



# SAN FRANCISCO PLANNING DEPARTMENT

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## Discretionary Review Abbreviated Analysis

HEARING DATE: MARCH 7, 2013

*Date:* February 27, 2013  
*Case No.:* 2013.0061D  
*Project Address:* 349 BANKS STREET  
*Permit Application:* 2012.1129.5100  
*Zoning:* RH-1 [Residential House, One-Family]  
40-X Height and Bulk District  
Bernal Heights Special Use District  
*Block/Lot:* 5685/019  
*Project Sponsor:* Arjun Dutt & Ritu Vohra  
2200 20<sup>th</sup> Street  
San Francisco, CA 94107  
*Staff Contact:* Tara Sullivan – (415) 588-6257  
tara.sullivan@sfgov.org  
*Recommendation:* **Do not take DR and approve as proposed**

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

Reception:  
**415.558.6378**

Fax:  
**415.558.6409**

Planning  
Information:  
**415.558.6377**

### PROJECT DESCRIPTION

The project proposes the legalization of a 7 foot wide by 9 foot – 7 inch deep balcony at the northern side of the roof of a single family dwelling. The deck is 'cut' into the roof and setback approximately 12 feet from the front façade. The permit is to comply with Department of Building Inspection Violation #201275901, issued on November 11, 2012, for the construction of a deck through the roof at the third floor without benefits of permits.

### SITE DESCRIPTION AND PRESENT USE

The subject property is located on the east side of Banks Street between Cortland and Jarboe Avenues in the Bernal Heights neighborhood. The lot is 25 feet wide and 70 feet long and contains a two-story over basement single-family residence that was constructed prior to 1900.

### SURROUNDING PROPERTIES AND NEIGHBORHOOD

The subject property is located in the Bernal Heights neighborhood, which is a large area in the southeast portion of the city between the Mission District and Bayview Hunters Point. Bernal Heights' boundaries are Cesar Chavez Boulevard (formerly Army Street) to the north, Alemeny Boulevard to the south, Mission Street to the west and Interstate 101 to the east. 349 Banks Street is located in the western portion of the south slope below Cortland Avenue. Banks Street consists of two-story-over-basement one-and-two family residences. Cortland Avenue is zoned NC-2 (Neighborhood Commercial, Moderate Density) and serves as the main commercial thoroughfare for the neighborhood.

### BUILDING PERMIT NOTIFICATION

TYPE	REQUIRED PERIOD	NOTIFICATION DATES	DR FILE DATE	DR HEARING DATE	FILING TO HEARING TIME
Block Book Notation	10 days	December 10, 2012 – January 10, 2013	January 10, 2013, 2013	March 7, 2013	57 days

Note: Section 311 notification is not required for this project, as the deck is not an increase to the exterior dimensions of the building, but rather is ‘cut’ into the roof, thus removing habitable space. The adjacent neighbor, Vicki Shipowitz, filed a Block Book Notation (“BBN”) on the property in November 2012, requiring 10-day notification of all building permit activity for 349 Banks Street. A Discretionary Review was filed as a result of the BBN notice.

### HEARING NOTIFICATION

TYPE	REQUIRED PERIOD	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUAL PERIOD
Posted Notice	10 days	February 25, 2013	February 25, 2013	10 days
Mailed Notice	10 days	February 25, 2013	February 25, 2013	10 days

### PUBLIC COMMENT

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

### DR REQUESTOR

**Vicki Shipkowitz**, owner/occupant of **345 Banks Street**, a two-story-over-garage, single family building north of and directly adjacent to the subject building.

### DR REQUESTOR’S CONCERNS AND PROPOSED ALTERNATIVES

See attached *Discretionary Review Application*, dated January 10, 2013.

### PROJECT SPONSOR’S RESPONSE TO DR APPLICATION

See attached *Response to Discretionary Review*, dated February 19, 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”) did not find the project or the Discretionary Review request to demonstrate exceptional or extraordinary circumstances.

The RDT found that the project does not cause a loss of privacy. The project deck faces onto the unoccupied roof of the adjacent property (Requestor Shipkowitz’s property). Decks located at the roof of buildings are a common feature associated with residential buildings. The proposed size and location of the deck is within reasonable tolerances for privacy to be expected when living in a dense urban environment such as San Francisco.

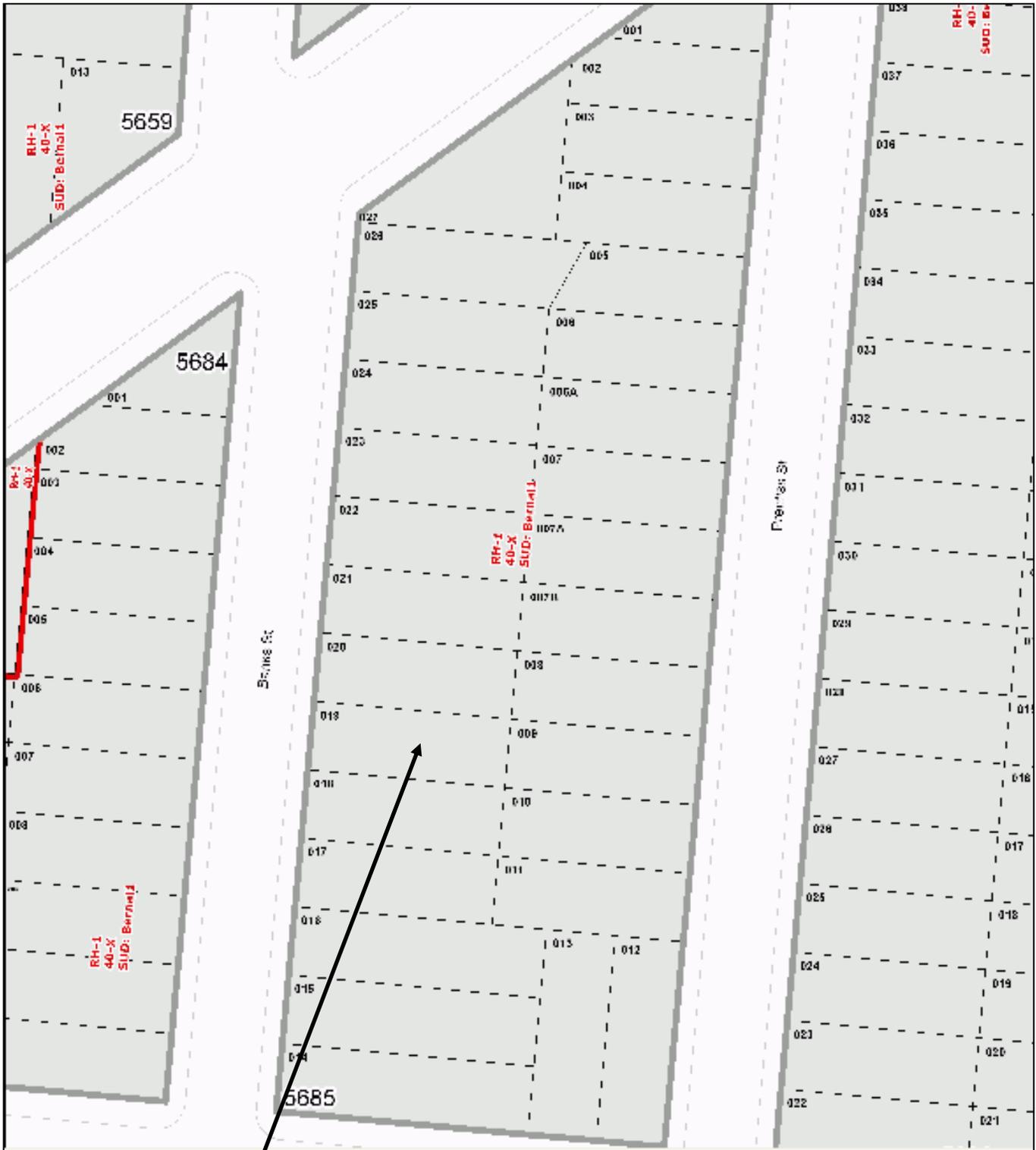
**Under the Commission’s pending DR Reform Legislation, this project would not be referred to the Commission as this project does not contain or create any exceptional or extraordinary circumstances.**

<b>RECOMMENDATION:</b> <b>Do not take DR and approve project as proposed</b>
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### Attachments:

- Block Book Map
- Sanborn Map
- Zoning Map
- Aerial Photographs
- Context Photographs
- Block Book Notation Notice
- DR Application
- Response to DR Application dated February 19, 2013
- Reduced Plans

# Parcel Map

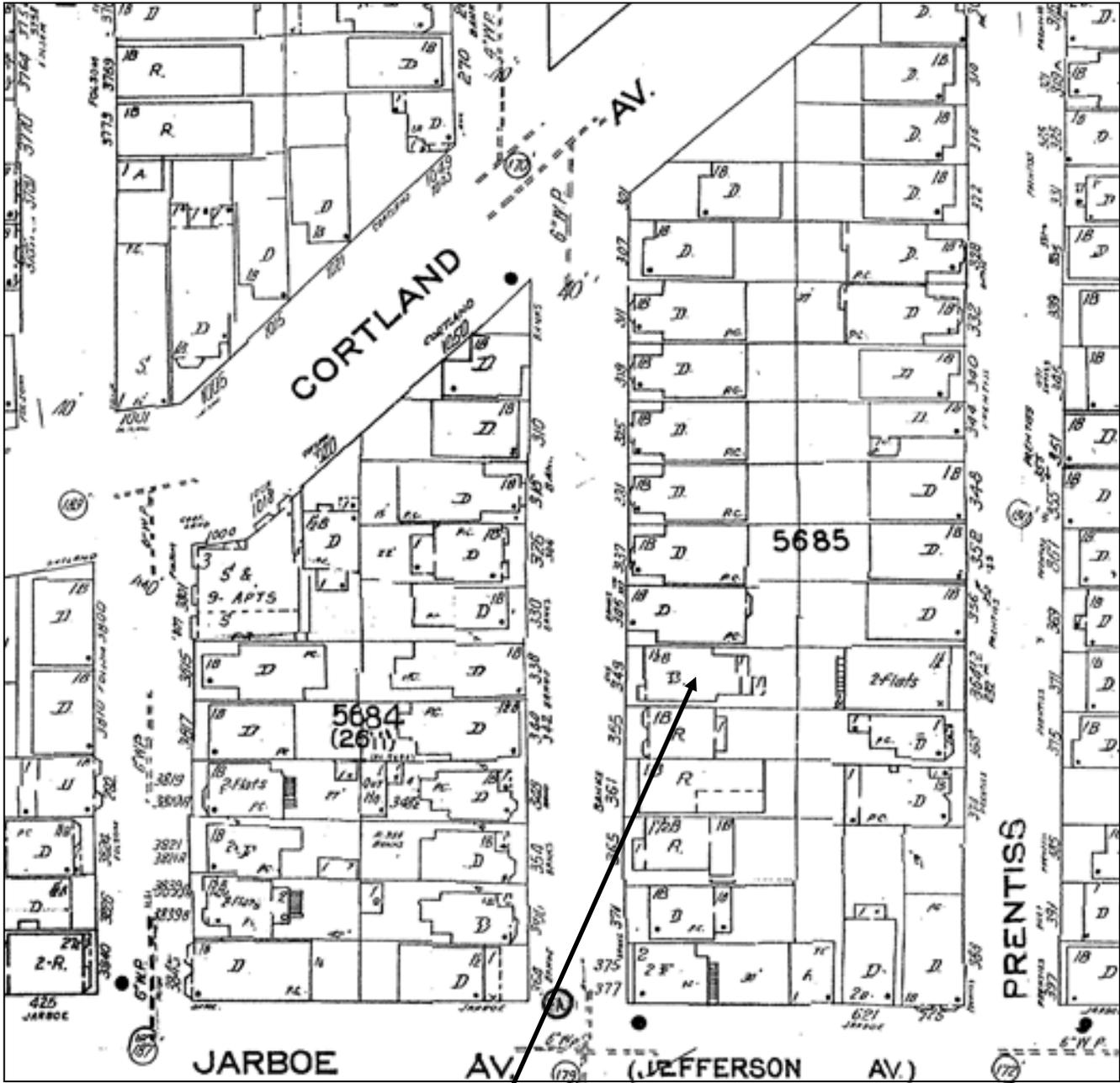


**SUBJECT PROPERTY**



Discretionary Review Application  
Case Number 2013.0061D  
349 Banks Street

# Sanborn Map\*



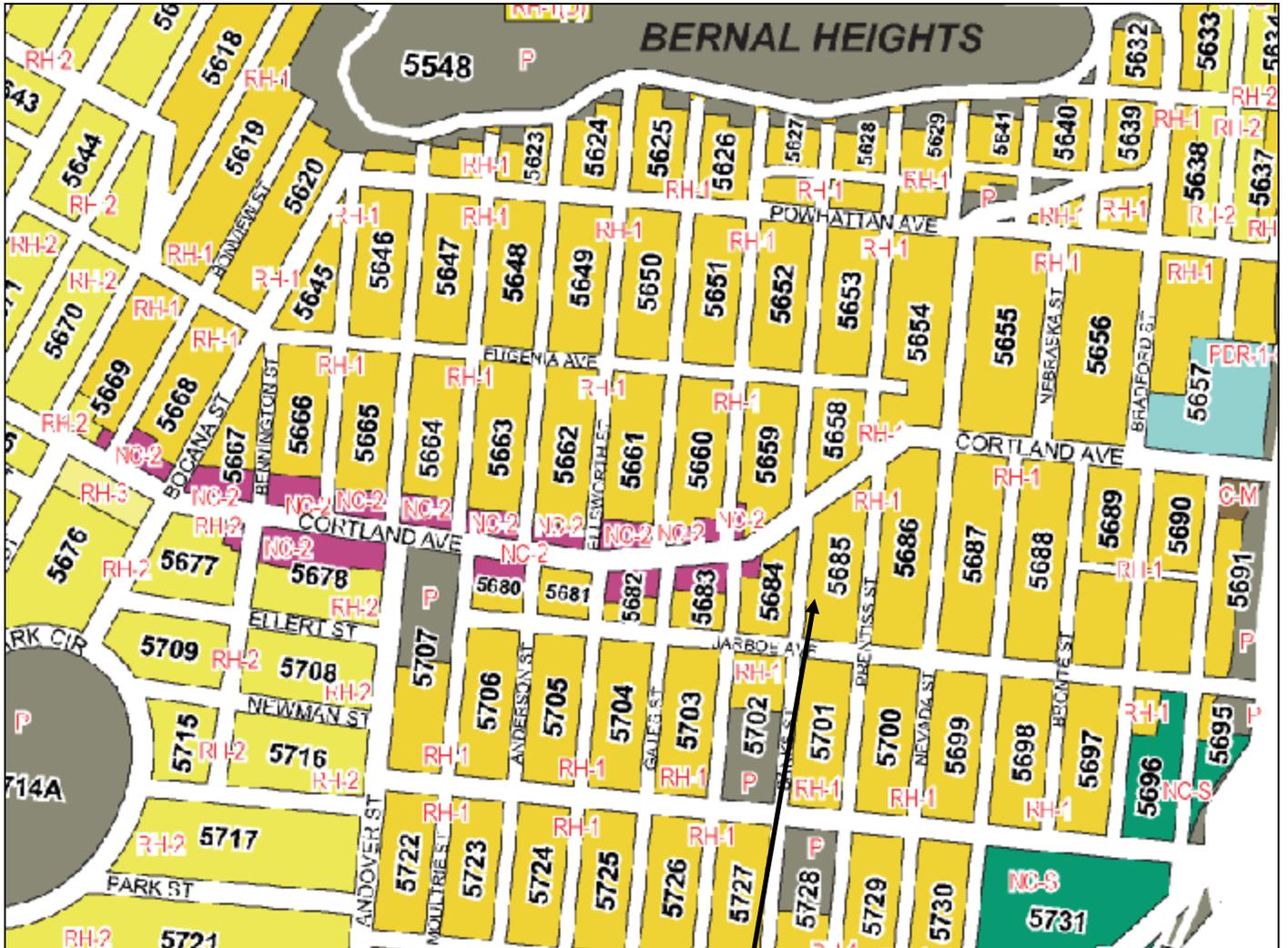
SUBJECT PROPERTY



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

Discretionary Review Application  
Case Number 2013.0061D  
349 Banks Street

# Zoning Map



SUBJECT PROPERTY



Discretionary Review Application  
Case Number 2013.0061D  
349 Banks Street

# Site Photo



349 Banks Street

Discretionary Review Application  
Case Number 2013.0061D  
349 Banks Street

# Site Photo



345 & 349 Banks Street

Discretionary Review Application  
Case Number 2013.0061D  
349 Banks Street

# Site Photo



Banks Street looking north

Discretionary Review Application  
Case Number 2013.0061D  
349 Banks Street

# Site Photo



Banks Street looking south

Discretionary Review Application  
Case Number 2013.0061D  
349 Banks Street

# Arial Photo



**SUBJECT PROPERTY**  
349 Banks Street

**Location of Deck**

**DR REQUESTOR**  
345 Banks Street



Discretionary Review Application  
Case Number 2013.0061D  
349 Banks Street

# DR Filer Application and Submittal



# Application for Discretionary Review

13.00610

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

The project at 349 Banks imposes a significant negative impact to me and to my property at 345 Banks (see *Exhibit A: Properties Involved in the Discretionary Review*). The extraordinary circumstances that justify a Discretionary Review include:

1. NOTICE TO NEIGHBORS WAS NOT PROVIDED AS REQUIRED BY CITY PLANNING CODE SECTION 311/312 FOR CONSTRUCTION, CHANGE IN USE, OR BUILDING EXPANSIONS IN RH/RM DISTRICTS :

- a. The roof deck at 349 Banks was built:

- without permit;
- long after the original plans and permit requests for property alternation were submitted to City Planning and permits issued<sup>1</sup>;
- and, after the permitted building alterations were complete.

(see *Exhibit B: City Planning tracking related to #2012.112.95100 & #2012.275.901*)

Thus, although there are exceptions to notifications, as noted in Section 311(b)<sup>2</sup>, this case does not qualify according to the 10/96 provision under "Not Exact Replacement"<sup>3</sup> which states that exemptions apply only in the case where all alternations to a property, including removal and replacement of existing features, are approved **at the same time**. As this roof deck was designed and installed as an afterthought to the original plans, it required but did not provide requisite advanced notice to neighbors.

- b. Notification to neighbors is also required, according to Section 311(b), "Decks," 4/1998 (3)<sup>4</sup>, when the deck is more than 10 feet above grade.

<sup>1</sup> Permits for original design were issued in May 2012 (201205100163); deck was added on in November without permit. Property owners were issued a Notice of Violation (in response to complaint) in November 2012 (#2012.75.901). Owner acknowledged that new architect was hired after the violation was issued to draw plans for the deck.

<sup>2</sup> [http://www.sf-planning.org/ftp/files/publications\\_reports/ZAB\\_04\\_311\\_and\\_312\\_Notification.pdf](http://www.sf-planning.org/ftp/files/publications_reports/ZAB_04_311_and_312_Notification.pdf)

<sup>3</sup> 10/96: The replacement of a legally existing feature or portion of a building with that of a feature that is the same size or smaller is exempt from the notification requirement provided the replacement structure is within the same footprint and envelope as the feature or portion removed **and the removal and replacement are approved at the same time**. This exemption is justified because the resulting structure would be less obtrusive than the structure replaced. This exemption is from the Section 311 notification – not from other Code requirements. ***If the replacement feature is noncomplying, surrounding owners will receive notice of the variance hearing.***

<sup>4</sup> Decks: 7/1996: This Section defines an alteration in such a way as to exclude all permitted obstructions of Section 136(c) except the 12 foot extension. Therefore, a deck that can only be approved pursuant to Section 136(c)(25) would be subject to the notification requirements of this section. If the deck could be approved pursuant to any other paragraph of Section 136(c), it would not be subject to the notice requirements of this section.

*The above interpretation regarding treatment of decks under 311 was further refined in April 1998 as follows:*

4/1998: Unenclosed decks and stairs in RH and RM districts require the notification of neighbors only when:

- (1) They encroach into the required rear yard via Sections 136(c)(25); or when
- (2) Multi-level decks or decks more than 10 feet above grade, are supported by columns or walls other than the building wall to which it is attached; or when
- (3) *The deck is more than 10 feet above grade;* or when
- (4) The Building Code requires a one-hour wall greater than 10 feet in height for the proposed deck and/or stair.

2. THE ROOF DECK IMPOSES RISKS AND VUNERABILITIES TO ME AND MY PROPERTY THAT DID NOT PREVIOUSLY EXIST AND SHOULD NOT BE PERMITTED

As designed, the roof deck at 349 Banks, built without permit, sits directly adjacent and flush to my flat tar-and-gravel roof. With a simple step over a wall that sits just 24 inches above my roof line, the deck provides almost effortless access to my roof (see *Exhibit C: 349 Blue Print, details of adjacent roof lines*). This promises to negatively impact me and my property as follows:

- a. **LIABILITY RISK:** There is a reasonable likelihood that due to the easy access, flat surface, and beautiful unencumbered view offered by my roof, occupants and their guests would use my unsecured roof for their recreational purposes. This easy access presents an unprecedented liability risk to me that should not be imposed. It also introduces the likelihood of roof damage from unwarranted roof use (as has already happened with the unwarranted use of my roof during deck installation<sup>5</sup> --see *Exhibit D(a,b): Images of unauthorized use and resulting damage to 345 roof* and *Exhibit D(c): Email confirming north-edge roof as damage causing water seepage*).
- b. **VUNERABILITY TO MY PERSON AND PROPERTY:** Easy access to my roof also means easy access into my house via a light well that has a ladder leading from my roof directly to an interior facing door. Should 349 Banks be compromised, access into my house puts at risk my personal safety and the security of my property (see *Exhibit E: View of light-well with easy roof access*). In kind, the ease of access creates vulnerability for 349 Banks occupants and their property should 345 be compromised.
- c. **FIRE RISK:** The recently drafted design for the roof deck (post installation) offers a fire wall that is 42" from the floor of the deck at 349 Banks, but only 24" from the top of my roof line (see *Exhibit F: 349 Blue Print, detail of wall height*). This does not adequately protect either property from the risk of fire jumping across roof lines.

3. IMPOSES ON MY RIGHT TO PRIVACY AND USE AND ENJOYMENT OF MY PROPERTY

The roof deck at 349 Banks sits in such close proximity to my master bedroom ceiling and window that even whispers and footsteps from the deck (and the house if the door to the deck is open). The converse is likely true as well.

- a. **PRIVACY:** Planning Code Section 101 states that one of the purposes of the Planning Code is to provide adequate privacy to property in San Francisco. In this case, occupants of neither property will have adequate privacy should this deck be permitted.
- b. **NOISE:** The noise (and vibration) generated based on the proximity of the deck to 345 creates a private nuisance that interferes with my enjoyment and unimpaired use of my property. The law recognizes that landowners are entitled to use of their property in a way that maximizes their enjoyment-- and that adjoining landholders do not have the right to unreasonably interfere with or disturb that enjoyment. This deck will interfere with my comfort, convenience, and health by significantly increasing the level of noise from that which exists today.
  - i. I have brought these concerns to a licensed architect who feels that the noise and privacy issues cannot be mitigated to a reasonable level without deck enclosure (see *Exhibit G: Email from architect on question of noise*).
  - ii. Despite the issues above negatively impacting the occupants of *both* properties, the owners of 345 seem unconcerned. I can only attribute this to their purchase of 349 as an investment, and their lack of intention to occupy its premises (see *Exhibit H: Realtor sign posted on front of 349 Banks denoting "Coming Soon"*).

<sup>5</sup> Also note that other damage caused during 349 construction includes adjoining backyard fence. This has not yet been repaired by 349 owners or their hired contractors.

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:

Construction impacts have already occurred in the course of deck installation prior to permit application. Unfortunately these impacts included roof damage from consistent and unwarranted use of my roof for installation, despite repeated requests that my roof not be used (see attached *Exhibit 1: Request to 349 contractor to stop using roof of 345 Banks*). The matter of trespass and roof damage will be addressed through civil action should the property owners remain unwilling to reimburse associated expense.

Beyond, negative impacts that result from the permitting of this roof deck have been stated above in Question 1, Sections 2 and 3 above. In summary:

- 2(a) LIABILITY RISK from unwarranted recreational use of occupants drawn to the sun, view and easy access of my flat roof;
- 2(b) VUNARABILITY TO MY PERSON AND PROPERTY from easy access to my house via my light well
- 2(c) FIRE RISK based on a fire wall height that inadequately projects each property given the alignment of the roofs
- 3(a)(b) IMPOSITION ON MY RIGHT TO PRIVACY AND USE AND ENJOYMENT OF MY PROPERTY through unreasonable carrying of noise between closely proximate open deck and master bedroom.

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?

After consultation with a licensed architect<sup>6</sup>, I believe the optimal resolution would be to enclose the deck. This would limit access to my roof and reduce noise significantly. The deck could still offer a northern view via a glass pane and could have a large skylight that opens to offer air and light.

<sup>6</sup> Karen Curtiss, Red Dot Studio

# Application for Discretionary Review

13.00610

## LIST OF EXHIBITS:

### 1. Question 1

- a. Section 1
  - i. Exhibit A: Properties Involved in Discretionary Review (DR)
- b. Section 1.a
  - i. Exhibit B: City Planning tracking related to #2012.112.95100 and #2012.275.901
- c. Section 2
  - i. Exhibit C: 349 Blue Print, detail of adjacent roof lines
- d. Section 2.a
  - i. Exhibit D(a,b): Images of damage to 345 roof
  - ii. Exhibit D(c): Email confirming north-edge roof as damage causing water seepage
- e. Section 2.b
  - i. Exhibit E: View of light-well with easy roof access
- f. Section 2.c
  - i. Exhibit F: 349 Blue Print, detail of wall height
- g. Section 3.b.i:
  - i. Exhibit G: Email from architect on question of noise
- h. Section 3.b.ii
  - i. Exhibit H: Realtor sign posted on front of 349 Banks denoting "Coming Soon"

### 2. Question 2

- a. Section 1
  - i. Exhibit I: Request to 349 contractor to stop using roof of 345 Banks

City and County of  
**San Francisco**



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 [Plan Review](#) | 
 [Inspection Services](#) | 
 [Most Requested](#) | 
 [Other Services](#) | 
 [About Us](#)

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**Permits, Complaints and Boiler PTO Inquiry**



None selected.

Address: 349 BANKS ST      Block/Lot: 5885/019

Please click among the following links, the type of permit for which to view address information:

[Mechanical Permits](#) | 
 [Plumbing Permits](#) | 
 [Building Permits](#) | 
 [Complaints](#)  
 (building permits matching the selected address.)

Permit #	Block	Lot	Street #	Street Name	Unit	Current Stage	Stage Date
2012.00000	5885	010	249	BANKS ST		SUSPEND	12/08/2012
2012.00000	5885	019	249	BANKS ST		ISSUED	08/04/2010
2012.00000	5885	019	249	BANKS ST		ISSUED	09/25/2012
2012.00000	5885	010	249	BANKS ST		ISSUED	05/10/2012

[Return to the Department of Building Inspection home page.](#)

**Technical Support for Online Services**

For more help or service questions about this service, please visit our FAQ area.

DR Applicant: Vicki Shipkowitz @ 345 Banks Street

13.00610

**From:** Banales, Julian (julian.banales@sfgov.org)  
**To:** vickiship@yahoo.com;  
**Date:** Wed, December 12, 2012 12:38:26 PM  
**Cc:** tara.sullivan@sfgov.org;  
**Subject:** BBN extension for 349 Banks - application no. 201211295100

Hi Vicki

This email will confirm that the BBN extension date for the property at 349 Banks St will be extended to January 10, 2013, per our phone conversation.

Regards,

**Julian J. Bañales**  
MANAGER, SE QUADRANT

SAN FRANCISCO  
PLANNING DEPARTMENT  
1650 Mission Street, Suite 400 | SF, CA 94103  
415.558.6339 (w) | 415.558.6409 (f)

12 10 41



# SAN FRANCISCO PLANNING DEPARTMENT

## Notice of Proposed Approval

December 11, 2012

Vicki Shipkowitz  
345 Banks Street  
San Francisco, CA 94110

RE: Building Application No.: 2012.1129.5100  
Property Address: 349 Banks Street  
Block and Lot: 5685/019  
Zoning District: RH-1/40-X  
Bernal Heights Special Use District  
Staff Contact: Tara Sullivan - (415) 558-6257  
[tara.sullivan@sfgov.org](mailto:tara.sullivan@sfgov.org)

1650 Mission St.  
Suite 400  
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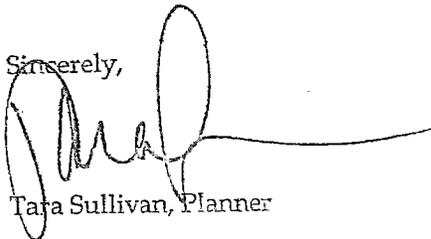
Dear Ms. Shipkowitz:

This letter is to inform you that the Planning Department received a Building Permit Application to create a balcony from interior storage space at the third floor for the property located at 349 Banks Street. This letter serves as the required 10-day notice as requested on November 19, 2012.

The proposed scope of work is to comply with Department of Building Inspection Violation # 201275901, issued on November 11, 2012, for the construction of a room and deck through the roof at the third floor without benefit of permits. No expansion of the building envelope is proposed under this permit.

If you would like to review the associated plans or have any questions about this application, please contact the assigned planner for this project, Tara Sullivan, at (415) 558-6257 or [tara.sullivan@sfgov.org](mailto:tara.sullivan@sfgov.org) within 10 days from the date of this letter. This project will be approved by the Planning Department if no request for Discretionary Review is filed by the end of the 10-day noticing period, December 20, 2012.

Sincerely,



Tara Sullivan, Planner

cc: Julian J. Banales, Planning Department  
Owner, 349 Banks Street  
Ritu Vohara, Architect



# SAN FRANCISCO PLANNING DEPARTMENT

## Suspension Request

December 4, 2012

Tom Hui, CBO  
Acting Director  
Department of Building Inspection  
1660 Mission Street  
San Francisco, CA 94103

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

Reception:  
415.558.6378

Fax:  
415.558.6409

Planning  
Information:  
415.558.6377

Building Application No.: 2012.1129.5100  
Property Address: 349 Banks Street  
Block and Lot 5685/019  
Zoning District: RH-1/40-X  
Bernal Heights Special Use District  
Staff Contact: Tara Sullivan - (415) 558-6257  
[tara.sullivan@sfgov.org](mailto:tara.sullivan@sfgov.org)

Dear Mr. Hui,

This letter is to request that the Department of Building Inspection (DBI) suspend Building Permit Application Number 2012.1129.5100 (to comply with NOV #201275901) to create a balcony from interior storage space at the third floor for the property at 349 Banks Street.

The subject building permit application was approved over the counter by the Planning Department without the required BBN notification to the adjacent neighbor; therefore, the Planning Department is requesting the suspension of Building Permit Application Number 2012.1129.5100 to allow for the required notification.

**APPEAL:** Any aggrieved person may appeal this letter to the Board of Appeals within fifteen (15) days after the date of the issuance of this letter. For further information, please contact the Board of Appeals in person at 1650 Mission Street, Room 304, or call 575-6880.

Sincerely,

Scott F. Sanchez  
Zoning Administrator

CC: Property Owner  
Vicki Shipkowitz  
Daniel Lowrey, Chief Building Inspector - DBI  
Tara Sullivan, Planning Department  
Julian J. Banales, Planning Department

Permits, Complaints and Boiler PTO Inquiry

COMPLAINT DATA SHEET

Complaint Number: 201275901  
 Owner/Agent: OWNER DATA SUPPRESSED  
 Owner's Phone: --  
 Contact Name: --  
 Contact Phone: --  
 Date Filed: 11/08/2012  
 Location: 349 BANKS ST  
 Block: 5685  
 Lot: 019  
 Site:  
 Rating:  
 Occupancy Code:  
 Received By: Alma Canindin  
 Division: PID  
 Complainant's Phone:  
 Complaint Source: TELEPHONE  
 Assigned to Division: BID  
 Description: Upstairs, they build a room and a deck thru the roof without permit. This creates a security risk for the neighbor via lightwell that enters through her house.

Instructions:

INSPECTOR INFORMATION

DIVISION	INSPECTOR	ID	DISTRICT	PRIORITY
BID	WALLS	6254	16	

REFERRAL INFORMATION

COMPLAINT STATUS AND COMMENTS

DATE	TYPE	DIV	INSPECTOR	STATUS	COMMENT
11/08/12	CASE OPENED	BID	Walls	CASE RECEIVED	
11/09/12	CONST WORK NO PERMIT	BID	Walls	PERMIT RESEARCH	several active permits, schedule an appt. on 11/13/12 per N. Friedman
11/14/12	CONST WORK NO PERMIT	BID	Walls	FIRST NOV SENT	

COMPLAINT ACTION BY DIVISION

NOV (HIS): NOV (BID): 11/14/12

Inspector Contact Information

Online Permit and Complaint Tracking home page.

Technical Support for Online Services

If you need help or have a question about this service, please visit our FAQ area.

Contact SFGov Accessibility Policies  
 City and County of San Francisco ©2000-2009

CASE NUMBER:

# APPLICATION TO REQUEST A Block Book Notice

## 1. Applicant Information

APPLICANTS NAME: Vicki Shipkowitz	
MAILING ADDRESS: 345 Banks Street	
EMAIL: vickiship@yahoo.com	TELEPHONE: (415 ) 412-5599

## 2. BBN Property Location

SUBJECT PARCEL ADDRESS: 349 Banks Street	ASSESSORS BLOCK/LOT: 5685/019
ADDITIONAL BLOCK/LOT(S):	

## 3. Notification Preference

Please identify the type(s) of applications reviewed by the Planning Department for which you are interested in receiving notification (check all that apply):

- All Building Permit Applications (interior and exterior)
- Any Exterior Work (windows, garage doors, horizontal and vertical additions)
- Horizontal and / or Vertical Additions
- Changes of Use
- Conditional Use and Variance
- Other: Any involving changes to roof-line, decks, or additions to top floor.

## 4. Payment

First Assessor's Parcel: \$ 34

Additional Parcels: (Nb. of Parcels) 1 x \$ 34 = \$ 0

Total Enclosed: \$ 34

Requestor Signature: [Signature]

Date: 11/19/12

# Permits, Complaints and Boiler PTO Inquiry

## Permit Details Report

**Report Date:** 1/9/2013 9:23:20 PM  
**Application Number:** 201205100163  
**Form Number:** 8  
**Address(es):** 5685/019/0349 BANKS ST  
**Description:** REMOVAL OF ILLEGAL UNIT FROM OCCUPANCY, REMODEL OF BATHROOMS, ADDITION OF BATHROOM AND KITCHEN REMODEL REPAIR SIDING, NEW HVAC. RESTORE BUILDING TO APPROVED SINGLE FAMILY USE.  
**Cost:** \$30,000.00  
**Occupancy Code:** R-3  
**Building Use:** 27 - 1 FAMILY DWELLING

### Disposition / Stage:

Action Date	Stage	Comments
5/10/2012	TRIAGE	
5/10/2012	FILING	
5/10/2012	FILED	
5/10/2012	APPROVED	
5/10/2012	ISSUED	

### Contact Details:

#### Contractor Details:

**License Number:** OWN  
**Name:** OWNER OWNER  
**Company Name:** OWNER  
**Address:** OWNER \* OWNER CA 00000-0000  
**Phone:**

### Addenda Details:

#### Description:

Step	Station	Arrive	Start	In Hold	Out Hold	Finish	Checked By	Hold Description
1	INTAKE	5/10/12	5/10/12			5/10/12	GALIZA DELIA	
2	CP-ZOC	5/10/12	5/10/12			5/10/12		N/A
3	BLDG	5/10/12	5/10/12			5/10/12	HUANG VIVIAN	
4	MECH	5/10/12	5/10/12			5/10/12	LIANG TONY	APPROVED, OTC.
5	SFPUC	5/10/12	5/10/12			5/10/12	TOM BILL	NOT APPLICABLE - Not enough changes for capacity charges. Return to OTC applicant 5/10/2012.
6	CPB	5/10/12	5/10/12			5/10/12	DEL ROSARIO FIDEL	

This permit has been issued. For information pertaining to this permit, please call 415-558-6096.

### Appointments:

Appointment Date	Appointment AM/PM	Appointment Code	Appointment Type	Description	Time Slots
8/21/2012	PM	CS	Clerk Scheduled	OK TO COVER	1
8/21/2012	AM	CS	Clerk Scheduled	OK TO COVER	1

### Inspections:

Activity Date	Inspector	Inspection Description	Inspection Status
8/21/2012	John Yarn	OK TO COVER	REINSPECT REQUIRED

### Special Inspections:

Addenda No.	Completed Date	Inspected By	Inspection Code	Description	Remarks
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For information, or to schedule an inspection, call 552-5870 between 8:00 am and 5:00 pm.

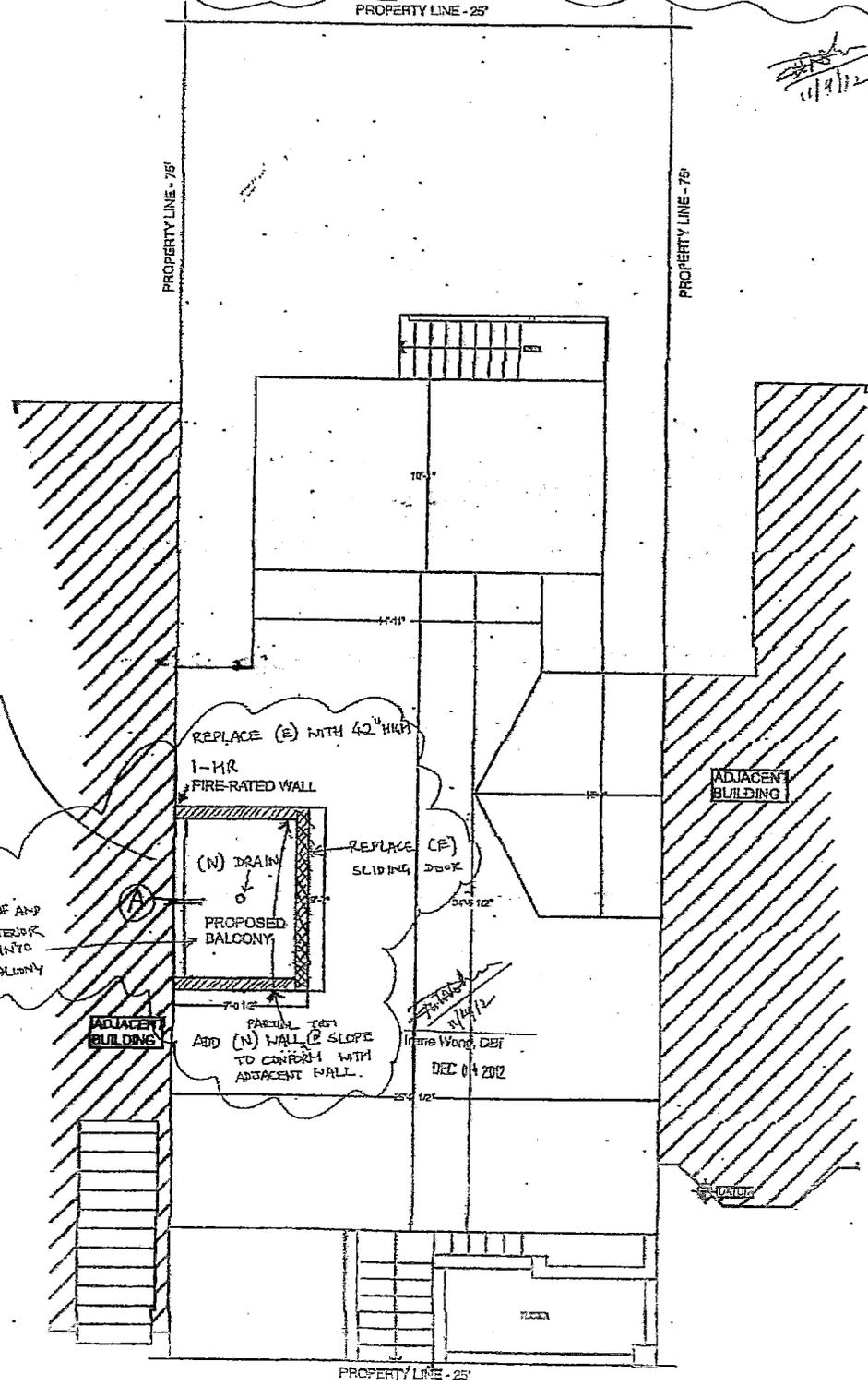
Exhibit C:  
19 Blue Print, detail of adjacent roof lines

Revision to 201209048867

Comply w/ NOVA 2012-75901 - REMOVE (E) ROOF AND CONVERT  
BALCONY CREATED ON ~~THE~~ 3<sup>RD</sup> FLR.

**COPY**  
DEPARTMENT OF  
BUILDING INSPECTION  
FOR OFFICE USE ONLY

Irene Wong, DEB  
11/4/12  
DEC 04 2012



\* Easy access  
to roof top  
of 345 Banks

REMOVE (E) ROOF AND  
CONVERT (E) INTERIOR  
STORAGE AREA INTO  
AN EXTERIOR BALCONY

ADJACENT BUILDING  
PARTIAL (E) WALL @  
SLOPE TO CONFORM WITH  
ADJACENT WALL.

Irene Wong, DEB  
DEC 04 2012

1 PLOT PLAN

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

LEGEND  
(E) TRIM  
NEW PARTIAL WALL AT SLOPE TO CONFORM WITH  
ADJACENT WALL.

201209048867

Exhibit D(c):  
Email confirming north-edge roof as  
damage causing water seepage

**From:** "rainbow\_terrazzo@comcast.net" <rainbow\_terrazzo@comcast.net>  
**To:** Vicki Shipkowitz <vickiship@yahoo.com>  
**Sent:** Wed, January 9, 2013 5:20:22 PM  
**Subject:** Re: Proposal

Hello Ms. Shipkowitz,

Yes, it seems like the water may be seeking in from the cracks of the roof.

Thanks!

M. Sal Mayorga

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**From:** Vicki Shipkowitz <vickiship@yahoo.com>  
**To:** rainbow\_terrazzo@comcast.net  
**Sent:** Mon, January 7, 2013 1:41:43 PM  
**Subject:** Re: Proposal

Sal, Happy New Year!

I wanted to follow up on our meeting in December where you came to inspect the water I found under my terrazzo steps, which you renovated and water proofed in June 2012.

My understanding from our conversation is that you feel the steps are completely water proofed, and remain tightly sealed. However, you believe the water is likely coming from the north ridge of my roof and leaking down between the walls to settle under the steps along the front (north/west) part of the property. You suggested that I contact a roofing company for inspection and repair of my roof.

Please let me know if I understood you completely – I have attached some photos of the north side of the roof line that shows a crack along the north ridge and seems to confirm your theory.

My best, Vicki

---

**From:** "rainbow\_terrazzo@comcast.net" <rainbow\_terrazzo@comcast.net>  
**To:** Vicki Shipkowitz <vickiship@yahoo.com>  
**Sent:** Sun, June 3, 2012 4:19:25 PM  
**Subject:** Re: Proposal

Attached is the revised proposal. Let me know if you have any further questions.

-M. Sal Mayorga

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**From:** "Vicki Shipkowitz" <vickiship@yahoo.com>  
**To:** "rainbow\_terrazzo" <rainbow\_terrazzo@comcast.net>  
**Sent:** Friday, June 1, 2012 12:59:58 PM  
**Subject:** Re: Proposal

Sal, Thanks for this. The only question I have is about what's under the steps. Replacement of tar paper or anything other material below the step if necessary to ensure what proofing is not specified. Can you confirm that is included in the project? If so, we're a-go. Thanks, Vicki

---

**From:** "rainbow\_terrazzo@comcast.net" <rainbow\_terrazzo@comcast.net>  
**To:** vickiship@yahoo.com  
**Sent:** Tue, May 22, 2012 8:16:37 PM  
**Subject:** Proposal

Hello Ms. Shipkowitz,

Attached is my proposal. If you have any trouble opening the document please let me know.

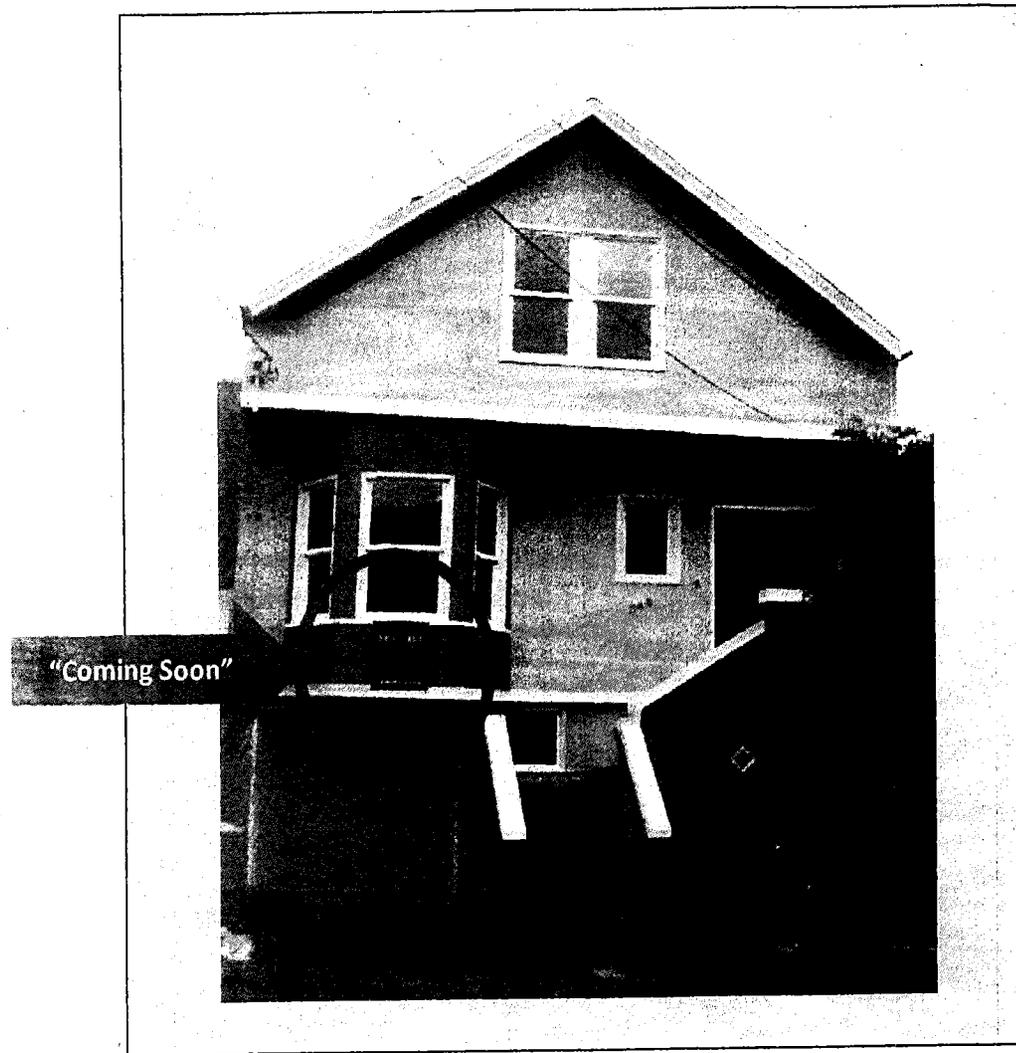
Thanks for your attention, and please feel free to call me if you have any questions.

Best Regards,

M. Sal Mayorga  
(415)652-8385



# Exhibit H: Realtor Sign Denoting "Coming Soon" Posted to 349 Banks



00613

MR Applicant: Vicki Shipkowitz @ 345 Banks Street / RE: 349 Banks Street - #2012.75.5901

Email from architect on question of noise

From: Karen Curtiss <kcurtiss@reddotstudio.com>  
 To: Karen Curtiss <kcurtiss@reddotstudio.com>  
 Cc: Vicki Shipkowitz <vickiship@yahoo.com>  
 Sent: Mon, December 17, 2012 4:03:09 PM  
 Subject: Re: 349 Banks Street BBN

Hi Vicki,

Attached is contact information for Henry Kamilowitz who might be very helpful to work with you in this situation. If the deck is within the build-able area of the lot and has a 42' min. fire wall it can go to the property line. There is notification required for new firewalls above a certain height and roof decks above a certain size. Henry can walk you through those requirements.

#### Occidental Express General Contractor

Category: Contractors (Etc.)  
 1019 Howard Street  
 San Francisco, CA 94103  
 Neighborhood: SoMa  
 (415) 621-7533

#### Regarding your noise and access concerns:

While the proposed tempered glass railing seems to take care of your roof access concerns I doubt that it would handle your noise concerns. An enclosed space is more likely to stop sound transfer.

Good luck,

Karen Curtiss, AIA  
 C-31453

red dot studio  
 t 415 515 0614  
[reddotstudio.com](http://reddotstudio.com)

On Dec 17, 2012, at 12:20 AM, Vicki Shipkowitz wrote:

Karen, Thanks for the return call.

**Situation:** My neighbors built a deck that sits just adjacent to my roof (see attached photos). It creates concern for me as stated below (written to city Building Planning Department manager). Since the note below was written, the property owners have agreed to listen to my concerns and in response, have offered to add a sheet of tempered glass atop the deck wall. They claim this approach will solve my access and noise concern. I don't know what is viable based on city building codes, and what solution will actually resolve my concerns. I am hoping to get an architect's opinion and possibly a report to use for the Discretionary Review (DR) I'll need to file with the city if the property owners won't agree to modify according to my architect's recommendation. I have until January 10 to file the DR, but unfortunately leave for NYC this Tuesday through Dec 31. Are you around tomorrow by chance for a conversation about whether you're available to assist and how next steps might work? Thanks, Vicki

Link to Permit Details History:  
<http://dbiweb.sfgov.org/dbipts/default.aspx?page=PermitDetails>

— Forwarded Message —  
**From:** Vicki Shipkowitz <vickiship@yahoo.com>  
**To:** Julian Banales <julian.banales@sfgov.org>  
**Cc:** Tara Sullivan <tara.sullivan@sfgov.org>  
**Sent:** Wed, December 12, 2012 12:10:22 PM  
**Subject:** Fwd: 349 Banks Street BBN

Julian, I need the plans to review and won't have time for response if Tara is out until Monday (I received an out-of-office response to my message below). The property owners of 349 Banks have already put up a for-sale sign saying "coming soon." If a permit gets issued because I don't have adequate time for response and that property goes on the market and is sold without this resolved, the situation becomes more complex.

I have brought my concerns to the property owners. They have however made clear they won't discuss modification to their design to address my concerns which include:

- even low level noise carrying directly into my house disrupting my peace;
- use of the deck creating vibration that threatens to cause damage to my property (already, damage has occurred in the construction of the deck and the unwarranted use of my roof in its installation);
- unreasonably easy and direct access to my roof, creating for me a liability risk, security vulnerability for my property, and risk of roof damage from unwarranted recreational use.
- risk of an interior fire on their property too easily spreading to my roof.

Thus, I'd like a Stop Work Order placed on this property until my case can be heard and reviewed by the city after the first of the year. Had this deck design been submitted to the city for approval before it was built (as is typically required by the planning department), I can't see how it would have been approved. Decks require 3 foot set backs from adjacent properties for good reasons, which shouldn't be ignored in this case. The property owners of 349 Banks claim this deck is a revision of their existing permits and was part of their original intent. This is untrue. By their own admission, they put in the deck at the last minute to solve a construction issue, and, due to my complaint to the city, had to hire a new architect to draw up plans after the deck had already been constructed and installed.

My rights to unimpaired condition of my property and my reasonable comfort and convenience in its use are being ignored by the city should this permit be approved. Thank you for your consideration. Vicki

**From:** Vicki Shipkowitz (vickiship@yahoo.com)  
**To:** paulrshinn@att.net;  
**Date:** Tue, November 6, 2012 10:59:07 AM  
**Cc:**  
**Subject:** Re: Release of liability for use of 345 Banks Street

Hi Paul, Can you please return below?

Your guys have been using my roof as their workbench for the upstairs of 349 (for some time). Not only is this a problem from a liability perspective, but also, I now have sawdust all over my roof (and down my light well), and the pressure and vibration from their sawing wood, etc., on the edge of my roof will likely create stress cracks in the edging. My roof is fragile but, according to a roofing contractor I consulted not long ago, should still have a few years of life assuming careful treatment. I've asked your guys to stop using my roof and they have for the moment, but since I made you aware from the start that use of my property needs to be approved in advance and will be allowed only after a waiver is signed, you should have communicated this to them. Even after a waiver is signed, please ensure my roof is not used to store materials or as a workbench to support vibrating equipment so that roof damage can be mitigated.

Thank you for your consideration. Best, Vicki

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**From:** Vicki Shipkowitz <vickiship@yahoo.com>  
**To:** paulrshinn@att.net  
**Sent:** Tue, October 30, 2012 11:37:43 AM  
**Subject:** Release of liability for use of 345 Banks Street

Paul, As discussed, attached is a release of liability for use of my property to pursue renovation of 349 Banks Street. If you have questions, please give me a call at 415.412.5599. Thanks, Vicki

# Project Sponsor Submittal

February 19<sup>th</sup>, 2013

San Francisco Planning Commission

Room 400,

City Hall,

Dr. Carlton B. Goodlett Place

SUBJECT

Response to Application for Discretionary Review of Permit # 201211295100

ATTACHMENTS

1. Public article quoting DR Applicant has fear of heights and passageways  
<http://www.nytimes.com/2008/01/08/nyregion/08bridge.html?pagewanted=all&r=1&>
2. Transcript of email exchange between us and DR applicant attempting to strike a compromise
3. Picture showing that roof access/vulnerability concerns raised by DR Applicant are just as acute from other neighboring properties on other side
4. Survey sent to 4 immediate neighbors showing that they are happy with overall impact to neighborhood from renovation to our house.
5. Picture of balcony from exterior
6. Picture of balcony from interior (1)
7. Picture of balcony from interior (2)

Respected Members of the Planning Commission,

Our response addresses matters specifically under the Planning Departments' purview. Our main focus is to address extraordinary and exceptional circumstances which the DR applicant (Ms Shipkowitz) claims exist for cancelling an already granted permit by the Planning Department. We also apologize in advance since this matter calls in a sense of civic responsibility on behalf of the San Francisco residents to not abuse the DR processes set in place and waste the city's resources, but unfortunately we have no choice but to participate in and curtail the matter. Keeping this in mind, we have addressed only planning related matters.

The claims raised by the DR applicant (Ms Shipkowitz), are completely baseless in many ways:

The deck was built subsequent to us pulling an original permit for the remodel of the property. At that time, the deck was not part of the original plan. We started working on the deck, an idea that we stumbled upon at the time of construction and we proceeded with it, while working in the background to obtain the necessary calculations and documentation for a scope expansion on the already existing permit. We at no time ever made any effort to conceal the balcony or dissuade the building inspectors from not seeing or reviewing it. It was all open for view and discussion. Prior to moving ahead we made visits to the Planning desk and spoke with Mr. Edgar Oropeza and confirmed that it did not require 311 notification and gathered a list of additional documents that would be required for the scope expansion. Please note if the intent was to do illegal work, it's likely a reasonable person would complete all work under the open permit, wait for ALL inspections to pass and then make additional modifications. This was not done by us and never was our intention.

The claims are COMPLETELY GENERIC (hence not extraordinary or of exceptional circumstances) in that every resident will almost always be concerned about safety, privacy, fire hazard and noise to varying degrees, but this CANNOT force every project in SF to require installing full glass enclosures BEYOND what the Planning and Building codes specify. We live in this beautiful city under a covenant of shared enjoyment of resources, NOT in an ivory tower secluded and isolated from the sound, and sight of our neighbors. The fact is that our balcony conforms to ALL the guidelines established by the SF Planning Department and SF DBI to provide reasonable protection and privacy to residents, and there is absolutely no cause (normal, exceptional or extraordinary) to justify a Discretionary Review.

Furthermore, we have very strong reason to believe that Ms Shipkowitz's complaints stem from an IRRATIONAL transference of her FEAR OF HEIGHTS AND PASSAGEWAYS with views (such as bridges and balconies). See attached article (ATTACHMENT 1) quoting Ms Shipkowitz on this subject. The article quotes Ms Shipkowitz saying that she associates a great deal of discomfort with vivid views from a passageway. This is publicly available information based on interviews that Ms Shipkowitz has given which helps us understand her concerns.

The claims essentially demand UNILATERAL "biased" treatment in favor of Ms. Shipkowitz, somehow raising her interests for isolation of her roof and property OVER the enjoyment of fresh air and a lovely view as afforded from WITHIN my property. In earlier discussions with Ms Shipkowitz, we attempted to strike a compromise numerous times only to be rebuffed with a rigid and uncompromising stance (See ATTACHMENT 2 - Transcript of an email in which we repeatedly attempted to strike a compromise with her). I really do not believe that this is good neighborly conduct in any society and the commission should not encourage this in any way.

We offered to make a compromise for Ms Shipkowitz understanding that since she is living alone she might be more concerned than one would otherwise reasonably expect but we refused to be arm-twisted into surrendering completely to her demands. Our compromise which we offered was unacceptable to her. She has threatened us with stopping close of escrow on the house and suggested

litigation and scared all our team members on the project from real estate agents to contractors, with her demands. These baseless complaints have severely derailed our project by several months and caused us significant stress, financial and emotional distress. We were stressed for countless hours of our holidays making long distance phone calls in the wee hours of the morning (due to a 12 hour time difference) to understand the situation. We strongly urge this committee to see this matter for what it is: irrational, baseless, and above all setting a DANGEROUS precedent for the city of San Francisco.

We respond to specific allegations in the Application for DR:

- 1(a) NOTICE TO NEIGHBORS WAS NOT PROVIDED ET AL...

Contrary to the allegations, we filed and have approved permits for our balcony. Although not part of our original scope of work and intent, we increased our scope during construction as we needed to get more light and ventilation into the house. We were in the process of getting modified drawings for permitting when Ms. Shipkowitz approached us demanding modifications to the balcony. At no point in time during any of the inspections did we make any effort whatsoever to conceal work done on the balcony – it was plainly visible to any and all inspectors who visited/would visit our house.

**Contrary to the claims, SF Planning code section 311 does not apply to this permit.** There is no change in use of the building, change in the number of legal dwelling units, or increase to the exterior dimensions as a result of the balcony permit.

The claim that Section 311 is needed because of the 10/96 provisions under “Not Exact Replacement” where alterations including removal and replacement of existing features need to be approved at the same time **are completely wrong**. The fact is that there was **NO replacement of an existing feature only reduction in mass of the building**.

- 1(b) Notification to neighbors is also required, according to section 311 (b), “Decks” 4/1998 (3) et al...

This claim is also **wrong**, as indicated in 9/2002 interpretation that superseded the 4/1998 interpretation. Our deck is not supported by a column or wall other than the building, nor is ours a fire rated balcony wall **over** 10 feet in height. Hence, no 311 notification is needed.

- 2 (a) Liability Risk from unwarranted recreational use et al...

We have 42” high fire rated walls in adherence to SF DBI code. This is a sufficient deterrent to climb over the wall onto the neighboring roof. No additional “guarantee” is owed to Ms Shipkowitz. Ms Shipkowitz’s claim that she is somehow liable for unwarranted recreational use is completely false and intentionally misleading **much in the same way that I would not be liable if an unauthorized intruder injured himself on my property**.

- 2(b) Vulnerability to Ms Shipkowitz’s person and property et al...

This argument is self-serving and misplaced. If Ms Shipkowitz wants to secure her house, perhaps she should consider putting a secured door with a lock like one would be reasonably expected to do so. She could also consider installing a retractable ladder that easily disconnects her roof from her interior facing door. It appears that she believes it is an easier alternative to force us to reconfigure our design within our property lines than to make a reasonable adjustment that anyone else would make to secure their house.

Additionally, the two neighboring properties on the other side of Ms. Shipkowitz's house could access her stairwell with ease (See ATTACHMENT 3). In fact, one of these properties has a roof railing and a ladder up to that roof, indicating that it is just as easy for an intruder to enter her property from those properties. The correct procedure in response would be for Ms. Shipkowitz to secure her doors and install a retractable stairwell ladder, and not restrict others from enjoying the view and fresh air as she is attempting to do.

Also, we have a 42" high wall between our balcony and her roof, in adherence to SF DBI building code. If every neighbor starts raising additional concerns about "vulnerability" from "building-code permissible wall heights", this city will quickly have fences and walls that reach the skies.

- 2(c) Fire Risk et al...

The balcony wall is one-hour fire rated and complies with the height standards as set forth by the SF DBI building code. We have invested in improving the overall insulation and walls in our house which would reduce overall fire risk between the two buildings. Ms. Shipkowitz should not feel entitled to be treated to a standard different from all other residents in this city, and this commission should not entertain that notion.

- 3(a)(b) Imposition on my right to privacy and use and enjoyment et al...

This claim is completely unfounded and fraught with moral hazard. By this argument every neighbor can file petition to force their neighbor's to build glass enclosures to "prevent imposition on their right to privacy and enjoyment of property". Part of living in a densely populated city as San Francisco involves accepting the covenant of collaborative enjoyment of all the city has to offer. DBI and Planning should not set a precedent that encourages such isolationist behavior.

Furthermore, the claims that the proximity of the balcony impinges on noise and privacy are completely speculative and unfounded. No architect (licensed or otherwise) can meaningfully adjudge the level of noise intrusion without performing formal noise tests from our balcony. Noise transmission is affected by numerous factors such as the nature of insulation material, the fire rating of walls, the ambient noise levels, and the direction and decibel level of the source noise. The cursory and generic response from the architect included shows that no such study has been performed, and hence no significance should be attached to it.

- 3 After consultation with a licensed architect, I believe the optimal resolution would be to enclose the deck et al...

There have been no technical tests performed to gauge the level of sound or vibration that would permeate from the deck to Ms Shipkowitz's bedroom. Similarly, no test has been performed that shows that Ms Shipkowitz's suggestion of enclosing our deck will eliminate the sound. So, the architects' advise while emailing from their office regarding the preferred option does not constitute professional opinion. Please note that Karen Curtiss is an architect and friend of Ms Shipkowitz from the time that 330 Banks street, the house opposite Ms Shipkowitz's house has been under construction. We do not consider an email from a "You scratch my back and I scratch yours" association an independent professional opinion. Fire rated walls, new construction and proper insulation that meets building and planning codes is the best that we can do. If the current planning code does not address such concerns, then it's outside our prerogative to tell the Planning department to revise the code based on Ms Shipkowitz and her architect's advise.

Our deck serves a very integral part of allowing light and ventilation into the house. We have incurred significant costs in building the deck with beautiful views and paying for required permits.

The proposal to require a full glass pane enclosure with a skylight would severely restrict ventilation and enjoyment of my space, and is thus unreasonable and restrictive. We attempted to reach a compromise by proactively reaching out to Ms Shipkowitz numerous times while we were out of the country. We offered to strike a compromise (See ATTACHMENT 2). Unfortunately, Ms Shipkowitz was rigid and uncompromising in her demands.



about it," she said.

Then there are those who seem to have the most difficulty with bridges while on foot, whether a simple downtown overpass or an interior walkway. Vicki Shipkowitz, who works for a software company in San Francisco, attributes her bridge jitters to a fear of heights. The more vivid the view from the bridge, the greater her discomfort.

One place she hates to tread is a metal walkway leading to an exhibition space on the sixth floor of the [San Francisco Museum of Modern Art](#). Ms. Shipkowitz is a member of the board of directors of ArtSpan, a nonprofit arts organization, and she finds herself at the museum at least once a month.

"It's got metal slats and you look all the way down to the ground floor," she said of the walkway. "I literally close my eyes and have someone lead me across. If I go on my own, I don't go across the bridge."

In the New York region, the New York Thruway Authority will lead bridge phobics over the Tappan Zee, the longest span in the state. A reluctant driver can call the authority in advance and arrange to be driven across the bridge in his or her own car by a patrol operator. The authority receives a half dozen such requests a year, officials there say.

Ramesh Mehta, a division director for the authority, said the service helped prevent situations in which a phobic driver might get stuck mid-span. "It is very dangerous to stop the car right there on the bridge, because the traffic is so great and somebody can get rear-ended," he said.

Steve Coleman, a spokesman for the [Port Authority of New York and New Jersey](#), said that the agency did not have a policy in place to escort drivers through the Holland and Lincoln Tunnels or across its four bridges, including the George Washington.

For those determined to conquer — or at least tame — their fears, however, there is ample help available: phobia workshops, exposure therapy, mental tricks, medication, self-help books.

**ATTACHMENT 2 – Email exchange between DR Applicant and us showing our attempt in reaching a compromise**

From: vickiship@yahoo.com  
Subject: Re: 349 Banks  
Date: Mon, 31 Dec 2012 14:44:26 -0800  
To: arjundutt@hotmail.com

Arjun, i am not interested in a big back-and-forth. You asked me to consider your proposal and I did. I called in an architect and was advised that your recommendation does not adequately address my concerns raised.

You made a decision to build a deck adjacent my roof without permit and without advising or discussing with me in advance. In order to do so, your contractor's team utilized my roof repeatedly with out permission, despite my repeated requests that they stop, and in the process damaged my roof. Had you thought about the impact to my property in advance of your decision, we'd not be in this conversation.

The bottom line is that this is an investment project for you. Once you sell 349 Banks, the problem you've created becomes mine to live with.

I am not eager to pursue this with the city or with lawyers, but will have to given the time constraints unless you can provide a plan that encloses the deck, and are willing to agree to reimburse me for roof repair. This would need to be agreed to in writing before january 7 so the paperwork can be drawn up by January 10--the deadline for submitting the DR to the city.

Please let me know your decision. Best and Happy New Year, Vicki

Sent from my iPhone

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From: ritu\_vohra@hotmail.com  
To: vickiship@yahoo.com  
Subject: RE: 349 Banks  
Date: Mon, 31 Dec 2012 04:43:12 +0000

Vicki,

A compromise requires two parties meeting and coming to a common understanding. We have given in to your requests where we could. However, what you're asking for is surrender and we don't mind that either if it is reasonable. You require us to close the entire balcony and open a window to suit your assumptions of noise and liability, neither of which seem verifiable and are based on certain assumptions. We understand your concerns on liability and you have a fear which is obvious, but its imposing on those around you. We feel arm twisted and don't want to do everything you ask of us.

Yet, we have offered to do our part to make you feel safer and more comfortable and are willing to incur some expense.

If the new possible neighbor was a 75 year old handicapped person who wouldn't be hanging out and screaming from the balcony but just wants some sun and solace in their old age, your assumptions will hold no merit so to premise and ask us to close light, fresh air and a view which would be therapeutic for any home and lifestyle, something I'd want for my neighbor as well, your request is excessive.

I'd request you to reflect on our proposal. We have addressed noise and liability to quite an extent with the glass panel offer, a fire rated wall, better insulated walls overall and solid construction. If you want a guarantee for life that after this nothing will ever happen, no one, not even the sf planning department will guarantee that.

We'd like to live and let live. Let us know your perspective on the philosophy and your final course of action. We're still reaching our hands out for a handshake. If you can, that will be great.

See you in the New Year! It can be at our backyard, a chat in front of the house for discussing colors or a hostile spot of your choice.

Ritu

On Dec 30, 2012, at 3:34 AM, Arjun Dutt <[arjundutt@hotmail.com](mailto:arjundutt@hotmail.com)> wrote:

Hi Vicki,

We're willing to put a tempered glass panel raising the railing height between our balcony and your roof (about 1.5 - 2 ft) and believe that this will address your concerns in a reasonable manner. We've already spent significant resources that reduce the overall noise footprint to your house - fire-rating the balcony walls and insulating many walls that were previously not so.

Regards,  
Arjun

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From: [vickiship@yahoo.com](mailto:vickiship@yahoo.com)

Subject: Re: 349 Banks

Date: Sat, 29 Dec 2012 11:18:07 -0500

To: [arjundutt@hotmail.com](mailto:arjundutt@hotmail.com)

Arjun, You committed to provide a response in a few days yet have provided none. I will need to hear back by tomorrow to understand your thinking or will need to move forward with filing the Discretionary Review of your permit, and beyond.

Vicki

Sent from my iPhone

On Dec 24, 2012, at 11:55 AM, Arjun Dutt <[arjundutt@hotmail.com](mailto:arjundutt@hotmail.com)> wrote:

Vicki, we are in transit. Will get back to you after a few days. Happy holidays!

Arjun

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Subject: Fwd: 349 Banks  
From: [vickiship@yahoo.com](mailto:vickiship@yahoo.com)  
Date: Sun, 23 Dec 2012 11:11:33 -0500  
To: [arjundutt@hotmail.com](mailto:arjundutt@hotmail.com)

Just wanted to ensure you received this so i am resending. I'd appreciate hearing back so we can come to an understanding. Otherwise I'll need to move forward with the direction discussed in our call. Best, Vicki

Sent from my iPhone

Begin forwarded message:

**From:** Vicki Shipkowitz <[vickiship@yahoo.com](mailto:vickiship@yahoo.com)>  
**Date:** December 19, 2012 10:51:32 AM EST  
**To:** Arjun Dutt <[arjundutt@hotmail.com](mailto:arjundutt@hotmail.com)>  
**Subject: Re: 349 Banks**

Sorry for delay in response. This is a busy time of year and i am traveling. I hope your time in India is enjoyable.

I left the document from the city in your mailbox for your realtor. As mentioned, my understanding based on my conversations with the city is that the permit for your deck is currently suspended through January 10th. I have until this time to file a Discretionary Review with the city, at which time the city will schedule a hearing. The city won't reissue the permit until my concerns have been heard and assessed.

I did consult an architect. She feels the tempered glass may address access (depending how it is installed), but won't suffice to mitigate noise from the deck given its position relative to my

house. She recommends enclosure. You can retain light and a view if you leave a non-opening window and add a skylight.

Please let me know whether this would be acceptable.

Also, as discussed, my roof was damaged from its unauthorized repeated use (while using power tools) during installation of your deck. I am getting estimates from roofers for repair for which I'd expect to be reimbursed. I will provide additional information on costs when I return to the Bay Area.

When we (hopefully) come to agreement on approach, I will provide papers to document that the modifications require my sign off prior to close of escrow. During our conversation you agreed this made sense. Please acknowledge so as to ensure there are no last minute misunderstandings.

Sorry for both of us that we're having to go through this during a time of the year that should be relaxing. Hopefully this will all come to pleasant closure soon so you can finalize your project and get your house on the market.

My best, Vicki

Sent from my iPhone

On Dec 14, 2012, at 8:04 PM, Arjun Dutt <[arjundutt@hotmail.com](mailto:arjundutt@hotmail.com)> wrote:

Hi Vicki, sending you a quick email so you have my email address.

Regards,  
Arjun

**NEIGHBORING PROPERTY 2**

**NEIGHBORING PROPERTY 1**

**ROOF ACCESS TO NEIGHBORING PROPERTY 2**

**PERMANENT LADDER TO DR APPLICANT'S HOME**

**DR APPLICANT'S ROOF**

**02/18/2013**



Ritu Vohra and Arjun Dutt,

Candu Capital Group LLC

349 Banks Street, SF.

Dear Neighbor,

As we are at the very end of completing construction work at 349 Banks Street, we wanted to take a moment of your time for feedback on how we did as neighbors during the construction process. We realize that a neighborhood is built not of homes but the people living in those homes and we aspire to be as neighborly as possible. Much of our construction would not have gone smoothly without your cooperation. Could we request a moment of your time, to reflect on how we did?

1. Was the contractor courteous during the construction process? Yes  No  N/A
2. Did the construction create unreasonable impact on the neighborhood? Yes  No  N/A
3. Are you happy with the improvement on our property? Yes  No  N/A
4. Were we respectful of your parking space(s)? Yes  No  N/A
5. Were we courteous to your requests? Yes  No  N/A
6. Was the work performed in a clean and tidy manner? Yes  No  N/A
7. Was there any damage to your property that was not repaired? Yes  No  N/A
8. Are you happy with us? Yes  No  N/A

Any other Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Name: Teal Sanderson

Address: 355 Banks

Ritu Vohra and Arjun Dutt,

Candu Capital Group LLC

349 Banks Street, SF.

Dear Neighbor,

As we are at the very end of completing construction work at 349 Banks Street, we wanted to take a moment of your time for feedback on how we did as neighbors during the construction process. We realize that a neighborhood is built not of homes but the people living in those homes and we aspire to be as neighborly as possible. Much of our construction would not have gone smoothly without your cooperation. Could we request a moment of your time, to reflect on how we did?

1. Was the contractor courteous during the construction process? Yes  No  N/A
2. Did the construction create unreasonable impact on the neighborhood? Yes  No  N/A
3. Are you happy with the improvement on our property? Yes  No  N/A
4. Were we respectful of your parking space(s)? Yes  No  N/A
5. Were we courteous to your requests? Yes  No  N/A
6. Was the work performed in a clean and tidy manner? Yes  No  N/A
7. Was there any damage to your property that was not repaired? Yes  No  N/A
8. Are you happy with us? Yes  No  N/A

Any other Comments: \_\_\_\_\_

Mc guys  
Clean crew

Name Jimmy

Address: 331 banks

Ritu Vohra and Arjun Dutt,

Candu Capital Group LLC

349 Banks Street, San Francisco 94110.

Dear Neighbor,

As we are at the very end of completing construction work at 349 Banks Street, we wanted to take a moment of your time for feedback on how we did as neighbors during the construction process. We realize that a neighborhood is built not of homes but the people living in those homes and we aspire to be as neighborly as possible. Much of our construction would not have gone smoothly without your cooperation. Could we request a moment of your time, to reflect on how we did?

1. Was the contractor courteous during the construction process? Yes \_\_\_ No \_\_\_ N/A
2. Did the construction create unreasonable impact on the neighborhood? Yes \_\_\_ No \_\_\_ N/A
3. Are you happy with the improvement on our property? Yes \_\_\_ No \_\_\_ N/A
4. Were we respectful of your parking space(s)? Yes \_\_\_ No \_\_\_ N/A
5. Were we courteous to your requests? Yes \_\_\_ No \_\_\_ N/A
6. Was the work performed in a clean and tidy manner? Yes \_\_\_ No \_\_\_ N/A
7. Was there any damage to your property that was not repaired? Yes \_\_\_ No \_\_\_ N/A
8. Are you happy with us? Yes \_\_\_ No \_\_\_ N/A

Any other Comments: We were not aware of any  
work going on at this site, so it  
was not an issue for us.

Name Escobar

Address: 360 Banks St.  
San Francisco 94110

Ritu Vohra and Arjun Dutt,

Candu Capital Group LLC

349 Banks Street, San Francisco 94110.

Dear Neighbor,

As we are at the very end of completing construction work at 349 Banks Street, we wanted to take a moment of your time for feedback on how we did as neighbors during the construction process. We realize that a neighborhood is built not of homes but the people living in those homes and we aspire to be as neighborly as possible. Much of our construction would not have gone smoothly without your cooperation. Could we request a moment of your time, to reflect on how we did?

1. Was the contractor courteous during the construction process? Yes \_\_\_ No \_\_\_ N/A
2. Did the construction create unreasonable impact on the neighborhood? Yes \_\_\_ No \_\_\_ N/A
3. Are you happy with the improvement on our property? Yes \_\_\_ No \_\_\_ N/A
4. Were we respectful of your parking space(s)? Yes \_\_\_ No \_\_\_ N/A
5. Were we courteous to your requests? Yes \_\_\_ No \_\_\_ N/A
6. Was the work performed in a clean and tidy manner? Yes \_\_\_ No \_\_\_ N/A
7. Was there any damage to your property that was not repaired? Yes \_\_\_ No \_\_\_ N/A
8. Are you happy with us? Yes \_\_\_ No \_\_\_ N/A

Any other Comments: I HAVE NO PROBLEM WITH ANY CONSTRUCTION  
ESPECIALLY IN THE 349 BANKS ST.

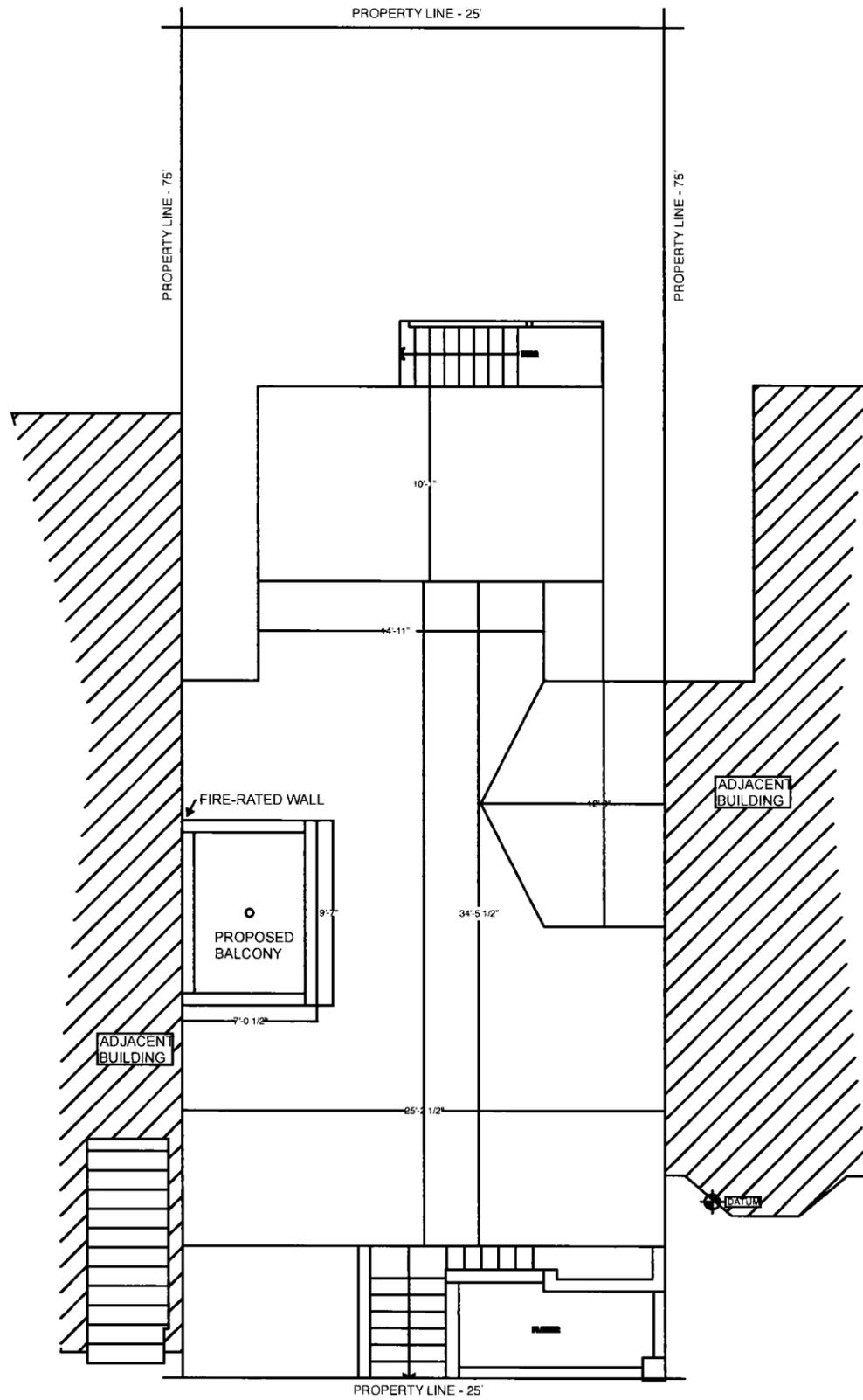
Name: NOTE VIA ESCALATORS 415 297 1886

Address: 340 BANKS ST

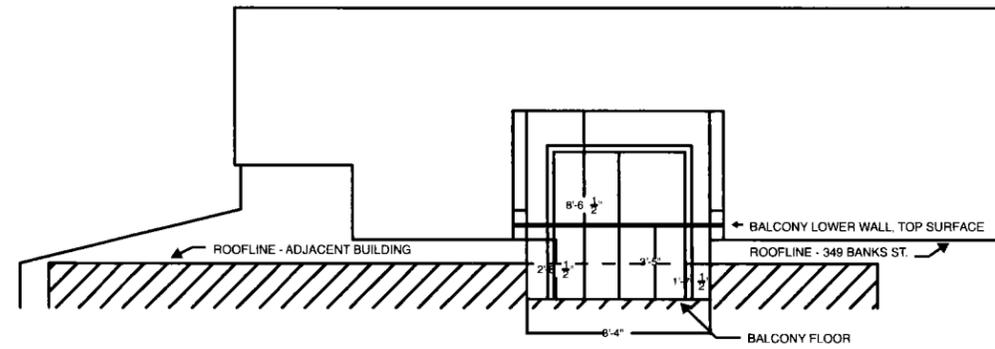




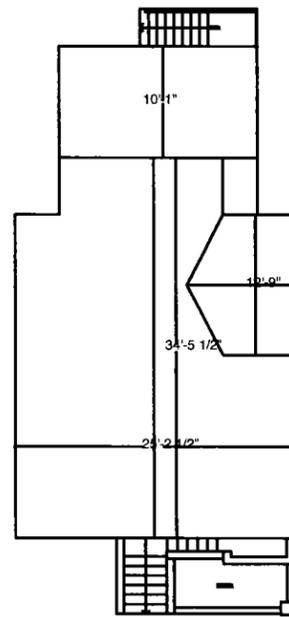




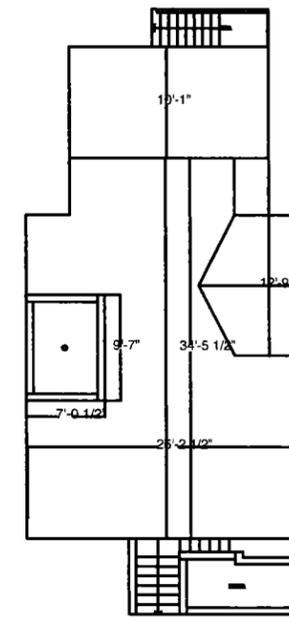
1 PLOT PLAN  
SCALE: 1/4"=1'-0"



2 BALCONY ELEVATION  
SCALE: 1/4"=1'-0"



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



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

NOTE:  
NOT A SURVEY  
PROPERTY LINES ARE TAKEN FROM

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Oakland, CA 94612, USA

Prepared By: C.R.  
Date: Nov 19, 2012

349 BANKS ST, SAN FRANCISCO, CA 94110