



# SAN FRANCISCO PLANNING DEPARTMENT

## Discretionary Review Abbreviated Analysis HEARING DATE: JUNE 6<sup>TH</sup>, 2013

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

Reception:  
**415.558.6378**

Fax:  
**415.558.6409**

Planning  
Information:  
**415.558.6377**

*Date:* May 30<sup>th</sup>, 2013  
*Case No.:* 2012.0458D  
*Project Address:* 84 Cityview Way  
*Permit Application:* 2012.01.03.1560  
*Zoning:* RH-1 [Residential, House, One-Family] Zoning District  
40-X Height and Bulk District  
*Block/Lot:* 2823/003  
*Project Sponsor:* Gordon Atkinson  
735A Taraval Street  
San Francisco, CA 94116  
*Staff Contact:* Tom Wang – (415) 588-6335  
[thomas.wang@sfgov.org](mailto:thomas.wang@sfgov.org)  
*Recommendation:* **Do not take DR and approve as proposed**

### PROJECT DESCRIPTION

The proposal is to construct a third-story vertical addition to an existing two-story, single-family dwelling (hereinafter "Project").

The proposed third-story would be within the footprint of the existing dwelling. It would have various setbacks, averaging 11 feet 6 inches, from the existing front building wall. The proposed third-story would contain a gross floor area of approximately 857 square feet, including two bedrooms, one and one half bathrooms and a study. With the third-story addition, the subject dwelling would be 25 feet 4 inches tall at the street, measured from the mid-point of the front property line, and contain a total gross floor area of approximately 2,298 square feet. A portion of the third story's front setback area would be used as a roof deck.

### SITE DESCRIPTION AND PRESENT USE

The subject property, 84 Cityview Way, is on the north side of Cityview Way between Panorama Drive and Knollview Way, in the Twin Peaks neighborhood and an RH-1(Residential, House, One-Family) Zoning District and a 40-X Height and Bulk District. The subject lot has a frontage of approximately 34 feet 5 inches along Cityview Way and an average depth of approximately 96 feet 5 inches. Current grade on the subject lot is slightly below the street. The property slopes along the subject block-face from east steeply down to the west.

Currently, the subject lot is occupied by a two-story, single-family dwelling, containing a gross floor area of approximately 1,441 square feet. The existing dwelling measures approximately 45 feet deep and 18 feet 6 inches tall at the mid-point of the front property line above the street. It was constructed with an average front setback of 7 feet 6 inches and a rear yard depth of approximately 42 feet. The City Assessor's Office records indicate the dwelling was constructed in 1955.

**SURROUNDING PROPERTIES AND NEIGHBORHOOD**

The subject property is in the Twin Peaks neighborhood. Based upon the DR Requestor’s statement, the subject property is also within the Midtown Terrace subdivision of which the development began in 1953 and was completed in 1960 with the Midtown Terrace Homeowners’ Association incorporated in 1950.

Only three, single-family dwellings, including the subject dwelling, front on this portion of Cityview Way. These three homes were completed from 1955 to 1956. Along the opposite block-face, existing single-family homes are two stories in height at the street level. Those homes were completed during the 1950s. The immediately adjacent lot to the east is developed with a two-story, single-family dwelling. The development immediately adjacent to the west contains four lots that front on Panorama Drive with their rear yards abutting on the subject lot’s west side lot line. Each of these four lots is developed with a two-story, single-family dwelling.

**BUILDING PERMIT NOTIFICATION**

TYPE	REQUIRED PERIOD	NOTIFICATION DATES	DR FILE DATE	DR HEARING DATE	FILING TO HEARING TIME
311/312 Notice	30 days	August 24 <sup>th</sup> , 2012 – September 23 <sup>rd</sup> , 2012	September 21 <sup>st</sup> , 2012	May 23 <sup>rd</sup> , 2013	243 days from September 21 <sup>st</sup> , 2012 *

*\*The Project Sponsor submitted the response to DR Application on March 1<sup>st</sup>, 2013.*

**HEARING NOTIFICATION**

TYPE	REQUIRED PERIOD	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUAL PERIOD
Posted Notice	10 days	May 13 <sup>th</sup> , 2013	May 10 <sup>th</sup> , 2013	13 days
Mailed Notice	10 days	May 13 <sup>th</sup> , 2013	May 10 <sup>th</sup> , 2013	13 days

**PUBLIC COMMENT**

	SUPPORT	OPPOSED	NO POSITION
Adjacent neighbor(s)	--	Two	--
Other neighbors on the block or directly across the street	One	Five	--
Neighborhood groups	--	The Midtown Homeowners’ Association (DR Requestor)	--

*Additionally, the Department has received four e-mails, all in support of the Project, from four residents within the surrounding neighborhood.*

**DR REQUESTOR**

Rex Bell, President of the Midtown Homeowners’ Association, Inc.

## DR REQUESTOR'S CONCERNS AND PROPOSED ALTERNATIVES

See attached *Discretionary Review Application*, dated September 21<sup>st</sup>, 2012.

## PROJECT SPONSOR'S RESPONSE TO DR APPLICATION

See attached *Response to Discretionary Review*, dated March 1<sup>st</sup>, 2013.

## ENVIRONMENTAL REVIEW

On July 25<sup>th</sup>, 2012, the Department has determined (Case No. 2012.0458E) that the 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 Residential Design Team (RDT) finds that the Project is consistent with the Residential Design Guidelines and that no exceptional or extraordinary circumstances will arise as a result of the Project. The RDT determines no further changes to the Project are necessary.

The RDT findings include:

1. The proposed third-story includes staggered front setbacks from the front building wall. The west side of the subject building is already widely visible from the street through the rear yards on four adjacent lots fronting on Panorama Drive. The 11 feet 7 inches front set-back on the western portion of the third-story is not typically intended to minimize its view from the street, but to position it to better integrate with the existing chimney, leaving no gap between them. The 13 feet 4 inches front set-back on the eastern portion of the third-story will minimize this portion's visibility from the street by staying behind the front façade of the east adjacent building that is on a higher elevation above the street than the subject building.
2. With the proposed third-story, the subject building will not be significantly taller than the adjacent building at 80 Cityview Way because the current grade on the subject lot is approximately five feet lower than that on the adjacent lot. Between these two houses, there is a three feet side yard on either lot along the shared side lot line. Windows on the third-story's east side wall are not directly opposite existing windows on the west side wall of the adjacent building. Therefore, no significant loss of light, air, and privacy to the house at 80 Cityview Way will occur as a result of the third-story addition. Furthermore, the distance between the third-story addition and the rear building wall of the adjacent house at 206 Panorama Drive is approximately 62 feet, which should reasonably minimize the third-story's impact on air, light, and privacy to that house.
3. The roof deck on the third-story, which is also set back from the front building wall, will overlook the roofs of adjacent houses and will not affect adjacent neighbors' privacy.
4. The Planning Department reviewed the proposed third-story addition under applicable provisions of the Planning Code and the Residential Design Guidelines. By-Laws of the Midtown Terrace Homeowners' Association are not adopted by the City and County of San Francisco as its

citywide land use controls because they are only applicable to the Midtown Terrace subdivision. Review of the Project by the Planning Department does not hence require the Project's consistency with the By-Laws of the Midtown Terrace Homeowners' Association attached to the DR Application.

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.

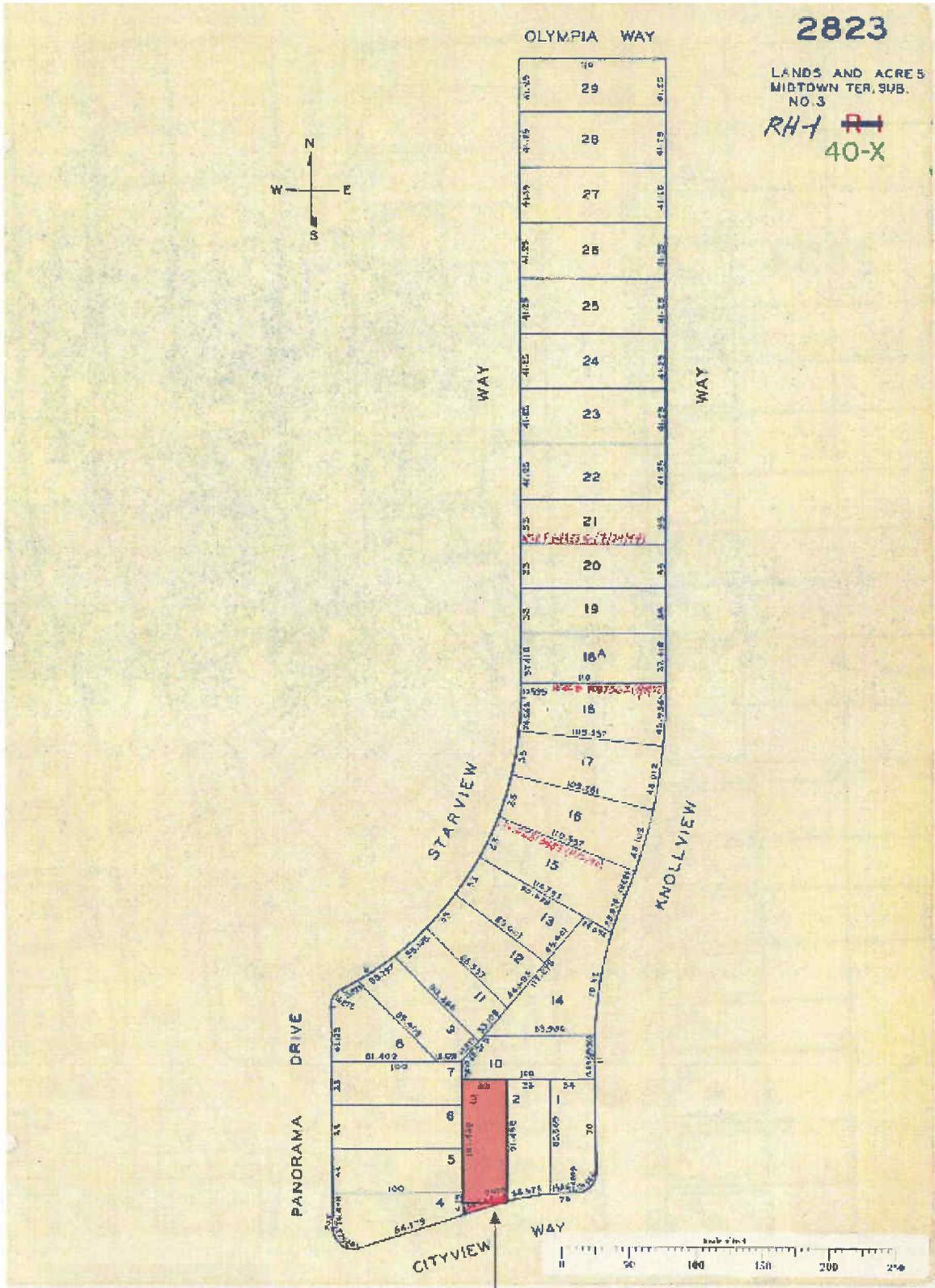
<b>RECOMMENDATION:</b> Do not take DR and approve the Project as proposed
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**Attachments:**

Block Book Map  
Sanborn Map  
Zoning Map  
Aerial Photographs  
Context Photographs  
Section 311 Notice  
DR Application  
Project Sponsor's Response to DR Application  
Reduced Plans

*TW: G:\Documents\DRs\84 Cityview Way\DR Analysis - Abbreviated.doc*

# Parcel Map



**SUBJECT PROPERTY**



Planning Commission Hearing  
Case Number 2012.0458D  
84 Cityview Way

# Sanborn Map\*



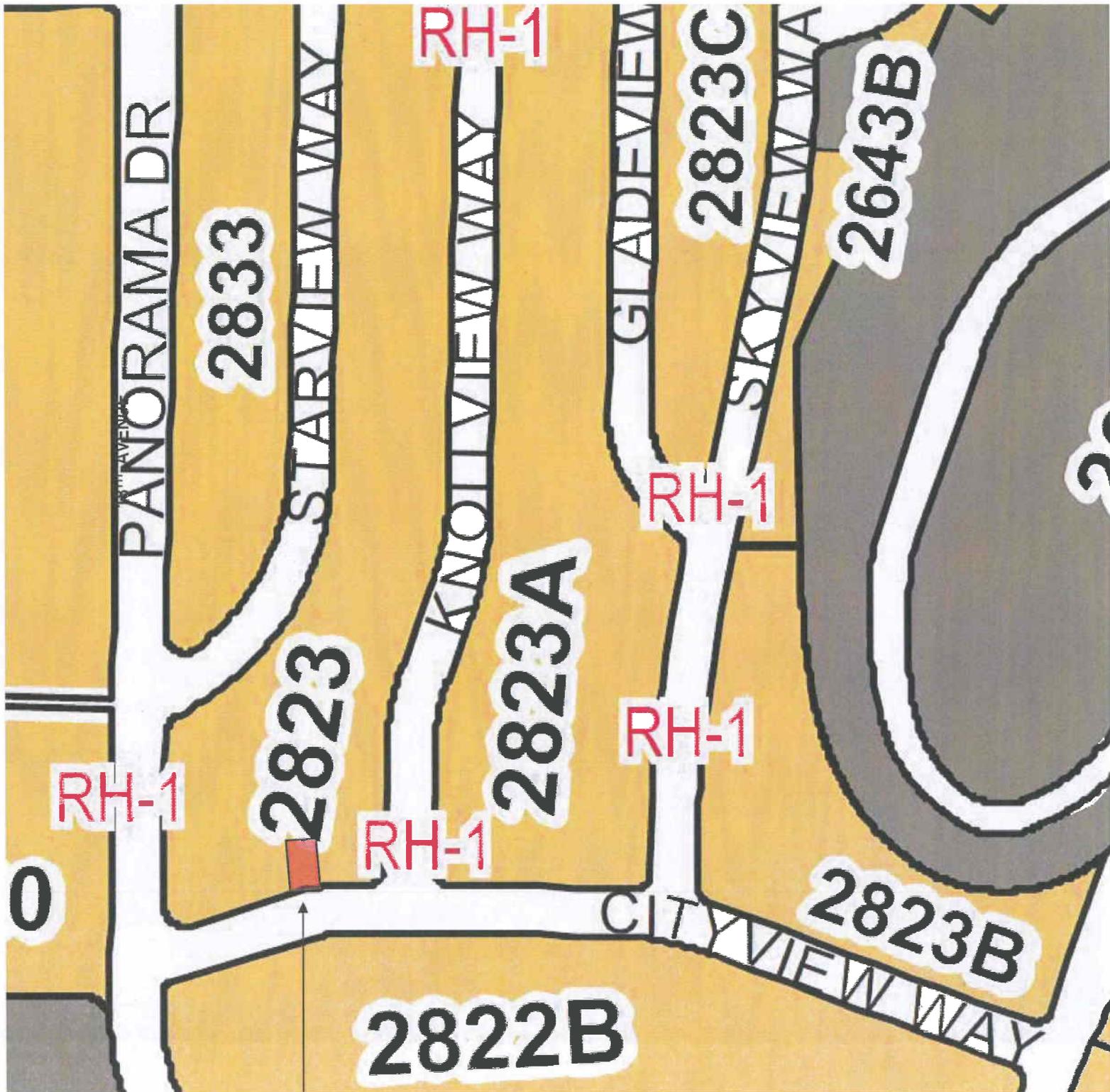
\*The Sanborn Maps in San Francisco have not been updated since 1998, and this map may not accurately reflect existing conditions.

**SUBJECT PROPERTY**



Planning Commission Hearing  
 Case Number 2012.0458D  
 84 Cityview Way

# Zoning Map

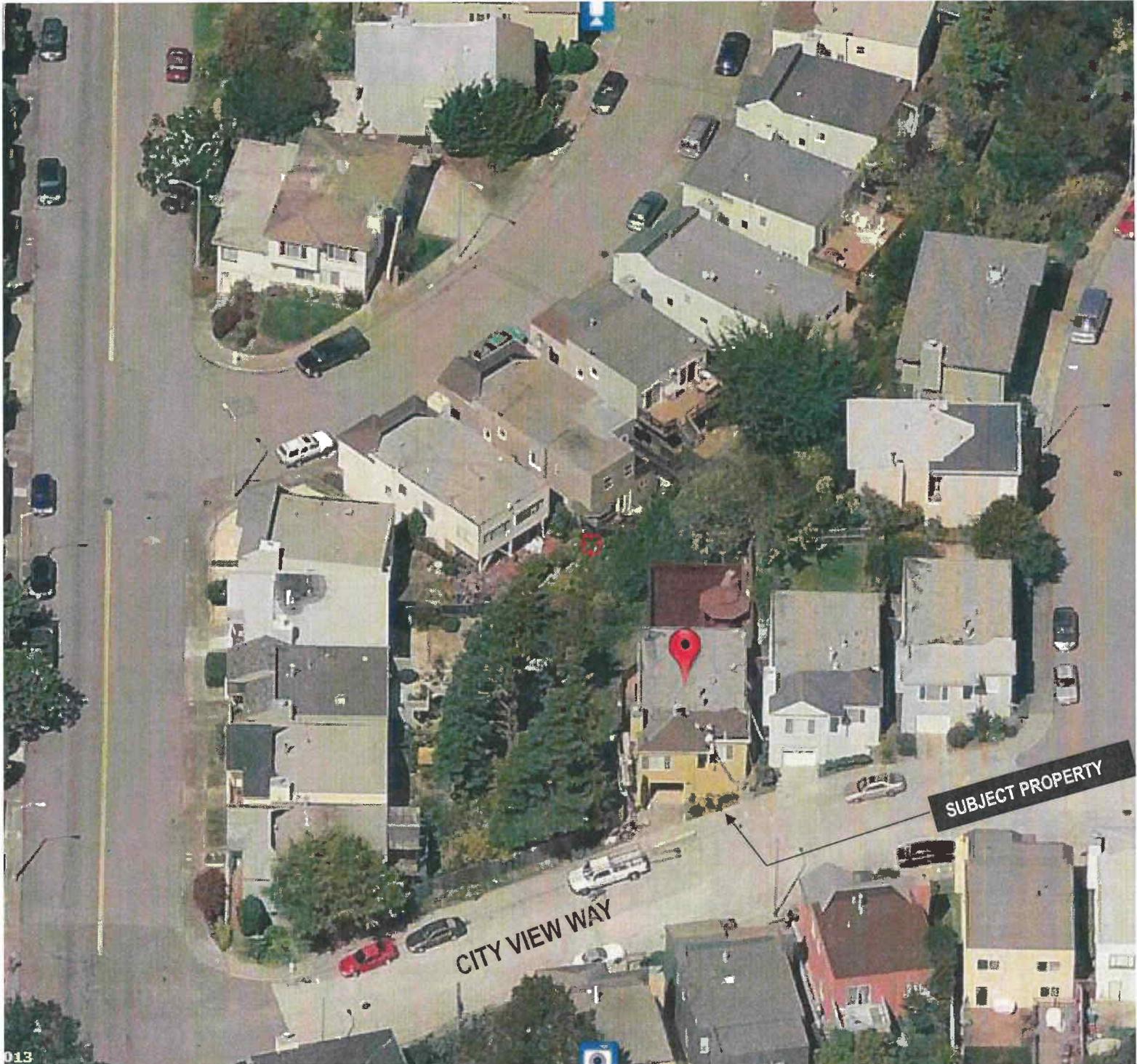


SUBJECT PROPERTY



Planning Commission Hearing  
Case Number 2012.0458D  
84 Cityview Way

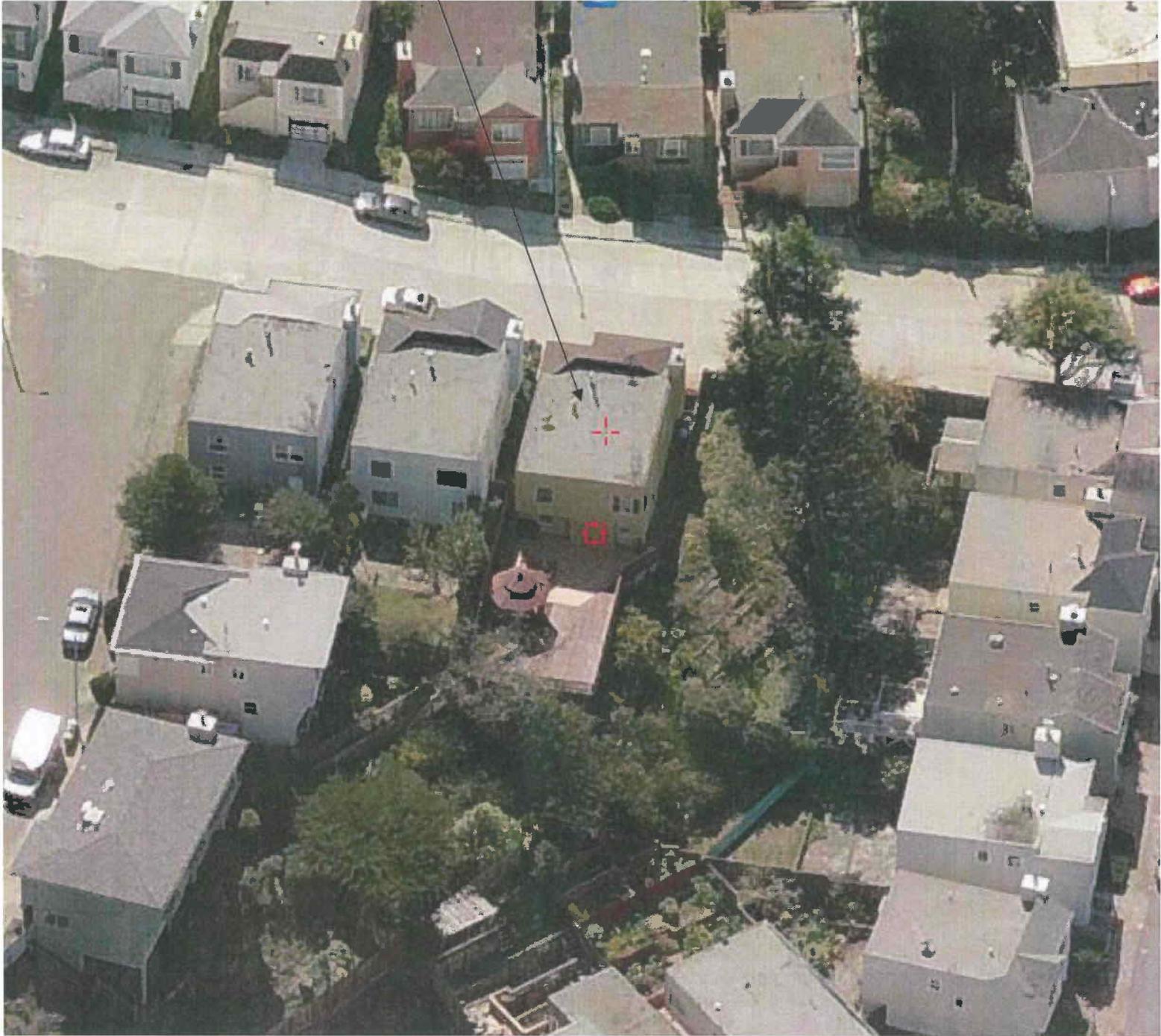
# Aerial Photo



Planning Commission Hearing  
Case Number 2012.0458D  
84 Cityview Way

# Aerial Photo

SUBJECT PROPERTY



Planning Commission Hearing  
Case Number 2012.0458D  
84 Cityview Way

P  
MIDTOWN TERRACE HOME OWNERS' ASSOCIATION  
P.O. Box 31097, San Francisco, CA 94131

May 10, 2013

Mr. Rodney Fong  
President  
San Francisco Planning Commission  
1650 Mission Street, Suite 400  
San Francisco, CA 94103-2479

Subject: Discretionary Review Application 12.0458D (84 Cityview Way)

Dear Mr. Fong:

Included with this letter is the packet for Discretionary Review of the 3<sup>rd</sup> story addition proposed for 84 Cityview Way. The packet consists of the application and responses to questions, photographs showing the subject property, and letters of opposition from impacted neighbors.

As is detailed in responses to the Discretionary Review questions, this project presents concerns regarding size, compatibility with surrounding houses, and impact on neighbors. From the perspective of the Midtown Terrace Homeowners' Association the proposed addition also conflicts with the San Francisco Residential Design Guidelines.

We greatly appreciate your willingness to consider our concerns regarding this project.

Sincerely,



Rex Bell  
Midtown Terrace Homeowners' Association

# APPLICATION FOR Discretionary Review

## 1. Owner/Applicant Information

DR APPLICANT'S NAME: Rex Bell, President - Midtown Terrace Home Owners' Association		
DR APPLICANT'S ADDRESS: P.O. Box 31097, San Francisco, CA	ZIP CODE: 94131	TELEPHONE: (415 )385-2123

PROPERTY OWNER WHO IS DOING THE PROJECT ON WHICH YOU ARE REQUESTING DISCRETIONARY REVIEW NAME: Joseph A. Vivacqua		
ADDRESS: 84 Cityview Way, San Francisco, CA	ZIP CODE: 94131	TELEPHONE: (415 ) 550-8477

CONTACT FOR DR APPLICATION: Same as Above <input checked="" type="checkbox"/>		
ADDRESS:	ZIP CODE:	TELEPHONE: ( )
E-MAIL ADDRESS: rbell58812@aol.com		

## 2. Location and Classification

STREET ADDRESS OF PROJECT: 84 Cityview Way, San Francisco, CA	ZIP CODE: 94131
CROSS STREETS: Between Panorama Drive and Knollview Way	

ASSESSORS BLOCK/LOT: 2823 /003	LOT DIMENSIONS: 33'X97'	LOT AREA (SQ FT): 3192	ZONING DISTRICT: RH-1	HEIGHT/BULK DISTRICT: 40-X
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## 3. Project Description

Please check all that apply

Change of Use  Change of Hours  New Construction  Alterations  Demolition  Other 

Additions to Building: Rear  Front  Height  Side Yard   
Residential

Present or Previous Use: \_\_\_\_\_

Proposed Use: Residential \_\_\_\_\_

Building Permit Application No. 2012.01.03.1560 Date Filed: 1/3/2012

RECEIVED

SEP 21 2012

CITY & COUNTY OF S.F.  
PLANNING DEPARTMENT  
P I C

4. Actions Prior to a Discretionary Review Request

Prior Action	YES	NO
Have you discussed this project with the permit applicant?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Did you discuss the project with the Planning Department permit review planner?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Did you participate in outside mediation on this case?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

5. Changes Made to the Project as a Result of Mediation

If you have discussed the project with the applicant, planning staff or gone through mediation, please summarize the result, including any changes there were made to the proposed project.

See attached.

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# Discretionary Review Request

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

1. What are the reasons for requesting Discretionary Review? The project meets the minimum standards of the Planning Code. What are the exceptional and extraordinary circumstances that justify Discretionary Review of the project? How does the project conflict with the City's General Plan or the Planning Code's Priority Policies or Residential Design Guidelines? Please be specific and site specific sections of the Residential Design Guidelines.

See attached.

2. The Residential Design Guidelines assume some impacts to be reasonable and expected as part of construction. Please explain how this project would cause unreasonable impacts. If you believe your property, the property of others or the neighborhood would be adversely affected, please state who would be affected, and how:

See attached.

3. What alternatives or changes to the proposed project, beyond the changes (if any) already made would respond to the exceptional and extraordinary circumstances and reduce the adverse effects noted above in question #1?

See attached.

# Applicant's Affidavit

Under penalty of perjury the following declarations are made:

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

Signature: Rex Bell

Date: 9/20/12

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

Rex Bell  
Owner  Authorized Agent (circle one)

# Discretionary Review Application Submittal Checklist

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

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

*Rex Bell*

NOTES:

Required Material.

Optional Material.

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

For Department Use Only

Application received by Planning Department:

By: \_\_\_\_\_

Date: \_\_\_\_\_

**MIDTOWN TERRACE HOME OWNERS' ASSOCIATION**  
**P.O. Box 31097, San Francisco, CA 94131**

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12.0458D

DATE: September 20, 2012

TO: San Francisco Planning Department  
1650 Mission Street, Suite 400  
San Francisco, CA 94131

SUBJECT: Discretionary Review Application for 84 Cityview Way; Block/Lot # 2823/003  
Building Permit Application # 2012.01.03.1560

Planning Department:

The attached Application for Discretionary Review (DR) is being filed for the above referenced property. This filing is made on behalf of concerned members of the Midtown Terrace Home Owners' Association (MTHOA) with authorization of the MTHOA Board of Directors.

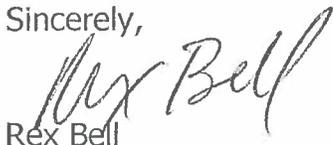
The DR filing is necessary to address what we believe to be deviations from the City's Residential Design Guidelines and unreasonable impacts to adjacent homeowners. The filing is also a necessary first step in MTHOA's enforcement of the Conditions, Covenants, and Restrictions, By-Laws and deed restrictions to which the above referenced property is subject.

Included herewith please find the following:

1. Completed DR application and supporting materials
2. Completed DR Fee Waiver and supporting documentation
3. Letters from concerned Midtown Terrace homeowners

I can be reached at (415) 385-2123 if there are any questions.

Sincerely,



Rex Bell

President – Midtown Terrace Home Owners' Association

**84 Cityview Way, San Francisco 94131**  
**Discretionary Review**

**Changes Made to the Project**

**5. If you have discussed the project with the applicant, planning staff or gone through mediation, please summarize the result including any changes that were made to the project.**

The Board of Directors of the Midtown Terrace Home Owners' Association (MTHOA) first discussed the project with the owner of 84 Cityview Way and his architect (applicant) at a Board meeting in April 2011. (All Board members are also members of the Architectural Committee; the term "Board" hereafter refers to the Board acting as the Architectural Committee).

The Board did not have an opportunity to review the plans prior to the meeting and was never given a set of plans afterward. The Board asked the project sponsor and applicant to work with neighbors to minimize the impact of the design on surrounding properties and to address neighbor concerns.

After the application for the project had been filed, several neighbors attended a MTHOA Board meeting on September 12, 2012 and expressed concerns about the project and asked the Board to consider their concerns. Neighbors indicated that they had also expressed their concerns to the project sponsor and his architect. On or about September 12, the Board received a letter from the architect asking for written approval of the project. No copies of the plans were provided.

On September 14, the Board met with the sponsor and the architect and discussed the latest version of the plans. The Board noted that a front deck with metal railing had been added and asked which of the concerns expressed by neighbors had been addressed. The architect indicated that the height of a proposed 3<sup>rd</sup> floor window had been changed to afford more privacy to the neighbor at 80 Cityview Way. The Board noted that it did not suffice to address the neighbor's concerns based on subsequent discussion with the neighbor.

The Board also expressed concerns presented by adding a 3<sup>rd</sup> floor and asked the applicant to consider other options, including expanding the 1<sup>st</sup> and 2<sup>nd</sup> levels in the back. The applicant indicated this was not an option based on the desire to preserve yard space. The Board voted not to approve the plans and subsequently informed the applicant on September 16.

**84 Cityview Way, San Francisco 94131**  
**Discretionary Review** (Continued from Page 1)

**1. What are the reasons for requesting Discretionary Review? The project meets the minimum standards of the Planning Code. What are the exceptional and extraordinary circumstances that justify Discretionary Review of the project? How does the project conflict with the City's General Plan or the Planning Code's Priority Policies or Residential Design Guidelines? Please be specific and cite specific sections of the Residential Design Guidelines.**

Non-Conformance with Midtown Terrace Homeowners' Association (MTHOA) Covenants, Conditions, and Restrictions (CC&Rs) and By-Laws

This project located at 84 Cityview Way is on a parcel within Midtown Terrace and is subject to the MTHOA CC&Rs and By-Laws. Conveyance of the property is made and accepted subject to the MTHOA CC&Rs and By-Laws as is stated on the property's Deed of Trust. (Copy of the CC&Rs, By-Laws, and Deed of Trust are attached).

The MTHOA Board reviewed the plans and voted not to issue approval for this project for the following reasons:

1. The plan proposes to extend the building to a height of more than 2 stories, contrary to MTHOA By-Laws, Part Two, Section 3 (Minimum Requirements);
2. The plan is not in keeping with the scale and character of surrounding houses or the neighborhood in general;
3. The proposed expansion would block sunlight to houses located at 80 Cityview Way and 206 Panorama Drive.
4. The proposed front deck is out of character with the neighborhood and creates privacy issues for neighboring residents;
5. The project contains numerous deviations from the City's Residential Design Guidelines.

Conflicts with San Francisco's Residential Design Guidelines (RDG)

Midtown Terrace was built in the 1950s as a planned community of 811 homes, all with cohesive design and modest scale. The design features of homes within Midtown Terrace unifies the appearance of the neighborhood, maximizes natural light based on home size, floor plan, and placement, and affords reasonable privacy to all homeowners. The City's RDG also contain principles to support the concept of preserving neighborhood character and quality of life.

(continued)

**84 Cityview Way, San Francisco 94131**  
**Discretionary Review** (Continued from Page 2)

The project does not conform to the RDG for the following reasons:

- Section I (Introduction), paragraph 1 of the RDG states, *"A single building out of context with its surroundings can be disruptive to the neighborhood character, and if repeated often enough, to the City as a whole"*.

This project will add height and mass to an extent that is uncharacteristic with surrounding homes causing a disruptive appearance. The proposed mass and height also conflicts with the RDG Design Principles of ensuring scale is compatible with surrounding buildings and maintaining light to adjacent properties.

- Section II (Neighborhood Character) contains the Design Principle that states, *"Design buildings to be responsive to the overall neighborhood context, in order to preserve the existing visual character"*.

The project would create a façade that deviates from the mid-century design and architectural appearance of other houses on the street, and of the neighborhood as a whole, causing a visually disruptive pattern on the block and in the surrounding area.

- Section III (Site Design) contains the following Design Principle: *"Place the building on its site so it responds to the topography of the site, its position on the block, and to placement of surrounding buildings"*. The RDG Topography Guideline further states, *"This can be achieved by designing the building so it follows the topography in a manner similar to surrounding buildings"*.

Because of its location on the block and its elevation relative to surrounding homes, the subject building is visible from many angles and from several surrounding streets including Cityview Way, Panorama Drive, Starview Way and Knollview Way. Adding the 3<sup>rd</sup> story will create a structure that is visually disruptive and that deviates from the manner in which surrounding homes follow the topography as seen from all of the afore mentioned streets.

- Section IV (Building Scale and Form) contains the following Design Principle: *"Design the building's scale and form to be compatible with that of surrounding buildings, in order to preserve neighborhood character"*.

Construction of the proposed 3<sup>rd</sup> story will add significant mass and height to the current structure in both front and back causing it to be visually out of scale with all surrounding homes. The addition would also increase the size of the house to about 2300 square feet in an area where surrounding homes are typically 1000 to 1400 square feet.

(continued)

**84 Cityview Way, San Francisco 94131**

**Discretionary Review** (Continued from Page 3)

- Section V of the RDG (Architectural Features) contains a Design Principle that states, "*Design the building's architectural features to enhance the visual and architectural character of the neighborhood*".

The proposed appearance of this home, including the third story and flat roof are not in keeping with the style and design of surrounding homes and the deck proposed on the front of the house is uncharacteristic of any homes in the surrounding area. The deck extends the outdoor living space of the home to the front which is a feature not found on any other house in the neighborhood.

Although the RDG do not specifically provide details on environmental sustainability, the Introduction section does mention sustainability as a consideration. Concerns about energy and water use are therefore important. The proposed plan will create a 2300 square foot, 6 bedroom, 4 bath house in a neighborhood of predominantly 1000 to 1400 square foot, 2 bedroom 1 bath and 3 bedroom 2 bath homes. Concerns about size and scale were already mentioned, but added to this are concerns about demands on resources (electricity, natural gas, and water) that a home of this size would have. In addition, light blockage (due to size, mass, and design of the proposed structure) on adjacent neighbors at 80 Cityview and 206 Panorama would increase shadows and dampness, reduce natural warmth, and cause those homes to utilize more energy for heating and more electricity for lighting.

**2. The Residential Design Guidelines assume some impacts to be reasonable and expected as part of construction. Please explain how this project would cause unreasonable impacts. If you believe your property, the property of others, or the neighborhood would be adversely affected, please state who would be affected, and how.**

Allowing third story additions destroys the unique character of this iconic mid-century subdivision, will affect the aesthetics of the neighborhood, and adversely impact property values. In addition, this project will cause unreasonable impacts in several ways on individual and immediate neighbors.

(continued)

The proposed addition will cast a significant shadow on the west side of the neighboring home at 80 Cityview (immediately uphill), which currently receives afternoon sunlight. As a result, much of the west side of this house will be shaded, both in the morning and afternoon. In addition to the deprivation of warmth and light, this situation will also create a condition of increased dampness in which mold and mildew will grow. This is especially true since the neighborhood is frequently subject to heavy fog. Mold and mildew are on on-going issues in Midtown Terrace.

The west side of 80 Cityview is also the location of a bedroom which will be directly impacted by lack of natural light and by privacy issues due to the placement of the third story as proposed by the project. In addition, artificial light from the proposed window will shine into the bedroom of 80 Cityview, creating a nuisance.

Immediately downhill from the proposed project to the west, is a home located at 206 Panorama Drive that currently receives morning sun at the rear of the house. The project will block morning sunlight to this home keeping the back of the house in shadow, depriving it of natural warmth, and creating additional conditions that would promote dampness and moisture under which mold and mildew will grow. Sunlight blockage will also occur at 202, 204, 208, and 212 Panorama Drive.

The deck on the front of the property and addition of a third level will create privacy issues with homes directly across the street at 79 and 83 Cityview. Privacy issues from proposed west-facing side windows will also be experienced at 202, 204, 206, 208, and 212 Panorama Drive.

**3. What alternatives or changes to the proposed project, beyond changes (if any) already made would respond to the exceptional and extraordinary circumstances and reduce the adverse affects noted above in question #1?**

Additional living space can and should be created in a manner that is consistent with the City's Residential Design Guidelines, complies with the MTHOA CC&Rs and By-Laws, is harmonious with the neighborhood, is minimally disruptive from a visual perspective, and that preserves neighbors rights to privacy, sunlight, warmth, and quality of life.

Our homes are built with expansion potential on the lower level within the existing footprint. We suggest that the homeowner examine the potential to redesign the lower level of their home to make more efficient use of square footage available there in order to create additional living space. For example, reducing the sizes of the laundry area, storage room, and/or garage would allow for additional square footage.

Discretionary Review  
 84 Cityview Way, San Francisco 94131  
 Block/Lot No. 2823/003

12.04580

<u>Abutting Property Owners</u>	<u>Across the Street Owners</u>
<p>Mr. &amp; Mrs. Steven Kwan            (owner/occupant)            80 Cityview            San Francisco, CA 94131            (Block/Lot# 2823/002)</p>	<p>Farbod Forouzin            (owner/occupant)            87 Cityview Way            San Francisco, CA 94131            (Block/Lot# 2822B/022))</p>
<p>Ronald J. Golaszewski            (occupant)            202 Panorama Drive            San Francisco, CA 94131</p> <p>Salvatore &amp; Nilza Gatella            (owner)            227 Burns Street            Forest Hills, New York 11375            (Block/Lot# 2823/004)</p>	<p>Mr. &amp; Mrs. David Goodmintz            (owner/occupant)            83 Cityview Way            San Francisco, CA 94131            (Block/Lot# 2822B/023</p>
<p>Mr. Douglas Farmer            (owner/occupant)            204 Panorama Drive            San Francisco, CA 94131            (Block/Lot# 2823/005)</p>	<p>Mr. &amp; Mrs. Wayne Foley            (owner/occupant)            79 Cityview Way            San Francisco, CA 94131            (Block/Lot# 2822B/024)</p>
<p>Mr. &amp; Mrs. Thorton Wyatt            (owner/occupant)            206 Panorama Drive            San Francisco, CA 94131            (Block/Lot# 2823/006)</p>	<p>Mr. &amp; Mrs. Leon Sorhondo            (owner/occupant)            75 Cityview Way            San Francisco, CA 94131            (Block/Lot# 2822B/025)</p>
<p>Claudia M. Rourke            (owner/occupant)            208 Panorama Drive            San Francisco, CA 94131            (Block/Lot# 2823/007)</p>	
<p>Thomas C. Beeks            Elizabeth Gotelli            (owner/occupant)            11 Knollview Way            San Francisco, CA 94131            (Block/Lot# 2823/010)</p>	

12.0458D

Discretionary Review Application

84 Cityview Way, SF 94131  
Block/Lot # 2823/003  
Permit Application # 2012.01.03.1560

PHOTOGRAPHS

12.04580

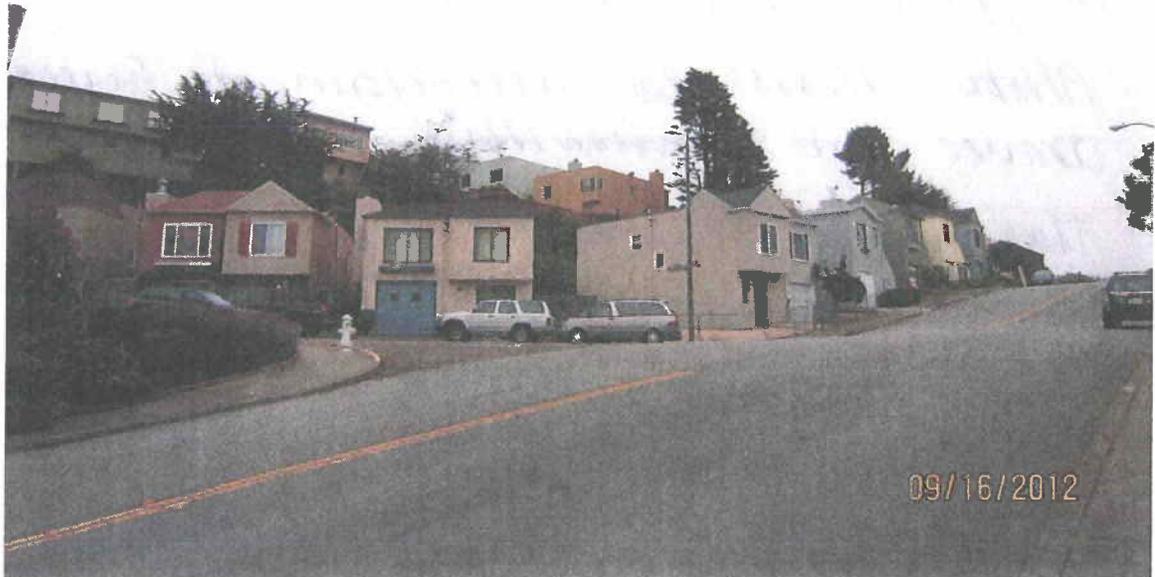
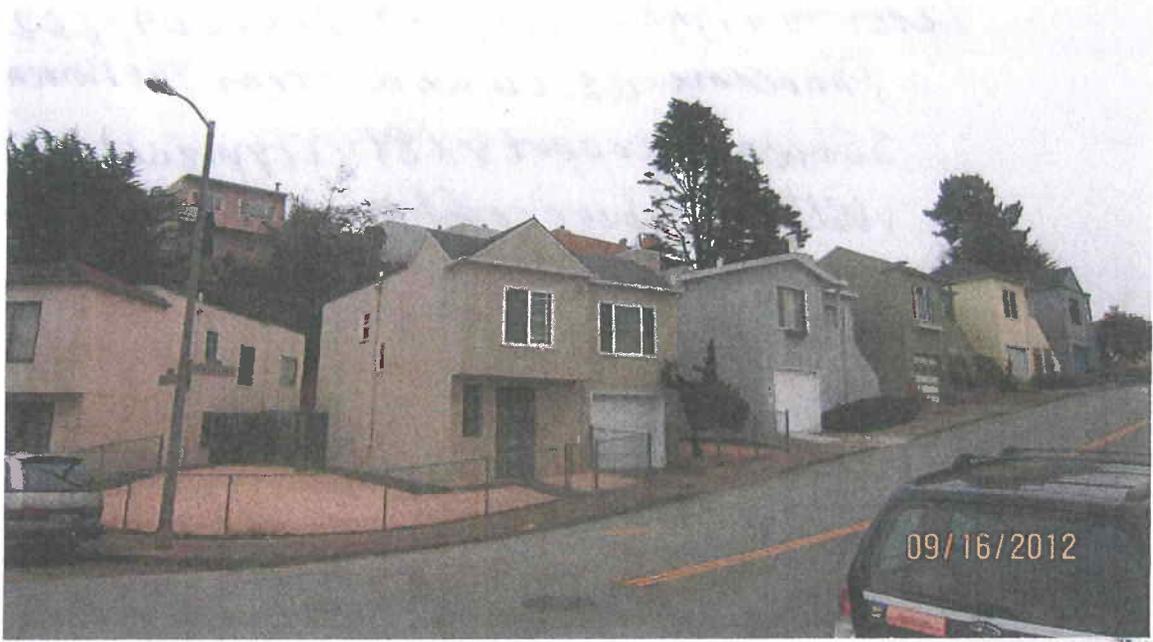


Top Photo - Subject property (84 Cityview) at left  
80 Cityview (middle house)  
76 Cityview (right)  
Photo taken from 75 Cityview

Bottom Photo -

Right to left: 204, 206, 208  
Panorama Dr. Subject property  
(84 Cityview) visible behind  
Chimney of 208 Panorama.

12.0458D



Top photo -

Left to right: 212, 208, 206, 204, 202

Panorama as viewed from 301 Panorama.

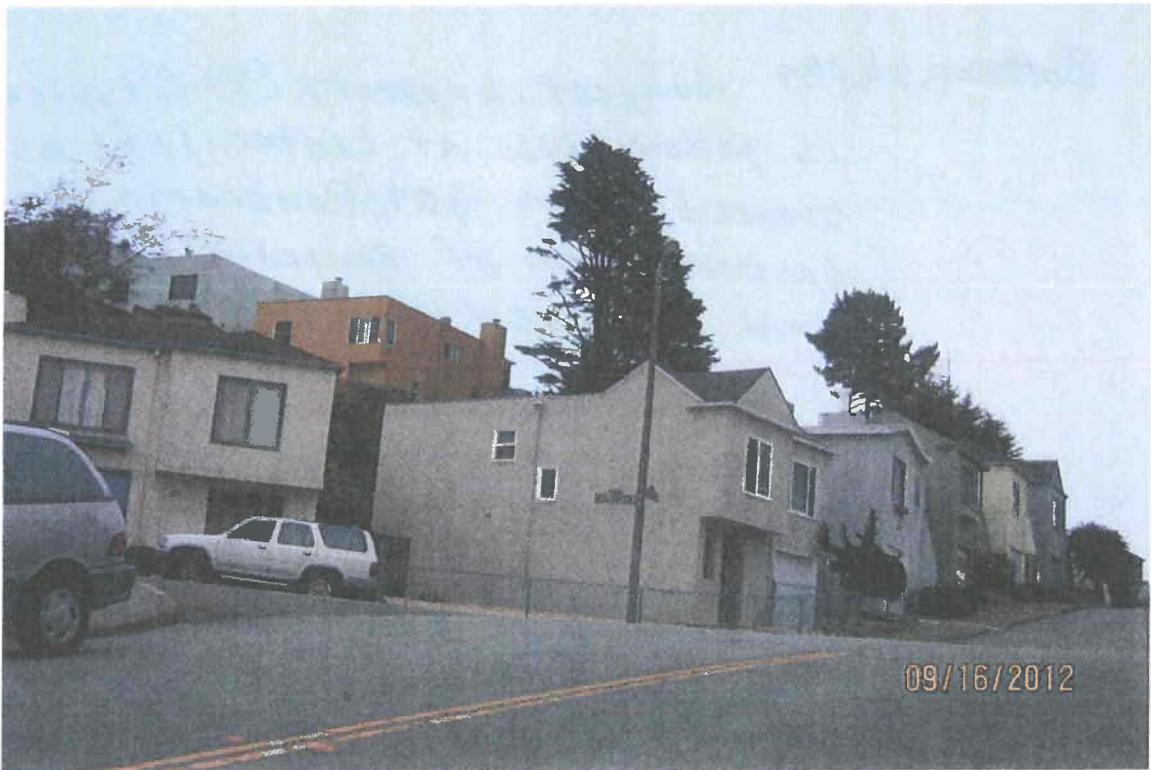
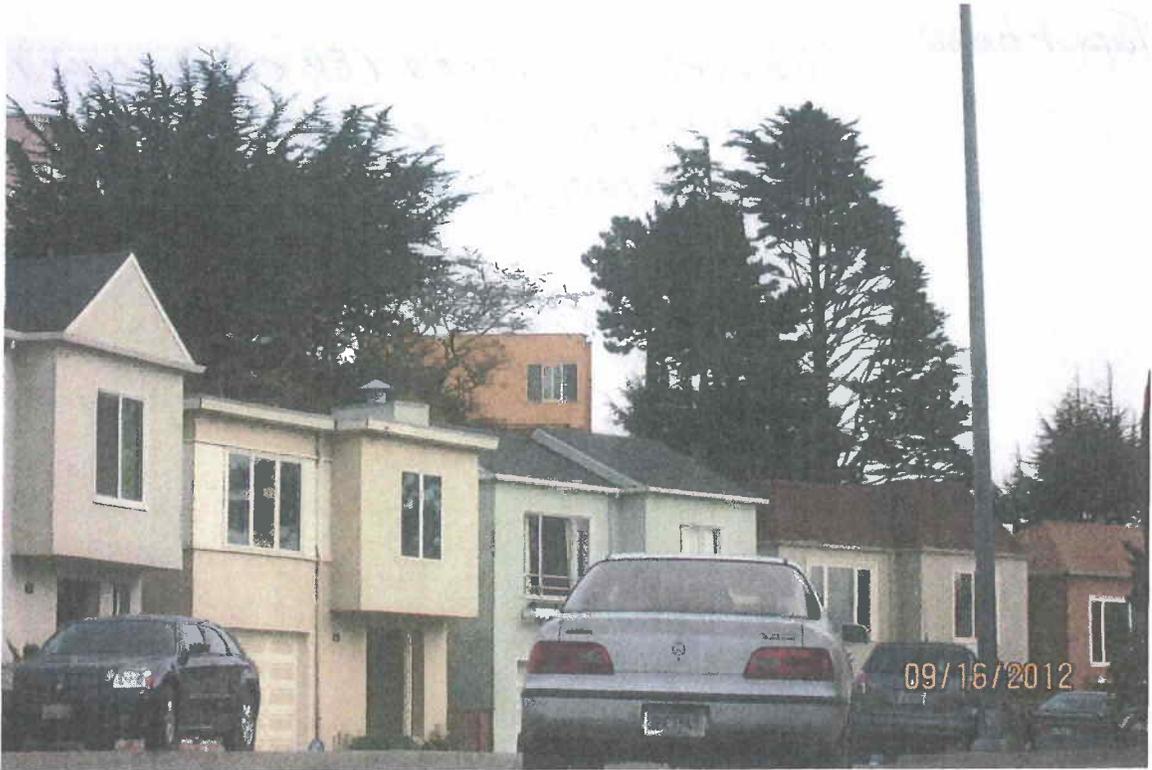
Subject property (84 Cityview) is visible above roofline of 212 Panorama.

Bottom photo - Subject property (84 Cityview) is yellow house at center.

Photo shows the intersection of Panorama Drive and Starview Way.

Taken from 313 Panorama Drive

12.0458D



Top photo - Subject property (84 Cityview) is yellow house at center as viewed from 19 Starview Way

Bottom photo - subject property (84 Cityview) is yellow house at center-left as viewed from 309 Panorama Dr. (intersection of Panorama Dr. and Starview Way).

12.0458D



Top photo - subject property (84 Cityview) at  
right as viewed from backyard  
of 80 Cityview

Bottom photo - West-facing bedroom at  
80 Cityview that will be  
impacted by blockage of light

12.0458D

Discretionary Review Application

84 Cityview Way, SF 94131  
Block/Lot # 2823/003  
Permit Application # 2012.01.03.1560

MAPS

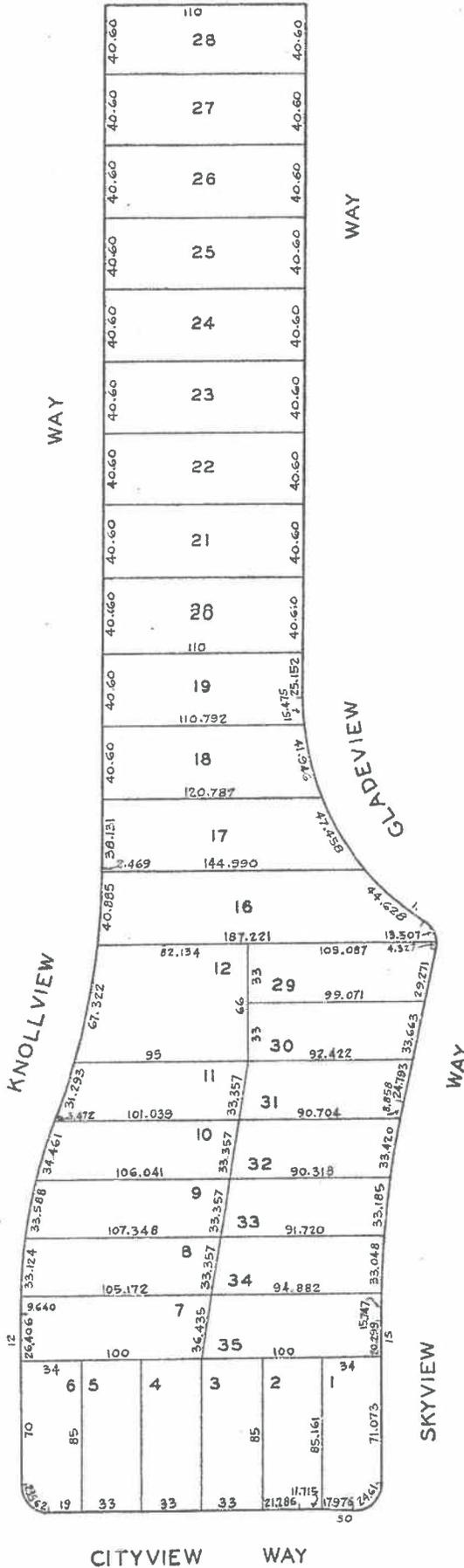


12.0458D

2823A

LOTS 13/15 OMITTED 1956

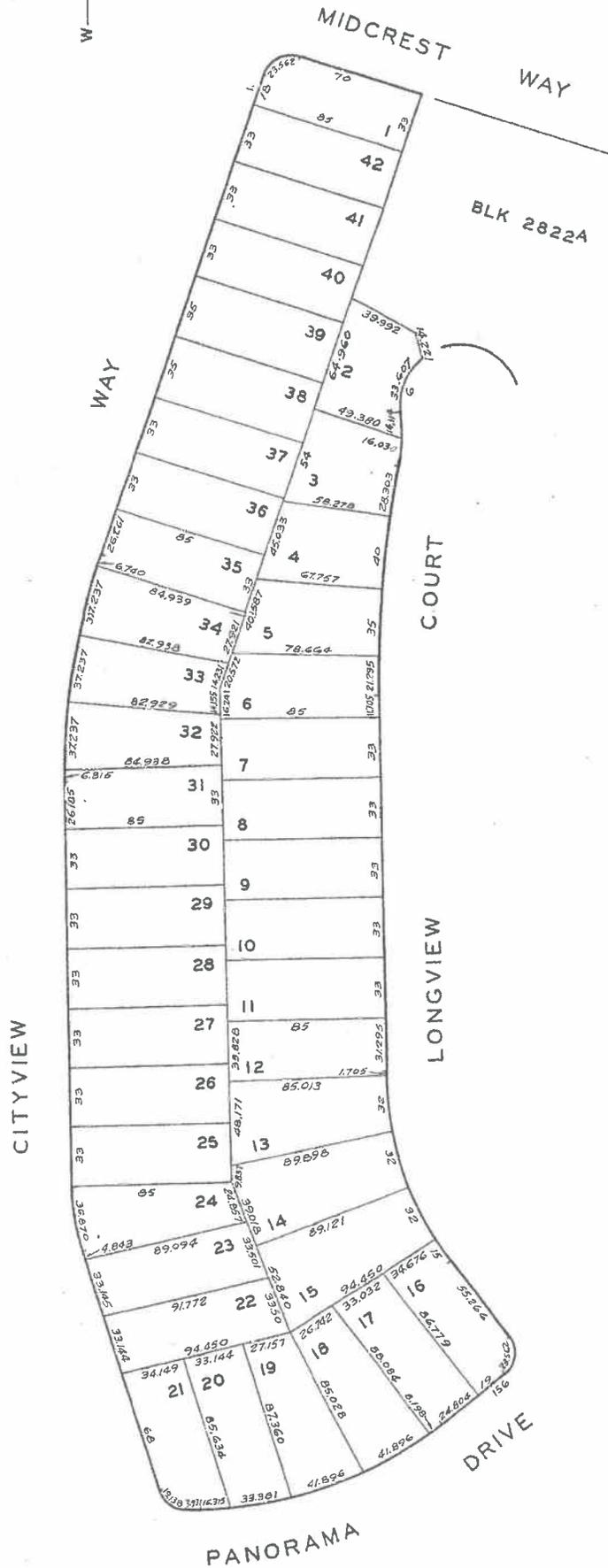
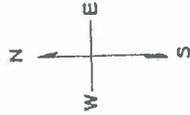
LANDS AND ACRES  
MIDTOWN TER. SUB. NO. 3



12.0458D

2822 B

RELIEF HOME TRACT,  
LANDS AND ACRES,  
MIDTOWN TERRACE  
SUBDIVISION NO. 2



12.0458D

Discretionary Review Application

84 Cityview Way, SF 94131  
Block/Lot # 2823/003  
Permit Application # 2012.01.03.1560

COVENANT AND DEED RESTRICTIONS

DECLARATION IMPOSING COVENANTS, RESTRICTIONS,  
EASEMENT AND AGREEMENTS<sup>1</sup>

12.0458D

AFFECTING A TRACT TO BE KNOWN AS  
"WESTVIEW TERRACE"  
IN THE CITY AND COUNTY OF SAN FRANCISCO,  
STATE OF CALIFORNIA, A LEGAL DESCRIPTION  
OF WHICH IS ATTACHED HERETO AND  
INCORPORATED HEREIN AS EXHIBIT "A"

TITLE INSURANCE AND GUARANTY COMPANY, a corporation, and CALIFORNIA PACIFIC TITLE INSURANCE COMPANY, a corporation, owners of the tracts of land constituting the above subdivision as indicated in Exhibit "A" attached hereto, said TITLE INSURANCE AND GUARANTY COMPANY being the owner of PARCEL ONE and said CALIFORNIA PACIFIC TITLE INSURANCE COMPANY being the owner of PARCEL TWO and PARCEL THREE respectively hereby declare:

That said land is held, and shall be held, conveyed, hypothecated, used, improved and occupied subject to the following covenants, restrictions, covenants and arrangements which are imposed pursuant to a general plan, and shall create mutual equitable servitudes on each of the lots, plots or parcels in said subdivision and a privity of contract with reference thereto between the various owners thereof, their heirs, personal representatives, successors and assigns;

FIRST: It is intended that the said subdivision shall be residential in character; and the use, construction, maintenance, remodeling and repair of all improvements thereon shall be in conformity with restrictions, covenants, and conditions set forth in the By-laws of WESTVIEW TERRACE HOMEOWNERS ASSOCIATION, a non-profit corporation to be organized under and pursuant to the laws of the State of California.

SECOND: All purchasers of property shown on said map by the acceptance of deeds therefore, whether from TITLE INSURANCE AND GUARANTY COMPANY, a corporation, CALIFORNIA PACIFIC TITLE INSURANCE COMPANY, a corporation, or subsequent owners of such property, or the signers of contracts or agreements to purchase the same shall thereby and by said act assent and agree to all the provisions and covenants of this declaration and the By-laws to be adopted by said Association, or as thereafter amended, and shall thereby consent to the formation and existence of said WESTVIEW TERRACE HOMEOWNERS ASSOCIATION, and they shall also agree thereby to be and remain members in good standing of such Association so long as they hold title to or interest in any lot or portions thereof shown on said map; and

THIRD: These covenants, conditions, restrictions and agreements shall run with the land and shall continue in full force and effect until February 1, 1975, at which time the same shall be automatically extended for successive periods of ten (10) years, unless by a duly executed and recorded statement or declaration the then owners of more than 75 percent of the lots in said subdivision, as shown on the recorded map thereof, elect to terminate or amend said restrictions in whole or part.

12.0458D

**Midtown Terrace  
Conditions, Covenants, and Restrictions (CC&Rs)**

*The following CC&Rs were included within the text of the October 4, 1956 grant deed conveying a lot in Midtown Terrace from the Panorama Development Company to the original purchasers of that lot. The deed is recorded at page 459 of book 6930 of the official records of San Francisco. Presumably, similar or identical CCRs were included in other original deeds from the developer to the original purchasers of lots in Midtown Terrace.*

*The deed itself directly includes a prohibition on any modification (other than antennas) that would increase the height of the building and a prohibition against any fences on steeply sloping portions of the rear of the lot. The deed also incorporates by reference CCRs in three documents recorded in the OFFICIAL RECORDS of San Francisco:*

*1)Book 5324 page 362*

*2)Book 5364 page 292*

*3)Book 5372 page 1*

*The CCRs in items 1 and 2 are simply racial restrictions that have no validity and are not reproduced here. Item 3 is a more extensive set of CCRs that, among other things, establish the home owners association and require all lot owners to be members of the association. The CCRs refer to the home owners association as the "Westview Terrace Homeowners Association". This was apparently the intended name for the development which was subsequently changed to Midtown Terrace.*

*The text below on this page is the relevant excerpt from the original deed described above. The following page reproduces the CC&Rs at Book 5372, page 1 of the Official Records.*

This conveyance is made and accepted subject to the covenants, conditions, restrictions, reservations and provisions contained in the Declaration by California Pacific Title Insurance Company, recorded December 14, 1949 (5324 OR 362); and Declaration by California Pacific Title Insurance Company, recorded February 2, 1950 (5364 OR 292); and Declaration by Title Insurance and Guaranty Company and California Pacific Title Insurance Company, recorded February 10, 1950 (5372 OR 1) . All of which covenants, conditions restrictions, reservations and provisions are incorporated herein by reference to said Declarations with the same effect as if set forth in full herein.

No structure of any kind or character, excluding radio and television antennae, shall be erected on the roof of the building existing on the herein described lot either by alteration or rebuilding, that would increase the height of said building now erected on said plot of land.

No fence of any kind or character whatsoever shall be placed on the rear uphill or downhill slopes of any lot or yard where such slope exceeds a grade of two feet horizontal to one foot vertical and the total vertical rise exceeds six (b) feet.

a corporation organized under the laws of the State of California,

does hereby Grant to

GEORGE ERNEST DECHAMPE and STELLA W. DUCHESNE, his wife,

of joint tenancy, the real property situated in City and

of San Francisco State of California described as follows

LOT NO. 3 in Block No. 2823, according to Map entitled "Map of Hillside Terrace Subdivision No. 2, San Francisco, California", filed in the office of the Recorder of the City and County of San Francisco, State of California, June 5, 1952, and recorded in Map Book "R" at pages 28, 29 and 30.

This conveyance is made and accepted subject to the covenants, conditions, restrictions, reservations and provisions contained in the Declaration by California Pacific Title Insurance Company, recorded February 2, 1950 (5364 OR 292); and Declaration by Title Insurance and Guaranty Company and California Pacific Title Insurance Company, recorded February 10, 1950 (5372 OR 1).

All of which covenants, conditions, restrictions, reservations and provisions are incorporated herein by reference to said Declarations with the same effect as if set forth in full herein.

*Deed restriction for 84 Cityview Way  
Block No. 2823 Lot No. 3*

12.04580

**By-Laws of  
Midtown Terrace Home Owners'  
Association, Incorporated**

**PART ONE  
ORGANIZATION**

**ARTICLE I  
*Place of Business***

The principal office for the transaction of the business of the corporation shall be located in the City and County of San Francisco, State of California, and at such place therein as may be designated by the Board of Directors.

**ARTICLE II  
*Members***

*Section 1. QUALIFICATIONS.* This Association (other than the initial organizers) shall be composed of one group only, to be designated as members, who shall have full and complete rights of membership and who are the owners or purchasers under contract of first residential lots or building plots in a Midtown Terrace subdivision, and / or adjacent subdivision. (Effective June 1, 1958).

*Section 2. APPLICATIONS.* After the Association has ten members, any person (other than the original subdivider) desiring to become a member of this Association shall first be proposed by a member in good standing and be recommended by two other members in good standing; and such applicant shall state in writing on the regular blanks to be furnished by the Secretary his full name and the description or address of the residential lot or lots, of land owned, or to be owned by him, and be accompanied by the initial dues of \$1.00 plus \$18.00 on account of assessments, which sums shall be refunded if the applicant is not accepted. This application shall be referred to Membership Committee, appointed by the President, and it shall be the duty of said Committee to investigate the applicant and, if deemed necessary, to notify him to appear at a meeting of the Board of Directors, at which time he shall answer such questions pertaining to his ownership of such residential lot or lots as said Board of Directors shall see fit to ask, and such Board shall have the power to then accept or reject any such applicant.

If the Membership Committee shall fail to act within thirty (30) days from such application reference, its report and recommendations, shall be deemed favorable; and if the Board of Directors shall fail to act within the succeeding thirty (30) days, the applicant shall be deemed to have been accepted.

*Section 3. CERTIFICATES.* There shall be issued, over the signature of the President and Secretary of the Association, with the corporate seal impressed thereon, to each member a certificate of membership in substantially the following form filled out, to-wit:

**BY-LAWS**

OF THE

**MIDTOWN TERRACE**

**Home Owners' Association,  
Incorporated**



*(As Amended September 1, 1965)*

12.04580

Certificate of Membership  
MIDTOWN TERRACE HOME OWNERS'  
ASSOCIATION, INCORPORATED

Certificate No. ....

Member's Rights Date From .....

THIS IS TO CERTIFY THAT.....  
holds membership in MIDTOWN TERRACE HOME OWNERS' ASSOCIATION, INCORPORATED, a non-profit corporation of the State of California, as an appurtenance to the lot or building plot described in the application for membership, and entitled to all the rights and privileges as such conferred and subject to the duties and obligations imposed by law and the By-laws of said corporation as now in effect or as hereafter amended or adopted; and irrevocable assent to said By-laws is given by the holder hereof by the acceptance of this certificate.

This certificate is not assignable or transferable, except to a person or persons theretofore accepted for membership in the Association as hereinabove provided.

Dated: ....., 19.....

MIDTOWN TERRACE HOME OWNERS'  
ASSOCIATION, INCORPORATED

(SEAL) By .....  
President

By .....  
Secretary

and each member, by accepting such membership, thereby agrees with the Association and with each member thereof that he or she (or they) will not convey or attempt to convey title to any Midtown Terrace subdivision, lot or building plot to any one except the Association or a person or persons theretofore accepted for membership in the Association.

The Secretary of the Association is authorized, at the request of any person who is a member, to issue a certificate over the seal of the corporation certifying that he, she or they, naming him or her or them, is or are members of, or has been elected to membership in, the Association, and any such certificate so executed shall be conclusive evidence of the fact of such membership in favor of any person relying thereon and dealing in any manner with any property in a Midtown Terrace subdivision, San Francisco, California.

*Section 4. JOINT OWNERSHIP.* When a lot or building plot is owned of record in joint tenancy or tenancy in common, or when two or more persons are purchasing such a lot or plot, the membership shall be joint and the right of membership (including the voting and other powers arising therefrom) shall be exercised only by the joint action of all such owners, or the survivor.

### ARTICLE III Directors

*Section 1. NUMBER.* The authorized number of Directors of this corporation shall be nine, (effective for 1959 Directors) which number may be changed by a By-law duly adopted by the members, provided

(2)

that in order to reduce such number below nine the votes or written consents of the members holding more than 80 per cent of the voting power shall be necessary.

*Section 2. QUALIFICATIONS.* The first Directors need not be members, but succeeding Directors and Officers must be members in good standing and upon accepting office execute the following oath: "I swear (or affirm) that I will execute the duties of my office in accordance with the Articles of Incorporation, the By-laws, and the will of the majority."

*Section (2a)* Failure to comply with the provisions of Art. III sec. 2 and/or failure, without good reason, to appear at more than two consecutive meetings of the Board of Directors and/or officers shall constitute reason for removal from the Board of Directors or office, by action of the Board of Directors.

*Section 3. POWERS.* All corporate powers (subject to limitations of the articles and to the provisions of law requiring action to be authorized or approved by the members) shall be exercised by or under authority of, and the business and the affairs of this corporation shall be controlled by its Board of Directors and, subject to the same limitations, the Board shall have power:

(a) To appoint and remove all officers (other than Directors), prescribe their duties and require from them security for faithful performance of service if deemed necessary;

(b) To make rules and regulations not inconsistent with law or the Articles of Incorporation for the guidance of the officers and management of the affairs of the corporation; and, in their discretion, to levy appropriate fines for the violation of any provision of these By-laws.

(c) To appoint an Executive Committee, composed of three or more directors; to delegate to such Executive Committee any of the powers and authority of the Board in the management of the business and the affairs of the corporation, except the power to adopt, amend or repeal By-laws; and to make rules and regulations for the appointment and term of office of the members of such Executive Committee;

(d) To change the location of the principal office for the transaction of the business of the corporation from one location to another in the same county; and to designate any place within said county for the holding of any members' meeting, including the annual meeting.

*Section 4. DUTIES.* The Board of Directors shall:

(a) Cause to be kept open to the inspection of any person entitled thereto and making proper demand therefor a book of minutes of all meetings of the directors and the members of the corporation, adequate and correct books of account of the properties and business transactions of the corporation and a membership register in the form prescribed by law and showing the details required by law;

(b) Adopt and use a corporate seal, consisting of a circle setting forth on its circumference the name of the corporation and showing the state and date of incorporation;

(c) Authorize the issuance of certificates of membership as may be lawful and in the form hereinabove prescribed.

(d) Annual Audit. The Board of Directors shall cause annual audit of Association accounts immediately after election.

*Section 5. ELECTIONS.* The Directors of the corporation shall be elected at the annual meeting of the members by a majority vote of the members entitled to vote thereat and voting either in person or by proxy; and except as provided by statute for the filling of vacancies which may occur during the year, the Directors shall hold office until the next annual meeting of the members and until their successors are elected and qualify.

*Section 6. MEETING.* Regular meetings of the Board of Directors shall be held without call on the first Monday of each month at eight o'clock p.m. of said day, at the principal office of said corporation, or at any place which shall be designated from time to time by resolution of the Board of Directors or by written consent of all members of the Board; and notice of such regular meeting is hereby dispensed with.

Special meetings of the Board for any purpose or purposes whatever shall be called at any time by the President, or if he be absent or be unable or refuse to act by any vice president or by any two directors, upon due notice in writing given to each member in the manner prescribed by statute; and such special meetings may be held at the principal office of the corporation, or at any place which shall be designated from time to time by resolution of the Board or by written consent of all members of the Board.

*Section 7. QUORUM.* A majority of the authorized number of directors shall be necessary to constitute a quorum of the Board for the transaction of business.

*Section 8. VACANCIES.* In case of any vacancies in the Board of Directors through death, resignation, disqualification or other cause, the remaining Directors by a majority affirmative vote may elect a successor to hold office for the unexpired term for the director whose office is vacant and until the election or qualification of his successor.

## ARTICLE IV

### Officers

*Section 1. ELECTION.* The officers of this corporation shall be a President, Vice-President, Secretary, Recording Secretary, Corresponding Secretary, Parliamentarian, Treasurer, Assistant Treasurer, and Sergeant at Arms, who shall be chosen by the Board of Directors; and each of said officers shall serve until he shall resign or be removed or become disqualified or until his successor shall be elected and qualify.

*Section 2. PRESIDENT.* Subject to such powers, if any, as may be delegated by the Board of Directors to the Executive Committee, the President shall be the chief executive officer, and subject to the control of the Board of Directors, shall have general

supervision and direction of the business and affairs of the corporation. He shall:

(a) Preside at all meetings of the Board of Directors and at all meetings of the members;

(b) Call meetings of the Board of Directors;

(c) Employ and discharge, subject to the approval of the Board, such agents and employees as the business of the corporation shall from time to time require, and prescribe their duties, terms of employment and compensation; and

(d) Exercise such other powers and perform such other duties as may be prescribed by the Board of Directors or these By-laws.

*Section 3. VICE-PRESIDENT.* In the absence or incapacity of the President, the Vice President shall perform the duties of the President and shall also perform such other duties as may be prescribed for him by the Board of Directors.

*Section 4. SECRETARY.* The Secretary shall:

(a) Keep a book of minutes at the principal office of the corporation, or such other place as the Board of Directors shall order, of all meetings of the directors and members in the form and manner required by law;

(b) Keep at the principal office a membership register or a duplicate membership register, showing the details required by law, and also all other books of the corporation, excepting books of account;

(c) Keep at the principal office, open to inspection by members at all reasonable times, the original or a certified copy of the By-laws of the corporation as amended or otherwise altered to date;

(d) Keep the corporate seal and affix it to all papers and documents requiring a seal;

(e) Attend to the giving and serving of all notices of the corporation required by law or these By-laws to be given; and

(f) Attend to such correspondence as may be assigned to him and perform all other duties incidental to his office or prescribed by the Board of Directors, or by law.

*Section 5. TREASURER.* The Treasurer shall:

(a) Keep and maintain, open to inspection by any director at all reasonable times, adequate and correct accounts of the properties and business transactions of the corporation, which shall include all matters required by law and be in form as required by law;

(b) Have the care and custody of the funds and valuables of the corporation and deposit same in the name and to the credit of the corporation with such depositaries as the Board of Directors may designate;

(c) Disburse the funds of the corporation as he may be ordered by the Board, taking proper vouchers for such disbursements;

(d) Render to the President and Secretary, or to the Board of Directors, whenever they require it, an account of all his transactions as Treasurer and a financial statement in form satisfactory to them showing the condition of the corporation; and

(e) Have such other powers and perform such other duties as may be prescribed by the Board of Directors.

(f) Collect all dues and assessments and issue receipts therefor.

Section 6. SERGEANT AT ARMS. It shall be the duty of the Sergeant at Arms to guard the door of each directors' and members' meeting, admitting none but those entitled to attend, to introduce new members, to assist the presiding officer in maintaining order at meetings, maintain attendance records at all meetings of the members, and to perform such other services as he may be called upon to do by the presiding officer.

ARTICLE V

Meetings of Members

Section 1. ANNUAL. The annual meetings of the members shall be held on the first Monday of January of each year at eight o'clock p.m. of said day at the principal office for the transaction of the business of the corporation.

Section 2. SPECIAL. Special meetings of members for any purpose or purposes whatsoever may be called at any time by the President, or by the Board of Directors, or by one or more members holding not less than one-fifth of the voting power of the corporation; and such special meetings may be held at the principal office of the corporation or at any place within the State designated by written consent of the members entitled to vote thereat, or by the Board of Directors pursuant to authority granted the Board in and by these By-laws.

Section 3. NOTICE. Written notice of any meeting of the members shall be given to each member entitled thereto not less than three days before such meeting in the manner by statute and shall specify the day and hour and place of such meeting, provided that notice of such special meeting shall specify also the general nature of the business to be transacted.

Section 4. QUORUM. No meeting of the members shall transact any business unless 50 members entitled to vote thereat are represented, except to adjourn from day to day or until such time as may be deemed proper.

ARTICLE VI

Dues and Assessments

Section 1. DUES. Applications for membership shall be accompanied by an initiation fee of \$1.00 for each lot or building plot, as shown on the then recorded map of the property or as subdivided by the Original Subdivider, or its successor in interest, or any other adjacent subdivision, and if the applicant is accepted for membership said sum shall include and constitute the dues for the remainder of the then calendar year; and thereafter the annual dues shall be as fixed by the Board of Directors, but not less than \$1.00 per calendar year.

Section 2. ASSESSMENTS.

(a) In addition to such annual dues, the Board of Directors may from time to time levy and collect periodic assessments, but all such assessments must be ordered and levied by not less than four-fifths of the members of the Board of Directors.

(b) Such assessments may be levied on all mem-

bers, or they may be restricted to members who are owners of improved lots or building plots, as the Board of Directors shall deem equitable, but the said Board shall not levy dues and assessments to exceed in the aggregate \$18.00 a year without the vote or written assent of a majority of the members; and

(c) The said Board of Directors shall have the right to determine that all such assessments so levied and paid shall be credited to a succeeding member in interest; and said Board may, in its discretion, determine that from and out of dues and assessments paid by a succeeding member the original subdivider may be reimbursed for any dues or assessments levied and paid as to any building lot or plot.

Section 3. COLLECTION. Any dues, fines or assessment more than thirty days in arrears may be collected by an appropriate action at law, at any time after the same becomes due and payable; and in any action to collect the same, in the event of recovery, the plaintiff shall be entitled to recover all costs and expenses, including a reasonable attorney's fee to be fixed by the court.

Section 4. ANNUAL DUES. Annual dues shall be due and payable in advance on January 1st of each year, and delinquent on March 31st of that year. Delinquent members shall not have the right to vote or hold office. (Effective Jan. 1, 1959).

ARTICLE VII

Property Rights

Section 1. EQUALITY. The property rights and interests of members of the Association in and to the property of the Association (as distinguished from the title to land purchased by members) shall be equal, that is, each member shall be entitled to one right for each lot or building plot he owns and each member may have as many rights as he owns such lots or plots, but each member shall have merely a life interest and only while he remains a member in good standing and an owner of one or more such lots or plots.

Section 2. TERMINATION. Upon the death, resignation or expulsion of any member for good cause shown to exist, or upon his ceasing to be such lot or plot owner, his rights and interests in the property of this Association shall thereupon cease and terminate.

Section 3. EXECUTION SALES. The property rights of the members, and their interest in the property of this Association, shall not be the subject of sale, assignment or transfer, either voluntary or involuntary; nor shall said property rights be considered as an asset of any member in bankruptcy or in any manner subject to seizure or execution.

ARTICLE VIII

Voting Rights

Section 1. VOTES. Every member in good standing shall be entitled to one vote for each membership he holds, and he shall be entitled to hold a membership for each home he owns.

Section 2. PROXIES. At all corporate meetings of members, voting may be in person or by proxy, but

all proxies must be in writing and be on file with the Secretary.

*Section 3. VOTING.* Except as otherwise provided, voting may be by Ayes and Noes or by ballot, as directed by the President or as determined by the members present, on motion.

## ARTICLE IX *Committees*

*Section 1. APPOINTMENT.* In addition to the Executive Committee appointed by the Board of Directors, the President shall appoint a Membership Committee, an Architectural Committee and such other committees as may be proper for the carrying on of the corporate business; and all such committees, unless otherwise directed by the members on motion, shall consist of three members each, and hold office at the will and pleasure of the President; and all such committees shall have the powers and duties in these By-laws specified and as directed by the President; and

*Section 2. QUORUM.* A majority shall constitute a quorum on all Committees but no act, action, determination or recommendation of any Committee shall be effective unless agreed to or concurred in by majority of the entire Committee.

## ARTICLE X *Rules of Order*

*Section 1.* Every member desiring the privilege of the floor shall arise and address the chair as "Mr. President"; and but one member shall be entitled to the floor during the same period of time; and no member shall speak for more than five minutes on any subject at any one time or more than twice on the same subject except by permission of the Chair;

*Section 2.* All resolutions must be in writing; and

*Section 3.* Unless and until otherwise provided, Robert's Rules of Order (Revised Edition) shall govern the conduct and procedure of all meetings.

## ARTICLE XI

*Section 1. FUNDS DISBURSEMENT.* The Board of Directors shall authorize the disbursing and payment of all obligations of the Association from time to time, provided that no expenditure in excess of \$250.00 shall be made without obtaining prior approval of the members as follows: Notice shall be sent to all members as herein provided which shall contain a complete statement of the proposed expenditure as to purpose and amount.

*Section 2. PAYMENT OF OBLIGATIONS.* All obligations of this Association in excess of \$10 shall be paid by check signed by the President and Treasurer, and shall be supported by voucher.

*Section 3. BOND.* The President and Treasurer shall be bonded by a fidelity bond issued by a corporate surety in an amount equal to the total funds of the Association as of December 31st each year. The premium for said bond shall be paid by the Association.

04580  
PART TWO  
FIRST RESIDENTIAL LOT  
RESTRICTIONS

*Section 1. USE AND IMPROVEMENT,* (a) No buildings, other than one detached single family private residence, with private garage for the use of the occupants of such residence, and other appropriate outbuilding structures incident and pertinent to a private residence, shall be erected or maintained on any first residential lot or plot of said subdivision, and no use whatsoever, except in connection with its use and improvement as a site and grounds for use as a private residence, shall be made of any lot or plot therein which is not, or has not been zoned either for "business" or "second residential."

(b) The term "Private Residence" is intended to exclude every form of multifamily dwelling, boarding or lodging house, sanitarium, hospital and the like, but it is not intended to exclude a "guest house" for the entertainment of social guests, nor servant quarters for servants or other employees employed upon the premises, provided the same is attached to the main building or an addition to or floor above a detached garage, if erected in conformity with these By-laws.

(c) The term "use as a private residence" is intended to exclude every form of business, commercial or manufacturing enterprise, and shall apply to the entire tract.

*Section 2. TEMPORARY BUILDINGS.* No trailer, basement, tent, shack, garage, barn or other outbuilding shall at any time be used as a residence, temporary or permanent, nor shall any residence of a temporary character be permitted in any first residential area, and no structure shall be moved on or brought within any such area unless it shall conform to and be in harmony with existing structures in said area.

*Section 3. MINIMUM REQUIREMENTS.* No dwellings shall be erected or be permitted to remain upon any first residential lot in said Subdivision except as expressly approved and authorized by the Architectural Committee of the Association, and no additions may thereafter be made extending any such building to a height of more than two stories, except as expressly approved and authorized by the Architectural Committee of the Association; and all buildings, fence and other structures must be kept suitably painted, in harmony with the improvements as to the remainder of the subdivision. This section shall not apply to the original subdivder.

*Section 4. SETBACK OF BUILDINGS,* No building or projection thereof shall be located nearer than the established official setback from the front lot line, exclusive of bay windows or other projections; except that as to corner lots the said minimum and maximum setback restrictions shall be applied to one street frontage only, and except as otherwise expressly authorized and approved by the Architectural Committee of the Association, all main buildings and structures must be located at least 6 feet distant from main structure or building on the ad-

joining lot. This section shall not apply to the original subdivider.

*Section 5. RESUBDIVISION OF LOTS.* No dwelling house shall be erected or permitted to remain on any first residential building lot resulting from resubdivision of original first residential lots as shown on the recorded map of said tract, which building plot so resulting has an area less than that of the smallest original lot of the original subdivision.

*Section 6. EASEMENTS.* Easements and rights of way, as indicated upon the recorded map of said subdivision, or as now existing on the ground, are reserved for the installation and maintenance of sewers, pole line, utilities and other public and quasi-public buildings; and no building shall be placed upon such easements or interference made with the free use of the same for the purposes intended; and connections with sewers and the use thereof shall be for sanitary purposes only, unless permission for additional use or uses is previously secured from the governing body of the district or municipality operating and maintaining such sewers.

*Section 7. SIGNS.* No billboards or other advertising devices shall be erected or placed on any lot or plot in said tract; and no more than one "For Sale, Lease or Rent" sign shall be displayed upon any single lot or plot, and such sign shall not be larger than 18 inches by 24 inches; provided, however, that during the development and sale of lots and homes in said tract or adjoining tracts, the original subdividers, or their agents, may erect and display one or more larger signs as they may determine.

*Section 8. COMPLETION OF CONSTRUCTION.*

(a) Any residence or other building in said subdivision, the construction of which has been started, shall be completed without delay, except when such delay is caused by Acts of God, strikes, actual inability of the owner to procure deliveries of necessary materials, or by interference by other persons or forces beyond the control of the owner to prevent. Financial inability of the owner or his contractor to secure labor or materials or discharge liens or attachments shall not be deemed a cause beyond his control.

(b) In the event of cessation of construction of any building for a period of 120 days, where such interruption is not excused by the provisions hereof, the existence of such incompleting building shall be deemed to be a nuisance, and the Association shall have the right to enter upon said incompleting premises and remove the same, or carry such construction forward to completion, and the costs and expenses incurred in connection with such removal or completion shall constitute a lien upon said property under the Mechanics' Lien Law of the State of California, such lien to attach as of the time of the commencement of the work involved in effecting such removal, or as of the time of the commencement of the work so undertaken to complete such construction, and may be enforced in the manner provided for the enforcement of mechanic's liens.

*Section 9. FENCES AND CLOTHES POLES.* No fence, hedge or other enclosure shall be permitted or allowed to remain on any first residential lot or plot in said subdivision between street and the front

12.04580

building line herein above established, and no rear fences, hedges or other enclosures, or extension thereof shall be permitted to a height exceeding 5 feet, nor of a material or materials, design or designs other than that originally installed by the original subdivider, except as authorized or approved by the Architectural Committee of the Association; and no clothes poles or clothes lines (or other similar structure) shall be permitted or allowed to remain on any first residential lot or plot, other than a rotating clothes dryer, or such other type as may be approved by said Architectural Committee. This section shall not apply to the original subdivider.

*Section 10. LANDSCAPING.* No portion of any first residential lot or plot of land between the street line and the main residential building or structure thereon shall be used for the planting or growing of garden vegetables and all front yard landscaping (ie., lawns, shrubs, trees, flowers and other plants) including all areas within the sidewalk lines, shall be kept and maintained by the owner in good and husbandlike manner without any right of removal, replacement or substitution as to sidewalk or street area trees, except by written permission of the Architectural Committee of the Association; and trimming of all such trees shall be by or under the direction of such Committee. Upon failure of owner to comply with this section after fifteen (15) days' written notice, the Association may, at its option, restore such portion of lot and such area to the condition in which it is required to be kept pursuant to the provisions of this section, and may so maintain the same, and the reasonable costs and expenses of such restoration and maintenance shall be paid for by such lot owner. In any suit brought by the Association to collect such indebtedness the Association shall be entitled to recover, in addition to such costs and expenses, reasonable attorney's fee to be fixed by the Court.

*Section 11. PETS.* No first residential lot or plot or building thereon in said subdivision shall be used for the keeping or breeding of fowls, animals or creatures of any kind for commercial purposes, but such fowls, birds and animals may be kept for the pleasure of the occupants of the premises where kept, and then only shall it be permissible to keep ordinary or usual species in number and under conditions not constituting a nuisance or otherwise objectionable to other residents in the subdivision; and all yards, pens, and outbuildings used in connection with the keeping of such fowls, birds and animals shall be located only on the rear half of the respective lots, and shall be adequately screened from view from any street and be at all times kept and maintained in a clean and sanitary condition.

*Section 12. APPROVAL OF PLANS.* (a) No building alterations, fences or extensions thereof, walls or other permanent structure additions or changes shall be erected, altered, made or placed upon any lot or plot in this subdivision until the plans, specifications and plot plan showing the location on the lot or plot have been submitted to and approved in writing as to conformity and harmony of design and as not interfering with the reasonable enjoyment of any other lot or plot, by the Architectural Committee of the

Association; and no radio or television aerial shall be erected on other than the rear 20 feet of the house, without the written permission of the Architectural Committee of the Association. This section shall not apply to the original subdivider.

(b) Upon failure of said Committee or its designated representative to approve or disapprove such plans and specifications within thirty (30) days after receipt of a proper presentation, approval of such plans and specifications shall be deemed to have been made, provided such proposed construction complies with the law and these By-laws.

(c) No member of the Architectural Committee shall be entitled to receive any compensation or make any charge for his services hereinabove provided.

**Section 13. LEASING AND SUBLEASING.** No member of this Association shall lease or sublet any building or improvement owned by him in Midtown Terrace without first submitting the lease or sublease to and obtaining the approval of the Membership Committee of this Association.

**Section 14. SUBORDINATION OF MORTGAGES.** Nothing in these By-laws contained shall impair or defeat the lien of any mortgage or deed of trust made in good faith and for value, and these By-laws shall in no way restrict, impair or defeat any right of sale contained in any such mortgage or deed of trust or the foreclosure of the same; provided, however, that title to any property subject to these By-laws and obtained through sale under or foreclosure of any such mortgage or deed of trust shall thereafter be held subject to all restrictions or provisions of these By-laws; except (and notwithstanding any provisions in these By-laws), that title to property acquired by the holder of a loan guaranteed or insured by the Federal Housing Administration or the Veterans Administration, or any other governmental agency or property acquired by any such agency directly, at foreclosure or otherwise, or from the purchaser at foreclosure sale, or otherwise, by reason of, or incident to, or as a consequence of such guaranty or insurance, either by way of purchase at a sale under power of sale or other judicial proceedings, or through foreclosure of deed of trust or mortgage on the property securing such loan, or by way of conveyance in full or partial satisfaction of the debt secured by such deed of trust or mortgage immediately upon any such acquisition shall be, and thereafter remain free from any and all restrictions or impediments as to alienation.

For all purposes of these By-laws, the State of California, Veterans Administration, shall be deemed and considered as a governmental financing agency; and the veteran purchaser (and his wife), if entitled to the right of occupancy of a first residential lot or building plot, shall be deemed the "owner" and, as such, shall be entitled to apply for and hold membership in the Association.

**Section 15. FAILURE TO ENFORCE.** The various restrictive measures and provisions of these By-laws are declared to constitute mutual equitable covenants and servitudes for the protection and benefit of each lot in said subdivision and all the members of the Association, and failure promptly to enforce any measure or provision upon violation thereof shall

not estop or prevent enforcement thereafter or be deemed a waiver of the right so to do.

**Section 16. SEVERABILITY.** The various measures and provisions of these By-laws are declared to be severable; and the invalidation of any one of these By-laws by judgment or court order shall in no wise affect any of the other provisions or covenants herein contained, which shall remain in full force and effect, nor shall such judgment or court order render invalid or operate in any way against the lien of any mortgage or deed of trust given as security for the payment of a debt which may theretofore have been placed upon said property in good faith and for value.

**Section 17. TERMS OF RESTRICTIONS.** These By-laws, covenants, restrictions and agreements as to first residential areas shall run with the land and continue in full force and effect until January 1, 1957, at which time the same shall be automatically extended for successive periods of ten years unless, by duly executed and recorded statement, more than 75 per cent of the members of the Association elect to terminate this Association or amend these By-laws or said restrictions, in whole or in part; and nothing in these By-laws contained shall be construed to apply to any area that is or shall be zoned either for "business" or as "second residential."

**Section 18. ENFORCEMENT AND REMEDY.** Each grantee of a conveyance, or purchaser under a contract or agreement of sale, by accepting a deed or a contract of sale or agreement of purchase of a first residential lot, whether from the original subdivider or a subsequent vendee, accepts the same subject to all the conditions, restrictions, easements and agreements as now set forth in the By-laws, or as hereafter amended, and agrees to be bound by the same; and damages for any breach of the terms restrictions and provisions of these By-laws are hereby declared not to be adequate compensation, but such breach and/or the continuation thereof may be enjoined or abated by appropriate proceedings by the Association, or by any member or members thereof and in any proceeding under these By-laws, either at law or in equity, if recovery be had, the plaintiff shall be entitled to recover all costs and expenses, including a reasonable attorney's fee to be fixed by the court.

**Section 19. CREDIT ORGANIZATION.** The Board of Directors is hereby given the right and power, in its discretion, to organize among its members an appropriate Credit Union or Credit Organization, and thereby provide the funds with which to acquire, and thereafter dispose of or convey, for the account and benefit of the members of such Credit Union or Credit Organization, any and all properties of members desiring to sell the same.

12.0458D

PART THREE 12.0458D  
AMENDMENTS

*Section 1.* No alteration or amendment shall be made to these By-laws, unless proposed in writing at either a regular or special meeting and referred to a special committee, which shall report on the same at the next regular or a succeeding special meeting when it may be acted upon and adopted by a majority vote, by ballot, or by written consent, of all the members of the Association; provided, however, that written notice of the proposed amendment shall be given to each member by mail, at his place of residence or business, as shown by the records of the Association, at least ten (10) days prior to the meeting at which same is to be acted upon; and provided, further, that no Amendment of PART TWO of these By-laws (which relate to first residential lot restrictions) or of PART THREE of these By-laws (which relate to amendments) shall be effective without the consent or approval of not less than two-thirds of all the members of the Association given in writing or by ballot at a regular or special meeting of the Association; and no amendment shall be made to Section 14 of PART TWO without the written consent or approval of all the members of the Association. No amendment to the Charter or the By-laws of this Association shall be binding upon, impair, or affect, any rights now, or hereafter existing, in favor of Federal Housing Administration as guarantor or insurer, or otherwise, unless the Federal Housing Commissioner shall have consented in writing to the adoption of such amendment; and no amendment to the Charter or the By-laws of this Association shall be binding, upon, impair or affect, any rights now or hereafter existing in favor of the Administrator of Veterans Affairs as guarantor or insurer, or otherwise, unless said Administrator of Veterans Affairs shall have consented in writing to the adoption of such amendment.

KNOW ALL MEN BY THESE PRESENTS:

We, the undersigned, members of MIDTOWN TERRACE HOME OWNERS ASSOCIATION, a California corporation, do hereby certify:

That we are entitled to exercise all of the voting power of said corporation; and that we hereby assent to the above and foregoing By-laws and hereby adopt the same as the By-laws of said corporation.

IN WITNESS WHEREOF, we have hereunto subscribed our names this 21st day of February, 1950.

FRED GELLERT,

E. V. SCHULHAUSER,

W. H. YOUNG,

GEORGE G. PARSONS,

G. PAUL SCHREIBER.

KNOW ALL MEN BY THESE PRESENTS:

I, the undersigned, the duly elected and acting Secretary of MIDTOWN TERRACE HOME OWNERS ASSOCIATION, a California Corporation, do hereby certify:

That the above and foregoing By-laws were adopted as the By-laws of said corporation on the 21st day of February, 1950, and that the same do hereby now constitute the By-laws of said corporation.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed the Seal of said corporation this 21st day of February, 1950.

(CORPORATE SEAL)

GEORGE G. PARSONS

Secretary

I hereby certify that I am the Secretary of MIDTOWN TERRACE HOME OWNERS ASSOCIATION, a California corporation; and I hereby further certify, over the seal of said corporation, that the foregoing are, and constitute, the By-laws of MIDTOWN TERRACE HOME OWNERS ASSOCIATION, as amended to date.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of this corporation this 21st day of February, 1950.

(SEAL)

GEORGE G. PARSONS

Secretary of

MIDTOWN TERRACE HOME

OWNERS ASSOCIATION

12.04580

Discretionary Review Application

84 Cityview Way, SF 94131

Block/Lot # 2823/003

Permit Application # 2012.01.03.1560

PROJECT OPPOSITION LETTERS

12.04580

SEPT. 16, 2012

SAN FRANCISCO PLANNING DEPT.  
1660 MISSION STREET  
SAN FRANCISCO, CA 94103

RE: BUILDING PERMIT APPLICATION NO. 2012.01.0.  
1560 REGARDING PROPOSED CONSTRUCTION OF A  
THIRD STORY VERTICAL ADDITION AT 84  
CITY VIEW WAY.

AS A RESIDENT OF 206 PANORAMA DRIVE FOR  
OVER 30 YEARS WE WOULD LIKE TO EXPRESS  
OUR OBJECTION TO THE ADDITION PROPOSED  
FOR 84 CITY VIEW WAY.

OUR HOME IS ON THE WEST SIDE OF THIS  
PROPOSED ADDITION WHICH ALREADY  
BLOCKS MOST OF THE SUN FROM THE  
BACK OF MY HOUSE UNTIL MID-LATE  
MORNING. AS I SUFFER FROM RAYNAUD'S  
DISEASE AND PARKINSON'S DISEASE,  
AS MUCH SUNLIGHT AND WARMTH THE SUN  
PROVIDES IS ESSENTIAL TO MY HEALTH.

THERE IS ALSO A MATTER OF PRIVACY  
AS 3 MORE WINDOWS WILL BE ADDED  
TO THE 3RD FLOOR AND HAVE DIRECT VIEW  
INTO BEDROOMS.

IT IS MY OPINION THAT THE MTHOA AND

12.04580

CC&R HAVE BY-LAWS THAT PROHIBIT  
A THIRD STORY AND STATE MAXIMUM OF  
TWO STORIES IS THE HEIGHT LIMIT

THE ADDITION OF THIS PROPOSAL  
SHOULD NOT BE PERMITTED AS IT  
WOULD CAUSE HOME VALUES TO DROP AND  
DETRACT FROM THE NEIGHBORHOOD,  
I STRONGLY OPPOSE THIS ADDITION AT  
84 CITY VIEW WAY

SINCERELY,  
Theresa Wyatt  
206 Pomeroy Drive  
Coburn Lee Wyatt

12.0458D

September 18, 2012  
San Francisco Planning Department  
1660 Mission Street  
San Francisco, CA 94103  
Attn: San Francisco Planning Commission

Subject: Building Permit Application No. 2012.01.03.1560 Adding a third floor to 84 Cityview Way, Assessor Block 2823 and Lot No.003

Dear Commissioners,

We are the property owners at 80 Cityview Way, which is adjacent to 84 Cityview Way at the east side. We are very concerned that we would be greatly affected if this application is approved. The followings are our major concern:

**Sunlight and health:** We have 3 bed rooms on the same floor, but only one room has west window receiving sunlight all year round. The other two bedrooms hardly have any sunlight with north windows. Since both houses are only 6 feet apart, the proposed higher wall would block most sunlight to this room. As seniors, we are home most of time, more so when our advancing age will limit our mobility. We need the sunlight both mentally and physically, especially in this foggy area. Mildew would develop also.

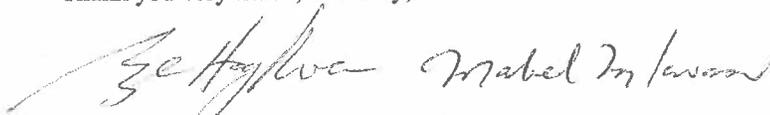
**Privacy:** The proposed third floor bathroom window is very close to our bedroom window, since our houses are only 6 ft apart, we are very worried not only about being watched from above for any activities in our room, we are also worried that any conversation might be heard. Closing the window and curtain all the time is bad for our health. Although the Architect promised to make change so that anyone 5 feet 6 inch tall or shorter would not be able to look down to our window, yet it does not completely resolve our privacy concern.

**CC&R:** When we bought this house, by rule, we automatically joined the Midtown Terrace Home Owner Association (MTHOA) and have to abide its By-law and CC&R, which restricts any house from adding a third floor. We believe the CC&R is sound and beneficial to protect our environment. Since every owner here is member of MTHOA, therefore, the applicant is no exception.

**Lower house value:** Our house would certainly have a lower value due to blocking of our only west window. If approved, other residents should also worry their next door might add a third story blocking their windows.

**In conclusion,** we respect that all citizens have the right to do what is best for their families. But the applicant does have option to add an extension to the backyard with beautiful view without imposing harm to the neighbors (other neighbors would be affected too). We urge you to deny the application.

Thank you very much, sincerely,



Sze (Steve) H Kwan

Mabel M Kwan

80 Cityview Way, San Francisco, CA 94131

12.0458D

Photos below showing our only bedroom with west window looking west to 84 Cityview existing roof  
• Proposed new third story would block most sunlight all year round



12.0458D

September 17, 2012

San Francisco Planning Department  
1660 Mission Street  
San Francisco, CA 94103  
Attn: San Francisco Planning Commission

Subject: Building Permit Application No. 2012.01.03.1560 regarding  
proposed construction of a third story vertical addition  
at 84 Cityview Way Assessor Block 2823 and Lot No. 003.

We are residents at 71 Cityview Way. We purchased our home in 1955 and are the original owners of our home. We would like to express our concerns regarding the third story vertical addition at 84 Cityview Way.

We purchased our home for the privacy, design of detached single-family homes with access to natural light and space to raise a young family in this special neighborhood. We are fortunate to continue to live here. The neighborhood has remained a special community of family homes with respectful design for each other's property. The neighborhood is protected by the by-laws of Midtown Terrace Home Owner's Association (MTHOA) governing changes to property specifically the addition of a third story in order to maintain this special community. Our neighbors have respected each other's right to enjoy our homes and properties as they were intended in the design of Midtown Terrace and have modified and expanded accordingly.

It appears that the size of the home at 84 Cityview Way would approximately double in size to other homes in our neighborhood and the height would tower over any adjacent home limiting natural light and space. We strongly believe the project does not conform to the character of the neighborhood and are opposed to it.

Sincerely,

*Arnold Jones*  
*Frances Jones*  
Arnold and Frances Jones  
71 Cityview Way  
San Francisco, CA 94131

12.0458D

September 17, 2012

San Francisco Planning Department  
1660 Mission Street  
San Francisco, CA 94103  
Attn: San Francisco Planning Commission

Subject: Building Permit Application No. 2012.01.03.1560 regarding  
proposed construction of a third story vertical addition  
at 84 Cityview Way Assessor Block 2823 and Lot No. 003.

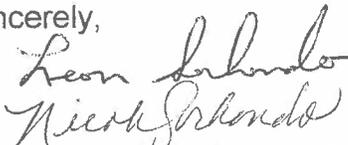
We, as residents of 75 Cityview Way since 1977, would like to express our concerns regarding the third story vertical addition at 84 Cityview Way.

We as residents of Midtown Terrace purchased our homes in this community for the privacy, design of detached single-family homes with access to natural light, space, and low skylines of the neighborhood. This aspect greatly appealed to us. We then purchased our home with the understanding that the neighborhood was protected by the by-laws of Midtown Terrace Home Owner's Association (MTHOA) governing changes to property specifically the addition of a third story. The by-laws specify that any additions, extensions must be approved in writing as to the conformity and harmony of design and not interfering with the enjoyment of any other lot by the Architectural Committee of MTHOA. We strongly believe the project does not conform to the character of the neighborhood.

It appears that the size of the home would approximately double in size to other homes in our neighborhood. The height would tower over any adjacent home limiting natural light and space. The size will alter access to public view by neighbors beyond the 150 feet range in all directions. We feel the project in its present design would violate the design of Midtown Terrace as it was initially planned and supported by MTHOA CC&R.

In closing, we hope for a modified plan that will meet the needs of the applicant for expansion but conform to the design and harmony of the Midtown Terrace neighborhood.

Sincerely,



Leon and Nicole Sorhondo  
75 Cityview Way  
San Francisco, CA 94131

12.0458D

September 16, 2012

San Francisco Planning Department  
1660 Mission St.  
S.F., CA 94103

Re: Building Permit Application #2012.01.03.1560

Proposed addition of a third floor at 84 Cityview way, block 2823, lot 003

As a resident of 83 Cityview way, we would like to express our opposition to the above mentioned proposed third floor addition to 84 Cityview way.

We live directly across the street from 84 Cityview way and the addition of a third floor would have many affects in The Midtown Terrace development.

Midtown Terrace consists of single family two story houses. We moved into this area because of the low skylines of the neighborhood, not to live across the street from a three story that doesn't fit into the design of the development.

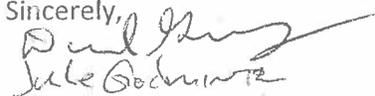
The proposed construction would nearly double the size of the house. This house would become a 6 bedroom/3 bathroom house. Letting this project go through would create a "monster" house that would limit natural light to adjacent homes and appearance of what people see as they drive up and down Cityview way.

Midtown Terrance also has a Home Owner's Association that forbids additions of a third story. The HOA by-laws read that any extensions are subject to approval from the HOA. The HOA has gone on record as opposing this proposed addition.

The proposed addition would also decrease the value of the homes in the immediate area of 84 Cityview way.

I urge the Planning Commission to reject building permit application for 84 Cityview way. Thank you for your consideration in this matter.

Sincerely,



David and Julie Godmintz

83 Cityview way

12.04580

September 19, 2012

San Francisco Planning Department

1660 Mission Street

San Francisco, CA 94103

Attn: SF Planning Commission

Subject:

Building Permit Application No. 2012.01.03.1560 regarding proposed 3<sup>rd</sup> story addition at 84 Cityview Way

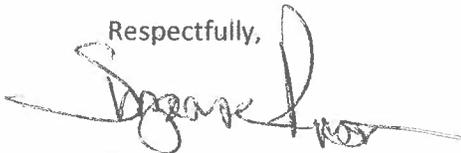
I have been a resident of the Midtown Terrace neighborhood for 10 years. The fact that this neighborhood is governed by a set of conditions, covenants and restrictions recorded in the original deeds and in the general land records of the City and County of San Francisco makes this neighborhood truly unique and supports a shared goal to preserve the character and architectural integrity of the neighborhood:

All exterior building alterations, additions or extensions of fences, walls, and other permanent structural changes have to be submitted to the Architectural Committee for its approval as to "conformity and harmony of design and as not interfering with the reasonable enjoyment of any other lot."

The existence of a set of covenants, conditions, and restrictions with a home owners association charged with monitoring them is an important protection to assure that our neighborhood continues to have the qualities which influenced our decision to make this area our home.

While I support any neighbor's desire to expand their home's footprint as they deem desirable, I would hope that every effort would be made to limit the impact of the change on surrounding neighbors and most importantly the planning process would follow all rules and regulations regarding plan approvals within the system of the city of San Francisco Building Commission in addition to the Midtown Terrace Home Owners Association.

Respectfully,



Suzanne Russo

70 Cityview Way

415-830-2585

12.0458D

September 20, 2012

San Francisco Planning Department  
1660 Mission Street  
San Francisco, CA 94103  
Attn: San Francisco Planning Commission

RE:  
Building Permit Application # 2012 01 03 1560  
84 Cityview Way  
San Francisco, 94131

As residents of 66 Cityview Way we would like to express our concerns regarding the third story vertical addition at 84 Cityview Way.

We are residents of the Midtown Terrace Neighborhood for more than 25 years. We bought our home because we liked the feel of the area: solidly built and well kept homes in a quiet, friendly and unpretentious neighborhood.

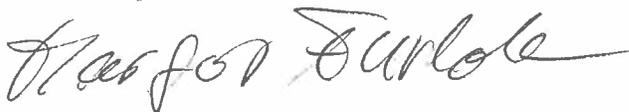
Over the years homes were remodeled and modified, most of them in a way that preserved the character of the neighborhood. Some however do stick out like a sore thumb - they just do not fit in and look misplaced. Most of them are buildings with a third story addition.

The property on 84 Cityview Way is a very pretty home: the front yard is nicely planted, the colors of the house are harmonious - the house looks nice and tidy. Adding a third floor would alter the appeal of the house dramatically and change the appearance and desirability of the whole block.

We hope the owner of the property will find another way to expand the living area of his/her home: there is the possibility of extension into the back yard or the refinishing of the basement - many residents took advantage of these options. Considering the fact that 84 Cityview Way is built on one of the steepest hills of the neighborhood, a horizontal expansion might also be a structurally safer solution.

Please refer to the by-laws of the Midtown Terrace Home Owner's Association in the review of this Building Permit Application.

Sincerely,



Peter and Margot Furlotte  
66 Cityview Way  
San Francisco, CA 94131

12.0458D

September 19, 2012

San Francisco Planning Department  
1660 Mission Street  
San Francisco, CA 94103  
Attn: San Francisco Planning Commission

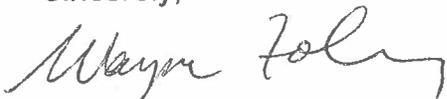
Subject: Building Permit Application No. 2012.01.03.1560 regarding  
proposed construction of a third story vertical addition  
at 84 Cityview Way Assessor Block 2823 and Lot No. 003.

We purchased our home at 79 Cityview Way in 1994. We were looking for an area of detached single family homes and we were attracted to the architectural harmony of Midtown Terrace.

We believe that the proposed addition of a third story at 84 Cityview Way would not be in character with the neighborhood. Additionally it would set a precedence that might allow other homeowners to alter their homes and thus the look and feel of the neighborhood.

I would hope that a mutually agreeable solution could be reached where the owner of 84 Cityview Way could expand without changing the character of our neighborhood.

Sincerely,



Wayne and Denise Foley  
79 Cityview Way  
San Francisco, CA 94131



12.0458D

Sept.19, 2012

TO WHOM IT MAY CONCERN:

THIS LETTER IS WRITTEN IN PROTEST TO THE THIRD SYORY ADDITION OF 84 CITYVIEW, SAN FRANCISCO 94131.

INITIALLY, IT WILL CHANGE THE DESIGN OF THE NEIGHBORHOOD. IN ADDITION MUCH LIGHT WILL BE LOST IN MY BACKYARD, AFFECTING MY GARDEN AND THE GENERAL ENJOYMENT OF IT. AS WE ALL KNOW THE FOG IS A MAJOR COMPONENT OF THIS ENVIRONMENT, THUS PROMOTING MILDEW AND DAMPNES.

THIS HAS THE POTENTIAL FOR SERIOUS HEALTH PROBLEMS, ETC.

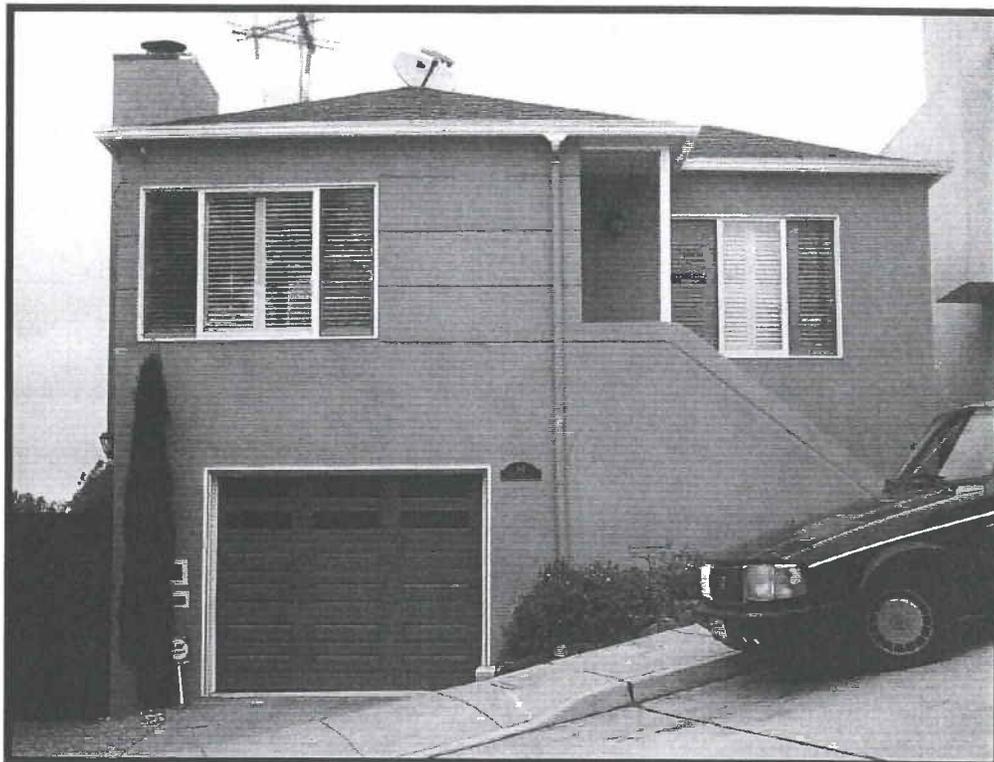
I VERY MUCH ENJOY THE PRIVACY OF MY GARDEN AND DO NOT WANT WINDOWS DESTROYING THIS.

THANK YOU FOR YOUR CONSIDERATION IN THIS MATTER.

RESPECTFULLY,  
SYLVIA BUCKSAR  
212 PANORAMA DRIVE.  
SAN FRANCISCO

A handwritten signature in cursive script that reads "Sylvia Bucksar". The signature is written in dark ink and is positioned below the typed name and address.

**DISCRETIONARY REVIEW RESPONSE PACKET  
84 CITYVIEW WAY**



May 23, 2013

**Architect:** A. Gordon Atkinson  
735A Taraval St., San Francisco, CA

**Attorney:** Michael F. Woods  
395 West Portal Ave., San Francisco, CA

**Owner:** Joseph Vivacqua  
84 Cityview Way, San Francisco, CA

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# Michael F. Woods

Attorney at Law

395 West Portal Avenue

San Francisco, CA. 94127

[MikeWoodsEsq@gmail.com](mailto:MikeWoodsEsq@gmail.com)

May 23, 2013

Rodney Fong  
Planning Commission President  
1650 Mission Street, Suite 400  
San Francisco, CA. 94131

Re: Discretionary Review Application  
84 Cityview Way, San Francisco, CA. 94131  
Building Permit Application Number 2012.01.03.1560

Dear President Fong:

The attached Response is in regard to the Discretionary Review Application filed by the Rex Bell, President of the Midtown Terrace Home Owners Association, on September 21, 2012 pertaining to the above property and Permit Application.

The Response addresses the Issues in the order they were brought up in the Application for Discretionary Review. The Response shows not only the MTHOA's omissions of important facts and misinterpretations of the Residential Design Guidelines, but also how the proposed project conforms to the Residential Design Guidelines and the Planning Code.

Very truly yours

Michael F. Woods

## Response to Application For Discretionary Review of 84 Cityview Way

Joseph Vivacqua and his family moved into 84 Cityview Way in Midtown Terrace in 1998. He and his family have resided there since and intend on residing in the neighborhood for the foreseeable future. Mr. Vivacqua and his Architect, Gordon Atkinson, originally met with the Board of Directors of the Midtown Terrace Homeowners Association (MTHOA) on July 13, 2011. The board looked over the plans and verbally approved the addition (project). They did not issue a written approval, but verbally approved, and by their actions, they let Mr. Vivacqua believe he could move forward with the project.

Once the application had been filed in January 3, 2012 the Residential Design Team of the Planning Department informed Mr. Vivacqua and Mr. Atkinson that alterations needed to be made. The alterations were made in order to conform to the Residential Design Team's requests, and the plans were subsequently approved by the Residential Design Team of the Planning Department, which is appointed specifically to examine the project's conformance with the Residential Design Guideline's (RDG's). Mr. Atkinson also modified the plans to accommodate the concerns of the adjacent neighbors of 80 Cityview Way. More specifically, a window on the third floor facing east was raised to guarantee the privacy of the neighbors.

Despite the projects adherence to the Planning Code and the RDG's, changes made to accommodate the neighbors, and approval from the Residential Design Team of the Planning Department, the MTHOA opposed the new plans and voted not to approve the plans on September 16, 2012. The MTHOA incorrectly claims that the plan conflicts with San Francisco's RDG's.

Section 311(c)(1) of the Planning Code provides that Residential Design Guidelines shall be used to review plans for all new construction and alterations. Specifically, it states: "The construction of new residential buildings and alteration of existing residential buildings in R districts shall be consistent with the design polices and guidelines of the General Plan and with the "Residential Design Guidelines" as adopted and periodically amended for specific areas or conditions by the City Planning Commission."

The Application for Discretionary Review (DR) that was submitted by the MTHOA not only has flawed arguments, it also misinterprets the RDG's. Further the application has glaring omissions and several inaccuracies. The issues raised in the DR will be addressed in the same order as they were in the DR.

### **Changes Made to the Project**

The Midtown Terrace Home Owners Association's (MTHOA) Response is misleading for the following reasons:

On Page 1 the MTHOA claims the Board "did not have a opportunity to review the plans prior to the (July 2011) meeting and was never given a set of plans afterward." The DR neglects to mention that they did not request a set of plans prior to the meeting. The MTHOA did request Mr. Atkinson to bring a set to the meeting. Mr. Atkinson did bring a set of the plans to the meeting and the Board reviewed them at that time.

The DR also asserts that "The Board asked the project sponsor and applicant to work with neighbors... to address neighbor concerns." The Board did no such thing. In fact, Mr. Wooden (the Board President at the time) clearly told Mr. Vivacqua and Mr. Atkinson at the meeting that the design looked good and that they had no objections and that they (the Board) would need to convene a formal Board meeting to approve the project.

A year went by with absolutely no word from the Board to either Mr. Atkinson or Mr. Vivacqua. Mr. Atkinson then wrote the Board a letter (dated 9/11/12) asking if they were going to produce the letter of confirmation (see attached).

After reviewing the plans, the board made took no actions for over a year. They voiced no objections for over a year after seeing the plans and telling Mr. Vivacqua and Mr. Atkinson that they had no objections. They never asked to see a set of plans after the meeting.

Also on Page 1 of the DR, the Board then claims that, at the Sept. 14, 2012 meeting, "The Board noted that a front deck with metal railing had been added". The front deck was in the original plans shown to them on the first meeting but, due to a request from City Planning, was reduced in size on the revised plans. This is an example of the Board's inconsistency and their inattention to detail. This is also an example of how the project adheres to the RDG's, which will be addressed more in this document.

**Response to Answer 1:** What are the reasons for requesting Discretionary Review?...

The MTHOA fails to show how the project violates the minimum standards of the planning code; fails to state exceptional and extraordinary circumstances that justify Discretionary Review; and fails to show how the project conflicts with the City's General Plan or the Planning Code's Priority Policies or Residential Design Guidelines. The reason is because project conforms to all of the Guidelines and Polices.

1. While the project located at 84 Cityview Way is within Midtown Terrace, the MTHOA has already allowed several deviations from the MTHOA By-Laws, Part Two, Section 3 (Minimum Requirements); More specifically there are currently at least 25 houses located within Midtown Terrace that have 3 stories. One such home, 105 Midcrest, has **4 stories**.

The project meets the standard of the Planning Code, height, all work shall conform to requirements of the 2010 San Francisco Building Code, San Francisco Electrical Code, San Francisco Plumbing Code, 1. San Francisco Mechanical Code, 2007 CEC, California Energy Code and all other applicable local and state codes, ordinances, and regulations.

Denying Mr. Vivacqua his freedom to add on to his home would violate one of the MTHOA's By-Laws. More specifically: ARTICLE VII Property Rights

*Section 1. EQUALITY* The property rights and interests of members of the Association in and to the property of the Association shall be equal, that is, each member shall be entitled to one right for each lot or building plot he owned and each member may have as many rights as he owns such lots or plots.

By granting some homeowners the right to construct a third story and denying Mr. Vivacqua this right, they are violating their own By-Laws of Equality.

2. The scale of the building is increased by a reasonable amount relating to the surrounding houses and the neighborhood in general. The character of the structure is maintained because it is consistent with both the surrounding houses as it has garage situated on the left side (facing the house) and has an inclined stairwell leading up to the front door. Further there is another house on Cityview Way that is 3 stories, and 3 three story homes on Panorama Drive. (This will be addressed further in Section II)

3. While the proposed addition would decrease sunlight to two structures in the neighborhood, the amount would be minimal. Further, the decrease to 206 Panorama would be even less because it is located on a different block. (This will be addressed further in Answer 2).

The RDG's address the area of Light as follows: LIGHT: *In areas with a dense building pattern, some reduction of light to neighboring buildings can be expected with a building expansion. However, there may be situations where a proposed project will have a greater impact on neighboring buildings. In these situations, the following design modifications can minimize impacts on light; other modifications may also be appropriate depending on the circumstances of a particular project:*

- Provide setbacks on the upper floors of the building
- Include a sloped roof form in the design.
- Provide shared light wells to provide more light to both properties.
- Incorporate open railings on decks and stairs.
- Eliminate the need for parapet walls by using a fire-rated roof.

The project here does 4 of the 5 modifications to conform to the RDG's. The second modification, a sloped roof, is not included in the project because a sloped roof would only increase the height of the building and, consequently, the amount of shade.

4. The proposed deck is to reduce the scale of the building out of respect to the neighborhood character (more in section V). Further, the deck is a setback to reduce the amount of light lost by the neighbors (see above). The deck has been modified from the original plans at the request of the planning department. Additionally, there are other homes in the neighborhood that have decks (more in section V). Lastly, privacy will not be compromised as the same three people will be living in 84 Cityview. The only privacy that would be compromised would be the privacy of Mr. Vivaqua and his family as the neighbors will be able to peer into their home.

5. The project adheres to the City's Residential Design Guidelines which is evident in that it was vetted and approved by the Residential Design Team of the Planning Department, which is appointed specifically to examine the project's conformance with the RDG's. All work shall conform to requirements of the 2010 San Francisco Building Code, San Francisco Electrical Code, San Francisco Plumbing Code, San Francisco Mechanical Code, 2007 CEC, California Energy Code and all other applicable local and state codes, ordinances, and regulations. Each of the alleged deviations will be addressed in the order they were brought up by Applicant.

### **Section I Introduction**

Even after the proposed addition to the property, the architectural and visual qualities will still be consistent with the rest of the surrounding homes and the rest of the neighborhood. If the MTHOA felt that a third story addition to a home in Midtown Terrace was by itself disruptive, they would have prohibited one of the existing 25 homes that have a third story. The project is also compatible with RDG's design principles as it has been approved and vetted by the Planning Commission.

### **Section II: Neighborhood Character**

Not only will the Visual and Architectural Character not be threatened by proposed addition, the MTHOA misinterprets the Residential Design Guidelines of Neighborhood Character.

The design principle the MTHOA cites clearly refers to “overall neighborhood context” which is further explained saying “each building will have it’s own unique features” and goes on to explain that the building patterns they are concerned with are: the **block** pattern and the **lot** pattern, neither of which are affected in the least by this project.

The facade of the Home will still be maintained. It is consistent with both the surrounding houses as it has garage situated on the left side (facing the house) and has an inclined stairwell leading up to the front door. Further, the windows used on the addition will match the existing windows on the home and both the stucco siding and detailing will be maintained.

The RDG states: *The neighborhood is generally considered as that area around a home that can easily be traversed by foot. Neighborhoods may also be defined by natural or man-made elements such as parks, streets and hilltops.* Here a neighborhood would be defined by all houses in the MTHOA. Several of the existing 3 story homes can easily be traversed by foot from 84 Cityview, and are clearly in the neighborhood.

Even though the context of design principle is viewed in the overall neighborhood context, comparison in the block face would favor the approval as well. There are only 2 other houses on the same block face to compare. Additionally, the block pattern is unique to Midtown Terrace in that there are only 3 houses on this block face. The rest of the block consists of the side of another home (located on Panorama Drive), and a large fence adjacent to 84 Cityview that is the length of approximately two houses.

### **Section III Site Design**

THE MTHOA Misinterprets the RDG’s as the Project maintains the Topography by adhering to the Design Principle Considerations of Site Design. Specifically: Stepdown, Front Setback, Landscaping, Side Spacing, Rear Yard, Light, Privacy, and Views.

The MTHOA claims that the proposed addition will be visible from several surrounding streets, including Cityview Way, Panorama Drive and Starview Way. They neglect to mention that there is a 3 Story Home already on Cityview Way, four 3 Story Homes on Panorama Drive, and another 3 Story Home on Starview Way. Further, they go as far to claim that the proposed addition will create a structure that is visually disruptive and deviate from the manner in which surrounding homes follow the topography as seen from all of the afore mentioned streets. This is contradictory as there are already six 3 story homes on the aforementioned streets.

Other factors in site design include the site’s relationship to adjacent properties and the location of front, side and rear yards. As mentioned above, there is only one home directly adjacent to 84 Cityview Drive as it is the last house on the block.

Another example of how the MTHOA misunderstands the RDG is on Page 11 (of the RDG’s). The illustration in the example is similar to the proposed project, showing how the buildings “respect the

topography” by stepping down to the street (as the proposed addition does) with garages at the street edge (like ours) and elevated entrances (like ours). They even show on the next page an example of a building that does **not** respond to the topography. Ironically, the building illustrated appears much like another home nearby at 188 Midcrest, built in 1997. (The RDG’s were first adopted in 1989).

#### **Section IV Building Scale and Form**

Not only does this project conform to all requirements of the Planning Code, it was vetted and approved by the Residential Design Team of the Planning Department, which is appointed specifically to examine the project’s conformance with the Residential Design Guideline’s.

The Project is compatible with surrounding buildings because additional Height and Mass are offset by setbacks to the additional floor. The MTHOA claims that the proposed 3rd story would be out of scale with surrounding homes. However, as stated above, there are several 3 story homes in the surrounding area. The RDG states: *A building that is larger than its neighbors can still be in scale and be compatible with the smaller buildings in the area. It can often be made to look smaller by facade articulations and through setbacks to upper floors.*

While the MTHOA lists the approximate square feet of the proposed addition followed by somewhat vague descriptions of other homes, they do not state the largest home square footage in the neighborhood, nor do they give a limit. The scale is not drastically changing. As indicated in the RDG (page 23) a 4 story building in between two 2 story buildings would constitute a unacceptable change in scale if it is not articulated. Here, the project is a 3 story home adjacent to a single 2 story home, with a fence on the other side. The proposed addition simply has a modest addition from 2 to 3 stories, with a setback.

#### **Section V Architectural Features**

The Project’s architectural features are not uncharacteristic of any home in the neighborhood, and they enhance the visual and architectural character of the neighborhood.

The MTHOA claims that the proposed 3rd Story addition and deck are uncharacteristic of any homes in the neighborhood. As stated above, there are at least 25 three story homes in the neighborhood. Further, there are other homes in the neighborhood with front decks. The front deck was put there to reduce the scale of the building out of respect to the neighborhood character.

Other homes in the neighborhood also have decks. Specifically: 105 Midcrest has three decks on the front of a four-level building. 8 Cityview has a large deck at the front of a recent third-story addition. Although roof decks and third stories are not common in the subdivision, the applicant’s claims that the proposed deck “is uncharacteristic of any homes in the surrounding area” and “is a feature not found on any other house in the neighborhood” are demonstrably false.

The Review cites concerns of resource consumption. However, energy and water use are concerns of the people living in their own respective homes. Additionally, the increase in consumption would be minimal as the number of people living there will remain the same.

## **Response to Answer 2.**

The impacts are reasonable and expected as part of construction. Not only is all impact minimal, it conforms to the Residential Design Guidelines.

Again, the MTHOA makes hollow claims. First they claim that allowing a third story home would destroy the unique character of the subdivision, yet they don't mention the 25 other homes that have already added a third story. Then they claim that aesthetics of the neighborhood will be affected even though the Block and Lot will be maintained, the same style windows will be used on the additional floor, the stucco and siding will be maintained, and the location of entrance and garage remain the same. They also claim that property values will be adversely impacted, but that is merely speculation as they give no support.

Lastly they claim that the light and shadows will be significantly altered. A flat roof was chosen to minimize the impact of shadows. A shadow study has been conducted by Mr. Atkinson and it shown a slight decrease in sunlight until 930 AM for only 5 months a year. The project here does make efforts to minimally decrease the shadow cast by the addition because 4 of the 5 design modifications to conform to the RDG's suggestions (See above). The MTHOA is grabbing at straws as they cite Fog as a contributing factor of unreasonable impact. Fog is a product of the environment, and will come and go regardless of the property located at 84 Cityview.

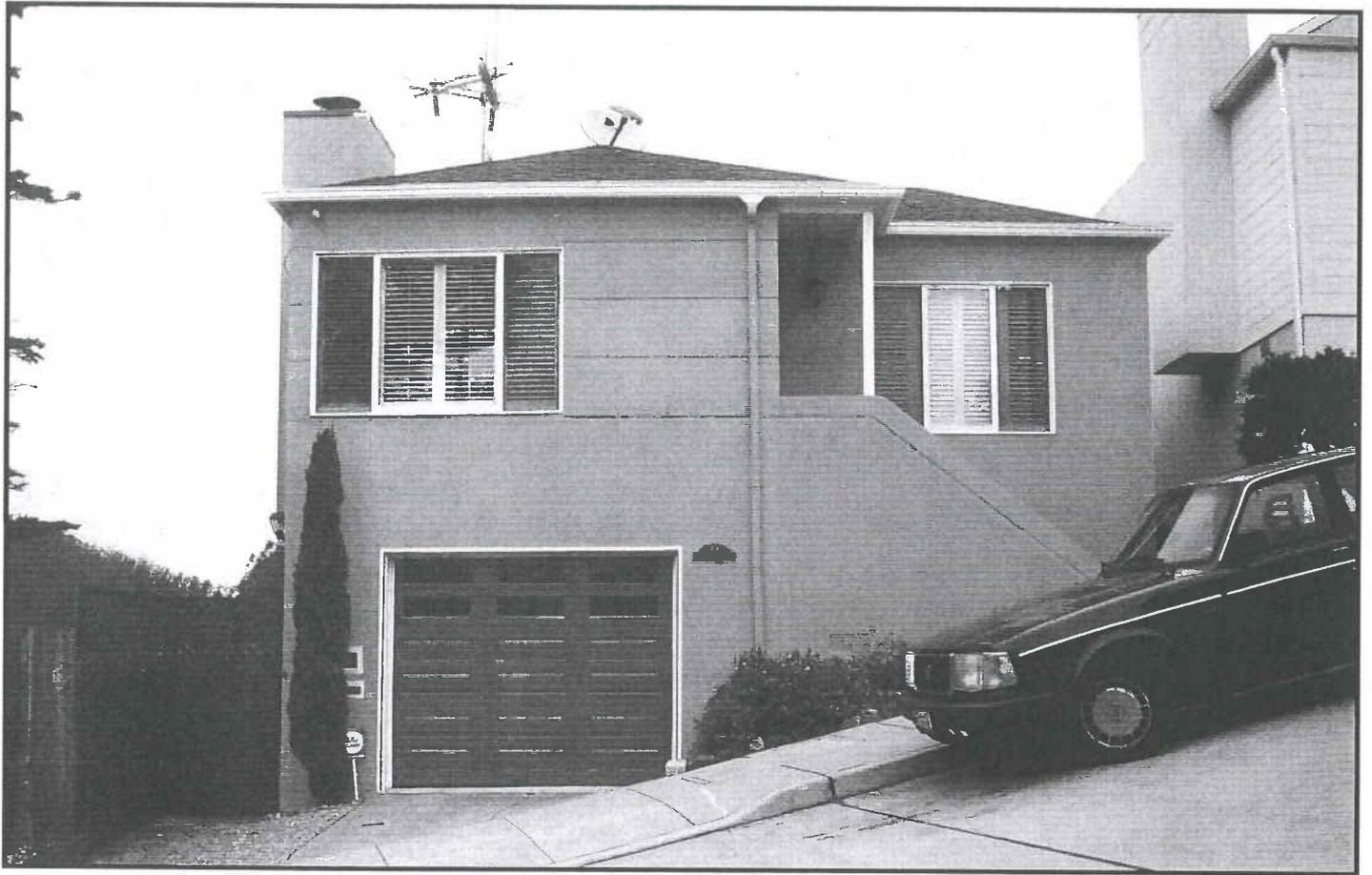
As the RDG's indicate, some impacts are reasonable and expected. The DR cites the reasonable impacts but they do not explain how the other properties or the neighborhood are adversely affected. The simple reason they do not is because the impact is minimal.

## **Response to Answer 3.**

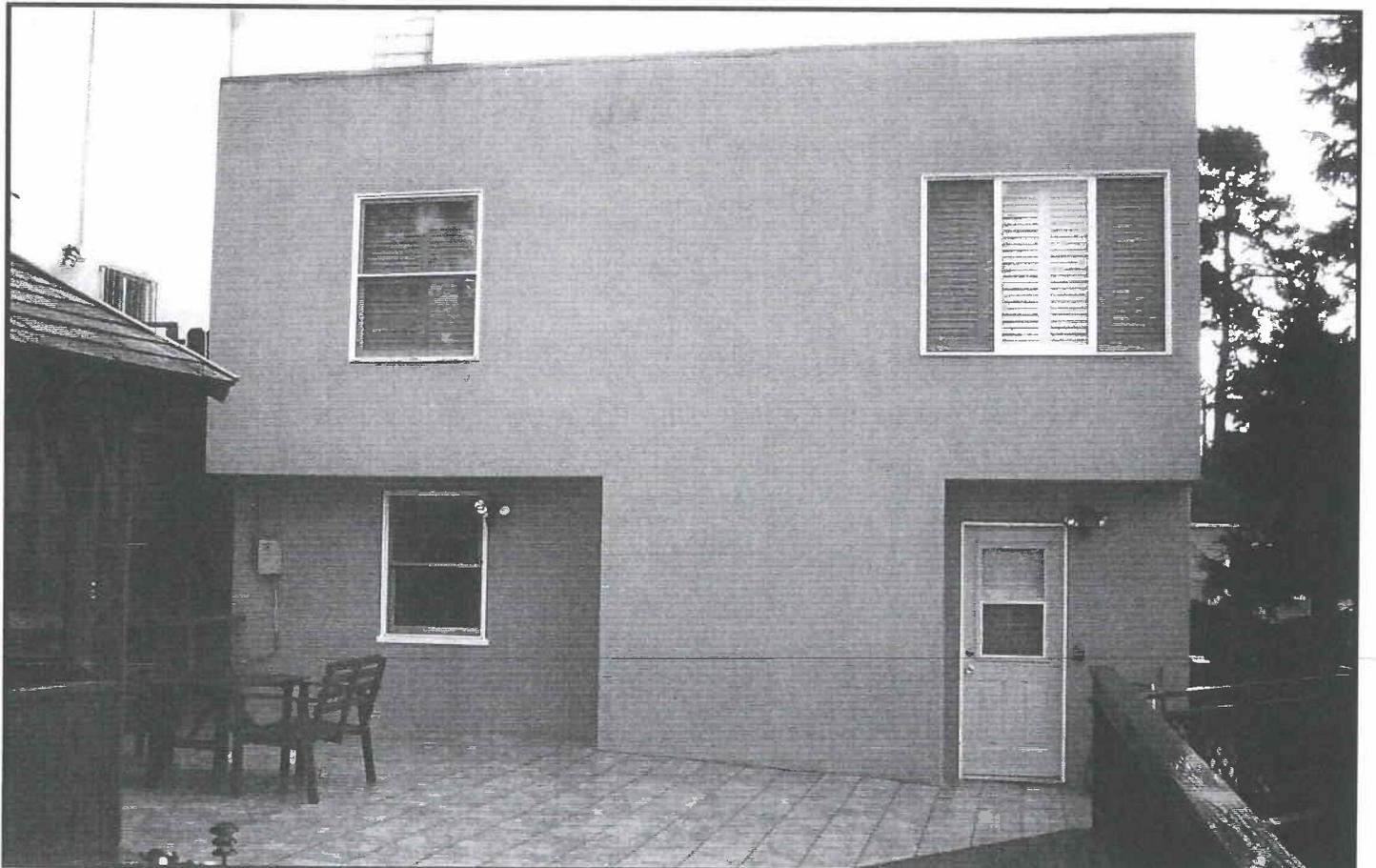
Even though there are no extraordinary circumstances, nor are there adverse affects, the alternatives proposed by the MTHOA in the Discretionary Review are prohibited.

The MTHOA's suggestions to use the available storage area and garage are just not feasible. The planning code will not allow them to convert the garage to living space and the storage area walls are below grade, disabling the provision of required natural light and ventilation.

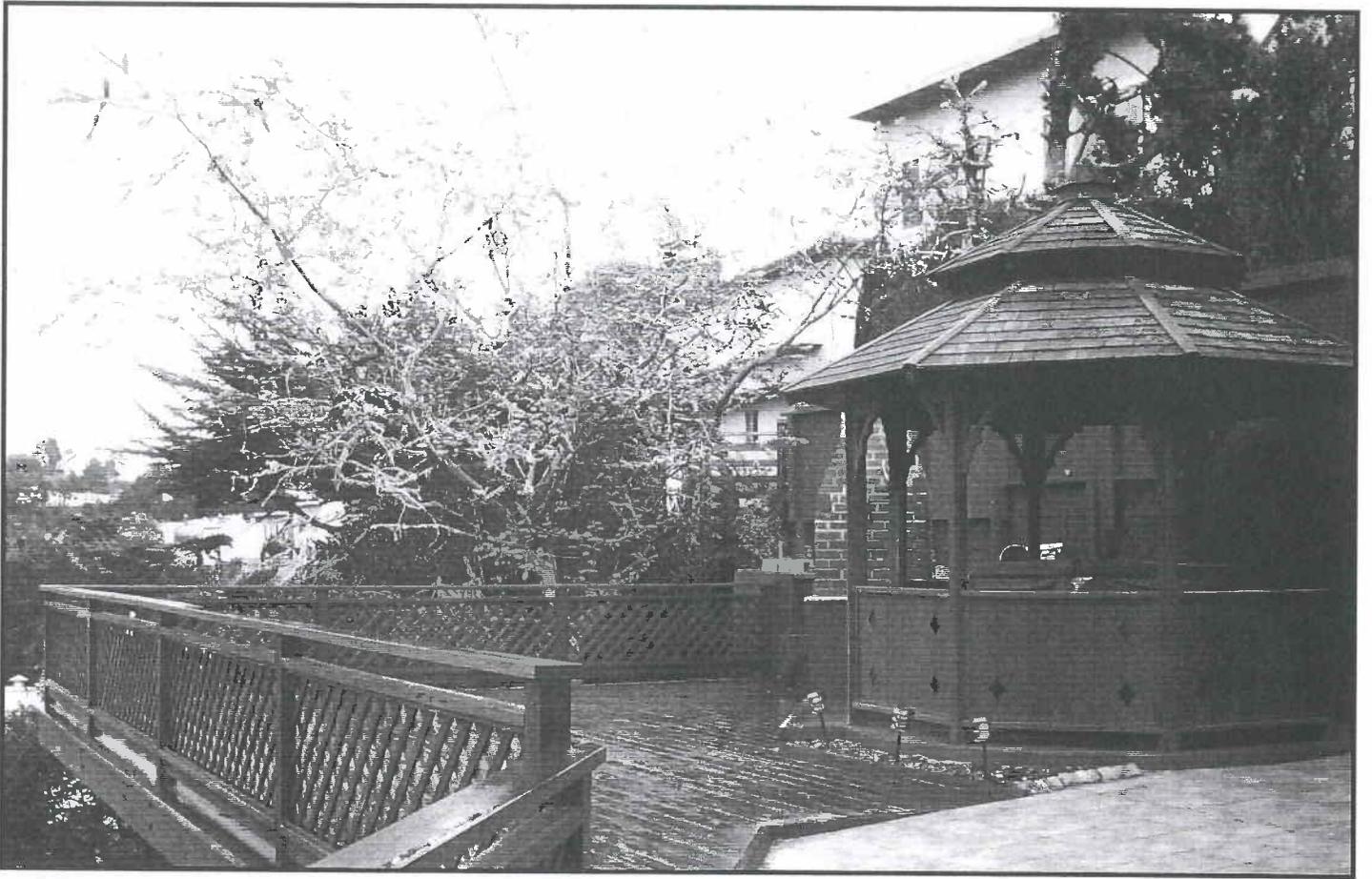
Mr. Vivacqua and every other Home Owner in Midtown Terrace should be permitted the liberty to add on to their house as they please as long as it is within the Residential Design Guidelines. Since, at least 25 such homeowners have already been granted this right, and the project has been vetted and approved by the Planning Commission, the MTHOA's Application For Discretionary Review should be denied.



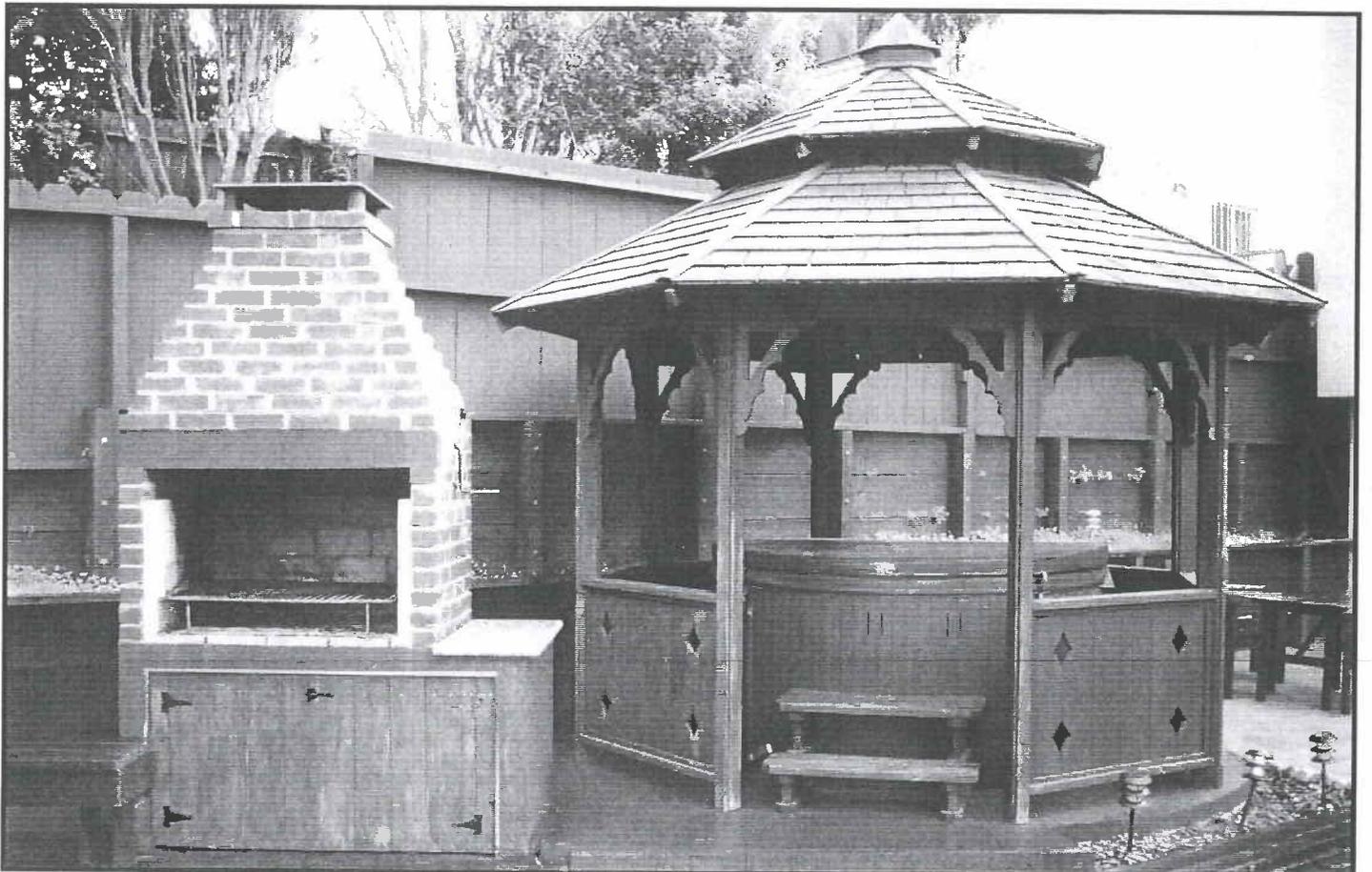
FRONT OF 84 CITYVIEW WAY



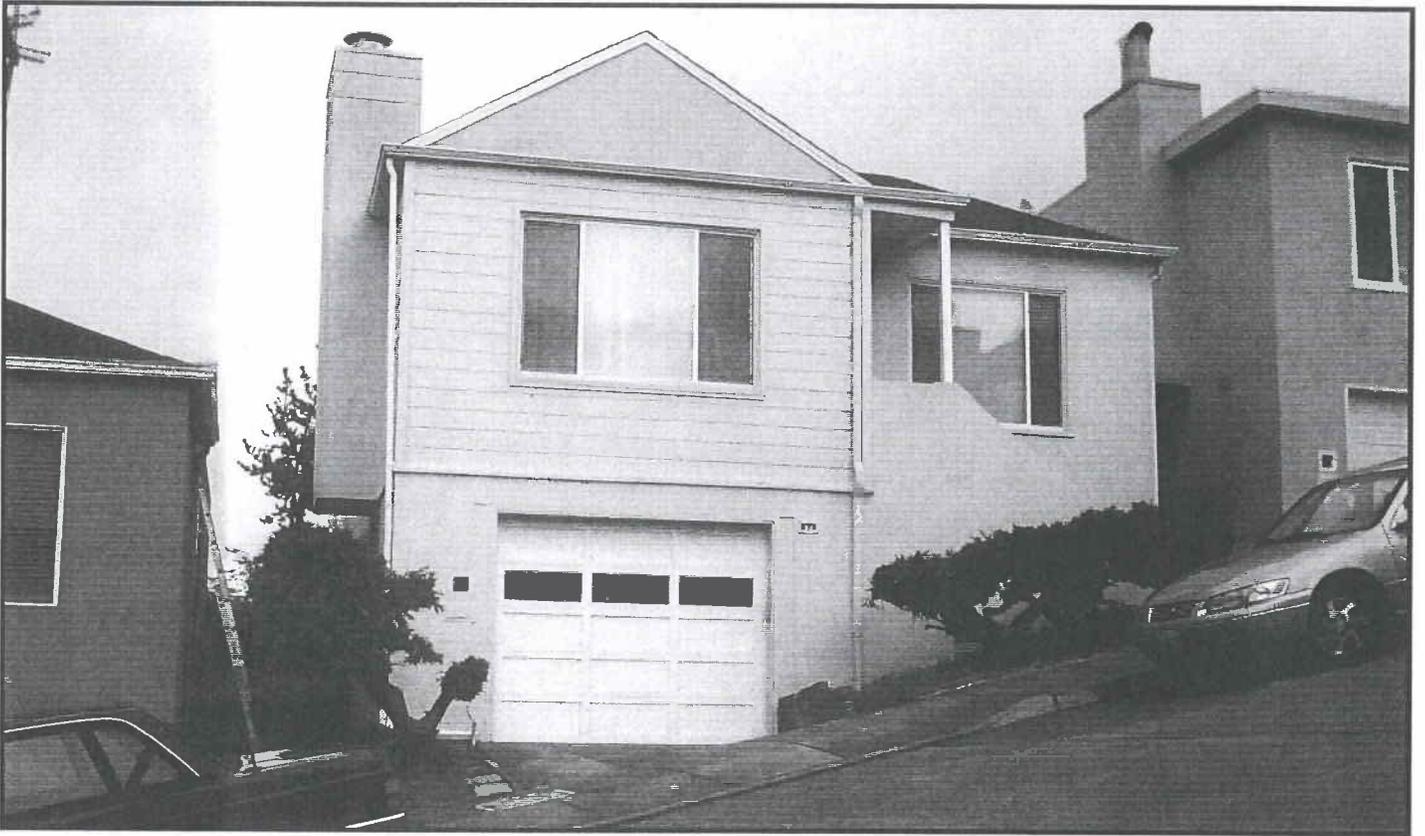
REAR OF 84 CITYVIEW WAY



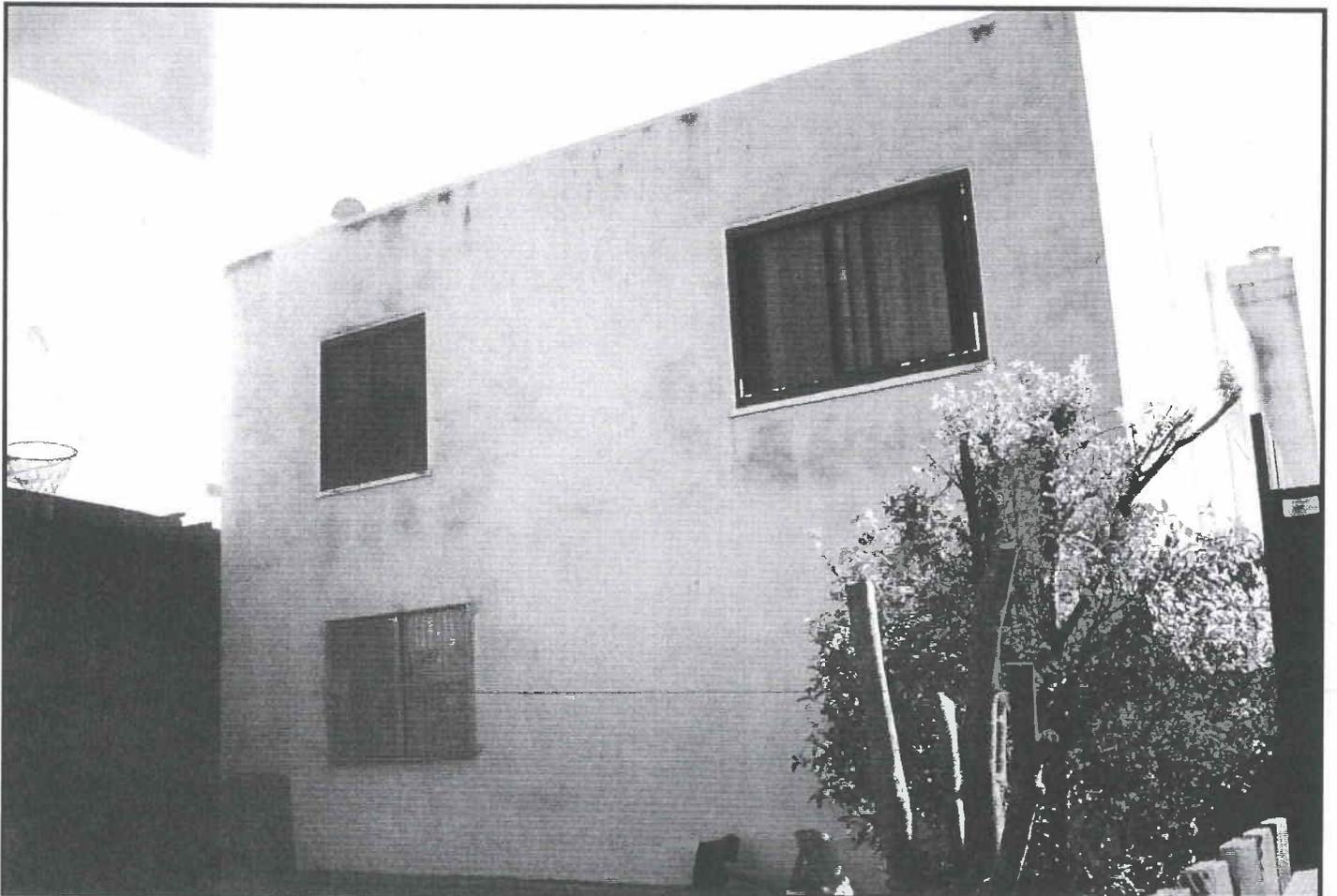
REAR YARD OF 84 CITYVIEW WAY



REAR YARD OF 84 CITYVIEW WAY

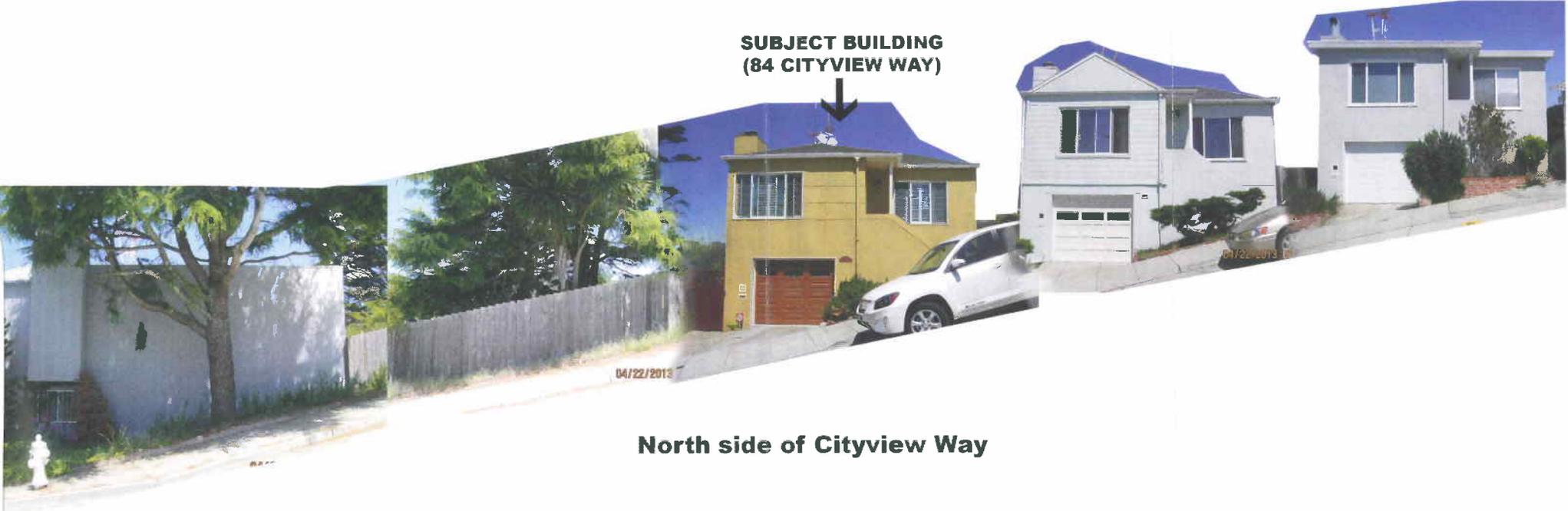


FRONT OF 80 CITYVIEW WAY - ADJACENT PROPERTY TO THE EAST

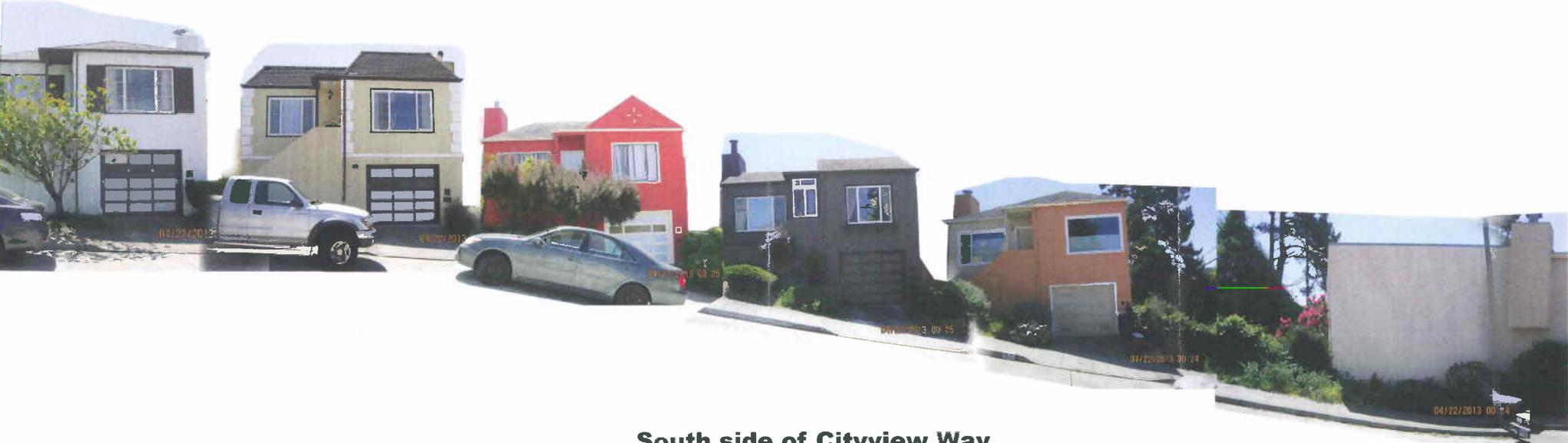


REAR OF 80 CITYVIEW WAY - ADJACENT PROPERTY TO THE EAST

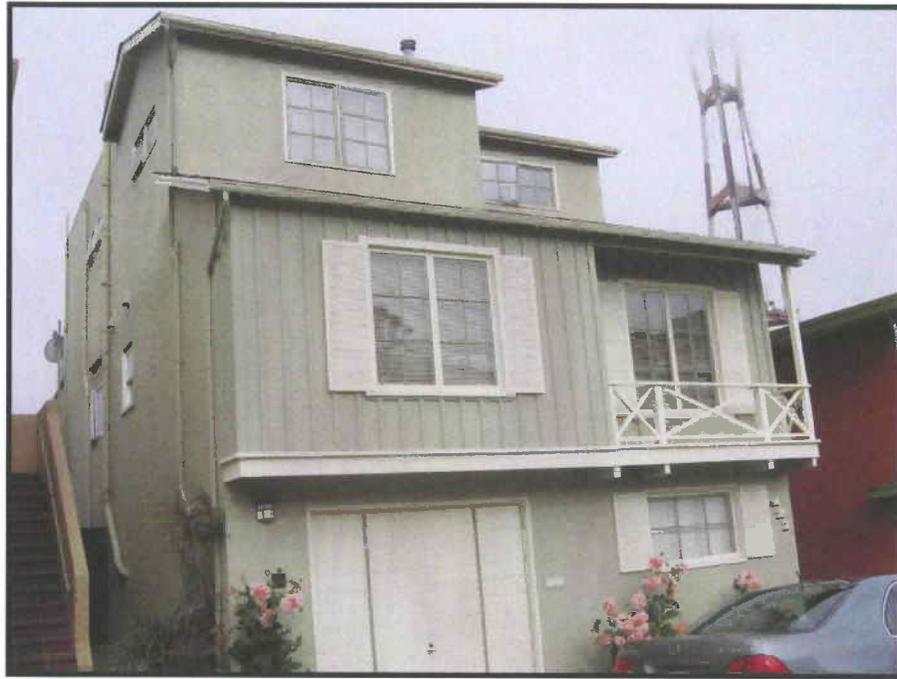
**SUBJECT BUILDING  
(84 CITYVIEW WAY)**



**North side of Cityview Way**



**South side of Cityview Way**



127 SKYVIEW WAY



194 MIDCREST WAY



128 MARVIEW WAY



176 MARVIEW WAY



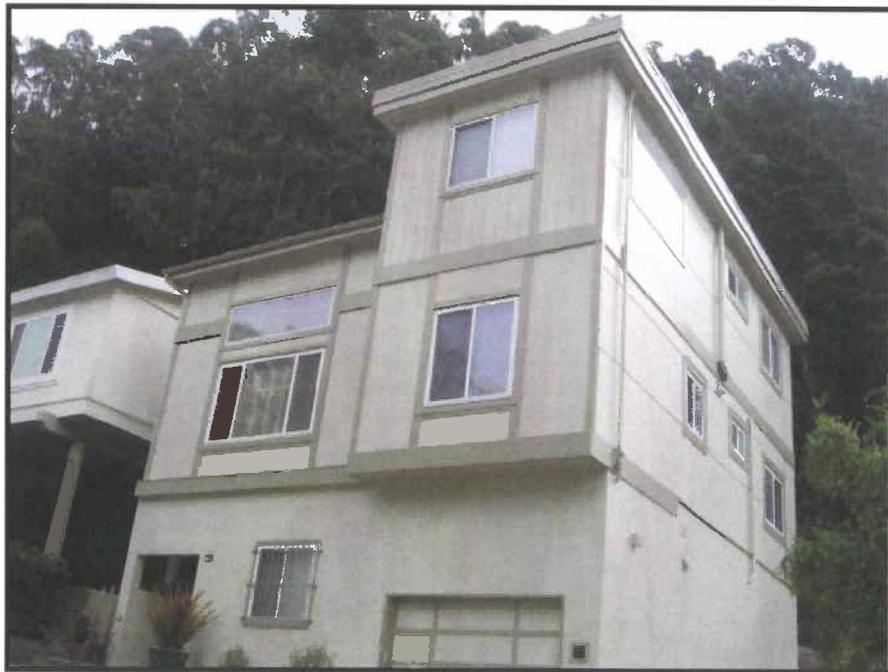
42 AQUAVISTA WAY



409 DELLBROOK AVE.



434 DELLBROOK AVE.



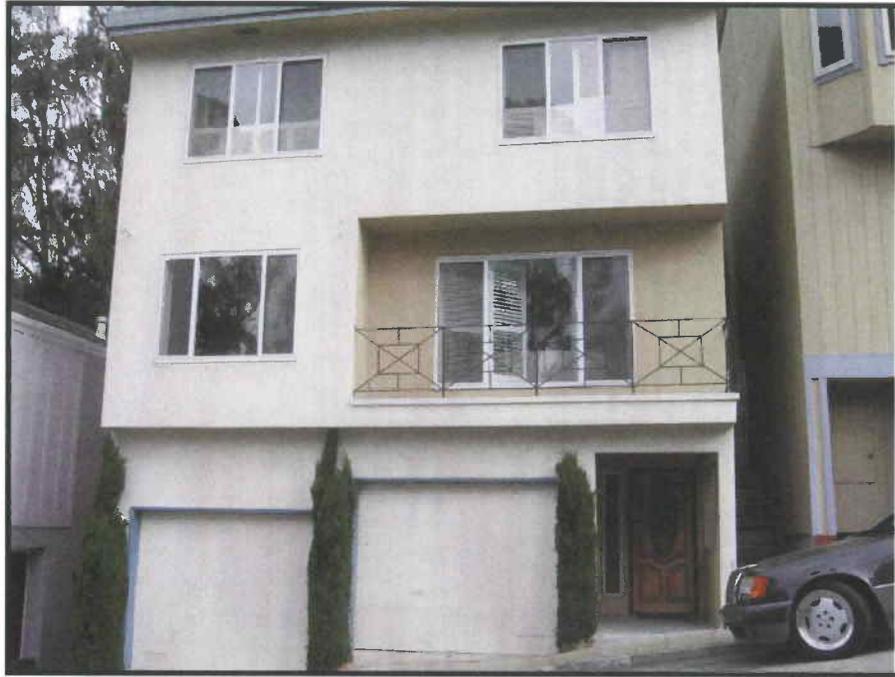
472 DELLBROOK AVE.



510 DELLBROOK AVE.



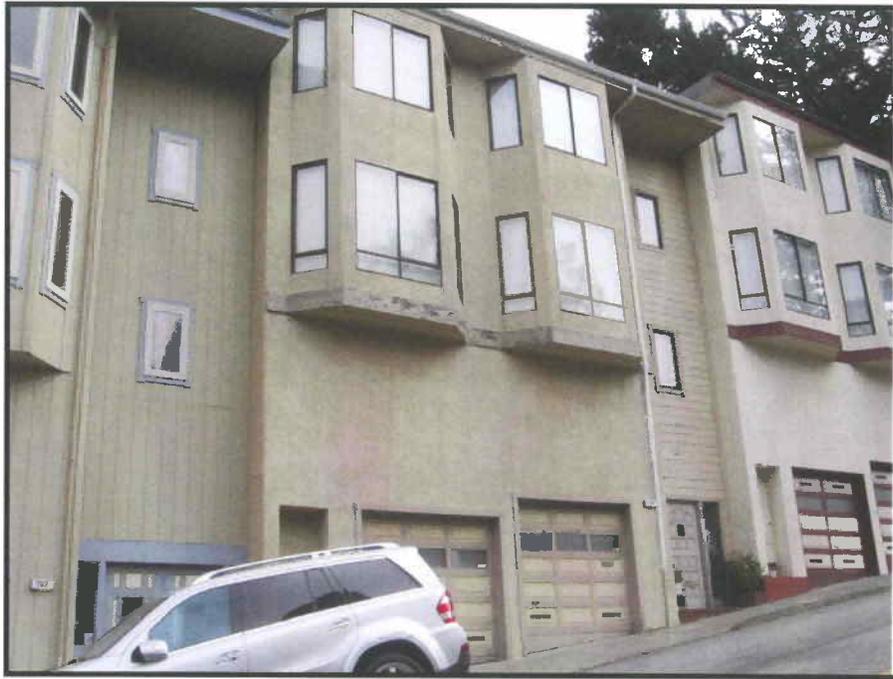
575 DELLBROOK AVE.



786 PANORAMA DRIVE



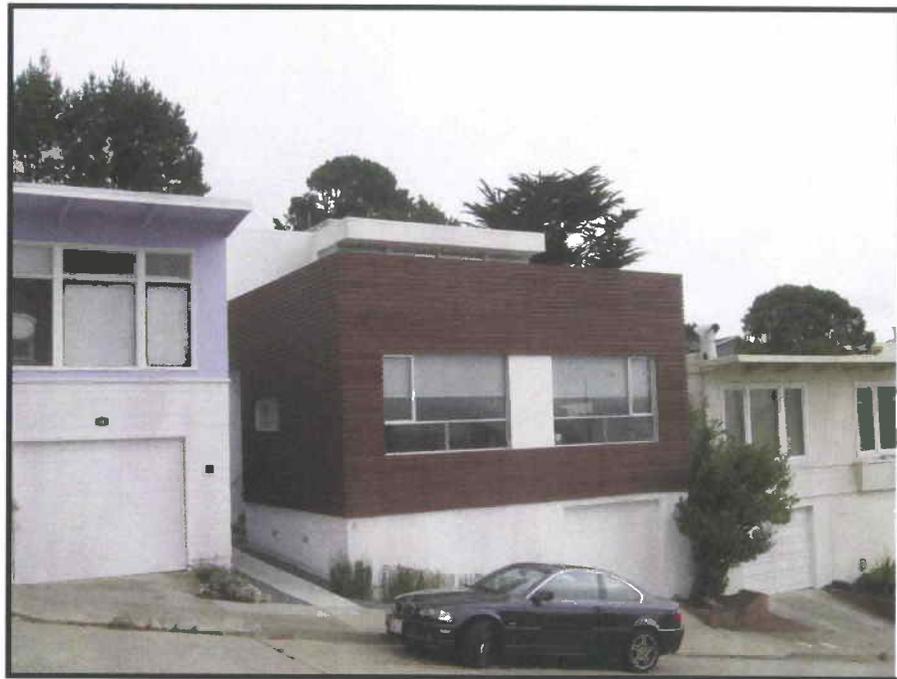
782 PANORAMA DRIVE



778 PANORAMA DRIVE



774 PANORAMA DRIVE



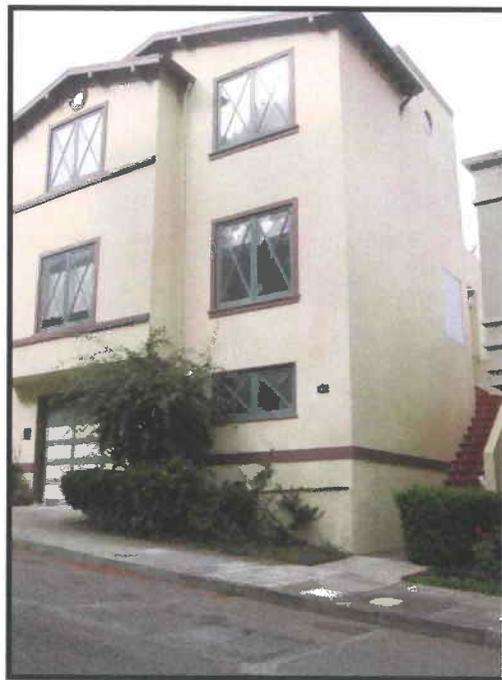
8 CITYVIEW WAY



65 MIDCREST WAY



12 LONGVIEW COURT



43 STARVIEW WAY



8 AQUAVISTA WAY



51 MOUNTVIEW COURT



1260 & 1248 (4-STORY) TWIN PEAKS BLVD.



409 DELLBROOK AVE.



188 MIDCREST WAY



105 MIDCREST WAY



72 PANORAMA WAY

FRONT RENDERING OF 84 CITYVIEW WAY



REAR RENDERING OF 84 CITYVIEW WAY

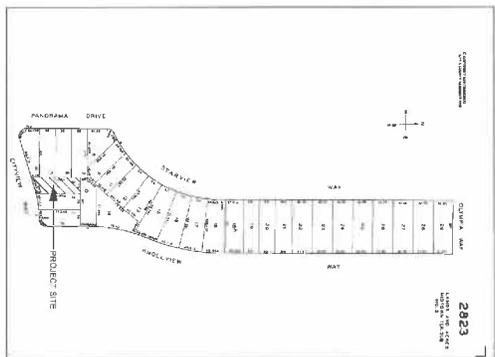
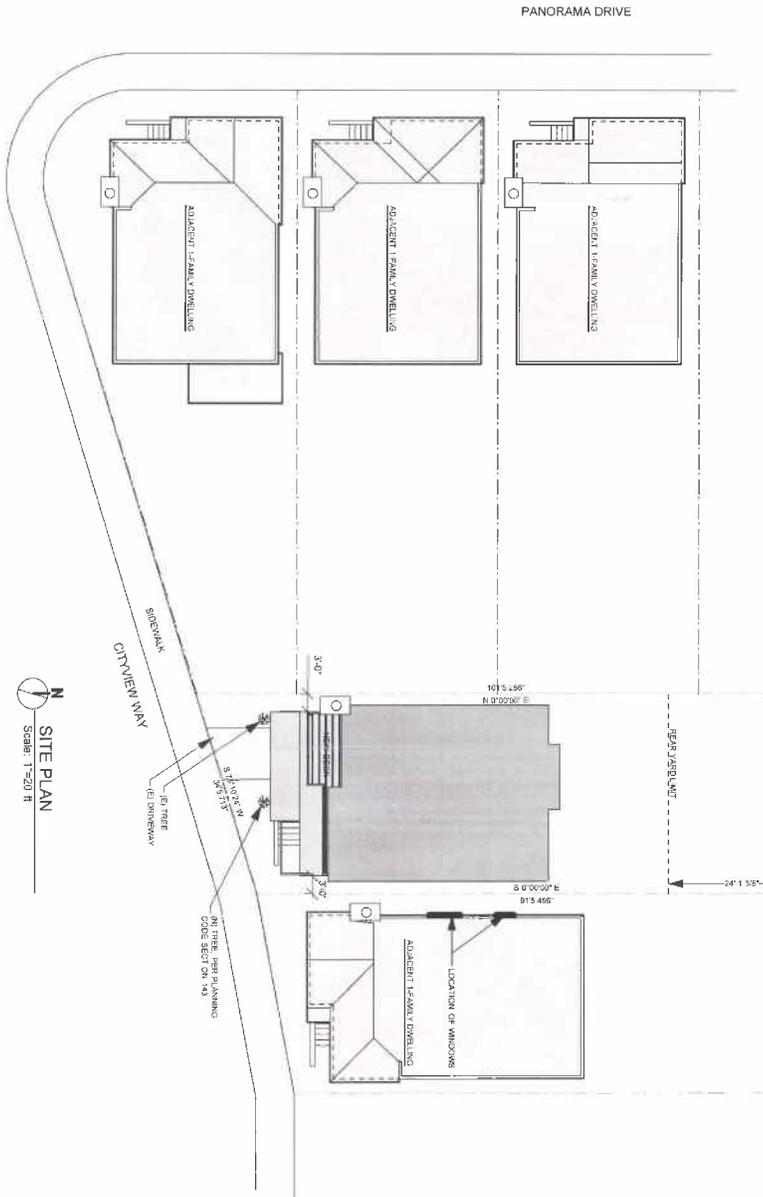
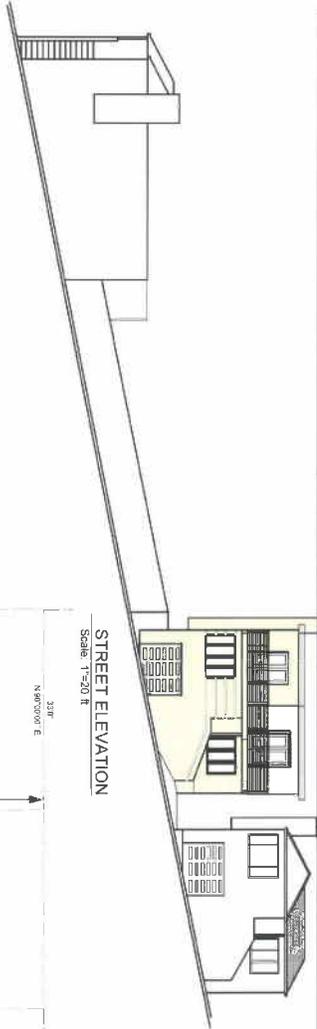


**GENERAL NOTES**

1. All work shall conform to requirements of the 2015 San Francisco Building Code, San Francisco Building Code, San Francisco Planning Code and San Francisco Land Use Ordinance and any amendments.
2. All proposed work shall be in accordance with the applicable codes and standards.
3. The contractor shall verify all dimensions and conditions in the field. Any variations or discrepancies shall be reported to the architect immediately.
4. All proposed work shall be in accordance with the applicable codes and standards.
5. The contractor shall obtain independent approval for all items in writing from the inspector.
6. The contractor shall obtain independent approval for all items in writing from the inspector.
7. Details not shown shall conform to applicable codes and standards.

8. The contractor shall furnish a written guarantee for all work for a period of one year from date of completion as evidenced by final payment. Upon receipt of final payment, the contractor shall maintain the work in accordance with the applicable codes and standards.
9. The contractor shall be responsible for all existing conditions on the site prior to the start of construction. The contractor shall be responsible for all existing conditions on the site prior to the start of construction.
10. The contractor shall be responsible for all existing conditions on the site prior to the start of construction.
11. The contractor shall be responsible for all existing conditions on the site prior to the start of construction.
12. The contractor shall be responsible for all existing conditions on the site prior to the start of construction.
13. The contractor shall be responsible for all existing conditions on the site prior to the start of construction.

The owner hereby warrants that all proposed work shall conform to the applicable codes and standards. The owner shall be responsible for all existing conditions on the site prior to the start of construction. The owner shall be responsible for all existing conditions on the site prior to the start of construction.



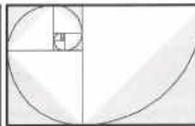
**SHEET SCHEDULE**

A1	SITE PLAN & ELEVATION, APM, & GENERAL NOTES
A2	DEAD PLANS
A3	PROPOSED FIRST & SECOND FLOOR PLANS
A4	PROPOSED ROOF & FLOOR FINISHES
A5	EXISTING ELEVATIONS
A6	PROPOSED ELEVATIONS
A7	PROPOSED ELEVATIONS
A8	PROPOSED SECTIONS

**PROJECT DATA**

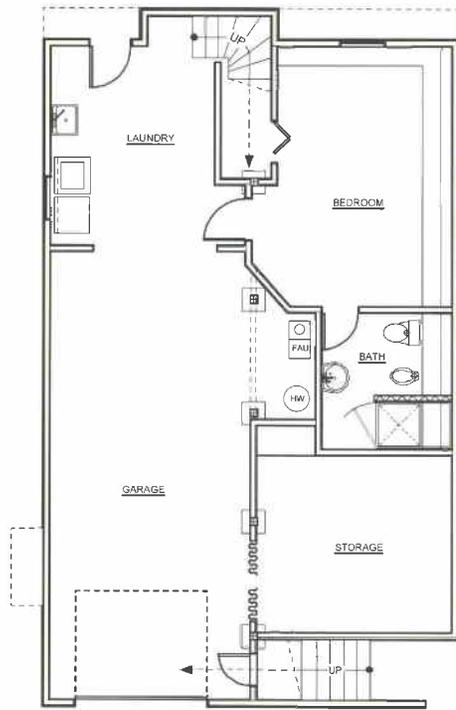
ADDRESS	84 CITYVIEW WAY
APN	2823303
USE DISTRICT	RH11
OCCUPANCY GROUP	R-3
BUILDING TYPE	Y-8
QUANTILE ZONE	3
EXISTING SQUARE FOOTAGE	1441
NEW SQUARE FOOTAGE	228
TOTAL PROPOSED SQUARE FOOTAGE	1669
SCOPE OF WORK	NEW THIRD STORY SEISMIC UPGRADE

ADDITIONS AND RENOVATIONS TO THE HOME OF JOSEPH AND CHRISTIANA VIVACQUA  
84 CITYVIEW WAY - SAN FRANCISCO - CA  
SITE PLAN, PROPOSED ELEVATION, APM & GENERAL NOTES

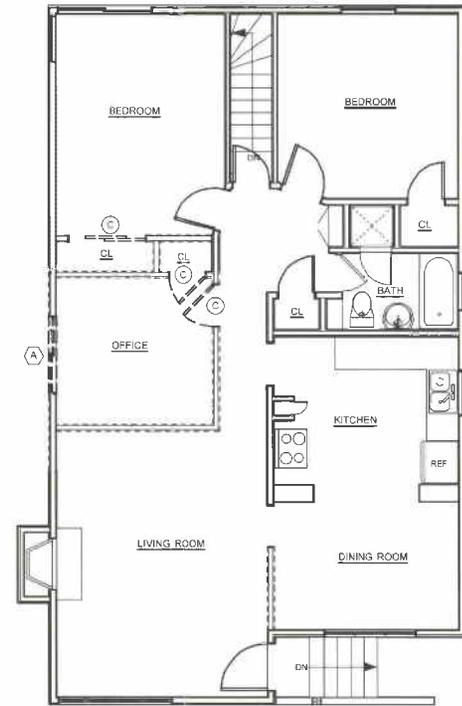


**a. gordon atkinson, aia**  
735a taraval street - san francisco, ca 94116  
tel 415-731-9527 fax 415-731-9942 e-mail gordon@atkinson.com

DATE	3-27-12
SCALE	4.12-13
AGENCY	AGA
PROJECT	A1



1 EXISTING FIRST FLOOR PLAN  
Scale: 1/8" = 1'-0"



2 EXISTING SECOND FLOOR PLAN  
Scale: 1/8" = 1'-0"

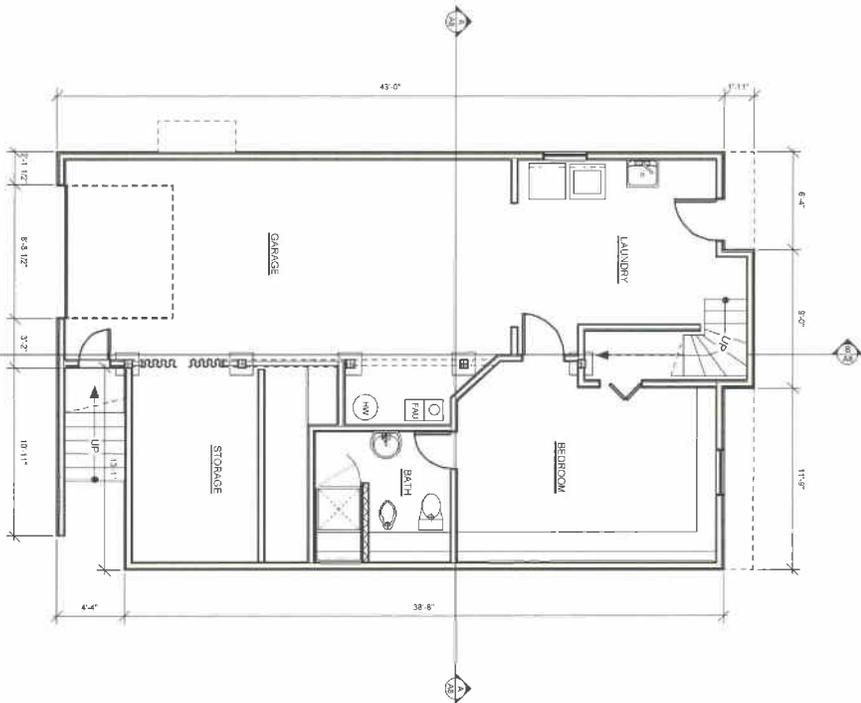
WALL SCHEDULE	
	EXTERIOR WALL TO REMAIN
	EXTERIOR WALL TO BE REMOVED
	INTERIOR PARTITION TO REMAIN
	INTERIOR PARTITION TO BE REMOVED

**a. gordon atkinson, aia**  
 7525 Marina Street - San Francisco, CA 94116  
 415.773.4343  
 www.agacorp.com  
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 A2  
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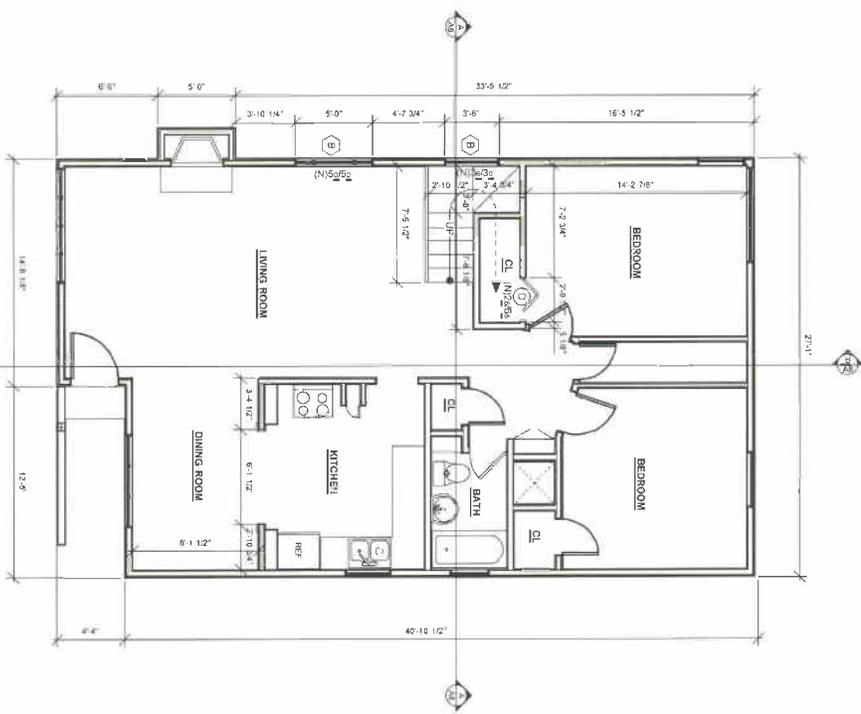


ADDITIONS AND RENOVATIONS TO THE HOME OF  
 JOSEPH AND CHRISTIANIA VIVACQUA  
 84 CITYVIEW WAY ~ SAN FRANCISCO ~ CA  
 EXISTING FLOOR PLANS

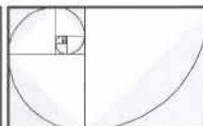
FIRST FLOOR PLAN  
Scale: 1/8" = 1'-0"



SECOND FLOOR PLAN  
Scale: 1/8" = 1'-0"

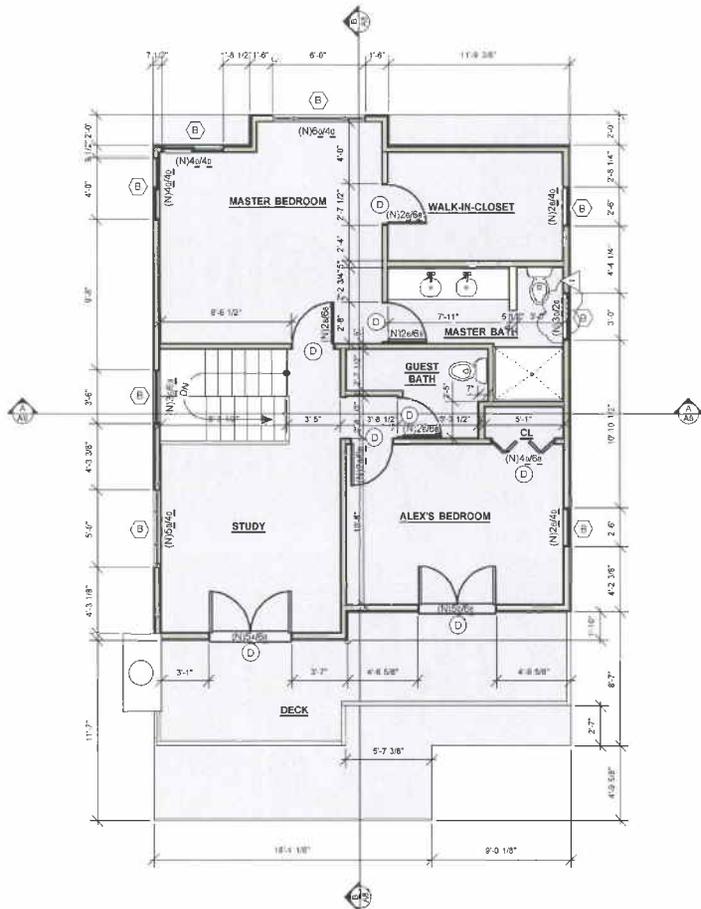


ADDITIONS AND RENOVATIONS TO THE HOME OF  
JOSEPH AND CHRISTIANA VIVACQUA  
84 CITYVIEW WAY ~ SAN FRANCISCO ~ CA  
PROPOSED FIRST AND SECOND FLOOR PLANS



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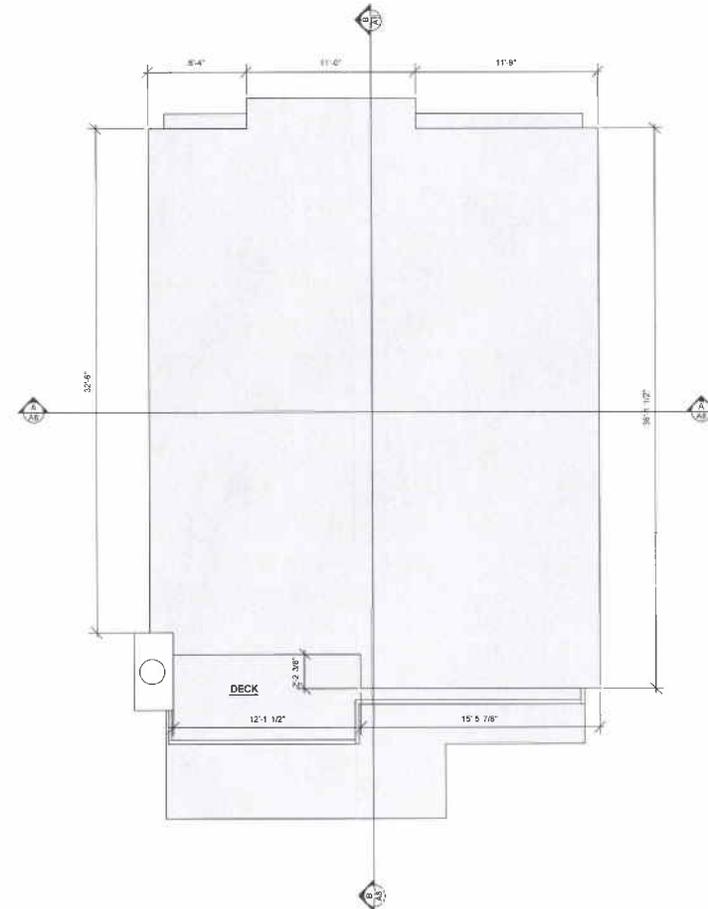
DATE 3-27-12	REVISION 4-12-13	OWNER AGA	PROJECT A3
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**THIRD FLOOR PLAN**  
Scale: 1/8" = 1'-0"

SHEET NOTES	
(A)	WINDOW TO BE REMOVED
(B)	NEW WINDOW
(C)	DOOR TO BE REMOVED
(D)	NEW DOOR

WALL SCHEDULE	
=====	EXISTING EXTERIOR WALLS
=====	NEW EXTERIOR WALLS
=====	EXISTING INTERIOR PARTITIONS
=====	NEW INTERIOR PARTITIONS



**ROOF PLAN**  
Scale: 1/8" = 1'-0"

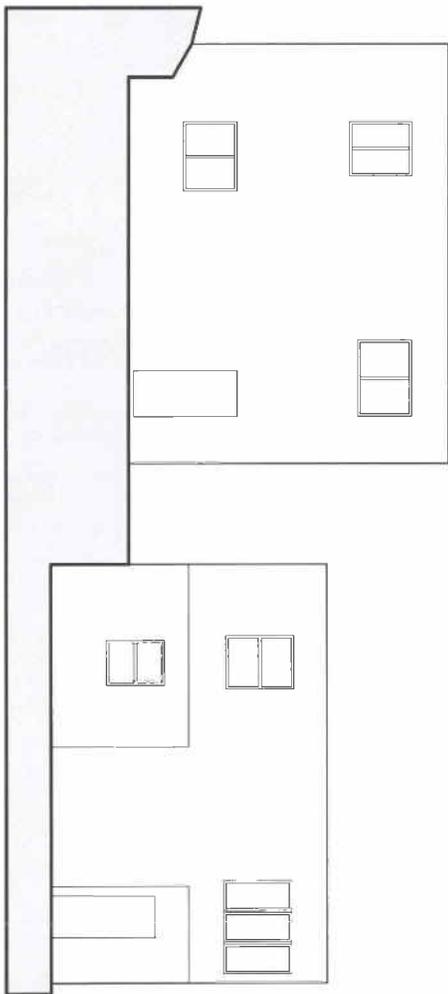
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Tel: 415-731-9227 Fax: 415-731-9942 e-mail: gordon@agordon.com

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3-27-12

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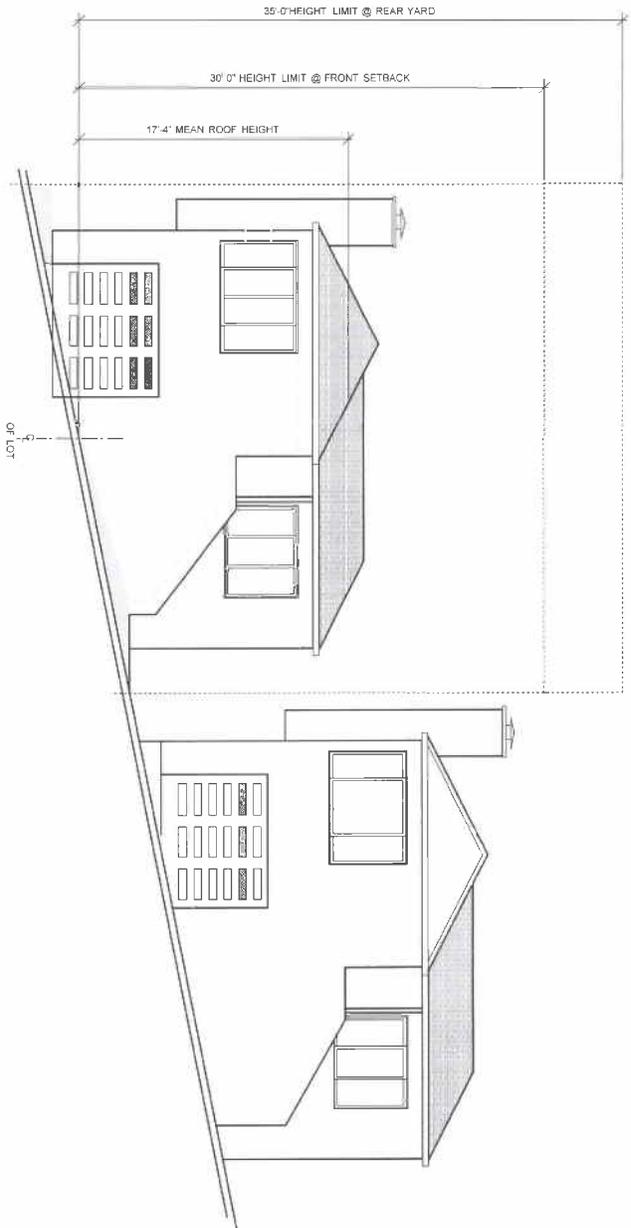


ADDITIONS AND RENOVATIONS TO THE HOME OF  
JOSEPH AND CHRISTIANA VIVACQUA  
84 CITYVIEW WAY ~ SAN FRANCISCO ~ CA  
PROPOSED THIRD FLOOR AND ROOF PLANS



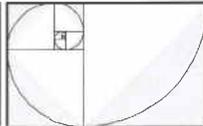
EXISTING REAR ELEVATION

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

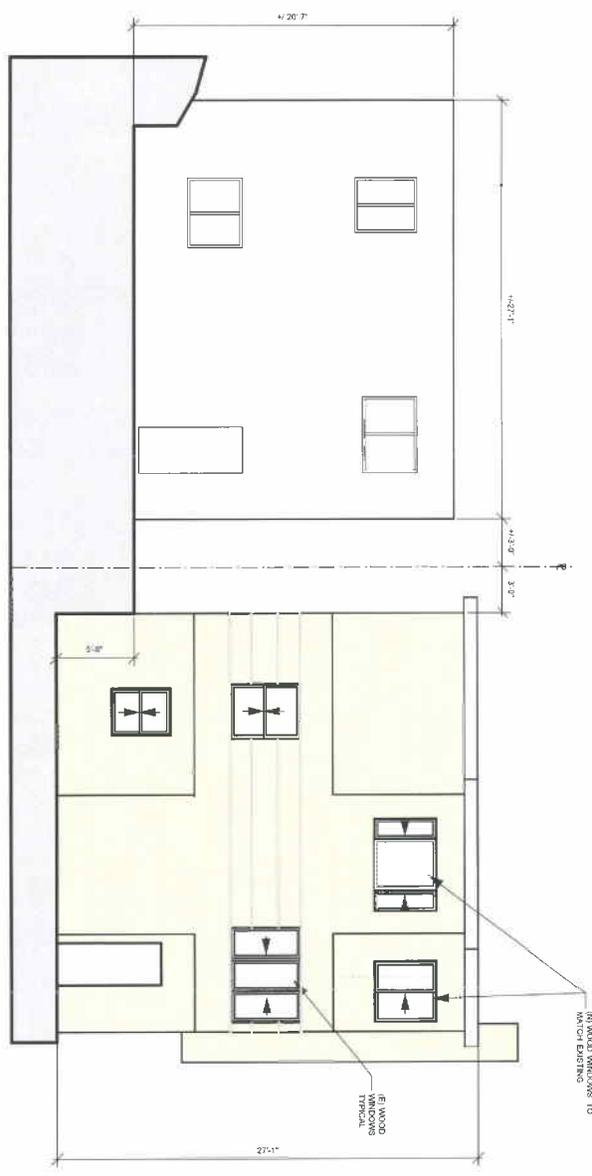


EXISTING FRONT ELEVATION

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



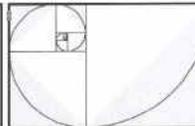
2 PROPOSED REAR ELEVATION  
Scale: 1/8" = 1'-0"



1 PROPOSED FRONT ELEVATION  
Scale: 1/8" = 1'-0"

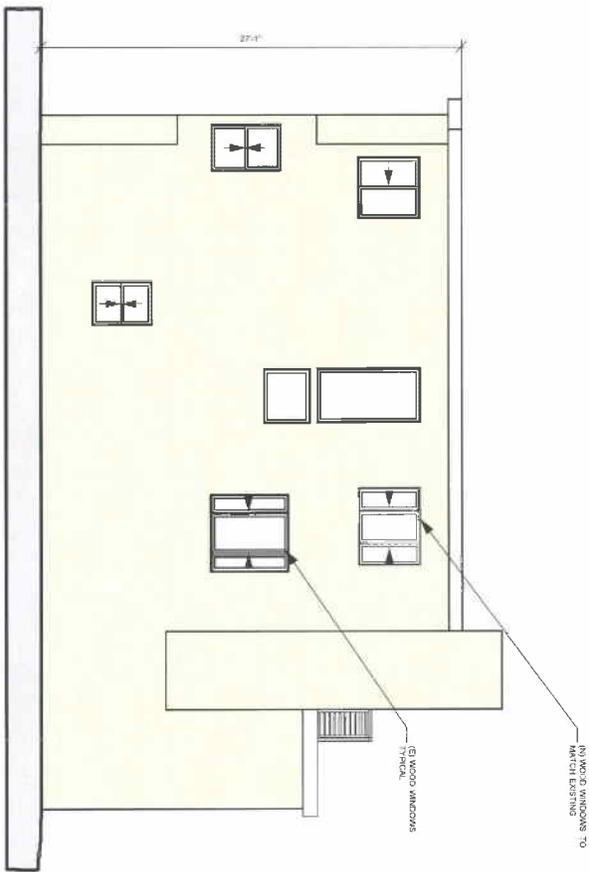


ADDITIONS AND RENOVATIONS TO THE HOME OF  
JOSEPH AND CHRISTIANA VIVACQUA  
84 CITYVIEW WAY ~ SAN FRANCISCO ~ CA  
PROPOSED ELEVATIONS

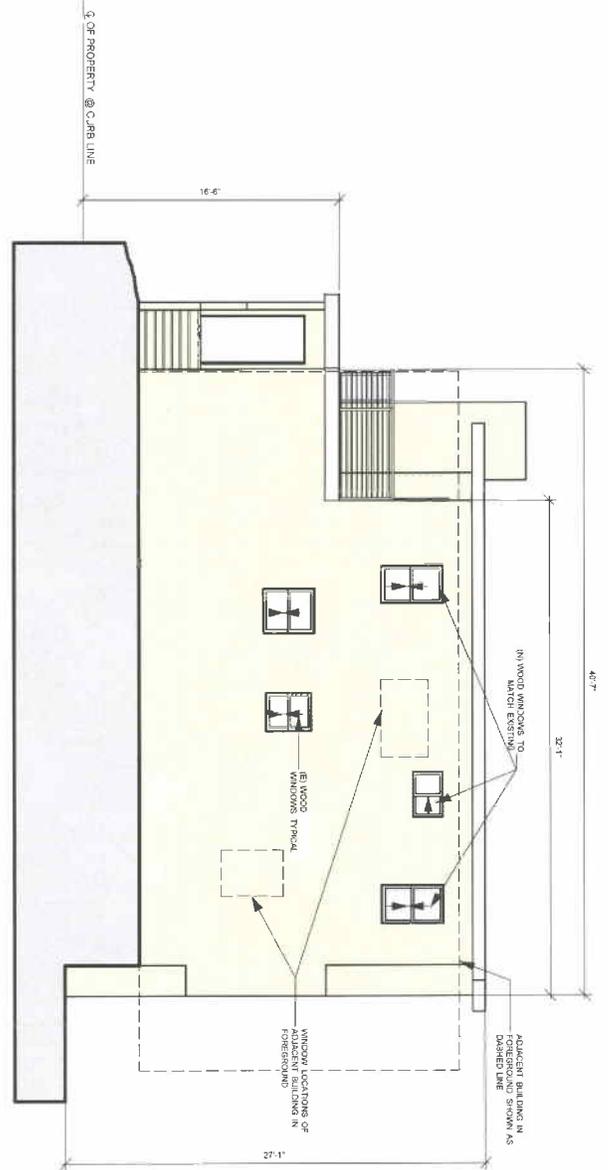


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SCALE	DATE	PROJECT	DATE	NO.
	3-27-12	4-12-13	AGA	A5 1 of 8

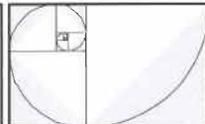


4 PROPOSED WEST ELEVATION  
Scale: 1/8" = 1'-0"



3 PROPOSED EAST ELEVATION  
Scale: 1/8" = 1'-0"

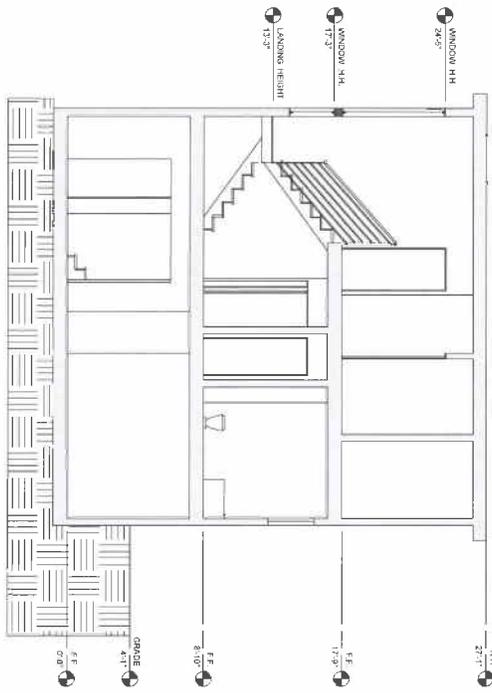
ADDITIONS AND RENOVATIONS TO THE HOME OF  
JOSEPH AND CHRISTIANA VIVACQUA  
84 CITYVIEW WAY ~ SAN FRANCISCO ~ CA  
PROPOSED ELEVATIONS



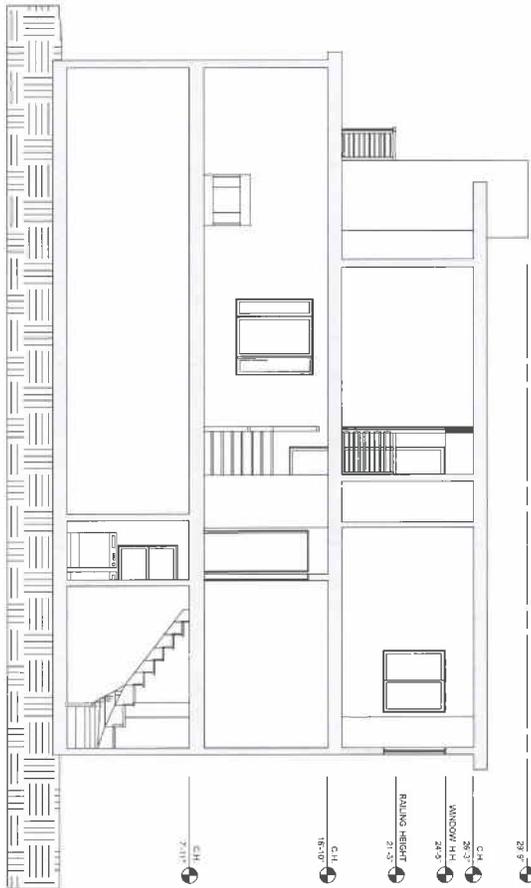
a. gordon atkinson, aia

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create	DATE	BY / JCC	DATE	REVISED	DATE
	3-27-12		4-12-13	AGA	A7

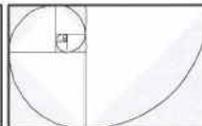


SECTION A-A  
Scale: 1/8" = 1'-0"



SECTION B-B  
Scale: 1/8" = 1'-0"

ADDITIONS AND RENOVATIONS TO THE HOME OF  
JOSEPH AND CHRISTIANA VIVACQUA  
84 CITYVIEW WAY ~ SAN FRANCISCO ~ CA  
PROPOSED SECTIONS



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DATE	3-27-12	PROJECT	4-12-13	CLIENT	AGA	SHEET	A8
						OF 8	