



SAN FRANCISCO PLANNING DEPARTMENT

Letter of Determination

May 22, 2017

David Lum
3246 17th Street
San Francisco, CA 94110

Site Address:	1715 Alabama Street
Assessor's Block/Lots:	5540/019
Zoning District:	RH-1 Zoning District 40-X Height & Bulk District Bernal Heights Special Use District
Staff Contact:	Daniel Sirois, (415) 575-8714 or daniel.sirois@sfgov.org
Record No.:	2017-004657ZAD

Dear Mr. Lum:

This is in response to your request for a Letter of Determination regarding the property at 1715 Alabama Street. The subject property is located within the RH-1 Zoning District, Bernal Heights Special Use District (SUD) and 40-X Height and Bulk District. Your request seeks clarification on how the mass reduction requirements under Planning Code Section 242(e)(3) would apply to the subject property.

Planning Code Section 242(e)(3) states: "After calculation of the maximum permissible height and lot coverage in an RH-1 or RH-1(S) District, a total of 650 square feet of usable floor area must be deleted from the exterior of the building, causing a reduction in square footage as well as building volume". The intent is to control both floor area and building volume, whether it is development on a vacant lot or additions to an existing building. These controls are designed to support the existing pattern of small buildings on small lots in Bernal Heights.

In keeping with the intent of Section 242(e)(3), the Planning Department has consistently required that any non-complying portion of an existing building, in addition to the required 650 square feet reduction, be factored in to the overall calculation of mass reduction. The rationale for this is that non-complying buildings would become even more so in terms of floor area if the non-complying portions are excluded from the mass reduction calculation. This would, in effect, allow larger buildings in Bernal Heights than what is intended by the Code.

Similarly, volume is factored into the overall analysis of mass reduction because the apparent size of a building is influenced by not only by floor area but by volume too. That is why Section 242(e)(3) references floor area deleted from the exterior of the building, causing a reduction in square footage as well as building volume. The Department has consistently required that the square footage reduction from the building also be reflected in its apparent volume. This has been achieved by sculpting the

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John Lum
3246 17th Street
San Francisco, CA 94110

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building is ways that can be perceived from the street and adjacent properties. For the portions extracted from the building's envelope to be apparent, they must be open to the sky.

Please note that a Letter of Determination is a determination regarding the classification of uses and interpretation and applicability of the provisions of the Planning Code. This Letter of Determination is not a permit to commence any work or change occupancy. Permits from appropriate Departments must be secured before work is started or occupancy is changed.

APPEAL: If you believe this determination represents an error in interpretation of the Planning Code or abuse in discretion by the Zoning Administrator, an appeal may be filed with the Board of Appeals within 15 days of the date of this letter. For information regarding the appeals process, please contact the Board of Appeals located at 1650 Mission Street, Room 304, San Francisco, or call (415) 575-6880.

Sincerely,



Scott F. Sanchez
Zoning Administrator

cc: Property Owner
Neighborhood Groups
Daniel Sirois, Planner

April 4, 2017

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APR 13 2017

CITY & COUNTY OF S.F.
DEPT. OF CITY PLANNING
ADMINISTRATION

Scott Sanchez, Zoning Administrator
SF Planning Department
1650 Mission Street, Suite 400
San Francisco, CA 94103-2179

R# 2017-004657 ZAD
CK # 7231 \$ 664. -
R. SUCRE (SE)



JOHN LUM ARCHITECTURE INC.
3246 SEVENTEENTH STREET SAN FRANCISCO, CA 94110
TEL 415 558 9550 FAX 415 558 0554

Via e-mail: scott.sanchez@sfgov.org

Re: 1715 Alabama Street (Block ⁵⁵⁴⁰5504, Lot 019) Bernal Heights SUD, Bernal Heights East
Slope, Zoning District: RH-1
PA: 2016-1108-2258

- **Parameters of Mass Reduction Calculation - San Francisco Planning Code §242(e)(3)**

Dear Scott,

I am requesting a Letter of Determination (as recommended by Rich Sucre) regarding the Mass Reduction calculation for Bernal Heights SUD pursuant to the San Francisco Planning Code §242(e)(3).

Specifically, 1) should the non-conforming portion of a structure's area be counted against the allowable floor area as defined by the mass reduction calculation and 2) should unenclosed areas overhung by structure be counted as mass?

Our clients, Jason Hughes and Kelly Iura, would like to add a third floor with three bedrooms on one level, as part of a vertical and horizontal rear addition, for themselves and their two young children. Kelly is also expecting her elderly mother to move into their house, requiring an additional bedroom at the ground floor. The property is zoned RH-1, is located in the Bernal Heights Special Use District and falls under the Bernal Heights East Slope Design Guidelines.

The existing two-story single-family dwelling extends into the front yard setback by 4'-11". The proposed new third floor complies with the front and rear setbacks per the Bernal Heights East Slope Design Guidelines and RH-1 District. Our proposed project consists of 2,744 SF.

1) Mass Reduction Question:

Section §242(e)(3) states, "After calculation of the maximum permissible height and lot coverage in an RH-1 or RH-1(S) District, a total of 650 square feet of useable floor area must be deleted from the exterior of the building, causing a reduction in square footage as well as building volume." Furthermore, "The reduction must be taken from the front, the rear, or the top of the building above grade."

Our Project Planner informed us that the existing, non-conforming area beyond the front setback would need to be subtracted from the mass of the proposed design. The Planner described the

calculation as: (Distance between front and rear setbacks) x (Distance between side property lines) x (Number of floors allowed within height restriction) – 650 sq.ft. = Maximum Floor Area. For the subject property, this calculation is: (40.5') x (25') x (3) – 650 sq.ft. = 2,387.5 sq.ft. The phrasing of §242(e)(3) appears to be specific to proposed additions and does not mention existing structures. As there is no code that states a maximum floor area requirement, we do not believe that the intention of the code was to create an F.A.R. Rich Sucre confirmed this fact, stating that the mass reduction is not keyed to any square footage requirements.

We have had several conversations with Terry Milne, Chair of the Bernal Heights East Slope Design Review (who helped write the original code section for the Bernal Heights SUD). His interpretation is that a non-conforming portion of a structure should not be included in mass reduction as the goal was not to “penalize” a homeowner for non-conforming sections of a house and that the intent of the mass reduction is to keep homes appropriately sized and viable for families in Bernal Heights. The project has been reviewed by the Bernal Heights East Slope Design Review Board with positive comments (see attached letter).

2) Covered outdoor space not being counted in mass reduction question:

The Project Planner stated that an outdoor area overhung by floor area would not count towards a reduction in mass. §242(e)(3) states that the areas “deleted” should be at the front, rear or top of the building and reduce both square footage and volume; the code does not state that the area must be “open to the sky”.

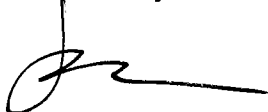
There is no written code stating this restriction to the Mass Reduction code. Contrary to our planner, Rich Sucre believes that voids or overhangs, such as bay windows, that are less than 3'-0" deep can be counted towards mass reduction. We would like clarification on what type of voids can be counted as reductions in mass.

Unfortunately, these two unwritten code requirements are effectively eliminating the homeowners' ability to grow their home to allow for their children's bedrooms to be located on the same level. Through the mass reduction restrictions outlined by our Planner and based on the proposed lower floor plans, we are limited to 229 SF for the third floor, which yields enough space for a single bedroom with a staircase.

Therefore, I request a formal determination of the parameters of the Mass Reduction calculation per San Francisco Planning Code §242(e)(3).

Thank you for your time and consideration regarding this request. Please call me if you have any questions or need further clarification,

Sincerely,



John Lum, AIA

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Bernal Heights
East Slope Design Review Board

Terry Milne, external secretary • 321 Rutledge • San Francisco 94110 • [285-8978]

October 2, 2016

Mr. Michael Morrison
John Lum Architecture
michael@johnlumarchitecture.com

RE: 1715 Alabama Street
Block/Lot #5540/019

Dear Michael,

The Bernal Heights East Slope Design Review Board held a neighborhood meeting on September 15, 2016 to review the proposed remodel and third floor addition to a house at 1715 Alabama Street. The meeting was attended by a small group of neighbors.

The Board believes that the project is in general conformance with the Bernal Heights East Slope Building Guidelines. By setting the third floor addition back, the visual impact on the street is minimized. The variety in roof forms, façade materials, and recesses at the front and the rear all serve to break up the overall massing and create visual interest. The new sidewalk planters at the primary facade add greenery and create a layered, interesting entry.

The neighbors at 1717 Alabama Street expressed concern that their dormer window parallel to the shared property line and set back approximately two feet will now face the wall of the addition, rather than being open to the sky. Light into those rooms and hallway will be reduced. The Board encourages the architect and project sponsor to work with these neighbors to help them visualize the impact of the proposed addition, and consider options that might reduce their loss of light if feasible.

The neighbor at 1709 Alabama Street noted that the proposed rear extension will cover his existing window on the shared property line however this room also has a skylight and window to the rear.

The Board noted that the mass reduction calculations include the front setback as part of the reduced area; this area should not be included as a reduction, since the front setback is required. We recommend that you verify the calculations and update the diagrams before submitting to the City.

The Board wishes to thank the project sponsor for presenting the plans to the neighborhood. Since the Board is not a City agency, it does not have the power to either approve or disapprove the permit application.

Cordially,



Wendy Cowles, Chair
On Behalf of the Bernal Heights ESDRB