### **Discretionary Review Abbreviated Analysis**

**HEARING DATE: OCTOBER 7, 2010** 

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

Reception:

415.558.6378

Fax:

**Planning** 

415.558.6409

Information: 415.558.6377

Date: September 29, 2010

Case No.: 2009.1003D

*Project Address:* 1138-1140 Page Street

Zoning: RM-2 [Residential, Mixed, Moderate Density]

40-X Height and Bulk District

*Block/Lot:* 1219/011 Project Sponsor: **Toby Morris** 

Kerman Morris Architects

69A Water Street

San Francisco, CA 94133 Aaron Starr - (415) 588-6362

aaron.starr@sfgov.org

Recommendation: Do not take DR and approve as modified

### PROJECT DESCRIPTION

Staff Contact:

The existing building is a two-story, mixed-use building with one residential unit above commercial space. The commercial space is currently being used as an unwarranted residential unit. The proposal is to lower the existing floor-to-ceiling heights, construct a two-story vertical addition, a rear horizontal addition, remove the existing commercial space, add three residential units and significantly alter the existing facade. The proposal also includes a stair penthouse, and the fourth floor will be set back 10' from the front facade. The resulting building would be a four-story, four-unit, with four on-site parking spaces.

After the DR was filed, the RDT required that the proposed stair penthouse be reduced in size to the minimum required by the Building Code. The plans have been revised to comply with this requirement.

### SITE DESCRIPTION AND PRESENT USE

The subject property is located on the north side of Page Street between Baker Street and Broderick Street. The subject lot is 25' wide by 137.5' deep and currently developed with a 2-story mixed use building constructed prior to 1906 that covers approximately 40% of the lot. The building has been significantly altered, with all of its decorative features stripped and reclad in stucco. The Planning Department determined that building is not a historic resource for the purposes of CEQA.

### SURROUNDING PROPERTIES AND NEIGHBORHOOD

The subject property is located in the City's Haight/Ashbury neighborhood near Buena Vista Park. The area is characterized by Victorian and Edwardian era single-family and multi-family homes. This particular block of Page has a more eclectic mix of styles with buildings built in almost every decade of the last century. The building directly to the west of the subject building (owned by the DR Requestor) is a four-story, 12-unit apartment building constructed in 1962. The building directly to the east of the subject building is a three-story, six-unit apartment building constructed in 1926.

### **BUILDING PERMIT NOTIFICATION**

TYPE	REQUIRED PERIOD	NOTIFICATION DATES	DR FILE DATE	DR HEARING DATE	FILING TO HEARING TIME
311 Notice	30 days	July 12, 2010 – August 11, 2010	August 9, 2010	October 7, 2010	59 days

### **HEARING NOTIFICATION**

ТҮРЕ	REQUIRED PERIOD	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUAL PERIOD
Posted Notice	10 days	September 27, 2010	September 27, 2010	10 days
Mailed Notice	10 days	September 27, 2010	September 27, 2010	10 days

### PUBLIC COMMENT

	SUPPORT	OPPOSED	NO POSITION
Adjacent neighbor(s)	0	3	0
Other neighbors on the			
block or directly across	0	0	0
the street			
Neighborhood groups	0	0	0

The Department has heard from approximately three neighbors of the subject property at least one of which is a tenant of the adjacent building to the west who have concerns over the project. The concerns are mainly over access to light and neighborhood character.

### DR REQUESTOR

Fazilat Kazeminezhad 109 Willis Drive Mill Valley, CA 94941

Owner of the 12-unit apartment building directly to the west of the subject property

### DR REQUESTOR'S CONCERNS AND PROPOSED ALTERNATIVES

See attached *Discretionary Review Application*, dated August 8, 2010 and a letter from the DR Requestor's legal representation dated September 29, 2010.

### PROJECT SPONSOR'S RESPONSE TO DR APPLICATION

See attached Response to Discretionary Review, dated September 29, 2010

SAN FRANCISCO
PLANNING DEPARTMENT

### **ENVIRONMENTAL REVIEW**

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

### RESIDENTIAL DESIGN TEAM REVIEW

The RDT found that due to the size of the light courts in the DR Requestor's building (approximately 15'-0"x15'-0"), the height of the existing 2-story wall that is located adjacent to one of the light courts, and the Planning Commission's previous decisions about construction next to large light courts, it is not necessary to provide a corresponding or matching light well on the proposed project. Further, the RDT does not find the project to create any unusual impacts to surrounding properties' access to light, air, or privacy.

The Commission previously ruled on this issue for a project located at 2948 Fillmore Street, Case # 2008.0322D. While the Commission did not indicate that the decision for 2948 Fillmore Street was precedent setting, the two situations are very similar with main difference being that the adjacent neighbor does want a matching light well. The RDT agrees with the Commission's previous ruling and finds that light courts of this size provide their own light and that there is little benefit in requiring adjacent properties to match light courts with a 3' setback.

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

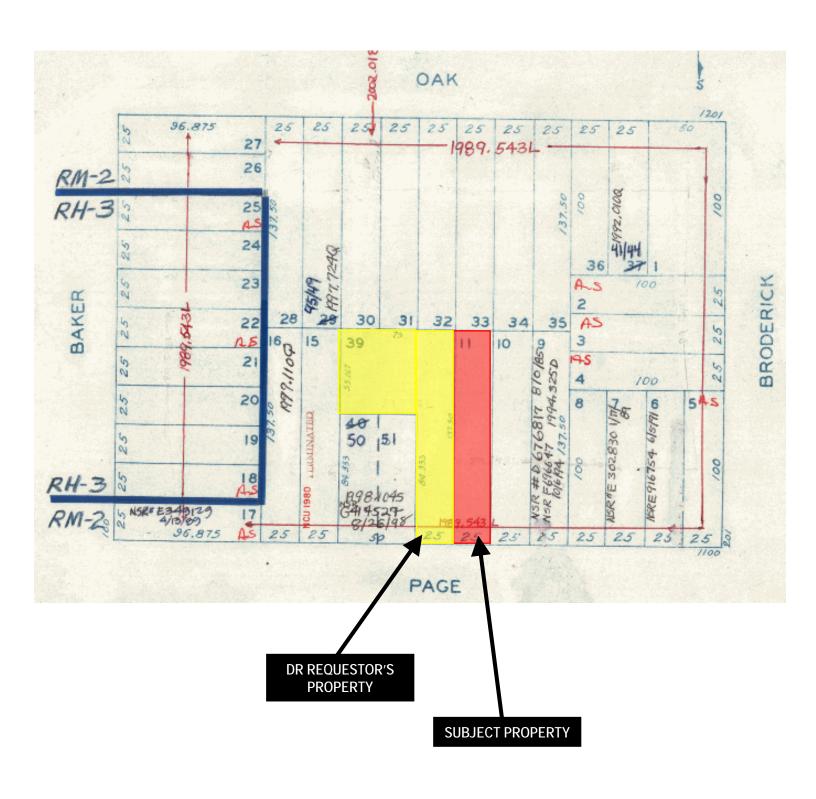
### RECOMMENDATION: Do not take DR and approve project as modified

### **Attachments:**

Block Book Map
Sanborn Map
Zoning Map
Aerial Photographs
Context Photographs
Section 311 Notice
DR Application
Response to DR Application dated September 29, 2010
Reduced Plans

AS: G:\DOCUMENTS\Discretionary Review\1140 Page St\1140 Page Street.Abreviated.doc

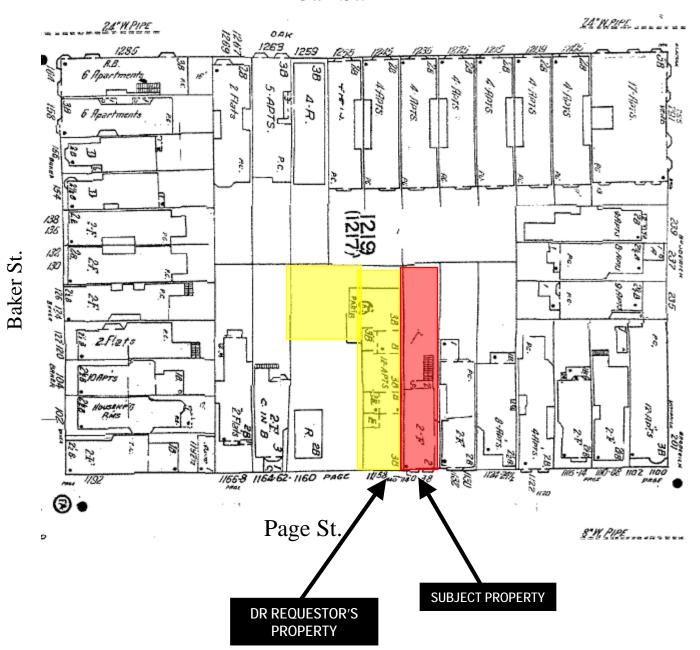
# **Parcel Map**





# Sanborn Map\*

Oak St.



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



# **Zoning Map**



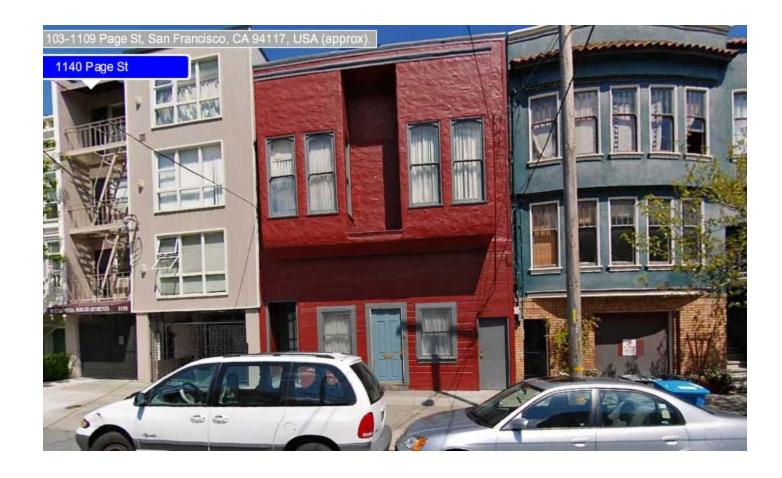


## **Aerial Photo**





## **Site Photo**



# SAN FRANCISCO PLANNING DEPARTMENT

1650 Mission Street Suite 400 San Francisco, CA 94103

### NOTICE OF BUILDING PERMIT APPLICATION (SECTION 311)

On **November 3, 2009** the Applicant named below filed Building Permit Application No. **2009.11.03.0476** (Alteration) with the City and County of San Francisco.

	CONTACT INFORMATION	PROJECT	SITE INFORMATION
Applicant:	Kermann Morris Architects	Project Address:	1140 Page Street
Address:	69A Water Street	Cross Streets:	Broderick St./Baker St.
City, State:	San Francisco, CA 94133	Assessor's Block /Lot No.:	1219/011
Telephone:	(415) 749-0302	Zoning Districts:	RM-2 /40-X

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

	PROJECT SCOPE	
[ ] DEMOLITION and/or	[ ] NEW CONSTRUCTION or	[X] ALTERATION
[X] VERTICAL EXTENSION	[X] CHANGE # OF DWELLING UNITS	[X] FACADE ALTERATION(S)
[ ] HORIZ. EXTENSION (FRONT)	[ ] HORIZ. EXTENSION (SIDE)	[X] HORIZ. EXTENSION (REAR)
PROJECT FEATURES	EXISTING CONDITION	ON PROPOSED CONDITIO
FRONT SETBACK	None	No Change
SIDE SETBACKS	None	No Change
BUILDING DEPTH	±53'	±105.5'
	±84.5	
HEIGHT OF BUILDING	±33'	±40'
NUMBER OF STORIES	2	4
NUMBER OF DWELLING UNITS	1	4
NUMBER OF OFF-STREET PARKING SI	PACES0	4

The proposal is to lower the existing floor to ceiling heights, add a two-story vertical addition, a rear horizontal addition, remove the existing commercial space (currently being used as an unwarranted residential unit), add three residential units and significantly alter the existing facade. The proposal also includes a stair penthouse, and the fourth floor will be setback 10' from the front facade. The resulting building would be a four-story, four-unit, with four on-site parking spaces.

PLANNER'S NAME:	Aaron Starr	
PHONE NUMBER:	(415) 558-6362	DATE OF THIS NOTICE:
EMAIL:	aaron.starr@sfgov.org	EXPIRATION DATE:

### APPLICATION REQUESTING DISCRETIONARY REVIEW ("D.R.")

This application is for projects where there are exceptional and extraordinary circumstances that justify further consideration, even though the project already meets requirements of the Planning Code, City General Plan and Priority Policies of the Planning Code.

D.R.	Applicant's Name_	FAZILAT	KAZEMINEZHAD	Telephone No: 415-730-3904
D.R.	Applicant's Addre		WILLIS DRIVE Number & Street LLEY , CA City	
If you		gent for an		nt to contact): g this request please indicate the name
Nam	e			Telephone No:
Addr	ess		Number & Street	(Apt. #)
			City	Zip Code
Revie Nam D.R.: Build	ew: 1140 PAG e and phone numbe : John	E STREAD SULTION Numbe	ET $EAN$ $FRA$	ission consider under the Discretionary  NCISCO, CA 94 117  g the project on which you are requesting  you are requesting
			elation to the permit app CTY IN QUESTION	licant's property? る (NEXT TO IT)
Α.	Citizens should m	ake very eff	CRETIONARY REVIEW fort to resolve disputes b s to help this happen.	REQUEST efore requesting D.R. Listed below are a
1.	Have you discussed	this project	with the permit applicant?	YES G NO G
2.	Did you discuss the	project with	the Planning Department	permit review planner? YES $G$ NO $G$
3.	Did you participate	n outside me	ediation on this case? (	Community Board $G$ Other $G$ NO $G$

100/170	SEE	ATTACHED	LETTER	DATE	D 10	0/13/09
DISCRETION	IARY RE	EVIEW REQUES	т			
standards of	the Plan	ning Code. Wha	t are the exc	ceptional	and extraor	ct meets the minimedinary circumstan
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Please write (in ink) or type your answers on this form. Please feel free to attach additional sheets to this form to continue with any additional information that does not fit on this form.

### CHECKLIST FOR APPLICANT:

Indicate which of the following are included with this Application:

### REQUIRED:

Check made payable to Planning Department (see current fee schedule).

Address list for nearby property owners, in label format, plus photocopy of labels.

Letter of authorization for representative/agent of D.R. applicant (if applicable).

Photocopy of this completed application.

### OPTIONAL:

G Photographs that illustrate your concerns.

G Covenants or Deed Restrictions.

G Other Items (specify).

File this objection in person at the Planning Information Center. If you have questions about this form, please contact Information Center Staff from 8 a.m. to 5 p.m., Monday to Friday.

Plan to attend the Planning Commission public hearing which must be scheduled after the close of the public notification period for the permit.

Signed Talk typis Applicant

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Fazilat Kazeminezhad 109 Willis drive Mill Valley, Ca. 94941

8/9/10

To: SF Planning Department

Re: 1140 Page Street Proposed New Construction Building Permit application No. 2009.11.03.0476

Dear Mr. Starr,

We are writing you in response to the 311 notification about new constructions proposed for 1140 Page Street. We own 1158 Page Street immediately to the West of the property in question and have very specific and grave concerns about the building being proposed next door to us.

As we have let Mr. Morris who is the project's architect know since our very first meeting with him last September our main objective is quite simply to sustain a healthy environment for the tenants living in our building, and key to achieving such a goal is providing proper amounts of light and air to living and sleeping spaces while also maintaining a reasonable amount of privacy for both properties.

The proposed plans lead us to believe that no attempt has been made to acknowledge our building's two main light-wells which are the only source of light and air for nine dwelling units' living rooms and bedrooms. In fact the design seems to simply be turning its back on our property and ignoring it as it tries to maximize light and views reaching it from the East.

Current plans show one small 3'-10" deep light-well which only occurs on the fourth floor but which makes up for even that gesture by introducing a taller stair penthouse going from the fourth floor to the roof on that very spot. One does not have to be an architect to imagine what it may feel like to look up at this soaring structure from the second floor of our building. The other light-well on our property gets even less acknowledgement with a solid wall going right up its property line.

Also important to note is that the West elevation portrayed on sheet A-3.3 of the Kerman/Morris plans dated 5/28/10 seems to imply that our building's light-wells only serve its third and fourth floors. This is not the case. We currently have a driveway on the ground floor and above that have three stories of living spaces all of which access and use the light wells. The elevation drawing in question should therefore show their wall siding starting at the second floor line and not closer to the third.

There are simple design changes which could help remedy the problems mentioned. One such way would be to create matching (even if less deep) light-wells mirroring those in our building on all of the second, third, and fourth floor living spaces. Another would be

to keep the height and bulk of the proposed structure adjacent to the two light wells in question lower in height. Finally windows or openings in the areas in question could be designed to respect the privacy of our units wherever possible. These ideas are after all even mentioned as basic steps listed in the San Francisco Planning Department Residential Design Guideline.

We cannot overemphasize our concern about the potential impact of the proposed building on the quality of life in our building. Lack of sun-light and creating a tightened light well would surely reduce the quality of life and more importantly lead to possible problems with mold and mildew in our building's lower living units.

While we don't expect direct sunlight to all of our living spaces we do feel that the proposed design can do much more to acknowledge and respect our tenants' right to light and air. We are confident that Mr. Morris can design a building which achieves the goals of all parties involved.

We thank you for your time.

Fazilat Kazeminezhad

### 10/13/09

To: Kerman Morris Architects 69A Water Street San Francisco, CA 94133

Re: 1140 Page Street Proposed Plan

We thank you for your time and appreciate sharing your proposed structural plans with us on 9/29/09.

In the meeting as we said, our main objective is to protect and sustain a healthy and enjoyable environment for the tenants living in our building at 1158 Page Street. Your proposed plans will completely block our both courtyards which are the only sources of light for the majority of the units in our building, especially for those situated on the first two floors. Lack of exposure to enough daylight and air will create a dark and damp environment in those units, promoting development and growth of mold and mildew and in turn disruption of a sanitary and pleasant living condition for the majority of the residents in our building. San Francisco Planning Code Section 101 states that one of the purposes of the planning code is to provide adequate light and air to adjacent properties, and your plans do not show consideration for this crucial code.

We like to propose a modification in your plans to include courtyards or light wells to be matched adjacent to ours, to expand and maximize exposure to light and air for all effected units, in both of our buildings.

Please advise and share your ideas with us for further discussions and possible modifications.

Sincerely.

Fazilat Kazeminezhad

109 Willis Drive

Mill Valley, Ca. 94941

P: 415-730-3904



anna.shimko@sdma.com

September 29, 2010

Via E-mail
President Ron Miguel and Members of the San Francisco Planning Commission c/o San Francisco Planning Department 1650 Mission Street, Suite 400 San Francisco, CA 94103

Re: 1140 Page Street / Building Permit Application No. 2009.11.03.0476

File No.: 11056-000001

Dear President Miguel and Members of the San Francisco Planning Commission:

We are writing on behalf of Ms. Fazilat Kazeminezhad in connection with the above-referenced building permit application to substantially enlarge (if not demolish and replace) an existing two-story, one-unit residential structure in order to create a four-story, four-unit residential structure (the "Project"). On October 7, 2010, you are scheduled to consider Ms. Kazemenizhad's request that you take discretionary review ("DR") of the Project and require design modifications in order to provide light wells that "match" those of the building next door at 1158 Page Street, thus preserving vital access to natural light and ventilation by the residents of that building. We are writing to explain why the San Francisco Planning Code and Residential Design Guidelines require this outcome, and to discuss why it is actually mandatory on other grounds that you grant DR for the Project.

### **Background**

Ms. Kazeminezhad owns the multi-unit residential property located at 1158 Page Street, directly to the west of the Project, the residents of which depend on two light wells adjacent to the western property line of the Project for light and air. We have attached for your reference the following photographs and plans, which show the current conditions at 1158 Page Street: 1) an aerial photograph of 1158 Page Street, which shows its configuration and position with respect to the Project site; 2) a first floor plan for 1158 Page Street; and 3) several photographs of the northern and southern light wells that were taken from various perspectives. As you will see, the northern and southern light wells are the *only* source of natural ventilation and sunlight to several bedrooms and living rooms at 1158 Page Street – in fact, for one unit on each floor, *every single window* faces onto one of the two light wells.

Currently, the southern light well is partially obstructed to the east by a 33-foot-high wall on the Project site, while the northern light well faces the back yard of the Project site over a single-story fence (not a two-story wall, as is stated in the Abbreviated DR Analysis for the Project). If the Project were constructed as presently designed, the wall next to the southern light well would be raised by a

President Ron Miguel and Members of the San Francisco Planning Commission

Re: 1140 Page Street / Building Permit Application No. 2009.11.03.0476

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whopping 7 feet (almost an entire building story) to 40 feet in height, and the northern light well would go from facing an open space over a single-story fence to being completely obstructed by that same 40-foot wall. The residents of 1158 Page Street would suffer a dramatic loss of access to natural light and ventilation, which would directly affect their mental and physical wellbeing due to the formation of mold and mildew, darkness and dampness. As a consequence, Ms. Kazeminezhad's tenants likely would decide to move out, leaving Ms. Kazeminezhad with the difficult task of retenanting previously desirable apartments that have become dark and airless.

Despite Ms. Kazeminezhad's attempts to resolve this issue with the Project architect, no steps have been taken to rectify the situation – in fact, she was told by the architect that the light wells could be provided, but the Project sponsors did not want to spend any more money on design issues. In order to protect the interests of her tenants, therefore, Ms. Kazeminezhad was left with no choice but to request that you take DR of the Project.

### Why The Project Must Be Redesigned

Planning Code Section 101 states that one of the purposes of the Planning Code is to provide adequate light, air, privacy, and convenience of access to property in San Francisco. To that end, the Residential Design Guidelines require that residential buildings are "articulated to minimize impacts on light and privacy to adjacent properties." (Guidelines, p. 16.) A 2009 staff report in connection with a discretionary review request for a project located at 2948-2950 Fillmore Street succinctly sets forth the Planning Department's requirements regarding light wells:

In order to mitigate the effects a proposed development might have on adjacent properties, the [Residential Design Guidelines] calls [sic] for adjacent lightwells to be "matched"... the [Planning] Department seeks to apply the Residential Design Guidelines in a consistent manner, to preserve the long term interests of the neighborhood and surrounding properties.

(2948-2950 Fillmore Street Staff Report, p. 3.) Only three weeks ago, a staff report for a discretionary review request relating to 35 Lloyd Street reiterated this policy:

A shared light well was not provided in the original submission, so the Department required the proposal be modified so that it matched the adjacent [14.5-foot-long] light well. The Residential Design Team's (RDT) policy regarding shared light well's [sic] that are over 10' long is to require a minimum match of 10' or 75% of the adjacent light wells [sic] length, whichever is greater... The Department has instructed the applicant to revise the proposal so that the light well is slightly larger to better comply with the Residential Design Guidelines.

(35 Lloyd Street Staff Report, p. 5.) As you are aware, compliance with the Residential Design Guidelines is mandatory, not discretionary: "Application of the Guidelines is a mandatory step in the permit review process and all residential permit applications must comply with both the Planning Code and the Residential Design Guidelines." (Guidelines, p. 4.) Therefore, the Project clearly must provide light wells that "match" those of 1158 Page Street.

President Ron Miguel and Members of the San Francisco Planning Commission Re: 1140 Page Street / Building Permit Application No. 2009.11.03.0476

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In the present case, however, the Residential Design Team apparently has elected not to comply with the Residential Design Guidelines' unambiguous mandate that matching light wells be provided. According to the "Abbreviated DR Analysis" for the Project, this decision was based on three considerations: the size of the existing light courts at 1158 Page Street; the "height of the existing 2-story wall that is located adjacent to the light courts of [1158 Page Street]"; and "the Planning Commission's previous decisions about construction next to large light courts." None of these considerations is supportable.

As noted by the Abbreviated DR Analysis, the two light wells¹ at 1158 Page Street each measure approximately 15 feet by 15 feet. While these openings undoubtedly are larger than certain others in the City, we note that comparable situations do exist; for example, the 35 Lloyd Street Staff Report addressed a situation where the existing adjacent light well measured 14.5 feet long (its depth is not specified in the Staff Report). In fact, if the reasoning used in the 35 Lloyd Street project had been applied in the present situation, the Project sponsor would be required to provide light wells that were at least 11.25 feet long. In any event, however, the size of the light wells at 1158 Page Street does not mean that they are somehow immune to obstruction by an adjacent structure, especially since they are the only source of light and air to many of the bedrooms and living rooms of the units on each floor. The construction of a 40-foot-high wall that blocks the entire eastern exposure of each of the light wells would significantly and adversely affect the occupants of those units by drastically limiting their exposure to sunlight and natural ventilation.

The Residential Design Team's reference to "the Planning Commission's previous decisions" regarding large light courts is also baffling, as the only decision on this issue that has been provided to us by the Project planner (Aaron Starr) – the 2948-2950 Fillmore Street project cited above – is entirely inapplicable. In the case of that project, the adjacent property owner specifically requested that light wells *not* be provided, in order to preserve his privacy and minimize noise. The Planning Department noted that "the [Residential Design Guidelines] do not speak to such exceptions," and asked that if you determined that light wells were unnecessary, you state whether this was a "precedent-setting decision." (2948-2950 Fillmore Street Staff Report, p. 3.) You ultimately granted DR and decided that the light well did not need to be matched, because "[m]atching the adjacent light well of the neighbor to the south is not necessary since there is no benefit to be gained *by either property*" (emphasis supplied). (May 28, 2009, Memorandum to Interested Parties Regarding 2948 Fillmore Street, p. 1.) Furthermore, you specifically directed that "this is not a policy setting decision, but rather a decision based on the specific circumstances in this case" (emphasis supplied). (*Id.*) Given the differentiating aspects of the Fillmore Street project, and your explicit direction that it not be used as precedent, we fail to see how it could be relied upon in the present situation.

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<sup>&</sup>lt;sup>1</sup> The light wells are referred to by the Abbreviated DR Analysis as "light courts," likely in an attempt to emphasize their size. In fact, all light wells are technically light "courts," as that term is defined by Section 102.4 of the Planning Code: "[a light court is any] space on a lot other than a yard which, from a point not more than two feet above the floor line of the lowest story in the building on the lot in which there are windows from rooms abutting and served by the court, is open and unobstructed to the sky, except for obstructions permitted by this Code. An 'outer court' is a court, one entire side or end of which is bounded by a front setback, a rear yard, a side yard, a front lot line, a street, or an alley. An 'inner court' is any court which is not an outer court."

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In summary, the Residential Design Team's determination that the Project need not match the light wells at 1158 Page Street is directly contradictory to the Planning Code, Residential Design Guidelines, and Planning Department policy. The Project thus must be redesigned to match the light wells at 1158 Page Street.

### Why DR Is Necessary and Appropriate

Planning Department policy regarding DR is that you hear only those cases that are deemed to be "exceptional and extraordinary" because they are either (i) one-of-a-kind or (ii) representative of a policy issue that should be incorporated into design guidelines. (Discretionary Review Reform Fact Sheet, p. 2.) In the present situation, the Residential Design Team proposes to disregard an established Residential Design Guideline regarding light wells in reliance on a "policy" not to match large light wells that, so far as we have been able to determine, has never before been implemented, and certainly is not set forth in the Residential Design Guidelines. Such a policy likely would be severely detrimental to the residents of other buildings in the City with similar light well configurations. Furthermore, such a "policy" would be virtually impossible to implement in anything approaching a uniform manner, as each light well configuration is different. For instance, how large a light well would be considered too large to require matching? What if the light well footprint were long and thin rather than relatively square? What if the buildings in question were forty stories tall? In fact, if you established a policy that exempted large light wells from the "matching" requirement, you would be setting the stage for a multitude of DR requests, each alleging that its unique fact pattern should entitle it to an exemption from that exemption. By granting DR, you would be able to direct the Planning Department to address the "large light wells" policy issue by adhering to the requirements of the Residential Design Guidelines – rather than creating new guidelines that would create confusion and jeopardize the long-term interests of properties with "large" light wells.

### Why DR Is Actually Mandatory

Quite apart from the light well issue described above, we note that the Project was not deemed to be subject to mandatory DR under Planning Code Section 317 because it was not shown to exceed any of the thresholds for a de facto demolition. We have reviewed the demolition plans for the Project and believe that the conclusion that the threshold set forth in Section 317(b)(2)(C) was not met is in error. Specifically, the demolition plans for the south (front) elevation of the Project show several portions of that "vertical building element" as "wall to remain," when they actually should be designated as "wall to be removed." For instance, two doors and a window on the western end of the southern elevation are shown as "wall to remain," but they actually will be demolished and replaced by a new wall and garage door. This constitutes the "removal" of "vertical building elements," as those terms are defined in Subsections 317(b)(9) and 317 (b)(13), respectively. Once those areas are correctly designated, the revised calculation will show that more than 50% of the building's vertical elements will be removed. Since the demolition plans already acknowledge that more than 50% of the horizontal building elements also will be removed, the amount of demolition that will take place exceeds the threshold set forth in Section 317(b)(2)(C). Planning Code Section 317 thus requires that you take mandatory DR of the Project.

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While we felt obligated to bring this last issue regarding mandatory DR to your attention in order to adhere to the Planning Code, it is not Ms. Kazeminezhad's intention to cause unnecessary delay or expense for the Project; in fact, she and her tenants are looking forward to the revitalization of that property. However, it is not fair for this transformation to occur at the expense of the access to light and air that is so crucial to its neighbors' quality of life and health, nor should it be allowed to adversely affect nearby property values. We respectfully request that the Planning Commission grant DR for the Project and direct that it be redesigned to include the required light wells.

Regards,

Anna Shimko

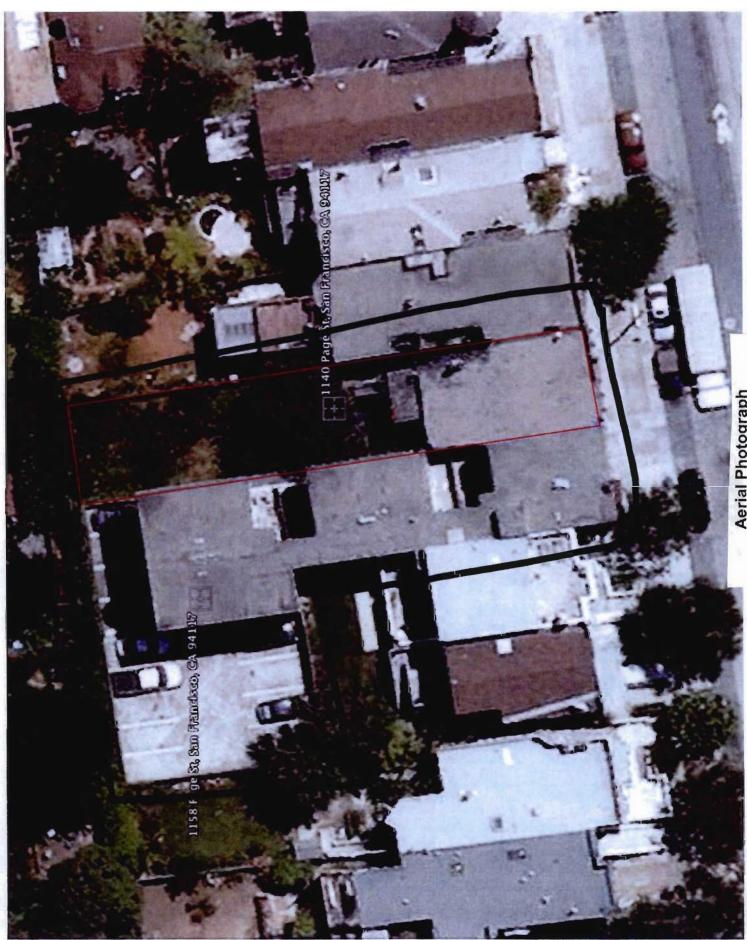
Sedgwick, Detert, Moran & Arnold LLP

Anna C. Shimbo

Attachments

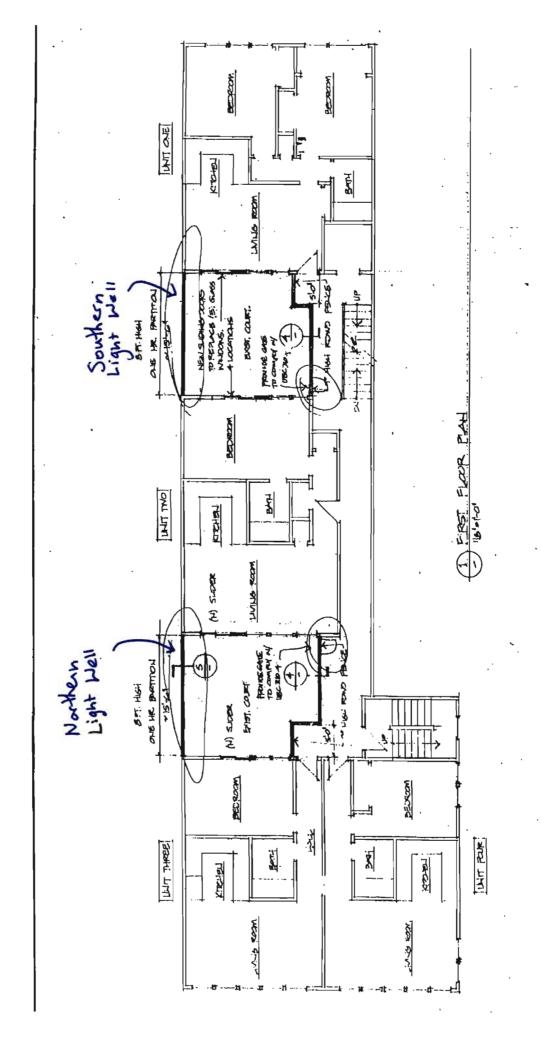
cc: Fazilat Kazeminezhad

Anna Shimko

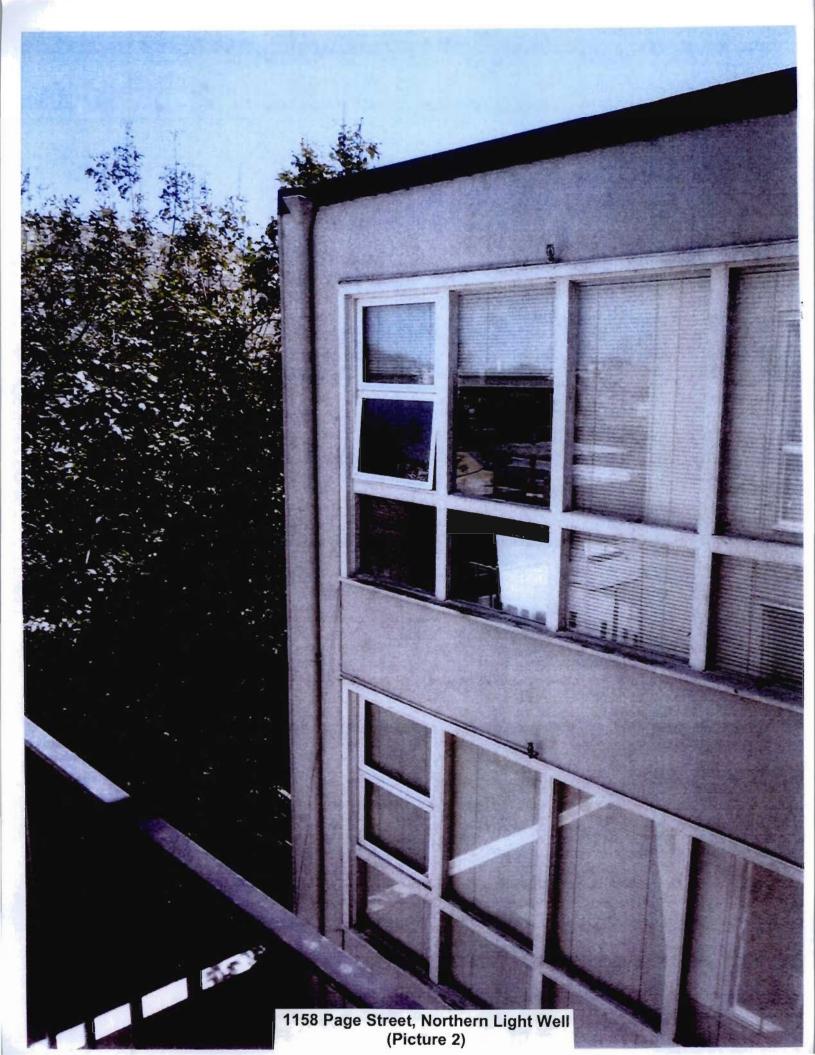


Aerial Photograph 1158 & 1140 Page Street

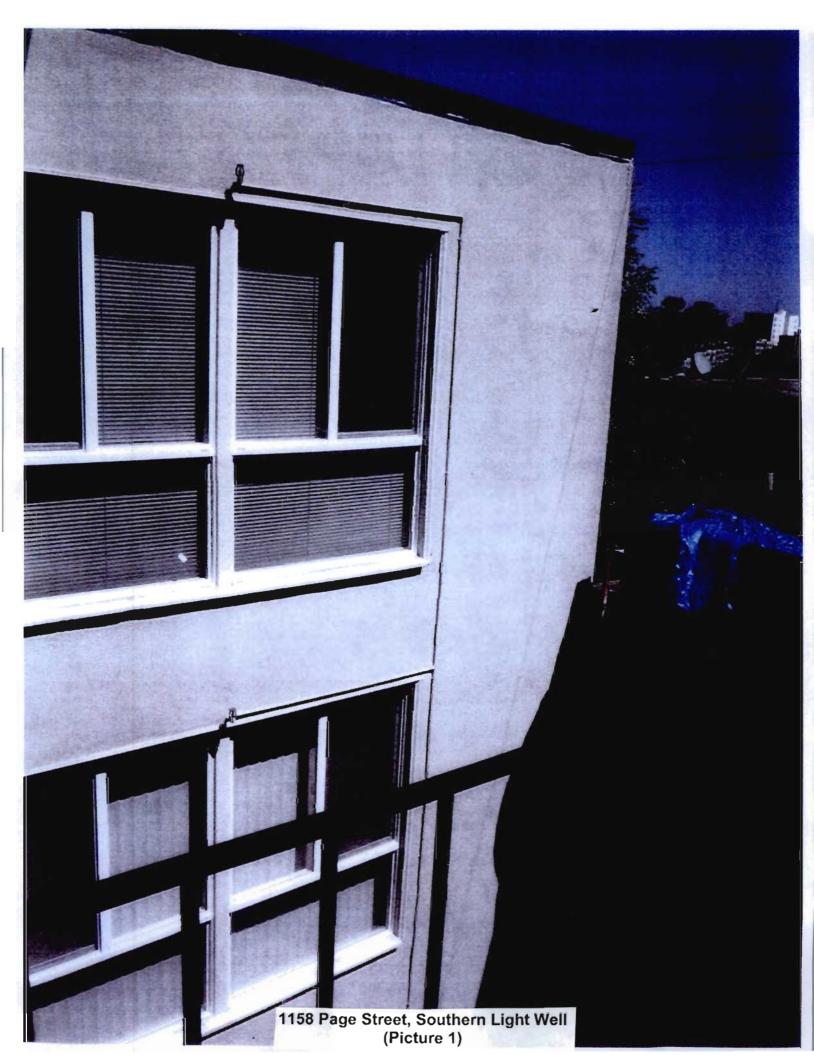
CASan Francisco, Street, Page 1158 Floor Plan First

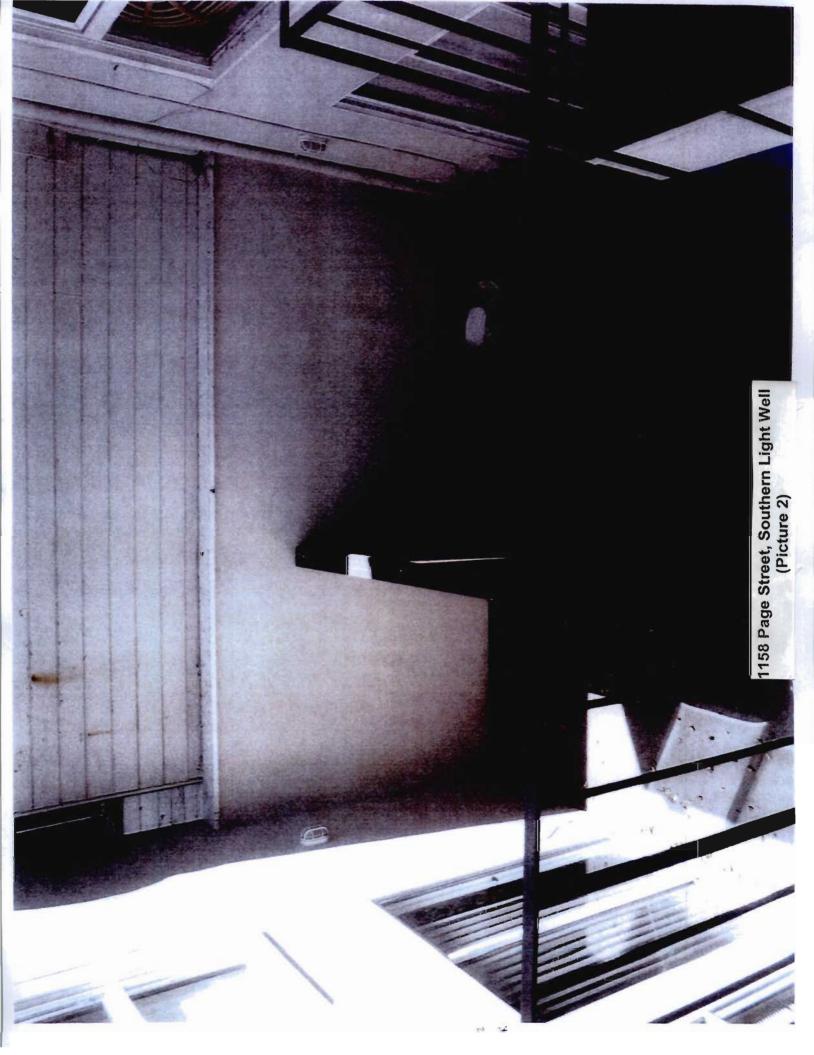


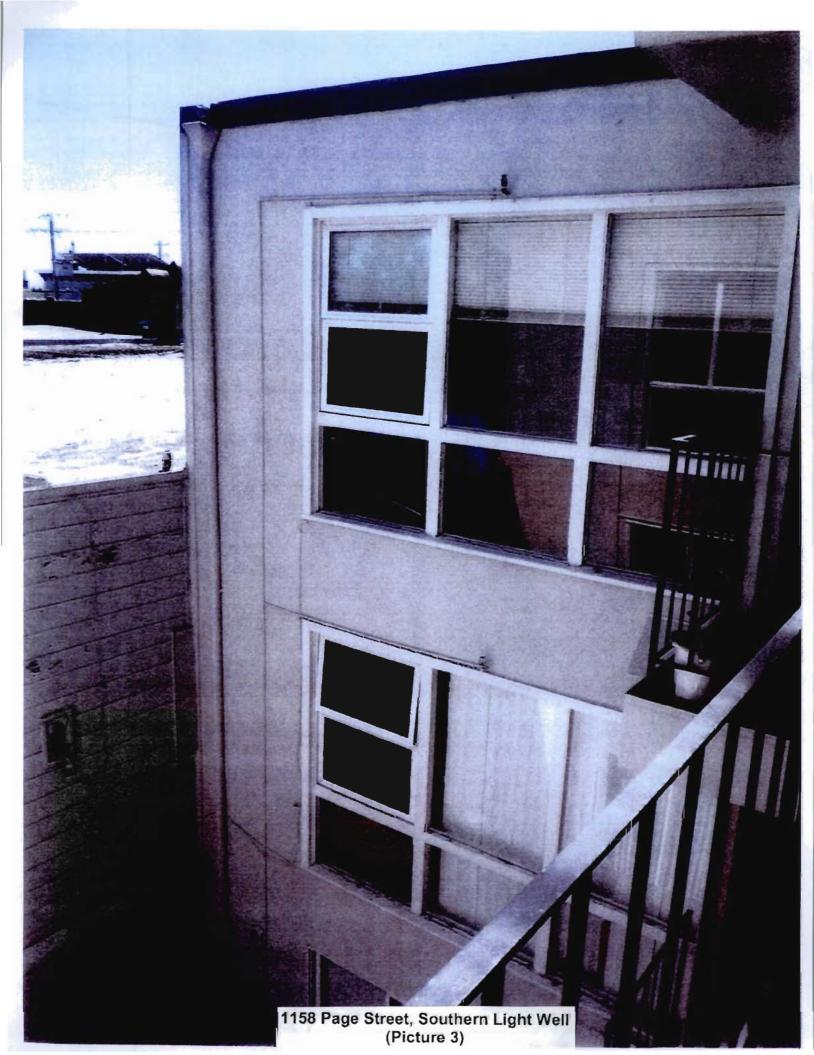


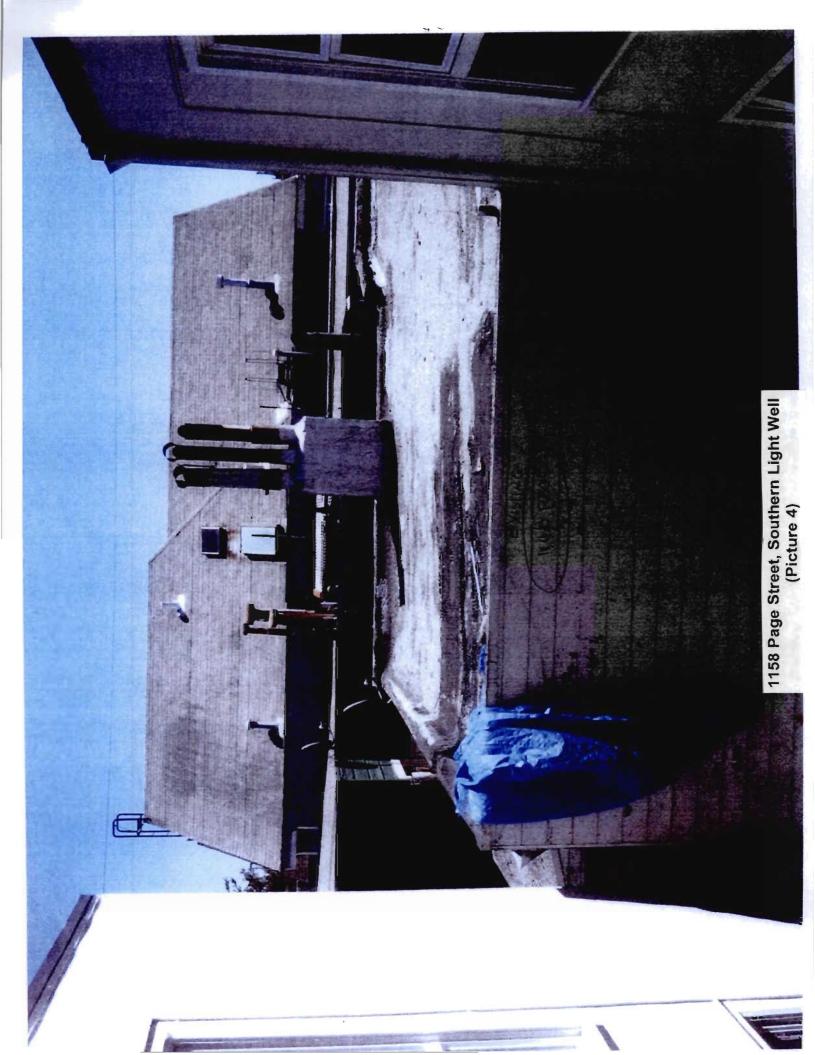












September 29, 2010

Mr. Ron Miguel, President San Francisco Planning Commission 1650 Mission Street, Sulte 400 San Francisco, CA 94103-2414

RE: 1140 PAGE STREET: RESPONSE TO D.R. APPLICATION

Dear President Miguel,

This letter is in response to points made by the D.R. Applicant in her 8/9/10 Application and accompanying letter. The D.R. Applicant's objection to our design centers on the perception that our proposed development will unreasonably impact her large "light courts". This is simply unfounded. 1158 Page Street was designed specifically with two large "light courts" (approximately 15 feet wide by 15 feet deep and 3 stories tall above the garage) to provide sufficient light and air to its own units and simultaneously to provide protection against the eventual build out of the subject lot at 1140 Page Street. This is where we find ourselves today.

The D.R. Applicant has made two demands: that we,

- provide matching light wells against her "light courts" and that we
- relocate our stair penthouse closest to her southern "light court" to minimize shading of her units.

Along the D.R. Applicant's southern light court we are already providing a matching light well (approximately 3'-10" deep) at the top story. In response to her second stated concern, we have also revised our design to reduce our adjacent stair penthouse to the minimal headroom to meet Building Code requirements. We have not, however, provided matching light welfs to her light courts, as they would prove very disruptive to the layout of our addition (we are already providing a large light well at the east side of our property and a 5' wide by 37' deep side yard which was required by RDT review) while providing minimal, if any, increased light to her units.

The Planning Department and Residential Design Team have made the findings that "no extraordinary circumstances" are created by our design (please see the RDT Review of 8/26/10) with respect to surrounding properties' access to light, air or privacy; and due to the size of the D.R. Applicant's light courts and Planning Commission precedent on similar cases regarding construction next to large light courts, no matching light wells are required.

We respectfully request you do not take D.R. and approve our design as is.

Sincerely yours,

Edward D. Morris, Architect ("Toby")
Principal, Kenman/Morris Architects, LLP

69A Water Street

Cc. Ms. Christina Olague, Commission Vice President

Cc. Mr. Michael J. Antonini, Commissioner

San Francisco CA 94 (33

Cc. Ms. Gwyneth Borden, Commissioner

Cc. Ms. Kathrin Moore, Commissioner

Tel 415 749-0302

Cc. Mr. Hisashi Sugaya, Commissioner

### RESIDENTIAL DESIGN TEAM REVIEW

					CA 94103-2479
DATE:	08/23/10	RDT MEETING D	ATE: 8/26/10		Reception:
PROJECT	T INFORMATION:				415.558.6378
	nner:	Aaron Starr			Fax: 415.558.6408
Ad	dress:	1140 Page Street			410.000.0400
Cro	oss Streets:	Broderick and Baker	Streets		Planning Information:
Blo	ck/Lot:	1219/011			415.558.6377
Zor	ning:	RM-2			
Hei	ight/Bulk District:	40-X			
BP	A/Case No.	2009.11.03.0476			
Pro	ject Status	□Initial Review	□Post NOPDR	☑DR Filed	

1650 Mission St.

Suite 400 San Francisco.

### PROJECT DESCRIPTION:

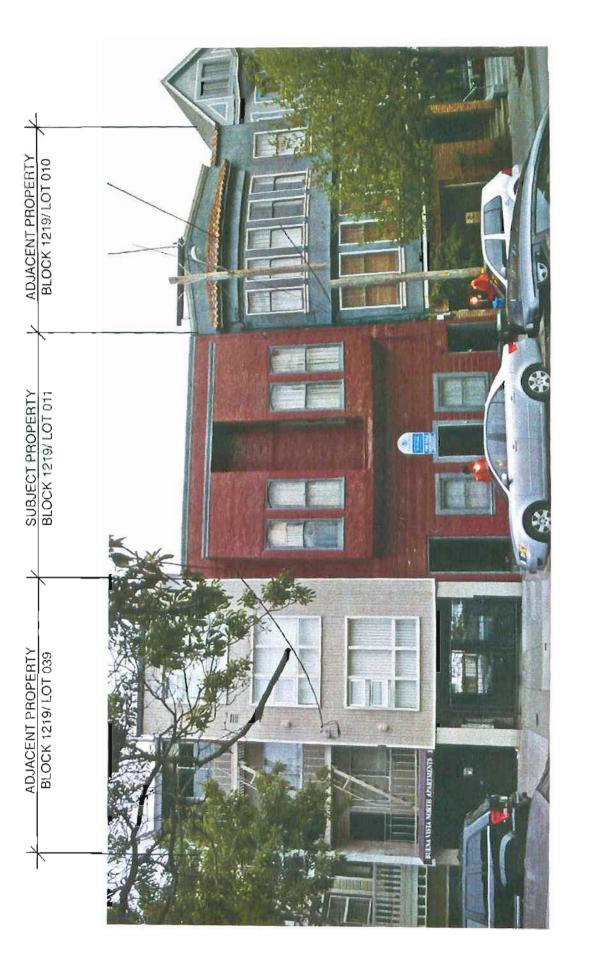
Rear horizontal addition, vertical addition and façade changes

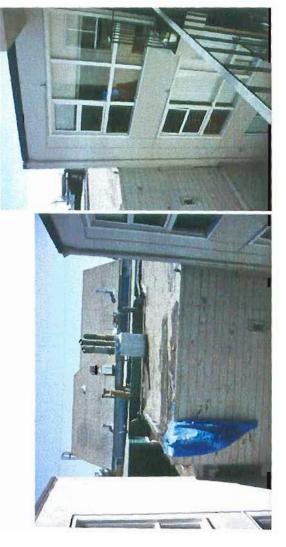
#### PROJECT CONCERNS:

DR filed. Issue with light well vs' light court.

#### RDT COMMENTS:

- The RDT would like the front stair penthouse to be reduced in size to the minimum required by the Building Code. (RDG, pg. 38)
- Due to the size of the DR Requestor's light courts (approximately 15'-0"x15'-0"), the height of the existing 2-story wall that is located adjacent to the light courts of the DR Requestor's property, and the Planning Commission's previous decisions about construction next to large light courts, the RDT does not find it necessary to provide a corresponding or matching light well. (RDG, pg. 16, 38).
- The RDT does not find the project to create any unusual impacts to surrounding properties' access to light, air, or privacy. (RDG, pg. 16, 17)
- The project does not contain or create any exceptional or extraordinary circumstances.
- Under the Commission's pending DR Reform Legislation, this project would not be referred to the Commission. As such, this DR warrants an Abbreviated DR Analysis.





1158 PAGE: FRONT LIGHTWELL APPBOXIMATELY 15'-0" WIDE AND 15'-0" DEEP

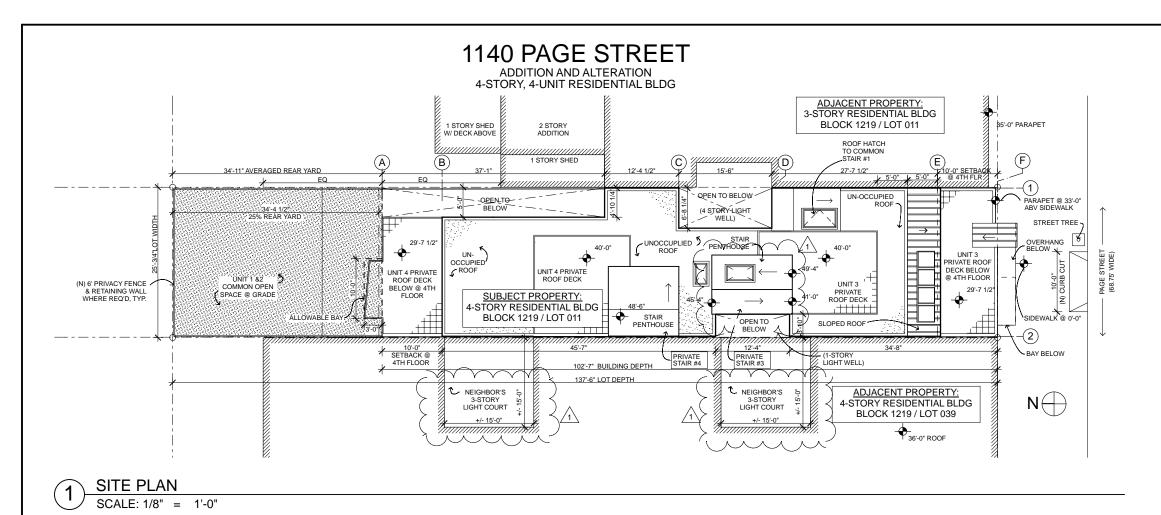




1158 PAGE: REAR LIGHTWELL APPROXIMATELY 15'-0" WIDE AND 15'-0" DEEP







#### PLANNING DEPARTMENT NOTES:

PROJECT LOCATION: 1140 Page Street, Block 1219/ Lot 011

ZONING DISTRICT: RM-2

HEIGHT DISTRICT: 40-X

LOT SIZE: 3,437,5 sf

CURRENT USE: R-3, (e) single-family residence

PROPOSED USE: R-2 over U, addition/alteration resulting in a 4-unit residential building with off-street parking (4 stacker spaces) @ street level.

DENSITY: Per SFCP Section 207.1, (1) dwelling unit per 600 sf of lot area.

Front Setback: Per SFPC Section 132, average between adjacent neighbors. (E) front

Rear Yard: 45% of lot depth, but not less than 25%. Per SFPC Section 134 (c)(1), proposed rear yard is averaged between adjacent neighbor's rear yards. 25.4% rear yard

USABLE OPEN SPACE: Per SFPC Section 135, 80 sq private or 106,4 sf common open space required. Common open space provided for Unit 1 & 2 @ rear yard (873 SF). Unit 2 has a additional private roof deck at the second floor (38 SF). Units 3 & 4 have private roof decks at the 4th floor and roof level of > than 80 sf.

PARKING: Per SFPC Section 150, 1 space / dwelling unit required. 4 spaces required

## **GROSS BLDG SQUARE FOOTAGE:**

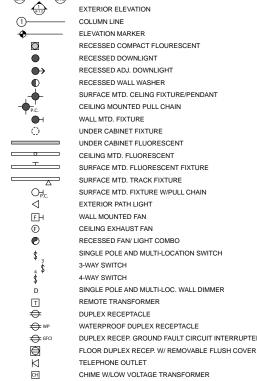
	(E)	(E)	PROPOSED PROPOSED		
	RSDNTL	GARAGE	RSDNTL	GARAGE	TOTAL
1ST FLR	1,170	0	1,524	775	2,299
2ND FLR	1,216	0	2,297	0	2,297
3RD FLR	0	0	2,315	0	2,315
4TH FLR	0	0	1,761	0	1,761
TOTAL	2386 sf	0	7,897 sf	775 sf	8,672 sf

#### **ABBREVIATIONS:**

#	NUMBER AT	JT	JOINT
AB ADJ ALT AFF APPROX ASPH	ANCHOR BOLT ADJACENT ALTERNATE ABOVE FINISH FLOOR APPROXIMATE ASPHALT	LAV MAX MIN MFR MTL (N) NIC	LAVATORY  MAXIMUM MINIMUM MANUFACTURER METAL NEW NOT IN CONTRACT
BLDG BTWN BOT	BUILDING BETWEEN BOTTOM	NO/# NTS	NUMBER NOT TO SCALE
CAB CEM CLR CMU	CABINET CEMENT CLEAR CONCRETE MASONRY UNIT	OC OPNG OPP PL PLY	ON CENTER OPENING OPPOSITE  PROPERTY LINE PLYWOOD
COL CONT CTR CL CER CLG CONC	COLUMN CONTINUOUS CENTER CENTER LINE CERAMIC CEILING CONCRETE	PTDF PLAM PTD PTN R	PRESSURE TREATED DOUGLAS FIR PLASTIC LAMINATE PAINTED PARTITION RISER
DBL DEPT DIA DF DH DIM DN	DOUBLE DEPARTMENT DIAMETER DOUGLAS FIR DOUBLE HUNG DIMENSION DOWN	REF REFR RWD REINF RO RWL REQ SIM	REFERENCE REFRIGERATOR REDWOOD REINFORCED ROUGH OPENING RAIN WATER LEADER REQUIRED SIMILAR
DS DTL DWG	DOWNSPOUT DETAIL DRAWING	SHT SOG SPEC STD STRL	SHEET SLAB ON GRADE SPECIFICATION STANDARD STRUCTURAL
(E) EA ELEC EL EQ EXT FDN FIN	EXISTING EACH ELECTRICAL ELEVATION EQUAL EXTERIOR FOUNDATION FINISH	SUSP SYM TRD T&G THK TOS TP	SUSPENDED SYMMETRICAL TREAD TONGUE AND GROOVE TRICK TOP OF SLAB TOILET PAPER TOWEL BAR
FIN FLR FLUOR FOC FOS FTG FOF	FINISH FLOOR FLUORECENT FACE OF CONCRETE FACE OF STUD FOOTING FACE OF FINISH	TB TYP UON VERT VIF W/ W/O	UNLESS OTHERWISE NOTED VERTICAL VERYIFY IN FIELD WITH WITHOUT
GALV GFIC GND GYP GWB	GALVANIZED GROUND FAULT INTERRUPT CIRCUIT GROUND GYPSUM GYPSUM WALL BOARD	WC WDW WP WT WD WH	WATER CLOSET WINDOW WATERPROOF WEIGHT WOOD WATER HEATER
HORZ HT	HORIZONTAL HEIGHT		
INSUL INT	INSULATION INTERIOR		

PLNG R3 FOR D.R. 9/8/2010

# LEGEND:



(E) ONE-HOUR WALL

BLDG/ WALL SECTION

SURFACE MTD. CELING FIXTURE/PENDANT

SURFACE MTD. FLUORESCENT FIXTURE

SINGLE POLE AND MULTI-LOC, WALL DIMMER

DUPLEX RECEP. GROUND FAULT CIRCUIT INTERRUPTER

CHIME W/I OW VOLTAGE TRANSFORMER

TV CABLE TV DOOR BUZZE

① INTERCOM (D) IN SINK DISPOSAL  $\boxtimes_{\mathsf{SD}}$ 

EXIT

SMOKE DETECTOR (AC POWERED W/ BATTERY BACK UP) LIGHTED EXIT SIGN W/ BATTERY BACK-UP PER UBC SEC. 1013

# **DESCRIPTION OF WORK:**

**TITLE 24 COMPLIANCE:** 

Title-24 Mandatory Measures

This work consists of a substantial remodel and addition to transform an existing 2-story, singlefamily residence of Type V-B wood construction into a 4-story, 4-unit residential building of Type V-A wood construction. 4 stacker parking spaces provided in ground floor garage.

All work to comply with Title-24 Mandatory Measures including but not limited to: R-13 min.

ioints and penetrations caulked and sealed: 50% minimum high efficacy lighting in kitchens

insulation in all new/rebuilt exterior walls: R -19 min, insulation in all new/rebuilt roofs: R-13 raised

floor insulation in all new/rebuilt wood framed floors; double insulated doors and window products

with certified U-value and infiltration certification; exterior doors and windows weatherstripped; all

(separately switched); high efficacy lighting in bathrooms, garage, laundry room and utility rooms (or manual-on occupancy sensor); all other rooms, lighting to be high efficacy, manual-on

occupancy sensor, or dimmer. All recessed incandescent ceiling fixtures to be IC approved. All

recessed fluorescents to be ICAT rated. Outdoor lighting to be high efficacy or motion sensor with photocontrol. All exterior lights to be high efficacy or to be controlled by a montion sensor with photo cell per CEC 150(k)6. See attached compliance sheets on A-0.2, project notes, product information and drawings for project specific insulation levels and energy efficiency provisions.

1140 PAGE STREET

MORRIS

69A WATER STREET SAN FRANCISCO CALIFORNIA 94133 TEL. 415.749.0302

EE APP - 10/16/09 SITE PERMIT - 11/2/09

1140 PAGE STREET

ADDITION & ALTERATION

BLOCK 1219 / LOT 011

SITE PLAN

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Rerman/MorrisArchitects a not be used on any other v except by written agreeme

The Contractor shall verify all

These drawings are an industry standard builders set for building permit and to assist the contract in construction. The drawings show limited and only representative typical details. SPECIFICALLY EXCLUDED FROM THE SCOPE OF DESIGN SERVICES AND AS INDICATED INTHESE PLANS ARE ALL WATERPROFING DETAILS DESIGN, WHICH ARE THE RESPONSIBILITY OF THE

All work to comply with current local and state codes including, but not limited to: the 2007 Edition of the California Building Code, the California Plumbing Code, the California Mechanical Code, the California Electrical Code and the California Fire Code, the current editions of the San Francisco Building and Planning Codes, Title-24 Energy Standards, etc..

# **BUILDING DATA:**

**LOCATION MAP:** 

JOHN AND SUE HARTY OWNERS: TEL: (415) 716 -0093

LOT SIZE: 3437.5.SO FT SFBC OCCUPANCY CLASS: R-2 OVER U CONSTRUCTION TYPE: TYPE V-A, 1-HOUR

BLOCK/LOT:

KERMAN MORRIS ARCHITECTS

BLOCK 1219 / LOT 011

69A WATER STREET SAN FRANCISCO, CA 94133 T: (415) 749-0302 F: (415)928-5152

### INDEX OF DRAWINGS

SURVEY

EXISTING/DEMO FIRST & SECOND FLOOR PLAN A-1.1

EXISTING/DEMO ROOF PLAN A-1.2 EXISTING/DEMO ELEVATIONS A-1.3

A-2.1 FIRST & SECOND FLOOR PLANS THIRD & FOURTH FLOOR PLANS

A-2.2 A-2.3 ROOF PLAN

FRONT & REAR ELEVATIONS

A-3.2 EAST ELEVATION

WEST ELEVATION A-3.3

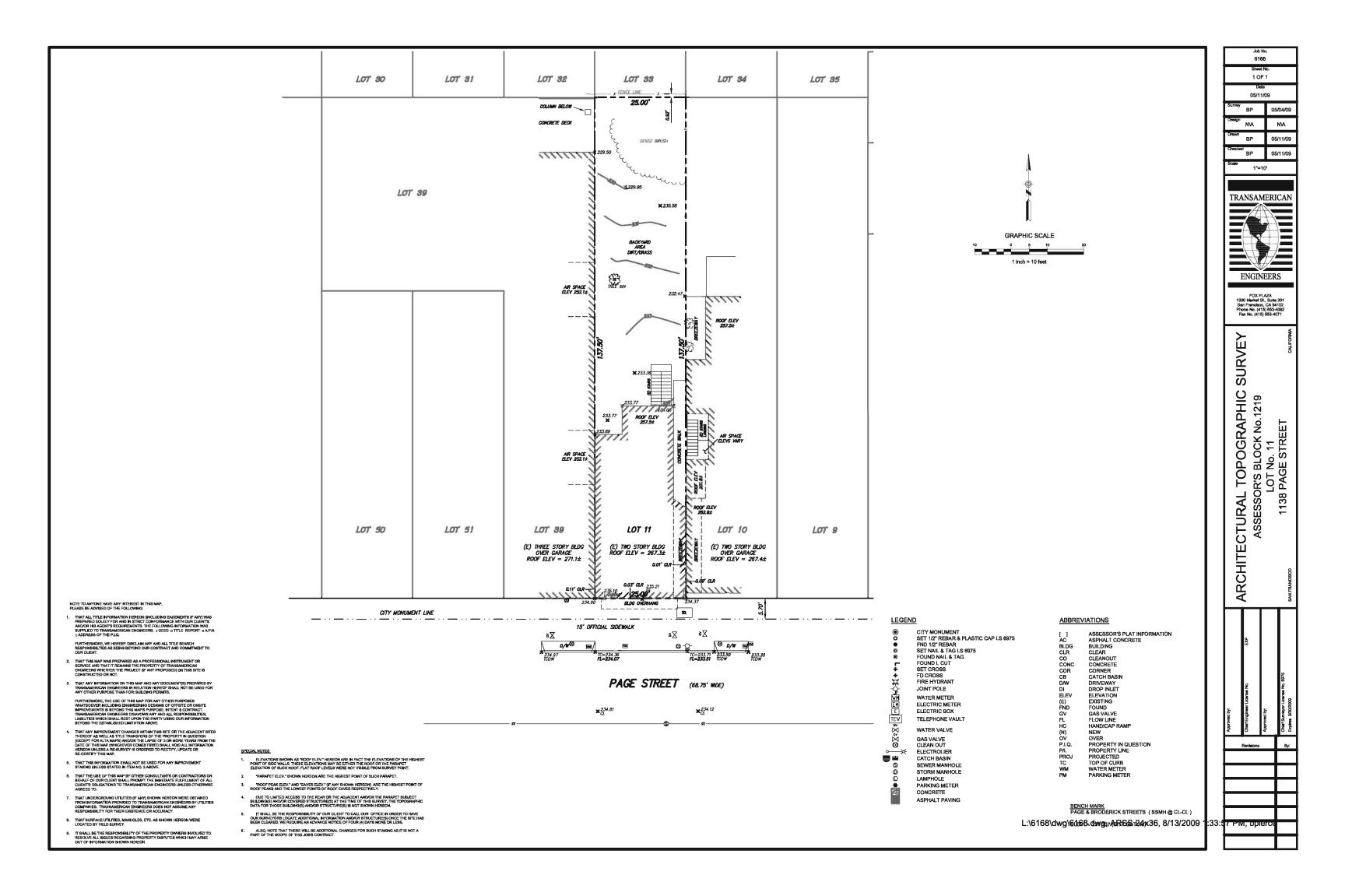
A-3.4 SECTION A-3.5 CROSS SECTIONS

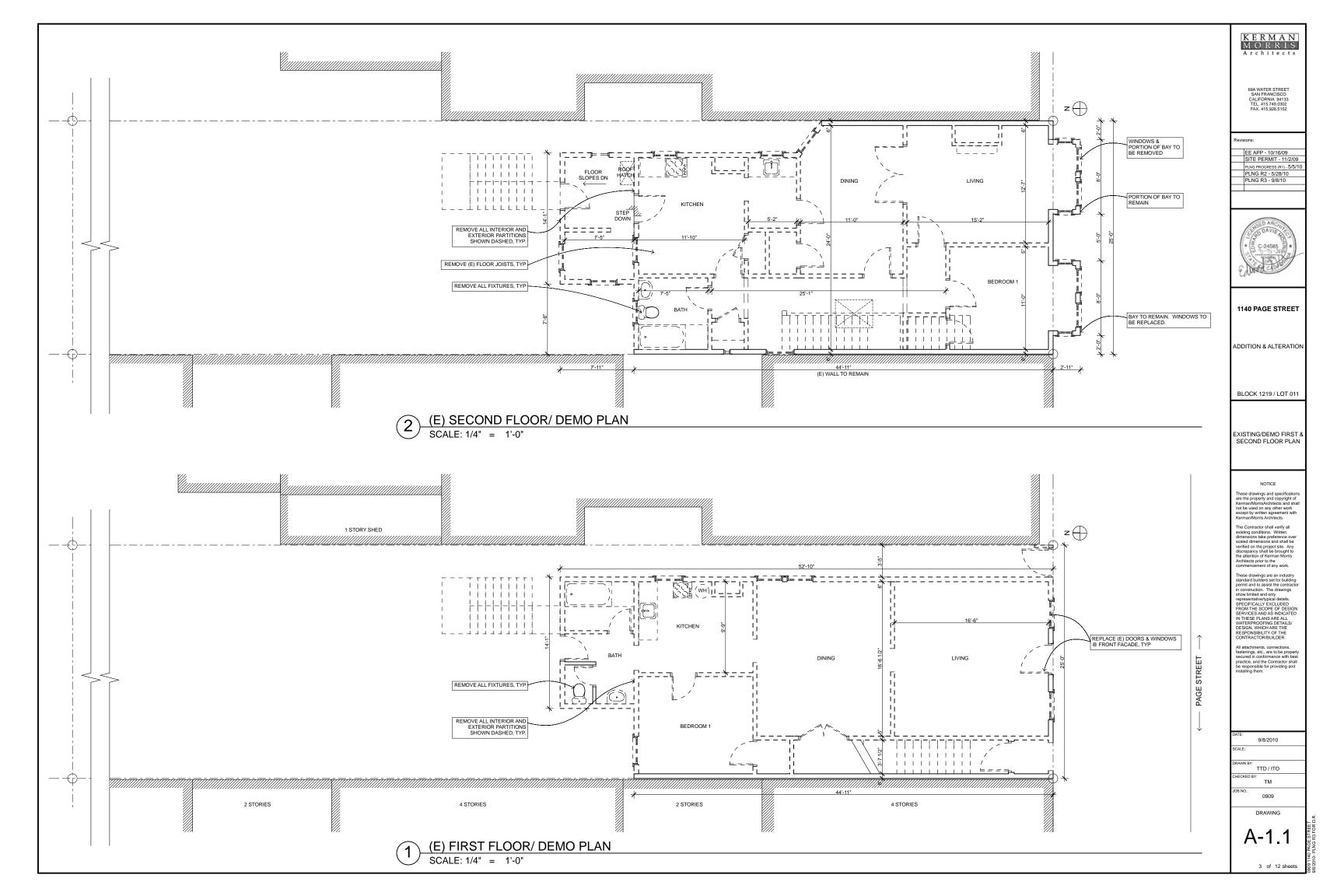
A-3.6 SITE LINE ANALYSIS

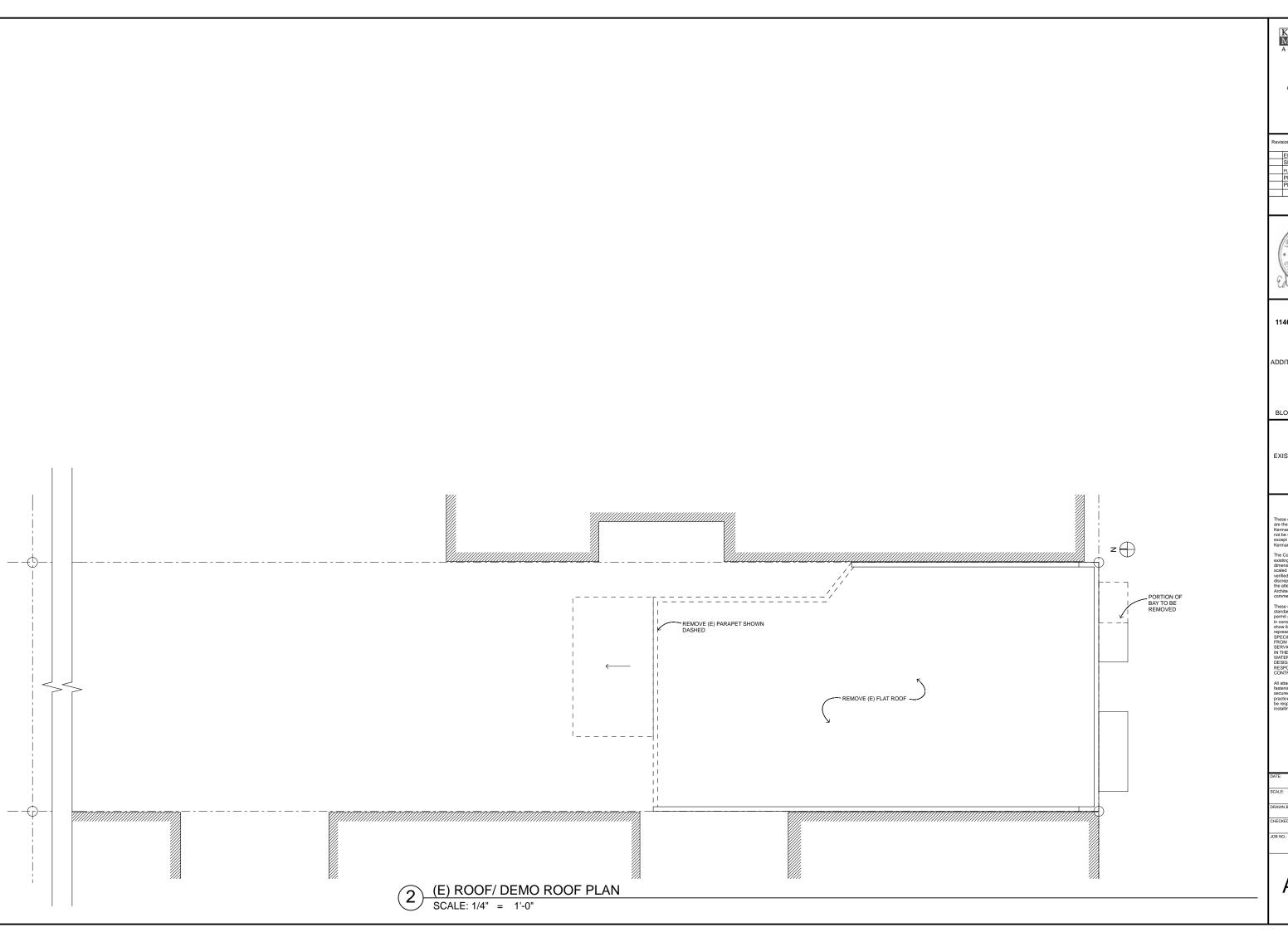
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TTD







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ADDITION & ALTERATION

BLOCK 1219 / LOT 011

EXISTING/DEMO ROOF PLAN

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Kerman/Morris Architects.

The Contractor shall verify all existing conditions. Written dimensions and shall be verified on the project site. Any discrepancy shall be brought to the attention of Kerman Morris Architects prior to the commencement of any work.

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SPECIFICALITY EXCLUDED FROM THE SCOPE OF DESIGN SERVICES AND AS INDICATED IN THESE PLANS ARE ALL WATER PROCPING DETAILS') DESIGN, WHICH ARE THE RESPONSIBILITY OF THE CONTRACTOR BUILDER.

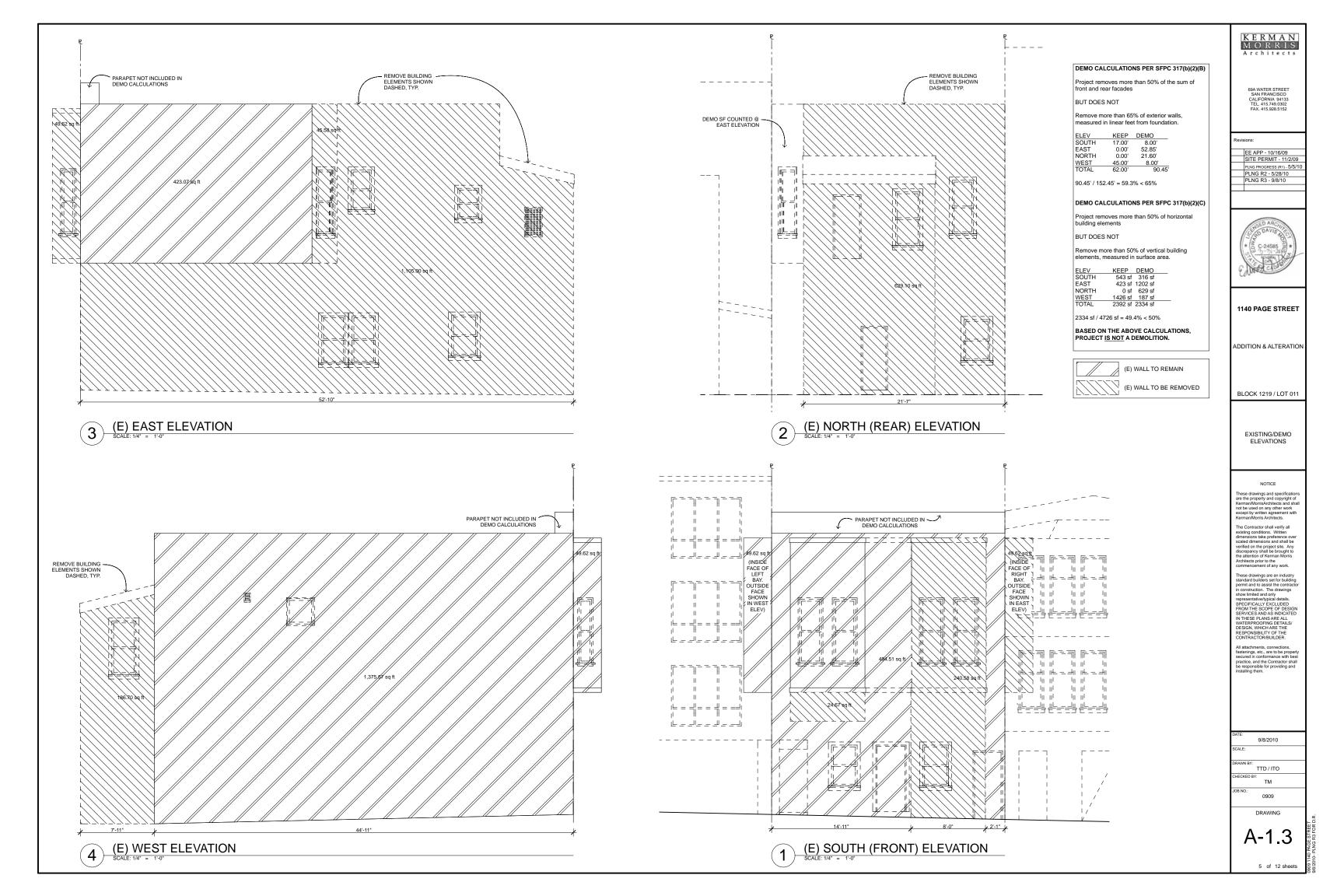
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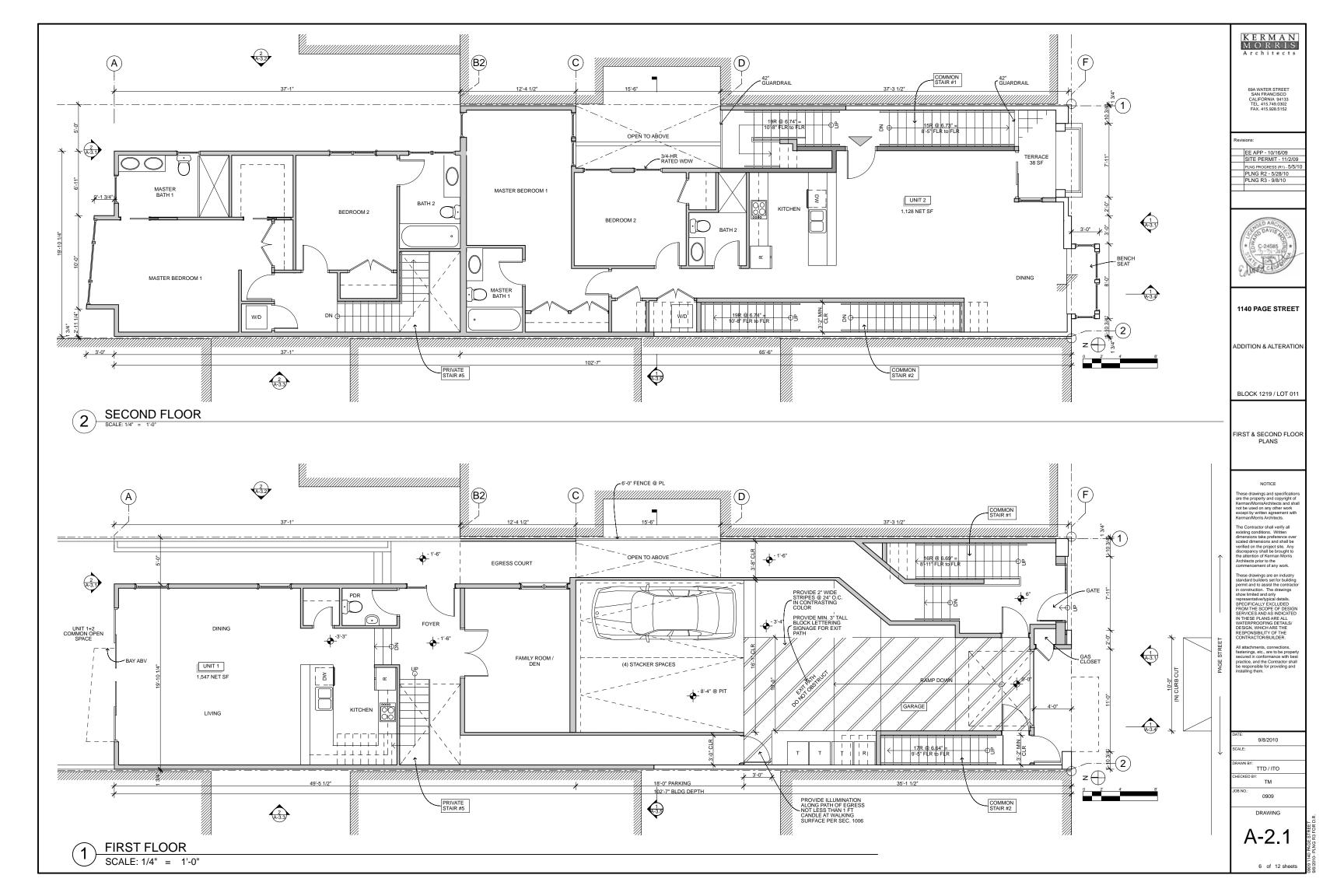
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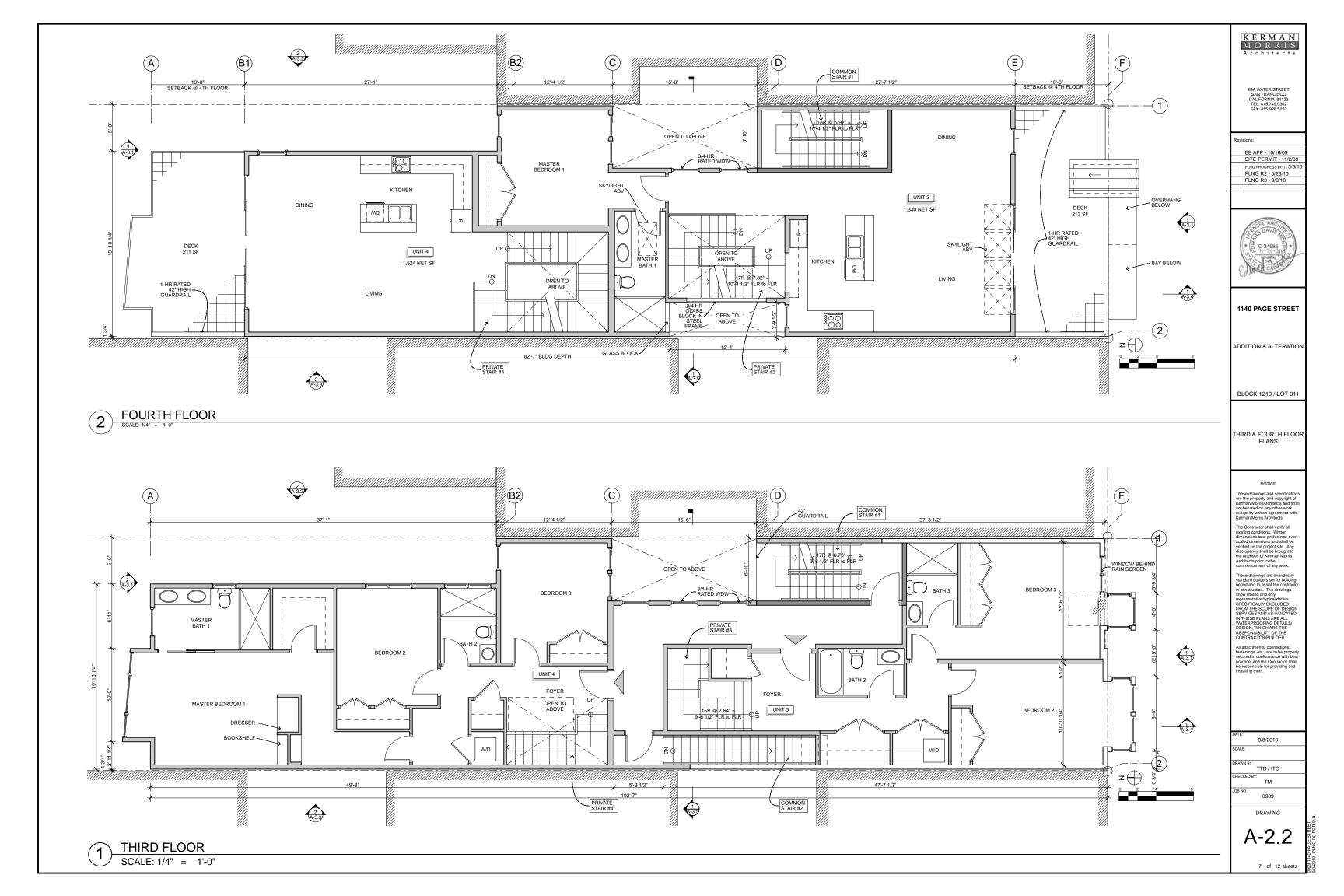
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DRAWING







**B2** (C) E **B1**) (D) FIRE DEPT ROOF ACCESS: ROOF HATCH TO COMMON STAIR #1 (A)SET BACK @ 4TH FLOOR SET BACK @ 4TH FLOOR OPEN TO BELOW OPEN TO BELOW (4 STORY LIGHT WELL) UNOCCUPIED ROOF 2 A-3.1 42" HIGH OPEN METAL GUARDRAIL UNOCCUPLIED ROOF SKYLIGHT 42" HIGH OPEN METAL -GUARDRAIL UNIT 3 PRIVATE ROOF DECK BELOW @ 4TH FLOOR UNIT 4 PRIVATE ROOF DECK 223 SF UNIT 3 PRIVATE ROOF DECK 212 SF UNIT 4 PRIVATE ROOF DECK BELOW @ 4TH FLOOR 24'-8" PRIVATE STAIR #3 13.5 2 A-3.3 **ROOF PLAN** SCALE: 1/4" = 1'-0"

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BLOCK 1219 / LOT 011

ROOF PLAN

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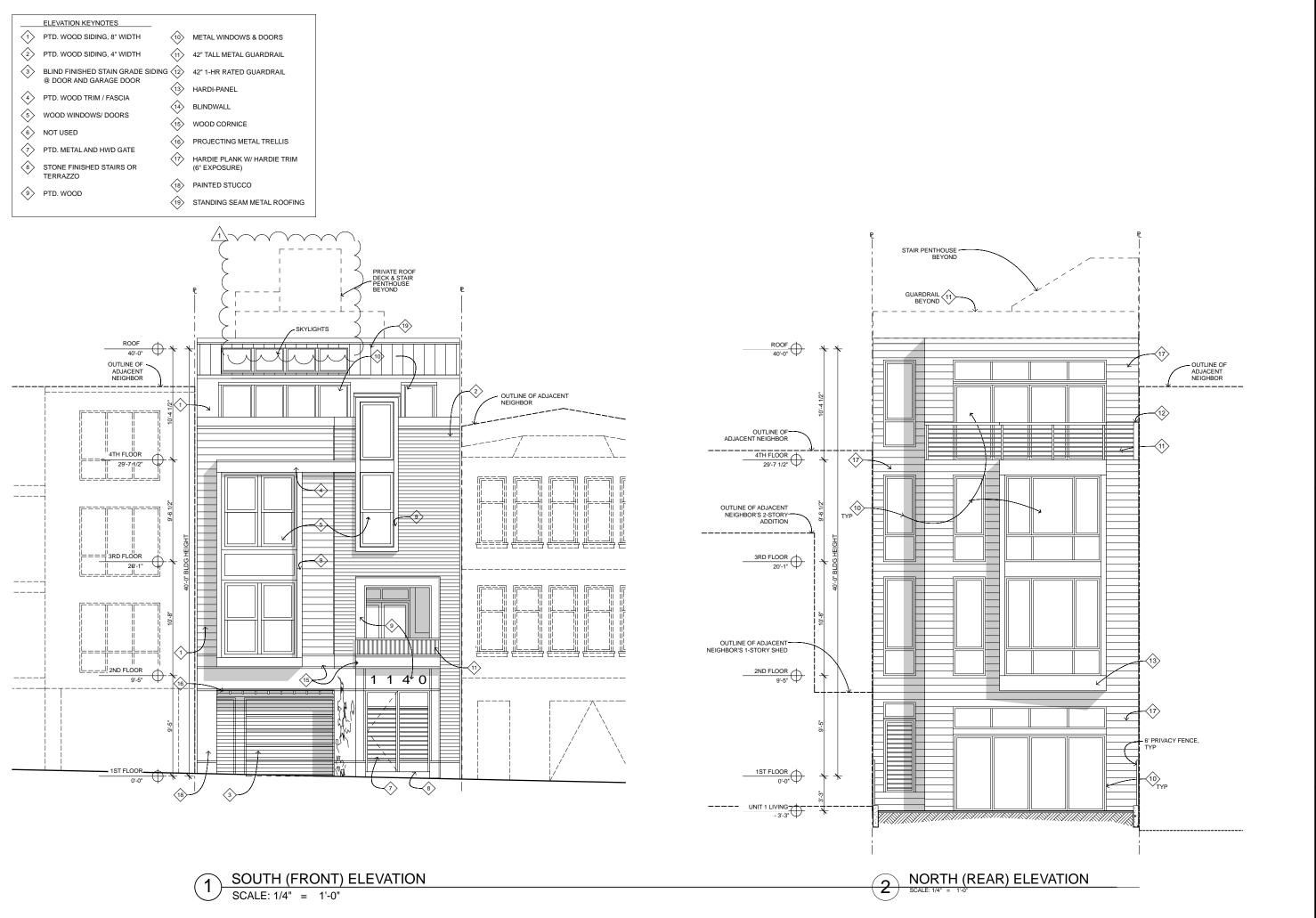
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A-2.3



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ADDITION & ALTERATION

BLOCK 1219 / LOT 011

FRONT & REAR ELEVATIONS

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All attachments, connections, fastenings, etc., are to be properly secured in conformance with besi practice, and the Contractor shall be responsible for providing and installing them.

9/8/2010

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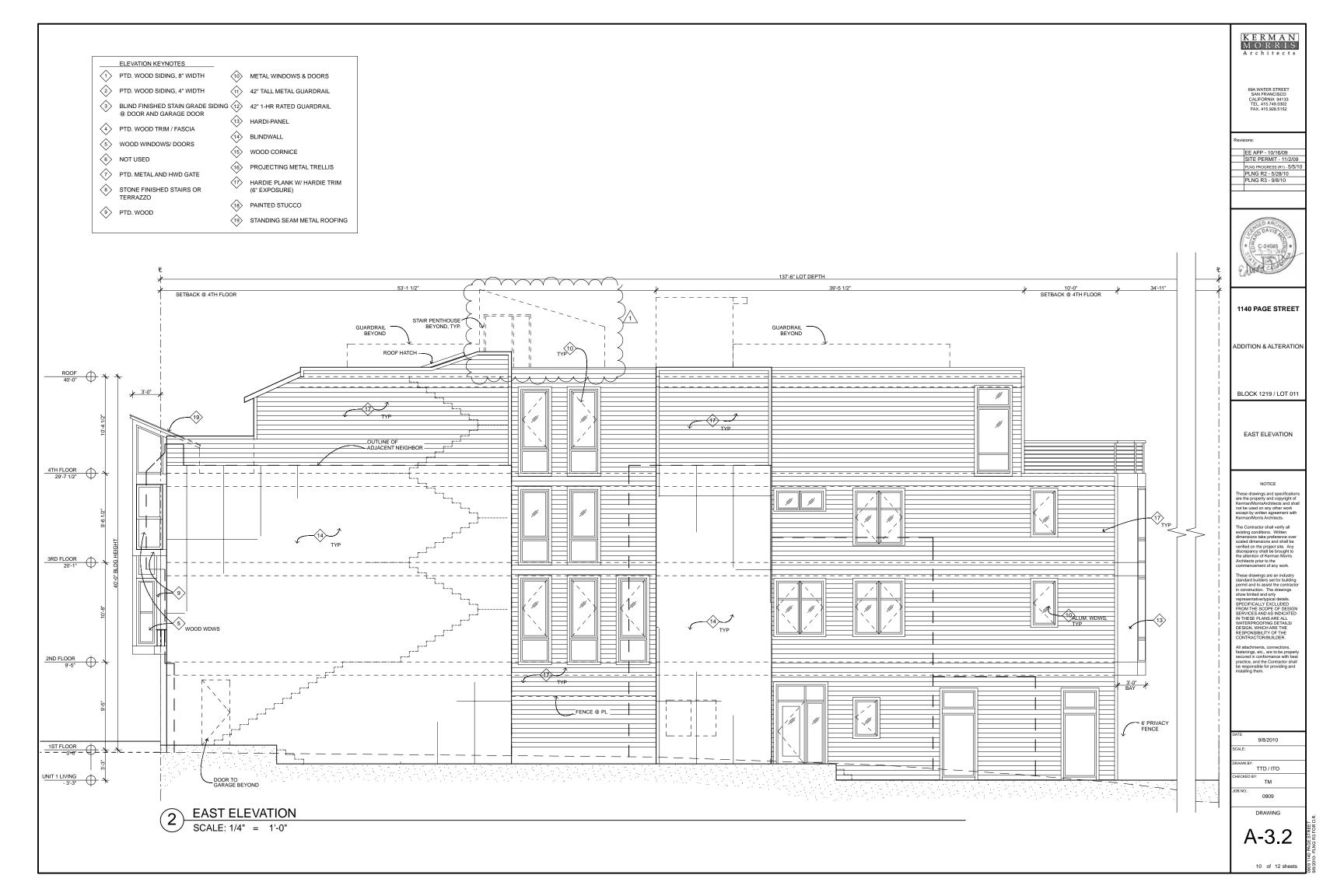
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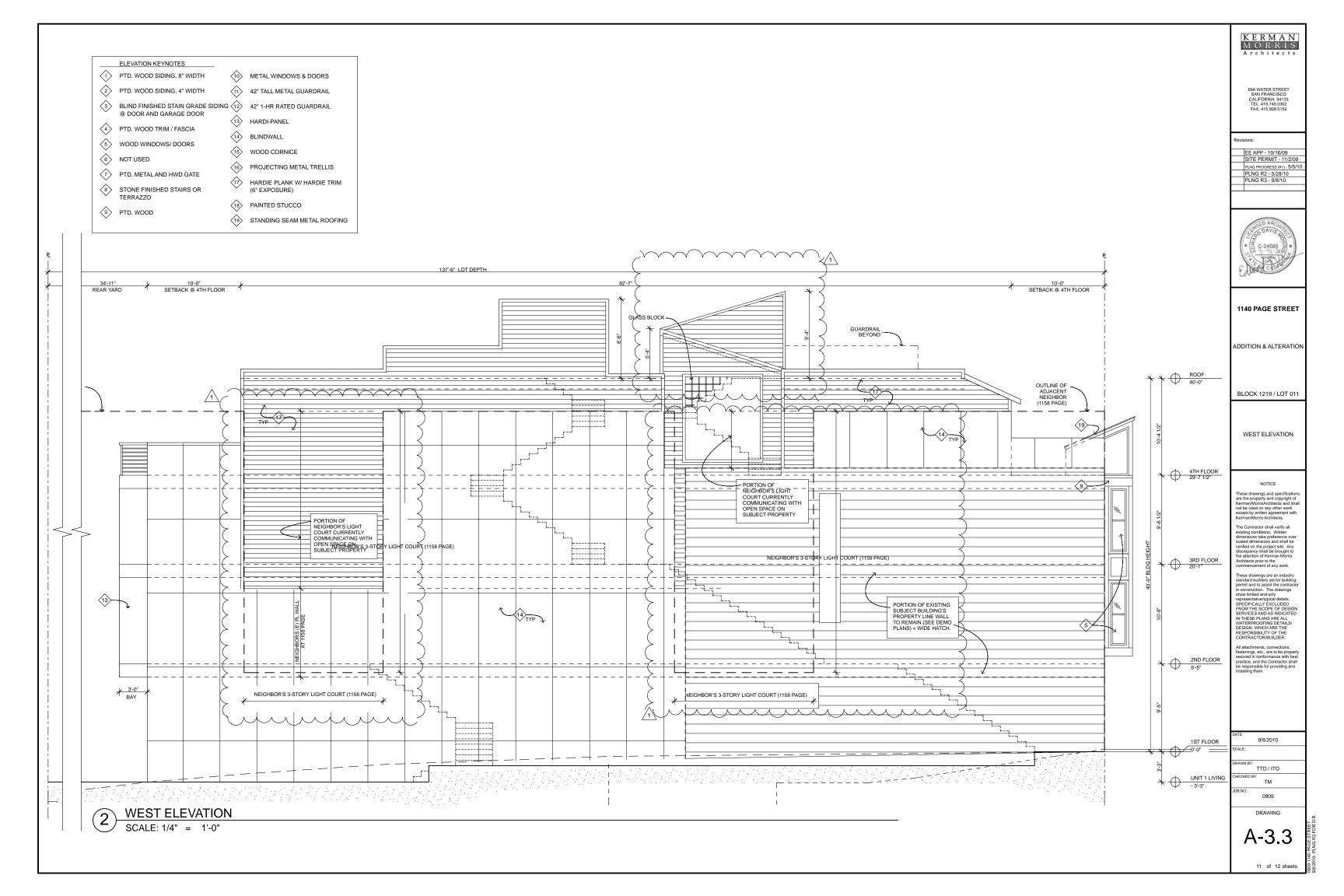
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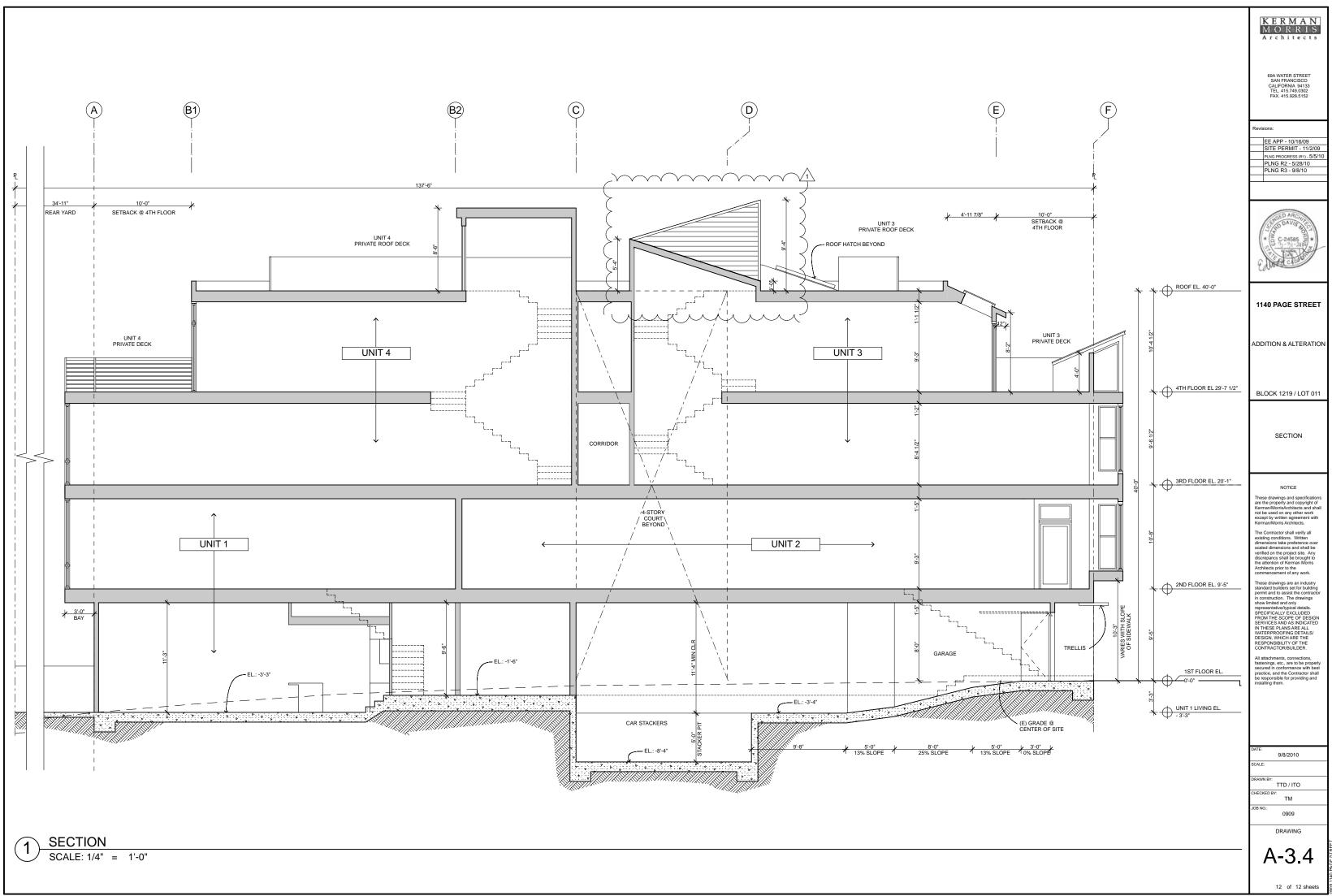
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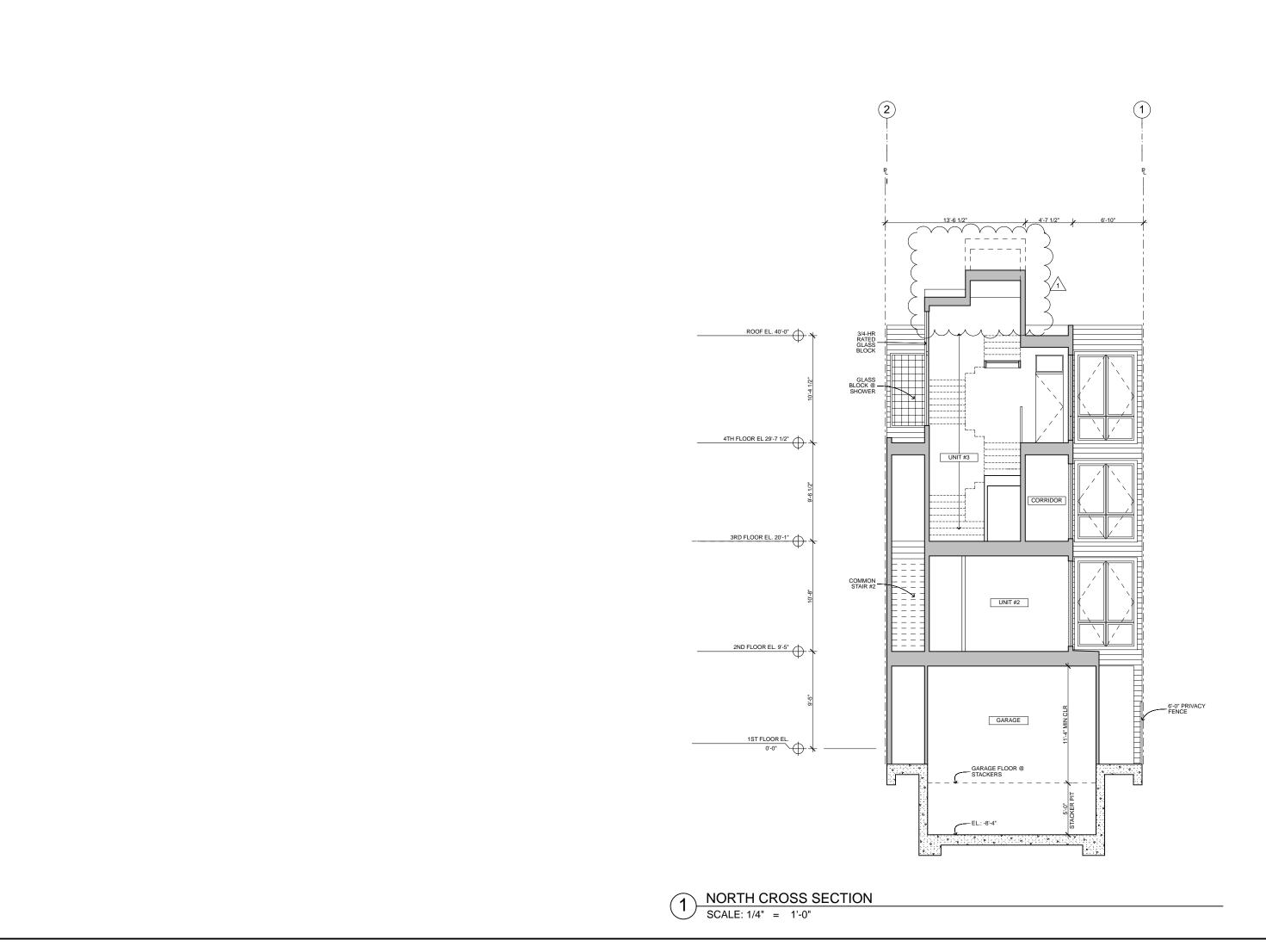
A-3.1

of 12 sheets









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EE APP - 10/16/09 SITE PERMIT - 11/2/09 PLNG PROGRESS (R1) - 5/5/10 PLNG R2 - 5/28/10 PLNG R3 - 9/8/10



1140 PAGE STREET

ADDITION & ALTERATION

BLOCK 1219 / LOT 011

CROSS SECTIONS

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9/8/2010

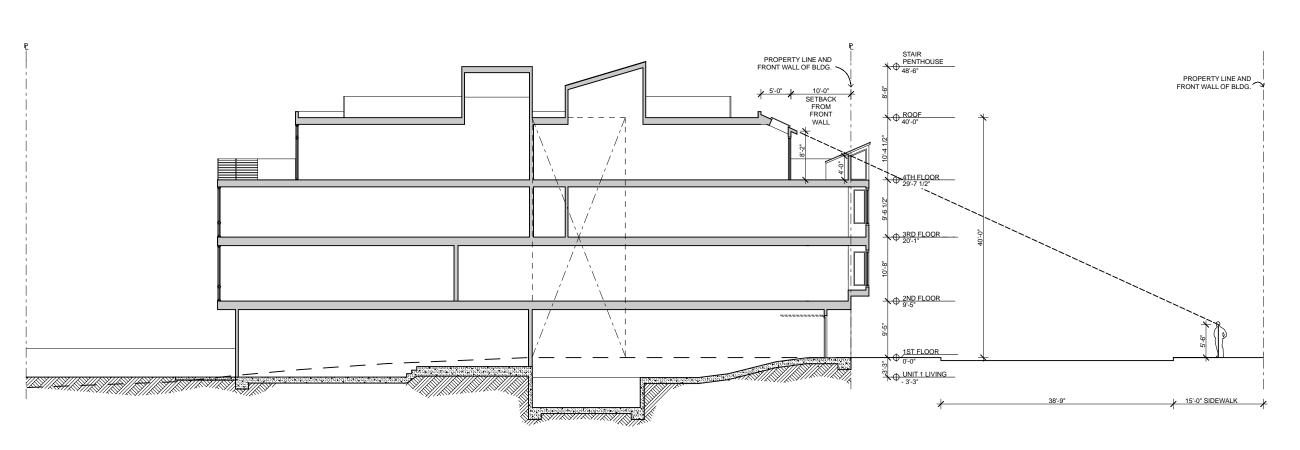
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TM

JOB NO.: 0909

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A-3.5

of 12 sheets



SITE LINE ANALYSIS

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

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1140 PAGE STREET

ADDITION & ALTERATION

BLOCK 1219 / LOT 011

SITE LINE ANALYSIS

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9/8/2010

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14 of 12 sheets