small 2<sup>nd</sup> story deck that sits off our bedroom, which would be at roughly the height of the newly proposed expanded sunroom, and well below the height of the newly proposed deck. The top of our deck railing is only 24 feet from the ground (vs. 35 feet for the top of the railing on the proposed deck) and is setback from the south property line (i.e. from 1345 Masonic's property line) by 8 feet (vs. the 3 feet for the project as proposed). So not only would we have a fully enclosed structure 'boxing' us in to our outdoor space, but the newly proposed deck would be an entire story higher than ours or any other deck amongst our closest neighbors.

(SEE ATTACHED PHOTOS)

#### ATTACHMENT 1 - KITCHEN PHOTOS

View from our Kitchen Window

S F-W N

Anticipated obstruction of light





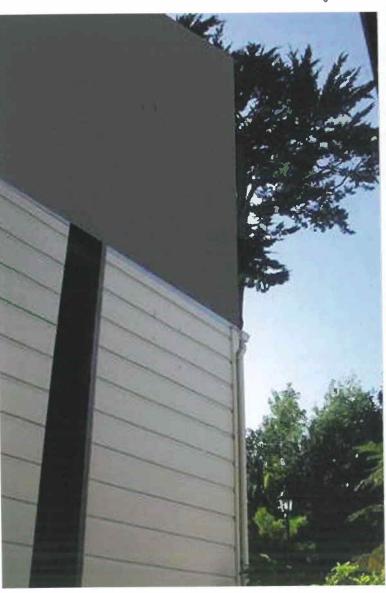
#### ATTACHMENT 2 - DINING ROOM PHOTOS

S E----W

View from our Dining Doom

Anticipated Obstruction of light





#### ATTACHMENT 3 - FAMILY ROOM PHOTOS

E + W

View from our family room

Anticipated Obstraction of light





#### ATTACHMENT 4 - MASTER BEDROOM PHOTOS

View from our Master Bedroom

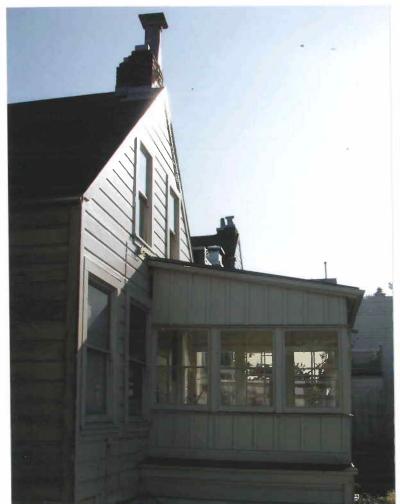
S E - W N



Windows will come directly up to Side of property line - looking directly into our bedroom. Impacts our privary.

#### ATTACHMENT 5 - OUTDOOR PHOTOS

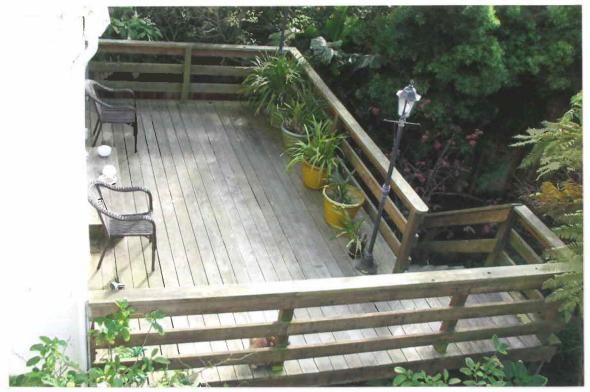
## View from our deck &



# View from our backgard &



### ATTACHMENT 6 - NEIGHBOR'S NON-CONFORMING DECK







#### RESPONSE TO DISCRETIONARY REVIEW

Case No.: 09.0927D

Building Permit No.: 2009. 0929.7896 Address: 1345 MASONIC AND. Project Sponsor's Name: ANDREW MORRALL Telephone No.: 415 · 282 · 0616 (for Planning Department to contact) 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. REFER TO ATTACHED What alternatives or changes to the proposed project are you willing to make in 2. 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. REFER TO ATTACHED If you are not willing to change the proposed project or pursue other alternatives, 3. 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. DEFER TO ATTACHED

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

Reception: 415.558.6378

Fax: 415.558.6409

Planning Information: 415.558.6377 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)  Occupied stories (all levels with habitable rooms)	3	3
Basement levels (may include garage or windowless storage rooms)		1 2
Bedrooms		<u>_</u> b
Gross square footage (floor area from exterior wall to exterior wall), not including basement and parking areas	2,970 42'-6"	3,040
Building Depth	52-0"	52'-0"
Most recent rent received (if any)		
Projected rents after completion of project	<u>NA</u>	44
Current value of property	t. <b>Z</b> , 000, 000	2,60
Projected value (sale price) after completion of projectif known)		

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

anha Mond	01/6/10	ANDREW MORPALL
Signature	Date	Name (please print)

January 6, 2010

Addressed to: Planning Department City and County of San Francisco 1650 Mission Street, San Francisco, CA 94103

#### Regarding:

Response to the Discretionary Review Request for the Request for a Rear Yard Variance to allow the structural upgrade and strengthening of an existing 3 story Sun Room at the rear of the existing house. Reconfigure the top of the existing Sun Porch for a new Roof Deck. Reconfigure the existing top floor of the existing Sun Porch, increasing the square footage by 70 square feet. The foot print of the existing Sun Porch does not change.

Project Address: 1345 Masonic Ave. Block no. 1255 Lot no. 007

## RESPONSE TO THE DISCRETIONARY REVIEW REQUEST

Summary to the application requesting discretionary review submitted by Jeffery M. Webb and Elizabeth E. Webb.

1. We feel our project should be approved (and in response to the Discretionary review request) as follows:

We will not be increasing the existing footprint of the existing house.

Our rear yard set back will not extend past either adjacent properties.

The existing structure already exists and is a legal nonconforming structure that needs to be replaced. By squaring off the existing structure and adding the additional seven feet to the North of the existing Second level we will be providing a more structurally sound structure that will be less prone to water intrusion and structural rot in the near and distant future. Irregular shapes structures (as the current structure is configured) are not as seismically strong and offer increased opportunities for water intrusion and damage due to complicated and increased requirements for flashing.

The Adjacent Property to the South already extends to the height of the Roof Deck we are proposing the length of it's property.

The Applicant is entitled to the full enjoyment of his property. Both adjacent neighbors have roof decks. The property to the South has a Roof deck at it's upper story, generally in line with the roof deck we propose. The property to the North has a roof deck 1 story below our proposed roof deck.

Both adjacent properties extend into there required side yard set back. Our side yard setbacks are more in compliance than the adjacent properties and because of the existing nonconforming conditions, only encroach by approximately 1 foot on either side.

Our proposed Roof Deck is in keeping with the residential design guidelines. This is an existing structure that needs to be replaced. We are not increasing the footprint of the existing structure. The portion of the existing building we are replacing is the last 10'-0" of the existing structure. The existing structure extends into the required 45% of the rear yard by only 6 feet.

Section 134(c)(1) allows the averaging of the adjacent properties in order to establish the required rear yard. We are in line with the adjacent property's rear yard. This section also states that the last 10 feet of the structure is allowed to a height of 30 feet. Because of the existing floor levels, we are proposing a height of 31 feet +/- at the high point of the roof, only 1 foot higher than allowed by the code, at the low point of the roof, the height is 30'-0" +/- in order to provide a roof deck to the existing third level.

Again, in keeping with the Planning Code and Design Guide Lines, our proposed roof deck will be providing direct access to open space directly off of an existing Bedroom.

Per section 188, and the interpretation dated 3/2001 we are proposing an obscured glass guardrail at the proposed roof deck. Also section 188 allows for the addition to a roof deck above non complying structures.

- 2. We did offer and have the opportunity to meet with the neighbor's filing the discretionary review. We offered several concessions at that time, as described below and submitted (They have offered none and did not wish to discuss or consider the concession we offered):
- A. We propose to use an obscure glass guard rail in order to facilitate light and privacy for the property to the North.
- B. We propose obscuring the glass at the Second Level Sun Room to facilitate privacy.
- 3. We feel the proposed project will not have any adverse effect on the adjacent property to the North because the structure we are proposing to replace already exists and it already casts a shadow on the adjacent property. The proposed addition of 7 feet at the Second Level will have minimal, if any increased effect on the light and air of the adjacent property. In regard to privacy, the neighbor filing the discretionary review already has windows facing the applicants property and we are not proposing to add

additional windows that will look into their house. Our proposed project in fact increases privacy, since we are proposing to obscure all glazing facing the adjacent property.

In general response to the applicants request for a discretionary review I would like to point out the following:

- 1. The width of our property is 25'-0" The property to the North fence encroaches approximately 1 foot onto the width of our property. The side yard set back of the structure being replaced is 4'-0", not 3'-0" as stated in their form.
- 2. There is no significant down slope between the 2 properties and both are essentially level at the rear yards.
- 3. The deck at the first level, only 8'-0" above grade mentioned in their form has no impact on the adjacent property to the North light, air or privacy.

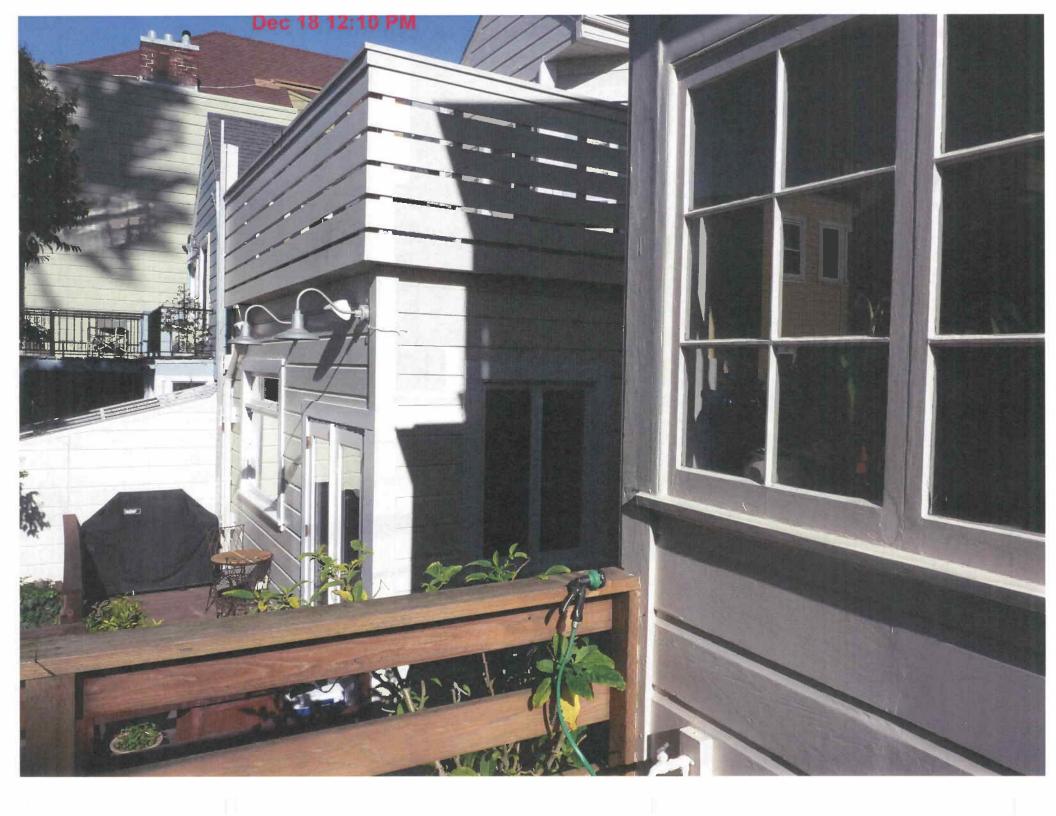
End of Response and Memo

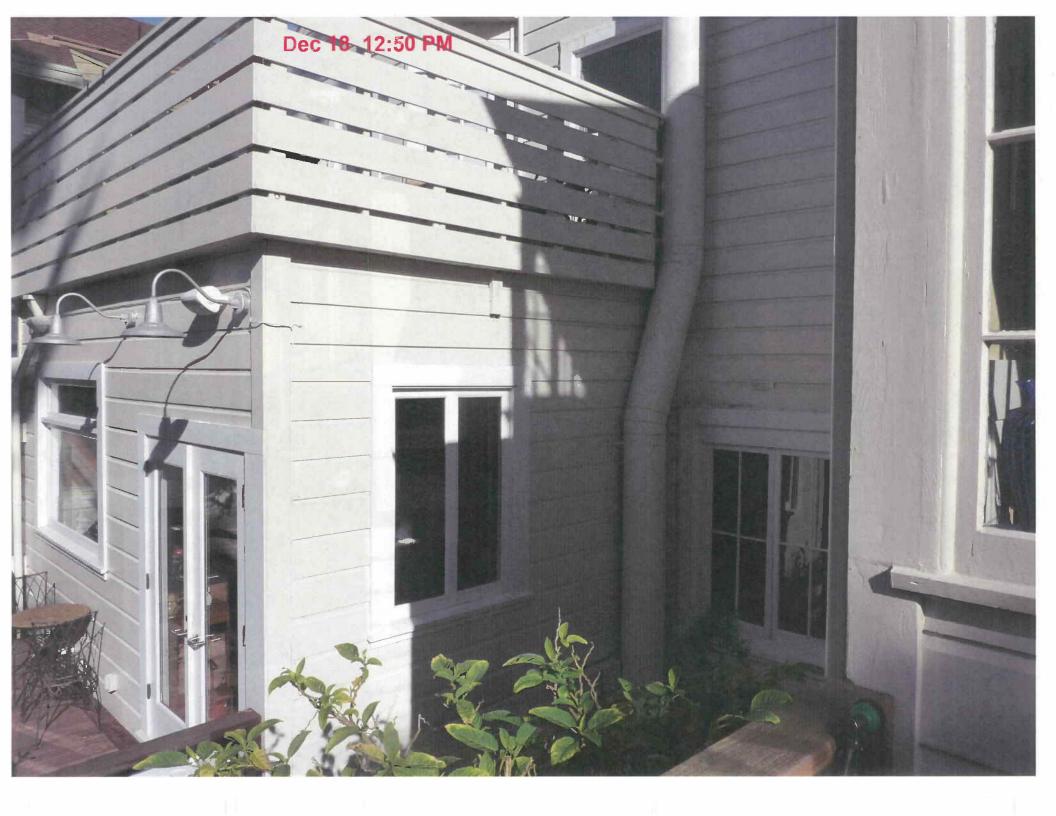
Andrew Morrall, Architect 415-282-0616

Melse Morrall 1/6/10

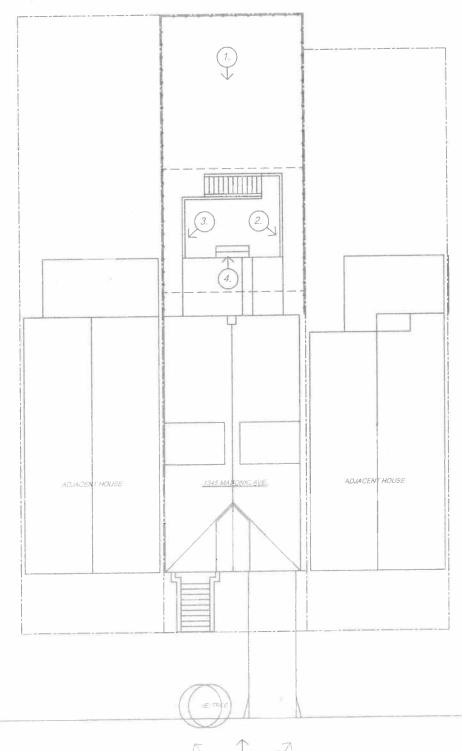






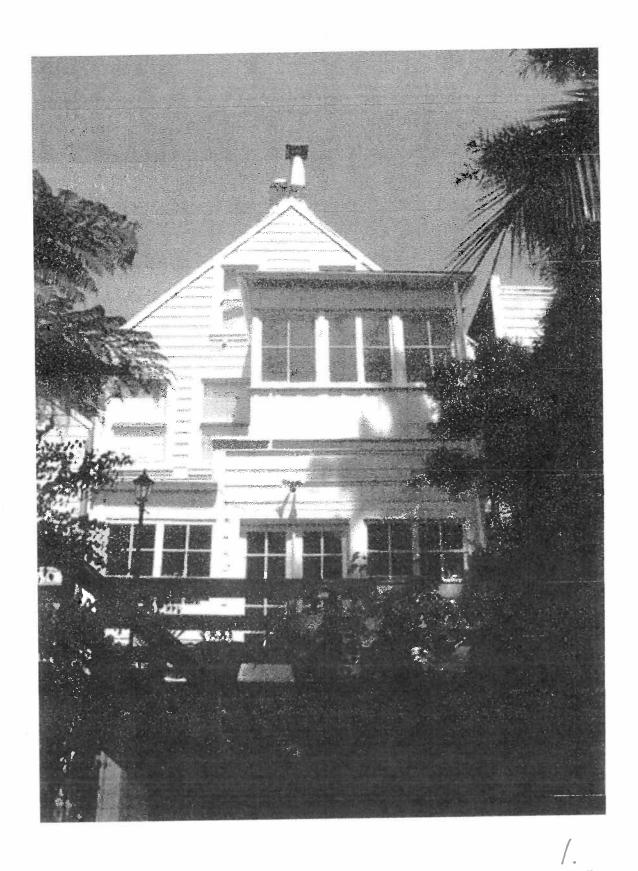


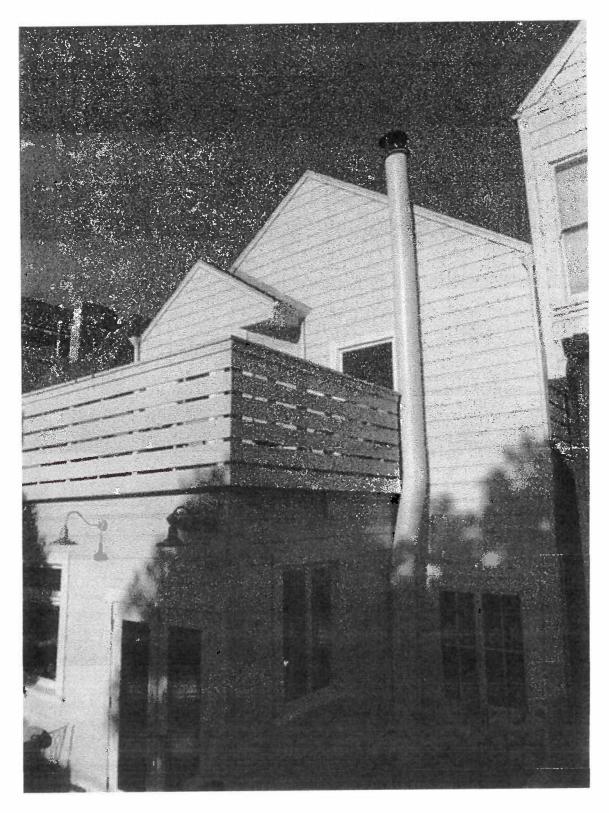




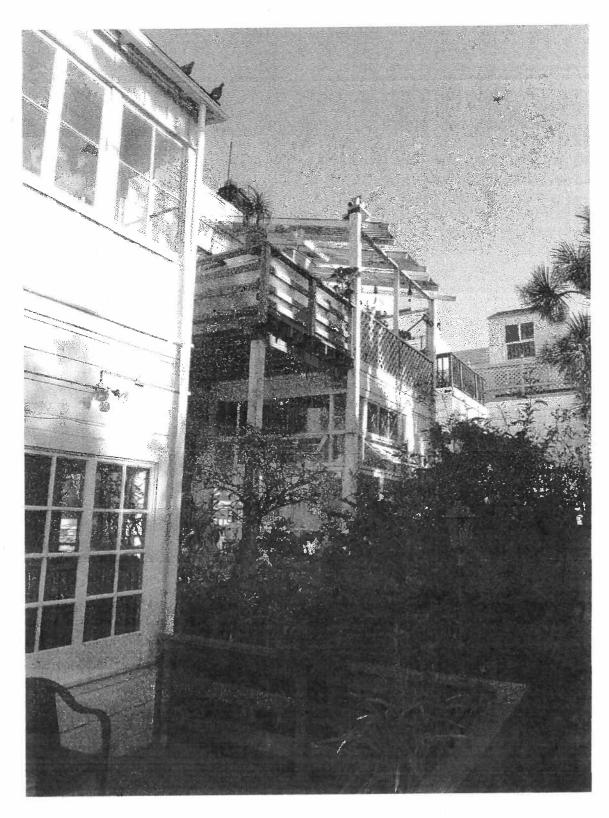
1345 MASONIC AVE. PHOTO KEY

PROJECT NORTH

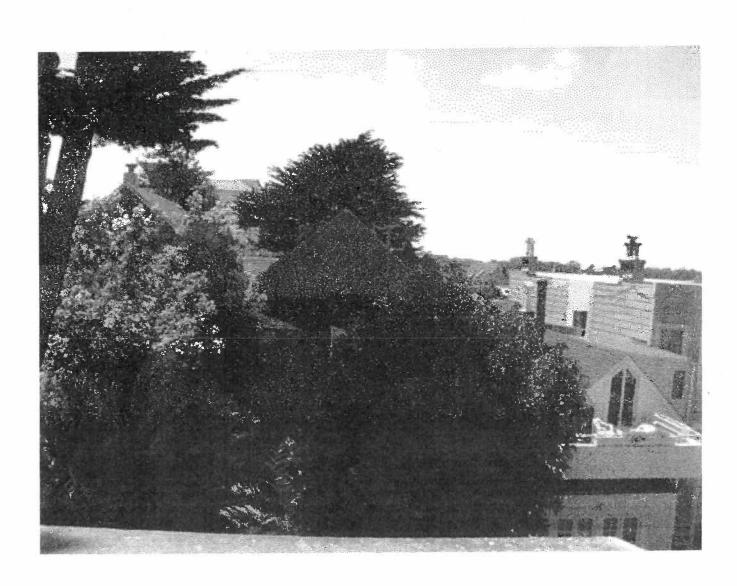




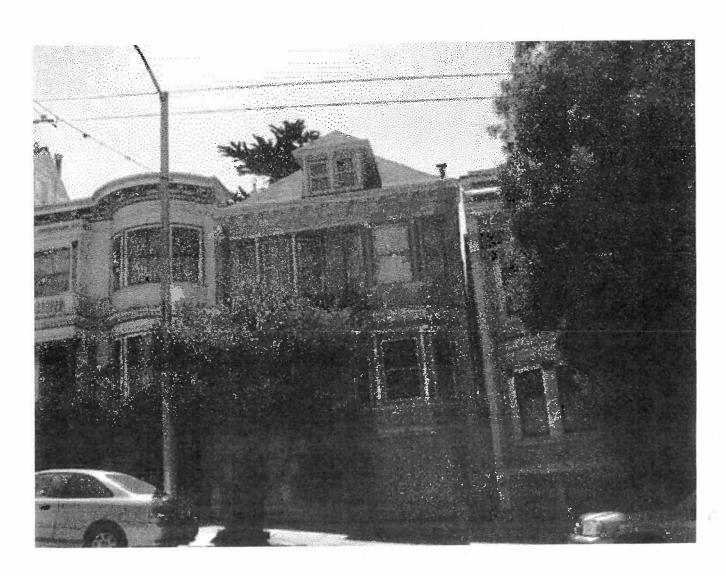
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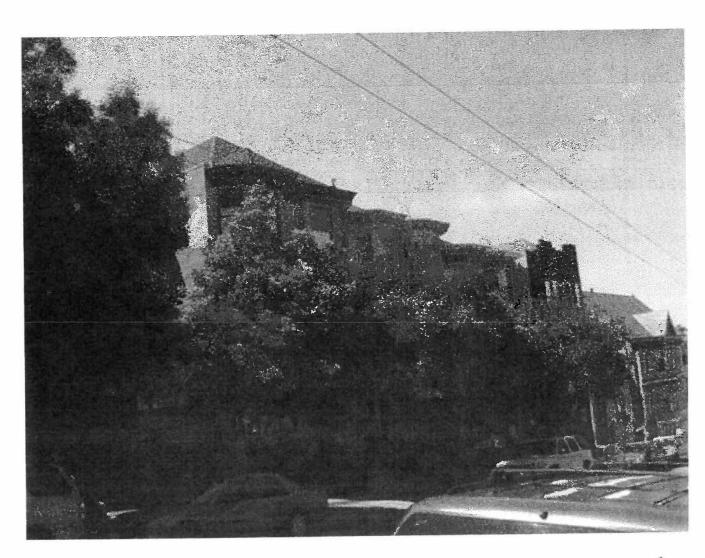
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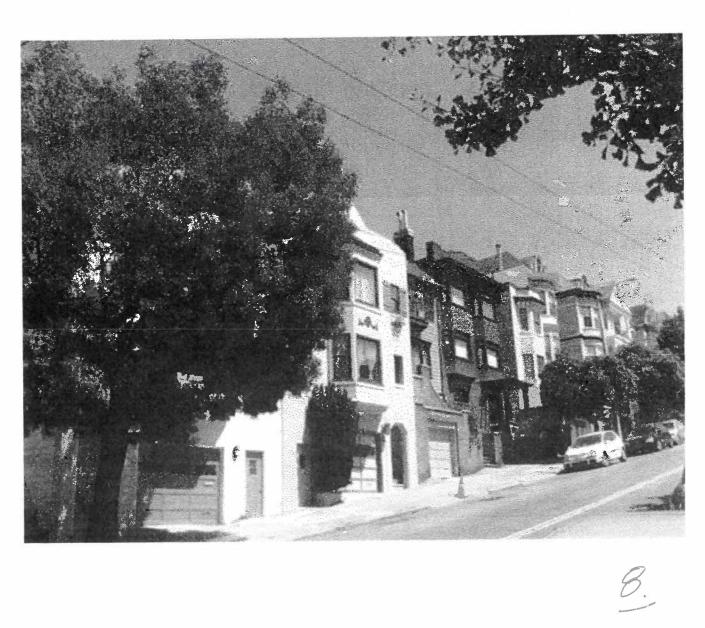
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1,





1000 Mission Street Suite 400 San Francisco, CA 94103

## NOTICE OF BUILDING PERMIT APPLICATION (SECTION 311)

On **September 29, 2009**, the Applicant named below filed Building Permit Application No. **2009.09.29.7896** (Alteration) with the City and County of San Francisco.

PROJECT SITE INFORMATION CONTACT INFORMATION Applicant: Andrew Morrall (agent/architect) Project Address: 1345 Masonic Avenue Address: 2730 Mission Street Cross Streets: Waller Street / Frederick Street City, State: San Francisco, CA 94110 Assessor's Block /Lot No.: 1255 / 007 Telephone: (415) 282-0616 Zoning District: RH-3 / 40-X

Under San Francisco Planning Code Section 311, you, as a property owner or resident within 150 feet of this proposed project, are being notified of this Building Permit Application. You are not obligated to take any action. For more information regarding the proposed work, or to express concerns about the project, please contact the Applicant above or the Planner named below as soon as possible. If your concerns are unresolved, you can 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.

	PROJECT SCOPE	
[ ] DEMOLITION and/or [ ] VERTICAL EXTENSION [ ] HORIZ. EXTENSION (FRONT)  PROJECT FEATURES	[] NEW CONSTRUCTION or [] CHANGE # OF DWELLING UNITS [] HORIZ. EXTENSION (SIDE)	[X] ALTERATION [X] FACADE ALTERATION (REAR) [X] HORIZ. EXTENSION (REAR)
PROJECT FEATURES	EXISTING CONDITION	PROPOSED CONDITION
BUILDING DEPTH REAR YARD HEIGHT OF BUILDING HEIGHT OF SUNROOM NUMBER OF STORIES NUMBER OF DWELLING UNITS	±10'6"  ± 54'  ± 42'  ± 42'6"  ± 29'  4  1  SPACES 1	No Change No Change No Change ± 35' (to proposed roof deck's guard rail) No Change No Change
	PROJECT DESCRIPTION	

The proposal is to replace and expand a three-story sunroom at the rear of the 4 story, single-family dwelling. The proposal will involve removing the existing sunroom and constructing a new sunroom with roof deck above (17'6" wide by 10' deep by 34'6" above grade) in its place, so that the new extension will have equal side setbacks (3'6" to 4') with the existing one-story deck to the rear of the addition.

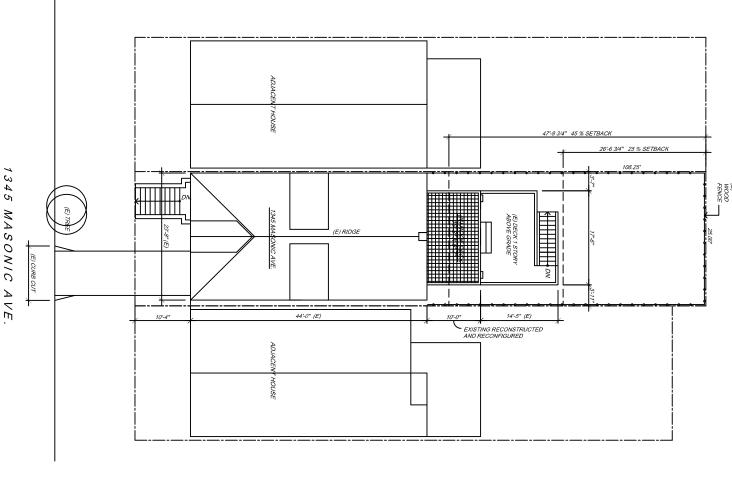
This proposal will require a Rear Yard Variance because a portion of the proposed sunroom will extend into the required rear yard. The public hearing for the Variance (Case No. 2009.0927V) has been scheduled for November 18, 2009 beginning at 9:30 a.m. in City Hall, Room 408, 1 Dr. Carlton B. Goodlett Place. Public notification of this hearing is also provided under separate notice to property owners within 300 feet of the subject property.

11/6/09 \_\_12/6/09

PLANNER'S NAME: Sharon M. Young

PHONE NUMBER: (415) 558-6346 DATE OF THIS NOTICE:

EMAIL: sharon.m.young@sfgov.org EXPIRATION DATE:



DRAWINGS AND ALL WORK SHALL COMPLY WITH.
2007 CALIFORNIA BUILDING CODE WITH 2007
CITY OF SAN FRANCISCO BUILDING CODE
AMMENDMANTS.

PROJECT DATA

ANDREW MORRALL ARCHITECT
www.andrewmorrallarchitect.com

2730 MISSION STREET
SAN FRANCISCO CA. 94110
PHONE: 415-282-0616

PROJECT ADDRESS: 1345 MASONIC AVE, SAN FRANCISCO

BLOCK NO. : 1255

LOT NO. : 007

ZONING: RH3, 40-X

OCCUPANCY: R3

BUILDING TYPE: V-B,

EXISTING SQUARE FOOTAGE: 2,970 SQ. FT. LIVING 926 SQ. FT. GARAGE & STORAGE NUMBER OF STORIES: 3 STORIES WITH EXPOSED BASEMENT

NEW SQUARE FOOTAGE: 70 SQ. FT. LIVING 84 SQ. FT. STORAGE

SAN FRANCISCO, CA.

ANTHONY GEORGE THOMAS HAZUKA &

IMPROVEMENTS FOR THE RESIDENCE OF:

1345 MASONIC AVE.

TOTAL REVISED SQUARE FOOTAGE 3,040 SQ. FT. LIVING 1,010 SQ. FT. GARAGE & STORAGE

DESCRIPTION OF PROJECT:
STRUCTURALLY UPGRADE AND STRENGTHEN AN EXISTING
DILEPIDATED 3 STORY SUNROOM AT THE REAR OF AN EXISTING
SINGLE FAMILY HOUSE, ADDING A FOUNDATION, AND ENCLOSING
THE SPACE UNDER THE EXISTING STRUCTURE TO CREATE STORAGE
AND INCREASE SHEAR VALUE. RECONFIGURE TOP FLOOR OF
EXISTING SUNROOM, INCREASING FLE SQUARE FOOTAGE BY TO
SQUARE FEET. THE EXISTING BUILDING FOOTPRINT DOES NOT
CHANGE. ADD A ROOF DECK ATOP THE EXISTING SUNROOM

OWNER CONTACT: ANTHONY GEORGE AND TOM HAZUKA 1345 MASONIC AVE. SAN FRANCISCO CA. 94117 415-999-3449

ARCHITECT: ANDREW MORRALL 2730 MISSION STREET SAN FRANCISCO CA. 94110 415-282-0616

## SHEET INDEX

A-1 REVISED SITE PLAN

A-2 REVISED PLANS

A-3.1 REVISED EXTERIOR ELEVATIONS

A-3.2 REVISED EXTERIOR ELEVATIONS

REVISED & EXISTING EXTERIOR ELEVATIONS W/ ADJACENT BUILDINGS

CROSS SECTION

A-5 EXISTING SITE PLAN

EXISTING ELEVATIONS

A-6.2 EXISTING ELEVATIONS

EXISTING PLANS

REVISED SITE PLAN

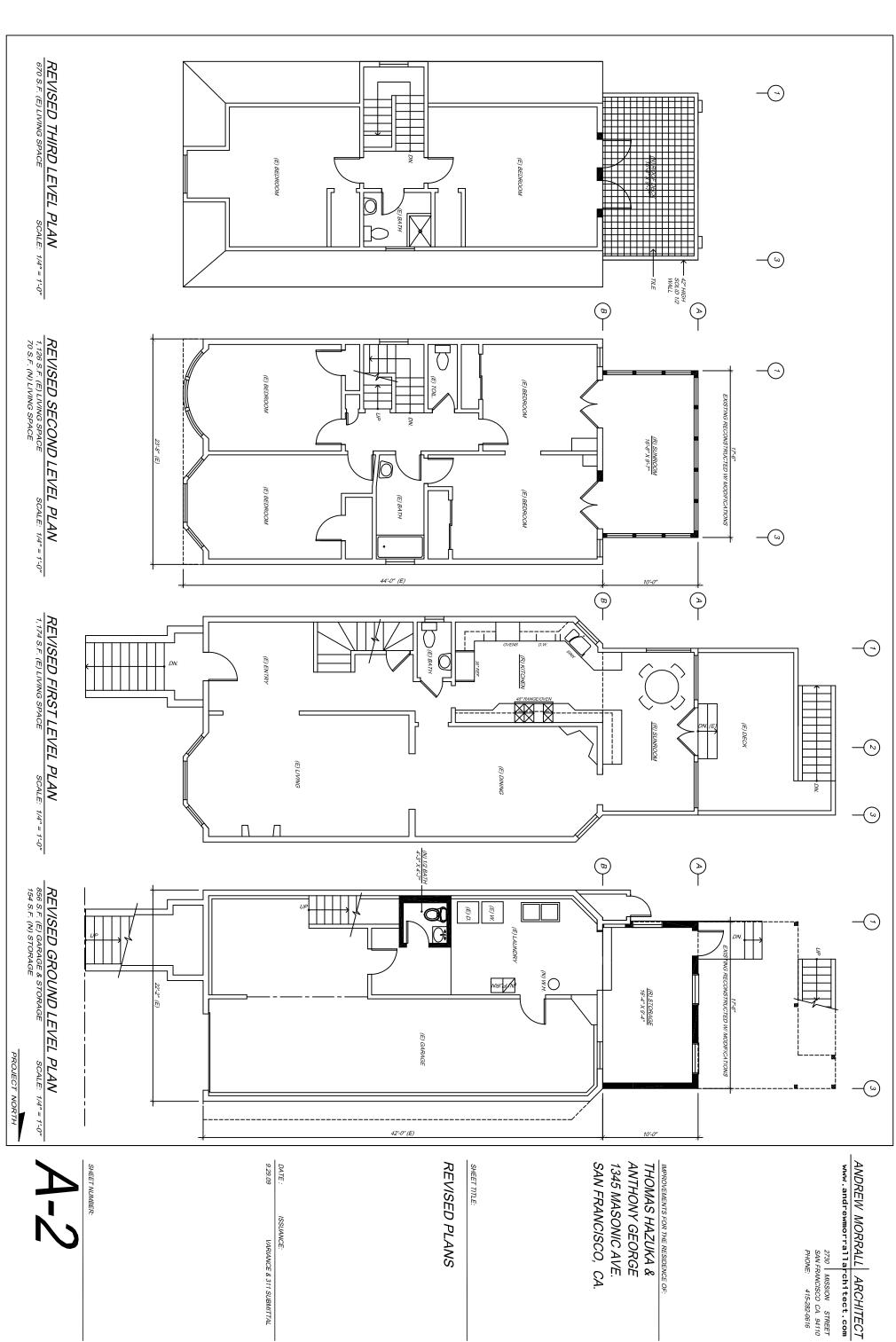
PROJECT NORTH

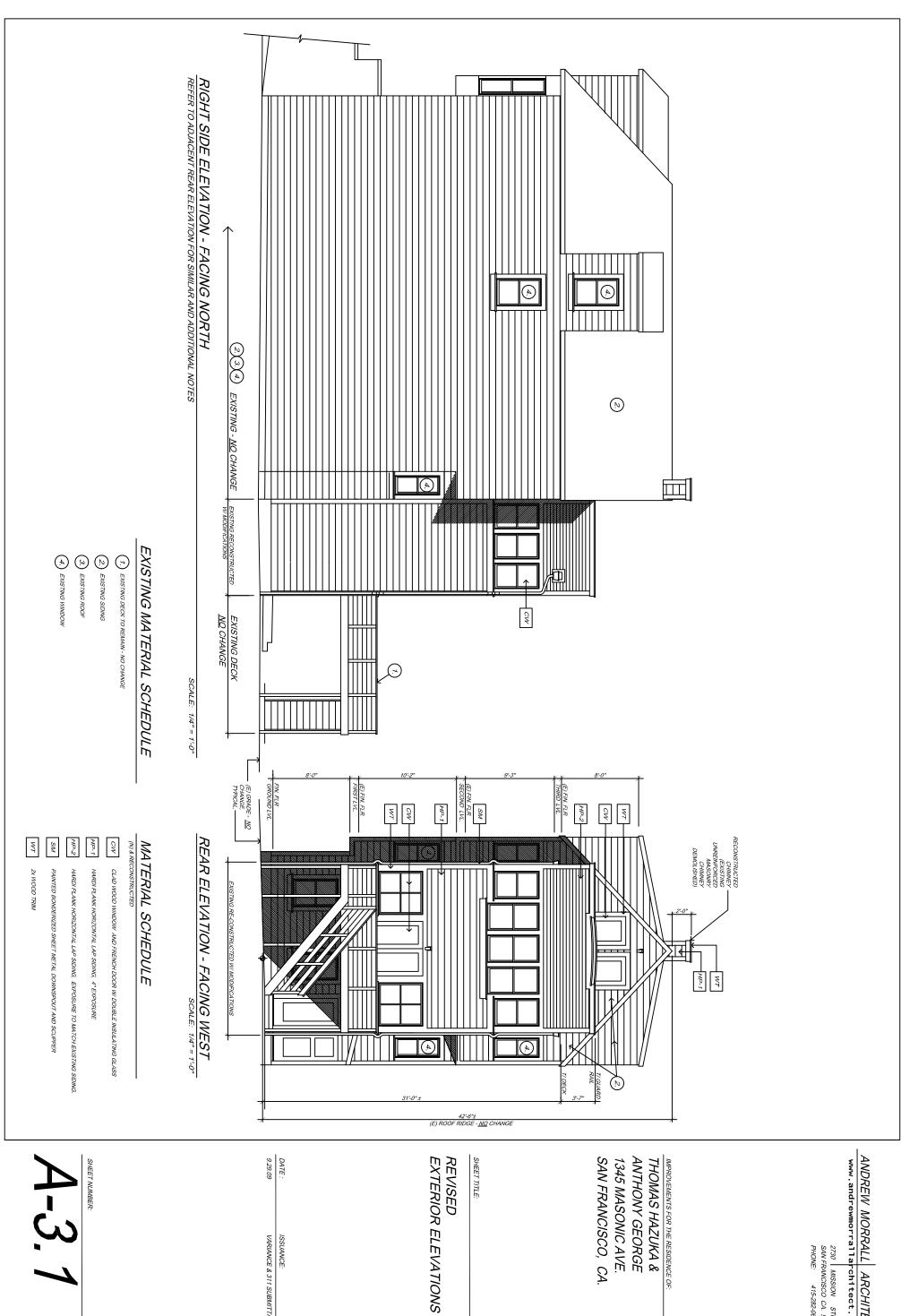
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SHEET TITLE:

REVISED SITE PLAN

VARIANCE & 311 SUBMITTAL

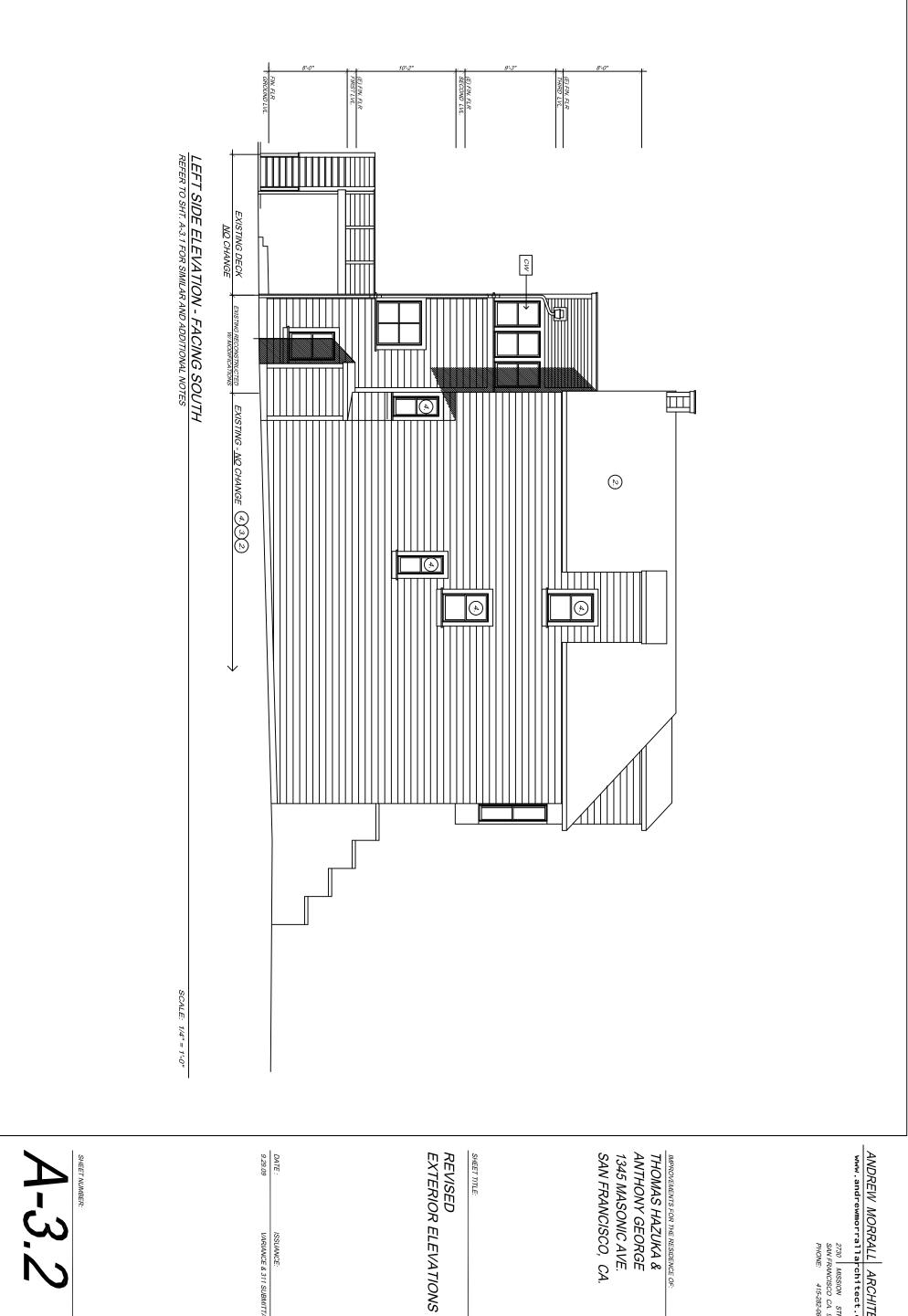




ANDREW MORRALL ARCHITECT
www.andrewmorrallachitect.com

2730 MISSION STREET SAN FRANCISCO CA. 94110 PHONE: 415-282-0616

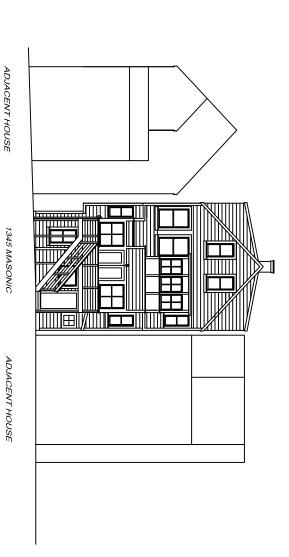
VARIANCE & 311 SUBMITTAL



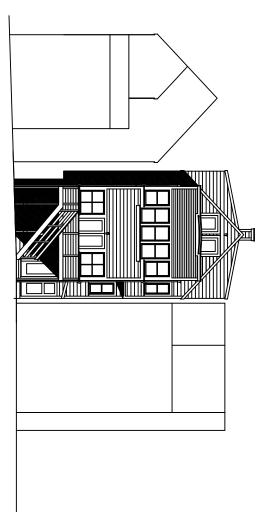
132

ISSUANCE:
VARIANCE & 311 SUBMITTAL

ANDREW MORRALL ARCHITECT



## EXISTING REAR ELEVATION - FACING WEST SCALE: 1/8" = 1'-0"



REVISED REAR ELEVATION - FACING WEST

SCALE: 1/8" = 1'-0"

ADJACENT HOUSE

1345 MASONIC

ADJACENT HOUSE

THOMAS HAZUKA & IMPROVEMENTS FOR THE RESIDENCE OF: ANDREW MORRALL ARCHITECT

2730 | MISSION STREET SAN FRANCISCO CA. 94110 PHONE: 415-282-0616

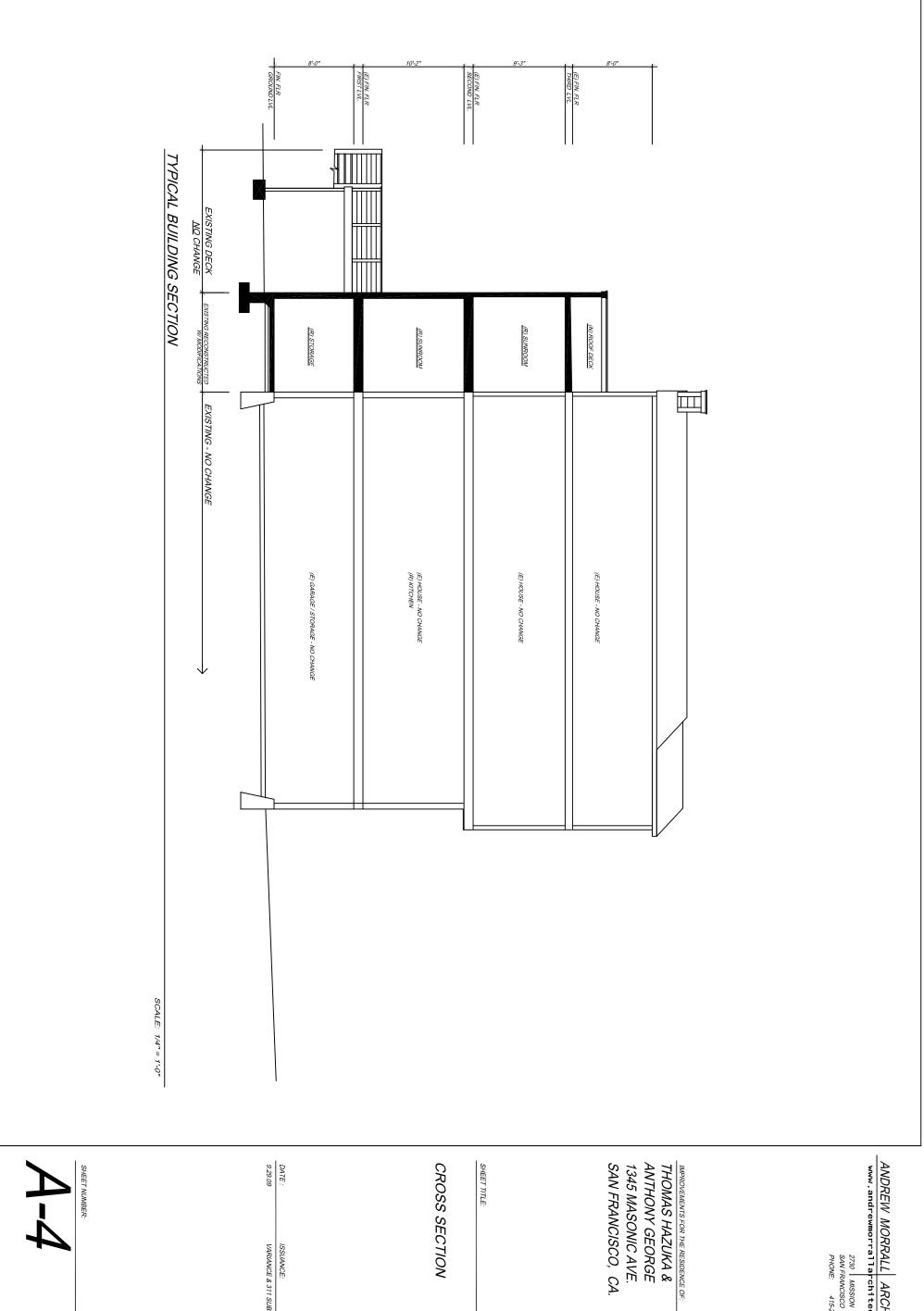
ANTHONY GEORGE SAN FRANCISCO, CA. 1345 MASONIC AVE.

SHEET TITLE:

REVISED & EXISTING
EXTERIOR ELEVATIONS
W/ ADJACENT BUILDINGS

VARIANCE & 311 SUBMITTAL

A-3,3



ISSUANCE:
VARIANCE & 311 SUBMITTAL

ANDREW MORRALL ARCHITECT
www.andrewmorrallarchitect.com

(E) DECK 1 STORY ABOVE GRADE HOUSE

EXISTING SITE PLAN

PROJECT NORTH

SCALE: 1/8" = 1'-0"

1345 MASONIC AVE.

EXISTING SITE PLAN

ISSUANCE:
VARIANCE & 311 SUBMITTAL

SHEET TITLE:

MPROVEMENTS FOR THE RESIDENCE OF:

THOMAS HAZUKA &
ANTHONY GEORGE

1345 MASONIC AVE. SAN FRANCISCO, CA.

ANDREW MORRALL ARCHITECT



2730 MISSION STREET SAN FRANCISCO CA. 94110 PHONE: 415-282-0616

ISSUANCE:
VARIANCE & 311 SUBMITTAL

EXISTING LEFT SIDE ELEVATION - FACING SOUTH SCALE: 1/4" = 1'-0" A-6.2 MPROVEMENTS FOR THE RESIDENCE OF:

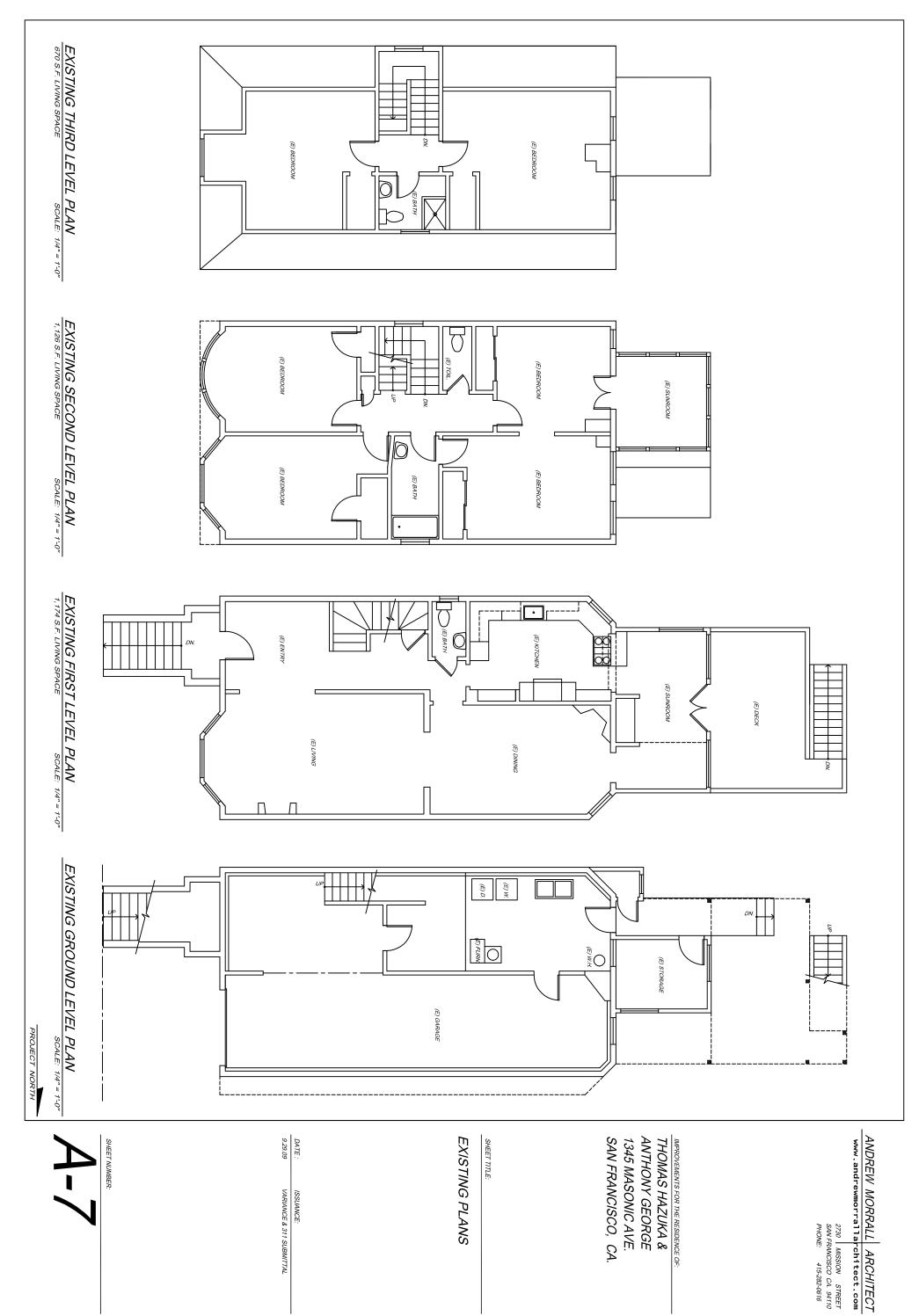
THOMAS HAZUKA &
ANTHONY GEORGE

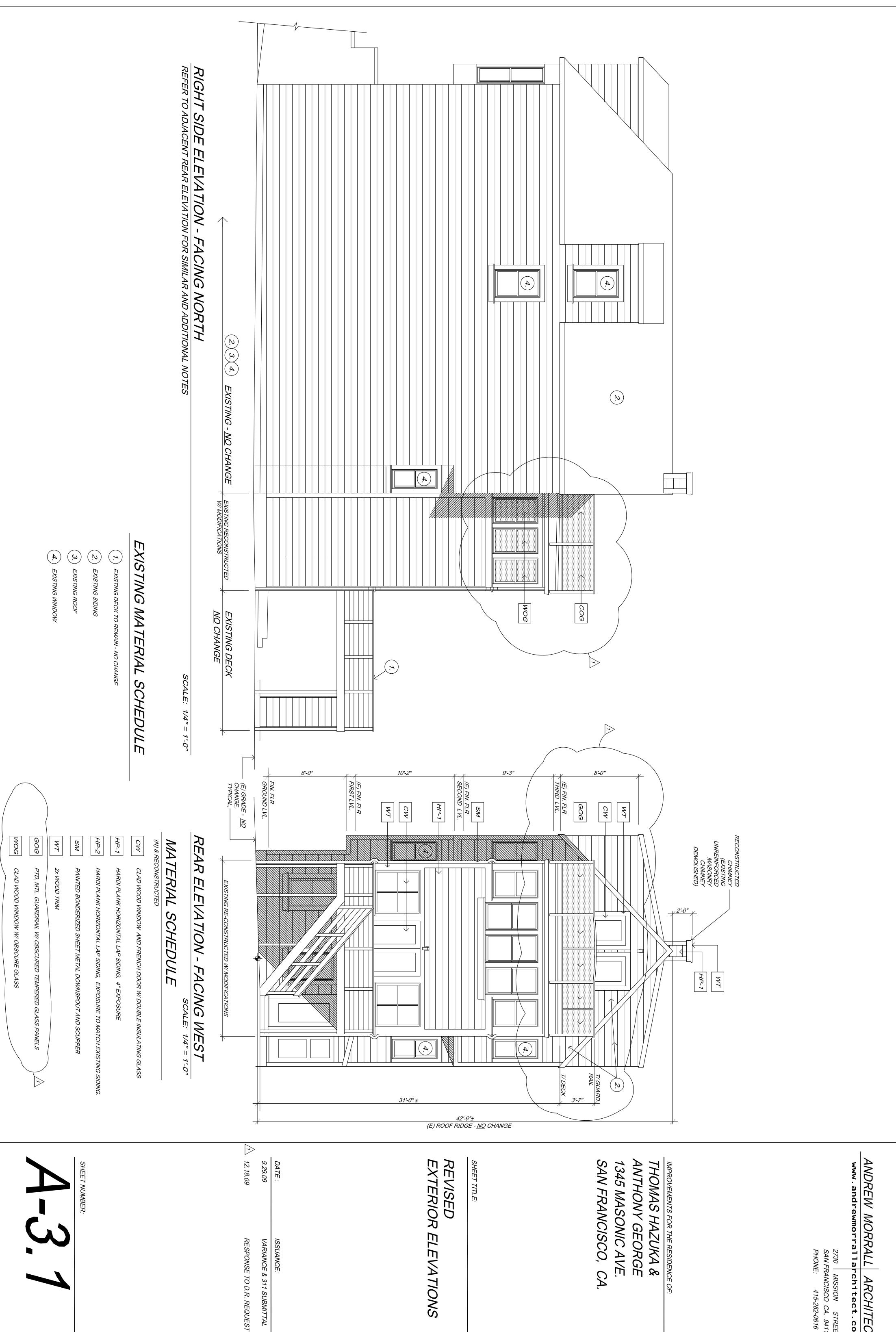
1345 MASONIC AVE. DATE: 9.29.09 EXISTING EXTERIOR ELEVATIONS SAN FRANCISCO, CA. SHEET TITLE:

ANDREW MORRALL ARCHITECT

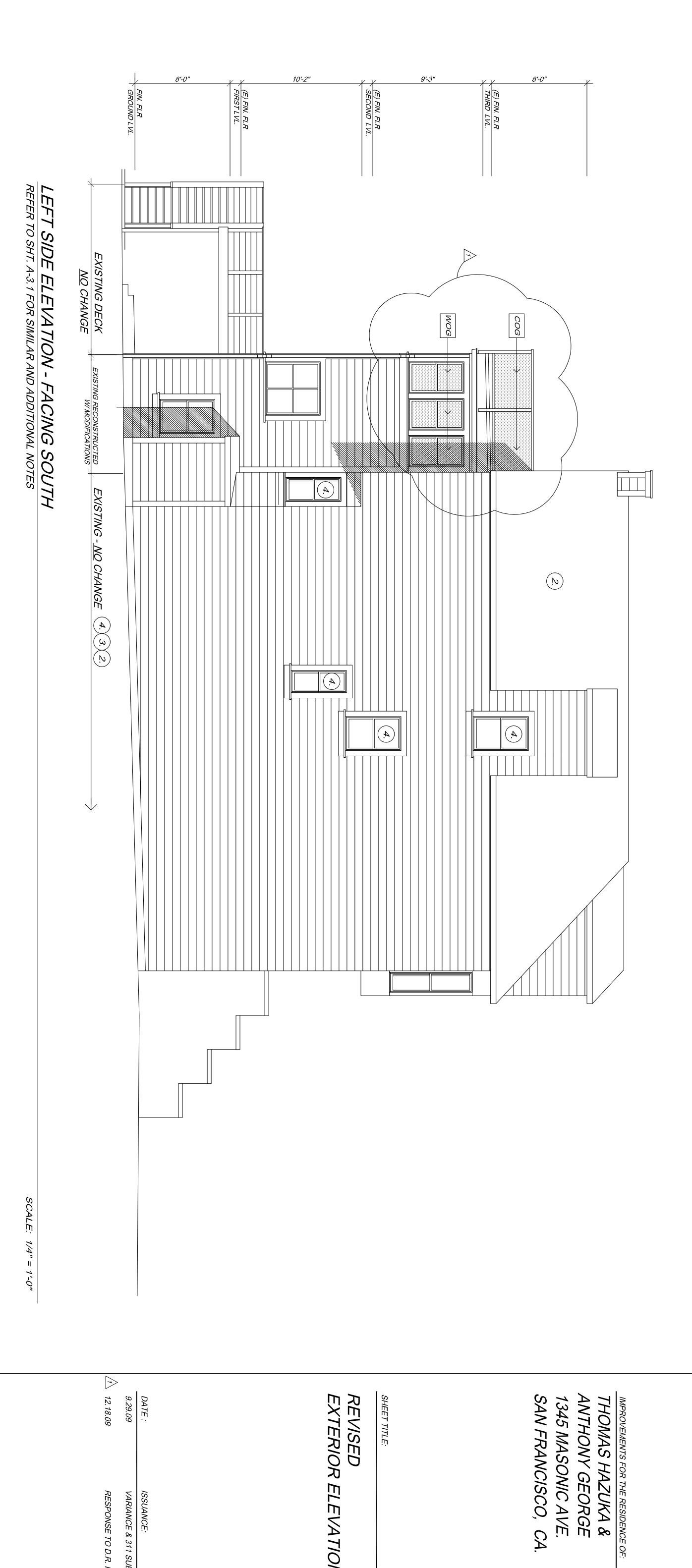
2730 MISSION STREET
SAN FRANCISCO CA. 94110
PHONE: 415-282-0616

ISSUANCE:
VARIANCE & 311 SUBMITTAL





4NDREW MORRALL ARCHITECT www.andrewmorrallarchitect.com



ANDREW MORRALL ARCHITECT www.andrewmorrallarchitect.com

2730 MISSION STREET SAN FRANCISCO CA. 94110 PHONE: 415-282-0616

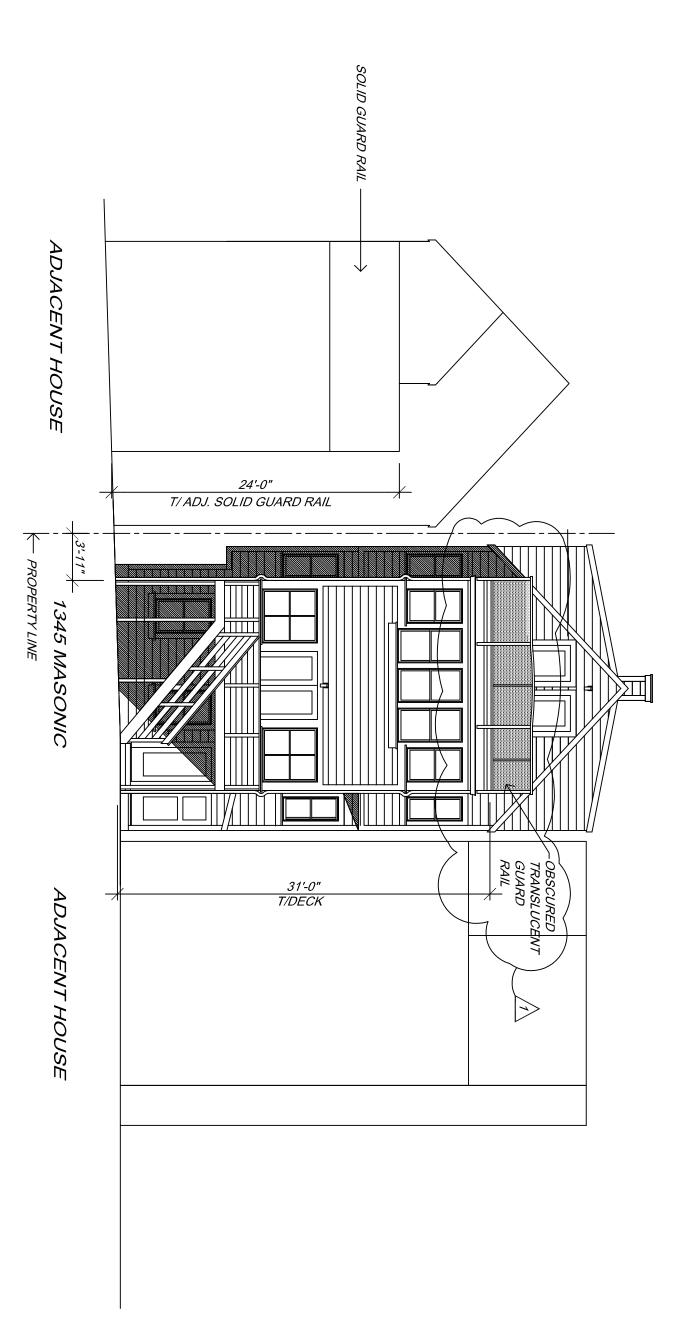
DATE: REVISED EXTERIOR ELEVATIONS ISSUANCE:

RESPONSE TO D.R. REQUEST

VARIANCE & 311 SUBMITTAL



# EXISTING REAR ELEVATION -FACING WEST SCALE: 1/8" = 1'-0"



# REAR ELEVATION -FACING WEST SCALE: 1/8" = 1'-0"

THOMAS HAZUKA & IMPROVEMENTS FOR THE RESIDENCE OF: ANDREW MORRALL ARCHITECT www.andrewmorrallarchitect.com

2730 MISSION STREET SAN FRANCISCO CA. 94110 PHONE: 415-282-0616

SAN FRANCISCO, CA. ANTHONY GEORGE 1345 MASONIC AVE.

SHEET TITLE:

REVISED & EXISTING
EXTERIOR ELEVATIONS
W/ ADJACENT BUILDINGS

12.18.09 9.29.09 DATE: VARIANCE & 311 SUBMITTAL ISSUANCE:

RESPONSE TO D.R. REQUEST