



Edwin M. Lee
Mayor

Cynthia G. Goldstein
Executive Director

August 04, 2014

Envisage Properties, Permit Holder
201 Spear Street #1101
San Francisco, CA 94105

Re: **JURISDICTION REQUEST**
Subject Property: **1125 Broderick Street**
Application No(s): **2014/04/18/3598**
Type(s) of Action: **ISSUANCE of Alteration Permit**

Dear Permit Holder(s):

The Board of Appeals has received the enclosed letter requesting that it take jurisdiction beyond the fifteen (15)-day appeal period for the matter(s) referenced above. This **JURISDICTION REQUEST** has been scheduled for consideration on **Aug. 20, 2014, at City Hall, Room 416, at 5:00 pm**, One Dr. Carlton B. Goodlett Place.

Please note that the filing of a Jurisdiction Request **DOES NOT** suspend work on the subject permit(s). However, if the Board grants the Jurisdiction Request on the above – referenced date of consideration (4 out of 5 votes required), **a new five (5) - day appeal period shall be created which ends on the following Monday**, and the subject permit(s) shall then be suspended upon the filing of a formal appeal, and until the Board of Appeals decides the matter and releases a notice of decision and order.

Pursuant to Article V, § 10 of the Board Rules, the **RESPONSE** to the written request for jurisdiction must be submitted by the permit/variance/determination holder(s) or Department no later than 10 days from the date of filing, on or before **Aug. 14, 2014**, and must not exceed six (6) pages in length, double-spaced, with unlimited exhibits. An original and 10 copies shall be submitted to the Board office by 4:30pm, with additional copies delivered to the opposing parties the same day. It is the general practice of the Board that only up to three (3) minutes of testimony for each party will be allowed. If you have any questions, please call (415) 575-6880.

Sincerely,

BOARD STAFF

cc: Dept. of Building Inspection, Planning Dept. (if applicable), & Requestor(s) w/o enclosures

Josh Krieger et al., Requestors
2010 Eddy Street #C
San Francisco, CA 94115



City & County of San Francisco
BOARD OF APPEALS

JURISDICTION REQUEST

Date Filed:

BOARD OF APPEALS

AUG 04 2014

~~APPEAL #~~ *JR*

Date of request: August 04, 2014.

Josh Krieger & Jing Liang and Bruce Robertson & Catherine Grove, (requestor(s)) hereby seeks a new appeal period for the following departmental action: **ISSUANCE** of **Alteration Permit BPA NO. 2014/04/18/3598** by **Department of Building Inspection**, for property at **1125 Broderick Street**, that was issued or became effective on **April 29, 2014**, issued to Envisage Properties, and for which the appeal period ended at close of business on **May 14, 2014**.

Your **Jurisdiction Request** will be considered by the Board of Appeals on Wednesday, **August 20, 2014 at 5:00 p.m. City Hall, Room 416**, One Dr. Carlton B. Goodlett Place.

Pursuant to Article V, § 10 of the Board Rules, the **RESPONSE** to the written request for jurisdiction must be submitted by the permit, variance, or determination holder(s) and/or department(s) no later than **10 days from the date of filing, on or before August 14, 2014**, and must not exceed 6 pages in length (double-spaced), with unlimited exhibits. An original and 10 copies shall be submitted to the Board office with additional copies delivered to the opposing parties the same day.

You or your representative **MUST** be present at the hearing. It is the general practice of the Board that only up to three minutes of testimony from the requestor, the permit holder, and the department(s) will be allowed. Your testimony should focus on the reason(s) you did not file on time, and why the Board should allow a late filing in your situation.

Based upon the evidence submitted and the testimony, the Board will make a decision to either grant or deny your Jurisdiction Request. Four votes are necessary to grant jurisdiction. If your request is denied, an appeal may not be filed and the decision of the department(s) is final. If your request is granted, **a new five (5) day appeal period shall be created which ends on the following Monday**, and an appeal may be filed during this time.

Please Print:

Name: Josh Krieger

Signature of Requestor or Agent

August 3, 2014

Josh Krieger and Jing Liang
2010 Eddy Street, Apt C
San Francisco, CA 94115

Bruce Robertson and Catherine Grove
2006 Eddy Street
San Francisco, CA 94115

BOARD OF APPEALS
AUG 04 2014
APPEAL # JR

This is a jurisdiction request to allow the late filing of an appeal of building permit #: 201404183598 at 1125-1127 Broderick Street which was approved on April 29, 2014. We are two separate buildings adjacent to 1125-1127 Broderick Street who are affected by the construction of the roof deck mentioned in this permit.

The owner of 1125-1127 Broderick did not notify us or other adjacent neighbors of his intent to build a roof deck which directly affects the privacy of our homes. Furthermore, the owner did not begin construction on the deck until after the initial 15-day permit-appeal process had expired. As neighbors, we had no way of knowing that a permit even existed until after the 15-day appeal window had passed.

The new roof deck is a violation of privacy permitting clear views into both of our homes. Exhibit A shows a view of the new deck at 1125 from inside 2010 Eddy Street, Apt. C. Exhibit B shows the view from inside 2006 Eddy Street. Exhibit C is a drawing outlining the relationship between the deck and our homes.

Based on these basic facts, we request that the Board of Appeals approve this jurisdiction request and allow the late filing of an appeal of building permit #: 201404183598.

Sincerely,

Josh Krieger
Jing Liang
Bruce Robertson
Catherine Grove





Exhibit A - View of deck from inside 2010 Eddy Street, Apt C



Exhibit B - View of deck from inside 2006 Eddy Street

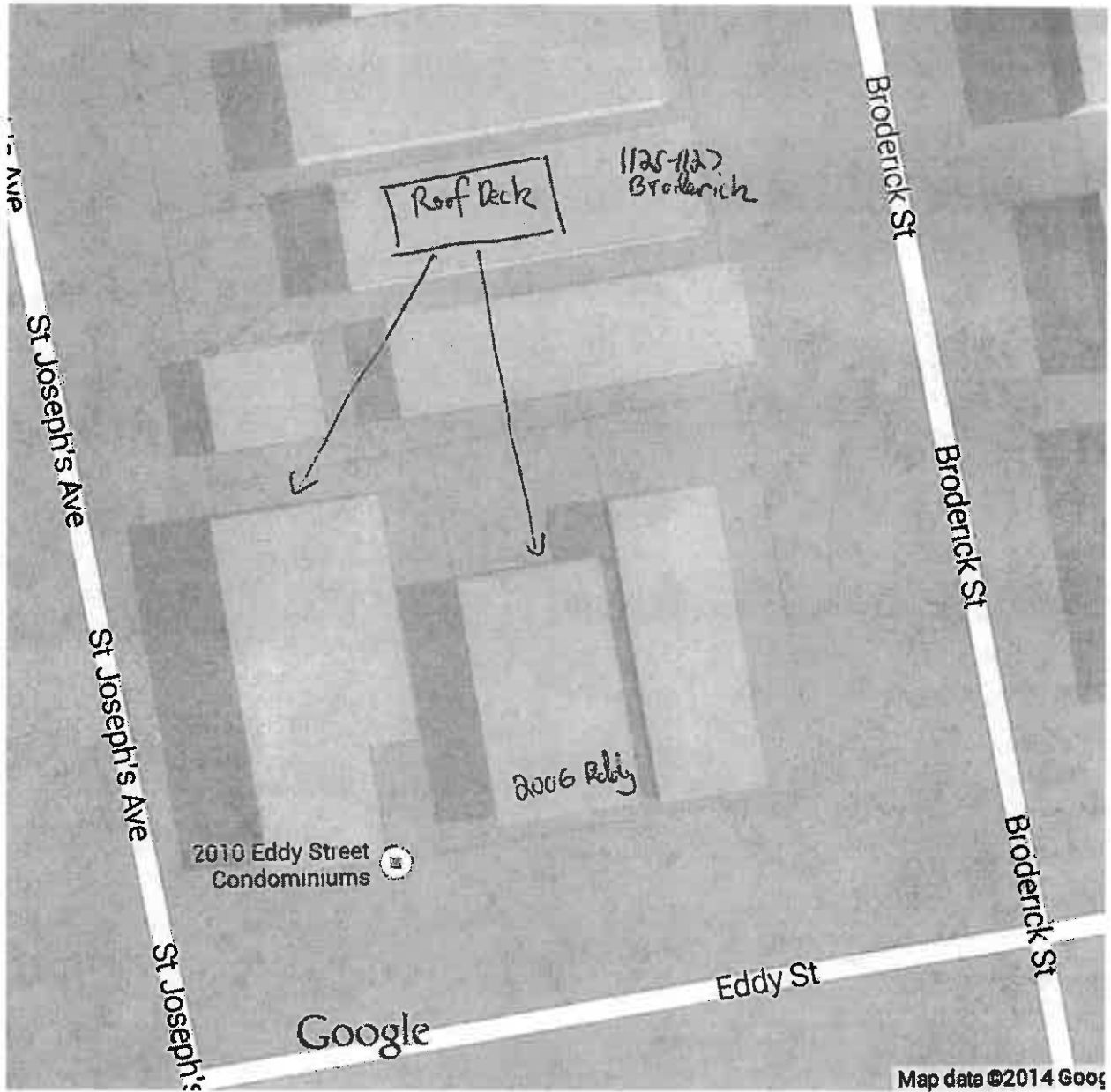


Exhibit C - The relationship between the deck at 1125-1127 and 2010 Eddy Street and 2006 Eddy Street.

Permits, Complaints and Boiler PTO Inquiry

Permit Details Report

Report Date: 7/28/2014 10:55:27 AM
Application Number: 201404183598
Form Number: 8
Address(es): 1125 / 006 / 0 1125 BRODERICK ST
Description: NEW ROOF DECK. REPLACE EXTG FRONT CONCRETE STEPS IN KIND, NEW WOOD RAILINGS. TO COMPLY WITH NOV #201456261 (COLLAPSING DECK)
Cost: \$30,000.00
Occupancy Code: R-3
Building Use: 28 - 2 FAMILY DWELLING

Disposition / Stage:

Action Date	Stage	Comments
4/18/2014	TRIAGE	
4/18/2014	FILING	
4/18/2014	FILED	
4/29/2014	APPROVED	
4/29/2014	ISSUED	

Contact Details:

Contractor Details:

License Number: OWNER
Name: OWNER
Company Name: OWNER
Address: OWNER * OWNER CA 00000-0000
Phone:

Addenda Details:

Description:

Step	Station	Arrive	Start	In Hold	Out Hold	Finish	Checked By	Hold Description
1	INTAKE	4/18/14	4/18/14			4/18/14	SHAWL HAREGGEWAIN	
2	BID- INSP	4/21/14	4/21/14			4/21/14		mabel li
3	CP-ZOC	4/18/14	4/18/14			4/18/14	HILYARD GRETCHEN	
4	BLDG	4/21/14	4/21/14			4/21/14	LI MABEL	otc
5	CFB	4/29/14	4/29/14			4/29/14	KARCS EVELYN	

This permit has been issued. For information pertaining to this permit, please call 415-558-6096.

Appointments:

Appointment Date	Appointment AM/PM	Appointment Code	Appointment Type	Description	Time Slots
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Inspections:

Activity Date	Inspector	Inspection Description	Inspection Status
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Special Inspections:

Addenda No.	Completed Date	Inspected By	Inspection Code	Description	Remarks
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For information, or to schedule an inspection, call 558-6570 between 8:30 am and 3:00 pm.

Station Code	Descriptions and Phone Numbers
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[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.

City and County of San Francisco

Board of Appeals

Cynthia Goldstein

1650 Mission Street, Suite 304

San Francisco, CA 94103

From

Dave Cardinal

1125 Broderick

San Francisco, CA

Dear Cynthia

We were saddened by the request for the jurisdiction request by some occupants in the neighborhood. I apologize for any problems this has caused for the City.

Upon the receipt of the Jurisdiction Request, we went back and reviewed what we had done for the permitting, neighbor notification and review of the original code. Please note that we are convinced that we pulled legitimate permits through proper channels, filed proper notification and the City Planning and Building Department issued them correctly. Further, we met with the people in question and made substantial changes to be good neighbors.

We have worked very hard to be good neighbors during our renovation project at 1125 Broderick. We have followed the codes, submitted for permits and taken into accounts requests by the neighbors to make reasonable changes to keep the neighborhood unity intact.

We went above required notification to the neighbors. We did provide notification to the adjacent neighbors. Prior to construction and during construction we have met with them several times to discuss the project, status and have become friends with some of them. We are helping some of the neighbors with their homes as well.

Please note that the people on this Jurisdiction Request are not adjacent neighbors. Their property is separated from our property by another residential building. They don't have a standing to make this Jurisdiction Request as the code does not indicate they were required to be notified. Regardless, they have been aware of the building permit for months. This Jurisdiction Request is not timely, per code nor reasonable. Per the Exhibits provided, you can see that from 2010 Eddy Street Apt C, there is clearly a

building, with the solar panels on top, between their buildings and ours. In the photos, you cannot really see our roof deck except for clear rails. From 2066 Eddy Street, you can barely see the rails over the tree.

We (and the City) were contacted in June 2014 by Josh Krieger and Jing Liang in regards to concerns about our roof deck. At the time they indicated they had contacted the City and made a complaint about the deck and how it was blocking their views.

- 1) The next day your building inspector met me at the site, walked the project, and reviewed the permit documents and confirmed we were working within the approved building plans. The case was closed by the City at that time.
- 2) I met with Ms. Liang to discuss the roof deck. She indicated at that time that she was concerned about her loss of views due to our roof deck. I indicated that I would see what we could do to minimize impacts to the decks.
- 3) Please note that the original plans do have 42" high solid rails at the sides of the roof and clear glass at the center. There is no penthouse or other significant projections above the roof. We have worked hard and spent a lot of money to redesign the roof deck and minimize any rooftop impact to views. We reduced the rooftop solid walls to roughly 40% of the original wall length, reduced the usable size of the roof deck by roughly 10%. We have spent roughly \$10,000 and a large amount of time and money on all of this; in an attempt to be good neighbors and reduce impacts from an approved roof deck with work that was partially completed. We worked with the designers, rails installers and received quotes on other designs to further minimize impacts.
- 4) The only way we could remove the remaining rail was an additional \$20,000 fire rated glass rail. Mr. Krieger very generously offered to pay \$8,000 for such a rail. I indicated to him that we were not prepared to pay an additional \$12,000 to replace the remaining rail. This is when Mr. Kreiger and others filed a Jurisdiction Request.

Please note that this Jurisdiction Request is not reasonable to grant. We did notify our neighbors. We did meet with these people in the neighborhood when requested. We did spend a lot of time and money to be good neighbors and lessen impacts, even though it was not required. We did meet with the City inspectors when requested. We have done the right thing time and time again. Even if a new appeal period was granted, as these neighbors are not adjacent to the property, they would not have the right to avoid the completion of the deck. These neighbors do not have a reasonable stance and this Jurisdiction Request is not reasonable. We are asking you to please deny the Jurisdiction Request.

Thank you,

David Cardinal

Please note that the below is an analysis of the City Codes applicable to the roof deck. The bold is our clarification of how the code impacts our project.

CODE DISCUSSIONS:

The complaint indicated two items from the occupants at 2010 Eddy Street and 2006 Eddy Street. The first is that they were not notified of a roof deck. We will show below that no notification was required by the planning code (although we did notify adjacent neighbors beyond what was required).

The second is that the roof deck is a violation of privacy permitting clear views into their homes. There are no privacy rights in the City of San Francisco, especially by non-adjacent buildings.

As noted in the complaint, there is a valid building permit for the roof deck at 1125 Broderick. Your staff at the building counter worked with us during the permitting process and spent time with us reviewing the permitting recently and confirmed that permits were issued per code and no notification was required.

1. Per the City of San Francisco General Planning Information regarding Decks, dated October 2002, Reprinted July 2011 that is available at the Planning Department and on line:
 - a. ‘The addition of decks to existing buildings requires a building permit application with plans if any part of the walking surface is more than 30” above grade. (Roof decks also require a building permit). **Such a permit was submitted for, and issued.**
 - b. “Some decks may be approved over the counter (OTC) by the Planning Department. Others require neighborhood notification as described below.” **Please note that per common lexicon within the City of San Francisco, “Over the Counter” permit issuance indicates that no neighborhood notification is required.**
 - c. “Under the Planning Code, and associated Zoning Administrator interpretations, some minor projects have been deemed exempt from the notification requirement. Decks, in certain instances, are exempt from notification.”
 - d. “If the proposed roof deck or access to it is on a portion of the structure that encroaches on a yard or set back, a ‘non-complying’ structure under the Planning Code, then all railings are limited to 42 inches tall and of an open deism and a limited notice will be required. In these cases, the Planning Department will notify owners and occupants of all properties which border the subject property. Adjacent neighbors will be given a 10 day period to raise any concerns they might have regarding the project.”
 - i. **Please note that the 1125 Broderick roof deck is on a complying structure and this notification section does not apply to the subject project. This section is discussed here to illustrate that only limited notifications are required, even on non-compliant structures.**
 - ii. **The code clearly indicates that the only people who would have to be notified would be owners and occupants of “properties which border the subject property” and “adjacent neighbors”. The complainants are not “bordering” or “adjacent”. As a result, even if this deck was on a non-**

compliant structure, the neighbors do not have the legal right to be notified and do not have the legal right to an appeal. The City Planning and Building Departments did follow protocol and issued the permit correctly.

2. Per the City of San Francisco Planning Department Zoning Administrator Bulletin No. 4, Public Notification for Building Permits in Residential and Neighborhood Commercial Districts Dated October 2002 and reprinted June 2011, “*New interpretation: The 4/1998 interpretation above is further refined to eliminate the conflict between items 2 and 3 to read as follows:
9/2002: Unenclosed decks and stairs in RH and RM districts require the notification of neighbors only when: 91) They encroach into the required rear yard via Sections 136(c)(25); or when (2) They are decks that are supported by columns or walls other than the building wall to which is attached and are multi-level or more than 10 feet above grade; or when (The deck is more than 10 feet above grade; or which (3) The building Code requires a one-hour wall greater than 10 feet in height for the proposed deck and/or stair. *New interpretation (This interpretation formally authorizes long-standing Department practice and does not constitute a change in policy”. **This section clearly indicates that neighbor notification was not required as it does not encroach in the rear yard, is not supported by columns or walls, and does not require a one hour wall greater than 10 feet in height.**

MERCURY ENGINEERING
 1041A Folger St., Berkeley CA 94710
 510.549.0440 fax: 510.704.1975

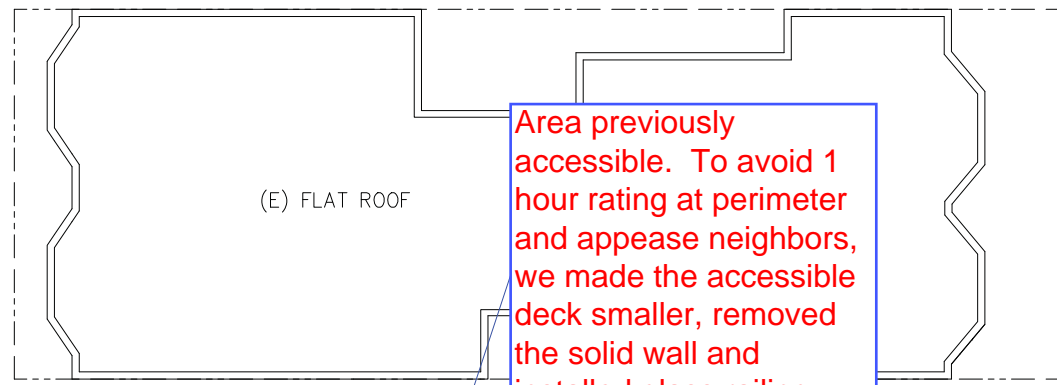
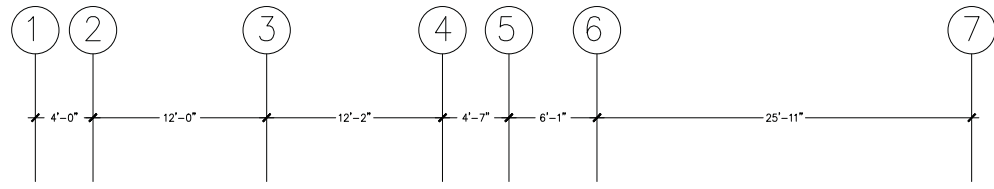


BLOCK 1125, LOT 006
 1125-1127 BRODERICK
 SAN FRANCISCO, CA

Date: APRIL 2014
 Dwg Size: 24x36
 Scale: 1/4" = 1'-0"

(E) & (P)
 ROOF PLAN

SHEET
A-4
 OF 3 SHEET



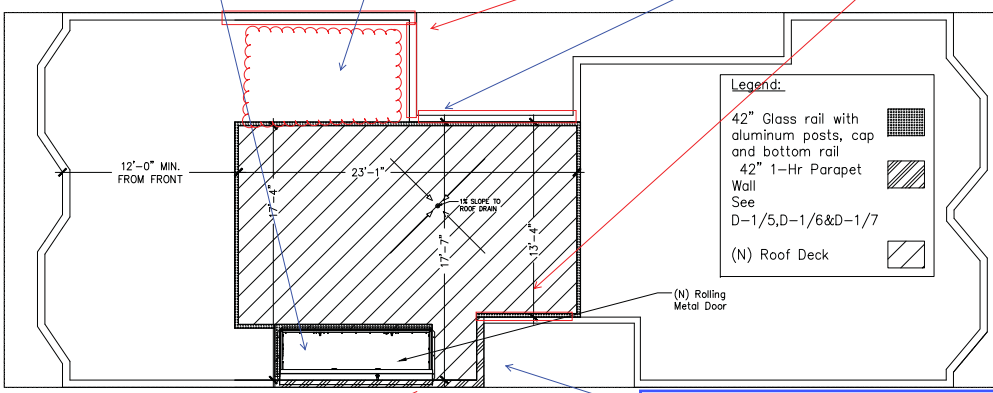
Area previously accessible. To avoid 1 hour rating at perimeter and appease neighbors, we made the accessible deck smaller, removed the solid wall and installed glass railing. There is glass rails at the property line, but access at this area is restricted.

1 (E) ROOF
 SCALE: 1/4" = 1'-0"

Per your request, we have worked really hard to get the revisions to our permitted roof deck to avoid any visual impact from your home. We have eliminated most of the roof top structures that are not glass. We have spent roughly \$9,000 to do so. We have eliminated most of the roof deck walls and replaced them with glass rails. This has decreased the size of the usable roof deck by roughly 10%. We don't have funds in the budget to make the remaining wall 1 hour rated glass. I received two verbal proposals, both about \$20,000 to make the remaining wall out of fire rated glass (All from GlassAll in San Francisco is the one we typically use). I hope our efforts to be a good neighbor will be sufficient to make you happy.

We have changed the planned roof hatch to a much lower profile when shut that slides open, removing a 36" open hatch. Much lower.

The approved set of plans show the red boxes as solid 1 hour walls. We replaced with glass rails to appease neighbors, after walls were built.

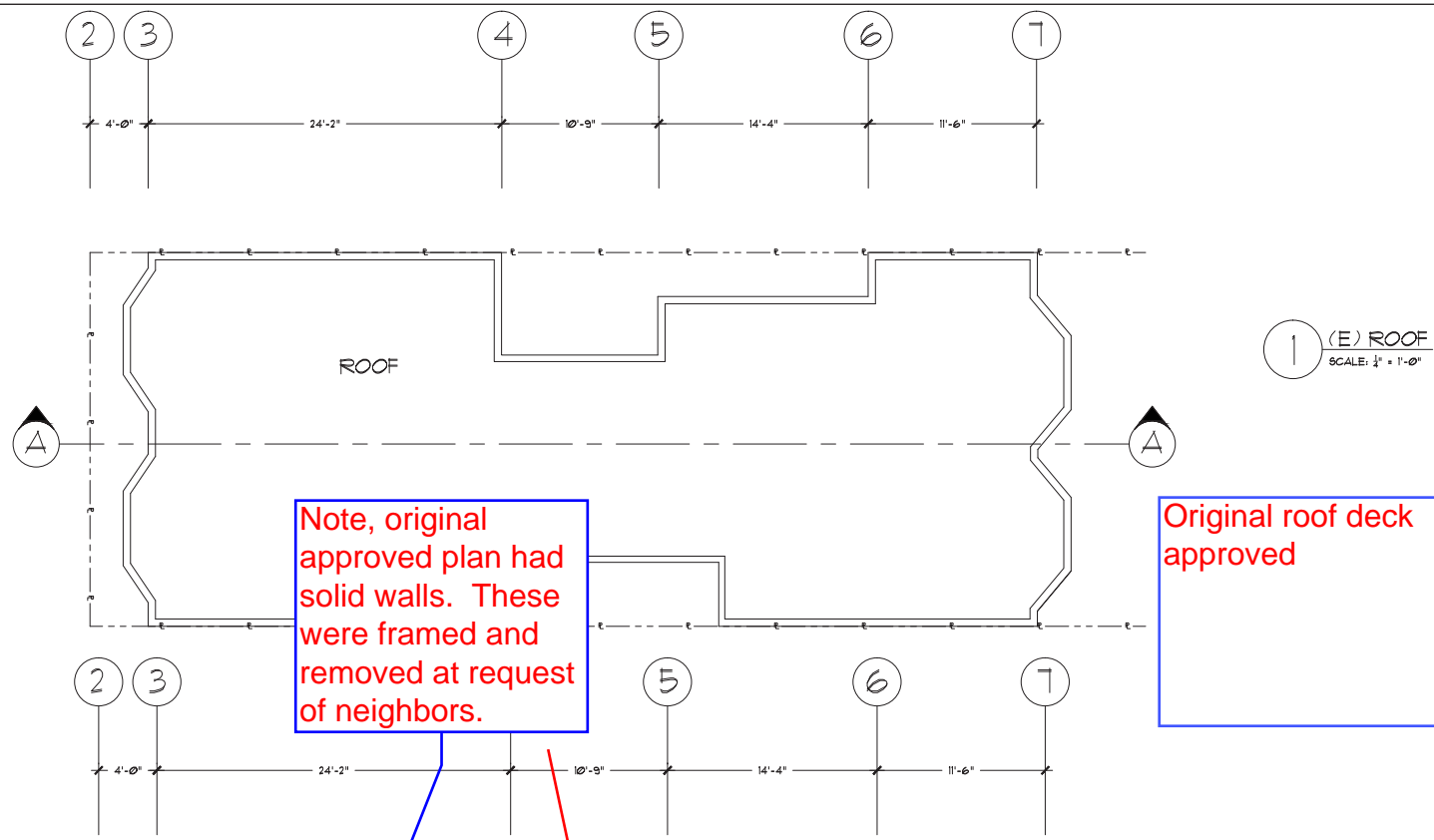


- Legend:
- 42" Glass rail with aluminum posts, cap and bottom rail
 - 42" 1-Hr Parapet Wall See D-1/5, D-1/6 & D-1/7
 - (N) Roof Deck

- Roof Deck Notes:
- Area=455 sq. ft.
 - Deck boards not to be spaced at greater than 1/8" apart per SFBC 1509.6
 - Any open space around perimeter between deck and roof surface to be enclosed to within 1" of roof surface
 - 1" thick AZEK decking or similar used for roof decking material
 - 10'x4' roof hatch used for access to deck
 - Latching mechanism for hatch is operable from both interior and exterior
 - See D-2 for hatch details
 - (N) Stair to be constructed for roof deck access from 3rd floor
 - Stair rise = 7.5", Stair run = 10"
 - Riser shall be sufficient to provide headroom of 80" minimum at all times
 - See D-1/1 & D-1/2 for stair details
 - Roof drains connect to city drain via (E) wastewater piping below

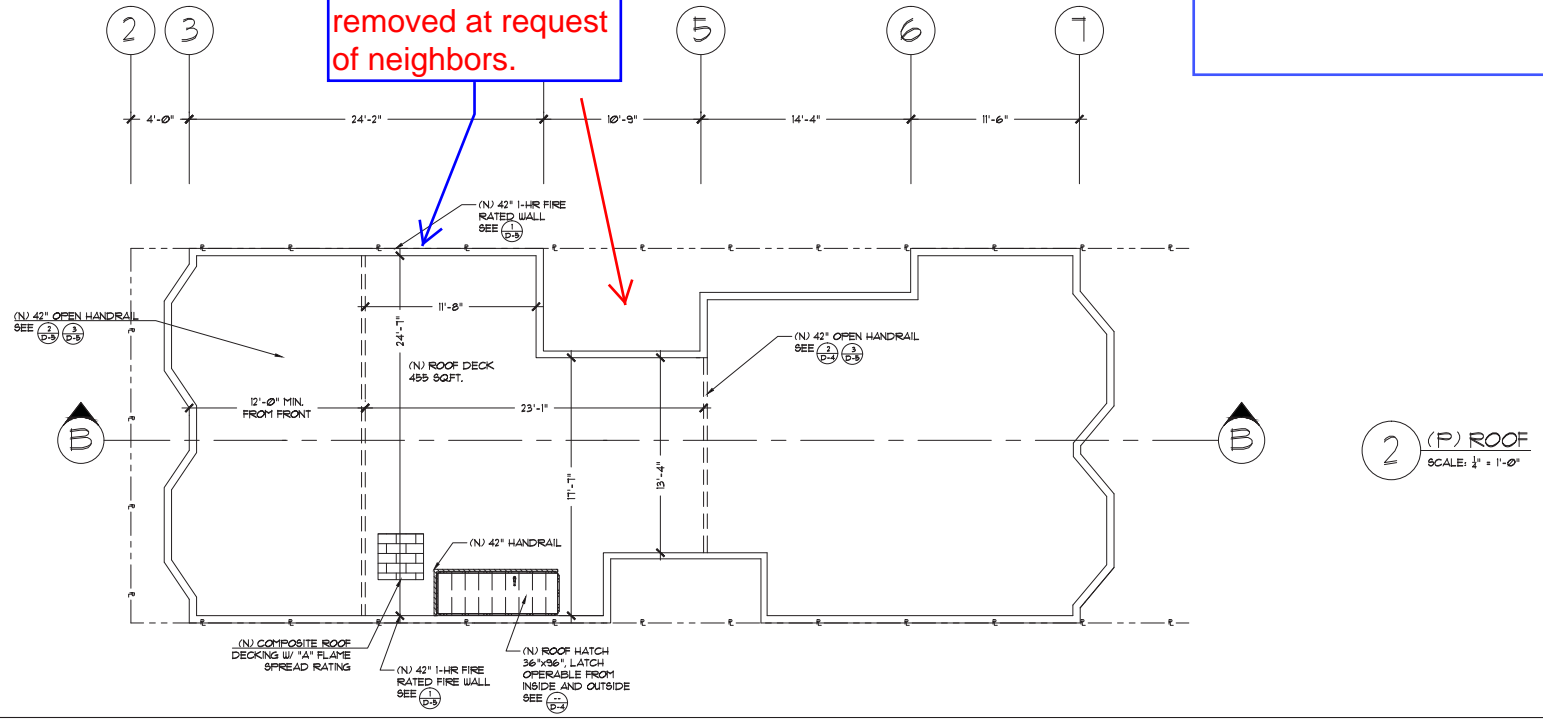
2 (P) ROOF
 SCALE: 1/4" = 1'-0"

This is the one area, away from complaints, where we had problems reducing the solid wall, 42" high from roof deck. This deck is \$20,000 alone.



Note, original approved plan had solid walls. These were framed and removed at request of neighbors.

Original roof deck approved



Permits, Complaints and Boiler PTO Inquiry

COMPLAINT DATA SHEET

Complaint Number: 201477051
Owner/Agent: OWNER DATA SUPPRESSED
Owner's Phone: --
Contact Name: --
Contact Phone: --
Complainant: COMPLAINANT DATA SUPPRESSED
Complainant's Phone: --
Complaint Source: TELEPHONE
Assigned to Division: BID
Description: Roof deck being built possibly beyond the scope of permit #201404183598: too high, obstructing the complainant's view.
Instructions: Inspector, please call Krieger to schedule an inspection.

Date Filed: 06/05/2014
Location: 1125 BRODERICK ST
Block: 1125
Lot: 006
Site:
Rating:
Occupancy Code:
Received By: Ying Pei
Division: BID

INSPECTOR INFORMATION

DIVISION	INSPECTOR	ID	DISTRICT	PRIORITY
BID	RAFAEL JR.	1034	14	

REFERRAL INFORMATION

COMPLAINT STATUS AND COMMENTS

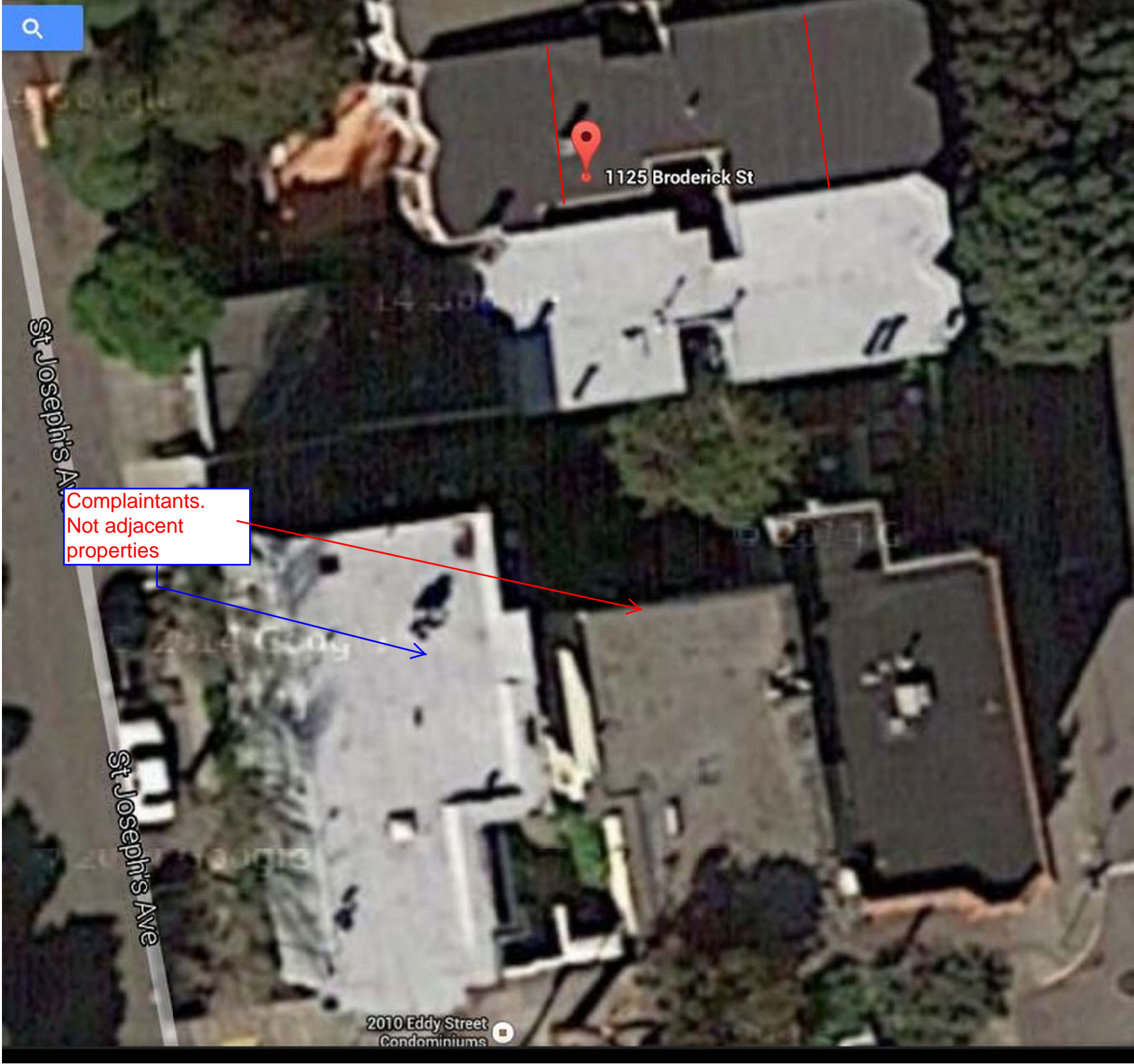
DATE	TYPE	DIV	INSPECTOR	STATUS	COMMENT
06/05/14	CASE OPENED	BID	Rafael Jr.	CASE RECEIVED	
06/09/14	OTHER BLDG/HOUSING VIOLATION	BID	Rafael Jr.	CASE CLOSED	Site investigation and met CTR's onsite. Observed the parapet walls 42" in high located at N/S sides on the roof top building as per approved permit/plans PA #2014 0418 3598 with CP-20C approved by LR/jj

COMPLAINT ACTION BY DIVISION

NOV (HIS):

NOV (BID):

Inspector Contact Information



1125 Broderick St

Complainants.
Not adjacent
properties

St Joseph's Ave

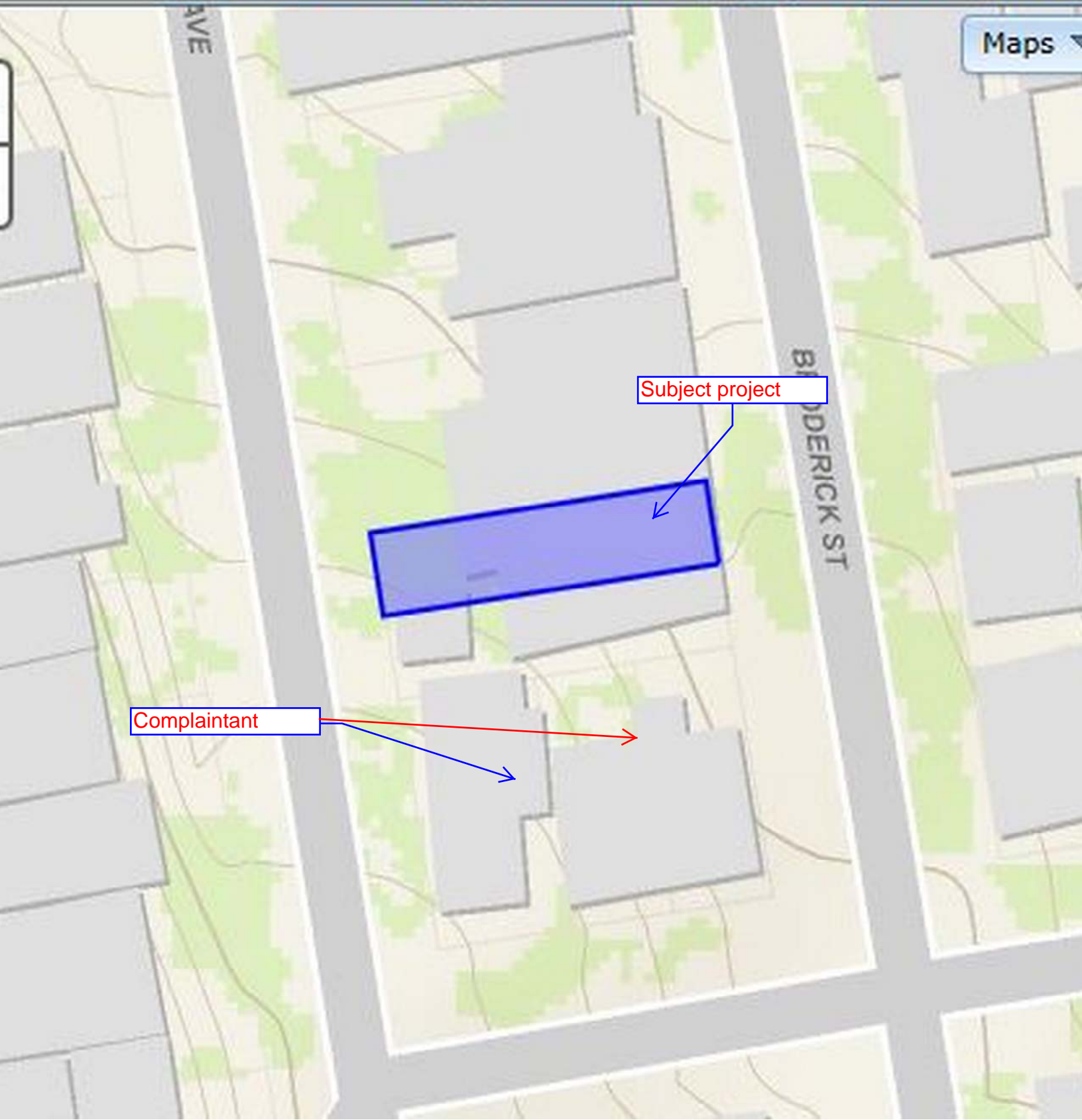
St Joseph's Ave

2010 Eddy Street
Condominiums

25 broderick street

 SEARCH

[Measure Distance](#) | [Street View](#) | [Map Legend](#) | [Clear](#)



Maps ▾

Subject project

Complaintant

THESE SANBORN MAPS ARE DATED TO THE MID 1990'S
USE ONLY FOR HISTORICAL CONTEXT

376
"N"
OCT. 1947

