



# SAN FRANCISCO PLANNING DEPARTMENT

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## Discretionary Review Abbreviated Analysis HEARING DATE: MARCH 21, 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:* March 14, 2013  
*Case No.:* **2012.1138D**  
*Project Address:* **4426 20<sup>th</sup> Street**  
*Permit Application:* 2009.11.19.1662  
*Zoning:* RH-2 (Residential, House, Two-Family) Zoning District  
40-X Height and Bulk District  
*Block/Lot:* 2698/016  
*Project Sponsors:* Daniel Hendel & Jorge Young  
4426 20<sup>th</sup> Street  
San Francisco, CA 94114  
*Staff Contact:* Adrian C. Putra – (415) 575-9079  
[adrian.putra@sfgov.org](mailto:adrian.putra@sfgov.org)  
*Recommendation:* **Do not take DR and approve**

### PROJECT DESCRIPTION

The subject property contains a three-story over garage level, single-family residence. The project is to demolish an existing two-level deck and staircase structure at the rear of the building, and construct a 5'-0" deep rear horizontal addition, and a new deck and staircase. The horizontal addition will include a 1-hour rated firewall. The proposed rear deck is approximately 8'-11" deep, 15'-0" wide, and is setback 5'-0" from both side property lines.

### BACKGROUND

The project was originally noticed by the Planning Department from June 3, 2010 to July 3, 2010, proposing to demolish a two-level deck and staircase structure at the rear of the subject building, and rebuilding the two-level deck and staircase structure in a new configuration. The project was later revised to involve extending the kitchen at the first floor and constructing a rear deck and staircase structure with 3'-0" side setbacks. This revised project was re-noticed from October 2, 2012 to November 1, 2012, and also required a rear yard variance, because to the deck and staircase structure encroached into the required rear yard and did not qualify as a permitted obstruction per Planning Code Section 136(c)(25)(A)(B)(ii). On October 31, 2012, the related variance application was withdrawn by the Project Sponsors. On November 13, 2012, revised plans were submitted which re-measured the subject property's existing rear yard setback. Additionally, the latest revised plans increased the proposed deck's side setbacks from 3'-0" to 5'-0", and depth from 7'-6" to 8'-11". The revised deck and staircase structure did not require a rear yard variance since it is considered a permitted obstruction under Section 136(c)(25)(A)(B)(ii). However the revised deck and staircase structure did require new notification, which was conducted from November 27, 2012 to December 27, 2012. A Discretionary Review Application for the project was received by the Department on December 20, 2012.

**SITE DESCRIPTION AND PRESENT USE**

The project site is located on the north side of 20<sup>th</sup> Street between Diamond and Eureka Streets and is developed with three-story over garage level, single-family residence. The project site is a rectangular shaped lot measuring 25 feet wide by 100 feet deep with approximately 2,750 square-feet of lot area. In addition, the subject lot has a downward slope to the rear of the lot.

**SURROUNDING PROPERTIES AND NEIGHBORHOOD**

The adjacent lots to the west and east are both developed with a three-story over basement level, residential buildings of similar height to the subject building. Additionally, both of the adjacent buildings contain a rear deck and staircase structure. The neighborhood character of the subject block-face and across the street from the block-face is mix of single-family and multi-unit residential buildings that range between two-to-three-stories tall.

**BUILDING PERMIT NOTIFICATION**

TYPE	REQUIRED PERIOD	NOTIFICATION DATES	DR FILE DATE	DR HEARING DATE	FILING TO HEARING TIME
311 Notice	30 days	November 27, 2012 – December 27, 2012	December 20, 2012	March 21, 2013	91 days

**HEARING NOTIFICATION**

TYPE	REQUIRED PERIOD	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUAL PERIOD
Posted Notice	10 days	March 11, 2013	March 11, 2013	10 days
Mailed Notice	10 days	March 11, 2013	March 8, 2013	13 days

**PUBLIC COMMENT**

	SUPPORT	OPPOSED	NO POSITION
Adjacent neighbor(s)		3 (including DR Requestor)	
Other neighbors on the block or directly across the street	17		
Neighborhood groups			

The Department has received a letters from neighbors at 4420A 20<sup>th</sup> Street and 4420 20<sup>th</sup> Street, who are opposed to the project. Additionally, the Department has received a list of signatures from neighbors who are in support of the project, 17 of which are from neighbors on the block or directly across the street.

**DR REQUESTOR**

**Robert Hatton**, owner of 4418 20<sup>th</sup> Street, which is the adjacent property to the east.

## **DR REQUESTOR'S CONCERNS AND PROPOSED ALTERNATIVES**

See attached *Discretionary Review Application*, dated December 19, 2012.

## **PROJECT SPONSORS' RESPONSE TO DR APPLICATION**

See attached *Response to Discretionary Review*, dated January 24, 2013.

## **ENVIRONMENTAL REVIEW**

The Department has determined that the proposed project is exempt/excluded from environmental review, pursuant to CEQA Guideline Section 15301 (Class One - Minor Alteration of Existing Facility, (e) Additions to existing structures provided that the addition will not result in an increase of more than 10,000 square feet).

## **RESIDENTIAL DESIGN TEAM REVIEW**

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

- The subject property's deck is proposed to be setback 5'-0" from the DR Requestor's adjoining side property line providing light from the rear yard, and
- The DR Requestor has multiple windows on the rear of their building allowing various points for light to enter. Also the DR filer's windows at both the side and rear are compromised by their own deck and stairs.

**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> <b>Do not take Discretionary Review and approve project as proposed</b>
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### **Attachments:**

Block Book Map

Sanborn Map

Zoning Map

Aerial Photographs

Context Photographs

Section 311 Notice

DR Application

Submittal from DR Requestor dated March 12, 2012 (includes letters in support of DR Requestor)

Response to DR Application dated January 24, 2013

List of signatures in support of the project submitted by the Project Sponsor

Reduced Plans

*ACP: G:\Documents\DRs\4426 20<sup>th</sup> Street\4426 20<sup>th</sup> Street - 2012.1138D - DR - Abbreviated Analysis.doc*



# SAN FRANCISCO PLANNING DEPARTMENT

1650 Mission Street Suite 400 San Francisco, CA 94103

## NOTICE OF BUILDING PERMIT APPLICATION (SECTION 311)

On November 19, 2009, the Applicant named below filed Building Permit Application No. 2009.11.19.1662 (Alteration) with the City and County of San Francisco.

CONTACT INFORMATION		PROJECT SITE INFORMATION	
Applicant:	Daniel Hendel & Jorge Young	Project Address:	4426 20 <sup>th</sup> Street
Address:	4426 20 <sup>th</sup> Street	Cross Streets:	Diamond & Eureka Streets
City, State:	San Francisco, CA 94114	Assessor's Block /Lot No.:	2698/016
Telephone:	(415) 613-3233	Zoning Districts:	RH-2 /40-X

Under San Francisco Planning Code Section 311, you, as a property owner or resident within 150 feet of this proposed project, are being notified of this Building Permit Application. You are not obligated to take any action. For more information regarding the proposed work, or to express concerns about the project, please contact the Applicant above or the Planner named below as soon as possible. If your concerns are unresolved, you can request the Planning Commission to use its discretionary powers to review this application at a public hearing. Applications requesting a Discretionary Review hearing must be filed during the 30-day review period, prior to the close of business on the Expiration Date shown below, or the next business day if that date is on a week-end or a legal holiday. If no Requests for Discretionary Review are filed, this project will be approved by the Planning Department after the Expiration Date.

PROJECT SCOPE		
<input type="checkbox"/> DEMOLITION	and/or	<input type="checkbox"/> NEW CONSTRUCTION or <input checked="" type="checkbox"/> ALTERATION
<input type="checkbox"/> VERTICAL EXTENSION		<input type="checkbox"/> CHANGE # OF DWELLING UNITS <input type="checkbox"/> FACADE ALTERATION(S)
<input type="checkbox"/> HORIZ. EXTENSION (FRONT)	<input type="checkbox"/> HORIZ. EXTENSION (SIDE)	<input checked="" type="checkbox"/> HORIZ. EXTENSION (REAR)
PROJECT FEATURES	EXISTING CONDITION	PROPOSED CONDITION
BUILDING DEPTH.....	±72 feet (max.)	±82 feet, 6 inches w/ deck
REAR YARD.....	±38 feet (min.)	±27 feet, 6 inches from deck
HEIGHT OF BUILDING (at rear).....	±40 feet, 6 inches (avg.)	No Change
NUMBER OF STORIES .....	3 over garage level	No Change
NUMBER OF DWELLING UNITS .....	1	No Change
NUMBER OF OFF-STREET PARKING SPACES .....	At least 1	No Change
PROJECT DESCRIPTION		

The project is to demolish an existing two-level deck and staircase structure at the rear of the subject building, and construct a two-story addition that includes a new rear deck at the first floor level. The project was previously noticed by the Planning Department from 10/02/12 - 11/01/12. The project has since been revised to increase the side setbacks of the proposed 1<sup>st</sup> floor rear deck from 3'-0" to 5'-0". Additionally, the depth of the proposed 1<sup>st</sup> floor rear deck has been increased from 7'-6" to 8'-11", thus triggering a new notification. The project does not involve any other revisions to the proposed rear addition. Please see attached plans.

PLANNER'S NAME: Adrian C. Putra  
 PHONE NUMBER: (415) 575-9079  
 EMAIL: adrian.putra@sfgov.org

DATE OF THIS NOTICE: 11-27-12  
 EXPIRATION DATE: 12-27-12

# NOTICE OF BUILDING PERMIT APPLICATION GENERAL INFORMATION ABOUT PROCEDURES

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

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

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

1. Seek a meeting with the project sponsor and the architect to get more information, and to explain the project's impact on you and to seek changes in the plans.
2. Call the nonprofit organization Community Boards at (415) 920-3820. They are specialists in conflict resolution through mediation and can often help resolve substantial disagreement in the permitting process so that no further action is necessary.
3. Where you have attempted, through the use of the above steps, or other means, to address potential problems without success, call the assigned project planner whose name and phone number are shown at the lower left corner on the reverse side of this notice, to review your concerns.

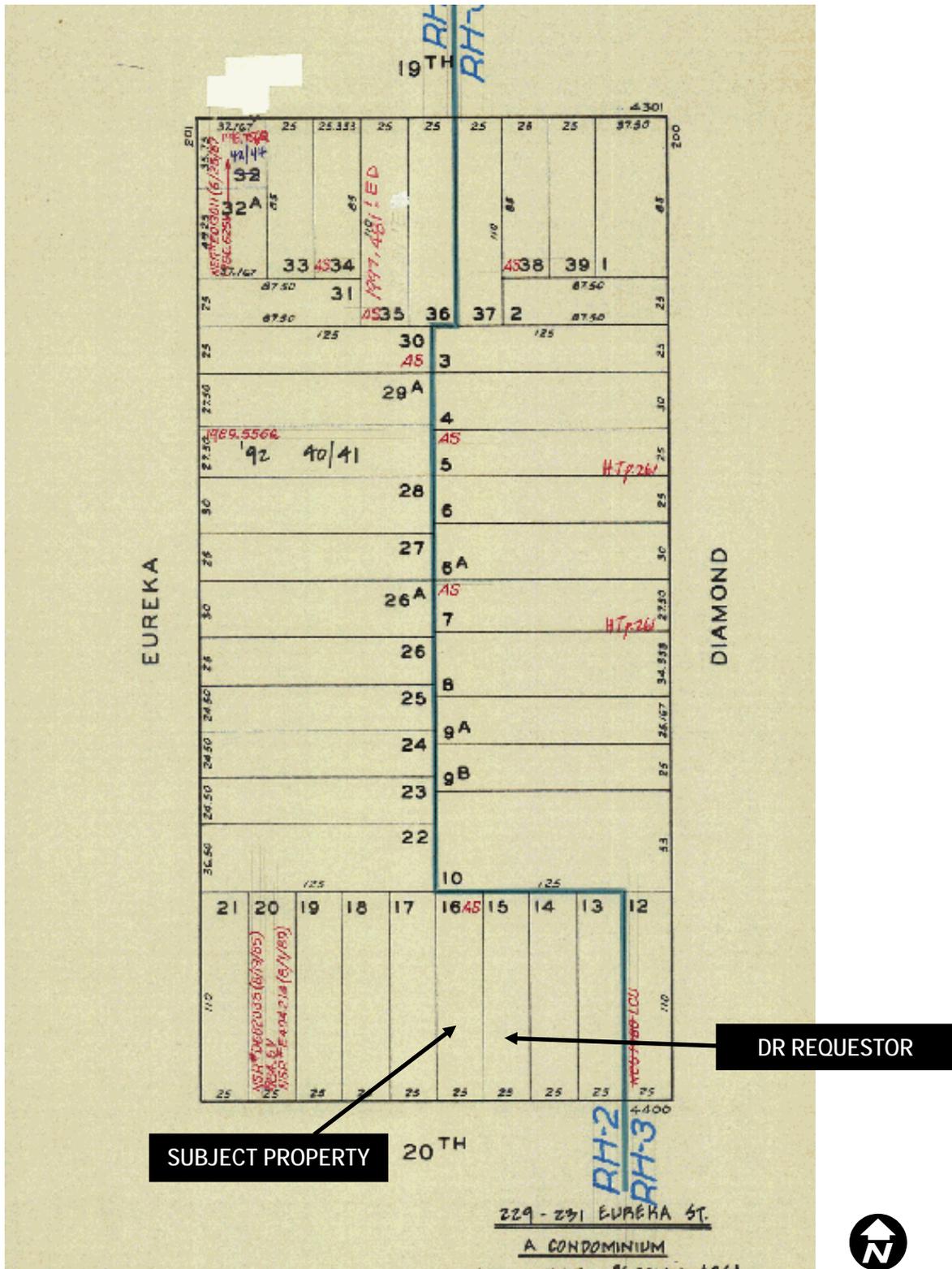
If, after exhausting the procedures outlined above, you still believe that exceptional and extraordinary circumstances exist, you have the option to request that the Planning Commission exercise its discretionary powers to review the project. These powers are reserved for use in exceptional and extraordinary circumstances for projects, which generally conflict with the City's General Plan and the Priority Policies of the Planning Code; therefore the Commission exercises its discretion with utmost restraint. This procedure is called Discretionary Review. If you believe the project warrants Discretionary Review by the Planning Commission over the permit application, you must make such request **within 30 days of this notice, prior to the Expiration Date shown on the reverse side**, by completing an application (available at the Planning Department, 1660 Mission Street, 1st Floor, or on-line at [www.sfplanning.org](http://www.sfplanning.org)). You must submit the application to the Planning Information Center (PIC) during the hours between 8:00 a.m. and 5:00 p.m., with all required materials, and a check, for each Discretionary Review request payable to the Planning Department. To determine the fee for a Discretionary Review, please refer to the Planning Department Fee Schedule available at [www.sfplanning.org](http://www.sfplanning.org) or at the PIC located at 1660 Mission Street, First Floor, San Francisco. For questions related to the Fee Schedule, please call the PIC at (415) 558-6377. If the project includes multi building permits, i.e. demolition and new construction, a **separate request for Discretionary Review must be submitted, with all required materials and fee, for each permit that you feel will have an impact on you. Incomplete applications will not be accepted.**

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

## BOARD OF APPEALS

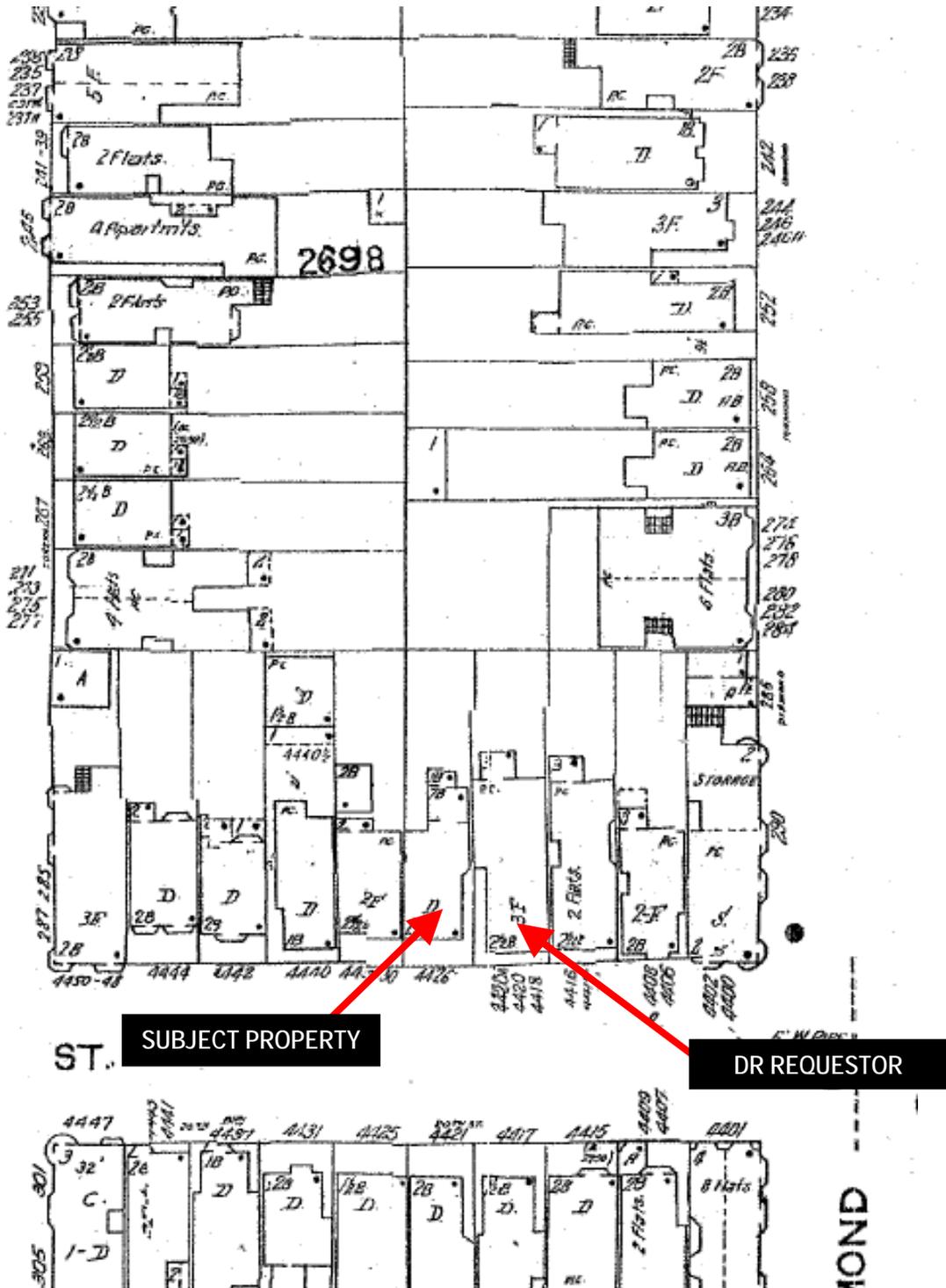
An appeal of the approval (or denial) of the permit application by the Planning Department or Planning Commission may be made to the **Board of Appeals within 15 days** after the permit is issued (or denied) by the Superintendent of the Department of Building Inspection. Submit an application form in person at the **Board's office at 1650 Mission Street, 3rd Floor, Room 304**. For further information about appeals to the Board of Appeals, including their current fees, **contact the Board of Appeals at (415) 575-6880**.

# Parcel Map



Discretionary Review Hearing  
 Case Number 2012.1138 D  
 Abbreviated Analysis  
 4426 20<sup>th</sup> Street

# Sanborn Map



Discretionary Review Hearing  
Case Number 2012.1138 D  
Abbreviated Analysis  
4426 20<sup>th</sup> Street

# Aerial Photo view looking South

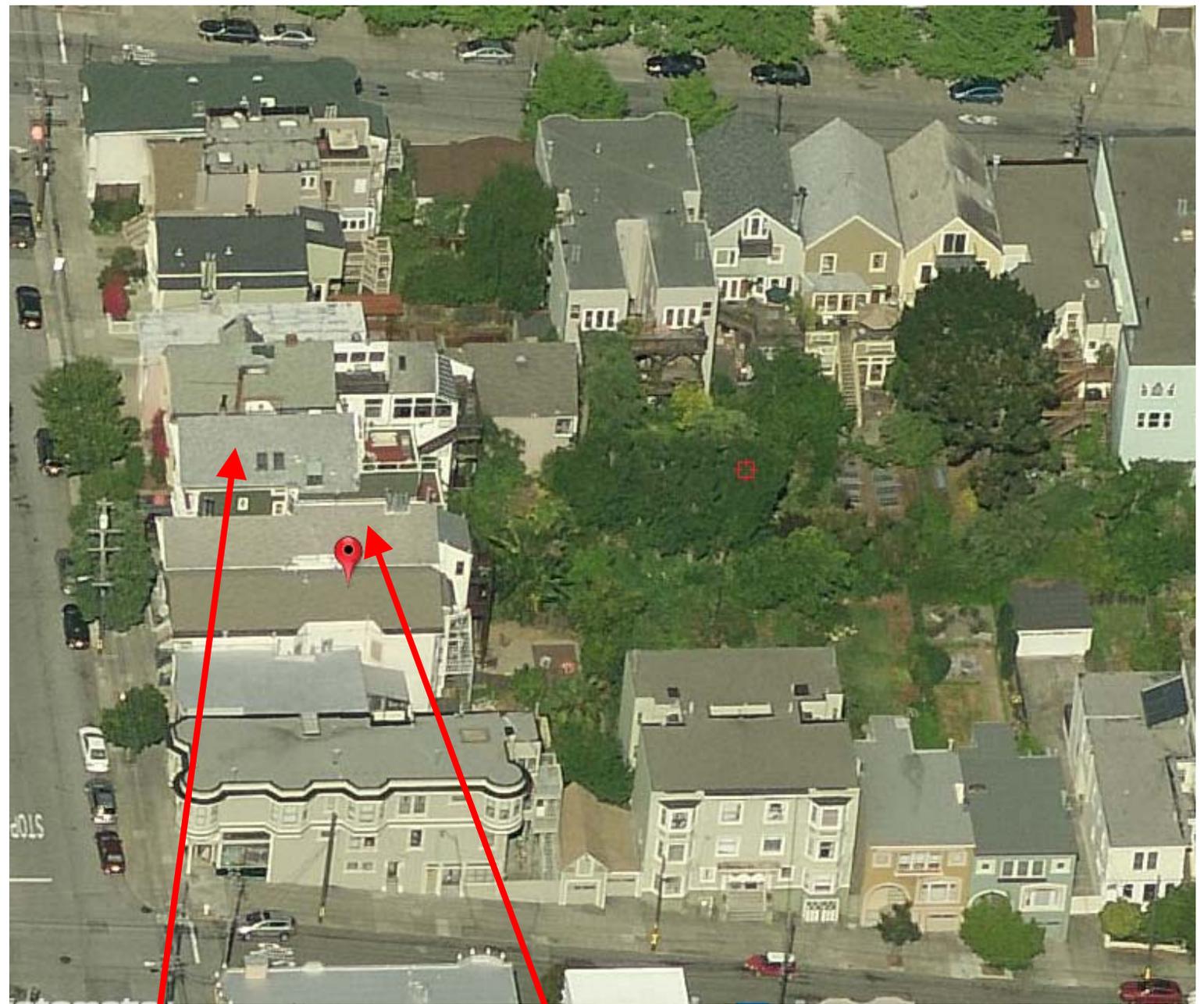


**DR REQUESTOR**

**SUBJECT PROPERTY**

Discretionary Review Hearing  
Case Number 2012.1138 D  
Abbreviated Analysis  
4426 20<sup>th</sup> Street

# Aerial Photo view looking West



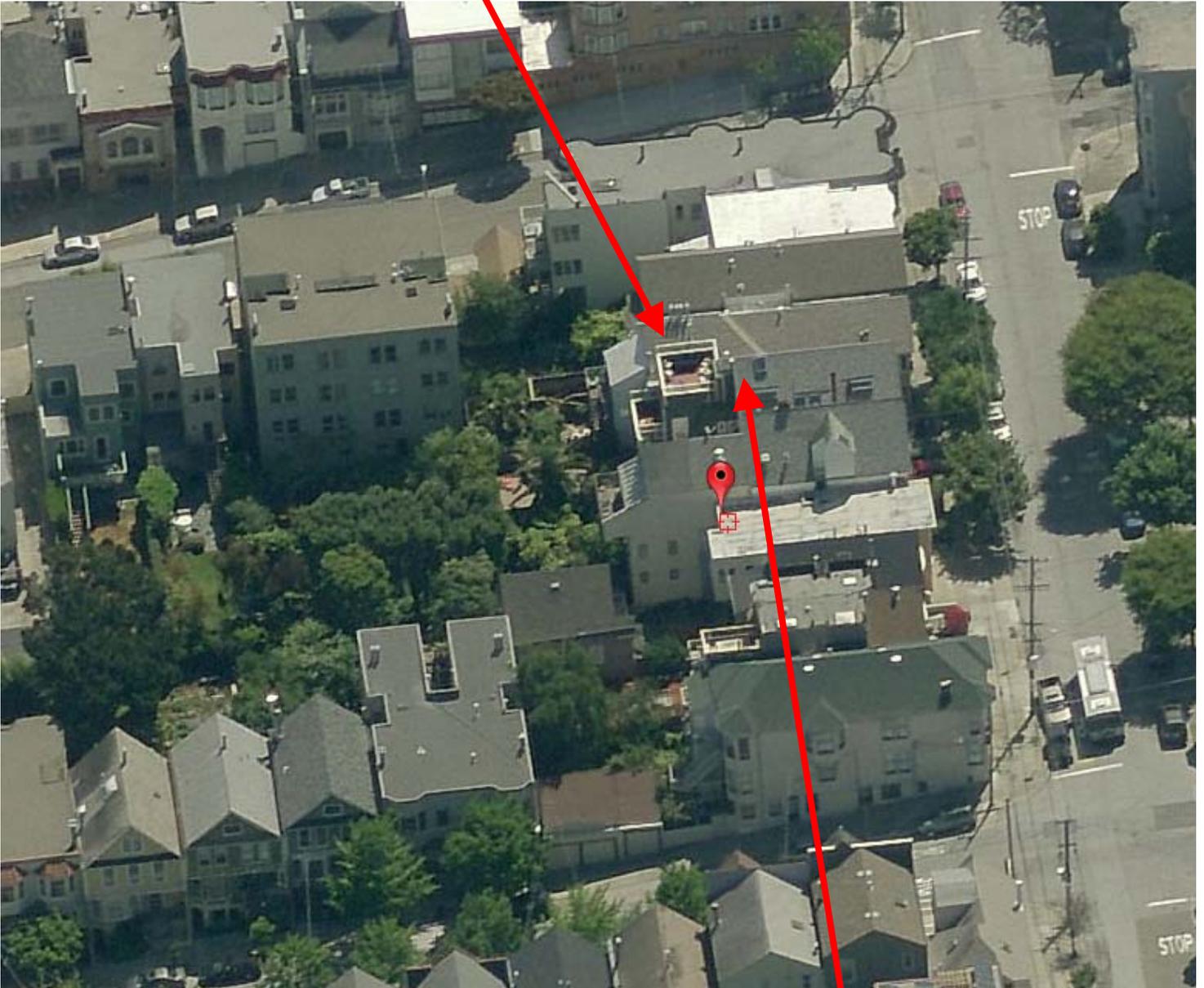
**SUBJECT PROPERTY**

**DR REQUESTOR**

Discretionary Review Hearing  
Case Number 2012.1394 D  
Abbreviated Analysis  
1325 Portola Drive

# Aerial Photo view looking East

SUBJECT PROPERTY



DR REQUESTOR

Discretionary Review Hearing  
Case Number 2012.1138 D  
Abbreviated Analysis  
4426 20<sup>th</sup> Street

# Aerial Photo view looking North

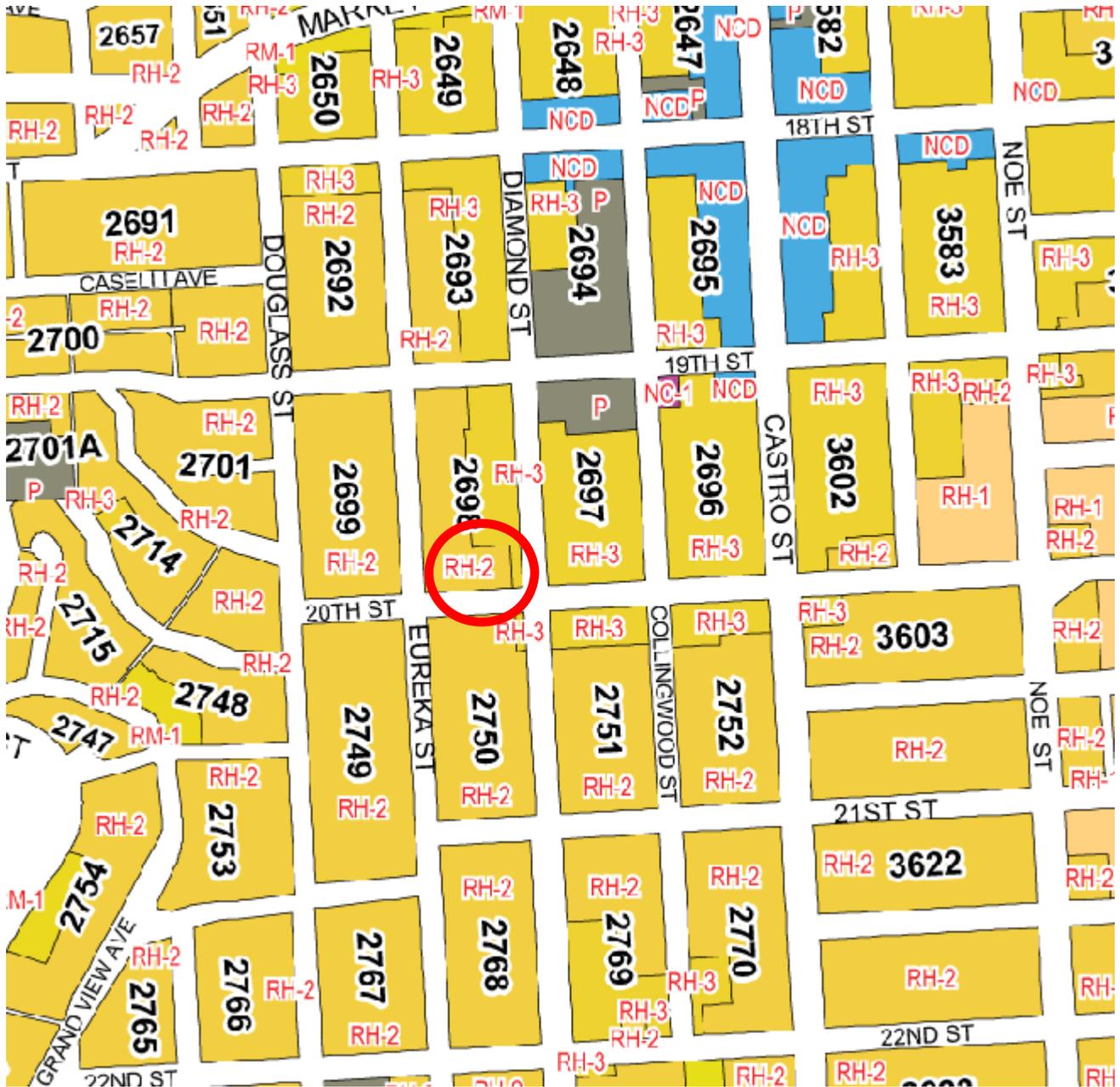


**SUBJECT PROPERTY**

**DR REQUESTOR**

Discretionary Review Hearing  
Case Number 2012.1138 D  
Abbreviated Analysis  
4426 20<sup>th</sup> Street

# Zoning Map



Discretionary Review Hearing  
Case Number 2012.1138 D  
Abbreviated Analysis  
4426 20<sup>th</sup> Street

# Google Streetview Photo Image Date – February 2011



**SUBJECT PROPERTY**

Discretionary Review Hearing  
Case Number 2012.1138 D  
Abbreviated Analysis  
4426 20<sup>th</sup> Street

CASE NUMBER: **12-1138**

# APPLICATION FOR Discretionary Review

## 1. Owner/Applicant Information

DR APPLICANT'S NAME: Robert and Arianne Hatton		
DR APPLICANT'S ADDRESS: 4418 20th Street	ZIP CODE: 94114	TELEPHONE: (858 )337-0906

PROPERTY OWNER WHO IS DOING THE PROJECT ON WHICH YOU ARE REQUESTING DISCRETIONARY REVIEW NAME: Daniel Hendel and Jorge Young		
ADDRESS: 4426 20th Street	ZIP CODE: 94114	TELEPHONE: ( )

CONTACT FOR DR APPLICATION: Same as Above <input checked="" type="checkbox"/> Robert Hatton		
ADDRESS: 4418 20th Street	ZIP CODE: 94114	TELEPHONE: (858 ) 337-0906
E-MAIL ADDRESS: rmhatton@hotmail.com		

## 2. Location and Classification

STREET ADDRESS OF PROJECT: 4426 20th Street	ZIP CODE: 94114
CROSS STREETS: Between Diamond St. and Eureka St.	

ASSESSORS BLOCK/LOT:	LOT DIMENSIONS:	LOT AREA (SQ FT):	ZONING DISTRICT:	HEIGHT/BULK DISTRICT:
2698 /016	25'x110'	2,750	RH2	

## 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

Present or Previous Use: Single Family Home

Proposed Use: Single Family Home

Building Permit Application No. 200911191662 Date Filed: 11/26/2012

**RECEIVED**

DEC 20 2012  
 CITY & COUNTY OF S.F.  
 DEPT. OF CITY PLANNING  
 PIC

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.

We met with the applicant regarding a prior, but similar, submittal, and expressed our concerns about their deck's 3' side property line setback (which would have been nonconforming), the height/depth of the deck, and the lack of any setback for the building's expansion. All three items cause significant light obstruction for 2 of our dwelling units and back yard. Applicant subsequently modified the deck's side P.L. setback to be code compliant (5' setback), but expanded the deck depth, and maintained no setback for the building expansion.

# 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.

This review is requested because the project will cause substantial diminishment of the light and air available to 2 units on our property, and our yard. The R.D.G. has a number of mitigations in section IV on Building Scale at Mid-Block Open spaces; none have been incorporated. Both properties adjacent to applicant have at least a 5' setback to their rear yard sheds, as recommended in the R.D.G. But most critically, Planning Code Sec. 101 and R.D.G. III state that the purpose of the Planning Code is to allow adequate light and air to property in SF.

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:

The unreasonable impacts are twofold: first, the zero setback of the building expansion creates an imposing wall where there is now a light and open area. Second, the deck at 16' above grade level will cast shadows and block light from the lower unit and yard, contributing to a "boxed in" effect. Both properties adjacent to applicant will be impacted (4418-4420a 20th St., and 4430-4432a 20th St.).

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?

We request 3 straightforward mitigations to the proposed project:

- 1.) A minimum 5' setback from side yard property lines of any building expansion to maintain light and air.
- 2.) Lower the deck area from 16' above grade level to no higher than 10' above grade level to reduce shading and the boxed in effect.
- 3.) Incorporate open railings on decks and stairs.

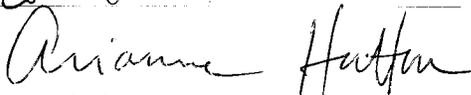
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# Applicant's Affidavit

Under penalty of perjury the following declarations are made:

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

Signature: 



Date: 12/19/2012

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

Robert and Arienne Hatton (Owners)  
 Owner / Authorized Agent (circle one)

CASE NUMBER:  
For Staff Use Only

1201-2

# 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 type="checkbox"/>
Check payable to Planning Dept.	<input checked="" type="checkbox"/>
Letter of authorization for agent	<input 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"/>

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: \_\_\_\_\_

*James Hambley*

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

12/24/12



**SAN FRANCISCO  
PLANNING  
DEPARTMENT**

**FOR MORE INFORMATION:**  
Call or visit the San Francisco Planning Department

**Central Reception**  
1650 Mission Street, Suite 400  
San Francisco CA 94103-2479

TEL: **415.558.6378**  
FAX: **415 558-6409**  
WEB: **<http://www.sfplanning.org>**

**Planning Information Center (PIC)**  
1660 Mission Street, First Floor  
San Francisco CA 94103-2479

TEL: **415.558.6377**  
*Planning staff are available by phone and at the PIC counter.  
No appointment is necessary.*

Discretionary Review Committee:

201

While we welcome our neighbors improving their property, we would like to ensure that improvements to their property don't come at the expense of our adjacent dwelling. Our main objection to the currently proposed plan is due to the extensive light obstruction that will be created. If allowed to build at the property line, their 2<sup>nd</sup> level expansion would completely obstruct a wall of windows on the west side of our basement apartment. This unit already receives a reduced amount of natural light, thus any further blocking would impact the property greatly. Because the proposed deck is so high off the ground, it would feel very imposing to have this structure hanging above our lower unit. A view of the bottom of a deck is far less appealing than sky, which is what we have now.

We think it is important to note that their property already has two very large decks. Decks that are even larger than the one proposed. I could understand wanting such a large deck if their home had no decks but this would be the third on the property.

There have been several discrepancies in their measurements on the architectural plans thus far. Until those measurements are properly recorded, it is hard to feel comfortable with their validity.

Because we want to be good neighbors and we are not against anyone improving their property, we have a few compromises that would address our concerns but still allow for their expansion. We would like to reduce the light and air blockage by having any new dwelling be set back to the 5 foot minimum. Also, a few steps being added to the deck so that it can be lower would go a long way in mitigating the impact to our property.

Thank you for taking the time to consider our concerns. We sincerely hope we can all come to a satisfactory compromise as soon as possible.

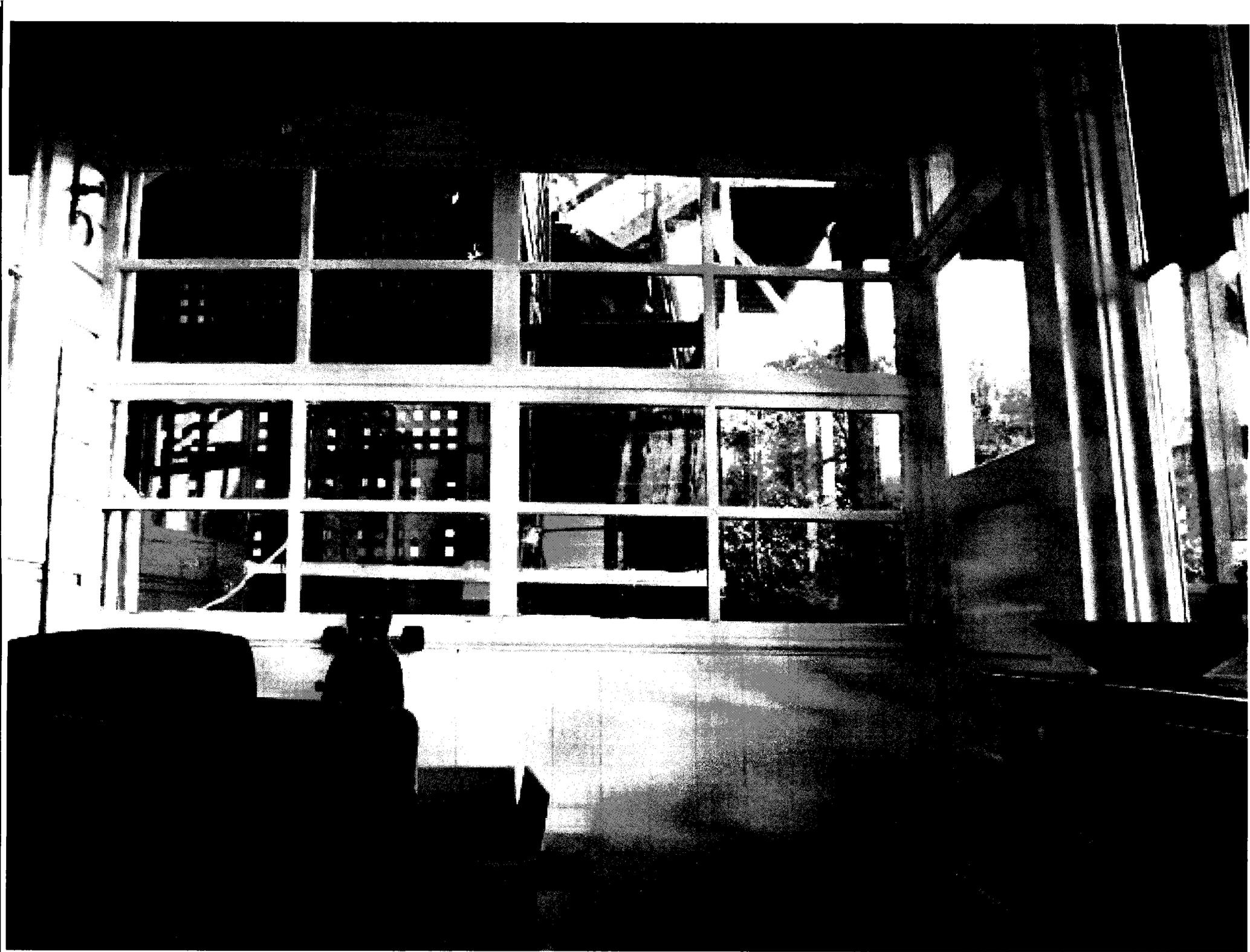
Robert and Ari Hatton



Property  
Line



View north from breezeway exit  
at 4418 - 4480a 20th St.



View west from 4420a 20th St. room  
at project area.

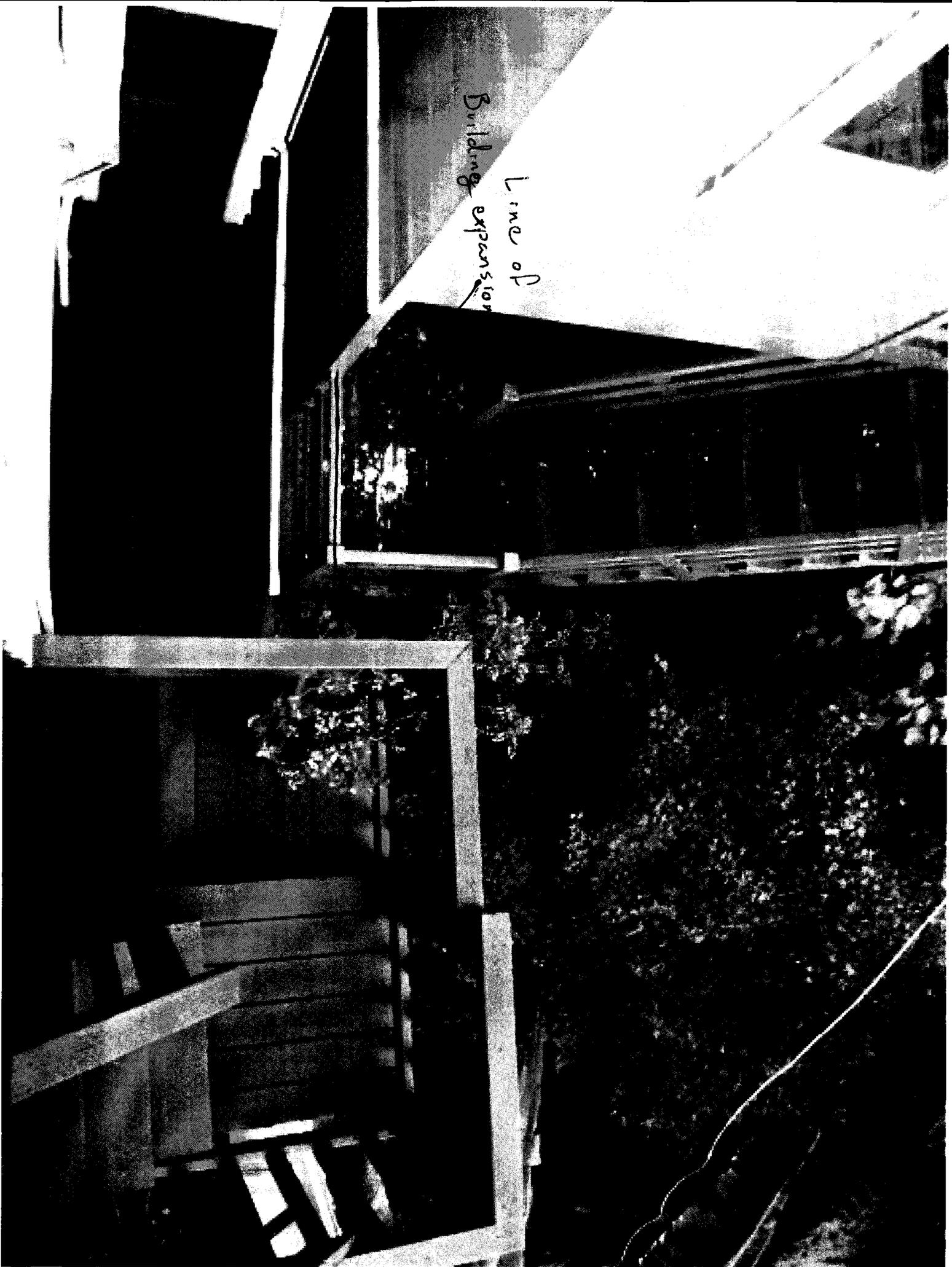


View west from 4420 a 20th St. back  
stairs



View of project area from back yard  
of 4418-4420a 20<sup>th</sup> St.

Line of  
Building expansion



View down on property line between  
4418-4420-20th and 4426 20th.

(future expansion closes off light.)

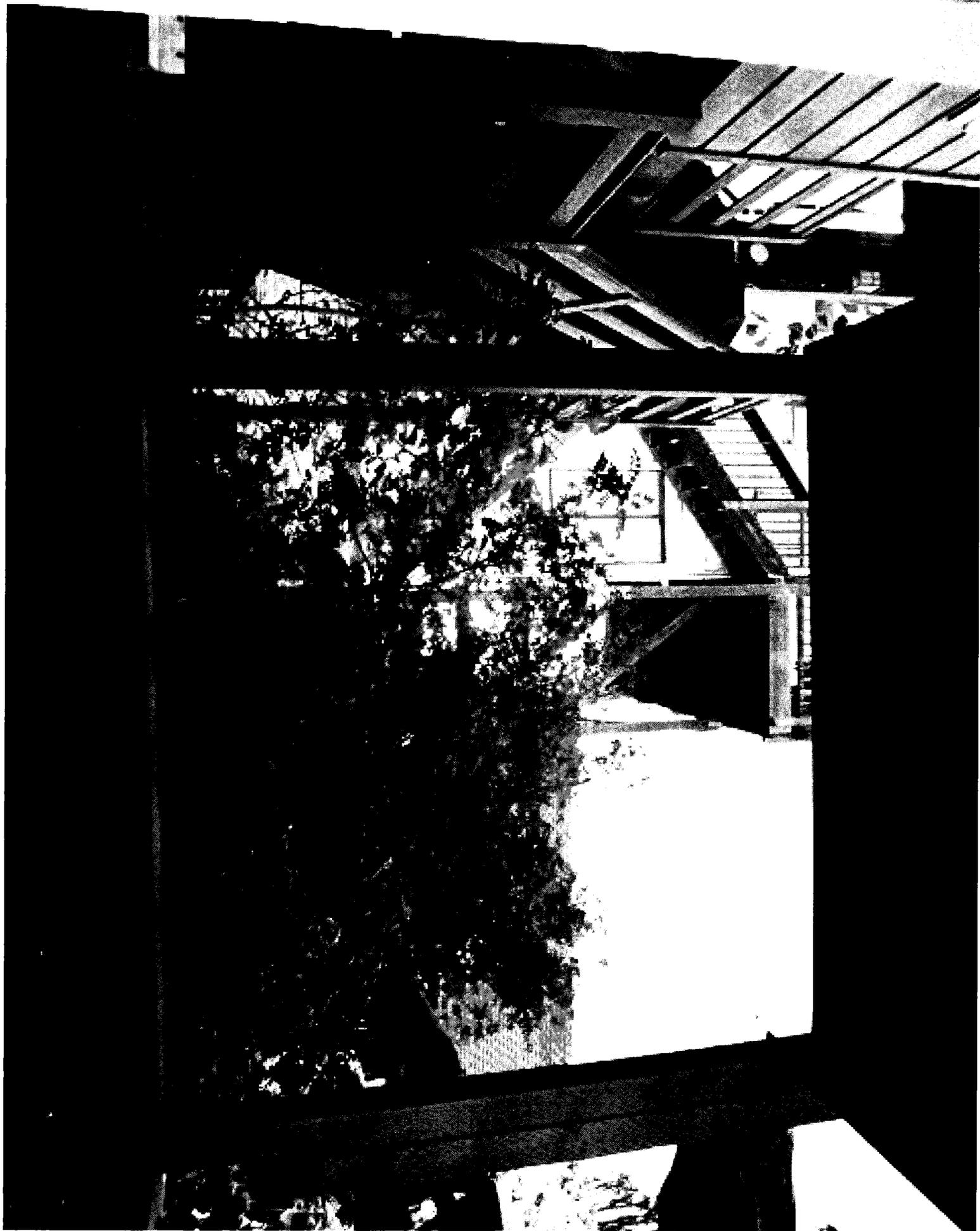


View west from 4420 a 20th st.

back stairs



View of expansion area from 4420a  
20<sup>th</sup> St. back stairs.



View of expansion area from 4420a  
70th St back stairs.

March 12, 2013

Dear Planning Commissioners,

Thank you for your time considering this discretionary review. We are hopeful for a speedy resolution to this matter, and we hope that our neighbors can begin their remodel soon. We have put forward this request for review because the project, as proposed, does not adhere to the concepts of the Residential Design Guidelines for rear yard expansion. We are requesting three simple modifications which, if put in place, will mitigate the diminishment of light and air to two rental units on our property.

1. 5 foot minimum side-yard setback of any new structure (this would only modify the east side of the project).
2. Lower the height of the deck area from the proposed 17.5 feet to no higher than 13 feet.
3. Incorporate open railings to the deck for enhanced light passage.

The rear wall of our property is aligned with that of our neighbors, and our property has a "shed" which is set back from the property line by approximately 4.5 feet. However, our neighbors already have a two-story expansion of 6 feet along the property line with zero setback. This additional expansion would increase that to an 11 foot pop-out with zero setback, so as a basic matter of equity we feel that a 5 foot setback (matching ours) to preserve light and air is justified. Otherwise, what is an open, airy living space in our building will be converted to a closed off light well. The deck is proposed at a height of 17.5 feet, at which height it would be blocking a substantial amount of light from our ground floor unit. Lowering it to 13 feet would be a sufficient mitigation.

Our proposal will reduce the interior space of a nearly 4,000 square foot home by 25 square feet, and will be to the benefit of two family-sized rental units in our building (which indeed have families living in them). Further, our proposals match those set forth in the City's own Residential Design Guidelines. Our neighbors' initial submittal required both a rear-yard and side-yard setback variance; subsequent modifications to the plans have reduced the project to only 100% of what the planning code will allow. If our requests, which again reduce the building footprint by 25 square feet, are deemed unreasonable, we will be left to wonder why the Residential Design Guidelines exist at all.

We respect the City's procedures for dispute resolution, and we appreciate your time spent on this matter.

Regards,



Robert and Arianne Hatton

4418 20th Street

**Enclosed with this letter: letters from the occupants of 4420 and 4420a 20<sup>th</sup> Street, photos of the impacted areas, and architectural drawings edited to reflect our requests.**

January 28, 2013

To whom it may concern:

We are writing this letter regarding Daniel Hendel and Jorge Young's plans for a deck extension at 4426 20th Street. We want to express our concern with the build out and the effect it will have on our current living situation.

As you know, rental rates have gone up significantly over the last few years and, as recent transplants to the Bay area, we were excited to have found a home in 4420A. We understood that within our budget, we might have difficulty finding a top floor apartment with full sunlight and all of the amenities that we had in our previous home. When we found 4420A, Robert and Ari positioned the home as a basement apartment with darker bedrooms (not direct sunlight), but with a sunroom and sunlight from the back of the house. After seeing the place and many others, we fell in love with the sunroom. As you can see from the attached pictures, we have set this room up as a main living room, as it is our primary source of natural light. We spend many hours in the sunroom, reading, eating, entertaining, talking, etc. This room has brought us so much joy—it is our little oasis.

The plans that we have received from Daniel and Jorge appear to block a large portion of the sun that has created this environment for us. Not only will it darken our sunroom, it will further block the limited light that reaches into our kitchen area and living room. I have attached pictures of these rooms as well for reference of the current limited light sources. We fear these plans will create a true basement/dungeon feel and therefore force us to search for a new home.

We have grown to love our home, neighbors and neighborhood and truly look forward to setting our roots and starting our family here. We would be happy to provide you any additional information regarding our concern.

Best,



Alexandra Anderson



Aaron Kravitz

March 10, 2013

Dear San Francisco Planning Officials,

This letter is regarding the project planned for 4426 20<sup>th</sup> St. which is to receive a hearing on March 21, 2013. We are concerned that the project's footprint will diminish the light and air we currently enjoy from the rear of our home, specifically our kitchen which is where we spend a great deal of time.

We have been living with our children at 4420 20<sup>th</sup> St. for about a year and a half, and though our home is not large (1,300 sqft) it suits our needs just fine. A major element of enjoyment in a smaller home, however, is the amount of natural light that enters which can make rooms feel bigger than they are. Our kitchen features one window which faces north, thus the amount of light is already less than if the window were situated south or west on the building. Also, the neighboring building at 4426 20<sup>th</sup> already extends 6 feet beyond our window, which obscures light. The new addition would increase this blockage to 11 feet, and would create a major wall immediately adjacent to our window. We urge the Planning Department to consider the idea that our landlords have offered, which is to setback the new addition by 5 feet from the property line, which would completely remedy this situation for us.

We would have been happy to inform Dan and Jorge of our concern regarding their plans had we received an invitation to their pre-application meeting. We did not receive an invitation, nor did any of our neighbors in our building. Dan and Jorge told our neighbors that the invitations must have been lost in the mail. This is regretful, because otherwise the hearing on March 21 may not have been necessary.

Sincerely,

A handwritten signature in black ink that reads "Rob Collier". The signature is written in a cursive, flowing style.

Rob and Sierra Collier

4420 20<sup>th</sup> Street



View from sunroom of unit 4420a. Shaded area is proposed expansion.

View looking down at proposed expansion area.

Dashed line is new deck height.

Dashed line is footprint of new deck.



View from breezeway to backyard (sunroom to right).

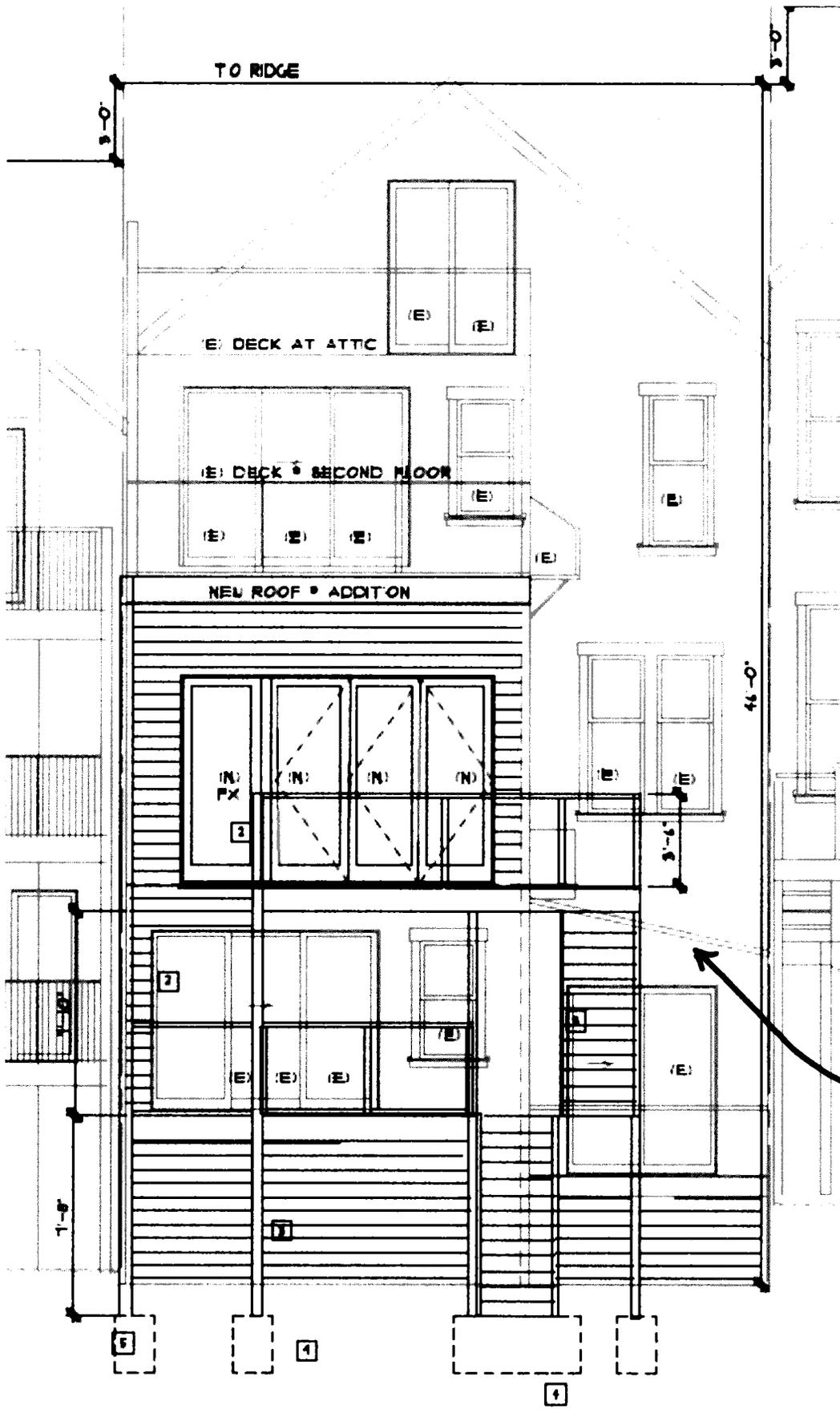


View from deck landing area.









New deck proposed at 17.5' above grade level; requesting lower deck no higher than 13' above grade level.



# SAN FRANCISCO PLANNING DEPARTMENT

## RESPONSE TO DISCRETIONARY REVIEW

Case No.: \_\_\_\_\_  
Building Permit No.: 900911191662  
Address: 4426 20th St, SFCA 94114

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

Reception:  
415.558.6378

Fax:  
415.558.6409

Planning  
Information:  
415.558.6377

Project Sponsor's Name: Daniel Hendel and Jorge Young  
Telephone No.: 415-613-3233 (for Planning Department to contact)

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

see attached sheets

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

see attached sheets

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

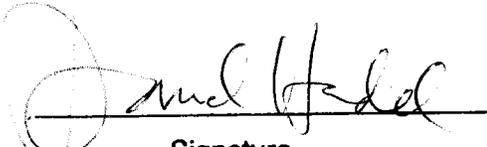
see attached sheets

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

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

<u>Number of</u>	<u>Existing</u>	<u>Proposed</u>
Dwelling units (only one kitchen per unit –additional kitchens count as additional units) .....	<u>1</u>	<u>1</u>
Occupied stories (all levels with habitable rooms) ...	<u>3</u>	<u>3</u>
Basement levels (may include garage or windowless storage rooms) .....	<u>1</u>	<u>1</u>
Parking spaces (Off-Street) .....	<u>2</u>	<u>2</u>
Bedrooms .....	<u>4</u>	<u>4</u>
Gross square footage (floor area from exterior wall to exterior wall), not including basement and parking areas....	<u>2850</u>	<u>2970</u>
Height .....	<u>40</u>	<u>40</u>
Building Depth .....	<u>±72</u>	<u>±82ft 6 inches</u>
Most recent rent received (if any) .....	<u>0</u>	<u>0</u>
Projected rents after completion of project .....	<u>0</u>	<u>0</u>
Current value of property .....	<u>(2008 purchase price) \$1.5 million</u>	<u>Unknown</u>
Projected value (sale price) after completion of project (if known) .....	<u>unknown</u>	<u>unknown</u>

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


1/24/2013
Daniel Hendel  
 Signature Date Name (please print)

**DANIEL HENDEL/JORGE S YOUNG  
4426 20<sup>TH</sup> STREET  
SAN FRANCISCO, CA 94114**

**RESPONSE TO DISCRETIONARY REVIEW APPLICATION  
January 27 2013**

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

- A. Except for the DR requester, no other neighbor has reported to us any concerns with our proposed project. In fact, contrary to the statement made by the DR requester to response #2 on the DR application, on December 27, 2012, Jeff Henne, the owner of the adjacent property at 4430-4432a 20<sup>th</sup> Street not only confirmed that they had no proposed changes to our project as discussed in our last meeting with them but that they did not have any communication with the DR requester nor did they ask the DR requester to state that our project had any impact on their property. They were not aware that a DR application had been submitted until we told them.
- B. In October 2012, we met and had discussions with the DR requester regarding our project. Our project at the time required a variance hearing. In response to their concerns expressed to us in that meeting, we decided to revise our project to avoid the need to have a variance hearing. In particular, as discussed with the SF Planning Dept (Adrian Putra), we reduced the size of the proposed deck and added a 5 foot setback from side property lines; by doing so, our new project obviated the need for a variance hearing altogether. On November 13, 2012, we provided the latest revised plans of our project (with the reduced deck and 5 ft setbacks) to the DR requester and on that same day the DR requester stated in an email that they would let us know if they had any additional questions or concerns.

We did not know that the DR requester still had any concerns about our project until we received a copy of their DR application. We had not heard from the DR requester since the email they sent to us on November 13, 2012.

- C. On January 14, 2012, we asked the DR requester to allow our architect to enter their property in order to better understand their concerns and see if an alternative would be possible. Unfortunately, the DR requester would not grant us permission to enter their property unless we agree in advance to the changes that they proposed in the DR application and more importantly, unless we agree to such conditions, any entry to their property would be considered "trespassing." Note that up to this point, we have tried to listen to and address their concerns.

D. We believe our project should be approved because it is consistent with and in accordance with the standards of the SF Planning Code and applicable residential design guidelines and therefore **not** an exceptional or extraordinary project. Our project is not only consistent with the purposes and intent of the SF Planning Code, but also will not adversely impact the master plan of the neighborhood. It is consistent with and similar to the decks, space and size of property enjoyed by neighbors, including those of the DR requester. We believe that our project will not affect the enjoyment of those properties by the respective owners. In fact, even with the proposed deck and expansion, our property will still be smaller in overall size and mass than both of the adjacent properties.

E. **Zoning Administrator Bulletin No. 5.** Section 307 of the City Planning Code mandates the Zoning Administrator to issue and adopt rules, regulations and interpretations as are in the Zoning Administrator's opinion, necessary to administer and enforce the provisions of the City Planning Code. Our project is consistent with and in compliance with Zoning Administrator's Bulletin No. 5 and the City's Notice of Planning Department Requirements No. 1 dated February 19, 2010 sent to us:

a. **Rear Yard Planning Code Section 134**

i. **Averaging of Rear Walls of Adjacent Buildings.** On Pages 3-4 of Bulletin No. 5, the Zoning Administrator states that in RH-2 districts, the "depth of the rear yard requirement is between 25% and 45% of the depth of the lot with the exact depth dependent upon the depth of the rear walls of the two adjacent buildings." ".....However, if one or both of the existing buildings on the two adjacent lots go back further than that, the rear yard requirement may be reduced....." It continues by saying "If the average of the locations of the rear walls of these two adjacent building is deeper than 45% of your lot's depth, your required rear yard would begin at that location (see Figure 5....)." However, Bulletin No. 5 states that "in no case can the required rear yard be less than 25% of the lot depth or 15 feet, whichever is greater." The City's Notice of Planning Department Requirements #1 which was sent to us by the City repeats these requirements.

1. **Small kitchen expansion is in compliance with averaging of rear walls of adjacent buildings** – The kitchen expansion of our project is relatively small and will consist of only about 120 sq ft of additional space.

a. Both of the rear walls of the two adjacent buildings are deeper than 45% and extend at least ½ the width of their respective lots and are at least three (3) stories and more than 20 feet high.

- b. Our main floor kitchen extension of about 5 ft would extend the rear wall of our building to less than the average of the rear walls of the two adjacent buildings. The rear wall of the building at 4430-4432A 20<sup>th</sup> Street is 33 feet from the rear of the yard; the rear wall of the DR requester's building at 4418-4420a 20<sup>th</sup> Street is 35 feet 11 inches; while our proposed project would result in our new rear wall being about 36 feet 5 inches from the rear of the yard. If we used the average, the new rear wall would have been 34 feet ½ inches from the rear of the yard, but instead we are at 36 feet 5 inches which is more than necessary or about 2 ft smaller.
- c. In other words, even with the expansion, the rear wall of our property will still not be as deep as most of the properties on our block, and will NOT be as deep as EITHER of the two adjacent properties, including the DR requester's property. The rear wall of both adjacent properties will be at 33 ft and 35 11/12 inches while the rear wall of our property will be 36 ft 5 inches away from the rear yard.

ii. **Allowable Extension (12' Pop-Out) into a Required Open Area**

On pages 6-7 of Bulletin No. 5, the Zoning Administrator discusses permitted obstructions allowed to exist in or extend into a required open area. "One of the most significant of these is a 12-foot deck or extension of the building into the rear yard that does not go into the rear yard that does not go into the rear 25% or 15 feet of the lot (the "12-foot pop-out"). This is applicable to RH-2 Zoning Districts. On Page 6 and Figure 9 of the Bulletin, the Zoning Administrator explains that a 12-foot deck extension can cover the full width of the lot if it is no higher than 10 feet above grade, but it "may be as high as the floor level of the second floor of occupancy not counting the ground floor if there is a 5 foot distance completely clear of obstructions between the extension and both side property lines."

1. **Small deck extension complies with allowable extension -**

Our project is for a small-sized deck of about 133 ¾ sq feet and is allowable under the 12 foot pop-out permitted deck extension as described on Pages 6-7 of the Bulletin. At 8 feet 11 inches deep, our proposed deck will be less than the 12 ft maximum extension; the sides of the proposed deck will be 5 ft away from the side property lines, and the proposed deck will NOT encroach on or enter the rear 25% or 15 feet of the lot. In other words, the proposed deck will NOT occupy the rear

25% of lot depth (27 ½ feet). Although our deck will be about 16' above ground level, the height of our proposed deck will NOT exceed the floor level of either of the adjacent properties' second floor of occupancy excluding ground story in accordance with the guidelines stated in Bulletin No. 5.

2. **Adjacent neighbors already have decks and stairs on higher floor levels.** In addition, both adjacent neighbors already enjoy decks and/or stairs that are over 30 ft above ground level. Our proposed project is for a deck on the main ground level while the adjacent neighbors including the DR requester have decks at higher levels.

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

- A. We embarked on our project in November 2009 to address several issues including the need to rebuild and replace the current deck stairs that are of poor construction and in need of replacement. In developing plans for our project, we wanted to make sure that any project would have minimal impact on our neighbors. Therefore, after we reconsidered our initial project and with the advice of Adrian Putra of the SF Planning Dept, when we resubmitted revised plans to the SF Planning Dept in early 2012, our plans included a deck that was set back 3 ft from the side property lines and were developed to minimize any impact on light and privacy on adjacent properties.
- B. In October 2012, we met and had discussions with the DR requester regarding our revised project after the DR requester expressed concerns with our project upon receipt of the Section 311 notification. Our project at the time required a variance hearing. In response to their concerns expressed to us in that meeting, we revised our project further. In particular, we reduced the overall size of proposed deck by about 10% and increased the side setbacks to 5 feet from side property lines; by doing so, our new project obviated the need for a variance hearing altogether. In other words, the project was also revised so that the proposed rear deck did not encroach into the required rear yard setback (the minimum rear yard depth is at least 25 percent of the total lot depth). On November 13, 2012, we provided the latest revised plans of our project reflecting these changes to the DR requester and on that same day the DR requester stated in an email that they would let us know if they had any additional questions or concerns. Therefore, the changes were made AFTER filing our initial permit application.

- C. With respect to the three mitigation proposals that the DR requester has proposed in the DR application, two of these proposals had never been brought up by the DR requester in any of our communications or discussions with them:
- a. **OPEN RAILINGS.** This is the first time the DR requester has requested that we incorporate open railings on the proposed deck and stairs. They were never brought up in any of our conversations. In any case, our project will primarily include open railings.
  - b. **KITCHEN EXTENSION.** This is also the first time the DR requester has mentioned any concerns with our kitchen extension. In all our previous conversations and meetings with the DR requester, the DR requester did not mention such concerns. As stated above, the kitchen expansion of our project is consistent with and complies with the standards of the SF Planning Code which allows extending a property to an average between the depths of the rear building walls of the two adjacent buildings. Even so, our kitchen expansion will extend our property less than the average of the two adjacent properties. This means that both the DR requester's property and the other adjacent property will still extend deeper into the rear yard than our property and their properties will still be larger in size and mass.
  - c. **LOWERING DECK.** With respect to the DR requester's proposal that we lower the proposed deck to no higher than 10' above grade level, we believe this is an unreasonable request. First and foremost, our proposed deck is consistent with and comparable to the decks that our neighbors, including that of the DR requester, already enjoy. **Both** of the adjacent neighbors, **including the DR requester**, have decks and stairs that are already higher than our proposed deck. In fact, they both have decks off the third floor of the property. Lowering the proposed deck by 6 feet would put the proposed deck in the middle of the lower level of our home which would clearly be impractical and would not make sense. The purpose of the proposed deck is to have an indoor-outdoor entertainment space from our main entry floor – i.e, on the ground floor where our current kitchen and living room are located. Unlike the backyards of our neighbors including our adjacent neighbors and the DR requester, our backyard is sloped and not easily manageable or accessible and is hazardous for young children and adults and the elderly. This is one of the main reasons we are requesting approval of this project. In fact, each of the three (3) units of the DR requester's building lead into decks in the rear on each of their respective floors.

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

A. **DR is for exceptional and extraordinary projects.** The Planning Dept website specifically states that "Discretionary Review is a special power of the Planning Commission however, outside the normal building permit application approval process." It is "supposed to be used only when there are exceptional and extraordinary circumstances associated with a proposed project." It further states that the Commission's discretion is sensitive and must be exercised with utmost constraint.

Our project has minimal, if any, impact on the adjacent properties. Even with the proposed extension and deck, our property will still be smaller in size and scale than both of the properties of our adjacent neighbors, including the property of the DR requester, which has practically no front setback while our property has about a 9 ft front setback.

B. **Project is in accordance with SF Planning Code and RDG.** Our proposed project is entirely within the standards of the SF Planning Code and the applicable Residential Design Guidelines (RDG) and therefore not an exceptional or extraordinary project. Planning Code Section 134(a)(1) specifically permits such a project in RH-2 Zoning Districts. The proposed construction of the proposed kitchen expansion will only be 1ft 3 inches beyond the current existing staircase.

As explained above, the kitchen expansion is only 5 feet and will be only about 1 ft 3 inches beyond the current existing staircase which is being enclosed as part of the expansion. As stated above, the SF Planning Code allows extending a property to an average between the depths of the rear building walls of the two adjacent buildings. Upon completion, our property's rear building wall will still be **LESS** than the average of the depths of the rear building walls of the two adjacent buildings, including the property of the DR requester. This means that both the DR requester's property and the other adjacent property will still extend deeper into the rear yard than our property. In fact, given the size of their property, with their respective deck and stairs, will continue to block and create shadows on our property. The proposed deck is also within the 12 ft pop-out allowable in accordance with the standards of the SF Planning Code – it will be less than 12 ft deep, will be set back 5 feet from each of the side property lines and the minimum rear yard depth will be at least 25 percent of the total lot depth.

C. **PURPOSES OF PLANNING CODE SECTION 101 AND RDG SECTION III.** The DR Requester misstates in the DR application that the "purpose" of Planning Code Section 101 is to provide adequate light and air to property in San Francisco. That is not accurate. That is ONE OF THE PURPOSES and NOT the only purpose.

The PURPOSES of the SF Planning Code Section 101 include the following: (a) guide, control and regulate future growth and development in accordance with the Master Plan of the City and County of San Francisco, (b) protect the character and stability of residential, commercial, and industrial areas within the City, and to promote orderly and beneficial development of such areas, (c) provide adequate light, air, privacy and

convenience of access to property, and to secure safety from fire and other dangers, (d) prevent overcrowding the land and undue congestion of population, (e) regulate the location of buildings and use of the buildings and adjacent to streets and thoroughfares, in such manner as to obviate the danger to public safety caused by undue interference with existing or prospective traffic movements on such streets and thoroughfares.

As stated earlier, our project is in accordance with the standards of the SF Planning Code and applicable residential design guidelines. Plans for our deck and kitchen expansion were developed considering any impact that such an expansion could have on adjacent properties. In fact, our project would not only be consistent with the purposes and intent of the SF Planning Code, but also will not adversely impact the master plan of the neighborhood or the adjacent properties. Our project will be consistent with and similar to the decks, space and size of property enjoyed by neighbors, including those of the DR requester.

Our proposal is for a reasonable size deck and stairs of about 8'11" by 15' or about 133 ¾ sq ft which is comparable to the decks and stairs that our adjoining neighbors currently have and enjoy. As stated earlier, the proposed deck complies with the 12 foot pop-out allowable extension guidelines set forth in Bulletin 5 and will be consistent and comparable to decks enjoyed by the adjacent neighbors, including the DR requester, which include decks and/or stairs that are over 30 ft above ground level. Our proposed project is for a deck that is no higher than the floor level of the second floor of occupancy not counting the ground floor and is 5 foot away from side property lines.

The kitchen expansion of our project is only about 120 sq ft of additional space which is permitted by Bulletin No. 5 which permits expansions based on the averaging of rear walls of adjacent buildings. Even with the expansion, our property will still be not as deep as most of the properties on our block, including but not limited to both of the adjacent properties. In other words, our rear wall will be less deep than the rear wall of both of the adjacent properties while not encroaching on the rear 25% of the lot. In addition, if the DR requester were indeed concerned about light and air, it is puzzling that the DR requester would decide to rebuild stairs and decks that essentially block the entire north side of their units and are built right on the property line with no setback at all.

- D. **KITCHEN EXTENSION ON STREET LEVEL WILL HAVE MINIMAL IMPACT** – Project will be in the rear of the property, overlooking a north facing backyard where there is no direct sunlight. Therefore, the DR requester grossly exaggerates in stating that our project “will cause substantial diminishment of light and air” to two (2) units on their property and their yard. As stated in the Residential Design Guidelines, “in areas with a dense building pattern, some reduction of light to neighboring buildings can be expected with a building expansion.”

**THERE IS NO SUBSTANTIAL DIMINISHMENT OF AIR.** Our proposed extension is entirely within the strict standards of the SF Planning Code and the applicable Residential Design Guidelines (RDG) and there is no evidence that it will cause “substantial” diminishment of light or air. Any impact or effect as shown in the light/shadow study attached will likely be minimal as permissible under the SF Planning Code.

**ADJACENT UNITS OF DR REQUESTER RECEIVE NO DIRECT SUNLIGHT.** Since the DR requester's units receive no direct sunlight at any time during the year, our 5 ft extension will not block any direct light. The 5 ft kitchen extension is (a) in the rear of the property overlooking a north-facing backyard where there is NEVER any direct sunlight and therefore our project cannot block any direct sunlight since there is none, (b) as detailed in the attached Shadow/Light Study, the project, including the extension, will have minimal impact on the DR requester's backyard especially as the rear wall of our proposed extension will not be as deep as the DR requester's current rear wall, (c) it will be facing the DR requester's solid wall of their second floor unit and building as there are no windows facing west towards our property – all the windows of that unit face the north or east, and (d) the wall of the extension will be along an exterior walkway intended primarily to provide an egress or way out from the rear of the property to the street in front – such exterior walkway has no other purpose. As for the lower unit's sunroom (which is likely an unwarranted living space), because such sunroom has windows on three sides, the only window that could be impacted is the 4x3 window facing our property and that will parallel the new 5 ft fire wall supporting the kitchen addition – a possible reduction of less than 25% of the windows in the sunroom of that one lower unit only.

Such impact is consistent with the Residential Design Guidelines in that some reduction in light is expected with any building expansion given San Francisco's dense building pattern and does not constitute substantial diminishment of light and air, as the DR requester claims. ***Refer to submitted drawing A3 and picture #24 attached.***

Note again, that the 5 ft kitchen expansion is still less than what is allowable under the SF Planning Code and will be less than the average between the depths of the rear building walls of the two adjacent properties - the DR requester's property mass and size is and will continue to be much larger than our property even with the proposed project; this means that the DR requester's property is more likely to cast shadows and block light to our property rather than the reverse. The DR requester's property will continue to be deeper into and will continue to encroach more into the rear yard than when our proposed project is completed.

- E. **PROPOSED DECK FROM STREET LEVEL FLOOR WILL HAVE MINIMAL IMPACT.** Our proposed deck is entirely within the strict standards of the SF Planning Code and the applicable Residential Design Guidelines (RDG) and it will NOT cause substantial diminishment of light and air as represented by the DR requester.

The proposed deck will be located in the rear of our property - on a north-facing backyard – the DR requester's lower units never receive any direct sunlight at any time of the year, so our project including proposed deck will not block any direct sunlight at any time of the year. In fact, whenever there is a sunny day in the neighborhood, the neighbors are often found sitting or playing in front of their properties enjoying the sun rather than in the rear of their properties.

The proposed deck will be set back 5 ft from the adjacent side property lines and within the SF Planning Code standards – and will not go into the rear 25% or 25 feet of the lot as permitted in the Zoning Administrator's Bulletin No 5. As set forth in the Shadow/Light Study prepared by Tim Lorenz attached herewith, with the 5 ft setback, on a north-facing yard, it is unlikely that the proposed deck could block any direct light to their backyard and the sunroom of their lower unit. As stated earlier, the RDG states

that "in areas with a dense building pattern, some reduction of light to neighboring buildings can be expected with a building expansion."

While our project, including the proposed deck, will cast shadows onto the DR requester's property, such impact will be minimal in accordance with the RDG guidelines. As shown in the Shadow/Light study, our current landscaping already casts the longest and most prevailing shadows on the DR requester's property and not the proposed deck or expansion. Moreover, as the study shows, any new shadows will cover a very small portion and will have little impact on DR requester's enjoyment of their backyard since they cover only the part of their backyard and stairs which are used generally to go from one point to another. More importantly, the new shadows will not reach their backyard deck and therefore will not impact their use or enjoyment of that deck.

If the DR requester had been concerned about light in their lower unit, it is puzzling that the DR requester only recently decided to rebuild a deck and stairs on the north side of their building, blocking completely both their units including their lower unit (with the sunroom in the rear). Moreover, the surrounding buildings including that of the adjacent neighbor are much larger in size and mass than our property and already create shadows beyond any shadows that our proposed deck and kitchen expansion could create.

**Boxed-In Effect.** As for the DR requester's claim that the proposed deck would contribute to a boxed in effect, we don't understand how that is possible since the proposed deck will be 5 feet away from the side property lines and it will be on posts and will have open railings.

- F. **RDG – MID-BLOCK OPEN SPACES.** The DR Requester stated in their DR application that Section IV of the RDG provides a number of mitigations that we have not incorporated. We disagree. First, our project is consistent with and complies with Planning Code Section 134 which establishes required rear yard requirements and permitted rear yard projections. Section IV provides that one should design the building's scale and form to be compatible with that of surrounding buildings in order to preserve neighborhood character.

As shown in our drawings and given the surrounding properties in our neighborhood, our expansion and deck are not only consistent and compatible with that of surrounding properties but in fact are of a smaller scale than most such rear yard projections in the neighborhood. Even with the 5 ft kitchen expansion, the rear wall of our property would still be less than the permissible average of the rear walls of both of the adjacent properties. Our proposed deck is neither un-characteristically deep nor tall.

In fact, our proposed deck will still be not as deep as the adjacent neighbor to the west which deck is not only more than 20' above ground but encroaches into the required rear yard by a half foot – in fact, our kitchen expansion and proposed deck are small in scale and NOT out-of-scale in comparison to other additions or decks in the block of our neighborhood. The required rear yard will still be at least 25% of the lot depth. The proposed deck will be lower than other decks in the neighborhood, including decks of the adjacent neighbors and the DR requester. In fact, just on our block, there are at least two properties that occupy almost their entire lots. There is at least one property with two buildings on their lot. Moreover, both the adjacent properties occupy more of their

lot than our property – in fact, the DR requester’s property has not much of a front setback. Again, even with the kitchen expansion, our property will not be as deep as either of the adjacent properties, including that of the DR requester and will still be smaller in size and scale than the adjacent properties.

- G. **5 FT SETBACKS.** The DR Requester states in the DR application that “both adjacent properties to applicant have at least a 5 ft setback to their rear yard sheds”. This statement is not clear - it would be good to know what the DR requester is trying to convey. Is the DR requester saying that the adjacent properties have at least a 5 ft setback on each side of their properties? If so, that is not true because both of the adjacent properties only have 5 ft setback on one side of their properties but not on both sides. In fact, the DR requester’s deck and stairs have been re-built with no setback from side property line – such deck and stairs clearly block any outlook or view from the units towards the backyard. On the other hand, our proposed deck will be set back at least 5 ft from the side property lines. Moreover, our 5 ft kitchen expansion is only encompassing or enclosing our current rear stairs that are not currently set back and adding about 1 ft 3 inches.



January 27, 2013

RE: Shadow Study for:  
Dan Hendel & Jorge Young  
4426 20<sup>th</sup> Street  
2009.11.19.1662

As the Project Architect for the project at 4426 20<sup>th</sup> St. I am presenting the following information. Since the Owners are submitting a comprehensive letter in response to the filed application for a Discretionary Review by the Hattons, I will not repeat the argument why this project does not have "exceptional and extraordinary circumstances" that warrant the Planning Commission's involvement.

I am providing empirical evidence discredits the Hatton's exaggerated comments that the proposed 120 square foot addition and deck will, in their words, "will cause significant light obstruction".

I have compiled the following information of the sun for the exact location of the project. Please see the enclosed sheets from SunEarthTools.com where I found the following data:

**June 21**

SHADOW	TIME	DEGREE	AZIMUTH
#1	10am	48	100
#2	12pm	58	130
#3	2pm	70	220
#4	4pm	50	260
#5	6pm	22	280

**December 21**

SHADOW	TIME	DEGREE	AZIMUTH
#1	10am	16	135
#2	12pm	28	162
#3	2pm	28	195
#4	4pm	18	220
#5	6pm	0	240

After looking at all of the ten different times for the two days, the evidence presented itself with an interesting fact. Please look at Figure #1 & #2. On June 21, even when the sun is at its highest angle, between noon and 2pm, the existing second floor Master Bedroom balcony is the control point where the shortest shadow is created.

It is at this point where the existing house impacts the Hatton's property with the smallest shadow. Or it is at this point where the Hatton's property should have the most light available.

I plotted only the shadow created by this control point, as the foundation to the argument of the impact of the proposed project. The fact is, by the current conditions, the windows on the 2 lower units NEVER receive direct light on any point of the year, even at the best conditions. The Hattons in their Application for Discretionary Review simply exaggerate when they state "...the project will cause substantial diminishment of the light and air available to the two units on our property." How can this be, when no current direct light goes into the lower units? The proposed 5'-0" 1-hour wall along the property line will replace an existing lattice privacy wall. Again, the proposed development will not change the existing conditions at the lowest unit of the Hatton's.

I wanted to also highlight the beautiful and well-designed landscaping on the project's backyard. The majority of the mature foliage is evergreen. Over the years since the owners bought the house, they have responded to the Hatton's request to thin out their landscaping. They have been willing to reduce their landscaping to be good neighbors, even though it has reduced the project owner's privacy and landscaping.

Again in Figure #3 & 4, I have placed on the plan, the rough location of the 3 biggest trees. It is the landscaping that creates the longest and most prevailing shadow on the Hatton's property, not the proposed deck or the 5'-0" extension.

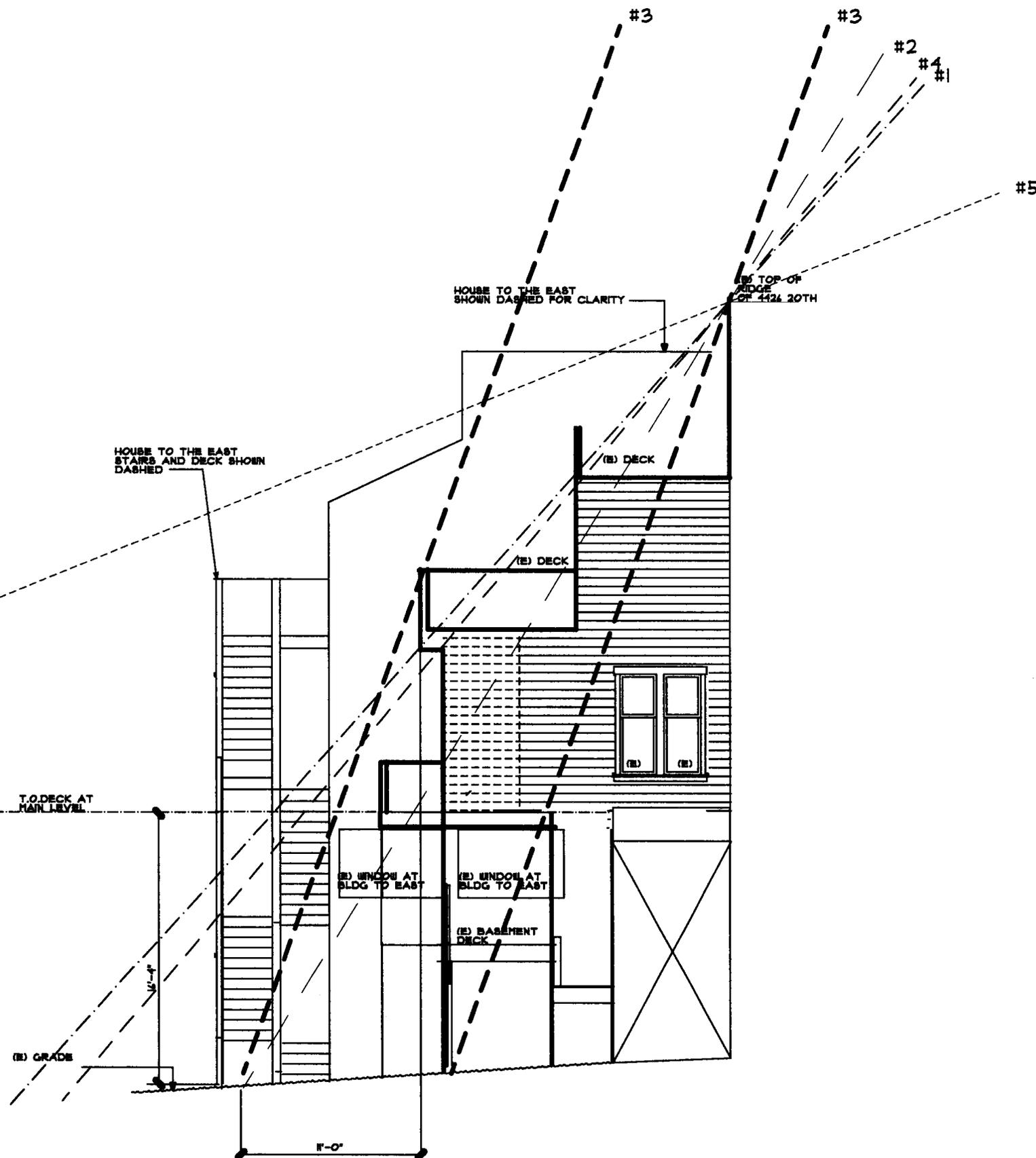
In summary, the owner's response to the DR Request clearly lays out how the current design was created by following the SF Residential Design Guidelines, the Planning Code, and also mitigating the reasonable concerns from the Hattons. As stated in Design Guidelines, the project responds to the unique conditions of the sloping north facing site, allowing minimum impact to the neighbors.

Each element of this proposed project; length, height, mass, and windows are smaller than the adjacent neighbors. We are not asking for anything larger, bigger, or higher than what is presently built on each side of the proposed project.

The application is a fair and reasonable project that should be approved as it is currently presented.

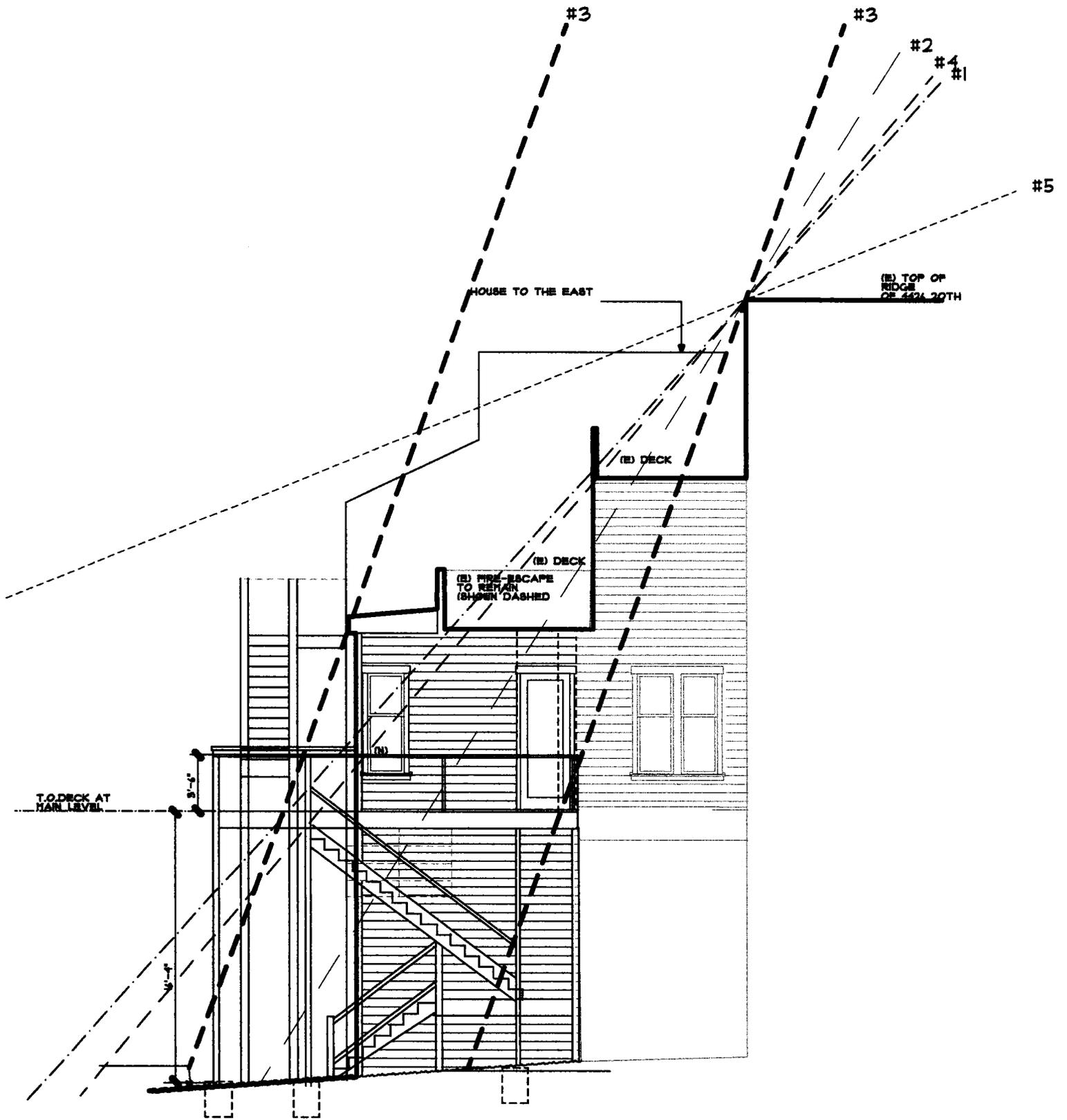
Please contact me with any questions or comments.

Thank you,  
Tim Lorenz, Architect  
289 Church St.  
SF, CA 94114



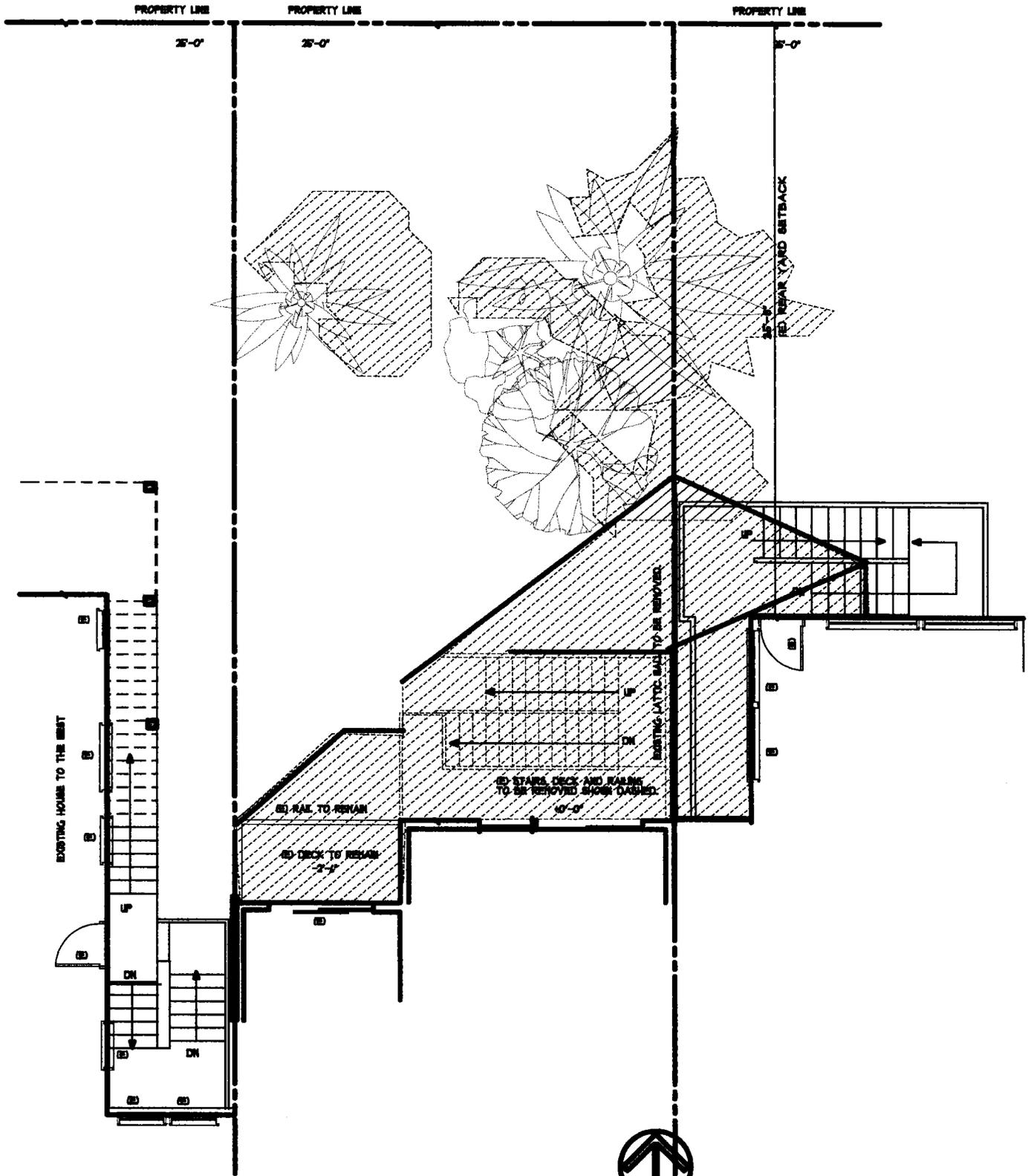
(E) ELEVATION LOOKING EAST  
WITH JUNE 21 SUN ANGLES

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



NEW ELEVATION LOOKING EAST  
WITH JUNE 21 SUN ANGLE

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



**(E) BASEMENT LEVEL DECK**

SHADOWS CREATED BY  
 EXISTING BUILDING MASS  
 AT 4426 20TH ST ONLY  
 FOR CLARITY ONLY  
 ON JUNE 21, 2:00PM





# SunEarthTools.com

Tools for consumers and designers of solar

Home Tools

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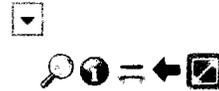
19:10 | Friday 18 January 2013



Home > Solar > Sun Position

select your points

search



37.7577659, -122.437408 37° 45' 27.957" N 122° 26' 14.669" W

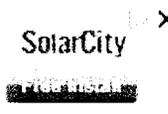
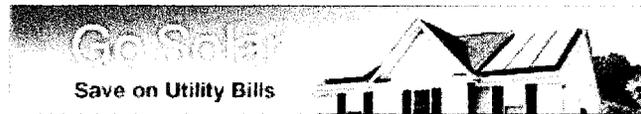
SunRise: 05:48:13 \* 59.04° | SunSet: 20:35:07 \* 300.96° |

4426 20th Street, San Francisco, CA 94114, USA

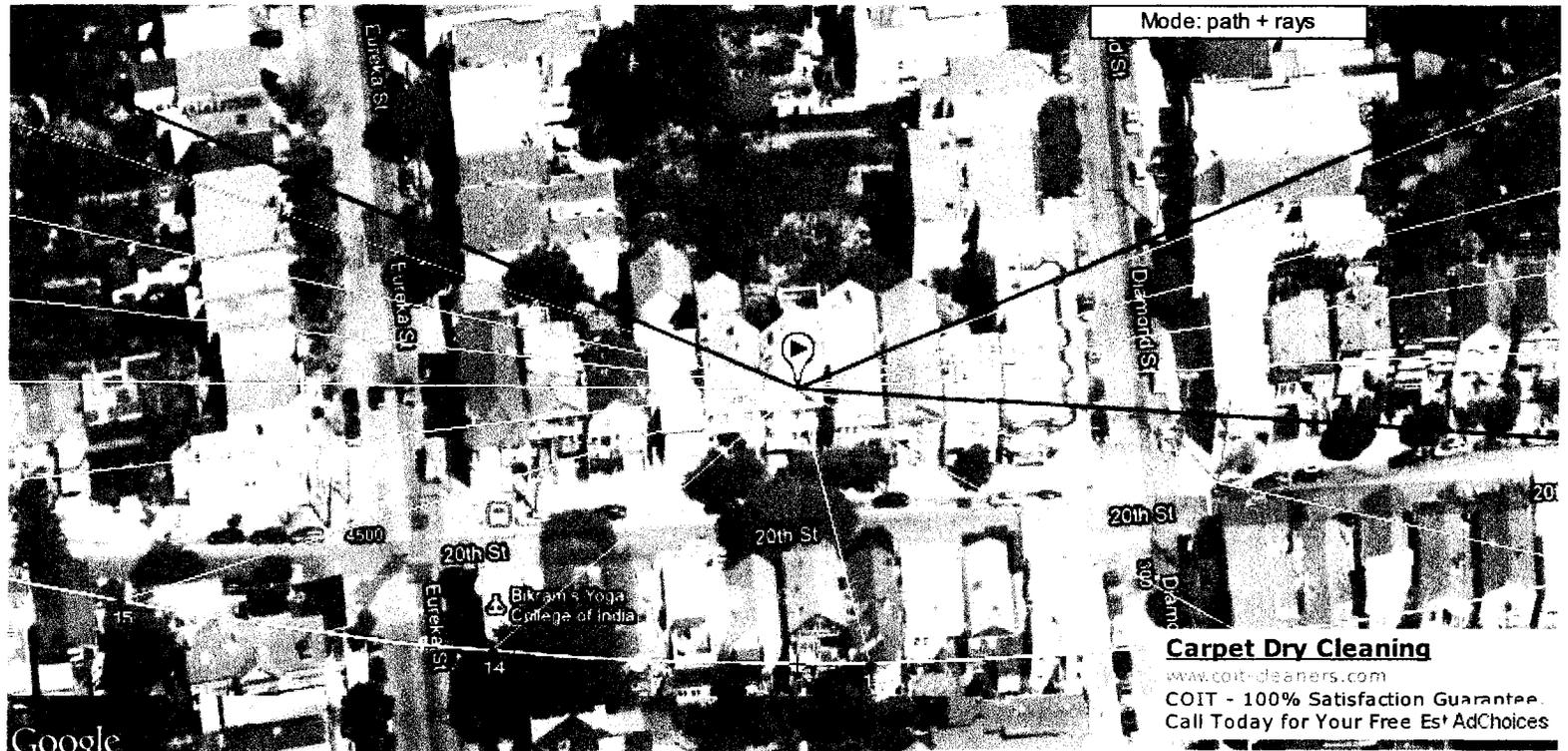
- Home
- Photovoltaic payback
- CO2 Emissions
- Unit of measure converter
- Full interactive map
- Interactive Map
- Distance
- Coordinates conversion
- SunRise SunSet Calendar
- Photovoltaic FAQ

Name 4426 20 st., san francisco, ca 94114

Solar Disk  Analemma  Solstice



year month day hour minute  
 2013 12 21 18 00  
 Time zone GMT-8 DST Default



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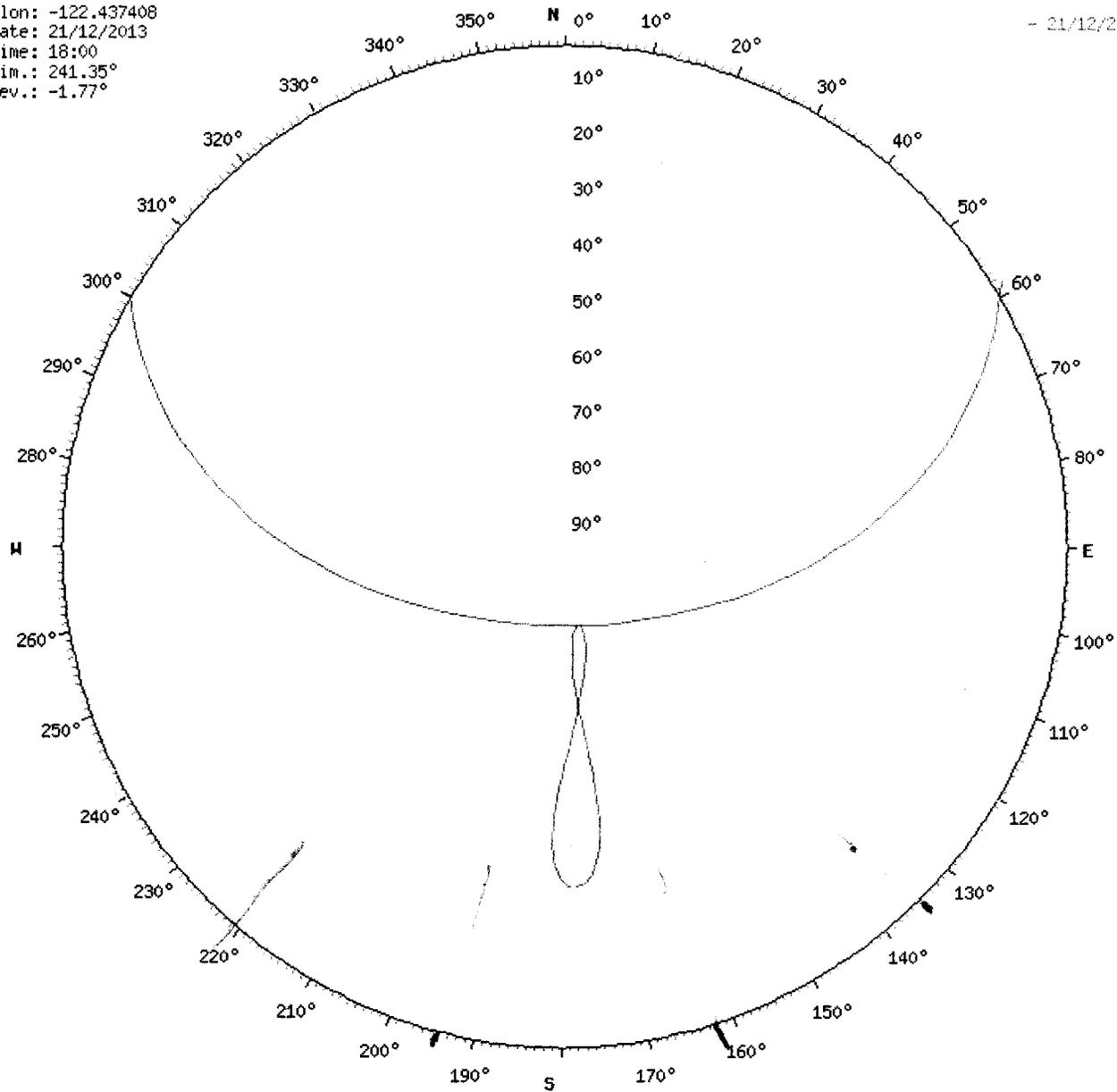
↑ Back to top | Content | Data + Map | Chart Polar | Chart Cartesian | Table | =

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lon: -122.437408  
date: 21/12/2013  
time: 18:00  
azim.: 241.35°  
elev.: -1.77°

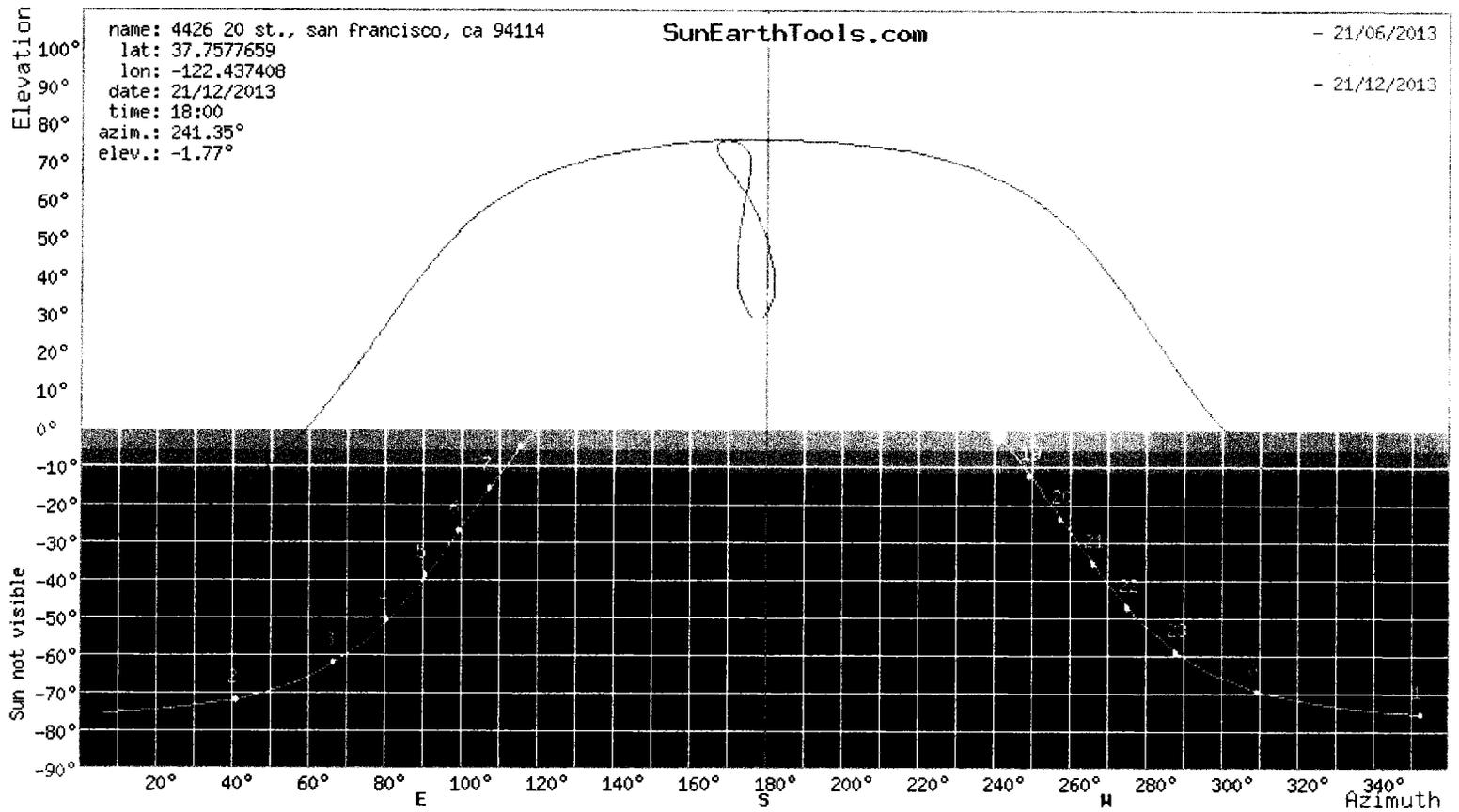
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- 21/06/2013

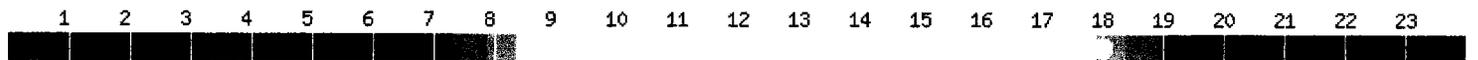
- 21/12/2013



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 [Table](#) | 
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1				
21/12/2013 18:00	-1.77°	241.35°	37.7577659° N	122.437408° W
1				
twilight -0.833°	08:21:37	17:54:36	119.46°	240.54°
Civil twilight -6°	07:52:10	18:23:59	115.11°	244.88°

FOR \$20

Insert this map tool in your site

Back to top | Content | Data + Map | Chart Polar | Chart Cartesian | Table

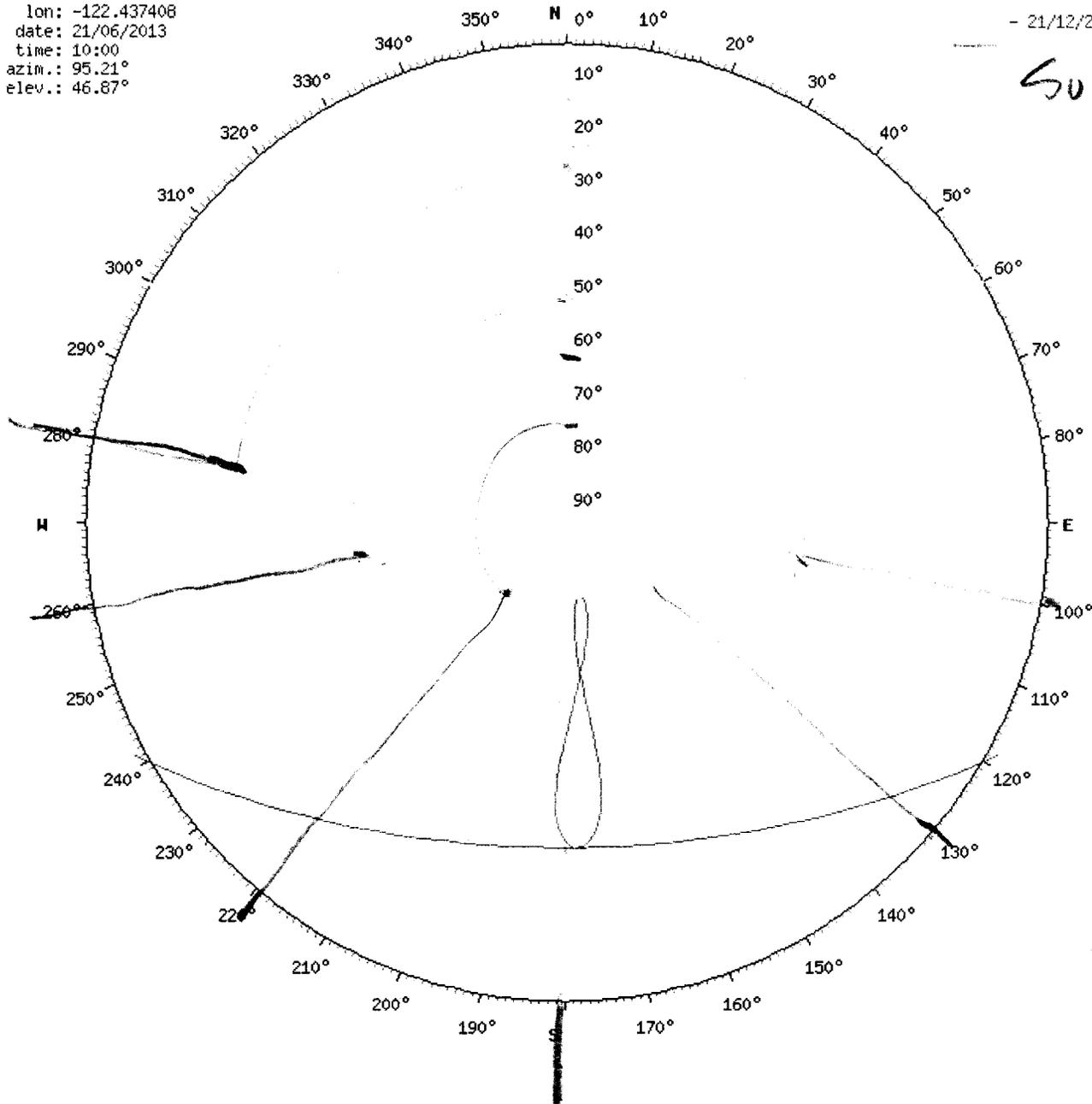
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lon: -122.437408  
date: 21/06/2013  
time: 10:00  
azim.: 95.21°  
elev.: 46.87°

SunEarthTools.com

- 21/06/2013

- 21/12/2013

SUMMER



W3C XHTML 1.0 W3C CSS



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**SAN FRANCISCO  
PLANNING DEPARTMENT**

**DECLARATION OF POSTING**

FOR SECTION 311 / 312 USE ONLY

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

Reception:  
**415.558.6378**

Fax:  
**415.558.6409**

Planning  
Information:  
**415.558.6377**

I, Daniel Hendel, do hereby declare as follows:

1. On 10/27/2012, 2012, I posted a public notice on the project site (one on each frontage for through and corner lots) indicating my intention to secure a building permit and describing the extent of the proposed work for the property located at 4426 20TH ST, SF CA 94114. The public notice form was furnished to me by the Planning Department.
2. After posting the aforementioned notice, I determined that the required notice(s) was posted during the requisite duration between 11/27/2012 ~~10/27/2012~~ and 12/27, 2012.

I declare under the penalty of perjury under the laws of the State of California that the foregoing is true and correct.

EXECUTED ON THIS DAY, December 31, 2012, IN SAN FRANCISCO.

Daniel Hendel  
Signature

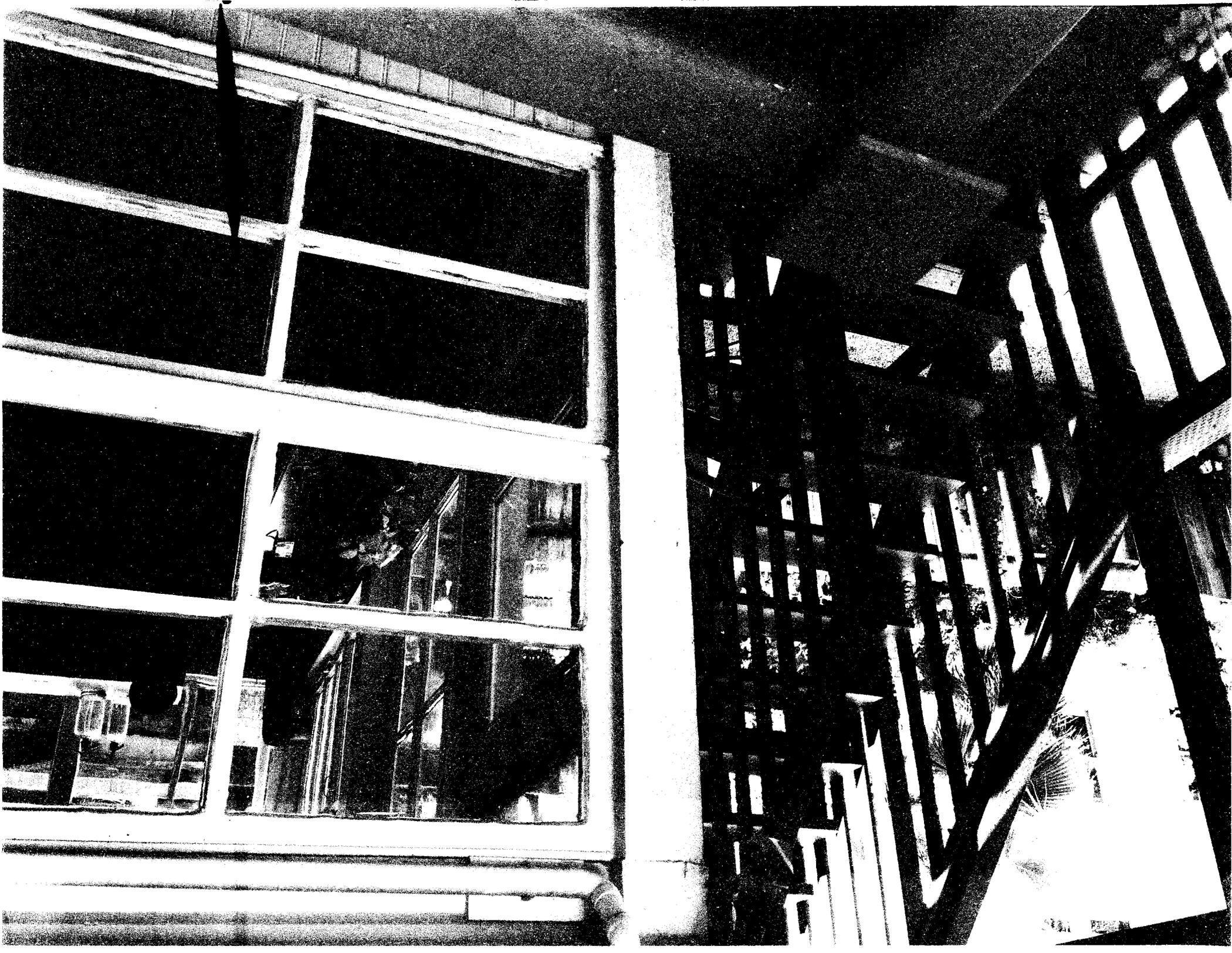
DANIEL HENDEL  
Name (Print or Type)

OWNER  
Relationship to Project: e.g. Owner, Attorney, Architect, etc.

Building Permit Application Number: 2009/11/19/1662

Project Address: 4426 20th Street

Submit completed Declaration of Posting immediately to the Planning Department after the expiration date.



**TO: SAN FRANCISCO PLANNING COMMISSION AND SF PLANNING DEPARTMENT**

**RE: PROJECT AT 4426 20<sup>TH</sup> STREET, SAN FRANCISCO, CA 94114**

**CASE #: 2012.1138D**

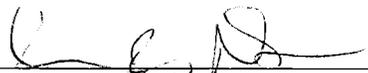
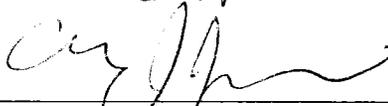
**BLDG PERMIT: 2009.11.19.1662**

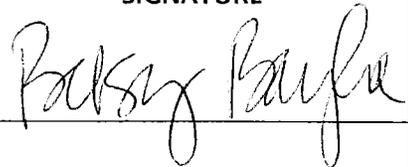
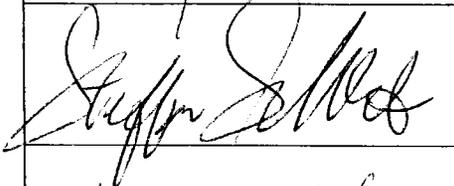
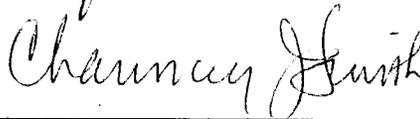
**APPLICANTS: DANIEL HENDEL AND JORGE S YOUNG**

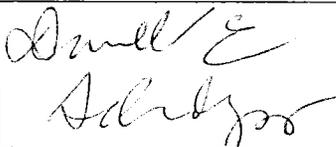
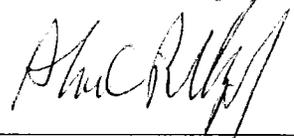
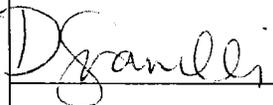
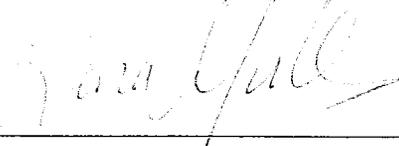
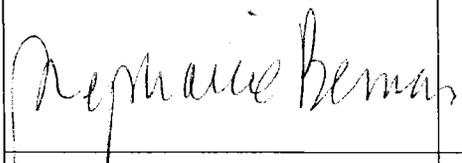
**STATEMENT:** The undersigned neighbors of applicants understand that the above-referenced project is to demolish an existing rotting two-level deck and staircase structure at the rear of the building and constructing a horizontal rear addition, and a new rear deck and staircase structure at the first floor level.

The proposed rear addition would extend the maximum depth of the subject building by 5'-0" and the proposed rear deck will be approximately 8'-11" deep with 5'-0" side setbacks. The proposed kitchen expansion is small and will consist of approximately 120 sq. ft. of additional space and will be consistent with the averaging of the rear walls of the adjacent buildings. The small deck which complies with the allowable extension as set forth in Section 134 of the City Planning Code will consist of approximately 133 ¾ sq. ft. of deck space. As such the project does not require a variance hearing, is in accordance with the purposes of the SF Planning Code and the standards of the Residential Design Guidelines and the SF Planning Dept. is therefore also supporting the project.

The undersigned have reviewed the plans for the above-referenced project and support approval of the above-referenced project.

SIGNATURE	PRINT NAME	ADDRESS	DATE
	Alberta Neilson	4442 20 <sup>th</sup> ST SF CA	3.09.13
	Anthony Jasinski	4326 19 <sup>th</sup> ST. SF, CA	MARCH __, 2013 3/9/13

SIGNATURE	NAME	ADDRESS	DATE
	Betsy Bayne	264 Diamond St SF CA 94114	March 9, 2013
	HEIDI GEWERTZ	264 DIAMOND ST. SF, CA 94114	MARCH 9, 2013
	STEFAN SCHMEISS	253 DIAMOND ST. SF CA 94114	MARCH 9, 2013
	CHAUNCEY SMITH	242 DIAMOND SF CA 94114	MARCH 9, 2013
	RUTHIE BENDOR	* 4131 19th St #5 SF CA 94114	MARCH 9, 2013
	SARAH TURRIN	232 DIAMOND ST. SF CA 94114	MARCH 9, 2013
	SERENA WALES	75 DOUGLASS ST SF CA 94114	MARCH 9, 2013
	PAUL THIBEAULT	4323 19th St. SF CA 94114	MARCH 7, 2013

SIGNATURE	NAME	ADDRESS	DATE
	Darrell Schenlegger	4337 19th St	MARCH 9, 2013
	ALAN BILLINGSLEY	215 EUREKA alanbill@pacbell.net	MARCH 9, 2013
	Deborah Granelli	221 Eureka St. Deborah.Granelli@gmail.com	MARCH 7, 2013
	DAVID ROWLAND	245 EUREKA ST.	MARCH 9, 2013
	LENA MULLINS	255 Eureka St	MARCH 9, 2013
	Stephanie Perman	267 EUREKA	MARCH 9, 2013
	RICHARD FOREMAN	273 EUREKA	MARCH 9, 2013

SIGNATURE	NAME	ADDRESS	DATE
<i>Blake Respini</i>	Blake Respini	271 Eureka St. SF, CA 94114	3/9/13
<i>Susan Eagles</i>	Susan Eagles	285 Eureka St. SF, CA 94114	MARCH __, 2013 3.9.13
<i>Andred Chynoweth</i>	Andred Chynoweth	4414 20th St. SF, CA 94114	MARCH 9, 2013
<i>Lauren Standy</i>	Lauren Standy	300 Eureka St SF, CA 94114	MARCH 10, 2013
<i>Mary Maxion</i>	Mary Maxion (954-549-6552)	300 EUREKA ST. SF, CA. 94114	MARCH __, 2013 03/10/2013
<i>Ariel Ford</i>	ARIEL FORD	4437 20th St SF CA 94114	MARCH 10, 2013
<i>Cate Castañeda</i>	CATE CASTAÑEDA	4440 - 20TH ST. SF. - 94114	MARCH 12, 2013
			MARCH __, 2013



**TIM LORENZ**  
 ARCHITECT  
 289 CHURCH ST  
 SAN FRANCISCO, CA 94114  
 415.994.6017 CA LIC # 24395  
 www.timlorenzarchitect.com

REMODEL TO  
 4426 20TH STREET  
 SAN FRANCISCO, CA 94114

**SITE INFO**

ZONING: RH-2  
 HEIGHT/BULK LIMITS: 40'-X  
 LOT AREA: 2,500 SQ. FT.  
 TYPE: 5, NON-RATED

INTERIOR AREA TO BE REMODELED = 325 SQ. FT.  
 NEW INTERIOR SQ.FT = 120 SQ. FT.  
 NEW DECK AND EXT STAIRS PROPOSED 945 SQ. FT.

REQUIRED REAR YARD SETBACK AT HOUSE  
 = AVERAGE OF REAR BUILDING WALLS AS PER  
 FIGURE 5, BULLETIN NOS

REAR DECK ALLOWED AS PER FIGURE 9  
 FROM THE BULLETIN NOS.

**DRAWING INDEX**

- A1 COVER SHEET, PROJECT INFO & (N) SITE PLAN
- A2 EXISTING SITE PLAN
- A3 (E) & (N) BASEMENT SITE PLAN
- A4 (E) & (N) MAIN FLOOR & SITE PLAN
- A5 (E) REAR & EAST ELEVATIONS
- A6 (N) REAR & EAST ELEVATIONS
- A7 (E) & (N) WEST ELEVATIONS
- A8 SECTION

**SCOPE OF PROJECT**

TO AN EXISTING SINGLE FAMILY, 1 STORY HOUSE,  
 THE FOLLOWING ARE PROPOSED.

1. ADD 120 SF TO THE REAR OF THE HOUSE
2. REPLACE (E) DECK AND STAIRS.
3. REMODEL THE (E) KITCHEN AREA  
 AS INDICATED ON ELEVATIONS  
 AND PLANS
5. NO WORK ON 2ND AND ATTIC  
 LEVELS

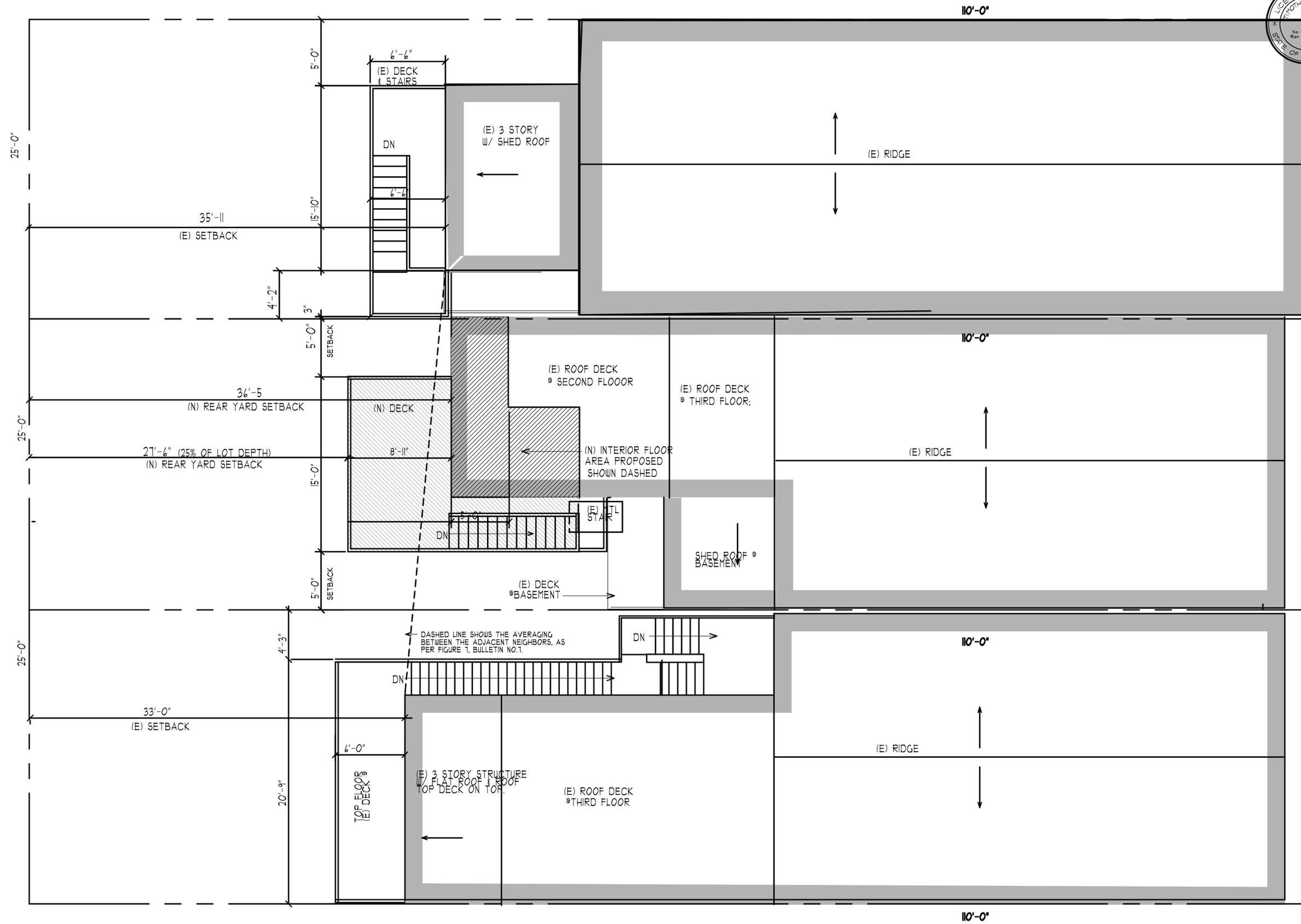
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REVISIONS



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

JOB NO.	20105	SHEET	
DRAWN	TBL		
CHECK	TBL		
DATE	X/1/2011	OF	A1



**PROPOSED SITE PLAN**

1/4" = 1'-0"





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ARCHITECT

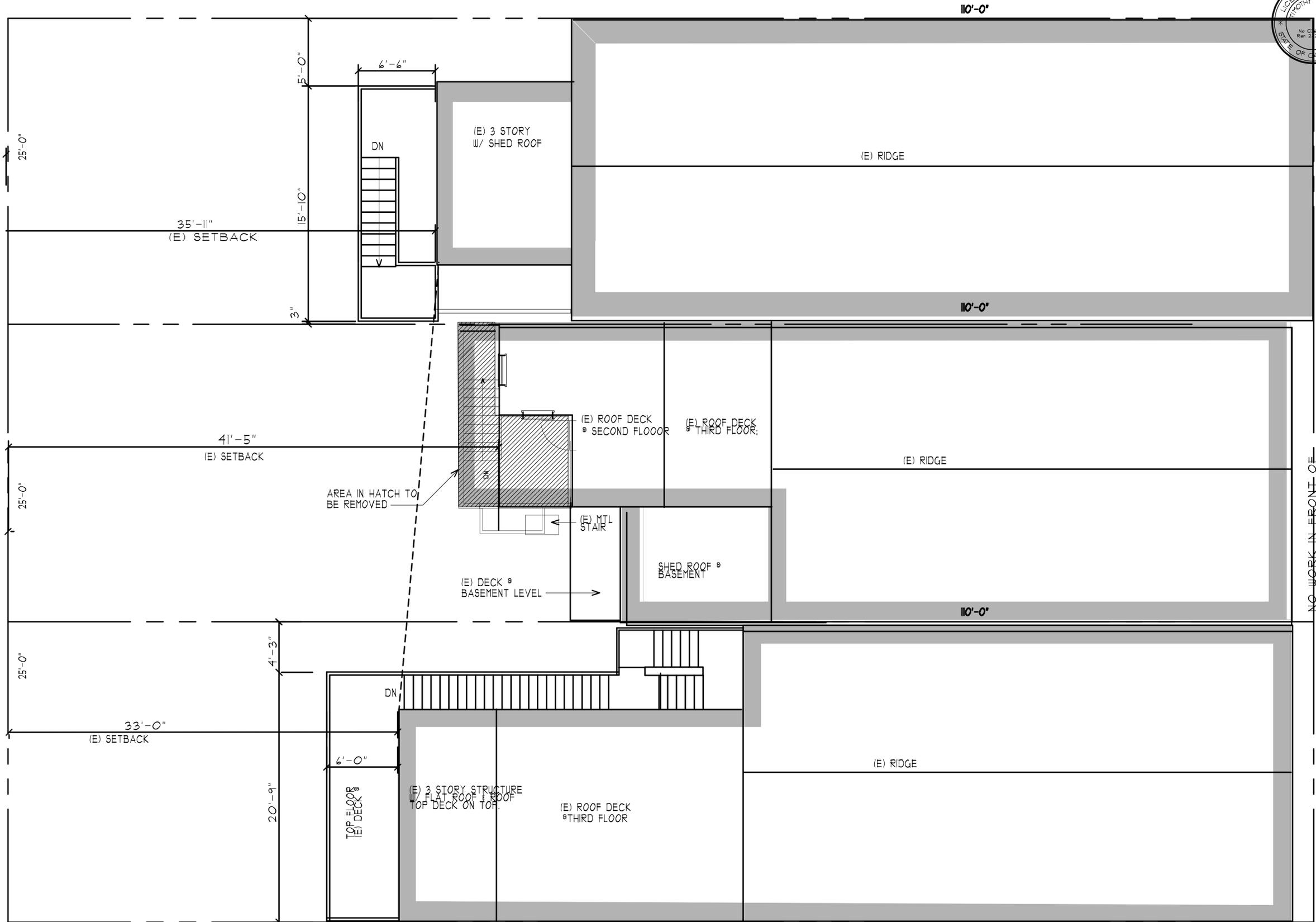
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SAN FRANCISCO, CA 94114

**SITE INFO**

ZONING: RH-2  
HEIGHT/BULK LIMITS: 40'-X  
LOT AREA: 2500 SQ. FT.  
TYPE: 5, NON-RATED

INTERIOR AREA TO BE REMODELED = 325 SQ. FT.  
NEW INTERIOR SQ. FT = 120 SQ. FT.  
NEW DECK AND EXT STAIRS PROPOSED = 245 SQ. FT.



EXISTING SITE PLAN

1/4" = 1'-0"



DESCRIPTION	DATE	DRAWN
REVISIONS		
△		

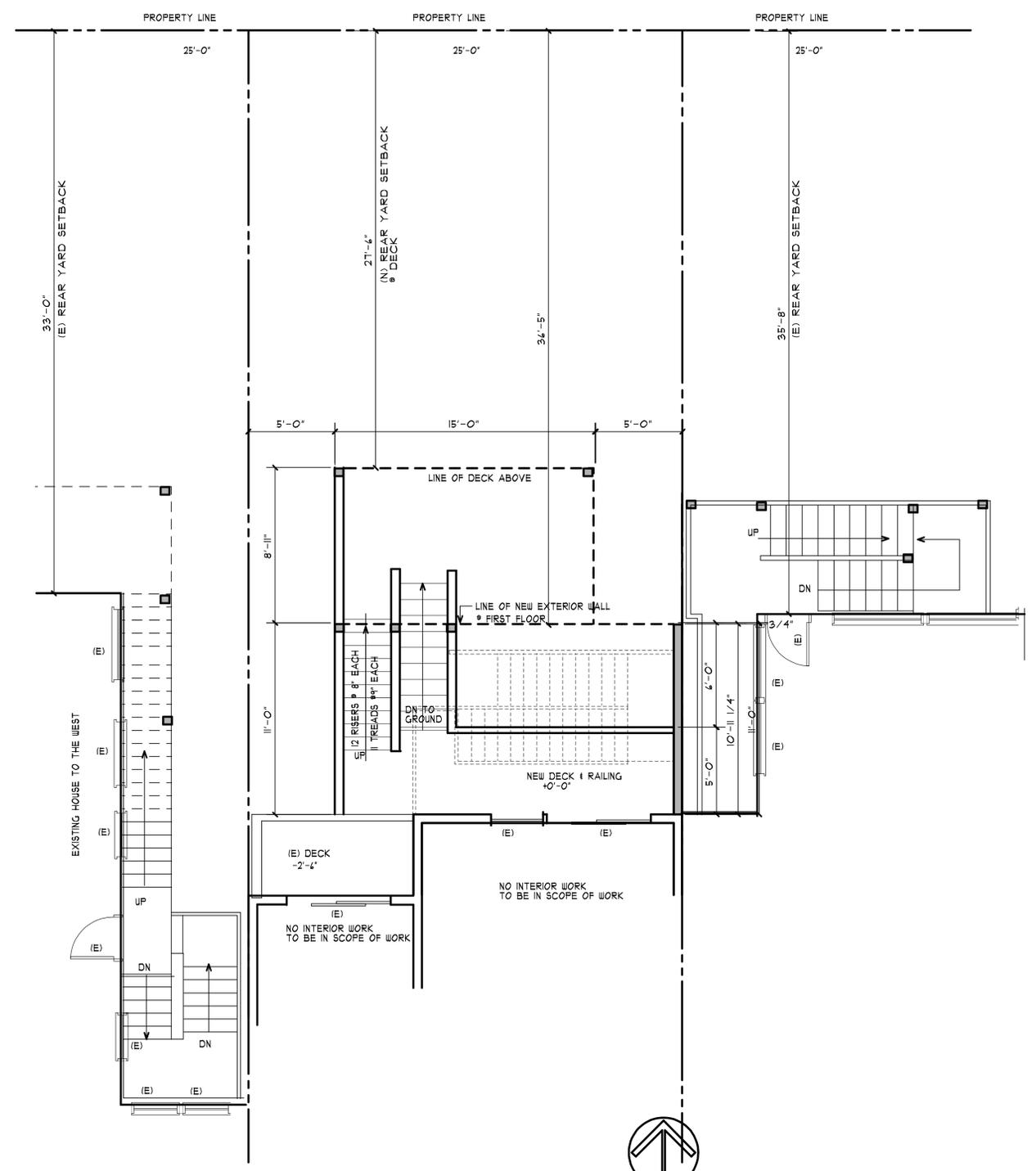
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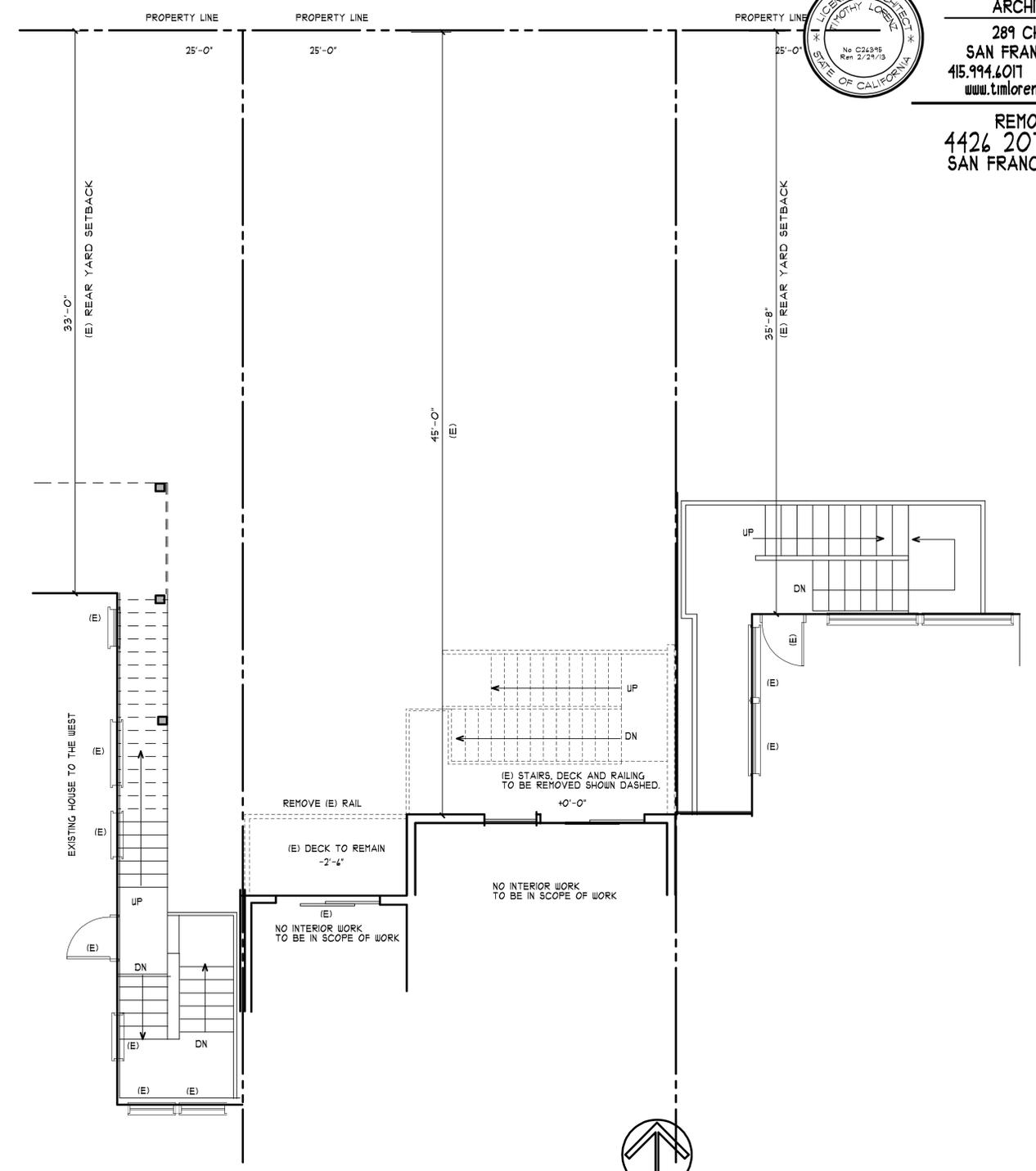


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**(N) BASEMENT LEVEL DECK**  
 SCALE: 1/4" = 1'-0"  
 PARTIAL PLAN SHOWS ONLY SCOPE OF WORK. SEE SITE PLAN FOR COMPLETE SITE PLAN.



**(E) BASEMENT LEVEL DECK**  
 SCALE: 1/4" = 1'-0"  
 PARTIAL PLAN SHOWS ONLY SCOPE OF WORK. SEE SITE PLAN FOR COMPLETE SITE PLAN.

DESCRIPTION	DATE	DRAWN
REVISIONS		
△		

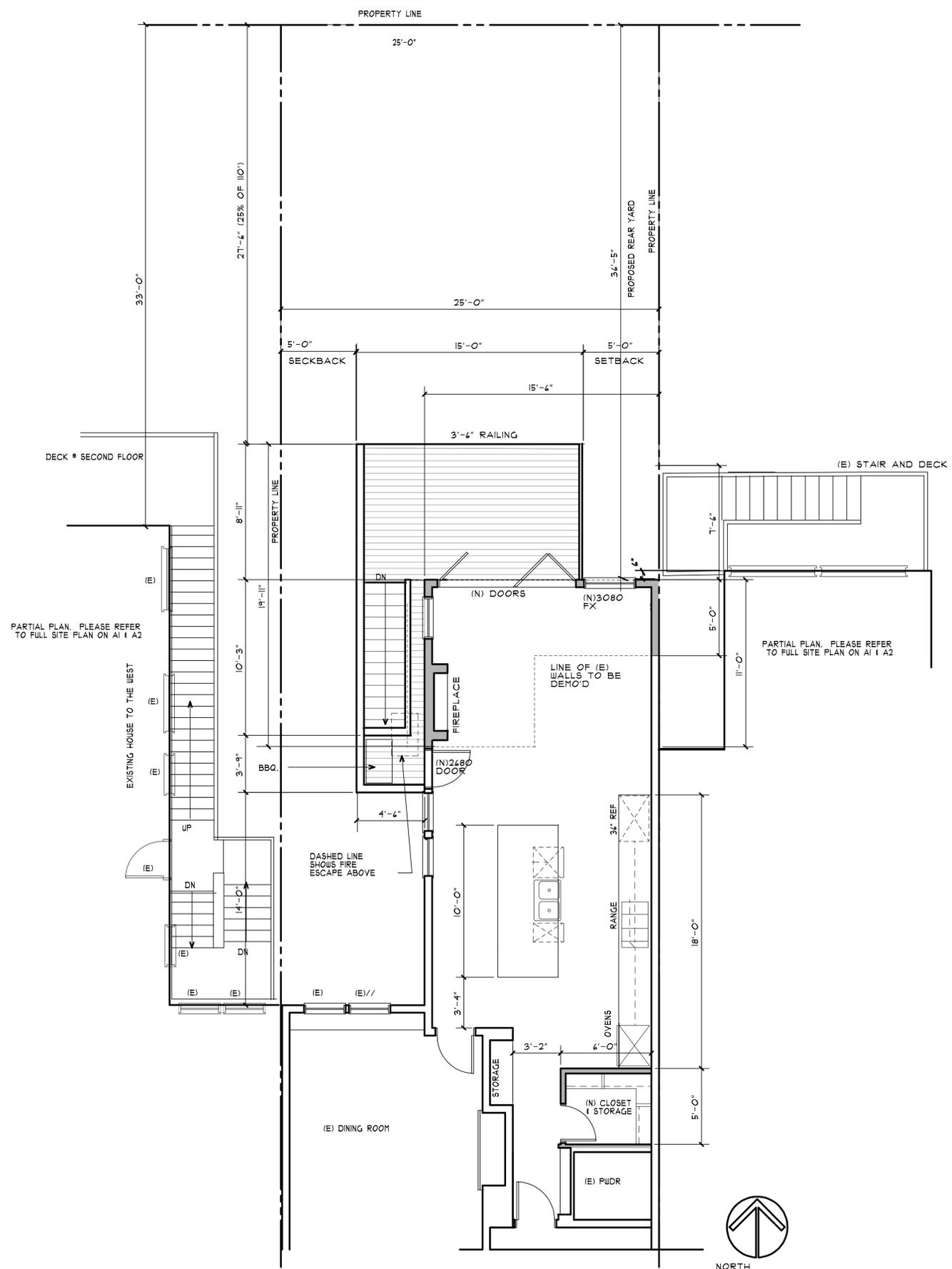
SCALE: 1/4" = 1'-0"

JOB NO.	20105	SHEET	A3
DRAWN	TL		
CHECK	TL		
DATE	XX/XX/2011	OF	



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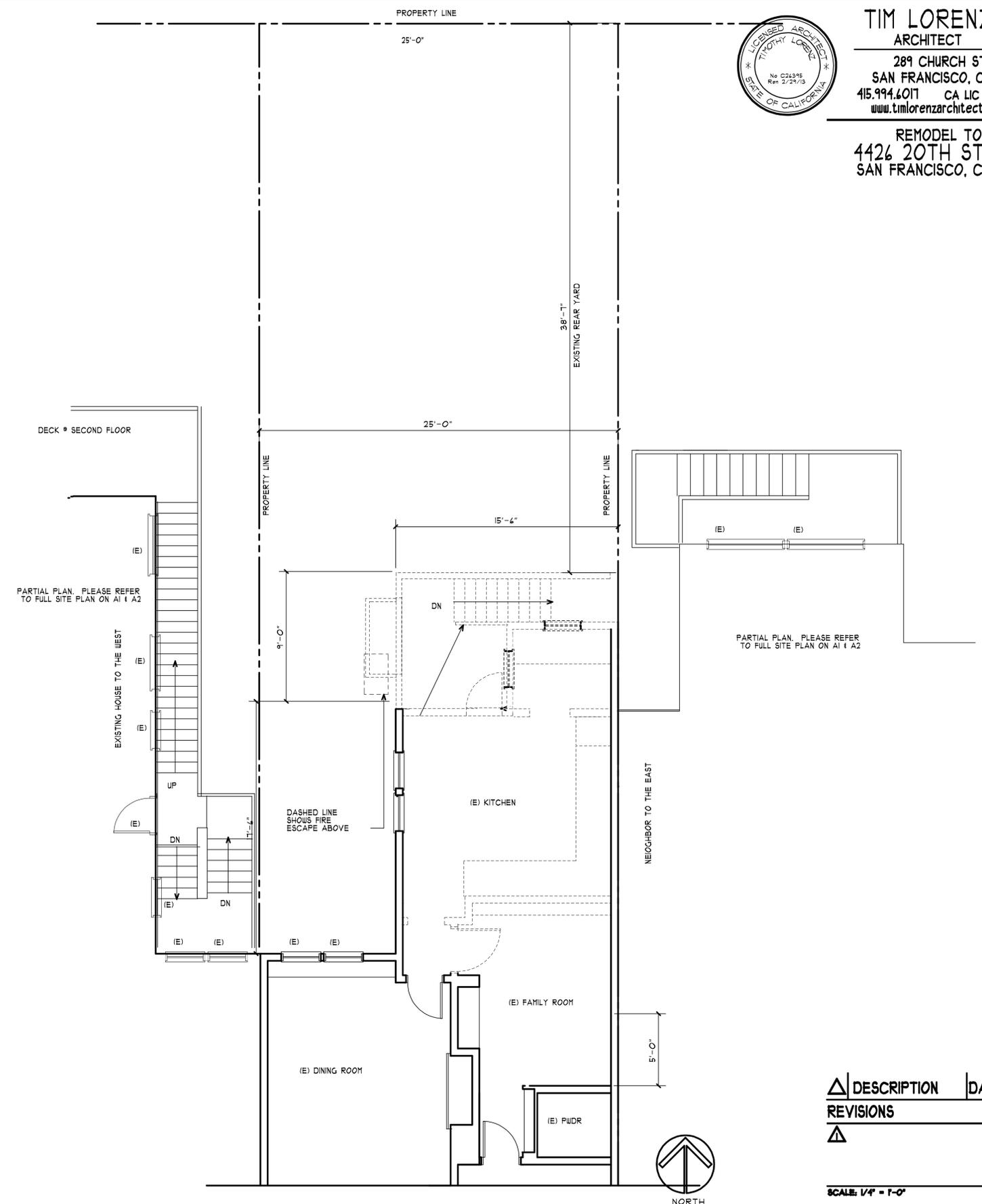
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 4426 20TH STREET  
 SAN FRANCISCO, CA 94114



**PROPOSED FIRST FLOOR • REAR OF HOUSE**

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

2



**EXISTING FIRST FLOOR • REAR OF HOUSE**

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

1

DESCRIPTION	DATE	DRAWN
REVISIONS		
△		

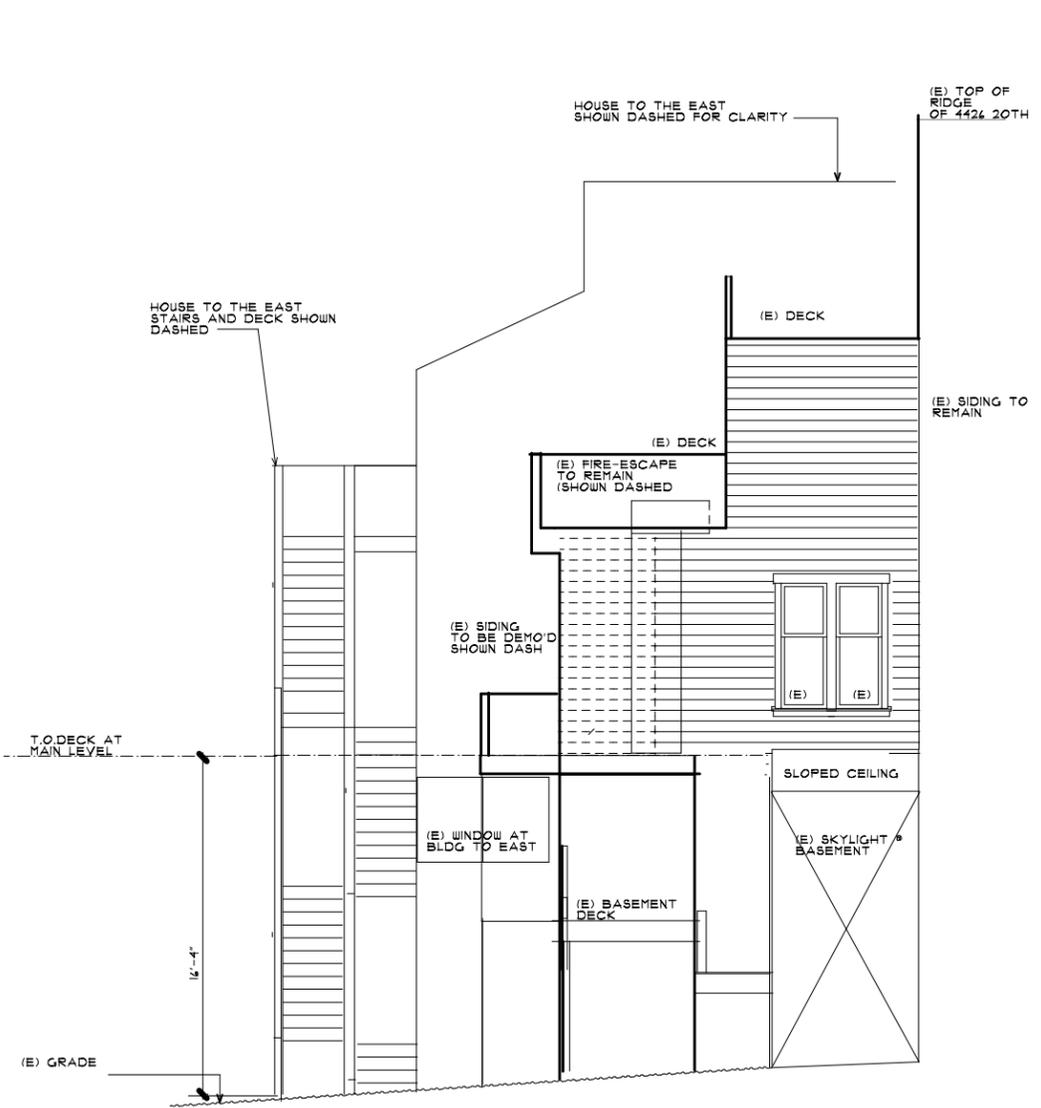
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JOB NO.	20105	SHEET	A4
DRAWN	TLL		
CHECK	TLL		
DATE	11/1/2011	OF	



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 SAN FRANCISCO, CA 94114  
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REMODEL TO  
 4426 20TH STREET  
 SAN FRANCISCO, CA 94114



**(E) ELEVATION LOOKING EAST** ②  
 SCALE: 1/4" = 1'-0"



**EXISTING REAR ELEVATION** ①  
 SCALE: 1/4" = 1'-0"

DESCRIPTION	DATE	DRAWN
REVISIONS		
△		

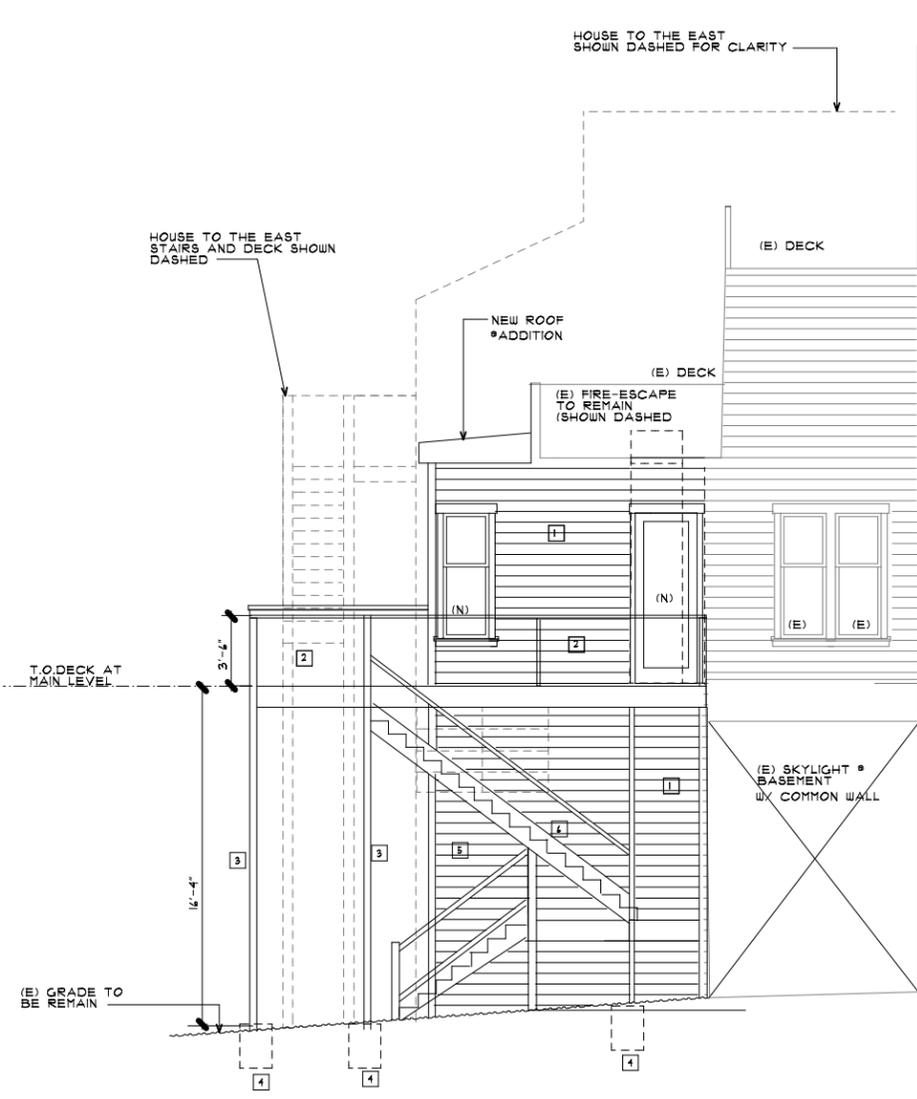
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CHECK	TEL			
DATE	11/1/2011		OF	



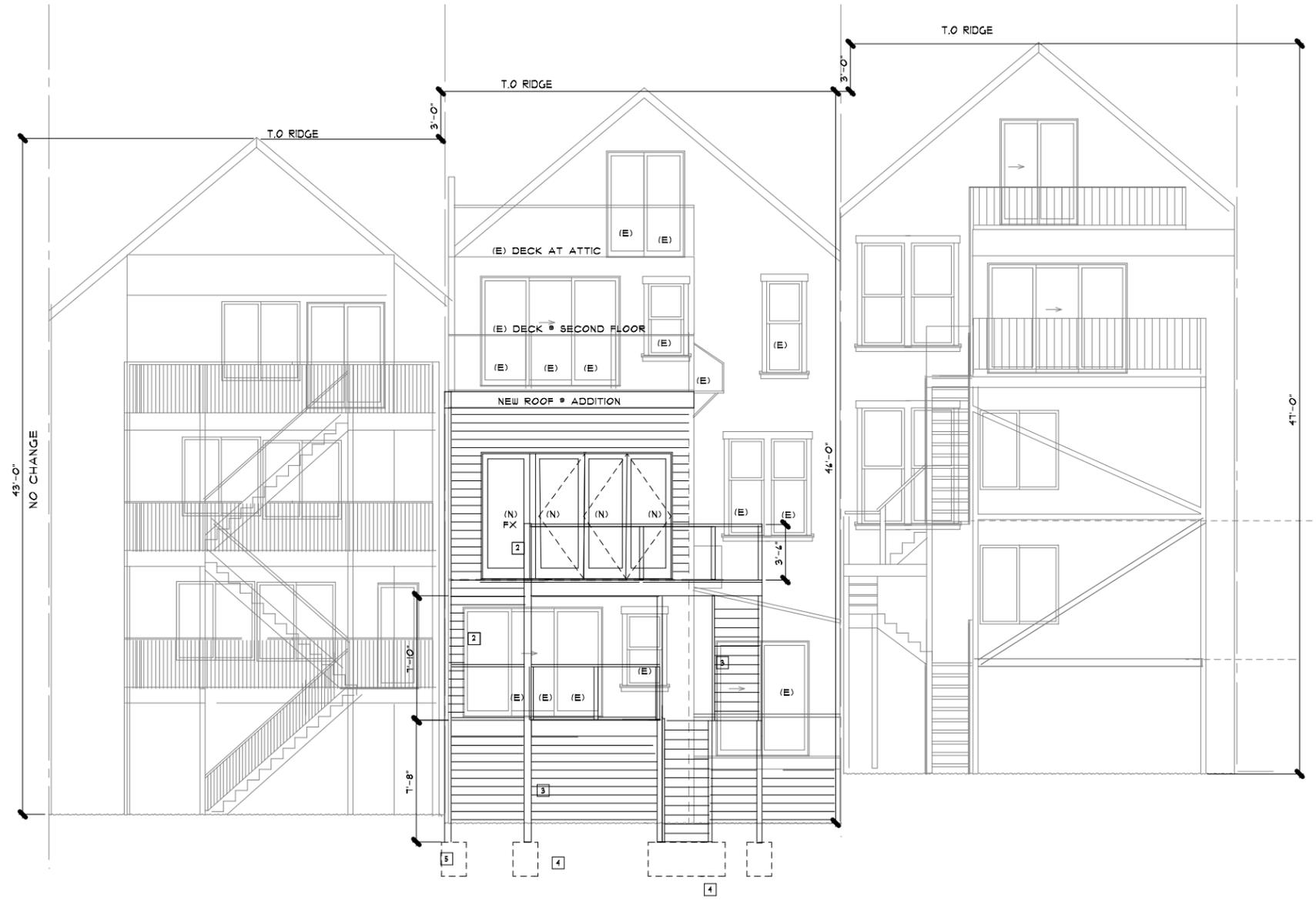
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 SAN FRANCISCO, CA 94114



**NEW ELEVATION LOOKING EAST** ②  
 SCALE: 1/4" = 1'-0"

- ① NEW WOOD SIDING TO MATCH (E) SIDING
- ② NEW GLASS AND WOOD RAIL TO MATCH EXISTING
- ③ NEW WOOD STRUCTURAL POSTS
- ④ NEW FOUNDATION
- ⑤ NEW 1-HOUR RATED WALL
- ⑥ NEW WOOD STAIRS



**NEW REAR ELEVATION** ①  
 SCALE: 1/4" = 1'-0"

DESCRIPTION	DATE	DRAWN
REVISIONS		
△		

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

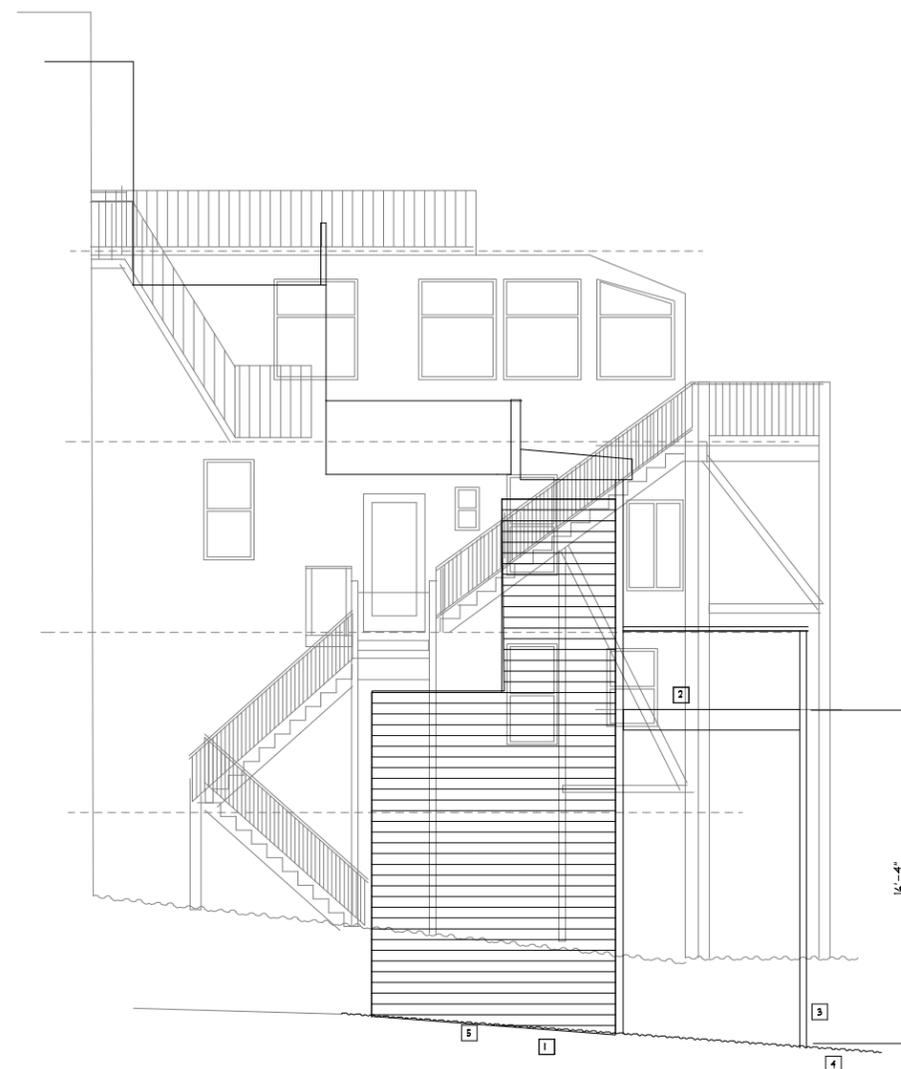
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CHECK	TEL		
DATE	11/1/2011	OF	A6



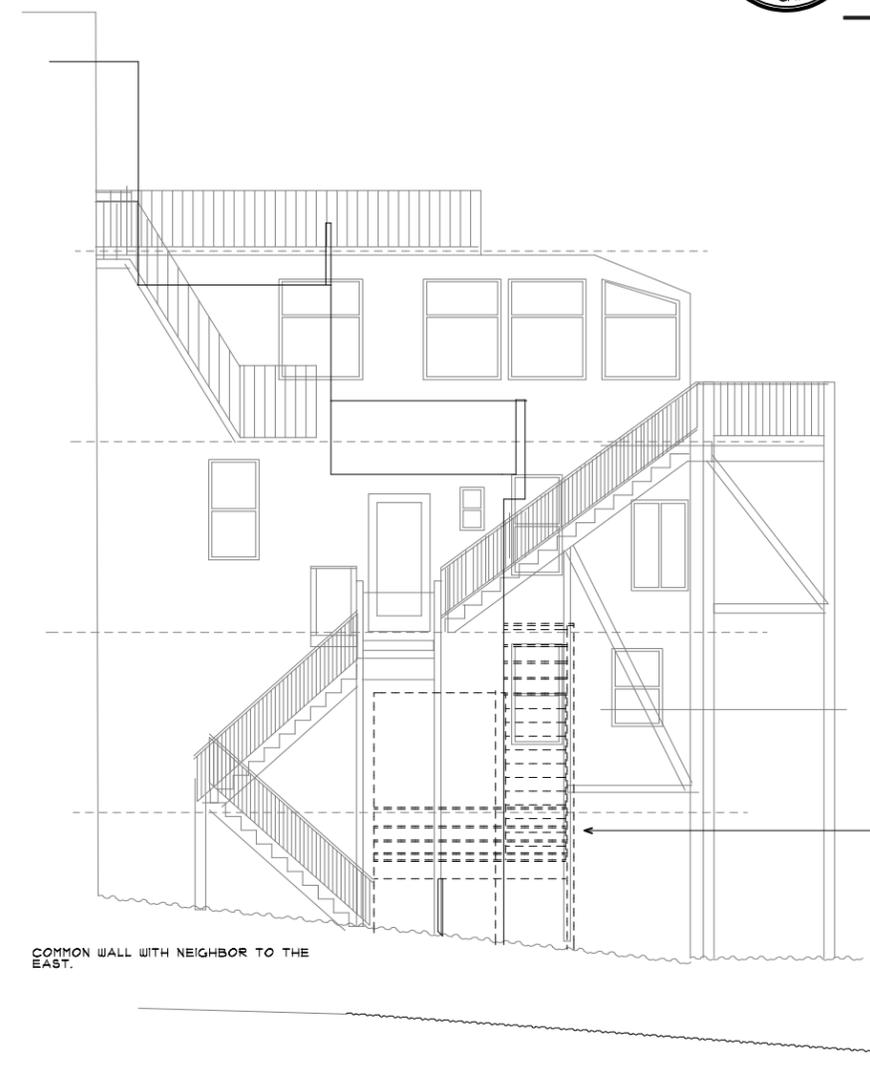
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REMODEL TO  
4426 20TH STREET  
SAN FRANCISCO, CA 94114



**(N) ELEVATION LOOKING WEST** ②  
SCALE: 1/4" = 1'-0"



**(E) ELEVATION LOOKING WEST** ②  
SCALE: 1/4" = 1'-0"

- ① NEW WOOD SIDING TO MATCH (E) SIDING
- ② NEW GLASS AND WOOD RAIL TO MATCH EXISTING
- ③ NEW WOOD STRUCTURAL POSTS
- ④ NEW FOUNDATION
- ⑤ NEW 1-HOUR RATED WALL
- ⑥ NEW WOOD STAIRS

DESCRIPTION	DATE	DRAWN
REVISIONS		



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

JOB NO.	20105	SHEET	
DRAWN	TBL		
CHECK	TBL		
DATE	X/XX/201	OF	

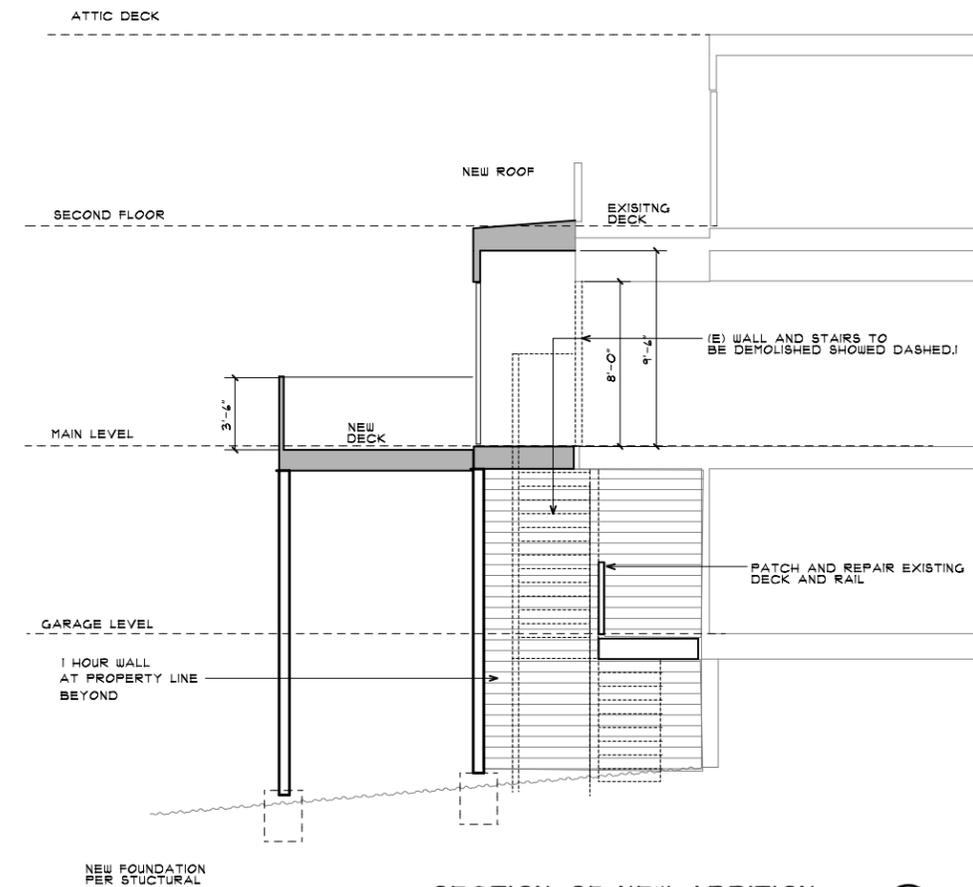




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**SECTION OF NEW ADDITION**  
SCALE: 1/4" = 1'-0"

DESCRIPTION	DATE	DRAWN
REVISIONS		



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

JOB NO.	20105	SHEET	
DRAWN	TBL		
CHECK	TBL		
DATE	X/X/201	OF	8