



Date Filed:

BOARD OF APPEALS

JUL 03 2014

APPEAL # 14-126

CITY & COUNTY OF SAN FRANCISCO
BOARD OF APPEALS

PRELIMINARY STATEMENT OF APPEAL

I / We, **Carole Brown**, hereby appeal the following departmental action: **ISSUANCE of Alteration Permit 2014/06/04/7453** by the **Department of Building Inspection** which was issued or became effective on: **June 26, 2014**, to: **Scott Dylewski**, for the property located at: **179 Hamerton Avenue**.

BRIEFING SCHEDULE:

The Appellant may, but is not required to, submit a one page (double-spaced) supplementary statement with this Preliminary Statement of Appeal. No exhibits or other submissions are allowed at this time.

Appellant's Brief is due on or before: **August 07, 2014, (no later than three (3) Thursdays prior to the hearing date)**, up to 12 pages in length, double-spaced, with unlimited exhibits, with an original and 10 copies delivered to the Board office by 4:30 p.m., and with additional copies delivered to the other parties the same day.

Respondent's and Other Parties' ^{P.H} Briefs are due on or before: **August 21, 2014, (no later than one (1) Thursday prior to hearing date)**, up to 12 pages in length, doubled-spaced, with unlimited exhibits, with an original and 10 copies delivered to the Board office by 4:30 p.m., and with additional copies delivered to the other parties the same day.

Only photographs and drawings may be submitted by the parties at hearing.

Hearing Date: **Wednesday, August 27, 2014, 5:00 p.m., City Hall, Room 416, One Dr. Carlton B. Goodlett Place.**

All parties to this appeal must adhere to the briefing schedule above, however if the hearing date is changed, the briefing schedule MAY also be changed. Written notice will be provided of any change to the briefing schedule.

In order to have their documents sent to the Board members prior to hearing, **members of the public** should submit an original and 10 copies of all documents of support/opposition no later than one (1) Thursday prior to hearing date by 4:30 p.m. Please note that names and contact information included in submittals from members of the public will become part of the public record. Submittals from members of the public may be made anonymously.

Please note that in addition to the parties' briefs, any materials that the Board receives relevant to this appeal, including letters of support/opposition from members of the public, are distributed to Board members prior to hearing. All such materials are available for inspection at the Board's office. You may also request a copy of the packet of materials that are provided to Board members at a cost of 10 cents per page, per S.F. Admin. Code Ch. 67.28.

If you have any questions please call the Board of Appeals at 415-575-6880

The reasons for this appeal are as follows:

The exterior stairs proposed for 179 Hamerton are 1 foot next to my exterior deck & stairs at 173 Hamerton. I'm suggesting the stairs be relocated to 179's kitchen door.

Appellant or Agent (Circle One):

Signature: Carole Brown

Print Name: Carole Brown

APPROVED
Dept. of Building Insp.

JUN 27 2014

Tom C. Hui
TOM C. HUI, S.E.
DIRECTOR
DEPT. OF BUILDING INSPECTION

APPROVED FOR ISSUANCE

BLDG. FORM 318

APPLICATION NUMBER
2014-0604-7453

OSHA APPROVAL REQ'D

BUILDING ENLARGEMENT DESCRIPTION
 VERTICAL
 HORIZONTAL

NV.

APPLICATION FOR BUILDING PERMIT
ADDITIONS, ALTERATIONS OR REPAIRS

CITY AND COUNTY OF SAN FRANCISCO
DEPARTMENT OF BUILDING INSPECTION

APPLICATION IS HEREBY MADE TO THE DEPARTMENT OF BUILDING INSPECTION OF SAN FRANCISCO FOR PERMISSION TO BUILD IN ACCORDANCE WITH THE PLANS AND SPECIFICATIONS SUBMITTED HERewith AND ACCORDING TO THE DESCRIPTION AND FOR THE PURPOSE HEREINAFTER SET FORTH.

FORM 3 OTHER AGENCIES REVIEW REQUIRED
FORM 8 OVER-THE-COUNTER ISSUANCE

2 NUMBER OF PLAN SETS

08R

DO NOT WRITE ABOVE THIS LINE

DATE FILED: 6/4/14
FILING FEE RECEIPT NO.:
(1) STREET ADDRESS OF JOB: 179 Hamerton Ave
BLOCK & LOT: Bl. 6759, Lot. 16
PERMIT NO.: 1328761
ISSUED: 6-27-14
ESTIMATED COST OF JOB: \$25,000
(2) REVISED COST: \$30K
BY: C.H.
DATE: 6/27/14

INFORMATION TO BE FURNISHED BY ALL APPLICANTS

LEGAL DESCRIPTION OF EXISTING BUILDING

(4A) TYPE OF CONSTR.: I
(5A) NO. OF STORIES OF OCCUPANCY: 2
(6A) NO. OF BASEMENTS AND CELLARS: 0
(7A) PRESENT USE: SPR
(8A) OCCUP. CLASS: R4-1 R3
(9A) NO. OF DWELLING UNITS: 1

DESCRIPTION OF BUILDING AFTER PROPOSED ALTERATION

(4) TYPE OF CONSTR.: I
(5) NO. OF STORIES OF OCCUPANCY: 2
(6) NO. OF BASEMENTS AND CELLARS: 0
(7) PROPOSED USE (LEGAL USE): SPR
(8) OCCUP. CLASS: R4-1 R3
(9) NO. OF DWELLING UNITS: 1

(10) IS AUTO RUNWAY TO BE CONSTRUCTED OR ALTERED? YES NO
(11) WILL STREET SPACE BE USED DURING CONSTRUCTION? YES NO
(12) ELECTRICAL WORK TO BE PERFORMED? YES NO
(13) PLUMBING WORK TO BE PERFORMED? YES NO

(14) GENERAL CONTRACTOR: OWNER
ADDRESS: BUILDER
ZIP: PHONE: CALIF. LIC. NO.: EXPIRATION DATE:

(15) OWNER - LESSEE (CROSS OUT ONE)
Scott Dylewski
ADDRESS: 179 Hamerton Ave, San Francisco 94131
ZIP: 94131
BTRC#: PHONE (FOR CONTACT BY DEPT.): 408 306 4851

(18) WRITE IN DESCRIPTION OF ALL WORK TO BE PERFORMED UNDER THIS APPLICATION (REFERENCE TO PLANS IS NOT SUFFICIENT)
New deck at rear of main level of existing house with exterior stair to the rear yard.
New doors at the rear main level. Replace windows "in-kind"
New lower living level: alter lower level to remodel existing bedroom & incorporate new hallway.

ADDITIONAL INFORMATION

(17) DOES THIS ALTERATION CREATE ADDITIONAL HEIGHT OR STORY TO BUILDING? YES NO
(18) IF (17) IS YES, STATE NEW HEIGHT AT CENTER LINE OF FRONT
(19) DOES THIS ALTERATION CREATE DECK OR HORIZ. EXTENSION TO BUILDING? YES NO
(20) IF (19) IS YES, STATE NEW GROUND FLOOR AREA SQ. FT.
(21) WILL SIDEWALK OVER SUB-SIDEWALK SPACE BE REPAIRED OR ALTERED? YES NO
(22) WILL BUILDING EXTEND BEYOND PROPERTY LINE? YES NO
(23) ANY OTHER EXISTING BLDG. ON LOT? (IF YES, SHOW ON PLOT PLAN) YES NO
(24) DOES THIS ALTERATION CONSTITUTE A CHANGE OF OCCUPANCY? YES NO

(25) ARCHITECT OR ENGINEER (DESIGN) CONSTRUCTION
Studio upwall
ADDRESS: 305 San Anselmo Ave, Studio 219 San Anselmo CA 94060
CALIF. CERTIFICATE NO.: 415 317 3272

(26) CONSTRUCTION LENDER (ENTER NAME AND BRANCH DESIGNATION IF ANY. IF THERE IS NO KNOWN CONSTRUCTION LENDER, ENTER "UNKNOWN")
NONE

IMPORTANT NOTICES

No change shall be made in the character of the occupancy or use without first obtaining a Building Permit authorizing such change. See San Francisco Building Code and San Francisco Housing Code.
No portion of building or structure or scaffolding used during construction is to be closer than 6" to any wire containing more than 750 volts. See Sec 385, California Penal Code.
Pursuant to San Francisco Building Code, the building permit shall be posted on the job. The owner is responsible for approved plans and application being kept at building site.
Grade lines as shown on drawings accompanying this application are assumed to be correct. If actual grade lines are not the same as shown, revised drawings showing correct grade lines, cuts and fills, and complete details of retaining walls and wall footings must be submitted to this department for approval.
ANY STIPULATION REQUIRED HEREIN OR BY CODE MAY BE APPEALED.
BUILDING NOT TO BE OCCUPIED UNTIL CERTIFICATE OF FINAL COMPLETION IS POSTED ON THE BUILDING OR PERMIT OF OCCUPANCY GRANTED, WHEN REQUIRED.
APPROVAL OF THIS APPLICATION DOES NOT CONSTITUTE AN APPROVAL FOR THE ELECTRICAL WIRING OR PLUMBING INSTALLATIONS. A SEPARATE PERMIT FOR THE WIRING AND PLUMBING MUST BE OBTAINED. SEPARATE PERMITS ARE REQUIRED IF ANSWER IS "YES" TO ANY OF ABOVE QUESTIONS (10) (11) (12) (13) (22) OR (24).
THIS IS NOT A BUILDING PERMIT. NO WORK SHALL BE STARTED UNTIL A BUILDING PERMIT IS ISSUED.
In dwellings, all insulating materials must have a clearance of not less than two inches from all electrical wires or equipment.
CHECK APPROPRIATE BOX
 OWNER
 LESSEE
 CONTRACTOR
 ARCHITECT
 AGENT
 ENGINEER

NOTICE TO APPLICANT

HOLD HARMLESS CLAUSE. The permittee(s) by acceptance of the permit, agree(s) to indemnify and hold harmless the City and County of San Francisco from and against any and all claims, demands and actions for damages resulting from operations under this permit, regardless of negligence of the City and County of San Francisco, and to assume the defense of the City and County of San Francisco against all such claims, demands or actions.
In conformity with the provisions of Section 3800 of the Labor Code of the State of California, the applicant shall have worker's compensation coverage under (I) or (II) designated below, or shall indicate item (II), (IV), or (V), whichever is applicable. If however item (V) is checked, item (IV) must be checked as well. Mark the appropriate method of compliance below.
I hereby affirm under penalty of perjury one of the following declarations:
() I. I have and will maintain a certificate of consent to self-insure for worker's compensation, as provided by Section 3700 of the Labor Code, for the performance of the work for which this permit is issued.
() II. I have and will maintain worker's compensation insurance, as required by Section 3700 of the Labor Code, for the performance of the work for which this permit is issued. My worker's compensation insurance carrier and policy number are:
Carrier: _____
Policy Number: _____
() III. The cost of the work to be done is \$100 or less.
() IV. I certify that in the performance of the work for which this permit is issued, I shall not employ any person in any manner so as to become subject to the worker's compensation laws of California. I further acknowledge that I understand that in the event that I should become subject to the worker's compensation provisions of the Labor Code of California and fail to comply therewith with the provisions of Section 3800 of the Labor Code, that the permit herein applied for shall be deemed revoked.
() V. I certify as the owner (or the agent for the owner) that in the performance of the work for which this permit is issued, I will employ a contractor who complies with the worker's compensation laws of California and who, prior to the commencement of any work, will file a completed copy of this form with the Central Permit Bureau.


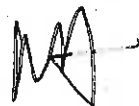
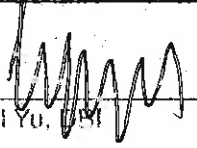


APPLICANT'S CERTIFICATION

I HEREBY CERTIFY AND AGREE THAT IF A PERMIT IS ISSUED FOR THE CONSTRUCTION DESCRIBED IN THIS APPLICATION, ALL THE PROVISIONS OF THE PERMIT AND ALL LAWS AND ORDINANCES THERETO WILL BE COMPLIED WITH.

Signature of Applicant or Agent: [Signature]
Date: 6/4/14

BOARD OF APPEALS
JUL 03 2014
APPEAL # 14-126

CONDITIONS AND STIPULATIONS

| | | |
|-------------------------------------|---|--|
| REFER TO: | APPROVED:  BUILDING INSPECTOR, DEPT. OF BLDG. INSP. | DATE: _____ REASON: _____ NOTIFIED MR. _____ |
| <input type="checkbox"/> | APPROVED: new deck at back of building with stairs, new doors, new windows, new kitchen, not visible from front, remodel existing bedroom, etc. DEPARTMENT OF CITY PLANNING | DATE: _____ REASON: _____ NOTIFIED MR. _____ |
| <input type="checkbox"/> | APPROVED:  BUREAU OF FIRE PREVENTION & PUBLIC SAFETY | DATE: _____ REASON: _____ NOTIFIED MR. _____ |
| <input checked="" type="checkbox"/> | APPROVED: REYNALDO ORTEGA JUN 27 2014 MECHANICAL ENGINEER, DEPT. OF BLDG. INSPECTION | DATE: _____ REASON: _____ NOTIFIED MR. _____ |
| <input checked="" type="checkbox"/> | APPROVED:  Cyril Yu, PE JUN 27 2014 CIVIL ENGINEER, DEPT. OF BLDG. INSPECTION | DATE: _____ REASON: _____ NOTIFIED MR. _____ |
| <input type="checkbox"/> | APPROVED:  BUREAU OF ENGINEERING | DATE: _____ REASON: _____ NOTIFIED MR. _____ |
| <input type="checkbox"/> | APPROVED: DEPARTMENT OF PUBLIC HEALTH | DATE: _____ REASON: _____ NOTIFIED MR. _____ |
| <input type="checkbox"/> | APPROVED: REDEVELOPMENT AGENCY | DATE: _____ REASON: _____ NOTIFIED MR. _____ |
| <input type="checkbox"/> | APPROVED:  HOUSING INSPECTION DIVISION | DATE: _____ REASON: _____ NOTIFIED MR. _____ |

BOARD OF APPEALS
JUL 03 2014
APPEAL # 14-126.

HOLD SECTION - NOTE DATES AND NAMES OF ALL PERSONS NOTIFIED DURING PROCESSING

I agree to comply with all conditions or stipulations of the various bureaus or departments noted on this application, and attached statements of conditions or stipulations, which are hereby made a part of this application.

Number of attachments

OWNER'S AUTHORIZED AGENT _____

I have filed an appeal against the deck/staircase plans of Mr. Scott Dylewski and Ms. Shannon Leonard of 179 Hamerton Ave. S.F. CA 94131. I am requesting the relocation of the staircase and a field inspection as to the fire safety of my property at 173 Hamerton Ave. for the following reasons;

- The staircase is 1.5 feet from my property and its closeness would interfere with my privacy.*
- The proximity of the staircase would make my property less secure.*
- The nearness of the staircase would create noise that would interfere with the enjoyment of my property.*
- The plan does not show a fire wall for the deck/staircase that would protect my property.*

Privacy

The closeness of the staircase would interfere with my privacy. I am a 78 year old widow living alone and have had extensive foot surgeries. As a result of the surgeries I'm required to spend a lot of time at home in order to stay off my feet.

My house has a reverse floor plan with the main living areas in the rear of the house: the living room, dining room, kitchen and deck (attached figs. 1 and 2, X = proposed staircase). The proposed staircase, 1.5 feet from my property, would give anyone of average height on the stair

#173 Main Living Areas



#173 Upper Deck & Stairs



treads #4, 5 & 6 a direct view into my main living areas (attached fig. 3). In turn, from inside my house, I would see anyone using the staircase.

Security

The closeness of the proposed staircase would make it easy for anyone to cross over to my property. The garden of #179 is open to a wall on Acadia Street. The concrete wall is approx. 5 feet high and provides easy access to #179's garden (attached fig. 4, X = wall). Anyone could come over the wall, walk up through my neighbors' garden, come up the proposed staircase and step over onto the ledge of my deck. I normally keep the dining room door open daily for fresh air, especially for the kitchen. In addition I often have to keep the door open for cross ventilation when I'm in another part of the house. My house has a flat roof and when it is hot the house can stay at 80° for several days without cross ventilation. With the closeness of my neighbors' proposed staircase I would not feel safe in keeping my door open.

The recent spate of car thefts on our block, "The Mayor's Street" (attached fig. 5) demonstrate that our home's security concerns are well founded.

Noise

Mr. Dylewski and Ms. Leonard have a very large garden and work in it a lot. I would be able to hear my neighbors' activities going up and down



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Car thieves hit S.F. mayor's street, despite lights, video

Phillip Matier And Andrew Ross

Updated 7:38 am, Monday, July 14, 2014

1 of 4 < PREV NEXT >

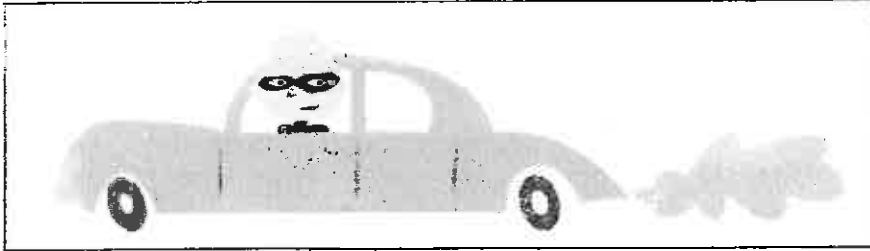


Photo: Steven Boyle, The Chronicle



Talk about brazen - three doors down from Mayor Ed Lee's Glen Park home, a pair of thieves were caught on video the other night nonchalantly spending 10 minutes hot-wiring a car.

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The pair didn't seem to care that they were being illuminated by motion-sensitive garage

lights as they methodically stole the 2006 Honda Accord.

"This is the third car stolen from our one-block street in the past few months," said the owner, who asked not to be identified.

Ingleside Station Capt. Tim Falvey confirmed that car thefts are up about 6 percent in his district this year. Citywide, the increase is 10 percent.

Last year, San Francisco saw 5,574 auto thefts. About one-fifth of them were in the Ingleside police jurisdiction, with older Hondas that are easier to hot wire being a favorite target.

"We are working to try to bring (the total) down," Falvey said.

Mayoral spokeswoman Christine Falvey, who just happens to be the police captain's sister, said her boss thought it was "pretty unusual" to have three cars stolen in his neighborhood in such a short time. He's asked police to attend the next neighborhood association meeting to talk about crime prevention.

As for that stolen Honda Accord - we're told police found it in Pacifica. They're still looking for the thieves.

Taking aim: The soft-pitch politics of the Oakland mayoral race has turned to hardball, with activist attorney Dan Siegel filing a pair of ethics complaints against rival mayoral candidate and Oakland City Councilwoman Rebecca Kaplan.

Siegel has reached back in time a bit and is accusing Kaplan of "an illegal shell game" for allegedly using a countywide Coalition for Safe Streets and Local Jobs committee to

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the staircase to and from the garden. I do not wish to be made aware of my neighbors' constant activities nor do I think they want me to be aware of them. As it is, because our houses are attached I already hear them using their front, interior stairs.

Fire Wall & Property Line

The proposed deck/staircase plans do not show a fire wall protection for my property while the proposed staircase is 1.5 feet from my property and the deck is right next to my property. In researching the required distance between a structure and a property line I found it difficult to ascertain a constant guideline but 1.5 feet seems too close not to require a fire wall. For example, on 4/08/14 Mr. Dylewski emailed that the City code requires every deck to have a full fire wall when the structure is within 5 feet of the property line. And on 8/11/14 Mrs. Else Townsend, Zephyr Real Estate, emailed that it is her understanding that if a structure is closer than 3 feet to the property line it must have a one hour fire wall. Finally, Ms. Lily Langlois of SF Planning Information and Ms. Mehret of SF Inspection Services informed me over the phone that a field inspection of #179 would determine the need of a fire wall protection. In addition to the staircase Mr. James Kaentje, American Institute of Architects (attached fig. 6), noted that the buried support for one of the deck posts is on my property line, which I have not agreed to (attached

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Cardiff

Celeste

chiropractic

Cinemark

11:44



James' information

James Kaentje

To Me

Hi Carole:

Please see below for contact information.

James Kaentje *aka ncarb lead ap bd+c*
Associate, Architect IV

SmithGroupJJR
301 Battery Street, 7th Floor
San Francisco, CA 94111

t 415.227.0100 d 415.365.3467
f 734.780.8325 c 415.370.7638

James.Kaentje@smithgroupjir.com

Expect the Unexpected.
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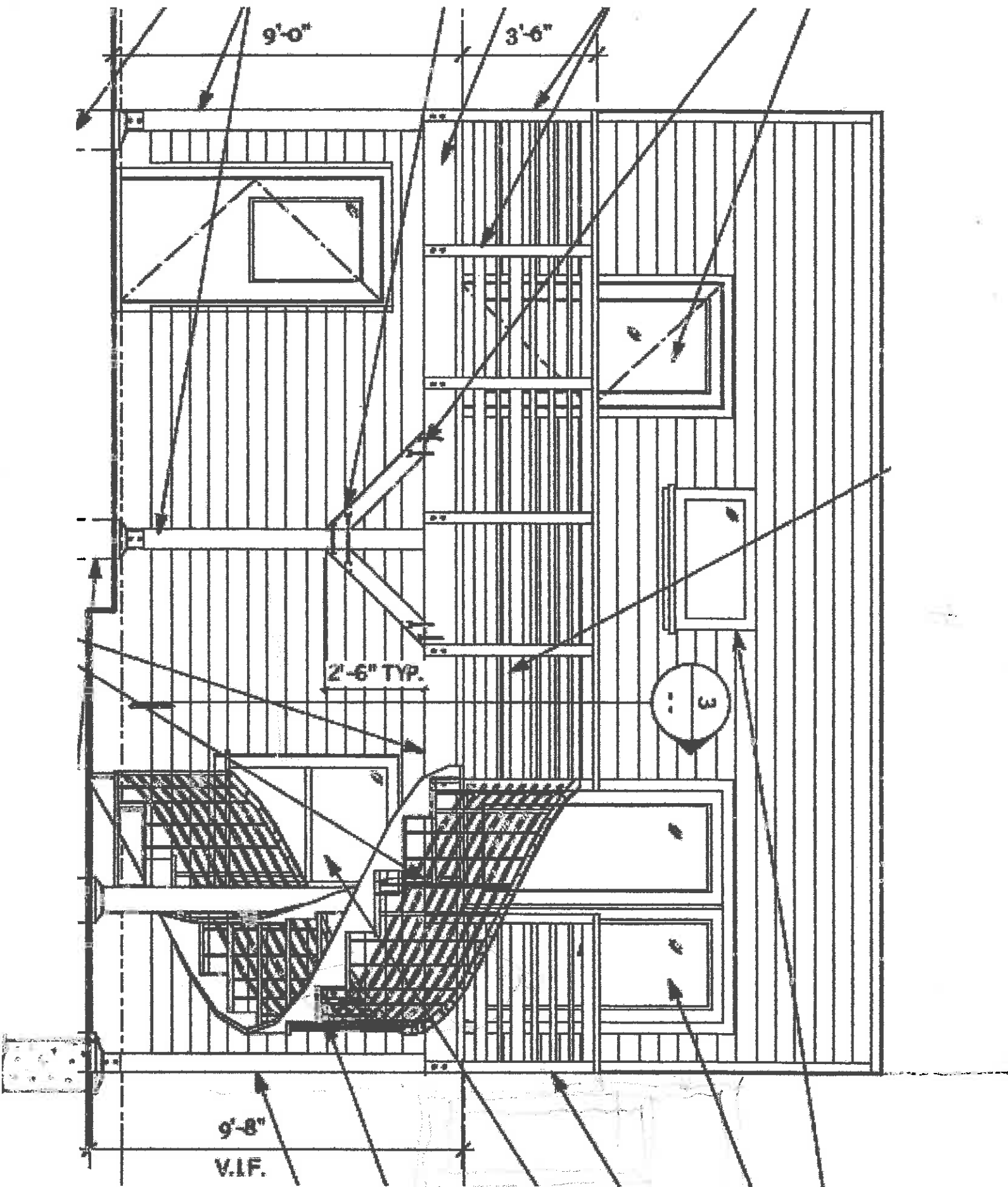
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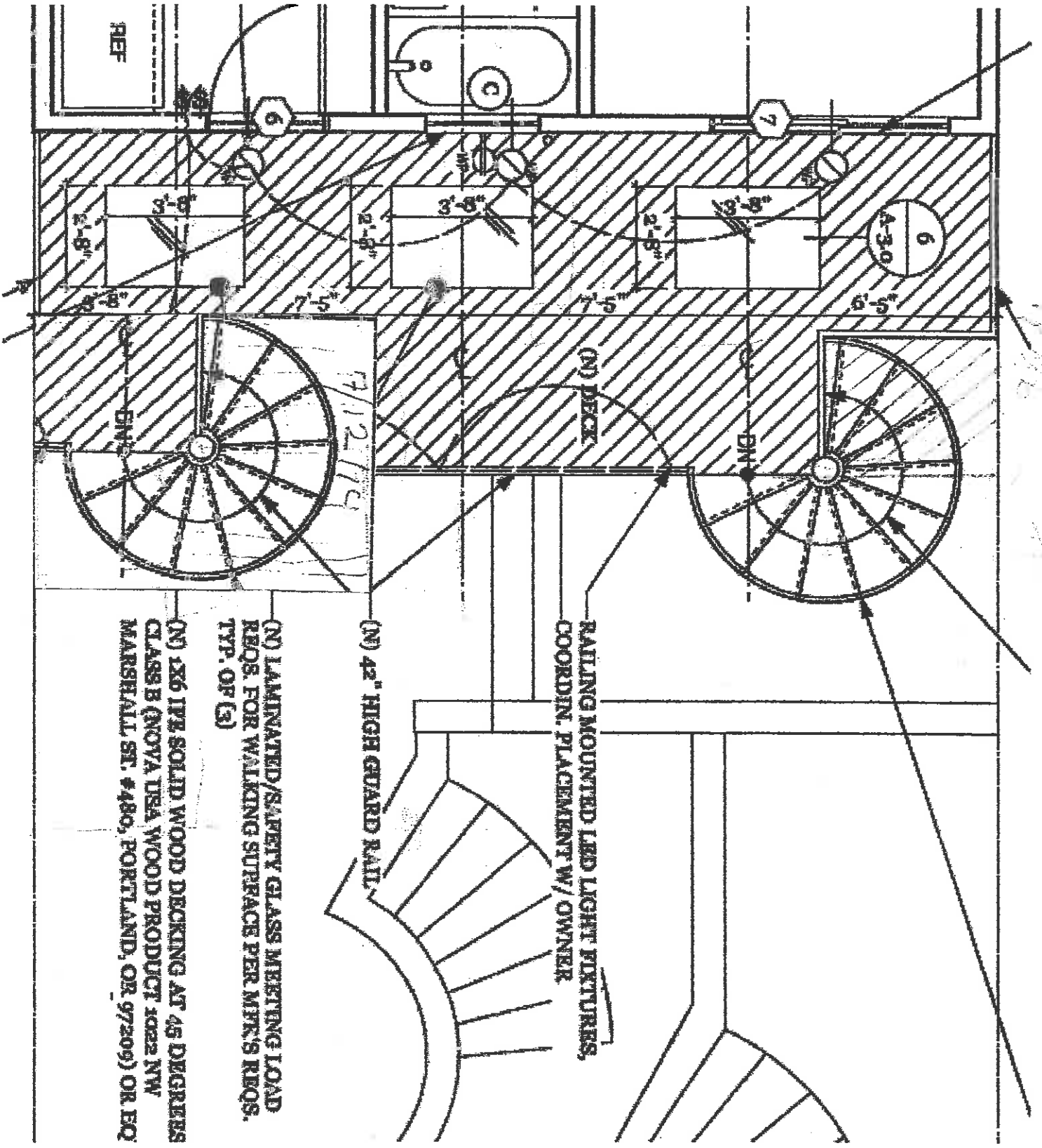
6

fig. 7). He also noted that combustible materials may be used on the stairs, deck and posts which would not be good for fire safety.

Conclusion

On 7/17/14 Mr. Dylewski brought me a revised plan showing the relocation of the stairs to the other side of his deck, outside his kitchen door. But Mr. Dylewski would not provide me with a copy of the revision because to paraphrase, he didn't want me to show it to the City. My adaptation of this revision illustrates that the relocation of the stairs is feasible and in keeping with his deck plans (attached fig. 8). Mr. Kaentje also suggested that the stairs be relocated to the center of the deck thus avoiding property line issues with both of Mr. Dylewski's neighbors. This is a very quiet and supportive group of homes on Hamerton Ave. Many of us share keys to each other's homes while greatly respecting each other's privacy. It is my hope that the Commission will approve the relocation of the staircase and insure the safety of my property as I would like to continue to live in the comfort, peace and tranquility of my home.





Summary:

When we started the process of designing a deck with our architect over a year ago, we discussed this informally with the appellant, Ms. Brown, and other adjacent neighbors. Ms. Brown let us know very clearly that she was worried about our proposed deck blocking the light onto her deck and yard. In order to mitigate this concern (and our own privacy concerns), we worked with our architect to design a deck and stairs in the following way:

1. The rear edge of our deck extends out 3 feet less than Ms. Brown's deck, and we cannot see into her home while standing on our deck.
2. The upper landing of the spiral stairs is inset into our deck rather than extending out, so our deck will not block her view or sunlight.
3. The spiral staircase is made of galvanized steel to mitigate any fire risk.
4. The spiral staircase winds down and to the left, so that when we are closest to Ms. Brown's property, we will be walking faster and tend to look down the stairs and away from Ms. Brown's deck and home.
5. The staircase is located so it does not block our single rear, first-level exit door from our garage, nor does it block the view from our lower-level window.

We also evaluated (at considerable expense to produce the drawings) a straight staircase but decided against this option because it would extend 3 feet beyond the rear edge of our deck, blocking Ms. Brown's view and prevent use of our very limited flat upper yard.

Overall, this deck is a modest design that allows us to enjoy our personal open space and view of the Bay in the same way that Ms. Brown enjoys hers. The impact to Ms. Brown's privacy is minimal and we have tried to propose alternative solutions to mitigate the impact, however small it is. Unfortunately, Ms. Brown was not willing for us to address her individual concerns, but instead insists on our stairs being moved. We have followed all the rules of the City and our plans were approved. Because of this, we propose the approved plans are allowed to be built as-is, or if mitigation is requested, then a privacy lattice be added to our deck that extends out to the location where our stairs is closest to Ms. Brown's property line.

Response to Ms. Brown's individual concerns:

Privacy:

We agree that it would be possible for someone to stand on stair treads #4, 5, or 6 and look around or through Ms. Brown's privacy lattice and into part of her living room or kitchen windows when her blinds are open. However, we do not expect anyone to loiter on the stairs, and given this minor concern, we have designed the stairs to turn down and to the left so when walking down the stairs, people will tend to look down and ahead instead of over their right shoulder into Ms. Brown's property. There is no privacy concern when walking up the stairs because we will be facing outwards and away from her windows.

Furthermore, any home on the lots behind ours can currently see into Ms. Brown's windows (albeit with binoculars or a camera). We and Ms. Brown's neighbor on her opposite side can also see into her windows from the rear yard, so she cannot expect to have unlimited privacy today. Given the reality of owning property in a dense urban environment with zero lot-line homes, along with the strong glare off her glass during the day (Exhibit 1), any privacy concern is very small. We are happy to add some additional lattice in order for Ms. Brown to feel like her privacy is not diminished.

Security:

Ms. Brown notes that it is possible to jump over a 5-foot tall cinder-block wall at the end of Acadia Street to get into our neighbor's backyard and thus our yard. If a person were to climb over this wall, he or she could currently obtain access to Ms. Brown's property in the following ways:

1. Climb up an existing 4-foot tall fence onto her deck (Exhibit 2)
2. Climb over an existing 6-foot chain-link fence between our yard and her yard and then walk up her deck stairs (Exhibit 3)
3. Walk over the 3-foot fence on the opposite side of her property and then walk up her deck stairs. (This opposite yard is not accessible by jumping over the Acadia Street wall, but could be accessed from any number of yards that are back to back between Hamerton Avenue and Chilton Avenue.)

Given the existing potential illicit access routes to Ms. Brown's property currently, and the fact that she often leaves her back door open suggests that she is not too worried about security. Our addition of a staircase may provide one additional route to climb

Respondent's Brief for Appeal No. 14-126, Subject Property: 179 Hamerton Ave

onto her deck, but given the ease with which other routes are available, it is unclear why anyone would choose to climb over a 42-inch railing 1.5 feet away from her deck with a 10-foot drop below instead of the other safer, and more-convenient routes. Nonetheless, we are happy to add privacy lattice in this area to prevent would-be thieves from accessing her property from the proposed deck stairs.

Noise:

Ms. Brown notes that she can hear us walk up and down our home's interior wood stairs because the sound travels easily through our adjacent walls. Since this is currently our only way to go down to our garden, we use the interior stairs often. It is quite clear that adding an additional exterior, detached stairway far away from her living space will reduce the noise impact to Ms. Brown significantly.

Firewall:

Similar to Ms. Brown experience, we too have received conflicting recommendations as to what the requirements were for firewalls on decks. We are not experts at the building and planning codes, and every person we spoke with gave us a different response. Since the Planning and Building departments approved our plans in the current state, we believe they meet the current San Francisco building and planning codes. A firewall that extends 42 inches above our deck would completely block her side view and limit the light into her kitchen. Of course, we would assent to build such a firewall at considerable expense to us if it is required and would allay all of Ms. Brown's concerns.

Property Line:

We do not think it is appropriate for Ms. Brown to modify our drawings by changing the footing location and then claim that we would somehow build on her property (after presumably knocking down some of her walls?). The approved drawings show the footings near her property line do not extend over the property line. The Department of Building Inspection has approved these footings and required additional inspections on the footings before we pour cement to ensure they meet all required codes.

Infeasibility of moving the stairs:

Moving the stairs to the other side of our deck would place the stairs directly in front of our only lower exit door. It would make egress more difficult and as an avid woodworker and gardener, it would be much harder to roll a wheelbarrow, move a 10-foot long board, or carry a piece of plywood into the backyard to cut. Stairs in this location would also make the flow down into our rear yard steps awkward, and would limit what we could do with the area under our deck. Additionally, our rear yard is terraced and steep, and the only flat area greater than 15 feet long is just outside of our garage door (Exhibit 4). Breaking up our only flat area by placing a stairway in the middle would mean that we cannot throw a ball with our small dog nor use it for a children's play area.

Conclusion:

We have been very friendly with Carole ever since we moved to 179 Hamerton, and she has been a great neighbor. We would like to make reasonable changes to our project to

Respondent's Brief for Appeal No. 14-126, Subject Property: 179 Hamerton Ave

address her concerns while also ensuring we can enjoy our own property. So far, none of the issues Ms. Brown has brought up require moving the stairs from their ideal location. Easy mitigation with some simple lattice can solve most of her concerns. As we worked with her to try to find a solution, she was not willing to compromise (see e-mail Attachment A). On 7/17/2014, our discussions broke down after she would not allow us to measure her deck to understand just how much we would be able to see into her living-room windows.

We have been open and shared all of our planned drawings, including an estimate of how her deck and ours would look next to each other (Exhibit 5 and Exhibit 6). It is clear from these drawings that some simple lattice extending 1 or 2 feet would be enough to mitigate her concerns.

Attachment A: Ms. Brown's e-mail response to our compromise

solutions:

The wall was already constructed. I've requested that the stairs be relocated to the "other side" away from my property.

Bye for now, Carole

On Monday, July 7, 2014 12:14 PM, Scott Dylewski wrote:

Carole,

Yes, thanks for the bread! We haven't had that one before, so it was a nice treat.

The backyard approach probably worked well for lumber and such, but wasn't that before that big cement wall was constructed?

I drew some examples of the stairs on the other side, so we can go over that when I finish drawing the bottom level as well as the top.

I just want to make sure we're clear on your preferences... can you give some ratings/preferences on the options below? Perhaps a 5/10 rating with some simple reasoning?

Respondent's Brief for Appeal No. 14-126, Subject Property: 179 Hamerton Ave

1. Deck with stairs on your side with no 14' tall wall (current plan).
2. Deck with stairs on your side with a 14' tall wall on your side for privacy/security (nobody will be able to jump onto your deck/stairs).

The wall will extend out to the edge of your top deck level. The stairs will extend slightly beyond the wall, but we won't be able to see into your windows because of the wall.

3. Deck with stairs on the "other side" of our property, and the deck corner will extend out to the end of your upper deck and block the bottom half of your lattice. You'll be able to see through the top half of your lattice up onto to the top of our deck.

4. Deck with stairs on the "other side" of our property with a 14' tall wall against your property extending out to the end of your upper deck.

This would block all of your lattice, just like option (2).

5. Deck with stairs on your side but instead of a solid wall, add some privacy lattice with vines along our property that extends out sufficiently far past your deck to prohibit us from being able to see

Respondent's Brief for Appeal No. 14-126, Subject Property: 179 Hamerton Ave

into your home windows from the stairs. I'm guessing that it will extend at most 1-2 feet beyond your current lattice. I think this is our preference at this time.

From our discussion yesterday, it seems that (3) is your strongest preference, but we wonder how you feel about the other options also.

Hopefully we can come to some sort of agreement, but if we need to go to the appeals board, the August 27th won't work for us (vacation), so we want to change it to September 10th. I'll bring by a form for you to sign if you're ok with the date change.

-Scott

Exhibit 1



Exhibit 2



Exhibit 3



Exhibit 4



Exhibit 5

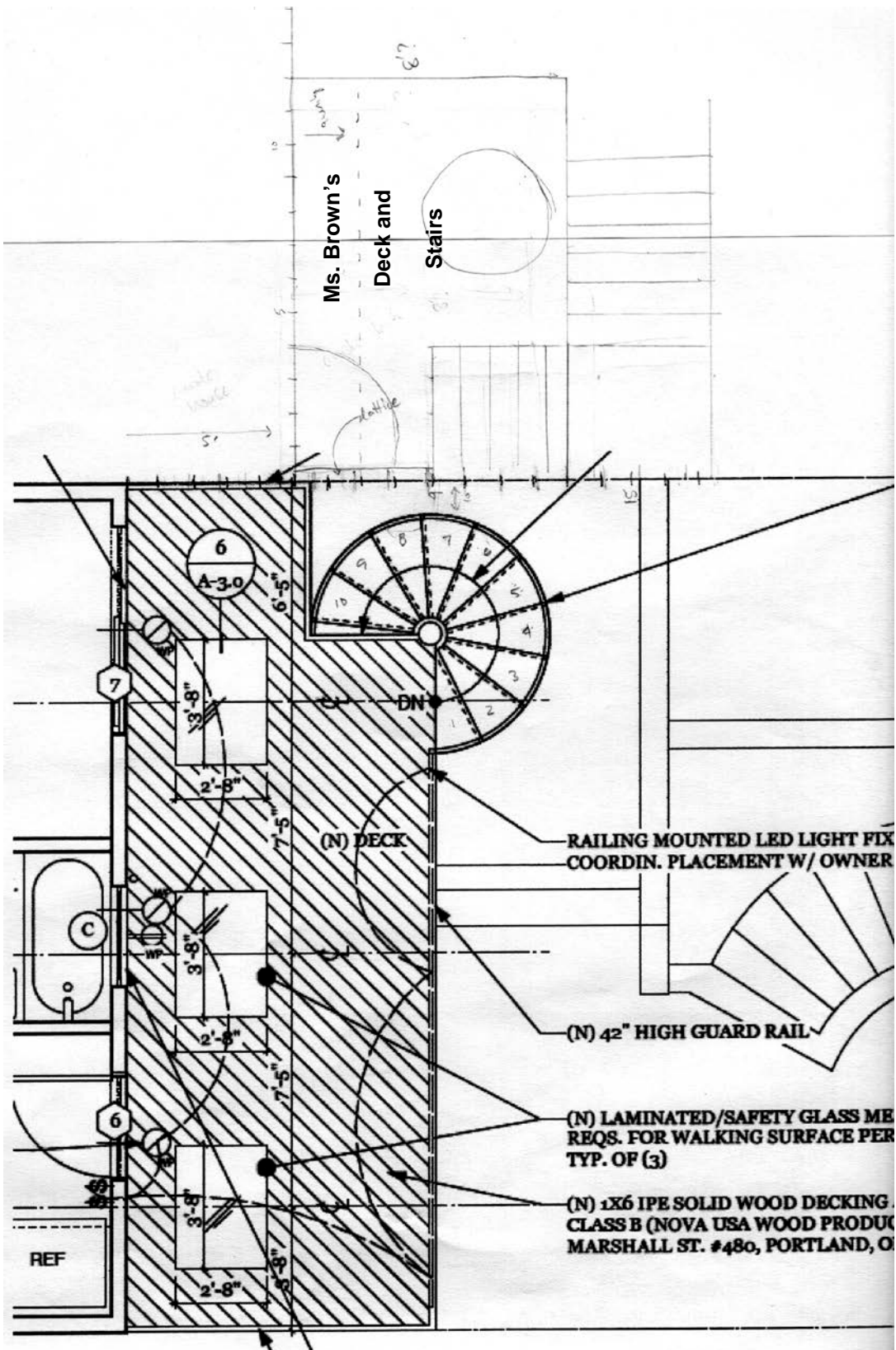
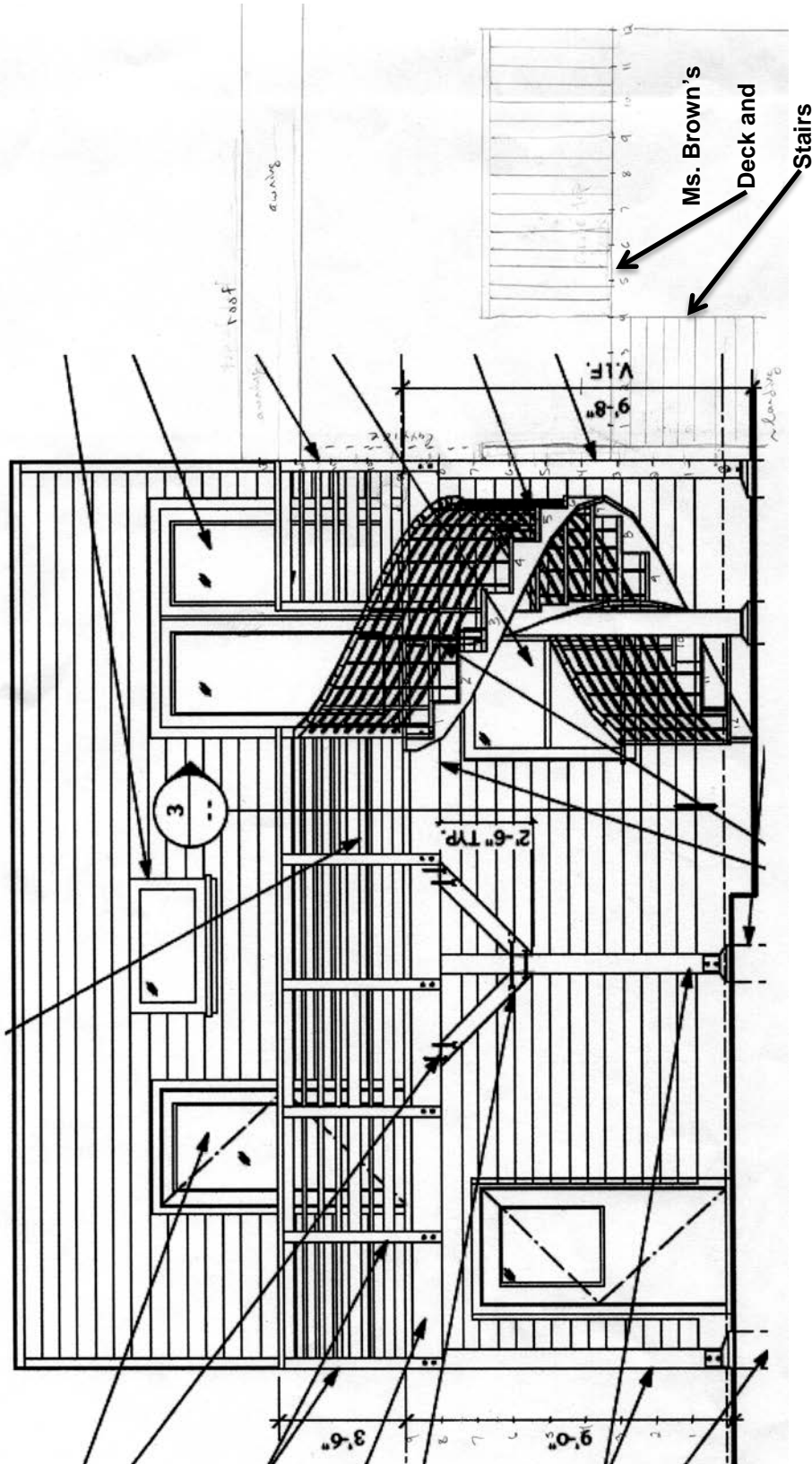


Exhibit 6



GENERAL NOTES

- 1. All work and materials shall be in full accord with the latest rules and regulations of the Safety Orders of the Division of Industrial Safety, California Labor Code and all applicable federal, state and/or local health regulations.
2. Any reference to standards shall comply with requirements of latest revision.
3. Construction shall comply with all State of California Title 24 requirements and mandatory measures per Compliance certification herein.
4. Documents: The Construction Documents include these Drawings and Notes, Specifications and all revisions, additions and addenda's.
5. DO NOT SCALE DRAWINGS.
6. All dimensions are to face of stud unless otherwise noted.
7. It is the Contractor's responsibility to maintain a complete and organized set of construction documents at the project site at all times when work is in progress.
8. Site Conditions: Contractor shall verify and be responsible for job site conditions, measurements and levels.
9. At all times the Contractor shall be solely and completely responsible for the conditions of the job site including safety of persons and property.
10. Safe temporary shoring and bracing necessary to support the incomplete structure is the Contractor's responsibility.
11. Contractor shall supervise and direct the work, inspect all work in progress and materials as they arrive for compliance with the Contract Documents and reject defective work or materials immediately upon performance or delivery.
12. Prior to commencement of any portion of work, the Contractor shall carefully inspect and verify that work is complete to the point where new work may properly commence and all areas of discrepancy have been fully resolved.
13. The Contractor shall coordinate the relations of various trades to see that required anchorage or blocking is furnished and set at proper times.
14. All materials and equipment are to be installed in strict accordance with the latest edition of manufacturer's written installation instructions and specifications.
15. The Contractor shall coordinate work in order to produce harmony of matching finishes, textures, colors, etc. throughout various components of the project.
16. Wood imbedded into the ground, in direct contact with the earth & used for the support of permanent structures shall be treated wood.
17. Provide draft stops and fire blocking as required by code
18. All interior wall and ceiling finishes shall comply with code
19. Stucco shall be three coat - 7/8" min. thick exterior stucco application per code.
20. Provide tightly sealed 5/8" type "X" gypsum sheathing underlayment under cement board siding per code
21. Doors and panels of shower and bath enclosures and adjacent wall openings within 60 inches above a standing surface and drain inlet shall be fully tempered, laminated safety glass or approved plastic and shall comply with code
22. Shower area walls shall be finished with a hard non absorbent surface to a height of not less than 70" above drain outlet.

GENERAL ELECTRICAL NOTES

- 1. Fixtures indicated for damp or wet locations shall be approved for use in such locations.
2. Provide separate branch circuit rated per manufacturer's recommendations for garbage disposal, furnace, dishwasher, pumps, and other equipment and appliances.
3. Mount all switches at 42" above finish floor unless otherwise shown or indicated.
4. Align all switches and outlets on centerline vertically where shown stacked on drawings.
5. See Specifications for Light Fixture Schedule.
6. Provide two min. separate 20 amp. circuits to kitchen appliances, and one min. separate 20 amp. circuit to laundry appliances.
7. Smoke detectors shall be permanently hard wired with battery backup per code
8. Provide GFCI protected outlets in the following locations:
9. Provide weatherproof and GFCI outlets at exterior locations.
10. Provide backdraft damper on kitchen hood and other exhaust fans.
11. Waterheaters shall have non rigid water connections and be secured with rigid anchors to resist earthquakes
12. Provide pressure relief valve with drain to outside at water heaters.
13. Comply with general notes sheet A-0.1 and mandatory requirements of Title 24.

ABBREVIATIONS

Table with 2 columns: Abbreviation and Full Name. Includes terms like ABV ABOVE, AFF ABOVE FINISHED FLOOR, EXC EXCAVATE, LTL LINTEL, SAN SANITARY, etc.

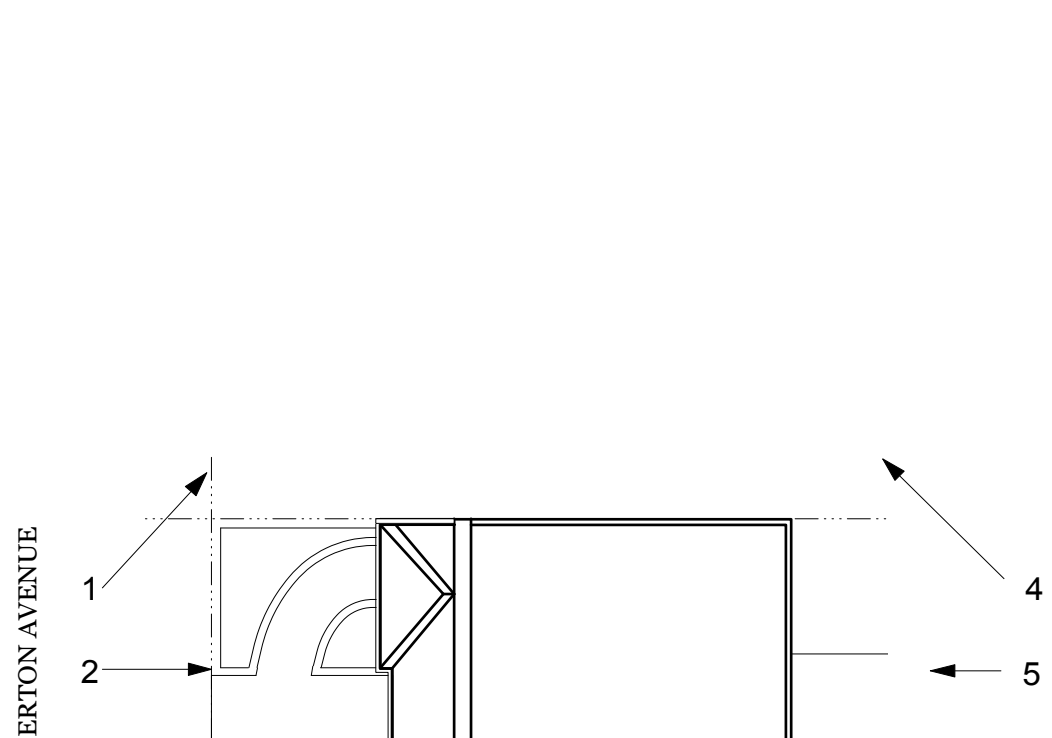
IMAGE AT SITE



VICINITY MAP



NEIGHBORING PHOTOS, SEE A-0.2



DRAWING INDEX

Table listing drawing sheets and their contents: A-0.0 COVER SHEET, A-0.1 GENERAL NOTES, A-0.2 SURROUNDING IMAGES, A-0.3 TITLE 24 REPORT-1, A-0.4 TITLE 24 REPORT-2, A-1.0 SITE PLAN, A-2.0 EXISTING/ DEMO FLOOR PLANS, A-2.1a PROPOSED FLOOR PLANS, A-3.0 EXISTING & PROPOSED ELEVATIONS & DETAILS, A-4.0 PROPOSED SECTION & DETAILS

SCOPE OF WORK

CONSTRUCTION OF NEW DECK LOCATED AT THE REAR MAIN LEVEL OF THE EXISTING HOUSE WITH EXTERIOR STAIR TO REAR YARD. NEW DOORS AT THE REAR MAIN LEVEL, AND ONE DOOR AT THE REAR LOWER LEVEL. REMOVE & REPLACE BATHROOM WINDOW "IN-KIND". NEW LOWER LIVING LEVEL: ALTER LOWER LEVEL TO REMODEL EXST. BEDROOM & INCORPORATE NEW HALLWAY. ENLARGE WINDOW AT REMODELED BEDROOM.

PROPERTY/PROJECT INFORMATION

LOT: 16 BLOCK: 6759
ZONING: RH-1
OCCUPANCY: BUILDING USE - FAMILY DWELLING
CONSTRUCTION: TYPE V
YEAR BUILT: 1957
LOT AREA: 2,495 SQ. FT.
BUILDING SQ. FT.: 847 SQ. FT.
3 BEDROOMS

studio upwall

studio upwall
305 San Anselmo Ave
Studio 219
San Anselmo, Ca 94960
TEL: 415-317-3272

SCOTT DYLEWSKI & SHANNON LEONARD
179 HAMERTON AVENUE
SAN FRANCISCO, CA

05.17.14 PERMIT SET

NO DATE ISSUES/REVISIONS

COVER SHEET

DRAWN BY: AL SHEET SIZE: 24 X 36

SCALE IN FEET: 1/16" = 1'-0" X

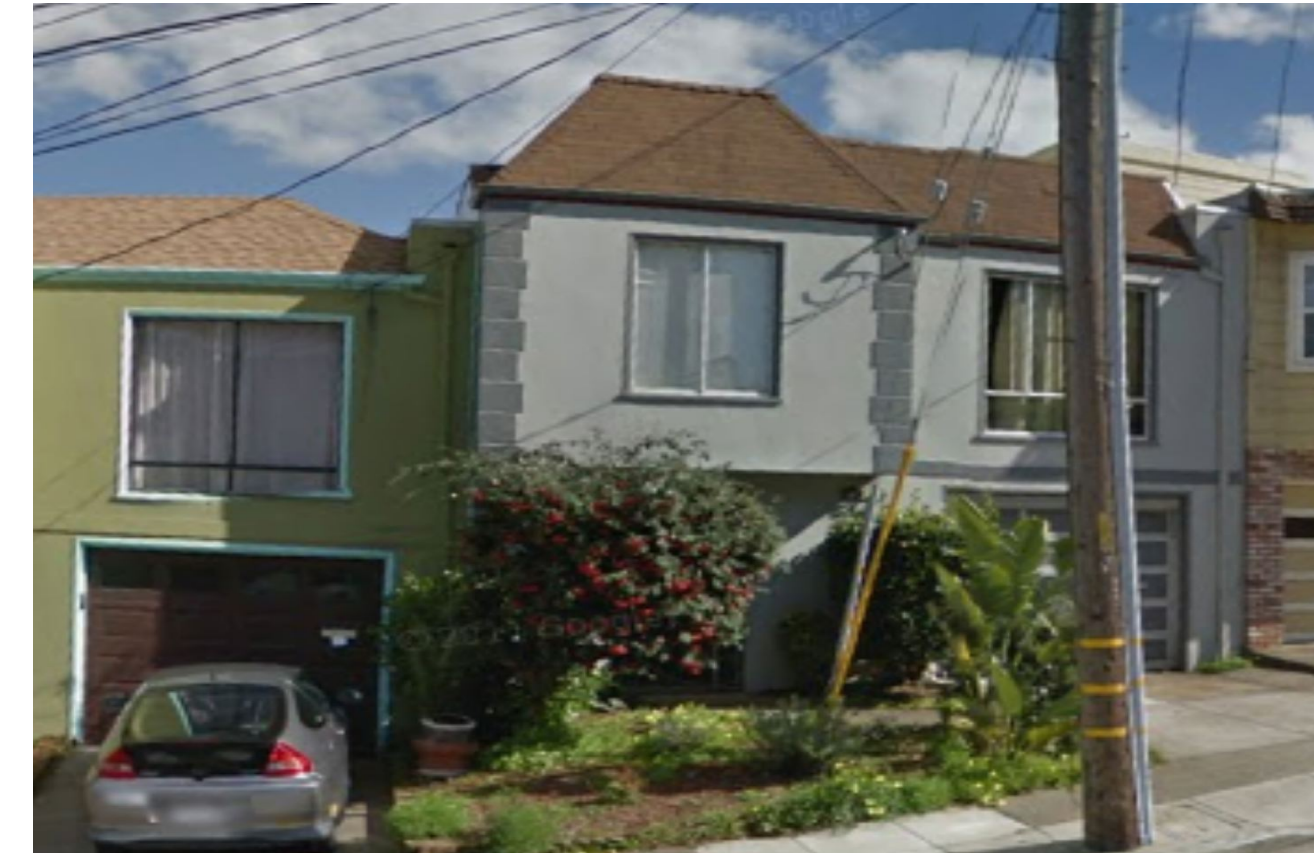
Drawing No. A-0.0



1 SITE IMAGE
1/4" = 1'



2 SITE IMAGE
1/4" = 1'



3 SITE IMAGE
1/4" = 1'



6 SITE IMAGE
1/4" = 1'



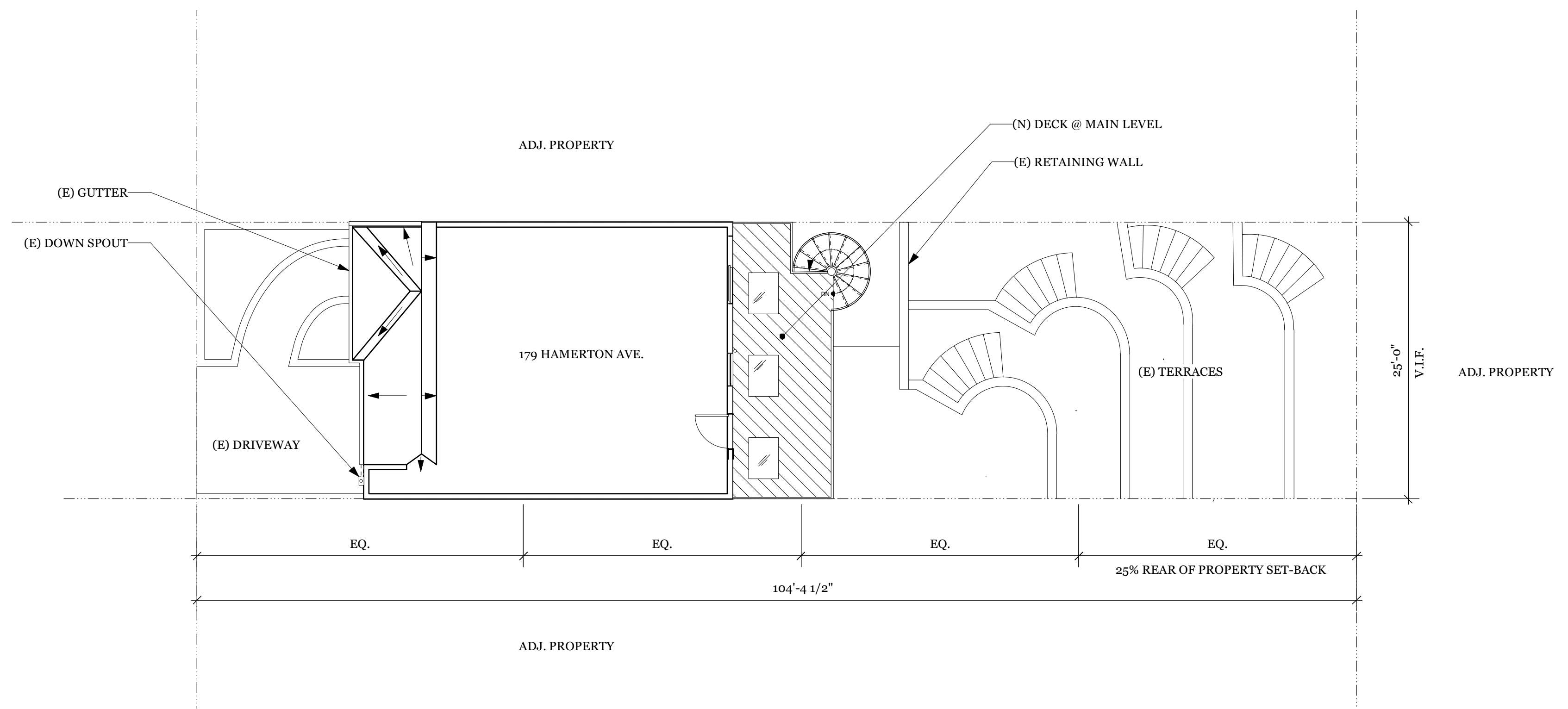
5 SITE IMAGE
1/4" = 1'



4 SITE IMAGE
1/4" = 1'

| HVAC SYSTEM HEATING AND COOLING LOADS SUMMARY | | | | | | | | | |
|--|--------|---------------------------------------|--------------------------|----------|--------|----------------|---------------------|----------|--|
| Project Name Scott Dylewski | | | | | | | Date 5/16/2014 | | |
| System Name HVAC-1 | | | | | | | Floor Area 1,102 | | |
| ENGINEERING CHECKS | | | SYSTEM LOAD | | | | | | |
| Number of Systems | | | COIL COOLING PEAK | | | COIL HTG. PEAK | | | |
| Heating System | | | CFM | Sensible | Latent | CFM | Sensible | | |
| Output per System | 80,000 | Total Room Loads | 637 | 15,406 | 1,994 | 196 | 15,397 | | |
| Total Output (Btu/h) | 80,000 | | 0 | 0 | 0 | 0 | 0 | | |
| Output (Btu/h/sqft) | 72.6 | Return Vented Lighting | | | | | | | |
| Cooling System | | | Return Air Ducts | | | Return Fan | | | |
| Output per System | 0 | Return Fan | 0 | | | 0 | | | |
| Total Output (Btu/h) | 0 | Ventilation | 0 | 0 | 0 | 0 | 0 | | |
| Total Output (Tons) | 0.0 | Supply Fan | 0 | | | 0 | | | |
| Total Output (Btu/h/sqft) | 0.0 | Supply Air Ducts | 657 | | | 773 | | | |
| Total Output (sqft/Ton) | 0.0 | TOTAL SYSTEM LOAD | 16,721 | | | 1,994 | | 16,943 | |
| Air System | | | HVAC EQUIPMENT SELECTION | | | | | | |
| CFM per System | 1,000 | Day & Night # 394DAD000100B | 0 | | | 80,000 | | | |
| Airflow (cfm) | 1,000 | | | | | | | | |
| Airflow (cfm/sqft) | 0.91 | | | | | | | | |
| Airflow (cfm/Ton) | 0.0 | | | | | | | | |
| Outside Air (%) | 0.0% | Total Adjusted System Output | 0 | | | 80,000 | | | |
| Outside Air (cfm/sqft) | 0.00 | (Adjusted for Peak Design conditions) | | | | | | | |
| Note: values above given at ARI conditions | | | TIME OF SYSTEM PEAK | | | Aug 3 PM | | Jan 1 AM | |
| HEATING SYSTEM PSYCHROMETRICS (Airstream Temperatures at Time of Heating Peak) | | | | | | | | | |
| <p>31 °F Outside Air (0 cfm) → 69 °F Supply Fan (1,000 cfm) → Heating Coil → 143 °F ROOM → 70 °F Return Air → 69 °F</p> | | | | | | | | | |
| COOLING SYSTEM PSYCHROMETRICS (Airstream Temperatures at Time of Cooling Peak) | | | | | | | | | |
| <p>83 / 64 °F Outside Air (0 cfm) → 79 / 63 °F Supply Fan (1,000 cfm) → Cooling Coil → 55 / 54 °F ROOM (42.4% RH) → 78 / 63 °F Return Air → 79 / 63 °F</p> | | | | | | | | | |
| EnergyPro 5.1 by EnergySoft User Number: 2849 RunCode: 2014-05-16T17:21:04 ID: Page 11 of 12 | | | | | | | | | |

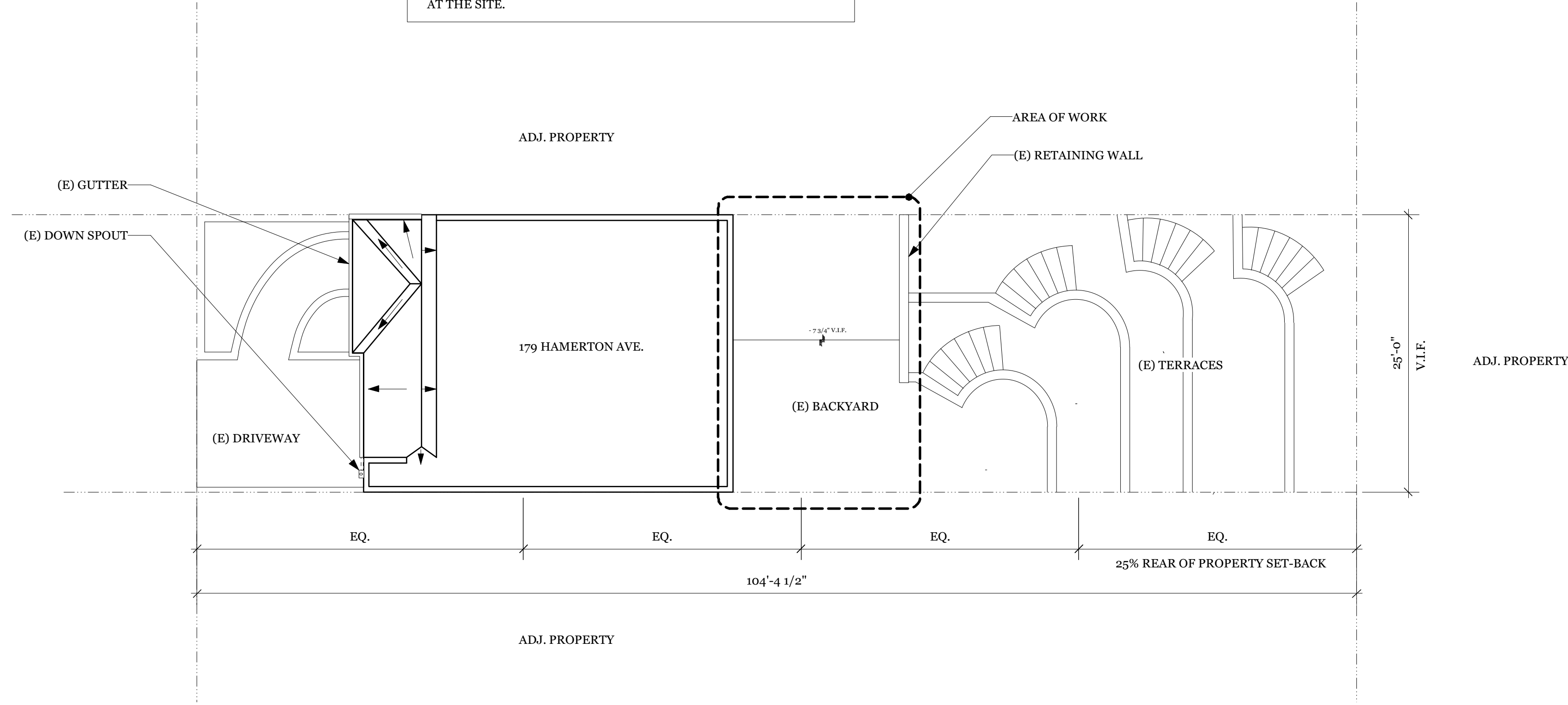
| ROOM LOAD SUMMARY | | | | | | | | | | | |
|--|--|---------------------|-------|-------------------|----------|--------|---------------------|----------|--------|----------------|----------|
| Project Name Scott Dylewski | | | | | | | Date 5/16/2014 | | | | |
| System Name HVAC-1 | | | | | | | Floor Area 1,102 | | | | |
| ROOM LOAD SUMMARY | | | | | | | | | | | |
| Zone Name | | Room Name | Mult. | ROOM COOLING PEAK | | | COIL COOLING PEAK | | | COIL HTG. PEAK | |
| | | | | CFM | Sensible | Latent | CFM | Sensible | Latent | CFM | Sensible |
| Existing Main Level | | Existing Main Level | 1 | 381 | 9,205 | 488 | 381 | 9,205 | 488 | 131 | 10,258 |
| Existing Lower Level | | Existing Bed Room | 1 | 139 | 3,361 | 741 | 139 | 3,361 | 741 | 40 | 3,154 |
| New Hallway | | New Hallway | 1 | 118 | 2,841 | 765 | 118 | 2,841 | 765 | 25 | 1,985 |
| | | | | PAGE TOTAL | | | 637 15,406 1,994 | | | 196 15,397 | |
| | | | | TOTAL * | | | 637 15,406 1,994 | | | 196 15,397 | |
| * Total includes ventilation load for zonal systems | | | | | | | | | | | |
| EnergyPro 5.1 by EnergySoft User Number: 2849 RunCode: 2014-05-16T17:21:04 ID: Page 12 of 12 | | | | | | | | | | | |



2 PROPOSED SITE PLAN
1/8" = 1'-0"

EXISTING SITE CONDITIONS NOTES:

1. DIMENSIONS OF EXISTING BUILDINGS/SITE FEATURES ARE APPROXIMATED AND ARE NOT BASED ON SURVEY INFORMATION. GENERAL CONTRACTOR TO FIELD VERIFY ALL DIMENSIONS PRIOR TO CONSTRUCTION.
2. NO SOILS REPORT HAS BEEN PERFORMED. FOUNDATION DESIGN ASSUMES ADEQUATE SOIL BEARING CONDITIONS. OWNER/GENERAL CONTRACTOR TO VERIFY SOIL BEARING CONDITIONS AND OBTAIN SOILS REPORT IF UNSUITABLE SOIL CONDITIONS ARE ENCOUNTERED AT THE SITE.



1 EXISTING SITE PLAN
1/8" = 1'-0"

05.17.14 PERMIT SET

NO DATE ISSUES/REVISIONS

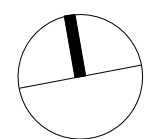
SITE PLAN

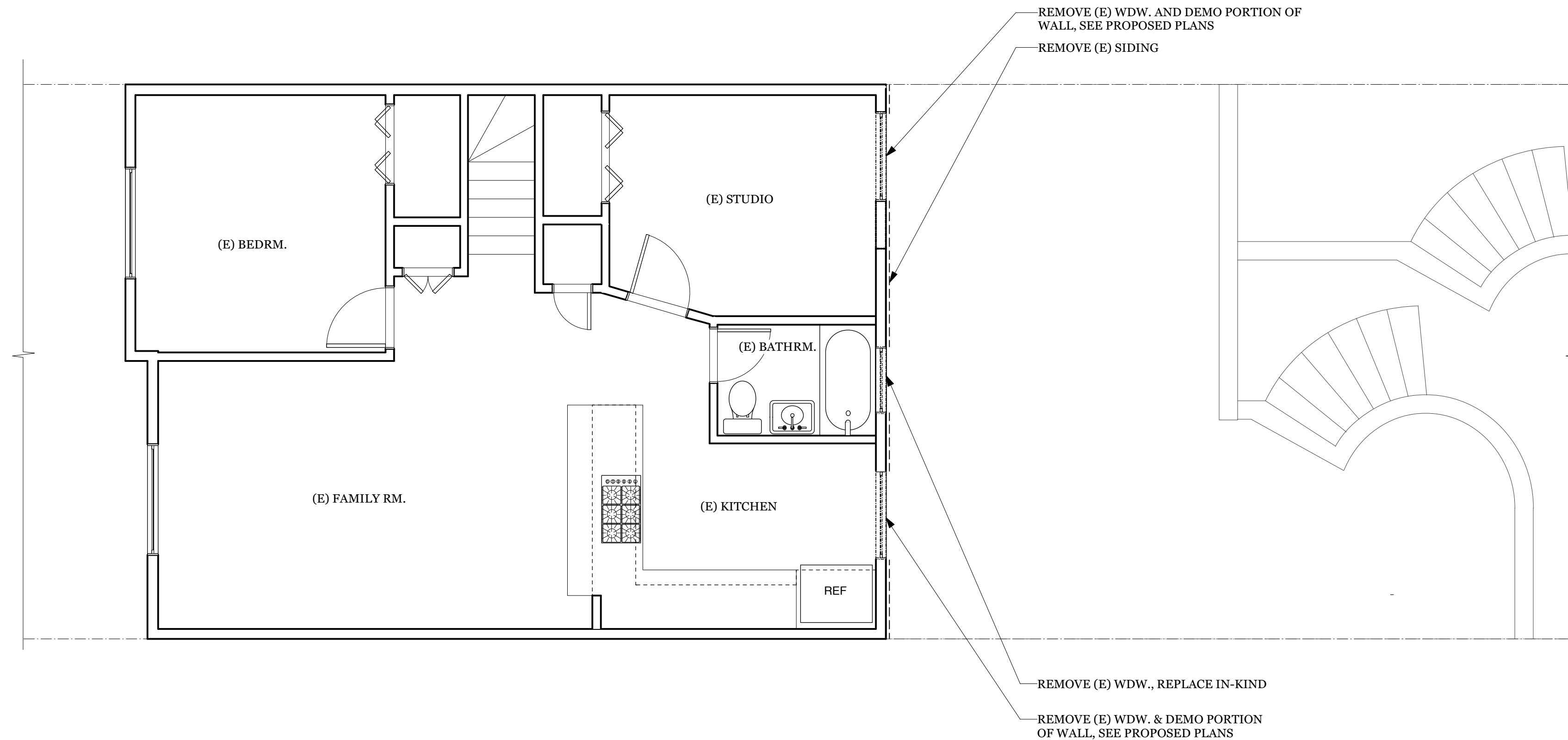
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SCALE IN FEET: 1/16" = 1'-0" X

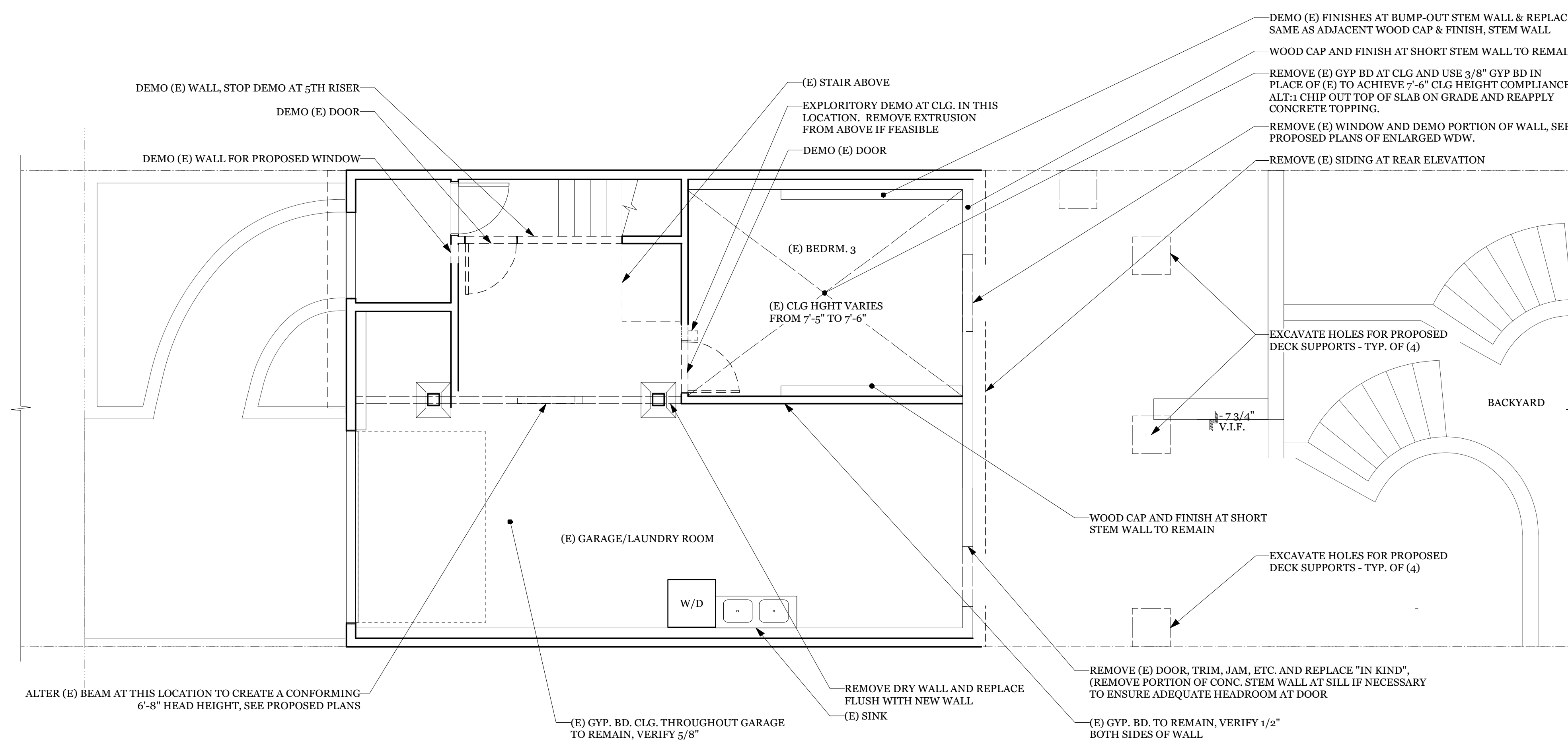
Drawing No.

A-1.0





2 EXISTING/DEMO MAIN LEVEL FLOOR PLAN
1/4" = 1'-0"



1 EXISTING/DEMO LOWER LEVEL FLOOR PLAN
1/4" = 1'-0"

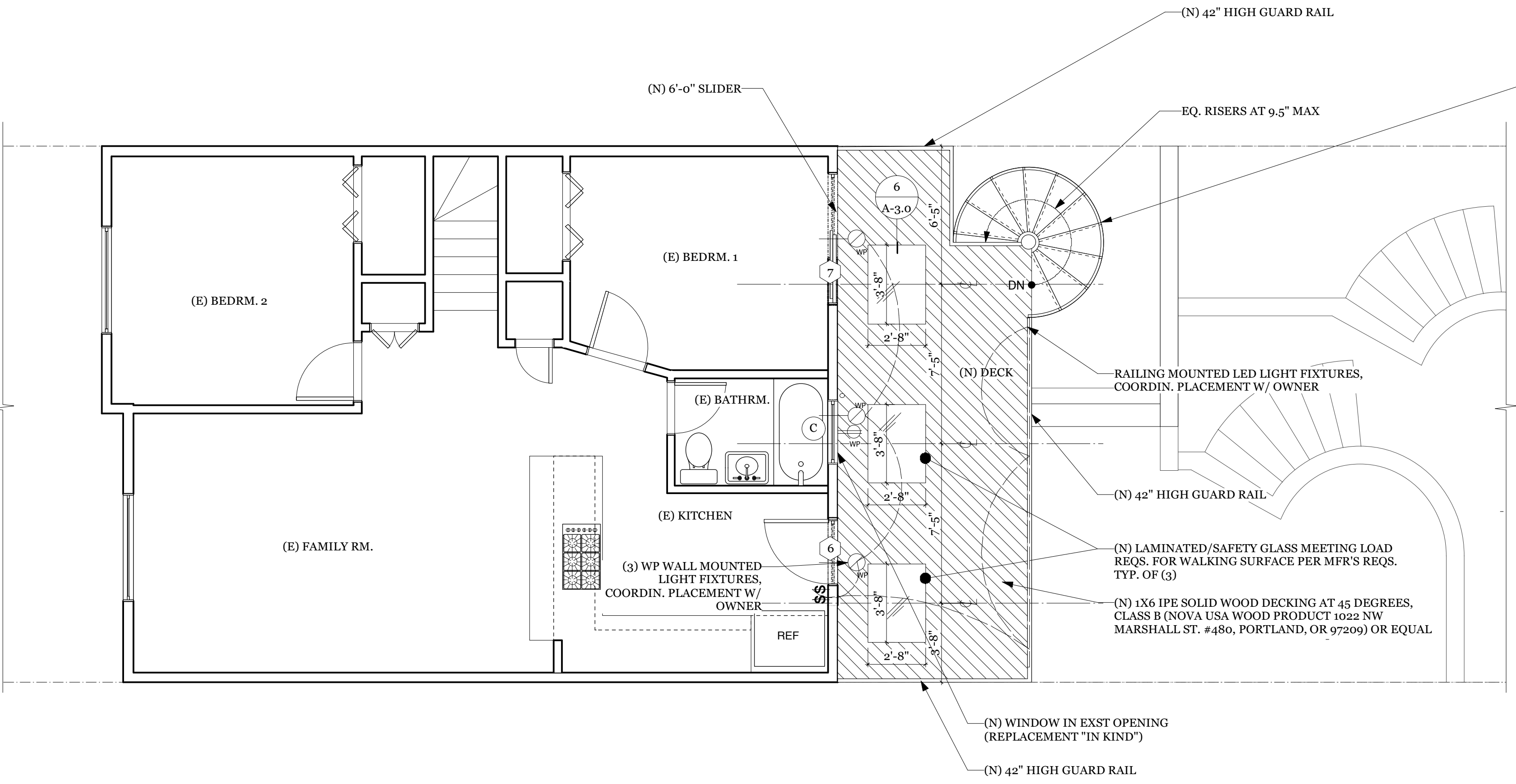
| WINDOW SCHEDULE - PROVIDE SAFETY GLAZING PER CODE REQUIREMENTS-ALL EXTERIOR WINDOWS TO HAVE | | | | | | | | |
|---|----------------------|--|----------------|-------|-------------|--------|-------------|----------------------------------|
| WINDOW NO. | MANUFACTURER MODEL # | WINDOW - SIZES ARE APPROX. V.I.F. TYPE | FIXED/OPERABLE | WIDTH | INT. FINISH | HEIGHT | GLAZING | REMARKS |
| MAIN FLOOR PLAN | | | | | | | | |
| A | PELLA OR EQ. | PRO-LINE | DOUBLE HUNG | 48" | WOOD ** | 60" | INSUL LOW E | DOUBLE PANE |
| B | PELLA OR EQ. | PRO-LINE | FIXED | 12" | WOOD ** | 78" | INSUL LOW E | DOUBLE PANE (INT. PANE TEMPERED) |
| C | PELLA OR EQ. | PRO-LINE | AWNING | 36" | WOOD ** | 18" | INSUL LOW E | DOUBLE PANE |

| DOOR SCHEDULE - PROVIDE SAFETY GLAZING AT DOORS PER CODE | | | | | | | |
|--|------------|--------|----------------------|----------|---------------------------|------------------|---------------------|
| DOOR NO. | DOOR WIDTH | HEIGHT | MANUFACTURER MODEL # | TYPE | MATERIAL | TYPE | REMARKS |
| MAIN FLOOR PLAN | | | | | | | |
| 1 | 36" | 80" | PELLA OR EQ. | INTERIOR | 1 3/4" SOLID CORE WD. DR. | SIMPLE SWING | 20 MIN. RATED DOOR |
| 2 | -- | -- | ---- | ---- | --- | ---- | ---- |
| 3 | 36" | 80" | PELLA OR EQ. | EXTERIOR | 1 3/4" SOLID CORE WD. DR. | SIMPLE SWING | 1/2 LITE, TEMPERED |
| 4 | 32" | 80" | PELLA OR EQ. | INTERIOR | 1 3/4" SOLID CORE WD. DR. | SIMPLE SWING | |
| 5 | 26" | 80" | PELLA OR EQ. | INTERIOR | 1 3/4" SOLID CORE WD. DR. | BI-FOLD, BI-PART | |
| 6 | 36" | 80" | PELLA OR EQ. | EXTERIOR | SOLID CORE WD. DR. | SIMPLE SWING | FULL LITE, TEMPERED |
| 7 | 72" | 80" | PELLA OR EQ. | EXTERIOR | SOLID CORE WD. DR. | SLIDING DR. | FULL LITE, TEMPERED |

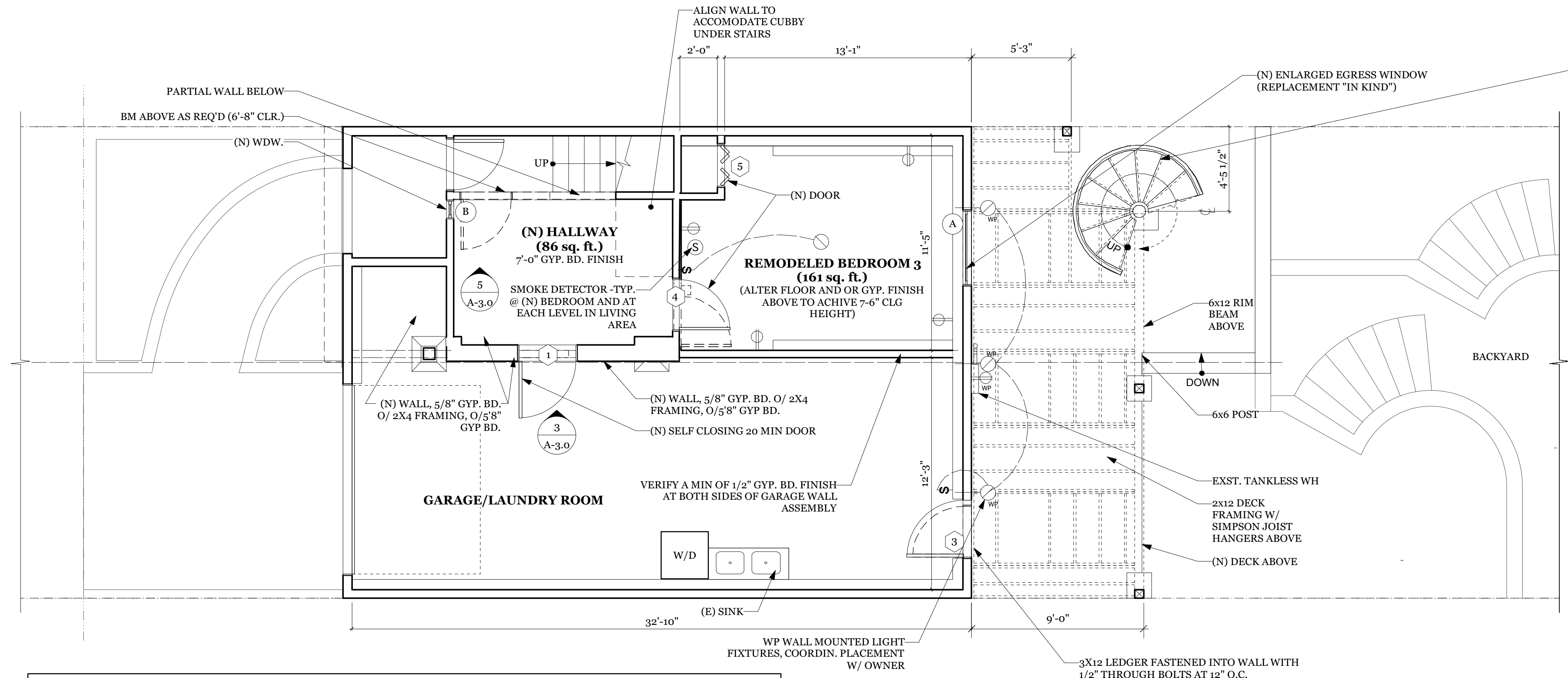
* EGRESS: OPERABLE WDW WITH MIN. NET CLEAR OPENING OF 5.7 SQ.FT. WITH MAX. SILL HEIGHT 44" A.F.F.
 ** OWNER TO APPROVE FINAL COLOR

- WINDOW NOTES**
- ALL WINDOWS AND PATIO DOORS TO BE WOOD FRAME, CLAD EXTERIOR, DOUBLE GLAZED, LOW E SQUARED GLAZING, PELLA "PRO-LINE" OR EQUIV.
 - T.O. ALL WINDOWS @ 6'-8" ABOVE FLOOR UNLESS NOTED OTHERWISE.
 - SUPPLY ALL WINDOWS W/BUG SCREEN.
 - TEMPERED GLAZING IN LOCATIONS DEFINED IN BY BUILDING CODE.

T = TEMPERED GLAZING



2 PROPOSED MAIN FLOOR PLAN-B
1/4" = 1'-0"



| LIGHT & AIR CALCULATION FOR PROPOSED (N) BEDROOM 3 & WINDOW A | | |
|---|--|---|
| (N) BEDROOM 3 AREA: 15'-0" x 11'-4" = 169 SQ. FT. | MINIMUM LIGHT REQUIREMENT : (8%/AREA): 13.52 SQ. FT. | MINIMUM NATURAL VENTILATION REQUIREMENT : (4%/AREA): 6.76 SQ. FT. |
| | AREA OF WINDOW A: 20 SQ. FT. | OPERABLE AREA OF WINDOW A: 10 SQ. FT. |

1 PROPOSED BASEMENT FLOOR PLAN-B
1/4" = 1'-0"

studio upwall

studio upwall
305 San Anselmo Ave
Studio 219
San Anselmo, Ca 94960
TEL: 415-317-3272

SCOTT DYLEWSKI &
SHANNON LEONARD
179 HAMERTON AVENUE
SAN FRANCISCO, CA

05.17.14 PERMIT SET

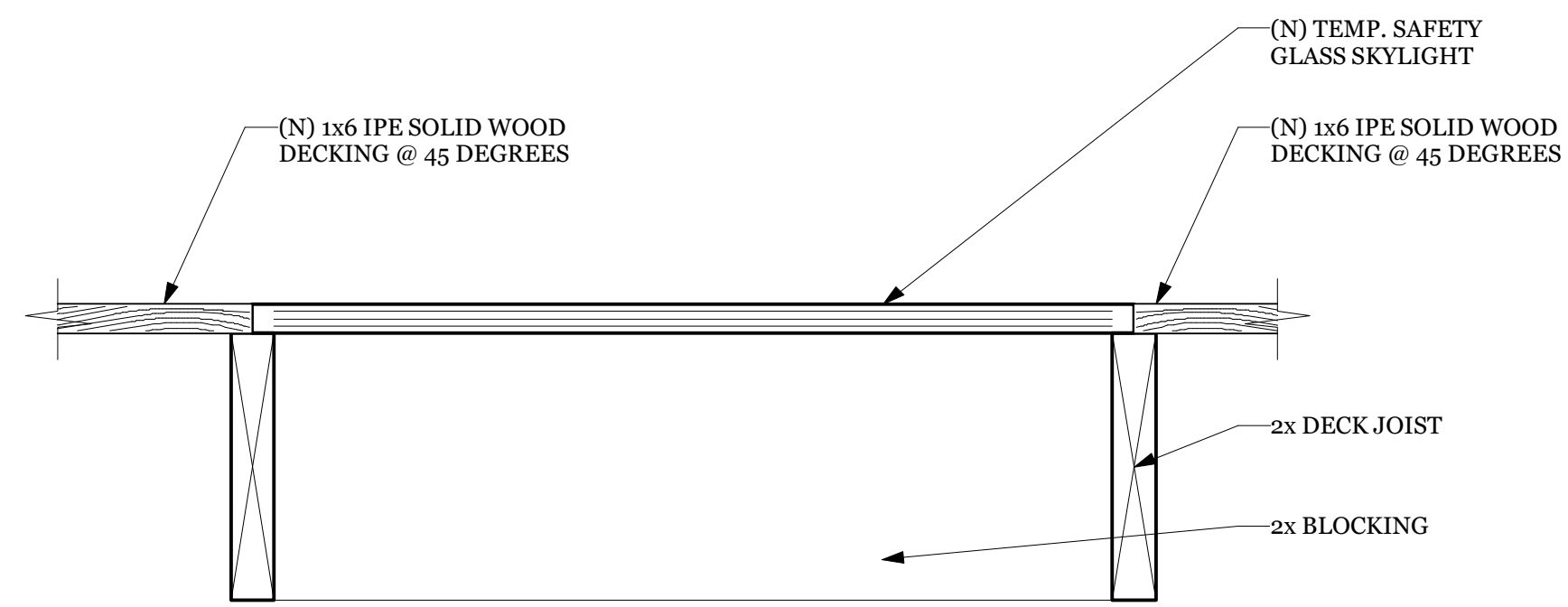
NO DATE ISSUES/REVISIONS

PROPOSED FLOOR PLANS

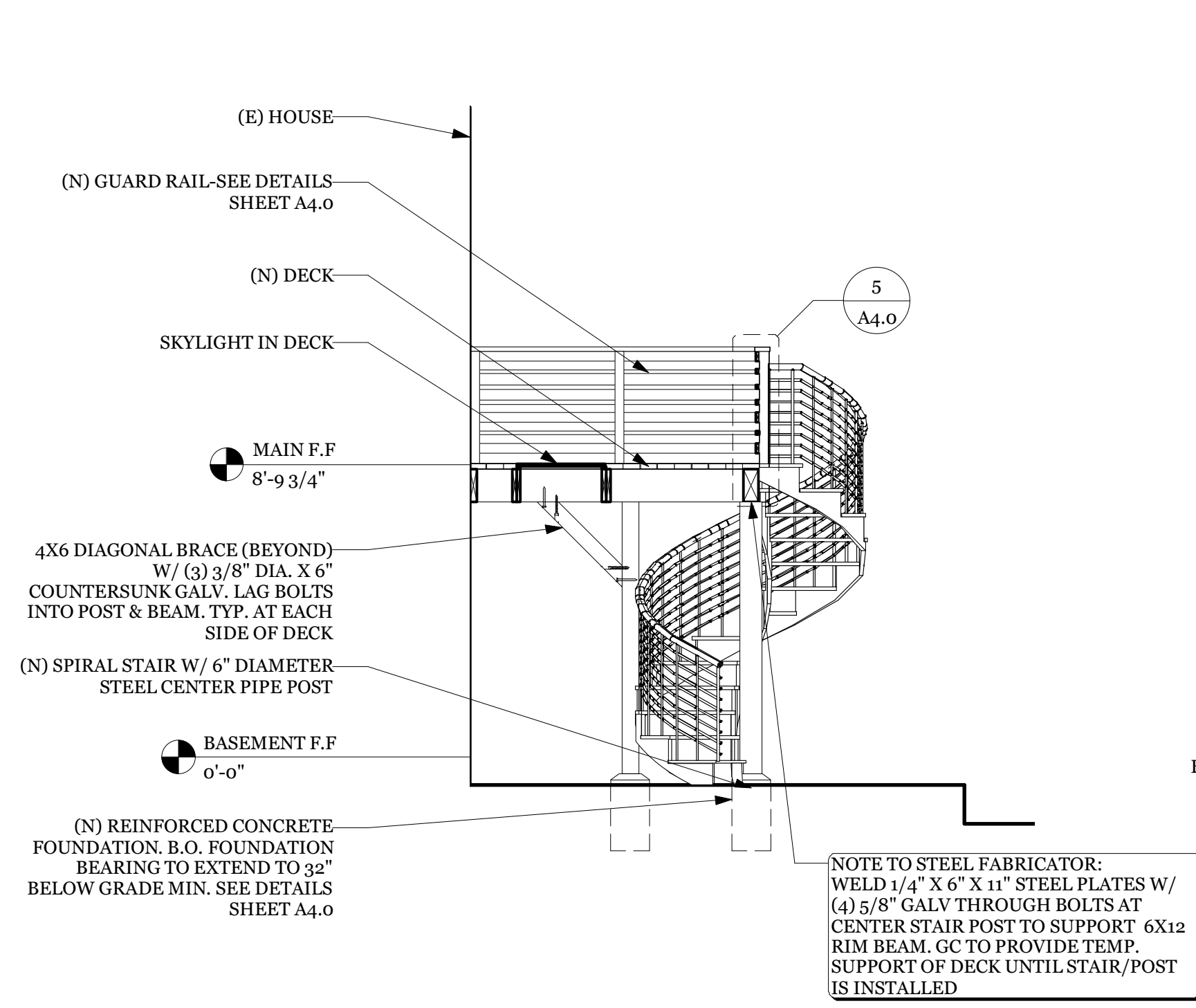
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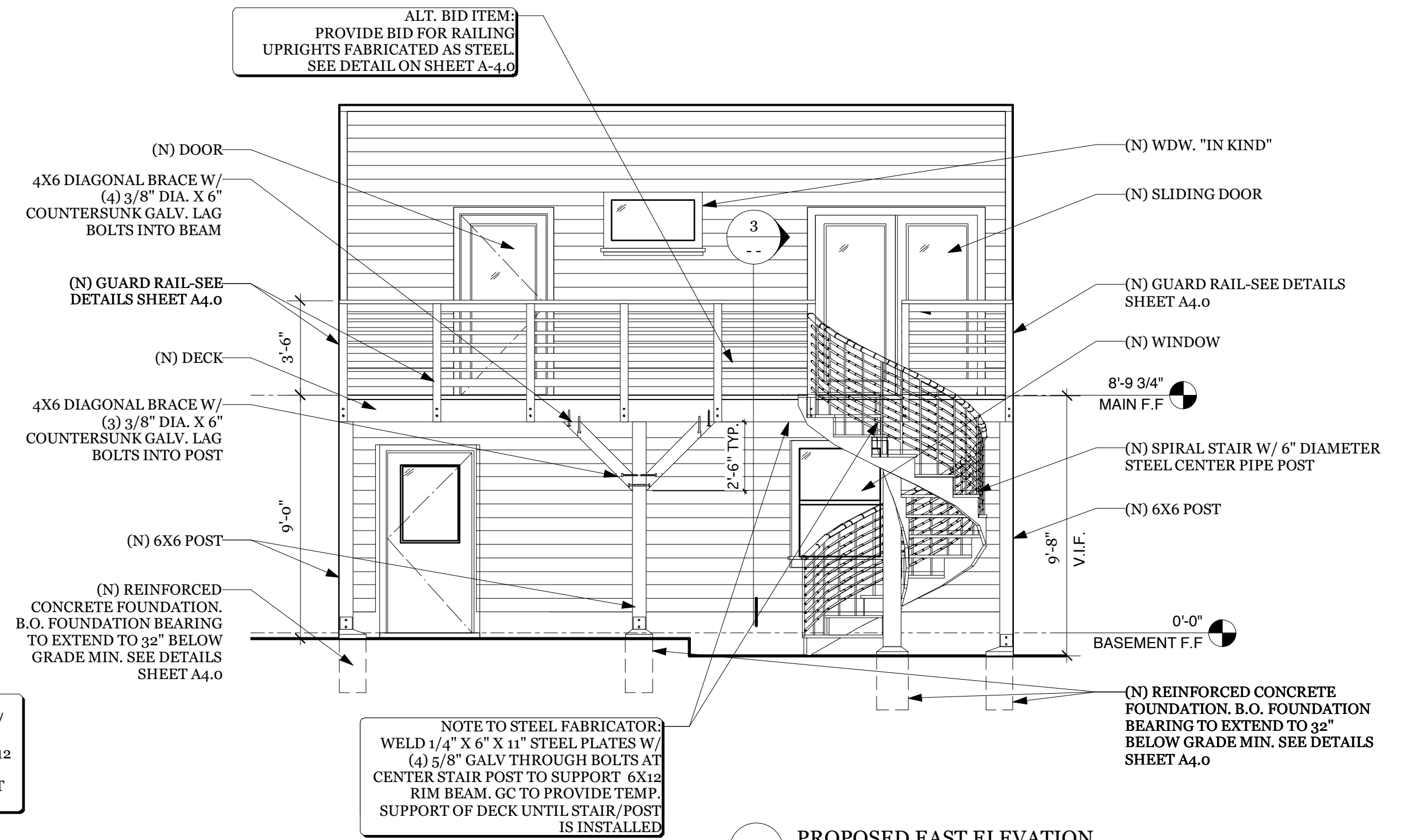
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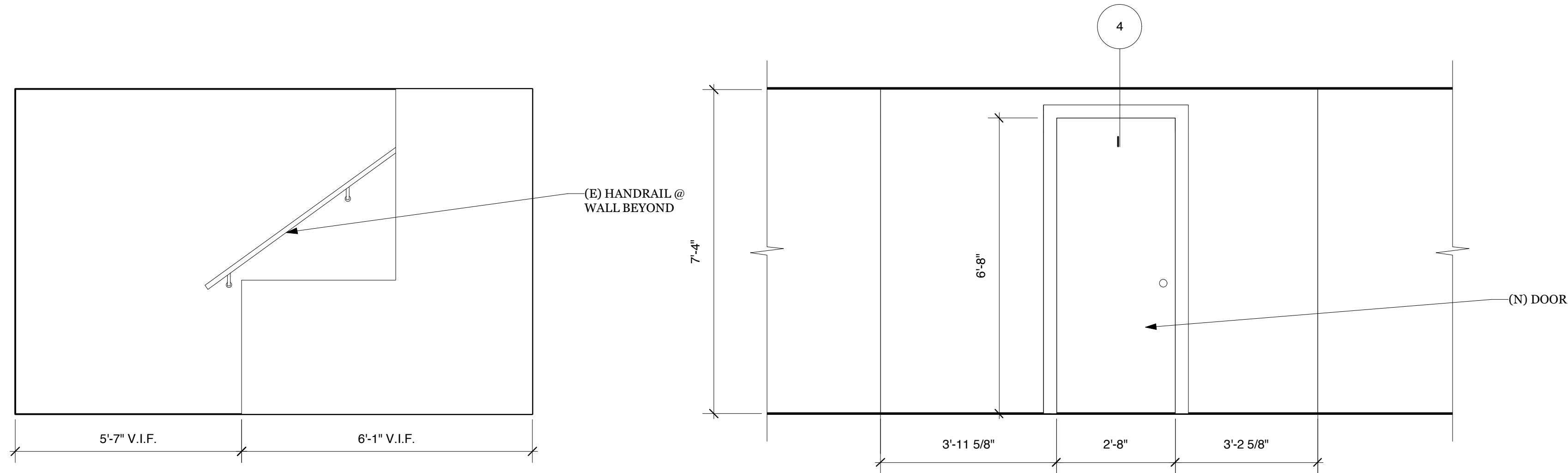
5 SKYLIGHT DETAIL @ NEW DECK
6":1'-0"



2 PROPOSED SECTION THROUGH DECK
1/4":1'-0"

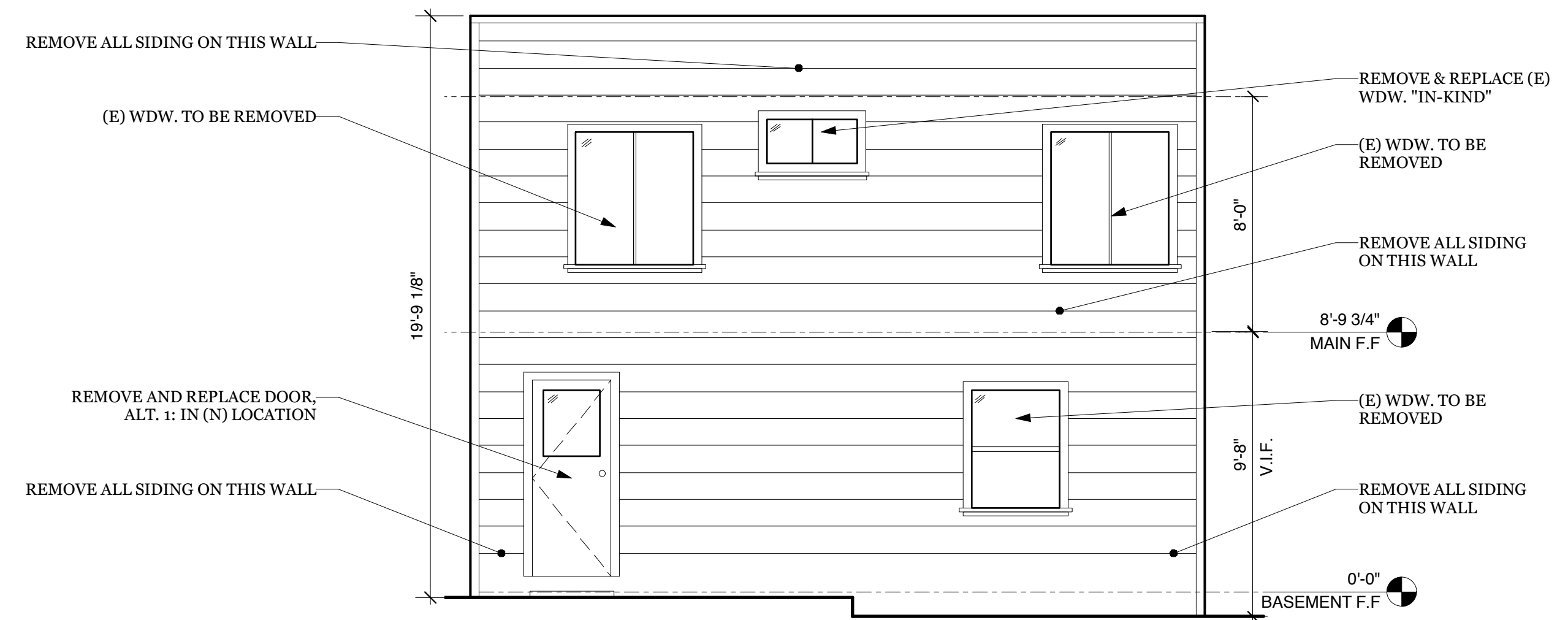


2 PROPOSED EAST ELEVATION
1/4":1'-0"

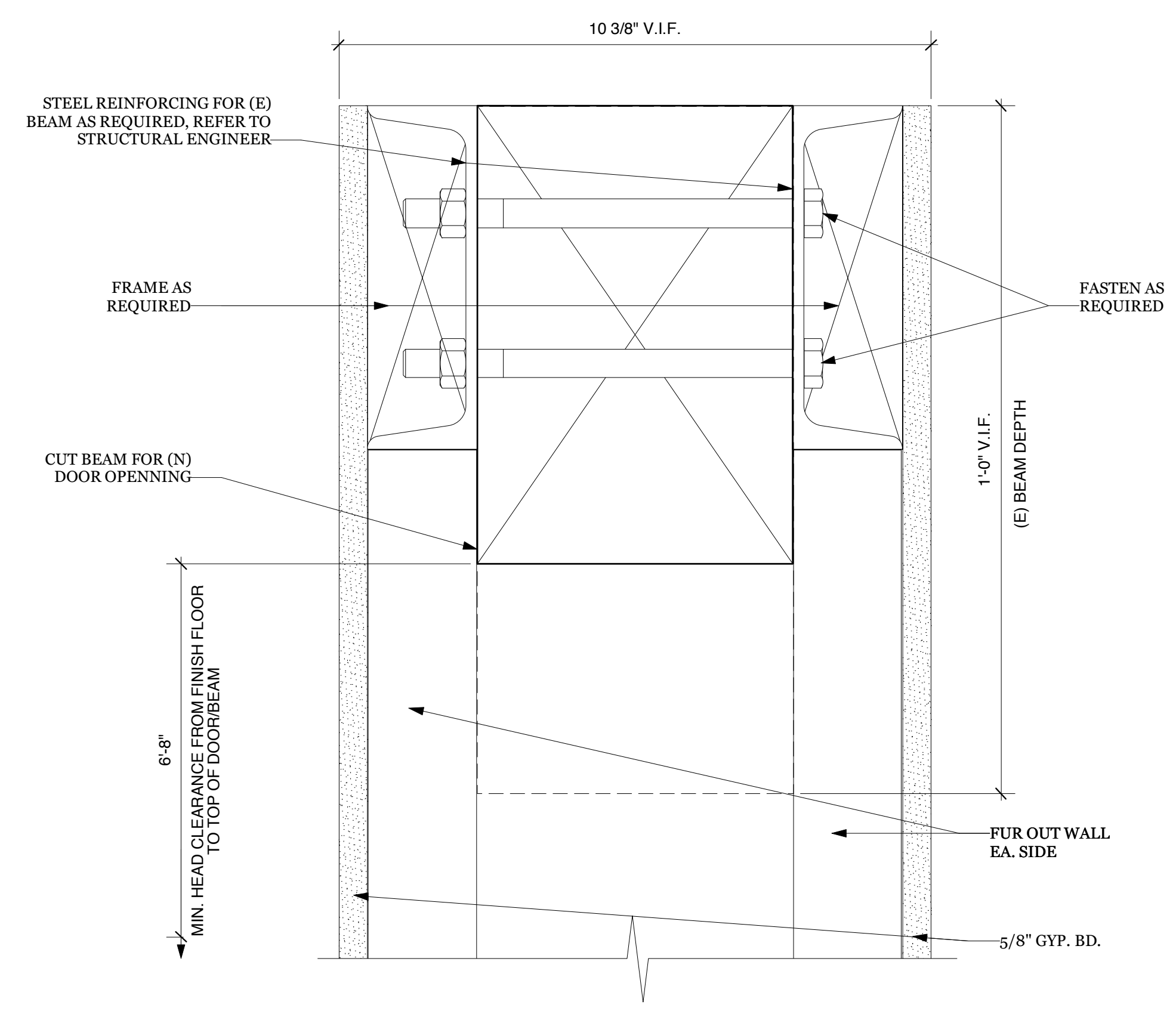


5 ELEVATION @ NEW HALLWAY
1/4":1'-0"

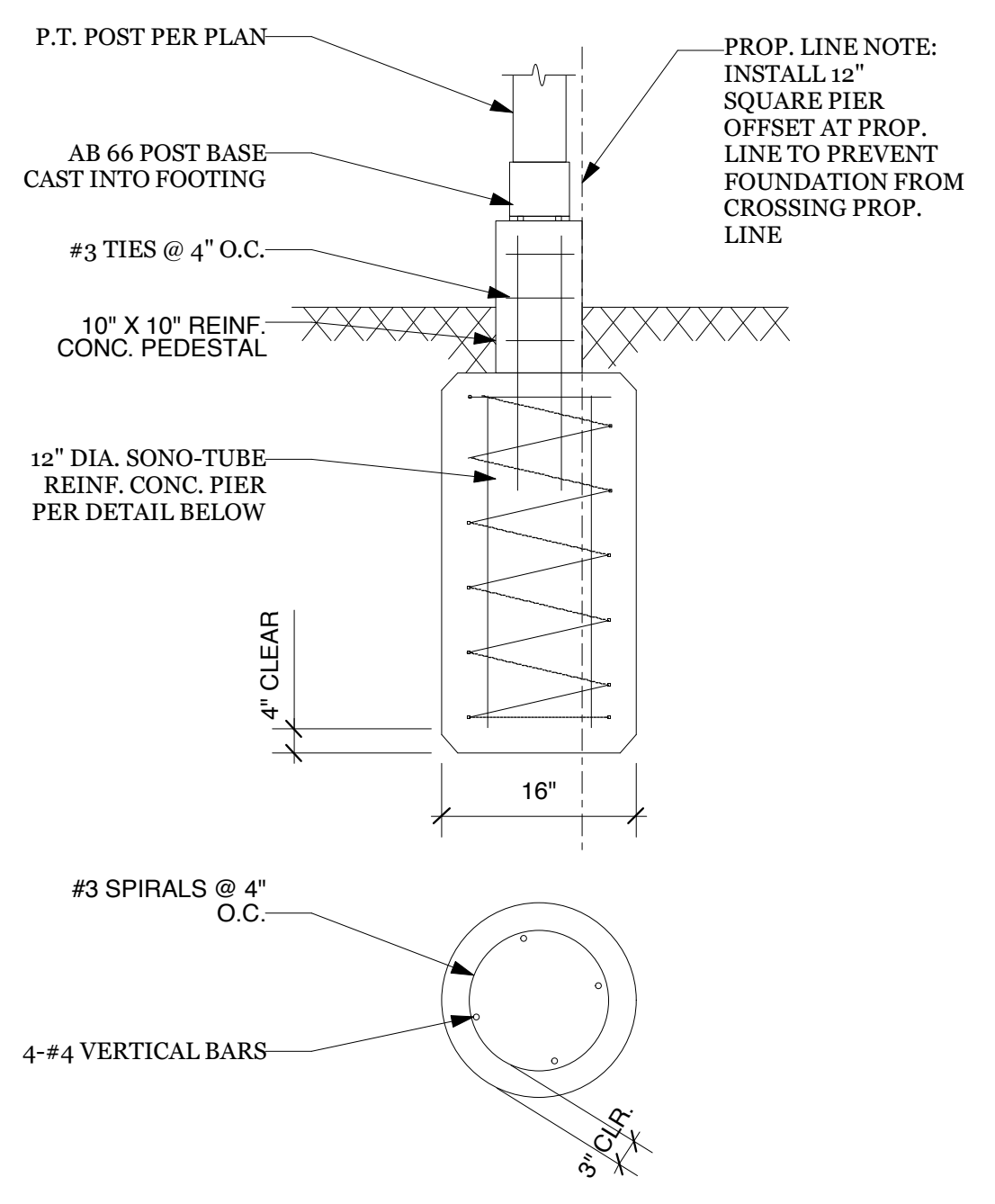
3 NEW DOOR @ GARAGE
1/4":1'-0"



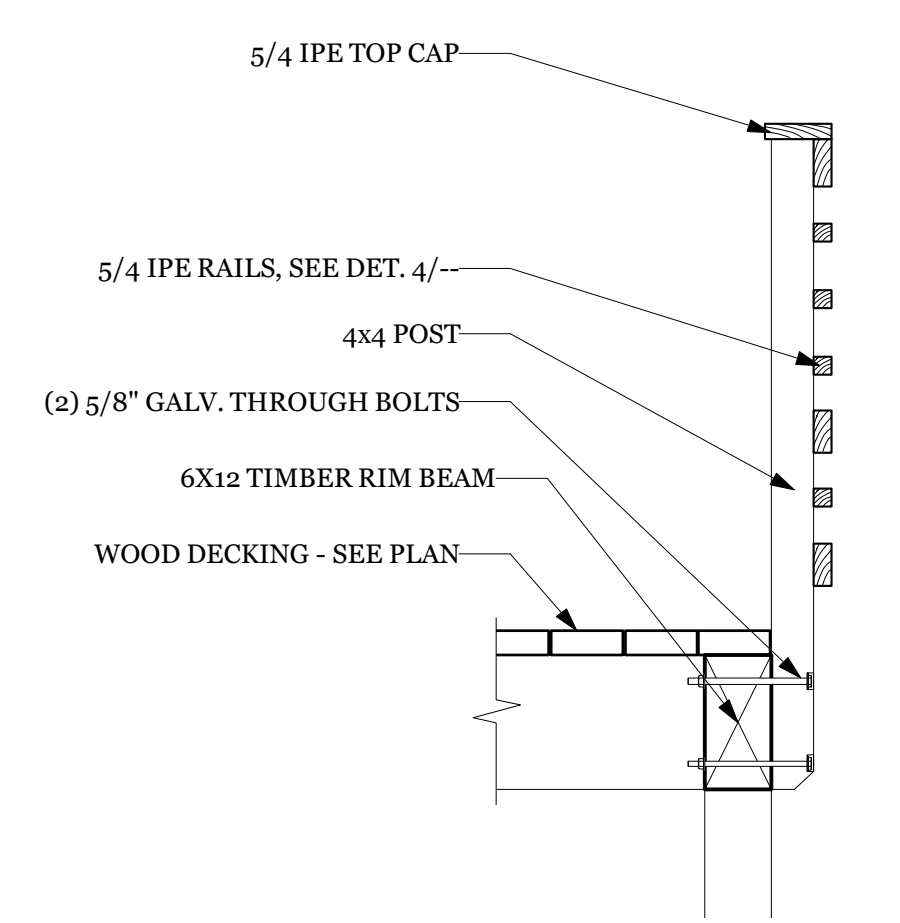
1 EXISTING EAST ELEVATION
1/4":1'-0"



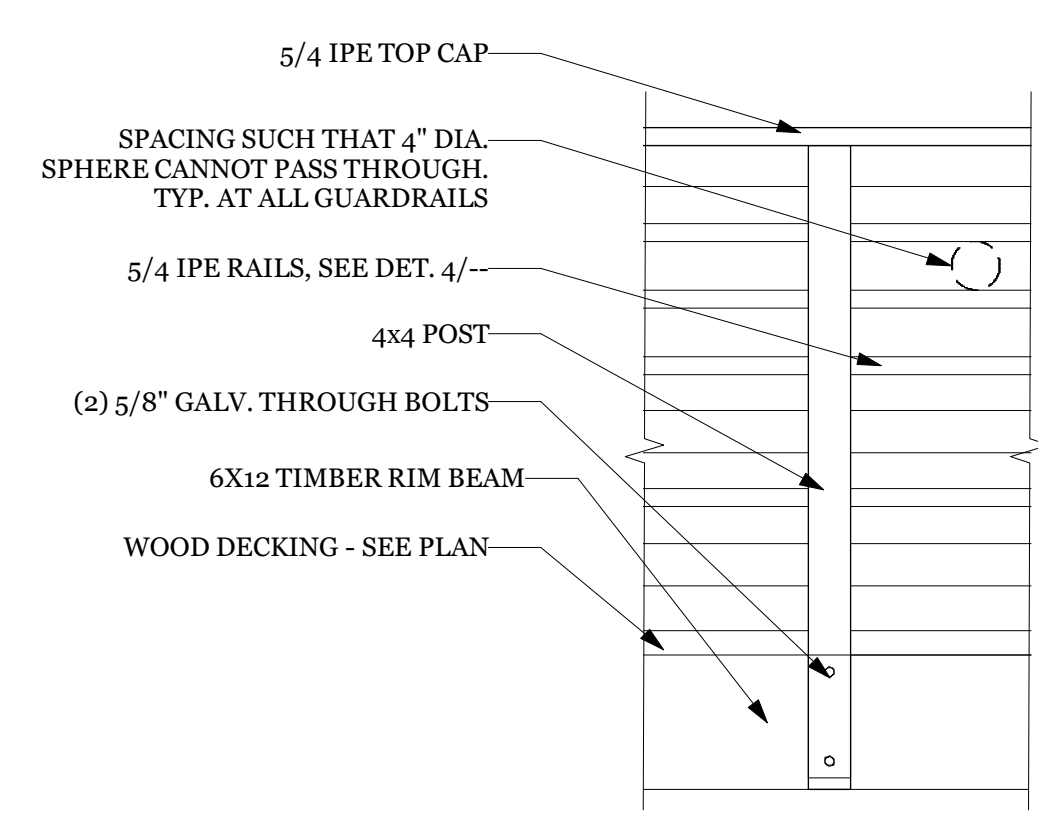
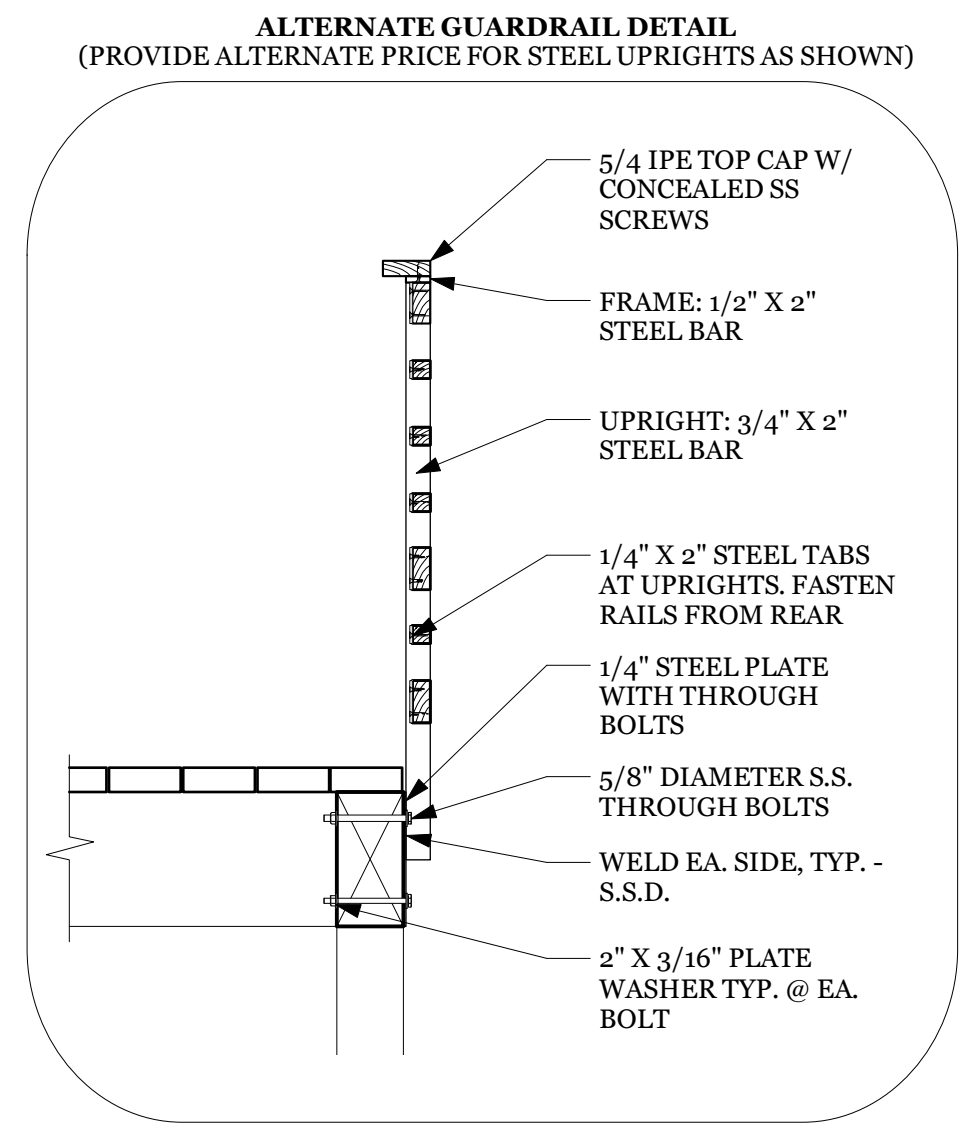
1 BEAM DETAIL @ NEW DOOR
6'-1'-0"



2 FRAMING/FOUNDATION DETAIL
3/4'-1'-0"



5 GUARDRAIL DETAIL - SECTION
3/4'-1'-0"



4 GUARDRAIL DETAIL - ELEVATION
3/4'-1'-0"

