

Docket
Copy



SAN FRANCISCO PLANNING DEPARTMENT

Discretionary Review

Abbreviated Analysis

HEARING DATE: DECEMBER 16, 2010

1650 Mission S
Suite 400
San Francisco,
CA 94103-2479

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6378

Date: December 9, 2010
Case No.: 2010.0794D
Project Address: 203 Marietta Drive
Permit Application: 2010.06.28.5436
Zoning: RH-1 (Residential House, One-Family)
 40-X Height and Bulk District
Block/Lot: 2949A/054
Project Sponsor: Cassandra Mettling-Davis, Architect
 801 Portola Drive, Suite 104
 San Francisco, CA 94127
Staff Contact: Elizabeth Watty – (415) 588-6620
Elizabeth.Watty@sfgov.org
Recommendation: **Do not take DR and approve as proposed**

PROJECT DESCRIPTION

The project includes the construction of a two-story horizontal rear addition, a new roof deck and windscreen within the footprint of the 2nd story addition, and modifications to the existing rear-deck that will result in it being pulled-off of the common property line by 6'-0", and extended in depth by approximately 1'-4".

SITE DESCRIPTION AND PRESENT USE

The property is a trapezoidal-shaped down-sloping lot, measuring approximately 103 feet deep with approximately 35'-6" feet of frontage along the north side of Marietta Drive at Arroyo Way, in the Miraloma Park Neighborhood. The property is developed with an existing two-story single-family dwelling, built circa 1960. The dwelling is setback from the front property line by 17'-10", from the west property by a minimum of 5'-0", and is located flush along the east property line. The property currently contains a one-story deck that is located at the rear of the dwelling, which abuts the east property line and is located approximately 28'-6" from the west property line.

SURROUNDING PROPERTIES AND NEIGHBORHOOD

The surrounding properties along Marietta Drive consist of predominantly two-story single-family dwellings. Most of the buildings are mid-century with a horizontal vernacular and flat rooflines, containing minimal ornamentation and ground floor entrances.

Miraloma Park was built as a "suburb within the City", with most of the neighborhood constructed during three periods: Pre-War (1920s and 1930s), Transitional (1940-1955), and Recent (1955-Present). The neighborhood surrounding the Subject Property falls within the Recent time period of construction.

BUILDING PERMIT NOTIFICATION

TYPE	REQUIRED PERIOD	NOTIFICATION DATES	DR FILE DATE	DR HEARING DATE	FILING TO HEARING TIME
311 Notice	30 days	8/19/10-9/18/10	8/27/2010	12/16/2010	111 days

HEARING NOTIFICATION

TYPE	REQUIRED PERIOD	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUAL PERIOD
Posted Notice	10 days	December 6, 2010	December 6, 2010	10 days
Mailed Notice	10 days	December 6, 2010	December 3, 2010	13 days

PUBLIC COMMENT

	SUPPORT	OPPOSED	NO POSITION
Adjacent neighbor(s)	0	1 (DR Requestor)	0
Other neighbors on the block or directly across the street	1	0	0
Neighborhood groups	0	0	1

The Department has received support for the project from two neighbors and no opposition to the project, other than from the DR Requestor. The Department has also received a letter from Miraloma Park Improvement Club, who has “adopted no position and taken nobody’s side”.

DR REQUESTOR

Maria Tilghman, 207 Marietta Drive (adjacent neighbor to the east).

DR REQUESTOR’S CONCERNS AND PROPOSED ALTERNATIVES

See attached *Discretionary Review Application*, dated August 27, 2010.

PROJECT SPONSOR’S RESPONSE TO DR APPLICATION

See attached *Response to Discretionary Review*, dated November 29, 2010.

ENVIRONMENTAL REVIEW

The Department has determined that the proposed project is exempt 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) on November 3, 2010. The RDT found no exceptional or extraordinary circumstances associated with the

property or the project. Based on the following findings, the RDT determined that this Project should be approved as proposed, and categorized as an Abbreviated Discretionary Review:

1. The RDT does not find the project to contain or create any exceptional or extraordinary circumstances.
2. The rear addition is substantially setback from the DR Requestor's property (approximately 12'-7" at the ground floor, and approximately 19'-0" at the second floor) and does not adversely affect the mid-block open space. The proposed deck has been pulled off of the shared property line by 6'-0", and has been increased in depth by only 1'-4", which should increase – not decrease – the privacy between the subject and DR Requestor's properties.
3. The proposed roof deck is consistent with the Residential Design Guidelines, in that it includes a transparent windscreen that is setback from the front, sides, and rear of the property.
4. The proposed project is consistent with the Miraloma Park Design Guidelines, in that the rear addition is setback from the shared side property lines in order to "preserve the existing extent of light and air to adjacent structures"; the project incorporates 'good neighbor gestures' that will increase privacy between properties by pulling the deck off of the shared side property line by 6'-0"; the roof deck and windscreen are substantially setback from the front of the building (by approximately 30'-6"); and the use of a transparent glass railing for the upper half of the windscreen will help to minimize the visual impact of this feature from the public right-of-way.
5. The RDT does not believe that the project will have any adverse impacts on the DR Requestor's property, or any other surrounding properties. Noise that could be generated by the use of decks is not regulated by the Planning Code or Residential Design Guidelines.
6. This project does not contain or create any exceptional or extraordinary circumstances. Under the Commission's pending DR Reform Legislation, this project would not be referred to the Commission. As such, this DR warrants an abbreviated staff analysis.

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.

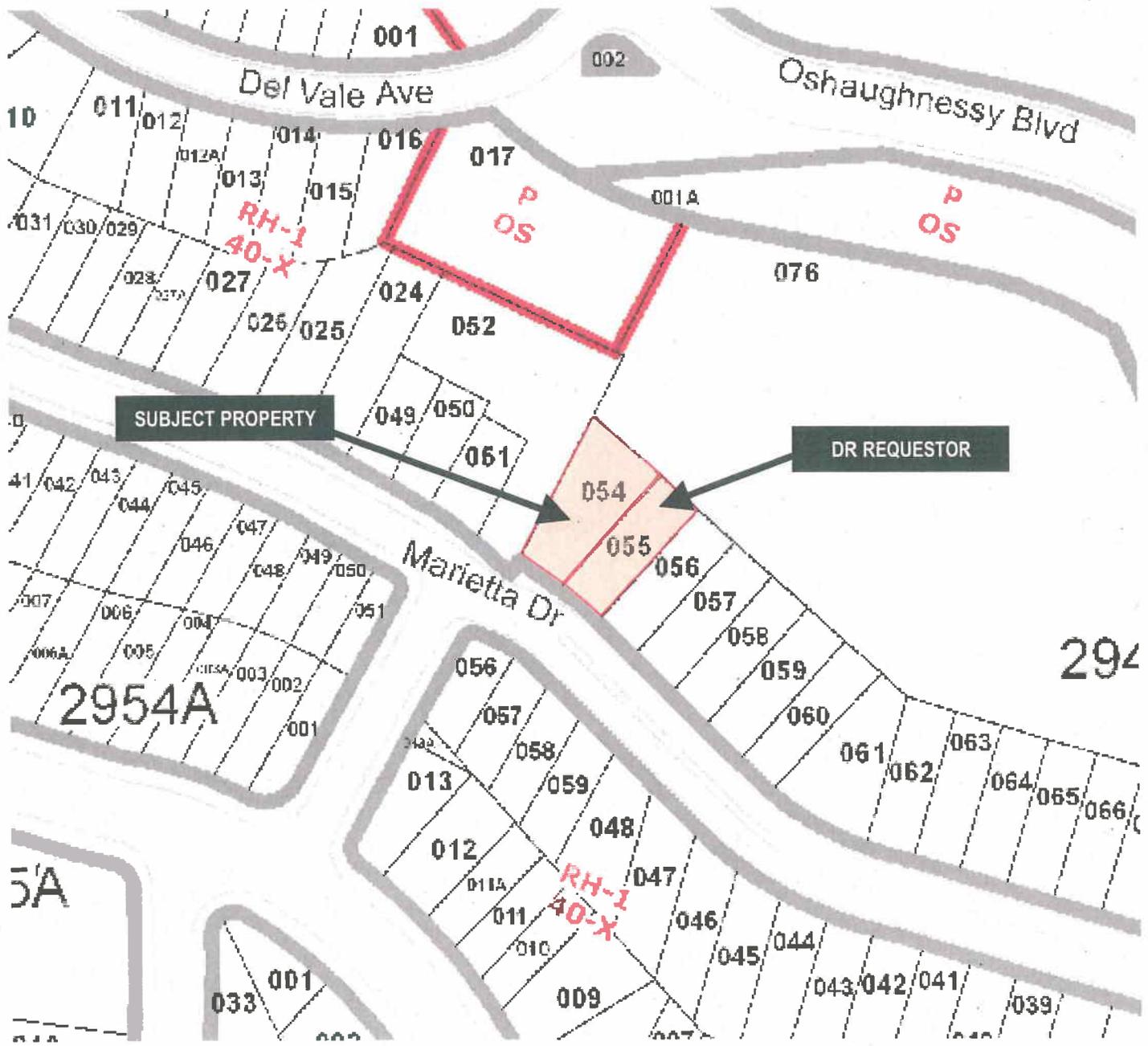
RECOMMENDATION: Do not take DR and approve project as proposed

Attachments:

Block Book Map
Sanborn Map
Zoning Map
Aerial Photographs
Context Photographs
Section 311 Notice
DR Application dated August 27, 2010
Response to DR Application dated November 29, 2010
Reduced Plans
Letter from MPIC

EW: G:\Documents\DRs\203 Marietta Drive\DR - Abbreviated Analysis.doc

Block Book Map



SUBJECT PROPERTY

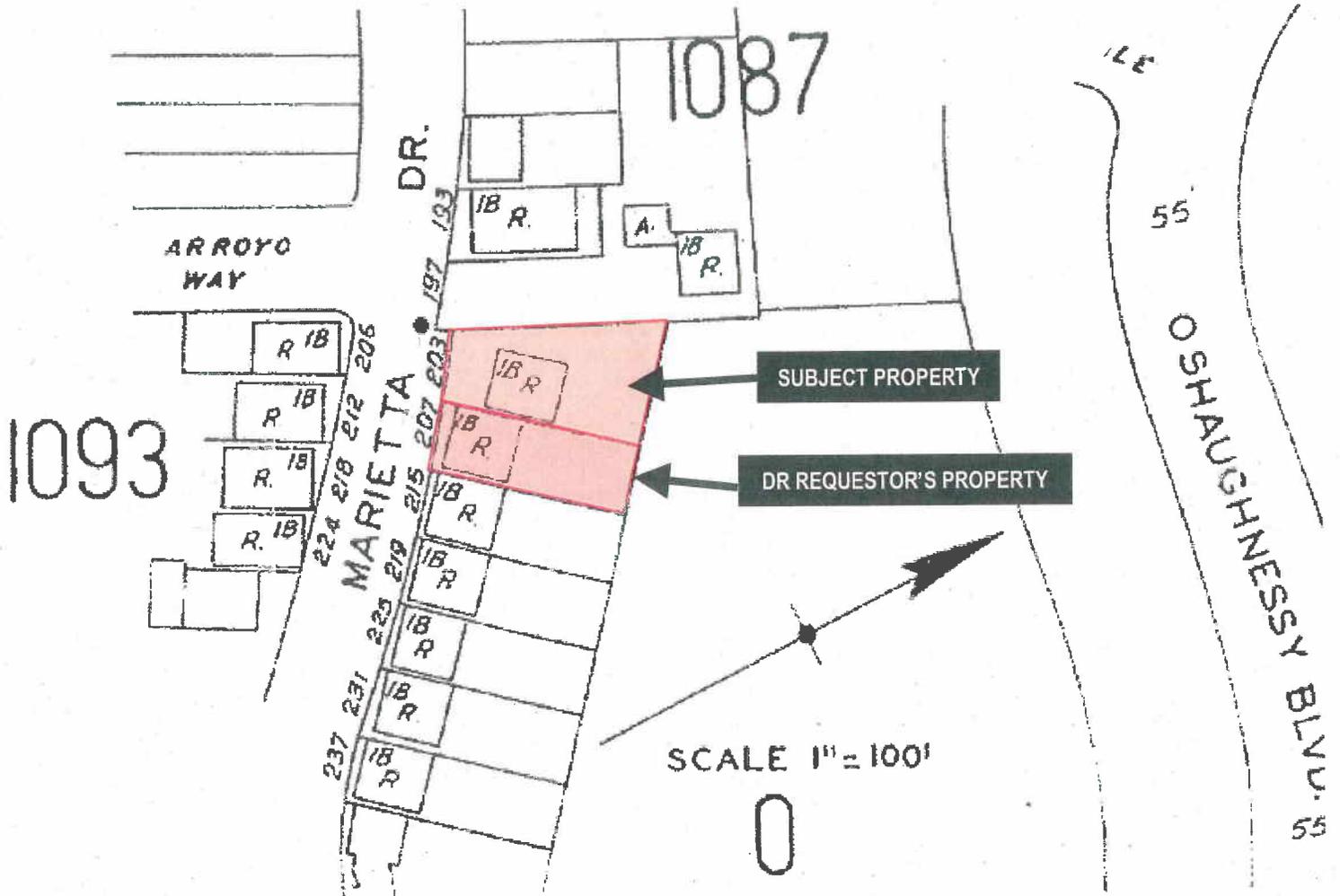
DR REQUESTOR

2954A

294



Sanborn Map

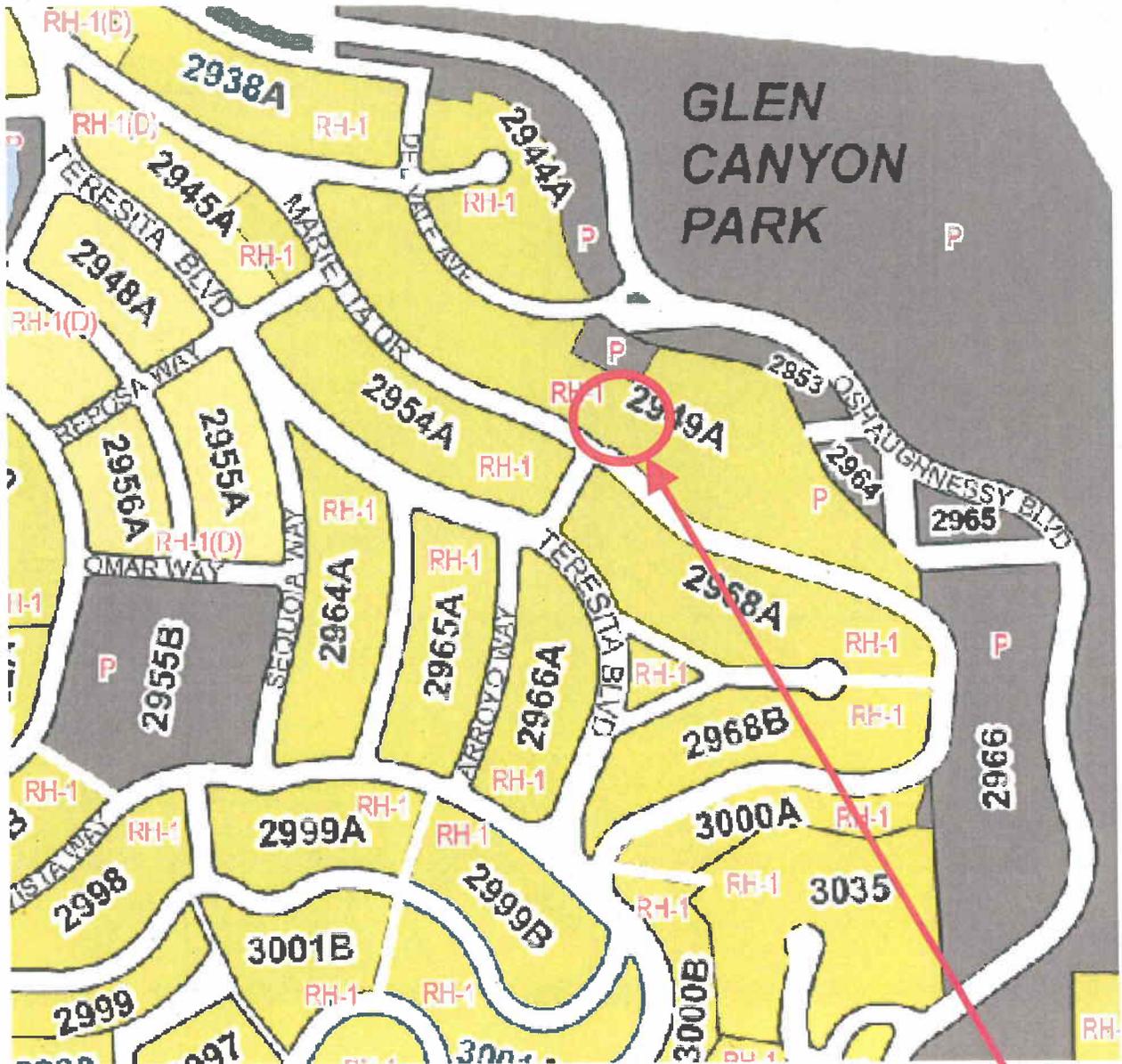


*The Sanborn Maps in San Francisco have not been updated since 1998, and this map may not accurately reflect existing conditions



DISCRETIONARY REVIEW
Building Permit No. 2010.06.28.5436
Case Number 2010.0794D
203 Marietta Drive

Zoning Map



SUBJECT PROPERTY

ZONING USE DISTRICTS

RESIDENTIAL, HOUSE DISTRICTS					
RH-1(D)	RH-1	RH-1(S)	RH-2	RH-3	
RESIDENTIAL, MIXED (APARTMENTS & HOUSES) DISTRICTS					
RM-1	RM-2	RM-3	RM-4		
NEIGHBORHOOD COMMERCIAL DISTRICTS					
NC-1	NC-2	NC-3	NCD	NC-S	
SOUTH OF MARKET MIXED USE DISTRICTS					
SPD	RED	RSD	SLR	SLI	SSO
COMMERCIAL DISTRICTS					
C-2	C-3-S	C-3-G	C-3-R	C-3-O	C-3-OSD
INDUSTRIAL DISTRICTS					
C-M	M-1	M-2			

CHINATOWN MIXED USE DISTRICTS		
CRNC	CVR	CCB
RESIDENTIAL-COMMERCIAL DISTRICTS		
RC-3	RC-4	
REDEVELOPMENT AGENCY DISTRICTS		
MB-RA	HP-RA	
DOWNTOWN RESIDENTIAL DISTRICTS		
RH DTR	TB DTR	
MISSION BAY DISTRICTS		
MB-OS	MB-O	
PUBLIC DISTRICT		
P		



DISCRETIONARY REVIEW
 Building Permit No. 2010.06.28.5436
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 203 Marietta Drive

Aerial Photos



Aerial Photos



Aerial Photos



DISCRETIONARY REVIEW
Building Permit No. 2010.06.28.5436
Case Number 2010.0794D
203 Marietta Drive

Aerial Photos



Context Photo





SAN FRANCISCO PLANNING DEPARTMENT

NOTICE OF BUILDING PERMIT APPLICATION (SECTION 311)

On **June 28, 2010**, the Applicant named below filed Building Permit Application No. 2010.06.28.5436 (Alteration) with the City and County of San Francisco.

CONTACT INFORMATION		PROJECT SITE INFORMATION	
Applicant:	Cassandra Mettling-Davis, Architect	Project Address:	203 Marietta Drive
Address:	801 Portola Drive, Suite 104	Cross Streets:	at Arroyo Way
City, State:	San Francisco, CA 94127	Assessor's Block /Lot No.:	2949A/054
Telephone:	(415) 664-3400	Zoning Districts:	RH-1/40-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		
<input type="checkbox"/> DEMOLITION	and/or	<input type="checkbox"/> NEW CONSTRUCTION or <input checked="" type="checkbox"/> ALTERATION
<input type="checkbox"/> VERTICAL EXTENSION		<input type="checkbox"/> CHANGE # OF DWELLING UNITS <input type="checkbox"/> FACADE ALTERATION(S)
<input type="checkbox"/> HORIZ. EXTENSION (FRONT)		<input type="checkbox"/> HORIZ. EXTENSION (SIDE) <input checked="" type="checkbox"/> HORIZ. EXTENSION (REAR)

PROJECT FEATURES	EXISTING CONDITION	PROPOSED CONDITION
BUILDING USE	Residential	No Change
FRONT SETBACK	17'-10"	No Change
SIDE SETBACKS (West)	5'-6"±	No Change
SIDE SETBACKS (East)	None	No Change
BUILDING DEPTH	29'-6"	40'-0"
BUILDING DEPTH INCLUDING DECKS	42'-0"	43'-6"
REAR YARD TO BUILDING	53'-6"	43'-0"
REAR YARD TO DECK	41'-0"	39'-6"
HEIGHT OF BUILDING	19'-6"	No Change
NUMBER OF STORIES	2	No Change
NUMBER OF DWELLING UNITS	1	No Change
NUMBER OF OFF-STREET PARKING SPACES	2	No Change

PROJECT DESCRIPTION

The proposal is to construct a two-story horizontal addition with decks at the rear of the existing single-family dwelling. The Project is located in the RH-1 District and complies with RH-1 zoning. See attached plans.

PLANNER'S NAME: Elizabeth Watty
 PHONE NUMBER: (415) 558-6620
 EMAIL: Elizabeth.Watty@sfgov.org

DATE OF THIS NOTICE: 8-19-10
 EXPIRATION DATE: 9-18-10

NOTICE OF BUILDING PERMIT APPLICATION GENERAL INFORMATION ABOUT PROCEDURES

Reduced copies of the site plan and elevations (exterior walls), and floor plans (where applicable) of the proposed project, including the position of any adjacent buildings, exterior dimensions, and finishes, and a graphic reference scale, have been included in this mailing for your information. Please discuss any questions with the project Applicant listed on the reverse. You may wish to discuss the plans with your neighbors and neighborhood association or improvement club, as they may already be aware of the project. Immediate neighbors to the project, in particular, are likely to be familiar with it.

Any general questions concerning this application review process may be answered by the Planning Information Center at 1660 Mission Street, 1st Floor (415/ 558-6377) between 8:00 a.m. - 5:00 p.m. Please phone the Planner listed on the reverse of this sheet with questions specific to this project.

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

1. Seek a meeting with the project sponsor and the architect to get more information, and to explain the project's impact on you and to seek changes in the plans.
2. Call the nonprofit organization Community Boards at (415) 920-3820. They are specialists in conflict resolution through mediation and can often help resolve substantial disagreement in the permitting process so that no further action is necessary.
3. Where you have attempted, through the use of the above steps, or other means, to address potential problems without success, call the assigned project planner whose name and phone number are shown at the lower left corner on the reverse side of this notice, to review 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 over the permit application, you must make such request **within 30 days of this notice, prior to the Expiration Date shown on the reverse side**, by completing an application (available at the Planning Department, 1660 Mission Street, 1st Floor, or on-line at www.sfgov.org/planning). You must submit the application to the Planning Information Center during the hours between 8:00 a.m. and 5:00 p.m., with all required materials, and a check for \$300.00, for each Discretionary Review request payable to the Planning Department. If the project includes multi building permits, i.e. demolition and new construction, a separate request for Discretionary Review must be submitted, with all required materials 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 approval (or denial) of the permit application by the Planning Department or Planning Commission may be made to the **Board of Appeals within 15 days** after the permit is issued (or denied) by the Superintendent of the Department of Building Inspection. Submit an application form 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 their current fees, contact the **Board of Appeals at (415) 575-6880**.

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 Name Maria Tilghman Telephone No: 415-337-7987 Home
415-(602)-0026 cell
D.R. Applicant's Address 207 Marietta Dr. robertf@calwood.com
San Francisco CA 94127
Number & Street (Apt. #)
City Zip Code

D.R. Applicant's telephone number (for Planning Department to contact): 415-602-0026
If you are acting as the agent for another person(s) in making this request please indicate the name and address of that person(s) (if applicable):

Name _____ Telephone No: _____
Address _____
Number & Street (Apt. #)
City Zip Code

Address of the property that you are requesting the Commission consider under the Discretionary Review: 203 Marietta Dr., San Francisco CA 94127

Name and phone number of the property owner who is doing the project on which you are requesting D.R.: Fariq Ahmad 415-215-8054

Building Permit Application Number of the project for which you are requesting D.R.: 2010.06.28.5436

Where is your property located in relation to the permit applicant's property?
Next door (directly attached)

A. ACTIONS PRIOR TO A DISCRETIONARY REVIEW REQUEST

Citizens should make very effort to resolve disputes before requesting D.R. Listed below are a variety of ways and resources to help this happen.

1. Have you discussed this project with the permit applicant? YES **G** NO **G**
2. Did you discuss the project with the Planning Department permit review planner? YES **G** NO **G**
3. Did you participate in outside mediation on this case? Community Board **G** Other **G** NO **G**

RECEIVED

AUG 27 2010

CITY & COUNTY OF S.F.
PLANNING DEPARTMENT
NEIGHBORHOOD PLANNING

10.0794D

A4 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.

Plans for 203 Marietta were reviewed initially after notification at the planning department with Elizabeth Watty. She explained the plans, and informed that plans should be arriving in the mail. We received the plans and reviewed them.

The permit applicant was contacted via e-mail, and alerted to our concerns. We were told to discuss it with the applicant's architect. We have yet to receive communication with the architect.

B. DISCRETIONARY REVIEW REQUEST

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?

The DR is requested for several reasons:

- (1) There is an unusual intrusion into our privacy that will be created by proposed decks. Given the curvature of the block, along with the size of the deck it will allow a clear view into our main living space. Attached are illustrations created in an architectural program showing the view created by both the main level deck, along with the roof deck. While our deck does allow limited view of their bedroom, the views are not equal.
- (2) Enlarged rear deck along with building envelope expansion impact open space in the shared rear greenbelt of 207-317 Marietta. All of the properties along this stretch have roughly the same front and rear setbacks. Enlarging the rear of the property would create visual blight. This stretch of homes has 11 with decks of various sizes, however these decks do not create the same impact as an enlarged exterior size wall.
- (3) This project would conflict with Miraloma Park Building Guidelines (P36 – Conflict with neighborhood character). While rear extensions are not a unique feature of Miraloma Park homes, there are less than 25 homes in Miraloma Park who have chosen to extend their rear envelope. The construction dates of these homes has not been researched, however only a handful look recent. Of these extensions only a handful appear to be as deep as the proposed addition and would likely have not qualified had they been subjected to the Miraloma Park Building Guidelines in regards to side setbacks.
- (4) Proposed roof deck would be a one of kind in the entirety of Miraloma Park. Please see attached aerial survey taken by DR applicant. Once again this falls under MPBG P36 Conflict with neighborhood character). There are valid concerns raised many times to the Planning department and Board of Appeals regarding noise from roof decks. Rear decks limit sound transmission.

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(5) As stated on the plans by Architect Davis roof deck is not seen from the street. This is incorrect as Marietta drive and intersecting Arroyo way are sloped. Drivers on Marietta,

Arroyo, and Teresita would have clear view of the roof deck. This would visually stand out from the pattern of 2 story roof lines.

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:**

As stated in B1 (ss 1 & 2) The proposed construction would not only create a visual privacy issue, it would create an eyesore for the neighbors. Additionally there are concerns about seismic upgrades by Applicant that were not mentioned in 311 Notification. Applicant's house is at the top of a hillside that is a known mud slide area. Given the wood frame construction with no seismic modifications significant damage could result to neighboring properties in either a strong earthquake or mudslide. We request to the Planning Department to enforce seismic upgrades to the property including addition of shear walls on lower and upper floors.

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 (B1)**

Changes that would reduce the adverse affects would be the following:

- 1) Removal of roof deck addition.
- 2) Reduction in size of building extension,
- 3) Modification to depth and setback of rear deck in order to reduce the visibility into my property.

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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.

Signed


Applicant

8/26/16

Date

YAHOO! MAIL**311 notification-203 Marietta Dr.**

Wednesday, August 25, 2010 8:49 PM

From: "Maria Tilghman" <mariatilghman@yahoo.com>

To: fa27@aol.com

Cc: "Robert Tilghman" <robt_sf@yahoo.com>

Hello Faruq,

We have received your letter dated 8/21//2010 as well as the plans from the City. We are concerned about certain aspects of your project as proposed; specifically, about the size and depth of your proposed rear deck and addition of a roof deck.

From review of your plans, it is obvious that an individual standing on your proposed rear deck would have a clear view of our main living space. We request that you modify your plans to minimize the reduction of privacy. This may be done by increasing the setback of your rear deck several feet or by decreasing the depth, or a combination of both. We are concerned about the visual impact of a roof deck and how it fits into the open space.

As you recall, we modified and redesigned our deck to minimize potential privacy intrusion into both your and The Woo's properties. We request the same courtesy. Please contact us to discuss

Sincerely,

Robert and Maria Tilghman
207 Marietta Dr.
San Francisco, CA 94127
415-337-7987 home
415-602-1065 Robert's cell
415-602-0026 Maria's cell

10.07940

Saturday (8/21/2010)

Hi Robert/Maria,

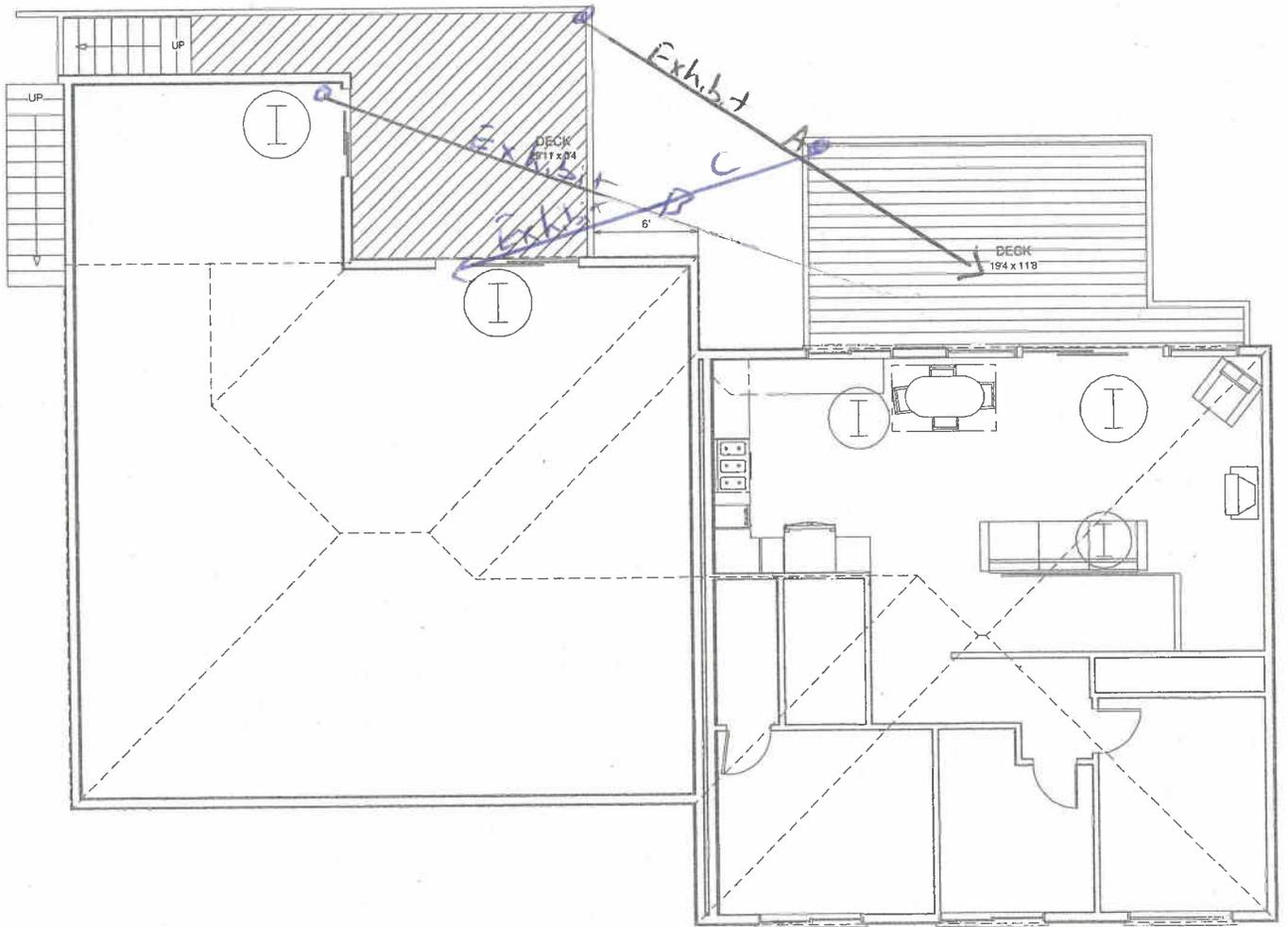
You may have noticed the sign in the front about our construction project, and hopefully you received the diagrams from the City (we got ours in the mail yesterday). Hopefully you are OK with it, but if you have any questions/concerns please feel free to call/email (email is fa27@aol.com) and I can also have Cassandra (you may recall, she is the architect we have been working with) discuss them with you.

I hope all is very well with you, on all fronts. It is quite amazing to see how Niall has grown! I met him with his grandfather out front the other day.

Faruq

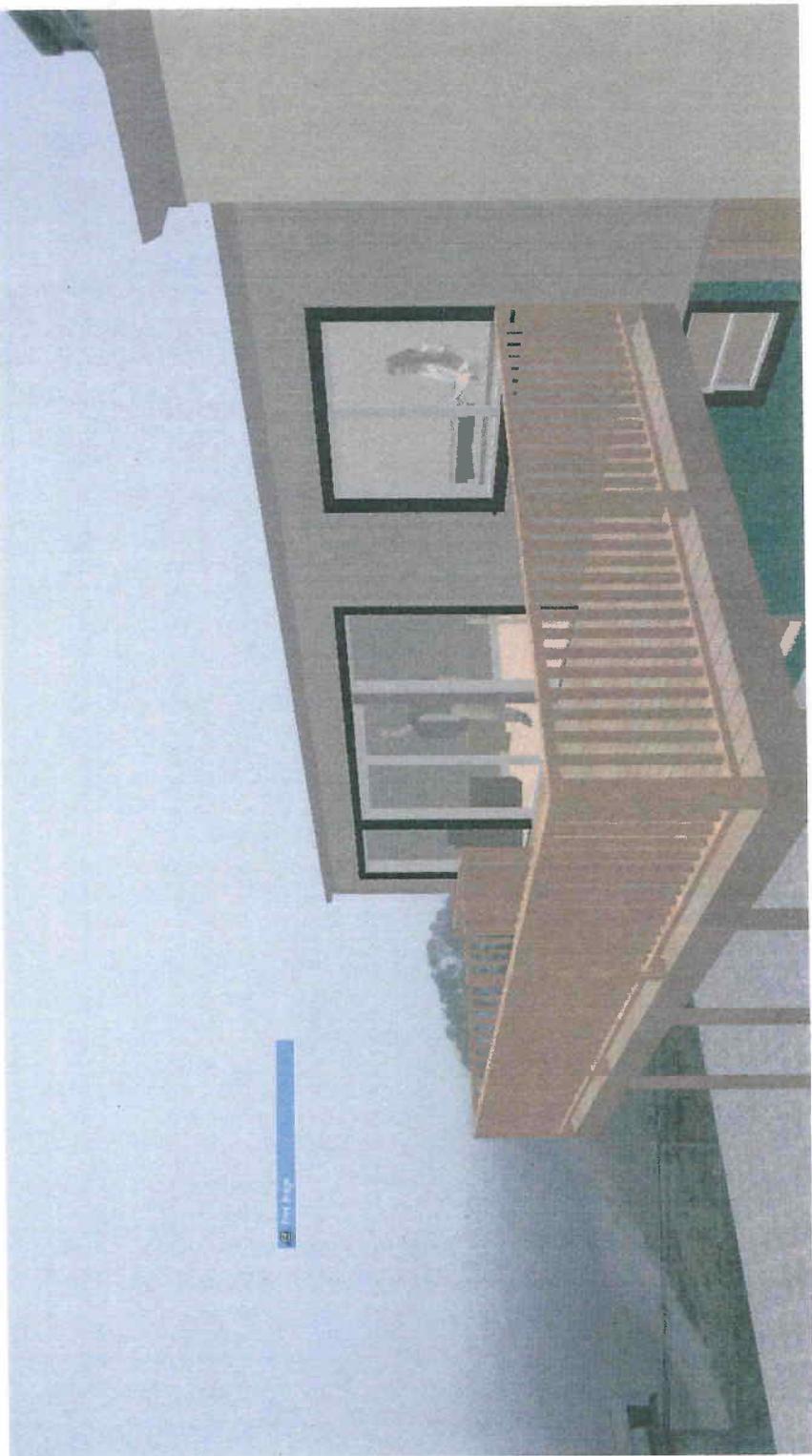
With best regards, Faruq (203 Marietta)
(415) 215-8054

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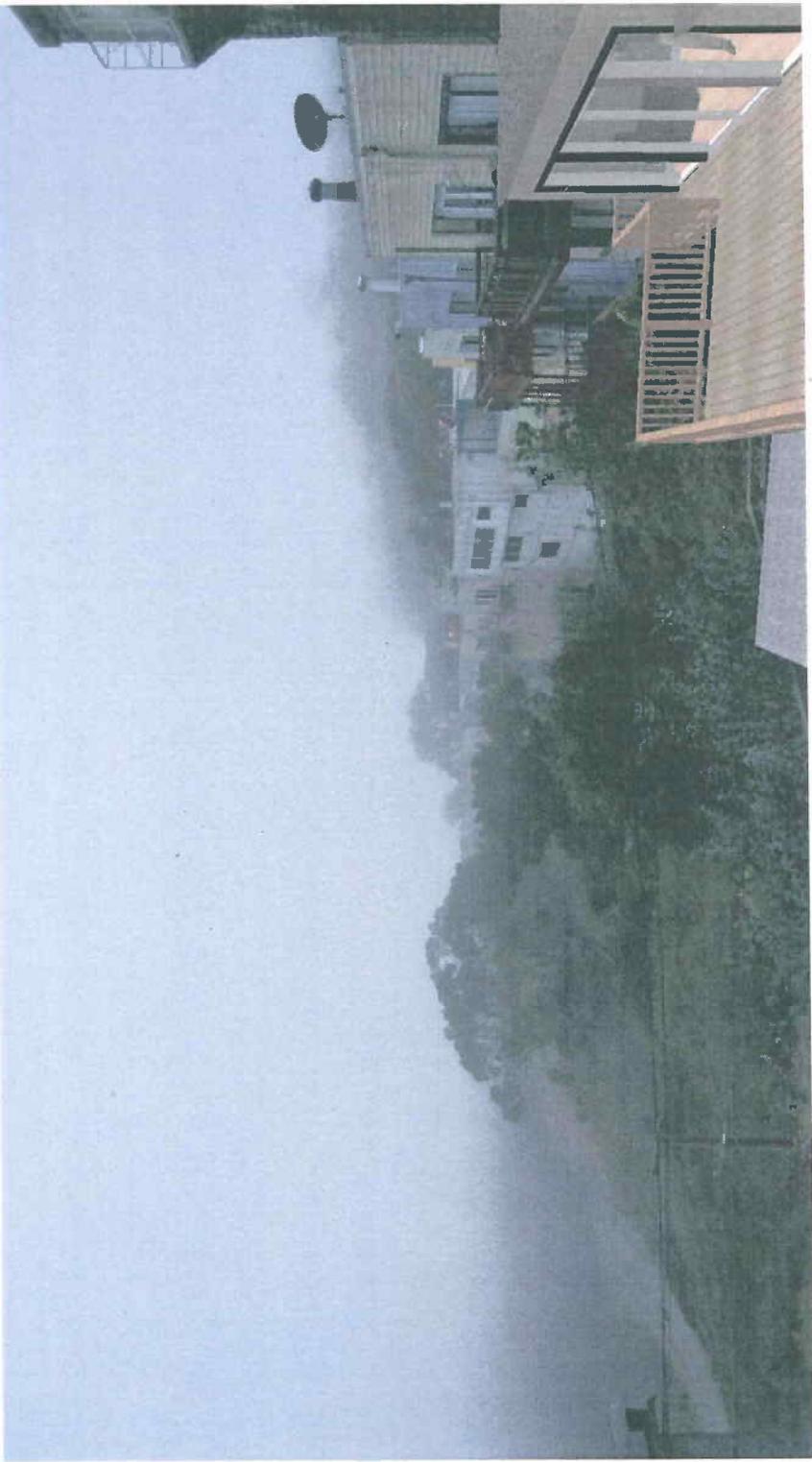
LIVING AREA
2373 sq ft

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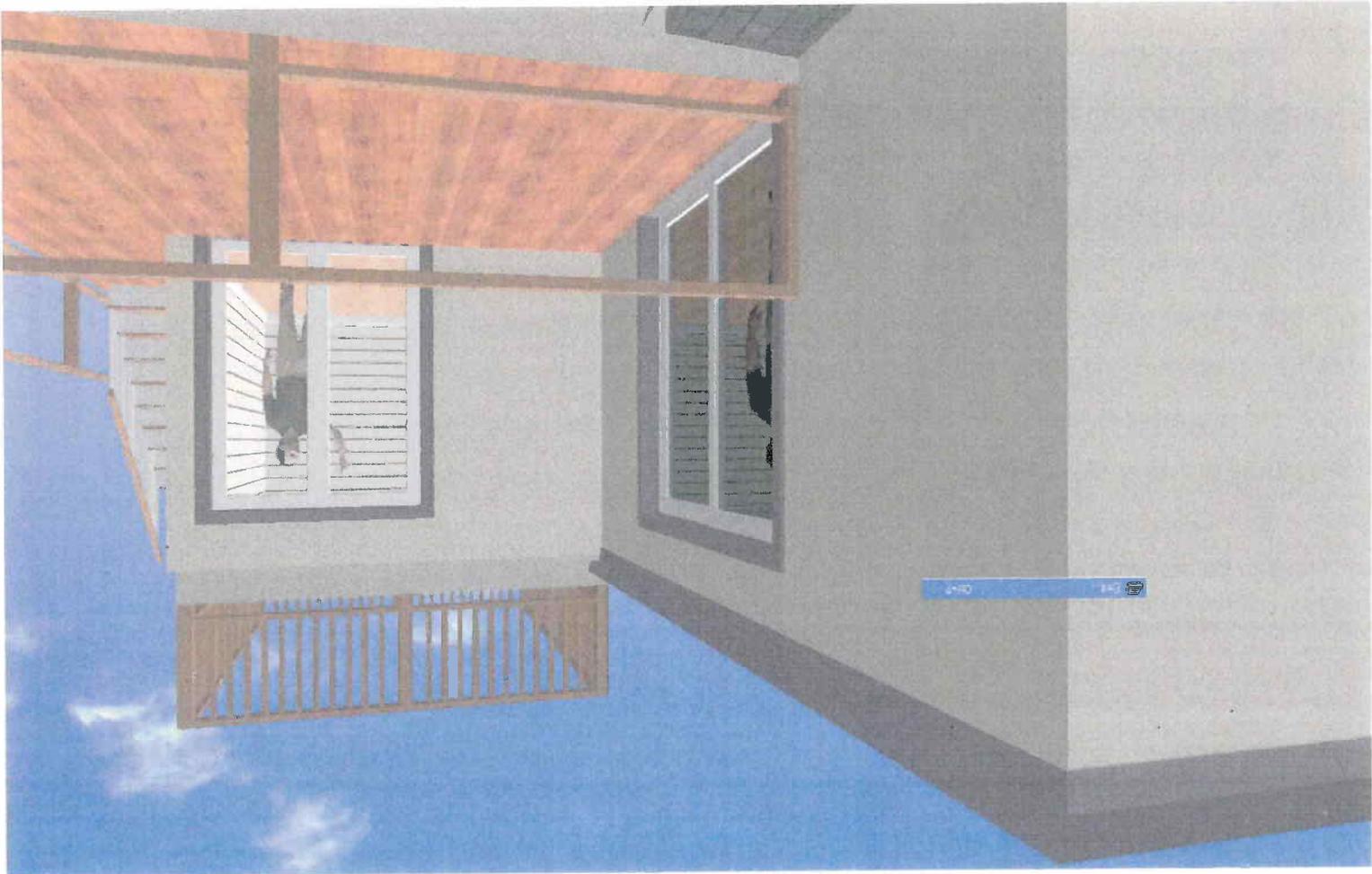
10.0794D



(B)

10.0794D

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193 Marettta

10 0794D



ARROYO DRIVE

ROOF DECK IS CLEARLY SEEN FROM STREET AND DOES NOT FIT INTO ROOF LINE OF STREET

10.0794.D

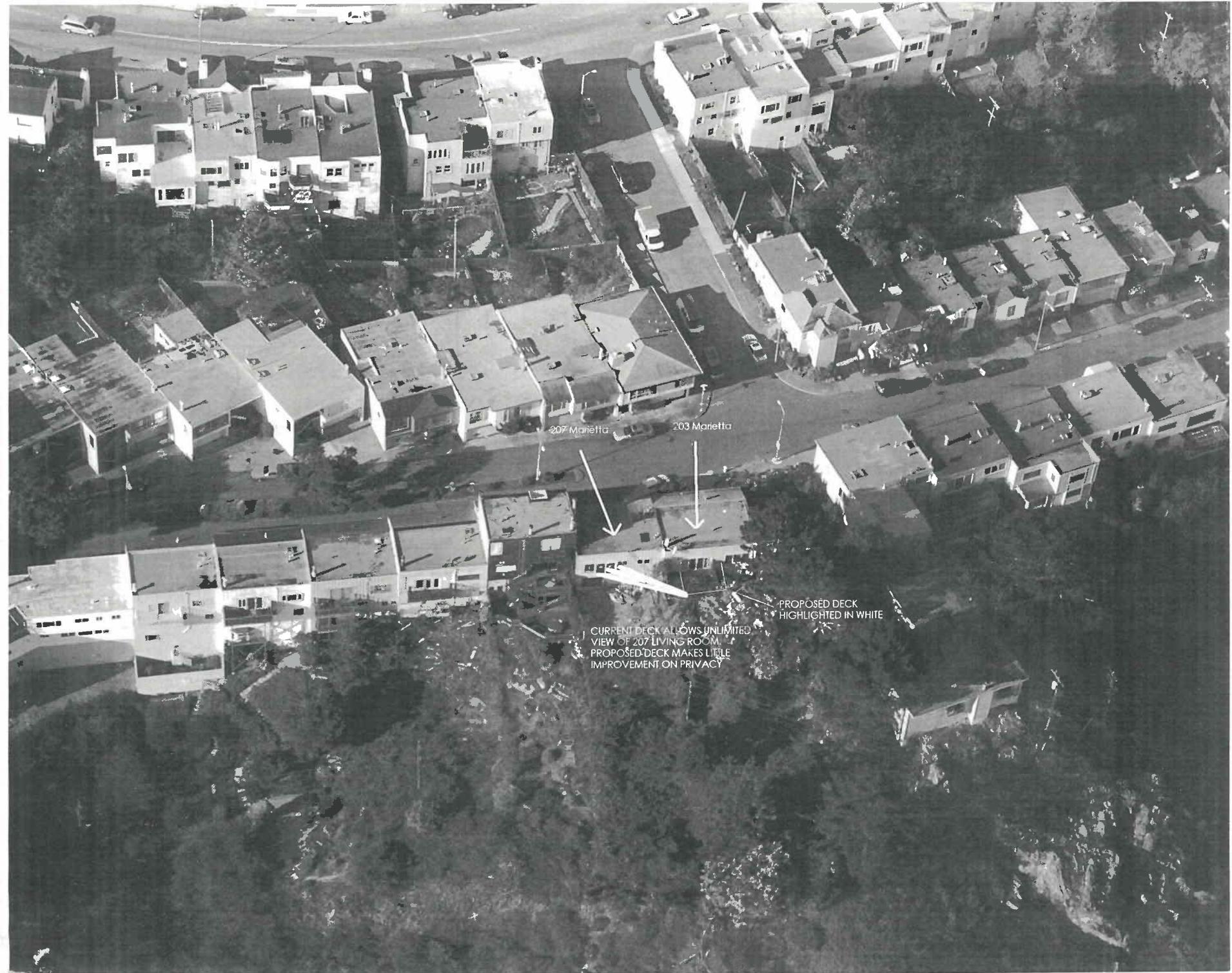


207 Marella

203 Marella

CURRENT DECK ALLOW UNIMPED
VIEW OF 207 LIVING ROOM
PROPOSED DECK MAKES LITTLE
MARK ON LOT FOR PRIVACY

PROPOSED DECK
FINISHED IN WHITE

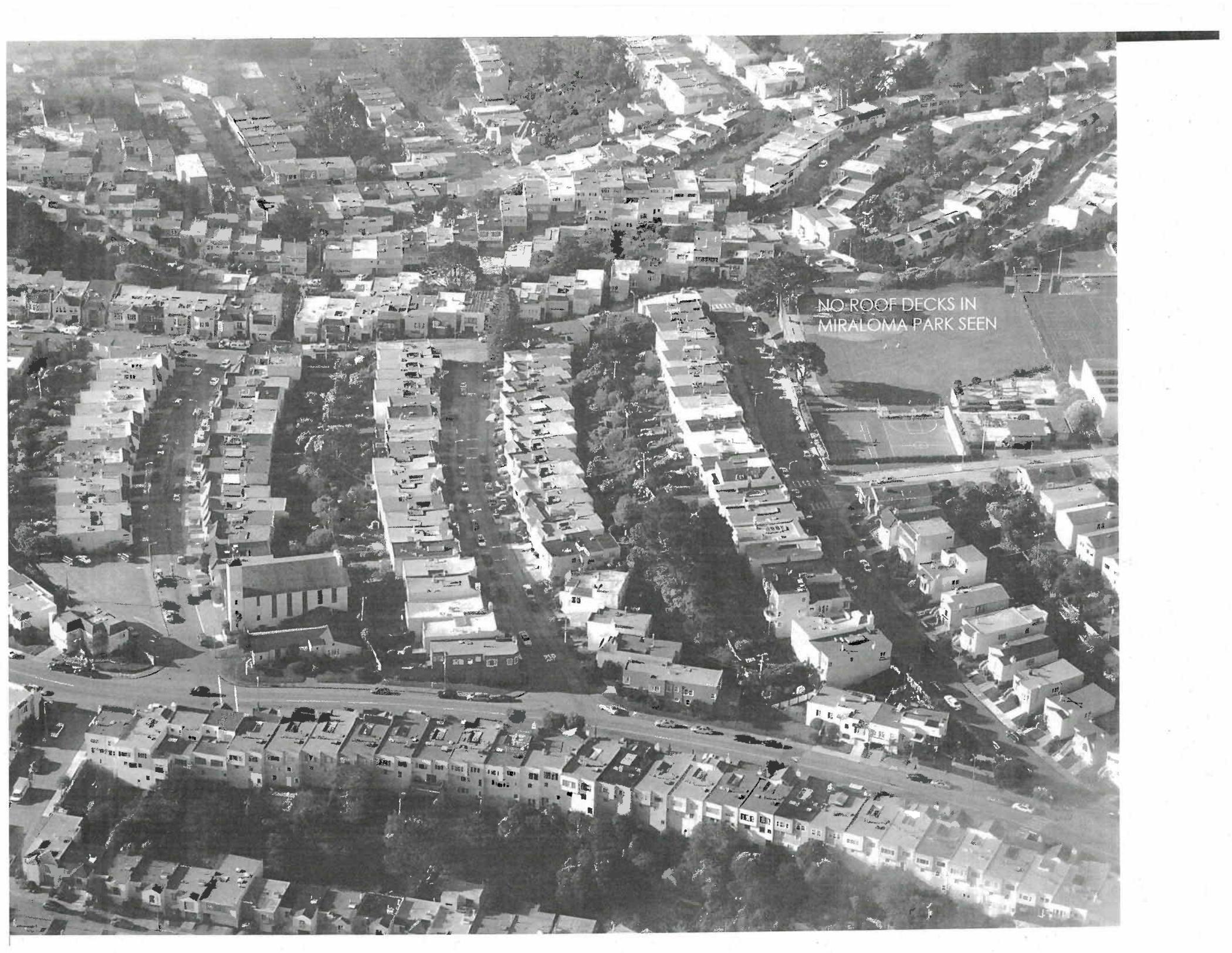


207 Marietta

203 Marietta

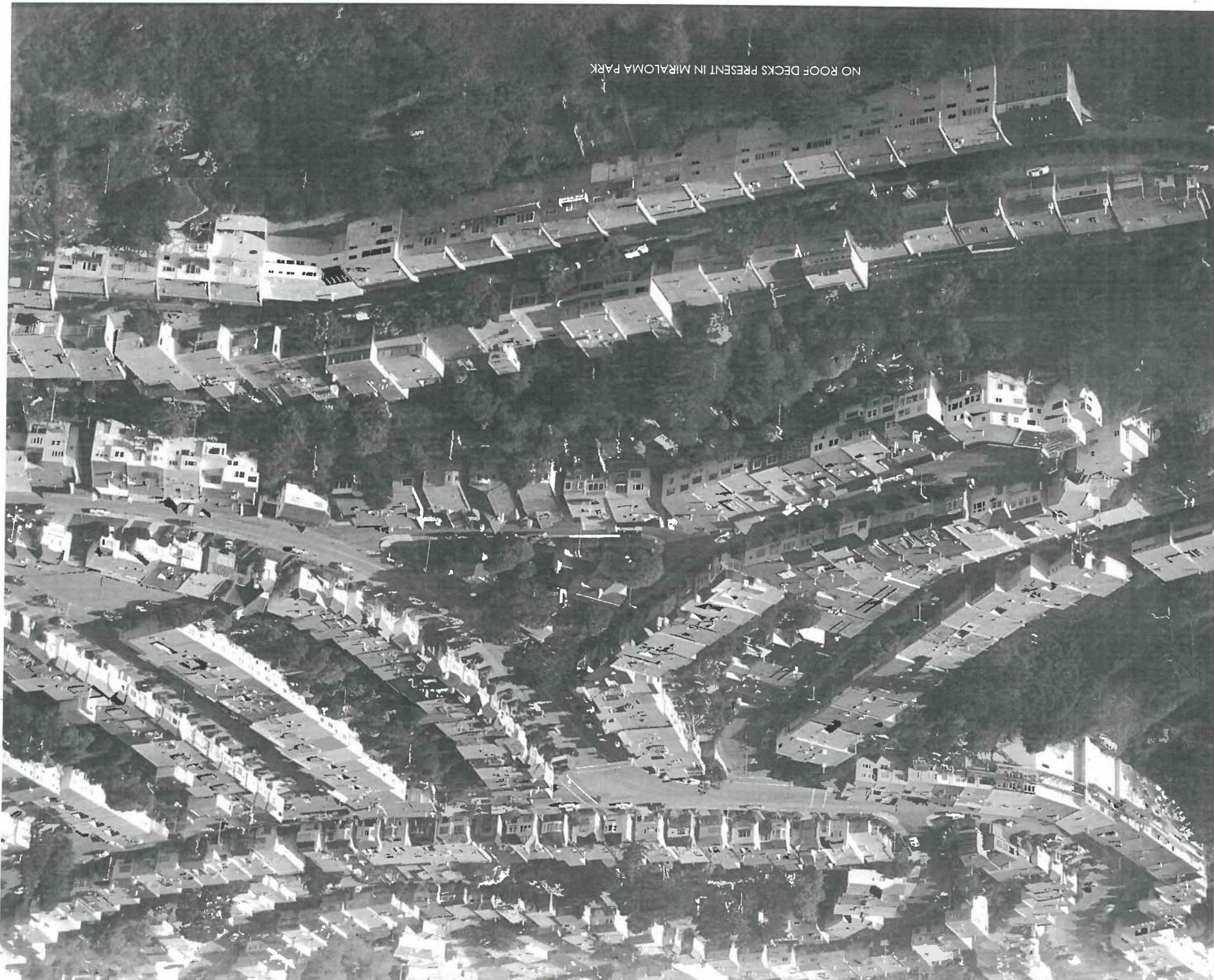
CURRENT DECK ALLOWS UNLIMITED
VIEW OF 207 LIVING ROOM.
PROPOSED DECK MAKES LITTLE
IMPROVEMENT ON PRIVACY

PROPOSED DECK
HIGHLIGHTED IN WHITE



NO ROOF DECKS IN
MIRALOMA PARK SEEN

NO ROOF DECKS PRESENT IN MIRALOMA PARK





NO ROOF DECKS SEEN IN
MIRALOMA PARK



ARROYO DRIVE

ROOF DECK IS CLEARLY SEEN FROM STREET AND DOES NOT FIT INTO ROOF LINE OF STREET



6H1U745

193 MARIETTA

193 Marietta

DR Response by Project Sponsor (11/29/2010)
Subject Property: 203 Marietta Drive
Case No. 2010.0794D

Summary of Project:

We are proposing a small two-story rear addition, with a new roof deck within the footprint of the addition, and modifications to our existing rear-deck (which came with the house in 1986). This is the first external upgrade to our home after 24 years. We started work on this project in 2007 with Ms. Cassandra Mettling-Davis, who has been a licensed architect for 25 years, long-time resident of Miraloma Park, and an active volunteer member of the Miraloma Park Improvement Club (MPIC) Zoning and Planning Committee. Under her expert guidance, we have followed all relevant procedures and guidelines, in the design and implementation of this project.

Our existing rear deck is right-up against the property line with our neighbors next door at 207 Marietta (DR applicants, Mr. & Mrs. Tilghman, neighbors since 2008). Initial designs we considered with our architect in 2007 left this current rear deck in its current location, at the boundary line. In the our final proposed design, we are proposing to move the deck 6' away from the property line, to provide our neighbors with greater privacy, and for improved light and air for our downstairs rooms (though this reduces the size of our rear-deck, from its present size).

The new roof-deck is designed with a transparent glass windscreen mounted to the top of the guardrail, and is entirely within the footprint of the addition. This roof-deck would allow us to enjoy views of Glen Canyon and the Bay. The roof-deck is designed to be visually unobtrusive. Given the terrain, the large trees on the property, and the changes in grade, this roof-deck would be almost invisible (see Exhibits). Even the windscreen would be visible only to a small handful of neighbors, and even then against a backdrop of trees. Note also that Bay-views are to the East, so that the roof-deck would not interrupt the view of any neighbor. Indeed, if the Tilghmans were on their own rear-deck enjoying the view, our house would be to their back, and the roof-deck unobtrusively at the far-end of our house.

The concerns cited by DR applicant and our responses are:

Privacy: The proposed design will in fact offer greater privacy to our neighbors at 207 Marietta. The existing deck is right up against the boundary, with a clear view of their living room. As we pointed out in our response to their DR, by moving it away 6' we would clearly be improving their privacy.

The roof deck is way on the other side of the house, and even less intrusive (especially since 207 Marietta is set-back 3' from 203 Marietta).

Potential noise from the roof deck: We have not had any issues with noise with the Tilghmans in the past 2 years since they have been neighbors, nor do we have reason to anticipate any issues in the future.

Visual impact of roof deck: Less than one foot of wood guardrail extends past the existing roofline. Above the wood guardrail, the clear glass windscreen will be visible with its metal support posts spaced at about four feet on center. The addition and roof deck will not impact any neighbors' light, air or views. There are only two locations where the addition and roof deck can be seen from public areas. From Teresita and Arroyo, the windscreen will be visible against a backdrop of trees. And, from across the street on Marietta, the addition and roof deck may be partially visible behind existing trees (see Exhibit D) which we intend to keep.

Reflection from clear-glass roof-deck windscreen : The DR applicant's claims that the reflections from the glass windscreen will cause hazards to drivers over 100 feet away down on O'Shaughnessey are unfounded and would be no greater a reflection hazard than glass from any building. Claims that reflection from this clear glass would melt vinyl siding on neighbor's house 50 ft away is similarly unfounded. In addition, as the Exhibits show, the site is heavily landscaped with large trees which blocks view of this structure from O'Shaughnessey and across Glen Canyon.

"Patterns of Rear Yard Development" Guideline: There are other rear additions on this stretch. The property directly adjacent to the subject property to the north (199 Marietta, Exhibit D), is built on the rear of the lot. This 199 Marietta lot also slopes up about 8-10 feet from the subject property. This unique terrain permits the project sponsor to build a rear addition with minimal impact to neighbors to the north. The aerial photo (Exhibit C) documents this and shows other larger and smaller rear additions in the vicinity. Note that there are no neighbors to the rear of 203 Marietta. Please also note that 215 Marietta is a 3-story house on the other side of 207 Marietta (and presumably sets precedent for a third-floor), whereas we are proposing merely a 2nd-floor roof deck.

Exhibit Summary

Exhibits A-D are photographs of the project and neighborhood context. **Exhibit G** is the site plan showing existing and proposed decks. **Exhibit H** is the reduced plan sets

Exhibit I is the email exchange after 10/11 meeting between sponsor, DR applicant, and architect. Following this meeting we believed that an agreement had been reached (recorded in 10/11 email). However, in their 10/14 email response, DR applicant then escalated their requirements, to include deed modification.

Exhibit J is the final email exchange between sponsor and DR applicant. Email by sponsor 11/6 appeals for suggested amicable resolution. Response by DR applicant 11/7 recaps their concerns, which we have responded to (above). This email also references dispute in 2008 between DR applicants with their neighbors on both sides (Dr. and Mrs Woo at 215 Marietta, Mr. Ching at 217 Marietta, and ourselves). This history clearly appears to have affected DR applicants' objectivity with regard to this current Project.



203 Marietta

Exhibit A: Neighborhood context photos. Proposed addition is not visible from street.



Looking across Marietta Drive from subject property

DR Response from Project Sponsor
Subject Property: 203 Marietta
Case No. 2010.0794D



Exhibit B: This photo, taken from 215 Marietta, (two doors south of subject property) documents the existing conditions. The DR applicant's deck is in the foreground, and the subject property's existing deck is beyond. The existing tree is intended to remain, and if construction requires its removal, the project sponsors intention is to replace it with similar landscaping that provides a privacy screen. Note that proposed deck will be located 6 feet farther than existing deck (as shown).

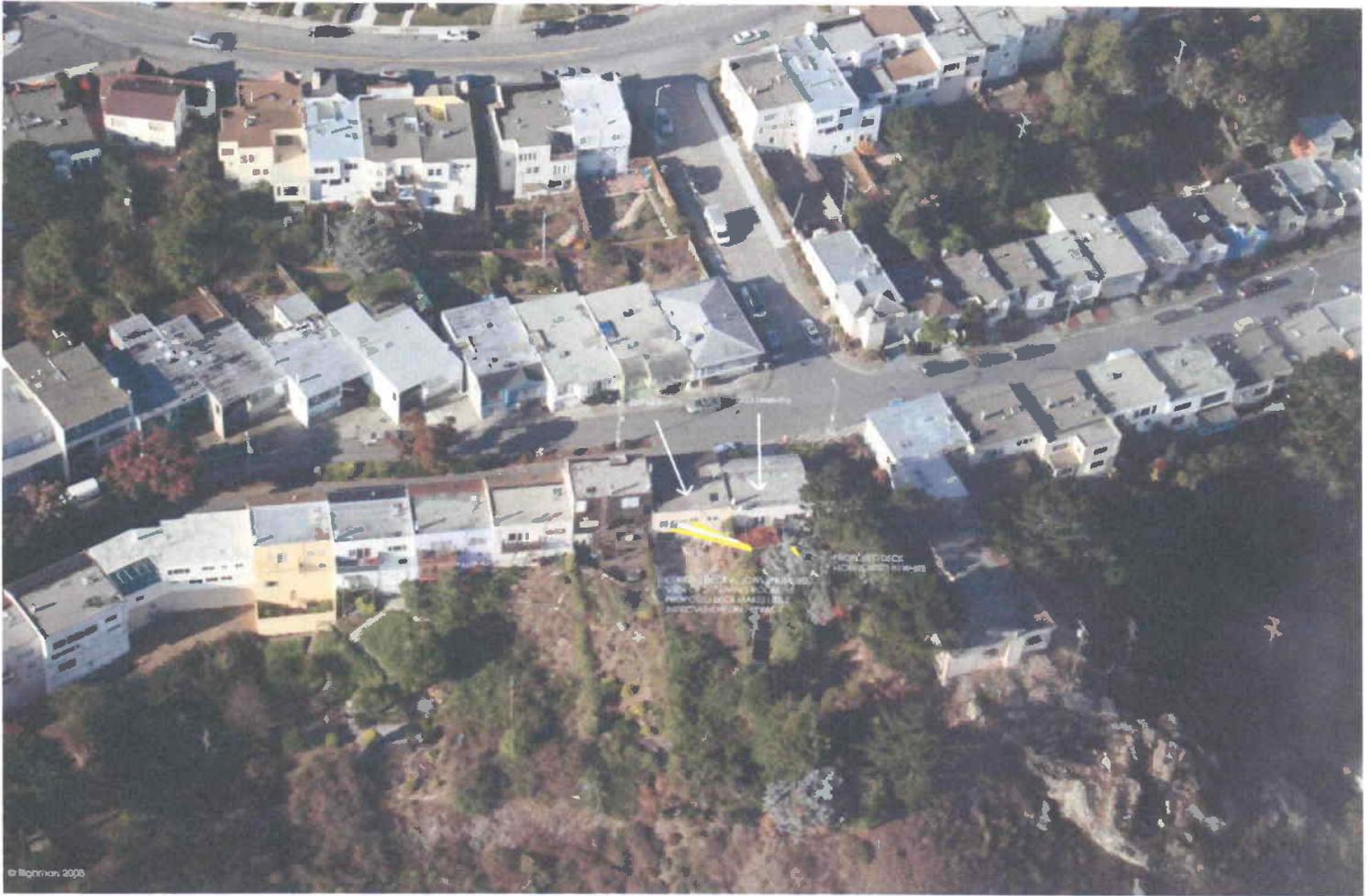


Exhibit C: This aerial photo, provided by DR applicant, shows pattern of development with decks and additions in immediate vicinity. It is important to note that DR applicant shot this photo prior to construction of his rear deck in 2008. Refer to site plan, Sheet A1, that shows size and location of DR applicant's existing deck.



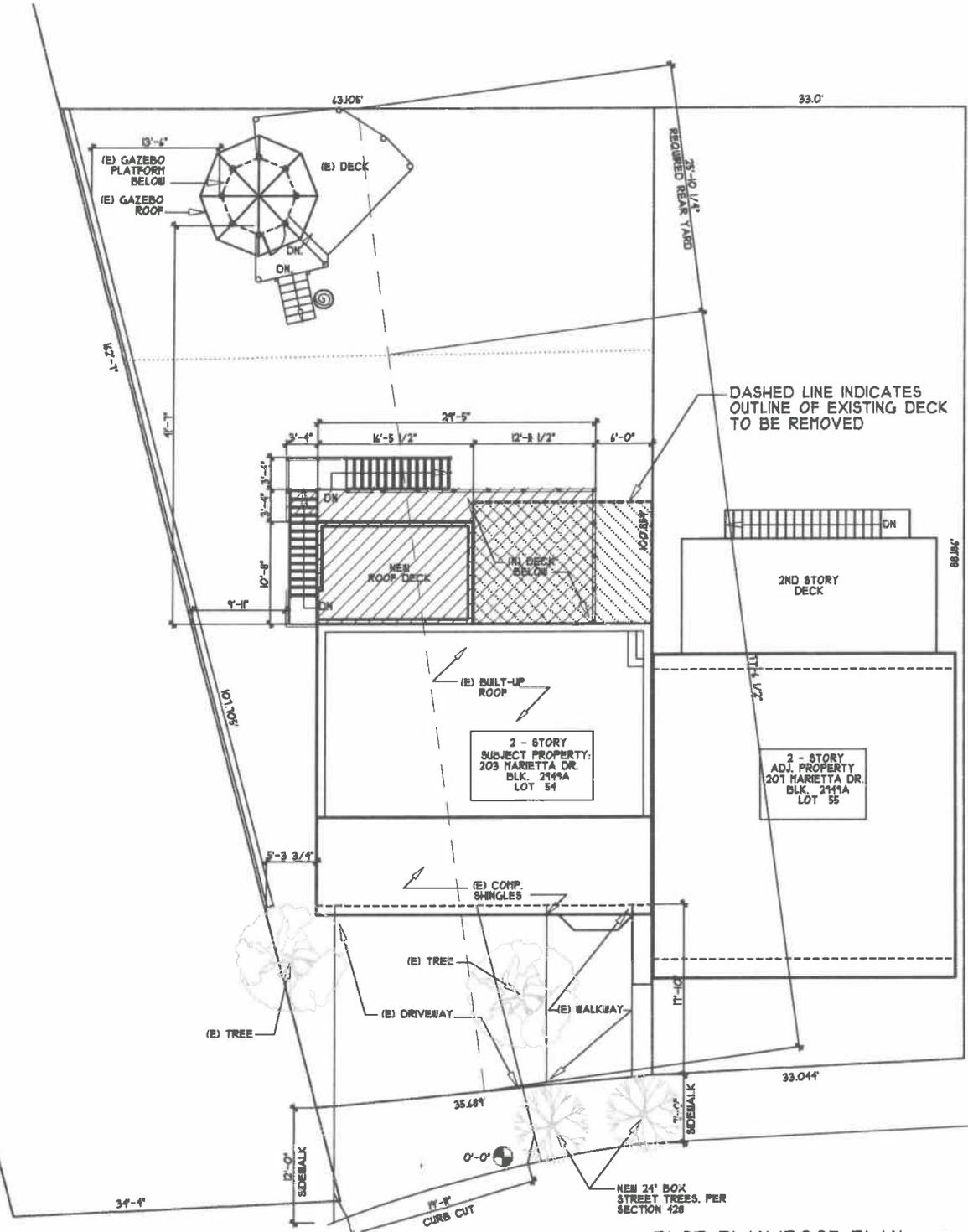
Exhibit D: These are views of the driveway of the adjacent property to the north, showing the change in grade between the properties. There is about one story (8-10 feet) difference, with the subject property at the lower elevation.



ADJ. PROPERTY
 41 HARRIETTA DR.
 BLK. 2449A
 LOT 52

EXHIBIT G:
 SITE PLAN
 SHOWING (E) AND
 PROPOSED DECKS

-  HATCH INDICATES EXISTING DECK TO BE REMOVED
-  HATCH INDICATES ADDITION AND NEW DECK



PLOT PLAN/ROOF PLAN 1
 SCALE: 1/8" = 1'-0"

Exhibit I

From: fa27@aol.com
To: robt_sf@yahoo.com; cmdarch@sbcglobal.net;
mariatilghman@yahoo.com
Cc: sshusheng@yahoo.com
Subject: Re: project at 203 Marietta
Date: Wed, Oct 20, 2010 7:09 am

Hi Robert,

Thanks for writing back.

1. Thanks for pointing out the complexity in trying to reach formal agreement on a trellis (or equivalent), this is clearly impractical to consider any further.

As discussed, we are clearly motivated to ensure mutual privacy, since you can look directly into our planned living space from your deck....so we intend to use pots/plants/trellises as appropriate, to maximize mutual privacy while protecting our views.

Our current deck (which is completely missing from the DR you submitted) is right at the boundary line. The obvious best way to improve privacy (yours and ours) is to move it away from the boundary line, which is what we have done in our plans, by 6'.

2. The so-called "glass/glare issue" you have now brought up is new. It is not mentioned at all in the DR you submitted. I would point out that the deck design, including the use of glass, was approved by the Miraloma Park Improvement Club (MPIC) which has stringent neighborhood design guidelines.

You expressed concern that the glass on the proposed roof-deck could blind cars on O'Shaunessey and even melt plastic.

While I appreciate your anxieties about this, I would point out that the house next door at 199 Marietta is perched on the edge of the cliff above O'Shaunessey, with glass windows reflecting the bright sun directly to the cars below, and no trees in the way....and never any problems for the last 60 years, as far as I know. There are reflective surfaces everywhere in urban areas, a fact of life.

As I have already advised you verbally and in writing, Cassandra's design guidelines included consideration of privacy, which is why we moved the deck away from the boundary-line in the proposed design. Cassandra has been a licensed and practicing architect in the community for decades. We have

followed all submission rules and regulations. This includes an early review of our plans at an open house for immediate neighbors (where you were invited but did not attend). It also includes approval of our plans by MPIC.

As we have also said verbally and in writing, It is our goal to maintain good neighborly relations, and so we are always open to any reasonable concerns you may have. Please let me know of any such remaining concerns.

With best regards, Faruq

-----Original Message-----

From: Mr Robert Tilghman <robt_sf@yahoo.com>

To: fa27@aol.com; cmdarch@sbcglobal.net; mariatilghman@yahoo.com

Cc: sshusheng@yahoo.com

Sent: Thu, Oct 14, 2010 4:14 pm

Subject: Re: project at 203 Marietta

Faruq,

I am following up with you regarding a few issues that we discussed in the meeting.

1) I spoke with my attorney, and was told that a gentleman's agreement would not hold any water. The only way to make this proper would be for it to not only show up on the plans, but to have a notarized agreement between us and you and any future owners of both properties. This document would then be recorded on the deed / title of your property as an encumbrance. This agreement would entail you constructing a trellace covering the discussed portion of the deck. This trellace would be yours and any future owner's responsibility to maintain. In the event that the trellace would be removed we would have to have the right to arrange for a new one to be built in its place at your expense.

2) As for the glass / glare issue. We cannot in good faith sign off on the DR until it has been shown that glare will not unreasonably glare into our property, neighboring properties, or onto the roadways as discussed. Given that this potential was not outlined to the neighbors across the street I think that it would be fair to get their opinion on this.

Article on something that could pose a potential problem to you across the street neighbor.

<http://www.greenbuildingadvisor.com/blogs/dept/musings/window-reflections-can-melt-vinyl-siding>

I highly advise that a sun survey be done for this project to clear up the design questions.

--- On **Mon, 10/11/10**, fa27@aol.com <fa27@aol.com> wrote:

From: fa27@aol.com <fa27@aol.com>

Subject: Re: project at 203 Marietta

To: fa27@aol.com, cmdarch@sbcglobal.net, mariatilghman@yahoo.com

Cc: robt_sf@yahoo.com, sshusheng@yahoo.com

Date: Monday, October 11, 2010, 7:32 PM

Dear Maria and Robert (I am copying ShuSheng, who was unable to attend today's meeting),

Thank you for meeting today at 4.45pm at Cassandra's office to review our plans, and your concerns (as expressed in the DR). I wanted to briefly summarize bottom-line outcomes. Please feel free to add color or flag errors or omissions:

1. Using the current deck behind our home as reference (and, noting that reference to our current deck was omitted from the DR) we agreed:

--the planned deck will be offset 2' from the property line, and the same depth (approx 14') as current design plans specify.

--there is currently a trellis/visual block at the house-end of the current deck (which is right up against the boundary line). This "trellis" provides a measure of privacy. This trellis (or equivalent) will be proportionately maintained on the new deck (so for example if the trellis is x-wide and y-high, and the new deck is 10% deeper than the current deck, the trellis will be 1.1x deep and y-high).

2. You expressed reservations about the roof deck on two counts, as "members of the community":

--potential noise by future owners

--potential reflection of glass and blinding of O'Shaunessey drivers leading to crashes and liability.

These were duly noted for followup, but are not show-stoppers.

3. Cassandra will revise plans to reflect new agreed deck. Suitably formal/informal side-agreement on trellis, using current dimensions as reference, Robert will draft. Robert/Maria will cancel DR, so we can proceed.

Good to see you, have a great week!

Regards Faruq

Exhibit J

From: Maria Tilghman <mariatilghman@yahoo.com>
To: fa27@aol.com
Cc: robert@calwood.com
Subject: Reply
Date: Sun, Nov 7, 2010 7:36 pm

Hello Faruq,

We would like to clear up a few of your misconceptions about this situation. We are in no way being adversarial, nor do we have any issue with you. As we were very obviously made aware, neighbors in San Francisco have a clear say in residential building projects, even those that were approved by planning & building departments.

We filed the DR against the project you've proposed because we feel that it does not suit the neighborhood and certain aspects negatively affect our privacy and property value. Given the size and scope of your project, it would have been wise to contact us in person when we supposedly missed your wine and cookies event. Despite what Ms. Davis claims, we *never received* notification of your plans. I know when I plan to build the living room extension next year I will surely involve you, the Woo's and the Chings.

We have involved the Miraloma Park Improvement Club because we feel that there is a clear conflict of interest at play. Your comment that the MPIC supports this is proof of this, of course they do, your architect in involved heavily with them. This is the same involvement that got the MPIC against our project so quickly. The visible aspects of your project are clearly against the MPIC building guidelines, and therefore will stick out like a sore thumb. This will have a clear negative impact against my and the neighbors property values. Given the wide ranging issues that your roof deck presents the neighborhood, an opportunity to have a reasonable logical discussion with the MPIC is a no brainer.

We thought when we walked away from the meeting with Ms. Davis that we had an agreement that would suit the parties. It turned out that from your actions you had no intention of following through with your "Gentleman's agreement". Therefore we have moved forward with our DR. FYI, from initial conversations with Elizabeth Watty, they do not field and all DRs. They *only* field the DRs that have merit. Our case is being heard, therefore logic must dictate that it does have merit.

As for your claim regarding us and the trellis, your facts are incorrect. We offered to Dean and the Woo's relatively early to place a trellis on their side. After modifying our deck design to incorporate all of parties requests, we did not need one. Had we placed a trellis on our deck, it would have had tremendous affects on both your and my views. Modifying our deck design proved to be incredibly costly due to the custom balusters and handrailing that had to be fabricated. However, we are happy with the design that we came up with together as it showed that neighbors can mutually come to an agreement. However, I am certain that had I pressed

further we would have been able to use our original design.

As for your claim that we have a clear view into the Woo home it is incorrect. If you stand at the edge of my deck, you can see their white carpeted stairs to the upper level. You can see a little bit of their maple floor, and little bit of their entrainment center. I would not be able to see anybody in the house unless they were going up or down the stairs. If I stand on side of the deck on your side at the present I have very limited views into your home. Our house is designed different. While we do have a wall of glass, the width of the glass remains the same as before the deck was built. We only adjusted the height of the windows / door. Your and any potential next owners can see me sitting on the couch, can see our TV, can see our kitchen, living room and dining area in full. Thanks to your existing trellis and tree the privacy is maintained. I do not want to have to live behind iron curtains. I bought this property because of the view and the privacy of not having rear neighbors.

As for the complaint against your deck that was filed by us. Did you seriously think that after the repeated claims by all parties involved in the dispute of our deck that we would not look into all of you'alls permits? We pulled numerous permits for every job that we did, along with the permits pulled by all of the licensed contractors working here. We wanted to do this legitimately. The claims by the parties involved that we were *working beyond the scope of our permits, undervaluing permits, police involvement, and claims that we had created a seismic hazard* were ALL clearly unfounded. So imagine our surprise when we found that your deck had been built on the wrong side of the house, not according to plans or permits. We had no issue with the windscreen, we had an issue with the deck as a whole. Had the additional hassles separate from the deck issue that all 3 parties invoked upon us without merit not cost us 6 months at least worth of delays, we probably wouldn't have pushed. But as it happened we lost time, money, and our contractor. So, yeah we had a right and reason to check on the permits and enforce legality. We didn't want to go down this path, but honestly we were pushed.

With this said, this was in the past, and what is happening today is separate. We want you to be able to tailor your home to your desire within reason. We want you to be able to have a deck, we want you to be able to expand your home. We do agree with the roof deck at all, and from the multiple neighbors that I have spoken to are not thrilled about the roof deck either. If the roof deck was dropped, and a reasonable rear deck was re-proposed with a bit more privacy through either a trellis or a notch we will still consider dropping the DR.

FYI, your friend with the roof deck at 459 Teresita built the roof deck illegally. There are no plans or permits on file with the city. For their sake I don't you should bring that up to either the planning department, or the Board of Appeals.

If you wish to sit down and talk about this face to face I welcome it. I look forward to your reply. I do hope that we can work through this, as I have no plans of moving any time soon and plan on expanding my home as my family is expanding.

Best Regards,

Robert & Maria

--- On Sat, 11/6/10, fa27@aol.com <fa27@aol.com> wrote:

From: fa27@aol.com <fa27@aol.com>

Subject: Request

To: Robert@calwood.com, mariatilghman@yahoo.com, robt_sf@yahoo.com

Cc: cmdarch@sbcglobal.net

Date: Saturday, November 6, 2010, 1:51 PM

Dear Robert/Maria,

This is to request that you consider the possibility of amicably resolving your DR, re: our proposed project.

MPIC has approved our roof deck as you know, and I understand you have asked them to reconsider their approval. We are fine with letting this process continue. If they come up with design issues, we will resolve these with them. As far as our rear-deck is concerned, we intend to continue to do what we can to respect our mutual privacy. We will plan to leave the current tree as-is, and have been discussing bamboo as an option, for where the "trellis" is today. We are also considering moving the deck closer to the boundary as you requested, 2-3' rather than 6' away, so that the visual barrier is more complete. These are design issues to work out later, and if you have any specific suggestions we are happy to discuss them.

Please also understand that I am not writing to you because I think your DR is strong, or that our position is weak. It is not, and hopefully you can see this. You of course have every right to continue on an adversarial track if you so wish. Alternatively, you can withdraw the DR and dialog instead.

We want to keep our neighborhood strong. We share a common boundary, and immediate neighbors have a special relationship. We also don't see any reason to take up valuable Planning Commission time, or to add to San Francisco's budget crisis.

If you find yourself saying "no" to this invitation to settle amicably, please ask yourselves: why? Have we done anything these past two years since you moved in as our neighbors, that would suggest in any way that we don't value your privacy? Or, is there perhaps something about who we are that you cannot accept?

I have some upcoming travel, so I would appreciate a response by Sunday evening, 11/7. If I don't hear back by then, I will assume that you wish to continue the adversarial process you initiated, by filing the DR, and that you do not intend to withdraw it. Please feel free to get in touch as you wish (we all have iPhones, so email would be fine!).

With best regards, Faruq



350 O'Shaughnessy Boulevard • San Francisco, California 94127

Telephone: (415) 281-0892

Miraloma Park Improvement Club

November 29, 2010

Elizabeth Watty
San Francisco Planning Department
Re: Permit application at 207 Marietta

Dear Ms. Watty:

As in all Miraloma Park applications for expansions beyond the existing footprint, the Zoning and Planning (ZAP) Committee of the Board of Directors of the Miraloma Park Improvement Club (MPIC) reviewed the plans using the *Miraloma Park Residential Design Guidelines (MPRDG)*, adopted in 1999 by the Planning Commission for use in design review of building permit applications in Miraloma Park. Please note that the ZAP Committee customarily does not approve or disapprove projects or broker agreements between neighbors, but rather reviews projects for consistency with the *MPRDG* and indicates to Planning staff design elements that we perceive as being inconsistent with the *MPRDG*.

The ZAP Committee reviewed the plans for the 203 Marietta expansion, and one member of the Committee, Karen Wood, visited the site at the pre-application meeting and did not note any inconsistencies with the *MPRDG*. However, pursuant to the subsequent request for DR filed by the 207 Marietta owners and the request of both the sponsor and appellant that we revisit the site and the issues, we have again reviewed the application and the objections to it to re-assess consistency with the *MPRDG*. As part of this review, the ZAP Committee met with and discussed the application with homeowners both of 203 and of 207 Marietta. One member of the ZAP Committee, Cassandra Mettling-Davis, recused herself from this review and from the meetings with the homeowners because she is the architect for the owner of 203 Marietta. Her views are not presented in the following paragraphs. The remaining three ZAP Committee members, Karen Breslin, Karen Wood, and Dan Liberthson participated in the review and meetings and their views are presented below.

203 Marietta Proposed Rear Deck Expansion. We suggest consideration of the following Good Neighbor Gestures on the part of the sponsor to optimize privacy for both properties. (Please see "Incorporate Good Neighbor Gestures" in the *MPRDG*, p. 32 (hard copy) or p. 36 at www.miralomapark.org/about/design-guidelines.) If agreed upon, the above mitigations would be noted on the architectural plans.

- (1) Retain the current lattice-topped wood windscreen barrier, which extends at eye level from the house partway along the southeast side of the deck or use another solid or non-transparent barrier at eye level proportionally the same length as the current barrier to interrupt sightlines from the expanded deck at 203 Marietta into the rear windows and sliding door of 207 Marietta; and
- (2) Retain the tree at the southeast corner of the existing deck at the rear building wall of 203 Marietta to provide an additional privacy screen.

203 Marietta Proposed Roof Deck. As a Good Neighbor Gesture to mitigate glare from sun on the roof deck, we suggest the use of non-glare (also called anti-glare) glass in the approximately 3-ft high transparent wind barrier surmounting the 3-ft high wood safety barrier around the deck. This mitigation, if agreed upon, also would be specified in the architectural plans.

Thank you for your attention.

Yours truly,

Dan Liberthson, Corresponding Secretary

cc: Robert Tilghman, Faruk Assad, Cassandra Mettling-Davis



CMD
ARCHITECTURE

801 PORTOLA DRIVE
SUITE 104
SAN FRANCISCO
CALIFORNIA 94127
VOICE (415) 664-3400
FAX (415) 664-3440

PROJECT NAME AND ADDRESS:
**ADDITION AND REMODEL FOR THE
AHMAD-LIN RESIDENCE**
203 Marietta Drive, San Francisco, California 94121

ARCHITECT'S STAMP:

REVISIONS:

DATE:
JUNE 4, 2010

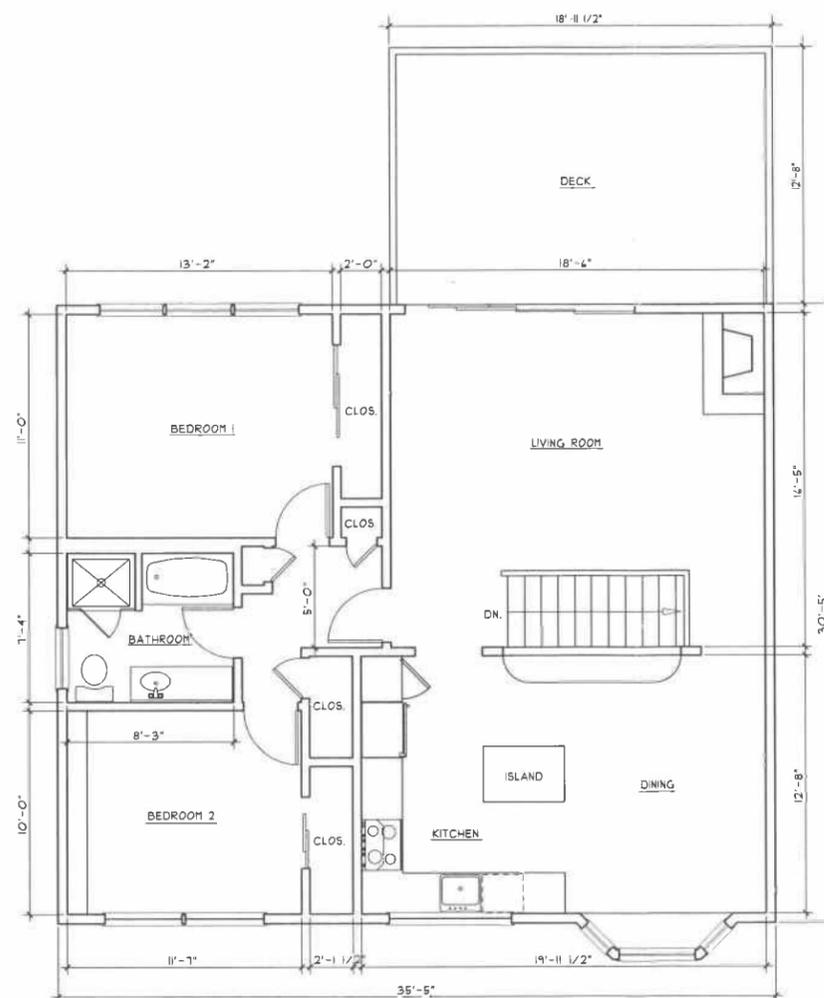
SCALE:
1/4" = 1'-0"

SHEET TITLE:
EXISTING
CONDITIONS -
FLOOR PLANS

SHEET NO.

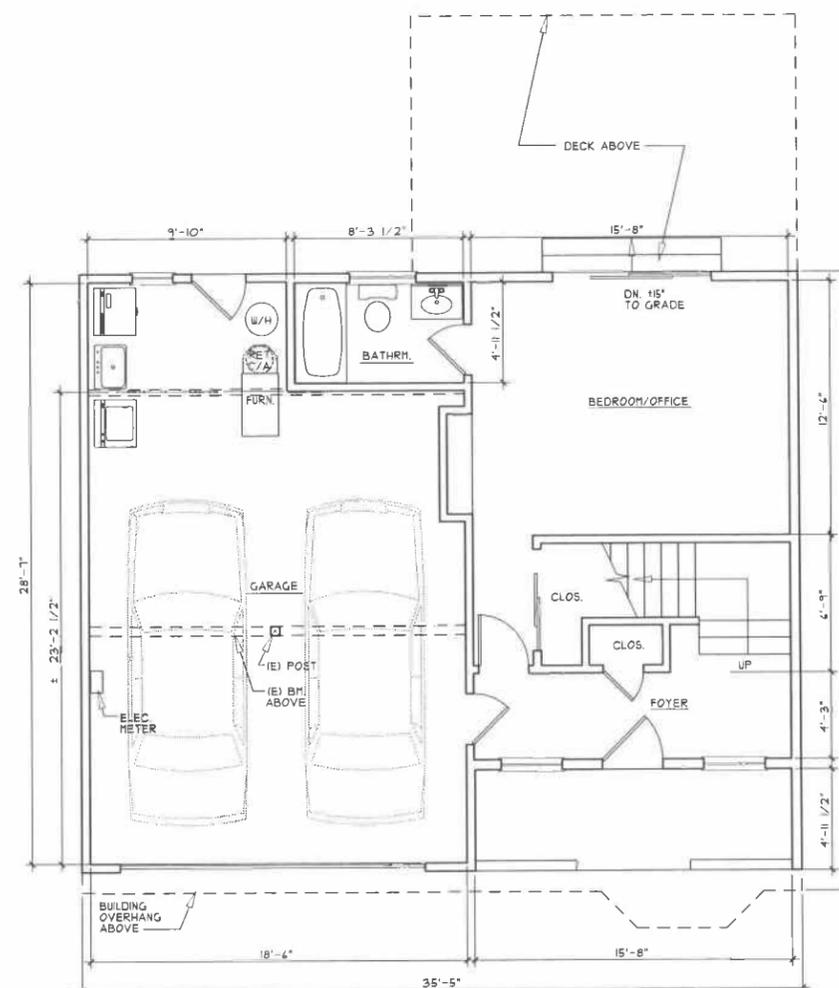
EC.1

OF SHEET



EXISTING FLOOR AREA: 1,018 SF
EXISTING DECK AREA: 224 SF

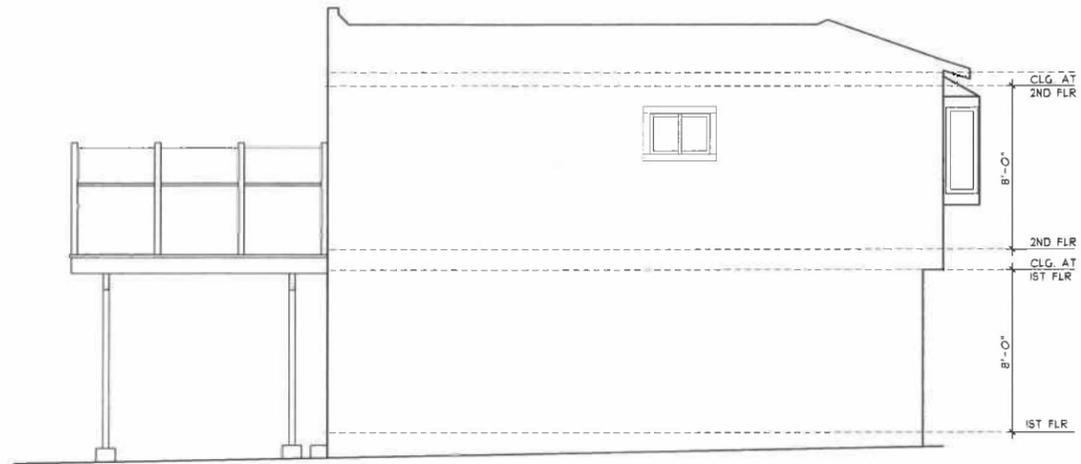
SECOND FLOOR PLAN 2



EXISTING FLOOR AREA: 904 SF
(INCLUDES GARAGE)

FIRST FLOOR PLAN 1

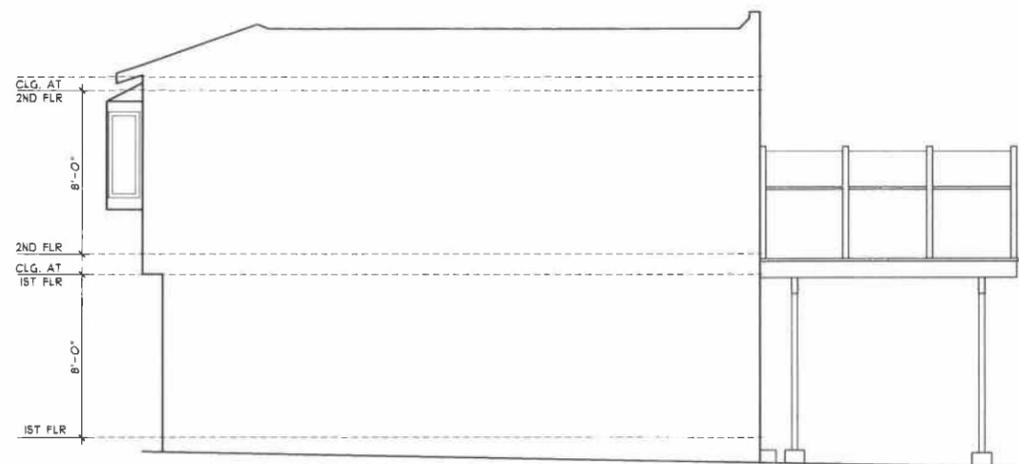
PROJECT NAME AND ADDRESS:
ADDITION AND REMODEL FOR THE
AHMAD-LIN RESIDENCE
203 Marretta Drive, San Francisco, California 94127



NORTH ELEVATION ④



WEST ELEVATION ③



SOUTH ELEVATION ②



EAST ELEVATION ①

ARCHITECT'S STAMP:

REVISIONS:

DATE:
JUNE 4, 2010

SCALE:
1/4" = 1'-0"

SHEET TITLE:
EXISTING
CONDITIONS -
ELEVATIONS

SHEET NO.

EC.2

OF SHEET



CMD
ARCHITECTURE

801 PORTOLA DRIVE
SUITE 104
SAN FRANCISCO
CALIFORNIA 94127
VOICE (415) 664-3400
FAX (415) 664-3440

PROJECT NAME AND ADDRESS:
**ADDITION AND NEW DECK FOR THE
AHMAD-LIN RESIDENCE**
203 Marietta Drive, San Francisco, California 94127

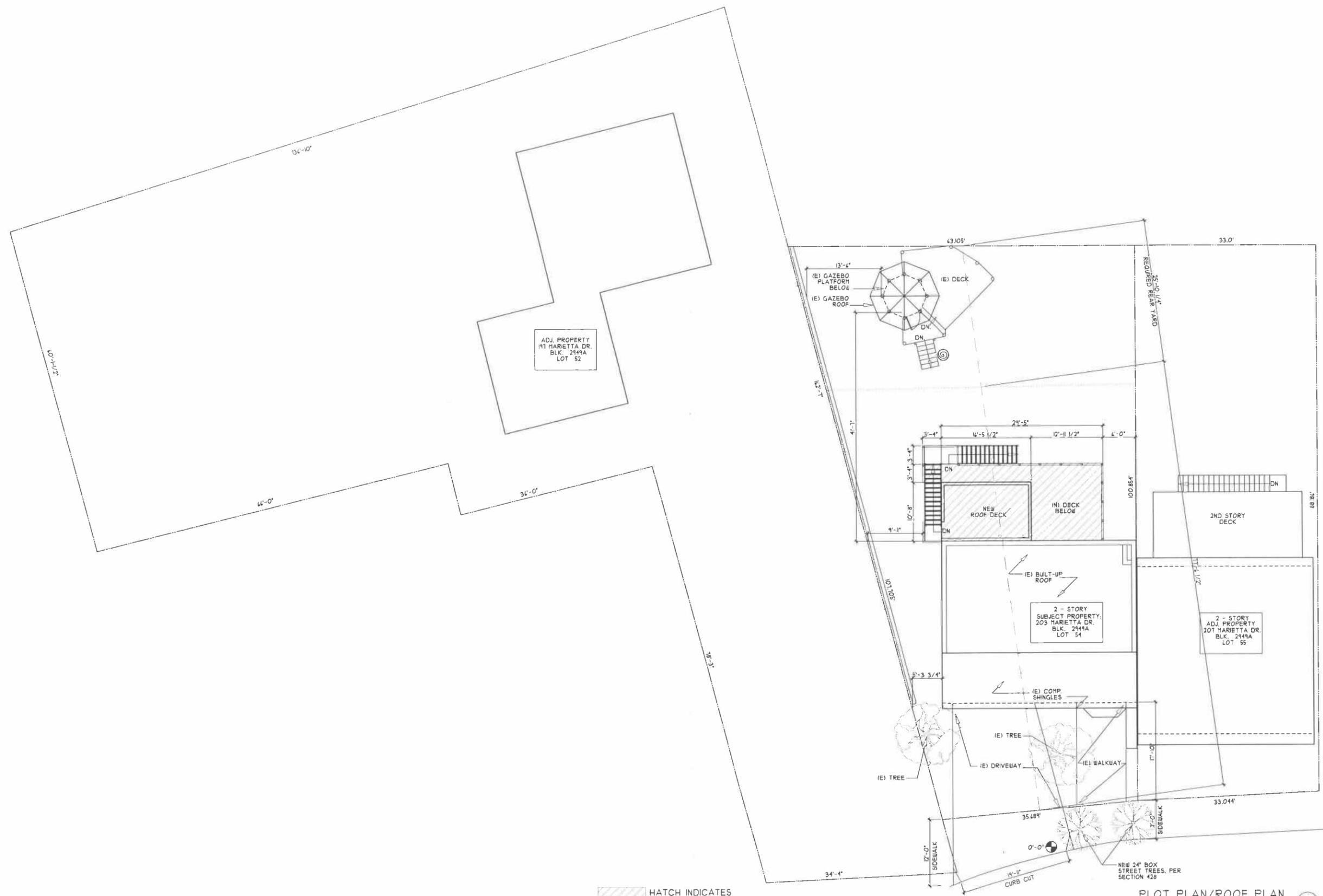
ARCHITECT'S STAMP:

REVISIONS:
1/28/10 SIDEWALK, TREE CLARIF.

DATE:
JUNE 4, 2010
SCALE:
1/4" = 1'-0" U.O.N.

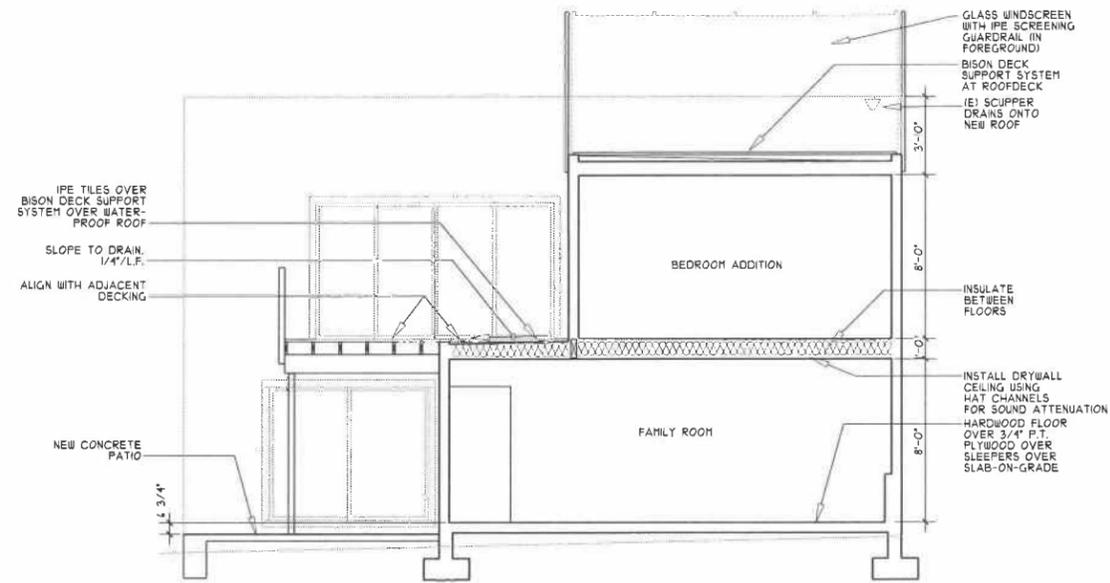
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FLOOR PLANS

SHEET NO.
A1
OF SHEET

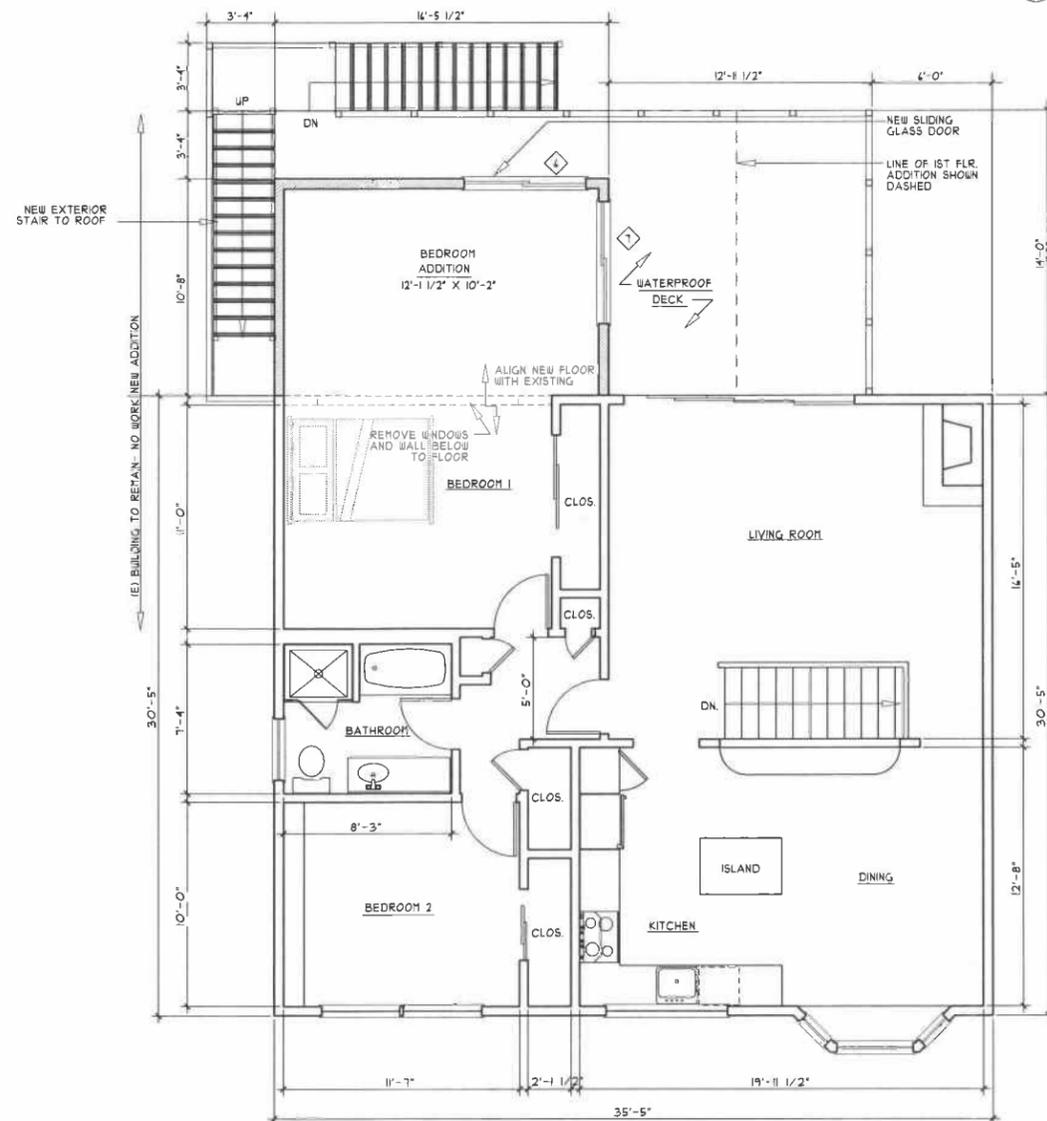


HATCH INDICATES
ADDITION AND
NEW DECK

PLOT PLAN/ROOF PLAN
SCALE: 1/8" = 1'-0"

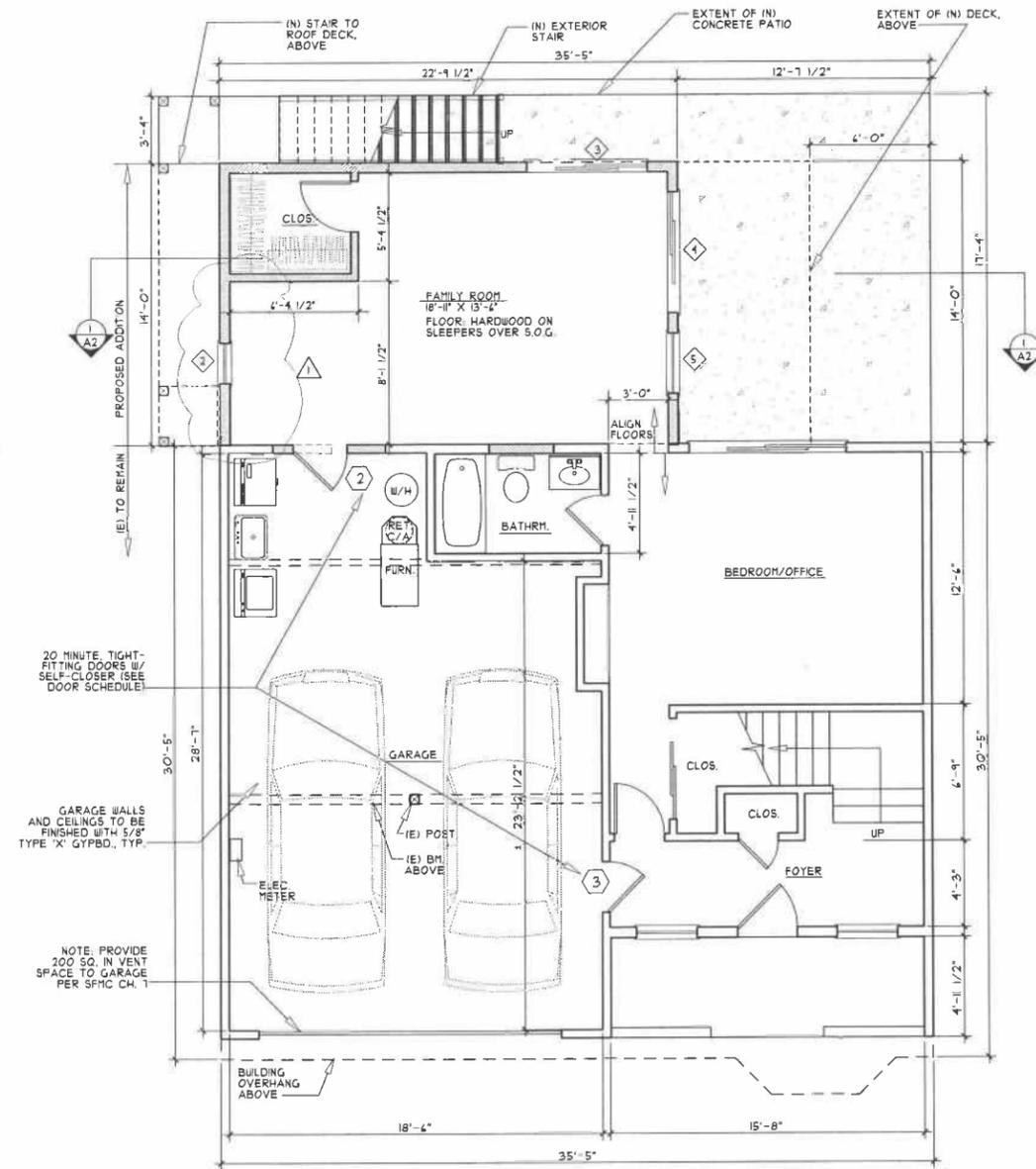


SECTION A-A ③



EXISTING FLOOR AREA: 1,018 SF
 NEW FLOOR AREA: 145 SF
 NEW DECK AREA: 234 SF

SECOND FLOOR PLAN ②



EXISTING FLOOR AREA: 904 SF
 NEW FLOOR AREA: 291 SF

FIRST FLOOR PLAN ①

WALL KEY:

(E) WALL TO REMAIN
(E) WALL TO BE REMOVED
NEW WALL
NEW 1 HOUR RATED WALL 1 5/8" TYPE 'X' DRYWALL EACH SIDE



CMD ARCHITECTURE
 801 PORTOLA DRIVE SUITE 104
 SAN FRANCISCO CALIFORNIA 94127
 VOICE (415) 664-3400
 FAX (415) 664-3440

PROJECT NAME AND ADDRESS:
 ADDITION AND NEW DECK FOR THE
AHMAD-LIN RESIDENCE
 203 Mariposa Drive, San Francisco, California 94121

ARCHITECT'S STAMP:

REVISIONS:
 1/28/10 REMOVE WET BAR

DATE: JUNE 4, 2010
 SCALE: 1/4" = 1'-0" U.O.N.

SHEET TITLE:
 FLOOR PLANS AND SECTION

SHEET NO.
A2
 OF SHEET

PROJECT NAME AND ADDRESS:
**ADDITION AND NEW DECK FOR THE
AHMAD-LIN RESIDENCE**
203 Marietta Drive, San Francisco, California 94121

ARCHITECT'S STAMP:

REVISIONS:
1/28/10 ADJ. PROPERTY CLARIF.

DATE:
JUNE 4, 2010

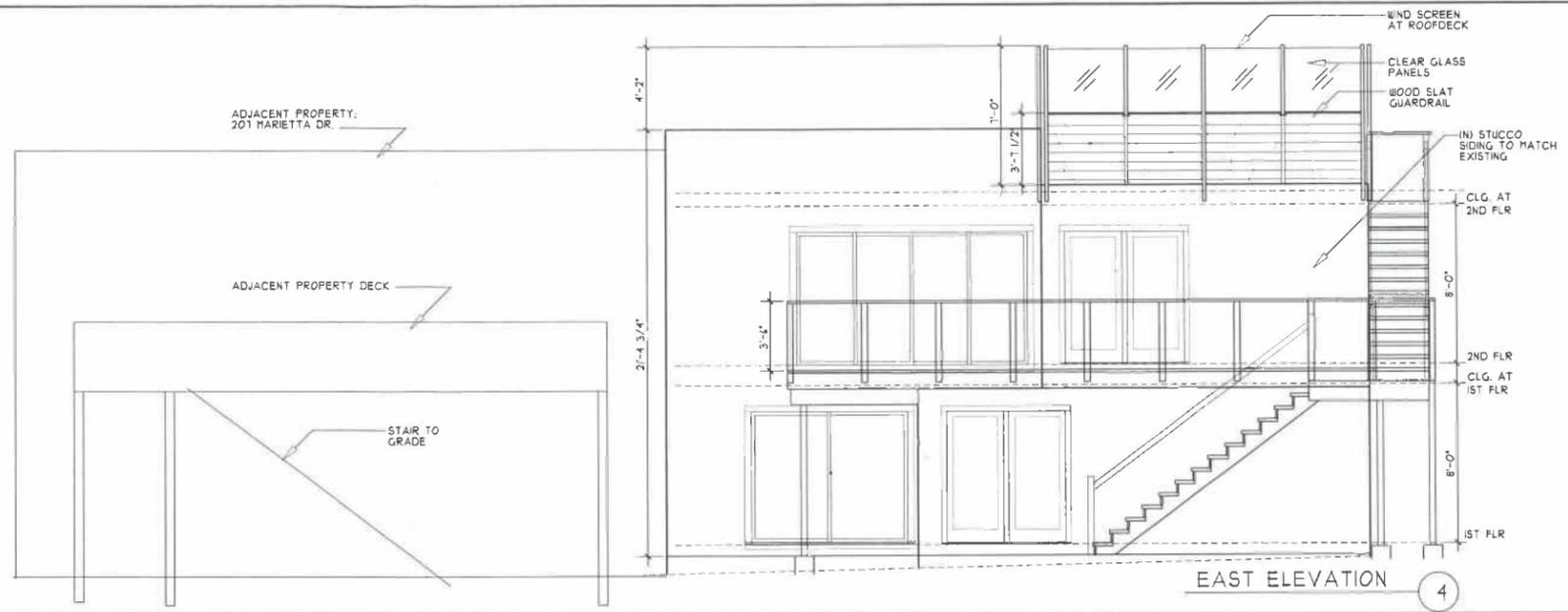
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ELEVATIONS

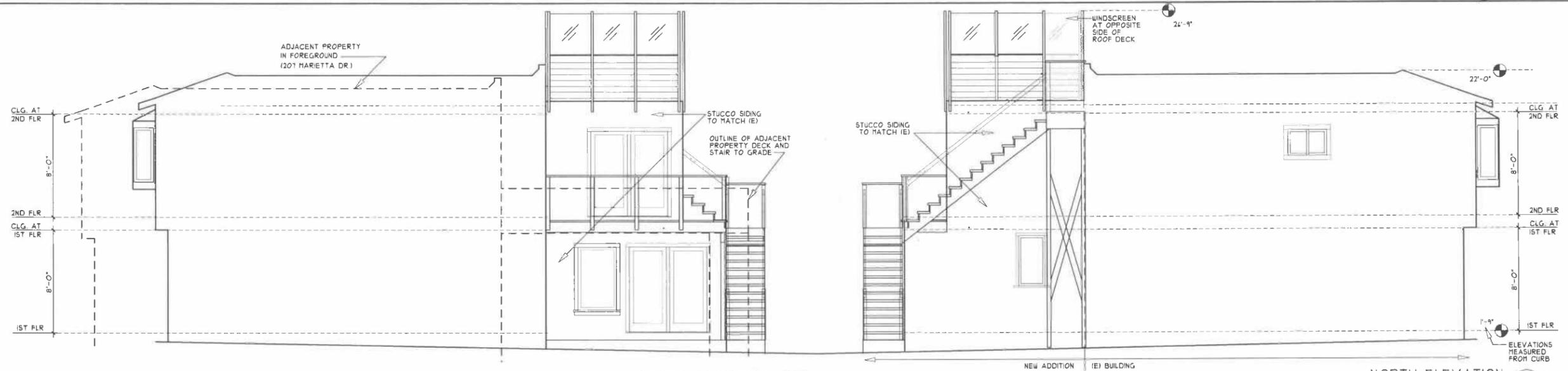
SHEET NO.

A3

OF SHEET



EAST ELEVATION 4



SOUTH ELEVATION 3

NORTH ELEVATION 2



WEST ELEVATION
NO CHANGES 1