



## DISCRETIONARY REVIEW ABBREVIATED ANALYSIS

**HEARING DATE:** October 14, 2021

**Record No.:** 2021-000822DRP/VAR  
**Project Address:** 486 Duncan  
**Permit Application:** 2021.0629.3457  
**Zoning:** RH-2 [Residential House-Two Family]  
40-X Height and Bulk District  
**Block/Lot:** 6591 / 021  
**Project Sponsor:** Ashley Reese  
1870 38th Avenue  
San Francisco, CA 94122  
**Staff Contact:** David Winslow – (628) 652-7335  
[david.winslow@sfgov.org](mailto:david.winslow@sfgov.org)

**Recommendation:** Do Not Take DR and Approve

### Background

This project was first heard by the Planning Commission on June 4, 2020 as a public request for Discretionary Review (DR) of a deck over an existing non-complying two-story structure, of which a portion encroached 7'-2" into the required rear yard. Per Zoning Administrator interpretation 188 3/2001, decks with open railings may be built on top of existing non-complying structures.

The original proposal had a 179 sq. ft. deck that abuts a bedroom set back 5'-0" from the adjacent property line to the east, and 4'-1" from the adjacent property line to the west. The Planning Commission approved (5-0) by taking DR to:

1. reduce the size of the deck by setting it back 3 feet from the west and north sides; 2 feet from the east side and;
2. Install a 42" privacy screen.

At a Board of Appeals hearing on November 4, 2020 the demolition and reconstruction of the existing rear structure without permit at for 486 Duncan became known. The demolished pop-out was rebuilt in the exact footprint and overall height as before and is proposing a deck with the same dimensions and setbacks as

previously approved. The project sponsor subsequently filed for a building permit to legalize the rebuilt portion on June 29, 2021, which also requires a Variance.

## **Project Description**

The project proposes to legalize re-construction of a 2-story non-complying structure with a deck which extends partially in the required rear yard of a single-family house.

## **Site Description and Present Use**

The site is a 26'-2" wide x 114' deep lateral sloping lot with an existing 2-story plus gabled attic (at the street) home built in 1906 and is categorized as a 'B' – Age Eligible potential Historic Resource present

## **Surrounding Properties and Neighborhood**

This property is a key lot in that it abuts the rear yards of buildings fronting Noe Street. The buildings on this block of Duncan and Noe are generally 2-stories at the street face and 3- to 4 stories at the rear due to the downslope of the lots. The rear walls of the buildings align to create a fairly defined and consistent mid-block open space, but as with many key lot situations rear yards become constrained

## Building Permit Notification

Type	Required Period	Notification Dates	DR File Date	DR Hearing Date	Filing to Hearing Date
10-day Notice	10 days	July 22, 2021– August 2, 2021	August 2, 2021	10.14. 2021	73 days

## Hearing Notification

Type	Required Period	Required Notice Date	Actual Notice Date	Actual Period
Posted Notice	20 days	September 25, 2021	September 25, 2021	20 days
Mailed Notice	20 days	September 25, 2021	September 25, 2021	20 days
Online Notice	20 days	September 25, 2021	September 25, 2021	20 days

## Public Comment

	Support	Opposed	No Position
Adjacent neighbor(s)	0	1	0
Other neighbors on the block or directly across the street	2	3	0
Neighborhood groups	0	0	0

## 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).

## DR Requestor

Robin Joy of 1411 Noe Street, adjacent neighbor to the west of the proposed project.

## DR Requestor's Concerns and Proposed Alternatives

The DR requestor contends that the lot configuration and relationship of adjacent properties is an exceptional and extraordinary circumstance that merits review of the serious impacts a deck would have on nearby properties. The deck itself would be built over a portion of a non-complying structure that was demolished and

rebuilt without a permit. Furthermore, they are concerned that the deck's location and design do not adequately conform to the Residential Design Guidelines:

*“Sensitively locate and screen rooftop features so they do not dominate the appearance of a building.”*

*“Articulate buildings to minimize impacts on light and privacy.”*

As the proposed deck would have direct sight lines into the DR requestor's house, including her bedroom.

### **Proposed alternative:**

1. Reduce the deck to a smaller Juliet sized balcony with inward swinging French doors to reduce privacy impacts.

See attached *Discretionary Review Application*, dated July 23, 2021.

## **Project Sponsor's Response to DR Application**

The proposed project should be approved because it is appropriate in size relative to other decks on the surrounding buildings in the block, and because it has already been extensively reviewed by the Department approved by The Planning Commission. The DR requestor has two decks twice the size of the proposed deck. The proposed deck is off a bedroom and sized so that it will not likely be used as gathering or party space. The DR requestor has benefitted from a variance that enables her home and deck to extend as far to the property line as it does since it was built on a substandard lot. A Juliet balcony is not a reasonable alternative where almost every other property has a rear facing deck.

See attached Response to Discretionary Review, dated August 31, 2021

## **Department Review**

The Department's-review of this project confirms that this meets the Residential Design Guidelines related to privacy with the conditions imposed from the previous DR approval because the previously approved deck, which is similar in size, if not smaller than other decks on adjacent properties is adjacent to a bedroom, modestly sized, and setback to minimize impacts to the neighbors with respect to noise and privacy.

Therefore, staff deems there are no exceptional or extraordinary circumstances.

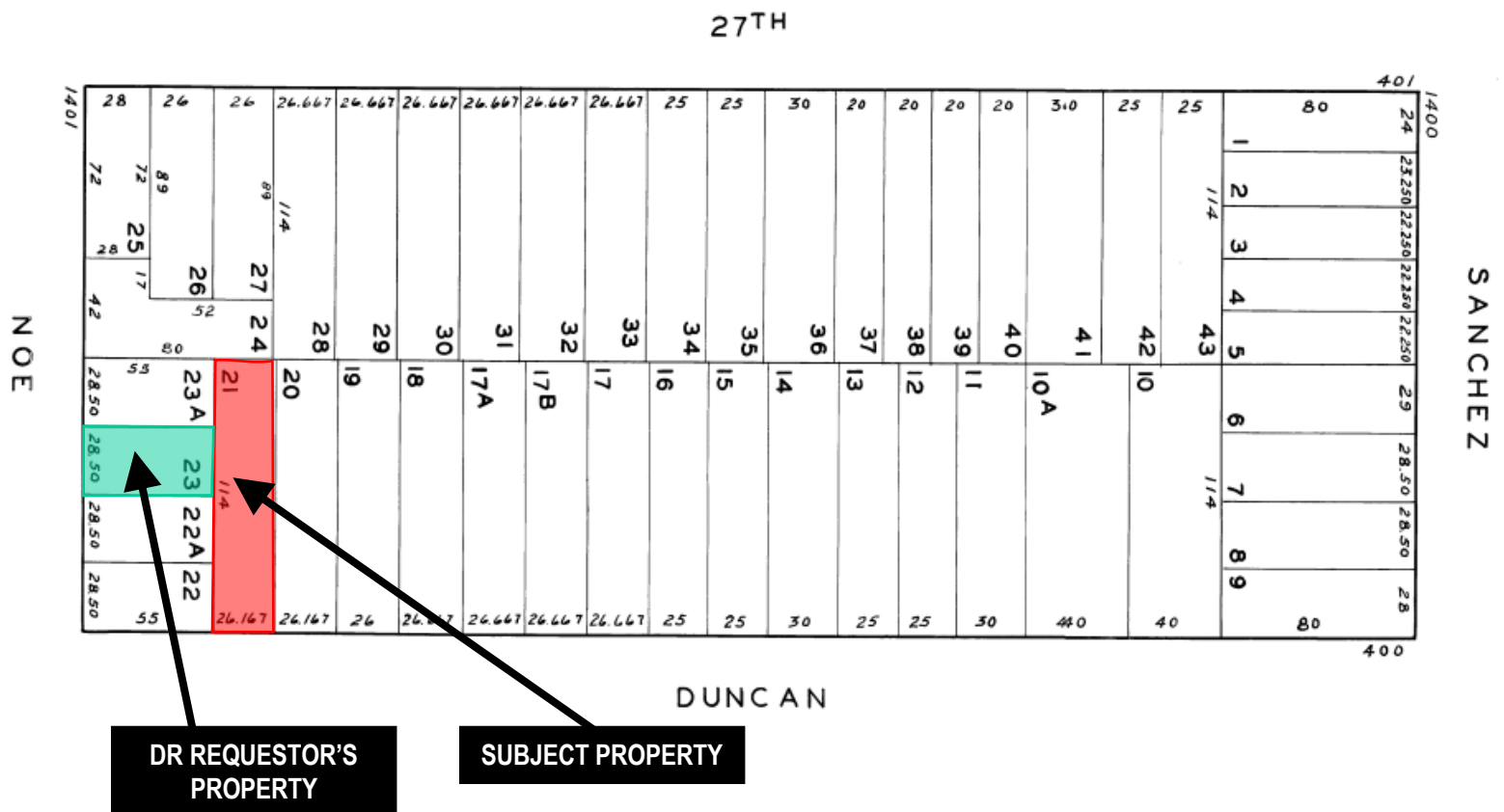
**Recommendation:** Do Not Take DR and Approve

## **Attachments:**

Block Book Map  
Sanborn Map  
Zoning Map  
Aerial Photographs  
Context Photographs  
10-day Notice  
CEQA Determination  
DR Application  
Letters of opposition  
Response to DR Application, dated August 31, 2021  
Brief  
letters of support  
Original plan set dated 10.16.2019  
Variance plan set, dated 4.30.2021

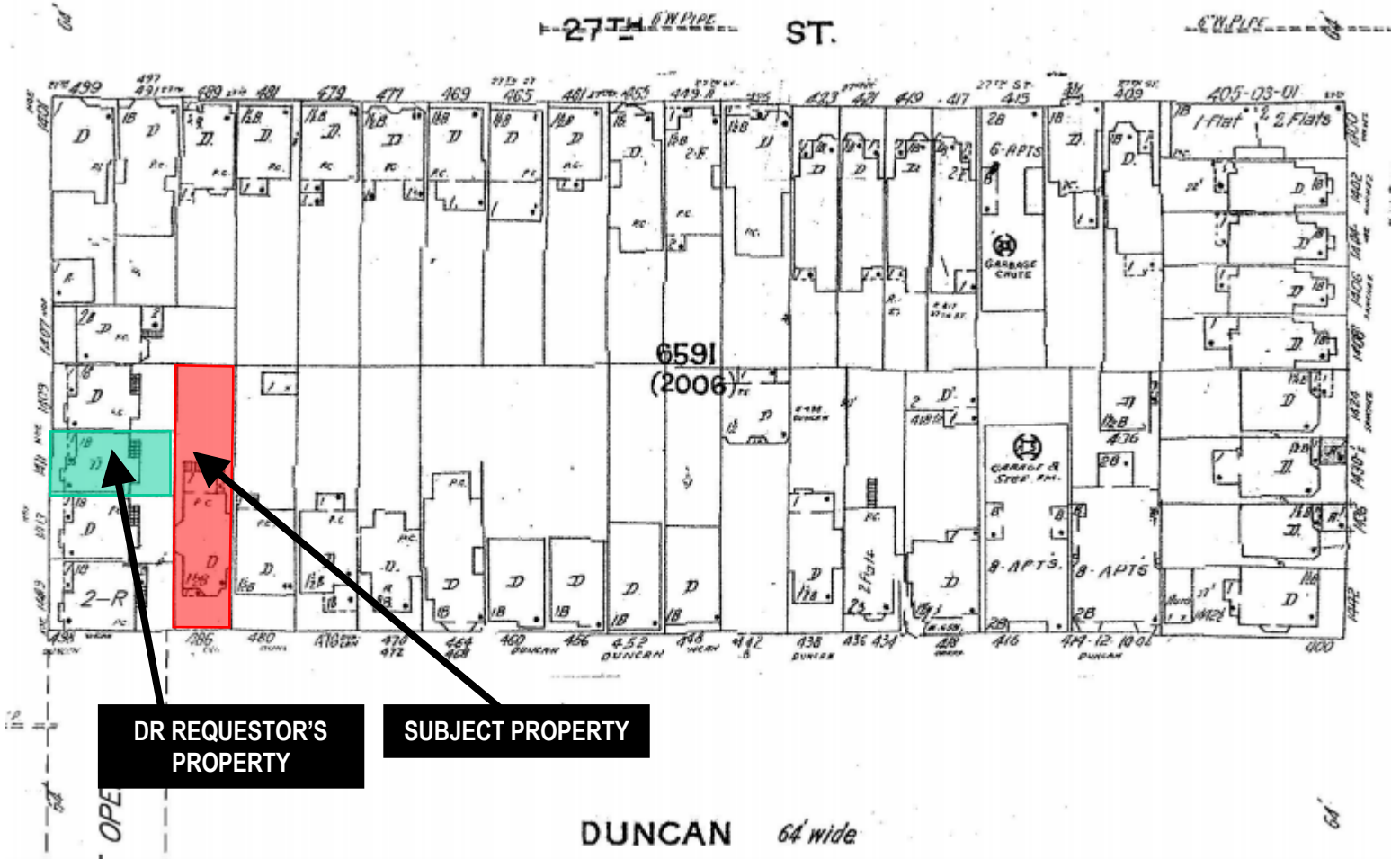
# Exhibits

# Parcel Map



Discretionary Review Hearing  
**Case Number 2019-020151DRP-02**  
 486 Duncan Street

# Sanborn Map\*

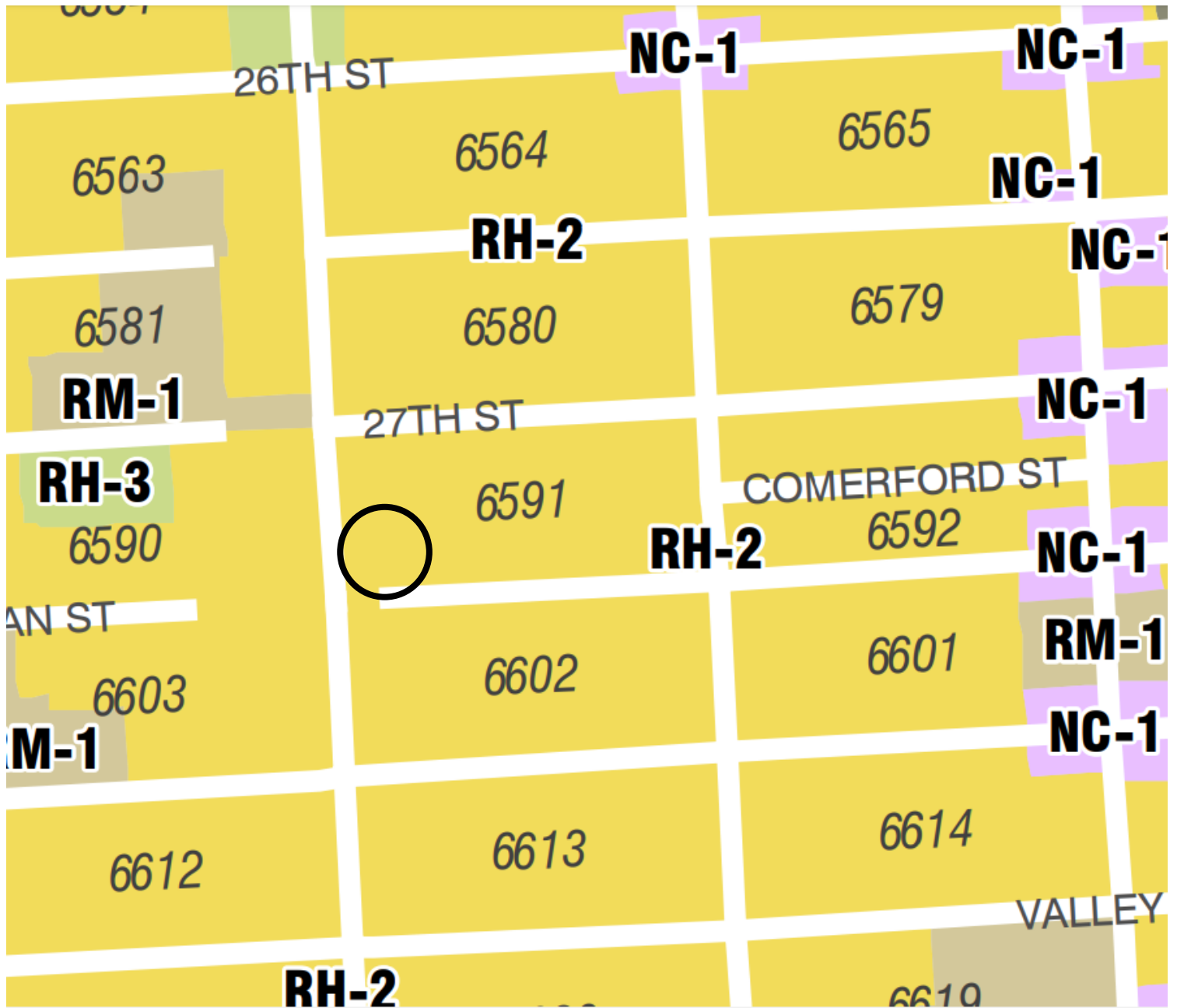


\*The Sanborn Maps in San Francisco have not been updated since 1998, and this map may not accurately reflect existing conditions.



Discretionary Review Hearing  
Case Number 2019-020151DRP-02  
486 Duncan Street

# Zoning Map



Discretionary Review Hearing  
Case Number 2019-020151DRP-02  
486 Duncan Street

# Aerial Photo



# Aerial Photo



Discretionary Review Hearing  
Case Number 2019-020151DRP-02  
486 Duncan Street

# Aerial Photo



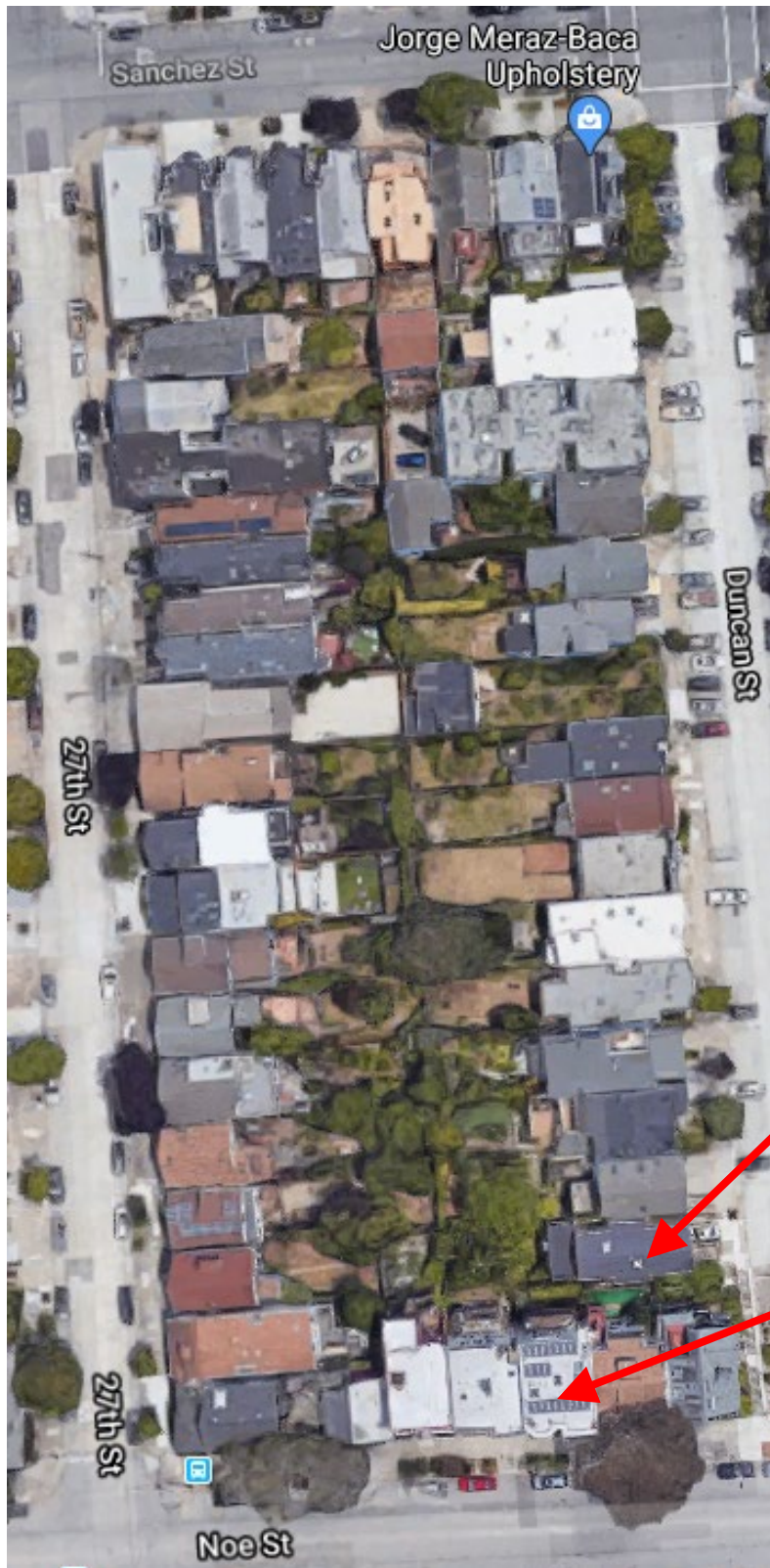
SUBJECT PROPERTY

DR REQUESTOR'S  
PROPERTY



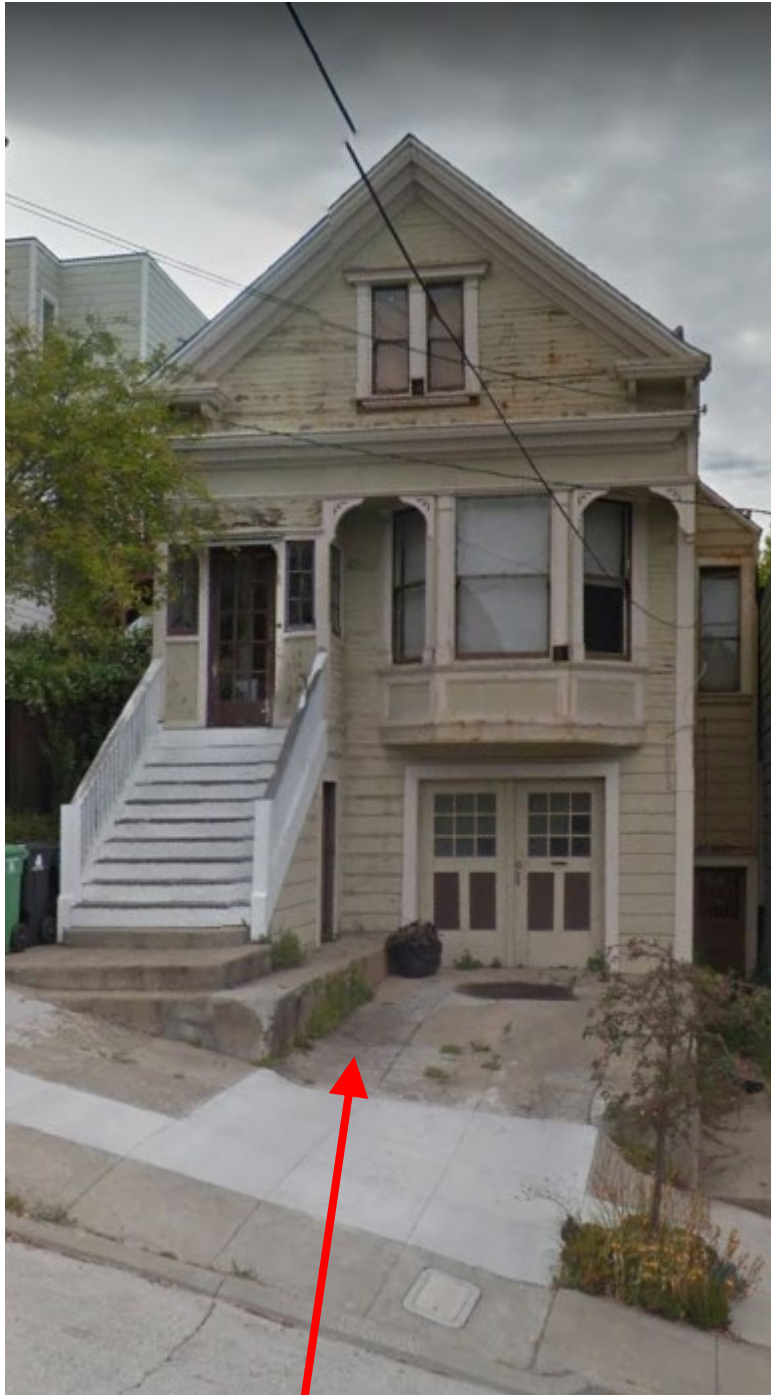
Discretionary Review Hearing  
Case Number 2019-020151DRP-02  
486 Duncan Street

# Aerial Photo



Discretionary Review Hearing  
Case Number 2019-020151DRP-02  
486 Duncan Street

# Site Photo



**SUBJECT PROPERTY**

Discretionary Review Hearing  
Case Number 2019-020151DRP-02  
486 Duncan Street



## NOTICE OF PROPOSED APPROVAL DECK ON A NONCOMPLYING STRUCTURE

July 22, 2021

Re: **486 DUNCAN STREET** (Address of Permit Work)  
**6591 / 021** (Assessor's Block/Lot)  
**2021.0629.3457** (Building Permit Application Number)

To Whom It May Concern:

This letter is to inform you that the Planning Department received a Building Permit Application to construct a roof deck on a noncomplying structure for the property located at 486 Duncan Street. This letter serves as the required 10-day notice for adding decks onto noncomplying structures, per the Zoning Administrator's interpretation of Planning Code Section 188 made in February of 2008.

The proposal is to construct an approximately 94 square-foot roof deck located atop a three-story, single-family residence. The roof deck will be setback at minimum 7 feet from each respective side property line and will extend approximately 4 feet 3 inches into the required rear yard. The proposed deck will be of an open steel railing, 42" in height. The subject building is partially located within the required rear yard and is therefore considered a legal noncomplying structure. A portion of the subject building will be replaced in-kind, but no expansion of the building envelope is proposed under the listed building permit application.

If you believe that the proposed Project will have an adverse effect on your property and wish to seek changes to the Project, we encourage you to discuss your concerns with the Project Applicant: Ashley Reese, at 415-505-9096 or [ashley@blu-leaf.com](mailto:ashley@blu-leaf.com). If, after discussing your concerns with the Project Applicant, you still believe that the project will create exceptional and extraordinary circumstances, you may request that the Planning Commission exercise its discretionary powers to review the Project. If you believe the Project warrants Discretionary Review ("DR") by the Planning Commission, **you must file a DR Application prior to the conclusion of the 10-day noticing period, August 2, 2021.** To file your Discretionary Review Application, please complete the Discretionary Review PDF application (<https://sfplanning.org/resource/dr-application>) and e-mail the completed PDF application to [CPC.Intake@sfgov.org](mailto:CPC.Intake@sfgov.org). You will receive follow-up instructions for fee payment via e-mail.

If you would like to review the associated plans or have any questions about this Project or the DR process, please contact the assigned planner for this Project, Gabriela Pantoja, at (628) 652-7380 or [Gabriela.Pantoja@sfgov.org](mailto:Gabriela.Pantoja@sfgov.org) within 10 days from the date of this letter. This Project will be approved by the Planning Department if no request for Discretionary Review is filed by the end of the 10-day noticing period, **August 2, 2021.**

Sincerely,  
Gabriela Pantoja, Planner  
SW Quadrant, Current Planning Division



## CEQA Exemption Determination

### PROPERTY INFORMATION/PROJECT DESCRIPTION

<b>Project Address</b>		<b>Block/Lot(s)</b>
486 DUNCAN ST		6591021
<b>Case No.</b>		<b>Permit No.</b>
2021-000822PRJ		
<input checked="" type="checkbox"/> <b>Addition/ Alteration</b>	<input type="checkbox"/> <b>Demolition (requires HRE for Category B Building)</b>	<input checked="" type="checkbox"/> <b>New Construction</b>
<b>Project description for Planning Department approval.</b> Variance request from the Planning Code rear yard setback to legalize an existing non-conforming structure.		

### STEP 1: EXEMPTION TYPE

<b>The project has been determined to be exempt under the California Environmental Quality Act (CEQA).</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.</b> Up to three new single-family residences or six 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"/>	<b>Class 32 - In-Fill Development.</b> New Construction of seven or more units or additions greater than 10,000 sq. ft. and meets the conditions described below: (a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations. (b) The proposed development occurs within city limits on a project site of no more than 5 acres substantially surrounded by urban uses. (c) The project site has no value as habitat for endangered rare or threatened species. (d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality. (e) The site can be adequately served by all required utilities and public services.
<input type="checkbox"/>	<b>Other</b> ____
<input type="checkbox"/>	<b>Common Sense Exemption (CEQA Guidelines section 15061(b)(3)).</b> It can be seen with certainty that there is no possibility of a significant effect on the environment.

**STEP 2: ENVIRONMENTAL SCREENING ASSESSMENT****TO BE COMPLETED BY PROJECT PLANNER**

<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. use of diesel construction equipment, backup diesel generators, heavy industry, diesel trucks, etc.)? <i>(refer to the Environmental</i>
<input type="checkbox"/>	<b>Hazardous Materials:</b> <input type="checkbox"/> <b>Mahe</b> or <input type="checkbox"/> <b>Cortese</b> Is the project site located within the Maher area or on a site containing potential subsurface soil or groundwater contamination and would it involve ground disturbance of at least 50 cubic yards or a change of use from an industrial use to a residential or institutional use? Is the project site located on a Cortese site or would the project involve work on a site with an existing or former gas station, parking lot, auto repair, dry cleaners, or heavy manufacturing use, or a site with current or former underground storage tanks? <i>if Maher box is checked, note below whether the applicant has enrolled in or received a waiver from the San Francisco Department of Public Health (DPH) Maher program, or if Environmental Planning staff has determined that hazardous material effects would be less than significant.</i> <b>Note that a categorical exemption shall not be issued for a project located on the Cortese List</b>
<input type="checkbox"/>	<b>Transportation:</b> Does the project involve a child care facility or school with 30 or more students, or a location 1,500 sq. ft. or greater? 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? Would the project involve the intensification of or a substantial increase in vehicle trips at the project site or elsewhere in the region due to autonomous vehicle or for-hire vehicle fleet maintenance, operations or
<input type="checkbox"/>	<b>Archeological Resources:</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? If yes, archeology review is required.
<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? <i>(refer to the Environmental Information tab on <a href="https://sfplanninggis.org/PIM/">https://sfplanninggis.org/PIM/</a>)</i> <b>If box is checked, Environmental Planning must issue the exemption.</b>
<input type="checkbox"/>	<b>Average Slope of Parcel = or &gt; 25%, or site is in Edgehill Slope Protection Area or Northwest Mt. Sutro Slope Protection Area:</b> Does the project involve any of the following: (1) New building construction, except one-story storage or utility occupancy, (2) horizontal additions, if the footprint area increases more than 50%, or (3) horizontal and vertical additions increase more than 500 square feet of new projected roof area? <i>(refer to the Environmental Information tab on <a href="https://sfplanninggis.org/PIM/">https://sfplanninggis.org/PIM/</a>)</i> <b>If box is checked, a geotechnical report is likely required and Environmental Planning must issue the exemption.</b>
<input type="checkbox"/>	<b>Seismic Hazard:</b> <input type="checkbox"/> <b>Landslide</b> or <input type="checkbox"/> <b>Liquefaction Hazard Zone:</b> Does the project involve any of the following: (1) New building construction, except one-story storage or utility occupancy, (2) horizontal additions, if the footprint area increases more than 50%, (3) horizontal and vertical additions increase more than 500 square feet of new projected roof area, or (4) grading performed at a site in the landslide hazard zone? <i>(refer to the Environmental Information tab on <a href="https://sfplanninggis.org/PIM/">https://sfplanninggis.org/PIM/</a>)</i> <b>If box is checked, a geotechnical report is required and Environmental Planning must issue the exemption.</b>
<b>Comments and Planner Signature (optional):</b> Gabriela Pantoja	

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

<b>PROPERTY IS ONE OF THE FOLLOWING:</b> <i>(refer to Property Information Map)</i>	
<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 Residential Design Guidelines.
<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 checked="" 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 checked="" type="checkbox"/>	Project involves <b>less than four</b> work descriptions. <b>GO TO STEP 6.</b>

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

<b>Check all that apply to the project.</b>	
<input type="checkbox"/>	1. <b>Reclassification of property status.</b> <i>(Attach HRER Part I)</i> <div style="display: flex; justify-content: space-between; align-items: flex-start; margin-top: 10px;"> <div style="width: 45%;"> <input type="checkbox"/> Reclassify to Category A  a. Per HRER  b. Other <i>(specify)</i>: </div> <div style="width: 45%;"> <input type="checkbox"/> Reclassify to Category C  <i>(No further historic review)</i> </div> </div>
<input type="checkbox"/>	2. 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"/>	3. <b>Interior alterations to publicly accessible spaces that do not remove, alter, or obscure character defining features.</b>
<input type="checkbox"/>	4. <b>Window replacement</b> of original/historic windows that are not "in-kind" but are consistent with existing historic character.
<input type="checkbox"/>	5. <b>Façade/storefront alterations</b> that do not remove, alter, or obscure character-defining features.

<input type="checkbox"/>	6. <b>Raising the building</b> in a manner that does not remove, alter, or obscure character-defining features.
<input type="checkbox"/>	7. <b>Restoration</b> based upon documented evidence of a building's historic condition, such as historic photographs, plans, physical evidence, or similar buildings.
<input type="checkbox"/>	8. <b>Work consistent</b> with the <i>Secretary of the Interior Standards for the Treatment of Historic Properties</i> (Analysis required):
<input type="checkbox"/>	9. <b>Work compatible</b> with a historic district (Analysis required):
<input type="checkbox"/>	10. <b>Work that would not materially impair</b> a historic resource (Attach HRER Part II).
<b>Note: If ANY box in STEP 5 above is checked, a Preservation Planner MUST sign below.</b>	
<input type="checkbox"/>	<b>Project can proceed with exemption review.</b> The project has been reviewed by the Preservation Planner and can proceed with exemption review. <b>GO TO STEP 6.</b>
<b>Comments (optional):</b>	
<b>Preservation Planner Signature:</b>	

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

<input checked="" type="checkbox"/>	<b>No further environmental review is required. The project is exempt under CEQA. There are no unusual circumstances that would result in a reasonable possibility of a significant effect.</b>	
	<b>Project Approval Action:</b>	<b>Signature:</b>
	Building Permit	Gabriela Pantoja
	If Discretionary Review before the Planning Commission is requested, the Discretionary Review hearing is the Approval Action for the	08/05/2021
<p>Supporting documents are available for review on the San Francisco Property Information Map, which can be accessed at <a href="https://sfplanninggis.org/PIM/">https://sfplanninggis.org/PIM/</a>. Individual files can be viewed by clicking on the Planning Applications link, clicking the "More Details" link under the project's environmental record number (ENV) and then clicking on the "Related Documents" link. Once signed or stamped and dated, this document constitutes an exemption pursuant to CEQA Guidelines and Chapter 31 of the Administrative Code.</p> <p>In accordance with Chapter 31 of the San Francisco Administrative Code, an appeal of an exemption determination to the Board of Supervisors can only be filed within 30 days of the project receiving the approval action.</p>		

## STEP 7: MODIFICATION OF A CEQA EXEMPT PROJECT

### TO BE COMPLETED BY PROJECT PLANNER

In accordance with Chapter 31 of the San Francisco Administrative Code, when a California Environmental Quality Act (CEQA) exempt project changes after the Approval Action and requires a subsequent approval, the Environmental Review Officer (or his or her designee) must determine whether the proposed change constitutes a substantial modification of that project. This checklist shall be used to determine whether the proposed changes to the approved project would constitute a "substantial modification" and, therefore, be subject to additional

### MODIFIED PROJECT DESCRIPTION

Modified Project Description:

### DETERMINATION IF PROJECT CONSTITUTES SUBSTANTIAL MODIFICATION

Compared to the approved project, would the modified project:

- |                          |  |
|--------------------------|--|
| <input type="checkbox"/> | Result in expansion of the building envelope, as defined in the Planning Code;   |
| <input type="checkbox"/> | Result in the change of use that would require public notice under Planning Code Sections 311 or 312;  |
| <input type="checkbox"/> | Result in demolition as defined under Planning Code Section 317 or 19005(f)?   |
| <input type="checkbox"/> | Is any information being presented that was not known and could not have been known at the time of the original determination, that shows the originally approved project may no longer qualify for the exemption? |

**If at least one of the above boxes is checked, further environmental review is required**

### DETERMINATION OF NO SUBSTANTIAL MODIFICATION

- |                          |   |
|--------------------------|---|
| <input type="checkbox"/> | The proposed modification would not result in any of the above changes. |
|--------------------------|---|

If this box is checked, the proposed modifications are exempt under CEQA, in accordance with prior project approval and no additional environmental review is required. This determination shall be posted on the Planning Department website and office and mailed to the applicant, City approving entities, and anyone requesting written notice. In accordance with Chapter 31, Sec 31.08j of the San Francisco Administrative Code, an appeal of this determination can

**Planner Name:**

**Date:**



## DISCRETIONARY REVIEW PUBLIC (DRP) APPLICATION

### Discretionary Review Requestor's Information

Name: Robin Joy c/o Zacks, Freedman & Patterson, PC

Address: 1411 Noe Street, San Francisco, CA 94131  
Telephone: 415-956-8100

Email Address: ryan@zfplaw.com

Please Select Billing Contact: ☒ Applicant ☐ Other (see below for details)

Name: Ryan Patterson  
Email: ryan@zfplaw.com  
Phone: 415-956-8100

### Information on the Owner of the Property Being Developed

Name: Darian & Hilary Shirazi C/O Ashley Reese (Blu-leaf Property Solutions)

Company/Organization:

Address: 486 Duncan Street, San Francisco, CA 94131  
Telephone: 415-505-9096

Email Address: ashley@blu-leaf.com

### Property Information and Related Applications

Project Address: 486 Duncan Street, San Francisco, CA 94131

Block/Lot(s): 6591/021

Building Permit Application No(s): 202106293457

### 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? (including Community Boards)	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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 that were made to the proposed project.

N/A

## 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 standards of the Planning Code and the Residential Design Guidelines. 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 attached.

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 unreasonably affected, please state who would be affected, and how.

See attached.

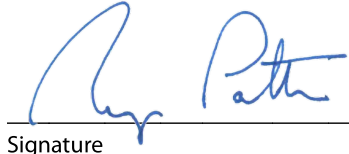
3. What alternatives or changes to the proposed project, beyond the changes (if any) already made would respond to the exceptional and extraordinary circumstances and reduce the adverse effects noted above in question #1?

See attached.

# DISCRETIONARY REVIEW REQUESTOR'S AFFIDAVIT

Under penalty of perjury the following declarations are made:

a) The undersigned is the DR requestor or their authorized representation.



Signature

Ryan Patterson

Name (Printed)

Attorney

415-956-8100

ryan@zfplaw.com

Relationship to Requestor  
(i.e. Attorney, Architect, etc.)

Phone

Email

For Department Use Only

Application received by Planning Department:

By: \_\_\_\_\_

Date: \_\_\_\_\_

## **Attachment to Discretionary Review Request**

486 Duncan Street (6591/021)

RE: 202106293457

### **Question 1. Exceptional and Extraordinary Circumstances Exist**

Exceptional and extraordinary circumstances exist that warrant the Planning Commission taking discretionary review of this project. The proposed project does not balance the right to develop the property with the serious impacts it will have on the nearby properties and neighbors.

As background, in 2019, the Department of Building Inspection issued Notice of Violation No. 201962631 because the Applicant performed work beyond the permitted scope by demolishing the existing non-conforming rear structure. The Applicant then rebuilt the non-conforming structure and extended the back stairs further into the rear yard without seeking a variance or permit. The structure currently extends more than seven feet into the required rear yard setback area.

In 2020, at the neighbors' request, the San Francisco Planning Commission granted discretionary review of Applicant's prior proposal to build a roof deck because of its potential extraordinary and exceptional impacts to the neighbors. (*See* SF Planning file no. 2019-020151.) Applicant later withdrew the permit request.

Applicant is currently also seeking a variance for the non-compliant rear structure to support this proposed roof deck. (*See* SF Planning file no. 2021-000822PRJ) The Applicant has repeatedly violated the Planning and Building codes to the detriment of the neighborhood. Given the history of this property, discretionary review is warranted to ensure its impacts on the neighbors are mitigated.

### **This Project Fails to Balance the Right to Develop the Property with its Impacts on the Neighbors**

The irregular lot configuration between 486 Duncan Street ("the Property") and the near by neighbors on Noe Street is an exceptional and extraordinary circumstance that merits discretionary review of the proposed roof deck. The Property is a deep lot and is oriented perpendicular to the adjacent properties on Noe Street, including the DR requester, Ms. Joy's, property at 1411 Noe Street. The Applicant's proposed deck would seriously infringe on the privacy of the neighbors and Ms. Joy in particular. The Property runs along the length of Ms. Joy's home, and the rear non-conforming structure that will support the proposed deck faces the private spaces of her home. Users of the deck will be able to look directly into the living room and bedroom of Ms. Joy's home, as shown in figure 1 below. The proposed roof deck less than 15 feet from the balcony at 1411 Noe Street, and would extend over 4' into the rear setback area, causing further and unnecessary intrusion to Ms. Joy and her neighbors. Additionally, noise from users of the roof deck is likely to cause unreasonable impact given the close proximity to the neighboring homes.



1. Aerial Views of the Property and 1411 Noe Street

The Residential Design Guidelines require rooftop features to be sensitively located and designed “with the smallest possible overall dimensions that meet the requirements of the Building and Planning Codes.” (RDG, p. 38.) The Guidelines also require building expansions to “minimize impacts on privacy” and “respect the existing pattern of side spacing.” (*Id.*, p. 17; Planning Code § 101(c).) Similarly, the Planning Department has recognized that roof decks “can negatively impact the quality of life of adjacent residents” and that “potential adverse impacts such as noise, diminishment of privacy, and reduction of light to adjacent properties should be mitigated.” (Residential Roof Decks Policy Informational Briefing, August 30, 2018.)

This proposed roof deck does not comply with the Residential Design Guidelines. It will have an unusually large privacy impact on the neighboring interior living spaces because of its configuration in relation to the neighboring houses. (RDG, p. 17.) Ms. Joy's home is particularly affected by the proposed deck because it would provide users with direct line-of-sight access into her Property, including her bedroom. The proposed deck is also not in harmony with San Francisco's General Plan that requires projects to respect existing neighborhood character. (*See* appendix.) Therefore, the Planning Commission should grant discretionary review so that these impacts can be mitigated.

## Question 2.

### Unreasonable Impacts

As noted above, the proposed deck would cause unreasonable impacts to the neighbors by infringing on their privacy and causing excessive noise. In particular, because the Property runs perpendicular to Ms. Joy's small rear yard and windows, occupants of the deck will be able to look directly into the living room and bedroom of 1411 Noe Street. Photos taken from the roof of 486 Duncan Street show how the proposed deck would look directly into Ms. Joy's home:



2. View from Deck into 1411 Noe Street



3. View from Deck into 1411 Noe Street

The proposed deck is also likely to greatly impact the privacy of other neighbors on Duncan and Noe Street. When the owners of the Property applied for a permit to build a deck in 2019, 13 neighbors submitted written opposition to the project. (See SF Planning File 2019-020151DRP-02.) The Applicant then decided to cancel the permit.

The new proposed deck fails to address the privacy issues that the neighbors have repeatedly raised. The Planning Commission should grant this request for discretionary review so that these unreasonable impacts from the project can be properly mitigated.

### **Question 3:**

#### **Project Alternative**

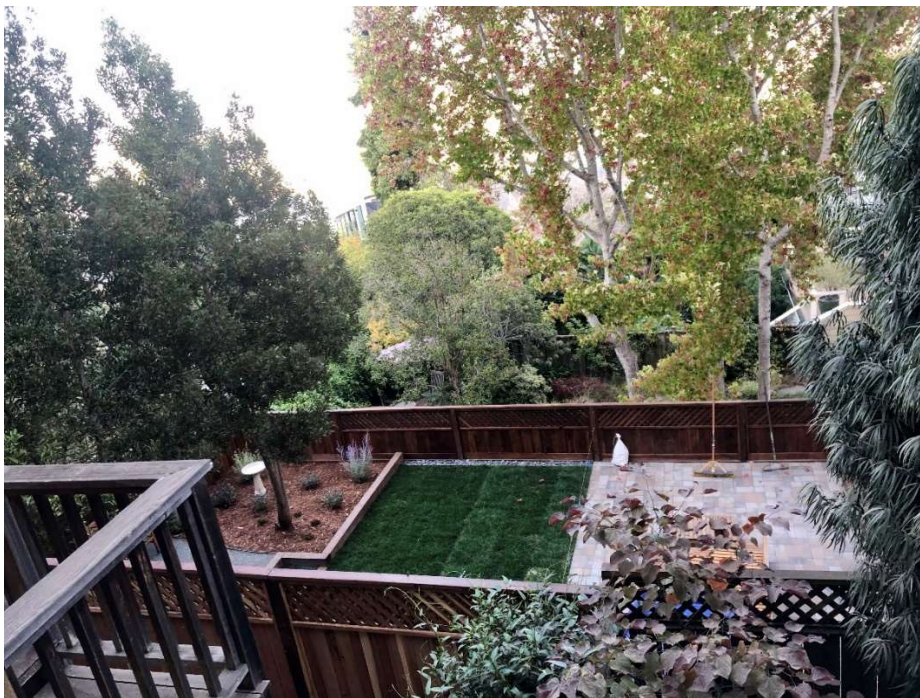
A much smaller Juliet balcony would balance the Applicant's right to develop the Property while preserving the neighbors' privacy. The deck of the Juliet balcony could accommodate a pair of doors that, when open, would act as a screen to block the direct line of site into the living spaces of 1411 Noe Street.



Since the Property is a large lot with a nice outside area, the Applicant already have ample exterior space and outside access as illustrated in the below photos.



*4. Backyard of the Property*



*5. Arial View of Property's Backyard*

Given the current conditions of the Property and the large impacts such a deck would have on the neighbors, a smaller Juliet balcony is a fair compromise and would provide a similar amenity to the Property.

## **Appendix: San Francisco General Plan**

**This project is not in harmony with the general purpose and intent of this code and adversely affects the General Plan.**

The proposed roof deck does not comply with the following Objectives and Policies of the General Plan:

### **Housing:**

#### **ISSUE 6:**

**MAINTAIN THE UNIQUE AND DIVERSE CHARACTER OF SAN FRANCISCO'S  
NEIGHBORHOODS**

#### **OBJECTIVE 11**

**SUPPORT AND RESPECT THE DIVERSE AND DISTINCT CHARACTER OF SAN  
FRANCISCO'S NEIGHBORHOODS.**

#### **POLICY 11.1**

“Promote the construction and rehabilitation of well-designed housing that emphasizes beauty, flexibility, and innovative design, and respects existing neighborhood character.

San Francisco has a long standing history of beautiful and innovative architecture that builds on appreciation for beauty and innovative design. Residents of San Francisco should be able to live in well-designed housing suited to their specific needs. The City should ensure that housing provides quality living environments and complements the character of the surrounding neighborhood, while striving to achieve beautiful and innovative design that provides a flexible living environment for the variety of San Francisco's household needs.

The City should continue to improve design review to ensure that the review process results in good design that complements existing character”

#### **POLICY 11.3**

“Ensure growth is accommodated without substantially and adversely impacting existing residential neighborhood character.

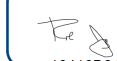
Accommodation of growth should be achieved without damaging existing residential neighborhood character. In existing residential neighborhoods, this means development projects should defer to the prevailing height and bulk of the area. The Planning Department should utilize residential design guidelines, neighborhood specific design guidelines, and other documents describing a specific neighborhoods' character as guideposts to determine compatibility of proposed projects with existing neighborhood character.”

July 23, 2021

I hereby authorize the attorneys of Zacks, Freedman & Patterson, PC to file a request for Discretionary Review of BPA No. 2021.0629.3457/Case No. 2021-000822PRJ (486 Duncan Street) on my behalf.

Signed,

DocuSigned by:



10410B04E7F0405...  
Robin Joy

# ZACKS, FREEDMAN & PATTERSON

A PROFESSIONAL CORPORATION

601 Montgomery Street, Suite 400  
San Francisco, California 94111  
Telephone (415) 956-8100  
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[www.zfplaw.com](http://www.zfplaw.com)

August 2, 2021

## **VIA EMAIL AND MAIL**

Gabriella Pantoja  
San Francisco Planning Department  
49 South Van Ness Avenue, Suite 1400  
San Francisco, CA  
[Gabriela.Pantoja@sfgov.org](mailto:Gabriela.Pantoja@sfgov.org)

RE: 486 Duncan Street  
File No: 2021-000822PRJ

Dear Ms. Pantoja:

Our office represents Robin Joy, who is the owner of the neighboring property at 1411 Noe Street. We respectfully request that variance application 2021-000822PRJ be denied as it does not meet the five criteria required by Planning Code Section 305(c).

As background, in 2019, the Department of Building Inspection issued Notice of Violation No. 201962631 because the Applicant performed work beyond the permitted scope by demolishing the existing non-conforming rear structure. The Applicant then rebuilt the non-conforming structure and extended the back stairs further into the rear-yard without seeking a variance or permit. The structure currently extends more than seven feet into the required rear yard setback area. The Applicant has repeatedly violated the Planning and Building codes to the detriment of the neighborhood. Given this pattern of behavior and failure to meet the criteria of Planning Code Section 305(c) as outlined below, the variance request should be denied.

**1. No exceptional or extraordinary circumstances apply to the property or the intended use of the property that do not apply generally to other property or uses in the same class of district**

The Applicant relies heavily on the argument that the structure was pre-existing and in substandard condition. However, even if true, this is not exceptional or extraordinary. The demolition work exceeded the scope of Applicant's building permit. It is also not the case that the rear structure has existed since the property was constructed because the Sanborn maps indicate it was added sometime later without a permit.

The application provides no evidence that demonstrates any effort to reconfigure the portion of the rear non-conforming addition or exterior stairs to comply with the rear-yard setback limitations. There is sufficient space for the building structure and exterior stairs within the buildable area that does not violate the setback requirements. (*See Michael Garavaglia Report, page 4.*) Furthermore, there is nothing exceptional or extraordinary about the lot. The lot has standard width (26') and depth for the area (114') unlike the lots on Noe Street, which have on average only 55' of depth and require variances. (*See Michael Garavaglia Report, pages 1-3.*)

Nothing about the circumstances of the deterioration of the building or the lot size are exceptional or extraordinary. The fact that other neighboring properties have roof decks is irrelevant to this criterion. Since Applicant has not demonstrated extraordinary or exceptional circumstances, the Zoning Administrator cannot approve the requested variance.

**2. The literal enforcement of the specified provisions of this Code would not result in practical difficulty or unnecessary hardship not created by or attributable to the applicant**

Requiring the Applicant to meet the code requirements for minimum rear-yard depth would not result in practical difficulty or unnecessary hardship. The non-conforming rear structure was added sometime after the initial construction. The Applicant chose to demolish the structure without a building permit, got caught by the City, and is responsible for any practical difficulty or unnecessary hardship. No attempt seems to have been made to reconfigure the non-conforming structure to comply with the rear yard setback requirements. (*See Michael Garavaglia Report, page 4.*) The Applicant should have sought a variance from the Planning Department at the outset so that the variance application could be properly evaluated and is now seeking forgiveness for its failure to follow the proper procedures.

Furthermore, it would be consistent with the purpose of Planning Code Section 134 if the denial of the variance results in a smaller footprint of the house, which provides that the rear-yard setback requirement is intended to:

- “(1) assure the protection and continuation of established mid-block landscaped open spaces;
- (2) maintain a scale of development appropriate to each district, complementary to the location of adjacent buildings;
- (3) provide natural light and natural ventilation to residences, work spaces, and adjacent rear yards; and

(4) provide residents with usable open space and views into green rear-yard spaces.”

Granting a variance to the non-conforming structure and stairs conflicts with these policies. There is plenty of room for the Applicant to have livable space and a small roof-deck or Juliet balcony without entering the rear-yard setback. Because any hardship or practical difficulty is the result of the Applicant’s failing to follow the rules before demolition, the variance request should be denied.

**3. The variance is unnecessary for the preservation and enjoyment of a substantial property right of the subject property, possessed by other property in the same class of district**

The Applicant fails to identify a substantial property right that could not be preserved while adhering to the rear-yard setback requirements. A smaller rear structure with a Juliet balcony or minimal deck would provide functional space and access to the rear yard without the need for a variance. A larger rear yard would provide an added benefit to the property and neighborhood by providing more open space, natural light, and greenery. With a more efficient layout, there is ample room to accommodate reasonable amounts of living area at this property within the as-of-right zone of the lot without entering the rear-yard setback. (*See Mike Garavaglia Report, page 4.*) For example, the exterior stairs serve only one yard-facing room, while there is already a second internal stair and side exit.

Other similarly sized lots in the neighborhood do not depend on variances to accommodate the buildable area of their homes. These homes have comparable square footage to the Applicant’s property. Therefore, a variance is unnecessary for the Applicant to preserve or enjoy the property and rear yard, and the Applicant could achieve similar square footage with a more efficient use of the buildable area.

**4. The granting of such variance is materially detrimental to the public welfare and materially injurious to the property in the vicinity**

Granting this variance application would be materially detrimental to the public welfare and materially injurious, as it would permit a large deck to be built atop the non-conforming structure. Such a deck would infringe on the privacy of 1411 Noe Street and other neighbors, and the deck’s view would be directly into the private spaces of the home. The Residential Design Guidelines require rooftop features to be sensitively located and designed “with the smallest possible overall dimensions that meet the requirements of the Building and Planning Codes.” (RDG, p. 38.) The Guidelines also require building expansions to “minimize impacts on privacy” and “respect the existing pattern of side spacing.” (*Id.*, p. 17; Planning Code § 101(c).) Similarly, the Planning Department has recognized that roof decks “can negatively impact the quality of life of adjacent residents” and that “potential adverse impacts such as

noise, diminishment of privacy, and reduction of light to adjacent properties should be mitigated.” (Residential Roof Decks Policy Informational Briefing, August 30, 2018.)

This project does not comply with these principles because the roof deck facing Ms. Joy’s property will violate her privacy. In particular, the proposed roof deck is less than 15 feet from the balcony at 1411 Noe Street, and the two lots are at right angles and at a similar level to each other. There will be direct line-of-site visibility into the living room and bedroom of 1411 Noe Street. The standard configuration of neighboring properties is designed so that a deck does not look directly into neighboring properties. (See Michael Garavaglia Report, page 4.) A Juliet balcony or minimal deck that does not enter into the rear yard would provide additional outdoor space for the Applicant, while minimizing the impacts on neighbors.

Furthermore, granting this variance would also be materially detrimental to the public welfare and materially injurious to the properties in the vicinity because it would reduce the midblock open space. (Planning Code Sec. 134.) It would also encourage other property owners to build non-conforming structures without seeking a variance and rely on the fact that the construction is already completed to justify receiving a variance after the fact. Such behavior should not be encouraged or rewarded with a variance.

**5. The granting of such variance is not in harmony with the general purpose and intent of this code and adversely affects the General Plan.**

Granting the variance is not in harmony with the following Objectives and Policies of the General Plan:

**Housing:**

**ISSUE 6:**

**MAINTAIN THE UNIQUE AND DIVERSE CHARACTER OF SAN FRANCISCO’S  
NEIGHBORHOODS**

**OBJECTIVE 11**

**SUPPORT AND RESPECT THE DIVERSE AND DISTINCT CHARACTER OF SAN  
FRANCISCO’S NEIGHBORHOODS.**

**POLICY 11.3**

“Ensure growth is accommodated without substantially and adversely impacting existing residential neighborhood character.

This policy requires that accommodation of growth should be achieved without damaging existing residential neighborhood character. In existing residential neighborhoods, this means development projects should defer to the prevailing height and bulk of the area. The Planning Department should utilize residential design guidelines, neighborhood specific design guidelines, and other documents describing a specific neighborhoods' character as guideposts to determine compatibility of proposed projects with existing neighborhood character."

The project is not in harmony with this General Plan policy because it would damage the existing residential neighborhood character by extending the building seven feet into the rear-yard setback. Neighborhood homes on similar lots achieve comparable square footage while maintaining the required rear-yard setback, so there is no reason that 486 Duncan Street cannot do so. (*See Michael Garavaglia Report, page 2.*) Granting this variance would result in a large deck being built atop the non-conforming structure and into the rear-yard setback, which would impact the privacy of the neighbors. Furthermore, it would result in a loss of shared mid-block open space.

### **Urban Design Element:**

ISSUE: Neighborhood Environment

OBJECTIVE 4: IMPROVEMENT OF THE NEIGHBORHOOD ENVIRONMENT TO INCREASE PERSONAL SAFETY, COMFORT, PRIDE AND OPPORTUNITY

POLICY 4.12:

Install, Promote and maintain landscaping in public and private areas.

"Trees and other landscaping are a recurring theme in these policies, for they add to nearly any city environment. Both public and private efforts in the installation and maintenance of landscaping should be increased.

In residential areas, side yards and setbacks provide the best opportunities for landscaping visible in public areas. If no such space exists, then trees should be placed in the sidewalk area, preferably in the ground. Care should be taken to select species of trees suitable to each location. The most visible points, such as street intersections, should be given special attention.

Other unused opportunities for landscaping exist on exposed banks, usually along roadways. Where it is feasible, these should be planted and maintained by the public or private owners of the land. Portions of parks that are unlandscaped should also be

considered for new planting, especially when the areas are visible from nearby neighborhoods.”

The application is not in harmony with this general plan policy because it would result in the loss of potential trees and other landscaping by allowing the structure to encroach into the rear-yard setback. In this residential neighborhood, rear-yard setbacks provide the best opportunity for landscaping and trees. Preserving the setback by denying the variance would allow for greater greenery in line with the General Plan policies.

For the above-stated reasons, we respectfully request that the Zoning Administrator deny the Applicant’s request for a variance, as it fails to meet the required criteria under Planning Code Section 305(c). The Applicant failed to seek this variance before completing the project and now seeks it after the fact, undermining the purpose behind the Planning Code. Please do not hesitate to contact me at (415) 956-8100 if you would like to discuss this matter.

Very truly yours,

ZACKS, FREEDMAN & PATTERSON, PC

A handwritten signature in blue ink, appearing to read "Ryan Patterson", is written above a horizontal line.

Ryan J. Patterson



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14 July 2021

Gabriella Pantoja  
San Francisco Planning Department  
49 South Van Ness Avenue, Suite 1400  
San Francisco, CA  
[Gabriela.Pantoja@sfgov.org](mailto:Gabriela.Pantoja@sfgov.org)

RE: 486 Duncan Street  
2021-000822PRJ

Dear Ms. Pantoja,

We have been asked by Robin Joy, owner of the adjoining property located at 1411 Noe Street, to provide evaluation and input for the variance being requested for the subject property. We have the following comments and do not believe that a variance is warranted. Specific comments regarding the justification for the variance findings provided by the applicant follow:

**1. That there are exceptional or extraordinary circumstances applying to the property involved or to the intended use of the property that do not apply generally to other property or uses in the same class of district;**

The applicant argues that they are using section 188 for the reconstruction of the non-complying structure. This section is reserved for "Fire, other calamity, or Act of God". Demolition of the structure "without the benefit of a building permit" does NOT fit any of those classifications. This condition is neither exceptional nor extraordinary as the demolition of the structure was caused with intent. The work exceeded the scope of the building permit and in full view of the building inspector and neighboring properties.

Additionally the subject lot is not unique for the area. It is a standard depth (114'), unlike the short lots fronting on Noe Street, which are only 55' deep. The existing house is of average depth for that portion of the street and deeper than a good portion of the homes on the block.

The lot, and the lot's configuration, does not create any exceptional or extraordinary conditions that limit the buildable area, which are equally enjoyed by many of the surrounding homes.

486 Duncan's lot is 114 feet deep by 26.167 feet wide and has an area of 2,983 sf. There are 11 other lots of the same size on the block, with 9 lots that are smaller, and 12 lots that are substantially smaller. 486's lot is typical for the block when they face Duncan or 27th Streets. The following table summarizes the typical lot sizes along with the number of each type.

<b>Similar Size Lots (11 Lots)</b>			
<b>Lot #</b>	<b>Lot Length</b>	<b>Lot Width</b>	<b>Lot Area (SF)</b>
17	114	26.667	3,040
17A	114	26.667	3,040
17B	114	26.667	3,040
18	114	26.667	3,040
20	114	26.167	2,983
28	114	26.667	3,040
29	114	26.667	3,040
30	114	26.667	3,040
31	114	26.667	3,040
32	114	26.667	3,040
33	114	26.667	3,040
<b>Smaller Size Lots (21 Lots)</b>			
12	114	25	2,850
13	114	25	2,850
15	114	25	2,850
16	114	25	2,850
19	114	26	2,964
22	55	28.5	1,568
22A	55	28.5	1,568
23	55	28.5	1,568
23A	55	28.5	1,568
24	80	42	2,884
25	72	28	2,016
26	89	26	2,314
27	89	26	2,314
34	114	25	2,850
35	114	25	2,850
37	114	20	2,280
38	114	20	2,280
39	114	20	2,280
40	114	20	2,280
42	114	25	2,850
43	114	25	2,850

**2. That owing to such exceptional or extraordinary circumstances the literal enforcement of specified provisions of this Code would result in practical difficulty or unnecessary hardship not created by or attributable to the applicant or the owner of the property;**

Again the condition is self-inflicted as the demolition work was done without a permit. The code is clear on demolition of non-complying structures and how to address construction work on them. First get a building permit, and then complete the construction work (assuming the structure actually needs work done on it). No attempt seems to have been made to reconfigure the portion of the addition extending into the rear yard to comply with the rear-yard obstruction limitations - including removal of the duplicative exterior stair that only serves the den/office.

**3. That such variance is necessary for the preservation and enjoyment of a substantial property right of the subject property, possessed by other property in the same class of district;**

Other properties with similar lot characteristics do not depend on variances to accommodate their usable area within the home. Various houses in the zone have front setbacks and they all have good-sized lots (unlike the lots fronting the North / South streets of the neighborhood). All are either 2 or 3 story structures (this project has 3 stories). There is ample room to accommodate comparable amounts of living area without variances within the regular zoning envelope of the lot. Granting this variance would give this property additional area not enjoyed by adjacent owners and thus would be extravagant. Variances have been granted for the lots fronting Noe Street, as these lots are only 55' deep - less than one half the depth of the subject property. This is the type of characteristic where variances are justifiable and the type of condition that is not present for 486 Duncan.

Another condition that seems forced is the exterior rear stair that serves one, yard-facing, room. Within about 10' there is a duplicate internal stair. All other areas of the house utilize the interior stair (and side door) to access the yard. It is unclear why one room would need its own unique external stair, especially if the design of the home is constrained by the lack of a variance. As the entire rear area of the building was significantly rebuilt and all new finishes, plumbing, electrical, etc. were installed, a more efficient layout could be accomplished, providing better circulation, room shapes, and views from habitable rooms into the yard.

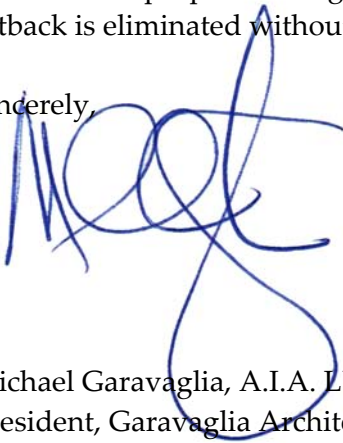
**4. That the granting of such variance will not be materially detrimental to the public welfare or materially injurious to the property or improvements in the vicinity;**

14 July 2021

The proximity of the roof deck to the neighbor at 1411 Noe Street is very close, and unique being the two lots are at right angles to each other. The balcony at 1411 Noe, which is contiguous to 1411's living room will be less than 15 feet from the proposed deck – unusually close -- and at a similar level. There will be direct line of site visibility into the living room of 1411 Noe. This will create significant privacy concerns as the view from 486 is directly into the private spaces of 1411 as opposed to other neighbors whose deck locations make it much harder to see into neighbors' private spaces. The standard condition that exists in nearby properties is that windows and decks are on the rear of each home, and being the back walls are all parallel, the decks do not look directly into adjacent properties. The proposed deck at 486 will allow anyone on that deck to see, at close range, directly into 1411's interior spaces.

In addition, the reasoning to the shape of the allowable rear yard obstruction when granted in the code is that two-story additions are pulled back from the side property line by 5 feet so as to provide more openness, privacy, and light and air for the property, and the neighbors. The nature of the proposed design for 486 does not respect this code consideration as the 5' side setback is eliminated without justification or need.

Sincerely,



Michael Garavaglia, A.I.A. LEED AP BD+C  
President, Garavaglia Architecture, Inc.

**From:** [Kim Drew](#)  
**To:** [Pantoja, Gabriela \(CPC\)](#); [Winslow, David \(CPC\)](#)  
**Cc:** [Chris Drew](#)  
**Subject:** 486 Duncan Discretionary Review Comments  
**Date:** Wednesday, September 29, 2021 7:59:56 AM

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This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Ms. Pantoja and Mr. Winslow:

We are the homeowners of 476 Duncan Street and were notified by mail of the proposed variance requested for 486 Duncan. Thank you for the opportunity to provide comments for the upcoming Discretionary Review on variance request (2021-000822 VAR). We ask that the city deny this variance request.

Here are our concerns:

The developer openly disregarded the city's rules and requirements by demolishing and rebuilding the rear structure at 486 Duncan Street without obtaining proper pre-approval. As a result, the newly built rear structure encroaches 13 feet 6 inches into the required rear yard.

By allowing a variance for this work, after-the-fact, the City would be sending a strong message to all developers that Planning Department rules are optional and not enforced. The City would be telling developers to ask for forgiveness rather than permission when choosing which rules to obey.

**Please do not grant a variance for the rear structure.**

The proposed third floor roof deck, built on top of the illegally demolished and rebuilt rear structure of 486 Duncan, significantly impedes upon the privacy of adjacent neighbors. Adjacent neighbors have proposed a small Juliet balcony, which seems to be an appropriate resolution to address neighbors' privacy concerns while also allowing the homeowners of 486 to enhance and improve their property.

**Please deny this variance.**

Sincerely,  
Kim and Chris Drew  
476 Duncan Street

**From:** [Richard Turner](#)  
**To:** [Pantoja, Gabriela \(CPC\)](#); [Winslow, David \(CPC\)](#)  
**Subject:** 486 Discretionary Review comments  
**Date:** Tuesday, September 28, 2021 10:16:15 PM

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This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Ms Pantoja and Mr Winslow:

I find it particularly annoying that I must again write in opposition to the clearly illegal construction activities within the rear yard of 486 Duncan.

Last year, I wrote in support of the property's neighbors, Robin Joy and Charles Martin, who had quite justifiable objections to the development of a third-floor deck that would significantly diminish the privacy at their two residences.

I now learn that the owner of 486 Duncan has illegally demolished and rebuilt the rear structure at that dwelling, with the new construction significantly reducing the required rear yard. No permit nor variance was issued for that work to be done.

Now, the owner of 486 Duncan has the unmitigated gall to request that the Planning Department grant her a variance for that illegal structure, after the fact, and seeks permission to add the objectionable third-floor deck at the rear of their building.

How can this be happening? The rear yards at that corner of Duncan and Noe streets are tight upon each other. Any diminishment of the required rear yard at 486 Duncan is a affront to the other neighbors who have kept their deck construction within the required setbacks. The blatant disregard for city regulations and the owner's insensitivity towards her neighbors' privacy is abominable. There should be no granting of a variance for the illegal construction; in fact, that construction should be required to be removed and returned to its previous character and dimensions.

To grant a variance for such obviously inappropriate and illegal construction would likely embolden the owners of 486 Duncan to make further changes that negatively impact their neighbors. And, it would give precedent to others in the neighborhood who prefer to build in total defiance of the Planning Department's rules and regulations.

It is incumbent upon the Planning Department to grant no variance for the illegal construction that has already taken place and to prohibit the construction of the proposed third-floor deck. Personally, I believe the owner of 486 Duncan should be fined for their illegal activities and required to return the dwelling to its original dimensions.

If the Planning Department cannot control this sort of activity in San Francisco, who can?

Respectfully,

Richard G Turner Jr  
1410 Noe St

San Francisco, CA 94131  
415/824-2919

September 26, 2021

Dear President Koppel, Vice President Moore, Commissioners and Mr. Winslow:

Please approve this Request for Discretionary Review. Ms. Joy's request to have a Juliet balcony on this illegally demolished and illegally reconstructed rear structure is very reasonable. **A deck on the rear structure is not reasonable.** A deck that is so close to Ms. Joy's home will be an invasion of privacy. This deck will be within 15 feet of her living space. This is a true invasion of her privacy that will be hard, if not impossible to mitigate.

*A deck is not necessary to meet the Open Space Requirement of the Planning Code for this single family home as there is a very nice yard on this key lot. I live five houses down the hill from 486 Duncan and have a similar sized yard. And no deck, just interior stairs to my yard from my home, which is one story over garage and ends about 10 feet away from the 45% line.*

The project sponsor who sold the house for \$4.25 million practically immediately upon receiving the CFC never intended to live in the house. It wasn't until the Board of Appeals hearing that it was discovered that the rear structure was illegally demolished and illegally reconstructed without benefit of permits and that the project sponsor was in the middle of the deal to sell the house.

Everything about this project was done just to the edge of needing any serious Notification....the dormer's were just the right size to not require a 311 Notice, the expansion was within the existing footprint...and the rear structure was surreptitiously demolished and rebuilt without benefit of permits.

**Here is a question:** Why did the project sponsor do this??

**Here is an analogy:**

A kid goes into a store and orders vanilla ice cream with hot fudge sauce. The kid walks out of the store without paying for it. The kid eats a couple of spoonfuls. The kid then walks back into the store and asks for some sprinkles, a dab of whipped cream and a cherry. The owner of the store tells the kid, I am not going to take the ice cream with the hot fudge sauce back because you have started to eat it, but you have a lot of nerve to ask for the toppings. No project sponsor should get the cherry, whipped cream and sprinkles on top, which is what the deck on this illegal rear structure is.

Please take Discretionary Review and grant Ms. Joy's request to protect her privacy. A Juliet balcony is a reasonable solution for everyone. Thank you.

Georgia Schuttish



# RESPONSE TO DISCRETIONARY REVIEW

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## Project Information

Property Address:	Zip Code:
Building Permit Application(s):	
Record Number:	Discretionary Review Coordinator:

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## Project Sponsor

Name:	Phone:
Email:	

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## Required Questions

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.)

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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 and indicate whether they were made before or after filing your application with the City.

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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. Include an explanation of your needs for space or other personal requirements that prevent you from making the changes requested by the DR requester.

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## Project Features

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Please provide the following information about the project for both the existing and proposed features. **Please attach an additional sheet with project features that are not included in this table.**

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	EXISTING	PROPOSED
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		
Height		
Building Depth		
Rental Value (monthly)		
Property Value		

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

<b>Signature:</b>	<b>Date:</b>
<b>Printed Name:</b>	<input type="checkbox"/> Property Owner <input type="checkbox"/> Authorized Agent

*If you have any additional information that is not covered by this application, please feel free to attach additional sheets to this form.*

Attachment to Response to Discretionary Review  
486 Duncan Street (6591/021)  
2021.00629.3457

**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.)**

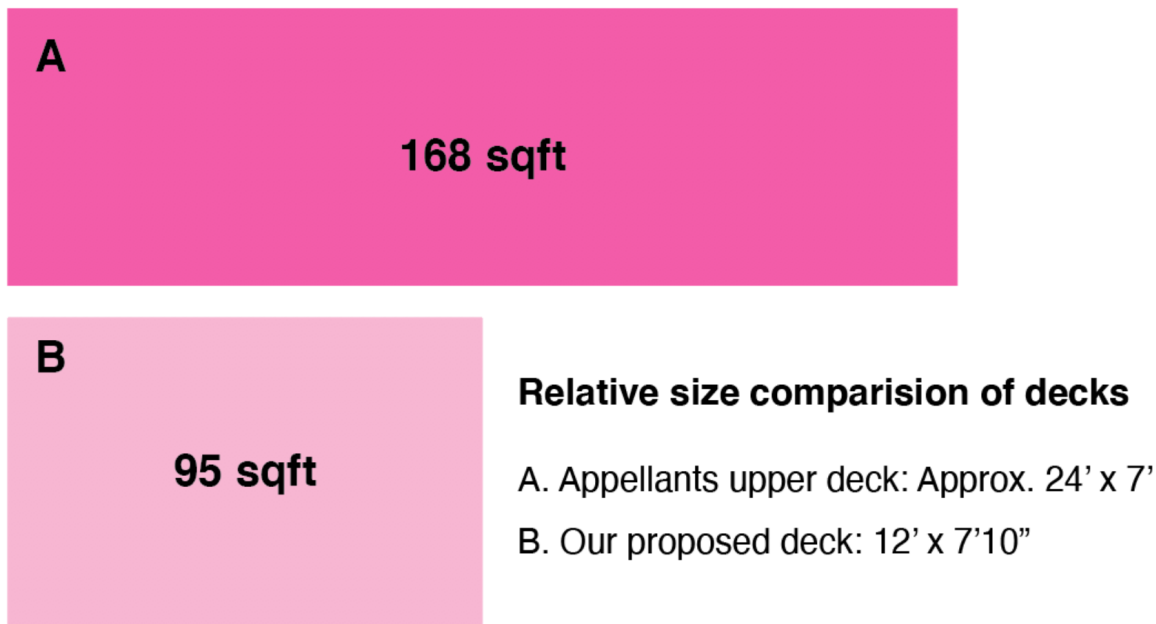
The proposed project should be approved because it is appropriate for the neighborhood and has already been approved by Planning Staff and the Planning Commission. The proposed roof deck is modest in size and in keeping with the other roof decks in the neighborhood. It was found to be appropriate in size and scale based on the Residential Design Guidelines. As illustrated in the aerial photo below, the majority of the properties along both Duncan and Noe Streets have decks on roofs or rear additions, including all of the adjacent properties and the DR Requestor's property, which all face the rear yard.



*Dark magenta indicates decks of surrounding homes.*

As illustrated below, the DR Requestor has two rear yard decks which are approximately 168 square feet each, which is nearly double the size of the proposed roof deck at 486 Duncan (the

“Property”). The size of the deck as proposed does not create exceptional and extraordinary impacts to the neighborhood and is in keeping with the existing pattern of development in the vicinity.



**This Project has been completed with support of Planning and DBI Staff, as well as in compliance with the current Building Code.**

The DR Requestor has continually suggested that work has been done to the detriment of the neighborhood, and in violation of the Building Code—but that assertion mischaracterizes the permit history of the Project.

There are currently no open DBI complaints related to the Project, and the open Planning Department enforcement action will be resolved with the Zoning Administrator’s approval of the variance application that was filed in January 2021.

Complaint No. 20196231 was cleared on 1/21/2020 by DBI. The demo work in question was performed to explore the structural integrity of the main structure and DBI determined that work was done within the scope of the permit.

The DR Requestor’s complaints resulted in a Planning Enforcement matter to evaluate the “reconstruction of non-complying structure within required rear yard without variance.” (See Planning File No. 2021-000862ENF.) We were initially unaware that a variance was required for the work to the existing rear pop-out, and the potential need for a variance wasn’t raised by the Planning Department until the Board of Appeals hearing last year. Once it was determined that a variance would be needed, the original permit was withdrawn on recommendation by Planning Staff to combine the proposed roof deck with the variance application for the reconstruction of the nonconforming rear pop-out. That is the sole reason the original permit was withdrawn. The rear pop-out that stands today maintains the same dimensions as the previously existing

structure, which was original to the home since 1906. A site visit with DBI was conducted on 11/12/2020 to further inspect the project, and it was agreed that the work was in compliance with current code, and was found to be in alignment with the approved plan set. (see below photos)



Before we purchased the property



After construction was complete



During construction

Additionally, the proposed roof deck was approved by the Planning Commission on 6/4/2020 at the first DR hearing related to this Project. At that hearing, the Planning Commission took DR, but unanimously approved a roof deck with dimensions of 12' x 7'10" (95 square feet)—the same size deck currently being proposed. In other words, the deck that is at issue in this DR request, is identical to the deck that the Planning Commission reviewed and approved last year. Nothing about the Project, the property, or the neighborhood has changed since that prior hearing, and so there is no reasonable basis for the Planning Commission to reverse its prior approval of the proposed deck.

**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 and indicate whether they were made before or after filing your application with the City.**

To address the DR Requestor's concerns, we reduced the previously approved plans for the deck approximately 54% to the current size in the proposal, which is 12' x 7'10" or 95 square feet. We also added a pony wall to address privacy concerns from the adjacent neighbor on Duncan. That neighbor's concerns have been resolved and are not a part of the current DR request.

We have made multiple attempts to reach a reasonable compromise with the DR Requestor, but have been met with resistance every step of the way. On the day of the Board of Appeal hearing on 11/4/2020, the DR Requestor did finally offer a compromise that entailed reducing the depth of the deck to 5'0" and adding a privacy screen along the western portion of the deck. We were open to discussing this direction and signaled our intent to work towards a resolution in email on 11/18/2020. However, once the Planning Department determined that we would need to file a variance for the reconstruction of the rear pop-out, the DR Requestor has not been willing to discuss any reasonable compromises regarding the roof deck.

**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. Include an explanation of your needs for space or other personal requirements that prevent you from making the changes requested by the DR requester.**

**This Project is not more likely to contribute to increased noise and privacy concerns than what exists today.**

The DR Requestor has raised concern about the impacts to the neighbors. However, no other neighbors have filed DR requests related to the Project as currently proposed. It should be known that the close proximity of the properties is a direct result of a variance at the DR Requestor's property on Noe. As stated by the Board of Appeals on 11/4/2020, the DR Requestor has benefited greatly from a variance that was granted for her own home, which made it possible for her home to extend as close to the property line as it currently does since it's on a substandard lot. Additionally, the DR Requestor continues to claim that "noise from users of the roof deck is likely to cause unreasonable impact." This is purely speculative in nature. The proposed deck is off a bedroom, making it unlikely to be used as a large gathering or party space. The proposed deck is also smaller than the DR Requestor's own two decks, which are off common areas. This project will not infringe on the privacy of the neighbors or contribute to increased noise any more than the current configuration of development on the block—in which almost every single property facing the midblock open space has a deck. It is also worth noting that at the DR hearing last year, the Planning Commission suggested that measures could be taken by the DR Requestor to mitigate her own privacy concerns, such as curtains or other window treatments.

The proposed alternative offered by the DR Requestor for a Juliet balcony with no exterior deck space is not a reasonable alternative. In a neighborhood where almost every other property has a rear-facing deck, and where the DR Requestor's own decks look down onto our rear yard, a rear deck on top of an existing structure is a reasonable request that is appropriate given the existing development context.

We believe that this Project is consistent with the San Francisco General Plan, specifically with respect to complementing the existing design and character of the neighborhood. The Duncan Street property is a Victorian home built in 1906 and the rear pop-out structure is original to the property. The proposed plan upholds the history and character of this home with an updated design that is in line with the existing pattern of development in the neighborhood and meets Residential Design Guidelines.

# REUBEN, JUNIUS & ROSE, LLP

September 30, 2021

## **Delivered Via Email**

President Joel Koppel, San Francisco Planning Commission  
Corey Teague, Zoning Administrator  
49 South Van Ness Ave, Suite 1400  
San Francisco, CA 94103

**Re: 486 Duncan Street (6591/021)  
Brief in Opposition to DR Request and Request for Rear Yard Variance  
Planning Department Case Nos. 2021-000822DRP/VAR  
Hearing Date: October 14, 2021  
Our File No.: 11816.01**

Dear President Koppel and Commissioners and Mr. Teague:

Our office represents the Project Sponsor at 486 Duncan Street (the “Property”). The Property is located on the north side of Duncan Street, at the top of a steep hill just below Noe Street. The Project Sponsor is seeking approval of a variance to legalize the reconstruction of a rear pop-out and staircase and approval of a building permit to authorize the construction of a deck on the roof of the non-conforming pop-out (the “Project”). The Project was approved by the Planning Commission at a Discretionary Review (“DR”) hearing on June 4, 2020 (2019-020151DRP-02), and no changes have been made to the Project since that time. The Project was also heard by the Board of Appeals on November 4, 2020 (Appeal No. 20-069), which seemed inclined to approve the Project but ultimately continued the matter so that the Project Sponsor could work with DBI and Planning Staff on the best course of action after confusion arose about the permitting history.

The DR Requestor/Appellant from the 2020 hearings is also the lone DR Requestor in the present matter.<sup>1</sup> Robin Joy is the owner of 1411, whose property abuts the 486 Duncan rear yard.

The DR Requestor’s request to eliminate the previously approved roof deck from the Project is extreme in nature and unreasonable. The DR Requestor has not identified any exceptional or extraordinary circumstances that justify the proposed modification. The DR request should be denied for the following reasons:

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<sup>1</sup> A second DR requestor from the 2020 case (the neighbor to the east of the Property), has not filed a DR request in this matter.

1. **Planning Commission has Already Approved the Project.** At the prior DR hearing on this Project in June 2020, the Planning Commission approved a 94 square foot deck. The deck at issue now is consistent with the prior approval and nothing has changed that would justify overturning the prior decision.
2. **Most of Properties Facing the Midblock Open Space have Upper-Level Decks, Including the DR Requestor.** Almost every property facing the midblock open space here has at least one upper-level back deck. Denying the Project Sponsor's request for a deck deprives the Property of a right enjoyed by most of its neighbors.
3. **Rear Structure is Original to the Property.** As far as we know, the rear pop-out is original to the structure and aerial photos confirm that it existed at least as early as 1937.
4. **Typical Corner Lot Configuration.** The relationship between the lots at 486 Duncan and the adjacent properties on Noe Street is typical throughout the city—with one deeper lot sharing a property line with a number of more shallow lots around the corner.
5. **DR Requestor's Insistence on a Juliet Balcony is Unreasonable.** The demand for a Juliet balcony in lieu of the proposed deck is not a good faith attempt at compromise, and is especially unreasonable given that the DR Requestor enjoys use of an approximately 168 square foot deck at her own property. In the last few days, the DR Requestor has expressed willingness to support a deck proposal that is pulled back to the rear yard setback line (i.e. 3 feet, 8 inches deep by 12 feet wide). But this modification is a 54% reduction below the current proposal and would result in a deck approximately 74% smaller than the DR Requestor's own second level deck.
6. **Deck will not be a Party Deck.** The proposed deck would be only 94 square feet in area and would be located off an upper-level bedroom. Accordingly, it is not conducive to large social gatherings.

For these reasons, we ask that you approve the Project as proposed. There are no exceptional or extraordinary circumstances that justify taking DR, and the requested variance is appropriate, necessary, and not materially injurious to the Property or its neighbors.

#### **A. Property & Project Description**

The Property is located on the north side of Duncan Street, at the top of the hill just below Noe Street. The existing building was constructed in 1906, and the rear pop-out is original to the home.<sup>2</sup> The Property is the last home at the top of Duncan Street—such that its rear yard shares a property line with four properties to the west on Noe Street.

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<sup>2</sup> Aerial photos dating back to 1937 show the existing configuration of the pop out.



The buildings on this block of Duncan and Noe are generally 2-stories at the street face and 3- to 4 stories at the rear due to the downslope of the lots. Most of the homes have rear decks and three of the four properties abutting 486 Duncan have received variances.

The Project is the final component of a remodel that the Project Sponsor has otherwise completed. The Property includes a two-story, legal nonconforming structure that extends 10 feet, 10 inches in length and approximately 21 feet in width from the main house. The Project is to legalize the rebuilding of a portion of this structure that extends into the rear yard and construct a 94 square foot deck above it. The second floor non-conforming area is approximately 194 square feet and extends 7 feet, 2 inches into the rear yard setback.

## **B. Procedural History**

This Project has a long procedural history, during which the Project was reviewed and approved—including by this Commission—several times. A full timeline is attached at **Exhibit A**, but these are a few of the key dates:

- **September 26, 2019:** Site permit issued for remodel, including 174 square foot addition underneath existing sunroom.
- **October 10, 2019:** Sponsor met with DR Requestor in person and walked through plans and project site where she voiced concern of any deck.
- **October 23, 2019:** Permit application 201910235399 filed for 185 square foot roof deck over existing roof.
- **February 14, 2020:** Discretionary Review submitted by DR Requestor.
- **May 1, 2020:** In an effort to address the DR Requestor's concerns, Project Sponsor sent an email to propose a reduction of the deck size from 17'10" x 10'4" (185 sqft) to 11' x 9'

(99 square feet) which was a 54% reduction in size. Sponsor subsequently made additional attempts to discuss options to come to an agreement with the DR Requestor prior to the June 4 DR hearing.

- **May 28, 2020:** Complaint (No. 202035321) filed alleging removal and reconstruction of rear pop-out. Complaint closed by DBI on 10/23/2020 with comments that complaint not valid as work is part of the original scope of work that's on the approved set of plans.
- **June 4, 2020:** DR hearing. The Planning Commission approved a 94 square foot deck with a 6-0 vote. This is the same size as the currently proposed project.
- **October 15, 2020:** Appeal No. 20-069 filed by DR Requestor's attorney.
- **November 4, 2020:** Board of Appeals hearing took place where it was determined that Sponsor would be required to file for a variance for the rear construction that had been completed.
- **November 12, 2020:** Site visit at 486 Duncan with Matthew Greene, Joe Duffy, and Damien Martin from DBI. Findings were that work completed was done to code and in accordance with the approved plan set. The recommendation from DBI was to issue a correction notice to update the permit.
- **November 17, 2020:** Video conference with Deputy ZA to discuss DBI's finding and talk about next steps. The recommendation from Planning was to cancel the current permit application and include the proposed deck in the variance application.
- **January 23, 2021:** Variance application submitted.
- **March 29, 2021:** Project Sponsor's attorney reached out to DR Requestor's attorney to discuss the matter and any potential to compromise. They showed no interest in a compromise.
- **July 20, 2021:** Project Sponsor's attorney reached out to DR Requestor's attorney with update on 10-day notice period for the new permit and tentative date for variance hearing. Offered a phone call to discuss the project. No response received.

### **C. Permitting and Reconstruction of the Rear Structure**

During the construction process (pursuant to Permit No. 2019.0829.0213), the contractor determined that more structural work was needed than previously anticipated—the existing walls and framing of the rear office/den structure were substandard due to decades of deterioration. The contractor ultimately reframed the rear pop-out in order to comply with current Building Code standards and to ensure the seismic stability of the aging structure. Upon review of a May 28, 2020, complaint alleging that the back extension was removed and rebuilt without a permit, DBI determined the following: “complaint not valid as it is part of the original scope of work that’s on the approved set of plans.” (See Complaint No. 20203531; closed October 23, 2020; attached at **Exhibit B.**)

Because work was being completed pursuant to a validly issued permit, and because DBI cleared the May 28 complaint, the Project Sponsor didn’t realize that the ultimate scope of repairs required an amended permit—or a variance. The Project Sponsor had no intention of flouting Planning or Building Code requirements.

**The rebuilt structure is nearly identical in size and height to the previously existing structure. In fact, the overall volume was decreased slightly** due to the change in roof line from an inverted butterfly roof to a shed roof. A visual timeline of the construction work at the rear of the Property is attached at **Exhibit C**.

At the Board of Appeals hearing in November 2020, the DR Requestor made the case that the rear pop-out at the Property had been demolished and reconstructed outside the scope of the approved building permit and should have received a variance. Although DBI had signed off on all aspects of the construction and had cleared the complaint related to the reconstruction of the rear pop-out, the Deputy ZA determined that the demolition and reconstruction of the rear structure required a variance due to the encroachment into the rear yard.

Following the November 4, 2020, Board of Appeals hearing, Planning Staff opened an enforcement matter to evaluate the “reconstruction of non-complying structure within required rear yard without variance.” (See Planning File No. 2021-000862ENF.) Ultimately, it was determined that the demolition and reconstruction of that structure would require a variance—since it extends 7 feet, 2 inches into the required rear yard—and that the construction of a roof deck on top of that structure would require 10-day neighborhood notice. Upon the guidance of Planning Staff, the Sponsor withdrew the original permit and submitted a new site permit to authorize the reconstruction of the rear structure as well as the construction of a new 94 square foot roof deck and wood staircase. (DBI Permit No. 2021.0629.3457.)

Again, the Project Sponsor was unaware that a variance was required for the work to the preexisting rear pop-out, and the potential need for a variance wasn’t raised by the Planning Department until the Board of Appeals hearing last year. On January 26, 2021, the Project Sponsor submitted a variance request to cover the encroaching pop-out and staircase within the rear yard.

There are currently no open DBI complaints related to the Project, and the open Planning Department enforcement action would be resolved with the Zoning Administrator’s approval of the variance application that was filed in January 2021.

#### **D. Outreach to DR Requestor and Neighbor Support**

Leading up to and since the June 4, 2020, DR hearing, the Project Sponsor had a number of conversations and email exchanges with the DR Requestor. Since the Board of Appeals hearing late last year, we have reached out to the DR Requestor and her attorney several times. However, the DR Requestor’s attorney did not respond to our July 20 email offering to discuss the Project. The new owner/occupant of the Property had a conversation with the DR Requestor about the proposed roof deck in late July 2021, but no agreement was reached.

Since moving in, the new owners have reached out to their neighbors to introduce themselves and make sure that there were no concerns about the Project. As a result of that outreach, we have received two letters in support of the Project.

Throughout this process, the Project Sponsor was open to working with the DR Requestor. The deck proposed now is smaller than the deck originally proposed, and smaller than the DR Requestor's own large second story deck. The Project Sponsor has even offered to install a privacy barrier along the west side of the proposed deck.

Ultimately, these attempts went nowhere with the DR Requestor, who until very recently, had continued to insist on a small Juliet balcony at the Property, and over the last several weeks leading up to this hearing, had been unwilling to discuss a potential compromise.

#### **E. Response to DR Concerns**

The DR Requestor raised several concerns about the Project, mostly related to privacy and the permitting history of the Project, which we have addressed above in Section C.

##### *1. Size of the Deck has Already Been Substantially Reduced and Approved by the Planning Commission at the Previous DR Hearing.*

As originally proposed, the Project would have constructed a 179 square-foot roof deck over the existing den/office at the rear of the Property. That deck would have been approximately 17 feet wide by 10 feet, 6 inches deep, with a 4 foot, 1 inch setback from the DR Requestor's Property. At the prior DR hearing on June 4, 2020—in which the DR Requestor also filed a DR request—the Planning Commission unanimously voted to approve the Project with a smaller roof deck, requiring that it be set back 3 feet from the west and north sides and 2 feet from the east side. The deck now proposed is consistent with that direction—at 12 feet wide by 7 feet, 10 inches deep, the deck would be approximately 94 square feet.

Because the proposed deck has already been reduced in size and approved by the Planning Commission, there is no need for the Commission to take DR and overturn its previous approval.

##### *2. Exceptional and Extraordinary Circumstances have not been Proven and the Project is Consistent with the Existing Pattern of Development.*

The DR Requestor argues that “the irregular lot configuration between 486 Duncan Street and the nearby neighbors on Noe Street is an exceptional and extraordinary circumstance that merits discretionary review.” (Attachment to Discretionary Review Request, pg. 1.) This is inaccurate. The relationship of the lots between 486 Duncan and those adjacent to the Property on Noe is typical at block corners throughout the city, and several of the corners in the vicinity exhibit a similar lot configuration in which a deeper key lot shares a property line with several more shallow lots:

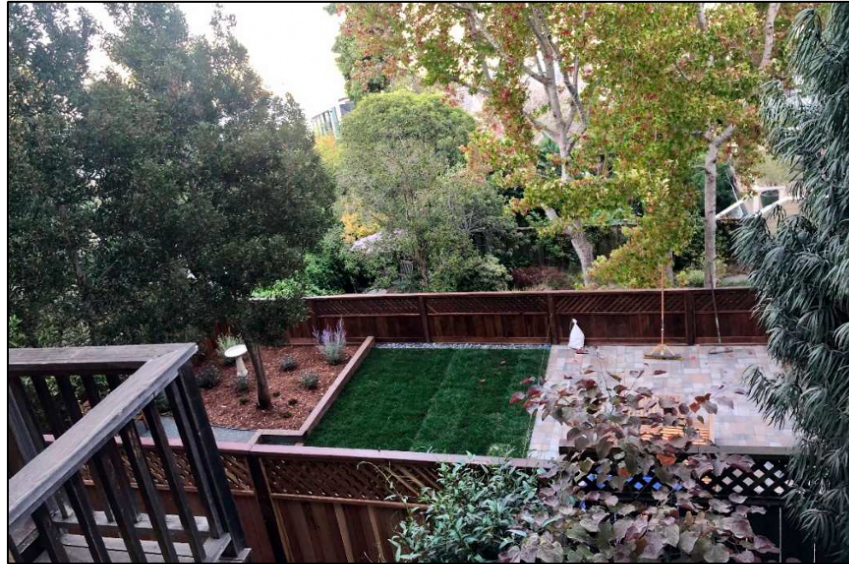


Importantly, the proposed deck is consistent with the existing pattern of development on the block, where **almost every single property facing the mid-block open space has an upper-level deck, including the DR Requestor's property:**



*3. Balance of Respective Property Interests.*

Most of the DR Requestor's argument stems from her concern that the proposed deck infringes on her privacy. But this argument ignores the full picture of the relationship between the two properties. For one, 486 Duncan sits downhill from 1411 Noe, the DR Requestor's property. A picture included in the DR request illustrates that the DR Requestor's own upper-level deck looks down into the Property's rear yard, precluding any sense of privacy in that space:



*Pulled from DR Request at page 6.*

Neither the Planning Code nor the Residential Design Guidelines provide an absolute right to privacy, and the DR Requestor's own 168 square foot deck is not entitled to special protection from all future development.

The DR Requestor's concerns about noise coming from the proposed deck are also overblown. The small deck would be accessed from an upper-level bedroom rather than a primary living space. The deck is not conducive to large gatherings and is most likely to be used as a sunny sitting area.

*4. DR Requestor's Proposed Alternative is Unreasonable.*

Leading up to the June 2020 DR hearing, the Project Sponsor agreed to reduce the size of the deck by approximately 50%, which was done proactively to address the DR Requestor's concerns. The Planning Commission incorporated this revision into its June 2020 DR decision. The Project Sponsor has also offered to incorporate a moveable privacy screen along the western edge of the deck (as required by the Commission in June 2020)—but the DR Requestor has repeatedly rejected a privacy screen as a solution. Instead, the DR Requestor has continued to insist on a “much smaller Juliet balcony.” (DR Request at pg. 5.) **The demand for a Juliet balcony in lieu of the proposed deck is not a good faith attempt at compromise, and it is hypocritical given that the DR Requestor enjoys use of an approximately 168 square foot deck at her own property.**

We understand that in the last several days, the DR Requestor has expressed willingness to support a deck proposal that is pulled back to the rear yard setback line (i.e. 3 feet, 8 inches deep by 12 feet wide). But this modification would result in an approximately 43 square foot deck—a 54% reduction below the current proposal and approximately 74% smaller than the DR Requestor’s own second level deck.

**F. Variance is Appropriate, Necessary, and not Materially Injurious to the Property or its Neighbors**

In RH-2 Districts, Section 134 requires a minimum rear yard depth equal to 45 percent of the total depth of the lot. The Property is 114 feet deep, therefore, a rear yard of 51.4 feet is required. The rebuilt structure (which occupies the same footprint as the prior nonconforming structure) extends out 7 feet, 2 inches into the existing rear yard; the new stairs extend 6 feet, 4 inches into the rear yard; and the roof deck will extend 4 feet, 2 inches into the rear yard. The features will reduce the rear yard to 44 feet, 1 inch.

Under Planning Code Section 136(c)(25), extensions of buildings are permitted within the rear yard if the structure extends no more than 12 feet into the required open area (the rear structure extends only 7 feet, 2 inches). A 2008 ZA Interpretation allows a deck “to be constructed upon the flat roof surface of a non-complying structure provided its open railing is no higher and no more enclosed than required by the Building Code,” as long as a 10-day neighborhood notice is provided. (Planning Code Interpretations, Deck on Non-complying Structure (February 2008).)

The variance is necessary to maintain the existing size and functionality of the home. As far as we know, the rear structure is original to the house, and historical aerial photos confirm the existence of the rear pop-out at least as of 1937. The stairs were rebuilt to meet current Building Code standards. They are low in profile and do not impact the adjacent properties. The proposed roof deck is modest in size, smaller in square footage than the decks immediately adjacent to the Property, set back considerably from the property lines, and will not have a negative impact on the neighbors.

The rear pop-out and proposed deck are also appropriate given the pattern of development in the vicinity—where most homes have rear decks and many, including at least three of the four adjacent properties on Noe Street, benefit from variances. Again, the Planning Commission approved the proposed 94 square foot deck in June 2020, and nothing has changed since that time that would warrant a different outcome here.

**G. Conclusion**

The DR Requestor has failed to establish exceptional or extraordinary circumstances that would justify the exercise of discretionary review for a second time. The Project Sponsor has demonstrated a willingness to be a good neighbor by reducing the size of the deck and offering to install a privacy screen along the western edge of the deck. The DR Requestor’s insistence on a Juliet balcony (and more recently on a small 3 foot, 4 inch deck) is extreme in nature and the DR

Requestor has taken advantage of a procedural technicality to try and obtain a different result on a question that this Commission has already considered and decided.

This Project does not rise to the standard necessary for discretionary review and the requested variance is appropriate and will not be materially injurious to the property or its neighbors. Thank you for your consideration.

Very truly yours,

**REUBEN, JUNIUS & ROSE, LLP**



**Chloe Angelis**

cc: Vice President Kathrin Moore  
Commissioner Sue Diamond  
Commissioner Rachael Tanner  
Commissioner Frank Fung  
Commissioner Theresa Imperial  
Commissioner Deland Chan  
Gabriela Pantoja – Project Planner  
David Winslow – DR Planner

**Exhibits:**

Exhibit A – Project and Procedural Timeline  
Exhibit B – DBI Permit Tracking Page, Complaint No. 20203531  
Exhibit C – Visual Timeline of Rear Structure Work

## **EXHIBIT A**

## 486 Duncan – Complete Timeline

- **September 26, 2019:** Site permit issued for remodel, including 174 sqft addition underneath existing sunroom.
- **October 10, 2019:** Met with DR Requestor in person and walked through plans and project site where she voiced concern of any deck.
- **October 23, 2019:** Permit application 201910235399 filed for 185 sqft roof deck over existing roof.
- **December 26, 2019:** DR Requestor Complaint (No. 201907951) filed alleging construction of roof deck in backyard without appropriate permit issued. Complaint closed by DBI on 10/23/2020 with comments that first, second and third floors are in accordance with the approved set of plans.
- **February 14, 2020:** Discretionary Review submitted by DR Requestor.
- **May 1, 2020:** In an effort to address the DR Requestor's concerns, Project Sponsor sent an email to propose a reduction of the deck size from 17'10" x 10'4" (185 sqft) to 11' x 9' (99 sqft) which was a 54% reduction in size. We subsequently made additional attempts to discuss options to come to an agreement with the DR Requestor prior to the June 4 DR hearing.
- **May 9, 2020:** Project Sponsor sent a follow up email to DR Requestor to propose times to discuss the proposed deck.
- **May 12, 2020:** Project Sponsor sent a follow up email to DR Requestor to propose suggestions to address privacy concerns. DR Requestor was opposed to discussing any options.
- **May 14, 2020:** Rough framing inspection signed off.
- **May 28, 2020:** Complaint (No. 202035321) filed alleging removal and reconstruction of rear pop-out. Complaint closed by DBI on 10/23/2020 with comments that complaint not valid as it is part of the original scope of work that's on the approved set of plans.
- **June 4, 2020:** DR hearing. With slight modifications, the Planning Commission approved a 94 square foot deck with a 6-0 vote. This is the same size as the currently proposed project.
- **October 15, 2020:** Appeal NO. 20-069 filed by DR Requestor's attorney.
- **October 27, 2020:** Had a video conference call with DR Requestor and her attorney to discuss a compromise and no concessions were made.
- **November 3, 2020:** Email discussions with DR Requestor's attorney to attempt a resolution prior to the Board of Appeals meeting.
- **November 4, 2020:** Received email from DR Requestor's attorney stating: "at this point she would like to go forward with tonight's hearing and see what happens. With that said, she does want to continue trying to work out a neighborly resolution afterward."
- **November 4, 2020:** Board of Appeals hearing took place where it was determined that we would be required to file for a variance for the rear construction that had been completed.
- **November 12, 2020:** Site visit at 486 Duncan with Matthew Greene, Joe Duffy, and Damien Martin from DBI. Findings were that work completed was done to code and in accordance with the approved plan set. The recommendation from DBI was to issue a correction notice to update the permit.

- **November 17, 2020:** Video conference with Scott Sanchez from Planning to discuss DBI's finding and talk about next steps. The recommendation from Planning was to cancel the current permit application and include the proposed deck in the variance application.
- **November 18, 2020:** Project Sponsor reached out to DR Requestor and attorney to revisit the compromise we had been discussing before the hearing. In their response on November 20, they were no longer interested in exploring reasonable options.
- **January 23, 2021:** Variance application submitted.
- **February 17, 2021:** DR Requestor reached out to the Homeowner to discuss the matter and the Homeowner directed her to reach out to us, the Project Sponsor. The DR Requestor did not reach out.
- **March 29, 2021:** Project Sponsor's Attorney reached out to DR Requestor's Attorney to discuss the matter and any potential to compromise. They showed no interest in a compromise whatsoever and indicated they would proceed with DR.
- **May 19, 2021:** Project Sponsor met with Gabriela Pantoja from Planning to discuss the project and she suggested reaching out to the DR Requestor again to seek a compromise.
- **July 20, 2021:** Project Sponsor's attorney reached out to DR Requestor's attorney with update on 10-day notice period for the new permit and tentative date for variance hearing. Offered a phone call to discuss the project. No response received.
- **July 23, 2021:** Project Sponsor and Homeowner agreed that the Homeowner would reach out to the DR Requestor directly to discuss a neighborly solution.
- **August 2, 2021:** Homeowner and DR Requestor had a phone call to discuss the project. The DR Requestor's response was that she was unwilling to make any compromise other than a Juliet balcony (a rail across the door opening) and that she would also be arguing against the variance.
- **September 14, 2021:** Project Sponsor's attorney reached out to Planning Staff (David Winslow and Gabriela Pantoja) to see if there was interest from the DR Requestor to have a joint meeting before the hearing. The DR Requestor's attorney was not interested in meeting.
- **September 20, 2021:** Project Sponsor, Project Sponsor's attorney and Planning Staff (Gabriella Pantjola) met to discuss the project and upcoming hearing.

## **EXHIBIT B**

**COMPLAINT DATA SHEET****Complaint  
Number:****202035321**Owner/Agent: OWNER DATA  
SUPPRESSED

Date Filed:

Owner's Phone: --

Location:

Contact Name: --

Block:

Contact Phone: --

Lot:

Complainant: COMPLAINANT DATA  
SUPPRESSED

Site:

Rating:

Occupancy Code:

Received By: Suzanna Wong

Division:

BID

Complainant's

Phone:

Complaint

Source:

LETTER

Assigned to

Division:

BID

Description: Removed and rebuilt back extension w/o permit

Instructions:

**INSPECTOR INFORMATION**

DIVISION	INSPECTOR	ID	DISTRICT	PRIORITY
BID	GUNNELL	6237	16	

**REFERRAL INFORMATION****COMPLAINT STATUS AND COMMENTS**

DATE	TYPE	DIV	INSPECTOR	STATUS	COMMENT
05/28/20	CASE OPENED	BID	O'Leary	CASE RECEIVED	
05/28/20	OTHER BLDG/HOUSING VIOLATION	BID	O'Leary	CASE UPDATE	Case reviewed and assigned to district inspector per MH; slw
05/29/20	OTHER BLDG/HOUSING VIOLATION	BID	O'Leary	CASE UPDATE	site meeting arranged
06/03/20	OTHER BLDG/HOUSING VIOLATION	BID	O'Leary	CASE UPDATE	contractor did not show up for 10am meeting; case under review
10/23/20	OTHER BLDG/HOUSING VIOLATION	BID	Gunnell	CASE CLOSED	complaint not valid as it is part of the original scope of work thats on the approved set of plans. DM

**COMPLAINT ACTION BY DIVISION****NOV (HIS):****NOV (BID):**

Inspector Contact Information

[Online Permit and Complaint Tracking](#) home page.**Technical Support for Online Services**

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

## **EXHIBIT C**



June, 2019  
Property and rear structure seen at time of permit issue.



September, 2019  
Rear structure supports while infill work underneath began.



October, 2019  
Detail showing support beams holding upper structure in place during infill work.



October, 2019  
Foundation work being done underneath upper rear structure.



October, 2019  
Foundation forms complete for ground floor infill.



January, 2020  
Reframing of upper structure complete and framing inspection signed off.



May, 2020  
Rear stairs during reconstruction.



August, 2020  
Rear stairs and siding nearing completion.



September, 2020  
Rear of house nearing completion.

From: **James & Björn Achilles-Stade** <[mail@achilles-stade.eu](mailto:mail@achilles-stade.eu)>

Date: Sun, Jul 18, 2021 at 6:45 PM

Subject: 486 Duncan Street Deck. Permit #2021.0629.3457

To: <[gabriela.pantoja@sfgov.org](mailto:gabriela.pantoja@sfgov.org)>

CC: <[shirazi.hilary@gmail.com](mailto:shirazi.hilary@gmail.com)>

Letter 1:

Hello SF Planning Commission,

I was a neighbor of 486 Duncan street, and I support their permit to build a roof deck. They were wonderful neighbors and we are excited to have them in the neighborhood.

They are respectful, quiet, and have shown eagerness to help out with their neighbors and we have no concerns about them building a deck.

Thank you for your work,

Björn and James Achilles-Stade

(Neighbours)

From: **Mattie Magdovitz** <[matildagoldman1@gmail.com](mailto:matildagoldman1@gmail.com)>

Date: Sun, Jul 18, 2021 at 5:07 PM

Subject: 86 Duncan St. Deck, Permit #2021.0629.3457

To: <[gabriela.pantoja@sfgov.org](mailto:gabriela.pantoja@sfgov.org)>

CC: <[shirazi.hilary@gmail.com](mailto:shirazi.hilary@gmail.com)>

Hello SF Planning Commission,

I am a neighbor of [486 Duncan street](#) -- I own a home just a few houses down the street -- and I support their permit to build a roof deck. They are wonderful neighbors and we are excited to have them in the neighborhood, and fully support their renovation.

They are respectful, quiet, and have shown eagerness to help out with their neighbors and we have no concerns about them building a deck.

Thanks,  
Mattie Magdovitz  
[471 Duncan St, SF](#)



PROPOSED EAST ELEVATION - 486 DUNCAN ST.

1/4" = 1'-0"







View from proposed deck at 486 Duncan  
(approx 20 feet away from edge of DR requestor's deck)



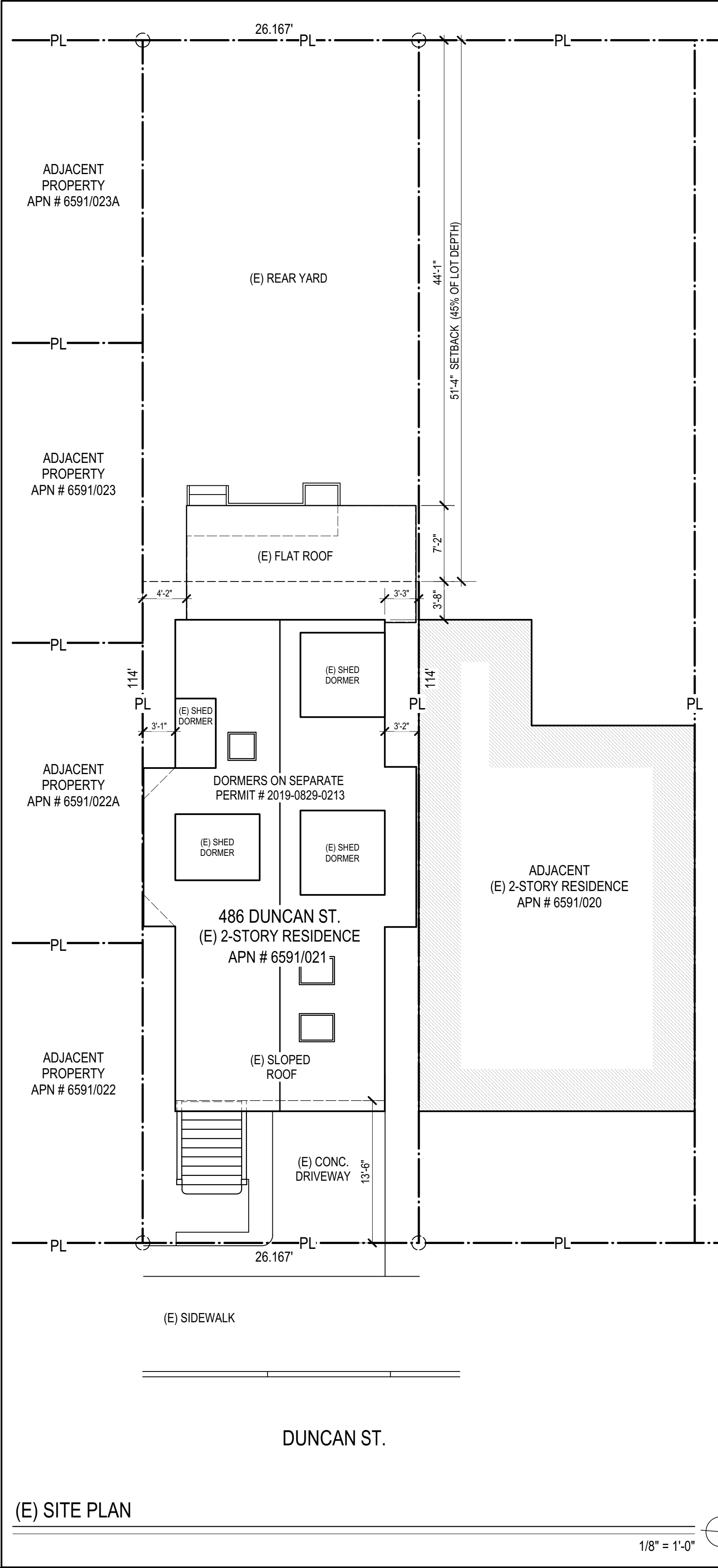
View from DR requestor's deck looking down onto 486 Duncan St.  
(from 2005 listing photos)

GENERAL NOTES

1. THE CONSTRUCTION DOCUMENTS ARE PROVIDED TO ILLUSTRATE THE DESIGN DESIRED AND IMPLY THE FINEST QUALITY WORKMANSHIP THROUGHOUT. ANY DESIGN OR DETAIL WHICH APPEARS TO BE INCONSISTENT WITH THE ABOVE SHOULD BE IMMEDIATELY BROUGHT TO THE ATTENTION OF THE DESIGNER BY THE CONTRACTOR.
2. ALL CONSTRUCTION SHALL COMPLY WITH THE REQUIREMENTS OF THE CALIFORNIA RESIDENTIAL CODE, 2016 EDITION, THE CALIFORNIA PLUMBING CODE, 2016 EDITION, THE CALIFORNIA ELECTRICAL CODE, 2016 EDITION, THE CALIFORNIA MECHANICAL CODE, 2016 EDITION, THE CALIFORNIA FIRE CODE, 2016 EDITION, THE CALIFORNIA ENERGY CODE, 2016 EDITION, THE CALIFORNIA BUILDING STANDARDS CODE, 2016 EDITION AND ALL OTHER APPLICABLE AMMENDMENTS, ORDERS, ORDINANCES, AND REGULATIONS.
3. THE CONTRACTOR AND/OR SUBCONTRACTOR SHALL VERIFY ALL CONSTRUCTION DOCUMENTS, SITE DIMENSIONS AND CONDITIONS AND SHALL NOTIFY THE ARCHITECT OF ANY DISCREPANCIES OR INCONSISTENCIES PRIOR TO STARTING WORK.
4. DO NOT SCALE DRAWINGS. APPLICABLE TRADES SHALL USE A COMMON DATUM TO BE DESIGNATED BY THE CONTRACTOR FOR ALL CRITICAL MEASUREMENTS. SPECIFIC NOTES AND DETAILS SHALL TAKE PRECEDENCE OVER GENERAL NOTES AND DETAILS.
5. DIMENSIONS ARE TO FACE OR CENTERLINE OF STUD, UNLESS NOTED OTHERWISE.. AT FLOORS AND CEILINGS WITH PLYWOOD SHEATHING DIMENSIONS ARE TO EXTERIOR SIDE OF PLYWOOD.
6. REFER TO ADDITIONAL NOTES SHOWN ON THE STRUCTURAL AND/OR CIVIL ENGINEERING SHEETS CONTAINED IN THESE DRAWINGS.
7. DURING CONSTRUCTION THE CONTRACTOR SHALL PROVIDE FIRE EXTINGUISHERS AS REQUIRED.
8. WHEREVER EXISTING WORK IS DAMAGED BY ANY OTHER CONSTRUCTION OPERATION, IT SHALL BE REPAIRED OR REPLACED WITH NEW MATERIAL TO MATCH EXISTING AS APPROVED BY THE ARCHITECT.
9. THE CONTRACTOR SHALL REMOVE FROM THE SITE ALL DEBRIS AND RUBBISH RESULTING FROM THE WORK SPECIFIED HEREIN.
10. ALL EXPOSED BOLTS, WASHERS, NAILS, OR METAL CONNECTORS SHALL BE DOUBLE HOT DIP GALVANIZED [U.N.O.]
11. SHOP DRAWINGS, PROJECT DATA AND OTHER SAMPLES SHALL BE SUBMITTED TO THE ARCHITECT AND OWNER WHEN REQUESTED.
12. THE CONTRACTOR SHALL PROVIDE ALL NECESSARY BACKING AND FRAMING FOR WALL MOUNTED ITEMS.
13. FIRE STOPS SHALL BE LOCATED AT THE FOLLOWING LOCATIONS:
- A.) IN CONCEALED SPACES OF STUD WALLS INCLUDING FURRED SPACES - AT FLOOR AND CEILING LEVELS AND AT 10 FOOT INTERVALS ALONG THE LENGTH OF THE WALL
- B.) AT ALL INTERCONNECTIONS BETWEEN CONCEALED VERTICAL AND HORIZONTAL SPACES SUCH AS OCCUR AT SOFFITS, DROP CEILINGS AND COVE CEILINGS.
- C.) IN OPENINGS AROUND VENTS, PIPES, DUCTS CHIMNEYS, AND SIMILAR OPENINGS WHICH AFFORD A PASSAGE FOR A FIRE AT CEILING AND FLOOR LEVELS, WITH NONCOMBUSTIBLE MATERIALS.
- D.) IN CONCEALED SPACES BETWEEN STAIR STRINGERS AT THE TOP AND BOTTOM OF THE RUN AND BETWEEN STUDS ALONG AND IN LINE WITH THE RUN OF THE STAIRS IF THE WALLS UNDER THE STAIRS ARE UNFINISHED.
14. AT EXTERIOR WALL OPENINGS: FLASHING, COUNTER FLASHING AND EXPANSION JOINT MATERIAL SHALL BE CONSTRUCTED IN SUCH A MANNER AS TO BE COMPLETELY WATERPROOFED AND WEATHERPROOFED.
15. THE LOCATIONS OF EXISTING UNDERGROUND UTILITIES ARE SHOWN IN AN APPROXIMATE WAY ONLY AND HAVE NOT BEEN INDEPENDENTLY VERIFIED BY THE OWNER OR ITS REPRESENTATIVE. THE CONTRACTOR SHALL DETERMINE THE EXACT LOCATION OF ALL EXISTING UTILITIES BEFORE COMMENCING WORK, AND AGREES TO BE FULLY RESPONSIBLE FOR ANY AND ALL DAMAGES WHICH MIGHT BE OCCASIONED BY THE CONTRACTOR'S FAILURE TO EXACTLY LOCATE AND PRESERVE ANY AND ALL UNDERGROUND UTILITIES.
- ENERGY NOTES**
1. NEW EXTERIOR WALL ASSEMBLIES SHALL BE INSULATED WITH BLANKET TYPE MINERAL OR GLASS FIBER INSULATION CONFORMING TO FEDERAL SPECIFICATION HH-1-521E WITH A MINIMUM THERMAL RESISTANCE (R) OF R-13 IN 2X4 WALLS OR R-19. IN 2X6 WALLS.
2. NEW ROOF ASSEMBLIES SHALL BE INSULATED WITH BLANKET TYPE MINERAL OR GLASS FIBER INSULATION CONFORMING TO FEDERAL SPECIFICATION HH-1-521E WITH A MINIMUM THERMAL RESISTANCE (R) OF R-30 AND UNDERFLOOR ASSEMBLIES TO BE R-19.
3. ALL WALL ASSEMBLIES OF BATHROOM / BEDROOM/ EQUIPMENT ROOMS/ ETC. MAY BE INSULATED WITH SOUND ATTENUATION BLANKET INSULATION .
4. IN ADDITION TO BLANKET INSULATION STANDARDS ABOVE, IN NO CASE SHALL ANY INSULATION CONTAIN ANY ASBESTOS OR ASBESTOS RELATED PARTICULATES.
5. ALL INSULATING MATERIALS SHALL BE CERTIFIED BY THE MANUFACTURER AS COMPLYING WITH THE CALIFORNIA QUALITY STANDARDS FOR INSULATING MATERIAL.
6. THE CONTRACTOR SHALL POST IN A CONSPICUOUS LOCATION IN THE BUILDING A CERTIFICATE SIGNED BY THE INSULATION INSTALLER AND THE CONTRACTOR STATING THAT THE INSTALLATION CONFORMS WITH THE REQUIREMENTS OF TITLE 24, PART 2, CHAPTER 2-53 AND THAT THE MATERIALS INSTALLED CONFORM WITH THE REQUIREMENTS OF TITLE 20, CHAPTER 2, SUB-CHAPTER 4, ARTICLE 3.
7. THE CONTRACTOR SHALL PROVIDE THE ORIGINAL OCCUPANT LIST OF THE HEATING, COOLING, WATER HEATING, AND LIGHTING SYSTEMS AND CONSERVATION OR SOLAR DEVICES INSTALLED IN THE BUILDING AND INSTRUCTIONS ON HOW TO USE THEM EFFICIENTLY.
8. A MAINTENANCE LABEL SHALL BE AFFIXED TO ALL EQUIPMENT REQUIRING PREVENTIVE MAINTENANCE, AND A COPY OF THE MAINTENANCE INSTRUCTIONS SHALL BE PROVIDED FOR THE OWNER'S USE.
9. MANUFACTURED DOORS AND WINDOWS SHALL BE CERTIFIED AND LABELED IN COMPLIANCE WITH THE APPROPRIATE STANDARDS LISTED IN TABLE 2-53V OF THE ENERGY REGULATIONS.
10. THE FOLLOWING OPENINGS IN THE BUILDING ENVELOPE MUST BE CAULKED, SEALED, OR WEATHERSTRIPPED:
- A. EXTERIOR JOINTS AROUND WINDOW AND DOOR FRAMES, BETWEEN WALL SOLE PLATES AND FLOORS, AND BETWEEN EXTERIOR WALL PANELS.
- B. OPENINGS FOR PLUMBING, ELECTRICAL AND GAS LINES IN EXTERIOR AND INTERIOR WALLS CEILINGS AND FLOORS.
- C. OPENINGS IN THE ATTIC FLOOR.
- D. ALL OTHER SUCH OPENINGS IN THE BUILDING ENVELOPE.
11. FAN SYSTEMS EXHAUSTING AIR FROM THE BUILDING SHALL BE PROVIDED WITH BACKDRAFT DAMPERS.
12. THERMOSTATICALLY CONTROLLED HEATING OR COOLING SYSTEMS SHALL HAVE AN AUTOMATIC THERMOSTAT WITH A CLOCK MECHANISM WHICH CAN BE PROGRAMMED TO AUTOMATICALLY SET BACK THE THERMOSTAT SET POINTS FOR AT LEAST 2 PERIODS WITHIN 24 HOURS.
13. STORAGE TYPE WATER HEATERS AND STORAGE BACK-UP TANKS FOR SOLAR WATER HEATING SYSTEMS SHALL BE EXTERNALLY WRAPPED WITH INSULATION OF R-12 OR GREATER.
14. PIPING IN UNCONDITIONED SPACE LEADING TO AND FROM WATER HEATERS SHALL BE WRAPPED WITH INSULATION HAVING A THERMAL RESISTANCE OF R-3 OR GREATER.
15. RECIRCULATING HOT WATER PIPING IN UNHEATED SPACES SHALL BE INSULATED WITH R-3.
16. GAS FIRED HOUSEHOLD COOKING APPLIANCES, SHOWER HEADS AND FAUCETS SHALL COMPLY WITH CALIFORNIA APPLIANCE EFFICIENCY STANDARDS.
17. WATER CLOSETS SHALL BE LOW FLUSH TYPE [1.28 GAL/FLUSH] CPC 403.2.1(1).
18. GAS FIRED APPLIANCES SHALL HAVE INTERMITTENT IGNITION DEVICES, NOT CONTINUOUSLY BURNING PILOT LIGHTS; E.G., FURNACES UNDER 175,000 BTU, ALL FAN TYPE FURNACES, CLOTHES DRYERS, STOVES, ETC.
19. HVAC EQUIPMENT, WATER HEATERS AND PLUMBING FIXTURES (SHOWER HEADS AND FAUCETS) MUST BE CERTIFIED BY CEC.
20. HEATING EQUIPMENT SHALL COMPLY WITH EFFICIENCY STANDARDS AND BE NO LARGER THAN SPECIFIED ON APPROVED PLANS.
21. DUCTS MUST BE CONSTRUCTED, INSTALLED AND INSULATED ACCORDING TO CHAPTER 10 OF THE CALIFORNIA STATE MECHANICAL CODE.

PLUMBING NOTES

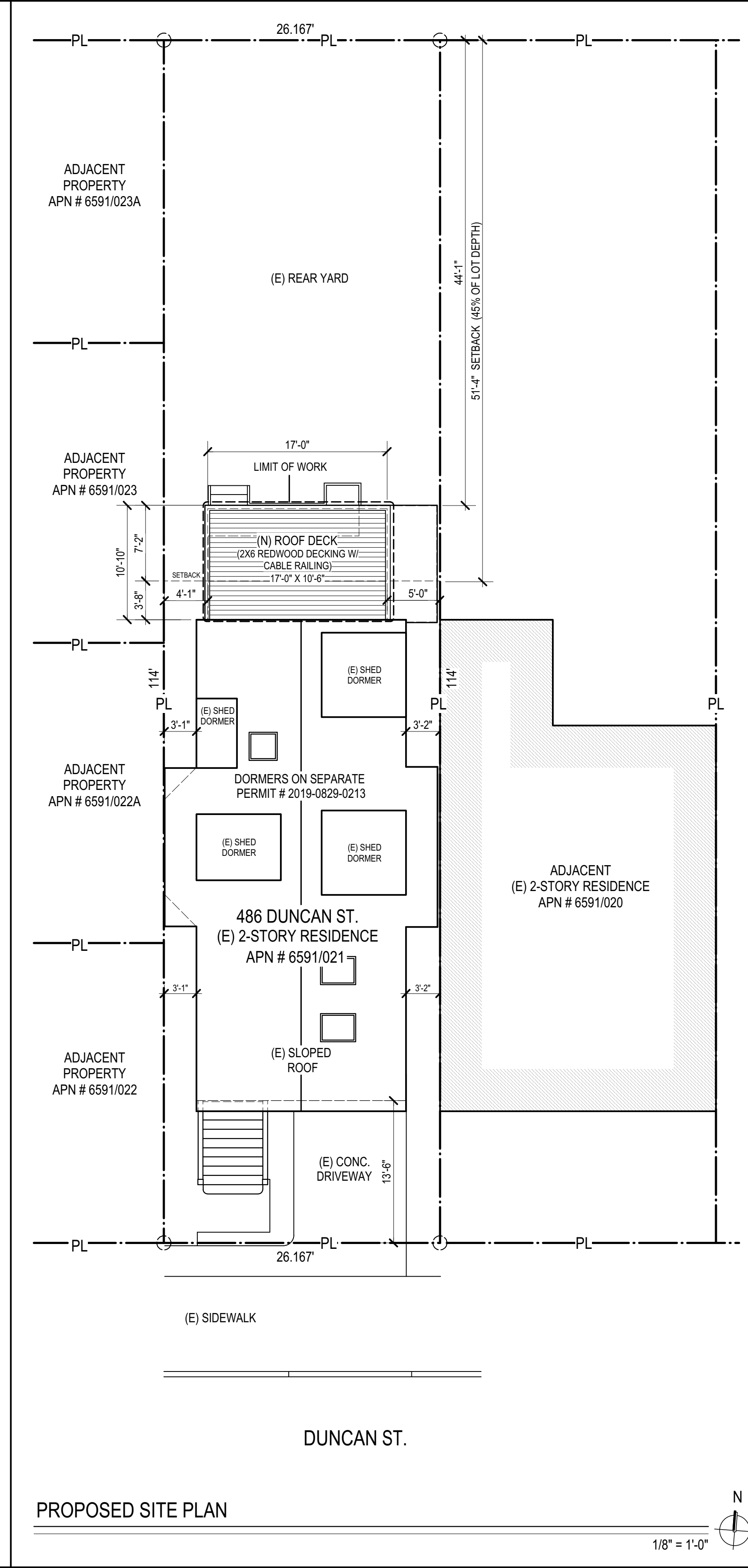
1. COMBUSTION AIR FOR FUEL BURNING WATER HEATERS SHALL BE PROVIDED IN ACCORDANCE WITH THE 2016 CPC.
2. IN SHOWERS AND TUB-SHOWER COMBINATIONS, CONTROL VALVES MUST BE PRESSURE BALANCED OR THERMOSTATIC MIXING VALVES PER 2016 CPC.
3. WATER CLOSETS SHALL BE LOW FLUSH TYPE [1.28 GAL/FLUSH] CPC 403.2.1(1).
4. WATER SAVING SHOWERHEADS, MAX 1.8 GPM @80PSI CPC 408.2.
5. WATER SAVING RESIDENTIAL LAVATORY FAUCETS, MAX 1.2GPM @60PSI, MIN 0.8GPM @20PSI CPC 403.7.
6. WATER SAVING KITCHEN FAUCETS, MAX 1.8GPM @60PSI, TEMPORARY MAX 2.2GPM @60PSI W/AUTO RETURN CPC 403.6.
7. PROVIDE ACCESS PANEL (12"X 12") OR UTILITY SPACE FOR PLUMBING FIXTURES HAVING CONCEALED SLIP JOINT CONNECTIONS.
8. GAS PIPING SHALL NOT BE INSTALLED IN OR ON THE GROUND UNDER ANY BUILDING OR STRUCTURE. GAS LINE TO SLAND COOKTOP MAY BE RUN IN AN APPROVED SLEEVE.
9. HOSE BIBBS AND LAWN SPRINKLER SYSTEMS SHALL HAVE A ABACKFLOW PREVENTION DEVICE.
10. COPPER WATER LINES SHALL BE TYPE "L" MINIMUM.
11. ABS & PVC DWV PIPING INSTALLATIONS SHALL BE LIMITED TO STRUCTURES NOT EXCEEDING TWO STORIES IN HEIGHT.



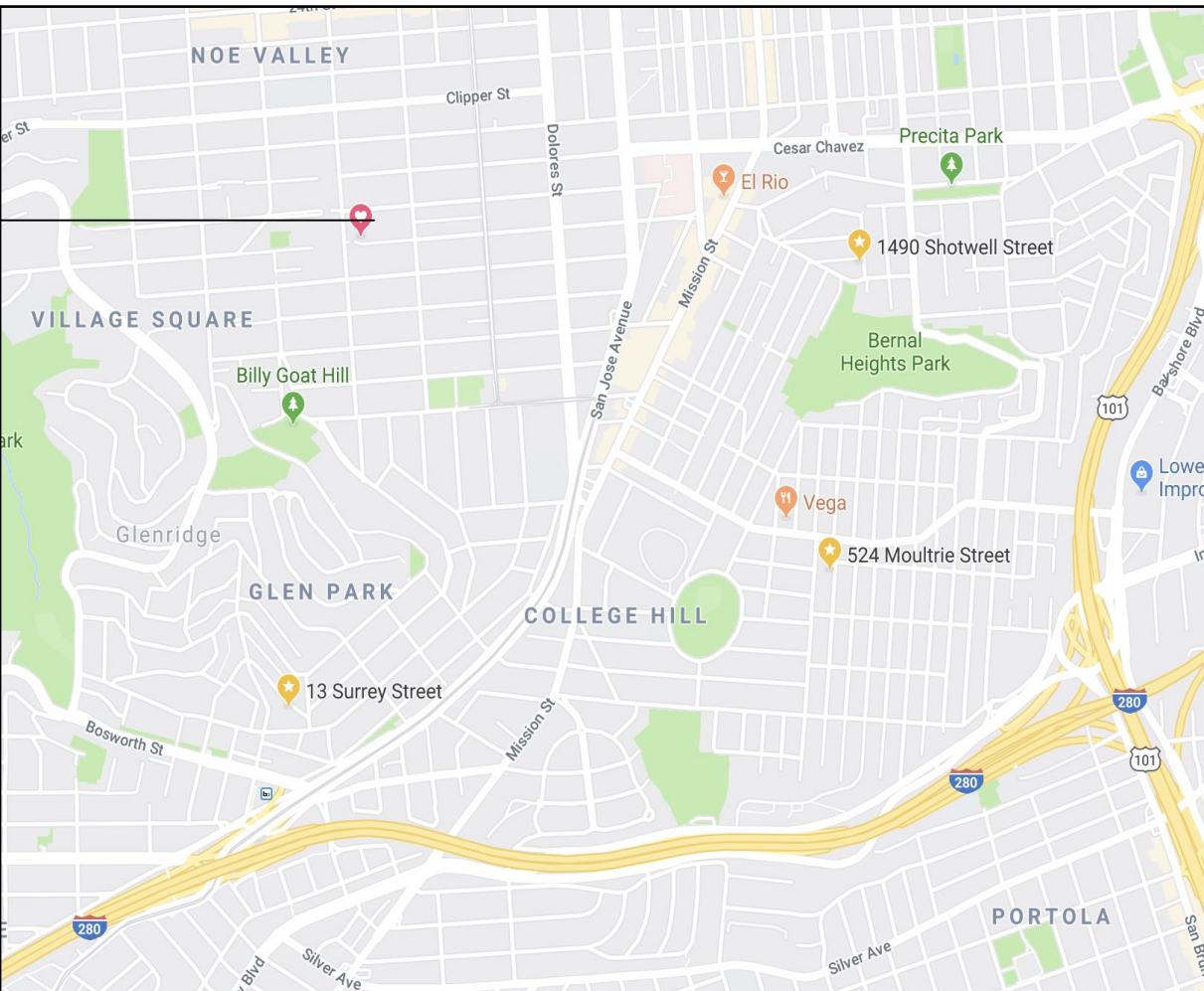
(N) ROOF DECK AT:  
486 DUNCAN ST. SAN FRANCISCO, CA.

GLASS & GLAZING NOTES

1. GLASS AND GLAZING SHALL CONFORM TO CODE AND WITH U.S. CONSUMER PRODUCT SAFETY COMMISSION REQUIREMENTS.
2. GLAZING SUBJECT TO HUMAN IMPACT SHALL CONFORM TO CODE AND WITH U.S. CONSUMER PRODUCT SAFETY COMMISSION REQUIREMENTS. GLAZED OPENINGS IN DOORS, FIXED OR OPERABLE PANELS ADJACENT TO A DOOR WHERE THE NEAREST EXPOSED EDGE OF THE GLAZING IS WITHIN A 24" ARC OF EITHER VERTICAL EDGE OF THE DOOR IN A CLOSED POSITION AND WHERE THE BOTTOM EXPOSED EDGE OF THE GLAZING IS LESS THAN 60 INCHES ABOVE THE WALKING SURFACE AND WITHIN 5 FT. OF THE TOP OR BOTTOM OF STAIRS OR LANDINGS SHALL BE TEMPERED GLASS APPROVED FOR IMPACT HAZARD. FIXED PANELS [ > 9 SQ FT] WITHIN 18" OF THE ADJACENT FLOOR SHALL BE TEMPERED GLASS APPROVED FOR IMPACT HAZARD.
3. GLAZING IN SHOWER AND TUBS ENCLOSURES SHALL BE TEMPERED, LAMINATED OR APPROVED PLASTIC.
4. EGRESS WINDOWS IN SLEEPING ROOMS SHALL CONFORM TO UBC REQUIREMENTS:: MIN 20" WIDE BY 24" HT CLEAR WHEN IN THE OPEN POSITION. MAX HT AT BOTTOM OF OPENING TO BE 44".



SITE



VICINITY MAP

NOT TO SCALE

SCOPE OF WORK:

1. (N) 178 SQ. FT. ROOF DECK OVER EXISTING FLAT ROOF.

PROJECT STATISTICS

OWNER	ASHLEY & KARINA REESE
ADDRESS	486 DUNCAN ST. SAN FRANCISCO, CA. 94131
EMAIL ADDRESS	ashley@blu-leaf.com
PHONE #	(415) 505-9096
ASSESSORS PARCEL NO	6591/021
ZONING DESIGNATION	RH-2
HEIGHT & BULK DISTRICTS	40-X
SPECIAL USE DISTRICTS	NONE
USE:	1 FAMILY DWELLING
OCCUPANCY:	
RESIDENCE	R-3
GARAGE	U
CONSTRUCTION TYPE	TYPE V-N
UNITS	1
STORIES	3
SCOPE OF WORK	(N) 178 SQ. FT. ROOF DECK OVER EXISTING FLAT ROOF.
<b>BUILDING TABULATIONS</b>	
TOTAL (E) RESIDENCE	3,106 SQ. FT.
(E) GARAGE	288 SQ. FT.
TOTAL (E) RESIDENCE & GARAGE	3,394 SQ. FT.
<b>SITE INFORMATION</b>	
LOT SIZE:	2,979 SQ.FT.

SHEET INDEX

ARCHITECTURAL	
A0.0	COVER SHEET - SITE PLAN, GENERAL NOTES, VICINITY MAP, PROJECT STATISTICS, SHEET INDEX
A1.0	EXISTING & PROPOSED GROUND & 2ND FLOOR PLANS
A1.2	EXISTING & PROPOSED 3RD FLOOR FLOOR PLANS
A1.2	EXISTING & PROPOSED ROOF PLANS
A2.0	EXISTING & PROPOSED EXTERIOR ELEVATIONS
A2.1	EXISTING & PROPOSED EXTERIOR ELEVATIONS
A-3.0	ELECTRICAL PLAN & DETAILS
A-4.0	EXISTING & PROPOSED SECTIONS
STRUCTURAL	
S0.1	GENERAL STRUCTURAL NOTES
S0.2	GENERAL STRUCTURAL NOTES
S1.2	3RD FLOOR FRAMING PLAN & ROOF FRAMING PLAN
S2.1	STRUCTURAL DETAILS
S2.2	STRUCTURAL DETAILS
S2.6	SIMPSON STEEL STRONG WALL DETAILS
S2.7	SIMPSON STEEL STRONG WALL DETAILS

CONSULTANTS	
STRUCTURAL ENGINEER	
ECR ENGINEERING ENGIN YAGMUR 1842 JEFFERSON ST. #104 SAN FRANCISCO, CA. 94123 TEL. (415) 205-3804	

THEO  
BESSIN  
DESIGNER

THEO BESSIN

451 KANSAS ST.  
#440  
SAN FRANCISCO,  
CA.  
94107

805. 886. 2719

BUILDING  
DESIGN

(N) ROOF  
DECK  
AT:

486  
DUNCAN ST.  
SAN  
FRANCISCO,  
CA

COVER SHEET:

SITE PLAN  
VICINITY MAP  
PROJECT STATS.  
GENERAL NOTES  
SHEET INDEX

DATE  
10.16.2019

SUBMITTAL  
SET

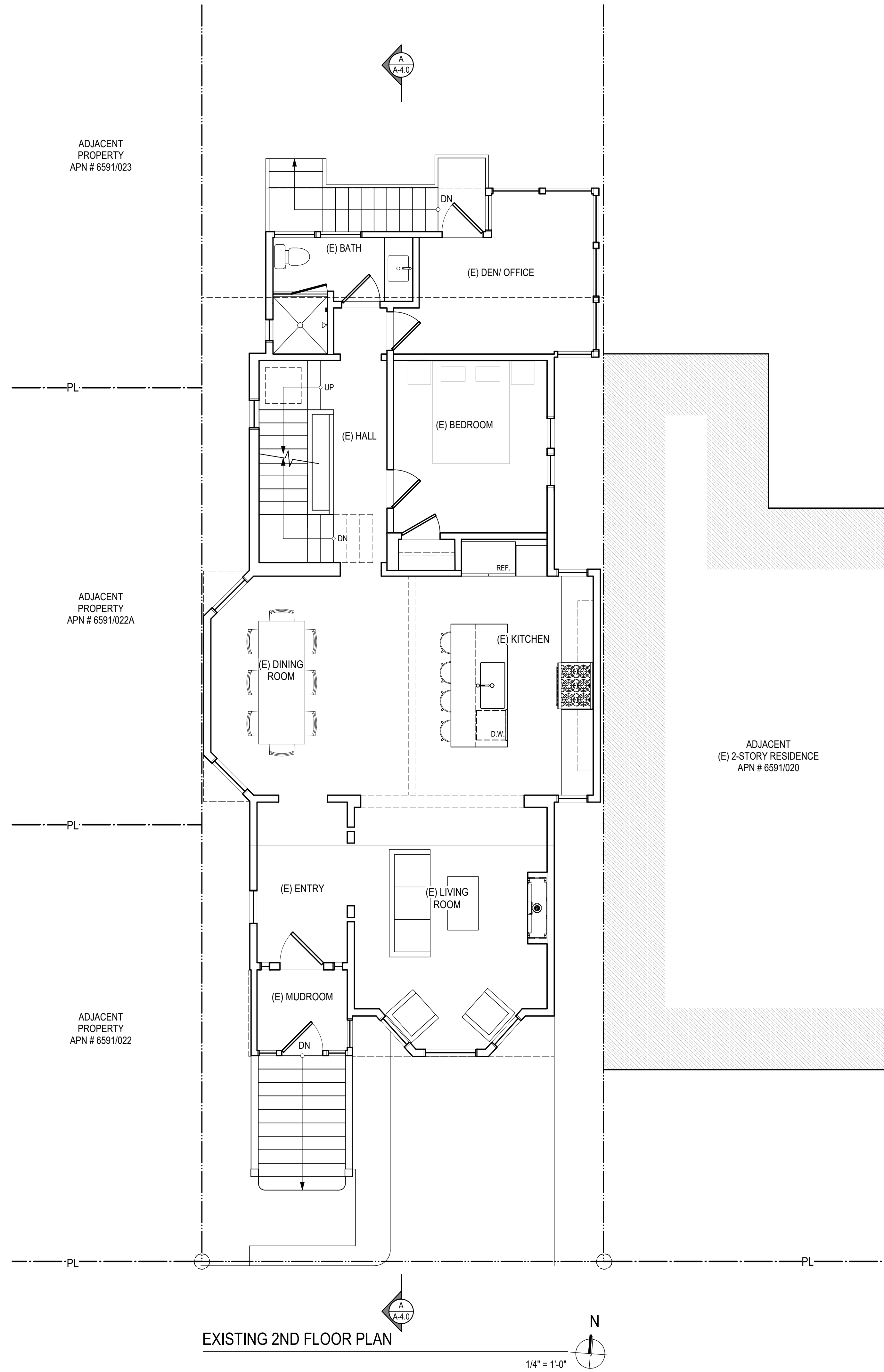
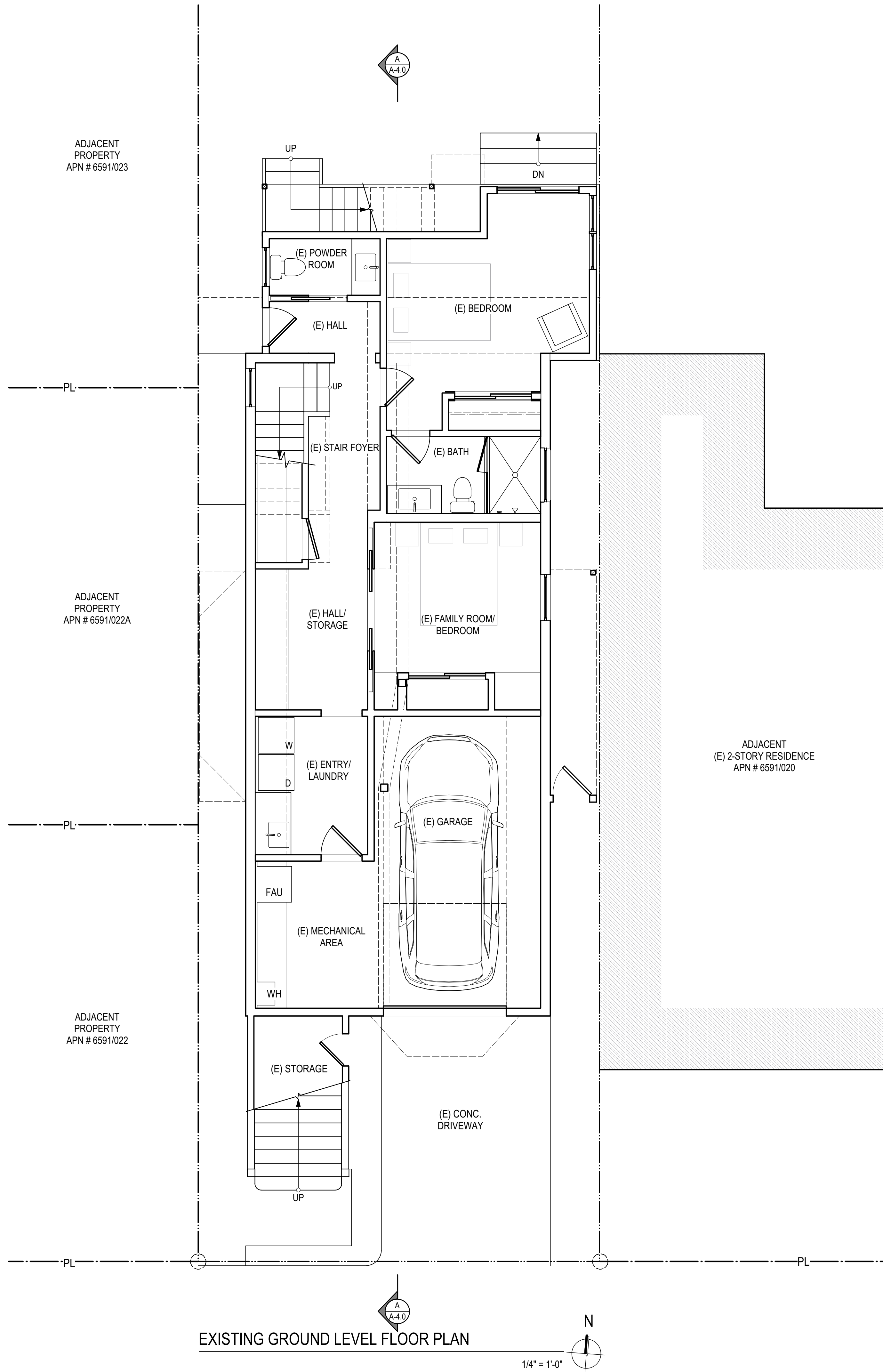
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SHEET

A0.0



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BUILDING  
DESIGN  
(N) ROOF  
DECK  
AT:

486  
DUNCAN ST.  
SAN  
FRANCISCO,  
CA  
EXISTING  
GROUND  
LEVEL  
&  
2ND  
FLOOR  
PLANS

DATE  
10.16.2019

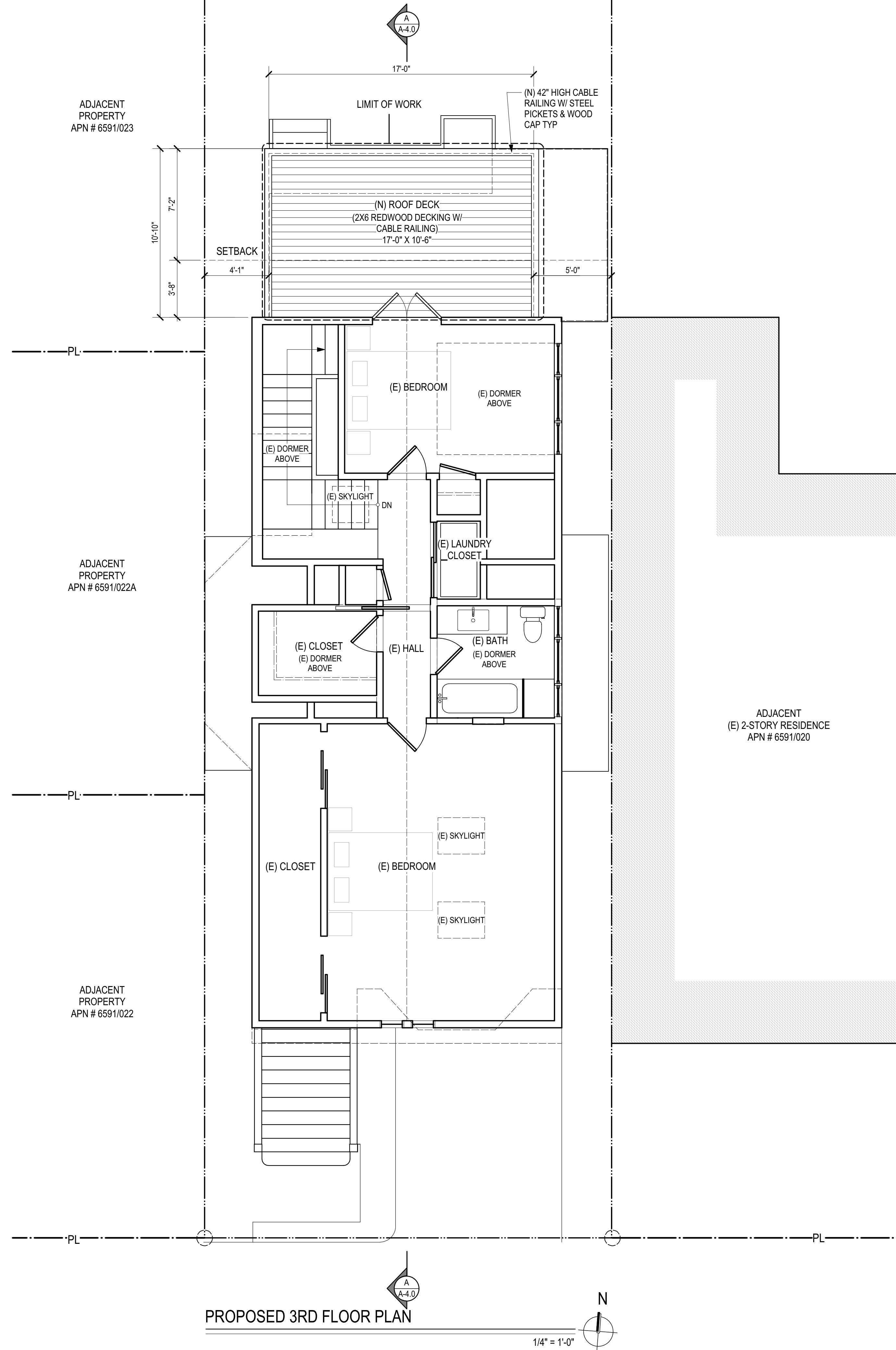
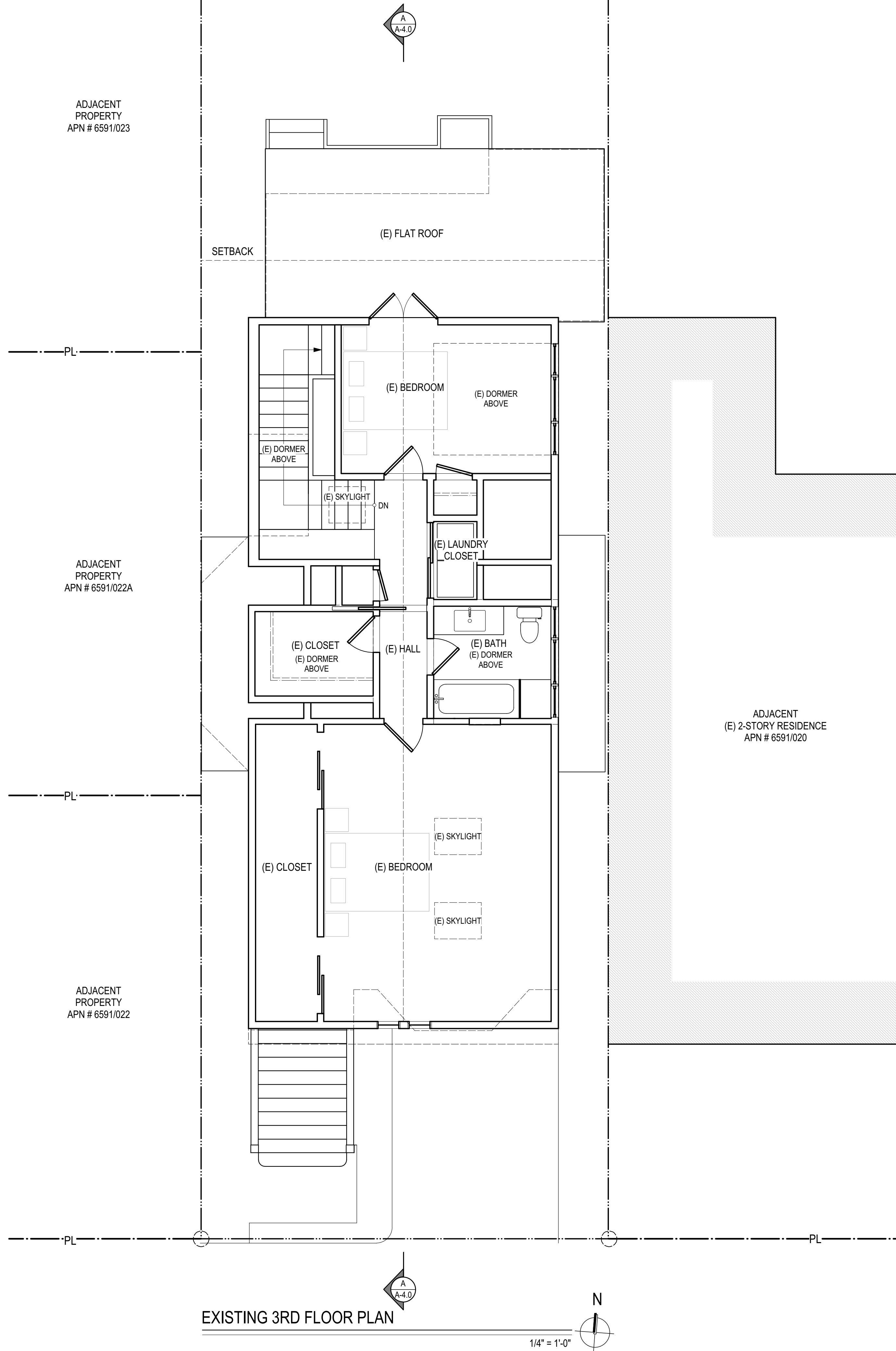
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A1.0



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BUILDING  
DESIGN

(N) ROOF  
DECK  
AT:

486  
DUNCAN ST.  
SAN  
FRANCISCO,  
CA

EXISTING  
&  
PROPOSED

3RD  
FLOOR  
PLANS

DATE  
10.16.2019

SUBMITTAL  
SET

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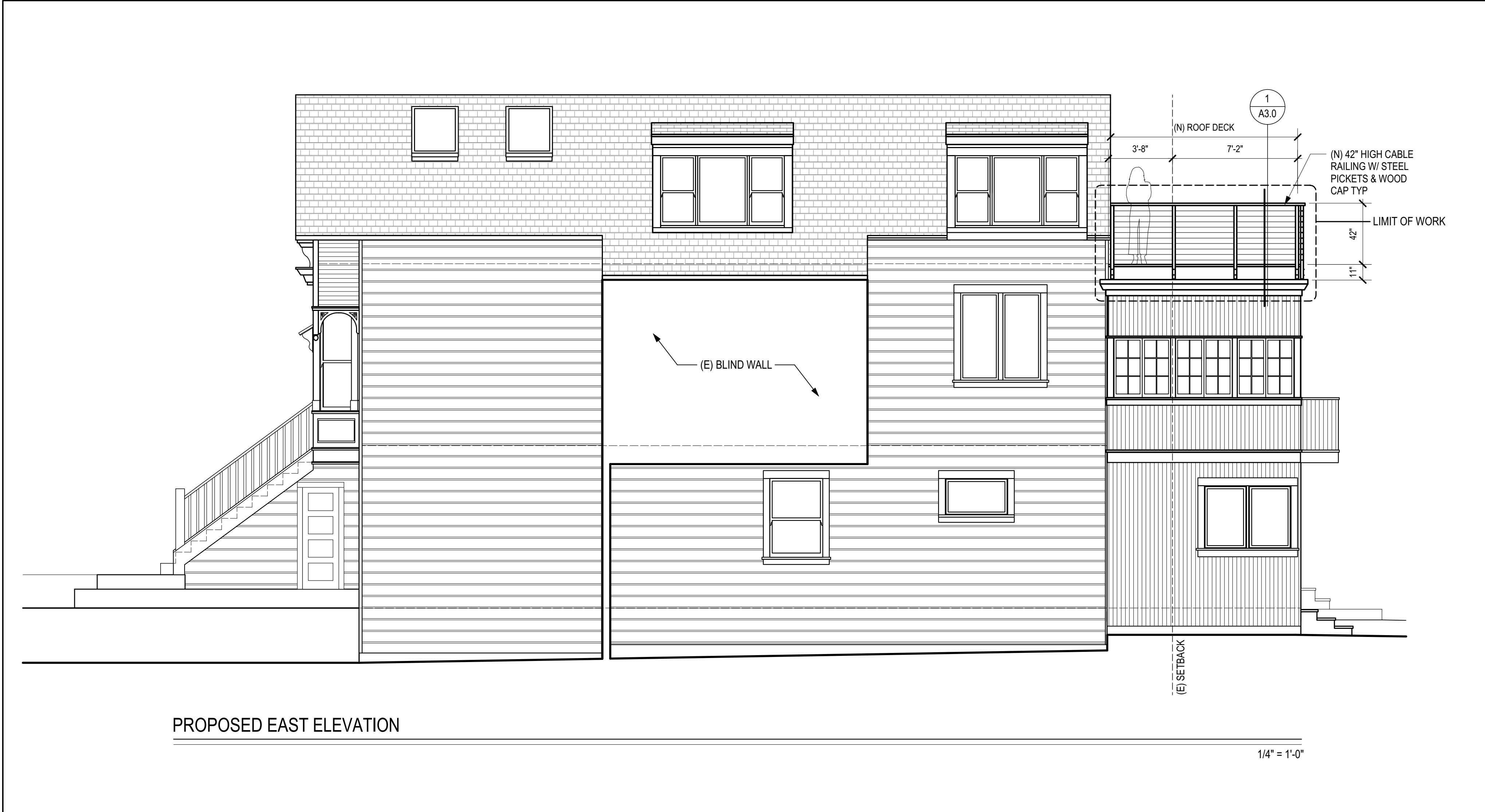
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SHEET

A1.1

EXISTING ROOF PLAN

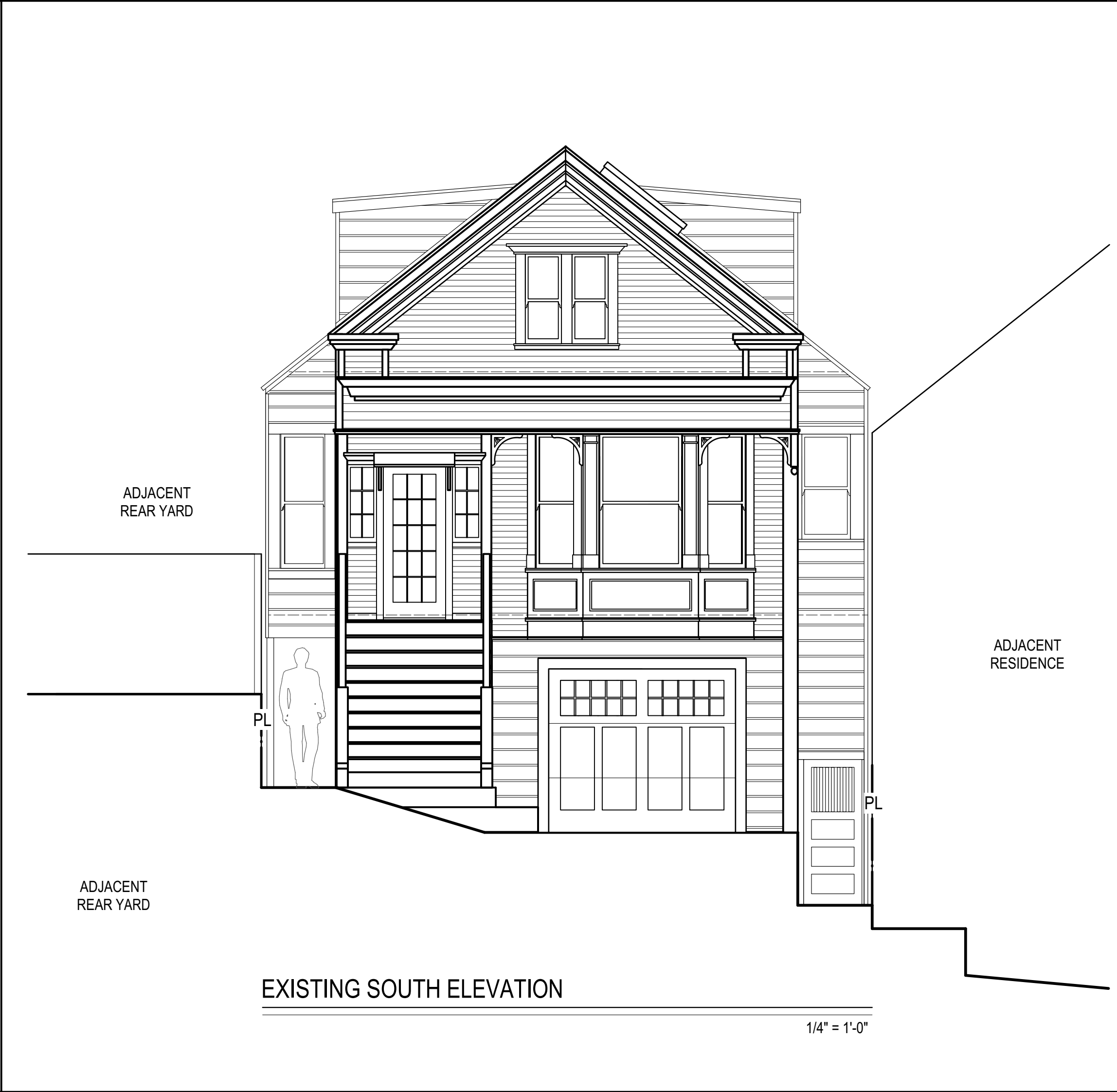
### PROPOSED ROOF PLAN



PROPOSED EAST ELEVATION



EXISTING EAST ELEVATION



EXISTING SOUTH ELEVATION

THEO BESSIN  
DESIGNER

THEO BESSIN

451 KANSAS ST.  
#440  
SAN FRANCISCO,  
CA.  
94107

805. 886. 2719

BUILDING  
DESIGN

(N) ROOF  
DECK  
AT:

486  
DUNCAN ST.  
SAN  
FRANCISCO,  
CA

EXISTING/ DEMO &  
PROPOSED

EXTERIOR  
ELEVATIONS

DATE  
10.16.2019

SUBMITTAL  
SET

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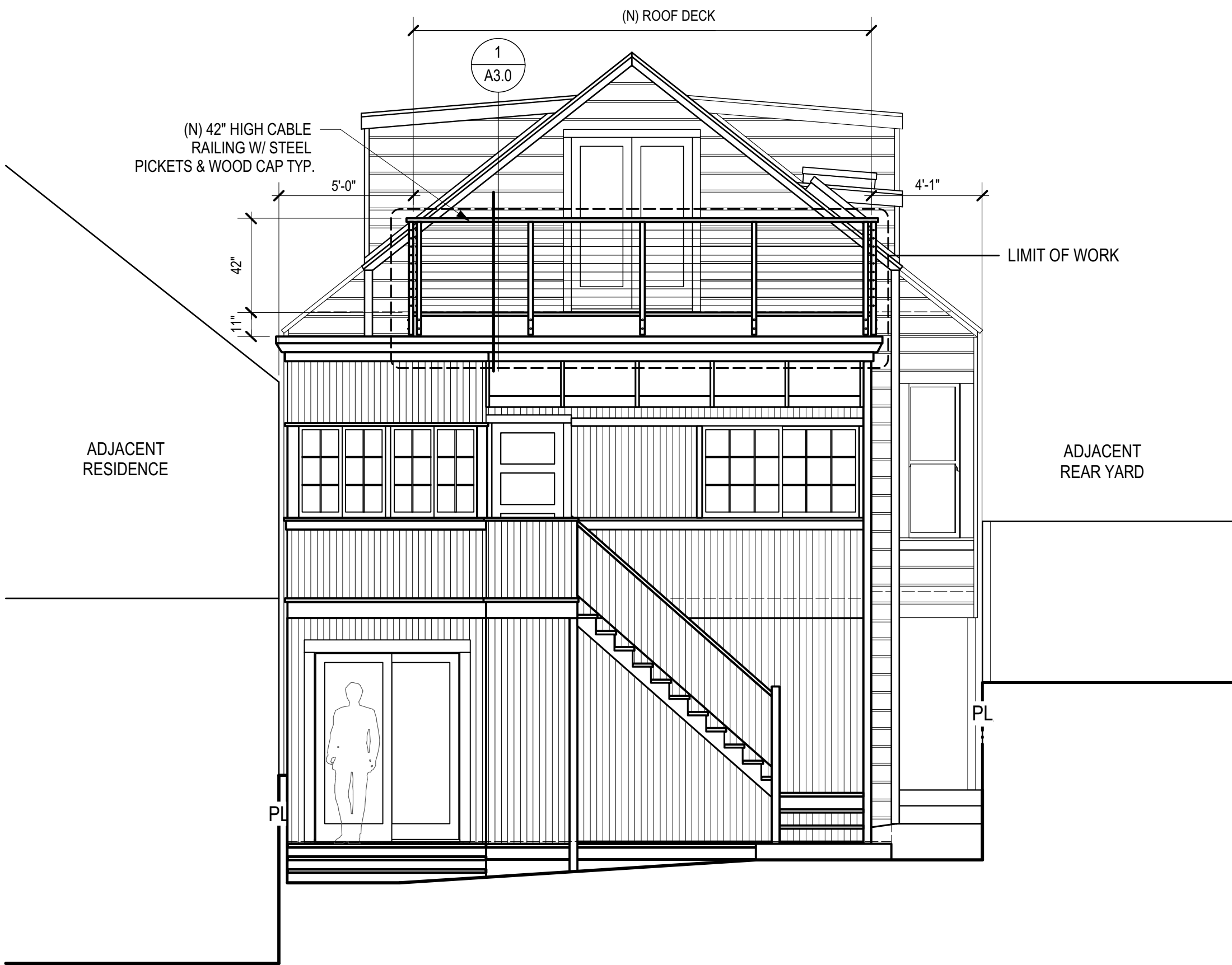
SHEET

A2.0



PROPOSED WEST ELEVATION

1/4" = 1'-0"



PROPOSED NORTH ELEVATION

1/4" = 1'-0"



EXISTING WEST ELEVATION

1/4" = 1'-0"



EXISTING NORTH ELEVATION

1/4" = 1'-0"

ELECTRICAL NOTES:

•ALL SWITCH/ OUTLET/ CABLE / PHONEFIXTURES & PLATES TO BE PER DESIGNER/OWNER.

•VERIFY SLOPED CEILINGS FOR APPROPRIATE RECESSED DOWNLIGHTS.

•ALL FIXTURE MODELS NOT SPECIFIED IN THESE DRAWINGS TO BE PER OWNER'S INSTRUCTION

•SUPPLY CAT 6/ RG-6 WIRING TO COMPUTER/ TV & STEREO LOCATIONS FROM THE PHONE DEMARCATION LOCATION. USE STRUCTURED WIRING AS APPROPRIATE.

• LIGHTING FIXTURES IN A SHOWER & WITHIN BATHTUB AREA LESS THAN 8'-0" ABOVE RIM OF TUB SHALL BE RECESSED AND RATED FOR WET LOCATIONS.

• OUTLETS REQUIRED ON WALL SPACES 2 FEET OR WIDER, NOT MORE THAN 6' FROM OPENINGS, NOT MORE THAN 12' O.C., KITCHEN COUNTER SPACE OVER 12" WIDE AT 4' MAX O.C., & 2' FROM APPLIANCES.

• ALL EXTERIOR LIGHTING SHALL BE SHIELDED AND DIRECTED DOWNWARD.

• OUTDOOR HID EFFICACY LUMINAIRES SHALL CONTAIN ONLY HIGH EFFICACY LAMPS AS OUTLINED IN TABLE 150-C OF THE RESIDENTIAL ENERGY CODE AND HAS A FACTORY INSTALLED HID BALLAST.

• ALL 120-VOLT, SINGLE PHASE, 15 AND 20 AMPERE BRANCH CIRCUITS SUPPLYING OUTLETS INSTALLED IN DWELLING UNIT FAMILY ROOM, DINING ROOMS, PARLORS, LIBRARIES, DENS, BEDROOMS, SUNROOMS, RECREATION ROOMS, CLOSETS, HALLWAYS OR SIMILAR ROOMS OR AREAS SHALL BE PROTECTED BY A LISTED ARC-FAULT/ BRANCH CIRCUIT INTERRUPTER, COMBINATION TYPE, INSTALLED TO PROVIDE PROTECTION OF THE BRANCH CIRCUIT. [CEC 210.12B]

• ALL 125-VOLT, 15 AND 20 AMPERE RECEPTACLES IN A DWELLING UNIT SHALL BE LISTED TAMPER-RESISTANT RECEPTACLES. [CEC 406.11]

• RECEPTACLES IN WET LOCATIONS TO HAVE AN ENCLOSURE THAT IS WEATHERPROOF WHETHER OR NOT THE ATTACHMENT PLUG IS INSERTED. [CEC 406.8]

• KITCHEN INTERNAL CABINET LIGHTING IS NOT TO EXCEED 20 WATTS PER LINEAR FOOT. [ CALIFORNIA ENERGY CODE SECTION 150(K)]

• LUMINAIRES THAT ARE RECESSED INTO INSULATED CEILINGS SHOULD BE APPROVED IC LUMINAIRES AND SHOULD BE CERTIFIED AND LABELED AS AIRTIGHT TO THE STANDARDS PRESCRIBED BY THE RESIDENTIAL ENERGY CODE.

• ELECTRICAL BOXES IN MEMBRANE PENETRATIONS OF FIRE RESISTIVE WALLS SHALL LISTED ANS SEPARATED HORIZONTALLY BY A DISTANCE OF 24" MINIMUM OR BY FIRE BLOCKING.

• A MINIMUM OF TWO 20AMP SMALL APPLIANCE BRANCH CIRCUITS SHALL BE PROVIDED FOR ALL RECEPTACLE OUTLETS IN THE KITCHEN, DINING ROOM, PANTRY, OR SIMILAR AREAS.

• AT LEAST ONE 20AMP BRANCH CIRCUIT SHALL BE PROVIDED TO SUPPLY LAUNDRY RECEPTACLE OUTLETS. SUCH CIRCUITS SHALL HAVE NO OTHER OUTLETS.

• AT LEAST ONE 20AMP BRANCH CIRCUIT SHALL BE PROVIDED TO SUPPLY BATHROOM RECEPTACLE OUTLETS. SUCH CIRCUITS SHALL HAVE NO OTHER OUTLETS.

NOTE:

- A) ALL INSTALLED LIGHTING MUST BE HIGH EFFICACY PER TABLE 150.0-A. 2016 CALIFORNIA ENERGY CODE TABLE 150.0
- B) LIGHTING IN BATHROOMS: ALL LIGHTING SHALL BE HIGH EFFICACY AND AT LEAST ONE FIXTURE IN EACH BATHROOM SHALL BE CONTROLLED BY A VACANCY SENSOR. CALIFORNIA ENERGY CODE 150(K) 5
- C) LIGHTING IN GARAGES, LAUNDRY ROOMS, CLOSETS AND UTILITY ROOMS: ALL LIGHTING SHALL BE HIGH EFFICACY AND AT LEAST ONE LIGHT FIXTURE INSTALLED IN GARAGES, CLOSETS, LAUNDRY ROOMS, & UTILITY ROOMS SHALL BE CONTROLLED BY A VACANCY SENSOR. CALIFORNIA ENERGY CODE 150(K) 2. J
- D) LIGHTING IN ROOMS OTHER THAN BATHROOMS, GARAGES, LAUNDRY ROOMS, & UTILITY ROOMS: PERMANENTLY INSTALLED LIGHTS IN ROOMS OTHER THAN RESTROOMS, GARAGES, LAUNDRY ROOMS, & UTILITY ROOMS SHALL BE HIGH EFFICACY LUMINAIRES. CALIFORNIA ENERGY CODE 150(K) 7
- E) RECESSED LUMINAIRES IN INSULATED CEILINGS: LUMINAIRES RECESSED INTO INSULATED CEILINGS SHALL NOT CONTAIN SCREW BASE SOCKETS AND SHALL BE APPROVED FOR ZERO CLEARANCE INSULATION COVER (IC) BY U.L. OR OTHER TESTING LAB RECOGNIZED BY BUILDING OFFICIAL, AND SHALL BE CERTIFIED AIR TIGHT TO SHOW AIR LEAKAGE LESS THAN 2.0 CFM AT .011 PSI IN ACCORDANCE WITH ASTM E283, AND SEALEDWITH A GASKET OR CAULK BETWEEN HOUSING AND CEILING. CALIFORNIA ENERGY CODE 150(K)
- F) SCREW BASED SOCKETS: LUMINAIRES WITH SCREW BASED SOCKETS SHALL MEET THE FOLLOWING REQUIREMENTS:
- THE LUMINAIRE SHALL NOT BE A RECESSED DOWN-LIGHT IN A CEILING; AND
  - THE LUMINAIRE SHALL CONTAIN LAMPS THAT COMPLY WITH REFERENCE JOINT APPENDIX JA8; AND
  - THE INSTALLED LAMPS SHALL BE MARKED WITH "JA8-2016" OR "JA8-2016-E" AS SPECIFIED IN REFERENCE JOINT APPENDIX JA8.
- G) DIMMERS OR VACANCY SENSORS SHALL CONTROL ALL LUMINAIRES REQUIRED TO HAVE LIGHT SOURCES COMPLIANT WITH REFERENCE JOINT APPENDIX JA8.
- H) OUTDOOR LIGHTING: PERMANENTLY INSTALLED OUTDOOR LIGHTS ON BUILDINGS ON THE SAME LOT SHALL BE HIGH EFFICACY AND THEY SHALL BE CONTROLLED BY A MOTION SENSOR WITH INTEGRAL PHOTOCONTROL CERTIFIED TO COMPLY WITH THE 2016 CALIFORNIA ENERGY CODE. CALIFORNIA ENERGY CODE 150(K) 9 A.
- I) VENT FANS MUST BE SWITCHED SEPARATELY FROM LIGHTING. 2016 CALIFORNIA ENERGY CODE 150(K) 2B

NOTE:

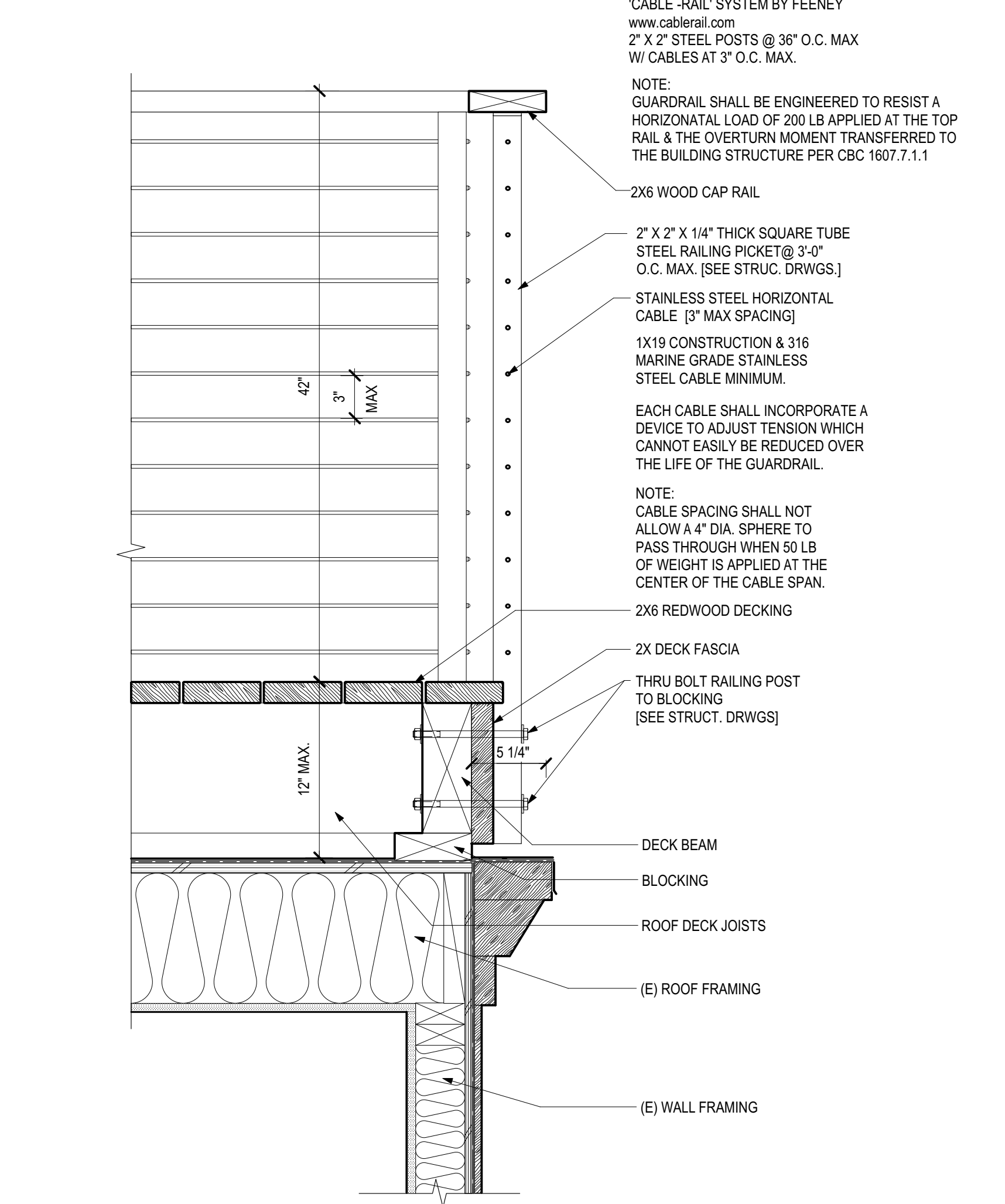
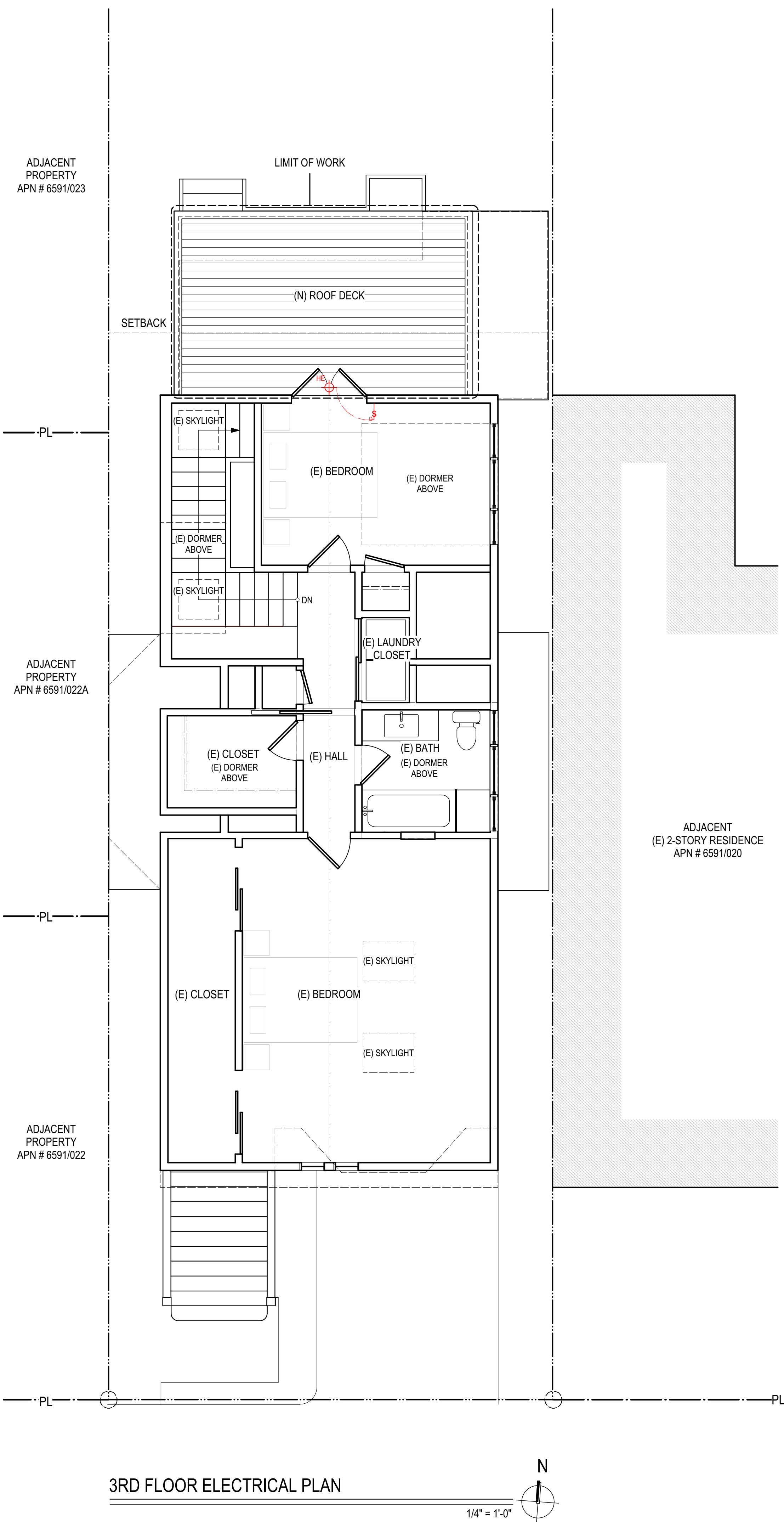
- RECEPTACLES MUST BE SUPPLIED BY AT LEAST ONE 20-AMP CIRCUIT, WHICH SHALL HAVE NO OTHER OUTLET.
- ANY RECEPTACLE(S) IN BATHROOM MUST BE GFI PROTECTED.
- AT LEAST ONE RECEPTACLE MUST BE LOCATED WITHIN 36" OF ANY SINK.
- LIGHTS GARAGE, LAUNDRY, AND UTILITY ROOMS SHALL BE HIGH EFFICIENCY AND CONTROLLED BY A VACANCY SENSOR.
- PRESSURE BALANCING OR THERMOSTATIC MIXING VALVE IS REQUIRED IN SHOWERS.
- VALVES SHALL BE ADJUSTED PER THEMANUFACTURER'S INSTRUCTIONS TO DELIVER A MAXIMUM OF 120°F.
- THE MAXIMUM HOT WATER TEMPERATURE DISCHARGING FROM THE BATHTUB OR WHIRLPOOL BATHTUB FILL SHALL BE LIMITED TO 120°F.
- ALL WATER CLOSETS SHALL CONSUME NO MORE THAN 1.28 GALLONS PER FLUSH.
- MECHANICAL VENTILATION IS REQUIRED IN BATHROOMS, WHICH SHALL BE MIN. 50 CFM. POINT OF DISCHARGE MUST BE TO THE EXTERIOR, AT LEAST 3 FEET FROM ANY OPENING INTO THE BUILDING & PROPERTY LINE.

NOTE:

- GAS VENT TERMINATIONS SHALL MEET THE REQUIREMENTS OF CMC 802.6.
- COMBUSTION AIR SHALL MEET THE REQUIREMENTS OF CMC CHAPTER 7.
- ENVIRONMENTAL AIR DUCTS SHALL TERMINATE 3 FEET FROM PROPERTY LINE AND 3 FEET FROM OPENINGS INTO THE BUILDING PER CMC 504.5 AND BE PROVIDED WITH BACK-DRAFT DAMPERS PER CMC 504.1.
- ALL INTERIOR SPACES INTENDED FOR HUMAN OCCUPANCY SHALL BE PROVIDED WITH SPACE HEATING PER CBC 1204.1.
- CLOTHES DRYER EXHAUST SHALL BE A MINIMUM 4 INCHES, TERMINATE TO THE OUTSIDE OF THE BUILDING, SHALL BE EQUIPPED WITH A BACK-DRAFT DAMPER, AND MEET THE REQUIREMENTS OF CMC 504.3. PROVIDE 100 SQ. INCH MINIMUM MAKE-UP AIR OPENING FOR DOMESTIC DRYERS.
- FOR WATER HEATERS ARE LOCATED IN A CLOSET, COMBUSTION AIR MUST BE PROVIDED AT A MINIMUM OF TWO OPENINGS (ONE WITHIN 12" OF THE TOP OF THE WATER HEATER AND ONE WITHIN 12" OF THE BOTTOM) SIZED AT 100 SQUARE INCHES EACH PER CPC 506.

ELECTRICAL / MECHANICAL SYMBOLS

- SWITCH
- SWITCH [3 WAY]
- SWITCH [4 WAY]
- ROLLER CATCH SWITCH
- SWITCH [DIMMER]
- SWITCH [VACANCY SENSOR]
- SWITCH [OCCUPANT MOTION SENSOR]
- MOTION SENSOR/ PHOTOCONTROL COMBO
- OUTLET
- OUTLET [1/2 HOT W/ ARC FAULT INT]
- OUTLET [W/ ARC FAULT INT]
- OUTLET [W/ GROUND FAULT INT]
- OUTLET [WATERPROOF]
- 4-PLEX OUTLET
- OUTLET [220 V]
- FLOOR OUTLET [1/2 HOT]
- JUNCTION BOX
- HIGH EFFICCY LIGHT FIXTURE [CEILING MOUNT]
- PENDANT FIXTURE
- HIGH EFFICACY PENDANT FIXTURE
- HIGH EFFICACY WALL SCONCE FIXTURE
- 4" LED HIGH EFFICACY RECESSED DOWNLIGHT
- 4" LED HIGH EFFICACY RECESSED DIRECTIONAL DOWNLIGHT
- HIGH EFFICACY 4" WATERPROOF RECESSED DOWNLIGHTLED FIXTURE
- HIGH EFFICACY EXTERIOR WALL SCONCE LIGHT FIXTURE -
- LED UNDERCABINET LIGHTING  
13" = 8.5 WATT  
19" = 10.5 WATT
- KITCHEN RANGE HOOD EXHAUST FAN  
[FRIGIDAIRE 36" ISLAND HOOD - MODEL #RH36PC60GS  
600 CFM] (OR EQUIVALENT)
- GARBAGE DISPOSAL
- GAS SUPPLY
- COLD WATER HOOK-UP
- BATHROOM EXHAUST FAN, W/ HUMIDISTAT  
[PANASONIC PV-08VKM2 - 80 CFM - 0.3 SOAN]
- FAN/ LIGHT COMBINATION FIXTURE  
[80 CFM - 0.3 SOAN]
- SMOKE DETECTOR HARDWARE W/BATTERY  
BKUP [110V W/ INTERCONNECTED SIGNAL WIRE]
- CARBON MONOXIDE ALARM  
[WITH BATTERY BACKUP]
- FLOOR OR CEILING REGISTER
- WALL REGISTER
- KICK SPACE
- RETURN AIR



SCALE 1 1/2"=1'-0"

ROOF DECK RAILING

THEO BESSIN DESIGNER

THEO BESSIN

451 KANSAS ST. #440  
SAN FRANCISCO, CA. 94107

805. 886. 2719

BUILDING DESIGN

(N) ROOF DECK AT:

486 DUNCAN ST.

SAN FRANCISCO, CA

3RD FLOOR

ELECTRICAL PLAN

&

DETAILS

DATE 10.16.2019

SUBMITTAL SET

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SHEET

A3.0



SECTION A - PROPOSED

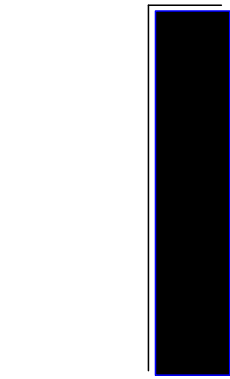
1/4" = 1'-0"



SECTION A - EXISTING

1/4" = 1'-0"

THEO  
BESSIN  
DESIGNER



THEO BESSIN

451 KANSAS ST.  
#440  
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CA.  
94107  
805. 886. 2719

BUILDING  
DESIGN

(N) ROOF  
DECK  
AT:

486  
DUNCAN ST.  
SAN  
FRANCISCO,  
CA

EXISTING/ DEMO &  
PROPOSED  
SECTIONS

DATE  
10.16.2019

SUBMITTAL  
SET  
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SHEET

A4.0

GENERAL NOTES

1. THE CONSTRUCTION DOCUMENTS ARE PROVIDED TO ILLUSTRATE THE DESIGN DESIRED AND IMPLY THE FINEST QUALITY WORKMANSHIP THROUGHOUT. ANY DESIGN OR DETAIL WHICH APPEARS TO BE INCONSISTENT WITH THE ABOVE SHALL BE IMMEDIATELY BROUGHT TO THE ATTENTION OF THE DESIGNER BY THE CONTRACTOR.
2. ALL CONSTRUCTION SHALL COMPLY WITH THE REQUIREMENTS OF: THE CALIFORNIA RESIDENTIAL CODE, 2019 EDITION, THE CALIFORNIA PLUMBING CODE, 2019 EDITION, THE CALIFORNIA ELECTRICAL CODE, 2019 EDITION, THE CALIFORNIA MECHANICAL CODE, 2019 EDITION, THE CALIFORNIA FIRE CODE, 2019 EDITION, THE CALIFORNIA ENERGY CODE, 2019 EDITION, THE CALIFORNIA GREEN BUILDING STANDARDS CODE, 2019 EDITION AND ALL OTHER APPLICABLE AMENDMENTS, ORDINANCES, AND REGULATIONS.
3. THE CONTRACTOR AND/OR SUBCONTRACTOR SHALL VERIFY ALL CONSTRUCTION DOCUMENTS, SITE DIMENSIONS AND CONDITIONS AND SHALL NOTIFY THE ARCHITECT OF ANY DISCREPANCIES OR INCONSISTENCIES PRIOR TO STARTING WORK.
4. DO NOT SCALE DRAWINGS.  
APPLICABLE TRADES SHALL USE A COMMON DATUM TO BE DESIGNATED BY THE CONTRACTOR FOR ALL CRITICAL MEASUREMENTS.  
SPECIFIC NOTES AND DETAILS SHALL TAKE PRECEDENCE OVER GENERAL NOTES AND DETAILS.
5. DIMENSIONS ARE TO FACE OR CENTERLINE OF STUD, UNLESS NOTED OTHERWISE. AT FLOORS AND CEILINGS WITH PLYWOOD SHEATHING DIMENSIONS ARE TO EXTERIOR SIDE OF PLYWOOD.
6. REFER TO ADDITIONAL NOTES SHOWN ON THE STRUCTURAL AND/OR CIVIL ENGINEERING SHEETS CONTAINED IN THESE DRAWINGS.
7. DURING CONSTRUCTION THE CONTRACTOR SHALL PROVIDE FIRE EXTINGUISHERS AS REQUIRED.
8. WHEREVER EXISTING WORK IS DAMAGED BY ANY OTHER CONSTRUCTION OPERATION, IT SHALL BE REPAIRED OR REPLACED WITH NEW MATERIAL TO MATCH EXISTING AS APPROVED BY THE ARCHITECT.
9. THE CONTRACTOR SHALL REMOVE FROM THE SITE ALL DEBRIS AND RUBBISH RESULTING FROM THE WORK SPECIFIED HEREIN.
10. ALL EXPOSED BOLTS, WASHERS, NAILS, OR METAL CONNECTORS SHALL BE DOUBLE HOT DIP GALVANIZED [U.N.O.]
11. SHOP DRAWINGS, PROJECT DATA AND OTHER SAMPLES SHALL BE SUBMITTED TO THE ARCHITECT AND OWNER WHEN REQUESTED.
12. THE CONTRACTOR SHALL PROVIDE ALL NECESSARY BACKING AND FRAMING FOR WALL MOUNTED ITEMS.
13. FIRE STOPS SHALL BE LOCATED AT THE FOLLOWING LOCATIONS:  
A.) IN CONCEALED SPACES OF STUD WALLS INCLUDING FURRED SPACES - AT FLOOR AND CEILING LEVELS AND AT 10 FOOT INTERVALS ALONG THE LENGTH OF THE WALL.  
B.) AT ALL INTERCONNECTIONS BETWEEN CONCEALED VERTICAL AND HORIZONTAL SPACES SUCH AS OCCUR AT SOFFITS, DROP CEILINGS AND COVE CEILINGS.  
C.) IN OPENINGS AROUND VENTS, PIPES, DUCTS CHIMNEYS, AND SIMILAR OPENINGS WHICH AFFORD A PASSAGE FOR A FIRE AT CEILING AND FLOOR LEVELS, WITH NONCOMBUSTIBLE MATERIALS.  
D.) IN CONCEALED SPACES BETWEEN STAIR STRINGERS AT THE TOP AND BOTTOM OF THE RUN AND BETWEEN STUDS ALONG AND IN LINE WITH THE RUN OF THE STAIRS IF THE WALLS UNDER THE STAIRS ARE UNFINISHED.
14. AT EXTERIOR WALL OPENINGS: FLASHING, COUNTER FLASHING AND EXPANSION JOINT MATERIAL SHALL BE CONSTRUCTED IN SUCH A MANNER AS TO BE COMPLETELY WATERPROOFED AND WEATHERPROOFED.
15. THE LOCATIONS OF EXISTING UNDERGROUND UTILITIES ARE SHOWN IN AN APPROXIMATE WAY ONLY AND HAVE NOT BEEN INDEPENDENTLY VERIFIED BY THE OWNER OR ITS REPRESENTATIVE. THE CONTRACTOR SHALL DETERMINE THE EXACT LOCATION OF ALL EXISTING UTILITIES BEFORE COMMENCING WORK, AND AGREES TO BE FULLY RESPONSIBLE FOR ANY AND ALL DAMAGES WHICH MIGHT BE OCCASIONED BY THE CONTRACTOR'S FAILURE TO EXACTLY LOCATE AND PRESERVE ANY AND ALL UNDERGROUND UTILITIES.

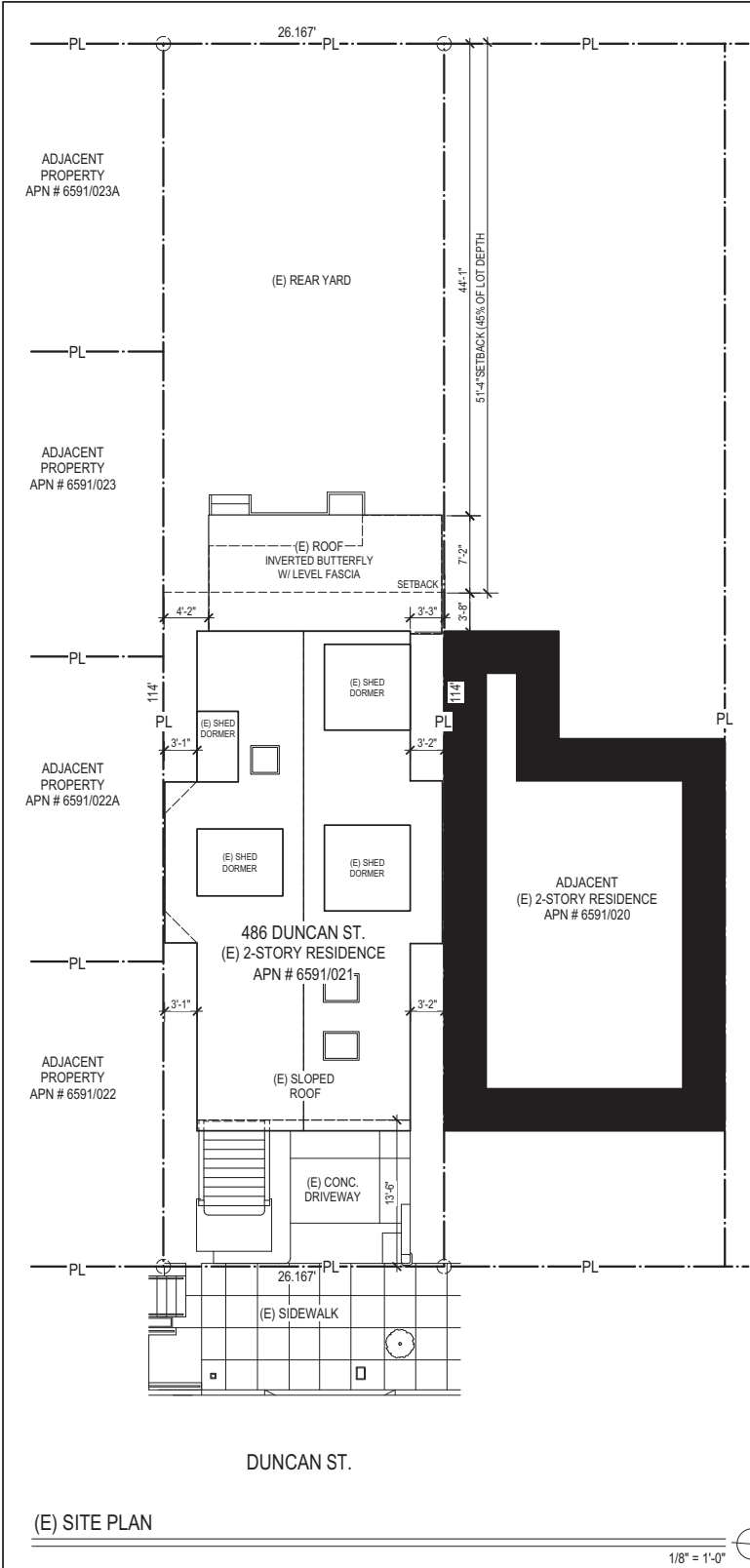
ENERGY NOTES

1. NEW EXTERIOR WALL ASSEMBLIES SHALL BE INSULATED WITH BLANKET TYPE MINERAL OR GLASS FIBER INSULATION CONFORMING TO FEDERAL SPECIFICATION HH-1-521E WITH A MINIMUM THERMAL RESISTANCE (R) OF R-13 IN 2X4 WALLS OR R-19 IN 2X6 WALLS.
2. NEW ROOF ASSEMBLIES SHALL BE INSULATED WITH BLANKET TYPE MINERAL OR GLASS FIBER INSULATION CONFORMING TO FEDERAL SPECIFICATION HH-1-521E WITH A MINIMUM THERMAL RESISTANCE (R) OF R-30 AND UNDERFLOOR ASSEMBLIES TO BE R-19.
3. ALL WALL ASSEMBLIES OF BATHROOM / BEDROOM / EQUIPMENT ROOMS/ ETC. MAY BE INSULATED WITH SOUND ATTENUATION BLANKET INSULATION.
4. IN ADDITION TO BLANKET INSULATION STANDARDS ABOVE, IN NO CASE SHALL ANY INSULATION CONTAIN ANY ASBESTOS OR ASBESTOS RELATED PARTICULATES.
5. ALL INSULATING MATERIALS SHALL BE CERTIFIED BY THE MANUFACTURER AS COMPLYING WITH THE CALIFORNIA QUALITY STANDARDS FOR INSULATING MATERIAL.
6. THE CONTRACTOR SHALL POST IN A CONSPICUOUS LOCATION IN THE BUILDING A CERTIFICATE SIGNED BY THE INSULATION INSTALLER AND THE CONTRACTOR STATING THAT THE INSTALLATION CONFORMS WITH THE REQUIREMENTS OF TITLE 24, PART 2, CHAPTER 2-53 AND THAT THE MATERIALS INSTALLED CONFORM WITH THE REQUIREMENTS OF TITLE 20, CHAPTER 2, SUB-CHAPTER 4, ARTICLE 3.
7. THE CONTRACTOR SHALL PROVIDE THE ORIGINAL OCCUPANT A LIST OF THE HEATING, COOLING, WATER HEATING, AND LIGHTING SYSTEMS AND CONSERVATION OR SOLAR DEVICES INSTALLED IN THE BUILDING AND INSTRUCTIONS ON HOW TO USE THEM EFFICIENTLY.
8. A MAINTENANCE LABEL SHALL BE AFFIXED TO ALL EQUIPMENT REQUIRING PREVENTIVE MAINTENANCE, AND A COPY OF THE MAINTENANCE INSTRUCTIONS SHALL BE PROVIDED FOR THE OWNER'S USE.
9. MANUFACTURED DOORS AND WINDOWS SHALL BE CERTIFIED AND LABELED IN COMPLIANCE WITH THE APPROPRIATE STANDARDS LISTED IN TABLE 2-53V OF THE ENERGY REGULATIONS.
10. THE FOLLOWING OPENINGS IN THE BUILDING ENVELOPE MUST BE CAULKED, SEALED, OR WEATHERSTRIPPED:  
A. EXTERIOR JOINTS AROUND WINDOW AND DOOR FRAMES, BETWEEN WALL SOLE PLATES AND FLOORS, AND BETWEEN EXTERIOR WALL PANELS.  
B. OPENINGS FOR PLUMBING, ELECTRICAL AND GAS LINES IN EXTERIOR AND INTERIOR WALLS CEILINGS AND FLOORS.  
C. OPENINGS IN THE ATTIC FLOOR.  
D. ALL OTHER SUCH OPENINGS IN THE BUILDING ENVELOPE.
11. FAN SYSTEMS EXHAUSTING AIR FROM THE BUILDING SHALL BE PROVIDED WITH BACKDRAFT DAMPERS.
12. THERMOSTATICALLY CONTROLLED HEATING OR COOLING SYSTEMS SHALL HAVE AN AUTOMATIC THERMOSTAT WITH A CLOCK MECHANISM WHICH CAN BE PROGRAMMED TO AUTOMATICALLY SET BACK THE THERMOSTAT SET POINTS FOR AT LEAST 2 PERIODS WITHIN 24 HOURS.
13. STORAGE TYPE WATER HEATERS AND STORAGE BACK-UP TANKS FOR SOLAR WATER HEATING SYSTEMS SHALL BE EXTERNALLY WRAPPED WITH INSULATION OF R-12 OR GREATER.
14. PIPING IN UNCONDITIONED SPACE LEADING TO AND FROM WATER HEATERS SHALL BE WRAPPED WITH INSULATION HAVING A THERMAL RESISTANCE OF R-3 OR GREATER.
15. RECIRCULATING HOT WATER PIPING IN UNHEATED SPACES SHALL BE INSULATED WITH R-3.
16. GAS FIRED HOUSEHOLD COOKING APPLIANCES, SHOWER HEADS AND FAUCETS SHALL COMPLY WITH CALIFORNIA APPLIANCE EFFICIENCY STANDARDS.
17. WATER CLOSETS SHALL BE LOW FLUSH TYPE [1.28 GAL/FLUSH] CPC 403.2.1(1).
18. GAS FIRED APPLIANCES SHALL HAVE INTERMITTENT IGNITION DEVICES, NOT CONTINUOUSLY BURNING PILOT LIGHTS; E.G., FURNACES UNDER 175,000 BTU, ALL FAN TYPE FURNACES, CLOTHES DRYERS, STOVES, ETC.
19. HVAC EQUIPMENT, WATER HEATERS AND PLUMBING FIXTURES (SHOWER HEADS AND FAUCETS) MUST BE CERTIFIED BY CEC.
20. HEATING EQUIPMENT SHALL COMPLY WITH EFFICIENCY STANDARDS AND BE NO LARGER THAN SPECIFIED ON APPROVED PLANS.
21. DUCTS MUST BE CONSTRUCTED, INSTALLED AND INSULATED ACCORDING TO CHAPTER 10 OF THE CALIFORNIA STATE MECHANICAL CODE.
1. COMBUSTION AIR FOR FUEL BURNING WATER HEATERS SHALL BE PROVIDED IN ACCORDANCE WITH THE 2019 CPC.
2. IN SHOWERS AND TUB-SHOWER COMBINATIONS, CONTROL VALVES MUST BE PRESSURE BALANCED OR THERMOSTATIC MIXING VALVES PER 2019 CPC.
3. WATER CLOSETS SHALL BE LOW FLUSH TYPE [1.28 GAL/FLUSH] CPC 403.2.1(1).
4. WATER SAVING SHOWERHEADS, MAX 1.8 GPM @80PSI CPC 408.2.
5. WATER SAVING RESIDENTIAL LAVATORY FAUCETS, MAX 1.2GPM @60PSI, MIN 0.8GPM @20PSI CPC 403.7.
6. WATER SAVING KITCHEN FAUCETS, MAX 1.8GPM @60PSI, TEMPORARY MAX 2.2GPM @60PSI W/AUTO RETURN CPC 403.6.
7. PROVIDE ACCESS PANEL (12"x 12") OR UTILITY SPACE FOR PLUMBING FIXTURES HAVING CONCEALED SLIP JOINT CONNECTIONS.
8. GAS PIPING SHALL NOT BE INSTALLED IN OR ON THE GROUND UNDER ANY BUILDING OR STRUCTURE. GAS LINE TO SLAND COOKTOP MAY BE RUN IN AN APPROVED SLEEVE.
9. HOSE BIBBS AND LAWN SPRINKLER SYSTEMS SHALL HAVE A BACKFLOW PREVENTION DEVICE.
10. COPPER WATER LINES SHALL BE TYPE "L" MINIMUM.
11. ABS & PVC DWV PIPING INSTALLATIONS SHALL BE LIMITED TO STRUCTURES NOT EXCEEDING TWO STORIES IN HEIGHT.

PLUMBING NOTES

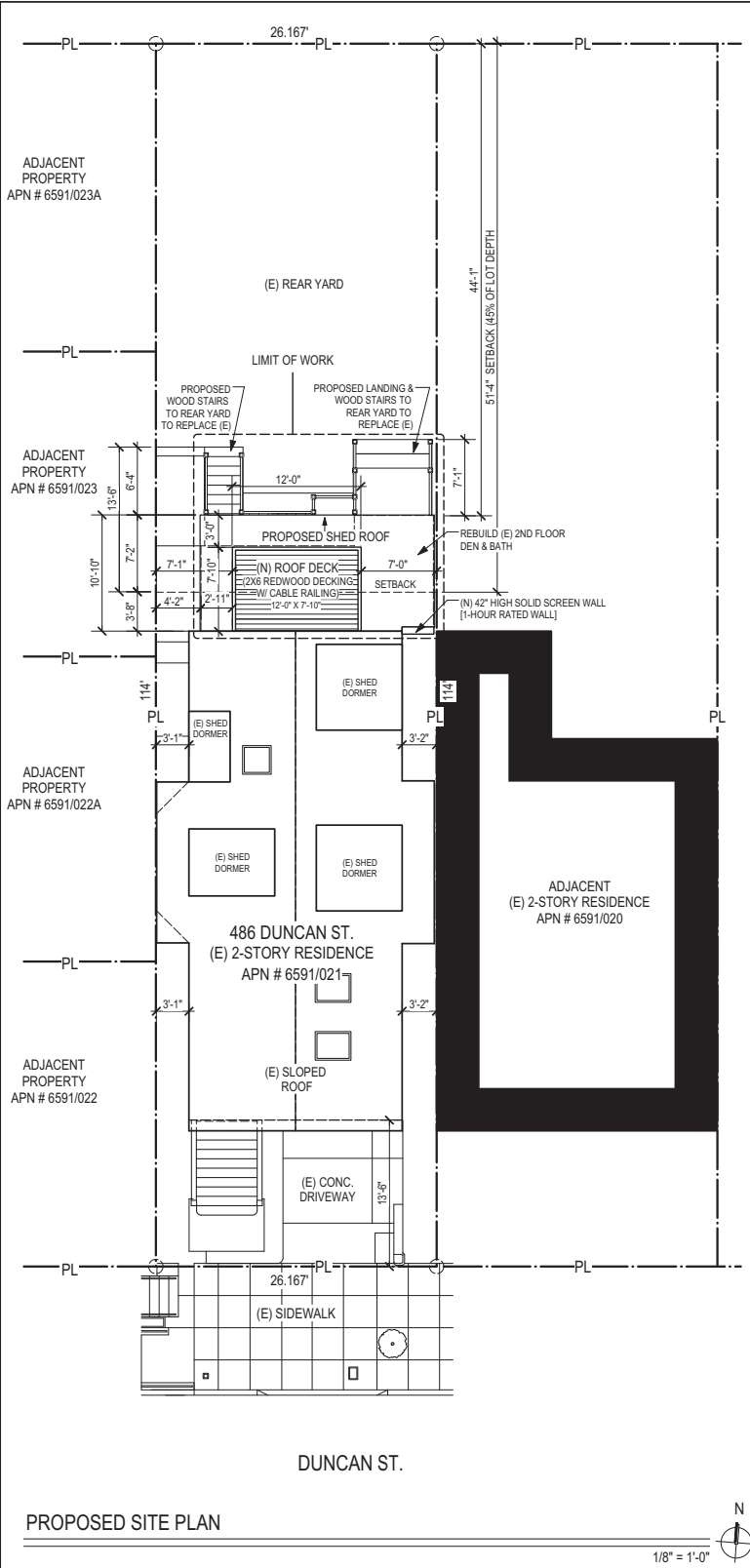
GLASS & GLAZING NOTES

1. GLASS AND GLAZING SHALL CONFORM TO CODE AND WITH U.S. CONSUMER PRODUCT SAFETY COMMISSION REQUIREMENTS.
2. GLAZING SUBJECT TO HUMAN IMPACT SHALL CONFORM TO CODE AND WITH U.S. CONSUMER PRODUCT SAFETY COMMISSION REQUIREMENTS. GLAZED OPENINGS IN DOORS, FIXED OR OPERABLE PANELS ADJACENT TO A DOOR WHERE THE NEAREST EXPOSED EDGE OF THE GLAZING IS WITHIN A 24" ARC OF EITHER VERTICAL EDGE OF THE DOOR IN A CLOSED POSITION AND WHERE THE BOTTOM EXPOSED EDGE OF THE GLAZING IS LESS THAN 60 INCHES ABOVE THE WALKING SURFACE AND WITHIN 5 FT. OF THE TOP OR BOTTOM OF STAIRS OR LANDINGS SHALL BE TEMPERED GLASS APPROVED FOR IMPACT HAZARD. FIXED PANELS [ > 9 SQ FT ] WITHIN 18" OF THE ADJACENT FLOOR SHALL BE TEMPERED GLASS APPROVED FOR IMPACT HAZARD.
3. GLAZING IN SHOWER AND TUBS ENCLOSURES SHALL BE TEMPERED, LAMINATED OR APPROVED PLASTIC.
4. EGRESS WINDOWS IN SLEEPING ROOMS SHALL CONFORM TO CBC REQUIREMENTS: MIN 20" WIDE BY 24" HT CLEAR WHEN IN THE OPEN POSITION. MAX HT AT BOTTOM OF OPENING TO BE 44".
- NOTES:  
NO EXCAVATION PROPOSED FOR THIS PERMIT.
- PROJECT WILL REQUIRE THE ISSUANCE OF A VARIANCE FROM THE REAR YARD REQUIREMENT FOR THE DEMOLITION AND RECONSTRUCTION OF PORTIONS OF THE SUBJECT BUILDING.
- CODE ENFORCEMENT CASE NO. 2021-000862ENF. THE LISTED CODE ENFORCEMENT IS ACTIVE AT THE SUBJECT PROPERTY AND THE LISTED BUILDING PERMIT APPLICATION WILL NEED TO BE ISSUED AND COMPLETED FOR ABATEMENT OF THE LISTED CODE ENFORCEMENT CASE.



(N) ROOF DECK, REBUILD  
(E) DEN/ BATH, STAIRS & LANDING AT:  
486 DUNCAN ST. SAN FRANCISCO, CA.

- NOTES:  
PREVIOUS ROOF DECK PROJECT (BUILDING PERMIT APPLICATION NO. 2019.1023.5399) HAS BEEN CANCELLED BY THE DEPARTMENT OF BUILDING INSPECTION AND IS NO LONGER ACTIVE.
- A NEW 94 SQ FT. ROOF DECK IS PROPOSED AT THE SUBJECT PROPERTY. DISCRETIONARY REVIEW ACTION MEMO NO. 698.
- THE CONSTRUCTION OF A ROOF DECK THAT ENCLOSES INTO A REQUIRED REAR YARD OR SETBACK REQUIRES THE COMPLETION OF A 10-DAY NEIGHBORHOOD NOTIFICATION.



- SCOPE OF WORK:
- REBUILD 194 SQ. FT. (E) OFFICE/ DEN ON 2ND FLOOR OF (E) RESIDENCE.
  - REPLACE INVERTED BUTTERFLY ROOF WITH SHED ROOF ON REAR 2 STORY PORTION OF RESIDENCE.
  - (N) 94 SQ. FT. ROOF DECK OVER EXISTING FLAT ROOF.
  - REBUILD (E) WOOD LANDING AND STAIRS FROM 2ND FLOOR TO REAR YARD.
  - (N) WOOD LANDING & STAIRS TO REAR YARD FROM 1ST FLOOR BEDROOM.

PROJECT STATISTICS	
OWNER	ASHLEY & KARINA REESE
ADDRESS	486 DUNCAN ST. SAN FRANCISCO, CA. 94131
EMAIL ADDRESS	ashley@blu-leaf.com
PHONE #	(415) 505-9096
ASSESSORS PARCEL NO	6591/021
ZONING DESIGNATION	RH-2
HEIGHT & BULK DISTRICTS	40-X
SPECIAL USE DISTRICTS	NONE
USE:	1 FAMILY DWELLING
OCCUPANCY:	R-3
RESIDENCE	U
GARAGE	
CONSTRUCTION TYPE	TYPE V-N
UNITS	1
STORIES	3
SCOPE OF WORK	REBUILD (E) 194 SQ. FT. OFFICE/ DEN ON 2ND FLOOR OF (E) RESIDENCE. REPLACE FLAT ROOF WITH SHED ROOF ON REAR 2 STORY PORTION OF RESIDENCE. (N) 94 SQ. FT. ROOF DECK OVER EXISTING FLAT ROOF. (N) 42" TALL SCREEN WALL ON EAST SIDE OF REBUILD 2ND FLOOR ROOF. REBUILD (E) WOOD LANDING AND STAIRS FROM 2ND FLOOR TO REAR YARD. (N) WOOD LANDING & STAIRS TO REAR YARD FROM 1ST FLOOR BEDROOM.
BUILDING TABULATIONS	
TOTAL (E) RESIDENCE	3,106 SQ. FT.
(E) GARAGE	288 SQ. FT.
TOTAL (E) RESIDENCE & GARAGE	3,394 SQ. FT.
SITE INFORMATION	
LOT SIZE:	2,979 SQ. FT.
SUBMITTAL SET	
REVISIONS:	

SHEET INDEX	
ARCHITECTURAL	
A0.0	COVER SHEET - SITE PLAN, GENERAL NOTES, VICINITY MAP, PROJECT STATISTICS, SHEET INDEX
A1.0	EXISTING & PROPOSED GROUND & 2ND FLOOR PLANS
A1.2	EXISTING & PROPOSED 3RD FLOOR FLOOR PLANS
A2.0	EXISTING & PROPOSED EXTERIOR ELEVATIONS
A2.1	EXISTING & PROPOSED EXTERIOR ELEVATIONS
A-3.0	ELECTRICAL PLAN & DETAILS
A-4.0	EXISTING & PROPOSED SECTIONS
STRUCTURAL	
S0.1	GENERAL STRUCTURAL NOTES, SPECIAL INSPECTION FORMS
S0.2	GENERAL STRUCTURAL NOTES
S1.1	PARTIAL 3RD FLOOR FRAMING PLAN & DETAILS

CONSULTANTS  
STRUCTURAL ENGINEER  
  
ECR ENGINEERING  
ENGIN YAGMUR  
1842 JEFFERSON ST. #104  
SAN FRANCISCO, CA. 94123  
TEL. (415) 205-3804

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DESIGNER

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#440  
SAN FRANCISCO,  
CA.  
94107  
805. 886. 2719

BUILDING  
DESIGN  
  
REBUILD  
(E) 2ND FLOOR  
IN REAR OF  
RESIDENCE

(N) ROOF  
DECK  
  
& STAIRS  
AT:

486  
DUNCAN ST.  
  
SAN  
FRANCISCO,  
CA

COVER SHEET:  
  
SITE PLAN  
VICINITY MAP  
PROJECT STATS.  
GENERAL NOTES  
SHEET INDEX

DATE  
12.15.2020

SUBMITTAL  
SET  
  
REVISIONS:

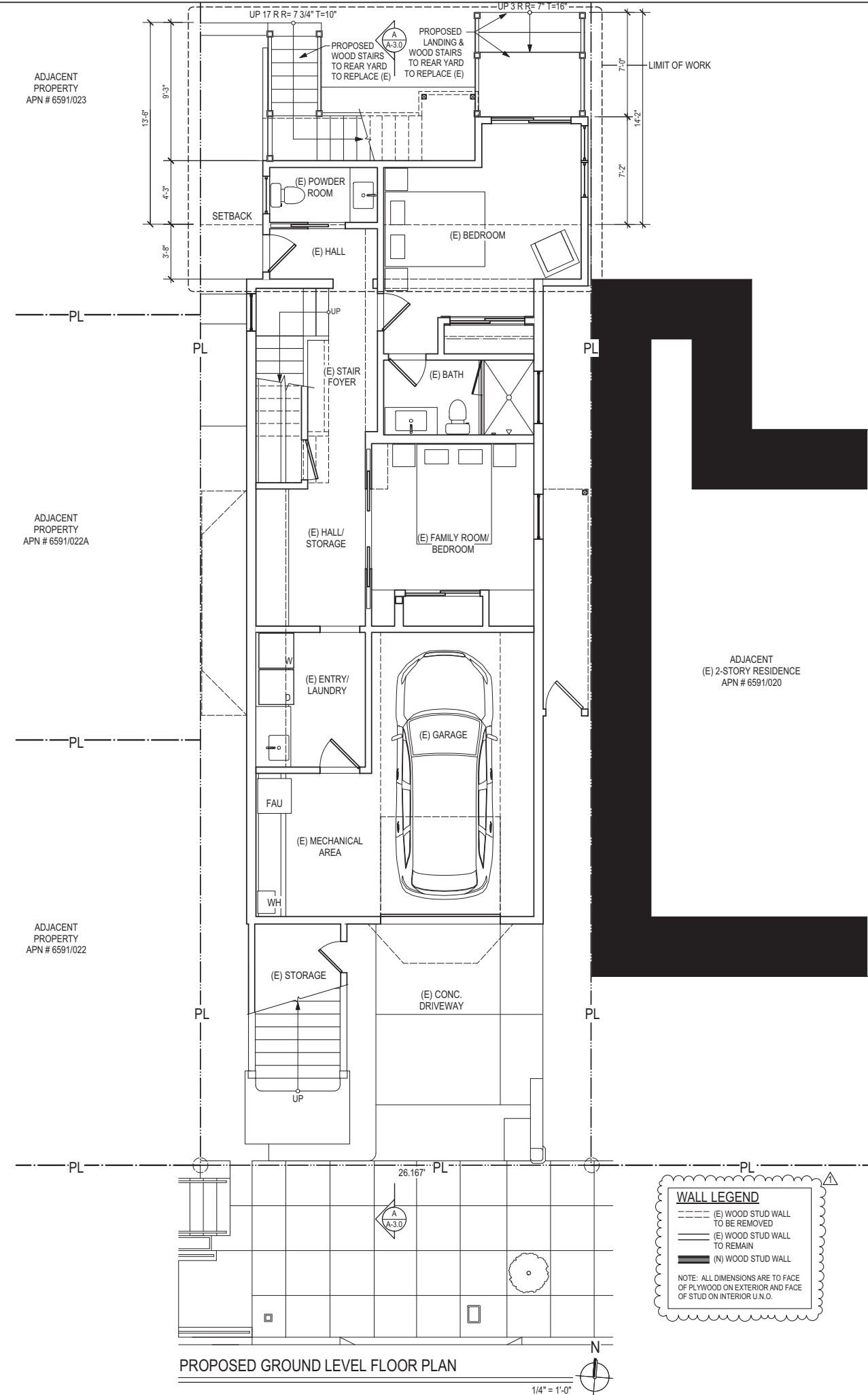
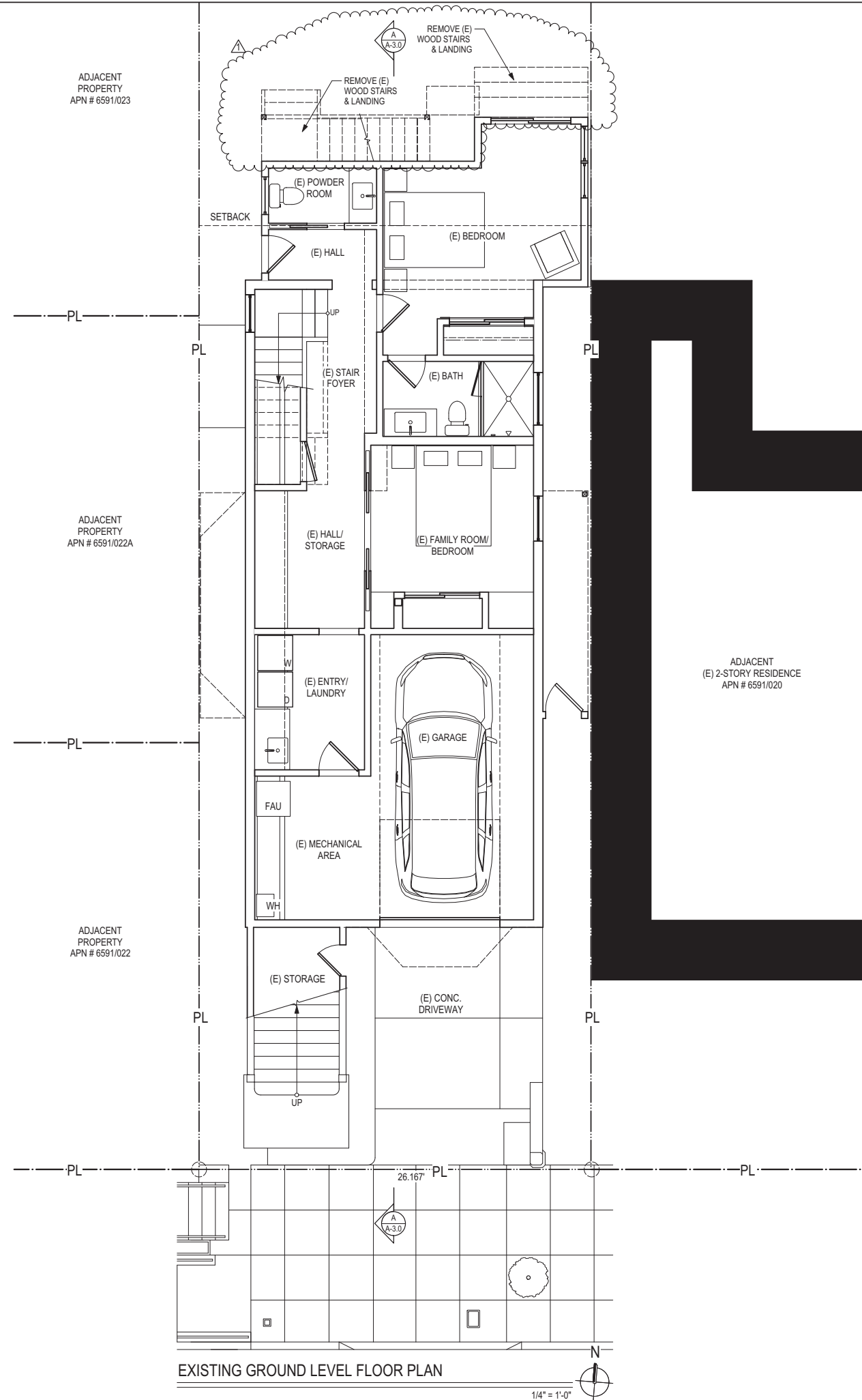
SF PLANNING  
PLAN CHECK 4/30/21

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SHEET

A0.0



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BUILDING  
DESIGN

REBUILD  
E) 2ND FLOOR  
IN REAR OF  
RESIDENCE

N) ROOF  
DECK

STAIRS  
AT:

486  
DUNCAN ST.

SAN  
FRANCISCO,  
CA

EXISTING/ DEMO &  
PROPOSED

GROUND  
LEVEL  
FLOOR PLANS

DATE  
2.15.2020

BMITTAL  
SET

#### VISIONS:

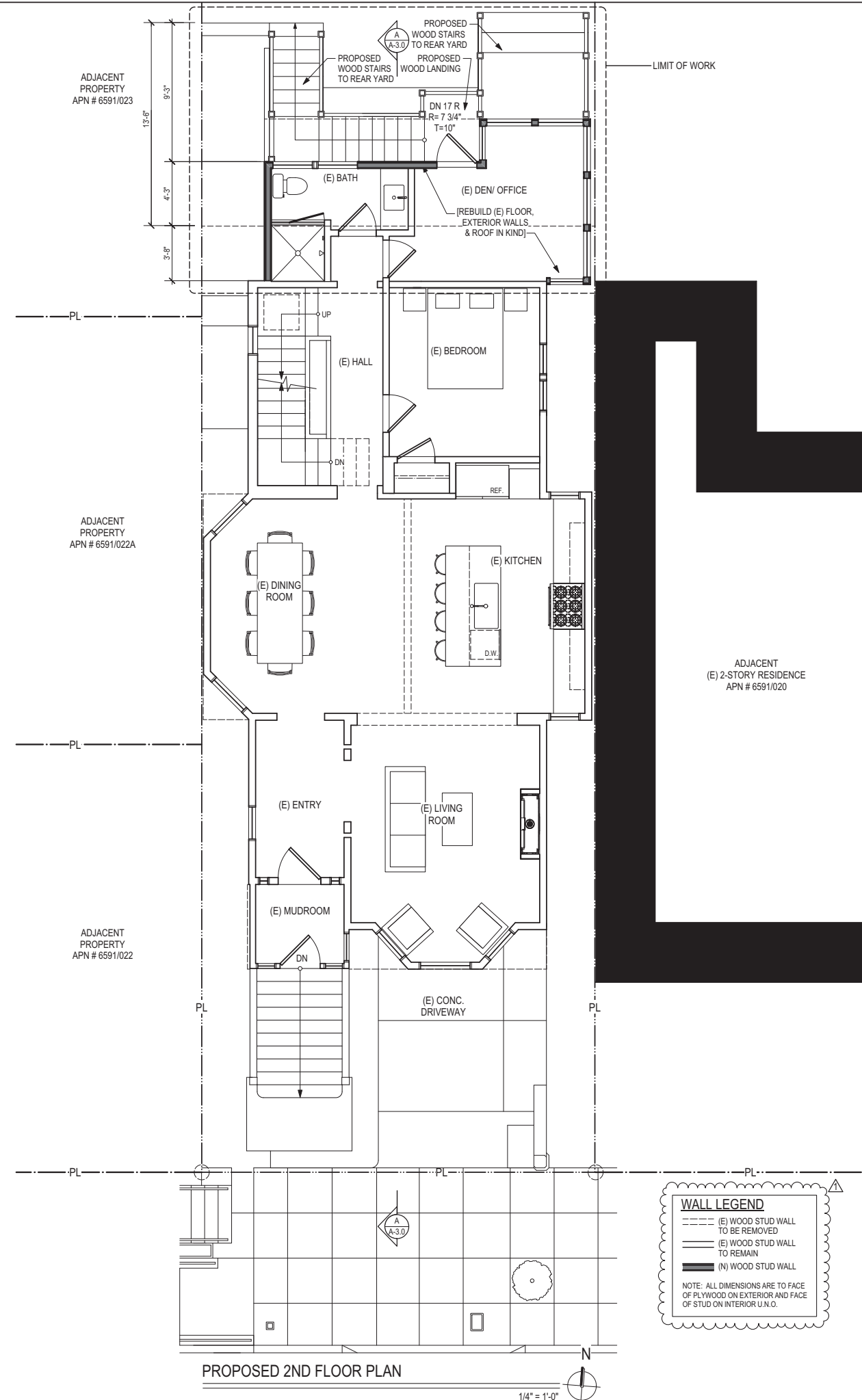
SF PLANNING  
PLAN CHECK 4/30/21

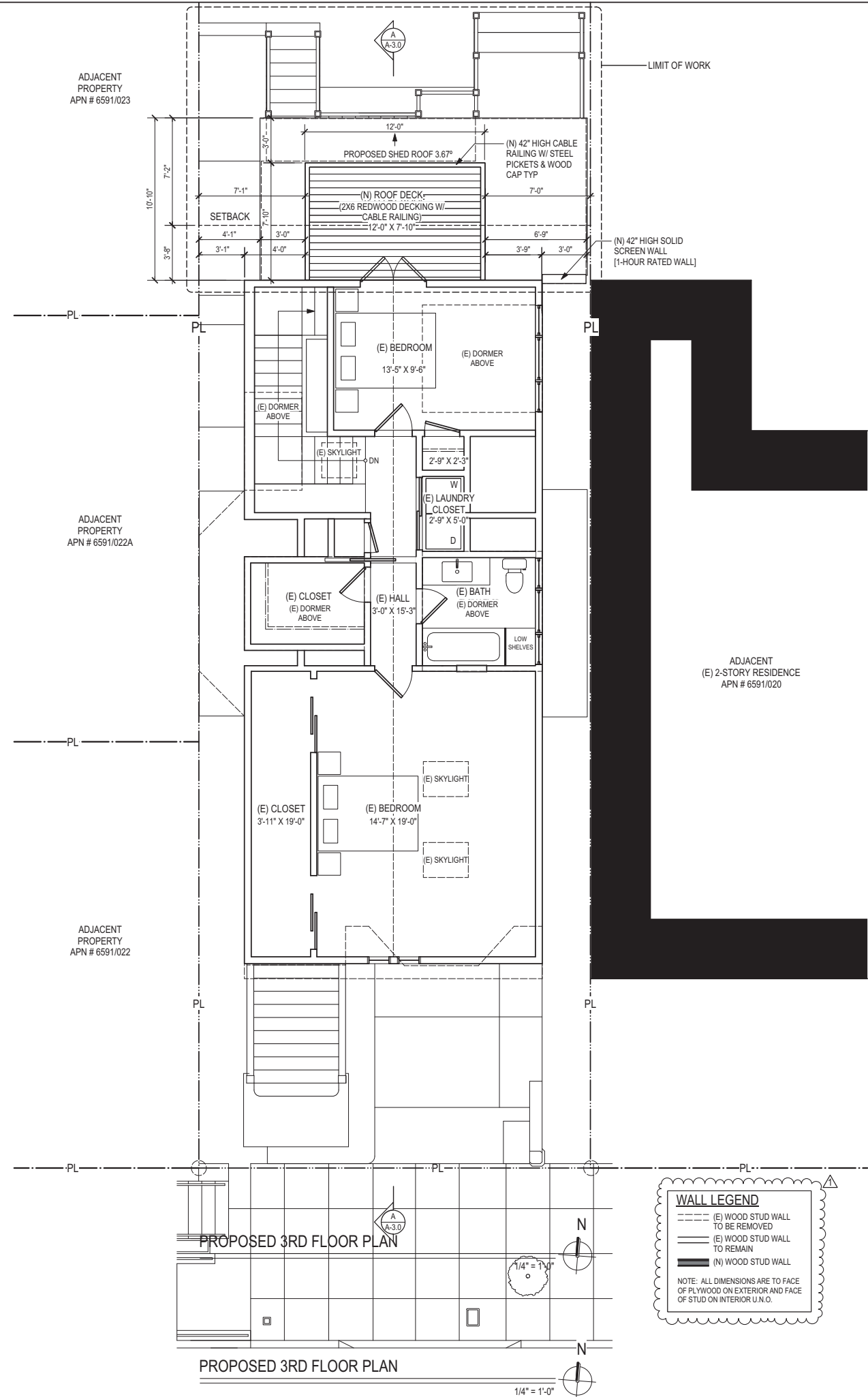
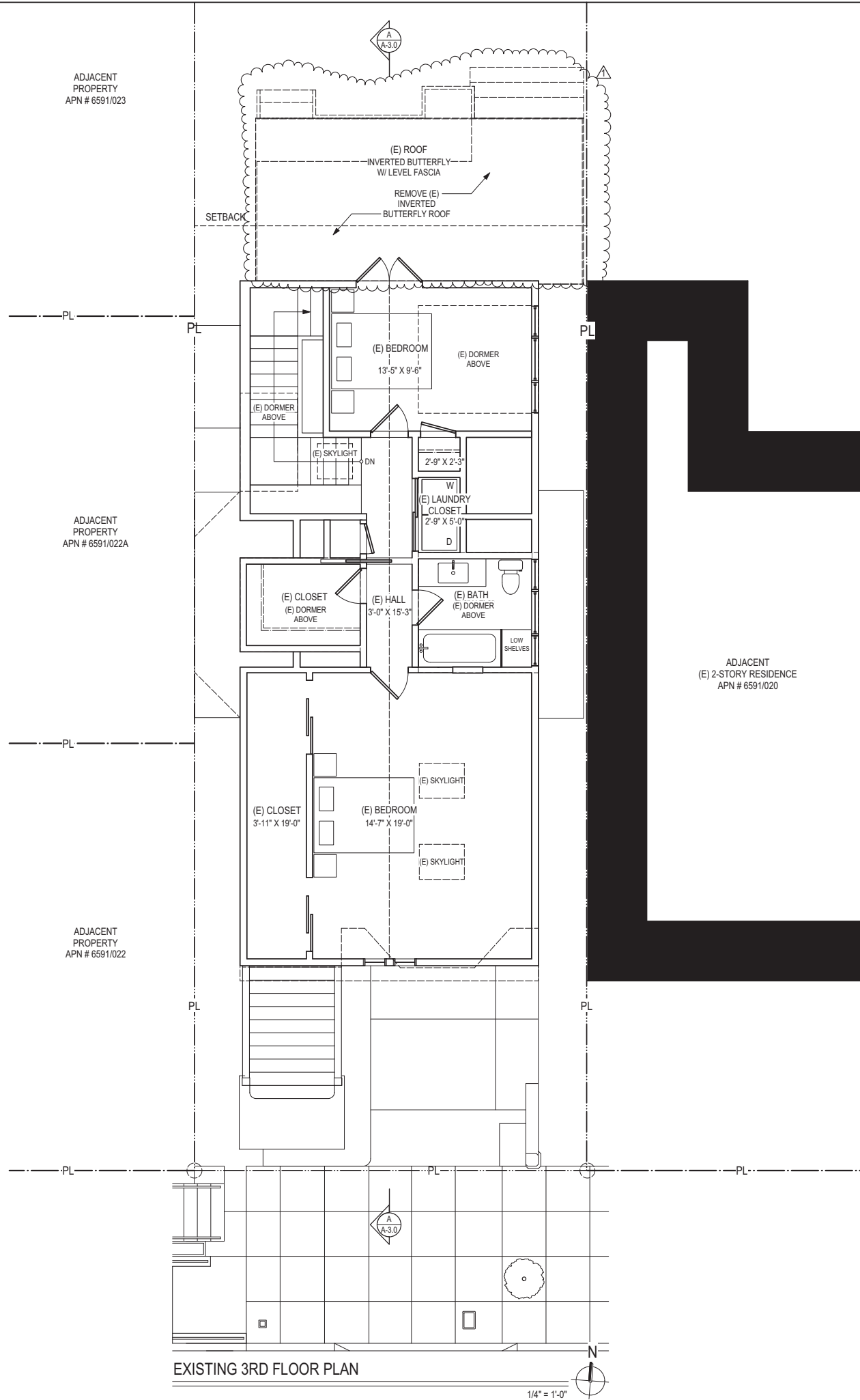
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## A1.0





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BUILDING  
DESIGN

REBUILD  
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IN REAR OF  
RESIDENCE

(N) ROOF  
DECK

& STAIRS  
AT:

486  
DUNCAN ST.

SAN  
FRANCISCO,  
CA

EXISTING  
&  
PROPOSED  
3RD  
FLOOR  
PLANS

DATE  
12.15.2020

SUBMITTAL  
SET

REVISIONS:

SF PLANNING  
PLAN CHECK 4/30/21

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SHEET

A1.2

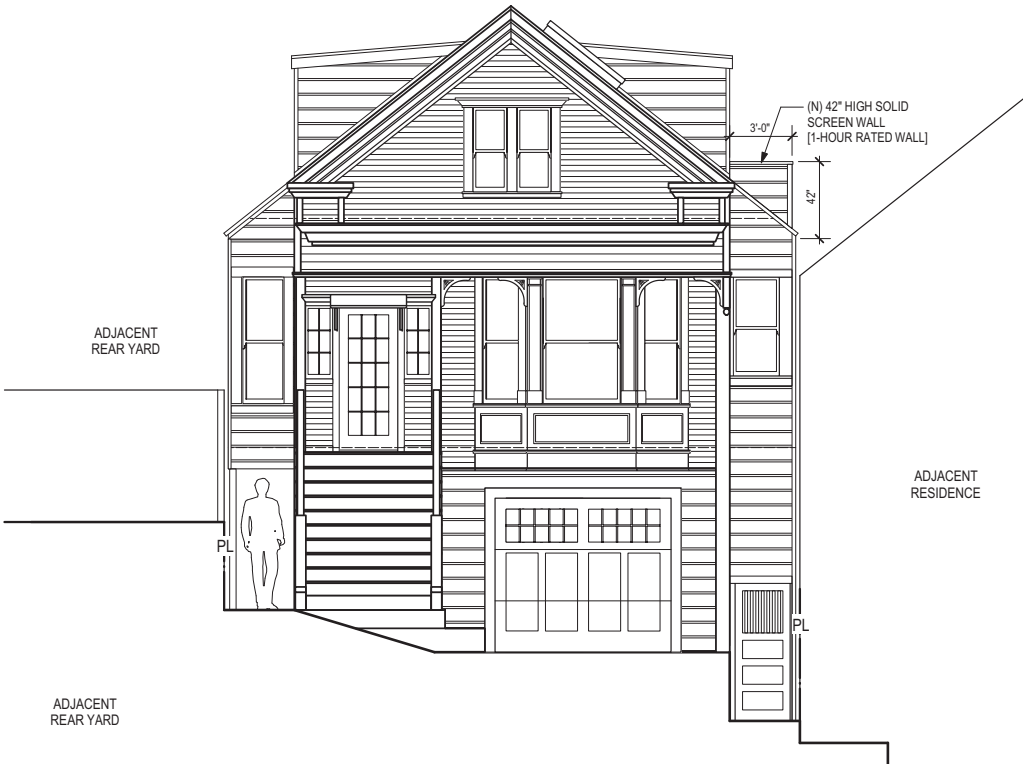
EXISTING ROOF PLAN

### PROPOSED ROOF PLAN



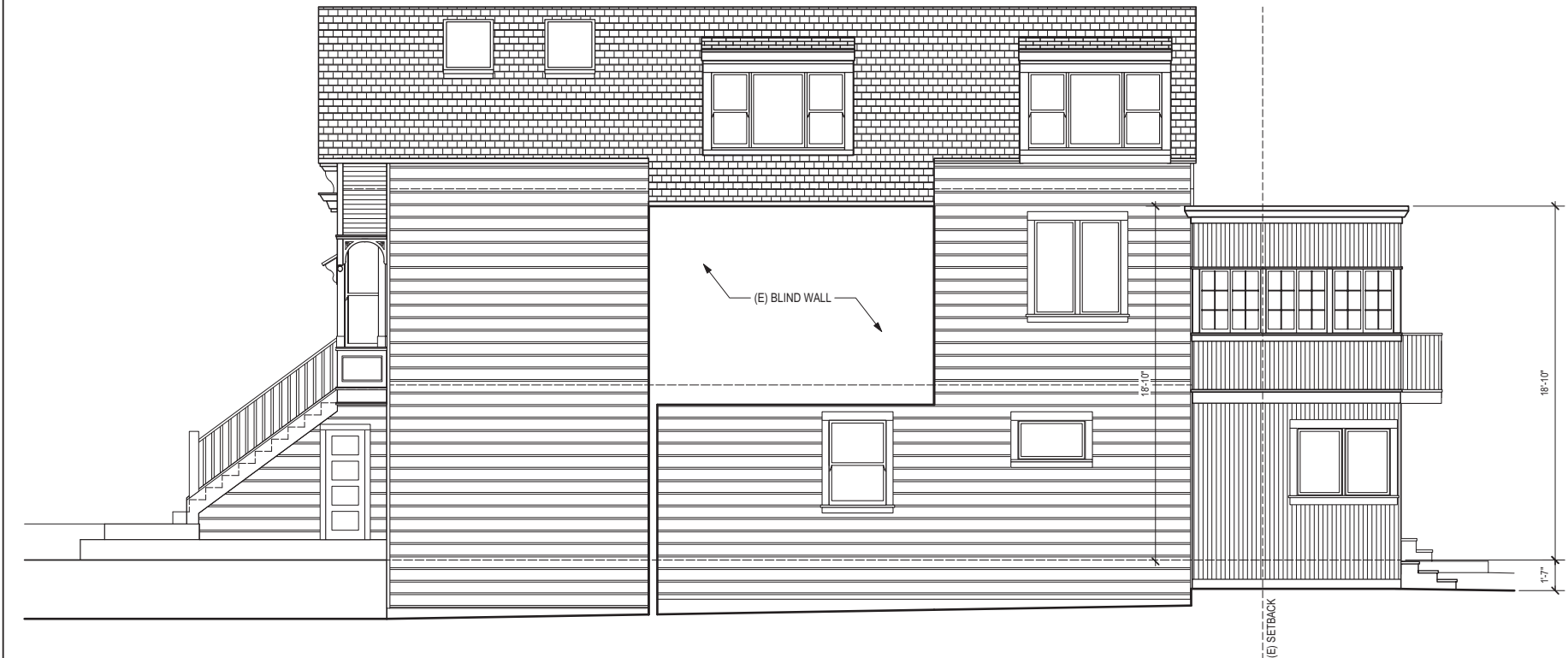
PROPOSED EAST ELEVATION

1/4" = 1'-0"



PROPOSED SOUTH ELEVATION

1/4" = 1'-0"



EXISTING EAST ELEVATION

1/4" = 1'-0"



EXISTING SOUTH ELEVATION

1/4" = 1'-0"

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BUILDING  
DESIGN  
REBUILD  
(E) 2ND FLOOR  
IN REAR OF  
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(N) ROOF  
DECK  
& STAIRS  
AT:

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DUNCAN ST.  
SAN  
FRANCISCO,  
CA

EXISTING/ DEMO &  
PROPOSED  
EXTERIOR  
ELEVATIONS

DATE  
12.15.2020

SUBMITTAL  
SET  
REVISIONS:

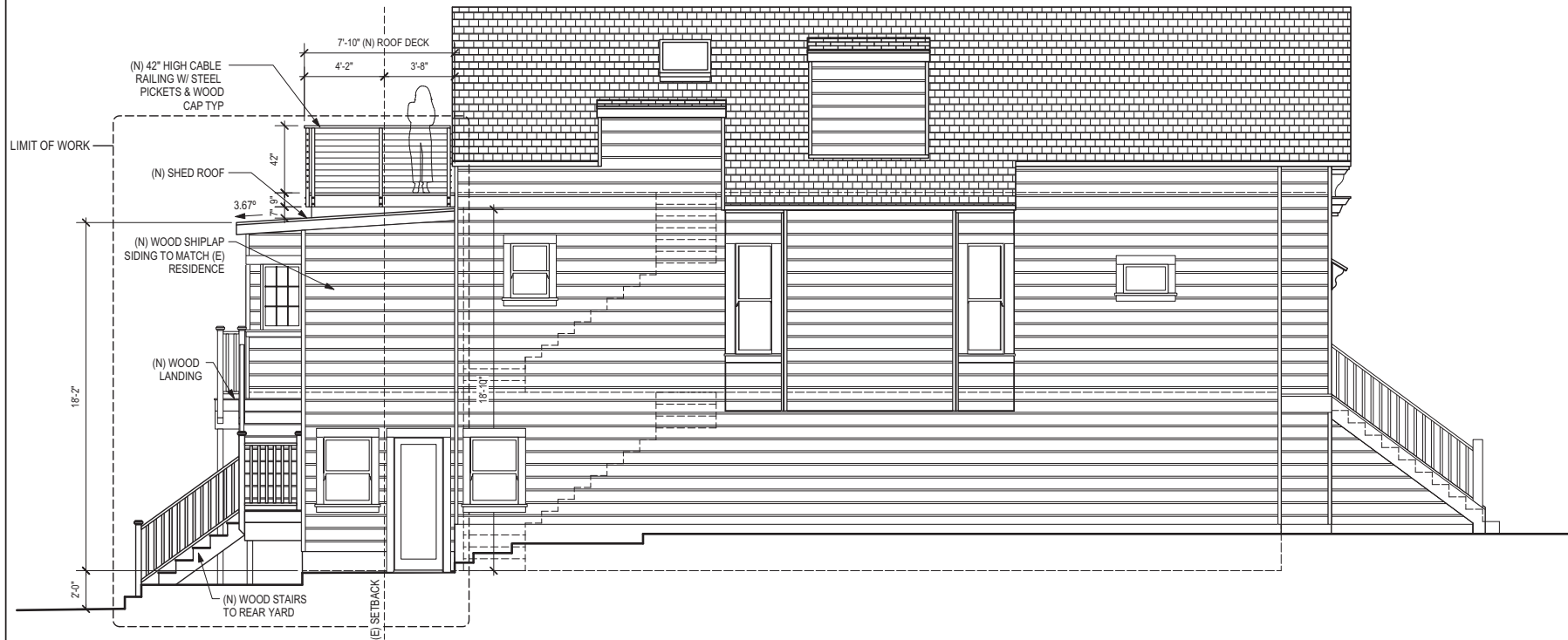
SF PLANNING  
PLAN CHECK 4/30/21

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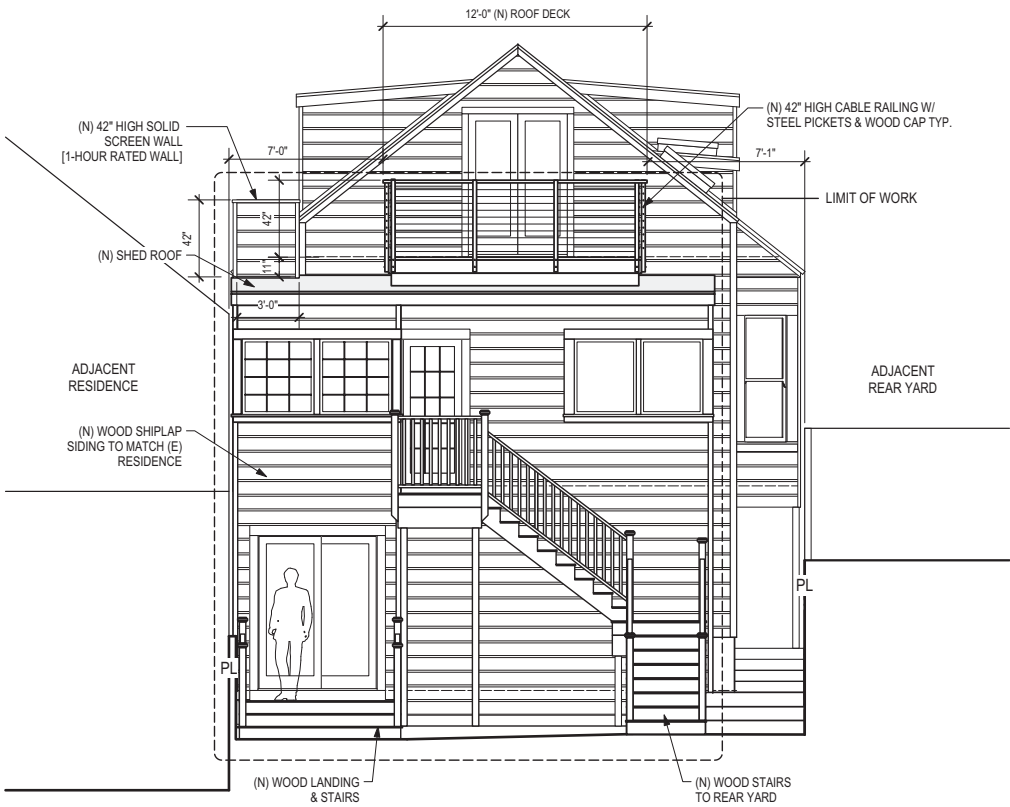
SHEET

A2.0



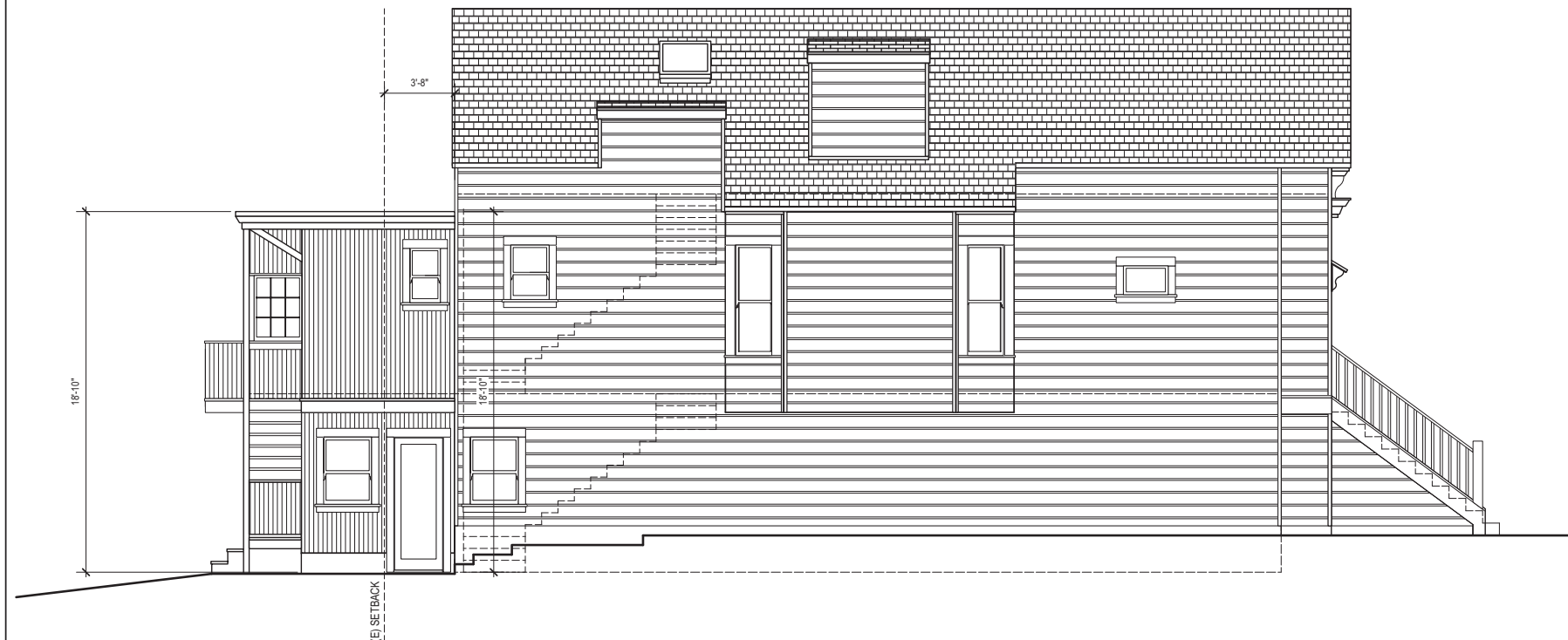
PROPOSED WEST ELEVATION

1/4" = 1'-0"



PROPOSED NORTH ELEVATION

1/4" = 1'-0"



EXISTING WEST ELEVATION

1/4" = 1'-0"



EXISTING NORTH ELEVATION

1/4" = 1'-0"



SECTION A - PROPOSED



SECTION A - EXISTING