



# SAN FRANCISCO PLANNING DEPARTMENT

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## Discretionary Review Abbreviated Analysis

HEARING DATE: DECEMBER 18, 2014

*Date:* December 8, 2014  
*Case No.:* **2014.1498D**  
*Project Address:* **2655 BRODERICK STREET**  
*Permit Application:* 2013.09.12.6711  
*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 32<sup>nd</sup> Avenue  
San Francisco, CA 94116  
*Staff Contact:* Mary Woods – (415) 588-6315  
[mary.woods@sfgov.org](mailto: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 legalize the as-built condition of a second-story deck, and stairs connecting the deck to grade constructed under Building Permit Application Number 8504468 at the rear of the 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 from the adjacent neighbor to the south at 2645 Broderick Street. 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 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.

## 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 rear deck and stairs that were built by prior property owners many years ago; (2) the Department's reliance on plans being prepared accurately is evident by the licensed project architect's stamp on the plans; and (3) the existing stairs connecting the deck to grade (proposed to be legalized) abuts a blind wall of the DR requestor's building, and are allowed as a permitted obstruction under Planning Code Section 136(c)(14).

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

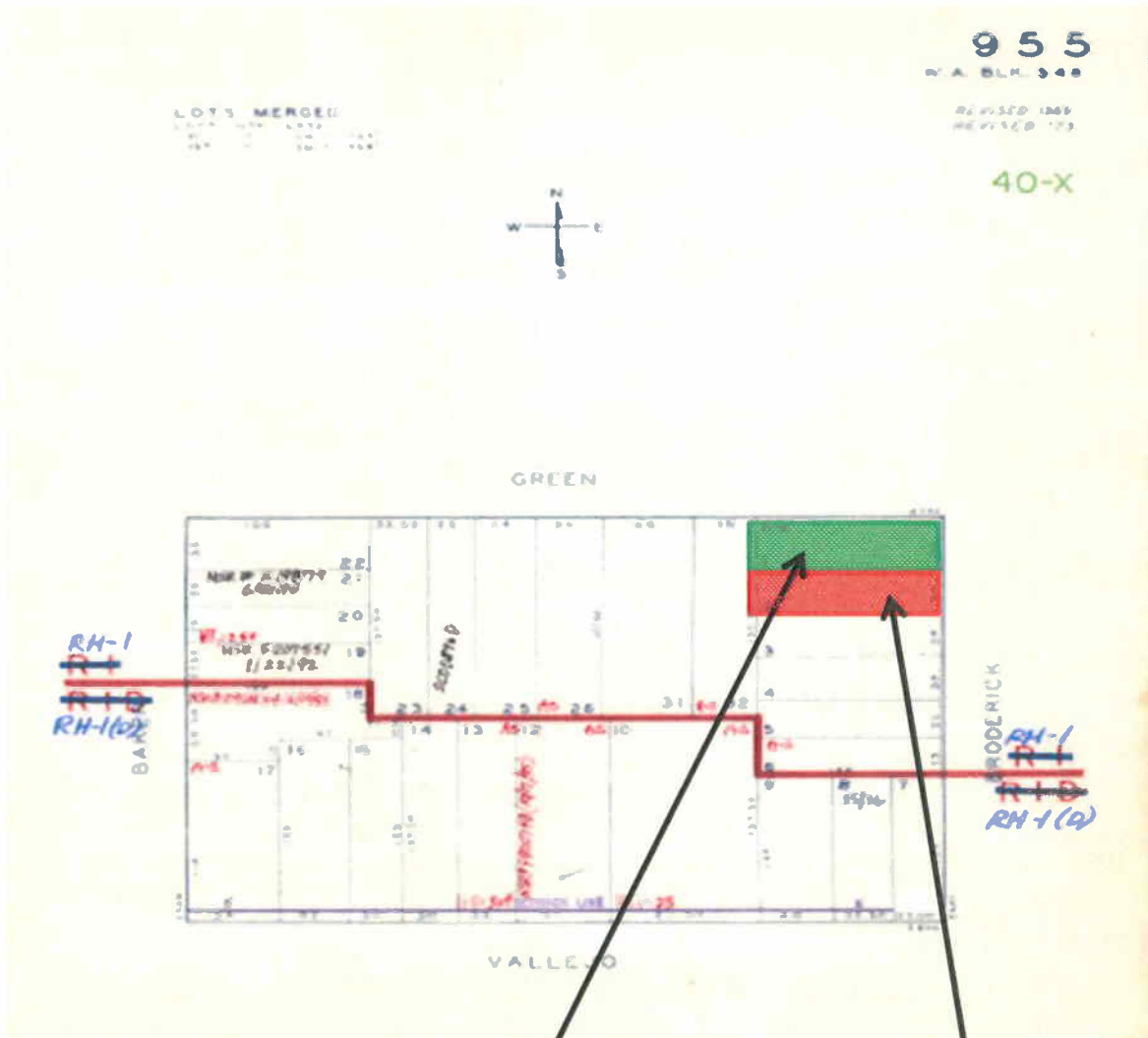
<b>RECOMMENDATION:</b> Do not take DR and approve project as proposed
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**Attachments:**

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

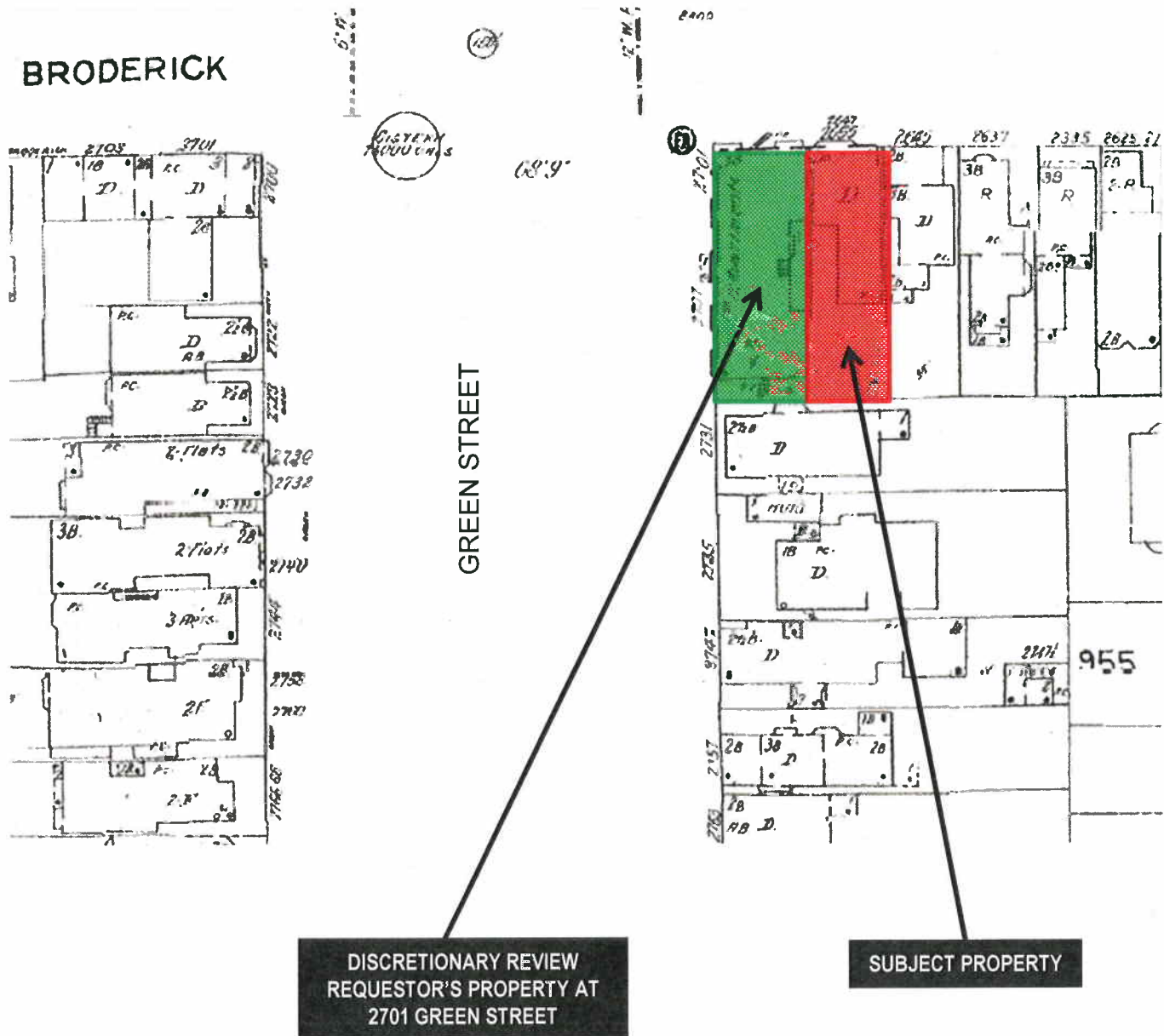
*mw:G:\Documents\DR\2655 Broderick\DR AbvAnalysis rear stairs.doc*

# Parcel/Zoning Map



Discretionary Review Hearing  
Case Number 2014.1498D  
2655 Broderick Street

# 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 2014.1498D  
2655 Broderick Street

# Aerial Photo

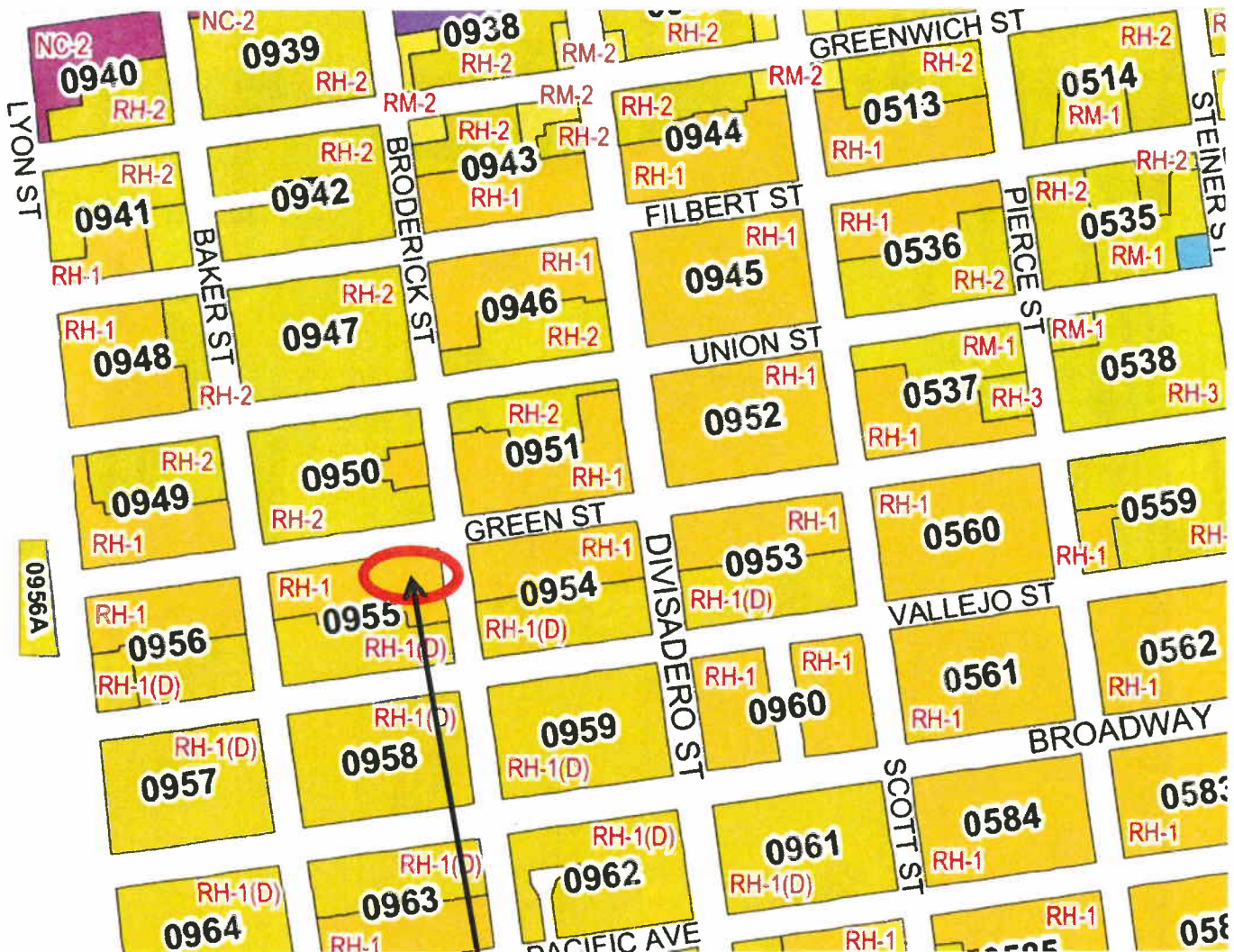


SUBJECT PROPERTY

DISCRETIONARY REVIEW  
REQUESTOR'S PROPERTY AT  
2701 GREEN STREET



# Zoning Map



PROJECT SITE



Discretionary Review Hearing  
Case Number 2014.1498D  
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

<b>*Note: If neither class applies, an <i>Environmental Evaluation Application</i> is required.*</b>	
<input checked="" type="checkbox"/>	<b>Class 1 – Existing Facilities.</b> Interior and exterior alterations; additions under 10,000 sq. ft.
<input type="checkbox"/>	<b>Class 3 – New Construction/ Conversion of Small Structures.</b> 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

<b>If any box is checked below, an <i>Environmental Evaluation Application</i> is required.</b>	
<input type="checkbox"/>	<b>Transportation:</b> 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"/>	<b>Air Quality:</b> 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"/>	<b>Hazardous Materials:</b> 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 &gt; Maher layer).</i>
<input type="checkbox"/>	<b>Soil Disturbance/Modification:</b> 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"/>	<b>Noise:</b> 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"/>	<b>Subdivision/Lot Line Adjustment:</b> 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"/>	<b>Slope = or &gt; 20%:</b> 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) <b>If box is checked, a geotechnical report is required and a Certificate or higher level CEQA document required</b>
<input type="checkbox"/>	<b>Seismic: Landslide Zone:</b> 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) <b>If box is checked, a geotechnical report is required and a Certificate or higher level CEQA document required</b>
<input type="checkbox"/>	<b>Seismic: Liquefaction Zone:</b> 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) <b>If box is checked, a geotechnical report will likely be required</b>
<input type="checkbox"/>	<b>Serpentine Rock:</b> 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)
<b>*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>.</b>	
<input type="checkbox"/>	<b>Project can proceed with categorical exemption review. The project does not trigger any of the CEQA impacts listed above.</b>
<b>Comments and Planner Signature (optional):</b>	

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

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

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

<b>Check all that apply to the project.</b>	
<input type="checkbox"/>	1. <b>Change of use and new construction.</b> Tenant improvements not included.
<input checked="" type="checkbox"/>	2. <b>Regular maintenance or repair</b> to correct or repair deterioration, decay, or damage to building.
<input type="checkbox"/>	3. <b>Window replacement</b> that meets the Department's <i>Window Replacement Standards</i> . Does not include storefront window alterations.
<input type="checkbox"/>	4. <b>Garage work.</b> 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 <i>Residential Design Guidelines</i> .
<input checked="" type="checkbox"/>	5. <b>Deck, terrace construction, or fences</b> not visible from any immediately adjacent public right-of-way.
<input type="checkbox"/>	6. <b>Mechanical equipment installation</b> that is not visible from any immediately adjacent public right-of-way.
<input type="checkbox"/>	7. <b>Dormer installation</b> that meets the requirements for exemption from public notification under <i>Zoning Administrator Bulletin No. 3: Dormer Windows</i> .
<input type="checkbox"/>	8. <b>Addition(s)</b> 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.
<b>Note: Project Planner must check box below before proceeding.</b>	
<input type="checkbox"/>	Project is not listed. <b>GO TO STEP 5.</b>
<input type="checkbox"/>	Project <b>does not conform</b> to the scopes of work. <b>GO TO STEP 5.</b>
<input type="checkbox"/>	Project involves <b>four or more</b> work descriptions. <b>GO TO STEP 5.</b>
<input type="checkbox"/>	Project involves <b>less than four</b> work descriptions. <b>GO TO STEP 6.</b>

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

<b>Check all that apply to the project.</b>	
<input type="checkbox"/>	1. Project involves a <b>known historical resource (CEQA Category A)</b> as determined by Step 3 and conforms entirely to proposed work checklist in Step 4.
<input type="checkbox"/>	2. <b>Interior alterations to publicly accessible spaces.</b>
<input type="checkbox"/>	3. <b>Window replacement</b> of original/historic windows that are not "in-kind" but are consistent with existing historic character.
<input checked="" type="checkbox"/>	4. <b>Façade/storefront alterations</b> that do not remove, alter, or obscure character-defining features.
<input type="checkbox"/>	5. <b>Raising the building</b> in a manner that does not remove, alter, or obscure character-defining features.
<input type="checkbox"/>	6. <b>Restoration</b> 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. <b>Addition(s)</b> , 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. <b>Other work consistent</b> with the <i>Secretary of the Interior Standards for the Treatment of Historic Properties</i> (specify or add comments):
<input type="checkbox"/>	9. <b>Other work</b> that would not materially impair a historic district (specify or add comments):  (Requires approval by Senior Preservation Planner/Preservation Coordinator) _____
<input type="checkbox"/>	10. <b>Reclassification of property status</b> to Category C. (Requires approval by Senior Preservation Planner/Preservation Coordinator) a. Per HRER dated: _____ (attach HRER) b. Other (specify):
<b>Note: If ANY box in STEP 5 above is checked, a Preservation Planner MUST check one box below.</b>	
<input type="checkbox"/>	<b>Further environmental review required.</b> Based on the information provided, the project requires an <i>Environmental Evaluation Application</i> to be submitted. <b>GO TO STEP 6.</b>
<input checked="" type="checkbox"/>	<b>Project can proceed with categorical exemption review.</b> The project has been reviewed by the Preservation Planner and can proceed with categorical exemption review. <b>GO TO STEP 6.</b>
<b>Comments (optional):</b>	
<b>Preservation Planner Signature:</b> 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, c=US</small>	

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

<input type="checkbox"/>	<b>Further environmental review required.</b> 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 <b>STOP! Must file an <i>Environmental Evaluation Application</i>.</b>	
<input checked="" type="checkbox"/>	<b>No further environmental review is required. The project is categorically exempt under CEQA.</b>	
	<b>Planner Name:</b> mary woods	<b>Signature:</b> Mary Woods 12/5/2014
	<b>Project Approval Action:</b> <b>Planning Commission Hearing</b> <small>*If Discretionary Review before the Planning Commission is requested, the Discretionary Review hearing is the Approval Action for the project.</small>	
	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. **2013.09.12.6711** with the City and County of San Francisco.

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

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 type="checkbox"/> Façade Alteration(s)	<input type="checkbox"/> Front Addition
<input checked="" type="checkbox"/> Rear Addition	<input type="checkbox"/> Side Addition	<input 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 feet	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 modify stairs constructed under Building Permit Application No. 8504468. 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](mailto: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](http://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](http://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](http://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](http://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 <sup>all</sup> 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  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:

0955 /002

LOT DIMENSIONS:

LOT AREA (SQ FT):

ZONING DISTRICT:

RH-1/40-X

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. 201309126711

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

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## Discretionary Review Request

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

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

SEE ATTACHMENT

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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

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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

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~~14-1497D~~

Discretionary Review Application for  
2655 Broderick, PA 2013.0912.6709  
September 24, 2014

incorrect  
permit #  
should  
be  
2013.  
09.12.  
6711

**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 201139322.

**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. The uphill side of 2701 Green has a an unreinforced concrete gravity wall that functions as a combination braced foundation and retaining wall for a portion of the building, and as an 8-foot high cantilevered retaining wall for that portion of the building that is a lightwell. In the last several years, this wall has been subjected to several unacceptable surcharges by construction on the 2655 Broderick property including (for purposes of this DR) non-conforming deck and stair structures in violation of the building permit and additional soil backfill. In addition, the soil backfill was placed in contact with the wood siding and framing of 2701 Green, which has caused decay. Submitted plans do not address a cure for the current surcharge and merely want to legalize existing structures and backfill that will continue to surcharge the retaining wall after completion.

In addition, the surcharges direct rainwater from the 2655 Broderick property towards and onto the building at 2701. The current Permit Application does not acknowledge, much less effectively address, drainage issues that have been caused by the surcharges.

The building at 2701 Green is listed as Historical Asset. It was built in 1913, is one of the oldest apartment buildings in Cow Hollow, and exhibits distinctive architecture. It has been maintained to period in exterior and interior finishes. It was previously owned by Judge Cabbanas who ordered the fires set along Van Ness after the 1906 Quake. The unreinforced concrete gravity wall on which this historic building rests cannot sustain the surcharge currently imposed on it by unpermitted, uninspected, and un-engineered improvements from the uphill property at 2655 Broderick, namely, as much as 2-feet of additional soil; trees whose root systems abut the retaining wall; the stair and deck footing; and the additional water exposure. All of these surcharges land within in the zone of influence of the wall (generally recognized to be within the area adjacent to the retaining wall equal to 1-1/2 times its height).

On a related matter, as presented, the drawings, notes, and calculations for this permit application are incorrect in substantial and consequential details. The original approved permit, PA #8504468/3, taken out by a previous owner, was clear that the stairs could not encroach into the backyard closer than 25 feet from the rear property

←  
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permit  
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cited

line. However, the stairs were built to within 17 feet of the property line, and the permit expired without a final inspection. The current permit application seeks to finesse the Planning Code violation utilizing an exception that allows encroachments for structures less than 3 feet above grade. It is my belief that the measurements for this exception, as presented in the permit application, are incorrect on their own merits; however, without access to the property, I have not been able to confirm this. Additionally, the assumption that the current grade is the datum for the 3-foot height measurement is erroneous since the current grade must be reduced to alleviate the stresses on the adjacent retaining wall.

All of the above considerations are reasons for this DR request: as presented, the permit application documents are inaccurate, fail to conform to the SF Building or Planning Codes, and do not address the surcharge and drainage issues that gave rise to the NOV.

**Question 2 page 9:** 2701 Green Street will be negatively affected if this permit is issued in the following ways: 1) The surcharges in this section of the mutual property line have increased loads on the unreinforced gravity wall far beyond those it can be expected to withstand without damage. 2) The water from irrigation and rain is directed onto the wood framing of 2701 Green Street, onto the Green Street rear yard and sidewalk, and onto the tradesmen side entrance and walkway of the adjoining property to the northwest along on Green Street.

**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, encroachment of the stairs into the rear yard will likely require a variance. If for no other reason, the proposed exception to the 25-foot setback rule is violated by measuring the height of the stairs from the existing grade instead of the corrected soil height which will be approximately 2 feet below the current grade.
2. The drawings, must show that stairs and footings to the rear deck will be removed to provide access to repair the decay of the wall and framing of 2701 Green.
3. If the stairs are to be rebuilt within the zone of influence of the retaining wall, the new stair and deck footings and landings must be founded deeply enough to eliminate any surcharge on the wall. Engineering calculations should be supplied to support the proposed footing design.
4. The drawings must address the space between the firewall/balustrade and the wood wall of 2701 Green by installing a properly designed flashing to prevent water intrusion between them.
5. The drawings must show reduction of the soil level within the zone of influence to the historic soil level approximately 2 feet below its current height.
6. The drawings must present an engineered landscaping and drainage plan that eliminates water flow against or across the property at 2701 Green.
7. Drawings must show that all trees along the retaining wall be removed, except for those planted in the planter (submitted under separate permit), and stipulate that no trees or shrubs capable of growing higher than 10 feet will be planted along the

incorrect  
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- property line unless they are in a container engineered to prevent surcharge on retaining wall.
8. Drawings must stipulate that soil level adjacent to the retaining wall is to be kept at lower level in the future.
  9. 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. CONSTRUCTION TO INCLUDE REMOVAL OF UP TO 2 FEET OF SOIL ADJACENT TO WALL TAPERING TO ZERO FEET 3-1/2 FEET FROM WALL.
    - D. OWNER OF 2701 GREEN STREET WILL BE ALLOWED ACCESS ANY REASONABLE TIMES TO INSPECT, REPAIR, AND PAINT PROPERTY LINE BLIND WALL AND UNDERLYING FRAMING AFTER THE DECK STAIRS, FOOTING, AND LANDING, HAVE BEEN REMOVED, AND THE GRADE HAS BEEN LOWERED.
    - E. 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.
    - F. ALL FINAL PLANS FOR AND CHANGES OF DECK AND STAIRS ARE TO BE PROVIDED TO OWNER OF 2701 GREEN STREET FOR REVIEW PRIOR TO ISSUANCE OF PERMIT OR COMMENCEMENT OF CONSTRUCTION.
    - G. WOODEN WALL ALONG PORTION OF RETAINING WALL ADJACENT TO LIGHTWELL IS TO BE REPLACED BY OWNER OF 2701 GREEN STREET, BUT PAID FOR BY OWNER OF 2655 BRODERICK, PER PREVIOUS AGREEMENT.

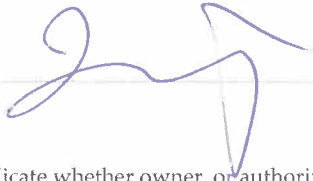
14.1498D

## 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"/>
Convenant 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 Bollig*

Date: *9/25/14*



# SAN FRANCISCO PLANNING DEPARTMENT

1650 Mission Street Suite 400 San Francisco, CA 94103

14.14980

## NOTICE OF BUILDING PERMIT APPLICATION (SECTION 311)

On **September 12, 2013**, the Applicant named below filed Building Permit Application No. **2013.09.12.6711** with the City and County of San Francisco.

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

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 type="checkbox"/> Façade Alteration(s)	<input type="checkbox"/> Front Addition
<input checked="" type="checkbox"/> Rear Addition	<input type="checkbox"/> Side Addition	<input 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 feet	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 modify stairs constructed under Building Permit Application No. 8504468. 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:

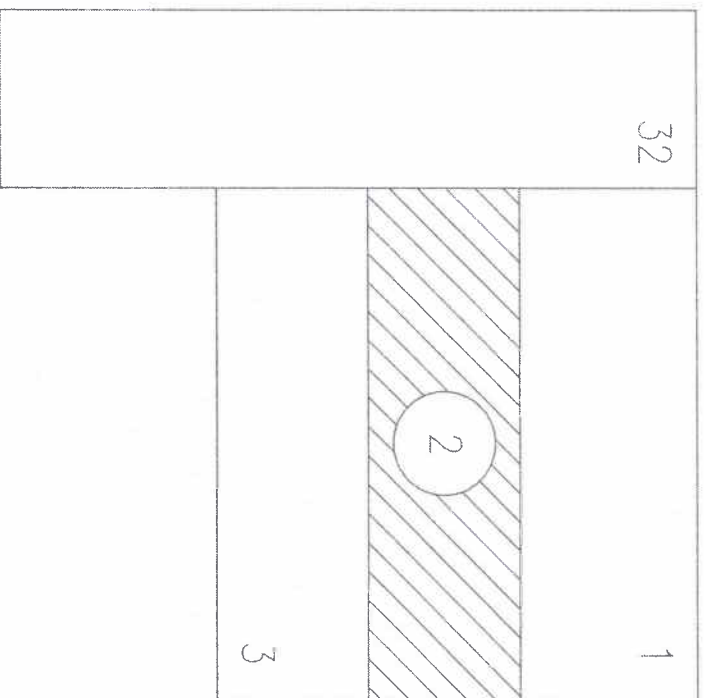
Planner: Mary Woods  
 Telephone: (415) 558-6315  
 E-mail: [mary.woods@sfgov.org](mailto:mary.woods@sfgov.org)  
 中文詢問請電: (415) 575-9010

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

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

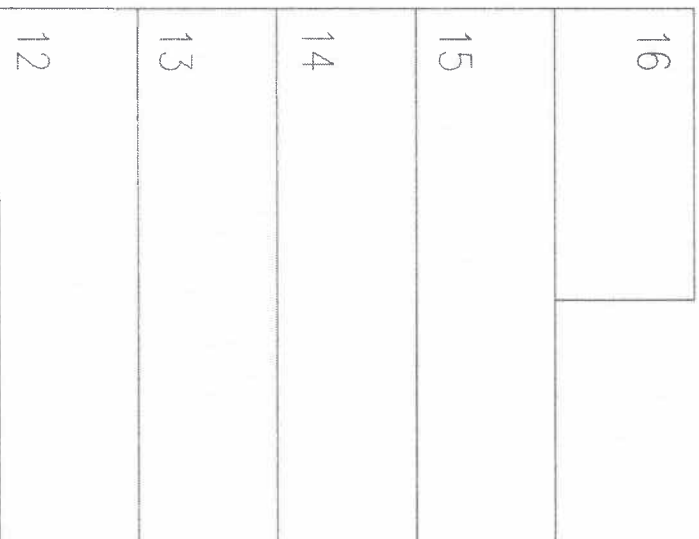
GREEN STREET

BLOCK 955



BRODERICK STREET

BLOCK 954



1221 Harrison Street, Suite 118  
 San Francisco, CA 94103-4448  
 (415) 391-4775

BLOCK 955  
 LOT 2

San Francisco, CA



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.

14.1498D

JOB NO.	DATE
0955002T	1/09/23
CHECKED	DC

DISCRETIONARY  
 REVIEW  
 AREA MAP



14.1498D

RADIUS SERVICES 1221 HARRISON ST #18 SAN FRANCISCO CA 94103 415-391-4775

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	.....	.....	.....	.....	.....



# 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.

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- 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.

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- 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.

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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 Rear Deck & Stairs to Grade  
**PERMIT APP:** 2013 09 12 6711  
**CASE #:** 2014.1498D

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 information on the project and the property.

The subject permit was filed to legalize part of a deck one story above rear grade, and an uncovered single-story from that deck to grade. This work was originally approved by the City in July of 1985, via permit number 8504468 filed on behalf of then-owner Mary Yolles. The work was constructed, but did not receive required inspections. The permit expired on 4/14/1986, which rendered the work illegal. This occurred over 21 years prior to the purchase of the property by the Casey family in October of 2007.

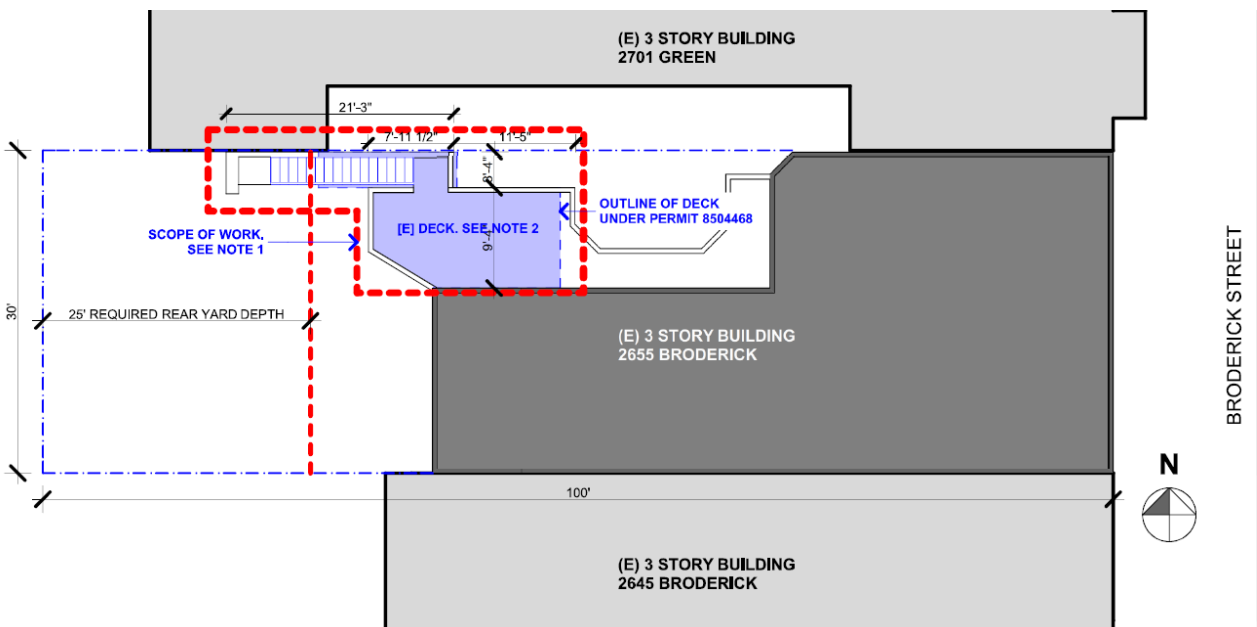


Figure 1: Site Plan showing scope of work under review (from DNM Architect)

Sometime in early 2008 the DR Requester approached the Caseys with objections to the presence of the stair adjacent to his property, stating that City codes did not permit that. 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, and that his legal pursuits would cost the Casey's \$75,000 or more. Because the Caseys chose to legalize a stair in a location that had been approved by permit, but had not received its final inspection under previous ownership, on a property they recently purchased in good faith, Mr. Zaretsky began a six-year campaign of bureaucratic complaints, a civil suit, and a relentless broadcast of distortions, misconceptions, and misstatements sent to the Mayor, the District Supervisor, the City Attorney, various DBI and Planning Department directors, managers and staff, the Zoning Administrator, City Commissioners, Mr. Zaretsky's colleagues in The Cow Hollow Association, and others. Mr. Zaretsky's use of every means possible to impede approval of any application that would legalize the stairs or any other permit filed by the Caseys has taken its toll of time, City resources and funding on both sides. Although this virtual war is waged on a broad front, the focus of this DR request is on those rear stairs to grade approved by the City on 7/17/1985.

Multiple discussions with DBI housing, enforcement, plan check, and senior inspectors resulted in a process to remedy the Notice of Violation by first renewing the expired permit (number 8504468) with a new permit application (2013 09 18 7182 ), then filing a revision permit (2013 09 12 6711) to modify the renewed permit, so that the application reflects the as-built condition of the stair landing, and would meet current Building Code requirements that have changed since 1985. It is that latter permit that is before the Commission in this case.

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 multiple issues in his DR Request. All of these concerns fall into one or more of three categories:

- Invalid Planning Issues: wherein the Planning Code and Residential Design Guidelines allow structures Mr. Zaretsky believes shouldn't be allowed;
- DBI Issues: wherein Mr. Zaretsky asks the Planning Commission to take action on Building Code requirements or processes under the purview of the Department of Building Inspection; and,
- Civil Issues: wherein Mr. Zaretsky asks the Planning Commission and DBI to impose revisions or conditions on matters that are subject to private agreements between land owners.

Following are the specific issues and our responses:

- Issue 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 [sic.] validity rests in large part upon correcting incorrect measurements. If the drawings are proven to be consequentially incorrect, encroachment of the stairs into the rear yard will likely require a variance. If for no other reason, the proposed exception to the 25-foot setback rule is violated by measuring the height of the stairs from the existing grade instead of the corrected soil height which will be approximately 2 feet below the current grade.

RESPONSE: The measurements questioned by the Requester have been field-verified or examined by two architects, two engineers, DBI inspectors, and a former City Planner. The relevant dimensions are shown correctly on the drawings. If requested to do so by the Commission, we would gladly provide access to the property for City staff to reverify the dimensions. Even that is unlikely to satisfy Mr. Zaretsky, who is desperate to find some technicality to invalidate the 1985 approval of the stair location, and the recent determination by current staff that the stairs are Code-complying.

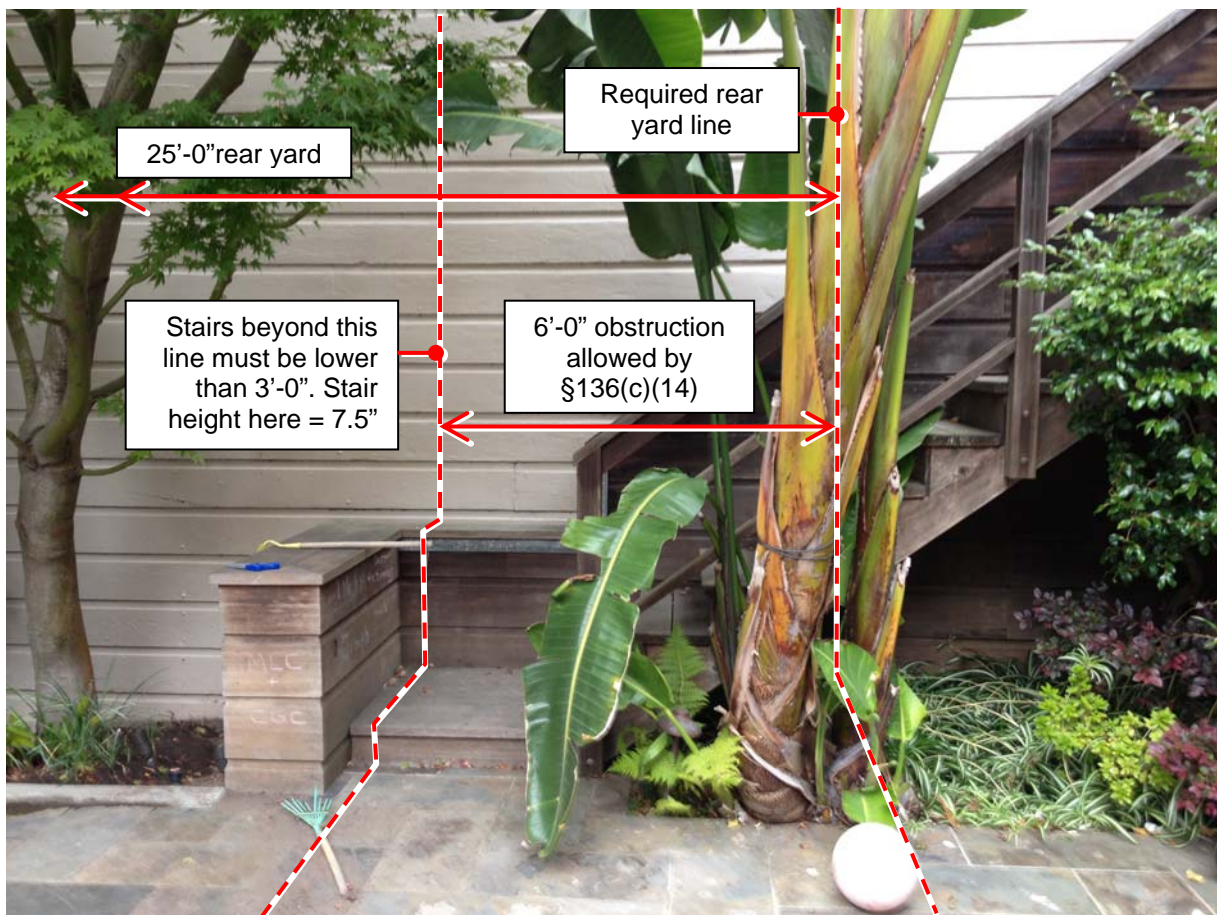


Figure 2: Photo of Rear Stair Showing Rear Yard Dimensions

Also, this is the first mention to the Commission of an *idée fixe* of Mr. Zaretsky: that somehow, the grade of the Casey s' rear yard has been raised recently by two feet. In November of 2011, it was presumably Mr. Zaretsky who filed a complaint with DBI about this very issue.

## COMPLAINT DATA SHEET

**Complaint Number:** 201173477  
**Owner/Agent:** OWNER DATA SUPPRESSED  
**Owner's Phone:** --  
**Contact Name:** --  
**Contact Phone:** --  
**Complainant:** COMPLAINANT DATA SUPPRESSED  
**Date Filed:** 11/29/2011  
**Location:** 2655 BRODERICK ST  
**Block:** 0955  
**Lot:** 002  
**Site:**  
**Rating:**  
**Occupancy Code:**  
**Received By:** Christina Wang  
**Division:** BID  
**Complainant's Phone:**  
**Complaint Source:** TELEPHONE  
**Assigned to Division:** BID  
**Description:** Grade was raised in rear yard w/out required grading permit. This raise grade purchase (E) neighbor retaining wall

Instructions:

### INSPECTOR INFORMATION

DIVISION	INSPECTOR	ID	DISTRICT	PRIORITY
BID	DUFFY	1100		

### REFERRAL INFORMATION

#### COMPLAINT STATUS AND COMMENTS

DATE	TYPE	DIV	INSPECTOR	STATUS	COMMENT
11/29/11	CASE OPENED	BID	Duffy	CASE RECEIVED	
12/07/11	OTHER BLDG/HOUSING VIOLATION	CES	Duffy	CASE CONTINUED	Send letter to owner.
12/09/11	OTHER BLDG/HOUSING VIOLATION	PID	Duffy	OFFICE/COUNTER VISIT	Mailed "Inspection Request"
12/16/11	OTHER BLDG/HOUSING VIOLATION	PID	Duffy	CASE UPDATE	Mailed "Inspection Request"
06/28/12	OTHER BLDG/HOUSING VIOLATION	INS	Duffy	FIRST NOV SENT	Issued 1st NOV by Inspector D. Duffy
07/02/12	OTHER BLDG/HOUSING VIOLATION	INS	Duffy	CASE UPDATE	Mailed copy of 1st NOV -- mst
07/11/12	OTHER BLDG/HOUSING VIOLATION	BID	Duffy	CASE ABATED	No evidence that grade was raised. in excess of that exempted under section J103.12. No evidence presented to indicate when grade was raised or by how much. Photos (included) are inconclusive invoice (included) indicates 2 8 yd dirt boxes of material removed

Figure 3: Abated complaint regarding raised grade

Code Enforcement Inspector Donal Duffy abated that complaint over two years ago. The Caseys did remove some soil from their rear yard, to correct grading and drainage issues that could cause some water flow off their property. This corrected any Code issues to the City's satisfaction, if not Mr. Zaretsky's. The month after his first complaint about soil level was cleared, he filed a second, identical complaint. This complaint was found to be without merit, and was abated in December of 2012 with no work required on the Casey property.

## COMPLAINT DATA SHEET

**Complaint Number:** 201261763  
**Owner/Agent:** OWNER DATA SUPPRESSED  
**Owner's Phone:** --  
**Contact Name:** --  
**Contact Phone:** --  
**Complainant:** COMPLAINANT DATA SUPPRESSED  
**Date Filed:** 08/31/2012  
**Location:** 2655 BRODERICK ST  
**Block:** 0955  
**Lot:** 002  
**Site:**  
**Rating:**  
**Occupancy Code:**  
**Received By:** Ying Pei  
**Division:** BID  
**Complainant's Phone:**  
**Complaint Source:** TELEPHONE  
**Assigned to Division:** BID  
**Description:** Soil level raised at northern elevation of rear and side yards without grading permit surcharging neighbor retaining wall at 2701 Green Street. At southern elevation soil has been lowered affecting sub-lateral support for retaining wall at 2645 Broderck.

Instructions:

### INSPECTOR INFORMATION

DIVISION	INSPECTOR	ID	DISTRICT	PRIORITY
BID	DUFFY	1100		

### REFERRAL INFORMATION

#### COMPLAINT STATUS AND COMMENTS

DATE	TYPE	DIV	INSPECTOR	STATUS	COMMENT
08/31/12	CASE OPENED	BID	Rafael Jr.	CASE RECEIVED	
12/19/12	OTHER BLDG/HOUSING VIOLATION	CES	Duffy	CASE ABATED	Same complaint as C#2011173477 abated 7/11/12

Figure 4: Second complaint regarding raised grade

In response to these and a suite of other complaints, the Caseys had a geotechnical report prepared by Mr. Patrick Shires, a principal engineer of Cotton, Shires And Associates, Inc. regarding the soil at the Casey property. Mr. Zaretsky (presumably it was he; complainant information is suppressed on-line) filed a third complaint about the soil level at 2655 Broderick (see Fig. 5), and his consultant Paul Cox twisted the findings in Mr. Shire's report as follows, in reference to the rear stairs in a letter Cox wrote to Planner Mary Woods dated September 9, 2014:

*"Specifically, the vertical dimension showing that the existing stair at 3-feet above the ground level meets the 25-foot setback is incorrect in at least two ways. First, it is measured from the top of the existing unpermitted patio tile and not the top of the soil. Second, the soil level itself is backfill that is part of the illegal surcharge on the neighboring retaining wall that must be significantly reduced ...*

*"For background on the surcharge issues, I refer you to Cotton, Shires and Associates' report to Mr. Casey's then attorney James Biernat, dated February 3, 2012, and to WJE's report to Mr. Zaretsky's then attorney Robert Hendrickson, dated November 14, 2012. If you do not have copies of these reports, please let me know and I will forward them to you."*



Here is engineer Shire's response to this distortion:

"Regarding Mr. Zaretsky's claim that Mr. Casey's predecessor added 2 feet of soil behind the retaining wall and his use of our report as justification for that claim:

"Nowhere in our referenced geotechnical report did we state or imply that the original backfill of the old retaining wall was augmented within the past several decades by adding Type 2 fill. In the early 1900's as it is today, it was/is common practice when constructing cut/fill lots such as those along Broderick Street to use both the native materials removed as fill as well as importing fill from offsite. They would cut on the upslope side of the lot and fill on the downslope side of the lot, building retaining walls at the property lines to add more level area for yards, etc. Because the builder of Mr. Zaretsky's lot wanted a parking garage beneath the structure and because his lot fronts on Green Street, they had to cut an additional depth to create a level lot and had to build a higher retaining wall to support that deeper cut. It was not the practice in the early 1900s, nor is it now, to build retaining walls at the boundaries of cut/fill lots that have 2 feet of freeboard (2 feet of unused retaining wall sticking up in the air). The different types of fill logged in our test pits behind the retaining wall simply represent Type 1 - the re-use of native materials, Type 2 - the import of offsite materials for the original lot construction as described above, and Type 3, more recent infill from detritus and landscaping activities. We are recommending that more recent Type 3 materials be removed in the area of the new planter box, but not the Type 1 and Type 2 materials from original construction. Those Type 1 and Type 2 materials have been behind Zaretsky's wall since it was built and removing them would create a sinkhole to trap water behind the wall, adding hydrostatic pressure to it unless the water is somehow caught and pumped away. We recommend leaving the wall backfill conditions as they were intended to be when the wall was constructed." [Emphasis added.]

For engineer Cox willfully to attribute to another design professional the misstatement that off-site fill imported to the site a century ago is recently added fill is unconscionable.

**COMPLAINT DATA SHEET**

Complaint Number: 201486293  
 Owner/Agent: OWNER DATA SUPPRESSED  
 Owner's Phone: --  
 Contact Name: --  
 Contact Phone: --  
 Date Filed: 07/18/2014  
 Location: 2655 BRODERICK ST  
 Block: 0955  
 Lot: 002  
 Complainant: COMPLAINANT DATA SUPPRESSED  
 Site:  
 Rating:  
 Occupancy Code:  
 Received By: Gregory Slocum  
 Division: INS  
 Complainant's Phone:  
 Complaint Source: TELEPHONE  
 Assigned to Division: BID  
 Description: Increased soil level to 2' along 70' retaining wall surcharging retaining wall of 2701 Green St. Soil raised per Shire's geotechnical report ordered by DBI. Hazardous condition on going threatening apartment building at 2701 Green

Instructions:

**INSPECTOR INFORMATION**

DIVISION	INSPECTOR	ID	DISTRICT	PRIORITY
BID	FESSLER	6252	4	

**COMPLAINT STATUS AND COMMENTS**

DATE	TYPE	DIV	INSPECTOR	STATUS	COMMENT
07/18/14	CASE OPENED	BID	Fessler	CASE RECEIVED	
07/24/14	OTHER BLDG/HOUSING VIOLATION	CES	Fessler	CASE CONTINUED	Received report. Will review filed plans for compliance. D Duffy

Figure 5: Third (pending) complaint regarding raised grade

Mr. Shire's report does make clear that a few inches of soil have accumulated since Mr. Zaretsky's wall was constructed – designated "Type 3" in his report. This additional soil volume is attributable to landscaping activities – the accumulation of duff, tanbark, and the expansion of the soil level as plants mature and root systems expand. The Caseys have agreed, per Mr. Shire's recommendation, to remove some of this accumulation in the vicinity of the property line shared with 2701 Green St. It is a few inches (not two feet) in depth.

Rationality demands the answers to these questions: 1) Where is there any evidence of the preposterous idea that the original retaining wall was constructed more than two feet higher than the soil it was installed to retain? 2) Are there photographs, permit drawings, or other evidence of that freeboard? 3) What was the methodology for importing several dump truck loads of soil into the landlocked rear yard of 2655 Broderick (hundreds of wheelbarrow loads rolled through the garage and up the stairs to the yard above, or a crane with a scoop soaring over the roof)? And, 4) how did that allegedly raised soil level avoid burying the top of the Casey home's rear foundation, and the top of the retaining wall along the Casey's rear (west) property line, both tops of which are visible today? Were those structures also built, like Mr. Zaretsky apparently believes his retaining wall was, two feet higher than required to retain the soil level original to grading of the lots? DBI experts do not find this to be likely, nor do we.

We realize a lot of information on this topic has been presented here, and although it is not directly a Planning issue, it is central to Mr. Zaretsky's complaints, including his and Mr. Cox's assertion that the rear stairs would require a Variance if grade were taken down two feet to the mythical elevation they say was created when the retaining wall was built. Although their familiarity with Planning Code Section 136(c)(14) has improved over the months they have been telling their story, Mr. Cox and Mr. Zaretsky still seem not to understand it completely. Mr. Cox's quibbling over whether grade is measured from soil or the tile atop it is immaterial, because the stairs do not obstruct the rear yard in any degree close to what the Code would allow. He states that these stairs can exist beyond the rear building line only to the extent that they are lower than 3 feet above grade. He is mistaken. In fact, Section 136(c)(14) allows an uncovered, single-story stair to obstruct the rear yard up to six feet in its horizontal dimension, for any part of the stair higher than three feet above grade. Any portion of the stair that is lower than three feet can extend farther than six feet into the required yard.

The stairs and bottom landing as-built and as depicted in the current drawings project into the rear yard a distance of 7'-10". Six feet of that is exempt per §136(c)(14), and the remaining 1'-10" is a strip of stair landing and guardrail, where the landing is 7½" above grade. This is 2'-4½" below the Code-allowed maximum height. Thus the stair is Code-complying, and doesn't need to be reconfigured, and certainly doesn't require a Variance, in spite of the erroneous and oft-repeated assertions of Mr. Zaretsky.

In summary, Issue number 1, that the drawings are inaccurate and that the stairs are not Code-complying, falls squarely in "Category A: Invalid Planning Issues."

*Issue 2. The drawings must show that stairs and footings to the rear deck will be removed to provide access to repair the decay of the wall and framing of 2701 Green.*

RESPONSE: The drawings will be reviewed by DBI staff if Planning approval is granted. DBI will require removal of material sufficient to determine that the structure is built in accord with Building Code requirements. This may require removing material only to expose the framing. It is up to DBI to set requirements, and the Caseys to decide if they wish to exceed those requirements, not Mr. Zaretsky.

However, Mr Casey's sent an email on September 8, 2014, in which he offered to remove the stair in question completely, so Mr. Zaretsky could do maintenance on his 2701 Green Street property line wall via the Caseys' rear yard to take place *after* the City issues the permit for the stairs, and *after* appeals of that permit are resolved (the stairs cannot be removed until the permit is final, with all appeals exhausted), and *after* Mr. Zaretsky signs a standard agreement to do work on his own building via access from the Caseys' property. The agreement would specifically grant Mr. Zaretsky's workers and DBI inspectors access, set days and hours for that access, describe advance notification required for work or inspections outside those times, and require appropriate insurance. This is a common-sense and standard precaution that even the friendliest of neighbors would undertake.

Instead of accepting this offer, and beginning to work out its details, Mr. Zaretsky sent an email far and wide in which he wrote that Mr. and Mrs. Casey "inform(ed) DBI, City Planning, me and the tenants at 2701 Green street that unless and until he is granted ... approved permits -- based on his current Permit Applications to the Department of Building Inspection and the Department of City Planning; and ... I sign with him contracts and agreements to his specifications he will not fully respond to the Notices of Violation, now turned into Orders of Abatement ..."

This is vile nonsense. Mr. Casey in no way suggested that his compliance with the NOV's and with the scope of the pending correction permit is contingent on a private agreement between neighbors. Such agreements are prudent and commonplace, but are purely private contracts between individuals with no effect at all on the project's compliance with the Planning Code, Building Code, Notices of Violation, or any part of the public review process of the building permit application. Mr. Casey offered to go farther than City requirements to accommodate Mr. Zaretsky's request, and in return has had this offer distorted into an alleged refusal to clear the violations on his property.

In summary, Issue number 2 comprises both type B - DBI Issues, wherein Mr. Zaretsky asks the Planning Commission to take action on processes under the purview of the Department of Building Inspection and type C - Civil Issues, wherein Mr. Zaretsky asks the Planning Commission to impose conditions on matters that are subject to private agreements between land owners.

*Issue 3. If the stairs are to be rebuilt within the zone of influence of the retaining wall, the new stair and deck footings and landings must be founded deeply enough to eliminate any surcharge on the wall. Engineering calculations should be supplied to support the proposed footing design.*

RESPONSE: This is purely a DBI issue. These stairs are constructed in the buildable area of the lot and staff has determined that the work in the permit application complies with the Planning Code, just as they did in 1985.

*Issue 4. The drawings must address the space between the firewall/balustrade and the wood wall of 2701 Green by installing a properly designed flashing to prevent water intrusion between them.*

RESPONSE: Waterproofing requirements are under the purview of DBI. Details of assembly design and construction access are subject to private agreements between the land owners, and not a Planning Code issue. The Caseys hope that an accord can be reached to install suitable flashing as part of the agreement to provide Mr. Zaretsky maintenance access to his property line wall during the stair reconstruction, as described above under *Issue 2*.

*Issue 5. The drawings must show reduction of the soil level within the zone of influence to the historic soil level approximately 2 feet below its current height.*

RESPONSE: As discussed under *Issue 1*, the Caseys have agreed to reduce the soil level by removing several inches of landscape accumulation. The “historic” soil level two feet below grade is fictional. The Planning issue for the permit under consideration regards legalization of rear stairs to the rear yard, without any effects on landscape, grading, or drainage.

*Issue 6. The drawings must present an engineered landscaping and drainage plan that eliminates water flow against or across the property at 2701 Green.*

RESPONSE: Site drainage is a Building Code issue. The Requester has filed a drainage complaint with DBI that was abated on 4/20/12, as shown on the following page. Again, not a Planning issue.

*Issue 7. Drawings must show that all trees along the retaining wall be removed, except for those planted in the planter (submitted under separate permit), and stipulate that no trees or shrubs capable of growing higher than 10 feet will be planted along the property line unless they are in a container engineered to prevent surcharge on retaining wall.*

RESPONSE: The drawings for the permit application before the Commission deal with the size, location and placement of an uncovered, wood-framed stairway. Placement of trees in the rear yard is a separate issue unrelated to this Building Permit application.

*Issue 8. Drawings must stipulate that soil level adjacent to the retaining wall is to be kept at lower level in the future.*

RESPONSE: As discussed under *Issue 1*, the Caseys have agreed to reduce the soil level by removal of several inches of landscape accumulation. Any grading, landscape, or drainage issues are not part of the scope of this permit. The Planning Commission should not be requested to adjudicate DBI or civil issues.

## COMPLAINT DATA SHEET

**Complaint Number:** 201174515  
**Owner/Agent:** OWNER DATA SUPPRESSED  
**Owner's Phone:** --  
**Contact Name:** --  
**Contact Phone:** --  
**Complainant:** COMPLAINANT DATA SUPPRESSED  
**Date Filed:** 12/05/2011  
**Location:** 2655 BRODERICK ST  
**Block:** 0955  
**Lot:** 002  
**Site:**  
**Rating:**  
**Occupancy Code:**  
**Received By:** Christina Wang  
**Division:** BID  
**Complainant's Phone:**  
**Complaint Source:** TELEPHONE  
**Assigned to Division:** BID  
**Description:** The existing patio is not sloped to drain to the new catch basin.

Instructions:

### INSPECTOR INFORMATION

DIVISION	INSPECTOR	ID	DISTRICT	PRIORITY
BID	DUFFY	1100		

### REFERRAL INFORMATION

DATE	REFERRED BY	TO	COMMENT
3/26/2012	Mehret Tesfaye	BID	

### COMPLAINT STATUS AND COMMENTS

DATE	TYPE	DIV	INSPECTOR	STATUS	COMMENT
12/05/11	STORM WATER DRAINAGE	PID	Young	INSPECTION OF PREMISES MADE	Met Patrick and the owner of 2701 Green St. Mr. Kardos. From the roof of 2701 Green and looking down into the backyard of 2655 Broderick, they explained that the paved patio does not slope to the catch basin but instead slope towards 2701 Green. When it rains, they claim runoff is directed toward his property and leak through his foundation causing damage. I did not see any seepage.
12/05/11	CASE OPENED	PID	Young	CASE RECEIVED	
12/09/11	STORM WATER DRAINAGE	PID	Young	OFFICE/COUNTER VISIT	BID has 5 open complaints on this property. Hold this complaint to verify if there is a nuisance or not.
03/22/12	OTHER BLDG/HOUSING VIOLATION	INS	Duffy	FIRST NOV SENT	Issued 1st NOV by Inspector D. Duffy
03/22/12	STORM WATER DRAINAGE	INS	Young	REFERRED TO OTHER DIV	Referred to BID
03/26/12	OTHER BLDG/HOUSING VIOLATION	INS	Duffy	CASE UPDATE	Mailed copy of 1st NOV -- mst
03/26/12	GENERAL MAINTENANCE	PID	Young	REFERRED TO OTHER DIV	transfer to div BID
04/20/12	OTHER BLDG/HOUSING VIOLATION	INS	Duffy	CASE ABATED	curb installed to correct faulty conditins.

Figure 6: Abated complaint regarding run-off

- Issue 9. The plans should include the following notes:  
 A. All construction to be carried out by licensed contractors.

**RESPONSE:** Work required to be executed by licensed contractors is governed by state law and subject to requirements of the Building Code. Construction under this permit will be done by licensed, insured contractors in accord with all applicable laws. Once again, not a Planning issue.

- B. *Construction in contact with 2701 Green to occur [sic] only with the consent of the owner of 2701 green street.*

RESPONSE: Construction in the buildable area of the Caseys' property, whether near the shared property line or elsewhere, is subject to the Planning and Building Codes, not to the consent of Mr. Zaretsky. All structures built under this permit by the Casey family shall be on their property, with the exception of any mutually-agreed-upon waterproofing assemblies which, by their nature, must span property lines to attach to structures on each parcel, and are private agreements between the parties.

- C. *Construction to include removal of up to 2 feet of soil adjacent to wall tapering to zero feet 3-1/2 feet from wall.*

RESPONSE: As discussed under *Issue 1*, the Caseys have agreed to reduce the soil level by removal of several inches of landscape accumulation near the shared property line. This will not involve two feet of depth, but rather a few inches. Again, not a Planning issue.

- D. *Owner of 2701 Green Street will be allowed access any reasonable times to inspect, repair, and paint property line blind wall and underlying framing after the deck stairs, footing, and landing, have been removed, and the grade has been lowered.*

RESPONSE: Access to their property is the purview of the Caseys. They are willing to execute a standard neighbor-access agreement, to provide access to Mr. Zaretsky's workers once the permits are issued and finally approved. Such agreements are separate legal instruments, between private parties, and not part of construction or permit plan sets.

- E. *The owner of 2701 Green Street t [sic.] and his professional representatives and contractors will be given reasonable [sic.] access to the site for inspections and required repairs throughout the construction.*

RESPONSE: This would be a private agreement between the parties, not a Planning issue, and should not be part of the plan set for this permit.

- F. *All final plans for and changes of deck and stairs are to be provided to owner of 2701 Green Street for review priore [sic.] to issuance of permit or commencement of construction.*

RESPONSE: While under review, the drawings for this application are public record, and the owners of 2701 Green St have the same rights as anyone else to view them.

- G. *Wooden wall along portion of retaining wall adjacent to lightwell is to be replaced by owner of Green Street, but paid for by owner of 2655 Broderick, per previous agreement.*

RESPONSE: The "wooden wall" is a fence atop Mr. Zaretsky's retaining wall. In an oral discussion with Mr. Zaretsky, Mr. Casey offered to assist in the payment for rebuilding the rotted structure, since it prevented persons on the Casey's property from falling down a story to the bottom of the light well on Mr. Zaretsky's property. At the time, Mr. Zaretsky rejected Mr. Casey's offer, but now claims there is a "previous agreement."

Mr. Casey has since decided to build a replacement fence on his own property, given the extreme animosity and the complete lack of rational, cooperative behavior evinced by Mr. Zaretsky.

A replacement fence pursued by either party is a separate issue from this permit before the Commission, which deals with a stairway northward of the fence location.

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.*

There are three parcels abutting the Casey's site. The only one opposed to the stairs 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 project, but instead they sent both parties a letter stating their intent to remain neutral in the dispute. They do not oppose the permit. 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.

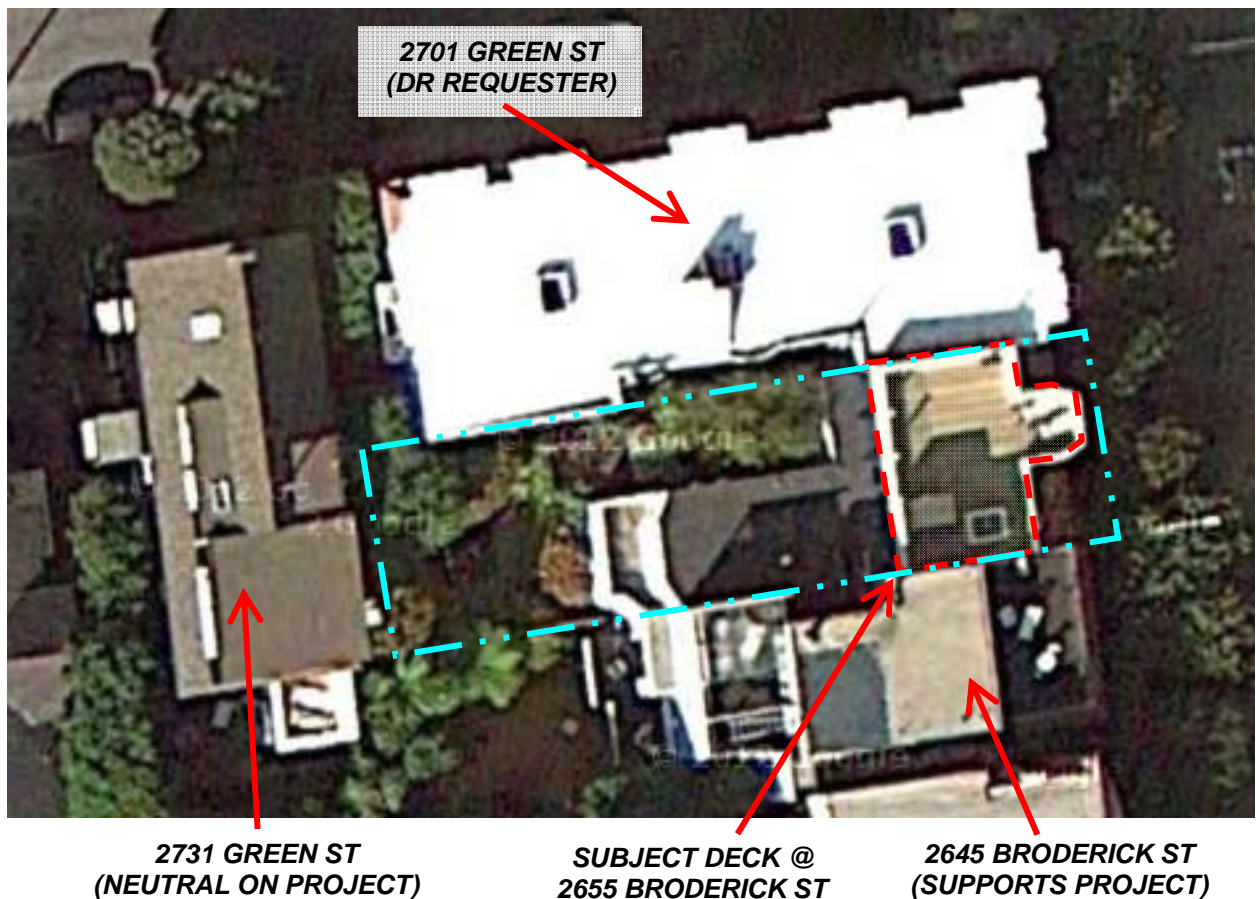


Figure 7: Aerial photo of subject site and abutting properties

We are willing to add to the scope of work on this permit a new flashing assembly between Mr. Zaretsky's south wall and the fire-protected guard wall on the north edge of the stairway, as discussed above. We hope the DR Requester will understand that any flashing at this junction will have edges on both properties in order to cover that gap, and will require cooperation to install.

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. Mr. Zaretsky has repeatedly claimed damage to his retaining wall from drainage and surcharge issues. DBI has found no evidence of this damage, and, during its inspections, no evidence of seepage. Nonetheless, the Caseys wish to rebuild the stair to give Mr. Zaretsky the opportunity and access to examine and maintain his wall, and the Caseys further agree to remove a few inches of accumulated topsoil near the property boundary.

**In summary, we believe the project should be approved as submitted, as it was originally approved in 1985.**

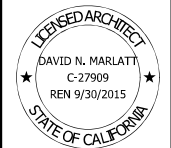
**The project is Code-complying, appropriate for the property and the neighborhood, and without exceptional or extraordinary circumstances. The reasons offered by the Requester for opposing it are either fallacious Planning Code issues, or matters that are under the review and purview of DBI, or civil issues subject to private agreements between owners, not Planning Code requirements.**

We respectfully request that the Planning Commission approve the project based on its conformity with planning and zoning requirements, and its appropriateness as a means for residents of the home to enjoy and access their rear yard.

Yours truly,

  
Craig Nikitas





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

PARCEL: 0955/002

**DECK STAIR MODIFICATION**

BLDG PERMIT

Revisions:

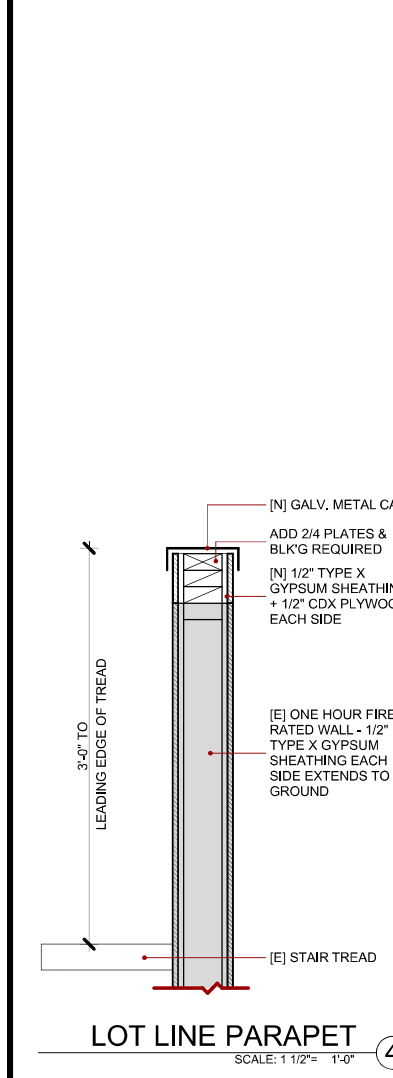
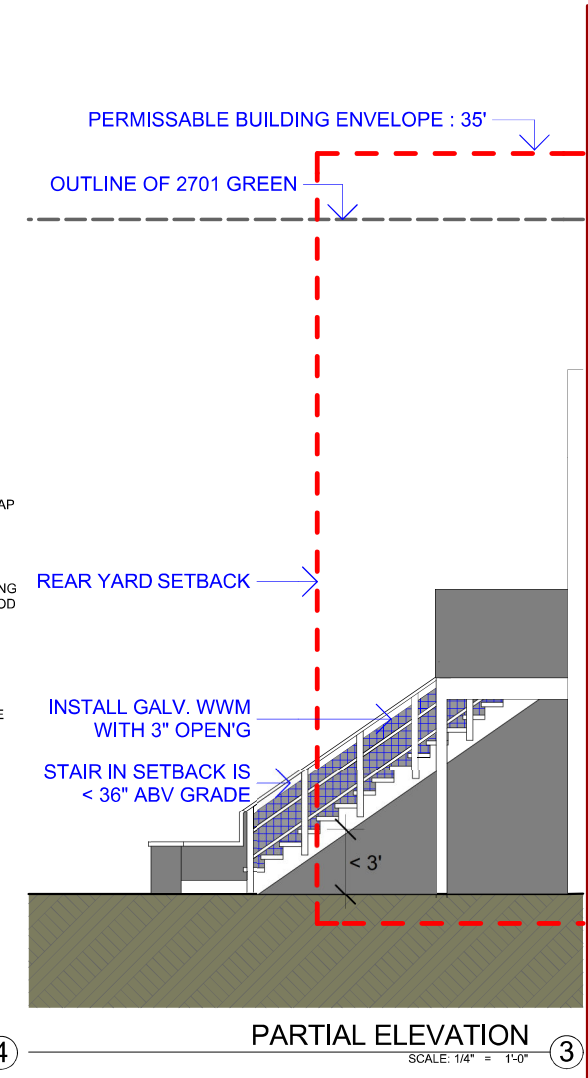
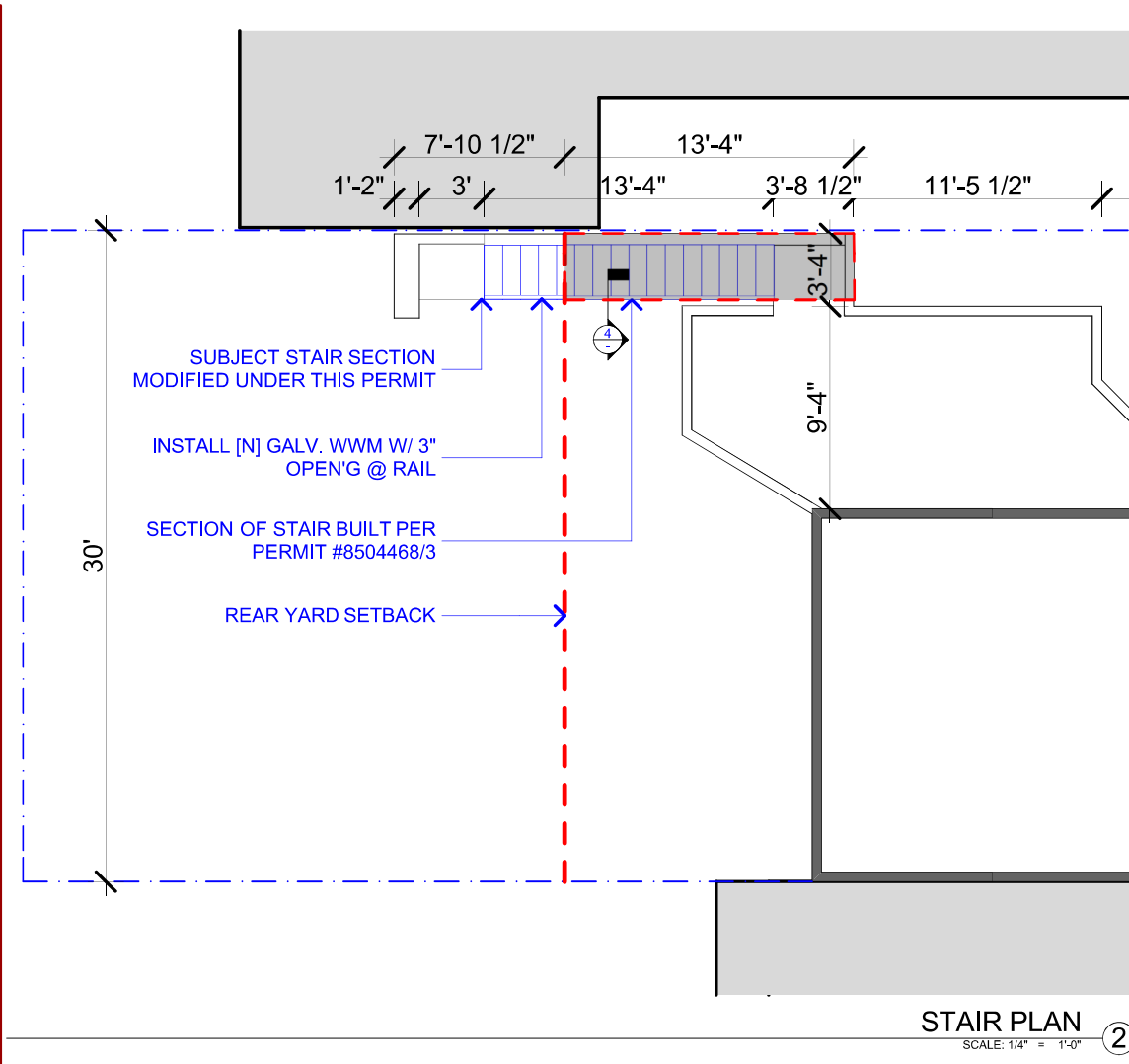
1. JUNE 6, 2014
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FEBRUARY 4, 2013

**A0.0**



# CASEY RESIDENCE LOWER DECK & STAIRS



## GENERAL NOTES

1. THE WORD CONTRACTOR AS USED HEREIN SHALL MEAN THE GENERAL CONTRACTOR, SUBCONTRACTORS AND ALL PERSONS DIRECTLY OR INDIRECTLY EMPLOYED BY ANY OF THEM.
2. 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.
3. 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.
4. 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.
5. 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.
6. **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.
7. 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.
8. ALL STANDARD NOTES CONTAINED HEREIN ARE TYPICAL UNLESS NOTED OTHERWISE.
9. 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.
10. CONTRACTOR SHALL PROVIDE CERTIFICATES OF INSURANCE ACCEPTABLE TO OWNER PRIOR TO COMMENCEMENT OF WORK.
11. 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.
12. ALL TRADE NAMES AND BRAND NAMES CONTAINED HEREIN ESTABLISH QUALITY STANDARDS. SUBSTITUTIONS ARE PERMITTED WITH PRIOR APPROVAL BY OWNER.
13. 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.
14. 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.
15. 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.
16. 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.
17. 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.
18. 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.
19. 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.

## PROJECT LOCATION MAP



## PROJECT DATA

SCOPE: MODIFY STAIR CONSTRUCTED UNDER PERMIT 8504468 AND REACTIVATED UNDER PERMIT 2013  
 ADD WWM GUARDRAIL  
 ALL WORK TO BE WITHIN PROPERTY LINES OF LOT 0955/002

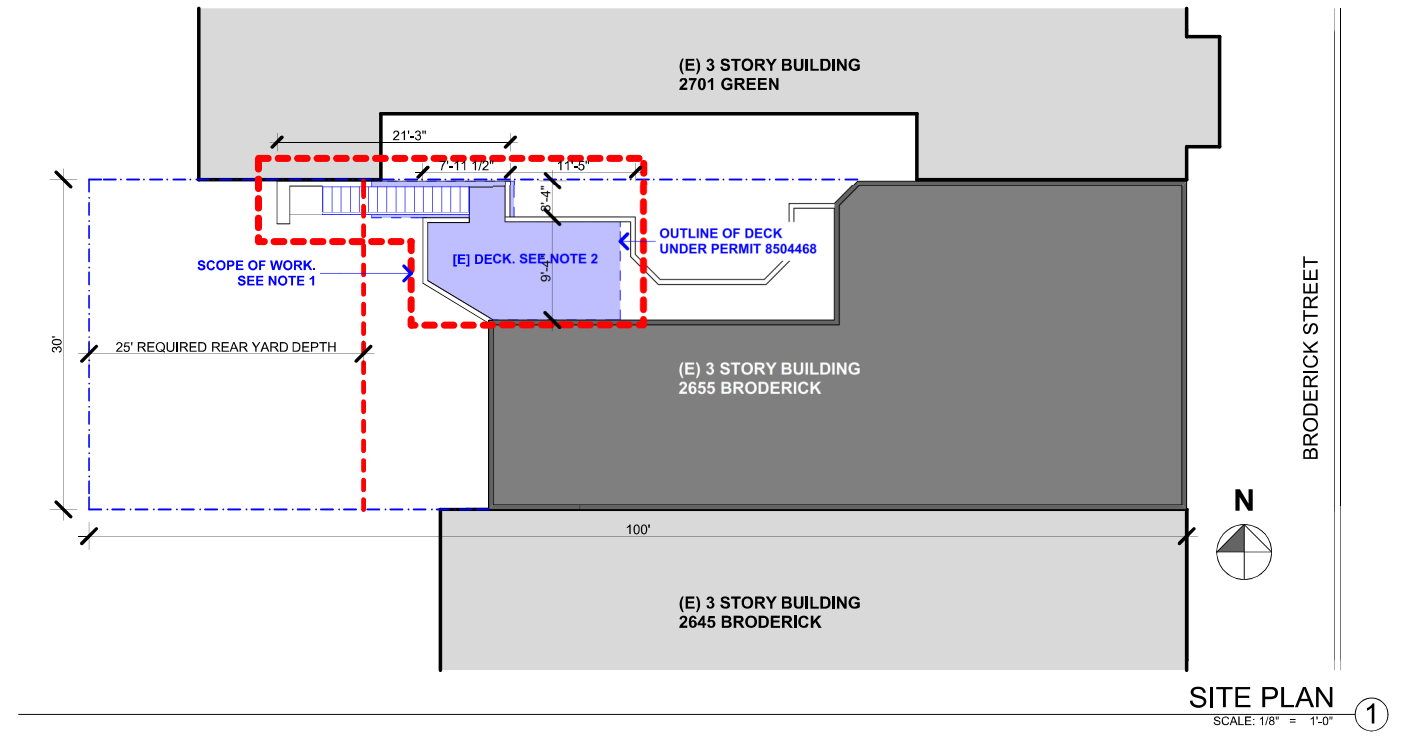
**LOCATION:** 2655 BRODERICK STREET  
 SAN FRANCISCO, CA 94123

**PARCEL / LOT:** 0955/002  
**LOT SIZE:** 3000 SF  
**CONSTRUCTION:** V  
**ZONE / HEIGHT:** 40-X  
**DISTRICT:** RH-1  
**OCCUPANCY:** R3

## 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.



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

**LOT LINE PARAPET**  
 SCALE: 1 1/2" = 1'-0" ④

**PARTIAL ELEVATION**  
 SCALE: 1/4" = 1'-0" ③

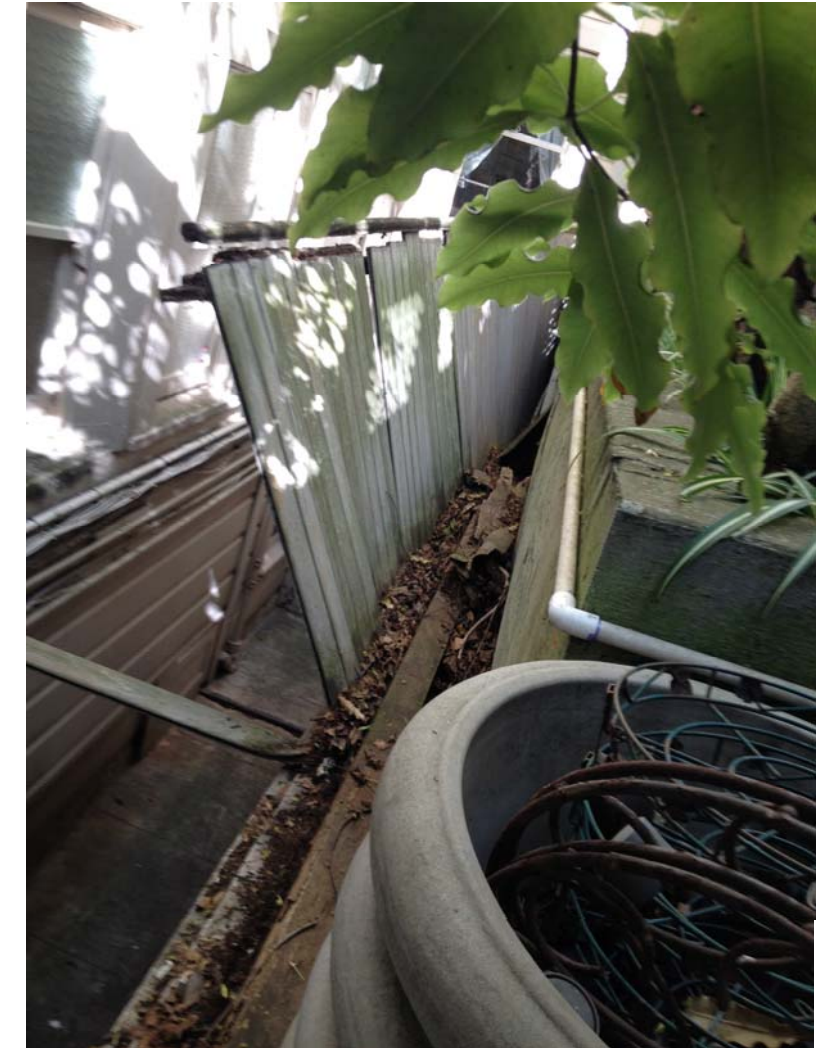
**STAIR PLAN**  
 SCALE: 1/4" = 1'-0" ②



2655 Broderick St  
(Rear Stair Landing - view North)



2655 Broderick St  
(Rear Stair Landing - Side View)



Fence Between Properties  
(Note rot at top of fence  
as well as bottom)