



SAN FRANCISCO PLANNING DEPARTMENT

Discretionary Review Abbreviated Analysis

HEARING DATE: DECEMBER 18, 2014

Date: December 8, 2014
Case No.: **2014.1497D**
Project Address: **2655 BRODERICK STREET**
Permit Application: 2013.09.12.6709
Zoning: RH-1 (Residential, House, One-Family) District
40-X Height and Bulk District
Block/Lot: 0955/002
Project Sponsor: Mark and Carrie Casey
c/o Craig Nikitas
2555 32nd Avenue
San Francisco, CA 94116
Staff Contact: Mary Woods – (415) 588-6315
mary.woods@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 is proposing to (1) legalize an existing 425 square-foot roof deck and stair penthouse; (2) add a one-hour fire-rated parapet wall along the south property line of the roof deck; and (3) modify the existing parapet wall/guardrail from 38 inches to 42 inches in height at the existing three-story, single-family house.

SITE DESCRIPTION AND PRESENT USE

The existing single-family residence is located on the west side of Broderick Street between Green and Vallejo Streets in the Cow Hollow neighborhood, two blocks east of the Presidio. The site has approximately 30 feet of lot frontage with a lot depth of 100 feet, containing approximately 3,000 square feet in lot area. The lot slopes downward and contains a three-story (including a garage level on the ground floor) circa 1926 building that occupies approximately 57 percent of the site. The front building wall is at the front property line while the rear building wall is set back approximately 43 feet from the rear property line. The lot slopes laterally up toward Vallejo Street.

SITE DESCRIPTION AND PRESENT USE

The surrounding neighborhood consists of a mixture of three- and four-story buildings, containing large single-family residences and low-density apartment buildings. Directly across the street are primarily three- and four-story single-family residences, also zoned RH-1. The buildings on the subject block are primarily three-story single-family residences, except for the four-story, 12-unit apartment building immediately north of the subject property at 2701 Green Street (DR requestor's building).

BUILDING PERMIT NOTIFICATION

TYPE	REQUIRED PERIOD	NOTIFICATION DATES	DR FILE DATE	DR HEARING DATE	FILING TO HEARING TIME
311 Notice	30 days	8/26/2014 to 9/25/2014	9/25/2014	12/18/2014	84 days

HEARING NOTIFICATION

TYPE	REQUIRED PERIOD	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUAL PERIOD
Posted Notice	10 days	December 8, 2014	December 8, 2014	10 days
Mailed Notice	10 days	December 8, 2014	December 5, 2014	13 days

PUBLIC COMMENT

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

Since the Discretionary Review request was filed, the Department has received one letter (copy attached) in support of the project. The Department has not received any correspondence in opposition to the proposed project.

DR REQUESTOR

Irving Zaretsky, owner of the 12-unit apartment building at 2701 Green Street, immediately north and downhill of the project site.

DR REQUESTOR'S CONCERNS AND PROPOSED ALTERNATIVES

Please refer to the attached *Discretionary Review Application* and DR Requestor submittal, dated September 12, 2013[4].

PROJECT SPONSOR'S RESPONSE TO DR APPLICATION

Please refer to the attached *Response to Discretionary Review*, dated November 26, 2014.

ENVIRONMENTAL REVIEW

The Department has determined that the proposed project is exempt from environmental review, pursuant to CEQA Guideline Section 15301 (Class One - Minor Alteration of Existing Facility).

RESIDENTIAL DESIGN TEAM REVIEW

The Residential Design Team (RDT) found that the proposed project meets the standards of the Residential Design Guidelines and does not represent any exceptional or extraordinary circumstances.

The RDT finds that the project will not create an unusual adverse effect on the DR Requestor's property to the north in that (1) the project sponsor has taken steps to legalize the roof deck and other features that were built by prior property owners many years ago; (2) the licensed project architect has noted on the permit plans that all work is to be done within the subject property lines; (3) the existing stair penthouse proposed to be legalized abuts a blind wall of the adjacent neighbor to the south at 2645 Broderick Street (who has submitted a letter in support of the project); and (4) the increase in height from 38 inches to 42 inches of the parapet wall/guardrail, and the new one-hour fire-rated parapet wall along the south property line of the roof deck would be minimally visible from the street.

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

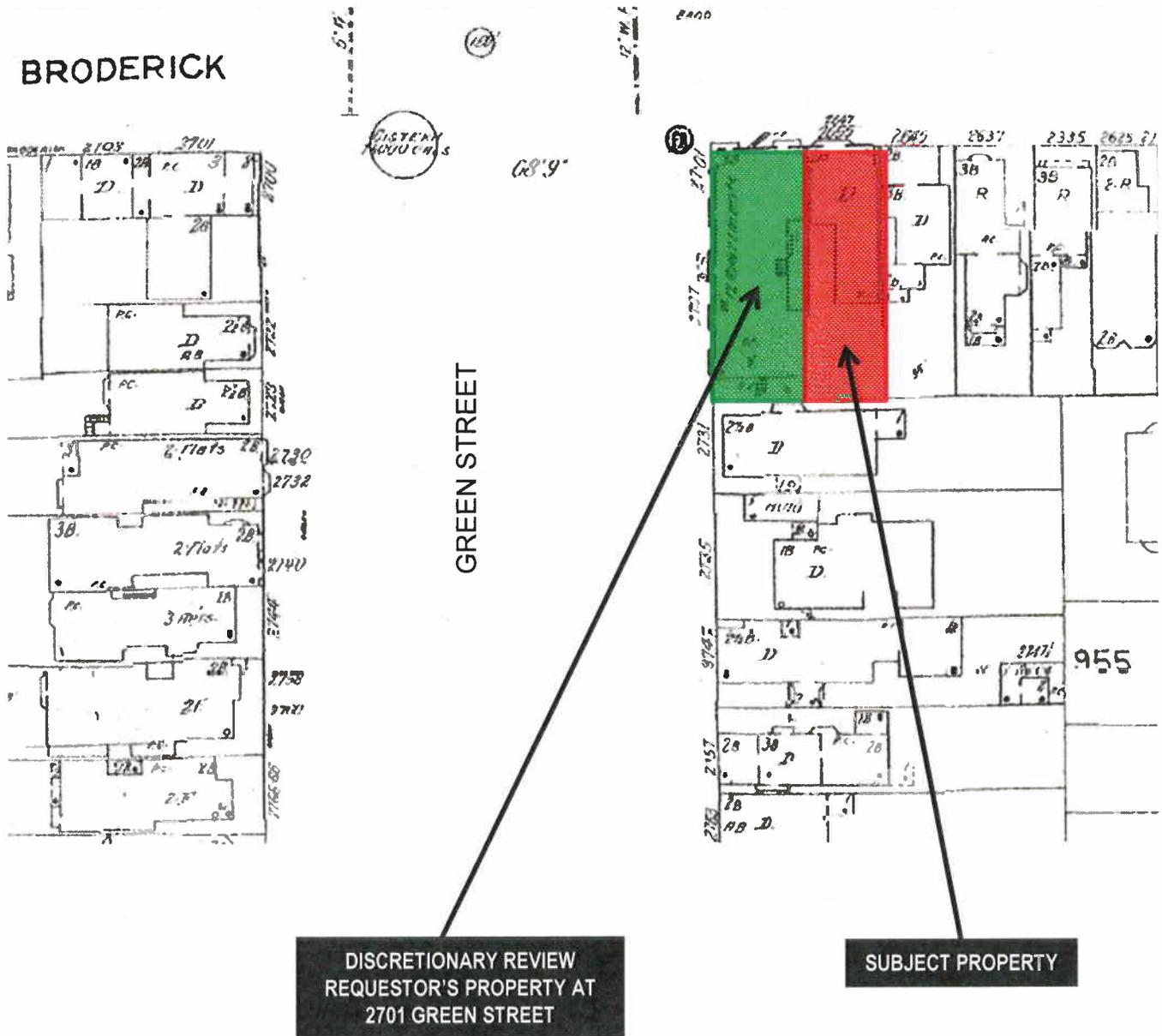
RECOMMENDATION:	Do not take DR and approve project as proposed
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Attachments:

- Parcel/Zoning Map
- Sanborn Map
- Zoning Map
- Aerial Photograph
- Environmental Determination
- Section 311 Notice
- Support Letter from 2645 Broderick Street
- DR Application dated September 25, 2014
- Response to DR Application dated November 26, 2014
- Reduced Plans
- Photos

mw:G:\Documents\DR\2655 Broderick\DR AbvAnalysis roof deck.doc

Sanborn Map*



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



Discretionary Review Hearing
Case Number 2014.1497D
2655 Broderick Street

Aerial Photo

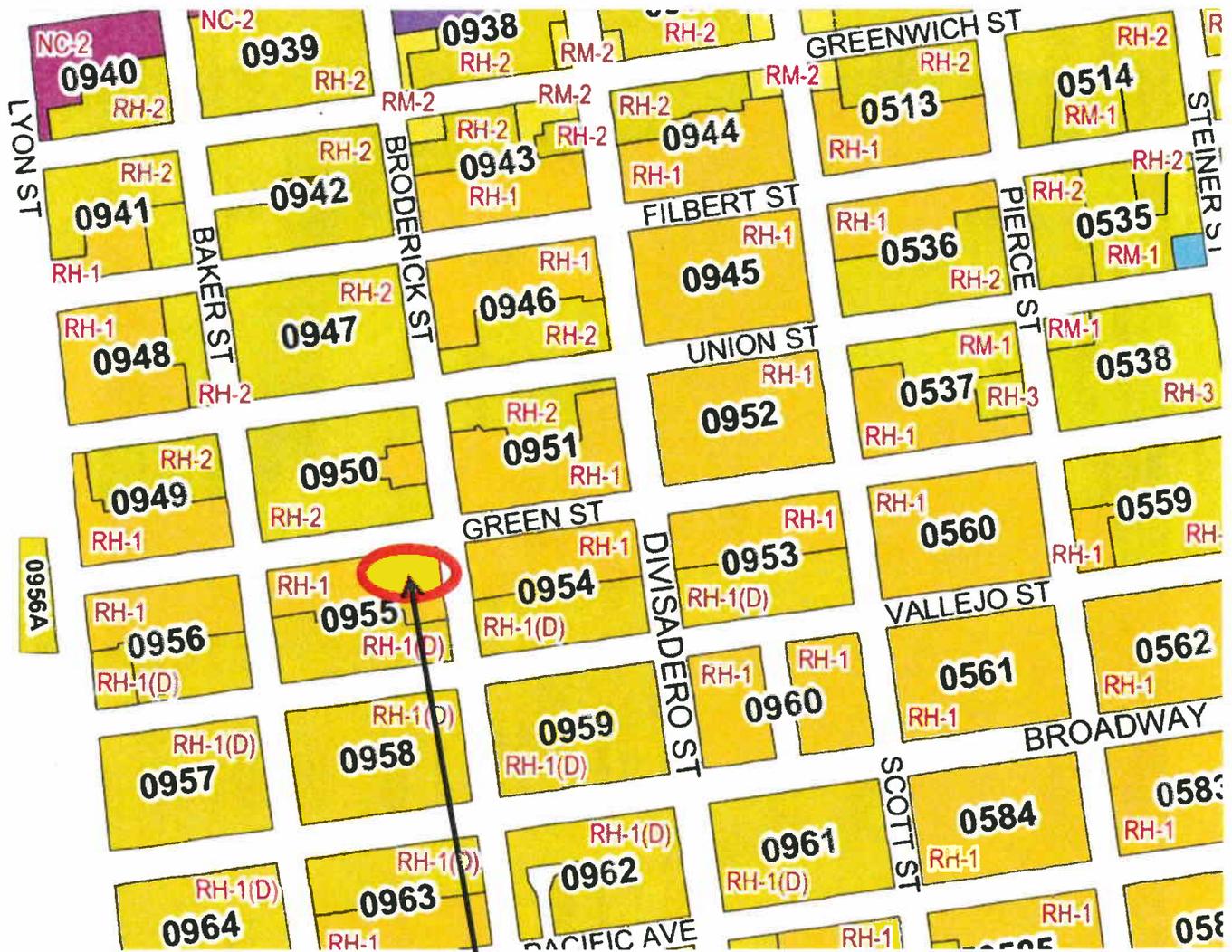


SUBJECT PROPERTY

DISCRETIONARY REVIEW
REQUESTOR'S PROPERTY AT
2701 GREEN STREET



Zoning Map



PROJECT SITE



Discretionary Review Hearing
Case Number 2014.1497D
2655 Broderick Street



SAN FRANCISCO PLANNING DEPARTMENT

CEQA Categorical Exemption Determination

PROPERTY INFORMATION/PROJECT DESCRIPTION

Project Address		Block/Lot(s)	
2655 Broderick Street		0955/002	
Case No.	Permit No.	Plans Dated	
2014.1497D & 2014.1498D	2013.09.12.6709 & 2013.09.12.6711	June 6, 2014	
<input checked="" type="checkbox"/> Addition/ Alteration	<input type="checkbox"/> Demolition (requires HRER if over 45 years old)	<input type="checkbox"/> New Construction	<input type="checkbox"/> Project Modification (GO TO STEP 7)
Project description for Planning Department approval. BPA# 2013.09.12.6709 is to legalize an existing roof deck and stair penthouse; add new one-hour fire-rated wall along the south property line of the roof deck; and increase the existing parapet wall/guardrail from 38 inches to 42 inches in height (Exempt under CEQA Class 1). BPA# 2013.09.12.6711 is to legalize an existing second-story rear deck, and stairs connecting the deck to grade (this permit work is not defined as a project under CEQA Guidelines Sections 15378 and 15060(c)(2) because it does not result in a physical change in the environment).			

STEP 1: EXEMPTION CLASS

TO BE COMPLETED BY PROJECT PLANNER

Note: If neither class applies, an <i>Environmental Evaluation Application</i> is required.	
<input checked="" type="checkbox"/>	Class 1 – Existing Facilities. Interior and exterior alterations; additions under 10,000 sq. ft.
<input type="checkbox"/>	Class 3 – New Construction/ Conversion of Small Structures. Up to three (3) new single-family residences or six (6) dwelling units in one building; commercial/office structures; utility extensions; change of use under 10,000 sq. ft. if principally permitted or with a CU.
<input type="checkbox"/>	Class__

STEP 2: CEQA IMPACTS

TO BE COMPLETED BY PROJECT PLANNER

If any box is checked below, an <i>Environmental Evaluation Application</i> is required.	
<input type="checkbox"/>	Transportation: Does the project create six (6) or more net new parking spaces or residential units? Does the project have the potential to adversely affect transit, pedestrian and/or bicycle safety (hazards) or the adequacy of nearby transit, pedestrian and/or bicycle facilities?
<input type="checkbox"/>	Air Quality: Would the project add new sensitive receptors (specifically, schools, day care facilities, hospitals, residential dwellings, and senior-care facilities within an Air Pollution Exposure Zone? Does the project have the potential to emit substantial pollutant concentrations (e.g., backup diesel generators, heavy industry, diesel trucks, etc.)? (refer to EP_ArcMap > CEQA Catex Determination Layers > Air Pollution Exposure Zone)
<input type="checkbox"/>	Hazardous Materials: If the project site is located on the Maher map or is suspected of containing hazardous materials (based on a previous use such as gas station, auto repair, dry cleaners, or heavy manufacturing, or a site with underground storage tanks): Would the project involve 50 cubic yards or more of soil disturbance - or a change of use from industrial to residential? If yes, this box must be checked and the project applicant must submit an Environmental Application with a Phase I Environmental Site Assessment. <i>Exceptions: do not check box if the applicant presents documentation of enrollment in the San Francisco Department of Public Health (DPH) Maher program, a DPH waiver from the</i>

	<i> Maher program, or other documentation from Environmental Planning staff that hazardous material effects would be less than significant (refer to EP_ArcMap > Maher layer).</i>
<input type="checkbox"/>	Soil Disturbance/Modification: Would the project result in soil disturbance/modification greater than two (2) feet below grade in an archeological sensitive area or eight (8) feet in a non-archeological sensitive area? (refer to EP_ArcMap > CEQA Catex Determination Layers > Archeological Sensitive Area)
<input type="checkbox"/>	Noise: Does the project include new noise-sensitive receptors (schools, day care facilities, hospitals, residential dwellings, and senior-care facilities) fronting roadways located in the noise mitigation area? (refer to EP_ArcMap > CEQA Catex Determination Layers > Noise Mitigation Area)
<input type="checkbox"/>	Subdivision/Lot Line Adjustment: Does the project site involve a subdivision or lot line adjustment on a lot with a slope average of 20% or more? (refer to EP_ArcMap > CEQA Catex Determination Layers > Topography)
<input type="checkbox"/>	Slope = or > 20%: Does the project involve excavation of 50 cubic yards of soil or more, square footage expansion greater than 1,000 sq. ft., shoring, underpinning, retaining wall work, or grading on a lot with a slope average of 20% or more? <i>Exceptions: do not check box for work performed on a previously developed portion of site, stairs, patio, deck, or fence work.</i> (refer to EP_ArcMap > CEQA Catex Determination Layers > Topography) If box is checked, a geotechnical report is required and a Certificate or higher level CEQA document required
<input type="checkbox"/>	Seismic: Landslide Zone: Does the project involve excavation of 50 cubic yards of soil or more, square footage expansion greater than 1,000 sq. ft., shoring, underpinning, retaining wall work, grading –including excavation and fill on a landslide zone – as identified in the San Francisco General Plan? <i>Exceptions: do not check box for work performed on a previously developed portion of the site, stairs, patio, deck, or fence work.</i> (refer to EP_ArcMap > CEQA Catex Determination Layers > Seismic Hazard Zones) If box is checked, a geotechnical report is required and a Certificate or higher level CEQA document required
<input type="checkbox"/>	Seismic: Liquefaction Zone: Does the project involve excavation of 50 cubic yards of soil or more, square footage expansion greater than 1000 sq ft, shoring, underpinning, retaining wall work, or grading on a lot in a liquefaction zone? <i>Exceptions: do not check box for work performed on a previously developed portion of the site, stairs, patio, deck, or fence work.</i> (refer to EP_ArcMap > CEQA Catex Determination Layers > Seismic Hazard Zones) If box is checked, a geotechnical report will likely be required
<input type="checkbox"/>	Serpentine Rock: Does the project involve any excavation on a property containing serpentine rock? <i>Exceptions: do not check box for stairs, patio, deck, retaining walls, or fence work.</i> (refer to EP_ArcMap > CEQA Catex Determination Layers > Serpentine)
*If no boxes are checked above, GO TO STEP 3. If one or more boxes are checked above, an <i>Environmental Evaluation Application</i> is required, unless reviewed by an <i>Environmental Planner</i>.	
<input type="checkbox"/>	Project can proceed with categorical exemption review. The project does not trigger any of the CEQA impacts listed above.
Comments and Planner Signature (optional):	

**STEP 3: PROPERTY STATUS – HISTORIC RESOURCE
TO BE COMPLETED BY PROJECT PLANNER**

PROPERTY IS ONE OF THE FOLLOWING: (refer to Parcel Information Map)	
<input type="checkbox"/>	Category A: Known Historical Resource. GO TO STEP 5.
<input checked="" type="checkbox"/>	Category B: Potential Historical Resource (over 45 years of age). GO TO STEP 4.
<input type="checkbox"/>	Category C: Not a Historical Resource or Not Age Eligible (under 45 years of age). GO TO STEP 6.

**STEP 4: PROPOSED WORK CHECKLIST
TO BE COMPLETED BY PROJECT PLANNER**

Check all that apply to the project.	
<input type="checkbox"/>	1. Change of use and new construction. Tenant improvements not included.
<input checked="" type="checkbox"/>	2. Regular maintenance or repair to correct or repair deterioration, decay, or damage to building.
<input type="checkbox"/>	3. Window replacement that meets the Department's <i>Window Replacement Standards</i> . Does not include storefront window alterations.
<input type="checkbox"/>	4. Garage work. A new opening that meets the <i>Guidelines for Adding Garages and Curb Cuts</i> , and/or replacement of a garage door in an existing opening that meets the Residential Design Guidelines.
<input checked="" type="checkbox"/>	5. Deck, terrace construction, or fences not visible from any immediately adjacent public right-of-way.
<input type="checkbox"/>	6. Mechanical equipment installation that is not visible from any immediately adjacent public right-of-way.
<input type="checkbox"/>	7. Dormer installation that meets the requirements for exemption from public notification under <i>Zoning Administrator Bulletin No. 3: Dormer Windows</i> .
<input type="checkbox"/>	8. Addition(s) that are not visible from any immediately adjacent public right-of-way for 150 feet in each direction; does not extend vertically beyond the floor level of the top story of the structure or is only a single story in height; does not have a footprint that is more than 50% larger than that of the original building; and does not cause the removal of architectural significant roofing features.
Note: Project Planner must check box below before proceeding.	
<input type="checkbox"/>	Project is not listed. GO TO STEP 5.
<input type="checkbox"/>	Project does not conform to the scopes of work. GO TO STEP 5.
<input type="checkbox"/>	Project involves four or more work descriptions. GO TO STEP 5.
<input type="checkbox"/>	Project involves less than four work descriptions. GO TO STEP 6.

**STEP 5: CEQA IMPACTS – ADVANCED HISTORICAL REVIEW
TO BE COMPLETED BY PRESERVATION PLANNER**

Check all that apply to the project.	
<input type="checkbox"/>	1. Project involves a known historical resource (CEQA Category A) as determined by Step 3 and conforms entirely to proposed work checklist in Step 4.
<input type="checkbox"/>	2. Interior alterations to publicly accessible spaces.
<input type="checkbox"/>	3. Window replacement of original/historic windows that are not "in-kind" but are consistent with existing historic character.
<input checked="" type="checkbox"/>	4. Façade/storefront alterations that do not remove, alter, or obscure character-defining features.
<input type="checkbox"/>	5. Raising the building in a manner that does not remove, alter, or obscure character-defining features.
<input type="checkbox"/>	6. Restoration based upon documented evidence of a building's historic condition, such as historic photographs, plans, physical evidence, or similar buildings.
<input checked="" type="checkbox"/>	7. Addition(s) , including mechanical equipment that are minimally visible from a public right-of-way and meet the <i>Secretary of the Interior's Standards for Rehabilitation</i> .

<input type="checkbox"/>	8. Other work consistent with the <i>Secretary of the Interior Standards for the Treatment of Historic Properties</i> (specify or add comments):
<input type="checkbox"/>	9. Other work that would not materially impair a historic district (specify or add comments): (Requires approval by Senior Preservation Planner/Preservation Coordinator) _____
<input type="checkbox"/>	10. Reclassification of property status to Category C. (Requires approval by Senior Preservation Planner/Preservation Coordinator) a. Per HRER dated: _____ (attach HRER) b. Other (specify):
Note: If ANY box in STEP 5 above is checked, a Preservation Planner MUST check one box below.	
<input type="checkbox"/>	Further environmental review required. Based on the information provided, the project requires an <i>Environmental Evaluation Application</i> to be submitted. GO TO STEP 6.
<input checked="" type="checkbox"/>	Project can proceed with categorical exemption review. The project has been reviewed by the Preservation Planner and can proceed with categorical exemption review. GO TO STEP 6.
Comments (optional):	
Preservation Planner Signature: Shelley Caltagirone <small>Digitally signed by Shelley Caltagirone DN: cn=Shelley Caltagirone, o=San Francisco Planning Department, ou=San Francisco Planning Department, email=shelley.caltagirone@sfdph.org, date=2014.02.27 14:11:08 -0800</small>	

**STEP 6: CATEGORICAL EXEMPTION DETERMINATION
TO BE COMPLETED BY PROJECT PLANNER**

<input type="checkbox"/>	Further environmental review required. Proposed project does not meet scopes of work in either (check all that apply): <input type="checkbox"/> Step 2 – CEQA Impacts <input type="checkbox"/> Step 5 – Advanced Historical Review STOP! Must file an <i>Environmental Evaluation Application</i>.	
<input checked="" type="checkbox"/>	No further environmental review is required. The project is categorically exempt under CEQA.	
	Planner Name: mary woods	Signature: Mary Woods 12/5/2014
	Project Approval Action: Planning Commission Hearing *If Discretionary Review before the Planning Commission is requested, the Discretionary Review hearing is the Approval Action for the project.	
	Once signed or stamped and dated, this document constitutes a categorical exemption pursuant to CEQA Guidelines and Chapter 31 of the Administrative Code. In accordance with Chapter 31 of the San Francisco Administrative Code, an appeal of an exemption determination can only be filed within 30 days of the project receiving the first approval action.	



SAN FRANCISCO PLANNING DEPARTMENT

1650 Mission Street Suite 400 San Francisco, CA 94103

NOTICE OF BUILDING PERMIT APPLICATION (SECTION 311)

On **September 12, 2013**, the Applicant named below filed Building Permit Application No. **2013.09.12.6709** with the City and County of San Francisco.

PROPERTY INFORMATION		APPLICANT INFORMATION	
Project Address:	2655 Broderick Street	Applicant:	Mark Casey c/o Craig Nikitas
Cross Street(s):	Green and Vallejo Streets	Address:	2655 Broderick Street
Block/Lot No.:	0955/002	City, State:	San Francisco, CA 94123
Zoning District(s):	RH-1 / 40-X	Telephone:	(415) 810-5166

You are receiving this notice as a property owner or resident within 150 feet of the proposed project. You are not required to take any action. For more information about the proposed project, or to express concerns about the project, please contact the Applicant listed above or the Planner named below as soon as possible. If you believe that there are exceptional or extraordinary circumstances associated with the project, you may 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.

Members of the public are not required to provide personal identifying information when they communicate with the Commission or the Department. All written or oral communications, including submitted personal contact information, may be made available to the public for inspection and copying upon request and may appear on the Department's website or in other public documents.

PROJECT SCOPE		
<input type="checkbox"/> Demolition	<input type="checkbox"/> New Construction	<input checked="" type="checkbox"/> Alteration
<input type="checkbox"/> Change of Use	<input checked="" type="checkbox"/> Façade Alteration(s)	<input type="checkbox"/> Front Addition
<input type="checkbox"/> Rear Addition	<input type="checkbox"/> Side Addition	<input checked="" type="checkbox"/> Vertical Addition
PROJECT FEATURES	EXISTING	PROPOSED
Building Use	Residential	Residential
Front Setback	None	No change
Side Setbacks	None	No change
Building Depth	57	No change
Rear Yard	43 feet	No change
Building Height	33 feet	No change
Number of Stories	3	No change
Number of Dwelling Units	1	No change
Number of Parking Spaces	1	No change
PROJECT DESCRIPTION		
The proposal is to (1) legalize an existing 425 square-foot roof deck and stair penthouse; (2) add an one-hour fire-rated parapet wall along the south property line of the roof deck; and (3) modify the existing parapet wall/guardrail from 38 inches to 42 inches in height. See attached plans.		
The issuance of the building permit by the Department of Building Inspection or the Planning Commission project approval at a discretionary review hearing would constitute as the Approval Action for the project for the purposes of CEQA, pursuant to Section 31.04(h) of the San Francisco Administrative Code.		

For more information, please contact Planning Department staff:

Planner: Mary Woods

Telephone: (415) 558-6315

E-mail: mary.woods@sfgov.org

中文詢問請電: (415) 575-9010

Notice Date: 8/26/2014

Expiration Date: 9/25/2014

Para información en Español llamar al: (415) 575-9010

GENERAL INFORMATION ABOUT PROCEDURES

Reduced copies of the proposed project plans have been included in this mailing for your information. If you have questions about the plans, please contact the project Applicant listed on the front of this notice. You may wish to discuss the plans with your neighbors or neighborhood association, as they may already be aware of the project. If you have general questions about the Planning Department's review process, please contact the Planning Information Center at 1660 Mission Street, 1st Floor (415/ 558-6377) between 8:00am - 5:00pm Monday-Friday. If you have specific questions about the proposed project, you should contact the planner listed on the front of this notice.

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

1. Request a meeting with the project Applicant to get more information and to explain the project's impact on you.
2. Contact the nonprofit organization Community Boards at (415) 920-3820, or online at www.communityboards.org for a facilitated discussion in a safe and collaborative environment. Community Boards acts as a neutral third party and has, on many occasions, helped reach mutually agreeable solutions.
3. Where you have attempted, through the use of the above steps or other means, to address potential problems without success, please contact the planner listed on the front of this notice to discuss 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, **you must file a Discretionary Review application prior to the Expiration Date shown on the front of this notice.** Discretionary Review applications are available at the Planning Information Center (PIC), 1660 Mission Street, 1st Floor, or online at www.sfplanning.org. You must submit the application in person at the Planning Information Center (PIC) between 8:00am - 5:00pm Monday-Friday, with all required materials and a check 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. If the project includes multiple 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 Planning Commission's decision on a Discretionary Review case may be made to the **Board of Appeals within 15 calendar days after the building permit is issued** (or denied) by the Department of Building Inspection. Appeals must be submitted 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 current fees, contact the Board of Appeals at (415) 575-6880.

ENVIRONMENTAL REVIEW

This project has undergone preliminary review pursuant to California Environmental Quality Act (CEQA). If, as part of this process, the Department's Environmental Review Officer has deemed this project to be exempt from further environmental review, an exemption determination has been prepared and can be obtained through the Exemption Map, on-line, at www.sfplanning.org. An appeal of the decision **to exempt the proposed project from CEQA may be made to the Board of Supervisors within 30 calendar days** after the project approval action identified on the determination. The procedures for filing an appeal of an exemption determination are available from the Clerk of the Board at City Hall, Room 244, or by calling (415) 554-5184.

Under CEQA, in a later court challenge, a litigant may be limited to raising only those issues previously raised at a hearing on the project or in written correspondence delivered to the Board of Supervisors, Planning Commission, Planning Department or other City board, commission or department at, or prior to, such hearing, or as part of the appeal hearing process on the CEQA decision.

11-18-14

Maria + Claudio Angeli
2645 Broderick St.
San Francisco, Ca. 94123

RECEIVED

NOV 21 2014

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

Re: Mark + Carrie Casey
proposited to legalize work at
2655 Broderick St.
San Francisco, Ca. 94123

We do not object to the ^{all} work that need
to be done to the above address 2655 Broderick,
~~P~~ legalize roof deck, adding a narrow diameter
handrail above the north facing wall of
their roof deck, so as to match contemporary safety
standard.

We do not object to the work they are doing to
legalize the staircase going down from their deck
to the back yard.

We have no objection at all the things that
is proposed for the above address 2655 Broderick.

We have lived next door to 2645 for 31 years.
if you have any question or to clarified the jobs
that was done before the Casey family
moved in to this property, please do not hesitate
to give us a call at 415-921-3017.

Sincerely

Maria Angeli

APPLICATION FOR Discretionary Review

1. Owner/Applicant Information

DR APPLICANT'S NAME: Irving Zaretsky		
DR APPLICANT'S ADDRESS: 2701 Green Street	ZIP CODE: 94123	TELEPHONE: (415)922-7609
PROPERTY OWNER WHO IS DOING THE PROJECT ON WHICH YOU ARE REQUESTING DISCRETIONARY REVIEW NAME: Mark Casey		
ADDRESS: 2655 Broderick Street	ZIP CODE: 94123	TELEPHONE: ()
CONTACT FOR DR APPLICATION: Same as Above <input type="checkbox"/> Irving Zaretsky		
ADDRESS: 3111 Jackson Street	ZIP CODE: 94115	TELEPHONE: (415) 922-7609
E-MAIL ADDRESS: iiz@pacbell.net		

2. Location and Classification

STREET ADDRESS OF PROJECT: 2655 Broderick Street		ZIP CODE: 94123
CROSS STREETS: Green and Vallejo		
ASSESSORS BLOCK/LOT: /	LOT DIMENSIONS:	LOT AREA (SQ. FT):
ZONING DISTRICT:		HEIGHT/BULK DISTRICT:

3. Project Description

Please check all that apply
 Change of Use Change of Hours New Construction Alterations Demolition Other

Additions to Building: Rear Front Height Side Yard
 Residential

Present or Previous Use: _____

Proposed Use: Residential _____

Building Permit Application No. 2013.0912.6709 Date Filed: September 12, 2013

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 checked="" type="checkbox"/>	<input type="checkbox"/>

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

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

SEE ATTACHMENT

Discretionary Review Request

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

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

SEE ATTACHMENT

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

SEE ATTACHMENT

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

SEE ATTACHMENT

~~14-1490B~~

← incorrect permit #, should be 2013. 09.12. 6709

Additional information:

Question 5 page 8: This project was in litigation and withdrawn on October 24, 2012, at the request of Tom Hui and DBI to allow them to address the issues without "obstacles in the way" which was the term used by Tom Hui for the litigation.

Mediation was by pre-trial conference and mediation with Judge Quidachay in San Francisco Superior Court. None of the issues concerning this property were resolved. The case was to proceed to trial, but was withdrawn by the plaintiff, Mr. Zaretsky, without prejudice in order to allow the SF Building and Planning Departments to resolve the three Notices of Violation. The NOV related to this DR application is 201168973.

Question 1 page 9: The property adjacent to and downhill from the subject property at 2655 Broderick is 2701 Green Street, and they share a long property line. 2655 Broderick has a roof deck specifically denied in two earlier permit applications, 8925489 and 9009756. The then owners ignored the City's denial and built the deck anyway. This deck included a roof-top hot tub and structural supports for it--all without drawings, permits, or inspections. Later, two separate permits were issued to remove the illegal deck--permit applications, 9206713 and 9216894. Those permits, too, were ignored. Moreover, the current owner has removed the hot tub, the old deck, and the old wind screens, and completely rebuilt the deck and screens without a permit or inspections.

Thus, for a very long time, the law has not been enforced. The current application seeks to legalize the existing illegal and non-conforming construction. The owners' failure to abide by the City's instructions, and lack of prior enforcement by the City alone are reasons enough for the Planning Department to undergo a thorough review of this permit application. To do otherwise will be to encourage scofflaws.

A second reason for this Discretionary Review Request is to address the current permit application's failure to address the existing deck's encroachment across the property line with 2701 Green Street. The existing windscreen is mounted on top of the property-line curb and the siding boards are over the outer edge of the parapet of 2701 Green Street, preventing access to the sheet metal coping. No permit should be issued authorizing encroachment onto a neighboring property.

Lastly, the previous permits denied authorization to install a roof deck at 2655 Broderick at least in part because all the neighbors opposed it. They still do. The City has a responsibility to consider the impact of new construction on the neighbors, and at this point, only a discretionary review stands in the way of this permit.

Question 2 page 9: 2701 Green Street will be negatively affected if this permit is issued in the following ways: 1) The encroachment impinges onto the neighboring property denying the owner of 2701 access to his property, and if not reversed, will effectively give the owner of 2655 Broderick an easement. 2) The encroachment prevents the owner of 2701 from being able to service coping of his parapet.

← incorrect
permit
#

Question 3, page 9:

1. The Planning Department or Building Department should field inspect the property at 2655 Broderick to confirm the accuracy of the drawings and measurements. The permits validity rests in large part upon correcting incorrect measurements. If the drawings are proven to be consequentially incorrect, they should be corrected prior to issuance of the permit.
2. The drawings should show removal of the existing property-line screen wall and, if the deck is approved, its relocation fully behind the property line.
3. If a permit for the roof deck is issued, the drawings should specify that a hot tub is specifically excluded.
4. Once the wall is removed or relocated, the drawings should show a properly designed coping and counterflashing to cover the parapet of 2701 Green Street and the space between the buildings.
5. The plans should include the following notes:
 - A. ALL CONSTRUCTION TO BE CARRIED OUT BY LICENSED CONTRACTORS.
 - B. CONSTRUCTION IN CONTACT WITH 2701 GREEN TO OCCUR ONLY WITH THE CONSENT OF THE OWNER OF 2701 GREEN STREET.
 - C. CONTRACTOR OR INSPECTOR ACCESS TO THE ROOF OF 2701 GREEN STREET IS TO BE MADE ONLY WITH THE SPECIFIC PERMISSION OF THE OWNER OF 2701 GREEN STREET. SUCH PERMISSION WILL NOT BE UNREASONABLY WITHHELD.
 - D. THE ROOF OF 2701 GREEN STREET WILL BE FULLY PROTECTED IN THE AREA OF ANY CONSTRUCTION.
 - E. THE ROOF OF 2701 GREEN STREET WILL NOT BE USED FOR STAGING OR STORAGE OF MATERIALS.
 - F. THE OWNER OF 2701 GREEN STREET AND HIS PROFESSIONAL REPRESENTATIVES AND CONTRACTORS WILL BE GIVEN REASONABLE ACCESS TO THE SITE FOR INSPECTIONS AND REQUIRED REPAIRS THROUGHOUT THE CONSTRUCTION.
 - G. ALL FINAL PLANS FOR AND CHANGES OF ROOF DECK ARE TO BE PROVIDED TO OWNER OF 2701 GREEN STREET FOR REVIEW PRIOR TO ISSUANCE OF PERMIT OR COMMENCEMENT OF CONSTRUCTION.

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: _____

9/25/14

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

owner

Owner / Authorized Agent (circle one)

Discretionary Review Application Submittal Checklist

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

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

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: Brett Bolley

Date: 9/25/14



SAN FRANCISCO PLANNING DEPARTMENT

14.1497D

1650 Mission Street Suite 400 San Francisco, CA 94103

NOTICE OF BUILDING PERMIT APPLICATION (SECTION 311)

On **September 12, 2013**, the Applicant named below filed Building Permit Application No. **2013.09.12.6709** with the City and County of San Francisco.

PROPERTY INFORMATION		APPLICANT INFORMATION	
Project Address:	2655 Broderick Street	Applicant:	Mark Casey c/o Craig Nikitas
Cross Street(s):	Green and Vallejo Streets	Address:	2655 Broderick Street
Block/Lot No.:	0955/002	City, State:	San Francisco, CA 94123
Zoning District(s):	RH-1 / 40-X	Telephone:	(415) 810-5166

You are receiving this notice as a property owner or resident within 150 feet of the proposed project. You are not required to take any action. For more information about the proposed project, or to express concerns about the project, please contact the Applicant listed above or the Planner named below as soon as possible. If you believe that there are exceptional or extraordinary circumstances associated with the project, you may 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.

Members of the public are not required to provide personal identifying information when they communicate with the Commission or the Department. All written or oral communications, including submitted personal contact information, may be made available to the public for inspection and copying upon request and may appear on the Department's website or in other public documents.

PROJECT SCOPE		
<input type="checkbox"/> Demolition	<input type="checkbox"/> New Construction	<input checked="" type="checkbox"/> Alteration
<input type="checkbox"/> Change of Use	<input checked="" type="checkbox"/> Façade Alteration(s)	<input type="checkbox"/> Front Addition
<input type="checkbox"/> Rear Addition	<input type="checkbox"/> Side Addition	<input checked="" type="checkbox"/> Vertical Addition
PROJECT FEATURES	EXISTING	PROPOSED
Building Use	Residential	Residential
Front Setback	None	No change
Side Setbacks	None	No change
Building Depth	57	No change
Rear Yard	43 feet	No change
Building Height	33 feet	No change
Number of Stories	3	No change
Number of Dwelling Units	1	No change
Number of Parking Spaces	1	No change
PROJECT DESCRIPTION		
The proposal is to (1) legalize an existing 425 square-foot roof deck and stair penthouse; (2) add an one-hour fire-rated parapet wall along the south property line of the roof deck; and (3) modify the existing parapet wall/guardrail from 38 inches to 42 inches in height. See attached plans.		
The issuance of the building permit by the Department of Building Inspection or the Planning Commission project approval at a discretionary review hearing would constitute as the Approval Action for the project for the purposes of CEQA, pursuant to Section 31.04(h) of the San Francisco Administrative Code.		

For more information, please contact Planning Department staff:

Planner: Mary Woods
 Telephone: (415) 558-6315
 E-mail: mary.woods@sfgov.org

Notice Date: 8/26/2014
 Expiration Date: 9/25/2014

中文詢問請電: (415) 575-9010

Para información en Español llamar al: (415) 575-9010

RADIUS SERVICES BELIEVES THAT
THE INFORMATION CONTAINED HEREIN

RADIUS SERVICES BELIEVES THAT
THE INFORMATION CONTAINED HEREIN

14.1497D

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WHILE NOT GUARANTEED HAS BEEN
SECURED FROM SOURCES DEEMED
RELIABLE

0000/008
WHILE NOT GUARANTEED HAS BEEN
SECURED FROM SOURCES DEEMED
RELIABLE

0001/001
RADIUS SERVICES NO. 0955002T
3111 JACKSON ST
ZONECON 14 0923

0001/001
RADIUS SERVICES NO. 0955002T
3111 JACKSON ST
ZONECON 14 0923

0001/002
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0001/002
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0001/003
R A D I U S S E R V I C E S
1221 H A R R I S O N S T #18
SAN FRANCISCO CA 94103

0001/003
R A D I U S S E R V I C E S
1221 H A R R I S O N S T #18
SAN FRANCISCO CA 94103

0001/004
IRVING ZARETSKY
2555 32ND AVE
SAN FRANCISCO CA 94116

0001/004
IRVING ZARETSKY
2555 32ND AVE
SAN FRANCISCO CA 94116

0001/005
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0001/005
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0954/012
KALES TRS
2634 BRODERICK ST
SAN FRANCISCO CA 94123-4605

0954/012
KALES TRS
2634 BRODERICK ST
SAN FRANCISCO CA 94123-4605

0954/013
MICHAEL KRAUTKRAMER
2640 BRODERICK ST
SAN FRANCISCO CA 94123-4605

0954/013
MICHAEL KRAUTKRAMER
2640 BRODERICK ST
SAN FRANCISCO CA 94123-4605

0954/014
WDEBER TRS
2646 BRODERICK ST
SAN FRANCISCO CA 94123-4605

0954/014
WDEBER TRS
2646 BRODERICK ST
SAN FRANCISCO CA 94123-4605

0954/015
MARY-ANNA RAE
PO BOX 31515
SAN FRANCISCO CA 94131-0515

0954/015
MARY-ANNA RAE
PO BOX 31515
SAN FRANCISCO CA 94131-0515

0955/001
KARDOS-ZARETSKY
2701 GREEN ST
SAN FRANCISCO CA 94123-4639

0955/001
OCCUPANT
2701 GREEN ST #1
SAN FRANCISCO CA 94123-4639

0955/001
OCCUPANT
2701 GREEN ST #2
SAN FRANCISCO CA 94123-4639

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2701 GREEN ST #3
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OCCUPANT
2701 GREEN ST #10
SAN FRANCISCO CA 94123-4639

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KARDOS-ZARETSKY
2701 GREEN ST
SAN FRANCISCO CA 94123-4639

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OCCUPANT
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SAN FRANCISCO CA 94123-4639

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2701 GREEN ST #2
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2701 GREEN ST #10
SAN FRANCISCO CA 94123-4639

OCCUPANT
2701 GREEN ST #11
SAN FRANCISCO CA 94123-4639

14.1497D

0955/001
OCCUPANT
2701 GREEN ST #12
SAN FRANCISCO CA 94123-4639

0955/002
CASEY TRS
2655 BRODERICK ST
SAN FRANCISCO CA 94123-4604

0955/003
CLAUDIO ANGELI TRS
2645 BRODERICK ST
SAN FRANCISCO CA 94123-4604

0955/032
KIESELHORST TRS
2731 GREEN ST
SAN FRANCISCO CA 94123-4608

9999/999
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0955/001
OCCUPANT
2701 GREEN ST #11
SAN FRANCISCO CA 94123-4639

0955/001
OCCUPANT
2701 GREEN ST #12
SAN FRANCISCO CA 94123-4639

0955/002
CASEY TRS
2655 BRODERICK ST
SAN FRANCISCO CA 94123-4604

0955/003
CLAUDIO ANGELI TRS
2645 BRODERICK ST
SAN FRANCISCO CA 94123-4604

0955/032
KIESELHORST TRS
2731 GREEN ST
SAN FRANCISCO CA 94123-4608

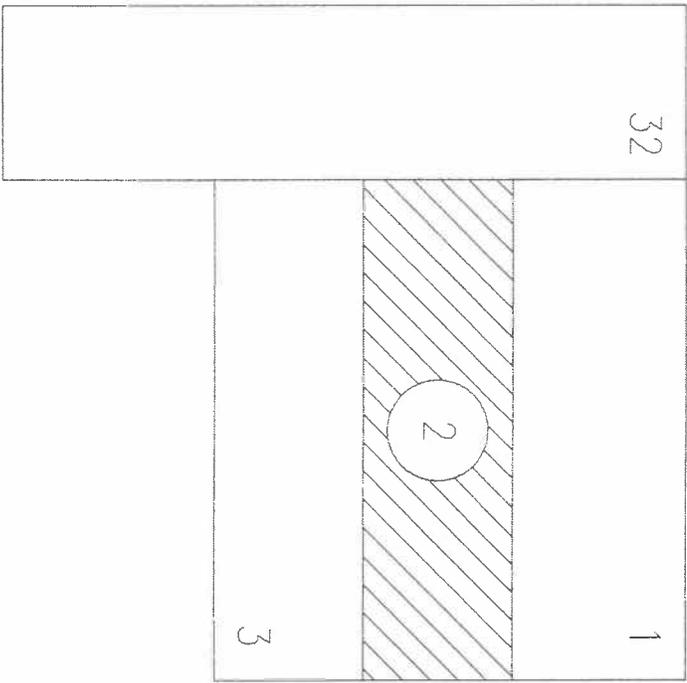
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14.14970

BLOCK LOT	OWNER	OADDR	CITY	STATE	ZIP
0001 001	RADIUS SERVICES NO. 0955002T	3111 JACKSON ST	ZONECON	14	0923
0001 002					
0001 003	RADIUS SERVICES	1221 HARRISON ST #18	SAN FRANCISCO	CA	94103
0001 004	IRVING ZARETSKY	2555 32ND AVE	SAN FRANCISCO	CA	94116
0001 005					
0954 012	KALES TRS	2634 BRODERICK ST	SAN FRANCISCO	CA	94123-4605
0954 013	MICHAEL KRAUTKRAMER	2640 BRODERICK ST	SAN FRANCISCO	CA	94123-4605
0954 014	WOEBER TRS	2646 BRODERICK ST	SAN FRANCISCO	CA	94123-4605
0954 015	MARY-ANNA RAE	PO BOX 31515	SAN FRANCISCO	CA	94131-0515
0954 015	OCCUPANT	2652 BRODERICK ST	SAN FRANCISCO	CA	94123-4605
0954 016	BEN-HALIM HAYA	2691 GREEN ST	SAN FRANCISCO	CA	94123-4606
0955 001	KARDOS-ZARETSKY	2701 GREEN ST	SAN FRANCISCO	CA	94123-4639
0955 001	OCCUPANT	2701 GREEN ST #1	SAN FRANCISCO	CA	94123-4639
0955 001	OCCUPANT	2701 GREEN ST #2	SAN FRANCISCO	CA	94123-4639
0955 001	OCCUPANT	2701 GREEN ST #3	SAN FRANCISCO	CA	94123-4639
0955 001	OCCUPANT	2701 GREEN ST #4	SAN FRANCISCO	CA	94123-4639
0955 001	OCCUPANT	2701 GREEN ST #5	SAN FRANCISCO	CA	94123-4639
0955 001	OCCUPANT	2701 GREEN ST #6	SAN FRANCISCO	CA	94123-4639
0955 001	OCCUPANT	2701 GREEN ST #7	SAN FRANCISCO	CA	94123-4639
0955 001	OCCUPANT	2701 GREEN ST #8	SAN FRANCISCO	CA	94123-4639
0955 001	OCCUPANT	2701 GREEN ST #9	SAN FRANCISCO	CA	94123-4639
0955 001	OCCUPANT	2701 GREEN ST #10	SAN FRANCISCO	CA	94123-4639
0955 001	OCCUPANT	2701 GREEN ST #11	SAN FRANCISCO	CA	94123-4639
0955 001	OCCUPANT	2701 GREEN ST #12	SAN FRANCISCO	CA	94123-4639
0955 002	CASEY TRS	2655 BRODERICK ST	SAN FRANCISCO	CA	94123-4604
0955 003	CLAUDIO ANGELI TRS	2645 BRODERICK ST	SAN FRANCISCO	CA	94123-4604
0955 032	KIESELHORST TRS	2731 GREEN ST	SAN FRANCISCO	CA	94123-4608
9999 999					

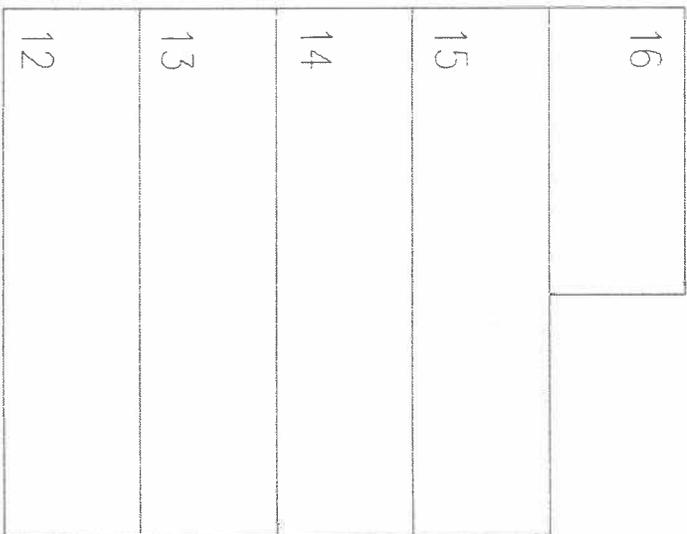
GREEN STREET

BLOCK 955



BRODERICK STREET

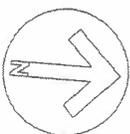
BLOCK 954



1521 Redwood Street, Suite 102
San Francisco, CA 94133-4444
(415) 391-4775

BLOCK 955
LOT 2

San Francisco, CA



JOB NO.	DATE
09550021	140923
DRAWN BY	CHECKED BY
DC	DC

DISCRETIONARY
REVIEW
AREA MAP

The information contained herein has been obtained from sources that we deemed reliable and current at the time of preparation. We have no reason to doubt its accuracy but we do not guarantee it.

14.1497D



SAN FRANCISCO PLANNING DEPARTMENT

RESPONSE TO DISCRETIONARY REVIEW

Case No.: _____

Building Permit No.: _____

Address: _____

Project Sponsor's Name: _____

Telephone No.: _____ (for Planning Department to contact)

- 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.

- 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.

- 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.

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

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)	_____	_____
Occupied stories (all levels with habitable rooms) ...	_____	_____
Basement levels (may include garage or windowless storage rooms)	_____	_____
Parking spaces (Off-Street)	_____	_____
Bedrooms	_____	_____
Gross square footage (floor area from exterior wall to exterior wall), not including basement and parking areas....	_____	_____
Height	_____	_____
Building Depth	_____	_____
Most recent rent received (if any)	_____	_____
Projected rents after completion of project	_____	_____
Current value of property	_____	_____
Projected value (sale price) after completion of project (if known)	_____	_____

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



Signature
Date
Name (please print)

November 21, 2014 (with minor revisions 11-26-14)

San Francisco Planning Commission
c/o Ms. Mary Woods, Planner
1650 Mission St, Suite 400
San Francisco, CA 94103

SUBJECT: DR Response
ADDRESS: 2655 Broderick St
PROJECT: Legalize Roof Deck
PERMIT APP: 2013 09 12 6709
CASE #: 2014.1497D

Dear President Wu and Planning Commissioners,

On behalf of the property owners Mark and Carrie Casey, we offer this information and these responses to the request for Discretionary Review of the subject permit. Here is some background on the property and the pending permit, which was filed to legalize a roof deck and stair penthouse constructed by previous owners, and to clear a Notice of Violation issued by DBI.

In 1985, Mary Yolles filed permit applications that included addition of a roof deck and stair penthouse. Those elements were removed from the scope of the permits in hand-written notes on the approved plans.

Ms Yolles sold the property in 1988 to Peter and Nancy Lowe, who filed permit application 9009756 with plans drawn by Butler Armsden Architects, and dated 5-17-90 to remodel and add to the residence. Those plans show an "existing" roof deck and an "existing" rectangular stair penthouse in their current extant configurations. Part of the scope of work of those plans included re-construction of the stair penthouse and the addition of higher, clerestory windows to the existing story below. This work was removed from the permit by notes added to the drawings after submittal, and changes to later revision sets.

Therefore we believe the roof deck (with hot tub) and penthouse were illegally constructed, apparently in accord with unapproved but professionally designed architectural and engineering plans, some time from 1985 to 1990, between 17 and 22 years before the Casey family purchased the property in October 2007.

The Caseys filed permit 200802124651 on 2/12/2008 to replace the failing roof membrane. They and their contractor, unaware that the deck and penthouse were not legally built, removed the hot tub, deck, and guard wall finishes to reroof the residence. Then the deck and walls were refinished, but the hot tub was not reinstalled. The project was given a completed final inspection by DBI on 4/7/2008.

It was later in the spring of 2008 that the DR Requester approached the Caseys with objections to the presence of the deck. When told that the structure was allowed by Code, the Requester

said he would have the Code changed so that it wouldn't be allowed, going all the way to the Supreme Court if necessary. This began a series of complaints, a lawsuit, and the use by the Requester of every means possible to impede approval of any application that would legalize the now two-decades-old roof deck.

The following paragraphs list the questions from the Department's DR Response Form in indented italics, and provide our responses.

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.)*

The DR Requester raises three issues in his DR Request:

Issue 1.A. Thus, for a very long time, the law has not been enforced. The current application seeks to legalize the existing illegal and non-conforming construction. The owners' failure to abide by the City's instructions and lack of prior enforcement by the City alone are reasons enough for the Planning Department to undergo a thorough review of this permit application. To do otherwise will be to encourage scofflaws.

RESPONSE: The current owners did not construct the illegal deck and penthouse, nor was there any pre-purchase disclosure to them by previous owners, by neighbors, or by real estate agents regarding the lack of permits or the construction history. The Caseys should not be denied the opportunity to legalize and enjoy a perfectly appropriate outdoor space which they purchased in good faith. The people who illegally constructed the deck and penthouse are not benefitting from its legalization – the beneficiaries are the current owners and the neighbors, who can now rest assured that the work is safely built in accord with current Codes. Legalization of an unpermitted structure built by others does not encourage scofflaws – it encourages compliance, which is the path the current owners are on. The Department HAS done a thorough review of the application, and deemed it to be appropriate and Code-complying.

Issue 1.B. A second reason for this Discretionary Review Request is to address the current permit application's failure to address the existing deck's encroachment across the property line with 2701 Green Street. The existing windscreen is mounted on top of the property-line curb and the siding boards are over the outer edge of the parapet of 2701 Green Street, preventing access to the sheet metal coping.

RESPONSE: There is no evidence that the north-facing siding on the outboard property line guard wall encroaches on the DR Requester's (Mr. Zaretsky's) property. As Figure 1 shows, there is a gap between the two property line walls of approximately 2 inches. The property line may lie within that gap. Mr. Zaretsky's roof coping (metal horizontal covering of the roof curb) in fact completely bridges that gap, and may well encroach on the Casey property. The siding on the Casey guard wall drops down to the level of Mr. Zaretsky's coping to prevent water intrusion between the buildings, and in fact aligns vertically with the northeast edge of the front wall of the Casey property. The outboard, northern edge of the guard wall siding aligns approximately ¾" of an inch into the gap between building

walls. Closure of the inter-building gaps at property lines as exists here are conditions that occur in thousands of instances throughout the city, usually without argument about whose coping or roofing closes the gap. It's generally done from the property with the higher roof over the lower roof. Note that the judge, during the pretrial mediation of Mr. Zaretsky's lawsuit, refused to consider this encroachment issue as a legitimate concern.

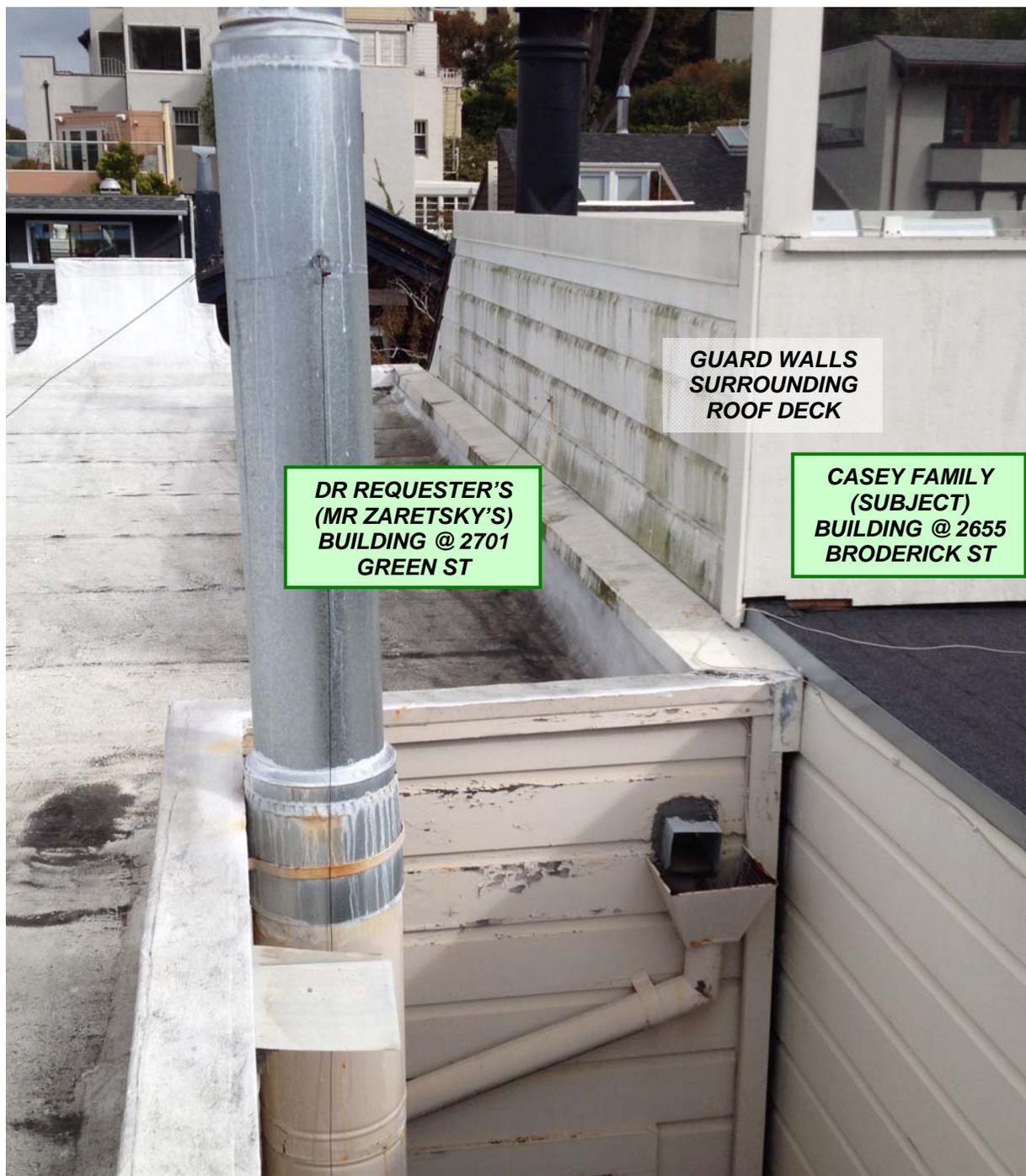


Figure 1: General view (looking eastward) along the side property line walls

We agree with Mr. Zaretsky that the as-built condition does impede his access to the coping extending across the property lines. The Caseys have repeatedly offered to remove the lowest course of siding, and install a sheet metal reglet which accepts removable flashing that laps down over the gap, so that Mr. Zaretsky's roofers can remove the flashing to work on his coping and roof membrane, and then reinstall the flashing to restore the watertight gap coverage. Mr. Zaretsky has refused to consider this highly regarded solution, and insists that the siding be permanently removed and roofing felts installed (which is a less positive water-proofing assembly with shorter service life). The Caseys would consider that waterproofing assembly, but believe the roof deck permit should be otherwise approved as submitted with finished siding in its present location.

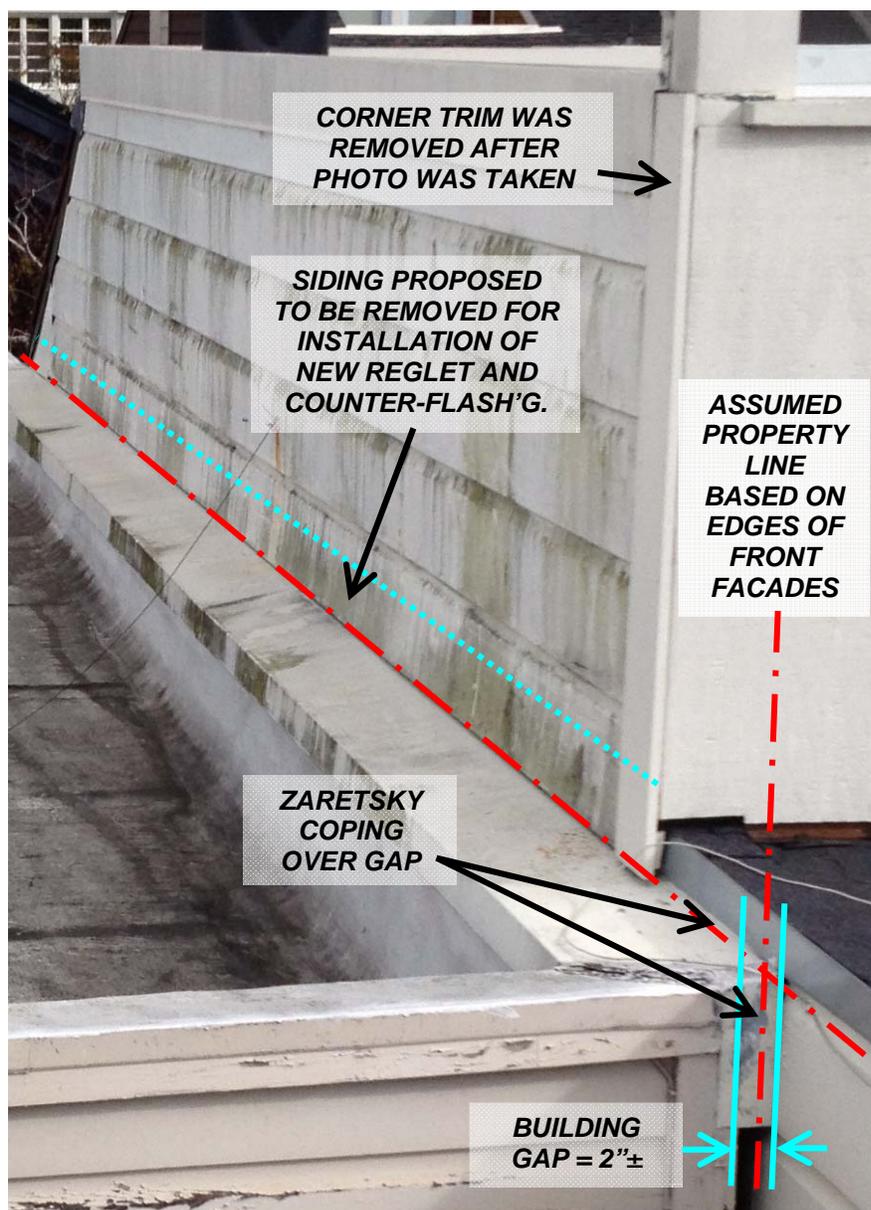


Figure 2: Annotated detail of property line walls

Issue 1.C. Lastly, the previous permits denied authorization to install a roof deck at 2655 Broderick at least in part because all the neighbors opposed it. They still do. The City has a responsibility to consider the impact of new construction on the neighbors, and at this point, only a discretionary review stands in the way of this permit.

To be precise, the previous permits didn't deny authorization for a deck – the proposed deck was removed from the scopes of work. The subject permit to legalize the deck and clear the Notice of Violation for its construction without a permit has been determined by the Planning Department to be Code-complying, in conformity with the Residential Design Guidelines, and appropriate for the site and neighborhood. Many other homes in the vicinity have such decks.

There are three parcels abutting the Casey's site. The only one opposed to the deck is Mr. Zaretsky. The owners of 2731 Green Street, adjacent at the west to both the Zaretsky and Casey properties, were approached by Mr. Zaretsky to garner opposition to the deck, but instead they sent both parties a letter stating their intent to remain neutral in the dispute. They do not oppose the deck. The owners of 2645 Broderick, to the south of the Casey home, have submitted a letter of support for the project. Only Mr. Zaretsky requested Discretionary Review.

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.*

We are willing to add a reconfiguration of the property line wall flashing assembly to the scope of work on this permit, as discussed above. We hope the DR Requester will understand that a gap exists between the two building walls, that the property line is within that gap, that the siding above his roof coping does not constitute an encroachment, and that his coping and any flashing above it will each have edges on both properties in order to cover that gap.

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.*

After an agreement is reached regarding the flashing, we believe the project will have no adverse effect on the surrounding properties. The stair penthouse, roof deck, and guard walls have been in place for nearly two decades. Everyone understands that the visual and functional impacts of this deck are minimal. The proposed structures are modest in scale, low in height, and the penthouse is tucked against the higher property line walls of the house adjacent to the south at 2731 Green Street. (Please see photos following.) We regret that the structures were built without approved permits, but approval of this application will remedy the illegality created by previous owners.

In summary, we believe the project should be approved as submitted, with the proviso that the parties work out a means to change the flashing condition at the tops of the shared side walls. That agreement will require that Mr. Zaretsky understands that any flashing arrangement bridging both properties will by necessity encroach from one to the other.

The project is Code-complying, appropriate for the property and the neighborhood, and without exceptional or extraordinary circumstances. Two reasons offered by the Requester for opposing it are purely vindictive. The remaining issue will be remedied by approval of the permit, reconstruction of the work, and its inspection by the City.

We respectfully request that the Planning Commission approve the project.

Yours truly,


Craig Nikitas

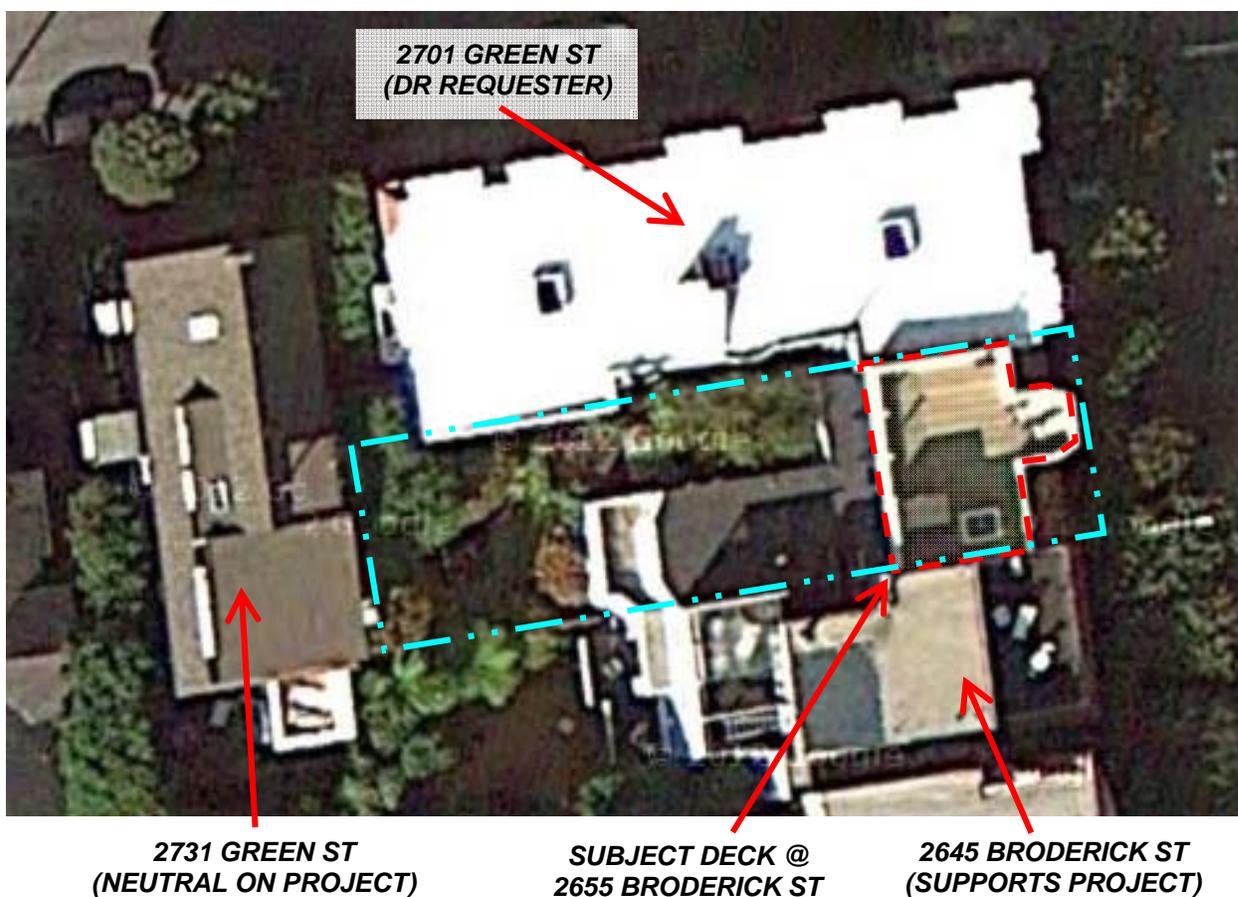


Figure 3: Aerial photo of site and abutting properties



*Figure 4: Gap between subject building (right) and DR Requester's building (left)
(Sky is visible at street facades; top of gap is covered by Mr Zaretsky's sheet metal coping)*



Figure 5: Roof deck & stair penthouse (view south)
(Note penthouse and guard walls are lower than surrounding structures)



Figure 6: Roof deck & stair penthouse (view west)



Figure 7: Roof deck & guard wall (view north-east)



PROJECT DATA

DESCRIPTION: LEGALIZE (E) 425 SF ROOF DECK AND STAIR PENTHOUSE, ADD FIRE-RATED PARAPET WALL & MODIFY € PARAPET / GUARDRAIL TO 42" HEIGHT & REQUIRED. NO CHANGE OF OCCUPANCY, NUMBER OF UNITS, PLUMBING OR PARKING. ALL WORK TO BE WITHIN PROPERTY LINES OF LOT 0955/002

LOCATION: 2655 BRODERICK STREET
SAN FRANCISCO, CA 94123

PARCEL / LOT: 0955/002

LOT SIZE: 3000 SF

CONSTRUCTION: V

ZONE / HEIGHT: 40-X

DISTRICT: RH-1

OCCUPANCY: R3

AREA CALCULATIONS	ROOF DECK AREA:	425 SF
--------------------------	------------------------	--------

GENERAL NOTES

- THE WORD CONTRACTOR AS USED HEREIN SHALL MEAN THE GENERAL CONTRACTOR, SUBCONTRACTORS AND ALL PERSONS DIRECTLY OR INDIRECTLY EMPLOYED BY ANY OF THEM. THE TERM CONSTRUCTION DOCUMENTS SHALL MEAN ALL OF THE DRAWINGS, SCHEDULES AND SPECIFICATIONS AND OTHER WRITTEN ORDERS ISSUED BY THE ARCHITECT'S, ENGINEERS' AND OTHER DESIGN PROFESSIONALS FOR THE PURPOSE OF CONSTRUCTING THE PROJECT.
- CONTRACTOR SHALL PROMPTLY NOTIFY OWNER'S REPRESENTATIVE IF THE CONTRACTOR BECOMES AWARE DURING THE PERFORMANCE OF THE WORK THAT THE CONSTRUCTION DOCUMENTS ARE AT VARIANCE WITH APPLICABLE CODE REQUIREMENTS. IF CONTRACTOR PERFORMS WORK WHICH HE KNOWS OR SHOULD KNOW IS CONTRARY TO APPLICABLE CODE REQUIREMENTS WITHOUT THE AGREEMENT OF OWNER, CONTRACTOR SHALL BE RESPONSIBLE FOR SUCH WORK AND SHALL BEAR THE RESULTANT LOSSES INCLUDING WITHOUT LIMITATION THE COSTS OR CORRECTING DEFECTIVE WORK.
- CONTRACTOR SHALL PERFORM THE WORK IN ACCORDANCE WITH THE CURRENT EDITION OF THE CALIFORNIA BUILDING CODE (C.B.C.) AS AMENDED AS OF THE DATE OF THESE DRAWINGS AND WITH LOCAL ORDINANCES, RULES, REGULATIONS, AND LAWFUL ORDERS OF ALL PUBLIC AUTHORITIES HAVING JURISDICTION OVER OWNER, CONTRACTOR, ANY SUBCONTRACTOR, THE PROJECT, THE PROJECT SITE, THE WORK, OR THE PROSECUTION OF THE WORK.
- CONTRACTOR SHALL TAKE FIELD MEASUREMENTS TO VERIFY FIELD CONDITIONS AND CAREFULLY COMPARE WITH THE CONSTRUCTION DOCUMENTS SUCH FIELD MEASUREMENTS, CONDITIONS AND OTHER INFORMATION KNOWN TO CONTRACTOR BEFORE COMMENCING THE WORK. ERRORS, INCONSISTENCIES OR OMISSIONS DISCOVERED AT ANY TIME SHALL BE PROMPTLY REPORTED IN WRITING TO THE OWNER.
- DO NOT SCALE DRAWINGS.** WRITTEN DIMENSIONS TAKE PRECEDENCE. DIMENSIONS ARE TO FACE OF STUD OR FACE OF CONCRETE UNLESS OTHERWISE NOTED. ELEVATION DIMENSIONS ARE TO SUBFLOORS AND PLATES U.O.N. LARGER SCALE DRAWINGS TAKE PRECEDENCE OUT SMALLER SCALE DRAWINGS.
- CONTRACTOR SHALL CAREFULLY STUDY AND REVIEW THE CONSTRUCTION DOCUMENTS AND INFORMATION FURNISHED BY OWNER AND SHALL PROMPTLY REPORT TO OWNER'S REPRESENTATIVE ANY ERRORS INCONSISTENCIES OR OMISSIONS IN THE CONSTRUCTION DOCUMENTS OR INCONSISTENCIES WITH APPLICABLE CODE REQUIREMENTS OBSERVED BY THE CONTRACTOR. IF CONTRACTOR PERFORMS ANY CONSTRUCTION ACTIVITY WHICH HE KNOWS OR SHOULD KNOW INVOLVES AN ERROR, INCONSISTENCY OR OMISSION REFERRED TO ABOVE WITHOUT NOTIFYING AND OBTAINING THE WRITTEN CONSENT OF OWNER'S REPRESENTATIVE CONTRACTOR SHALL BE RESPONSIBLE FOR THE RESULTANT LOSSES INCLUDING, WITHOUT LIMITATION, COSTS OF CORRECTING DEFECTIVE WORK.
- ALL STANDARD NOTES CONTAINED HEREIN ARE TYPICAL UNLESS NOTED OTHERWISE.
- CONTRACTOR SHALL BE SOLELY RESPONSIBLE FOR THE COORDINATION OF ALL SUB-CONTRACTORS WORK AND THE COMPLETION OF SAID WORK. CONTRACTOR SHALL REVIEW ALL MATERIALS AND WORKMANSHIP AND REJECT DEFECTIVE WORKMANSHIP WITHOUT WAITING FOR THE ARCHITECT OR OWNER TO REJECT THE WORK.
- CONTRACTOR SHALL PROVIDE CERTIFICATES OF INSURANCE ACCEPTABLE TO OWNER PRIOR TO COMMENCEMENT OF WORK.
- BY SUBMITTAL OF BID, CONTRACTOR WARRANTS TO OWNER THAT ALL MATERIALS AND EQUIPMENT TO BE FURNISHED ARE NEW UNLESS NOTED OTHERWISE AND ALL WORK WILL BE OF GOOD QUALITY AND FREE FROM FAULTS AND DEFECTS.
- ALL TRADE NAMES AND BRAND NAMES CONTAINED HEREIN ESTABLISH QUALITY STANDARDS. SUBSTITUTIONS ARE PERMITTED WITH PRIOR APPROVAL BY OWNER.
- WHERE CONSTRUCTION DETAILS FOR A PART OF THIS PROJECT ARE NOT SHOWN, THE WORK SHALL BE THE SAME AS OTHER SIMILAR WORK FOR WHICH DETAILS ARE SHOWN.
- THE CONTRACTOR SHALL BE COMPLETELY RESPONSIBLE FOR SCHEDULING AND THE WORK CONDITIONS OF THE JOB SITE INCLUDING SAFETY OF PERSONS AND PROPERTY AND FOR THE COMPLIANCE OF APPLICABLE OSHA SAFETY STANDARDS. JOB SITE OBSERVATIONS BY THE OWNER OR ARCHITECT ARE NOT INTENDED TO INCLUDE CHECKING THE CONTRACTOR'S SAFETY STANDARDS.
- CONTRACTOR SHALL PROTECT ALL INSTALLED WORK AND MATERIALS STORED ON THE SITE FROM RAIN OR ANY ADVERSE WEATHER CONDITIONS, VANDALISM AND THEFT. ANY MATERIALS OR WORK LEFT UNPROTECTED AND THEN DAMAGED OR STOLEN SHALL BE REPLACED AT THE EXPENSE OF THE CONTRACTOR.
- CONTRACTOR SHALL OBTAIN ALL CHANGE ORDERS IN WRITING PRIOR TO COMMENCING ANY WORK NOT INCLUDED IN THE ORIGINAL CONTRACT. FAILURE TO OBTAIN SUCH AUTHORIZATION MAY INVALIDATE CONTRACTOR'S CLAIM TO ADDITIONAL COMPENSATION.
- CONTRACTOR SHALL PROVIDE ADEQUATE SHORING AND BRACING AGAINST GRAVITY AND SEISMIC LOADS - AND TAKE COMPLETE RESPONSIBILITY FOR THE DESIGN AND CONSTRUCTION OF SUCH BRACING - UNTIL ALL STRUCTURAL ITEMS HAVE BEEN COMPLETELY INSTALLED AS PER THE CONSTRUCTION DOCUMENTS.
- CONTRACTOR SHALL GUARANTEE HIS WORK AND THAT OF HIS SUB-CONTRACTORS FOR MINIMUM OF ONE YEAR FROM THE DATE OF SUBSTANTIAL COMPLETION. CONTRACTOR'S GUARANTEE SHALL NOT VOID OR SHORTEN ADDITIONAL WARRANTIES THAT MAY BE AVAILABLE TO THE OWNER THROUGH PRODUCT MANUFACTURERS OR CONSUMER LAW.
- THE CONSTRUCTION DOCUMENTS AND ALL COPIES THEREOF FURNISHED TO CONTRACTOR ARE THE PROPERTY OF THE ARCHITECT AND ARE NOT TO BE USED ON OTHER WORK.

CODE DATA

- 2010 California Building Code + San Francisco Amendments
- 2010 California Plumbing Code + San Francisco Amendments
- 2010 California Mechanical Code + San Francisco Amendments
- 2010 California Electrical Code + San Francisco Amendments
- 2010 California Energy Code + San Francisco Amendments

Additionally, conform to all local ordinances and requirements.

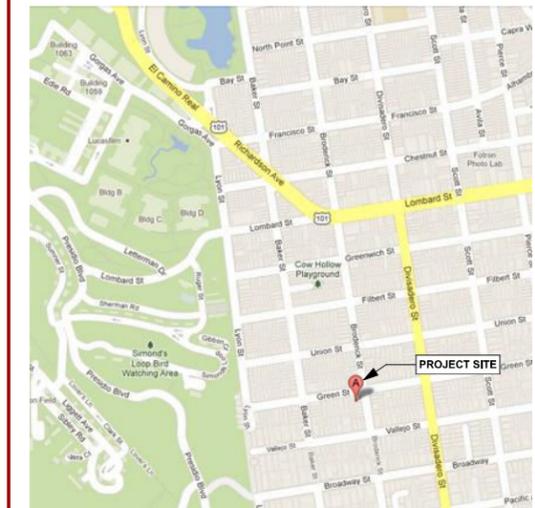
CASEY RESIDENCE ROOF DECK

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PROJECT LOCATION MAP

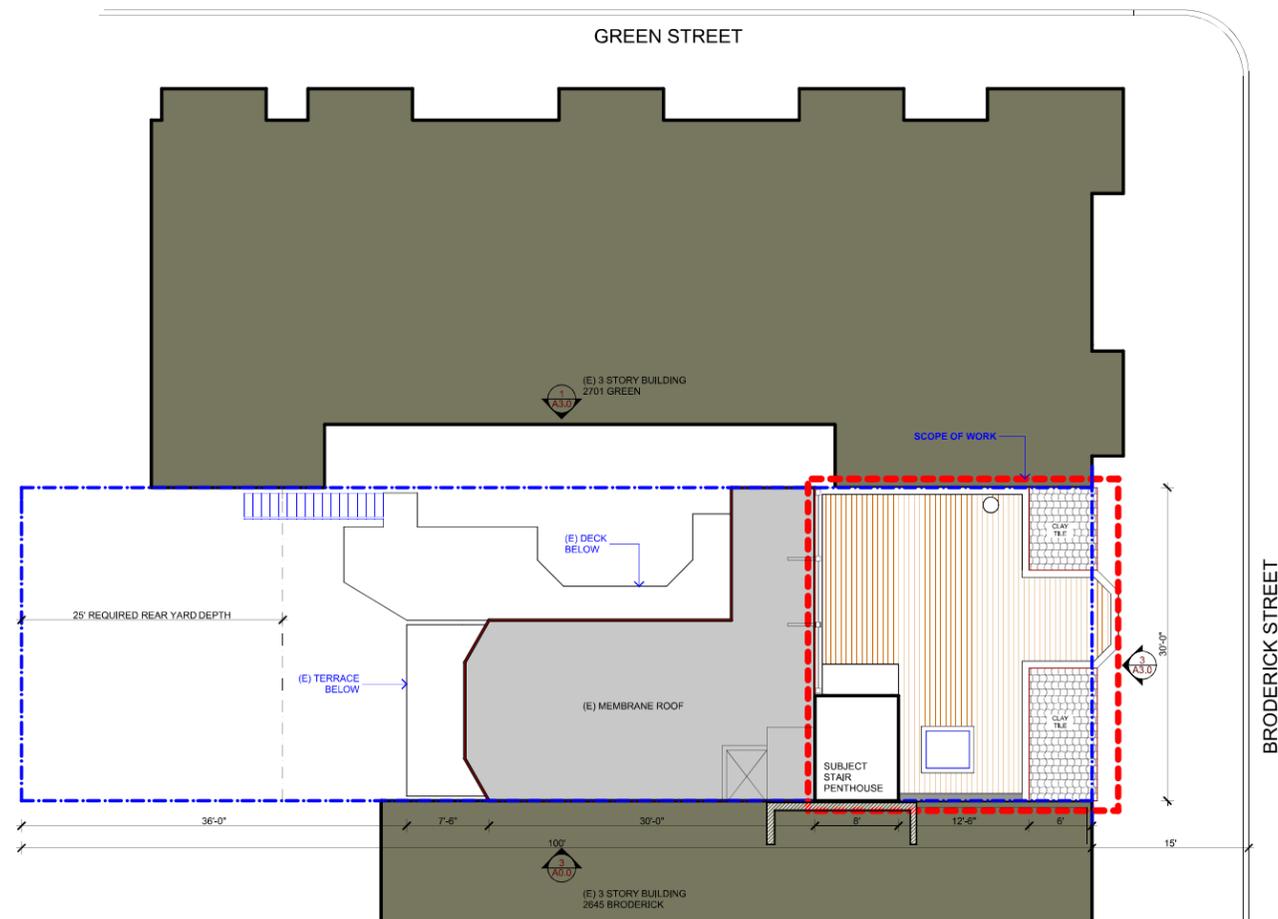


2655 BRODERICK STREET
2655 BRODERICK STREET
SAN FRANCISCO, CA. 94123

PARCEL: 0955/002

COVER SHEET

GREEN STREET



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

DRAWING INDEX

SHEET	TITLE
A0.0	COVER SHEET
A1.0	NEIGHBORHOOD STREET VIEWS
A2.0	ROOF DECK PLAN
A3.0	ELEVATIONS

"SUBJECT" IS DEFINED AS WORK CONSTRUCTED WITHOUT A PERMIT AND PROPOSED FOR LEGALIZATION UNDER THIS PERMIT

PROJECT CONTACTS

OWNER	Mark Casey 2655 Broderick Street San Francisco, CA 94123 E: markcasey@gmail.com
ARCHITECT	DNM Architect 1A Gate 5 Road Sausalito, CA 94965 T: 415.348.8910
	David Marlatt, AIA E: david@dnm-architect.com
CONSULTANT	ZONE Consulting T: 415.810-5166
	Craig Nikitas E: zoneconsulting@gmail.com

BLDG PERMIT

Revisions:

- JUNE 6, 2014
-
-
-
-
-

FEBRUARY 4, 2013

A0.0



NORTH

BRODERICK STREET FACING EAST

SOUTH

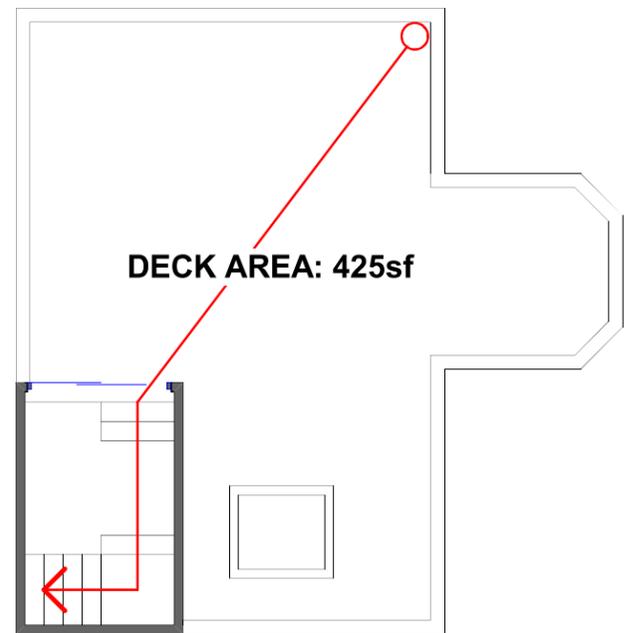


SOUTH

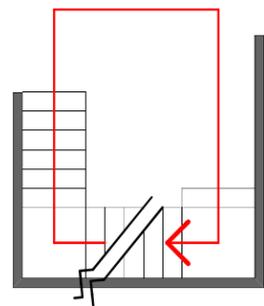
BRODERICK STREET FACING WEST

2655 BRODERICK
SUBJECT PROPERTY

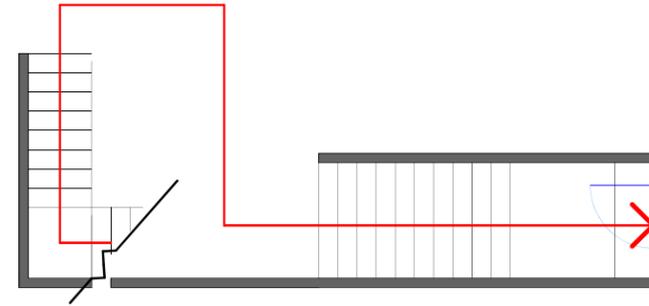
NORTH



ROOF DECK



SECOND FLOOR



FIRST FLOOR / STREET LEVEL

TOTAL TRAVEL DISTANCE FROM
ROOF TO STREET = 124 FEET
(<200' MAX. PER CBC TABLE 1016.1)

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

1

DNM ARCHITECT
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2655 BRODERICK STREET
SAN FRANCISCO, CA. 94123
PARCEL: 0955/002

NEIGHBORHOOD STREET VIEWS & EGRESS DIAGRAM

BLDG PERMIT

Revisions:

1. JUNE 6, 2014
- 2.
- 3.
- 4.
- 5.
- 6.

FEBRUARY 4, 2013

A1.0

INFORMATION SHEET

NO. E-01
DATE : July 3, 2012
CATEGORY : Egress
SUBJECT : Exiting and Fire Sprinklers requirements for Roof Decks

PURPOSE : The purpose of this information sheet is to establish criteria for exiting and fire sprinklers requirements for Roof Decks

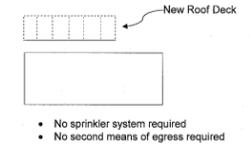
REFERENCE : 2010 San Francisco Building Code
Section 504.2, Automatic sprinkler system increase
Section 903.3.1.1, NFPA 13 sprinkler system
Section 903.3.1.2, NFPA 13R sprinkler system
Section 903.2.8.2, Exception
Section 1021.1, Exits from stories
Section 1021.2, Single exits
Section 1027.3, Exit discharge location
Section 1509.6, Roof decks
Section 1509.6, Local Equivalency for Approval of Fire Escapes as a Required Means of Egress
AB-019 Pre-application and Pre-addendum Plan Review Procedures

DISCUSSION:
Per SFBC Section 1021.1, occupied roofs shall be provided with exits as required for stories.
SFBC Section 1509.6 allows roof deck to be constructed of wood when "the deck is less than 500 square feet." Hence, the total area of all roof decks at the same story shall not exceed 500 square feet.
Per SFBC Section 903.2.8.2 Exception, applicable to R-3 occupancy not more than 3 stories only, an automatic residential fire sprinkler system shall not be required for additions or

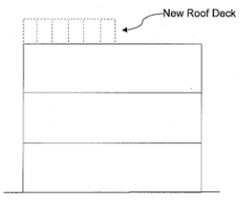
Technical Services Division
1660 Mission Street - San Francisco CA 94103
Office (415) 558-4205 - FAX (415) 558-4401 - www.dfdi.org

alterations to existing buildings that are not already provided with an automatic residential fire sprinkler system installed.

For R-3 Occupancy:
(I.) Addition of roof deck to existing one-story or two-story building



For R-3 Occupancy:
(II.) Addition of roof deck to existing building up to 3-story building or 4-story building



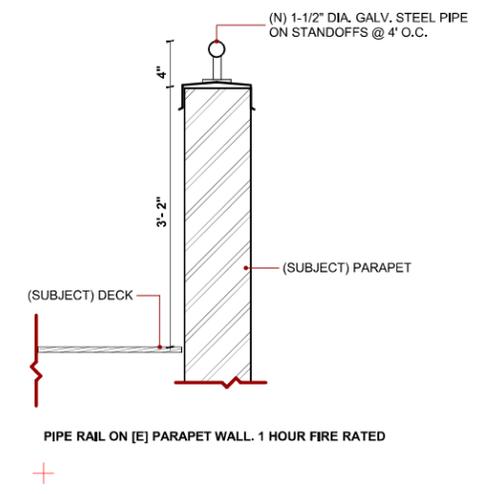
- (A) 3-story building
 - No 2nd means of egress if occupant load per unit ≤ 10 (CBC Section 1015.1 & 1021.1 Exception 4)
 - No sprinkler system required
- (B) 4-story building
 - Provide sprinkler system to the entire building (CBC Section 504.2)
Exception: For roof deck within and from individual dwelling unit, sprinkler individual dwelling unit only (CBC Section 1021.1 Exception 4)
 - No 2nd means of egress if sprinklered as above.

For further clarification of these code issues, pre-application or pre-addendum plan review meeting is recommended.

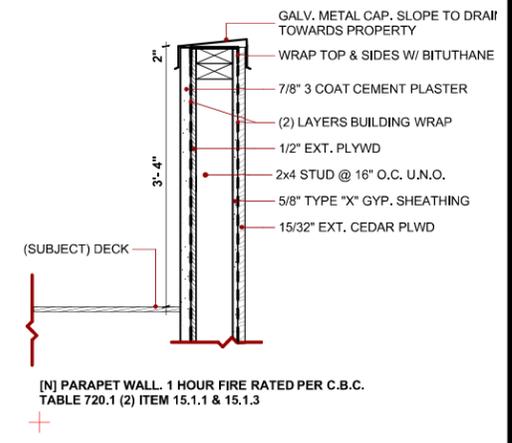
For projects involving R1 or R2 occupancy, participation of SFFD in the pre-application or pre-addendum plan review meeting is required.

Tom C. Hui, S.E.
Acting Director
Department of Building Inspection
Date: 7/3/2012

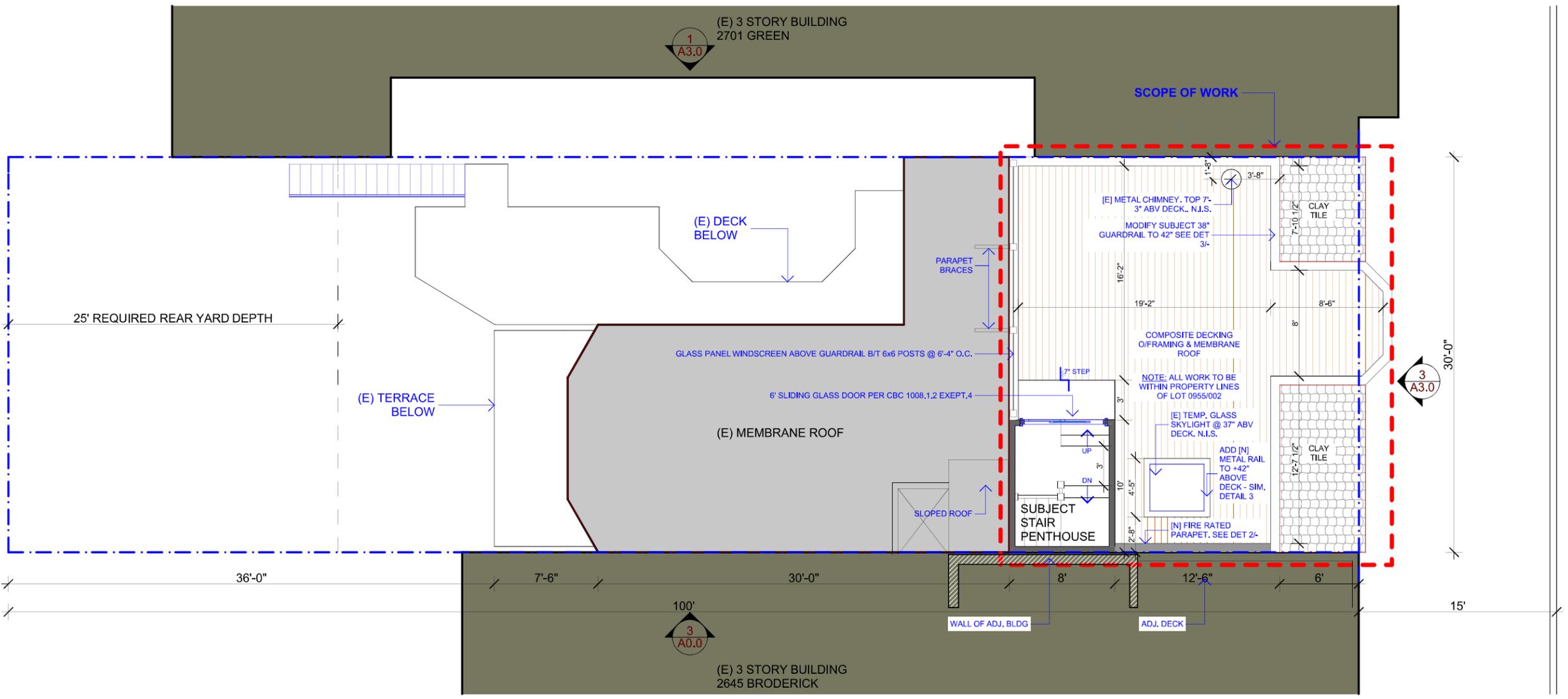
This information sheet is subject to modification at any time. For the most current version, visit our website at <http://www.sfdi.org>.



PARAPET DETAIL 3
SCALE: 1 1/2" = 1'-0"



PARAPET DETAIL 2
SCALE: 1 1/2" = 1'-0"



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

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2655 BRODERICK STREET
2655 BRODERICK STREET
SAN FRANCISCO, CA. 94123

ROOF DECK PLAN

BLDG PERMIT

Revisions:

- JUNE 6, 2014
-
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FEBRUARY 4, 2013

A2.0

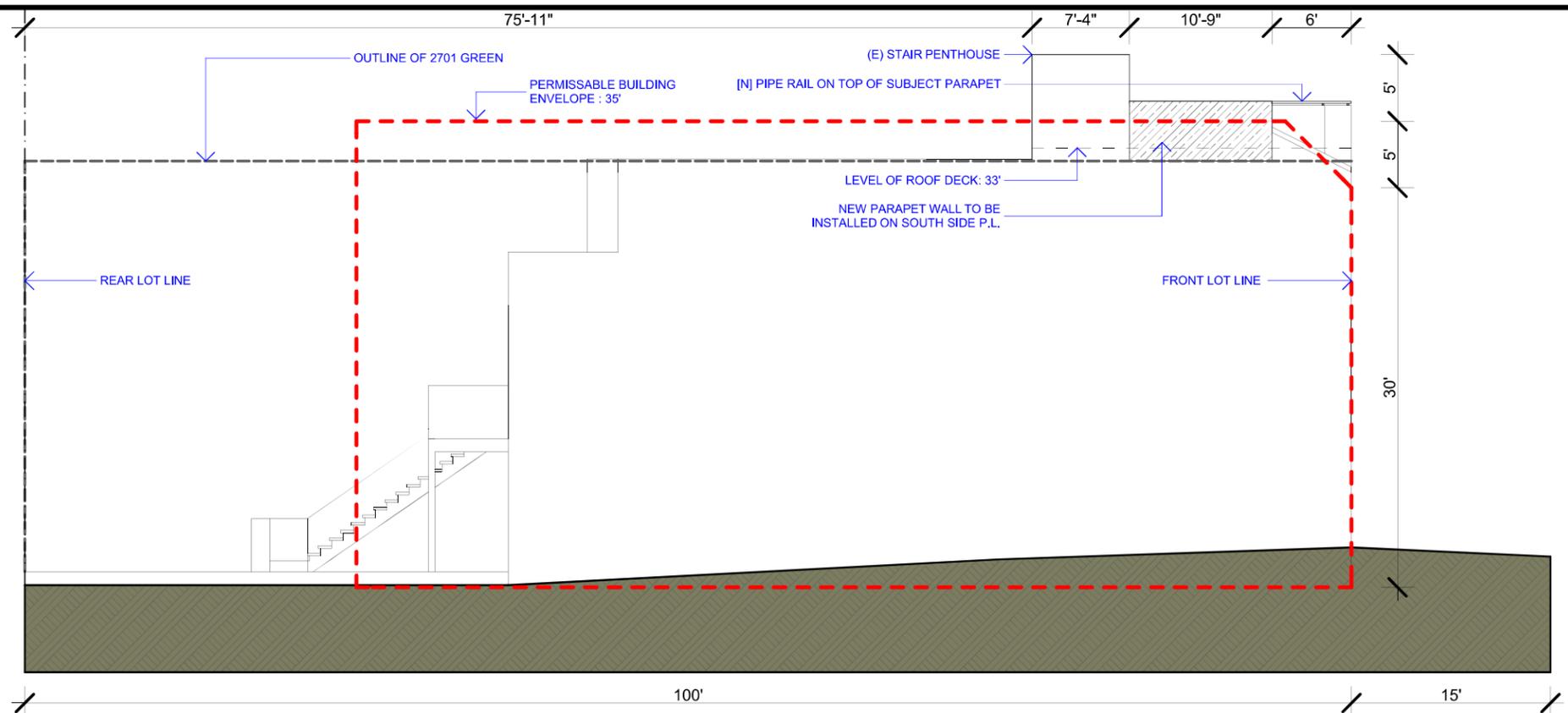
ELEVATIONS

BLDG PERMIT

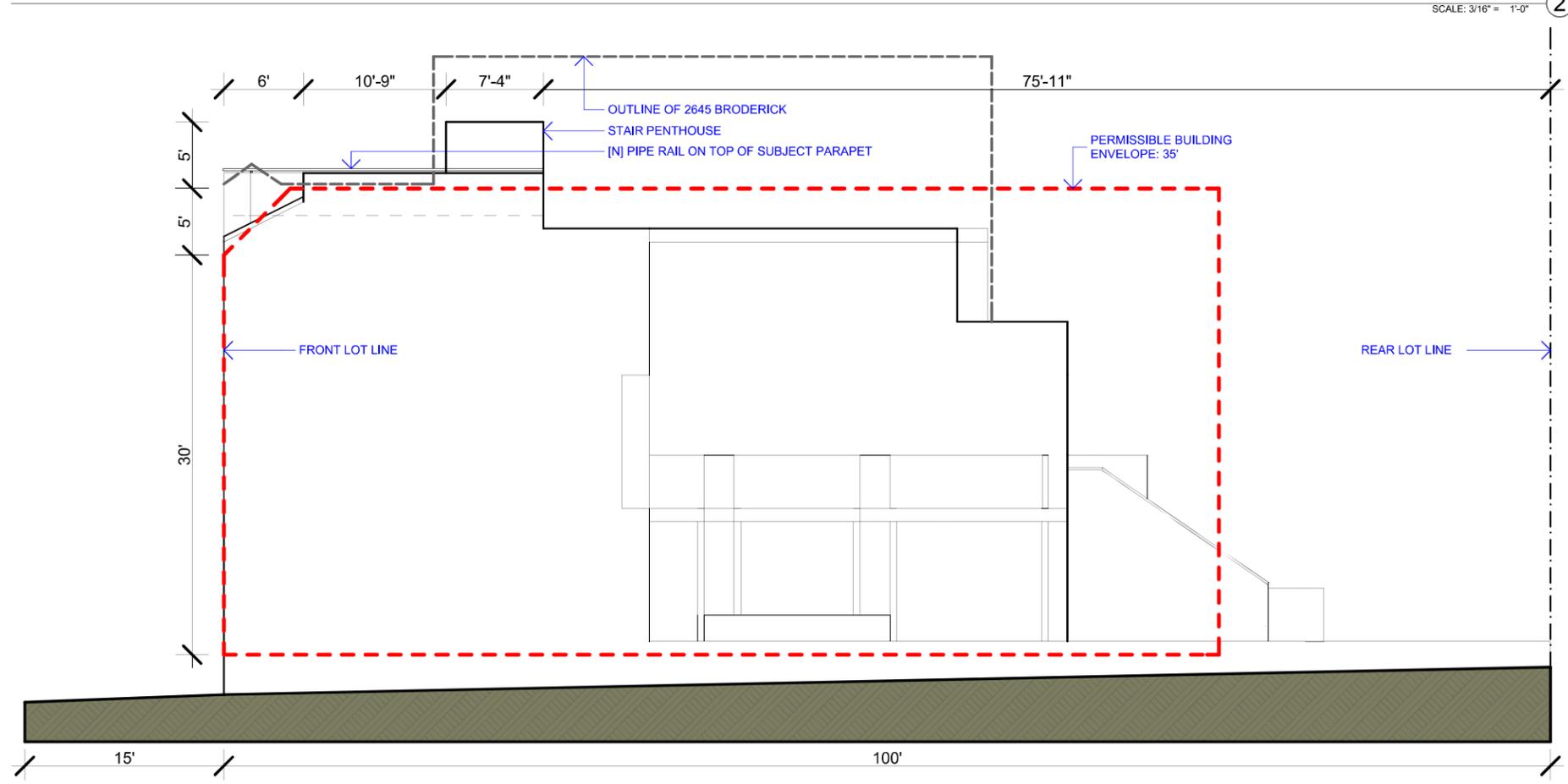
- Revisions:**
 1. JUNE 6, 2014
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FEBRUARY 4, 2013

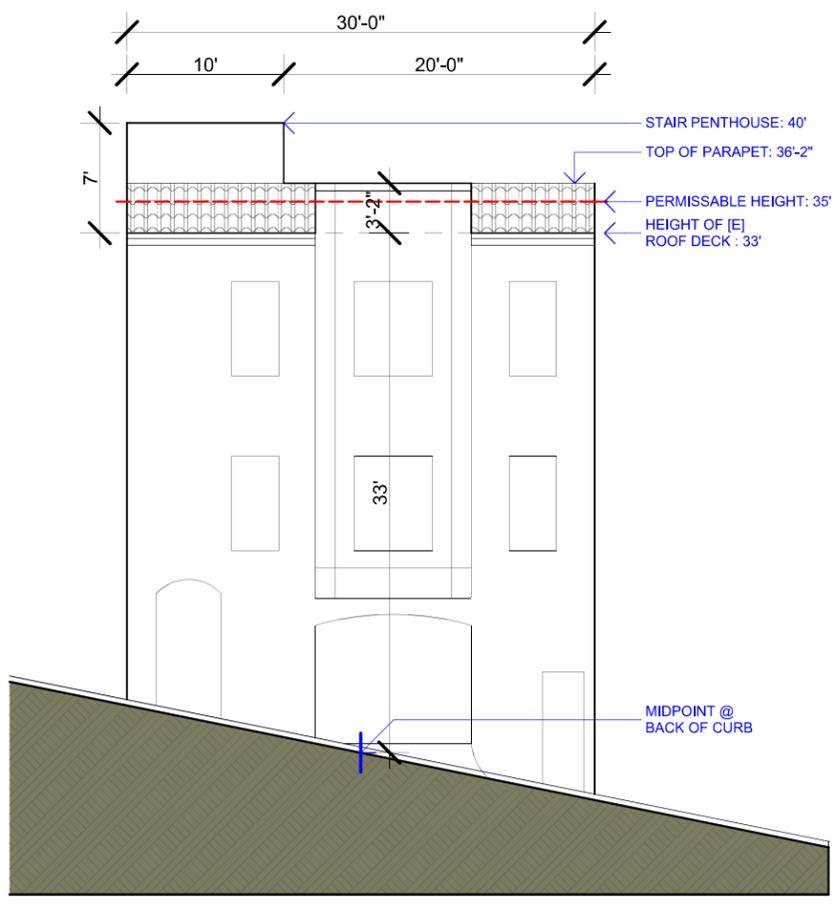
A3.0



SOUTH ELEVATION ②
 SCALE: 3/16" = 1'-0"



NORTH ELEVATION ①
 SCALE: 3/16" = 1'-0"



BRODERICK STREET ELEVATION ③
 SCALE: 3/16" = 1'-0"



2645 Broderick St



2655 Broderick St
(Subject Building)



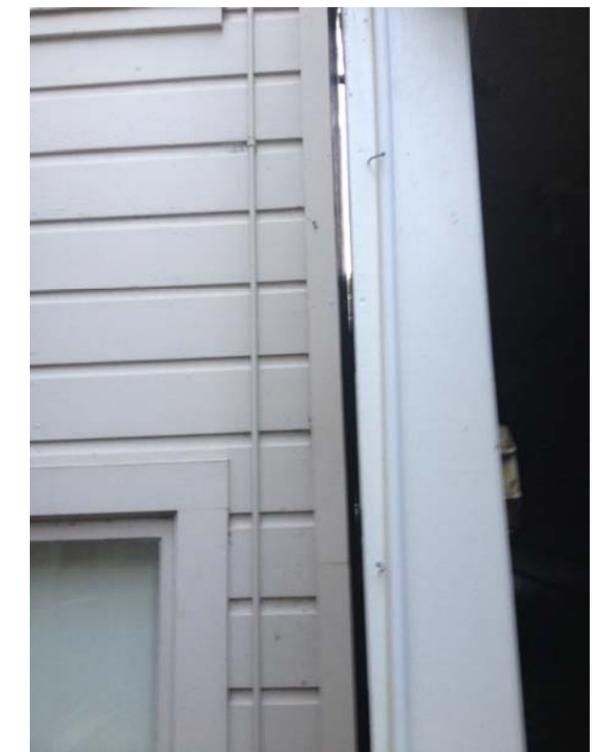
2701 Green St
(Requester's Building)



2655 Broderick St
(Roof Deck & Penthouse: view South)



2655 Broderick St
(Roof Deck: view North-East)



2655 Broderick St
(Wall Gap w/ 2701 Green @ left)